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SENATE

MONDAY, JUNE 12, 1967

The Senate met at 10 o'clock a.m., and was called to order by Hon. FRED R. HARRIS, a Senator from the State of Oklahoma.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal God, in times heavy with crisis, Thou hast called us to play our part in one of the creative hours in human history.

In this day of destiny for us, and for the world, make us worthy of our high calling as keepers of the sacred flame. Thou unseen source of beauty, goodness, and truth: though the people imagine a vain thing, Thou still art God, sitting above the floods of human turmoil: Thy mercy endureth through all human denials and betrayals.

As we bow before Thee, open our eyes, we pray, to the faults and failings which mar the life of our Republic. Make us conscious of the evils in ourselves that we so readily condemn in others.

With the light of Thy wisdom and the strength of Thy grace, enable those who in these baffling times have been entrusted with the stewardship of the national welfare to be true servants of Thine in the advancement of Thy kingdom's cause. We ask it in the dear Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 12, 1967.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. FRED R. HARRIS, a Senator from the State of Oklahoma, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. HARRIS thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 953) to amend the Food Stamp Act of 1964 for the purpose of authorizing appropriations for fiscal years subsequent to the fiscal year ending June 30, 1967, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9029) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1968, and for other purposes; that the House receded from its disagreement to amendments of the Senate numbered 7, 21, 30, and 41 to the bill, and concurred therein, and that the House receded from its disagreement to the amendments of the Senate numbered 11, 12, 16, and 20 to the bill, and concurred therein severally with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 6133) to authorize appropriations for the saline water conversion program, to expand the program, and for other purposes.

The message also announced that the House had passed a bill (H.R. 1769) for the relief of Luis Tapia Davila, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 1769) for the relief of Luis Tapia Davila, was read twice by its title and referred to the Committee on the Judiciary.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, June 8, 1967, was dispensed with.

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

EXECUTIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate proceeded to consider executive business.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. BYRD of Virginia, from the Committee on Armed Services:

Adm. Thomas H. Moorer, U.S. Navy, for appointment as Chief of Naval Operations in the Department of the Navy.

By Mr. EASTLAND, from the Committee on the Judiciary:

Hiram R. Cancio, of Puerto Rico, to be U.S. district judge for the district of Puerto Rico;

Milton Pollack, of New York, to be U.S. district judge for the southern district of New York;

Newell Edenfield, of Georgia, to be U.S. district judge for the northern district of Georgia;

Lawrence A. McSoud, of Oklahoma, to be U.S. attorney for the northern district of Oklahoma;

Robert M. Morgenthau, of New York, to be U.S. attorney for the southern district of New York;

Walter Dunbar, of California, to be a member of the Board of Parole; and

Isaac G. Stone, of Massachusetts, to be an examiner in chief, U.S. Patent Office.

By Mr. SMATHERS, from the Committee on the Judiciary:

Joe Eaton, of Florida, to be U.S. district judge for the southern district of Florida; and

Ben Krentzman, of Florida, to be U.S. district judge for the middle district of Florida.

By Mr. McCLELLAN, from the Committee on the Judiciary:

Paul X. Williams, of Arkansas, to be U.S. district judge for the western district of Arkansas.

By Mr. DIRKSEN, from the Committee on the Judiciary:

Robert D. Morgan, of Illinois, to be U.S. district judge for the southern district of Illinois.

By Mr. SCOTT, from the Committee on the Judiciary:

Francis L. Van Dusen, of Pennsylvania, to be U.S. circuit judge, third circuit;

Thomas A. Masterson, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania;

E. Mac Troutman, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania; and

Charles R. Weiner, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania.

The ACTING PRESIDENT pro tempore. If there be no further reports of committee, the nominations on the Executive Calendar will be stated.

DEPARTMENT OF DEFENSE

The Chief Clerk read the nomination of Eugene M. Becker, of New York, to be an Assistant Secretary of the Army.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. AIR FORCE

The Chief Clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. ARMY

The Chief Clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The Chief Clerk read the nomination of Vice Adm. Ephraim P. Holmes to be admiral.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. MARINE CORPS

The Chief Clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—MARINE CORPS

The Chief Clerk proceeded to read sundry nominations in the Marine Corps which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

On request of Mr. Mansfield, and by unanimous consent, the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President. I ask unanimous consent that all committees, except the Committee on Interior and Insular Affairs, be permitted to meet during the session of the Senate today, and that the Committee on Interior and Insular Affairs be permitted to meet until noon today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 285 and the succeeding measures in sequence.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INVESTIGATION AND STUDY TO DETERMINE SITE FOR CONSTRUCTION OF SEA-LEVEL CANAL CONNECTING THE ATLANTIC AND PACIFIC OCEANS

The Senate proceeded to consider the bill (S. 1566) to amend sections 3 and 4 of the act approved September 22, 1964 (78 Stat. 990), providing for an investigation and study to determine a site for the construction of a sea-level canal connecting the Atlantic and Pacific Oceans which had been reported from the Committee on Commerce with amendments on page 1, line 8, after the word "thereof", to strike out " '$24,000,000.' ", and insert " '$22,000,000.' "; so as to make the bill read:

S. 1566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act approved September 22, 1964 (Public Law 88–609, 78 Stat. 990), as amended, is hereby further amended (1) by striking out "June 30, 1968" in section 3 and inserting in lieu thereof "December 1, 1970," and (2) by striking out "$17,500,000" in section 4 and inserting in lieu thereof "$22,000,000."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 295), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

SUMMARY OF PROPOSED LEGISLATION

S. 1566, as amended, would extend the time from June 30, 1968, to December 1, 1970, in which the Commission must complete its study and make its recommendations and would increase the amount authorized for the study from $17.5 million to $22 million.

BACKGROUND

The crisis in 1964 in Panama focused world attention on the commercial and strategic inadequacies of the present canal. After extensive inquiry the members of this committee concluded that an immediate investigation should be made to determine the feasibility of, and the most suitable site for, a second canal at sea level through the American isthmus. On April 18, 1965, under the provisions of Public Law 88–609, the President appointed the study commission which is required to report its findings and recommendations by June 30, 1968.

The committee has determined from the hearing held on this bill that the Commission cannot conclude its task within the deadline.

Agreements with Panama and Colombia to permit the necessary on-site surveys could not be negotiated in time for these surveys to advance very far during the 1966 tropical dry season. The required permission has been obtained from both of these countries and the on-site surveys are proceeding expeditiously.

In addition, the U.S. Atomic Energy Commission's Plowshare program, which includes the cratering studies essential to a determination of the feasibility of nuclear excavation of the new canal, has fallen behind schedule and will take approximately 3 years to complete.

The Commission estimates that the cost of this investigation will exceed the $17.5 million now authorized under law and will total $24 million. This additional anticipated expenditure is caused by the delays encountered by the Commission, as well as by the fact that because of the Vietnam situation, the Department of Defense cannot provide services which the Commission expected to receive without cost and for which, consequently, contracts had to be negotiated with private industry. The Commission has also learned from the fieldwork conducted thus far that the cost of the on-site surveys will exceed original estimates.

NEED FOR LEGISLATION

Under the present law, the Commission is required to conclude its investigation and study of the various proposed routes in Central America for a new sea-level canal and report its findings by June 30, 1968. However, an extension of approximately 2½ years, until December 1, 1970, is required to complete the on-site surveys and the AEC's nuclear cratering studies.

The Commission has requested an appropriation for fiscal 1968 in the amount of $7.5 million, which includes $1.384 million to be covered by the increased authorization in this bill.

COMMITTEE AMENDMENT

In view of the urgent efforts to curtail Federal expenditures and to reduce the budget deficit while maintaining our worldwide defense commitments, this committee favors an additional authorization of $4.5 million in lieu of the $6.5 million requested.

The committee is aware of the essential nature of this study and trusts that the Commission will expedite the collection and evaluation of data while reducing the cost of on-site surveys wherever possible.

In the event that the investigation cannot be accomplished within the $22 million authorization established by this legislation, the Commission is free to request and prove the need for additional funds in fiscal 1969.

COST

The enactment of this legislation will authorize an increased appropriation through December 1, 1970, in the amount of $4.5 million.

AUTHORIZATION OF OPERATION OF AMATEUR RADIO STATION BY PARTICIPANTS IN XII WORLD BOY SCOUT JAMBOREE

The joint resolution (S.J. Res. 88) authorizing the operation of an amateur radio station by participants in the XII World Boy Scout Jamboree at Farragut

State Park, Idaho, August 1 through August 9, 1967, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. Res. 88

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the Communications Act of 1934, as amended, or in any other provision of law shall be construed to prohibit participants in the XII World Boy Scout Jamboree, to be held in Farragut State Park, Idaho, during the period from August 1 through August 9, 1967 (both dates inclusive), from operating at such jamboree during such period any amateur radio station licensed by the Federal Communications Commission, but any such operation shall be subject to such rules and regulations as the Federal Communications Commission may deem necessary.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 296), explaining the purposes of joint resolution.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of Senate Joint Resolution 88 is to permit participants in the Boy Scout jamboree to operate amateur radio stations authorized by the Federal Communications Commission, to be located at the site of the jamboree, subject to rules and regulations issued by the Federal Communications Commission.

GENERAL STATEMENT

The XII World Boy Scout Jamboree is a gathering of Boy Scouts from approximately 80 foreign countries, Canada, and the United States, scheduled to meet in Farragut State Park, Idaho, from August 1 through August 9, 1967. Upward of 15,000 Boy Scouts will attend. This will be the first of these jamborees held in the United States and it will provide an opportunity for Boy Scouts from all over the world to become acquainted with one another, and to exchange ideas and share the common experiences of scouting.

Under existing law and various rules and regulations promulgated by the Federal Communications Commission the alien participants in this jamboree could only be authorized by the Federal Communications Commission to operate amateur radio stations licensed by the Commission if there is in effect a bilateral agreement between the United States and the alien's government for such operation on a reciprocal basis by U.S. amateur radio operators. In view of the number of participants involved and the temporary nature of the activity, issuance of individual authorizations would neither be feasible nor practicable.

The Federal Communications Commission has notified your committee that it has issued temporary authorizations for two amateur radio stations be located at the site of the jamboree, their call letters are K7BS and K7WSJ. These authorizations have been issued to Mr. Frank A. Rogers, trustee for the Boys Life Amateur Radio Club, a U.S. entity, and will be effective July 28, 1967, through August 28, 1967. Thus, if this legislation is enacted, Boy Scouts from other countries at the jamboree will be able to use the facilities of these two stations to communicate with friends and colleagues in their own countries.

In 1959 Congress enacted a somewhat similar provision, Senate Joint Resolution 47, which, among other things, permitted qualified official participants in the Ninth Plenary Assembly of the International Radio Committee at Los Angeles, Calif., to operate an amateur radio station licensed by the Federal Communications Commission to be located at the Conference, subject to rules and regulations issued by the Federal Communications Commission.

Your committee feels that the privileges afforded by this legislation would contribute significantly to the success of the XII World Boy Scout Jamboree and provide another enriching experience for its participants.

CONCLUSION

This resolution would waive the requirements now contained in sections 301 and 303(1)(2) of the Communications Act of 1934, as amended, as well as subpart G of part 97 of the Commission's rules and regulations insofar as they would require the alien participants in the World Boy Scout Jamboree to obtain an authorization from the Federal Communications Commission in order to operate the amateur radio stations authorized by the Commission for the jamboree. This waiver would be temporary in nature, that is, August 1 through August 9, inclusive, and in conformity with precedent and custom.

SENATE DOCUMENT, ENTITLED "ENACTMENT OF A LAW"

The resolution (S. Res. 134) to print "Enactment of a Law" as a Senate document was considered and agreed to, as follows:

S. Res. 134

Resolved, That Senate Document Numbered 55, Eighty-third Congress, first session, entitled "Enactment of a Law", relative to the legislative proceedings of Congress in connection with the passage of a bill, from its introduction through the various parliamentary stages until its enactment into law, be revised and reprinted as a Senate document.

Sec. 2. There shall be printed ten thousand additional copies for the use of the Committee on Rules and Administration.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 297), explaining the purposes of the resolution.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 134 would provide that Senate Document 55 of the 83d Congress, first session, entitled "Enactment of a Law," relative to the legislative proceedings of Congress in connection with the passage of a bill, from its introduction through the various parliamentary stages until its enactment into law, be revised and printed as a Senate document. There would be printed 10,000 additional copies of such document for the use of the Committee on Rules and Administration.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$411. 59
10,000 additional copies, at $44.88 per thousand	448. 80
Total estimated cost, S. Res. 134	860. 39

A PRELIMINARY PRESENTATION OF THE AMERICAN ASSOCIATION OF STATE HIGHWAY OFFICIALS SPECIAL COMMITTEE FOR PLANNING A CONTINUING FEDERAL-AID HIGHWAY PROGRAM

The resolution (S. Res. 132) to print as a Senate document "A Preliminary Presentation of the American Association of State Highway Officials Special Committee for Planning a Continuing Federal-Aid Highway Program" was considered and agreed to, as follows:

S. Res. 132

Resolved, That the preliminary presentation of the American Association of State Highway Officials Special Committee for Planning a Continuing Federal-Aid Highway Program be printed as a Senate document.

Sec. 2. There shall be printed twenty-five hundred additional copies of such document for the use of the Committee on Public Works.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 298), explaining the purposes of the resolution.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 132 would provide that the preliminary presentation of the American Association of State Highway Officials Special Committee for Planning a Continuing Federal-Aid Highway Program be printed as a Senate document, and that there be printed 2,500 additional copies of such document for the use of the Committee on Public Works.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$458. 51
2,500 additional copies, at $44.88 per thousand	112. 20
Total estimated cost, S. Res. 132	570. 71

COMMUNIST EXPLOITATION OF RELIGION

The resolution (S. Res. 125) to reprint the hearing entitled "Communist Exploitation of Religion" was considered and agreed, as follows:

S. Res. 125

Resolved, That there be printed for use by the Committee on the Judiciary, ten thousand additional copies of the hearing entitled "Communist Exploitation of Religion," held by the Internal Security Subcommittee during the Eighty-ninth Congress, second session.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 299), explaining the purposes of the resolution.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 125 would authorize the printing for the use of the Committee on the Judiciary of 10,000 additional copies of the hearing entitled "Communist Exploitation of Religion," held by its Internal Security Subcommittee during the 89th Congress, second session.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

Back to press, 1st 1,000 copies	$315. 53
9,000 additional copies, at $39.11 per thousand	351. 99
Total estimated cost, S. Res. 125	667. 52

TECHNIQUES OF SOVIET PROPAGANDA

The resolution (S. Res. 126) to print as a Senate document revised version of "Techniques of Soviet Propaganda" was considered and agreed to, as follows:

S. Res. 126

Resolved, That the pamphlet entitled "The Techniques of Soviet Propaganda", prepared for the use of the Subcommittee on Internal Security of the Senate Committee on the Judiciary, as revised and updated, be printed as a Senate document.

Sec. 2. There shall be printed ten thousand additional copies of such Senate document for the use of the Senate Committee on the Judiciary.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 300), explaining the purposes of the resolution.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 126 would provide that the pamphlet entitled "The Techniques of Soviet Propaganda," prepared for the use of the Subcommittee on Internal Security of the Committee on the Judiciary, as revised and updated, be printed as a Senate document, and that there be printed 10,000 additional copies of such document for the use of that committee.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$538. 33
10,000 additional copies, at $58.74 per 1,000	587. 40
Total estimated cost, S. Res. 126	1, 125. 73

MR. AND MRS. MARK ROBESON

The resolution (S. Res. 136) to pay a gratuity to Mr. and Mrs. Mark Robeson was considered and agreed to, as follows:

S. Res. 136

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mr. and Mrs. Mark Robeson, parents of Judith K. Robeson, an employee of the Senate at the time of her death, a sum equal to three months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

MINERAL AND WATER RESOURCES OF ALASKA

The concurrent resolution (S. Con. Res. 30) to print a report entitled "Mineral and Water Resources of Alaska" was considered and agreed to, as follows:

S. Con. Res. 30

Resolved by the Senate (the House of Representatives concurring), That two thousand copies of the committee print entitled "Mineral and Water Resources of Alaska," prepared by the United States Geological Survey and the State of Alaska Department of Natural Resources, be reprinted with illustrations for the Senate Committee on Interior and Insular Affairs.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 301), explaining the purposes of the concurrent resolution.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Concurrent Resolution 30 would provide that 2,000 additional copies of its committee print of the 88th Congress, second session, entitled "Mineral and Water Resources of Alaska" (prepared by the U.S. Geological Survey and the State of Alaska Department of Natural Resources), be printed for the use of the Senate Committee on Interior and Insular Affairs.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

Back to press, 1st 1,000 copies	$1, 642. 48
1,000 additional copies, at $639.38 per thousand	639. 38
Total estimated cost, S. Con. Res. 30	2, 281. 86

JOINT COMMITTEE ON THE ORGANIZATION OF THE CONGRESS

The concurrent resolution (S. Con. Res. 32) continuing the Joint Committee on the Organization of the Congress was considered and agreed to, as follows:

S. Con. Res. 32

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on the Organization of the Congress, established by S. Con. Res. 2, *Eighty-ninth Congress, agreed to March 11, 1965, is* hereby continued through December 31, 1967.

Sec. 2. The joint committee is hereby authorized to make expenditures from July 1, 1967, through December 31, 1967, not to exceed $50,000, to be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the joint committee.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 302), explaining the purposes of the concurrent resolution.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Concurrent Resolution 32 would continue through December 31, 1967, the Joint Committee on the Organization of the Congress, established by Senate Concurrent Resolution 2, 89th Congress, agreed to March 11, 1965; and would authorize the joint committee to make expenditures from July 1, 1967, through December 31, 1967, not to exceed $50,000, to be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the joint committee.

REBELLION IN RUSSIA'S EUROPE: FACT AND FICTION

The Senate proceeded to consider the resolution (S. Res. 124) to reprint pamphlet entitled "Rebellion in Russia's Europe: Fact and Fiction" which had been reported from the Committee on Rules and Administration with an amendment on page 1, line 1, after the word "printed," to insert "for the use of the Committee on the Judiciary"; so as to make the resolution read:

S. Res. 124

Resolved, That there be printed for the use of the Committee on the Judiciary ten thousand additional copies of the pamphlet entitled "Rebellion in Russia's Europe: Fact and Fiction," prepared for the use of the Subcommittee on Internal Security of the Senate Committee on the Judiciary during the Eighty-ninth Congress, first session.

The resolution, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 303), explaining the purposes of the resolution.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 124 would authorize the printing of 10,000 additional copies of the pamphlet entitled "Rebellion in Russia's Europe: Fact and Fiction," prepared for the use of the Subcommittee on Internal Security of the Committee on the Judiciary during the 89th Congress, first session.

The amendment adopted by the Committee on Rules and Administration would clarify that the additional copies would be printed "for the use of the Committee on the Judiciary."

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

Back to press, 1st 1,000 copies	$238. 66
9,000 additional copies, at $38.97 per 1,000	350. 73
Total estimated cost, S. Res. 124	589. 39

SPECIAL COMMITTEE ON THE ORGANIZATION OF THE CONGRESS

The Senate proceeded to consider the resolution (S. Res. 133) extending the Special Committee on the Organization of the Congress which had been reported from the Committee on Rules and Administration with an amendment on page 1, line 4, after the word "Congress,", to insert "as amended by S. Res. 106, Ninetieth Congress, first session, agreed to April 11, 1967", so as to make the resolution read:

S. Res. 133

Resolved, That the first sentence of S. Res. 293, Eighty-ninth Congress, second session, agreed to August 26, 1966 (relating to the establishment of the Special Committee on the Organization of the Congress), as amended by S. Res. 106, Ninetieth Congress, first session, agreed to April 11, 1967, is amended by striking out "June 30, 1967", and inserting in lieu thereof "December 31, 1967".

The resolution, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 304), explaining the purposes of the resolution.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 133 would continue through December 31, 1967, the Special Committee on the Organization of the Congress, established by Senate Resolution 293, 89th Congress, second session, agreed to August 26, 1966. A minor technical amendment has been approved by the Committee on Rules and Administration to assure the apparent purpose of the resolution.

The continuation of the special committee is being requested primarily for the purpose of possible service by its members as Senate conferees in the event that House-approved amendments to S. 355, the Legislative Reorganization Act of 1967 (passed by Senate on March 7, 1967) should not prove acceptable to the Senate.

AUTHORIZATION OF APPROPRIATIONS TO DEVELOPMENT PLANNING IN ALASKA

The Senate proceeded to consider the bill (S. 1281) to authorize the appropriation of funds to carry out the activities of Federal committees for development planning in Alaska which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

There is authorized to be appropriated not to exceed $300,000 in any one fiscal year ending June 30, 1968, and for each fiscal year thereafter through the fiscal year ending *June 30, 1970, for the operating expenses* of the Federal Field Committee for Development Planning in Alaska, established by Executive Order 11182, dated October 2, 1964 (F.R. Doc. 64–10178), as authorized by section 5 of the 1964 amendments to the Alaska Omnibus Act (Public Law 88–451, August *19, 1964, 78 Stat. 505), or the successor to* such Committee.

Mr. GRUENING. Mr. President, long-range economic planning in Alaska is desirable and sensible. Within the boundaries of Alaska are resources which will mean much to the rest of the Nation. Oil, iron ore, gold and other precious metals, timber, fish, reindeer, moose, and other wildlife, water, people—to name but a few of Alaska's resources, must be properly utilized, developed, or processed.

The Federal Government has an enormous investment in Alaska.

Much of the Federal Government's investment has been made as the respective departments or agencies believe the investment necessary. Too often the Federal programs of one agency have overlapped in some manner the Federal programs of another. Duplication should be avoided. When programs overlap, they should be monitored and the results shared.

The work of the Federal Field Committee for Development Planning in Alaska is desirable. Report No. 305 spells out in complete detail why my colleague, Senator BARTLETT, and I introduced S. 1281 to authorize the appropriation of funds to carry out the activities of the Federal Field Committee for Development Planning in Alaska.

The Committee was established by President Johnson's Executive Order 11182 of October 2, 1964. The bill under consideration, S. 1281, as amended, extends the life of the Field Committee to June 30, 1970, and authorizes appropriations, not to exceed $300,000 annually, for long-range economic planning. The 3-year funding of the Alaska Federal Field Committee has been authorized by the Interior and Insular Affairs Committee with the understanding and intent that the Field Committee terminate wholly its activities by the close of fiscal year 1970 and that sums authorized for the last year of operation shall include expenses for the termination to be carried out in an orderly manner. Further, the Field Committee is directed to submit to the Congress its plan for orderly termination during fiscal year 1969.

Because we hear a great deal of talk about waste in Federal Government programs, I am pleased to report that the Field Committee has, during the past 3 fiscal years returned to the U.S. Treasury unused—lapsed—annual appropriations for fiscal years 1965, 1966, and 1967 exceeding $80,000. The Committee and its hard-working chairman, Joseph Fitzgerald, do not waste Federal funds.

I support S. 1281, as amended, and urge its favorable consideration. The Field Committee and the Federal Agencies with whom it works have done a creditable job and should be enabled to finish this work properly.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: *"A bill to authorize the appropriation of* funds to carry out the activities of the Federal Field Committee for Development Planning in Alaska."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 305), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of S. 1281, introduced by Senators Gruening and Bartlett of Alaska, is to authorize by statute the Federal Field Committee for Development Planning in Alaska which was established originally by Executive Order 11182 dated October 2, 1964, and funded under the 1964 amendments to the Alaska Omnibus Act (Public Law 88–451, Aug. 19, 1964, 78 Stat. 505). This law expires on June 30, 1967. S. 1281, as amended, extends the life of the Field Committee to June 30, 1970, and authorizes appropriations, not to exceed $300,000 annually, for long-range economic planning.

BACKGROUND AND NEED

After statehood was granted to Alaska on January 3, 1959, the need for long-range development was fully recognized by both Federal and State officials. They had reached tentative agreement on a plan for a coordinated approach when the earthquake of March 27, 1964, struck south-central Alaska, the State's most populous and developed area, with devastating effects. In view of the need for large-scale Federal assistance to rebuild the stricken areas of the State, the Federal Reconstruction and Planning Commission was created by Executive Order 11150; and Senator P. Anderson of New Mexico was appointed its Chairman.

This Executive order incorporated much that had previously been agreed upon by State and Federal officials as a basis for long-range planning. Simultaneously, the Governor of Alaska issued a counterpart executive order and the State and Federal Governments worked jointly in the planning and administration of the reconstruction effort. These Commissions directed much of their efforts toward the rebuilding of facilities in a manner that would contribute to the long-range development of the State.

On the basis of this experience, the Anderson Commission recommended the establishment of a joint Federal-State planning committee to conduct long-range economic and resource development planning in Alaska, which "should move forward at once, building upon the momentum developed in the course of reconstruction." President Johnson's Executive Order 11182 of October 2, 1964, was responsive to this recommendation.

More specifically, Executive Order 11182 provided that the Federal Field Committee should be composed of representatives of the nine principal Federal agencies in Alaska and a representative of the Federal Power Commission under a chairman appointed by the President. This committee was made responsible to a review committee in Washington, D.C. (the President's Review Committee for Development Planning in Alaska), consisting of the Secretaries of the same nine federal agencies and the Chairman of the Federal Power Commission. The Secretary of Commerce acts as Chairman of this Review Committee. The membership of the Presidential Review Commission consists of the heads of the following federal departments and agencies:

Department of Defense,
Department of Interior,
Department of Agriculture,
Department of Commerce,
Department of Labor,
Department of Health, Education, and Welfare,
Housing and Home Finance Agency,
Federal Aviation Agency,
Small Business Administration, and the
Federal Power Commission.

The members of the Alaska Federal Field Committee consists of the Chairman, Two Public Members.

Representatives from:
Department of Defense,
Department of Interior,
Department of Agriculture,
Department of Commerce,
Department of Labor,
Department of Health, Education, and Welfare,
Housing and Home finance Agency,
Federal Aviation Agency,
Small Business Administration, and the
Federal Power Commission

A small professional staff is under the direction of the Chairman, Joseph H. FitzGerald, who was appointed by the President. Mr. FitzGerald previously represented the Governor of Alaska as his liaison officer with the Anderson Commission following the Good Friday earthquake.

The primary purposes of Federal participation in development planning is to help Alaska achieve an expansion of the private sector of the economy and a broadening of its tax base. Not only is the State new and relatively undeveloped but much of what has been built is owned by the Federal Government and not part of the tax base of the State. Orderly development of the tremendous natural resources of Alaska is in the national interest. Planning is meaningless unless translated into policy and action. Unless there is clear understanding from the beginning that analysis is to be directed at specific accomplishments, the Federal Government runs the risk of ending up with studies and no measurable impact on State development. The Federal Field Committee has been cognizant of this danger and in its work has been practical and has been achieving concrete results. We note these examples, among others:

1. An analysis of land laws affecting public lands in Alaska which indicated that a separate study was needed to assist the Public Land Law Review Commission in its review of U.S. laws. The Field Committee arranged with the Economic Development Administration for the financing of this project and worked with the staff of the Public Land Law Review Commission to detail the contents of the study and to review contract proposals. The Committee will also coordi-

nate State and Federal input to the contractor within Alaska; and

2. Because the employment of Alaska native groups is a most serious problem, native affairs take more staff time of the Field Committee than any other area of work at present. The Field Committee is a central clearing point for various groups which are working on facets of the native problem; for example, the evaluation and preparation of a program with respect to the disposal by the Government of the Dutch Harbor facility.

The Alaska Federal Field Committee is now in the middle of its work and a basic, long-range economic development program can be completed in cooperation with the State of Alaska within this authorized period.

The committee accordingly authorizes this 3-year funding of the Alaska Federal Field Committee in conjunction with the understanding and intent that the Field Committee terminate wholly its activities by the close of fiscal year 1970, and that the sums authorized for the last year of operation shall include expenses for termination. To enable such termination to be carried out in an orderly manner the committee directs that a plan for the orderly termination be submitted to the Congress during fiscal year 1969.

Further, the committee's expectation is that every effort will be made to keep expenditure of Federal funds to a minimum. The committee notes with approval that the Field Committee has during the past 3 fiscal years the following unused (lapsed) annual appropriations:

Fiscal year:	
1965	$39,000
1966	26,000
1967 (estimated)	15,000

COST

S. 1281, as amended, authorizes the appropriation of not more than $300,000 per fiscal year to carry out the purposes of the Field Committee through fiscal year 1970, the termination date of the Field Committee.

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of June 8, 1967,

The following reports of a committee were submitted on June 8, 1967:

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Con. Res. 30. Concurrent resolution to print a report entitled "Mineral and Water Resources of Alaska" (Rept. No. 301);

S. Con. Res. 32. Concurrent resolution continuing the Joint Committee on the Organization of the Congress (Rept. No. 302);

S. Res. 125. Resolution to reprint hearing entitled "Communist Exploitation of Religion" (Rept. No. 299);

S. Res. 126. Resolution to print as a Senate document revised version of "Techniques of Soviet Propaganda" (Rept. No. 300);

S. Res. 132. Resolution to print as a Senate document "A Preliminary Presentation of the American Association of State Highway Officials Special Committee for Planning a Continuing Federal-Aid Highway Program" (Rept. No. 298); and

S. Res. 134. Resolution to print "Enactment of a Law" as a Senate document (Rept. No. 297).

By Mr. CANNON, from the Committee on Rules and Administration, with an amendment:

S. Res. 124. Resolution to reprint pamphlet entitled "Rebellion in Russia's Europe: Fact and Fiction" (Rept. No. 303); and

S. Res. 133. Resolution extending the Special Committee on the Organization of the Congress (Rept. No. 304).

Mr. CANNON, from the Committee on Rules and Administration, on June 8, 1967, reported an original resolution (S. Res. 136) to pay a gratuity to Mr. and Mrs. Mark Robeson, which was placed on the calendar, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mr. and Mrs. Mark Robeson, parents of Judith K. Robeson, an employee of the Senate at the time of her death, a sum equal to three months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

Pursuant to the order of the Senate of June 8, 1967,

Mr. JACKSON, from the Committee on Interior and Insular Affairs, reported favorably, with amendments, on June 9, 1967, the bill (S. 1281) to authorize the appropriation of funds to carry out the activities of Federal Committees for Development Planning in Alaska, and submitted a report (No. 305) thereon, which was printed.

RESOLUTION TO PAY A GRATUITY TO MR. AND MRS. MARK ROBESON

Under authority of the order of the Senate of June 8, 1967,

Mr. CANNON, from the Committee on Rules and Administration, on June 8, 1967, reported an original resolution (S. Res. 136) to pay a gratuity to Mr. and Mrs. Mark Robeson, which resolution was placed on the calendar.

(See the above resolution printed in full when reported by Mr. CANNON, which appears under the heading "Reports of Committees Submitted During Adjournment.")

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Jones, one of his secretaries.

REPORT OF SURGEON GENERAL ON THE HEALTH RESEARCH FACILITIES PROGRAM FOR 1966—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 134)

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I am pleased to transmit the 11th Annual Report of the Surgeon General on the health research facilities program for 1966.

This program, which was inaugurated in 1956, has been a powerful and effective tool in our work toward improving the health of all Americans.

In the past 10 years, nearly 1,400 matching grants—totaling about $400 million—have been made for the construction and renovation of research facilities in each of the 50 States.

In all, the program has stimulated the creation and strengthening of health research facilities costing almost $1 billion.

In 1966, many exciting new ventures were begun, and many others were completed.

Construction of research facilities started at three new medical schools: The University of Connecticut Medical School at Farmington; the Pennsylvania State University Medical School at Hershey; the University of Texas South Texas Medical School at San Antonio. These facilities will help promote activities in the three interrelated fields of medical education, research, and the delivery of medical services.

Construction of a new biochemical research facility was completed at the Oklahoma State University.

A permanent research unit was completed at the Salk Institute for Biological Studies in La Jolla, Calif.

The clinical sciences building at the Downstate Medical Center of the State University of New York was completed. Previously, the university's research facilities were scattered through unused rooms—and even remodeled porches—of a hospital, as well as in borrowed space in the basic sciences building. Now there are modern research laboratories readily adaptable to the changing needs of biomedical research.

The area used for health sciences research at Yale University was more than doubled with the completion of a new building.

An experimental school was completed in Albertson, N.Y., for severely handicapped children who otherwise would be homebound and restricted to a few hours of instruction by visiting teachers. The school will be run by the Human Resources Foundation, in cooperation with the New York University Medical School, to find new ways to make life more meaningful for our handicapped children.

The success of the program appears not only in facts and figures, but in its overall contribution to a healthier America. It has proved to be an outstanding example of Federal partnership with colleges, universities, hospitals, and nonprofit research institutions in furtherance of the Nation's efforts to serve its citizens.

It is a privilege, therefore, for me to submit to the Congress the 11th Annual Report of the Surgeon General summarizing our progress under the health research facilities program.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *June 12, 1967.*

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

ELECTRIC POWER RELIABILITY ACT OF 1967

A letter from the Chairman, Federal Power Commission, Washington, D.C., transmitting a draft of proposed legislation to amend the Federal Power Act to facilitate the provision of reliable, abundant and economical electric power supply, by strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the proper conservation of scenic and other natural resources (with an accompanying paper); to the Committee on Commerce.

Report of Secretary of the Treasury on the State of the Finances

A letter from the Secretary of the Treasury, transmitting, pursuant to law, his report on the state of the finances, for the fiscal year 1966 (with an accompanying report); to the Committee on Finance.

Report on Equipment Titled in Nonprofit Educational Institutions and Other Nonprofit Organizations

A letter from the General Manager, U.S. Atomic Energy Commission, Washington, D.C., transmitting, pursuant to law, a report on equipment titled in nonprofit educational institutions and other nonprofit organizations, for the calendar year 1966 (with an accompanying report); to the Committee on Government Operations.

Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on potential savings available through use of civil service rather than contractor-furnished employees for certain support services, National Aeronautics and Space Administration, dated June 1967 (with an accompanying report); to the Committee on Government Operations.

Admission Into the United States of Certain Defector Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

Amendment of Act Relating to Civil Service Retirement

A letter from the Chairman, U.S. Civil Service Commission, Washington, D.C., transmitting a draft of proposed legislation to amend subchapter III of chapter 83 of title 5, United States Code (with accompanying papers); to the Committee on Post Office and Civil Service.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Armed Services:

"House Concurrent Resolution 154

"Concurrent resolution to memorialize the Congress of the United States to act promptly and favorably on Bill S–937, relative to retainer and retired pay for persons retired from active service in the armed forces of the United States

"Whereas, prior to the passage of the Career Compensation Act of 1959 persons who were retired from active service in the armed forces of the United States, whether drawing retainer or retired pay, received a proportionately equal pay raise with active duty personnel, based upon the percentage of retainer or retired pay received by them, and

"Whereas, armed forces personnel retired after twenty years of active service receive retainer pay for a period of ten years, at which time they commence to draw retired pay, and

"Whereas, persons who have retired from active service in the armed forces subsequent to the last pay raise for active duty personnel are receiving a substantially greater amount of pay than those persons who retired subsequent to the passage of the Career Compensation Act of 1959 and prior to the aforementioned pay raise, and

"Whereas, persons who are retired from active service in the armed forces, whether drawing retainer or retired pay, remain obligated to the armed forces of the United States, being subject to recall to active duty so long as they are physically qualified for such duty, and

"Whereas, there has been introduced into the First Session of the 90th Congress, presently in session, Bill S–937, which has been introduced to restore the principle of recomputation, basing retired pay on current active duty pay, thereby correcting this inequity in retired pay for men of our first line of defense, who stand ready on a moments notice to answer the call of their country and risk their lives for its safety.

"Therefore be it resolved by the House of Representatives of the Legislature of Louisiana, the Senate concurring herein, that the Congress of the United States is hereby memorialized to act promptly and favorably on Bill S–937.

"Be it further resolved that copies of this Concurrent Resolution shall be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the Louisiana Delegation in Congress.

"Vail M. Delony,
"Speaker of the House of Representatives.
"C. C. Aycock,
"Lieutenant Governor and President of the Senate."

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Finance:

"House Concurrent Resolution 254

"Concurrent Resolution to urge and request the Congress of the United States to enact legislation to provide for local participation in revenues secured from oil and gas production on lands reserved by the United States in this state for military purposes

"Whereas, the Congress of the United States has made provision in Section 715s of Title 16, United States Code Annotated, as amended by Public Laws 88–523 and 89–669, to return 25 per cent of the revenues from timber and mineral sales from public lands reserved by the United States for timber and wild life conservation purposes, to the parishes in which such reserved lands are situated; and

"Whereas, the occasion for such refund of said percentages of said revenues is that such federally reserved lands are not subject to taxation and said refund is in lieu thereof; and

"Whereas, the lands reserved by the United States for military purposes in this State are not subject to taxation by the parishes and municipalities in which they are wholly or partly situated; and

"Whereas, there is substantial oil and gas production from lands contained within some federally reserved lands in this State which are used for military purposes and on which military bases or posts are situated; and

"Whereas, no portion of the royalties received by the United States for such oil and gas production is refunded to any such parishes or municipalities; and

"Whereas, no severance taxes are paid on oil production from such lands; and

"Whereas, the Department of Conservation has no jurisdiction to regulate oil production on such lands either in respect to the spacing of wells or production allowables, thus permitting the drainage of oil and gas from lands contiguous to such military reservations; and

"Whereas, the parishes and municipalities affected by these circumstances deserve relief from these inequities to the same extent as parishes receiving such relief in respect to federally reserved timber and wild life lands;

"Now therefore be it resolved by the Legislature of Louisiana, the House of Representatives and the Senate thereof concurring, that the Congress of the United States is urged and requested to enact the necessary legislation to provide for local participation in the revenues from the production of oil and gas from lands reserved by the United States for military purposes so that the parishes and municipalities in which such lands are wholly or partly situated will receive a portion of such revenues from the production of oil and gas from such lands in lieu of the levy and collection of ad valorem taxes from the same and that any refund of any portion of such revenues be apportioned to said parishes for general and for school purposes and to said municipalities for general purposes.

"Be it further resolved that certified copies of this Concurrent Resolution be transmitted to the presiding officers of the United States Senate and the United States House of Representatives and to each member of the Louisiana delegation in the Congress of the United States.

"Vail M. Delony,
"Speaker of the House of Representatives.
"C. C. Aycock,
"Lieutenant Governor and President of the Senate."

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Foreign Relations:

"House Concurrent Resolution 65

"Concurrent resolution to urge the Congress of the United States, and especially the Louisiana members of that Congress, to act promptly and favorably and enact into law H.R. 5479 which would require congressional approval of sanctions imposed by the President under the United Nations Participation Act of 1945

"Whereas, in recent years the United Nations Organization has become increasingly dominated by certain 'emerging nations' and

"Whereas, at the insistence of these nations the United Nations has acted illegally in contravention of Chapter 1 of its own Charter, which prohibits interference in the domestic affairs of sovereign nations, by ordering economic sanctions against Rhodesia, and

"Whereas, the Organization of African Unity, whose membership is composed solely of many of these 'emerging nations' has given notice that it expects to present a resolution to the United Nations Organization demanding the use of force to remove the Rhodesian Government, which actions would be another irresponsible contravention of the United Nations Charter, and

"Whereas, the United Nations Participation Act of 1945 provides for the imposition by the President of the United States of certain economic and communications sanctions pursuant to actions of the Security Council of the United Nations under Article 41 of the United Nations Charter, and

"Whereas, the Congress of the United States is vested with sole authority to regulate foreign commerce under Article I, Section 8, Paragraph 3, of the Constitution of the United States, and

"Whereas, sanctions imposed against a foreign nation are matters of deep concern to the people of the United States and to their Representatives in Congress, and

"Whereas, approval of any sanctions affecting foreign commerce should be a matter for consideration by the Congress of the United States, and

"Whereas, the Honorable John Rarick, Representative of the Sixth Congressional District of the State of Louisiana, has recently introduced HR 5479 to amend the

United Nations Participation Act of 1945 to provide for the imposition of sanctions by the President only with the approval by the Congress by appropriate Act or Joint Resolution,

"Therefore, be it resolved by the House of Representatives of the Legislature of the State of Louisiana, the Senate concurring herein, that the Legislature of the State of Louisiana hereby urges the members of the Congress of the United States, and especially the members from the state of Louisiana, to act promptly and favorably and enact into law HR 5479 proposed by the Honorable John Rarick.

"Be It Further Resolved that copies of this Resolution shall be transmitted to each member of the Louisiana Delegation in Congress, the chairman of the respective Congressional Committees before whom this proposed legislation will be heard, the Speaker of the United States House of Representatives and the President of the United States Senate.

"VAIL M. DELONY,
"Speaker of the House of Representatives.
"C. C. AYCOCK,
"Lieutenant Governor and President of the Senate."

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Foreign Relations:

"HOUSE CONCURRENT RESOLUTION 66

"A concurrent resolution to urge the Congress of the United States, and especially the Louisiana members of that Congress, to act promptly and favorably on House Joint Resolution No. 111 which would authorize and direct the President of the United States to notify the United Nations that the United States will not honor United Nations sanctions against Rhodesia, and to rescind Executive Order No. 11322 which orders observance of the sanctions

"Whereas the United Nations has acted illegally and in contravention of Chapter 1 of its own Charter, which prohibits interference in the domestic affairs of sovereign nations, in ordering economic sanctions against Rhodesia, and

"Whereas the Congress of the United States is vested with sole authority to regulate foreign commerce under Article 1, Section 8, Paragraph 3 of the United States Constitution, while the only authority delegated by Congress to the Executive Branch to restrict trade concerns the control of trading with the enemy, and

"Whereas the Executive Branch of the United States government has undertaken to honor the United Nations sanctions without seeking the advice and consent of the Congress, and

"Whereas the United States has never sought economic sanctions from the United Nations against its enemy in Viet Nam, and Rhodesia has refrained from engaging in trade with North Viet Nam, and

"Whereas the Rhodesian Declaration of Independence is in the same honored tradition as our own such Declaration, and deserves the full support of every American who is proud of our great national heritage, and

"Whereas, Congressman James B. Utt has introduced House Joint Resolution No. 111 which would authorize and direct the President of the United States and all other interested parties that the United States will not honor United Nations sanctions against Rhodesia and which also would rescind the provisions of Executive Order No. 11322, issued by the President on January 5, 1967, relating to prohibitions against imports of certain commodities from Rhodesia, and which would rescind all orders, regulations and other directives and all decisions promulgated or made under said Executive Order, and which would rescind all Executive Orders, Presidential Proclamations or other orders, regulations or directives promulgated or made under authority of the Export Control Act of 1949 which relate to the export of commodities to Rhodesia, and

"Whereas House Joint Resolution No. 111 has been referred to the House Committee on Foreign Affairs, and

"Whereas eight additional and identical Joint Resolutions have been introduced in the Congress of the United States and also been referred to the House Committee on Foreign Affairs, namely:

"H.J. Res. 151 by Rep. Younger of California,
"H.J. Res. 159 by Rep. Gross of Iowa,
"H.J. Res. 181 by Rep. Snyder of Kentucky,
"H.J. Res. 184 by Rep. Edwards of Alabama,
"H.J. Res. 195 by Rep. Herlong of Florida,
"H.J. Res. 196 by Rep. King of New York,
"H.J. Res. 276 by Rep. Roudebush of Indiana and
"H.J. Res. 308 by Rep. Abbitt of Virginia.

"Therefore, be it resolved by the House of Representatives of the Legislature of the State of Louisiana, the Senate concurring herein, that the Legislature of the State of Louisiana hereby urges the members of the Congress of the United States, and especially the members from the state of Louisiana, to act promptly and favorably on the Joint Resolution introduced by Congressman Utt or any identical or similar Joint Resolution introduced in the Congress of the United States.

"Be It Further Resolved that copies of this Resolution shall be transmitted to each member of the Louisiana Delegation in Congress, the chairman of the House Committee on Foreign Affairs and of the Senate Committee on Foreign Relations, the Speaker of the United States House of Representatives and the President of the United States Senate.

"VAIL M. DELONY,
"Speaker of the House of Representatives.
"C. C. AYCOCK,
"Lieutenant Governor and President of the Senate."

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION 208

"A concurrent resolution to expose the unconstitutionality of the 14th Amendment to the Constitution of the United States; to interpose the sovereignty of the State of Louisiana against the execution of said Amendment in this state; to memorialize the Congress of the United States to repeal its Joint Resolution of July 28, 1868 declaring that said Amendment had been ratified; and to provide for the distribution of certified copies of this resolution

"Whereas the purported 14th Amendment to the United States Constitution was never lawfully adopted in accordance with the requirements of the United States Constitution because eleven states of the Union were deprived of their equal suffrage in the Senate in violation of Article V, when eleven southern states, including Louisiana, were excluded from deliberation and decision in the adoption of the Joint Resolution proposing said 14th Amendment; said resolution was not presented to the President of the United States in order that the same should take effect, as required by Article 1, Section 7; the proposed amendment was not ratified by three-fourths of the states, but to the contrary fifteen states of the then thirty-seven states of the Union rejected the proposed 14th Amendment between the dates of its submission to the states by the Secretary of State on June 16, 1866 and March 24, 1868, thereby nullifying said Resolution and making it impossible for ratification by the constitutionally required three-fourths of such states; said southern states which were denied their equal suffrage in the Senate had been recognized by proclamations of the President of the United States to have duly constituted governments with all the powers which belong to free states of the Union, and the Legislatures of seven of said southern states had ratified the 13th Amendment which would have failed of ratification but for the ratification of said seven southern states; and

"Whereas the Reconstruction Acts of Congress unlawfully overthrew their existing governments, removed their lawfully constituted legislatures by military force and replaced them with rump legislatures which carried out military orders and pretended to ratify the 14th Amendment; and

"Whereas in spite of the fact that the Secretary of State in his first proclamation, on July 20, 1868, expressed doubt as to whether three-fourths of the required states had ratified the 14th Amendment, Congress nevertheless adopted a resolution on July 28, 1868, unlawfully declaring that three-fourths of the states had ratified the 14th Amendment and directed the Secretary of State to so proclaim, said Joint Resolution of Congress and the resulting proclamation of the Secretary of State included the purported ratifications of the military enforced rump legislatures of ten southern states whose lawful legislatures had previously rejected said 14th Amendment, and also included purported ratifications by the legislatures of the States of Ohio and New Jersey although they had withdrawn their legislative ratifications several months previously, all of which proves absolutely that said 14th Amendment was not adopted in accordance with the mandatory constitutional requirements set forth in Article V of the Constitution and therefore the Constitution itself strikes with nullity the purported 14th Amendment.

"Now therefore be it resolved by the Legislature of Louisiana, the House of Representatives and the Senate concurring:

"(1) That the Legislature go on record as exposing the unconstitutionality of the 14th Amendment, and interposes the sovereignty of the State of Louisiana against the execution of said 14th Amendment against the State of Louisiana and its people;

"(2) That the Legislature of Louisiana opposes the use of the invalid 14th Amendment by the Federal courts to impose further unlawful edicts and hardships on its people;

"(3) That the Congress of the United States be memorialized by this Legislature to repeal its unlawful Joint Resolution of July 28, 1868, declaring that three-fourths of the states had ratified the 14th Amendment to the United States Constitution;

"(4) That the Legislatures of the other states of the Union be memorialized to give serious study and consideration to take similar action against the validity of the 14th Amendment and to uphold and support the Constitution of the United States which strikes said 14th Amendment with nullity; and

"(5) That copies of this Resolution, duly certified, together with a copy of the treaties on "The Unconstitutionality of the 14th Amendment" by Judge L. H. Perez, be forwarded to the Governors and Secretaries of State of each state in the Union, and to the Secretaries of the United States Senate and House of Congress, and to the Louisiana Congressional delegation, a copy hereof to be published in the Congressional Record.

"VAIL M. DELONY,
"Speaker of the House of Representatives.
"C. C. AYCOCK,
"Lieutenant Governor and President of the Senate."

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Labor and Public Welfare:

"HOUSE CONCURRENT RESOLUTION 220

"A concurrent resolution to memorialize the Congress of the United States with respect to H.R. 8983 proposing to amend the Elementary and Secondary Education Act

"Whereas an educated citizenry and an enlightened electorate is the cornerstone of a free and responsible government that is the servant and not the master of the people governed, and

"Whereas any enacted or proposed legislation affecting so vital an area as the education of the people of this Nation should be scrutinized with extreme care, particularly in view of its repercussions upon the people and upon the states in light of the rights guaranteed by the Ninth and Tenth Amendments to the Constitution of the United States, and

"Whereas for the past three decades there has been an increasingly reprehensible trend towards the centralization of all power in the iron tenacles of an entrenched federal bureaucracy that is unanswerable and unresponsive to the wishes of the states and the people, at the expense of the rights of the states and their people, and

"Whereas many states have been enticed into submission to the dictatorial commands of this bureaucracy by the lure of 'federal funds' from wasteful 'grant in aid' programs, and

"Whereas these 'federal funds' do not come from a mystical sugar-plum tree in Washington but from the pockets of taxpayers residing in each of the fifty sovereign states of the United States of America, and

"Whereas the replacement of the 'grant in aid' program with a program of block grants to the states not only would preserve the constitutional division of powers in our federal system, but would also allow local and state officials the freedom to administer programs according to state and local needs rather than according to unrealistic and unworkable plans dictated by a centralized bureaucracy in Washington, D.C., and

"Whereas HR 8983 has recently been introduced in the House of Representatives of the United States Congress to amend the Elementary and Secondary Education Act to provide block grants to states in place of the grant in aid programs by consolidating elementary and secondary education funds for school districts with children of low-income families for library resources and instructional materials, supplementary educational centers, and for state departments of education, said grant being distributed to each state by a formula based on state income per child, and

"Whereas the enactment of HR 8983 into law would enable state and local school administrators to regain much of the responsibility for their school programs which under the present system the Department of Health, Education, and Welfare has been allowed to usurp, and

"Whereas an adaptation of statistics published by the U.S. Office of Education and printed in 'Compact Magazine,' published by the Education Commission of the States, indicates that federal funds for education allocated to the states for the fiscal year 1964–1965 had increased over the allocation for the fiscal year 1956–1957 by 3.22 times for California, 2.76 times for Illinois, 4.57 times for Massachusetts, 3.68 times for New York, 2.56 times for Pennsylvania, and 3.43 times for Wisconsin, while during the same period increasing only 1.46 times for Alabama, 1.58 times for Arkansas, 1.54 times for Georgia, 1.81 times for Louisiana, 1.51 times for Mississippi and 1.33 times for South Carolina, and

"Whereas these statistics illustrate that wealthy states, with high literacy rates, have received more than their just and proportionate share of the funds distributed, while states with less revenue and higher rates of illiteracy have been discriminated against in the distribution of said funds, and

"Whereas enactment of HR 8983 would rectify this inequity, and

"Whereas, HR 8983 would continue to provide aid to city school systems and guarantees to private schools at least as much assistance as they are presently receiving and provides that no state would receive less than it receives in fiscal year 1968.

"Therefore, be it resolved by the House of Representatives of the Legislature of the State of Louisiana, the Senate thereof concurring, that the Legislature of the State of Louisiana hereby urges the members of the Congress of the United States, and especially the members from the State of Louisiana, to act promptly and favorably and enact HR 8983 into law.

"Be It Further Resolved that copies of this Concurrent Resolution shall be transmitted by the Clerk of the House of Representatives to each member of the Louisiana Delegation in Congress, to the chairman of the respective Congressional Committees before whom this proposed legislation will be heard, the Speaker of the United States House of Representatives and the President of the United States Senate.

"Vail M. Delony,
"*Speaker of the House of Representatives.*
"C. C. Aycock,
"*Lieutenant Governor and President of the Senate.*"

Resolutions of the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Finance:

"Resolutions Memorializing Congress To Enact Legislation Increasing Social Security Benefits

"Whereas in the United States of America, a land of plenty, our Nation owes a debt of gratitude to our senior citizens, who have labored in the vineyard and are now enjoying a well deserved retirement; and

"Whereas because of the high cost of living many of our elderly, living on social security benefits, are denied many of the necessities of life; and

"Whereas President Lyndon B. Johnson recognizing this problem has recommended an amendment to the social security law, providing for an increase in benefits, which increase would help to alleviate the cost of living burden of our elderly depending on such benefits; therefore be it

"*Resolved*, That the Massachusetts House of Representatives respectfully requests the Congress of the United States to enact legislation as proposed by President Johnson providing for an increase in social security benefits; and be it further

"*Resolved*, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the presiding officer of each branch of Congress and to each member thereof from this Commonwealth.

"William C. Maiers,
"*Clerk.*

"Attest:

"Kevin H. White,
"*Secretary of the Commonwealth.*"

Resolutions of the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"Resolutions Memorializing Congress To Take Steps as Are Necessary, Through Federal and International Means To Preserve Peace in the Middle East

"Whereas the peace and security in the Middle East is of great concern not only to the people who live there, but to the entire world; and

"Whereas recent events which include the withdrawal of the United Nation Observers and the apparent military buildup appears calculated to bring that area closer to open and armed hostility; therefore be it

Resolved, That the Massachusetts House of Representatives respectfully requests the Congress of the United States to take such steps as are necessary through Federal and International Means to preserve peace in the Middle East; and be it further

"*Resolved*, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, Secretary of State, to the presiding officer of each branch of Congress and to each member thereof from this Commonwealth.

"William C. Maiers,
"*Clerk.*

"Attest:

"Kevin H. White,
"*Secretary of the Commonwealth.*"

A memorial of the Legislature of the State of Florida; to the Committee on Banking and Currency:

"House Memorial 2111

"A memorial to the Congress of the United States, urging the passage of legislation to cope with the problems of flood and related disasters, including subsidence, through the initiation of a Federal Flood Insurance Program, which avails itself of the resources of the insurance industry and the federal government for the constructive solution of this catastrophe challenge

"Whereas nationwide storms, floods and related disasters, including subsidence, of catastrophic proportions have taken a heavy toll of human, property and industrial resources, thereby severely taxing the ability of the insurance industry to cope with this problem, and

"Whereas the State of Florida is acutely affected by the problem of subsidence as manifested in the recent "sinkhole" disasters of this nature centered in Polk County, Florida, which are of grave concern to the citizenry, the legislature, the insurance commissioner and the industry, and

"Whereas the State of Florida has long been concerned with the challenge of flood and related disasters, including subsidence, and has evinced its concern through the activities of its State Treasurer ex officio Insurance Commissioner, Broward Williams, in conjunction with the National Association of Insurance Commissioners, with the result that Senate Bill No. 1290, introduced by the Honorable Harrison Williams, Jr., and House Bill No. 8979, introduced by the Honorable Claude Pepper, are now before the congress of the United States, and

"Whereas the Bureau of Housing and Urban Development (HUD) has also taken action on this problem by the preparation of a bill pertaining to flood and related disasters,

"Now, therefore, be it resolved by the Legislature of the State of Florida; That the Legislature of the State of Florida respectfully makes application to the Congress of the United States to do its utmost to expedite the passage and implement the administration of this legislation.

"Be it further resolved that copies of this Resolution be transmitted to the Honorable Lyndon B. Johnson, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the Director of the Bureau of Housing and Urban Development, and to each Senator and Representative in Congress from the State of Florida.

"Tom Adams,
"*Secretary of State.*"

A memorial of the Legislature of the State of Florida; to the Committee on Interior and Insular Affairs:

"House Memorial 2073

"A memorial to the Congress of the United States objecting to the inclusion of the Suwannee River and its tributaries in 'scenic river' legislation

"Whereas the beautiful Suwanee River is a source of pride to those Florida citizens living near thereto as well as to all the citizens of Florida, having been immortalized in song, and

"Whereas this Legislature and the people of this state are aware of the benefits accruing to the state from this immortal river, and

"Whereas the Suwannee River, though having aesthetic and historical value, is also a useful and productive river of the state, and

"Whereas the Congress of the United States proposes to include the Suwannee River and its tributaries in 'scenic river' legislation which would vest jurisdiction over it in the federal government, and

"Whereas, this inclusion would impede the use and value of said river, as well as the conservational and recreational benefits that the citizens of Florida and visitors to this state have enjoyed for years: Now, therefore, be it

"*Resolved by the Legislature of the State of Florida*, That the Congress of the United States is hereby requested not to include the Suwannee River and its tributaries in 'scenic river' legislation which would vest jurisdiction over it in the federal government. Be it further

"*Resolved*, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate and to the Speaker of the House of Representatives of the United States.

"TOM ADAMS,
"*Secretary of State.*"

A concurrent resolution of the Legislature of the State of Florida; to the Committee on the Judiciary:

"H. CON. RES. 3

"A concurrent resolution ratifying the proposed amendment to the Constitution of the United States relating to succession to Presidency and Vice Presidency; disability of President

"Whereas the 89th Congress of the United States of America in both houses by a constitutional majority of two-thirds thereof has made the following proposition to amend the Constitution of the United States of America, in the following words:

" 'S. JOINT RES. 1

" 'Joint resolution proposing an amendment to the Constitution of the United States relating to succession to Presidency and Vice Presidency; disability of President

" '*Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled* (*two-thirds of each House concurring therein*), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" ' "*Article* —

" ' "SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

" ' "SECTION 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

" ' "SECTION 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaraion to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

" ' "SECTION 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

" ' "Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four (4) days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight (48) hours for that purpose if not in session. If the Congress, within twenty-one (21) days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one (21) days after Congress is required to assemble, determines by two-thirds (⅔) vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office." '

"Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring, That the said proposed amendment to the Constitution of the United States be, and the same is hereby, ratified by the Legislature of the State of Florida.

"Be it further resolved, that certified copies of the foregoing preamble and resolution be immediately forwarded by the Secretary of State of the State of Florida, under the great seal, to the President of the United States, the Secretary of State of the United States, the President of the Senate of the United States, and the Speaker of the House of Representatives of the United States.

"TOM ADAMS,
"*Secretary of State.*"

A resolution adopted by the Marine Corps Reserve Officers Association, Anaheim, Calif., in support of the President and Congress relating to the present military operations in Vietnam; to the Committee on Armed Services.

A resolution adopted by the Legislative Research Commission, Frankfort, Ky., endorsing Federal legislation permitting jury trials in land condemnation cases brought by the Tennessee Valley Authority; to the Committee on Public Works.

A petition, signed by R. Picard, and sundry other citizens of Timber, Oreg., praying for the enactment of legislation to raise personal deductions under the Federal income tax law to $1,000; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

S. 676. A bill to amend chapter 73, title 18, United States Code, to prohibit the obstruction of criminal investigations of the United States (Rept. No. 307); and

S. 677. A bill to permit the compelling of testimony with respect to certain crimes, and the granting of immunity in connection therewith (Rept. No. 308).

By Mr. DIRKSEN, from the Committee on the Judiciary, without amendment:

H.R. 4445. An act for the relief of Aurex Corp. (Rept. No. 306).

By Mr. SCOTT, from the Committee on the Judiciary, without amendment:

S. 541. A bill for the relief of Jack Baer (Rept. No. 309).

By Mr. BARTLETT, from the Committee on Commerce, with amendments:

H.R. 5424. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard (Rept. No. 310).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 118. A bill for the relief of Dr. Amparo Castro (Rept. No. 311);

S. 155. A bill for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually (Rept. No. 312);

S. 163. A bill for the relief of CWO Charles M. Bickart, U.S. Marine Corps (retired) (Rept. No. 313);

S. 445. A bill for the relief of Rosemarie Gauch Neth (Rept. No. 314);

S. 454. A bill for the relief for Richard K. Jones (Rept. No. 315);

S. 463. A bill for the relief of Eladio Ruiz DeMolina (Rept. No. 316);

S. 733. A bill for the relief of Sabiene Elizabeth DeVore (Rept. No. 317);

S. 808. A bill for the relief of Dr. Menelio Segundo Diaz Padron (Rept. No. 318);

S. 863. A bill for the relief of Dr. Cesar Abad Lugones (Rept. No. 319);

S. 1108. A bill for the relief of Dr. Felix C. Caballol and wife, Lucia J. Caballol (Rept. No. 320);

S. 1109. A bill for the relief of Dr. Ramon E. Oyarzun (Rept. No. 321);

S. 1110. A bill for the relief of Dr. Manuel Alpendre Seisdedos (Rept. No. 322);

S. 1197. A bill for the relief of Dr. Lucio Arsenio Travieso y Perez (Rept. No. 323);

S. 1465. A bill to provide for holding terms of the District Court of the United States for the eastern division of the Northern District of Mississippi in Ackerman, Miss. (Rept. No. 327);

S. 1259. A bill for the relief of Wouter Keesing (Rept. No. 324);

S. 1270. A bill for the relief of Alfredo Borges Caignet (Rept. No. 325);

S. 1278. A bill for the relief of Dr. Floriberto S. Puente (Rept. No. 326);

S. 1781. A bill for the relief of Kyong, Hwan Chang (Rept. No. 328);

H.R. 1526. An act for the relief of Cecil A. Rhodes (Rept. No. 329);

H.R. 2048. An act for the relief of William John Masterton and Louis Vincent Nanne (Rept. No. 330); and

H.R. 4566. An act for the relief of Mary F. Thomas (Rept. No. 331).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 747. A bill for the relief of Dr. Earl C. Chamberlayne (Rept. No. 332);

S. 1258. A bill for the relief of Ramon G. Irigoyen (Rept. No. 333);

S. 1269. A bill for the relief of Dr. Gonzalo G. Rodriguez (Rept. No. 334);

S. 1280. A bill for the relief of Dr. Alfredo Pereira (Rept. No. 335); and

S. 1448. A bill for the relief of Roy A. Parker (Rept. No. 336).

By Mr. BIBLE, from the Committee on the District of Columbia, without amendment:

S. 762. A bill to amend the District of Columbia Traffic Act, 1925, as amended (Rept. No. 338);

S. 764. A bill to amend section 6 of the District of Columbia Traffic Act, 1925, as amended, and to amend section 6 of the act approved July 2, 1940, as amended, to eliminate requirements that applications for motor vehicle title certificates and certain lien information related thereto be submitted under oath (Rept. No. 340); and

H.R. 834. An act to amend section 5 of the act of February 11, 1929, to remove the dollar limit on the authority of the Board of Commissioners of the District of Columbia to settle claims of the District of Columbia in escheat cases (Rept. No. 337).

By Mr. BIBLE, from the Committee on the District of Columbia, with an amendment:

S. 763. A bill to amend the Act approved August 17, 1937, so as to facilitate the addition to the District of Columbia registration of a motor vehicle or trailer of the name of the spouse of the owner of any such motor vehicle or trailer (Rept. No. 339); and

S. 1227. A bill to provide that a judgment or decree of the U.S. District Court for the District of Columbia shall not constitute a lien until filed and recorded in the Office of the Recorder of Deeds of the District of Columbia, and for other purposes (Rept. No. 342).

By Mr. BIBLE, from the Committee on the the District of Columbia, with amendments:

S. 1226. A bill to transfer from the U.S. District Court for the District of Columbia to the District of Columbia Court of General Sessions the authority to waive certain provisions relating to the issuance of a marriage license in the District of Columbia (Rept. No. 341).

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Res. 135. Resolution to provide additional funds for the Committee on Interior and Insular Affairs.

EXPANSION OF LIVESTOCK EXPORTS—REPORT OF A COMMITTEE (S. REPT. NO. 343)—INTRODUCTION OF BILL

Mr. SPARKMAN. Mr. President, from the Select Committee on Small Business, I submit a report entitled "Expansion of Livestock Exports." I ask unanimous consent that the report be printed, together with the additional views of the Senator from Oregon [Mr. Morse] and the Senator from Nevada [Mr. Bible].

The ACTING PRESIDENT pro tempore. The report will be received and printed, as requested by the Senator from Alabama.

Mr. SPARKMAN. Mr. President, this report is the result of an inquiry begun in the autumn of 1964 and continued into the early months of this year. Public hearings were held in February 1965, jointly with the Senate Committee on Agriculture and Forestry in September 1965, and again in May 1966. The committee conducted additional research of its own in an effort to keep abreast of this complex, and rapidly changing field.

The investigation has thus spanned periods of both surplus and scarcity, of low prices and high prices in the domestic market. There is thus a certain balance and perspective in the report, which I believe to be timely during this year, when our cattlemen are again faced with an unexpected oversupply of meat products.

Quality meats are basic elements in the American diet, and account for perhaps one-third of all U.S. farm income. While some American livestock products, such as variety meats, tallow, and hides, depend upon export markets, others, such as grain-fed beef, have generally been absent from overseas markets for the past 40 years.

Your committee's studies sustain the conclusion that there is a large potential demand for these products outside of this country. For example, officials of the six-nation European Economic Community predict that their "production gap," which will have to be filled by imported beef, is growing rapidly and may be as high as 1 million metric tons per year by 1970.

The report also assesses the obstacles to developing some of these possibilities and finds this to be difficult but not impossible. One of the problems encountered during the inquiry was in obtaining periodic and easily understood data covering the broader implications of export and import trade in meats and other farm products.

In an effort to improve this situation, a bill was offered in the 89th Congress. This proposal, S. 3522, would have the Secretary of Agriculture prepare an annual report, in a business-like format, of food exports and imports and the balance of payments effects of all trade and aid in agricultural commodities.

Hearings were held on this bill before the Senate Committee on Finance during 1966. The measure was not reported, however. The text of the bill is contained as an appendix to the report for the information of all concerned. At this time I would like to reintroduce this trade statistics bill, in substantially the same form. I now send it to the desk for this purpose and ask unanimous consent that it be printed in full in the Record.

Another of the implications of this inquiry is the suggestion that future potentials and problems for the exportation and importation of American beef products be considered on a long-term basis, and in the total context of supply, demand, and trade in livestock products around the world.

In addition to furnishing factual information for this consideration, our committee has proposed a vehicle in the form of an annual conference, at times and places which would be convenient to the businessmen whose livelihoods are dependent upon the stability of this industry. It is envisioned that the policymakers in farming and ranching organizations, and the related associations, as well as high-level Government officials would be major participants at these conferences. Their deliberations would be instructive and could have considerable weight in both public and private decisions and planning in this field.

It is my feeling that this is a moderate proposal. It appears to hold some promise that the trade and structural difficulties which have beset the livestock industry in recent years will be regularly discussed by those who are best qualified by experience and judgment of dealing with them.

The recommendations of the report are published in the form of a legislative proposal. It is the committee's hope that the interested parties will give the committee the benefit of their views within a reasonable time. We seek this advice and counsel in translating the recommendations into legislation for introduction in the present session of Congress.

I ask unanimous consent that a brief excerpt illustrating the growth of the Southeastern States as meat-producing areas be included following my remarks.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and excerpt will be printed in the Record.

The bill (S. 1940) to require the Secretary of Agriculture to report to the Congress each year certain information relating to the import and export of agricultural commodities, introduced by Mr. Sparkman, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the Record, as follows:

S. 1940

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Trade Statistics Reporting Act of 1967".

Sec. 2. In order that certain information pertaining to the import and export of agricultural commodities will be available to all Members of Congress, and especially to the Congressional committees having responsibility for the trade and tariff policies of the United States, it is hereby declared to be in the public interest that the Secretary of Agriculture should compile and publish an annual standard reference work containing certain statistical information with respect to the volume and dollar value of this Nation's foreign trade in major agricultural commodities for the preceding calendar year, the trends in United States imports and exports of such commodities, and the effect of such trade upon the balance-of-payments position of the United States.

Sec. 3. (a) The Secretary of Agriculture (hereinafter referred to as the "Secretary") shall, not later than February 15 of each calendar year, submit to the appropriate committees of the Congress a report containing the information described in subsection (b) of this section and cause such report to be readily available to all other committees and Members of Congress, to all trade publications, and, upon request, to any other interested party.

(b) The information to be contained in any such report shall specifically disclose with respect to the immediately preceding calendar year—

(1) the quantity and dollar value of imports into the United States, and exports from the United States of each major agricultural commodity;

(2) the extent to which such dollar value reflects or fails to reflect, in the case of each major agricultural commodity, costs attributable to transportation, insurance, and other expenses incident to handling;

(3) the extent to which, in the case of each major agricultural commodity, exports were paid for in dollars, other freely convertible currency, local currency not convertible, funds of the United State Government on a cash or credit basis, or were donations valued without reference to payment;

(4) what effect imports and exports of all agricultural commodities had on the balance-of-payments position of the United States Government; and

(5) the percentage of our total domestic production in the case of each major agricultural commodity, which was exported; the percentage of the total exports, in the case of each such commodity, which was paid for by each of the methods of financing described in paragraph (3); and the percentage of our total production and consumption, in the case of each such commodity, which was imported.

(c) Such report shall also set forth statistics and other information covering a period of prior years in sufficient detail to show, with respect to each major agricultural commodity, the prevailing trends in the import and export of the different types or classifications of that particular commodity.

(d) The Secretary shall include in such report such other pertinent information as he deems appropriate.

(e) The Secretary shall include in such report the citation of any public laws relevant to the subject matter being discussed.

(f) As used in this Act, the term "major agricultural commodity" shall include, for example, cotton, beef, pork, veal, live cattle, nonfat dry milk, cheese, butter, and poultry; and in providing the information specified in subsection (b)(1) of this section, the Secretary shall give separate statistics for each of those commodities.

SEC. 4. The Secretary shall coordinate the administration of this Act with other departments and agencies of the Government concerned therewith and with interested private organizations; and such departments and agencies of the Government are authorized and directed to cooperate with the Secretary in the administration of this Act, including the coordination of all procedures, forms, and means necessary or appropriate for carrying out the provisions of this Act. The Secretary shall include in his annual report such recommendations for legislation and administrative actions as he determines would facilitate the administration of this Act.

SEC. 5. (a) The Secretary, before submitting to the Congress the report referred to in section 3 of this Act, shall submit such report to the General Accounting Office for examination. The Comptroller General shall examine the report to the extent he deems necessary to certify whether or not—

(1) such report is in conformity with generally accepted accounting principles;

(2) such report accurately reflects the effect of trade in agricultural commodities on the balance-of-payments position of the United States;

(3) except for the initial report, such report was prepared on a basis comparable to that of the previous year;

(4) such report follows the reporting practices and procedures followed by major international trade organizations with which the United States is associated, including the General Agreement on Tariffs and Trade and the Organization for European Cooperation and Development; and

(5) any departure from generally accepted methods of reporting the information contained in such report was coordinated with and approved by the Comptroller General.

(b) The opinion of the Comptroller General with respect to the matters referred to in subsection (a) of this section shall be included in the report.

SEC. 6. Notwithstanding the reporting date prescribed in section 3 of this Act, the Secretary is authorized, in the case of any of the first four annual reports, to postpone the date of submission to any date not later than May 1 if he determines that the report for such year cannot be submitted prior to that date and notifies the Committees referred to in section 3 of this Act in writing of the necessity of such postponement and the reasons therefor.

SEC. 7. The Secretary shall submit the first report under this Act in the calendar year 1968 covering imports and exports during the calendar year 1967.

The excerpt, ordered to be printed in the RECORD, is as follows:

EXCERPT FROM THE 1966 ANNUAL REPORT OF THE SOUTHERN RAILWAY CO.

Agri-Business Development . . . During the year an impressive number of new and enlarged agricultural developments occurred in the System territory. Included were 71 new or expanded cattle feed lots, 131 new or expanded hog feed lots, 5 new or expanded feed mills and elevators, and 8 new or expanded packing houses. This makes a total of 123 cattle feed lots, 152 hog feed lots, 165 feed mills and 8 packing houses which have been built or expanded in System territory since low-cost grain hauled in "Big John" hopper cars first became available in May, 1963.

Mr. SMATHERS. Mr. President, the importance of this subject of our committee's inquiry to the small business community can be judged by the fact that farmers and ranchers in this country—virtually all of which are family and independent businesses—earn about one-third of their income from the sale of livestock products, and perhaps one-fourth from beef and other cattle products. In addition, two-thirds of the meatpacking companies in this country are local, one-plant firms.

There are, however, further benefits which can be realized at this time, when the continuing deficit in our balance of payments is of grave concern to our Nation and internationally as well. It is thus my feeling that the committee recommendations with regard to additional potential markets for American livestock products are worthy of serious study by both industry and government.

For instance, an area such as Western Europe has a population of 370 million, which is not only growing rapidly in numbers, but in prosperity. As a result, exports to these areas can be translated into solid and continuing dollar sales.

These people want to improve their diets. Yet, as the Senator from Alabama [Mr. SPARKMAN] has pointed out, the higher quality American livestock products have been practically absent from European markets for the past 40 years.

In spite of this, at the time our committee began its inquiry, there was little knowledge, and apparently little serious exploration of export possibilities for these commodities. The committee thus felt that the dimensions of these overseas markets should be explored.

The report, together with the hearings, complete what is the most comprehensive study of these matters of which the committee is aware.

The testimony establishes that the U.S. livestock industry has been characterized by wide swings of supply and demand; rapid changes between low and high prices; but persistently low-profit margins. To this situation, the committee report has brought a certain perspective derived from continuing its study over several of these cycles.

The committee's inquiry has already resulted in a bill to improve reporting of agricultural trade statistics. This was introduced in the 89th Congress as S. 3522 and will be reintroduced today. We have also proposed legislation which would provide for annual projections of world supply and demand for beef and livestock products, and this would be followed up by an annual conference. The conference would bring together responsible leaders of industry, as well as government policymakers, to discuss trade prospects on a regular and continuing basis.

The committee also recommended that the Department of Agriculture take the initiative in developing a long range and comprehensive program of assistance to potential livestock exporters, with appropriate emphasis on small business; and organizing a national response to the structural difficulties and low profit margins affecting the full participation of the American cattle industry in domestic and foreign markets.

I therefore believe that the committee's report and recommendations will be a contribution to the state of knowledge and to policy formation in the field.

Mr. MORSE. Mr. President, I wish to join in the remarks made by the distinguished Senator from Alabama [Mr. SPARKMAN] regarding the Small Business Committee's report on livestock exports.

In my judgment this report is the most comprehensive yet made of the potentials and problems of trade in American quality beef and livestock products. The importance of this subject can be appreciated by the fact that beef products account for about a quarter of all farm income, and if consideration is broadened to all livestock, the proportion rises to about one-third.

In 1964, the Congress thoroughly considered the implications of beef imports and enacted eventually legislation establishing quotas on imported meats—Public Law 88-482; 19 United States Code 1202.

When the Small Business Committee entered this area, it was thus understood from the outset that the inquiry should concentrate upon exports, and that problems arising specifically out of imports of meat products would be outside the scope of this investigation.

As those familiar with this field are well aware, all of the problems of meat imports have not been solved. I feel that the committee fully recognizes this, and as a Senator from Oregon, I am particularly sensitive to and concerned with the impact of this trade on our domestic livestock industries.

It is my feeling that the committee's study performs a service because the factual picture, as it has emerged, suggests that it would be useful to consider our national import and export problems in a perspective which includes the changing condition of world supply, demand, and trade in these commodities.

The report filed today also suggests a vehicle for this consideration—by the responsible representatives of the industries directly affected as well as Government officials, and on a periodic and continuing basis.

While the legislation outlined by this report would not provide an instant answer to the trade and structural difficulties faced by the farmer and the rancher, it would offer a step in that direction, by bringing together those whose experience and judgment are capable of dealing with the problems.

Furthermore, the thrust of the report is that these problems be attacked—in a concerted manner, on a national scale, over the long term, and within a framework that offers some assurance that appropriate solutions will be proposed and discussed.

Accordingly, I feel that the Senator from Alabama [Mr. SPARKMAN] who initiated this study; the Senator from New Mexico [Mr. MONTOYA] who took such an active part in it; and other Senators of this committee who contributed to the hearings and report, are entitled to the gratitude of small and independent producers and processors in the livestock industry, and of the Nation.

Mr. MAGNUSON. Mr. President, I note with considerable interest that the Small Business Committee team has brought to the floor a report on the potentials for exporting American quality meat products.

It is my understanding that the report is rigorous in its research and analysis of overseas sales possibilities, and the many problems facing our farmers and ranchers in their attempts to participate fully in growing domestic as well as foreign markets.

There are thus major implications arising from this investigation—for our national export programs, for the balance of payments, and for the health of a nationwide industry composed of family and independent businesses which accounts for about one-third of all farm income.

I want to commend the Senator from Alabama [Mr. Sparkman] and the chairman of the Small Business Committee, the Senator from Florida [Mr. Smathers] for their conduct of this inquiry, which is typical of the fine work done by the committee pursuant to its mandate to "study and survey problems of American small business enterprises, and to obtain all facts possible which would aid the Congress in enacting remedial legislation."

As chairman of the Committee on Commerce, I can assure the Small Business Committee and the Senate that the facts, conclusions, and recommendations contained in this report will receive the early and thorough consideration of our committee.

Mr. MONTOYA. Mr. President, I would like to join in the commentary on the Small Business Committee's report on livestock exports. New Mexico is an agricultural State, and we are well aware of the high proportion of farm income derived from the sale of livestock. Because of this, we have a continuing interest in developing markets for this industry wherever they can be found.

For several years now, the cattle industry in this country has been concerned about meat imports. However, as the distinguished Senator from Alabama [Mr. Sparkman] said in filing this report:

> Your Committee's studies sustain the conclusion that there is a large potential demand for (American quality meat) products outside of this country. For example, officials of the six-nation European community predict that their production gap which will have to be filled by imported beef, is growing rapidly and may be as high as one million metric tons per year by 1970.

It would appear from facts such as these that there are markets for American livestock exports. According to the EEC estimates, the possibilities in some of these markets might match and perhaps eventually, even surpass, in quantity and value, present levels of meat imports.

The figures in the report indicating that U.S. variety meat exports have grown from 6 million pounds or four one-hundredths of 1 percent of our production in 1951 to 221 million pounds or 10.3 percent of production in 1965, give some credence to the possibilities as to higher quality American meat products.

The distinguished chairman of the Small Business Committee [Mr. Smathers] has observed, and it bears repeating, that such markets are able to pay cash in dollars, and the development of commercial trade in U.S. beef products would thus provide a substantial boost to the U.S. balance of payments.

To many people, exports have seemed beyond the reach of our domestic cattle industry because of the barriers involved. This report contains an identification and systematic description of these problems. The committee finds them to be formidable, but not insurmountable. In fact, as the report brings out, several of these barriers have already come down.

I believe that our recommendations can be of further help in this regard. The report advocates an annual conference, at times and places which are convenient to those in the cattle business, at which the responsible policymakers of both industry and Government can come to grips regularly with not only the trade prospects, but the persistent structural imbalances which are making it increasingly difficult for independent livestock producers and processors.

On these occasions the potentials and problems of both exports and imports can be considered in the context of supply, demand, and trade around the world, which I believe is a good prospective. To consider some of these factors without considering others might, it seems to me, leave us with a national blindspot.

It has long been taken for granted that the United States is the greatest market for our domestic agriculture. However, broadening horizons have modified even this time-honored view. The world is the true market now, and the U.S. segment of it, as attractive as it is, contains only 7 percent of the world's population.

The $6 billion worth of our agricultural products going overseas in 1966 testify persuasively that there is increasing scope for building commercial trade relationships in a widening range of farm commodities.

I support the committee proposal in this area, and urge all livestock, farm, and cattlemen's organizations to give it their early consideration, so that the committee can have the benefit of their reactions. With their assistance, the committee will attempt to formulate a bill which we hope may result in helping small, family, and independent businessmen in the livestock industry to strengthen their positions in developing additional markets at home and abroad.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. MONRONEY, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States, dated June 1, 1967, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KUCHEL:

S. 1931. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for certain political contributions; to the Committee on Finance.

(See the remarks of Mr. Kuchel when he introduced the above bill, which appear under a separate heading.)

By Mr. COTTON:

S. 1932. A bill to amend title XVIII of the Social Security Act (and other related provisions of law) to provide coverage, under the insurance program established by part A of such title XVIII, for nursing home services for individuals insured under such program without regard to whether they had been hospitalized prior to the time they began to receive such services; to the Committee on Finance.

By Mr. HARRIS (for himself and Mr. Monroney):

S. 1933. A bill to provide for the disposition of judgment funds now on deposit to the credit of the Cheyenne-Arapaho Tribes of Oklahoma; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Harris when he introduced the above bill, which appear under a separate heading.)

By Mr. MUSKIE (for himself, Mr. Magnuson, Mr. Aiken, Mr. Brewster, Mr. Kennedy of New York, Mr. Moss, Mr. Pastore, Mr. Ribicoff, Mr. Tydings, Mr. Williams of New Jersey; and Mr. Young of Ohio) (by request):

S. 1934. A bill to amend the Federal Power Act to facilitate the provision of reliable, abundant and economical electric power supply, by strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the proper conservation of scenic and other natural resources; to the Committee on Commerce.

(See the remarks of Mr. Muskie when he introduced the above bill, which appear under a separate heading.)

By Mr. BIBLE (for himself, Mr. Bartlett, Mr. Church, Mr. Jordan of Idaho, and Mr. Montoya):

S. 1935. A bill to require an act of Congress for public land withdrawals in excess of 5,000 acres in the aggregate for any project or facility of any department or agency of the Government; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Bible when he introduced the above bill, which appear under a separate heading.)

By Mr. FONG:

S. 1936. A bill for the relief of Hon Sang Ching; to the Committee on the Judiciary.

By Mr. BREWSTER:

S. 1937. A bill to authorize the Secretary of the Interior to construct a recreational center in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HOLLAND:

S. 1938. A bill for the relief of Dr. Orlando Hipolito Maytin; to the Committee on the Judiciary.

By Mr. KENNEDY of Massachusetts:

S. 1939. A bill for the relief of Man Charn Lee; to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 1940. A bill to require the Secretary of Agriculture to report to the Congress each year certain information relating to the import and export of agricultural commodities;

to the Committee on Agriculture and Forestry.

(See the remarks of Mr. SPARKMAN when he introduced the above bill, which appear under a separate heading.)

PROTECTING THE AMERICAN POLITICAL SYSTEM

Mr. KUCHEL. Mr. President, in our democracy, the American political system is the instrument which sustains our institutions and keeps them strong and free. The foundation of good politics is public participation. Indeed, government itself cannot long survive if it does not fuse the public will to the institutions which serve it.

The very life of America is its people, people who have involved themselves in politics and in the work of their government, with full faith and trust in the meaning of that involvement. And the machinery of public participation must be reviewed and improved where necessary in order that democracy will remain a vital and vibrant institution.

The recent debates in the U.S. Senate have generated an awareness both among Members of the Congress and the general public of the serious and urgent need for a comprehensive reform of the laws governing political campaigns. Such as basic reform, with an emphasis on the twin problems of election costs and election reforms, is essential to the preservation of public confidence and involvement in the American political process.

In the area of election reforms, there are a number of proposals now pending before the Senate Committee on Rules and Administration. Action in this area has been put off long enough. The time has come when the Congress must enact an Election Reform Act of 1967 emphasizing clear and straightforward disclosure laws.

Along with such legislation, I ask the Congress to give serious consideration to two proposals which I have introduced dealing with election reform: one, S. 1193, aims at preventing the use of fraud in election campaigns; the other, S. 1263, would grant a Federal charter to the Fair Campaign Practices Committee, a private citizens group devoted to the goal of assuring clean American politics.

On the cornerstone of such proposals, the Congress can build toward further reform, particularly in the area of campaign financing. It is always important to remember that, no matter what the proposal, an essential tenet of the American political system is to provide for the broadest possible participation by each and every citizen in the electoral process. I believe this tenet can be fulfilled best, not by creating a Federal subsidy for election campaigns, but by establishing certain basic tax incentives.

Proposals have been introduced, and are now before the Senate Committee on Finance, which would create a Federal election fund of some sort, possibly by a tax checkoff plan or by congressional appropriation. Such a subsidy clearly would discourage our national tradition of individual participation, centralize political power in a national organization, and discriminate against candidates on a local level.

Tax incentives, on the other hand, would permit aid to candidates and committees at all levels—local, State, and Federal. They would permit each citizen to contribute to the party or candidates, the committees or organizations of his choice. They would encourage contributions to candidates in primary as well as general elections. And tax incentives would retain and preserve the power and spirit of local political organizations, a spirit which comes from getting people out to raise money in small amounts from a large segment of the population.

There are two possible major tax devices which may be used to encourage individual participation in our electoral process—a credit and a deduction. Some proposals recommend the use of both. It is my belief, however, that any tax incentive plan should be a simple, across-the-board approach which will prove of assistance to a majority of the taxpayers and be administered easily by the Federal Government.

For these reasons, I am today introducing proposed legislation which will provide for income tax deductions for political contributions up to $350. The same principle, of course, would apply to a $5, a $10, a $25, a $50, a $100, a $250 or a $300 political contribution as well. This is a low enough ceiling not to give undue advantage to the wealthiest contributors, and yet will promote individual choice and political participation for a broad spectrum of American taxpayers.

This is the type of election financing legislation which could well be enacted today. It does not involve the complications of a joint tax credit-deduction approach nor does it raise the serious implications of a Federal subsidy. This is legislation which will encourage the power and activity of the local party organization in California and throughout America, beginning at the grassroots and working up.

The goal of all election reform legislation should be the protection of our national tradition of individual participation. Federal subsidies can only separate the citizen and the local organization from the political process. I believe my proposal will serve to advance the kind of public participation and confidence so necessary to the preservation of our American political system.

I send my bill to the desk and ask that it be appropriately referred. I also ask unanimous consent that the full text of the proposed legislation appear at this point in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, as requested by the Senator from California.

The bill (S. 1931) to amend the Internal Revenue Code of 1954 to allow a deduction for certain political contributions, introduced by Mr. KUCHEL, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 1931

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by renumbering section 218 as 219, and by inserting after section 217 the following new section:

"Sec. 218. Political contributions.

"(a) ALLOWANCE OF DEDUCTIONS.—In the case of an individual, there shall be allowed as a deduction an amount equal to so much of the political contributions as does not exceed $350.00, payment of which is made by the taxpayer within the taxable year, except that in the case of a joint return of a husband and wife under section 6013 the deductions shall not exceed $350.00, and in the case of a separate return by a married individual the deduction shall not exceed $175,000.

"(b) VERIFICATION.—The deduction under subsection (a) shall be allowed, with respect to any political contribution, only if such political contribution is verified in such manner as the Secretary or his delegate shall prescribe by regulations.

"(c) DEFINITION OF POLITICAL CONTRIBUTION.—For purposes of this section, the term 'political contribution' means a gift or donation to—

"(1) any committee, association, or organization (whether incorporated or not) organized and operated exclusively for the purpose of influencing or attempting to influence the election of one or more individuals to any public office; or

"(2) an individual who is a candidate for any Federal, State, or local elective public office in any general, special, or primary election, or in any convention of an organization described in subparagraph (1), for use by such individual to further his candidacy.

"(d) CROSS REFERENCE.—

"For disallowance of deduction to estates and trusts, see section 642(i)."

(b) The table of sections for such part VII is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 218. Political contributions.

"Sec. 219. Cross references."

SEC. 2. (a) Section 62 of the Internal Revenue Code of 1954 (relating to definition of adjusted gross income) is amended by inserting after paragraph (8) the following paragraph:

"(9) POLITICAL CONTRIBUTIONS.—The deduction allowed by section 218."

(b) Section 276(a) of such Code (relating to certain indirect contributions to political parties) is amended by striking out "No deduction otherwise allowable under this chapter" and inserting in lieu thereof "Except as provided in section 218, no deduction otherwise allowable under this chapter."

(c) Section 642 of such Code (relating to special rules for credits and deductions for estates and trusts) is amended by redesignating subsection (i) as (j), and by inserting after subsection (h) the following new subsection:

"(i) POLITICAL CONTRIBUTIONS.—An estate or trust shall not be allowed the deduction for political contributions provided by section 218."

SEC. 3. The amendments made by this Act shall apply to taxable years ending after December 31, 1967, but only with respect to political contributions payment of which is made after such date.

THE ELECTRIC POWER RELIABILITY ACT OF 1967

Mr. MUSKIE. Mr. President, the senior Senator from Washington [Mr. MAGNUSON] is absent on official business today, and, at his request, I read the following statement accompanying the introduction of a bill, on his behalf:

STATEMENT BY SENATOR MAGNUSON READ BY SENATOR MUSKIE

Mr. MAGNUSON. Mr. President, I introduce, by request, for appropriate referral, the Electric Power Reliability Act. I ask unanimous consent that at the close of these remarks, the letter of transmittal, the paper entitled "The Electric Power Reliability Act of 1967—A Short Explanation," the section-by-section analysis and the bill be printed in the Record.

On November 9, 1965, the lights in the Northeast flickered and failed. In 12 minutes, without prior physical destruction of any equipment, millions were without electricity. Since then other cascading failures of a lesser magnitude have occurred.

Last week, the PJM system in the mid-Atlantic region failed. Fortunately, the outage did not spread to Washington, D.C., which is connected to the system. On the same day, war was erupting in the Mideast, and this Capitol, like many others in the world, needed the availability of every service possible, most of which are dependent on electricity. As this mid-Atlantic failure proved, a 99.99-plus pattern of reliability in the electric utility field, commendable as it is, does not rule out the compounding of circumstances that could lead to disaster.

That the lights are on again does not mean that the matter is closed. There are already predictions that in the event of a long, hot summer, there could be a serious power shortage in the mid-Atlantic States. If another cascading failure should result, it might affect Washington, New York, and all areas between, and all systems interconnected with this locale.

These blackouts have been the subject of concern at all levels of government and industry. Immediately after the 1965 massive failure, the President requested the Federal Power Commission to make an immediate investigation. An interim report was issued, and the final report will be available soon. The President's message on consumer protection showed the administration's continuing concern and indicated that legislation would be recommended. This is the legislation that I am introducing today.

I join in the statement of the President in urging that the proposal be considered promptly by the Congress. The Committee on Commerce will soon announce early dates for beginning hearings on this bill.

The appended materials adequately cover the broad scope of the legislation; but I wish to call attention to one particular item, section 410, "Review as to land use." Inclusion of this indicates the awareness of the President cf not only the need to use the best technology for reliable service, but also the importance of making that technology environmentally acceptable. This is a commendable recognition of the many facets of the problem.

This morning's Washington Post contained a very favorable editorial on the proposed legislation. I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Keeping the Lights On

The Federal Power Commission lost little time in drafting an imaginative and far-reaching legislative proposal for reducing the recurrence of paralyzing electrical blackouts. Congress should respond by holding hearings as soon as it is feasible.

The "Electric Power Reliability Act," submitted by Chairman Lee C. White and his colleagues, would make the FPC responsible for coordinating and strengthening the interrelated grids of utility systems. The FPC would be empowered to review and approve the construction, of the extra high voltage lines that link individual utilities. It would be empowered to require interconnections between utilities when they are in the public interest. And the FPC would be authorized, after consultation with regional councils of utilities, to "set forth reasonable criteria" for "reliable planning and operation," criteria that would include the provision of "reserve capacity for reliability."

There is some question as whether the provisions (sections 401(b) and 408) for ensuring adequate reserve generating capacity are sufficiently strong. But with the exception of that possible weakness, the FPC proposal is commendable. It would also establish a National Electric Studies Commission, designed to stimulate scientific interest in the provision of reliable service.

With a few distinguished exceptions, the electric power industry is not noted for its willingness to innovate. The FPC, which is principally concerned with rate regulation, is not now in a position to provide the leadership and technical guidance that are required to enhance the reliability of interconnected electric utilities. But a country that is capable of devising intricate systems for the exploration of space can surely solve the problems of keeping its lights on. The place to begin is in the Congress which ought to adopt and if possible strengthen the FPC's admirable proposal.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill, letter of transmittal, paper, and section-by-section analysis will be printed in the Record.

The bill (S. 1934) to amend the Federal Power Act to facilitate the provision of reliable, abundant and economical electric power supply, by strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the proper conservation of scenic and other natural resources, introduced by Mr. Muskie (for himself, Mr. Magnuson, and other Senators), by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 1934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Electric Power Reliability Act of 1967".

Sec. 2. In order to further the National Policy declared by subsection 202(a) of the Federal Power Act, in favor of "assuring an abundant supply of electric energy throughout the United States with the greatest possible economy and with regard to the proper utilization and conservation of natural resources," a new Part IV is added to the Federal Power Act, as amended (16 U.S.C. 791–825r), to read as follows:

"PART IV—REGIONAL COORDINATION

"APPLICATION AND OBJECTIVES OF PART; DEFINITIONS

"Sec. 401. (a) This Part shall apply to all bulk power supply systems in the United States.

"(b) This Part is intended to further the National Policy declared by subsection 202(a) of the Federal Power Act, in favor of assuring an abundant supply of electric energy throughout the United States with the greatest possible economy and with regard to the proper utilization and conservation of natural resources, by enhancing the reliability of bulk power supply; by strengthening existing and establishing new mechanisms for coordination in the electric utility industry; by encouraging the comprehensive development of the power resources of each area and region of the United States, to take advantage of advancing technology with due regard for the conservation of land, scenic and other limited resources; by providing that all utility systems and their customers shall have access to the benefits of coordination and advancing technology on fair and reasonable terms; by assuring to the extent feasible that extra-high-voltage facilities include sufficient capacity to meet area, regional, and interregional needs for transmission capacity, including reserve capacity for reliability; by respecting the territorial integrity of utility service to the extent consistent with the public interest; and by drawing upon the cooperation of all segments of the electric utility industry.

"(c) As used in this Part, "person" means a "person", a "municipality", or a "State" as defined in section 3 of the Federal Power Act, and any department, agency or instrumentality of the United States. The term includes privately, cooperatively, Federally and other publicly owned persons.

"(d) As used in this Part, "bulk power supply facilities" means facilities for generation or transmission which furnish power to points of distribution. In the exercise of its authority under section 413 the Commission may classify or exempt facilities which are not material to the objectives of this Part.

"(e) As used in this Part, "extra-high-voltage facilities" means transmission lines and associated facilities designed to be capable of being operated at a nominal voltage higher than 200 kilovolts between phase conductors for alternating current or between poles for direct current, the construction of which is commenced two years or more after the enactment of this Part.

"RELATION TO OTHER ARTS

"Sec. 402. (a) This Part supplements Parts I, II, and III in order further to promote the reliability, abundance and efficiency of bulk power supply in the United States. Nothing herein shall modify or abridge authority granted under Parts I, II, or III unless specifically so provided.

"(b) The administrative, procedural and enforcement provisions prescribed by other Parts shall apply to this Part.

"COOPERATION OF BULK POWER SUPPLY SYSTEMS

"Sec. 403. The purposes of this Part should be achieved as far as possible by cooperation among all persons engaged in bulk power supply, whatever their nature,

"REGIONAL POWER COORDINATION ORGANIZATIONS; ANTITRUST IMMUNITY

"Sec. 404. (a) After appropriate consultation, held under procedures to be prescribed by the Commission, with persons engaged or interested in bulk power supply, appropriate Federal agencies and State commissions, the Commission shall secure the establishment of appropriate and effective regional organizations and procedures to carry out regional and inter-regional coordination. Each regional coordination organization (hereafter "regional council") shall be open to membership, direct or indirect, by each electric system in the region whatever the nature of its ownership. Some electric systems may in appropriate cases be admitted to more than one regional council. The Commission shall designate appropriate staff representatives, who shall participate in the work of the regional councils, except for the ultimate adoption of plans or any other council actions.

"(b) Under such rules as the Commission shall prescribe, each regional council shall file a statement of its organization with the Commission and any amendments thereto. Such statements will be available for public inspection. Within 30 days after adoption by the council, any regional or interregional plans developed by such regional councils shall be submitted to the Commission under such rules as the Commission shall prescribe and shall be made available by it for public inspection, and the Commission shall consider such plans in exercising its responsibilities under this Act, including Parts I, II, III, and IV.

"(c) After notice and opportunity for hearing, the Commission may by order determine whether any statement filed under this section is consistent with the objectives of this Part. If the Commission determines that the statement is not consistent with the objectives of this Part it shall modify it or set it aside. If the Commission approves a statement, and finds further that the effect of the statement upon competition will be insubstantial or will be clearly outweighed by other public interest considerations, actions pursuant to such statement shall not be subject to suit under section 4 of the Clayton Act (15 U.S.C. 15).

"(d) After notice and opportunity for hearing, the Commission may determine whether any coordination plan submitted under this section is consistent with the objectives of this Part. If the Commission so finds, and finds further that the effect of the plan upon competition will be insubstantial or will be clearly outweighed by other public interest considerations, actions pursuant to such plan shall not be subject to suit under section 4 of the Clayton Act (15 U.S.C. 15), while the Commission's approval remains in effect. If the Commission determines that the plan is not in the public interest, it shall modify it or set it aside.

"(e) The Commission shall require annual reports from each regional council and such additional reports as it may deem necessary or appropriate to carry out the objectives of this Part. The Commission shall annually report to the Congress on the effectiveness of the regional and interregional coordination efforts.

"(f) If the Commission, after notice and after opportunity for hearings, determines that any person engaged in the generation or transmission unreasonably refuses to participate in the creation of a regional council or in effective regional or interregional coordination it may require such person by order to participate in the creation and work of such regional council to the extent the Commission finds necessary to carry out the objectives of this Part.

"NATIONAL ELECTRIC STUDIES COMMITTEE

"SEC. 405. The Commission, after consultation with regional councils, shall establish a national committee representative of all elements of the industry to facilitate interregional exchange of views and experience and to consolidate electric industry efforts to investigate major present and future problems in planning and operating of bulk power supply facilities. The committee shall seek to stimulate vigorous scientific and engineering interest in the challenges to achieving reliable and efficient bulk power supply for the United States.

"ADVISORY BOARDS

"SEC. 406. To assist it in considering matters coming before it under this Part, the Commission may establish one or more advisory coordination review boards and provide for the appointment thereto of experts drawn from the electric utility industry, equipment manufacturers, the academic and research communities, and other persons, not employed by the Commission, drawn from the general public.

"COORDINATION AGREEMENTS

"SEC. 407. Subject to such rules and regulations as the Commission may prescribe, a statement or copy of all oral or written agreements for coordinated planning or operation of bulk power supply facilities (including but not limited to agreements for joint ownership of such facilities) shall be lodged with the Commission by or on behalf of the persons participating in such agreement.

"RELIABILITY STANDARDS

"SEC. 408. Upon the recommendation of a regional council or upon its own motion, and after consultation with the regional councils, and after public notice and opportunity to comment, the Commission may promulgate regulations setting forth reasonable criteria of national or regional applicability to enhance the reliable planning and operation of bulk power supply facilities in accordance with the objectives of this Part, set forth in section 401(b).

"EXTRA-HIGH-VOLTAGE FACILITIES: NOTICE OF PROPOSED CONSTRUCTION; SUSPENSION: EMINENT DOMAIN; RIGHTS-OF-WAY ON FEDERAL LAND

"SEC. 409. (a) Subject to such rules and regulations as the Commission may prescribe, any person proposing the construction of extra-high-voltage facilities shall file with the Commission, two years before it proposes to commence construction, or such other time as the Commission may prescribe, its proposal which shall include such information, including information as to the routing of the proposed line, as the Commission may require to enable it to determine to what extent the proposed construction and operation of such facilities is consistent with any plan developed by a regional council and is consistent with the objectives of this Part. The filing shall state whether the proponent elects to seek right-of-way pursuant to subsection (e) of this section. Notice of such filing and any subsequent changes shall be given in the Federal Register and shall be served upon appropriate regional councils, Federal, State and local agencies, and such other interested persons as the Commission shall require. The Commission shall afford to any interested persons at least 60 days in which to comment upon such filing.

"(b) No person may commence construction of extra-high-voltage facilities for six months after acceptance of any filing containing the information required pursuant to subsection (a) of this section and for such additional period during which a suspense order of the Commission remains in effect. The Commission shall issue a suspense order whenever the proponent elects to seek right of way pursuant to subsection (e) or when the Commission concludes, in its discretion, within six months after acceptance of any such filing, that the proposed construction and operation of such facilities is inconsistent with an approved plan developed by a regional council or otherwise appears not to be consistent with the objectives of this Part. The suspense order shall summarize the Commission's reasons for its action and shall be effective for an initial period, to be fixed by the Commission in its discretion, of not more than twelve months. The effectiveness of an unexpired suspense order shall be extended by any order of the Commission recommending specific modifications in the proposal and setting forth conditions for its approval or scheduling formal hearings or both until ultimate disposition of the matter by the Commission; *Provided* that the Commission may after public notice and consideration of such comments as are received within 30 days of such notice, terminate the suspense order upon a finding that a construction proposal will be consistent with the objectives of this Part.

"(c) In reviewing extra-high-voltage facilities proposals, the Commission shall use informal procedures, including joint or separate conferences, to the fullest extent feasible. However, the Commission shall not finally disapprove a proposal or confer rights-of-way under this section except after notice and opportunity for hearing.

"(d) At or before the end of the period specified by the suspense order the Commission may issue an order recommending specific modifications in the proposal and setting forth conditions for its approval or setting the matter for hearing. If such modifications and conditions are accepted by the proponent, the Commission shall approve the proposal as modified and terminate the suspense order forthwith. If the modifications and conditions are not accepted by the proponent or if the Commission schedules a formal hearing, the suspense order shall remain in effect until the Commission formally determines whether the proposal is consistent with the objectives of this Part and issues a final order permitting or prohibiting the construction of the proposed facilities.

"(e) If the Commission at any time determines by order, after notice and opportunity for hearing that the proposed construction of extra-high-voltage facilities is consistent with the objectives of this Part, the proponent may secure necessary rights-of-way over Federal or other lands as provided below.

"(i) If the proponent thereafter cannot acquire by contract, or is unable to agree with the owner of property as to compensation to be paid for the necessary right-of-way or other property to construct, operate and maintain such extra-high-voltage facilities, it may acquire the same by the exercise of the right of eminent domain in the district court of the United States for the district in which such property may be located, or in the state courts. In any such proceeding brought in a district court of the United States, the petitioner may file with the petition or at any time before judgment a declaration of taking in the manner and with the consequences provided by 40 U.S.C. 258a, 258b, and 258d, and the petitioner shall be subject to all of the provisions of said section which are applicable to the United States when it files a declaration of taking thereunder.

"(ii) The construction and operation of such extra-high-voltage facilities located partly or wholly within the lands or reservations of the United States is authorized subject, in addition to the applicable requirements of this Part, to such reasonable land use conditions relating to nonpower matters as prescribed by the department or agency administering the lands or reservations affected which the Commission shall include in its order. The department or agency administering the lands or reservations affected by such order shall have a period of 60 days after its issuance to protest its terms on the grounds only that it fails to give due regard to the preservation of identified aesthetic or historic values. Such protest shall have the effect of staying the order until the protest shall be withdrawn.

"(f) Whenever the Commission determines that emergency conditions so require, the Commission shall have authority, upon its own motion or complaint, with or without notice, hearing, or report, and upon such conditions as the Commission deems necessary or appropriate, to exempt persons from any requirements of this section. For purposes of this section, emergency conditions shall be deemed to exist by reason of a sudden increase in the demand for electric power or energy, shortage of electric power or energy, a shortage of facilities or materials for the generation or transmission of electric power or energy including a shortage of fuel or water for generating facilities, or other causes.

“REVIEW AS TO LAND USE

“SEC. 410. Whenever an issue arises, formally or informally, as to land use, including aesthetic considerations, either in the regional planning process under section 404 or the review of extra-high-voltage facilities proposals under section 409, the Commission shall entertain written comments by Federal, interstate, State and local agencies responsible for land use planning in the affected region. The Commission shall defer to the views of the responsible Federal, interstate, State or local agency, if any, to resolve local land use matters unless the Commission determines that a particular resolution would be inconsistent with the objectives of this Part. The Commission may use joint boards, as contemplated by Section 209 of this Act, to resolve land use questions which come before it.

“COMPULSORY INTERCONNECTIONS

“SEC. 411. Whenever the Commission, after notice and hearing had, upon its own motion, or upon complaint, finds such action necessary or appropriate to carry out the objectives of this part, it may by order direct any person engaged in the generation or transmission of electric energy (if the Commission finds that no undue burden will be placed upon such person thereby) to establish physical connection of its transmission facilities with the facilities of one or more other persons engaged in the generation, transmission, or sale of electric energy, to sell energy to or exchange energy with such persons. The Commission may prescribe the terms and conditions of the arrangement to be made between the persons affected by any such order.

“ABANDONMENT

“SEC. 412. No person engaged in the generation or transmission of electric energy shall abandon or curtail any bulk power supply service, or abandon all or any part of its bulk power supply facilities if it would thereby effect the abandonment, curtailment, or impairment of bulk power supply service, without obtaining the advance approval of the Commission after notice and opportunity for hearing, upon a finding by the Commission that such abandonment or curtailment is consistent with the objectives of this part.

“AUTHORITY TO EXEMPT

“SEC. 413. In order to avoid excessive burdens upon persons engaged in bulk power supply, upon regional councils and upon the public, the Commission may by rule exempt from any requirement of this part or any rule or regulation prescribed thereunder, any facilities, activities, or persons, whenever it determines after public notice and opportunity for hearing that such exemption is necessary and appropriate to carry out the objectives of this part. The Commission may attach conditions to any exemption and may by order, after public notice and opportunity for hearing, revoke any such exemption.”

The letter of transmittal, paper, and section-by-section analysis are as follows:

FEDERAL POWER COMMISSION,
Washington, June 8, 1967.

Hon. HUBERT HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Federal Power Commission transmits herewith for consideration by the appropriate committee twenty copies of a draft bill, the proposed Electric Power Reliability Act, which would add a new Part IV to the Federal Power Act. The bill is designed to assist the electric utility industry to meet both the challenges and opportunities of a dynamic technology which confront America's pluralistic power industry.

The President's message to Congress on consumer protection of February 16, 1967, referred to recent power failures, as well as to the possibility of improvement in electric service. As the President stated, “* * * power systems must be carefully planned, coordinated, and strengthened to protect the customer against cascading power failures.”

The electric industry today has achieved impressive technological progress. Its generators are of immense capacity and its extra-high voltage transmission lines can move large blocks of power over great distances. These improvements have not only made power supply more reliable, but reduced its cost as well. Yet more must be done.

Study of the power industry's occasional failures leads us to propose the Electric Power Reliability Act. We believe it will provide a sound basis for improving our Nation's electric service. Experience has shown that carefully coordinated planning and operation can secure maximum reliability and efficiency without excessive cost. The Electric Power Reliability Act would (1) call for the establishment of regional planning organizations to ensure that plans for bulk power facilities are adequate, (2) authorize the Federal Power Commission to establish planning and operating standards to enhance reliability, (3) provide for Commission review and approval of extra-high voltage transmission lines and abandonment of bulk power services, and (4) authorize the Commission to require interconnections between bulk power generating utilities.

The electric utility industry, acting voluntarily, has made substantial progress toward the goals of adequate interconnection and coordination. As the President noted in his message on consumer protection:

“Much of this effort is already being voluntarily undertaken by America's great electric power industry. For example, in recognition of the importance of coordination 23 utilities in an eight-state area recently announced the formation of a regional council.”

The Electric Power Reliability Act would assist in beneficial undertakings such as this, and would secure similar benefits in areas where progress has been less rapid.

The key to improved coordination under the proposed bill would be the regional councils. The expanding technology of the electric power industry, entailing as it does the use of giant generators and extra-high-voltage transmission lines, has made it imperative that coordination in planning and operation cover a wider area than the service territory of any one utility or small power pool. Effective coordination requires a high degree of cooperation among systems, on a regional scale. The establishment of regional electric power councils throughout the Nation is essential to enable institutions of the power industry, consisting of 3,600 separate utilities, to keep pace with and implement the developing power-system technology. It is equally clear that all segments of the industry—the investor-owned utility companies, the municipal systems, the rural electric cooperatives, and the Federal and State power agencies—must join together in forward-looking cooperation to plan and build safe and reliable systems. Each system must consider as part of its public service responsibility, the needs and desires, the strengths and weaknesses, of its neighbors throughout a broad region. The Electric Power Reliability Act would promote, encourage, and facilitate joint planning for the common good.

The Electric Power Reliability Act would strengthen coordination of the systems making up our pluralistic electric utility industry by adding a new Part IV to the Federal Power Act. The new Part IV would rely heavily on more active coordination of planning by utilities, through the mechanism of regional councils. The Federal Power Commission would be instructed to promote meaningful coordination on a regional scale and to provide a public presence in the work of the regional councils. The bill further provides inducements, including Federal eminent domain, rights-of-way across federally owned lands, and immunity from certain antitrust actions.

The Commission would be authorized to develop, in consultation with experts drawn from the entire industry, planning and operating standards to enhance power reliability. These standards could, for example, embrace criteria for programs of automatic load-shedding in emergencies, and for evaluating the adequacy of existing and proposed transmission systems. They could be nationwide in their application, or could be tailored to the individual requirements of a particular region.

Transmission systems constructed for enhanced reliability must have a proper regard for the public interest in wise land use, including the preservation of scenic and historic areas. The proposed bill includes a procedure for consultation of responsible local, State and Federal agencies concerned with land use, and requires the Commission to defer to their views when it can do so consistently with the objectives of the Electric Power reliability Act.

The subject matter of the proposed Act is complex, and the responsibilities it would assign are weighty. Much groundwork would have to be laid following its enactment, and the benefits stemming from the planning it would promote would not all be immediate or spectacular. However, as befits a statute that promises long-term benefits, it has been planned and drafted over a long period. The present bill reflects the Commission's intensive studies in the National Power Survey and its investigations of the Northeast Power Failure of November, 1965. That investigation began with the preparation of the initial report on the Northeast failure, issued in December 1965, and has been usefully supplemented from time to time with studies of power failures in other parts of the Nation. The Commission has drawn upon the ideas of many experts in formulating its own views reflected in this bill. We have had the benefit of Congressional studies of these matters.

The Commission's final report on the Northeast Power Failure and related studies is in the final stages of preparation and printing and should be available for release shortly. We believe that the report will be of assistance to Congress in considering the proposed Act, as well as indicating guidelines for putting it into effect.

We believe this legislation would be in the public interest. We regard it as a sound and workable plan for assuring to all Americans not only freedom from the danger and inconvenience of power failures and shortages, but all the fullest advantage that can be gained from the widespread employment of the technology which our power industry has developed. Enactment of this measure will strengthen the Nation's ability to meet the challenge of providing the American power consumer with the most reliable and most efficient service possible.

In his statement commenting on the cascading power failure of last Monday which affected over 15 million people in a four-state area, the President expressed the hope that the legislation we are proposing would be considered promptly and favorably by the Congress. We share the President's sense of urgency about this legislation and are appreciative of the continuing interest demonstrated by the President and the Congress in this vital area of reliability of electric power service since the Northeast Power Failure of November, 1965.

The Bureau of the Budget advises that the enactment of this bill would be in accord with the program of the President.

Respectfully,

LEE C. WHITE,
Chairman.

The Electric Power Reliability Act of 1967—A Short Explanation

The proposed Electric Power Reliability Act of 1967, submitted to Congress by the Federal Power Commission on June 8, 1967, with the support of the President, is designed to enhance the reliability and efficiency of electric bulk power systems. It would do so by creating new mechanisms for coordination among utilities, by assuring that all utility systems are given a chance to take advantage of new technology, and by reviewing proposals to build extra-high-voltage transmission lines to determine whether they are in the public interest. Extra-high-voltage lines are those that transmit power at more than 200,000 volts (200 kilovolts).

The FPC bill would apply equally to all bulk power systems in the country, whether owned by private investors, local or State agencies, the Federal government, or members of a co-operative. A bulk power system comprises facilities which generate power and deliver it to distribution lines, but not the distribution lines or distribution facilities themselves.

Under the bill the electric systems would establish regional councils to coordinate planning for further interconnection and construction of bulk power supply facilities. The councils would review existing facilities and proposed additions, and would propose further plans. Every system in a region would be a member of, or be represented on the regional council. The FPC would have non-voting representatives on each council. Although the FPC would pass on their basic organization to insure fairness, the councils would function independently. As a council formulated a plan for its region, it would submit it to the FPC for approval. If the Commission found a plan to be consistent with the objectives of the Act, limited immunity from antitrust suits could be granted, provided the Commission found the impact on competition insubstantial or clearly outweighed by other public interest factors. Regional councils would conduct studies designed to further reliability of service, and could propose reliability standards for issuance by the FPC as mandatory requirements.

The building of extra-high-voltage lines receives special attention in the FPC bill. All proposals to build these lines would be filed with the Commission. Public notice of the proposal would be published and served on appropriate regional councils, Federal, State and local agencies and other interested persons. After six months, construction on a project could begin unless the Commission disapproved or suspended the proposal. If the proponent intended to take advantage of the Federal eminent domain powers the bill offers, suspension would be automatic. Suspension would be for an initial period of up to a year, but could be extended if the Commission recommended specific modification or scheduled a formal hearing. Projects found, after opportunity for hearing, to be inconsistent with the objectives of the Act could not be constructed. The Commission could allow construction to go forward immediately where it determines that an emergency exists.

Any issues of land use, including preservation of scenic or historic sites, would be specially considered. Responsible Federal, State and local agencies would have the opportunity to file comments, and the Commission would defer to their views on local land-use questions unless doing so would be inconsistent with the objectives of the Act.

Other provisions of the bill would allow the Commission to require interconnections and energy exchanges between utilities where the public interest so required. The Commission already has this power where a complaint is filed with it, but under the new legislation it could initiate such action itself. The bill would require FPC approval before a utility could abandon a bulk power service to another utility system. The bill would also empower the FPC to set up a National Electric Studies Committee with a broad mandate to investigate major reliability, planning and operation problems and stimulate scientific interest in solving them.

Analysis of Proposed Electric Power Reliability Act of 1967

The principal provision of the proposed Electric Power Reliability Act of 1967 is section 2, which would enact a new Part IV of the Federal Power Act. The new Part would be added in order to promote the policy, expressed in present section 202(a) of the Federal Power Act, of assuring an abundant supply of electric energy with the greatest possible economy and with regard to the proper utilization and conservation of natural resources.

Section 401(a) of the proposed Part IV would make its provision applicable to all bulk power systems in the United States. Section 401(d) defines "bulk power supply facilities" as facilities for generation or transmission which furnish power to points of distribution.

Section 401(b) would set out the objectives of Part IV: which is intended to further the National Policy, already mentioned, expressed by present section 202(a). This would be accomplished—

By enhancing the reliability of bulk power supply;

By strengthening existing mechanisms for coordination in the electric utility industry and establishing new ones;

By encouraging comprehensive development of power resources of each areas and region of the United States so as to take advantage of advancing technology while maintaining proper regard for conservation of land, scenic values, and other limited resources;

By providing that all utility systems and their customers have access to the benefits of coordination and advancing technology on fair and reasonable terms;

By assuring as far as feasible that extra-high-voltage facilities include sufficient capacity to meet area, regional and interregional needs for transmission capacity, including the reserve capacity needed for reliability;

By respecting the territorial integrity of utility service areas to the extent consistent with public interest; and

By drawing on the cooperation of all segments (public, private and cooperative) of the electric utility industry.

These objectives are referred to as the criteria for Commission action in several other sections of the proposed Part IV.

Proposed section 401(c) defines the term "person" for purposes of Part IV. The use of that term in Part IV differs from its use elsewhere in the Federal Power Act in that it is here defined to include a "person", a "municipality" or a "State", all as defined in section 3 of the Federal Power Act, and any department, agency, or instrumentality of the United States. This subsection also makes clear that the term covers all "persons", whether privately, cooperatively, Federally or otherwise publicly owned.

Proposed section 401(d), already referred to, defines "bulk power supply facilities" as facilities for generation or transmission which furnish power to points of distribution. It further provides that under section 413 the Commission would be empowered to classify or exempt facilities not material to attaining the objectives of Part IV.

Proposed section 401(e) defines extra-high-voltage facilities", which are subject to the special provisions of section 409. As used in the proposed Part IV, the term means transmission lines and associated facilities designed to be capable of operation at a nominal voltage higher than 200 kilovolts between phase conductors for alternating current, or between poles in the case of direct current, the construction of which is commenced two years or more after enactment of Part IV.

Proposed section 402 relates Part IV to the existing porvisions of the Federal Power Act. Subsection (a) states that Part IV supplements Parts I, II and III in order further to promote the reliability, efficiency, and economy of bulk power supply, and provides that nothing in Part IV would modify or abridge authority granted under Parts I, II and III, unless specifically so provided. Subsection (b) would make the administrative, procedural and enforcement provisions of other Parts applicable to Part IV. These include provisions for filing reports, complaints by State agencies and other, investigations, hearings, rules and regulations, staff appointments, publication, judicial review, enforcement and penalties.

Proposed section 403 expresses the policy that the purposes of Part IV should be attained as far as possible by cooperation among all persons engaged in bulk power supply, regardless of their nature.

Section 404 would deal with the organizations that would bear much of the responsibility for electrical coordination. Section 404(a) first provides that, after consultation, under procedures that would be prescribed by the Commission, with persons engaged or interested in bulk power supply, and with appropriate Federal agencies and State commissions, the Commission would secure the establishment of appropriate and effective regional organizations and procedures to carry out regional and interregional coordination. These organizations, or "regional councils", would be open to membership (either direct or indirect by appropriate representation) on the part of each electric system in the region regardless of the nature of its ownership. In appropriate cases, a system could belong to more than one regional council. The Commission would designate representatives from among its staff, who would participate in all aspects of the regional councils' work except the ultimate adoption of plans or any other council actions.

Administration of the provisions of section 404 might vary with the circumstances of time and place, and with the degree to which regional and interregional coordination had progressed. Nevertheless, the following suggests one general pattern by which it might be carried out.

The Commission, after consulting with persons engaged in bulk power supply, State commissions, Federal agencies having an interest in the matter (e.g., the Bureau of Reclamation, Bonneville Power Administration, and similar bodies), and distributors of electric energy, would establish (and from time to time modify) regions for the interconnection and coordination of bulk power facilities. Consultation would most probably be on an individual basis for major bulk power suppliers and State commissions, with group representatives for the smaller bulk power systems and the distributors. Consultation would cover all bulk power suppliers and distributors in the region and the State commissions of all States wholly or partly within the region.

The persons within each region that were engaged in bulk power supply or distribution of electric energy would be urged to create a regional council, which would be fairly representative of all such persons and be provided by them with sufficient funds to carry out its functions (including the employment of bulk power experts and other permanent staff). Representation on the council might be direct or indirect, but each major bulk power supplier should probably be directly represented while the total number of representatives is kept down to efficient dimensions.

The regional council's statement of organization, required by section 404(b) of the proposed bill, would set forth such matters as the following:

(1) the number of representatives and the persons or groups represented by each;

(2) how the council would arrive at final decisions, and a fair and reasonable method of hearing and publishing minority views;

(3) any other rules or by-laws it might adopt, including provisions for notice to the Commission and to the State commission of any State wholly or partly within the region of meetings of the council or any subsidiary body it might create, in order that the Commission might participate as contemplated by section 404(a) by designating staff officials to assist in the formulation of agenda, council discussions and council studies and so that the State commissions might participate as they saw fit; and

(4) such other information as the Commission requests. On submission of a statement of organization the Commission could call for consultation on any aspect of the statement it considered inconsistent with the objectives of Part IV or the proper functioning of the council, and could propose alternatives or modifications. The Commission might also determine by order whether the statement was consistent with the objectives of Part IV, and if not, modify it or set it aside. Amendments to a statement of organization would be treated in the same way.

On approval of its statement of organization, the regional council could be expected to undertake the following duties:

(1) to prepare and keep current a forecast of the electrical needs of the region in which it functions covering a reasonable period of years in the future. The forecast should include a determination of the facilities (including generation) needed during such period to achieve the most efficient, economical, and reliable interconnection of the region, as well as appropriate interconnection and coordination between regions.

(2) to conduct stability studies for its region, contemplating both present loads and the loads forecast under the preceding paragraph.

(3) to develop appropriate criteria for reliable planning and operation of bulk power facilities for recommendation to the Commission under section 408 of the proposed bill.

(4) to prepare outline plans for generation, transmission, and interconnection within the region (and to adjacent regions) which are best adapted to the reliability and power needs of the region.

(5) to develop plans for the coordinated operation of generation and transmission facilities of the region (and of future or presently possible coordination with other regions). These plans should include provisions for automatic load shedding and other emergency procedures, regulation and inspection of system control devices, and provisions for restoration of service after an outage, as well as plans for operation under normal conditions.

(6) to encourage and strengthen existing coordinating organizations within the region and new organizations where appropriate.

(7) to provide a forum wherein projects for construction of bulk power facilities can be examined by all persons engaged in bulk power supply or in distribution of electric energy who would be affected by such projects, and modifications and legitimate objections thereto can be suggested and discussed.

(8) to give at least preliminary consideration to land use problems raised by construction proposals, and to consult, where appropriate, with local, State, interstate and Federal agencies having an interest in these problems.

(9) to consult with other regional councils on common problems and possibilities for interregional coordination.

(10) to do all other things necessary and appropriate for the most efficient development, coordination and use of the power resources of the region.

Section 404(b) would provide that each regional council would file an organizational statement with the Commission, together with any amendments later adopted. These statements would be available for public inspection. Within 30 days after adoption by the council, any plan of coordination, either regional or interregional, developed by the council, would be submitted to the Commission under such rules as the Commission prescribed. Submitted plans would have quasi-official status. Since the planning process is continuous, Commission rules and participation in the council work will have to define the stages at which amendments must be filed with the Commission. The Commission would make these plans available for public inspection, and would consider them in exercising its responsibilities under all Parts (including Part IV) of the Federal Power Act. When any plan for bulk power coordination was submitted to the Commission under proposed section 404(b), the council might accompany it with its comments or those of individual members. The Commission might, at any stage in the evaluation of a plan under section 404(e), call upon the council to confer with it on any aspect of the plan that appeared to require modification.

Section 404(c) would permit the Commission, after notice and opportunity for hearing, to determine by order whether any statement of organization filed under section 404 is consistent with the objectives of Part IV (as set out in section 401(b). If a statement were determined to be inconsistent with those objectives, the Commission could modify it or set it aside. Under this section and the next, the bill would give the Commission discretion to initate review or not. If the Commission, having approved a statement, also found that its effect on competition would be insubstantial or would be clearly outweighed by other public interest considerations, actions pursuant to the statement would be immune from private antitrust suits.

Section 404(d) would allow the Commission, after notice and opportunity for hearing, to determine whether a coordination plan was consistent with the objectives of Part IV. If the Commission found that the plan was not in the public interest it could modify it or set it aside. On a finding by the Commission that a plan it had approved would have an insubstantial effect on competition, or an effect clearly outweighed by other public interest considerations, actions pursuant to the plan would not be subject to private antitrust suits as long as the Commission's approval remained in effect.

Section 404(e) would direct the Commission to require annual reports from each regional council, and such additional reports as it deemed necessary or appropriate to carry out the objectives of Part IV. The Commission would in turn report to Congress annually on the effectiveness of the efforts at regional and interregional coordination made by the regional councils.

Section 404(f) would allow the Commission, if it found after notice and opportunity for hearing that any person engaged in generation or transmission of electric energy unreasonably refused to participate either in the creation of a regional council or in effective regional or interregional coordination, it could order such participation to the extent it found necessary to carry out the objectives of Part IV. The Commission would expect to utilize such compulsory powers only after all reasonable attempts at consultation had failed to persuade the party concerned to take part in the creation or work of a regional council.

Section 405 would give the Commission authority, after consulting with the regional councils, to establish a national committee representative of all elements of the electric industry. This committee would facilitate interregional exchanges of views and experience, and would consolidate the industry's efforts to investigate major present and future problems in the planning and operation of bulk power supply facilities. It would also seek to stimulate interest among scientists and engineers in the challenges of achieving reliable and efficient bulk power supply.

Section 406 would allow the Commission to establish one or more advisory coordination review boards and to provide for appointment thereto of experts from the electric utility industry, the equipment manufacturers, and the academic and research communities, and of other persons (not Commission employees) drawn from the general public. These boards would assist the Commission in considering matters coming before it under Part IV.

Section 407 would require, subject to such rules as the Commission might prescribe, that all written agreements, and statements of all oral agreements, for coordinated planning or operation of bulk power supply facilities be lodged with the Commission. This would include, but not be limited to, agreements for joint ownership of such facilities.

Section 408 would provide that, on the recommendation of a regional council or on its own motion, and after consultation with the regional councils, and after public notice and opportunity to comment, the Commission could issue rules setting forth reasonable criteria to enhance reliable planning and operation of bulk power supply facilities in accordance with the objectives of Part IV. Such rules might apply to a particular region or regions or be of nationwide scope. As specified in section 402(b), the existing provisions of Part III of the Federal Power Act would be available to enforce compliance with such rules.

Section 409 deals with extra-high-voltage (EHV) facilities, which are defined in section 401(e). By virtue of that definition, section 409 will not govern EHV facilities whose construction starts within 2 years of enactment of Part IV. Subsection (a) would require any person proposing the construction of such facilities to file with the Commission, two years before it proposed to start construction, or at such other time as the Commission directed, its construction proposal. The proposal would include such information, including information as to the routing of the proposed line, as the Commission required to determine whether the construction and operation proposed was consistent with a plan developed by a regional council and with the objectives of Part IV, the filing would also state whether the proponent elected to seek rights-of-way under section 409(e), which provide for Federal eminent domain and for the securing of rights-of-way over Federal lands. Notice of a filing and of subsequent changes would appear in the Federal Register and be served on appropriate regional councils, Federal, state and local agencies, and any other interested persons, s the Commission required. Any interested person would have 60 days in which to comment on the filing.

Section 409(b) would prohibit the construction of any extra-high-voltage facility within 6 months after acceptance of a filing under subsection (a), and for such additional period during which a Commission suspense order was in effect. The Commission would issue a suspense order whenever the proponent elected to seek rights-of-way under subsection (e), or when the Commission concluded, in its discretion, within six months after the filing, that the proposal was inconsistent with an approved plan developed by a regional council or appeared otherwise not to be consistent with the objectives of Part IV. The order would summarize the Commission's reasons for the finding, and would be effective for an initial period, fixed in the Commission's discretion but not more than 12 months. The effectiveness of a suspense order that has not yet expired by its own terms could be extended by an order of the Commission recommending specific modifications in the project and setting forth conditions for its approval, or scheduling the matter for formal hearings, or both. In such a case, the proposal would remain suspended until ultimate disposition of the matter by the Commission. The Commission could, however, after public notice and consideration of such comments as were received within 30 days, terminate the suspense order on a finding that the proposal would be consistent with the objectives of Part IV.

Section 409(c) would direct the Commission to use informal procedures, including joint or separate conferences, to the fullest extent feasible in dealing with extra-high-voltage facilities applications under section 409. Notice and opportunity for hearing, however, would be required before the Commission could finally disapprove a proposal or confer rights-of-way.

Section 409(d) would permit the Commission, at or before the period of suspension designated by the suspense order, to issue an order recommending specific modifications to the proposal and setting forth conditions for its approval, or to issue an order setting the matter for hearing. (Under the terms of section 409(b), this order would extend the effectiveness of the suspension.) If the modifications and conditions were accepted by the proponent, the Commission would be required to approve the proposal as modified and terminate the suspense order forthwith. If the modifications and conditions were not accepted, or if the Commission itself set the matter for hearing, the suspense order would remain effective until the Commission formally determined whether the proposal was consistent with the objectives of Part IV and issued a final order permitting or prohibiting the construction of the proposed facilities.

Section 409(e) sets forth the procedures which are available for obtaining rights-of-way. These procedures need not be used by the proponent of an extra-high-voltage construction project, but if the proponent did elect to use them a suspense order would be issued automatically. The subsection provides that, if the Commission at any time determined (after notice and opportunity for hearing) that a proposal was consistent with the objectives of Part IV, the proponent could secure rights-of-way over any lands except those owned by the United States by an eminent domain proceeding in the Federal district court of the district in which the land was located. The condemnor would be permitted to use the declaration of taking procedure provided by 40 U.S.C. 258a, 258b, and 258d. Alternatively, eminent domain proceedings could be brought in the state courts. Where a right-of-way over Federal lands was required, the finding that the proposal was consistent with the objectives of Part IV would automatically allow the proponent to have such right-of-way, subject to the applicable requirements of Part IV and such reasonable land-use conditions relating to non-power matters as the Federal department or agency responsible for the lands affected prescribed. The Commission would include these conditions in its order. The administering department or agency would also have the right to protest within sixty days, only on the grounds that the Commission's order failed adequately to protect identified aesthetic and historic values. A protest would, until withdrawn, stay the Commission's order.

Section 409(f) would permit the Commission, when it determined that emergency conditions so required, to exempt persons from any requirements of section 409. It could do so on its own motion or on complaint, with or without notice, hearing or report, and on such conditions as it deemed necessary or appropriate. An emergency, for purposes of this subsection, would exist by reason of a sudden increase in demand for power or energy, a shortage thereof, a shortage of facilities or materials for generation or transmission of power or energy, including a shortage of fuel or water for generation, or other causes. The wording of this subsection is largely based on section 202(c) of the present Federal Power Act.

Section 410 would set up a mechanism for determining questions of land use arising either in the regional planning process under section 404 or in the review of extra-high-voltage facilities proposals under section 409. Land use questions for these purposes, would include aesthetic considerations. Whenever such a question arises, formally or informally, the Commission would entertain written comments by Federal, interstate, state and local agencies responsible for land use planning in the affected region. The Commission would defer to the views of the responsible agency, if any existed, to resolve local land use questions unless it determined that a particular solution would be inconsistent with the objectives of Part IV. The subsection would also permit the use of joint boards of State and federal officials, as contemplated in section 209 of the Federal Power Act, to resolve land use questions.

Section 411 would permit the Commission, after notice and opportunity for hearing, to direct any person engaged in generation or transmission of electric energy to establish physical connection of its facilities with those of another person or persons engaged in generation, transmission or sale of electric energy, to sell energy to or exchange energy with such person. The Commission could do so on its own motion or on complaint, but would have to find that no undue burden would be imposed on the respondent by the interconnection order. It would also have to find that this action was necessary or appropriate to carry out the objectives of Part IV. The Commission could prescribe the terms and conditions of the arrangement to be made between the parties affected by the order. This section is largely based upon section 202(b) of the present Federal Power Act.

Section 412 would prohibit the abandonment of any bulk power supply service, or of any part of a person's bulk power supply facilities, if the effect would be abandonment, curtailment, or impairment of bulk power service, without the advance approval of the Commission. Approval could be granted after notice and opportunity for hearing, on a finding that the abandonment or curtailment would be consistent with the objectives of Part IV. This section is based on section 7(b) of the Natural Gas Act, 15 U.S.C. 717f(b).

Section 413 would give the Commission power to exempt facilities, persons or activities from any requirement of Part IV or from any rule or regulation thereunder, in order to avoid excessive burdens on persons engaged in bulk power supply, regional councils, and the public. It could issue such exemptions, by rule, after notice and opportunity for hearing and on determining that the exemption was necessary and appropriate to carry out the objectives of Part IV. Conditions could be attached to an exemption, and it could, after notice and opportunity for hearings, be revoked.

This section could be the basis for exemption of classes of facilities falling within the terms of the proposed bill, but not material to its objectives. Many lines, for example, that supply power to a single industrial customer having no generation of its own might fall within the definition of extra-high-voltage facilities; yet it might be appropriate to exempt some or all of them.

PUBLIC LAND WITHDRAWAL LIMITATION

Mr. BIBLE. Mr. President, on behalf of myself and Senators CHURCH and BARTLETT, I send to the desk, for appropriate reference, a bill to require an act of Congress for any withdrawal of public lands in excess of 5,000 acres, in the aggregate, for any project or facility of any department or agency of the Federal Government. The measure would accomplish this purpose by amending the so-called Defense Withdrawal Act, which we passed in the 85th Congress, to broaden its terms to include a 5,000-acre limitation on withdrawals by all agencies of the executive branch, rather than just withdrawals by the Department of Defense.

Mr. President, the urgent need for legislation of the kind we are proposing today is highlighted by the recent action of the Department of the Interior in issuing its geothermal withdrawal order of February 7, 1967. This order, since modified, would have withdrawn in one sweeping stroke of an administrator's pen all—and I emphasize the word "all"—"all lands of the United States" which the Department of the Interior believed to be valuable, either presently or prospectively, for geothermal steam.

The proposed order was without limitation either as to area or as to time. That is, if sometime in the future the Department might decide a tract was valuable for geothermal steam, then that tract would be considered to have been withdrawn as of February 7, 1967, regardless of any property rights that might have been established subsequent to that date on the tract under laws enacted by Congress. As to the area involved, Interior Department witnesses admitted they were far from certain, but estimated it might amount to more than 80 million acres or so.

The order also was equally sweeping and limitless as to the activities from which the undefined, unspecified areas were withdrawn. It states that the withdrawal was—quote—"from all appropriations under the public land laws, including, without limitation, the mining laws and the mineral leasing laws"—unquote.

As I have stated, such an attempt to set aside in a vast area acts of Congress giving citizens certain rights and privileges in the public domain emphasizes the need for a thoroughgoing review of the entire policy of executive withdrawal. The Interior Department states that its authority to take such action is what it calls the—quote "implied power"—

unquote, of the President as enunciated in 1915 by the Supreme Court in the Midwest Oil case. That is *U.S.* v. *Midwest Oil Company* found in 236 U.S. 459. A reading of the Midwest case, particularly in the light of its background, gives rise to grave doubt indeed whether it is the basis for anything like the limitless executive authority asserted under it.

The only act of Congress conferring general withdrawal power is the Pickett Act, passed in 1910 and found in 43 United States Code 140–141. This statute provides that the President may "temporarily" withdraw lands for specified public purposes. However, section 2 of the act requires that such withdrawn lands remain open under the mining laws.

Obviously, the whole problem of public land withdrawals should be reviewed, in depth and in detail, by the Congress with a view to reasserting congressional authority and fulfilling congressional responsibility under the Constitution.

Such efforts have been made in previous Congresses. In the 85th Congress, we did pass the defense withdrawal limitation, which is based on a bill I sponsored, S. 557, introduced January 14, 1957. Then in the 86th Congress, the distinguished senior Senator from Alaska, Senator E. L. "BOB" BARTLETT sponsored S. 2587 with 38 cosponsors, of which I had the honor to be one. That bill was very similar to the one I am introducing today, and despite adverse reports from the Interior and Agriculture Departments it passed the Senate on July 1, 1960. However, no action was taken by the Interior Committee in the other body.

Mr. President, with public need for our lands and their resources, including of course outdoor recreational resources, growing ever greater, the time for Congress to regain control of our public lands is now. My bill would accomplish this urgently needed objective.

I send the bill to the desk for appropriate reference.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 1935) to require an act of Congress for public land withdrawals in excess of 5,000 acres in the aggregate for any project or facility of any department or agency of the Government, introduced by Mr. BIBLE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. JORDAN of Idaho. Mr. President, will the Senator from Nevada yield?

Mr. BIBLE. I am delighted to yield to the Senator from Idaho.

Mr. JORDAN of Idaho. With the permission of the distinguished Senator from Nevada, I should like to be added as a cosponsor to this legislation. As I heard his recital of the provisions, I feel that it fits admirably all the needs, and should be adopted by Congress. I would be pleased to be a cosponsor of the bill.

Mr. BIBLE. I am delighted to have the very fine sponsorship of the able Senator from Idaho [Mr. JORDAN] and ask unanimous consent, Mr. President, that his name be added; also the name of the Senator from New Mexico [Mr. MONTOYA].

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF BILLS

Mr. BREWSTER. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Indiana [Mr. BAYH] and the Senator from Connecticut [Mr. RIBICOFF] be added as cosponsors of the bill (S. 1294) to reclassify certain key positions and increase salaries in the postal field service, and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BREWSTER. Mr. President, I also ask unanimous consent that, at its next printing, the names of the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from Massachusetts [Mr. BROOKE], the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Colorado [Mr. DOMINICK], the Senator from Arizona [Mr. FANNIN], the Senator from Hawaii [Mr. FONG], the Senator from Alaska [Mr. GRUENING], the Senator from Michigan [Mr. HART], the Senator from Indiana [Mr. HARTKE], the Senator from Oregon [Mr. HATFIELD], the Senator from Hawaii [Mr. INOUYE], the Senator from Washington [Mr. JACKSON], the Senators from New York [Mr. JAVITS and Mr. KENNEDY], the Senator from California [Mr. KUCHEL], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Wyoming [Mr. MCGEE], the Senator from Iowa [Mr. MILLER], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. MOSS], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Georgia [Mr. TALMADGE], the Senator from South Carolina [Mr. THURMOND], the Senator from Texas [Mr. YARBOROUGH], the Senator from North Dakota [Mr. YOUNG], the Senator from Wyoming [Mr. HANSEN], the Senator from New Hampshire [Mr. MCINTYRE], and the Senator from South Dakota [Mr. MCGOVERN] be added as cosponsors of the bill (S. 278) to reclassify certain positions in the postal field service, and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. AIKEN. Mr. President, I ask unanimous consent that, at its next printing, the names of the junior Senator from New York [Mr. KENNEDY], and the senior Senator from Kentucky [Mr. COOPER] be added as cosponsors of the bill (S. 1504) to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for loans to supplement farm income, authorize loans and grants for community centers, remove the annual ceiling on insured loans, increase the amount of unsold insured loans that may be made out of the fund, raise the aggregate annual limits on grants, establish a flexible loan interest rate, and for other purposes, which the distinguished majority leader and I introduced on April 13.

There are already some 12 or 15 Senators who have asked to be listed as cosponsors.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Indiana [Mr. BAYH], the Senator from North Dakota [Mr. BURDICK], the Senator from Oklahoma [Mr. HARRIS], the Senator from Missouri [Mr. LONG], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Iowa [Mr. MILLER], the Senator from Texas [Mr. YARBOROUGH], and the Senator from Wisconsin [Mr. PROXMIRE] be added as cosponsors of the bill (S. 1567) to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide an alternate method of making loans for acquisition and improvement of the farm, needed by farm families, including young farmers, and to provide the borrower family with adequate standards of living and the consumer with reasonable prices for dairy and other agricultural products, as well as to maintain and improve national health; and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Indiana [Mr. HARTKE], I ask unanimous consent that, at its next printing, the name of the Senator from Oklahoma [Mr. MONRONEY] be added as a cosponsor of the bill (S. 1681) to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least 6 quarters of coverage, and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. CANNON], the Senator from Alaska [Mr. GRUENING], the Senator from Idaho [Mr. JORDAN], and the Senator from South Dakota [Mr. MCGOVERN] be added as cosponsors of the bill (S. 1700) to amend the Adult Education Act of 1966 in order to revise the allotment formula under the provisions of such act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Indiana [Mr. HARTKE] I ask unanimous consent that, at its next printing, the name of the Senator from Pennsylvania [Mr. CLARK] be added as a cosponsor of the bill (S. 1736) to provide increased opportunities for students in higher education for off-campus employment by establishing programs of work-study cooperative education.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Illinois [Mr. DIRKSEN] be added as a cosponsor of the bill (S. 1446) to provide for the orderly marketing of articles imported into the United States, to establish a flexible basis for the adjustment by the U.S. economy to expanded trade, and to afford foreign supplying nations a fair share of the growth or change in the U.S. market.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the name of the Senator from Hawaii [Mr. Inouye] be added as a cosponsor of S. 1717, the medical stockpile donation bill, at its next printing.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE OF HEARINGS IN CALIFORNIA ON S. 428, THE BILINGUAL EDUCATION ACT

Mr. YARBOROUGH. Mr. President, I wish to announce that further hearings on S. 428, the Bilingual American Education Act, have been scheduled for June 22 and 23, 1967, in Los Angeles, Calif. The hearings will be held by the Special Subcommittee on Bilingual Education which was created by the distinguished Senator from Alabama [Mr. Hill] the chairman of the Senate Labor and Public Welfare Committee.

Hearings on this important bill to provide funds to schools to improve the education of bilingual children, funds for training teachers of bilingual children, and for research into bilingual education were begun on May 18 and 19 here in Washington, where we heard from qualified authorities from all over this Nation. On May 26, 29, and 31, we heard testimony in three Texas cities from many people in all walks of life who are familiar with the problems of our Mexican-American children of the Southwest.

Now the Special Subcommittee on Bilingual Education will go to California to hear from those people in that State who are experienced in working with the difficulties caused by children who have a mother tongue that differs from the national language.

Following California hearings, we propose to hear testimony in New York where there is a heavy concentration of Spanish-speaking Americans, most of whom are from Puerto Rico. In this manner, the subcommittee will have the privilege of hearing witnesses from three of the areas in the United States where Spanish is the only language that many children know when they enter into schools with all classes taught in English.

NOTICE OF PUBLIC HEARINGS BY THE JUDICIARY SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES

Mr. McCLELLAN. Mr. President, for the information of the Senate and other interested persons, I announce that the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary will resume hearings on a number of proposals to combat crime on June 20, 1967, at 10 a.m., in room 3302, New Senate Office Building. The hearings will continue on June 21 and 22 with a number of public witnesses scheduled to be heard.

The testimony will be directed primarily to the following bills which are before the subcommittee:

S. 674, S. 1194, and S. 1333, relating to the admissibility in evidence of confessions.

S. 675, to prohibit wiretapping other than by duly authorized law enforcement officers engaged in the investigation or prevention of specified criminal offenses.

S. 552, to provide that committing acts dangerous to persons on board trains shall be a criminal offense.

S. 824, to provide assistance for the improvement of State and local law enforcement agencies.

S. 917, Safe Streets and Crime Control Act of 1967.

S. 992, to establish a National Institute of Criminal Justice.

While dramatic and rapidly moving events in international affairs have been of paramount concern in recent days, we must not allow our attention to be distracted from the alarming domestic problem of ever-mounting crime.

I shall not take the time of the Senate today to belabor the unpleasant facts. Suffice it to say that latest available crime statistics continue the upward spiral, as they have consistently done in the past. In the District of Columbia, for instance, serious crime in April jumped an average of 59.6 percent over the same month last year—from 1,935 cases reported to 3,091 cases. Crime increased the preceding month—March—by 49 percent in the District of Columbia. Robbery offenses in April showed the largest increase, 103 percent.

While long-range proposals for improving local police departments by providing funds for recruitment, education, training, modern electronic and other equipment and innovative functions will eventually be helpful, evidence mounts that the urgent need is for Congress to pass legislation that will rectify the disastrous effect of recent Supreme Court five-to-four decisions that are so obviously destroying police morale, preventing the conviction and punishment of vicious criminals, and that so unreasonably favor the questionable and ill-defined asserted rights of the criminal over the plain, simple, and obvious rights of the general public to protection.

I hope that the Members of the Senate will continue to follow the hearings on bills before our subcommittee, particularly bills in two areas, one of which is the problem of the admissibility in evidence of voluntary confessions and incriminating statements. Bills under consideration would restore the commonsense and time-tested rule that their admission should depend solely upon voluntariness, to be determined by the trial judge and the weight by the jury. Other bills in the second area would permit law enforcement officers to gather evidence and leads by tapping the wires of organized criminals who are using the telephone to carry out their criminal activities. Bills in this second area under consideration by the subcommittee would permit wiretapping and the use of electronic eavesdropping equipment but only after a showing of probable cause to the judicial branch of government and the obtaining of a court order.

Mr. President, one of the best editorials I have seen, critical of the exclusionary rules recently fashioned by a bare majority of one on the Supreme Court, is contained in the Washington Evening Star of June 3, written by Jenkin Lloyd Jones, entitled "Court Liberals' Noble Self-Image." I ask unanimous consent that the article be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Court Liberals' Noble Self-Image

(By Jenkin Lloyd Jones)

The "liberal" majority on the U.S. Supreme Court has a noble self-image. It is impossible to read its indignant opinions without concluding that here are gentlemen who see themselves as forthright defenders of little people against the clever and the powerful.

To this end, and particularly through its broad interpretations of the Fifth and 14th Amendments, the court has, in the last seven years, radically changed the rules of criminal evidence in America.

The key cases in this change were the Mallory decision of June 24, 1957, the Escobedo decision of June 22, 1964, and the Miranda case of June 13, 1966. The stars must be in great position for American criminals around mid-June.

Mallory, a confessed Washington rapist who was sentenced to death in federal court, was turned loose by the Supreme Court justices on the grounds that too long a time (2 p.m. until the next morning) elapsed between his arrest and his arraignment.

At 8 p.m., after his dinner, Mallory said he could have committed the crime and might have. At 10 he said he did. The commissioner could not be located for an arraignment. At 12:30 a.m. Mallory signed the typed confession and went to bed.

The Supreme Court held that the delay violated the defendant's constitutional rights. A short time after his release Mallory was arrested for a similar crime in Philadelphia.

Danny Escobedo, a 22-year-old Chicago Mexican, was convicted of murdering his brother-in-law after he had made damaging statements to the assistant state's attorney, which were later admitted in evidence.

The court ruled that Escobedo must go free because he was not permitted to have his attorney present while being questioned, nor was he told he need say nothing.

For the majority, Justice Goldberg said, "A system of criminal law enforcement which comes to depend on the 'confession' will, in the long run, be less reliable and more subject to abuses than a system which depends on extrinsic evidence independently secured through skillful investigation."

But in the dissent Justice Harlan said the rule "unjustifiably fetters legitimate police investigation." Justice Stewart remarked that there is nothing in the Constitution which "requires police to give advice." And Justice White added:

"By abandoning the voluntary-involuntary test for admissability of confessions, the court seems driven bv the notion that it is uncivilized law enforcement to use an accused's own admissions against him at his trial. . . . The right to counsel now not only entitles the accused to counsel's advice and aid in preparing for trial, but stands as an impenetrable barrier to any interrogation once the accused has become a suspect. . . . The rule is impossible to administer unless police cars are equipped with public defenders."

In March, 1963, Miranda was accused of kidnaping and raping an 18-year-old girl in Phoenix, Ariz. She picked him out of a police line-up, and he later wrote out a statement admitting and describing the crime. He was promptly convicted, but the Supreme Court set him free, again on grounds largely based on the Escobedo case.

The Fifth Amendment says that no man

"shall be compelled in any criminal case to be a witness against himself."

The Supreme Court majority has decided that any police interrogation is equivalent to a "criminal case." Justices Harlan, Stewart and White described this as "poor constitutional law that will ultimately discourage any confession at all."

And Harlan added, "We know that some crimes cannot be solved without confessions and that the court is taking a real risk with society's welfare in imposing its new regime on the country."

In the meantime, the incidence of crimes of violence is rising about four times as fast as population. City parks are empty after sundown. The streets of Washington are unsafe at night. Criminal courts of our great cities are so clogged, and conviction under the Supreme Court restrictions is often so uncertain, that reduction of the charge below that of the crime actually committed is becoming the rule rather than the exception.

Therefore, Senator Sam Ervin Jr., D-N.C., and 15 other senators have introduced a joint resolution calling for a constitutional amendment to forbid the Supreme Court or any lesser court from throwing out a conviction based on a voluntary confession.

No one defends the rack or the rubber hose, but the question is, "Has the Warren court, by its stringent restrictions on police inquiry, made punishment so difficult that the safety of honest citizens is in growing peril?"

If the court is to be curbed, it can only be curbed by constitutional amendment. That is, if the court doesn't decide that the amendment is unconstitutional.

NOTICE OF RECEIPT OF NOMINATION BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the following nomination:

> James P. Grant, of Virginia, to be an Assistant Administrator of the Agency for International Development.

In accordance with the committee rule, this pending nomination may not be considered prior to the expiration of 6 days of its receipt in the Senate.

NOTICE OF DEFERMENT OF HEARING BEFORE THE AGRICULTURAL SUBCOMMITTEE ON APPROPRIATIONS

Mr. HOLLAND. Mr. President, the members of the Agricultural Subcommittee on Appropriations have been expecting daily a call for a markup of the bill which was passed by the House of Representatives late last week.

We now have that bill. We are waiting on a request for restorations to come in from the department.

In view of the matter which we shall discuss, beginning tomorrow, I give notice that we shall not call any meetings, or expect to work toward the schedule which we had been setting up, until after the so-called Dodd matter is disposed of.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on June 9, 1967, he presented to the President of the United States the following enrolled bills:

S. 65. An act for the relief of Dr. Miguel Alberto Rojas-Machado;

S. 130. An act for the relief of Dr. Maria Yolanda Rafaela Miranda y Monteagudo;

S. 131. An act for the relief of Dr. Julio Valdes-Rodriguez;

S. 133. An act for the relief of Dr. Hector Jesus Sanchez-Hernandez;

S. 134. An act for the relief of Dr. Rafael A. Penalver;

S. 135. An act for the relief of Dr. Hilario Anido-Fraguio;

S. 165. An act for the relief of Dr. Ramon Baez Hernandez;

S. 167. An act for the relief of Dr. Anselmo S. Alvarez-Gomez;

S. 173. An act for the relief of Dr. Luis G. Dediot;

S. 175. An act for the relief of Dr. Sherif Shafey;

S. 439. An act for the relief of Dr. Rafael Jacinto Nobo y Pividal (Rafael Nobo); and

S. 501. An act for the relief of Dr. Fernando O. Garcia-Hernandez.

NEEDED LEGISLATION TO SAFEGUARD POWER FAILURES

Mr. BREWSTER. Mr. President, President Johnson has given high priority to solving the problem of electric power failures which continue to plague communities and whole regions around the country.

Today, the Johnson administration has provided a sound and thoughtful proposal to establish better cooperation and closer regional planning and development of electric power facilities.

This proposal—the Electric Power Reliability Act of 1967—will provide the kind of progress that will safeguard against power failures that are occurring with alarming frequency around the country.

In his consumer message, the President said:

> Power systems must be carefully planned, coordinated, and strengthened to protect the consumer against cascading power failures.

This is the intent of the new act. And I commend the administration for taking this vital step in protecting the American people against power failures.

This act will provide a workable plan to safeguard against these failures. It will insure greater industry cooperation, more effective planning and coordination of new and existing power facilities, and new regional programs for swift action in case of power failure at a single source.

The need for this legislation has been apparent since the great northeast power failure of 19 months ago. It is legislation that will fill a serious gap in our current power resources by strengthening coordination and planning systems that compromise our great electric utility industry.

I urge prompt enactment of this proposal. It is legislation soundly in the public interest. It is vital to the security of the American people. And it deserves overwhelming support of my colleagues on both sides of the aisle.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEADERS OF THE WORLD'S NATIONS MUST NOW ACT TO END THE PROLIFERATION OF NUCLEAR WEAPONS

Mr. YOUNG of Ohio. Mr. President, against overwhelming odds Israel has successfully defended herself against Arab aggression. This valiant young nation has again earned the esteem of free men everywhere. She has won the war. Now she must win the peace and achieve the security to which Israel, like every other nation, is entitled.

Israel showed remarkable restraint in not going to war when Nasser first unleashed his forces of aggression a few weeks ago. She has shown equally remarkable restraint in accepting the United Nations cease-fire request. I feel positive that were the Arab nations winning this war many of the U.N. powers now favoring a cease-fire would not be doing so, and the Arab nations would not have shown similar restraint.

It was Israel alone that won the victory. One must admire the courage of the Israeli people who alone and unaided won a great victory over the armies of six nations with populations, resources and arms far superior to those of Israel. Her armed forces with outstanding leadership, training, and spirit accomplished one of the greatest feats of arms in modern history. This victory starkly revealed to the world what Nasser is and always has been—a vicious mountebank, powerless except for his power of hatred, and above all, powerless to give the wretchedly poor and hungry masses of his nation, much less the Arabs of other lands, the serious and constructive leadership they so vitally need.

Mr. President, it is worthy of reiteration that the leaders of the little country of Israel, at the outset of the fighting against Nasser's aggression, announced to the world that they neither sought nor wanted military assistance from the United States or the United Kingdom. It is a fact that none was given, despite the hysterical lies perpetrated by Egypt, Jordan, and Syria claiming that American and British airplanes assisted the Israeli Air Force in the initial air attacks which virtually destroyed their air forces. It is apparent to the world that the purpose for this unmitigated lie was to provide scapegoats for the incompetence of Nasser, Hussein, and the Arab military leaders.

It should also be reiterated that at the outset of hostilities between Egypt and Israel, Prime Minister Eshkol, of Israel, sent a message to King Hussein through Gen. Odd Bull of the U.N. Command stating that Israel would not attack Jordan if Jordan would refrain from attacking Israel. The receipt of this message was confirmed. Hussein's reply was made with bullets from Jordanian guns and shells from Jordanian artillery.

The ACTING PRESIDENT pro tempore. The time of the Senator from Ohio has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent to proceed for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Mr. President, history will record that the small nation of Israel, surrounded by hostile neighbors dedicated to her destruction, accomplished miracles in the way of self-government and self-development. Her hardy people through hard manual labor and with love for the land have made the barren desert bloom as it did in ancient times. Our Nation can be proud that under the leadership of our great former President Harry S. Truman we helped create this homeland for oppressed and persecuted Jews the world over.

Mr. President, in the Arab States there is much wealth. Some Arab nations and sheikdoms—Saudi Arabia, Kuwait, Iraq, Libya, and others—have become fantastically rich due to the production and export of oil. In only one of these Arab States has the great wealth secured from oil been distributed to any extent among the masses of people. There is no wealthy, privileged class in Israel as there is in Saudi Arabia and Egypt, for example. Here were people of a small nation. They were free and not virtual serfs, as were many Egyptians, Jordanians, and Syrians. Perhaps that accounts to some extent for the fact that in less than 4 days Israel armed forces destroyed the entire air forces of Egypt and Jordan and occupied lands from the Suez Canal to the Jordan River.

Nasser ordered his armored divisions to thrust across the desert through the lower Negev area of Israel. The Israel intelligence force was superb. The deployment of the Egyptian divisions was observed and even the orders given by Nasser were known. In one stroke Nasser's fourth armored division, the pride of his large forces, was destroyed, largely by Israel paratroopers landing in the rear, by Israeli air power and Israel ground forces all striking simultaneously with remarkable swiftness. Nasser complained and whined when his airplanes, the most modern and most expensive that the Soviet Union has produced, were destroyed on the ground in Cairo and elsewhere, by attacks from Israel planes which came in from the west instead of coming from the north or east as he expected.

Over and above all else, the Israel forces were fighting for the freedom and survival of their little nation, while the Arab leaders had no such loyalty from their landless peasants, who are practically serfs. The victory of Israel was one of the greatest in modern times, and the collapse and disintegration of the allegedly powerful forces of Egypt resulted in one of the quickest defeats of all time. Their officers fled in automobiles at almost the first onslaught, and then the leaderless Egyptian Army simply broke to pieces and distintegrated.

Mr. President, Israel must not now lose in peace what it was compelled to win in war. It must be guaranteed nothing less than defensible borders. It must have freedom of navigation not only in the Gulf of Aqaba but in the Suez Canal as well. The Israel people must no longer be compelled to live in an intolerable state of siege. They must be permitted to walk and work in peace.

The Arab war on Israel will not be brought to an end if once again the nations of the world resort to evasive devices and diplomatic machinations. No longer can we of the free world be satisfied with temporary truces and armistices, which are flouted and forgotten. There is but one way. Once and for all the international community must summon the Arab States to recognize that Israel exists, and must call for direct Arab-Israel peace negotiations which will lead to lasting and permanent peace in the Middle East.

The United States must take leadership both in the United Nations and out of the United Nations in helping to bring about a settlement that will bring permanent peace to that troubled area of the world.

Mr. President, recent and continuing events in the Middle East should have made clear to the leaders of all nations—especially to those of the great powers—the folly of continuing the arms race in the Middle East. It is no secret that the Soviet Union has lost billions of dollars of military hardware and equipment which it gave to many of the Arab nations. The leaders of the Kremlin, who had furnished Nasser's Egypt with military hardware of the highest order and hundreds of warplanes equal in quality to those of this nation, must now have a feeling of sorrow over the waste of placing any dependence whatever on Nasser, the handsome, mustached, phony would-be Hitler. Likewise, many of the guns and tanks and airplanes of some of these nations were provided by the United States. The world has now witnessed the tragic fruits of this arms race.

If the world has learned anything from this experience, it should be a recognition of the futility, the folly, and the extreme danger to world peace created by the escalation of armaments in the Middle East. Let us hope that the United States, the Soviet Union, France, Great Britain, and the other nations of the world who have been furnishing arms to the Arab nations and to Israel will take action together toward ending the flow of armaments to that area of the world, or at the very least to greatly decreasing this dangerous game of death. If not, there is every reason to believe that in another 10 or 20 years the world may again be plunged to the brink of total war.

Mr. President, the Arab-Israel war carried the seeds of a third world war. A miscalculation or a misstep by any of the nations involved or by any of the great powers could have thrust the world into a nuclear holocaust. It made thinking men the world over realize the even greater danger that could have resulted had the parties in this conflict possessed nuclear weapons and in desperation used them.

Today the United States and the Soviet Union are the only two nations in the world with the power of mutual destruction. However, other nations—Great Britain, France, and China—also possess nuclear weapons. Even more dangerous is the fact that by spending approximately $200 million any mature industrial country can readily produce one or two atomic bombs. Egypt and Israel both have the potential know-how, resources, and wealth with which to produce nuclear weapons. Think of how tragic it would have been had either or both possessed these weapons during the recent conflict and chosen to use them.

It is, therefore, of vital importance that our President be supported to the utmost in his efforts to negotiate international agreements limiting the spread of nuclear weapons. For many months a treaty for the nonproliferation of nuclear weapons has been under consideration. The recent war in the Middle East has shown the world how important it is that this treaty be concluded with the ratification of every nation which could conceivably become a nuclear power.

Whether or not this is done will determine whether future generations will enjoy a peaceful world or continue to live as we have lived throughout the last 20 years, in a grim period of international anarchy marked by periodic wars, such as the recent one, which could easily have resulted in a world war.

Mr. President, let us hope that the world has learned well the lessons of the last few weeks. Let us hope that every effort will be made by men of good will everywhere to bring about permanent peace and stability to all the nations of the Middle East. If they accomplish that, they will make a tremendous contribution toward peace for all time.

PROVIDING FOR INVESTIGATION AND STUDY TO DETERMINE SITE FOR CONSTRUCTION OF SEA-LEVEL CANAL CONNECTING THE ATLANTIC AND PACIFIC OCEANS

Mr. COTTON. Mr. President, I should like to direct an inquiry to the distinguished Senator from West Virginia [Mr. BYRD], the acting majority leader. I was just informed, while in a Commerce Committee meeting, that No. 235 on the calendar, Senate 1566, an act relating to further investigation of a sea-level canal in connection with the Panama Canal, was passed on a call of the calendar immediately after the opening of the Senate when few Senators were present. Is that correct?

Mr. BYRD of West Virginia. That is correct. I was not here when the Senate convened today, nor was I here when this item was reached, but I was informed on reaching the Senate floor that the Senate had acted on S. 1566.

The ACTING PRESIDENT pro tempore. The Chair may state that the Senator's statement is correct.

Mr. COTTON. I understand that technically such action could be justified, because it is on the calendar, and there was no registered objection to it. As far as I know, there is no objection to it. However, rather careful hearings have been held by the Commerce Committee on this measure, presided over by the distinguished Senator from Alaska [Mr. BARTLETT].

Last week the distinguished majority leader announced that this bill would be the business taken up today, and he referred to some other bills that might be taken up. I think members of the Commerce Committee were justified in assuming that it was not going to be disposed of on a call of the calendar as soon as the "Amen" was said after the prayer, and that members of the Committee on Commerce might have an opportunity to make certain remarks. Speaking for the Senator from New Hampshire, there are certain observations the Senator from New Hampshire feels should be made at this time, as the Senate proceeds to extend the time and provide more money for this investigation and study of a new sea-level canal.

Further, I cannot vouch for this, but it is my understanding—and I just left the committee room where the Senator from Alaska [Mr. Bartlett] was presiding over a hearing—that the distinguished Senator from Alaska [Mr. Bartlett], who conducted the hearings on this measure, wished to be present and might have had some observations to make.

In view of that fact, Mr. President, I do not ask that the action by which the bill was passed be rescinded, but I ask unanimous consent that at the end of the morning hour the Senator from New Hampshire may be recognized to address himself to this point, because he does not want to be limited to the rules of the morning hour, and it was his understanding that this bill was to be taken up at the end of the morning hour.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. BYRD of West Virginia. Does the Senator have reference to the end of the morning hour, or the close of morning business?

Mr. COTTON. Well, morning business.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object—and I shall not object—I can understand the feeling that the distinguished Senator from New Hampshire has on this matter. I can assure him that the leadership did not intend to deprive any Member of the Senate of an opportunity to speak on the measure.

As the Senator has indicated, this matter was referred to by the majority leader last week, when he stated his intention to have the Senate consider the matter on Monday. It was cleared, I am advised, with the minority leadership.

I just want to say, in the absence of the majority leader, again, that I am sure neither the majority leader nor the minority leader had any intention of ramming the measure through while Members of the Senate were not on the floor, or any intention to deprive any Member of the Senate of his right to speak on the matter.

I feel the Senator is justified in his request to have the measure discussed so that some legislative history may be made here and that, likewise, the distinguished senior Senator from Alaska be given an opportunity to direct remarks to the measure.

I shall not object to the request of the distinguished Senator from New Hampshire.

Mr. COTTON. I will say to the acting majority leader that the Senator from New Hampshire did not intend to even imply that there was any intention or act on the part of the leadership to deprive members of the Commerce Committee an opportunity to be heard. It was entirely inadvertent. It was perfectly proper that it should be considered on a call of the calendar. We may have been remiss in not serving notice that we wanted to be heard. The reason we did not serve notice that we wanted to be heard was that it was announced that the measure was going to be the business of today.

The Senator from New Hampshire is not, in the slightest degree, suggesting that anything done was improper. But the fact remains that the Senator from New Hampshire wanted to call to the attention of the Senate that this renewal of the time for the Atlantic-Pacific Interoceanic Canal Commission to act, and this permission for more money, in his opinion at least—and he has reason to believe in the opinion of some other members of the Commerce Committee—makes it necessary that certain observations be made. The Senator from New Hampshire did not want to make them for the Record casually in the morning hour. He wanted to make them at the time he supposed this matter was going to be called up after the morning business. It was for that reason that he made his unanimous-consent request.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. BYRD of West Virginia. I did not infer from the statement of the Senator from New Hampshire that he meant to imply that the leadership sought to drive this measure through while few Senators were in the Chamber, or that the leadership wished to deprive any Senator of his right to speak to the measure. I did not infer that at all from what the Senator from New Hampshire stated. I merely wished to make the Record as clear as I could. The Senator from New Hampshire is well within his rights. His position is well taken. I believe he should have the opportunity to address remarks to this measure. I do not object to his request.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

Is there further morning business?

A LASTING MEANING

Mr. KUCHEL. Mr. President, I was honored, on Memorial Day, to speak in East Los Angeles at a moving ceremonial addressed to the American dead who perished in battle, defending man's freedom. I ask unanimous consent that my comments on that occasion be printed in the Record at this point.

There being no objection, the address was ordered to be printed in the Record, as follows:

A Lasting Meaning

(A Memorial Day address by Senator Thomas Kuchel, East Los Angeles, Calif., May 30, 1967)

I am greatly honored this day to join with you in commemorating the lives and their devotion to their country of the over one million Americans in military uniform who fought and died, since 1776, for a better America and for a better world. We meet here, my fellow citizens, to express, simply, our profound and never-ending gratitude to these courageous American men and women who have made the supreme sacrifice of life for their country.

Today, in the silence of our tribute to their memory, the sounds of conflict may be heard across the seas from the distant jungles and the rice paddies of Southeast Asia. And each echo carries with it another story of American courage and bravery in battle.

That has been the pattern of those intrepid, undaunted, and selfless men, who, in all of America's proud history, have ever been ready to give their own to help save the lives of their fellow countrymen and of their country.

Sixteen years ago, a young American born and bred in this city, proudly wearing the insignia of a Private First Class, in the United States Marine Corps, gave his last full measure of devotion to a fellow human being and a fellow American.

10,253 young servicemen have been killed in action in the fields and in the mountains of South Vietnam. Listed among the dead are more than 685 Californians, by far the heaviest toll of any State in the Nation. On this Memorial Day, we seek to pay a full meed of honor to every fallen serviceman, and servicewoman. Our hearts overflow with the most keenly-felt condolences to each neighboring family which has lost a loved one in the defense of freedom. We thank God that this Nation still lives because of them and their comrades, of how they lived and how they died in all the tragic conflicts in which our country has engaged.

Let the moving words of the President, in awarding, posthumously, the Medal of Honor to Private First Class Eugene A. Obregon tell the story and stir our hearts:

"On 26 September, 1950 . . . Obregon observed a fellow Marine fall wounded in the line of fire. Armed only with a pistol, he unhesitatingly dashed from his covered position to the side of the casualty. Firing his pistol . . . he grasped his comrade by the arm . . . and, despite great peril to himself, dragged him to the side of the road. Still under enemy fire, he was bandaging the man's wounds when hostile troops of . . . platoon strength began advancing. Quickly seizing the wounded Marine's carbine, he placed his own body as a shield in front of him, and lay there firing accurately and effectively . . . until he himself was fatally wounded by enemy machine gun fire."

With reverence to the nobility of spirit which some of God's children in each generation exemplify, we express a solemn pride and thanksgiving in the memory of the American hero after whom this park is named.

Sixteen years later, in February of 1966, a small American patrol was caught in a vicious ambush near a deserted hamlet north of Saigon. In the height of the ensuing battle, a young and gallant soldier led a part of his patrol in an attempt to render aid to his fallen sergeant. An enemy grenade suddenly fell in their midst. Realizing there was no time for the wounded sergeant or the other men to find protection, Specialist Four Daniel Fernandez, United States Army, threw himself on the grenade as it exploded. He saved the lives of his comrades at the sacrifice of himself.

In April of 1967, a Congressional Medal of Honor was awarded posthumously to this gallant American. The citation read in part:

"Specialist Fernandez' profound concern for his fellow soldiers, his conspicuous gallantry, and his intrepidity at the risk of his life above and beyond the call of duty are in the highest traditions of the United States

Army and reflect great credit upon himself and the armed forces of his country."

Earlier this month, on May 2, the President posthumously awarded the Congressional Medal of Honor to Staff Sergeant Peter S. Connor, United States Marine Corps. I read some of the words from his citation:

"He spotted an enemy spider hole emplacement . . . He pulled the pin from a fragmentation grenade intending to charge the hole boldly . . . He realized that the firing mechanism was faulty . . . With only precious seconds to decide, he further realized that . . . to hurl the deadly bomb in any direction would result in death or injury to some of his comrades . . . Manifesting extraordinary gallantry and with utter disregard for his personal safety, he chose to hold the grenade against his own body in order to absorb the terrific explosion and spare his comrades. His act of extreme valor and selflessness in the face of virtually certain death, although leaving him mortally wounded, spared many of his fellow Marines from death or injury."

These are but three citizens of the more than one million American veterans mortally wounded in combat whom we honor today. Private First Class Obregon, Specialist Fernandez and Sergeant Connor, protecting their fellow soldiers in sacrificing themselves in almost the same selfless manner, reflect an invincible spirit which words cannot describe. Valhalla, the hall of heroes, has ever opened its doors to every fallen soldier. What inward pride our country must have that in this melting pot called America. The all-American heroes' list contains American names like Davis and Sarnoski, Miyamura and Soderman, DeBlanc and Itrick, Costello and Katz, Smith and O'Brien, along with Obregon and Connor and Fernandez. And all these gallant American names are the vanguard of the million citizens our nation honors. We share the burden of grief of Rudy Galiana whose gallant son, only a few short weeks ago, gave his life to his country and to the cause of human freedom.

These brave men were devoted to the cause of freedom, freedom to live and do, to write and speak and think as they wished. They were consecrated to human liberty and to the worship of God as they individually might choose. They believed in law and in order, and in a society where those who governed were servants of the people and not their masters. They were Americans in the finest sense of that word. In the end, they died for the hallowed principles of equal justice under law on which this Nation of ours still endures.

Lincoln captured the profound meaning of Memorial Day when he said at Gettysburg that it was for us, the living, "to be dedicated to the great task remaining before us". And that task he set forth—that free government of free peoples shall not perish from this earth. That was what Mr. Lincoln preached. The dedication of the 1860's is equally urgent in the 1960's, and beyond. It almost seems as if every generation produces at least one bully whose sole aim is to deprive others of every chance.

Americans earnestly believe in peace, but we shall not turn and run when a bully or a dictator, Communist or Fascist, seeks to place peace-loving neighbors in thrall or chains. We can best revere the memory of our honored patriots by clearly recognizing that this world has shrunk to a neighborhood, and that good neighbors, peace-loving neighbors, have a collective role to play in establishing the rule of law by which, God willing, peace may, someday, and at long last, come. That is the best way to build towards a true memorial some time in the future to the servicemen we now salute.

Memorial Day is a clear reminder to each of us that our democratic way of life is not cheap. We remember with pride that our honored dead did not die for one class, or for one race, or for one creed. They died for all our countrymen, for a nation built upon the great principle of liberty and justice for all human beings rich and poor, Christian, Jew, Moselm or Buddhist, old and young, big or little. These heroic men and women were trained to a cause, a cause perhaps best expressed by the three word motto of the United States Military Academy: Duty—Honor—Country. That, my fellow citizens, is an apt motto for each of us, when a few, really a very few, seek erosion of all three.

Today is a day of thanksgiving to those who helped to preserve our beloved Republic. It is a day for each of us to pledge what we have for the survival of American freedom, and to the spread, in God's good time, of the blessings of freedom and individual dignity for all the members of the human race.

DOWN TO THE SEAS AGAIN

Mr. KUCHEL. Mr. President, one of the great new port facilities of California is located in the capital of this great State. On May 26, I was invited to speak at an annual world trade seminar luncheon in the city of Sacramento, which was sponsored by the Sacramento City and County Chamber of Commerce. I ask unanimous consent that a partial text of my remarks on that occasion be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

DOWN TO THE SEAS AGAIN

(Partial text of remarks by U.S. Senator THOMAS H. KUCHEL before the Sacramento City-County Chamber of Commerce Annual World Trade Seminar luncheon, Sacramento, Calif., May 26, 1967)

I am honored to participate in this seminar on world trade. First, because it gives me an opportunity to return to this City where my family and I spent many happy years, and, second, because it provides an opportunity to celebrate the spectacular expansion of the Port of Sacramento. All of us who savor the early history of California recall the enormous importance which the inland waterways played in the beginnings of our State. The revival of these vital arteries has long been a project close to the hearts of all of us who have been associated with this City.

The modern Port of Sacramento was opened in 1963. This was the sum of the efforts of many people, including a number of Members of Congress. I participated enthusiastically, as a member of the Senate Committee on Appropriations, in helping to provide the funds to deepen the channel, to raise bridges, and to erect necessary navigational facilities. The Federal Government spent $45 million to help the port expand its role in international commerce. Certainly, the port has proved the value of this investment. I understand that the growth in activity in the first four months of this year has been phenomenal. Over $55 million worth of cargo was moved. Today, there is, for Sacramento, a broadened horizon, a destiny which befits the great and growing Capital of our great and growing State, an opening to the world and an opportunity to play an important role in its vital commerce.

It is stimulating to observe that Sacramento can offer a harbor only a few hours from the Golden Gate, and that it has become an active participant in the growing enterprise of world trade. Make no mistake, this trade is increasingly vital to our national life.

Earlier this month, the world lost one of the great celebrants of the romance of trade and the sea, the British Poet Laureate, John Masefield. A few of his words give us our theme for this meeting:

". . . Go down to the seas again, for the call of the running tide is a wild call and a clear call that may not be denied."

The briefest glance at the measures of our national prosperity clearly reflects the rapidly increasing role of world trade in our national economy. Since 1950, our gross national product has nearly doubled. The increase in our trade has been faster, growing by nearly 250%. Even at this pace of growth, and with a continually favorable trade balance, there is still an outflow of our gold reserve, once so plentifully supplied from your surrounding hills and mountains.

Any clear reckoning of the sources of our national wealth would indicate that we must continue to expand our trade activity, and particularly our exports, if we are to maintain our prosperity. It is true that the American continent, particularly our own State, was richly endowed by our Creator. We have come to recognize the need to conserve the resources of nature and to utilize them in a manner permitting continued supply for future generations. Our people have created an enormous material wealth. But with 1/16 of the world's population, we annually consume ⅙ of its cement, ⅓ of its electric power, ⅕ of its coal and ¼ of its steel. Our national product is ⅓ of the total of the world; our per capita income is over 7 times the average of all other nations. Let us add to that the striking fact that the gross product of the State of California is larger than any of the nations of the Free World save our own, Britain, France, Germany, and Japan.

How are we to maintain this high standard? One of the answers is obviously to continue to trade some of what we produce with the rest of the world in order to gain what we need. In the Eisenhower Administration the phrase was current in American politics, "Trade not Aid". Today, we are coming to understand the true meaning of that phrase, for we are increasingly dependent on trade, and we recognize that trade creates a long-standing relationship among people for their mutual benefit. It is free from the political overtones of foreign aid and diplomacy.

There are two keys to the expansion of our foreign commerce. One is the development of sound commercial policy. We must expand our exports; we must secure vital imports; and, we must protect, where necessary, our Nation's essential industries from "dumping" and other forms of unfair competition.

We must also make a major effort to expand and develop our merchant marine, which, I am sad to say, is in dire need of help.

Earlier this month, under the umbrella of the General Agreement on Tariffs and Trade, our representatives in Geneva concluded negotiations of the so-callled Kennedy Round. The implications of this event are far-reaching. Many of our great industries and much of our agriculture are deeply apprehensive over the changes in our markets that may follow. Domestically, a number of producers are already suffering from fierce foreign competition. They are concerned lest their home markets be further invaded. Of course, our first consideration is the welfare of our own.

Any fair settlement must also offer us an opportunity to increase our exports, particularly to the countries of the European Common Market. We must all be particularly concerned that these trade negotiations reflect a balanced picture. California accurately mirrors the key elements in American export trade today, namely, a bountiful and diversified agriculture, and a highly advanced array of industrial products. California is equipped to offer the world both. The world recognizes that both are necessary.

Much has been said about a technology gap between America and Europe. Today, more money is spent on research and development in California than in all of Western Europe combined. It is not surprising that our State is well able to provide the computers, the spectrographs and other advanced equipment which Europe and other parts of the world need for their development.

But, whether we are talking about the fruits of the land or of the mind, the problem of increasing our exports abroad is the same. The establishment of a Common Market, with the full support of the United States, has resulted in an external tariff wall around Europe. Their import duties in most instances, particularly with respect to agricultural products, are higher than ever before. They plead that this is a temporary phenomenon. We hope that the rising level of productivity within the Common Market may bring expanded demands and willingness to lower the wall.

We do have a sizeable market in Europe. The problem of expanding it does not rest entirely on tariff reduction. The system of taxation in many European states permits exporters a tax rebate of certain levies made at the point of production. This gives them a great competitive advantage. We do not impose a production tax. For us such tax rebates would be difficult to legislate. We ought not be deterred on that account. In the interest of improving our balance of payments and expanding American exports, due consideration ought to be given to this technique. A crude export subsidy would dull the edge of initiative, but I see nothing wrong with a tax incentive system to encourage such expansion of vital export activities. At any rate, I think we need to give careful attention to such a legislative possibility.

On the import side, I believe it is time that we recognize a need to help the developing countries through trade. We need their products; most vitally we need raw materials. They need our technology. Earlier this year in San Francisco, I spoke of the Latin American Common Market and the complex problem of America's association with it. Most of what Latin America has to sell to us are raw materials, which we need to supply our industries and some of our food needs. Any American association with the Latin American market would itself create a system of trade preference. This would contradict a long-standing American canon of establishing no regional trade preferences. Yet, if we look to the Common Market, we see that associate members in Africa and in Asia, countries such as Greece and Turkey, have established precisely this preferential relationship.

In my opinion, the world is too small for such provincialism. Undoubtedly, there is a need to improve trade relations with the developing nations. A general preference from the developed, industrialized nations would, I think, be best, and the United States should work toward this as a goal. But, if the nations of Europe persist in building a regional trading system, surely we must secure our interests in this hemisphere. It comes first.

American trade policy must also keep firmly in view the need to maintain the domestic markets of our industry and agriculture against unfair competition. We may be justly proud of the high standards of our technology and our labor productivity. We need not sacrifice the advantages which these hard-won achievements have brought us in order to reach reasonable agreements with the rest of the world on trade expansion. The vast American market is still the driving force in our economy, and we must guard it against any attempts to exploit it by means of sharp and unfair trade and labor practices.

A crucial element is our merchant marine. As America becomes a greater trading nation, as the world devotes more energy to the exchange of goods and becomes more dependent upon it, our carrying trade takes on increased importance. Yet today the merchant marine of the United States and our American shipbuilding activities are in decline. In 1961, when I addressed the Propeller Club in San Francisco, the State of California could boast 22 of the major shipbuilding and repair yards in the United States. At that time, California yards were busy manufacturing 15 new merchant vessels. Today, there is only one yard actively engaged in the construction of oceangoing ships in our State. The Administration has asked for funds for a nationwide total of only 13 new merchant ships in the next year. We are at a peril point in ship replacement. Our posture in world commerce and collective security is at stake. Our merchant marine has significantly declined in numbers, even though the quality of our latest vessels is the envy of our foreign competitors. This decline betrays a failure to understand the enormous contribution of the American merchant marine, not only to our economy but also to our national defense and security.

The Viet Nam conflict has proved that only by development of our shipbuilding and cargo moving capacity can we have a merchant marine ready for our defense requirements. Only by improving quality and adding to the flexibility of our fleet can we have the right kind of ships for emergencies. Today 65% of our men and 98% of our supplies, including the fuel for our giant air transports, are brought to Viet Nam by sea. Our merchant marine is our fourth line of defense; its state of readiness is increasingly vital.

In 1936, when the present Merchant Marine Act was passed, we were much less dependent on our overseas trade. But even so, we have fallen behind the replacement schedule established in that law. The Administration has called for the construction of 13 ships this year, while at least 90 are needed to keep up that schedule. But even this rate would not be sufficient to meet the needs of our Nation.

Today, we import almost 100% of our requirements in bauxite, asbestos, chromite, cobalt, manganese, rubber and tin. We import all of these in foreign flag ships. We have not constructed an oceangoing bulk carrier in this country for six years. At the same time, as most of you in the audience are keenly aware, we have become a significant exporter of our agricultural surpluses.

It would seem reasonable and economical that ships which carry wheat to India would bring essential raw materials back to the United States on the return voyage. But this is not the case. We export most of our wheat under the Food for Peace Program in aged vessels which are far more expensive to operate than their competitors. Many of our older ships are forced to return empty because they cannot profitably carry return loads. This problem has been recognized in various ways. The essential point, in my opinion, is to construct new, faster and more economical specialized bulk ships. These could carry our agricultural produce to Asia or Europe at a substantial savings and be free to bring back, on an economically feasible basis, essential raw materials on the return run. With such improvements, an increased flow of imported produce might well pass through the Port of Sacramento, just as, I understand, the new vessels are able to carry rice to Puerto Rico on the outbound voyage and return with phosphate rock.

Today, while we spend billions in foreign aid we are building no ships which may enter many ports in Asia and Africa, Latin America and the Middle East. The Soviet Union is not neglecting this opportunity. It has already signed restrictive shipping arrangements with Spain, China and the United Arab Republic. In these agreements the Soviet Union has completely closed the door to free competition by arranging to divide shipping between the two parties to the agreement on a 50–50 basis. This is the reincarnation of the old practice of mercantilism. In recent months, the Soviet Union has announced plans for regular liner services to East Africa. Our ships rarely visit such ports. Traditional maritime nations have left a void which the Soviet Union has adroitly moved to fill.

What should our reaction be to this aggressive policy? So far, we have not reacted. Of course, we should face this competition, and we must face it with ships that can compete.

We must maintain our capacity to build and build well. Recurring international involvements in the past 20 years have shown beyond doubt that America must be able to move large quantities of men and supplies anywhere on the globe at any time. Our rapidly growing economy is increasingly dependent on overseas supply and markets. Our balance of payments is an increasingly sensitive barometer of our economic health. To meet such needs, America must have a large and effective merchant marine. Indispensable to such a fleet is an American capability to build ships, to exploit American know-how, to construct the kinds of vessels required to fulfill the particular needs of our own trade. It is time that America determine the size of her merchant fleet and the shipbuilding capacity necessary to meet the needs of the national economy and the national security.

The basic principle of providing Federal support to offset foreign competition in the shipbuilding industry is sound, in my opinion. The concept of the 1936 Merchant Marine Act should be expanded to increase its flexibility to reflect completely the needs of our national security and economic well-being which might be secured by the construction of specialized vessels for many purposes.

It may be some time before American yards are able to compete ton per ton and dollar per dollar with shipbuilders abroad. But our product is invariably superior. By overcoming the obsolescence of our merchant marine and by making full use of our productive and scientific superiority, America will surely be able, in the long run, to maintain a growing and dynamic shipbuilding industry, as indeed it must.

The United States Government has contributed substantially to the expansion of our aircraft and communications industries. This has been to the public good. This tactic might well be followed in shipbuilding. Technological innovation, which has been the key to advancement with the supersonic transport and the communications satellite, is the surest route to re-establishing American pre-eminence on the high seas.

There are many opportunities. For example, there is a broad middle ground in the speed spectrum between ocean transport and the airways. By increasing the speed of our vessels, new kinds of cargo may feasibly be carried. The National Academy of Science has suggested the possibility of moving fresh fruit from California via high speed ships in refrigerated containers. Such a possibility surely begs for further exploration.

We have the financial, human, and technological resources to develop an active and viable merchant marine, but we are not likely to do so until we place it in proper perspective. We have spent billions for our national highway system. This is a sound policy. Although few highways directly produce a profit, the highway system is a national economic asset. It promotes our interstate commerce and binds our Nation together. Merchants ships travel the lanes of the seas. Unless we develop our merchant fleet as a national asset, we will have lost an opportunity to direct our trade, develop our technology and make a substantial contribution to redress our balance of payments.

The world continues to grow smaller, though there are those who doubt it. The days of isolation have long since ended. In the past 20 years since the end of World War II, we have been engaged in a constant struggle to maintain collective security in this world. Battles have been fought, conflicts have raged among men who ought far better to be considering how they can help each other. The expansion of world commerce still presents one of the most exciting prospects for man's progress. It requires all of the native intelligence, all of the individual initiative, all of the adventuresome spirit which distinguish Americans from all others. I salute the participants in this World Trade Seminar. Beyond the expanding horizons of growing commerce lies the best hope for understanding among the free people of the world.

CAN FREE MEN DEPEND ON THE WESTERN DEMOCRACIES?

Mr. KUCHEL. Mr. President, I was honored to speak at a dinner meeting sponsored by the World Affairs Council of Inland Southern California on May 27. This meeting took place on the Riverside campus of the University of California. I ask unanimous consent that a partial text of my remarks on that occasion be printed in the Record at this point.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Can Free Men Depend on the Western Democracies?

(Partial text of remarks by U.S. Senator Thomas H. Kuchel before the World Affairs Council of Inland Southern California, University of California, Riverside, May 27, 1967)

Not far from Washington, where the broad York River moves gently through the Tidewater country of Virginia to the Chesapeake Bay, lies the battlefield at Yorktown. Here the independence of the United States was finally delivered from British imperial hands. Here, it was convincingly proved that men who believe in their inalienable human rights have the power, by standing together, to win their freedom.

Yorktown was, perhaps, the finest hour of General George Washington, whose genius had foreseen that the British forces would be neatly trapped on the James Peninsula. Fighting alongside him were 5,000 French troops. Standing off to sea were French ships of the line, which decisively defeated the British at the Battle of the Virginia Capes. Without them there would have been no victory. Their courage could easily be forgotten, for they were modest men despite their courtly ways. When British officers refused to offer the sword of surrender to the inelegant yankees, it was a Frenchman of noble blood who firmly insisted that the full honors of victory be given to the Americans.

All Americans owe a debt of gratitude to the people of France, and to those other peoples of Europe who helped us gain our independence. One hundred fifty years later, these obligations were not forgotten, as with the nostalgic cry, "LaFayette we are here," American doughboys went to France in a war which they hoped would make "the world safe for democracy."

The challenge was met once again, on the beaches of Normandy, on the front at St. Lo, in the Battle of the Bulge. From the cruelties of World War II, men learned the lesson that, without one another, in a joint determination, the flame of freedom may be easily snuffed out.

Twenty years have passed since the latest of these global conflicts. Today, the great alliances of the Atlantic democracies are in disarray. Our European allies remain aloof. In Vietnam, our longstanding ties with Western Europe have been little availing. Renewed nationalism has reduced the scope of interest of some European leaders. Last year the French Foreign Minister stated that international crises now center in Asia, and that, as a consequence, they are of little concern to the nations of Europe. His resounding disclaimer of responsibility is tragic.

The following proposition is still valid: Without joint action of free men, without the aid of the strong Western democracies, the hope for world peace and freedom remains dim.

In the aftermath of World War II, there arose a new and ominous challenge of human liberty which reunited the Western world. A mounting Soviet force had spread its power throughout Eastern Europe. There was an evident craving for more. In the imperishable phrase of Winston Churchill, the Communists had lowered an Iron Curtain across Europe from the Baltic to Trieste.

The world was divided—individual freedom, competition and initiative, on the one hand, and dogma, dialectic and world revolution, on the other. This division was the essence of the Cold War—as seen from both sides.

To us, the issue was clear: a Communist world or a Free one. The Cold War would periodically heat up and then cool down, and the conflict of ideologies spread to every continent.

Each side has had its successes and its failures. On balance, I believe we have done a great deal better than they. In the West, where Soviet Armies could not penetrate, Communism failed. In France and Italy, large Communist organizations were unable to win acceptance at the ballot box. In the Balkans, in Yugoslavia, and more strikingly, in Greece, the Soviet hegemony was overthrown. But in the Far East, in China, Vietnam, Korea, Malaya and the Philippines, Communists threatened to be successful unless met with resolute military resistance.

Their movement has at last clearly begun to falter in Asia. Indonesia was once tumbling hell-bent down the road to Communism of the virulent Chinese variety. After a bloody internal struggle, she has changed her course and is now willing to meet the Free World on fair terms. Most important, China herself seems to be forced to choose between the rigid orthodoxy of Mao Tse Tung and the fleeting possibility of economic progress under a more rational compromise, yet undefined.

In the Far East, the imported dogmas of Karl Marx are failing. And, on some recent occasions, some of them have faltered in the Soviet Union, where Russian economists now dare to embrace such heresies as profits and "rates of interest." Their own industrial Revolution has brought the Russian people the hope of enjoying and owning the better things of life—the cars, the washing machines and television sets that we in the West look upon as everyday items in our daily lives. But that hope is meaningless without the freedom and leisure to enjoy them. The very momentum of middle-class life seems to be influencing Soviet society. Once the spirit of men and women is aroused, it is hard to hold. Perhaps it might bring home the simple fact that there is more to be gained by increasing domestic production than by enslaving other states as "satellites." At least, let us hope so.

But, as the Communist Bloc is now divided by local concerns, so is our world. Our European allies, after centuries of imperial wars, are now largely indifferent to the needs of the independent nations of Asia to resist the Communists' so-called "Wars of National Liberation."

In Europe, the Atlantic Alliance is eroded by a new French nationalism, by British isolation, and by a continued failure to come to grips with the exacerbated problem of two Germanies, and, behind that, the role of the German peoples in Europe.

On both sides of the Iron Curtain the old allegiances have lost much of their force. The evidence is abundant. But what has come to take the place of the familiar arrangements of the Cold War World?

The chief characteristic of this new era, is its very lack of form. There is little certainty; there are many surprises. In France a proud and self-confident De Gaulle suddenly finds that he must rule with a parliamentary majority of one vote. Mighty Britain, once the prime tradesman of Europe, is yet to be admitted to the Common Market. The rulers of Communist Rumania, with a rare taste for the bizarre, have ordered an air-conditioned $50,000 Rolls Royce, complete with television, intercom, and wine cooler, to carry their Chief of State—a capitalist's dream-come-true for the leader of the workers' revolution. The daughter of Communism's cruelest dictator, Josef Stalin, has confessed a belief in God and asks refuge in the United States.

Many of the old problems, of course, remain. I have no doubt that the Kremlin's leaders still dream of a "World Revolution" in which our way of life would be destroyed. I rather think they also see in their dreams the nightmare of nuclear warfare, emanating, possibly, from the land of their Chinese neighbor, in which their cities, and perhaps the human race, could be utterly devastated in a matter of an hour or two. Well might they remember the warning of President Eisenhower:

"Ours is a world of growing danger. There is a danger of surprise attack prepared in secret. There is the danger of nuclear attack from outer space. There is the menace of constantly mounting stockpiles of nuclear weapons and of large armies. There is the peril of spreading capability for the production of modern weapons to greater numbers of nations. There is the hazard of war by accident or miscalculation. We hold these dangers must be dealt with now."

President Eisenhower uttered this remarkably prescient statement 7 years ago. How far have we come since? How much more deadly or unerring, or how much larger in number, are nuclear weapons today? By contrast, how little progress has been made in bringing reason to the councils of men? The fact is that the United States is today not only the most powerful military nation in the world, but the most powerful in the history of civilization, and yet—the supreme paradox—we are more vulnerable today than ever before. It appears that science has unlocked some of the more ominous secrets of the universe at a far faster rate than the growth and improvement of human virtue.

Last fall the Pentagon confirmed that the Soviet Union had begun deployment of a new series of anti-ballistic missiles. This Soviet action portends a new and deadly round in the nuclear arms race that has plagued our globe since the Second World War. In December, I called upon the President to make a high-level approach to the Soviet leaders to discuss the enormous consequences of their action. We now have word that talks have begun. What they will yield we do not know. But, we do know that we must seriously consider our own military response to this Soviet action. In this complicated Post Cold War World, the United States must retain its nuclear superiority, even while earnestly seeking peace.

Since the advent of the Cold War World, we put our faith in collective security. This concept was championed by both of our political parties and by each of our Presidents. Yet, the clear-cut issues of that World have given way. New threats appear. A lush growth of a thousand petty disputes thrives in a jungle of selfish nationalism.

None of us can say that we would be sorry to see an end to the old, Cold War World.

But, in its heyday, it has provided a kind of moral certainty. We knew our adversaries, and we believed our allies could be counted on. Today, we in the United States seem caught between "going it alone" or attempting to pull behind our vast oceans in a vain hope that they might again protect us. Neither alternative is realistic. Peace is best pursued by nations working in concert. I think the Congress recognized this last year when it unanimously supported a resolution calling for no increased proliferation of nuclear weapons. It went further last month when it unanimously ratified a treaty banning nuclear weapons in outer space.

We are in a new world, which possesses all of the challenge and all of the peril of discovery. The United States is going to have to test every aspect of her relationships in this new world. We will have to take our bearings and find the high road we must follow. Our nation has always sought a world ruled by law—a world where nations would recognize the rights of their neighbors, would accept the futility of global conflict, and would uphold the manifest advantages of settlement of disputes by peaceful means. This search for the rule of law is as valid in international affairs as it is in Mississippi, Beverly Hills or Watts.

We are approaching a major turning point in the affairs of the United States. What we do in these coming years is crucial. Further steps must be taken cautiously and, in my opinion, with the constant participation and approval of the American people. That is a test for our system—indeed, the very reason for it. Each act must be judged on its own merits. The secrecy that has characterized so much of our conduct in foreign affairs ought to give way to a more forthright policy.

Earlier this year the Senate debated ratification of a Consular Treaty with the Soviet Union. All facets of this treaty were thoroughly considered. The views of leading Americans from J. Edgar Hoover to George Kennan, were sought, and weighed with great care.

I supported the treaty because, I believe, it will help to protect 18,000 Americans who annually travel to Russia. There are those who disagree with this view; some, I must say, quite violently. But, whether pro or con, all views were heard in the Senate. That is precisely as it should be when honest, rational judgments are to be rendered by the legislative representatives of the American people. The treaty was debated on its merits in terms of value to our nation. And that, too, is as it should be. The treaty received the overwhelming support of Senators in both parties.

There are those who contend that in foreign affairs the interests of national security require swift, secret and single-minded action. They contend, too, that there is little time for the deliberate judgment of our democratic process. Congressional debate presumes that the people's representatives will have time to consider carefully the grave issues before them. Faced with the need to act or to deliberate, there are those who would choose single-handed action by the Executive Branch. Too often such moves involve public relations gimmickry in order to conceal what ought to be revealed as honest differences of opinion.

To act so is to divide the people. The defense of our republic requires that all men be joined in common cause. So, too, must there be common cause among nations. Democracy presumes full discussion of opposing views, full freedom for rational dissent. No nation can insist that it always be right, yet, in my opinion, that has too often been the practice of our present leadership.

A case in point is the recent Summit Conference in Latin America where, following the successes of Presidents Eisenhower and Kennedy, further and necessary steps were taken toward the political and economic development of our hemisphere. I have supported these efforts, but I also believe that diplomacy which ignores disagreements misses its mark.

Nowhere in the so-called "Plan of Action" of Punta del Este was there evidence of an attempt to solve any of the nagging problems that continue to create divisions among us. This was tragically so in its failure to mention the continued harassment of our California tuna fleet off the Pacific Coast of Latin America. Last year there were 11 seizures of American vessels on the high seas by naval vessels of Latin American nations. In the first two months of 1967 there were 9 seizures. The problem grows more acute. Many of our fishermen face bankruptcy if this trend continues.

This matter ought to be settled by hard-headed negotiation. I had hoped that some reference to it might have been made in the Communiques of the recent Latin American Summit Conference. But, none appeared. Frankly, I see no justification for sacrificing the interests of our American fishermen, as those interests are spelled out in American law, merely to submerge differences in an effort to make a public show of agreement.

To pretend to agree at the expense of a full and frank exchange of views is not a service to democratic society. America must be positive, but she must never adopt a posture of "saccharine diplomacy" which fails to face issues squarely. The interests of the people of the United States must not be bargained away. Without a clear statement of our position, even when controversial, the meeting of the minds that is so necessary for world solidarity among the free nations is impossible.

Nowhere on the face of this earth is there a greater need for such a full and frank understanding as in the conflict facing us in Viet Nam. The cause of collective security has been put under a severe test. We sorely miss the aid and encouragement of our European allies who fail to see that unresisted aggression in Asia, or any other continent, has a bearing on their defense.

America and her allies in East Asia have accepted the responsibility of collective security, a responsibility accepted in behalf of Viet Nam, and by extension, in behalf of all peoples who would choose their own destiny. There has never been any question in the last 15 years. The policy of collective security has had strong bipartisan support. The problem today rests not with the beginning of this responsibility but with its possible end.

You will remember the Hobson's Choice where either alternative is worse than the other. The world has such a range of choice in Viet Nam.

At one end, the United States and her allies could escalate the crisis to the global level in an attempt to force the leaders of world Communism to prevail on Ho Chi Minh to negotiate. We could threaten the use of nuclear weapons or the bombing of North Viet Nam's civilian population. We could in effect, challenge the Communists to a third world conflict in this century.

At the other end we could withdraw our military forces and accept a regime in South Viet Nam under Communist control.

The realistic choice, of course, is to continue our effort to improve it, and to keep faith with our men in the field.

Of course, the first two choices are unacceptable. We are left with a sustained military effort, and with continued attempts to limit the scope of armed conflict and with hopes that we may be able to negotiate an honorable settlement. That is what we seek. There is progress toward constitutional government in the South. There is increasing desertion from the enemy's ranks, and increased activity and higher morale in the forces of the Republic of South Vietnam.

Those who would abandon Viet Nam on the pretext of seeking peace pay scant regard to the terror practices of the Viet Cong. They ignore the critical problem of collective security. If the word of the United States of America has no value in Southeast Asia, it has no value in Cuba or Berlin or elsewhere. And were the writ of our great democracy to be debased by repudiating her word, there would be little freedom and far less peace on the face of the earth.

Our goals in Viet Nam are readily apparent. We seek no colony, no military base, no strategic interest in South Viet Nam. We seek to resist Communist expansion by force of arms and to allow the Vietnamese people to say for themselves how they shall be ruled.

We seek to apply a measured force to achieve these basic objectives. In my opinion, there must be no open-ended escalation—no global war—this must be made clear. Just as it must be brought home forcibly to Ho Chi Minh that America is united and determined to thwart his effort to absorb South Viet Nam.

There are hard realities in Viet Nam. The road of sacrifice is tragically difficult. The people must not be misled by political panaceas. Collective security has been the noblest cause of free men—one for the other—in our century. If there is hope for world peace at this moment, it is because one man is willing to lay down his life for another.

What the French did for us at Yorktown, we did for them at Belleau Wood and Omaha Beach. The question in the nuclear age is no longer alone what one man will do for another, but what happens when men fail. The world can ill afford dropouts from collective responsibility. The world cannot pretend that peace can be achieved without facing up to the real differences among peoples and nations in order to seek reasonable solutions.

If we are ever to have a chance for a better world, and a peaceful one, it will only come when free men stand together for their rights.

INFLATIONARY WAGE SPIRAL

Mr. LAUSCHE. Mr. President, on June 7. I discussed briefly on the floor of the Senate a labor-management relationship that is developing in the Cleveland, Ohio, area, a relationship which to me seems to justify the interest and concern of the Federal Government. I believe it is a matter that should be attended to promptly, especially by the Labor Department, the Bureau of Public Roads, and other agencies of Government that are vitally interested.

I speak now about the demands being made by the building craftsmen unions for increased hourly wage rates of over 40 percent in a 3-year period. The record shows that the bricklayers in the Cleveland area are receiving $5.66 an hour. They are asking for a $2.30 hourly increase over a period of 3 years. That is an increase of approximately 40 percent.

Carpenters are receiving $5.61 an hour. They are asking for a 3-year increase of $2.30 an hour. That again is an increase of approximately 40 percent in the 3-year period.

The iron workers' present hourly wage rate is $5.60. They are asking for a $2.30 an hour increase.

I have received communications from citizens residing in the Cleveland area who point out the grave impact that this proposed increase will have on the ability of the ordinary householder to buy or maintain a home.

Until about 2 years ago, the national

policy was that wage increases should correspond to the increased ability of the worker to produce, but that in no event should they exceed 3.5 percent yearly.

In the present situation, if these workers were to receive a 40-percent increase in a period of 3 years, the increase would be 13.5 percent a year.

How will the little man be able to buy a home or maintain it? What will this demand do in relation to the prices that must be paid for consumer goods in the open market? The prices will rise inordinately.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that I may be permitted to continue for an additional 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LAUSCHE. Mr. President, for the last 5 years on the Senate floor I have been hearing discussions concerning the dangers of inflation and how the increased cost of purchases would affect the ability of the retired individual to buy goods and services.

I have heard discussions of how inflation will conflict with the judgment that the retiree made 10 years ago when he said: "I will get my pension. I will get my retirement pay. I will be able to sustain myself in my old age."

The retiree will not have a chance in the world to sustain himself if the cost of labor in the building industry is to increase 40 percent. Such an increase would have an impact on the cost of all goods that the citizens must buy. The inevitable result would be inflation. It is simply inescapable.

The Federal Government is doing nothing about the situation. The Labor Department is silent. The Department of Transportation, which is in charge of the Bureau of Public Roads, is doing nothing. The Government in general is indifferent.

No buyer of the services rendered by the building craftsman buys in larger quantities than does the Government. The Government is providing money to build highways and homes for the aged, and homes for the poor, schools and libraries and other public buildings.

It is the Federal Government which pays the price. Yet, the Government remains silent when demands for a 40-percent increase in wages over a period of 3 years are being made.

Mr. President, first there is an increase in wages, then an increase in prices. There is no end to the spiral of the increase in the cost of goods.

I call upon the Government, especially the Department of Labor, the Department of Housing and Urban Development, the Bureau of Public Roads, and every other agency concerned with the spending of Government money on public projects to look into this matter and take such action as will be proper and just, and approve justifiable wage increases, but repudiate those that are completely out of line.

Mr. President, I yield the floor.

ADDRESS ON 100TH ANNIVERSARY OF INDIANA UNIVERSITY STUDENT PAPER

Mr. HARTKE. Mr. President, today is commencement day at Indiana University. I am reminded of the day some years ago when I was awarded the doctor of jurisprudence degree there.

In connection with this year's commencement activities, the university marked the fact that the Indiana Daily Student is 100 years old this year. Thus, the alumni institute dinner of last Friday honored past editors af this newspaper.

Among the most distinguished former editors is Nelson P. Poynter, publisher of the St. Petersburg, Fla., Times and Evening Independent, who also publishes Congressional Quarterly in Washington, D.C. Congressional Quarterly is, of course, well known as a research source to all of us, as well as to its more than 500 newspaper clients. Mr. Poynter's Times is one of the fine newspapers of the country, having won a Pulitzer Prize in 1964.

In his speech on Friday, Mr. Poynter was able, through charm, wit, understanding, and deep devotion to his profession, to convey a message which should be widely shared. His subject was "Communications: A Bridge to World Understanding."

I ask unanimous consent that his remarks be printed in the Record in the hope that they will stimulate further thought on the important subject of peace and understanding during this tense and dangerous period.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Communications: A Bridge to World Understanding

(By Nelson Poynter)

The Indiana Daily Student has been a delight of my life since I started reading it while in high school more than 50 years ago. I enrolled here because I aspired to be its editor. By investing a lot of overtime at the expense of my formal education, and by the patient coaching of John Stempel, I won the editorship in 1923.

No job on any campus can be as great as that of a student editor. And now, 44 years later, I can add that no job anywhere can be more satisfying than to be editor of a viable, responsible newspaper regardless of its size or location.

During the past half century the sheer volume of communications in words and pictures has grown to a torrential stream that boggles our imagination. During the next 10 years this volume will double.

When John Stempel and I were editors, the Daily Student served as the morning newspaper for the people of Bloomington, as well as for the students and faculty. Our only link with the outside world was a nightly call from the Associated Press Bureau in Indianapolis. The fastest, most accurate typist on our staff copied these few hundred words, and we added background and color to tell our readers the day's news from our State, the Nation and overseas.

When Mussolini marched on Rome we did not sense the real meaning. Hence our readers didn't know that the forces of communism and fascism were fast polarizing, that the League of Nations would crumble with a war in Ethiopia, and that another world conflict was the inevitable outcome.

We vaguely were disturbed by the influence of the Ku Klux Klan on the 1922 elections in Indiana without fully recognizing that such forces of bigotry, fear and hate could carry on into our national and international politics.

Warren G. Harding was our relaxed and popular president, but we were blissfully unaware that the tea pot dome and other scandals would erupt after his death the coming summer.

The unknown soldier was brought home from France for a solemn parade down Pennsylvania Avenue and buried with hero's honors in Arlington Cemetery. A little known deskman, Kirk Simpson of The Associated Press, became one of its immortals when he wrote that story from Washington. Our telephone service transmitted it to the daily student office. Mark Trueblood was taking the dictation that night, and I remember his excitement when he yelled across the newsroom. The rest of us clustered around his typewriter and watched these words unroll:

"Washington, Nov. 11 (AP).—Under the wide and starry skies *on his own* homeland, America's unknown dead from France sleeps tonight, a soldier home from the wars. *Alone,* he lies in the narrow cell of stone that guards his body; but his soul has entered into the spirit that is America. Wherever liberty is held close in men's hearts, the honor and the glory and the pledge of high endeavor poured out over this nameless one of fame, will be told and sung by Americans for all time."

What a story! What writing!

Our ambitions now were clearly defined. What a joy it was to be a part of such a sophisticated world community of communications.

In less than two years I found myself handling cables on the desk of the Japan Times, an English language daily in Tokyo. We used the French news service, Havas. Like the one I had known in Bloomington it was so sparse that cables had to be fleshed out with detail. Yet our paper was read widely by the diplomatic and commercial community over an area extending from Tokyo to Shanghai and to Peking.

I was aware, but not enough, of the angry rumblings over the Immigration Act of 1924 whereby the United States Government gratuitously insulted several hundred million Asians because of their color and national origins. Here was the kind of stuff that war is made of. It had a familiar echo of the Ku Klux Klan back home in Indiana. Communications were thin, and those who could interpret their meaning were few. America was dancing to "Tea For Two", and drinking bootleg gin and whiskey while a revolution—Asia for the Asians—was in the making.

So accustomed were Europeans and Americans to privilege that they didn't even see the hurt, and sometimes hatred, of educated Asians who were excluded from clubs and hotels for white men only on oriental soil.

I traveled a lot—by third class and steerage—in Asia, India and the Middle East. I saw Mahatma Gandhi in the early days of his non-violent revolution and the revealing light of hope and independence and freedom in the eyes of young Indian intellectuals. In the Middle East I watched French soldiers quell an Arab riot in Damascus and wondered how long European suzerainty could prevail.

Americans innocently contributed much to this ferment and discontent. We had relatively few tourists then, but they were conspicuous in the most populous centers. They were affluent and helped to reinforce the impression foreigners got from our movies that all Americans were rich.

These films also told better than any propaganda the story of America's great freedoms—to move about, to criticize, to run our own affairs. Russian and Italian leaders—and later Hitler—banned our motion pictures because they would sow dangerous thoughts of individual liberty.

Even the westerns, like those of today, were keyed to the idea that the good guys win, and that law and virtue triumph.

What I am trying to demonstrate is that mere mechanical increase in communications will not bring greater world understanding. The men and women who preside over the numerous media and write for them must have a wider scope of knowledge, and know more about the wonderful variety of people in the world, if today's communications are to serve as bridges, rather than barriers, to world understanding.

In contrast to 44 years ago, rivers of information inundate the desk of even the smallest newspaper or broadcaster.

During the Korean war a newspaper in the Northwest carried the same battle story with a Seoul dateline on page one for several consecutive days. But the readers had become so anesthetized by such news that none complained. They had ceased to comprehend or care even though the whole world's balance of power was at stake.

Books, pamphlets, films and broadcasts pour forth like a monsoon, but a world of peace and understanding seems more elusive than ever. Many of us have believed that faster and better communications directed toward the rest of the world would dramatize that America is mankind's best hope—the land of opportunity with justice and freedom for the individual.

Instead, we stand today with practically no fighting allies, and few who are with us politically. In the eyes of tens of millions we have replaced the totalitarian terrorists, the Japanese killers of babies in Asia, and the wicked imperialism of pre-war Europeans.

This misuse of communications by demagogues at home and abroad is not new. More than 30 years ago Hitler's propaganda chief, Goebbels tried to prove that the big lie would finally be accepted as truth if repeated over and over again.

Nasser tried the same trick this week when Radio Cairo alibied Arab defeats by declaring American and British planes had provided air cover for Israeli fighting.

This big lie was instantly destroyed by London and Washington. They used their vast network of communications to offer the governments of the United Nations free inspection of our planes and carriers to see the proof of our denials. The Soviets were convinced. They refused to intervene on the side of the Arabs. The world breathed a little easier. The big lie doesn't work for either side.

When we compare the press and broadcast coverage of this week's crisis with the Ethiopian Crisis of the League of Nations more than 30 years ago we have new hope that communications can be a durable bridge to world understanding. Today the many voices of honest men can penetrate any censorship. They can and will be heard.

This institute is an appropriate place and this is an appropriate occasion to recognize that America's international story in the years ahead is the distillation of the voices of 200 million free people. In their respective communities they want to open new gates of opportunity; they are passionately devoted to the individual's freedom, and they abhor any imperialism and bigotry that breeds misunderstanding and war.

The vitality and courage of our local newspapers—daily and weekly—are two of the most important keys to such growth. They also can prove that greater understanding is possible with the spread of our communications.

A race riot in America is a bigger story around the world than one between Muslims and Hindus in Calcutta. The story of our campaign to root out basic causes of race friction in America is less dramatic, but it can get through to leaders overseas. I attended a press conference of Prime Minister Nehru when he was on a state visit to Tokyo 10 years ago. It was the time of the Little Rock school integration riots and the story was on page one everywhere. Nehru was asked about it, and observed sadly that bigotry in some form exists in most countries including his own India. But, he said that America was facing up to the problem. It was that day that President Eisenhower called out troops, representing the whole majesty of our Government, to escort a little colored girl to her new school.

The story of what people are doing locally to eliminate slums and improve school standards and job opportunities for all children is a tremendous bridge to understanding when beamed by modern communications media in all languages and with pictures all over the world.

Criminals and predators do not reside exclusively in the United States, but the story of how we meet our problem without fracturing all our individual rights, without embracing the police state, is a thrilling story to all who cherish freedom.

The breakup of the family farm where both grandpa and junior had chores to do and were important to the whole group has created new social problems in America. But urbanization merely is growing faster here than most places. What we do to solve these problems can provide bridges of understanding to others overseas who share these same pangs of social change.

Indiana University under the leadership of Chancellor Herman B. Wells and President Elvis J. Stahr, Jr. has become a world-wide medium of communications to tell the unblemished story of America. The department of journalism here has become a mecca for foreign journalists seeking a better picture of just how the American press functions.

Communications are more than presses and powerful transmitters. Communications are people who are willing to share experiences and ideas. And these people, having shared, must have a better grasp of what this troubled world is all about. Only better educated people can have the depth of understanding so desperately necessary if we are to discard the myths of history that perpetuate the chauvinistic nationalism which has made international tension our constant companion during the past 40 years.

INTERNAL REVENUE SERVICE RULING ON ADVERTISING INCOME OF NONPROFIT ORGANIZATIONS

Mr. HARTKE. Mr. President, there has been a growing and dangerous tendency in our National Government for legislation by agencies both independent and of the executive branch. Often the basis for such legislation by administrative regulation is based on some fanciful interpretation of the intent of Congress, if not on something even less substantial.

This has been one prime reason for my introduction of a bill to create the office of Legislative Counsel General—an attorney who would represent Congress and its Members and to interpret our intentions clearly and unmistakably.

However, it is not my intention to dwell on the bill at this time. Rather, I refer to a regulation issued by the Internal Revenue Service on April 14, 1967, which would tax the profits from advertising in publications of certain tax-exempt organizations. The regulation, supposedly based on an act of Congress of 17 years ago, would tax otherwise tax-exempt organizations at 48 percent on profits from "unrelated business."

Some 700 fraternal, educational, cultural, scientific, professional, trade, and labor organizations would be affected by the taxation on advertising alone. While this is an impressive number, and while their publications do, indeed, compete with ordinary mass media publications, the nontaxable organizations account for only about 1 percent of the advertising dollar.

Approximately $100 million is channeled into publications of nontaxable organizations such as the Boy Scouts, Girl Scouts, National Geographic Society, American Chemical Society, National Education Association, American Bar Association, and the American Medical, American Dental, and American Osteopathic Associations, to name just a few.

With this income, such organizations are able to pursue lofty goals and fill desperately needed places in our American scheme of things.

For instance, the Boy Scouts, who are dependent upon communitywide solicitations for assistance and who merit support of all Americans for the impressive job done with our young people, derive valuable aid from Boys Life, a magazine designed for members of the Scouts. This publication is clearly a part of the scouting movement. It is, in fact, a house organ.

Similarly, new drugs are advertised for doctors in publications of their professional organization.

The root of this IRS fiat goes to an act of Congress passed in 1950 which was meant to deal with the case of a university which went into the macaroni business in New York. Here was a case in which macaroni manufacturing clearly could not be considered a related part of the activities of New York University.

The legislative history plainly shows that Congress was setting up the legal machinery for taxation of a macaroni factory or tire factory or any other completely unrelated business which might be owned by a university or any other tax-exempt entity. The intent was not to tax income from an enterprise related to the purpose for which the organization was, in the first instance, granted tax exemption.

In other words, if the business activity of a tax-exempt organization is substantially related to the purpose of the organization, then it is tax exempt. If the enterprise is unrelated, then its income is entirely taxable. These were the clear understandings of the original act.

Now the IRS has come along with a whole new series of regulations which would tax certain sales. Advertising revenue from publications is one aspect. There are others. For instance, a hospital operating a pharmacy primarily for its patients would face taxation on any sales not made to patients.

I see in these proposed regulations all sorts of difficult problems far exceeding the damage which would be done to worthy and necessary organizations and the purposes for which they exist.

It may be that certain activities should, nevertheless, be taxable. It may be that we should look to the future when revenues may go beyond the modest needs of these organizations.

But it seems obvious to me that Congress should do these things. In no case, should the executive branch subvert a 17-year-old law which had not the slightest connection with these issues and use it as a springboard into a wholly new field of taxation.

It is for Congress to decide whether new guidelines are needed to determine whether some activities of tax-exempt organizations should be taxed. It is for Congress to determine whether tax regulations governing such organizations should be changed. It is not for the IRS to decide.

I earnestly believe that the matter should be thoroughly aired by the House Committee on Ways and Means and by the Senate Committee on Finance. I shall myself urge the chairman of the Finance Committee to examine this situation with the view toward seeking equity and keeping the IRS from writing laws.

NATIONAL GUARD AND RESERVE

Mr. STENNIS. Mr. President, the proposed plan of the Department of Defense to reorganize and realine the National Guard and Reserve should receive full study by Congress before it is put into effect. When a plan similar to the one now proposed was announced several months ago, the Preparedness Investigating Subcommittee was in the process of making a thorough investigation into the overall readiness of our Reserve Forces. It was quite natural that when the first plan was announced the committee devoted considerable attention to it and held hearings on the effect the first proposal would have on the readiness of our Reserve Forces. In a report issued after the hearing, the committee found that many aspects of the proposal would have a very adverse effect on the effectiveness of the National Guard and Army Reserve.

The Department of Defense subsequently announced that it would hold off pushing for some parts of the realinement that were most objectionable, particularly the merger of the Army Reserve into the National Guard.

It is claimed that the present reorganization program does not contemplate a merger and that it does not contain the objectionable provisions of the first proposal. However, without a complete and thorough study, it is not possible to determine just what effect the present proposal will have on the readiness and the capability of our Reserve Forces. Until the total effect is fully known, it would be very unwise and, I think, especially untimely to go forward with the plan as proposed.

When I first learned last November that the Department of Defense was considering abolishing 15 Army Reserve divisions, I immediately contacted the Secretary of Defense and the Secretary of the Army and asked that they hold up taking action until Congress had an opportunity to fully study the entire proposal. Both the Secretary of Defense and the Secretary of the Army assured me that no action would be taken until such time as Congress had full opportunity to make such investigation as it felt necessary. In keeping with this agreement, no action was taken by the Department of Defense for several months after Congress convened in January. However, last week the Under Secretary of Defense announced the plan to reorganize the Reserve and National Guard Forces which included the elimination of the 15 National Guard divisions. Perhaps the Defense Department feels that ample time has been given to Congress for full consideration, and in the absence of any action by Congress, the Department of Defense may now feel free to proceed with its plan.

The elimination of the 15 National Guard divisions would be a very severe loss to our National Guard. The loss of these divisions, however, is not the only objectionable aspect of this plan.

Information necessary to make a final judgment as to the desirability or undesirability of such a plan is not now available to Congress and I do not think sufficient information is available to the decisionmakers in the Pentagon. We must learn what the effect will be at the State level and even at the unit level.

A preliminary study indicates that there will be a very heavy loss of well-trained officers and men that we should not lose, particularly at this time.

In addition, the readiness of many units upon which we now depend to respond immediately would be very severely reduced.

All things considered, the plans as proposed should not be put into effect until such time as we are completely aware of all the consequences that might result from it being put into effect.

The House Appropriations Committee included very strong language in their report which directed that the proposed realinement be deferred pending such time as formal legislative expression can be made in the matter.

Reports have come to me that the Department of Defense, notwithstanding the House committee report language and previous requests to delay putting the plan into effect, nevertheless intends to go forward with the plan immediately, and has tentative plans to issue instructions or orders this week finally implementing the plan and, thus, putting it into effect. In my opinion, this would be a very serious mistake because it would be taking an action directly contrary to the strongest request of Congress and it would be taking action which is not in the interest of a strong Reserve.

I know from my own personal knowledge that we must rely heavily upon the National Guard and Reserve to furnish the manpower, units, and equipment to provide and supplement any additional requests for manpower for Vietnam or other emergencies. We should be building a stronger Reserve, not weakening what we already have.

While in theory this plan may eventually strengthen the Reserve Forces, there are indications that it would severely weaken it immediately and at a time of high international tension. I urge the Secretary of Defense to withhold any implementation of this plan until it has been given full consideration by appropriate committees of both Houses of the Congress.

COMMITTEE FOR ECONOMIC DEVELOPMENT ENDORSES FEDERAL TAX CREDIT FOR STATE INCOME TAXES

Mr. PEARSON. Mr. President, it is with great pleasure that I note a recent statement by the research and policy committee of the committee for economic development recommending that—

> When the budgetary situation permits a reduction in Federal taxes, it should be accomplished in part by giving individual taxpayers a partial credit against their Federal personal income tax liability for their personal income tax payments to the States.

On May 10, I introduced a bill, the Tax Credit Act of 1967, which embodies the philosophy expressed above. It provides a 50-percent credit against Federal income tax payments for all income levies imposed by State and local governments.

The endorsement of the CED of this indirect approach of aiding our financially distressed cities and States is particularly gratifying because of its outstanding reputation in the field of economic development. The CED is a nonprofit, nonpartisan, nonpolitical group of 200 leading businessmen and educators which frequently submits informed and well-developed proposals designed to strengthen the economic underpinnings of our society.

The CED statement, "A Fiscal Program for a Balanced Federalism," notes that the income tax is virtually the last major source of relatively untapped revenue remaining to the States. The need is great to stimulate our State and local governments to draw upon this important revenue source.

Mr. President, at present approximately 17 States have no broad-based personal income taxes. About three-fourths of those which do levy such taxes have effective rates of less than 2 percent of personal income.

If these States are to draw upon a broader base of personal income tax revenue they must be stimulated to do so. A partial Federal income tax credit for State and local income tax payments would provide such a stimulation.

As the committee points out, income taxes have great flexibility and are not regressive. An income tax can be easily and closely related to variety of factors such as income levels and family size which directly affect the ability of an individual to pay his taxes.

Mr. President, this type of revenue is also collected with little administrative difficulty and at relatively low cost.

Moreover, these taxes have a significant growth potential. The CED notes that revenues from current State personal income taxes grow by about 1.7 percent for each 1-percent gain in the gross national product. This increase is much greater than the growth rate of sales and property taxes.

Mr. President, local government income taxes are currently in effect in eight States. These taxes can prove to be of considerable help in generating the local revenue needed to develop programs specifically tailored to area needs. The CED notes that certain administrative difficulties are inherent in these taxes that are not present in State income taxes, but concludes that they can efficiently be levied as supplements to State taxes.

The CED also effectively points out some of the difficulties inherent in the various tax-sharing proposals which have been put forth recently. These proposals would have the Federal Government appropriate a given sum of money to be allocated to the State governments without any restrictive provisions as to its use.

While tax sharing has considerable merit, a major disadvantage of this approach is that it would separate the responsibilities involved in the power to tax and the power to spend. But it can be effectively argued that officials charged with the duty of spending public funds also bear the responsibility of justifying and raising the needed revenue.

Furthermore, Mr. President, tax sharing would do little to reduce the competition that exists today among governmental jurisdictions to obtain Federal funds. In fact, it might encourage it. Such competition can be unhealthy, for it may tend to become a substitute for State efforts to improve their own revenue system and to promote more equitable and progressive tax structures. Pressure for desirable State and local reforms must not be reduced.

While a partial tax credit is not a panacea for our sorely pressed State and local governments, at least it is a step in the right direction. It would not only encourage the raising of needed revenue, but would also stimulate a revitalization of our State and local tax structures. Such a revitalization should no longer be delayed.

THEODORE SORENSEN PROPOSES LEGISLATION TO CLARIFY CONSTITUTIONAL CONVENTION ISSUE AND REAPPORTIONMENT CONFUSION

Mr. PROXMIRE. Mr. President, I invite the attention of Senators to a recent speech delivered by Theodore Sorensen on the efforts of the one-man, 10-vote advocates to call a constitutional convention. Mr. Sorensen forcefully expresses his view that Congress would be bound by petitions submitted by 34 State legislatures calling for a constitutional convention on reapportionment. He goes on to say that such a convention would not be limited to apportionment alone, but could also take up such issues as the abolition of the income tax, the election of the Supreme Court, a mandatory balanced budget, and prayer in our public schools. In view of the reactionary mood Mr. Sorensen senses in this country, he feels that such actions would be very likely.

However, unlike many prophets of doom and gloom, Mr. Sorensen suggests an answer to this disturbing problem. He proposes that Congress enact legislation implementing the constitutional provision calling on the Congress to convene a constitutional convention upon the application of two-thirds of the States. Such legislation, he suggests, could provide that applications from two-thirds of the States must be received in the same Congress, that such a convention shall be apportioned by Congress on a population basis, and that all applications shall be officially transmitted to the Vice President and the Speaker of the House to avoid future surprise developments.

Although I do not agree with all of the remarks Mr. Sorensen makes in his speech, I think the speech as a whole, with particular emphasis on his legislative proposition, deserves thoughtful consideration by the Senate. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

A NEW FEDERAL CONSTITUTIONAL CONVENTION?

(Remarks of Theodore C. Sorensen at the annual Lawyers Division Dinner of the Anti-Defamation League of B'nai B'rith, New York City, June 6, 1967)

We meet in a time of crisis. It is not my intention tonight to discuss that crisis. The situation in the Middle East still alters too swiftly, the key facts are still too obscure and the diplomacy required is still too delicate for any hasty proposals on my part. But it is not too early to note at least one lesson from the events which led to war—the need to anticipate crises with more precision. Apparently the United States was unprepared for a united Arab front blockading Israel. The United Nations was unprepared for demands that its peace force be withdrawn. The maritime powers were unprepared for Egypt's assertion of territorial rights in the Strait of Tiran. Even Egypt and Israel seemed taken aback by some of this spring's developments. Far too long too much had been left undefined, unclarified, uncertain or unorganized—and the result was a war which no one really wanted.

My intention tonight is to apply that lesson to a coming domestic crisis of which most Americans are not yet aware and for which our leaders are not yet prepared—a constitutional crisis potentially the most serious since our Civil War.

Already 32 state legislatures—inspired by their own unofficial organization known as the General Assembly of States, lobbied by the Farm Bureau and other conservative groups, urged on by Senate Minority Leader Dirksen after his proposed Constitutional Amendment on reapportionment failed twice to obtain a ⅔ vote in the Senate, and motivated by their own resentment and resistance to the Supreme Court's one-man/one-vote doctrine limiting rural influence—32 state legislatures, largely in the South and West, have called for a new Federal Constitutional Convention. If only two more state legislatures so petition the Congress—and Senator Dirksen said last week they will be forthcoming—the Congress will be faced for the first time in history with the provision in Article V specifying that it call such a Convention upon application of ⅔ of the states.

Then whatever follows is likely to be a constitutional nightmare. Whether the Congress in fact calls a new convention, whose final product no man can predict—or whether the Congress refuses to honor 34 state applications which have powerful support—whether a state then asks the Supreme Court to mandamus the Congress to act—and whether in fact the Court so orders the Congress or is compelled to seek enforcement of that order—and whether a convention, once held, proposes one or a series of amendments and whether they are in turn ratified or rejected by the states—I can see only chaos and peril for our system.

This sudden realization that we were on the verge of a national Constitutional Convention has caught the Congress by surprise and left the Executive Branch uncharacteristically speechless. But it is not really so surprising. For in most state legislatures it is not difficult to petition the Congress for anything, including a Federal Constitutional Convention. The legislatures assumed that no revenues or expenditures were involved and no constituents opposed; and a joint resolution, regarded as no more than passing opinion, can—unlike an amendment to a state law or particularly a state constitution—be brushed through both houses in a matter of minutes. Most state legislators voting for these petitions did not seriously believe that a new Federal Constitutional Convention would really be held. They simply used this means of voicing their displeasure on reapportionment and pressuring the Congress for a change. Certainly there was no indication that anything more than reapportionment was at stake. Most of these legislatures, moreover, were at the time of their petition still not reapportioned and were ruled by a majority of legislators representing a minority of the voters with a stake in the Dirksen Amendment.

Thus the fact that this seemingly extreme step was taken by 32 state legislatures is not really surprising; nor is it improper or illegal. Alarmed opponents have called it a "sneak attack," a "back-door method" of changing the Constitution, an attempt to "usurp the Congressional function of proposing specific amendments." But is none of these. It is true that its backers are trying to use this threat of a Convention to frighten the Congress into passing the Dirksen Amendment and that the Convention route has never been undertaken before. But the fact remains that the Convention procedure for proposing Constitutional amendments is as much a part of Article V as the Congressional procedure; and the fact that it has never been utilized in 25 amendments does not make its use any less valid today.

Some Convention opponents openly hope that, if 34 valid legislative applications for a Constitutional Convention are filed, Congress will find some way to circumvent its obligation under Article V—that it will refuse to call a general Convention on the grounds that the petitions speak only of one subject—or that it will simply fail to pass the necessary implementing legislation—or that the measure will be filibustered or bottled up in Committee—or that the petitions will be returned to the states for further action or reconsideration—or that they will be rejected as an attempt by the states to take over a Congressional function—or that they will be ignored as the hasty, careless actions of state legislatures not really seriout about a Convention. But the mandate of Article V is clear; and the Congress cannot place itself above the Constitution.

Hamilton, in Federalist Paper 85, stated:

"The words of this article are peremptory. The Congress 'shall call a convention.' Nothing in this particular is left to the discretion of that body."

The Congress can and must judge the legal validity of these applications—but it has no right to judge their merit. And if the Congress refused to act on 34 valid petitions, surely one or more states would seek a writ of mandamus in the U.S. Supreme Court, arguing that only a ministerial act by the Congress was then required. Long before that theory or its enforcement is tested, I would hope that the Congress would either call the Convention or disprove the legal validity of the state petitions.

It is this latter approach which has thus far been ably pursued by Senator Tydings of Maryland, aided by Senator Proxmire of Wisconsin and a handful of others—including both New York Senators. The wisdom of this approach lies in its avoidance of the position that the Congress should refuse to do its duty by the Constitution. But its weakness lies in its dependence upon standards and interpretations so strict and rigid as to contradict the very spirit of the Constitution.

The fact, for example, that these applications request a specific pre-packaged text rather than a deliberative convention; or the fact that they vary as to form and wording; or the fact that they have not been presented to the Congress in the same fashion—all seem of little weight compared to the fact that the language of Article V is both simple and broad.

The argument that most of these applications were the product of malapportioned legislatures seeking to preserve their inequitable powers—and that these petitions do not therefore represent the valid voice of the people or their present legislatures—is not as lightly dismissed. He who seeks equity must do equity; and a malapportioned state legislature might well be prevented from validly ratifying a Dirksen-type amendment legitimatizing its own illegality. But we are talking merely about an "application" to the Congress for a Convention. And even a Federally disapproved legislature—which can after all validly enact its own reapportionment and has validly ratified other Constitutional amendments on electoral rights—ought to be able to initiate actions under Article V if that Article's purpose as a safeguard against Federal action is to have any meaning at all.

Congress is more clearly entitled to argue that all such applications must be filed within a reasonable period of time; for circumstances, legislatures and public opinion do change. But having never drawn any statutory guideline—such as the 7 year period often specified for the ratification of amendments—can Congress in all fairness rule that those applications dating back to 1963 are invalid in 1967 or 1968?

An effort is also being made to rescind these petitions in some legislatures. But if each petition once filed has thereby become a Federal Constitutional document, can a state validly withdraw it—any more than it could recall its United States Senator once elected, or an electoral college vote once cast, or an amendment ratification once deposited? I would hope that an application could be withdrawn before it is acted upon. But at best the law is unclear; and if rescissions of these petitions cannot be made—and if legal challenges to their validity cannot stand up—and if two more applications do come in—Congress will be required to call a Convention.

Then Pandora's Box is opened wide. For no matter how these state applications are worded, no matter what limitations are given by the Congress in its convention call, there is no possible way by which such a convention can be required to confine itself to reapportionment or any other issue. A national Constitutional Convention, by definition, would represent the highest power in our system; and like its single predecessor in 1787, which had in its day been specifically told by a cautious Congress to confine itself to the "sole and express purpose of revising the Articles of Confederation," this new Convention could ignore any instruction, tackle any subject and propose any amendments or revisions that it sees fit.

If it wishes to tinker with the Bill of Rights, to halt supposed pampering of the criminally accused, to stop so-called abuses of the Fifth Amendment, to limit free speech for the disloyal, to reopen the wars between Church and State, to limit the Supreme Court's jurisdiction or the President's veto power or the Congressional war-making authority, it would be free to do so.

The kind of Amendments likely to be considered are reflected in those introduced in the Congress this year, including those that would abolish the income tax, require a balanced budget, permit prayers in public schools, elect the Supreme Court, regulate pornography, limit social security taxes, restore to the states certain rights taken away by the Court, require the advice and consent of the House to treaty-making, allow each state enact its own legislation on questions of decency and morality, preserve our Nation's spiritual heritage, and establish the paramount right of society and the individual to be protected from crime.

Reversing the Court's reapportionment decisions alone would be bad enough, permitting a return to the minority rule in our state legislatures which made them too unrepresentative and unresponsive to halt the drift of power to Washington. But whatever one's view of "one-man/one-vote," no thoughtful member of the Bar can look forward with equanimity to this kind of wide-open, unpredictable dabbling with our historic charter.

But, o ye of little faith, Senator Dirksen and his backers reply, with both effectiveness and logic, a Convention can only do what the Congress can do—namely, propose amendments for ratification by the states. The Congress also could pass wild amendments; but it has not done so. And neither a Congress nor a Convention could be recklessly successfully, because at least 38 states must ratify any amendments.

There are three basic answers to this argument.

First, the Convention route is completely dominated by the state legislatures who, by this route, can bypass the Congress, force the calling of a Convention, ratify its proposals and, according to Senator Dirksen, control the selection of delegates. But it is the Congress who will bear the burden of implementing these proposals. When the Congress exercises its jurisdiction under Article V, it does not merely *propose* amendments. It first *approves* them on the basis of its own insight into Federal Constitutional problems. Neither the members of a new Convention, or the state legislatures or conventions which ratified their proposals, could possibly have the same knowledge of Federal problems as the Congress or the same degree of responsibility for meeting them. Nor could a temporary Convention, whose members are not required to present their records to the voters for reelection, possibly represent the national interest and long-range perspectives as ably as a continuing national body.

The necessity for ratification of their amendments by the state legislatures is no safeguard when there has been no ⅔ vote in Congress to recommend such amendments. Seven state legislatures, for example, have endorsed the so-called "Liberty Amendment"—which would repeal all Federal income, gift and estate taxes, liquidate most Federal programs and necessitate a national sales tax. But few if any of the Congressmen and Senators from those 7 states would ever vote for such a preposterous proposal.

Second, there is a mathematical difference between amendments proposed by the Congress and those proposed by a Convention. Any amendment submitted by the Congress has first been approved by not only ⅔ of the Senate—which means at least 34 states and possibly all of them—but also ⅔ of the House, which means at least 290 members who, even if they came from the smallest constituencies, would still represent roughly ⅔ of the population. But when an amendment is forced via the Convention route—particularly if such a Convention, like its predecessor, should make its decisions by a majority unit vote with one vote per state—then 34 states representing 30% of the population could call the Convention, 26 states representing ⅙ of the population could propose new amendments, and 38 states representing less than 40% of the population could ratify them. The Convention route, in short, by omitting Congressional participation, is not the voice of the people that Senator Dirksen claims it is.

Third, a Constitutional Convention is a unique and potent instrument to be used with extreme rarity when the time is right. In 1787 the time was right. The mood, the men, the need were all right. In 1967 the time is not right. At the state level we have Maddox instead of Madison, Reagan instead of Rutledge, and Lurleen instead of Ben Franklin.

There is no nation-wide need or demand for such a Convention. There are no flaws in our system requiring so radical a step, no difficulty (as is true of some state constitutions) in invoking the usual amendment route.

Instead I sense a growing mood of ugly irresponsibility and reaction—reaction against the Supreme Court, the Federal Government, civil rights and civil liberties. This mood helped give rise to the forces calling for this Convention; and those same forces would seek to dominate the selection of delegates, the actions of the Convention and their ratification by the state legislatures, where their power has always been greatest.

In short, both in composition and spirit the proposed Convention might well resemble that so-called General Assembly of States which first recommended it in 1962. That distinguished body at the same time proposed, just to give you some flavor of its thinking, that any Supreme Court decision "relating to the rights reserved to the states or to the people" could, upon demand of five state legislatures, be reviewed and reversed by a "Court of the Union" composed of all the state court Chief Justices.

Before you dismiss that proposal as ridiculous, please remember that it was adopted by an Assembly of States composed of state government delegates from 46 states. Remember that a number of state legislatures have already endorsed this amendment and the aforementioned "Liberty" amendment. And remember that no national Constitutional Convention, once called, whether dominated by Western and Southern state legislatures or by Eastern liberals, could adjourn without trying its hand at improving on the classic work of 1787.

Can anything be done to avert this catastrophe?

Obviously the first line of defense is comprised of those state legislatures which have not yet passed an application for a Convention. But, assuming 34 valid petitions are not on file in the near future, I believe that the Congress is not helpless in this matter. *I suggest that it would be timely, appropriate, and reasonable for the Congress to enact this year a general statute for the implementation of Article V*, aimed not simply at this one effort but at all such efforts, now and in the future. Such a statute could properly specify:

(1) that applications from at least ⅔ of the states under Article V must be received in the same Congress, just as the votes of ⅔ of the House and ⅔ of the Senate must be obtained in the same Congress before the other Article V procedure can be initiated;

(2) that such a Convention, when called, shall be apportioned by the Congress in its call according to population, with each delegate (not each state) having one Convention vote;

(3) that all such applications shall be officially transmitted to the Vice President

and Speaker, who shall regularly report on their progress to avoid any future surprise developments; and

(4) such other requirements as to the form and wording of such applications, the selection of delegates, and the time, place, voting and financing of such Conventions, as the Congress may deem suitable.

I see no reason to believe that the Courts would upset such a statute. It is not *ex post facto* as applied to the present petitions so long as they have not yet reached 34. *Ad hoc* rules which might be unfair if pulled out of nowhere to reject a specific application are not arbitrary if contained in a generalized statute which fulfills Congress' duty to implement Article V. Nor do I believe that such a statute would encourage the state legislatures to seek the Convention route—indeed they may well be discouraged.

Unless Article V itself is amended to eliminate this state legislative route—a possibility which I neither favor nor forecast—it is only through some statute such as this that we can prevent the confusion and conflict of a constitutional crisis if and when that day ever does come when 34 state legislative Convention applications are presented to the Congress. The urgent need for reason and for a regular procedure then require action by the Congress now.

I bring this message to this group because this organization has long relied upon the Constitution and its guarantees of liberty. But I also salute the Anti-Defamation League for recognizing the truth in Learned Hand's words:

"Liberty lies in the hearts of men and women. When it dies there, no Constitution, no law, no court can save it. While it lies there, it needs no Constitution, no law, no court to save it."

It is because liberty lies in our hearts that we must act to save our Constitution.

THE DEATH OF A PRESIDENT—REVIEW BY GARRY WILLS

Mr. TOWER. Mr. President, in accord with my policy of submitting for the Record the various critiques of Mr. William Manchester's well-known book on the death of President Kennedy, I ask unanimous consent that the text of Garry Wills' review of the book be printed in the Record. The review was published in National Review magazine.

There being no objection, the review was ordered to be printed in the Record, as follows:

The Lachrymose Mr. Manchester

(By Garry Wills)

Yes. It. Again, and at this late date; we shall be digging our way out for years from this avalanche of detail sluiced tearfully down on us. There is much here worth remembering:

How the President's stricken buddies of the "Mafia" stood watching the funeral on TV, and lifted a champagne toast to the passing caisson. If Kennedy's spirit haunted his own obsequies, it was surely from this vantage point—which is the real secret of his very real charm.

How Mrs. Kennedy, who had dealt rather coolly with the Boston pols around her husband, turned tough and angry when he was killed and—on the plane back to Washington—finally joined the Mafia. It was like a second marriage—she shared even more of his life at the moment of his death—and it makes her far more appealing.

How D.C. marshals were called on to guard Robert Kennedy in the tense aftermath of the assassination—and all ninety marshals volunteered. How New York policemen paid their own way to Washington to help out local officers on the hectic day of the funeral. How Secret Service agent Clint Hill kept Mrs. Kennedy from falling off the car, and Rufus Youngblood threw himself over Lyndon Johnson, in the path (as he supposed) of spraying bullets.

How Johnson's first act as a ruler was to obey. Youngblood whispered over him, "When we get to where we're going, you and me are going to move right off and not tie in with the other people." The new President's response was "O.K., partner."

How Patrick Moynihan took the news of Kennedy's death: "I don't think there's any point in being Irish if you don't know that the world is going to break your heart eventually. I guess we thought we had a little more time. So did he."

How the Kennedys, who are good at winning but had been hurt where they were most wound-able (in the family), became even better at losing. John F. Kennedy's funeral day was John Jr.'s third birthday—and the Clan gathered that night to give the boy a cake-and-ice cream party.

How that same John Jr. gave a brisk military salute to his father's coffin.

But these episodes are submerged, here, by a lachrymose inclusiveness that dims their outline. This raises a real doubt about the quality of Mr. Manchester's caring. Everything is soaked in pseudo drama, suggesting that he does not trust the real drama of the central facts to carry their weight. If he understood the tragic nature of his material would he call Oswald's rifle fire "a barbarous obbligato"? Would he stop, in what he takes to be a heart-rending confrontation, to get cute with us this way?—"[Ken O'Donnell] uttered a swart oath recommending monogenesis." Things eloquent in themselves he cheapens with a gaudy parade of his own rhetoric—as when he clucks and coos over the fact that John Jr.'s salute had, for its underpinnings, "his knees dimpled and his blunt red shoes side by side."

He cannot believe that the story is important unless he is, every minute, screaming and gesticulating its importance at us. In his frenetic style everyone "darts" (or, even worse, "dartles") or "prances" or "lunges." A man does not grow tense—he "gathers his million muscles." And—sure sign of the high school editor aiming at sprightliness— people never say things when they can cry them: though Kennedy, for instance, is at one point standing in his sleepy wife's bedroom, " 'Gosh, look at the crowd!' the President cried, peering down." (Almost everyone else swears in this book, but Mr. and Mrs. Kennedy say "Gosh!") Apocalypse is on every page. Cappella obligingly rises over Boston on November 22, and shadows are forever being cast in all directions (even some *invisible* shadows): "Warp and woof, the pattern of fate, cast invisible shadows." Mrs. Kennedy is to "give the country a finer final last memory of her husband" in the funeral. Finer than *what* the context does not tell us—nor does it tell us how a final *last* memory differs from a final one or a last one. This is just the kind of dance he shuffles into when he wants to impress us.

Every twitch or stifled cry of those harsh days, all the odd behavior, is collected in a wormy mass. The author tries to get inside every shattered nerve system, to join his voice to every shriek. He is with the Secret Service, using their code (in which Kennedy is "Lancer"). He is inside one circle calling Mrs. Johnson "Bird" (which causes unpleasant echoes when, later on, Lieutenant Samuel Bird is referred to over and over by his last name). Then he is in another circle referring to General Godfrey McHugh as "God." He uses Dallas language—the scornful word "libs"—when he is in Dallas. He has a compulsive insiderism as he traces the pathology of this nationwide grief: "For three days men were to be transparent. During that week, which they would afterward seal off in the attic of their minds, they were artless, wholesouled and, for once unashamed of emotional display." Manchester crawls up into those thousand mental attics and violates a thousand privacies, morbidly collecting pain—not Kennedy's pain, not even that of the individuals, but the widespread pain that focuses finally—where? A terrible suspicion grows as one turns the pages.

He has a taste for attics. He ends this book in one, staring at Mrs. Kennedy's blood-caked dress. He ended his first book about Kennedy (*portrait of a President*, 1962) in another closet, liturgically fingering Kennedy's war uniform. In other ways, too, *Death of a President* cannibalizes *Portrait of a President*. That early book looks harmless enough—gossipy and worshipful. It told us what Scotch the President liked (Ballantine), what cocktail (daiquiris), what cigars and tailors and movies (he saw *Casablanca* four times); what nicknames he was given by his brother ("Johnny") his wife ("Bunny"), his crewman ("Shafty"). We were told that Mrs. Kennedy preferred pink and that she was a connoisseur who made Presidents Truman and Eisenhower "look like Hottentots, if not outright clods." Yet Manchester, a journalist who regularly refers to himself (as well as to Kennedy) as "a scholar," thought he must "document" that bundle of fluff by "depositing my files in the Olin Library, Wesleyan University, Middletown, Connecticut" (scholars always give complete citations). Now we know what those pretensions signified—but the Kennedys had every reason to think they were merely getting a literate Maude Shaw when they called Manchester in.

The links between *Portrait* and *Death* are now clear. In the former we were told, in various places, that Kennedy's "key is still C major," that he had "the profile of a Lindbergh," that his critics wanted "a leader who will give the world a kick in the old kazzazza." Five years later, in *Death*, we are told that Kennedy's "key had always been C major," and "his Lindbergh profile was still lean," that Dallas was angry because "Kennedy refused to give the world a kick in the old kazzazza." We get the same stories—how young Senator Kennedy charmingly grumbled to a reporter named Bouvier that Senate pages looked older than he did. Here is *Portrait* (p. 95):

"Blaming the President is an American custom almost as old as bundling. He is, after all, the biggest target in the land, and the formation of every Presidential cult is followed by the congealment of an anti-cult. 'Remember,' Woodrow Wilson warned his daughter when his first Administration was sailing along smoothly, 'the pack is always waiting to tear one to pieces.' Andrew Jackson was portrayed as an adulterer, Lincoln as a baboon, Harry Truman as a haberdasher. Thomas Jefferson was 'Mad Tom,' and even Washington was scarred. 'I am accused of being the enemy of America, and subject to the influence of a foreign country,' he wrote Mad Tom, 'and every act of my Administration is tortured, in such exaggerated and indecent terms as could scarcely be applied to Nero, to a notorious defaulter, or even to a common pickpocket.' "

And there is *Death*, too (p. 46)—the whole passage, word for word, the serpent swallowing its tail.

Manchester closes his circle with finality in the *Look* defense of himself which describes his agony. His. That is the key. He spent years, he tells us, pooled in blood—not Kennedy's but his: "I was gripping my Esterbrook so hard that my thumb began to bleed under the nail. It became infected and had to be lanced three times." If you have any doubt that the lancing in this passage is meant as an appropriation of Lancer's wounds, turn back a little in the *Look* piece to this horrible pun: Manchester describes his emotional reaction to the news of Kennedy's death as "lancinating." Appropriation—Mrs. Kennedy's memories become *his*. He is not inside all the separate circles, using their jargon and nicknames. They are inside his system, they are ganglia in that nationwide nervous web that centers finally in William Manchester, the one *complete* mourner. No Maude Shaw here. The onanistic mournfulness stirs a different memory—the egotistic tearfulness of all those half-read copies of *The Prairie Years* and *The War Years* that clutter up our attics (where, no doubt, Manchester stumbled on them) and library shelves. The final cruel irony, the capping parallel with Lincoln—not only assassinated, but sandburged!

Manchester has grown to like the taste of his own tears—his own lancinations over Lancer, his fulminations over Dallas, his spitting hatred for the haters. Among the latter he includes Jack Ruby (who becomes, in this book's jig-style, "the horn-rimmed humbug"). Manchester tells us that Ruby did not really care about the President (only Manchester *really* cares): the humbug does not deserve to be mentioned along with the hero—which was precisely Ruby's attitude toward Oswald. Indeed, Manchester has more in common with Ruby than he realizes. He writes of Oswald: "Noticing him, and even printing his name in history books, therefore seems obscene. It is an outrage. He is an outrage. We want him Out." So did Ruby.

WIRETAPPING AND EAVESDROPPING

Mr. LONG of Missouri. Mr. President, recently, I received a copy of a fine article entitled "Ring Around Our Rights," written by a student, and published in the April 7, 1967, issue of the Fordham University school paper, Curved Horn.

As the Subcommittee on Administrative Practice and Procedure has been actively studying the problems of wiretapping and eavesdropping, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RING AROUND OUR RIGHTS

(By Keith Rolland)

A class debate on the controversial topic of wiretapping recently took place in Politics 32 between Mulry Council of Debate members, Charles Noto and myself. The essential arguments for the position which maintains that wiretapping is a violation of American rights are presented below.

I believe that wiretapping and other forms of electronic eavesdropping are encroachments on the citizen's right to privacy, which is set forth in the first part of Amendment IV of the Constitution, which says "the right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated." Wiretapping represents irreparable injury to both individual freedom and security.

I would like to point out that the totalitarian Communist governments which we deplore so strongly deprive the citizen of his privacy by observing his movements, words and thoughts. Yet, it is in this direction that wiretapping leads us.

We are stunned by the omnipresent television and "Big Brother" eye in 1984. But we consider condoning the grave invasion of wiretapping to privacy. There would be few limits to this invasion if wiretapping is legalized. In 1954, the Supreme Court heard the Irvine-California case, in which it was revealed that California police had even put a microphone in a couple's bedroom.

WHO WIRETAPS?

Many defenders of wiretapping have an illusion that wiretapping is done only by the government. However, corporations have been found to monitor suspected executives' phone calls, and wiretap in various other situations. Private investigating agencies have installed extensive snooping devices to obtain evidence for divorces. A great many private groups wiretap today, without any sort of permission. Wiretapping is clearly growing.

HOW SOPHISTICATED IS WIRETAPPING TODAY?

Wiretapping devices—advertised openly across the country—have reached a fantastic level of sophistication. Microphones can pick up normal conversations blocks away from the place where the devices are installed. There are recording devices "activated by a telephone ring that can continue to record even after the telephone is hung up." (Cincinnati Enquirer, March 7, 1965). Microphones can be hidden almost anywhere—in tie clasps, cigarette lighters, purses, and even in the olive of a martini! Usually, they are undetectable.

Is wiretapping actually used in the very limited cases that its proponents claim it is?

A common illusion is that governmental wiretapping is allowed in a very restricted number of cases. Senator Edward Long (D.-Mo.), Chairman of the Senate Subcommittee on Administrative Practice and Procedure, stated in Congressional hearings on March 28, 1966, that: "During the course of these hearings, we have been constantly amazed at the extremes to which several of our governmental agencies resort in their quest to obtain information." Apparently, his suspicions are well-warranted. On May 5, 1965, he revealed that Federal agencies have used elaborate means to bug "such vicious criminals as Kansas City school teachers and Long Island vitamin manufacturers." Such an unlikely suspect as the Food and Drug Administration was found to use recording devices when inspecting pharmaceutical plants.

Law enforcement officers have given no evidence of being selective about who should be tapped. As Emanuel Celler has said, "If you have a method which is so easy . . . I cannot conceive how in ordinary circumstances the police wouldn't avail themselves of that very facile method of detecting crime."

Is it true that wiretapping is just as much an infringement on privacy as the search warrant?

Wiretapping is a much greater infringement on privacy than the search warrant. There is usually no opportunity to review court orders for wiretapping to determine if they are justified and the defendent does not usually know that a tap was actually used. Also, wiretapping can provide clues which lead to valuable evidence used against the defendant. Often, evidence derived from wiretapping is used against defendants without the explicit statement that the information was obtained from a wiretap, wiretapping yielding no evidence is usually not acknowledged in court.

IS WIRETAPPING LEGAL?

In 1934, the Federal Communications Act became law. Paragraph 605 prohibited interception of any communication and divulgence of such communication, subsequently applied to intrastate communication. However, many statutes have been passed authorizing law enforcement agencies to wiretap in certain circumstances. Those circumstances have usually entailed vice and bookmaking suspects rather than those endangering national security.

HOW DO POLICE GET PERMISSION TO WIRETAP?

Police usually obtain a court order which allows them to wiretap. One way of obtaining a court order is to engage in "sampling tapping"; an order is given if the preliminary tap yields useful information. The orders come from local courts, however, and it has been made clear that "the record is full of abuses of the right to wiretap by state and local officials." "State judges cannot be depended on too heavily, especially in areas where the rights of unpopular minorities or unpopular individuals are concerned." ("The Wiretapping Problem Today," American Civil Liberties Union).

Stated another ACLU report, "Law enforcement officers have had no difficulty obtaining a court order when they wanted it." Judges who are "tough" are just bypassed. Thus, police can often too easily obtain a court order to wiretap.

IS WIRETAPPING ESSENTIAL FOR EFFICIENT LAW ENFORCEMENT?

I most emphatically endorse those proposed measures which would strengthen the ability of law enforcement officials to more efficiently and effectively apprehend and prosecute criminals. But I think that the answer to the rising crime rates is to develop more thorough, sophisticated measures which are within the binds of the law. As Felix Frankfurter said in a 1952 opinion, "legal sanction to such 'dirty business' . . . makes for lazy and not alert law enforcement."

Law enforcement officials have not proven that wiretapping is indispensable to internal security and apprehension of criminals. The need for wiretapping does not seem to outweight the danger to personal liberty. As Senator Edward Long stated Feb. 25, 1965, "If laws are not enacted soon, and if the penalties for violation of those laws are not stiff, we stand to lose competely our right of privacy."

HAVE ANY LAWS BEEN PROPOSED RECENTLY TO RESTRICT WIRETAPPING?

A proposed "Right to Privacy Act" was introduced in Congress this past February; if enacted, it would prohibit the interception of any wire communication using such facilities. It is strongly supported by civil libertarian groups, and in particular by Senator Edward Long, whose recently-published book, The Intruders: the Invasion of Privacy by Government and Industry, has helped to mobilize sentiment against the menace of wiretapping. In this informative book, Mr. Long urges: limited "third-party" wiretapping by the Government in cases of important natural security cases (the evidence from which cannot be used in court); requiring one party to agree to the tapped conversation in Federal and state wiretapping; and establishing a similar requirement that one party acquiesce to the taped conversation when the tapping is done by law-enforcement officials.

I therefore conclude that the danger from wiretapping to the freedom and security of this country is so great, and the case for wiretapping so weak, that wiretapping is a gross, unjustifiable violation of American rights.

REUNIFICATION OF OKINAWA WITH JAPAN

Mr. FONG. Mr. President, I commend to the Senate the timely and excellent article about the changing attitude on American administration in Okinawa, written by Robert Trumbull, and published in the New York Times of June 7, 1967.

The cry "Reversion Now" has been a critical political issue in Okinawa for some time. But this sentiment, Mr. Trumbull believes, is changing. Seemingly, many persons now favor a gradual return of Okinawa to Japan.

In the light of current congressional

consideration of Price Act amendments on the economic and social development aid to Okinawa, this new development is to be noted.

I ask unanimous consent that Mr. Trumbull's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, June 7, 1967]

Okinawans Shifting Attitude on Rule by the United States—Many Now Favor a Gradual Reunification With Japan—Economy Is a Factor

(By Robert Trumbull)

Naha, Okinawa, June 5.—Sentiment here appears to have swung over to a "gradual" return of Okinawa to Japanese civil jurisdiction instead of the immediate reversion widely demanded in the past.

Okinawan leaders interviewed here and on other islands of the Ryukyus chain say that the new trend has emerged partly as a result of the turmoil on the Asian mainland and partly out of local considerations of administration and finance.

These sources declared that there had been a new appreciation recently, both here and in Tokyo, of the vital role played by this billion-dollar United States military base complex in protecting the security of Japan.

"What we want is not immediate reversion to Japan, but a timetable for a gradual transfer," said a businessman in sleepy Ishigaki, a provincial center at the humid southern end of the archipelago 300 miles from Naha, the capital.

A sugar grower on Minami Daito, a lonely little island some 200 miles east of the main group, called attention to the painstaking financial adjustments for a smooth changeover from an American dollar economy to the use of Japanese yen.

AMERICAN MILITARY VIEW

The American military viewpoint was expressed by a general, who said the timetable for reversion depended on "Peking, Hanoi and Pyongyang" rather than on "Washington, Tokyo or Naha."

The transfer of control of the islands back to Japan has long been accepted by Washington as an eventual goal of American policy in the Western Pacific. However, many Okinawans and Japanese are now taking a position favoring a gradual transition, which American military officials had long urged.

"I think complete reversion to Japan will take a long time," Seiho Matsuoka, the 69-year-old Chief Executive of the Government of the Ryukyu Islands, declared in an interview here last week.

"Agitation has been replaced by a healthy dialogue with the public on what reversion means," the United States High Commissioner of the Ryukyus, Lieut. Gen. Ferdinand T. Unger, said in an interview at his office at Fort Buckner, the United States Army headquarters on a fenced and guarded hilltop north of the crowded capital.

General Unger and Mr. Matsuoka are the two highest-ranking spokesmen on the island for the viewpoints of the United States and Japan in the delicate territorial question.

Mr. Matsuoka, a self-made utilities magnet who worked his way through college in the United States as a houseboy, was chosen by an elected legislature to head an island government that functions under American overseers.

General Unger, a 53-year-old artillery man from Pittsburgh is the supreme military and civil authority—a kind of American viceroy in these greenclad limestone islands that separate the Pacific Ocean and the East China Sea.

The general said he had been pleased to find on his arrival last November that he had not come into the completely hostile situation that had sometimes been pictured. He said he had chosen the advancement of Okiniawan relations with Japan, as well as with the United States, as the keynote of his tenure.

"In the interim, before reversion, we must emphasize increased productivity to ease the economic shock of the eventual American withdrawal," he said with reference to the injection of $240-million, by the United States into the island's economy last year.

WOULD RESCIND LAWS

To help the Okinawans prepare on another front, he has drawn up a list of 29 laws enacted by the American administration that he will rescind when the local government produces substitute legislation more in keeping with Japanese practices.

Partly because of construction connected with stockpiling for war operations in Vietnam, the Ryukyuan economy registered an 11.5 per cent gain last year and unemployment has virtually vanished, according to Okinawan official statements.

The growing prosperity is said to have muted sniping at the Americans by an intellectual leftist element. However, the left-wing drive for reversion to Japan has been set back by unexpected reservations uncovered in a survey of Okinawan opinion by a team of sociologists and psychologists from Tokyo University a few months ago.

In a sampling of 1,600 islanders in various areas of the archipelago, the Tokyo researchers found that 88 per cent were for reversion. But 47 per cent, or more than half of those in favor of change, advocated a "gradual return" to Japanese rule in order to minimize the economic and other dislocations expected in the transfer.

"This indicates that the Okinawan society is more realistic than it appears on the surface," a report on the survey said.

ECONOMIC GAIN NOTED

While 56.2 per cent of those polled said that the American administration of Japanese territory was impermissible," a slightly larger number—56.7 per cent—felt that the American regime had been "of considerable help economically" in this traditionally poor area of Prewar Japan.

Asked how they thought the Okinawans would have fared if they had remained under Japanese rule after World War II, the 41 per cent answered "worse off."

"Okinawans have never forgotten that the Japanese treated them as second-class citizens before the war," an educated young Okinawan told an American in a discussion of the survey.

Okinawa was captured by American forces in one of the bloodiest campaigns of the war. The Ryukyus were left under United States jurisdiction by the 1952 peace treaty, with the promise of eventual return to Japanese rule.

Leaders of the Japanese-speaking native population, numbering nearly a million, have campaigned continuously for reversion to Japanese rule. More than three-fourths of the population is concentrated on Okinawa, the largest island.

"The possible formulas for reversion are complete restoration, partial return and the reestablishing of Japanese jurisdiction in functional fields, such as education," Mr. Matsuoka said in fluent English last week, to an American visitor.

DISAGREEMENTS ON PLANS

"There is disagreement among Okinawans and Japanese on the feasibility of partial and functional reversion," he said, "but only the Americans oppose complete reversion," he declared.

All but the extreme leftists among Okinawan politicians have advocated the retention of the American military bases, with their presumed nuclear arsenal, should the islands be returned to Japan.

However, the Americans are wary of losing freedom of movement if they give up civil jurisdiction. And Premier Eisaku Sato and Foreign Minister Takeo Miki, on the Japanese side, have expressed uneasiness over the unwelcome alternatives of either having an American nuclear base in part of Japan or of dispensing with the American nuclear deterrent here, should Okinawa revert.

"Mr. Sato has said that it will be all right for the United States to pull out of Okinawa if Japan can replace the American bases with sufficient Japanese military power to protect the country," Mr. Matsuoka said. "This is a smart move, for it puts the burden on the leftist opponents of Japanese armament."

TED YATES

Mr. SYMINGTON. Mr. President, the other day a brave man died, and we who cherish the truth about the current unrest in this world as the best platform from which to form opinion deeply regret his passing.

Able, energetic, wise beyond his years but gay of heart, above all Ted Yates had a passionate desire to bring the truth to his listeners and viewers, and was willing constantly to risk his life to that end.

Ted was born in Sheridan, Wyo., in 1930. He spent 1 year at the University of Virginia, then broke his back while participating in a rodeo. Leaving school he went into the radio, news, and television business—winning Emmy and Peabody awards for his work as producer of the "Mike Wallace Tonight Show," "David Brinkley Journal," and the NBC hour documentary series.

Twenty-one years ago, on a little island off Okinawa called Ie-jima, I had the privilege of dedicating a monument to the memory of Ernie Pyle, placed at the spot where he was killed by a sniper near the end of World War II; and last year, by helicopter, I revisited his grave out there in the Pacific to once more pay my respects to that immortal newspaperman.

Ted Yates was of the same mold. In a letter I received from Jordan, several days after his death was announced, and probably the last letter he ever wrote, he closed with typical modesty:

> Remember, these are views from the fox hole, so to speak. My perspective is very narrow and I only pass it on for what it's worth.

Of the many great journalists—and I would describe the work of Yates as television journalism, not just news—there are a few who rise above the rest in that kind of integrity and commitment that defies peril. So it was, I think, in the Ernie Pyle tradition that he gave his life.

They being about the same age, it was through my son Jim that I first met him, and I would close these brief remarks about a great American who has left us by quoting from a letter from my son:

> Some would say Ted courted danger. He didn't court danger. He courted truth which can be dangerous as he well knew. He knew, too, that to seek less would prove more dangerous in the long run for a nation.
>
> Ted served as a Marine Lieutenant in Korea. But he fell yesterday in a line of duty no less essential to the national welfare. National judgments must be made on facts, and Ted was always ready to meet facts more than halfway. He wanted them alive before

they could recede into history, and he wanted to share them.

Imprisoned in the Congo, nearly bayoneted in Indonesia, perilously exposed saving a friend's life in Santo Domingo and later in helicopter forays over enemy-held jungle in Vietnam, the surprise is not that he should be hit by flying metal, but that any shot or shell could briefly check, much less end, his happy vitality. It may have done so, but his vivid spirit will surely illuminate the way for his three young sons, as it does for his friends, who join with his widow, Mary, in a great grief.

"WHERE THE MIND IS FREE"—COMMENCEMENT ADDRESS BY DR. PURNENDU KUMAR BANERJEE, MINISTER, EMBASSY OF INDIA

Mr. JACKSON. Mr. President, Whitman College, in Walla Walla, Wash., was very fortunate this year to have as its commencement speaker the Honorable Dr. Purnendu Kumar Banerjee, Minister of the Embassy of India. Entitled "Where the Mind Is Free," Dr. Banerjee's address states the case for individual liberty and for free inquiry and discussion as the keystone of democracy and the best hope for constructive change.

On this occasion, Whitman College awarded Dr. Banerjee the honorary degree of doctor of literature in these words:

> Purnendu Kumar Banerjee, teacher, author, and distinguished representative of your country to other nations, exponent of international understanding and bearer of good to many races and peoples, who has generously shared your wisdom and knowledge for the betterment of mankind * * *.

I believe that this timely and stimulating commencement address will be of great interest to Members of Congress. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

WHERE THE MIND IS FREE

(Commencement address by Hon. Dr. Purnendu Kumar Banerjee, Minister, Embassy of India, at Whitman College, Walla Walla, Wash., June 4, 1967)

I am deeply grateful to you for having honored my country by inviting me to give the Commencement Address to the 1967 Graduates of Whitman College this afternoon. I am proud and happy to have received this Honorary Degree of Doctor of Literature which makes me a member of your academic community.

Those of us in the non-Western world know Whitman College as the *alma mater* of many of the illustrious Americans who have contributed richly to creative activities in this country as well as in other parts of the world. To mention only a few of such distinguished former graduates of this great institution—Dr. Walter H. Brattain, recipient of the Nobel Prize in Physics and a man of outstanding stature in Science and Technology, Mr. Justice William O. Douglas, a great champion of the rule of law and scientific humanism.

It is my submission that the future of civilization, as it was in the past, rests on the freedom of mind. The history of man has always been a struggle, in a sense, between ever-expanding authority and the diminishing status of the individual. Throughout history, the individual—his mind—has resisted the restrictions imposed by society. Every social order seeks conformity. Nonconformists are sometimes ostracized and sometimes punished by society. Buddha, Socrates, Christ, Lincoln and Gandhi were all non-conformists. It is because of their conviction to dissent and their courage to disagree with existing views and to suffer for it that we have today a better world in which to live. It was possible for them to do so because their minds were not shackled by cliches and dogma nor were they paralyzed by prejudices and fear.

Today man has in his mortal hands the means to explore the mysteries of the universe. We have scaled the walls of sovereignty. We have the means to fight poverty anywhere on the globe; yet we are in a world, half rich, half poor. Our communications are almost perfect, yet we understand very little of the complex forces that envelope our lives. We live in an age of paradox and continuing crisis. We talk of peace and prepare for war. We discuss internationalism and "One World" and yet narrow nationalism governs our activities. We move from one temporary expedient to another, rarely catching up with the pace of events. We often function as if we are slaves of events rather than their master. We offer habitual obeisance to a system organized by the society and seldom pause to think why we do it.

Fellow Graduates, you have had the training to evaluate the system and discard that part which is found wanting. The growth of modern civilization should make this easier, but the situation is exactly the opposite. Our magnificent achievements have lead more and more to the centralization of authority and power. There is a continuous encroachment on the freedom of the individual. To an extent, this is understandable since the modern world cannot function without reasonably centralized organization. In this process, however, unchecked authority corrodes individual freedom to such an extent that it almost destroys it. The groups that exercise power on behalf of the State tend to encourage this. Different and sometimes hostile ideologies also encourage accumulation of power in the State or in a group. This would ultimately result in human unhappiness and decay of the creative mind which is essential to the growth of civilization.

Very often, those who impose conformity propound the theory that a world perspective necessitates uniformity in civilization, religion and even ideology. Many of the conflicts in the past can be traced to this fallacy. The Crusaders, who fought in the Middle Ages, had as their basis the superiority of one religion over the other. But even co-religionists have fought among themselves. The same religious affiliation did not bring peace to the peoples. Europeans, it is generally held, went into Asia and Africa to bring them the benefits of civilization. The "civilizing mission" was the cause of many wars in these areas. There is no evidence in history that even common civilization prevents war. England, France and Germany, who share western civilization, have fought many bloody battles. India and Pakistan, with almost identical culture have fought a violent war. Ideological conformity has not brought peace either. The battle within the Communist movement illustrates this. Not only is there a Sino-Soviet conflict, but there is also a conflict within China over the means to be adopted and the goals to be achieved by the Chinese revolution. "The Cultural Revolution" conducted by the "Red Guard" movement is a case in point. The teenage students in China, who lived only in Mao Tse-tung's China, have been withdrawn from the schools to propagate and uphold the precepts of Mao Tse-tung. Those who disagree with them and are opposed to them, including powerful President Liu Chao-chi, are attacked as revisionists and counter-revolutionaries. The contestants are so powerful and the tension is so high that there is some fear about the continued unity of China as a stable political entity.

What is disturbing, however, is that the disease of conformity often spreads to and infects democratic societies. We find evidence of this in various forms. There are loyalty oaths, restrictions on those who are considered subversives, detention without trial. All these political weapons are often used in legal cloak and in the name of national security.

We find symptoms of the malady in the mass media too. Not too long ago, we read the phrase "managed news," or the ability of a government to let the people know what it wants them to know. Denial of factual news deprives a citizen of the means of making his own assessment and often he comes to the wrong conclusions. Today a reporter should be able to reach New Delhi in 20 hours, but it would take him at least 20 months to gather details about India's complex social and political conditions and to make a reasonable assessment of the problems. Whereas the hurried reporter files his stories based on hasty and superficial judgments and sometimes preconceived prejudices, his efforts to capsulize them to suit the tastes of his busy reader result in generalization or over-simplification of his observations. Distortion of facts or trends in pursuit of sensationalism in today's journalism is not an uncommon factor. The reader is left to make his assessment from these half-baked reports.

Not only should we have access to facts to assess, but also the freedom to express our assessment. At any given point in history, we always have two forces—*status quo* and change—opposing each other. This normally takes the form of ideological strife. Any sympathizer of an opposing ideology is often considered disloyal to his community. Sometimes a community, gripped with the fear or fantasy of being overthrown by an adversary, sacrifices its own ideal at the altar of safety. Suppression is substituted for persuasion, security for freedom. But this is the negation of democracy which endeavors to assure freedom of mind.

We are sometimes prone to prevent the younger generation or even the general public from reading what is deemed to be subversive literature. Censorship is an old weapon but still a powerful instrument in the hands of irresponsible and insensitive administrators. Despite all our advancement in communication systems, we still do not have a clear picture of the recent events in many parts of the world. When we deny one individual the right to read, we deny him the right to reject it as unworthy of his consideration. It is common knowledge that the best publicity a publication can have is when it is banned or proscribed. After all, it is often believed that unheard melodies are the best. But that need not be so. The best way to scotch or squelch an idea is perhaps to allow it to circulate freely. For natural death does not give the myth of martyrdom.

A free mind in today's world has another important role to play. Most of us are affected by our environment and often possess limited mental horizons. Without realizing it, we often even refuse to consider a new or novel idea because it is foreign to our culture. Sometimes we tend to underestimate the merit of a new idea. Very often, we are prone to discard it without examination. Even when we examine it, our prejudices condition our vision and blur our judgment. We are often intolerant of another's point of view. Our material achievements have not helped us to understand each other. This is important in the nuclear age. We are in a dangerously transitory stage. It was fear that led nations to arm themselves for protection. The balance of fear led to the balance of power. Since this balance has been restored and strengthened by a pressing awareness of our mutual capacity for annihilation, mankind is marching toward an unknown new order where it is capable of developing a society based on new international collaboration and respect. Instead of trying to destroy each other, the social ethos could now assist in discovering our common goals and common ideals. The super powers today have crossed the bridge of co-existence to move toward a more exciting socio-economic order based on the concept of co-evolution. The principle of co-existence has saved the world from nuclear holocaust; the concept of co-evolution now should and must ensure for mankind equal opportunity and prosperity.

The education you have received in this great institution, I believe, has equipped you to dispell your prejudices and examine each issue dispassionately. Each one of you, as you enter the society, has a duty to enrich it by your vision, by your catholicity and by your tolerance. Justice Douglas has put it so beautifully when he said, "We must produce a generation of men and women who will make tolerance for all ideas the symbol of virtue." Fellow Graduates, the tolerance you practice within your nation has to be extended beyond the water's edge. You have accepted the diversities of life. Concepts like "inferior" and "superior" cultures have not place in modern society. There is no such thing as "pure" culture or "pure" race. All cultures are composite cultures, a blend of many. It is not beyond our means to discover a common ideal. But it is, in my opinion, possible only where the mind is free.

I have faith in you. Your generation must meet this great challenge and I am confident that you are equipped to meet it. I am sure you will consider it a privilege and a responsibility. I hope you will accept it without fear or apprehension. In the words of Jawaharlal Nehru, "history tells us of Man's struggle for freedom and in spite of many failures his achievements and successes have been remarkable. True freedom is not merely political but must also be economic and spiritual. Only then can a Man grow and fulfill his destiny. That freedom has also to be envisaged today not merely in terms of group freedom often resulting in nations warring against one another, but as individual freedom within free national groups in the larger context of world freedom and order." Fellow Graduates, freedom of the mind is a prerequisite to achieve this.

Freedom of the mind cannot exist long unless it has fearless and dedicated champions who dare to make free inquiry and freely express their cause. They need not advocate a particular ideology, but they should not persecute those who oppose their views. There are no heretics. We are often prone to trust the judgment of experts holding opposing views before making our own evaluation. We are swayed by their preferences. But it is the people who are required to decide the final road for the march. If the facts are suppressed at any level, their decisions will be adversely affected. Justice Douglas has written, "Today the problems are so vast that they have been tumbling at us so fast that even if we were worldly-wise and sophisticated, we would have trouble keeping abreast. Given our predilection to provincialism and to conformity, given the conservative class that controls the mass media of communication, we have become polarized to the right of the center and assert the prerogatives of power to channel public discussion here and discourage it elsewhere."

In one of his famous statements, President Kennedy questioned: "Is not peace ultimately a matter of human right?" Fellow Graduates, I venture to add: "Is not human rights a matter of freedom of mind?" I believe so. A workable and enduring world order is possible only where the mind is free.

THE HONORABLE DR. PURNENDU KUMAR BANERJEE, MINISTER, EMBASSY OF INDIA, WASHINGTON, D.C.

Purnendu Kumar Banerjee, born December, 1917, was educated at his home University in Calcutta and then at New York and Harvard. Professor of Law for a number of years, Dr. Banerjee served on the Faculty of Arts, Faculty of Law and on the Senate of the University of Calcutta as an elected member.

Dr. Banerjee was connected with labor movement and was the Vice President of Bengal Railway Employees' Union, Chief Editor of the Railway Union Journal and Vice-President of the Press Workers' Union. He was also Member of the Board of Editors of Calcutta Review.

Dr. Banerjee joined the Indian Foreign Service in 1948 and was successively acting High Commissioner for India in Canada, member of the Permanent Mission of India to the United Nations in New York, Deputy High Commissioner for India in East Pakistan, Counsellor and Charge d'Affairs for India in Japan. Prior to his present posting, Dr. Banerjee was India's Minister and Charge d'Affairs in Peking. He was concurrently accredited to Mongolia.

Dr. Banerjee is the recipient of national decoration "Padma Shri" awarded to him by the President of India in 1963 for meritorious work done by him, for India, in China. He has received honorary degrees of L.L.D. from the West Virginia State College in 1965 and D.C.L. from Luther College, Iowa, in 1966. He was made honorary citizen of the State of Delaware in 1965.

Dr. Banerjee has represented India at a number of international conferences including the U.N. General Assembly Sessions (1951, 1952, 1953, 1954); Peace Observation Commission (1951, 1952); Security Council (1951, 1952); UNICEF (1953, 1954); Social Commission (1953); Commission on the Information from Non-Self-Governing Territories (1953); Economic and Social Council (1952, 1953); Human Rights Commission (1954); Trusteeship Council (1954); International Commission for Supervision and Control in Laos (1954, 1955); UNESCO (1956); ECAFE (1957); Asian-African Legal Consultative Conferences (1957, 1961); GATT Conference (1959); the Colombo Plan Conference (1961); the World Bank and the International Monetary Fund Conference (1965); International Conference on Social Work (1966).

Dr. Banerjee's publications include "Pages from History," "Disarmament—A Review," "Certain Aspects of United Nations," "Trust and Non-Self-Governing Territories," "Peaceful Settlement of International Disputes."

FORMER SENATOR DOUGLAS GIVES IMPRESSIVE TESTIMONY ON SHALE OIL LANDS

Mr. **PROXMIRE**. Mr. President, on April 19 a most esteemed former colleague testified before Senator HART's Antitrust and Monopoly Subcommittee on the shale oil question. Paul Douglas, with eloquence and persuasion, made an overwhelmingly convincing case for the development of the shale oil lands located in Colorado, Utah, and Wyoming in the public interest.

Senator Douglas recommended that a National Citizens Watchdog Committee be set up to make sure that the public interest is protected. He further suggested that the royalties from this land should be assigned by Congress to an investment in human needs and development.

I hope that all Senators will have an opportunity to read this excellent statement. It points out the pitfalls we can expect to encounter in the development of these lands as well as the immeasurable good that can be accomplished if the royalty income is used to help the owners of these trillions of barrels of oil—the American people.

I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY OF PAUL H. DOUGLAS ON HANDLING OF OIL SHALE DEPOSITS BEFORE THE SUBCOMMITTEE ON ANTITRUST AND MONOPOLY OF THE SENATE JUDICIARY COMMITTEE, APRIL 19, 1967

I

The vast fuel resources of oil shale deposits in three of our Western states present a unique opportunity for Americans. That opportunity comes in two parts.

First, this immense wealth owned by all the people in the United States, if appropriate steps are taken, can actually be preserved in public ownership and kept under public control. This can be done with supervised private development or with a Comsat type development. This achievement would be in stark contrast to much of the history of our public lands and public resources in the United States.

The second part of the opportunity is, that by making appropriate decisions now, this concentrated wealth owned by the people can be efficiently invested in human needs.

The extent of the oil shale deposits is so huge that it numbs the mind, and indeed, because it is so hard to grasp the values involved we are in danger of failing to take the steps necessary to protect its development and use for the people.

Various ways have been developed in which to state the content of oil shale reserves, and I will not dwell on these facts which are well spelled out in other documents and hearings. Very roughly, there are apparently some two trillion barrels of recoverable oil in the principal western formations, of which from 1.6 to 1.7 trillion barrels are owned by the people of the United States.[1] I repeat two trillion barrels of oil, or two thousand billion barrels or two million million barrels. Between eighty (80) and eighty-five (85) percent of this is now owned by the people of the United States. This is about 25 times as much oil as has been extracted throughout the whole history of the American industry. There may be as much as 2.6 trillion barrels.

One can also be helped to realize the extent of this resource by contrast with the fact that the total recoverable conventional oil in the entire world is now estimated at only 360 billion barrels. In other words, the recoverable oil in the oil shale reserves is approximately 6 times the amount of conventional oil to be found in the whole world. Some estimates of the extent of the shale oil go as high as 2.6 trillion barrels of potentially recoverable oil. At the recently quoted price of $2.77 a barrel, the resource would be worth at least $5½ trillion dollars! And possibly it might run as high as $7 trillion.

In any case, one does not need to exaggerate at all the extent of this resource to make the point very quickly that it is vast, unbelievably vast. Moreover, large sections of these deposits are exceedingly concentrated and rich. In some areas, for example, it has been estimated that only a few acres of surface claims, because the oil shale is so deep and so rich, would yield billions of barrels of oil. In general the richer and deeper deposits are government owned and are in the centers of the reserves.

Then we must contrast all these huge amounts of oil with our national consumption, which now is approximately 3 billion barrels annually. Even assuming a rapid increase in our consumption of fuels, and no proportionate increase in the use of other sources of energy, the oil shale reserves can meet a large share of the nation's power supply needs for decades to come. In addition the shale deposits contain large quantities of dawsonite (aluminum) and nahcolite (sodium). These tend to be mixed in with the oil.

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[1] *Interim Report of the Oil Shale Advisory Board*, February 1965, p. 2.

I am deeply concerned that the opportunity presented may be lost. I look at the history of our treatment of the resources owned by the public. I doubt if we would again make the huge land grants to the trans-continental railways which stained the record of Congress in the decade after the Civil War. Consider the irresponsible and selfish destruction of our great timber resources during one period of our development. And let us not forget Teapot Dome and Elk Hills, the alienation of which was plotted and nearly carried out and was only prevented by the brave and alert reporting of Clinton Anderson, then a young reporter in New Mexico and his fearless editor, Carl Magee. Then in Washington three heroic Senators Walsh and Wheeler of Montana and LaFollette of Wisconsin finally exposed the shameful shenanigans and saved the fields for the people.

Consider the intense effort which was made to gain control of the so-called offshore oil reserves by a few States and special interests. That story is so well-known I do not need to treat it extensively here, but those who remember that battle must have some feeling for the concentration of political power which will come to play in seeking control of these hundreds of billions of barrels of shale oil. If the political power of the present oil industry is great—and it is—what will be the power of an industry based on 2 or 2½ trillion barrels, or 6 times as much as the known resources of the world. This is not an idle question.

Incidentally, it is now clear that the fight which was made in this body to protect the public interest in the offshore lands and continental shelf was, perhaps in part accidentally, largely successful. While we were unable to withstand the drive to cede to the states with an ocean coastline control over what had always been owned by all the people, we were able to alert public opinion sufficiently to limit the grab for the ocean floor to within the 3 mile and 3 league limit. Ironically, especially to some of those who sought state control over these ocean resources, the predictions now are that the greatest part of the ocean floor resources are to be found beyond these 3 mile and 3 league limits. As Senators know, the recovery of this oil has been in progress for several years and is returning several hundred million dollars to the Treasury each year from royalties.

I think we have already collected approximately $850 million, and $350 to $450 million is set as the approximate annual yield from grants and resources.

This experience ought to give us confidence in two things: First, that a massive, powerful and well-financed camapign will be under way to secure maximum advantage for private and sectional interests in the development of oil shale. And second, that the public, if it is sufficiently alerted and has adequate spokesmen, can protect its interest in these resources.

So first, I conclude what I think it obvious. There is underway a precipitous push to settle the issues involved in the development of the oil shale reserves in such a way as to gain maximum advantage for those making the push. But, the public interest in a great possession such as this, as we all know, is so greatly diffused that special interests, by keenly directing their efforts, may gain their privileges while the public sleeps. The difficulties of directing this diffused public interest to its own protection are difficult indeed. But I shall suggest today two ways in which to concentrate the public interest sufficiently to deal with the more narrow interests.

It is not only true that the public's understanding and interest is diffused, with very few groups and leaders speaking up to defend the public, but also that the situation in the Congress is much the same. I congratulate the Chairman of this Subcommittee on Antitrust and Monopoly and the members of this committee for their effort to look closely at this question in keeping with their responsibilities. There *are* important questions in this matter, wholly within the jurisdiction of this subcommittee, and I shall mention some of them in a moment. But the questions which are of concern to the public in this matter are very much involved in the responsibilities of at least two other committees of the Senate.

The Interior Committee under the leadership of its Chairman, Senator Jackson, in February held hearings on the 5 point program announced by the Secretary of Interior, and this committee also went into the oil shale question in 1965 following the report of the Oil Shale Advisory Board. I hope both that Committee and this subcommittee will hold hearings periodically on the development of Administration policies in this regard. One of the worrisome things in this matter is that now, apparently, the Secretary of the Interior believes that he can move ahead without specific legislative authority to establish the rules for the initial experimental development and for most aspects of the leasing arrangements for actual production. I believe that it is important that the Congress insist upon exercising its responsibility to make the basic decisions in the development of this resource.

As I have looked at this question, it is apparent that some of the really crucial decisions do not come under the jurisdiction of either of the Committees mentioned.

The most important question involved here actually comes under the jurisdiction of another committee, that on Finance. As we have learned so well with respect to conventional oil, in large degree, the profits to be taken in this industry as "tax profits," so-called. and I think there is no question but that a major battle in terms of the public interest will take place in connection with the tax treatment of the oil shale development.

So the point I make here is that the diffusion of the public interest, which often leads to lack of protection for the public, is similarly reflected in the organization of the Congress. There is a very real danger that since no committee has a comprehensive responsibility with respect to the crucial questions involved, that the Congress as a whole will be unprepared to deal with the issues and the public will be unable to understand them and make its opinions known.

Very frankly, I am so disheartened at the reluctance of the public, so far, to grasp the importance of the question, and the diffusion of the responsibility in the Congress, that I believe several actions must be taken immediately.

First, I propose the establishment of a National Citizens Watchdog Committee on oil shale. This should be a permanent committee of prominent and real experts in conservation, taxation, the technology of oil extraction, and the power needs and resources of the United States.

It should be the function of this committee to carry on a constant effort to alert the public to the issues and to bring to bear a concentrated representation of the general interest of the people of the United States to obtain a proper resolution of the oil shale question.

Secondly, I propose, as others have suggested, that the Congress act now to irrevocably assign those royalties and other income from the leasing of the oil shale which may be paid by private developers to investment in human needs and development and that we use the vast income from it to build up other natural and human resources of the nation.

As you may know, following the report of the Oil Shale Advisory Board in 1965, I introduced a bill (S. 2708) which would have assigned the income from the development of oil shale to a fund under the direction of the Secretary of the Treasury which would be used to pay off the national debt. Very frankly, I hoped that by proposing this assignment we could alert people both to the extent of the wealth they own and to the need to guard it jealously for public purposes. The likely income from the oil shale would ultimately be much more than enough to pay off the entire national debt. But this only illustrates the opportunities available. The handling of the national debt is, of course, a very intricate and important question, which I do not think it is necessary to go into here.

The point is simply that by spelling out exactly how the revenues from oil shale could be used to invest in people, we may solicit and obtain the sustained interest of those groups concerned with improving the quality of life in this country as well as illustrate to every interested citizen the extent of the opportunities provided by their share of the oil shale.

Each citizen of the United States ought to know that he owns from 8,500 to 10,000 or more barrels of this "oil." He also owns large quantities of aluminum and soda. He ought to think about how he would like to have this wealth invested as it is extracted.

II

I would like to deal in turn briefly with the major questions which Congress and a National Citizens Watchdog Committee should deal with, and then on the human needs and resources which could be met by the proper development and allocation of the oil shale wealth.

1. The Citizens Committee would want to insist, first of all, that before any important decisions are made we know exactly the extent and quality, in detail, of this resource. The Secretary of the Interior has indicated his belief that it is necessary to carefully examine these properties, particularly in relation to his plan to assemble "manageable blocs" for development by exchange of public for private lands.

I do not question the motives of any of those who will be responsible for making these judgments. I have the highest opinion of the Secretary of the Interior who is a long time and deeply respected friend. But I do think that we need an independent review of these decisions. It is important that the exchanges made in this process should be of value for value, as the Secretary proposes, and I think that an independent group could be of assistance to him in insisting that this principle be followed.

2. The Citizens Committee should not only monitor but participate in the legal processes of clearing the titles to oil shale lands. As Senators know, a recent decision of the U.S. District Court in Colorado has revived hundreds of old claims, many of which apply to very valuable areas of the federal reserve. The Watchdog Committee might well act as a "friend of the people" in Court, although that may not be a proper statement of legal standing, while these decisions are made.

3. Sound conservation practices are of the highest importance, and I am encouraged by the emphasis the Committee on the Interior and the Secretary of the Interior are giving to the question of conservation. The development of the oil shale by private industry will inevitably lead to great pressures on the states to cut corners where conservation is concerned. But because this wealth is so great, and because it is in public ownership, we must insist that prime consideration be given to preventing water pollution, conserving the use of water, protecting fish and wildlife, and preserving the beautiful landscapes involved. One of the social advantages

of the so-called *in situ* method of extraction is that oil "would be formed and thermally driven from fractured ground without much, if any, effect on the land surface."[2] We do not want to create a gigantic area of strip mines which would be the case if the ordinary mining and crushing method were used.

4. This subcommittee, I am glad to say, is properly concerned about the antitrust implications of the proposals of the Secretary of the Interior. The assumption has been made—and action is already being taken on the basis of that assumption—that our national policy should be to create what is called a "viable oil shale industry." The Secretary proposes, as I understand it, to offer small areas of oil shale lands to development on a test basis, but then to seek industrial participation with insistence on requirements which I believe quite obviously will forestall participation by others than the massive giants of the oil and gas industry. Witnesses have testified before the Interior Committee, without challenge, that the minimum capital investment required would be $100 million,[3] and the Secretary has insisted that his minimum requirements would include large commitments of research and development funds and a rapid time schedule which, of course, involves a still greater cost. I do not believe that this apparent exclusion of small developers should be permitted without careful Congressional consideration of other efforts to develop ways in which at least a number of medium-sized companies can participate whether by a consortium or some other method. The Citizens Committee could be of service to the Congress by making such informed proposals.

5. The Citizens Committee would devote careful planning to the opportunities of community development made possible by the exploitation of these federal resources and lands. There will spring up in conjunction with the oil shale industry large, almost wholly new, communities. Because this development is made possible by federal resources on federal lands, the standards used in the development of these communities should be national in scope. For example, there should be sound zoning, plenty of open space and fair taxation. But, equally important, there should be no question about fair housing opportunities, and the provision of decent housing for all economic levels.

In fact, this development of communities due to exploitation of federal resources could and, I believe, should be used to provide employment opportunities for the disadvantaged in our society, and a chance for them to take their families permanently out of the ghettos.

6. The Committee will want to monitor and call public attention to whether or not efficient extraction processes are used. The temptation for some will be all too great to take out just the "oil" which it is easiest to get at low cost. Independent review of policies in this regard will be important. There are two basic methods. One is to crush the rock, extract the oil and process it by the retort method. The aluminum could be separated simultaneously as could the sodium. The *in situ* method would be the extraction of the oil by immense heat. One way of doing this would be by nuclear explosion.

7. One of the most important questions on which we should have continuing independent judgment is that of the level of the royalties which would be paid to the Treasury. It is absolutely crucial that no fixed decision be made on the royalties before the research and development stage is finished. To set these royalties at 12½%, or any other percentage, if full information on the costs of development is absent, would be absurd. Yet, if I understand the record, groups are pushing to have these questions settled as soon as possible.

One of the interesting facts here seems to be that the cost of retorting the oil shale is constant per ton of ore, so that the richer the ore the greater the return for the investment. This suggests to me that to set a universal flat royalty rate would be exceedingly unwise. I do not believe the royalties should be less than one-eighth. They might be more. Even a one-eighth share to the Federal Government would ultimately be from $600 to $725 billion. Perhaps it should be even more, Moreover, since some of this ore is so richly concentrated, it would seem that the public's wealth may well be lost unless a system of truly competitive bidding subject to minimum requirements be instituted. Now I noticed in the excellent testimony of Mr. Garnsey yesterday, stating that in view of the small number of extremely large concerns and the general absence of competition, competitive bidding may be impossible to get. If so, we will be driven to use other methods, some of which Mr. Garnsey suggested.

8. A related question of great importance which the Committee should constantly watch is the allocation of royalties to the reclamation funds of the states. Under the Mineral Leasing Act, 52½% of the receipts would go to the Federal Reclamation Fund and, hence, be used exclusively for the benefit of the reclamation states. Thirty-seven and a half percent (37½%) would go to the states concerned for general education or to Colorado, Utah, and Wyoming, alone. Only 10 percent (10%) would go to the federal government.

I must insist that we constantly keep in mind that the oil shale land was acquired from the Mexican government as a result of the Mexican War, in which soldiers from all over the country served. This land was purchased with the lives and blood of Americans from all the states, and with conscience money which also came from the nation as a whole. There were very few soldiers from the three states in question or the reclamation states in general that took part in the war.

Therefore, there is no justification for assuming that so large a share of the royalties are the automatic property of two or three or a few states. I know this may strike the representatives of those states as being quite harsh, but this is the same situation we faced with respect to the grab for the tidelands oil, when a few states backed by a powerful industry forced the Congress to approve their claim on what had always been the property of all Americans. The question of allocation to reclamation funds needs very careful study, and no decision at all should be made on this question until we know much more about the development costs, etc.

9. Lastly, I now come to what I regard as one of the most important questions of the public's interest in preserving its right to oil shale wealth. As I mentioned, in much of our oil industry the profits are "tax profits." Not only are the conventional oil producers allowed the 27½% depletion allowance, but they are allowed such extraordinary additional privileges as the intangible drilling expenses deduction. As I have pointed out many times, oil corporations are frequently able to assemble millions of dollars in profits without paying a single dollar of tax to the federal treasury on those profits.

The evidence is already here that the insiders recognize how crucial is the question of the oil depletion allowances and other deductions that may be allowed to developers of oil shale under the tax laws. The present Mineral Leasing Act now provides a 15% depletion allowance based on the value of the shale as a mineral, when the crushing method is used. As Senators know, certain members of the House and Senate have already introduced legislation which would change this provision to 15% of the value of the first retorting, of the semi-finished or processed product. Even though the sponsors claim not to be seeking the allowance of 27½%, I think it will be found that this proposed addition in the sum to which the depletion allowance is applied would represent a substantial subtraction from federal tax revenues. It is substantially the same provision which only the alert eye of Senator Gore prevented from being adopted by the Courts in connection with the processing of not only oil, but many other minerals, as well.

I would like to point out that since approximately 80 percent of the shale oil is owned by the government, this makes the argument usually advanced by the advocates of the depletion allowance obsolete. This argument is based on the contention that when an oil operator drills on land which he owns he takes title, under Anglo-Saxon law, to everything that is contained within a pie-shaped cone extending downward from the surface perimeters of his property to the center of the earth. It is then argued that the owner deserves compensation for the gradual exhaustion of the sub-surface contents of his property and that this justifies the use of the depletion allowance.

I do not wish to discuss this contention now except to say that I do not think that even on land owned by the driller it is a sufficient justification for the tax benefits granted. Furthermore, even this case is virtually non-existent when the land drilled on is owned by others and only the drilling rights are granted to the operations subject to a royalty payment of so much per barrel. For here the original legal title to whatever lies beneath the surface obviously belongs to the owner and not to the driller.

But any possible justification of the depletion allowance completely disappears when the land is owned as in this instance by the government. For it is the government which has title to the shale not the operator. And it would be ridiculous to pay the operator for the depletion of an asset which he never owned. Any contract negotiated between the operators and the government should therefore be very clear on this point—namely, that it should not transfer ownership of the oil or shale to the operator. Ownership should instead continue to reside with the government. The operator can pay the government a royalty on each barrel of oil extracted from the shale and then own the oil once extracted. And on the richest deposits he can make, an additional lump-sum payment for the right to extract within a given territory but under no conditions should there be a transfer of ownership of the sub-surface rights.

Testimony before the Interior Committee indicates, in my opinion, that the industry "wants to have it both ways." They want to set favorable rules now on royalties and leasing arrangements, and insist also upon the maximum they can get in terms of tax profits. But it is wholly unjustified to make the tax profits decision if the information is absent which is necessary to make the development rules.

I have remarked from time to time on the question of the oil depletion allowance and other deductions allowed this privileged and powerful industry, and I will not review that philosophy before this committee.

But I hope you will permit me to at least point out that the very existence of these vast oil shale reserves is by itself sufficient argument against the present oil depletion allowance. The justification made for the oil depletion allowance is that it compensates the industrialists for "high risk exploration."

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[2] *Report of Advisory Board on Oil Shale,* p. 4.

[3] *Testimony of Captain Howard Moore, U.S.N.* before Interior Committee, February 21, 1967, p. 80 of Transcript. See also p. 86 and p. 158.

The truth simply is that in the shale fields high risk exploration will be no longer the case. The planned development of the oil shale reserves ought to be accompanied not only by a severe restriction or repeal of any depletion allowance whatsoever on oil shale where the amount of oil will be known in advance, but also the complete or at least substantial reduction in all depletion allowances affecting oil or oil shale. In other words, instead of raising the depletion allowance on oil shale to the level, or beyond, of the conventional method of extraction, we should reduce or eliminate it for the shale and then lower the conventional method to the level of the shale.

III

Mr. Chairman, I want to see the publicly-owned wealth in the oil shale lands reserved for and invested in some of our most pressing human problems in the United States. I realize that there will not be substantial production for a few years, but while the full extent of the technological development seems to be withheld from public view, I am willing to assume that on the basis of the terrific push which is growing for the rules to be set on development, that some of the industrial groups are ready to go pretty soon.

One of the things I would like to see the Congress consider is the procedural question on how to make these resources applicable to these human problems prior to fuel production. Perhaps there is a way to use this wealth to secure pledges of funds or actual advance funds which can be immediately devoted to some of these needs.

Of first importance, in my opinion, in applying these royalties to human needs is to assign a large share of them to the Land and Water Conservation Fund for the acquisition of further parks and recreational lands.

It is widely recognized that the present provisions for Land and Water Conservation revenues and appropriations are inadequate in terms of our needs, and that the price of what we are acquiring is rising rapidly. Senator Jackson, the distinguished Chairman of the Interior Committee has proposed a bill to amend the Land and Water Conservation Act to increase the allocation of monies to the fund. It would also provide advance contract authority for making purchases. Senator Jackson has pointed out that the 89th Congress authorized 23 new federal recreation areas involving the acquisition of a quarter of a million acres at a cost of $119 million. Obviously, in view of the appalling indications that recreational lands increase in price by about 15 or 20% a year, we are going to need many times this amount to take care of current authorizations and those which I hope the Congress will authorize soon.

Secondly, a most rewarding investment would be in the education and development of youth. There are various estimates on this, but we probably ought to spend on elementary and secondary school facilities alone in the next decade over $42 billion more. Personally, I think it would be more appropriate for these new funds to be assigned more to an educational program than to facilities. We ought to increase our level of spending in the next two decades by at least $5 billion a year to provide quality elementary and secondary education to all our children, and by $500 million a year if we are to have an adequate system of vocational and technical education. We need to have special programs, on which we could spend between one and two billion dollars a year to extend free public education for several years, in junior colleges, to those students who have not had the opportunity to reach their potential.

We need more than 200,000 new teachers annually, and we must improve the quality of our teachers' skills and preparation. We should begin to spend between one and two billion dollars a year to raise teachers' salaries and to increase their professional training. We need to increase our level of spending for educational research and the training of researchers, perhaps by half a billion dollars a year. We have intense needs in terms of adult education and community education for which we could use vast sums.

In fact, there is no limit in practical terms to what we could and should spend on the education of our people.

This principle, of course, was behind our effort to preserve for the United States the offshore oil royalties. Under Senator Hill, we campaigned to use the oil to light and keep lighted the lamps of learning. It is a good principle on which to base our efforts to preserve the oil shale royalties for all the people.

An immediate service that the Citizens Watchdog Committee could provide would be to examine and make specific and detailed proposals to the Congress both as to how we should allocate this public wealth to human needs and bring its impact to bear as soon as possible. The Committee would also want to consider other high priority expenditures for people, including the 2 million housing units we need each year over the next decade. Private enterprise needs the encouragement of federal assistance, particularly if we are to provide these safe and sanitary housing units for the poor. We will also want to consider priorities in the health and welfare fields.

Mr. Chairman, I do not think we are dealing here with some mystical or LSD-inspired dream. The facts simply are that each citizen of the United States has as his share of this vast resource at least 8,500 to 10,000 barrels of recoverable "oil" from these shale oil deposits.

It is too soon to tell what the extraction cost will be compared to the price paid for the final product, but it is clear that the difference will be considerable in the aggregate [4] and that this difference should largely be reserved for investment in people.

It is also clear that terrific pressures are growing on the responsible federal officials to make decisions soon about the development of the resource. I have confidence in the Congress and in the Secretary, but I also know some of the pressures that members will be subjected to and the effectiveness of the pressures which come particularly from the oil and gas industry.

I believe that the Congress and the people would be well served by a permanent Citizens Watchdog Committee, which over the next decades will provide continuing and independent work to preserve this unique opportunity for all the people. But we must be on the alert ourselves and any such committee should truly represent the public and should not be a mere front for the special interests. We cannot afford to have another gigantic Teapot Dome and Elk Hills. Once was more than enough.

RELATIONS BETWEEN LATIN AMERICAN COUNTRIES AND INTERNATIONAL COMMUNISM

Mr. TOWER. Mr. President, several weeks ago, at the 19th District Convention of the American Legion, Department of Texas, at Big Spring, a resolution was passed to which I invite the attention of the Senate. The resolution pertains to relations between Latin American countries and international communism.

I ask that the text of the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A RESOLUTION OF THE AMERICAN LEGION, DEPARTMENT OF TEXAS, BIG SPRING, TEX.

Whereas: the American Legion has a profound duty to exert its utmost effort in using its influence to bring about sound policies in opposing Communist expansion and further enslavement of additional peoples and nations:

Resolved: That the American Legion, at all levels, exert a renewed and diligent effort to persuade the President to permit our military to win a total victory in the war in Viet Nam with the utmost dispatch, and furthermore be it

Resolved: That the American Legion insist that our government take appropriate counter-measures to prevent the Russian takeover of Latin America through guerrilla warfare via the TriContinental Headquarters in Cuba, which massive operation is now proceeding, according to detailed intelligence information presented in the recent hearings of the Senate Internal Security Committee; and furthermore be it

Resolved: The American Legion exercise its utmost influence to cause a cessation of the transfusion of the strength of America into the Communist bloc via trade and aid, which is now being done; and furthermore be it

Resolved: That The American Legion diligently strive to defeat legislation soon to be introduced into the United States Senate and House which legislation is to authorize an additional 4½ billion dollars to be given to the Communist bloc by putting it into the U.S. Export-Import Bank to pay for Communist purchases, and which loans, or guarantees, the Communits will never honor or repay, and furthermore be it

Resolved: That the American Legion opposes the present national policies of building bridges to and for Communism and calls for a reversal of these policies to a policy of utmost sincere resistance to the Communist menace that it might be prevented from enslaving the world.

Presented by the Resolutions Committee, 19th District, Department of Texas, for adoption.

BILL NEEL,
Chairman.
AUBREY A. SHAVER,
Committeeman.
SAUL WILLIAMS,
Committeeman.

Passed this 23rd day of April, 1967, in convention asembled at Big Spring, Texas.

ELLIS P. SCHMID,
19th District Commander.
A. C. BULLARD,
19th District Adjutant.

DEATH OF E. D. RIVERS, A FORMER GOVERNOR OF GEORGIA

Mr. TALMADGE. Mr. President, the State of Georgia was saddened Sunday by the passing of E. D. Rivers, a former Governor of Georgia and one of the State's most prominent leading citizens.

Ed Rivers, the State's Chief Executive for two terms from 1937 to 1941, served his State ably and well over a number of years.

In addition to his administration as Governor, Ed Rivers distinguished himself as a State legislator, being elected to the Georgia House of Representatives in 1925 and becoming speaker of the house in 1933.

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[4] M. A. Lekas of the Atomic Energy Commission has been quoted as saying "oil can be produced from shale for a cost as low as 29 cents per barrel using nuclear explosives in a 1,000 foot bed of 25 gallons per ton of shale." See *Shale Oil on the Threshold.* Editors Oil Statistics Bulletin, p. 9. Earlier estimates under the mining method fixed the cost at $1.25 per barrel.

During his administration, many progressive new programs were initiated under his leadership, including the creation of the Georgia Department of Public Welfare and the State's initial participation in the social security program, which have been of immeasurable and lasting benefit to countless numbers of Georgia citizens.

I join the many friends and loved ones in mourning his passing, and Mrs. Talmadge joins me in extending our deepest heartfelt sympathy to his family.

SMALL BUSINESSES

Mr. McGEE. Mr. President, in a recent and happy sort of musical, there is a song which implies the thought: "A little bit of sugar helps the medicine go down."

A timely editorial in the Cheyenne, Wyo., Eagle, relating to Wyoming small businesses could well be thought of as the "sugar" that results when prescribed "medicine" has had time to produce its desired effects.

In a present critical world situation where worldwide remedies are being sought, I feel it is all the more important to point up that successes are happening. They are good ones, and good for all concerned. Specifically, the successes to which the editorial refers are in the area of our Nation's small businesses. One factor aiding our Nation's businessmen is the Small Business Administration and their financial and managerial assistance programs which benefit small businesses across the country.

SBA knows at first hand the problems related to the establishment of a "going" organization as this agency, itself, has come forward since its inception in 1953 to its position today as probably one of the best friends the potential or newly established businessman has. It also enjoys the full confidence and support of President Johnson, who in 1957, as a Member of this body, fought to save SBA, and since that time has given his wholehearted support to insure its continual growth and effectiveness.

The struggles which are often encountered by those entering into the field of free enterprise might well prove too great and thwart their attempt were it not for the prescribed "medicine" of the Small Business Administration.

In many cases, the SBA is responsible through their assistance and/or recommendations for the success of the businessman's venture. Once the medicine had time to correct the ailments, their attempts result in a healthy and productive function.

It is vital, Mr. President, for those who still are applying remedies to their own particular situations to be encouraged by the sweet taste of ultimate success by other small businessmen.

As revealed in the Eagle editorial, the small businesses of this country can and do constitute a continuous thread of achievements spun through the efforts of those men who accept the challenges of free enterprise. They do meet those challenges. To all Senators, I respectfully recommend the editorial as evidence of their impact, and the vital part that these many achievements play in the overall success of this great Nation. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Cheyenne (Wyo.) Eagle,
May 24, 1967]

SMALL BUSINESSES

This week is Small Business Week, so designated in a proclamation issued by President Lyndon B. Johnson.

In his proclamation, President Johnson observed that fully 95 per cent of the businesses serving the needs of the American people are small and privately owned. More than a third of the nation's total goods and services are supplied by small businesses.

He stated that small businesses perform a service to the nation beyond the supplying of goods. Operating in an open, competitive market, they stimulate the new ideas that create progress. They provide community leadership to aid economic development. They offer a wide and challenging variety of job opportunities to our people.

To encourage the growth of new small businesses, the Small Business administration has in the last three years granted 830 loans, totalling over $131 million, to local development companies. These loans have resulted in the creation of 28,800 new jobs, and added nearly $1.2 billion to our economy. During the last three years there has been a net increase of 200,000 in the number of small business establishments in our nation.

"We recognize and applaud the contributions made by our 4.8 million small businesses," the President said. "We must insure that they will continue to hold a vital place in our society."

In issuing his proclamation, designating the week of May 21 as Small Business week, the President urged "industrial and commercial organizations, chambers of commerce, boards of trade, and other public and private organizations to participate in ceremonies recognizing the significant contributions, past and present, of small business to our land, our culture, and our ideals."

Today, we join in saluting the many small businesses who constitute the backbone of our own community of Cheyenne.

NOW AMERICA FALLS BEHIND IN THE FIELD OF NEW DRUGS

Mr. LONG of Missouri. Mr. President, just 2 weeks ago, I delivered a speech on the Senate floor describing in detail the Food and Drug Administration's mishandling of the drug DMSO.

In that speech, I noted that while the U.S. medical profession is crippled by the stringent procedures of the FDA, the Europeans are moving forward in their testing of DMSO.

To further document this, I ask unanimous consent to have printed in the RECORD an article entitled "Drug DMSO Slated for June Sale in Europe," published in the Oregonian of June 2, 1967.

DRUG DMSO SLATED FOR JUNE SALE IN EUROPE

The drug DMSO (dimethylsulfoxide) will go on sale as a prescription item in Austria on June 12 and in Germany, June 14, representatives of a large international pharmaceutical firm, Schering A.G., announced Thursday.

The drug discovered in Portland in 1963 to have unusual penetrating and therapeutic medical properties, still remains in scientific limbo in the United States, with physicians and scientists unable to even use it for clinical testing on humans.

The U.S. Food and Drug Administration removed DMSO from clinical testing already under way in hundreds of laboratories, doctors' offices and institutions in November, 1965, citing fears of possible eye damage.

WIDELY USED

Hundreds of thousands of persons have used DMSO in this country and Europe, and no serious untoward effect has yet been substantiated, Gerhard Laudahn, director of clinical research for Schering, said in Cleveland, Ohio Thursday.

Laudahn was in Cleveland to consult with Dr. Arthur Scherbel, who has discontinued his work at the Cleveland Clinic with scleroderma patients because of what he called red tape difficulties with FDA.

German scientists in three large institutions are continuing clinical testing on scleroderma with DMSO and are using methods developed by Scherbel. The skin and muscle-tightening disease, for which there is no cure, had no remedy at all before DMSO.

The prescription sale of DMSO in Austria is its first public availability in that country. It had been on prescription in Germany before, from October until November, 1965, when the American FDA ban caused the German firms to call it back for further testing.

It will be available for topical (on the skin) treatment of such acute ailments as musculo-skeletal injuries and inflammations, tendonitis, frozen shoulder, bursitis, epicondylitis (acute inflammation of elbow, neuritis herpes zoster (cold sores) and torticollis (shortened neck muscle on one side), other muscle distortions and sprains and strains.

It is not yet available for such chronic conditions as arthritis, "but we are quite sure," said Laudahn, "that DMSO will also prove valuable in chronic conditions. Before we are recommending its widespread use in such, we will follow the request of the German health authorities that we wait for the outcome of the treatments of the acute conditions.

"But, of course, we are continuing our clinical research on the chronic conditions, especially scleroderma. We are doing the same studies now and following the exact methods of Dr. Scherbel at three main centers, with a great number of investigators."

DOSE RESTRICTED

Restrictions on the prescription use of DMSO, he said, are that it not exceed maximum dose of 10 grams for each application, and not exceed maximum time period of two weeks. Most of the ailments, however, for which it is being recommended are usually cleared up in a matter of days, he said.

"We do feel completely satisfied," said Dr. Laudahn about the drug's safety. "I think topical application of DMSO as we are using it at the moment is only the beginning. Because we think that DMSO together with other substances will be proved valuable in the treatment of other diseases later on. It might go together with the corticosteroids and especially with anti-cancer drugs in such instances that the cancer or tumor may be reached by topical application to skin or mucous membrane."

EXPERIMENT SUCCESSFUL

He said that animal experiments reported at the November, 1966, international symposium on DMSO in Vienna already showed beneficial results on animal tumors with DMSO and other drug combinations.

Originally, when DMSO was on prescription in Germany, it was distributed by five companies; Schering; Gruenental, related to the American Syntex; Heyden related to the American Squibb; Merck, Sharp and Dohme, and Mack. All five voluntarily withdrew it when the FDA restricted it here.

In early April, Dr. James L. Goddard, commissioner of FDA, promised that DMSO would be returned under very strict conditions for limited clinical testing in the United States within "a few weeks." But there has been no further action. It has never been on prescription in this country.

URBAN PLANNING

Mr. KENNEDY of New York. Mr. President, urban planning is coming of age. An effort to attack systematically the ills of the city—unemployment, slum housing, disease, inferior schools, and air pollution—is finally underway in several of our major metropolitan areas.

The magnitude of the task confronting the planner is enormous. It is really a David and Goliath story. The planner's knowledge is untried, his tools imperfect, his financial resources limited. His opponent is a giant complex of overwhelmingly difficult problems.

It is easy for the planner to lose sight of the city's unique element—the people who live there. But it is imperative that this does not happen. As the Senator from Connecticut [Mr. RIBICOFF] points out in a speech delivered on June 6, 1967, to the Northern Ohio Chapter of the American Institute of Planners:

> When we plan, design, and build our cities . . . we must always ask the fundamental question: How about the people? What do they want? What do they need?

Mr. President, because of the importance of Senator RIBICOFF's address, I ask unanimous consent that the complete text be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TEXT OF A TALK BY SENATOR ABRAHAM RIBICOFF BEFORE THE NORTHERN OHIO CHAPTER OF THE AMERICAN INSTITUTE OF PLANNERS, CLEVELAND, OHIO, JUNE 6, 1967

Life in the twentieth century city has become an endurance contest.

We chase after busses. We are blinded by neon lights. We are bombarded with noise.

We ship a head of lettuce across the country and it arrives in better shape than the customer who walks two blocks to buy it. We are becoming a nation of fresh vegetables and wilted men.

But this is also an age of planning. We should be able to revive both our men and our cities. For the capacity to plan is what distinguishes the city of today and tomorrow from the city of yesterday.

The magnitude of the task confronting us is enormous.

More than one-third of us are crammed, jammed, and crowded into one-tenth of one per cent of the area of the United States. And the future offers little relief. By 1985, our urban population alone will exceed our total national population at this moment.

Housing urban America will require that we build more dwelling units in the next 33 years than exist today. We have 58.3 million dwelling units in the United States. By the year 2000, we will need 68 million more—an average of two million a year. This includes eliminating and replacing the 4.5 million units of substandard housing that are the shame of our cities.

We must find ways of unclogging our traffic and improving our mass transportation system so 250 million Americans and 115 million automobiles can move about within the next 15 years.

We must come to grips with problems of air and water pollution. We are turning our skies into sewers by pouring out 360,000 tons of pollution into our atmosphere every day—two and a half million tons of dirt a week. In water pollution, we have a backlog of at least 5,200 pollution control projects that must be built.

And we still have not mentioned the problems of employment, automation, school construction, health and welfare services, taxation and finance. We must also pursue methods of developing a "cities industry" so that the one trillion dollar cost of building our cities can be seen as a one trillion dollar market. There is the matter of new towns—and how we finance and develop these innovations.

All of this is what you—the planner, the architect, and the engineer—will be dealing with. You are the ones we call upon to bring some order to what seems to be continuing chaos. On your shoulders rests a large share of this enormous burden.

Yet even you are on shaky ground. As an MIT political scientist, Leonard J. Fein, once told a similar gathering: If he were a city planner, he would be a manic-depressive.

Manic because in the security of his workshop he could arrange and rearrange models of cities and neighborhoods to satisfy his wildest fantasies.

Depressive because in his heart of hearts he would never know if he was right.

"I should be torn," Professor Fein said. "If only the real world would allow me to arrange it as compellingly as I arrange my models. On the other hand, were I asked to sing my song, my voice would likely quaver, my knees wobble, and I might, indeed, be sick with fright."

His point is well taken. And it applies not only to planners, but to all who are concerned about the problems of an urban society and who are involved in working towards their solution.

For who among us can claim he has the "correct" answer?

The problems are so large, the stakes so great, the tools so new, the concepts so untested that ultimate wisdom cannot possibly rest with any single individual or group of individuals.

As a result, we sense a great frustration.

We are eager to start building and rebuilding our cities, but stunned by the barriers we encounter.

We are anxious to infuse some optimism into a situation too long dominated by despair, but discouraged to learn how quickly reality erodes our best intentions of mind and spirit.

We seek one great victory to reassure us of our progress and wisdom, but settle for small successes that keep alive the doubts.

In short, we have neither a master plan nor a master builder. We have no one to whom we can turn—no wise man and no group of high priests. We have only ourselves with whatever intelligence, energy and optimism we bring to this work.

But I do not find this knowledge frustrating. I find it hopeful and encouraging.

For if we can accept the fact that there is no single solution for any one city or town—let alone a nation of cities—we shall be free to plan our cities around the truly unique feature in each one: The people who live there.

We must never forget that despite all our theories of the city—despite all the social, political, and economic functions the city performs—basically the city is people.

The city is how the people in any community or several communities choose to organize and live their lives. The city reflects their hopes and fears, their dreams and discouragements, their virtues and failings.

Thus, when we plan, design, and build our cities—or any portion of them—we must always ask the fundamental question: How about the people? What do they want? What do they need?

Today we sense an alienation and discouragement in our society. Not just the obvious and dramatic alienation we see in a riot, but the silent and passive withdrawal of people who feel they are losing control over their own lives.

We are overwhelmed by tremendous change, and we are told more is on the way. We seek a familiar spot in which to anchor our feelings, but cannot find one.

So we turn to the "expert"—to the new professionals, people like yourselves. You have been trained to deal with this change, to plan and manage it. You have the new knowledge—and, we hope, the new understanding. We are told to trust you, that we will like the future you plan and build for us. Yet we still are hesitant.

We are hesitant because most of you—the professionals—have never talked to most of us—the people. You sense we are apprehensive. But do you know why? Have you come to us, particularly those of us who are silent, to learn what troubles us? Have you taken the time to explain who you really are and what your work is all about? This would not relieve all the anxieties in all of the people. But it would be an important start.

So I urge you: Go outside your profession.

Speak and listen to the people for whom you are planning and building. Seek them out if they do not come to you. For the crisis we face in our cities is not so much a mechanical or organizational crisis as it is a lack of understanding about both the people in our cities and the cities themselves.

Centuries ago, Aristotle said the goal of the city should be the happiness and safety of mankind. If the city is to be people as well as buildings—enjoyment as well as efficiency, then we must carry the concept of pluralism to our planning. For good planning, like good government, requires not only that many voices be heard—but that they be understood as well.

And when you have done this, take your convictions into the political arena and speak out there. Just as the people in our cities have special knowledge and insight which only they can bring to you, so you have special knowledge and insight which only you can bring to our political decisions.

You have two duties. You must listen to more voices in your own field. And in fields that are not your own, you must make sure your voice is heard.

Often, however, professionals are reluctant to don the robes of the political advocate. They feel they should be seen and not heard—rational and not emotional. They feel they lack real power.

You may lack the power of a businessman or the power of a politician. But you are neither businessmen nor politicians. You are planners, architects, and engineers. As such you do indeed possess great power. You speak with authority in your field. You have a competence others lack. But when you are silent, you waste that power. How sad that we did not hear more from the planners in the early days of urban renewal so that today we might not be haunted by the criticism of Professor Scott Greer:

> That for a cost of $3 billion we have "succeeded in materially reducing the supply of low-cost housing in American cities."

Many of you have spoken out on that subject. Perhaps we in political office did not listen to you as well as we might have. But do not retreat into silence when more of us are willing to listen.

I am happy to see that planners, architects and engineers across the country are speaking out. When they find a highway program they believe creates unnecessary social damage, they speak up. When they feel an area in desperate need of jobs should not lose a new plant to a more affluent area, they complain about our priorities.

In this respect, you—as designers and builders of the city—have the opportunity and the obligation to address yourselves to the most profound question of our time.

And that is:

How do we take an eighteenth century idea—democracy—and give it life in a twentieth century world?

How shall we preserve and encourage individual worth, freedom, and identity in a world whose symbols are technology, large-scale organizations, and impersonal bureaucracies? How shall we provide a voice for each man in the vital decisions that affect his life.

For as Walter Lippmann has told us:

"To preserve the moral and spiritual values of democratic institutions and at the same time to be able to govern this new technological society effectively is a problem which will haunt us for a long time to come. Nobody has yet found a solution to it."

Some will say this is a problem for the politician and the philosopher, not the planner. They are wrong. Every decision you make has political and philosophical consequences. That is an inescapable fact.

For politics is the business of making decisions. And planning is the business of organizing those decisions for the future. Although you do not vote in a public body, you play an enormous role in establishing public policy and determining public attitudes.

For example. When you plan or build a neighborhood or just a single building, you are building part of somebody's environment. People not only will look at your work—at the homes, the schools, the hospitals, the businesses, the playgrounds and recreation centers—they will live in it. They will feel how the whole package fits together—or does not fit together. From this, they will take a very human reaction. They may not speak of it. They may not even be conscious of it. But these experiences will contribute to the individual's sense of his own worth, dignity, and status.

Among the forgotten people in our cities, this reaction often is the strongest. The physical environment is a highly significant part of the daily trouble pressing down upon them. They find in the condition of the buildings and the neighborhoods the reflection of what they believe is the public feeling toward them. A decision to build helps relieve these feelings. A decision not to build reinforces them.

You may say these kinds of decisions should not produce these kinds of reactions. After all, plans and priorities are involved. None of the decisions are easy. All are complicated by economic and political considerations. The interest of any single neighborhood or group of people must be balanced against the needs of other neighborhoods or groups and the city as a whole. And that is indeed what happens at the decision-making level.

But we must also take into account how the man on the receiving end sees the end product of our actions. For that is what we really mean when we ask: How about the people?

In a very fundamental sense, however, we cannot plan our future.

We can build. We can design. We can landscape. We can administrate. And we can manage. But we cannot tell people how to act or what to think. There is no blueprint for human spontaneity. There is no way of predicting the achievements—both great and small—that contribute so much meaning and purpose to our individual lives and our common destiny. And in the last analysis, this—human achievement or its absence—is why cities, like civilizations, are remembered.

But we can create the conditions—the political, social, economic, and moral conditions—in which individual worth and achievement can thrive.

So when we ask how shall the American city be remembered, let us state our belief in the city of the open mind, the city of tolerance, of diversity, and healthy dissent. For if we lack this attitude, if our thoughts are narrow and our minds closed, if we survive on stereotypes and deny hope to the hungry and voices to the timid, surely this will be reflected in every city across the land.

Our future requires a variety of cities that reflect the diversity of mankind. We need the city in order to sing our common song. But within each city, there must be a way for each man to sing his own private song as well.

QUESTIONING OF SST GROWS LOUDER

Mr. PROXMIRE. Mr. President, for too long we have been hearing the incessant replays of a half-told tale. We have been hearing about how vital it is to the national welfare that the United States develop a supersonic transport no matter what the cost. But we have not heard any of the persuasive arguments against this questionable venture—and there are many.

On the floor of the Senate 2 weeks ago, I said that it was time we took a long, hard look at the other side of the SST issue. I summarized some of the arguments against this project at that time.

In a superb article published in the Washington Post, of Sunday, June 11, 1967, George Lardner, Jr., has done a thorough job of chronicling the rising tide of criticism being directed at the SST project.

The jerry-built case the Federal Aviation Administration has put together in favor of the SST is exposed for what it is: a collection of superficial, ill-considered, poorly thought out, and, in some instances, public-be-damned arguments that, in sum, provide an extremely poor basis for plunging into a project that, in the end, could cost the American people as much as $4 billion.

I agree with the statement made by George W. Hilton, Chairman of the President's 1964 Task Force on Transportation, and quoted in the Post article, calling the SST project "thoroughly inappropriate, inegalitarian, and totally inconsistent with the Great Society."

I commend this excellent Washington Post article to the attention of Senators, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THERE'S A SSST, A BOOM AND A LOT OF BAH

(By George Lardner, Jr.)

Eugene R. Black: "I think it's too bad we have to build the damned things. But the Concorde forced us to. We certainly can't sit here and turn over the market to the British and the French—from the standpoint of prestige to our industry."

Senator William Proxmire: "We have all been subjected to a supersonic snow job."

President Johnson: "The SST arrangement is 'an outstanding example of creative partnership between your Government and American industry.' "

Gen. Jewell Maxwell: "A boom has a startle effect, especially if you've never heard it before . . . But the 1000th time, you don't do anything."

"This is the land of private enterprise," the chairman of the board of American Airlines insisted last month in a letter to every United States Senator.

But, Chairman C. R. Smith said, the world-leading United States aviation industry can't put an SST in the skies without a "very substantial" supply of Government funds. He urged the Senators to be generous and keep America first.

The SST is the Boeing Co.'s needle-nosed design for a commercial superjet to be capable of whisking passengers through super-altitudes to London and Paris at 1800 miles an hour. The engines will come from General Electric.

The Federal Aviation Administration signed contracts with Boeing and GE last month for construction of two prototypes. The program calls for at least $1.3 billion of the taxpayers' money and the risk that none of it will be paid back. The aviation industry stands to gain the most if the SST strikes it rich. The taxpayers stand to lose the most if it flops.

President Johnson has called the arrangement "an outstanding example of creative partnership between your Government and American industry."

The chairman of the President's 1964 task force on transportation, George W. Hilton, calls it "thoroughly inappropriate . . . inegalitarian and totally inconsistent with the Great Society."

THE BIG BOOM

The sonic boom to be produced by the SST dominates the controversy. Buried deeper are problems involving the estimated market for the SST's, the allocation of profits, the contract with Boeing and the program's impact on the United States balance of payments position.

Tests at Edwards Air Force Base in California show that the impact of the boom—at the SST's cruising altitude of 65,000 feet—will be roughly equivalent to the pains of living 1000 feet from the end of the runway at New York's Kennedy International Airport.

The results of the tests, the most sophisticated conducted so far, are being withheld for final "editing." They were to have been released by now, but officials at the Pentagon, after promising them for weeks, now say the study will not be made public until August. By then, presumably, this year's SST appropriation of $198 million will have made its way through Congress.

Once the SST's boom begins, it will spread out—usually but apparently not always in diminishing proportions—in a carpet some 65 miles wide. In a single transcontinental flight, White House Science Adviser Donald F. Hornig told a House committee this spring, everyone in a 100,000-square mile area, embracing perhaps 10 million people, "would be likely to hear and react . . ."

For the moment, the FAA has sought to mute the controversy by pronouncing the SST a good investment even if it is limited to supersonic-speed flights over water and "sparsely population land areas."

Yet it is equally clear that the FAA is committed to the theme that the public can learn to live with the boom. Says Gen. Jewell C. Maxwell (USAF), director of the FAA's supersonic transport development program: "A boom has a startle effect, especially if you've never heard it before. The first time, you might jump. But the 1000th time, you don't do anything."

Extensive sonic boom tests now would only get in the FAA's way. Last year, according to several sources, officials assigned to help evaluate the SST were on the verge of recommending sonic boom tests with B–58 Hustlers over several populous areas in the Midwest.

"Bozo (FAA Administrator William F. "Bozo" McKee) got the White House to kill it," said one official familiar with the program. "The excuse was that it might cause the defeat of some marginal Democrats in the fall elections."

"The real reason," said another source, "was that the FAA was afraid the tests might kill the SST program."

McKee could not be reached for comment. A spokesman said he would have none.

Sonic-boom design limits previously prescribed for the SST have also been dropped. Neither the Boeing nor an unsuccessful Lockheed design quite made the grade, so, Maxwell said, "we decided we were not correct in specifying the limits the way we did."

No new limits have been set.

The SST's 60,000-pound-thrust engines—three times more powerful than those of present-day jets—will get the planes into the skies more quickly, but for those who live hard by airports, the FAA acknowledges, the aircraft noise, as distinct from the boom, will be worse.

PRESTIGIOUS DEFENDERS

The SST program has prestigious defenders, not the least of whom is Eugene R. Black, former president of the World Bank and a member of the Presidential Advisory Committee that recommended Government financing.

"I'm completely sold on it," he said in a telephone interview. "I think it's too bad we have to build the damn things. But the Concorde (the $17.4 million supersonic transport supported by the British and French governments and now nearing flight tests) forced us to.

"We certainly can't sit here and turn over the market to the British and the French—from the standpoint of prestige to our industry."

Boeing's $40 million, 296-seat SST is scheduled for flight tests in 1971—the same year that the slower, smaller Concorde is scheduled to hit the commercial market—and for passenger service by 1975.

But if sonic boom restrictions limit the SST or the Concorde to over-water flights, the planes will lose 60 per cent of the estimated long-haul passenger market.

"Just because other countries are doing something that isn't justified in the economic sense doesn't mean that we should," says former task force chairman, Hilton, economics professor at the University of California at Los Angeles.

With sonic boom restrictions in effect, Henry S. Rowen, former assistant Budget Bureau director and now head of the Rand Corp., agreed that there would be "some question about whether the SST is going to pay off. And there's no national prestige to be won if it's a failure."

FINANCING A "SNOW JOB"

The Government has already put up $291 million for SST development. Under the contracts signed this month, it will invest another $953 million—roughly 83 percent of currently estimated costs of prototype construction and flight testing.

Boeing and GE will put up $139 million—just over 12 percent. Airlines that have ordered SSTs, persuaded to contribute by the officials who regulate them, will chip in $52 million—the remaining 5 percent.

Initially, the airlines were unwilling to put up any money. Stuart G. Tipton, president of the Air Transport Association, said their show of cash support was sought so that the Administration "could recommend appropriations (from Congress) more effectively."

When the contracts with Boeing and GE were signed May 1, FAA Administrator McKee turned to the representatives of the two companies and said: "If you don't do a helluva job, you stand to lose a helluva lot of money." McKee pronounced the agreements "the toughest . . . ever written."

But not everybody is persuaded. Says Sen. William Proxmire (D-Wis.): "We have all been subjected to a supersonic snow job."

The Government acknowledges that its decision to put up most of the money is a "high risk" proposition, having nothing to do with national defense.

REPAYMENT PLAN

In addition, the agreements do not contemplate that the Government's share of the profits, if there are any, be proportionate to its investment. Suggestions along this line were considered—and rejected.

The contract with Boeing, moreover, is written in such a fashion that the company could avoid repayments to the Government by producing a faster, or more advanced, commercial SST than the FAA has bargained for.

Under the contracts, the Government is eventually supposed to get its investment back, plus a modest 6 percent interest through royalties on each sale. GE royalties will start with the first engine. But Boeing need not begin paying the Government until it sells its 101st plane.

The Boeing royalties are also tied to the definition of an SST "airframe." This is limited to a plane "principally of titanium" with a maximum cruising speed of 2050 miles an hour (Mach 3.1).

A Recoupment Advisory Group, consisting of Government lawyers and economists from key agencies such as the Budget Bureau and the Justice and Treasury Departments, was assigned to suggest contract terms. It recommended against putting titanium in the contract and suggested a broader speed range (up to Mach 4, or 2640 miles an hour) to make sure the Government would recover its money despite improvements in later models.

"Boeing could wrap that plane in, say, boron filament and then where would the Government be?" said one economist. "For the first four years of production, they don't need to pay in anything." The Air Force Systems Command, he added, has predicted a big future for boron and other advanced materials.

The FAA ignored the advice. Maxwell said he overruled the Advisory Group and agreed to put titanium in the contract. He took the line that this was the price, in addition to most of the project's cost, that the Government had to pay to get Boeing to abandon still other demands "that would have been far more disadvantageous to the Government."

"This is the country's decision to build it this way—of titanium," Maxwell said. "We don't want to penalize them (Boeing) for something we're not investing in."

Boeing, he said, had also wanted royalty-bearing SSTs limited to a transport with a still shorter speed range than was finally agreed upon.

GE, by contrast, will have to pay Government royalties on engines installed in planes that can go as fast as 2310 miles an hour, or 260 mph faster than the SSTs requiring royalties from Boeing.

Government support is not expected to stop with prototype construction either. Tucked away in the FAA's feasibility report on the SST is the reminder that "the Government may be required to act as a guarantor of or to provide any additional funds needed by the airframe manufacturer" (Boeing).

By the time the SSTs hit the commercial market, the program will have cost an estimated $4.5 billion.

SLIPPING PROFITS PLAN

Another key objection posed by critics in and out of Government is the schedule of repayments under the agreements signed so far.

The taxpayers will get their money back, without interest, only if 300 SSTs are sold. Boeing will have to sell more than 500 planes—and a 500-plane market is all the FAA projects if sonic boom restrictions are in effect—for the Government to get a 6 per cent interest return.

But the program could hit the jackpot. Without boom restrictions, the FAA predicts that Boeing could sell 1200 planes and some officials feel it can sell even more. As soon as the taxpayers get their investment back, plus 6 per cent, however, the royalty payments are scheduled to be revised downward. The more money the program makes, the smaller the slice the Government gets.

In turn, Hilton complains, this creates "windfall gains" for the manufacturers. Another economist estimates that sales of 2000 SSTs would give Boeing alone a profit of more than $10 billion.

Beyond that, Hilton, like many others, objects to bringing the sonic boom era closer at public expense in order to "subsidize the travel habits of the high-income classes."

"About 85 per cent of U.S. residents have never flown . . . and perhaps less than 5 per cent of all Americans will ever fly SSTs," said Stephen Enke, former Deputy Assistant Defense Secretary and the Pentagon's SST expert and one of its most outspoken critics before leaving Government.

The Institute For Defense Analyses, the FAA's own consultants, estimated there would be a market for 279 SSTs over 15 years if there were sonic boom restrictions—and a market for 661 planes if there were no restrictions.

To the FAA's deep chagrin, IDA also concluded that with boom restrictions limiting sales and domestic flights, the SSTs could worsen the United States balance of payments position by promoting increased ticket and travel spending abroad.

FAA suppressed IDA's findings for months. Meanwhile, FAA officials produced their own feasibility report in which, one said, "we used IDA's methods but varied the input."

The FAA report misstates IDA's basic estimates; it has IDA forecasting a 366-plane market with sonic boom restrictions and an 847-plane market without them. Allen H. Skaggs, head of the FAA's economics staff for the SST, concedes this was "an error."

FAA officials insist, however, that there will be an even greater demand for the SST's supersonic speeds, carrying passengers from Washington to London in 2 hours and 45 minutes or to Paris in only 10 minutes more.

In 1964 alone, IDA points out, United States aircraft sales resulted in a balance of payments surplus of about $140 million, but air travelers' ticket purchases and ground expenditures resulted in a balance of payments deficit of more than $1 billion. Similar offsets the consultants say, have occurred every year since 1950.

The SST's contribution to the balance of payments, IDA agrees, would be favorable in an unrestricted market, but the sonic boom keeps getting in the way.

Meanwhile, some, such as Bo Lundberg, director of the Swedish government's Aeronautical Research Institute and a longtime critic of the SST, are campaigning against even overwater flights on the grounds that the boom will be unbearable for ships and passengers at sea.

Maxwell had a copy of one of Lundberg's recent treatises in hand recently while waiting for a call to testify on the SST appropriation request.

"A sonic boom," the General kept repeating, "is not a sonic boom is not a sonic boom."

AGRIBUSINESS AND THE WAR AGAINST HUNGER

Mr. McGOVERN. Mr. President, a realistic talk on the progress of the war against hunger, and on the obstacles which must be overcome if U.S. agribusiness institutions are to play their essential role in that effort, was made at the First International Business Conference in Chicago on May 11 by a native of my State, Mr. Robert Liebenow, now with the Corn Refiners Association, Inc.

Mr. Liebenow believes, as I do, that the war against hunger must be won. He finds that we are increasing our exports for dollars to the rapidly developing and developed nations, but that investment in the real problem areas, the less developed nations, is being neglected.

He cautions:

> If we do not focus on this problem, we will be back where we started before the passage of P.L. 480.

I ask unanimous consent that the text of Mr. Liebenow's statement be printed in the RECORD. I hope that those who are interested in the vigorous prosecution of the war against hunger will study it.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ROBERT C. LIEBENOW, PRESIDENT, CORN REFINERS ASSOCIATION, INC., WASHINGTON, D.C., BEFORE THE FIRST INTERNATIONAL AGRIBUSINESS CONFERENCE, CHICAGO, ILL., MAY 11, 1967

I. INTRODUCTION

At a conference such as this, there is an air of hope and optimism which is infectious. We are here because we recognize the seriousness of the world food problem and because we want to do something about it. There is always a temptation to cite hopeful developments and to avoid mentioning trends which might jeopardize the hopes of the participants.

I am here to speak about the impact of the world food problem on American agribusiness. Much as I would like to paint a bright, "onward and upward" picture, I feel constrained to point to certain problems of great magnitude—problems that jeopardize the entire United States effort in the war on hunger and the hopes of agribusiness for a role in that effort. Their solution will not be easy—but a solution must be found.

II. GENERAL NATURE OF THE PROBLEM

We are all capitalists here. We believe in the American system of free enterprise. Sometimes we forget that the history of American agriculture does not prove that individual economic interests and the public interest always coincide. The growth and development of American agriculture, which is the greatest agricultural success story in the world history, shows that it is possible to develop a blend of free market forces and government assistance which brings private economic interests and the collective good closer together. Ever since the Homestead Acts of the last century, our government and our farmers have been working together for a common purpose. There has been friction, of course, but it has been a creative friction.

Now turn your attention to the war on hunger. For the past few years, as recognition of the vast and terrible scope of the world food problem has grown, it has been assumed that the natural economic interests of American investors, especially those in agribusiness, would lead them to invest in the underdeveloped areas of the world. At previous conferences we have heard predictions that agribusiness would soon be marching, with banners flying, onto the arid deserts and rocky mountainsides of the less-developed nations from Peru to Burma. It seemed that all that was needed was a little encouragement—get in there and fight, boys! But this is not the way it has worked out at all. We are finding that the laws of international supply and demand will not satisfy by themselves the needs of the hungry nations, nor will unfettered economics result in the greatest possible gain to American agribusiness.

III. SPECIFIC NATURE OF THE PROBLEM

There are three basic markets for American agricultural products, goods and services, and know-how. I would call them the developed countries, the rapidly developing countries and the less developed countries. The developed countries include Western Europe and Japan. The rapidly developing countries are those nations which have recently experienced a take-off in food production or in per capita income, or both, such as Taiwan, Mexico and Thailand. The less developed nations are those caught in the vise of a declining food-to-population ratio, like India, the Congo or Egypt.

What is the true story of American agricultural exports and investment to these three markets? I think that most of the experts present will agree that, with the exception of P.L. 480 food shipments, exports and investment in the less developed nations are declining rapidly as a proportion of total exports-investments. Three quarters of our commercial exports last year were to the *development* nations. Exports and direct investment in the rapidly *developing* nations are growing fast. But in the *underdeveloped* lands, where our goods and expertise are so desperately needed, we are failing.

Not only are we failing right now, but it looks as though we will continue to fail in the future, since the demand from the better developed nations is growing so explosively. In their recent book, *Famine, 1975*, the Paddock brothers predict that the time will soon come when it will be all American capital can do to satisfy domestic demand, keep reasonable surpluses on hand, and help to feed the developed nations. At that time, they say, we will be forced to save some nations, and let others, like India and Egypt, go down the drain. I do not believe that we can permit this to happen, but it *will* happen unless our present policies are altered.

The Paddocks have got to be proved wrong!

IV. FOOD FOR PEACE IS NOT ENOUGH

In recognition of the fact that a policy of surplus disposal would not answer the world's food problem, Congress last year passed the Food for Peace Act, providing for planned domestic production to meet the world need. The Act called for increased "self-help" on the part of recipient nations, and provided for the phasing out of non-commercial food shipments. Of course, there were vast contradictions in this scheme, some of which are now beginning to trouble us seriously. It is becoming clear that the Food for Peace Act alone will not solve the problem of our increasing investment in the better developed nations at the expense of the hungry nations.

In the first place, the Act's attempt to increase sales of commodities for dollar means increasing exports to the developing and developed nations. The same thing is true, of course, of private investment. To be blunt, we are businessmen. Left to ourselves, we will enter those markets which best combine security of investment and immediate profit potential.

Second, "self-help" has been from the beginning, a dangerously ambiguous term. If self-help means, for example, that the Government of India should relax its restrictions on private ownership of companies doing business in India, there can be no quarrel; but if self-help means that the Indian farmer is to lift himself without increased private investment from the 14th century into the 20th century, it is absurd. Self-help should mean that this nation expects recipient countries to do all that they can to increase their agricultural productivity, but it must recognize that they can do very little without private investment.

This leads to a third contradiction which was inherent in the Food for Peace Act. A vast increase in P.L. 480 shipments not for dollars, even though necessary to prevent famine, would appear to conflict with the theory of self-help. Moreover, our present policy assumes that American farmers will increase their production for export without reasonable price guarantees. Therefore, although we can probably expect total P.L. 480 food shipments to remain stable or to increase slightly, the amount of food going to the less developed nations under this program will probably decrease, except for sporadic famine relief.

Putting together all of the foregoing trends, it seems clear that there has developed an alarming gap in American world food policy. On the one hand, the rapidly developing and developed nations were taken care of via exports for dollars and the existing incentive to invest in these growing markets; on the other hand, famine relief can be expected to continue. But what of private investment in the less developed world? If we do not focus on this problem, we will be back where we started before the passage of P.L. 480.

V. TRENDS IN AGRIBUSINESS ACTIVITY ABROAD

American agribusiness wants to be of service in the war on hunger. It wants to help less developed nations to become better developed nations. Nevertheless, agribusiness is still business, and companies are accountable to stockholders. So long as the demand for agribusiness goods and services is increasing in the better developed lands, agribusiness efforts in the hungry nations will continue to be minimal unless the United States Government does something drastic—even revolutionary—to increase direct investment and exports to these areas.

I do not mean to throw cold water on any of the fine suggestions made in the First Panel: they certainly point the direction in which we must go. And I also do not mean to downgrade any of the truly heroic efforts being made by such companies as Mr. Steiger's Massey-Ferguson. But I would say that the suggestions do not go far enough. Companies such as Massey-Ferguson, IMC, Ralston-Purina, and others are doing all that any company can do to help bring less developed areas into the sun. What is needed is a program of massive scope to get agribusiness into these areas, quickly and on a larger scale.

As far as investment in India, Indonesia or Peru goes, uncertainty is now the prevailing trend. The distinguished Vice President of the International Minerals and Chemical Corporation will speak tomorrow about IMC's experiences in India, and I do not know what he will say, but I can name five companies off the top of my head which are pulling out of India and out of other problem nations. The reasons are obvious: difficulties with local bureaucracies, little opportunity for immediate profit, too long a pay-out period on investment, high risk of business loss through unforeseen circumstances, excessive cost of initial research and development, and so on.

Foreign investment is a tedious, time-consuming business, from the first filing of an application in triplicate with AID to the last wrestling match with the fifth sub-minister of agriculture in a less developed nation. In order to get into the act, an agribusiness company must find out who in USDA or among the private foundations has done the basic research in Country X, what research needs to be done, and how to finance it. He must decide where to invest, who is to invest, and whether the investment can be guaranteed. He must become expert on local weather, local markets and local politics. He must figure out which executives he can spare, and how to use local labor; which local government officials are which and how to get through the red tape. And, after all this, he often has a risky investment with an initial low-profit potential.

AID, of course, is the key to the problem, for only AID, backed by Congress and the American people, can transform the scope of agribusiness investment in the hungry nations. We have been hearing about some highly encouraging trends at AID: for example, the formation of an Office of Private Resources, the increasing use of the Extended Risk Investment Guaranty program, and expansion of the investment survey agreement program. These are exciting developments. As a businessman, I applaud the new, more business-like attitude of the Office of Private Resources. Nevertheless, it seems obvious to me that these programs are still too tentative, too limited in applicability, and too unrelated. They do not meet squarely the needs of would-be investors in underdeveloped areas.

However, these existing initiatives point the way toward the new initiatives which we must have in order to get rolling.

VI. NEED FOR NEW INITIATIVES

A proper response to the problem, one which really satisfies the basic needs of Americans interested in investing in the hungry nations, must involve a major expansion and rationalization of existing AID programs. Equally important, agribusiness itself must begin to share the responsibility for policy-making in this area. To do this, we must find a new organizational form through which to express our views, and to take advantage of developing AID investment incentives.

Let me give an example to illustrate what I mean.

The new Office of Private Resources, headed by our distinguished friend, Mr. Salzman, is the obvious focus within AID for all investment incentive programs directed toward less developed nations. It seems to me that we in the agribusiness community could make the best use of this new resource by forming a parallel private organization, representing all agribusiness industries interested in dealing with the Office of Private Resources on a continuing basis.

Such a committee would not require any elaborate form of corporate organization or government representation. Its job would be to let the OPR know whether or not its programs were meeting the needs of businessmen, to suggest improvements and new programs, and to help inform the business community of existing aids to investment.

I think that I can predict some of the suggestions that might be made by such an organization. For example, it might recommend a general expansion of the Extended Risk Investment Guaranty Program. I think that it might well call for an across-the-board softening of loan terms to companies willing to invest in less developed areas. The organization might press for expansion of the present experimental program under which AID underwrites 100% of the costs of investment surveys carried out by a consortium of companies interested in African investment. I'll bet that it would be interested in helping AID to develop some means of guaranteeing to investors in the hungry nations not just recovery of their investment, but a reasonable return as well.

No matter what programs agribusiness might decide to advocate, it strikes me that this is the best way in which we can express our continuing interest, help to combat the tendency to invest only in better developed nations, and actually influence those government policies which affect us directly. Such an organization could help to strengthen AID's hand by supporting worthwhile legislation directed at increasing investment. In addition, it strikes me that such liaison with the Office of Private Resources would be a natural breeding ground for investment consortiums of the kind we have been hearing about lately.

Let's face it. None of us here is about to join a consortium without knowing where it is to invest, how much, and what its problems and prospects are. Like most of those present, I have had a little experience in raising initial venture capital, and I know that it is one thing to achieve an agreement on the need for investment and quite another to put cash down on the table. To my mind, we will get investment moving into the hungry nations much more quickly if we first achieve continuing contact with the Office of Private Resources through an organization formed for this purpose.

This kind of an organization would be easy to form and to finance. It could be put into operation in a matter of weeks. It would probably make future conferences such as this superfluous, for we would then no longer require a special occasion to get together with AID, USDA and foundation representatives. One thing is very important: this new agribusiness liaison group should be made up of high ranking corporate officials—company presidents, if possible, so as to insure that our contact with government will be top level contact.

It seems to me that only through such an effort can we really devote our attention to the unique problems of investment in the less developed nations, and only through such an organization realize our full potential to contribute a solution of their food problems.

VII. CONCLUSION

The foregoing admittedly represents a preliminary stab at an overwhelmingly complicated problem, but I am convinced that we can no longer afford the luxury of caution. The economic and political forces presently at work seem to me to be pointing inexorably towards failure of our program to encourage private investment in the less developed areas. Most businessmen faced with the present choice of selling their commodities or services for dollars and for profit, or plunging into the uncertainty of investment in hungry nations, will choose the former, even if their investments are not guaranteed. Our present policies designed to encourage self-help are leaving more and more for private industry to do in these areas, while undertaking to do less themselves. There seems to me to be but one possible answer at this point, and that is to recognize that investment in less developed nations is a special case posing special problems and demanding unique solutions. With the hope that these solutions will be found, and soon, I can conclude on an optimistic note.

THE SEARCH FOR PEACE

Mr. McGEE. Mr. President, in the Washington Sunday Star of June 11, 1967, the one all-important fact of today's life, at least on the international scene, was pointed out in a lucid editorial concerning the critical events of last week in the Middle East. That fact, of course is that war between the big powers—between the United States and the U.S.S.R.—must be avoided. And it was, despite the existence of commitments, of financial interests, of emotional bonds, and of ideological ties. In any other age, war between the superpowers easily could have resulted from the type of crisis which took the stage in recent days.

Mr. President, this editorial deserves close attention. It concludes by stating that cooperation must continue if peace is to be found. All of us, I think, can appreciate more fully now the need for cooperation with the Soviet Government in order to avoid misinterpretations, and thus, needless military confrontations. I ask unanimous consent that the Sunday Star's editorial, entitled "Big Power Role in the Middle East War," be printed in the RECORD

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BIG POWER ROLE IN THE MIDDLE EAST WAR

One all-important fact of international life was brought out from under the diplomatic table and clearly displayed during the critical hours of last week's lightning war in the Middle East. Both Russia and the United States have reached the conclusion that the overriding consideration in any diplomatic crisis is the avoidance of war between the superpowers.

Such questions as national prestige, emotional ties, moral commitments, ideological bonds and financial interest—the explosive matter that has detonated the major wars of the past—became secondary considerations. Over-shadowing every action by the two great powers was a mature understanding of the fact that neither could accept a total war against the other.

This is not to say that neither Russia nor the United States recognized any commitments in the Middle East. And it is perfectly clear—despite some loud charges to the contrary—that the United States did not back out of any obligation, either explicit or implied. It should be equally clear, now that the peak of the crisis has passed, that the United States played its diplomatic hand with extraordinary skill, restraint and finesse—plus, perhaps, a touch of luck.

The basic United States commitment in the Middle East was to prevent the destruction of the state of Israel. Had the Arab forces made good their threat of overrunning the Israeli forces and had they pressed their announced aim of achieving a "final solution" to the problems of the Middle East by obliterating the state of Israel, there is no doubt what the response of the United States would have been. Enough American military strength would have been sent into action to prevent the destruction of Israel.

There was, of course, also an obligation on the part of the United States to assist Israel in maintaining its rights to free passage through the Gulf of Aqaba. A generation ago—perhaps a decade ago—such an obligation would have meant that the closing of the gulf to Israel shipping would have been answered by an immediate show of American force. Application of American muscle to break the blockade was demanded by some in Congress and was expected by some circles in Israel.

Instead, the United States moved to fulfill its obligations by pressing the Israeli case in international legal channels and to fulfill its obligation to humanity by refraining from forcing an armed confrontation with the Soviet Union.

The Soviet Union, as well, had obligations in the Middle East. It could not possibly have tolerated armed United States intervention aimed against its protege, the United Arab Republic. Nor, should such an unlikely situation have arisen, could Russia have sat idly by to observe the destruction of the Arab nations by the United States or by Israel acting alone.

The superpowers were, then, operating throughout the crisis under the same essential ground rules: Each would step in should the other intervene—unless that intervention was undertaken to prevent the destruction of the nations they were backing.

These ground rules were fully understood by both Russia and the United States. The "hot line" between Moscow and Washington was used, for the first time since it was set up, to clarify positions as the crisis developed and to make certain that no misinterpretation of specific actions could make the two powers blunder into World War III.

In the light of this mutual desire by the Soviets and United States to avoid a military confrontation over the Middle East, why did the Middle East war break out? Why did the Russians permit Arab aggressive threats against Israel to reach the flash point, thereby greatly increasing the danger of the major war both sides were trying so hard to prevent?

The only logical explanation is that Russian ambition for a strategic foothold in the area, combined with a major Russian underestimation of Israeli determination and an overestimation of Arab fighting qualities, produced the worse Soviet diplomatic blunder of recent history.

The Soviets, aware of the United States

policy of avoiding direct military intervention except as a last resort, encouraged the Arabs to blockade Ellat, to ring Israel with a threatening circle of armament and to preach the destruction of the new state. The Soviets did not want war. They wanted a major diplomatic victory. They knew the United States would not react merely to threats. And they did not believe that Israel would dare to move against numerically superior armies on three fronts equipped with some $2 billion in Soviet arms.

The strategy was to identify Russia loudly and clearly as the backers of the Arab cause and to increase Soviet prestige by threatening Israel and humiliating the United States. The Russians and the Arabs made one major miscalculation. Israel took the Arab threats seriously. And Israel was quite willing to remove that threat by going in alone—and quite capable of doing so, as events proved.

The result was a military rout for the Arab forces and a diplomatic clobbering for the Soviets.

The long, painful process of clearing away the debris and of piecing together the shattered political-diplomatic structure of the Middle East is beginning. And the only cause for any optimism that the future may be brighter than the past lies in the determination of the two great powers to exclude all-out war as a tool of foreign policy.

The basic reality is that there can be no true peace, no stability in the Middle East, until the Arab nations accept the fact that Israel exists and will continue to exist. Israel, for its part, has made it quite clear that it will not give up the land it now occupies until Israel's position as a sovereign state has been fully recognized.

It is possible that Nasser may eventually make good on his offer to withdraw from the tormented scene—a move that would be of considerable help in the massive task of reconstruction that lies ahead. But an acceptable solution to the problems of the Middle East can only be achieved if the Soviet Union and the United States continue to operate on the basic mutual assumption that cooperation is essential and that war between them is unthinkable.

If this measure of sanity continues to dictate the actions of the superpowers, Russia will employ what influence it still has with the Arab nations to make them face the reality of Israel's existence, the United States will use what influence it has to induce Israel to accept a reasonable settlement, and both nations will reconsider the advisability of pouring arms into that inflamed area of the world.

If the cooperation ends, peace will not be found. And humanity will surely stand soon again at the end of the abyss.

ACCIDENT PREVENTION

Mrs. SMITH. Mr. President, when I first ran for the office of U.S. Senator, back in 1948, my Democratic opponent was Dr. Adrian H. Scolten, of Portland, Maine. Dr. Scolten conducted the cleanest campaign of any opponent I ever had in senatorial campaigns.

Recently Dr. Scolten wrote a most interesting letter to the Hartford, Conn., Courant on the goal of accident prevention to which he is dedicated. His letter was published in the May 30, 1967, edition of that paper.

I ask unanimous consent that his letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Governors on Autos Will Help Save Lives

To the Editor of The Courant: For over 35 years I have seriously studied how to reduce more effectively the needless deaths and injuries caused by cars and trucks.

In the 30s, I left my private practice to give my full time to accident prevention, after my mother and members of my own family were seriously injured in traffic accidents. Since then my brother's wife was killed in one, and my brother and niece inexcusably injured.

Before 1939, when on the national staff of the American Red Cross, I began saying "Slow Down and Live." And, "Slower driving always gives a lower death and injury rate."

Today, I am more convinced than ever that speed is the greatest cause of the brutal killing and maiming done daily on our roads and streets, and that until we put governors on all cars and trucks limiting their speeds to 50 miles an hour, little else said or done will appreciably change a shamefully bad record.

As was the case in the 30s, in all cities, towns and settled districts, the speed limits should be 25 miles an hour, and the pedestrians must always be given the right-of-way.

Why all the hurry, anyway? Never have Americans had so much leisure time and used it so badly.

Collision-proof cars, driver training for teen-agers, etc., is not the answer. And seat belts have done little to save lives, and only tend to make driving faster and more dangerous.

Why do we license boys and girls not old enough to vote, and think their judgment is good enough to be trusted with the most deadly machine in the world, the automobile?

The present death and accident rates caused by automobiles shows our conduct is worse than that of cannibals and savages. It can be changed by slower driving controlled by governors on all cars to below 50 miles an hour in the open country, and to 25 by hand-waving policemen in all settled districts.

The Slogan "Slow Down and Live," and putting governors on cars saved many lives and prevented millions of injuries in years past, and it can do that again. Every human life is precious.

Adrian H. Scolten, M.D.

Portland, Maine.

USEFUL LEGISLATION

Mr. BARTLETT. Mr. President, earlier today the Senate passed S. 1281, a bill to extend until June 30, 1970, at an annual appropriation not to exceed $300,000, the Federal Committees for Development Planning in Alaska. I applaud the Senate's action.

The Federal Review and Field Committees, established in 1965, have been in full operation approximately 1 year. Their primary function is to provide coordinated planning of Federal activities in Alaska. This coordination extends not only to the various Federal programs operating in Alaska, but also to State programs so that both Federal and State efforts are fully effective. The Federal Government's expenditures in Alaska are large and it is essential that they be used properly and well.

The Federal Field Committee provides local planning and coordination and the Cabinet-level Review Committee insures that the plans are carried forward as agency and departmental policy. Interagency coordination is not always an easy task, but the enthusiastic response which Federal and State agencies have made to the efforts of the Federal committees indicates acceptance of the vital role the committees play.

JOINT COMMITTEE TO INVESTIGATE CRIME

Mr. MOSS. Mr. President, within the next week. I shall introduce a joint resolution which would create within Congress a Joint Committee To Investigate Crime.

At the outset, let me make it clear that under our form of government the primary responsibility for dealing with crime rests with the States and local communities—not with the Federal Government. It is obvious that any possibility of a Federal police system is totally repugnant to Americans and must be prohibited.

However, it is equally obvious that Congress must do much more than it has to assist the States and local communities if crime, which is now a social crisis, is to be effectively controlled in our Nation.

The statistics regarding all aspects of crime have been widely disseminated and, as appalling as they are, need not be repeated in detail here. I will mention a few to emphasize the fact that we have not found an effective way to control crime. In the last few years, the crime rate has increased approximately six times faster than the rate of population growth. There were 2,780,000 serious crimes reported last year—a murder every hour, an aggravated assault every 2½ minutes, a burglary every 27 seconds—and even more startling, it is estimate that less than half of the crimes in these categories were reported. It is a tragic day in America when 50 percent of the people are afraid to go out on the streets. It is a tragic day when a person is five times more likely to be murdered in America than in England. The national crime loss is estimated by J. Edgar Hoover at $27 billion—more than we spend on education in this country. In view of these brief statistics, is there any doubt that we know all too little about crime?

Crime in this country has aroused parents, law-enforcement officials, sociologists, and others, including, of course, the elected representatives of the people. This is in marked contrast to the often-heard complaint of public apathy and indifference to law enforcement of a few years ago. Public interest and concern is, in itself, an essential element in combatting crime. Congress has not ignored this increasing public concern with the problems of crime and law enforcement. I sponsored the Law Enforcement Assistance Act of 1965, a successful program which, hopefully, will continue and expand in scope. The senior Senator from New York [Mr. Javits] and I introduced proposed legislation which would treat chronic alcoholics medically and socially, not as criminals. This legislation would lift the huge burden which drunkenness now places on police, lower criminal courts, and penal institutions. Twenty-two bills dealing with crime are pending in the Senate and approximately 600 bills and resolutions in the House of Representatives. These bills and resolutions reflect the mood of the 90th Congress. In my judgment, Congress is fed up with our expanding crime and will act.

After some 18 months of detailed study

of crime, the President's Commission on Law Enforcement and Administration of Justice has submitted an excellent report with more to follow. The report acknowledges that continued study is essential and provides invaluable information as a starting point for the Joint Committee to Investigate Crime which I seek to create by the joint resolution.

The joint committee would make continuing investigations and studies of all aspects of crime in the United States including: First, its elements, causes, and extent; second, the preparation, collection, and dissemination of statistics thereon, and the availability of reciprocity of information among law-enforcement agencies, Federal, State, and local, including the exchange of information with foreign nations; third, the adequacy of law enforcement and the administration of justice, including the constitutional issues pertaining thereto; fourth, the effect of crime and disturbance in the metropolitan urban areas; fifth, the effective, directly or indirectly, of crime on the commerce of the Nation; sixth, the treatment and rehabilitation of persons convicted of crimes; seventh, measures for the reduction, control, or prevention of crime; eighth, measures for the improvement of (a) detection of crime, (b) law enforcement, including increased cooperation among the agencies thereof, (c) the administration of justice; and ninth, measures and programs for increased respect for the law.

In my judgment we must determine two things in order to combat crime: First, How to curb the present crime rate; and second, How to eliminate the causes of crime.

This can be accomplished only through an organized evaluation to be continued from year to year. It seems to me that this can best be accomplished by a joint committee to investigate crime. Such a joint committee would:

First. Provide Congress with invaluable information which otherwise might not come to their attention.

Second. The committee could weigh the pros and cons of the numerous proposals to combine crime which are made almost daily by experts in almost every field of human endeavor.

Third. The committee would act as a repository of information on crime and all its aspects so that we, acting in our individual capacities and as members of our legislative committees, could draw upon its expertise and information in preparing remedial and imaginative legislative proposals.

Mr. President, I have long been closely associated with law enforcement: for 10 years I served as city judge for Salt Lake City, Utah; for 8 years as county attorney for Salt Lake County; for 4 years on active duty as a judge advocate during World War II; and was honored to serve two terms as president of the National District Attorneys' Association. I mention this experience only to demonstrate my longtime concern with the problem of crime and to assure my colleagues that this resolution has received much thought and study

My good friend, Hon. CLAUDE PEPPER, long a foe of crime, has introduced an identical joint resolution in the House of Representatives.

The time has come for Congress to take more initiative in the war on crime, and we believe that the establishment of a bipartisan joint committee is the necessary first step if we are to do so.

By moving ahead now, and giving prompt favorable action to this resolution we might hasten the day that crime in all its aspects is effectively controlled in this country.

NASSER'S OPINION OF THE UNITED STATES

Mr. SYMINGTON. Mr. President, without comment, I submit as of interest to the Senate a broadcast from Cairo as recorded by the Foreign Broadcast Information Service printed in the New York Times of June 11, 1967. I ask unanimous consent that the article, entitled "The Curse of All the Arabs," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CURSE OF ALL THE ARABS

(Excerpts from Cairo Radio broadcasts last week on the Middle East crisis, as reported by the Foreign Broadcast Information Service)

The United States is the enemy. The United States is the hostile side in the battle. The United States is the force behind which Israel is taking shelter. The United States, Arabs, is the enemy of the people; the killer of life, and the shedder of blood. . . . The United States is all the aggression. Its aircraft protect the Zionists from Arab bombing. Its fighters and bombers gathered in large groups to provide for Israel an air umbrella that prevents the Arabs from bombing Israel's towns and villages, while it is moving fast all along the occupied frontiers of the Arabs. The United States, therefore, is the enemy. The United States, therefore, is the aggressor.

Jamal (President Nasser) said it. He said it 10 days ago: Israel is the United States, and the United States is Israel. Jamal has told the truth. The United States is the enemy fighting us in the air and trying to prevent us from disciplining Israel, from liquidating Israel. Our battle today, the battle being fought by the Arab armies with every sacrifice and every offering, is against the United States, firstly, secondly and thirdly; lastly it is against the Zionist bands, very much lastly. . . .

"SINFUL" UNITED STATES

The United States saw Israel about to collapse under the blows of Arab massings which were surrounding it, preparing to deal the blow of death. The Chicago gangs moved; the state of gangsterism and bloodsheds moved; it moved in order to protect its aggressive base in the Middle East. How vile and treacherous the United States has been in its protection of Israel. How sinful and base the United States has been in its collusion with the Zionists! It refrained from coming out openly to fight us. It refrained from facing the Arabs with an open and daring hostility. No, Arabs. The United States is too vile and too base to have the ethics of cavaliers. The United States threw, from all its airports and aircraft carriers in the Mediterranean, huge and continuous massings of its fighters and bombers in order to provide that air umbrella that protected Israel from the revenge of the Arabs, from the massings of the Arabs, and from the victory of the Arabs. . . .

The battle is continuing, United States . . . It is going on until you become, as Britain became after the 1956 collusion, a third-rate state. Here, United States, here in the Arab homeland we buried Britain's greatness. . . . Here, United States, we shall bury the imperialist base, Israel. Here we shall bury the American international gangsterism. Here, Arabs, dig graves everywhere; dig them for every U.S. existence; dig them, Arabs; dig all the homelands a grave for U.S. existence; dig it, Arabs; dig it, Arabs, dig it, Arabs.

And so the pirates, the blood-suckers of peoples, the criminals of the 20th century, have joined the bands of outcasts, the scum of the earth, against the Arab people, who are at this moment fighting the decisive battle of destiny. And so with the utmost treachery, baseness and vileness, the United States, and behind in its wake Britain, infiltrated across the seas and stood side by side with the racialist Zionist aggression, supporting the attack on the Arab land of Palestine. . . .

Would Israel, the home of the treachery and cowardly moves, have dared to move in 1956? Would it have dreamed of emerging from its lair today but for the air cover? However, what happened to Britain in 1956, Oh America? What happened to Eden, and what became of the aggression? Aggressors, enemies of peoples, enemies of freedom, enemies of peace, Eden tried at the time to deny the crime of conspiracy, the dirty crime of aggression—exactly as the United States is doing today, exactly as American officials today pretend to know nothing, while the blood of the crime drips from their hands and the stench of the dirty plot spreads everywhere, when all the world knows that the plot was hatched in Washington. . . .

ARABS WILL WIN

If these criminal barbarians think we shall keep quiet, if these savages, the enemies of people, think their crime is going to go unpunished, they are dreaming. We the Arab people, from the ocean to the gulf, shall teach the lesson, namely, that the weapon of enterprise is invariably in our hands, that we hold them by the neck in this area where we live, that if the Arab people, who have staged terrible demonstrations against the United States and Britain in every Arab capital, these same people know how to teach the United States a fearful lesson in the heart of its interests, a lesson which will show it that its aerial umbrella, now being used, will not be able to protect one single interest that it has in this area. . . . We know, the whole Arab people know, that we will never for a moment retreat from this battle. War merchants and blood-suckers ought to know that for our rights we shall rush into any fearful dangers; we shall blow up land, air and sea until we regain our right.

Arab brethren, our heroes, your arms have repelled America's flagrant aggression on Arab territory. Our heroes are defending the dignity of the Arabs. America has protected its gangs in Israel, it is protecting Israel against your destructive blows. America is your number one enemy, Arab brethren. America will realize how the Arabs will answer to its treacherous and dastardly collusion. America will realize that its collusion and its treachery, and its lackey, Israel—all that will never survive.

The curse of all the Arabs, from the ocean to the gulf and from every corner of the globe, is on you, America, and on your lackey, Israel; together with the curse of all free peoples, the curse of free man everywhere.

THE WAR ON POVERTY: A GROWING PROGRAM WITH GROWING SUCCESSES

Mr. McGEE. Mr. President, the Nation's poor are vulnerable. They are at the mercy of those who choose to ignore their plight. And they are often the victims of those who persist in blindly opposing any attempt to alleviate the cycles of illiteracy, hunger, and disease that perpetuate poverty and social unrest.

The poor have no lobbyists to promote their interests and little political influence. But they do have one big thing going for them: The sympathy, support, and determination to help, of Lyndon B. Johnson's administration.

President Johnson is solidly in their corner. And so are those of us in Congress who share his belief that we must continue the war on poverty, so promisingly begun. So, I may add, are the majority of Americans who reaffirm our Nation's commitment to the alleviation of poverty and the creation of new opportunity for all our people in the 1960's.

The war on poverty is a difficult battle. And not the least of our problems is defending this program from those determined to wreck it.

In the days ahead, we who support this program will be called upon to vigorously defend it against those who say we are squandering the taxpayer's money on boondoggles and projects that are poorly conceived and ill managed.

But defend it we shall.

In the days ahead, we will also hear from those who strongly support the poverty program, but who say that we are not doing enough, or spending enough, to have any substantial impact.

And we shall defend the program from these charges as well.

Let me be frank. I am convinced that many of our most persistent critics are using the poverty program as a convenient political whipping device. They have found the program to be a readymade outlet for a direct attack on the President and on the performance of his administration.

But these tactics shall fail. And they will fail because Americans still place a higher value on performance and just causes than they do on partisan politics.

Let us begin at the beginning and view the total dimension of the administration's effort to help the poor.

In fiscal year 1968, total Federal expenditures to aid persons below the poverty line are estimated to total $25.6 billion, an increase of $3.6 billion or 16 percent over fiscal year 1967, and double the level of 1963. Cash benefit payments will comprise 57 percent of the total in 1968, while health and education and training programs will make up an additional 31 percent.

This figure of $25.6 billion represents the Federal Government's determined effort to combat poverty through a broad range of programs. It includes—in addition to the Office of Economic Opportunity—social security, public assistance, education, health benefits, employment and retraining, regional economic development, housing, urban redevelopment and community facilities, school lunch, and various food distribution activities.

This is a formidable package of help. And it is effective.

Expenditures going to the poor under education programs will be 13 times greater in 1968 than in 1963. Health expenditures will be more than quadruple. Cash payments to the poor are estimated to be up by 40 percent since 1963.

In total, the funds which go to poor people under all Government programs will comprise 27 percent of all Federal cash payments—excluding our national defense.

I mention these statistics to point to an obvious fact: Our commitment as a nation, and as a people, to alleviate poverty conditions in America is undiminished. And we are putting our commitment to work in a decisive way.

I believe we have won the opening skirmishes in the war against poverty. But the big battles are yet to be waged.

And perhaps the biggest battle of all will be waged in the days ahead against those who are determined to wreck the Economic Opportunity Act.

The Bible tells us: "Seek and ye shall find." And this is certainly true of the Office of Economic Opportunity—just as it is true of any Federal agency, business, or—I may add—any congressional office. Look for weaknesses, look for mistakes, look for failures and you shall surely find them.

I have no doubt but that the opponents of this program will be trying to document every alleged mistake and failure they can find.

I have no doubt, too, that there have been mistakes in this program. I would be amazed if we could have launched such a complex and dynamic effort without making a few mistakes as we went along.

I am not concerned with mistakes. I am concerned about the program's impact on people. And I must say that on the basis of solid accomplishment that the Office of Economic Opportunity must be doing something right, its critics notwithstanding?

What are some of these accomplishments?

The war on poverty has helped move 2 million Americans across the poverty line since it began 2½ years ago. Two million Americans who were tax eaters are now tax earners. These are the poor who have been directly helped; another 4 million have moved across the poverty line because of our unmatched prosperity.

One million three hundred thousand children have participated in Headstart, receiving educational, medical, and nutritional attention.

Nearly 70,000 men and women have graduated from Job Corps Centers, and 70 percent of them got jobs—many for the first time in their lives.

Seven thousand VISTA volunteers are serving full time in our urban and rural slums, on Indian reservations, and with the migrant poor.

Three hundred thousand poor people have been helped by the legal services program.

Thirty thousand poor, but talented, high school students are participating in Upward Bound, a course which gives them the educational boost they need to attend college.

Forty-two thousand Americans have received rural loans for farm improvements and small income-producing enterprises.

Nine hundred and ten thousand boys and girls, 16 to 21 years old, in the Neighborhood Youth Corps have been given full- or part-time work experience.

Now, these overall accomplishments of OEO have, for the most part, been managed and directed by local citizens in their own local agencies. OEO administration is decentralized, so that State and local governments have a maximum to say about how the money is spent in their areas.

Let us remember this: What we are considering in this Economic Opportunity Act is not a program that affects only the Nation's poor, but all Americans everywhere.

Moving a person off relief and into a job—through training and education—is a paying proposition. Tax users become taxpayers. For example, in Chicago alone, the Welfare Department was able to remove 14,000 people from relief rolls in the first 18 months of OEO's existence.

Each man-year of unemployment costs the economy at least $2,500 to $3,000 in lost wages or production. A reduction in unemployment by 500,000 out of a total 3 million is equivalent to adding $1.4 billion to the economy annually.

Some 620,000 people have obtained jobs as a result of poverty programs. This affects the entire Nation, not only the poor.

The war on poverty has taught us a valuable lesson.

We have learned that poverty is not inevitable, is not written in the stars.

We have learned that people are poor not because they are lazy or indifferent, but because they lack the opportunity to break out of the cycle of illiteracy, despair, and neglect.

We have learned volumes about the forces that perpetuate poverty and have discovered the best weapons to eradicate these forces.

Our poverty programs are proven successes. But the battle has only begun. We must continue this vital enterprise. And we shall.

We can anticipate that the war on poverty will come under heavy attack in the days and weeks ahead. But I am not concerned. For the fact is that right is on the side of the poor—the right cause and the right program.

DESEGREGATION OF TEXAS PUBLIC SCHOOLS

Mr. TOWER. Mr. President, an article published recently in the Houston Chronicle points out the reasonable, responsible progress which is being made in Texas in the desegregation of public schools.

The article was written by Dave McNeely, a very capable member of the Chronicle's Austin bureau.

I ask that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TEXAS LEADS

(By Dave McNeely)

AUSTIN.—The long-range fruits of desegregation of schools may not be seen for awhile in the South.

The short-range changes are already becoming evident in Texas and some other areas throughout the South, a federal survey shows.

Take Rosebud Independent School District, for instance.

Rosebud used to be segregated. This school year, for the first time, Rosebud's school system is completely integrated.

The best actress in interscholastic league competition in Rosebud's district this year was a Negro.

On the basis of its 1965 football performance, Rosebud was picked to finish fourth in District 22-A this year. Rosebud made it to state semifinals before losing to another Class A team.

Rosebud sported a 10-2-1 record. The tie, and the other loss, were both at hands of Class AA teams.

Reasons for the successful season, says Rosebud Supt. Billy Bates, was increased effort on the part of returning squadmen and addition of four Negro footballers, three of them starters.

Rosebud's experience is being echoed in many areas of the state.

The history of desegregation of Southern schools is long. The Civil War was fought, in part, over whether the Negro was equal under the law.

Just before the turn of the century, however, the United States Supreme Court upheld separate schools for Negroes and whites as long as they were "equal."

Then, in a historic decision in 1954, the court ruled that separate schools are inherently unequal.

The South took note, but little action.

Segregated schools had been declared unlawful. Yet, a decade later, on the eve of passage of the Civil Rights Act of 1964, less than 1.5 percent of Negro students in the 11 once-Confederate states were attending integrated schools.

This year, 12.5 percent of Negro students in the South are in integrated schools.

What is making the Civil Rights Act effective? Mostly, it is a section of the act called Title VI. It provides that school districts which don't desegregate will lose their federal school support.

In the 1964-65 school year, the integration percentage in the South moved up to 2.5 percent.

In 1965, the U.S. Office of Education (OOE) set out guidelines for compliance with the federal act. Federal courts backed up OOE by requiring that OOE's guidelines would serve as minimum standards for desegregation.

The 1965 guidelines required schools to effect desegregation. They allowed them to do so through "freedom of choice" plans, whereby students could attend the school of their choice.

The integration percentage in the South moved up to 6 percent in the 1965-66 school year.

In March of 1966, the OOE issued new guidelines that said schools would have to do something further if freedom of choice plans were not actually bringing about desegregation of schools.

The desegregation percentage moved up to 12.5 percent in the South for the current school year.

Texas is the school integration leader of the once-Confederate states, with 34.6 percent of its Negro school children integrated with other races this school year. Next is Virginia, with 20 percent.

Several states in the Deep South bring the percentage down. (The OOE, which compiled these figures, considers a school integrated when less than 95 percent of its students are Negroes.)

Two school districts in Texas are under OOE compliance actions to desegregate. They are Groesbeck and Alto.

Thirteen school districts have been turned over by OOE to the Justice Department to force compliance. They are under federal court order to desegregate.

They are independent school districts in Houston, College Station, Beaumont, Bryan, Carrollton, Dallas, Denison, Georgetown, Longview, Fort Worth, Hamshire, Texas City and Waco.

The rest of the 1308 districts are apparently moving along with sufficient speed in desegregation to satisfy OOE and the courts.

What are some other faces of desegregation in Texas?

When visiting classes sit in the galleries of the Texas House and Senate during the current legislative session, virtually none are all-white or all-black. They used to be.

In Cold Spring, the best chemistry teacher in the two schools there is white. He teaches at the predominantly Negro school.

The best physics teacher is a Negro. He teaches at the predominantly white school.

Supt. M. C. Jones has students from both schools taking advantage of the best teachers, with shuttle buses running students—and teachers—between schools. It is part of the transition to full integration, and to giving students the opportunity to be taught by the best possible teachers.

Lou Mathis, a staff man for OOE, says most school systems find integration peaceful and seem willing to accept the challenge of equality.

"Each community considers itself unique," Mathis said, "but they're all doing the same thing."

After a brief tour through Texas, Mathis reported that in all school districts visited, "We found the students accept each other."

THE VIETNAM WAR SHOULD BE ENDED BY NEGOTIATION WITHOUT DELAY

Mr. YOUNG of Ohio. Mr. President, it is evident from statements by some of our military commanders and other American leaders recently returned from Vietnam that the South Vietnam regime of Prime Minister Ky is finding increasing difficulty in adding to the numbers and effectiveness of the so-called friendly forces of South Vietnam. This despite the fact that the money of American taxpayers goes to equip, maintain, and pay these soldiers.

The ARVN forces, so called, are so inadequate that not only in the area of South Vietnam directly south of the demilitarized zone, but in the Mekong Delta and other areas, there are not enough soldiers of the South Vietnam Armed Forces to engage in pacification programs in Vietnamese villages and to police these villages against Vietcong incursions, which include levying taxes and recruitment of young men for the VC forces.

It is startling and most unfortunate that highly trained American soldiers who are really needed in combat in Vietnam, for as long a period as our administration leaders continue our involvement in this Vietnam civil war, have been detailed by the thousands for pacification work and to garrison rather remote villages. To my amazement I recently learned that many of our marines, and they are the finest and best trained fighting men in the entire world, have been detailed to pacification programs in the area south of the demilitarized zone and inward from Danang on the coast, and elsewhere. If the South Vietnamese forces of Prime Minister Ky are so inadequate in numbers, intelligence, and training that they cannot handle entirely the pacification program in the villages of that area, and, in fact, in all South Vietnam, then instead of Americans trying to train, indoctrinate, and pacify an alien people, the time is long past due for us to withdraw to our coastal bases and eventually from Vietnam.

Certainly, it is not for Americans to pour 600,000, 800,000 or 1 million men into Vietnam not only to fight in an insurrection which has been raging in that country since 1956, but also to teach and pacify men and women of a little country of no importance whatever to the defense of the United States. Frankly, in this troubled world, this Nation must not take more and greater losses of precious lives. More than 10,000 young Americans, including more than 400 from my State of Ohio, have already been killed in combat in Vietnam. More than 60,000 have been wounded, and additional thousands have been afflicted with malaria, plague, and other jungle diseases. The cost of this war now amounts to more than $30 billion a year. Also, simply stated, we Americans cannot afford to expend our manpower or to bankrupt our country for such a futile purpose. We are spread too thin. We are taking a course toward national suicide.

Mr. President, let us hope that administration officials will finally realize what some Americans have insisted on for a long time—that the administration's own evidence fails to support its claim that the continued bombing of North Vietnam is achieving its stated objectives. What the air war on the north does accomplish, however, is the erection of barriers to negotiations for a cease-fire and an armistice.

Escalation now can hardly go much further. The target list, with the exception of the port of Haiphong and a few airfields, is virtually exhausted. Hanoi's will to resist has not been broken. In fact, the bombing has only increased the determination and will of the North Vietnamese people to continue this war.

Further escalation might force Russia's supply operation into greater dependence on China for transshipment. North Vietnam's planes might have to operate from Chinese bases, making Hanoi the political prisoner of Peking. A U.S. ground invasion of North Vietnam, if attempted, would almost certainly precipitate direct Chinese intervention.

Mr. President, I again urge President Johnson and Secretary of State Rusk to announce a bombing pause for a period of at least 1 month to determine what hope there may be for the commencement of peace talks between representatives of the Saigon regime, the Vietcong or National Liberation Front, the Hanoi government, and delegates of our Nation to end the fighting in Vietnam.

Should the North Vietnamese refuse to begin negotiations, then the burden of guilt in the eyes of the world for continuing this war would likely shift from us to them. If our goal is not victory for either side, but a negotiated peace based on the neutralization of all Vietnam, then the risks of ceasing the bombing for a period of 1 month are tolerable and should be accepted.

This has been the counsel of all leaders of the important powers of the world.

It is the counsel of our friends and allies. It is the counsel of U.N. Secretary General U Thant and of Pope Paul VI. Our President's answer to this advice should be a definite statement that we will unconditionally cease bombing North Vietnam for a 30-day period.

Mr. President, in view of the events in the Middle East of last week, I feel that the time now is most opportune to make every effort for bringing about a cease-fire and an armistice in Vietnam. Last week the world traveled to the brink of total war. Now is the proper psychological time for making a serious effort toward ending the war in Vietnam. I am hopeful that the administration will call for an end to the bombing of North Vietnam for a period of time long enough to determine what Hanoi's reaction would be.

The escalation and expansion of our involvement in this ugly land war and the bombing of North Vietnam and killing of men, women, and children must be stopped. The wisest policy for us is to seek peace through political rather than military measures.

A good beginning, and one that would bring us the acclaim and gratitude of the entire world, would be an immediate cessation of the bombing of North Vietnam for a period of 1 month at least. Such an announcement would give credence to President Johnson's Memorial Day appeal:

> Let us together lead our people out of this bloody impasse.

Mr. President, a few minutes ago I read an extremely interesting and important article that appears in the front page of today's Washington Evening Star entitled "Viet Leader Sees Stalemate." In this article, Richard Critchfield, Asia correspondent of the Star, reports that former South Vietnamese Premier Tran Van Huong, who is now a leading South Vietnamese presidential candidate, has publicly stated that he favors ending the war through negotiations between the South and North Vietnamese themselves without direct great power participation. This former premier, who is noted for his frankness and honesty, is quoted as predicting that the war should and would end in a stalemate with "no question of this side winning, the other side losing." His views reflects the views of many South Vietnamese who are now thinking of negotiating terms that could give them a reasonable chance to survive in an independent, neutral, non-Communist South Vietnam. I commend this article to the Senate, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HUONG DISCOUNTS UNITED STATES—VIET LEADER SEES STALEMATE

(By Richard Critchfield)

SAIGON.—A leading South Vietnamese presidential candidate, former Premier Tran Van Huong, was reported today to favor ending the war through negotiations between South and North Vietnam themselves, without direct great power participation.

In an interview published in the Saigon Daily News, Huong was quoted as predicting the war would end in a stalemate with "no question of this side winning, the other side losing."

Instead, he said "both sides will have to lay down their arms in honor.

"This peace will not be decided by the French and Viet Minh as in 1954 or between North Vietnam and the Americans but certainly between South and North Vietnam."

Huong said it would be the task of both Vietnams "profiting from the temporary peace, to try to achieve freedom and prosperity for the people who will be given the occasion, perhaps in five to 10 years from now, to decide together about the question of reunifying the country."

Diplomatic observers who have visited Huong in recent days at the seaside resort of Vung Tau, where he has been living in retirement the past two years, felt the published remarks fairly reflected the views of the former premier, who is noted for his frankness and honesty.

The impression here is that the campaign for September's presidential election is bringing both a resurgent Vietnamese nationalism and growing war weariness to the surface.

A growing confidence engendered by American military successes is somewhat offset by a sober realization the Viet Cong political rebellion is probably too well established to be totally ended.

Few Vietnamese believe any more that the insurgency can be ended by somebody in Peking flicking a switch and turning off the flow of revolutionary current that runs through Hanoi to the Viet Cong.

The longer the fighting has gone on the more obvious it has become that a large minority of South Vietnamese tenaciously support either the Viet Cong or the Hanoi regime, whether out of deception, coercion or rational self-interest.

Not only Huong, but many South Vietnamese, are now thinking of negotiating terms that could give them a reasonable chance to survive in an independent, neutral non-Communist South Vietnam.

Even Premier Nguyen Cao Ky, since he first said "we are getting closer to negotiations every day" last January, has talked less and less of escalation and increasingly, at least in his presidential campaigning, of a not-too-distant peace.

As Huong described the main campaign issue, "all problems revolve around the present war, a war which will have to end, and to end by negotiations."

Yesterday the ruling junta ratified its decree barring "pro-Communist or pro-neutralist" candidates from running for president. But "pro-neutralist" is usually narrowly defined in Vietnam as someone who advocates forming a coalition government with the Viet Cong.

The real issue, since support of negotiations has gained legitimacy, is what part the Viet Cong will play in a post-war Vietnam. Most observers expect Hanoi's minimal condition will be establishment of a legal political base.

This is much further than any South Vietnamese leader has been willing to go as yet.

THE ROLE OF COAL IN KENTUCKY'S FUTURE ECONOMIC DEVELOPMENT

Mr. COOPER. Mr. President, I take this opportunity to note that on May 25 the Senate passed Senate Concurrent Resolution 20, which requests the President to issue a proclamation designating next week as National Coal Week, and to mark the 50th anniversary of the National Coal Association, an organization that has provided leadership and assistance to the coal industry since its establishment in 1917.

I am hopeful that the President will soon issue this proclamation.

In recommending Senate Concurrent Resolution 20, the Senate Judiciary Committee noted in its report:

> The National Coal Association has helped guide and inspire the coal industry, the progenitor of modern industries, through periods of crisis and change. Today, the U.S. bituminous coal industry is one of the most technologically advanced, streamlined industries in the world. It constitutes the leading U.S. steam energy fuel and provides low-cost power to meet the needs of a mushrooming American society. In addition, through research, coal provides the base for a multitude of scientific and consumer products.

I would like to pause briefly to review the progress that the coal industry in my State has made over the recent years. The total production of bituminous coal in Kentucky during the past decade has increased to an all-time high of 90.9 million tons in 1966, an increase of approximately 6 million tons over 1965. In 1966 the bituminous coal industry nationwide had its best year since 1957 in producing some 532 million tons, an increase of almost 5 percent since 1965.

Bituminous coal production figures for Kentucky in the last 12 years are as follows:

[In millions of tons]

1955	69.0
1956	74.6
1957	74.7
1958	66.3
1959	62.8
1960	66.8
1961	63.0
1962	69.2
1963	77.4
1964	82.7
1965	85.8
1966	90.9

THE KENTUCKY COAL INDUSTRY AFTER WORLD WAR II

It does not tax our memories to any great extent to recall that high production and expanding coal sales have not always been the case in Kentucky. During World War II there was a tremendous demand for coal—production was up and employment was high. After World War II the coal industry found itself in a depressed state resulting from overproduction and excess capacity and loss of markets to new energy sources.

It seems difficult to realize today that the railroad industry once ranked as coal's largest single customer, consuming, for example, in 1944 some 132 million tons of coal in steam locomotives. This market was lost to the diesel engine. New techniques for laying pipelines brought natural gas to nearly every State, displacing coal used in many industrial plants and residential buildings. Imported residual fuel oil cut into coal's traditional industrial and utility markets on the Atlantic coast to the particular economic disadvantage of eastern Kentucky coal.

INDUSTRY INITIATIVES OF THE LATE 1940'S AND 1950'S

The loss of old markets and the problems accompanying the development of new markets were met by the industry through large capital investments, hard work, and imagination.

To meet the competition of other energy sources and to promote new markets, the coal and transportation industries engaged in a cooperative effort to reduce the delivered cost of coal to consumers. Through the introduction of heavy mechanized equipment financed by large capital expenditures, the coal-producing companies and the miners have steadily increased their productivity to an alltime high of 18 tons per day for the average miner in 1966, more than three times the average daily output per miner in 1939. At the same time when prices of other commodities have shown a marked increase, the price of coal has decreased from $5.03 per ton f.o.b. in 1957 to $4.55 in 1966. Railroads have inaugurated new methods of volume coal shipments which have provided substantial reductions in transportation costs.

In seeking new markets, the industry has gone abroad. The United States has become the world's largest exporter of bituminous coal. These shipments in 1966 were valued at more than $500 million, representing that much of a net gain in our country's balance of payments.

Increased productivity of U.S. miners has been one of the important keys to our export trade. No European country has even yet approached the United States 1939 average level of production of 5.25 tons per day for the average miner. Next to the United States, the country with the highest level of production is West Germany, which was estimated in 1965 at 3.0 tons per man-day, followed by the United Kingdom with 2.8 tons per man-day.

A great deal of credit for these advances and progress is due to the leadership and organization provided by the National Coal Policy Conference and the National Coal Association in promoting and coordinating industry efforts. I recall now that in the 1950's I urged the formation of an organization that could bring together the coal, transportation, and utility industries in one cooperative effort to advance their common interests. The establishment of the National Coal Policy Conference in 1959 has served to complement the work of the National Coal Association and both organizations are responsible for many industry advances that have spurred the economic development of Kentucky.

IMPORTANCE OF UTILITY MARKETS TO COAL'S FUTURE

Just as the coal industry met and overcame the problems of overproduction and high unit costs that it faced in the 1940's and 1950's, so it is now engaged in a united effort to find solutions to new and different problems of the 1960's and 1970's. Important to the future of coal production in Kentucky and in other coal-producing States is the continued growth of the electric utility markets and the development of new products and markets through expanded research.

The electric utility industry now takes more than half of the coal industry's output and is expanding rapidly in spite of increased competition from nuclear energy and residual fuel oil. Coal is still the fuel used to generate two-thirds of the Nation's electricity. A recent survey by the National Coal Policy Conference showed that more than 75 powerplants, burning some 110 million tons of coal annually, are expected to be built by 1971. Looking even further into the future, the Federal Power Commission in its national power survey has forecast that electric utilities in 1980 would require some 500 million tons of coal in place of the 266 million tons the utilities used in 1966.

This projected demand assures an expanding market for coal and, too, there is a sound economic reason. Since 1962 on a national average, coal has been the lowest cost fuel consumed by the utilities. In 1965 the utilities paid an average of 24.4 cents per million B.t.u.'s of heat produced from coal, 26.7 cents for equivalent heat from natural gas, and 33.2 cents from oil.

RECENT INDUSTRY ANNOUNCEMENTS CONCERNING KENTUCKY

Just last week the Wall Street Journal carried a news story that the Island Creek Coal Co. signed a long-term contract with the Carolina Power & Light Co., to supply 1 million tons of coal a year to the utility's generating plant. The article went on to point out that the Corporation will spend more than $50 million over the next 2 years to develop several mines, the majority of this expenditure to be made in Kentucky.

One of the mines—the Gund Mine—is located in Pike County in the eastern part of Kentucky; the second is in Union County in the western part of the State.

The Gund Mine will produce 2 million tons of coal annually under long-term contracts for utilities in North Carolina, Ohio, and northern Michigan. New jobs will be provided for 300 citizens of Kentucky to produce that amount of coal. These miners will earn $2.5 million a year which will result in a healthy boost to the economy of eastern Kentucky.

The mine in Union County—one of the largest mines in the United States—will be known as the Hamilton Mine in honor of James L. Hamilton, chairman of Island Creek Coal Co. It will be located a mile and one-half from the Ohio River, and by 1971 will be producing over 5½ million tons of coal annually for movement by barge to utilities along the Ohio River. Coal will be transported by conveyor belt from the mine site to the river loading station where large barges will be loaded in much the same way as we are loading unit trains today. The mine, which will cost $12 million to build, will provide employment for 600 Kentuckians with an annual payroll of $5 million.

Coal is the backbone of our Nation's electric energy supply, and this market will continue to grow. Certainly Island Creek Coal Co. offers strong evidence, with these new long-term contracts, that this is true. It is a favorable indication of the future of the coal industry—and of the future of Kentucky, the second-ranking coal-producing State in America. With 33 billion tons of recoverable coal still unmined in Kentucky, the coal industry is an important asset to Kentucky as well as to the Nation.

Mr. President, I ask unanimous consent that the announcement appearing in the Wall Street Journal, of June 5, be included in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ISLAND CREEK COAL CO., CAROLINA P&L AGREE ON LONG-TERM CONTRACT—MINE NOW UNDER CONTRUCTION IN KENTUCKY WILL SUPPLY 1 MILLION TONS A YEAR TO UTILITY'S PLANTS

CLEVELAND.—Island Creek Coal Co. has signed a long-term contract with Carolina Power & Light Co. to supply one million tons of coal a year to the utility's generating plants, Island Creek said.

The contract may extend for as long as 15 years, depending on certain options for adjustments later in the contract period, an Island Creek official said. Shipments will begin in the first half of next year, he said.

To fulfill this contract, Island Creek's Evans Elkhorn division is expanding capacity of its Gund mine, which is currently under construction in Pike County, Ky., to its designed capacity of two million tons a year, Island Creek said. Previously announced contracts with Toledo Edison Co. and Upper Peninsula Generating Co. will take the remainder of the Gund mine's output, the company said.

Island Creek will spend more than $50 million over the next two years to develop the Gund mines and three other mines currently under construction to serve the utility and metallurgical-coal markets, the company said.

LOOK MAGAZINE LOOKS AT WAR ON POVERTY

Mr. PROXMIRE. Mr. President, the June 13 issue of Look magazine contains an excellent article on the war on poverty. Look gives us a perceptive glimpse of the progress we are making in this "other war"—a war we must win if we are to perpetuate America as a land of opportunity for all. Of course, I am talking about economic opportunity. The Look article should reassure many of the critics of the Office of Economic Opportunity, for it indicates that, although the OEO has a long, long way to go, we have already started the journey.

I invite the Senate's particular attention to an editorial headed "We Can't Quit Now," published in the same issue of Look. As the editorial states:

> We can squander billions on ghetto schools and public housing. We can build a wall of services between ourselves and the poor, creating a permanent, subsidized lower class. The harder choice, this generation's unique commitment, is to help the poor climb up to where they can compete with us for housing, education, and the material pleasures of our world.

This is exactly what the Senate will be doing a few weeks hence when we vote on OEO legislation. I think the Look articles, which I ask unanimous consent to have printed in the RECORD, should help us to decide how to cast those votes.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CAN JOHNSON WIN HIS OTHER WAR?

The American economy is a long line of shiny slot machines, and most of them are rigged to pay off. We pump our time, effort and education into the slots and take home our winnings in rib roasts, color TV's or station wagons, in security, leisure, prestige. It's a great game; almost everybody wins.

But some of the machines are busted. They gobble down everything the players pour in; they gobble down hope. And they turn up nothing but lemons. This kind of one-armed bandit works in Appalachia, in the rural South and in the rotten guts of our cities. That is what the War on Poverty is all about—to guarantee an honest payoff on all bets, to win back the bitter millions who quit a mug's game.

It is no war against need. Few Americans are starving. (Yet 1,500 die each year from diseases caused by malnutrition.) The antipoverty programs were designed to destroy a more subtle evil—the poverty of opportunity.

There are 32 million poor in our country, one out of every six Americans. While the upper limits of poverty (an annual income of $3,130 for an urban family of four, $2,190 for a farm family) would mean comfort in most parts of the world, that kind of living amounts to minimal subsistence in our jackpot economy. Life below the poverty line comes down to nonparticipation in the great grab-bag consumer society. The poor are cut off by their inability to compete with the rest of us for housing, for transportation, for medical care and legal help. We bar them from credit, from political power and deny them a livelihood.

The poor are alienated, and the alienated are poor, locked out by geography, by age or by race. Most Negroes are poor. Just goading the economy toward "full employment" will not mean a thing. All the gamy social problems, products of a death of aspiration, have got to be cleaned up first.

Lyndon Johnson meant no less than this when he announced in his first State of the Union message, "This administration today, here and now, declares unconditional war on poverty in America." But it is three years since that call to arms, and the military rhetoric sounds trite and tired. Another, bloodier war has cut deep into the butter budget, made starvelings of new social programs.

The President has failed the War on Poverty no more than it has failed him, for it never became the popular cause he had wanted. Its opponents do not march or demonstrate. They ride the tide of indifference, convinced that time and the Congress will reduce this war to suitable inconsequence.

ANDY MILLER MOVES UP

Andy Miller grew up on a Connecticut country estate; his grandmother was the housekeeper. Andy didn't have a father, and his mother worked in a nearby town. When he was 12, Andy and his grandparents moved to Philadelphia's rowdy Tenderloin, and Andy learned how to fight. That's what he remembers most: "It didn't seem like my mind was right for school." So Andy quit in the tenth grade. He could always find a job—pumping gas, parking cars, shifting stock. At 27, he had a wife and three children; he'd spent six years in the same department-store stock room and was making $65 a week.

What boosted Andy Miller up out of poverty was Philadelphia's Opportunities Industrialization Center (OIC), the homegrown cure of the Rev. Leon Sullivan, a Baptist minister who learned civil rights from Adam Powell and A. Philip Randolph. Sullivan and his committee of 400 clergymen ("We never really had that many") put the screws to local business with a consumer boycott (he calls it "selective patronage") that cracked open hundreds of jobs for Negroes. When there weren't trained men to fill them, Sullivan raised funds from Negroes, the Ford Foundation and Philadelphia industries to set up school in an abandoned police station.

Andy Miller came banging on the door soon as the OIC school opened. "We were living in a housing project," he tells. "There were 12 families on our floor, and six of them were slobs. People would steal milk from outside your door. We ate the cheapest kinds of food—rice, pigs' feet, meat with more fat than meat to it.

"I got sick and tired of being pushed around, kicked around. People looked at me like I was stupid, talked to me any kind of way. I was mad at everybody, mad at myself, thought I must be pretty dumb not to get the right kind of job."

Although he started and quit night school twice. Andy stuck it out at OIC for more than a year, made up high schooling he'd missed and began learning how to shape sheet metal. Working days, studying nights, picking up extra cash ferrying rental cars, he pushed. "My grandmother told me to stay put, not to be so anxious," he says. "Relatives asked why Andy was back in school," his wife adds. "They said he was going beyond himself."

But Andy finally broke out of the stock room. At Boeing's Vertol Division, he makes $3.20 an hour (about $140 a week with late-shift pay). "This year, I paid cash for the Christmas toys," he brags. Every payday, there's $12 put into savings bonds, "for the kids, for college," and Mrs. Miller talks about furniture for the bare front room, a car, even a Persian lamb coat.

Not all OIC graduates score like Andy. But 3,000 have found real work, and a squad of dapper job developers fans out from OIC's new headquarters each day to line up jobs for 1,500 new trainees. With five branches, Philadelphia's OIC still has a waiting list of 7,000. The U.S. Office of Economic Opportunity now puts up most of Sullivan's $3 million budget. OEC loves OIC, for adult job programs have been the lost battalions of War on Poverty. OIC centers in eight other cities get OEO money, and 25 more have started on their own.

But the secret of OIC's success may be Leon Sullivan himself, six-feet-five of freckled power, who preaches, "Protest without progress is empty," and, "Integration without preparation is frustration." He knows that most of the first-generation OIC grads were cream, and he's after the skimmings now, men who aren't working and aren't looking.

Getting rocky-bottom types ready for work takes more than vocational training, and OIC's Feeder Program builds up their basics and their egos as well. "There's built-in self-pride, race pride," Sullivan explains. "We teach a man's he's somebody. Daily fire him with his own success."

Putting aside protest for the while, Sullivan uses his support from the Philadelphia business community to pull Negroes into the middle class, the only alternative he sees to "beautiful welfare ghettos." He wants "colored children to be proud," the way Andy Miller's three sons are.

ROAD OF RUSSELL HICKS

Russell Hicks has lousy luck. His car broke down the day before he reported for work on the county roads, and his pig busted a leg. Russ slaughtered the pig. There wasn't much to do for the car (its transmission was shot); he just pulled it off the road by his home up Post Office Hollow.

Mingo County, West Virginia, is full of sidelined cars. Some families have two or three. All they need to run again are tires, a fuel pump or a license plate. There are lots of men out of action too (unemployment in the county is 11.3 percent). Some are ex-miners. Many have no trade. But Russ just finished a nine-month Government course for auto mechanics and still can't find a job. He's back in the state's OEO-financed Work Experience and Training program, and he's cleaning out ditches.

Russ has worked on an assembly line in Maryland, in a Virginia coal mine and an Indiana foundry. When layoffs come, he's knocked off fast. Last time out, he left his wife and four children behind, ended up with only 20 hours work a week. He cut for home and means to stay put. "There's nothing pretty about it," he says of the hill country, "but it's just not home when you're away from here."

The soft coal is rolling out again, but there's still not enough work. Even with almost 20 percent of the county on welfare, Mingo remembers harder times than these. Most of the assistance money today comes from top-dollar work-experience grants (up to $250 per month). Straight welfare pays a lot less.

The work-experience idea hasn't cut relief rolls the way the programmers figured. But it has pumped plenty of needed cash into Appalachia. Kentucky's "Happy Pappies" and West Virginia's "Crashmen" (helping them was once a crash operation) work up to 160 hours a month, get time off for school. There is some real training, but the men in Mingo mostly put in time on the roads, cleaning cemeteries, hauling trash. One dozen-man crew has three shovels and one pick. "We get out two or three times a week," says a crewman, "just stand around: can't work with no tools."

What's got Mingo stirred up is the hassle between the Democratic machine and the local War on Poverty outfit, which shoots for self-help, community action by the poor. The antipoverty boys claim that some supervisors, loyal to the party's county chairman, keep Crashmen in line and out of community-action groups by threatening with "termination from the program."

"You don't tell them [the politicians] what to do in Mingo," a state welfare official admits. "They tell you." Crashmen are afraid to make waves, believe, as a party stalwart explains, "They're just shoving meat and bread off the table if they do."

The antipoverty agency runs its own work-experience project for the welfare department: rebuilding tumbled-down homes with lumber scrapped from abandoned shacks. But Huey Perry, the gangling ex-schoolteacher who heads Mingo's community-action setup, thinks, "The men themselves should decide what work they do. Let them repair their own homes, their own roads." The new action groups out in the hollows complain that Crashmen never get to work on the rough back roads to their homes.

Although he works for the road commission, Russ belongs to an action group because he wants things like a garbage dump, water and decent roads. Garbage gets tossed over the bank. He has to haul water more than a mile. Spring rains about washed out his road, and Russ talks of getting a load of red dog (slag ash). "They don't have to do a thing but dump it; we'll put it down ourselves."

THE NICKEL REVOLUTION

The first of Sargent Shriver's happy warriors to hit New York dangled $5 million before the city fathers, who only sniffed at the petty cash. (New York's budget for health and welfare runs better than a billion.) When the men from OEO spelled out the conditions—the poor had to be organized, elect representatives and help run the city's poverty program—one old pol snapped, "You're trying to buy a revolution for a crummy nickel."

That's just what they were out to do. Shriver had recruited a band of young Turks, honor bright and feisty, who were going to pull up fences that cut off poor people from the rest of society. But they were a talkative lot, told everybody how they'd "keep the action away from bureaucrats and politicians" and "help the poor to fight the Establishment." They had no patience with social workers who counseled the poor to adjust to debasement; they knocked the teachers in slum schools and rapped paternalistic charities. They managed to offend almost everyone except Italian-Americans, for whom the War on Poverty title (which formed an insulting acronym) was dropped for the less dramatic Office of Economic Opportunity.

Its name was the only thing low-keyed about the new outfit. OEO pushed off programs with lusty bugling. Shriver, whose Peace Corps had won a public-relations triumph long before it scored overseas, demanded plenty of publicity. "We had to arouse America to the problems of poverty," he now explains. On the strength of Lyndon Johnson's promise to "eradicate poverty," Shriver predicted the job would be done by 1976. "We took our cue from the President," he says. "We thought there was all sorts of money available for these things." If they had to make a revolution, the OEOmen figured on enough nickels to do the job.

They figured wrong. They tried appealing to the nation's better nature and scared the pants off citizens who weren't all that sure the barriers should come crashing down, letting the poor loose in middle-class America's greater society.

For openers, OEO came up with a bundle of plans that included a set of youth programs from John F. Kennedy's files, a domestic peace corps (VISTA), and designs for adult education, low-interest loans for the poor and work training for welfare clients. Shriver put his biggest bet on a Community Action Program (CAP), the most original and costly part of the package. CAP broke up the unwieldly war into battle-sized chunks, started a clutch of little local OEO'S, with names like TAP (Total Action Against Poverty) in Detroit, Washington's UPO (United Planning Organization) and DWOP (Denver War on Poverty).

The community-action agencies were to pick specific "target areas" (pockets of poverty) and get churches, schools, private agencies, along with city departments and the employment services, working together there. They could come up with their own ideas, and OEO would pick up 90 percent (later cut to 80) of the tab. They were local outlets for OEO's national programs. But CAP was more than a fancy new delivery system for social services. OEO didn't plan to feed sparrows by feeding horses. The poor were to get as many community-action jobs as possible, taken on the chore of organizing poverty communities.

To make sure Southern Negroes weren't frozen out, Shriver's legislative crew had slipped into the Economic Opportunity Act of 1964 a provision for "maximum feasible participation" of the poor in planning and running the community organizations. Congress never questioned the clause; some members claim they never understood it.

OEO's hawks seized the participation requirement as a way to give political muscle to the poor. Hard-liners wanted to hold back CAP money until representatives from poverty areas were a majority on the local agency boards. But when OEO finally got cash to give away, after nine months of handing out promises, there was a kind of frenzy to get everything going, a wasteful rush to send the boss back to Congress empty-handed. So OEOmen often settled for token representation and let communities work out participation after they'd gotten their grants. Shriver wanted it both ways. ("He's a slob about ideas," says one adviser.) He wanted to start the money moving, while nailing down all the participation he could get.

By the time *minimum* participation was pegged at one-third last year (by a Republican amendment that cynics claim was aimed at bugging Democratic big-city mayors), OEO had bought itself a load of grief with the battle of the boards. The poor were difficult to organize; neighborhood elections drew few voters. San Francisco's Mayor John Shelley lost a messy fight with representatives of the poor, who are still squabbling for control of the city's action agency. In Denver, Negro board members charged discrimination and forced the antipoverty director to resign; his successor faced similar charges from Mexican-American members. Cagier politicians quieted their critics by hiring them, or appointed them to expanded boards and learned to live with them. "I let myself be beat about the head by some of the indigenous leadership," says Detroit's Jerome P. Cavanagh, but he kept the community-action agency right in the mayor's office.

"We never said that the poor need to control the programs," Shriver insists. But a large chunk of the populace thought the whole idea of participation was pretty ridiculous. "Asking the poor how to win the War on Poverty," said humorist Art Buchwald, "is like asking the Japs how to win World War II." Rep. Sam Gibbons of Florida, who shephered last year's poverty bill through the House, complains, "The poor should no more control community action than sick people should run hospitals." He thinks "the money ought to be in the hands of local authorities."

It is in some places, not in others. There is no standard design for a community-action agency, but there are 1,056 of them, spending more than $600 million a year for things like the popular preschool Head Start program and college-preparatory Upward Bound, for job placement, work training, tutoring, child care and health. More than 800 neighborhood service centers are in business, plus 50 legal service offices, and OEO has put up money for 11 big health centers.

Yet one New York congressman insists, "Community action has no real friends in the House." What worries him is the more than 25,000 poor people working in neighborhood centers or out in the community. "They are eyeball-to-eyeball with the hardcore unemployed," says one of Leon Sullivan's aides, "in the taverns and in the streets." They have gotten the word to the poor more effectively than a generation of social workers. "They may be peddling birth control today," suggests the House member, "but they can sell my opponent tomorrow," for the action groups have hit the neighborhoods with more clout than anybody since the heyday of the big-city bosses. Many run good-sized operations of their own, and real organization comes from people working together—not from lots of meetings. This is the heart of the War on Poverty, starting the poor on their way toward joining the nation's consensus.

The men on Capitol Hill clamped down last year, denying community-action agencies money to do much on their own. The era of "let a hundred flowers bloom," when local solutions for local problems were encouraged, came to an end. By earmarking funds for more prepackaged projects, like Head Start and health centers, Congress replaced CAP's blank order form with a Chinese menu of Washington's own cooked goodies.

Controversy on the boards and the rumblings of neighborhood groups have made many citizens wary of action agencies, while still approving most of what they do. Shriver finds OEO has the same problem and has taken to telling the story of the little Jewish boy who couldn't stand *kreplach*, a triangular meat dumpling that Shriver insists on calling a *patisserie*. Showing him what went into the delicacy, the boy's mother had him watch while she whipped up a batch. He was quiet as she rolled out the dough, chopped the meat and put it in.

"It looks so good," he said, as his mother folded one corner, then another, and then . . . "Aaaagh" screamed the lad recognizing it at last, "*Kreplach!*"

What Shriver asks his audiences is why they approve of Head Start, Upward Bound, neighborhood centers, medical centers, yet give the War on Poverty the fishy eye.

The OEO director knows his audiences like some poverty programs better than others. But the most popular OEO undertakings seem those with the least immediate chance of actually creating opportunity for the poor. Head Start may do wonders, but it won't be doing them for another 20 years. And this prize program eats up almost half of the community-action budget, close to one-quarter of all OEO dough.

Shriver came up with the idea for Head Start himself, planned a summer preschool program for 100,000 four-year-olds. OEO had been in business for just a few months then but was already in trouble over "maximum feasible representation" and high salaries for community-action directors. Head Start looked like the winner they needed. Who could argue with nursery schools for little kids? The White House (Mrs. Johnson) adopted Head Start, and the President expanded it. Some 560,000 children got into classes that summer.

About as many now attend summer Head Start sessions, while 155,000 get a full year. Head Start is almost everywhere, even in communities with no action agencies. (Some OEOmen see it as a kind of underground community action there.)

Most early talk stressed the need to bring poor youngsters up to the level of the middle-class kids they must compete with in first grade. This isn't much discussed these days (and the Office of Education's extensive Coleman study showed it hasn't happened). "I can go into any Head Start class in the country and tell you if it's working," says an OEO inspector. "What the kids lack is love. Go sell Congress on buying a billion dollars worth of love." Somehow, Congress is willing to buy just that.

The best of the classes give children from a world of haphazard relationships a sense of order, of time and of self. Their curiosities are teased open, vocabularies built. Although OEO insists there haven't been enough studies made yet, the first ones indicate Head Start children come into school better prepared than non-preschooled youngsters with similar backgrounds. Only, the initial edge fades during kindergarten. OEO blames the schools and has started a Follow Through project to bring Head Start methods (fewer students in each class, more parent participation, medical and dental care) into the lower grades.

"Head Start is a magnificent thing because it has made a villain of the kindergarten teacher," say a sometime speechwriter for Shriver. The public schools are almost public enemy number one of OEOmen, who must salvage the systems' failures.

Although most teen-agers in the Neighborhood Youth Corps (NYC) work part-time while still in school, about one-third (60,000), who are out of school, get job experience. It's not really training. NYC has modest goals, and it's a popular program. But the Job Corps, which tries for quantum change in kids, is a target area for OEO critics, who quote the cost, the number of dropouts, the amount of crime and violence in the camps. NYC is almost invisible. Job Corps sticks out (OEO even puts the boys in uniform, ships Negroes out to the great white West).

Youngsters come into the Job Corps in sorry shape: Almost one-third can't read, two-thirds were pushed out of school, one-quarter have been in trouble. They can walk out with the basics of an education. (Machine-taught boys at Gary in Texas, move from zero to a sixth grade reading level in four and a half months.) Contractors teach them skills, like truck driving (with a union card on graduation), running heavy equipment, welding. Some become nurse's aides (22 percent of Job Corps trainees are girls), salesmen or commercial artists. Although many walk out with a lot less, whatever they've picked up helps.

One out of four Job Corpsmen last the

full course. That's twice as many as used to stick it out and the ratio keeps getting better. Larger urban centers, with plenty of training and equipment, hold on to more boys than the smaller conservation camps where the emphasis is basic education and work is in the woods.

Almost 57,000 young people had been through the centers by the start of this year, and a shade less than 70 percent of them are now working back in school or in the armed forces. The men who run the Job Corps know plenty of changes they'd make if they had to start up all over again. First off, they'd heed Leon Sullivan's dictum, "We only train for a job that exists," and set up a placement system. They'd get rid of the rural camps and switch to a set of small urban centers (much smaller than the ones they now have). Some want to change the name, so Job Corps would sound like more fun, but none would forget one of the first lessons they learned—forest rangers and ex-marine sergeants get more from the kids than gentler, more understanding types.

OEO didn't offer much for those over 21 for quite a while—unless they were past 65, in which case there were Foster Grandparents (who got childcare jobs) and Operation Green Thumb (jobs in beautification and conservation). It took time for the planners to get the simple word that what most poor people want is work. Even if they have jobs, they want better ones. Only last year did Shriver really push community-action groups into the job-training game.

This year, there are a couple of adult work-training projects in OEO's goody bag. The most promising of these schemes grew out of community action. Community workers and Head Start teacher aides showed how many parts of a professional's job could be done by quickly trained but willing recruits. The New Careers plan, wished on OEO by Rep. James Scheuer (the Scheuer-Nelson amendment) and designed by NYU's Frank Riessman and others, would build real careers for the poor in community service. Teacher aides could work up to assistant teachers and, with study on the job, night courses and summer school, eventually earn a license—nurse's aides could go the same route. Riessman believes many specialized jobs can be broken down into tasks that inexperienced people can perform without training. These would be only the starting points for a career—not dead ends.

OEO hasn't a monopoly on putting the poor to work. The Labor Department has now come on to the scene with a newly discovered concern for the poor. Training under the Manpower Development and Training Act (MDTA), designed to school workers stuck with obsolescent skills, is now mostly reserved for the poor. The U.S. Employment Service, whose main worry had been keeping employers happy, is beginning to get the idea that its first responsibility is to find people work.

Probably the best job OEO has done has been to shake up the big baronies of Government—Federal departments like Labor. OEOmen believe it is their job to bug bureaucrats, and they have jolted the Government into undertakings like the new education programs, the Teacher Corps, employment offices in the ghettos, welfare offices there and small-business bureaus.

OEO has even inspired competition for its CAP agencies. The model-cities plan (Department of Housing and Urban Development) will increase aid for community projects, but requires a new kind of outfit, controlled by city hall, to coordinate activities in target areas. "They've invented the wheel again," snipe OEOmen.

Republicans in the House have plans for an Opportunity Crusade that would "completely dismantle the Office of Economic Opportunity," turn community action over to the Department of Health, Education, and Welfare, along with Job Corps, VISTA and Head Start. New Careers would disappear in the wreckage.

Shriver seems resigned to losing part of the action. Many programs are already run by other agencies, although OEO controls the cash. "I don't think we ought to hang on to every operation we have," says Shriver. "It's like bringing up children; you let them go when they can take care of themselves." But, he notes wryly, "The Office of Education wasn't trying to get hold of Head Start when we started. No one wants anything until it's successful."

OEO's virtues make it vulnerable. It is an administration maverick, sticking its nose into everybody's business—education, jobs, migrant labor, Indian affairs and welfare. It has few friends in the Government, only competitors, and no constituency. No labor unions, farmer associations or business groups lobby for OEO. There are just the poor and the big-city mayors. "We respond to ghetto demands," says Detroit's Cavanagh, "because we see them. When Congress cuts off their programs, they come to city hall and protest."

The poor are heard in Washington only when they riot. That works, although it buys little real change. Still, OEO pours plenty of "summer project" money into riot control. The projects disappear by fall, leaving few signs of where the cash went. There was no summer money in this year's Spartan OEO budget. But after Hough blew up, President Johnson asked for $75 million.

The chief jingo of the War on Poverty must be Lyndon Johnson. "We can't continue without the President's support," says OEO's boss. But Johnson turned his back last fall, when Congress pared the poverty program down to bare bones, and his support was a long time gone.

Those were cruel days for Shriver. The President wasn't with him, and neither were the poor. A few nights before Christmas, a dissident Washington poverty group turned up at the OEO director's 30-acre Maryland spread and serenaded him with bitter parodies of the traditional carols. There was talk in Washington that he would resign. At 51, Shriver has been the white knight of two administrations. Somehow, he is no less enthusiastic than during the best of the Peace Corps days. His charm has worn thin in spots, revealing underneath a certain stubborn virtue. He didn't resign, and he wasn't asked.

With spring, the President softened and made a pitch to Congress for an antipoverty budget that will permit little escalation. Still, the popular programs and Shriver's drive for "maximum feasible participation of the middle class" have made new friends for OEO, which hasn't been knocked about by many fresh scandals. Not that Congress will pay much mind to such things. OEO will go bravely marching up Capitol Hill someday soon with no idea of what it will look like when it marches down again.

Shriver believes the war can be won. "It will just take more money and manpower." He's not ready to quit. "The worst thing a guy can do is walk away from something he thinks is important." Sadly allowing how "Congress may lick us," he insists, "that's not a failure. The real failure would be to have chickened out."

WE CAN'T QUIT NOW

Why wage a war on poverty unless we intend to win it? Promises won't work any more, and we're not going to do the job with nickels. But it will take more than the extra billions we must spend to avoid the disgrace of failure and the fury of a vengeful poor. We need money, not to cushion poverty, but to help the poor help themselves and join the rest of us in a truly middle-class America.

To be poor in America is to stand at the candy-store window with an aching sweet tooth, to be a bitter spectator at our feast of plenty. The economy that keeps grinding out new and more elaborate gimcracks for us also grinds down the poor. In those tumorous parts of the cities where they live, our fat wartime prosperity means nothing.

The recent Labor Department studies of big-city slums reported one-third of the work force was unemployed, underemployed or just couldn't be found. It was worse in Negro neighborhoods. Oakland's Bayside had a regular unemployment rate of 13 percent. Around Cleveland's troubled Hough, the rate was 15.6 percent, and one-half of the residents were what the study termed, "subemployed."

These are the most visible poor. They riot. They frighten us with the anger of their discontent. Negroes are one-third of the poor. Yet they get more than half the antipoverty aid, and with good reason. The War on Poverty must remedy years of stunted aspiration, for we are pledged to create equal—not just similar—opportunity.

Negro leaders, mostly middle class, have come out strongly for economic equality. They have helped organize the slums and proposed their own antipoverty formula in a massive Freedom Budget. But they have not become the voice of the poor, not even the Negro poor. And the poor have yet to find a voice of their own.

It is up to the Office of Economic Opportunity, not only to cope with the problems of poverty, but to argue the just demands of the poor from within the Government. Bureaucrats can run a Head Start program or even a Job Corps, once the wrinkles have been ironed out. OEO, however, has the rougher chore of goading the big Federal departments to respond to the needs of a powerless community.

But a real war on poverty means more than just providing added services for the poor, setting up better, but still separate, facilities for them. We cannot become so smug about Head Start classes and neighborhood centers in the slums that we forget our goal is to get people out of poverty and settle for the comfortable expedient of making poverty a more pleasant place for them to live.

When you ask the poor what they want, they'll tell you—good jobs. They're not just looking for work at $1.50 an hour for the rest of their lives (although many will grab it). They don't need the War on Poverty to live beneath the poverty line ($3,130 for an urban family of four). It's real jobs, with promotions and raises that they want, jobs they can't get. They need training, skills, but only if there is a job waiting for them when they are ready. First, many must be prepared to learn, taught the basics they never got in school, helped to overcome traits, like quick tempers and easy frustration, that make the poor difficult employees. We have programs for a few, but we need them for all the poor, and we have to open up more jobs by dropping unrealistic requirements. (One major food processor demands an eighth-grade education for chicken pluckers.) This way, we'll move millions up from poverty—and still be left with some unemployed.

There are workers who will never be paid a decent wage no matter how much training they get. Part of OEO's job is to figure out what's best for them. We could cut welfare costs by subsidizing their jobs, giving employers the difference between what they are paid and what they are worth. The Government might put them in some of the four million useful public-service jobs that OEO believes can be created.

But jobs are not the only answer to poverty. They will not help the old, the sick and disabled or many mothers of small children. The answer to their problem is easy—give them money. Welfare is one way, but the minimal kind of assistance we now pay (and only half of these eligible are on the rolls) is too expensive for what it buys. This kind of welfare doesn't cure poverty, it perpetuates it. It locks in people whose children are born into poverty and often never leave.

To guarantee a "practical minimum level of income" for all, the Government's Advisory Council on Public Welfare has proposed a national standard for welfare payments. Public assistance can vary from state to state by as much as 600 percent. Under the Council's plan, the only eligibility requirement would be need, determined initially by no more than the applicant's word. Welfare would be a right, like free education, protected by the courts.

A better welfare system is one way to meet this need. But we must consider other alternatives, even direct payments to the poor. The President's Council of Economic Advisors estimates it would cost about $11 billion to insure that every family in America has an income of at least $3,000 a year. This might be accomplished through a negative income tax, a device that should be carefully studied and debated. A low-cost, negative-tax plan that would create an incentive to work, and is favored at OEO, would give families half the difference between their annual incomes (from welfare or work) and $3,000.

It will take jobs to win the War on Poverty, and a decent income for those who cannot work. Everyone has the right to be free from the fear of want, just as he has the right to adequate medical care (Look editorial, March 21, 1967). But the poor must join the middle-class rest of us socially as well as economically. They must fight a part of the war themselves, through their neighborhood councils and action groups. While businessmen and politicians, labor leaders and social workers should have their say about community action, they cannot be allowed to push the poor aside. They must learn to listen to the poor while the poor are still quiet or they will only hear them in rage.

Certainly, the poor are going to need better services. Yet we must not delude ourselves that this is enough. We can squander billions on ghetto schools and public housing. We can build a wall of services between ourselves and the poor, creating a permanent, subsidized lower class. The harder choice, this generation's unique commitment, is to help the poor climb up to where they can compete with us for housing, education and the material pleasures of our world. We must make up our minds to do the whole job. It will be costly; it can't be done overnight. Business as much as Government must help. But we can end welfare waste, earn back our investment from the taxes and increased production of millions of new consumers. We have promised to let the poor in—and we can't quit now.

WHAT ARE COMMITTEE STAFFS THINKING NOW?

Mr. HARTKE. Mr. President, both the Washington Post and the Evening Star of May 15 published articles concerning a decision of the Supreme Court substantially affecting the effectiveness, dedication, security, and impartiality of the staffs of the Senate and House, both personnel and committee.

On May 14, 1967, the Supreme Court, in an 8 to 0 decision that was unsigned, declared that the chairman of the Judiciary Committee, the Senator from Mississippi [Mr. EASTLAND] was free from the necessity of defending himself in civil proceedings, in that he was involved in business that related directly to his investigative and legislative duties. However, the Court distinguished between this immunity and that granted to the chief counsel of the Senate Internal Security Subcommittee of which Senator EASTLAND is the chairman, Mr. W. G. Sourwine. As the situation now stands, Mr. Sourwine could be liable, on judgment, to pay from personal funds, unless congressional relief were provided, the sum of up to $225,000. That a man carrying out the orders of his chairman in the conduct of legitimate business of Congress could be thus divested of the only meaningful protection afforded our staffs is, to me, a remarkable state of affairs. Admittedly the Court does not go into the merits of the suit filed against Mr. Sourwine; it was not necessary, and the Court wisely did not comment. But the fact still remains that the staff members of each Senator and each committee must now be asking themselves very interesting and introspective questions concerning their own possible liability when performing assigned tasks.

Negative answers to those questions could be disastrous to the effectiveness of those they assist.

Mr. President, I maintain that Congress needs an official lawyer, an advocate who can not only represent those Members and officers of Congress when involved in court proceedings, but could speak out in a timely fashion of what congressional intent and will are in specific cases. I feel that if a congressional counsel general, as provided by my bill, S. 1384, had issued an advisory on the application of immunity in cases such as this, the need for Mr. Sourwine, or any staff member involved in the legitimate exercise of his congressional mandate to be involved in such a sorry situation would have been obviated.

A congressional counsel general not only could have issued an early advisory on this matter, but if necessary could officially represent the Senator and Mr. Sourwine in any and all court proceedings. What more logical step is there, in light of recent involvements of the Congress in the courts, than to provide ourselves, at long last with the representation we grant to indigents, as in the now famous case of Gideon against Wainwright.

What is more logical than for Congress to speak out loudly and unequivocally in a united manner and with an authoritative voice on congressional interpretation of one of its most essential prerogatives, that of immunity?

Mr. President, hearings have been promised on S. 1384. I hope that as they proceed, Senators will be able to provide assurances to our respective staffs that we are interested in their protection, for indeed their protection is our own.

Mr. President, I ask unanimous consent, that both of the articles I have mentioned be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Evening Star, May 15, 1967]

HIGH COURT THROWS OUT SUIT AGAINST EASTLAND

The Supreme Court today unanimously threw out a civil rights group's suit against Sen. James O. Eastland, D-Miss.

At the same time, however, the justices gave the group a new chance to press its claim for damages against a Senate subcommittee staff member, J. G. Sourwine.

The rights group, the Southern Conference Educational Fund, charged Eastland and Sourwine with violating members' civil rights by taking and using their private papers.

Sourwine is chief counsel for the Senate Internal Security Subcommittee.

The fund's claims for damages—$225,000—were based upon seizure of fund records by Louisiana state officials in a raid in 1963.

The raid has been held unlawful by Louisiana state courts. Despite that, the fund contended, Eastland and Sourwine obtained the seized records and made copies of them for subcommittee files.

In its ruling today, the Supreme Court said Eastland was immune to suit because he was engaged "in the sphere of legitimate legislative activity."

But it said there was at least "more than merely colorable substance" to the fund's claim that "Sourwine actively collaborated with counsel to the Louisiana (legislature) committee in making the plans for the allegedly legal 'raids.' "

The court said it was not commenting on whether the evidence that did hint at Sourwine's actions would be enough by itself to uphold the fund's damage claims against him.

Thus the court ordered the federal district court which originally handled the case to hold a trial on the suit against Sourwine.

In doing so, the court said that the doctrine of legislative immunity was "less absolute . . . when applied to officers or employees of a legislative body, rather than to legislators themselves."

Lower courts had held that Sourwine, as well as Eastland, was entitled to immunity.

[From the Washington Post, May 16, 1967]

SUPREME COURT RULES ON "HILL" IMMUNITY

The Supreme Court ruled yesterday that the immunity from lawsuits that the Constitution bestows on members of Congress does not rub off on its employes.

In an 8-to-0 decision the Court upheld a lower court's dismissal of a civil damage suit against Sen. James O. Eastland (D-Miss.), chairman of the Senate Internal Security Subcommitte, but ordered reinstatement of a companion claim against Subcommittee counsel J. G. Sourwine.

The decision reaffirmed a distinction the Court made in 1880 between a legislator and a congressional staff member. In the famous case of Kilbourne v. Thompson the Court sustained a civil judgment against the Sergeant-at-Arms of the House but disallowed a judgment against House members.

Besides fanning a longstanding controversy over the Eastland Subcommittee, the ruling is expected to figure importantly in the Adam Clayton Powell case. Powell is trying to persuade the Supreme Court that judges have power, after striking down the House resolution excluding him, to order Speaker John W. McCormack (D-Mass.) to swear him in.

The Court, in an unsigned opinion, ruled that Eastland enjoyed legislative immunity for acting "in the sphere of legitimate legislative activity." It said the legislators "should be protected not only from the consequences of litigation's results but also from the burden of defending themselves."

Eastland and Sourwine were sued by members of the Southern Conference Educational Fund, a civil rights group that has been accused of subversion by Eastland's committee and the Louisiana Joint Legislative committee on Un-American Activities.

The Fund's New Orleans offices were raided and their records seized. By the time a local court ruled the search unconstitutional, the records were on their way to Washington.

The suit charged both Eastland and Sourwine with conspiring with Louisiana officials to stage the unlawful search and seizure. Both won dismissals in the courts here, but the Supreme Court said there was "more than colorable substance" in the evidence about Sourwine.

The Court said it was not commenting on the ultimate outcome of the $225,000 damage suit but was saying only that there was enough to justify a trial. Justice Hugo L. Black did not participate.

In other action:

In a sequel to last week's decision on obscenity, the Court agreed to review a Dallas movie censorship plan restricting some motion pictures to adult audiences.

The Court agreed to hear two cases in which lower courts have sharply restricted the Labor Department's power to supervise union elections under the Landrum-Griffin Act after a violation of that law has been uncovered.

The Court agreed to decide whether Chicago prosecutors were justified in refusing to let an informer give his correct name under cross-examination at a narcotics trial.

The Court agreed to decide next term how much immunity from the antitrust laws Congress has bestowed on fruit-producing cooperatives.

THE DECADE OF RESURGENCE

Mr. **BROOKE**. Mr. President, another chapter in the annals of war has been added to the history books. Eight days ago the tension, uncertainty, and hatred which had become a way of life in the Middle East exploded into war. Now, only a week later, as the world breathes a sigh of relief and the combatants bury their dead, the Middle East has become the scene of a tense and uneasy truce. The cease-fire resolution of the United Nations Security Council is, at the moment, being honored.

Israel has won a spectacular military victory on every front. But her victory does not erase the antagonisms of centuries. And her victory does not insure the kind of stable peace which she, her Arab neighbors, and the world should have.

A workable, durable peace remains to be won. It will not be won if the cessation of hostilities is used as an excuse for continuing to ignore the reasons why the war of last week was inevitable. The present armistice must be used to end, once and for all, the cold and hot war which has plagued Arab and Jew for decades.

And unless the basic conflicts which divide the nations in this vitally important part of the world are resolved, there will be no peace in the Middle East. Another decade will bring another war.

It is, therefore, incumbent upon Israel and the Arab nations, as well as upon the governments of other nations of the world, to resolve the questions which now divide Jew from Arab.

Negotiations between representatives of Israel and the neighboring Arab countries are an indispensable ingredient of any soundly based and workable peace. Negotiations upon Arab-Israel problems cannot be carried on by the United States and the Soviet Union, or by any other nation. The use of proxies is not the way to solve the problems of the Middle East, as the events of the last week have demonstrated. A meaningful Middle Eastern dialog cannot possibly be carried on in terms of the cold war. It is the life of Israel and the Arab nations which is at issue. It is their responsibility, and they must decide their differences and their future.

The fact that there has been no direct communication, no direct negotiation, is at the very root of the problem. The failure of the Arab States to negotiate with Israel is based upon their refusal to recognize the sovereignty of the State of Israel. The fact is that Israel is a reality, and this fact must be accepted by the Arab nations. The policies of both the United States, the Soviet Union, and other nations should operate so as to increase the influence of those moderates in the Arab world who have indicated a willingness to recognize Israel and to negotiate constructively with their neighbor.

A simultaneous diplomatic confrontation between Israel and all of the Arab nations may not be possible. In that part of the world, as in this, certain men, certain groups, certain nations are easier to work with than are others, and certain problems are easier to resolve than are others. With the possible exception of the problem of the Arab refugees, the issues are not the same between Israel and each of her Arab neighbors. Israel and the United Arab Republic are primarily concerned with the question of free access to important waterways which are necessary to the economic life of both. Israel and Syria are concerned primarily with border disputes. Israel and Jordan are concerned with developing a day-to-day working relationship between two nations who share a long common frontier and the use of water from the Jordan River. An individual approach to negotiation would therefore seem to be desirable but, whatever the approach, there must be negotiation. And negotiation must be carried on by the nations which are directly affected.

Perhaps the single most difficult problem of the Middle East during the past 19 years has been that posed by the Arab refugees. There has been intractability on both sides. Both Israel and the Arab nations must be more flexible in their refugee resettlement policies.

The United States, the Soviet Union and other nations can play a positive role by granting economic assistance for Arab refugee resettlement. And I would hope that the United States and the Soviet Union would take the lead in opening their doors so that some of the refugees who are willing to move may be resettled elsewhere than in the Middle East.

In this era of instant communication and continuous interaction, the exclusion of nations from waterways adjacent to their boundaries is an anachronism. Blockades are incompatible with international law and certainly with peace. Free access to the Suez Canal, the Gulf of Aqaba, and the Strait of Tiran is essential if Israel is to live. This must be a major item on the agenda of any Arab-Israel conference. This is a matter, however, which is of concern to many nations, not only to Israel and to the Arab countries. The United Nations should guarantee a fair settlement which gives unlimited access to these waterways to all nations. This could include a multination treaty in order to accomplish this purpose.

The United States, the Soviet Union, and other nations have for years contributed aid both to Israel and to the Arab nations, much of which has been diverted to support an ever-widening arms race. The arms race in the Middle East must come to an end.

The United States, in cooperation with the Soviet Union and with other nations, must take a further step, an outright embargo on the shipment of arms to the Middle East. Such action would guarantee the allocation of present national resources to peaceful uses. The framing, implementation, and enforcement of such an embargo would admittedly be difficult, and will have to be the subject of negotiation. But the attempt should be made.

I reject the suggestion that the United States should cut off economic assistance to the Arab countries. Rather, I believe that such assistance should be redirected. It is our responsibility to insure that American funds are devoted to the feeding, clothing, and housing of the masses of poverty-stricken people in the Middle East, to the problems of public health, and to the crisis of overpopulation. The economic problems in both Israel and the Arab nations are staggering. A withdrawal or reduction of our effort will certainly not promote the development and growth of the Middle Eastern countries, nor is it in our national interest.

The city of Jerusalem is the spiritual and cultural center for three of the world's major religions. Access to it should not be foreclosed to Christian, Moslem, or Jew. Free access to Jerusalem is therefore an indispensable part of any acceptable peace settlement. If agreement can be reached on the crucial objective of free access, subsidiary questions as to who is to govern the city and whether the city is to be internationalized can undoubtedly be resolved.

The question of national boundaries, Israeli and Arab, is one which ultimately can only be resolved on the basis of negotiations between the principals. But I suggest one standard which I believe must be observed if a permanent peace is to come to the Middle East. Unrealistic borders which serve only to inflame national passions and to stimulate desires for increased territory should be abolished. Whatever borders may ultimately be agreed upon, they must be defensible borders. They must be borders which will be recognized by Arab and by Jew. And they must be defensible, so that any attempt to intrude upon a nation's territory by terrorist activity or by guerrilla warfare can easily be resisted.

Mr. President, I hope that the Soviet Union and our Nation have learned a lesson from the events of the past week. If peaceful coexistence is to be more than a pious phrase, it must mean that the Governments of the United States and the Soviet Union will not use the lives of others to effectuate their own ends, be it in the Middle East or elsewhere. Nor will either of the great powers gain by endless recrimination about the events of the past week. Rather, without bitterness about the past, we should do all in our power to make the Middle East the focal point of the most elaborate American-Russian effort in cooperative economic development. If such cooperation is possible, and I am convinced that it is, the hostile passions of the Middle East can slowly but surely be transformed into constructive energies. We must not expect miracles. Malice, resentment, and frustration will not disappear overnight. We must be patient and we must counsel patience. Progress will be slow, but it will come if understanding and trust replace pride and hatred in the Middle East.

Mr. President, the 1940's, 1950's, and 1960's each witnessed bloodshed in the Middle East. People all over the world can take comfort in the fact that the shooting has stopped. But if no steps are taken to resolve the conficts which have made war inevitable in the past, war in the 1970's, or even the latter 1960's, will be unavoidable. The alternative is clear. With the moral force of the United Nations, with the cooperation of the United States, the Soviet Union, and other world powers, and above all, with the determination and resolve of Israel and the Arab States, the objective of a stable and peaceful Middle East will be attained. Mr. President, if this objective is attained, the next 10 years in the Middle East may well be known as the decade of resurgence. And, Mr. President, if this objective is attained, who is to say that the good will which would flow therefrom will not spread to Vietnam and to the actions of nations throughout the world.

THE ANTIPOVERTY PROGRAM

Mr. MUSKIE. Mr. President, I invite the attention of the Senate to the informative and interesting evaluation of the Nation's strategy against poverty by Look magazine in its issue of June 13. This is no superficial study. Look's senior editor, Ira Mothner, has compiled a comprehensive, in-depth review of the antipoverty program, probing both its strengths and its weaknesses. The title, in fact, is "The Nickel Revolution."

Look magazine is right. We are trying to do a lot with a little. The problem is immense and the funds necessary for a speedy solution are limited. But this is not to say that the effort—however limited—should be abandoned or even curtailed. We must move on, and I was pleased to see Look reach such a conclusion in its editorial, "We Can't Quit Now."

Mr. President, I ask unanimous consent that the text of this editorial be printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The War on Poverty—We Can't Quit Now

Why wage a war on poverty unless we intend to win it? Promises won't work any more, and we're not going to do the job with nickles. But it will take more than the extra billions we must spend to avoid the disgrace of failure and the fury of a vengeful poor. We need money, not to cushion poverty, but to help the poor help themselves and join the rest of us in a truly middle-class America.

To be poor in America is to stand at the candy-store window with an aching sweet tooth, to be a bitter spectator at our feast of plenty. The economy that keeps grinding out new and more elaborate gim-cracks for us also grinds down the poor. In those tumorous parts of the cities where they live, our fat wartime prosperity means nothing.

The recent Labor Department studies of big-city slums reported one-third of the work force was unemployed, underemployed or just couldn't be found. It was worse in Negro neighborhoods. Oakland's Bayside had a regular unemployment rate of 13 percent. Around Cleveland's troubled Hough, the rate was 15.6 percent, and one-half of the residents were what the study termed, "subemployed."

These are the most visible poor. They riot. They frighten us with the anger of their discontent. Negroes are one-third of the poor. Yet they get more than half the antipoverty aid, and with good reason. The War on Poverty must remedy years of stunted aspiration, for we are pledged to create equal—not just similar—opportunity.

Negro leaders, mostly middle class, have come out strongly for economic equality. They have helped organize the slums and proposed their own antipoverty formula in a massive Freedom Budget. But they have not become the voice of the poor, not even the Negro poor. And the poor have yet to find a voice of their own.

It is up to the Office of Economic Opportunity, not only to cope with the problems of poverty, but to argue the just demands of the poor from within the Government. Bureaucrats can run a Head Start program or even a Job Corps, once the wrinkles have been ironed out. OEO, however, has the rougher chore of goading the big Federal departments to respond to the needs of a powerless community.

But a real war on poverty means more than just providing added services for the poor, setting up better, but still separate, facilities for them. We cannot become so smug about Head Start classes and neighborhood centers in the slums that we forget our goal is to get people out of poverty and settle for the comfortable expedient of making poverty a more pleasant place for them to live.

When you ask the poor what they want, they'll tell you—good jobs. They're not just looking for work at $1.50 an hour for the rest of their lives (although many will grab it). They don't need the War on Poverty to live beneath the poverty line ($3,130 for an urban family of four). It's real jobs, with promotions and raises that they want, jobs they can't get. They need training, skills, but only if there is a job waiting for them when they are ready. First, many must be prepared to learn, taught the basics they never got in school, helped to overcome traits, like quick tempers and easy frustration, that make the poor difficult employees. We have programs for a few, but we need them for all the poor, and we have to open up more jobs by dropping unrealistic requirements. (One major food processor demands an eighth-grade education for chicken pluckers.) This way, we'll move millions up from poverty—and still be left with some unemployed.

There are workers who will never be paid a decent wage no matter how much training they get. Part of OEO's job is to figure out what's best for them. We could cut welfare costs by subsidizing their jobs, giving employers the difference between what thy are paid and what they are worth. The Government might put them in some of the four million useful public-service jobs that OEO believes can be created.

But jobs are not the only answer to poverty. They will not help the old, the sick and disabled or many mothers of small children. The answer to their problem is easy—give them money. Welfare is one way, but the minimal kind of assistance we now pay (and only half of those eligible are on the rolls) is too expensive for what it buys. This kind of welfare doesn't cure poverty, it perpetuates it. It locks in people whose children are born into poverty and often never leave.

To guarantee a "practical minimum level of income" for all, the Government's Advisory Council on Public Welfare has proposed a national standard for welfare payments. Public assistance can vary from state to state by as much as 600 percent. Under the Council's plan, the only eligibility requirement would be need, determined initially by no more than the applicant's word. Welfare would be a right, like free education, protected by the courts.

A better welfare system is one way to meet this need. But we must consider other alternatives, even direct payments to the poor. The President's Council of Economic Advisors estimates it would cost about $11 billion to insure that every family in America has an income of at least $3,000 a year. This might be accomplished through a negative income tax, a device that should be carefully studied and debated. A low-cost, negative-tax plan that would create an incentive to work, and is favored at OEO, would give families half the difference between their annual incomes (from welfare or work) and $3,000.

It will take jobs to win the War on Poverty, and a decent income for those who cannot work. Everyone has the right to be free from the fear of want, just as he has the right to adequate medical care (Look editorial, March 21, 1967). But the poor must join the middle-class rest of us socially as well as economically. They must fight a part of the war themselves, through their neighborhood councils and action groups. While businessmen and politicians, labor leaders and social workers should have their say about community action, they cannot be allowed to push the poor aside. They must learn to listen to the poor while the poor are still quiet or they will only hear them in rage.

Certainly, the poor are going to need better services. Yet we must not delude our ourselves that this is enough. We can squander billions on ghetto schools and public housing. We can build a wall of services between ourselves and the poor, creating a permanent, subsidized lower class. The harder choice, this generation's unique commitment, is to help the poor climb up to where they can compete with us for housing education and the material pleasures of our world. We must make up our minds to do the whole job. It will be costly; it can't be done overnight. Business as much as Government must help. But we can end welfare waste, earn back our investment from the taxes and increased production of millions of new consumers. We have promised to let the poor in—and we can't quit now.

The Editor.

TAX INCENTIVES

Mr. McCARTHY. Mr. President, the use of tax incentives to accomplish national objectives appears to be an attractive procedure, and in some instances they can be used effectively. There are other cases in which a different approach can be much more effective and equitable; in fact, great progress has been made in the last few years in areas such as higher education without the use of tax incentives.

I believe that the remarks which Mr. Gardner Ackley, Chairman of the Council of Economic Advisers, made on this subject recently, will be of interest to all Members of the Senate. He dealt, in particular, with three areas in which Congress has a serious responsibility and in which tax incentives have been strongly urged as a solution: higher education, pollution abatement, and manpower training. He discusses the use of and the alternatives to, tax incentives as the means to making needed progress.

I ask unanimous consent that Mr. Ackley's address, made at the presentation of the G. M. Loeb awards for distinguished business and financial leaders, be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

Remarks by Gardner Ackley, Chairman, Council of Economic Advisers, at the Presentation of the G. M. Loeb Awards for Distinguished Business and Financial Journalism, Hotel Plaza, New York City, May 23, 1967

I begin my remarks by describing a proposal. Many of you, as I do, have children in college. We surely know how important it is for them to be properly educated—and that society gains as well. But we also know the burden which their education places on family budgets.

The proposal is for the Federal Government to reimburse each family up to $325 a year of what it pays in college tuition. Not *every* family—those with low incomes and those with high incomes will be excluded. A family of four with an income below $3,000 will get no help, and it will get the full $325 only if its income somewhat exceeds $5,000. The amount reimbursed will begin to be reduced if its income exceeds $25,000. And when family income exceeds $57,500 (excluding tax-exempt interest and one-half of long-term capital gains), there will be no reimbursement at all.

The cost of this program to the Federal Government will be about $1½ billion a year. To be sure, many colleges are likely to raise their tuitions as a result of the plan. So *we* won't get all of that $1½ billion; but what we don't get the colleges will—and they need help, too.

Now I admit that this modest plan will not solve all our problems. If our children can't live at home, or if we want them to attend a private institution, the annual cost can easily exceed $3,000, taking no account of their loss of potential earnings from taking a job instead of attending college.

And so, I'm afraid, this plan really won't do much to help lower-income families—even those with incomes sufficient to claim the full $325. And it's a pity, too. Because among the most able 10% of all male high school graduates, those from families with incomes between $3,000 and $5,000 are more than 4 times as likely *not* to be in college as are equally able high school graduates from families with incomes between $15,000 and $20,000. And a smaller proportion of the first group finish college than of those in the second.

Still, we can't solve all problems with a single plan; and most of us middle-income families could find a good use for that $325 a year. There are enough of us to give a plan like this plenty of political appeal. In fact, this plan actually passed the Senate a few weeks ago.

What I'm talking about, of course, is not, *formally*, a proposal for direct Federal Government subsidies to us middle-class families with students in college. I doubt that this plan would get much support if it were so proposed. Rather it happens to be the most popular of several proposals to accomplish the same thing through an income tax credit.

And that is what I really want to talk about today—the growing fascination with tax incentives—and particularly the tax credit—as the means for accomplishing laudable public purposes.

Assistant Secretary of the Treasury Stanley Surrey recently put it this way:

"There are those who urge tax policy as the solution for almost all of our social ills and problems. If you object to polluted air or polluted water, then a tax incentive will clean it right up. If a college education appears too costly to a family, then a tax credit will open the college doors. If our business firms are not training enough workers, then a tax incentive will set them to improving worker skills. If private enterprise and city officials will not eradicate our slums, then a tax incentive will remove this urban blight. If businesses won't locate in depressed areas, then a tax incentive will show them the way. If electric companies will not place their transmission lines underground, then a tax incentive will turn the soil. If urban transportation is too slow and too antiquated, then a tax incentive will make it fast and attractive. Indeed, all you need to learn what is wrong with America is to read the tax bills in Congress—wherever you see a tax proposal, that is where the action is."

Now are tax incentives really such a bad idea? If it is possible to encourage businesses and individuals to pursue acknowledged social objectives in response to an appropriate structure of incentives for private action, is not such a course preferable either to laws requiring people to do or not do specific things, or to direct government provision of goods and services, with all the costly administrative apparatus that government programs entail? Isn't it more in accord with American tradition to rely, so far as possible, on individual decisions rather than government decisions to determine the use of our economic resources? These questions suggest an argument for the maximum use of tax incentives.

Yet there is also a traditional and powerful argument *against* the proposition that public purposes should be promoted through tax incentives. It holds that the structure of taxation should be basically determined by considerations relating to an equitable sharing of the real costs of achieving public purposes. In turn, those purposes should be accomplished in a straightforward manner either (a) through explicit and visible expenditure, grant, subsidy, or loan programs subject to annual budgetary scrutiny; or (b) through direct regulation of private activity. Use of special tax provisions to accomplish public purposes makes difficult the continuous rational calculation of the most efficient use of the resources devoted to public purposes—budgets are examined every year, the structure of tax rates only rarely. Every special tax provision erodes the tax base, which in turn requires higher tax rates for all other taxpayers. It increases, as well, both the likelihood of inequities, and the number of opportunities for tax avoidance.

Neither of these abstract positions can be carried to its logical extreme. Most of us will acknowledge that there are instances in which tax incentives can be used effectively and equitably to affect the private allocation of economic resources in desirable ways; and that there are other cases in which a different approach is preferable. Rather than decide the question in teh abstract, we must in fact look at each problem on its merits. But in doing so we should really consider *all* the alternatives. We should not make up our minds as soon as we find a superficially attractive method that contributes to the objective. The question has to be: which of the whole range of possible methods—incentives (or disincentives), direct regulation, direct government provision of a service, explicit subsidy, or whatever—is most simple, efficient, and equitable, and best permits frequent re-evaluation in the light of changing circumstances, changing technology, and changing social values.

When we in fact compare the full range of alternatives, I submit that we will find that the tax incentive route—although superficially attractive—rarely comes off very well.

I should like to review briefly this afternoon three areas in which the use of tax incentives is widely discussed. My purpose is not to reach hard and fast conclusions, but to indicate some of the considerations relevant for judging whether tax incentives are indeed the best—or even a good—way of meeting an acknowledged need for government action. These three cases—higher education, pollution abatement, and manpower training—illustrate the wide variety of situations and considerations which are encountered.

Interestingly, these are three areas in which remarkable progress has been made in the past few years—*without* the aid of special tax incentives. In each case, recent Federal programs have done far more to advance the objectives sought by the tax credit proponents than had previously been accomplished in our entire history as a Nation. The popularity of the tax proposals in these areas must therefore be taken as sincere, if perhaps misguided, expressions of approval for the objectives of the present national Administration.

HIGHER EDUCATION

Almost two-thirds of the out-of-pocket costs of student higher education are not borne directly by students and their families. Still, tuition payments per student have risen 83% in the last decade in private institutions of higher learning and 29% in public institutions. The prospect is for more of the same, with tuition estimated to rise 45% in the next decade in private institutions and 25% in public ones. It is not surprising that so rapid an increase generates cries for relief.

If there were no other method for the Federal Government to help families bear the cost of higher education, then, despite its faults, the tax credit proposal I described earlier, or a similar one, would deserve consideration. But there are alternative and surely preferable ways to use $1½ billion more a year in the support of higher education. These ways can not only help share the burden of college costs, but can advance the broader objective of assuring higher educational opportunities for all who can benefit from them.

The alternatives obviously include an expansion of some or all the existing Federal programs to promote higher education. These programs include grants to colleges and universities to help finance needed construction of instructional facilities, and subsidized loans to help finance construction of student housing. These keep down the costs that must be borne by students or their families. They also include direct scholarships to students from low-income families, and work-study programs for low-income students that help them to stay in college while providing useful services to the institutions.

Still another of the existing programs, and among the most interesting, is the Guaranteed—and subsidized—Student Loan program.

Higher education produces many benefits. Not necessarily the most important, but certainly the most spectacular, is the very marked rise in earnings which higher education makes possible for most students. The Guaranteed Loan program enables students to borrow from private lenders against that increased earning potential. The program got off to a slow start in 1966 for a variety of reasons; but the Administration is now preparing strengthening amendments which will enable it to aid 750,000 students in the next academic year. This program can provide each student up to $1,500 a year, as opposed to the $325 maximum per family under the tax credit approach. Loans are available regardless of income level; but if the family's "adjusted income" is less than $15,000 a year, the Government will pay the interest while the student is in school and the excess of the interest over 3% when he leaves school.

The Student Loan program can provide four times as much support to a student as the tax credit proposal at one-fifth the cost to the Federal Government. Whereas the tax credit proposal provides a student's family with $1 for each $1 given up by the Federal Government—less if the probable impact on tuition rates is considered—the Guaranteed Student Loan program will provide the student with about $20 to carry him through the period when he needs it for each dollar spent by the Federal Government.

I am not suggesting that the present Guaranteed Student Loan program is the only or final answer to the problem of financing higher education. It has been suggested, for example, that repayment of college loans might be related flexibly to the Student's own subsequent earnings. It can also be argued that direct assistance should be given to institutions not only for construction, but for curriculum development, improvement of instruction, libraries, and other purposes.

I do not know which of these methods or which combination is most desirable. But if we want to spend $1½ billion a year more of Federal resources on higher education, there are surely better ways of doing it than through a tax credit.

POLLUTION ABATEMENT

America is "a wonderful place to visit"—but, one humorist has warned, "don't drink the water" and "don't breathe the air." This only half-joking advice to a foreign visitor reflects the growing concern over problems of air and water pollution. Once again, special tax incentives are widely urged to deal with these problems.

Pollution abatement provides a classic case for government action. The basic problem is that polluters are free to use for their own benefit certain common resources—such as water, air, properties of the soil, quietness, and uncluttered landscapes—as if they had no economic or aesthetic value to other members of society. This is in marked contrast with the more general premise of our system—that users of resources must pay a price for their use which represents the value of those resources in other employments. Such a price forces each user to economize on his employment of resources to the point that their value to him always equals or exceeds their value for other purposes.

Because water, air, drainage properties of the soil, quietness, and similar common resources are not allocated through the market place, alternative ways must be found to ration their use among competing claimants.

One traditional approach to the problem has been through public expenditures: for example, the use of local tax funds to pay all or part of the costs of disposing of garbage and trash without damage to anyone, and of restoring water to an acceptable condition after its use. More recently, Federal funds have increasingly been used to help communities treat sewage before it is dumped into rivers. Limited Federal aid is also beginning to be extended to help municipalities handle their increasing problems of trash and garbage disposal. Federal expenditures on dams to regulate water flow are also justified in part to deal with pollution problems.

An alternative approach has also been followed—the direct prohibition or regulation of the use of air or water in ways that reduce its value to others. This has long been practiced at the local level. But direct regulation by State and Federal authorities has also developed to deal with wider problems of industrial pollution of air and water and downstream water pollution by municipalities. At first, the approach was primarily through complicated legal procedures whereby proof of specific damage to others was required before an order could be issued requiring a given firm or municipal authority to abate its discharge. More recently, we have moved toward shortcut procedures, that allow public authorities to establish air or water quality standards, the violation of which is presumptively damaging to others and can be enjoined. The Administration has now proposed more effective legislation of this sort to deal with air pollution.

However, the approach through setting water or air standards has one weakness. Many sources contribute to the pollution of a stream or an airshed. If the quality standard is being violated, which of the many pollutors should be required to abate their contributions to the total result and by how much? Increasingly, the regulatory approach is tending to take a further shortcut: not merely to establish quality standards for a stream or airshed, but to limit directly the pollution which any single source can contribute—as for example, the regulation of automotive exhaust, the prohibition of dumping of specific wastes, the requirement for tertiary sewage treatment, or—as now also proposed—specific industry-by-industry limits on the discharge of air pollutants.

Detailed direct regulation of air and water pollution must obviously be a central means to deal with the mounting problems of air and water pollution. Compliance with such regulations will require American industry to spend large sums in improving their processes and treating their wastes before discharging them. Many therefore argue that this cost should be shared by the general public—both as a matter of equity, and to ease the task of the regulators by encouraging compliance.

Intensive studies are now under way of the probable costs of abating both air and water pollution, and of the economic impact of abatement, both domestic and foreign. The advantages and disadvantages of special economic incentives are also being studied. Until these studies are completed—later this year—we can only guess as to the costs of abating pollution. However, there is already some evidence to suggest that—in most cases—the cost will be less than many seem to fear.

For example, a recent study of the industrial plants located on the Delaware Estuary shows that the total cost of achieving a minimum standard for water quality—three parts per million of dissolved oxygen—by the most efficient method would be only 13 cents for each $100 of annual sales of these plants. For all of the plants on the Delaware Estuary, the total cost is estimated at less than $7 million a year. Many of the major polluting industries are present in this estuary—chemicals, power generation, paper, steel, and petroleum refining.

Of course, these estimates apply to a single water basin. We need to know the likely cost of abating water pollution for each water basin, each industry, and for the country as a whole. We need similar information for air pollution. The studies now under way will provide the first reliable estimates of costs.

But even if the costs turn to be less than some fear, they will surely be substantial. They could, of course, be paid by the customers of the industries involved, through higher prices. This is how the labor, the management, the capital, the privately-owned natural resources that are used in production are paid for. Why not also the costs of limiting the pollution of air or water?

One possible difficulty is that relatively higher costs will have to be borne by firms located on heavily used streams or in congested airsheds, altering the relative costs of firms competing in national markets. The resulting incentive for firms to locate in other areas could be a net social advantage. Yet it clearly could also involve transitional problems of some consequence. Moreover, the immediate capital costs for pollution abatement may bulk fairly large for some firms.

Thus it is appropriate to consider the possible desirability of allocating part of these costs to taxpayers rather than to producers or consumers—through direct subsidies, or through special tax treatment for abatement costs. An additional way is through Federal support for research designed to find ways to abate pollution at lower cost. It should be clear that each of these implies higher tax rates than would otherwise be necessary—or equivalent reduction of other Government programs.

In considering the possible use of subsidies or tax incentives for pollution abatement, several economic and technological considerations are of primary importance. In many industries, pollution can be reduced in a variety of ways—through use of substitute materials or fuels, through the processing of materials prior to use, through changing the production process, or through treating the waste products before their discharge into air or water. The costs of these several methods vary widely, and it is obviously important that each firm choose that method which is least costly. The proposed tax incentives consist of a special investment credit and/or special depreciation rules for new capital facilities installed specifically to abate pollution—which usually means end-of-process treatment facilities. Such selective incentives alter the relative costs of the various available methods of pollution abatement. As a result they could well lead firms to adopt more rather than less costly methods for abating pollution.

Second, in some cases, the most promising means of abating pollution is through action not by the immediate pollutor but through some action by his supplier of raw materials or fuels. For example, it may be found that the cheapest way to reduce sulphur dioxide discharges will be through desulphurization of fuels prior to use. A tax incentive for the installation of special devices to reduce the sulphur content of smoke would do nothing to encourage the desulphurization of fuels prior to sale.

A third consideration is the fact that any given reduction in pollution may be achieved at much lower cost by firms in some industries than in others. Thus the total cost of any desired total reduction of pollution will be lowest if it is concentrated in those firms where abatement is cheapest. This consideration—as well as the previous two—supports the suggestion for a special disincentive related to the amount of each firm's contribution to pollution—as opposed to a positive incentive related to the cost of abating it. Such a disincentive would have its greatest impact in reducing pollution where such reduction was least costly. And all firms would have an incentive to reduce pollution in the cheapest possible way rather than in the way that could qualify for the tax relief. It is not clear whether some system of rewards rather than penalties could be designed which would have the same effects.

Calculations for the Delaware Estuary suggest that the total cost of a given degree of pollution abatement (as measured by water quality) through concentrating abatement efforts in those plants where it is least costly to achieve and through the least-cost-method in each plant would be on the order of only half the total cost which would be incurred if all firms made equal reductions and did it only through end-of-process treatment facilities. This is clearly a case in which a crude tax incentive could well increase substantially the total cost of abating pollution.

If new incentives or disincentives are to be considered, it is surely important to evaluate them in terms of their efficiency; which one gives the greatest pollution abatement per dollar of cost—both public and private. And the effects of *any* system of incentives or disincentives must be evaluated in terms of the alternatives—one of which is to rely only on regulation, letting the costs be borne in the end by consumers rather than taxpayers. This, interestingly enough, is the conclusion of a recent editorial in Fortune Magazine.

Until our studies are farther along, I do not wish to suggest any conclusion other than the general one I have already proposed: it is not sufficient merely to show that a tax incentive may contribute to pollution abatement. Rather, it must be shown that it is the most simple, efficient, and equitable method. That showing has not yet been made.

MANPOWER TRAINING

It is now generally agreed that expanded programs of manpower training are essential to improve the skills and productivity of the labor force generally, and thus to speed our economic growth; to increase the employability of disadvantaged workers, in the interest both of increased production and of increased equity; to re-employ workers displaced by technological change; and to alleviate skill shortages and prevent inflationary bottlenecks.

Because the economic and social importance of manpower training and the need for its Federal support are now so widely recognized, it is inevitable that a number of proposals have been made to provide tax credits for manpower training.

These proposals generally call for a 7 to 10% tax credit to employers for the expenses of private employee training programs. It is estimated that a 10% credit would cost the Federal Government about $200–300 million a year in lost revenues—almost as much as is presently spent under the Manpower Development and Training Act. The justification for such a subsidy to private industry to train to workers rests on the valid proposition that industry systematically underinvests in the training of workers because each firm—though not society generally—will lose some part of any investment it makes in training through labor turnover.

In assessing these proposals, it is necessary to ask how effective such a scheme would be, what special problems its administration might encounter, and whether there are alternatives that can achieve the same objectives more efficiently and equitably.

The first point to be made is that the greatest part of the tax loss would not go to buy more training. Business already spends very large sums on manpower training which would qualify for the tax credit. Thus the main effect would be to transfer a part of the cost of that training from firms (or their customers) to the Federal budget. Nevertheless, there would surely be an inducement for firms to bring about some net expansion of their training activities, although it is difficult to know how much. We can, however, make some guesses as to the kinds of training that would be likely to be expanded, and whether they are the kinds we most urgently need.

Surely our highest priority must be given to an enlarged effort to train the disadvantaged—the poorly-educated, the victim of discrimination, the person with few if any marketable skills, and thus the perennially unemployed. Any expansion of private training programs would undoubtedly follow the lines of existing private programs. If so, most of the workers trained would be those already employed, and those with already relatively high educational levels. Many disadvantaged workers need prevocational training or remedial services before any employer would consider them suitable for on-the-job training.

A second area where the immediate economic payoff of added training is particularly high is where there are now specific, identifiable skill shortages. But the tax credit approach does not appear to be an efficient device for reaching these situations. Specific occupational shortages are concentrated in a few sectors of the economy. Most of the revenue loss from the tax credit would benefit firms in industries not affected by any specific occupational shortages. Moreover, many of the most critical shortages are in the public service area—in medical, educational, and welfare occupations—which would not be affected at all by the tax credit.

Further, there is considerable uncertainty as to the effectiveness of the tax credit as a training incentive for firms with labor shortages. Many firms—for example, in construction—are too small to conduct training programs effectively. In other cases, particularly in the capital goods and defense industries, training is limited by uncertainties as to the future volume of output. In these cases, a marginal reduction in training cost would be relatively ineffective.

A third priority in training is the retraining of workers permanently displaced by changes in production methods or market conditions. Their previous employers will have no interest in training them, even with a tax credit. They are usually concentrated in particular industries and localities. They will be little helped by a small, thinly-spread increase in training programs which would result from the tax credit approach.

Administration of a tax credit for training would involve numerous complex determinations of what activities truly constitute training and what their costs are. This is particularly difficult for what is frequently the most effective kind of training—namely, on-the-job training. I suggest you run over in your minds how an internal revenue agent would inevitably be tangled up in determining what is or is not training and how to allocate and measure its costs.

Finally, there are alternative, and probably superior ways to provide additional training. An extra $200–300 million spent in expanding and improving existing Federal manpower training programs would probably finance a larger volume of additional training than would be obtained through a tax credit having that same budgetary cost. Moreover, the added training could be aimed more specifically at the points of greatest need: to assist the disadvantaged, to break skill bottlenecks, and to retrain the displaced.

We need not think only in terms of the expansion of existing programs. The President has proposed changes in the unemployment insurance system to provide training, guidance, and other supportive services in conjunction with extended benefits to the long-term unemployed who exhaust their regular benefits. This is a way to focus benefits on one group most in need of retraining, financed through the unemployment insurance system rather than from general revenues.

Moreover, there are surely ways other than the tax credit to enlist more effectively than we do now the innovative capacity of private business in the activity of manpower training. A number of possible approaches have been suggested which need exploration.

Some countries have successfully developed programs to provide instructors, curricula, and equipment to aid small firms to train workers in short supply or to establish formal training programs for their work force. These could be public-private corporations which could contract for the services of private businesses which now have effective large-scale training activities.

Techniques and principles similar to those used in defense and space contracts could be used to stimulate the developments of new training and job placement techniques. These could include the use of R&D contracts to plan training programs, with the prospect of "production contracts" to follow for the actual training; or the use of incentive contracts for training, with fees based on success in raising earnings of trainees and related criteria.

Based on the proposition that labor turnover causes industry to underinvest in training, proposals have been made for some kind of insurance which would compensate employers for the loss of their training investment in a worker who quits. If such a scheme were feasible, it would deal more directly with one obstacle to the expansion of private training.

Through extension of existing programs and the development of new ones, it should surely be possible to purchase or provide more additional training, directed more in accordance with economic and social priorities, than is possible through tax credits for expenses of training.

CONCLUSIONS

Special tax credits, tax deductions, and other tax devices to aid specific groups or to reward specific activities are not necessarily efficient or equitable methods of achieving public purposes. Qualitatively, they are not different from government expenditures. It is always possible to imagine an expenditure program identical in every respect to any tax credit scheme. Indeed, it is a useful exercise to do so, since a seemingly rational tax incentive may look quite different—and far less attractive—when viewed as an expenditure program.

The naive appeal of the tax credit is that it necessarily reduces interference by the government in private affairs. Yet the administration of tax devices may require as much or more probing into the lives of individuals and the activities of business as would direct regulation or direct expenditures by Federal, State, or local governments.

In each case we must ask what social purposes we wish to achieve and which instrument of government—expenditures, taxes, or direct regulation—is best suited to accomplishing those purposes. And the total cost of achieving the purpose by the best of the methods then must be balanced against the cost of doing nothing.

Lest there be any misunderstanding, let me stress that I am not trying to condemn all uses of the tax system to achieve specific public purposes. The investment tax credit, for example, has proved to be a useful and effective device for encouraging expansion and modernization of plant and equipment. It is a basic part of the tax structure, available to all businesses. No alternative method has been advanced which encourages such investment as effectively and as equitably.

But the success of this device provides no automatic justification for others. And there is considerable risk that some far less sensible ones may be enacted. Each such enactment would provide the model for another, with the danger of serious and cumulative erosion of the tax base. I trust that when we hear proposals for new forms of tax incentive, we will learn to stop, look, and listen—then proceed with utmost caution.

THE UNITED NATIONS AND A CEASE-FIRE IN VIETNAM

Mr. McCARTHY. Mr. President, last Friday, following the United Nations action in the Middle East crisis, my colleague from Minnesota [Mr. MONDALE] wrote to Ambassador Arthur Goldberg. In his letter Senator MONDALE noted the cooperation between the United States and the Soviet Union in reducing tensions. He urged that Ambassador Goldberg take advantage of the present mood and renew our efforts with the Soviet Union in the United Nations to bring about a cease-fire in Vietnam. I ask unanimous consent that Senator Mondale's letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

June 9, 1967.

Hon. Arthur J. Goldberg,
U.S. Representative to the United Nations, New York, N.Y.

Dear Mr. Ambassador: Please accept my warmest congratulations and gratitude for the manner in which you have carried out a most difficult assignment in the U.N. deliberations on the crisis in the Middle East. All Americans are justifiably proud of the clear and forceful way in which you have represented our country during these trying days.

One hopeful sign has emerged from this tragic military confrontation. With world peace at stake in a live war, the United States and the Soviet Union have been able to cooperate in the United Nations and between themselves to reduce tensions and diminish the danger.

The result is a U.N. resolution to end hostilities that does not limit the basis for future negotiations. It is only a beginning, but it is that. Although the future may be difficult, it is at least possible now.

This success was made both possible and necessary by the grave danger of world conflict. We all have a fresh awareness of the catastrophe of all-out war and a new appreciation of the urgent need to work diligently to avoid it. What might have happened in the Middle East might happen anywhere, and the world is now intensely aware of that fact.

This new climate, it seems to me, provides us with a unique opportunity to renew our efforts with the Soviet Union in the United Nations to bring about a cease-fire in Vietnam as well. If we could agree on a similar unlimited resolution to end the fighting in Southeast Asia in the name of world peace, the contribution to the safety of the world would be enormous.

I therefore urge you to use every means at your disposal to take advantage of the present mood. The details of the two situations differ, I know. The chances of success may be remote. But the opportunity must not be lost, for we are all newly aware that the overriding consideration is the necessity to avert world catastrophe.

With warmest regards.

Sincerely,

Walter F. Mondale.

PRESS COMMENTS ON NIGERIA

Mr. THURMOND. Mr. President, South Carolina's News and Courier is well known for its ability to pinpoint the turbulent weather that faces not only the United States, but also the entire world. In the June 5, 1967, issue, the editors comment on the emerging nations of Africa. The editors of this newspaper are widely known for their world travel and firsthand experience which gives them on-the-scene ability to focus on the real issues at hand.

It is clear that Nigeria today is divided by tribal dissension and inner jealousies. The News and Courier says that this "tribal conflict is further proof to the world that many of the new African states are incapable of efficient, harmonious self-government."

On the other hand, Mr. President, South Africa is vigorously illustrating its ability to unite its country in a sensible, cooperative way. The News and Courier editors further demonstrate their insight into foreign affairs when they make it clear that South Africa is not calling for race war, but instead is promoting economic cooperation between its country and the new Republic of Biafra.

Perhaps we could all take a lesson from the advances that are being made in South Africa and the bitter turmoil that is raging in Nigeria.

Mr. President, I ask unanimous consent that the June 5, 1967, editorial of the News and Courier, Charleston, S.C., be printed in the Congressional Record at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Two Routes in Africa

Secession of eastern Nigeria, to become the new Republic of Biafra, divides the most populous country in Africa and the emergent nation long regarded as having a great future.

Behind the split are tribal differences and jealousies involving distribution of Nigeria's wealth. Ironically, Nigeria is the West African country which received the most careful preparation for independence. Last year, however, it was the scene of the bloodiest massacre in post-war African history, with 100,000 Ibo tribesmen being slaughtered by their countrymen.

The act of secession, and the reality of inner division which caused the split, are major setbacks for all of black Africa. The tribal conflict is further proof to the world that many of the new African states are incapable of efficient, harmonious self-government.

A further irony is Nigeria's condemnation of the Republic of South Africa for its policy of separate development. Yet it is South Africa which is showing a capacity for uniting Africans on a sensible basis.

In recent days, Chief Leabue Jonathan of Lesotho spoke on the need for a "Southern Africa" concept. Chief Jonathan is cooperating with South Africa in developing his small country's economic potential.

Another black African leader who appreciates the know-how and good will of the white South African government is Dr. Hastings Banda of Malawi in Central Africa. A former extremist leader, Dr. Banda outraged "liberals" in England and the USA by formally recognizing South Africa is "here to stay." Instead of calling for race war, Dr. Banda is promoting economic cooperation between his country and the Republic. South Africa has responded by offering financial aid to Malawi—formerly called Nyasaland—and by establishing new trade ties.

Instead of being torn by revolution, as its opponents have forecast since 1948, South Africa is prospering and moving toward a Southern Africa commonwealth which would give adjacent black African countries the benefits of the Republic's imaginative economic leadership and financial assistance. This is a way of advancement in Africa. Nigeria's route of turmoil and secession offers nothing but further hardship for the black African peoples.

RESOLUTIONS OF NATIONAL SOCIETY OF DAR

Mr. THURMOND. Mr. President, last April 17 through 21, I had the pleasure of attending the 76th Continental Congress of the National Society of the Daughters of the American Revolution held here in Washington, D.C.

As usual I found the DAR in the forefront as concerns their interest in the critical issues of the day which face this Nation. This splendid organization is rendering a distinct service through their various programs and because of the deep-rooted patriotism they have always espoused.

The membership rededicated itself to the spiritual values exemplified in the lives of the Founders of this great Republic, and in so doing gave approval to a number of resolutions on key issues of the day. These resolutions were the result of detailed study conducted by the DAR and cover many of the major areas of interest to the Congress as well as to the American people.

Mr. President, I ask unanimous consent that the resolutions adopted by the Daughters of the American Revolution at their 1967 meeting be printed in the Congressional Record at the conclusion of these remarks.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

Resolutions

(Adopted by the 76th Continental Congress, National Society Daughters of the American Revolution, April 17–21, 1967)

REDEDICATION

"Be ye doers of the word, not hearers only"

Whereas the study of American History promotes the interest of both past and present eras; and

Whereas this strengthens our determination to safeguard our priceless heritage for this and future generations; and

Whereas our forefathers fought for independence with wisdom, fortitude and devotion in adversity, which imparts a far greater awareness of the value of America;

Resolved, That the National Society of the Daughters of the American Revolution commend the Congress of the United States of America for the enactment of a law designating February 1967 as American History Month and express the hope that February may be designated permanently as American History Month;

Resolved, That the members of the National Society of the Daughters of the American Revolution rededicate ourselves to the spiritual values exemplified in the lives of those Founders of the Republic who were "doers of the word, not hearers only."

A FLAG LAW

Whereas the United States Flag Code is frequently violated for lack of appreciation of the symbolic meaning of our Flag; and

Whereas certain persons have violated the Code and shown disrespect for the Flag by flagrant abuses on the ground that it is "their sacred right to create and display the Flag as an expression of protest" and this is sometimes done by desecration or by caricature; and

Whereas open outrageous acts of desecration of the Flag of the United States of America occur almost daily without fear of punishment;

Resolved, That the National Society of the Daughters of the American Revolution advocate legislation which would provide a penalty for the violators of the Flag Code and those who desecrate the Flag of the United States of America.

VIETNAM

Whereas American armed forces are valiantly engaged in Vietnam in the continued struggles to aid free nations from oppressors which have marked this century; and

Whereas the difficulties in Vietnam and the length of conflict are increased by American military subordination to United Nations limitations with only "limited war" objectives, as in Korea, not victory objectives, and by increased United Nations disarmament controls hampering American developments of maximum weaponry; and

Whereas further political impediments to military success include: failure to blockade enemy ports, sanctuaries for the enemy, limited bombing of significant targets and supply lines, interruptive cease-fire decrees which strengthen the enemy, disregard of trade bans as a vital weapon; and

Whereas all military sacrifices could be wasted by secret internationally controlled peace negotiations;

Resolved, That the National Society of the Daughters of the American Revolution call for wholehearted, unqualified support for our armed forces through new policies directed by and for the sovereign interests of the United States of America.

EAST-WEST TRADE

Whereas the Congress of the United States has been requested to authorize increased trade and large long-term credits to the Soviet Union and its East European allies who now supply to North Viet Nam 80% of strategic war materiels used against American armed forces; and

Whereas the communist nation's current plans to intensify North Vietnam aid and to foster new aggressions would thereby be immeasurably aided; and

Whereas there have been counter-representations in Congress that a complete trade and credit embargo against nations supplying United States enemies could profoundly influence a successful conclusion of the Vietnam war;

Resolved, That the National Society of the Daughters of the American Revolution advocate an end to ill-timed East-West trade consideration and that Congress institute blockades against enemy ports and economic sanctions against nations supplying North Vietnam in complete support of our American forces who are risking death, wounding, or captive humiliation and torture.

TOTAL CONSCRIPTION OF YOUTH

Whereas compulsory service, other than a military draft for the defense of the Nation, is a totalitarian concept abhorrent to a free people; and

Whereas in the vast majority of American homes, the higher education or special training and work of their young people is the object of concern, counseling and financial support of the family, and the personal choice of the youth; and

Whereas there are proposed and well-developed plans for the compulsory registration of youth of both sexes upon graduation from high school or at a certain age, for social or military service and described as "youth's obligation to the Nation and the world," the authoritarian approach to which is an unwarranted and unprecedented infringement upon the constitutional rights of the individual youth and his or her parents or guardian; and

Whereas no interpretation of the Constitution of the United States of America can give either Federal, State or local Government the right to regiment law-abiding youth for other than military purposes or to put upon the taxpayer the burden of paying for two years of training, education and salaries for every boy and girl in this or any other country;

Resolved, That the National Society of the Daughters of the American Revolution, except for a military draft to maintain national defense, oppose total conscription of youth.

DISARMAMENT

Whereas the people of the United States of America, under terms of the Test Ban Treaty and the Arms Control and Disarmament Act, have allowed their representatives to commit the Nation to a program of general and complete disarmament; and

Whereas the Arms Control and Disarmament Act provides that the United States will follow a definite step-by-step schedule of reductions in arms and armaments; and

Whereas certain disarmament steps are known to have been accomplished although full information is not readily available to public scrutiny; and

Whereas it is advocated that, at a time when the United States is confronted with an enemy which has openly declared its intention to rule the world, the armed forces and armaments of the United States be replaced by a so-called United Nations peace force which is in fact a world army; and

Whereas a Joint Resolution was introduced on February 8, 1967 in the Congress of the United States which would, if adopted, reaffirm "its support for United Nations peacekeeping and peacemaking" and urged that the United States "encourage and support the creation, at such time as conditions warrant, of a permanent, individually recruited force under United Nations command for impartial peacekeeping duties"; and

Whereas the United States of America is signing away her hard-won freedom and independence, and in the immediate future may become a vassal state under an all-powerful United Nations world army;

Resolved, That the National Society of the Daughters of the American Revolution call for repeal of the Arms Control and Disarmament Act, repeal of the Test Ban Treaty, and abrogation of any other treaties and agreement which will disarm the United States and subjugate the United States under a United Nations world army.

DEFENSE OF OUR COUNTRY

Whereas the Soviet Union has been building and deploying missile and antimissile weapons while the United States, with a system of such defense in the development stage, has delayed positive decision on production and deployment for more than five years due to political pressures, thereby allowing the Soviet Union to develop a threat with their advancing weapons systems; and

Whereas the Soviet Union, in spite of a 1958 United States-Soviet moratorium on nuclear testing, continued clandestine testing and ended the agreement in 1961 with open tests of great sophistication and military significance;

Resolved, That the National Society of the Daughters of the American Revolution express a firm conviction that the Congress of the United States should reassert its constitutional authority to develop defense projects to a level necessary for the safety of American lives and property; should seek professional judgments from our military experts while guaranteeing them freedom from reprisal; and should abolish the Arms Control and Disarmament Agency which is endangering our national security.

COMMUNICATIONS SURVIVABILITY

Whereas our Government communications embrace over 30 million channel miles of circuitry and 200 major switching centers serving terminals in about 65 countries; and

Whereas nearly all of these communication facilities must be continuously operating to meet the requirements of our national and international security; and

Whereas no developed section of the world or major element of our military forces can accept communication isolation whether by natural causes, by sabotage or by overt enemy action;

Resolved, That the National Society of the Daughters of the American Revolution support and encourage the continuous industrial and military efforts to provide a controlled and responsible national communications system with sufficient redundancy including switching centers and alternate routes by-passing probable target areas, and an over-all priority system for emergency use and for restoral to ensure adequate, reliable communications for command and control of the military forces of the United States of America and its allies.

CRIME CONTROL

Whereas the alarming increase in crime, especially among the youth, requires a well-trained, adequate police force inculcated in modern techniques of detection and apprehension and awareness of the rights of a suspect to counsel, a just and speedy trial; and such control requires the combined efforts of law enforcement officials and the community toward rehabilitation of the criminal; and

Whereas the primary purpose of law enforcement has long been the protection of society against the criminal, not the criminal against society; and recent trends in the admission of confessions and interrogations have almost reversed this process;

Resolved, That the National Society of the Daughters of the American Revolution look to the Congress of the United States of America to use its constitutional power to give the presiding judge the right to admit as evidence a confession he determines to be voluntary;

Resolved, That the National Society of the Daughters of the American Revolution urge the public to inform itself concerning organized subversive forces seeking to weaken our Nation through the moral and physical destruction of our youth, and that the Society recommend more effective control of drug traffic and continued search for the cure of addicts who now account for a large percentage of crimes;

Resolved, That the National Society of the Daughters of the American Revolution be opposed to firearms controls which would deprive the citizens of his constitutional right to protect himself and his home against the violence now rampant;

Resolved, That the National Society of the Daughters of the American Revolution believe that the best deterrent to crime is adequate punishment.

PURPOSE OF TAXES

Whereas a contemporary school of economics advances the theory that taxes should be raised or lowered, removed or reinstated, for the purpose of controlling inflation or deflation, instead of reducing unnecessary government expenditures, thus placing business, industry and the individual in a state of uncertainty harmful to the economy; and

Whereas some Federal officials are advising a system of reverse taxation as a method of dispensing welfare, whereby the Federal Treasury would pay to persons with low incomes the amount necessary to bring their incomes up to a designated figure—the literal Marxist slogan from each according to his ability, to each according to his need; and

Whereas requests for the United States Congress to relinquish partial control of tax increases to the Executive have been made;

Resolved, That the National Society of the Daughters of the American Revolution affirm the belief that the sole power to tax should be exercised by the United States Congress under its constitutional authority.

FEDERAL DATA CENTER

Whereas a proposal for a Federal Data Center is being developed to establish a single machine-age information reservoir on every American citizen, such information to be obtained through school and military records, tax returns, census data, personnel forms, investigative agencies' reports, credit bureau files, social security, medicare and bank records; and

Whereas such data is to be filed on one master card in a data bank for programming computers, making available in a matter of minutes extensive information on any individual; and

Whereas this information assembled into a complete dossier can become a formidable invasion of personal privacy or even a potential source of blackmail; and

Whereas test programs are currently operating in some areas by Local Government Information Control (LOGIC);

Resolved, That the National Society of the Daughters of the American Revolution expose the fallacies and evident dangers to our free society in such a central pooling of information on the citizen's private life and call for the fullest open discussion of the wisdom or necessity for such a Federal data bank.

THE OMBUDSMAN—ALIEN CONCEPT

Whereas the concept of the "ombudsman"—so-called guardian against encroachment upon the rights of the individual—is now being advanced in the United States of America although the office is unnecessary here because we have the protection of the Bill of Rights written into the Constitution of the United States of America; and

Whereas the "ombudsman," as such, would interfere with and tend to break down our present system of jurisprudence by creating the authority of an "overlord" above that of judges, juries, police and other law enforcement officials;

Resolved, That the National Society of the Daughters of the American Revolution warn of the dangers inherent in the alien concept of ombudsman; call attention to the Bill of Rights under which we enjoy freedom unknown in any other part of the world; point out the vast number of existing public and private organizations already active in the field of defending the rights of citizens of the United States; and urge our Nation to preserve our historic principle of Rule by Law rather than Rule by Man.

TREATIES

Whereas, the Constitution of the United States of America, Article VI, paragraph 2, states in part: "All treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land"; and therefore the treaty-making power is an extraordinary power which is liable to abuse and may create domestic law, as well as international law, by overriding the Constitution of the United States; and

Whereas covenants and treaties covering political, economic, and social rights are a real cause for concern to American citizens because a treaty is self-executing and automatically becomes the "supreme law of the land" from the moment of ratification; and

Whereas national sovereignty can be nullified or destroyed without the knowledge or consent of the American people;

Resolved, That the National Society of the Daughters of the American Revolution warn its members of the dangers inherent in the United States Senate's ratification of the United Nations Covenants on Human Rights and certain other treaties presently before the United States Senate Foreign Relations Committee, which would transform the United States Government from a Republic into a completely socialistic state under the United Nations Charter and pave the road to a system of world government.

PANAMA CANAL

Whereas the Canal Zone is a territorial possession of the United States of America, constitutionally acquired by treaty with Panama and purchased from individual property owners, and the Panama Canal was built at the sole cost of the United States of America and has been efficiently maintained and operated to the great benefit of Panama and the world; and

Whereas in a joint statement, the Presidents of the United States and of Panama announced that the two countries are negotiating new treaties with respect to the existing Panama Canal and a new "sea-level" canal which might be constructed across Panama; and

Whereas the proposed renegotiation of treaties with Panama would be tantamount to an abject surrender of our sovereignty and authority over the Panama Canal, thus losing an essential means of defense of our Nation, causing a serious loss of our world prestige and power, and granting a major triumph to our enemies;

Resolved, That the National Society of the Daughters of the American Revolution assert that continuing control of the Panama Canal is essential to the security of the United States and that national security is not negotiable; and urge that no concession be made to the Republic of Panama which would cancel any of the rights of the United States of America.

THE REPUBLICS OF RHODESIA AND SOUTH AFRICA

Whereas the United Nations, in imposing mandatory economic sanctions against Rhodesia, has acted in contradiction to the United Nations Charter by interfering in the domestic affairs of sovereign nations; and

Whereas the United Nations has assaulted the Constitution and sovereignty of Rhodesia and the Republic of South Africa and declared it an outlaw nation subject to economic blockades and sanctions by members of the United Nations; and

Whereas, if continued, the United Nations sanctions against Rhodesia could lead to military action and could be extended against the Republic of South Africa through acts by the United Nations General Assembly in special session; and

Whereas, in accordance with the United Nations sanctions against Rhodesia, the United States of America by Executive Order of January 5, 1967 prohibits trade with Rhodesia;

Resolved, That the National Society of the Daughters of the American Revolution commend Congressman James B. Utt, of California, for introducing a Joint Resolution which would authorize and direct the President of the United States of America to notify the United Nations and all interested parties that the United States of America will no longer honor the United Nations sanctions against Rhodesia;

Resolved, That the National Society of the Daughters of the American Revolution oppose any United States of America participation in a military action against the historically friendly nations of Rhodesia and South Africa.

GOLD RESERVES AND INTERNATIONAL POLICY

Whereas world financial stability and international trade and finance have been sustained by confidence in the United States dollar backed by adequate gold reserves; and

Whereas it is currently reported that the Administration will request unprecedented Congressional authority to eliminate the gold reserves behind the American dollar by making the entire United States gold reserve available for sale abroad at $35 an ounce; and

Whereas the drift of policy is to substitute for sound national currencies untried and theoretically based international monetary units, so-called "paper gold"; and

Whereas the drift of monetary policy of the United States of America has led to widespread concern abroad and increasing distrust in the soundness of the dollar;

Resolved, That the National Society of the Daughters of the American Revolution advocate an immediate review of gold reserve policies by the Congress of the United States;

Resolved, That the National Society of the Daughters of the American Revolution express alarm and unalterable opposition to the policies that have led to the wasting of United States gold reserves particularly unrestrained spending abroad on foreign aid, internationally controlled monetary arrangements, and other international arrangements that tend to weaken our freedom of action as a sovereign Nation.

APPRECIATION TO THE PRESIDENT OF THE UNITED STATES OF AMERICA

Resolved, That grateful appreciation is hereby expressed by the National Society of the Daughters of the American Revolution to the President of the United States of America for his message to the Seventy-sixth Continental Congress.

APPRECIATION TO THE PRESIDENT GENERAL

Resolved, That the Seventy-sixth Continental Congress of the National Society of the Daughters of the American Revolution express sincere appreciation to the President General, Mrs. William H. Sullivan, Jr., for her dynamic leadership and for the gracious and efficient manner in which she has conducted this Congress, exemplifying the watchword, "Be ye doers of the word, not hearers only."

COURTESY RESOLUTION

Whereas the Seventy-sixth Continental Congress of the National Society of the Daughters of the American Revolution has been inspiring, educational and beneficial; and

Whereas this has been possible through the concerted efforts of those who planned the program, as well as those who took part;

Resolved, That the National Society of the Daughters of the American Revolution express deep appreciation to the Officers, the Chairmen, the Pages, to all who had a part on the program, and especially to—

The entire personnel of the staff for their loyal service throughout the year and during this Congress,

The United States Service Bands for the concerts,

The artists who shared generously of their talents,

The speakers for enlightening and inspiring messages,

The police and firemen for their courteous attention and protection,

The press, radio and television for coverage of these meetings, and

The large number of individual members who contributed to the success of the Seventy-sixth Continental Congress.

APPRECIATION TO THE CHAIRMAN OF THE RESOLUTIONS COMMITTEE

Resolved, That the National Society of the Daughters of the American Revolution express to Mrs. Stanley T. Malove its sincere appreciation for her gracious and capable direction as the Chairman of the Resolutions Committee.

LOSS OF FREEDOM BY LITHUANIA, LATVIA, AND ESTONIA

Mr. PERCY. Mr. President, 27 years ago this week, the peoples of Lithuania, Latvia, and Estonia lost their freedom. It was a crushing defeat for justice in the world. The suffering it caused these peoples hangs as a cloud over the conscience of mankind.

However, I found on a visit to the Baltic States just over a year ago, that repression has failed to extinguish the hope of the Baltic peoples that someday they will again be free. Neither has repression extinguished the faith of the Baltic peoples in their own traditions or in their religious convictions.

On this sad anniversary, let us honor the Baltic peoples for their continuing faith and for their steadfastness in adversity. Let us also resolve that we shall never forget them or their tribulations.

UPCOMING PRESIDENTIAL ELECTION IN SOUTH VIETNAM

Mr. MILLER. Mr. President, the presidential election for South Vietnam is scheduled for September 12. The outcome of the election will be highly significant for this small and troubled nation, which is struggling to survive and, at the same time, to bring representative government to its people.

But the manner in which this election is held is of equal importance to its outcome. If the election is held in such manner that the people of South Vietnam are satisfied that it was fairly held, so that the will of the people has been expressed on an intelligent and informed basis, the "other war" which must be won as well as the military war will be well on the road to victory.

We recognize that there are special problems which obviously prevent an election being conducted there as if it were being conducted in the United States, Japan, Korea, the Philippines, or some other country which is not suffering the torment of war within its borders. Thus, for example, it is most understandable that the ruling junta only yesterday ratified its decree barring pro-Communist or pro-neutralist candidates from running for President; although, as pointed out by Richard Critchfield in today's Washington Evening Star:

> Pro-neutralist is usually narrowly defined in Vietnam as someone who advocates forming a coalition government with the Viet Cong.

After the violence and terror which the Vietcong and North Vietnamese invaders have deliberately brought to so many people in that country, the junta's action would be expected, if not demanded, by the great majority of the people.

Government censorship already exists in South Vietnam, and there is nothing particularly new or unusual about this, taking into consideration the circumstances. There is no absolute right of free speech, and the right can vary in its dimensions according to the circumstances. However, people the world over who live in a democracy have come to expect that free speech will receive its maximum recognition during political campaigns. This, of course, does not mean that libel and slander are to be permitted. Nor would it seem proper to permit someone sympathetic with the Communist cause to masquerade under some other cloak than a pro-Communist or pro-neutralist in order to abuse free speech by taking the Communist or neutralist line. But there should be no Government censorship of issues which are vital to the future of the Government of South Vietnam and which trouble a great many of its people—issues such as land reform, education, the economy, corruption in the Government itself, and the like. These are matters which demand free speech in election campaigns. They are not matters which should be subjected to Government censorship. These are matters which candidates should be permitted to discuss openly, without fear of reprisal. Newspapers and other press media should be permitted to carry campaign advertising and to report fairly and fully what the candidates say about them. Editorial comment should, of course, be permitted to confirm and support or to ridicule and rebut statements by candidates. But the general voting public must have an opportunity to hear and read about the issues if it is going to be an informed electorate.

Thomas Jefferson once wrote that the success of a democracy depends, not alone on the will of the majority, but rather on the will of the "enlightened" majority. The right of the individual citizen to know about the candidates and the issues is, of course, balanced by his responsibility to be informed. But the responsibility cannot be carried out without the right.

The eyes of all Asia and of many countries throughout the world will be focused on South Vietnam to see how this election is conducted. If it is conducted in keeping with the right of the people to know, the new Government will stand well, not only with its own people, but with other governments which pay heed to the right of their citizens to know.

It might be helpful for the Asian Pacific Council to send observers to South Vietnam during the month preceding the election to make suggestions to the Government regarding its censorship policies and to report to the Council regarding the freedom of speech and of the press which prevail during the election campaigns.

The Council is an informal association of Pacific states, consisting of Korea, Japan, Nationalist China, Malaysia, Australia, New Zealand, the Philippines, Thailand, and South Vietnam. Each of these countries is deeply concerned over the war in Vietnam, and most of them are directly involved. Each must know that an election in South Vietnam, resting on a solid foundation of democratic principles, will mean a shorter war and a quicker return to peace in their area. At the same time, the Government of Vietnam should welcome an opportunity for observers from its allies and other friendly nations to certify that genuinely free election campaigns were permitted. This would give the lie to Communist propaganda to the contrary which is almost certain to come.

Mr. President, I yield the floor.

WORKER RECRUITMENT PROGRAM OF RHODE ISLAND

Mr. PELL. Mr. President, I again invite the attention of the Senate to an imaginative and viable approach to the problem of recruiting employees to fill the present acute labor shortages in certain areas of my State. I refer to the worker recruitment program conducted by the Rhode Island State Employment Service. This effort is a neighborhood, door-to-door search by individual interviewers seeking those who wish full or part-time employment. This service particularly affects those individuals who wish to combat the pressure of rising prices by supplementing their income through employment. In this group we find the housewife and the retiree, who have learned job skills which are not being fully utilized.

I am happy now to report the progress of this program, as indicated by the status report submitted to me by the Rhode Island Department of Employment Security. One of the most interesting facts found in the report is the ratio of total man-hours spent canvassing to the total number of job placements. From March 1 to March 31, in the city of Pawtucket, R.I., it was found that 66 hours of canvassing produced 15 job placements. During a more extended period, in Providence, R.I., 464 man-hours of effort by RIDES employees placed 306 people and eased the labor shortage of manufacturers.

Especially significant to me, Mr. President, is the fact that out of these 306 placements, some 21.9 percent came from the 16 through 21 age group, wherein unemployment is an extremely serious problem. This apparent responsiveness of youth to the door-to-door canvassers should be noted. It indicates not only a desire to work, but also the possession of skills to fill available job openings.

This unique placement approach of the State employment service eliminates the unfortunate impersonality inherent in some bureaucratic agencies. People are responding because individual interpersonal contact is achieved. They are made to feel needed and are therefore eager to contribute their services to the employer.

This program, Mr. President, is a successful, continuing one which merits widespread adoption. It will be most successful, however, as part of a series of programs in an all-inclusive approach which provides for training and retraining to make available the skills required by our ever-increasing technology. I must reiterate that such imaginative and effective programs as I have mentioned should be examined and adopted if we are to fulfill our commitments to the American people and the aims of the Manpower Development and Training Acts, as amended.

CALIFORNIA LEGISLATURE CONSIDERS BILL TO OUTLAW GENOCIDE

Mr. PROXMIRE. Mr. President, it has recently been called to my attention that the Legislature of the State of California is presently considering a bill designed to outlaw the crime of genocide in that State. Assemblyman Lester A. McMillan, of Los Angeles, introduced AB 141 on January 17 of this year and hearings were held by the committee on criminal procedure on April 18, at which time it was taken under submission to be considered later with another bill on the same subject, AB 2535 by Assemblyman Sieroty.

Mr. President, this is a grave reflection on the Senate. That elected officials of the State of California have taken such action is, at the same time both commendable and reprehensible. I commend Assemblymen McMillan and Sieroty for having taken the initiative in a praiseworthy effort to establish the commission of genocide as a crime in the State of California. At the same time, I express my own regret that the Senate which could have and should have outlawed this crime by ratifying the Genocide Convention has failed to do so.

Indeed it is the Senate of the United States and not the Assembly of the State of California nor the legislatures of any of our States which should proscribe the commitment of a crime so atrocious as genocide. It is up to us, Mr. President, to ratify the Convention on the Prevention and Punishment of the Crime of

Genocide, a treaty which was presented to us 18 years ago by President Truman, a treaty upon which we have not yet acted.

In the hearings before the California Legislative Committee on Criminal Procedure, an old and thoroughly discredited refrain was sounded once again by a handful of opposition witnesses: "My God was murdered by a minority group—the Jews." Several scriptural references were cited to emphasize divine distrust and contempt for all Jewish people.

It is this sort of distorted ranting which, unfortunately, the Senate has failed to refute. By stepping forward and atoning for our inactivity of 18 years, we shall also be moving in the direction of peace and human dignity. We are being asked today by the citizens of California, indeed by the citizens of the world, to act favorably upon the Genocide Convention. Let us not disappoint them any longer.

SYSTEMS OF NUCLEAR DEFENSE

Mr. TOWER. Mr. President, this month's issue of Fortune magazine contains a perceptive article written by Richard J. Whalen, concerning systems of nuclear defense and the effect of the present Soviet buildup upon U.S. policy in this critical area.

Mr. Whalen—formerly a member of the Fortune board of editors—is presently with the Georgetown University Center for Strategic Studies.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Fortune magazine, June 1, 1967]

THE SHIFTING EQUATION OF NUCLEAR DEFENSE

(By Richard J. Whalen)

(NOTE.—The author, a former member of Fortune's board of editors, is currently writer-in-residence at the Georgetown University Center for Strategic Studies.)

On his desk in the Kremlin, Nikita Khrushchev used to keep a laser-scarred piece of steel, a reminder to himself and visitors of the potential for Soviet superiority in advanced military technology. He often dreamed aloud of the terrible wonders of the future, as when he said in 1960: "The armament which is being created and which is to be found in the folders of the scientists and designers is truly unbelievable." In his bold Cuban missile adventure, Khrushchev impatiently ran ahead of his strategic weaponry, and the retreat from the brink led to his overthrow. But the promise symbolized by the prized piece of steel also fascinates his dour, methodical successors. Under their more efficient management, Soviet scientists, engineers, and technicians are turning ideas into hardware at an accelerating rate. The current swift buildup of Soviet strategic offensive and defensive systems reflects Moscow's evident determination to forge ahead in a new technological arms race.

The U.S., preoccupied with Vietnam and anxious to preserve the hope of détente, has made a studied effort so far not to overreact. Addressing the Russians early this year, President Johnson spoke of the common "duty" to slow down the race and warned that a renewed arms spiral "would impose on our peoples, and on all mankind, an additional waste of resources with no gain in security to either side." He proposed negotiations to halt the Soviet deployment of antiballistic-missile (ABM) defenses, receiving in return Soviet Premier Aleksei Kosygin's unenthusiastic consent "to discuss the problem of averting a new arms race, both in offensive and defensive weapons." While negotiations have not even begun, Soviet ICBM and antiballistic-missile deployments are continuing.

The one-sidedness of concern is increasingly apparent and puts U.S. leaders under rising pressure. Secretary of Defense Robert McNamara, overriding for the second time the unanimous recommendation of the Joint Chiefs of Staff, has further deferred the crucial decision on whether to begin production of the U.S.'s own Nike-X antiballistic-missile system. McNamara argued his position at length before Congress last January, and later circulated a confidential memorandum among his staff, the military, and defense contractors, urging the widest possible dissemination of the message contained in his Congressional Posture Statement.

"The foundation of our security," McNamara declared in his statement, "is the deterrence of Soviet nuclear attack. We believe such an attack can be prevented if it is understood by the Soviets that we possess strategic nuclear forces so powerful as to be capable of absorbing a Soviet first strike and surviving with sufficient strength to impose unacceptable damage on them." McNamara conceded that the kind and amount of damage the United States would have to be able to inflict to provide this deterrent "cannot be answered precisely," but he ventured the "reasonable" assumption that the destruction of one-fifth to one-fourth of the Soviet Union's population and one-half to two-thirds of its industrial capacity "would certainly represent intolerable punishment." The U.S. ability to inflict such punishment, regardless of Soviet defensive counter-measures, is the key to the deterrence philosophy of "Assured Destruction."

But McNamara went further in his remarkable document, which may deserve a place among the most important state papers of our time. The Secretary gave the Russians cost-effectiveness advice on their own best defense interests. "If our assumption that the Soviets are also striving to achieve an Assured Destruction capability is correct, and I am convinced that it is," said McNamara, "then in all probability all we would accomplish by deploying ABM systems against one another would be to increase greatly our respective defense expenditures, without any gain in real security for either side." This line of reasoning was clearly intended to reinforce the President's plea to the Soviet leaders for negotiations on arms limitation. But it fell on some ears in Washington, particularly those of well-informed members of Congress, as disturbing evidence of the amount of faith that U.S. defense policy was putting into a hypothetical equation under rapidly shifting circumstances.

THE UNEASY ENVIRONMENT OF SURPRISE

The experts who read the intelligence reports on Soviet activity are aware, as the public is not, that the enormous U.S. advantage in weaponry and technology of the 1950's and early 1960's is steadily being narrowed. Not only has the Soviet Union run harder; the U.S., wishing to avoid leading an arms race, has also deliberately limited production and deferred deployment of major new offensive and defensive weapon systems. The Russians, in effect, have been told: "We won't build it if you won't." The appealing notion has prevailed that weapon technology stands on a "plateau." As former White House scientific adviser Jerome B. Wiesner declared in 1963, the "scientific military revolution" has "stabilized."

The limited nuclear test-ban treaty, which ushered in the present period of search for a détente, has been widely interpreted as a joint U.S.-Soviet admission that further arms competition was pointless. A "stalemate psychology" has spread, which takes for granted and even discounts the military superiority the U.S. has enjoyed throughout the trials of the cold war. Reductions have been made in "'soft" first-strike weapons such as bombers, and the U.S. missile deterrent force, after rising rapidly throughout the early Sixties, is now leveling off. It consists of 1,000 Minutemen, 54 Titan II's (to be phased out in 1970), 656 missiles aboard 41 Polaris submarines (about half of which are on station at any given moment), and 680 strategic bombers, which will be cut back to 465 in 1972. From a peak of $11.2 billion in fiscal 1962, U.S. outlays for strategic forces declined to a low of $6.8 billion in fiscal 1966 and stood at $7.1 billion in fiscal 1967.

The relatively stable level of R. and D. spending over this period conceals a significant shift in emphasis, away from innovation and toward refinement of existing weapon systems. The U.S. has chosen not to maintain the initiative, while the U.S.S.R. has visibly bent every effort toward seizing it.

Now a new era is opening in which the U.S. and the U.S.S.R. can be expected to possess increasingly comparable military technology. Far from being an omen of "stability," that elusive nirvana of the thermonuclear age, the environment of near parity promises to be extremely unpredictable and therefore marked by much apprehension. The U.S., to be sure, has carefully hedged against foreseeable Soviet capabilities; over the past few years, for example, more than $1 billion has been spent to prepare advanced warheads and sophisticated penetration aids to defeat the newly installed Soviet ABM defenses. However, this kind of hedging leaves the U.S. vulnerable to surprise in the form of an unforeseen or successfully concealed weapon advance on the Soviet side.

In a congressional hearing more than a year ago, General John P. McConnell, Air Force Chief of Staff, warned: "We know . . . the Soviets today are engaged in a massive program of research and development in military weapons systems of all types. In a program of such great scope, the possibility of technological surprises or dramatic breakthroughs cannot be overlooked, particularly when such surprises could erase the margin of strategic superiority which we currently enjoy." In spite of improved U.S. satellite surveillance, the Russians have simultaneously improved their skill in the arts of concealment, and they are now capable of deploying weapons that the West has never seen tested.

Close observers of the unfolding Soviet R. and D. enterprise worry because the adversary has a dynamic view of military capability and strategy, as contrasted with the static conception of technology and strategy implicit in the U.S. posture. Deterrence depends not only on existing forces; it also depends on the adversary's state of mind. The very rationality of Soviet leaders, which the U.S. relies upon to restrain attack, could find in advancing technology the incentive to consider the gamble of a first strike. A veteran analyst of the nuclear balance observes: "Never has fundamental strategy been so sensitive to a few—a *very* few—technical parameters."

The intentions of the uncommunicative Soviet leaders are a mystery, perhaps even to themselves, but it requires a minimum of theorizing to grasp the point of what they are currently doing. They are altering the existing balance of strategic forces that favors the U.S., and they are doing it at a pace that startles the most knowledgeable American students of Soviet military capability. Just two years ago McNamara said the Soviet leaders "have decided that they have lost the quantitative race, and they are not seeking to engage us in that contest." Now Pentagon authorities are no longer sure. In contrast to the earlier false alarms of the bomber and missile "gaps," based on projections of potential that went unfulfilled, the present rate of confirmed Soviet hardware deployment is forcing upward revisions of Russia's potential.

NOW WE SEE THE THREAT

Soviet production of intercontinental missiles has surged ahead, from an annual rate of 30 to 40 in 1962 to 110 to 120 last year, and this rate appears to be accelerating. Since Khrushchev backed down in the missile confrontation of the fall of 1962—and the date is relevant because of the long lead times involved—the operational Soviet ICBM force based on land and sea has grown from fewer than 75 to an officially estimated 470 (as of October, 1966) and a likely current figure of close to 600. By mid-1968, according to informed estimates, land- and sea-based Soviet ICBM's could leap to between 800 and 900, or more than half the U.S. force. And there is no reason to assume the Soviets will halt there.

The rapid growth in numbers, however, is less significant than the *qualitative* improvements, apparent and suspected, between the first and second generation of Soviet ICBM's. Two new missiles—the SS–9 and the SS–11—have been identified as entering the operational inventory in dispersed and hardened silos. The SS–9 is a large three-stage missile propelled by storable liquid fuel, which is not necessarily a sign of inferiority when compared to solid-fueled U.S. missiles. Storable liquid and semi-liquid fuels provide greater thrust than solids. The SS–9 is roughly comparable in size to the U.S. solid-fuel Titan II, but it carries a warhead twice as heavy, estimated at over twenty megatons. The SS–11 is a small single-stage missile, propelled by either solid or storable liquid fuel. It resembles the early Minuteman in range and ability to carry a similar one-megaton warhead.

The Russians, well ahead of the buildup schedule assumed until recently by American defense planners, are fast approaching a critical point in the development of their ICBM force. If their missiles are equipped with the advanced warheads and the more accurate guidance systems known to be within their technical ability, their force could quickly become a real threat to the hardened Minuteman missiles that are the backbone of the U.S. deterrent. In designing the U.S. deterrent forces, Pentagon planners have weighed the alternatives open to an aggressor: a strike against our cities; a "counterforce" strike against our retaliatory missile sites; or a combination strike aimed at some key population centers and some portion of the land-based ICBM's. The U.S. has sought to deny an aggressor the "counterforce" option by building and deploying a thousand Minutemen, presumably a large enough number of targets to be safely beyond the productive and economic capacity of the Russians. This estimate on their capabilities has now been rudely shaken.

"As recently as a year ago," says a high-ranking officer in the Pentagon, "we didn't think the Soviets could get a counterforce capability. Now we see the threat." It could materialize by the mid-1970's.

THE "NEW MATH" OF MIRV

The U.S. itself has discovered how to use a single ICBM launcher to carry several individually propelled warheads, which can be guided accurately to different targets hundreds of miles apart. The multiple individually guided reentry vehicle, known as MIRV, could revolutionize nuclear strategy if the Soviet capability should match our own.

The strong side of Secretary McNamara's philosophy of deterrence is apparent in the improvement of U.S. striking power. The entire front end of new missiles is being redesigned. The land-based Minuteman III, scheduled to replace the Minuteman I, and the submarine-launched Poseidon, the successor of the Polaris A–3, will be equipped with MIRV, decoys, and penetration aids. When they are in place within the next three years, McNamara declares that these formidable missiles will surely be capable of penetrating the Soviet anti-missile defenses currently being deployed. And so they doubtless will—*if* they are ever fired in anger.

By preparing to meet a changing offensive threat *and* defensive capability with an improved offense only, however, McNamara displays the weak side of his strategic philosophy. The development of MIRV in missiles means that a new way of calculating striking power is needed, and therefore a new way of appraising the U.S. deterrent. The long-vaunted U.S. lead in ICBM boosters, currently estimated at three to one, no longer provides the reassurance it once did, and Pentagon officials now quietly downgrade such rough numerical comparisons. As McNamara himself said in his Posture Statement, "It is not the number of missiles which is important, but rather the character of the payloads they carry; the missile is simply the delivery vehicle."

He did *not* add that, with all the additional payload weight resulting from multiple warheads and penetration aids, the thrust of the delivery vehicle also becomes a critical factor—and in the case of the U.S. at the present, a sharply limiting factor. Except for the relative handful of Titan II's, which are scheduled to be phased out, the lift capacity of U.S. missiles averages about one megaton for each booster. Soviet boosters, in contrast, can carry an average warhead load of more than seven megatons. If these missiles are, in addition, capable of being fitted with multiple warheads, the U.S. booster advantage of three to one over the Russians could quickly become a fiction. The new SS–9 could be fitted, at least in theory, with ten or more individually guided warheads. In one fashion or another, MIRV introduces a new kind of missile math—a relatively inexpensive means for the U.S.S.R. swiftly to achieve parity or better with the U.S. in terms of deliverable megatonnage. They are known to have *tested* the components of a multiple-warhead system. Therefore, U.S. watchers on the outside, peering through the cracks in a closed society, are anxiously anticipating an operational capability because of the short lead time involved. As little as eighteen months could separate our discovery of a MIRV development program and the operational deployment of Soviet missiles carrying multiple warheads. Those who would know whether such a development program has been detected are quite properly silent.

THE IMPLICIT AND EXPLICIT THREAT

The memory of the nonexistent ICBM "gap" debated during the 1960 presidential campaign may prompt a certain skepticism toward the potential new danger implicit in a Soviet resort to multiple warheads. This time, however, the Soviet missiles that might be fitted with such warheads *already* exist; the numbers *are* growing rapidly; and the new missile math suggests the advantages of their going the route of MIRV if they can. The kind of targeting problem that the U.S. poses for Soviet war planners provides the logic for traveling that route. The major U.S. cities, in which population and industry are concentrated, have long been the presumed targets of a relatively few Soviet ICBM's fitted with high-yield warheads. So long as an ICBM could deliver only one warhead to one target, the small Soviet missile force was believed to be checkmated by the sheer number of U.S. Minuteman and Titan missiles in their dispersed and hardened silos. But the problem of multiple targets could be brought temptingly near "solution," however Soviet planners may define it, through the use of multiple warheads on their growing missile force.

Until last year MIRV was considered so secret that even members of the congressional defense committees had not heard about it in executive session. Reports of multiple-warhead contracts were published in the technical press late last year, and discussion began in earnest last November when McNamara announced the accelerated program to produce and deploy the Poseidon in the Polaris fleet. Oddly enough, within four months after MIRV came into public view, it was abruptly covered up again by the Secretary's order. No longer a secret, it has become an un-word scarcely ever uttered in the Pentagon. "It's ridiculous, this trying to stuff the genie back in the bottle," comments a dissenting official. "Apparently we're concerned that the Soviets might be alerted to their own capability. It's part of trying not to be provocative."

THE MOVE TO ABM

The mounting uncertainties facing decision makers in the White House and the Pentagon center on the Soviet construction of extensive new ABM defenses. Reconnaissance satellites and monitoring radars alerted the Joint Chiefs of Staff to this activity in 1965. In January, 1966, McNamara secretly briefed the members of the congressional defense committees, and last November he publicly disclosed that the U.S. had "considerable evidence" of the Soviet ABM deployments without being specific about their nature and location. However, he declared: "I think it is important that we assume [the Soviet ABM system] is effective, and, of course, that will be the assumption on which we base the development and deployment of our own ICBM's." This prudent assumption leaves unanswered to the urgent question: *how* effective are the Soviet defenses?

The U.S. possesses a good deal of intelligence data, but it does not support definitive judgments. If experience counts for anything, as it surely does in this esoteric realm of weaponry, the U.S.S.R.'s capabilities should be taken very seriously. It is known that the Russians, heeding their doctrinal imperative of balance between offensive and defensive military forces, began concurrent development of missiles and anti-missiles as early as 1948. By the early 1960's they had built what was apparently the prototype of a defense system aimed against medium- and intermediate-range missiles, and they deployed it at Leningrad. U.S. intelligence rated this system capable of handling as many as five targets simultaneously, but it was regarded as ineffective against ICBM's. In a rare secret session of the Senate in April, 1963, Senator Thurmond, of South Carolina, a member of the Armed Services Committee, warned that Russia had an operational ABM system, and he urged that the U.S. proceed at once with the Nike-Zeus, then ready to go into production. Soon afterward, the U.S. turned to the improved Nike-X system (see "Countdown for Nike-X," FORTUNE, November, 1965).

The Zeus ABM system, which grew out of the Nike-Hercules anti-aircraft defenses deployed in 1958, had a limited range and "kill radius," and its effectiveness against a large-scale attack was doubtful. The successor Nike-X (the X stood for "unknown") exploited major breakthroughs in radar technology, which greatly increased the number of targets the system could handle; and it also supplemented the Zeus missile with a new high-acceleration interceptor, Sprint, which was designed to provide last-ditch defense against ICBM's that got past Zeus. Even with the improvements, however, the Nike–X remained a "point" defense intended to protect a single target by engaging incoming ICBM's in a 'bullet-to-bullet" duel in the atmosphere. An "area defense," which would protect several targets at once, would be much more effective, but this kind of ABM requires a long-range missile equipped with a large warhead that can intercept ICBM's above the atmosphere. In 1965 the U.S. began development of such a missile, named the Spartan, which will replace Zeus in the Nike-X system. But by this time the Russians had abandoned the Leningrad ABM and were well along in the development of more advanced concepts.

Incomplete and often contradictory information currently available on the Soviet antiballistic-missile defenses has caused some divergence of opinion within the U.S. intelligence community. There is no question that an "area defense" system has been deployed in the vicinity of Moscow. The command center, containing radar scanners and computers, is a multi-level structure built entirely underground. A large phased-array radar is located northwest of the city, and it is integrated with small tracking radars at several points.

THE TALLINN ABM SYSTEM

A quite different type of installation has appeared in an arc extending several hundred miles along the northwestern border of the country, and this is the focus of disagreement within the U.S. Known as the "Tallinn line" after the Estonian city where one of the defensive sites has been detected, this deployment has been subject to various interpretations: as an advanced anti-aircraft system, another type of ABM, or perhaps a combination of both. Existing Soviet SAM-2's and SAM-3's would seem to provide ample defense against aircraft, particularly in view of the declining U.S. reliance on bombers. Moreover, the line sits athwart the principal "threat corridor" of land-based missiles launched over the North Pole from the U.S. It is the unanimous judgment of the Joint Chiefs of Staff that the Tallinn line is an anti-missile system, but McNamara so far remains publicly unpersuaded.

In addition to the Moscow and Tallinn deployments, informed sources report a great deal of activity elsewhere in the Soviet Union at existing anti-aircraft installations and new sites as well. Some of these sites are in the South and may represent the early stages of defenses directed against Polaris missiles launched from U.S. submarines on station in the Mediterranean. Other sites spotted east of the Ural Mountains face Red China. The small tracking radars along the Tallinn line apparently are tied together with the phased-array radar at Moscow. As evidence of such links accumulates, the likely scope of Soviet ABM plans expands, confirming McNamara's statement to Congress last January: ". . . we must, for the time being, plan our forces on the assumption that they will have deployed some sort of an ABM system around their major cities by the early 1970's." Not only the cities, of course, would be defended, but also military installations, particularly hardened offensive missile silos within a vast territory.

MEETING MIRV IN MID-COURSE

Debate continues inside the Pentagon concerning the characteristics of the antiballistic missile (or missiles) that the Russians are deploying. In November, 1963, a missile was shown in a Moscow parade for which the Russians claimed an ABM capability. Western officials, who code-named the missile Griffon, were skeptical, and inclined toward the belief that it was primarily intended for interception of supersonic aircraft and their air-to-surface missiles; but they did not rule out the possibility that it had been developed originally to counter the medium-range Thor, Jupiter, and Polaris A-1. Griffon was not credited with an exoatmospheric (above the atmosphere) range, though some observers, reflecting now on the pace of subsequent Soviet advances, believe it should have been. An advanced model of Griffon, in fact, may be deployed on the Tallinn line; or the ABM missile there may be one the West has never seen.

The missile used in the Moscow ABM system was first shown a year later than Griffon, in 1964, when tractors dragged it through Red Square coyly concealed in its protective canister. Given the unglamorous code name Galosh, it is believed to be a solid-fueled, long-range interceptor carrying a high-yield warhead. Estimates of Galosh's range cluster around a few hundred miles, comparable to the Spartan missile the U.S. is now developing. But a minority opinion maintains it could have a much longer range, perhaps as much as 2,000 miles.

This minority view begins with the fact that the best antiballistic-missile system the U.S. has been able to devise uses *two* missiles and several types of radar. It is suggested that Galosh, the only missile deployed at Moscow, may combine the long range of Spartan with the high acceleration of Sprint, the companion short-range interceptor of the Nike-X system. If this is the case, or if the missile used in the Tallinn line has such a performance capability, the Soviet Union could engage incoming ICBM's far away from their territory and above the atmosphere where fallout would not be a problem—in mid-course of the missiles' trajectory, before multiple warheads and penetration aids could separate. An effective mid-course ABM would provide a formidable defense against multiple warheads.

An experienced defense scientist cautions against overdrawing Soviet capabilities from scant information ("generalizing from the heel of the dinosaur"), but he adds: "If you're honest, you can't say flatly that the Soviets *can't* do what some people say they are doing. We just don't know."

WEAPONRY IN THE VOID

Easily the most important area of uncertain knowledge, and one where secrets and doubts are kept most carefully guarded, concerns the effects of high-yield nuclear explosions in the thin upper atmosphere and above. This is the environment in which our own and Soviet ABM missiles would function. Questions about the precise "kill mechanism" of an ABM have aroused intense speculation and prompted official reassurance, with the result that the known facts often get lost in a welter of alarming or comforting words. Much of the confusion is penetrated by a scholarly, relentlessly factual new book, *The Test Ban Treaty: Military, Technological, and Political Implications,* by James H. McBride (Regnery), which draws together the highlights of eighteen months of hearings conducted by two Senate committees on the treaty that attempted to curb the fearful competition in nuclear-weapon technology.

"All witnesses agreed," McBride writes, "that at the current state of the art in nuclear technology the greatest need for nuclear testing is in the area of weapons effects. . ." Again and again in the quoted testimony, the word "void" crops up, as when Dr. John S. Foster Jr., then director of the Lawrence Radiation Laboratory and now director of Defense Research and Engineering, told the Foreign Relations Committee: "The most serious void has to do with the effect that nuclear explosions have on the operation of the system, whether it is an offensive or defensive explosion or an offensive or defense system." This point is absolutely critical because the U.S. has adopted a second-strike posture, which means its weapons must survive the effects of a first strike and then penetrate enemy defenses to destroy their assigned targets.

The effects of nuclear weapons vary principally with their design and yield and the altitude at which they are exploded. (Other factors, including the time of day a weapon is exploded, also play a significant role.) The predominant effects of weapons designed to be detonated *in* the atmosphere are blast and heat; weapons for use *above* the atmosphere are designed to maximize the release of energy in the form of radiation, the most useful effect in this environment. Witnesses who testified during the test-ban hearings generally assumed that the U.S. held a marked lead in the technology of smaller-yield (one megaton and below) weapons while the Russians were well ahead in the very-high-yield (twenty megaton and above) range.

The advantage in the intermediate range (one to twenty megatons) was open to debate, but there was no arguing the fact that the Russians, during their massive 1961–62 test series that broke the *de facto* moratorium, had exploded many more weapons than the U.S. in this intermediate range both in the atmosphere and above, providing them with the opportunity to learn more and apply their knowledge. The Soviet tests clearly had been planned years in advance. Among their seventy-one shots were proof tests, weapon-system tests, effects tests, and tests with missiles and radar. The Russians, obviously extending their ABM technology, on two occasions during the tests launched an ICBM, intercepted it with a nuclear blast, and then fired a *second* missile, presumably to determine whether its warhead was affected by the radiation resulting from the prior explosion. They also studied the blackout effects of the blasts on their radar.

THOUGHTS ABOUT AN UMBRELLA

Such sophisticated Soviet tests could not have been matched at the time by the U.S. In the summer of 1958 the U.S. had detonated its first high-altitude explosions, code-named "Teak" and "Orange." These megaton-range explosions produced astonishing results that clearly heralded the dawn of a new era in weapon effects. Communication links in the Central Pacific were blacked out for several hours, and satellites detected charged particles trapped in the earth's magnetic field. In the Argus series that quickly followed, the U.S. exploded three kiloton bursts, which disrupted shortwave radio and radar and again produced man-made belts of charged particles. The creation of these belts suggested, at least in theory, the possibility of a transient "shield" or "umbrella" ABM defense, provided the particles could be created in sufficient density. However, U.S. scientists concluded that the belts formed by the Argus shots were too weak to injure a warhead passing through them at five miles per second. Even so, the U.S. at least discovered that the obvious ABM problems of early warning, discrimination, and precision tracking could be greatly compounded by the mysterious effects of high-altitude nuclear explosions.

Following the Soviet tests, the U.S. staged a hastily prepared and politically restricted series in 1962–63, which provided valuable data but also disclosed great gaps in our scientific knowledge. Dr. Edward Teller, testifying on the test-ban treaty, revealed that the U.S. had not even completed theoretical studies of some of the high-yield effects the Russians had actually tested. Impressed by recurrent descriptions of the "void" in U.S. nuclear technology, the Senate Preparedness Subcommittee concluded that the treaty "will affect adversely the future quality of this Nation's arms, and . . . will result in serious, and perhaps formidable, military and technical disadvantages."

With the signing of the treaty banning atmospheric testing, the U.S. put its ingenuity to work underground and discovered that more could be learned there than its experts had believed. Under a top-priority program, the Atomic Energy Commission has been staging low-yield, directional explosions in deep, instrument-crammed tunnels from which the air has been pumped to simulate as nearly as possible the vacuum of space. But the apprehensions brought to light almost four years ago in the test-ban hearings have scarcely been buried. At bottom, the present controversy over the Soviet ABM capability revolves around whether these half-forgotten fears of technological surprise are now being realized.

Recent uninformed speculation has suggested the possibility that the Russians, by exploding very-high-yield weapons above the atmosphere at the proper altitude and latitude, might be able to create dense belts of charged particles and so establish a "shield" type of ABM defense. U.S. scientists, extrapolating from data provided by tests of much-smaller-yield explosions, are reported to have erred by a factor of 1,000 in estimating the number of such particles that would be caused by a 100-megaton blast. The AEC isn't saying what its latest calculations have disclosed, but a high-ranking AEC official emphatically declares: "Right now, we don't see how the effects of any radiation belt could be made to persist." An impressive body of scientific opinion, within and outside the government, says there is no technical foundation for theorizing about what a Pentagon R. and D. official calls the "ping," or residual umbrella defense. Before the manmade radiation belts could achieve a particle density lethal to warheads the earth's magnetic field would prove too weak to support them, and the umbrella would "leak."

THE ANTIMISSILE THAT GOES "ZAPP"

The improbability of a "shield" form of defense does not rule out other possible defenses using radiation effects. Quite the contrary; the U.S. intends to use such effects in the improved Nike-X system now under development. The Spartan missile carrying a warhead of more than one megaton will rely upon what is believed to be the most efficient anti-missile defense above the atmosphere—the so-called "zapp effect," that is, the tremendous surge of thermal or "hot" x-rays produced by a high-yield explosion. As Dr. Foster has explained to the Senate Armed Services Committee: "Nuclear explosives have a very small surface area to them . . . When they release [their] energy, they get very, very hot. A small surface that has to release enormous energies in a very short time cannot do so without getting so hot that it radiates its energy away. This radiation [is] . . . of such a temperature that it is in the x-ray region."

As much as 75 percent of the total energy of the detonated ABM warhead would escape in the form of such x-rays and flash over thousands of miles in the near-vacuum of space. Within the much smaller "kill radius," which would vary with the yield and design of the warhead and the altitude at which it was exploded, the thermal x-rays would deposit their immense energy within any unshielded object, such as a missile warhead, causing its components to explode internally. An ABM system using the x-ray effect can provide an "area defense" covering thousands of square miles with relatively few installations. Moreover, the requirements for guidance accuracy are greatly reduced, a factor worth bearing in mind when the Soviet radars are described as somewhat "crude."

The U.S. takes the x-ray threat from Soviet ABM defenses seriously enough to be engaged in costly modification of missiles whose components are vulnerable. For example, the fine gold wires (which readily absorb x-rays) are being replaced in the guidance computer circuitry of the Minuteman II, and the change is being incorporated into the design of Poseidon and Minuteman III. Because reflective coatings used to protect a missile nose cone from the heat of re-enry are ineffective against thermal x-rays, new hardening techniques and shielding materials are being sought. The test ban makes it impossible to expose such materials to actual thermal x-rays and underground explosions are no substitute, so experimenters are using newly created electron beams of comparable energy—beams capable of depositing energies inside a test material a thousand times greater than the pulse from the most powerful production laser.

U.S. missiles have been modified more than once to counteract any unforeseen or newly arising hazard. During the test-ban hearings, many military officers, nuclear scientists, and informed Senators dared not give publicly a major reason for their opposition to the treaty. They feared that the Russians, through their high-yield testing, had discovered a kind of "ultimate ABM," and might be able to use nuclear-weapon effects to turn much of the U.S. missile force into a Maginot Line. An offensive first strike would simultaneously achieve a defensive objective, not only destroying American cities with blast and heat, but also creating electromagnetic pulse (EMP) effects extending well beyond the radius of destruction that might deactivate the electronic systems of missiles in their silos. The U.S. has since revised the electrical circuits in the Minuteman silos, and has modified and shielded missiles, warheads, computers, and guidance systems to protect them against electromagnetic pulse. These countermeasures, of course, can be only as effective as our grasp of such phenomena.

GROWING DOUBTS, BRAVE CERTAINTIES

Last fall, an extraordinary study known as "Strat-X" (for "Strategic Exercise") was launched by Secretary McNamara's order to lay out the full range of alternatives for improving the posture of U.S. offensive forces through the mid-1970's. Strat-X will evaluate offensive missile and warhead designs in terms of different sea and land basing options, and it will weigh the resulting force "mixes" against various levels of threat from the Soviet Union and Red China. In this study the Nike-X is being considered only for the defense of U.S. offensive missile forces—not cities. This shift of emphasis is striking because up to this point the whole debate about Nike-X has concentrated on its use in city defense. This new turn in the thinking of key officials is a clear indication of the changing Soviet threat. A preliminary report will go to the Secretary in a few weeks and a final report is due in September. Little has been said about this highly secret study, and an official in the Office of Defense Research and Engineering tersely summarizes the objective of Strat-X: "more survivable payload." Another high defense official, concerned about appearances, confides: "From the outside, it may look as though we're not sure of the deterrent. That's not so. We *are* sure."

The determined air of confidence in the upper reaches of the Pentagon does credit to earnest men performing difficult tasks. What worries informed observers on the outside is the apparent assumption that the U.S. can safely confine itself to reacting within familiar parameters to a changing threat. The perils of losing the initiative are coming plainly into view. In a recent speech Dr. Harold Agnew, the forty-six-year-old head of the weapon division at the AEC's Los Alamos Scientific Laboratory, said the "apparent drift in national policy on the concept of balance of power and stability is resulting in a stifling of innovation." Because U.S. scientists are authorized to build or consider only those systems that respond to a clearly defined threat, "We are continually in danger of coming up with answers to threats which have changed." The prevailing official attitude of certainty may not take account of a steadily widening range of uncertainty.

THE ULTIMATE UNBALANCING FACTOR

It is Secretary McNamara's firmly held conviction that the possession of secure "second-strike" (retaliatory) missile forces by both the U.S. and the Soviet Union creates a stable condition of mutual deterrence. As he told a British television interviewer earlier this year." . . . technically it's a relationship thats very difficult for either of us to move out of unless the other simply fails to act in a rational fashion." By deploying antiballistic-missile defenses, the Russians, according to McNamara's logic, are behaving irrationally. The U.S. has reacted by making preparations to upgrade its offensive missile forces to the point where the effect of the Soviet defenses will be negated and the prospect of "Assured Destruction" by a U.S. second strike will be maintained. However, the hoped-for maintenance of stability depends not only on the U.S.'s estimate of the situation, but also on the Soviet Union's, and the Russians are clearly moved by their own judgments and not McNamara's. Their belief that they have upset the U.S. deterrent would be, as McNamara himself has declared, "The ultimate unbalancing factor."

In the radically altered strategic circumstances that may lie just ahead, the Russians could begin to doubt the U.S.'s capacity and willingness to inflict unacceptable damage upon them. As General Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, testified earlier this year: "Should the Soviets come to believe that their ballistic-missile defense, coupled with a nuclear attack on the United States, would limit damage to the Soviet Union to a level acceptable to them, *whatever that level is* [italics FORTUNE's], our forces would no longer deter, and the first principle of our security policy is gone."

It should always be remembered that the vast U.S. deterrent force exists solely to influence Soviet behavior. If it ever must be used, deterrence has failed and catastrophe looms. The threat of its use was a rational instrument of national policy during the days of overwhelming U.S. preponderance under Eisenhower and Dulles, and even as recently as the Kennedy Administration's eyeball-to-eyeball confrontation with Khrushchev. Now, however, such a U.S. threat made in the face of the Soviet offensive buildup would amount to an irrational summons to mutual suicide. The Russians soon may be able to use *their* deterrent to inhibit the U.S. and gain for themselves greater freedom of maneuver. Short of an all-out Soviet attack, it is difficult to imagine a provocation sufficiently extreme to warrant U.S. resort to the means of assured self-destruction.

Though the emerging second-strike capability on both sides may satisfy the definition of "stability" favored by McNamara and the Pentagon's defense intellectuals, this symmetry of opposing offensive forces is upset by the Soviet commitment to ABM defenses. Add to this the possible first-strike, counterforce use of the proliferating Soviet ICBM's and "stability" vanishes. Though offensive capabilities may match up neatly, intentions and therefore uncertainties do not. The deterrent equation is in danger of becoming unbalanced by the one-sided shift of uncertainty to the U.S. side.

U.S. behavior is already being influenced by the Soviet deterrent. The likely failure of the diplomatic attempt to talk the Russians out of their "worthless" ABM defenses has forced the U.S. into offsetting offensive steps involving major spending—e.g., the $3.3-billion accelerated development and deployment of Poseidon. And the anticipated Soviet counterforce capability is shifting all serious discussion of deploying Nike-X—at least within McNamara's sphere—from defense of cities to defense of "super-hardened" Minuteman silos.

WOULD THE PRESIDENT PUSH THE BUTTON?

If present trends are allowed to continue and U.S.-Soviet forces grow more asymmetrical, the situation by the mid-1970's could become menacing. An ABM defense lends itself superbly to bluffing and blackmail. The mere existence of Soviet defenses would exert psychological influence on both sides. It is easy to imagine a suddenly belligerent Soviet attitude toward Western Europe. Would the undefended U.S. react strongly if the defended U.S.S.R. appeared willing to risk war? It is possible to imagine a threat aimed directly at the U.S. itself, perhaps even the execution of the threat by the obliteration of a selected city. Would the President choose automatically to avenge the limited number of dead Americans by ordering a response certain to end civilized life in this country? Soviet planners, as they "war game" with the forces of the 1970's surely ask themselves such questions.

The U.S. must soon recognize that a gradual but almost certainly irreversible change is occurring in the nature of deterrence. The Assured Destruction concept, founded on the superiority of the offense in modern warfare, has been challenged by technology and its application to defense. The technology of missile defense is now advancing more rapidly than the technology of offense. The relative costs and effectiveness of ballistic-missile defense are measured within the Pentagon through the "cost-exchange ratio." A few years ago, the high costs and ineffectiveness of defense were officially expressed in a cost-exchange ratio of between 10:1 and 100:1—that is, every $100 spent on defense could be offset by spending from $1 to $10 on increased offense. Now, however, by Secretary McNamara's own reckoning, the ratio is between 4:1 and 1:1, or parity. Of course, such numerical comparisons take no account of the relative burdens imposed on the U.S. and Soviet economies by higher arms spending. If the technological trend continues over the next decade, defense could gain a margin of superiority.

The improving prospects for defense are welcomed by the Russians, as their respected military commentator, Major General Nikolai Talensky, has written: "The creation of an effective anti-missile missile system enables the state to make its defenses dependent chiefly on its own capabilities, not only on mutual deterrence, that is, on the good will of the other side." More is involved here than a Soviet state of mind that Secretary McNamara dismisses as "an absolute religious fanaticism on the subject of defense." Another Soviet military strategist has emphasized the balanced nature of the emerging Soviet offensive-defensive deterrent: "It must be remembered that victory in war is determined not merely by the character of weapons but by the *relationships of forces* of the combatant sides."

In future psycho-political conflict, which uses weapons as manipulative symbols, the decisive advantage could lie with the side that possesses defenses. Even though these may be ineffective, the undefended side cannot determine this without exposing itself to mortal risk. A situation in which *both* sides had defenses would balance uncertainties and might well produce greater stability than the previous state of anxious nakedness.

The case for a prompt U.S. commitment to a limited deployment of Nike-X is compelling. Though Secretary McNamara argues that an antiballistic-missile defense would not reduce American casualties "in any meaningful sense," a Nike-X system might save thirty to fifty million lives and as General Wheeler testified, this would be "meaningful, we believe, in every sense." There is little time to act if the President in the mid-1970's, whoever he may be, is to have available a full range of policy alternatives. Clearly the effect of the present policy is to foreclose options for the future President.

From the moment of a decision to proceed, five to seven years would be required to deploy Nike-X around twenty-five major cities and key defense installations. Lieutenant General Austin Betts, Chief of R. and D. for the Army, who has overseen the development of Nike-X, believes the "optimum" moment has arrived for a decision to begin production. Further delay could mean the breakup of contractor teams and the onset of obsolescence in important components.

THE SYSTEM THAT'S READY

An argument can be made that it is better to postpone deployment of Nike–X if further R. and D. could produce a more advanced ABM—and it probably can. But Nike-X is the only defense system that can be deployed by the mid-1970's. Secretary McNamara's projected cost of $40 billion for a full-scale deployment of Nike–X includes such "damage limiting" measures as interceptor aircraft and shelters. However, this forbidding figure would be spent over ten years. Senator Russell describes it as "a sort of Congressional deterrent." Beyond the question of how many billions of dollars are involved lies the uncertainty about the performance of Nike-X systems in a nuclear environment. These questions cannot be resolved entirely in the laboratory. A decision to go ahead might stir demands for a resumption of nuclear testing, which would surely arouse a world outcry.

But every objection to the limited deployment of Nike-X can be met with soundly based apprehensions about the grave risks of *not* having at least a measure of defense in the next decade. A light attack ("thin") defense has been estimated to cost perhaps $4 billion and could be modified or superseded by new technology. Such a defense would serve several purposes: it would at once restore strategic balance and reassure the Russians that the U.S. is not obsessed with the offense and tempted to strike first; it would cope with the accidental firing of a missile; it would counter the threat expected from Red China until well into the late 1970's; and it could help check the recent estrangement from our European and Asian allies by enhancing the credibility of our promise to defend them. Should the Soviet threat become more extreme, NATO might be rebuilt around a sharing of defensive nuclear weapons.

Perhaps most significant of all, the deployment of a limited Nike-X defense system, combined with the vigorous pursuit of an improved ABM, would signal the Soviet Union that the U.S. has not, after all, misunderstood the dynamic force of technology. The American will to lead the technological race and to maintain superiority is the most enduring deterrent.

FEDERAL RESEARCH PROGRAMS IN FIELDS OF THE DISADVANTAGED AND HANDICAPPED

Mr. MORSE. Mr. President, the Office of Education recently put forth a report listing the principal research programs in the fields of the disadvantaged and the handicapped.

Because the report contains, in short compass, the essential facts which would be helpful to researchers seeking funding for programs, I feel that it can be of great interest to my colleagues and for that reason I ask unanimous consent that the report to which I have alluded be printed at this point in my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

FEDERAL RESEARCH PROGRAMS IN FIELDS OF THE DISADVANTAGED AND HANDICAPPED

(Prepared by the Information Center Office of Programs for the Disadvantaged U.S. Office of Education, Department of Health, Education, and Welfare, Feb. 10, 1967)

PREFACE

The Department of Health, Education, and Welfare, the Office of Economic Opportunity, and the Department of Labor support a wide range of research and demonstration programs in fields of the disadvantaged and handicapped. State agencies, private and public institutions of higher education, other organizations, and interested individuals may be eligible to receive grants or contracts. Because of the variety of research and dissemination projects in fields of the disadvantaged and handicapped and similarity in program objectives, the Office of Programs for the Disadvantaged believed that it would be useful to program administrators and interested applicants to compile a list of these research programs describing purpose, program focus, fiscal year 1967 priorities, as well as other information. The listing is intended to inform program administrators of the existence of other on-going research programs with similar interests. The compilation serves several purposes. It may be used as a guide for program administrators to refer research proposals which they may not be able to fund, to another program. It may indicate to program officials of certain identities or focal points among research programs such as growing interest in juvenile delinquency. It may be used to help inform applicants of the different kinds of research programs that exist in fields of the disadvantaged and handicapped and aid them in applying to a program suited to their goals and interests.

The research programs listed have been selected because of their special relationship to the disadvantaged and handicapped. This list will be modified, revised or supplemented as additional information on research programs in these fields becomes available.

REGINA GOFF,
Assistant Commissioner.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE OF EDUCATION

Research programs of the Office of Education are administered by the Bureau of Research. The Bureau receives proposals from colleges, universities, private profit and nonprofit organizations, State educational agencies, and individuals for research and research-related projects and programs. Proposals are evaluated by Bureau staff and by field readers and consultants outside the Office of Education. After approval by the Commissioner, a grant or contract is negotiated and awarded. Projects are monitored by the Bureau of Research.

The following programs administered by the Bureau of Research are particularly pertinent to the disadvantaged and handicapped:

Research, surveys, and demonstration

Purpose.—To support research into the process and content of education and to devise new applications of this research.

Who May Apply.—Universities and colleges, other public or private agencies (profit or nonprofit), institutions, organizations, and individuals.

Project Deadlines.—No deadlines.

Matching of Federal Funds.—Some matching of Federal funds may be required.

Program Focus.—The program supports basic educational research, research in curriculum development for all levels of education from pre-school through adult education and for all subject areas and maintains research and development centers at different universities.

Fiscal Year 1967 Priorities.—Educational research projects are grouped under several inter-related headings, basic research, curriculum improvement, and developmental activities. Basic research projects are concerned with the development and strengthening of educational theory and obtaining a greater understanding of the fundamental processes of education. Items in need of extensive basic research include learning theory, guidance and counseling, measurement and evaluation, administration, teacher education, curriculum development, originality, and analysis of the consequences of alternative material, programs, and strategies, old and new.

Curriculum improvement projects are needed to provide a wide selection of curricula to meet the challenge of providing optimal educational opportunities, and to develop methods and materials that encourage student initiative and self-directed learning as a basis for continuous learning throughout life.

Developmental activities projects supply research needed in a particular area. Projects may include the synthesizing of known research evidence, planning new research tactics in problem areas of national concern, and conducting exploratory work in relatively under-developed areas.

For Information and Guidelines, Contact.—Bureau of Research, U.S. Office of Education, Washington, D.C. 20202.

Authority.—The Cooperative Research Act as Amended.

Educational media research

1. Research and Experimentation

Purpose.—To promote research and experimentation in the development and evaluation of projects involving television, radio, motion pictures, printed and published materials, and related media of communications.

Who May Apply.—Public or nonprofit private agencies, organizations, and individuals for projects of research or experimentation.

Project Deadlines.—No deadlines. Applications for small grants are accepted throughout the year. Funds requested for small grants may not exceed $7500 plus indirect costs.

Matching of Federal Funds.—Some matching of funds may be required.

Program Focus.—Educational Media Research directs its objective around three main areas: (1) the application of new communications media for improved instruction in all subject areas and grade levels, (2) studies on the design and usages for the wider application of media for teaching, and (3) development of procedures and materials for the training of teachers in the more effective use of new communications media. In fields of the disadvantaged and handicapped, media research has supported projects on the mentally retarded, speech and hearing impaired, deaf and blind children, and the emotionally disturbed.

Fiscal Year 1967 Priorities.—Priorities will be given to projects on programmatic research for guidelines to improve production and design of instructional media, improved uses of new media in teacher education, the design and use of new media to assist in retraining potential drop-outs, the use of new media in more effective instruction of mental retardates, and the design and use of new media for creatively gifted children. Other priorities for FY 1967 will concern the support of research grants in which applicants will utilize basic research findings in media for improved teaching techniques in their own classroom instruction. Another focus will be on supporting small grants for pilot or exploratory studies to identify areas for extended media research efforts.

For Information and Guidelines, Contact.—Bureau of Research, U.S. Office of Education, Washington, D.C. 20202.

Authority.—National Defense Education, Act of 1958 as amended.

2. Dissemination

Purpose.—To disseminate information concerning new educational media including the results of research and experimentation conducted above.

Who May Apply.—Public or private agencies, organizations, groups, or individuals.

Project Deadlines.—No deadlines. Applications for small grants are accepted throughout the year. Funds requested for small grants may not exceed $7500 plus indirect costs.

Matching of Federal Funds.—Some matching of funds may be required.

Program Focus.—Dissemination is concerned with the wide spectrum of translating media research into practical use. Included in the award of contracts are the setting up of conferences, seminars, or workshops designed to give instruction on the usages of various media, compilations of selected bibliographies, demonstrations on the utilization of media in the classroom, surveys on the implementing of research findings for educational purposes.

Fiscal Year 1967 Priorities.—Specific emphasis will be given to (1) identifying the critical elements affecting the adoption and use of newer educational media by schools and by State departments of education, (2) implementing research findings through support of demonstration activities, (3) determining the needs for media research in critical areas such as education of the disadvantaged and vocational education, and (4) developing a national educational media statistics program to compile accurate and comprehensive data.

For Information and Guidelines, Contact.—Bureau of Research, U.S. Office of Education, Washington, D.C. 20202.

Authority.—National Defense Education Act of 1958 as amended.

Research and demonstration in the education of handicapped children

Purpose.—(1) To translate findings of research from the social and behavioral sciences into practical applications for the education of handicapped children and youth;

(2) To generate programs and procedures for classroom teachers and educational specialists which will make full use of known facts, ideas, and theories; and

(3) To improve the education of handicapped children and youth through innovations in various learning situations as well as in classrooms procedures, methods, and materials.

Who May Apply.—State or local educational agencies, public and nonprofit institutions of higher learning, and other public or non-profit private educational or research agencies and organizations.

Project Deadlines.—No deadlines.

Matching of Federal Funds.—Local participation required.

Program Focus.—The Research and Demonstration Program is concerned with two significant problems—the drastic need for improved services for handicapped children, and the severely limited national resources for meeting these needs. Its objective is to develop effective remedial techniques, classroom procedures, new methods of instruction, special materials, and appropriate curricula, and to translate research findings into practical application. Categories of handicapped specified in the legislation are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled or otherwise health impaired. There are two types of grants concerning research and demonstration: (1) The program grant provides for thorough investigation of a problem area over a number of years. Grants will be awarded to experienced researchers who have demonstrated competence in a particular area of study, (2) The project grant encompasses all other applications.

Research and demonstration are distinguished by the following: Research projects should be designed to develop knowledge which is directly applicable to various learning situations and which will have an impact on educational programs for the handicapped child and youth. These projects should include investigations into problems and procedures of classroom practice and program operation. Studies undertaken to isolate variables and to raise questions are as acceptable as those designed to find answers. Projects need not be limited to conventional categories such as mental retardation, deaf, etc., but may consider basic concepts which cut across areas of disability.

Demonstration projects should be designed to translate research, results, sound observations, and ideas into operation by demonstrating new programs, procedures, classroom methods, and materials for the education of handicapped children.

Research and demonstration projects may be supported under both general grant and small grant conditions. The general grant encompasses all applications where funds requested exceed $10,000.

Fiscal Year 1967 Priorities.—Research and demonstration grants are largely supported on a non-priority basis. Proposals are reviewed in terms of their potential educational significance to the handicapped. Two outstanding interests are the development and testing of educational materials related to teaching the handicapped, methods and curricula for improving the education of handicapped children and youth, and better techniques for studying the educational needs and problems of handicapped children and youth.

The staff of the research and demonstration program and its consultants play a major role in stimulating individual projects and providing continuing leadership in the area of research and demonstration in the education of handicapped children and youth.

For Information and Guidelines, Contact.—Handicapped Children and Youth Branch, Bureau of the Handicapped, U.S. Office of Education, Washington, D.C. 20202.

Authority.—Mental Retardation Facilities Act as amended by P.L. 88-164 and P.L. 89-105.

Vocational Research and special projects activities

Purpose.—To support a broad spectrum of research and development programs designed to help present and prospective members of the labor force acquire the basic knowledge, skills, and personal characteristics necessary to insure continuing and satisfactory work careers.

Who May Apply.—Colleges and universities, other public or nonprofit agencies and institutions, State departments of education, and local educational agencies (with concurrence of the State board for vocational education).

Project Deadlines.—No deadlines. Proposals are accepted throughout the year.

Matching of Federal Funds.—Some matching of Federal funds may be required.

Program Focus.—Projects deal with preparation for any occupation requiring less than a bachelor's degree and with adult and continuing education. Vocational research activities seek to strengthen vocational education capabilities at every level. Of special interest are projects to meet the vocational needs of youth from economically depressed communities who have academic, socioeconomic, or other handicaps preventing them from succeeding in the regular vocational education programs.

Fiscal Year 1967 Priorities.—Highest priority will be given to proposals for short-term training programs up to ten weeks in duration. Proposals may be submitted for conferences, workshops, and seminars of shorter duration, but participant subsistence support in excess of ten weeks or long range stipends or fellowships are not authorized under present legislation. Training programs should be designed to provide qualified participants with advanced study that will be of immediate use to them in their teaching and professional activities. Where relevant or applicable, instruction in new educational methods, media, and materials should be included in training programs. In addition, results of research conducted under Section 4(c) of the Vocational Education Act of 1963, as well as other research findings, should be included where appropriate.

Seven areas of special emphasis have also been selected for priority attention during 1967. They are: (1) program evaluation, (2) curriculum experimentation and development, (3) personal and social significance of work, (4) personnel recruitment and development, (5) program organization and administration, (6) adult education, and (7) occupational and other manpower information and career choice processes.

For Information and Guidelines, Contact.—Division of Adult and Vocational Research, Bureau of Research, U.S. Office of Education, Washington, D.C. 20202.

Authority.—The Vocational Education Act of 1963.

OFFICE OF THE COMMISSIONER OF WELFARE

Cooperative research and demonstration grants program

Purpose.—To support research in three main areas of social concern:

Prevention and reduction of poverty and dependency;

Effecting improved coordination of public and private welfare services; and

Improvements in the efficiency and effectiveness of the administration of public welfare and social security programs.

Who May Apply.—States and public and other non-profit organizations.

Application Deadlines.—January 15, June 1, and October 1 for projects to begin no earlier than June 1, November 1, and March 1, respectively.

Matching of Federal Funds.—Some matching of Federal funds required.

Program Focus.—The program is administered jointly by Welfare Administration in cooperation with the Social Security Administration and serves the research interests of both agencies; 70% of funds are allocated to the Welfare Administration and 30% to the Social Security Administration. Research and demonstration projects are supported in the following areas:

1. Studies of organization, administration, and effectiveness of social welfare programs;
2. Studies of economic status, income, and economic security; and
3. Studies of the organization of health and medical services.

Fiscal Year 1967 Priorities.—Interest is in research projects that bear very directly on the program goals and priorities of the Welfare and Social Security Administrations. In particular, topics such as the impact of amendments to the Social Security Act relating to medical assistance to determine the degree to which new services meet existing and anticipated needs and to assess the impact of new programs on social welfare organizations, personnel, and those being served. A second area of concern is the measurement of the cost and effectiveness of existing programs and the ways in which modifications in existing practices can increase returns per dollar expended. A third area of high priority is research to identify the populations with a high risk of becoming economically dependent and to isolate the factors leading to reliance on public assistance.

Specific Interests of the Welfare Administration

1. Tests of the effectiveness of provisions of the Amendment to the Social Security Act which permit increased rehabilitation services to prevent dependency and to encourage self-support.
2. Studies of the causes of dependency and factors related to paths into and out of dependency and the identification of groups having a high risk of becoming dependent.
3. Research on the needs of public assistance families and the degree to which needs are met by present levels of support and kinds of welfare services provided.
4. Projects leading to the development of tested alternative uses of professionally-trained manpower, agency-trained manpower, and non-professionals with various levels of training.
5. Development of evaluation techniques and standardized procedures for demonstration projects so that results can be made cumulative, can be generalized, and be made more useful.
6. More accurate measurements of unit costs of providing services and for evaluating different kinds of services.

In addition, a directed research program will be carried out under contract. The program will attempt to establish a basis for better defining program objectives and to provide improved means of evaluating how well present legislative authority and program policies are contributing toward accomplishing these objectives. The priority areas in the directed research program for the next years are a nation-wide study of family living conditions; a benchmark medical care services survey; a series of cost-effectiveness studies on crucial programs; and a follow-up of the medical care services survey to assess the effects of new medical assistance programs.

Specific Interest of the Social Security Administration

Focus will continue to be on studies related to the determinants and characteristics of poverty, particularly questions bearing on the adequacy of effectiveness of programs concerned with income maintenance and economic security. Examples of the kinds of studies and research that will be considered are as follows:

1. Comparative studies of the characteristics and life histories of OASDI beneficiaries and non-beneficiaries.
2. The impact of retirement programs and various retirement patterns and practices on income security.
3. Studies of aspects of medical care costs and hospital insurance, particularly as they affect OASDI beneficiaries, including such questions as the relation between costs and quality of care in nursing homes.
4. Exploratory studies of public knowledge of and attitudes toward various aspects of the OASDI program such as retirement tests, rate of contributions, scope of benefits, how to file for benefits, etc.
5. Studies of the consumption patterns and practices of aged persons and low income families, including studies of consumer behavior, credit practices, housing costs, medical expenditures in relation to income, and spending and saving patterns.
6. Cross-cultural studies related to the characteristics, causes and consequences of poverty and social insecurity.

For Information and Guidelines, Contact.—Research Grants Branch, Office of the Commissioner, Welfare Administration, U.S. Department of Health, Education, and Welfare, Washington, D.C., 20202.

Authority.—Section 1110 of the Social Security Act.

BUREAU OF FAMILY SERVICES, WELFARE ADMINISTRATION

Demonstration projects in public assistance

Purpose.—To help meet the State share of costs of demonstration projects that could be expected to contribute significantly to existing knowledge about kinds and scope of services or methods and techniques of work which enhance the agency's capacity to assist needy persons in solving problems that threaten the stability of family life and prevent persons from attaining self-support or self-care.

Who May Apply.—Grants are awarded only to State Departments of Public Welfare although such projects may be initiated by local public welfare agencies.

Project Deadlines.—No deadlines. Projects are accepted throughout the year.

Matching of Federal Funds.—Generally full Federal funding.

Program Focus.—Demonstration projects in public assistance are focused upon increasing the capacity of public welfare agencies to help needy families to achieve self-support or self-care, or to maintain and strengthen family life. Demonstrations may involve innovations in public welfare administration, eligibility determination, social services and training of staff. In order to gain approval, a project must be new—at least to the State which is applying—and it must offer good promise of being incorporated into the regular agency program upon completion of the trial period.

The widespread concern for the fate of school dropouts—youngsters ill-prepared for a job world that demands a high degree of literacy and skill—has led to the approval of a number of applications for grants to finance "back to school" and "stay-in-school" measures. One such demonstration offers money for incidental school expenses, such as clothing, books, and normal recreational school-connected activities. Another offers work-scholarships to high school students. The object of these demonstrations is to learn whether these methods are effective in promoting regular attendance and satisfactory school progress.

At the other end of the life span, the aged, because of the great advances in medicine, comprise an increasingly larger proportion of the population. One project aims to identify the needs of these often deprived individuals and then to determine how best to coordinate and expand the services offered them.

Men and their families who have suffered the tragedies of unemployment for long periods of time make up a third group on which attention has been centered.

Fiscal Year 1967 Priorities.—A number of "model" projects have been outlined: (1) Consultants will be hired to serve in the areas of aging, recruitment of staff, planning for community services, and mental retardation; they will survey needs and services, encourage local public welfare agencies to focus attention upon areas of special concern, help to coordinate public and voluntary efforts, give staff assistance to local and State agencies, develop guidelines, and stimulate new services that can be introduced either on a statewide or on a demonstration basis. (2) New patterns of social service will be developed to aid young men rejected for military service, (3) Homemaker services will be expanded.

For Information and Guidelines, Contact.—Demonstration Projects, Bureau of Family Services, Welfare Administration, Department of Health, Education, and Welfare.

Authority.—The Social Security Act as amended.

CHILDREN'S BUREAU, WELFARE ADMINISTRATION

Child welfare research and demonstration grants

Purpose.—To provide grants for research and demonstration projects in the field of child welfare which are of regional or national significance and show promise of substantial contribution to the advancement of child welfare.

Who May Apply.—Institutions of higher learning, public and non-profit agencies engaged in child welfare services.

Project Deadlines.—March 1, July 1, November 1.

Matching of Federal Funds.—Cost-sharing is required.

Program Focus.—Grants made to support research or demonstrations in such areas as: protective services for neglected and abused children; adoption; foster care; services for mentally retarded children; child welfare services in urban or rural areas; juvenile delinquency; manpower utilization; day care services; and services for unmarried mothers.

Fiscal Year 1967 Priorities.—Focus is on needs and services to unwed mothers and their children, studies in child welfare management, such as cost-benefit studies, care for infants and very young children, and studies concerned with the special problems of providing services in large metropolitan areas.

For Information and Guidelines, Contact.—Research Division, Children's Bureau, Welfare Administration, U.S. Department of Health, Education, and Welfare, HEW Building, North, Washington, D.C. 20201.

Authority.—Social Security Amendments of 1960 as amended.

Maternal and child health and crippled children's services research grants

Purpose.—To help improve the operation, functioning, and effectiveness of maternal and child health and crippled children's services.

Who May Apply.—Public or other nonprofit institutions of higher learning and public or other nonprofit agencies or organizations engaged in research or in providing maternal and child health or crippled children's services.

Project Deadlines.—March 1, August 1, December 1.

Matching of Federal Funds.—Cost-sharing is required.

Program Focus.—Support may be authorized for studies of costs, outcome, and effectiveness of present services and administrative arrangements as well as for studies of new methods of providing service, and utilization of non-professional manpower in health and medical services. Projects that give promise of providing additional knowledge bearing on the reduction of mental retardation through health services are given particular attention. Such investigations may range from those dealing with changes in obstetrical practices to those concerned with variations in the incidence of infant mortality and premature births among regions, States cities, or census tracts. Relevant also would be detailed studies of infant and young-child care in the slum areas of large metropolitan areas, for it is possible that a considerable amount of apparent mental retardation is due to inadequate physical and social stimulation. Evaluation of programs aimed at improving child care in these respects is another pertinent topic.

Fiscal Year 1967 Priorities.—In the broad fields of maternal and child health and crippled children's services, research is needed to find answers to such questions as: What is the health status of mothers and children in families with very little income? What are the major factors accounting for parents' failure to make full use of available maternal and child health facilities and services? How many children in need of congenital heart operations are not receiving them? How well are recently enacted "abused child" statutes operating? To what extent can child abuse be predicted as a result of concerns expressed by parents during visits to clinics? During fiscal year 1967, the plan is to develop research potential and interest in selected departments of obstetrics and gynecology, as well as expand the research effort of the local health departments. Of critical importance is the development of national studies relating to the nutritional status of children and youth. Equally important are similar studies relating to pregnant women. With the expansion of family planning services, evaluation studies concerned with continuity, availability, and utilization are of high priority.

For Information and Guidelines, Contact.—Research Division, Children's Bureau, HEW Building, North Washington, D.C. 20201.

Authority.—The Social Security Act as amended by the Social Security Amendments of 1965.

WELFARE ADMINISTRATION—OFFICE OF JUVENILE DELINQUENCY AND YOUTH DEVELOPMENT

Special demonstration grants

Purpose.—To provide Federal assistance for short-term experimental programs which may lead to the development of new techniques and approaches to the prevention, treatment, and control of juvenile delinquency.

Who May Apply.—Any State, local, or other public or non-profit incorporated agency or organization—such as courts, schools and universities, law enforcement agencies, citizen groups, community councils, correctional institutions, community centers, and other youth-serving agencies.

Project Deadlines.—Applications may be submitted at any time.

Matching of Federal Funds.—No matching funds are required.

Program Focus.—Support for innovative projects which appear to have potential for wider adaptation and which deal with the social conditions that produce delinquency and antisocial behavior.

In general, the Office of Juvenile Delinquency and Youth Development seeks to support programs that offer direct service to youth, focusing on three basic areas:

1. Programs which enable youth to make decisions and affect conditions which are of direct concern to them.
2. Programs designed to modify the functions of institutions which affect youth.
3. Programs providing for community involvement which seek to develop new concepts and community competence for dealing with problems of youth.

Four principal target groups are being served by the special demonstration projects:

1. Youth who have come to the attention of law enforcement agencies or the courts as a result of delinquent activities.
2. Youth who are involved in activities that have potential for bringing them to the attention of police or the courts.
3. Youth who have not been served effectively by social educational, or treatment agencies.
4. Youth in any of the above categories who are members of groups with whom more experience is needed. Among these: minority groups; rural, suburban, or smalltown delinquents; female offenders; narcotics addicts.

Special demonstration projects may also be designed to include components for working with families and other individuals and organizations having a significant influence on youth.

While each special demonstration project provides a specific single service, collectively they total a wide-range approach for dealing with youth problems. No two projects are alike in method and approach, although they may be similar in their intent.

Projects have included programs to improve inter-ethnic relations in high delinquency neighborhoods; rehabilitation of youthful drug addicts; testing of new treatment techniques for young glue sniffers; special educational programs for potential school dropouts and youth in conflict with school authorities; remedial educational programs for institutionalized youth; counseling and therapy programs as an alternative to incarcerating youth who commit antisocial acts; and programs designed to improve police-youth relations.

In addition to offering a promise of truly experimental approaches for dealing with the problems of youth, all projects must include a plan for evaluation so that results can benefit other agencies and institutions.

For Information and Guidelines, Contact.—Office of Juvenile Delinquency and Youth Development, Welfare Administration, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20201.

Authority.—Juvenile Delinquency and Youth Offenses Control Act of 1961 as amended.

VOCATIONAL REHABILITATION ADMINISTRATION

Vocational rehabilitation research and demonstration grants

Purpose.—To discover and develop new facts, principles, practices, and devices basic to successful rehabilitation of the disabled; to use such knowledge and devices to help solve vocational rehabilitation problems common to all or several States, and to improve the quality and quantity of rehabilitations achieved.

Who May Apply.—State vocational rehabilitation agencies, other public agencies, educational institutions, and other non-profit organizations.

Project Deadlines.—Proposals are only reviewed three times a year—February, May, and October. Deadlines for submission of applications are as follows: for February, October 1; for May, February 1; for October, June 1.

Matching of Federal Funds.—Some matching of Federal funds is required.

Program Focus.—Types of grants available under this program are: (1) Research projects which are intended to contribute new knowledge, principles, techniques, or devices to the field; (2) demonstration projects which apply the results derived from previous research or practice for the purpose of developing and evaluating the effectiveness of new rehabilitation procedures; (3) planning (pilot) grants to determine the feasibility of a full-scale project.

Research Projects.—Interest is on projects contributing to the understanding of emotional or physiological processes which are basic to the successful outcome of rehabilitation. Projects may be concerned with the learning of language by the deaf, the development of social roles in ex-mental patients, or the metabolism and physiopathology in paraplegia. Projects may lead to better methods of evaluating patients, improved counseling, training or therapy. Studies may lead to new devices such as a method of braille embossing or a new type of prosthesis.

Support may be provided not only to projects focused on a single specific problem, but also to programmatic projects in which several component investigations are centered around a single core area, such as the behavioral aspects of deafness.

Demonstration Projects.—Criteria for a demonstration are: (1) the type of service proposed is new or is used in a hitherto unexplored setting; (2) the procedure is generalizable and applicable to other similar settings; (3) the procedure proposed is shown to be not only new but desirable, and (4) the project plan provides for systematic evaluation of the effectiveness of the proposed procedure.

A demonstration may take the form not only of field testing of a new technique within a single setting, but also may evaluate methods of mobilizing community agencies in their attack on a problem such as may be involved in mental retardation or aging, studying methods of coordinating different services for greatest effectiveness.

Planning (Pilot) Grants.—Support is provided for pilot projects of modest size to determine feasibility or form of a larger research or demonstration which cannot be structured without such preliminary work. Requests for $15,000 or less, to be used over a period of one year or less, may be acted on administratively by the Commissioner of Vocational Rehabilitation; those for more than $15,000 must undergo the review noted above.

Fiscal Year 1967 Priorities.—In general, focus is on all the problems and disabilities encompassed in the rehabilitation field. There will be several approaches in order to achieve the goals set for the Research and Demonstration program in 1967:

(1) Collaborative Projects: VRA will continue to emphasize collaboratively supported research involving other HEW agencies. This will permit concentration in depth on the

vocational aspects of desirable projects it might not otherwise have the opportunity to sponsor.

(2) Prosthetics and Orthotics: The potential for eliminating vocational handicaps through the development of prosthetic and orthotic devices by medical specialists and engineers in close cooperation is already proving to be very great. The application of biomedical engineering to the problems of amputees and victims of paralysis of the extremities has produced considerable improvement in the types of appliances and devices available. These goals will continue to receive strong emphasis.

(3) Satellite Projects: Emphasis will be upon further research and demonstration projects on a satellite basis. This approach has been successfully worked out in larger urban centers where a workshop or a rehabilitation center has tested out the establishment of a smaller unit in out-lying sections of the community. During 1967 emphasis will be on the use of satellite centers closely related to the initial evaluation, counseling and training aspects of the larger unit. There will be the need to establish evaluative research design dealing with the most appropriate aspects which can indicate clearly the relationship with the State rehabilitation agency in increasing the number of rehabilitants through this type of satellite resources.

(4) Sheltered Workshop Research: With interest and development in the sheltered workshop fields due to new legislation in this regard, there will be emphasis on research and demonstration through projects concerned with production, labor relationships, and union contractual set-ups during 1967.

(5) Job Evaluation: The use of the community (small business and large industries) for the evaluation of the severely disabled will also be an objective in 1967.

Areas of research and demonstration in specific fields are (1) rehabilitation of mental retardates, (2) mental and personality disorders, (3) rehabilitation of deaf people, (4) speech and hearing disorders, (5) rehabilitation of blind people, (6) rehabilitation medicine, (7) older persons and others with chronic and severe disabilities, (8) counseling and evaluation, (9) new patterns of service, (10) experimental facilities, (11) prosthetics and orthotics, and (12) special concerns, such as use of indigenous aides and sub-professional workers, and utilization of research results.

For Information and Guidelines, Contact.—Division of Research Grants and Demonstrations, Vocational Rehabilitation Administration, Department of Health, Education, and Welfare, Washington, D.C. 20202.

Authority.—Vocational Rehabiltation Act of 1954 as amended.

NATIONAL INSTITUTE OF MENTAL HEALTH

Applied research grants

Purpose.—To support experiments, demonstrations, and studies designed to develop knowledge toward the point where it may be utilized in extending mental health services.

Who May Apply.—Applications are accepted from regional, State, and local agencies (public or private), institutions, universities, and laboratories. Among these groups are:

State and Local Departments of Mental Health, Public Health, Education, and Welfare;

State institutions for mentally retarded;

State mental health hospitals;

Mental health clinics and rehabilitation centers;

General hospitals;

Universities and other educational institutions;

Professional organizations; and

Voluntary health and welfare agencies.

Project Deadlines.—February 1, June 1, and October 1 for all proposals.

Matching of Federal Funds.—No matching of Federal funds is required.

Program Focus.—Especially emphasized in the program are solutions to problems in extending mental health services. This emphasis includes not only the improvement in the delivery of traditional services under special circumstances, but the development of new service techniques.

Projects deal with approaches that are new in the broad field of mental health; Applied Research Grants are not extended for local demonstration of techniques that have been proved elsewhere. An essential feature of all projects is an evaluation that will warrant a sound conclusion regarding the relevance of the project results to the solution of a mental health problem.

Topically, projects span the range of mental health-related concerns, including improved methods of care, treatment, and rehabilitation of the mentally ill; prevention of mental illness; mental health-related problems of aging, mental retardation, and other handicapping conditions; problems of children and youth; crime and delinquency; and social problems.

Fiscal Year 1967 Priorities.—Emphasis will continue on: (1) problems related to prevention of mental illness and to the care and rehabilitation of patients in hospitals, alternate care facilities, and community programs; (2) mental health problems of children and youth; (3) delinquent behavior; (4) mental health aspects of social problems including poverty, race relations, group violence, sexual deviation, family disruption, etc.; (5) problems in the organization and evaluation of mental health services; and (6) mental health problems of special handicapped groups including the aged, the mentally retarded, and the physically handicapped. (The above emphases are not necessarily listed in order of priority.)

For Information and Guidelines, Contact.—Applied Research Branch, Extramural Research Programs, National Institute of Mental Health, Bethesda, Maryland 20014.

Authority.—National Mental Health Act of 1946 and the Health Amendments Act of 1956.

Mental health research grants

Purpose.—To support clinical and basic research including the basic behavioral sciences, with the objective of a better understanding of the factors which are involved in the causes and prevention of mental illness, and the ways in which these can be altered to improve mental health and the treatment of the mentally ill.

Who May Apply.—State and local mental health agencies, universities, medical schools, hospitals, laboratories, and other similar facilities.

Project Deadlines.—October 1, February 1, and June 1.

Matching of Federal Funds.—No matching required, but the applicant institution is expected to share in the overall costs of the research.

Program Focus.—Research may be basic or applied, clinical or non-clinical, and investigating the normal as well as the abnormal aspects of behavior relevant to mental health. The focus may be on biological, social, or psychological factors, alone or in combination. Grants support such studies as:

Biochemical factors in schizophrenia;

The process of psychotherapy;

Epidemiology of Mental Illness;

Improved Diagnostic Methods;

Role of psychoactive drugs in the cause and treatment of the mental illnesses;

Influence of childhood development and family patterns on personality growth;

Impact of social structure on individual behavior;

Biological and psychological processes in memory perception and learning; and

Research in social problem areas is supported by the Applied Research program, described separately.

Fiscal Year 1967 Priorities.—Special emphasis will be devoted to the following areas: (1) Problems of alcoholism and narcotic or drug abuse; (2) Suicide prevention; (3) The development and evaluation of psychoactive drugs; (4) Cultural deprivation; (5) Clinical studies; (6) Mental health of children and youth; (7) Delinquency and crime; (8) Schizophrenia. Of special relevance are studies which will contribute basic or applied knowledge to: (1) early identification and diagnosis, and (2) treatment.

For Information and Guidelines, Contact.—Division of Extramural Research Programs, National Institute of Mental Health, Bethesda, Maryland 20014.

Authority.—National Mental Health Act of 1946.

OFFICE OF ECONOMIC OPPORTUNITY—COMMUNITY ACTION PROGRAM

Research and demonstration grants and contracts

Purpose.—To finance and evaluate novel and experimental approaches that give promise of increasing the effectiveness of local anti-poverty actions.

Who May Apply.—Institutions of higher education or other public agencies or private organizations.

Project Deadlines.—No deadlines. Proposals are accepted throughout the year.

Matching of Federal Funds.—Minimum of 5 percent matching fund is required.

Program Focus.—A demonstration program must focus on the needs of low-income families and individuals. The program must give promise of progress towards eliminating poverty in the community or towards eliminating one of the underlying causes of poverty. Possibilities for demonstrations are projects on developing employment opportunities, improving human performance, motivation and productivity, or bettering the conditions under which people live, learn and work.

Fiscal Year 1967 Priorities.—Demonstration grants and contracts are largely supported on a priority basis. Proposals are reviewed in terms of the potential significance to low-income populations. The staff of the research and demonstration grants and contracts program and its consultants provide leadership and direction in stimulating projects and giving assistance to those that are receiving support.

For Information and Guidelines, Contact.—Research and Demonstration Division, Community Action Program, Office of Economic Opportunity, Executive Office of the President, Washington, D.C. 20506.

Authority.—The Economic Opportunity Act of 1964 as amended.

U.S. DEPARTMENT OF LABOR, MANPOWER ADMINISTRATION, OFFICE OF MANPOWER POLICY, EVALUATION, AND RESEARCH

Contractual and grant research program

Purpose.—To provide support for manpower studies in the broad areas of manpower resources, requirements, development, utilization, mobility, automation and technological change, in order to provide information for the development of informed and responsive manpower policies and programs.

Among the areas of concern specifically related to the disadvantaged and handicapped are persons with special or unique problems of employment who are in the labor force or preparing to enter or return to the labor force, e.g., the mentally restored, the mentally retarded, physically handicapped, juvenile delinquents, persons with a prison record, and ethnic groups with special employment problems.

Research support is administered through:

(a) A contractual research program;

(b) A grant research program in support of dissertations by doctoral candidates;

(c) A grant research program for non-profit groups to support research projects or research related activities in the manpower field. This program emphasizes the exploration of new fields and new methods of approach, and pilot studies; and

(d) An institutional grant program which is supporting seven academic institutions in the development of long-range research programs in the manpower field.*

Who May Apply.—(a) *Under the contractual research program,* academic institutions, State and local government organizations and other organizations and individuals from all the social science disciplines with research capabilities in the manpower area; (b) *Under the grant research program for doctoral dissertations,* grants are made to universities in behalf of doctoral candidates seeking degrees related to the manpower field (such as economics, sociology, psychology, education, and the behavioral sciences generally); and (c) *Under the grant research program for non-profit groups,* grants are made to public and private non-profit academic institutions and research organizations and individuals associated with such institutions or organizations.

Project Deadlines.—None for contractual research. For grant research proposals, January 1, April 1, July 1, and October 1.

Matching of Federal Funds.—None for contractual research. For grant research, the grantee must make a contribution to the project of more than a token amount.

Program Focus.—Experience in the job market, the broadening of job opportunities, investigation of special job development and job placement programs, the improvement of institutional resources to facilitate employment, all related to labor force groups with special and unique problems of employment.

For Information and Guidelines, contact.—Director, Office of Manpower Policy, Evaluation and Research, Manpower Administration, U.S. Department of Labor, Washington, D.C. 20210.

Authority.—The Manpower Development and Training Act of 1962, as amended.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

AMENDMENT OF U.S. INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The Legislative Clerk. A bill (S. 1030) to amend further section 1011 of the U.S. Information and Educational Exchange Act of 1948, as amended.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, notwithstanding the previous order under which the distinguished senior Senator from New Hampshire [Mr. Cotton] was to be permitted to address the Senate briefly following the close of morning business, I ask unanimous consent that there be a brief quorum call for the purpose of alerting Senators to the fact that the unfinished business has been laid before the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROVISION FOR INVESTIGATION AND STUDY OF A SITE FOR THE CONSTRUCTION OF A SEA-LEVEL CANAL CONNECTING THE ATLANTIC AND PACIFIC OCEANS

The ACTING PRESIDENT pro tempore. In accordance with the previous unanimous-consent agreement, the Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, the Senate Committee on Commerce reported to the Senate S. 1566, a bill to amend sections 3 and 4 of the act approved September 22, 1964, providing for an investigation and study to determine a site for the construction of a sea-level canal connecting the Atlantic and Pacific Oceans.

The bill reported by the committee was acted upon a few minutes ago on the calendar.

The Commission dealing with this study asked to have its time extended 2½ years and to have authorization for $6.5 million in addition to the original appropriation for this purpose.

The Committee on Commerce considered this request. Hearings were held and very ably conducted by the distinguished Senator from Alaska [Mr. Bartlett], who is not now present, although he knows I am speaking on this subject. He is at the moment conducting hearings and may join us later.

The Commerce Committee in executive session considered this measure and, while it decided to extend the time for this Commission 2½ years, it unanimously decided to authorize only $4.5 million instead of the $6.5 million asked for with the idea that if that should be used up and more authorization should be necessary, it might be well to have the Commission come back and ask for it.

Mr. President, the reason why I am taking a few minutes to address the Senate is that I believe certain observations in the public interest should be made coincident with the passage of the bill extending the time of the Commission and authorizing additional funds. I should like, in capsule form, to recapitulate, and to remind the Senate and the country of the history of the situation as regards the control of the Panama Canal.

The basic agreement relative to the Panama Canal is still the Hay Bunau-Varilla Treaty of November 3, 1903, which granted to the United States, "in perpetuity," the "use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation and protection" of the Panama Canal, as if the United States were the "sovereign" of that territory.

The Hull-Alfaro Treaty, signed March 2, 1936, and ratified by the U.S. Senate on July 25, 1939, raised the U.S. annuity payments to Panama from $250,000 to $430,000 annually, renounced the 1903 treaty provisions that made Panama a protectorate of the United States, renounced the U.S. right to maintain public order in Panama outside the Canal Zone, renounced the U.S. right of eminent domain for acquisition of property in Colon and Panama City for canal purposes, and renounced the U.S. right to build defense bases in Panama outside the 10-mile Canal Zone.

The Eisenhower-Remon Treaty of 1955 increased annuity payments from $430,000 to $1.93 million yearly, and gave Panama land and other properties.

In 1958 and 1959, mobs demonstrated and rioted in Panama for sovereignty over the canal, pulled down American flags, and planted Panamanian flags. Our State Department attempted to appease them by ordering the U.S. Embassy personnel in Panama to curtail the flying of the American flag and by announcing that Panama does have "titular sovereignty" over the Panama Canal Zone.

Despite congressional anger, President Eisenhower, in September 1960, ordered the flag of Panama to be flown in key places in the Canal Zone to demonstrate Panama's titular sovereignty."

On June 15, 1962, President Kennedy and President Chiari of Panama signed a secret agreement to renegotiate the 1903 treaty.

On October 29, 1962, President Kennedy ordered the raising of the Panamanian flag at the American Canal Zone administration building.

On November 5, 1963, the City Council of Panama City held an official council meeting on the steps of the U.S. District Courthouse in the Canal Zone.

In December 1963, the American Canal Zone Governor ordered that the American flag could no longer be flown at the District Courthouse or American schools in the Canal Zone.

On January 7, 1964, American students raised the flag at the Balboa High School. Mobs of Panamanians started rioting in protest, and the riots spread throughout Panama and the Canal Zone, resulting in 25 dead, some 300 injured, and immense property damage.

Finally, in December 1964, President Johnson, with election safely behind him, announced that the United States would negotiate a new treaty to recognize Panama's sovereignty over the Canal Zone. Thus began negotiations which are still going on. They now revolve around what would amount to three new treaties—one for continued operation of the existing lock canal, a second covering U.S. base rights and status of forces, and a third for the construction and operation of a sea-level canal. It seems to be generally conceded that despite a history of concessions on our part and insults and riots on theirs they will result in a large measure of sovereignty over the Canal Zone for Panama and, correspondingly, a reduction, to the very minimum of American sovereignty.

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*Funds currently available do not permit support of any additional institutions under this program.

Though areas other than Panama are under study as possible alternate routes for a sea-level canal, formal negotiations with nations other than Panama for sea-level canal treaty rights have not yet been undertaken—at least, that is my understanding, from the testimony before the Committee on Commerce by members of the commission.

At this point I should like to read into the RECORD a paragraph from the testimony before the Committee on Commerce by Mr. Raymond A. Hill, Commissioner of the Atlantic–Pacific Interoceanic Canal Study Commission. This evidence was given on May 22, 1967. The paragraph is entitled "Treaty Negotiations With Panama." Commissioner Hill said:

> Quite apart from the Canal Commission's activities, negotiations are being conducted with the Republic of Panama for three new treaties: one for the continued operation of the existing lock canal, a second covering a base rights and status of forces, and a third for the construction and operation of a sea-level canal. In Chairman Anderson's capacity as Special Representative of the United States for United States and Panama Relations and for canal treaty negotiations, he has been able to keep the Canal Commission informed of treaty matters affecting the sea-level study.

Mr. President, I would note here that Mr. Hill said he has been able to keep the Canal Commission informed. He does does not indicate that he has kept anyone else informed, including the Senate, the press, and the people.

I continue to read from this evidence:

> Formal negotiations with nations other than Panama for sea-level canal treaty rights have not yet been undertaken. Ultimately, these treaties will have a bearing in the evaluation of the alternate canal routes under investigation.

Mr. President, these negotiations, as the Senator from New Hampshire has already intimated, have been conducted in utmost secrecy. I do not necessarily criticize the conduct of these negotiations in utmost secrecy. Our relations with our hemispheric neighbors in Latin America are extremely important. The Senator from New Hampshire would be the last person to rise in this Chamber and make any inflammatory or prejudicial utterances which would make the task of maintaining our relations with our hemispheric neighbors more difficult for those to whom the conduct of these relations is entrusted.

However, I cannot refrain from indicating to the Senate some of the leaks from these negotiations which may or may not be accurate. Let there be no misunderstanding; they may not be accurate, all of them at least. However, they have been of such significance as to be published in the press and usually where there is smoke there is some fire.

Press reports regarding the Panama Canal negotiations indicate the following: These negotiations are being conducted under one of the "tightest security lids in history." The words "tightest security lids in history," is a quotation from an article:

> Leaks further indicate that the flag of Panama will probably fly throughout the zone. Some type of joint administration arrangement between Panama and the United States may well be worked out, but there will be no United States governor, as has been, and is now the case. And United States bases will continue in Panama, but they will fly the Panamanian flag and be under the nominal command of a Panamanian.

This suggests that the Republic of Panama desires American troops to continue to be present in the zone for protective purposes, but seems to be insisting that these troops be under the command of Panamanian officers.

Another press report, which purports to come from persons engaged in these negotiations, indicate that there is concern that if agreement is not reached soon a new "explosion" will occur such as that in 1964. It is slated that "Communists and other extremists have recently achieved disturbing new influence among Panamanian youth."

This certainly doesn't bode well for the present Panama canal's future, regardless of the outcome of negotiations, and it does not bode well for the future of any other canal we might construct in Panama.

Mr. President, the attention of the world has been directed most forcibly in the last 2 or 3 weeks to another canal, the Suez Canal, and to the necessity for it to be open to all nations of the world as a common waterway. The same is true, I submit, with respect to any canal which connects the Atlantic and Pacific Oceans. For approximately 60 years, under the control of the United States, the Panama Canal has been open except to antagonists in declared war. Furthermore, unlike the Suez Canal, the Panama Canal constitutes the only waterway whereby our ships, our naval and our supply ships, and all other kind of water traffic, can go from our east coast to our west coast for the proper defense and security of the United States. I would add that that security and defense is not limited to the United States. That means of defense is, in the opinion of this Senator, at least, just as precious and just as needful to Colombia or Venezuela or Peru, or to any and all or our hemispheric neighbors and friends, as it is necessary and needful to the United States. To be even temporarily deprived of that use, of that vital defense link, could be a catastrophe to them just as it would be a catastrophe to us, and probably in nearly equal proportions.

Mr. President, it has been the privilege of the Senator from New Hampshire to make several visits to the Panama Canal Zone. I have followed events in that area. I know of some disturbing incidents that have occurred in recent months. I know these incidents from firsthand knowledge that I will not repeat on the floor of the Senate, because, as I said earlier, I do not want to be guilty of making any kind of utterance that could be inflammatory or prejudicial to our relations with our hemispheric neighbors. However, Mr. President, from this and other evidence, from the evidence given from time to time to the Committee on Commerce by the Commission making this study, it seems to be quite obvious that it is going to be highly essential to have another canal, a sea-level canal connecting the Atlantic and Pacific Oceans, at some point, whether in Panama or in one of her neighboring countries.

Mr. President, that will be a costly project. It is whispered that there has been some delay because of the hope that the Atomic Energy Commission would come into the picture and present nuclear blasting could be resorted to in digging the canal. I am sure the Commission is studying that. It may be one of the reasons they have asked the Senate about extending their time and appropriation. But, in any event, it will be a costly canal. It should be open to all nations. It may well be that as time goes on, other nations can participate in its control and protection. But it will be years before a new canal is built and with the uncertain and delicate situation of world affairs at present, the Senator from New Hampshire wants to register in no uncertain terms his feeling that we should go very slowly, indeed, in relinquishing U.S. sovereignty over the existing Canal, which we paid for, and which, to maintain, we have been making, as I have indicated by the history of the treaties, constantly increasing payments to the Republic of Panama. We should go very slowly in surrendering our jurisdiction over a lifeline which is absolutely vital and indispensable for the protection and security of our country, as well as the security of every other country in the Western Hemisphere.

Mr. LAUSCHE. Mr. President, will the Senator from New Hampshire yield for a question?

Mr. COTTON. I am certainly happy to yield to the Senator from Ohio.

Mr. LAUSCHE. Observing the concern of the Senator from New Hampshire over the possibility of the U.S. Government's being thrown into a state of difficulty in the event operation and control of the Panama Canal should be surrendered to Panama by the United States, does the Senator have in mind that the United States and the people of the world might find themselves in the identical position of the Israelis when Nasser declared that the Suez Canal would be closed to all Israel ships?

Mr. COTTON. It certainly might find itself in that condition. I am endeavoring to be very careful, guarded, and restrained in my statement this morning. Thus, in fairness, let me say that we do not know that there is under consideration anything more than some joint control of the canal with Panama, under which our security would still be protected. I do not know how far these negotiations are going. As I have said, they are secret. But I would say to the distinguished Senator from Ohio, who is always most alert in these matters, and has been most alert during consideration in committee, that he is, in the opinion of the Senator from New Hampshire, 100 percent right. There is at least a possibility we might find ourselves, for the time being at least, and perhaps longer, deprived of our lifeline if we are not most cautious, in surrendering American sovereignty over it.

Mr. LAUSCHE. Yes. I concur with the Senator from New Hampshire in what he has just said. The question of using international waterways will become more acute as time goes on, like the acuteness of the problem that arose when Nasser barred Israel ships from using the Strait of Tiran and the Gulf of Aqaba, and also barred Israel ships from using the Suez Canal. That is indicative of what can happen.

Now, we own and operate the Panama Canal. It is open to ships of all the world. I doubt if it has ever been closed to any ships. In my judgment, the objective of our Government should be to insure permanent use of the Panama Canal and not to hinder its being used permanently by surrender of any kind of control that would place the operation and management of either the Panama Canal or the Suez Canal in any individual nation which did not guarantee free passage to innocent ships.

Sharing in the concern of the Senator from New Hampshire, what would be our plight in the event the Panama Canal came into other hands and we were barred from using it?

Mr. COTTON. It would be unthinkable that we would permit it to happen. That is one reason the Senator from New Hampshire has been calling the attention of the Senate to some of these matters coincidental with the passage of the measure to extend the time of the commission and authorize more money.

The only reason the Senator from New Hampshire has referred several times to the tight secrecy of negotiations going on is that the Senator from New Hampshire is fearful that, some time, perhaps not in the too distant future, the Senate may suddenly be confronted with a treaty, to accept or reject, without having sufficient foreknowledge. Of course, these negotiations have to be conducted in secrecy. The Senator from New Hampshire does not for an instant question that. We cannot have diplomatic negotiations about the Panama Canal, or on any other subject, emblazoned on the walls, or shouted from the housetops.

Perhaps the great Committee on Foreign Relations of the Senate may have more knowledge and is being kept up to date on these negotiations more than the rest of the Senate. The bill, however, was in the Commerce Committee and called for action on the part of the Commerce Committee. I feel that I am justified in expressing the hope the Senate will not be, at any time, suddenly confronted with a proposed treaty which would finally surrender, or nearly surrender, the sovereignty and control of this country over the Panama Canal. That canal is the only canal at present in existence, and the only canal that can be in existence for the rather lengthy period it will take to study and construct a sea-level canal.

And while it is not as urgent, the Senator from New Hampshire expresses the hope that if we are going to finance—as we certainly will—the construction of a sea-level canal, we see to it that this country retains sufficient control over that canal to prevent catastrophe occurring because of the shutting off of our lifeline and a highway of commerce for all nations.

Mr. President, one more word in general, and it is just as appropriate to the subject the Senator from New Hampshire has been discussing as to many other subjects which come before us. To resort to a somewhat slang expression, the Senator from New Hampshire is getting fed up to the eyebrows with the failure of our Government and its representatives to adequately and firmly assert our interests in dealing with the nations of the world. He is sick and tired of the almost apologetic attitude that the United States of America is taking day after day, week after week, month after month, when all kinds of charges and accusations are made against our country. I am not referring only to the war in Vietnam, but we are being labeled everywhere as seeking to dominate the world, as having imperialistic ambitions.

Mr. President, you know and I know, every Member of the Senate knows, and every government in this world, Communist, neutral, and friendly know, that this Nation has absolutely no territorial ambitions to establish its control over 1 square mile of territory anywhere. We know, and they know, regardless of their inflammatory propaganda, that we have poured out blood and treasure, and are doing it this very hour, for no other purpose than to preserve the freedom and to improve the lot of other people. There may be disagreement as to the wisdom of our course. But there cannot be disagreement on either side of the aisle, or anywhere in this country, as to the real purpose of our pouring out blood and treasure.

I read these charges. I hear them shouted. I hear them uttered by people in our own country, on the streets and on the picket lines. We go on week after week and month after month being charged with all these things. I do not feel that we are exercising all the powers we could exercise to meet propaganda with propaganda, and to meet false charges with the truth. I do not believe that our machinery for the dissemination of information about America and its aims is working as effectively as it should.

The Senator from New Hampshire does not want to see this country retreat into isolationism, but the Senator from New Hampshire does want to see this country assert its rights, and not by its silence continue to permit misinterpretation of its aims.

It is time for an "agonizing new appraisal" of our aid programs. The recent attitude of the Arab countries reemphasizes the need. No longer should every country in the world, friend, foe, or neutral assume that American dollars are theirs as a matter of right.

When it comes to the problem of an interoceanic canal, present or future, we are dealing with a problem that goes deep down into the roots of our own national safety. Every dollar we spend, and every firm stand we take to maintain control over the Panama Canal, or any other canal, is not only for the safety and security of the American people; it is for the safety and security of the people of every nation in the Western Hemisphere.

Therefore, the Senator from New Hampshire hopes that, as the Commission proceeds to spend this additional money which the Senate has authorized, and which the Appropriations Committees of the Congress will undoubtedly furnish, and as it continues to explore and negotiate as to the Panama Canal and a future sea-level canal, it will not come back to us with a treaty or a proposal that will hinder in any way the safety and security of the United States of America.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF U.S. INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948

The Senate resumed the consideration of the bill (S. 1030) to amend further section 1011 of the U.S. Information and Educational Exchange Act of 1948, as amended.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent—this has been cleared with the other side, and with the distinguished Senator from Louisiana [Mr. ELLENDER], and I hope with the manager of the bill, the distinguished Senator from Pennsylvania [Mr. CLARK]—that there be a vote on the pending bill at 3:30 p.m.; that the 10 minutes preceding that time be divided equally between the distinguished manager of the bill, the Senator from Pennsylvania [Mr. CLARK] and the distinguished Senator from Louisiana [Mr. ELLENDER].

The ACTING PRESIDENT pro tempore. Does the Senator ask that rule XII be waived?

Mr. MANSFIELD. Yes; I do.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, if the distinguished Senator from Pennsylvania will yield without losing his right to the floor, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CLARK. Mr. President, this bill does two things: it revises the method of financing the informational media guaranty program, and it clarifies the law respecting domestic availability of U.S. Information Agency materials.

The informational media guarantee program was started in 1948 as a means of overcoming the obstacles which inconvertible currencies would otherwise pose to the export of American books, magazines, and other informational materials. The program is simple in concept and execution: an approved American publisher sells his books abroad for foreign currency which he converts into dollars through USIA. The foreign currency which USIA thus acquires is sold by the Treasury to U.S. Government agencies which need it for their local expenses in the country concerned, and USIA is reimbursed. Although at one time or another, the program has been in effect in 21 countries, it currently operates in only seven—Afghanistan, Guinea, Korea, Poland, Turkey, Vietnam, and Yugoslavia—at a level of about $4 million a year.

Hitherto, the program has been financed through Treasury borrowings by USIA. The pending bill will replace this with a $10 million revolving fund to be replenished as necessary from time to time through appropriations. Because the IMG fund has sufficient capital from its borrowings for its current operations, no new appropriations will be necessary until at least 1969.

Losses under the program have been small over almost 20 years, arising mainly from loss in value of foreign currency holdings.

These relatively minor losses have been more than offset by the worth of the program from the point of view of the broader interests of the United States. In the countries where it operates, the program makes it possible for the general public to buy American publications on the open market through established commercial channels of trade. Most of the materials which are exported under the program—in recent years as much as 90 percent of the total—are textbooks and technical and scientific works. It seems obvious that if, for example, a Polish professor wants a textbook for a class on city planning, it is in our interests that American textbooks on this subject be included in the field from which he can make his choice. With IMG, this is possible. Without IMG, it would not be possible, and I think we can take it for granted that the field would probably be preempted by Soviet textbooks. This would certainly not be of any advantage to us in the seven countries where the program is presently operating, in many of which there is a rivalry going on with respect to the influence of the Soviet Union and ourselves in cultural and intellectual as well as economic and political matters. I refer specifically to Afghanistan, Guinea, Korea, Poland, Turkey, Vietnam, and Yugoslavia.

IMG is not, as its critics have sometimes charged, simply a subsidy for rich publishers of popular magazines. True, some of these publishers sell a few more copies under IMG than they would sell without it, but these increased sales are minimal.

Nor is IMG a manifestation of cultural imperialism on the part of the United States. IMG does not force anything on anybody; it simply widens the range of free choice in the marketplace. If the book does not sell, it is the publisher who has lost money. If the book does sell, IMG converts the foreign currency which the publisher receives. It is true that there is an element of subsidy in this arrangement, but it is slight and indirect. Further, I should like to emphasize that for this service, the publisher pays a fee of 1.5 percent of the amount of his guarantee contract—and if he sells less than the total amount of his contract, as is frequently the case, then his fee as a percentage of sales is correspondingly higher.

The administration has requested the changes which this bill makes in the IMG program in each of the last three Congresses.

In short, Mr. President, this is an administration bill. Support for the bill was given in testimony by Mr. Richard Schmidt, general counsel of the U.S. Information Agency. The Committee on Foreign Relations, in earlier years, has been either unable or unwilling to consider the legislation, and has done so only quite recently, but on the basis of this consideration, it believes that the changes proposed will put the program on a more businesslike basis; that they will remove some of the grounds on which the program has been criticized in the past; and that will facilitate congressional oversight and control. Furthermore, the committee has used this bill as an occasion to review the IMG program in general and has concluded that the program is a useful instrument of U.S. foreign policy.

The second aspect of the bill now before us deals with the problem of the availability of USIA materials in the United States. As pointed out in the committee report, this problem is "how to make it possible for any interested American citizen to know what USIA is doing abroad while at the same time prohibiting USIA from engaging in propaganda activities in the United States."

Committee consideration of the question was precipitated by the most recent report of the Advisory Commission on Information, which recommended that Congress authorize USIA materials to be made available in the United States. The existing law does not explicitly prohibit such domestic availability; but the implication of the law, especially when coupled with the legislative history, strongly points to such a prohibition, and USIA has in fact followed such a policy. The reason, of course, is plain: There is a deep and well-justified fear of the consequences of creating an official domestic propaganda machine of the Government.

On the other hand, an equally cogent argument can be made that the American people have a right to know what sort of propaganda their Government is distributing abroad.

The present law attempts to meet this dilemma by providing that USIA press releases and radio scripts shall be open to examination by journalists and "on request, shall be available to Members of Congress."

The committee bill changes the present law in three respects:

First, it expressly prohibits the dissemination of any USIA material within the United States, thereby making explicit what has hitherto been implicit.

Second, it adds a proviso requiring USIA to maintain a complete file of all the material which it disseminates abroad in the name of the U.S. Government. Thus, where the present law is confined to press releases and radio scripts, the committee amendment covers the whole range of USIA output.

Third, where the present law limits access to journalists and Members of Congress, the committee amendment provides that the file "shall be open to public inspection." Thus, any interested citizen can inform himself of what USIA is saying abroad, without having to rely on the press or the Congress, but USIA will not be able to distribute its material at random throughout the country.

The committee spent a great deal of time in working out the language which it proposes. I believe it is a fair compromise of a variety of points of view and a workable solution of a difficult problem. I commend it to the Senate.

The pending bill does contain several committee amendments. I have described the important ones. There are other amendments which are purely technical.

Mr. President, I move that the committee amendments to the pending bill be agreed to en bloc.

Mr. ELLENDER. Mr. President, are any amendments to be offered?

Mr. CLARK. The motion includes the usual understanding that after the committee amendments are agreed to, the bill will be considered as original text and will be subject to amendment.

The motion was agreed to.

Mr. ELLENDER. Mr. President, I am sorry that so few Senators are present. I am sure that if Senators listened to the arguments for and against the pending bill, they would vote against the measure.

This is a classic example of a program that was started back in 1948. It started under the original ECA bill. At the time the bill was in effect, and particularly in 1956 when it took its present form, there was a provision that a certain amount, I believe $28 million, could be loaned by the Treasury for the purpose of carrying out the program.

That $28 million was supposed to be a revolving fund. However, the record shows that it never revolved. The funds were spent for other purposes.

This is an effort to reactivate a program that the Committee on Appropriations ordered to be phased out some 3 or 4 years ago. No appropriations have been made in the last 3 years.

The program, however, was administered not from appropriated funds, but from the balance remaining from the $28 million borrowed from the Treasury.

The pending bill would create an even larger program than existed before. Heretofore, if a contract were entered into, there would have to be $1 in reserve for every dollar guaranteed in contracts. However, the pending bill would make it possible to have only 50 percent in reserve instead of the full 100 percent.

This means that if the Senate should adopt the pending measure, a revolving fund amounting to $10 million would be created which would permit the guarantee of contracts aggregating $20 million at any one time.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I yield for a question.

Mr. LAUSCHE. Under the initial program in 1956, $28 million was authorized to be loaned by the Treasury Department to this agency that was, in my judgment, subsidizing the sale of magazines, books, and motion picture equipment around the world.

Mr. ELLENDER. The Senator is correct.

Mr. LAUSCHE. Under that law which authorizes the loan of $28 million, the agency was limited in its position to retain soft currency in contracts not to exceed $28 million at one time.

Mr. ELLENDER. The Senator is correct.

Mr. LAUSCHE. They now say: "We want only $10 million, but, though we have only $10 million, we will be allowed to enter into contracts aggregating $20 million because the reserve requirement under the pending bill covering outstanding contracts would be 50 percent, while the original program required 100 percent reserves."

Mr. ELLENDER. The Senator is correct.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield for a question.

Mr. CLARK. In view of what the Senator from Ohio has just said, would the Senator not agree that if the pending bill is passed, the total available would be $20 million as opposed to $28 million in earlier years, and further that in earlier years the program was going on in 21 countries while it is now going on in only seven countries?

Mr. ELLENDER. Mr. President, I tell my good friend, the Senator from Pennsylvania, that if the program is started again, I am sure there will be more than 21 countries. Every underdeveloped country that desires books, periodicals, and other equipment, will come in and take advantage of this measure.

Mr. President, it is my judgment that the existing conditions are far different than conditions were in 1948 or 1956.

We now have nine countries which are participating in the IMG programs.

We also have the regular USIA program, in these same countries which during fiscal year 1967 totaled more than $10 million. In Afghanistan, for example the regular USIA program amounts to $156,781. In Guinea, it amounts to $98,136. In Korea, it will total $787,000.

Mr. President, I wish to repeat this: There may have been a good reason for this program in 1948 and in 1956, but as I said earlier, we now have USIA programs in effect in practically every country in the world except those behind the Iron Curtain.

Another point is this: When this program was first enacted, our country did not have soft currencies to amount to anything; and it was an easy matter for the various agencies of the Government to use whatever soft currencies we obtained through this program. However, today, in every country in which we are now operating, we have millions of dollars soft currency equivalent; so that it will be very difficult for the Federal Government to dispose of the funds generated by this program to the various agencies for dollars.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield for a question.

Mr. CLARK. I should like to correct the record. The Senator did say nine countries. It is really only seven.

Mr. ELLENDER. I have listed Afghanistan, Guinea, Korea, Pakistan, Poland, Turkey, Czechoslovakia, Vietnam, and Yugoslavia.

Mr. CLARK. Pakistan and Czechoslovakia do not have programs at the moment.

Mr. ELLENDER. They must have been cut out in the last few months because they were involved in the program during fiscal year 1967.

Mr. CLARK. It is true, is it not, that the USIA has the power to prevent the program from being operated in any one of these countries? In point of fact, it has been decreased from 21 to seven countries. Is this not correct?

Mr. ELLENDER. The Senator is correct. The reason is that funds were not provided by the Congress. That was the reason why it was gradually cut down. Since 1961, Senator McCLELLAN and I have been working on this matter in the Appropriations Committee and the amounts requested have been cut or entirely eliminated every year since 1961, with complete agreement by the House. Three years ago was the last year in which funds were appropriated.

Mr. Marks appeared before us last year and said that this would be the last year—that is, fiscal 1967 would be the last year—unless Congress gave him authority to go ahead.

As I said earlier, when this program was originally enacted, a revolving fund was created, or was supposed to have been created. But the record shows that practically all the money that was borrowed from the Treasury has been dissipated, except approximately $4 or $5 million. In addition, Congress appropriated about $13,500,000 since 1956. Thus the program has cost the American taxpayers approximately $38 million.

Mr. President, I contend this: If this new program is placed on the statute books, it will be much more liberal than the old one, because the pending legislation would establish a $10 million revolving fund that is supposed to remain intact. Any impairments of the fund is to be restored by appropriations made by the Congress. And, Mr. President, the fund will be impaired because it will be operating in countries where we already own excess foreign currencies.

This program will grow like Topsy. As I said earlier, these programs do not seem to ever die. This program was started in 1948, and was given new life in 1956 and now, almost 20 years later, we are asking that a new program be enacted to replace a program that has been ordered to be phased out of existence.

Mr. President, I realize that the administrator of this program will have to come to the Congress to obtain appropriations to make up the $10 million fund. However, under the bill, whatever is now left in the old fund, which I believe amounts to about $4 or $5 million, will go toward making up this $10 million revolving fund.

While the losses sustained by this program in the past have been substantial, the losses suffered in the future, if the pending measure is adopted, will be much greater. When the old IMG program came into being, our Nation did not own the huge amounts of soft currencies it presently holds.

As I said earlier, why should we proceed to revitalize a program that has really outlived its usefulness when we have in the meantime created a very viable information service which is in operation in practically every country in the world.

We have a large number of our representatives in countries where the Information Service is in operation. I know what I am talking about, because I have visited these places. All over the world, we have libraries containing the technical books that the Senator from Pennsylvania has referred to, which are there for the use of the people at those places, if they wish to use them.

Because of the condition of our Treasury, we can well do without this program. We need the money for other programs. I am satisfied that if we reinstate this program, instead of seven countries being involved, within the next 4 or 5 years more countries will be participating in this program than have done so in the past.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. CLARK. I thank the Senator for his courtesy in yielding to me.

The Senator commented that the Senator from Arkansas [Mr. McCLELLAN] and he had conducted a fight against this program for several years. That was done in the Committee on Appropriations.

Mr. ELLENDER. The Senator is correct. That is the reason why the number of countries was reduced to seven.

Mr. CLARK. The bill presently under consideration came out of the Committee on Foreign Relations by a vote of 14 to 3.

It is the view of those members of the Committee on Foreign Relations that under the rules of the Senate, the matter of policy involved as to whether this program should go forward or not is a matter for the Committee on Foreign Relations to determine and not the Committee on Appropriations. I think it would be the view of the majority of the members on the Committee on Foreign

Relations that if, when the bill is passed, the Committee on Appropriations then wants to get into the desirability for the appropriation, that would be all right. Of course, the Senator, as a Member of this body, has a right to make a fight on the floor of the Senate in connection with the matter. However, the point I wish to make is that this is a matter for the Committee on Foreign Relations, which approved the bill by a vote of 14 to 3. I think it would be wise to permit the matter of appropriations to await disposition of the bill.

I wish to say for the record—it is a minor matter but the record should be accurate—the Senator suggested that the total cost of the program was around $38 million. Mr. President, I ask unanimous consent that a chart prepared by the U.S. Information Agency, entitled "Informational Media Guarantee Program—Summary of Impairment, Estimated Cost, and Analysis of Costs—June 30, 1966," be printed in the RECORD. The chart shows the total cost of the program as $28,148,483.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

U.S. INFORMATION AGENCY

Informational media guarantee program—Summary of impairment, estimated cost, and analysis of cost, June 30, 1966

IMPAIRMENT

Detailed elements of impairment, Public Law 85-477:			
Losses on sales		$11,993,776	
Currencies declared unavailable or in excess (transferred to Treasury Department)		18,909,112	
			$30,902,888
Interest expense on Treasury notes			6,071,153
			36,974,041
Less:			
Cash fees received		$1,441,181	
Interest received on foreign currency deposits		385,504	
			−1,826,685
Total impairment			35,147,356
Less:			
Market value of foreign currencies transferred to Treasury			[1] 7,028,211
Cost to U.S. Government (considering market value of currencies turned over to Treasury Department)			28,119,145
Add unrealized losses on foreign currency held by Agency:			
Purchased currencies		$23,910	
Unpurchased currencies		5,428	
			29,338
Total cost of IMG program			28,148,483

FINANCING

Actual borrowing from Treasury		....	22,056,141
Add borrowing from Treasury required to liquidate:			
Accounts payable to contractors		$147,748	147,748
Total borrowings from Treasury		....	22,203,889
Less value of assets:			
Cash		$317,329	
Market value purchased foreign currency		126,041	
Market value unpurchased foreign currency		142,320	
Market value excess foreign currency (previously transferred to Treasury)		7,028,211	−7,613,901
			14,589,988
Add total appropriations to date		....	12,191,680
Total financing		....	26,781,668
Add interest expense fiscal year 1965 and fiscal year 1966 (no funds provided)		....	1,366,815
			28,148,433

ANALYSIS OF TOTAL COST

Actual losses on sales to June 30, 1966			11,993,776
Unrealized loss on currency held in inventory:			
Purchased:			
Cost	$149,951		
Market value	−126,041		
		$23,910	
Unpurchased:			
Cost	147,748		
Market value	−142,320		
		5,428	
			29,338
Losses, actual and unrealized, on excess currency:			
Cost	18,909,112		
Market value	[1] −7,028,211		
			11,880,901
Total losses on foreign currency, actual and unrealized			23,904,015
Interest on borrowed money			6,071,153
Total losses and expenses			29,975,168
Less:			
Income from fees		$1,441,181	
Interest on bank deposits		385,504	
			−1,826,685
Total cost			28,148,483

[1] Those foreign currencies sold by Treasury after they were received as excess currencies are valued at the actual sale rate for this computation: the remaining units held by Treasury June 30, 1966, are valued at market rates of June 30, 1966.

Mr. ELLENDER. I do not know where those figures come from.

Mr. CLARK. U.S. Information Agency.

Mr. ELLENDER. The figures I obtained from the RECORD show that since the inception of IMG the cost to the American taxpayer has been $37,073,013.69. Of this amount $13,101,680 came from direct appropriations from Congress, which, of course, was spent. Then, $22,056,140.67 was borrowed from the Treasury and the accrued interest on that amount aggregated $1,825,193.02, which means an aggregates total cost of $37,073,013.69.

My good friend, the Senator from Pennsylvania, stated that Mr. Marks was for this proposal and that he appeared before the committee. However, he never appeared before the committee. He was not a witness. The only witness there was Mr. Schmidt, who is the General Counsel for the agency. The other witnesses were publishers. Their names are listed in the committee's hearings.

Mr. CLARK. The Senator is correct. Mr. Marks did not appear.

Mr. ELLENDER. He did not appear. I do not wish to quote Mr. Marks. But as I understand the matter, Mr. Marks has no interest at all in this matter and it is being pushed by someone in the Bureau of the Budget.

The witnesses who appeared before the committee were Richard M. Schmidt, Jr., General Counsel of USIA, Thomas R. Buckman of the American Library Association, C. Robert Devine of the Magazine Publishers' Association, Pasqual A. DonVito of the Printing Industries of America, and W. Bradford Wiley of the American Book Publishers Council and the American Textbook Publishers Institute. In addition, the senior Senator from Louisiana appeared and testified against the bill. Dr. Frank Stanton, chairman of the Advisory Commission on Information, appeared in connection with the question of domestic availability of USIA materials. Those were the only witnesses who testified. I am sorry there were very few witnesses there when I testified. I am not trying to cast any aspersions on any Senator or any member of the committee but I do want to say that to reinstate this program will be a grave mistake. As I said in my most recent report on South America and Central America USIA has done a good job. I saw with my own eyes many scientific books and all sorts of literature in many of its libraries. We have even subscribed to the New York Times, Life magazine, and Time magazine. They are all available to the people within these countries. This is purely and simply a subsidy that we will provide for the publishing industry. That is all it is.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question at this point?

Mr. ELLENDER. I yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, the Senator has just stated that this is a subsidy that has been provided for the magazine and book publishing companies. Is it not a fact that the only outside witnesses, except the witness on behalf of the American Library Association, who testified in behalf of the bill, were those who were financially interested and were to make the profit by it?

Mr. ELLENDER. I said that by implication. That is all it is. They are the only ones interested in this matter. I would like to know why the Bureau of the Budget was so insistent in recommending this bill. I know that the Information Service is not very much interested in it. I can testify to that from my conversations with Mr. Marks. Mr. Marks stated to me in no uncertain terms that this would be the last year that this program would be in operation unless, of course, the Congress breathed new life into the program.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. CLARK. Mr. President, I would like to call the attention of the Senator to a letter dated January 27, 1967, written by Mr. Marks to the Vice President in his capacity as President of the Senate. I ask unanimous consent that the copy of that letter may be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. INFORMATION AGENCY,
Washington, January 27, 1967.

Hon. HUBERT H. HUMPHREY,
President of the Senate.

DEAR MR. VICE PRESIDENT: I have the honor to transmit to the Senate for its consideration a draft of a proposed bill to amend the United States Information and Educational Exchange Act of 1948, as amended, and an explanation thereof. The draft bill and explanation have also been submitted to the House of Representatives.

The proposed bill, which would revise the basic authority of the Informational Media Guaranty Program (IMG), is identical to S. 2256 which was submitted by the Agency to the last Congress. No action had been taken on that bill when the 89th Congress adjourned sine die. Proposals to revise IMG were also submitted to the 88th Congress (S. 2589) but were not acted upon.

Failure of the Congress to consider proposed amendments to IMG in the last two Congresses has been a matter of concern to the Senate Appropriations Committee. This year the Committee instructed in its report on H.R. 18119, which included the Agency's appropriation for FY 1967, that the IMG program be phased out. In view of this instruction, the IMG program will be phased out unless early and favorable action is taken by the Congress on legislation such as that transmitted herewith.

In his message to the Congress, February 2, 1966, proposing the International Educational and Health Acts of 1966, the President urged the Congress to enact legislation to permit improvements in the IMG program.

In view of the importance of this program and its present status the Agency urges early and favorable consideration of the proposals by the Senate.

The Bureau of the Budget advises that enactment of the draft bill would be consistent with the Administration's objectives.

Sincerely yours,
LEONARD R. MARKS,
Director.

Mr. CLARK. Mr. President, I point out that in his letter Mr. Marks said:

> In his message to the Congress, February 2, 1966, proposing the International Educational and Health Acts of 1966, the President urged the Congress to enact legislation to permit improvements in the IMG program.
>
> In view of the importance of this program and its present status, the agency—

Which Mr. Marks heads—

> urges early and favorable consideration of the proposals by the Senate.

In addition, the printed record of the testimony and statements taken by the committee show on page 4 a letter to the Senator from Arkansas [Mr. FULBRIGHT] signed by Nicholas de B. Katzenbach, Acting Secretary of State, in which he states he affirms publicly his support for S. 1030, and a letter by Mr. Robert E. Giles, General Counsel, Department of Commerce, in which he states endorsement by the Department of Commerce of S. 1030.

I think that the debate should proceed with the understanding that this is an administration bill supported by the President, the Information Agency, Department of State, and the Department of Commerce.

(At this point, Mr. MONTOYA assumed the chair.)

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. WILLIAMS of Delaware. Mr. President, this program was initiated in 1948. Is the Senator able to give us again the amount that has been appropriated by Congress for this fund through appropriations?

Mr. ELLENDER. Yes; $13,101,680.

Mr. WILLIAMS of Delaware. In addition to that, this bill proposes, on page 4, that—

> The Secretary of the Treasury shall cancel all notes issued or assumed by the Director for purposes of payment * * *.

Mr. ELLENDER. The Senator is correct.

Mr. WILLIAMS of Delaware. What is the amount of such notes outstanding at this moment?

Mr. ELLENDER. It is my understanding that the Treasury has loaned into this fund $22 million, and accrued interest on the loans of $1,825,193.02, all of which, under the bill, will be canceled out.

Mr. WILLIAMS of Delaware. That would bring the total to around $37 million, then?

Mr. ELLENDER. That is right. That is what I said.

Mr. WILLIAMS of Delaware. How much cash do they have left as of this time?

Mr. ELLENDER. They have, in balance, from the borrowing fund of $28 million, around $5 million.

Mr. WILLIAMS of Delaware. That is borrowing authority, is it not?

Mr. ELLENDER. That is all. They do not have the cash, but it is money that they can borrow from the Treasury. Of course, there is provided in one of the sections of the bill that that will be a starter, as I understand it, toward the $10 million revolving fund which will be created.

Mr. WILLIAMS of Delaware. What I am trying to get at is, we have appropriated $13.1 million. They owe the Treasury $22 million plus $1.8 million in interest. We are canceling that. That totals around $37 million.

Mr. ELLENDER. Right.

Mr. WILLIAMS of Delaware. How do they get the figure that the program cost has been only $26 million, as has been stated by the Senator from Pennsylvania?

Mr. ELLENDER. I do not know. I do not know where they got that figure.

Mr. CLARK. If the Senator from Delaware will yield to me, I will be glad to tell him.

Mr. WILLIAMS of Delaware. I yield, but have they paid any money back to the Government on this?

Mr. CLARK. One arm of the Government owns the note of another arm of Government. The Senator knows we do that.

Mr. WILLIAMS of Delaware. But under this bill we are canceling this out. The money has been spent, has it not? Surely, the Senator is not counting these note cancellations as profits, is he?

Mr. CLARK. May I proceed to answer the Senator's question?

Mr. WILLIAMS of Delaware. I wish the Senator would, because we have a $37 million loss here, so far as I am concerned.

Mr. CLARK. Mr. President, on page 3 of the committee report—and the Senator from Delaware is an able and industrious member of the Senate Foreign Relations Committee, and I suspect he was one of the three members who voted against the bill, but no minority report was offered—reads as follows:

> The program has operated since 1948 in 21 countries, but it is currently in effect in only seven—Afghanistan, Guinea, Korea, Poland, Turkey, Vietnam, and Yugoslavia. Since its inception, it has issued guaranty contracts totaling $108 million, and has made payments totaling $79.7 million against these contracts. Its current level is at an annual rate of about $4 million.
>
> The program has been financed through the sale of foreign currency receipts, borrowing from the Treasury, appropriations, and fees collected from contractors (1½ percent of the amount of the contract). The net cost including interest paid to the Treasury, has been $30.3 million through June 30, 1966.

Mr. President, I have been advised that the additional cost into the current fiscal year has been small.

Mr. WILLIAMS of Delaware. I fail to understand how the Senator can reconcile those two statements. If we have already appropriated $13 million, and they owe $22 million in notes due the Treasury and they owe $2 million of interest to the Treasury, where I come from that would be counted as a $37 million loss. Of course, under the Great Society, I suspect they are using some new kind of mathematics. Perhaps this loose method of accounting is the reason we have such large deficits. I agree fully with the Senator from Louisiana that, based on all lines of arithmetic, we do have a $37 million loss on this program.

Mr. ELLENDER. The difference may come, to some extent, from the fact that the figures submitted by the Senator from Pennsylvania [Mr. CLARK] are through June 1966, and mine are through June 1967.

Mr. CLARK. That could not be, because we are still in June 1967.

Mr. ELLENDER. I meant to say February 28, 1967. The total amount will be $37,073,013.69. That is the sum as of February 28, 1967.

Mr. CLARK. I can only reiterate the statement in the official report of the Committee on Foreign Relations which, I believe, is accurate.

Mr. COOPER. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I am happy to yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I heard the testimony of the Senator from Louisiana when he came before the committee. I was there. As always, the Senator from Louisiana was very thorough and precise in his statements. I think he is correct in his statements about the fiscal position of the program. He is correct in stating that under the bill, about $22 million of debt would be canceled, and $1 million plus 8 in interest—in addition, something like $14 million——

Mr. ELLENDER. Appropriated.

Mr. COOPER. Has been appropriated. It is also correct, under this bill, that $5,900,000 remaining in borrowing authority would be used to start the establishment of the $10 million revolving fund. In all, we reach the figure of something like $43 million.

As I see it, two problems are involved in connection with the bill. One is whether the Senate believes the program has sufficient merit to authorize its continuance. If it does not agree that it has then, of course, it would support the argument of the Senator from Louisiana and vote against the bill.

If the Senate believes it has merit and continues it, it will have to make a judgment as to how much money for its support should be authorized.

On the latter point, I should like to ask the Senator from Louisiana a question. Assuming that the Senate should pass the bill and the USIA would go ahead, as the bill proposes, and borrow the remaining amount which it can borrow under present law—that is, $5,900,000—the Appropriations Committee would still have authority to reject any additional appropriations; is that not correct?

Mr. ELLENDER. That is right.

Mr. COOPER. So that the revolving fund——

Mr. ELLENDER. That is what we have been doing since 1961, Senator.

Mr. COOPER. If the Appropriations Committee did not appropriate, the revolving fund would be limited to the borrowing authority which USIA states is $5,900,000; would that be correct?

Mr. ELLENDER. That is right.

Mr. COOPER. Then, with the change in the reserve authorization, from 100 percent to 50 percent, USIA could enter into contracts and double the amount, which would be approximately $12 million. Thus the Appropriations Committee still has a curb on the total amount which could be placed in the revolving fund; is that not correct?

Mr. ELLENDER. This is merely an authorization.

Mr. COOPER. That is right. So I would say that if this bill is passed as it is presented to the Senate, assuming that the Appropriations Committee continues the position it has held in the past, we would end up with a revolving fund of about $6 million, and a total guarantee capability of about $12 million, as contrasted with the $10 million which this bill proposes, and a $20 million contract guarantee. Does the Senator agree with that?

Mr. ELLENDER. Well, it would amount to that fund.

Mr. COOPER. That is correct. It would last——

Mr. ELLENDER. It was stated that no moneys would be asked for.

Mr. COOPER. Until 1969.

Mr. ELLENDER. Until 1969.

Mr. COOPER. Yes.

Mr. ELLENDER. That means, then, using the present borrowing authority, and assuming that the $5 million borrowing authority is left, that contracts could be entered into up to $10 million.

Mr. COOPER. That is the first point I wanted to make. The funding side of the bill and the authority which would still remain within the jurisdiction of the Appropriations Committee, if the committee followed its recent course of action, would be this: Instead of having $10 million in the revolving fund in perpetuity, with the capability of making contracts for $20 million, what we really have would be a revolving fund of about $5 to $6 million, with the capability of making contracts up to about $12 million, with the necessity for USIA to come back in 1968 to secure the reauthorization, because the program would die without funds.

Mr. ELLENDER. No.

Mr. COOPER. That is what they say.

Mr. ELLENDER. No. This is a continuing authorization, with no limit to it. If Congress were to vote for it after the bill is passed, the revolving fund could be replenished to the tune of $10 million. That authority is given to them.

Mr. COOPER. Yes, I know, but I am saying that a curb and a check would continue to rest with the Appropriations Committee.

Mr. ELLENDER. It is a fortunate thing that we have a very active Appropriations Committee. We have been able to hold them back somewhat.

Mr. COOPER. I agree, but I would like to express myself about the remarks of the Senator——

Mr. ELLENDER. Is this a question?

Mr. COOPER. Yes. It will be in response to the statement the Senator made just a few minutes ago.

Mr. ELLENDER. Very well.

Mr. COOPER. The Senator pointed out correctly that the USIA has a program in many countries somewhat similar to the program proposed to be continued by the pending bill. The USIA, through its library and other services in foreign countries, can provide a great many books, periodicals, and materials for the use of the people of those countries.

Although it has been some time ago, I have had some experience which made me understand the value of these programs. While Ambassador to India, and visiting in other countries, I have seen the people flock, literally by the hundreds and thousands to our libraries, to search out books, newspapers, and periodicals that are useful to them, and to secure news of the world.

I found that what the people looked for were the newspapers, the magazines, and the best books, the best literature of this country, the kinds of publications which we think of as representing truthful reporting. They avoided after a brief period the propaganda literature of the USIA.

This is a program under which, through regular commercial channels, students, engineers, doctors, politicians, administrators, and scholars, in other countries may buy specific books which will be useful to them, or through which students may learn of the history and culture of this country. Through commercial channels, the people order scientific and technical books and papers, textbooks, recordings, and other material as they may want. They order exactly what they want rather than be limited to what is "dosed out" to them by the USIA from on the bookshelves of USIA libraries, valuable as they are.

This is a matter of great importance. Those people want the literature, the technical and scientific works which they cannot secure, unless from the United States, Great Britain, or other advanced countries. The trouble is that such books are so expensive that people could not buy them unless they were subsidized to some extent through this arrangement.

I remember that after the Senator appeared before the committee, our Ambassador to Poland, Mr. Gronouski testified. What he said impressed me very much. He said that this program, in his view, was one of the most important programs, for the reasons I have already advanced—to make available specific literature and technological and scientific manuscripts and books of our country. He noted also that it removed any kind of political reluctance to go to our USIA libraries.

I have discussed this subject with the Senator from Louisiana. I have high regard for his absolute conviction. For the reasons I have advanced, I think the program is a very important one. That is why I have supported the program.

If the Senator from Louisiana believes the funding arrangement is too open ended—he has convinced me somewhat in this respect, as he did the Chairman of the committee, the Senator from Arkansas [Mr. FULBRIGHT]—then I would like to consider measures in that field. However, I must say that I believe that the program has merit and I shall vote for the bill.

I thank the Senator for his courtesy in yielding to me.

Mr. ELLENDER. Mr. President, one would be surprised, in traveling through various cities of the world, as I have, to see the large number of American books and other American literature. We are today spending millions of dollars to translate "Tom Sawyer" and other American books of note. These books are made available through the regular USIA program.

We also have spent large sums of money to translate into various languages scientific papers published in Russia and other countries. These translations are distributed through the AID program. I also wanted to mention—I merely touched on it a while ago—that the USIA will spend in the same countries in which the IMG is supposed to operate about $10 million in order to distribute the type of literature we have been speaking of.

Aside from that, we have provided through the AID program a total of $2,779,000 for literature to be distributed by that program in various countries. Also, we provide for the translation into the language of the host countries a number of the books that are used in the schools. So the program is already widespread in the very countries which will benefit under the program proposed in the pending measure.

Another thing: The publishers ought to go on their own and take a little risk. Why should they seek to enter into contracts and then insist that the U.S. Government buy the currencies that they take over? It strikes me that they ought to have enough ingenuity to use the currencies in some other way. Why should they expect the United States to guarantee dollars for soft currency, irrespective of the amount of currency of the ccuntries in which they trade?

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. LAUSCHE. I should merely like to point out that the publishers of books and magazines who are subsidized by this program argue that they receive nothing but give everything for the benefit of the U.S. public. That argument is completely erroneous. They are the beneficiaries. They want the program to continue.

It may be of service to our people in allowing others to know what we are doing. But to argue "we get nothing out of it, and the public of the United States gets everything" is a fallacy, and indefensible. They are subsidized. They are the ones who want the program—under which we have paid large book publishing companies, magazines, and newspapers $37 million in the last 11 years—to continue.

Certainly, they do some good; but the fact is they want the program to continue primarily because taxpayers' money is given to them as a subsidy promoting their business.

Now I return to what the Senator from Louisiana has just said. Why do they not want to serve our country on the basis of normal operations? The fact is that they are arguing "We will only serve if you pay us." I cannot subscribe to that.

Mr. ELLENDER. Mr. President, as I have indicated on two or three occasions during this debate, since 1951, steps have been taken to phase out the program. But somehow, the managers of the fund have been able to keep the program in being, even though Congress has not appropriated any funds since fiscal year 1964.

In its report on the appropriation bill for 1964, the Committee on Appropriations stated its disapproval of the program. This was accepted by the Senate as a whole, as well as the House of Representatives—the only objection that I recall was that, I think, of the Senator from New York [Mr. JAVITS]; and it is my recollection that I pointed out at the time that of all the book publishers who profited from the program, about 98 percent were from New York State, and, of course, I did not blame him for opposing it.

But the Committee on Appropriations, in its 1964 report, made the following statement:

> The committee had previously expressed its disapproval of this program and directed that it be phased out. The amount appropriated is solely for payment of interest to the Treasury.

That is the limitation we placed on expenditure of the moneys provided in 1964. Then in 1965, the same committee stated in its report recommending appropriations for the State Department and related agencies:

> No part of this appropriation is to be used to carry forward the operation of the IMG which, a number of years ago, the Committee requested to be phased out and for which no funds have been appropriated for the past three fiscal years.

Once again in 1965, this action of the Committee on Appropriations was upheld by both the House of Representatives and the Senate.

In its report on the same appropriation bill for fiscal year 1966, the Committee on Appropriations stated:

> Further the committee instructs that no part of this appropriation is to be used to carry forward the operations of the Informational Media Guarantee Program which, a number of years ago, the committee requested to be phased out and for which no funds have been appropriated for the past three fiscal years. Notwithstanding this instruction, the Agency has continued to operate the program and in at least one country has been doing so through such devious practices as pegging the rate of exchange to accommodate this program at great expense to other U.S. programs within the country and giving the sale of IMG-generated foreign currencies preferential treatment.

Mr. President, as I have stated, this is not new. Though Congress has already passed on this matter, we are being asked here to revitalize this program which, in my opinion, as I say, would then probably be operated in a much larger form than has been the case in the past.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I subscribe to what the Senator from Louisiana has just stated, that the general program is likely to become expanded rather than contracted. Whatever contraction has occurred in the last 5 years was the consequence of the action taken in the Committee on Appropriations, led by the Senator from Louisiana [Mr. ELLENDER] and the Senator from Arkansas [Mr. McCLELLAN]. They were obliged to reduce their program.

The moment the restraint induced by the arguments made by Senators ELLENDER and McCLELLAN is eliminated, the program will burgeon. It will burst wide open.

With respect to the last argument made, will the Senator from Louisiana read again what he quoted a moment ago?

Mr. ELLENDER. From the Appropriation Committee report?

Mr. LAUSCHE. Yes.

Mr. ELLENDER read as follows:

> Further the committee instructs that no part of this appropriation is to be used to carry forward the operations of the Informational Media Guarantee Program which, a number of years ago, the committee requested to be phased out and for which no funds have been appropriated for the past three fiscal years. Notwithstanding this instruction, the Agency has continued to operate the program and in at least one country has been doing so through such devious practices as pegging the rate of exchange to accommodate this program at great expense to other U.S. programs within the country and giving the sale of IMG-generated foreign currencies preferential treatment.

Mr. LAUSCHE. I wish the Senator from Louisiana would explain exactly how preferential treatment was given to soften currency generated under Public Law 480 through this information program.

Mr. ELLENDER. All of this occurred because of an unrealistic official exchange rate. Let us use Poland as an example. A stranger or visitor in Poland can go there and buy zlotnys at 55 to $1. But the legal rate of exchange is 21 zlotnys to $1. Thus, the party who obtains foreign currencies gets 55 for $1 while he is able to sell the same currencies at 21 for $1, more than doubling his money on the transaction.

In all of these countries, particularly in Asia, South America, Central America, and now in Africa, we have an abundance of soft currency. The situation is unlike that of 1948 or even 1956. As I recall, it was in 1954 that we started the food-for-peace program, the sale of surplus commodities. At that time the Treasury did not hold soft currency in very many of these countries. What little soft currency was generated at that time could be sold by the Treasury to various departments of government for cash.

The money was being used to pay local employees in Pakistan, India, and other countries.

That is not the case today. We have soft currency running out of our ears today because of the sale of these many millions of dollars worth of surplus foods for soft currency.

The situation today is far different than it was in 1948 or in 1956. It is my considered judgment that if, as, and when the Government takes over any of these soft currencies through USIA, there will be a drag on the market. We cannot use all that we have now. Why should we start a program that would increase the amount of soft currency that we now hold?

That is something that I cannot see. I am very hopeful that the bill will be rejected.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. ELLENDER. I will yield, but before I do I ask unanimous consent that a memorandum authoring my opposition to the pending measure be included in the record at this point.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM IN OPPOSITION TO S. 1030, INFORMATIONAL MEDIA GUARANTY FUND

The Informational Media Guaranty Fund had its origins in the Economic Cooperation Act of 1948, and came into existence in its present form in 1956 as an outgrowth of the Investment Guaranty Fund, which was administered under the foreign assistance programs. The purpose of the fund was the dissemination of information, through private channels, about the United States to various countries of the world, particularly the underdeveloped countries.

When it was authorized in 1956, a revolving fund was created. Book and magazine publishers were to sell their publications through private channels in foreign countries for local currencies. Operations in each country were carried out under terms of bilateral country agreements. Under the program, foreign importers made payments in their own currency to American exporters, who then exchanged the foreign currency for U.S. dollars through application to the United States Information Agency. The foreign currencies acquired under the program were available for sale to other U.S. Government agencies for appropriated dollars, which were credited to the informational media guarantee revolving fund.

In theory, the dollar receipts of the fund should have been equal to the dollar payouts. However, the revolving fund concept in this program never worked, and most of the money authorized and appropriated was lost. The fund did not revolve because some of the foreign currencies were used for other purposes. In addition, in most of these countries, there was an excess of local currencies available to the United States agencies and consequently they did not need to purchase those currencies held by the IMG Fund.

The total cost of this program through February 28, 1967, is $37,073,013.69, which breaks down as follows:

(1) $13,101,680.00, directly appropriated by the Congress;

(2) $22,056,140.67, borrowed from the United States Treasury, and

(3) $1,825,193.02, accrued interest owed by the Fund to the U.S. Treasury .

The United States Government will realize no benefits from the continuation of the IMG Fund. It is purely and simply a method by which certain American publishers are subsidized by the taxpayers in the distribution of their publications. It does not seem right that certain publishers in this country be guaranteed the price of their publications on sales they make to customers in foreign countries.

The IMG Fund is a duplication of two other programs presently in operation which distribute information about the United States through books, magazines and periodicals to foreign countries. The USIA in the fiscal 1968 budget will spend a total of $10,719,064.00 of appropriated funds and foreign currencies for books, magazine subscriptions, newspaper subscriptions and other forms of information in the nine countries now being served under the IMG Fund. In addition to what USIA will disseminate, there will be added to that more than $613,153.00 in books and magazines by AID, also in these same countries. Aside from that, our government spends millions of dollars providing for school books in most of the underdeveloped countries through programs conducted by both AID and USIA.

The Appropriations Committee requested that the IMG Fund be phased out in 1961. However, because the IMG is a revolving fund, the persons in charge have been able to keep it going, even though no funds have been appropriated since fiscal 1964. In that year, the Appropriations Committee expressly stated its disapproval in the Committee's report on the fund. Again in 1965, the Committee requested that the fund be phased out because of its duplication. The House agreed with the Senate. In 1966, the Committee again instructed that no funds were to be used in the operation of the IMG Fund.

In the bill making appropriations for fiscal year 1967, again the Congress called for the termination of the operations of the IMG Fund. In this connection, USIA has finally concurred and it is now in the process of phasing out the IMG Fund that is presently in being. However, in doing so the Agency is asking Congress, in the pending bill, to establish a new IMG Fund that would be little different from the former one.

S. 1030 wipes out all indebtedness of the old IMG Fund to the U. S. Treasury and provides for the creation of a $10,000,000.00 new IMG revolving fund. The program will be continued under the pending bill at a larger rate than heretofore provided.

Since most of the countries in which the program is intended to operate are excess currency countries, doubtless the new Fund will continue to accumulate more soft currencies than can be sold by the Fund and this will result in its impairment. Needless to say, it will be necessary for the Congress to make annual appropriations to restore any impairment.

Mr. MORSE. Mr. President, I came to the floor because I knew the Senator was engaging in this debate.

I am involved in another matter, but I want the Record to show that I support the Senator from Louisiana, and I do it as a member of the Foreign Relations Committee.

I have done a great deal of rethinking about this measure. I am not at all persuaded by the committee report which states at the bottom of page 4:

> The Foreign Relations Committee has considered the criticisms which have been leveled against the IMG program. These are of two general types: First, that the program is an unjustified subsidy for the U.S. publishing industry; and second, that it generates foreign currencies in excess of U.S. needs and over which the United States has only minimal control. In simple terms, the committee disagrees with the first and has amended the bill to meet the second.

I do not think the committee has done either. I do not think they have answered the subsidy matter. I believe that is an unsuccessful attack as far as the committee is concerned.

I do not believe the so-called amendments that the committee has adopted meet the second objection.

I think we are starting with the adoption of the foreign aid program on the installment process. It ought to be a part of the entire foreign aid program.

I am against the foreign aid program. As I announced this morning in the Committee on Foreign Relations, I declare war on this administration's foreign aid this year because, in my judgment, it is a completely unjustifiable program that the administration has up again.

We have a need for domestic programs in this country that ought to supersede the giving away of hundreds of millions of dollars of American taxpayers to be poured once more down one rathole after another around the globe in the name of foreign aid.

In my judgment, this continues to be a completely unsound program. I will go for foreign aid, but not this kind of foreign aid. I think it is a blatant subsidy of the publishing companies of this country at the expense of the American taxpayers.

I have stood on this floor for years and opposed the policy we are following in connection with local currencies.

Do not forget that we poured millions and millions of dollars into Egypt under the Public Law 480 program and relieved Nasser of the necessity of using gold to pay for food so that he could buy his munitions from Russia.

A lot of people are lying dead today as a result of this very unsound foreign policy that we follow in the Middle East.

I am all fed up with subsidizing any American industry, whether it be the publishing industry or any other industry, in connection with the foreign aid program.

I think the pending bill ought to be defeated.

I hope that the Senator will insist on a rollcall vote. I shall vote against such a program.

I thank the Senator very much.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ELLENDER. Mr. President, I yield the floor. I will be glad to answer any questions.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. LAUSCHE. Mr. President, I was one of the three members of the Foreign Relations Committee who felt this program should not be adopted again.

I did not thing the program was performing a service for the United States equal to the cost that it imposed upon the taxpayers. I am convinced that it is a subsidy program for the publishers of books and magazines.

These publishers would be the first ones to cry out against the unjustified expenditure of taxpayers' money. However, they are the first ones to support such expenditures when they themselves are the beneficiaries of such expenditures.

The argument has been made that the number of countries that are being served by the program has now been reduced to seven. That number of countries has been reduced to seven. However, that is because of the coercion exercised by the Committee on Appropriations in 1961.

The Appropriations Committee at that time served notice upon the heads of the program that their moneys would be cut off.

It is rather astonishing to find that, in the face of that order by the Appropriations Committee, the heads of the program were still able to find money with which to continue for a period of an additional 5 years the subsidizing of the publication of U.S. books in Poland, Yugoslavia, Pakistan, and other countries around the world.

Certainly, we want our philosophy of government carried to the nations of the world, but we already have adequate programs to do that. These programs are of a nature to assure the same degree of impartiality as would be assured by the publication of books by the many companies that have been the beneficiaries of this taxpayers' money-spending project of the U.S. Government.

The program has cost the taxpayers $37 million. It was intended to be stopped. However, in came the pending bill to renew the program on a broader scale than presently exists.

In my opinion, the bill ought not to be approved. I am glad to observe the support that is developing for those who are opposed to the bill, as evidenced by the words of the distinguished senior Senator from Oregon [Mr. Morse] and others who have spoken on the matter this morning.

Mr. CLARK. Mr. President, in reply to what the Senators from Louisiana, Oregon, and Ohio have just stated, I shall be very brief, and I should like to read from page 4 of the committee report on the pending bill, S. 1030, as amended.

> The Foreign Relations Committee has considered the criticisms which have been leveled against the IMG program. These are of two general types: First, that the program is an unjustified subsidy for the U.S. publishing industry; and second, that it generates foreign currencies in excess of U.S. needs and over which the United States has only minimal control. In simple terms, the committee disagrees with the first and has amended the bill to meet the second.
>
> The purpose of the IMG program is to make U.S. informational and educational materials available in countries where foreign exchange restrictions would otherwise keep them out. As much as 90 percent of the materials involved are textbooks, mainly scientific and technical works. The alternatives to IMG are that: (1) these materials would not be available at all in the countries where IMG currently operates—Afghanistan, Guinea, Korea, Poland, Turkey, Vietnam, and Yugoslavia; (2) they would be supplied from non-U.S. sources—which, in the case of several of the countries, probably means Soviet sources; or (3) they would be supplied by USIA or AID, in which case the Treasury would have to pay the full cost.
>
> It seems to the committee clear that it is in the national interest for these materials to be available in the countries listed—as well as, hopefully, in some others. IMG is a device for achieving this objective at minimum cost and in a way—through commercial channels—which is politically acceptable abroad.
>
> It should be emphasized that the issuance of informational media guaranties is not automatic. Books and other items are eligible only if USIA finds that they make a positive contribution to the achievement of U.S. objectives.
>
> With respect to the second criticism of the program mentioned above—namely, the generation and management of foreign currencies—the committee has amended the bill to provide that these are henceforth to be available for such use as Congress decides. There will not, therefore, be a repetition of some situations which have occurred in the past when large balances of foreign currencies were available under international agreements for only limited uses. The committee recognizes that this amendment does not meet the general problem of excess foreign currency holdings in a few countries, but that problem arises from programs of the U.S. Government other than IMG. Indeed, IMG in recent years has contributed very little to it.
>
> Further, the committee believes that the shift in financing from Treasury borrowing to a revolving fund replenished from time to time by appropriations will make it easier for Congress to oversee the program.
>
> Finally, the committee urges the Senate to act on this bill promptly. IMG has had no appropriations for the past 3 fiscal years, during which it has operated on the residue of its Treasury borrowing authority. No further obligations are being incurred, and in the absence of new legislation the program will be ended this fiscal year. Action on this bill should, accordingly, be completed by the Congress as soon as possible.

I should like to say a word about the alleged subsidy which this bill is said to create. Actually, in my opinion, it is hardly a subsidy at all. What happens is that American book publishers undertake to increase their foreign sales. If those foreign sales went to a hard-currency country, such as West Germany, England, or France, the publishers would be engaging in a profit-or-loss undertaking in those countries. They would convert into dollars the francs or the pounds sterling or the German marks that they got from the undertaking, and they would either make a profit or suffer a loss. But when they go into a soft-currency country, they are confronted immediately with a loss no matter what happens, unless they can get their soft currency redeemed for dollars. So it is obvious that no book publisher in his right mind, who, after all, is in business for a profit, is going to conduct operations in the very country where these American materials are most needed when he knows perfectly well that because of the currency situation, he is going to lose his shirt the minute he walks in.

For that reason, if we want these materials available to the general public in the other countries, not just through a USIS information library, but on a commercial basis, sold to those people in the other countries which want them, we must subsidize this work or we must have the USIA do it at 100 percent Government expense, or we will have to surrender the market to the Soviet Union.

It seems to me that of all those alternatives, this bill presents by far the best way of handling the matter.

It is true, as developed in the colloquy between the Senator from Lousiana and I, that this bill was reported by the Committee on Foreign Relations by a vote of 14 to 3, at the request of the President of the United States, with the approval of the USIA, and with the approval of the State Department and the Department of Commerce, to overrule what the Committee on Appropriations has been doing in this area for the last several years.

The Senate will have an opportunity to vote on this policy issue a little later on. I hope the bill will be passed.

Mr. President, unless others wish to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FOOD STAMP ACT OF 1964

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 953) to amend the Food Stamp Act of 1964 for the purpose of authorizing appropriations for fiscal years subsequent to the fiscal year ending June 30, 1967, which was, to strike out all after the enacting clause and insert:

> That the first sentence of subsection (a) of section 16 of the Food Stamp Act of 1964 is amended by striking out the word "and" the first time it appears therein and by inserting after the word "1967;" the words "not in excess of $195,000,000 for the fiscal year ending June 30, 1968;".

And to amend the title so as to read: "An act to amend the Food Stamp Act of 1964."

Mr. ELLENDER. Mr. President, I move that the Senate disagree to the amendments of the House to S. 953 and request a conference with the House on the disagreeing votes, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. ELLENDER, Mr. HOLLAND, Mr. TALMADGE, Mr. MONDALE, Mr. MONTOYA, Mr. AIKEN, Mr. YOUNG of North Dakota, and Mr. BOGGS conferees on the part of the Senate.

DISPOSITION OF JUDGMENT FUNDS NOW ON DEPOSIT TO THE CREDIT OF THE CHEYENNE-ARAPAHO TRIBES OF OKLAHOMA

Mr. HARRIS. Mr. President, for myself and my senior colleague [Mr. MONRONEY] I introduce, for appropriate reference, at the request of the Cheyenne-Arapaho Business Committee, a bill to provide for the disposition of the judgment funds now on deposit to the credit of the tribes.

The bill calls for one-half million dollars to be held in trust for an educational scholarship fund for the members of the tribes with the remainder of the judgment to be distributed per capita. By way of background information, the tribal business committee is presently in the process of selecting a bank to act as trustee under the provisions of section 2 and section 3(c) of the proposed act. After the trustee is selected, I am advised that the business committee plans to have the actual trust agreements drafted and possibly executed prior to committee hearings on the bill so that they may be available to the committee to become a part of the record at the hearings.

I ask unanimous consent to have printed in the RECORD council resolution No. 358–S15 by which the Business Committee of the Cheyenne-Arapaho Tribes of Oklahoma approved and recommended the bill I am today introducing on their behalf, and that the bill also may be printed at this point in the RECORD.

Mr. President, the Cheyennes and Arapahoes have waited long enough for these funds which are rightfully theirs, and I certainly hope this bill will be considered and passed as rapidly as possible.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The bill will be received and appropriately referred; and, without objection, the bill and council resolution will be printed in the RECORD.

The bill (S. 1933) to provide for the disposition of judgment funds now on deposit to the credit of the Cheyenne-Arapaho Tribes of Oklahoma, introduced by Mr. HARRIS (for himself and Mr. MONRONEY), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 1933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to distribute and expend the funds on deposit in the Treasury of the United States to the credit of the Cheyenne-Arapaho Tribes of Oklahoma that were appropriated by the Act of October 31, 1965 (79 Stat. 1133), in satisfaction of the settlement and compromise of claims of said tribes against the United States in the Indian Claims Commission in dockets numbered 329A and 329B, together with the interest accured thereon, as herein provided.

SEC. 2. $500,000 of said funds shall be held in trust for the purpose of providing education and scholarships for members of said tribes pursuant to a trust agreement to be made and entered into by and between said tribes, as grantor, and a national banking association located in the State of Oklahoma, as trustee which trust agreement shall be authorized and approved by the tribal governing body and approved by the Secretary of the Interior.

SEC. 3. The Secretary of the Interior shall distribute remaining funds per capita to all persons alive on the date of this Act whose names appear on the membership roll of the Cheyenne-Arapaho Tribes of Oklahoma or who, on the date of this Act, were eligible for membership, hereinafter referred to as "enrollees", as follows:

(a) a share payable to an enrollee not less than twenty-one years of age shall be paid direct in one payment to such enrollee, except as provided in subsections (b) and (c) of this section;

(b) a share payable to an enrollee dying after the date of this Act shall be distributed to his heirs or legatees upon the filing of proof of death and inheritance satisfactory to the Secretary of the Interior, or his authorized representative, whose findings and determinations upon such proof shall be final and conclusive; *Provided*, That if a share of such deceased enrollee, or a portion thereof, is payable to an heir or legatee under twenty-one years of age or under legal disability, the same shall be paid and held in trust pursuant to subsection (c) of this section;

(c) a share or proportional share payable to an enrollee or person under twenty-one years of age or to an enrollee or person under legal disability shall be paid and held in trust for such enrollee or person pursuant to a trust agreement to be made and entered into by and between the Cheyenne-Arapaho Tribes of Oklahoma, as grantor, and a national banking association located in the State of Oklahoma, as trustee, which trust agreement shall be authorized and approved by the tribal governing body and approved by the Secretary of the Interior.

SEC. 4. (a) All claims for per capita shares, whether by a living enrollee or by the heirs or legatees of a deceased enrollee, shall be filed with the Area Director of the Bureau of Indian Affairs, Anadarko, Oklahoma, not later than three years from the date of approval of this Act. Thereafter, all claims and the right to file same shall be forever barred and the unclaimed shares shall revert to the tribes.

(b) Tribal funds that revert to the tribes pursuant to subsection (a) of this section, including interest and income therefrom, may be advanced or expended for any purpose that is authorized by the tribal governing body.

SEC. 5. No part of any funds distributed or held in trust under the provisions of this Act shall be subject to Federal or State income taxes.

SEC. 6. Funds distributed and payments made under this Act shall not be held to be "other income and resources", as that term is used in sections 2(a)(10)(A), 402(a)(7), 1002(a)(8), and 1402(a)(8) of the Social Security Act as amended (42 U.S.C. 302(a)(10)(A), 602(a)(7), 1202(a)(8), and 1352(a)(8)).

SEC. 7. (a) All costs incident to making the payments authorized by this Act, including the costs of payment roll preparation and such sums as may be required to distribute said funds, shall be paid by appropriate withdrawals from the judgment fund and interest on the judgment fund, using the interest fund first.

(b) In the event that the sum of money reserved by the Secretary of the Interior to pay the costs of distributing said funds exceeds the amount actually necessary to accomplish this purpose, the money remaining shall revert to the tribes and may be advanced or expended for any purpose that is authorized and approved by the tribal governing body.

SEC. 8. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

The council resolution, presented by Mr. HARRIS, is as follows:

COUNCIL RESOLUTION NO. 358–S15 OF THE CHEYENNE-ARAPAHO TRIBES OF OKLAHOMA

Whereas an appropriation of funds to the credit of the Cheyenne-Arapaho Tribes of Oklahoma has been made by the Congress of the United States, and,

Whereas the Business Committee of the Cheyenne-Arapaho Tribes of Oklahoma has deliberated and studied at length the proper disposition of said funds, and,

Whereas a proposed Act has been approved by said Business Committee for submission to the Congress of the United States setting forth the desired disposition of said funds: Now, therefore, be it

Resolved, That the Business Committee of the Cheyenne-Arapaho Tribes of Oklahoma does hereby adopt, ratify, approve and recommend the attached proposed Act which is incorporated by reference as if fully set out herein; and be it further

Resolved, That legal counsel for the Cheyenne-Arapaho Tribes of Oklahoma be and is hereby authorized and directed to forward said attached proposed Act and this Resolution to appropriate members of the Oklahoma Congressional Delegation for introduction and passage by the Congress of the United States and subsequent enactment into law.

LAWRENCE H. HART, *Chairman*.

Attest:

JUANITA L. LEARNED, *Secretary*.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 32) continuing the Joint Committee on the Organization of the Congress.

SECURITY COUNCIL DEBATE ON VIETNAM SHOULD BE WELCOME

Mr. MANSFIELD. Mr. President, although the Security Council is now immersed in the matter of the critical, delicate, and dangerous situation in the Middle East and is giving it priority in consideration—as it should—I would express the hope that the matter of Vietnam would not be avoided, stalled, or held up when the pending Mideast situation is resolved.

Although the conflict in Vietnam races on, gathering a momentum which threatens the peace of the entire world, the United Nations machinery for applying the brakes remains idle. There appears to be a reluctance to undertake an open international debate on Vietnam. There appears to be a fear that the United Nations would be used as a propaganda forum, or that there would be criticism which would embarrass the United States or other nations, or that the debate would exacerbate existing tension. These fears are well founded but misplaced.

To be sure, the debate of Vietnam may be hostile and acrimonious. Thin skins may bruise and ears may burn by such a debate. But an escalation of words on Vietnam ought not to alarm; it is the escalation of war which gives deepening cause for concern.

Open debate in the Security Council is something the world should welcome, not fear. It is the trading of words in place of the exchange of blows among all the parties concerned that a rational peace will be obtained. The Security Council offers a setting in which to begin the former. The Cochairmen of the Geneva Conference—the United Kingdom and the Soviet Union—are permanent member states. Two members of the Geneva International Control Commission on Indochina—India and Canada—are also members of the Security Council. The third member, Poland, a U.N. member, could be invited to participate in the discussion, along with the People's Republic of China, South Vietnam, the National Liberation Front, North Vietnam, and any other government or group whose presence might be of some relevance to negotiations. To be sure, refusals to attend may be forthcoming, but all should be invited and the invitations should be left open.

The United States could take an immediate initiative, once the Mideast matter is out of the way, in bringing about this vitally needed discussion of the subject in the Security Council. More than a year ago the United States took a step in this direction and succeeded in getting the question placed on the Security Council's agenda. However, the United States did not ask for full debate at that time, nor did it press for a vote.

Whatever the reason then for the stillborn initiative, the present circumstances would appear to urge another try with greater persistence. The overall picture has changed from a year ago. Many other initiatives have been tried and have failed in the interim; secret diplomacy has been singularly ineffective. The U.N. Secretary General in his personal capacity has tried without success.

A full and open discussion before the U.N. is clearly warranted. If for no other reason, it is warranted in an effort to get clearly on the record a position of the various attitudes which are involved in this conflict. Certainly, there is likely to be criticism directed against us, as against all participants, but it is better to discuss this criticism openly than to ignore it or pretend it does not exist. The possibilities of criticism in no way dilutes the responsibility for finding a satisfactory basis for ending the conflict.

It would be my hope that the Security Council will soon extend a formal and unequivocal invitation to all involved in Vietnam to participate in a discussion of the situation. It would be my further hope that all those invited would attend and present their views. Whether or not they do, however, at least the Security Council, by its invitation, would have begun to face up to the responsibility which is composed by Vietnam. At least those who are prepared to try to settle this matter by peaceful procedures and negotiations will have stood up to be counted in the Council.

URANIUM MINE RADIATION

Mr. **MOSS.** Mr. President, considerable attention is now being focused on uranium mine safety. The division of occupational health in the Department of Health, Education, and Welfare's Public Health Service has been vitally interested in this field.

Through the untiring efforts of Dr. Duncan Holaday, who is chief of the occupational health field station in Utah, much signficant research has been developed concerning radiation exposure in uranium mines.

I ask unanimous consent that a Washington Post article on this subject, and a subsequent editorial published by the Post, be reprinted in the Record.

There being no objection, the article and editorial were ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 9, 1967]

Cancer: Uranium Mine Occupation Hazard—Hidden Casualties of Atom Age Emerge

(By J. V. Reistrup)

Nucla, Colo., March 8.—This is probably the last spring John Morrill will ever see, because he is dying of lung cancer.

He is dying of lung cancer because he was a uranium miner.

The 56-year-old Morrill, who lives in the small community on the Western Slope of the Rockies with his wife Irene, is one of the hidden casualties of the atomic age, one of the dozens who have died or will die because they worked in underground uranium mines.

The Atomic Energy Commission has maintained controls over the later steps of producing fuel for nuclear bombs and power plants, but the Commission decided years ago that it did not have jurisdiction over the places where uranium is taken out of the ground.

Until the last few years, the states did not exercise much control either. A U.S. Public Health Service study indicates that more than half the men among 3,000 studied have been overexposed to radiation in underground uranium mines.

The study group is a "pretty fair cross section" of the 10,000 men who have probably put in time in such mines, according to Duncan Holaday, chief of the Public Health Service occupational health field station at Salt Lake City.

"The only thing that has saved us from a real calamity is that many of these people work only two, three, four years" in underground uranium mines, Holaday said.

John Morrill may be the 50th or 51st miner to be recorded as dying of cancer because of exposure in the underground mines, depending on whose figures you take.

"There'll be more," said Holaday. "We haven't seen them all."

Dr. Victor E. Archer, physician at the Salt Lake field station who has headed the medical study of lung cancer among uranium miners, points out that it most often takes between 17 and 20 years between the start of mining and the start of lung cancer.

The peak of uranium production and the employment of miners in this country came in the late 1950s and early 1960s.

When lung cancer does appear, it is usually fatal.

Holaday, Dr. Archer and their colleagues say the cause is radon daughters in mines.

Radon gas is one of the links in the chain of radioactive decay as uranium turns bit by bit into lead. This gas breaks down into the forms called radon daughters, which are short-lived but deadly with alpha radiation.

If a man breathes moisture particles or dust bearing even tiny amounts of radon daughters, he is likely to keep a substantial portion in his system.

The effects are cumulative. The longer a man works in a mine with a high level of radon daughters, the more chance he will have of developing respiratory cancer.

The deadly effects of radon daughters have been known for decades in scientific literature.

Two mines in Central Europe have been worked since 1500—one at Joachimsthal, now in Czechoslovakia, and the other at Schneeberg, now in East Germany. They were mined first for silver, later for other minerals.

The mines had long been studied because of the high death rate of the men who worked them.

By the 1930s, it was estimated that as many as 70 per cent of the miners at Joachimsthal and Schneeberg had died of lung cancer. Further, it was established fairly clearly that radon daughters were to blame. But authorities were slow in making the link for uranium mines.

In 1949, Holaday went to the wooden, two-story World War II barracks near Salt Lake that still serve as the occupational health field station for 13 Western states. He became chief in 1955.

The field station began studies on the problem, sometimes dipping into funds meant to go to other purposes in order to do it.

The staff there developed detection equipment that could measure the amount of radon daughters in mines and gradually won acceptance, in principle if not in practice, of a maximum working level of radiation inside the mines that should not be exceeded.

The way to keep radiation down is through ventilation, the same means that other mine operators can use to keep silica dust down and thus save their miners from silicosis. Fans and ducts can keep radon daughters from congregating.

Since 1960, the five states that mine 90 per cent of the Nation's uranium—New Mexico, Wyoming, Colorado, Utah and Arizona—have been more active in keeping down the radiation levels within the mines, by monitoring them and closing down the worst offenders until better ventilation is provided.

Records show 39 percent of the mines below the maximum working level for 1965, for example, and by 1966 the percentage rose to 44.

The majority are operating at above the working level, however, and in each year a couple of mines turned up with more than ten times the recommended maximum.

Theoretically, this means that a man working in one of these mines could receive more radiation in a single year than a man in a mine with adequate ventilation would receive in ten years.

Last year, Congress expressed its concern in the Federal Mine and Nonmetallic Mine Safety Act. This requires the Secretary of the Interior to develop and enforce health and safety standards and to approve or disapprove state plans to set standards.

In effect, this means that the states get a chance to set up adequate controls; if they are judged to have fallen short, the Federal Government can step in.

To help in drawing up the standards, the Interagency Federal Radiation Council has scheduled a staff meeting Thursday in Washington with representatives of the states, organized labor, industry and the Public Health Service.

"We do have people who are making an earnest effort to solve their problems, get control," Holaday said, but "I think that eventually you run out of these people and you get down to people who are willing to compete on the basis of [reducing] health and safety.

The standards will come too late "for a lot of people," Holaday said. But there are predictions that by 1980 the growing popularity of nuclear power plants will call for twice as much yearly production as the previous record, he said, and the controls would protect miners during the next boom.

The small mines, or "dogholes," are the hardest to control. They may be operated by as few as two men, who lease the land from a big company and then sell their output to it. Often the men involved are not aware of the radon daughter hazard, and it may not be a big source of worry anyway.

"Somebody like that you are not going to find very interested in something that's going to happen 30 years from today if he isn't worried about a rock falling on his head today," Holaday said.

John Morrill used to be like that. He started uranium mining in about 1941 or 1942 and he mined most of the time until 1965, about ten years of that time in leased dogholes.

John Morrill tends to be fatalistic.

"If I hadn't been working in the mines, I might have been here a lot longer—maybe; I don't know." But then, he adds, he might have been killed in a car accident.

If he had it to do over again, would he go back in the mines?

"I probably would. I probably wouldn't have no better sense. That's the way I look at it.

"But I don't know if I'd go in the uranium mines or not. But if I was going in again, I'd have a lot more insurance."

Fatalism or not, there are some things John Morrill cannot understand about his case. He cannot see why the State is holding off on paying his claim for compensation insurance for a work-related illness. Colorado may be the only state that has paid such claims for uranium miners' lung cancer, but the money, generally about $12,000, usually goes to widows after the miner has died.

He does not understand his company, the Union Carbide Corp.

"Even the company fights it. I can't figure it out. Work for them all those years and they don't want to pay it."

John Morrill quit school at 15 back in Amesbury, Mass., and he does not understand the American system of adversary justice, which holds that truth can be served only by lawyers' firing barrages of briefs and affidavits and expert witnesses at each other.

He may not even know that Union Carbide has a good record in making sure its mines are ventilated now.

John Morrill also does not understand why cancer did not show up in physical examinations until it was too late.

But very few people know about John Morrill, or care what he thinks. It was hard to get directions to the house he rents in little Nucla even though he has lived here five years.

The problem of the uranium miners just has not caught on, "something like the Turks massacring the Armenians," health aide Holaday said. But let a little radioactive waste get into drinking water, Holaday added, and the public says: "That's me."

[From the Washington Post, Mar. 10, 1967]

Bureaucratic Cancer

The Atomic Energy Commission in the 1950s was in such haste to buy uranium for bombs that it largely ignored the then-unknown radiation hazards to the miners. Some 50 miners have now died of radiation-induced lung cancer and perhaps 5000 more have suffered an over-exposure, according to Public Health Service estimates reported by J. V. Reistrup of this newspaper. Since it takes 10 years or so after over-exposure for lung cancer to mature, the final death toll cannot yet be known.

Meanwhile, despite some progress in ventilating the mines and taking other precautions, some 56 per cent of the mines operating in 1966 in the five chief uranium-producing states recorded radiation over the PHS's recommended "working level." And the United States Government is now only at the point of planning to "initiate" effective Federal controls.

The AEC says miners' health was not in its jurisdiction but in that of the states: yet the AEC could have chosen to buy uranium only or first from safe mines, and it could have brought the matter urgently to the attention of Congress. The PHS had and has no important initiative or muscle: a dedicated local officer in Utah, Duncan Holaday, was forced to snitch funds for radiation studies from other projects. The states were too responsive to the mining companies. The companies and individual miners were out to dig uranium and sell it at a profit.

What an appalling performance all around. Every day the Federal Government now delays in solving this problem, another miner may get lung cancer.

TERRORISM A TACTIC OF WAR IN VIETNAM

Mr. HARRIS. Mr. President, we all know that the war in Vietnam is, because of modern communications, a war which is being fought almost before our very eyes. Every Member of this body has been appalled by the sadness and horror which the war in Vietnam produces.

But we should never lose sight of the fact that our Government's policy, backed by our Nation's history and all it stands for, goes to the greatest lengths to avoid civilian casualties, while on the other side terrorism, kidnaping, and the murder of civilians are recognized and accepted tactics of war.

This fact was well documented in a thoughtful article published in the National Observer of May 15, 1967. The article makes gruesomely clear the fate that would await so many of the very South Vietnamese upon whom the building of a democratic government there depends were our Government to withdraw its support.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the National Observer, May 15, 1967]

TERRORISM IS SIMPLY A TACTIC OF THIS WAR—A LOOK AT THE VIET CONG'S TIGHTLY ORGANIZED EFFORT TO INTIMIDATE OPPOSITION

(By Wesley Pruden, Jr.)

SAIGON.—Scooting through the stench and tangle of Saigon's rush hour, two men were obviously having a hard time pedaling what looked to be an empty three-wheel cart. The cop on the corner thought so too.

He waved a white-gloved hand at them, and 36-year-old Nguyen Anh Tuan and his pal braked to a stop at the curb. When the cop lifted the false floor in the cart, he found a 264-pound homemade bomb of *plastique*—nitroglycerin in a putty-like base—hidden between the wheels.

It was enough nitro to blow up a hotel. And that, precisely, is what Tuan and his terrorist pal had intended to do with it. Tuan and his assistant, who was 19, were members of a Communist Viet Cong "Special Activities Cell" in Saigon. Their special activities included systematic murder, arson, theft, and blackmail.

NO TIME FOR SENTIMENT

They were hard and tough when they were arrested; they did not break down at all under the pressure of the Saigon police. Two days later, when they appeared before the Saigon press, a Vietnamese reporter observed that their target, a hotel for U.S. naval officers, was next door to a Vietnamese school.

"Wouldn't you have felt remorse if a hundred children had been killed or maimed?"

Tuan looked him in the eye and replied coldly: "No, I wouldn't feel any remorse at all. This we cannot help."

Tuan and his luckless accomplice are typical—except that they were caught; many Viet Cong terrorists are not. But they, like other "technicians" in "special activities," are taught to deaden their emotions as they learn the morbid skills of their job.

"We must never look back," Tuan said. "To do so is to avert your eyes from the goal."

NOT FOR TERROR'S SAKE

Cold-blooded, ruthless, and unemotional as Tuan may be, he is not indiscriminate. He is a prize pupil, and there are others like him. If the brutal murders of thousands of Vietnamese civilians have proved anything, it is that the Communists never use terror merely for terror's sake.

Terrorism is simply a tactic of this war; as such, it is never rationalized nor is an apology ever entered for it. Terror, or violence, makes the political struggle possible. Terror is, in the words of one observer here, "the hardener in the formula, the steel in the superstructure." Without it, the Communists willingly concede, the war for the "national liberation" of South Vietnam would not succeed.

"The U.S. clique uses collaborators, villains, spies, and secret-police agents," says one Viet Cong indoctrination booklet, "and thus it is necessary to counterattack the enemy's military units, to destroy collaborators, villains, secret-police agents, and spies. Violence is required because (1) the enemy's political weaknesses have forced him to resort to force of arms to impose his will and this must be countered; (2) because it will enhance the political struggle, and (3) because it prevents the enemy from mingling freely among the village masses, and helps isolate him and thins out his ranks."

"Thinning out" is a modest way of putting it.

Since 1958, the guerrillas have killed 11,200 civilians and captured 40,000 more. This is the statistical equivalent, if applied to the United States, of 143,000 and 520,000—enough people to fill cities the size of Hartford, Conn., and Atlanta.

These are murders in the still of the night, often in the Vietnamese back country where sudden death is a gruesome fact of life; these murders, carefully plotted and spaced across the face of the land, rarely make the pages of the Saigon newspapers and never are screamed from the world's headlines.

Yet it's a campaign that grinds on, even as the war grinds on, and there are signs that terror is to be emphasized again.

In one recent week, the Viet Cong terrorists killed 56 civilians. These included a hamlet chief, a deputy hamlet chief, a public-action team member and two other Vietnamese pacification workers, three national policemen, five guerrilla defectors, a village-council candidate, a deputy village chairman, and an interpreter-translator for the U.S. psychological-war office.

"Fifty-six civilians a week is an appalling bloodbath," says an American pacification worker, "but when you consider who these 56 civilians are, that they are 56 civilians who make the government run, you can begin to see just how discriminate and precise the use of terror is."

CAREFULLY ORGANIZED

To control the use of terror, the terrorists must, of course, be tightly organized, and the Communist terrorists are organized as carefully and disciplined as regularly as the guerrilla soldiers in the field.

The basic unit is the three-man cell. In areas controlled by the government, there are two kinds of secret cells: The Special Activities Cell (like the one Tuan belonged to) and the Urban Sapper Cell. Both are assigned to clandestine terror.

From the rosters of these cells, the National Liberation Front (NLF) draws the assassination teams, the grenade throwers, the suicide squads who often drive explosive-laden motorbikes or cars into targets in heavily congested areas or targets that are so heavily guarded that escape is impossible.

Usually these cells are devoid of competent technical ability; Tuan, for all his determination to blow up the U.S. military hotel, was. after all, a drayman. He didn't know how to manufacture the explosives; the charge was loaded for him and he was told when and where to go.

A GUN FROM CHICAGO

When the provincial or zone headquarters of the NLF draws up a special job it nearly always has to bring in special, outside help. "When it's too big for the boys in Peoria," says an American here, "they call in a bigger and more expensive gun from Chicago."

One such job was the blasting of the U.S.S. Card, a small aircraft transport, in the Saigon harbor in 1964. This was an exacting job for a skilled frogman, who might, as a matter of fact, have been a navy frogman brought down from the north for just this job. The Card was damaged heavily, though the Communists apparently considered the job partly bungled because the blast went off after the cargo had been unloaded.

Most of the local. unskilled terrorists are, unlike Tuan, quite young. Some are teenagers. From captured documents and interviews with captured cadres and defectors, it is clear that the Communists find these youngsters more willing to take the risky, daring jobs—and that the chiefs prefer them because they are much easier to influence and indoctrinate and therefore not as likely as an older man to question a dangerous order or to become a double agent.

The best age for the terrorist is 18, so the Communists contend, but a 13-year-old is good enough to toss a grenade into a crowded marketplace. Young boys can also mingle more easily with crowds because they attract much less suspicion. This enables them to walk right up to a difficult target, and occasionally makes escape possible, though there is little evidence that this latter matters much so long as there are other 13-year-olds to fill the gaps of those who are caught or killed.

ACTING UNDER ORDERS

The simple terrorist does not, of course, have anything to do with picking his target, nor of saying when the target will be hit. This is a policy and tactics matter to be decided at a higher level. The terrorist merely waits for his order, much like the soldier in the field waits for his order to advance.

When the guerrillas enter an unfriendly village, terror is rarely the first weapon used. They often try to persuade first. But resistance, if it appears, is put down quickly. The head of a village chief, mounted on a bamboo pole in the center of town, is a tremendous pacifier of balky villagers. Says a Vietnamese pacification cadre: "The head of a respected village elder or chief may not 'pacify' a village as permanently as a new well or a new school, but it does it much quicker." Pacify is not, to be sure, quite the word; the word is "intimidate," but the cadre makes his point.

This kind of terror does two things. It intimidates, and it destroys the faith of the villagers in the Saigon government (if they had any to begin with) to protect them. That's why the village and hamlet chiefs have been such prime targets; they are the village and hamlet symbol of Saigon, and since 1958, more than 10,000 of them have been dealt with.

They aren't always killed. Nguyen Van Tram was chief of a village in Kien Phong province, in the Mekong Delta west of Saigon. Tram was kidnaped and returned when the village cleaned out its meager treasury to pay a 42,000-piaster ransom, the equivalent of less than $400. But before they released him the Viet Cong casually chopped off one finger from each hand. "Next time," they said, "We'll get some of the rest of you."

Even Tram was fortunate. Huynh Huu Be was the chief of Phuong Dinh village in a province in the central highlands, far north of Saigon. The guerrillas pranced into his village one day at dusk a few months ago and went straight to Be's house. Without knocking, they barged in, grabbed Be from his supper table and dragged him into the yard.

His wife ran after him, screaming, and finally she threw herself onto the ground between her husband and the guerrillas. They shot her, careful only to wound, while her husband watched in horror. Then they shot him, then her, then him, until both were dead.

Their 6-year-old daughter, who had been taking her bath inside, ran into the garden to try to hide among rows of lettuce. A guerrilla saw her, and fired two quick bursts from his sub-machine gun. The next morning, the villagers counted more than a dozen wounds in the little girl's body. Weeks later, U.S. troops captured the documents that included a detailed plan of the assassination of Huynh Huu Be and his family. The murders had been planned two weeks before the night of the massacre.

The Communists profess not to see these as murders, and, in fact, Huynh Huu Be's killers probably had a death warrant for him in their pockets. The warrant, which has no standing in any nation's law, is often issued after a "trial," but the outcome of these "trials" is never in doubt. The bogus warrants are printed in the thousands and terror squads often fill them out on the spot. Sometimes the warrant is written beforehand, and posted on the gate of the intended victim hours or even days before he is finally killed.

REASONS FOR TERROR

Brutal and inhuman as these tactics may seem to non-Communists, the Viet Cong offers careful (if chilling) reasoning behind the use of terror as a legitimate weapon in political agitation. Viet Cong leaders have cited five reasons, in messages to their followers, for the use of terror in promoting the war:

Terror builds morale among the guerrillas and the North Vietnamese troops. A Communist document captured in War Zone D, north of Saigon, declares that terrorism in the capital "aroused enthusiasm among the people." The NLF's "Liberation Radio" is always quick to take credit for successful acts of terror, which in the Viet Cong's view creates an aura of invulnerability around the revolution.

Terror advertises the Communist movement. The slaying of a village chief is a cheap way to let the countryside know the guerrillas are in the neighborhood and are ready to do business with others. Terrorists often leave notes pinned to the bodies of victims, to make sure no one misses the point. On other occasions, as when a murder is not a Viet Cong deed, the NLF puts out handbills saying it is. They want no vagueness on this.

Terror destroys security and isolates the individual. Even if the individual villager is not physically harmed, terror in his hamlet convinces him that he has only himself to depend on; the government, whether in Saigon or in his own place, has no help to give him.

Terror can eliminate the leaders of the government. Eventually, the Communists must surely believe, they can kill or maim so many of the hamlet and village chiefs that Saigon cannot find replacements for them all. When this happens, Viet Cong control of the countryside will be secure and the fight can move finally into the big cities.

Terror provokes the Saigon government to use excessive force to put down terror. This, in turn, often persuades the villagers to believe that the Saigon government is as cruel and insensitive to peasant feelings as the Viet Cong has all along contended.

OCCASIONAL FAILURES

Terror, as a polished Communist tactic, often fails, though this is small consolation to the orphaned children wailing at the side of dead parents, or to maimed villagers trying to crawl out of a bus that has struck a mine in the road.

Perhaps the most spectacular failure of terror to achieve what it was expected to achieve was the failure of the campaign among the montagnards, the primitive, dark-skinned natives in the central highlands. For a long time the Communists tried to win the allegiance of the montagnards, but U.S. Special Forces units apparently tried harder. By the end of 1962, it was clear to the Viet Cong that the montagnards had gone over to the side of the Americans—who were, often as not, the first outsiders who had ever treated the backward tribesmen as fellow members of the human race.

The Viet Cong cracked down hard. Food is always scarce in the montagnard territory, and many of the natives ate only when the U.S. dropped food to them. Viet Cong cadres began systematically taking food away from the montagnards; the goal was to starve as many as possible.

But the campaign of terror failed when whole montagnard villages moved, literally overnight, to government refugee camps in secure areas. Perhaps as many as 300,000 montagnards have deserted their old villages in Viet Cong-held territory; this is 35 per cent of the entire montagnard population of South Vietnam.

Other groups have been special targets of the terrorists. Beginning in mid-1964, the Americans were favorite targets. This campaign was probably a morale-building campaign; so was a similar campaign a year later, when the U.S. embassy was bombed.

For a few weeks last fall, Vietnamese politicians, particularly members of the Constituent Assembly, who wrote the new constitution, were special targets. It was during this campaign that a Viet Cong bomb blew apart the car of a prominent assemblyman, shattered both his legs, and killed a passer-by.

Lately, terrorism has increased in Saigon, this time against civilians and occasional Americans. The National Liberation Front likes to turn its terror on and off, like a water faucet, for no *apparent* reason. But there is a very good reason for it.

"When a reign of terror is relaxed," says a U.S. psy-war specialist, "there is a tendency for the whole community to relax and enjoy an exaggerated sense of relief, a feeling that maybe the guerrillas aren't so bad after all."

If the Communists continue to find the going rugged against U.S. troops, as there is every reason to believe they will, new and more vigorous terror campaigns are almost sure to come. It is a cheap way to advertise and build morale, and more and more it looks as if it is the only way left to the Communists to build morale. As the pacification program is pushed still harder, terror will surely stalk the countryside with new determination.

But even the Communist theoreticians concede that terror is a tactic that is useless against a determined foe. One such foe is the Saigon newspaper Chinh Luan (Political Discussion), which is sternly anti-Communist. Its editor, Tu Chung, was put on the assassination list as long ago as 1965, when he was denounced for "serving American bosses" and threatened with death. Tu Chung boldly printed the letter in full and turned the original over to the police.

"We love the life that God has breathed into our bodies, as all men love life," Tu Chung wrote in an accompanying editorial. "But we will look straight into the gun barrel held by the murderer who comes against us and we will say: 'You can kill us but our spirit will live on.'" A few nights later, Tu Chung stepped from his car on the driveway of his home, into the glare of the headlights of an approaching motorbike. Four shots rang out, and Tu Chung fell dead. But his newspaper and his spirit live on.

JAYCEE PRESIDENT PLEDGES SUPPORT FOR WAR ON POVERTY

Mr. HARRIS. Mr. President, I was much pleased to read a press release of the U.S. Jaycees, dated May 10, 1967, entitled "Jaycee President Pledges Support for War on Poverty." The report announced that Bill Suttle, U.S. Jaycee president, had joined the Business Leadership Advisory Council of the Office of Economic Opportunity.

In the release, Mr. Suttle said that he will "immediately contact local Jaycee officers in selected cities throughout the country, asking them to work with leaders of locally established OEO community action agencies."

Mr. President, as a former Jaycee, I was glad to see this announcement. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

JAYCEE PRESIDENT PLEDGES SUPPORT FOR WAR ON POVERTY

Bill Suttle, President of the U.S. Jaycees, today joined the Business Leadership Advisory Council of the Office of Economic Opportunity and expressed his pleasure at being able to represent a portion of the millions of American volunteers in the War on Poverty.

Suttle said that OEO's objectives of alleviating poverty, suffering, ignorance and blight while building a greater America—through the resources of local community action is fully consistent with the Jaycee objectives of "personal growth through civic involvement."

The 33-year-old civic leader said that unfortunately, in the past, the government has not fully mobilized the potential of a vast "volunteer community" of millions of Americans who belong to civic organizations. And he said, too frequently these groups have been guilty of apathy and have concerned themselves with trivial programs unworthy of recognition.

Suttle commended the OEO for recognizing the potential of volunteer organizations and for soliciting the assistance in meeting the real challenges facing America today. He expressed confidence that government, the forces of business and labor that make up the "private sector" and the "voluntary community," can work together in providing a better life for all America.

One of the particular areas of OEO activity praised by the Jaycee leader was the attempt to provide job opportunities for all Americans. He said the Jaycees placed emphasis on the need to make productive taxpayers out of potential welfare recipients.

Suttle said he recognized the need for Jaycee and other civil organizations to prove their merit through meaningful action. As an example of Jaycee support, he announced that between 60 and 70 local Jaycee groups from seven states within Appalachia have agreed to begin civic action programs as the result of an experimental seminar held in early April at the Institute for Regional Development at Ohio University.

Suttle said that he will immediately contact local Jaycee officers in selected cities around the country, asking them to work with leaders of locally established OEO Community Action Agencies.

In addition, he said he would ask all of his more than 280,000 members to become involved in human development programs in their 6,000 communities, whether or not they are currently being served by an established governmental agency.

A real significance of Jaycee activity, Suttle said, would be to prove the usefulness of organized volunteer groups in winning the war against poverty, ignorance and individual dependence upon government. He said that the experience gained by the current programs could go far toward greater involvement on the part of millions of concerned American volunteers.

PRAISE FOR THE TENNESSEE REPUBLICAN LEGISLATORS

Mr. BAKER. Mr. President, on May 25 a joint caucus of the Republican members of the Tennessee Senate and House of Representatives unanimously endorsed the revenue-sharing bill which I have introduced together with 15 cosponsors. It is especially gratifying to see such resounding support in our State for a measure which would provide a bold, first step toward real efforts to strengthen State and local governments.

Despite the present administration's unrelenting refusal to give revenue-sharing a full hearing, the pressure continues to build in Tennessee and in the Nation for an alternative to the present maze of overly restrictive Federal grant-in-aid programs. These Tennessee Republican officials have made another constructive and important contribution to our efforts to balance more appropriately our Federal partnership of government. I ask unanimous consent that the text of their resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A RESOLUTION COMMENDING U.S. SENATOR HOWARD H. BAKER, JR., ON INTRODUCTION OF BILL TO PERMIT SHARING OF FEDERAL REVENUES WITH THE STATES

Whereas, Because the responsibilities of state and local governments to the great problems of this generation are far outstripping the state and local financial resources to meet these obligations; and

Whereas, The national government, with its superior taxing power, has moved into more and more areas of activity and has virtually buried state and local governments under a mass of 400 federal aid appropritions for 170 different aid programs; and

Whereas, A no-strings tax-sharing program will improve the financial base of state and cities in order to unleash their imagination for solving the great problems of this new generation. Not only should such a program provide for more effective and less expensive government, but it will begin to restore the traditional federal balance of governmental power which has swung too far toward the national government; and

Whereas, Senator Howard H. Baker, Jr. of Tennessee, has introduced in the United States Senate, during his first address on the senate floor on Thursday, March 9, a bill designed to permit an immediate beginning of sharing federal revenues with the states on a no-strings attached basis; and

Whereas, fifteen of Senator Baker's colleagues in the United States Senate have recognized the soundness of the Baker Tax-Sharing Plan and the principle supporting it;

Now therefore be it resolved by the joint Republican caucus of the eighty-fifth general assembly, That by this resolution the members commend Senator Baker for making this bold new initiative in federalism and express their collective support for the immediate enactment of a sound, no-strings-attached tax-sharing program in the present session of the United States Congress; and

Be it further enacted, That a copy of this resolution be forwarded to United States Senator Howard H. Baker, Jr.

Senator FRED BERRY,
Chairman.
Representative HAL CARTER,
Secretary.

MAY 25, 1967.

AMENDMENT OF U.S. INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948

The Senate resumed the consideration of the bill (S. 1030) to amend further section 1011 of the United States Information and Educational Exchange Act of 1948, as amended.

Mr. McCLELLAN. Mr. President, I want to express my opposition to S. 1030. I shall be very brief. I oppose the continuation, or renewal, in effect, of this, the informational media guarantee program. In my judgment, it has proved to be more expensive than beneficial. I am in full accord with the action which has been taken by the Appropriations Committees of the Congress in the past. I believe the first time was in 1961, when the Appropriations Committees requested that this informational media guarantee fund be phased out with a view to bringing this program to an end. Apparently there was no enthusiasm on the part of the administration to phase out this fund, and it has continued on down to the present.

Thereafter, in 1964, the Appropriations Committees expressly stated their disapproval of the committee's report on the fund. Again in 1965 the Appropriations Committees requested that the fund be phased out because of its duplication. The House agreed with the Senate in this recommendation; and in 1966 the committees again instructed that no funds were to be used in the operation of the IMG fund. In the bill making appropriations for fiscal 1967, again the Appropriations Committees of the Congress called for the termination of the IMG fund.

The pending bill, while terminating the original program, undertakes to inaugurate a new program that would do substantially the same thing. Therefore, the practical effect would be to circumvent what the Appropriations Committees of the Congress have sought to do, that is, to bring an end to this program.

As I understand, this was supposed to be a revolving fund. Therefore, if it had been properly administered and the results had been as anticipated at the time the fund was established, there would have been no continuing cost to the Federal Treasury. But it has not operated successfully as a revolving fund, with the result that the fund has had to borrow more than $22 million from the U.S. Treasury. There has been an accrued interest cost up to date of more than $1.8 million. The direct appropriation of the Federal Government for this fund has amounted to more than $13.1 million. Thus, the Federal Government has already sustained a loss of approximately $35 or $36 million in the operation of the program.

Again, I suggest that the cost has far exceeded any tangible benefits that we have received from it, so far as I can observe.

As has been noted by other speakers, we have two other programs which substantially cover the same field of operation and provide generally for the same kind of dissemination of information as does this program.

The USIA will disseminate much information, at a cost of about $10.719 million appropriated for foreign currencies for books, magazines, subscriptions to newspapers, and so forth. This program will be administered by the USIA. In addition to what the USIA will disseminate, there will be added another $613,000 for books and magazines by AID. In addition, our Government spends millions of dollars to provide for school books in most of the undeveloped countries through programs conducted by AID and USIA.

It is not only this program that I am concerned about. For the last dozen years I have voted against all of the foreign aid authorizations and appropriations, because I have been convinced that a large percentage of it—probably half or more—was simply waste and extravagance, and the program was being administered and the money was being expended without proper restrictions and conditions placed upon it. We were getting little or no benefit from it. In many instances we were simply supporting foreign dictators, making it possible for them to retain their prestige and power, whereas those that we sought to benefit—their people—got little assistance from it, in the first instance, and in the second instance they did not know from where their help was coming. They did not know, and many do not yet know that the United States provided the help they received.

I think we have had a very poor policy in the administration of foreign aid that we have provided all these years.

In the present crisis in Vietnam and in the one in the Middle East which is so prominent now, I would like to ask where our friends are, those whom we have assisted. A large number of them are today condemning the United States. They are opposing its foreign policy. We have helped their people. Egypt has received $1 billion in aid from us. India, who criticizes our policy abroad and condemns us, has received about $6.25 billion in economic aid, not to mention an undisclosed amount of classified military aid. Yugoslavia has received $800 million or more.

Where are they today? We have bought no friends. France has received nearly $11 billion; and yet she, today, undertakes to obstruct our foreign policy in which we are trying to protect the free world.

What have we bought with our money? Here we are, billions—330-some-odd billions of dollars—in debt. We are asked to raise the debt limit another $25 or $30 billion. We are going into debt at the rate of $15 to $25 billion a year now. Where is the end of it?

Unless we can get a foreign aid program whereby the benefits will go directly to the people who should receive them, and where the American flag will go with the aid extended, in the sense of letting the beneficiaries know that this aid comes from the United States of America, and not from their dictator; unless we can devise a program like that, where America will receive some credit for its aid from those whom we are undertaking to assist, I shall continue to oppose it, as I have done in the past.

Oh, it is said we must not put any strings on it. All right; we have not put any strings on it heretofore, and look where our friends are today. There is no obligation. They act like they have done us a favor by taking it. Then they criticize us. We get no cooperation from them when our boys are fighting and dying in foreign lands again, in defense of the freedom of the world.

As far as I am concerned, I am ready to hold tight to the purse strings of this country, in dealing with foreign governments, except, until, and unless there is a firm, reliable indication that we are dealing with a friend and assisting a friend, someone we can count on when we need help and cooperation. Our altruism has been a one-way street too long. As far as I am concerned, I shall continue to oppose the foreign aid program, and certainly wasteful items such as this, until the time comes when we are receiving appropriate recognition and appreciation for it, and a little gratitude. If we had pursued that kind of policy, we would have more friends today on the issue for which our boys are dying overseas than we now have.

I make that statement, Mr. President, because I am opposed to the pending bill. I am opposed to many other phases and aspects of the foreign aid program, because it is wasteful. We are not getting anything for it, and we are running this country further and further into debt. We now must have another tax bill, if we are to maintain anything approaching a sound fiscal policy in this country.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. McCLELLAN. The time has come for us to be practical, and to exercise sound fiscal judgment, with respect to our foreign aid policy.

I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that my remarks may appear elsewhere in the Record, to avoid interrupting the Senator's remarks.

Mr. McCLELLAN. Mr. President, I yield the floor.

THE DODD CENSURE RESOLUTION

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that during the proceedings under the resolution of censure proposed as to Senator Thomas J. Dodd, that Mr. Eberhard P. Deutsch, of New Orleans, be permitted to be present on the floor as counsel for Mr. Dodd.

Mr. McCLELLAN. Mr. President, reserving the right to object, what was the Senator's request?

Mr. MANSFIELD. For Senator Dodd to have a lawyer on the floor with him tomorrow.

Mr. McCLELLAN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, in view of the fact that I expect to be actively engaged in support of Senator Dodd's position, and I know of no other Senator who plans to take that much interest in the matter, I ask unanimous consent that certain members of my staff be permitted to be present, in the event it should be decided that the floor should be cleared of those who have no business here. Those staff members are Robert E. Hunter, Wendell Lindsey, Will E. Leonard, and Charles McBride.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1968—CONFERENCE REPORT

Mr. HAYDEN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill—H.R. 9029—making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1968, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of June 7, 1967, pp. 15135–15138, Congressional Record).

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. HAYDEN. Mr. President, as this bill passed the Senate it provided for appropriations totaling $1,399,359,550 for the agencies and bureaus of the Department of the Interior, exclusive of the Federal Water Pollution Control Administration, the Bureau of Reclamation and power marketing activities, and the various related agencies, including the U.S. Forest Service and the Division of Indian Health.

The conference committee bill provides appropriations totaling $1,382,848,350 for the programs and activities of these agencies. This total is under the budget estimates of $1,458,218,000 by $75,369,350; over the House bill of $1,365,310,150 by $17,538,200; and under the Senate bill of $1,399,359,550 by $16,511,200.

I ask unanimous consent to have printed in the Record, at the conclusion of my remarks, a tabulation setting out the appropriation for the current year, the budget estimate, the House allowance, the Senate allowance, and the conference allowance for each appropriation in the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HAYDEN. The House conferees agreed with the Senate on the amount of the budget amendment for the Phoenix medical center which came to the Congress after the House had acted on the bill; and agreed to an increase of $6,500,000 for the Trust Territory of the Pacific Islands. This increase was also included in a budget amendment not considered by the House.

The land and water conservation fund allocations were worked out on a basis which the conferees believed to be fair and equitable, even though results in specific areas may be disappointing to individuals. Funds are allocated for two areas not provided for by the House of Representatives—Piscataway Park and the Indiana Dunes National Lakeshore.

The conference was a most friendly, cooperative meeting. As many Senators may know, the House subcommittee has a new chairman this year, Representative Julia Butler Hansen. She is most capable and fair. I believe that the report deals equitably with the actions and views of both branches of the Congress.

I move that the conference report be approved.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. HAYDEN. Mr. President, I move that the Senate agree to the amendments of the House of Representatives to Senate amendments numbered 11, 12, 16, and 20, as follows:

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 7, 21, 30, and 41 to the bill (H.R. 9029) entitled "An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1968, and for other purposes."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 11, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$119,191,000".

Resolved, That the House recede from its disagreement to the amendment of the House numbered 12, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$32,269,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 16, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$9,191,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 20, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$35,821,000".

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona.

The motion was agreed to.

EXHIBIT 1

Interior Department and related agencies appropriations bill, 1968 (H.R. 9029)

Item	Appropriation, 1967	Budget estimates, 1968	Allowances			Conference allowance compared with—		
			House	Senate	Conference	Budget estimate	House allowances	Senate allowances
TITLE I—DEPARTMENT OF THE INTERIOR								
Public Land Management								
Bureau of Land Management:								
Management of lands and resources	$57,081,000	$49,573,000	$49,013,000	$49,451,000	$49,253,000	−$320,000	+$240,000	−$198,000
Construction and maintenance	3,032,000	4,300,000	3,900,000	4,108,000	3,900,000	−400,000		−208,000
Public lands development roads and trails (liquidation of contract authorization)	2,000,000	3,000,000	2,600,000	3,000,000	2,600,000	−400,000		−400,000
Oregon and California grant lands (indefinite appropriation of receipts)	(11,875,000)	(11,625,000)	(11,625,000)	(11,625,000)	(11,625,000)			
Range improvements (indefinite appropriation of receipts)	(1,474,000)	(1,582,000)	(1,582,000)	(1,582,000)	(1,582,000)			
Total, Bureau of Land Management	62,113,000	56,873,000	55,513,000	56,559,000	55,753,000	−1,120,000	+240,000	−806,000
Bureau of Indian Affairs:								
Education and welfare services	118,629,300	129,478,000	126,478,000	126,478,000	126,478,000	−3,000,000		
Resources management	45,186,000	47,608,000	47,200,000	47,179,000	47,179,000	−429,000	−21,000	
Construction	56,118,000	40,407,000	40,525,000	41,530,000	40,770,000	+363,000	+245,000	−760,000
Road construction (liquidation of contract authorization)	16,889,000	19,000,000	18,000,000	19,000,000	18,000,000	−1,000,000		−1,000,000
Revolving fund for loans		450,000	450,000	450,000	450,000			
General administrative expenses	4,773,000	4,627,000	4,627,000	4,627,000	4,627,000			
Total, Bureau of Indian Affairs, exclusive of tribal funds	241,595,300	241,570,000	237,280,000	239,264,000	237,504,000	−4,066,000	+224,000	−1,760,000
Tribal funds (not included in totals of this tabulation)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)			
Bureau of Outdoor Recreation:								
Salaries and expenses	3,990,000	4,240,000	4,140,000	4,200,000	4,190,000	−50,000	+50,000	−10,000
Land and water conservation:								
(Indefinite appropriation of receipts)	(110,000,000)	(110,000,000)	(110,000,000)	(110,000,000)	(110,000,000)			
Advance appropriation		32,000,000	9,500,000	12,135,500	9,191,000	−22,809,000	−309,000	−2,944,500
Total, Bureau of Outdoor Recreation	3,990,000	36,240,000	13,640,000	16,335,500	13,381,000	−22,859,000	−259,000	−2,954,500
Office of Territories:								
Administration of territories	10,513,000	15,613,000	15,613,000	15,613,000	15,613,000			
Trust Territory of the Pacific Islands	19,194,000	30,000,000	17,500,000	25,000,000	24,000,000	−6,000,000	+6,500,000	−1,000,000
Total, Office of Territories	29,707,000	45,613,000	33,113,000	40,613,000	39,613,000	−6,000,000	+6,500,000	−1,000,000
Total, public land management	337,405,300	380,296,000	339,546,000	352,771,500	346,251,000	−34,045,000	+6,705,000	−6,520,500
Mineral Resources								
Geological Survey: Surveys, investigations, and research	81,609,000	88,199,000	85,499,000	86,299,000	85,499,000	−2,700,000		−800,000
Bureau of Mines:								
Conservation and development of mineral resources	35,095,000	39,825,000	38,180,000	36,121,000	35,821,000	−4,004,000	−2,359,000	−300,000
Health and safety	9,695,000	10,821,000	10,721,000	10,721,000	10,721,000	−100,000		
Solid waste disposal	4,300,000	3,232,000	3,232,000	3,367,000	3,367,000	+135,000	+135,000	
Appalachian region mining area restoration	7,000,000	800,000				−800,000		
General administrative expenses	1,596,000	1,616,000	1,532,000	1,532,000	1,532,000	−84,000		
Helium Fund: Borrowing authorization	(26,000,000)	(18,200,000)	(16,200,000)	(16,200,000)	(16,200,000)	(−2,000,000)		
Annual limitation on contract authorization		(12,500,000)				(−12,500,000)		
Total, Bureau of Mines	57,686,000	56,294,000	53,665,000	51,741,000	51,441,000	−4,853,000	−2,224,000	−300,000
Office of Coal Research: Salaries and expenses	8,220,000	9,725,000	9,180,000	11,180,000	10,980,000	+1,255,000	+1,800,000	−200,000
Office of Oil and Gas: Salaries and expenses	747,800	926,000	740,000	814,800	740,000	−186,000		−74,800
Total, mineral resources	148,262,800	155,144,000	149,084,000	150,034,800	148,660,000	−6,484,000	−424,000	−1,374,800
Fish and Wildlife and Parks								
Bureau of Commercial Fisheries:								
Management and investigations of resources	20,999,000	23,835,000	23,194,650	24,219,650	23,809,650	−25,350	+615,000	−410,000
Management and investigations of resources (appropriation of receipts)	(1,000,000)							
Management and investigations of resources (special foreign currency program)	500,000	100,000	100,000	100,000	100,000			
Construction	1,245,000	1,380,000	1,730,000	1,730,000	1,730,000	+350,000		
Construction of fishing vessels	3,000,000	6,000,000	6,000,000	6,000,000	6,000,000			
Federal aid for commercial fisheries research and development	4,714,300	4,714,000	4,714,000	4,714,000	4,714,000			
Anadromous and Great Lakes fisheries conservation	2,675,000	1,678,000	1,678,000	2,428,000	2,428,000	+750,000	+750,000	
Administration of Pribilof Islands (indefinite appropriation of receipts)	(2,495,700)	(2,496,000)	(2,496,000)	(2,496,000)	(2,496,000)			
General administrative expenses	760,000	743,000	693,000	693,000	693,000	−50,000		
Limitation on administrative expenses, Fisheries loan fund	(316,000)	(336,000)	(336,000)	(336,000)	(336,000)			
Total, Bureau of Commercial Fisheries	33,893,300	38,450,000	38,109,650	39,884,650	39,474,650	+1,024,650	+1,365,000	−410,000
Bureau of Sport Fisheries and Wildlife								
Management and investigations of resources	39,001,800	43,159,000	43,010,000	44,810,800	44,148,800	+989,800	+1,138,800	−662,000
Construction	8,618,600	2,568,000	2,568,000	5,090,600	4,475,600	+1,907,600	+1,907,600	−615,000
Migratory bird conservation account	6,000,000	7,500,000	7,500,000	7,500,000	7,500,000			
Appalachian region fish and wildlife restoration projects	500,000	400,000				−400,000		
Anadromous and Great Lakes fisheries conservation	2,675,000	1,675,000	1,675,000	2,425,000	2,425,000	+750,000	+750,000	
General administrative expenses	1,613,000	1,613,000	1,572,000	1,572,000	1,572,000	−41,000		
Total, Bureau of Sport Fisheries and Wildlife	58,408,400	56,915,000	56,325,000	61,398,400	60,121,400	+3,206,400	+3,796,400	−1,277,000
National Park Service:								
Management and protection	37,159,800	40,822,000	40,442,000	40,730,400	40,672,000	−150,000	+230,000	−58,400
Maintenance and rehabilitation of physical facilities	27,731,000	29,942,000	29,581,000	29,946,800	29,821,800	−120,200	+240,800	−125,000
Construction	22,894,000	17,579,000	11,197,000	12,671,500	11,627,000	−5,952,000	+430,000	−1,044,500
Parkway and road construction (liquidation of contract authorization)	32,500,000	38,000,000	38,000,000	38,000,000	38,000,000			
Preservation of historic properties	323,000	2,323,000	1,000,000	470,000	770,000	−1,553,000	−230,000	+300,000
General administrative expenses	2,569,200	2,569,000	2,569,000	2,569,000	2,569,000			
Total, National Park Service	123,177,000	131,235,000	122,789,000	124,387,700	123,459,800	−7,775,200	+670,800	−927,900
Total, fish and wildlife and parks	215,478,700	226,600,000	217,223,650	225,670,750	223,055,850	−3,544,150	+5,832,200	−2,614,900

EXHIBIT 1—Continued

Interior Department and related agencies appropriations bill, 1968 (H.R. 9029)—Continued

Item	Appropriation, 1967	Budget estimates, 1968	Allowances			Conference allowance compared with—		
			House	Senate	Conference	Budget estimate	House allowances	Senate allowances
TITLE I—DEPARTMENT OF THE INTERIOR—Con.								
Office of Saline Water								
Salaries and expenses	$27,500,000	$20,982,000	$7,500,000	$7,500,000	$7,500,000	-$13,482,000		
Operation and maintenance	2,351,000	2,300,000	2,300,000	2,300,000	2,300,000			
Total, Office of Saline Water	29,851,000	23,282,000	9,800,000	9,800,000	9,800,000	-13,482,000		
Office of Water Resources Research								
Salaries and expenses	6,910,000	12,700,000	11,130,000	12,130,000	11,130,000	-1,570,000		-$1,000,00
Office of the Solicitor								
Salaries and expenses	4,821,000	5,130,000	5,100,000	5,100,000	5,100,000	-30,000		
Office of the Secretary								
Salaries and expenses	5,165,900	7,570,000	6,776,500	7,064,500	6,881,500	-688,500	+$105,000	-183,000
Total, direct appropriations	747,894,700	810,722,000	738,660,150	762,571,550	750,878,350	-59,843,650	+12,218,200	-11,693,200
Total, appropriations of earmarked receipts	126,844,700	125,703,000	125,703,000	125,703,000	125,703,000			
Total, borrowing authorization	26,000,000	18,200,000	16,200,000	16,200,000	16,200,000	-2,000,000		
Total, annual contract authority		12,500,000				-12,500,000		
Total, title I, Department of the Interior	900,739,400	967,125,000	880,563,150	904,474,550	892,781,350	-74,343,650	+12,218,200	-11,693,200
TITLE II—RELATED AGENCIES								
Department of Agriculture								
Forest Service:								
Forest protection and utilization:								
Forest land management	203,707,000	186,238,000	185,063,000	186,218,000	185,618,000	-620,000	+555,000	-600,000
Forest research	38,567,000	40,032,000	40,180,000	42,029,000	41,257,000	+1,225,000	+1,077,000	-772,000
State and private forestry cooperation	18,151,000	18,251,000	18,251,000	20,251,000	19,751,000	+1,500,000	+1,500,000	-500,000
Total, forest protection and utilization	260,425,000	244,521,000	243,494,000	248,498,000	246,626,000	+2,105,000	+3,132,000	-1,872,000
Forest roads and trails (liquidation of contract authorization)	101,230,000	111,000,000	110,000,000	110,000,000	110,000,000	-1,000,000		
Acquisition of lands for national forests:								
Uinta National Forest	300,000							
Special acts (appropriation of receipts)	(80,000)	(80,000)	(80,000)	(80,000)	(80,000)			
Cooperative range improvements (appropriation of receipts)	(700,000)	(700,000)	(700,000)	(700,000)	(700,000)			
Assistance to States for tree planting	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000			
Total, definite appropriations	362,955,000	356,521,000	354,494,000	359,498,000	357,626,000	+1,105,000	+3,132,000	-1,872,000
Total, appropriation of receipts	780,000	780,000	780,000	780,000	780,000			
Total, Forest Service, Department of Agriculture	363,735,000	357,301,000	355,274,000	360,278,000	358,406,000	+1,105,000	+3,132,000	-1,872,000
Federal Coal Mine Safety Board of Review								
Salaries and expenses	178,400	162,000	162,000	162,000	162,000			
Commission of Fine Arts								
Salaries and expenses	115,000	115,000	115,000	115,000	115,000			
Department of Health, Education, and Welfare								
Public Health Service:								
Indian health activities	75,536,000	82,133,000	82,000,000	82,645,000	82,005,000	-128,000	+5,000	-640,000
Construction of Indian health facilities	14,489,000	23,636,000	14,733,000	17,606,000	16,848,000	-6,788,000	+2,115,000	-758,000
Total, Public Health Service	90,025,000	105,769,000	96,733,000	100,251,000	98,853,000	-6,916,000	+2,120,000	-1,398,000
Office of Education: Arts and humanities educational activities	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000			
Total, Health, Education, and Welfare	91,025,000	106,769,000	97,733,000	101,251,000	99,853,000	-6,916,000	+2,120,000	-1,398,000
Indian Claims Commission								
Salaries and expenses	394,000	500,000	500,000	500,000	500,000			
National Capital Planning Commission								
Salaries and expenses	1,005,000	1,100,000	995,000	995,000	995,000	-105,000		
National Capital Transportation Agency								
Salaries and expenses	1,400,000							
Construction, rail rapid transit system	9,055,000							
Total, National Capital Transportation Agency	10,455,000							
National Foundation on the Arts and the Humanities								
Salaries and expenses	1,019,500	1,620,000	1,200,000	1,200,000	1,200,000	-420,000		
Endowment for the arts	6,000,000	8,750,000	7,000,000	7,000,000	7,000,000	-1,750,000		
Endowment for the humanities	2,000,000	6,000,000	3,500,000	4,500,000	4,000,000	-2,000,000	+500,000	-500,000
Total, National Foundation on the Arts and the Humanities	9,019,500	16,370,000	11,700,000	12,700,000	12,200,000	-4,170,000	+500,000	-500,000
Public Land Law Review Commission								
Salaries and expenses	907,000	860,000	860,000	1,360,000	860,000			-500,000

EXHIBIT 1—Continued

Interior Department and related agencies appropriations bill, 1968 (H.R. 9029)—Continued

Item	Appropriation, 1967	Budget estimates, 1968	Allowances			Conference allowance compared with—		
			House	Senate	Conference	Budget estimate	House allowances	Senate allowances
TITLE II—RELATED AGENCIES—Continued								
Smithsonian Institution								
Salaries and expenses	$22,699,000	$25,100,000	$23,790,000	$24,323,000	$23,913,000	−$1,187,000	+$123,000	−$410,000
Museum programs and related research (special foreign currency program)	2,316,000	6,100,000	3,000,000	2,316,000	2,316,000	−3,784,000	−684,000	
Construction and improvements, National Zoological Park	1,589,000	485,000	400,000	400,000	400,000	−85,000		
Restoration and renovation of buildings	2,300,000	1,353,000	1,100,000	1,168 000	1,125,000	−228,000	+25,000	−43,000
Construction, Joseph H. Hirshhorn Museum and Sculpture Garden		803,000	803,000	803,000	803,000			
Salaries and expenses, National Gallery of Art	2,822,000	3,085,000	3,000,000	3,054,000	3,054,000	−31,000	+54,000	
Total, Smithsonian Institution	31,726,000	36,926,000	32,093,000	32,064,000	31,611,000	−5,315,000	−482,000	−453,000
Executive Office of the President								
National Council on Marine Resources and Engineering Development, and Commission on Marine Science, Engineering, and Resources	1,100,000	1,330,000	1,300,000	1,300,000	1,300,000	−30,000		
Federal Development Planning Committees for Alaska								
Salaries and expenses	190,000	325,000	190,000	325,000	240,000	−85,000	+50,000	−85,000
National Visitor Center Study Commission								
Expenses	10,000							
Historical and Memorial Commissions								
Lewis and Clark Trail Commission: Salaries and expenses	25,000	35,000	25,000	35,000	25,000	−10,000		−10,000
Corregidor-Bataan Memorial Commission: Salaries and expenses	25,000							
Franklin Delano Roosevelt Memorial Commission	80,000							
Total, direct appropriations	509,209,900	521,013,000	500,167,000	510,305,000	505,487,000	−15,526,000	+5,320,000	−4,818,000
Total, appropriation of earmarked receipts	780,000	780,000	780,000	780,000	780,000			
Total, title II, related agencies	509,989,900	521,793,000	500,947,000	511,085,000	506,267,000	−15,526,000	+5,320,000	−4,818,000
Grand total	1,410,729,300	1,488,918,000	1,381,510,150	1,415,559,550	1,399,048,350	−89,869,650	+17,538,200	−16,511,200
Consisting of:								
Direct appropriations	1,257,104,600	1,331,735,000	1,238,827,150	1,272,876,550	1,256,365,350	−75,369,650	+17,538,200	−16,511,200
Appropriation of receipts	127,624,700	126,483,000	126,483,000	126,483,000	126,483,000			
Borrowing authorization	26,000,000	18,200,000	16,200,000	16,200,000	16,200,000	−2,000,000		
Annual contract authority		12,500,000				−12,500,000		

Mr. BIBLE. Mr. President, will the Senator from Arizona yield?

Mr. HAYDEN. I yield.

Mr. BIBLE. Mr. President, I take this opportunity to add a word of commendation for the wonderful job that has been done this year, and in all other years, by the distinguished chairman of the Committee on Appropriations, the senior Senator from Arizona [Mr. HAYDEN].

I think we ought to take note of the fact that this is the 40th year in which the chairman of the committee, the distinguished Senator from Arizona, has been closely associated with appropriation bills for the Department of the Interior. Over those years he has made an enviable record concerning the building of the many fine projects which have been contained in the Interior appropriation bills. It is a real tribute and monument to the senior Senator from Arizona when we stop to think of the work done by the Senator from Arizona in one capacity or another in the 40 years in which he has been associated with Interior appropriation bills.

We should comment loud and long on this record.

I again salute the Senator, as I have done so many times in the past, for an excellent job very ably done.

Mr. HAYDEN. Mr. President, I thank the Senator for his very kind remarks.

Mr. BIBLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PISCATAWAY PARK

Mr. BREWSTER. Mr. President, last week, a Senate-House conference committee agreed on providing $1.5 million to acquire land for Piscataway Park, a scenic and historic area bordering the Potomac within view of Mount Vernon.

Those of us who sought approval for these funds were disappointed that the $2 million approved by the Senate were not retained. This represented the bare minimum required. Hopefully, it will be possible for the Department of the Interior to utilize some of its unused funds in order to complete acquisition during the next fiscal year. This would assure that the land and scenic easements which have been offered by several foundations and many private individuals subject to the Federal purchase of park land would be preserved; a goal many of us have sought for a considerable number of years.

In the aftermath of the Senate-House conference committee's report, three major area newspapers have commented. Yesterday, the Baltimore Sunday Sun and the Washington Sunday Star carried editorials voicing disappointment at the insufficient sum recommended, but sounding an optimistic note for the future. Today's Washington Post had an article by Michael Drosnin which concisely points out the dilemma which now faces us.

The Star editorial rightly singles out my colleague in the House, Congressman HERVEY MACHEN, who led the fight for this park and deserves to be congratulated for his determination and perseverance in the face of obstacles. During the 88th Congress, Congressman MACHEN and I worked closely together to get a new authorization for the Piscataway Park. We were both encouraged when this imaginative proposal passed both Houses of Congress without a single dissenting vote.

Now the Congress is moving to implement the Piscataway Park plan, perhaps a little slower than some of us had hoped. The important point is that Congress has once more expressed its support for the proposed park.

I hope that the Department of the Interior will now move as quickly as possible to acquire the land it needs. In addition, I hope the foundations and the private landowners who have signed conditional contracts will accept the renewed Federal activity as an act of good faith and continue their existing pledges. If this is done, I feel confident that the view from Mount Vernon will be preserved.

Mr. President, I ask unanimous consent to have these two editorials and the article to which I referred printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Baltimore (Md.) Sun, June 11, 1967]

Mount Vernon View

Six years ago Congress moved to preserve "the view from Mount Vernon"—the shoreline and open country in Maryland across the Potomac River from Washington's home. The goal was a highly desirable one but the means to the end were inadequate. Only $937,000 was made available for Federal participation in the view-preservation program. It was not enough to obtain the property and property easements required.

Now Congress is moving to correct its 1961 mistake but again there seems to be inadequacy. The Interior Department requested an appropriation of $2.7 million for the preservation job. The House turned down the request. Subsequently the Senate restored $2 million of the sum sought. The differences were sent to a conference committee which has recommended an appropriation of $1.5 million and it is expected to be approved by both houses. It is hardly likely that the reduced sum will do the job. But even so, there is a gain here. We have, in effect, a second indorsement by Congress of the desirability of preserving the across-river view from Mount Vernon. That second indorsement should carry with it assurance that in the end the preservation plan as originally envisioned will be carried out in full.

[From the Washington (D.C.) Star, June 11, 1967]

Saving Piscataway

Having rescued the much-publicized Piscataway Park from imminent death, it is too bad that House-Senate conferees stopped short of restoring this desirable project for full health. The administration had sought $2.7 million, urgently needed to buy shoreline to supplement land graciously donated to the government by private sources across the Potomac from Mount Vernon. Unaccountably, this figure was trimmed to $1.5 million.

Even this modest appropriation, of course, is welcome. Consistently, each year since its first grant in 1962, Congress has turned thumbs down on any further money. The relative success this year is attributable largely to a concerted lobbying effort by Maryland and Virginia congressmen, conservation groups and newspapers throughout the country.

The urgency of immediate federal purchases springs from the fact that the liberal private donations of land for the park, plus grants of scenic easements from some 168 individual landowners in the area, will begin to expire this summer unless steps are taken to acquire a substantial portion of the park earmarked for government acquisition.

And the appropriation limitation means now that Interior Secretary Udall will have to squeeze every cent of the available funds to buy as much land as possible, as fast as possible. Representative Machen of Maryland, who has led the fight, is optimistic that the bare minimum available might be enough. We hope he is right, not only to preserve the view from Mount Vernon and to develop an attractive park, but to carry out an experiment in cooperative federal-private participation which had seemed to hold great promise for similar acquisitions of open spaces elsewhere.

[From the Washington (D.C.) Post, June 12, 1967]

A Lot but Maybe Not Enough—$1.5 Million Set Aside for Piscataway Park

(By Michael Drosnin)

How much will $1.5 million buy these days? If the answer is almost 500 acres, then the 10-year fight to preserve the Potomac shoreline across from Mount Vernon has been won.

Last week, Senate-House conferees agreed to appropriate $1.5 million for Piscataway Park. The action was a victory for conservationists, for little had been expected from a Congress that has failed to provide any funds for 5 years.

The appropriation, far short of the requested $2.7 million, may be too little and too late.

The proposed park is part of a plan by private landowners and the Federal Government to save the scenic shoreline from high-rise apartments and flashing neon signs.

By purchasing less than 500 acres for the park, the Government will acquire, at no cost, adjacent land covering almost 1,700 acres.

A year ago, Interior Department officials estimated that it would cost $3.2 million, and they now have less than half that amount to buy land that has certainly become more expensive in the interim.

The mathematics of the situation look bleak, as figures from a recent Federal survey show:

The Government now owns only 98 acres of the planned 1,050-acre park.

An additional 465 acres have been conditionally donated by two foundations.

To complete the park, the Government must buy land covering almost 488 acres.

If it fails to purchase "substantially all" of the park land, the Government will lose the foundation gift and 1,225 adjacent acres in scenic easements. August is the deadline for the gifts, and the easements begin to expire the same month.

A good index of the economics involved is contained in a 6-month-old option the Government now holds on about 126 acres. It shows that it would cost more than $500,000 to buy just over one-fourth of the necessary land.

Looking at it another way, it would take one-third of the available funds to get one-fourth of the needed acreage.

Applying the option rate of $1,400 an acre to the entire tract, the total cost would top $2 million. And Interior officials know that most of the land will cost considerably more.

Asked how he would work the financial miracle, National Park Service director George B. Hartzog replied, "That's a very good question.

On the surface it looks as if $1.5 million will not stretch far enough to save the gifts, the easements, and the shoreline.

Interior has a $2 million contingency fund, but Capitol Hill powers have made it clear they do not want it used for Piscataway.

This assessment fails to take into account the politics of budget requests and the infinite possibilities in the legal semantics of the words "substantially all."

The congressional conferees who approved the $1.5 million appropriation were quite aware that it would not do the job.

In a statement on the floor of the House, the chairman of the Interior appropriations subcommittee, Rep. Julia Butler Hansen (D-Wash.), said: "The conferees were dubious that all of the land could be obtained at the estimated cost."

Interior has at least $1 million in unused funds, which it could use for the park, according to Mrs. Hansen. This, plus the appropriation, she said, would be sufficient.

And, the Federal Government does not have to buy all of the remaining park land. Both the easements and the gifts are conditional on the Government acquiring "substantially all."

The legal definition of these words is unclear: They can be interpreted to mean "practically everything," and in one case involving stock a court decided that 81 per cent was not "substantially all" of the shares.

But this misses the point. The foundations that donated the park land and the landowners who granted the scenic easements want the area preserved.

This is what they have been fighting for over the past ten years, and it stands to reason that they will be charitable in defining their terms.

As one Interior official said, "We'll see how far we can make $1.5 million go, and hope that we can determine that this is 'substantially all.' "

In other words, the terms will not dictate how much land must be acquired, but the amount of land which *can* be purchased will define the terms.

The best guess is that the view from Mount Vernon will remain as it was when George Washington lived there.

DELAWARE AIR NATIONAL GUARD COMPLETES FIRST AFRICAN MISSION

Mr. BOGGS. Mr. President, in this period of urgent worldwide commitments, the United States is relying heavily on the Air National Guard.

Members of the ANG regularly leave their homes and normal occupations to undertake important assignments elsewhere in this country and around the world.

The Delaware Air National Guard is making such a contribution, and recently added a "first" to its list of successful missions.

A brief story in its excellent monthly publication describes the assignment:

> Last month the Delaware Air National Guard flew its first mission to the continent of Africa, when a C–97 touched down at Leopoldville, Congo.
>
> Hauling 20,000 pounds of cargo, the DelANG C–97 flew 17,375 miles in 80 hours. The itinerary included stops at Patrick AFB, Florida, for cargo, Antigua Island, and Recife, Brazil. From Recife they flew across the South Atlantic to Ascension Island and then on to Leopoldville.
>
> The flight was routine until they reached Recife on the return trip. When Instructor Pilot Maj. Vito A. Panzarino checked into ACP, he was informed that it was necessary to rush technicians and equipment to Ascension Island, a key radar post in the Atlantic missile range.
>
> The DelANG C–97, commanded by Maj. William McCorkel, was hurriedly loaded by Loadmaster SSgt. Albert W. Simmons with special radar equipment, accompanied by two radar technicians and flown back to Ascension Island.
>
> This emergency action made possible a test missile firing from Cape Kennedy which otherwise would have been aborted. As it turned out the Delaware Air Guard crew saved many thousands of dollars the delay would have cost.

Mr. President, I know I reflect the sentiments of other Members of this body and citizens generally when I congratulate the men of the Air National Guard, and Delaware's 166 Military Airlift Group in particular, for the splendid work they are doing.

GENERAL BIRCHARD, A MAN FOR THE SKIES

Mr. BARTLETT. Mr. President, Lt. Gen. Glen R. Birchard was a man for the skies, a skilled pilot who tested and met the challenge of the skies in peace and war.

When there was a tough job to be done, General Birchard was there first.

He was a pilot on the first B–24 bomber raid on Wake Island and on the first night fire-raids on Tokyo during World War II.

He formed and commanded the first C–54 wing which flew in the Berlin airlift in 1947–48.

General Birchard flew the first plane to land at Kimpo Airfeld after landings at Inchon during the Korean war, and later participated in the first airdrops behind enemy lines in Korea.

He survived these dangerous missions and went on to become vice commander of the Military Airlift Command, and then commander in chief of all military forces in Alaska.

But fate has its cruel, ironic twists. This man who flew so many firsts for his Nation in time of war was killed June 3 on a fishing trip when a seaplane in which he was riding upset on Upper Ugashik Lake, in Alaska.

General Birchard had been commander in chief in Alaska for less than a year, but even in that time Alaskans had come to know him as an extraordinary man.

As must come to all men, whether they be men of the skies or not, General Birchard was returned to the earth on Thursday at Arlington National Cemetery.

The tragedy was that he was only 53 years old. If the fates had decreed otherwise, he would have continued to serve his Nation with distinction for some time. His loss leaves "a lonesome place against the sky" for his family, friends, comrades in arms, and the Nation he served so well.

I wish to extend personal condolences and an expression of sympathy from the people of Alaska to General Birchard's wife and two sons, Christopher and Geoffrey. Geoffrey, as his father did, is serving his country by testing the challenges of the skies as an Army pilot.

I also wish to extend my condolences to the family and friends of Maj. Norman C. Miller, who was killed in the same accident.

ADDRESS ENTITLED "DARE WE DO LESS?" BY MITCHELL E. DANIELS, JR.

Mr. BAYH. Mr. President, whenever someone raises the cry that our younger generation is rapidly deteriorating and no longer represents the best of the hopes and dreams upon which the Nation was founded, I always make an effort to refute such allegations. It seems to me that the vast majority of our young people today are, if anything, more dedicated to their country's basic principles than any preceding generation of Americans.

An example of what I believe to be representative of the high quality which characterizes the bulk of America's youth today can be found in an eloquent statement of personal dedication recently presented to the student body of North Central High School in Indianapolis, Ind. The address was written and delivered by the president of the student council of that school, Mitchell E. Daniels, Jr., who recently was honored by being selected as a Presidential scholar. In fact, he and the other Presidential scholars from the 50 States will be meeting tomorrow with President Johnson.

Because the remarks of this fine young man are very worthwhile and illustrate so well my conviction that the younger generation has much of value to offer us, I ask unanimous consent that his stirring address, entitled "Dare We Do Less?" be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

DARE WE DO LESS?

(An address before the student body of North Central High School, Indianapolis, Ind., Recognition Day, May 25, 1967, by Mitchell E. Daniels, Jr., president, student council)

I'm especially glad to be invited to be here today, not only because it's my last chance to speak at North Central, but also, I think, because it's my first and last chance to speak on a topic not related to Student Council. Today I can talk about more general things from the standpoint of a general student.

Among the various annual events which occur here at North Central, Recognition Day has always been for me a time of particular reflection. I've wondered, as some of you may have, whether the rewards of the achievement justify the efforts of the achieving. Is the certificate worth the hours of study; the letter, the pain of daily practice? In fact, are any of life's achievements worth the price?

Certainly this is not a new or unique concern. The Stoics of ancient Greece vowed never to get excited over any worldly endeavor, and the hippies of today try never to lose their cool about anything. These people arrive at this negativism and apathy through the rule: "Do what you want; enjoy yourself while you can if it hurts no one else." That's their idea of the best rule. Are they right, or is there another way? Amid the neon signs and the picket signs that cry: I doubt—I fear—Who cares—Why Should I—is there any use for men who say: I believe—I hope—I care—I must? Let's examine these statements one at a time.

I believe. Those of our generation who would make this once-common pronouncement face frequent ridicule. This ridicule, strangely enough, comes from either end of the mental scale; from those who envy and put down intelligence, and from those who pretend more intelligence than they really have. So whether the attack is, "Do you still go to church?", or "God is dead", the pressures on people of religious belief are real and strong. Whether the line is "patriotism, how corny", or "burn the flag", the profession of belief in America requires a lot of fortitude. Is it worth it?

I hope. Robert Bridges said, "I live on hope and so, I think, do all who come into this world." Adele Shreve abbreviated that to "Hope is life; life is hope." But our generation lives in the shadow of air pollution, water pollution, and over-population; of the A-bomb, the H-bomb and napalm. Is there room for hope in that world? What good is it anyway? How much easier to take it easy and wait for one of the shadows to swallow us!

Then there's I care. "Man—that's the lowest!" "Where will that get us?" "In this place everybody has gotta look out for himself—right?" "Things are rough all over." Do we have the time to worry about others? Is there a point?

I must. The concept of duty has been among the most respected ideals of history, and those who heeded its call received praise, especially if they sacrificed to do so. Unfortunately, though, this duty thing doesn't quite fit in with modern enlightened thought. If we can do what we please, as long as it hurts no one, who's to tell us what we should do? Do we owe anybody anything? Is duty an out-of-date item?

Bill Porter believed. In New York's Central Park, while others watched, he flung himself into a group of protesters preparing to burn an American flag.

These fair-minded individuals stopped demonstrating their hate of violence long enough to beat him severely, but he wrested the flag from them. Twenty of the bystanders came to his rescue as he lay there bleeding. One later said, "I just realized I've been a bystander to wrong all my life. This was the last time. That boy did more for me today than all the slogans I ever heard." Bill Porter changed a man's life because he believed. Dare we do less?

Ed James hoped. Faced with a two-year project, but informed by doctors that he would die of cancer in six months, he confronted a unique decision—to gamble against the odds and to continue the work he would probably never complete—or to lie down passively and await death. James chose the long shot. He doubled his efforts as four months —five months—six months passed. He worked feverishly in months seven and eight, and in the ninth month of his work, Ed James submitted his design for a new vehicle. He died two weeks later, but his achievement lives on with the name Gemini space vehicle. Twenty American astronauts orbited the earth safely because of one man's dream—and that man made his dream real because he hoped. Dare we do less?

Pat Julian cared. Born a millionaire's daughter, she was raised for the world of debutantes, Broadway and high society. But Pat, the girl who had everything, felt something missing in her life. She joined the Peace Corps and spent two years of bare subsistence living in Africa's Ivory Coast. She is now back in America, but her work goes on. She's using her personal resources to bring capable African students to the United States for education and for trips designed to develop the student's understanding and appreciation of this country. Africa is gaining badly needed leaders, and America is gaining badly needed friends because Pat Julian cared. Dare we do less?

I must. When Danny Fernandez lived in a St. Louis slum, there were few things he thought he had to do. Not school—he dropped out when he was 16. Not work—he refused several job offers. In fact, a note found later in his room put things simply, "I'm sick of this duty stuff. Who says I owe anybody anything?" At 19, Danny was drafted, and at 21 he was Specialist 4 Fernandez stationed in Vietnam. From his letters it was obvious that some kind of change was taking place: "Dear Mom and Dad,—Every day I feel deeply about what we're doing here. These people are so much worse off than anybody back home. It is great to work for something like this." On patrol in February last year, Danny Fernandez's platoon was ambushed by the VC. As they fell back, the platoon saw a man fall and another man turn back to help him. It was Specialist Fernandez. Three other GI's leaped to their feet and followed, and as the four reached their wounded comrade, a rifle grenade landed in the midst of the group. One soldier tells the story: "Danny and I looked each other right in the eye. It wasn't just an impulse; he knew what he was doing." Danny Fernandez threw himself over the grenade. Four men are alive today because one individual accepted duty and said I must.

I believe. I hope. I care. I Must. Here, then, is the way to achievement. Here in the positive approach—a positive attitude—is the way to make one's life mean something.

There are important things we can do in this world. From Operation Head Start to the United Nations; from Honor Society tutoring to a career in teaching; from Science Fair exhibits to the threshold of the Universe. If we miss a chance to achieve—if we miss a chance to serve in our achievement in even a small way—have we not hurt somebody? People who said I believe; I hope; I care; I must, found a purpose for their lives; made a victory of their purpose. We can doubt. We can fear. We can refuse to care. We can ignore duty. And we will go unnoticed. No one will ask who we were or even know we are gone. But, if we dare to believe; if we dare to hope; if we dare to care; if we dare to say I must, then maybe some day others will look at us and say, "Dare We Do Less?"

AUTHORIZATION OF APPROPRIATIONS FOR THE COAST GUARD

Mr. BARTLETT. Mr. President, I ask unanimous consent that the Senate immediately proceed to the consideration of H.R. 5424, reported from the Commerce Committee today.

The PRESIDING OFFICER (Mr. Brewster in the chair). The bill will be stated by title.

The Legislative Clerk. A bill—H.R. 5424—to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, with amendments, on page 1, line 7, after the word "vessels," to strike out "$98,776,000", and insert "$97,776,000"; and on page 3, line 3, after the word "following", to strike out "$39,662,000", and insert "$37,663,000".

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, for the benefit of the Senate, this matter has been cleared all around, with the minority leadership and with the ranking minority member of the Committee on Commerce and with all interested Senators.

The bill has been reported unanimously by the committee. The reason for bringing it up at this time is that the measure will have to go to the Appropriations Committee to be implemented, and in an attempt to speed up the process, we are taking the measure up now.

Mr. BARTLETT. Mr. President, this bill authorizes the appropriation of $165,014,000 for the Coast Guard for fiscal 1968.

The Committee on Commerce made only two changes in H.R. 5424, which has already been passed by the House. The Senate committee deleted $1 million from planning funds intended to be used for designing a nuclear-powered icebreaker. The sum now in the bill for that purpose is $1,500,000. It was the House committee's very strong feeling—in which I must say that I concur—that the next Coast Guard icebreaker should have been nuclear powered; but we were informed by the Coast Guard at the last minute, as it were, that the next icebreaker probably will not be powered by atomic energy but will be conventionally powered, and that the additional funds would not be required.

The Senate committee also reduced the amount for housing for the Coast Guard in the amount of approximately $1,700,000.

Mr. President, when the executive department recommended an appropriation for the Coast Guard, it included one high-endurance cutter. Such a cutter is built at an approximate cost of $14.5 million. The House added four additional high-endurance cutters, making five in all.

The Navy has been required from time to time to call upon the Coast Guard for Coast Guard craft. They began with the request of seventeen 84-foot cutters, which have done highly effective work in the shallow waters, particularly off the Vietnamese coast. Now the Navy requires five additional cutters of the larger type, bringing the total number of Coast Guard ships in Vietnam to 31. This endeavor—it has been highly successful—on the part of the Coast Guard in those troubled waters is called Operation Market Time. So the Committee on Commerce agreed with the House authorization for five cutters instead of the one originally requested.

The Coast Guard is in desperate need and will remain in desperate need of these replacements, and the Committee on Commerce is of the opinion that the authorization and the appropriation should come at the earliest possible moment.

The distinguished Senator from Michigan [Mr. Griffin] was a very active participant in the hearings. He is greatly interested in the operation of the Coast Guard and has consistently manifested that interest. At his request, the committee requests that the Coast Guard should undertake immediate steps to enlarge the Coast Guard Academy's library facilities, and strongly recommends that it proceed at the earliest possible date with the planning and design of this high-priority project.

Mr. President, I know of no opposition to this bill. As we know, the Coast Guard is essential to this country. It has performed a valiant service through all its years, and I trust that the bill will be passed.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 5424) was passed.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT JOHNSON AND THE CONTINUING EFFORT TO EXPAND OPPORTUNITY FOR MEXICAN AMERICANS

Mr. MONTOYA. Last Friday, President Johnson again demonstrated his continuing concern for the opportunity of minority groups in our country who have long been denied their share in the full fruits of American prosperity and freedom.

In a ceremony at the White House, in which the first Mexican American Commissioner was sworn in as a member of the Equal Employment Opportunity Commission, President Johnson signed a memorandum establishing an interagency Committee on Mexican American Affairs.

This was a significant move. For, in addition to strengthening the efforts of the Federal Government to broaden the horizons of Mexican Americans during the past 3 years—in jobs, education, housing, and health—this new committee will also recommend new opportunity programs which the Federal Government can implement.

I congratulate the President for having established this new Committee on Mexican American Affairs. It demonstrates—as have his accomplishments during the past 3½ years—that he believes in long-term opportunity programs for deprived Americans.

He believes that opportunity must be more than a mere slogan.

He believes—as he said in his remarks on Friday—that "what we do for any 'minority' is also done for the majority."

Whatever opportunity programs this Nation moves forward for Mexican Americans, it moves forward for all Americans.

I am proud to associate myself with all the President's humane and compassionate programs.

I ask unanimous consent that President Johnson's memorable and moving remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of the President at the Swearing-in Ceremony for Vicente T. Ximenes

Mr. Ximenes and his family, Senators Anderson and Montoya, Members of the Congress, Members of the Cabinet, distinguished guests, ladies and gentlemen, we have come here today to honor Vicente T. Ximenes.

But we have come here also to reaffirm an ideal that I think all of those present in this room share: the ideal of full opportunity for every citizen in the United States of America.

Mr. Ximenes' life is a very vivid story of American opportunity. He is a distinguished public servant, a teacher, a war hero; a leader of the Mexican-American community. Today, he achieves another high honor as he becomes a member of the Equal Employment Opportunity Commission of the United States Government. And we—as a nation—are honored by his achievement.

As President, I want to see his story repeated—again and again and again.

Because the promise of America is still unfulfilled for too many Americans among us.

Millions of Americans still are poor. They are without training. They are without jobs. They are without hope.

It is our responsibility as public servants and public leaders to correct that, to change that, and to get results.

Mr. Ximenes and I are both graduates of the first anti-poverty program in the 1930's. He was a member of the Civilian Conservation Corps and I was a member of the NYA. Both of those have since gone out of existence, but the need for the kind of training they gave is still here.

Before that, I taught school in the little town of Cotulla in South Texas. It was there in that school, at an early age, that my dream began of an America—my own land—where race, religion, language, and color didn't count against you.

And I made a decision then which I have reaffirmed every day since I have been in the White House—that if ever I had the privilege of holding public office, I would not rest: until every American, who wanted it, had a job to work at; until every child, who wanted it, had an opportunity to get all the education his mind could take; until every family had an opportunity to get a decent home in a decent neighborhood; until every single American had entered the open door to full participation in the life of America.

That is what we have been working for in the past three and one-half years. That is what they refer to as the "Great Society." It is not great yet, but it has improved a lot in three and a half years—and it is going to improve a lot more, in whatever time we are allotted.

Some of our cynics will criticize us and some of our opposition will complain, but the record of these years in education, in jobs, in health, in civil rights, and in poverty marks more than just a proud beginning.

Today, our effort in the field of education is three times what it was three years ago. The budget this year has a little over $12 billion for education. Three years ago it had a little over $4 billion. Three times the effort in education than we had only three years ago. $12 billion for education.

That is twice as much money as Herbert Hoover had for the entire Federal Budget when I came to Washington.

In health—we must have sound bodies, if we are to have our minds take that education. We were spending a little over $4 billion for health three years ago. The budget this year is over $12 billion. Three times as much for the human body—everybody's body—not just the rich man's body, or the poor man's body, the brown man's body, the white man's body, the black man's body. Three times as much for health as we were spending three years ago.

In civil rights we have passed three Civil Rights Bills that have made gradual progress, moving along the road until the day where the "emancipation" will no longer be a "proclamation", but will actually be a fact.

Today, I am releasing a special Cabinet Report which tells the story of new opportunities that have been created for more than the five million Mexican-American citizens.

It shows how far government, business, labor, and community leadership still must go to turn the slogan of opportunity into the fact of reality.

Real opportunity—for all Americans—must grow out of the work of selfless public servants who are, really, to take the risk at all levels.

Real opportunity must grow out of a business community that is ready to use America's resources to create jobs for willing hands and minds.

I am going to establish today the highest level committee a President can create, a Cabinet Committee on Mexican Americans, that will be composed of Secretary Wirtz, Secretary Gardner, Secretary Freeman, Secretary Weaver, and Director Shriver of the Office of Economic Opportunity.

And the President and the Vice President will be around to serve ex officio, when they can be helpful.

Right here, now, I am going to sign an order creating that committee—and I am going to ask Mr. Vicente T. Ximenes to serve as the chairman of that committee.

I am saying to Mr. Ximenes, and to the Cabinet members who are on that committee, that I will expect from you not just reports, but I want some solutions. I may get too many of the former—but never too many of the latter.

Mr. Ximenes, we welcome you to the Equal Employment Opportunity Commission. We believe that you will add a new image and new vitality to its fine work.

We value the historic tradition that you represent.

The State of New Mexico has sent many great men to Washington in the Senate and the House of Representatives, in the Cabinet, and at many levels. They will be looking to you with admiration and with pride. I am sure they will not be disappointed.

We today affirm this truth: that what we do for any minority, we do as well for the majority. After all, we do all of this for America.

Thank you very much.

PRESIDENT JOHNSON FOCUSES ON OPPORTUNITY PROGRAMS FOR THE SPANISH SPEAKING

Mr. YARBOROUGH. Mr. President, last week President Johnson focused the attention of the American people on the problems and prospects of the Spanish-speaking citizen.

The President made public a special Cabinet committee report which highlighted the Federal Government's efforts to broaden the horizons of Mexican-Americans—in jobs and wages, education, housing, and community facilities, and health. It was a report citing successes. It was also a report which stated clearly that much more was to be done.

How much more needs to be done has been revealed with great clarity during the hearings of the special subcommittee on bilingual education. In 2 days of hearings in Washington and 3 days in Texas during the past month, our subcommittee has heard the moving story of the long-existing need for equality of educational opportunity for Spanish-speaking citizens. In almost all schools in the Southwest, instruction and conversation are only in English. The use of Spanish is forbidden to youngsters who enter school knowing little or no English. By forcing them to reject their mother tongue, Spanish, at this crucial stage of their development, the schools force them to reject their culture, their history, and a part of themselves. Their bilingualism, which could be a great asset to them, is turned into a burden which most will never fully escape.

However, all across the Southwest, progressive school administrators are becoming increasingly concerned about this situation. Many schools, such as those in Laredo, San Antonio, and Edinburg, which our subcommittee studied, have introduced forward-looking bilingual programs. The results have been good. Anglo and Latin first-grade students each have acquired a remarkable facility in both Spanish and English.

S. 428, the Bilingual American Education Act, would authorize funds for new and imaginative educational programs designed to meet the special educational needs of students from Spanish-speaking backgrounds, funds for teacher training, and would direct more research toward bilingual education. Strong support has been voiced at our hearings for the bill and for the programs that could be supported by it.

I have also introduced S. 429, the southwestern human development bill, which would authorize $100 million for the establishment and operation of education, training, health, leadership, citizenship and other programs designed to assist the Spanish speaking to overcome the special barriers they encounter along the road to equality of economic opportunity.

Although much remains to be done, and the need for each of these bills is compelling and immediate, a good beginning has already been made under President Johnson's leadership.

In my own State of Texas, for example, many opportunity programs for Spanish-speaking citizens exist today which did not exist 3 years ago.

In El Paso, more than 1,300 housing units occupied by Mexican-Americans are today being rehabilitated with funds from the U.S. Department of Housing and Urban Development.

In San Antonio, one Neighborhood Youth Corps in a high school has created new job opportunities for almost 1,200 Mexican-American students who must work if they are to remain in school. This project is operated with almost a million dollars of U.S. Department of Labor funds.

Antipoverty funds are providing full-time schooling in my State for almost 40,000 children of migrant farm families—most of whom are Mexican American.

These are only examples of new opportunity programs in Texas. There are many others which have benefited hundreds of thousands of Mexican American citizens in California, New Mexico, Arizona and Colorado, as well.

Hundreds of thousands of Latin children are enjoying the benefits of the first Federal aid to education program—a program advocated by and adopted under the leadership of the Johnson administration and the great 89th Congress.

Thousands of young Latin boys and girls are learning new skills and jobs in the Neighborhood Youth Corps in Job Corps centers across the country.

Over 1.5 million Mexican Americans receive protection from disease and illness annually through massive immunization programs under the U.S. Public Health Service.

This enumeration of programs does not mean total opportunity has been achieved for the Mexican American. There are still too many of his number who are poor, ill educated, sick, and working for the lowest of wages.

Yet President Johnson's programs are filled with hope.

In another area, Mexican Americans are more in evidence in important Government positions—many of them appointed by the President himself.

The American population has developed a greater respect for the contributions and cultural traditions of the Mexican American.

I am pleased, therefore, to associate myself with the opportunity programs of President Johnson.

I am pleased to ask unanimous consent to have printed in the Record the report which the President released last week, entitled "The Mexican American—A New Focus on Opportunity."

I believe we can say with full justification that we have, in the White House, a President who understands—perhaps more than any President before him—the hopes, dreams, and potentials of the Mexican American citizen of this land.

I commend the President for his efforts in those directions.

There being no objection, the report was ordered to be printed in the Record, as follows:

Report to the President: The Mexican American

A NEW FOCUS ON OPPORTUNITY

Today, in San Antonio, Texas, new job opportunities have been developed for 1,153 Mexican American students in an in-school Neighborhood Youth Corps project supported by almost a million dollars in U.S. Department of Labor funds.

In Los Angeles and Oakland, California, more than 400 Mexican American women are receiving professional training as nurses and health workers under U. S. Office of Education programs.

In Durango, Colorado, a local Community Action Group organized a neighborhood center for 100 Spanish-speaking residents using anti-poverty funds. There were no paved streets in the area, or recreational, safety or medical facilities. Today the city health department is providing needed services to that area. The State employment service has placed a job counselor in the neighborhood. And street lights have been installed.

In 1966 the student body of Ben Bolt Palito Blanco School District, Texas—almost all of them Mexican Americans—produced their first student newspaper, tripled the number of books they read, and advanced in reading ability by one to four graders, with the aid of volunteers from the National Teacher Corps.

At Three Rocks, near Fresno, California, Mexican American families once living in condemned housing, are now building their own attractive homes with a $113,000 grant from the U.S. Office of Economic Opportunity, and have formed their own *El Porvenir Development Corporation.*

In Sandoval, New Mexico—where 40 percent of the population is Mexican American—300 residents received technical training in a dozen different fields, while an additional 200 enrolled in basic adult education centers under the auspices of the U.S. Department of Agriculture.

In El Paso, Texas, 1,320 low-rent housing units occupied predominantly by Mexican American families are being improved and rehabilitated with grants from the Department of Housing and Urban Development.

Individuals and cooperatives in five Southwestern States have received $45 million in Department of Agriculture loans to build new housing, water and recreational facilities. Many of the participants and beneficiaries are Mexican Americans.

Six months ago some of these projects did not exist.

Three years ago they were only ideas.

Today, they are examples of progress.

But we must not be satisfied with our achievements to date. We have begun what must be a long and determined campaign to help the Mexican American community. And we must persevere in that effort.

THE MEXICAN AMERICAN AND THE HISTORIC ROOTS OF INEQUALITY

The Mexican American was an American long before this land became the United States.

He embodies traditions, language and culture which predated our own by hundreds of years.

Yet, in many respects, the Mexican American has been a neglected American. He continues to face severe handicaps in language, jobs, education, health and housing opportunities.

He has sought, but has too often been denied, the dignity and fruit of well-paid labor. He has sought, but has often been denied, the proper tools of education for his children. He has sought—but has often suffered because of it—to maintain his own proud traditions in a free society where differences should be respected and cultural diversity encouraged.

The Mexican American—more than 5 million strong—represents the second largest minority group in our country. But like many minority groups he has often had to turn to government to protect his rights and encourage his advancement.

Government has an obligation to match the promise of American opportunity with action—in employment, a decent wage, better education, improved housing, improved community facilities, and the guarantee of civil rights which every American expects.

Government in the last three years has begun to fulfill those obligations in ever-increasing measure for all our citizens.

In the past three years, your Administration has more than doubled its investment in the most diverse health and medical program in history, from $5.1 billion to $12.4 billion. Twenty major health measures were passed by the Congress.

In the same period, Federal funds for education of our children tripled—from $4.7 billion to $12.3 billion, as law after law was approved by the 88th and 89th Congresses.

We have included for the first time more than 9 million new workers under a higher minimum wage.

Today, the United States Government is investing more than $25 billion in a concerted war against poverty and deprivation to help its citizens share the fruitc of American prosperity and education.

Under U.S. manpower and training programs, over one million men, women, and young people have been trained or retrained for new skills and occupations.

This, then, is our report on how opportunity specifically for the Mexican American citizen has been given a new focus under the advances of your Administration.

JOBS—AN IMMEDIATE NEED

There is no more fundamental problem facing the Mexican American community today than the need for good jobs and job training.

Mexican American citizens must not only know that good jobs exist, they must be trained to hold them, and they must believe that government will fight job discrimination wherever it is found.

Progress has been made.

During your Administration 90,000 Mexican American youths have enrolled in the Neighborhood Youth Corps since that program began in 1964, 5,000 Mexican American youths have enrolled in Job Corps Centers, in June 1966, Operation SER—initiated at your direction—began developing programs to help disadvantaged Mexican Americans obtain training, counseling and jobs throughout the Southwest area.

The more than half million dollar project—to which is committed another $5 million for programs it develops—was started by the U.S. Department of Labor and the Office of Economic Opportunity in cooperation with such Mexican American organizations as the American GI Forum, the League of United Latin American Organizations and the Community Service Organization.

The area of New Mexico, Colorado, Utah and Arizona has been designated a special economic region under the Economic Development Act. The area will receive special Federal grants to help create new industry and more jobs for residents—many of whom are Mexican Americans.

In late 1966, the Department of Labor began a $395,000 manpower training program in diverse fields such as nurse training and metal work for more than 100 adults in Napa, California, most of whom are Mexican Americans.

Federal agencies have launched a combined campaign against unemployment and underemployment in large cities where there are concentrations of Mexican American populations, such as Los Angeles, San Antonio, Houston, and Oakland. A similar effort will soon begin in Phoenix, Arizona.

EDUCATION—A FUNDAMENTAL CONSIDERATION

Education is the essential entry point into the mainstream of American society for any child.

If educational opportunity is limited; if a child feels ethnically isolated or neglected; if the fundamental values and traditions of our society come through to him in a dilapidated school, with inadequate teachers, no funds for extracurricular activity, and with emphasis on the child's social inferiority—then the result will be a turning away from society and a closing of the mind to advancement and attainment.

This is what has happened to many of the children of minority groups in our country. It is what has happened, in too many instances, to the Mexican American child.

The time has come for us to redress the errors of the past.

The time has come for an intensified program to provide compensatory treatment and vastly improved facilities for the Mexican American school child who has been denied quality American education.

During the summer of 1966, 34,000 educationally deprived Mexican American children were enrolled in successful Head Start programs.

In 1966, 15,000 Mexican American children were enrolled full time in year-round Head Start projects in five Southwestern States. Their numbers represented almost 10 percent of all children enrolled in Head Start programs in the entire country.

The U.S. Office of Education has established a completely new unit which will concentrate on educational programs for Spanish-speaking children, and has appointed a group of distinguished laymen mostly Mexican Americans, to an Advisory Council on Mexican American Education.

Under the first Federal aid law for public schools ever enacted—the Elementary and Secondary Education Act of 1965—thousands of Mexican American students in schools throughout the Southwest have already received the benefits of smaller classes, additional teachers, more books and equipment and bilingual programs which recognize the special language needs of these children.

Federal aid through the National Teacher Corps has enabled many Southwestern State school districts to supply specially trained teachers as classroom aides and to introduce new extracurricular activities in such cities as South San Gabriel, California; Rio Grande City, Texas; and Riverside, California.

The Federal Government is sponsoring adult basic education programs for 50,000 Spanish-speaking citizens in New Mexico, Texas and California.

The U.S. Office of Education has made a series of grants to State Education agencies for programs designed to improve educational opportunities for the children of migrant farm workers. During the past eighteen months, sixteen grants were made to local educational agencies throughout the Southwest for programs which will specifically assist schools with a high proportion of Mexican American students.

In addition, six summer training institutes have been established to train teachers working with Mexican American school children.

In short, government programs in education are beginning to focus on the unique problems of the Mexican American citizens in the Southwest. However, we recognize that we must continue to encourage and support programs which will raise the educational horizons of disadvantaged Mexican American students and provide them with an equal chance to fulfill their educational potential.

HEALTH—THE BASIC NECESSITY

We shall never have a strong society until every individual enjoys the best and most modern health protection and services available, regardless of his status, ethnic background or ability to pay.

The Mexican American—like too many other Americans—has been deprived of quality medical and health services for too long. But government has begun to move ahead more vigorously in the last three years to meet his medical and health needs, as it has made strides toward meeting the health needs of other deprived Americans.

In a typical year, U.S. Public Health immunization programs in the Southwest protect over 1.5 million Mexican Americans from polio, diphtheria, whooping cough, tetanus, and measles.

A tuberculosis control program in the same area reached over 28,000 Mexican American citizens.

More than 25,000 Mexican Americans will benefit from 38 community mental health centers in the five Southwestern States.

The Department of Agriculture special milk and school lunch program in the Southwest contributes to the nutritional needs of hundreds of thousands of Mexican American children. Over $28 million is spent annually for school and other nutritional programs.

THE MEXICAN AMERICAN IN THE CITY

Proportionately more Mexican Americans live in cities than do all Americans, taken together; 79% for Mexican Americans, 70% for all Americans. It is important then, that efforts to improve conditions of life for Mexican Americans be directed toward cities. *Illustrative of efforts of this kind, the following examples of programs of the War on* Poverty seek out problems of the Mexican American in the city with special emphasis:

East Los Angeles now has a separate Community Action organization to receive Federal anti-poverty funds, run by a Board of Directors which is, in majority, Mexican American. This group runs a variety of programs including Head Start, Neighborhood Youth Corps, adult and youth employment programs.

Phoenix and its adjoining areas are operating Community Action programs through Boards of Directors with heavy representation of Mexican Americans from low-income areas.

A similar situation exists in the San Diego and Riverside areas, which also provide a wide selection of OEO programs.

Laredo, Texas, where 80 percent of the people are Mexican American, has been selected as a pilot city for the War on Poverty. Over a million dollars has been granted to date in a comprehensive attack on extreme poverty in Laredo.

THE MEXICAN AMERICAN IN RURAL AMERICA

Nearly one out of five Mexican Americans lives in a rural area. They are engaged in helping to produce food and fiber. They are participating in the programs that contribute to the economic development of the countryside and in "building a New Rural America."

A more prosperous and more attractive rural America with higher per person and per family income, and more nearly adequate community facilities will lend greater opportunity for Mexican Americans.

Through many of the programs of the U.S. Department of Agriculture, Mexican American rural residents are beginning to break the chains of deprivation.

During the past two years, in New Mexico, several thousand Mexican American families, many of whom own small farms, received the benefits of a special Agricultural Conservation Program. Under this joint Federal-State program, water supplies are being conserved and farming can be carried out more efficiently.

Home economists, many of whom are Mexican Americans, are visiting thousands of poor Mexican American families in the Southwest, providing counseling on homemaking, the family budget, sewing and food preparation.

In the counties of five Southwest states, 11,000 Mexican American farm families are receiving technical assistance and help in applying sound conservation practices through cooperative agricultural programs. Special attention is being given to the problem of meeting the hazards of drought.

Last year, grazing permits for national forest land were held by 1,250 Mexican American families. These permits made it possible for farmers who operate small ranches to graze their cattle on the forest at minimum fees.

Last year, the harvesting and processing of timber from the national forests provided employment for over 1500 Mexican American wood and mill workers from the countryside.

THE MIGRANT WORKER

Thousands of seasonally employed American workers, and their families, lead hard, uncertain lives. For them, employment is determined *not by their abilities or opportunities*, but by the calendar. Among them are 2 million migrant farm workers in the United States—almost a million of whom are Mexican Americans. They have often had to pick a meager living from the soil, "traveling everywhere but living nowhere." They have often been referred to as forgotten Americans.

But Government is determined that these workers will not be forgotten.

Government agencies and departments during your Administration have been engaged in a *vigorous program to improve the status, health, economic security, education,* and potential of the migrant farm worker.

This year, the U.S. Office of Economic Opportunity devoted $41 million to anti-poverty programs involving migrant workers and their families. Sixty percent of those funds—or almost $25 million—has been used in programs to help Mexican American migrant workers.

In California, almost $8.5 million in Federal funds in the past two years have helped the State Office of Economic Opportunity mount a comprehensive program for thousands of migrant workers and their families in public health, day care centers for children, local classes and mobile housing for migrants.

In Texas alone, where there are more than 100,000 migrant workers—the vast majority of them Mexican Americans—anti-poverty funds provided full-time classroom instruction for 38,000 children of migrant families and 8,300 of their parents in the improvement of language skills in both English and Spanish.

The Government is enforcing new minimum wage requirements adopted under your Administration which for the first time cover farm workers. This is particularly meaningful for Mexican American farm workers who have traditionally received low wages.

Regulations regarding the use of foreign farm workers have been tightened to enlarge employment chances for American workers. Steps are also being taken to improve housing for farm workers and to keep youngsters out of hazardous farm jobs.

Again this summer the U.S. Public Health Service will provide needed medical and health services to migrant workers through grants to States and local organizations. Since 1964, under the Migrant Health Act, funds have increased from $1.5 million to $7.2 million.

THE MEXICAN AMERICAN IN GOVERMENT

The strength of democratic government has always been the diversity of the men and women in it—men and women from all groups, levels and stations of American life.

You have demonstrated in your three and one-half years in office a willingness and a readiness to reach out into the community to select highly qualified and capable men and women of all races, religions and national origins to guide and administer the policies of your Administration.

Among your appointments have men like *Vicente Ximenes* of New Mexico, to the Equal Employment Opportunity Commission.

Raul H. Castro of Arizona, as Ambassador to El Salvador.

Recently you appointed *Benigno C. Hernandez* of New Mexico as Ambassador to Paraguay.

You appointed *Ambassador Raymond Telles*, of Texas, to the Chairmanship of the United States Section of the Joint United States Mexican Commission on economic and social development of the border area.

You have also appointed:

Oscar Laurel of Texas, to the National Transportation Safety Board;

Emilio Naranjo of New Mexico, United States Marshal for the District of New Mexico;

Dr. Hector Garcia of Texas, to the National Advisory Council on Economic Opportunity;

Dr. Julian Samora of Indiana and *Herman Gallegos* of California, to the President's Commission on Rural Poverty;

Armando Rodriguez of California, to the new post of coordinator of educational programs for the Spanish-speaking in the United States Office of Education.

Gonzalo R. Cano of California, was recently named to the Community Relations Service, and *Philip Montez* of California, to a key post with the Civil Rights Commission.

Tom Robles of New Mexico is Southwest Regional Director for the Equal Employment Opportunity Commission.

The Department of Labor has named Daniel Chavez of New Mexico, Bureau District Director for Northern California and Nevada; *Dr. Fred Romero* of Colorado, Deputy Regional Director, Neighborhood Youth Corps for Dallas, Texas; and *John C. Otero* of New Mexico, as one of four Coordinators for the Labor Department's Special Impact Program. *Albert Cruz* of New Mexico, has been appointed to the Department's Office of Manpower, Policy, Evaluation and Research.

The Department of Health, Education, and Welfare has also appointed: *Miss Lupe Anguiano* of California, to the Office of Education; *Daniel Galvan* of Texas, to the Public Health Service's civil rights compliance staff in Dallas; and *Alex Mercure* of New Mexico, to the National Advisory Council on Adult Basic Education.

The Office of Economic Opportunity appointed *Leveo V. Sanchez* of New Mexico, to the directorship of its Middle Atlantic Region; and named *Mrs. Graciela Olivarez* of Arizona, to its ad hoc Committee to Coordinate National Volunteer Efforts on the War on Poverty.

The Department of Agriculture recently appointed *Louis P. Tellez* and *Carlos F. Vela* as special consultants.

The departments and agencies of government will continue their search for Mexican Americans for the public service.

THE MEXICAN AMERICAN AND THE AMERICAN FUTURE

Two years ago you said:

"We are not trying to give people more relief—we want to give people more opportunity . . . They want education and training. They want a job and a wage which will let them provide for their family. Above all, they want their children to escape the poverty which has afflicted them. They want, in short to be part of a great nation, and that nation will never be great until all of the people are part of it."

We must do a better job of recognizing those aims for the Mexican American community.

As this report shows, much has been accomplished on many fronts. More will have to be accomplished on *all* fronts.

The Mexican American represents 12 percent of the population in the American Southwest. But he represents 23 percent of those who live in poverty in that region.

The most recent census figures available—1960—showed that the Mexican American citizen in the Southwest:

Had an unemployment rate almost double that of the rest of the population.

Had an annual income of little over half that of other citizens—$2,084 compared with $4,337.

Occupied five times as many dilapidated housing units.

Completed little more than half the number of school years of the rest of the population.

This trend of discrimination and deprivation must be reversed.

But reversal of inequities is not enough. We must work harder and devote greater resources to new opportunity programs. And government alone cannot bear the full responsibility for creating opportunity.

Government must have the strong and willing cooperation of the American business community and local community leadership throughout the nation. For opportunity will be but a mere slogan without the commitment, dedication and full imaginative use of the resources of the American free enterprise system. It is America's productive power which has raised our citizens to the highest standard of living in world history. We cannot permit any citizen to be excluded from sharing in the fruits of that prosperity.

We look, too, to the future and your legislative proposals which would strengthen the war against poverty, improve educational opportunity and upgrade civil rights laws. All of these will benefit Mexican Americans as they benefit all Americans.

This report is, we believe, only the first chapter in what will become a record of solid accomplishment for the Johnson Administration—a new focus on opportunity for the Mexican American citizen of this land.

Submitted to the President on June 9, 1967.

W. Willard Wirtz,
Secretary of Labor.
John W. Gardner,
Secretary of Health, Education, and Welfare.
Orville L. Freeman,
Secretary of Agriculture.
Robert C. Weaver,
Secretary of Housing and Urban Development.
Sargent Shriver,
Director, Office of Economic Opportunity.

JOSEPH ELMER CARDINAL RITTER

Mr. SYMINGTON. Mr. President, the death of Joseph Elmer Cardinal Ritter in St. Louis this past weekend is a sorrow for people of all faiths. Cardinal Ritter was a principal voice in Vatican Council II. He was an energetic leader for Christian unity and for religious liberty.

In 1947, the gentle but firm prelate declared an end to racial segregation in the parochial schools of the St. Louis archdiocese. Cardinal Ritter asserted that the fundamental principles of the Catholic faith embraced "the equality of every soul before Almighty God" and "obedience to ecclesiastical authority."

For more than 20 years he served as Archbishop of nearly 600,000 Catholics in the St. Louis area. But his moral persuasion extended to influence the leadership and people of all faiths.

The first celebration of Mass in the vernacular in the United States, made possible by a decree of the Second Vatican Council, took place, under Cardinal Ritter's auspices, in St. Louis in 1965. He was an advocate of progressive change and progressive causes.

On December 16, 1960, he was named to the College of Cardinals by Pope John XXIII and received the red hat, the symbol of that rank, 1 month later at a public consistory in Rome.

He was firmly determined to achieve idealistic goals in a realistic manner. Perhaps one of his former secretaries characterized him most succinctly and affectionately as a man of "hard-headed holiness."

In St. Louis, in the nation, and indeed in the world, the memory of Cardinal Ritter will serve to recall the best interest of all mankind.

SUPPORT GROWING FOR YOUNG FARMERS INVESTMENT PLAN

Mr. NELSON. Mr. President, today I am pleased to add the names of eight Senators, the Senator from Indiana [Mr. Bayh], the Senator from North Dakota [Mr. Burdick], the Senator from Oklahoma [Mr. Harris], the Senator from Missouri [Mr. Long], the Senator from South Dakota [Mr. McGovern], the Senator from Iowa [Mr. Miller], the Senator from Texas [Mr. Yarborough], and the Senator from Wisconsin [Mr. Proxmire], as cosponsors of S. 1567, the young farmers investment plan, a bill to provide long-term, low-interest loans to young men starting a career in agriculture.

I am gratified to see nonpartisan, nationwide support developing for this legislation that is so vital to the future of American agriculture. I have already received dozens of letters supporting the young farmers investment plan from not only the Midwest Farm Belt but also California, Texas, New York, Oregon, and Arkansas, written by young men who are faced with the dilemma of having to leave our rural areas unless they can obtain the capital necessary to begin a good farm operation.

These testimonials clearly demonstrate that we are confronted with a problem of national significance and immediate urgency. Now is the time for those concerned with the future of American agriculture to rally support for measures that will assist our young rural families of today to become the thriving and productive farm families of tomorrow.

The young farmers investment plan would provide real estate and operating loans through the Farmers Home Administration to young farmers at an interest rate of 4 percent. Half of the mortgage would be amortized over 40 years. The other half would be due at the end of the 40-year term and could be refinanced.

The cost of farmland is steadily increasing and the prices of tractors, cultivators, harvesters, milking systems, feed and fertilizer are rapidly rising. Faced with the impossible task of raising the tremendous initial capital needed to enter farming today, otherwise interested young men are being forced to leave our rural areas, creating a serious void in the future food productivity of our Nation.

If our country is to continue to produce food in the most efficient and effective manner possible, we must develop financial assistance programs that will enable these young men and their families to stay on the farm. The special loans granted under the young farmers investment plan will provide promising young men with a good share of the capital necessary to establish an agricultural operation that will be a productive force in our economy.

The age of farm operators is steadily increasing each year as young men are financially unable to take their elders' places in agriculture.

The median age of farm operators in the United States is now more than 51 years while the overall median age for the country's work force is only 40 years. On American farms, only 1,245,000 adults are under 25 years of age while nearly twice that many, some 2,400,000, are over 55 years old.

Unless we preserve the American family farm, which year after year has proven to be the most efficient food production unit in the world, the consequence will be future food prices to the consumer far higher than anyone can imagine today.

An article entitled "Backing Spreads for Young Farmers' Loan Help," published in a California newspaper, the Fresno Bee, outlines the widespread support that is developing for the young farmers investment plan. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Backing Spreads for Young Farmers' Loan Help

(By Larry D. Hatfield)

Washington—Sponsors of a bill to encourage young farmers to stay on the farm say the legislation is gaining support.

The bill, introduced by Rep. Robert Kastenmeier, D-Wis., and Sen. Gaylord Nelson, D-Wis., would make low-interest, long-term loans available to young farmers to give them the incentive and the means to stay in farming.

An aide to Kastenmeier says the Wisconsin Democrat is receiving "a good deal of interesting mail" on the proposal. Most of the mail, he said, is coming from young farmers and nearly all support the bill. The letters have come from farmers in several farming states other than Wisconsin, he added.

ORGANIZED SUPPORT

Tom Bennett, legislative aide to Nelson, also said there has been an "excellent reaction" to the proposal, both from young farmers and other farm belt lawmakers. He added that some national farm organizations, including the Farmers Union and the National Milk Producers Federation, have indicated backing for the bill.

The Johnson administration is considered friendly to the Nelson-Kastenmeier proposal. Howard Bertsch, administrator of the Farmers Home Administration, which would run the program, has frequently mentioned such an approach as a possible solution to keeping young farmers in agriculture.

LONG HAUL PAYOFF

The young farmers investment program would provide real estate and operating loans to young farmers at an interest rate of 4 per cent. Half of the mortgage would be amortized over a 40-year period with a final "balloon payment" paying the rest of the loan. The loan could be refinanced at the end of the 40-year period.

The proposal would authorize annual appropriations of $100 million for the program.

The final payment and the refinancing provision are considered necessary to ease the burden of increasing land costs. Kastenmeier said the high cost of land is "the very reason why young people cannot get started in farming today."

That, he said, "guarantees the success of the balloon payment provision. With increasing population, the pressure on farm land will continue to force land values up and the lump sum payment due at the end of the 40 years can be easily refinanced."

Failure to keep young people in farming could result in higher food prices to consumers and the takeover of agriculture by big corporations, Kastenmeier warned.

"The high cost of capital is keeping otherwise interested young families out of farming," he said. "Unless an adequate number of young men can be encouraged to enter agriculture, future food production is in jeopardy with the possible result of skyrocketing prices for essential foods."

ROUGH ALTERNATIVE

One of his aides added that the alternative is the establishment of "corporate farms or an American version of the commune."

Nelson, Kastenmeier and other legislators are working on a variety of other farm bills which they hope, along with the Young Farmers Investment Act will boost farm income and stem the exodus of farmers into better-paying occupations.

Nelson considers low farm income and the prohibitive cost of entering agriculture as the two biggest problems facing agriculture.

"Farm prices must be improved before the present rapid exodus from agriculture becomes irreversible," Nelson said.

"Last month was the eighth consecutive month of falling farm prices, due largely to the continual decline in milk prices to the dairy farmer."

Both Wisconsin lawmakers expressed concern that young farmers are not replacing the older ones who are retiring or taking better jobs in town. As a result, the average age of farmers is increasing. The last census showed the average increasing from 50.5 years of age in 1959 to 51.3 in 1964.

They warned that unless effective legislation is passed soon, the ability of the agriculture industry to continue meeting the food needs of the nation—along with its international commitments—will be seriously threatened.

CRISIS IN CONSERVATION—ARTICLE BY SENATOR KUCHEL

Mr. AIKEN. Mr. President, in the March 1967, issue of the Sierra Club Bulletin, there appears an article entitled "Crisis in Conservation," written by THOMAS H. KUCHEL, U.S. Senator from California.

I ask unanimous consent that this article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CRISES IN CONSERVATION

(By THOMAS H. KUCHEL, U.S. Senator from California)

It was little more than a century ago when waves of Americans sweeping across the country reached the Pacific Ocean and were turned back upon themselves. During the westward expansion, our nation had few people and an "inexhaustible" supply of land and natural resources. But, as oceans fenced in our territorial growth and population made increasing demands upon our dwindling resources, it has become clear that immense value must be placed on the remaining uncluttered, unspoiled and unique parts of our nation. One quarter of a billion humans are added to the face of this earth every four years, and we must bear the heavy burden of minimizing the destructive force of our rapid population growth.

Facing this burden, Congress and the States have acted in the public interest—the interest of today's public as well as posterity—in establishing vast new park and recreation areas in the past few years.

However, the conservation program of the United States is facing a crisis. The crisis is the lack of money.

The Land and Water Conservation Fund was created two years ago to

"Assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations and visitors . . . outdoor recreation resources . . . and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the states in planning, acquisition, and development of needed land and water areas and facilities, and (2) providing funds for the Federal acquisition and development of certain lands and other areas."

The revenues coming into the Fund are made up of the amount realized from entrance and user fees collected at Federal recreation areas, sale of surplus property and miscellaneous fuel taxes.

When the enabling legislation was before Congress, it was estimated that the income of the Fund would be up to $230 million per year. If these amounts were realized, the American people could move forward to complete the splendid State and Federal park and wilderness system we have planned. Herein lies the problem.

While the surplus property sales and fuel tax revenues have proceeded as predicted, the entrance and user fees collected have been substantially below expectations. Instead of the low of $125 million per year planned coming into the Fund, only around $101 million has been realized. The greatest disappointment has been the low sales figures for the $7.00 "Golden Passports," which allow the purchaser access, without additional cost, to all National Parks and other arears for which an entrance fee is charged.

The Land and Water Conservation Fund benefits both Federal and State projects. Sixty per cent of the monies of the Land and Water Conservation Fund are returned to the states for state park programs and acquisitions. These grants are made to the states on a fifty/fifty matching fund basis, the states paying for at least one-half of the costs and expenses of their projects. Before a state is eligible for consideration for a grant out of the Fund, it must have a comprehensive plan for outdoor recreation acceptable to the Secretary of the Interior. This encourages the states to think and plan seriously about the critical recreational requirements, present and future, of their citizens, as well as providing a sound means for implementing their plans.

Some of the projects that have been accomplished by states with the use of these Federal grants-in-aid are: the Allagash Wilderness Waterway in Maine, where this beautiful river was rescued from disastrous timber cutting, logging roads, and unsightly subdivisions with the aid of $1.5 million in Federal funds; the Lake Tahoe State Park on the Nevada side of that beautiful lake, which retained as wilderness 12,157 acres on the northeast corner of the lake which was so rapidly becoming an eyesore; an enlargement of the Humboldt Redwood State Park in California which preserved the Avenue of the Giants; the acquisition of Natural Tunnel State Park in Virginia; and the establishing of hiking, bicycle, and horse trails in some twelve urban areas in many states which demonstrate what can be done with a small capital outlay to enhance outdoor recreation for city dwellers.

FUNDS FOR PARK PURCHASES

The forty per cent of the funds to be used by the Federal government are to be used for the acquisition of land and waters by the National Park Service and the Forest Service, and for the protection of threatened species of fish and wildlife. This means that the Land and Water Conservation Fund is the primary source of financing for all new National Park and Forest Service acquisitions, as well as the expansion of presently existing facilities. Some of the current projects calling upon the Fund are:

Delaware Water Gap National Recreation Area in Pennsylvania and New Jersey;

Assateague Island National Seashore in Maryland;

Fire Island National Seashore in New York;

Whiskeytown National Recreation Area in California;

Point Reyes National Seashore in California; and

National Forest projects, such as those at Ottawa in Michigan; Monongahela in West Virginia; Allegheny in Pennsylvania; and Tonto in Arizona.

These are but a few examples of the projects now in progress. What the future holds by way of demands on the Fund is impossible to say, but ambitious projects, such as the proposed Redwood National Park, will require substantial sums.

In its present condition, the Land and Water Conservation Fund is inadequate to meet the needs for which it was created. In every session of Congress we see more and more bills to have some worthwhile area designated as a National Park, National Seashore, National Recreation Area, or the like. The Fund simply will not bear these additional costs; the Fund is not even able to keep up with the presently existing demands made upon it to finance the acquisition and development of areas already authorized by Congress.

LAND SPECULATION DRIVES PRICES UP

The problem of insufficient funds is additionally complicated by the rising cost of land acquisition and development. The time gap between the designation of an area for consideration for a national enjoyment area, its approval by Congress, and the appropriation of funds to carry out the plan of procurement and development, is often great. Often a period of several years elapses before funds are available to perform the actual purchases necessary to carry out a noble and far-sighted plan. This time lag often produces a disturbing situation which repeatedly faces those of us who favor conservation of our natural heritage—land speculation. Frequently, soon after the announcement of the government's interest in establishing a recreational facility in a given area, the land in the area is bought up by those intent on holding up the government for as much profit for themselves as they can garner. Their activity drives the price of property up. They will not sell out cheaply and condemnation actions often result in an unreasonably high valuation. Coupled with the prevailing general increase in property values, as amplified by land speculators, the problem is enormous. The general upswing in the price of rural lands has been about 300 per cent between 1945 and 1965. The Forest Service is now paying on the average about five times more than it paid for equivalent land in 1950. The Park Service reports that an average increase of six percent a year on lands in established areas in the East and ten per cent in the West is not uncommon. If this trend continues, the cost of lands will double in the next ten years. By the time the government is in a position to consummate the actual purchases, the funds originally appropriated are inadequate. This necessitates further delay, or in some cases, failure to procure the desired land.

There is a simple and straightforward answer to this dilemma. We must have adequate funds in the Land and Water Conservation Fund to allow the speedy acquisition and development of property once a National Park or Recreation Area is authorized by Congress. We must purchase needed land before speculation and inflationary trends make initial authorizations unrealistic. Money must be available for the acquisition of options, and the exercise of the options before they expire. Time is a great factor, not only in saving money, but also, in accomplishing realistic conservation objectives. It is mandatory to acquire lands before they can be turned into wastelands by private interests in search of the profits which may be unavailable once a park is created.

With our ever-increasing population, we must develop and protect our national outdoor heritage for ourselves and for future generations now. Soon it will be too late. A tree which took 2,000 years to grow, once cut, will not be replaced for another 2,000 years.

In January I introduced in Congress a bill, S. 531, which will provide the funds necessary to allow thhe establishment of a truly great system of state and national parks. I have proposed that the monies realized from the leasing of the outer continental shelf, and from certain other mining leases, to the extent that they would otherwise go into the Treasury's "miscellaneous receipts," be placed in the Land and Water Conservation Fund. These revenues have averaged $100 million per year over the past ten years. On occasion they have exceeded $300 million in a single year. These monies are the earnings of the people of America from their natural resources. It seems appropriate that they should be returned to the people in the form of an enhanced national recreation and conservation program.

This approach was used by the State of California when faced with a similar problem. Over 20 years ago California began financing its state park system with its tidelands oil revenues. Until recently, 70 percent of these revenues were allocated to the State Division of Beaches and Parks. These funds helped the people of California to build an unequalled state park system. California has provided state parks, campgrounds, recreation areas, beaches, marinas, and similar facilities with the aid of these offshore oil revenues. Few of these facilities or areas would have been possible without the tidelands funds. Some have asked whether this program was a worthwhile investment. To me, the enjoyment of millions of people is certainly an extremely sound investment. I trust that Congress will learn from the California experience and provide the necessary funds to accomplish our great conservation and recreation programs before more precious time is lost.

SUPPORT FOR S. 531 AND S. 1401

I am happy to report that my bill, S. 531, has received substantial and enthusiastic support both from conservation groups around the country and from many of my colleagues in the Senate. The bill has been co-sponsored by Senators Brewster of Maryland, Clark and Scott of Pennsylvania, Gruening of Alaska, Inouye of Hawaii, Long of Missouri, Metcalf of Montana, Morse of Oregon, Moss of Utah, Nelson of Wisconsin, Tydings of Maryland, and Yarborough of Texas.

The principle of devoting revenues from leasing the outer continental shelf to recreational uses is also incorporated into S. 1401, introduced in the Senate early in April by Senator Jackson of Washington and co-sponsored by Senators Anderson of New Mexico, Nelson of Wisconsin, and myself. S. 1401 also would send the unallocated portion of Forest Service receipts into the Land and Water Conservation Fund and would allow limited contractual obligations to be undertaken in advance of appropriations, as well as authorizing "inverted scenic easements" through purchase and lease-back or sell-back of land with appropriate use restrictions.

I sincerely hope that when these bills come before the Senate Committee on Interior and Insular Affairs, of which Committee I am senior Republican member, they will receive rapid and forceful approval, in order that there will be a favorable law at the earliest possible moment. This is especially pressing because it is likely that the Land and Water Conservation Fund will be the only source from which the estimated $43 million needed to complete the acquisitions at Point Reyes National Seashore, and the anywhere from $50 to $200 million needed to finance the proposed Redwood National Park, will come.

THE FAILURE OF SOCIALISM IN SASKATCHEWAN, CANADA

Mr. LAUSCHE. Mr. President, in the June 1967 issue of the Ohio State Grange Monthly is published an article written by Byron Frederick, president and editor of this magazine.

I want to read the beginning of the article:

> This is a story of socialism—one of the two socialized countries in North America. It is the true story of Saskatchewan, Canada. I have adapted it from an article written by The Honorable W. Ross Thatcher, Premier of Saskatchewan. The facts are authentic—read and think!
>
> Saskatchewan, with a population of slightly under one million people, for 20 years—from 1944 to 1964—had a socialist government—about the only one in North America except Castro's. Two years ago the people defeated the socialistic government.
>
> Saskatchewan is primarily agricultural. There are many well-to-do and efficient farmers. The standard of living is one of the higher standards in the world. Two questions are most frequently asked:
>
> How did socialism take over?
>
> How did it last for 20 years?
>
> The author takes us back to the dark days of the depression for the answers. Says he, "In the 1930's a terrible drought struck. Year after year crop failure followed crop failure. At the same time the world price of wheat dropped to less than 35 cents per bushel. These two factors brought our prairie economy to its knees. Unemployment was everywhere. Men lost their dignity and their self-respect.
>
> "Of course, the government and the economic system of the day were blamed. Out of the depths of the depression the Socialist Party, which glibly promised to solve these terrible problems, was born.
>
> "Among other things the socialists proposed:
>
> 1. To end unemployment;
> 2. To provide jobs by building socialistic factories;
> 3. To provide free medical and health services;
> 4. To give a new deal to the farmer."

Mr. President, that was more than 20 years ago. After 20 years of experimenting with the Socialist concept of government, the voters of Saskatchewan defeated and repudiated the program and readopted the free enterprise system to develop their economy.

In November of 1965, a group of Senators, including myself, made a trip to the Middle East and Southeast Asia, and we discovered that wherever socialism prevailed in the operation of government, the economy had stagnated and lacked any dynamism to improve the welfare of its people, but in those countries where there were signs of free enterprise, the economies grew and the welfare of the people was improved.

It appears, on the basis of what Mr. Frederick has said, that Saskatchewan tried socialism. It found it wanting. It repudiated the socialistic concept of producing a better economy and a better life for the citizens.

I ask unanimous consent that the editorial written by Byron Frederick, editor of the Ohio State Grange, be printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

It Failed!

> This is a story of socialism—one of the two socialized countries in North America. It is the true story of Saskatchewan, Canada, I have adapted it from an article written by The Honorable W. Ross Thatcher, Premier of Saskatchewan. The facts are authentic—read and think!
>
> Saskatchewan, with a population of slightly under one million people, for 20 years—from 1944 to 1964—had a socialist government—about the only one in North America except Castro's. Two years ago the people defeated the socialistic government.
>
> Saskatchewan is primarily agricultural. There are many well-to-do and efficient farmers. The standard of living is one of the higher standards in the world. Two questions are most frequently asked:
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> How did socialism take over?
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> How did it last for 20 years?
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> The author takes us back to the dark days of the depression for the answers. Says he, "In the 1930's a terrible drought struck. Year after year crop failure followed crop failure. At the same time the world price of wheat dropped to less than 35 cents per bushel. These two factors brought our prairie economy to its knees. Unemployment was everywhere. Men lost their dignity and their self-respect.
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> "Of course, the government and the economic system of the day were blamed. Out of the depths of the depression the Socialist Party, which glibly promised to solve these terrible problems, was born.
>
> "Among other things the socialists proposed:
>
> 1. To end unemployment;
> 2. To provide jobs by building socialistic factories;
> 3. To provide free medical and health services;
> 4. To give a new deal to the farmer."
>
> In 1944, as a protest to depression conditions, Saskatchewan elected a socialist government. For 20 long years the citizens were

subjected to a "leather-lunged propaganda machine, paid for from public funds, which filled the air with plausible platitudes and clichés like . . .

"Tax the rich to help the poor";

"The capitalist is an exploiter of the masses";

"Only a planned economy is the answer to unemployment"; etc.

The first year the socialists said they would solve the unemployment by building government factories. Over the years 22 so-called Crown Corporations were set up.

Premier Thatcher states, "By the time we (the current free enterprise government) had taken over the government two years ago, 12 of Crown Corporations had gone bankrupt or been disposed of. Others were kept operating by repeated and substantial government grants. Virtually without exception, these which have had to compete with private enterprise on equal terms lost huge sums of money regularly and consistently. The whole Crown Corporation program became bogged down in a morass of bungling, red tape, and inefficiencies. The experiment cost the taxpayers of Saskatchewan millions of dollars."

During the socialist reign they waged war against private business—passed legislation giving government power to expropriate and operate any industry or business in the province. The making of profits was condemned as an unforgivable sin. The public and avowed objective of the socialist government was to "eradicate capitalism."

As a result, investors from elsewhere simply turned their back on the socialists. Industry after industry looked over sites in the province only to by-pass Saskatchewan and locate elsewhere in Canada. From 1945 to 1963 more than a million new industrial jobs were created across Canada. Yet in Saskatchewan, after 18 years of socialism, there were fewer jobs in manufacturing than existed in 1945—despite the investment of $500 million in Crown Corporations.

Under the socialist government the provincial debt went from $150 million to $600 million. During the period more than 600 completely new taxes were introduced; 650 other taxes, increased. "Per capita" taxes in Saskatchewan were soon substantially out of line with the other provinces—another reason why industry located elsewhere.

Again quoting from the author: "Is there a lesson to be learned from Saskatchewan's experience? I think there is—a rather horrible lesson. If there are any Americans who think that socialism is the answer, I wish they would come to Saskatchewan and study what has happened to our province. Twenty years of socialism gave us industrial stagnation, retarded development, oppressive taxation, major depopulation.

"At this moment you are doubtless saying to yourself in the USA, 'It can't happen here.' Yet people all over the world are finding, 'It can.' "

You and I know, and the people of Saskatchewan know, that the private enterprise system is not perfect. But, it is still the best system devised for progress—and let us never forget it!

Under this system USA citizens and Canadians have enjoyed the highest living standards in the world. I have seen many of the others—Europe and South America—and find it difficult to believe what I saw, especially in South America. And, we had better help South America help herself quickly or here, too, socialism—or communism—will surely take over. The promises sound grand—the experiences after the takeover are always bitter.

It is our task to keep what we have in USA—already inroads have been made. This is the first challenge to the Grange as it enters its second century. Let your Grange work for you, your children and your grandchildren! It is ideally set up to do so, but YOU will make the decision. Be sure it is wise. Think—as an individual and with your fellow Patrons in Grange meetings—then act!

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations reported earlier today.

There being no objection, the Senate proceeded to consider executive business.

U.S. DISTRICT JUDGES

The legislative clerk read the nomination of Paul X. Williams, of Arkansas, to be a U.S. district judge for the western district of Arkansas.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Lawrence A. McSoud, of Oklahoma, to be U.S. attorney for the northern district of Oklahoma.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Ben Krentzman, of Florida, to be a U.S. district judge for the middle district of Florida.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Joe Eaton, of Florida, to be a U.S. district judge for the southern district of Florida.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Newell Edenfield, of Georgia, to be a U.S. district judge for the northern district of Georgia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Robert D. Morgan, of Illinois, to be a U.S. district judge for the southern district of Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk read the name of Milton Pollack, of New York, to be a U.S. district judge for the southern district of New York.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Hiram R. Cancio, of Puerto Rico, to be a U.S. district judge for the district of Puerto Rico.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Isaac G. Stone, of Massachusetts, to be Examiner in Chief, U.S. Patent Office.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Walter Dunbar, of California, to be a member of the Board of Parole.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Robert M. Morgenthau, of New York, to be U.S. attorney for the southern district of New York.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Francis L. van Dusen, of Pennsylvania, to be a U.S. circuit judge, third circuit.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of E. Mac Troutman, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Thomas A. Masterson, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Charles R. Weiner, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

POPULAR ELECTION OF THE GOVERNOR OF THE VIRGIN ISLANDS

Mr. MANSFIELD. Mr. President, in view of the fact that there is a vacant period of time between now and 3:20 p.m., I ask unanimous consent that the pending business be temporarily laid aside until 3:20 p.m. today, and that the Senate proceed to the consideration of Calendar No. 209, S. 450.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 450) to provide for the popular election of the Governor of the Virgin Islands, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, to strike out all after the enacting clause and insert:

That, effective on the date of enactment of this Act, section 7(a) of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 500; 48 U.S.C. 1573(a)), as amended, is amended to read as follows:

"(a) Regular sessions of the legislature shall be held annually, commencing on the second Monday in January (unless the legislature shall by law fix a different date), and shall continue for such term as the legislature may provide. The Governor may call special sessions of the legislature at any time when in his opinion the public interest may require it. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the Governor to the legislature while in such session. All sessions of the legislature shall be open to the public."

Sec. 2. Effective on the date of enactment of this Act, section 9, subsection (a) of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 501; 48 U.S.C. 1575(a)) is amended by deleting the first sentence and by substituting therefor the following: "The quorum of the legislature shall consist of eight of its members."

Sec. 3. Section 9, subsection (d), of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 501; 48 U.S.C. 1575(a)) is amended by deleting its sixth, seventh, eighth, ninth, and tenth sentences and by substituting therefor the following: "If, after such reconsideration, two-thirds of all the members of the legislature pass the bill, it shall be a law."

Sec. 4. Section 11 of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 503; 48 U.S.C. 1591) is amended to read as follows:

"Sec. 11. The executive power of the Virgin Islands shall be vested in an executive officer whose official title shall be the 'Governor of the Virgin Islands'. The Governor of the Virgin Islands, together with the Lieutenant Governor, shall be elected by a majority of the votes cast by the people who are qualified to vote for the members of the legislature of the Virgin Islands. The Governor and Lieutenant Governor shall be chosen jointly, by the casting by each voter of a single vote applicable to both offices. If no candidates receive a majority of the votes cast in any election, on the fourteenth day thereafter a runoff election shall be held between the candidates for Governor and Lieutenant Governor receiving the highest and second highest number of votes cast. The first election for Governor and Lieutenant Governor shall be held on November 3, 1970. Thereafter, beginning with the year 1974, the Governor and Lieutenant Governor shall be elected every four years at the general election. The Governor and Lieutenant Governor shall hold office for a term of four years and until their successors are elected and qualified. No person who has been elected Governor for two full successive terms shall be again eligible to hold that office until one full term has intervened. The term of the elected Governor and Lieutenant Governor shall commence on the first Monday of January following the date of election.

"No person shall be eligible for election to the office of Governor or Lieutenant Governor unless he is able to read and write the English language, is and has been for five consecutive years immediately preceding the election a citizen of the United States and a bona fide resident of the Virgin Islands and will be, at the time of taking office, at least thirty years of age. The Governor shall maintain his official residence in the Government House on Saint Thomas during his incumbency, which house together with land appurtenant thereto is hereby transferred to the government of the Virgin Islands. While in Saint Croix the Governor may reside in Government House on Saint Croix free of rent.

"The Governor shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of the Virgin Islands. He may grant pardons and reprieves and remit fines and forfeitures for offenses against local laws. He may veto any legislation as provided in this Act. He shall appoint, and may remove, all officers and employees of the executive branch of the government of the Virgin Islands, except as otherwise provided in this or any other Act of Congress, or under the laws of the Virgin Islands, and shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of the Virgin Islands and the laws of the United States applicable in the Virgin Islands. Whenever it becomes necessary, in case of disaster, invasion, insurrection, or rebellion or imminent danger thereof, or to prevent or suppress lawless violence, he may summon the posse comitatus or call out the militia or request assistance of the senior military or naval commander of the Armed Forces of the United States in the Virgin Islands or Puerto Rico, which may be given at the discretion of such military commander if not disruptive of, or inconsistent with, his Federal responsibilities. He may, in case of rebellion or invasion or imminent danger thereof, when the public safety requires it, proclaim the islands, insofar as they are under the jurisdiction of the government of the Virgin Islands, to be under martial law. The members of the legislature shall meet forthwith on their own initiative and may, by a two-thirds vote, revoke such proclamation.

"The Governor shall make to the Secretary of the Interior under section 30 of this Act an annual report of the transactions of the government of the Virgin Islands for transmission to the Congress and such other reports at such other times as may be required by the Congress or under applicable Federal law. He shall have the power to issue executive orders and regulations not in conflict with any applicable law. He may recommend bills to the legislature and give expression to his views on any matter before that body.

"There is hereby established the office of Lieutenant Governor of the Virgin Islands. The Lieutenant Governor shall have such executive powers and perform such duties as may be assigned to him by the Governor or prescribed by this Act or under the laws of the Virgin Islands."

Sec. 5. Section 12 of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 503; 48 U.S.C. 1593) is deleted and replaced by the following new provision, also designated section 12:

"Sec. 12. Any Governor of the Virgin Islands may be removed from office by the people registered to vote in the Virgin Islands if a majority of two-thirds of the persons registered to vote shall vote in favor of recall at a referendum election. A referendum election, for purposes of this section, shall be initiated by the legislature of the Virgin Islands following: (1) a two-thirds vote of the members of the legislature in favor of a referendum; or (2) a petition for referendum to the legislature by 25 per centum of the people registered to vote in the Virgin Islands."

Sec. 6. Effective on the date of enactment of this Act section 13 of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 503; 48 U.S.C. 1594) is hereby repealed.

Sec. 7. (a) Section 14 of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 504; 48 U.S.C. 1595), is amended to read as follows:

"Sec. 14. (a) In case of the temporary disability or temporary absence of the Governor, the Lieutenant Governor shall have the powers of the Governor.

"(b) In case of a permanent vacancy in the office of Governor, arising by reason of the death, resignation, removal by recall or permanent disability of the Governor, or the death, resignation, or permanent disability of a Governor-elect, or for any other reason, the Lieutenant Governor or Lieutenant Governor-elect shall become the Governor, to hold office for the unexpired term and until his successor shall have been duly elected and qualified at the next regular election for Governor.

"(c) In case of the temporary disability or temporary absence of the Lieutenant Governor, or during any period when the Lieutenant Governor is acting as Governor, the president of the legislature shall act as Lieutenant Governor.

"(d) In case of a permanent vacancy in the office of Lieutenant Governor, arising by reason of the death, resignation, or permanent disability of the Lieutenant Governor, or because the Lieutenant Governor or Lieutenant Governor-elect has succeeded to the office of Governor, the Governor shall appoint a new Lieutenant Governor, with the advice and consent of the legislature, to hold office for the unexpired term and until his successor shall have been duly elected and qualified at the next regular election for Lieutenant Governor.

"(e) In case of the temporary disability or temporary absence of both the Governor and the Lieutenant Governor, the powers of the Governor shall be exercised, as Acting Governor, by such person as the laws of the Virgin Islands may prescribe. In case of a permanent vacancy in the offices of both the Governor and Lieutenant Governor, the office of Governor shall be filled for the unexpired term in the manner prescribed by the laws of the Virgin Islands.

"(f) No additional compensation shall be paid to any person acting as Governor or Lieutenant Governor who does not also assume the office of Governor or Lieutenant Governor under the provisions of this Act."

(b) Section 15 of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 504; 48 U.S.C. 1596), is repealed.

Sec. 8. Subsection (a) of section 16 of the Revised Organic Act of the Virgin Islands, as amended (68 Stat. 497, 504; 48 U.S.C. 1597(a)), is amended by deleting therefrom the last sentence.

Sec. 9. Effective on the date of the enactment of this Act, section 17 of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 504; 48 U.S.C. 1599) is amended to read as follows:

"Sec. 17. (a) The Secretary of the Interior shall appoint in the Department of the Interior a government comptroller for the Virgin Islands who shall be under the general supervision of the Secretary of the Interior, shall not be a part of any executive department in the government of the Virgin Islands, and whose salary and expenses of office shall be paid by the United States from funds derived by transfer from the internal revenue collections appropriated for the Virgin Islands.

"(b) The government comptroller shall audit and settle all accounts and claims pertaining to the revenues and receipts from whatever source of the government of the Virgin Islands and of funds derived from bond issues; and he shall audit and settle, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of the Virgin Islands including those pertaining to trust funds held by the government of the Virgin Islands.

"(c) It shall be the duty of the government comptroller to bring to the attention of the Secretary of the Interior and the Governor of the Virgin Islands all failures to collect amounts due the government, and expenditures of funds or uses of property which are irregular, unnecessary, or not pursuant to law. The audit activities of the government comptroller shall be directed so as to (1) improve the efficiency and economy of programs of the government of the Virgin Islands and (2) discharge the responsibility incumbent upon the Congress to insure that the substantial Federal revenues which are covered into the treasury of the government of the Virgin Islands are properly accounted for and audited.

"(d) It shall be the duty of the government comptroller to certify to the Secretary of the Interior the net amount of government revenues which form the basis for Federal grants for the civil government of the Virgin Islands.

"(e) The decisions of the government comptroller shall be final except that appeal therefrom may, with the concurrence of the Governor, be taken by the party aggrieved or the head of the department concerned, within one year from the date of the decision, to the Secretary of the Interior, which appeal shall be in writing and shall specifically set forth the particular action of the government comptroller to which exception is taken, with the reasons and the authorities relied upon for reversing such decision.

"(f) If the Governor does not concur in the taking of an appeal to the Secretary, the party aggrieved may seek relief by suit in the District Court of the Virgin Islands if the claim is otherwise within its jurisdiction. No later than thirty days following the date of the decision of the Secretary of the Interior, the party aggrieved or the Governor, on behalf of the head of the department concerned, may seek relief by suit in the District Court of the Virgin Islands if the claim is otherwise within its jurisdiction.

"(g) The government comptroller is authorized to communicate directly with any person having claims before him for settlement, or with any department officer or person having official relation with his office. He may summon witnesses and administer oaths.

"(h) As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the government comptroller shall submit to the Governor of the Virgin Islands and the Secretary of the Interior an annual report of the fiscal condition of the government, showing the receipts and disbursements of the various departments and agencies of the government. The Secretary of the Interior shall submit such report along with his comments and recommendations to the President of the Senate and the Speaker of the House of Representatives.

"(i) The government comptroller shall make such other reports as may be required by the Governor of the Virgin Islands, the Comptroller General of the United States, or the Secretary of the Interior.

"(j) The office and activities of the government comptroller of the Virgin Islands shall be subject to review by the Comptroller General of the United States, and reports thereon shall be made by him to the Governor, the Secretary of the Interior, and to the Congress.

"(k) All departments, agencies, and establishments shall furnish to the government comptroller such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the government comptroller, or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department, agency, or establishment."

SEC. 10. Section 20 of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 505; 48 U.S.C. 1598, 1641), as amended, is amended to read as follows:

"SEC. 20. The salaries and travel allowances of the Governor, Lieutenant Governor, the heads of the executive departments, other officers and employees of the government of the Virgin Islands and the members of the legislature, shall be paid by the government of the Virgin Islands at rates prescribed by the laws of the Virgin Islands."

SEC. 11. Effective on the date of enactment of this Act, section 3 of the Revised Organic Act of the Virgin Islands (68 Stat. 497; 48 U.S.C. 1561) is amended by adding at the end thereof the following new paragraph:

"The provisions of clause 1 of section 2 of article IV and section 1 of amendment XIV of the Constitution of the United States shall have the same force and effect within the unincorporated territory of the Virgin Islands as in the United States or in any State of the United States."

SEC. 12. Effective on the date of enactment of this Act, chapter 15 of the General Military Law (70A Stat. 15, 16; 10 U.S.C., 331–334) is amended by adding at the end thereof the following new section 336:

"SEC. 336. For the purposes of this chapter, 'State' includes the unincorporated territory of the Virgin Islands."

SEC. 13. Section 2 of the Revised Organic Act of the Virgin Islands (68 Stat. 497; 48 U.S.C. 1541) is amended by adding at the end thereof the following new subsection (c):

"(c) The relations between such government and the Federal Government in all matters not the program responsibility of another Federal department or agency shall be under the general administrative supervision of the Secretary of the Interior."

SEC. 14. Effective on the date of enactment of this Act, section 19 of the Revised Organic Act of the Virgin Islands (68 Stat. 505; 48 U.S.C. 1632) is hereby repealed.

SEC. 15. Those provisions necessary to authorize the holding of an election for Governor and Lieutenant Governor on November 3, 1970, shall be effective on January 1, 1970. All other provisions of this Act, unless otherwise expressly provided herein, shall be effective January 4, 1971.

SEC. 16. This Act may be cited as the "Virgin Islands Elective Governor Act".

Mr. BURDICK. Mr. President, on October 11, 1966, the Senate passed H.R. 11777, a bill providing an elective Governor for the Virgin Islands. Due to the lateness of the session, it was not possible to take final action on that measure. This proposal was reintroduced in the 90th Congress as S. 450, the bill presently before the Senate. This is the latest of a number of steps that have been taken toward full local self-government in the Virgin Islands and toward fulfillment of the political aspirations of the people of the islands.

The Virgin Islands became U.S. territory in 1917 by purchase from Denmark. The original act to govern the new territory—act of March 3, 1917—vested "all military, civil, and judicial powers" in a Governor appointed by the President with the advice and consent of the Senate. Until 1931, when jurisdiction was transferred by the Department of the Navy to the Department of the Interior by Executive order and the first civilian Governor was appointed, it was the practice for a naval officer to be appointed to this position. The organic act of 1936 and the revised organic act of 1954 continued this provision for Presidential appointment with the advice and consent of the Senate.

While the Virgin Islands have always thus far had an appointed Governor, they have also had a popularly elected legislature. The 1917 act continued the provisions of Danish law, which dated back at least to 1906, for the election of two colonial councils, one for the island of St. Croix, the other for St. Thomas and St. John. The ordinances of these councils, when sanctioned by the King, became law. The 1917 act, in effect, continued this system. All local laws remained in force until altered or repealed by the council concerned, with the approval of the President or in accordance with regulations prescribed by him. The 1936 act provided for annual joint legislative sessions of the two municipal councils—a new name for the old colonial councils—and gave this legislative assembly "power to enact legislation applicable to the Virgin Islands as a whole" subject to the conditions that it should not consider any legislation except that specified in a message from the Governor, that no bill should be enacted except by a two-thirds vote, and that every bill should be subject to gubernatorial veto and, if repassed over his veto, to Presidential veto.

Under the 1954 act the legislative power of the territory was vested in a territory-wide legislative body of 11 members, the jurisdiction of which extended to "all subjects of local application"—later amended to read "all rightful subjects of legislation"—not inconsistent with the laws of the United States applicable to the Virgin Islands. Provisions for gubernatorial and Presidential veto were continued, however.

Since the 1954 act came into force, there have been a number of other enactments by Congress looking toward greater self-responsibility on the part of the Virgin Islands: Public Law 85–224 authorized the enactment of local laws requiring the advice and consent of the legislature to gubernatorial appointees to commissions having quasi-judicial authority; Public Law 85–851 provided for the issuance of revenue bonds for certain types of projects authorized by the legislature and made it clear that there should be no political or religious test for officers and employees of the government of the Virgin Islands; Public Law 86–289 allowed the territorial attorney general to exercise some of the functions of the U.S. attorney; Public Law 88–180 provided for the issuance of general obligation bonds in certain circumstances; Public Law 88–183 authorized the transfer of submerged areas bordering on the islands to the territorial government and put within its concurrent jurisdiction "parties found, acts performed, and offenses committed on property owned, reserved, or controlled by the United States"; and Public Law 89–100 provided for the payment of legislative salaries and expenses by the local rather than the Federal Government.

Public Law 89–548 amended the revised organic act to provide for the enlargement of the legislature to 15 members and permitted reapportionment in keeping with the Supreme Court decisions enunciating the "one-man, one-vote" principle.

It is clear that the people of the Virgin Islands have had long experience in electing one branch of their government and thus in participating in the making of their own laws. It is the belief of the committee that the people and their legislature have for the most part exercised their powers in a responsible manner. They have organized a two-party system, and have identified, discussed, and voted their opinions on matters of local concern. The legislators, in turn, have debated the issues, and at times disagreed with the Washington-appointed Governor in the manner of free legislatures everywhere. They have enacted laws of local application and have levied taxes and appropriated funds sufficient for the ordinary needs of the local government without resort to direct Federal appropriations. In view of this and in view of the further facts that the governorship has become almost exclusively a local office and that the Governor, under the revised organic act, is an integral part of the legislative process with power to recommend and to veto legislation, it is the committee's view that the time is ripe for taking the progressive step toward a territorial government which is fully responsible and responsive to local needs and the local electorate which S. 450 proposed. Enactment of this legislation will be a recognition that the Virgin Islands have accumulated sufficient political maturity and practice in the art of self-government to warrant this step.

Mr. President, as amended and reported to the Senate, S. 450 would provide for the election, by popular vote, of the Governor and Lieutenant Governor of the territory of the Virgin Islands; and

Create the office of Lieutenant Governor;

Provide that the salaries and expenses of the executive as well as the legislative branch be paid by the government of the Virgin Islands;

Specify the powers, duties, and responsibilities of the Governor;

Provide a method of recall for removal of the Governor;

Set out the line of succession in the event the Governor is disabled;

Clarify the powers, duties, responsibilities, and procedures of the office of the government comptroller;

Provide that the expenses and salaries of the office of the government comptroller shall be paid by the United States from funds derived by transfer from the internal revenue collections appropriated for the Virgin Islands, thus resulting in a substantial savings to the Federal Government;

Extend the privileges and immunities clauses, the due process clause, and the equal protection clause of the U.S. Constitution to the people of the Virgin Islands;

Make the Virgin Islands subject to the general military law of the United States; and

Make certain technical changes in the revised organic act.

Mr. President, the bill provides that the first election of a Governor in the Virgin Islands will be 1970. Although the date of the next general election is 1968, it was the conclusion of the committee that to authorize the Virgin Islands first gubernatorial election in a year of national presidential elections might result in the presidential elections having a disproportionate effect upon what should be a local election primarily concerned with local issues and policies. In addition, the Legislature of the Virgin Islands will have probably provided for its own election by districts in the election of 1968, rather than at large as is in part true at the present, and it is thought prudent to allow the electorate of the Virgin Islands 2 years from this date to become fully accustomed to this substantial change in its electoral process before turning to the election of its Governor.

The term of office of the Governor and Lieutenant Governor will be 4 years. This term of office comports with the recommendation of many political scientists and the practice in an increasing number of States. It also parallels recent recommendations that the terms of other elected officials of government, such as members of the house of representatives, be extended to 4 years, thus allowing more time for productive and creative public service. In the case of the chief executive officer of a territory, the cogency of the reasons for allowing the executive branch a lengthened opportunity to formulate and implement policies and programs before having to submit them, together with his own candidacy, if he so desires, to the electorate for affirmation seems all the more compelling.

Mr. President, the Senate Committee on Interior and Insular Affairs recommends prompt passage of S. 450, as amended. In making this recommendation the committee has stated its awareness of, first, the strategic importance of the Virgin Islands to the national security of the United States; second, the progress the people of the Virgin Islands and their government have made toward increased political maturity and responsibility, and their natural desire to elect their own executive officers in free elections; and third, the unique position the Virgin Islands occupies in the eyes of the people in other areas of the Caribbean, South America, and the world.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. MILLER. Mr. President, will the Senator from North Dakota yield for a question?

Mr. BURDICK. I yield.

Mr. MILLER. I have some misgivings over the timing of the pending bill.

I was in the Virgin Islands last fall for several days shortly after one of their elections. I followed the local newspapers pretty carefully.

The newspapers were filled with articles complaining about the way in which the previous election had been run. There were all kinds of charges about the fact that many of the citizens of St. Croix had not voted because they were not properly listed and were sent from one polling place to another.

I found total dissatisfaction on the part of the people with respect to the election.

As I recall, one or two editorials suggested that the matter be investigated. Can the Senator tell me whether there has been any investigation made of the recent election in the Virgin Islands?

Mr. BURDICK. Mr. President, I think these matters are immaterial. These allegations refer to the election of the Virgin Islands Legislature in the last election. At no time has anyone come forward and asked for the right to testify before our committee about these allegations that appeared in the newspaper articles.

I think the proper place for such charges, if they have any substance, is before the committee.

No one asked to appear and testify, before our committee while we were discussing and considering the present legislation.

All we have are some editorials that appear as scatter shots now at the time the matter is scheduled for debate on the floor. That is the first knowledge we had of these particular matters.

In a deliberative body we should have the benefit of testimony on such matters before the committee. No one has appeared before the committee in the last 2 years. The bill passed unanimously a yerr ago. It was passed by the committee by, I believe, a vote of 9 to 1 this year.

Concerning whether there is any substance to any of the charges, I know that some of the newspaper articles have been erratic and incorrect.

Mr. MILLER. I can understand how the Senator from North Dakota and his colleagues on the committee might expect that there would be some type of correspondence with the committee suggesting that people be heard. However, when I was in the Virgin Islands I had occasion to discuss the situation with some longtime residents of St. Croix. I received the definite impression that there was considerable fear of retaliation from government officials if there were this type of activity.

I would hope that the committee would take cognizance of these newspaper articles, regardless of whether any particular citizen had written to the committee or said he wanted to testify. And I would hope that the committee would have initiated its own investigation to see whether there is substance to the reports appearing in the newspapers.

I do not think that our committees must sit and wait until some local citizen comes and says: "We want an investigation. We want to testify."

I think the committees can initiate these matters themselves.

The charges which were published in the newspapers were most serious charges and, if true, I would suggest to the Senator from North Dakota that the people of the Virgin Islands in the present political atmosphere are not capable of having a good election to elect a Governor.

I would hope that they would be, but these are charges which ought to be investigated.

Mr. BURDICK. I think it is immaterial. The election of a Governor might actually remove some of this. The people there are not afraid to vote. They have upwards of 80 percent of the eligible voters voting which indicates active participation.

A lot of this political undertone and charges could occur under any regime in any American community.

Mr. MILLER. I did not understand the Senator's point.

If that is the point of the Senator, then I must respectfully say that to permit the election of a Governor in a situation which could be as bad as these charges indicate would just compound the situation. The only way that Congress could keep a little control of the situation would be to continue to have a Governor appointed by the President.

I do not say that these charges are well founded. However, if they are substantive—and the committee should investigate them and discover whether they are—then we would only be compounding the problem by permitting the election of a Governor.

If the charges are not properly founded, then I would have no objection. However, how is Congress going to exercise any control over the situation if we turn the election of a Governor over to the people when they cannot have a fair election?

Mr. BURDICK. We are left in doubt as to the substance of the charges. The charges are made at the time the matter is scheduled for debate on the floor.

No one asked for investigation. The newspaper editor never asked to appear at any time, this year or last year.

Mr. MILLER. Mr. President, I should like to make one thing clear to my colleague, the Senator from North Dakota.

I have had no correspondence from anybody in the Virgin Islands with reference to the particular charge.

The only reason I mention this now is that the bill has been brought from the committee. However, while maybe the charges are such that there would be some doubt about them, the elective process and fair elections are so vital that I do not think there should be any question about the matter.

I think the Senator from North Dakota ought to be able to stand there and say: "We had an investigation by the full committee and the charges are unfounded. We are confident that if the bill is passed there will be a fair election in the Virgin Islands."

But unless he can make that assurance, I suggest that the timing of the bill is not proper.

I thank the Senator for yielding.

Mr. BURDICK. This matter has been heard for 2 years. Both political parties have come before the committee and sponsored this bill. It has bipartisan support. There has not been anyone—look at the record—opposing this bill.

Mr. MILLER. I say to my colleague that I do not care whether both political parties are supporting this bill. What I care about as a Member of Congress, and what I believe we should be concerned about, is whether or not they can have a fair election in the Virgin Islands. An election last fall, as reported in the local newspapers, leaves great doubt in my mind, and I would think it would leave great doubt in the minds of the members of the committee. The only way this doubt can be satisfied is to have a fair investigation by the committee. When the committee can report to the Senate that these charges are unsubstantiated and that the committee is satisfied that, notwithstanding the charges, the investigation causes them to believe that a fair election can be held, then and only then do I believe we should act.

Mr. BURDICK. As I have said, no one has asked for an investigation. This question did not come up until the last day or two. There has been ample time in the last 6 months to go over this matter very carefully.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. BURDICK. I yield.

Mr. ALLOTT. I am at a loss to understand the Senator's statement that no one has asked for an investigation except in the last day or two; because if he has been present at the meetings of the Committee on Interior and Insular Affairs, and if he will search his memory, he will recall that not on one but on many occasions from 1960 until now, I have suggested and urged that the committee investigate the situation in the Virgin Islands.

The Senator has only to consult the counsel who sits behind him, to find out that this is the fact.

Mr. BURDICK. I was referring to third parties, not to members of the committee, who had asked to be heard. We are not aware of any.

Mr. ALLOTT. It is a fact—and I state it as a fact—that not just once or twice but on many occasions I have suggested and requested that the committee send an investigating committee to the Virgin Islands to try to find out what the situation is there, and on every occasion the suggestion has been completely disregarded by a majority of the committee. This suggestion has been ignored constantly for some 7 years now.

Mr. BURDICK. I do not know what the situation is. The Senator may be correct about asking for an investigation. But I do know that neither the Senator nor anyone else has submitted to the staff of the committee any list of witnesses to be called before the committee in Washington at any time.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. BURDICK. I yield.

Mr. MILLER. I should like to point out that as long as 3½ years ago, I sent various items from local newspapers and at least two letters from citizens in the Virgin Islands to the chairman of the Committee on Government Operations, recommending that the Committee on Government Operations look into the situation. At the time, I understood that the chairman was favorably inclined with respect to my recommendation, but because of the nature of the Senate business, no one was able to leave.

More recently, following the elections last fall, I sent various newspaper clippings and some correspondence to the chairman of the Committee on Government Operations, and I understand that the chairman referred these to the Committee on Interior and Insular Affairs, as a matter of its immediate jurisdiction. I hope that the Senator from North Dakota has seen these items. They must be in the committee. And this was all for the purpose of enabling the members of the appropriate committees to know what was going on in the Virgin Islands. I realize that not many Members of the Senate have visited the Virgin Islands or have been privy to the particular correspondence and newspaper articles to which I am referring. I just happened to be vacationing in the Virgin Islands after the last campaign. But I must say, as a Member of the Senate, that I was shocked by the articles that I read.

I believe we have a duty, regardless of whether somebody from the Virgin Islands comes to Washington and offers to testify. I believe we have a duty to initiate an investigation ourselves.

I repeat: I was told that there is great fear on the part of many citizens of the Virgin Islands with respect to getting into this situation because of the present political climate there. We should take that aspect into account.

In any event, the future of the Virgin Islands, I believe, merits an investigation to determine whether or not these charges are true. If they are not true, fine. If they are true, then something should be done about it. The future of the Virgin Islands demands an opportunity for fair elections, and if there is much uncertainty on the part of a substantial number of people in the Virgin Islands about fair elections, then we should do something about it. I am not saying that we should defeat the bill. I am only saying that we should shelve it until the time comes when the Senator from North Dakota can say that the charges have been investigated and are unsubstantiated, or, if they are substantiated, that action has been taken to remedy the situation.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. BURDICK. I yield.

Mr. ALLOTT. I should like to address a question to the subcommittee chairman, if I may. I am sure he has read the reports on this bill. In the individual views filed by me, there is on page 43 a letter written to the Honorable Ramsey Clark, on March 23 of this year, in which I call to his attention the sworn statements of individuals regarding voting irregularities in the 1966 elections. On April 7, I received the following letter:

DEPARTMENT OF JUSTICE,
Washington, April 7, 1967.

Hon. GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This refers to your letter dated March 23, 1967, addressed to the Attorney General concerning the 1966 elections in the Virgin Islands.

This matter has been receiving our consideration since it was called to our attention last February. We find that copies of the affidavits which you forwarded are already in our possession and, in fact, form the basis of the Criminal Division's study. Therefore, we are able to return them to you.

I appreciate your interest in writing to the Department about this matter.

Sincerely,

FRED M. VINSON, Jr.,
Assistant Attorney General.

The Senator from North Dakota is aware that efforts have been made to get at the bottom of this matter, not only by me but also by many other Members of Congress over the years. The letter from the Assistant Attorney General indicates that the Department of Justice has had this matter under consideration since February; and, as I will develop when I speak at length on this matter, they have not been able to do anything about it. I am sure the Senator is aware of it.

Mr. **BURDICK.** I am not aware that Ron de Lugo had ever asked to appear before a committee and had been denied.

Mr. **ALLOTT.** I am not talking about Ron de Lugo. The Senator from North Dakota mentioned the fact that none of these people had ever made the request. Neither has the committee ever gone down there or requested anybody to testify. They only come up against the propaganda effort of the Governor.

Mr. **BURDICK.** I believe we are entitled to a prima facie case by some witnesses, not just a newspaper advertisement. I believe we are entitled to have some live witnesses.

Mr. **ALLOTT.** I will provide the Senator with more than a prima facie case when I have finished speaking.

WHAT THE MIDDLE EAST NEEDS RIGHT NOW IS GENERAL AND COMPLETE DISARMAMENT

Mr. **CLARK.** Mr. President, world attention is now fixed on the tragic war in the Middle East where Israel has won a military victory of staggering proportions. If any good comes of this war it will be the unchallengeable conclusion that Israel has both the capacity and the will to defend itself. I hope the Arab world can now accept the fact that Israel is here to stay. The existence of Israel is an international fact of life and the sooner Israel's Arab neighbors come to accept this, the sooner the longstanding disputes in the Middle East will be solved.

As we know, the great powers—including the Soviet Union—have arranged a cease-fire which prevented loss of many additional lives and before the war spread beyond the countries immediately concerned. How ironic it is that the appalling level of violence and destruction of this war is the direct consequence of the massive arming of the belligerents by the major powers; the powers who stopped the fighting before they became involved.

A cessation of the fighting has taken place. I only hope that when order is again established in the Middle East all of those concerned will look beyond the immediate problems of negotiation to finding ways of eliminating some of the basic causes underlying the conflict. In my view, a large part of the problem in the Middle East has been the spiraling arms race. This race has been fed by the transfer of vast quantities of sophisticated military equipment from the industrial nations. The Middle East is literally bristling with arms provided by France, Great Britain, the Soviet Union, and the United States.

The objectives of the great powers in fostering these arms transfers are varied: for example, to develop military client states or to attempt to correct regional arms imbalances. Whatever the purposes, the results in the Middle East have been a drain of scarce resources and the guarantee—as has certainly been the case in the last few days—that whenever a regional war begins its destructive effects are magnified.

Note for a moment the effect the arms race in the Middle East has had on defense expenditures in a region where most of the countries have serious economic problems. Morocco, for example, spends some 5 percent of its slim gross domestic product for arms; Iraq, 6 percent; Syria, 8 percent; Israel, almost 9 percent; and the United Arab Republic over 10 percent. As a region, these figures are the highest in the world.

In the aftermath of this war in the Middle East I think we must all ask ourselves if there is anything that can be done about this arms madness that is draining the lifeblood of these developing countries and contributing to increasing dangers from regional conflicts.

I think there is something that can be done.

For years the stock answer in Western circles to any suggestion of regional arms controls in conventional weapons has been, "If we don't sell them the Russians will." Moreover, our experience with the Russians is generally discouraging in this regard. This has been particularly true since 1955 when the Soviets began to put vast quantities of arms into the United Arab Republic and Syria—almost $2 billion worth of arms to Egypt alone. However, it is now clear that the Soviet Union has been badly burned by its experience in the Middle East, and, in my view, the Soviets' experience of the past few days may well lead to a major power agreement on conventional arms.

One can only imagine the dismay in the Kremlin at this moment. What have the Russians acquired from their $2 billion worth of arms to Egypt: a desert strewn with destroyed and abandoned Soviet equipment, a Nasser they could not control, and now with the Soviet Union's call for a cease-fire, a badly marred image in the Arab world. Mr. Kosygin can only look out on the ruins of his military export policy to the Middle East. Mr. Kosygin must now add this bitter experience to the Soviet military export debacle in Indonesia where Soviet equipment was used to destroy the local Communist Party. He must remember the Algerian experience where the Soviet-supported Ben Bella's residence was surrounded by Soviet tanks. He must remember the Soviet Union's sad experience with Nkrumah. What I am suggesting here is that there is a very strong possibility that the Soviets have learned—as I hope we have learned—that competition in regional arms races is a disastrous policy.

If this is the case, now that the fighting has stopped in the Middle East, let the United States move quickly to test the Soviets' disenchantment with their arms policies by raising the conventional arms issue at the 18-Nation Disarmament Conference. This Conference is now in session and could begin immediate discussions of disarmament in the Middle East.

What the Middle East needs right now is general and complete disarmament. The groundwork for such action at the 18-Nation Disarmament Conference has already been laid by President Johnson. In the President's message to the ENDC last January he reminded the delegates:

> As we focus on nuclear arms, let us not forget that resources are being devoted to non-nuclear arms races all around the world. These resources might be better spent on feeding the hungry, healing the sick and teaching the uneducated. The cost of acquiring and maintaining one squadron of supersonic aircraft diverts resources that would build and maintain a university. We suggest therefore that countries on a regional basis, explore the ways to limit competition among themselves for costly weapons often sought for reasons of illusory prestige.

While the President was suggesting that regional agreements on conventional arms be sought by the smaller powers themselves, I believe the events of the last week have opened the way to an agreement among the major powers themselves.

Let me suggest a few ways by which major arms suppliers, including the Soviet Union, could work together to restrict the flow of arms into the Middle East and other underdeveloped regions of the world. First, I suggest an agreement among the great powers to place an embargo on the sale or shipment of all weapons to the Middle East except those required to maintain civil order. This embargo would be—and must be—coupled with a great power guarantee of international borders in the area where the arms embargo is in effect. In my report on my trip to the Middle East of last year, I suggested an international guarantee of existing national borders in the Middle East. This guarantee would be participated in by the United States and the Soviet Union. We now have the chance to couple such a guarantee with an arms embargo. If all the great powers can agree to such an arrangement the prospects for peace and disarmament in the Middle East—something we all want—will be greatly improved.

I am urging here that we must look beyond the immediate crisis to an understanding, and possible resolution and some of the causes of the long-festering causes of the present turmoil. One such cause is the arms race in the Middle East; a race that goes on with ever more expense and lethal weapons. And having established an embargo I would move promptly to a comprehensive disarmament treaty.

I therefore urge the President to submit to the 18-Nation Disarmament Conference a new set of proposals for ending the conventional arms race in the Middle East. I believe the obvious dismay of the Soviet Union with its arms policies in the Arab world has created a new situation—a new opportunity. Let us seize this new opportunity to find ways of stopping the arms race in the Middle East immediately. The existence of Israel is a reality that all must now accept. The security of Israel, I believe, requires that the United Nations move to end the arms race in the Middle East. For until we achieve this result there will be no real security or peace for Israel or any of its Arab neighbors.

Mr. **BYRD** of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF U.S. INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948

The Senate resumed the consideration of the bill (S. 1030) to amend further section 1011 of the U.S. Information and Educational Exchange Act of 1948, as amended.

Mr. ELLENDER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the next 10 minutes are controlled, 5 minutes by the Senator from Pennsylvania [Mr. CLARK] and 5 minutes by the Senator from Louisiana [Mr. ELLENDER].

Mr. CLARK. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 3 minutes.

Mr. CLARK. Mr. President, this bill does two things. It provides a new method of financing the informational media guarantee program and clarifies the law respecting domestic availability of U.S. Information Agency material.

This is an administration bill recommended by the President in his message to Congress of 1966. Its passage was requested by the Director of the U.S. Information Agency, Mr. Leonard Marks, in a letter he wrote to the Vice President, as President of the Senate, in January of this year.

It is supported by the State Department in the letter signed by the Acting Secretary of State, Nicholas deB. Katzenbach, which appears on page 4 of the hearings. It is supported by the Department of Commerce in a letter which appears on pages 4 and 5 of the hearings.

The bill was the subject of adequate hearings before the Committee on Foreign Relations, at which support was given not only by those whom I have mentioned but also a number of other citizen bodies and by a vast group of individuals who submitted testimony in support of the bill.

The Committee on Foreign Relations reported the bill favorably by a vote of 14 to 3. The reasons for the bill are well set forth on pages 4 and 5 of the committee report where it is stated:

> The Foreign Relations Committee has considered the criticisms which have been leveled against the IMG program. These are of two general types: First, that the program is an unjustified subsidy for the U.S. publishing industry; and second, that it generates foreign currencies in excess of U.S. needs and over which the United States has only minimal control. In simple terms, the committee disagrees with the first and has amended the bill to meet the second.

Mr. President, the real need for this bill is that publishers cannot afford to sell books, magazines, and the like unless they can get paid in American dollars.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. CLARK. Mr. President, I yield myself one-half minute more.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for one-half minute.

Mr. CLARK. Mr. President, these publishers are perfectly willing to take the chance of a profit or a loss on an export project which, incidentally, is beneficial to our balance of payments, if they can have the assurance, when they get paid in foreign currencies, that they can be repaid in American dollars instead of in the soft currency of the particular country.

Therefore, to me, this is not a subsidy program.

I hope that the Senate will pass this bill which, as I say, will make it possible to continue the informational media guarantee program in seven countries where it now exists at what, to me, will be a very minimal cost to the U.S. Government.

Mr. President, I hope that this bill will pass.

I reserve the remainder of my time.

Mr. ELLENDER. Mr. President, at the outset, I wish to make it plain that this bill would not affect any of the programs which USIA has or AID in providing books, magazines, newspapers, and so forth, all over the world. This is a special program which was created under the Economic Cooperation Act of 1948 and came into existence in its present form in 1956 as an outgrowth of the investment guarantee fund, which was administered under the foreign assistance programs. The purpose of the fund was the dissemination of information, through private channels, about the United States to various countries of the world, particularly the underdeveloped countries.

When it was authorized in 1956, a revolving fund was created. Book and magazine publishers were to sell their publications through private channels in foreign countries for local currencies. Operations in each country were carried out under terms of bilateral country agreements. Under the program, foreign importers made payments in their own currency to American exporters, who then exchanged the foreign currency for U.S. dollars through application to the U.S. Information Agency. The foreign currencies acquired under the program were available for sale to other U.S. Government agencies for appropriated dollars, which were credited to the informational media guarantee revolving fund.

In theory, the dollar receipts of the fund should have been equal to the dollar payouts. However, the revolving fund concept in this program never worked, and most of the money authorized and appropriated was lost. The fund did not revolve because some of the foreign currencies were used for other purposes. In addition, in most of these countries, there was an excess of local currencies available to the U.S. agencies and consequently they did not need to purchase those currencies held by the IMG fund.

Today, that situation has been aggravated because we have in many countries—particularly the countries in which we operate—more funds than we need and there is no sense adding more to them.

The total cost of this program through February 28, 1967, is $37,073,013.69, which breaks down as follows: First, $13,101,680.00, directly appropriated by the Congress; second, $22,056,140.67, borrowed from the U.S. Treasury; and third, $1,825,193.02, accrued interest owed by the fund to the U.S. Treasury.

The U.S. Government will realize no benefits from the continuation of the IMG fund. It is purely and simply a method by which certain American publishers are subsidized by the taxpayers in the distribution of their publications. It does not seem right that certain publishers in this country be guaranteed the price of their publications on sales they make to customers in foreign countries.

The IMG fund is a duplication of two other programs presently in operation which distribute information about the United States through books, magazines and periodicals to foreign countries. The USIA in the fiscal 1968 budget will spend a total of $10,719,064 of appropriated funds and foreign currencies for books, magazine subscriptions, newspaper subscriptions and other forms of information in the nine countries now being served under the IMG fund. In addition to what USIA will disseminate, there will be added to that more than $613,153 in books and magazines by AID, also in these same countries. Aside from that, our Government spends millions of dollars providing for schoolbooks in most of the underdeveloped countries through programs conducted by both AID and USIA.

The Appropriations Committee requested that the IMG fund be phased out in 1961. However, because the IMG is a revolving fund, the persons in charge have been able to keep it going, even though no funds have been appropriated since fiscal 1964. In that year, the Appropriations Committee expressly stated its disapproval in the committee's report on the fund. Again in 1965, the committee requested that the fund be phased out because of its duplication. The House agreed with the Senate. In 1966, the committee again instructed that no funds were to be used in the operation of the IMG fund.

In the bill making appropriations for fiscal year 1967, again the Congress called for the termination of the operations of the IMG fund. In this connection, USIA has finally concurred and it is now in the process of phasing out the IMG fund that is presently in being. However, in doing so the Agency is asking Congress, in the pending bill, to establish a new IMG fund that would be little different from the former one.

S. 1030 wipes out all indebtedness of the old IMG fund to the U.S. Treasury and provides for the creation of a $10,000,000 new IMG revolving fund. The program will be continued under the pending bill at a larger rate than heretofore provided.

Since most of the countries in which the program is intended to operate are excess currency countries, doubtless the new fund will continue to accumulate more soft currencies than can be sold by the fund and this will result in its impairment. Needless to say, it will be necessary for the Congress to make annual appropriations to restore any impairment.

Mr. President, this is purely and simply a subsidy program which has been on the statute books, as I said, since 1948. It is one of the programs that we should stop now.

I hope that the bill will be defeated.

Mr. CLARK. Mr. President, I yield myself the rest of my time, which I understand is 1 minute.

The PRESIDING OFFICER. The Senator is correct.

Mr. CLARK. It seems to the Foreign Relations Committee clear that it is in the national interest for these materials to be available in the countries listed, as well as, hopefully, in some others. IMG is a device for achieving this objective at minimum cost and in a way, through commercial channels, which is politically acceptable abroad.

In short, the cost of the bill is small, indeed. What we do is summon the private enterprise system to make available the books and magazines it publishes for the benefit of our foreign policy by making United States, instead of Russian, materials available to the people behind the Iron Curtain. I hope the bill will pass.

The PRESIDING OFFICER. The Senator's time has expired. All time on the bill has expired.

The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the hour of 3:30 having arrived, the question now is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Idaho [Mr. Church], the Senator from Indiana, [Mr. Hartke], the Senator from South Carolina [Mr. Hollings], the Senator from New Hampshire [Mr. McIntyre], the Senator from Rhode Island [Mr. Pastore], the Senator from West Virginia [Mr. Randolph], and the Senator from Connecticut [Mr. Ribicoff] are necessarily absent.

I also announce that the Senator from Hawaii [Mr. Inouye] and the Senator from North Carolina [Mr. Jordan] are absent because of illness.

I further announce that the Senator from Tennessee [Mr. Gore], the Senator from Michigan [Mr. Hart], the Senator from Washington [Mr. Magnuson], and the Senator from Maryland [Mr. Tydings] are absent on official business.

I further announce that, if present and voting, the Senator from Idaho [Mr. Church], the Senator from Rhode Island [Mr. Pastore], and the Senator from Connecticut [Mr. Ribicoff] would each vote "yea."

On this vote, the Senator from South Carolina [Mr. Hollings] is paired with the Senator from West Virginia [Mr. Randolph]. If present and voting, the Senator from South Carolina would vote "nay," and the Senator from West Virginia would vote "yea."

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. Carlson], the Senator from Iowa [Mr. Hickenlooper], the Senator from Michigan [Mr. Griffin], and the Senator from North Dakota [Mr. Young] are absent on official business.

The Senator from New Jersey [Mr. Case], the Senator from Nebraska [Mr. Hruska], the Senator from New York [Mr. Javits], the Senator from Kentucky [Mr. Morton], and the Senator from California [Mr. Murphy] are necessarily absent. If present and voting, the Senator from New Jersey [Mr. Case] would vote "yea."

On this vote, the Senator from New York [Mr. Javits] is paired with the Senator from California [Mr. Murphy]. If present and voting, the Senator from New York would vote "yea," and the Senator from California would vote "nay."

The result was announced—yeas 31, nays 47, as follows:

[No. 133 Leg.]

YEAS—31

Boggs
Brooke
Clark
Cooper
Dodd
Fong
Harris
Hatfield
Jackson
Kennedy, Mass.
Kennedy, N.Y.
Long, Mo.
Mansfield
McCarthy
McGee
Metcalf
Mondale
Monroney
Moss
Mundt
Nelson
Pell
Percy
Prouty
Proxmire
Scott
Smathers
Sparkman
Symington
Williams, N.J.
Yarborough

NAYS—47

Aiken
Allott
Anderson
Baker
Bartlett
Bayh
Bennett
Bible
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Gruening
Hansen
Hayden
Hill
Holland
Jordan, Idaho
Kuchel
Lausche
Long, La.
McClellan
McGovern
Miller
Montoya
Morse
Muskie
Pearson
Russell
Smith
Spong
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, Ohio

NOT VOTING—22

Carlson
Case
Church
Gore
Griffin
Hart
Hartke
Hickenlooper
Hollings
Hruska
Inouye
Javits
Jordan, N.C.
Magnuson
McIntyre
Morton
Murphy
Pastore
Randolph
Ribicoff
Tydings
Young, N. Dak.

So the bill (S. 1030) was defeated.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the bill was defeated.

Mr. DIRKSEN and Mr. HOLLAND moved to lay Mr. Ellender's motion on the table.

The motion to lay on the table was agreed to.

THE DODD CENSURE RESOLUTION

Mr. MANSFIELD. Mr. President, first I ask unanimous consent of the Senate, at the request of the distinguished Senator from Connecticut [Mr. Dodd], that the following attorneys John Sonnett, Donald Mulvihill, Walter Cliff, Walter Kenney, Nat Bickford and the following Senate employees Richard P. Crane, Jr., David Martin, Doreen F. Moloney, Robert X. Perry, Milton H. Wernstrom be permitted to be present on the floor when Senate resolution 112 is before this body for consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

FLOOR PROCEDURE DURING CONSIDERATION OF SENATE RESOLUTION 112

Mr. MANSFIELD. Mr. President, the Senate will convene at 10 o'clock on Tuesday, June 13.

Immediately after the prayer, a live quorum will be called.

Immediately after the ascertainment of a quorum, Senate Resolution 112 will be laid before the Senate and read by the clerk. It will, of course, at that time be the pending business.

As previously announced, all Senate staff, except Senate Chamber attachés, will be excluded from the floor and the hallway outside, as well as the cloak rooms, unless their attendance is specifically requested by a Senator to assist in the consideration and presentation of the measure. In this respect, the Sergeant at Arms is directed to adhere to this rule very closely. Senator Stennis, Senator Long of Louisiana, Senator Dodd, and any other Senator so desiring will request permission of the Senate providing floor privileges for their counsel and necessary staff assistants.

That has already been done by Senator Long of Louisiana and Senator Dodd.

Since the attendance on the floor of all Senators has been urged previously, it will be desirable to have a recess for lunch around 1 o'clock for 1 hour. This would give the Senators a rest, permit a lunch break, and greatly assist in keeping as many Senators as possible on the floor at all times during the debate on this matter.

Thus it is the leaderships intention to recess each day around 1 o'clock for approximately 1 hour. When the Senate reconvenes after lunch, a live quorum will again be requested. After the quorm is obtained, the Senate will continue to consider the resolution until at least 6 o'clock.

This procedure will be followed each day the resolution is before the Senate. The Senate will convene at 10 o'clock or earlier and remain in session on the matter until 6 o'clock or later.

If after 2 days, there are Senators who desire to make short statements on nongermane matters that would normally be made during the morning hour, the period from 1 o'clock to 2 o'clock, or any part thereof, could be set aside for the transaction of this morning business.

Statements that cannot be accommodated during this period hopefully will be postponed until after the final disposition of the resolution or at least until the completion of the pending business that is after 6 o'clock on each day.

It is the intention of the leadership to postpone all other matters during the consideration of this resolution.

As previously announced, no committees will meet during the consideration of this matter. All committee chairmen and ranking minority members have cooperated fully in this regard, including the chairman and ranking member of the Appropriations Committee; the Appropriations Committees had previous permission of the Senate to meet during the Senate session for the entire session.

In this regard, the leadership requests all chairmen to postpone the consideration of all privileged matter, including conference reports, until after the disposition of the resolution.

In order to follow its announced schedule of a germane debate to commence immediately upon the convening of the Senate, the Senate will recess each night.

Mr. President, I ask unanimous consent that a letter dated May 16, 1967, which was sent out by the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], and myself, to all Members be printed at this point in the RECORD with the understanding that, of course, there have been changes in the date and a few other minor matters. However, in general, this letter, which each Senator has received, still holds true in its general context.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 16, 1967.

HON. MARGARET CHASE SMITH,
U.S. Senate,
Washington, D.C.

DEAR MARGARET: It has been agreed by the Chairman and Vice Chairman of the Ethics Committee and the Majority and Minority Leaders that S. Res. 112 relating to the censuring of the Honorable Thomas J. Dodd of Connecticut will be called up for consideration on Monday, May 22, at 10:00 a.m.

We are sure that you will agree that this is of great moment to the senator in question and that both he and the committee deserve a full membership on the Floor of the Senate when the presentations are made since the Senate does sit in judgment on the senator charged in the resolution.

It has been suggested, and we are sure that the suggestion will meet with general approval, that during the days required for the disposition of this matter that there be no committee meetings so that his can be the exclusive business of the Senate. If it appears that the presentations may take several days it is planned to convene the Senate at an earlier hour each day and to continue in session somewhat later on each day inasmuch as the recess for the Memorial Day session was agreed upon earlier in the Session.

Only those staff members attached to the Ethics Committee will be permitted on the Floor of the Senate in addition to the staff members of Senator Dodd.

We trust that you will be present to hear all of the testimony before a final vote is taken on the Resolution.

Sincerely,
MIKE MANSFIELD,
Majoriy Leader.
EVERETT MCKINLEY DIRKSEN,
Minority Leader.

Mr. MANSFIELD. I see the distinguished senior Senator from Maine [Mrs. SMITH] in the Chamber. The copy of the letter we have just placed in the RECORD bears the name of the distinguished senior Senator from Maine. I hope that she does not mind our action. Every Senator got the same letter.

FOURTH OF JULY HOLIDAY RECESS

Mr. DIRKSEN. Mr. President, when we contrived a schedule of recesses early in January, we agreed for the Independence Day period that the recess should begin at the end of business on the 29th of June and terminate on the 5th of July, as I recall.

It appears to me, under all the circumstances and in view of the action the House is likely to take, that we could very well extend that recess period until about the 10th of July, so that roughly there would be about 12 days of vacation for the Senate and the House.

I very respectfully suggest that to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I am in full accord with the suggestion just made by the distinguished minority leader.

It would appear that we would be due back on Wednesday, July 5, and if the Memorial Day weekend is any criterion of what the Senate will do after the Fourth of July holiday, we may well lack a quorum if we return on July 5.

So, I would join with the distinguished minority leader and agree to his suggestion that the period extend from Thursday, June 29, up to, but not including, Monday, July 10.

On Monday, July 10, we would come back and be prepared for business.

Mr. DIRKSEN. It occurs to me that the matter will have to be handled by resolution and introduced in either the Senate or the House since it would be in contravention of the constitutional provision for recesses of more than 3 days without the concurrence of the other body.

Mr. MANSFIELD. We can work that out, I am sure.

PROVISION FOR ADDITIONAL FUNDS FOR THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. JACKSON. Mr. President, I call up Senate Resolution 135 and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A resolution (S. Res. 135) to provide additional funds for the Committee on Interior and Insular Affairs.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. ALLOTT. Mr. President——

Mr. JACKSON. Mr. President, this is the regular resolution under the Reorganization Act to provide for $10,000 for the travel and other expenses for the committee.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. ALLOTT. Mr. President, reserving the right to object, I should like to inquire when the resolution was filed?

Mr. JACKSON. The resolution was filed today. This is a routine housekeeping resolution. As the Senator is aware, we have had substantial travel expenses in connection with the hearings conducted by the committee, both in the field and in Washington, D.C., and it is necessary that this resolution be agreed to because otherwise the funds for these purposes will be exhausted.

Mr. ALLOTT. Mr. President, reserving the right to object, I think the Senator should strike that portion of his remark—"as the Senator is aware."

I am not aware of anything that happens in the Committee on Interior and Insular Affairs except the formal meetings which I attend. I have no knowledge of whether these funds are necessary or not.

Mr. JACKSON. Mr. President, I am very surprised by the comment of the Senator. We have probably held more hearings than any other committee of the Senate.

Mr. COTTON. Mr. President, may we have order? We cannot hear.

The PRESIDING OFFICER. The Senate will be in order.

Mr. JACKSON. Mr. President, the Interior Committee has held a number of hearings in the Parks and Recreation Subcommittee and have advised all members of the committee of these. Field hearings are especially expensive when travel of Senators and staff are involved, as well as reporting costs. However, I think the record of economy and efficiency of the Interior Committee will compare favorably with any record of any committee.

The distinguished ranking minority member of the Committee on Interior and Insular Affairs is present in the Chamber, and I know that he can corroborate what I have just said.

Every committee member has been advised. If the Senator is not aware of it, I do not know why.

Mr. ALLOTT. Mr. President, still reserving the right to object, I have the floor, have I not, under my reservation?

The PRESIDING OFFICER. The Chair asked if there was objection. The Senator from Colorado is recognized.

Mr. ALLOTT. The statement I make to the distinguished chairman of the committee is that I am aware that certain hearings have been held. We received notice of these hearings. However, I just want to make it perfectly clear that neither the Senator from Colorado nor any other minority member of the committee, as far as I am aware, has ever seen any figures or ever had brought to his attention the fact that we were running out of money in the committee.

Mr. President, I wanted to make my position clear. The matter of money has never been discussed in committee, or at least at the committee meetings at which I was present, and I have been present at most of them.

With that reservation, I shall not object, but I did want to make the record clear.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 135) was considered and agreed to, as follows:

S. RES. 135

Resolved, That the Committee on Interior and Insular Affairs is hereby authorized to expend from the contingent fund of the Senate, during the Ninetieth Congress, $10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

LEAVE OF ABSENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished senior Senator from Missouri [Mr. SYMINGTON] may be given an official leave of absence from the Senate tomorrow afternoon because of a tragedy which occurred in his family over the weekend.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ALLOTT. Mr. President, may I direct an inquiry of the majority leader?

It was my understanding that we were going to have the conference committee report on selective service matter come up this afternoon.

May I inquire as to the status of that matter?

Mr. MANSFIELD. I do not know the answer to that question, but, with the permission of the distinguished chairman of the committee, the senior Senator from Georgia [Mr. RUSSELL], I will make inquiry.

Mr. RUSSELL. Mr. President, we were prepared to bring up the conference report on Thursday last. But the distinguished majority leader wished the matter to go over until today. There was no complaint about that.

It went over until today, and I hope that we may consider it. I say that, Mr. President, because the so-called Draft Act, or Selective Service Act, expires on the 30th day of this month. I do not know how long we will be engaged in the matter that the majority leader has just discussed, but I do know that the House must take action on this matter after it has been considered in the Senate.

Unless it is the wish of the Senate to have the Draft Act expire, I would think that there is no matter of higher priority before the Senate.

Mr. ALLOTT. Mr. President, this is a matter which appeals to me. I must make a statement, in all deference to the majority leader.

The measure which is now pending, providing for the election of a Governor in the Virgin Islands, has been pending for some time; and because of investigations that have been underway, the distingushed majority leader did defer action on this bill. Personally, it makes no difference to me whether we proceed this afternoon or at a subsequent time. I desire to make the RECORD clear for myself.

No matter pending before this Congress is of more interest, and very personal interest, than the draft bill, so that these young men—we hear from them every day—will know what they have to face by way of draft.

I am willing to proceed, but I suggest that if we do proceed, we will not finish this matter at an early hour. In light of the fact that the colloquy and remarks may go on for some time, the distinguished majority leader may wish to set this matter aside and take up the conference bill, which is of vital interest to all of us.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. MANSFIELD. Mr. President, so far as the Senator from Montana is concerned, he recognizes the facts as they exist. He knows that this conference report is a privileged matter and that if it is not brought up this afternoon, it will not be brought up until after the resolution, Senate Resolution 112, which will be the pending business tomorrow, is disposed of.

It is true that the distinguished chairman of the Committee on Armed Services, at my request, did not call up the conference report last Thursday. I had anticipated that it would be brought up this afternoon, and I believe I so indicated to the distinguished chairman on Thursday last, when I said that I thought it might come up around 1 or 2 o'clock.

Mr. RUSSELL. My recollection is that the Senator said it would be about 3 o'clock.

Mr. MANSFIELD. About 3 o'clock.

Mr. RUSSELL. That is my recollection.

Mr. MANSFIELD. I am sure the Senator is correct, because he has a more personal interest in this matter than I; but I do know that it was sometime this afternoon.

However, there have been some rumblings today; I assume there have been some meetings. I do not know what the result has been. In order to keep the business of the Senate going, instead of turning to the conference report prior to the vote on the legislation which has just been defeated, we took up the election of a Governor for the Virgin Islands, which has been on the calendar for some weeks, and which, as the distinguished Senator from Colorado knows, had not been called before the Senate until he had acquired some information which he was seeking.

Mr. ALLOTT. I wish to make it perfectly clear—I believe my statement was clear—that I still do not have the information which I was seeking. But I do make it clear that the distinguished majority leader has given me the consideration of at least 2 or 3 weeks in this matter, in an attempt to get the information, and the Senate should know that.

Mr. RUSSELL. If the majority leader does not wish to take up this conference report, that is within his responsibility. It is my opinion that the conference report is more important than the other legislation we have had today, which he requested have priority.

I know we are getting close to the time when the Draft Act will expire, at the very time when the Department of Defense has served notice that it will need to draft 39,000 people next month; and if there is no authority to induct, the Department will have some difficulty in obtaining the men.

This matter is for the Senate to decide. I always defer to the majority leader in any reasonable request, certainly as to procedure. I support him in procedure, if I do not always support him in the substance of legislation. I have supported him to the extent that when he said he wanted to postpone until 3 o'clock today, I raised no question about it. I said if that is what the leader wants, so far as I am concerned, he shall have it. I do not wish to carry the responsibility myself beyond this hour.

Mr. MANSFIELD. The Senator is correct.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator yield?

Mr. ALLOTT. I am happy to yield to the Senator from Massachusetts.

Mr. KENNEDY of Massachusetts. It is my understanding that the conference report was agreed upon last Thursday, and that the reports were printed and available on Friday last.

It was, last week, indicated to many of us that this matter would be brought up some time today. Recognizing the rules of the Senate, that the conference report is a privileged matter and that if it were brought up it would have precedence over the consideration of Senate Resolution 112, I wonder whether the distinguished chairman would feel that if the Senate proceeded to consideration of the report, by unanimous-consent agreement after Senate Resolution 112, or by the earliest part of next week, this would give the Members of the Senate time for such consideration. This would, as he recognizes, provide at least 2 weeks prior to the expiration date.

If the distinguished chairman of the committee were to receive that assurance, I wonder if he would feel that he would still be fulfilling his responsibilities to the Selective Service Act.

Mr. RUSSELL. Mr. President, I try my best to accommodate every Member of this body insofar as I possibly can, but I am not prescient enough to know just how long the Dodd matter will consume. If I understand the situation, the Senate leaderships have combined even in opposing conference reports during that time, for however long it may be, be it 1 day, 7 or 8 days, or 10 days.

After this report is considered by the Senate, it will be necessary for it to be considered in the other body. If it were the other way around, and the House had already considered it, I might feel differently. But under the circumstances as they exist at this time, and in view of the very vital importance of this bill, as I see it, there is no more important legislation before the Senate. Of course, each Senator will view it in his own light. Many of our views are colored by the unfortunate strife in Vietnam. Certainly, there is no other measure that has a deadline of this nature.

I must inform the distinguished Senator from Massachusetts that I cannot take the responsibility for any further postponement of this matter.

Mr. MANSFIELD. Mr. President, it appears that the decision rests with the Senator from Montana.

There is, of course, no comparison between the bill having to do with the popular election of a Governor for the Virgin Islands and the extension of the Selective Service Act, so I would advise the distinguished Senator from Georgia to bring up his conference report now.

SELECTIVE SERVICE ACT OF 1967—CONFERENCE REPORT

Mr. RUSSELL. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1432) to amend the Universal Military Training and Service Act, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. SPONG in the chair). The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of June 8, 1967, pp. 16427–16432, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. RUSSELL. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. KENNEDY of Massachusetts. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY of Massachusetts. Mr. President, what was the request of the Senator from Georgia?

The PRESIDING OFFICER. The question is on the adoption of the conference report.

Mr. KENNEDY of Massachusetts. I would ask whether the Senator from Georgia is going to make a statement on the conference report.

Mr. RUSSELL. I intend to make a brief statement with regard to the report.

Mr. KENNEDY of Massachusetts. Would the statement of the Senator be made prior to the time for voting on its approval?

Mr. RUSSELL. The motion is pending. I moved that the report be agreed to. If the Senator objects to the conference report, he may make a statement.

Mr. KENNEDY of Massachusetts. I understand that the Senator from Georgia has moved to take up the conference report.

The PRESIDING OFFICER. The report is before the Senate.

Mr. KENNEDY of Massachusetts. The Senator from Georgia has moved for its favorable adoption.

Mr. RUSSELL. I moved that it be agreed to. If the Senator wishes, I will withdraw the motion and permit him to make a motion.

Mr. KENNEDY of Massachusetts. I would like to discuss the conference report prior to the time that the Senate acts. I am prepared to speak on that matter, although I would think that Senators would prefer that the distinguished chairman of the committee, the Senator from Georgia, review with us the conference report and the differences between the conference report and the action the Senate has taken, and also comment on the important sections.

Mr. RUSSELL. I should be glad to touch on the highlights of the report, as I see them. The Senator from Massachusetts was kind enough to furnish me with a copy of his very able statement, in which he deals with those important points I intend to touch on briefly in presenting the report to the Senate.

I am willing to proceed in any way that the Senator wishes; either he may make his statement or I shall proceed, as he sees fit.

Mr. KENNEDY of Massachusetts. I would suggest that the distinguished chairman of the committee speak first.

Mr. RUSSELL. Mr. President, my intention is to limit my discussion at this time, unless questions are propounded, to the topics in which there is the greatest public interest and concern.

STUDENT AND OCCUPATIONAL DEFERMENTS

The first subject, and certainly one that is of great concern, has to do with student and occupational deferments. In its report on this bill the Committee on Armed Services expressed its conviction that under normal circumstances undergraduate student deferments should continue to be authorized until the deferred registrant receives a bachelor's degree or reaches the age of 24 or ceases to pursue a course of study satisfactorily, whichever occurs first. The committee also expressed the view that persons who have received such student deferments should then be exposed to the same vulnerability for the draft as the persons in the age group from which selections for induction into the Armed Forces are then being made. In other words, at the end of the deferment the student would be assigned a constructive age, irrespective of his actual age, in order that he be exposed to selection.

May I say that there is nothing in this bill to prevent the President from determining the order of induction. That has been one of the more controversial questions. The Senate bill and the House bill both left that matter to the determination of the President. From the statements he has made it is strongly indicated that in the not too distant future the order of induction will be changed to take 19 years first instead of taking the oldest first.

Because of the complexity of conditions and situations that need to be covered, the Senate committee preferred to express recommendations on this subject instead of freezing it into a hard pattern of law. The House bill inserted into the proposed law the recommendations of the House on student deferments.

These provisions are substantially the same as those recommended in the Senate committee report, the difference being that the House thought that the matter should be dealt with in statute and the Senate bill proposed to leave it for implementation under Presidential regulations.

An "antipyramiding" provision was added in the House bill to prohibit a person who received a student deferment from receiving any other deferment except for extreme hardship to dependents. In the conference the House provisions were modified to make it clear—as it was not in their original text—that a limited number of graduate deferments for a person studying medicine, dentistry, or other subjects found necessary for the national health, safety, or interest could be authorized.

Other parts of the bill vest the National Security Council with the responsibility for advising the Selective Service System on student, apprentice, and occupational deferments. It is intended that the National Security Council will identify those fields in which graduate deferments are authorized.

The conference modification also would make possible the continuation of at least a limited number of occupational deferments such as physicians or scientists, even though these persons may have received graduate deferments. In the absence of such exceptions to the "antipyramiding" provision, the law might have been construed as prohibiting such persons from being deferred to use in civilian life the precise skills for which they had received a graduate deferment. I think the legislative history is clear that the Congress believes the number of graduate deferments should be stringently limited, but that some such deferments are important and should be permitted.

In this connection I should mention the relevance of an existing provision of law—section 6(i) of the Universal Military Training and Service Act—which permits a college student who is ordered to report for induction to be deferred until the end of the then current academic year. Under the conference agreement this privilege would continue for persons pursuing a baccalaureate degree. Persons who had received a deferment for graduate study in fields recommended by the National Security Council as important to the national health, safety, or interest could also be deferred until the end of the academic year current at the time they were ordered to report for induction. But graduate students in other fields—that is, those studying subjects not found to be important to the national health, safety, or interest—would not be entitled to a deferment until the end of the academic year, if they were ordered to report for induction during that year.

In view of the statements made with respect to the cavalier treatment given the President's authority in this conference report, I should point out that the language would permit the President to restrict or terminate student deferments if he finds that the needs of the Armed Forces require such action. We have not infringed very violently on his prerogative or authority under existing law in that area.

RANDOM SELECTION

Now, another question of considerable concern and interest has been the so-called lottery or random selection. The President's selective service message announced that he was instructing the Director of Selective Service and the Secretary of Defense to develop a fair and impartial random system of selection to determine the order of induction of registrants.

Under the system now in effect, most registrants are selected by age, with the oldest being taken first. Because of estimates that the manpower available in the next few years will greatly exceed that required by the Armed Forces—I hope and pray that may prove to be the case, that conditions will not demonstrate this statement to be in error—and because of plans to select most young men between the ages of 19 and 20, some persons doubt whether the present method of selection can continue to work fairly and effectively.

The report of the Senate Committee on Armed Services indicated that it was not convinced that a random selection would really result in a fairer sharing of military service, but that the committee was not opposed to a trial of a random selection system. The committee also expressed concern that the combination of random selection and a reversal of the order of induction so that the youngest are selected first would reduce enlistments for regular and reserve service and would reduce enrollments in ROTC programs, because the combination of the two changes might make it possible for a young man between the ages of 19 and 20 to calculate with some precision whether he is likely to be reached for induction.

As I have stated, the committee concluded that it was not opposed to trying a random system of selection. I may say that, in my opinion, that is still the opinion and feeling of the committee.

At the same time, fairness requires me to comment that at this stage there is no accord on exactly what kind of random system is to be proposed and on the specific features of such a system. Among other things on which there is yet to be general agreement is whether there could be any deferments or postponements after a person was selected under a random system.

The House version of this bill provided that a random system of selection could be initiated only if the Congress had not enacted a resolution of disapproval within 60 days after notice of the intent to adopt such a system.

Mr. President, I am well aware that there are some circumstances in which the so-called congressional veto is applicable, but I do not like to extend this practice generally.

This provision was somewhat similar to the general practice in considering reorganization plans and there is a somewhat analagous precedent in the Department of Defense Reorganization Act of 1958. The House version was dropped from the conference report. The Senate conferees strongly urged that the circumstances in this instance are such that it is preferable for the Congress to discharge its responsibility through the express enactment of a specific plan or the refusal to enact authority for such a plan, instead of retaining what is in effect a veto of executive action. Although the Senate bill had not prohibited the initiation of a random system of selection, the conference agreement is to prohibit the start of such a system until after the Congress has approved a specific authority for it. There was agreement that the committees will promptly consider a proposal for such authority at such time as the proposal has been formulated in specific enough form for it to be presented as the official recommendation of the executive branch.

I may say that the President of the United States has stated that he desired to apply a random system of selection prior to January 1, 1969. We therefore have some 18 months to give the Department of Defense, the Director of Selective Service, and the President an opportunity to send up specific legislation so that Congress will know just what the so-called system is without, in effect, buying a "pig in a poke."

UNIFORM DEFERMENT CRITERIA AND THE POWERS OF LOCAL BOARDS

The House bill contained a provision requiring whenever practicable that the President establish national criteria for classification and that such criteria be administered uniformly throughout the United States to the extent that the President determined such action to be consistent with the national interest.

Along with this provision, the House bill would have eliminated the so-called Kilday amendment, which was enacted in 1951 primarily to preserve the power of a local board to deny an educational or occupational deferment that would have been based on a registrant's attaining a minimum score on a test or examination administered by the Federal Government.

In this connection there has been a great deal of discussion about the lack of uniformity in decisions by local boards and there have been complaints that the existing system affects States and persons unevenly, resulting in a different degree of liability depending on the place of residence. I may say that in a bill as extensive in scope as the Selective Service Act, there undoubtedly have been some differences here and there.

The Senate committee report had reflected its view that the present system of having draft calls allocated to States and local boards on the basis of the number of men available for service and the present concept of substantial autonomy for local boards in granting or denying deferments are not unfair if the results are considered over a period of time. Complete uniformity could be attained only if the entire system were administered from Washington and only if it were practical to have a national manpower pool. Under such circumstances, an official in Washington would be empowered to decide that every person in a designated status would or would not be deferred.

In an attempt to harmonize the conflicting objectives of greater uniformity and maintenance of some power of decision at the local level to grant or to deny deferments the conferees agreed on language that authorizes the President to recommend criteria for classification and to recommend that these criteria be administered uniformly whenever practicable, but that also retains the prohibition against local board being required to defer persons solely on the basis of test scores.

MILITARY SERVICE CREDIT FOR CERTAIN PUBLIC HEALTH SERVICE OFFICERS

Under the basic law, officers of the Public Health Service receive credit for such duty in establishing a veteran's exemption from the draft.

The House bill provided that officers of the Public Health Service would be credited with having performed military service in the future only if they are assigned to staff the various offices and bureaus of the Public Health Service, including the National Institutes of Health, or if they are assigned to the Coast Guard. This provision would prohibit credit for military service for those Public Health Service officers assigned to organizations such as the Peace Corps, the Food and Drug Administration, the Department of Agriculture, the Office of Economic Opportunity, and State health departments. A saving clause preserves the credit for military service for those officers now detailed or assigned to duty of the type that would not be credited as military service in the future.

We recognize the constructive work that is done by those officers who have been assigned to these various civilian occupations or endeavors, but it has been the consistent policy of Congress to restrict credit for military service to the uniformed services. We have done that in this bill, with the single exception of the Bureau of Prisons. Because of the isolation of prisons and the hazardous and undesirable nature of this work, it is a tremendous problem to recruit medical services for Bureau of Prisons staffs. It is probably more difficult than any other department of government. We therefore retained military service credit for Public Health Service officers assigned to the Bureau of Prisons.

CONSCIENTIOUS OBJECTOR PROVISION

I am now dealing with the conscientious objectors provision.

The Senate version of the bill proposed no change in existing law relating to conscientious objectors. The House bill amended the law on this subject by eliminating a requirement for a hearing by the Department of Justice when there is an appeal from a local board decision denying conscientious objector status and by deleting a 1948 definition of religious training and belief, upon which a claim for conscientious objector status must be based. The language deleted defined religious training and belief as meaning "belief in a relationship to a Supreme Being involving duties superior to those arising from any human relationship, but does not include essentially political, sociological, or philosophical views or a merely personal moral code."

The objective stated in eliminating the 1948 definition of religious training and belief was to obtain a more strict construction of qualification as a conscientious objector. The conferees agreed that it is desirable to retain the part of the 1948 definition that excludes political, sociological, or philosophical views or a merely personal moral code as possible bases for constituting the religious training and belief necessary to qualify as a conscientious objector.

We dropped the other provisions having to do with belief in a Supreme Being. I may say that in my opinion this action is somewhat in accordance with the recent ruling by the Supreme Court.

The conferees were informed that about 2,700 conscientious objector cases are now being processed by the Department of Justice. The requirement for a hearing has resulted in delays in processing of the conscientious objector cases and the House considered that the advantages of such hearings were not significant. This part of the House amendment was accepted, but the conferees urged that those cases now being processed be completed within 12 months after enactment of this law.

I ask unanimous consent to insert in the RECORD a summary of other provisions agreed to in the conference that I do not regard as important as those I have presented to the Senate.

There being no objections, the summary was ordered to be printed in the RECORD, as follows:

OTHER DIFFERENCES IN THE HOUSE AND SENATE VERSIONS OF S. 1432 AND CONFERENCE ACTION ON THEM

(1) The Senate bill changed the name of the Universal Military Training and Service Act to the Selective Service Act of 1967. The House bill changed the name of this Act to Military Selective Service Act of 1967.

The Senate receded and accepted the House title.

(2) The House bill changed the declaration of policy in the Act by adding the following words: "The obligations of serving in the Armed Forces should be enforced through the provisions of this Act only when necessary to insure the security of this Nation."

Although the words themselves are unobjectionable, the Senate conferees objected to the inclusion of language they considered to state a self-evident condition. Since the language was silent on who would make the determination of whether the use of the Act was necessary to insure the security of the nation, the adoption of this language could cause controversy or litigation on whether the induction authority was being properly used.

The House receded and this provision was deleted.

(3) The House bill added language intended to assure that a registrant who prolongs the litigation of his draft classification beyond the age of 26 would nonetheless remain liable for induction if he is later found qualified for induction.

The Senate conferees were in agreement with the objective of this language and the Senate receded.

(4) The House bill proposed the creation of a new Deputy Director of Selective Service who would be responsible for public affairs and such other matters as the Director assigned to him.

Although recognizing the desirability of improving the public affairs activities of the Selective Service System, the conferees agreed to delete this provision. There was a reluctance to authorize a new statutory office within the Selective Service System. The conferees believe that public affairs can be discharged by an existing employee or officer of the system.

(5) The House bill provided an age limitation of 75 and a service limitation of 25 years for local and appeal board members. It also permitted women to serve on local boards and appeal boards. These provisions would become effective on January 1, 1968. The Senate conferees agreed to these provisions.

The House bill contained a provision intended to make clear that there shall be no judicial review of Selective Service classifications except as a defense to a criminal prosecution after a person has exhausted his administrative remedies. The language also provides that any such judicial review shall extend only to whether there is any basis in fact for the classification assigned.

These provisions are really a restatement of the law as it exists today. These provisions are necessary to prevent litigious interruptions of procedures to provide necessary military manpower and the Senate conferees accepted the House provisions.

(6) The House bill changed the name of the Clerk of the local board to Executive Secretary and provided that the term of employment for the Executive Secretary should not be more than 10 years except when he is reappointed. These provisions were acceptable to the Senate.

(7) The House bill required a quarterly report to the Congress from the Director of Selective Service. Existing law requires an annual report. The conferees agreed to a modification of existing law to require a semi-annual report to the Congress on the operation of Selective Service.

(8) The House bill contained two provisions intended to expedite the prosecution of violations of the draft law. These provisions (1) give precedence to Selective Service cases on the dockets of Federal courts and provide that such cases shall be given an immediate hearing. Appeals of decisions in Selective Service cases also are given precedence. (2) The Department of Justice must prosecute violations of the draft law upon the request of the Director of Selective Service or furnish a report in writing to the Senate and the House explaining its failure to do so.

The Senate conferees accepted these changes.

(9) The Senate bill had contained a provision making permanent existing temporary Presidential authority to order to active duty those trainees who are not participating satisfactorily in units. This same authority is contained in the Department of Defense Appropriations Act for Fiscal Year 1967 and expires at the end of Fiscal Year 1968.

The House bill contained no comparable provision, but the House conferees agreed to the Senate provision and it is retained in the bill.

Mr. RUSSELL. Of course, Mr. President, I would have preferred the Senate bill. I recognize that all of the wisdom in the world does not reside in either House nor in either committee, but I would have preferred it. I say that, though I am one who normally is opposed to broad grants of legislative authority to executive officers, but I believe that in a subject of this kind, some flexibility is required. I believe, personally, that this bill grants sufficient flexibility to the President to enable him to revoke all deferments of college students if necessary, gives him authority to fix the age at which men shall be called for induction, and invites from him a definite statement of what he regards as a fair lottery or random system after an analysis of the group of registrants to which that system shall apply.

I hope the report will be agreed to.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Colorado.

Mr. DOMINICK. I want to congratulate the Senator for explaining the conference report in his usual excellent and able fashion. I would like to ask him one or two questions to clear my own thinking.

Is my understanding correct that the President can now determine in what order he wants to bring people in under Selective Service and that the guidelines are set out, but no legislation is specified?

Mr. RUSSELL. Does the Senator refer to the age of induction?

Mr. DOMINICK. The age.

Mr. RUSSELL. There is no change there, because under existing law the President can designate the order in which age groups are selected for induction.

Mr. DOMINICK. There is no change in that?

Mr. RUSSELL. No. He has that authority under the law which will expire on the 30th of June, and he has that authority under the law which we hope will be in effect at that expiration date.

Mr. DOMINICK. There was some question in our committee as to what would happen to the intermediate group if the change was made, to those at the oldest edge of the eligible group. If they start at the lowest edge, what happens to those near the top?

Mr. RUSSELL. There is no specific reference to that in the bill, I may say, but it is dealt with indirectly in the deferment of students and those taking occupational training.

Mr. DOMINICK. Therefore, a student who is going through graduate school now under a deferment and who graduated before he was 26 would probably be subject to the overall pool.

Mr. RUSSELL. Undoubtedly.

Mr. DOMINICK. If he graduated after 26, he would get a free ride.

Mr. RUSSELL. If this law goes into effect, if a student graduates before 24 he would be thrown back into the pool with the primarily eligible group.

Mr. DOMINICK. I am talking about the present law.

Mr. RUSSELL. Liability for induction ordinarily terminates at age 26 but a person who has been deferred remains liable until age 35.

Mr. DOMINICK. This authority could be invoked by the President if he felt so inclined?

Mr. RUSSELL. Yes, indeed, and that is the case under the existing law.

Mr. DOMINICK. One or two other questions under the conscientious objectors change that was made. I do not know whether the Senator from Georgia or the Senator from Colorado or which of us may have more Buddhists or Confucianists in his State, but I wonder if by eliminating the provision about having any philosophic type of training constitute religious training we are eliminating them from the right of conscientious objection.

Mr. RUSSELL. No, because that language is in the existing law. That does not exclude any established religion, but merely to personal philosophical reasoning and the moral code of the person affected. I think under the conference report, as is true under existing law, a Buddhist or Confucianist who is conscientiously opposed, as a matter of religion, to military service, he would be entitled to deferment under this bill.

Mr. DOMINICK. The other point that I wanted to be sure about was this Reserve situation. Is my understanding correct that the conference report still provides that the individual who has tried to get into a Reserve unit, and who either is not functioning properly or has not received any training, can be called up and put into a unit?

Mr. RUSSELL. That provision of law is contained in the report that is before the Senate at the present time.

Mr. DOMINICK. That is the way it passed the Senate?

Mr. RUSSELL. It is in identically the same verbiage in which it passed the Senate. The House receded on that provision.

Mr. DOMINICK. I have forgotten; perhaps the Senator or staff could supply the information for the RECORD on this point: How many people are involved in that category, does the Senator know?

Mr. RUSSELL. Between 30,000 and 40,000.

Mr. DOMINICK. I thank the Senator.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. RUSSELL. I am happy to yield to the Senator from Florida.

Mr. HOLLAND. Do I understand correctly that before any random or lottery system can become operative, the recommendation for it must be submitted by the President to Congress, and Congress must act affirmatively, that is, by the passage of legislation?

Mr. RUSSELL. That is correct. In the report, we invite, and indeed we undertake to urge, that as soon as a satisfactory system, or even one that is specific, is recommended it be submitted to Congress.

We undertook to consider this matter in the hearings. We asked Mr. Marshall, the head of the President's very able committee, and he had no clear and concrete plan as far as a random or lottery system is concerned. We asked a number of other witnesses, including General Hershey, who has had more experience with selective service than any other living man, to my knowledge—perhaps more than any other man in the history of the world, for that matter—and he had no clear-cut plan to submit.

We felt that until Congress had some understanding of how such a system would be applied, it was best to leave intact the present system, which is, of course, a lottery, but one employed by nature—by date of birth—as the Senator understands. Within a designated age group, inductions start with the oldest ones first, and go down, to the youngest. That is the present system. I have no doubt that it can be improved upon. I know that from a political standpoint it could be improved upon, because, after we get out of this very tragic and horrible war we are fighting over in Vietnam, probably not more than two out of seven of the 1-A registrants will be drafted. If we had a lottery system, and a person was selected for induction, he would feel that this was the luck of the dice, that Congress had not legislated his selection.

So I am not opposed to trying a lottery system, if I knew precisely what we were trying.

Mr. HOLLAND. Mr. President, I feel as the Senator has expressed himself. I am not opposed to a workable lottery program and having it enacted into law and applied to our actual problem of obtaining manpower for the Armed Forces. But I think it would be one of the very vital parts of Selective Service, and that Congress represents the people in this field as much as it represents them in any field. I feel that Congress should act, and act affirmatively, on such a program of specific recommendations, before it becomes a law. I am glad that the Senator has brought forth such a report.

Now, on the question of the leaving of the administration of this law to the local Selective Service Boards—other than, of course, for regulations which permit appeals to the State, and then up to Washington—do I understand that in no substantial way is the provision of existing law departed from in this field? This, I think, is probably the area in which selective service has been made most acceptable to our people—the fact that it is administered, in every community, by people known to the citizens, whom they can meet and talk to, and who, they feel, will have a firmer grasp of all the facts relative to their own family and every other local family affected by selective service.

Am I correctly informed that except for the fact that the President can make recommendations for uniformity, the control of the administration of the system is left as it has been in the past, primarily to the members of the local draft boards?

Mr. RUSSELL. I think that is a fair statement. The President can make recommendations, and I am sure that some of them will be noteworthy, if he sees fit to make any. He has the authority to make them now.

The fact that the President has such authority is mentioned in the bill, but, as I understand, under all the draft laws every President has had authority to issue regulations.

Mr. HOLLAND. Mr. President, I congratulate the Senator upon the contents of the conference report, and particularly the two matters I have mentioned. This last matter, I repeat, is, I think, the respect in which selective service is made most acceptable to the average citizen and the average family.

Mr. RUSSELL. I completely agree with the Senator on that point.

Mr. HOLLAND. Having watched it, and having had something to do with its administration in one State for a period of 4 years, I wish to say that I think at least during those 4 years, we were able to obtain a cross section of the finest citizens in every community to serve on the draft boards. The fact that they were such citizens, and that people generally could see them, fathers and mothers could talk to them and appear before them, was a very large element in satisfying our people that here was a system that functioned in a truly democratic way—and I use a small "d," of course.

I thank the Senator for having insisted upon including and preserving that feature in the conference report.

Mr. RUSSELL. If I may say it, I am of the opinion that all the Senate conferees were very much impressed with the importance of preserving the autonomy of the local selective service boards.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. ALLOTT. Mr. President, at the passage of this bill in the Senate, I think the Senator will recall some colloquy between himself and myself.

I have been very much concerned about one aspect of the draft law for a long time, and that is that it seems to leave our young people unsettled, without any determination of whether they will have to serve or when they will have to serve.

The Senate version, which the distinguished Senator from Georgia helped move through the Senate, and on which he as chairman of the committee held the hearings, did provide for the straightening up of the student situation. In other words, if a student does enter college, he knows that he will be exempt until he graduates, or until he reaches the age of 24, whichever occurs first.

Mr. RUSSELL. As long as he does his work satisfactorily.

Mr. ALLOTT. As long as he does his work, yes.

Mr. RUSSELL. With the caveat that in emergencies, the President may consider that it is necessary to the Armed Forces to restrict or terminate all deferments.

Mr. ALLOTT. Yes. At page 10, the conference report says, at the bottom of the page, that the language adopted by the conferees will in no way proscribe or inhibit the President in changing the priorities of various age groups for induction, nor will it preclude him from adopting the so-called modified young age system which would involve identifying the 19- to 20-year age group as the "prime age group" for induction.

That would not come into play, would it, unless the President found that for the national safety, all would have to be drafted?

Mr. RUSSELL. The President could establish the primary age of induction as any age between 19 and 26. However, in an effort to cure an uncertainty about which the Senator expressed his concern when the bill was being considered on the floor, the conferees are fully aware that the President is likely to establish the age of primary vulnerability at 19.

That action, of course, would not prohibit college deferments or occupational, or apprentice training deferments so long as satisfactory work was done. However, when a man who had a college deferment graduated, say at age 22, which I think is about the average age, or if he stayed until he was 24 years old, he would automatically go back to the 19-year-old pool and would have his susceptibility of service along with the actual 19-year-olds for 1 year.

However, the changed procedure should eliminate some uncertainty for those over the age of 20.

Mr. ALLOTT. So, those who had graduated from college or reached the age of 24 before graduation would then revert back to the 19-year-old age pool, and they would know in a year whether they were going to serve outside of a national emergency.

Mr. RUSSELL. The Senator is correct. They would not know definitely, but they would know that, unless deferred, they would be less likely to be called after they became 20. They would be primarily liable for service in the 12-month period between the 19th to the 20th birthday.

Mr. ALLOTT. I think I understand the situation. If a young man is not in college and the 19- to 20-year-old age group is designated as the prime age group, then after that man goes past that age, the chances are that his necessity for service will greatly diminish and much of the uncertainty which has concerned the Senator from Georgia and all of us will be dispensed with.

Mr. RUSSELL. I think that is a fair statement, and that is the way I understand the bill.

Mr. ALLOTT. The Senator mentioned in his statement an antipyramiding situation. Does that mean that if, for example, a student secured a student deferment, he could not then get an additional deferment, say an occupational deferment, on top of that?

Mr. RUSSELL. He could not have done so under the House bill. However, he can do so under the conference report.

What we mean by "antipyramiding"—to give a simple example, and the one that has caused the most concern throughout the country—is when a man goes from graduate course to graduate course until he is past the age of 26 and has deferred himself into a state of exemption from the draft.

That situation is prohibited by the bill except in the category of graduates such as medical, dental, and scientific ones.

Mr. ALLOTT. I thank the Senator very much. I think the Senator has done a very good job on this measure.

It is a very difficult question, and I am sure that under the very complexities of it we could never get a bill that would be entirely satisfactory to all. However, in the areas concerning which I ask questions, I feel much better about the situation.

I think the measure will do much to diminish the unrest which so many of our young men feel because they cannot determine when or if they will have to serve.

Mr. RUSSELL. The Senator is correct. I have participated in the writing of four or five of these bills, and they still cause me great concern.

I have never been able to write to my complete satisfaction any provision dealing with conscientious objectors.

That is something that deals with the innermost soul of a human being. All we can do is to try to prescribe some general guidelines and leave the decision to the sound judgment of the various draft boards and courts.

Mr. ALLOTT. Mr. President, I thank the Senator very much for his explanation.

Mr. KENNEDY of Massachusetts. Mr. President, the conference report to extend the Selective Service Act, now before the Senate, does not, in my opinion, reflect the careful judgments and the concern for fairness the Senate-passed bill did. I believe that acceptance of the conference bill will constitute an abrogation of responsibility by the Senate, and I intend to vote against it. I urge my fellow Senators to do similarly.

Further, the conference report was not printed and available until last Friday afternoon, and I do not think that we have had the time we should to study the many provisions in it which did not appear in the Senate version.

To cite, briefly, just two examples, let me just point out, first, that the conference report would overrule a 1965 Supreme Court decision on conscientious objectors, while the Senate bill and report were silent on conscientious objectors.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield.

Mr. RUSSELL. Mr. President, I do not agree at all with the Senator on that statement.

In my opinion, the conference report goes in the direction of confirming the decision of the Supreme Court.

I do not want to make any great argument over the matter. However, I do wish to make the position of the Senate conferees clear.

I think that a change in that decision was an objective of the House. However, we did not accept that provision as it came from the House.

I merely wish to have the RECORD show for the legislative history that the Senate conferees are not of that opinion that the new definition overrules the decision to which the Senator refers.

Mr. KENNEDY of Massachusetts. Mr. President, I think it is helpful to have some idea of how it developed that conscientious objectors were included in the legislation.

It goes back, actually, to the time of the Civil War. It is a rather interesting history in and of itself.

It goes back to the Federal Conscription Act of 1863, the Draft Act of 1917, and the Selective Service Training and Service Act of 1940.

In 1946 the case of the United States against Berman was the first decision which used the belief in the Supreme Being as determinative of whether exemption should be given.

After the Supreme Court decision of 1946, the language about the Supreme Being was included in the Selective Training and Service Act of 1948, which language stands as today's statute.

The 1951 amendment to the Selective Service Training and Service Act required persons exempt as conscientious objectors from both combat and noncombat military service to perform 24 months of consecutive civil work in the national health and interest.

In 1965, the Supreme Court handed down the Seeger case, which is the hallmark case on conscientious objectors. It has really defined the provisions of section 6(j) of the existing law, and it draws heavily upon this history and also upon the case of Berman against the United States.

We now have a conference committee making a judgment that eliminates the language on which the Supreme Court relied in the Seeger case, saying that this will in no way affect the whole course of litigation on conscientious objectors. This is one of the principal areas I think the Senate ought to have an opportunity to know more about, because we have no opinion from the Justice Department on what the ramifications will be on such a provision.

I think that there are many Senators, including members of the Committee on the Judiciary and members of other committees, who are deeply interested and concerned about the whole problem of conscientious objectors. They ought to have an opportunity to express themselves in view of the history of this provision, as well as the Supreme Court decision. There is serious doubt as to whether the Judiciary Committee would or would not feel there has been an overruling of the Seeger case, which was based on the provisions of the Selective Service Act and the belief in a Supreme Being.

This is certainly one of the areas which I hope we would have a chance to examine further, both this afternoon and in the future.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I will be happy to yield. However, I should like to attempt to review somewhat briefly the principal reservations in outline, and then I should like to have an opportunity to go over with the distinguished chairman a number of these areas and develop with other Senators their concerns and their observations.

Mr. MILLER. I should like to ask a very brief question in order to clarify the comments the Senator from Massachusetts just made.

Am I correct in my understanding that the Senator's position is that the Seeger decision was in line with the legislative intention of Congress as expressed in the legislative history of the bill?

Mr. KENNEDY of Massachusetts. With the legislative history, with the previous legislation dating back from the time of the Civil War. It is my belief that the action of the conference committee has placed in serious jeopardy the entire question of conscientious objectors as provided in the Seeger decision. I believe it has raised all sorts of problems as to what is really the law on the question of conscientious objectors.

Mr. MILLER. The Senator's position is that the legislative history of the act substantiates the Seeger decision?

Mr. KENNEDY of Massachusetts. That is correct.

Mr. MILLER. I thank the Senator.

Mr. KENNEDY of Massachusetts. I point out, first, that the conference report would overrule a 1965 Supreme Court decision on conscientious objectors, while the Senate bill and report were silent on conscientious objectors; second, that the conference report would interfere with the dockets of the Federal courts and the discretion of the Attorney General, as prosecutor, while the Senate bill contained no similar provisions.

I will get into this subject at a somewhat later time this evening.

Draft reform has been a subject of intense concern to Congress and to the Nation in the past year. Two Senate committees have taken extensive testimony on it, and the House Armed Services Committee has taken testimony over two different 2-week periods, a year apart. A distinguished National Advisory Commission on Selective Service, chaired by Mr. Burke Marshall, made an outstanding report to the President on its recommendations for draft reform. A civilian panel made its report to the House Armed Services Committee. And the President sent a special message to Congress outlining his plans for reform of our outdated draft system.

If the conference report is accepted by the Senate, I believe much of the past year's work will have gone for nought.

I have been long interested in reform of the draft, seeking to make it a fair, just, and predictable system.

I had the opportunity, through the graciousness of the Senator from Pennsylvania [Mr. CLARK], to hold, within a subcommittee of the Committee on Labor and Public Welfare, 7 days of hearings on the manpower implications of Selective Service.

I testified before both the Senate and House Armed Services Committees, and I participated in the floor debates when the bill was before the Senate. Many other Senators joined me in this interest in achieving a fair draft system, and I know they would agree with me that the bill which passed the Senate May 11 by a 70-to-2 vote was a strong, good bill.

But I also know that many Senators will agree with me that the conference report is entirely unlike the Senate bill, and that it reflects entirely different judgments.

I considered the bill which passed the Senate a responsible effort at solving the perplexing and knotty problem of how, in a society which prizes freedom of the individual, to compel some few men to bear arms in the defense of their country, and perhaps to lose their lives doing so, while not compelling others to do so. I considered it so because it made very few substantive changes in the law, confining its expressions of opinion to language in the report but leaving the President's administrative flexibility almost intact. I pointed out at the time of the Senate debate that I believed that the House and the Senate had a responsibility to outline with some specificity the types of priorities that we would place in developing an equitable draft law. The Committee on the Armed Services acted and had a report. I believe that its report was acceptable and would have permitted the President's administrative flexibility to move in a number of the different areas which have been outlined by the Marshall Commission, by the Clark Panel, and by the Defense Department study. The House bill, however, restricted the President's flexibility to a considerable degree, as well as overturning a Supreme Court decision and introducing unprecedented interferences with the Federal court system, as I have mentioned.

The conference bill adopts nearly all of the House provisions in the House bill. Of the 14 major differences between the House and Senate bills, the Senate adopted nine of the House provisions outright, and accepted three more in slightly modified form, insisting on only two of the Senate provisions. This means that we now have before us a number of items de novo, which we are being asked to approve. There is no report by the Senate conferees to accompany the bill, despite its wide variance with the Senate-passed bill. I intend, on the floor, to obtain as thorough an explanation as possible of what these new provisions are intended to accomplish.

There are five provisions in the conference bill, any one of which alone is reason enough to condemn the bill, but which together cast serious doubt on whether the Senate, if it adopted them, was meeting its responsibilities in designing a fair system of military service selection. These provisions are:

First, conscientious objectors. The Senate bill did not treat this matter, letting the existing statute and a 1965 Supreme Court interpretation of it—United States against Seeger—stand. The House bill, and the conference bill, would have the effect of overruling this 1965 decision by deleting the language in the statute upon which the Court relied. This would have the effect, in the language of the statement of the managers on the part of the House, of "more narrowly construing the basis for classifying the registrants as conscientious objectors."

The existing statute defines conscientious objectors as those who "by reason of religious training and belief" are "conscientiously opposed to participation in war in any form." Religious training and belief is defined to mean "an individual's belief in relation to a Supreme Being involving duties superior to those arising from any human relation." In the Seeger case, the Supreme Court interpreted the "Supreme Being" clause to mean a belief which occupies in the life of its possessor a place "parallel to that filled by the orthodox belief in God of one who clearly qualified for the exemption." The conference bill strikes out the "Supreme Being" clause.

It is the opinion of the Attorney General that this change "may tend to proliferate litigation by opening new issues concerning the interpretation and constitutional impact of the statutory standard." This is so because only as recently as 1965 had the Supreme Court spoken on the subject of conscientious objectors.

I am troubled by another aspect of the conference report's language: that it apparently requires beliefs based on religious training. This would presumably mean orthodox and established religions, and it was for precisely that reason that the "Supreme Being" clause was inserted in the statute.

I believe the Senate bill treated conscientious objectors wisely by leaving the tried and true language and interpretations as they were.

Second, the Federal courts. The conference report contains two provisions which did not appear in the Senate bill.

The first would give selective service cases precedence on the dockets of Federal courts, and would require that they be advanced for an immediate hearing. The Attorney General expressed his opposition to this provision very plainly:

> It simply is not practical to demand that the courts give absolute priority to the disposition of any one class of criminal cases regardless of the urgency or importance of other pending matters.

I would certainly second the Attorney General's opposition. I think it is intolerable to interfere with the workings of the judicial branch in this fashion. It is not difficult to imagine a district court with a dozen or more selective service cases before it, as the Department of Justice is now processing 2,700 conscientious objection cases alone. If all other business of the particular district court must be put aside until after hearings on the selective service cases are held, the court has no flexibility to hear what may be even more pressing cases.

This is not to say that alleged violations of the draft laws should be allowed to languish, particularly in times of armed conflict. This would only encourage litigation. But it is the absolute nature of the language in the conference bill which is most troubling.

The Justice Department suggested to the conference committee that the sense of urgency in granting hearings to selective service cases could be squared with the need for flexibility by adding the clause "to the maximum extent consistent with the interests of justice" at the appropriate place. It is my belief that the suggested language would serve the interests of justice considerably better than the conference bill's language.

The second provision would require the Department of Justice to proceed with any prosecution or appeal requested by the Director of the Selective Service System, or to notify the Congress in writing of its reasons for not doing so. The Attorney General's reactions to this provision merit quotation:

> This is a novel provision. The Department of Justice is charged with analyzing the strengths and weakness of particular criminal cases as subjects for successful prosecution or appeal. In principle, it is unsound to inhibit the professional judgment of experienced prosecutors by subordinating that judgment to the views of the administrator of a particular program. In practice, application of this provision would divert effort from expeditious handling of cases to the preparation of justifications, and possibly lead to disclosure of prosecutive and appeal standards to the detriment of the deterrent effect of the criminal sanction.
>
> Moreover, this provision would set a harmful precedent with respect to other agencies with whom we occasionally differ in litigating judgment. Such a provision would have

> an impact contrary to recognized standards of professional relationships between the Government's attorney and their agency "clients," as well as a tendency to interfere with Executive discretion. It should be deleted from the bill.

I think that this is an extraordinary provision, contrary to the long-established practices of our adversary court process. I do not think it belongs in the law.

One other aspect of these two intrusions into the workings of the judicial process should give us pause: that the counsel and advice of the members of the Judiciary Committee was not sought, despite the fact that both of these matters are distinctly within the jurisdiction and expertise of the Judiciary Committee.

Third, occupational and graduate student deferments. Under the conference bill, the National Security Council would, in consultation with the Director of the Selective Service System, be charged with identifying, selecting and deferring from military service professional and scientific personnel in critical skills and essential occupations.

At present this function is performed by an Interagency Advisory Committee on Essential Activities and Critical Occupations, which in turn advises the Secretaries of Labor and Commerce, who are charged with maintaining the lists of essential activities and critical occupations. The Interagency Committee comprises representatives of the Departments of Agriculture, Commerce, Defense, HEW, Interior, Labor, and the Selective Service System.

The task of identifying critical skills and essential occupations does not fall within the statutory functions assigned to the National Security Council, which are to advise the President on broad domestic, foreign, and military policies related to the national security. The members of the National Security Council are the President, the Vice President, the Secretaries of Defense and State, and the Director of the Office of Emergency Planning, and it has a staff of only 50.

It is the judgment of the executive branch, communicated to the Armed Service Committee of both Houses of the Congress, that "Neither this Council nor its small secretariat has the time or resources to evaluate or make decisions on critical skills" and essential occupations. On the other hand, the Interagency Committee has the full fact-finding resources of the six departments involved to evaluate the many hundreds of petitions from industry groups, employers and individuals for inclusion on either of the two lists of essential occupations and critical skills.

I think it is particularly inappropriate to vest this vastly detailed responsibility in the National Security Council, concerned as the National Security Council is with matters of broad policy for national security.

Fourth, method of selection. The President announced in his message his intention to institute a system of random selection by January 1, 1969, to select those men to be drafted. The justification for random selection is straightforward: in any given year after Vietnam, only one man from seven eligible will need to be drafted, volunteers filling the remaining manpower requirement needs. And chance is the only way to choose fairly the one to be drafted from among those seven, all of whom would have equal qualifications.

The officials charged with administering the draft—in the Selective Service System and the Department of Defense—have testified repeatedly that random selection is, in their judgment, the best way to bring equity into the System. These officials have, I think, made an excellent case, amply reflected in their testimony to the congressional committees. There is a further, detailed analysis in the report of the National Advisory Commission on Selective Service.

The Senate Armed Services Committee, while expressing its doubts about random selection in the committee report, nevertheless countenanced its introduction on a trial basis. The House committee provided that the President could only initiate such a system if the Congress had not enacted a resolution of disapproval within 60 days.

The conference bill exceeds the House bill, prohibiting the President from changing from the present system to a random selection system unless he first submits legislation to the Congress and it is approved.

I think this is an unnecessarily cumbersome procedure. It would be an effective deterrent to the President to institute, as soon as possible, a random selection system. A letter from the Defense Department to the Armed Services Committee, commenting on the selection system imposed by the conference bill, says that:

> The question is posed as to whether the Congress intends to require young men to be subjected to a system of draft selection which automatically penalizes some men more than others, based on the date of their birth.

The Senate bill, in this respect, was wise and farsighted; it permitted a trial of random selection. The conference bill, in effect, prohibits the enactment of random selection because of the House committee's announced opposition to any form of random selection. We face the prospect, then, of the President requesting random selection, the Senate concurring, and the House committee refusing.

Fifth, medical officers in the Public Health Service. Presently, doctors and other health professionals can accept commissions in the Public Health Service and thereby not be drafted into the military service. These doctors serve either in the Public Health Service, or are detailed out to the National Institutes of Health, the Peace Corps, the Coast Guard, FDA, OEO, Bureau of Prisons, AID, and numerous other activities.

An amendment accepted on the floor of the House would restrict this draft deferment to doctors assigned to PHS, NIH and the Coast Guard. The conference bill adds the Bureau of Prisons and the Environmental Sciences Services Administration.

This is a particularly bad provision. The FDA presently has 62 PHS doctors on its staff, and, in the words of the Secretary of Health, Education, and Welfare, "Without these physicians, the program of processing new drug applications will be seriously hampered." The matter of new drugs and their effects can hardly not be considered one relating to the national interest. Yet the FDA cannot recruit sufficient medical personnel for its tasks, and these tasks cannot be performed without PHS physicians detailed out to FDA.

The same reasoning applies to the physicians assigned to Peace Corps, OEO, AID, Interior, and other activities. In short—why is service in ESSA included in the deferment category, but not FDA? Why the Bureau of Prisons but not the Peace Corps?

In addition to these instances of differences between the Senate-passed bill and the conference bill now before us, there are others, such as the provision for mandatory continuation of undergraduate deferments and the requirement for an exhaustion of administrative remedies before restoring to judicial relief.

The differences between the bill which was carefully considered by the Senate Armed Services Committee, and then carefully considered by the Senate itself, and the conference bill we are confronted with today, are vast. It should not be brought up for a vote, in my opinion, until all Members of the Senate have had the opportunity to familiarize themselves with it and to weigh the wisdom of the substantive changes.

I have had that chance, over the weekend, and I am now convinced that the conference bill is less satisfactory than the existing law, and I intend to vote against acceptance of it.

Mr. President, I should like to direct the attention of the distinguished Senator from Georgia to page 10 of the conference report. As we reviewed earlier, there is an outright prohibition on the random selection system included in the conference report. I direct the attention of the Senator from Georgia to the last full paragraph on that page. I should like to read it, if I may:

> It should be emphasized that the language adopted by the conferees will in no way proscribe or inhibit the President in changing the priorities of various age groups for induction, nor will it preclude him from adopting the so-called modified young age system which would involve identifying the 19 to 20 year age group as the "prime age group" for induction.

Do I understand the committee report correctly, that the President would be able to draft the youngest rather than the oldest, under that language?

Mr. **RUSSELL**. Undoubtedly. That is the reason it appears in the report. I did not write that language, but I did insist it be made clear that while additional legislation was required to establish a random selection system, we did not intend in any wise to impinge upon the right of the President, under existing law, to select any age group he saw fit, or to take 19-year-olds first.

Mr. **KENNEDY** of Massachusetts. Does it concern the Senator from Georgia, as it does me, that if we are going to move toward drafting the youngest first—that is, taking the 19-year-olds first—we will run into a numbers problem; that is, that we will find a surplus of boys reaching the age of 19, so that some will serve and some will not have to serve?

Mr. RUSSELL. I think that would be true without regard to what age group we undertake to use as the prime age group.

Mr. KENNEDY of Massachusetts. That would certainly be——

Mr. RUSSELL. But it would certainly be more true in the case of the 19-year-olds because of the war babies who are coming along now, and they are numerous, assuming that the present level of enlistments continues.

Mr. KENNEDY of Massachusetts. It is my understanding that under the present Selective Service Act, we draft the oldest rather than the youngest, so that we must start at the top of those eligible and work down towards the youngest.

I know that it was the unanimous recommendation of the Marshall Commission, the Defense Department study, and of the Mark Clark Panel, as well, that the youngest be taken first, for a number of substantial reasons.

Concerning the suggestion that the youngest—the 19-year-olds—be taken first, I have been impressed by the fact that there will be a surplus of 19-year-olds. Therefore, if the President decides, as he has indicated in his Presidential message that he will, to take the youngest, or the 19-year-olds, first, would not the Senator from Georgia agree with me that there will be a surplus of 19-year-olds, beyond the number which will actually be needed?

Mr. RUSSELL. I do not think there is any question about that. That is why I stated on the floor of the Senate, when the bill was originally before the Senate, that I could approve the use of the so-called random system if it applied to those who were already classified. But no one has come forward with a specific proposal to limit the selection to a random selection from class 1-A.

I do not believe in a random selection such as we had in World War I. Then the lottery occurred before classification. That system operated on the theory that every man, whether he was one-legged or was confined in a mental institution, if his number happened to be drawn, had to go into the Army. That is a ridiculous random system.

I am perfectly willing to consider and press for the enactment of any fair, workable so-called random lottery system. But I think there are two or three things we should remember. We should know to what group the system will apply, and we should know just how the system is to perform. In that event, it could be approved.

There would undoubtedly be a surplus of 19-year-olds if the President were to reverse the order of induction tomorrow. I do not know when he plans to issue such an order. I had thought, from what I read in the press, that he intended to do so in the near future.

Mr. KENNEDY of Massachusetts. As I understand the distinguished chairman, if the President decided to call up younger men later—and the Senator has mentioned that the President would have the power to do so, and the President has indicated that it is his desire to do so—there would then be, under the conference report, a situation in which there would be a surplus of 19-year-olds who would be eligible.

Mr. RUSSELL. With all the rollbacks, there undoubtedly will be. There will be a rollback on mechanics when they are 24, or have completed their courses. There will be a rollback on the students, many of whom will be 22 or 23, who will be forced back to the 19-year-old category. Those who are past 19, but who have been, under the deferment provision made age 19 constructively for the purpose of the draft, no doubt will be included.

Mr. KENNEDY of Massachusetts. How does the Senator suggest we are going to be able to resolve which ones will be selected and which ones will not be selected?

Mr. RUSSELL. Under the present system, which I assume would be followed in the absence of any further legislation, the oldest in the 19- to 20-year group would be taken and they would work down toward the youngest. That is the method applying today. I assume, in the absence of any other legislation, that would be the method that would apply in the future.

Mr. KENNEDY of Massachusetts. So the oldest within a given age group which was, for example, 19, would be taken——

Mr. RUSSELL. They would all be 19 for that purpose.

Mr. KENNEDY of Massachusetts. At what date would this start? We need some date for the taking of the 19-year-olds.

Mr. RUSSELL. Unless Congress passes some legislation on it, we would continue as we are now. That is what we are doing at the present time. The President himself has stated that prior to January 1, 1969, he intended to work out this random system. That, to me indicated it was not as simple as many advocates of the lottery or the random system would have us believe. It is not easy to get a new system. We have had the present system for some 20-odd years. It has worked well. It works some injustices, but even the lottery system would work some injustices.

Mr. KENNEDY of Massachusetts. If the President were to take the youngest rather than the oldest in the 19-year-old group, and we started at 19 years of age, and we had a surplus number of men in that age group, according to the physical and mental requirements, there would be a certain number of 19-year-olds who conceivably would not have to serve.

Mr. RUSSELL. That is entirely possible. I think it will undoubtedly have that result. That is why I said I am not opposed to considering some change in the present system. However, we have a random system based on date of birth. Unfortunately, a young man draws his card from the lottery on the day he is born.

Mr. KENNEDY of Massachusetts. Nevertheless, the system we would be instituting would be a system in which we would take the oldest in a particular age group, so that there would be those who by designation by birthdate would be excluded year after year, because taking the oldest 19-year-olds to meet our requirements would mean we would not need the whole group of 19-year-olds. So some of the younger 19-year-olds would not serve, and the ones now 18 might never have to serve, going right down in progression.

Mr. RUSSELL. I do not think that would be necessarily true. It would be to some extent true. The demands on the different draft boards would not be the same. So some who would pass over into the twenties would be liable.

I am not saying the present system is the best that can be devised ultimately or that can be hammered out on the forge of the best minds, but I say nothing has been submitted in concrete form that is better than the present system.

I have read all my mail on this subject by the different groups that have studied the subject. I was impressed with one from a group of professors and students at Harvard who had given the subject study. They did not have concrete suggestions; they merely said they were for a random system. Of course, Congress cannot legislate on such generalities; we have to have some concrete system on which legislation is to be based.

Mr. KENNEDY of Massachusetts. Am I to understand that, for example, the particular date for the 19-year-olds will be established by the local draft boards, or will it be established by law?

Mr. RUSSELL. When the system is changed over from 26 down, to 19 up, that will be uniform all over the United States in every jurisdiction of the Selective Service System at the same time, because that will be upon order of the President.

Mr. KENNEDY of Massachusetts. So the President will establish a day, on which he says everyone who turns 19 years of age will be subject to call, and we will start in the selection of young men from the oldest to the youngest. This will be nationally established, and it will not be left to the discretion of draft boards as to which date they will use for the establishment of such a standard?

Mr. RUSSELL. I think that will result inevitably, but that is the present system. That is the system that obtains today. Only we start from 26 down, instead of going from 19 up.

I do not know when the President intends to make this change. I had been of the opinion he intended to make it before he undertook to set up the random system.

I had received the impression that he probably would go to this 19-year-old provision within a matter of months, whereas he stated that he intends to try to apply the random system before the first of January 1969.

Mr. KENNEDY of Massachusetts. And the Senator sees no problem with going forthwith to the youngest, rather——

Mr. RUSSELL. Oh, there will be innumerable problems. I did not mean to say that.

Mr. KENNEDY of Massachusetts. But with regard to making the administrative decision, that could be done with the passage of the conference report?

Mr. RUSSELL. Oh, not in the matter of legislation; not at all.

Mr. KENNEDY of Massachusetts. Does the Senator think it will be done within the near future?

Mr. RUSSELL. I think the country expects the President to do it within the next few months.

Mr. KENNEDY of Massachusetts. One final point. On the matters covered by my discussion this afternoon about the inclusion and exclusion of doctors in the Public Health Service who were involved in a number of important fields—for example, the Peace Corps, the Food and Drug Administration, and the OEO, the Department of Agriculture, and——

Mr. RUSSELL. Also the State health departments.

Mr. KENNEDY of Massachusetts. The State health departments; yes. Would the Senator clarify for me the reasons for prohibiting the "detail out" of PHS doctors to those agencies? Would these doctors lose their deferments completely?

Mr. RUSSELL. I would say, in the first instance, that if the President saw fit to establish this as an occupational deferment, he would have a perfect right to do so, under this law.

Mr. KENNEDY of Massachusetts. Including all those categories?

Mr. RUSSELL. Yes, every one of them; if he saw fit to do so, he could defer them under the provisions of this act.

The conferees decided, in view of our lack of information as to how far the dispersal of these young doctors might go, to undertake to limit it to the uniformed services, with the exception of the Bureau of Prisons, and we applied it there because the cost of undertaking to obtain doctors to serve in the Bureau of Prisons would be practically prohibitive unless they were allowed credit on their military service.

One or two of the Senate conferees made a great effort to bring the Peace Corps within this credit for military service provision, but we were met by the argument that in the first place, the President could defer them if he wished to; in the second place, the Peace Corps could employ physicians; and in the third place, there was no reason to believe that the young medical doctors of this country were any less patriotic than the young scientists and young school teachers and others who were going into the Peace Corps and giving of their time and talents to improve the status of the underprivileged throughout the world. That, in a capsule, was the argument that raged over that one issue. I think discussing it consumed an hour and a half of the conferees' time.

Do I make myself clear?

Mr. KENNEDY of Massachusetts. As I understand it, there are included some doctors detailed out from the Public Health Service, but not others——

Mr. RUSSELL. These had been historically involved.

Mr. KENNEDY of Massachusetts. That is correct. And historically, since that time, new programs have been initiated—OEO, the Peace Corps, and others—and by the prohibition on the utilization of Public Health Service doctors, recognizing the problems the agencies have in recruiting doctors, it is a matter of considerable concern why some should be excluded from coverage and others be included.

Mr. RUSSELL. We tried to confine military credit to the military services or the quasi-military services, with the exception of the Bureau of Prisons. The only other organizations covered are uniformed services, as defined in law.

Mr. KENNEDY of Massachusetts. Directing attention to page 3 of the conference report, there appears language showing also the inclusion of the Department of Justice and the Environmental Science Services Administration. So we have ESSA and the Department of Justice also included, and the Peace Corps, the poverty program, and the Department of Agriculture excluded.

Mr. RUSSELL. The Department of Justice is the parent agency for the Bureau of Prisons. That is just a modification there. The Bureau of Prisons is under the Department of Justice, and that is a limitation; that is not an extension. That language is limiting such service to the Bureau of Prisons within the Department of Justice.

Mr. KENNEDY of Massachusetts. I stand corrected.

Mr. RUSSELL. The Environmental Science Services Administration, as I am sure the distinguished Senator knows, was the old Coast and Geodetic Survey, which is a uniformed service, and which, on occasion, in time of war, is brought into the military service, just as the Coast Guard is.

Mr. KENNEDY of Massachusetts. I am not as familiar with the history of ESSA as is the distinguished Senator.

Mr. RUSSELL. That is a fancy name they got up for the Coast and Geodetic Survey, and one or two other agencies they put there.

I do not recognize some of these agencies I used to know 25 or 30 years ago.

But that is the old Coast and Geodetic Survey, and that is a uniformed service.

Mr. KENNEDY of Massachusetts. Is the Weather Bureau under the Environmental Science Services Administration?

Mr. RUSSELL. Yes, the Weather Bureau is under the Environmental Science Services Administration.

Mr. KENNEDY of Massachusetts. So we have Public Health Service doctors who would be excluded, who are concerned about weather, because they would be covered under the ESSA, and those who would be working——

Mr. RUSSELL. I do not know just how many doctors are engaged in weather prediction. I doubt very much that many medical doctors function in that area. There may be those who do. I did not ask for the figures; I will try to get them if the Senator wishes.

I would assume that if they were taking a flight into the eye of a hurricane, it would not be out of order to have a doctor along.

Mr. KENNEDY of Massachusetts. Just as one who is serving in the Peace Corps, in a difficult, remote area of the world, might need medical attention.

Mr. RUSSELL. That was a troublesome question, I must say to the Senator.

Mr. KENNEDY of Massachusetts. After the hearings the Senator held, and the concern which the Senator had among these areas——

Mr. RUSSELL. Let me make it clear that this question did not come up in the course of the Senate hearings, and we had no testimony on it; that was one reason I was so reluctant to accept this provision, because we had had no hearings on the subject. We sought to get such information as we could. Most of the agencies filed very fine and complete reports on the House amendments. The Department of Justice filed an unanswerable one on behalf of the Bureau of Prisons. Mr. Vaughn, of the Peace Corps, filed a very appealing argument in behalf of the Peace Corps. He had some statistics on health care for the members of the Peace Corps in certain portions of the world that I remember were very impressive. I do not remember the details of it, but I remember it was a very strong argument.

Mr. KENNEDY of Massachusetts. Considering the inclusions, and the fact that we did not have a complete examination in the course of the Senate hearings, but have provided certain deferments in this legislation while leaving others out, would it be the Senator's feeling, as chairman of the committee, that those left out should ge given at least favorable consideration, and appropriate deliberation on their behalf?

Mr. RUSSELL. That is a matter that is up to the President. For my part, the Peace Corps has been one of the few of the more modern innovations in government I have supported. I have supported all of their appropriations.

I am willing to support appropriations for them to employ doctors just as other civilian agencies do. They are not a uniformed service. As I say, the spirit of self-sacrifice and service to humanity that has touched so many thousands of young people engaged in the Peace Corps should not possibly pass by every one of the young medical students or doctors.

Mr. KENNEDY of Massachusetts. I appreciate the comments of the Senator from Georgia.

I have some additional information with which I might supplement the earlier material which I placed in the Record this afternoon.

Mr. RUSSELL. I was very interested in the Senator's discussion of the history of the conscientious objectors. I had just read that somewhere the other day. I cannot remember where I read it. Was it in the report of the Marshall Commission?

Mr. KENNEDY of Massachusetts. The case of Seeger against United States was my source for a good deal of that information.

Mr. RUSSELL. I thank the Senator.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield to the Senator from Oregon.

Mr. MORSE. Mr. President, I rise to express my complete approval of the position taken by the Senator from Massachusetts on this conference report. I agree with him. Although a modified version of one of my amendments is in the bill, I still think it is now a worse bill than when it went to conference. I voted against it before it went to conference, and I shall vote against it again. I hope that it is not contemplated to take action on the conference report tonight.

The points raised by the Senator from Massachusetts are of such importance that some time should pass so that the country can react to this conference report. We are going to find great interest in this conference report. I shall not repeat the specific objections the Senator from Massachusetts raised. I agree with all of them.

The changes made in the handling of litigation by conscientious objectors are unthinkable. I do not think that we can possibly justify adopting this procedure for the handling of conscientious objector cases. At least that they are entitled to a minimum of legal protection, which present law provides for them. I am not at all moved by the arguments brought out in the conference report that there are a large number of pending conscientious objector cases. What has that got to do with our following a course of action and adopting a procedure which will do gross injustice to conscientious objectors?

What this really gets back to is the arbitrary and capricious conduct which exists in connection with a great many local draft boards.

I note the comments made in the Senate rising to the defense of local draft boards. I defend local draft boards in regard to the jurisdiction which is given to them as long as that jurisdiction guarantees the uniform application of principles. But, let us face it, there is no uniformity in the exercise of discretion by local draft boards. There are no national standards, and the conference report only permits the President to establish them, and permits local draft boards to observe them. What happens to the young man in this country, as to whether he will be drafted or not, depends in no small measure on what jurisdiction he comes from. There is a lack of uniform policy on the part of local draft boards. That is why I offered an amendment, when the bill was before the Senate, calling for a national standard. I not only support the Senator from Massachusetts, but I also think that the changes which are to be found in the conference report over present practices are so great that the Senate should let some time pass to let the country react to the conference report before we approve any new Selective Service Act tonight. The House adopted my amendment on national standards, but the conferees changed it to make it all permissive.

I hope that the leadership will not press for a vote tonight. I hope that the leadership will be willing to let the conference report stand for a while, before final action is taken, until the media of information throughout the country, editors, and interested groups have an adequate opportunity really to pass judgment on the conference report. Senators will find a great deal of opposition to it all across the country, when it is understood.

Therefore, I hope that we are not going to be put in a parliamentary position here tonight in which we are going to be asked to act immediately. There are many of us who feel that this is a matter which should go over for some time. I do not believe we have to vote tonight. We should let it go over for some time because I think it needs to go over.

Mr. KENNEDY of Massachusetts. I should like to direct the attention of the Senator from Oregon to two provisions, because I recognize the Senator's distinguished background as the dean of one of the outstanding law schools in the country. These provisions are in regard to the mandate to the Attorney General to prosecute certain cases, and the direction that selective service cases be given precedence in Federal courts. I should like to review briefly with the Senator just what I understand the situation to be, and then to ask for his comments.

Under the existing law, it is provided in section 12(a) that—

> Precedence shall be given by courts to the trial of cases arising under this title, and such cases shall, upon request of the Attorney General, be advanced on the docket for immediate hearing.

I understand that is boiler plate language and is continued in some 20 different Federal statutes.

The Senate bill did not take any action to change this provision. The House bill, however, did. I should like now to read from the conference report:

> Precedence shall be given by courts to the trial of cases arising under this title, and such cases shall be advanced on the docket for immediate hearing, and an appeal from the decision or decree of any United States district court or United States court of appeals shall take precedence over all other cases pending before the court to which the case has been referred.

Would not the Senator from Oregon agree with me that we should certainly have the advice of the distinguished Attorney General on this matter; and would this not be a matter on which the Senate Judiciary Committee should be permitted to give an expression of its thinking?

Mr. MORSE. I think there should be a report from the Judiciary Committee as to the legal effect of the conference report upon the precious legal rights of individual citizens, whether they are conscientious objectors or not. Questions involving conscientious objectors on appeal are a complex matter. It is very easy, in times such as these, to adopt the kind of, I think, highly arbitrary procedure which the House committee proposed in conference and which the Senate conferees came to accept.

Now is the time to make perfectly sure we are not going to go along with a procedure that can permit so many injustices.

The Senator from Massachusetts knows what a stickler I am in regard to procedural rights. That is why I offered my amendment, when the bill was before the Senate, in order to give to the individual prospective inductee the right to be represented by counsel when making his presentation before the local draft board.

The argument advanced by General Hershey is that the local draft board has an administrative officer who usually is an attorney and can represent the prospective inductee before the board.

My reply to that, in debate, the Senator will remember, was that a lawyer cannot serve two masters. He cannot serve two employers. We cannot find another situation in American jurisprudence where a free citizen is denied the right to be represented by counsel, particularly before a board which, in one sense, has the power of life and death over the individual concerned.

When we deal with matters of conscience, it is very easy for those of us not moved by the same pangs of conscience, or the same disturbance of conscience, rather cavalierly to brush aside the rights of the conscientious objector. However, he is given these rights under the Constitution. Furthermore, such an individual who, as a matter of religion or conscience, cannot bring himself to serve in the armed services and become a killer has been recognized under the statute. Therefore, are we going to set ourselves up as prosecutor and judge and not give him the benefit of his own defense counsel?

A very serious step is being proposed to be taken this afternoon by the Senate. We need investigation and consideration by the Judiciary Committee. We should also have the advice of the Attorney General of the United States. I think we should have the reaction of many organizations in this country, including a great many church organizations that, I am sure, once they know what is embedded in the conference report, will want to be heard from before the fact and not after the fact.

They should be heard from before we pass this bill. There is no great rush. We do not have to pass it today. I strongly urge my leadership not to put us in the position where this matter has to be held up today parliamentarily. I am sure it will be. I should like to have the matter go over for a few days until we can have the expert opinion given to us and then vote on it at that time.

Mr. KENNEDY of Massachusetts. Could I ask the Senator to comment on one other provision which deals with courts and procedures?

The conference report, in section (11) (b) states:

> The Department of Justice shall proceed as expeditiously as possible with a prosecution under this section, or with an appeal, upon the request of the Director of Selective Service System or shall advise the House of Representatives and the Senate in writing the reasons for its failure to do so.

There was no provision of this sort in the Senate bill.

Commenting on this matter—the discretion of the prosecutor—an article in the June 1965 Yale Law Journal said:

> Regardless of these policy arguments, the federal courts, basing their decisions upon a separation of powers theory, have uniformly permitted United States attorneys absolute discretion both in bringing and dismissing

> criminal prosecutions. This judicial response is illustrated by the recent case of *United States v. Cox*, in which a United States attorney refused to prepare and sign indictments for perjury after being requested to do so by a legally constituted grand jury.

And the recent case of Smith against the United States, handed down by the Court of Appeals for the Fifth Circuit April 3, 1967, held that—

> The President of the United States is charged in Article 2, Section 3, of the Constitution with the duty to "take care that the laws be faithfully executed . . ." The Attorney General is the President's surrogate in the prosecution of all offenses against the United States. 5 USCA § 291 et seq., 28 USCA § 507. The discretion of the Attorney General in choosing whether to prosecute or not to prosecute, or to abandon a prosecution already started, is absolute. *Confiscation Cases*, 1869, 74 U.S. (7 Wall.) 454; *Powell* v. *Katzenbach*, D.C. Cir. 1965, 359 F. 2d 234, cert. den. 1966, 384 U.S. 906, reh. den. 384, U.S. 967; *United States* v. *Cox*, 5 Cir. 1965, 342 F. 2d 167.

It is my understanding that, dating from suits taken under the Civil Rights Act of 1866 and up to the present time, it is a constitutional issue of the separation of powers whether the Congress can mandate that the U.S. attorneys must take a specific case to court. I am sure the Senator is familiar with the doctrine also of prosecutorial discretion.

I wonder if the Senator from Oregon would care to comment on this provision of the conference bill?

Mr. MORSE. I think it is perfectly clear that if we pass the bill in this form, we are going to assure litigation. I think the type of challenge the Senator from Massachusetts has mentioned will be litigated and the Supreme Court will have to pass on it. Here again we ought to have the advice of the Attorney General before we pass this measure.

Mr. KENNEDY of Massachusetts. The Attorney General has expressed his serious reservations on both provisions. We in the Judiciary Committee of the Senate have had no chance to consider either of the provisions giving special advancement to the cases that would be brought up on the Federal docket or requiring the Attorney General to bring such actions in the Federal courts on the request of the Director of Selective Service.

Mr. MORSE. I think the request for his advice should be pinpointed to the debate which has taken place on the floor of the Senate by way of expressing our doubts about this aspect of the conference report. That is why I think we should take some time before we leap, because I think we may be leaping into a judicial cauldron if we pass the conference report without change.

Mr. KENNEDY of Massachusetts. I thank the Senator from Oregon.

I would like to ask a few questions about the report itself to the Senator from Georgia, so that we in the Senate may have a chance to have a better understanding as to the nature of it, if the Senator will agree.

Mr. RUSSELL. I will attempt to answer questions to any reasonable extent. I do not like to answer questions under a threat of a filibuster.

Mr. KENNEDY of Massachusetts. I have had the floor only a short time.

Mr. RUSSELL. I was not referring to the remarks of the Senator from Massachusetts, I may say.

Mr. KENNEDY of Massachusetts. On page 1 of the conference report it is stated, as a proposed new subsection, that:

> The National Security Council shall periodically advise the Director of the Selective Service System and coordinate with him the work of such State and local volunteer advisory committees which the Director of Selective Service may establish, with respect to the identification, selection, and deferment of needed professional and scientific personnel and those engaged in, and preparing for, critical skills and other essential occupations.

As I understand it, the National Security Council is charged with advising the President of the United States. Section 402 of title 50 of the United States Code says:

> The function of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relative to the national security. . . .

There are other functions as well, but they are advisory and evaluative in nature with respect to broad policies, and not focussed on matters such as occupational deferments.

Mr. RUSSELL. May I say that this provision grew out of a provision in the House bill which provided for the creation of an entirely new executive agency, the National Manpower Resources Board. I have a bit of hesitancy about creating new bureaus or agencies in the executive branch of the Government. I have been here several years, and I can remember statements that a new agency would be very small and that it would not require much money. I remember quite well that we were unifying the Department of Defense, witnesses for the measure came before the committee and estimated that creating the Department of Defense and the Department of the Air Force would cost less than $1 million more than the amounts then being spent on the Departments of War and Navy.

I did not want to create a new agency. I thought, inasmuch as the President was in direct control of the National Security Council, which was mentioned in the House provision, but which was given no direct duties, it would be better to give that agency this advisory function instead of creating an entirely new agency. For that reason I agreed to this provision. The Council would advise the President. The President is going to make regulations with reference to Selective Service. It is true that he is Chairman of the National Security Council. He will undoubtedly consult with the executive agencies and get their views before making any drastic changes in the system.

Mr. KENNEDY of Massachusetts. Did the National Security Council give any opinion as to whether it would welcome this additional responsibility?

Mr. RUSSELL. I am of the opinion that its members were not very favorable to taking on this duty. The Senator could expect that. That is the administration's position. The Council is presided over by the President. It is not very likely to challenge the position of the President.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield.

Mr. SYMINGTON. The able Senator indicates this was a compromise which undoubtedly resulted from the effort to establish a new agency. The National Security Council, on which I have had the honor to serve myself, is strictly an advisory board to the President. This new function seems extraneous, but it was a compromise, and a very favorable compromise, because as a result of it the House conferees agreed not to press for a new agency.

Mr. KENNEDY of Massachusetts. As I understand it, there is an Interagency Advisory Committee on Essential Activities and Critical Occupations, which in turn advises the Secretaries of Labor and Commerce, who are charged with maintaining the lists of essential activities and critical occupations. The Interagency Committee comprises representatives of the Departments of Agriculture, Commerce, Defense, Health, Education, and Welfare, Interior, Labor, and the Selective Service System.

Mr. RUSSELL. There was some question as to the effectiveness of the present system. It seemed to embrace two departments of Government. The present recommendations are made largely by those who are supposed to supervise employer-employee relations. There was some criticism of the Department of Labor because it would not grant apprentices deferments. It was thought that they ought to have a more liberal basis for doing that. This was one of the reasons for my accepting this provision.

Mr. KENNEDY of Massachusetts. On the question of apprentices, I know the great attention the Senate report gave to the question of apprentices, as pointed out on page 7 of it. But in reading through the conference report, I was unable to find any reference to apprentices.

Mr. RUSSELL. We carried it over because the House had nothing in their report to refute that or contradict it. We undertook to staple it down by broadening the base of those who would consider the recommendations for deferments.

Mr. KENNEDY of Massachusetts. So therefore we will be in a situation, under the conference report, where a college student will be granted a deferment per se?

Mr. RUSSELL. No——

Mr. KENNEDY of Massachusetts. A college student, under the provisions of this legislation which say that he must be continuing on a course of study and has not reached his 24th birthday, is granted an automatic student deferment if he requests it. Is that not correct?

Mr. RUSSELL. Yes.

Mr. KENNEDY of Massachusetts. But in the case of a boy who is in an apprenticeship training program, who is now studying to be a bricklayer or is engaged in some other kind of skilled apprenticeship training, such as carpentry, unless his particular skill is found to be vital or essential to the national interest, we find the college student presently getting the deferment and the apprentice not being deferred. Is that not the case?

Mr. RUSSELL. I do not understand that to be in accord with the facts.

Mr. KENNEDY of Massachusetts. All right.

Mr. RUSSELL. Because the President has the authority to defer the apprentice; and the Senate committee report made a very strong statement in favor of giving exactly the same treatment to the apprentice that is given to the college student.

Mr. KENNEDY of Massachusetts. Exactly.

Mr. RUSSELL. There is nothing in this bill or in the report of the other body that would in anywise contradict that position. I remind the Senator that the President can wipe out all deferments with the stroke of a pen, if he wishes.

Mr. KENNEDY of Massachusetts. In trying to arrive at the sense of the conference report, however——

Mr. RUSSELL. It is my understanding of the position of the Senate conferees that apprentices are entitled to exactly the same treatment of deferment until they complete their course of study, reach the age of 24, or fail in their efforts. When one of these happens, the apprentice would become a constructive 19-year-old registrant.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield.

Mr. SYMINGTON. When this bill came before the Senate, there was considerable discussion about whether or not the rich boys were going to college and the poor boys were going to war. Upon investigation, we found out that the facts belied that statement: 58 percent of those without a high school education had military service, whereas 74 percent of high school graduates went into the armed services, and 71 percent of college graduates went into the armed services. Therefore, despite the recommendation which came from a good many administrators and college presidents, including the president of Yale University, which is my alma mater, we decided to reach the compromise that we have, because there was a heavy drop, down to 27 percent, among the graduates.

Naturally, I am defending the bill as we finally agreed to it. I know the Senator understands that. My point is that inasmuch as we have a good many hundred thousand young Americans today fighting for their lives as well as for their country, and based on what has happened in the Middle East in the last week, I am satisfied with our reasonable recognition of the importance of modern technology in the world today.

For example, I believe the Senator mentioned apprentices in the trades as against a man in college. I think if we are going to get into these wars, we do need very highly trained technicians. The men who are fighting for us deserve that consideration on our part.

Mr. KENNEDY of Massachusetts. I appreciate the comments of the distinguished Senator. We had a series of hearings on the manpower and employment implications of the draft. We had testimony, first of all, from the Secretary of Labor, who said that he could find no overriding national reason for granting occupational deferments, that there was not now, at the present time or even in the immediately foreseeable future, a critical need for that kind of deferment. We had testimony from the Commissioner of Education, who stated that there was no overriding national reason for the continuation of educational deferments.

When you eliminate these two considerations, then what I believe is that you must go to the equities of individual cases in determining who will serve and who will not, and that it will necessarily be in these categories, at 19 years of age, that it will be determined whether a boy is to have a chance to go to Southeast Asia or Vietnam, or whether he is going to be engaged in a program of training. We had boys who had been in on-the-job training programs who came before us; one had already been to Vietnam, and the other two had been 1–A, and they were on their way. The question that occurred to me was whether a boy who is attending a liberal arts college and studying drama should be accorded a deferment privilege over a boy working on an on-the-job training program, or apprenticeship program, or bricklayers' training program, which is, like the college course, 2 to 4 years in length.

The Senate committee has spoken on this subject, in its report. Included in that report was, I thought, a very reasonable representation, which stated that if we were to continue undergraduate student deferment, we should provide a similar standard for those boys taking apprenticeship training programs. I believe the distinguished chairman of the committee has mentioned this, and has pointed it out: that if we were to permit the undergraduate deferments, we also ought to consider granting such deferments to those undergoing apprenticeship training programs and other bona fide training programs.

I thought that was very worthwhile and important. The matter which is of concern to me now, in the conference report, is that it provides for undergraduate deferments; and then there is a provision as to graduates, but there is no specific language which applies to apprenticeship training programs.

So, in concluding, I would interpret that to mean that they are going to have to be judged with regard to the critical nature of the skills involved, and by the same kind of standards that are going to be applied to atomic scientists or nuclear physicists, or whatever is necessary in such categories.

Therefore, it seems to me that we have moved back, to some extent, from what I felt was a compassionate attitude reflected in the initial Senate report, and that is why I raised the question with the distinguished chairman of the committee.

Mr. SYMINGTON. The able Senator from Massachusetts knows my respect and affection for him. I was in no sense criticizing his position. I was defending the committee report.

Mr. KENNEDY of Massachusetts. Yes.

Mr. SYMINGTON. The bill is not the way that those of us at the conference would have liked to have it, in every sense. I do feel, however, that our hearings were extensive, and I know that it would be serious to the point of disaster for us to go on indefinitely with this law having expired, especially because of the additional number of draftees that are now needed to properly conduct the war we are already in.

Also, regardless of the well-meaning intentions of some of the people in other branches of the Government besides the military who testified before the able Senator's committee, I am satisfied in my own mind that it is important to the security of the United States, regardless of the particular merit of the bill as it came out of conference, to have some deferments for some students.

Actually, deferment only until 24, as the Senator well knows, was a compromise in itself.

I did not intend to get into a colloquy with the Senator on this point.

Mr. KENNEDY of Massachusetts. I appreciate the Senator's comment.

With regard to the expiration of that act, I think all of us understand the difficulties. On June 30, the act expires. However, it certainly does seem to me that since we received our printed report at 2 o'clock on Friday afternoon, and we started consideration of the matter at 25 minutes after 4 this afternoon, we should have more time. We are talking about an act that is going to continue in force and effect for 4 years. There are provisions in the conference report which have altered dramatically the Senate version, to the extent that the distinguished president of the Senator's alma mater, Kingman Brewster, the distinguished former Assistant Attorney General Burke Marshall, and the distinguished former Secretary of Defense, Thomas Gates, who all served on the Marshall Commission, in a communication today to me said:

> While it may not have been intended, the form in which the bill has been reported out by the Conference committee appears to us to preclude most, if not all, of the reforms the President's Committee on the Draft thought necessary.

That is what we are asked to consider this afternoon, in the closing hours of the day.

I would certainly hope to have a chance to examine some of the other areas with the distinguished chairman of the committee, and to point up the highlights.

I am absolutely convinced that the distinguished chairman of the committee wanted an inclusion of apprenticeships and wanted them to be treated equally.

In reading through the legislation and reviewing it rather carefully, it is my feeling that it could very well be interpreted that unless these apprenticeships fall within the kind of standards or definitions of the National Security Council—the same kind of standards which are being provided for scientists and engineers—they will be excluded from what I think motivated the Senate Armed Services Committee in this respect, and that was a sense of equity.

That is really why we brought up the question.

One of the matters which is, of course, of concern is student deferments.

I have felt that when we are in a hot war, such as we must consider to exist in Southeast Asia, and when we have the loss of some 331 American boys in the period of 1 week in Southeast Asia, we are really providing, by student deferments, that some people can continue in school for the 3 or 4 years they are in college, and then continue through graduate school.

We are in effect saying to the young people of today: "In effect, you will be able to defer your opportunity or obligation to serve in South Vietnam for 6 or 7 more years, so long as you stay in college." We are, in effect, at the same time denying that opportunity to those not gifted either intellectually or financially.

It has been suggested that if a person had gone to college 3 years ago, his chances of being involved as a casualty in Southeast Asia would be greater today than they were then.

This is a very fundamental question. It would give a choice to one as to what he wants to do, by providing that he may spend years in college and additional years in graduate school.

I think the measure has built in it some of the real problems of inequity.

I direct the attention of the distinguished chairman of the committee to page 10 of the conference report. I should like to review with the distinguished chairman the language of the conference report and then elicit some responses to the questions that I wish to ask.

The third paragraph on page 10 of the conference report states:

> Consequently, although the Senate bill had not prohibited the initiation of a random system of selection, the conference agreement is to prohibit the initiation of such a system. At such time as a specific plan for making selections by a random or other system has been formulated, the Congress will promptly consider the desirability of authorizing the use of such a system.

I would interpret that as being an outright ban against permitting the President to introduce, as he had planned to do in his message, a random selective system.

Is that not correct?

Mr. RUSSELL. Perhaps the Senator is closer to what the President proposed to do in his message than I am.

The last time I discussed the matter with the President, he did not have any very clear ideas as to what type of random system would be proposed.

He stated he had requested the Secretary of Defense and the Director of the Selective Service to formulate a plan and submit it to him. I do not know whether that has been done.

The Senator may have information that is not available to me in that area.

There is no question that under the pending measure, no random system could be initiated until after action by Congress.

I thought I made that clear in my opening statement.

Mr. KENNEDY of Massachusetts. That was my understanding, and it is so stated very clearly on page 10 of the report.

Mr. RUSSELL. I point out that this is a House statement of managers. The Senate did not sign this. I am not controverting any of it that has been read up to now. However, this is a report of the House committee, a statement of the managers on the part of the House.

Mr. KENNEDY of Massachusetts. The Senator is correct. That is why I think it is so helpful for us to have a chance to consider and discuss the report on the floor. We do not have a written explanation of it by the Senate conferees.

Mr. RUSSELL. No. It has never been the practice in the Senate to file a report, as is required on the part of the House conferees pursuant to the rules of the House.

Mr. KENNEDY of Massachusetts. The only chance for those of us in the U.S. Senate to have some kind of understanding about the matter which is before us this evening would be based both upon the written House committee explanation and the statement and explanation given us orally by the distinguished chairman of the committee. Is that not correct?

Mr. RUSSELL. Yes. I would think the statement given by the chairman of the Senate conferees ought to be accepted as the statement of the managers on the part of the Senate, just as the printed report is a statement on the part of the House managers as it appears in the CONGRESSIONAL RECORD.

I undertook to cover most of those items in my statement, perhaps not in as much detail as the report.

Mr. KENNEDY of Massachusetts. The House report is, of course, the only thing I have had a chance to review.

Mr. RUSSELL. I am not complaining except that I would say I thought I made it clear in my original statement that the random system could not be made effective without further legislation by Congress.

Mr. MORSE. Mr. President, will the Senator from Massachusetts yield for an observation concerning what the chairman of the committee might be thinking about with regard to the procedure for handling the report?

Mr. KENNEDY of Massachusetts. I yield.

Mr. MORSE. Mr. President, we have been having some conversations. I want the Senator from Georgia to know that I do not seek to prevent the early consideration of the conference report.

I seek only to prevent action on it tonight, and for these reasons.

The Senator does not share our views, but there are some of us who have reservations about the selective service law as it has been operating and as it would operate under the conference report.

We have obligations to interested groups in the country who I think ought to be given an opportunity to react to this conference report before it is agreed to.

If we sit here this afternoon and let this report go through without at least trying to get a reasonable postponement of its consideration, they will say:

> What did you do that for? Why didn't you at least make a sincere effort to try to get a reasonable postponement of its consideration so that our views could be made known?

I refer to many groups—of which I am sure the Senator from Georgia is well aware—church groups and other groups.

I have no desire to prevent an early consideration of the conference report. I would like to make a suggestion for the consideration of the Senator, and I do not ask for an answer now unless the Senator wishes to do so. He can continue his colloquy with the Senator from Massachusetts, but I suggest that we proceed with the conference report the day after we finish the discussion of the Dodd matter which I think will be disposed of without any question this week.

That would be my guess. But I should like to suggest an agreement that the day immediately following consideration of the action on the Dodd matter, we take up this conference report and vote not later than, say, 4 o'clock of that day or some other hour that day. Then, those of us who have serious reservations about the conference report will have kept faith with those who can very well say, "Why didn't you do what you could to have an opportunity for various groups in this country to respond to this report?"

I believe that once this becomes known, there will be a great deal of editorial comment and a great deal of discussion among various groups in this country.

So my request for the consideration of the Senator from Georgia is that he confer with the leadership and see if he would be willing to enter into an understanding with us that we take it up the day following the disposal of the Dodd matter, and that we enter into a unanimous-consent agreement to vote—I am speaking hypothetically—by 4 o'clock that day.

Mr. RUSSELL. Mr. President, I understand the position of the distinguished Senator from Oregon, and of course I would like to comply with his request. I will say, however, that of course he is against the whole bill. He voted against it on Senate passage. He did not want that bill, and he is forthright about it. I can understand his position.

However, this conference report has been here as long as or longer than most conference reports which deal with deadline legislation. It was agreed to on Wednesday and was filed on Thursday, and it has been available since Thursday to anyone who was interested in it. Practically every newspaper in the United States carried a two-column analysis of this report on Friday morning, as I recall. So there was no secrecy about it. However strongly we may disapprove of some of the provisions of the report, there was nothing secretive about it. It was carried in the press, was made available to all of the press, and there is no editor in the country who could not have gotten a full and fair statement about it.

Ordinarily, I would not object in the slightest degree to carrying this bill over until tomorrow or the next day, but in my opinion there is no more important piece of legislation pending in the Senate than this conference report, which is under a deadline, the first day of July.

Plans have already been announced by the Department of Defense for the drafting of 39,000 young men, and if we reach that date without action on the conference report, those plans would fall; and you could not do anything to get supplemental forces that our Department of Defense and the Commander in Chief of the Armed Forces of the United States, the President, say are important to the defense of this country.

I realize the difference of opinion as to the war in Vietnam and other matters of that kind, but I have a responsibility as I see it with respect to this type of legislation.

The Senator from Oregon speaks with full assurance that the so-called Dodd matter will be concluded early this week. I recall a few weeks ago we took up the tax credit investment bill, and the opinion was that the bill would be passed in 3 or 4 hours. We labored with that bill 3 or 4 weeks after that date. There was no deadline on that bill, as I recall. Here we have a measure that must go to the House of Representatives after it leaves the Senate, and their procedure is somewhat different from ours, as the Senator knows. They have to get a rule if there is objection by one man, and, knowing the power and influence of those who are opposing this measure here, I am sure they could get many Members of the House who would object to taking it up.

We undertook to hear from the church groups to which the Senator refers. The Senate committee heard every person and every group that asked to be heard. We heard from the religious groups, from the American Ethical Union to the Quakers. We heard from all of them. We went into the matter as fully as we could by hearing every single witness who wished to be heard.

I submit that this is the most extraordinary parliamentary procedure that I have ever heard of, to say that we are now going to start to have hearings again on this conference report. I never heard of any conference report that was held up to call witnesses back and say, "Have you changed your mind since you testified here in these hearings?"

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. AIKEN. Suppose the Senate starts on Senate Resolution 112 tomorrow and debate runs for a week, and then it appears that something has to be done about this bill, which is due to expire, and it requires unanimous consent——

Mr. RUSSELL. No.

Mr. AIKEN. It does not?

Mr. RUSSELL. No. It can be motioned up.

Mr. AIKEN. Suppose then an effort would be made to set aside Senate Resolution 112 to take up this measure?

Mr. RUSSELL. Under the order that has been fixed by unanimous consent, as I understand it, at 10 o'clock tomorrow we are supposed to take up the so-called Dodd resolution.

Mr. AIKEN. That is is correct.

Mr. RUSSELL. And that is a matter of privilege. But it so happens that a conference report is also a matter of privilege, and a motion can be made to proceed with the consideration of this conference report tomorrow, and if the matter is not concluded today, I serve notice that I will make that motion.

I know what my chances are. If the leadership joined with the Senator from Oregon and others, I probably would not have a chance.

I shall discharge my responsibility, and I do not propose to gamble with the security of this country by trifling with this important legislation when, in my judgment, every person has had a fair chance to be heard.

The Senate can vote this conference report down. Senators have a right to do it and may do it. While I think such action would be in error, I will not complain if that occurs.

Mr. AIKEN. As a matter of fact, several possibilities could occur, and it is anybody's guess as to what might happen to S. 112, to this conference report, and to the debt-ceiling measure, which I belive is to come up, also.

Mr. RUSSELL. That frightens me even more.

Mr. AIKEN. Are there not a few possibilities in the offing?

Mr. RUSSELL. There certainly are. I had forgotten about the debt ceiling. That has to be considered.

Between an opportunity to spend money and an opportunity to deal with the Selective Service Act, I am sure the spending would take priority.

I therefore am all the more convinced that in my own feeble way I should do what I can to bring this matter to a conclusion.

Mr. MORSE. The Senator from Georgia is correct in stating that I voted against the bill, but I believe the Senator knows me well enough to know that he will have my complete cooperation in getting an early consideration of this privileged matter. All I am saying is that we can enter into a unanimous-consent agreement——

Mr. RUSSELL. I do not attribute bad faith to the Senator from Oregon. I know that he is in good faith. I do question his powers of prophecy—that we will get through with the other matter in just a few days.

Mr. MORSE. No prophecy will be involved, if the Senator will listen to me as to the procedure I want to suggest, with my majority leader on the floor.

I said we would take up the conference report Monday because I thought we would be through with the Dodd matter by Monday. What we can do is have an understanding, if we proceed with the Dodd matter tomorrow, that if it is not finished by Monday—for that matter, I would be perfectly willing that we have an understanding that this bill be taken up on Friday. That would give us an opportunity to make the inquiries. I want to talk with the Attorney General.

I believe people should be given an opportunity to respond to this conference report. I believe the Senator from Georgia did remarkably well in calling these witnesses, but they testified before the conference report was agreed to.

Mr. RUSSELL. Is that not the regular parliamentary procedure in the Senate?

Mr. MORSE. But they should have an opportunity, because of the nature of this matter, to respond.

I would be perfectly willing to have an understanding that we lay aside the Dodd matter on Friday or Monday, if it is not handled by Monday; that we have an agreement on that date to vote at 4 o'clock—either Friday or Monday. That is all I am saying now, and I do not expect some Members of the Senate, including the distinguished Senator from Georgia, necessarily to agree with the opinion of those of us who believe we have some obligations to give an opportunity to the opponents of this conference report to be heard on it.

Mr. RUSSELL. Mr. President, I have been here for 34 years and I have never sought to establish the conscience or responsibility for any other Senator.

Mr. MORSE. I know that.

Mr. RUSSELL. And I do not have any other Senators undertaking to pass theirs on me.

Mr. MORSE. I do not. I am only asking for a postponement until Friday or Monday for this conference report.

I may be misinformed, but I understand that if we did, these papers could go to the House of Representatives, and if they desired they could act before us and dispose of it over there. They do not have to.

I am only asking for a postponement until Friday or Monday with the understanding that we could possibly lay aside the Dodd matter and take up this matter. That is all I am suggesting.

Mr. RUSSELL. I regret that I do not think the facts in this case justify such procedure. I do not believe the importance of this piece of legislation permits it. For my part, I feel I have a great responsibility here, I think that the Senate should debate this report to the very fullest extent Senators desire and then vote it up or down. If it is voted down, of course, we can have another conference. In that event I would hope the Chair would appoint some of those who have made these objections to the conference reports, because those of us who served on this conference did the best we could. We might see if we come out better with a new group of conferees. I would not be offended at all by the appointment of new conferees.

Mr. MANSFIELD. Mr. President, will the Senator yield to me without losing his right to the floor so that I may suggest the absence of a quorum?

Mr. RUSSELL. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD. Mr. President, the leadership finds itself in a bind because of the fact that its word once again, for the third time, has been given to the Senate that the resolution (S. Res. 112) having to do with the censure of a colleague, would be made the pending business at 10 o'clock tomorrow. It was the intention of the leadership to go through with that resolution without any interruption whatsoever. However, circumstances have a way of catching up with mortals so that our words, reliable though we think they may be, do not always stand up under examination.

Therefore, Mr. President, I ask unanimous consent that on Wednesday next, at 4 o'clock, there be 2 hours of debate on the pending conference report.

Mr. RUSSELL. To be taken up at that time.

Mr. MANSFIELD. Yes, to be taken up at 4 o'clock on Wednesday next; that there be 2 hours of debate, the time to be equally divided between the distinguished senior Senator from Georgia, the chairman of the committee [Mr. Russell], and the distinguished senior Senator from Massachusetts [Mr. Kennedy], who has carried the burden to a considerable extent this afternoon; and that at not later than 6 o'clock there be a final vote on the conference report.

The PRESIDING OFFICER. Is there objection?

Mr. MILLER. Mr. President, reserving the right to object, will there be a voice vote or a rollcall vote?

Mr. MANSFIELD. I would assume it would be a rollcall vote.

Mr. RUSSELL. Mr. President, I would prefer it if we can get one on a matter of this importance, so the Senate can express its will.

Mr. MANSFIELD. Mr. President, if the Chair would inform me if there is a sufficient number of Senators in the Chamber now we could ask for the yeas and nays.

Mr. RUSSELL. Mr. President, I move for the yeas and nays now.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears no objection, and it is so ordered.

The agreement, subsequently reduced to writing, is as follows:

Unanimous-Consent Agreement

Ordered, That on Wednesday, June 14, 1967, at 4 p.m. the Senate proceed to the further consideration of the conference report on the bill (S. 1432) to amend the Universal Military Training and Service Act, and for other purposes, and that debate thereon be limited to 2 hours, to be equally divided and controlled by the Senator from Georgia [Mr. Russell] and the Senator from Massachusetts [Mr. Kennedy], and that the Senate proceed to vote on the adoption of the conference report not later than 6 p.m.

Mr. MANSFIELD. Mr. President, I wish to express my deepest thanks to the senior Senator from Georgia [Mr. Russell], the senior Senator from Oregon [Mr. Morse], the senior Senator from Massachusetts [Mr. Kennedy], and the Senator from Wisconsin [Mr. Nelson].

Mr. MORSE. Mr. President, I express my deepest thanks and appreciation to the senior Senator from Georgia.

Mr. RUSSELL. Mr. President, I must say that I hope this delay will give the distinguished Senators an opportunity to confer with all of those with whom they wish to confer, but that it will not enable them to persuade a majority of the Senate to defeat the authority for maintaining the personnel strength of our Armed Forces.

Mr. KENNEDY of Massachusetts. Mr. President, a few minutes ago, the distinguished Chairman of the Armed Services Committee and I had what I considered a fruitful colloquy on certain matters in the Conference Report on the Selective Service law. In that colloquy, I referred to the case of United States versus Seeger, and also to the difficulties I had in understanding the mechanics of the draft system proposed by the House Armed Services Committee.

I ask unanimous consent that there be printed at this point in the Record an excerpt from the Seeger case, as well as excerpt from a Department of Defense memorandum on the House selection system.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Excerpt From U.S. *v.* Seeger, 380 U.S. 163

BACKGROUND OF § 6(j)

Chief Justice Hughes, in his opinion in *United States* v. *Macintosh,* 283 U.S. 605 (1931), enunciated the rationale behind the long recognition of conscientious objection to participation in war accorded by Congress in our various conscription laws when he declared that "in the forum of conscience, duty to a moral power higher than the State has always been maintained." At 633 (dissenting opinion). In a similar vein Harlan Fiske Stone, later Chief Justice, drew from the Nation's past when he declared that "both morals and sound policy require that the state should not violate the conscience of the individual. All our history gives confirmation to the view that liberty of conscience has a moral and social value which makes it worthy of preservation at the hands of the state. So deep in its significance and vital, indeed, is it to the integrity of man's moral and spiritual nature that nothing short of the self-preservation of the state should warrant its violation; and it may well be questioned whether the state which preserves its life by a settled policy of violation of the conscience of the individual will not in fact ultimately lose it by the process." Stone, The Conscientious Objector, 21 Col. Univ. Q. 253, 269 (1919).

Governmental recognition of the moral dilemma posed for persons of certain religious faiths by the call to arms came early in the history of this country. Various methods of ameliorating their difficulty were adopted by the Colonies, and were later perpetuated in state statutes and constitutions. Thus by the time of the Civil War there existed a state pattern of exempting conscientious objectors on religious grounds. In the Federal Militia Act of 1862 control of conscription was left primarily in the States. However, General Order No. 99, issued by the Adjutant General pursuant to that Act, provided for striking from the conscription list those who were exempted by the States; it also established a commutation or substitution system fashioned from earlier state enactments. With the Federal Conscription Act of 1863, which enacted the commutation and substitution provisions of General Order No. 99, the Federal Government occupied the field entirely, and in the 1864 Draft Act, 13 Stat. 9, it extended exemptions to those conscientious objectors who were members of religious denominations opposed to the bearing of arms and who were prohibited from doing so by the articles of faith of their denominations. Selective Service System Monograph No. 11, Conscientious Objection 40–41 (1950). In that same year the Confederacy exempted certain pacifist sects from military duty. *Id.,* at 46.

The need for conscription did not again arise until World War I. The Draft Act of 1917, 40 Stat. 76, 78, afforded exemptions to conscientious objectors who were affiliated with a "well-recognized religious sect or organization [then] organized and existing and whose existing creed or principles [forbade] its members to participate in war in any form . . . ." The Act required that all persons be inducted into the armed services, but allowed the conscientious objectors to perform noncombatant service in capacities designated by the President of the United States. Although the 1917 Act excused religious objectors only, in December 1917, the Secretary of War instructed that "personal scruples against war" be considered as constituting "conscientious objection." Selective Service System Monograph No. 11, Conscientious Objection 54–55 (1950). This Act, including its conscientious objector provisions, was upheld against constitutional attack in the *Selective Draft Law Cases,* 245 U.S. 366, 389–390 (1918).

In adopting the 1940 Selective Training and Service Act Congress broadened the exemption afforded in the 1917 Act by making it unnecessary to belong to a pacifist religious sect if the claimant's own opposition to war was based on "religious training and belief." 54 Stat. 889. Those found to be within the exemption were not inducted into the armed services but were assigned to noncombatant service under the supervision of the Selective Service System. The Congress recognized that one might be religious without belonging to an organized church just as surely as minority members of a faith not opposed to war might through religious reading reach a conviction against participation in war. Congress Looks at the Conscientious Objector (National Service Board for Religious Objectors, 1943) 71, 79, 83, 87, 88, 89. Indeed, the consensus of the witnesses appearing before the congressional committees was that individual belief—rather than membership in a church or sect—determined the duties that God imposed upon a person in his everyday conduct; and that "there is a higher loyalty than loyalty to this country, loyalty to God." *Id.,* at 29–31. See also the proposals which were made to the House Military Affairs Committee but rejected. *Id.,* at 21–23, 82–83, 85. Thus, while shifting the test from membership in such a church to one's individual belief the Congress nevertheless continued its historic practice of excusing from armed service those who believed that they owned an obligation, superior to that due the state, of not participating in war in any form.

Between 1940 and 1948 two courts of appeals[1] held that the phrase "religious training and belief" did not include philosophical, social or political policy. Then in 1948 the Congress amended the language of the statute and declared that "religious training and belief" was to be defined as "an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but [not including] essentially political, sociological, or philosophical views or a merely personal moral code." The only significant mention of this change in the provision appears in the report of the Senate Armed Services Committee recommending adoption. It said simply this: "This section reenacts substantially the same provisions as were found in subsection 5(g) of the 1940 act. Exemption extends to anyone who, because of religious training and belief in his relation to a Supreme Being, is conscientiously opposed to combatant military service or to both combatant and noncombatant military service. (See *United States* v. *Berman* [sic], 156 F. (2d) 377, certiorari denied, 329 U.S. 795.)" S. Rep. No. 1268, 80th Cong., 2d Sess., 14.

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[1] See *United States* v. *Kauten,* 133 F. 2d 703 (C.A. 2d Cir. 1943); *Berman* v. *United States,* 156 F. 2d 377 (C.A. 9th Cir. 1946).

INTERPRETATION OF § 6(J)

1. The crux of the problem lies in the phrase "religious training and belief" which Congress has defined as "belief in a relation to a Supreme Being involving duties superior to those arising from any human relation." In assigning meaning to this statutory language we may narrow the inquiry by noting briefly those scruples expressly excepted from the definition. The section excludes those persons who, disavowing religious belief, decide on the basis of essentially political, sociological or economic considerations that war is wrong and that they will have no part of it. These judgments have historically been reserved for the Government, and in matters which can be said to fall within these areas the conviction of the individual has never been permitted to override that of the state. *United States* v. *Macintosh, supra* (dissenting opinion). The statute further excludes those whose opposition to war stems from a "merely personal moral code," a phrase to which we shall have occasion to turn later in discussing the application of § 6(j) to these cases. We also pause to take note of what is not involved in this litigation. No party claims to be an atheist or attacks the statute on this ground. The question is not, therefore, one between theistic and atheistic beliefs. We do not deal with or intimate any decision on that situation in these cases. Nor do the parties claim the monotheistic belief that there is but one God; what they claim (with the possible exception of Seeger who bases his position here not on factual but on purely constitutional grounds) is that they adhere to theism, which is the "Belief in the existence of a god or gods; . . . Belief in superhuman powers or spiritual agencies in one or many gods," as opposed to atheism.[2] Our question, therefore, is the narrow one: Does the term "Supreme Being" as used in § 6(j) mean the orthodox God or the broader concept of a power or being, or a faith, "to which all else is subordinate or upon which all else is ultimately dependent"? Webster's New International Dictionary (Second Edition). In considering this question we resolve it solely in relation to the language of § 6(j) and not otherwise.

2. Few would quarrel, we think, with the proposition that in no field of human endeavor has the tool of language proved so inadequate in the communication of ideas as it has in dealing with the fundamental questions of man's predicament in life, in death or in final judgment and retribution. This fact makes the task of discerning the intent of Congress in using the phrase "Supreme Being" a complex one. Nor is it made the easier by the richness and variety of spiritual life in our country. Over 250 sects inhabit our land. Some believe in a purely personal God, some in a supernatural deity; others think of religion as a way of life envisioning as its ultimate goal the day when all men can live together in perfect understanding and peace. There are those who think of God as the depth of our being; others, such as the Buddhists, strive for a state of lasting rest through self-denial and inner purification; in Hindu philosophy, the Supreme Being is the transcendental reality which is truth, knowledge and bliss. Even those religious groups which have traditionally opposed war in every form have splintered into various denominations: from 1940 to 1947 there were four denominations using the name "Friends," Selective Service System Monograph No. 11, Conscientious Objection 13 (1950); the "Church of the Brethren" was the official name of the oldest and largest church body of four denominations composed of those commonly called Brethren, *id.*, at 11; and the "Mennonite Church" was the largest of 17 denominations, including the Amish and Hutterites, grouped as "Mennonite bodies" in the 1936 report on the Census of Religious Bodies, *id.*, at 9. This vast panoply of beliefs reveals the magnitude of the problem which faced the Congress when it set about providing an exemption from armed service. It also emphasizes the care that Congress realized was necessary in the fashioning of an exemption which would be in keeping with its long-established policy of not picking and choosing among religious beliefs.

In spite of the elusive nature of the inquiry, we are not without certain guidelines. In amending the 1940 Act, Congress adopted almost intact the language of Chief Justice Hughes in *United States* v. *Macintosh, supra:*

"The essence of religion is belief in a relation to *God* involving duties superior to those arising from any human relation." At 633–634. (Emphasis supplied.)

By comparing the statutory definition with those words, however, it becomes readily apparent that the Congress deliberately broadened them by substituting the phrase "Supreme Being" for the appellation "God." And in so doing it is also significant that Congress did not elaborate on the form or nature of this higher authority which it chose to designate as "Supreme Being." By so refraining it must have had in mind the admonitions of the Chief Justice when he said in the same opinion that even the word "God" had myriad meanings for men of faith:

"[P]utting aside dogmas with their particular conceptions of deity, freedom of conscience itself implies respect for an innate conviction of paramount duty. The battle for religious liberty has been fought and won with respect to religious beliefs and practices, which are not in conflict with good order, upon the very ground of the supremacy of conscience within its proper field." At 634.

Moreover, the Senate Report on the bill specifically states that § 6(j) was intended to re-enact "substantially the same provisions as were found" in the 1940 Act. That statute, of course, refers to "religious training and belief" without more. Admittedly, all of the parties here purport to base their objection on religious belief. It appears, therefore, that we need only look to this clear statement of congressional intent as set out in the report. Under the 1940 Act it was necessary only to have a conviction based upon religious training and belief; we believe that is all that is required here. Within that phrase would come all sincere religious beliefs which are based upon a power or being, or upon a faith, to which all else is subordinate or upon which all else is ultimately dependent. The test might be stated in these words: A sincere and meaningful belief which occupies in the life of its possessor a place parallel to that filled by the God of those admittedly qualifying for the exemption comes within the statutory definition. This construction avoids imputing to Congress an intent to classify different religious beliefs, exempting some and excluding others, and is in accord with the well-established congressional policy of equal treatment for those whose opposition to service is grounded in their religious tenets.

3. The Government takes the position that since *Berman* v. *United States, supra,* was cited in the Senate Report on the 1948 Act, Congress must have desired to adopt the *Berman* interpretation of what constitutes "religious belief." Such a claim, however, will not bear scrutiny. First, we think it clear that an explicit statement of congressional intent deserves more weight than the parenthetical citation of a case which might stand for a number of things. Congress specifically stated that it intended to re-enact substantially the same provisions as were found in the 1940 Act. Moreover, the history of that Act reveals no evidence of a desire to restrict the concept of religious belief. On the contrary the Chairman of the House Military Affairs Committee which reported out the 1940 exemption provisions stated:

"We heard the conscientious objectors and all of their representatives that we could possibly hear, and, summing it all up, their whole objection to the bill, aside from their objection to compulsory military training, was based upon the right of conscientious objection and in most instances to the right of the ministerial students to continue in their studies, and we have provided ample protection for those classes and those groups." 86 Cong. Rec. 11368 (1940).

During the House debate on the bill, Mr. Faddis of Pennsylvania made the following statement:

"We have made provision to take care of conscientious objectors. I am sure the committee has had all the sympathy in the world with those who appeared claiming to have religious scruples against rendering military service in its various degrees. Some appeared who had conscientious scruples against handling lethal weapons, but who had no scruples against performing other duties which did not actually bring them into combat. Others appeared who claimed to have conscientious scruples against participating in any of the activities that would go along with the Army. The committee took all of these into consideration and has written a bill which, I believe, will take care of all the reasonable objections of this class of people." 86 Cong. Rec. 11418 (1940).

Thus the history of the Act belies the notion that it was to be restrictive in application and available only to those believing in a traditional God.

As far as we can find, there is not one word to mean a number of things. But we think that Congress' action in citing it must be construed in such a way as to make it consistent with its express statement that it meant substantially to re-enact the 1940 provision. As far as we can find, there is not one word to indicate congressional concern over any conflict between *Kauten* and *Berman*. Surely, if it thought that two clashing interpretations as to what amounted to "religious belief" had to be resolved, it would have said so somewhere in its deliberations. Thus, we think that rather than citing *Berman* for what it said "religious belief" was, Congress cited it for what it said "religious belief" was not. For both *Kauten* and *Berman* hold in common the conclusion that exemption must be denied to those whose beliefs are political, social or philosophical in nature, rather than religious. Both, in fact, denied exemption on that very ground. It seems more likely, therefore, that it was this point which led Congress to cite *Berman*. The first part of the § 6 (j) definition—belief in a relation to a Supreme Being—was indeed set out in *Berman*, with the exception that the court used the word "God" rather than "Supreme Being." However, as the Government recognizes, *Berman* took that language word for word from *Macintosh*. Far from requiring a conclusion contrary to the one we reach here, Chief Justice Hughes' opinion, as we have pointed out, supports our interpretation.

Admittedly, the second half of the statutory definition—the rejection of sociological and moral views—was taken directly from *Berman*. But, as we have noted, this same view was adhered to in *United States* v. *Kauten, supra*. Indeed the Selective Service System has stated its view of the cases' significance in these terms: "The *United States* v. *Kauten* and *Herman Berman* v. *United States cases* ruled that a valid conscientious objector claim to exemption must be based solely on 'religious training and belief' and not on philosophical, political, social, or other grounds . . . ." Selective Service System Monograph No. 11, Conscientious Objection 337 (1950). See *id.*, at 278. That the conclusions of the Selective Service System are not to be taken lightly is evidenced in this statement by Senator Gurney, Chairman of the Senate Armed Services Committee and sponsor of the Senate bill containing the present version of § 6(j):

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[2] See Webster's New International Dictionary (Second Edition); Webster's New Collegiate Dictionary (1949).

"The bill which is now pending follows the 1940 act, with very few technical amendments, worked out by those in Selective Service who had charge of the conscientious-objector problem during the war." 94 Cong. Rec. 7305 (1948).

Thus we conclude that in enacting § 6(j) Congress simply made explicit what the courts of appeals had correctly found implicit in the 1940 Act. Moreover, it is perfectly reasonable that Congress should have selected *Berman* for its citation, since this Court denied certiorari in that case, a circumstance not present in *Kauten*.

Section 6(j), then, is no more than a clarification of the 1940 provision involving only certain "technical amendments," to use the words of Senator Gurney. As such it continues the congressional policy of providing exemption from military service for those whose opposition is based on grounds that can fairly be said to be "religious."[3] To hold otherwise would not only fly in the face of Congress' entire action in the past; it would ignore the historic position of our country on this issue since its founding.

4. Moreover, we believe this construction embraces the ever-broadening understanding of the modern religious community. The eminent Protestant theologian, Dr. Paul Tillich, whose views the Government concedes would come within the statute, identifies God not as a projection "out there" or beyond the skies but as the ground of our very being. The Court of Appeals stated in No. 51 that Jakobson's views "parallel [those of] this eminent theologian rather strikingly." 325 F. 2d, at 415–416. In his book, Systematic Theology, Dr. Tillich says:

"I have written of the God above the God of theism . . . . In such a state [of self-affirmation] the God of both religious and theological language disappears. But something remains, namely, the seriousness of that doubt in which meaning within meaninglessness is affirmed. The source of this affirmation of meaning within meaninglessness, of certitude within doubt, is not the God of traditional theism but the 'God above God,' the power of being, which works through those who have no name for it, not even the name God." II Systematic Theology 12 (1957).

Another eminent cleric, the Bishop of Woolwich, John A. T. Robinson, in his book, Honest To God (1963), states:

"The Bible speaks of a God 'up there.' No doubt its picture of a three-decker universe, of 'the heaven above, the earth beneath and the waters under the earth,' was once taken quite literally. . . ." At 11. "[Later] *in place of a God who is literally or physically 'up there' we have accepted, as part of our mental furniture, a God who is spiritually or metaphysically 'out there.'* . . . But now it seems there is no room for him, not merely in the inn, but in the entire universe: for there are no vacant places left. In reality, of course, our new view of the universe has made not the slightest difference. . . ." At 13–14.

"But the idea of a God spiritually or metaphysically 'out there' dies very much harder. Indeed, most people would be seriously disturbed by the thought that it should need to die at all. For it *is* their God, and they have nothing to put in its place. . . . Every one of us lives with some mental picture of a God 'out there,' a God who 'exists' above and beyond the world he made, a God 'to' whom we pray and to whom we 'go' when we die." At 14.

"But the signs are that we are reaching the point at which the whole conception of a God 'out there,' which has served us so well since the collapse of the three-decker universe, is itself becoming more of a hindrance than a help." At 15–16. (Emphasis in original.)

The Schema of the recent Ecumenical Council included a most significant declaration on religion:[4]

"The community of all peoples is one. One is their origin, for God made the entire human race live on all the face of the earth. One, too, is their ultimate end, God. Men expect from the various religions answers to the riddles of the human condition: What is man? What is the meaning and purpose of our lives? What is the moral good and what is sin? What are death, judgment, and retribution after death?

"Ever since primordial days, numerous peoples have had a certain perception of that hidden power which hovers over the course of things and over the events that make up the lives of men; some have even come to know of a Supreme Being and Father. Religions in an advanced culture have been able to use more refined concepts and a more developed language in their struggle for an answer to man's religious questions.

"Nothing that is true and holy in these religious is scorned by the Catholic Church. Ceaselessly the Church proclaims Christ, 'the Way, the Truth, and the Life,' in whom God reconciled all things to Himself. The Church regards with sincere reverence those ways of action and of life, precepts and teachings which, although they differ from the ones she sets forth, reflect nonetheless a ray of that Truth which enlightens all men."

Dr. David Saville Muzzey, a leader in the Ethical Culture Movement, states in his book, Ethics As a Religion (1951), that "[e]verybody except the avowed atheists (and they are comparatively few) believes in some kind of God," and that "The proper question to ask, therefore, is not the futile one, Do you believe in God? but rather, What *kind* of God do you believe in?" *Id.*, at 86–87. Dr. Muzzey attempts to answer that question:

"Instead of positing a personal God, whose existence man can neither prove nor disprove, the ethical concept is founded on human experience. It is anthropocentric, not theocentric. Religion, for all the various definitions that have been given of it, must surely mean the devotion of man to the highest ideal that he can conceive. And that ideal is a community of spirits in which the latent moral potentialities of men shall have been elicited by their reciprocal endeavors to cultivate the best in their fellow men. What ultimate reality is we do not know; but we have the faith that it expresses itself in the human world as the power which inspires in men moral purpose." At 95.

"Thus the 'God' that we love is not the figure on the great white throne, but the perfect pattern, envisioned by faith, of humanity as it should be, purged of the evil elements which retard its progress toward 'the knowledge, love and practice of the right.' " At 98.

These are but a few of the views that comprise the broad spectrum of religious beliefs found among us. But they demonstrate very clearly the diverse manners in which beliefs, equally paramount in the lives of their possessors, may be articulated. They further reveal the difficulties inherent in placing too narrow a construction on the provisions of § 6(j) and thereby lend conclusive support to the construction which we today find that Congress intended.

5. We recognize the difficulties that have always faced the trier of fact in these cases. We hope that the test that we lay down proves less onerous. The examiner is furnished a standard that permits consideration of criteria with which he has had considerable experience. While the applicant's words may differ, the test is simple of application. It is essentially an objective one, namely, does the claimed belief occupy the same place in the life of the objector as an orthodox belief in God holds in the life of one clearly qualified for exemption?

Moreover, it must be remembered that in resolving these exemption problems one deals with the beliefs of different individuals who will articulate them in a multitude of ways. In such an intensely personal area, of course, the claim of the registrant that his belief is an essential part of a religious faith must be given great weight. Recognition of this was implicit in this language, cited by the *Berman* court from *State* v. *Amana Society*, 132 Iowa 304, 109 N. W. 894 (1906):

"Surely a scheme of life designed to obviate [man's inhumanity to man], and by removing temptations, and all the allurements of ambition and avarice, to nurture the virtues of unselfishness, patience, love, and service, ought not to be denounced as not pertaining to religion *when its devotees regard it as an essential tenet of their religious faith.*" 132 Iowa, at 315, 109 N. W., at 898, cited in *Berman* v. *United States*, 156 F. 2d 377, 381. (Emphasis by the Court of Appeals.)

The validity of what he believes cannot be questioned. Some theologians, and indeed some examiners, might be tempted to question the existence of the registrant's "Supreme Being" or the truth of his concepts. But these are inquiries foreclosed to Government. As Mr. Justice Douglas stated in *United States* v. *Ballard*, 322 U.S. 78, 86 (1944): "Men may believe what they cannot prove. They may not be put to the proof of their religious doctrines or beliefs. Religious experiences which are as real as life to some may be incomprehensible to others." Local boards and courts in this sense are not free to reject beliefs because they consider them "incomprehensible." Their task is to decide whether the beliefs professed by a registrant are sincerely held and whether they are, in his own scheme of things, religious.

But we hasten to emphasize that while the "truth" of a belief is not open to question, there remains the significant question whether it is "truly held." This is the threshold question of sincerity which must be resolved in every case. It is, of course, a question of fact—a prime consideration to the validity of every claim for exemption as a conscientious objector. The Act provides a comprehensive scheme for assisting the Appeal Boards in making this determination, placing at their service the facilities of the Department of Justice, including the Federal Bureau of Investigation and hearing officers. Finally, we would point out that in

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[3] A definition of "religious training and belief" identical to that in § 6(j) is found in § 337 of the Immigration and Nationality Act, 66 Stat. 258, 8 U.S.C. § 1448(a) (1958 ed.). It is noteworthy that in connection with this Act, the Senate Special Subcommittee to Investigate Immigration and Naturalization stated: "The subcommittee realizes and respects the fact that the question of whether or not a person must bear arms in defense of his country may be one which invades the province of religion and personal conscience." Thus, it recommended that an alien not be required to vow to bear arms when he asserted "his opposition to participation in war in any form because of his personal training and belief." S. Rep. No. 1515, 81st Cong., 2d Sess., 742, 746.

[4] Draft declaration on the Church's relations with non-Christians, Council Daybook, Vatican II, 3d Sess., p. 282, N.C.W.C., Washington, D.C., 1965.

Estep v. *United States*, 327 U.S. 114 (1946), this Court held that: "The provision making the decisions of the local boards 'final' means to us that Congress chose not to give administrative action under this Act the customary scope of judicial review which obtains under other statutes. It means that the courts are not to weigh the evidence to determine whether the classification made by the local boards was justified. The decisions of the local boards made in conformity with the regulations are final even though they may be erroneous. The question of jurisdiction of the local board is reached only if there is no basis in fact for the classification which it gave the registrant." At 122-123.

EXCERPT FROM DEPARTMENT OF DEFENSE MEMORANDUM

The House report supports the recommendation contained in the President's Message to revise the order of call so as to concentrate prime draft liability in a younger age class. The report also recognizes that "our Armed Forces are likely to need only from half to one-third of them . . . And of these, only a portion must be selected for nonvoluntary military service." It is this fact—i.e. a far larger number of men available than needed—which will necessitate a basic change in the previously established induction procedure. Such a change will be essential to assure greater equity in selecting those who must serve involuntarily when only a few must be chosen.

The House Report states that the present oldest-first sequence "has worked effectively and impartially for more than 26 years" and, for this reason, indicates a reluctance to depart from this procedure. It must be emphasized that the oldest-first sequence was designed to meet a totally different draft selection situation than that which is now anticipated by the Administration, the Senate and the House. This sequence was designed to select men from a broad age group, ages 19 to 26, under conditions which meant that most qualified men could expect to be called into service at some time before completing their prime period of service vulnerability. This was true for two reasons. One was the much smaller number of men reaching age 19 each year during the 1950's—only about half as many as those who will attain this age, each year, in the next decade. The second reason is that very liberal deferment procedures were progressively adopted to "select men out" of the Class I-A category. In the future by adopting the young-age class approach, and much tighter rules governing student deferments, neither of these reasons will be present; and a very high proportion of men will not be called.

Furthermore, the oldest-man first procedure has never actually functioned as a method of determining who will be called and who will not be called from a *specific* age group. (For example, even in 1963, when the median age of induction approached age 24, only 40 Class I-A registrants were still in Class I-A in the month preceding their 26th birthday.) Yet, as noted in the House report, this is precisely the selection problem which will be posed upon implementation of the young-age class system, in conjunction with other revisions in deferment policies supported by the Senate and House reports.

The oldest-man first procedure cannot impartially select among men in a given young age class, who are equally qualified and available for service. As pointed out in DOD testimony, this procedure will inevitably result in concentrating draft calls disproportionately among men born in certain months of a year, or in certain days of a month. The monthly variation in the proportion of draft available men needed, among those approaching their 20th birthday, is shown in the following illustration based on a post-Vietnam force assumption:

Draft availables called

	Percent
January	9
February	17
March	15
April	17
May	18
June	11
July	10
August	11
September	11
October	12
November	20
December	20

With such a predictable variation in draft vulnerability, the question is posed as to whether the Congress intends to require young men to be subjected to a system of draft selection which automatically penalizes some men more than others based on the date of their birth. This would be incompatible with the principle underlying the "fair and impartial random (FAIR)" selection system, outlined by the President, which is designed to assure that all qualified young men in a given age class have an equal chance of being selected for service in a fair and impartial manner.

The House provision could delay needed improvements in the draft system for many months, with the possibility that the proposed changes might be completely cancelled with no practicable alternative being offered by the Congress at the end of this long waiting period. It would also tend to prolong uncertainty as to the status of millions of draft-liable young men during this interim period.

In the light of the above and related considerations, it is strongly urged that the conferees adopt the Senate version and omit any statutory restrictions on Presidential authority to assure prompt and expeditious revision in administrative regulations affecting the order of induction process.

CONTEMPLATED MERGER OF CBS AND PROMINENT PUBLISHING FIRM

Mr. THURMOND. Mr. President, I am deeply disturbed by the announcement of the contemplated merger between the Columbia Broadcasting Corp. and the publishing firm of Holt, Rinehart & Winston. I understand that a referendum is to be held among the stockholders of both companies on June 29 to secure approval of the merger. At this time, I call upon those citizens of South Carolina and of our country generally who are stockholders of either company to reject this plan. There are questions involved in this merger which go beyond those of mere business interest. They are questions which relate to the freedom of the press and to the liberty of this Nation.

I am not interested in the economic advantages or disadvantages which will fall to the stockholders because of this merger. I have no business interest in either company, their affiliates, or their competitors. My sole intention is to call notice to the overriding effects which this merger will cause to the public interest.

I believe that the merger of these two companies could best be called a "perpendicular merger." I use the term "perpendicular merger" because the usual terms that are applied to mergers—vertical, horizontal, and conglomerate—do not somehow seem to be descriptive enough. If any of the three existing terms were to be applied, probably it would be "conglomerate." The pending merger is in reality more than just a conglomerate, however, because there is a basic unity of direction arising out of a common purpose. That common purpose is that they are both engaged in the business of disseminating information and contributing to the formulation of ideas and opinions, and are therefore closely alined in their overall purposes.

I believe that it is dangerous to the cause of free speech for any single corporation or body, public or private, to acquire a monopoly or a decisive share of the national media. I make this criticism without regard to the content of any material which may or may not be disseminated by such a supercorporation in the information business. Just as Americans have always believed that economic power in the market should be limited by free competition, so too they have believed in the necessity for the free competition of ideas. In fact, since ideas are both illusive and powerful, such free competition is especially important to a free society.

The history of the United States discloses public and official opposition to so-called horizontal mergers, where companies making similar products seek to dominate the market by unfair competition. In recent years, we have seen the development of "vertical mergers," where mergers of dissimilar companies bring about efficient economic units at all levels of operation. I am not at the present directing my criticism toward mergers as such of any of the usual types.

But in the area of ideas, a merger has a different force. If the ability to manipulate ideas in various media falls under a single management, then the vital ideological competition necessary to freedom will be impaired. No man or group of men should have dominant control of all media. Even though we have large corporations today that are very powerful in a single medium, the fact remains that opportunity for opposition is still possible through other independent media.

Nothing I say here today is intended as direct criticism of the policies of CBS or of Holt, Rinehart & Winston. I am speaking only of the inherent potential of large combinations of power. CBS has already grown to capture a large section of the leisure-time activities of Americans. CBS today includes a radio network, a TV network, seven AM and seven FM radio stations, and five TV stations, a large record company, including a record club, and a baseball team. In the past, CBS has invested in Broadway productions and has lately announced it will produce feature-length theatrical films. Such growth is, in a way, a mark of successful management, and constitutes no threat to freedom.

At the same time, we must also remember that radio and TV are today the most powerful media for political manipulation and social control. Even today we hear constant criticism of news management, being practiced both by Government and by private news corporations. Such criticism will undoubtedly increase if the dangers inherent in radio and TV are magnified by the combination of control over a major trade and textbook publishing house. Holt, Rinehart & Winston today has over 2,800 textbooks and related materials in print. When a single idea or social concept can be reinforced from all sides, from children on up through voting age adults and senior citizens, then free and intelligent choice is thereby diminished.

I want to repeat that I am not today criticizing the editorial policies of CBS or of Holt, Rinehart & Winston. I am referring only to the danger to a free society of large combinations of power over ideas. Whether such power is publicly held or privately held makes no difference. Power responsibly held today may be irresponsibly misused tomorrow. No one can foresee the future, or prophesy as to the character of tomorrow's leaders. For the good of this Nation, therefore, I call upon the stockholders of CBS and Holt, Rinehart & Winston to look beyond business interests and consider the larger interest of themselves as free citizens, and of every citizen of the United States.

PERSPECTIVE OF CHANGE—COMMENCEMENT ADDRESS BY SENATOR McGEE

Mr. SPARKMAN. Mr. President, on June 4, 1967, the distinguished Senator from Wyoming [Mr. McGEE] delivered the commencement address at the graduation exercises at the American University.

The Senator from Wyoming made a very interesting, informative, and thought-provoking speech.

I ask unanimous consent that the address may be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PERSPECTIVE OF CHANGE

(Commencement address by the Honorable GALE McGEE, U.S. Senator, at American University, Washington, D.C., June 4, 1967)

That our generation is living in the midst of great change is a commonplace observation. That the changes are more frustrating and more violent is what sets these times apart from other eras. Change at most any time is chaotic. But never has there been a time when the chaos of change so completely dominated our every thought or deed or so overshadowed the vision of the future.

The impact of the revolutions of our time has been intensified, moreover, by instant communications. Because of the breakthroughs in technology, we all quite literally hang breathlessly on the brink of each day's crisis. In Vietnam for the first time in our history we are watching a war waged on a TV screen; nightly we see blood spilled on the living room rug. It is a part of the nature of news and news reporting that the sensational and the violent make the front page, while the significant and substantive are relegated to the back page, if anywhere at all.

The first casualty of instant communications is what I choose to call the Perspective of Change. The test of the educated man and woman is the widening of horizons. Yet this laudable goal of education to broaden one's view of life and the world around us is assaulted daily—even hourly—by the phenomena of instant news on TV and radio. We are threatened with drowning amid a torrent of details spilling out of daily crises—so much so that we lose the "big picture." *Therefore, the challenge to the college graduate of 1967 is to rise above the chaos of instant change and become grounded in the substance of the perspective of those changes.*

We are so caught up in what General Ky says, what the Buddhists demand, the plight of the voiceless peasants in the countryside, or in the brutality of a war that is reported only on one side—incident by bloody incident—that we lose sight of the much larger scene. Someone has estimated that well over a billion words have already been written about the struggle in Vietnam, and more than a million pictures have been taken. These simple statistics illustrate the plight of the average citizen who is swamped by the massiveness of communications. Yet, of those billions of words and the millions of pictures, barely a handful will some day survive as history. Those which do survive will record the deeper implications of today's crisis in Eastern Asia. Therefore, in the remarks which follow I propose to try to reduce the violence of the present to the single page or two of a history book which it will some day fill, and to suggest some of the more enduring elements of current change—it is an attempt to recast the tensions and frustrations of the present in the perspective of our time.

Since the end of the last great war in 1945, the United States has pursued one central policy and that is that no one power should be permitted to dominate either Europe or Asia. The conviction that a policy with that as its goal is a proper one stems in large part from our national experiences in the 1930's when we stood by while Germany and Japan sought to achieve a position of dominance in their respective parts of the world. The price of appeasing Hitler with somebody else's real estate or of appeasing Tojo's quest for Japanese supremacy in Asia was not one world war *but two*, waged simultaneously in the Atlantic and the Pacific.

In the hindsight of history it is difficult to avoid the conclusions that if Japan had been stopped in Manchuria in 1931 it would have made a difference in the future of the Far East. Or that if Hitler had been stopped at the Rhine in 1936 it might have averted the war in Europe. Obviously we cannot be absolute in these post mortem judgments. Nor can we be certain that what happened in the 1930's offers the wisest guidelines for the 1960's. But we do have to make an educated guess about what to do, and we have to take calculated risks.

In making these guesses and taking the uncertain chances, we are constantly confronted by a new and up-dated breed of isolationists of 1967. These are not the old isolationists of the 1930's by any means, for the "American-firsters" have now become the "European-firsters." And within the last few days they have begun to boast about extending their own defense perimeter even to the Middle East, but not further. What they fail to realize, however, is that they are only just barely catching up with World War II and 25 years late at that. In doing so they still miss the point of change of their own time—today. For change has already carried the center and the focus of even their future far from Versailles or the Hague or Vienna—all the way to the China Sea. However uncertain one may be about applying the isolationist parallels of the 1930's to the demands in Asia of the 1960's, we can be reasonably sure of one thing; and that is that aggressors can only be appeased at greater cost in both blood and treasure later on. There is never a better time or better place or lower price than the chance to stop aggression at its very beginning.

Already the policy of preventing the domination of Europe by any one nation has produced favorable results. Who would deny the new climate which prevails in Western Europe, not only among the nations there but even in East-West relations? In hindsight, some historians point to the Berlin airlift as the turning point. And it was the late Winston Churchill who remarked that, if the United States had failed to stand firmly in Berlin, Russia would be on the Atlantic Coast of Europe today.

But Berlin was only one of many testing grounds for the new equilibrium of the world. It was followed by the insertion of the American Fleet into the Straits of Formosa, by the stand along the 38th Parallel in Korea, by the missile crisis in Cuba, by the 17th Parallel in Vietnam, and currently by the Gulf of Aqaba. For they are but a part of the same, broad policy. What they say to us is that the world is round; that the curvature of the earth is neither less so nor more so in the Pacific than in the Atlantic—along the 17th Parallel or the Gaza Strip.

In Asia, to be sure, the outcome is not yet as clear cut as in Europe. The testing time still continues. While we cannot be positive that a policy which has worked so well in Europe will work equally as well in Asia, at least we should have learned from the 1930's how not to do it. How not to do it is to forfeit someone else's territory to the aggressive demands of another great power. It was a distinguished British historian, Arnold Toynbee, who reminded us that history repeats itself only when man makes the same mistakes over again.

There is more to guide us, however, than the negative experience with dictators in the 1930's. There is the positive record of gains which American policy has realized in the Far East. That policy of denying the domination of Asia to any one power was the why of Korea. It remains the why of the Seventh Fleet in the Straits of Formosa, or the why of American military assistance to India when she was threatened along her Tibetan frontier by the Chinese, or the why of the landing of the Marines in Thailand in 1961 during the crisis in Laos. In each of these instances the threat of a new aggression was met, the spreading of war was prevented, the resort to violence was thwarted. And as political historians single out Berlin as the turning point in Europe, so some of them now believe Korea will stand in history as the turning point in Asia. But the issue is not yet settled, for it is from this same piece of cloth that Vietnam is cut.

To understand Vietnam, it is necessary to understand that the issue is not Vietnam. Rather, it is the chance to achieve stability in all of Eastern Asia. What is happening along both sides of the 17th Parallel might well have happened instead in the Philippines, or in Thailand, or Burma. It just happened to happen in Vietnam.

The American decision to stand in Southeast Asia, moreover, has already made a difference. This can be measured in several ways.

First, the spread of national liberation fronts from either Peking, where they were first described by Chairman Mao, or from Hanoi, where their cadres were first trained, has been stopped. It was not many months ago that the National Liberation Front not only was spreading out its controls in South Vietnam, but also into the five northeastern provinces of Thailand and into the northern provinces of Burma. What's more, there remained in Eastern Laos, in direct violation of the negotiated truce of 1962, several thousands of Hanoi-trained fighters. And even Prince Sihanouk in Cambodia belatedly imagines that he sees some of the same types within his border. The national liberation front movement seemed indeed to be what Mao called it, "the wave of the future."

Nor is it without point that the late President Kennedy saw this clearly. In an interview two months before his death, the President was asked if he believed in the "domino theory." His reply was, "I believe it. I think that the struggle is close enough. China is so large, looms so high just beyond the frontiers, that if South Vietnam went, it would not only give them an improved geographic position for a guerrilla assault on Malaya, but would also give the impression that the future of Southeast Asia belongs to China."

Because of the American stand in Vietnam, however, these thrusts into surrounding areas have gone nowhere. In fact, they are withering on the vine. As a result, our presence has already made a difference to the small countries in Southeast Asia. Of this difference, Mr. Thanat Khoman, the Foreign Minister of Thailand, has said, "If the Americans succeed in Vietnam, there will be no second Vietnam, no third Vietnam."

A second consequence of the American presence in Southeast Asia has been a complete change in the state of mind in that part of the world. I have just returned from a study trip to the countries on the rim of China. Among them, the new mood is one that says of the American presence in Southeast Asia, "We know why you're there; and if you leave, we're in trouble." The Premier of Singapore has put it more bluntly. He says, "Without you, we're finished." This 180-degree shift of opinion in Eastern Asia stands in sharp contrast to what many of those same leaders were saying four years earlier when I was also there. President Marcos of the Philippines explains the change of mind in simple language.

He says that, until 1965, the governments of the Far East did not know whether they could count on the United States for help. Because the Americans have chosen to stand tall in Vietnam, the neighboring areas now have the confidence to rally their own efforts behind the protective line represented by the United States.

Only last week the Prime Minister of Malaysia reminded us that the only hope of his people against the aggressive tendencies of Mainland China is the help of the United States. Even the so-called neutralists in Cambodia and Burma have begun to shift. And in Indonesia, the political leaders are candid enough to say that their civil struggle of two years ago between the Communist-directed PKI and the rest of the country came out as it did because the Americans were in Vietnam. "Your presence there," one Indonesian told me, "inspired confidence among tens of thousands of our people to take a chance on resisting the Communist leadership of the PKI and President Sukarno."

A third consequence of the American presence has been to encourage a new spirit of regional co-operation among the Asians themselves. Inspired by a Burmese, an Asian Development Bank is underway. The Mekong Basin Commission is now active. The Asian Pacific Council has been formed. The Association of Southeast Asia is in business. The Asian Conference on Education is a going concern. The Conference on Asian Economic Development is at work. Until recent months, most of these collective efforts were just dreams and hopes waiting for the chance which stability some day might give them. Because of the American presence, they are now underway. As Prime Minister Harold Holt of Australia has noted, "Economic cooperation now is laying the groundwork for the future of Eastern Asia."

It takes no stretch of the imagination to believe that, if the Americans were to withdraw from that part of the world now, these efforts would collapse. The point is that the Asians ask only for time and a chance to manage their own affairs. We are winning for them that time by holding a firm line behind which order and stability and maturity can emerge.

As Premier Lee Yew of Singapore noted recently, "Because of the stand of the United States in Vietnam, East Asia is nearer to stability today than at any other time in this Century."

These new developments, then, represent the Perspective of Change in Eastern Asia. They stand in stark contrast to the daily newscasts and to the multiple details which record the ebb and flow of the tides of battle in Vietnam. Some day in the hindsight of history they will loom far larger than the chaotic minutia that currently dominate our daily exposures. In short, they constitute the stuff of which the history of our time is being made and from which some day it will be written.

This brings us back, then, to where we started—separating the chaos of change from the perspective of change. It remains a part of what the orators call the waging of peace. And it serves to remind us constantly that war itself does not win peace, but only wins the chance to make a lasting peace. This is the important difference.

While still Ambassador to the United Nations, the late Adlai Stevenson observed that, before we can achieve real peace, we have first to achieve international stability in order to make it possible. This would require, he went on to explain, the drawing of a fine line between the rival centers of political power so as to stabilize their relationships. Only upon such a balance as this, Stevenson concluded, could we hope to build a better and stronger United Nations, to achieve meaningful nuclear disarmament, or realize sweeping economic development in backward areas.

Today, more than twenty years after the last World War, we are coming hopefully close to the stability of which Stevenson spoke. This in itself represents that chance for which the hot wars of the 1940's and the so-called cold and limited wars of the 1950's and 1960's have indeed been waged. The price we have already paid for that chance ought to haunt us every night. What we do with that chance will determine the course of the history of our time.

TRIBUTE TO REPRESENTATIVE VIGORITO

Mr. CLARK. Mr. President, one of the most able Representatives is Representative Joseph P. Vigorito, from the Commonwealth of Pennsylvania.

Representative Vigorito represents the Erie, Crawford, and Mercer County district in the northwest part of Pennsylvania. That district is strongly opposed to the construction of the Ohio-Lake Erie Canal.

In his efforts to oppose the authorization of that project, Representative Vigorito has run into some flak from more senior Members of the House.

I commend Representative Vigorito for his courage in standing up for what his constituents desire so much.

Mr. President, I ask unanimous consent that the lead editorial in the Erie Daily Times of May 23, 1967, may be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Vigorito Versus Kirwan

"When completed, it will be more than twice as long as the Panama Canal. It will force at least 1500 families from their homes and permanently flood nearly 90,000 acres of lush farmland and unspoiled countryside. It will cost taxpayers more than seven times as much as the St. Lawrence Seaway. Yet the fact is that leading Republicans and Democrats, as well as engineering experts, say it is absolutely not needed.

"What is it? It is the Lake Erie-Ohio River Canal, one of history's most brazen assaults on the U.S. Treasury . . ."

Another editorial against the Lake Erie canal? No, an explanatory article in the June edition of "Reader's Digest."

Written by William Schulz and entitled "Mike Kirwan's Big Ditch," the article is the kind of national attention-getter that is badly needed if the canal project is to be stopped.

Much of the material presented in the article is, of course, old hat to Erie residents, who have been hearing about the canal for a number of years now. But the facts have to be presented to voters in Maine, in Florida, in Minnesota and in California if the necessary votes to block Kirwan are to be found.

The article does give new evidence of the hostility Kirwan feels toward Rep. Joseph P. Vigorito, of Erie.

Schulz tells this story: "Recently I visited Congressman Kirwan in his richly carpeted office overlooking the Capitol: Leaning back in his leather chair, Kirwan conceded that he used his tremendous power to round up votes for the Lake Erie-Ohio River Canal. Did this mean, I asked, that those who supported the canal received 'special consideration' for their pet projects? 'Over the years,' Kirwan replied softly, 'we've developed a spirit of co-operation in this Congress. Speaker Rayburn used to tell the incoming members you 'go along to get along.' That's what Vigorito and some of these newcomers have got to learn."

Rep. Vigorito deserves credit for persisting in his anti-canal campaign, despite this attitude not only by Rep. Kirwan but undoubtedly by other senior members of the House as well.

EXHIBITION OF WORKS OF PENNSYLVANIA HOME STUDY ARTISTS

Mr. CLARK. Mr. President, it is a pleasure to tell you about an exhibit currently running in my office of works by Pennsylvania housewives, mothers, and grandmothers who are participating in a home study program that has them painting for pleasure and even profit.

For the next 6 weeks the reception room in my office will double as a gallery for a collection of 12 paintings by Pennsylvania women who are students of the Famous Artists Schools, of Westport, Conn. These Pennsylvania residents have taken up painting to their own personal enrichment and to the delight of their families, their friends, and their communities.

The faculty of the Famous Artists Schools includes internationally known artist, Syd Solomon, a native of Uniontown, Pa., who served as cohost with me at the opening of the exhibit on June 6. Mr. Solomon, who formerly taught at the Pittsburgh Art Institute, is represented in permanent collections in numerous museums and galleries, including the Philadelphia Museum of Art and the Guggenheim Museum in New York.

I invite my colleagues, many of whom wield a deft hand, not only in committee, but on canvas as well, and the members of their staffs to visit my office—361 Old Senate Office Building—to see an interesting and well-done collection of paintings which do justice to the creative energies of these talented women and to the Pennsylvania countryside which in many cases inspired them.

For the information of the Senate, I ask unanimous consent to have appended to these remarks a list of the paintings and of the Pennsylvania residents whose works I am proud to display.

There being no objection, the list was ordered to be printed in the Record, as follows:

Mrs. Aileen Berg, Veterans Hospital, University Drive, Pittsburgh—"Maple Sugar Camp"

Mrs. Eris M. Dodd, Route #3, Bedford—"Cucumber Falls"

Mrs. Harriet Goff, 343½ Walnut Street, Johnstown—"Portrait of Mrs. Saylor"

Mrs. Joan Goswell, RD #1, Mars—"Man Seated"

Mrs. Frances E. Graff, 684 East Main Street, Bradford—"Still Life"

Mrs. Goldie Hettinger, Belle Alto Road, Sinking Spring—"Race Track"

Mrs. Howard W. Koepke, 326 Holiday Drive, Pittsburgh—"Beachouse Watercolor"

Mrs. Harold Mohn, 8 Washington Avenue, Myerstown—"Willows in Spring"

Mrs. J. Strohmeier, 707 Elmhurst, Bethlehem—"The Egg And I"

Mrs. Elizabeth H. Way, 134 Wyndmoor Road, Springfield—"Still Life"

Mrs. Gail Zippilli, 2 Harvard Drive, Media—"Morning in Nassau"

Mrs. Bertha B. Trumbore, Colebrookdale Village, Boyertown—"Schaffer Mill"

WISE WORDS FROM A GREAT DEMOCRAT

Mr. CLARK. Mr. President, Sam Rayburn used to say: "When a good Democrat talks—I listen."

This week in Harrisburg, Pa., a good Democrat talked—and a group of good Democrats heard some very sound advice.

Our esteemed Postmaster General Larry O'Brien told Pennsylvania Democrats that Democratic Party unity is the key to victory in 1968.

> Long before the opening gun of the 1968 campaign—

He declared—

> we should be ready to go, and able to go, and headed in the same direction.

But General O'Brien also candidly observed that a number of States reflect disunity in State and local Democratic organizations.

> Democratic disunity is the germ that produces Republican disease—

He said.

> If we want to be disease spreaders, that's one thing, but if we want to provide solutions to the problems our nation is facing, and avoid the disasters that are always the result of fighting among ourselves, then we must work together.

His point is well taken—not only for Democrats nationally, but for Democrats right here in Congress.

The administration's legislative programs face stiff Republican opposition. America needs these programs and the American people want them. And with Democratic leadership and Democratic unity we shall provide the needed legislation to insure the continued progress we have achieved during the past three and a half years.

We Democrats have a great President and a great program. Let us continue to support both.

I ask unanimous consent to insert into the Record, General O'Brien's inspired address.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Postmaster General Lawrence F. O'Brien at the Pennsylvania State Democratic Dinner, Farm Show Building, Harrisburg, Pa., June 6, 1967

Fellow Democrats, I am delighted to be with you here in Harrisburg tonight.

I have some very fond memories of this city. Over six years ago, some of you will remember, a young man from Massachusetts came to Harrisburg to ask your support in his bid to win the Presidency.

He took the political temperature here and found it to be warm and encouraging.

In fact, President Kennedy long remembered the reception that he received at the Zembo Mosque Temple. Later on, there were other great receptions in Chicago, New York and Los Angeles, and, after that, in Caracas and Berlin.

But before John F. Kennedy became President of the United States, Harrisburg turned out to see him and to listen to his message.

John Kennedy's message then was that this nation was not doing all it could, or all it should.

And today the very people who were holding America back in 1960 are hoping to regain control.

A few months ago they held a big pow-wow in Washington.

It was mighty interesting.

There they were, the underdogs, raising a million dollars at one dinner. Underdogs were chasing the fat cats all over the place.

The occasion was something of a fashion show.

The models were wearing their basic smiles—smiles that got slightly ragged around the edges as the evening progressed.

There was Richard Nixon wearing his reversible coat in his usual colors—red, white and blue.

There was Ronald Reagan, who came on stage and claimed that Sacramento was the biggest mess outside of Washington. He's having a hard time remembering that he's Governor now—and the messes in Sacramento belong to him. But when all you've got is one good script, it's hard to find another.

Incidentally, Barry Goldwater was invited to join the fashion show. But he was unable to, since he had lost his entire wardrobe back in November 1964.

And then there was the Governor of Michigan. You remember him. He's the one that Americanized the compact car. And his views since then have been truly in the mainline of Republican tradition: think small, and shift for yourself.

His positions on public issues remind me of a traffic sign I once saw. The sign warns: "Don't park on both sides of the street."

Governor Romney was trying his best to look sweet, since he says he is "courting" the Presidency. Well, I am happy to tell him, it's already engaged.

Several Republican speakers said they were sure the *next* President of the United States was in that room.

But they couldn't figure out who it was.

So, I'll inform them. He wasn't in that room. He was in another room, the Oval Room at 1600 Pennsylvania Avenue. And his name is Lyndon Baines Johnson.

If anything, the fashion show proved that the term "new Republicanism" is empty—just a couple of words that happened to get together.

I think we can count on the Republicans making a good many mistakes in the months to come—they always have.

But I think just as firmly that it would be a bigger mistake for Democrats to count too much on the opposition's errors.

We ourselves must produce, we ourselves must build. And we know from experience that when it comes to the creation of effective political machinery, nothing is more important than the leadership of State party organizations. You must be the builders of the foundation on which will rise a successful party and successful campaign.

The first step in that process of rebuilding is to look forward, not backward.

All of us could spend time and energy mulling over the events of last fall, gauging what we did and what we didn't do, and finding fault. We *could* spend the time, but it would be time wasted. The important consideration is not the past but the future. What do we do now? Where are we going? Are we mastering events, or are we being mastered *by* events?

I know that this forward look has been the strategy of the Democratic National Committee. I can assure you that its house is being put in good order.

But I would be less than candid if I did not say that my observations around the country in the last four months have given me deep concern. A number of States reflect disunity in State and local Democratic organizations.

A number of States in which Democratic candidates were less than successful seem also to have adopted the attitude that "it isn't our fault." They are saying, in effect, "If it wasn't for Vietnam, or the cost of living, or the floods, we would have won." Well, a lifetime in politics has taught me that such reasoning is nothing more than nonsense.

We all remember that Will Rogers once said, "I am not a member of any organized political party. I am a Democrat." That was good for a lot of laughs back in 1922—but let's not forget that the disunity that produced laughs back in those days, also produced an unbroken string of 12 years of Republican Presidents, Republican majorities in the 67th, 68th, 69th, 70th, 71st and 72nd Congresses, and, ultimately, such disasters as the Depression.

Democratic disunity is the germ that produces Republican disease. If we want to be disease spreaders, that's one thing, but if we want to provide solutions to the problems our nation is facing, and avoid the disasters that are always the result of fighting among ourselves, then we must work together.

Time is the primary requirement to carry out the responsibility of building. We have time now—and now is the time to use it. Many State organizations have no statewide election demands on their resources for well over a year. That period can be wasted through inaction, or it can be employed to recruit staff, to refine and extend voter registration, to prepare campaign material, to secure the finances you need, and, above all, to organize in a hard-hitting, effective way.

Long before the opening gun of the 1968 campaigns, we should be ready to go, and able to go, and headed in the same direction.

The other crucial task of any State and local organization that seeks to make a meaningful contribution is to educate.

Tell the people, again and again, about the issues.

One of the major issues is Vietnam. Now I suppose, having talked about party unity, you might have expected me to avoid talking about Vietnam. But not talking about it doesn't make it go away. The Republican policy on Vietnam seems to be shaping up. It is simple. It is clever. And it may prove difficult to beat. That policy is simply that they support our men in Vietnam, but that the Democratic party neither knows how to make war or to make peace. Hence, the argument runs, the leadership of this country must be placed in the calm, capable hands of men like Mr. Nixon who wins arguments in kitchens . . . if not in television debates.

How do we meet this argument? Well, for one thing we have got to respond by asking for specifics. Just how would these tired new faces go about winning the war or making peace? Barry Goldwater might import the Indian Rain Dance from Arizona, but it takes more than noises and gestures to win wars and to construct a durable peace. So, while the Republican argument is clever, its essential bankruptcy will be revealed clearly during the campaign.

However, it is not enough to counter Republican arguments. We must enunciate our own Democratic policy.

Recently 14 Democratic Senators, joined by 2 Republicans, took an action that can only be commended. All of these men had criticized our policy in Vietnam for one reason or another. Yet they issued a statement which President Johnson summed up as meaning, "Don't be misled, North Viet Nam." This position clearly stated that the signatories were ". . . steadfastly opposed to any unilateral withdrawal of American troops." In other words, they were against simple-minded solutions to difficult problems.

Here we see we can find unity, while still preserving our Democratic party tradition of freedom of dissent.

I think the essence of that argument is found in the Sermon on the Mount. As you recall, it says, "Blessed are the peacemakers." It doesn't say anything about *peacelovers*. We are all peacelovers. There's nothing special about a peacelover. But it takes considerable thought, energy, imagination, diplomacy, and, unfortunately, in the kind of world in which we live, sometimes force to be a peacemaker. The President is trying to make a peace in Southeast Asia that will last. He will not agree to a policy that has America making its first stand in the last ditch. He wants advice about making peace, but often he has merely been smothered by statements from peacelovers.

I think a Democratic Party that shows the country it is creative in the area of peacemaking, that is generating new ideas about peace, that is providing the President with useful, constructive advice, is showing the country a responsible party.

So, let's not stifle dissent by any means. We all want an honorable end to the conflict in Vietnam, and we all want any peace made there to be a lasting peace, not just a pause that will result in our fighting again, perhaps at greater cost and closer to our shores.

As for domestic issues, the President has given Congress one of the finest agendas of action in history.

He has placed renewed emphasis on raising the quality and availability of education, including the use of the greatest educational tool ever invented—television—to teach our children.

He has asked for a pilot program for free meals for preschool children.

He has asked for an anti-crime program that will reduce crime by removing the poverty in which it breeds, and will also give meaningful help to local police forces.

He has asked for protection of consumers, including truth-in-lending.

He has asked for an expansion of our effort to support mental health and combat mental retardation.

He has asked for new legislation for veterans.

He has asked for new action and renewed vigor in every area that challenges America today to assure continuity of progress in the future.

This is a program we can be proud of. We must tell the voters about it. We must describe what is being attempted, and what is being achieved. And if the Republicans blindly oppose, as they have so often, let's tell the voters about that too.

And I think it might be well to remind the people that such landmarks as Medicare and Federal assistance to primary and secondary schools were the result of action by *your* party, and *your* Administration, and *your* President, and *your* Democratic Congress.

Now I know that it is easy for me to come up here to Pennsylvania and talk about party unity.

And I am well aware of the danger of giving advice.

It's like the little boy who was asked to write a few lines about Socrates. He said, "Socrates was a wise man. He went around giving people advice. They poisoned him."

Free advice is dangerous to give and, too often, worth exactly what you pay for it.

So I am not going to attempt to give you advice—rather, I am going to give you a few examples of what unity really means.

I recall very clearly a windswept Boston Common in 1952—walking there with two young men.

One had decided to seek state-wide office in Massachusetts and his brother had determined that he would devote his full time and effort to assist him.

And I also remember the primary route in 1960. I recall particularly Wisconsin and West Virginia and the conversation I had the morning following that West Virginia primary with the defeated candidate.

I will never forget that morning.

That son of Minnesota, tired, bone tired, from weeks without sufficient sleep, disappointed, naturally.

And yet, at that moment he was not grimly hanging on to the disappointment of the past, to the dregs of hope drained. No! He was looking to the future. And so, calmly, firmly he pledged his support, his full vigor, his total commitment, to move our party forward.

My friends, I also recall a hotel room in Los Angeles in 1960.

I remember well a tall Texan coming into that room to meet and be greeted by his new leader.

And that Texan on that day said to our nominee, "You have my pledge.

"I will move heaven and earth to help achieve victory as a member of this ticket."

And I also recall a plane at Dallas.

On that plane with the body of our fallen leader—a man I had been intimately associated with for 14 years—I again listened to the words of that Texan, who explained carefully to me his constitutional responsibility, which he was fully prepared to accept, and pointed out that the world and the nation awaited this grim testing of our democratic form of government.

The key word was "continuity."

And he said to me, "I have a constitutional responsibility; you have none.

"But I ask you to stand shoulder to shoulder with me."

I have served two Presidents over these last six and a half years—in close association.

And I recall here so vividly these reminiscences I am sharing with you—that young man on windswept Boston Common, who served his brother, the President, with dedication to the end; that brave and courageous Democrat from Minnesota who travelled the highways and the byways of West Virginia and reacted as a true soldier at his moment of personal loss; and that tall Texan who travelled the long train route through the South in 1960 and who later assured continuity for this nation at a moment of crisis and great stress as the world waited with bated breath.

I say to you, my friends, that all three of these men—leaders of our party—indeed all of those who hold national position and whom we look to for guidance and for leadership—they will march shoulder to shoulder in 1968.

They will be together on the continuing upward path to an even greater America.

They will discharge their responsibilities together—their responsibilities to their party—their responsibilities to this nation.

They will, because they know the value of unity and the cost of disunity.

I submit to you, will you follow in their footsteps? Will you display courage and unity, and lead Pennsylvania to a better future? I feel I can find the answer in the brilliant progressive record of your past. I believe you will meet the challenge that confronts us. I believe you will be victorious here in Pennsylvania, that you will help assure four more years of progress in Washington. I am confident we can count on you and we all know the Nation will be the better for it.

NECESSITY FOR EXPANSION OF THE WAR AGAINST POVERTY

Mr. CLARK. Mr. President, it was with satisfaction that I read the call of the AFL–CIO for expansion of the war against poverty at the same time as we carry out the war against Communist expansion in Vietnam.

Andrew J. Biemiller, a former member of the House of Representatives, who is now the director of the department of legislation of the AFL–CIO, recently testified before the Employment, Manpower, and Poverty Subcommittee of the Senate Committee on Labor and Public Welfare. He insisted that this country must meet its commitment to the Nation's poor "even as we fulfill our commitments in Vietnam." Mr. Biemiller told the subcommittee that the AFL–CIO endorses the 1966 commission study which would establish a federally supported job-creating program to put the hard-core jobless to work in much-needed public service programs.

Because of the importance of our concurrent wars—the war against poverty at home and against aggression abroad—I believe everyone should have the opportunity to read and consider the AFL–CIO position. Mr. President, I therefore ask unanimous consent that Mr. Biemiller's testimony be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record as follows:

Mr. Chairman: The AFL-CIO appreciates this opportunity to appear before this Committee to present its views on the anti-poverty program. We commend the open-minded approach of this Subcommittee in its examination of the national effort at eradication of poverty.

When the AFL-CIO testified before this Subcommittee over two years ago we noted that the war on poverty would not be a new war for the American labor movement. Raising the standards of work and of life of all Americans has long been the primary concern of organized labor. The AFL-CIO is deeply committed, therefore, to the effort to make the war on poverty a success.

In less than three years since funds were first appropriated to implement the Economic Opportunity Act, Mr. Shriver, Director of the Office of Economic Opportunity, and his associates have brought imagination, enthusiasm and hard work to their task. A good beginning has made made. What is more, we are not dismayed by problems that inevitably have emerged. Mounting an all-out war on poverty is a difficult undertaking involving not only experimental and untried programs but also new and complex relationships among and between government at all levels and private groups.

Since the effort launched by O.E.O. is a pioneer undertaking, it is appropriate and necessary that its progress and problems be periodically reviewed by the Congress and that desirable changes in the Act and in administrative practices be made as experience dictates.

We must emphasize once again that the ultimate success of all O.E.O. undertakings—no matter how well launched and financed—is closely linked with the success of other efforts that also are a vital part of any all-out war on want. If poverty is to be reduced quickly and permanently, O.E.O. projects must be meshed with these other programs, particularly those that seek to provide jobs at decent pay for the millions of working poor and those that seek adequate income-maintenance payments for millions of other impoverished families without a member in the labor force.

While O.E.O. concentrates its major effort on education, counseling and job training—particularly in behalf of needy children and youth—and on a variety of other useful programs which seek to help break the poverty cycle, it must be remembered that more than half of America's poverty problem is directly related to the lack of enough jobs at decent pay. More than half of the poor families in the United States already have a member who is in the labor force; indeed, 30 per cent are headed by persons with full-time year-round employment. Millions of others are working on part-time jobs or are employed only a portion of the year. These are the "working poor" and their impoverishment is due mainly to low wages, under-employment or unemployment. The key to the solution of this major aspect of the poverty problem is essentially the creation of enough job opportunities, at decent pay, to meet the needs of all Americans willing and able to work.

While employment has been at a high level, yet over 3 million Americans still remain jobless. The unemployment rate for non-whites is almost 8 per cent—more than twice as high as the white rate—and the jobless rate for all teenagers is over 13 per cent. For non-white teenagers it is at the shocking figure of 25 per cent. The effort to ensure full employment must continue until it finally is achieved. Unemployment compensation benefit levels, duration and coverage must be substantially improved to provide adequate family protection whenever workers find themselves deprived of jobs. While the AFL–CIO considers the minimum wage legislation passed last year to be the greatest victory in the war on poverty to date, the Federal minimum wage must still be increased and F.L.S.A. coverage extended.

A meaningful attack on the causes of poverty also must deal effectively with the vital need for adequate income-maintenance when old age or the absence of a breadwinner destroy a family's ability to be self-supporting. According to recent studies of impoverishment among Americans, about 20 per cent of the poverty problem reflects the needs of the aged, most of whom are too old to work. In addition, among about 30 per-cent of our poor families the husband is disabled, dead or absent.

Even with the increase in Social Security benefits in 1965 and the enactment of Medicare, social security benefits are still far too low. If millions of Americans whose sole source of income is their Social Security check are to be raised above the proverty line, Social Security benefits will have to be raised substantially. Our public assistance programs now reach only a small fraction of the poor and help even that fraction inadequately. We must extend and improve our public welfare programs to help those who for one reason or another must resort to public welfare to maintain themselves and their families.

What is more, improved standards of health, of housing, and of general education, and the elimination of every vestige of racial prejudice are also essential parts of any meaningful war on want. As the AFL–CIO Executive Council pointed out in its Report to our Sixth Convention: "A successful campaign against poverty will automatically do more for America's Negroes than for the population as a whole, because they are such a disproportionate number of the nation's impoverished families; although Negroes are about 10 per cent of the population, they are some 20 per cent of the poor. But more than that, by taking the necessary measures to reduce poverty, America will create the environment that can make possible an early end to the ugly fact of discrimination in American life."

It is clear that much remains to be done. In our judgment, even as we fulfill commitments in Vietnam and elsewhere overseas, we can and must work much harder to end poverty here at home. The resources we are allocating toward the war on poverty are altogether inadequate in terms of both the need and of our capabilities.

The war on poverty has stirred the hopes and aspirations of the poor all over America. The bright promise of a better life has given hope to millions and already for thousands, indeed tens of thousands, this promise has become a reality.

For the millions who are still trapped in the mire of poverty this bright promise must not be allowed to be extinguished. These citizens who have found new hope must be encouraged to continue their efforts to build a better life for themselves.

Our government made a commitment to these people when it enacted the Economic Opportunity Legislation. This commitment must be kept. We must continue to expand this program so that it can in fact become the highroad out of poverty for millions of Americans. This is particularly true with respect to programs like the Neighborhood Youth Corps, the Job Corps and especially the Community Action Programs.

We feel strongly that federal assistance for work-training, community action and adult basic education programs should continue at a basic level of 90 per cent of program costs. While the level of support properly should be subject to reconsideration, the capacity of most states, communities and local private agencies—particularly in areas where the poor are most highly concentrated—is so limited that the present level of federal aid should be continued.

While funds available for various programs should not exceed amounts that can be realistically used, we were deeply disappointed that the fiscal 1967 O.E.O. appropriations fell short of the barely adequate $1.75 billion authorization. It is our hope that this Congress will better finance the war on poverty so that O.E.O. can operate at the level of maximum effectiveness. We urge Congress to grant O.E.O. a supplemental appropriation that will permit it to fund vitally needed programs that have currently been cut back due to the unavailability of funds.

I would like at this time to comment on some aspects of specific O.E.O. programs.

With regard to the Job Corps centers, we would question whether the training of enrollees is adequate in terms of the realities of today's job market. We would suggest that nationally recognized private groups including trade unions with many years of experience in manpower training for various skills be requested to assist in formulating and implementing such training programs. This procedure would not only have the advantage of improving the quality of training, but carry with it a further assurance of the enrollees being placed in more advanced training programs and/or jobs after the initial Job Corps training is completed. A commendable step in this direction is the sponsorship of a Job Corps Center at Jacob's Creek, Tennessee by the International Union of Operating Engineers.

The purpose of this Center is to train the Job Corpsmen to operate and maintain various types of heavy equipment.

The Neighborhood Youth Corps is another agency that we should look at. This program's special purpose—helping as many as possible of the more than 3 million young people aged 16–21 from impoverished homes to stay in school or to become usefully employed—is of vital importance both to the youngsters and to the nation. Young people in this age group now account for about one-third of the unemployed. Moreover, the response of needy young people to this program was immediate and has been sustained. In fact, we are advised that literally thousands of applicants cannot be serviced this year because of insufficient funds. In the face of the success of this program, in reaching young people from poor families—helping to keep them in school, discouraging dropouts from school, and helping to direct them towards work and socially useful activities, it should be substantially expanded over the next several years.

The Community Action Program has made possible a whole series of innovative and dramatic projects that have given the poor in hundreds of communities new hope for the future. Probably the most universally applauded CAP program is Head Start which has enabled several hundred thousand of the more than 3 million poor children from ages 3 to 5 to receive some educational, health and nutritional benefits that will lessen the likelihood of their ultimately becoming school dropouts or delinquents.

In addition to Head Start there are many extremely worthwhile projects that need to be widely implemented. These include health services in the home and in neighborhood centers; consumer counseling, family planning and legal services for the poor; remedial and tutorial services for underprivileged children; special projects for the aged poor, for rural areas and for Indian reservations.

If the war on poverty is to have substantial impact it is necessary to extend these and many other programs to the roughly 1100 Community Action agencies that are already in existence; to encourage additional communities to organize themselves to play a part in the war on poverty, to undertake new and experimental projects that hopefully may provide new insights in ways in which the poor may help themselves.

We view the Community Action Program as one of the essential vehicles for conducting the war on poverty in the local community. The community action agency is in a sense the heart of the war on poverty. It is the expression of the community's will to fight poverty in its precincts. It must be encouraged to innovate and experiment and to demonstrate the vitality of the anti-poverty effort in the local community. It should not be hobbled by inadequate funding or by arbitrary Congressional commitment of funds by earmarking.

With regard to the highly publicized controversies over the administration of the Community Action Programs in some communities, the AFL–CIO is neither surprised nor dismayed. From our own experience in state and local affairs, we know it is inevitable that occasionally there will be controversy as to which agencies—private or public—should receive funds and how much, and where the control of program will be lodged. Such conflict can be healthy and constructive in involving heretofore inactive segments of the community in determining policies and programs for local anti-poverty activity.

Congress gave a mandate to the war on poverty when it insisted upon maximum participation of the poor in helping to solve their own problems. The AFL–CIO is convinced of the wisdom of this mandate. In a democracy the people should have a say about what happens to them. We recognize that the introduction of new people, with new ideas—including representatives of minority groups—organized labor and the poor themselves—can create problems of acceptance, accommodation and adjustment. But no Community Action Agency can achieve its goals without the representation of these groups.

We are encouraged to note that, of about 92,000 citizens serving on the governing boards of Community Action Agencies and advisory councils over 42,000 or over 45% come from among the people being helped. Obviously, there has been substantial improvement in developing participation in OEO programs from among the poor. For this, the OEO deserves commendation.

Finally, as a major aspect of the war on want we urge the inauguration of a federally supported job-creating program that would put the hard-core unemployed to work providing needed public facilities and services.

We do not contemplate "make-work" jobs. America has a huge backlog of public service needs—in parks and playgrounds, in educational institutions, in hospitals, libraries and nursing homes, in highways, in public protection activities, in conservation projects and in other public and private non-profit undertakings. These jobs not only would benefit their holders, who even in prosperous times work only sporadically if at all; the services provided are ones for which society has a growing need, but that most state and local governments lack the means to pay for.

The program we endorse would add to total employment rather than displace any regular employees. Government and non-profit institutions would be required to demonstrate ability to use the available labor productively. The new employees would be integrated with the existing work force and regular standards of performance would be enforced. Wages would be at the Federal minimum and higher. Such a program, if supplemented by proper training and counseling could help to prepare these workers for regular employment.

This kind of job-creating program for the hard-core unemployed has been urged by many members of the Congress. It also conforms to the Public Service Employment program unanimously proposed by the National Commission on Technology, Automation and Economic Progress in its Report to the President last year. To implement this proposal the Commission—with all of its labor, management and public members in agreement—suggested the beginning of a five-year venture with an initial appropriation of, perhaps, $2 billion to ultimately provide 500,000 additional jobs.

Since the passage of the Economic Opportunity Act of 1964 the AFL–CIO has been engaged in a variety of programs and activities designed to make this legislation as effective as possible.

These efforts have generally fallen into two broad categories:

1. Encouraging more participation by AFL–CIO affiliates and/or representatives in every phase of the anti-poverty programs at the local, state and national level and

2. Monitoring poverty programs at every level to determine if they are fulfilling their intended purpose.

A liaison relationship has been developed with the National O.E.O. office through a Labor Advisory council as well as staff. Seventeen leaders of organized labor serve on the Labor Advisory Council whose chairman is David Sullivan, President of the Building Service Employees International Union. This Council advises the Director of O.E.O. with respect to matters of interest and concern to both labor and the O.E.O.

The national headquarters of AFL–CIO has encouraged the organization of meetings and conferences dealing with the war on poverty by its national and international unions and by state and local central bodies. In addition union summer schools, conferences, state labor conventions and national and international union conventions have included some phases of the war on poverty on their agendas. In many cities the AFL–CIO has supplied technical assistance, speakers and other help toward the development of local anti-poverty programs. We have produced three publications dealing specifically with the anti-poverty program. In addition, the poverty program has received strong support from the labor press. Almost without exception labor publications have carried interpretive articles, features and news stories in support of the entire anti-poverty effort. Several state and local affiliates have sponsored anti-poverty programs. One of the notable successes has been in the eleven-state Appalachian area. We have encouraged our state and particularly our local central bodies to participate actively in community anti-poverty programs and agencies. There are over 3,000 members of AFL–CIO unions serving on Community Action boards and agencies.

One result of the enthusiastic support given to the war on poverty has been the direct sponsorship of O.E.O. funded anti-poverty programs by AFL–CIO affiliates. While the AFL–CIO has generally based its participation in the anti-poverty effort on the concept of total community involvement, yet, when other initiative for necessary programs was not forthcoming, local, state or regional AFL–CIO affiliates came forward to get the job done. The following list is illustrative of a few of this type of program directly sponsored by labor organizations:

1. *Alameda County Central Labor Council, AFL–CIO,* completed a one year program of work experience training for an average of 250 youths in September, 1966; now has application pending for a three phase program of work experience, work training (with union craftsmen) and remedial education as it relates to their work for approximately 200 additional youths.

2. *AFL–CIO Appalachian Council*—is in the process of executing a contract with Job Corps from a nine-state region prior to June 30, 1967. The Council also has application pending to sponsor an eleven-state program to place 3,000 unemployed workers in On-the-Job training slots with union employers in a one-year period.

3. *Minneapolis Central Labor Union, AFL–CIO,* has just completed two six-week's training cycles of 40 each of VISTA volunteers.

4. *West Virginia Labor Federation, AFL–CIO,* is just completing a program of On-the-Job training for over 300 unemployed workers. This program was carried out with the full cooperation of employers under contract with AFL–CIO affiliated unions.

5. *Maine State Labor Council, AFL–CIO,* completed a training program for unemployed parents of ADC children in several counties, to train them for regular employment.

Today, as a result of the various anti-poverty programs in which the AFL–CIO has been involved, in large and small communities—in urban and semi-urban areas, AFL–CIO members are giving effective leadership in the war on poverty.

When President Johnson launched the war on poverty, he urged that it be waged unconditionally, "here and now." It is our own judgment that the funds committed for O.E.O. programs to date are inadequate, and are far less than the American people are willing to invest in achieving victory in this war.

If, for lack of financing, the forward thrust of this war is lost and the reasonable expectations of the poor are frustrated, incalculable harm will be done. We strongly urge that in the future the funds available for the war on poverty be more equal to the need.

We look forward to the findings and results of this Subcommittee's planned examination and evaluation of the anti-poverty program. Based on these findings we feel confident that the war on poverty can be escalated intelligently and effectively. We would hope that we would have the opportunity to meet again with the Subcommittee to discuss any specific legislative recommendations which you may propose.

THE POSTWAR STATUS IN THE MIDEAST

Mr. CLARK. Mr. President, one of the most astute commentators on national affairs today is Clayton Fritchey, formerly public relations adviser of Ambassador Adlai E. Stevenson at the United Nations.

In a most interesting column released on June 9, Mr. Fritchey talks about the importance of our thinking through the postwar status in the Middle East.

I believe his views are sound and deserve the consideration of all readers of the RECORD, including my colleagues.

I ask unanimous consent that this column may be printed at this point in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

(By Clayton Fritchey)

WASHINGTON.—As the world starts thinking about the post-war status of the Middle East, Israel is understandably and properly concerned over the danger of Nasser once again snatching political victory out of the jaws of military defeat, as he did so spectacularly in the wake of the 1956 fighting.

What is even more important, however, is for the U.S. and the other major powers to recognize that they, too, have an incalculable stake in establishing this time a real peace, and not merely a dubious armistice that simply invited another war.

In supporting the cease fire resolution in the Security Council this week, the Chinese delegate said, "There can be no victors." Be that as it may, there should be a victory for future peace—and that will not be served by a restoration of the conditions that precipitated this conflict.

It is hard to overestimate the world's stake in a more stabilized Middle East. If the U.S. and Russia had been drawn into these hostilities, as they might well have been, the consequences would have dwarfed the losses of the last few days. If we have a similar emergency in the future the outcome may be disastrously different.

The great powers and the UN, then, should keep this in mind when they start putting the pressure on Israel (as they undoubtedly will) for "concessions" in the name of peace. After 1956, the powers were so eager for any kind of a settlement that they put the defeated and discredited Nasser back in business with little to restrain him from further aggression against Israel.

While in Israel late last year, I found any number of officials who regretted that their country had not gone it alone against the U.A.R. in 1956, instead of with Britain and France, whose intervention brought in the U.S. and Russia on the side of Nasser. The officials I talked to felt that Israel would have won handily without help, that the war could have been localized (as it has been this time), and that more "realistic" and "durable" peace terms could have been established.

As it turned out, the shooting came to an end with Nasser still asserting he was in a continued state of war against Israel, still openly proclaiming his intention to destroy his neighbor, and, as a down payment, forcibly excluding Israel from the Suez Canal, despite the Israeli victory. And finally he capped this by blockading the Gulf of Aqaba, thereby strangling the Israeli port of Eilat.

It might be noted in passing that in determining the aggressor, there is not much need to argue over who fired the first shot this week, for Nasser had already insisted he was at war with Israel, and, in mining the Strait of Tiran, he had already committed an act of war.

The Indian ambassador to the UN said this week, "Aggressors should not be allowed to enjoy the fruits of aggression." We are going to hear more along the same line, but it might be more profitable to discuss peace on the basis of what is good for the world and the Middle East, even if that includes an apparent apple or two for Israel.

Surely peace would not be served by letting Nasser go on using Suez and Aqaba as weapons against Israel. Surely a constructive peace settlement must either give Israel some international guarantees against aggression or else permit it an improved defense posture.

Israel has not exploited its military victories for territorial gain per se. It wants to be let alone, to live in peace with its neighbors. Is that too much for the rest of the world to underwrite? If it is, then some consideration will have to be given to Israel's need to put itself in a less vulnerable military position.

It may be that Nasser will not recover from the present massive defeat; and it may be —indeed it is likely—that the unity of the Arab world, fragile at best, will be shattered for years to come, but the new peace settlement should try to remove the temptation of obliterating Israel, and if that can't be done, the future price of attempted obliteration should be made clearly prohibitive. This is certainly one case where what is good for Israel is good for the U.S. and the rest of the world.

FUNDING FOR MODEL CITIES AND RENT SUPPLEMENT PROGRAMS

Mr. CLARK. Mr. President, in his message on urban and rural poverty, President Johnson requested that Congress provide sufficient funding for the model cities and rent supplement programs.

Both of these programs are essential tools in our fight against urban blight and in our efforts to provide decent housing for low-income citizens.

The model cities program is designed to go into deteriorated neighborhoods with a concentrated range of Federal programs and local public and private programs to clear up the human and physical deficiencies of the area.

The purposes of the rent supplement program are twofold: First, it will provide low-income families with decent homes and thus give them the opportunity to escape the degradation of substandard housing. Second, it will stimulate construction of low-cost housing by private enterprise and nonprofit organizations.

Despite these obvious benefits, the House last week rejected the rent supplement program and drastically reduced funds for the model cities program.

After condemning this action, a Philadelphia Evening Bulletin editorial commented:

> It will be up to the Senate to restore some perspective to the domestic "war" front.

Mr. President, I could not agree more that the Senate must now take the responsibility for helping the people who are trapped in our slums and for whom the exits are limited. On numerous occasions Congress has endorsed the principle of decent housing for all Americans. Yet we have refused to sufficiently fund the programs to implement the principle of decent housing for all Americans.

It is my hope that the Senate will approach its responsibility in a reasoned manner and restore the funds for these two vital programs.

The editorial from the Philadelphia Evening Bulletin puts the issue in perspective. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Rents and Model Cities

The going gets rougher and rougher in Congress for the urban poor. First the cut in poverty war funds. Now the House, by a narrow margin, has authorized spending $237 million on the Model Cities program, but even that is only about one-third of what the Administration wanted. Then, with a resurgence of the Republican-Dixiecrat coalition, the chamber wiped out new funds altogether for the rent supplement program.

"Rarely," said President Johnson in January, 1966 "has a new housing program evoked such a dramatic and positive response as the rent supplement program." The response may have been there but the problem when the chips were down was that it had no powerful backers—only the poor. The Model Cities program was saved from extinction by the support of the big-city mayors.

The rent supplement idea, therefore, was left to its enemies who view as a sort of socialism and oppose the concept of dispersal of the poor.

The action is regrettable. Rent supplements serve as a handy device to fit the needs of those a little too affluent to be eligible for public housing. It is regarded as especially useful for those being displaced by urban renewal and highways. And it has been supported by far-from-socialistic organizations like the National Association of Real Estate Boards.

As for the Model Cities, the House's surgery on the budget cuts deep into the concept of the legislation. At one time it was thought to parcel out Model Cities to a great many cities. There might have been more political mileage in that approach but the effect per city would have been small. It was shelved, however, in favor of trying to make a significant impact on poverty areas in 70 or 80 selected cities.

If budget cutting is now allowed to thin out funds the way the discarded approach would have, the entire program may be in jeopardy. It will be up to the Senate to restore some perspective to the domestic "war" front.

THE HUNGRY CAN'T WAIT

Mr. CLARK. Mr. President, two of the problems which confront the Subcommittee on Employment, Manpower, and Poverty in its study of the poverty program in this country are the many deficiencies whch are developed in State and local welfare departments and the general problem of welfare policy. Our studies to date indicate the need for a massive reorganization, not only of the welfare programs, but of the philosophy on which they are based, as well.

A most interesting article entitled "Battle Line of Welfare: The Hungry Can't Wait," written by Charles I. Schottland, was published in The Nation, a weekly magazine, under date of May 22, 1967. Mr. Schottland is dean of the Florence Heller Graduate School for Advanced Studies in Social Welfare, at Brandeis University. He was U.S. Commissioner of Social Security from 1954 to 1959.

I ask unanimous consent that this provocative article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Battle Line of Welfare: The Hungry Can't Wait

(By Charles I. Schottland)

(Note.—*Mr. Schottland is dean of The Florence Heller Graduate School for Advanced Studies in Social Welfare, Brandeis University. He was United States Commissioner of Social Security, 1954 to 1959.*)

A great deal of optimism was being expressed a year ago with reference to the nation's poor. Some liberals and civil rights leaders were enthusiastic about those programs of the Office of Economic Opportunity (OEO) that aim to provide real opportunity for poor and disadvantaged groups to pull themselves up by the boot straps. Economists and social welfare workers were pleased by the success of their long efforts to call attention to the plight of the invisible poor in our midst. Large numbers of people felt that we were on the right track, even though existing programs may have had shortcomings and were generally inadequate to make a deep dent in the problem.

Recent events have dampened this initial enthusiasm. The combination of attacks by some members of Congress on the high cost of OEO programs, the criticism of liberals on the minuscule efforts and expenditures, the curtailment of Great Society programs because of the demands of Vietnam, the recent elections which brought severe critics of OEO and other Great Society programs into public office—these and related events cause increasing concern among those who thought that at least a beginning was being made toward abolition of poverty. Disenchantment with the prospects of a vigorous and effective anti-poverty program has served to stimulate discussion of a "guaranteed minimum income." More and more persons are becoming convinced that the United States has reached an economic development which makes it both feasible and relatively easy to do away with poverty entirely through some such sweeping legislation.

But during the past two years, while discussions of a guaranteed minimum income and anti-poverty programs occupied stage center, little attention was given to the "poorest of the poor." These are the more than 8 million persons on the public relief rolls of state and local welfare departments (not to mention the uncounted others who are eligible for public relief, but who, for one reason or another, do not appear on the rolls; see Cloward and Piven, "The Birth of a Movement"; *The Nation*, May 8). They receive funds for food, clothing and shelter, but in most cases, the funds are not enough to support health and decency. The federal government provides the majority of the funds used for public assistance. Thus, on the one hand, the federal government attempts to assist persons *out* of their distress and *up* from poverty through various anti-poverty programs, while, on the other, it participates with the states in continuing to maintain 8 million public assistance recipients *in* conditions of distress and *in* poverty.

A number of sound and far-reaching proposals are occupying the intellectual and political arenas. The previously mentioned guaranteed minimum income, which would have been considered radical even three or four years ago has been proposed by Sargent Shriver and by the National Commission on Technology, Automation and Economic Progress of the Department of Labor, which included representatives of big business. But while we discuss and debate macro-economic measures to solve the problem of poverty and to guarantee every American a decent standard of living, we tend to forget that millions of poor must be fed, clothed and housed now. There is an unfortunate tendency among some federal officials to deprecate "handout" programs and to emphasize training, community action and more "constructive" approaches. When Congress pays attention to the problem, it is frequently to deplore rising costs, "chiselers," illegitimacy and other problems which frustrate alleged Congressional desires to do something more "constructive."

Public assistance programs represent the recognition by the American people, the Congress, the state legislatures and the executive branches of federal, state and local governments that an affluent society such as the United States cannot permit people to suffer because they lack income through no fault of their own. Some are too old or too young or too disabled to work. Others suffer from handicaps which make it impossible for them to get even a sustaining share of our increasing standard of living and our continued rise in personal income. We recognize a responsibility for such as these. Nevertheless, we can hardly echo the statement made in an official British document that "No man, woman, or child in Britain need for any reason fall below a minimum standard of life." Many of the 8 million persons on relief in the United States do fall below any standards for decency which reasonable people would be willing to set.

To understand how this situation can exist in the United States today, it is necessary to understand how our public relief programs operate. The American colonies inherited the English Poor Laws which established the principle of governmental responsibility for the support of the poor. Associated with this basic principle were three established policies: (1) local responsibility; (2) responsibility of relatives, and (3) residence laws which limited eligibility to persons who were long-time members of the community. Under this Poor Law philosophy, it was the local community in the United States that established departments of charities, and it gave relief in kind (i.e., groceries, clothing, medical care). Generally, the aid was so meager that reports on local practices prior to 1936 reveal that cruel treatment and shameful hardships were the lot of those "on the county."

Adoption of the Social Security Act in 1935 created a change. The average citizen thinks of the Social Security Act as establishing unemployment insurance, old-age, survivors and disability insurance, and now Medicare. But the Act also established a grant-in-aid program whereby the federal government assigns funds to the states on a matching basis for relief of the needy. A matching formula, weighted at present in favor of low-income states, results in the federal government's paying from 40 to 80 per cent of the total cost. Under this arrangement states have established federal-state programs of Old Age Assistance for the needy over 65; Aid to the Blind; Aid to the Permanently and Totally Disabled; Aid to Families with Dependent Children (AFDC); Medical assistance for medically indigent (Medicaid).

In addition, states and/or local communities have established a program of "General Assistance" for needy persons who do not meet the eligibility requirements of the federal categories. Of the 8 million on relief, about 8 per cent receive General Assistance.

All of these programs are infinitely superior to those existing prior to the Social Security Act. Federal laws and regulations require that assistance be granted in cash; that recipients have the right to appeal a denial of assistance; that practices must be uniform throughout the state, and that states must provide services to assist in rehabilitation, uniting of families, and a variety of other services in order to qualify for federal reimbursement of 75 per cent of state and local administration costs.

But although the federal government established numerous excellent regulations for the federal-state programs, the most important aspect of the program—the amount of money to be paid to relief recipients—was left for state determination. As a result, states vary in their payments from liberal amounts, which are yet barely enough to support people decently, to payments which are too low to purchase the minimum necessities.

The average payment on Old Age Assistance in the United States is less than $75 per month, and the average payment per recipient in the AFDC program is approximately $35 per month. These amounts must take care of rent, food, clothing, utilities, transportation and all other needs of life. When one realizes that many of the recipients of public assistance have little or no other income, the seriousness of the problem can be appreciated.

Old Age Assistance payments reflect a more generous and liberal attitude than payments to recipients of AFDC. Nevertheless, average monthly Old Age Assistance payments in August, 1966, ranged from a high of $121.34 in New Hampshire to a low of $39.93 in Mississippi. Even the so-called more affluent states such as Delaware, Arizona, Idaho, Maine, Pennsylvania and Utah, fell below the national average of $74.02. The spread of payments to those receiving AFDC is even greater. The average monthly payment per recipient in the United States in August, 1966, was $35.38, with a high of $51 and a low of $7.90. Again, some of the affluent states fell substantially below the national average.

About 67 per cent of the 3 million children, receiving care under the AFDC program, live in families where the father is absent. More than 2 million of the children are under 13 years of age, and the median age is 8. These 3 million children are growing up in our rich country, supported by government programs, at a level which threatens their health and almost certainly deprives them of proper growth and development.

How can anyone justify a resident of, say, Massachusetts paying federal income taxes to be utilized for a grant-in-aid program of public assistance which results in undernourishment, bad housing and poor medical care for recipients of public assistance in other states? Inadequate programs frequently affect the residents of Massachusetts as directly as they do the residents of the state in which the low standards are applied. And even in Massachusetts, which has one of the most liberal public assistance programs, the amounts available to "reliefers" are barely enough to keep body and soul together, and fall below the accepted poverty line.

There is one simple answer to this problem. Both from a practical and a humanitarian point of view, the appropriate solution is compulsory federal standards. Levels of public assistance should be set by the federal government to guarantee recipients sufficient income to purchase the basic food, clothing and shelter vital for decent living and health. No state should be permitted to fall below the minimum standards.

Many persons, more interested in political structure than in people, will raise the specter of States' rights and claim that the state is empowered to keep many of its people at a starvation level if it so wishes. Still others will complain that that is an unfair and cruel way to put the issue and will declare that each state is obliged to establish public assistance programs consistent with its own financial resources. One vital fact is being ignored. The United States has the resources to provide a decent standard of living for all of its citizens. A mechanism to secure that standard for those who cannot achieve it for themselves in the market place has been developed. It is a combination of social insurance and public assistance. A federal standard that will be binding upon all states accepting federal funds is needed in the public assistance arena.

This analysis of the situation is neither radical, revolutionary nor impractical. Federal specifications exist for a variety of grants. States must adhere to standards when they use federal funds for highways. If states request assistance for hospitals under the Hill-Burton Act, they must meet specific qualifications. Public health agencies receiving funds for maternal and child health and crippled children programs must follow federal guidelines. These are only a few of the agencies and programs which insist upon minimum federal standards. Why shouldn't similar federal standards be established for public assistance? State legislatures no longer determine who shall vote; why should they determine who shall eat?

Theoretically, the standards already exist. Regulations of the Welfare Administration of the United States Department of Health, Education and Welfare spell out the goals of public assistance and list the items which should be included in individual and family budgets under the various public assistance titles of the Social Security Act. What is needed now is a specification of these items in terms of dollars. And a floor must be set below which no state may fall. It should be at least as high as the current demarcation line of $3,000 for a family of four.

Major new programs or fantastic expenditures of public funds are not being requested here. Federal standards for reasonable support of the needy will be relatively inexpensive, especially when compared with the tremendous expenditures now involved in social security, antipoverty and a host of related programs.

In the past six years, I have talked with many persons on public assistance. I have interviewed them in the ghettos of Harlem in New York and of Roxbury in Boston. In these two states, public assistance standards are relatively high, although still too low. I have also talked to such persons in Texas, Maryland and West Virginia, states where the standards are much lower. It does not take a student of the problem to see what happens when persons do not have enough money to keep body and soul together.

We simply cannot help people out of their poverty, make them self-sufficient and self-respecting, as long as their stomachs are empty. There are states today that have excellent medical programs for public assistance recipients but such low cash grants that the inevitable result is a large incidence of malnutrition—which of course immediately qualifies the starving person for excellent medical care.

The imposition of a federal standard will not solve the problems overnight, but it will be a step in that direction. It will show that as a nation we do care how the 8 million fare on public assistance, that we do want to establish in America a minimum way of life below which no one shall fall.

PROTOCOL OF AMENDMENT TO THE CHARTER OF THE ORGANIZATION OF AMERICAN STATES—REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive L, 90th Congress, first session, the protocol of amendment to the Charter of the Organization of American States, transmitted to the Senate today by the President of the United States, and that the protocol of amendment, together with the President's message, be referred to the Committee on Foreign Relations, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Is there objection? The Chair hears none, and it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

I request the advice and consent of the Senate to ratification of the protocol of amendment to the Charter of the Organization of American States—the "Protocol of Buenos Aires"—signed at the Third Special Inter-American Conference at Buenos Aires on February 27, 1967.

The signing of the protocol of Buenos Aires was a major development for the inter-American system. The amendments to be effected in the Charter of the Organization of American States by the protocol of amendment, the first such amendments since the adoption of the charter in 1948, will go far toward the necessary modernization of the structure of the Organization and the strengthening of its capacity to act effectively in the interest of hemispheric cooperation and solidarity. The amendments grant certain fuller responsibilities to some of the organs of the Organization, for instance, in the field of peaceful settlement. They establish new and specific objectives and standards for the promotion of economic, social, and cultural development.

Following in general the guidelines prepared at the Second Special Inter-American Conference at Rio de Janeiro in November 1965, and the draft amendments prepared by the OAS Special Committee which met in Panama in March 1966 and by the Inter-American Economic and Social Council which met in Washington in June 1966, the Buenos Aires Conference adopted the amendments which are embodied in the protocol of amendment.

Among the more significant changes in the amendments relating to the structure of the Organization and to the responsibilities of its organs are those concerning (1) the provision in the charter of procedures for the Organization to authorize the admission of new members; (2) the replacement of the Inter-American Conference which meets every 5 years by a General Assembly which meets annually and which assumes certain functions now performed by the OAS Council; (3) the redesignation of the OAS Council as the Permanent Council, and the granting of additional responsibilities to the Inter-American Economic and Social Council and Inter-American Council for Education, Science, and Culture—formerly the Inter-American Cultural Council—which become organs directly responsible to the General Assembly as is the Permanent Council; (4) the elimination of the Inter-American Council of Jurists and the upgrading of the Inter-American Juridical Committee; (5) the assignment to the Permanent Council of specific additional authority in the field of peaceful settlement; (6) the incorporation of the Inter-American Commission on Human Rights into the OAS Charter as an organ with functions to be later determined by an inter-American convention on human rights; and (7) the election of the OAS Secretary General and Assistant Secretary General by the General Assembly for 5-year terms, rather than by the OAS Council for 10-year terms as presently provided.

The expanded economic standards underscore the importance of self-help efforts and reiterate the present charter undertaking of members to cooperate with one another in the economic field "as far as their resources permit and laws may provide." The amendments provide that States should make individual and united efforts to bring about improved conditions of trade in basic commodities and a reduction of trade barriers by importing countries. Several articles deal with efforts to accelerate Latin American economic integration.

The social and the educational, scientific, and cultural standards elaborate on the principles in the present charter in these areas.

The various amendments are dealt with in detail in the enclosed report by the Secretary of State and summary of amendments.

I believe it to be in the national interest of the United States to ratify the proposed amendments. I therefore urge that the Senate consent to ratification by the United States of these amendments to the Charter of the Organization of American States.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *June 12, 1967.*

RECESS TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 2 minutes p.m.) the Senate took a recess until tomorrow, Tuesday, June 13, 1967.

NOMINATIONS

Executive nominations received by the Senate, June 12, 1967:

DEPARTMENT OF DEFENSE

Paul H. Nitze, of Maryland, to be the Deputy Secretary of Defense vice Cyrus Roberts Vance, resigned.

SECRETARY OF THE NAVY

John T. McNaughton, of Illinois, to be the Secretary of the Navy vice Paul H. Nitze, reassigned.

DEPARTMENT OF DEFENSE

Paul C. Warnke, of the District of Columbia, to be an Assistant Secretary of Defense vice John T. McNaughton, reassigned.

AGENCY FOR INTERNATIONAL DEVELOPMENT

James P. Grant, of Virginia, to be an Assistant Administrator of the Agency for International Development.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 12, 1967:

DEPARTMENT OF DEFENSE

Eugene M. Becker, of New York, to be an Assistant Secretary of the Army, vice W. Brewster Kopp.

IN THE AIR FORCE

The following officers to be placed on the retired list, in the grade indicated, under the provisions of section 8962, title 10, of the United States Code:

In the grade of general

Gen. Kenneth B. Hobson, FR616 (major general, Regular Air Force), U.S. Air Force.

In the grade of lieutenant general

Lt. Gen. Herbert B. Thatcher, FR634 (major general, Regular Air Force), U.S. Air Force.

Lt. Gen. Charles B. Westover, FR1351 (major general, Regular Air Force), U.S. Air Force.

Lt. Gen. Paul S. Emrick, FR 1801 (major general, Regular Air Force), U.S. Air Force.

The following-named officers to be assigned to positions of importance and responsibility designated by the President, in the grade indicated, under the provisions of section 8066, title 10, of the United States Code:

In the grade of general

Lt. Gen. Thomas P. Gerrity, FR1613 (major general, Regular Air Force), U.S. Air Force.

In the grade of lieutenant general

Maj. Gen. Robert G. Ruegg, FR1620, Regular Air Force.

Maj. Gen. John C. Meyer, FR4496, Regular Air Force.

Maj. Gen. Jack J. Catton, FR4719, Regular Air Force.

Maj. Gen. John W. O'Neill, FR4155, Regular Air Force.

Maj. Gen. Earl C. Hedlund, FR4170, Regular Air Force.

IN THE ARMY

The following-named officers, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

Maj. Gen. Claire Elwood Hutchin, Jr., O21092, Army of the United States (brigadier general, U.S. Army), to be lieutenant general.

Brig. Gen. Kenneth Joe Hodson, O43268, Judge Advocate General's Corps, U.S. Army, for appointment as the Judge Advocate General, U.S. Army, as major general, Judge Advocate General's Corps in the Regular Army of the United States, and as major general, Army of the United States, under the provisions of title 10, United States Code, sections 3037, 3442, and 3447.

Brig. Gen. Lawrence Joseph Fuller, O22901, Judge Advocate General's Corps, U.S. Army, for appointment as the Assistant Judge Advocate General, as major general, Judge Advocate General's Corps, in the Regular Army of the United States, and as major general, Army of the United States, under the provisions of title 10, United States Code, sections 3037, 3442, and 3447.

IN THE NAVY

Vice Adm. Ephraim P. Holmes, U.S. Navy, for appointment to the grade of admiral, pursuant to the provisions of title 10, United States Code, section 5231, having been designated for commands and other duties determined by the President to be within the contemplation of that section.

IN THE MARINE CORPS

The following-named officers having been designated, in accordance with the provisions of title 10, United States Code, section 5232, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving:

Ralph K. Rottet
Robert E. Cushman, Jr.
Richard G. Weede

IN THE MARINE CORPS

The nominations beginning William L. Atwater, to be colonel, and ending Kenneth R. Reed, to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 18, 1967 (5M).

DEPARTMENT OF JUSTICE

Francis L. Van Dusen, of Pennsylvania, to be U.S. circuit judge, third circuit.

Thomas A. Masterson, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania to fill a new position created by Public Law 89–372, approved March 18, 1966.

Hiram R. Cancio, of Puerto Rico, to be U.S. district judge for the district of Puerto Rico.

E. Mac Troutman, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania to fill a new position created by Public Law 89–372, approved March 18, 1966.

Charles R. Weiner, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania to fill a new position created by Public Law 89–372, approved March 18, 1966.

Milton Pollack, of New York, to be U.S. district judge for the southern district of New York.

Robert D. Morgan, of Illinois, to be U.S. district judge for the southern district of Illinois.

Newell Edenfield, of Georgia, to be U.S. district judge for the northern district of Georgia.

Joe Eaton, of Florida, to be U.S. district judge for the southern district of Florida.

Ben Krentzman, of Florida, to be U.S. district judge for the middle district of Florida.

Paul X. Williams, of Arkansas, to be U.S. district judge for the western district of Arkansas.

Lawrence A. McSoud, of Oklahoma, to be U.S. attorney for the northern district of Oklahoma for the term of 4 years.

Robert M. Morgenthau, of New York, to be U.S. attorney for the southern district of New York for the term of 4 years.

U.S. PATENT OFFICE

Isaac G. Stone, of Massachusetts, to be an examiner in chief, U.S. Patent Office.

BOARD OF PAROLE

Walter Dunbar, of California, to be a member of the Board of Parole for the term expiring September 30, 1972.

HOUSE OF REPRESENTATIVES

MONDAY, JUNE 12, 1967

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

They looked unto Him, and were lightened; and their faces were not ashamed.—Psalm 34: 5.

O God, our Father, source of all life and the ever-flowing fountain of love, we open the gates of a new week with prayer and bow before Thee reverently and in all humility of mind and heart. In this time of trouble we need to renew our strength, to restore our courage, and to receive Thy spirit which makes us equal to every emergency. So we pray that now and all through these days Thou wilt help us to be conscious of Thy presence and by Thy grace may we do Thy will.

Save us from recounting our resentments, from harboring any hatred, and from remembering the slights that dim the lights of our day. May we accept the duties of this week with confidence, carry our responsibilities with faith, and enjoy the work we are doing building a better and a stronger nation. Always and in all ways may we follow the way that leads beyond the dark to the dawn and Thee. In the name of Him who is the Light of the World we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, June 8, 1967, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Jones, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On June 3, 1967:

H.R. 4064. An act for the relief of Agnes C. Stowe.

On June 5, 1967:

H.R. 4374. An act to remove a cloud on the title of certain real property in the State of Oregon owned by John Johnson;

H.R. 5357. An act to amend section 552 of title 5, United States Code, to codify the provisions of Public Law 89–487; and

H.R. 7965. An act to transfer title to tribal land on the Fort Peck Indian Reservation, and for other purposes.

On June 7, 1967:

H.R. 399. An act to authorize the Administrator of Veterans' Affairs to convey certain real property to the city of Batavia, N.Y.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 6431. An act to amend the public health laws relating to mental health to extend, expand, and improve them, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2508. An act to require the establishment, on the basis of the 18th and subsequent decennial censuses, of congressional districts composed of contiguous and compact territory for the election of Representatives, and for other purposes; and

H.R. 4717. An act to authorize the conveyance of certain lands owned by the United States to the State of Tennessee for the use of Memphis State University, Memphis, Tenn.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2508) entitled "An act to require the establishment, on the basis of the 18th and subsequent decennial censuses, of congressional districts composed of contiguous and compact territory for the election of Representatives, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. EASTLAND, Mr. MCCLELLAN, Mr. ERVIN, Mr. KENNEDY of Massachusetts, Mr. DIRKSEN, and Mr. HRUSKA to be conferees on the part of the Senate.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 32. A concurrent resolution continuing the Joint Committee on the Organization of the Congress.

SUBCOMMITTEE TO INVESTIGATE THE M-16 RIFLE PROGRAM

Mr. ICHORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ICHORD. Mr. Speaker, the subcommittee appointed by the gentleman from South Carolina, Hon. MENDEL RIVERS, to investigate the M–16 rifle program, consisting of myself as chairman and the Honorables SPEEDY LONG and WILLIAM BRAY as members, has returned from South Vietnam, having been out of the country since May 31, en route to and from South Vietnam and in South Vietnam.

It is the traditional policy of such armed services investigating committees never to issue press releases or grant interviews while in South Vietnam. Therefore such was not done with the exception of one photographer taking pictures, although many interviews were requested. The committee is now engaged in processing, sifting, and analyzing all facts, evidence, data, statements, records, and so forth, and will have a report at the proper time.

DRUM CORPS CAPITAL OF THE WORLD

Mr. SCHADEBERG. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection?

Mr. SCHADEBERG. Mr. Speaker, on Thursday, June 15, 1967, the eyes of America's vast drum corps enthusiasts will be on Racine, Wis., a city within my First District. On this date, the community of 90,000 citizens will celebrate its fourth annual Drum Corps Day and is being hailed as the "Drum Corps Capital of the World."

Most of us happily reflect a sense of pride when someone, something, or a community in their district produces an event or an act which is outstanding. This is true here where more than 600 young people from seven different units will exhibit their talents in a parade and exhibition.

Further, it has been pointed out that the event is being held by these various musical units in order that they might say "thank you" to the Racine community for its tremendous support over the years for drum corps activity.

Also, since there is more drum corps participation per 1,000 population in Racine, Wis., than in any other community in our land, it can rightfully claim the title of "The Drum Corps Capital of the World." Again, it is with a deep sense of pride and admiration that I call the attention of my colleagues to this accomplishment by a city within my own home district and compliment it accordingly.

ATTORNEY GENERAL CALLED UPON TO PREVENT CIVIL RIGHTS RIOT

Mr. DICKINSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. DICKINSON. Mr. Speaker, last night in the small quiet town of Prattville, Ala., which is a suburb of my hometown, Montgomery, Ala., the professional rabble rousing instigator of riots, Stokely Carmichael, struck again.

Yesterday afternoon he had threatened that he would tear up the town of Prattville. Last night he made good his threat.

Last night half a city block was burned and looted. Four policemen were shot. Loaded shotguns were seized out of automobiles plainly marked "Student Non-Violent Coordinating Committee," and thousands of dollars in property damage was inflicted. Passing motorists were fired upon. One passing motorist and an ambulance driver were pulled from their vehicles and severely beaten. It was necessary to call out the National Guard to assist the State troopers in restoring law and order. The Fire Department of Prattville could not cope with the fires set by the mob and equipment was dispatched from Montgomery to assist.

Mr. Speaker, what is the Attorney General doing about this? If past experience is a guide, I predict he will do nothing. Nor will anyone else in the Justice Department do anything because the rioters claim they are exercising their civil rights.

It is appalling that this could happen in this great country, but it did happen and will occur again and again until strong decisive action is taken.

I have pointed out before on this floor the danger existing in the attitude and actions of this administration and the blame for many of these riots and disorders can properly be laid at the door of Mr. Johnson and this administration that has given encouragement and even assistance to civil disorders while parading under the euphemism of "civil rights."

Last year I introduced and supported an antiriot bill. I intend to reintroduce this bill tomorrow.

DEBT CEILING AND PROBLEMS THAT FACE US

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS. Mr. Speaker, I have requested and received a special order to address the house this afternoon for 30 minutes. I simply want to say, I want to discuss some editorials and other comments with respect to the debt ceiling and the problems that face us fiscally and to comment on some of the discussions presently going on in the Committee on Ways and Means.

UPDATED FARM BILL

Mr. HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, I take this time to invite Members to remain on the floor on the completion of the legislative business and other special orders heretofore entered today and to participate with me in a discussion of the updated farm bill which I am introducing at this time.

We have no pride of authorship and we hope that all will accept this updated version of the cropland restoration bill, with proper water and soil management practices, as our Nation with its prime resource, the soil, faces increasing demands both domestically and around the world.

RESOLUTION TO PREVENT AID TO UNITED ARAB REPUBLIC

Mr. DEVINE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DEVINE. Mr. Speaker, over the weekend I noticed in a syndicated column where some fuzzy thinker in the State Department has made the decision that we, the United States, would continue our aid to the nations of the United Arab Republic, those nations that have severed relations with the U.S. Government as a result of this conflict with the State of Israel.

I will this afternoon, if possible, or tomorrow at the latest introduce a resolution which would prevent any foreign aid, military, economic, or otherwise, by public law or administrative act being awarded to any of these nations that have severed relations with this Nation.

It seems to me that the image of this country has gone downhill as the result of this type of softheaded thinking in the State Department.

PERMISSION FOR SUBCOMMITTEE ON ACCOUNTS OF THE COMMITTEE ON HOUSE ADMINISTRATION TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Accounts of the Committee on House Administration may be permitted to sit during general debate today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON PRINTING OF THE COMMITTEE ON HOUSE ADMINISTRATION TO SIT DURING GENERAL DEBATE ON JUNE 13

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Printing of the Committee on House Administration may be permitted to sit during general debate on June 13.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

TRIBUTE TO MR. W. F. ARBOGAST OF THE ASSOCIATED PRESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time to extend my own greetings, and I am sure in doing so the greetings of the House, to a fine American, Bill Arbogast, who has a birthday today. Bill has worked on the House side of the Capitol for more than 35 years representing the Associated Press, and for a considerable number of years as chief of the Associated Press staff here in the House Gallery. Bill is not only an outstanding reporter; he is also a wonderful man, a fine husband and father, a Christian gentleman.

Happy birthday, Bill, and many more of them.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I am glad to yield to the minority leader.

Mr. GERALD R. FORD. All of us on our side sincerely share the kindly comments made about our good friend, Bill Arbogast, and we join with you in wishing him the very best and to show our appreciation for his many fine days with us as practically a member of this body. We congratulate him for his past efforts, thank him for his many kindnesses, and wish him well in the future.

Mr. ALBERT. I appreciate what my distinguished friend has said.

GENERAL LEAVE TO EXTEND

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks on the subject.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

REQUEST FOR PERMISSION FOR SUBCOMMITTEE ON MINES AND MINING OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO SIT DURING GENERAL DEBATE ON TUESDAY, THURSDAY, AND FRIDAY OF THIS WEEK

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the Subcommittee on Mines and Mining of the Committee on Interior and Insular Affairs may sit during general debate on Tuesday, Thursday, and Friday of this week.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, has the request been cleared with the ranking minority member of the committee?

Mr. EDMONDSON. I will say to the gentleman, if he will yield, that the chairman of the committee asked me to make the request on the floor, and I will have to assume that it was cleared. But I could not state with certainty from personal knowledge.

Mr. GERALD R. FORD. Will the gentleman temporarily withdraw his request until we have an opportunity to clear it?

Mr. EDMONDSON. Surely, I will be glad to do so.

The SPEAKER. The gentleman from Oklahoma withdraws his request for the time being.

CONTINUING THE JOINT COMMITTEE ON THE ORGANIZATION OF THE CONGRESS

Mr. MADDEN. Mr. Speaker, I call up Senate Concurrent Resolution 32 and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 32

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on the Organization of the Congress, established by S. Con. Res. 2, Eighty-ninth Congress, agreed to March 11, 1965, is hereby continued through December 31, 1967.

SEC. 2. The joint committee is hereby authorized to make expenditures from July 1, 1967, through December 31, 1967, not to exceed $50,000, to be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the joint committee.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

THE 11TH ANNUAL REPORT OF THE SURGEON GENERAL ON THE HEALTH RESEARCH FACILITIES PROGRAM FOR 1966—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 134)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed with illustrations:

To the Congress of the United States:

I am pleased to transmit the 11th annual report of the Surgeon General on the health research facilities program for 1966.

This program, which was inaugurated in 1956, has been a powerful and effective tool in our work toward improving the health of all Americans.

In the past 10 years, nearly 1,400 matching grants—totaling about $400 million—have been made for the construction and renovation of research facilities in each of the 50 States.

In all, the program has stimulated the creation and strengthening of health research facilities costing almost $1 billion.

In 1966, many exciting new ventures were begun, and many others were completed.

Construction of research facilities started at three new medical schools: The University of Connecticut Medical School at Farmington; the Pennsylvania State University Medical School at Hershey; the University of Texas South Texas Medical School at San Antonio. These facilities will help promote activities in the three interrelated fields of medical education, research, and the delivery of medical services.

Construction of a new biochemical research facility was completed at the Oklahoma State University.

A permanent research unit was completed at the Salk Institute for Biological Studies in La Jolla, Calif.

The clinical sciences building at the Downstate Medical Center of the State University of New York was completed. Previously, the university's research facilities were scattered through unused rooms—and even remodeled porches—of a hospital, as well as in borrowed space in the basic sciences building. Now there are modern research laboratories readily adaptable to the changing needs of biomedical research.

The area used for health sciences research at Yale University was more than doubled with the completion of a new building.

An experimental school was completed in Albertson, N.Y., for severely handicapped children who otherwise would be homebound and restricted to a few hours of instruction by visiting teachers. The school will be run by the Human Resources Foundation, in cooperation with the New York University Medical School, to find new ways to make life more meaningful for our handicapped children.

The success of the program appears not only in facts and figures, but in its overall contribution to a healthier America. It has proved to be an outstanding example of Federal partnership with colleges, universities, hospitals, and nonprofit research institutions in furtherance of the Nation's efforts to serve its citizens.

It is a privilege, therefore, for me to submit to the Congress the 11th annual report of the Surgeon General summarizing our progress under the health research facilities program.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *June 12, 1967.*

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 130]

Abbitt
Abernethy
Adair
Ashbrook
Ashley
Ayres
Bingham
Boggs
Brademas
Brown, Mich.
Button
Carey
Casey
Celler
Clark
Conyers
Corbett
Corman
Cowger
Diggs
Dow
Dulski
Dwyer
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Evins, Tenn.
Farbstein
Fino
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Fuqua
Garmatz
Giaimo
Gubser
Halleck
Halpern
Hammerschmidt
Heckler, Mass.
Helstoski
Herlong
Holland
Jones, Ala.
Jones, Mo.
Kupferman
Leggett
Mathias, Md.
Matsunaga
Mink
Morris, N. Mex.
Morse, Mass.
Mosher
O'Hara, Mich.
O'Neal, Ga.
Ottinger
Pelly
Pepper
Poage
Pollock
Pool
Pryor
Purcell
Reifel
Resnick
Riegle
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Ruppe
Sandman
St. Onge
Sisk
Skubitz
Smith, N.Y.
Stafford
Stratton
Sullivan
Thompson, Ga.
Thompson, N.J.
Tunney
Vander Jagt
Vigorito
Whalley
White
Widnall
Williams, Miss.
Willis
Wilson, Bob
Wydler
Yates
Young
Younger

The SPEAKER. On this rollcall, 342 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

OUR POLICY TOWARD THE MIDDLE EAST

Mr. JOELSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. JOELSON. Mr. Speaker, now that there is at least a precarious peace in the Middle East, I urge that our delegation in the United Nations will support policies which will once and for all solve the problems which have plagued the area.

Israel's right to exist and work out its own destiny without fear of marauding neighbors must be affirmed clearly and without question. Any lasting peace ultimately depends upon the acceptance of this fact.

The United Nations also must guarantee Israel the freedom of passage through the Gulf of Aqaba and the Strait of Tiran as well as through the Suez

Canal. In addition, it should encourage direct talks between the Israelis and the Arab States to dissolve the state of war and to lead to solutions of the refugee problem and the border disputes.

The U.S. delegation to the United Nations should insist upon nothing less. I am concerned, as are many of my constituents, that a recurrence of the Middle Eastern tragedy will be inevitable unless the international community insures these basic rights to Israel.

Neither Israel, the Arab nations, nor the world community can countenance continued bombast, threats, and conflagrations as the accepted way of life in the Middle East.

REDEMPTION OF SILVER CERTIFICATES

Mr. DELANEY. Mr. Speaker, I call up House Resolution 503 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 503

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7476) to authorize adjustments in the amount of outstanding silver certificates, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the committee amendments now printed in the bill. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 7476, it shall be in order in the House to take from the Speaker's table the bill S. 1352 and to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof the provisions contained in H.R. 7476 as passed by the House.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 503 provides an open rule, waiving points of order, with 2 hours of general debate for consideration of H.R. 7476, a bill to authorize adjustments in the amount of outstanding silver certificates, and for other purposes. The resolution further provides that, after passage of H.R. 7476, it shall be in order to take S. 1352 from the Speaker's table, strike out all after the enacting clause and amend the Senate bill with the House-passed language.

Most of the same factors which required enactment of the Coinage Act of 1965—chiefly the continued substantial excess of free world silver demand over silver producton and the sharp shrinkage of the Treasury's reserves of silver—dictate the need for passage of additional legislation.

H.R. 7476 would complete the phasing out of silver as backing for currency, freeing for other purposes over a period of 12 months much of the 426 million ounces of Treasury silver now held as backing for the more than $550 million of silver certificates still outstanding. This silver would be demonetized and made available for coinage, transfer to the defense stockpile, sales to industry, or for other purposes. The bill as reported would:

First. Authorize the Secretary of the Treasury to write off on the books of the Treasury those silver certificates which he determines have been destroyed or irretrievably lost, or are being held as collector items, and which, in his judgment, will not be submitted for redemption in silver bullion—an estimated $150 million worth against which 116 million ounces of silver are now held as backing;

Second. Establish a 1-year deadline for the redemption of silver bullion of the remaining outstanding silver certificates, after which this currency would continue as legal tender but with no special redemption privileges, thus demonetizing the remainder of the Treasury's silver;

Third. Require after 1 year the transfer by the Treasury to the General Services Administration for the national stockpile of at least 165 million ounces of silver; and

Fourth. Continue the authority of the Treasury to use any of its "free" silver for coinage, or for sale to industry at not less than silver's monetary value of $1.29 per fine troy ounce.

In addition, the bill would repeal the provision of the Coinage Act of 1965 prohibiting the use for 5 years of mint marks on any of the new clad coins authorized by that act.

Mr. Speaker, I urge the adoption of House Resolution 503 in order that H.R. 7476 may be considered.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the distinguished gentleman from the Committee on Rules yielding. My question is in two parts concerning line 12 of House Resolution 503, making it in order to "consider without the intervention of any point of order the committee amendments now printed in the bill." I wonder if the gentleman will inform the Members, if they pass this, whether they will not thereby waive their individual rights, and explain why it is necessary to waive points of order on the amendments printed in the committee bill.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, this includes two things. One amendment provides for the stockpiling of silver, and the other concerns mint marks on coins. We did not know for sure, but just out of an abundance of caution, we asked for a rule waiving points of order because we did not want these matters stricken out on the floor if a point of order should happen to be taken.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I understand that the chairman of the Committee on Banking and Currency requested this waiver of our individual rights, based upon speculation as to what would happen to mint marks and strategic stockpiling, which is separate and perhaps non-germane legislation.

Mr. PATMAN. The amendment is the stockpiling of silver for military purposes.

Mr. HALL. Mr. Speaker, I must say I do object to this, as I do to the freehanded waiver of all points of order, which does undercut the right of the individual elected legislator, particularly on the basis of something that just "might happen."

I believe it puts the distinguished gentleman from Texas in a paradoxical position. If I remember, last week the gentleman opposed vehemently—and properly—the waiver of a point of order coming out of one of the other committees. I would hope that we could keep these waivers of points of order to a bare minimum. I hope to establish that record.

Mr. DELANEY. Mr. Speaker, that has been the policy of the committee, but if we would open the door on this, we would go far afield of what was intended.

The purpose of this is to conserve our silver. Demands are being made for payment in silver powder. If one happens to have silver certificates, he can present them and get $1.29 worth of silver in a small pouch. This would abolish that and make all silver certificates legal tender.

Mr. HALL. Mr. Speaker, I do not happen to have silver certificates, so I can speak without prejudice. The purpose of my inquiry was to establish how this procedure in the rule was established, and the gentleman has answered that. I oppose both the rule and the "symptom" it makes in order; namely, the legalizing of printing press money under the title of "redemption of silver certificates." It is a further step of money leading down the primrose path of socialism.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, as the gentleman from New York [Mr. DELANEY] has ably stated, House Resolution 503 provides an open rule with 2 hours of debate, waiving points of order, for the consideration of H.R. 7476, a bill to authorize adjustments in the amount of outstanding silver certificates, and for other purposes.

The reason points of order are being waived is because amendments made by the committee to the bill amend the Strategic and Critical Materials Stockpile Act and the Coinage Act. Naturally, these amendments are not germane to the bill before us. However, they are necessary if the intent of the Congress in passing H.R. 7476 is to be carried out.

The purpose of H.R. 7476 is to complete the removal of Treasury silver as a backing for silver certificates still outstanding. Presently the Treasury is holding approximately 426 million ounces of silver as backing for some $550 million in outstanding silver certificates. By this demonetizing, the silver would be available for use in coinage, transfer to the defense stockpile to meet the requirements established by the Office of Emergency Planning, and for sale to industry.

Additionally, the bill provides authority for the Secretary of the Treasury to write off his books an amount of silver certificates he deems to be lost, destroyed, or held as collectors items, and therefore will not be redeemed—an estimated $150 million of silver certificates with 116 million ounces of silver in backing are in this category.

The bill also provides for a period of 1 year silver certificates may be redeemed for their value in silver bullion; after 1 year such certificates are continued to be legal tender but may not be so redeemed. After 1 year from the date of enactment, the Treasury is required to transfer to the GSA for retention in the national stockpile at least 165 million ounces of silver. The need for the freeing of the Treasury's monetized silver is based upon the same factors which contributed to the passage of the Coinage Act of 1965, the purpose of which was to remove substantial amounts of silver from minted coins. If the Treasury cannot free enough of its monetized silver to enable it to continue to meet market demands at the price of $1.29 per ounce, the price will rise because of scarcity, endangering the continued circulation of the old 90-percent silver coins, some 13 billion of which are still in existence. Enactment of the bill will enable the Treasury to free enough of its monetized silver to hold market prices for at least 1 year, which will discourage the hoarding of silver coins. The Treasury believes that by that time sufficient quantities will be available to meet all requirements.

The committee has provided that mint marks, the use of which was suspended for 5 years by the Coinage Act of 1965, may again be used at the discretion of the Treasury. They were originally suspended to insure that coin collectors would not hold the new coins. Because of the prediction of better than 8 billion of the new coins thus being saved and the ever increasing production capacity, this restriction can now be lifted.

The committee report points out that until 1964 the United States was annually a net importer of silver. In both 1965 and 1966 silver exports substantially exceeded imports. Much of the outgoing silver is being held by speculators against the day when the Treasury stocks of free silver will be exhausted and the needs of the American silver consuming industries drive the price upward. The committee says enactment of the legislation is a major step toward combating this danger.

The report also indicates that while it believes the Secretary of the Treasury needs the authority to write off on the Treasury books some $150 million in silver certificates which will not be redeemed, thus freeing some 116 million ounces of silver, it will require the Secretary to report quarterly to the Congress on the amounts of such certificates written off and the disposition of the resulting free silver.

Supplemental views are added by the gentleman from Utah [Mr. Lloyd]. He supports the bill, but does not support the committee amendment which holds up for 1 year the transfer from the Treasury to the Office of Emergency Planning its stated requirement of 165 million ounces of silver for the strategic stockpile. He points out that under provisions of the bill, the Treasury supply of free silver will be approximately 206 million ounces if the 165 million ounces were immediately added to the strategic stockpile. The remaining 41 million ounces would be more than enough to fill coinage requirements. He feels that an immediate transfer is the better course of action.

Mr. Speaker, during the last Congress, silver was taken out of our coins with the exception of a small amount in the half dollar. Throughout the country, there was a howl of protest, and there still is.

To take the silver out of our coins and now to remove Treasury silver as a backing for silver certificates still outstanding, in my opinion, is not the proper thing to do.

Silver is a time honored and recognized symbol of stability in monetary circles of this country and throughout the world.

People have asked and are still asking why.

I do not support this measure, but I have no objection to its being discussed on the floor of the House.

Mr. Speaker, I have no further requests for time, but I reserve the balance of my time.

Mr. GROSS. Mr. Speaker, will the gentleman yield to me?

Mr. QUILLEN. I yield to the gentleman from Iowa.

Mr. GROSS. I thank my friend from Tennessee for yielding. Does the gentleman agree with me that this bill, taken in combination with the Coinage Act of 1965, otherwise known as the Lyndon Johnson Great Society funny money bill, will complete the job of debauching the currency of this country insofar as silver constituting a metallic base for our currency is concerned?

Mr. QUILLEN. I agree with the gentleman.

Mr. GROSS. I thank the gentleman.

Mr. DELANEY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7476) to authorize adjustments in the amount of outstanding silver certificates, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7476, with Mr. Charles H. Wilson in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas [Mr. Patman] will be recognized for 1 hour and the gentleman from Tennessee [Mr. Brock] will be recognized for 1 hour. The Chair now recognizes the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, passage of the bill now before the House, H.R. 7476, is urgent, and becoming more urgent every day as a result of the severe pressures on silver supply and the turmoil in the world's silver markets.

H.R. 7476 was unanimously approved by the Committee on Banking and Currency following a hearing at which we received no adverse testimony whatsoever. The Silver Users Association and the American Mining Congress both agreed on the need for this legislation.

The bill would establish a 1-year deadline for the redemption of outstanding silver certificates in silver bullion. In the interim, the Secretary of the Treasury could write off on the books of the Treasury those silver certificates which, in his judgment, will never be submitted for redemption in silver bullion. A committee amendment would create a national stockpile of silver adequate to our defense needs. Another committee amendment would permit the use once again of mint marks on all coins.

This bill completes the phasing out of silver as a backing for currency. We have not issued any silver certificates since October 1964. However, there are more than half a billion dollars' worth still outstanding, immobilizing 420 million fine troy ounces of Treasury silver—practically our entire supply at this point—and it now appears clear that a great number of these certificates will never be offered for redemption in silver bullion. Of course, many of them will be used to get silver, but we should set a dateline on that.

For a long time, silver certificates circulated side by side with the $1 Federal Reserve notes, but in recent months comparatively few of the silver certificates have turned up in circulation or have been submitted for redemption in silver bullion. The Treasury believes that at least $150 million worth of these certificates have been destroyed, irretrievably lost, or are being held as collector items. This number of silver certificates requires 116 million fine troy ounces of silver as backing, or roughly two and a half times as much as our present supply of so-called "free" silver available for coinage or other purposes, including defense industry needs.

The Committee on Banking and Currency is proud of the fact that some of the recommendations made in the report on H.R. 7476 on May 16 were implemented 2 days later by the Secretary of the Treasury in an effort to conserve our silver supplies for American needs and American defense. The Secretary invoked the standby powers we gave him in the Coinage Act of 1965 to prohibit the melting of silver coins or the export of silver coins. We also called upon him in our committee report on H.R. 7476 to take whatever steps were necessary to prevent the outflow of silver to foreign speculators. As a result, the Secretary terminated all sales of silver bullion from the Treasury, except in return for silver certificates, or except to domestic manufacturing companies submitting end-use certificates attesting to the manner in which the silver would be used.

The two committee amendments to H.R. 7476 carry out what we believe are important correlaries to the main purposes of the bill which are, the protection of the coinage and the assurance of adequate supplies of silver for national needs.

I want to point out in connection with the amendment dealing with the stockpiling of silver for defense that the figure of 165 million fine troy ounces was officially set as a stockpile objective by the Office of Emergency Planning to cover the needs of a conventional war. No stockpile of silver has been necessary up until now because the silver has always been available for defense purposes from the Treasury Department. But now that the Treasury's own stocks are reduced to such a low level, and in view of the fact that after 1 year, under H.R. 7476, none of the silver remaining in the Treasury would be required for the redemption of silver certificates, we believe it necessary to assure the establishment of a stockpile at that time. The language of the amendment requires that the Treasury Department must have on hand at the end of 1 year an amount of silver at least equal to the stockpile objective of 165 million ounces, which would then be transferred to the control of the General Services Administration as part of the national stockpile. There was unanimity in the committee on the need for this amendment.

As to the other amendment, the mints have done such a magnificent job in turning out the three-layer sandwich coins that we no longer have to fear any great diversion of coins into collector hands, so the restoration of mint marks, will cause no inconvenience to the public. On the other hand it will enable the Treasury to track down more quickly any production problems which result in the minting of defective coins. The Treasury Department strongly supports this amendment.

Mr. Chairman, it is our intention to accept some additional language inserted by the Senate on S. 1352. One amendment would limit the amount of silver certificates to be written off during the next 12 months to a face value of $200,000,000. The other would require that during the next 12 months there must always be on hand in the Treasury at least 165 million ounces of silver. This does not change the intent of the House bill at all, but merely brings the language of the two bills into conformance.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, I wish to thank the distinguished gentleman from Texas, the chairman of the Committee on Banking and Currency, for yielding.

I am correct, am I not, Mr. Chairman, that the committee will accept the language of the Senate bill with regard to these two last-mentioned amendments that were referred to?

Mr. PATMAN. It is our intention to offer such amendments to bring the two bills into conformance.

Mr. ASPINALL. Mr. Chairman, would the gentleman advise me also as to whether or not this bill as presently written will prevent the melting down of dollars, half dollars, quarters, and dimes within the foreseeable future with respect to coins which were previously true coins before the sandwich coins came into existence?

Mr. PATMAN. I will state to the gentleman from Colorado that under existing law and regulations they cannot be melted down. It is not contemplated the law will be changed, or the regulations.

Mr. ASPINALL. In other words, there is nothing in this legislation that has to do with that particular matter?

Mr. PATMAN. That is right; there is nothing in the bill to change the present power of the Treasury to prohibit the melting, treatment, or export of coins.

Mr. ASPINALL. May I ask the distinguished gentleman another question with respect to the Kennedy half dollars of 40 percent fine silver?

Are they flowing freely in the marketplace at the present time, or have they been grabbed up for souvenirs, thereby reducing the purpose they are supposed to fulfill in our coinage system?

Mr. PATMAN. Unfortunately, they are not in general circulation, due to the fact that people are keeping them as mementos or for other reasons and they are not in widespread circulation.

Mr. ASPINALL. They are hoarding them, not for the amount of silver involved, at this time, at least, but because of the fact that they are known as "Kennedy coins"; is that correct?

Mr. PATMAN. I am sure that enters into it.

Mr. ASPINALL. Might I ask the gentleman another question?

Am I correct in my understanding that after the end of the year after this legislation goes into effect, and the normal use of silver which is contemplated, and the redemption of certificates which is contemplated, and the fact that they will have 165 million ounces of silver in the stockpile, that there will be left at that time approximately 80,686,000 ounces of silver as a so-called surplus, or safety margin?

Is this correct?

Mr. PATMAN. It depends entirely upon the volume of silver sales to domestic firms and the number of silver certificates which are redeemed. The exact figures could not be given at this point. At the end of the year, the opportunity to turn in silver certificates for silver in any form, either in silver dust or bullion, will cease, but they will still be legal tender, of course, exchangeable in a Federal note, or its equivalent, for the payment of all debts public or private, taxes, and so forth.

Mr. ASPINALL. I wish to thank the gentleman for that statement, but I understood the gentleman to say during his presentation that there will be a $200 million value of silver certificate limitation as far as presentation against the silver in the Treasury. Is that correct?

Mr. PATMAN. That is a Senate amendment which we are willing to accept, setting a limit on the amount of silver certificates which can be written off—$200 million.

Mr. ASPINALL. That is what it amounts to?

Mr. PATMAN. Yes.

Mr. ASPINALL. In other words, with $500 million in silver certificates outstanding, or thereabouts, the presentation will be limited to $200 million; is that correct? I want to be made clear on this.

Mr. PATMAN. The Secretary of the Treasury can, under the bill, make a judgment on how many of these certificates will never be submitted for redemption. It is a writeoff. In other words, he can declare a certain number of these certificates have been lost and destroyed, and will never be redeemed, and never be presented for redemption. The amendment sets a ceiling of $200 million as the limit of the value he can write off the books of the Treasury under this act.

Mr. ASPINALL. But during the year following the approval of this act anybody presenting a silver certificate would be able to get the silver, the fine silver, 99 fine, one way or another?

Mr. PATMAN. That is right. He would be able to do that, of course, if he had silver certificates. If he presented enough of them, he could get a bar of silver bullion. But if he just had a small amount, he would get an envelope containing an equivalent value of silver dust.

Mr. ASPINALL. I have one more question, which is a question my distinguished friend might not wish to answer.

How long does the gentleman think that free use of true coinage—the silver dollar and the silver half dollar and of the quarter, or even the Kennedy half dollars which are 40 percent fine—how long will they remain in circulation?

They are not in general circulation now for the obvious reasons that they are more important for speculation or for the sympathetic reasons that the gentleman brought out and in memory of the former President of the United States. For that reason they are being hoarded. Of course, some would probably hoard them on account of the silver content.

Originally, the 50-cent piece had 90 percent silver, and that makes it have a possible value which would be much more than just the value in a Kennedy half dollar.

The true quarter and the true dime are still in existence, but they are going out of existence very rapidly, is that correct?

Mr. PATMAN. The dimes and quarters are in circulation, but unless we pass this bill, it is possible they would not remain in circulation much longer. The world price of silver has increased considerably and in some markets it exceeds by 50 percent the value of silver in this country.

Mr. ASPINALL. If the distinguished chairman will yield for just another moment, I wish to make this observation. I am one of those who hates to see this Nation of ours give way to what appears to be fiat coinage. We have 20 nations with which we are dealing at this time which still believe in and have a true coinage. But we have gotten ourselves in an untenable position and most certainly the producers of silver will demand a fair price in the marketplace—there is no question about that.

Mr. PATMAN. The gentleman from Colorado knows more about this, I am sure, than any Member of the House of Representatives. The gentleman realizes, in supporting this bill, that something must be done because there is just not enough silver. No one can go out and sharply increase silver production because silver is not produced that way. Silver is produced as a byproduct, as the gentleman knows. For that reason we are in a very difficult situation when there is not enough silver being produced in the world to meet increasing industrial demands.

Mr. ASPINALL. I do intend to support the bill with the Senate amendments that the gentleman has referred to.

I do know that the condition to which he has called our attention does exist. I reluctantly support the bill, because I know of no other way out.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman.

Mr. McCLORY. Mr. Chairman, as I recall, when we went off the gold standard, the U.S. Supreme Court upheld the Government in its refusal to redeem in gold on the gold certificates which were held by American citizens. However, with regard to gold certificates held abroad, my recollection is that it became necessary to honor the redemption rights of those foreign certificate holders.

I am wondering—and seriously question—whether we can enact any statute of limitations which will bar foreign holders of silver certificates or deny them the right to have their silver certificates redeemed in silver after the lapse of 1 year.

Does the gentleman from Texas have any opinion on the legality of this legislation insofar as the contract that exists between a foreign holder of a silver certificate and the U.S. Government?

Mr. PATMAN. If we enacted a cutoff period quickly, without giving anyone the opportunity after due notice and reasonable notice, I think the gentleman would have a real point. But the holders of this obsolete currency are being given an entire year and there will be notice of this throughout the world. They really have no complaint because they have 12 months during which the certificates can be presented and they will be redeemed in silver. So having this 12 months' notice, they certainly have no complaint.

Mr. McCLORY. In other words, it is the gentleman's opinion that after 1 year the foreign certificate holders will be barred as well as the domestic holders?

Mr. PATMAN. Certainly; that is correct.

Mr. BROCK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am for this bill because I have no alternative. We are rapidly running out of silver. In order to protect our defense requirements in the future, I see no alternative other than to pass this particular legislation.

What it does and what it will do, if amended as the chairman suggested, is, first, to require that 165 million ounces of silver be held in reserve for our defense stockpile.

Second, it would allow the Secretary of the Treasury to declare up to $200 million worth of silver certificates lost or destroyed, so that we can free that much silver.

Finally, at the end of a 12-month period, after the enactment of this bill, it eliminates the ability to redeem silver certificates for silver at the Treasury.

I think this is a necessary bill, very simply, because the production of silver has not increased commensurately with the consumption of silver. Frankly, we are in the position that, if we do not pass legislation such as that proposed, we shall not be able to redeem silver certificates very shortly, nor shall we have defense reserve stockpiles of silver.

There is a great deal of concern over this bill because in the minds of many people it represents a demonitization of our currency. We are going off the bimetallic standard. I assure you of my concern in this area, not because I believe it is going to have a significant impact upon our reserve situation, not because I think that it will free any currency for printing by the Federal Government, but because this bill and the need for it is symptomatic of a basic disease in this country. The disease is the total lack of responsibility or desire on the part of this administration to adhere to sound principles of financial management.

After this bill is enacted we are going to see a series of further actions. I would wager that within the next 12 months, before this bill is completely effective, the administration will be before this Congress asking us to remove the gold cover behind the dollar. That, too, will be a symptom of the basic disease, a disease of irresponsibility on the part of the administration and its adherents.

For the last 6 years we have followed a course in this Nation which can lead nowhere but to the total destruction of our monetary system. We have come to the point in this country where the Treasury and the President apparently have no concern whatsoever over the prospects of a $29 billion deficit this year. Yet that deficit is leading to a situation in which gold is flowing out of our country. Ultimately such outflow will require this Government to renege on its obligation to the American people to maintain a 25-percent gold reserve behind their currency.

Thus, I believe we should use this bill to dramatize the problem, the basic disease that faces this country, the disease of irresponsibility. I do not think we can oppose the bill, because the bill is just like the debt ceiling: It is after the fact. The fact is that we are out of silver. The fact is that we have spent more than we have earned, and we shall have to raise the debt ceiling regardless of the action of the House last week, before the 1st of July.

We will have to come back and raise the debt ceiling whether we like it or not, because the money is already spent—and the silver is already gone.

Need I also point out that shortly you can also say "the gold is already gone," or will you face your responsibilities now?

The only thing I believe we can do with a bill like this is to use it to impress upon the Members of this particular body that they have a responsibility to the American people that they have not exercised in the past few years. I would hope that the necessity for legislation such as we have before us would draw the attention of a few more Members of Congress to the need—the absolute requirement—that this country get back on a more responsible plane than it has taken in the past. We must quit demagoging in this House, voting against the debt ceiling, and voting for every spending program. We must meet our responsibilities on a daily basis.

Mr. McCLURE. Mr. Chairman, will the gentleman yield?

Mr. BROCK. I yield to the gentleman from Idaho.

Mr. McCLURE. Mr. Chairman, is it a fair statement that we are pursuing the same policy in this country in gold today that has led us to the inevitable position we are finding ourselves in with respect to silver today?

Mr. BROCK. I believe both are symptomatic of the basic problem, yes, but there is a little bit of difference, because silver, being a part of our coinage, I believe has an extra drain on it. If we had gold in our coinage, we would be doing the same thing to gold today as we are to silver. We would be demonetizing our money completely. We do not have gold coins, so we can postpone that problem for a few months, but we will be facing it in the near future.

Mr. McCLURE. And we will be in the position inevitably where we will not have sufficient gold for our needs?

Mr. BROCK. There is no question about it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BROCK. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I remember when the "funny money" bill was before the House, and the hearings of the gentleman's committee showed that in the year preceding we had shipped abroad 44 million ounces of silver. We did not have the silver to make coins in this country, yet we shipped abroad 44 million ounces.

Mr. BROCK. Mr. Chairman, the gentleman is correct.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. REUSS].

Mr. REUSS. Mr. Chairman, this bill should be passed, and passed promptly. We have frittered away too much of our silver already. We may wake up one day to find we are required to buy back at exorbitant prices some of the silver we have been freely selling abroad at $1.29 an ounce, one of the greatest bargain sales in all history.

I am delighted that language has been included in the Banking and Currency Committee's report recommending that the Treasury cut off the flow of bargain-priced silver for speculators.

Two days after the report, the Treasury did just that—to its credit.

I believe we should have gone further—and I wrote the Secretary of the Treasury to that effect within the last few days. Specifically, I urged him to hold up further production of the Kennedy half dollars, which contain 40 percent silver. The use of silver in the half dollar as coinage is completely unnecessary. It serves no useful purpose as a coin. It is not in circulation. People are not spending it. They are hoarding it, either for understandable sentimental value or for supposed numismatic value. Yet last year we drained away some 53 million ounces of silver on that half dollar—more than we produced in mining in this entire country, more than the entire need of silver in its leading industrial use in photography.

Two years ago, when we were considering the Coinage Act, I introduced an amendment, which carried in the Committee of the Whole House on the State of the Union, to forbid the further use of silver in the numismatic half dollar, and instead to make it of the same material as our new dimes and quarters.

Unfortunately, on a record vote that position did not prevail. Had it done so, we would be in much better shape today in handling the minor silver crisis that confronts us. We would not be wasting silver.

I have prepared a similar amendment, and at the proper time I shall consider offering it. Let me say I am going to be governed in that parliamentary decision largely by the fate of this bill. I believe there is so much good in this bill that if it appears that it is going to go through in the form as enacted by the other body and hence could go to the White House tonight for signature, I would be disposed to withhold that amendment, and I have been assured by the distinguished chairman of the Banking and Currency Committee, the gentleman from Texas, that he would give a hearing and consideration to such a bill as a separate measure.

Ever since the Committee on Banking and Currency took up H.R. 7476, there has been a great deal of interest expressed by ordinary citizens wanting to know how to go about getting their dollar's worth of silver bullion in return for their souvenir silver certificates. What I cannot understand is what anybody wants with seventy-seven one-hundredths of an ounce of silver in little crystals. What would you do with it? What good is it to the average citizen? He does not have a smelter to melt it down for jewelry or for a rocket nozzle or a submarine battery. There is nothing mysterious and unique about some silver dust that makes it worth keeping in a bureau drawer as a memento of anything.

My advice to the people who are casually holding silver certificates and are now curious about their rights to redeem them in silver bullion would be to hold on to that piece of paper because their children and grandchildren may find it an interesting curio, just as some people have held on to their old "shinplaster" currency issued prior to 1929.

Of course, anyone who is determined to know what it is like to be the owner of seventy-seven one-hundredths of an ounce of silver dust can always go to the assay office in New York or to the assay office in San Francisco and turn in his silver certificate for the silver dust, but if enough people do that and enough silver goes into bureau drawer storage, you can be sure, Mr. Chairman, that before long we will all be paying substantially higher prices for the film we use in our cameras and for the silverware purchased for the June bride and for all the other important or desirable items we use in daily life that require silver for its unique characteristics as a metal. And as taxpayers, we could very well be paying a higher price for our defense equipment.

For our individual citizens to form a line to turn in their silver certificates in order to get a tiny bit of silver for which they have no use reminds me of the queues which formed during the rationing days in World War II when citizens who saw a line forming anywhere automatically rushed to join it and when they asked "What are they selling here?" the answer usually was, "I don't know but it must be scarce or people would not be standing in line for it."

Most Washingtonians are familiar with a song written by Composer Hank Fort, the lyrics of which ran something like this, as I remember: "Save your Confederate money, boys, the South will rise again."

I suspect that in future years the value of a silver certificate as a numismatic novelty will eventually exceed the value of the seventy-seven one-hundredths of an ounce of silver you could buy with it from the Treasury.

So my advice would be: "Save your silver certificates, boys; there ain't no more of them going to be issued."

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Pennsylvania [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Chairman, I merely want to express the feeling that I share the sentiments of the gentleman from Wisconsin with respect to this legislation.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Massachusetts.

Mr. CONTE. The gentleman from Wisconsin will recall that when we had the Coinage Act on the floor of the House I, on this side, supported his amendment and strongly advocated at that time that all silver be taken out of the 50-cent piece, since, if the silver were left in, it would result only in a drain of silver. Not only would professional coin collectors, but also amateur coin collectors, hold the Kennedy half dollars, thus taking them out of circulation.

We have had no half dollars in circulation since we came out with the Kennedy half dollar.

Certainly I would support the gentleman's amendment, if it were offered today, if it would not jeopardize the bill.

The Members may rest assured that as a member of the Joint Coinage Commission, at its next meeting, which will take place in the early part of July, I will advocate that the Commission recommend either the stopping of the minting of half dollars or taking the silver out of the half dollars.

I commend the gentleman for his remarks today.

Mr. REUSS. I thank the gentleman. I am extremely happy the gentleman from Massachusetts has been named a member of the Coinage Commission, because he has made abundant sense on the silver issue, as well as on many other issues, for some years. If the gentleman's advice had been taken 2 years ago, a large part of this crisis would have been averted.

Mr. ST GERMAIN. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Rhode Island.

Mr. ST GERMAIN. I should like to associate myself with the gentleman's statement about the half dollars. I recall quite vividly the fight we had on the floor at that time, on this very point. I feel the same as the gentleman does.

It is unfortunate we cannot cure this in today's legislation. However, in the interest of expediency, having the same assurance from the chairman that this will be taken up at a later date, I support the legislation as reported by the committee.

The key to this bill, I believe, is contained in Secretary Fowler's letter of transmittal dated March 14, 1967. In his statement he said, and I quote:

> The proposed legislation would free for more productive uses the remaining silver held by the Treasury as backing for silver certificates, a considerable amount immediately and the rest a year after enactment.

I would like to emphasize the words "more productive uses." During the past few years, we have witnessed policy changes with respect to silver which have been made necessary by two factors: first, the increase in the requirements for silver as a commodity; and secondly, the ever-increasing deficit between demand and available supplies. In addition to this, we have seen the mints consume silver in an amount which reached one-third of a billion ounces in 1965, or over twice the U.S. industrial requirements for that year.

In view of the above it is no wonder that steps were taken, commencing in 1961, which have resulted in the gradual withdrawal of silver from our monetary system. Silver is no longer practical for use in coins which are a medium of exchange where intrinsic value is not required.

We no longer use silver in the minting of dimes and quarters, and its continued use in the half dollar—40 percent silver and 60 percent copper—is a complete waste of silver.

We no longer issue silver certificates but we do have over 400 million ounces of silver in the Treasury which are held as backing for certificates which have been issued in the past.

The average life of paper money is estimated to be 18 to 20 months. It is, therefore, probable that millions of certificates are lost or will never be presented for redemption. H.R. 7476 will free up for productive uses the silver backing these outstanding certificates.

Including the free silver there are approximately 450 million ounces of silver in the Treasury. This is the remainder of the 3 billion ounces which the Treasury was forced to acquire from 1934 until 1959 in an attempt to force up the market price for silver. The average cost of this silver was 58.7 cents per ounce. It was revalued by law up to $1.29. The resulting seigniorage profit to the Treasury was $1.2 billion.

Silver released through the enactment of H.R. 7476 will result in a windfall profit to the Government. It should be sold at its monetary value of $1.29 per ounce in order to keep our silver coins from being hoarded. It should be sold for the benefit of the consuming public and not at a higher price for the benefit of a special interest group. At this price the Government will make a profit of nearly $600 million.

Inability of the Canadian Government to keep the price of silver below the meltdown value of its coins has forced the precipitous abandonment of silver in the minting of its coins. It has been forced into a crash program using nickel in place of silver. We cannot jeopardize our coinage system by permitting the Treasury selling price to rise above $1.29 until there are sufficient silverless coins in circulation.

Therefore, I urge that my colleagues join me in supporting H.R. 7476.

Mr. PATMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. Mr. Chairman, as the sponsor of the committee amendment in H.R. 7476 authorizing the discretionary use once again of mint marks on coins, I want to express my appreciation to the chairman of the Committee on Banking and Currency, the gentleman from Texas [Mr. PATMAN], and to all my colleagues on the committee, especially the gentlewoman from Missouri [Mrs. SULLIVAN], for their cooperation and support on this matter.

The restriction placed in the Coinage Act of 1965 on the use of mint marks on the new "clad" coins was undoubtedly based on legitimate fears that great quantities of the new coins would be diverted into private collections instead of going into circulation.

Thanks to the patriotic attitude of the millions of coin hobbyists, no such thing occurred. But the prohibition on the use of mint marks seriously complicated the work of the Bureau of the Mint in solving production problems when instituting a completely new coinage technology. No matter how careful the Bureau tried to be in keeping defective coins out of circulation, occasionally, in an operation of such vast magnitude, working around the clock 7 days a week to turn out 8 billion precise and exact little pieces of metal using an unfamiliar new raw material form, some mistakes did occur and some bad coins inevitably got out.

Tracing those coins back to the point of origin, in order to correct the circumstances which caused the errors, was a difficult, time-consuming and sometimes impossible task, as the Treasury acknowledged in reporting favorably on H.R. 4449, the bill I introduced to repeal the prohibition against mint marks. The text of H.R. 4449 was incorporated, by unanimous vote of the Committee on Banking and Currency, into H.R. 7476. It will serve a highly useful purpose, and I urge its adoption by the House as well.

Mr. PATMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Nevada [Mr. BARING].

Mr. BARING. Mr. Chairman, I wish to state here and now that I am not in support of H.R. 7476 before us here today. I cannot support any measure which debases and cheapens our money. And with the passage of this bill, we shall have erased silver as a factor in our monetary policies.

To my mind, "too little and too late" characterizes the frantic drive of the administration to ease our silver problem.

When Congress repealed the Silver Purchase Act, I predicted that a situation similar to what we have before us today would occur. For when we proposed to pull the silver certificates in and replace them with Federal Reserve notes, the Secretary of the Treasury stated at the time that the silver stocks would last up to 15 years. Need I point out that the Treasury Department has missed its mark by a good 11 years.

But this "miss by a wide margin" should not come as any surprise to the Members of the House. The administration has yet to come close to any of its predictions, to wit, our budget for the fiscal year 1968.

In 1964 I told the Members of the House that the action to replace the silver certificates with Federal Reserve notes created a further drain on the gold shortage, as each Federal Reserve note must be backed by 25 percent in gold, and this is the critical problem we are faced with right at this moment for our gold balance is near an alltime low. But my pleas were not heeded.

The silver crisis averted by the 1963 act came back to haunt us in 1965. The administration then promised that, if we passed the Coinage Act of 1965 our problems would be at an end.

What has happened since that time?

Where we had nearly 1 billion ounces of silver in the Treasury we now find ourselves with slightly over 50 million ounces of free silver and slightly less than 500 million ounces of silver back of our silver certificates.

Our present silver crisis can be placed squarely on the shoulders of the administration's failure to use good judgment. In his 1965 message on coinage, the President said:

> The Commission will be appointed soon after the new coinage is issued.

The appointments were not made until May of this year. Had the Commission been promptly appointed, perhaps we would not have this legislation before us today.

Mr. Chairman, we are just a step away from eliminating 175 years of honoring this precious metal and giving our citizens coins and silver certificates backed by intrinsic value.

I happen to believe that we need gold or silver to back our money.

Elimination of the silver certificates and of silver in coins will not solve the overall problem of dwindling silver reserves. It will merely temporarily alleviate the problem. The matter must be attacked at its core. The vast deposits of silver must be tapped by devising methods of getting them out of the earth by providing production stimulants to create a dynamic output.

I can tell you that there is no shortage of silver in the ground throughout the Western States, if it only would be possible to once again open the silver mines in this country and resume production again. And this can be done by the Secretary of the Treasury advancing the price of silver. A fair price, and the free play of our enterprise system rather than retardation by false controls, will find our requirements for silver far more adequately met.

I know that in my State of Nevada, that new silver deposits, the extensions of old deposits, and working in our older mining areas, will be revitalized if the proper incentives are granted.

I repeat, passage of this bill will bring about the erasure of silver as a factor in our monetary policies. This bill is just the spadework to bring about the downfall of silver as the factor of our monetary policies.

I have always said we must have intrinsic value behind our paper money, and I certainly would hate to think that this administration, or any other administration, would be leading us toward fiat money.

Mr. PATMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Chairman, I rise in support of H.R. 7476 which was unanimously approved by the House Banking and Currency Committee.

Behind the silver squeeze is the simple fact that demand exceeds up supply—last year total new production of silver amounted to 231 million ounces, while consumption was 410 million ounces. The situation has become so serious that the Treasury, after consultation with the newly appointed Joint Commission on the Coinage, placed an embargo on silver outflows and restricted sales from our remaining stocks to qualified domestic industrial users.

The immediate effect of the legislation we are considering today would be to free silver to answer the increasing demands of industry and the arts by writing off silver certificates which the Secretary of the Treasury deems are lost, destroyed, or will never be presented for redemption. It is estimated that $150 million in certificates, freeing 116 million ounces can be written off immediately; placing a 1-year limit to allow reasonable time during which silver certificates can be redeemed in silver; and insuring that 165 million ounces will be specifically earmarked for defense purposes in accordance with the estimates of the Office of Emergency Planning, and transferred after 1 year to the General Services Administration in accordance with the established criteria of the Strategic and Materials Stockpiling Act. The bill also repeals the prohibition concerning mint marks on coins, which will please those who collect coins as a hobby.

Enactment of this legislation would bring to completion policy changes with respect to silver begun in 1961 when the first steps were taken in the gradual withdrawal of silver from our monetary system. At this time the Silver Coinage Act of 1965 was passed, I observed that by removing silver from our dimes, quarters, and half dollars, as the bill provides, we will be conserving a substantial amount of silver and providing substitute coinage in these denominations which are legal tender for all debts, public and private. However, during this transitional period to the new coinage, it is essential that the Treasury stand ready to make silver available from Treasury stocks, to protect the existing silver coinage by using standby authority concerning our exports when it is deemed to be in the national interest, and to maintain the price of silver below the melting point of such coins. I urge the Treasury to keep us fully informed on these matters, and I welcome the assistance and guidance of the Joint Commission on the Coinage in this endeavor.

Mr. Chairman, I urge prompt and decisive action on the silver bill to maintain price stability, curb hoarding, and end the current spiral of speculation in the market.

Mr. PATMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. PATTEN].

Mr. PATTEN. Mr. Chairman, I support this bill. When I see Members coming on the floor from Colorado and Idaho, one would think they were the big silver producing States. I want the Members to know that 40 percent of all the silver obtained in the United States comes from my district in New Jersey.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. MONAGAN].

Mr. MONAGAN. Mr. Chairman, I support this legislation, H.R. 7476. I support it because I believe it to be legislation that is sound in principle.

What the legislation will do is assist in bringing about the gradual reduction of reliance upon the use of silver in backing our currency. The effect of this legislation will be to free much of the 426 million ounces of silver now held by the Treasury.

I support this not only because of the soundness of the principle but also because much of the silver industry in the United States is in the district which I represent, this includes some of the great silver flatware companies of the world as well as small companies with only a few employees. All, however, find themselves increasingly in need of silver while the available supply is sharply contracting.

Passing this legislation will help guarantee an adequate supply of this vital raw material and will support employment and economic growth.

Gradually the excess of silver demand over the supply has brought about the situation where this legislation is absolutely essential. New production in this country now is only some 42 million ounces a year. Yet on page 4 of the committee report we find that the use of silver for industry and the arts beginning with the 1949–53 average has risen from 153.1 million ounces per year to 356.5 million ounces in 1966. The uses to which this silver supply is put demonstrate, I think, the importance of this legislation: 46 million ounces is used annually for photographic film, 36 million ounces is used for electrical and electronic purposes, 45 million ounces is used for silverware and jewelry.

So this is a fact that we are confronted with here and not a theoretical situation. It will have no substantial effect on the validity or the use of our currency, because that will be backed by the full faith and credit of the United States.

Reference has been made, incidentally, Mr. Chairman, to the problem of restricting the continuing export of silver with its windfall profits and consequent reduction of domestic supply. I, too, would like to compliment the gentleman from Wisconsin [Mr. REUSS] for the letter that he wrote to the Department of the Treasury recently to which the gentleman from Pennsylvania [Mr. MOORHEAD] referred, because the problem of exports has certainly been a very crucial one and one to which it was essential that the Treasury give attention. No actual steps have been taken by the Treasury but it is urgent that this gaping hole be plugged in the interest of justice to our own citizens and industries.

Mr. Chairman, for these reasons I support this legislation and hope that the House will pass a bill, which will be the same as the Senate bill, so that it may be passed along to the White House for prompt signature.

Mr. BROCK. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. DEL CLAWSON].

Mr. DEL CLAWSON. Mr. Chairman, the very fact that we have this legislation before us today is prime evidence that the pendulum of past policies has swung from one pole of extremism to the other, and there is no assurance that today's action will place us in a proper position to correct the errors of the past. A policy that began several decades ago as a support for an ailing industry to bolster its position in the marketplace has today become a ceiling over its opportunity. In the beginning the Government purchased silver as a commodity in surplus with a price floor for protection. Now the Government sells silver as a commodity in short supply to maintain an artificial below-market price. By governmental interference in the marketplace, we have created a subsidy situation at both ends of the spectrum and must now take dramatic and hasty action to avoid catastrophic consequences.

No one questions the necessity for the present proposal; however, many may seriously reflect upon the policies that have brought us beyond the brink of urgency. Records reveal that from 1934 until 1959 the Treasury purchased 3 billion ounces of silver at an average price of 58.7 cents per ounce. Following World War II for those who read the signs of times, it became clear that silver production was destined to be exceeded by demand.

By 1959 Treasury supplied the excess demand from the sale of nonmonetized silver. In 1961 the drain became so great that President Kennedy ordered the discontinuance of silver sales except through the redemption of silver certificates. Yet it was not until October 1964 that the Treasury discontinued the issuance of silver certificates and began retiring this form of currency relieving the burden of silver backing, and making more silver available for coinage and sale. With the issuance of Federal Reserve notes, for which silver backing is not required, as a replacement currency for silver certificates, Treasury has been able to recover sufficient quantities of silver to stay in the silver business a little longer, but the supply has been constantly dwindling until today the silver on hand is 473 million ounces, 427 million of which are required for the backing of the approximately $550,000,000 of outstanding silver certificates. Recall that during the 25 years prior to 1959 Treasury had purchased 3 billion ounces of silver at an average price of 58.7 cents per ounce.

Although in 1961 President Kennedy evidenced concern and directed policy changes Treasury continued the exportation of silver and from 1962 through 1966 sold 288.8 million troy ounces. Silver sales made available to the market through redemption of silver certificates or sales of free silver from January 1, 1963 through March 31, 1967, inclusive total 421,714,187.11 fine troy ounces. It was only last month, May 18, 1967, that Treasury issued an order "Discontinuing sales of silver to any buyers other than legitimate domestic business concerns which use silver in their business." The order further revealed that "purchases have been rising at an unprecedented rate" and that for the week ending May 18 the rate was so great that, "If unchecked, could lead to exhaustion of the silver supplies which the Treasury is authorized to sell. This, in turn could result in excessive handling of silver coins needed in our national economy at present, as well as in disorderly, speculative dealings in silver affecting the United States economy." What is described as an eventuality is in fact a reality. I submit that this condition is now upon us, already exists and the causes are clearly found in the policies that have been reviewed.

We are told that the granaries of the mints are bulging with the new silverless coins. I suggest that with the passage of this bill, every last one of such coins will be needed in the commerce of the country when the American people decide to keep all they can afford of the 13 billion silver coins still in existence. We are also told that within a year or possibly by next January sufficient new coins of the silverless clad type will be produced to meet all requirements. The fact that this bill provides for the maintenance of the price of silver for 1 year is little consolation when the Silver Users Association fact sheet of June 9, 1967, states that speculative pressures have driven up the London price from $1.30 to $1.75 in 3 weeks. Speculators and producers are naturally the beneficiaries.

it would be profitable to melt silver coins for commercial use, except for the continued sale of free silver by Treasury at $1.29 per ounce.

I suggest further that the bill will not avoid a rush by holders of silver certificates to cash in on this situation and redeem the certificates for silver dust and bullion at again unprecendented rates during the year in which this privilege is to be phased out thus aggravating the existing condition by forcing Treasury to use present supplies to redeem certificates rather than make available free silver for the maintenance of price ceilings.

The next 12 months will be a year of uncertainty in the silver market, and a year of serious appraisal of the monetary policy of the United States. The fact that the Treasury under this bill is obligated to transfer not less than 165 million fine troy ounces of silver as reserves for national defense purposes is salutory, but does not brighten the picture for the future. Regrettably, the Joint Commission on the Coinage, established by the Coinage Act of 1965, was not fully constituted until May 1, 1965. Had the Commission been organized and studying the problem, perhaps we would have resolved this sticky situation in a more satisfactory manner, and before the emergency of the present moment.

The next proposal, as I see it, for the complete demonetization of our silver and gold will be the elimination of the 25-percent gold backing of our Federal Reserve notes. If this is accomplished can anyone be certain of the position of the U.S. dollar in the world market? Will the faith of the American people in the currency and coinage be shattered? Certainly the stability of any monetary system depends to a large degree on the faith and confidence of the people. The history of the past in the use of fiat money, with no discipline, control, or restraint except the whim and caprice of the ruling powers, has not been one to create confidence or foster faith.

This discussion today is not just one of the critical silver problems, but rather one that must circumscribe all related factors, monetary policy, silver and gold supplies, redemption of currency, balance of payments, international currency stability, catastrophic results of governmental controls in the marketplace, and not the least by any means is the contractual commitment of the Government with its people to preserve and maintain a free and private enterprise economic system.

Mr. Chairman, it is with reluctance that I will support this bill today based upon the need and the emergency of the moment. However, I believe in view of the policies of the past we certainly need to be very careful in our decisions for the future.

Mr. BROCK. Mr. Chairman, will the gentleman yield?

Mr. DEL CLAWSON. I yield to the gentleman.

Mr. BROCK. Mr. Chairman, I first wish to compliment the gentleman who is one of the most able members of our committee, for his very excellent statement. Second, just for the purpose of education within the House, I would like to ask the gentleman a couple of questions.

First. I understand that the world market price for silver is now something like 46 cents in excess of the domestic price maintained by the Treasury Department. In other words, the world price is about $1.75 an ounce on the London market.

Mr. DEL CLAWSON. That is the London market price quoted now.

Mr. BROCK. Is it not true the only reason we have any silver in the vaults at all is that the administration has restricted the sale of this silver at $1.29 an ounce on the free market to domestic users for industrial purposes?

Mr. DEL CLAWSON. I am confident that is the case. Had the order not been issued, I am sure the supply would have been depleted by now.

Mr. BROCK. Had they not had the order it is quite possible that with the world price at some 46 cents in excess of our own, Treasury stocks would have by now been depleted; would the gentleman not agree with that?

Mr. DEL CLAWSON. I agree completely with the statement.

Mr. BROCK. I think it is a matter of real concern that we have in effect by legislative fiat maintained a false market for silver in this country, and that there is a very real pressing need for this legislation. I also think it indicates a lack of responsibility on the part of the administration in not presenting such legislation to the Congress for this length of time, and not taking corrective action insofar as our fiscal policy is concerned.

Mr. DEL CLAWSON. I agree entirely with the gentleman's statement. I believe my statement further supports that position that had we looked down the road a little earlier than today we would not have developed the policies that we did adopt, and certainly would not be faced with the emergency and urgency of this legislation now before us.

Mr. PATMAN. Mr. Chairman, may we have an announcement as to the time remaining?

The CHAIRMAN. The gentleman from Texas has 33 minutes remaining, and the gentleman from Tennessee has 42 minutes remaining.

Mr. BROCK. Mr. Chairman, I yield 5 minutes to the gentleman from Utah [Mr. LLOYD].

Mr. LLOYD. Mr. Chairman, when this legislation was before the Committee on Banking and Currency I was particularly concerned about the strategic supply that was to be set aside for use at a time of a national emergency.

As a consequence, I prepared supplemental views which are included in the committee report which advocated that the 165 million troy ounces to be set aside upon the recommendation of the Office of Emergency Planning be retained immediately.

I recommended the immediate retention on the basis of evidence that during World War II we called upon the Treasury for 900 million ounces of silver for national defense. It was further testified that the total amount of silver utilized during World War II was 4.4 billion ounces. We should all be concerned, therefore, as to whether 165 million ounces in a set-aside is sufficient. Without going into great detail concerning the amount of silver coins in existence, and other methods of securing silver, I should emphasize, of course, that we are not wholly dependent upon the Treasury for silver in time of national emergency. However, it is very obvious that we will be shortsighted in the extreme if we do not retain this modest amount, 165 million ounces, and do so immediately.

The committee amendment at the time this legislation was before the House committee provided only that after 1 year following the passage of this legislation the Treasury Department would, in effect, be responsible for the securing of 165 million ounces to be set aside at that time.

Since that hearing before the House Committee on Banking and Currency, the other body has passed legislation requiring an immediate retention within the Treasury Department of the 165 million troy ounces which is in accordance with the recommendations which I submitted in my supplemental views.

I note that the distinguished chairman of the Committee on Banking and Currency, the gentleman from Texas, has said on the floor today that he will introduce a substitute measure, which will substitute the Senate passed measure for the measure which came out of the House Committee on Banking and Currency. If the Committee Chairman had not made such a statement, I would introduce such a substitute amendment myself.

As a consequence, I intend to support the legislation, that is the substitute legislation, such as will be introduced by the chairman of the House Committee on Banking and Currency.

Now I would like to associate myself also, Mr. Chairman, with many of the remarks of the gentleman from California [Mr. DEL CLAWSON] and the gentleman from Tennessee [Mr. BROCK].

I agree with the gentleman from Tennessee that this administration will come before this Congress with a recommendation that the 25-percent gold cover, presently held as a reserve against our outstanding currency, be eliminated, and I look upon this as another step in which the present administration has been willing to recommend that our currency be cheapened because of a fiscal policy which is irresponsible in the matter of spending and national debt.

During the 88th Congress, I voted against the first legislation which would accelerate the trend toward this demonetizing of our currency.

I support this legislation reluctantly, but with the realization that there is no workable alternative.

For example, the June 1 supply of free silver in the Treasury was listed as 46 million troy ounces. That 46 million troy ounces constituted a reduction in one month of 44 million ounces from May 1 when the Under Secretary of the Treasury, Mr. Barr, testified before our committee. At that time the amount of free silver in the Treasury was 90 million ounces.

This reduction of more than 40 million ounces came despite the fact that on May 18 the Treasury announced that it placed a prohibition against the sale of silver to foreign purchasers.

I think it should also be pointed out again although other speakers have undoubtedly made reference to this, that the free world production, as pointed out on page 4 of the committee report—the free world production of silver in 1966 was 231 million troy ounces.

The consumption in the free world on the other hand was 356.5 million troy ounces in that same year. This demonstrates to me that we have no other alternative than to pass the legislation today, as it will be substituted by the Senate bill, which will be introduced and placed before this body by the chairman of the Committee on Banking and Currency.

Mr. Chairman, I therefore support this legislation as it will be presented and I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BROCK. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, as a member of the Joint Commission on the Coinage, I am well aware of the many complicated and complex sides to the silver situation.

The legislation pending before this House will effectively deal with one of the most urgent problems facing us today, in making more silver available to the Treasury Department so that it can continue to meet market demands for this rare commodity at $1.29 per ounce. This will allow us to satisfactorily complete a smooth transition from the old 90 percent silver coins to the new clad coin system that we are presently implementing.

As of June 1, 1967 there were in the Treasury 473 million ounces of silver, of which 427 million were held as backing for outstanding silver certificates. The other 46 million ounces are what is called "free silver" and are available for such purposes as might be in the public interest. It is the stock of 427 million ounces backing certificates with which we are concerned.

The free silver available to the Treasury for sale to the public would shortly be exhausted without providing, as this bill does, for freeing silver presently used to back our silver certificates.

It has been determined by the Treasury that a large number of the silver certificates carried as outstanding have been lost or destroyed. It is also clear that holders of millions of dollars in silver certificates do not want the silver which could be exchanged for these certificates.

It also appears that perhaps millions of dollars in silver certificates may be held by persons who are anticipating a price rise. If the market price goes above $1.29, these latter certificate holders would go to the Treasury and demand silver in the fixed amount provided by law. They could then take this silver into the market and sell it for a profit in an amount equal to the difference between $1.29 per ounce and the market price. It is clear that it was never intended that the silver content of our coins, or the bullion backing our silver certificates should be worth more than the face value of the money itself.

In order to avoid any situation where the holders of silver certificates just sit back and wait for a price rise in the silver market, it becomes necessary to set a time beyond which silver certificates will not be redeemable with silver. This does not mean that silver certificates become worthless. They will be exchangeable for any other kind of lawful U.S. money; and they will, of course, be worth the face value as a medium of exchange. In other words, we now have locked up in the Treasury—in sterile form—hundreds of millions of ounces of silver which are not available for any purpose. The silver cannot be used for coinage, for a stockpile, or for sale. It is a frozen asset. The sole purpose of the bill you have under consideration is to free up this silver for useful purposes.

Recent Treasury Department regulations will assure that this silver is only used for useful purposes and not for speculation. These regulations, which received approval from the joint commission on the coinage prior to becoming effective, provide that silver will only be sold by the Treasury in those amounts required for domestic manufacturing use in the normal course of the purchaser's business. In addition, they prohibit the melting or exporting of silver coins.

With the adoption of this bill, which I strongly urge, there will still remain many important aspects to the silver situation to be resolved.

One of the matters requiring immediate action and attention is the question of terminating the use of our limited silver supply in the manufacture of half dollars. I have repeatedly stated in the past that we cannot afford to waste our rapidly dwindling supply of silver in the manufacture of half dollars which are not even being used as a circulating medium of exchange, the purpose for which they are created. The legislation pending before us now, clearly justifies and demonstrates, I believe, the correctness of that position.

Mr. Chairman, the purpose of this legislation before us is clear, the benefits that it will provide are clear, and the need for its passage is clear. I strongly support this bill and urge that it be passed.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. BARRETT. Mr. Chairman, the bill before the House of Representatives this afternoon, H.R. 7476, dealing with the redemption of silver certificates, represents yet another illustration of the careful work performed by the Committee on Banking and Currency on important legislation.

As a ranking member of this committee, under the chairmanship of a great Member of Congress, the Honorable WRIGHT PATMAN, of Texas, I am pleased to support this bill and to urge its adoption by the House.

My interest in this legislation is enhanced by the fact that the silver we are discussing today is silver sold by the Bureau of the Mint of the Treasury of the United States. While this silver is not physically located in my district, the city of Philadelphia is the location of the principal mint of the United States and, under a new construction program now underway, will continue to be the Nation's City of Coins.

One of the reasons we have been able to weather the series of crises on silver supply in recent years is that the men and women who work in the Philadelphia mint have worked day and night, around the clock and around the calendar, turning out the coins needed for the commerce of our country.

My heartfelt thanks go to the employees of the mint, and to the officials of the mint in Philadelphia and in Washington, for a great performance in the production of coins.

This record was made possible by legislation initiated by the Committee on Banking and Currency of the House of Representatives, and guided to passage by Chairman PATMAN. I have indeed been proud to be associated with the several bills we passed which made it possible for us to overcome the coin shortage and to overcome also the increasing shortage of silver supplies.

H.R. 7476 will complete the job we began in 1963 in eliminating silver as a backing for currency. It will be made available for other needs, including defense. Much of the silver now tied up as backing for silver certificates will never be submitted for redemption in silver because many of these certificates have been destroyed or lost.

We need the silver for more important purposes than as backing for nonexistent currency, or currency which has been irretrievably lost, or which will be held indefinitely as collector items.

For those who want to hold the Government to its promise to redeem their silver certificates in silver, a full year will be afforded them to claim their silver. After that, however, the silver certificate, while still legal tender, will carry no redemption privileges not accorded any other currency.

H.R. 7476 is carefully drawn and well-thought-out legislation and I urge its enactment.

Mr. BROCK. Mr. Chairman, I yield 5 minutes to the gentleman from Idaho [Mr. McCLURE].

Mr. McCLURE. Mr. Chairman, the Treasury has gone from silver crisis to silver crisis, ending always in a panic, when each crisis develops. Now it links the speculators in silver as the cause for the current crisis, but the greatest speculator of all has been the Treasury selling silver short over the years and hoping, if it closed its eyes to the whole situation, somehow the problem would disappear.

Now the Treasury has put the speculators in the role of second-class citizens, barring them from purchasing the silver in the Treasury while making it available to industry. As one result of the Treasury's precipitous action, the blast-off in silver could, and probably will, come several months ahead of when it was anticipated. Last year Treasury had 160 million ounces. On June 1, that figure was 46 million ounces, a decline of 114 million ounces. Treasury, by taking the action it did, achieved exactly what it tried to avoid doing—setting up a two-price system for silver in the world.

In hearings before the Banking and Currency Committee on May 1, 1967, Joseph W. Barr, Under Secretary of the Treasury, was asked by the gentleman from Wisconsin, Representative REUSS, why the Treasury did not put export controls on silver, to prevent the export of cheap U.S. silver to the United Kingdom, Switzerland, and France.

Barr replied that the Coinage Act of 1965 gives the Treasury such authority, but said:

> We did not do so, because we did not want to see a two-price system.

He elaborated on this by adding:

> I should point out, however, that our concern until now is that there is a world market in silver. It is a world production, and we have been concerned that a higher price in some parts of the world than obtained in the United States would lead to the very speculative activity that we have been trying to avoid in the United States.

Then he said:

> A higher price for silver abroad than in the United States would inevitably put pressure on the domestic price with consequences which cannot be clearly foreseen.

These remarks by Under Secretary Barr, made on May 1, are particularly interesting in light of what has happened in the past few days.

I say that because, as we know, on the afternoon of May 17, the Treasury took action that made a two-price system, even a three-price system, inevitable.

Industrial users in the United States can continue to buy silver from the Treasury for $1.29 an ounce. No one else, however, can buy it from the Treasury for that price.

As a consequence, there is a world price for silver, set in London, not Washington, D.C., which today is $1.75 an ounce, and nothing so far prevents American silver refiners from selling their metal on the world market and getting London price, if they choose to do so.

There is also a third price for speculators in the United States who sold silver short in the futures market, and who must make delivery.

Barr said the Treasury would not impose controls on export, because it would impose a two-price system. Now we have the two-price and perhaps we have a three-price system. Barr did not want to control silver for the basic and fundamental reason that when Treasury is talking about silver, it is thinking about gold. They feared if they put a ban on export of silver, the rest of the world would fear that to stem the drain on our gold supplies, this country might also bar export of gold.

It is well to keep in mind that about a month or so ago, two of the Nation's largest banking institutions suggested that this might be done. There was every suspicion then that these remarks were in the nature of trial balloons, to test world sentiment and serve as a warning.

Immediately there was speculation in the gold markets in London, and the trial balloons were shot down. Trading in gold in London has risen to record levels, above $35 an ounce. We try to maintain the price by sales of Treasury stocks in this country. This is a major movement in the world market where the United States attempts to fix price. But we must remember the price of gold is fixed by this Nation in the same manner as it tried to fix the price of silver, by offering to sell unlimited gold at $35 an ounce, and silver at $1.29 an ounce. We can do that, but just so long as the supply of what we are selling is inexhaustible.

The supply of Treasury silver is not inexhaustible, and when the speculators began a run on the supply, as they did last week, the Treasury was forced to abandon its efforts to peg the price on the world, as well as the domestic markets.

The supply of Treasury gold is no more inexhaustible than is the supply of silver.

The last thing the Treasury wants to do is to trigger a run on our gold.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. BROCK. Mr. Chairman, I yield the gentleman an additional 5 minutes.

Mr. McCLURE. Mr. Chairman, has the countdown on gold begun, as it did on silver?

In a world beset by wars and threats of wars, worried about inflation and deflation, concerned about international liquidity and the stability of paper money, there is a growing realization that gold is safe money.

There is also an awareness that gold is getting in short supply, because of growing use of gold in industry and the arts, and the fact that an unrealistic price for the metal is curtailing production.

In the United States, for example, we are using four times as much gold in industry and the arts as we are producing.

Last year, in the world, for the first time in recorded history, there was a decline in the stocks of monetary gold.

Consider also the fact that the U.S. Government is becoming increasingly aware of the need for a greater gold production, and is doing all it can, except by increasing the price, to boost production through aid to industry in finding deposits of gold and by research into methods of recovering gold from low-grade deposits.

All these facts add up to one thing—the elements that make for the same countdown on gold as made for the countdown on silver.

As a consequence, the Treasury must proceed more cautiously than ever before in handling the silver situation, less it upset the gold situation.

That is what all the panic has been about in recent months.

I have made these rather lengthy remarks about the gold situation, in a discussion concerning the silver situation, because I feel you cannot evaluate the positions of these two metals independently. There is an interrelationship here that is important.

What will happen in silver? The blast-off in silver will come the moment the Treasury gets out of the silver business entirely and lets the metal seek its own price.

That day may come sooner than was planned for in the original timetable.

The Treasury has one reason for pegging the price of silver at $1.29 an ounce—to assure the country of an adequate supply of coinage until there are enough of the new coins in existence to replace entirely, if need be, all the silver coins that are circulating now.

At one point the Treasury estimated this time might not arrive until mid-1968. Now that timetable has been moved up considerably.

In the hearings on May 1, Barr told the committee:

> I think we nearly have enough coins at the moment, or close to it, to replace the coins in circulation. However, nobody can be certain. I will not feel 95-percent certain until after the Christmas demand for coins.

The final determination on this point will be made by the Commission on the Coinage. But all evidence points to the fact that the transition will be completed long before mid-1968.

When the transition is completed, Barr told the committee:

> I do not believe the United States has an interest in the price of silver or properly should.

And we must bear in mind another point.

As a result of the run on Treasury silver, some Senators and Congressmen are wondering whether or not the 165-million-ounce strategic stockpile of silver, as recommended by the Office of Emergency Planning, is large enough.

Some Congressmen can see no sense in selling Treasury silver for $1.29 an ounce, and then buying it back for space and defense purposes at twice that price, or more.

And that brings us to the point—just what will be the world price of silver once the Treasury gets out of the silver business?

I do not believe any of us can predict accurately what that may be, but we can look at some of the facts.

In the past 4 years industrial use of silver in the free world has exceeded production in the free world by 86 million ounces a year. That means that the demand for silver is about 40 percent greater than the supply. Any businessman here knows what happens when the demand for a product is 40 percent greater than supply.

There is another clue. London has set the price at $1.75 an ounce even though the Treasury is committed to supply American industry with $1.29 an ounce silver. American industry this year will consume 165 million ounces of silver. When this industry has to go onto the open market to buy the silver, what will happen to the price structure? The free silver balance in the Treasury as of May 18 was only 58 million ounces, a decline of 95 million ounces since the first of the year, and as of June 1 was 46 million ounces.

It is obvious, then, that unless the Treasury acts, its supply of free silver will be exhausted long before January 1, 1968.

However, the Treasury is acting by asking Congress that it be permitted to write off an arbitrary amount of silver certificates, thus freeing seventy-seven one-hundredths of an ounce of silver for each $1 certificate that it writes off, and it is asking that at the end of 1 year from the effective date of the act, silver certificates will not be redeemed with silver metal. In other words, it is asking permission to revoke the promise of the Government to redeem all silver certificates in silver metal.

I feel the public has not yet realized the magnitude of the run on Treasury silver that developed prior to the Treasury's action.

In 4 days, Monday through Thursday, of the week of May 14, a total of 23,552,528 ounces of silver was withdrawn from the Treasury; 12,000,000 ounces more were withdrawn in the next 12 days, for a total between May 14 and June 1 of nearly 36,000,000 ounces. This compares with a draw-down of only 14.2 million ounces in April, 18.4 million in March, 17.9 million in February, and 26.2 million in January.

By the close of business Thursday night, May 18, the Treasury had only 484,056,642 ounces of silver remaining—a decline of 107.9 million ounces up to that time this year, and 12 million ounces between that date and June 1. The total drawdown during this year, up to June 1, was 120 million ounces compared with a yearlong total in 12 months last year of 209.5 million ounces.

While I depore the action that has been taken by this country in shifting from the bimetalic standard upon which we have operated for many years, we are now faced with the certainty that we cannot progress further along this line without change. The Government refuses to take any action except the one before us today. I think it is absolutely imperative that we adopt the Senate position with respect to the strategic reserve requirement by making this transfer at this time instead of one year from this date, as proposed by the Treasury.

While I regret very much the position in which we are placed, I do not think we have any real choice or alternative.

This further retreat from metallic backing of our currency system seems to me to be the height of folly, but dictated by the monetary policy of this administration and the complete lack of fiscal responsibility in the last several years. Despite my feelings and misgivings of the action being urged here today, I feel that we can do nothing else. I urge the approval of this pending legislation as amended in the other body.

Honesty compels me to give full credit for the material contained in my remarks to Mr. Harry F. Magnuson, of Wallace, Idaho, vice president of the Golconda Mining Corp. and an outstanding authority in the field of silver.

Mr. PATMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. de la Garza].

Mr. de la GARZA. Mr. Chairman, I would like to utilize my time to ask a question of the chairman concerning the redemption of silver certificates. I recently had an inquiry from a constituent of mine wherein he had difficulty in redeeming silver certificates. I have a letter which I quoted and sent to you and which I hope to insert in the Record at this point when we are back in the House.

The letter is as follows:

May 23, 1967.

Hon. Wright Patman,
Chairman, Committee on Banking and Currency, U.S. House of Representatives, Washington, D.C.

Dear Mr. Chairman: You will recall our conversation with respect to the sentiments of a constituent of mine and on the Silver Certificates Bill.

When I talked to you, you asked me to send along some of his quotes. They follow:

"I am sure that you know me well enough to assume without my telling you that I am instinctively and intellectually wholly against the idea of repudiation, but of course it is impractical and quixotic to even suggest this because it is Administration policy but I was born too long ago to accept easily the idea that promises and principles do not count any more and only political expediency is immutable.

"I had to get all of this stuff off my chest in order to say that it seems to me that if the right to redeem these silver certificates is going to be an honest right even for one year that it is to continue to exist under the proposed act, it necessarily must be the kind of right that can be reasonably exercised by all persons who desire to invoke it. It is obvious that a remedy so restricted as to be wholly unattainable by some and attainable only by exercise of unreasonable and impracticable means by the majority is not truly a remedy at all.

"The treasury has already, and I presume will continue in the proposed act, restricted the right to redeem silver certificates to those who present their certificates at the United States Assay Office in New York and San Francisco. You cannot redeem them even at the U.S. Treasury in Washington, D.C. and this has been true since shortly after the fiasco of March 1964, when the Treasury handed out silver dollars by the truckload to coin collectors and dealers, mostly the latter. A certificate cannot be redeemed by mail or even as I understand, by agent. They are required to be presented in person at the Assay Office and I am told that there is now only one place, that is, New York where this can be done since I understand by rumor that San Francisco had either been closed or has been ordered not to redeem silver certificates. The restriction is probably not a great inconvenience to the commercial users or processors of silver such as Eastman Kodak, Xerox, Gorham, et al., but it is impossible or at least impractical for most ordinary people who have 10 or 20 or 100 silver certificates which they wish to exchange for silver.

"In my own experience, even if you go to the Assay Office it is very difficult to redeem the certificates. On the first news or rumor that the coinage was going to be debased, I started saving a few silver certificates and by April 1965, I had collected several hundred. When I tried to exchange them for silver dust or bars at the Treasury here in Washington, I was told that I would have to go to New York or San Francisco to make the exchange, so I went to New York. I didn't know where the Assay Office was but after a number of inquiries, learned that it was on Old Silt Street near the Battery and Governor's Island Ferry on the extreme south end of Manhattan Island. Even with this information, I had difficulty finding it. I presented my silver certificates to the man at the window and asked him to give me silver bars in exchange. The price was $1.20 an ounce and I had enough certificates to buy about 300 ounces and asked for three 100 ounce bars. He said that he didn't have 100 ounce bars, that he only had 1,000 ounce bars. After I argued with him for a while, he admitted that they did have 100 ounce bars, but he could not exchange them for silver certificates since their use was restricted to 'exchange purposes'. I didn't learn precisely what he meant by 'exchange purposes' but have since reasoned that or been told he meant exchange for raw silver. He said I could get a 1,000 ounce bar but in addition to the 1,290 silver certificates, I would have to pay an Assay fee and some other kind of fee, the nature of which I do not now recall. I didn't have enough silver certificates for this and since it would weigh about 66 lbs, I didn't feel I was able to carry it very far even if I could buy the silver certificates at the Federal Reserve Bank only a few blocks away where the man told me I could buy them.

"I then asked him if I could get silver dust on my certificates. He said I would have to come back the next day. I suppose that by this time I had him sufficiently annoyed and that he did not wish to do business with me anyway. I still have my silver certificates.

"The point of all this, as you have already discovered, is that if these certificates are to be repudiated, (and undoubtedly they are going to be repudiated) and a period of one year for redemption is extended for exchange for silver, the exchange should be possible within a reasonable distance, and placed with reasonable access to everyone who legally possesses silver certificates that he or she wishes to redeem. A remedy that can be exercised only on Old Silt Street, lower Manhattan, is no remedy at all to a man or woman in Mission, Texas with 10 certificates more or less who can't afford to go to New York and has no reason or desire to go to New York anyway."

Whatever consideration you can give these remarks commensurate with your policies will be appreciated.

With my thanks always, I am,

Sincerely,

E. (Kika) de la Garza.

At this time, Mr. Chairman, can you give me some information as to how a person might easily redeem some of these silver certificates?

Mr. PATMAN. It is my understanding that they are redeemable now. Of course, if you just present a $1 silver certificate, the Treasury will probably give you a small envelope with silver dust in it that is worth $1.29 plus. If you present enough silver certificates to entitle the person desiring the silver to obtain a silver bar, a silver bar may be obtained. The letter the gentleman from Texas [Mr. de la Garza] sent to me from his constituent has been referred to the proper authorities for an explanation. When that letter is received from the Treasury it will immediately be delivered to Mr. de la Garza, and I assume you will put that in the Record, also, since you are going to put this letter in the Record. I am positive, though, that silver certificates can be redeemed now. There is no question about it.

This letter indicates maybe there is some misunderstanding between the gentleman trying to turn in his certificates and the person at the assay office in New York as to the availability of certain silver bars and so forth. Anyway, the matter will be looked into and the gentleman will be advised. They must satisfactorily adjust it, or we will stay after them because they cannot do one person that way.

Mr. DEL CLAWSON. Mr. Chairman, will the gentleman yield?

Mr. de la GARZA. I yield to the gentleman from California.

Mr. DEL CLAWSON. I understood the chairman to indicate that if you turned in a silver dollar to the Federal Reserve, you would get $1.29 in silver dust in an envelope. I think the chairman means that whatever value that silver dollar will have at the rate of $1.29 an ounce.

Mr. PATMAN. That is correct.

Mr. de la GARZA. I thank the gentleman for his reply.

Mr. BROCK. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. Gross].

Mr. GROSS. Mr. Chairman, I listened closely to the well-presented remarks of the gentleman from Idaho [Mr. McClure]. During the course of his remarks he asked the question if there is not also a countdown on gold. The attempt was made to start that countdown about 2 months ago when Secretary of the Treasury Fowler made a speech at Pebble Beach, Calif., but it fell on deaf ears. Then along came the Bank of America and Chase Manhattan. Evidently some pressure was applied and they started the Fowler suggested campaign for the manipulation of gold.

When the American Bankers Association got into the act in total opposition to this attempt, originally started by the Secretary of the Treasury, and taken up by these two banks—two of the largest in the world—they backed down and we have heard but little of it since.

But, Mr. Chairman, make no mistake about it, we shall hear more with reference to it when it is determined the time is ripe to end what remains of our gold cover.

Mr. Chairman, I have no doubt that if certain individuals thought they could get away with it here and now, today, we would be voting, not on this bill dealing alone with silver, but voting to wipe out the 25-percent gold reserve. Make no mistake, they will be in here with that kind of a bill when they think they can get the votes to pass it.

Mr. Chairman, I was a little surprised to hear the gentleman from Wisconsin [Mr. Reuss]—and I do not see the gentleman in the Chamber—say that this bill is necessary in order to shut off exports of silver. I cannot believe that this Government does not now have the authority to cut off exports of silver.

Mr. Chairman, I would ask the chairman of the Committee on Banking and Currency, the gentleman from Texas [Mr. Patman], if this Government cannot cut off or restrict the export of silver without the enactment of this bill?

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Certainly.

Mr. PATMAN. Mr. Chairman, I believe that the gentleman from Iowa [Mr. Gross] misunderstood the gentleman from Wisconsin [Mr. Reuss].

It is my recollection that the gentleman from Wisconsin said that our committee report recommended the export control of silver and 2 days later the Treasury carried out that recommendation, on May 18, to absolutely deny the export of silver, and that has been done as of May 18.

Mr. GROSS. Let me ask the gentleman once again the question—and I am sure he can give me the answer if he wants to do so without going all around Robin Hood's barn—does this Government have or does it not have the authority to cut off exports of silver?

Mr. PATMAN. That is Treasury discretion.

Mr. GROSS. Do they have it or they do not have it?

Mr. PATMAN. Oh, they have it.

Mr. GROSS. Then, what is the shooting all about? This bill is not necessary for that purpose.

Mr. Chairman, it was hard for me to believe that anyone would say that this Government did not already have the authority to control the outflow of silver when the same Government could step out, as is in the case of joining the British in their boycott of Rhodesia, and cut off everything to that country—silver, gold, oil and everything else.

Mr. PATMAN. Mr. Chairman, if the gentleman from Iowa will yield further, I feel reasonably certain that the gentleman misunderstood the gentleman from Wisconsin [Mr. Reuss].

There is no doubt but what we can stop the export of gold or silver right now. However, may I suggest to the distinguished gentleman from Iowa [Mr. Gross] that our country is the only country on earth that does not have export control upon its currency, including its domestic currency and including gold and silver. We are the only country on earth which does not have those controls.

Mr. GROSS. If you do not have export controls, how could you stop the outflow? Which way are you going to have it?

Mr. PATMAN. Mr. Chairman, if the gentleman will yield further, on gold and silver, but we have only used it on silver, and that was on May 18 of this year, less than a month ago.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BROCK. Mr. Chairman, I yield 3 additional minutes to the gentleman from Iowa [Mr. Gross].

The CHAIRMAN. The gentleman from Iowa is recognized for 3 additional minutes.

Mr. GROSS. I thank the gentleman from Tennessee.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri [Mr. Hall].

Mr. HALL. I just wondered if the gentleman from Iowa would explain the fact that we have exported gold to General de Gaulle from Fort Knox, and from the vaults in Manhattan, while we are still owed money for World War I and World War II, and the reconstruction program and everything else that we have done for France?

Second, why we sent $2 billion one time, and $700 million another time to shore up the pound sterling in 1966, and why we let dollars go around the world to be sold at an increasing market?

I also ask the gentleman, does he have any idea what dollars and 50-cent pieces are selling for in the open markets of the world by tourists who take them abroad for this purpose?

Mr. GROSS. I was amazed, I will say to my friend from Missouri, to pick up the hearing record on this bill and find that in Ethiopia, according to the gentleman from New Jersey [Mr. Widnall], ranking minority member on the Committee on Banking and Currency:

> It is interesting to note that overseas, as I understand it, right now, in Ethiopia, they are selling the half dollars with the full silver content for $6, and also our silver dollars for that amount.

Can it be possible that in Ethiopia they are paying $6 for American half-dollars?

Mr. PATMAN. That is an exceptional case for souvenirs.

Mr. GROSS. Let me ask the gentleman this question: Everybody else in the world seems to want silver and gold. Why do we not covet silver and gold as backing for our currency?

Mr. PATMAN. We do not have enough silver and gold in world production.

Mr. GROSS. We had enough in 1964 and 1965 when Lyndon Johnson's "funny money" bill was approved. We had enough then to export 44 million ounces in the 12 months preceding the adoption of that Great Society funny money bill.

Mr. PATMAN. Since 1964 all the gold and silver has gone into industry, and for photography; things like that. None of it has gone into currency for any country in the world.

Mr. GROSS. Did not the gentleman and the Great Society think we would be coming up to this day, to this showdown?

Mr. PATMAN. One cannot always anticipate.

Mr. GROSS. Or is this some more of your slippage and miscalculation?

Mr. PATMAN. No one has the knowledge or foresight to look too far down a road, around the curves and over the hills.

Mr. GROSS. What this Government has been doing, I am sure you knew would lead to this inevitable end, or you ought to have known it.

Mr. BROCK. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Tennessee.

Mr. BROCK. Mr. Chairman, I was confused by the gentleman's query as to whether or not anybody should have anticipated this problem. I will say to the gentleman that this country has the most incredible record of inaccuracies, so far as predictions are concerned, I have ever known.

In the year they passed that bill they predicted it would resolve the coinage problem and solve our silver problem. They only missed it by 13 or 15 years, but they missed it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROCK. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa.

Mr. GROSS. Again, I thank the gentleman.

Mr. BROCK. I yielded in order to pursue this point further, if the gentleman will yield.

Mr. GROSS. I will be glad to yield to the gentleman.

Mr. BROCK. I believe the gentleman is raising a valid point. To be perfectly honest, I believe it should be made clear to the Members of this body that this bill is no more and no less than a precursor of a bill to remove the gold content of the dollar. I fully anticipate that such a bill will be introduced and voted on in this body and passed in the next year. I believe there are different reasons to support this bill because it relates to coinage and currency, so we have a different problem here. That is the reason I am supporting this bill, but I in no way want to minimize the problem this country faces in its monetary situation.

Mr. GROSS. And when that day comes the Great Society will have completed the job of debauching the currency of this country.

Mr. BROCK. That is correct.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri.

Mr. HALL. This simply brings me back to the original point I wanted to raise with the distinguished gentleman, that is, some of the old decisions one could take exception to concerning our fiscal policy.

Just as we had to do something about the Coinage Act, then we took the additional 50 percent of gold back from the Federal Reserve notes, now we are demonetizing the silver, and eventually we will remove that remaining 25 percent.

What it spells out is a lack of financial responsibility and a lack of fiscal guts to keep our money at home and prevent it from going overseas.

Now I would like to ask the gentleman one additional question in proof thereof. What is the gentleman's estimate and what is his knowledge of the seigniorage of that accruing to our Federal Treasury as a result of all those acts? To what use, intent, and purpose has this gain been put?

Mr. GROSS. I cannot give the gentleman recent figures, but I suppose it is somewhere in the neighborhood of $1,600,000,000 to $2 billion—which has gone where the woodbine twineth—in other words, spent.

Mr. HALL. And this is what we have silver participation certificates for?

Mr. GROSS. Why, sure, in part.

Mr. HALL. I thank the gentleman.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. COLLIER. Did I understand the distinguished chairman of this committee to say that we could not anticipate or predict the status of silver and gold over a span of time?

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. PATMAN. Over a reasonable period of time that could be, yes. But not beyond a reasonable time—I mean one could not go beyond a certain point. We just would not know—you cannot anticipate what is going to happen in the world in too long a time.

Mr. COLLIER. We certainly must have anticipated the situation with reference to gold. We had $27 billion in gold reserves in 1946 and it has dwindled down to less than half of that in late 1961. There was a meeting at which President Kennedy met with leaders of other countries—and it was presumed that it would be a quiet meeting and the gentleman is aware of the fact that it was subsequently publicized when it became obvious that there was a crisis in this area.

I just cannot believe that you cannot anticipate what may happen, particularly when the third extension of the 1962 act was before our committee and we were told that unless we enacted this third extension of the 1962 act, we were going to be faced with an even greater crisis. None of the fruits or the harvest ever became a reality because we were told at that time, if we enacted that bill it was going to improve the gold reserves and the conditions of the world and international relations. Four years later when it is due to expire at midnight on June 30—take a good hard look at the dollar balance of payments and take a good hard look at the situation in the world today and you can draw your own conclusion as to whether or not we were given a bum steer at that time.

Mr. PATMAN. On the question of the balance of payments that can be handled by the Treasury when the desire to do so is established. That can be done through the export of our own money in the Treasury. We have no export controls over our money in the Treasury. We are the only nation on earth that does not have that type of control.

Mr. FASCELL. Mr. Chairman, we are today voting on H.R. 7476, a bill to authorize adjustments in the amount of outstanding silver certificates. What we are really doing by this legislation is enabling the Treasury to maintain the price of silver at $1.29 per ounce, to keep our older 90-percent silver coin in circulation until there are adequate supplies of the new clad coin to meet all coin needs.

Under H.R. 7476 the Secretary of the Treasury will be able to determine from time to time the amount of outstanding silver certificates which can be assumed will never be presented for redemption for silver for various reasons, as that they have been destroyed, or are irretrievably lost, or are frozen in collections. By declaring such amounts to be nonexistent as currency, a corresponding amount of silver can be released for redemption and sale. The bill also provides that 1 year after enactment, no silver certificates would any longer be redeemable in silver, although they would remain as legal tender.

At present our older dimes and quarters, and even some half dollars are in circulation, side by side with the silverless dimes and quarters, and the 40-percent-silver half dollars. The passage of H.R. 7476 will provide the Treasury with enough free silver—silver which is not required to be kept as "backing" for silver certificates—to enable it to continue to sell silver to domestic silver users at the Treasury's maintained price of $1.29 per ounce, to meet stockpile requirements; and provide the time necessary to assure the orderly transition from the old to the new coinage.

The Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations, of which I am chairman, has made extensive studies of the Nation's coin situation in recent years. Our studies began in 1964 when the country was in such a serious coin shortage situation that many businesses were unable to get the supplies of coin that they needed to carry on their transactions. The country certainly never again wants to face that situation.

We must maintain the older coins in circulation side by side with the new clad coins until there are enough of the clad coins produced, and in inventories in the Treasury and in the Federal Reserve banks, and in the normal channels of circulation to guarantee that there will never be another coin shortage in this country.

The passage of H.R. 7476 should go a long way toward assuring against further coin shortages, and the ability of domestic manufacturers and users of silver, many of them small industries and independent businessmen, to have access to silver without in any manner prejudicing the country's coin supply. Because I believe the legislation can accomplish these purposes, I favor its passage.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I rise in support of the very lucid and sound arguments that were presented by my distinguished colleague, the gentleman from Massachusetts [Mr. CONTE].

The passage of H.R. 7476 would continue our Government's stated purpose and clear-cut policy of rationally eliminating "sterile" or nonproductive silver from our monetary system.

We face a situation marked by the increasing shortage of silver and the increasing requirements for silver as a commodity. At present, according to Mr. Simon Strauss, of the American Mining Congress, the world's new production of silver is approximately 150 million ounces a year below industrial demand. This drastic supply situation is due unfortunately to the mode of silver mining. In most cases, the production of silver is directly dependent on the mining of copper, lead, and zinc and not on the price of silver. We cannot expect an increase in the production of silver unless the demand for these base metals justifies an increase in overall production.

As you can see, Mr. Chairman, the need for silver as a commodity is critical. For the time being, the only reasonable source of silver is the U.S. Treasury.

In the past, the Treasury has stood ready to buy or sell silver at $1.29 per ounce. Because of the drastic supply situation and the ever-increasing demand for silver, speculative pressures will probably drive the price of silver well beyond its redeemable monetary value. It is only through the release of "free" treasury silver, and through a rational withdrawal of the Government's commitment to convert silver certificates into silver that we will be able to meet the urgent need for silver as an essential commodity in the electronic, film, jewelry, and silverware industries.

If we fail to enact this legislation we will almost certainly see a drastic rise in the price of silver coupled with an increase in silver imports.

It is probable that our balance of payments will be affected detrimentally and that the speculators will be the only ones to gain. Therefore, I am most happy to join Congressman Conte and my other colleagues in supporting the passage of this urgently needed legislation.

Mr. REINECKE. Mr. Chairman, our vote today simply adds the final coup de grace to the once stalwart concept of meaningful, well-backed currency. Now our coins as well as our currency are only worth the paper they are printed on. This is one more in a long line of "down the primrose path" decisions and actions on the part of the Johnson administration.

First, we debased our coins, then we knocked out the silver certificates—so now it is academic whether we have silver behind part of the $1 bills and none behind the rest.

And so it goes, Mr. Chairman—and for that matter so goes the real integrity of our coinage and silver currency—next goes the gold. Mr. Chairman, it cannot be more than a year before we face the Johnson-generated crisis on the lack of gold.

Must we continue to overlook the fact that peoples around the world all want metallic backing for their money—that they are paying high prices for what is left of high intrinsic valued U.S. coins? When, Mr. Chairman, do we finally give America the benefit of the doubt? It is another sad notch in that Johnsonian rifle butt.

Mr. PETTIS. Mr. Chairman, I would like to associate myself with the remarks of my colleague, the gentleman from California [Mr. Reinecke].

Mr. BROCK. Mr. Chairman, I have no further requests for time.

Mr. PATMAN. Mr. Chairman, I have no further requests for time and ask that the Clerk read.

The **CHAIRMAN.** There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized to determine from time to time the amount of silver certificates, issued after June 30, 1929, which in his judgment have been destroyed or irretrievably lost, or are held in collections, and will never be presented for redemption. In the case of each determination he shall credit the appropriate receipt account with an equivalent amount, and shall reduce accordingly the amount of silver certificates outstanding on the books of the Treasury.

AMENDMENT OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Patman: Strike all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Treasury is authorized to determine from time to time the amount of silver certificates (not exceeding $200,000,000 in aggregate face value), issued after June 30, 1929, which in his judgment have been destroyed or irretrievably lost, or are held in collections, and will never be presented for redemption. In the case of each determination he shall credit the appropriate receipt account with an equivalent amount, and shall reduce accordingly the amount of silver certificates outstanding on the books of the Treasury.

"Sec. 2. Silver certificates shall be exchangeable for silver bullion for one year following the enactment of this Act. Thereafter they shall no longer be redeemable in silver but shall be redeemable from any money in the general funds of the Treasury not otherwise appropriated.

"Sec. 3. Effective upon the expiration of one year after the date of enactment of this Act, section 2 of the Act of June 4, 1963, as amended (31 U.S.C. 405a–1), is amended to read as follows:

" 'Sec. 2. The Secretary of the Treasury is authorized to use for coinage, or to sell on such terms and conditions as he may deem appropriate, any silver of the United States (other than silver transferred to the stockpiles established pursuant to the Strategic and Critical Materials Stock Piling Act) at a price not less than the monetary value of $1.292929292 per fine troy ounce.'

"Sec. 4. From and after the date of enactment of this Act, and until transferred to the stockpiles established pursuant to the Strategic and Critical Materials Stock Piling Act in accordance with this Act, the Secretary of the Treasury shall hold as a reserve for purposes of the common defense not less than one hundred and sixty-five million fine troy ounces of silver. Upon expiration of one year after the date of enactment of this Act, the Secretary of the Treasury shall transfer not less than one hundred and sixty-five million fine troy ounces of silver to the stockpiles established pursuant to the Strategic and Critical Materials Stock Piling Act. For the purposes of that Act, the silver shall be deemed to have been transferred pursuant to that Act.

"Sec. 5. The last sentence of section 3517 of the Revised Statutes (31 U.S.C. 324) is repealed."

Mr. PATMAN (during the reading of the amendment). Mr. Chairman, I ask unanimous consent that the amendment be considered as read because it is exactly the same as the Senate bill and it adds the Senate amendment as our colleague on the committee, the gentleman from Utah [Mr. Lloyd], and others want. It is exactly the same as the Senate bill.

Mr. GROSS. Mr. Chairman, reserving the right to object—and I shall not object—I assume that this amendment which is being offered cannot debauch any further the silver backing of the currency of this country; can it?

Mr. PATMAN. The word "debauch" can be misconstrued, as the gentleman knows, in many ways.

Mr. Chairman, that language would make the bill exactly the same as the Senate bill which was passed, including the Senate amendment that the gentleman from Utah [Mr. Lloyd] was very much interested in.

I ask unanimous consent that further reading of the amendment be dispensed with.

The **CHAIRMAN.** Without objection, it is so ordered.

There was no objection.

Mr. LLOYD. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Utah.

Mr. LLOYD. These amendments are very short. It seems to me that it would be in good practice to have them read.

Mr. PATMAN. May I make a statement about the substitute amendment?

Mr. Chairman, the purpose of this amendment is to put before the House the exact text of S. 1352 as passed by the Senate. There are only two very minor differences between the bill as passed by the Senate and as reported by your committee. One of these differences is the Dominick amendment, which limits to $200 million the amount of silver certificates issued since 1929 which the Secretary of the Treasury can write off as lost or destroyed. The other difference is the Bennett amendment, which requires the Secretary of the Treasury to keep at least 165 million ounces of silver on hand as a reserve for national defense purposes until he transfers this amount over to the strategic and critical materials stockpile.

Mr. Chairman, I am advised that these amendments are acceptable to the administration and are supported by the minority. At the time our committee acted on this bill the other body had not acted upon S. 1352, and so we reported the House bill in somewhat different form from the Senate bill. In view of the importance of enacting this bill without unnecessary delay due to technical difficulties, I urge the adoption of this amendment as the substitute for the committee amendment. Then the bill will be exactly the same as the Senate bill. It can go directly to the President of the United States and be signed without any delay of any kind whatsoever.

Mr. LLOYD. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Utah.

Mr. LLOYD. I agree with the gentleman entirely. I respectfully request that we allow the Clerk to read the amendment.

Mr. PATMAN. All right, if the gentleman desires.

The **CHAIRMAN.** Without objection, the Clerk will reread the amendment.

There was no objection.

The Clerk reread the amendment.

Mr. MOORHEAD. Mr. Chairman, I rise in support of the substitute.

Mr. Chairman, I believe it is essential that we expedite the orderly transition from silver coins to the new clad coins. H.R. 7476, in my opinion, would accomplish this, but unnecessary delay could encourage even more hoarding of these silver coins, since the price of silver is going up rapidly.

To some degree, hoarding of U.S. coins for speculative purposes is inevitable, since the demand for silver throughout the world exceeds production. Last year alone, the industrial silver consumption of the United States was 150 million ounces; the United Kingdom was 25 million; West Germany was 48.2 million; France was 14.7 million; Italy was 35 million; Canada was 5.5 million; Mexico was 5.1 million; Japan was 27 million; India was 16 million; and all other countries was 30 million ounces. World consumption of silver, for use by industry and the arts totaled 356.5 million ounces; but, new production of silver in 1966 only totaled 231 million ounces.

Who made up the 125.5-million-ounce deficit? The U.S. Treasury.

Figuratively speaking, the world mined the U.S. Mint for the 125.5 million ounces at $1.29 plus per ounce. The Treasury had this huge supply of silver as a result of the Silver Purchase Act of 1934 and other laws enacted in 1939 and 1946 under which the Treasury purchased silver at a price far in excess of that which prevailed in the then depressed world market. From 1934 to 1958 America tripled her stock of silver, through the purchase of 3 billion ounces of silver at an average price of 58.7 cents an ounce.

Much of this silver has gone into coinage. As to the rest, the United States has been forced to sell this supply of silver at $1.29 plus in order to keep our silver coins in circulation until we could replace them with the new clad coins. Since the Treasury is not absolutely sure that a sufficient number of the new silverless coins— an estimated 12 billion of them—will have not been minted until after the Christmas holidays, the Treasury has asked Congress to enact this legislation which in effect will hold the price, for U.S. industrial uses, for silver at $1.29 plus. A 10-cent rise in the price of silver before the end of the year would bring about the disappearance of the 90-percent silver coins, because it would pay to melt the coins for their silver content, thereby creating a coin shortage.

H.R. 7476 would achieve the stabilization of the $1.29-plus per ounce for silver by releasing over the period of 12 months from enactment of this bill much of the 426 million ounces of Treasury silver now held as backing for the more than $552 million silver certificates currently outstanding. The freed silver would be demonetized and made available for coinage, for transfer to the defense stockpile, and for sale to industry. The Treasury estimates that approximately $150 million of these outstanding silver certificates might be written off immediately upon enactment of H.R. 7476, thereby freeing 116 million ounces of silver.

Specifically, the legislation would authorize the Secretary of the Treasury to write off silver certificates he determines have been destroyed, irretrievably lost, or are held in collections and thereby never will be presented for redemption, thus freeing for other uses the silver now held against those certificates.

In the past, the Treasury has written off other old currencies. To date, over $144 million of currency has been written off, including $1.1 million of 1890 Treasury notes; $16.6 million of pre-1929-issued gold certificates; and $7.3 million of pre-1929-issued silver certificates.

In addition, H.R. 7476 specifically allows silver certificate holders 1 year in which to convert their certificates to silver bullion, if they so wish. The exchange rate for each $1 silver certificate is 0.77-plus ounce of silver—the silver content in a silver dollar. At $1.29-plus an ounce, the monetary value of a silver dollar is 100 cents. At the end of the 1 year, silver would no longer be a medium of monetary exchange. Silver certificates, however, will still be legal tender for all debts, public and private.

Because of the continuing enormous gap between silver production and demand, the price of silver has risen substantially since the depression low of 25 cents an ounce. From 1934 to 1939, the purchase price for silver ranged from 50 to 77 cents plus; 1939–46, it was 71 cents; and from 1946 to 1963 it was 90.5 cents an ounce. Nonmonetized silver, however, was sold by the mint at 91 cents an ounce up to November 1961, at which time President Kennedy directed that sales should be stopped. At that point, silver became available to the public only through the redemption of silver certificates for silver dollars. But with the continuing increase in the price of silver, the demand for silver dollars became so heavy by 1963 that Congress repealed the 1934 Silver Purchase Act, the act of July 6, 1939, July 31, 1946, and authorized the Treasury to redeem silver certificates in bullion instead of in silver dollars. In 1965, the Coinage Act reduced the silver content of our half dollars from 90 percent to 40 percent, and completely removed silver from our dimes and quarters. This action freed more silver for industrial use.

The purpose of H.R. 7476 is to free even more silver, not only for coinage and industry, but also for our stockpile reserve. Under an amendment which I offered in committee on this bill, the Treasury, at the end of 1 year from enactment, must transfer to the General Services Administration, 165 million ounces of silver to meet our conventional war stockpile objective, which has been established by the Office of Emergency Planning.

Silver is essential to our defense and space programs for use in such items as silver-zinc batteries, jet aircraft brazing alloys and solders, electric contact points, and military film reconnaissance products.

However, in order to assure an adequate supply of silver to meet this stockpile requirement and other commitments a year from now, the Treasury has recently instituted two regulations. This Treasury action was necessary because of the rapid increase in silver purchases in recent weeks. From May 1 to May 17, new orders received by the Federal Reserve banks spiraled from 200,000 ounces to 5.1 million ounces. Redemption of silver certificates increased $6 million between the end of March 1967 and May 17, at which time $552 million certificates were outstanding.

Te dampen this "run" on the silver stocks, the Treasury on May 18 invoked its power, under the 1965 Coinage Act, to require silver bullion purchasers to sign an end-use certificate. The regulation, which became effective immediately upon issuance, stipulates the purchaser to certify that the silver is needed for the customary and ordinary conduct of his silver fabricating or processing business and that the amount of silver purchased, together with all other silver holdings of the purchaser, does not exceed the amount of silver used by the purchaser in any two consecutive calendar months during the last year.

The effect of this Treasury ruling is to eliminate brokers and foreigners from eligibility to purchase silver from our stocks. It also has the effect of preventing any further silver purchases for sale abroad. Since domestic silver processors and fabricators have sizable inventories of silver, the ruling will allow a breathing spell for Treasury from domestic industrial requests for silver.

The second May 18 Treasury regulation, designed also to further protect our coinage, prohibits the exporting of our silver coins, with these exceptions: the shipments of coins up to $100 face value per shipment, and coins, up to $5, carried by persons traveling abroad. The Kennedy half dollar, however, may be included in the exempt shipments only if used for numismatic purposes, because the demand is still so heavy that a business could develop in carrying and shipping these coins abroad which would amount to a significant drain of silver, and hamper our efforts to circulate these coins.

This regulation also prohibits the melting and treating of silver coins, thereby deterring organized speculation, since no one could know when, if ever, would be an opportune time to dispose of the rounded-up coins.

The enactment of H.R. 7476 would buttress Treasury's two stopgap regulations by immediately transferring the released 116 million ounces to our free silver stocks, thereby relieving the stress on our silver reserves. Further alleviation would come as redemption experience progressed. The silver certificates currently outstanding are almost completely out of circulation, and are no longer serving the purpose for which they were issued. These certificates still outstanding 1 year from the enactment of this bill would be on the same par with our non-metallic-backed Federal Reserve note currency.

Under another provision of H.R. 7476, the U.S. Mint would regain discretionary authority to place mint marks on coins. During the acute coin shortage in 1965, Congress prohibited the use of mint marks, with certain exceptions, for 5 years following enactment of the Coinage Act. The action was taken to prevent diversion of millions of coins by America's more than 8 million collectors at which a crucial period in our transition from silver coins to clad coins. Now that a substantial number of clad coins are in circulation, the danger of excessive diversion of mint-marked coins to collections appears to have passed.

More important than their appeal to hobbyists, however, is the usefulness of the mint marks to the Bureau of the Mint in controlling and identifying the output of each of the coinage plants, and tracing to its origin any coin which is defective, so that corrections can be made. The mint marks also result in easier administration of coinage records, and in fewer security problems.

Since October of 1964, when the Treasury ceased issuing silver certificates and began retiring those outstanding, the Government has been easing out of the silver business. I must agree with Treasury that the theory supporting silver backing for paper currency has long ceased to have any significance in our modern economy. Our Federal Reserve notes have served us well as flexible currency since we went off the gold standard domestically with the passage of the Gold Reserve Act of 1934. Enactment of H.R. 7476 will serve to bring about the final phasing out after 12 months of the Treasury's ceiling on the price of silver. At that point, when the silver remaining in the Treasury will no longer be needed as backing for currency, the primary goal of this legislation will have been achieved.

A secondary goal of this legislation is to provide time for the Joint Commission on the Coinage, which was fully constituted on May 1, to study and make recommendations to the President and to the Congress on the timing and circumstances under which the United States should cease maintaining the market price of $1.29-plus per ounce of silver.

The 24-member Commission was created by the Coinage Act of 1965, in order to "study the progress made in the implementation of the coinage program established by this act, and to review from time to time such matters as the needs of the economy for coins, the standards for the coinage, technological developments in metallurgy and coin-selector devices, the availability of various metals, renewed minting of the silver dollars, the time when and circumstances under which the United States should cease to maintain the price of silver, and other considerations relevant to the maintenance of an adequate and stable coinage system."

The Commission's most important assignment in relation to H.R. 7476 is the development of recommendations and studies for this eventual decontrol of silver prices. An equitable solution, of course, must allow the industries dependent upon adequate silver supplies and the mining interests who produce silver to achieve a satisfactory market relationship, with the Treasury no longer setting the price.

Producers and users of silver face an uncertain market today and in the near future: When will the price of silver go up? When it does, how much will it rise?

Much depends, of course, on the world picture.

One tension reliever is, and has been, worldwide reduction in the use of silver in coinage. Japan has discontinued the minting of its 100 yen silver coins in 1966; Great Britain recovered approximately 1.5 million ounces of silver from old coins during 1966; and Canada decreased silver coinage output by 9.7 million ounces last year.

Another source of silver is an estimated 5 billion ounces in jewelry, art objects, religious symbols and statuary, and similar articles in India alone. As the world price, as distinguished from the Treasury price to U.S. industry, continues to rise, other sources undoubtedly will disgorge silver.

Eventually, another source of silver would relieve the worldwide shortage of silver: increased production. The major problem today is that the principal supply problem is that few mines are operated to produce silver. Rather, silver is mined as a byproduct of the mining of copper, lead, zinc, or a combination of these metals. A proximate example is our neighbor, Mexico. On May 18, 1967, the Evening Star reported that Mexico was on the verge of losing its position as the world's largest silver producer because of its failure to discover new deposits. On May 22, the New York Times reported that as a result of the jump in international silver market prices, a boom in Mexico's silver mining has been predicted. Mexico produced 43 million ounces of silver last year. The United States produced 42 million ounces; but domestic consumption in 1966 was 150 million ounces. With a sustained competitive price for silver, after the Treasury has converted completely to clad coins and the threat of a coin shortage is passed, I believe we will see an increase in U.S. production of silver, just as has happened in Mexico.

Another question, though less immediate, before the Commission is how to dispose of the some 3 million old silver dollars buried in Treasury vaults. Since they could have an extremely high value to coin collectors, their equitable distribution could present a thorny problem. A related issue to be resolved by the Coinage Commission is whether to resume making silver dollars after a lapse of more than three decades.

The future silver content of the Kennedy half dollar is also a sure topic for consideration by the Commission in light of the assured further inflation in the price of silver.

What the next 12 months hold for silver, I am sure, will evolve from the recommendations of the distinguished members of the Coinage Commission, who have scheduled their second meeting for July 14. Undoubtedly, Treasury's experience with the redemption of silver certificates, following enactment of this legislation, will be reflected in the Commission's proposals. I therefore, urge the prompt passage of H.R. 7476.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the gentleman's yielding.

I have two technical questions. First, I simply want to know if this is one of the stockpiles controlled by GSA, over which Congress has supervisory surveillance and oversight as counterposed to the defense production stockpile, over which the executive branch has control?

Mr. MOORHEAD. The gentleman is correct.

Mr. HALL. Second, in the amendment as substituted for the committee amendment, do the same points of order prevail as to germaneness as to coinage and stockpile? In other words, is it germane or not?

Mr. MOORHEAD. I would think the same rule would apply and the resolution would take care of it.

Mr. HALL. I wonder if the distinguished chairman of the committee would care to comment on that last question?

Mr. PATMAN. Mr. Chairman, if the gentleman will yield, it is under the same rule, and the same rule applies in my opinion.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, each Member can make up his own mind as to whether that would be covered by the same rule. Indeed, that might be a question for parliamentary inquiry. I am asking whether the same question as to infringing on the National Stockpile Act and/or the mint marks on the coins is applicable in the Senate amendment as it was in the committee amendment.

Mr. PATMAN. We have not reached the point yet where we shall propose a substitute to the House bill for the Senate bill or the Senate bill for the House bill, whichever way we want to put it, but when this amendment is adopted—if and when it will be adopted—then the text will be exactly the same as the Senate bill.

Mr. HALL. And my question simply is: Is it germane as far as the committee's Senate language now submitted as a substitute for the committee's amendment is concerned, as far as the mint works and strategic stockpile is concerned? The answer as far as I am concerned can be simply yes or no.

Mr. PATMAN. It is yes as far as I am concerned, and in my opinion.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, I have a suggestion.

Mr. MOORHEAD. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I simply suggest this is a point not for individual opinion, but for parliamentary determination inasmuch as the rule under which we are considering this bill applies only to the amendment printed in the bill by the committee chaired by the gentleman—not the other body.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. CHARLES H. WILSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 7476) to authorize adjustments in the amount of outstanding silver certificates, and for other purposes, pursuant to House Resolution 503, he reported the bill back to the House with an amendment adopted by the Committee on the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 234, nays 109, not voting 90, as follows:

[Roll No. 131]

YEAS—234

Adams
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Ashmore
Aspinall
Barrett
Bates
Belcher
Bell
Betts
Bevill
Biester
Blackburn
Blanton
Blatnik
Boland
Bolling
Bolton
Brademas
Brasco
Brock
Brooks
Brotzman
Brown, Calif.
Broyhill, Va.
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Chamberlain
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Colmer
Conable
Conte
Culver
Cunningham
Daddario
Daniels
Davis, Ga.
Davis, Wis.
Dawson
Delaney
Dellenback
Dent
Dingell
Donohue
Dorn
Dwyer
Eckhardt
Edmondson
Eilberg
Erlenborn
Esch
Evans, Colo.
Everett
Evins, Tenn.
Fascell
Feighan
Findley
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Friedel
Fulton, Tenn.
Galifianakis
Gallagher
Gathings
Gettys
Gibbons
Gilbert
Gonzalez
Goodell
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gude
Hamilton
Hanley
Hanna
Harrison
Harvey
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Hicks
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Karsten
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
King, Calif.
Kirwan
Kleppe
Kuykendall
Kyros
Laird
Landrum
Latta
Leggett
Lloyd
Long, Md.
McCarthy
McClure
McDade
McDonald, Mich.
McFall
McMillan
Macdonald, Mass.
Machen
Madden
Mahon
Mailliard
Mathias, Calif.
May
Meeds
Meskill
Miller, Calif.
Miller, Ohio
Mills
Minish
Mize
Monagan
Montgomery
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
O'Hara, Ill.
O'Konski
Ottinger
Passman
Patman
Patten
Perkins
Philbin
Pike
Pirnie
Price, Ill.
Pucinski
Purcell
Quie
Railsback
Rees
Reid, N.Y.
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Roberts
Robison
Rodino
Rogers, Colo.
Ronan
Roth
Roush
Roybal
Rumsfeld
Ryan
St Germain
Sandman
Scheuer
Schneebeli
Schweiker
Schwengel
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Staggers
Stanton
Steed
Stephens
Stubblefield
Taft
Teague, Calif.
Teague, Tex.
Tenzer
Tiernan
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Walker
Watts
Whalen
White
Wiggins
Williams, Pa.
Wilson, Charles H.
Wolff
Wright
Wyatt
Wylie
Zablocki
Zion

NAYS—109

Baring
Battin
Bennett
Berry
Bow
Bray
Brinkley
Broomfield
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Carter
Cederberg
Clancy
Collier
Cramer
Curtis
de la Garza
Denney
Derwinski
Devine
Dckinson
Dole
Dowdy
Downing
Duncan
Eshleman
Flynt
Fountain
Fulton, Pa.
Gardner
Gross
Grover
Gurney
Hagan
Haley
Hall
Hansen, Idaho
Hardy
Harsha
Henderson
Hull
Hutchinson
Johnson, Pa.
Jonas
Jones, N.C.
King, N.Y.
Kornegay
Kyl
Langen
Lennon
Lipscomb
Long, La.
Lukens
McClory
McEwen
MacGregor
Marsh
Martin
Mayne
Michel
Minshall
Moore
Myers
Nelsen
Olsen
Pettis
Pickle
Poff
Price, Tex.
Quillen
Randall
Rarick
Reid, Ill.
Reifel
Reinecke
Rogers, Fla.
Roudebush
Satterfield
Saylor
Schadeberg
Scherle
Scott
Selden
Shriver
Skubitz
Smith, Calif.
Smith, Okla.
Snyder
Springer
Steiger, Ariz.
Steiger, Wis.
Stuckey
Talcott
Taylor
Thomson, Wis.
Tuck
Utt
Waggonner
Wampler
Watkins
Watson
Whitener
Whitten
Winn
Wyman
Zwach

NOT VOTING—90

Abbitt
Abernethy
Adair
Addabbo
Ashbrook
Ayres
Bingham
Boggs
Brown, Mich.
Bush
Button
Carey
Casey
Celler
Clark
Conyers
Corbett
Corman
Cowger
Diggs
Dow
Dulski
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Fallon
Farbstein
Fino
Fraser
Frelinghuysen
Fuqua
Garmatz
Giaimo
Gubser
Halleck
Halpern
Hammerschmidt
Hansen, Wash.
Helstoski
Herlong
Holland
Jones, Ala.
Jones, Mo.
Kluczynski
Kupferman
McCulloch
Mathias, Md.
Matsunaga
Mink
Morris, N. Mex.
Morse, Mass.
Morton
Mosher
Multer
O'Hara, Mich.
O'Neal, Ga.
O'Neill, Mass.
Pelly
Pepper
Poage
Pollock
Pool
Pryor
Resnick
Riegle
Rivers
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Ruppe
St. Onge
Smith, N.Y.
Stafford
Stratton
Sullivan
Thompson, Ga.
Thompson, N.J.
Tunney
Udall
Vander Jagt
Whalley
Widnall
Williams, Miss.
Willis
Wilson, Bob
Wydler
Yates
Young
Younger

So the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Morse of Massachusetts.
Mr. St. Onge with Mr. Ayres.
Mr. Boggs with Mr. Halleck.
Mr. Addabbo with Mr. Kupferman.
Mr. Celler with Mr. Bob Wilson.
Mr. Garmatz with Mr. Mathias of Maryland.
Mr. Giaimo with Mr. McCulloch.
Mr. Rooney of New York with Mr. Fino.
Mr. Rostenkowski with Mr. Pelly.
Mr. Thompson of New Jersey with Mr. Widnall.
Mrs. Sullivan with Mr. Stafford.
Mr. Kluczynski with Mr. Ruppe.
Mr. Multer with Mr. Button.
Mr. Rivers with Mr. Adair.
Mr. Dulski with Mr. Ashbrook.
Mr. Abernethy with Mr. Edwards of Alabama.
Mr. Herlong with Mr. Thompson of Georgia.
Mr. Holland with Mr. Vander Jagt.
Mr. Fallon with Mr. Frelinghuysen.
Mr. Matsunaga with Mr. Hammerschmidt.
Mr. Carey with Mr. Gubser.
Mr. Casey with Mr. Whalley.
Mr. Farbstein with Mr. Halpern.
Mr. Pryor with Mr. Bush.
Mr. O'Hara of Michigan with Mr. Brown of Michigan.
Mr. Morris of New Mexico with Mr. Pollock.
Mr. Helstoski with Mr. Conyers.
Mrs. Mink with Mr. Mosher.
Mr. Young with Mr. Smith of New York.
Mr. Tunney with Mr. Morton.
Mr. Williams of Mississippi with Mr. Younger.
Mr. Yates with Mr. Diggs.
Mr. Abbitt with Mr. Wydler.
Mr. Dow with Mr. Riegle.
Mr. Edwards of Louisiana with Mr. Cowger.
Mr. Rosenthal with Mr. Corbett.
Mr. Clark with Mr. Fraser.
Mr. Poage with Mr. Willis.
Mrs. Hansen of Washington with Mr. Rooney of Pennsylvania.
Mr. Corman with Mr. Jones of Alabama.
Mr. Udall with Mr. Fuqua.
Mr. Stratton with Mr. Pool.
Mr. O'Neal of Georgia with Mr. Resnick.
Mr. Edwards of California with Mr. Pepper.

Mr. JONAS changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

MOTION OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Speaker, pursuant to House Resolution 503 I call up from the Speaker's table the Senate bill (S. 1352) to authorize adjustment in the amount of outstanding silver certificates, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill, as follows:

S. 1352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized to determine from time to time the amount of silver certificates (not exceeding $200,000,000 in aggregate face value), issued after June 30, 1929, which in his judgment have been destroyed or irretrievably lost, or are held in collections, and will never be presented for redemption. In the case of each determination he shall credit the appropriate receipt account with an equivalent amount, and shall reduce accordingly the amount of silver certificates outstanding on the books of the Treasury.

SEC. 2. Silver certificates shall be exchangeable for silver bullion for one year following the enactment of this Act. Thereafter they shall no longer be redeemable in silver but shall be redeemable from any moneys in the general fund of the Treasury not otherwise appropriated.

SEC. 3. Effective upon the expiration of one year after the date of enactment of this Act, section 2 of the Act of June 4, 1963, as amended (31 U.S.C. 405a–1), is amended to read as follows:

"SEC. 2. The Secretary of the Treasury is authorized to use for coinage, or to sell on such terms and conditions as he may deem appropriate, any silver of the United States (other than silver transferred to the stockpiles established pursuant to the Strategic and Critical Materials Stock Piling Act) at a price not less than the monetary value of $1.292929292 per fine troy ounce."

SEC. 4. From and after the date of enactment of this Act, and until transferred to the stockpiles established pursuant to the Strategic and Critical Materials Stock Piling Act in accordance with this Act, the Secretary of the Treasury shall hold as a reserve for purposes of the common defense not less than one hundred and sixty-five million fine troy ounces of silver. Upon the expiration of one year after the date of enactment of this Act, the Secretary of the Treasury shall transfer not less than one hundred and sixty-five million fine troy ounces of silver to the stockpiles established pursuant to the Strategic and Critical Materials Stock Piling Act. For the purposes of that Act, the silver shall be deemed to have been transferred pursuant to that Act.

SEC. 5. The last sentence of section 3517 of the Revised Statutes (31 U.S.C. 324) is repealed.

Mr. PATMAN. Mr. Speaker, inasmuch as the bill the House has just passed is identical to the Senate bill, it is unnecessary to offer the amendment to the Senate bill that the rule provides for.

Mr. Speaker, I therefore ask for a vote on the Senate bill.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 7476) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR INTERSTATE AND FOREIGN COMMERCE COMMITTEE TO FILE A REPORT ON HOUSE JOINT RESOLUTION 559

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tonight to file a report on House Joint Resolution 559.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ADJOURNMENT TO 11 O'CLOCK TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON MINES AND MINING OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO SIT DURING GENERAL DEBATE TOMORROW

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the Subcommittee on Mines and Mining of the Committee on Interior and Insular Affairs may sit during general debate tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9029) entitled "An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1968, and for other purposes."

The message also announced that the Senate agreed to the amendments of the House numbered 11, 12, 16, and 20 to the above-entitled bill.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 953) entitled "An act to amend the Food Stamp Act of 1964 for the purpose of authorizing appropriation for fiscal years subsequent to the fiscal year ending June 30, 1967," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. HOLLAND, Mr. TALMADGE, Mr. MONTOYA, Mr. MONDALE, Mr. AIKEN, Mr. YOUNG of North Dakota, and Mr. BOGGS to be the conferees on the part of the Senate.

AN OUNCE OF PREVENTION IS WORTH A POUND OF CURE—AN OLD, BUT STILL VALID, ADAGE IN THE DETECTION OF HEART DISEASE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, despite the truly outstanding accomplishments of the National Heart Institute, established by the Congress in 1948, diseases of the heart and blood vessels cause over half the deaths in the United States with almost 1 million victims each year—easily the Nation's No. 1 killer. Heart diseases still continue to claim many victims prematurely in their most productive years despite truly outstanding advances in medical science, particularly in surgical techniques, during the past decade. Today there are over 14 million Americans known to have cardiovascular ills.

As startling as these statistics are, Mr. Speaker, equally as tragic is the number of school-age youngsters with unsuspected heart defects and those whose hearts are falsely labeled defective as a result of inadequate, costly, and cumbersome detection and screening procedures. Real hope exists, however, now that needless suffering and untimely deaths can be prevented as a result of the dedicated public-spirited efforts of an American concern, the Thiokol Chemical Corp., of Bristol, Pa., under the leadership of its dynamic president, Dr. H. W. Ritchey. The company's humetrics division became convinced that electronics could be used to measure accurately the quality of and spacing of heart sounds with a programed computer continuously comparing results to normal standards. It then proceeded to develop an 18-pound portable machine which would fit in a briefcase termed the phono cardio scan—PCS—with an ability to examine as many as 100 youngsters in a school day, far more than has ever been thought possible.

School and health officials of Harrison County in east Texas deserve special merit and praise for their whole-hearted cooperation in assisting Thiokol in screening for heart defects of 2,025 Harrison County schoolchildren, all of our third and fifth grade pupils. As a result of these tests, seven children can now look forward to a better and more useful life because their previously unknown heart problems were discovered at this early age when corrective procedures can be undertaken with greatly enhanced prospects for success. These results added to computerized results elsewhere in the country establish that three children per 1,000 have an undiscovered heart ailment. Throughout the Nation there are hundreds of thousands of children who can be helped and in many cases completely cured if a national program of heart screening for our children is established.

Mr. Speaker, this is one of the best examples of what private industry working directly with local citizens can do for the benefit of the general public that has ever come to my attention. I am understandably proud that the Thiokol Corp., one of Harrison County's principal industries, has demonstrated in such a meaningful manner its deep interest in the welfare of their community and wish to pay public tribute to their vision and commitment of resources to this project. In the near future, schoolchildren everywhere will benefit from the splendid cooperation given to Thiokol by Mr. Beane, Mr. Sadlin, Mr. Jordan, Mr. Newman, Mr. Hudspeth, Mr. Mixon, our Harrison County school superintendents, and by Sister Mary Imelda, Holy Spirit School, and Sister Ann Frederick, St. Joseph's School. The Harrison County Medical Society was ably represented by Dr. Crayton, Dr. Koenig, cardiologist, and Dr. James Harris, pediatrician, who performed the all-important examinations of suspected heart problem cases revealed by the PCS screening. For the handling of the many administrative and coordination details, we are particularly indebted to Don Peters, Dr. I. P. Barrett, Dr. Etheridge, and Mr. Ray Harrison. When a national screening program is established, and I deeply believe that it should and will be, Mr. Speaker, all America will indeed be grateful that this group of highly motivated public-spirited citizens cared enough to give of themselves so unselfishly that our youngsters may look forward to a normal adulthood.

Recently, Mr. Speaker, employees of Thiokol met with representatives of the Civil Service Commission, the Public Health Service, the Department of Defense, and the Office of Economic Opportunity. Without exception, all departments showed intense interest in adopting the PCS for their own requirements and in many cases asked for follow-up presentations which I understand are now underway. It is apparent that what is needed now is a coordinated approach with all government agencies participating in a nationwide program for heart screening children under U.S. Public Health Service direction. Our special thanks are due to Dr. Martin Levy, a heart sound screening expert in USPHS who has worked closely with Thiokol over the past several years and who has prepared a detailed proposal for a pilot, nationwide program for heart screening children. Test results have clearly established that such a program can well be as significant for the health and future happiness of our youth as the Salk vaccine has proved to be.

A most interesting article appearing in the May 1967 Reader's Digest by Patricia and Ron Deutsch entitled "Does Your Child Have Hidden Heart Trouble?" is highly recommended to my colleagues interested in knowing more about this amazing device and results of its use in pilot projects, locally initiated and supported, throughout the country. Many will join me, I know, after reading it in calling on the Public Health Service to accelerate plans for a nationwide screening program coordinating the activities of the National Institutes of Health, National Institute of Child Health and Human Development, the Division of Chronic Diseases, and other Federal departments.

Sister Mary Imelda of the Holy Spirit School in Marshall, Tex., in thanking Thiokol Chemical Corp. for testing her pupils, graphically summed up what is involved when she wrote "a man is never so tall as when he stoops to help a child."

THE JOINT ECONOMIC COMMITTEE SHOULD LOOK INTO THE EFFECTS OF POPULATION GROWTH AND MOVEMENT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, I am today introducing a concurrent resolution with my distinguished colleague, the gentleman from Missouri, TOM CURTIS. This resolution would express the sense of Congress that the Joint Economic Committee be requested and urged to include within the scope of its inquiries, an investigation and analysis of the growth and movement of population. These factors are fundamental not only to the development of our economy but also they give rise to some of the biggest social problems of the day. For many years I have been grieved by the desertion of the smaller communities and towns of this country by the young in search of jobs in the big city. It has left many of our fine communities underpopulated while it has given rise to overcrowding and a whole variety of social problems in the big cities. We are losing the great old-fashioned virtue of our towns at the same time that we are creating terrible problems in our cities. In short, there is lack of balance.

Our Joint Economic Committee is, of course, concerned with all issues of economic policy that have to do with promoting maximum employment, production, and purchasing power. At the moment we have several subcommittees that are dealing with such questions as investment in human resources, education, intergovernmental finances, urban affairs, and the development and coordination of data. It would be a most constructive development to direct the committee's talents and interests to this broad range of problems deriving from population growth and change.

I am extremely pleased to be joined in this resolution by my colleague on the Joint Economic Committee, TOM CURTIS. He and I have had our debates right here in this body from time to time, and we do not always see eye to eye on policy matters. But I know that he is a great seeker after truth and a tireless factfinder. No one works any harder than he to get the facts and the truth. And it is most gratifying to me to have him share with me this resolution to direct the Joint Economic Committee to study these important questions.

CLEVELAND, OHIO, JUDGE RULES AGAINST CLEVELAND TRUST CO. VOTING ITS OWN STOCK

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, on last Friday, June 9, the Cuyahoga County—Cleveland, Ohio—court of common pleas ruled that the Cleveland Trust Co., Ohio's largest and the Nation's 18th largest commercial bank, could not legally vote shares of its own stock held in trust.

This decision does not merely affect one large and powerful banking institution. The effect of the court's decision is not even limited to State-chartered banks in Ohio. Potentially, if this decision were followed by other courts around the country it would affect hundreds of banks, including the largest in the country.

The serious problems raised by commercial banks voting shares of their own stock held in trust was first brought to national attention by a staff report entitled "Bank Stock Ownership and Control," issued in December 1966 by the Domestic Finance Subcommittee of the House Banking and Currency Committee. This report summarized its findings on this issue as follows:

> Of the 210 largest commercial banks in the United States surveyed, over 93 percent held some shares in their own bank.
>
> Over 56 percent of these 210 banks held 5 percent or more of their own shares.
>
> Just under 30 percent of these banks held more than 10 percent of their own shares.
>
> Seven banks held more than one-third of their own shares.

Of the seven banks holding more than one-third of their own shares, it should be noted that Cleveland Trust, with 33.75 percent of its own shares held in trust and by nominees, was one.

It is clear that the legal battle over this issue has only begun. George F. Karch, chairman of the board of Cleveland Trust, has vowed to take this decision all the way to the U.S. Supreme Court if necessary. But, regardless of how the question of the proper interpretation of existing Ohio law on this issue is finally resolved, it is clear that such practices are highly dangerous, as well as questionable. As Judge Corrigan stated:

> By a continuation of the practice of voting more than one third of the total shares issued, the management can occupy the status of a voting stockholder with regard to the Cleveland Trust shares, can frustrate the reason for incorporation, can ignore the most fundamental legal concept pertaining to corporations, and thereby vest control in the directors of the corporation indefinitely, instead of where it belongs, in the stockholders themselves.

In summary, it is clear, as stated in my letter of transmittal accompanying the staff report on "Bank Stock Ownership and Control" last December, that such practices create serious problems:

> The voting of its own shares . . . by commercial banks raises extremely grave questions about real and potential self-dealing, self-perpetuation and conflicts of interest. Bank trust departments . . . have a prime fiduciary responsibility to protect the funds they hold in trust and to invest them as wisely and profitably as possible. So a basic question is raised: Is bank management handling trust funds in the best interests of their trust beneficiaries, or in the interest of continuing and strengthening their control of their own bank by holding large blocks of their own shares in trust accounts?

It should be emphasized that the above-discussed issue is only one of the many issues examined and raised in the "Bank Stock Ownership and Control" study. Several other very important issues involving the subject of who owns and controls the commercial banks in this country have been under investigation and study by the Domestic Finance Subcommittee of the House Banking and Currency Committee. Two very important studies on this general subject are now very close to completion, and, it is my hope, that these will be printed for the use of the subcommittee, the full Banking and Currency Committee, and the Congress in the very near future. Other studies are being considered. This is a very important topic with which every Member of Congress and the public should be concerned. For, those who can control the vast resources of the commercial banking industry in this country can have a tremendous influence over the entire economy of the Nation.

At this point I would include in the

RECORD a copy of the opinion of the Honorable John V. Corrigan, judge of the Cuyahoga County court of common pleas, in the Cleveland Trust case discussed above, as well as a story on this case appearing in the Wall Street Journal this morning:

[State of Ohio, County of Cuyahoga, ss., in the court of common pleas, case No. 826,381]

THE CLEVELAND TRUST COMPANY, AND THE CLEVELAND TRUST COMPANY, TRUSTEE, ETC., PLAINTIFFS, *v.* CYRUS S. EATON, ET AL., DEFENDANTS

MEMORANDUM OPINION

JOHN V. CORRIGAN, judge. Plaintiffs herein pray that the Court issue a declaratory judgment that plaintiff Cleveland Trust, as trustee of the Bartlett Trust, is entitled to vote stock of the Cleveland Trust Company, title to which is held by it or its nominee as such trustee, at any and all meetings of stockholders of Cleveland Trust and further that Cleveland Trust in its fiduciary capacity is entitled to vote Cleveland Trust stock, title to which is held by it or its nominee as trustee, executor, administrator, guardian, agent, custodian or in any other trust or fiduciary capacity, in compliance with the governing instrument, at any and all meetings of the stockholders of Cleveland Trust.

The Cleveland Trust Company, an Ohio corporation, is a bank and trust company organized and existing under and by virtue of the laws of the State of Ohio, having commenced its existence in 1894. Its issued and outstanding stock consists of *1,500,000 shares of common capital stock*, of which on February 7, 1967, approximately *539,839 shares* were held by it in a fiduciary capacity, as trustee, executor, administrator, guardian, agent or custodian. Of these shares *27,540 were* held in the names of *principals of agency* or *custodian accounts*, while record title to a substantial part of the *remaining* shares is held in the name of nominee partnerships organized by the Cleveland Trust for that purpose, consisting of *A. A. Welch & Co.*, H. J. Haffner & Co., *and Custo, Inc.* As trustee of the Bartlett Trust, the Cleveland Trust holds title through its nominee to 2,555 shares of such Cleveland Trust stock.

The defendant, Cyrus S. Eaton, and the intervening defendants, Edward C. Calvert and L. Gordon Watson, as individual shareholders, question the right of the Cleveland Trust Company through its elected management to vote Cleveland Trust stock held by it in various fiduciary capacities. The defendants advance a two-pronged attack on the practice of the Cleveland Trust in voting such shares, contending that it violates the statutory law of Ohio and constitutes a breach of fiduciary duties. On the other hand, the Cleveland Trust argues that the basic issue in its petition for the declaratory judgment is whether its practice of voting such shares held in a fiduciary capacity is prohibited by Ohio Revised Code, section 1701.47(C).

At the outset, a brief comment on the duties of the Court in handling a declaratory judgment action seems to be in order. In *Sessions* v. *Skelton*, 163 Ohio St. 409, 415, Judge Zimmerman succinctly stated:

"It has been observed that an action for a declaratory judgment is sui generis in the sense that it is neither one strictly in equity nor one strictly in law; it may possess attributes of both. Although declaratory judgment actions had their origin in controversies peculiar to equity, such an action may be utilized in a matter which is strictly legal. A declaratory judgment action creates no new or substantive rights, it is purely a procedural remedy, and in determining the issues presented such principles of law or of equity may be invoked as are appropriate. When such action partakes of equity it calls for the application of equitable principles and when it partakes of an action at law it utilizes any available legal principles necessary to dispose of the issues. See Borchard on Declaratory Judgments (2 Ed.) 237 et seq."

In 1 Anderson on Actions for Declaratory Judgments (2 Ed.) 576, Section 248, it is written:

"Equitable powers of courts are exercised in declaratory actions in harmony with the undoubted modern drift and tendency of the courts in dealing with matters presented to them through the instrumentality of a declaratory judgment action. It has been laid down that in connection with actions for a declaratory relief, the court has the broad and comprehensive powers of the courts of equity, in the light of the modern opinions of the courts in dealing with this procedural statute it is submitted that this holding is unassailable."

Stated in it simplest form the issue facing this Court is: May the present management of the Cleveland Trust Company at the stockholders meeting for the election of directors vote directly or through its nominee the shares of Cleveland Trust stock held by it in a fiduciary capacity? In attempting to resolve this issue the Court must perforce apply both legal and equitable principles in determining whether or not this general practice is proper.

As suggested by counsel, consideration of the specific provisions of over 600 instruments, with amendments thereto, governing fiduciary accounts in which Cleveland Trusts holds Cleveland Trust stock is impracticable and unnecessary. The general situation is pictured in the 1967 Proxy Statement (Exhibit 1) issued by the Company showing six fiduciary capacities:

"Of the 538,872 shares of its stock held by the Bank in various fiduciary capacities on January 3, 1967:

"(a) 26,806 shares were registered in the names of principals of agency or custodian accounts and the Bank as fiduciary has no power to vote such shares.

"(b) 47,671 shares were held in agency or custodian accounts where the direction of the principal is required before voting.

"(c) 3,949 shares were held in trusts where the direction of the donor, co-trustee or other designated person is required before voting.

"(d) 64,317 shares were held in trusts or estates where the approval of the donor, co-fiduciary or other designated person or persons is required before voting.

"(e) 152,501 shares were held in trusts, or agency, where the Bank as fiduciary may determine the manner of voting only in the absence of instructions from one or more designated persons.

"(f) 243,628 shares (16.24% of the total shares outstanding) were held in trusts, estates or agencies where the Bank as fiduciary has sole voting power. Of these shares, however, 50,595 thereof were held in trusts or agencies which may be terminated at any time by the donor or principal thereof, and an additional 76,800 shares were held in trusts under the terms of which the approval of one or more designated persons is required before sale of any trust asset may be made by the fiduciary."

The Company then employed the following language to indicate its intention as to the voting of such shares:

"The Bank as fiduciary intends to vote by proxy in form enclosed herewith such of the shares described in each of the foregoing classifications (b) through (f) held on the record date as to which either [1] the instrument under which held prescribes no prerequisite to exercise of the voting right by the fiduciary or [2] if any such prerequisite is prescribed it has been complied with. . . ."

As part of the evidence the Court also received a representative instrument typical of all the others within each classification. The evidence further showed that at the Annual Meeting of the stockholders on March 30, 1967 (Exhibit 10) the management cast 533,868 votes for the election of directors, said votes representing the total shares voted by The Cleveland Trust Company as Fiduciary. At similar elections the following votes were cast by the Company for directors, as reflected by other exhibits (Defendants' Exhibits L and M):

Year	Shares outstanding	Total votes cast	Company as fiduciary
1966	1,500,000	1,377,436	520,004
1965	1,375,000	1,294,131	471,636
1964	550,000	492,779	189,049
1961	450,000	417,070	150,139
1951	150,000	131,577	31,024
1941	138,000	114,746	1,762

The defense argued that these figures (not all of which are reproduced here) indicate that the management of the Company in a fiduciary capacity was voting 1.3% of the total shares in 1941, 21.9% by 1956, 32.9% in 1961, and last year 33.3%. It was further claimed that a projection of these figures at the same rate of growth would result in the Cleveland Trust management holding more than 50% of their own stock by the mid-1970's.

The plaintiffs insist that under Ohio law they have the power and the obligation to continue this practice to vote these shares in which they hold legal title but no beneficial interest; that the General Corporation Act of Ohio is not generally applicable to the classes of corporations designated as banks and trust companies, which are governed by the Banking Act (Revised Code Chapters 1101 to 1115), and, that the practice is supported by, rather than contrary to, public policy.

The defendants insist that this practice of the Company through its present management voting its own shares is expressly prohibited by Ohio law; that the obvious purpose of the Company pursuing this course is self-perpetuating of management, and that the Company is violating its fiduciary duty of undivided loyalty to its various trusts.

Ohio Revised Code section 1107.07 confers broad power upon an Ohio trust company to execute any duties and powers granted to it in regard to the holding, management, and disposition of any property and to act as trustee in the same manner as in the case of any trustee. It provides:

"A trust company may act as agent, and may accept and execute any trusts, duties and powers which may be granted to it, in regard to the holding, management, and disposition of any property, real or personal, which may be committed to, transferred to, or vested in the trust estate, and in regard to the rents and profits thereof or the sale thereof. A trust company may act as trustee under any instrument creating a trust for the care and management of property, under the same circumstances, in the same manner, and subject to the same control by the court, as in the case of any other trustee."

Ohio Revised Code section 1701.47(C) broadly prohibits voting by a corporation in any manner. It provides:

"(C) No corporation shall directly or indirectly vote any shares issued by it. Shares which under this division of this section are not entitled to be voted shall not be considered as outstanding for the purpose of computing the voting power of the corporation of shares of any class."

In support of its position that the General Corporation Act does not apply to or bar the Company from voting stock issued by it and held in a fiduciary capacity, plaintiffs cite Revised Code section 1701.98(B) of the Act itself, which reads:

"(B) Special provisions in the Revised Code for the organization, conduct, or government of designated classes of corporations shall govern to the exclusion of sections 1701.01 to 1701.98, inclusive, of the Revised Code, on the same subject except where it clearly appears that a special provision is cumulative, in which case it and the provisions of said sections on the same subject shall apply."

On the other hand, the Banking Act doesn't totally supersede the General Corporation Act because in Revised Code section 1103.42 is found the following:

"A banking corporation shall be created, organized, governed, and conducted, and its directors shall be chosen, in all respects in the same manner as is provided by sections 1701.01 to 1702.58, inclusive, of the Revised Code, for corporations generally, insofar as such manner is not inconsistent with Chapters 1101., 1103., 1105., 1107., 1109., 1111., 1113., and 1115 of the Revised Code."

The right and procedure for a corporation to vote securities standing in its name is set up in Revised Code section 1701.98(A), which applies to all corporations generally:

"(A) Except as provided in sections 1701.01 to 1701.98, inclusive, of the Revised Code, the provisions of said sections shall apply only to domestic corporations, and except as otherwise provided in this section, the provisions of said sections shall apply to all domestic corporations, whether formed under said sections or under previous laws of this state."

Two other sections of the Revised Code would appear to have some pertinency to the situation under discussion. Section 1103.20 reads:

"Except as otherwise provided in the articles of incorporation, each stockholder of an incorporated bank, in elections of directors and in deciding questions at meetings of stockholders, shall be entitled to one vote for each share of stock held by him. Any stockholder may vote by proxy authorized in writing. . . ."

Under Miscellaneous Provisions, section 1115.11 provides:

"Any bank or trust company incorporated under the laws of this state and any national bank located in this state may, when acting in any fiduciary capacity, whether as sole fiduciary or as a cofiduciary register and hold, in the name of such bank, trust company, or national bank, or a nominee thereof, any stocks, bonds, or other securities held in such fiduciary capacity, . . ."

Counsel for plaintiffs contend that Ohio Revised Code section 1701.47(C) should not be interpreted as preventing a trust company from voting its shares held in a fiduciary capacity for a number of reasons. The section, they argue, does not apply to a special class of corporation such as banks and trust companies. The prohibition was meant to bar a business corporation from voting shares issued by it and then acquired by it and held in its treasury for its own benefit, or so-called "treasury shares." Both federal and state authorities supervising banks and trust companies have proceeded on the assumption that this statute does not prevent a trust company from voting its own stock held in a fiduciary capacity. To said authorities, they claim, the practical interpretation is accorded great weight and is regarded as presumptively the correct interpretation of the law.

While there are some Ohio cases, particularly, ***In re Trusteeship of Stone,*** 138 Ohio St. 293, and ***State, Ex Rel.*** v. ***Rindsfoos,*** 161 Ohio St. 60, dealing with this general problem, no court in this State has been called to rule upon the direct question of whether the prohibition of Ohio Revised Code section 1701.47(C) against an Ohio corporation voting stock issued by it applies to a bank and trust corporation. Similarly, no court has faced the problem of whether or not a bank and trust company, charged with the responsibilities of carrying out its rights and obligations as a trustee and holding and voting its own stock, can be classed as a stockholder, within the terms of Ohio Revised Code section 1103.20, when it actually represents management and a particular trust at one and the same time.

Without listing all the citations, the following language generally spells out the duty and power of the court when called upon to interpret statutes:

50 Ohio Jur.2d, *Statutes,* pages 132 to 135:

"Although it is true under proper circumstances that some aid may be derived from legislative and executive construction of statutes, it is ultimately the court's province and duty to construe laws enacted by the legislature, in order to continue the orderly processes of government. In the interpretation of statutes it is the duty of courts to clarify uncertainties and harmonize results with justice.

"The courts may not read meaning into a law, but on the contrary must bring meaning out of it. They have no legislative authority and should avoid judicial legislation. . . .

"The courts, in the construction of a statute, must be guided by it as it exists, in other words, as the legislature enacted it. A court can do nothing more than follow the mandate of the legislature as evidenced by the statute itself. Courts cannot write what they consider better acts. . . . It is the duty of the court to ascertain what the statute means and execute it accordingly. . . .

"The provisions of the statute cannot be extended by implication beyond the clear import of the language used, or its operation so enlarged as to embrace subjects not specifically enumerated. . . ."

The Court of Appeals for this district in a case involving statutory construction, *State ex rel. Library v. Main,* 83 Ohio App. 415, at page 420, said:

"It is not within the province of the judicial branch of the government to question the wisdom of legislative enactments or even to question their logic. The primary purpose in the interpretation or construction of statutes is to give effect to the intention of the Legislature, as gathered from the provisions enacted, by the application of well settled rules of interpretation, the ultimate function being to ascertain the legislative will.

"As stated in 37 Ohio Jurisprudence, 514, Section 278 [now 50 Ohio Jur.2d 149, Section 174], 'the right of the courts to interpret a duly enacted statute is based upon some apparent uncertainty of meaning, some apparent ambiguity of terms, or some apparent conflict of provisions. Where the language of a statute is plain and unambiguous and conveys a clear and definite meaning, there is no occasion for resorting to the rules of statutory interpretation. To interpret what is already plain is not interpretation, but legislation, which is not the function of the courts, but of the General Assembly.' "

Unquestionably the language of Revised Code section 1701.47(C) "No corporation shall directly or indirectly vote any shares issued by it," is clear and unambiguous and would apply to the Cleveland Trust Company unless said section is inconsistent with some special provisions of the Revised Code applicable only to banking and trust corporations. It is true that the Banking Act can be classed a special provision which defines the powers of banking and trust corporations, but in Revised Code section 1103.42 it provides for the choosing of directors, "in all respects in the same manner as is provided by Sections 1701.01 to 1702.58, inclusive, of the Revised Code, for corporations generally," insofar as such manner is not inconsistent with the Banking Act. Since no authority to vote its own stock can be found in the special provisions, the general prohibition with respect to a corporation's action in voting its own shares indirectly held in a fiduciary capacity does apply to a banking and trust corporation.

Relying heavily on *State* v. *Rindsfoos, supra,* counsel for plaintiffs claim it holds that—

"This special Banking Law provision excluded application of the general provisions of the Ohio General Corporation Act defining the voting right of a shareholder and giving him the right to vote cumulatively, even though the provisions of the Ohio Banking Act respecting such stockholder's rights to vote were silent as to his right to vote cumulatively."

Counsel seem to claim the same reasoning requires that since the provisions of the Banking Act are silent as to the right of the Cleveland Trust to vote its own shares held by it in a fiduciary capacity, the complete silence or omission in the special provisions defeats the explicit language of the general provisions.

The Court in the ***Rindsfoos case, supra,*** at page 65, says:

"In this case we are asked to give effect to a provision of the General Corporation Act as a supplement to a subject specifically covered in the Banking Act, which is the reverse of a situation that the cumulative provision of Section 8623–132, General Code (Section 1701.20, Revised Code),[1] was intended to cover.

If no specific provision is made with respect to any matter concerning the incorporation, organization, conduct or government of corporations, operating under special statutes, the provisions of the General Corporation Act apply.

However, if the right of shareholders to vote in the election of directors of a corporation is fully covered by the provisions of a special act, such provisions operate to the exclusion of the provisions in the General Corporation Act governing the voting right of shareholders generally.

The Banking Act contains specific provisions, complete in themselves, governing the voting right of shareholders and the casting of votes in the election of directors. There is no provision in the Banking Act authorizing cumulative voting in the election of directors. The right of cumulative voting does not exist unless it is expressly authorized by statute."

Likewise the right of the management of a banking and trust corporation to vote its own shares held in fiduciary capacity does not exist unless it is expressly authorized by statute. Silence does not imply consent, particularly, where you are dealing with a legal entity existing only in contemplation of law and created for the convenience and benefit of all the shareholders.

Plaintiffs contend that the only purpose of Revised Code section 1701.47(C) was to prohibit voting by a business corporation of shares issued by it and then acquired by it and held in its treasury or otherwise for its own benefit. Quoting from plaintiffs' trial brief:

"On the other hand, a fiduciary, such as a trust company, representing a *beneficial* interest in stock, because the person who acquired the stock and created the trust desired it do so. It stands in the shoes of the beneficial owner, and has just as much right to vote as he did; because he paid for the stock, just like all the other stockholders, and is entitled to be represented by his designee. The situation is not different, in principle, from voting by proxy, which is universally recognized as legal, e.g. Ohio Rev. Code Section 1701.48."

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[1] (Actually the language of this General Code section is to be found in section 1701.98 (B) of the Revised Code. The Comparative Section Table is in error.)

The General Assembly has not seen fit to limit the language of the statute by adding the qualifying adjective "treasury" before the word "shares" in Ohio Revised Code section 1701.47(C), even though the whole statute has been amended since its original adoption in 1927. Significantly, the most recent amendment to Revised Code section 1701.47(A) apparently made at the suggestion of banking and trust corporations, added "and any such officer or cashier or trust officer of a banking and trust corporation" to the list of corporate officers with authority to vote shares, appoint proxies, and execute consents, waivers and releases on behalf of such corporation. The balance of the statute was undisturbed and no exceptions were noted under paragraph (C).

After a careful examination of all the sections of the Banking Act cited by the plaintiffs including sections 1107.07 and 1115.11, the Court finds that none of them offsets, nullifies or supersedes the language of Revised Code section 1701.47.

It should be noted that the general counsel of the Company testified that the Cleveland Trust Company relies on the authority given it in Revised Code section 1701.47(A) in the execution of proxies on any securities it holds.

Revised Code section 1103.42 states that a banking corporation's directors "shall be chosen as provided by sections 1701.01 to 1702.58 . . . for corporations generally."

Parenthetically, too, under Revised Code section 1115.11 the General Assembly includes national banks which are not authorized to vote shares of their own stock unless actually directed by the donor beneficiary under the specific terms of the trust. Revised Code section 1115.11 making no reference to voting provides that any bank or trust company, when acting in a fiduciary capacity may register and hold in the name of such bank, trust company, or national bank, or a nominee thereof, any stocks, bonds, or other securities. Revised Code section 1107.07 confers broad powers upon a trust company to execute any duties and powers granted to it under the instrument creating the trust in regard to holding, management and disposition of property in the trust estate. Neither section, however, is inconsistent with Revised Code section 1701.47(C). Neither section specifically grants authority to a banking and trust corporation to vote its own shares directly or indirectly. Authority to hold, manage, and dispose its own stock does not imply a power to vote. In *Allen v. Delagerberger, et al.*, 10 *Ohio* Dec. Reprint 341, the court pointedly said:

"It is a well-established principle that stock held by the corporation cannot be voted . . . The corporation . . . may hold it and receive dividends on it which go to the equal benefit of all stockholders . . . The power to vote is a power incident to ownership of stock, but to allow the directors acting for the corporation to vote the stock would not be distributing the power equally among the stockholders . . . and it would be entrusting to persons in power the means of keeping themselves in power."

To this point, the General Assembly has excluded no corporation in Ohio from the broad prohibition of Revised Code section 1701.47(C) which is expressive of the common law. By a continuation of the practice of voting more than one-third of the total shares issued, the management can occupy the status of a voting stockholder with regard to the Cleveland Trust shares, can frustrate the reason for incorporation, can ignore the most fundamental legal concepts pertaining to corporations, and thereby vest control in the directors of the corporation indefinitely instead of where it legally and equitably belongs in the stockholders themselves.

This contention that in casting these shares for the election of the slate of nominees for the board of directors already selected by itself, that management has no beneficial interest in the stock and is merely exercising its responsibilities as the trustee of various trusts might be termed colloquially as so much "double-talk." While not beneficiaries in the strict sense in which the word is used in connection with trusts, the management in the solicitation of proxies and in the self-serving interpretation of certain trust instruments accumulate sufficient shares to practically insure its re-election. By writing the common law into the statutes of the State of Ohio, specifically Revised Code section 1701.47(C), the Legislature in its wisdom has sought to prohibit this practice of directors perpetuating themselves in office, regardless of their motives, by providing that no corporation shall directly or indirectly vote any shares issued by it. Even though the General Assembly over the years has enacted special provisions for designated classes of corporations, it has firmly adhered to this sound principle and nowhere provided for any variance from the principle by any corporation recognized in Ohio. Considering Revised Code sections 1701.98 and 1103.42 and all the well-written arguments of counsel, the Court, finding no conflict between the provisions of the general and special acts, concludes that the plaintiffs herein, the Cleveland Trust Company are not entitled to vote Cleveland Trust stock held by the Bank in a fiduciary capacity at any and all meetings of the Cleveland Trust Company.

Fully realizing the effect of this conclusion denies the right to be counted in the selection of the management to more than a third of the shares of the Cleveland Trust, the Court suggests that the responsibility for the creation of this dilemma ultimately lies with the Company itself.

The fact that federal and state banking authorities have not questioned this practice over the years does not deter this Court from declaring it illegal and contrary to basic principles underlying both corporate and trust law. The argument that the shares held in a fiduciary capacity are still less than fifty percent of the shares issued and therefore have not affected the corporate election results is not very persuasive, particularly in the face of the steady trend in the growth of these shares over the past twenty-six years. Counsel for the plaintiffs also claim that Ohio attorneys drawing wills for their clients and naming banks and trust companies as trustees have proceeded on the assumption that if stock of such trust companies were included in the assets left by the testator it could be voted by the trustee in accordance with the usual power of a trustee. Bearing in mind the fact that the extent of such shares held and voted by the Company was not known until the figures were orally announced three years ago at the shareholders meeting and published for the first time last year as a result of a new federal requirement, one can only speculate as to how many attorneys and settlors would follow the same course knowing the full extent of such holdings by the Company.

The law of Ohio makes no exception for corporate fiduciaries nor does it limit the prohibition against corporations voting their own shares to the so-called treasury shares.

Initially in applying for this declaratory judgment the Cleveland Trust Company requested a ruling that Revised Code section 1701.47(C) has no applicability to it and that the Company is entitled to vote its own stock held in a fiduciary capacity, in compliance with the provisions of the governing instrument. The defendants countered by claiming that the Company's practice of voting its own shares held in a fiduciary capacity violates common law and statutory principles and constitutes an open breach of the fiduciary's duty to administer its trust portfolio with undivided loyalty and without conflict of interest.

It is fundamental in all trust law that the trustee is under the strict obligation and the absolute duty to the beneficiary to administer the trust solely in the interest of the beneficiary. From time immemorial it has been recognized that the trustee is required to exercise the highest degree of good faith and to refrain from gaining any personal advantage or from assuming any responsibility inconsistent with his duty owed the trust.

In *In re Trusteeship of Stone, supra*, the court, in referring to a fiduciary, said:

"Since a trustee is a fiduciary of the highest order and is charged with the utmost fidelity to his trust, he must refrain from creating situations where his own interests are brought into conflict with those of the trust, and from doing those things which would tend to interfere with the exercise of a wholly disinterested and independent judgment. In accepting a trust, the trustee is presumed to know the obligations and limitations connected with his high office, and if he transgresses must abide the consequences."

In *In re Estate of Binder*, 137 Ohio St. 26, at page 35, in commenting on the oral argument during which it was stated that "one trust company in Cleveland is trustee for more than 5,000 separate trusts," Judge Hart wrote:

"Under such circumstances, undivided loyalty to each trust is obviously almost an insuperable task, since there must exist a temptation and the urge of special circumstances to favor one trust over another . . . Nothing but extreme diligence and fair dealing will, under the law, exonerate a trustee placed in such circumstances. Trust companies perform a great service in the business world and the law must not make rules of conduct governing them so onerous that they may not function, but it must demand that high sense of honor and measure of integrity which loyalty requires in carrying out the great responsibilities which trust companies voluntarily assume in representing others in a trust capacity."

The text writers have written extensively on the question of undivided loyalty. It is stated in 4 Bogert "Trust & Trustees," (2d Ed. 1960) 475:

"It is generally, if not always humanly impossible for the same person to act fairly in two capacities and on behalf of two interests in the same transaction: consciously or unconsciously he will favor one side as against the other where there is or may be a conflict of interest. If one of the interests involved is that of the trustee personally, selfishness is apt to lead him to give himself an advantage. If permitted to represent antagonistic interests the trustee is placed under temptation and is apt, in many cases, to yield to the natural prompting to give himself the benefit of all doubts."

In *Armstrong* v. *Huston's Heirs'*, 8 Ohio 552, the Supreme Court found that though there appeared to be no reason to distrust the integrity of the fiduciary or the fairness of the transaction:

"The temptation to abuse power for selfish purposes is so great that nothing less than incapacity is effectual, and thus a disqualification is wrought by the mere necessity of the case."

Of particular significance here are the words of Professor Austin W. Scott in an exhaustive article on "The Trustee's Duty of Loyalty" in 49 *Harvard Law Review* 521:

"It is sometimes contended that a trust company should be permitted to purchase securities from its securities or banking department, because it is in a position to judge most wisely as to the value of such securities. If it always acted with an unbiased judgment, this might conceivably be so but the difficulty is that it is not in a position to exercise an unbiased judgment. In a sense the difficulties are greater than those which arise in the case of an individual trustee. An honorable individual trustee can hardly help seeing the direct conflict between his own interests and his duty to the beneficiaries. On the other hand, the officers of a trust company owe allegiance to the shareholders as well as to the beneficiaries, and the temptation to favor the shareholders may well be more insidious than the temptation of an individual trustee to favor himself. It seems clear in both cases self-dealing is too dangerous to be permitted."

Under cross-examination, the President and Chairman of the Board of the Cleveland Trust Company with the pride and candor befitting a top corporation executive stated that he felt the best interest of the shareholders of the Cleveland Trust Company are best served by a continuity of the present management. This same management in exercising its fiduciary judgment is then required to select the Board of Directors and Officers from the nominees designated by this same management. Such an arrangement recalls to mind the old fairy tale line, "Mirror, mirror, on the wall, who is the fairest of them all." Under such circumstances the Company is just not in a position to exercise an unbiased judgment. No question of good or bad faith is involved, even though the highest degree of good faith is a well-established rule. The plaintiffs, the Cleveland Trust Company, in its fiduciary capacity is prohibited from gaining any advantage or accepting any responsibility inconsistent with its duty to each trust.

When serving on the Court of Appeals of New York, the famous Justice Cardozo said in *Meinhard v. Salmon*, 249 New York 458:

"A trustee is held to something stricter than the morals of the market place. Not honesty alone, but the punctilio of an honor the most sensitive, is then the standard of behavior. As to this there has developed a tradition that is unbending and inveterate. Uncompromising rigidity has been the attitude of courts of equity when petitioned to undermine the rule of undivided loyalty by the 'disintegrating erosion' of particular exceptions . . . Only thus has the level of conduct for fiduciaries been kept at a level higher than that troddened by the crowd. It will not consciously be lowered by any judgment of this court."

Regardless of its motives no banking and trust corporation by use of its position of trust is permitted to accumulate or corral proxies or interpret trust instruments it holds in a manner calculated to insure a perpetuation of its current management. In fact, the General Assembly imposes a stricter standard on corporate fiduciaries than personal fiduciaries. Revised Code section 2109.44 provides:

"Fiduciaries shall not buy from or sell to themselves nor shall they in their individual capacities have any dealings with the estate, except as expressly authorized by the instrument creating the trust and then only with the approval of the probate court in each instance; but no corporate fiduciary shall be permitted to deal with the estate, any power in the instrument creating the trust to the contrary notwithstanding. . . ."

The practice of the Company in voting one-third of its shares violates its common law duty of undivided loyalty and the parallel statutory prohibition. Again quoting Judge Hart in *In Re Binder, supra:*

"The law is jealous to see that a trustee shall not engage in double-dealing to his own advantage and profit. The reason is not difficult to discover when it is remembered that a trusteeship is primarily and of necessity a position of trust and confidence, and that it offers an opportunity, if not a temptation, to disloyalty and self-aggrandizement."

Self-perpetuation in office by a trustee with control of a substantial amount of corporate stock with voting rights and with the opportunity to influence the re-election of directors is a form of dealing with the trust estate which violates the public policy embodied in the common law requiring undivided loyalty and prohibiting conflicts of interest. The larger the number of such trust shares the greater the opportunity to influence the election of directors. Since it is possible to utilize this advantage for self-aggrandizement a conflict of interest arises, regardless of the motives of the trustees.

There is considerable merit to the argument that the Company's fiduciary violation which results from voting its own shares is not limited to those trusts holding shares of the Cleveland Trust stock. The violation may well extend to all trusts held by the Company. By selecting a corporate trustee, each settlor seeks a special advantage not available in an individual trustee. Under a corporate trustee, the quality of the management of the trust estate can be reviewed and studied through the annual election of the directors by the shareholders. When it is possible for the controlling directors to start with a substantial block of trust shares to be cast for themselves, they violate their loyalty to every trust, for every trust has been deprived of the opportunity for a shareholders appraisal of the performance of management and for all practical purposes of the opportunity for any real contest for the election of management.

Further, the Court feels compelled to refer briefly to the manner in which the Company under the belief that it had the statutory right to vote the trust shares acquired some of the proxies and interpreted the governing instruments in other instances.

Under classification (d) of the Proxy Statement in which it is conceded that approval of the donor, co-fiduciary or other designated person is required before voting. The solicitation letter (Exhibit 6–A3), in effect, seems to say:

"If you approve of our recommendation, return this document and we will vote for the management and for the propositions that management espouses. If you don't approve it, such shares will not be voted."

Witnesses for the Company admitted that these votes were all cast and that every vote that was ever cast was in favor of the Cleveland Trust and the propositions espoused by the current management.

As to classification (e) containing over 152,000 shares, the Cleveland Trust never sent any letters until 1967, after this litigation began, because the Company felt that in the absence of direction the Cleveland Trust could vote as it saw fit. The 243,638 shares under classification (f) were simply cast without any notice to any beneficiaries because the Company determined for itself that the Cleveland Trust had full discretion as to these trust shares. The officials testifying for the Company readily acknowledged that in the history of all the shares held in a fiduciary capacity, there never had been a single vote cast against the Cleveland Trust.

In the six representative instruments (Exhibits 3–A, 4–B, 5–B, 6–B, 7–B and 8–A) selected by counsel for the Company there is but a single mention of Cleveland Trust stock, and that is in the retention clause. Nowhere is there any reference to the voting of Cleveland Trust stock by name. The law is clear that self-dealing or breach of good faith on the part of a trustee cannot be excused on the ground that the instrument creating the trust and making him trustee has given him broad authority and unlimited discretion in the administration of the trust. The trustee, whether individual or corporate, cannot take advantage of the liberal provisions of the trust instrument to relieve him or itself from the legal responsibility of a fiduciary under law.

In filing this lawsuit the Cleveland Trust selected as a coplaintiff, the Bartlett Trust, the settlor of which was the daughter of a former president of Cleveland Trust and the wife of a current vice-president of the Cleveland Trust Company in the Trust Department. The original instrument was amended in 1946 mentioning Cleveland Trust stock for the first time in the holding provision. In a 1958 amendment the first mention of the stock appeared in the voting provision. These amendments are interesting in the light of *In Re Stone, supra*, decided in 1941, which clearly establishes the principle that a corporate trustee may not acquire its own shares of stock as an investment for a trust in its charge, or retain its own shares in the trust, unless express authorization is contained in the instrument creating the trust or in a provision of law.

In *In Re Trusteeship of Stone, supra*, at page 304, Judge Zimmerman discusses this question as follows:

"No statute is directly applicable, so we turn to the will of Ella A. Stone creating the trust and read the following in Item XLIX:

" 'Said trustee shall have absolute control of said trust estate, and shall handle, manage, lease, bargain, sell, transfer, convey, mortgage, encumber, allot, invest and reinvest the same or any part thereof upon such terms, under such conditions and in such securities as it in its discretion shall deem best, all statutory limitations and restrictions as to the investment of trust funds now in force and that may hereafter be enacted by the state of Ohio being hereby expressly waived by me * * *.'

This item certainly confers broad powers of investment and broad discretionary powers in the management of the trust estate, but there is no specific authority conferred to retain the bank stock. Is the quoted item then sufficiently comprehensive to justify the retention of the stock by the trustee, which otherwise, in our view, would be wrongful?"

The Bartlett Trust is one trust being managed by the Cleveland Trust which has been tailored by amendments in an attempt to conform to the requirements laid down by the *Stone* case.

The opinion in the said case is concluded as follows at page 304:

"Our studied conclusion, applicable to the instant case, is that a corporate trustee cannot acquire its own shares of stock as an investment, or retain its own shares in a trust, without *express* authorization by the terms of the instrument bringing the trust into existence, or by provision of law. Without such authorization, there is disregard for the duty of absolute faithfulness to the trust, because of the conflict which may and does on occasion arise between the personal interests of the trustee on the one hand and the interests of the trust and its beneficiaries on the other.

"Pertinent to the discussion is the language used in the tenth paragraph of the syllabus in the *Binder* case:

" '* * * breach of good faith on the part of a trustee * * * cannot be excused on the ground that the instrument creating the trust and making him trustee gave him broad authority and unlimited discretion in the administering of the trust."

In his testimony the Chairman of the Board, a forty-year veteran with the Company, said the Bank did not invest in its own stock because such investment would be illegal. If the divided loyalty problem rears its ugly head in the investment situation, its presence is just as evident where the same fiduciary holds the stocks and attempts to serve two masters. As suggested, what degree of objectivity can be expected from corporate managers in decisions on the sale of the trust company's stock from a trust portfolio when the opportunity to control the trust company's management could be lessened by such a sale. The difficulty of evaluating such subjective and hidden motivations forms the basis for the rule prohibiting conflicts of interest.

In the light of the established law the

Cleveland Trust should review all the trusts it is administering and fully advise any and all concerned of the full implications of the *Stone* case. The Company should not attempt to argue that the beneficiaries of the various trusts have acquiesced in the breach of trust by accepting its services and the benefits in the form of dividends, because the Supreme Court dealt with that point at page 305:

"The proposition is elementary that to bind a beneficiary in a breach of trust, by acquiescence, it must be made to appear not only that he was aware of all the material facts, but that he was also advised of his legal rights and failed thereafter to register objection. We do not discover anything tangible in the record to support the claim of estoppel."

The record here does not disclose any evidence indicating that any information beyond that required by the recent federal rule has been furnished or that any attempt has been made by the management to explain the effect of the *Stone* case, its own statutory responsibility, and its common law duty where it serves in two capacities with possible conflicts.

In the heat of his final argument one defense counsel urged that "it has created this monster; and this Court should order the Cleveland Trust Company to disgorge itself of this monster by gradually putting back (the stock) into the market and getting rid of the conflict." This Court has no intention of issuing any such edict, because this Court is in no position to pass upon the more than 600 trusts in which the Company holds its own shares in a fiduciary capacity. It is impossible here to determine which meet or do not meet the test of "express authorization." Further without the parties concerned and the instruments involved no conclusive ruling can be reached on the question of full disclosure and the question of acquiescence and approval of the Company's actions.

Applying both legal and equitable standards to all the evidence, the Court, by way of summary, reiterates that the Cleveland Trust Company's practice of voting shares issued by it and held in a fiduciary capacity violates common law and statutory principles with regard to both the shareholders of the Company and all the beneficiaries of the trusts administered by Cleveland Trust. No authority is granted under the Banking Act to vote its trust shares and the prohibition in Revised Code section 1701.47(C) applies without exception to all Ohio corporations. This Court is not willing "through conjectural and dubious construction" of the statutes "to extend to banking and trust corporations exercising trust prerogatives such a broad and far-reaching power when the General Assembly has not seen fit to do so through plain and unequivocal language."[2] No corporate fiduciary is permitted to hold shares issued by it unless so authorized by express language in the instrument establishing the trust and no corporate fiduciary is permitted to vote any shares issued by it under the existing statutory law of Ohio.

Further in construing the power of holding its shares and the power of voting, in the event the Ohio Legislature should ever amend the forty-year old statute, the bank and trust corporation cannot rely on its own self-serving interpretation but must make full disclosure to the principals involved and likewise secure approval from the Probate Court, where any doubt may exist. Clearly the current practice of voting its trust shares by the Cleveland Trust management presents a conflict of interest between their desires for self-perpetuation in office and their duties of objective undivided loyalty to the trusts under their control.

An entry shall be prepared accordingly by counsel for defendants and approved as to form by counsel for the plaintiffs. Costs herein are charged to the plaintiffs.

JOHN V. CORRIGAN,
Judge.

JUNE 9, 1967.

APPEARANCES

On behalf of the Plaintiffs: Jones, Day, Cockley & Reavis, Union Commerce Bldg., Cleveland, Ohio 44115. Of Counsel: Victor DeMarco, Esq., George H. Rudolph, Esq.

On behalf of Defendant Eaton: Marshman, Hornbeck, Hollington, Steadman & McLaughlin, Union Commerce Bldg., Cleveland, Ohio 44115. Of Counsel: William F. Snyder, Esq., James J. Shiller, Esq.

On behalf of Defendants Watson and Calvert: Stokes, Stokes, Character & Terry, 75 Public Square, Cleveland, Ohio 44113. Of Counsel: Carl B. Stokes, Esq., Alexander H. Martin, Jr., Esq.

[From the Wall Street Journal, June 12, 1967]

CLEVELAND TRUST LOSES RIGHT TO VOTE ITS STOCK HELD IN TRUST ACCOUNTS—CYRUS EATON UPHELD IN CONTENTION THAT SUCH BALLOTING IS ILLEGAL; INSTITUTION SAYS IT WILL APPEAL

CLEVELAND.—Industrialist Cyrus Eaton won the first round in a battle with Cleveland Trust Co., Ohio's largest bank, through a court ruling that the bank can't vote Cleveland Trust stock held in its trust department.

Cleveland Trust said it would "vigorously" appeal the ruling, handed down by Common Pleas Court Judge John V. Corrigan.

Some 539,839 of Cleveland Trust's 1,500,000 shares outstanding of capital stock are held in various types of trust agreements in the bank's trust department. These shares have been voted in favor of management proposals and for management nominees at stockholder meetings.

Mr. Eaton challenged the practice, asserting it was an illegal maneuver by management to maintain control of the bank. A handful of stockholders showed up at recent annual meetings to argue against voting of the trust stock.

Alleging that Mr. Eaton and his supporters were damaging the bank's good name and injuring its business by the repeated attacks, the bank sought a declaratory judgment that it as entitled to vote the stock under Ohio law. Judge Corrigan declined to issue such a declaratory judgment.

"Cleveland Trust Co.'s practice of voting shares issued by it and held in a fiduciary capacity violates common law and statutory principles," Judge Corrigan said in his decision. "No authority is granted under the Banking Act to vote its trust shares."

In the absence of such specific authority, Ohio corporate law, which specifies that "no corporation shall directly or indirectly vote any shares issued by it," must govern, the judge said.

Judge Corrigan said the bank's voting of its own shares also violated a trust law requiring that the trustees act solely in the interest of the beneficiaries of the trust. "Clearly, the current practice of voting its trust shares by Cleveland Trust management presents a conflict of interest between their desires for self-perpetuation in office and their duties of objective, undivided loyalty to the trusts under their control," he said.

George F. Karch, Cleveland Trust president, said in a statement: "It is inconceivable that this decision will stand. It ignores several key legal points. It disregards major elements of testimony and recklessly goes beyond the issues in the case."

Mr. Karch said the decision "could well cause major state banks to consider reincorporating" as national banks because the court's restrictions on voting of shares held in trust are more restrictive than Federal laws applying to national banks. He added that it disenfranchises a stockholder who places his shares in the bank's trust department and "takes away his fundamental right to determine what he may do with his own property."

The decision has no apparent bearing on control of the bank, at least for the foreseeable future. At no time has there been a substantial block of stock opposed to management. Management nominees have always been overwhelmingly elected, and the 35% of the stock held in trust never has been the deciding factor.

Also, the matter may be acted on by the state legislature later this year. Several bills are pending that would clarify the right of banks to vote trust stock, or deny them the right to do so, while making other changes in the state banking codes.

An omnibus banking bill was expected to come to a vote soon in the Ohio Senate. In its present form, the bill would establish restrictions on voting trust stock similar to rules already governing national banks. This would permit banks to vote stock held in trust on all issues other than the election of directors and to vote the shares even in director elections when specifically instructed to do so by donors, beneficiaries or cotrustees of the trusts owning the stock.

NEED FOR ANTIRIOT BILL

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CRAMER. Mr. Speaker, I was very interested in the remarks of the gentleman from Alabama [Mr. DICKINSON] calling for Federal action to curtail riots in America. I agree with him wholeheartedly. But I would like to say to him that calling upon the Attorney General has been to no avail because his attitude is that there are no laws on the books under which he can do anything relating to these riots. Thus, even the FBI is hamstrung in ferreting out and helping local authorities to prosecute these riot inciters.

I ask this House of Representatives in all seriousness, how hot and how riot torn and how much killing and how much looting does there need to be this summer before this House acts on my antiriot bill?

A riot took place in Tampa, Fla., last night, just a few miles from the district I represent. Sheriff Malcolm Beard, of Tampa, with whom I spoke this morning by phone, advised me of his wholehearted support of my bill. The police had attempted to arrest one of three Negroes for burglary. He refused to stop after being requested to do so and the police shot at him, killing him, this allegedly resulted in the riot. They took to the streets and looted. The rioters that followed looted a pawnshop and a firearm shop and stole guns and ammunition. Six stores were burnt to the ground and the fire department was prevented from fighting the fires because they were being shot at by the rioters. Mr. Speaker, I submit that they are getting ready. They have been told what to do. These things do not just happen. This is the result of an indoctrination program. We have had some experience in Florida and in the

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[2] (Words used by Judge Zimmerman in *Ulmer* v. *Fulton*, 129 Ohio St. 323.)

Tampa-St. Petersburg area with Stokely Carmichael, he having been to Florida earlier this year. There is a Black Muslim headquarters in Tampa which has been preaching "hate the white man" and "kill the cops."

Let us not kid ourselves. This has all the earmarks of a national conspiracy and it is up to the Congress of the United States to do something about it. Through some of their national spokesmen, such as Stokely Carmichael, and such organization as SNCC, Black Muslims, and RAM, indoctrination in rioting techniques, store looting, stealing and storing of guns, making of Molotov cocktails, hatred of policemen, "get whitey"—as well as "to hell with the draft" are being taught on a national scale. A nationwide movement is emerging in an unmistakable pattern.

Do not those of you who represent Boston, Mass., and Nashville, Tenn., and Tampa, Fla.; and, as indicated by the gentleman from Alabama [Mr. Dickinson] who just spoke in Prattville, Ala., and other places—do you not all agree that we should insist on Chairman Celler of the Committee on the Judiciary to stop bottling this antiriot bill up?

I suggest to the House that if this rioting is allowed to continue and no action is taken on my bill, it will be necessary to discharge the Committee on the Judiciary to get this bill to the floor of the House or request a special rule before the House Rules Committee. We have to accept some responsibility in this matter. We certainly have been served notice.

I place the newspaper reports of the rioting in Tampa, Fla., and Prattville, Ala., which appeared in today's Washington Evening Star, and the followup UPI articles of this date, in the Record at this point.

[From the Evening Star, Washington (D.C.) June 12, 1967]

Four Hundred Negroes Riot 2½ Hours, Burn Entire Block in Tampa

Tampa, Fla.—More than 400 Negroes rioted in two slum districts near downtown Tampa last night and early today, exchanging gunfire with police and burning an entire block in the central Negro district.

The rioting and looting began about 11 p.m. and continued full force for two and a half hours. By daybreak the shooting had ceased and all but one fire had been extinguished.

The killing of a young Negro burglary suspect by a policeman apparently triggered the riots.

Gov. Claude Kirk, roused from sleep at Tallahassee, the state capital, hurried to the Florida west coast city by plane to survey the riot scene and meet with police and National Guard officers and Negro leaders.

Kirk described the meetings as orderly and said he expected no more trouble. But James Hammond, Negro administrator of the Tampa Commission on Community Relations, said the violence could continue all week.

Sheriff Malcolm Bear said he would "use whatever force necessary" to prevent a second night of rioting. He said law officers would disperse any group of more than three persons in the district and would arrest anyone who refused the order to move on.

During the height of the rioting a mile-square section of Tampa was a no man's land.

Snipers shot at police and firemen with ammunition looted from a gun store in the area.

Other Negroes hurled rocks at riot police who were illuminated by fires which left the area "bright as day."

Deputy Fire Chief Charles Wells said none of his men was injured. He said more than 100 firefighters were used to control the flames which caused an estimated $250,000 in damages to two homes, two warehouses and two shopping complexes.

More than a dozen persons were injured during the melee, including one Negro youth who suffered a gunshot wound. Aides at Tampa General Hospital said he was in good condition.

One white deputy sheriff, Sgt. Don Williams, died in the melee of an apparent heart attack.

Police said a white man was severely beaten after he and his wife were pulled from their car as they drove through the riot area.

Patrolman J. R. Clark said eight persons were arrested. He said there were reports of isolated looting throughout the city.

The shooting incident which apparently sparked the riot occurred at Nebraska Avenue and Twiggs Street when 19-year-old Martin Chambers was shot as he ran from a policeman.

Patrolman J. P. Calvert said the youth and two others had broken into Tampa Photo Supply Co. and stolen Polaroid cameras.

The officer said he shot Chambers as a "last resort" when the youth ignored the officer's orders to halt.

Gunfire Erupts After Arrest of Carmichael

Prattville, Ala.—The arrest of Stokely Carmichael, black power advocate, touched off a gun battle yesterday between police and Negroes. National Guardsmen moved in early today with orders to shoot to kill if necessary to restore order.

The guard and police raided a house involved in the gunfire and removed about 30 Negroes and a double-barreled shotgun. Several rounds of ammuntion were found in a car parked outside, Sheriff Phillip Wood said. The troops and civilian officers, numbering more than 150, met no resistance when they moved in after a nightlong vigil.

Seven Negroes were taken into custody for questioning. The others were told to go home.

THREE OFFICERS INJURED

The gun battle left three law enforcement officers slightly injured. Three patrol cars were damaged by shotgun pellets.

The violence came after Carmichael was arrested yesterday on a disorderly conduct charge.

Police Chief Obie Thompson said Carmichael threatened to kill one officer and told police he would "tear up this town."

Carmichael remained in jail overnight. The sheriff said he would be eligible for bond.

The National Guard troops were ordered to Prattville after a gun battle of more than three hours between Negroes and police.

One of the Negroes in the house told officers he "got trapped in there and couldn't get out." He said he had just left a church across the street when he heard shouting and ducked into the house for safety.

The gunfight erupted, Wood said, after Assistant Police Chief Kenneth Hill narrowly escaped injury from a bullet which tore through the window of his squad car as he drove through the Negro residential area.

Receiving superficial shotgun wounds were city policeman Norris Champion and Autauga County Sheriff's Deputy John Griffin.

Chief Thompson said the officers went to the Negro First Baptist church and found Carmichael and a group of Negroes outside. A Montgomery resident complained he had been threatened with a shotgun as he drove past the church.

The police chief said officers, with a search warrant, found a shotgun in a panel truck and another in an automobile parked at the church. He said the truck had the name Student Nonviolent Coordinating Committee on it. Carmichael is a former chairman of SNCC.

When the police arrived, Thompson said, Carmichael turned to a Negro and told him, "Hand me that gun and I'll take care of him," meaning Asst. Police Chief Hill.

Tampa, Fla.—Hundreds of Negroes fought police with guns and rocks and burned and looted stores in downtown Tampa early today in a savage protest to the slaying of a Negro youth by police.

One officer died of a heart attack in the violence. At least 14 persons were injured, most not seriously by the time calm returned to the area before daybreak.

Gov. Claude Kirk flew in for a two-hour conference with Mayor Nick Nuccio and other city officials. He flew back to Tallahassee at dawn and said only that he was "disturbed by the events of the night."

Fires lighted the sky and heavy smoke billowed over the city. Sheriff Malcolm Beard announced the 12-block riot area would remain sealed off and said "any persons congregating in this area in groups of three or more will be asked one time and one time only to disperse and if they don't comply, they will be arrested."

In addition to the violence in the six-by-six-block zone in the Central Park area, Beard said minor violence broke out in heavy Negro West Tampa.

Robert Guilder, president of the Tampa NAACP, said after meeting with Gov. Kirk that "inadequate education, poverty, disease, inadequate recreational facilities and housing and general disrespect for the law" were the underlying cause of the violence.

Ten Negroes were arrested on charges ranging from breaking and entering to possession of stolen property. Two of the injured were Negroes.

Prattville, Ala.—Nearly 200 National Guardsmen and State troopers surrounded a 5-room house jammed with 25 frightened Negroes early today and ended a five-hour battle.

Four men were reported wounded in the fighting.

The troops, ordered to shoot to kill if attacked, were sent in by Gov. Lurleen Wallace when snipers opened fire on police after Black Power Leader Stokely Carmichael was arrested for disorderly conduct.

They surrounded the concrete block house in the heart of the Negro section known as Happy Hollow and ordered the occupants to come out. Police said the house was the center of resistance and a shotgun blast from it wounded three men.

But when the Negroes filed out, led by the owner of the house, Dan Houser Jr., they claimed they were only taking cover and had not participated in the shooting. None was arrested, but Sheriff Philip Woods said a shotgun was found in the house with one expended shell and a "loud smell of powder."

Seven of the Negroes in the house were detained for questioning. All insisted they were only seeking safety.

The trouble began after Carmichael was arrested for disorderly conduct when he allegedly threatened an officer outside a civil rights rally at a church.

GENERAL DYNAMICS CORP.—OUTSTANDING ACHIEVEMENTS IN AEROSPACE, NATIONAL DEFENSE AND OCEANOGRAPHY

Mr. CHARLES H. WILSON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CHARLES H. WILSON. Mr. Speaker, in earlier remarks I have indicated the importance of the recently concluded Paris Airshow as a showcase for the American aerospace industry. I have further stated the pride I felt in the outstanding displays and products of participants from my 31st Congressional District and the entire State of California.

I wish today to mention the contributions of another great participant, General Dynamics Corp., represented by two of its California divisions—the Pomona Division located in Pomona, and the Convair Division in San Diego, as well as its Fort Worth Division—Texas—maker of the airshow highlight—the F-111 multimission fighter-bomber.

The fruits of American genius and know-how were nowhere shown to better advantage than at Le Bourget, where Charles Lindbergh landed 40 years ago. Mr. Speaker, it is truly enlightening to attend a show such as this and gain fresh insight into the range of products and depth of knowledge that this Nation's aerospace firms possess.

At General Dynamics' Pomona Division, for example, we have an industrial facility that has done an unparalleled job of helping defend the ships of the U.S. Navy and ships of the free world through its imposing array of tactical missiles. This division continues to produce the Terrier and Tartar surface-to-air missiles which already arm 64 ships of the U.S. Navy against enemy air attack. It is also developing and producing for the Navy its new standard missile—in a number of versions: for medium and extended range, and for surface-to-air, surface-to-surface, and air-to-ground uses.

Intensive work has already been done on one of these versions, the standard "ARM," or anitradiation missile. This highly sophisticated version is being developed to supplement and eventually replace missiles now in use as protection for U.S. planes against enemy antiaircraft installations that are radar directed. Standard ARM will detect and "home in" on radiation sent out by enemy ground radar and destroy the installation with a conventional explosive warhead.

Still another of the Pomona Division's tactical missiles is "Redeye"—which is in quantity production after successful test firings under extreme climatic conditions. Redeye enables a single U.S. infantryman to fire this missile from his shoulder against low-flying enemy aircraft.

Both the U.S. Army and Marine Corps have begun intensive troop training with Redeye for operational use. Any man who has served as a foot soldier can appreciate the value of this weapon as an "equalizer." Furthermore, Redeye is already being improved for its current ground-to-air and other future applications.

The record of General Dynamics' Convair Division is equally distinguished and equally wide ranging. Among its products are the workhorse of the American space program—the Atlas launch vehicle which, at the end of 1966, had had 22 consecutive successful firings, including launching of the Lunar Orbiter spacecraft; the Orbiting Astronomical Observatory, largest U.S. unmanned spacecraft; an Orbiting Geophysical Observatory; the first of a series of Applications Technology Satellites; and the target and docking vehicles for the Gemini program.

Reliability of the Atlas space launch vehicles has earned Convair a number of incentive awards based on launch and flight performance.

Convair's Centaur liquid-hydrogen-fueled upper stage has had an equally impressive performance record. In conjunction with Atlas, it has twice placed Surveyor spacecraft in extraordinarily precise orbits to the moon and, in another test, proved its ability to reignite its high-energy fuel under the weightless conditions of space.

Centaur missions already planned through 1969 include such payloads as Mariner spacecraft to Mars, Applications Technology Satellites, and an Orbiting Astronomical Observatory.

But Convair is not exclusively concerned with outer space. It is also concerned with the "inner space" of the earth's oceans. As evidence of that concern, sea tests are about to begin this month on the second prototype ocean data station built by the Convair Division of General Dynamics for the U.S. Navy Office of Naval Research.

This station is a huge, 40-foot-diameter buoy, known as "Alpha," that will be anchored in 500 fathoms of water several miles off the coast of La Jolla, Calif., for testing.

The purpose of these tests is to demonstrate the buoy's ability to acquire, store, and then transmit oceanographic and meteorological data over long distances with reliability and accuracy.

Some of the measurements it is designed to make include speed and direction of ocean currents, wind direction and speed, air temperature, sea surface temperature, barometric pressure, solar radiation, and dew point. Underwater sensors along the mooring line will measure saltiness of the water, temperature, and pressure.

The Coast Guard has ordered the basic buoy in a slightly modified form to test as a possible replacement for existing lightships. The significance of these data stations, not only for ship traffic but as part of a future worldwide weather forecasting network, is truly great.

These examples demonstrate my justifiable pride in the accomplishments of the American aerospace industry and that important segment of it that continues to flourish in the stimulating physical and intellectual climate of the State of California.

General Dynamics is a representative and important part of this Nation's aerospace team. The work it is doing, in California and elsewhere throughout the Nation—in the development and production of the F-111 fighter-bomber, nuclear submarines, surface ships, research submersibles, space launch and upper stage vehicles for the exploration of outer space, tactical missiles for the defense of our ships and aircraft, electronic systems for all our services, its accomplishments in the peaceful uses of nuclear energy, and the basic and applied research it is carrying out to roll back the endless horizon of new knowledge—all these activities testify to the firm's industrial prowess and, equally, to the important role General Dynamics is playing in the defense of this country

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THE F-111A SENSATION OF THE PARIS AIRSHOW

Mr. CHARLES H. WILSON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CHARLES H. WILSON. Mr. Speaker, I have in previous remarks conveyed to the Members of the House my reactions to American participation in this year's Paris airshow.

We exhibited to the free world many of the fruits of American genius in the aerospace field. It is my personal belief that, thanks to the tremendous effort put into our participation by the Department of Defense, by industry itself, and by the strong support furnished by the Departments of Commerce and State, we had a truly outstanding exhibit.

There were many highlights to the American exhibit, but I can think of no single item that compressed in one package so completely American technological genius, vision, and achievement as the variable sweep wing fighter-bomber, the F-111A of the U.S. Air Force Tactical Air Command.

In reaching Le Bourget Airport, the F-111A routinely flew the Atlantic on internal fuel only—a vital military requirement not previously achieved in any tactical fighter.

Due to flight limitations placed on all aircraft performing at the Paris Airshow, the F-111A limited its flights to ones in which the actual operation of the movable wing could be seen by observers on the ground.

It is this feature of the F-111 that is most revolutionary and it was the operation of the wing—in flight over Le Bourget Airport—that made this airplane the sensation it was to all who saw it.

One example of the curiosity and fascination that the F-111 held for those attending was the behavior of members of the U.S.S.R. delegation.

Despite the confused, distorted, and consistently critical articles about the F-111 that have appeared and continue to appear in the American press, our Russian friends at least seemed to recognize the significance of this airplane as a weapons system.

Their experts photographed the airplane for hours, asked endless questions, and even asked permission to scrape metal from the fuselage to take back with them.

Although this country developed this magnificent airplane, although this country has the only production airplane in the world with the variable sweep wing, the Russians may well have recognized more clearly the significance of this advance than many in this country appear to do.

Perhaps they, better than many who sit behind typewriters, recognize not only the achievements in the F–111 itself, but also its implications for advanced aircraft of the future—military and civilian.

In Paris, at least, the F–111 was recognized for the tremendous aeronautical achievement it is. Given a fair chance, and assessed on its own merits, I hope and believe that the same conclusion will be reached in this country. The time is long overdue.

NEGLIGENT BOATOWNERS SHOULD BE PENALIZED FOR POLLUTION OF U.S. NAVIGABLE WATERS

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MONAGAN. Mr. Speaker, I have introduced a bill, H.R. 10593, which would authorize the United States to recover by civil actions the cost of removing certain obstructions from the navigable waters of the United States. This bill is similar to H.R. 2842 which I introduced in the 89th Congress.

I have long been concerned with the problems of water pollution and I find it not only disgraceful but also unpardonable for those persons who for personal interest and convenience use our navigable waters to pollute or obstruct them in the process.

Industrial waste and residential sewage are by far the biggest factors in the pollution of our waters, and I am happy that the 89th Congress enacted the Clean Water Restoration Act of 1966 which was similar to legislation I had introduced. However, the pollution or obstruction of our navigable waters caused by watercraft using such waters must not be overlooked. A few recent groundings of oil tankers both here and abroad, particularly the disaster of the *Torrey Canyon*, further illustrate the need and urgency for the legislation which I propose.

Mr. Speaker, H.R. 10593 would authorize the Government to recover the cost of removing obstructions from navigable waters and hold negligent boatowners liable for resultant pollution as well as for endangering navigation. My bill would amend the Refuse Act of 1899 and would provide penalties against boatowners in instances of negligence substantially endangering desirable marine, aquatic, or other plant or animal life of the navigable waters of the United States.

Mr. Speaker, I urge the speedy approval of this bill by the Public Works Committee and swift passage by the House.

U.S. POSITION IN MIDDLE EAST DETERIORATING

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, most of us are probably somewhat heartened by the outcome of the events of the last week in the Middle East; a cease-fire has been achieved. War is always tragic, but the Israeli armies' smashing victories are in the end far more desirable than the Arabs announced goal of genocide of the Jewish people. A strong Israel would seem to be a guarantee of territorial integrity for all the nations in the area.

The United States-Soviet Union cooperation in localizing the war would seem to be an optimistic sign, indicating a hopeful desire for peace on the part of the great powers. However, this instance of cooperation should not be misinterpreted. Russia wanted no general war, but acted to stop the Mideast slaughter only when it became apparent that the screaming hordes she had subsidized with planes, tanks, and guns were suffering one of modern history's most striking military defeats.

Russia was the true instigator of the war, using the time-tested tools of slander, hate, and bigotry to further her own interests in this vital crossroads. She knew that war and its resultant miseries would benefit her, no matter which side took the actual military victory.

Conveniently sidestepping actual overt military involvement, she sat and watched the harvest of hate. For though the Arabs have lost militarily, Russia has gained. Hatred of the United States and our allies is at a new fever pitch among the Arab nations, accompanied by wholesale destruction of Western-owned property and attacks on Americans left in the area. There are also some signs that the Israelis themselves have misinterpreted our position and intentions.

In addition to this worsening of the U.S. position in the Middle East, the real losers in this war are the quarter million dead, wounded, or displaced Arabs and Jews.

A PROPOSAL TO INTERNATIONALIZE THE SUEZ CANAL IN THE INTERESTS OF WORLD PEACE

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TALCOTT. Mr. Speaker, now that the fighting has subsided, the larger problems of achieving peace, stability and security in the Middle East will necessarily confront not only the United Nations, as an organization, but every nation and individual on earth.

As one means of permanently mitigating the threat of war in the Middle East, and, at the same time, reducing the financial problems of the United Nations, I propose that both Egypt and Israel be required to cede all of their right, title, and interest in and to the Suez Canal to the United Nations.

Such action would have several advantages:

First. It would provide a buffer between Egypt and Israel. It is regrettable that buffer zones between peoples of different countries are ever necessary, but current circumstances in the Middle East indicate that some neutral area will be necessary between these nations.

Second. It would guarantee the use of the Suez Canal as an international seaway for free and innocent passage—which is absolutely essential for international commerce.

Third. It would insure sufficient revenues for the operation of the United Nations so that the organization will not continue to be shackled and stymied by insufficient and uncertain funding. The independence of the United Nations thus would be enhanced, and its standards of membership could thereby be improved.

Admittedly, the proposal has the following disadvantage:

To replace their revenues from the Suez Canal, the Egyptians may require international aid. The Egyptians are poor. Their resources have not been developed. Their leaders have been incompetent, dishonest, and demagogic. Their ambitions and abilities have not been sufficiently stimulated. Their birthrate has been too high. Their revenues, resources, and energies have been wasted on armaments. Their efforts have been directed at conquest of Israel, rather than to programs of self-improvement. Their potential for development seems susceptible to guidance and assistance from the international community. Aid designed to encourage long term self-help should be emphasized.

Neither Egypt nor Israel has any legitimate national proprietary interest in the Suez Canal. It was built and operated by private companies for many years before being summarily nationalized by Egypt. Israel's only claim is by conquest—which should not be recognized as valid.

Only the United Nations seems capable of operating the Suez Canal in the best interests of the international community.

The advantages overwhelmingly outweigh any possible disadvantages, and I respectfully suggest that the U.S. delegation to the United Nations be directed to recommend and strive for implementation of this proposal during the forthcoming consideration of measures to stabilize the political situation in the Middle East.

Incidentally, but obviously, there is absolutely no analogy or comparison between the Panama Canal and the Suez Canal other than that both are international seaways.

I hope that other Members of the Congress will consider this proposal, evaluate it, modify it or present their objections. The United Nations will need guidance in their perilous and difficult deliberations to achieve a lasting and just peace and stability in the Middle East.

THE MEXICAN AMERICAN—A NEW FOCUS ON OPPORTUNITY

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, for quite some time, many of us have spoken out, written about, and activated in behalf of recognition of the peculiar social, economic, and political problems of the Southwest. Thirty some years ago conditions were far different from what they are today. Some of us had personal confrontation with such experiences as denial of services at various and sundry facilities, business establishments, and other places with the harsh: "No Mexicans are allowed here." One of my earliest memories was a bitter and abrasive incident in the southwestern section of San Antonio, when I was about 7 years old, at a place known as Terrell Wells Swimming Pool. My father had taken the family and relatives to this park for a swim and a picnic. But it turned into a spoiled day when the operator of the place made it clear that the policy was to admit no Mexicans. That was some 44 years ago.

Times have changed—and so have conditions—and for the better. Much remains to be done, but the big fight has been won, even though some leaders act out of reflex from a long habit of thinking with a defeatist attitude. Others wish to perpetuate the ill feeling because it is the only way they think they can maintain status—blaming the ills and problems all on discrimination and prejudice, like a modern-day Nasser blaming all his failures on the United States and England.

Of course, this is equally wrong. But the way to progress has been opened and secured. We must make sure we do not retrogress and sustain the effort.

The plight of the so-called Mexican-American of the Southwest—I use this term as descriptive though I recoil at the hyphenated Americanism some read into it—was not brought to the national forum until the advent of Kennedy-Johnson. President Kennedy was the first President to publicly allude to it. I am sure much of it was directly attributable to then Vice President Lyndon Johnson. President Kennedy appointed then mayor of El Paso, Raymond Tellez, Ambassador to Costa Rica, where he served with great ability and distinction. And other appointments from this conglomeration followed. But President Lyndon B. Johnson has done more in 2 years than has ever been done before in our whole history. Space does not permit a recital of all he has done.

However, I should like to call attention to an event last Friday at the White House, when President Johnson appointed Vicente Ximenez to the Equal Employment Opportunities Commission.

Mr. Speaker, I place in the RECORD President Johnson's remarks on this occasion as well as other most pertinent material:

THE WHITE HOUSE,
June 9, 1967.

Memorandum for: Hon. W. Willard Wirtz, Secretary of Labor; Hon. John W. Gardner, Secretary of Health, Education, and Welfare; Hon. Orville L. Freeman, Secretary of Agriculture; Hon. Robert C. Weaver, Secretary of Housing and Urban Development; Hon. R. Sargent Shriver, Director, Office of Economic Opportunity; Hon. Vicente Ximenes, Commissioner, Equal Employment Opportunity Commission.

Over the past three years, many members of my Administration have had discussions with Mexican American leaders and others interested in their problems. They have discussed the value of our programs to Mexican Americans in their search for equal opportunity and first-class American citizenship.

The time has come to focus our efforts more intensely on the Mexican Americans of our nation.

I am therefore asking the Secretary of Labor, the Secretary of Health, Education and Welfare, the Secretary of Housing and Urban Development, the Secretary of Agriculture and the Director of the Office of Economic Opportunity to serve on an inter-agency committee on Mexican American affairs. I am asking Commissioner Vicente Ximenes of the Equal Employment Opportunity Commission to chair this committee.

The purpose of this committee is to: Assure that Federal programs are reaching the Mexican Americans and providing the assistance they need; and seek out new programs that may be necessary to handle problems that are unique to the Mexican American community.

I am also asking this committee to meet with Mexican Americans, to review their problems and to hear from them what their needs are, and how the Federal Government can best work with state and local governments, with private industry and with the Mexican Americans themselves in solving those problems.

I would like to be kept informed, at periodic intervals, of the progress being made.

LYNDON B. JOHNSON.

THE WHITE HOUSE

New avenues of opportunity are being opened for the Mexican American citizen under Federal programs, the President was told today in a special report from Cabinet members.

These beginning efforts on behalf of more than five million members of the Mexican American community mark the first chapter in a determined campaign to help this minority group, the report stated.

The report was submitted to President Johnson by the Secretary of Labor; the Secretary of Health, Education, and Welfare; the Secretary of Agriculture; the Secretary of Housing and Urban Development; and the Director of the Office of Economic Opportunity.

The Report entitled "The Mexican American—A New Focus on Opportunity" summarized steps taken since 1963 to foster equal opportunity and improve education, employment, wages, health and housing for Mexican American citizens. The report finds:

90,000 Mexican American youths have been enrolled in Neighborhood Youth Corps programs since 1964.

34,000 Mexican American children participated in Headstart programs last summer.

The Office of Economic Opportunity has provided almost $25 million for anti-poverty programs to upgrade health, education and housing facilities for Mexican American migrant workers and their families.

In California, $8.5 million in Federal funds over the past two years have helped the State Office of Economic Opportunity mount successful programs for thousands of migrant workers and their families in public health services, day care centers for children, education and mobile housing facilities.

U.S. Public Health immunization programs in the Southwest are protecting more than 1.5 million Mexican Americans from polio, diphtheria, measles and other infectious diseases.

The Elementary and Secondary Education Act of 1965 has provided additional teachers, equipment and special language programs for thousands of Mexican American school children.

New minimum wage requirements, for the first time covering farm workers, are helping Mexican American farm workers who have traditionally received low wages.

Individuals and cooperatives in five Southwestern States have received $45 million in Department of Agriculture loans to build new housing, water and recreational facilities.

The Cabinet Report concluded that new progress for the Mexican American community can be achieved through the President's new legislative proposals in the war on poverty, education and civil rights—all designed to expand opportunities for Mexican Americans as well as for all American citizens.

The Report concluded that this is "only the first chapter in what will become a record of solid accomplishment for the Johnson Administration—a new focus on opportunity for the Mexican American citizen of this land."

REPORT TO THE PRESIDENT

THE MEXICAN AMERICAN

A new focus on opportunity

Today, in San Antonio, Texas, new job opportunities have been developed for 1,153 Mexican American students in an in-school Neighborhood Youth Corps project supported by almost a million dollars in U.S. Department of Labor funds.

In Los Angeles and Oakland, California, more than 400 Mexican American women are receiving professional training as nurses and health workers under U.S. Office of Education programs.

In Durango, Colorado, a local Community Action Group organized a neighborhood center for 100 Spanish-speaking residents using antipoverty funds. There were no paved streets in the area, or recreational, safety or medical facilities. Today the city health department is providing needed services to that area. The State employment service has placed a job counselor in the neighborhood. And street lights have been installed.

In 1966 the student body of Ben Bolt Palito Blanco School District, Texas—almost all of them Mexican Americans—produced their first student newspaper, tripled the number of books they read, and advanced in reading ability by one to four grades, with the aid of volunteers from the National Teacher Corps.

At Three Rocks, near Fresno, California, Mexican American families once living in condemned housing, are now building their own attractive homes with a $113,000 grant from the U.S. Office of Economic Opportunity, and have formed their own *El Porvenir Development Corporation.*

In Sandoval, New Mexico—where 40 percent of the population is Mexican American—300 residents received technical training in a dozen different fields, while an additional 200 enrolled in basic adult education centers under the auspices of the U.S. Department of Agriculture.

In El Paso, Texas, 1,320 low-rent housing units occupied predominantly by Mexican American families are being improved and rehabilitated with grants from the Department of Housing and Urban Development.

Individuals and cooperatives in five Southwestern States have received $45 million in Department of Agriculture loans to build new housing, water and recreational facilities. Many of the participants and beneficiaries are Mexican Americans.

Six months ago some of these projects did not exist.

Three years ago they were only ideas.

Today, they are examples of progress.

But we must not be satisfied with our achievements to date. We have begun what must be a long and determined compaign to help the Mexican American community. And we must persevere in that effort.

The Mexican-American and the historic roots of inequality

The Mexican American was an American long before this land became the United States.

He embodies traditions, language and culture which predated our own by hundreds of years.

Yet, in many respects, the Mexican American has been a neglected American. He continues to face severe handicaps in language, jobs, education, health and housing opportunities.

He has sought, but has too often been denied, the dignity and fruit of well-paid labor. He has sought, but has often been denied, the proper tools of education for his children. He has sought—but has often suffered because of it—to maintain his own proud traditions in a free society where differences should be respected and cultural diversity encouraged.

The Mexican American—more than 5 million strong—represents the second largest minority group in our country. But like many minority groups he has often had to turn to government to protect his rights and encourage his advancement.

Government has an obligation to match the promise of American opportunity with action—in employment, a decent wage, better education, improved housing, improved community facilities, and the guarantee of civil rights which every American expects.

Government in the last three years has begun to fulfill those obligations in ever-increasing measure for all our citizens.

In the past three years, your Administration has more than doubled its investment in the most diverse health and medical program in history, from $5.1 billion to $12.4 billion. Twenty major health measures were passed by the Congress.

In the same period, Federal funds for education of our children tripled—from $4.7 billion to $12.3 billion, as law after law was approved by the 88th and 89th Congresses.

We have included for the first time more than 9 million new workers under a higher minimum wage.

Today, the United States Government is investing more than $25 billion in a concerted war against poverty and deprivation to help its citizens share the fruits of American prosperity and education.

Under U.S. manpower and training programs, over one million men, women, and young people have been trained or retrained for new skills and occupations.

This, then, is our report on how opportunity specifically for the Mexican American citizen has been given a new focus under the advances of your Administration.

Jobs—An immediate need

There is no more fundamental problem facing the Mexican American community today than the need for good jobs and job training.

Mexican American citizens must not only know that good jobs exist, they must be trained to hold them, and they must believe that government will fight job discrimination wherever it is found.

Progress has been made.

During your Administration:

—90,000 Mexican American youths have enrolled in the Neighborhood Youth Corps since that program began in 1964.

—5,000 Mexican American youths have enrolled in Job Corps Centers.

—In June, 1966, Operation SER—initiated at your direction—began developing programs to help disadvantaged Mexican Americans obtain training, counseling and jobs throughout the Southwest area.

The more than half million dollar project—to which is committed another $5 million for programs it develops—was started by the U.S. Department of Labor and the Office of Economic Opportunity in cooperation with such Mexican American organizations as the American GI Forum, the League of United Latin American Organizations and the Community Service Organization.

—The area of New Mexico, Colorado, Utah and Arizona has been designated a special economic region under the Economic Development Act. The area will receive special Federal grants to help create new industry and more jobs for residents—many of whom are Mexican Americans.

—In late 1966, the Department of Labor began a $395,000 manpower training program in diverse fields such as nurse training and metal work for more than 100 adults in Napa, California, most of whom are Mexican Americans.

—Federal agencies have launched a combined campaign against unemployment and underemployment in large cities where there are concentrations of Mexican American populations, such as Los Angeles, San Antonio, Houston, and Oakland. A similar effort will soon begin in Phoenix, Arizona.

Education—a fundamental consideration

Education is the essential entry point into the mainstream of American society for any child.

If educational opportunity is limited; if a child feels ethnically isolated or neglected; if the fundamental values and traditions of our society come through to him in a dilapidated school, with inadequate teachers, no funds for extracurricular activity, and with emphasis on the child's social inferiority—then the result will be a turning away from society and a closing of the mind to advancement and attainment.

This is what has happened to many of the children of minority groups in our country. It is what has happened, in too many instances, to the Mexican American child.

The time has come for us to redress the errors of the past.

The time has come for an intensified program to provide compensatory treatment and vastly improved facilities for the Mexican American school child who has been denied quality American education.

During the summer of 1966, 34,000 educationally deprived Mexican American children were enrolled in successful Head Start programs.

In 1966, 15,000 Mexican American children were enrolled full time in year-round Head Start projects in five Southwestern States. Their numbers represented almost 10 percent of all children enrolled in Head Start programs in the entire country.

The U.S. Office of Education has established a completely new unit which will concentrate on educational programs for Spanish-speaking children, and has appointed a group of distinguished laymen mostly Mexican Americans, to an Advisory Council on Mexican American Education.

Under the first Federal aid law for public schools ever enacted—the Elementary and Secondary Education Act of 1965—thousands of Mexican American students in schools throughout the Southwest have already received the benefit of smaller classes, additional teachers, more books and equipment and bilingual programs which recognize the special language needs of these children.

Federal aid through the National Teacher Corps has enabled many Southwestern State school districts to supply specially trained teachers as classroom aides and to introduce new extracurricular activities in such cities as South San Gabriel, California; Rio Grande City, Texas; and Riverside, California.

The Federal Government is sponsoring adult basic education programs for 50,000 Spanish-speaking citizens in New Mexico, Texas and California.

The U.S. Office of Education has made a series of grants to State Education agencies for programs designed to improve educational opportunities for the children of migrant farm workers. During the past eighteen months, sixteen grants were made to local educational agencies throughout the Southwest for programs which will specifically assist schools with a high proportion of Mexican American students.

In addition, six summer training institutes have been established to train teachers working with Mexican American school children.

In short, government programs in education are beginning to focus on the unique problems of the Mexican American citizens in the Southwest. However, we recognize that we must continue to encourage and support programs which will raise the educational horizons of disadvantaged Mexican American students and provide them with an equal chance to fulfill their educational potential.

Health—The basic necessity

We shall never have a strong society until every individual enjoys the best and most modern health protection and services available, regardless of his status, ethnic background or ability to pay.

The Mexican American—like too many other Americans—has been deprived of quality medical and health services for too long. But government has begun to move ahead more vigorously in the last three years to meet his medical and health needs, as it has made strides toward meeting the health needs of other deprived Americans.

In a typical year, U.S. Public Health immunization programs in the Southwest protect over 1.5 million Mexican Americans from polio, diphtheria, whooping cough, tetanus, and measles.

A tuberculosis control program in the same area reached over 28,000 Mexican American citizens.

More than 25,000 Mexican Americans will benefit from 38 community mental health centers in the five Southwestern States.

The Department of Agriculture special milk and school lunch program in the Southwest contributes to the nutritional needs of hundreds of thousands of Mexican American children. Over $28 million is spent annually for school and other nutritional programs.

The Mexican-American in the city

Proportionately more Mexican Americans live in cities than do all Americans, taken together; 79% for Mexican Americans, 70% for all Americans. It is important then, that efforts to improve conditions of life for Mexican Americans be directed toward cities. Illustrative of efforts of this kind, the following examples of programs of the War on Poverty seek out problems of the Mexican American in the city with special emphasis:

East Los Angeles now has a separate Community Action organization to receive Federal anti-poverty funds, run by a Board of Directors which is, in majority, Mexican American. This group runs a variety of programs including Head Start, Neighborhood Youth Corps, adult and youth employment programs.

Phoenix and its adjoining areas are operating Community Action programs through

Boards of Directors with heavy representation of Mexican Americans from low-income areas.

A similar situation exists in the San Diego and Riverside areas, which also provide a wide selection of OEO programs.

Laredo, Texas, where 80 percent of the people are Mexican American, has been selected as a pilot city for the War on Poverty. Over a million dollars has been granted to date in a comprehensive attack on extreme poverty in Laredo.

The Mexican-American in rural America

Nearly one out of five Mexican Americans lives in a rural area. They are engaged in helping to produce food and fiber. They are participating in the programs that contribute to the economic development of the countryside and in "building a New Rural America."

A more prosperous and more attractive rural America with higher per person and per family income, and more nearly adequate community facilities will lend greater opportunity for Mexican Americans.

Through many of the programs of the U.S. Department of Agriculture, Mexican American rural residents are beginning to break the chains of deprivation.

During the past two years, in New Mexico, several thousand Mexican American families, many of whom own small farms, received the benefits of a special Agricultural Conservation Program. Under this joint Federal-State program, water supplies are being conserved and farming can be carried out more efficiently.

Home economists, many of whom are Mexican Americans, are visiting thousands of poor Mexican American families in the Southwest, providing counseling on homemaking, the family budget, sewing and food preparation.

In the counties of five Southwest states, 11,000 Mexican American farm families are receiving technical assistance and help in applying sound conservation practices through cooperative agricultural programs. Special attention is being given to the problem of meeting the hazards of drought.

Last year, grazing permits for national forest land were held by 1,250 Mexican American families. These permits made it possible for farmers who operate small ranches to graze their cattle on the forest at minimum fees.

Last year, the harvesting and processing of timber from the national forests provided employment for over 1500 Mexican American wood and mill workers from the countryside.

The migrant worker

Thousands of seasonally employed American workers, and their families, lead hard, uncertain lives. For them, employment is determined not by their abilities or opportunities, but by the calendar. Among them are 2 million migrant farm workers in the United States—almost a million of whom are Mexican Americans. They have often had to pick a meager living from the soil, "travelling everywhere but living nowhere." They have often been referred to as forgotten Americans.

But Government is determined that these workers will not be forgotten.

Government agencies and departments during your Administration have been engaged in a vigorous program to improve the status, health, economic security, education, and potential of the migrant farm worker.

This year, the U.S. Office of Economic Opportunity devoted $41 million to anti-poverty programs involving migrant workers and their families. Sixty percent of those funds—or almost $25 million—has been used in programs to help Mexican American migrant workers.

In California, almost $8.5 million in Federal funds in the past two years have helped the State Office of Economic Opportunity mount a comprehensive program for thousands of migrant workers and their families in public health, day care centers for children, local classes and mobile housing for migrants.

In Texas alone, where there are more than 100,000 migrant workers—the vast majority of them Mexican Americans—anti-poverty funds provided full-time classroom instruction for 38,000 children of migrant families and 8,300 of their parents in the improvement of language skills in both English and Spanish.

The Government is enforcing new minimum wage requirements adopted under your Administration which for the first time cover farm workers. This is particularly meaningful for Mexican American farm workers who have traditionally received low wages.

Regulations regarding the use of foreign farm workers have been tightened to enlarge employment chances for American workers. Steps are also being taken to improve housing for farm workers and to keep youngsters out of hazardous farm jobs.

Again this summer the U.S. Public Health Service will provide needed medical and health services to migrant workers through grants to States and local organizations. Since 1964, under the Migrant Health Act, funds have increased from $1.5 million to $7.2 million.

The Mexican-American in Government

The strength of democratic government has always been the diversity of the men and women in it—men and women from all groups, levels and stations of American life.

You have demonstrated in your three and one-half years in office a willingness and a readiness to reach out into the community to select highly qualified and capable men and women of all races, religions and national origins to guide and administer the policies of your Administration.

Among your appointments have been men like *Vicente Ximenes* of New Mexico, to the Equal Employment Opportunity Commission.

Raul H. Castro of Arizona, as Ambassador to El Salvador.

Recently you appointed *Benigno C. Hernandez* of New Mexico as Ambassador to Paraguay.

You appointed *Ambassador Raymond Telles,* of Texas, to the Chairmanship of the United States Section of the Joint United States Mexican Commission on economic and social development of the border area.

You have also appointed:

Oscar Laurel of Texas, to the National Transportation Safety Board;

Emilio Naranjo of New Mexico, United States Marshal for the District of New Mexico;

Dr. Hector Garcia of Texas, to the National Advisory Council on Economic Opportunity;

Dr. Julian Samora of Indiana and *Herman Gallegos* of California, to the President's Commission on Rural Poverty;

Armando Rodriguez of California, to the new post of coordinator of educational programs for the Spanish-speaking in the United States Office of Education.

Gonzalo R. Cano of California, was recently named to the Community Relations Service, and *Philip Montez* of California, to a key post with the Civil Rights Commission.

Tom Robles of New Mexico is Southwest Regional Director for the Equal Employment Opportunity Commission.

The Department of Labor has named *Daniel Chavez* of New Mexico, Bureau District Director for Northern California and Nevada; *Dr. Fred Romero* of Colorado, Deputy Regional Director, Neighborhood Youth Corps for Dallas, Texas; and *John C. Otero* of New Mexico, as one of four Coordinators for the Labor Department's Special Impact Program. *Albert Cruz* of New Mexico, has been appointed to the Department's Office of Manpower, Policy, Evaluation and Research.

The Department of Health, Education, and Welfare has also appointed: *Miss Lupe Anguiano* of California, to the Office of Education; *Daniel Galvan* of Texas, to the Public Health Service's civil rights compliance staff in Dallas; and *Alex Mercure* of New Mexico, to the National Advisory Council on Adult Basic Education.

The Office of Economic Opportunity appointed *Leveo V. Sanchez* of New Mexico, to the directorship of its Middle Atlantic Region; and named *Mrs. Graciela Olivarez* of Arizona, to its ad hoc Committee to Coordinate National Volunteer Efforts on the War on Poverty.

The Department of Agriculture recently appointed *Louis P. Tellez* and *Carlos F. Vela* as special consultants.

The departments and agencies of government will continue their search for Mexican Americans for the public service.

The Mexican-American and the American future

Two years ago you said:

"We are not trying to give people more relief—we want to give people more opportunity. . . They want education and training. They want a job and a wage which will let them provide for their family. Above all, they want their children to escape the poverty which has afflicted them. They want, in short to be part of a great nation, and that nation will never be great until all of the people are part of it."

We must do a better job of recognizing those aims for the Mexican American community.

As this report shows, much has been accomplished on many fronts. More will have to be accomplished on *all* fronts.

The Mexican American represents 12 percent of the population in the American Southwest. But he represents 23 percent of those who live in poverty in that region.

The most recent census figures available—1960—showed that the Mexican American citizen in the Southwest:

Had an unemployment rate almost double that of the rest of the population.

Had an annual income of little over half that of other citizens—$2,084 compared with $4,337.

Occupied five times as many dilapidated housing units.

Completed little more than half the number of school years of the rest of the population.

This trend of discrimination and deprivation must be reversed.

But reversal of inequities is not enough. We must work harder and devote greater resources to new opportunity programs. And government alone cannot bear the full responsibility for creating opportunity.

Government must have the strong and willing cooperation of the American business community and local community leadership throughout the nation. For opportunity will be but a mere slogan without the commitment, dedication and full imaginative use of the resources of the American free enterprise system. It is America's productive power which has raised our citizens to the highest standard of living in world history. We cannot permit any citizen to be excluded from sharing in the fruits of that prosperity.

We look, too, to the future and your legislative proposals which would strengthen the war against poverty, improve educational opportunity and upgrade civil rights laws. All of these will benefit Mexican Americans as they benefit all Americans.

This report is, we believe, only the first chapter in what will become a record of solid accomplishment for the Johnson Administration—a new focus on opportunity for the Mexican American citizen of this land.

Submitted to the President on June 9, 1967.

W. Willard Wirtz,
Secretary of Labor.
John W. Gardner,
Secretary of Health, Education, and Welfare.
Orville L. Freeman,
Secretary of Agriculture.
Robert C. Weaver,
Secretary of Housing and Urban Development.
Sargent Shriver,
Director, Office of Economic Opportunity.

DISPLAY IN STATUARY HALL OF HISTORICAL AMERICAN FLAGS

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BROOKS. Mr. Speaker, in conjunction with the celebration of Flag Week, we have on display in Statuary Hall a grouping of historical American flags. The 46 flags which are now on display have been brought here through the courtesy of our colleague, George A. Goodling, of Pennslvania.

These flags trace the history of our Nation from 1600 to the present. They include all of our official flags, numerous flags of liberty which appeared in our country before the Revolution, and also some original Army and Navy standards. The Hanover, Pa., Historical Society Patriotic Order of the Sons of America prepared and planned the exhibit. Mr. Wilford C. Clausen, of Hanover, established the grouping.

I urge all my colleagues to take the opportunity to visit this interesting exhibit which is part of our effort to honor our flag.

SOVIET UNION DISPLAYS SHAMEFUL HYPOCRISY IN DEMANDING WITHDRAWAL OF ISRAEL TROOPS WHEN SOVIET TROOPS HAVE ILLEGALLY OCCUPIED CAPTIVE NATIONS FOR 20 YEARS

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PUCINSKI. Mr. Speaker, the Soviet Union is leading the fight in the Security Council to pass a resolution which would demand that Israel withdraw all of her troops from the areas which the Israelis have so valiantly conquered in the past 6 days of battling.

It seems to me to be the height of hypocrisy for the Soviet Union to be making this kind of a demand on Israel, when in truth, it was the Soviet Union which, in World War II, sent its troops into Estonia, Latvia, Lithuania, Poland, Czechoslovakia, and all the other captive nations, including East Germany, and to this day the Soviet Union continues to occupy these territories illegally, and imposes its Communist system and Communist government on these captive nations.

It would seem to me that if the Soviet Union were acting in good faith and indeed wishes to have the State of Israel withdraw its troops from these newly conquered territories, the Soviet Union ought to show to the world an example by removing its troops from Estonia, Latvia, and Lithuania, and by restoring freedom to the captive nations of Europe; thus giving to 180 million people the right to enjoy freedom as human beings.

The Soviet Union can make its great contribution by showing the world by its deeds what it means.

There is no question that Israel has taken these lands in hard-fought battles. It would be the height of folly if Israel were to give up these lands until she is assured of complete sovereignty in the future, access to the Suez Canal, and access to the Strait of Tiran and the Gulf of Aqaba. The Israelis have suffered too much for too long at the hands of the Arabs to give up the hard-won lands until Israel has unequivocal assurances of sovereignty. And even with such assurance, Israel has the right as victor, to adjust the boundaries so she will not be faced with another war in a few years.

I say it comes as bad faith for the Soviet Union to be making a great deal of noise in the United Nations today about Israel's seizure of Arab lands, where for 20 years Russia has been illegally holding the captive nations in Communist bondage and denying to them the very privileges and rights of self determination.

I doubt, Mr. Speaker, if the free world will swallow this arrogant hypocrisy being displayed at the U.N. by the Soviet regime.

POSITIVE AND NEGATIVE EFFECTS OF THE FEDERAL PRESENCE IN EDUCATION AS VIEWED BY A STATE SUPERINTENDENT

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Quie] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. QUIE. Mr. Speaker, at the 1967 convention of the American Association of School Administrators, Dr. Owen B. Kiernan, commissioner of education for the Commonwealth of Massachusetts, presented an excellent paper entitled "Positive and Negative Effects of the Federal Presence in Education as Viewed by a State Superintendent."

Dr. Kiernan presents a thought-provoking discussion of a timely topic that should be of interest to the Members of the House. At this time, I would like to include in the Record. the full next of this outstanding presentation so that all of my colleagues will have an opportunity to read the remarks of this able and respected State educational leader on an issue that is the subject of an ongoing national dialog.

POSITIVE AND NEGATIVE EFFECTS OF THE FEDERAL PRESENCE IN EDUCATION AS VIEWED BY A STATE SUPERINTENDENT

(By Dr. Owen B. Kiernan, commissioner of Education, Commonwealth of Massachusetts)

Although an obvious over-simplification, education continues to be a *local function,* a *State responsibility,* and a *Federal concern.* How well each partner is performing his role is a subject of increasing debate. Most of it centers on the Federal presence and the rapidly changing role of the Washington colossus. The negative effects are more widely known: the paper blizzard, interminable delays, standards which fall below those of several States, arbitrary funding and cut-off dates, by-passing routines, accent on the "fast buck" technique, i.e., "Spend it—we can improve the program next year!", the assumption that States are similar, and a myriad of others.

In spite of the above, the Congress has displayed a commendable desire to be of assistance. In some instances care has been taken to enunciate the primary role of the State, particularly as it relates to the factor of control. Regrettably, Federal assistance has not been accompanied by a clear-cut, over-all policy statement. Instead, piecemeal programs have been rushed through Congress during periods of real or imagined crisis. A dozen Federal cooks have attempted to prepare each fiscal meal and distribute emergency government largess through separate and unrelated agencies, rather than channelling these efforts through Washington's only logical agency, i.e., the U.S. Office of Education. This has resulted in the establishment of a smorgasbord or cafeteria-type aid program. Too many "blue plate specials" have been offered at a time when our States cry desperately for a full, well-balanced fiscal diet encompassing broad support programs, rather than limited or temporary categorical aid.

However, I need not remind you that this isn't the major problem. The question of relationships in this exceedingly complex partnership continues to haunt us. Which partner does what? How should responsibilities be distributed among the three levels of government? Are we really dependent on the Federal tax dollar? These and dozens of other questions could be posed on the proper roles for the three partners.

To make certain that I knew what the term "partner" meant, I went back to Webster as well as Roget. The definitions are somewhat revealing in the present context. Note the somewhat deteriorating shift from positive to negative relationships. *Partner*—"associate, colleague, ally, sharer; satellite, handmaid, crony, hanger-on, flunky."

Because former U.S. Commissioner Francis Keppel used the term "junior" to modify partner, I thought it appropriate to review that term. *Junior*—"lower in standing or rank, later in office, smaller, subordinate, novice, tender-aged, boyish, a beginner." Try as I might, I could not fit this definition to the Federal Government. Recent actions by our friends in Washington make the definition even less plausible.

Whether a junior partner or otherwise, in recent years our school and collegiate systems have been subjected to substantial Federal influence. Much of this has been good, other influence unquestionably bad. In the field of higher education the several billion dollars the Federal Government provides for research and development has been "a powerful stick that has clubbed colleges and universities into priorities, positions, and manpower shortages that have been harmful." These were the findings of the House Research and Technical Programs Subcommittee, chaired by Representative Reuss of

Wisconsin. The Subcommittee also found institutional imbalance (approximately 50 colleges out of more than 2000 received 60% of the funds), geographical imbalance (five States received the lion's share of funds for science) and subject matter imbalance (science and engineering grants placed other disciplines in a definite second class status). Even more serious was the finding that by over-emphasizing research, teaching was accorded a low priority with the subsequent loss of many master teachers from the classroom.

Other unfortunate influences could be cited stemming from the "crash program" psychosis of Federal authorities. Recent enactments in the Nation's capitol have been geared to a crisis-to-crisis approach. So speedily have some bills received Congressional blessing that local and State authorities haven't had time to prepare budgets for matching fund purposes, to say nothing of the need to find specialized personnel to carry out the programs. To compound the problem, the multi-agency supervision of some of the newer programs provides us with so many quarterbacks that no one knows who really is or should be calling the plays. The Federal Government's fetish for establishing new agencies to administer these programs appears to be on the increase. Beyond the question of duplication of effort and inefficiency, the dollar waste must reach astronomical proportions.

Another problem which accompanies categorical aid from the Federal partner arises because of the fallacious belief that the needs of all States are similar. Although there are certain critical needs which we share in common, individual differences among the States and the communities therein mandate a different approach than we have been using. One answer that has been offered repeatedly involves *general* Federal assistance with the States given responsibilities to adapt programs to their specific needs. The most logical way to carry this out would be for each State to withhold a fraction of its Federal tax returns, earmark it for education, and spend it to meet educational needs which the State knows best. The answer still has validity academically, but apparently not politically.

A side effect of categorical aid is of increasing concern to many local and State educators as well as laymen. It involves the relationship of school subjects and Federal dollars. If, as an example, science is selected as "The" subject for Federal assistance, science programs nationally take on prestige and substance. Inadvertently, those subjects not favored with Federal dollars are placed much lower on the academic and financial Totem poles. If such a policy were to be continued indefinitely, the decisions of the Federal Government would determine ultimately what should and should not be taught in the Nation's schools. Such a concept has been, and will continue to be, contrary to the purposes and goals of American education.

A lengthy list of additional problems caused by an over-aggressive and paternalistic Federal partner could be compiled. Similarly, on the other side of the ledger many significant contributions of this same partner could be listed. Beyond the government's fiscal strength is its vantage-point perspective on national problems and needs, which can and should be used as a prodding device for apathetic State and local school systems. This is particularly helpful in examining and planning for tomorrow's needs.

Our purpose today is to determine the most effective partnership possible. The comments to follow have been presented many times over the years, but warrant frequent repetition if an ideal partnership is to be realized. There are some people who doubt that such a goal can be reached. It is my understanding that David Brinkley in an NBC documentary noted the growing strength and wealth of the Federal partner and predicted that if the present trend continues there will not be any State governments in two more generations. Although I cannot subscribe to this rather pessimistic outlook, it is imperative that our respective roles be sharply defined.

THE STATE'S ROLE

The jurisdictional and leadership function should remain with this partner. Admittedly, State Education Departments have not been underwritten adequately with the result that they have not been regarded as influential instruments in the shaping of educational policy. Today we appear to have turned the corner thanks in part to ESEA's Title V, and a ground swell of support can be found in a majority of the States. The several Departments are in a unique position to provide a type of educational leadership which, because of a variety of local conditions, schools and colleges cannot provide. The remote position of the Federal Government should eliminate it, once and for all, from any jurisdictional considerations. Education is a State function and a State function it must remain.

THE LOCAL ROLE

The operational function should be found on this level. When breakthroughs have been made in establishing quality programs of education they have usually resulted from local initiative. A bureaucratic structure on the State and Federal levels customarily contributes to dead-center mediocrity. This does not mean that the State partner should not maintain minimum standards beneath which no community would be allowed to fall; or, should not exercise continuing leadership. The State cannot abdicate its responsibility for these any more than it can refuse to carry its share of the financial burden. Citizen involvement and grass roots support, however, must remain characteristics of local school districts. Operational responsibilities belong with the local partner.

THE FEDERAL ROLE

A supporting function should be assigned to this partner, as the Federal Government can and must increase its contributions to public education. With its broad tax base, it is in the most strategic position among the partners to highlight national needs and to eliminate local and State inequities. When world renowned bank robber Willie Sutton was asked by the prison psychiatrist why he robbed banks, he replied. "Because that's where the money is." By the same token, assistance for our schools and colleges must come from where the money is—at the Federal level. Unhampered by an overdependence on an obsolete property tax system, the Federal partner can raise monies in many ways and provide unlimited resources for the educational enterprise. There can be little question that our tax dollar "has gone to Washington," and it must be returned to support education. Note that I refer to the dollar as "ours"—not "theirs." In today's mounting confusion over fiscal affairs, some people refer to the Federal dollar as if it came from some far-distant and mysterious wonderland. Its source continues to be John Q. Taxpayer, and he has every right to expect that it can and will be used to support education. Beyond the support function, however, Uncle Sam has no role to play.

In summary, although again an over-simplification, the three partners are assigned jurisdictional, operational, and fiscal roles. It is important that each know and adhere to his assignment. Chaos and confusion can be the only result when this is not done. A case in point involves the story as told by a California college trustee of a cat who thought he was a dog.

"The cat had been imported as a kitten into a home where there were several large, gentle, live-and-let-live canines. He slept with them, ate with them, played with them. Everything worked out fine. For awhile. But then one morning the cat, out for a morning stroll in the neighborhood, made the mistake of trying to nuzzle up to a strange dog that was neither large, gentle, or live-and-let-live. Suddenly, he learned that he was not a dog, after all. The result was one of the darndest, hissingest, snarlingest fights you'd ever want to see.

In the field of education, the moral is obvious—too many cats get the mistaken idea that they're dogs, and the canines get themselves confused with the felines. Undoubtedly, there are some people on the Federal level who regard themselves as control agents, particularly when Federal audits are in progress. State and local officials are not without their days of confusion. The partnership can only be effective if we understand each other, are willing to establish a system of mutual aid of sharing, and stay out of each other's territory. The empire builders have no place in education.

Returning to the earlier definition of a partner—that of an associate, sharer, and/or colleague—we do have very conspicuous places reserved for us. If we remain in these places, quality programs of education are assured for the children and youth of this great Nation.

THE ADVANTAGES OF THE AMERICAN FREE ENTERPRISE SYSTEM

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Lukens] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. LUKENS. Mr. Speaker, we hear a lot of discussion these days about the irresponsibility of today's youth. I have long held the opinion that most of this talk centered about the very small, vocal, and demonstrative minority of America's young people. The effect of this widespread public attention to the antics of the few, I believe, has done great disservice to the vast majority of fine, upstanding, and responsible young people who populate our communities.

In this connection, the women's auxiliary of the Butler County, Ohio, Medical Society recently held an essay contest on the "Advantages of the American Free Enterprise System." The results were outstanding. They speak eloquently for themselves and attest to the maturity and depth of the thinking of responsible young Americans. At this time, I take pride in offering for insertion in the Record, along with my personal congratulations, the first- and second-place winning essays. The first-place essay was written by Miss Janet Galeese, of Fenwick High School, Middletown, Ohio. The second-place essay is the work of Miss Becki McDowell, of Seven Mile High School, Seven Mile, Ohio.

The Advantages of the American Free Enterprise System

(By Janet Galeese)

Free Enterprise is the breath of life, the spiritual soul of America. As such it recognizes the dignity of man—a vital force in appreciating the standards basic to decent living. The freedom to initiate, venture, develop, and produce without interference or restraint is the essence of the free enterprise system. The incentives which come from the right to enjoy the fruits of one's labor are basic to this system.

Actualities forced the Bolshevik leaders to recognize the truth of Leon Trotsky's statement, "In a country where the sole employer is the state, opposition means death by slow starvation." After their civil war, the Russians faced a desperate problem of economic reconstruction. The war had reduced industrial production, decreased the number of farm horses, and removed many farmers from their land. In two years, about seven million Russians starved to death. The Bolsheviks decided that the situation called for a temporary change in economic policies. Before, the Communists' land policies, leaving the farmer no incentive to produce crops, had forced the farmers to turn over their crops to the government. Now the farmers would turn over a fixed quota to the government as a kind of tax and sell his surplus. Lenin realized that people needed to feel money in their hands and restored the use of currency. Under these conditions private business began to flourish once more. Thus he returned to private control three-fourths of the total retail business, but carefully kept control of heavy industry. Today after a long period of cold war Russia seems again to be changing. It is becoming a "have" nation.

Opposed to the idea of government-owned business, we Americans live under the economic system recognized as free enterprise. The early people who came to America's shores established the worth of freedom. They demanded the rights of life, liberty, and the pursuit of happiness. Thomas Jefferson indicated, "If we can prevent the Government from wasting the labors of the people under the pretense of caring for them, they will be happy." Today we are striving to keep alive that individual pursuit. We wish to see it continued and strengthened, not only because it has proved beneficial, but also because we believe that all our other freedoms depend upon this freedom.

In 1776, Adam Smith, a Scottish philosopher and economist of Jefferson's time, presented the free enterprise idea in his *The Wealth of Nations*. In it Smith demonstrated that the interests of the nation are best served by permitting each person to make his own decisions and follow his own self-interest in economic life. This is the core of the free enterprise systems.

An American worker is free to choose his own occupation in life. If he were subject to restrictions by the government, he would be less likely to do the job well. His interest would be drained since he might not be doing something he really wished to do, and the dignity of human labor would be lost. Contrary to this, the American laborer works energetically at his job because he enjoys it and wants to receive some result from the fruit of his labor. A man is justly entitled to all the wealth he himself produces.

This leads us on to a further point in the free enterprise system. Free societies have always been those in which the individual has been required to accept responsibility for himself and his immediate family. Such societies have accordingly permitted the individual a considerable freedom of choice and have likewise permitted him to enjoy the results which he was able to achieve.

The idea that a government, directed by a group of supposed experts, is better able to direct the activities of the people than the people are themselves will in the end prove disadvantageous to the state. Young people mature never having accepted responsibility, always relying on the state to provide for them. This can lead to the corruption of an individual's integrity, the encouragement of immorality, the destruction of his mirror image, and as a final result—the weakening of a nation.

Competition is the lifeblood of the free enterprise system. When competitors flock to supply the same need, the competition which is created forces all competitors to refine the product, improve the services, and better satisfy the consumer's needs. It is this refining effect of competition that improves the American people's jobs and their standards of living. The welfare state, which denies the people these incentives, reduces their enthusiasm and slows economic growth.

The needs of a socialistic state are determined by production, wages, and prices while in the American income they are based on the law of supply and demand. Through the way the consumer spends his dollars, he determines what is to be produced and how much. When he wants more cars than horse-drawn carriages, he casts his dollar "votes" for cars and fewer carriages. The wage earner acknowledges this by halting the production of carriages for more cars. He adheres to the people's desires and in this way the people receive what they want and when they want it.

American industry relies on investments (capital) to provide the funds to start new businesses and to expand older ones. Anything which discourages investments restricts business expansion and the creation of new jobs. The backbone of the economy are the nation's industries which produce high-value, low-cost output, and support much of the U.S. industrial research. If these large industries are destroyed or the investment of capital discontinued, the economy will suffer a fatal blow.

Many American citizens believe today as Norman Thomas, the Socialist leader, did years ago that "the American people will never knowingly adopt socialism, but under the name of liberalism, they will adopt every fragment of the socialistic program, until America one day will be a socialistic nation without knowing how it happened." We must realize that we cannot have the superficially attractive benefits of the Welfare State and continue to maintain and expand our standard of living. If we destroy our free enterprise system, we destroy our democratic form of government.

THE ADVANTAGES OF THE AMERICAN FREE ENTERPRISE SYSTEM

(By Becki McDowell)

THE UNITED STATES TO OLD WORLD CRITICS

"Here first the duties of today, the lessons of the concrete,
Wealth, order, travel, shelter, products, plenty;
As of the building of some varied, vast, perpetual edifice,
Whence to arise inevitable in time, the towering roofs, the lamps,
The solid-planted spires tall shooting to the stars."

—WALT WHITMAN.

Free enterprise is an economic system in which the Government exercises no controls. The United States does not have a pure free enterprise system, but rather a hybrid one—a happy medium between the liberalism of the seventeenth and eighteenth centuries and the socialism of today's Iron Curtain countries.

Free enterprise today is the individual's freedom to make something of himself, to better his lot, if he is enterprising enough to do it. This system is wasted if the individual does not utilize his ability to freely go about his business and profit in it.

In a socialistic country, the individual's desire to take a chance in going out to establishing a business is stifled. From childhood on, a citizen of a socialistic country is instilled with the idea of government control of everything—from business to private life.

Big business is non-existent under a social system. The business is big in the sense that many people are employed, or rather used, to work their lives out in the same job. There is no possibility for advancement. There are no stockholders, no profit sharers. What profits that are made are turned over to the Government to be used to finance other such businesses.

In America, if a man chooses to open a factory to print signs for freedom marchers and peace-niks to carry, that is his privilege. If the preacher in the cement block church down on the corner chooses to sermonize on this man's degraded moral characters, that's *his* privilege.

Only in America can a slum child grow up to become a corporation president. In America, the Old World cycle of continuing subserviency can be broken. In America, the desire of the individual for betterment cannot be destroyed. In reality, it is encouraged; therefore, the high number of immigrants each year. This is a continually high number, showing that the desire of people for improvement isn't dead or dying.

Even in America, some control is needed. Not all people have such high ideals and ethics that they are prevented from selling watered stock, reducing their competitors by lawless, unethical methods, and deliberately misinforming the public. In dealing with this type of cheating (there's no other word for it), some socialist tactics come in handy. The Government, which in a democracy is for the good of the people, can step in to prevent graft and corruption.

In a socialist country, there is none of this type of cheating because the Government owns everything in the first place.

America is gradually becoming more socialistic. Witness the Great Society. This is a plan for a society of prevailing equality regardless of race, creed, economic status, or educational background. In the meantime, the Caucasians want white supremacy; the Negroes want black power; the peace-niks want peace at any price; teenagers want independence; the draft dodgers want Vietnam to disintegrate; the "junkie" wants his dope; and the Democrats want higher taxes. The Great Society is the impossible dream of a Utopian Socialist. The whole unnatural idea smacks of unlimited Government control. This concept endangers our free enterprise system! If our free enterprise system is wiped out, where are we? We are under the dictate of the omnipotent Government.

America is a land of contrasts. The slums are within a stone's throw of penthouses. The broad flat grainfields are interrupted by teeming cities. The miner digs into the bowels of the earth, while a debutante suns herself in Miami. This great land of ours was formed on the principles of free enterprise and belief in God. Didn't most early settlers come to the New World to escape religious or economic persecution?

America is the most powerful country in the world. She has gained this position through the prosperity of her people. Her people believe in free enterprise and they will fight for their beliefs.

Industry is an integral part of the free enterprise system. The large industries employing many millions of Americans are here today because men had the *enterprise* to develop and work on an idea. These huge corporations were built larger and larger by the selling of stock. They continue to make more and more money for their investors.

Men have the right to unionize and the right to not unionize. The Labor Unions are a useful tool for protecting the workmen from slightly underhanded dealings of the Board of Trustees. Under the wrong leadership, though, they can become overly powerful and defeat the purpose for which they were created.

Perhaps one of the best things to ever come out of the American free enterprise system is Junior Achievement. This organization teaches teenagers the fundamentals of business. They form corporations, elect officers, and design and make products. These youth are tomorrow's leaders. With their knowledge of the ins and outs and ups and downs of business, they are naturals for many positions in corporations. No doubt, many bright, young vice presidents and troubleshooters employed by firms were once Junior Achievers.

So far in her history, America has fulfilled the promise of her early beginnings. Ever since the mid-nineteenth century, the United States has enjoyed a position of preeminence in world affairs. Other nations look to us for guidance and help. The free countries of the world look to us for assistance in building or restoring their economies. If we are to remain powerful, we must keep our system of free enterprise intact.

There are always some people who don't care if they have freedom or not. These people are shirking their responsibilities as American citizens. They want the Government to take care of them. They like socialized medicine, minimum income guarantees, and the insurance of good housing. In reality, these people are selling themselves into slavery and they don't care! It is the responsibility of the rest of us, as American citizens, to take up the slack these people make, and keep our free enterprise system for a stronger democracy.

ADDRESS BY ROBERT L. CHARTRAND AT FOURTH ANNUAL COLLOQUIUM ON INFORMATION RETRIEVAL

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SCHWENGEL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, one of the more pressing needs of Congress is the acquisition of automatic data processing equipment. We, in the Congress, are indeed fortunate to have an expert in this field, Robert L. Chartrand, with the Legislative Reference Service at the Library of Congress.

Recently, he made a speech at the Fourth Annual National Colloquium on Information Retrieval at Philadelphia, Pa. I feel this speech should be read by all Members of Congress.

CONGRESSIONAL INFORMATION RETRIEVAL: REQUIREMENTS AND REACTIONS

(An address before the Fourth Annual National Colloquium on Information Retrieval, Philadelphia, Pa., by Robert L. Chartrand, information sciences specialist, Science Policy Research Division, Legislative Reference Service, Library of Congress, Washington, D.C., May 4, 1967)

"The cybernetic revolution . . . is going to be the biggest technological revolution men have known."

THE LORD SNOW.

I. INTRODUCTION

The environment in which the United States Congress functions has changed radically in the past few decades. The impact of technology has been manifested in kaleidoscopic ways in all sectors of our society—business, education, government, the academic world. As the responsibilities of the Members of the Congress multiply and grow more complex, it becomes increasingly imperative that their decisions be the right ones.

Human judgment is an amalgam of experience, intuition, logic, and certain requisite information. The contemporary legislator is hard-pressed to acquire, filter out, assimilate, and apply the requisite information which bears on a given problem. A recent survey by the American Political Science Association indicated that an "average" Congressman's typical work-week was 59.9 hours.[1] When one considers that the First Congress produced 118 public and private acts and resolutions,[2] while the Members of the 89th Congress just concluded were forced to cope with 26,566 bills and resolutions and passed 4,016 legislative measures,[3] the change of pace comes into focus. A Member of the House of Representatives in the First Congress came from a constituency averaging 33,000 persons;[4] today's Congressman represents an average of 450,000 constituents, and this number may double in the next 40 years.

Of particular concern to many in our Nation's leadership is the preservation of the balance between the Executive Branch and the Congress. Some persons believe that the demands upon the energies and time of the Representatives and Senators have placed this essential relationship in jeopardy. A commentary on this situation was made during a recent management study of the Congress:

"Congress is burdened by an ever-increasing workload, caused by continuing growth of the nation and the government, and Congress' failure to relieve itself of unnecessary work detail. The weight of this workload as felt personally by legislators is a serious impediment to a greater Congressional effectiveness."[5]

Not only must the Congressman spend hours in committee meetings—and each Senator or Representative is a member of numerous standing and special committees and subcommittees—but he must be ready to respond to floor calls. In the House of Representatives during the First Session of the 89th Congress there were, for example, 182 quorum calls, 201 Yea and Nay calls, and hundreds of teller, division, and voice votes.[6] Thus, every effort must be made to allow the Congressional decision-maker to function more effectively. The information provided him must be "factual, analytic, and attitudinal"[7] in terms of his particular needs.

II. CONGRESSIONAL INFORMATION NEEDS

The spectrum of Congressional information needs is virtually infinite. The Members are aware of the criticality of their situation. A survey of 80 Members of the House of Representatives dealing with general categories of problems encountered found 78% citing complexity of decision-making; lack of information" a key concern.[8] Apropos of this problem, Professor Kenneth Janda stresses that, ". . . Congress still needs much information it does not get . . . Congress' problem is one of obtaining *relevant* information. What Congress really requires is a procedure for acquiring the information it needs and a method for processing that information in order to learn what it wants to know."[9]

The Congressman, of course, is functioning in several roles; as a legislator dealing with international and national problems; as a representative of his district or state; and as an ombudsman of sorts, with a personal relationship to each constituent.

Requests for information may be placed in four broad categories: first, requirements from the Congress as a whole which may be expressed in a statute; e.g., requiring the Legislative Reference Service (LRS) of the Library of Congress to produce regularly a "Digest of Public General Bills." A second category of inquiries for information includes those initiated by Congressional committees; typical of these are requests for "intensive background studies on subjects within their jurisdictions;"[10] an example would be the recent report on "Weather Modification and Control."[11] The third category features requests from individual Members, and the range of these—like those received from constituents, the fourth category—is encyclopedic.

What are the Congressional sources for this tremendous variety of information? They range from the Members' and committee staffs or the Legislative Reference Service, to Executive Branch agencies and numerous outside groups (e.g., lobbyists). Several hundred liaison personnel are maintained by the various Executive Branch agencies for work with the Legislative Branch.

As the Congressman struggles to govern effectively an ever-growing, increasingly complex, and highly mobile population, his needs for support external to his own staff increase. In addition to the need to identify, collect, select, and apply a wide range of information, there is often the requirement for maximum objectivity. Also, there may be need for the confidential analysis of a problem. In this respect, the role of the Legislative Reference Service is of singular importance to the Congress. Congressman Fred Schwengel, in the volume entitled *We Propose: A Modern Congress,* underscores the value of the LRS support:

"Members of Congress receive from the Legislative Reference Service that rarest of all Washington products: the disinterested point of view, the undistorted fact, the impartial and nonpartisan analysis and evaluation of controversial public policy issues."[12]

III. SUPPORT OF THE CONGRESS BY LRS

The Legislative Reference Service, which commenced serving the Congress in 1914, is the only group outside of the Congress *per se* devoted exclusively to providing research, information, and related services to that body. A group of subject specialists and support personnel with access to an impressive repository of highly diversified data comprises LRS. In testimony before the Joint Committee on the Organization of the Congress, the aids which LRS provides were enumerated:

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[1] Rumsfeld, Donald. The operation of the Congressional office. *In* We propose: a modern Congress. Mary McInnis, *ed*. New York, McGraw-Hill, 1966. p. 290.

[2] Galloway, George B. History of the House of Representatives. New York, Thomas Y. Crowell, 1961. Appendix G, p. 303.

[3] CONGRESSIONAL RECORD, vol. 112, pt. 23, p. D604.

[4] Galloway, George B. *Op. cit.*, p. 108.

[5] A. D. Little Company, Inc. Management study of the U.S. Congress. Report to NBC News, November 24, 1965, p. 11.

[6] CONGRESSIONAL RECORD, vol. 112, pt. 23, p. D604.

[7] Dechert, Charles R. Availability of information for Congressional operations. *In* Congress: the first branch of government. Washington, American Enterprise Institute for Public Policy Research, 1966. p. 169.

[8] Janda, Kenneth. Information systems for Congress. *In* Congress: the first branch of government. Washington, American Enterprise Institute for Public Policy Research, 1966. Table 1, p. 421.

[9] *Ibid.*, p. 426.

[10] U.S. Congress. Joint Committee on the Organization of the Congress. Organization of Congress, Part 7. Hearings before the Joint Committee (89th Cong., 1st sess., August 2, 1965). Washington, U.S. Govt. Print. Off., 1965. p. 1112. [Testimony of Dr. Hugh L. Elsbree.]

[11] Library of Congress. Legislative Reference Service. Weather modification and control. A report for the Senate Committee on Commerce. Washington, U.S. Govt. Print. Off., 1966. 181 p. (89th Cong., 2nd sess., Senate Report no. 1139).

[12] Schwengel, Fred. Information handling: 'for a vast future also.' *In* We propose: a modern Congress. Mary McInnis, *ed*. New York, McGraw-Hill, 1966. p. 307.

"It is a place that Members can turn to for . . . preparation of background reports on public and legislative issues; for pro and con analyses of bills; for studies of alternative proposals for solutions of national problems; for legal opinions; for surveys of court decisions; for spot factual information; for newspaper searches; for assistance in preparing draft statements or speeches; for translations; for legislative histories; for preparation of charts, graphs, and maps; for bibliographies; for tabulations of statistics; for consultations with subject specialists; for assistance in answering constituent inquiries; and so forth." [12]

The number of requests emanating from the Congress has continued to mount, with foreseeable pressures on the LRS staff. In 1946, with a staff of 131,[14] a total of 19,732 inquiries[15] was received; twenty years later, with a staff slightly less than twice the size (228),[16] 117,062 inquiries[17]—Member, committee, constituent—were sent to LRS. This represents a 600% increase! The average number of inquiries during fiscal year 1965 was 343 per Senator and 136 per Representative.[18]

As the volume of requests has risen, there has been an accompanying growth in the number of subjects which needed coverage. Two significant trends in recent years have compounded the task of LRS: one is the increasing number of Member requests for "tailormade research and tailormade reports;" [19] the second is an increased demand for "rush" service. The impact of short deadline requests upon staff performance results in disruption of longer phased studies. Unfortunately, backlogs are common, particularly during peak periods; a spot check made on March 1, 1965—during a period of traditionally heavy activity—revealed approximately 2,500 inquiries on hand.[20]

The LRS professional staff prepares the following types of responses to inquiries: reports and memoranda, draft statements, letters, translations, maps (and other graphics), previously prepared written material, and personal and telephone consultations.[21]

One of the recurring problems faced by LRS is the frequent difficulty on the part of the Congressional office in stating its need precisely. Every effort is made to emphasize to the requester that " . . . when you request information, you must visualize the often indefinable gap in your knowledge clearly enough to state what it is you don't know but wish to find out. Learning to label information, learning to ask questions—these are the biggest problems." [22]

Yet, LRS also seeks to provide an environment in which the seeker of information may "browse" for that which has *not* been precisely defined. To be truly useful, an information system should not impede the main user group by having procedures which exist for the benefit of the operators of the system. The scope and nature of many Congressional requests are such that flexibility in question answering has become an LRS *sine qua non*. In this connection, Malcolm Rigby's admonition comes to mind:

"For subject searches, no system can yield just what, and only what, is desired, no matter how carefully the system is designed or how carefully the question is formulated. There will always be some element of subjective judgment. Hence the need for browsing to find (or eliminate) what is most probably relevant (or irrelevant). The user sometimes looks for very specific data by subject; but more often he has vague or ill-defined or not definable ideas, or is merely looking for interesting information." [23]

Long ago LRS had to establish a policy for handling the myriad requests—it is that inquiries shall be handled in order of receipt with these exceptions:

"(1) urgent deadlines should be met, if possible;

"(2) inquiries for a Member's own use are given priority over constituent inquiries; and (3) inquiries that can be handled in less than an hour are given priority." [24]

One step which has been taken, in fact within the past few months, has been to enlarge that section of LRS responsible for handling the high volume of requests which can be fulfilled using already prepared material or through quick reference checks. It is anticipated that this group of 20 persons will be able to handle approximately 65% of the inquiries coming to LRS, thereby freeing subject specialists and other analysts for more analytical assignments.

IV. CONGRESSIONAL REACTION TO LRS SUPPORT

Down through the years, Members of Congress have voiced their approbation or criticism of the Legislative Reference Service. Comments have taken the form of letters, statements at the time of appropriations hearings—sometimes before special Congressional groups such as the Joint Committee on the Organization of the Congress—or in personal contact with staff members. For the most part, the Congress speaks well of the efforts of LRS, and is appreciative of the difficulties under which it labors. One sure indicator of reliance on LRS is in the increased demand for its services, as noted above.

As the need for a greater LRS capability has been identified and discussed, the possibility of utilizing automatic data processing as a tool in support of the researcher has been raised. Both in the *Final Report* of the Joint Committee on the Organization of the Congress, and in specific legislative measures recently introduced with bipartisan support, the requirement to provide Congress with the latest in technological capability has been discussed.[25] One consultant group offered this rather unequivocal opinion:

"The very nature of some analytical problems of Congress calls for flexible manipulation of massive data into many different arrangements to serve many different purposes. Only with large-scale computers can this be done thoroughly and economically." [26]

Although the actual number of critical comments regarding the service provided by LRS has been relatively small over the years, some of the identified shortcomings are very real, and have been the focus of corrective action where possible. Included in the complaints: the report was too superficial; response was not "appropriate;" "that's not what we wanted;" materials were sent rather than a tailored report; "too much" or "too little" material was sent; pro and con studies were not tailored correctly; undue delay in response; and others.[27]

The comments offered by Members and their staffs might apply to any group charged with providing such a broad range of research services. It is important to note that LRS management continually works to upgrade the quality of responses. In a recent monograph, "Availability of Information for Congressional Operations," Charles Dechert suggests that:

"The problem of congressional access to information might be better defined as a problem of information management. What specific elements of information are needed to make what judgments? Where are these elements located? How are they to be retrieved? And how should they be presented in order to be meaningful?" [28]

The emphasis, then, must be on ever-improving communications between the users and the operators of the information system. User reaction to the outputs of the system needs to be better defined and analyzed.

Whether the solution lies in increasing the number of LRS staff, employing electronic computers, or in better orientation sessions for the Congressional users of LRS services, the crux of the matter lies in the willingness of all parties to more sharply define needs, resources, and communication patterns.

The consensus among Congressmen is that they must "work smarter." The information provided—in the long run a vital element of the judgmental function—must be complete, accurate, timely, and relevant.[29] Above all, they must be serviced by an information system that is unflagging and attuned to their every need. As Vice President Humphrey perceptively commented in addressing this problem area:

"When Congress has better access to the answers it needs, it will be in a position to ask still better—more useful—questons." [30]

As the burden of governing continues to exert pressure upon our leadership, the vital nature of the information provided the Congressional policy makers will become more and more a key to the future of the Nation.

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[13] U.S. Congress. Joint Committee on the Organization of the Congress. Organization of Congress. *Op. cit.*, p. 1111. [Testimony of Dr. Hugh Elsbree.]

[14] U.S. Congress. House. Committee on Appropriations. Subcommittee on Legislative Appropriations. Legislative Branch Appropriations for 1967 (89th Cong., 2nd sess., May 9, 1966). Washington, U.S. Govt. Print. Off., 1966, p. 232. [Testimony of Lester S. Jayson.]

[15] U.S. Congress. Joint Committee on the Organization of the Congress. Organization of Congress. *Op. cit.*, p. 1176.

[16] U.S. Congress. House. Committee on Appropriations. Subcommittee on Legislative Appropriations. Legislative Branch Appropriations for 1967. *Op. cit.*, Table 3, p. 226.

[17] Statistics provided by Basil T. Owens, Administrative Officer, Legislative Reference Service, Library of Congress.

[18] U.S. Congress. House. Committee on Appropriations. Subcommittee on Legislative Appropriations. Legislative Branch Appropriations for 1967. *Op. cit.*, p. 235. [Testimony of Lester S. Jayson.]

[19] U.S. Congress. Joint Committee on the Organization of the Congress. Organization of Congress. *Op. cit.*, p. 1114. [Testimony of Dr. Hugh L. Elsbree.]

[20] *Ibid.*, p. 1166.

[21] U.S. Congress. House. Committee on Appropriations. Subcommittee on Legislative Appropriations. Legislative Branch Appropriations for 1967. *Op. cit.*, Table 2, p. 225.

[22] Herbert, Evan. Finding what's known. International science and technology, January 1962. p. 14.

[23] Rigby, Malcolm. Browsability in modern information retrieval systems: the quest for information. *In* Proceedings of the Symposium on Education for Information Science, Warrenton, Va., September 7–10, 1965. Washington, Spartan Books, 1965. p. 49.

[24] U.S. Congress. Joint Committee on the Organization of the Congress. Organization of Congress. *Op. cit.*, p. 1166.

[25] McClory, Robert. An automatic data processing facility to support the Congress. Remarks in the House. Congressional Record, vol. 112, pt. 20, p. 27824.

[26] A. D. Little Company, Inc. Management study of the U.S. Congress. *Op. cit.*, p. 27.

[27] U.S. Congress. Joint Committee on the Organization of the Congress. Organization of Congress. *Op. cit.*, pp. 1163-1169.

[28] Dechert, Charles R. *Op. cit.*, pp. 172–173.

[29] Chartrand, Robert L. Automatic data processing for the Congress. *In* Extension of remarks of Honorable Robert McClory. Congressional Record, Jan. 30, 1967, p. 1802.

[30] Humphrey, Hubert H. The computer revolution—address by Senator Humphrey before Eastern Spring Computer Conference. Remarks in the Senate. Congressional Record, vol 110, pt. 7, p. 9075.

ARE VIETCONG SUPPLYING PEACE GROUPS?

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ashbrook] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, news stories and a release from the commander in chief of the Veterans of Foreign Wars have brought to light a possible complicity between some Americans and the Vietnamese Communists which is almost too much to believe.

From first information, however, there is more than enough ground to ask, are these reports true, and in light of the substance of the reports, what is being done about them?

The reports state that the Vietcong and North Vietnamese soldiers have been issued orders to strip American dead and wounded of personal articles, cards, letters, pictures, personal papers and the like, which will then be sent to the peace groups in the United States for use in their antiwar campaign.

Here is a report straight from the wire of the United Press International.

> Saigon.—North Vietnamese troops have been ordered to strip personal effects from dead and wounded American soldiers for use by protest groups in the U.S., U.S. military sources said today.
>
> A document taken from a North Vietnamese lieutenant captured in South Vietnam's central highlands said the GIs' personal belongings would be passed on to protest groups in the United States "to mobilize the American people" against the U.S. involvement in Vietnam, the sources said.
>
> The document said, in part, "these American protest groups requested us to provide them with the personal articles of American soldiers, killed or wounded, such as identification cards, letters, pictures, personal papers, handkerchiefs, notebooks and diaries . . ."

As the UPI states, this action was "requested" by the peace groups and evidently can be backed up by "U.S. military sources."

In addition, here is a similar story from today's Chicago Tribune:

> [From the Chicago Tribune, June 12, 1967]
>
> **Hear North Vietnam Ghouls Strip Yanks' Bodies**
>
> Washington, June 11.—A request for a federal investigation of reports that North Vietnamese troops loot personal effects from wounded and dead American soldiers for use by "peace" groups was disclosed today.
>
> Peace groups in the United States have requested the material to strengthen their propaganda campaign against United States involvement in Viet Nam, it was reported.
>
> Leslie M. Fry of Reno, Nev., commander-in-chief of the Veterans of Foreign Wars, said today that he has sent the V.F.W.'s request for an investigation to Atty. Gen. Ramsey Clark.
>
> MUST KNOW GROUPS
>
> "Our government must confirm or deny this report," Fry said in a statement released at V.F.W. headquarters here. "If it is factual, we must know who the protest groups are, and stringent action must be taken immediately. If the report is true, the protest groups have now gone too far."
>
> Fry said the report emanated from Saigon, capital of South Viet Nam, after study of a "ghoulish order" purportedly found in a document taken from a captured North Vietnamese officer.
>
> The V.F.W. leader quoted the document as saying, in part: "These American protest groups requested us to provide them with the personal articles of American soldiers, killed or wounded, such as identification cards, letters, pictures, personal papers, handkerchiefs, note books, and diaries."
>
> VIOLATION OF CONVENTION
>
> It is a violation of the Geneva convention on the rules of war to strip the bodies of dead and wounded soldiers of their personal belongings.
>
> "This inhuman effort is beyond my comprehension," Fry said.
>
> "The American people have allowed these anti-war peaceniks full rein in their efforts to subvert and destroy the United States policy in southeast Asia. The vast segment of American opinion will rise against these peaceniks if this horrendous report is true.
>
> "These people must not be allowed to carry out their intended crime against the families and loved ones of our brave men killed and wounded while fighting for peace in Viet Nam. They must be publicly identified and appropriate action taken immediately by our government."

First, the question must be asked, Why has the administration not confirmed or denied these reports? Why has no action been taken, since the reports seem to be substantial?

The responsibility which must accompany free speech has been violently abused by complicity such as this, and the American people have the right to know which groups are involved.

Who is it that would go far beyond the limits of decency and defile the bodies of dead and wounded Americans? Who are the leaders of these groups? Where do they get their funds? How are these items to be used? The great majority of Americans would be repulsed by an exhibiting of a GI's letters from home or a pillaged graduation watch. Do they plan to send these items to friends and relatives with a grim note saying, "War is hell, here is something to make it even harder for you?"

I should think the American people would also be interested in knowing the channels open for transporting these ghastly items of irresponsible protest.

If these reports are as substantial as they appear to be, full information should be provided by the Attorney General, as Commander Fry requests. It is my belief that the American people will have something to say too.

> [A news release from the Veterans of Foreign Wars of the United States, Washington, D.C.]
>
> **VFW Chief Calls for Investigation of Reports Viet Protestors Ask Cong for Wounded and Dead GI's Effects**
>
> Washington, D.C., June 12.—The Commander-in-Chief of the Veterans of Foreign Wars of the United States, Leslie M. Fry, Reno, Nevada, today called on the Attorney General "to immediately investigate reports that antiwar groups here in the United States have asked North Vietnamese troops to strip American military wounded and dead of personal effects for use by these protest groups.
>
> "The report, emanating from Saigon, claimed that this ghoulish order was found in a document taken from a captured North Vietnamese officer. The document is reported to say in part: 'These American protest groups requested us to provide them with the personal articles of American soldiers, killed or wounded, such as identification cards, letters, pictures, personal papers, handkerchiefs, notebooks, and diaries . . .'
>
> "Our government must confirm or deny this report. If it is factual, we must know who the 'protest groups' are and stringent action must be taken immediately. This inhuman effort is beyond my comprehension. If the report is true, the 'protest groups' have now gone too far.
>
> "The American people have allowed these antiwar peaceniks full rein in their efforts to subvert and destroy United States policy in Southeast Asia. The vast segment of American opinion will rise against these peaceniks if this horrendous report is true. These people must not be allowed to carry out their intended crime against the families and loved ones of our brave men killed and wounded while fighting for peace in Vietnam. They must be publicly identified and appropriate action taken immediately by our government."

THE U.N. AND THE MIDDLE EAST

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Morse] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. MORSE of Massachusetts. Mr. Speaker, on Tuesday evening and again on Wednesday, the U.N. Security Council unanimously adopted resolutions calling for an immediate cease-fire and an end to all military activities in the Middle East. While Soviet support of a no-strings cease-fire was a major move in facing the present crisis, it is, as President Johnson pointed out, only a "first step" toward peace in the Middle East.

Although it is significant that agreement was reached by the Security Council, it does not redeem the action of Secretary General U Thant in precipitously acceding to demands to withdraw UNEF troops, nor the inability of the United Nations to prevent the outbreak of violence in the first instance. The success of the cease-fire proposals consistently urged by U.S. Ambassador Goldberg since the outbreak of hostilities is a hopeful sign that peace can be restored to the Middle East and it is notable that Soviet support could be obtained. In no way, however, can it cover the failure of our diplomacy, the obvious unpreparedness of the State Department for the entire situation, nor the unfortunate statement of "neutrality" by Mr. McClosky on June 5.

We may yet avoid a wider conflagration, but we can no longer continue along the lines of simple Micawber-like hope that things will turn out well.

After 3 days of fighting, Israel appears to have advanced to strategic points in Sinai, the Straits of Tiran, and along the west bank of the River Jordan. The progress toward peace made by the U.N. resolutions has been strengthened from the beginning by Israel's agreement to a cease-fire, conditional upon the agreement of all involved parties. Today in the Security Council the United Arab Republic Ambassador announced that Egypt was willing to agree to a cease-fire resolution if Israel would also accept. The U.N. and the United States have an unmistakable opportunity and an unmistakable responsibility now to use every diplomatic means to secure full and effective implementation of the cease-fire provisions.

Such action is even more important in view of today's accidental firing on the U.S.S. *Liberty* by Israel forces, a highly regrettable incident which calls for a stern warning to all sides. This occurrence points out with alarming urgency the necessity for the United States to continue and intensify its efforts not only in order to avoid further incidents of this kind but also to stop all violence. Clearly, the situation is still not out of the danger of escalation.

While we continue to urge acceptance of the cease-fire resolution by all parties concerned, preparations should begin for the establishment of machinery, under the auspices of the U.N., to allow negotiations between Israel and the Arab States, and we should call for the early restoration of a U.N. presence to guarantee the cease-fire.

The settlement of the current crisis must include a guarantee of the right of free and innocent passage for all ships through the Straits of Tiran and the Suez Canal, full acceptance of the territorial integrity of Israel, and the cessation of guerrilla warfare across its borders. The United States must show determination to honor its longstanding commitments and state its position definitely and clearly. To reinstate any part of the former territorial status without a firm commitment on our part, and without the machinery to guarantee that the settlement will be preserved, would simply postpone another crisis. Furthermore, it is obvious and understandable that Israel would not agree to return to a situation in which, as Israel Foreign Minister Abba Eban stated, the U.N. could pull out its protective umbrella "as soon as it begins to rain." We cannot expect Israel to accede to a request for withdrawal of troops and the surrender of captured territory, as was done in 1956, without explicit guarantees that it will not have to face a similar situation in another 10 years, if not sooner.

We also have a clear responsibility to work through the United Nations to provide for agreement on a lasting long-run settlement of the issues in the Middle East. This means seeking solutions to the basic and deep-rooted conflicts which have divided the Middle East since Israel's birth as a nation in 1948. The ingredients of settlement include: realistic recognition of the right of Israel's existence as a nation; permanent agreement on specific borders, and the settlement of the Palestinian Arab refugees.

None of these aims can be accomplished unless it is within a framework of definite international guarantees. The United States must clarify its commitment to peace, and to the territorial integrity of all Middle East states, and seek an international guarantee similar to the 1950 Tripartite Declaration.

The possibility for progress in the Middle East will increase as peace is insured and stability spreads. I hope that our Government will seek to widen the areas of common interest in the Middle East with the U.S.S.R. by seeking talks leading to agreement on the limitation of the arms race.

It is my hope that the new Cabinet Committee, formed as belatedly as it was, will come up with more imaginative suggestions than have been presented to date to deal with both the present crisis and the long-range perspective. There are, even now, clear areas where cooperation and regional development are possible among the nations of the Middle East, such as water use and development. These are projects for the United Nations and the United States to study and encourage in our mutual efforts to promote progress and peace.

THE U.S. ROLE IN THE MIDDLE EAST CRISIS

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. BURKE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. BURKE of Florida. Mr. Speaker, as the United States continues to play a leading diplomatic role in resolving the serious conflict in the Middle East, I feel we should make it unmistakably clear that our Government stands firmly behind Israel in her desire for peace.

All nations of the world stand in awe and respect for the exceptional military accomplishments which have been witnessed in the Middle East in the last few days. The stunning success of Israel's valiant army has removed the military threat to its borders. Israel's military competence, and her wise and advantageous use of the misguided actions of Egypt and her allies, are largely responsible for dispelling the real and frightening threat of a global war.

Now that the military effort seems almost over we must help Israel and her Arab neighbors find a way to lasting peace. Fortunately for Israel and for the rest of the world, this mighty little nation had the determination and ability to resist unprovoked Communist aggression and to protect her sovereign rights as a nation. But we must not let the situation again develop whereby Israel must again go to war. We must plan for the future, for the good of Europe and the entire Western world, so that Israel will never again be placed in such a vulnerable position or subject to such abuse.

The United States cannot be neutral in the struggle of Israel versus the Arab nations. We must support Israel, a democratic and dedicated nation, determined to preserve its rightful identity and full sovereignty as a state. We must stand with Israel in her fight for self-preservation. To proclaim neutrality in this situation invited by Nasser, then confident of Communist backing, is tantamount to telling the Communist world to go ahead and defeat Israel.

The United States and our free nation allies must see that Israel is fully recognized as a permanent and sovereign member in our family of nations. A country that is fully dedicated to promoting freedom, prosperity, and justice under law in that vital section of the world deserves this recognition.

The cease-fire resolution that the United Nations brought forth in the Middle East crisis provided to Israel and the Arab nations the tool by which hostilities could stop and negotiations for settlement begin. Israel agreed early to abide by this resolution if the Arab nations did likewise. All the world breathed a sigh of relief when Egypt announced on June 8 that she, too, would agree to the cease-fire. The peak of the crisis has passed. Now we must find the way to permanent peace in the Middle East.

The United States must take a firm diplomatic stand on the side of Israel. It would be foolish to think that Israel should give up what she has now gained as a result of Arab aggression. Our Government must insist through our diplomatic missions that Israel be allowed a voice in the control of international waterways. We must seek nothing less than the full recognition of Israel as a sovereign state by all nations of the world.

The United States has very strong commitments relative to the peace arrangements and conferences that lie ahead. Our commitment to Israel is a commitment to justice. Our success in meeting these commitments will serve the interests of the entire free world. Only by standing firmly with Israel can we pave the way to permanent peace in the Middle East.

NICOLLET COMMISSIONERS URGE MINK IMPORT ACTION

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. NELSEN. Mr. Speaker, I have received a resolution passed by the Nicollet County Board of County Commissioners urging support for legislation such as many of us have introduced to restrict imports of mink pelts. This resolution, sent to me by Mr. Lawrence Overn, county auditor, further underscores the blows being dealt to domestic mink producers through price-depressing imports. I wish to place the resolution in today's RECORD, and to renew my request that the Congress deal immediately with this urgently needed legislation to stem foreign mink pelt imports, applicable to both dressed and raw skins.

RESOLUTION

Whereas: The imports of mink skins have reached record totals, and said imports have greatly depressed United States markets and have caused mink ranchers who have disposed of their pelts to receive prices well under the cost of production: therefore be it

Resolved: That this Board of Commissioners of Nicollet County, Minnesota does hereby respectfully petition the members of the House of Representatives and the Senate of the United States to lend their full support to bills numbered H.R. 6694, H.R. 9979 and S. 1856, which deal specifically to place restrictions on the imports of mink skins; be it further

Resolved: That copies of this resolution be mailed to Congressman Ancher Nelsen, Senators Eugene J. McCarthy and Walter F. Mondale.

Attest:

LAWRENCE OVERN,
County Auditor.

NICOLLET COUNTY, MINN.

MINNESOTAN DISCUSSES INFLUENCING STATE AND FEDERAL LEGISLATION

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. NELSEN. Mr. Speaker, the National School Boards Association has provided me with a speech by Mr. William A. Wettergren, executive secretary of the Minnesota School Boards Association. Mr. Wettergren recently addressed the annual convention of the National School Boards Association in Portland, Oreg., on the subject "Influencing State and Federal legislation."

Mr. Wettergren discusses the ways in which the Minnesota School Boards Association enlists necessary support for improved public education. I am sure others interested in educational legislation will find his comments and suggestions helpful, and I am pleased to include his remarks in today's RECORD:

INFLUENCING STATE AND FEDERAL LEGISLATION

(By W. A. Wettergren, executive secretary, Minnesota School Boards Association, Apr. 25, 1967)

I appreciate the opportunity to address you this morning on this most important question. The reason is simple and results from the fact that I am a believer in public education, and we cannot have good public education without the assistance of State and Federal governments. You will notice that I said good legislation. If it is poor legislation, better it is not passed. Poor legislation can set public education back many years in its attempts to keep abreast of society's demands. The word "influencing" bothers me just a bit, and one must put it into its proper context. Webster defines influence as directing or swaying a course. The legislative bodies direct, and for this discussion I will stay with the thought of swaying the direction of the legislative bodies. I have been Executive Secretary of the Minnesota School Boards Association for almost eighteen years, and have been its lobbyist for that long a period. In Minnesota we must register as a lobbyist on behalf of public education, and I personally think this is good.

Proposed legislation is usually the result of a problem or an idea—a problem or an idea causing an approach to the legislative bodies to repeal present laws, to amend present laws, or to enact new legislation. As I see the situation, legislation concerning the public schools involves four groups: the public, the school board, the professional educator, and of course, the legislative bodies which will make the decision regarding the legislation.

I suppose that a fifth category may be added here—the lobbyists, the so-called "Third House" of the legislature. I prefer to put the position of the school boards association in the category with the public and the school board. Now for a few minutes I would like to give some observations on how we believe we approach the problem of legislating or influencing legislation in Minnesota.

The business of a lobbyist is a most difficult business, especially in the area of public education. It is difficult because the very persons you represent are generally apathetic in their approach. Too often they believe that, just because the legislation introduced to promote educational programs is for the good of the public schools, it belongs in the "Sacred Cow" category. Nothing could be further from the truth because in each state of this nation, and in the Halls of Congress, education being proposed for the schools is in direct competition with private industry, labor groups, welfare, juvenile correction, higher education, etc.

Money becomes a big item. You cannot operate your schools without money. State and federal legislative bodies are cognizant of this, and so are the people who put up the money, and so are the people who are looking for legislative appropriations. School boards, teachers, and superintendents of schools must realize that public education has grown up in the legislative halls. They are now in the big leagues. To meet this kind of competition it takes money, development of programs, personnel and time. Most organizations representing education do not have the resources and the flexibility of program to meet this kind of competition.

First of all, I have little confidence in the general public in this field. I do not think they can be expected to actually be a real influence. My experience would indicate that the problems of public education are complex in the legislative halls; that the person up and down the street just cannot take the time, or have the needed statistics and information to really influence legislation, except in a very general way. Some people like to use the gimmick of flooding the halls of the legislature or jamming the committee rooms. I have found that the legislator resents this. He may look like he is impressed, but underneath he rides with the tide, and lets the people go home. Then he will make up his mind.

I prefer to work with the representatives of the public—the school board, which is elected by the people, and the legislator, who is elected by the people. At least in part, they are representing the same constituency. It is important that the school board member serving his school district is well informed on the various items of legislation, and that he has the information, basic and statistical, which will assist him in understanding the legislation. It is also necessary that he be in a position of visiting with his senator or house member, either on a state or national basis. I prefer this be done on a personal basis, but if this is impossible, we strongly suggest that the school board member write or call the legislator representing his district.

To further explain my point, it is virtually impossible for a lobbyist to represent the best interests of education unless a contact has been made on the local level first, and by a person of influence on a local level, such as a school board member. If I, as an example, approach a legislator and visit with him about a piece of legislation that may affect the school district of his area, and he has not been made aware of this problem on a local level, it is too easy for him to say to me "Look, I do not know what you are talking about, and it cannot be very important because I have not heard from my board members or my superintendent of schools."

I do not know why I was asked to speak on this subject during this Convention. If it was to tell you what we do in Minnesota, and if you do not mind, I think we do quite well, I will give you a brief description of our program. This program is built on the philosophy that our business is everybody's business—the business of the public, the business of the school board, business of the state legislator and the business of our Congressional representatives. As a result of this philosophy, we try to communicate at all times. The reason is we want every one to know, public and legislator alike, that we have nothing to hide.

We mail about 600,000 pieces of mail a year out of our office. This mail goes to each school board member and superintendent of each district who is a member of the Association. It goes to each member of the legislature. It goes to the Governor of the state. It goes to each Member of Congress. It goes to the President and Vice President of the United States.

Our monthly Journal of 24 pages includes the Minutes of our monthly Board of Directors' meetings, including a report of the finances of the Association. We send out what we have labeled "The Minnesota School Board Caster", a newsy letter sent to everyone every other week. It is not structured, but contains information of present day problems and ideas. During the legislative session of 120 days in Minnesota, we send out the "Legislative Logger". This is a report on bills relating to public education and the progress of these bills during the legislative session.

We have within our set-up 500 high school districts organized in 27 areas and each of the districts is a member of the Association. Each of these areas elects by secret ballot four of the school board members in that area to represent it in what we call our Delegate Assembly, the legislative policy making group of the Association. We call on these people regularly for assistance on certain items of legislation that seem to have difficulty in the legislative halls. We also make monthly reports to this assembly in between legislative sessions so that we give them the background of problems and things being discussed prior to the next legislative session.

We go one step further in Minnesota. Every legislator is invited, and we have a real good attendance from the legislators, to all meetings of the Association. We have 48 of these on an area basis, 24 in the fall, and 24 in the month of February. We invite them to sit in on the two-day deliberation of the Delegate Assembly, and then we invite them as our guests to the three-day state convention. We want them to know of our problems as they are being discussed by the school board members and superintendents of schools. Incidentally, in Minnesota the superintendent of schools is by law an ex-officio member of the school board. He cannot vote as a board member, and he cannot vote as a member of the school board association, but we want him there and he comes to our meetings. In fact, I must admit that if it were not for the influence of the superintendent of schools in many cases, we would not have as good a turnout of board members to meeting as we do.

We have talked most of programs for the state legislator, and have not really gotten to the Congressional Delegation. This is more difficult and a new field for school boards and their associations. We have just started to touch this problem, but this is what we are doing to date. As I indicated, they receive all of our mailings. I have every indication that they or someone in their office does read this mail. Responses from our Congressional Delegation members indicate they appreciate this opportunity to hear from home. Then we started a program of bringing, at our expense, the Members of Congress back home for a meeting in their own congressional district with the school board members and superintendents of schools. We had a tremendous turnout for these meetings. It surprised the Congressmen, and frankly, it surprised us. We are continuing these meetings as we believe them to be most valuable. We let the Congressmen talk for about 45 minutes on the status of legislation in Washington, and then for an hour we open discussion from the floor.

I do not think this is going to be sufficient, however. I think my Board does not agree with me as yet, but I think we are soon reaching the day where state school boards associations, along with the National School Boards Association, are going to put a full-time man in Washington. In Minnesota we are now receiving over one hundred million dollars a year in Federal aid moneys of some type or another. I would feel more comfortable if we had a person in the position of watching the actions of Congress to ascertain whether this is right, or if it is possible that our taxpayers could be receiving more of the money that we send down to Washington.

As I come to the end of my presentation, I find that I have not mentioned a very valuable aid to our legislative positions: the aid of the newspapers of the state, plus radio and television. These media cannot be enlisted as a direct help, but they can help in letting the public know that the Minnesota School Boards Association is not a private organization influencing legislation for a mercenary purpose, but on behalf of the boys and girls going to the public schools. We send all of our publications to every newspaper, radio, and television station in Minnesota.

Lastly and briefly, the legislative advocate or lobbyist must be careful. He must be careful that information he gives the legislator is reliable; that the information, if used by the legislator, cannot be subject to error. He must be careful to tell the truth when he is asked a question, even though that truth might be a detriment to legislation that a legislative advocate may want passed. Legislatures are going to meet again, and legislation affecting public education will again be proposed. A lobbyist cannot jeopardize the future of public school legislation. He must be a person respected by both parties, and a person who has integrity. The lobbyist or the association can never criticize publicly an individual legislator. In Minnesota we do not publish individual votes. Somebody who voted against us today will vote for our legislation tomorrow.

Ladies and gentlemen: These are some of the ideas we use in Minnesota. We know that some of our approaches could be strengthened, especially in the area of Federal legislation. The work of the school board member in the legislative halls has just started to mature. We are going to make some mistakes, and we have made some mistakes. Our cause is just and right.

NEEDED: AN EXCEPTIONALLY ABLE INDIVIDUAL FOR ADMINISTRATIVE CONFERENCE POST

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. Steiger] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. STEIGER of Wisconsin. Mr. Speaker, it is very encouraging to see in recent days some attention is being given the Administrative Conference of the United States. I believe this Conference holds real promise for us to personalize and improve the quality of American government.

A Washington Post editorial on Sunday, June 4, has described some of the specific work we can expect to be accomplished by the Administrative Conference.

The Conference-to-be was established by unanimous vote of Congress, and was signed into law by the President, in 1964. It is to begin its work upon the President's appointment of a full-time Conference Chairman, who will serve for a 5-year term.

In January of this year I inserted for the Record part of Prof. Walter Gellhorn's thoughtful thesis that "the Chairman of the Administrative Conference might very possibly become a sort of American Ombudsman," pointing out the need for us to deal fairly and quickly with an increasing number of procedural and individual problems, I supported this potential ombudsman and earnestly hoped for his early appointment.

This month, writing in Nation's Business magazine, Senator Robert F. Kennedy also has proclaimed strong support for the Administrative Conference and, particularly, for a Conference Chairman. Senator Kennedy writes, in part:

> Perhaps most importantly, the Act provided for the appointment of a full-time conference chairman, to serve for a five-year term.
>
> The importance of this provision lies in the fact that at present, no one within government has an overall, continuing responsibility to see either that the agencies improve their own procedures or that improvements are imposed upon them. The agencies themselves, of course, are concerned about their own affairs; various Congressional committees exercise some degree of supervision; the President has the ultimate responsibility.
>
> But no man goes to work each morning with the single responsibility of strengthening the processes of all the agencies.
>
> As yet, despite continuing and persistent efforts by the Administration, a suitable man has not been found to take on the important task of chairman of the Administrative Conference.
>
> Yet the need for such an individual is as great now as when the Act was passed. For while the ombudsman of Norway, Sweden, Finland, Denmark, New Zealand and Britain may not be appropriate there is no reason why we should not make a single official responsible for bringing about as many improvements as possible in administrative procedure.

Senator Kennedy, in mentioning the administration's "persistent efforts" to find a suitable man, is no doubt reporting accurately. The chairmanship is a big job to fill.

There is in this country, nevertheless, Mr. Speaker, a wealth of judicious, imaginative, and able practitioners of administration. There are administrative lawyers, corporate executives, university leaders, directors of large foundations, and executives in the public service, in every part of this country; and their skills and knowledge of administrations—public and private—are the envy of other governments and countries the world over.

One other happy consideration in the search for a Conference Chairman is the fact that he is to be compensated "at the highest rate established by law for the Chairman of an independent regulatory board or commission," clearly an indication of the importance attached to his work, and the prestige of his position in Government.

In March of this year Congress received from our President a message on the subject of the "Quality of American Government." In stirring words in his conclusion, the President said:

> What remains for us now is to improve the quality of government itself—its machinery, its manpower, its methods—so that [the] programs will touch and transform the lives of the people for whom they were intended.

I respectfully urge the President to make this job easier for himself and for Members of Congress by soon providing the name of an able, energetic person to serve as Administrative Conference Chairman, 1967 through 1972.

It will be the Chairman's job, when he goes to work each morning, to ponder and figure out how to counteract delay and duplication, and excess costs in our Government; how to administer Federal programs adequately and fairly; how to promote the public interest and protect the rights of private persons; and, yes, how to improve the quality of American government.

In this hope I insert at this point the editorial from the Washington Post of June 4, 1967:

Aid for the Fourth Branch

The revival of interest in an Administrative Conference to improve the operations of the Government's quasi-judicial agencies is a salutory development. The three most recent Presidents have endorsed this project, and in 1964 Congress unanimously passed a bill to create the necessary operational machinery. The agency has never been set up, however, because the White House has not yet found the right man for the chairmanship.

Finding the right man is vital, of course, but not more so than getting this promising system into operation. The chairman would preside over the Conference consisting of one representative each from more than 75 administrative agencies plus outside experts—practitioners and professors of administrative law. It is hoped that the Conference would function in the administrative sphere much as the Judicial Conference of the United States does in the judicial sphere.

The Conference would become a clearing house for complaints of all kinds involving the administrative process. Whether the complaints came from congressional committees, individual Congressmen, the White House or aggrieved citizens, they would be screened initially by the chairman. Frivolous complaints would be dismissed and others would be referred to a 12-man council which the chairman would also head. The council could send each complaint along to the Conference where a committee would either dimiss it or order an expert study at public expense. Ultimately the findings of the expert would be debated by the Conference in open sessions, and if approved would be recommended for adoption by the agency. The chairman would then have "follow-up" authority to determine whether the recommendations had been adopted and to report on how they were working out.

The genius behind this plan is that it would give the administrative agencies themselves the means of solving many of their problems, for they would be the dominant force in the Conference, working through a vigorous chairman with a mandate to make himself useful. Many Congressmen have been enthusiastic about the arrangement because it would give them a reliable means of handling numerous complaints about the administrative agencies. For the agencies themselves the Conference would have the obvious advantage of centering expert attention on some of their most acute deficiencies and thus of improving their operations and strengthening their independence.

One of the first problems the Conference would be expected to tackle is that of providing the agencies with expert hearing examiners. Although many competent examiners are now in service, new recruits supplied by the Civil Service Commission are often unequal to the assignment. The Conference would be expected to work out better recruitment techniques, fix the qualifications and provide in-service training for hearing examiners.

A second task would doubtless be development of a code of ethics for administrative officials. It is contemplated that the Conference would name a top-flight committee to render opinions on specific questions of ethical conduct as they arise and that a code of approved practices would thus be evolved.

The law which Congress passed three years ago holds enormous possibilities for the improvement of Government services as well as for the protection of the rights of citizens. It ought to be put into operation without further delay.

BROTZMAN QUESTIONNAIRE RESULTS

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado [Mr. BROTZMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. BROTZMAN. Mr. Speaker, recently I sent a questionnaire to the residents of the Second District of Colorado asking their opinions on some of the major issues which face this Congress. The returned questionnaires have been tabulated and I am pleased to include the results in the CONGRESSIONAL RECORD for the benefit of my colleagues. I might add, Mr. Speaker, that Colorado voters traditionally have mirrored national trends. I think this fact gives added meaning and significance to the results of the poll.

Nearly 50,000 persons participated in the Second Congressional District opinion poll.

An estimated 190,000 opinion ballots—which were in the form of computer cards in which small punch-out squares were used to register opinions—were delivered to Second District residents by the Post Office.

About 30,500 were returned—16 percent. Exactly 29,272 were counted by computer, with the remainder untabulated because of damage to the cards.

Because the cards provided for opinions by both husbands and wives, a total of 49,391 individual responses were counted.

The poll responses far exceed that of my 1964 poll, which at the time was considered extremely successful. A total of 17,098 ballots came back at that time, and provision was made for only one response per household.

The returned questionnaires were accompanied by more than 1,500 letters. Many people felt that elaboration on the answers they gave—and other issues which did not appear on the ballot—were timely. Virtually all were thoughtful and constructive.

Mr. Speaker, the most-discussed issue in the letters involved the first question, which asked: "Should bombing of North Vietnam stop without assurance of reduction of hostile military activity?"

The poll indicated that an overwhelming majority of the people of the Second District—83.2 percent, as indicated by the poll—agree with this facet of our national policy in Vietnam. The letters indicate, however, that many of the people who back our national position are heartsick about the war itself and desperately desire an honorable peace.

The results of the questionnaire follow:

RESULTS OF COLORADO SECOND CONGRESSIONAL DISTRICT OPINION POLL

Total ballots delivered—ballots mailed minus ballots returned as undelivered by post offices—approximately 190,000.

Total ballots filled out and returned, approximately 30,500.

Ballots tabulated—returned ballots minus defective cards—29,272.

Individuals participating—60 percent of ballots were filled out by both husband and wife—49,391.

Of the individual responses, 25,730 were from men and 23,661 were from women.

TABULATION BY QUESTION

No. 1. Should bombing of North Vietnam stop without assurance of reduction of hostile military activity?

[In percent]

	Men	Women	Total
Yes	8.3	11.6	9.9
No	87.0	79.1	83.2
Undecided	3.6	7.7	5.6
No response	1.1	1.6	1.3

No. 2. Should Communist China be admitted to the United Nations?

[In percent]

	Men	Women	Total
Yes	31.4	27.9	29.7
No	58.1	57.0	57.5
Undecided	9.3	13.5	11.4
No response	1.2	1.6	1.4

No. 3. Do you think the Selective Service System in its present form is fair?

[In percent]

	Men	Women	Total
Yes	32.9	28.7	30.9
No	55.5	53.8	54.7
Undecided	10.1	15.4	12.6
No response	1.5	2.1	1.8

No. 4. Should income taxes be increased 6 percent, as proposed by the President?

[In percent]

	Men	Women	Total
Yes	9.8	6.6	8.3
No	82.4	85.1	83.7
Undecided	6.5	6.7	6.6
No response	1.3	1.6	1.4

No. 5. Do you favor sharing of a fixed percentage of Federal personal income taxes with schools, States, and local governments, no strings attached?

[In percent]

	Men	Women	Total
Yes	39.1	35.7	37.5
No	46.3	45.0	45.7
Undecided	12.8	16.8	14.6
No response	1.8	2.5	2.2

No. 6. Should social security benefits be increased to compensate for the inflation?

[In percent]

	Men	Women	Total
Yes	63.2	63.2	63.2
No	28.9	26.8	27.9
Undecided	6.7	8.3	7.5
No response	1.2	1.7	1.4

No. 7. Should Congress adopt a code of ethical conduct for its Members?

[In percent]

	Men	Women	Total
Yes	94.7	94.1	94.4
No	3.5	3.5	3.5
Undecided	1.7	2.2	1.9
No response	.1	.2	.2

No. 8. Should the minimum age to vote for President be lowered to 18?

[In percent]

	Men	Women	Total
Yes	37.9	38.6	38.3
No	56.9	53.9	55.4
Undecided	3.9	5.7	4.8
No response	1.3	1.8	1.5

"TOMMY" HART—ADMIRAL, U.S. SENATOR—IS 90 TODAY

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. MESKILL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. MESKILL. Mr. Speaker, today is the 90th birthday of one of America's great naval commanders, Adm. Thomas C. Hart, of Sharon, Conn., a former Senator from Connecticut and without question one of the most distinguished constituents in my congressional district.

There is a big village party for him in Sharon today. Regrettably I cannot be there, for there is no one I would rather honor than Adm. "Tommy" Hart. He is, I believe, the only naval officer, certainly the only one of a four-star rank, to hand in his commission the morning of the day on which he took the oath of office as U.S. Senator.

Senator Hart never ran for election, serving from 1945 to 1946 by appointment. Had circumstances permitted him to do so and had he wished to, I am confident he could have held the office as long as he desired.

I am proud to salute this valiant sailor and public servant. On his shoulders fell the task of guiding the pitifully outnumbered Allied fleet in the Far East during the first months following the Japanese onslaught in December 1941.

"Tommy" Hart was the subject of a

Time magazine cover story November 24, 1941, an article of immense historic interest. In tribute to him, I offer it at this point in the RECORD, followed by an account of the festivities planned for him in Sharon today, which appeared in the Lakeville, Conn., Journal. I am sure all Members will join me in adding yet another "Well done" to the record of this outstanding American.

The articles follow:

[From Time magazine, Nov. 24, 1941]

Admiral at the Front

To the U.S. Navy, last week's tension was like a tonic. Even with half its battle fleet in the Atlantic, its timbers shivered with pleasure at the prospect of action instead of tension in the Pacific. Its officers were confident of putting up a good show and none more so that the wiry little man who, if & when hostilities start, will be at the point of contact. His name: Admiral Thomas Charles ("Tommy") Hart, Commander in Chief of the U.S. Asiatic Fleet.

Indispensable Oldster. When Special Envoy Saburo Kurusu paused at Manila on his way to Washington last week, he paid his respects to Tommy Hart. Murmured he: "It is my business to keep the Admiral idle." The Admiral, weathered, wrinkled, tough as a winter apple, smiled broadly. As full of energy as a boy, he is far happier when he is bouncing around on inspection tours aboard his tooth-shaking, 245-foot yacht *The Isabel* than when he sits in his shore office in Manila's Marsman Building, overlooking the Bay where most of his fleet anchors. According to precedent, he should have bowed out of the Navy five months ago. But when he reached the age limit of 64, Franklin Roosevelt decided that Tommy Hart was indispensable in the East.

Last week thunderheads were gathering all over Tommy Hart's Orient. U.S. Marines were ordered to abandon Shanghai, other Chinese stations—lest they be massacred when war came (*see p. 29*). Australian troops swarmed into Singapore and Canadian troops into Hong Kong in preparation for new Japanese aggression. And at bases from Sydney to Manila, British, Dutch and U.S. ships prepared for action. Already U.S. Secretary of the Navy Frank Knox had trumpeted: "The hour of decision is here." Tommy Hart was the man for that hour.

He is no glib, soft-spoken naval diplomat. He has a salty tongue and a predilection for blunt truth. In periodic get-togethers with Lieut. General Douglas MacArthur,[1] who commands the U.S. and native troops in the Philippines, and with Dutch and British officers, he usually says little. He prefers action. Tommy Hart will be ready to shoot.

He has always been forthright in his tactics. In Shanghai in 1940, when British and Italian Marines began to brawl, Tommy Hart didn't wait to consult the Japanese Admiral, who regarded the settlement as his preserve. He went to work on the British and Italian commanders, within a few hours had a twelve-man inter-allied patrol keeping peace throughout Shanghai. The patrol was made up of four Seaforth Highlanders, four Italian Marines, four U.S. Navy men, who were tactfully planted in the middle of the group.

Back in the '20s, when he was captain in command of the battleship *Mississippi*, Tommy Hart was just as independent as he is today. Once, while leading eleven other battleships in a pea-soup fog, he heard a destroyer's warning siren, somewhere off his bow. Promptly, without consulting his fleet commander, he ordered the line to stop. Hauled up on the carpet for breach of regulations, he exploded: "If I couldn't see, how the hell could the flagship at the end of the line?" He was officially rebuked, unofficially applauded.

Amphibious Warfare. The little fleet that Tommy Hart commands today is stronger than it has ever been before. Three months ago it consisted of two cruisers (one of them, the *Houston*, is the Admiral's flagship), 13 destroyers, 17 submarines, three gunboats, miscellaneous small craft. It has been reinforced since. "Every damn thing I begged for two years ago, I can have now," says he, "but it takes time, time, time, to get it here. Meanwhile I get along on a shoestring."

In the event of war, the Asiatic Fleet will have to adapt itself to Japanese tactics. With the main U.S. battle fleet under Admiral Husband Kimmel based on Hawaii, 5,587 miles away, Admiral Hart's small force would be mincemeat for the Japanese battle fleet, or any part of it, if he attempted to give action.

It would be possible for the U.S. Asiatic Fleet to stand on the defensive, but there is every reason to believe that if Japan takes a step that provokes war, the U.S. will strike without waiting to be struck. Tommy Hart is not a defensive fighter. He is a scrapper. And, in the amphibious warfare that Tommy Hart contemplates, the Army's big bombers (how many there are in the Pacific bases and how fast they are coming is a deep military secret) will certainly take a hard-hitting and far-from-defensive part. From his vantage point near the Philippines the sun goes down like thunder into China across the sea—the South China Sea—and along that China coast ply the Japanese convoys which carry all the goods of war to the Japanese armies that threaten the Burma Road, Thailand, the Malay Peninsula, and return home with rice, rubber and tin for Japan's war machine. He is in a position to raid these convoys. If the Japanese give him chase, he has Singapore and the Dutch East Indies, even Australia, to retire to in case he is cut off from Manila.

This will not be the war that U.S. naval strategists mulled over in peacetime. When the Navy checked and charted possible combat with Japan, it always figured on going to battle unassisted. Now it has the help of the British and the Dutch, who can supply, besides ships and planes, such well-defended havens as Singapore, which can accommodate anything that floats, and Java's Surabaya, which is big enough to handle 10,000-ton cruisers.

Admiral Hart's operations can also be aided by land-based planes. The British have more than a score of air bases recently hacked out of the Malayan jungle by the R.A.F., many an Australian field as well, and further bases are available on the mainland of China as well as in the Philippines, Already well away is a huge naval air base at Cavite, across the Bay from Manila.

The Philippines are no longer indefensible: today they bristle with formidable armament. The fleets maneuvering against Japan will have oil as long as Singapore holds out. Safe in its portentous shadow is the Dutch oil dump at Palembang in Sumatra, which can provide enough fuel for any combination of fleets.

Cox to Four Stars. Up to his shoulder boards in the boiling Far Eastern stew, Tommy Hart last week found time to play a bit of golf, take a few members of his staff to the movies. Too old a sea dog to bark before biting, he still had a twinkle in his weather eye as he kept it cocked on his nautical domain. The beat he patrols is large—from Wake west to China—but the Admiral knows it like the back of his hand.

If Tommy Hart goes to war again, it will be for the third time. He first smelled powder in the Spanish-American war, as a 21-year-old midshipman on the battleship *Massachusetts*. (In those days Annapolis graduates served two years at sea before becoming ensigns.) Nineteen years later, in World War I, he commanded two divisions of U.S. submarines operating with the British out of bases in Ireland. For potting German subs he was awarded the Distinguished Service Medal.

Tommy Hart had a tough time struggling through Annapolis. Born in Davidson, Mich., of Revolutionary stock on his father's side, Scottish on his mother's, Tommy Hart was an undersized 15-year-old when he won his appointment to the Naval Academy. There he was derisively christened "Dad." Puny, next to the youngest in his class, he wobbled along for a couple of years, picking up a bit of wooden-ship lore on summer cruises in square-riggers, distinguishing himself not at all. But in his last two years at the Academy he began to get the hang of things, soon was holding his own with older classmates, serving as coxswain for the Academy's first cutter crew. He graduated 13th in a class of 47. Out of that class ('97) came seven admirals besides Tommy Hart.[2]

On the rare occasions when Tommy Hart talks about his career, he is apt to say that he has been lucky. Lucky or not, he moved up fast. He got his first command when he was in his late 20s (the destroyer *Lawrence*), became, after a stretch of sea duty, Inspector of Ordnance at the Newport, R.I. Naval Torpedo Station, executive officer of the U.S.S. *Minnesota*, commander of submarines in both the Atlantic and the Pacific, In 1931 he became superintendent of the Naval Academy, won a rear admiral's rank, the nickname "Turtleneck" and the gratitude of football fans by settling a squabble with West Point over the eligibility of players, which resulted in resumption of the Army-Navy games after a lapse of two years.

It was when he was an instructor at the U.S. Naval Academy, early in his career, that Tommy Hart first met Caroline Brownson, shy, pretty daughter of Academy Superintendent Admiral Willard Brownson, onetime Commander of the Asiatic Fleet. Tommy Hart stalked Miss Brownson for seven years before he married her. Today they have three daughters, a pair of married sons. One of them, Ensign "Tommy" Hart, graduated from Annapolis in 1939; the other, Roswell, is, according to the Admiral, "a pretty good businessman in Hartford, Conn."

If it weren't for all the excitement in the East, Tommy Hart would like being in Connecticut himself. Ever since last year when he and his wife were separated by the order recalling all Navy wives from the Far East—an order that Navy men resent more every day—Mrs. Hart has been busy raising cows in Sharon, Conn., on a farm that has been in her family for generations. Like most sailors, the Admiral has a yen for farming, would like to put his wife's dairy on a "businesslike basis." When they were first separated, Mrs. Hart wrote to Tommy that she was lonely. Cheerfully he replied: "If you weren't so darn healthy, you wouldn't be lonely."

When Tommy Hart finished his trick at the Academy in 1934, he was put in command of a division of cruisers. Then came two and a half years as Chairman of the Navy's General Board; he cut red tape with a vengeance, recommended many an improvement in ship design. In July 1939 he was made Commander in Chief of the Asiatic Fleet, assumed the rank of full admiral and hoisted his four-starred flag over the U.S.S. *Augusta*.

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[1] The General's brother, the late Arthur MacArthur, was a shipmate of Tommy Hart's on the battleship *Massachusetts* during the Spanish-American War.

[2] Among his classmates: Admiral William Daniel Leahy; Rear Admirals William Gunnell Du Bose, Harry Ervin Yarnell, Arthur Japy Hepburn, Orin Gould Murfin, Arthur St. Clair Smith, Clarence Selby Kempff. The succession in the Asiatic Fleet has been in the hands of '97 classmates since 1937 when Murfin took over, to be followed by Yarnell, then Hart.

With his four stars, Tommy Hart outranks his opposite number in the Japanese Navy, Vice Admiral Mineichi Koga. Only Admiral Isoroku Yamamoto, Commander in Chief of the Japanese Combined Fleet, and Admiral Osami Nagano, Chief of the Naval General Staff, boast equal status.

Tommy Hart likes to hear that he has a wicked temper. But he lets it go only when he wants to. He is hell on efficiency, cuts loose with a fine blast of profanity when his crew shows signs of landlubberly carelessness. In the wardrooms of the Asiatic Fleet, he is known as tough but rated a good man to sail with when trouble looms. "In normal times," commented one officer recently, "I might like to be under someone a little easier than Admiral Hart, but in times like this in the Far East, I would much prefer to be under him."

Tommy Hart insists that his officers keep close to the men in the ranks, share their troubles, watch their morale. He is liberal with praise for work well done, worries a good deal about naval etiquette. An "O.K., sir" instead of an "Aye, Aye sir" turns him purple with rage. But when anyone complains about seeing sailors loaded to the gunnels staggering around Manila, he steps stoutly to their defense. When seamen, after weeks at sea, roll ashore, he feels they sometimes have a right to "make a rough liberty." Anyhow, he adds complacently, only about 100 are ever reported for misconduct on any one particular night, which is no worse than the average for college boys after a football game.

Whether in his office or in his two-room air-conditioned suite at the Manila Hotel (where he hangs his high-pressure cap in the window to let his boys know he's at home), Tommy Hart can see the crescent bay where most of his fleet now rides at anchor. In the distance he can see the radio towers of the Cavite naval base and ahead, if the day is clear, the looming bulk of Corregidor, the Gibraltar that guards Manila. Close by he can see the merchantmen at Manila's big pier 7 busily unloading the precious stuff that he needs to keep his fleet in fighting trim.

A sociable man ashore, Tommy Hart likes to dine informally with pals at his hotel. He is amused at the rococo atmosphere of his suite. "First," he points out wryly, "they wanted to give me a suite all done up in pink and green satin, but I said 'No, I'd feel like a kept woman.' Now I feel like the Archbishop of Canterbury." At his informal suppers at the hotel, Tommy Hart always entertains some of the local socialite Filipinos. He deplores the Navy's social inbreeding, feels that much of the "Philippine problem" is due to the sniffy attitude taken by whites toward their little brown brothers.

Sprier than most of his juniors, never bothered by the muggy heat of the islands, Tommy Hart religiously (though it bores him) does a daily dozen, including a Father William routine during which he stands on his head. While the tension gathered last week, he went on with his exercises and his appointed rounds, ruled his fleet. Not so confident of the future as he were some of his pals in Washington. Said one of them pessimistically: "Right now, I think that Admiral Kimmel has a much better chance of living to a ripe old age than Tommy Hart."

SHARON PLANS PARTY FOR ADMIRAL'S BIRTHDAY

Sharon is going to give a birthday party next Monday at 5:15.

On June 12, 1877 . . . just ninety years ago . . . a baby was born in Davidson, Michigan who, a decade less than a century later, was to cause the citizens of Sharon, Connecticut, to shatter the stately quiet of their tree-shaded Green with the music and celebration of a town-wide party. The baby's parents named him Thomas Charles Hart; a name which was destined to gather luster over the years and become synonymous with service to his Country, his State and his Town; a name which was to earn such impressive titles as U.S. Senator and Admiral of the U.S. Navy.

THE PARTY PLAN

So, in pride and affection, Sharon is planning a party to honor its illustrious citizen; a party complete with marching band, bowls of punch and towering birthday cake; a party which is expected to bring all of Sharon to its handsome Green, plus friends and well-wishers from the surrounding villages. Festivities which will begin at 5:15 and end an hour later, will be centered at the north end of the Green, just 100 feet from Admiral Hart's house.

"We could have had a big dinner, or brought in prominent speakers," Ted Ryan chairman of the Birthday Party Committee said, "but we decided to keep it a village party . . . the way we knew the Admiral would like it."

COMMITTEE FORMED

Mr. Ryan's committee, composed of a cross-section of townspeople, was appointed by First Selectman Richard A. Carley and approved by the Board of Selectmen. Mr. Carley also issued a special Proclamation (see Sharon page) which officially designates Monday, June 12, as Admiral Hart Day.

Off-and-on residents of Sharon while the Admiral was still on active duty with the Navy, the Harts moved here for full-time living on his retirement in 1945. Since then, he has won the esteem and wholehearted affection of the town.

CAREER BEGINNINGS

Thomas C. Hart's career had an unusual start. It all began one spring morning when, at age 15, he and a friend bicycled into Detroit from Davidson. Stopping in a Post Office, the boys saw application forms for the Naval Academy at Annapolis. On impulse, young Thomas filled one out. His father was astounded to receive official announcement from the Academy that his son was eligible for enrollment and should report for a final entrance examination. The boy reported, took the test, passed it, and was sworn in two months before he had reached his 16th year.

SAILING SHIPS

Hart took his first cruise that summer on the legendary square rigger, *The Constellation*, where he had the job of main royal yardman a-top the tallest mast. He later sailed on the *Hartford*, which had served as Admiral Farragut's flagship at Mobile Bay.

WARS

Serving in the Spanish-American War on the Battleship *Massachusetts* and on the converted yacht, *Vixen*, the young officer earned a commendation and, when the United States entered World War I, he was ordered to take the first fleet of 12 submarines across the Atlantic to join the British submarine fleet. This earned him his first Distinguished Service Medal.

After this war, he went through both Navy and Army Colleges and later was promoted to flag rank and became director of all submarines. He then served three years as superintendent of the Naval Academy and from 1936 to 1939 served with the General Board in Washington as its chairman.

HEADS ASIATIC FLEET

He was ordered in 1939 to command the Asiatic Fleet. Although his age made him due for retirement in 1940, he was kept on active duty because of the threat of World War II.

When the Japanese went to war against the United States in December 1941, Admiral Hart was officially credited with handling the situation "in a manner which left nothing to be desired."

CLASSIC ORDER

During the tragic struggle in the Philippines, Admiral Hart gave a classic order to his fleet just prior to the battle of Macassar Strait: "Submarines and surface ships will attack the enemy and no vessel will leave the scene of action until it is sunk or all its ammunition exhausted."

In the week-long air and sea engagement, the Japanese lost between 30 and 40 ships of various categories.

BRILLIANT SEAMANSHIP

Naval men credit Admiral Hart with a brilliant feat of seamanship in evacuating the base at Cavite on Manila Bay, only 30 miles from the doomed Philippine capital, in the dark days following Pearl Harbor.

NAMED SENATOR

Before his full (and overdue) retirement in 1945, Admiral Hart again served with the General Board in Washington. It was shortly after his retirement that he was named U.S. Senator by the then Governor, Raymond E. Baldwin, to fill the unexpired term of the late Senator Francis T. Maloney of Meriden.

THE COMMITTEE

"It is to honor this man and his career and, above all, this neighbor that our birthday party has been planned," Mr. Ryan said.

The 26 men named to his committee include Ken Bartram, Joe Carberry, Frank Cole, Tony Costa, Bob Chapin, Bob Cunningham, George Emory, Lewis Gobillot, Captain (Burton) Green (USN retired), Ed Heacox, Ward Hutchinson, Al Jenkins, Bill Kenny and Ed Kirby.

Then there are Floyd Laird, George Lamb, Maurice McCann, Lans Middlebrook, John Murtagh, Jerry Pitcher, Dick Riley, Pete Selino, Ned Thurston, Whitney Vosburgh, Don Warner and Dick Carley.

Keeping it on a first name basis, Mr. Ryan also submits the names of the following 10 married women: Mary Anderson, Phyllis Coley, Irma Danaher, Jeanne Denny, Dr. Jo Evarts Demarest, Ginnie Haydock, Jean McKee, Maria Reep, Carol Rhoades Robinson and Jane Smith.

Our one big hope in Sharon is that the weatherman will be kind on Monday," Ted Ryan said. "If he isn't, the program will have to be moved inside the school."

A CALL TO ALL GOOD NEIGHBORS

1887 June 12th 1967

From 5:15 to 6:15
Across from his house on the Sharon Green
Come as you are from work or play
Be there and be seen on the Admiral's Day.

The people of Sharon, proud as can be
Remind you the Admiral's reaching Nine-ty.
So—young—old—or middling, come play your part,
Join the birthday cheer for Admiral Hart.

Music—Cake—Punch Bowl.

Monday Afternoon, 5:15 till 6:15.

90th Birthday Committee of Admiral Thomas C. Hart, Sharon.

NOW LOOK WHAT THE PRESENT SUPREME COURT HAS DONE!

The **SPEAKER** pro tempore (Mr. FLYNT). Under a previous order of the House, the gentleman from California [Mr. TALCOTT] is recognized for 10 minutes.

(By unanimous consent, Mr. TALCOTT was given permission to proceed for 5 additional minutes.)

Mr. TALCOTT. Mr. Speaker, the present Supreme Court has again overruled a former Supreme Court and declared another act of the Congress unconstitutional. The Supreme Court has again demeaned U.S. citizenship.

In Afroyim against Rusk, the petitioner was a naturalized citizen who immigrated to Israel in 1950, acquired Israel citizenship, voted in various political elections including the one for the Israel Knesset, its National Legislature. After 10 years he decided to return to the United States, but his application for a passport was rejected on the basis of his participation in the Knesset election. Deprivation of his U.S. citizenship would not have left him a "stateless person."

The Supreme Court on May 29, 1967, held that the Congress has no power to rescind U.S. citizenship, even if a citizen expatriates himself by voting in foreign political elections. Once a person gains citizenship—by any means—it cannot now be taken from him without his express consent. Therefore, the Congress and the Government can no longer rescind citizenship for any cause. U.S. citizenship can be lost or relinquished only by voluntary renouncement.

The expatriation law of 1940 did not forcibly destroy anyone's citizenship. Congress simply said that anyone who voluntarily votes in a foreign political election thereby chooses that national allegiance and forfeits his U.S. citizenship. Voting in a foreign political election has long been considered a voluntary renouncement of citizenship—by this country and others.

"Expatriation" as used in the Court's decision, and my remarks, does not connote forcible imprisonment or deportation. A person may lose his rights and privileges as a citizen (or some of them—as a felon may lose temporarily his right to vote) without losing certain rights which are inalienable to the individual.

Citizenship is an especial status in a sovereign state and should be distinguished from its derivative rights and privileges—such as voting and protections—and its duties—such as allegiance, individual responsibility and public service.

According to this Court, the Congress can regulate naturalization—the granting of citizenship—but not expatriation—the rescinding of citizenship. The criteria for granting citizenship no longer have validity for maintaining citizenship. Since this decision, the acquisition of U.S. citizenship results in the most inviolate and invidious form of tenure known. Citizenship can no longer be lost even for the most vile, obnoxious or treasonous conduct.

Degradation, deflement and destruction of our country, its government and its people can now be the open objective of anarchists and traitors, here and abroad, without even risking the loss of citizenship. Once a citizen, he can actively support our country's enemies and, unless he voluntarily renounces his citizenship, Congress cannot deprive him of his exalted status.

Conversely, once a person becomes a citizen of the United States, he need no longer assume any responsibility of citizenship. He need no longer show allegiance to our country. He need no longer discharge any duty or obligation of citizenship.

The Court displayed an unbelievable ignorance of the legislative process and amazing misunderstanding of the "legislative history" of congressional action regulating naturalization and expatriation.

In a skimpy, but wordy, review of the legislative history, the Court proclaimed that the Congress on three occasions—1795, 1797, and 1818—failed to enact legislation which would grant it the power of expatriation; and on only one occasion—1940—enacted such legislation. The Court thereby deduced that the Congress had opposed expatriation 3 to 1—a decisive rejection in terms of any election.

This is certainly not acceptable legal or legislative logic and the Court even admitted it. The Court expressly said that the legislative and judicial statements, upon which it relied, are inconclusive and peculiar to a unique era of our history. Nevertheless, the Court held section 401(e) of the Nationality Act of 1940 unconstitutional and overruled *Perez* v. *Brownell*, 356 U.S. 44.

The Court seems to base its decision upon the 14th amendment—which guarantees citizenship to Negroes. The Court's logic is that because the Congress cannot take citizenship away from a person because he is Negro, the Congress cannot take it away because he changed his allegiance and voted in the political election of another country—or even because he is a traitor.

The Court raised the specious argument of "race, color, and creed"—apparently believing that it is justification for any decision these days. Yet race, color, and creed had nothing whatsoever to do with a naturalized Polish-American who voted in an Israel election.

The Court said:

> Citizenship in this Nation is part of a cooperative affair.

So cooperative that we must permit citizens to roam the earth, vote where they please, but always come home when the foreign grass is no longer green and the foreign welcome peters out? I think not.

This Court considers allegiance as a trivial thing and not important to citizenship. Citizenship in the United States, to this Court, seems to be something cheap, not requiring allegiance, obligations, responsibilities or duties, but something so common and meaningless that even traitors and defectors cannot lose it except by voluntary renunciation.

The key word of the decision is "assent"—Congress cannot "take away an American citizen's citizenship without his assent." Harsh, unseemingly language was used to bolster the decision. Congress has no "express power to strip people of their citizenship;" and the Government cannot "rob a citizen of his citizenship without his consent."

Under this new law, why should any person assent to giving up his U.S. citizenship? He would be well advised not to renounce his U.S. citizenship no matter how often he chooses to vote or hold office in another country. His multicitizenship may prove beneficial in some future circumstances. He may have reason to vote and fight for another country; but if freedom should be lost in that land, he may want to return to the good old United States.

Other multicountried citizens can, under this new Court law, hold the highest office in a foreign country, even sign a declaration of war and fight against the United States, and at some later date return to our country, deny he assented to give up his U.S. citizenship and, thereby, retain his U.S. citizenship. This is a logical extension of this decision.

I agree with one statement of the Court which it used incorrectly to help justify a bad decision:

> Citizenship is no light trifle.

Amen. U.S. citizenship is especially precious and highly sought. Citizenship is not a passive thing; it carries responsibilities. Citizenship should never be rescinded for invalid reasons of race, color, or creed; but for reasons of abuse, intentional defilement, transfer of allegiance, or treason, it should be rescinded—in my humble opinion.

The Court rather piously said it wanted to put citizenship beyond the power of any governmental unit—namely the Congress—to destroy. It said:

> It is completely incongruous to have a law under which a group of citizens temporarily in office can deprive another group of citizens of their citizenship.

But are not the Justices themselves a group of citizens temporarily in office? By only one vote, a 5-to-4 decision, overruling a 5-to-4 decision, the Court tarnished the citizenship of every U.S. citizen.

The granting of citizenship, and its regulation, is a constitutional function of the Congress. If ever citizenship is to be rescinded, some entity must establish the regulation for such expatriation. Other individual citizens cannot exercise this power. The Congress, as the collective representative of the people is, and should be, the rightful branch of government to make this decision. Expatriation, as well as naturalization, is the function of the Congress.

The Court defended its 5-to-4 decision by bemoaning that expatriation can leave a person stateless. Untrue. At least not in the cricumstances as presented in Afroyim against Rusk. In this situation, the subject expatriated himself by voting in a foreign political election. In order to do this, the individual certainly had to acquire citizenship there and commit his allegiance to that country.

Historically, and in their own self-interest, nations do not permit persons to vote in their national political elections under any other circumstances. There is no good reason why they should. What legitimate interest does a foreign national have in voting in another nation's political elections? A person would only find himself stateless if his citizenship were rescinded by Congress for a reason other than simultaneous foreign citizenship. But, the Supreme Court now permits a person to be a "man of many countries" simply to escape the alleged odium of being "a man without a country."

The Court's decision is two edged. The act of voting in two or more countries seems contradictory and indefensible. Is the Court, and the Washington Post—which editorially applauded the decision—so arrogant as to believe that citizens of the United States ought to have the right to vote in any country of the world? Certainly if we citizens of the United States enjoy this "universal voting privilege," the citizens of other nations should have the same prerogative in our country.

Is "our free government" to be so free that foreign nationals, who do not voluntarily renounce their citizenship, can participate freely in our Government by exercising the precious privileges and invoking the protections of U.S. citizenship? Should voting be treated as a "light trifle"—carrying no sense of responsibility or allegiance? I, at least, think not. Yet the Court infers that we should not be so chauvinistic as to believe that these two qualifications should be required for U.S. citizenship. This decision could carry "international citizenship" to such an extreme that national citizenship would no longer be substantive or meaningful.

An expatriation law is necessary to every nation. The national interest and the integrity of citizenship itself, demand that some persons be deprived of the rights and privileges of citizenship—perhaps temporarily or, in some cases, permanently.

It seems to me that allegiance to another country should be sufficient reason for rescinding U.S. citizenship even without the assent of the "citizen" involved. For citizenship is more than a private or individual right. It is an essential ingredient of the Nation. The quality of citizenship, as well as the fact of citizenship, is a legitimate concern of other citizens. Dilution of citizenship will weaken the Nation.

Some day nations and national boundaries may no longer exist; but this day is some time removed. The Nation is a practical, conventional component of our contemporary international "governmental, social, and economic" arrangement. Until we put an end to all nations, we should maintain the integrity of national citizenship. Dual or multiple citizenship can work more harm than good in the present era and for our system of international governmental organization.

It is urgent for the House of Representatives to review this decision and to take early action to restore the function and obligation of the Congress to regulate expatriation as well as naturalization. Legislation now appears necessary to amend the Constitution to guarantee this authority to the Congress. Until the authority of the Congress to expatriate is reestablished, it should be extremely chary in exercising its authority to naturalize.

Good old United States—let its citizens dodge the draft, desert the military service, move elsewhere and vote in foreign political elections, and neglect or disdain their right of franchise here. Then, when life is safe, secure and affluent again—let them come back with impunity, enjoy all of the privileges of citizenship, reregister to vote and vote out the rascals who preserved these precious rights. Do not worry about responsibility, duty, honor, country—the Supreme Court will always welcome you back into full citizenship.

OUR MARGIN OF LIFE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Missouri [Mr. HALL] is recognized for 60 minutes.

Mr. HALL. Mr. Speaker, last weekend 11 members of the House Committee on Agriculture and other additional Members of Congress gave generously of their time in order to join with me in a visit to the E. M. "Gene" Poirot Farm, Inc., near Carthage, Mo.

The purpose of the visit was to view firsthand the soil restoration and water retention program on this 1,900-acre farm in the Missouri Ozarks, where the plains meet the hills.

What they saw was the magnificent demonstration of how the Poirot family has applied the basic laws of nature in farmland management. They saw low-cost irrigation methods which have enabled the Poirots to weather successive periods of extensive drought which brought severe economic losses and tragedy to other adjacent farm units. They saw, spoke with, and mingled with a man of the soil who has had the ability to incorporate his observations and his experiences in a most remarkable book entitled "Our Margin of Life," which I honestly believe should be "must" reading at every leading college or school of agriculture in America.

They saw an economically feasible, quickly amortizable, and readily adaptable solution to real soil and water management.

Today I have introduced in the House of Representatives an updated farm bill, having introduced similar bills in the past two Congresses, which is largely based on Mr. Poirot's observations, perceptions, and recommendations, along with his family's implementation and which offers to this body, to the Johnson administration, to the farmers, the consumers of the Nation, a new concept, revitalized approach to the farm dilemma which has plagued without exception every administration in the past, in the past three decades, Republican or Democrat.

We have no pride of authorship and I hope all will accept it as our Nation—with its prime resource, the soil—faces increasing demands.

Effective agricultural production depends upon a suitable supply of air, sunshine, soil plantfood minerals, and water. Any one or all of these can limit agricultural production—the end product of the good farmer with human minds and bodies. In general, soil plantfood minerals and water are the limiting factors. These four are nature's requirements and taken alone will collectively continue to produce food and fiber, without man. When man enters agricultural production as a farmer—and a consumer paying the farmer for producing his needs—science becomes necessary for the farmer, and economics becomes necessary in order to provide an orderly means of exchanging products between them.

During our past agricultural history, farmers have produced more in food and fiber—under an unorganized business—than nonfarmers would buy, so many farmers moved to towns and surpluses developed. The result is our industrial prosperity built upon a great agriculture now nearing its top in capacity to produce for an ever-increasing demand.

So as to raise our agricultural soils and water resources to a higher level of production in a scientific manner, and so as to prevent unfair low prices to the farmer and unfair high prices to the consumer and so as to continue to have an efficient nutritious national agriculture capable of growing abundance for the consumer at a reasonable cost to him and without producing an unwanted surplus yet flexible enough to readily meet the new demands, a new type of farm program has been suggested called "a second—or escape—market for the farmer."

In operation the second market would buy tons of a suitable crop which by its growth and yield would prove the degree of soil restoration and water conservation accomplished and paid for by the farmer, in any amount of tons the farmer wants to sell, plowed back into the soil, at a fair price announced each year but above an approved standard such as minimum wage, parity, or share of national income, grown on any part or on all of his cropland, leaving the farmer the choice of selling to the Government or of otherwise disposing of the crop without Government payment.

In actual practice in Missouri, for example, the second or escape market would offer to buy, let us say, sweet clover or its equivalent growing alone for 1 year at $25 per dry weight ton, to be plowed under. If the farm had a pond approved by the SCS for irrigation and flood control or other practices of special value the suitable crop would be augmented in value and worth, say, $30 or more per ton. The weight and rent per acre would be figured on the spot for the farmer to accept or reject the offer.

In the past, the surplus seemed the only problem, so economists and politicians—few of them farmers—were given the job of reducing it. Various farm programs, at a great cost to the consumers as well as taxpaying farmers, have worked at doing so for more than 30 years. They have been successful in part but they have also disregarded the following important items:

First, soil and its plant food minerals. Thirty-seven percent of the topsoil has gone beyond repair in the United States. As late as 1963 we were still using and wasting three times as much plant food as we returned to the soil in all forms of fertilizers. There is no program now to change that course.

Second, water. It falls on our land in abundance. Agriculture needs it in great amounts for efficient production. Farm programs have, perhaps by necessity, ignored it as a vital part of agricultural production, and have seldom made any effort to conserve it.

Third, the farmers, themselves. Seventy percent of them are in the poverty group, according to this administration's imposed standards. Family net income of $1,851 in 1965, across the board on an average. The average income of all of them was about 64 percent of that of the nonfarm population. Their numbers are decreasing. In previous years it was 50 percent or less of the income of the nonfarm population. Farmers cannot control the price of what they raise, buy, or sell. They have no control over the research done for them. They have no control over the farm programs. In respect to programs, they do not even agree between themselves. They are penalized if they do not participate. They do not agree on a policy of their own or on any of the Government programs, and there is diffused leadership.

Fourth, and perhaps most important, the consumers. Programs were to increase the prices under the Government to the consumer by reducing the surplus. When the program was getting it done in 1966, the consumer objected and prices started down for the farmer but up for the consumer with the farmer taking the blame. No one told the true story. Farm programs should give first consideration to the consumer who is the only reason for farming. As I have said, the end product of what the farmer produces is a human body. The program should open the door to science to provide the best food of the highest nutritional value in an efficient manner at a reasonable cost, and it should protect the potential, our divinely given resources of soil, water, research, and, indeed, farmers for producing such food in future generations.

Fifth, Mr. Speaker, oftentimes these programs have rewarded or subsidized the wrong people.

The Poirot suggestion, called a second market for farmers, differs from these in that it is based upon further developing soil and water resources, not limiting them, according to the teachings of scientific agriculture, not politics and economics alone, as we know it now and as more facts become available through research. By all college of agriculture standards, this is called good farming.

The program differs by offering a fair money reward for good farming, not a stingy amount of relief money, idling land as in the soil bank, and rewarding those who have the less productive soil the least and those with the most productive soil the most, not large sums of money for surplus control to those on rich land where there is no problem, and only a third as much per acre on poor land that needs building up, fertility, water, and the money to buy them.

The second market buys only proved results, regardless of the political power that a group may have or the richness of the soil. It does not pay for storing large amounts of surplus products or large sums, giving them away later. It is entirely a voluntary program, and it gives the farmer different options at the time his crop is assayed.

The program pays at a minimum wage or parity level for the services it buys from the farmer. Any product he grows which yields less net income per acre is at once a surplus, so he shifts his farming efforts and the troublesome land to the second market provided by the Government for redeveloping and restoring its soil and water resources to a high-yield level and more economic production.

Since yield per acre, market price, and local costs are all factors in the net profit, a change in any one of them can cause acres to be shifted into or out of production under the second market program. This is far more flexible than any directive delivered from Washington could ever be because the individual farmer makes the decision on his own farm based upon the economics of his farm and his voluntary decision.

The evident results are good farming at a high level of efficiency, run by farmers, producing products above the poverty level at a reasonable price for the consumer without danger of accumulating a surplus and without the sting of "farm relief" or "subsidy" attached.

Another result will be the permanent system for agricultural production with little or no competition from the off-the-farm people who own already rich land or can restore water and other resources to make it so, and thereby gain income tax relief. If the land should become rich beyond our food and fiber needs, industry can find use for the products it will grow at low cost to make them into products people will need. Many such products are already known. Research will find others. This should be the true direction of agricultural research. Other uses for any extra land could well be an environmental control to hold insects and diseases in check, restoration of wildlife habitat, ponds for community and water supply where nitrate poisoning in wells becomes a health hazard, preservation of virgin stands of timber, beautification, which are in general just a few to mention.

The extra good land we had when Columbus discovered America has never been a liability. Like past programs, the second market program offers the dairy and the livestock farmer a defense against low market prices. Milksheds and high cost of living gives them a chance to make money by selling their raw products while building up more productive land and growing more efficient animals. Indeed, as a physician in the Congress, I can say that proper land management will eventually do away with the need for veterinary care on the ground and perhaps even Bangs disease. Because of the mild climate, a dairy in southern Missouri can compete with any farmer if they enrich the soil and provide cheap water to support the crops grown on them, so they can determine the kind of yield.

The second market also gives a small farmer raising a large family but lacking credit and information a chance to compete with the large farmer who has credit and information, but who must hire help. The Government second market gives both the same chance for soil restoration and water conservation with the help of already available county agents and SCS engineers. Small productive Ozark bottomlands, cheap hillside pastures, and a large family can produce a lot of wealth with a little help in the selection of more valuable crops and soil restoration and water conservation.

The soil bank bought land abandonment at a per acre figure already distressing to the farmer living on it. The community lost the farmer as a customer and the chance to haul and process the products of his abandoned land. The second market program retains the farmer as a customer, restores the capacity to produce to the land so it can meet the competition of better lands and farmers elsewhere and serve in the economic development of the community.

The amount of money appropriated for programs is not determined by any specific guides. The amount of money to be appropriated for the second market program would be less by $2 billion a year and is to be an amount large enough so that the farmers of the Nation will return to the Nation's soil in total as much plant food each year as they used or wasted or lost in agricultural production by lack of proper water management, which erodes and leeches away and washes away the soil, producing a silt problem. The figure will not be too high, because as consumer market prices go near to where they should be, farmers will use more fertilizer to supply that market.

Let us remember: Human bodies and minds are the final product of agriculture.

To protect those bodies and minds from disease we support the best scientific laboratories in the world. We require doctors to be trained for years in using the best science has to offer before they get a license to touch human bodies.

Our Armed Forces are geared to protect us from the enemy attack with the best in science, skills, and machines that money can buy. Whether we have the will to use them is another matter.

Is there any sensible reason for denying agriculture the money to encourage farmers by this second market or by any other means to use science in restoring and preserving our food-producing soil and water resources so vital in guarding the health of the Nation, the health and growth of human bodies from the moment of conception to death.

Administrative cost should be less. There would only be one crop to measure. Participation would be check only on those farms selling to the second market; hence the voluntarism. There would be no surplus to measure and give away.

Furthermore, soil could be called back into effect by the Secretary of Agriculture in times of crisis, rather than parsimoniously parceling out what we could not implement into farming.

There would be no "cost sharing" for fertilizer, lime, terraces, and many other activities now requiring many more people than were needed a few years ago.

In return for the administrative costs there would be something bought of great value to all people, soil restoration and water conservation.

Mr. Speaker, under unanimous consent I insert at this point in the RECORD: The text of the farm bill; the "memorandum presented to the House Committee on Agriculture at the dog house think section at this farm which Members of Congress attended on June 3d; and, the story from the Carthage Press of June 5, 1967.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The material referred to is as follows:

H.R. 10742

A bill to establish a cropland and water restoration program, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Cropland and Water Restoration Act of 1967".

DECLARATION OF POLICY

SEC. 2. The Congress finds that the production of large supplies of food and fiber without holding the soil in place and returning the plant foods taken from it constitutes improper land use, unnecessarily depletes our natural resources, and depresses prices and the income of farm families. It is hereby declared to be the policy of the Congress and the purpose of this Cropland and Water Restoration Act of 1967 to create a market for restoring the national cropland in direct proportion to the rate it is being used and depleted and to bring the supplies of farm products into line with current demand in order to (a) encourage the farmer to return to the soil that potential to produce which has been taken from it in the production of crops; (b) hold the soil in place to prevent its erosion by wind or water; (c) provide irrigation through the building of flood controlling farm ponds; (d) increase per family farm income; (e) decrease the public costs of maintaining farm programs; and (f) preserve the high quality of food and fiber at reasonable prices for the consumer. To effectuate the policy of Congress and the purpose of this Act, programs are herein established to assist farmers in (1) diverting to soil restoration that portion of their cropland which according to local costs and markets is not fertile enough to produce a profit; and (2) carrying out a voluntary program of soil, water, forest, and wildlife conservation in return for a fair payment for work done until, in the opinion of the farmer, such land can earn a greater profit by producing for the consumer.

TITLE I—LAND RETIREMENT AND SOIL CONSERVATION

Subtitle A—Annual determination—voluntary land restoration, and payments in cash

SEC. 101. Beginning with the 1968 crop year the Secretary of Agriculture is authorized and directed to establish and carry out a long-term cropland and water restoration program. In formulating and administering such program—

(a) The Secretary shall each year make and announce an annual determination of—

(1) the estimated total cropland available for the production of crops in the United States in that year;

(2) the total acreage of farm cropland necessary to be retired and devoted to soil-conserving uses in order to bring the total estimated annual production plus the anticipated release from the Commodity Credit Corporation stocks into balance with the estimated annual disappearance of soil-depleting commodities;

(3) the acreage that can be retired effectively and economically in the respective year;

(4) the net soil fertility balance of that used and lost in crop production against that returned in plant food fertilizers; and

(5) the amount of money to be offered in the cropland restoration market to bring about a balance between supply of agricultural products and the anticipated demand for them.

(b) The Secretary is authorized to enter into contracts covering periods of one or more years but not to exceed ten years, with producers determined by him to have control for the contract period of the farms covered by the contracts, if such producers agree to retire and devote to soil-conserving uses any or all farm cropland. The Secretary shall determine and announce the period within which such contracts will be entered into. This period shall be of sufficient duration to provide an opportunity for maximum producer participation. The Secretary shall encourage the retirement of whole farms and shall provide full opportunity for producers of all commodities to participate voluntarily in the cropland retirement program. The Secretary shall place a maximum limitation on the percentage of total cropland which may be retired and devoted to soil-conserving uses in any State or county if he finds that such action is necessary to prevent the cropland restoration program from having an unduly disruptive effect on the economies of counties and local communities. Any cropland retired and devoted to soil-conserving uses under the cropland restoration program established pursuant to this title shall be deemed in subsequent years to have been planted cropland for the purpose of establishing cropland history.

(c)(1) The Secretary shall make an annual restoration payment to producers who: (A) retire and devote cropland to soil-conserving uses with proper management pursuant to subsection (b) of this section, and (B) otherwise comply with the cropland restoration program as set forth in this title.

(2) The Secretary shall determine the rate of restoration payments that will provide producers with a fair and reasonable annual return on the land retired and devoted to soil-conserving uses after taking all relevant factors into consideration, including (A) the incentive necessary to achieve voluntary participation in the program, (B) the loss of crop production on the retired acres, (C) any savings in cost which result from not planting crops, (D) the estimated profit margin of crop production on the designated acres, (E) continuing farm overhead expenses, and (F) the cost of establishing a conservation practice on the retired acres, and (G) the cost of planting, fertilizing, and plowing under a suitable restorative crop capable of returning the lost fertility to the soil.

(3) The rate on lands determined in accordance with the preceding paragraph shall be adjusted on a State, county, and individual farm basis in such a manner as the Secretary determines will facilitate the practical administration of the program. The lands to be covered by contract shall be determined by a competitive bid procedure whereby a producer wishing to obtain a contract shall specify the percentage of the rental rate applicable to his farm which he is willing to accept.

(d)(1) The Secretary shall compensate producers for participating in the cropland restoration program through annual cash payments.

(2) In order to assist producers in the establishment of soil-conserving uses on cropland retired under the cropland restoration program, the Secretary shall coordinate such program with the agricultural conservation program established pursuant to the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 163; 16 U.S.C. 590 et seq.).

Terms and Conditions of Contracts with Producers

SEC. 102. (a) Under any cropland restoration contract which is in effect for two or more years, the producer shall agree—

(1) to establish and maintain with proper management for the contract period protective vegetative cover (including but not limited to grass and trees), restorative crops and the plant food necessary to grow them, water storage facilities or other soil-, water-, wildlife-, or forest-conserving uses (orchards and vineyards) on an acreage of land which is specifically designated at the time the contract is entered into and which has been regularly used in the production of crops (including crops such as tame hay,, alfalfa, and clovers), which do not require annual tillage;

(2) to allow to remain fallow, idle, and in the production of crops (including tame hay, alfalfa, and clovers) which do not require annual tillage throughout the contract period, an acreage of the remaining cropland on the farm which is not less than than the acreage normally allowed to remain fallow, idle, and in the production of crops which do not require annual tillage on such remaining acreage;

(3) not to harvest any crop from the acreage established in the protective vegetative cover, excepting timber (in accordance with sound forestry management) and wildlife or other natural products of such acreage which do not increase supplies of feed for domestic animals;

(4) not to graze any acreage established in protective vegetative cover;

(5) not to adopt any practice, or divert lands on the farm from conservation, woods, grazing, or other noncropland use, to any use specified by the Secretary in the contract as a practice or use which would tend to defeat the purposes of the contract;

(6) to abide by regulations prescribed by the Secretary with respect to the planting of crops during the contract period for later harvest or use; and

(7) to such additional provisions as the Secretary determines are desirable and includes in the contract to effectuate the purposes of this title and to facilitate the practical administration of the cropland restoration program, including provisions relating to control of insects, rodents, and noxious and other objectionable weeds.

(b) In the event that the Secretary determines that there has been a violation of the contract (including the prohibition of grazing on retired acreage) at any stage during the time such producer has control of the farm and that such violation is of such a substantial nature as to warrant termination of the contract, the producer shall forfeit all rights to payments or grants under the contract, and shall refund to the United States all payments and grants received by him thereunder. In the event that the Secretary determines that there has been a violation of the contract but that such violation is of such a nature as not to warrant termination of the contract, the producer shall accept such payment adjustments, and make such refunds to the United States of payments received by him, under the contract, as the Secretary may determine to be appropriate.

Subtitle B—Annual cropland restoration program

Terms and Conditions

SEC. 103. Effective beginning with crops planted for harvest in the calendar year 1968, and notwithstanding any other provision of law, the Secretary is authorized to formulate and carry out an annual cropland restoration program under which producers shall be compensated for producing tons of a suitable soil-building crop as designated by the Secretary. To be eligible for such compensation, the producer shall not harvest any other crop from or graze the acreage on which a designated crop is incorporated into the soil. The acreage in which such crops are incorporated into the soil shall be in addition to any acreage devoted to the cropland restoration program authorized under subtitle A of this title. The annual cropland restoration program may include such terms and conditions, in addition to those specifically provided for herein, as the Secretary determines are desirable to effectuate the purposes of this subtitle and facilitate the practical administration of the program.

Compensation of Producers

SEC. 104. Producers shall be compensated for participating in the program through payments in cash. Compensation shall be at such announced rate or rates per ton of the crop as the Secretary determines will provide producers with a fair and reasonable return for participating in the program. In determining the rates of payment per ton, the Secretary shall take into consideration the need to (1) enable producers to participate voluntarily in reducing excessive production of agricultural commidities, (2) encourage producers to use fertilizer and other plant nutrients in such a way as to restore to the soil the fertility lost in past crop production, (3) increase the crop yield of the soil and thereby decrease the costs per unit of products produced in future years, (4) provide water for irrigation by building suitable ponds to hold excessive rainfall, (5) hold the soil in place by terraces, suitable crops, and all other proper land and water management practices, and (6) assure consumers of a continuous, adequate, and stable supply of nutritious food and fiber at fair and reasonable prices. The Secretary may make such annual adjustments in the rates of payments as he determines necessary to achieve the purposes of the program.

Suitable Crops

SEC. 105. Any suitable crop shall be designated by the Secretary for compensation under the program after he determines that by its growth and yield, a substantial degree of soil restoration would be accomplished through its incorporation in the soil. Factors to be considered by the Secretary in making their determination shall include, but not be limited to, the following: (1) wholesome and nutritious food for consumers, (2) the control of insects and plant diseases, (3) industrial uses, (4) soil retention and regeneration, and (5) such other factors as he may determine.

Subtitle C—General provisions

Protection of Tenants and Sharecroppers

SEC. 106. In the formulation and administration of programs under this title, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis, in payments or compensation under this title, and including such provision as may be necessary to prevent them from being forced off the farm. Applications to participate in any such program shall specify the basis on which the landlord, tenants, and sharecroppers are to share in such payments or compensation, and no contract under any such program shall be entered into unless such basis is approved by the county committee and incorporated into the contract. The standards prescribed by the Secretary for the guidance of county committees in determining whether any such basis shall be approved shall include the requirement that consideration be given to the respective contributions which would have been made by the landlord, tenants, and sharecroppers in the production of the crops which would have been produced on the acreage diverted from production under the contract and the basis on which they would have shared in such crops or the proceeds thereof.

Penalty for Grazing or Harvesting

SEC. 107. Any producer who knowingly and willfully grazes or harvests any crop from any acreage in violation of a contract entered into hereunder shall be subject to a civil penalty equal to 50 per centum of the compensation payable for compliance with such contract for the year in which the violation occurs. Such penalty shall be in addition to any amount required to be forfeited or refunded under the provisions of such contract, and shall be recoverable in a civil suit brought in the name of the United States.

Authorized Period of Contract and Expenditure—Appropriations

SEC. 108. (a) The Secretary is authorized to formulate and announce programs under this Act and to enter into contracts thereunder with producers during the three-year period 1968–1970 to be carried out during the period ending not later than December 31, 1975, except that contracts for establishment of tree cover may continue until December 31, 1980.

(b) The period covered by any contract shall not be less than one year and shall not exceed five years, except that contracts for the establishment of tree cover may extend for ten years.

(c) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, including amounts as may be required to reimburse the Commodity Credit Corporation for its actual costs.

Termination and Modification of Contracts

SEC. 109. The Secretary may terminate any contract with a producer by mutual agreement with the producer if the Secretary determines that such termination would be in the public interest. The Secretary may agree to such modification of contracts previously entered into as he may determine to be desirable to carry out the purposes of this title and to facilitate the practical administration of the cropland restoration programs.

Regulations

SEC. 110. The Secretary shall prescribe such regulations as he determines necessary to carry out the provisions of this title.

TITLE II—REPEAL OF AUTHORITY FOR ACREAGE ALLOTMENTS, MARKETING QUOTAS AND MARKETING CERTIFICATES ON WHEAT, AND ACREAGE ALLOTMENTS ON CORN—PRICE SUPPORT ON WHEAT, CORN, OATS, RYE, BARLEY, AND GRAIN SORGHUM

SEC. 201. Notwithstanding any other provision of law, effective with the 1968 crops of wheat, corn, oats, rye, barley, and grain sorghum, sections 321 through 339 of parts II and III of subtitle B and sections 379(a) through 379(j) of subtitle D of title III of Agricultural Adjustment Act of 1938, as amended (52 Stat. 31; 7 U.S.C. 1281 et seq.), are repealed. Parts IV, V, and VI of subtitle B are redesignated as parts II, III, and IV respectively, and subtitle F is redesignated subtitle D.

SEC. 202. Effective with the 1968 crop of wheat, the Act of May 26, 1941, as amended (Public Law 74, Seventy-seventh Congress, 55 Stat. 203), is repealed.

SEC. 203. Effective with the 1968 crops of wheat, corn, oats, rye, barley, and grain sorghum, sections 327 and 328 of the Food and Agriculture Act of 1962 (Public Law 87–703, Eighty-Seventh Congress) are repealed.

SEC. 204. Effective with the 1968 crops of corn, oats, rye, barley, and grain sorghum, section 105 of the Agricultural Act of 1949, as amended (7 U.S.C. 1441 note), is amended to read as follows:

"SEC. 105. (a) Notwithstanding the provisions of section 101 of this Act, beginning with the 1968 crop, price support shall be made available to producers for each crop of corn at 90 per centum of the average price received by farmers, excluding payments in kind made by the Secretary, during the three complete marketing years immediately preceding the calendar year in which the marketing year for such crop begins, adjusted to offset the effect on such price of any abnormal quantity of low-grade corn marketed during any of such years: *Provided*, That the level of price support for any crop of corn shall not be less than 50 per centum of the parity price therefor.

"(b) Beginning with the 1968 crop, price support shall be made available to producers for each crop of oats, rye, barley, and grain sorghum at a level which relates to the level at which price support is made available for corn as the feed value of such commodity relates to the feed value of corn."

SEC. 205. Effective with the 1968 crop of wheat, section 107 of the Agricultural Act of 1949, as amended (7 U.S.C. 1445(a)), is amended to read as follows:

"SEC. 107. Nothwithstanding the provisions of section 101 of this Act, beginning with the 1968 crop, price support shall be made available to producers for each crop of wheat at the United States farm price equivalent, as determined by the Secretary, of the average world market price during the three complete marketing years immediately preceding the calendar year in which the marketing year for such crop begins, with premiums and discounts as indicated by the market to reflect milling and baking quality: *Provided*, That the level of price support for any crop of wheat shall not be less than 50 per centum of the parity price therefor."

TITLE III—GENERAL PROVISIONS

Federal irrigation, drainage, and flood control projects

SEC. 301. Section 211 of the Agricultural Act of 1956, as amended (7 U.S.C. 1860), is amended (1) by striking "three years" each time it appears therein and inserting in lieu thereof "thirteen years", and (2) by adding after the words "soil bank provisions of the Act" in subsection (b) the phrase "and under title I of the Cropland and Water Restoration Act of 1967".

Restrictions on Sales by the Commodity Credit Corporation

SEC. 302. Section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), is amended—

(a) by changing the period at the end of the fourth sentence to a colon and adding the following: "*Provided*, That beginning July 1, 1967, the Commodity Credit Corporation shall not make any sales (except sales offset by equivalent purchases) of wheat, corn, oats, rye, barley, grain sorghum, soybeans, or flaxseed at less than 125 per centum of the current support price for any such commodity, plus reasonable carrying charges."; and

(b) by deleting the seventh sentence.

DOGHOUSE "THINK" SESSION TO CONSIDER A NEW APPROACH TO SOLVING NATIONAL AND LOCAL AGRICULTURAL PROBLEMS

PURPOSE

1. To observe the effects of soil restoration and a new way of water conservation for irrigation that results in flood control and higher net profit.

2. To explore ways these practices can be done by low income farmers, lacking scientific information and bank credit.

3. To discuss a "way" already suggested in a bill by Congressman Durward G. Hall called "Cropland Restoration and Water Conservation." It calls for a Federal Market offering to buy one or both practices from the farmer at a parity or minimum wage level. The market is for the purpose of diverting, according to supply and demand, *excess* agricultural land and farming effort from food and fiber production, when these are well supplied.

Purpose 1 described as it is observed in use

Soil restoration is the returning of plant-food minerals to the soil and holding its body in place against erosion so as to create, according to science, an environment for maximum production of amount and quality in the final product. Water conservation is described here as holding surplus rainfall, flood waters that normally go to waste, in such a way and place that they can be delivered to the RESTORED SOIL environment in time, amount, and at lowest possible cost for maximum production according to scientific information and local research.

Costs: Estimated capital investment for *both soil restoration and water conservation* is from $45.00 to $65.00 per acre. The average depreciation plus irrigation costs for each year should be less than $20.00 per year per acre.

Results: Considering corn alone, the resulting net profit (yield times selling price less cost) can easily average $10.00 per acre per year without irrigation. If our average of $30.00 more per acre for irrigation is added the resulting $40.00 in net income will place many of our low income farmers in real competition with good farmers in the cornbelt.

If we add to this possibility higher value fruit and vegetable crops such as tomatoes at 20 tons per acre, and ever bearing strawberries at 3,000 gallons per acre, if we add double cropping of green beans at a net profit of $85.00 per acre during a Drought Disaster year 1966 or double cropping resulting in a 37 bushel crop of wheat and a 90 bushel crop of corn on the same land in the same year the possibility of production of marginal land with soil restoration and water for irrigation becomes somewhat fantastic.

Soil and water conservation on hay land has been achieved by returning the soil plant food minerals and by allowing cattle to eat their winter supply of feed in round bales left at the spot where the baler dropped them.

The water conserved against runoff by the extra growth and accumulation of organic matter has increased the carrying capacity of this field in 26 years by 300%. The proper plant foods added to the soil eliminates the need for feeding silage, grains, and other concentrates in the winter except for one pound per head per day of a cube containing four proteins, molasses and bone meal.

These cows are the offspring of once badly diseased mothers trying to live on marginal poor land on this same farm beginning in 1922. In the last 26 years they have not needed veterinary service for the treatment of an infectious disease or poor reproduction. If such a disease infected them tomorrow I would employ the best of veterinary service I could get. I would then try to determine where I might have made a mistake at the soil level. It was once found to be such odd things as iodine, magnesium, calcium, and later copper and cobalt. *Each one a part of soil restoration when science is introduced into a national farm program as we are now considering.*

Flood control: Water held in an impoundment and emptied each year for irrigation, and water held by the organic materials and growth in a hay field or pasture cannot cause a down stream flood until it comes down again as rain.

From figures available now such water when used for irrigation will return as much money to the watershed each year as the cost of the flood control dam. If the figure is discounted by 90% the profit is still there in place of a cost item that must be amortized over a period of years, and flood control is free.

Other values: Wildlife, both upland game and migrating birds have increased in numbers. Recreation by way of hunting and fishing has increased by several hundred percent. The need for insect sprays is rare perhaps because a favorable environment for the valuable insects has been created without knowing just why. The results are good. They will be better as research studies gravity flow of irrigation waters on rolling land, the sealing of ponds on porous soils, the best mixture of grass and weeds in round bales used for outside feeding, and better animal and human nutrition from soil treatments.

PURPOSE 2

Ways to get the uninformed, low income farmer to do soil restoration and water conservation.

The incentive to learn, and work has in most cases been *money*. In all our past and present farm programs we have not used it to *buy* soil restoration or water conservation. We have bought *taking land out of production* with success. We have bought the *production of surplus products* by a high pegged price for them. We have *caused* wheat to be produced in the cotton, rice and corn belts when the pegged price was high enough to make it profitable.

Past farm programs payments have not reached the farmers in real trouble with enough help to bring them into the NET profit higher income group.

The reasons

1. Limiting acres in crop production on small farms reduces income without providing a chance to earn more with the resulting idle machines and labor.

2. Payments have been based on the yielding history of the land in the area, NOT on the SOIL and WATER needs to solve the low income problems.

Part of the fantastic efficiency shown by the 30% of the farmers who now produce 82% of the farm products may be the result of their getting two to three times the money incentive for taking land out of production.

3. The payments were not made for accomplishing something that required thought and effort. They did not supply the incentive to learn how to correct their problem. They were relief payments.

Another defect in present and past farm programs is the lack of an escape or defensive mechanism a farmer can use when his poor soil cannot overcome the price squeeze by yielding enough for a net profit.

The defense was provided for the first farmers who, after wearing out their lands in the east, could go west, and purchase or homestead land from the government. At the National Farm Policy Conference February 20, 1967 the Secretary of Agriculture had charts showing a price cost squeeze in effect right now. There was no new richer land for the government to give away so the farmers there asked for an increase in the market prices so as to escape the price squeeze.

There is a better way to escape it—that is for the government to provide a second Market, an escape market, a market for enriching the poor acres that cannot compete with good acres in the price squeeze. The *money* is the incentive to get the information from already present county agents, S.C.S. engineers and Farm Home Administration. It is the same scientific, farm management information that now makes some farmers successful. The *market* is the means for the farmer of escaping poverty but in return it corrects the problem by enriching the land for both the farmer and the consumer.

The "way" we are looking for should also preserve the farmer's self respect. The string of failure goes with such words as poverty, low income, poor land, government help, relief and supervision. The Market's approach, buying a completed task of value, avoids all of these. The choice of selling or not selling to it, producing or not producing for it restores self respect. Let us remember we are dealing with the sons of the pioneers who braved the hardships of the covered wagon to own something and run their own business. Why destroy that courage in a thoughtless way?

PURPOSE 3

1. A government *market* (understood by all farmers as a place to sell a product)

2. Buying a *Suitable* crop (agricultural science must name and approve it suitable)

3. At a *ton yield* per acre (to measure degree of restoration accomplished on there naturally)

4. At a *flexible price per ton* (to protect consumer)

5. Above a *parity* or *minimum price* (to protect the farmer)

6. Growing on one acre or on all the farm (freedom to adjust crop yields to costs as directed by present market prices offered).

7. For the purpose of *increasing* or *maintaining* our potential to produce food and fiber.

8. Through all scientific and economic means within the scope of Soil and Water Conservation and Restoration.

Market in operation: The government will buy at X dollars per dry weight ton a suitable crop growing alone for one year then plowed under or disposed of in some other acceptable fashion. The X dollar price per ton would be X plus Y dollars if a suitable soil conservation service approved practices such as flood control, irrigation, erosion prevention, improved wildlife habitat, etc. or other scientifically approved practices are present on the farm.

Soil Restoration and Water Conservation according to—

1. *Scientific agriculture.*

2. *Freedom of choice* for the farmer to determine his own parity price level for various acres on his farm.

3. *Supply and demand* for adjusting crop production and livestock production to consumer demands.

4. *Abundance* to consumer at a *reasonable* price but *at* or *above a parity* level.

5. *Buying values* that *protect human bodies* and *minds* against ill health and death caused by undernourishment, malnutrition, or perhaps poisons carried by foods.

6. *Providing* an *incentive for learning* how to do good farming in place of how to get relief in some form or other.

Technical help and information already available:

1. The county agent can transmit the scientific information and skills required for soil restoration.

2. The soil conservation service is available to provide the technical help needed for impounding flood waters at the most suitable places to be used in cheap gravity irrigation.

3. The Farm Home Administration can supply the needed credit to low income farmers while at the same time giving them a degree of supervision.

The cost involved: Based on supply and demand economics for holding our present potential to produce it must be a sum large enough to cause farmers to return in total to the nation's soils fertilizer amounts equal to those sent to the market here and overseas and lost in natural erosion and leaching.

Depletion allowances for developing and mining the resources of agricultural lime, phosphorus, potash, sulfur, and other commonly used plant foods is 15% of the gross income received for these products. This is an allowance for *depleting a resource*, certainly there should not be any objection to using the *same figure of 15%* of the gross agricultural income as being a *fair amount* for *restoring our food producing resources*. The total amount would be near $6 billion dollars, a very low cost if we were as hungry as the rest of the world. If feeding a part of the rest of the world is an item of military importance, part of the cost of soil restoration and water conservation should be charged as a defense measure. If we start now a much smaller sum will do the job.

Application in special restricted areas such as the Spring River Watershed: For observation of results and farmer acceptance without changing present programs and in competition with present farming costs and markets, Offer farmers $25.00 (more or less) per dry weight ton for plowing down sweet clover or its equivalent and $30.00 per dry weight ton for the same crop if water is impounded in structures approved by the S.C.S. and used for irrigation! Measurements and payments to be made by present A.S.C.S. personnel.

[From the Carthage (Mo.) Press, June 5, 1967]

CONGRESSMEN PRAISE GENE POIROT AGRICULTURAL PRACTICES ON VISIT

A first-hand look at soil restoration and low-cost irrigation practices employed by E. M. (Gene) Poirot on his 1,800-acre farm northeast of Carthage brought praiseworthy words Saturday from 14 members of Congress and a host of Missouri legislators and agricultural officials.

"Gene has proved what interest, intelligence and energy can accomplish in the field of conservation. Others have thought about doing it, but he didn't wait for someone to prod him but shows here the manifestation of the interest and energy needed." Rep. W. R. Poage, D-Texas, chairman of the House agriculture committee, commented after touring the Poirot spread.

Nearly 250 persons were on hand to view the ponds and lakes which supply water at a low cost for irrigating the Poirot acreage and the results of years of land restoration.

All of this was the result of efforts by Rep. Durward G. Hall of Missouri's Seventh district to show his Congressional colleagues what has been the basis for legislative efforts by him to alter the administration's farm policy.

Congressman Hall introduced a bill during the present session of Congress embodying principles used by Poirot and brought forth in his book, Our Margin of Life. Dr. Hall said he will submit a new bill this week in the House, amending the earlier one but still fashioned closely after Poirot's philosophy.

Rep. Page Belcher, R-Oklahoma, ranking minority member of the House agriculture committee, also added, "I've learned a lot today what you can do with ingenuity, hard work and application. He's demonstrated what can be done in the most economical manner and he has utilized every by-product. I wish every farmer in America could see what you have accomplished."

Donald A. Williams, administrator of the Soil Conservation Service, acknowledged an earlier remark by Congressman Poage that the Soil Conservation Service can only do so much. "We can't do the conservation work, we can only show you (the farmer) and help you do it. The practices employed here would be sound practices anywhere in the world."

Poirot, who is advocating a "second" market which would encourage farmers to improve their land and sell their products on a tonnage rather than an acreage basis, showed the visitors the results of his efforts on a 3-stop tour.

He pointed out and explained in great detail the functions, costs and results of his irrigation project and cropland restoration. A four-acre pond, first constructed in 1955, was the first stop. At that time it proved to Poirot the value of available water when needed.

The pond fills by gravity flow from 160 acres of improved virgin prairie land and is capable of irrigating 80 acres of cropland by gravity flow through plastic pipes.

The second tour stop was a dam across Coon creek which provides a source of water which is pumped into an 11-acre reservoir. The lake created by the dam also is the source of two by-products—fish and flood control. Drainage from the lake is pumped at the rate of 2,500 gallons a minute to the 56-million gallon capacity reservoir, which was the third stop on the tour. This source is capable of irrigating 300 acres.

In citing costs, Poirot said the Coon creek dam cost about $1,100 to construct, the pump was $270 and the lake or reservoir cost about $6,000. He estimated his total cost at about $10,000.

He compared this to the $42 million cost of the Stockton dam with the cost of his 11-acre lake ($6,000) and noted 7,000 units like his could be built for that amount. And the Stockton dam also has cost a lot of good farm land.

And just what has this all meant to the Poirot operation in terms of goods and products?

In a critique session where he showed slides and added comments, he illustrated how 127-bushel per acre corn was produced in a drought disaster area, how corn and wheat produced the same year on the same ground challenged corn and wheat belt yields, how double-cropping of green beans brought $85 an acre and helped the economy of southwest Missouri. Irrigated strawberries also continued to bear until Thanksgiving and produced berries worth $1,800 on one acre.

And there were the by-products, fish and minnows in the ponds and lakes, quail, and ducks on the restored ground and the flood control for the area.

Congressman Hall said "what we see here is the end-product of human endeavor. It costs no more than the aspirin to cure the headache we've had from farm legislation."

He added that 90 per cent of the Spring river watershed could be irrigated just as Poirot has done and added the Economic Development Administration has approved a $35,000 grant for a pilot project in the watershed.

Poirot's practices are based on the need for air, sunshine, plant food minerals and water for effective farm production, with minerals and water the limiting factors.

By encouraging the refurbishing of the land and if the government offered to buy products at a tonnage rate, the farmer could receive a fair price for his product based on the amount of soil restoration and water conservation that was accomplished. Or if he chooses, the farmer would have a choice of a "second market" to private business without government payment.

Poirot argues that present farm programs, aimed at cutting surpluses, has failed in that mineral return to the soil and water conservation have been ignored, the farmer has suffered economically and the cost to the consumer has climbed. His program, he added, will offer a fair reward for good farming practices.

The skills required to rebuild the soil can be provided by the Extension Service, the water conservation practices can come from the technical assistance of the Soil Conservation Service and if credit is needed to start these practices, the Farmers Home Administration can supply it.

Poirot has estimated cost of such a federal program, as included in Congressman Hall's bill, at $6 billion, which he considers "a low cost if we were as hungry as the rest of the world. It must be a large enough sum to cause farmers to return to the nation's soils fertilizer amounts equal to those sent to market here and overseas and lost in natural erosion and leaching."

In addition to Congressmen Poage and Belcher, other members of the House agriculture committee who made the trip to southwest Missouri in two planes were Graham Purcell, D-Texas; John McMillan, D-South Carolina, second-ranking member of the committee; Maston O'Neal, D-Georgia; Frank Stubblefield, D-Kentucky; George Hansen, R-Idaho; John T. Myers, R-Indiana; George Goodling, R-Pennsylvania, and James V. Smith, R-Oklahoma.

Other Congressional representatives, not members of the agriculture committee, were William J. Scherle, R-Iowa, and Sam Steiger, R-Arizona, members of the Republican task force on agriculture; Joe Skubitz, R-Kansas, and Dr. Hall.

Fowler West, chief counsel, and Hyde Murray, minority counsel, for the House committee, along with the Missouri house delegation; Dexter Davis, Missouri commissioner of agriculture; Howard C. Jackson, state conservationist; James Monroe Dale, state conservation engineer, and representatives of Farmers Home Administration, Farm Bureau Federation, Missouri Department of Conservation, Missouri Highway Commission and other governmental agencies and farm organizations also were on hand.

A barbecue beef dinner, served by Carthage Chamber of Commerce members, concluded the event at the doghouse auditorium on the farm grounds.

Most of the Congressional delegation departed Saturday night for Washington, although a few stayed overnight in Carthage before departing Sunday.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from Idaho [Mr. HANSEN] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HANSEN of Idaho. Mr. Speaker, I would like to commend the gentleman from Missouri [Mr. HALL] for what he is doing. I was a most interested visitor a short time ago in his district and saw an excellent working example of the things his bill would accomplish. I was particularly impressed due to the fact that in my own State of Idaho the full utilization of all available water is probably the most important matter facing us at this time.

Mr. WAMPLER. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am delighted to yield to the gentleman from Virginia [Mr. WAMPLER].

Mr. WAMPLER. Mr. Speaker, I thank the gentleman for yielding.

I regret that official commitments in my own congressional district prevented me from accepting the invitation of the gentleman from Missouri to visit and to observe this wonderful farm, but I do wish to take this occasion to congratulate and commend the gentleman for introducing this legislation.

Certainly, as one member of the Committee on Agriculture, it will be my hope that the committee can schedule early hearings and thoroughly explore the ramifications of the bill, because I believe it represents a new, bold, imaginative approach to one of the real problems of our country today, the problem of the farmers.

I commend the gentleman.

Mr. HALL. I certainly thank the gentleman, I envy him, almost, his position on the Committee on Agriculture. I wish he could have been with us on this program.

I must say in the past the Subcommittee on Conservation and Credit has heard this master agronomist, Mr. Poirot. The committee planned to hear him for about 15 minutes, but an hour and 20 minutes later the Members were still asking questions about this new and novel approach. It is a bold approach.

It is not altogether new. It is true that fragments of it have been tried before. It is something we have tried out all over the United States of America, and certainly all over the State of Missouri and in many individual counties and municipalities of our own district, the southwest district of Missouri.

The gentleman might be interested to know that oftentimes we simply start out, before explaining the techniques of the bill or the plan for the second market or the four different options available to the individual farmer, by asking the farmers how much they would turn in to this kind of a program if they were given the minimum amount, say $25 a short ton, for a suitable cover crop plowed under in order to restore the soil.

Our estimates have never been lower than 22 percent of any given crowd queried and have been as high, in the corn belt of northern Illinois, as an example, as 72 percent on many occasions.

This is where the surplus is eliminated, many times. It is where the soil is enriched and the water retained, and where we reward industry, perception, and know-how instead of the disparaging subsidy of those who are rewarded least, who have the poorest soil or who let it grow up in thistle, broomsedge, winged elm and cedar, which would be very difficult in time of emergency to recall into productive farming, especially where the productive soil is thin, as often it is, in the limestone outcroppings of the Ozarks.

I certainly thank the gentleman for his contribution.

I share with him the thought that he is welcome to join with us in a similar bill. As I said in the text of my statement, we have no pride of authorship. We hope it will be adapted not only for the Congress of this Nation in repetitive emergencies but, indeed, for generations yet unborn.

APOLLO INQUIRY MUST BE CONTINUED

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. RYAN] is recognized for 20 minutes.

Mr. RYAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, as an aftermath of the Apollo tragedy of January 27, the National Aeronautics and Space Administration convened an investigating board, and the House and Senate Space Committees initiated hearings to determine the circumstances that led to the Apollo fire. NASA's Apollo Review Board and the congressional committees both concentrated in large part on attempting to determine the specific technical cause of the fire. Such inquiry is vital in preventing a repetition of the particular accident. But Members of Congress, whose role is to oversee the operations of the space agency, must also have broader concerns than a mere technical review.

During the course of the Apollo hearings questions were raised about the report of a NASA review team, headed by General Phillips, of December 1965, concerning operations at North American Aviation, Inc., the prime Apollo contractor. NASA suppressed this report and evaded questions concerning its existence. On April 13, General Phillips testified:

> In the late fall of 1965, (the task force) made a verbal report to Dr. Mueller and Mr. Atwood . . . In the course of our work we made considerable notes . . . It did not seem to me to be worth the effort to go ahead and finalize as a formal documented report.

On the same day, when asked if he felt in December 1965, that problems encountered at North American Aviation could be overcome, General Phillips replied, "Yes."

On April 15, 1967, in an attempt to mitigate growing public interest in the still unreleased document, NASA Administrator Webb delivered a "summary" of the Phillips report to the chairman of the House NASA Oversight Subcommittee, which softened the Review Team's criticism of North American and averred that by April 1966, improvement at North American was substantial and satisfactory to the needs of the Apollo program.

On April 29, 1967, after continued refusal by NASA to produce the document for congressional appraisal, I made public the Phillips report and the accompanying covering letter to Mr. Atwood, the president of North American Aviation. The review team report contained such comments as the following:

> NASA has been forced to accept slippages in key milestone accomplishments, degradation in hardware performance, and increasing costs.
>
> Effective planning and control from a program standpoint does not exist.
>
> Plans are changed to reflect performance.
>
> NAA's (cost) estimate of the total 10 stage program has more than tripled.
>
> Delayed and compromised ground and qualification test programs give us serious concern that fully qualified flight vehicles will not be available to support the lunar landing program.

In addition, the covering letter dated December 19, 1965, from General Phillips to Mr. Atwood said:

> Even with due consideration of hopeful signs, I could not find a substantive basis for confidence in future performance.

As to the contention that 4 months later the problems were satisfactorily resolved—serious doubt was cast on this by the contents of the April 5, 1967, Apollo Review Board report itself. Typical of the commentary found in this document are these excerpts from findings 6, 10, and 11:

> The overall communication system was unsatisfactory.
>
> Deficiencies in design, manufacture, installation, rework and quality control existed in the electrical wiring.
>
> Problems of program management . . . and with the contractor have led to insufficient response to changing program requirements.
>
> These deficiencies created an unnecessarily hazardous condition and their continuation would imperil any future Apollo operations.

From this and other information which continued to make its appearance, it became apparent that NASA has had grave difficulty in enforcing standards of workmanship, implementing safety and inspection procedures and in properly supervising contractor cost and time schedules. The results of more recent reviews of North American and reviews of other contractors have again not been made public.

Under such unsatisfactory conditions, accidents and failures can well be expected. Congress should be less concerned with the technical cause of a particular fire and more with the space agency's lack of control over its own program. It is with this in mind that I have regretted the untimely close of the congressional hearings and requested further substantive investigation into the area of NASA management.

I believe the foregoing is more than sufficient reason to extend our inquiries. But there is another issue which may also add substantially to NASA's administrative difficulties. This is the intrusion of politics into a program whose needs are primarily technological—a program in which rational, technical decisions are needed.

I believe it is important to raise this issue at this time because Congress' tendency to overlook NASA's internal politics has been interpreted by some to mean that the majority is reluctant to pursue this line of inquiry, and that it will be the minority who hold the key to a total picture of the problems leading to the Apollo fire. This assumption is inaccurate and misleading. Democrats in both House and Senate have called for further investigation.

A clear question about the possible influence of political judgment in the space program arose on May 9, when we learned that North American Aviation had not been the first choice of the Source Evaluation Board which was NASA's technical group evaluating contract bids for work on the Apollo capsule. On April 17, when asked if North American was in fact the first choice of the Source Evaluation Board, Mr. Webb replied:

> Yes. It was the recommended company.

But on May 9, Mr. Webb, under further direct questioning, felt obliged to correct the record and admitted that the Source Evaluation Board had rated the Martin Co. as their first choice for being technically better equipped to build the spacecraft. Mr. Webb, with the support of three top advisers, ignored the recommendation of the NASA Board, and North American became the prime contractor in the estimated $20 billion program.

This lack of frankness continues and the status of present contractual relations with North American remains obscure. On April 17, Mr. Webb testified in response to questions about incentive provisions presently existing in NASA's contract with North American:

> We . . . were to start negotiation on a follow-on contract on July 1 (1966) . . . the proposals came in on September 15, and they did not appear to NASA to incorporate all of the work that we had been doing together to move toward the work package system of management. We were concerned . . . that we would not get the fullest effort of that company . . . Therefore, on December 3 we reverted to a letter contract . . . which as

> you know carries a considerably lower margin of profit for the company.
>
> Senator Smith. Are you saying that you do not have an incentive contract at the present time?
>
> Mr. Webb. It is very hard to make quite that clear a statement because the work that was going forward under the incentive contract prior to December 3 was carried under a contractual arrangement that let the incentives remain after the contract terminated. . . . The contract that existed up to December 3 was extended by letter contract under provisions of the previously existing contract, and I think it takes a good deal of careful thought to say precisely whether or not some features of the previously existing contract in addition to the exercise of this option continue to exist.

Mr. Webb's testimony suggests that no change or penalty is likely to be applied to North American. This represents an extraordinary tolerance for the company's failures. It would appear that despite the devastating critique of the company contained in the Phillips report—there was never any serious question of disturbing North American's profitable relationship with NASA. This question should be clarified and opened to review. We must insist on knowing the terms, conditions and costs contained in the original contract and the reasons for them. We must know further the precise provisions of present contractual arrangements, including financial obligations and penalties that will be imposed on North American for past and future failures to meet its obligations to the public.

Another factor is the still unclarified role of Fred Black. At the present time a $9 million breach of contract suit is pending in the U.S. District Court for the District of Columbia—civil action 1513-64, *Fred Black* v. *North American Aviation, Inc.* In it Fred Black states that on September 17, 1963, subsequent to his earlier success as a consultant for North American, he was awarded a contract to continue in his post as Washington representative for the company at a monthly rate of $14,000 with a termination clause imposing on North American the requirement of 2 years' notice. The pending civil action describes Mr. Black's function as recommending firms with which North American would establish contractual relations. According to testimony developed in the Bobby Baker hearings, and during the trial in which Fred Black was convicted of Federal income tax evasion, it would appear that his major effort on behalf of North American, Inc., was in connection with the Apollo contract.

North American abruptly terminated its contract with Fred Black on February 18, 1964, subsequent to his Federal conviction. North American Aviation, Inc.'s defense in the civil action is "conflict of interest" in violation of earlier agreements with Fred Black. One example cited by North American Aviation involves the Serv-U Co. in which Fred Black and Bobby Baker were major shareholders. The defense counterclaim says:

> In the latter part of 1961, plaintiff became associated with certain persons planning to organize a vending machine company (hereinafter called "Serv-U") and agreed to buy 1,500 shares of its stock.
>
> Early in 1962 plaintiff acquired 2,700 additional shares of stock of Serv-U and retained the beneficial interest in half of them.
>
> Said 2,850 shares of Serv-U stock did not stand in the name of plaintiff but were held for him in the name of another person.
>
> Plaintiff was permitted to acquire said 1,500 shares at a low price because he was able to recommend Serv-U favorably to defendant.
>
> At the time of such recommendation, plaintiff did not disclose to defendant his interest in Serv-U.
>
> About January 30, 1962, a contract was made with Serv-U authorizing it to install and operate vending machines.
>
> The value of plaintiff's beneficial interest in the shares of Serv-U increased greatly as a result of said contract.

Recently, aerospace publications have noted that at the beginning of the 1960's, five major aerospace-electronic firms disclosed new plants for space work in Oklahoma, the home State of the late Senator Kerr who was then chairman of the Senate space committee, and that after the Senator died in January 1963, space work at the five companies—North American Aviation, General Electric, Ling-Temco-Vought, Melpar, and Avco—either ceased or failed to materialize. The latter two of these companies are specified in civil action 1513-64—*Fred Black* v. *North American Aviation, Inc.*—as companies with which, unknown to the defendant, Fred Black also had a business relationship.

It was widely reported in Oklahoma City financial circles that North American and other aerospace firms opened accounts at Fidelity National Bank in Oklahoma City, and that Serv-U was begun on the strength of a loan from this bank. Accordingly, on May 12 I made inquiry to the Administrator of National Banks as to North American's status as a shareholder in the Fidelity National Bank and Trust Co. of Oklahoma City. William B. Camp, Comptroller of the Currency, replied on May 26:

> Fidelity National Bank and Trust Company does not have 500 shareholders of record and therefore is not covered by the public disclosure law.

It is unfortunate that such lines of independent inquiry seem presently closed. It should be of interest, however, that two depositions are listed on the docket of civil action 1513-65—*Fred Black* v. *North American Aviation, Inc.* These depositions have not been filed with the court and have not become part of the public record. It has been pointed out that these depositions would throw a great deal of light on the award of the Apollo contract.

At this point in time—with all the vital questions still unanswered about the conduct of NASA's space program—it is extremely important to ascertain the truth about the circumstances surrounding the prime Apollo contract. In order to better understand the problems that have arisen and to prevent a repetition of serious errors, Congress should immediately resume its investigation. NASA management policies and procedures should become our primary concern. Also in this connection Fred Black should be called and thoroughly questioned about his knowledge of the Apollo program. The Committee on Science and Astronautics should subpena the depositions which have not been filed and should examine them, as well as the relevant officials of North American and NASA, so that we may properly evaluate the genesis of the Apollo disaster.

In face of the Nation's current skepticism and dissatisfaction with the results of the Apollo hearings—I do not see how Congress can abdicate this responsibility.

THE PUBLIC DEBT LIMIT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Missouri [Mr. Curtis] is recognized for 30 minutes.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS. Mr. Speaker, as I announced under the 1-minute rule today, I was going to take the floor to discuss somewhat the public debt limit, and some editorial comment on the action taken by the House of Representatives last Thursday, as well as the situation as it now is developing in the Committee on Ways and Means.

I believe I want to point out again that there are three ways, as far as our paying our Federal bills, one by revenue—taxes, that is; second, by debt; and a third way, sale of our capital assets, and it usually is a mix.

Part of our problem right now is determining what sort of a mix there should be—how much should be paid by and through taxation; how much by additional debt and what, if any, further sales should be made of capital assets.

But underlying the whole picture is the question of expenditures themselves and whether or not nondefense expenditures in light of economic developments that have curtailed our revenues through taxes as well as the requirement of expenditures for defense—whether or not nondefense expenditures might not be cut.

The New York Times in its Sunday, June 11, 1967, editorial entitled "The Ceiling Battle" discusses the situation, I think in context. I will put the whole editorial in the Record but I want to read certain pertinent parts. The first is as follows:

> There is a sound basis for criticizing the administration's handling of the debt. Its estimates for the new fiscal budget are clearly unrealistic; spending will be well above estimates largely because of Viet Nam, while receipts will be lower, largely because of the slow down in domestic business activity.

Indeed, this is so. One of the points made during the debate on last Thursday is that not only is this so, but the administration has refused to revise either its revenue estimates given in January of this year in the President's budget or of its expenditure levels either in the defense area or in the nondefense area.

Furthermore, the administration has refused—well, rather it changed its original proposal in the budget message of

January where it was counting on the $5.5 billion of additional revenue from a 6-percent surtax, to be imposed as of July 1, 1967, now the administration has withdrawn the July 1, 1967, date.

In the public testimony before the Committee on Ways and Means, the Secretary of the Treasury said he would not put on a new date.

Just this morning I asked him again if there were any reconsiderations about this matter. Colloquy developed as to whether or not the administration was still recommending a 6 percent surtax. The colloquy developed that it was.

I interjected and asked whether this was being done on an economic basis and the answer was—"Yes." This was felt to be sound economics. Then I asked why there was not a specific recommendation for a date for this to go into effect or for the administration to present it to the Congress. The Secretary of the Treasury replied in a way which I interpret and use the words I said:

> Well, then this failure to set a date or request the tax increase is for political reasons.

The Secretary rejected the term "political" and I said:

> Well, I was not using it in a narrow partisan sense, but I was using it in its broad sense—that you are arguing that maybe the Congress would not accept it and it was for these political reasons not economic reasons that the administration was not pushing the recommendations to increase revenues.

This clearly is the case.

Well, if this is a political judgment, I think it is very important that the administration recognize it and state it and say that politically the Democratic Party under the leadership of the President of the United States and the Democratic leadership in the House and Senate cannot shape up to the economic problems of the day. If this is so, I suggest that the leaders resign or come forward with a program based upon sound economics.

The New York Times editorial goes on in the next paragraph to make some other points to some of which I take exception. Here is the quotation:

> But the means taken to protest the budget are just as unrealistic. Neither Republicans nor the Democrats who voted against raising the ceiling have shown themselves eager to cut nonessential appropriations and to support proposals for increasing revenues.

I think the editors of the New York Times ought to review the facts in the case. Most House Republicans—granted, there are some exceptions—have been trying to move in and cut nonessential appropriations, and so did many of the Democrats who joined the Republicans in voting down the debt ceiling increase which the administration had asked to $365 billion.

I grant that the Congress, under the leadership of the Democratic Party, has not been the moving force or shown itself eager to cut nondefense appropriations and it regrettably is in control.

As to the proposal for increasing revenues, I believe I can state for myself certainly and for other Republicans on the Ways and Means Committee, as we publicly have stated, if the administration will look to the expenditure side of the ledger on nondefense spending, that, yes, it looked like, regrettably, we were going to have to move forward in the area of increased revenues because the economic damage—and there would be damage—from increasing the tax rates when they are already too high would be preferable to creating economic damage by putting a heavier load on debt management and therefore we would support a tax increase.

I recall that during the public hearings which took place a couple of weeks ago on the debt ceiling, the Secretary of the Treasury during an interrogation I was conducting said:

> I am pleased that the gentleman from Missouri is supporting the idea of increased taxes.

I said:

> Now, just a minute. Don't go so fast. I said that I would if the Administration would move forward in the area of cutting nondefense spending, I would support a tax increase.

This is the issue, and this is the issue that was presented on the floor of the House last Thursday. I do plead with the editors of the New York Times and other commentators around the country to review what is the issue at stake. It is around this point of nondefense spending—whether or not we can continue on at a high level of nondefense spending when these increases in defense spending are continuing to accelerate, and the immediate future looks like the trend is projected on. Whether or not we can move in on this area of nondefense spending then becomes the core issue.

In February the Joint Economic Committee, on which I serve, published in a unanimous report of 20 Members a recommendation that the budget as the administration presented it in January should have a $5 billion cut in nondefense spending. That was the judgment of 12 Democrats as well as the eight Republicans on this committee, on the basis of the economic conditions and of the budget presented in January. Since the budget was presented, it has been clear that the economic situation has deteriorated and altered so that revenue estimates are less, and must be revised downward, and defense expenditures must be revised upward.

This is not a partisan question. Clearly this is the judgment of the 20-man committee which tries to deal with the economic aspects of these serious fiscal problems.

The New York Times editorial goes on to say:

> Since the present debt is at or close to the ceiling, the Treasury's ability to manage the debt constructively or to protect the credit of the United States is being put in jeopardy. What is needed is a new sense of realism in the White House as well as in Congress. The Administration ought to present a revised budget and the House reconsider its attempt to cripple the Treasury.

I could not agree more with the comment there that the administration ought to present a revised budget. That is what we said, those of us who were arguing against the $365 billion debt ceiling. We tried to make it clear that the House was not considering attempting to cripple the Treasury by rejecting the administration's proposal. In fact, the whole matter was presented from the standpoint that we were anxious to assist the Treasury in proper debt management. The debt ceiling legislation is the only method that the House of Representatives—indeed the Congress—has of registering its judgment on the expenditures and the revenues of a given fiscal year. The congressional appropriation process deals with future powers of spending granted to the Executive only part of which is scheduled to be spent in the current and next fiscal year and which is added to a carryover balance of "unspent authorizations enacted in prior years" of $125.6 billion for fiscal year 1968 which begins July 1, 1967. In the budget message of January—see table 8, page 49—the President asks for $144 billion of new authority to spend to be added to the $125.6 billion carryover. From this total of $269.6 billion to spend, he projects spending $135 billion, leaving $32.8 billion to be expended in future years. However, the President can, on his own initiative, alter that expenditure rate $20 billion either way. It is this flexibility that the debt ceiling restricts.

Certainly I can reassure the editor of the New York Times and others who care to comment on this serious issue, that there is no desire on the part of the Republicans in any way to impede the Treasury in proper debt management.

However, there is every intention on our part to have the administration do two things: First, be honest with the Congress and the people as to what expenditures really are—the defense expenditures in particular; and, second, also to level with the people on what the revenues might be.

In other words, in order to exercise its judgment, Congress must have accurate fiscal information from the executive branch of the Government. Then, having gotten this accurate information, as best we can get the accurate information—a lot of this is going to be estimates and some of it is going to be pretty much guesswork, but doing the best we can—with the help of the administration and getting accurate and up-to-date expenditure and revenue figures, then we come to the serious question of exercising the judgment of how much should be the deficit—because there is going to be a deficit in spite of whatever we might do in raising taxes. The expenditures are so great—and how much of this expenditure should be met through new debt that will have to be sold to the public or will have to be sold to the Federal Reserve System or somewhere, and how much of it should be from revenues, and how much of it should be from the sale of capital assets. This is a judgment that the people's representatives must exercise as well as the President of the United States.

This is no place for a dictatorship. The administration certainly owes it to the people as well as to the Congress to come forward with both its best estimates and its recommendations.

Now I must close this brief report to the House on a very unhappy note. The Secretary of the Treasury came before us this morning and said in effect, "I have nothing further to say. We have no ideas, no recommendations on either the revenue side or on the expenditure side. We have no recommendations at all." He went on to say:

> We will take the estimates that your committee has made in the committee report on revising the President's budget.

The administration will accept the Congress revision of the President's budget on expenditures and on revenues, but will do nothing as far as giving their judgment as to whether our revisions are within reason or not.

Now, if ever I saw a default of responsibility on a serious issue that faces this country, this is it. Of course, Congress has to depend upon the Executive, which has main access to this kind of information, in order to make our estimate realistic. What a shameful thing, in effect, to say, as was said this morning, that the executive department is just going to take the figures that the Ways and Means Committee has developed with its staff in its endeavor to get to the bottom of this, and the Department has no recommendations at all in order to handle these serious fiscal problems that face us. I hope in the ensuing days there will be a change of heart on the part of the administration, and they will assume their responsibilities.

Mr. Speaker, the article from the New York Times, to which I referred above, follows:

The Ceiling Battle

> In rejecting the Administration's request for a rise in the debt ceiling, Republicans and dissident Democrats in the House were obviously seeking to embarrass President Johnson. But the consequences of their action could damage the economy itself.
>
> Normally the Republicans have been content to make a show of protest about the ceiling before acquiescing in its rise. This time they were joined by Southern Democrats concerned over the mounting budget deficit and some Northern liberals critical of the Administration's policies in Vietnam. Together they transformed the old byplay into a potentially serious battle that could severely handicap the Treasury's efforts to manage the debt in an intelligent and constructive manner.
>
> There is sound basis for criticizing the Administration's handling of the debt. Its estimates for the new fiscal budget are clearly unrealistic; spending will be well above estimates, largely because of Vietnam, while receipts will be lower, largely because of the slowdown in domestic business activity.
>
> But the means taken to protest the budget are just as unrealistic. Neither Republicans nor the Democrats who voted against raising the ceiling have shown themselves eager to cut nonessential appropriations and to support proposals for increasing revenues.
>
> Since the present debt is at or close to the ceiling, the Treasury's ability to manage the debt constructively or to protect the credit of the United States is being put in jeopardy. What is needed is a new sense of realism in the White House as well as in Congress. The Administration ought to present a revised budget and the House reconsider its attempt to cripple the Treasury.

FISCAL AND MONETARY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. Byrnes] is recognized for 30 minutes.

Mr. BYRNES of Wisconsin. Mr. Speaker, as our fiscal problems mount under the policies of the Johnson administration, I commend to the Members of the House the recent report and recommendations of the task force on Federal fiscal and monetary policies of the Republican coordinating committee, entitled "A Call for New Fiscal Policies for the Government of the United States."

The task force consisted of Maurice H. Stans, Director of the Bureau of the Budget, 1958-61, chairman; George Champion, chairman, board of directors, Chase Manhattan Bank, vice chairman, and the following members:

Spiro T. Agnew, Governor of the State of Maryland.

Julian B. Baird, Under Secretary of the Treasury for Monetary Affairs, 1957-61.

Wallace F. Bennett, U.S. Senator from Utah.

Frank T. Bow, Member of Congress from Ohio.

John W. Byrnes, Member of Congress from Wisconsin.

Thomas B. Curtis, Member of Congress from Missouri.

Mrs. Rosemary Ginn, Republican national committeewoman for Missouri.

Roman L. Hruska, U.S. Senator from Nebraska.

Kenneth C. Kellar, chief counsel, vice president, industrial relations, and director, Homestake Mining Co.

Paul W. McCracken, Member, President's Council of Economic Advisers, 1956-59.

Peter O'Donnell, Jr., chairman of the Republican Party of Texas.

Clarence B. Randall, Special Assistant to the President, 1956-61.

Raymond J. Saulnier, Chairman of the President's Council of Economic Advisers, 1956-61.

Lewis L. Strauss, Chairman, Atomic Energy Commission, 1953-58; Secretary of Commerce, 1958-59.

Robert D. Stuart, Jr., Republican national committeeman for Illinois.

Sinclair Weeks, Secretary of Commerce, 1953-58.

John J. Williams, U.S. Senator from Delaware.

Biehl P. Clarke, secretary to the task force.

The report was issued by the Republican coordinating committee on April 3, 1967, with the following message which I quote:

> The present Administration is not solving America's economic problems. Instead, by tactics of delay, neglect and expedience, it is producing more problems and stockpiling them. The time is approaching when they must be faced and solved.
>
> Specifically, our present fiscal policies are creating a time-bomb that, unless defused by prompt and courageous action, can lead to serious economic trouble for the nation.
>
> These problems include:
>
> 1. Inflation. Last year's rising prices are expected to be followed by even higher prices this year.
>
> 2. The International Balance of Payments. Large deficits continue, our gold stock is dwindling, the underlying causes of imbalance are not being corrected, and the situation grows increasingly serious.
>
> 3. Mounting Budget Deficits. Larger and larger deficits loom ahead, and the growing national debt, to say nothing of unfunded commitments, is heavily mortgaging the future.
>
> 4. A Threatened Recession. Warning signals of recession are appearing even while inflation continues.
>
> 5. Confidence. There is a growing lack of public confidence in Administration policies and statements, particularly in the budget.
>
> Central to the deteriorating situation are the massive annual increases in Federal Government spending which have taken place since 1960, and which have been accelerating since 1965. Even though Federal revenues have been increasing, they have been unable to keep pace with climbing expenditures, and budget deficits are mounting. The budget appears to be out of control.
>
> The flexibility of fiscal policy to deal with unforeseen emergencies has been seriously impaired. Monetary flexibility is restricted by the adverse balance of payments and by the strains of financing and refinancing the growing government debt.
>
> If present trends continue, the economic consequences will be serious, as will be the resulting decline of our national strength and prestige.
>
> Every American should support this call for new fiscal policies.

The members of the Republican coordinating committee are:

Presiding officer: Chairman, Republican National Committee.

Former President Dwight D. Eisenhower.

Former Presidential Nominees Barry Goldwater, 1964; Richard M. Nixon, 1960; Thomas E. Dewey, 1944 and 1948; and Alf M. Landon, 1936.

Senate leadership:

Everett M. Dirksen, minority leader.

Thomas H. Kuchel, minority whip.

Bourke B. Hickenlooper, chairman, Republican policy committee.

Margaret Chase Smith, chairman, Republican conference.

George Murphy, chairman, National Republican senatorial committee; Milton R. Young, secretary, Republican conference; Hugh Scott, vice chairman, National Republican senatorial committee.

House leadership:

Gerald R. Ford; minority leader.

Leslie C. Arends, minority whip.

Melvin R. Laird, chairman, Republican conference.

John J. Rhodes, chairman, Republican policy committee.

H. Allen Smith, ranking member of rules committee.

Bob Wilson, chairman, national Republican congressional committee.

Charles E. Goodell, chairman, planning and search committee.

Richard H. Poff, secretary, Republican conference.

William C. Cramer, vice chairman, Republican conference.

Representatives of the Republican Governors Association:

John A. Love, Governor of the State of Colorado.

John A. Volpe, Governor of the Commonwealth of Massachusetts.

George W. Romney, Governor of the State of Michigan.

Nelson A. Rockefeller, Governor of the State of New York.

Raymond P. Shafer, Governor of the Commonwealth of Pennsylvania.

John H. Chafee, Governor of the State of Rhode Island.

Nils A. Boe, Governor of the State of South Dakota.

Daniel J. Evans, Governor of the State of Washington.

Republican National Committee:

Ray C. Bliss, chairman.

Mrs. C. Wayland Brooks, assistant chairman.

Mrs. Collis P. Moore, vice chairman.

Donald R. Ross, vice chairman.

Mrs. J. Willard Marriott, vice chairman.

J. Drake Edens, Jr., vice chairman.

President of the Republican State Legislators Association:

F. F. "Monte" Montgomery, speaker of the House of Representatives, State of Oregon.

The report, its recommendations, and its appendix follow:

Today's Critical Condition

At the end of 1960, the close of the Eisenhower Administration, the economy was characterized by (1) a favorable trend of productivity, (2) general stability of prices and costs, (3) a budget in which expenditures had been brought under control relative to revenues, and (4) an advancing living standard.

This situation had been attained only after a difficult struggle had been waged and won to bring inflationary forces under control. The stage was set for faster economic growth at a sustainable rate, with overall price stability and with a high rate of employment.

In 1961 a Democratic Administration took control of the Federal Government. Its economic program placed heavy emphasis on a highly flexible use of fiscal policy. It inherited conditions favorable to success, a fact which it either did not recognize or sought deliberately to hide by its constant insistence that all that had gone before had been wrong.

In practice, its program became one of massive, heavy-handed annual increases in government spending, undertaken apparently in the hope of achieving domestic objectives overnight. Fiscal policy was transformed from a rational economic program to a rationalization for reckless spending.

Since 1960, the annual expenditures of the government have increased 83 percent.

Since 1960, non-defense expenditures have almost doubled. Since 1965, they have bounded ahead more than twice as fast as in the preceding decade.

Primed by this astronomical level of nondefense spending, by five years of expansionary monetary policies, and finally by the Vietnam War, the economy was indeed stimulated to a high level of activity.

But matters have gone wrong. It is one thing to force-feed an economy through deficit spending, and easy money. It is another to check the excesses of a boom in time to restrain inflation and prevent recession.

In this, the Administration has failed.

During the past year the American people have had to face rapid rises in the cost of living.

The Administration's "guideposts" to curb the advances of wages and prices proved worthless. Fiscal measures to "cool off" the economy followed the wrong prescription and in any case were ill-timed. Actually, the burden of restraining the boom was thrown on monetary policy, leading to high interest rates and a near crisis in financial markets. The result was depression in the homebuilding industry and serious declines for industries producing automobiles, appliances, machine tools and other items.

Recently, the Administration has increasingly turned to tax policy to regulate the economy. But its tax measures have been poorly conceived, poorly timed and inconsistent in direction.

One measure—suspension of the 7 percent investment credit—had to be reversed five months after passage, even before the implementing regulations could be published. Another—an excise tax reduction scheduled for January 1966—was rescinded almost immediately after it took effect.

Such erratic tax actions tend to disrupt private planning, reduce business efficiency, cause general confusion, and foster loss of confidence in national leadership.

As a consequence of all this, the economy today is losing its thrust. Warning signals watched by experts are pointing to a possible recession, which would bring increased unemployment and loss of security for the individual American and his family.

Meanwhile, the country continues to lose gold. The basic accounts in our balance of payments grow increasingly unfavorable. The Administration is being forced to consider a further reduction or complete withdrawal of the gold backing of our money. These developments can lead to more erosion of confidence in the value of the dollar and continuing deterioration of our diplomatic and military strength in the world.

Despite all this, the Administration persists in spending at a record rate, risking one of the largest deficits in the nation's history, seemingly oblivious to the possible consequences of its reckless policies.

Federal spending is growing in nearly every direction. The budget is heading out of control. The national debt is growing by leaps and bounds.

By ignoring the need to maintain a reasonable relationship between government expenditures and revenues, the Democratic Administration has placed our country in serious economic danger.

This paper documents these statements and suggests urgently needed remedies.

THE PRICE WE ARE PAYING

Inflation is assessing a heavy tax on all Americans.

In 1966 consumer prices rose 3.3 percent, about three times as fast as in the previous five years.

Price rises of 3.3 percent a year mean a loss of $16.5 billion in the annual buying power of American citizens.

Inflation of 3.3 percent is equivalent to a reduction of $45 billion in the value of the accumulated savings of Americans.

Wage demands in 1967, in response to this inflation, are forcing up costs of production, contributing to a further inflationary spiral.

The "guideposts" which had been relied upon by the Administration to suppress wage and price increases have been abandoned.

Economic forecasters are practically unanimous in predicting still higher prices in 1967.

The economy shows signs of weakening and is threatened by recession.

The 1966 money squeeze dried up mortgage money and caused interest rates to skyrocket, bringing on a major depression in the home building industry.

Retail sales, especially of automobiles and appliances, have been sluggish.

Total industrial production has been declining in recent months.

Inventory accumulations are excessive and it will take months to restore them to satisfactory proportions.

Corporate profits are on the decline, as a result of cost increases and the cessation of growth in sales, and are expected to be less in 1967 than in 1966.

The rate of capital spending by business has ceased to rise and is turning down.

People are worried about the future, and have been increasing their savings and cutting back on their purchases.

Government finances are in critical condition and a record budget deficit is in prospect.

For 1967, an administrative budget deficit of $9.7 billion has been projected by the Administration, even after window dressing transactions that have reduced the true deficit by several billions of dollars.

For 1968, the administrative budget shows a deficit of $8.1 billion, but the real deficit, before proposed tax increases, synthetic "sales" of participations in government assets, and other factors, is probably between $15 and $20 billion.

Even these budget figures are based on optimistic assumptions of economic activity; failure to achieve these levels will automatically reduce government revenues, increase government expenditures, increase the budget deficit, and add still more to the national debt.

Moreover, the prospective decline in economic conditions may not only force abandonment of the proposed tax increase but may even require a tax reduction to prevent a more serious slump.

Indeed, a combination of the present planned deficit and an unplanned deterioration in economic conditions could produce an actual deficit in 1968 of from $25 to $30 billion or more; and this would compound the nation's troubles for the future.

The balance of payments situation continues to deteriorate and our gold reserves are still dwindling.

In 1966, the deficit in our balance of international payments was $1.4 billion, the ninth year in a row of substantial deficits.

In 1966, the favorable margin of our exports over imports shrank to $3.8 billion from a high of $6.7 billion in 1964.

The loss of gold to other countries was $571 million in 1966.

Our gold stock has now been reduced to only 13.2 billion. It was $24.6 billion in 1949.

Liquid claims held by our foreign creditors are now $31.4 billion, more than double our present gold stock.

$10 billion of our gold is now legally required as reserve backing for our currency; so the liquid claims of foreigners are ten times the amount of "free gold" available to meet them.

Despite Administration attempts to paper over the problem by various subterfuges, there is little prospect of improvement in the balance of payments in 1967. Gold will continue to leave the country.

Unless there is a change in policies, it is only a matter of time before the Administration will be required to ask Congress to reduce the amount of gold held as a reserve backing for our currency or to withdraw it entirely.

There is a growing lack of confidence in Government financial statements.

The 1967 and 1968 budgets have been roundly castigated in the public press for their use of "gimmickry," "legerdemain," and "jiggery pokery" to camouflage the government's true financial condition.

The Administration has taken advantage of the existence of three different budgets to emphasize whichever one shows the most favorable picture; this has resulted in total confusion of the public about the government's finances.

The budgets employ various devices to make spending and deficits appear to be less than they actually are, the extreme example of which is the so-called "sales of government assets" through participation certificates, which are in reality additions to the national debt but are incorrectly treated in the budget as the equivalent of income.[1]

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[1] Participation Certificates are a complex transaction, by which the government segregates mortgages and loans which it owns, and sells participation certificates on them to the extent of about three-quarters of their face value. Although given the form of a sale, in substance these transactions are actually borrowings by the government on its full faith and credit. This procedure circumvents the 4¼ % interest limit that can legally be paid on long term debt, it excludes the

In response to the growing demand for budget integrity, the President has finally appointed a Commission on Budget Reform.

The President's 1967 State of the Union Message omitted, for the first time since 1958, any reference to the seriousness of our deteriorating balance of payments and gold outflow.

The President's Economic Report for 1967 contains over-optimistic forecasts of economic activity, tailored to political postures rather than to current realities.

CAUSES OF THE PROBLEM

Failure to hold spending in check in recent years is a major cause of the sharp increase in the cost of living in 1966 and the expected continued rise in 1967. Excessive leads inevitably to higher taxation in one form or another.

The President has asked for a tax increase this year to help pay for the Vietnam War. If the growth of non-defense expenditures in recent years had been more restrained, this proposed tax increase would not even be under consideration.

And, in the face of the economic conditions that have resulted, increased spending followed by increased taxes appears to be almost precisely the reverse of what the economy needs at this time.

The facts as to the growth of spending and debt show how the government's finances are getting out of control and have brought about the serious predicament now facing the country:

Growth of spending[2]

Expenditures have soared since 1960 and the growth is accelerating.

Federal Government expenditures estimated in 1968 wil have increased $78.1 billion since 1960, the last full Republican year in office. This will be an increase of 83 percent in eight years, and the trend indicates that spending will have more than doubled in the decade from 1960 to 1970.

Just since 1965, expenditures are up $50.0 billion, or 41 percent in three years.

From 1955 to 1960, the average annual increase in government spending was $4.8 billion. From 1960 to 1965, the average annual increase was $5.6 billion. Now according to the latest budget, the increase from 1965 to 1968 will reach $17 billion per year. That is more than three times the rate of increase experienced during the preceding ten years.

Government employment and payroll costs have grown rapidly.

By June 1968, according to the budget, total employment of civilians by the Federal Government will have increased 24.6 percent since 1960, and payroll costs will have gone up more than 69 percent.

Employment attributable to non-defense activities has been increasing just as fast as civilian personnel in defense; and civilian agency payroll costs have been increasing even faster.

Employment in civilian agencies will have increased 25 percent and payroll costs will be up almost 78 percent since 1960. In the same period, Defense Department civilian employment will have increased 24 percent and payroll costs 58 percent.

Since the beginning of the Democratic Administration in 1961, while the American population has grown about 10 percent, the number of non-defense employees in the government will have swelled by 25 percent, a rate almost 3 times as fast.

Both defense and nondefense spending have increased dramatically.

Defense expenditures, including the cost of the Vietnam War, will in 1968 be up $31.1 billion or 68 percent over 1960.

Non-defense spending will have risen by $47.0 billion or 97 percent since 1960 . . . almost doubled.

As a proportion of the total, non-defense spending exceeds defense spending by a substantial margin: 55.5 percent for non-defense programs; 45.5 percent for defense.

Growth of deficits and debt

Deficit spending has increased the national debt 20 percent in eight years.

The last time the budget was balanced was in 1960. In every year since then the Federal Government has run in the red.

By the end of 1968 eight successive deficits will have increased the national debt from $236.5 billion in 1960 to $335.4 billion, up almost $50 billion in eight years.[3]

Increased debt increases Federal spending. Interest on the national debt is now the second largest item in the budget. It has grown from $11.3 billion in 1965 to an estimated $14.2 billion in 1968 . . . a 25% increase in three years.

Ten cents out of every dollar in taxes paid by American taxpayers now goes just to pay interest.

Personal income taxes could be 5 percent less in the coming year, without any effect on the budget, if proper management of the nation's finances had held the interest cost from going up since 1965.

Debt ceiling raised: Due to the Administration's rigid commitment to deficit spending policies since 1961, the debt ceiling has had to be raised thirteen times, the most recent in February and it will have to be raised again by June 30 of this year.

Future commitments to spend.

If the unfunded obligations of the Federal Government are taken into account (largely to pay welfare, veterans, and retirement commitments), in addition to the funded debt, experts have estimated that the total future claims against the Treasury that have already accrued are over one thousand billion dollars.

So-called "thin edge of the wedge" programs authorizing minor amounts for their first year for studies and pilot projects, or for small starts, mushroom rapidly into major programs. There are many of these under way that, unless inhibited, will automatically continue to feed the fantastic rate of spending growth.

Future spending plans that ignore these future commitments multiply the risk of overburdening the government's ability to pay, and add to the dangers of continued inflation and its painful consequences.

THE PROBLEM WE FACE

The fiscal policy problem of the United States today is often stated as a choice between "guns or butter." This is not the problem. The real problem is how we can pay for both without further inflation, a serious recession or both.

We have to pay the costs of the war in Vietnam and of maintaining our other essential cold war commitments.

We want government to do all it should within its proper limits to facilitate desirable domestic improvements, effectively, efficiently and at levels we can afford.

We want government to be conducted in a way that will assure continued prosperity and growth, while maintaining overall price stability.

In short, we must continue to build our national strength while preserving our economic and political freedom.

At the present critical point, where a tax increase could give impetus to the already evident signs of downturn, a careful selection of policies is imperative.

In the long run, there is inevitably a relationship between government spending and taxes. Increased government spending must eventually be financed by increased taxes, inflation, borrowing, or a growing economy that yields increasing revenues.

When government spending increases too rapidly and in excess of the ability of current tax revenues to support it, even in times of full prosperity, and the burden of government action to maintain equilibrium falls on monetary policy, the results are predictably the imbalances, inflation, money squeeze, slowed economic growth and other distortions that sow the seeds of a compensating recession to follow.

This has been the history of recent government policies. The consequences are obvious in the disturbing conditions in the country today.

Actions taken now should be those which will inspire confidence, restore healthy levels of investment and growth, and hold down on spending sufficiently to restore a good relationship between revenues and expenditures. Actions are likewise required that will improve debt management, minimizing its inflationary potential and increasing the opportunity for more orderly marketing of federal debt.

REPUBLICAN RECOMMENDATIONS

To restore confidence and rebuild assurances of a strong and prosperous America, the Republican Party makes the following recommendations:

1. That the Administration, as an immediate step, suspend its request for tax increases to be effective July 1; and that it devote more effort toward offsetting higher defense costs by restraining the growth of non-defense spending.

The preference of the Administration seems to be that, if action should be taken to reduce the impending massive budget deficit, it should be by increasing taxes. It has yet to make a convincing case that the economy will be strong enough to withstand the deflationary effects of tax increases. Present evidence of weakening points to the contrary.

There is ample room within the multitudinous array of government activities, programs and agencies, to achieve significant reductions in expenditures. The Administration should not ask for tax increases unless and until it has held the line on non-defense costs.

Postponement of new programs doesn't mean their permanent elimination. At a later time, when funds are again available, they can compete with going activities and other new demands on a basis of relative values and priorities. The same principle can be applied to going programs: those which are of least importance can be deferred or stretched out for a time without permanent harm.

The Republican Party fears that a tax increase now could in fact turn out to be the exact opposite of what ought to be done, considering the economic predicament toward which the country now seems headed.

2. That the present Administration, and future Administrations in power, refrain from promising the American people more in immediate welfare and progress than, in the long-run good of the country, can safely be undertaken.

The American public needs constantly to be told the truth about government finances—that there is no instant tomorrow, to be bought overnight by massive infusions of money. Progress must be orderly and balanced to be sound, and that will come slowly, through long and costly processes of

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borrowings from the statutory debt ceiling, and it considers the proceeds as the equivalent of income in the budget.

[2] Expenditures in this section are taken from the cash budget since it is the most comprehensive measure of Federal Government spending. It includes the trust funds, which are omitted from the administrative budget, and credit and lending operations, which are omitted from the national income accounts.

[3] The 1968 debt excludes about $10 billion of anticipated sales of "participation debt," of the United States, backed by its "full faith and credit." See footnote 1.

education, research, training, human development and capital investment.

There may be temporary political values in promising all things to all men, but disillusionment is certain to follow from the limitations imposed by reality. The Republican Party does not want to practice such a cruel hoax on the voters, and the Democratic Party should not do so, either.

3. That the Administration and the Congress at all times keep the efforts of the government to achieve social goals within the Nation's current means.

A policy of continued deliberate deficits destroys the nation's flexibility to meet emergencies and, by the risk that they may explode into fiscal crises, defeats the goals of progress. The government must stop building up the mortgage on the American future, with its high cost in interest and in loss of flexibility in current policies. A nation or an individual that achieves temporary prosperity by heavy borrowing only to go bankrupt eventually is far the loser.

This does not mean that the Federal budget must be balanced every year or be held within rigid boundaries. It does mean that deficits cannot be a permanent way of life, as they have been since 1960 and will continue to be if the present Administration's policies are extended without change.

4. That fiscal policy be so planned and managed as to produce a budget surplus in years of high-level prosperity and substantially full employment of the nation's resources, and thus to reduce inflationary pressures.

Even those who advocate the "New Economics" philosophy concede that when the economy is overheating and prices are rising, fiscal restraint is in order: the budget should show a large enough surplus to help counteract inflationary pressures.

This principle deserves more than lip service. It should be practiced. The Administration obviously failed to heed this principle in 1965 when the signs of trouble were clearly evident. That failure is a major cause of our economic difficulty now.

5. That the Congress amend the Employment Act of 1946 to make general price stability an explicit objective of government policy, along with maximum employment, production and purchasing power.

The Employment Act of 1946 was passed at a time when the general concern was that readjustment from the World War II boom would return the United States to a period of stagnation and unemployment such as had persisted previous to the war. Maximum employment was therefore strongly emphasized.

Since that time, it has become apparent that inflation, too, can be a threat of major proportions.

Therefore, the Employment Act should be amended to assure that government take into account all valid economic goals.

6. That the Administration take steps to improve the management of the national debt and reduce interest costs, by:

(a) Requesting the Congress to restore flexibility on long-term interest rates by removing present restrictions.

(b) Lengthening the average maturity of the debt.

(c) Giving greater consideration to the impact of government debt financing on the financial markets.

Government financing competes to a considerable degree with the needs of industry to obtain funds to improve productive facilities and create jobs. When government debt is so heavily on a short-term basis (with 76 percent of marketable issues due in less than five years and the average term only 4 years and 7 months), it must regularly apply to the money markets for refunding and to finance its deficits. Lengthening the maturity of the debt and thus reducing the frequency of financing would be possible only if the 4¼ percent limit fixed by law is repealed. The Administration has regularly refused to support Republican efforts in the Congress to remove this interest limit.

7. That the Administration give high priority to developing a solution to the balance of payments problem which will be lasting and constructive for the rest of the world as well as for ourselves.

Our unfavorable balance of international payments not only reflects our internal economic conditions, but in turn may strongly affect them.

Beyond this, continued failure to solve the problem risks our position of world leadership. No nation can remain a leading power unless its military strength and diplomatic influence rest on the solid foundation of a sound competitive economy and a stable currency. When foreign nations lose confidence in the dollar they also lose confidence in the United States.

The Administration continues to paper over the problem with stop-gap measures, such as selling to foreign governments evidences of debt which will have to be met in a few years. These merely compound the difficulties for the future. Meanwhile, present policies restrict the free investment of American funds overseas and thereby reduce the future income which our country would earn.

In 1965 the Republican Coordinating Committee published an analysis entitled "The Balance of Payments, The Gold Drain and Your Dollar." Its conclusions and recommendations are still valid. They should be acted upon.

8. That the Administration consolidate and, where appropriate, eliminate as many as possible of the overlapping and duplicating government programs and, where practical, take steps to turn their administration over to States and local government bodies.

It is evident that the Federal Government has grown inordinately, piling program on program, without effective overall planning to meet needs in a manner that avoids overlapping and duplication.

In this process, many tasks have been assumed by the Federal Government which deal with local problems which are merely nationwide rather than truly national.

This has resulted in a growth of big government, which has brought not only decreased efficiency of management and unnecessarily high costs to the taxpayer, but also a reduction of the powers and rights of States and local communities.

This trend to concentration of power in the Executive Branch of the Federal Government is contrary to the governmental principles which are the heart and the genius of the American republic.

Among other things, a careful reexamination of the whole problem of welfare and poverty needs to be undertaken, to insure that present measures are realistically directed at curing causes, that the beneficiaries are those intended to be benefited, and that the programs are effectively conducted. The further proliferation of these programs should be avoided in favor of a consolidation of the hundreds of present grants to lower levels of government, as a preliminary to a possible eventual program of revenue-sharing which would permit Federal withdrawal from such activities in favor of the States and cities.

9. That the Congress create, at regular intervals, an independent bipartisan, adequately staffed, "Hoover Commission"-type organization, composed of Members of the Congress and the public, to review the budget, government programs, and government organization.

Creation of a "Hoover Commission"-type organization from time to time to review and evaluate government programs and spending would strengthen the hands of Congress and the public in pressing for efficiency and economy. The earlier Hoover Commissions were of inestimable value. The experience should be repeated in the interest of good government management and organization.

10. That the Administration enhance the integrity and value of the Federal budget process by:

(a) The abandonment of artifices and devices designed to make the results appear more favorable than they actually are, and the adoption of principles of accounting and standards of reporting and disclosure no less exacting than those employed generally by American business.

(b) The inclusion in the national debt, and the elimination from income in the budget, of amounts realized on sales of participation certificates, which are in effect merely borrowings secured by government assets.

(c) The annual dissemination of a five-year budget projection for all departments and agencies, to assist long-range consideration of the fiscal consequences of new programs.

(d) An annual reporting, as part of the budget, of the unfunded commitments of the government for future spending which have to be met by the taxpayers.

The absolute necessity of integrity in all phases of government finance, including budgeting and reporting, allows no arguments to the contrary. The Administration should cease and desist its window dressing and camouflage, and should present forthright accountings. Only then can fiscal policy actions and economic decisions be soundly based. The 1967 budget so inaccurately disclosed the true situation that government and private economists were long in the dark as to the economic significance of the year's financial transactions.

The need for more effective control of Federal expenditures is growing in importance with the increasing complexity of government, the high and rising level of its spending, and its deeper involvement in our life. More effective expenditure policy can result if a longer view is given to the budgetary process by the Executive Branch. Preparation and dissemination of five-year projections of the costs of each department and agency would do much to alert the Congress and the public as to the eventual true size of their undertakings and the fiscal consequences of their new proposals. The first year cost is only the "thin edge of the wedge" in most cases, and this fact is seldom fully disclosed.

The need to fulfill in future years its already heavy unfunded commitments must also be kept in mind by the government in determining the latitude for engaging in new social efforts. The Administration should provide a "balance sheet" of such amounts each year.

11. That the Administration and the Congress develop new detailed plans for the financial adjustments that will follow upon the termination of the Vietnam War.

The arrival of peace should permit an immediate large reduction in expenditures for armaments and a gradual decline in military manpower. Billions of dollars will thus be made available within the budget for other purposes.

Now is the time to plan how such freed funds will be applied. There is room enough, with careful advance evaluation of priorities, to assure the taxpayer a large measure of tax reduction and at the same time to enlarge those government non-defense programs that are entitled to the higher priorities.

12. That provisions in the tax structure to remove barriers to investment and to stimulate economic growth through capital formation be expanded and made permanent.

The Administration erroneously caused the 7 percent investment credit and accelerated depreciation to be withdrawn on October 10, 1966. Not only was the timing too late to restrain the accrued forces of inflation, but the action should never have been taken. Now it has to be restored.

Encouragement of capital formation should be a permanent, not temporary, part of the tax structure. Such provisions should not be used as cyclical measures, but should be retained until better tax changes to remove barriers to investment and job creation can be enacted. The growth of capital and productive facilities, within the capacity of industry and with government encouragement, is at all times essential to the long-term growth of the American economy.

New incentives should also be provided by government to encourage private research, manpower training, and capital investment. The resources and ingenuity of both political parties can be valuable in thus stimulating economic development, which after all is the basis of all American wealth and prosperity.

13. That the government undertake major steps to improve economic statistics and measurements and thereby to make available more reliable data for the timing of fiscal policy actions.

The yardsticks of economic measurement can never be too accurate. Those now available fall far short of perfection.

For government or business to engage in economic planning, current reliable facts must be readily available and the time lag must be minimal. A thorough search for ways to improve and accelerate collection of data is imperative.

For example, quarterly revisions of the annual budget estimates would vastly improve the capability of economists to interpret and project current fiscal developments.

And it goes without saying that the shaping of data, forecasts and actions bearing on fiscal policy according to political objectives rather than sound economic application is improper and should be ended.

14. That fiscal policy and monetary policy be correlated at all times, consistent with the independent role of the Federal Reserve System, to assure coordinated action to achieve the valid goals of economic policy.

The burden of keeping equilibrium among all the interweaving forces in an economy cannot be carried along either by monetary policy or by fiscal policy. Both must be employed, acting in close harmony.

The present Administration relied too heavily on monetary policy in critical periods in 1965 and 1966, to the neglect of appropriate fiscal policy. The result was the money crisis of late 1966, an unprecedented rise in interest rates and a shortage of funds that did serious damage to the home-building industry and our savings institutions.

These fourteen Republican recommendations would, if made effective, provide a fiscal policy that would outlive the present economic stresses and insure long-time sound growth and stability for the American people. A future Republican Administration would find in them a blueprint for a secure America and a rising level of prosperity for all its people.

WHAT FISCAL POLICIES MEAN TO YOU

Government expenditures are inevitably financed out of your pocket by taxation, inflation or both.

In 1960 the cost of the Federal Government per person was $479.00. It is now approaching $863.00. Government spending is at the incredible rate of $3,500 per year for each American family.[4]

By the end of 1968, the government's official debt will amount to approximately $1,700 per person, or $6,800 per family. And this doesn't count the billions and billions of dollars which the government is committed to pay in the future for past services and for expanding present programs.

Federal Government taxes, both visible and hidden, are now taking about one dollar out of every five dollars earned by the average family.[4] And this doesn't include the additional tax in higher prices caused by inflation.

Present policies, while appearing to place the burden of financing government spending and debt on those better able to pay are, through inflation, penalizing more heavily those least able to bear the burden.

The President has proposed raising taxes even more this year, and that might be the wrong action at the wrong time.

The Administration's policies risk the financial security of you and your family, and jeopardize the national strength of our country and its capabilities for the future.

On the other hand, the Republican fiscal policies presented here are based on sound principle and proven experience. They will produce, at a maximum sustainable rate, all that can be reasonably accomplished. They will do it without running the risks of chronic inflation, serious recession, curtailment of freedom, and weakening of our nation.

APPENDIX

Table I: Expenditures of the Federal Government For 1960, 1965, and 1968 Showing Percentage Increases.

Table II: Defense vs. Non-Defense Spending as Proportions of Total Government Spending 1960–1968.

Table III: Federal Government Expenditures, Deficits, Debt and Interest Charges 1960–1968.

Table IV: Federal Government Employees (Executive Branch) 1960–1968.

Table V: Cost of Federal Government Payroll (Executive Branch) 1960–1968.

Table VI: Short-Term Liabilities to Foreign Sources In Relation to U.S. Gold Stock 1960–1966.

Table VII: U.S. Balance of Trade 1960–1966.

NOTE.—All figures herein are calculated on a fiscal year basis from the cash budget except where otherwise noted. The cash budget is used because it is the most comprehensive measure of federal spending, including the trust funds (which are omitted from the administrative budget) and federal loan and credit programs (which are omitted from the national income accounts).

TABLE I.—*Expenditures of the Federal Government for 1960, 1965, and 1968 showing percentage increases*

[Dollars in billions]

	1960 actual	1965 actual	1968 budget
Administrative budget	$76.5	$96.5	$135.0
Increase over 1960		$20.0	$58.5
Percent increase over 1960		26.1	76.5
Increase over 1965			$38.5
Percent increase over 1965			39.9
Cash budget	$94.3	$122.4	$172.4
Increase over 1960		$28.1	$78.1
Percent increase over 1960		29.8	82.8
Increase over 1965			$50.0
Percent increase over 1965			40.8

Note 1. 1960 and 1965 are used as base years for comparison, since fiscal year 1960 was the last full fiscal year under a Republican administration, and fiscal year 1965 was the first full fiscal year under President Johnson.

Note 2. Figures from the national income accounts are not used since they do not constitute a budget by definition or by law (see Websters Unabridged Dictionary; see Federal Budget and Accounting Act of 1921, as amended, 31 U.S.C. 11) and do not measure the operating results of the Government or its financing requirements.

Source: Calculated from figures in the Budget of the U.S. Government.

TABLE II.—*Defense versus nondefense spending as proportions of total Federal Government spending, 1960–68*

[Dollars in billions]

Fiscal year	Defense	Nondefense	Total	Percent defense	Percent nondefense
1960	$45.7	$48.6	$94.3	48.5	51.5
1961	47.5	52.0	99.5	47.7	52.3
1962	51.4	56.3	107.7	47.7	52.3
1963	53.4	60.4	113.8	46.9	53.1
1964	54.5	65.8	120.3	45.3	54.7
1965	53.4	69.0	122.4	43.6	56.4
1966	58.5	79.3	137.8	42.5	57.5
1967 estimate	71.3	89.6	160.9	44.3	55.7
1968 estimate	76.8	95.6	172.4	44.5	55.5
Percent increase:					
1960–68	68	97	83		
1965–68	44	39	41		

Source: The Budget of the U.S. Government.

TABLE III.—*Federal Government expenditures, deficits, debt, and interest charges, 1960–68*

[In billions of dollars]

Fiscal year	Expenditures		Surplus (+) or deficit (−)[1]	Government debt	Interest on debt
	Administrative budget	Cash budget			
1960	76.5	94.3	+1.2	286.5	9.2
1961	81.5	99.5	−3.9	289.2	9.0
1962	87.8	107.7	−6.4	298.6	9.1
1963	92.6	113.8	−6.3	306.5	9.9
1964	97.7	120.3	−8.2	312.5	10.7
1965	96.5	122.4	−3.4	317.9	11.3
1966	107.0	137.8	−2.3	320.4	12.1
1967 estimate	126.7	160.9	−9.7	327.3	13.5
1968 estimate	135.0	172.4	−8.1	335.4	14.2

[1] From administrative budget, since this measure is the only one that corresponds closely with year-to-year changes in the debt level.

Source: The Budget of the U.S. Government.

TABLE IV.—*Federal Government employees (executive branch) 1960–68*

	Civilian employees			Armed Forces (military)	Total
	Civilian agency employees	Defense Department (civilian)	Total civilian employment		
1960	1,323,707	1,047,120	2,370,827	2,475,000	4,845,827
1961	1,364,622	1,042,407	2,407,029	2,482,000	4,889,029
1962	1,415,053	1,069,616	2,484,669	2 806,000	5,290,669
1963	1,447,699	1,050,007	2,497,706	2,698,000	5,195,706
1964	1,439,885	1,029,756	2,469,641	2,685,000	5,154,641
1965	1,462,315	1,033,775	2,496,090	2,653,000	5,149,090
1966	1,588,018	1,138,126	2,726,144	3,092,000	5,818,144
1967	1,611,000	1,270,000	2,881,000	3,387,000	6,268,000
Estimate 1968	1,654,000	1,300,000	2,954,000	3,464,000	6,418,000
Estimate percent increase, 1968 over 1960	25.0	24.1	24.6	40.0	32.5

Source: Civil Service Commission: Budget of the U.S. Government.

TABLE V.—*Cost of Federal Government payroll (executive branch) 1960–68*

[Dollars in billions]

	Civilian employees			Armed Forces (military)	Total
	Civilian agency employees	Defense Department (civilian)	Total civilian employment		
1960	$6.8	$5.8	$12.6	$6.9	$19.5
1961	7.6	6.0	13.6	7.0	20.6
1962	7.9	6.3	14.2	7.5	21.7
1963	8.7	6.6	15.3	7.6	22.9

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[4] The expenditure burden of $863 per person, or $3500 per family, cannot be related to the tax burden figure of one dollar out of five. To present a comparable relationship, adjustments would have to be made for ways other than taxation in which spending is financed, and in calculating by income group how the tax burden is distributed.

TABLE V.—*Cost of Federal Government payroll (executive branch) 1960–68*—continued

[Dollars in billions]

	Civilian employees			Armed Forces (military)	Total
	Civilian agency employees	Defense Department (civilian)	Total civilian employment		
1964	$9.3	$6.8	$16.1	$8.2	$24.3
1965	10.0	7.1	17.1	8.7	25.8
1966	10.9	7.7	18.6	9.9	28.5
1967 estimate	11.7	8.8	20.5	11.1	31.6
1968 estimate	12.1	9.2	21.3	12.6	33.9
Percent increase, 1968 over 1960	77.9	58.6	69.0	82.6	73.8

Source: Civil Service Commission: Budget of the U.S. Government.

TABLE VI.—*Short-term liabilities to foreign sources in relation to U.S., gold stock 1960–66* [1]

[In billions of dollars]

	U.S. gold stock	Short-term liabilities to foreigners	Excess of foreign claims over U.S. gold stock
1960	17.8	21.3	3.5
1961	16.9	22.5	5.6
1962	16.1	25.0	8.9
1963	15.6	26.0	10.4
1964	15.5	28.9	13.4
1965	13.8	29.1	15.3
1966	[2]13.2	31.4	18.2

[1] All figures as of end of calendar year.

[2] Approximately $10,000,000,000 is legally reserved as backing for our currency.

Source: Federal Reserve Bulletin; Treasury Bulletin.

TABLE VII.—*U.S. balance of trade, 1960–66* [1]—*merchandise account*

[In billions of dollars]

Year	Exports	Imports	Trade balance	Government financed exports	Adjusted trade balance
1960	19.5	14.7	4.8	1.7	2.9
1961	20.0	14.5	5.4	2.2	3.2
1962	20.6	16.2	4.4	2.3	2.1
1963	22.1	17.0	5.1	2.7	2.4
1964	25.3	18.6	6.7	2.8	3.9
1965	26.3	21.5	4.8	2.8	2.0
1966	29.2	25.6	3.7	3.0	.7

[1] When calculated with U.S. Government financed exports excluded, and the method of calculation adjusted to include freight and insurance charges on imports, the U.S. trade balance was a minus $2,000,000,000 in 1966. (Note: This is consistent with the method generally in use by other countries.)

Source: International Economic Policy Association; based on Department of Commerce reports.

MEMORIALS OF OREGON STATE LEGISLATURE

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. WYATT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WYATT. Mr. Speaker, State Representative Paul A. Hanneman, representing Tillamook County, has forwarded to me from the Oregon Legislative Assembly, House Joint Memorial 6, sponsored by himself and Representatives Bedingfield, Boe, Detering, Elder, Gwinn, Holmstrom, McGilvra, McKenzie, Ouderkirk, and Senators Chapman and Naterlin, with respect to the most serious situation with regard to the offshore fishery in the Pacific Northwest.

He has further forwarded to me House Joint Memorial 9, sponsored by himself and Senator Naterlin, of Lincoln and Tillamook Counties, relative to the necessity for construction of the south jetty at the entrance to Tillamook Bay.

In view of the work which has gone into producing and passing these two memorials, I am bringing them to the attention of my colleagues prior to referring them to the appropriate committees by inserting them hereafter in the RECORD, as follows:

HOUSE JOINT MEMORIAL 6

To the Honorable Senate and House of Representatives of the United States of America, in Congress Assembled, the Secretary of the Interior and the President of the United States:

We, your memorialists, the Fifty-fourth Legislative Assembly of the State of Oregon, in legislative session assembled, most respectively represent as follows:

"Whereas unregulated foreign fleets are fishing stocks of fish off the West Coast historically regulated by the United States, without conforming to this country's laws and regulations with respect to type of gear, permissible size of fish and other conservation techniques; and

"Whereas 33 nations have subscribed to the 'Continental Shelf' concept for protection of their respective native fisheries, and similar action by this country will conserve and perpetuate the great fisheries resources off the West Coast for domestic consumption and world-wide use of fish protein concentrate; now, therefore,".

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) We urge the Congress of the United States to give full consideration to the value of ocean fisheries to the West Coast, and to the Nation as a whole, and to take additional action necessary to preserve this resource. Specific attention is hereby drawn to the fishery procedures of foreign nations.

(2) A copy of this memorial shall be transmitted to the President of the United States, to the Secretary of the Interior and to each member of the Oregon Congressional Delegation.

HOUSE JOINT MEMORIAL 9

To the Honorable Senate and House of Representatives of the United States of America, in Congress Assembled:

We, your memorialists, the Fifty-fourth Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully represent as follows:

Whereas Tillamook Bay is the only potential deep water port between Newport and Astoria, a coastal distance of more than 100 miles; and

Whereas the absence of a deep water port along the north central coast of Oregon creates a severe hazard to the safety of coastal shipping; and

Whereas a considerable amount of funds have already been spent for rehabilitation of the north jetty; and

Whereas the Federal Government has previously recognized the necessity for construction of the south jetty in order to complete the project; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) The Congress of the United States is memorialized to appropriate sufficient funds for planning and construction of the south jetty at Tillamook Bay, Oregon.

(2) A copy of this memorial shall be transmitted to the President of the United States and to each member of the Oregon Congressional Delegation.

SITUATION IN THE MIDDLE EAST

Mr. HICKS. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. ALBERT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. ALBERT. Mr. Speaker, a very excellent letter to the editor by our colleague, the gentleman from New York [Mr. REID] appeared in the June 10, 1967, edition of the New York Times. The letter is a thoughtful analysis of the situation in the Middle East and contains several valuable suggestions.

Mr. REID was U.S. Ambassador to Israel from 1959 to 1961 and is especially competent to speak on this matter.

While I do not necessarily concur in every detail presented by our colleague, I do feel that his statement merits the study and consideration of all the Members of the House. Under leave to extend my remarks I include it herewith. The letter follows:

FOR PEACE MIDEAST

TO THE EDITOR:

While the Security Council's cease fire has been accepted, it is clear the capability of the United Nations to preserve the peace as well as the Western concept of reliance on international guarantees to prevent aggression has been tested and—to date—found wanting.

In 1957, after the Sinai campaign, Israel believed her withdrawal of forces was based on the acceptance of four major assumptions reinforced by recognized principles of international law:

The Suez Canal would remain open to Israeli ships and cargoes;

The Strait of Tiran and the Gulf of Aqaba would comprehend international waters with rights of free and innocent passage guaranteed to all nations;

The Gaza Strip would not be under United Arab Republic—but U.N.E.F.—administration, pending a peace settlement; and

Efforts would be made to move toward relationships of *detente* and peace.

The last ten years have seen these concepts violated and the right of belligerency proclaimed and implemented.

NO REPETITION OF FAILURES

The simple fact is that Israel—in light of the painful lessons of recent history—cannot be expected to go back to a *status quo ante*—where there was no peace—and where the stated design of some of her neighbors was "to destroy" her statehood. The mistakes and failures of implementation, of and since 1957, must not be repeated. No withdrawal should occur without completely new conditions of peace and stability obtaining.

I believe many in Israel who fought in the war of independence, in Sinai in 1956, and during the past few days prayerfully hope now that there can be a withdrawal to peace—and not to an armistice.

For the future, Israel has the right to expect from the community of nations a new era—an era which, as Israeli Foreign Minister Abba Eban has stated, should embody acceptance of Israel's statehood and rejection of the fiction of nonexistence; direct contact between the parties as part of a specific settlement and recognition by external powers of broad principles such as peaceful commerce as opposed to belligerency.

These are basic starting points. The specifics must certainly include and guarantee free and innocent passage into the Gulf of Aqaba; and adherence to the unanimous Security Council resolution of Oct. 13, 1956 that "the operation of the [Suez] Canal should be insulated from the politics of any country," with the U.A.R. no longer claiming belligerent rights against Israeli ships and cargoes.

STATUS OF JERUSALEM

The status of the Old City of Jerusalem—to which Israel has returned "never to part from it again," in the words of Defense Minister Moshe Dayan—is probably not negotiable, except as to international guarantees for the holy places, and the west bank of the Jordan River will be central to Israel's position and future in any negotiations.

Further, any meaningful progress to a durable peace settlement must comprehend the some 900,000 refugees, equitable utilization of the Jordan River waters, multinational development, opportunities—perhaps through a Middle Eastern development bank—and arms limitations.

The latter may be a starting point for serious and high-level talks with the Soviets whose cooperation—to some degree—is essential to either détente or peace.

Certainly the Soviets must recognize that their $3 billion of arms aid to certain Arab states has hardly been the best investment, and its repetition would not offer the most likely means to stabilize Soviet influence in the Middle East. Further, renewal of the Middle East arms race would be inconsistent with the efforts the United States and the Soviets are making toward a nonproliferation agreement.

The current draft United States resolution before the Security Council recognizes the merits of direct talks among the countries in the area—utilizing the U.N. and third parties. Foreign Minister Eban has called for "face to face" discussions. The U.N. Charter clearly calls on the members themselves to settle international disputes.

This is not a bad place to begin.

OGDEN REID.

The writer, member of Congress from the 26th District, New York, was Ambassador to Israel 1959–61.

LEGISLATION NECESSARY TO STRENGTHEN RELIABILITY OF ELECTRIC POWER SYSTEMS

Mr. HICKS. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. ALBERT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. ALBERT. Mr. Speaker, in his 1967 message on protecting the consumer, President Johnson said that legislation was necessary to strengthen the reliability of electric power systems in our country. The Federal Power Commission has now forwarded to the Congress that legislation.

This is important legislation. In the past 19 months the northeast region has been hit by two serious power failures—the latest only last week. During this period there have been more than 12 other cascading failures around the country. And as President Johnson noted in his statement of June 6:

> America has the world's most advanced power system. But we still do not have the safeguards to protect the consumer against paralyzing breakdowns.

The Electric Power Reliability Act of 1967 addresses itself to greater cooperation between existing power facilities in the United States. It seeks to strengthen the coordination of the multiple power systems that comprise our complex electric utility industry. And it would consolidate electric industry efforts to study problems in planning and operating bulk power supply facilities across the country.

The Federal Power Commission has stated—and leaders of the electric industries agree—that such coordinated planning and operation of power systems are our best defense against power failures—and affords the best means of reducing costs and securing lower rates for the utility customer.

It is clear that a system operating in isolation must either provide for itself extensive standby generating facilities or face the possibility of protracted service interruptions due to equipment failure. When electric systems interconnect, however, they can rely on one another's generating capacity with resulting greater efficiency and safeguards for uninterrupted service to the public.

According to experts in the field, coordinated operation of utility systems is the most reliable means of producing electrical power. It is also the most economical, since it permits several medium-sized or small utilities to share the cost of a large, efficient generator. According to the FPC's national power survey, 97 percent of our electric systems are interconnected to some degree already. But there is a great need for stronger interconnections—especially on a regional basis—as the two northeast power failures clearly indicate.

The electric industry has shown that joint efforts with the Federal Government in improving the safety and efficiency of public service is both practicable and fruitful. It is now time for industry and government to strengthen this relationship—and for Congress to provide the means for them to do so.

I am confident that the 90th Congress will support the legislation forwarded last Thursday by the Federal Power Commission. The Electric Power Reliability Act of 1967 is clearly in the public interest. As such, it deserves prompt consideration and overwhelming approval.

FOREIGN AID

Mr. HICKS. Mr. Speaker, I ask unanimous consent that the gentleman from Nevada [Mr. BARING] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. BARING. Mr. Speaker, I was shocked to read in the Washington Daily News last Friday, that according to our State Department, we are going to continue to fulfill our foreign aid "obligations" to the Arab nations which broke off diplomatic relations with us.

And the reasoning behind these actions, according to the usual unidentified State Department spokesman, is that, and I quote from the News article, "we're going to have to live with them in the long run."

Unless they are completely eradicated from the face of the earth, I believe we will have to live with the Vietcong, too, when and if that mess is over with. But this does not mean that we should continue to send them foreign aid, either.

The United States did not break off diplomatic relations with the Arab countries. They did. Nasser tried his darndest to involve the United States and Russia in the Mideast conflict with lies that this country assisted the Israelis in the war against the Arab countries. Nasser and his ilk have countless times told the United States to go drink sea water.

The United Arab Republic has taken the hard-earned money of the U.S. taxpayers given to them through foreign aid ostensibly to assist their growth, but they have used the money to buy arms. And all the while they have taken the money, and food, they have thumbed their noses at us.

Mr. Speaker, I, for one, am fed up with our foreign aid giveaway program. According to this unidentified State Department spokesman, the obligations to the Arab nations include more than $32.5 million in unused credits and 21,000 tons of undelivered food.

If we must spend this $32.5 million—and it seems to be the unwritten law of the Great Society that one must spend, spend, spend, not save—then let us put this $32.5 million to use where it will do some good. Taking care of our unfortunates here at home.

As for the 21,000 tons of undelivered food, I am quite sure that there are thousands of families throughout this broad land of ours who would only be too happy to receive this food.

Mr. Speaker, in the same Washington News item, a spokesman for the Agency for International Development is quoted as saying the United States would not cut off the $32.5 million in funds, but added that the Agency is reviewing new AID programs in all 14 Arab countries and in Israel, too.

There is only one way to review these aid programs, Mr. Speaker, and that is to cut off all the unused aid immediately. And keep such assistance curtailed until any and all diplomatic relations are resumed. And at that time, Congress should closely examine just what type and also how much financial assistance should be given.

It is time the United States stop being "Uncle Sugar" to the world at large and especially those countries who thumb their noses at us with one hand while grabbing for the "sucker loot" with the other.

Then, and perhaps only then, will we be able to cut down on ever skyrocketing national debt.

DEVELOPMENT OF A PERMANENT PEACE IN THE MIDDLE EAST

Mr. HICKS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. REES] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. REES. Mr. Speaker, for the third time in the past 20 years the world has again witnessed a war in the Middle East between Israel and the Arab nations. With each war the danger to world peace becomes more acute; with the rapid development of nuclear arms we can only shudder at the prospect of a fourth confrontation between these countries.

We have the opportunity now to apply ourselves in a creative and inspired way to the task of bringing about a permanent peace in the Middle East where Arab and Jew can live side by side, and where the energies of both can be used for constructive purposes to benefit their lands and their peoples. The first step is to convene a peace conference between Israel and the Arab nations designed to settle existing differences. The conference must end the state of war which has been in effect since the founding of Israel in 1948. Israel does exist as a free and independent nation. Continued Arab failure to accept this fact can only lead to further chaos. A peace treaty should end, for all time, the continual harassment of Israel by terrorist gangs from neighboring Arab States. There should be diplomatic recognition between Israel and the Arab countries and realization that the Mideast can best be developed for the greatest good for their peoples by strong regional cooperation.

Following an Arab-Israel peace conference and after territorial disputes are resolved, there should be an agreement within the United Nations and among the major powers, notably the United States and the Soviet Union, to guarantee the territorial integrity of all the counties in the Middle East. Also, the United Nations should analyze its present function with a view to strengthening its ability to keep the peace not only in the Mideast, but throughout the world. It is hoped that the faults and weaknesses observed in the actions of the United Nations these past few weeks can be corrected.

Whether by agreement between the warring nations at their peace conference, or through the United Nations, there must be guaranteed to all nations free access to the Gulf of Aqaba and the Suez Canal. The act of the United Arab Republic in deying Israel the use of the Gulf of Aqaba was an act of war and provided the spark which led to the present crisis. Whether free access to these waterways is to be given by treaty or through some method of internationalization by the United Nations will be for the future to decide; but, whatever the past, the goal should be for free access of all nations.

Mr. Speaker, I believe that the major powers supplying arms to other nations should make a thoughtful evaluation of their policies of the past, policies which have only served to feed the arms race and led, indirectly, to the present conflict.

These armament races, erratic and uncontrolled, end all too frequently with open conflict. This tragedy is compounded when we see billions of dollars being expended on instruments of destruction while most of the participants in this heedless race are poverty-stricken countries struggling with faltering economies, in desperate need of even the most basic elements of survival for much of their populace. I was pleased to note that concerned Members of Congress are even now beginning an evaluation of our own arms grants and sales to other countries.

A persistent source of unrest during these past 20 years has been the status of the Arab refugees, still homeless since the original 1948 conflict. Year after year terrorist groups, such as the Palestine Liberation Army, motivated by fear and hate, have done everything possible to incite refugees to violence. There must be major new efforts by all of the parties involved to find a permanent solution to the refugee problem such as a plan for relocation to other countries and compensation for property lost. For 20 years nearly one-half million of these unfortunates have existed in poverty, living on a United Nations food subsistence of 7 cents a day, with no hope for the future. An equitable solution to this problem might do much to lessen the atmosphere of hate in the Mideast.

Once these steps have been taken, it might well be possible for the Middle Eastern nations to work together for their mutual benefit. Projects such as a Middle East Development Bank, patterned after the Inter-American and Asian Development Banks might emerge. There might be additional emphasis on regional projects, such as cooperation on the use of the Jordan River. Perhaps in another 10 years, rather than facing the horror of yet another war, we might see a new Middle East, living in peace, enjoying the benefits which accrue from the sharing of common goals and achievements.

THE MIDDLE EAST SITUATION

Mr. HICKS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MULTER. Mr. Speaker, I commend to the attention of our colleagues the following two columns on the Middle East situation, one under the byline of Richard Wilson, the other one under the byline of David Lawrence which appeared in the Evening Star of June 7:

UNITED STATES SEEMS TO BE WINNING GAMBLE IN MIDEAST

(By Richard Wilson)

The United States gambled on quick Israeli success in war with the Arab states, and the gamble is beginning to pay off double.

It was a calculated risk but a dangerous one and still is. The calculation was that Israeli forces could, if required to do so, carry out a successful blitzkrieg in the Sinai desert. The danger was that if this failed the United States would be compelled to intervene to save Israel, which might have brought Russian intervention and World War III.

What made the risk even more dangerous was that the United States was not in control of the moves Israel would make and did not accurately foresee the speed of those moves.

Historians will unquestionably argue over who started the fighting, but the impression is widespread in both official and unofficial quarters here now that Israel made the first move in the conviction that time had run out and there was no alternative.

In retrospect the time gained by Israel through international action by the United States and Britain after the withdrawal of U.N. troops and the closing of the Strait of Tiran was critical. This enabled Israel to gather its strength for an astonishing surprise strike that knocked out or severely damaged the Arab air forces so that Israel's armored units could move under free skies.

Until then everything was going UAR President Gamal Abdel Nasser's way. He had gotten rid of the U.N. peacekeeping force, closed the Gulf of Aqaba, united the Arab world, and threatened the existence of Israel while the Western nations were held at bay by ominous threats from Moscow.

In that atmosphere, with its armed forces under command of the victor of the Suez war, Moshe Dayan, the government of Israel decided it was now or never.

The double pay-off can be not only the self-preservation of Israel as an independent state but a decline in Russian prestige. The pay-off could become triple if it ultimately means the collapse of Nasser's United Arab Republic and other Arab governments that rest on the doctrine that co-existence with Israel is impossible.

There is no other phrase except the modern one that President Johnson, in concert with Prime Minister Harold Wilson of Britain, played it cool. They played it cool with closely timed statements of neutrality and non-belligerency so far as many of the issues between Israel and the Arab states are concerned. They played it cool by supporting Israel's rights to passage in the Gulf of Aqaba without saying how those rights would be enforced.

But their coolness would have proved dangerous if the Israeli armed forces had not, in fact, possessed the striking power and skilled direction to deal with the Arab states alone, at least in the early stages of the conflict.

With the foregoing necessary ingredient the policy of coolness has worked so far. The United States and Britain can now join the Soviet Union which, viewing the Israeli initial successes with alarm, is calling also for a cease-fire. The essential point is that Johnson and Secretary of State Dean Rusk did not exclude the probability that the Soviet Union would be guided more by the actualities of the situation as it developed than by advance bellicose statements.

As the actualities developed, the Soviet Union has made it clear it wants no part of a Mideast war, and Washington and Moscow can work on parallel lines, but for different reasons, to bring it to an end.

There was no indication of success for the frantic efforts of Nasser to draw Soviet intervention by claiming that American and British planes destroyed the Arab air forces. The Russians know where the American aircraft carriers are cruising and what planes fly from them.

Unless the Johnson administration is deceived, the Soviet Union accepts that explanation and will proceed in its own way—

not without continuing denunciations of the United States—to bring the war to an end.

A parallel is seen here with the Cuban missile crisis of 1962. When the Russians perceived they could not get away with placing missiles in Cuba without the clear and present danger of nuclear war, the leaders in the Kremlin pulled back. In the present case a new set of leaders appear to be adapting to the reality of Israel's military capability.

In any case, hopes soared in Washington that the initial Israeli success has averted a direct confrontation with the Soviet Union. The time may be coming when U.S., British and Russian influence will be brought to bear on Israel not to go too far so that a new settlement of a more durable nature can be reached in the Middle East.

MIDEAST POSITION DOCUMENTED

(By David Lawrence)

Who is right and who is wrong in the dispute between Egypt and Israel over the closing of the Gulf of Aqaba, which triggered the current hostilities in the Middle East? All that one has to do to answer this question is to examine carefully a report just issued by the Senate Foreign Relations Committee which gives all the background documents on the action taken by the United Nations in making peace between Israel and the Arab countries in 1957.

When one reads the words of President Eisenhower and the late secretary of state, John Foster Dulles, as formally communicated to the heads of the various governments in the Mideast, it becomes evident that the basic issues have not changed at all and that the fundamental principles of international law which are being defied today were fully accepted by both sides in 1957. Thus, the U.S. Department of State declared on June 27, 1957:

"It is the United States view that the Gulf of Aqaba comprehends international waters and that no nation has the right to prevent free and innocent passage in the gulf and through the straits giving access thereto. . . .

"The position of the United States is based on broad, long established principles of international law, extending beyond the specific problems connected with the Gulf of Aqaba. Because of its worldwide responsibilities, the United States must take into account the legal effects and precedents which might be established in other situations are areas. . . .

"It is, of course, clear that the enjoyment of the rights of free and innocent passage is inconsistent with aggression. Thus, in the United States view Israel's right to free and innocent passage was dependent upon withdrawal of its forces behind the armistice lines in accordance with the United Nations resolutions."

When the United Nations set up on the Gaza Strip a military force to maintain peace and when Egypt and Israel agreed to withdraw their troops from the strip, the problem was definitely considered to have been resolved so far as international law is concerned. The same document from the Department of State added:

"The United States has stated that in the absence of some overriding decision to the contrary, as by the International Court of Justice, the United States, on behalf of vessels of its own registry, is prepared to exercise the right of free and innocent passage and to join with others to secure general recognition of this right."

No ruling has ever come from the international court to upset the principles enunciated at that time by the United States. They were accepted in 1957 by both the Arab countries and Israel and were embodied in the resolutions of the United Nations, which set up a peacekeeping force to uphold the decisions made that year.

When the U.N. force, however, was withdrawn a few weeks ago by Secretary-General U Thant in response to a demand from the Egyptian government, the right of free passage through the Gulf of Aqaba was not repealed but was simply ignored.

The document just issued by the Senate Foreign Relations Committee deserves to be read also by the critics of the war in Vietnam because it includes a message to Congress by President Truman in 1947 in which he declared the policy of the United States as follows:

The United Nations is designed to make possible lasting freedom and independence for all its members. We shall not realize our objectives, however, unless we are willing to help free peoples to maintain their free institutions and their national integrity against aggressive movements that seek to impose upon them totalitarian regimes."

The truth is that American foreign policy has been consistent under Republican as well as Democratic administrations. America's military action to protect the freedom of the people of South Vietnam is based on what the United States did in the Middle East 10 years ago and in Greece and Turkey 20 years ago.

A government of law is designed to assure domestic peace. Similarly, government by law is the only way to preserve international peace.

THE MIDEAST SITUATION

Mr. HICKS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MULTER. Mr. Speaker, I am indeed pleased to call the attention of our colleagues to the following editorial entitled "After the Debacle" which appeared in the Evening Star of June 7, together with a very fine item appearing in the same paper on the same date entitled "The Israelis Can Claim Egypt" under the byline of Frank Getlein, as well as the editorial on that same page in the same paper entitled "Folly on Troubled Waters":

THE ISRAELIS CAN CLAIM EGYPT

(By Frank Getlein)

The Israelis are incredibly modest, forbearing and restrained in their recent and current troubles with Egypt. Their only claim is their right to live, a basic need, when you think of it. The Egyptians, on the contrary, claim that the Israelis are not entitled to live and certainly not entitled to live where they do.

Actually, the Israelis have a better claim not merely to their present land but to Egypt itself than the Egyptians do. It's a wonder they don't press it.

There is general agreement that the nation of Israel was essentially established by Moses as the crowning feature of the runaway slave movement described in the Book of Exodus. Egypt, on the other hand, wasn't established. It just grew out of prehistoric times into that early empire we know from King Tut's tomb.

Since its growth into history the empire first spent a great deal of time conquering everything in sight, including the land that is now Israel. Then, as is the way of empires, it spent an equally vast span of time getting conquered itself, by just about anyone who wanted to—the Persians, the Greeks, the Romans, the Arabs, the Turks, the French, the British and finally the military junta from which Col. Nasser moved into personal power.

Obviously, the old-time Egyptians, the ones who really owned the deeds to the place, have been long gone, not only from control but most probably from Egypt itself. If you spend any time looking at ancient Egyptian paintings, you are struck immediately that the people pictured don't look in the least like Nasser. If they look like anyone still around it is the Watusi, that tall, partly caucasoid African tribe in present-day Rwanda and Burundi.

Thus there is some ground for believing that the real Egyptians—the ones with the Pharaohs and pyramids—fled from their conquered country, went south into the jungle, got decivilized over the centuries and became the Watusi.

Meanwhile, who were the Israelis before there was an Israel? Who was Moses, for that matter? Sigmund Freud did a brilliant piece of speculative history on Moses. In his view, Moses was obviously an Egyptian prince. We can forget about the princess "finding" him in the bulrushes; that was just a cover story.

The great contribution of Moses to religious thought was his discovery of monotheism, the theory that there is but one God, not a whole bunch. The Egyptians, of course, like most peoples of the ancient world, believed that the more gods you had, the better off you were. But there was one exception.

Just before Moses appeared on the scene the "heretic Pharoah," Ikhnaton, changed both his name and his capital city in honor of his own newly discovered one God. He campaigned vigorously against the pantheon of the Egyptian gods, tearing down their temples and putting the running of the empire into the hands of converts to his monotheism.

Naturally, the Pharaoh's unprecedented actions created many powerful enemies, chiefly in the highly developed priesthood, most of whose members stood to lose power and wealth and even their jobs as a result of the monotheistic reformation.

When Ikhnaton died, by fair means or foul, the priests came back strong. They placed a boy son-in-law, whom we know as King Tut, on the throne and ruled through him as a puppet. Ikhnaton's memory was systematically erased and his followers persecuted into death and slavery.

So suddenly, Freud asks, a group of slaves in Egypt is taken with the idea of monotheism and runs away from persecution? Who could they have been? Who else? Moses was an Egyptian prince of Ikhnaton's heritage, spiritually certainly and probably by blood as well.

The runaway Israelites were remnants of Ikhnaton's monotheistic converts who crossed the Red Sea both to escape the slavery and persecution visited upon the heretics by the priesthood and also preserve Ikhnaton's one-God religion. They did preserve it and it now characterizes the European, American and Islamic worlds. Ironically enough, the one-God religion of the present inhabitants of Egypt came to them through the Israelite preservation of Ikhnaton's discovery.

Thus, if legitimacy is to be the standard of who owns what and who lives where in the Middle East, the first thing to do is get the Arabs out of Egypt and back into Arabia. The second thing is to give Egypt back to the real Egyptians.

That presents a minor problem. The Israelites, clearly, have the best title to the place, since they are the only old-time Egyptians still around. But because of both ancient and recent associations, they probably wouldn't take the place as a gift—and who can blame them?

That leaves the Watusi as the proper heirs to Egypt and they could hardly run things worse than does the present management.

AFTER THE DEBACLE

An almost incredible combination of Israeli strength and Arab ineptitude has sent Egypt and her allies reeling back along three military fronts and has forced them into a diplomatic retreat in the United Nations.

The war is as good as over. The totality of the Arab military defeat was demonstrated by the Soviet acceptance of the United Nations' unconditional call for a cease-fire—a major retreat from the earlier Russian position of total support for the Arab insistence that any truce must be based on a return by the armies to the positions held before the outbreak of hostilities.

It was reflected, too, in the wild Arab charges that American and British planes had provided massive support for the Israeli ground forces—an obvious attempt by Nasser to excuse his shattering defeat; in the severing of diplomatic relations between the Arab nations and the United States, and in the halting of oil sales to the West. These moves—all of them—were the desperate and self-punishing thrashings of nations on the edge of defeat.

What lies ahead?

Despite Nasser's blustering rejection this morning of the United Nations call for a cease-fire, the Arab nations will soon be forced to face the inevitable. Russia has made clear that it has no intention of stepping in with military support. The Soviet vote in favor of the truce proposal and the Soviet silence in regard to the Arab charges of Western air intervention effectively closed the door on that possibility.

By the time the fighting ends, Israeli forces will hold the fortress at Sharm el Sheikh that controls the entrance to the Gulf of Aqaba. They will effectively control virtually all of the Sinai peninsula. They will dominate the east bank of the Suez Canal. They will hold the entire Gaza Strip. They will control all of Jerusalem. They will probably have cleared the Jordanian forces from the area west of the Jordan River.

It is Israel's position, implied in Foreign Minister Abba Eban's statement in the United Nations last night and spelled in private diplomatic contacts, that Israel is willing to return essentially to the situation that existed before these hostilities began—providing a true peace is negotiated. Such a peace would involve recognition of Israel by the Arab states and a guarantee of Israel's rights of free passage through the Gulf of Aqaba. Israel has made it clear, however, that it will not agree to return the territory it now holds—to the Arabs or to the United Nations—so long as the Arab world insists that a state of war still exists.

It is difficult, considering the recent history of the Middle East, to fault the Israeli position.

The United States must join with other powers in an effort to create the measure of security that such a peace treaty would provide. It will not be easy, but in the wake of the Arab defeat it should not be impossible. And the near-cataclysms if 1949, 1956, and 1967, brought on by Arab determination to obliterate Israel, make any other course unthinkable.

FOLLY ON TROUBLED WATERS

There is a great deal of emotion, but not much logic or common sense, in the decision of Kuwait, Iraq and other Arab countries to stop selling oil to Britain and the United States "because of their support to Israel."

This move reflects no credit on the governments that have called for it. It is hardly more sensible than the Arab Labor Federation's appeal to "workers all over the Arab world" to destroy whatever is necessary—including pipelines and refiners—to halt the flow of oil to Britons, Americans and anybody else seeming to be on the side of the Israelis.

There is a kind of madness here. The United States, which imports only a tiny percentage of oil from the Middle East, can get along with the greatest of ease without imports from that area. This does not hold true for Britain, Western Europe and countries like Japan, but these lands, even so, can cope effectively with the kind of petroleum cutoff now supposedly in operation.

The world, needless to say, is not the same as it was during the Suez crisis of 1956. In that time President Nasser of Egypt found it possible to use the canal as a weapon menacing the vital needs of the West. But he does not have as good a card to play today.

This is so because the blockaders themselves apparently do not know exactly where they're going or what they're doing. They cannot stop selling their oil to the world without creating serious economic problems in their own national economies. The producing Arab countries look less than impressive when they clamp down on sales outlets they sorely need.

WELL DONE, GARDNER

Mr. HICKS. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. O'HARA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, the Reporter magazine, in its June 1 issue, carried a particularly timely and informative article concerning the subject of desegregation of federally assisted programs administered by the Department of Health, Education, and Welfare. As we are all well aware, title VI of the Civil Rights Act of 1964 prohibits the use of Federal funds to support segregated programs.

The recent debate of the Elementary and Secondary Education Amendments left me with the impression that there was considerable misunderstanding about what the Department of Health, Education, and Welfare is doing in order to meet its title VI responsibilities in administering programs under its jurisdiction. The Reporter article, I think, sets forth clearly the responsibilities of HEW and what the Department is doing to meet them.

Mr. Speaker, I hope our colleagues—particularly those who have been so critical of the Department—will take a few moments to read the Reporter article which appeared under the headline, "Well Done, Gardner!" I insert it as part of my remarks at this point in the RECORD:

WELL DONE, GARDNER!

May 17 marked the passage of thirteen years since the Supreme Court handed down its ruling in *Brown v. Board of Education*, the decision that outlawed racial segregation in the nation's public schools. Inevitably the burden of putting that decision into effect has fallen to the lower courts in the South. Thus, since *Brown* was decided in 1954, around three hundred additional cases have been brought by Negro plaintiffs over the intricacies of compliance—or noncompliance—on the part of Southern school officials.

The result has proved unsatisfactory on two counts. First, for all their diligence and good intentions, the courts are simply not equipped to do the job—nor should they be. Increasingly in the years after *Brown*, they found themselves performing as substitute school boards, making decisions and drawing up programs that strained the limits of both their competence and their jurisdiction. Then there was the problem of delay, which attends most legal struggles. All over the South there are Negroes who, although they were not even old enough to go to school at the time of the *Brown* decision, have now completed their entire education without having felt the effect of *Brown*.

Both the lower courts and the Negroes who appealed to them had little choice in the matter until a few years ago. The passage of the Civil Rights Act of 1964, with its section requiring that Federal funds be withheld from institutions that continue to segregate, and the subsequent enactment of a general education bill, both provided an opportunity for change. For the first time there was statutory recognition by Congress of the validity of the Supreme Court's decision, and there were administrative means to enforce it. Congress, in short, took the burden off the courts and shared it with the administration. How that new authority is to be used, if at all, is the question that lies behind the current skirmishing on Capitol Hill over the administration's desegregation guidelines. Plainly, those Southerners who spent ten years bemoaning the excessive role of the courts in their affairs are in no way consoled to find the courts restored to a more traditional role as interpreters of the law. They have trained their attack on the Department of Health, Education and Welfare, which—not surprisingly—has also been accused by some in the North of a lack of militancy in pursuing the goal of desegregation.

Secretary John Gardner stepped into his unenviable position in August, 1965, shortly after the enactment of the legislation that shifted so much responsibility from the courts to the administration. Almost immediately the cross-pressures upon him began. Under the terms of the Civil Rights Act, hospitals that had not complied with the HEW desegregation standards by July 1, 1966, were ineligible for Medicare compensation by the Federal government; and similarly, schools not meeting HEW standards could not qualify for assistance under the Education Act. To hear it told in some quarters on Capitol Hill, one would imagine that the much-disputed guidelines were a collection of arbitrary and immutable laws carved in granite by Secretary Gardner with the help of Harold Howe II, the Commissioner of Education.

In fact, they represent little more than HEW's effort to formulate a set of standards by which to measure the progress and good faith of Southern school systems that are applying for money and avowing at the same time that they are in the process of desegregation. No one at HEW ever thought of these standards—with their suggested percentages of increase in integration, their recommended steps for faculty integration, and so on—as absolute or uniformly applicable conditions to be met at once. Nor has Secretary Gardner ever been complacent about what he and his aides set about to do. It is acknowledged at HEW, for instance, that it may have been a mistake, though perhaps an unavoidable one, to meet staff shortages in the first year of activity by hiring a corps of law students to do HEW's compliance work in the South. Some of these young men from the North are said to have lacked much in the way of sensitivity. It was recently made known that in the future the program will be broadened to include other persons, among them some Southern educators.

This fact became known the same day Gardner announced that Commissioner Howe and other program administrators in his department would no longer be charged with enforcing civil-rights, compliance in their fields; he took that job directly to himself. Thus, even as the Southerners in Congress were preparing yet another attack on the guidelines, which they hope to amend out of existence, some voices began to be heard on the other side suggesting that the Secretary had backed off and sacrificed Howe to the Southerners' pressure. It was an odd, if predictable, charge. Secretary Gardner deputized his assistant for civil rights, F. Peter Libassi, to preside over the civil-rights program from the Secretary's own office. Libassi, who came to HEW from the Civil Rights Commission, is known to share all the Secretary's determination to achieve compliance. He has the advantage, however, of not having shared the spotlight with Commissioner Howe.

On March 29, in an unusual *en banc* session of twelve judges, the Fifth Circuit of Appeals upheld Secretary Gardner's use of the school desegregation guidelines. In this more traditional and appropriate role, the courts can now give weight to decisions taken by administrators with Congressional authority to act. This tandem arrangement has been too long in coming, and the judicial endorsement of the guidelines has been too dearly bought for Secretary Gardner to consider stepping back now. If the Southerners on the Hill can be defeated in their current legislative efforts, Gardner will be in an unusually strong position. The fact that he has quite reasonably and sensitively taken steps to assure a little more tact in HEW's performance should not be misleading. By moving the burden of enforcement directly to his own office he has also indicated that he understands the responsibility he has acquired and that he is prepared to take the heat.

WE CANNOT AFFORD POVERTY, IT'S JUST TOO EXPENSIVE

Mr. **HICKS**. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Holland] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. **HOLLAND**. Mr. Speaker, I have frequently been critical of businessmen and the business community for what I have sometimes thought to be too much concern with the cost of things and not enough with their value. But every once in a while—just often enough to make me doubt all my favorite prejudices—some unmistakable, blue chip member of the business community says something to make me eat my words. Such a speech was given recently at the May 12 meeting of the National Council of YMCA's by Mr. Herbert Hilkert, first vice president of the Federal Reserve Bank of Philadelphia.

"We cannot afford poverty," says Mr. Hilkert. "It's just too expensive." Mr. Hilkert's remarks cover both the moral and the economic dimension of the poverty program, and they do so in terms as compelling as any I have heard on any side.

I insert this remarkable speech at this point in the Record:

Responsible Citizen Action

I think it is accurate to say that, materially, our country has done more good for more people than any country in all of history. A system that has succeeded in raising the living standards of 80 per cent of the people to present levels deserves some kind of medal of merit.

This point I want to emphasize so that in speaking of a job still to be done I convey no impression that I am downgrading America. One can point to the achievements of our society without being callous toward those who are in need. It does, however, point to the moral problem.

The bald fact is that ours is hardly a livable society for a large number of underprivileged, deprived and handicapped people. Our goal must be to make our society livable for all. No one can feel comfortable about an America which is accurately described both at home and abroad as a land in which dire poverty exists in the midst of unmatched affluence.

A decent America simply had to declare a war on poverty. However much we may differ about the logistics of this war, no moral and rational person can quarrel about our need to wage it.

The problems are difficult, complex and massive. They must be solved in ways which do not sacrifice the very forces which have operated to make ours an economically strong society. We must not be trapped by soft-headed answers to baffling economic problems.

The quest is for economic and social justice. The road is rough and tortuous. We must pursue it vigorously, imaginatively, and steadfastly, no matter how rough the way. Our society is on trial. Harry Emerson Fosdick used to say, "The basic test of any society is what happens to the underdog."

The war on poverty must be waged because we as citizens must meet our responsibilities which so clearly fall within the framework of justice and morality. Just as our country could not exist half-slave and half-free, so it cannot continue to be 80 per cent affluent and 20 per cent poverty-ridden. The call is for responsible citizen action in an all-out effort to reach those whom the Scriptures call "the least of these."

But the problem is not only moral! It is economic too. Poverty is an economic drag on our nation. We cannot achieve fullness of economic health and strength with this weight around our neck. The plain and basic truth is that we cannot afford poverty. It's just too expensive.

While I wish to make some comments on the subject of social welfare and the welfare state, I want first to say some things about the anti-poverty war, the programs arising from the Equal Opportunity Act of 1964. I do this first for the reason that this activity is to be clearly differentiated from "welfare" as commonly conceived. When we talk about the anti-poverty war we are not talking about traditional "welfare" programs. We are talking about *investing in America*. We are talking about *investing* in citizens. We are talking about investment programs which pay off far more than we lay out. We are talking about converting unemployables to employables and tax-eaters to tax-payers. We are not talking about merely doubling our money, we are talking about increasing it many times over. When the businessman says, "to make money, you have to spend money" he doesn't regard this as a handout procedure. Well, the anti-poverty programs are not handouts either.

Do businessmen really believe what I am saying? Do I sound way off base to any hard-hitting, profit-seeking, I-have-to-meet-a-payroll industrialist? Well, let's see.

Two days ago I attended in Washington a meeting of the Business Leadership Advisory Committee of the Office of Equal Opportunity (home of Sargent Shriver). I am a new member, and so I was "all ears." Seated around the tables were some 50 top officials of blue chip companies of America. I wish every person who has, at one time or another, accused businessmen of lacking social responsibility could have heard them. They told not only what they believed, but what they are presently doing, and what they intend to do, in support of the anti-poverty war. To a man they are not only fully behind the program, but to a man (and it is a bipartisan group) they are fully behind the President's proposed anti-poverty legislation. What struck me so forcefully was that they were not just "going along", but they were enthusiastic, and they were creative and innovative in giving the advice which is so genuinely and eagerly sought by our government, and which is being acted upon.

To be sure, these men are socially responsible men. But they are also hard-hitting free enterprisers who have to meet a payroll, and have to face stockholders. They believe that eliminating, or at least minimizing, poverty is essential to the *economic* health not only of the country as a whole, *but to their companies*.

This was one of the best examples I have seen of government and the private sectors working together in an all-out effort to solve our top socio-economic problem.

Many of us here today have special interests in supportive services. We need to remember that basic problems of human need are not solely related to health, welfare, and recreation services, especially as narrowly conceived. The crucial problem is income.

Let's look at this in terms of a power concept. Power, of course, is very much in the news these days—white, black, military, atomic, and so on. We don't hear quite enough about job power. Perhaps it is the most important of all.

Job power could virtually eliminate poverty. It could shrink the need for private charity and public welfare to a fraction of its present proportions. It could greatly reduce crime and delinquency. It could aid immeasurably in the struggle for civil rights and human dignity. Job power could accomplish all these things, and more, *because jobs create income*. And, as you in this room know well, when a man's income is adequate he can, to a large extent, satisfy his physical and psychological needs pretty much on his own. Spiritual needs are something else again, so I won't try to be too inclusive.

I am not saying job power *will* do all these things—only that it *could*—in very large measure—if somehow we could get it functioning with full efficiency. And that's far easier said than done. There are many problems to overcome, but there are practical ways by which much more job power can be generated.

These businessmen who were gathered in Washington two days ago talked this way. These men know that a strong economy, one characterized by sound, sustainable economic growth depends in our society upon valid profit expectations. They know that without a strong, well functioning economy, based upon profitable business, industrial and agricultural foundations, there can be no "Great Society." Knowing all this, they are helping to fight the war on poverty. They believe they are investing in America. They believe they are exercising sound business judgment. They believe that what's good for the country is good for their companies. They believe that it is in the interest of our country and of the nation's business for them to be working *with government* in the field of *private job creation*.

The experience of meeting with these businessmen made it much easier for me to understand what Vice President Humphrey said some time back when he predicted that

"In five years the biggest supporters of the war on poverty will not be the social workers, but the big corporation executives, the lawyers, and the bankers."

If Wednesday was a sample, we are well on the way.

To be sure, it is going to cost money, and I'm not for wasting money—it's even part of my occupational bias as well as my New England upbringing. But it would take a lot to convince me that we can't afford to do all that is proposed, remembering that OEO programs are dedicated *primarily to training, education, and motivation*—none of which is in any "handout" category. An article in Newsweek (April 2, 1967) points out that among industrialized nations (with two small exceptions) total taxation in America, even with Vietnam, is a lower percentage of gross national product than in any other country. We're not bleeding to death. I don't want to see us cut down on our investment in educating, training, and motivating the underprivileged to become useful members of our society—using the argument that "we can't afford it." It wouldn't be true. It would only mean that we don't want to change any of our priorities and that we would rather not make much of a sacrifice for the common good. And with this let me leave the businessman, and turn to government; and from antipoverty to social welfare.

Having been reared and educated in New England, I have found it hard to come to the conclusion which I now hold—which is that there is no solution to the social welware problems of this nation without government involvement on a massive scale. The expenditures required—and my belief does not rest solely upon money cost—are so vast that they are far beyond anything that can be expected from the voluntary movement. Government is in the welfare business now, it will continue to be in it. It is in it because there is no alternative and because the welfare of the people *is* a continuing responsibility of government.

Not everyone believes this as strongly as I do. One reason is that many do not want to believe it. They long for a return to a world that was. They do not look dispassionately or always compassionately upon the world that is. It is, of course, hard to give up a belief long held that every man is both the captain of his soul and the master of his fate, poetic thoughts, plainly not true in the society in which we now live. I am sorry to say that some of my friends who are fast on the draw in criticizing government involvement and intervention are quite slow in setting forth feasible alternative solutions.

Having said this, I quickly turn to a grave fear. I have a certain fear of government, a fear born of the lessons of history. What I fear specifically is that the American concept of government of the people, by the people, and for the people may become simply, and tragically, only government *for* the people.

Here then, is the dilemma. On the one horn is the conviction that without a deeply involved government the needs of the people—all the people—cannot possibly be met. On the other horn is the fear that government the servant of the people may become the master of the people, and that the most effective and seductive way for government to become master is to travel the welfare road.

I am sure that there are many thoughtful people who find themselves struggling with this dilemma. I am sure that most of us who are crusaders for voluntarism are wrestling with it.

The trouble with referring to an issue as a dilemma is that we too quickly conclude that there are but two choices and that only one can and must be chosen. I do not believe that such is the case in this issue. An optimist by nature, possibly naively so, I believe it is possible to have the best of two worlds—the world of government and the world of voluntarism. My optimism is based on the belief that not only do we need government *but government needs us.*

Two years ago, Mayor Arthur Naftalin of Minneapolis spoke to this point by saying:

". . . the federal government has discovered this need again and again. As many new welfare programs have been undertaken the federal government has made clear its feeling that their success requires more than government action, that the problems are too deep and too broad for government to cope with by itself."

He continued with numerous illustrations to demonstrate that:

"There is now a long and growing list of federal programs which are based on social planning on the part of local communities and on the part of nongovernmental agencies."

My own observations and experience convince me that government does realize the need to work with us, the volunteers. It is in fact working with many volunteers right now, and this is not new.

I am not sure that enough of us are convinced of the need for volunteers to work with government, and so our educational program must be directed to the firming up of this conviction. If we do not believe that an informed and enlightened citizenry can influence its government, then we don't really believe that our kind of government can work in accordance with fundamental American principles in this new day.

To influence government policy, government legislation, and government operation is a *major field for responsible citizen action.* For us not to be playing on this field is to be mere observers from the sidelines, and the game isn't won from there. This business of working with and influencing government at all levels is the most essential ingredient in the new dynamics of social planning. We can no longer travel alone.

I do think that too many people become overwrought emotionally with the term "welfare state." Too often it is a slogan used to whip up opposition to almost any kind of progressive legislation which one does not personally favor. We don't pin down our definitions. After all, who wants to live in an America whose government is *not* concerned with the welfare of people, a government not concerned with protecting and fostering the unalienable rights of man?

With equal fervor we must link this thought with another. Who wants to live in an America in which the people, as individuals and joined in voluntary association, fail to shoulder in substantial degree the welfare burdens of a responsible citizenry? Americans who take kindly to that government which "governs least" need to remember that it can be had only in a land in which "citizens do most."

Americans cannot enjoy the great privileges of citizenship without performing the duties which that citizenship places upon us.

I have been talking about "we" and "us"—meaning those of us who are active participants in the voluntary movement. *We* must now adapt to the new situation in which the concept of "we" has been greatly expanded. Just as democratic government must be broadly based, representative of all sectors of the community, so too must voluntarism be broadly based, representative of the total community. Citizen involvement cannot be limited—and indeed is not now limited—to the traditional, long-established, so-called "power structures" of our communities. The real power must be vested in the many, and not in what Gunnar Myrdal has called "the lively few." We are turning to the concept of the "lively many" as the only condition which befits the American concept—of, by, and for the people.

This expansion, this change, is not in every respect occurring in the most orderly and tidy ways. Democratic processes do not come easily and quickly to many who have hitherto had little experience with those processes, but we can remind ourselves that even our forefathers did not find the Constitutional Convention altogether orderly.

It is *indeed* much more difficult to work efficiently and effectively within a broadly-based order comprising individuals with heterogeneous backgrounds of experience than it is to work in the less broadly-based, more homogeneous and more comfortable circles.

Nothing could be more tragic than for the new order not to include the old. When we talk about the involvement of the citizenry, we must exclude no segment, including that to which we belong, whatever that segment may be, or be called.

The new dynamics calls for adaptations on the part of volunteers (and public servants too) and calls for the exercise of a high degree of patience, tolerance, and understanding by both old and new. We must not be overly disturbed or influenced by name-callers, the few new messiahs struggling for power who would have the community believe that progress will come only when we are rid of professionals, social workers, and all who comprise what they refer to as the "old establishment."

I should like to comment .on what has been, and still is, a controversial subject, namely, the direct involvement of the citizens who are indigenous to our community "pockets of poverty," those beneficiaries of "community action programs" who are to be involved "to the maximum extent feasible." While certain aspects of implementation need far more thought than has been given to them up to now, *there is one central idea that must not continue to be controversial.* It is that responsible citizen action must include all groups, *including the economically and culturally deprived.* There should be no question in our minds that our disadvantaged citizens can and will provide new insights and perspectives, and will create a new community enlightenment. We see this happening. We observe a growing and justly deserved respect for the poor and dispossessed of our society, and a growing confidence in their ability to contribute to the making of a better society, not just for them, but for all of us.

Having said this I want to express strong disagreement with an idea that is spreading throughout cities, at least in some quarters, that *only* the poor comprehend the problems of poverty. This is as much an absurdity as to say that physicians cannot understand illnesses with which they have not personally been afflicted. It is unfortunate that there is developing a feeling that there is no diagnosis like self-diagnosis, and that there are no remedies like folk remedies.

In this *highly complex work* of social welfare the insights, abilities, and skills that are required are many and varied. Among these are executive and administrative abilities, business judgment and foresight, analytical talents and fiscal competence, economic as well as social perspective, and a knowledge of history. These essential attributes, and many others, are *not necessarily associated with low incomes.* The qualifications for handling huge, complex, costly programs go beyond sincerity, dedication, grassroot sociological insight empathy, and personal income.

This is why we must make the big pitch to enlist our best businessmen, and I use that term broadly. They simply must become actively involved in the work of social welfare. Bear in mind that these programs are going to go on *whether they are in or out.* I just happen to believe that it will be better for the nation if they are in.

This is equally true of the professional community, including—in fact, especially including—the social work professions. Responsible citizen action rests upon the ability of the community to achieve unity of forces and utilization of all pertinent talents—to the "maximum extent feasible."

We cannot plunge ourselves into this work for the primary purpose of protecting vested interests. Our interests must be in promoting the well-being of *all* the people, including many whom the voluntary agencies have traditionally not served too well. Our concern must be not only with the victims of inequity and injustice, individuals in trouble. *Our concern must also be for the social ills* which cause so many of our citizens to be in trouble. We shall have to broaden our interests to include concerns which go beyond those typically coming within the immediate purview of health and welfare agencies. You in the YMCA's are doing this.

I know that our society must look to government for many things, but I really believe that the *quality* of the society that we look for in America will best be determined by the collective influence of volunteers, working with government. Some have spoken of this as a partnership. I happen to believe that it ought never be a true partnership, as I understand the word, because it is important for public institutions and private institutions to maintain a continuous healthy state of tension. In a true partnership it is too easy for one to fall for the ways of the other, and I'm afraid of that. My fear stems from an old adage about purse strings.

There is a lot of hard work ahead, for all of us. The goal—that of achieving a better society—is worthy of our best efforts. We can succeed. Remember the words in the Book of Nehemiah, "So built they the wall, for the people had a mind to work."

WE CAN'T QUIT NOW

Mr. HICKS. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. HOLLAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HOLLAND. Mr. Speaker, today the House Committee on Education and Labor began its hearings on H.R. 8311, the administration proposal for amendment and renewal of the War on Poverty The first witness was the Director of the Office of Economic Opportunity, Hon. Sargent Shriver. His brief prepared statement was an eloquent defense of the OEO and its amazing catalog of achievements in the short period of its existence. As Mr. Shriver pointed out in that testimony:

> We no longer have to be shown that there is poverty in America. That debate is over.
>
> We no longer have to argue whether or not the programs we have launched are effective. The record speaks for itself.

The central question now is whether having revealed the poverty, launched the programs and achieved the consensus, we are going to tear apart the engine which has powered our progress.

Let me, Mr. Speaker, assure Mr. Shriver that here is one Member of this body who has no intention of tearing apart that engine, or dismantling OEO. I agree with Sargent Shriver that we can't quit now, and I renew here and now my pledge to work to keep this vital program going, and his splendid agency in community.

I insert Mr. Shriver's prepared testimony at this point in the RECORD:

STATEMENT BY SARGENT SHRIVER BEFORE THE EDUCATION AND LABOR COMMITTEE OF THE HOUSE OF REPRESENTATIVES, JUNE 12, 1967

Mr. Chairman and Members of the committee, three years ago, this Committee of the House of Representatives shaped the legislation which began America's War against Poverty. At that time, there was little understanding in this country about poverty. Many people denied its existence. Many said it could never be alleviated—that the poor would always be with us. Experts in the fields of economics and sociology differed as to the causes of poverty and the remedies to be applied.

But this Committee steered a firm course through the shoals of disagreement and debate. Landmark legislation was developed and passed. Money was authorized, and appropriated. The War on Poverty was begun.

No one at that time believed it was going to be a quick and easy victory. Members of Congress, especially, know how long and arduous are this nation's struggles against the problems which beset it: the problems of farmers and small businessmen; the problems of labor and management; the problems of urban sprawl and rural abandonment; the problems of water and air; of railroads and utilities.

How much more difficult are the problems of America's poor. You knew that the job wouldn't be easy. But in two additional legislative sessions you have expressed your determination that the job must be done.

No other committee of any other legislature in the history of the world has urged the mobilization of the resources of a nation toward the total elimination of poverty.

Rome gave the poor bread and circuses.

The ancient Greeks threw their surplus grain to the poor.

William the Conqueror provided land for the serfs.

The Knights Templar invented the flop house.

The followers of St. Francis started the bread line.

Nineteenth Century England developed the dole.

But the Congress of twentieth century America had the courage and the vision to demand that poverty itself be ended, when a great president of twentieth century America asked that it be done. And that same Congress put the challenge and the responsibility to a new agency which it called the Office of Economic Opportunity.

Now, three years later, you are beginning discussion of new legislation. Where originally you had only theories and speculation to go on, today, you have the results of two and a half years of effort.

You have the proven effectiveness of Head Start and Neighborhood Youth Corps. You have proof in the existence of 53,000 young men and women who have gone on from the Job Corps to become constructive, contributing members of society. You have proof in—

27,000 students in Upward Bound now on their way towards higher education.

The commitment of 6,500 VISTA volunteers.

90,000 members of Community Action Agencies.

1,000,000 Americans who have freely pitched in to help on a thousand different local fronts.

You have the evidence of 1200 lawyers for the poor; 21 Neighborhood Health Centers in-being or in process of establishment; 1,050 Community Action Agencies giving needed services to poor people; 3,300 Foster Grandparents who are finding a new meaning and purpose to life.

This evidence has been compiled statistically and analytically. You have the record before you. It is a document in which you can take pride, because you made it possible.

And I know that no responsible member of this Committee or of the Congress as a whole is going to vote to eliminate Head Start or Foster Grandparents. No member is going to tell 1,000,000 volunteers to go home or shut the doors of 700 Neighborhood Multi-Service Centers. Or tell 100,000 young men and women that there won't be a Job Corps for them next year. Or send 321,000 young people home from their Neighborhood Youth Corps jobs. Or close up the Neighborhood law offices, or the Health Centers, or the Family Planning Clinics, or the Upward Bound classes.

These programs you brought into being are now a part of the fabric of American life. And, I believe, you will see to it that they endure. There are new Head Starts—new Community Action programs still to be invented. And, I believe, you will see to it that the source of innovation is not destroyed.

It seems to me that a single basic issue faces the Congress this year in connection with the War on Poverty. It is this. Will the Agency you brought into being to serve the poor, to speak for the poor, to marshal America's resources on behalf of the poor, continue to do the job you set for it?

As you begin your deliberations, you have before you two pieces of proposed legislation. Each supports a major Federal effort and expenditure on behalf of the poor. Each calls for the cooperation and involvement of all segments of our national life. Each proposes to continue, with minor changes, all the innovative programs initiated by this agency you created two and one half years ago.

The most significant difference in these two bills—one sponsored by the Administration, one sponsored by some Republicans is this: The Administration bill proposes a strengthened OEO with its coordinating power improved, its administration made more effective, and the range of national involvement in its programs broadened.

The other, proposes to eliminate OEO and destroy the central command post of the War on Poverty.

This difference strikes at the heart of the entire effort.

The reasons for OEO are very simple. The poor are the least articulate, the least influential, the least powerful of all our national minorities. They need an independent advocate—a strong, authoritative voice to speak on their behalf.

The well-to-do whose support is absolutely essential, need a constant, coherent reminder of the reality of the problem and of their responsibility to help solve it.

Local communities need a single, national source of information, innovation, evaluation, encouragement, and funding to help them sustain the momentum of their fight against hometown poverty.

The established agencies of government, the organizations in relevant fields of education, health, social work and justice, now welcome a unified command post which supports them in directing the thrust of their efforts toward the difficult task of helping the poor.

The nation as a whole needs to keep its attention focused on curing poverty at a time when the distractions of affluence are almost irresistible.

Before OEO, America had the same skills, *the same resources, the same strength of* purpose, as we do today. But our nation did not bring into being a Head Start, an Upward Bound, a Job Corps, a VISTA, Neighborhood Legal Services, or Health Centers, or local Community Action programs.

It took an OEO to get these things going and to make them work.

Its a simple matter of practical common sense. When our nation has determined to tackle a specific problem, Congress has given the job to a single, responsible authority: A Social Security Administration. A Securities and Exchange Commission. A TVA. A Department of Transportation, A NASA.

And an OEO.

Because of this common sense act of Congress in establishing OEO, and the results it has achieved, it is not surprising that an overwhelming majority of Americans have rallied behind the effort.

We may be divided on strategies for Civil Rights. We may be fragmented on issues of War and Peace. We may be isolated by the generation gap. But we are a nation united on the eradication of poverty. And this is largely, I believe, because you gave to the War on Poverty a single voice; a central responsibility.

And so, in statement after statement, resolution after resolution, involvement upon involvement, the various sects and sectors, interests and organizations, of this diverse and varied nation have declared their support for the total War against Poverty and for OEO.

The American Medical Association and the American Bar Association are deeply involved.

The League of Women Voters, the National Councils of Negro Women, Catholic Women, Jewish Women, Church Women United, the YWCA, are running anti-poverty programs.

The Conference of Mayors, the Urban League, the NAACP, the National Jaycees, the Association of United Funds and Community Chests, the PTA and the NEA have given their support.

And industry and labor have provided indispensable resources both material and intellectual.

All these groups are united in support of the War on Poverty because they have been given the chance to do something—to use their skills—to operate programs—to have their ideas listened to and acted upon.

They have had a place to go. An ear to hear them, and a source of funds, if their programs warrant funding.

The OEO has not fought alone. But it has stood at the center of the action.

The OEO hasn't had a monopoly on the good ideas. But the programs it has initiated have worked, and are helping millions of Americans right now to make the long journey out of poverty.

The OEO has not been immune to mistakes. But it has worked hard to eliminate error, and it has leaned heavily on the administrative expertise of both the private and the public sector.

As you begin consideration of the Economic Opportunity Amendments of 1967, I ask you to contemplate the significance of this unparalleled national consensus, which is unifying us as a people at a time when so many conflicts are dividing us as a world.

We no longer have to be shown that there is poverty in America. That debate is over.

We no longer have to argue whether or not the programs we have launched are effective. That record speaks for itself.

The central question now is whether having revealed the poverty, launched the programs and achieved the consensus, we are going to tear apart the engine which has powered our progress.

In a vigorous and unequivocal editorial entitled, "We Can't Quit Now," the editors of Look Magazine spoke to their 8 million readers last week:

"It is up to the Office of Economic Opportunity, not only to cope with the problems of poverty, but to argue the just demands of the poor from within the Government. . . . We must make up our minds to do the whole job. It will be costly. It can't be done overnight. Business as much as government must help. But we can end welfare waste, earn back our investment from the taxes and increased production of millions of new consumers. We have promised to let the poor in—and we can't quit now."

This is what OEO stands for. This is what you have begun and what we are pledged to continue. There is so much still to be done.

We can't quit now.

BALTIC STATES FREEDOM DAY

Mr. HICKS. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. HOWARD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HOWARD. Mr. Speaker, many small and helpless nations suffered much during the last war, but perhaps none suffered as much and made more serious efforts to maintain their neutrality than did the three peace-loving peoples of the Baltic countries—the Estonians, Latvians, and Lithuanians. At the very beginning of the war they were caught between Hitler's nazism and Stalin's communism. They had no love for either, for they detested both forms of tyranny. Yet the leaders of these countries, fully aware of the deadly danger threatening their freedom, were most careful not to arouse the wrath of their foes. However, their sincere and valiant efforts could not stay the hand of oppression and tyranny, and before mid-1940, all three countries were invaded and annexed to the Soviet Union.

No sooner had the Soviets become masters of these countries than they began the enslavement of the peoples there. Estonians, Latvians, and Lithuanians were arrested, imprisoned, and then many thousands of them were deported to the interior of the Soviet Union. The arrest and imprisonment of innocent people continued throughout the year, beginning mid-1940. Then, just before Hitler's attack on Russia in late June of 1941, the Soviet Government embarked upon the wholesale deportation of the Baltic peoples. This policy of deportation reached its peak in mid-June, and by that time more than 100,000 able-bodied Estonians, Latvians, and Lithuanians, besides other thousands of helpless peoples of all ages, were scattered in distant parts of the Soviet empire.

Such was the tragic fate of the Baltic peoples that began 27 years ago. Some of them luckily survived the ordeal and were allowed to return to their native lands after the war, but more of them perished through starvation and under indescribable hardship. Today in observing the anniversary of their deportation, we pay tribute to the memory of those who lost their lives as the result of their deportation by the Soviet authorities, and express the genuine hope that some day the Baltic peoples will regain their freedom.

THE PATERSON NEIGHBORHOOD YOUTH CORPS

Mr. HICKS. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. JOELSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. JOELSON. Mr. Speaker, in Paterson, N.J., disadvantaged young people are proving that they can be good and useful citizens.

The Paterson Neighborhood Youth Corps project has enabled high school dropouts to establish their own coffee house for their leisure time and to earn money at meaningful jobs during working hours.

Finally, thanks to the generous spirit of one of the Nation's leading business firms, Olivetti-Underwood, these boys and girls are being trained to operate the whole range of sophisticated modern office machinery, and can obtain full-time permanent jobs once they have completed their training course.

Congratulations are due to Mr. Eric Sewall, project director in Paterson and Administrator Jack Howard, of the Department of Labor. Here's the full story in an article from Communities in Action:

WHERE THE ACTION IS

(By Jack Howard, Bureau of Work Programs, Department of Labor)

"No place to go."

Until six months ago this phrase was etched through the leisure hours of ghetto youth in Paterson, New Jersey. As one boy put it, "They bug us about hangin' around on the street. They bug us about makin' the gin mills. They bug us about makin' too much racket. Man, what do they expect? We don't have no place to go."

Today they have a place to go. Neighborhood Youth Corps in Paterson made it happen. The NYC staff presented the problem to an interested neighborhood synagogue, which offered an "as is" barn-like recreation room, complete with stage. The Youth Corps was free to make of it what they could, and would. Thus began "Coffee House, Paterson, USA."

Neighborhood Youth Corps enrollees converged, en masse, in overalls, painters' caps and aprons. Sawdust flew, paint splattered and the racket of hammers and saws split the air in a frenzy of creation.

When the dust settled and the debris was cleared, a "barn" had become a "happening." Walls were washed with off-white paint, providing a backdrop for Picasso-like primitive flowers, executed in bold primary colors. A long serving bar was built into one end of the space. Tables were grouped about the room, sprinkled with bright tablecloths. The floor, scraped and waxed, gleamed like an ice rink. The whole place was squeaky clean and ready for business.

NYC enrollees now operate and manage the Coffee House—with adult supervision. They are responsible for its upkeep, they take inventory and order supplies, wait tables, clean, wash dishes, make out sales slips, do bookkeeping and perform any other duties involved in the operation of a small restaurant. Thus, Coffee House serves as a work site for NYC enrollees as well as providing recreational facilities for Paterson youth.

The valuable work experience also offers enrollees a fringe benefit that many fortunate youth take for granted. Enrollees, by operating this facility, acquire a "nut and bolts" knowledge of how a business is run—what makes it go—what the hang-ups are—what the rewards are. For most of them it's the first time they have been on the receiving end of a profitmaking service—a service that truly serves *them,* that does not exploit them, that does not create a "don't hang around here" atmosphere. This dynamic experience influences their attitudes about work and about a free enterprise economy.

Entertainment for the Coffee House is planned by the youth through their Coffee House Council. News about a swinging new talent in town is picked up through the grapevine, and is passed on to the Council, which in turn contacts the group. At the audition, if they turn out a "sweet sound," they're booked for an evening's engagement at the Coffee House. Two or three nights a week live entertainment rocks at the Coffee

House—entertainment scouted, contacted and booked by the youth themselves.

Still under construction is a recording studio which enrollees are helping to build. Located behind the stage at the Coffee House, it will be soundproof and stocked with the latest in recording equipment. If a particular talent group becomes a real hit and shows promise, it will be invited to cut a record in the studio. The Coffee House Council and adult supervisors will make final selection of groups they believe are ready to record. Recording will carry the Coffee House Label and will be distributed to disc jockeys and record stores in the Paterson area. Any profits from record sales, as well as concession sales, will be plowed back into the Coffee House.

One of the latest improvements, made possible by profits from concession sales, is a sophisticated lighting system, which enrollees helped install. One moment a singer can be bathed in a soft blue spot, the next moment a bright yellow wash can flood the entire room.

When asked by a local skeptic why such an advanced lighting system had been installed in a "little cafe catering to poor kids," an enrollee answered—

"Poor kids like good stuff just as much as rich kids."

Not only does Coffee House, Paterson, USA, serve youth but it serves the community as well. People don't "bug" the youth now about being on the streets, in the bars. They're no longer there. They're at the Coffee House. In fact the popularity of the place has so spread that membership cards were issued to Patersonites to prevent mass invasion by youth from surrounding cities. The facilities can accommodate only 150 people so Paterson youth must now show their membership cards before admittance. (If someone breaks a house rule—established by the adult supervisor and the Coffee House Council—his card may be temporarily suspended.)

The Coffee House is unique because the Paterson Neighborhood Youth Corps is unique.

Eric Sewell, project director for the out-of-school program in Paterson, explains their approach this way:

"We have tried to provide for our young people opportunities implied by NYC philosophy as well as those actually spelled out by law.

"To accomplish NYC's objectives and to reach the really hardcore disadvantaged in Paterson, we knew we had to convince them this is where the action is. Most of our kids are too street-smart to get conned into a dead-end project. We had to develop programs that *they* were very much involved in and very much believed in. Otherwise they figure they can make it better and faster on the street.

"We had to offer them something they couldn't get on the street. We had to offer training for a job that can 'lead somewhere,' and we had to assure them that we wouldn't plan programs *for* them, but *with* them. We want to help our kids kick the idea they're assembly-line rejects."

One satellite program that has generated great enthusiasm is the BEST Center (Business Education and Skill Training) for out-of-school enrollees—a response to NYC's commitment to increase the employability of these youth. Employability according to Paterson Corps staff, means having skills as well as experience and proper attitudes.

Mr. Sewell stirred the Olivetti-Underwood potpourri, uncovering a real corporate interest in helping develop such a project. The U.S. Department of Labor's Office of Manpower, Policy Evaluation and Research agreed to subsidize part of the operation.

Olivetti-Underwood equipped the center with typewriters, bookkeeping machines, auditing machines, keypunch machines, calculators and necessary curriculum materials. The corporation trained two curriculum specialists at the Olivetti Training Institute in Hartford, Conn., who developed and will administer the curriculum program at BEST.

Training sessions take place from 4 to 10 p.m. consisting of 2-hour sections, each section accommodating five to 15 trainees. Youth enroll in the program voluntarily and may sign up for as many as two classes per evening. They assume this responsibility in addition to their job assignments during the day. The program will train enrollees in basic typing, advanced typing, bookkeeping, calculating, office machine operation and office management skills. The first 5-month session is fully subscribed (there will be three 5-month sessions, with a month allowed after each for evaluation) with a waiting list to fill any early drop-out vacancies.

Paterson staff believe this response irrefutably disproves the old saw, "Those kids just don't care about learning anything."

A placement service developed by Paterson NYC, Olivetti-Underwood and the New Jersey State Employment Service Youth Opportunity Center guarantees each graduate a permanent job in the community.

Faithful to their promise to involve youth in program development, Paterson staff created the Leadership Council. Made up of enrollees, it serves as their official spokesman, acting as liaison between them and the administration.

Council members and enrollees alike know that because of this platform, they may speak and be heard. On several occasions the Council, in response to enrollee requests, has influenced the staff in implementing a new activity or in upgrading program components.

Mr. Sewell was right. Paterson youth are getting the message—"Neighborhood Youth Corps is where the action is!"

RACIAL VIOLENCE IN PRATTVILLE, ALA.

Mr. HICKS. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. NICHOLS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. NICHOLS. Mr. Speaker, I regret to report to my colleagues that the town of Prattville, Ala., in my district, has been hit by what the news reports this morning called racial violence. Stokely Carmichael, the leader of the black power movement, arrived in Prattville last night for a meeting. A motorist passing the area where the meeting was being held reported to the police that someone had pointed a shotgun at him. Prattville Assistant Police Chief Ken Hill went to the scene and confronted Carmichael. Carmichael told Hill:

> We came here to tear this town up and we're going to do it.

Police Chief Obie C. Thompson reported that Carmichael said to Hill:

> Take off that tin badge and I'll take care of you myself.

He then turned to one of his followers and said:

> Hand me that gun and I'll take care of him.

After Carmichael was placed under arrest, some 50 to 75 people who had been at the meeting with him barricaded themselves in two or three houses and began shooting at passing cars. State trooper cars and Prattville police cars were hit by the snipers. Two law-enforcement officials were also struck by shotgun pellets although they were not seriously hurt.

When the so-called racial riot appeared to be getting out of hand, Gov. Lurleen Wallace ordered units of the Alabama National Guard into the area to be ready to restore peace if needed. I might add, Mr. Speaker, that these were units of the 31st Dixie Division which the Defense Department has decided is no longer needed and is being deactivated. Some guardsmen are still on duty today.

I want it known that the people of my State will not stand for this kind of violence, no matter who starts it. Everywhere Stokely Carmichael goes, trouble goes. My good friends from Tennessee know that. They know what happened at Nashville recently when he spoke there. Carmichael now makes Washington his headquarters. We may all get to see his type of action this summer. He not only advocates black power, he urges disobedience to the law and disloyalty to our country by refusing to serve in the military forces.

On April 12 I wrote to the Justice Department asking that they investigate certain remarks made by Carmichael at Miles College in Birmingham. One remark was:

> To hell with the laws of the United States.

I received a nice letter from an Assistant Attorney General saying they appreciated my concern and were looking into the matter.

When is the Justice Department going to become concerned over such outbreaks of racial violence as occurred in Prattville last night?

My State intends to prevent such violence, and we will take whatever steps necessary to do so.

POLISH DUMPING OF CAST IRON SOIL PIPE

Mr. HICKS. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. NICHOLS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. NICHOLS. Mr. Speaker, last week on Wednesday, June 7, 1967, J. Wiley Perry, Jr., vice president of Alabama Pipe Co., Anniston, Ala., and chairman of the Import Study Committee of the Cast Iron Soil Pipe Institute, Washington, D.C., testified before the General Subcommittee on Labor of the Committee on Education and Labor of the U.S. House of Representatives. Mr. Perry did a masterful job in explaining to the subcommittee the ill effects of imports on labor in the cast iron soil pipe industry and in pointing out the trend of exports to this country by Soviet bloc countries and other countries with extremely low labor rates by our standards.

To state the matter plainly, Mr. Perry's testimony seriously indicts our whole antidumping procedure. Certainly fairplay in international trade should be a basic requirement for countries doing business in our marketplace.

Mr. Speaker, under permission granted, I place Mr. Perry's testimony in the Record and commend him for his excellent presentation:

Statement of J. W. Perry, Jr., Vice President, Alabama Pipe Co., Anniston, Ala., Before the General Subcommittee on Labor of the Committee on Education and Labor, U.S. House of Representatives, June 7, 1967

Mr. Chairman and honorable members of the committee, my name is J. Wiley Perry, Jr., vice president of the Alabama Pipe Company, a division of Woodward Iron Company, and chairman of the Import Study Committee of the Cast Iron Soil Pipe Institute of Washington, D.C.

On September 21, 1966, we were extended the privilege of appearing before this committee to explain the ill effects of imports on labor in our industry and to point out the trend of exports to this country by Soviet-bloc countries and other countries with extremely low labor rates by our standards. They are shifting from items which require the fewest man hours of labor per unit to those items requiring the most man hours of labor per unit. At our last appearance before you, we used Poland as an illustration. We are still convinced that Poland is in reality not only shipping the cast iron soil pipe and fittings or nuts and bolts, but with purposeful intent, is also shipping man hours of extremely cheap labor by any means or avenue open to it, in direct competition with taxpaying American labor and industry.

We mentioned to you at our last session an antidumping case which we had instituted against Poland on November 1, 1965 and which had not then been resolved by the Treasury Department. A tentative finding of dumping of *both* pipe and fittings was made on February 8, 1967, and withholding of appraisement issued pending final disposition. At the end of last week, May 31, 1967, some 19 months after the investigation commenced, the Treasury Department reported that it found evidence of dumping pipe, but no evidence of dumping fittings by the Polish exporter (See Attachment A). This decision (See Attachment B) will be published this week in the Federal Register, and has been referred to the Tariff Commission to establish the extent of injury.

We are convinced that not a single length of Polish pipe has ever been sold in Wyoming, or Idaho, or North Dakota, and the usage of Polish pipe has been confined mainly to the narrow Eastern seaboard from Baltimore to Boston. However, the chances are that we may have to consider the usage of American made pipe in those Western states when we appear before the Tariff Commission to establish injury to American labor and industry.

This, then, is our problem. Your problem, it appears, is to find some legislative remedy for this rather arbitrary injustice to American labor and industry. We are confident that you will find a solution, and in this respect we heartily endorse House Resolutions 478 and 479, which we hope will relieve American industry and workers from the injury inflicted by increased imports from low wage areas.

Another as yet unanswered question in the finding of dumping in the case of pipe and not in the case of fittings relates to what particular section of the 1921 Antidumping Act, with Amendments, permits such separation. Our case against Polish exporters was based on pipe *and* fittings, not on pipe and/or fittings. The two are so completely interwoven into the fabric of the manufacturing schedules of the American industry and in its application in the construction industry, that it is like trying—in my section of the country—to separate Governor Lurleen Wallace from former Governor George Wallace, or like saying to an Australian exporter, "Your right hand glove is being dumped, but your left hand glove shows no evidence of being dumped", and then saying to an Italian exporter, "Your right hand glove is okay, but your left hand glove shows definite evidence of being dumped." How long do you think it would take for the Italian and Australian manufacturers to get married? Well, you wouldn't need a shotgun. You say, "That's so far-fetched; it's ridiculous." But, is it? Let's take a peek at an illuminating part of of the record.

In 1964, 48.25% of our imports of soil pipe and fittings came from France, and none from Brazil. In 1965, the percentage from France dropped from 26.98% while Brazil came in with 13.19%. The 1966 figures were only 14.23% from France and from Brazil, 22.33%. During this time, we had a steady increase in shipments from Poland, who was responsible for 7.99% in 1964, 22.75% in 1965 and 38.39% in 1966. The declared values and resale of Polish and Brazilian pipe in this country are roughly 15% to 20% below the French, which in turn is about 10% to 15% below the American market. Could it be that the import market got too rough for the French? Well, maybe not quite. Let's look at another side of the coin.

We have here two reports prepared by the American Embassy in Rio de Janeiro during the past year and a half. The first states that Companhia Ferro Brasileiro is a producer of centrifugal tubes, pig iron and sinter. It further states that the capital stock is controlled by the directors and five companies, among which is Compagnie de Pont-A-Mousson, and one of the four directors is Jean Ricommard, whose nationality is given as French. The others are classified as Brazilians or naturalized Brazilians, at least one of whom would seem to be of French origin.

The other report refers to another Brazilian company, the Companhia Metalurgica Barbara. This report states that its representative in the United States is Pontex Pipe Corporation, 116 John Street, New York, N.Y., who are also the representatives of the Fonderies de Pont-A-Mousson. The report further states that in 1962 the majority stock was held by Estudos Technicos E de Administracao s/a, which is the Brazilian representative of the French Societe des Fonderies de Pont-A-Mousson, and the board of directors consists of three Brazilians and two Frenchmen. The report further states that the company has been the recipient of a loan through AID, our foreign aid program, for the construction of a new blast furnace with a daily capacity of 100 metric tons of pig iron. Who, may I ask, are we supporting—Brazil or DeGaulle? This same Societe des Fonderies de Pont-A-Mousson is responsible for 100% of the French imports into this country. Into whose pockets does our AID money finally drift? Who benefits from the Alliance for Progress? American labor and industry? They pay the bill, but like the monkey that made love to a skunk, we have about enjoyed all of this pleasure we can stand.

What difference does it make to the owners of the Societe des Fonderies de Pont-A-Mousson whether the gold from Fort Knox comes directly to France or via Brazil, or via any other so-called underdeveloped country, so long as it gets to France? With whom were our representatives really dealing at GATT?

Another revealing point in these import statistics is that a big majority of French pipe has been going to the West Coast, but no fittings. 98% or more of all Mexican imports are fittings and come only into the West Coast market. They can produce pipe to American specifications and have shipped in limited amounts. Why do the Mexicans limit their exports to this country to fittings? Who really controls the Mexican foundry?

Now to get back to the Polish antidumping case. In addition to the questionable and arbitrary separation of pipe from fittings, there are other points in this case that don't quite ring clear. Why, for example, do we have to give most-favored-nation treatment to any country whose financial and statistical information is so unreliable that our Treasury Department is forced to the expediency, admittedly, of reconstructing values by comparison with a third county in which we seem to have confidence? In the instant case, the Customs Bureau, acting under regulations made by the Treasury Department, compared the alleged unfair values on pipe with that coming from France and on fittings with those coming from Mexico. Why, for example, should not they both be compared with pipe and fittings coming from India? We do not question the legality of Customs' choice. We do question the loose interpretation of the present Antidumping Law with respect to this arbitrary method of comparative selections. Certainly the complainant in this case was not questioned on this particular selection by Customs, and if a comparison had to be made with two different countries, why not France and Brazil? The ground rules on this point seem to favor the long ball hitter who pulls them to the left of deep center while the right field wall is backed up 600 feet or more.

About March 30th, we were informed by the Honorable True Davis, Assistant Secretary of the Treasury, that there would be an informal hearing in his office on April 6th in Washington, D.C., at which time both the Polish exporter and the Cast Iron Soil Pipe Institute representatives were invited to appear in support of their respective positions. The Polish exporter knew the details of the case against him, but we had no idea of the form his defense would take, if any.

At the outset, it was apparent to us at least that the meeting had been called not to determine the guilt or innocence of Poland with respect to dumping, but rather to determine under what, if any, conditions Polish pipe and fittings would be admitted into the United States.

The apparent purpose was so obvious that we asked to be excused if we were present to try to determine a satisfactory price level at which Polish pipe and fittings could be imported.

Representing both the Polish manufacturer and the Polish exporter was their counsel, Mr. Irving Savell of New York, accompanied by the Commercial Attaché of the Polish Embassy and the New York resident representative of the Polish State Trading Company, Metalexport. No actual importers of pipe or fittings ever appeared, and thus we were confronted with a corporate body having the full support of the Polish government. This demonstrates the incompatibility between a state trading company and a free enterprise company and is one of the reasons why it is so difficult to have true reciprocal trade with the iron curtain countries. Since Mr. Savell had, at the last minute, asked for this meeting, he came prepared with a memorandum which obviously had taken some time to compile. Nowhere in this memorandum did Mr. Savell deny the charge of dumping, but made the case for his clients on what they were willing to do price-wise on pipe and fittings, if they be allowed to continue operation in the United States market. We replied, of course, as best we could extemporaneously to the various points in this erroneous memorandum as read by Mr. Savell, and asked for permission to prepare and present a written rebuttal. This request was granted, but the reply had to be delivered within ten days. After all this case had been dragging for over 17 months, and time suddenly became very important!

Mr. Chairman, you will recall that I gave your office a copy of this memorandum, together with our reply. I have additional copies here in the event that you wish to introduce them into the record.

I am sure that you will understand our confusion over the ruling by the Treasury Department that there was dumping in the case of the item requiring a minimum of labor per unit, and no evidence of dumping in the case of the items requiring at least 10 times the labor per unit.

We'd like to review some of Mr. Savell's memorandum, and the second paragraph reads:

"However, in order to eliminate fittings from the issue before the Treasury, we have revised the prices of the Polish fittings to the United States, and have eliminated the alleged dumping margin."

You see, in substance, he admitted that the fittings had been dumped and was trying desperately to establish a price basis which would permit a continuation of exporting fittings to this country. Apparently he sold the idea to Treasury.

Another paragraph reads:

"The Polish pipe does not compete in the United States market place with French pipe: anyone who wants French pipe will not accept Polish pipe as a substitute. Polish pipe competes here with Indian pipe, which is much lower in price than the Polish pipe."

Here we have a clear admission that they are not competing with the American industry for the Yankee dollar, but with India. How long do you think American labor and industry can remain in the middle of this battleground without sustaining many and serious casualties? Where is the fairness in this sort of operation?

Now, his final paragraph:

"We offer to increase the prices of the Polish pipes, for the purpose of settlement of this matter, to a point which will bring the Polish pipe halfway between the French and the Indian prices. This will represent an increase in all but three of the Polish sizes: none of the Polish sizes will be reduced in price. The adjustments for differentiating elements will certainly put the Polish prices, increased as offered herein, into comparability with the French pipe."

Nowhere does he deny dumping nor does he offer any evidence of the market price for pipe and fittings in Poland, and begs to settle on a price halfway between the French and Indian prices. You will also note that his proposed increase would apply to all but three sizes. They only make six sizes—2", 3" and 4" in extra heavy and service weight. Most certainly, his proposed increase would put Polish prices into comparability with the French, if halfway between French and Indian prices constitutes comparability! Why didn't he offer to compare their export valuations with the domestic market in Poland and prices to third countries? For the same reason that he made no denial of dumping.

If you will read our reply to Mr. Savell's memorandum, you will see that almost every statement made was challenged and shown to be gross misrepresentation of the facts and in some—total and willful disregard for the truth.

To add insult to injury, we have established that one large agent for Metalexport asked to have the word "Salem SV" or "Salem XH" cast on the pipe. This same agent had previously ordered pipe with the letters "KZO" cast thereon.[1] It is significant that a large importer of Polish material is the Salem Pipe and Iron Manufacturing Company of Bridgeton, New Jersey who, themselves, are producers of cast iron soil pipe but not members of the Cast Iron Soil Pipe Institute.

How the Treasury department could possibly find dumping in the case of pipe and not with fittings is inconceivable to us, as I am sure it will be to you. Why should they base their conclusions on a document riddled with misrepresentations, deception and out and out falsification? Did the State Department assist the Treasury Department in this instance? Somewhere along the line, could the deep regard for the good will of Poland and the extension of East-West trade—so prevalent in the Administration—outweigh the regard for the treatment accorded American labor and industry? Must we follow the French example and build a plant in Poland in order to receive just and fair consideration? We get a half loaf of stale 19-month-old bread, and if we don't like that, we presume we are at liberty to eat cake!

Have we, in our eagerness to keep our economy on an even keel, forgotten that American labor and industry play just as an important role in this commendable endeavor as the executive edicts? They certainly pay the taxes which permits us to live on an ever-rising basis and to provide our competitors through foreign aid with money to build better plants in which to make bigger clubs and assure the certain death of the goose that lays the golden eggs.

During the late 1800s and the early 1900s, we imported labor as such. Ellis Island became a decaying monument to that period of our development. We didn't have too many compunctions when we set rather low quotas on immigrants allowed to come in. Why then should we back away from setting quotas on the products manufactured in many instances by almost slave labor and which we prohibit from entering our country? This is a question which we hope the Congress will consider when this country is asked to adopt the International Antidumping Agreement which has been negotiated in Geneva.

Protective tariff has become not only a dirty word, but we are not sure that tariffs as control devices haven't become obsolete in this rough and tumble time. We don't believe labor really needs nor wants protection, nor does industry. What they both desperately need and want is support in their efforts to compete and maintain an ever increasing level of living. Not the stale bread/cake routine.

To our naive way of thinking, injury to both labor and industry is pre-supposed when evidence of dumping is found. Otherwise, why is it considered an evil and where is there room in this concept for any shading of black to white?

This is the same brand of naive thinking employed by many other countries who negotiated at the GATT. If we investigate their procedures not necessarily their stated procedures, but actual procedures such as involved in this Polish case—they wouldn't haggle about the shades of gray. They would shut the door one way or another!

It is imperative that we find some device which will permit us to play this game using the same ground rules as employed by our competitors. This is the supporting structure that labor and industry and, indeed, our whole economy needs.

If we don't find it, we can assure you that every port in the United States will become an Ellis Island of the late 1800s, overflowing with foreign labor in one form or another. So who cares about our immigration quotas?

Mr. Chairman, we appreciate having the opportunity of appearing again before you and your excellent committee. We may for the moment appear to be a bit discouraged and weary, but we are confident that in your deliberations, you will find the key to this most perplexing dilemma. Thank you for your many courtesies to me personally, and to the Cast Iron Soil Pipe Institute and my colleagues whom we represent.

Treasury Department,
Bureau of Customs,
Washington, June 1, 1967.

J. Wiley Perry, Jr.,
Chairman, Import Study Committee, Cast Iron Soil Pipe Institute, Washington, D.C.

Dear Mr. Perry: The Treasury Department has determined that cast iron soil pipe from Poland is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*). The case as to this product, therefore, has been referred to the United States Tariff Commission for a determination as to injury.

With respect to cast iron soil pipe fittings, upon being advised of the tentative determination, the exporter immediately revised his prices to the United States and gave assurances that there would be no future sales at less than fair value to the United States regardless of the outcome of the investigation. The volume of the imports of this product as to which dumping margins were found was relatively small. Therefore, it has been determined that cast iron soil pipe fittings are not being, nor likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*).

Notice of the determinations and of the reference to the Tariff Commission will be published in the Federal Register within the next few days.

Sincerely yours,
Edwin F. Rains,
Acting Commissioner of Customs.

Attachment B

Department of the Treasury,
Office of the Secretary,
May 31, 1967.

[Antidumping—ATS 643.3 m]

Cast Iron Soil Pipe and Fittings From Poland: Determination of Sales at Less Than Fair Value and of Sales at Not Less Than Fair Value

On February 15, 1967, there was published in the Federal Register a "Notice of Tentative Determination", that cast iron soil pipe and fittings imported from Poland are being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded until March 17, 1967, to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

The attorney for the exporter submitted a written request for an opportunity to present views in person in opposition to such notice. The opportunity was afforded to the attorney, and all interested parties of record were notified and were represented.

After consideration of all written and oral arguments presented, I hereby determine that cast iron soil pipe from Poland is being, and is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Upon being advised of the tentative determination, the exporter of the cast iron soil pipe fittings from Poland immediately revised his prices to the United States and gave assurances that there would be no future sales at less than fair value to the United States regardless of the outcome of the investigation. The volume of the imports of this product as to which dumping margins were found was relatively small.

I therefore determine that cast iron soil pipe fittings from Poland are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

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[1] See Metalexport Order Confirmation to Key Metals Corporation of March 2nd, 1966 and Metalexport's Invoice No. 611/e694/6 of June 16, 1966 to Key Metals Corporation. Both included in data submitted April 6, 1967, by Mr. Savell.

These determinations and the statement of reasons pertaining to the cast iron soil pipe fittings are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

TRUE DAVIS,
Assistant Secretary of the Treasury.

THE TRISCHOOL PLAN PASSES ITS FIRST SEMESTER

Mr. HICKS. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. FRASER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. FRASER. Mr. Speaker, we are making progress in public education in the District of Columbia. An indication of the progress is contained in an article from Sunday's Washington Post on the trischool system in Southwest Washington, which I include as part of the RECORD:

THE TRISCHOOL PLAN PASSES ITS FIRST SEMESTER

(By Ellen Hoffman)

"We are now ready to face the challenge of providing all children of this single, cohesive neighborhood the equality of educational opportunity."

With these words by the Board of Education, endorsed by white and Negro and by low, middle and upper income residents of Southwest Washington, a historic educational experiment was begun less than a year ago—the controversial tri-school plan.

Youngsters from Amidon, Bowen and Syphax elementary schools have been a part of tri-school since February. As the school year now comes to a close, their parents and teachers—many of whom were bitterly opposed to the plan at first—are relatively happy with what has happened.

The most controversial aspect of tri-school has not had the opportunity to prove itself yet. This is the integration of economic and social groups in the Southwest community.

Nonetheless, improvement of the quality of education is evident already in the three school buildings. One sees extra teachers and aides, new equipment, building improvements and new instructional programs. A spirit of excitement about the new program is more evident than pessimism about its future.

Because of a combination of public housing and higher priced apartments and townhouses, the new Southwest has a diverse group of residents.

The children from public housing formerly attended Bowen and Syphax schools, built in 1930 and 1901 respectively.

Additions were made to Syphax in 1947 and 1954.

Children of the more affluent Negro and white residents attended Amidon, the school where Superintendent Carl F. Hansen established his well-known plan of basic education.

Amidon, with 30 per cent white students, was the only integrated school. Bowen and Syphax were virtually all Negro. About 2000 elementary students are involved in tri-school.

Proponents of tri-school believed that by assigning each elementary school two grades plus kindergarten, children from all over Southwest would broaden their social contacts. They also hoped the Board of Education thus would be pressured to equalize facilities in all three schools.

A neighborhood controversy lasted several months when Amidon parents expressed fears that their children would receive an inferior education if transferred to one of the other schools. Many parents had anxiety about such conflicts as children fighting on the way to and from school and poor classroom discipline.

Tri-school children know that school has changed, but they appear unaware that they were the center of a controversy that divided their parents a few months ago.

At recent Parent-Teacher Association meetings, youngsters proudly demonstrated that they had learned to tumble, to sing and to play musical instruments, and to express themselves through painting.

On the playground, in the lunchroom and in occasional special activities, they have made new friends from different parts of Southwest.

Hansen, who originally opposed tri-school, said this week that in terms of organization "it has really been a graceful adjustment. We proved children could make the transition without anxiety."

When the schools were reorganized in mid-year, children were reassigned as complete units—with their classes, teachers and even their furniture. The result so far has been a limited—but apparently successful—amount of contact between youngsters from the three schools.

It was felt that a mid-year change of schools would be enough of a jolt to the children so mixing within individual classes was delayed to next fall. School staff prepared for the transition by inviting parents and children to the other schools and sponsoring programs attended by all children on a grade level.

Last fall Southwest residents were debating over coffee and at cocktail parties whether tri-school should exist. By this spring, the issue had become how students should be organized into classes in the fall.

The issue is crucial to the middle class parents who fear their children will not be challenged in a classroom with a majority of "educationally or culturally deprived" younsters.

School administrators have been meeting with parents and teachers and have come up with general principles for next year's grouping.

Children's former identification with one of the three schools will disappear. Each class will have students who formerly attended Syphax, Bowen and Amidon. Hansen says, however, that classes will be limited to a certain range of reading ability so that a teacher does not have to work with children with a wide variety of problems.

AN EMOTIONAL CHANGE

Dorothy Johnson, former Amidon principal who now heads the D.C. school's elementary education department, says the reorganization was "an emotional change" for teachers and principals who were suddenly confronted with many new students and co-workers in a new school.

But they have had a lot of special help to make the transition a smooth one. Among the helps:

Full-time special teachers of science, art, music and physical education assigned to each building.

Non-professional teacher aids.

National Teacher Corps interns.

Arena Stage, the theatre located in Southwest, which set up a classroom program and trained teachers in helping youngsters to express themselves.

How do some of the new classes work?

At Amidon, a class of third graders who had moved from Bowen spent more than an hour one morning recently viewing and discussing photographs and famous paintings.

Art teacher Jane Kinsley flashed pictures on the screen—some of them abstract, cubist paintings—and the children vied to be called on to describe their subjects and discuss the use of color, form, texture and space in the picture.

NOT LIKE ACADEMICS

"They get to notice things," Mrs. Kinsley said, "and the study of art can extend into the children's lives. Art is important in tri-school because it's not like an academic subject where the children compete."

A class of Bowen fifth graders concentrate on the rythm of a canoeing song. Music teacher Sybil Erwin directs one youngster to play the beat on a big drum, another to keep time with a small drum. The rest of the class sings, and none of the youngsters looks bored.

Most District elementary schools are served by circulating teachers of science, art, music and physical education. These teachers are usually responsible for several schools, so any one child does not see them very often.

Syphax and Amidon have some extra rooms which have been converted for use by the special teachers. Youngsters can leave their classrooms and come to a room equipped for the study of art or science.

Bowen, however, houses some offices as well as upper elementary school classes and there are no spare rooms. Special teachers carry their equipment to each classroom, often cutting into class time to set up the apparatus or clean up after a session of finger painting or planting seeds.

MORE ATTENTION

With extra personnel in the building, children with problems get more attention. National Teacher Corps interns, work primarily at Bowen. They concentrate on helping small groups of students with math or reading problems so they can keep up with their classmates.

One day a week tri-school students attend "interest groups" in which they have a choice to study folk dancing, sewing, cartooning, or extra science and math.

The Arena Stage has trained teachers to use theatrical techniques to involve all of a child's senses—taste, touch and smell as well as sight and hearing—in the learning process. In a spelling lesson, for example, children "act out" words rather than memorizing them.

But there are signs that school officials are still edgy about the changes. Examples:

Amidon principal Virginia Miller commented recently, as she leaned over to pick a gum wrapper from the floor. "We've never had this problem at Amidon before, but we're working on it."

A reporter studying the tri-school was given a suggested schedule to follow during a day's visit at Syphax. Of five classes suggested on the schedule, four had come from Amidon.

NEIGHBORHOOD INCIDENTS

When asked about their opinions on the progress of tri-school, a number of teachers and administrators replied with resignation: "As an employe of the Board of Education, I'm carrying out the wishes of the Board."

Remaining objections to tri-school arise from neighborhood incidents—fights on the way to or from school, discipline problems in class and reports of shoplifting in local stores.

However, most school officials and parents emphatically deny there is a connection between such incidents and reorganization of the schools.

William C. Boyd, principal of Bowen, insists "we would have these problems no matter how the schools are organized . . . Many of these kids come to school with their problems. They have a bad day because they don't feel well or something happened at home."

Boyd's office is usually occupied by several students who have been removed from their classes for being disruptive. "These are not discipline problems," Boyd says. "They are adjustment problems."

Virginia Miller, the Amidon principal who has announced her retirement, says "we shouldn't say it's lovely, because it's not. There have been several cases of unprovoked attacks by children upon other children."

FEARS UNJUSTIFIED

Minetta Wheeler, head of the Southwest Neighborhood House education committee, says she found unjustified middle class parents' fear that "outbursts" and "incidents" would occur if their children had to cross Delaware ave. to go to school.

After four months, the focus in Southwest is turning from a neighborhood problem to the dilemma facing education all over Washington and other big cities.

This is reflected by the school staff's assessment of next year's needs in tri-school:

"Social adjustment" classes for youngsters with emotional problems.

Vice principals to coordinate the extra personnel and schedule new programs.

Pre-school classes.

A full-time psychologist.

More funds to finance field trips and other "enrichment experiences" for the youngsters.

Already planned for next year are a continuation of the Arena Stage program and, if it is funded by the U.S. Office of Education, a new educational television project.

It is not yet known how many teachers or students will transfer from tri-school. Even in September it will be hard to determine whether they leave because of tri-school or for other reasons.

ELEMENTARY DECLINE

By last week Amidon had received requests from parents to transfer 30 children; Bowen had requests for transfer of 33 children and Syphax had none. These figures compare with a total of 44 transfers from Syphax last year, and 32 from Amidon. No figures are available on transfers from Bowen last year. A number of teachers in each school will be leaving, but when asked about it, most cite personal reasons.

Total enrollment in Southwest elementary schools has been going down in recent years. It decreased by 37 students from 1964 to 1965 and by 90 students from 1965 to 1966.

Mrs. Miller said she had planned to retire as principal of Amidon before tri-school went into effect. A former Amidon teacher now at one of the other schools says "I'm not coming back next year. That should tell the story. No one asked my opinion last summer."

But most tri-school teachers did not take advantage of a recent opportunity to criticize or suggest changes in the program.

PARENTAL SUPPORT

Asked by the school administration to turn in unsigned evaluation sheets, most teachers praised the instructional program and suggested it be continued in the same way next year.

The middle class parents who originally supported tri-school have vowed not to send their children to private schools or move to the suburbs.

Jessie Tromberg, parent of a former Amidon student who now attends Syphax, has organized a group of volunteers to take children on field trips, assist in school libraries and special programs.

Theodore Cron, whose child also was transferred from Amidon to Syphax, helped draw up the original plan. He plans to continue to fight for improvements in tri-school.

He hopes tri-school will set an example for other neighborhoods in the District. "The kids know something good has been done in their school," he says, "and that their parents did it for them. This has to be done in other parts of the city."

Mr. Speaker, one of the lessons to be learned from the trischool success is that we should be very careful before condemning innovations in the District of Columbia schools. Another lesson is that additional resources can make great improvements in the District of Columbia schools. The special teachers, teacher aids, National Teacher Corps interns, and other additional personnel who are part of the three elementary schools in Southwest should also be available in schools in all sections in the city.

ADDRESS BY HON. JOHN BRADEMAS AT A CONFERENCE ON THE ARTS AND THE PRESS

Mr. HICKS. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Moorhead] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MOORHEAD. Mr. Speaker, one of the most thoughtful, imaginative and articulate Members of Congress is the gentleman from Indiana [Mr. Brademas].

When the legislation to create a National Foundation on the Arts and Humanities was pending before the 89th Congress, he was a leader in support for the bill.

Recently Mr. Brademas in an eloquent address discussed the immense and necessary contribution of the press in the role of helper and interpreter of Government aid to the arts.

Mr. Speaker, I include this thorough and thoughtful presentation by my distinguished and able colleague at this point in the Record:

Address by Congressman John Brademas, Democrat, of Indiana, at a Conference on the Arts and the Press, Medill School of Journalism, Northwestern University, Evanston, Ill., June 1, 1967

When Ben Shahn, ten years ago, delivered a lecture on "Artists in College" at Cambridge, Massachusetts, he began by saying:

"I have come to Harvard with some very serious doubts as to whether I ought to be here at all.

"I am a painter; I am not a lecturer about art nor a scholar of art. It is my chosen role to paint pictures not to talk about them."

Today I have come to Northwestern with some very serious doubts as to whether I ought to be here at all!

I am a politician; I am not a writer or painter, nor even a filmmaker or a Broadway producer. Yet practicing politicians, as you well know, are often highly gifted performers, and as I learned during the passage of the Arts and Humanities bill, some artists are rather effective politicians, too!

It is with some apprehension that I speak today before a group comprised largely of critics and editors, for politicians and the working press, while often the best of friends, remain uncomfortable bedfellows. This is especially true these days in Washington, where the other evening I reminded a reporter friend of Soren Kierkegaard's pithy observation: "The lowest depth to which people can sink before God is defined by the word Journalist . . . If I were a father and had a daughter who was seduced, I should not despair over her; I would hope for her salvation. But if I had a son who became a journalist, and continued to be one for five years, I would give him up."

Undaunted my newspaper friend retorted with a characteristic observation of Mark Twain:

"To my mind," he once wrote, "Judas Iscariot was nothing but a low, mean, premature Congressman."

Both conviction and self-interest dictate that I warmly dispute such attacks on either politicians or the press. Indeed, as far as our subject today is concerned—government policy toward the arts—the press, and I include many of you assembled here—has made a major contribution to our progress to date. I want to return to this point after first taking up with you the genesis of the support the Federal government now provides to the arts and then the problems which this support entails.

THE REASON FOR GOVERNMENT SUPPORT OF THE ARTS

Let me then begin by suggesting to you that the new and growing interest of the Federal government in the arts reflects an increasing concern, as President Johnson has said, with the quality of our goals as well as the quantity of our goods. In spite of our grave physical deficiencies as a nation—deficiencies, for example, that cry out for a war on poverty—we have, at least as compared with other nations, conquered the age-old needs for adequate food, clothing, and shelter. Yet we have grown aware that physical comfort is not enough.

This change of spirit was caught most felicitously by August Heckscher while he served as President Kennedy's Special Consultant on the Arts. ". . . In spite of the older objective of serving the public welfare," he said, "there has grown up the new and more delicate objective of serving what I have called the public happiness. In this complex of fresh issues, the arts naturally take their place. The citizens feel that the level of cultural advancement is almost as much related to their general well-being as the level of economic or scientific progress."

This concern for "public happiness" beyond physical welfare, it seems to me, is reflected not alone in the Arts and Humanities Act of 1965 but also in wide-ranging measures that regard as appropriate matters for governmental action the unveiling of scenery concealed by corridors of billboards, the reclaiming of countryside strewn with unsightly auto cemeteries, and the restoring of both beauty and health to cities now cluttered with blight, clogged by traffic, and stifled by smog. These concerns signify, in my judgment, no passing neurosis to be cured by a quick dispensation of tranquilizers. They suggest rather an understanding that while the burgeoning GNP can raise revenues, it cannot elevate the soul. And with respect to the arts, as Alfred North Whitehead has observed, "the fertilization of the soul is the reason for the necessary of art."

This greater sympathy for a role for government in support of the arts has been a long time forming. For, as Frank Getlein, art critic of the *Washington Star* has written: "The United States, ignoring the universal example of civilized nations, has generally let the arts shift for themselves, except when congressional committees have investigated them for alleged obscenity."

President John Adams understood the separation of art and state, but he was also able to foresee the present evolution when he wrote to his wife in 1770: "I must study politics and war, that my sons may have liberty to study mathematics and philosophy. My sons ought to study mathematics and philosophy, geography, natural history and naval architecture, navigation, commerce and agriculture in order to give their children a right to study painting, poetry, music (and) architecture."

THE FEDERAL RELATIONSHIP TO THE ARTS: SOME DEVELOPMENTS

The government first dipped a toe into the arts with the establishment in 1800 of the Library of Congress. From the beginning, the Library has maintained an art and music collection, and its music division today has custody of over 3 million items. The Library of Congress was followed in 1846 by creation of the Smithsonian Institution, a result of a gift from this country's first benefactor, the Englishman James Smithson. A series of executive directors broadened the scope of that institution so that it came to sponsor not only scientific research, exploration and zoological park exhibits but also publications, museums and art galleries. The governmental toe had sunk a little deeper.

The first bill to establish a national arts council was proposed in 1877. It got nowhere. Aside from President Theodore Roosevelt's entertainment of artists at the White House, the relationship between government and arts was to remain stagnant until the depression of the 1930's.

Government support of the arts became direct during the depression. You remember, of course, the Works Progress Administration program for the arts, known as Federal Project Number One, inaugurated as a professional division of the WPA in the fall of 1935.

The Arts Project has been described as a nationwide "conservation" program for the fields of painting, music, writing and the theater. The music portion engaged, as its peak, nearly 16,000 persons. Its activities included public performances by many kinds of music groups, from symphony orchestras to dance bands. It was estimated that each month 3 million persons attended the 5,000 performances of the Works Progress Administration musicians. The musicians also served as teachers, directing classes for an estimated 132,000 children in 26 states and the District of Columbia by 1939. And the project sponsored the recording of American folk music, from the Texas plains to the Kentucky hills. That infant endeavor may have been the birth of the sounds that twang across transistorland today.

The Arts Project lasted eight years. It managed to extend cultural activities to communities throughout the country. Yet its central inspiration was drawn less from an appreciation of the arts than from the more immediate principle that even artists ought to eat.

The success, although not uncritically acclaimed, of the Arts Project, led to attempts to have the government do more in this field. In 1938, Senator Claude Pepper of Florida, now my distinguished colleague in the House of Representatives, introduced a bill to establish a permanent Bureau of Fine Arts. "It is the obligation of the government," the Senator declared, "to recognize that culture as represented by the arts is a social necessity consistent with democracy and also to recognize that culture must be encouraged and developed in the interest of the general welfare." He spoke for an idea whose time had not yet come. Nor did it come up to and through the early 1950's, years during which, in the view of one writer, bills and resolutions for arts legislation were introduced "sheepishly" and were "negated by laughter."

PRESIDENT KENNEDY AND THE ARTS FRONTIER

I believe it fair to say therefore that the arts frontier upon which the government has now embarked in earnest was opened by the late President John F. Kennedy. During the thousand days of his administration, there were three events that set government moving in this direction.

First, Secretary of Labor Arthur Goldberg intervened in and settled the Metropolitan Opera Strike of 1961. He issued his arbitration award along with a statement declaring, "We must come to accept the arts as a new community responsibility and part of this new responsibility must fall to the federal government."

The second event of the Kennedy days was the appointment in 1962 of August Heckscher as Special Consultant to the President on the Arts. A man of insight, Heckscher interpreted the creation of his position as a consequence of ". . . some of the basic currents of the Sixties—an increased amount of free time . . . a recognition that life is more than the acquisition of material goods . . . a growing awareness that the United States will be judged—and its place in history ultimately assessed—not alone by its military or economic power, but by the quality of its civilization."

Within a few months, the new consultant had issued a report urging: 1) that executive agencies take more interest in the artistic worth of their activities, from public buildings to publications; 2) that the government take special responsibility for making the city of Washington "a symbol of the finest in our architecture, city planning and cultural amenities," and 3) that the government adopt policies beneficial to the arts, such as lowering taxes on artistic performances and maintaining low postal rates for cultural materials.

The third event of the Kennedy administration was the appointment by executive order in June, 1963, of an Advisory Council on the Arts. This was the first governmental body to be concerned exclusively with the arts, artists and art institutions.

The ideals behind the Kennedy actions were eloquently expressed in the President's famous address at Amherst College only days before his assassination. He said then: "I see little of more importance to the future of our country and our civilization than full recognition of the place of the artist free to follow his vision wherever it takes him. I look forward to an America which will reward achievement in the arts as we reward achievement in business or statecraft. I look forward to an America which will steadily raise its standards of artistic accomplishment and which will steadily enlarge cultural opportunities for all our citizens."

THE CONTRIBUTION OF PRESIDENT JOHNSON

This high ambition was nurtured to tangible fruition under President Johnson. There was, first, a 1963 Act to provide up to $15.5 million in matching federal grants for the John F. Kennedy Center for the Performing Arts in Washington. A year later, Congress gave the Advisory Council on the Arts statutory sanction, establishing by law a National Council on the Arts. These efforts reached their climax when Congress passed, by voice vote in both Houses, the National Foundation on the Arts and Humanities Act of 1965.

This Act established a National Endowment for the Arts, and authorized it to spend $10 million a year over three years in grants-in-aid to assist institutions and individuals in the arts. The National Council on the Arts was made the advisory body for the Endowment for the Arts, and Roger Stevens, former chairman of the council, was named executive officer in charge of the Endowment.

The creation of this Endowment for the Arts put the government for the first time in the business of subsidizing arts for the arts' sake. An example of the difference the subsidy can make is the grant of $181,000 made last year to the Martha Graham Dance Company. That money enabled the company to create two new works and to make an eight-week tour of the United States. Miss Graham, one of the nation's foremost modern choregraphers, had not been able to take her company on a national tour for 15 years. Before the grant announcement there had been reports that she was contemplating a move to England or Israel.

GOVERNMENT AND THE ARTS: SOME ISSUES

Because fairly substantial government support of the arts is both new and significant, we must raise some questions about the future of the relationship.

One question that ought to be dispatched quickly is our ability to afford $10 million for the arts. With 1967 federal expenditures of $126.7 billion, nearly $70 billion of that for defense and war needs, this less than one ten-thousandth for the arts pinches the federal budget as the purchase of a concert ticket pinches the president of General Motors. The government of Great Britain appropriates approximately the same amount for support of the arts, a per capita expenditures three times our own. Let me also stress at this point the fact that Congress appropriated only $2.5 million for the National arts program in fiscal 1966, only $4.5 million in fiscal year 1967, and I hope, despite the enormous costs of the Vietnam war and the parsimony of the Appropriations Committees, at least that small amount for fiscal 1968. The Endowment, in other words, will actually receive only about half its authorized funds for its first three years.

There are, however, more serious issues we should consider and they relate to the impact of subsidy not upon the government but upon the arts themselves. There seem to me to be two central issues, one concerning freedom, the other quality.

As to the first, the creation of art is by its nature the least bureaucratic of human endeavors. No committee can compose a poem, nor any agency a sonata. The question rather is: Will strings attached to the government dollars restrict or inhibit artists and the institutions upon which they depend?

I know of no one, of course, who suggests that one morning we will open the *New York Times* to read that some novelist has been sentenced to hard labor because his output has been critical of the Administration—the kind of story we saw last year in the tragic cases of the two Soviet novelists, Andrei Sinyavsky and Yuri Daniel. The Arts and Humanities Foundation Act not only avoids any mention of censorship; it is explicit in directing that no government agency or employee can control or supervise programs or individuals assisted under the bill.

Moreover, the text defines the purpose of the Act as helping "to create and sustain not only a climate, encouraging freedom of thought, imagination and inquiry, but also of the material conditions facilitating the release of this creative talent." We are justified, therefore, in assuming that neither the President nor Congress intends to use the subsidy as either leash or whip.

I should here note that the Act was in part a response to specific needs identified in the Rockefeller Panel report, *The Performing Arts, Problems and Prospects*. This report—significantly, a bestseller when published in paperback—showed that nonprofit arts organizations spend about $100 million a year more than they earn in box office receipts. This figure alone is evidence that an investment of $10 million will enable the government to make a meaningful contribution but not to become a controlling stockholder in the arts.

FEDERAL SUPPORT NOT A DOMINANT PART OF THE "NETWORK OF SUBSIDY" OF THE ARTS

The federal subsidy will be a part, but by no means a dominant part, of what one writer has called the "network of subsidy" composed of contributions from state and local governments, private individuals, corporations and foundations. To be distributed largely through the well-tested means of matching grants, the government dollar is fundamentally intended as seed money. It is aimed at producing what the economists call a multiplier effect, stimulating greater income from a greater number of sources for the arts. This type of effect has been demonstrated successfully on a state level by the pioneer New York State Arts Council. Since that council was formed in 1961, 54 other states and territories have taken steps toward the creation of similar bodies. Organizations of this type exist in more than 100 local communities, and we can count some 30 arts centers in cities across the nation.

In light of this diversity of support, I share the reasoning of my able colleague, and one of the most effective champions in Congress of the Arts and Humanities Bill, Congressman William Moorhead of Pennsylvania, who argued on the House floor: "We do not propose the creation of a monolithic structure of aid to education and culture; on the contrary, we propose an addition to a pluralistic system of support for education and the arts."

If enough people are willing to pay the piper, Congressman Moorhead suggested, the piper can select his own tunes. A federal subsidy, representing support from yet another source, should therefore add to rather than detract from the freedom of the artist.

Let me offer in support of Congressman Moorhead's analysis a comment of distinguished scholar, Henri Peyre, who cooly debunks those who are convinced that government control must follow government support. Says Peyre: "Systematic belief in the eventual mistake or imagined perfidy of their legislatures, of Congress, or of the White House is a strange mental attitude to hold for citizens of a democracy called upon to offer a model for much of the world."

DEMOCRACY AND THE ARTS

The second major issue raised by the advent of federal arts subsidies concerns the effect of government dollars on the quality of artistic achievement. Russell Lynes of *Harper's* Magazine, for example, expresses one view: "I am not worried about creeping socialism in the arts, but about creeping mediocrity. The less the arts have to do with our political processes, I believe, the healthier they will be."

The Act itself, however, does not presume to guarantee excellence. Its statement of purpose acknowledges that, ". . . no government can call a great artist or scholar into existence. . . ." The assumption that a subsidy will, however, inevitably breed mediocrity relates to an old question, whether culture and democracy are irreconcilable. Eminent men have concluded that they are; that great cultures have always been elitist affairs; that "the masses" can never attain high cultural standards; and that democratization of the arts inevitably brings about their debasement.

This issue was the subject of a paper issued a few months ago by the Center for the Study of Democratic Institutions. "Neo-elitists," that paper noted, see the mechanisms of the mass media as reducing the quality of the arts. This view is opposed by "democratic optimists," who argue that it is possible to widen the base for both support and appreciation of the arts.

The question has immediate relevance when one considering that right now the United States is experiencing what is popularly described as a culture boom. It has meant a statisticians' field day: We have 35.5 million amateur musicians; we buy 18 to 20 million classical records a year; last year 3.1 million of us attended 2,054 productions of plays in 10,230 performances on college and university campuses; last summer we thronged Central Park 70,000 strong for a single concert of the New York Philharmonic; and, as the Rockefeller Report noted, we have increased our symphony orchestras to something in the neighborhood of 1,400, more than double the number of 1939.

"THE CULTURE BOOM"

Yet mere recitation of numbers leaves the cultural democrat extremely vulnerable. Mention the increase in orchestras, for example, and you will be dashed with cold ink by Igor Stravinsky, who commented: "Of those (orchestras) deserving the name, we have more likely grown from eight to thirteen . . . and I am certain that there are not 13 capable of preparing first-rate performances of the new works of outstanding young composers."

Indeed, the recent *Annual Report* of The Twentieth Century Fund for 1966, in summarizing some of the findings of the Report published by the Fund last year, "Performing Arts—The Economic Dilemma", by William J. Baumol and William G. Bowen, declared, in response to the question, "What about that cultural boom?":

"More regional theaters and local symphonies, longer dance tours and a few new opera companies are signs of a cultural boom, but the extent of the boom has been exaggerated. While an increase in consumer expenditures for admissions to performances would seem to indicate a substantial cultural upsurge, this increase mainly represents growth in population, prices and real incomes rather than a substantial rise of interest in the arts."

"Of each $100 of disposable personal income, an identical share was spent on admissions to live performances in both 1963 and 1946. In contrast, consumer expenditures on education and research doubled between 1946 and 1963."

Perhaps it shows the politician in me, but I choose a middle road in passing judgment on this culture boom. I certainly cannot believe that levels of art appreciation are rising in even rough proportion to the percentage increase in sales of records and books and concert tickets. Yet it seems equally unlikely that all this activity signifies nothing. At a minimum, I would interpret it as a vastly broadened curiosity about the arts. And curiosity is a first step. Properly nourished, it can lead to solid interest and finally to the genuine understanding that makes possible full appreciation.

In the debate between neo-elitist and democratic optimist, I hold to the middle view which argues that standards should be high but recognizes that democracy must allow for different audiences and different stages of development and sophistication.

I concede that government subsidies probably will not find their way in any large sums to the extreme fringes of the arts. Nonetheless, this money may, indirectly, benefit the avant garde. This possibility was outlined by Alan Rich, writing in the *New York Magazine* of the late *Sunday Herald Tribune*. "Federal and state subsidy for music is no panacea," Mr. Rich stated. "It can, at best, see to it that the big establishments maintain their health and spread their activities toward increasingly large audiences. But these audiences, hopefully, will then develop a healthy curiosity for the less popular entertainments, and these in turn will only continue if they are cared for by smaller private agencies."

If the federal government, therefore, accepts part of the financial burden of major activities in the central artistic workshop, more of the money from diverse smaller sources can be released for efforts in the experimental outposts.

And let me here interject that I, for one, hope that at least some government support of the arts will find its way into experimental projects; and that we will not insist on subsidizing only art forms that are widely acceptable. We ought not to ban the unorthodox.

As Ben Shahn has observed: "If the artist, or poet, or musician or dramatist, or philosopher seems somewhat unorthodox in his manner and attitudes, it is because he knows—only a little earlier than the average man—that orthodoxy has destroyed a great deal of human good, whether of charity, or good sense, or of art."

CHICAGO TRIBUNE PRAISES NATIONAL ENDOWMENT

That the Endowment has, in the distribution of very limited funds to an almost unlimited number of potential recipients, performed imaginatively and well is represented by a report from the columns of the *Chicago Tribune*.

"In the arts and in the field of education," The Tribune said recently, "President Johnson has made far reaching, idealistic federal commitments without precedent. The arts in particular have received a series of shots in the arm which are among the most creative fiscal allotments ever made. Taken in sum, they suggest a distinctively American plan for government aid to the arts which may overturn a good many notions and bromides . . . The remarkable fact is that the National Council on the Arts so far has been a muscular, fast-moving and unorthodox arm of the government which plants its punches where they likely will count most and wastes neither energy nor money. The Council has created more excitement and less controversy than anyone had a right to expect."

THE ROLE OF THE PRESS

Let me now pursue further the role of the press with respect to the Federal government's new involvement in the arts. I believe that role to have been a highly constructive force to date. Obviously Emerson was right to assert that "Beauty will not come at the call of a legislature, nor will it repeat in England or America its history in Greece. It will come, as always unannounced, and spring up between the feet of brave and earnest men."

But once beauty has sprung up, who is to see that it will thrive and prosper? Certainly not legislatures alone, nor the staffs of the Endowment or its state and local counterparts across the nation, acting by themselves. The arts can prosper only through public understanding and support on a broad scale. And this understanding and support depend in turn on the quality of the prism through which the light of the arts is refracted. They depend, that is—at least in part—on the effect of your efforts as critics and editors whose major concern is the condition of the arts in America.

Whatever else one says about critics—and one is often tempted to say a great deal—one cannot take lightly their influence. It may be that James Gordon Bennett of the old *New York Herald* overstated the power of the press when he said in 1844: "A newspaper can be made to take the lead of all the great movements of human thought and of human civilization. A newspaper can send more souls to Heaven and save more from Hell than all the churches and chapels in New York, besides making money at the same time."

Yet, I am not sure that Bennett overstated the case at all! Certainly it is true that art critics as a group have been a significant force in stimulating the growing public interest in the arts. I refer both to the leadership of many critics and their newspapers over many years in support of local efforts on behalf of the arts, and to the far more recent response of critics to the Arts and Humanities Act and its implementation, and to similar undertakings at the state level.

To cite once more the *Annual Report* of the Twentieth Century Fund for 1966, I was most pleased to learn, as I am sure you are, that the Fund has commissioned a survey entitled, "The Press and the Arts". Here is a description of the proposed "profile of cultural reporting in America's daily press":

"An interest in the performing arts and a concern with the responsibilities of the press are two areas of Fund activity that converge in a survey now under way to examine reporting on the arts in the daily press. Approximately one hundred daily newspapers, large and small, from every region of the country, will be reviewed in this survey. It will be conducted by the School of Journalism of the University of Minnesota under the direction of Mitchell V. Charnley and George S. Hage, Professors of Journalism. Robert L. Jones, Director of the School of Journalism, is an adviser to the project.

"The survey will seek to determine whether cultural news is presented at all in the selected newspapers, and if so, whether as straight news, as feature material or in some other form. It will also attempt to indicate the extent of coverage, and whether coverage is limited to local affairs, to regional events, or encompasses activities of national significance.

"In a smaller, more intensive survey of thirty-five daily newspapers, all of which have designated drama and music critics and are published in metropolitan centers where the arts flourish, reviews and critical commentary will be analyzed.

"A secondary aspect of the project will be a series of interviews with outstanding critics and reporters of the arts to ascertain what they feel is the critic's appropriate role and function. Information obtained through these interviews will re related to the findings concerning newspaper patterns of coverage.

"The Fund expects to publish the results of this study in 1967."

I have read with some care the analyses which art critics have written of the Act and of the performance to date of the Endowment—and as a body of criticism I find it highly informed and well-reasoned.

I know also that in at least two states that have developed serious programs in support of the arts—California and Missouri—the efforts of the working press to explain the plans and possibilities of state arts commissions have proved vital in the successful launching of those programs.

EFFORTS OF THE PRESS ESSENTIAL

I strongly believe that your efforts to illuminate the purpose and potential of new efforts at all levels of government to support the arts are an essential part of your obligation as responsible journalists.

While your primary task as critics is to state unequivocally what you think and feel about art, you also have a significant trust in your capacity as journalists. In a nonpartisan sense, in the sense of serving the interest of public understanding, it is your obligation to be political.

My good friend and colleague Congressman Frank Thompson of New Jersey, who deserves enormous credit for his splendid leadership in the passage of the Arts and Humanities bill, has observed that in our society, minorities of all kinds, in their efforts to achieve large ends with small means, must search out and find the pressure points in the body politic. As a result we have black power, brown power, labor power, and rifle association power, among many others. These must now be joined, says Congressman Thompson, if the arts and humanities are to receive the support they merit, by "scholar power."

I believe that you, as reporters on and critics of the arts, must help generate this scholar power and power among other groups as well. Specifically, I believe that if you favor continued government support of the arts, as I do, you should press your views clearly and persistently.

I am not suggesting that you refrain from pointing up shortcomings in our present efforts wherever they appear. On the contrary, you should discuss candidly the kind and level of support for the arts that you believe the National Endowment, as well as state and local arts commissions, should provide.

For let me remind you that there is no iron-clad guarantee that government support for the arts will continue, or increase. At the Federal level the legislation authorizing the National Foundation for the Arts and Humanities expires next year, and while our determination to extend the law will enjoy strong support, we will also encounter some stiff opposition.

My Republican colleague, Congressman Durward Hall of Missouri, for example, is outspoken in his opposition to some of the projects that the Endowment has funded and in his desire to see the Endowment budget sharply reduced.

In analyzing and illuminating this issue, therefore, the other issues involved in government support of the arts, you as critics of the arts clearly have a role of crucial importance.

In closing, then, let me say that I must once again disagree with Kierkegaard, who insists that the world would benefit greatly if journalists would only observe what he calls a "Pythagorean silence."

I take the view rather of an old classmate of mine, George Steiner, who in his recent book, *Language and Silence*, observes that it is the task of critics to help us respond to art "as total human beings, by example of precision, fear, and delight. Compared to the act of creation, that task is secondary. But it has never counted more. Without it, creation itself may fall upon silence."

To ward off that silence will require many strong voices—and yours must be among them.

AMBASSADOR COVEY T. OLIVER

Mr. HICKS. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. de la Garza] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. de la GARZA. Mr. Speaker, while the world is involved in great turmoil, and there is great concern, properly so, for the people and the areas in conflict, many of us, nonetheless, feel that we should not diminish our concern for the future of this, our own hemisphere. In which endeavor, a great part will be played by our sister countries of Latin America. It is gratifying to see that this concern is shared by President Johnson, and although, I do not think that there is any proof needed of his interest in this area, he once again has demonstrated it by the recent appointment of Ambassador Covey T. Oliver, as Assistant Secretary of State for Latin America.

Ambassador Oliver brings to this post many splendid qualities, outstanding qualifications, indeed a very impressive background for this position, but above and beyond all this, he brings a profound understanding of Latin America, a love for its people and a desire to work with them for this better tomorrow, this future with peace and prosperity that they and we their friends would work for. All this has been so ably expressed by a newspaper woman who herself, has a great understanding of Latin America, Virginia Prewett of the Washington Daily News. I would like very much to share with my friends and colleagues her recent article on Ambassador Oliver:

Oliver Shows a Grasp of Latin Issues

(By Virginia Prewett)

"Every interest of mine is firmly to nurture and support the basic principles of democracy."

Ambassador Covey T. Oliver, who in early July will be sworn in as the new Assistant Secretary of State for Latin America and hemisphere AID Co-ordinator with this statement reveals his approach to his immense new tasks.

He sees constitutional government as the only defense against "the multiple dangers" of dictatorship.

HUMAN FREEDOMS

"We in the hemisphere must show where we stand in the real understanding of the basic values of free elections and respect for final human freedoms," he told me in an interview.

In specific situations, Ambassador Oliver told me he devoutly hopes that "common standards of value" accepted thruout the hemisphere may be increasingly applied. To illustrate the point, he cited the agreement made at Rio de Janeiro in 1965 under which hemisphere governments agreed to consult on the recognition of new de facto regimes.

More importantly, for recognition, these regimes must respect human rights and Alliance for Progress principles of social justice.

Mr. Oliver approaches his new tasks with calm confidence, but no illusions about their complexity and urgency. He feels that development in Latin America is no longer racing only against its traditional foe, the coup by selfish cliques or sectors. Today, hemisphere leaders must shore up defenses also against the possible collapse of national societies into anarchy.

"BOGOTAZO"

Mr. Oliver described this new danger as that of a large-scale "Bogotazo," or a "hemisphere Watts." "Bogotazo" is a term derived from the prolonged rioting that leveled much of Colombia's capital in 1948. Fidel Castro was a dynamite-squad expert in these riots.

Ambassador Oliver brings to his new tasks a thorough background in international law, in government and in economics. In each of these areas, he boldly applies a humanistic touch. In discussing Latin America's needs, he is an innovator only in placing fresh accent on goals that are already implicit in the region's drive for modernization, but that usually become blurred in a sea of technology.

For example, he willingly backs the two most cherished goals of the "pure" technicians—improved productivity and monetary stability. But he also stresses three needs that bring the problem back to the human and individual level.

He highlights the need of workers to have jobs, and at adequate pay. Complementing this, Ambassador Oliver is not afraid to say that in Latin America business needs an opportunity to invest under just and equitable laws.

Finally, he calls for an opportunity for all to stand equally before the law.

In bringing these three points out of the obscurity in which they too often languish, Ambassador Oliver reveals a profound understanding of Latin American needs.

MIDEAST PEACE: THE HARDER TASK

Mr. HICKS. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Wright] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there

objection to the request of the gentleman from Washington?

There was no objection.

Mr. WRIGHT. Mr. Speaker, to make the shaky Middle Eastern truce into a peace will require a creative plan—and great understanding. The cease-fire is *not a pardon. It is merely a reprieve.*

The timeless travail of this ancient land haunts the present age like a procession of ghosts from the long-buried past. It was somewhere in this region that man's troubles began in Eden's Garden. And here it was that Noah sighted land after the deluge. Here Abraham began the race whose offspring fell to warring with each other. Isaac and Ishmael, from whom Jew and Arab descended, were half brothers.

Where days ago Nasser's legions flaunted international law in Soviet tanks, Moses once led his remnant of refugees from Egypt through the desert. Here Joshua laid siege to Jericho. In what we call the Gaza strip Samson slew the Philistines.

In Babylon—now Iraq—the Jews were held captive until Cyrus let them return to rebuild their city. Persians, Greeks, and Romans came and conquered. Byzantium held sway before the Arab conquest in the seventh century. And here the Crusaders had their Armageddon with Islam. For 13 centuries, foreigners fought over the scarred earth of civilization's cradle, leaving the legacies of 14 different conquerers, until General Allenby wrested Palestine from the Turks in World War I.

Then began the modern period. Britain sponsored independence for Arabia, expressly excluding Palestine, where the Balfour declaration promised "a national home for the Jewish people." This was 1917.

Woodrow Wilson and the victorious Allies helped establish national independence for lands that became Egypt, Saudi Arabia, Jordan, Syria, Lebanon, Iraq, and Yemen. But the pledge of a Jewish homeland in Palestine awaited still another war and 1948 to become reality. At no time in this period, from the expulsion of the Turks, was there any sovereign Arab rule in this ancient bit of real estate. But Arabs lived there under British mandate.

We know the agonies of the last two decades, which have seen three wars. In the solemn councils of nations and in the sacrifices of the Israeli people, Israel has been firmly established as a sovereign nation with all the rights inherent in that title.

And now we have the present—an awesome present of nuclear capabilities—when Americans and Russians share the need to find a way to help right ancient wrongs. It is in our common interest to dampen the smoldering hatreds, correct old injuries, and set a watch to see that the combustible fuel of revived hostilities does not explode in the dry tinder of the past to engulf the world in flame.

We must believe that peace is possible, that man's enlightened mind and conscience can find a way to free the future from the burden of sins as old as Eden and suspicions as ancient as Cain. Truly this is the harder task. A peace, to be secure, *will have to be fair. It will have to* include several indispensable ingredients.

First. The sine qua non is the recognition of Israel as a fact of life. The Arabs will have to take the blinders from their eyes and give up the silly fiction that Israel does not exist. They must be *made to still their foolish cries about* "exterminating" the Israeli Republic. It is a nation, with every right to live in peace, unmolested.

Second. Once and for all, we must establish the security of international waterways and the rights of all to peaceful passage. This applies not alone to the Gulf of Aqaba. It should be reasserted as well with respect to the Suez. In this enlightened age, a world grown small simply cannot pander to any tinpot despot who wants to say who may and may not ship goods in peaceful commerce.

Third. A resettlement program with truly meaningful assistance for the Palestinian Arab refugees, displaced by the creation of the Israel State, is long overdue. This is a rightful burden on man's collective conscience. A regional planned program, administered by the U.N. and aided in substantial ways by the United States and the U.S.S.R., seems the best solution.

Arab resettlement is a duty not only of conscience but of commonsense. To protect the future, we must correct the injuries of the past. Help for the refugees is not only right, it is imperative if we would remove a lingering cause of conflict which could be infinitely more costly to all of us in the long run.

Fourth. The old city of Jerusalem, whose twisted streets have echoed to the marching footsteps of too many conquerors, should be made secure for all mankind. What a great thing if it could be an international city, an open city, protected by the U.N. or a joint international commission as an enduring mecca for the faithful of the world.

Jerusalem is a Holy City to three great faiths. The Israelis knew this when they took the old parts of the town. With commendable restraint, they used only small arms fire. They paid in the coin of human life to save the sacred places. The Mosque of Omar remains intact, as do the Wailing Wall, the Mount of Olives, with its gnarled 2,000-year-old trees, Pilate's courtyard and the place of the Holy Sepulcher. What a magnanimous thing if the historic portions of this city could know no confining national identity but become in truth a city of the world for pilgrims of all lands for future time.

Fifth. Territorial boundaries must be agreed upon, clearly demarcated, and made to be accepted and respected by all. Perhaps a wider buffer zone could be established between the recent combatants to remove the temptations which arise with tensions. It would have to be patrolled, perhaps for a very long time, by a continuing U.N. presence—not to be removed at the whim of someone who wants to start another war.

As the Arabs will have to yield upon the first two points, the Israelis who now hold this land in military possession should yield to some degree upon these latter two. Israel has every right to demand security, no right to demand spoils. *Her people are too mature, I think, to insist upon them.*

Sixth. In all of this, the United States and Russia have a common stake. The sensible restraint exhibited by both in the period of armed hostilities shows that we have the wisdom to work together—*if we have the will. President Johnson* demonstrated superb calm in the explosive situation. The Russians responded. A confrontation was avoided. Now—with the cease-fire—comes the real test.

How much better for the people of both great lands if we can think more of saving the future than of saving face. And how much cheaper. It will cost less by far to help this ancient region to peaceful coexistence than to pour more billions into arms. Three billion dollars of Russion military aid to Egypt has brought nothing but trouble. That which was not taken by the Israelis lies in crumpled heaps, baking in the desert sun and sinking into the sands of centuries.

If mankind is given one more chance, may the future not lament that we were too stupid or too selfish to use it well.

For here in the ancient Middle East it also was that Isaiah and later the exiled author of Revelations spoke of a day when "men shall beat their swords into plowshares and their spears into pruning hooks; neither shall they learn war anymore."

Here, too, where Syrian artillery shells fell last week on Galilean villages, a man of peace once taught the multitudes that they should love their enemies. If this is still too much for mortal men, at the very least we must learn to live and let live.

LITHUANIA, LATVIA, AND ESTONIA HAVE A RIGHT TO BE FREE AND INDEPENDENT—27 YEARS IN THE COMMUNIST-RUSSIAN SLAVERY

Mr. HICKS. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. FLOOD. Mr. Speaker, since June 15, 1940, the Baltic States have been suffering in the Soviet captivity. The Soviet Union took over Lithuania, Latvia, and Estonia by force of arms.

The Baltic States have never experienced in their long history through centuries such an extermination and annihilation of their people as during this Soviet occupation since June 15, 1940. During the last 27 years the countries lost more than one-fourth of their entire population. Hundreds of thousands of Lithuanians, Latvians, and Estonians were murdered by the Kremlin despots or died in exile in Soviet slave-labor camps and prisons in Siberia and other places of Communist Russia. At least 20 percent of the present population of Soviet-occupied Lithuania, Latvia, and Estonia are not the Balts, but the Soviet colonists. The genocidal operations and practices being carried out by the Soviets continue with no end in sight. Bearing in mind that all of the murdered and deported people have been the most educated, courageous, industrious, comprising the strongest elements of the countries, the losses in population become more terrible and almost fatal to the survival of the Lithuanian, Latvian, and Estonian nations.

But let us now return to the details of the Soviet occupation of Lithuania. At the same time that the forces of occupation were entrenching themselves and the mock elections were being carried out in 1940, leaders and active members of all non-Communist political parties and thousands of public officials were arrested. This was but a prelude to one of the most despicable acts of modern times; namely, the mass deportions that ensued. Interrupted only by a temporary Nazi occupation of Lithuania from 1941 to 1944, when the Soviets reoccupied Lithuania, these deportations went on for about a decade. People from every walk of life, even old and dying people, were put on cattle freight cars for the 3-week journey to Siberia or remote areas near the Arctic Ocean. The number of all the deportees amounted to about 20 percent of the population, or 600,000 Lithuanians. In two nights alone of June 1941, 34,260 Lithuanians were deported to the horribly miserable conditions of the slave-labor camps. The consequent death toll of these deportees was very high.

With the increase of physical terrorization by the Soviets, a strong Lithuanian underground resistance organization was formed and fought the Soviets. It was an heroic and widespread resistance movement, but it was a costly one: after the war about 30,000 died in battles with Russian Communists.

If we demand freedom for all nations in Asia and Africa, we should do exactly the same thing in Europe. The Baltic States—Lithuania, Latvia, and Estonia—are more than 700-year-old nations and they have the same—or even more—right to be free and independent as any new country in any part of the world. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

Mr. Speaker, as part of my remarks today I would like to include a copy of the House concurrent resolution that was adopted by the House on June 21, 1965, and by the Senate on October 22, 1966:

[89th Congress, second session, Calendar No. 1573]

H. CON. RES. 416

[Report No. 1606]

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been a firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

(House Concurrent Resolution 416 was adopted by the House of Representatives by a record vote of 298 yeas to no nays on June 21, 1965, and unanimously passed by the United States Senate on October 22, 1966.)

89th Congress, 2d Session, Calendar No. 1573, S. Rept. No. 1606.

BALTIC STATES

(Report by Mr. FULBRIGHT, from the Committee on Foreign Relations on H. Con. Res. 416)

The Committee on Foreign Relations, to which was referred the resolution (H. Con. Res. 416) to request the President of the United States to urge certain actions in behalf of Lithuania, Estonia, and Latvia, and similar resolutions, having considered the same, reports favorably thereon without amendment and recommends that the resolution do pass.

The Department of State has informed the committee that the language of the resolution is not objected to by the Department of State.

EXECUTIVE POSITION

The position of the executive branch with respect to the concurrent resolution is outlined in the correspondence which follows:

DEPARTMENT OF STATE,
Washington, June 1, 1965.

Hon. THOMAS E. MORGAN,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: I am writing in reply to your letter of May 20, 1965, to the Secretary of State, requesting the Department's comments on House Concurrent Resolution 416, which has been approved unanimously by the Subcommittee on Europe and ordered favorably reported to the full Committee on Foreign Affairs. The resolution requests the President of the United States to urge certain actions in behalf of Estonia, Latvia, and Lithuania. The language of the resolution, as formulated, is not objected to by the Department of State.

The Department has been advised by the Bureau of the Budget that from the standpoint of the administration's program there is no objection to the submission of this report.

Sincerely yours,
DOUGLAS MACARTHUR III,
Assistant Secretary for Congressional Relations
(For the Secretary of State).

URANIUM LUNG CANCER

Mr. HICKS. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. OLSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. OLSEN. Mr. Speaker, it is one of the ironies of our industrial progress that the pioneers in a new area of activity often face dangers that are not recognized until men have died. This is the case in the mining of uranium where nearly 100 men have already died from lung cancer and another 1,000 are expected to die of this disease by 1985.

It is a shame that it has taken so long to recognize the dangers in the mining of uranium and to realize that these dangers can be minimized if not entirely eliminated.

But it is important to note that once recognized the Federal Government has taken direct measures to put an end to this needless waste of human life.

There can be no doubt that the standards issued by the Secretary of Labor for uranium mining are needed. It is also right and just that the Secretary made these standards effective at the earliest possible date.

Many will argue that the standards are too restrictive and others will say that they do not go far enough but none, I'm sure, will debate the need for standards of this nature. That is why the Secretary has taken advantage of the provisions in the law permitting him to establish standards before having full public participation in this development.

The benefit of public participation in the formulation of the rules will not be lost since the rules and standards can be changed if they are found to need revision, by the procedure the Secretary has chosen to follow, but neither will needless delays be caused in providing needed protection for uranium miners.

The Secretary's action in this most serious matter is most wise and I can only do what any thinking, civilized man would do in supporting him to the fullest.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CORMAN, June 12 through June 16, on account of official business.

Mr. HOSMER (at the request of Mr. GERALD R. FORD), for tomorrow, on account of official business.

Mr. POLLOCK (at the request of Mr. GERALD R. FORD), for the week of June 12, 1967, on account of official business.

Mr. MATSUNAGA (at the request of Mr. ALBERT), for today, on account of official business.

Mr. BUTTON (at the request of Mr. GERALD R. FORD), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RYAN, for 20 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. CURTIS, for 30 minutes, today; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. DELLENBACK) to revise and extend their remarks and include extraneous matter:)

Mr. HALPERN, for 15 minutes, on June 13.

Mr. SCHADEBERG, for 15 minutes, on June 13.

Mr. ASHBROOK, for 1 hour, on June 13.

Mr. BYRNES of Wisconsin, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter and tables.

Mr. ROYBAL (at the request of Mr. HICKS), for 30 minutes, on June 13; and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

All Members (at the request of Mr. PATMAN) who spoke in the Committee of the Whole to revise and extend their remarks and include extraneous matter.

Mr. GATHINGS.

(The following Members (at the request of Mr. DELLENBACK) and to include extraneous matter:)

Mr. QUILLEN.

Mr. SCHADEBERG.

(The following Members (at the request of Mr. HICKS) and to include extraneous matter:)

Mr. HANNA.

Mr. HAMILTON.

Mr. FRASER.

Mr. PUCINSKI.

ADJOURNMENT

Mr. HICKS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 33 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 13, 1967, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

823. A letter from the Secretary of the Treasury, transmitting the annual report of the Secretary of the Treasury on the state of the finances, for the fiscal year ended June 30, 1966 (H. Doc. No. 3); to the Committee on Ways and Means and ordered to be printed with illustrations.

824. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, to provide for more effective regulation under such act, and for other purposes; to the Committee on Agriculture.

825. A letter from the Assistant Secretary of the Interior, transmitting a report of measures initiated to place the Government in a position to deal with problems of supply of oil posed by the situation in the Middle East, pursuant to the voluntary agreement relating to foreign petroleum supply, approved under section 708 of the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

826. A letter from the Deputy Secretary of Defense, transmitting the Annual Report of the American National Red Cross, for the fiscal year ended June 30, 1966, pursuant to the provisions of 36 Stat. 599, as amended; to the Committee on Foreign Affairs.

827. A letter from the Comptroller General of the United States, transmitting a report of potential savings available through use of civil service rather than contractor-furnished employees for certain support services, National Aeronautics and Space Administration; to the Committee on Government Operations.

828. A letter from the Comptroller General of the United States, transmitting a report of need for strengthening procedures to reduce the number of extra final inspections on newly constructed houses, Federal Housing Administration, Department of Housing and Urban Development; to the Committee on Government Operations.

829. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 15, 1967, submitting a report, together with accompanying papers and an illustration, on a review of the Reports on Chefuncte River and tributaries, Louisiana, requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 13, 1956; to the Committee on Public Works.

830. A letter from the Deputy General Manager, U.S. Atomic Energy Commission, transmitting a list of the nonprofit educational institutions and other nonprofit organizations in which title to equipment was vested, during calendar year 1966, pursuant to the provisions of Public Law 85-934; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of June 8, 1967, the following bill was reported on June 9, 1967:

Mr. MAHON: Committee on Appropriations. H.R. 10738. A bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1968, and for other purposes (Rept. No. 349). Referred to the Committee of the Whole House on the State of the Union.

Under clause 2 of rule XIII, pursuant to the order of the House of June 6, 1967, the following bill was reported on June 9, 1967:

Mr. ROGERS of Colorado: Committee on the Judiciary. H.R. 10480. A bill to prohibit desecration of the flag, and for other purposes; with amendment (Rept. No. 350). Referred to the House Calendar.

[Submitted June 12, 1967]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CORMAN: Committee on the Judiciary. H.R. 6111. A bill to provide for the establishment of a Federal Judicial Center; with amendment (Rept. No. 351). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. House Joint Resolution 601. Joint resolution extending for 4 months the emergency provisions of the urban mass transportation program (Rept. No. 352). Referred to the Committee of the Whole House on the State of the Union.

Mr. JARMAN: Committee on Interstate and Foreign Commerce. House Joint Resolution 559. Joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees; with amendment (Rept. No. 353). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, pursuant to the order of the House of June 8, 1967, the following bill was introduced on June 9, 1967:

By Mr. MAHON:

H.R. 10738. A bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1968, and for other purposes.

[Submitted June 12, 1967]

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 10739. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink, whether or not dressed; to the Committee on Ways and Means.

By Mr. FARBSTEIN:

H.R. 10740. A bill making Columbus Day a legal holiday; to the Committee on the Judiciary.

By Mr. GRAY:

H.R. 10741. A bill to promote the general welfare, foreign policy, and national security of the United States; to the Committee on Ways and Means.

By Mr. HALL:

H.R. 10742. A bill to establish a cropland and water restoration program, and for other purposes; to the Committee on Agriculture.

By Mr. LUKENS:

H.R. 10743. A bill to amend chapter 113 of title 18, United States Code, to prohibit the transportation, use, sale or receipt, for unlawful purposes, of credit cards in interstate or foreign commerce; to the Committee on the Judiciary.

By Mr. MORRIS:

H.R. 10744. A bill to promote the general welfare, foreign policy, and national security of the United States; to the Committee on Ways and Means.

By Mr. PATMAN, and Messrs. MULTER, BARRETT, MOORHEAD, ST GERMAIN, GONZALEZ, MINISH, and BINGHAM:

H.R. 10745. A bill to authorize the establishment of Federal mutual savings banks; to the Committee on Banking and Currency.

By Mr. ROBERTS:

H.R. 10746. A bill to promote the general welfare, foreign policy, and national security of the United States; to the Committee on Ways and Means.

By Mrs. THOMPSON of New Jersey:

H.R. 10747. A bill to amend the Public Health Service Act in order to establish in the Public Health Service the position of Chief Veterinary Officer; to the Committee on Interstate and Foreign Commerce.

By Mr. BOLLING:

H.R. 10748. A bill to improve the operation of the legislative branch of the Federal Government, and for other purposes; to the Committee on Rules.

By Mr. DICKINSON:

H.R. 10749. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. FALLON (for himself and Mr. Blatnik):

H.R. 10750. A bill to amend the Highway Safety Act of 1966; to the Committee on Public Works.

By Mr. HANLEY:

H.R. 10751. A bill to amend section 5 of the Federal Water Pollution Control Act, as amended, to authorize the Secretary of the Interior to undertake a research and demonstration program for the improvement of the quality of the Nation's lake waters; to the Committee on Public Works.

By Mrs. KELLY:

H.R. 10752. A bill to provide for a comprehensive program for the care and control of alcoholism; to the Committee on Interstate and Foreign Commerce.

H.R. 10753. A bill to adjust the rates of basic compensation of certain employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KYROS:

H.R. 10754. A bill to establish the Government Program Evaluation Commission; to the Committee on Government Operations.

H.R. 10755. A bill to amend title II of the Social Security Act to provide for payment of disability insurance benefits to an individual otherwise entitled thereto from the beginning of his disability; to the Committee on Ways and Means.

By Mr. McMILLAN (by request):

H.R. 10756. A bill to establish Federal Agricultural Extension Service in the District of Columbia; to the Committee on Agriculture.

By Mr. MacGREGOR:

H.R. 10757. A bill to establish a National Institute of Law Enforcement and Criminal Justice by amendment to the Law Enforcement Assistance Act of 1965, to provide assistance to State and local governments to increase the effectiveness and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes; to the Committee on the Judiciary.

By Mr. O'HARA of Michigan:

H.R. 10758. A bill to pay the States for a portion of the expenses incurred by them in providing workmen's compensation benefits on account of claims for or on behalf of individuals who, as a result of employment in the mining, handling, or processing of uranium, suffer injury, disablement, or death from the effects of radiation; to the Committee on Education and Labor.

By Mr. SCOTT:

H.R. 10759. A bill to amend the act of June 12, 1960, relating to the Potomac interceptor sewer, to increase the amount of the Federal contribution to the cost of that sewer; to the Committee on the District of Columbia.

By Mr. DEVINE:

H.R. 10760. A bill to provide that American foreign aid shall be suspended with respect to any country which has severed diplomatic relations with the United States on or after January 1, 1967, and for other purposes; to the Committee on Foreign Affairs.

By Mr. McMILLAN:

H.R. 10761. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958, as amended, to increase salaries, to adjust pay alinement, and for other purposes; to the Committee on the District of Columbia.

By Mrs. GRIFFITHS:

H.J. Res. 615. Joint Resolution to authorize the President to issue annually a proclamation designating the 7-day period comprising the first full week in October of each year as Spring Garden Planting Week; to the Committee on the Judiciary.

By Mr. KING of New York:

H.J. Res. 616. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.J. Res. 617. Joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN:

H.J. Res. 618. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. WALKER:

H.J. Res. 619. Joint resolution to authorize the President to issue annually a proclamation designating the 7-day period beginning October 2 and ending October 8 of each year as Spring Garden Planting Week; to the Committee on the Judiciary.

By Mr. DERWINSKI:

H. Con. Res. 370. Concurrent resolution to express the sense of Congress with respect to an investigation and study to determine the potential of railroad passenger and mail transportation in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN (for himself and Mr. Curtis):

H. Con. Res. 371. Resolution to express the sense of the Congress that the Joint Economic Committee should include within its investigations an analysis of the growth and movement of population in the United States; to the Committee on Rules.

By Mr. LUKENS:

H. Res. 507. Resolution to provide for enforcement of section 12 of the Universal Military Training and Services Act and section 2388 of title XVIII of the United States Code; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

228. By the SPEAKER: Memorial of the Legislature of the State of Florida, relative to scenic river legislation, and to the Federal flood insurance program; to the Committee on Interior and Insular Affairs.

229. Also, memorial of the Legislature of the State of Louisiana, relative to retainer and retired pay for persons retired from active service in the Armed Forces of the United States; to the Committee on Armed Services.

230. Also, memorial of the Legislature of the State of Louisiana, relative to amending the Elementary and Secondary Education Act; to the Committee on Education and Labor.

231. Also, memorial of the Legislature of the State of Louisiana, relative to sanctions against Rhodesia; to the Committee on Foreign Affairs.

232. Also, memorial of the Legislature of the State of Louisiana, relative to congressional approval of sanctions imposed by the President under the United Nations Participation Act of 1945; to the Committee on Foreign Affairs.

233. Also, memorial of the Legislature of the State of Louisiana, relative to the unconstitutionality of the 14th amendment to the Constitution of the United States; to the Committee on the Judiciary.

234. Also, memorial of the Legislature of the State of Louisiana, relative to local participation in revenues secured from oil and gas production on lands reserved by the United States in the State of Louisiana for military purposes; to the Committee on Merchant Marine and Fisheries.

235. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to increasing social security benefits; to the Committee on Ways and Means.

236. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to peace in the Middle East; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 10762. A bill for the relief of Pietro Ribisi Laspina; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 10763. A bill for the relief of Antonio Esposito, Giuseppa Esposito, and Maria Rosa Esposito; to the Committee on the Judiciary.

H.R. 10764. A bill for the relief of Eudokia Villiotis; to the Committee on the Judiciary.

By Mr. HAGAN:

H.R. 10765. A bill to confer jurisdiction on the U.S. Court of Claims to hear, determine, and render judgment on the claim of Mrs. Melba B. Perkins against the United States; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 10766. A bill for the relief of Sebastiano Agozzino; to the Committee on the Judiciary.

By Mr. SIKES:

H.R. 10767. A bill for the relief of Gilmour C. MacDonald, colonel, U.S. Air Force (retired); to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.R. 10768. A bill for the relief of Dr. Hanna Maria Sobkowicz; to the Committee on the Judiciary.

By Mr. LEGGETT:

H.R. 10769. A bill for the relief of Galila Ehsan Abdel Latif El-Sayed; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H. Res. 508. Resolution to refer the bill H.R. 1734 entitled "A bill for the relief of Francis von Wedel" to the Chief Commissioner of the Court of Claims in accordance with sections 1492 and 2509 of title 28, United States Code; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

102. By the SPEAKER: Petition of Henry Stoner, Portland, Oreg., relative to the Lake Erie to the Ohio River canal; to the Committee on Appropriations.

103. Also, petition of legislative Research Commission, relative to the operation of the Tennessee Valley Authority; to the Committee on Public Works.

EXTENSIONS OF REMARKS

Think Mink

EXTENSION OF REMARKS

OF

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1967

Mr. SCHADEBERG. Mr. Speaker, many of my colleagues, and I, have submitted bills into Congress which seek to hold imports of mink pelts at 40 percent of domestic consumption in an effort to help this industry now faced with disaster. In addition, I wrote to the President and asked his help for these people whose market is being swamped with cheap imports. Following is the reply I received and directly after this reply is my letter to his noble Office, reflecting my feelings:

Office of the Special Representative for Trade Negotiations,
Executive Office of the President,
Washington, June 8, 1967.

Hon. Henry C. Schadeberg,
House of Representatives,
Washington, D.C.

Dear Congressman Schadeberg: Your letter to the President of May 18, 1967, has been referred to this Office for further reply. In your letter, you urge that the President request the Tariff Commission, under section 332(g) of the Tariff Act of 1930, to make a study of imports of mink.

I frankly do not believe that the President would consider requesting such a study of the Tariff Commission without considerably more information about the nature of the problem. I might add that under section 332(g) the Ways and Means Committee or the House of Representatives may ask the Tariff Commission to undertake such a study.

In any case, however, we would be reluctant to consider the imposition of additional restrictions on imports of mink without a showing that such imports are causing or threatening serious economic injury to the domestic industry. This is especially true since the domestic industry already enjoys extraordinary protection through the total embargo on imports from the Soviet Union, which has been in effect since 1951. This embargo is provided for in headnote 4 of subpart B of part 5 of schedule 1 of the Tariff Schedules of the United States.

Sincerely yours,
William M. Roth,
Special Representative.

June 12, 1967.

Hon. William M. Roth,
The Special Representative for Trade Negotiations, Executive Office of the President,
Washington, D.C.

Dear Mr. Roth: Thank you for your letter of June 8th. Your frankness is appreciated.

I am deeply dismayed at your lack of concern over the plight of the American mink industry. Many a mink rancher in the United States has been forced out of business and many more will be forced out of business unless the Administration acts promptly in their behalf. Ten ranchers in my own district in Wisconsin have gone out of business in the past year and predictions are that 40% of the remaining ranchers will be put out of business by the end of the year unless something is done soon.

It is clear to me by your letter that the Administration will do nothing to help save the mink industry in the United States. I find this attitude very unusual, especially in the light of the facts that market averages have fallen off drastically from a gross level of $19.48 per pelt for 1965–66 to a current level of $15 or less and imports are entering this country duty-free at an $11.50 average, the lowest price on record. Since 1960, the American mink industry has lost over 40% of its ranchers because of price resistance on the world market. Foreign imports, meanwhile, have built up to 42 percent of domestic consumption and indications are that they will increase. Imports should be held at 40% or less.

Your attitude of "do nothing" persists despite the fact that in 1966 American expansion was only from six to nine percent when imports from Scandinavia increased 23 percent and from Denmark 28 percent—all in one year! Meanwhile, the Norwegians have announced that their 1967 production would exceed 1966 by 20 percent and that the United States is their main target.

Certainly, we owe something to the splendid people who have done such a fine job in building the mink industry, who have not sought government aid in any way, creating a profitable market for its product and built it, from scratch, into one of the finest in the world. The mink industry is an American idea and has, until imports threatened it, been a shining example of what free enterprise can do. It exemplifies the American way of life and yet your office wishes to ignore a very real threat to their very existence.

When I speak of an industry's future which is at stake, I do not appreciate being taken lightly. Not only an investigation but action as soon as possible is required if the best interests of the American industry are to be served. My request for action by the Administration is serious and realistic. I seek to protect the 1,000 ranchers in my state who employ 3,000 persons and whose payroll annually is $10,654,000. Their capital investments amount to $54,354,000 and their gross sales total $46,323,000. Certainly these are items worth keeping for Americans, especially for these Americans who pay the taxes and who have helped make this nation what it is today.

Your statement in your reply of June 8th, that ". . . the domestic industry already enjoys extraordinary protection through the total embargo on imports from the Soviet Union, which has been in effect since 1951," is a classic example of a *non-sequitur*. Frankly, I cannot see how an embargo on Soviet mink has any bearing on this issue other than that the Administration has accepted the false premise that the Soviets have rights to our markets over and above the rights of our own citizens. When is it "extraordinary protection" to place the interests of our own industry over the interests of an industry abroad that supports the government that is helping to provide materials which are killing our men in Vietnam and that persists in its denunciation of the United States not only in its efforts to seek freedom and self determination for the Vietnamese but to stabilize the deteriorating situation in the Middle East in a search for peace?

I do not think it is worthwhile to build bridges to the East if the spans are to be supported by foundations consisting of the dead bodies of the mink industry. This industry, the American mink industry is in trouble. I have met with many in my own district and heard their pleas first-hand. I do not irrationally seek assistance; I do not plead without cause; and I do not accept your temerity. I must insist that this "reluctance" on your part be replaced with a concern for that which is ours and that which must remain ours if we are to continue as the land of opportunity and of free enterprise.

Cordially,
Henry C. Schadeberg,
Member of Congress.

Philanthropic Contributions by One American Corporation, the Polish National Alliance, Have Benefited American Education in the Amount of More Than $5 Million

EXTENSION OF REMARKS

OF

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1967

Mr. PUCINSKI. Mr. Speaker, it is generally agreed among the people of our Nation that our greatest single resource for the continuance of democracy is the intellectual capacity of our Nation's citizens.

We Americans have developed institutions of higher learning which not only manifest the culture of America but also are a source of inspiration throughout the world.

I am very proud to call my colleagues' attention to the fact that the Polish National Alliance, the largest Polish-American fraternal organization in the world, which has its headquarters in Chicago but which has local chapters in virtually every community of the United States, has contributed more than $5 million to Alliance College, which is supported by the Polish National Alliance, in Cambridge Springs, Pa.

This vast contribution by the Polish National Alliance to maintain an excellent institution of higher learning should be a source of satisfaction to all Americans. Through its efforts to help Alliance College, the Polish National Alliance manifests an abiding desire to help maintain educational standards in the United States unequaled anywhere in the world. These impressive contributions by the Polish National Alliance reflect again what a tremendous impact this imposing organization has exerted on the development of our Nation.

The Polish National Alliance stands as a beacon for Americans of Polish descent to help guide them to those attributes which have made America a citadel of hope for people throughout the world.

Mr. Charles Rozmarek, president of the Polish National Alliance, and Mr. Walter Dworakowski, censor of this fine fraternal organization, have worked arduously toward helping Alliance College become one of the finest institutions of higher learning in America. The entire membership of the Polish National Alliance joins these two dedicated officers in helping provide young Americans these impressive educational opportunities in a setting just south of Erie, Pa., which inspires great appreciation of nature's beauty.

Alliance College lies in a lovely valley of the Allegheny Mountains. Before World War II the free Government of Poland sent thousands of evergreen saplings which have grown into giant trees and transform the entire Alliance College campus into a virtual wonderland. It is in this beautiful setting blessed by nature that students pursue their intellectual curiosities.

Alliance College stands today as a living monument to the high ideals espoused by the Polish National Alliance and its membership. I am certain, Mr. Speaker, that the early Polish settlers who landed with Captain Smith in Jamestown in 1608 would have found great pride in knowing that some day their successors on the American Continent would make such an impressive contribution to the educational and cultural growth of America.

Following is a list of contributions made by the Polish National Alliance to Alliance College. From the time the college was founded until 1929, the Polish National Alliance had given the college $1,595,190.58. Annual gifts thereafter amounted to:

1930	$119, 985. 78
1931	124, 496. 28
1932	124, 377. 04
1933	116, 149. 70
1934	116, 995. 60
1935	110, 946. 34
1936	133, 449. 21
1937	126, 229. 58
1938	129, 032. 77
1939	122, 814. 03
1940	82, 240. 37
1941	76, 497. 72
1942	76, 143. 68
1943	80, 511. 33
1944	81, 486. 93
1945	83, 894. 03
1946	85, 588. 14
1947	83, 816. 48
1948	135, 208. 75
1949	78, 650. 07
1950	80, 515. 73
1951	92, 249. 08
1952	123, 079. 46
1953	119, 069. 70
1954	119, 161. 12
1955	115, 732. 92
1956	164, 026. 69
1957	113, 713. 40
1958	108, 363. 24
1959	109, 360. 24
1960	128, 765. 08
1961	126, 244. 50
1962	148, 027. 05
1963	140, 954. 50
1964	163, 796. 63
1965	150, 667. 50
1966	144, 851. 50
Total from 1912 through Dec. 31, 1966	5, 827, 282. 75

This impressive list of contributions clearly demonstrates how one American corporation, composed largely of the sons and daughters of immigrants from Poland, contributed to America's educational needs. I trust we can all agree that so long as private corporations such as the Polish National Alliance continue contributing toward the educational needs of this country, our future is secure. Only through intellectual achievement can Americans demonstrate to the people of the world that indeed our system of government offers the greatest degree of hope for mankind.

Floods Are Prevented

EXTENSION OF REMARKS

OF

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1967

Mr. QUILLEN. Mr. Speaker, on June 10, I participated in the dedication of the Shady Valley watershed project located in the mountains of the west-central portion of Johnson County, Tenn. This project was authorized less than 5 years ago. Now it is completed. And about 150 Tennessee families are now protected from floods that used to plague them.

Prior to the installation of the works of improvement in the project, a 1½-inch rainfall in a 24-hour period would cause overbank flow up and down Beaver Dam Channel. Throughout the floodplain, land flooded so frequently that much fertile bottomland was abandoned. Now that channel improvement work is complete, much land in the floodplain that has been abandoned because of wet, swampy conditions is now dry and is being restored to production.

Land abandoned years ago because of flooding and that had grown up in bushes and scrub trees is being cleared and returned to the production of crops. The people are proud of the project and completely confident that their flooding problems are over.

D. A. Williams, Administrator of the Soil Conservation Service, in his remarks at the dedication called the project a major contribution to the agricultural program of Johnson County and placed it in the broad efforts of the United States and the world to attain economic stability and agricultural sufficiency.

He cited watershed projects as an important tool available to rural communities "to bolster their economy through resource development and to halt migration of young people who have been forced to seek employment elsewhere."

The Shady Valley watershed project, Mr. Williams told the group, is one of more than 800 such projects that have been completed or are being installed in the Nation. The projects, he said, "will prevent tens of millions of dollars in flood damages each year; and these savings alone, extended over the life of the projects, will more than pay for their installation and maintenance costs." He estimated that benefits for the Shady Valley project will be $36,000 annually.

Mr. Williams congratulated the people of the watershed for their many contributions to and for their leadership in the Federal-State-local partnership that made the project possible. He pointed to the need for continued and strengthened Federal-State-local team work in the resources conversation and development job.

In congratulating the sponsors of the Shady Valley watershed project, Mr. Williams paid special tribute to Argus Blevins, president of the Shady Valley Watershed District and Wiley Taylor, secretary of the watershed district and member of the Johnson County Soil Conservation District "for providing much of the driving force that has made this project a reality."

I want to take this opportunity to congratulate Mr. Williams and thank him for taking time out of his busy schedule to personally come down to the ceremonies.

I also extend congratulations to the directors of the Johnson County Soil Conservation District, Barton Hawkins, chairman; Tine Berry, Wiley E. Taylor, Lewis H. Willis, and Howard H. Smith; and the directors of the Shady Valley Watershed District, Argus N. Blevins, president; Ira Long, vice president; Wiley Taylor, secretary; I. C. Belvins, treasurer; Dennis Plummer, S. T. Gentry, J. C. Garland, R. B. Blevins, and Wayne Duncan. We are all greatly indebted to these men for their outstanding and successful efforts.

Let me also take this opportunity to express my appreciation to my good friend, Ralph Sasser, who directs the work of the Soil Conservation Service in Tennessee, Ray Bryant, local Soil Conservation Service technician, and the many other devoted SCS people that have had a part in this watershed program, and to all who had a hand in making this dream come true.

Cotton Land Rulings Are Eased by USDA

EXTENSION OF REMARKS

OF

HON. E. C. GATHINGS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1967

Mr. GATHINGS. Mr. Speaker, the Department of Agriculture has acted promptly and with real understanding to prevent widespread economic losses in the Midsouth. This spring has been unseasonably cold and there have been excessive rainfalls across the Cotton Belt. Cotton has been planted as many as two or more times and rains have ruined the prospects for a crop. Farmers are faced with tremendous losses.

The Department has issued emergency amendments to their regulations in an effort to assist these farmers. The rules are reasonable and just, as they are to be applied to bring relief to worthy farmers who are faced with the second successive disastrous growing season.

The added income will aid growers and their farm communities throughout the cotton belt suffering from excessive rainfall and a cold spring. The relaxed regulations will permit the growing of needed soybeans and other grain crops which are not under acreage allotments. Farmers still will not prosper, but the emergency amendments to the regulations will enable them to carry through and hope that next year will be a better one.

I have written the ASCS Administrator a letter on this matter and it is a pleasure to incorporate it with these remarks. Also, I am making available a news article on this matter from the June 1 edition of the Evening Times of West Memphis, Ark.

The letter and article follow:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, June 12, 1967.

Mr. HORACE GODFREY,
Administrator, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C.

DEAR ADMINISTRATOR GODFREY: This is to commend you and other Departmental officials for actions taken to issue emergency amendments to the cotton program regulations because of the disastrous Spring planting season in the Mid-South.

As you know, excessive rains and unseasonably cold weather caused many Arkansas cotton farmers to plant as many as two or more times, and many are now awaiting dry weather to see if any of the seed will germinate.

First the Department, in an effort to be helpful, advanced the date from June 1 to June 21 when farmers might change plans for planting cotton and seed other crops. Now, the Department has issued orders that, with the approval of the local A.S.C.S. Committees, the cotton grower may class land on which they had planted cotton and applied pre-emergent chemical weed-killer as diverted land.

This is most important, for land treated with these pre-emergents is not suitable for planting alternate crops such as soybeans. Thus, by issuing emergency regulations permitting the chemically treated acreage as diverted acreage, the grower can plant acres initially diverted to an income-producing crop.

Many a farmer will find it possible to carry on because you and the Department acted promptly and intelligently to provide them relief, and I appreciate so much your efforts.

With kind regards, I am,
Sincerely,
E. C. GATHINGS.

[From the West Memphis (Ark.) Evening Times, June 1]

COTTON LAND RULINGS ARE EASED BY USDA

More relief for Crittenden County and other farmers, plagued with the loss of their cotton crop by rain and cold weather, came yesterday in the form of an announcement by the United States Department of Agriculture that cotton land regulations would be eased.

Under the revised order, cotton producers, with approval of their Agricultural Stabilization and Conservation Services county committees, may be able to class land on which they had planted cotton and applied pre-emergence chemicals as "diverted" land.

In order to be eligible for price supports on cotton and small grains this year, Crittenden and other farmers had to agree to hold out of production specified minimum percentages of their cotton and feed grain lands.

In Crittenden County this diverted or held-out acreage amounted to approximately 30,000 acres or about 35 per cent of the county's 96,357.8 allotted cotton acres for 1967.

Because pre-emergence chemical weed killer has been applied to land on which county cotton producers were endeavoring to get a stand, and which, in some cases, had been planted three or four times, the land is not suitable for planting an alternative later crop such as soybeans.

Under the eased USDA regulations, land which originally had been classed as diverted acreage under the price support program now may be used for alternative crops not subject to government adjustment programs, the principal one of which is soybeans. The classification of diverted land will be placed instead on the chemically treated acres.

Earlier the USDA, in an effort to help Crittenden and other cotton producers had advanced from June 1 to June 21, the date by which farmers could change plans for cotton plantings and seed other crops.

Heavy rains during the past two days have made prospects for Crittenden County's cotton crop more dismal. Most farmers of the county have given up any further replanting plans and are watching fields this week in an effort to determine whether or not the seed already planted will germinate. If it doesn't, they likely will be plowing up the acreage.

Rains also stopped soybean planting which was in progress. Seeding of soybeans will be continued through most of June as farmers will be following wheat and small grain acreage with the beans. Wheat harvesting, which is well underway, will be resumed as soon as fields dry out sufficiently to move in heavy equipment.

Congressman Hamilton Reports on Results of Questionnaire in Indiana's Ninth District

EXTENSION OF REMARKS
OF
HON. LEE H. HAMILTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Monday, June 12, 1967

Mr. HAMILTON. Mr. Speaker, earlier this year, I mailed to the residents of Indiana's Ninth Congressional District a questionnaire setting out some of the dominant issues of the 90th Congress.

More than 9,000 residents responded, registering opinions on issues ranging from the Vietnam conflict to local problems. Another 500 or so residents also wrote letters expanding their views.

I am grateful for this kind of response. It is through mailings such as this that I plan to obtain from year to year a broad expression of opinion from the Ninth District.

The response also indicates to me that Ninth District residents are interested in their Government and concerned about the issues of our time. The response to the "local problems" category will assist me in assessing the need of Ninth District residents.

This year, there were 9,004 responses to the questionnaire. Last year, 8,974 residents responded.

Here are this year's results listing the number of votes and the percentage of votes for each choice on each issue:

	Number	Percent
Vietnam: The conflict in Vietnam continues to dominate the issues before Congress. The United States should—		
1. Continue the present policy	628	7.7
2. Continue the present policy, but halt bombing of military targets in North Vietnam	243	3.0
3. Continue the present policy, but increase bombing of military targets in North Vietnam	2,299	28.3
4. Make the concessions demanded by North Vietnam to bring peace	520	6.4
5. Make an effort, regardless of risk of a wider war, to end the conflict by using whatever military force is necessary to defeat North Vietnam	4,437	54.6
The administration: How well do you think President Johnson is handling his responsibilities?		
In foreign matters:		
Very well	948	10.9
Satisfactory	3,318	38.2
Badly	4,413	50.8
In domestic matters:		
Very well	919	10.6
Satisfactory	2,883	33.1
Badly	4,898	56.3
The economy: President Johnson has called for a 6-percent surtax on personal and corporate income to help ease inflationary pressures and to help finance the Vietnam conflict and our domestic programs. Are you—		
1. For	2,291	26.9
2. Against	6,321	73.1
Draft: Congress will review the present draft law this year. Should we—		
1. Continue the draft as it is?	1,629	18.6
2. Create a draft system on a strict lottery basis?	691	7.9
3. Require all young men of 18 to enroll for a period of either military or nonmilitary service?	3,879	44.2
4. Modify the present system with emphasis on more equitable deferment policies?	2,581	29.4
Social security increase: An increase in social security benefits of approximately 8 percent can be financed without an increase in the tax. Do you favor—		
1. No increase in benefits?	2,169	21.9
2. The 8-percent increase in benefits without a tax increase?	5,567	56.1
3. An increase in benefits of more than 8 percent with an increase in the taxable wage base (which now stands at $6,600 a year) and/or an increase in tax rates?	2,045	22.1
Crime: 2 major crime studies are being completed and Congress will be receiving proposals to curb the rising crime rate in the United States. Should the greater emphasis in Federal legislation be on—		
1. Strengthening our police departments with newer equipment and providing more training for our policemen?	2,478	27.0
2. Or improving our criminal laws, courts, prisons, and punishment methods to offer a greater range of programs to retrain offenders for society?	4,494	49.1
3. Or do you consider the problem of crime exclusively the concern of State and local government?	2,189	23.9
Postal service: Has postal service in your community been—		
1. Adequate?	6,998	78.1
2. Needs improvement? How	1,962	21.9

	Number	Percent
Local problems: In what areas can the Federal Government be of the most help to your community with technical and/or financial assistance? Check 2 categories:		
1. Water resources and control	2,742	18.5
2. Industrial growth	2,979	20.1
3. Hospital and nursing home facilities	1,960	13.2
4. Needs of the elderly, disabled, and poor	1,888	12.8
5. Improvement in education	1,725	11.7
6. Community facilities—roads, water sanitation, housing	2,404	16.2
7. Other	1,108	7.5
Your Congressman's job: As your Congressman, I should—		
1. Vote according to my own conscience and judgment	2,299	30.8
2. Vote according to the majority wishes of the district as I interpret those wishes	5,175	69.2
1. Return to the district each weekend	350	5.0
2. Return twice a month	1,748	24.7
3. Return once a month	4,966	70.3
1. Consider individual problems my most important job	540	6.1
2. Consider district and community problems the most important	4,241	48.1
3. Consider voting on legislation the most important	3,439	39.0
4. Consider committee work the most important	598	6.8
1. Make study trips abroad or in the United States occasionally	511	5.7
2. Never make such trips	570	6.4
3. Make such trips whenever I think it will benefit my consideration of an issue or problem	7,822	81.9

International Social Justice

EXTENSION OF REMARKS

OF

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1967

Mr. FRASER. Mr. Speaker, "Development is new name for peace." These words of Pope Paul VI in his encyclical "The Development of Peoples" were the theme of the commehcement address given by Vice President HUBERT H. HUMPHREY, at St. Thomas College, St. Paul, Minn.

Vice President HUMPHREY challenged the graduates with the problems created by moving from a tribal to a global community. International social justice, he said, demands a revision of patterns of international trade, increased foreign assistance, and a rejection of political messianism.

The challenge is also made to this Congress and I place the Vice President's remarks in the RECORD at this point:

REMARKS OF VICE PRESIDENT HUBERT H. HUMPHREY AT THE COMMENCEMENT, COLLEGE OF ST. THOMAS, ST. PAUL, MINN., MAY 27, 1967

"We should live in our age, know it, be in touch with it . . . our work is in the present and not in the past."

Those words were not spoken last week, but in 1897 by the founder of this college, Archbishop John Ireland.

In Archbishop Ireland's time, the old frontier was fading before the new industrial revolution.

Individual relationships were yielding to struggle between capital and labor.

The industrial revolution, and the resulting urbanization of society, were destroying the bonds of human solidarity which had bound Americans together in a largely rural society.

Archbishop Ireland was among the first to see that the critique of industrial exploitation—and the plea for social justice—contained in Pope Leo XIII's encyclical "Rerum Novarum" applied to the United States as well as to Europe.

Monsignor John A. Ryan, a Professor at St. Thomas College, exposed the moral hollowness of the prevailing *laissez faire* philosophy, and played an important role in achieving a general recognition in the United States that social justice—not unrestrained profit-seeking—should be the guiding norm for society.

For Monsignor Ryan, and others, recognized that men needed each other, and that man's interdependence, increasingly a physical fact of life, was also a moral necessity.

Pope Leo XIII, Archbishop Ireland and Monsignor Ryan addressed themselves to the problem of social justice in a national context. Today we must focus on justice in a global setting.

Pope Paul in his new encyclical on "The Development of Peoples" has stated the situation clearly: "Today the principal fact we must all recognize is that the social question has become world-wide."

Yes, the world has become a "village planet."

But, regrettably, too many of our loyalties and institutions remain tribal, not planetary.

To replace the tribal community with a global community requires the growth of new loyalties . . . the establishment of new institutions . . . and the acceptance of new obligations.

In building such a global community, we face one clear and overwhelming challenge: The widening gap between the rich nations and the poor.

Everywhere we see people caught between soaring hopes and immovable traditions.

Everywhere we see a revolution against what Emmanuel Mounier called the "established disorder."

And we know that, in today's world, peace can be threatened by social and economic deprivation, by destitution and hunger as well as by armies crossing borders and bombs falling from the sky.

How do we meet this threat? Pope Paul VI has rightly stated that "Development is the new name for peace."

But "development" cannot be limited to economic growth. It must promote the good of the whole man.

"Development" is not just a matter of eliminating hunger, or even of reducing poverty. The struggle against physical destitution is not enough.

It is a question rather of building a world where each man, no matter what his race, religion or nationality, can live a fully human life . . . a world where each man may be freed from the servitude imposed on him by other men or by natural forces he is unable to control.

It is a question, in short, of building a world where freedom is not an empty word.

In this striving for real development, we who live in the Western world have a special responsibility.

It was we who launched the technological revolution that has produced such dazzling wealth in the midst of squalor.

It is we who have spread it to the world at large.

And today we tolerate—by limited exertion if not by inaction—inconceivable and growing disparities of wealth and destitution.

The hard facts are these:

In this world, only some 800 million people have per capita income of over 750 dollars a year.

Another 400 million earn between 250 and 750 dollars a year.

The remaining 2.2 *billion* earn less than 250 dollars per year. (And almost half of these earn less than 100 dollars a year)

Does anyone think this disparity can continue without the eventual outbreak of serious violence and war—without new Cubas, Congos and Dominican Republics?

How are we going to close this gap?

It will require determined effort by local leaders to mobilize local resources.

And by "local resources" I mean not just material resources. I mean, also, resources of vision and will and determination on the part of leaders who would bring their nations into the 20th century.

But no matter how much the poor nations help themselves, we cannot evade the fact that they stand little chance of success without the help of those which are rich.

It is not necessary here to engage in a detailed analysis of the process of development. Once we recognize the existence of a universal common good and of international social justice—and show a willingness to commit ourselves to it—the technical problems of assistance can be solved. Not without difficulty—but they can be solved.

In the final analysis the most difficult questions which you and I must answer—are those stated bluntly by Pope Paul in his encyclical:

"Let each one examine his conscience, a conscience that conveys a new message of our times. Is he prepared to support out of his own pocket works and undertakings organized in favor of the most destitute? Is he ready to pay higher taxes so that the public authorities can intensify their efforts in favor of development? Is he ready to pay a higher price for imported goods so that the producer may be more justly rewarded? Or to leave this country, if necessary and if he is young, in order to assist in this development of the young nations?"

History has shown that man will pay a high price for the victories of war. It remains to be seen whether he will sacrifice for the development required for peace.

We are challenged, then, today to transfer the standard which has become an accepted norm in modern national societies to the international community. This is revolutionary doctrine.

It will entail, among other things, revision of the existing North-South pattern of international trade.

As Pope Paul's encyclical pointed out: "An economy of exchange can no longer be based solely on the law of free competition. Freedom of trade is fair only if it is subject to the demands of social justice."

The Pope's admonition has already been heeded to some degree in the Kennedy Round trade negotiation. In that negotiation the rich nations have agreed to a new program of food aid for the poor. And they are now considering the *immediate* extension of trade concessions to the developing countries which will not be fully extended to the developed for another five years.

But this is only a beginning.

As we prepare for the next meeting of the United Nations Conference on Trade and Development, to be held in New Delhi in 1968, we must re-examine many of our old basic premises.

For instance, President Johnson has already indicated that we are ready now to explore the possible benefit of temporary preferential tariff advantages for *all* developing countries in the markets of *all* the industrialized countries.

What about development assistance aside from trade?

The United States—and other developed nations—are contributing less than .7 of one per cent of their Gross National Product today. We stand guilty, just as others do.

I know there are experts who claim the poor nations cannot usefully absorb too much more.

But the World Bank estimates that developing nations *can* efficiently absorb twice the amount of capital today as a decade ago. Yet the trend in contributions continues downward.

Not only is the amount of financial assistance inadequate.

There is the obvious need for achieving a better balance between population and available resources.

Debt burdens have mounted to staggering heights.

And trained talent is steadily drained from developing countries—depriving them of not only technical talent but of their natural political and social leaders as well.

As we celebrate this June the 20th anniversary of the Marshall Plan, I believe the industrialized nations of the world must renew their determination to provide aid at the level that it is needed.

I say the World Bank is right. According to present rates of economic growth, the foreign aid contribution of developed countries could well be doubled.

As we look toward the next decade, we should not exclude the possibility that the Soviet Union and Eastern European countries can cooperate in carrying this burden.

The participation of the Soviet Union in the World Bank's consortia for India and Pakistan would be a welcomed first-step—which could lead to broader participation in the future.

If we are to meet this challenge in all its aspects, we must strengthen every economic institution we have—and develop new ones if need be. If our existing financial and development institutions—all formed two decades ago with the establishment of the United Nations—need to be supplemented or modified, we should not hesitate to do so.

To make the moral weight of the Church felt at the grassroots level, the Pope established in January of this year a Papal Commission on Justice and Peace.

Working with parallel national secretariats, and cooperating closely with the World Council of Churches, the Commission on Justice and Peace can do much to mobilize public support for the development of efforts ahead.

We know that basic social injustices will be corrected—whether the race problem in our nation, or the poverty problem in our world—*only* when public opinion has been aroused. Our experience has shown that justice has triumphed over injustice . . . the conscience of the present over the memory of the past, only after men and women of conscience formed in a Judeo-Christian tradition took their convictions seriously and translated them into action.

Closing the gap between rich and poor is not something to be achieved in a period of months or even years. We must avoid becoming what the poet Meredith called "too soon despairers." But we must close that gap—not just because it is in our own interest, not just because of the Communist challenge—but as President Kennedy said in his inaugural message: "Because it is right."

Finally, may I add this: We should be careful not to confuse a recognition of the moral unity and interdependence of mankind with the political messianism of a nation, class or race.

Our acceptance of the obligation to help the poor does not mean that we have either the obligation or intention to impose our political and social institutions on other countries or continents.

Our recognition of our responsibility carries with it no claim that power and virtue are synonomous, that the power of the most powerful must be harnessed to spread one version of virtue. It does not imply that any one nation can claim to be the engine that makes the moral universe go around.

It is the task of both the graduation class of 1967 and of our generation to convince the legislatures and the executives—of all developed nations—that moral imperatives as well as physical security require a substantial commitment to long-range economic and technical assistance to the developing nations of the world.

"Development *is* the new name for peace."

All men profess to seek peace. But peace is like a flower—it needs fertile soil in which to grow. It cannot grow in the rocks of bitterness and poverty, in the dry sands of backwardness and despair. It needs the fertile soil of education and food, and of health and hope.

The pursuit of peace resembles the building of a great cathedral. It is the work of generations. In concept it requires a master architect; in execution, the labors of many.

The pursuit of peace requires time—but we must use time as a tool and not as a crutch.

It is our task today, and it will be yours tomorrow, to bring men closer to the day when social justice for *all* is no longer a dream but a reality, all over this world.

Antisubmarine Warfare and the Soviet Submarine Threat

EXTENSION OF REMARKS
OF
HON. RICHARD T. HANNA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, June 12, 1967

Mr. HANNA. Mr. Speaker, in two World Wars, German U-boats presented a formidable challenge to the Allied war effort, seriously threatening the sea lines of communication upon which the economic lives and military operations of the Allies were dependent. In World War II, this threat was mounted by a relatively modest U-boat fleet numbering some 57 boats at the outset of the war, of which only 39 were operational.

THE SOVIET THREAT

Today, the United States and its free world partners are faced with a substantially greater danger, both quantitatively and qualitatively. It is estimated that the Soviet Navy includes about 400 submarines, of which approximately 50 are nuclear powered.

In assessing the threat, it is necessary to recognize the changing character of this menace. Far beyond the traditional role of attacking targets at sea, the submarine has become a launching platform for nuclear-missile attack against land targets. It is estimated that the Soviet submarine fleet includes at least 40 boats, of which 15 are nuclear powered, each of which is capable of carrying three ballistic missiles. In his congressional statement for fiscal year 1968, the Secretary of Defense stated that the Soviet Union had 130 submarine-launched ballistic missiles as of October 1, 1966. The Soviets also possess an estimated 40 submarines, 12 with nuclear power, each capable of launching an average of four cruise missiles with a range of 300 to 500 miles.

Every indication is that the Soviet undersea warfare capability will improve, and that the nuclear-powered Soviet submarine fleet of the future will be capable of undertaking long-range operations and operating quietly at great depths, armed with a variety of weapons for both land bombardment and attacks upon shipping, including longer range subsurface-launched ballistic missiles.

THE THREE DIMENSIONS OF OUR RESPONSE

Considering present and prospective Soviet submarine strength, the question becomes: Is the U.S. antisubmarine warfare program, ASW, sufficient to deal with the threat? Given the U.S. geographic position and overall strategic requirements, the antisubmarine warfare can be delineated into three dimensions:

First. Maintenance of sea lines of communication, to include projecting military power overseas.

Second. Control of the seas.

Third. Defense of the United States against attack by submarine-launched missiles.

Performance of these critical and equally burdensome tasks is heavily dependent upon finding a solution to the ASW problem. It is unnecessary to spell out the operational implications of this mission to recognize that the United States, in conjunction with its allies, must be able to conduct successful ASW operations over a vast portion of the world's seas, while at the same time engaging in other essential naval undertakings. In geographic terms, the mission requires a capability to cope with the submarine threat along the routes of sea access to the continents in both hemispheres. This is a formidable challenge, and demands a concerted national effort in which all elements of the Naval Establishment must be involved.

THE COMPONENTS OF ANTISUBMARINE WARFARE

There are two basic components of the ASW effort: First, hardware and facilities including submarines, surface ships, aircraft, weapons, sensors, and fixed systems ashore, some of which are multifunctional; second, research, development, testing, and evaluation. This program is directed toward improvement in hardware and systems.

Much progress has been made in recent years in managing the ASW program within the Navy and in improving the operational capabilities. Great strides have been made in developing and bringing to bear advanced equipment. However, the problem of conducting a fully effective research, development, testing, and evaluation program has been made peculiarly difficult because it cuts across many activities within the naval establishment. In my opinion, it is in this area that the present shortfalls are most serious. This area concerns me because it is the cornerstone from which we build our future programs, our efforts to counter somber specter of the Soviet threat.

Let us focus on each of these areas to assess our progress.

HARDWARE AND FACILITIES

It is not at all clear that the current U.S. nuclear submarine building program is sufficient, either in total numbers or in rate of construction. Currently, approved programs call for 64 first-class nuclear submarines. A primary mission of these submarines is ASW.

Considering the potential Soviet threat alone, both in numbers and increased capabilities, and recognizing that undersea warfare is characterized by high attrition, it seems doubtful that the currently approved program of U.S. submarines is adequate to the task. Moreover, it is acknowledged that the present program is based on requirements other than those which might be attendant in the event of nuclear attack upon the United States.

As for the rate of construction, the program has been plagued by slippage. The program has also been stretched out. For fiscal year 1968, the Joint Chiefs of Staff recommended five new nuclear submarines, only three of which were approved by the Secretary of Defense.

Aircraft, both land- and sea-based, and both fixed and rotary wing, are essential to the ASW mission. One of the proven methods in ASW operations has been the so-called hunter-killer group, built around an aircraft carrier with embarked aircraft, escorting destroyer-type vessels, and attack submarines.

This role of the aircraft carrier is now being challenged as being less cost-effective than alternative approaches. The number of carriers in the active fleet was reduced from nine to eight in fiscal year 1967. The Secretary of Defense proposes to reduce the force further "when the conflict in Vietnam ends." The Joint Chiefs of Staff, on the other hand, recommend retention of nine carriers.

It may be that other surface ship programs are also deficient in meeting the true ASW requirement. It has long been recognized that large numbers of ships are required to cope with a massive submarine threat, and there is no evidence that ship construction is expanding, either to produce greater numbers of ships in the active fleet to meet a growing threat, or to permit modernization at a rate sufficient to overcome obsolescence. For example, the Joint Chiefs of Staff recommended in fiscal year 1968 one nuclear-powered guided missile frigate and two conventionally powered destroyers; the Secretary of Defense did not approve the request for the frigate in fiscal year 1968.

With respect to antisubmarine warfare aircraft, the basic issue is development of a new carrier-based aircraft to replace the obsolete S–2E. For fiscal year 1968, the Secretary of Defense disapproved a Navy proposal—concurred in by the Joint Chiefs of Staff—to proceed with contract definition for this improved aircraft. The Navy was also turned down on its proposal to develop a light airborne ASW attack vehicle, conceived as a manned helicopter to be operated from ASW ships and capable of carrying antisubmarine weapons.

This seeming reluctance to expedite development of ship-based aircraft ASW systems and surface vessels is, in light of the serious threat posed by the Soviet Union, difficult to understand. It can only be explained by an ambivalence, a lack of definition resulting from the fact that our antisubmarine warfare program has not in the past been fully coordinated and still today lacks, in a number of critical areas, either the capability or the disposition to move more decisively.

RESEARCH, DEVELOPMENT, TESTING, AND EVALUATION

There is even more serious doubt as to the adequacy of the current antisubmarine warfare program for research, development, testing, and evaluation. The Secretary of the Navy has expressed concern over the fiscal year 1968 research, development, testing, and evaluation budget generally, and had characterized it as "tight." On the basis of the congressional hearings on the fiscal year 1968 Defense budget, it appears that there were research, development, testing, and evaluation projects for antisubmarine warfare in the amount of $46 million which the Navy considers desirable but which were considered necessary by the Navy and left unfunded by the Secretary of Defense. This amount included both weapons and sensors. Among the programs affected were the undersea surveillance system—SOSUS—the MK–48 torpedo, increased technical support, a more comprehensive test program, and advanced surface ship sonars. Through the able effort of Chairman RIVERS and Representative STRATTON, chairman of the Special Subcommittee on Antisubmarine Warfare, the authorization for these needed funds has been restored.

SHORTCOMINGS IN OUR CURRENT EFFORTS

As I see it, the antisubmarine warfare research, development, testing, and evaluation effort suffers from two shortcomings: First, the lack of an integrated approach; and second, the absence of centralized authority and technical control. Since the designation of Admiral Martell as the director, antisubmarine warfare programs, much progress has been made, particularly in the development of short-term programs.

In spite of recent improvements there are many areas in which our efforts remain fragmented and piecemeal. If there is one, single shortcoming which—more than any other—threatens our undersea warfare capability and, therefore, our total superiority at sea, it is the fact that we are operating with antiquated facilities which are both costly and ineffective. It was in recognition of this fact that the Navy Department adopted the proposal of the President's Marine Resources Advisory Committee that a single center responsible for conducting technical and research activities be created on both the east and west coasts. This proposal, which is embodied in the administration military construction authorization bill, would provide funds for a west coast facility, with the east coast facility being brought into being through expansion of existing facilities. It seems to me that it is critical that this Congress move quickly to authorize this important west coast facility so that our Nation can, in the words of Admiral MacDonald, Chief of Naval Operations, meet the "increasing and imposing threat of our potential enemies—antisubmarine warfare effort."

HOUSE OF REPRESENTATIVES

TUESDAY, JUNE 13, 1967

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Abide in Me, and I in you. As the branch cannot bear fruit of itself, except it abide in the vine; no more can ye, except ye abide in Me.—John 15: 4.

Spirit of God, pressed by the insistent demands of public duty and pursued by the details of daily routine, we are glad for this quiet moment of prayer when in all reverence of mind and heart we may kneel at the altar of Thy presence and find that in Thee our souls are restored, our strength renewed, and our faith takes on new life.

We, the Members of this body, conscious of our responsibilities as the leaders of this great Republic, unite in praying for Thy guidance as we faithfully endeavor to do our best for our people and what is right in Thy sight. Give to these Representatives the will to work together for the good of our Nation and for the benefit of all our people.

Grant unto them and to all of us the spirit to resist the pressure of selfish appeals, and to our people may there come the insight to realize that sacrifices must be made by all and that there is no substitute for honest labor and genuine faith. In the midst of a changing world abide with us and hold us steady now and always. In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5424. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard.

The message also announced that the Senate had passed bills, joint and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 1281. An act to authorize the appropriation of funds to carry out the activities of the Federal Field Committee for Development Planning in Alaska;

S. 1566. An act to amend sections 3 and 4 of the act approved September 22, 1964 (78 Stat. 990), providing for an investigation and study to determine a site for the construction of a sea-level canal connecting the Atlantic and Pacific Oceans;

S.J. Res. 88. Joint resolution authorizing the operation of an amateur radio station by participants in the XII World Boy Scout Jamboree at Farragut State Park, Idaho, August 1 through August 9, 1967; and

S. Con. Res. 30. Concurrent resolution to print a report entitled "Mineral and Water Resources of Alaska."

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 132]

Abbitt
Arends
Ashley
Aspinall
Ayres
Brown, Calif.
Brown, Mich.
Celler
Clark
Conyers
Corman
Dawson
Dingell
Dow
Eilberg
Fascell
Fino
Frelinghuysen
Fuqua
Gubser
Hanna
Herlong
Hosmer
Jones, Mo.
Kelly
McEwen
Mathias, Md.
Moorhead
O'Neal, Ga.
Pelly
Purcell
Riegle
Ronan
Ruppe
Satterfield
St Germain
St. Onge
Smith, N.Y.
Sullivan
Talcott
Thompson, N.J.
Widnall
Williams, Miss.
Willis
Young
Younger

The SPEAKER. On this rollcall 383 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SPECIAL SUBCOMMITTEE ON EDUCATION

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that the Special Subcommittee on Education be allowed to sit this afternoon.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

Mr. HALL. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1968

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10738) making appropriations for the Department of Defense for the fiscal year ending June 30, 1968, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 4 hours, the time to be equally divided and controlled by the gentleman from California [Mr. Lipscomb] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10738, with Mr. Rostenkowski in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Texas [Mr. Mahon] will be recognized for 2 hours and the gentleman from California [Mr. Lipscomb] will be recognized for 2 hours. The Chair recognizes the gentleman from Texas.

Mr. MAHON. Mr. Chairman, this is a rather memorable day in the history of the Congress and in our service in the Congress in that the bill being presented for the consideration of the Committee today is the largest single appropriation bill ever presented to the Congress.

Mr. Chairman, this means that this is the largest single appropriation request ever presented to any legislative body in the history of the world.

Back in World War II, the War Department appropriation bill for fiscal year 1944 carried funds in the sum of $59 billion.

Then, just before the outbreak of the war in Korea, we had all of the appropriation bills lumped into one package. It was a single-package appropriation bill. That bill provided funds to cover all of the departments and agencies of Government, including the Department of Defense, but even it carried an amount of less than $34 billion. So, by any comparison, we are undertaking today to deal with astronomical sums heretofore unmatched which involve the fortunes and the destiny of our country—and for that matter, the world—not to mention the impact which the expenditure of these funds will have upon our own domestic economy.

OVERALL APPROPRIATIONS SUMMARY FOR THE SESSION

Now, Mr. Chairman, it is my opinion that this is a good time to level with everyone on such questions as when we will adjourn, a matter over which many of us have no special control, and on what we have done appropriationwise to date.

We have already considered and passed through the House of Representatives at this session 10 bills from the Committee on Appropriations. This bill, if passed, will make the 11th appropriation bill passed by the House of Representatives during this session.

Mr. Chairman, with the passage of this bill, we will have acted upon $126.9 billion of the President's budget requests for appropriations. We will have acted upon about 85 percent of the requests for appropriations which we will probably be asked to act upon this year, and we may be prone to feel that we are sailing along pretty well toward an early adjournment. However, if we should indulge that fond hope, we would probably be in error and headed for disappointment, because the Committee on Appropriations, after the passage of this bill, must come to a screeching halt with respect to the five remaining bills scheduled for enactment at this session. Even though this is the 13th day of the sixth month of the year, and only 17 more days remain before the new fiscal year begins, the Congress has not enacted the necessary authorizations for the five remaining appropriation bills.

For the reasons we stated we cannot move with expedition until we have authorizations for such things as Coast Guard procurement, the poverty program, military construction, foreign aid, the atomic energy program, the space program, and a number of others. So, this is about the end of the road—we are at a pause—until we get the necessary legislative authorizations. The next bill will have to come after the next fiscal year begins. I would add that our appropriations hearing on the unfinished bills have largely been completed, except for the closing supplemental bill.

The five remaining bills will cover some $20.9 billion of known budget requests plus any last minute supplements.

I am not critical over the lack of authorizations because I realize we need to give very close attention to all of these authorizations.

To see the aggregate picture, we would have to add to the $126.9 billion which we will have acted upon when we pass this measure, and the $20.9 billion-plus remaining—about $15.2 billion which is automatic because these sums represent so-called permanent appropriations which include principally the interest on the national debt. For the entire session, the budget requests for appropriations will total about $163,000,000,000, more or less.

Mr. Chairman, I wanted to make these preliminary remarks in connection with the whole fiscal picture. Appropriate figures will be put in the Record in more detail.

There are those who have said that there is no way to keep up with the appropriations business. There are ways, and one way is to note carefully the information which is being printed from time to time in the Congressional Record. I cite the Record for today, and for March 23, May 25, and June 5. There will be other reports on the status of the appropriations business in the coming weeks and months.

For example, I am going to write every Member of the House, a letter again this week and give some of these basic facts in order that we may all work together, I hope, in a continued, concerted effort to hold the line on spending, at least to bring the appropriations down to as low a level as may be reasonably possible.

For the forthcoming fiscal year 1968, the tentative administrative budget deficit projection in January was $8.1 billion—resting, however, as always, on a number of legislative actions. That projection was recently revised upward by the executive branch to $11.1 billion, an increase of $3 billion. The revenue projection was lowered by $1.5 billion; estimated expenditures were elevated by $1.5 billion.

As to the tentative character of the projected deficit for fiscal 1968, I pointed out on the House floor on January 24—the day the President's new budget was submitted—that even if only a handful of selected budget assumptions and contingencies did not materialize, the administrative budget deficit for 1968 could go as high as $18.3 billion, and supplied the details in tabular form. And in a letter to all Members of the House on March 14, I said:

> Even the $8.1 billion deficit for fiscal 1968 hinges significantly on Congress enacting the 6 percent surtax proposal, a postage increase, an acceleration of corporate tax collections, and approval of $5 billion of participation certificates. The proposed pay increase is in the budget at $1 billion. If just this series of actions is not approved by Congress, for instance, the estimated deficit would be $18.3 billion!

This is not the time to discuss whether there should be a tax increase. But these shifts in the budget outlook, joined with the contingencies and uncertainties still surrounding the revised $11.1 billion budget deficit figure, have evoked estimates of an administrative budget deficit upward of $24 to $29 billions in fiscal 1968. This alone should compel us to greater prudence in conference dealings, in considering the $20 billion, plus in budget requests remaining to be voted on, and in voting on all legislative authorizations.

With this defense bill today, we will have reduced the President's January budget by $3,039,000,000. This is considerably better than was done last year. It is considerably better than was done the year before. Maybe it is not good enough, but the bills which have passed have passed almost by a unanimous vote. So I assume that generally the will of the Congress has been accomplished in making the $3 billion reduction.

We do not know what the other body will do. Out of the 11 appropriation bills, it has acted on, I believe, four, it is impossible to tell what the final outcome will be on appropriations at this session. There must be a meeting of the minds on the part of both bodies, the House and the Senate. We hope we may increase the level of reductions in the forthcoming bills.

Mr. Chairman, under leave granted, I include a summarization of the totals of the appropriations bills to date:

Summary of action on budget estimates of appropriations in appropriation bills, 90th Cong., 1st sess., as of June 13, 1967

[Does not include any "back-door" type appropriations, or permanent appropriations[1] under previous legislation. Does include indefinite appropriations carried in annual appropriation bills]

	All figures are rounded amounts		
	Bills for fiscal 1967	Bills for fiscal 1968	Bills for the session
A. House actions:			
1. Budget requests for appropriations considered	$14,411,000,000	[2,3] $112,477,000,000	$126,888,000,000
2. Amounts in 11 bills passed by House	14,238,000,000	[2,3] 109,611,000,000	123,849,000,000
3. Change from corresponding budget requests	−173,000,000	−2,866,000,000	−3,039,000,000
B. Senate actions:			
1. Budget requests for appropriations considered	14,533,000,000	9,073,000,000	23,606,000,000
2. Amounts in 4 bills passed by Senate	14,457,000,000	8,954,000,000	23,411,000,000
3. Change from corresponding budget requests	−76,000,000	−119,000,000	−195,000,000
4. Compared with House amounts in these 4 bills	+219,000,000	+90,000,000	+309,000,000
C. Final actions:			
1. Budget requests for appropriations considered	14,533,000,000	1,458,000,000	15,991,000,000
2. Amounts approved in 3 bills enacted	14,394,000,000	1,383,000,000	15,777,000,000
3. Comparison with corresponding budget requests	−139,000,000	−75,000,000	−214,000,000

[1] Permanent appropriations were tentatively estimated in January budget at about $15,212,066,000 for fiscal year 1968.

[2] Includes advance funding for fiscal 1969 for urban renewal and mass transit grants (budget, $980,000,000; House, $925,000,000).

[3] And participation sales authorizations as follows: Total authorizations requested in budget, $4,300,000,000; total in House bills, $1,946,000,000.

I would like now if I may, Mr. Chairman, to turn to a discussion of this huge measure which is before us. The late Clarence Cannon, longtime chairman of the Appropriations Committee, looked with a great deal of disfavor upon a practice that has grown up in committees when the members arise and heap praise upon the members of the committee in control of the bill or of the subcommittee, including eloquent praise of the staff. This is not supposed to occur in well-ordered committees, but since this bill is so big, I believe a few encomiums would be permitted if I can be brief.

DEFENSE APPROPRIATION BILL, FISCAL YEAR 1968

I would say that no committee of the Congress is, in a general way, much stronger than its staff, and I challenge any committee to produce a better staff than we have on the Committee on Appropriations. It is not large, but I believe it is better to have a good, professional, experienced staff than to have a large staff overflowing almost into the corridors who may be tempted to engage in make-work activities.

I would say further than the gentleman from Florida [Mr. SIKES], who is the ranking majority member of the Defense Subcommittee, has been especially helpful. He has often presided when I have been at other subcommittee hearings.

The gentleman from California [Mr. LIPSCOMB] has distinguished himself on the minority side as a man of great stature, industry, and ability.

I pay these special compliments to these two gentleman—and I withhold nothing from other members of the subcommittee who have been likewise faithful in the performance of their duties.

We have heard of a credibility gap and maybe I just created one here in these words of praise but I think not.

It was said that we were not given the truth last year as to defense appropriation requirements and spending. Well, this issue has been greatly exaggerated and overstated.

In the defense bill last year, we were told early in the session that the financial planning assumptions upon which the budget was based last year presumed that the war would end before June 30, 1967. Nobody thought that it would actually end at that time. But the conflict was escalating rapidly and it was difficult to calculate with precision the exact requirements. We were told that other requests would be made to us, but that they could not and would not be presented until a later date when more precise requirements would be known.

This situation brought on a lot of controversy and argument. But we were told generally what the facts were. Besides that, we knew them from our own analyses and we did not need to be told of the situation.

But the budget this year for defense is based upon entirely different financial planning assumptions and the complaints applied to the 1967 defense budget cannot be applied to the 1968 defense budget which is before us.

The January defense budget which is before us assumes that the war in Vietnam will continue throughout the fiscal year 1968 and into fiscal year 1969.

So this budget may be adequate—although I admit I doubt it—but my doubts do not arise because of any fear of misrepresentations having been made to the Congress. I just have the feeling that as the result of the progress, or the lack of progress, being made in the war in Vietnam costs will go beyond those which were calculated in the January budget.

The January budget is predicated upon having fewer than 500,000 men in Vietnam during fiscal 1968. There are indications that we may require more than 500,000 men. Therefore, I say there is considerable likelihood that additional funds may be required later in the year.

Anyone who wishes to read the material available knows this. It has already been made clear in testimony before congressional committees including the Appropriations Committee.

There is another factor here. If you calculate from the Treasury Department statements, the spending for defense—and I mean the whole Department of Defense—it will be observed that the spending rate in March and April was higher than that which was estimated in the budget.

In 1 month it was $300 million higher. Whether it will continue that way, it is impossible to predict.

We may have a supplemental request later in the fiscal year, but it will not be because of any lack of forthrightness on the part of the President and the Secretary of Defense and the administration generally.

So I did feel it proper to make these contrasts between the bases of the budget for the fiscal year 1967 and fiscal year 1968.

BASIS OF COMMITTEE ACTION

Now you may ask "Why in Heaven's name is a reduction in the defense budget being recommended in this bill in the sum of $1.2 billion at a time when costs may be greater and at a time when we are engaged in a war?"

This, I think, is a pertinent question and requires discussion at this time.

I would say to the House that in previous years we have often said, "You have overfunded certain programs. We are going to reduce a certain activity by a certain number of dollars, but since we know you are going to need this money in the same general area for other programs which we think are underfinanced, we are going to leave this money in the bill."

This year we decided that this approach would tend to cause less control over funds. We provided funds based upon our analysis of the justifications presented. If additional funds are needed for some escalation of the war beyond that which is anticipated in the budget, the Defense Department can come and ask us for more money.

If you will get a copy of the report and turn to page 2, you will find that the total budget request is $71.5 billion and the total amount recommended in the bill is $70.3 billion.

You will also note that while this is the largest bill ever considered by this Government as a single appropriation bill, it is only $65.5 million above the total appropriation for similar purposes for the current fiscal year. The total appropriation for fiscal 1967 was made in several bills: the regular appropriation bill, the defense supplemental bill, and the increased pay costs in the second supplemental. So this is not a great addition to the amounts provided for the current fiscal year.

If you have time to read three pages in this report, I recommend reading page 3, which discusses the committee approach to the bill, a portion of page 3 and page 4 which discuss the scope of the bill.

When we discuss the scope of this bill, we find that the committee added in this bill $404 million above the budget, funds not requested but generally opposed by the administration.

The pages referred to follow:

COMMITTEE APPROACH TO THE BILL

The budget request before the Committee totals $71.6 billion. The estimated carryover of unexpended funds on July 1, 1967, is $43.7 billion. The sum of the carryover funds and the $70.3 billion recommended in the bill equals $114 billion.

In its review of the budget, the Committee determined that in some instances funds were requested for purposes which, in the judgment of the Committee, did not require appropriations at this time. Such funds are deleted from the bill.

The Committee found that, in some instances, funds requested in the budget were not needed for the purposes requested. These funds have also been deleted. This appears to be the most logical approach to a Defense budget at this time.

Although considerable sums are involved in the total recommended reductions, and world developments may create the requirements for substantial funds in addition to those recommended, it did not seem appropriate to provide such sums in the bill as "blank check" amounts to be used for purposes which had not been justified before the Committee or discussed by Defense witnesses.

The Committee is, however, of the opinion that funds over and beyond those carried over from previous years, and those included in the pending bill, will probably be required for fiscal year 1968. The tempo and cost of the war in Southeast Asia are on an upward trend. The costs of wars can never be projected precisely. The actions of the opponent weigh heavily on such matters. No decision has been made to increase military manpower above those strengths provided for in the estimates. Rates of consumption of ammunition, aircraft loss rates, and so forth, are based on the latest data available at the time of budget submission. If additional amounts are subsequently requested, they will of course be given a high priority.

The action of the Committee is based upon the budget request before it; efforts have not been made to anticipate the effect of future world events on Defense needs. The highly dangerous situation in the Middle East emphasizes the absolute requirement for the continuation of a high level of military strength which the accompanying bill seeks to assure.

Emergency funds and other fiscal authority granted to the Department provide flexibility to meet unbudgeted and unanticipated events, and to permit both the Executive and Legislative Branches the time to react to such events.

The reductions recommended by the Committee will not hamper the war effort in Southeast Asia. They are made in programs not directly related to the prosecution of the war. The Defense Department estimates that of the $71.6 billion of new funds in the budget about $20.3 billion will be required for the war and about $51.3 billion will be required for Department of Defense efforts in other programs. This compares with the $70.2 billion appropriated for fiscal year 1967 of which the Department estimates about $21.3 billion will be required for the war in Vietnam.

SCOPE OF THE BILL

The budget estimates for fiscal year 1968, for the military functions covered by this bill, total $71,584,000,000, including a proposed $30,000,000 annual indefinite amount. The accompanying bill provides for appropriations of $70,295,200,000, a decrease of $1,288,800,000 below the estimate. Appropriations for fiscal year 1967, including the Supplemental Defense Appropriation Act, 1967, and applicable amounts of the Second Supplemental Appropriation Act, 1967, total $70,229,622,000. The amounts recommended in the bill for 1968 are, in the aggregate, an increase of $65,578,000 above the appropriations for 1967.

Of the reductions recommended by the Committee, $467.7 million was made mandatory by the exclusion from the authorizing legislation of $301.1 million for fast deployment logistics ships and $166.6 million for conventional destroyers. Other reductions are related to program changes occurring since the budget was formulated as, for example, a slow down in the F–111B aircraft program occasioned in part by the crash of one of the test aircraft.

It should be pointed out that the net reduction of $1,288,800,000 consists of overall reductions of nearly $1.7 billion offset by increases of slightly over $0.4 billion. The increases stem from the funding of certain procurement and research and development items authorized by Congress over and above the budget, and from the Committee position that certain military capabilities should not be permitted to be reduced during the forthcoming fiscal year.

Each of the items and its relation to the previous general discussion will be covered in more detail later on in this report.

A summary of additions and decreases follows:

[In millions]

Additions:	
Continuation of B–52 strength	$11.9
Continuation of Air Force Reserve Components airlift capability:	
appropriation increase	12.1
(Within available funds)	(14.4)
EA–NA aircraft	106.7
A–6A modifications (within available funds)	(30.0)
DLG(N), full funding on nuclear power guided missile frigate	114.8
DLG(N), advance procurement	20.0
C–130 airlift aircraft	60.0
C–7 Caribou aircraft	12.5
CX–2 aeromedical evacuation aircraft	16.0
Aircraft modification in support of Southeast Asia future requirements	25.0
ASW—(fund highest priority items within available funds)	(33.0)
AMSA—in support of authorized program	25.0
Total, appropriations recommended above budget	404.0
Decreases:	
Fast deployment logistic ships, failed of authorization	301.1
Conventional destroyers, failed of authorization	166.6
Recoupments of excessive unobligated balances	251.0
Civilian employment	136.0
Multi-service aircraft, support procurement	125.0
F–11B program stretch-out	78.2
Technical manuals and data	75.0
Tactical and support vehicles, including autos	55.8
Resources management system	52.7
Commercial airlift rates (new CAB authorized)	48.9
AID/DOD realignment of S.E. Asia functions	47.4
Contract termination charges funding policy on	46.9
Permanent change of station travel (Army)	44.0
Revised ship conversion program	42.1
Research, and Federal Contract Research Centers	22.8
Management studies, and studies & analyses	22.4
Support of Eastern Test Range	15.0
Army overcoat material	14.6
Boards of Civil Service Examiners	8.9
All others	138.4
Total reductions in appropriations below budget	1,692.8

CONTINUATION OF B-52 BOMBER STRENGTH

The additional funds were provided for the following purposes: For a continuation of B-52 strength equivalent to three squadrons. Forty-five planes were scheduled for elimination from the fleet late in the year, for the continuation of which we provided $11.9 million.

RESERVE AIRLIFT CAPABILITY

For a continuation of the Air Force Reserve components airlift capability, we provided $12.1 million to keep eight Reserve units and three National Guard units in operation.

We added these funds because at this troubled time of war in the Far East and the threat of war in other areas of the world, including the Middle East, we did not think we ought to deprive ourselves of B-52 strength or airlift strength. So we took this action.

ADDITIONAL EAGA AIRCRAFT

We provided $106 million for certain aircraft, for the use of the Marines in Southeast Asia, as to which, I believe, no one could complain.

COST OF WAR IN VIETNAM

I would point out that in the bill before us about $20 billion is scheduled for the cost of the war in Vietnam and about $51 billion is for the overall cost of operating the Defense Department.

We did not make reductions which we felt would impinge in any significant way upon our war effort in Vietnam. The reductions made would not have direct application to the war in Vietnam.

We provided, above the budget, for the modification of certain types of aircraft required in Vietnam.

NUCLEAR PROPULSION FOR SURFACE NAVAL VESSELS

We provided for additional ships for the nuclear Navy. With the passage of this bill we will have provided for the Navy 111 ships which have nuclear propulsion.

I will not go into detail on that. The funds are given in detail in the report.

I see the gentleman from South Carolina standing, the eminent and able and articulate chairman of the House Committee on Armed Services. He had the audacity to walk by me, as I spoke earlier, and in reference to my statement that I challenged any committee to produce a better staff than we have on the Appropriations Committee, he said very boldly but in a low tone, "I challenge you."

I yield to the gentleman from South Carolina.

Mr. RIVERS. I thank the gentleman. What I said, Mr. Chairman, was that I accepted the gentleman's challenge about staff, as the gentleman knows.

Mr. MAHON. That is correct.

Mr. RIVERS. I just wanted to be certain. I do agree with the chairman, that he does have one of the finest staffs.

Mr. MAHON. We do, and the other committees, including the Armed Services Committee, have able staffs. The staffs of the various committees are very important to the welfare and work of the Government.

Mr. RIVERS. I believe the gentleman has a magnificent staff. There is no question about that.

I want to ask the gentleman about nuclear propulsion for ships. Do we properly take care of the nuclear propulsion for surface ships? What about the two DLGN's which our committee inserted to give this country surface nuclear propulsion?

Mr. MAHON. We agreed with the gentleman's committee as to the requirement for nuclear powered guided missile frigates. With respect to these nuclear frigates, we fully fund one, and we provide $20 million for long leadtime items for the other, which in the judgment of the committee will in no way defer or delay these important ships.

Mr. RIVERS. What does that mean in terms of numbers of ships? Last year we funded one, this year we have funded another. That makes two. Then the gentleman appropriates for long leadtime items for one more ship? Is that correct?

Mr. MAHON. That is what we have done.

Mr. RIVERS. So the gentleman's committee has satisfied the authorization?

Mr. MAHON. Yes; we have in that we have fully funded one nuclear powered frigate and provided for long-lead-time procurements for another. This will provide for an orderly procurement program. The gentleman is correct.

Mr. RIVERS. Two ships including one with long leadtime items. I want the Congress to understand that we have now four of the nuclear surface ships. Four is all we possess. This will give us six, and with long leadtime items for one more. The strongest nation on earth will have only the capacity for seven surface nuclear ships. This is so ridiculous that it is ridiculous. It is so disgraceful that it is disgraceful.

Mr. MAHON. There is considerable controversy between the executive and the legislative branches as to the nuclear powered ships, but we have funded in whole or part, all of those authorized.

PROCUREMENT OF ADDITIONAL AIR FORCE AIRCRAFT

Now, in this bill, in addition to the nuclear ships about which we have had colloquy, there are funds provided above the budget for additional airlift aircraft, the C-130 airlift aircraft; and $12.5 million for the C-7 Caribou aircraft. We have provided for additional aeromedical evacuation aircraft.

We provided $25 million above the budget for development of a new long-range bomber, the followon to the B-52 called AMSA.

REDUCTIONS BELOW THE BUDGET ESTIMATES

Now, as to the decreases, and I will only cover them very rapidly here they are detailed in the table I inserted earlier, $467.7 million in decreases results from the failure of authorization. That includes funds requested for conventional destroyers and for fast deployment logistic ships. They were eliminated from our consideration for lack of authorization.

Then we reduced certain funds because we thought that some of the programs were overfunded—not that we were against the programs, but we thought they were overfunded.

I would remind my colleagues, if anyone thinks we have been niggardly in this bill—which we have not—that if we pass this bill and it becomes the law, the Department of Defense will have available to it for the next fiscal year the total sum of $114 billion for the functions covered by the bill. That is the sum of $43.7 billion in carryover funds and the $70.3 billion in funds carried in this bill.

We made a reduction in the F-111B program, the Navy version of the F-111, in the sum of about $78 million. We did it in large measure because test aircraft No. 4 crashed, and this delayed the program. Instead of funding 20 of these Navy planes as requested, we would fund 12 in this bill.

We made some reductions in various programs otherwise, some on permanent change of station travel, some on research and development, and some on the support of the Eastern Test Range, and on other matters.

We made total reductions in the amount of $1,692.8 million, and we made increases in the amount of $404 million, making a total decrease in the budget estimates of $1.3 billion, as shown in the excerpts from the report which have been inserted in these remarks.

CIVILIAN EMPLOYEES

I believe it would be well to talk a bit about civilian employees. There was a request for approximately 50,000 additional civilian employees. About 17,000 plus were requested as substitutes for military personnel needed in Vietnam and elsewhere. The others were for general utilization in the Department of Defense.

We made a reduction of 18,150 employees from the budget estimates.

ANTIBALLISTIC MISSILE PROGRAM

I should mention the antiballistic missile program, which is the most expensive program, in many ways, confronting the Nation within the Defense Department. Prior to this year, we had appropriated $4 billion for research and development on ABM systems, including the Nike X, the Nike Zeus, or any concept involved in defense against the ballistic missile. Last year, we provided $600 million for the ABM. This year we are providing in this bill something over $700 million. In the military construction bill other funds will be considered.

We have provided the amount of the budget estimate for the ABM, except for $11 million. We made a reduction of $11 million in the ABM program because witnesses testified, upon inquiry, that there was $11 million which could not be used during fiscal year 1968 as a result of the fact that no final decision had been made toward deployment of the ABM system.

I should like to make reference to the fact that some complain there is no declaration of war between the United States and North Vietnam. There are several philosophical positions on this subject. Probably the course which we are following gives us more flexibility, and it is more adaptable to the requirements.

But I would say that the passage of this bill today will unequivocally establish the fact, in my judgment, that the House of Representatives is in support of the war effort in Southeast Asia, because if we vote for this bill we will vote for approximately $20 billion to carry on the war. I would estimate that probably 99 percent of the Members of the House will vote for the bill. The world should interpret this, friend and foe alike, as in evidence that the elected Representatives of the people in the House of Representatives are in support of the prosecution of the war for freedom in Southeast Asia.

I would say further that in previous bills, most recently in the supplemental bill for Vietnam of $12 billion, we have expressed our support of the war effort. It is not that we are entirely happy with the progress of the war, or all of the tactics being followed, but we are in support of the overall objectives of the nation.

I think, then, unless there are some special questions, this is about as much as need be said at this opening of the debate on this bill.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. I think that the committee ought to be commended for having rejected the demands for a most substantial increase in civilian personnel. I think the committee should also be commended for taking note of the overlapping and duplication of certain training of civilian employees. Whatever else I may have to say about the action of the committee, I do want to commend them in regard to those things about which I have just spoken.

Mr. MAHON. I thank the gentleman for those comments.

Mr. GROSS. May I ask the gentleman this question: I do not want to go over a lot of figures. The gentleman read them off rather rapidly. Some of them are astronomical. But do I understand now that the total bill this year, when everything is totaled up, will be somewhere in the neighborhood of $163 billion, or was it $141 billion that the gentleman gave?

Mr. MAHON. The gentleman now is not discussing defense only but the overall budget?

Mr. GROSS. The overall budget. I should make that plain.

Mr. MAHON. The $163 billion figure is the probable, or now indicated overall total budget estimate of appropriations for the year, including the fiscal 1967 supplementals of some $14.4 billion which we have already had. These, of course, included the $12 billion plus for Vietnam, and the total also includes some $15.2 billion of so-called permanent appropriations—mainly interest on the debt—that must be counted in the totals but which will not come before us for a vote.

Mr. GROSS. So the funds that carry over from the two supplementals already approved in this session of Congress are taken into consideration in the figure that the gentleman gave us with respect to this bill, or are they excluded?

Mr. MAHON. The defense portion of those are included in the total defense expenditures. They are not included in the $70.3 billion.

Mr. GROSS. They are not included in this bill?

Mr. MAHON. No.

Mr. GROSS. I thank the gentleman.

I have one other question. Can the gentleman give us an estimate of the monthly cost of the war in Vietnam as of this time?

Mr. MAHON. I would say that if you would divide 12 into about $21 billion, you would have something in that general area.

Mr. GROSS. I was under the impression some time ago that the total rate of spending in Vietnam for the conduct of the war was some $2 billion a month. Somewhere I seem to recall a figure of between $4 billion and $5 billion which was expended in the war in the month of March. I can understand in some months there could be an increase.

Mr. MAHON. The gentleman knows that even with all of the computers in the Government, it is impossible for anyone to determine just what spending should be assigned to Vietnam in every case and what should be assigned generally to the overall defense program of the country.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Florida.

Mr. SIKES. I think it would be helpful to point out in connection with the cost of approximately $25 billion in the last fiscal year there were some one-time build-up costs and construction costs that will not have to be repeated during the current fiscal year. Hopefully this year the cost may be less.

Mr. GROSS. I see. I thank the gentleman for yielding.

Mr. LIPSCOMB. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the outset I would like to join the chairman of the Committee on Appropriations and the chairman of the Subcommittee on Defense in commending the work of our staff and the other committee members with whom I serve.

Mr. Chairman, the distinguished gentleman from Texas [Mr. MAHON], chairman of the Committee on Appropriations, has presented to the Members of the Committee an excellent report on the bill.

Mr. Chairman, the bill before the House of Representatives today, H.R. 10738, will provide appropriations of new obligational authority in the amount of $70,295,200,000 for the Department of Defense for fiscal year 1968. This bill provides appropriations for the regular military functions, including our Nation's military assistance related to the conflict in Southeast Asia. The bill does not provide for other military assistance, military construction, military family housing, or civil defense. These other requirements are considered in other appropriation bills.

The fiscal year 1968 defense budget request as submitted to the Congress by the President was $71,584,000,000. The Appropriations Committee, after lengthy hearings and after exploring all the categories of our military programs, found it necessary to make some additions to and reductions from the President's request.

The committee total program recommended additions above the budget are $481.4 million, of which $77.4 million will be financed from available funds making the total net appropriations above the budget $404,000,000. The total committee reductions to the budget amount to $1,692,800,000 for a net reduction to the President's budget request of $1,288,800,000.

It must be emphasized that where reductions were made they will have no adverse effect on our ability to carry out our activities in Southeast Asia.

Funds are deleted when in some instances it was determined the purpose, in the committee's judgment, for which they were requested were not needed. Other reductions were made mandatory by program exclusion from the authorizing legislation and other reductions are related to program changes.

The additions to the budget were made necessary because the committee has taken the position that certain of our military capabilities should not be reduced during the coming fiscal year as recommended by the Secretary of Defense and we have added amounts for other items which were authorized and known to be needed but not requested by the Secretary of Defense.

The bill before us is of great importance in that it represents in dollars over one-half of all budgeted activities of the U.S. Government for the 12-month period beginning July 1, 1967.

Funds provided in this bill will affect directly or indirectly the daily activities of probably every American and every American institution, both public and private, in the coming 12-month period and in the period beyond.

Though it is difficult to comprehend fully the magnitude and complete significance of all aspects of this fiscal year 1968 appropriation for the Department of Defense, what can be easily comprehended is that these funds are vital and they are necessary to serve and preserve the vital interests and purposes of our Nation.

Some of the items in my opinion possibly could have been higher, others lower. But the bill represents the combined judgment as to the appropriate amount that should be provided. I support H.R. 10738 as reported by the committee.

Mr. MINSHALL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Sixty-three Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 133]

Abbitt
Anderson, Tenn.
Arends
Ashley
Ayres
Bell
Carter
Celler
Clark
Conyers
Corman
Cowger
Davis, Wis.
Diggs
Dow
Dowdy
Eckhardt
Fuqua
Gubser
Hays
Herlong
Hosmer
Howard
Ichord
Irwin
Jones, Mo.
Kelly
McEwen
Mathias, Calif.
Pelly
Pool
Railsback
Reid, N.Y.
Resnick
Ruppe
St. Onge
Sisk
Smith, N.Y.
Steiger, Ariz.
Teague, Calif.
Thompson, N.J.
Widnall
Williams, Miss.
Willis
Young
Younger

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H.R. 10738, and finding itself without a quorum, he had directed the roll to be called, when 384 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from California [Mr. LIPSCOMB].

Mr. LIPSCOMB. Thank you, Mr. Chairman.

Of immediate concern is the war in which we are engaged in Southeast Asia. Defense expenditures contained in this bill which are attributable solely to Southeast Asia operations are impossible to determine precisely. Although the administration estimated that about $20.3 billion of the budget will be required for the war, the question properly asked is: Will that be enough? The actual costs could well be running to a magnitude of $25 to $30 billion or more per year.

The Defense Appropriations Subcommittee has taken every opportunity to assure that every program directly related to our Southeast Asia operations is adequately funded.

Even though the Secretary of Defense at the hearings stated that the war has been adequately funded, his statements were made several months ago and it is now becoming increasingly clear that the administration may again have to come to the Congress with a defense supplemental request for fiscal year 1968. Recent statements by administration spokesmen, including the President, made after our hearings had concluded, indicate to me that the administration may have once again delayed a decision to realistically fund the war effort.

It is not appropriate to provide sums in the bill as "blank check" amounts without first having Defense witnesses justify the purposes and needs for funds. Therefore, if for any reason increased funds are needed the administration should come forward with a funding request without delay. The President and the Secretary of Defense should submit such estimated funding needs before action on this bill is completed by the Congress.

The tremendously expensive Southeast Asia military operations are having a direct, and in some instances an adverse effect, on some facets of many of the defense programs which are in the budget before us. It cannot be otherwise when one-quarter or one-third of the budget and perhaps a like amount of our military combat units are directly involved with that war. If priority programs in this budget, not related to the war, are known to be in need of funds Congress should also be informed of such needs.

I have directed these comments to the war in Southeast Asia in order to point out that although it is true that this defense budget is the largest ever proposed since World War II, the dollar figure by itself can be a dangerously misleading indicator of the degree of security it provides both for today and for the future.

Today this Nation possesses in total the most powerful military might in the world. But we must remind ourselves of that which our enemies know well. Today our military resources may well be stretched thin and the Department of Defense should evaluate the adequacy of its resources. In this regard the testimony before the committee indicates a need for concern.

For example, General Greene, Commandant of the Marine Corps, said on March 16, 1967, in response to a question about the deployment of additional troops to Vietnam:

> Our present situation is this: We have some 73,000 Marines ashore in South Vietnam today. We are unable to deploy additional troops and at the same time to maintain our rotation base and also to be ready to handle other contingency requirements, for example, in the Caribbean, Mediterranean, and Europe.
>
> If we were to deploy additional units, which of course we could do very rapidly, in order to maintain them in the Western Pacific we would have to mobilize.

Statements such as these indicate the seriousness of the situation we face today and the need for constant attention by the Congress to military capabilities and plans.

COMMITTEE APPROACH TO THE BILL

The committee report on the Defense appropriation bill before the House today is a comprehensive document which should be read and studied carefully by every Member of Congress.

It discusses broad areas relating generally to the management and administration of the Department of Defense and the defense programs which are of concern to the committee.

One of the broad areas where reductions are recommended relates to studies and analyses. The committee is concerned about the upward trend in expenditures in the Department for studies and analyses on many nontechnical matters. Sometimes studies are contracted for which are not really needed or used. Sometimes it appears studies are resorted to as devices which delay and defer decisionmaking.

As discussed in the report, though it is recognized that there is a need for outside studies in some cases, if Federal personnel cannot operate without the help of outside studies and reports, they could be replaced with personnel who can. The committee has therefore reduced the budget request amounting to $22.4 million for management studies and studies and analyses.

The committee also deleted funds for the so-called resources management system. This action, again, was taken only after the matter was thoroughly studied, weighed, and evaluated. While it is perhaps true that significant changes should be made in the budgeting and accounting system of the Department, it was the considered opinion of the committee that placing this system into effect as planned could bring about massive change which to some extent would temporarily diminish congressional control. Also it could produce inflexibility of program structure. As pointed out in the report, the Department could perhaps conduct more extensive tests than those already conducted to determine the merits and feasibility of the program. The report indicates that the committee would not object to further testing of a new system provided the breadth of the test does not exceed one major command per military service. The budget reduction pertaining to the resources management system in the bill amounts to $52.7 million.

The committee also took note of potential problems in the area of fiscal management relating to carryover funds for various items of procurement and research, development, test, and evaluation. Funds for such projects generally are made available until expended because often the timing on such items is not known or there are other uncertainties or complications. This is certainly understood. But this also means that unexpended funds carried over can and do accumulate. As stated in the report, the accumulation and continuation of large unobligated balances is an indication of poor management and could threaten congressional control of the appropriation process.

The committee has emphasized that a constant review must be maintained and funds recouped where no longer needed for their original purposes. Reductions have been made in various accounts totaling $251 million because of the committee's assessment as to the availability of accumulated funds that can be recouped in lieu of new appropriations.

The number of civilian employees in the Department of Defense has been increasing sharply. The increase is out of proportion to the demands placed upon the services by Southeast Asia operations in the opinion of the committee. The bill therefore contains significant reductions in the funds requested for new personnel. For fiscal years 1967 and 1968 the average increase in civilian personnel in the Defense Department is 171,905. Of this, 75,000 are related to the civilian-military substitution programs, under which certain positions staffed by military personnel are being filled by civilians. The remainder, however, about 96,400, are new positions. The Department estimates that of the total amount an increase of 49,439 is for fiscal 1968. The bill recommends an overall reduction of 18,150 civilian positions, which represents a reduction of 36.7 percent of the increase requested for fiscal year 1968. The reduction is not related to the civilian-military substitution program. Its purpose is to cut back on the huge increases the Department is proposing for its work force and to help reverse the trend toward undue growth of Federal agencies.

The action deemed necessary by the committee in these and related activities indicates in my opinion the need for improved administration and programs in many areas throughout the Department of Defense.

A summary of additions and decreases made by the committee follows:

[In millions of dollars]

ADDITIONS	
Continuation of B-52 strength	11.9
Continuation of Air Force Reserve components airlift capability:	
Appropriation increase	12.1
(Within available funds)	(14.4)
EA-6A aircraft	106.7
A-6A modifications (within available funds)	(30.0)
DLG(N), full funding one nuclear powered guided missile frigate	114.8
DLG(N), advance procurement	20.0
C-130 airlift aircraft	60.0
C-7 Caribou aircraft	12.5
CX-2 aeromedical evacuation	16.0
Aircraft modification in support of future Southeast Asia requirements	25.0
ASW (fund highest priority items within available funds)	(33.0)
AMSA (in support of authorized program)	25.0
Total program increases	481.4
Less financing from available funds	—77.4
Total appropriations recommended above budget	404.0
DECREASES	
Fast deployment logistic ship, program failed of authorization	301.0
Recoupments of excessive unobligated balances	251.0
Conventional destroyers, failed of authorization	166.6
Civilian employment	136.0
Multiservice aircraft, support procurement	125.0
F-111B program stretchout	78.2
Technical manuals and data	75.0
Tactical and support vehicles, including autos	55.8
Resources management system	52.7
Airlift commercial rates (new CAB authorized)	48.9
AID/DOD realinement of Southeast Asia functions	47.4
Contract termination charges, funding policy on	46.9
Permanent change of station travel (Army)	44.0
Revised ship conversion program	42.1
Research, and Federal contract research centers	22.8
Management studies, studies, and analyses	22.4
Support of Eastern Test Range	15.0
Army overcoat material	14.6
Boards of Civil Service examiners	8.9
All other	138.4
Total reductions in appropriations below budget	1,692.8
Net reductions in appropriations below budget	1,228.8

NEED TO EVALUATE MANAGEMENT OF DEFENSE DEPARTMENT

The responsibility for managing our Defense Establishment is an awesome responsibility. This Nation must be grateful that there are always those who are willing to come forward and shoulder that responsibility. Recognizing the magnitude of the managerial responsibilities and services rendered does not preclude the requirement to evaluate the past and present performance of that management.

It is the task of any management to make decisions and the success or failure of management is reflected by the results. Decisions made today by the Department of Defense will determine our military capabilities and the Nation's welfare tomorrow.

The performance of the DOD management, therefore, must be evaluated in terms of our military posture—in terms of our military capabilities to influence actual and potential events such that the interests of this Nation are protected and advanced. If our interests are anywhere not protected because of the lack of a capability to exert military superiority, this then would reflect adversely on the management of our Defense Establishment.

STRATEGIC ADVANTAGE

The overall power advantage which a nation holds over its enemies and which enables it acting alone or in concert with its allies effectively to control the course of military and political situations is its "strategic advantage."

We must be concerned with what is happening to our Nation's strategic advantage.

Although our military posture is built around many varied forces, it is the forces which serve primarily for strategic purposes which make the greatest apparent contribution toward achievement of strategic advantage. In the budget structure they are called the Strategic Forces.

STRATEGIC FORCES

In the Strategic Forces there are offensive forces such as land- and sea-based ballistic missiles, bombers, missiles launched from aircraft, and reconnaissance elements. The defensive Strategic Forces consist of such items as manned interceptor aircraft, surface-to-air missiles, warning, surveillance, and control systems.

If our Strategic Forces make up the largest part of our military posture which are needed for our national security, the question which must be asked is: Should we permit the Soviet Union or any other nation to acquire a capability greater than our own in any element of the Strategic Force structure?

Should there be any doubt that America must possess strategic advantage if our vital interests and purposes are to be served and preserved? If there are any reasonable doubts whatsoever of the extent of Soviet or any other nation's strategic capabilities, should not those doubts be resolved by positive decisions which favor our own capabilities? The management of our Defense Department has been asked these questions in many ways on many occasions.

For instance, Secretary of Defense McNamara, on March 6, 1967, was asked if there could be any reasonable doubt as to the extent of the intercontinental ballistic missile capability of the Soviet Union, even if we credit the Soviets with the capability to deceive our intelligence gathering means. The Secretary, in reply, expressed his belief that our intelligence estimates could be off but only slightly. Though the remainder of his response was classified, a significant insight into some of the disagreement that exists on this point was provided when General Wheeler, Chairman of the Joint Chiefs of Staff, was asked to comment on the Secretary's response. General Wheeler said:

> As a matter of fact, I am not in full agreement with what the Secretary said. There are several things which I believe worthy of comment. First, the Soviets are, as shown in the last year, increasing very substantially their deployment of hardened ICBM's. I said in my statement on the ABM that the Joint Chiefs do not know whether the offensive and defensive buildup of the Soviets indicates they are seeking strategic superiority or strategic parity.

DECISIONS AFFECTING STRATEGIC FORCES

Several instances can be cited which indicate the adverse effect on our Strategic Forces due to Defense Department decisions.

The manned bomber aircraft, such as the B-52, is an element of our Strategic Offensive Forces. It is capable of carrying nonnuclear as well as nuclear payloads. The requirement for that type aircraft is well established. Yet, in this past year three B-52 bomber squadrons were phased out at an accelerated rate, even though the Congress last year specifically provided for the continued operation of these squadrons through fiscal year 1967.

And unbelievable as it may seem in view of the significance of the B-52 to our Strategic Forces and the action taken by Congress last year, the President's budget as presented to the committee this year again called for a phase-out of another three squadrons.

The committee has added funds to the bill to continue the B-52 bomber force at a level of 600 aircraft.

It is essential that an advanced manned strategic aircraft—AMSA—be available as a replacement for the B-52 which is aging and is no longer in production. Yet the Office of the Secretary of Defense reduced by $25 million the funds which were requested by the Air Force for fiscal year 1968 and which are required in order to move ahead with the AMSA. The go-ahead for the continued AMSA development must be given so that the operationally capable aircraft will be available when it is needed. The committee deemed it necessary to again emphatically support AMSA at a higher level and $25 million was added to this bill. The bill makes $51 million, the $26 million requested, and the $25 million added, available only for the AMSA program.

The Congress 1 year ago provided $55 million above the budget estimate to maintain a production capability for the F-12 long-range interceptor aircraft, the most sophisticated fighter-interceptor there is in the world. As stated in the report on the Defense appropriation bill for fiscal year 1967, those funds were added because such action was deemed desirable for our military security. Those funds to this day have not been released to the Air Force by the Office, Secretary of Defense. Failure of the Secretary of Defense to allocate the funds in a timely way for F-12's has already resulted in a loss of the option to keep the production plant warm. This, in turn, has caused a serious delay in the available operational date of the aircraft and it is evident there will be need for an increased amount of funds in order to start up the production plant when a decision is finally made.

As in the case of AMSA, the delay in the go-ahead for the interceptor aircraft by the Defense decisionmaking process could create a gap both in capabilities and in numbers of our aircraft.

Our antiballistic missile system—ABM—program is another example involving a strategic force of where funds added by the Congress have not been effectively utilized.

The Soviets have been building and deploying their ABM system for some time and the administration policymakers have known of those Soviet activities.

And, as to offensive missiles which could be used against us, General Wheeler pointed out that the Soviets are increasing very substantially their deployment of improved ICBM's, while the Secretary himself told the committee it is believed that Red China too is pursuing its nuclear weapons and ballistic missile programs with high priority.

The arguments which favor a go-ahead decision are well known and they in my opinion are sound. There is almost unanimous agreement by our top military leaders and other responsible American officials that this Nation must have an antiballistic missile system. A decision is needed which will keep us moving at least enough to stay even with and perhaps catch up to the Soviets.

Gen. Harold Johnson, Chief of Staff of the U.S. Army, expressed his feelings to the committee on March 10, 1967, on the need to begin immediate deployment of an ABM. General Johnson said:

> Now, one cannot argue against discussing the issues that are to be discussed with the Soviets, you cannot argue that at all. However, the uneasiness that I feel is basically this: When do we stop discussing and when do we reach a decision point?

The Chairman of the Joint Chiefs of Staff this year again firmly and strongly stated the position of all members of the Joint Chiefs of Staff who have for years unanimously supported the position that this country should now proceed to deploy Nike X. The Joint Chiefs' recommendation is based on the requirement to maintain the total strategic nuclear balance clearly in favor of the United States. Up until this moment no decision has been made to begin deployment of an ABM system.

General Wheeler once again presented the cogent reasons which compels this Nation to proceed with no further delay. He reminded the committee of the information from the intelligence community, and made public in the last year, that the Soviets are deploying one and possibly two ABM systems. He disclosed that the intelligence community also believes the Soviets will probably extend and improve their ABM defenses over the coming years and he stated the Soviets have accelerated the deployment of hardened intercontinental ballistic missiles.

General Wheeler gave this assessment to the committee on March 6, 1967:

> The Joint Chiefs of Staff don't know whether the Soviet overall objective is strategic nuclear parity, or superiority. In either case, we believe that their probable aims are one or more of the following.
>
> First, to reduce the United States assured destruction capability—that is, our ability to destroy their industry and their people.
>
> Second, to complicate the targeting problem which we have in directing our strategic forces against the Soviet Union.
>
> Third, to reduce U.S. confidence in our ability to penetrate Soviet defenses, thereby reducing the possibility that the United States would undertake a preemptive first strike against the Soviet Union, even under extreme provocation.
>
> Fourth, to achieve an exploitable capability, permitting them freedom to pursue their national aims at conflict levels less than general nuclear war.

It should be remembered that those words are the combined judgment of all of the highest ranking military leaders of our Nation.

The statement clearly tells us the Soviet overall objective is to achieve strategic nuclear parity or superiority over the United States. It gives clear indication that the Soviet decisionmakers long ago concluded it is to the Soviet's interests to expand Soviet defensive and offensive deployment.

While doubts arise concerning our strategic advantage, the Soviets are decisively building their capabilities thus "permitting them freedom to pursue their national aims at conflict levels less than general nuclear war."

Congress has repeatedly made its position clear on various of our pressing national needs in these and other defense areas. It has done so in the hearings and in reports and by congressional action. Frequently funds have been added for specific items where it was the judgment of Congress that increased funding was called for. While we can and do supply funds and strongly recommend action, the Secretary of Defense on numerous occasions has completely refused to put the funds to use for the stated purpose. In the interest of our national security it is vital that Congress continue its efforts to see that needed programs are advanced and funded.

AIRLIFT OF THE AIR FORCE RESERVE COMPONENTS

As the buildup in Vietnam developed, the Air Force Reserve and Air National Guard were requested by the Military Air Command to help meet our air transport needs. They responded effectively and well, providing many thousands of flying hours and thousands of tons of transported cargo to Vietnam and elsewhere. The Air Guard and Reserve continue to make this valuable transport contribution to our national welfare.

In spite of this the Defense Department last year attempted to phase out three airlift units of the Air National Guard. The units which it attempted to inactivate are located at White Plains, N.Y.; Pittsburgh, Pa.; and Van Nuys, Calif.

The Defense Department again attempted to inactivate those units and it also scheduled for phaseout during the final quarter of fiscal year 1968 the unit at Homestead, Pa. These four units last year produced a total of 18,125 productive flying hours, flying a total of 16,014,673 ton-miles. The Defense Department also planned to phase out eight Air Reserve airlift units during fiscal year 1968.

Obviously these and other airlift units are making a very meaningful contribution to our effort in Southeast Asia. They are also a valuable source of training and a valuable source of trained personnel for any emergency situations.

It was known at the time the 1967 Defense supplemental appropriation bill was under consideration that the Defense Department planned to inactivate the three units by July 1, 1967. It was clear that moves to put the inactivation into effect, such as issuing termination notices to personnel or reassignment of aircraft, would have had to begun some time ago, very likely before action would be completed on this regular Defense appropriation bill which is now before the House. For that reason the Supplemental Defense Appropriations Act, 1967, which was approved on April 4, 1967, contains provisions requiring that not less than 40 Air Force Reserve troop carrier and airlift groups and not less than 25 National Guard airlift groups shall be maintained during fiscal year 1968. The effect of this is to maintain the airlift groups at their present level.

The bill before us provides $26.5 million—$12.1 million in appropriations and $14.4 million in available funds—for continuation of Air Force Reserve components airlift capability as called for by Public Law 8, 90th Congress, the 1967 Defense supplemental appropriations bill.

RETENTION OF B-52 AIRCRAFT

The committee has provided funds amounting to $11.9 million over and above those requested in the budget in order to provide for the continuation of 600 B-52 aircraft in fiscal year 1968. The amount provided is based on the further continuation of this number into fiscal year 1969.

As proposed in the Defense budget, this represents yet another area where action was taken contrary to the express direction of Congress and which would reduce our defense capabilities. Last year, in response to a proposal to phase out three B-52 squadrons from the fleet, Congress added $6 million to the Defense bill specifically pointing out that the additional funds were to maintain the B-52 fleet at 600 aircraft. In spite of this, however, the Defense Department proceeded with a modified phaseout of 45 B-52's, placing 20 in storage and 25 in what it termed a ready status.

In view of the obvious need for bomber aircraft capability and the fact that Congress took special care to emphasize our need in this area in connection with the Defense appropriation bill last year, it is highly disturbing that this phaseout should have been carried out even in a modified way. It is even more disturbing that for fiscal year 1968 the Department of Defense has come to the Congress with plans—to phase out an additional 45 B-52's. Fifteen would be placed in mothballs and 30 in units in ready status.

Certainly the situation in the world today shows a great need for keeping our strategic bombing force at as full and complete a level as possible.

The B-52 can play a most significant part in the case of airborne alerts of our Strategic Air Command. Airborne alert is a unique method of providing a show of force during periods of crisis with a portion of our nuclear capable forces. At the time it is in operation, those aircraft airborne are not subject to a surprise attack from either intercontinental or submarine-launched ballistic missiles. As such, they constitute a force capable of immediate attack, if required.

We do not know what kind of engagement we would be called upon to fight in the future. For this reason we must maintain our best options against a threat we cannot predict with certainty. As we have seen in the case of Vietnam and other areas it is to our benefit to have flexibility in our operational capabilities. Our goal must be decisive strategic superiority.

The B-52 is also of importance to the Air Force in meeting its collateral responsibilities such as conducting antisubmarine warfare and protecting shipping, interdicting enemy seapower through air operations, and in laying mines from the air. These are missions of obvious far-reaching importance and the B-52 is necessary to help fulfill these responsibilities.

It is vital to retain the B-52 highly trained efficient crews together so that they would be available should the situation call for their service. The Department of Defense however, in addition to going ahead with the inactivation against the express direction of Congress, actually accelerated its phaseout schedule from the fourth quarter of fiscal year 1967 to the third quarter in order to finance additional civilian personnel authorized by the Secretary of Defense and in order to make additional pilots and other personnel available elsewhere.

PILOT SHORTAGE

Personnel is the most important asset of our military services. Yet the budget and testimony throughout the hearings concerning the management of personnel resources in the Defense Department depicted what to me seems an incongruous situation. The budget requests an increased number of civilians on the payroll while the services have been denied the numbers of military personnel which they had requested. And this while we are at war.

For example, the Air Force request for military personnel was reduced by almost 26,000 by the Office of the Secretary of Defense. With that action the Defense Department is actually planning a net reduction of 11,500 in the military personnel strength of the Air Force in the coming 12 months. On the other hand, the DOD planned to increase the civilian strength of the Air Force by 5,863 during the same period of time.

It was in the category of military personnel available to fly aircraft, however, that the most glaring example of acts of omission or commission in personnel management were revealed. Each of the services—the Army, the Navy, the Marines, and the Air Force—are short pilots.

The pilot situation in many instances is serious. Since it takes many months to train a pilot, this shortcoming will not be rectified soon and it is obviously the result of an accumulation of past actions compounded by 2 years of war in Southeast Asia.

The hearings revealed the office of the Secretary of Defense disagreed with an Air Force request to increase its pilot production rate. As a consequence, the total number of pilots by which the Air Force requested to increase its previously approved pilot production program was reduced by 376.

The OSD disagreement with Air Force pilot training needs was particularly evident as concerns Air National Guard pilots for which the Air Force requested 299 pilot training spaces. This request was denied and the Guard was left with 145 spaces—the same number it had previously. This in spite of the fact that the increased pilot production is needed now by the Guard to meet the forced attrition losses which it can foresee occurring 2 years from now. This, also in spite of the fact that the Air Force pilot training course to which Guardsmen are sent, is the only reliable source of Air National Guard pilots.

The Chief of the National Guard Bureau believes that a lack of Air Force training facilities is the reason pilots cannot be trained at the rate requested.

The Army, too, is in critical need of aviators. Its shortage is of several years' standing and it will not meet its flight training program objectives for some time into the future. Testimony of Army witnesses shows that the Army requested a training rate of 800 pilots per month. The OSD cut that rate to 610 per month.

Admiral McDonald, Chief of Naval Operations, stated the Navy's case this way on March 15, 1967:

> We do have urgent pilot needs brought about by low pilot training quotas in the early sixties and by the severe pilot retention problems we face today.

More detailed information presented the committee reveals that the shortage of Navy pilots will become increasingly severe. The shortfall of pilots in the coming year is expected to reach almost 2,700 and regardless of whether the Southeast Asia war ends or not it will take 3 or 4 years to overcome the pilot shortage in the Navy.

Present capabilities for training Navy pilots are taxed to the limits. The Navy cannot train them at a rate greater than now planned because of the overload to its training command. According to Navy Capt. W. R. Flanagan of the Bureau of Personnel, the Navy's capacity to train pilots is limited by its limited physical plant, by its limited number of trainer aircraft, and by its shortage of instructors and maintenance personnel.

The Marine Corps estimates its pilot shortage now at approximately 850 and that this shortage will grow to over 1,000 in the coming year. It was revealed at the hearings that the Marine Corps was unable to go to a wartime pilot manning level in South Vietnam. Incredible as it may seem the marines are fighting a war using peacetime pilot manning levels.

The committee provided in full the amount of funds requested by the Defense Department for aircraft pilots. This includes flight pay and other related personnel costs, training programs, flying hour programs, and so forth.

In the time since the hearings concluded the Air Force announced a program of "selective retention" which apparently is based in part on its need for pilots. However, it seems to me that the pilot shortage problem is one which probably will require additional action by each of the services. If there is a need to open additional training bases or a need for additional trainer aircraft or for any other reason additional funds are needed, I feel certain those funds will be provided by the Congress once the Department of Defense comes forward and makes known those needs.

THE NAVY VERSION OF THE TFX AIRCRAFT, THE F-111B

The F-111B aircraft which the Navy is trying to satisfactorily develop is an outgrowth of the TFX program which was established with the insistence of the top level of the Department of Defense that both the Navy and the Air Force should develop an aircraft of common basic design. In the case of the TFX the Navy and Air Force versions have both suffered from compromise in performance by the emphasis on commonality.

Including the funds in this bill, over $5 billion will have been appropriated for all purposes for the various Air Force and Navy versions of the F-111-type aircraft and their associated systems.

The President's budget request included $418.1 million for R.D.T. & E. and procurement of a Navy aircraft and missile weapon system which is known as the F-111B/Phoenix system.

Because so many years have now elapsed since its need for such a weapons system was first conceived, the Navy, this past year restudied what its requirements might be.

The Navy, by its study and examination of all available evidence this past year confirmed that the Soviets might possess a highly sophisticated threat capability against the fleet by the mid-1970's. The study indicated that the developing F-111B/Phoenix system will meet the Navy's needs for the mid-1970's if the system's performance matches the performance assumed in the study and if the aircraft can meet the Navy's carrier suitability requirements.

It is increasingly apparent that the Navy F-111B was the most ill-advised undertaking to come out of the TFX program which is now over 5 years old. The Chief of Naval Operations, Admiral McDonald, told the committee that if it were possible to start over again he would not follow the course established by the Defense Department. The Admiral testified:

> I would have designed a plane giving full consideration to the weight limitations that are imposed upon operations from an aircraft carrier.

As of early this spring the Navy had five research and development F-111B aircraft flying. Aircraft Nos. 4 and 5 had been put together in a laborious and expensive superweight improvement program. From flight tests of Nos. 4 and 5 the Navy hoped to obtain important information on the flying qualities, performance, and carrier suitability of its version of the TFX. Preliminary evaluation flights of those two aircraft began on March 16, 1967. Tragically, one of those planes, No. 4, crashed on April 21, which date was after the committee had heard most of the testimony concerning the F-111 programs. From the testimony a possible overall 2-year slippage in the program had been indicated. Unfortunately, the loss of the

No. 4 aircraft means there may well be as much as 6 months or more additional slippage to the date by when the Navy will find out if the aircraft it is attempting to develop will be satisfactory or not.

Four preproduction models of the F-111B—funded for in the fiscal year 1966 program—are scheduled for delivery beginning with No. 6 about 1 year from now. As of the time of the hearings, complete specification weight changes had not been determined but it was believed that the full package of weight changes would be incorporated in aircraft No. 7.

In addition to the weight problems there have been several other problems of continuing concern to the Navy and to the committee as the development and testing program unfolds.

For example, pilot visibility has been inadequate for safe carrier landing; the plane has been tail heavy and a more favorable balance needs to be achieved for carrier deck operations; and this Navy development aircraft has now grown tremendously in size.

Also, the need for an improved engine with greater thrust across the entire thrust spectrum has been determined. An improved engine is now in the development stage with a hoped for delivery schedule to begin early next year. Aircraft No. 8 would be the first aircraft to include all change for the new engine now required.

Also of continuing concern to everyone is the escalated cost figures. The original 1962 estimates for the Navy F-111B program was for a unit flyaway cost of $3.5 million. Program changes up to last year on the Navy's version have resulted in an estimated unit flyaway cost of $8.0 million armed with Phoenix missile system. Additionally, over the same time period the estimated cost for support equipment for each aircraft has increased to $3.0 million from $800,000.

As a consequence of these problems it is impossible for the Navy to determine whether or not the production aircraft will be something they consider satisfactory.

Clearly much yet needs to be learned in the test and development stage of the Navy's version of the TFX.

Admiral Bowen, Deputy Chief of Naval Operations for Development, testifying on April 5, 1967, said:

> We do not really know whether this plane [the F-111B] is satisfactory for Navy purposes as envisaged until we have completed the flight test of the plane incorporating the final configuration.

Because of the difficulties encountered which have led to slippages and slowdown in the program occasioned in part by the crash of one of the test aircraft, the committee determined it could not recommend the full $287 million budget request and reduced it by $78.2 million for the F-111B.

Further the bill contains a limitation which states that the $208.8 million recommended in the bill shall be available for the F-111B aircraft program only.

The committee took this action to keep these funds under better control of the Congress. If for any reason the F-111B program does not proceed in a timely manner or if it should be canceled because of all the difficulties being encountered, the Secretary of Defense could not reprogram or transfer these funds to some other program.

It is to be hoped that the Department of Defense will eventually come up with an aircraft which will meet the Navy requirements. Whether the aircraft which eventually develops will still be designated the F-111B is immaterial. What is needed by the Navy is an aircraft which can fulfill a Navy mission.

NIKE X

Including the funds in this bill, nearly $5 billion will have been provided by Congress for a ballistic-missile defense system. It is our Nation's principal effort to provide defense against attack by intercontinental missiles or missiles launched by submarines.

The committee is firmly of the view that funding is required to continue essential research, development, test, and evaluation of the Nike X system. There is little controversy concerning such R.D.T. & E. efforts and the bill contains $442 million for this purpose.

The question as to whether and when to begin deployment of the system is controversial and the committee noted the combined opinion of the Joint Chiefs of Staff which did call for immediate deployment. Over 3 months have now elapsed since the testimony was heard.

The Secretary of Defense on the other hand proposes that no action be taken to begin deployment of Nike X pending the outcome of discussions with the Soviet Union. The Soviets of course are capable now of directing ICBM's against us and are themselves building at least one and perhaps two ABM systems for their own defense. Last year, aiming at the deployment of an ABM system, the Congress added $167.9 million. Those funds were not used in fiscal year 1967. For initial deployment, the accompanying bill provides $298 million, which is in addition to the $168 million appropriated in fiscal year 1967 for this purpose.

In commenting on the reluctance to begin to deploy the Nike X system on the part of the administration, our committee report states:

> It would appear that the initiation of deployment of "light" or "thin" defense, now, may very well be a most useful first step toward whatever level of ballistic missile defense ultimately appears necessary.

In other words, the report, adopted unanimously by the committee, says: "Get going."

NUCLEAR ESCORT SHIPS

The Defense appropriation bill before the House shows the continuing strong support of the House Appropriations Committee for nuclear propulsion in our major surface warships and, of course, in our submarines.

The bill contains $134,800,000 for two nuclear-powered guided missile destroyer leaders. These ships are known as the DLGN. Of the amount appropriated, $114.8 million is for the full funding of one DLGN, and $20 million is for advance procurement for the second ship. I would personally prefer full funding for both ships.

The budget request of $166.6 million for escort vessels was for two conventionally powered destroyers. Authorization to construct such ships was denied however in the Defense Authorization Act of fiscal year 1968 and the two nuclear-powered escort vessels were authorized instead.

The action in this bill and in the Defense authorization bill represents meaningful progress in the long, continuing struggle toward gaining acceptance by the Defense Department of the concept of nuclear-powered surface ships.

At least four major fleet escort ships—destroyers or frigates—are assigned to each aircraft carrier. These escorts are designed to operate either on independent missions against enemy targets or as part of a coordinated protective screen to destroy enemy aircraft, missiles, submarines, and surface ships that attack the force.

The Department of Defense did not request any major fleet escorts in the fiscal year 1964, 1965, or 1966 shipbuilding programs. In the fiscal year 1966 program, Congress, on its own initiative, authorized $150,500,000 for a new nuclear-powered frigate—DLGN—appropriated $20 million for procurement of long leadtime items for this ship, and urged the Department of Defense to include the funds required for completion of this ship in the fiscal year 1967 budget request. The Department of Defense did not proceed with the procurement of long leadtime items, nor did they ask for funds for the nuclear frigate in the fiscal year 1967 budget.

However, the Department of Defense did ask for two nonnuclear guided missile destroyers in the 1967 program.

The fiscal year 1967 authorization act authorized the two nonnuclear guided missile destroyers, reauthorized one nuclear frigate, and authorized $20 million to be appropriated for procurement of long leadtime items for another nuclear frigate.

The House Appropriations Committee recommended that Congress appropriate funds for a nuclear frigate, and further recommended that funds not be appropriated for the nonnuclear destroyers. These recommendations of our committee were incorporated in the fiscal year 1967 Defense Appropriation Act. As the bill emerged from conference, money was provided to fund one nuclear frigate and provide funding for the procurement of long leadtime items for an additional nuclear frigate.

The fiscal year 1967 Defense Authorization Act included a provision that:

> The contract for the construction of the nuclear powered guided missile frigate for which funds were authorized under Public Law 89-37, and for which funds are authorized to be appropriated during fiscal year 1967 shall be entered into as soon as practicable unless the President fully advises the Congress that its construction is not in the national interest.

The Secretary of Defense has now released to the Navy the funds for construction of one nuclear frigate, the DLGN-36, but he has not released funds to initiate procurement of the long leadtime items for the second nuclear frigate.

In the fiscal year 1968 Department of Defense budget request the Secretary of Defense again requested two nonnuclear destroyers, but failed to request funds to complete the second nuclear frigate. On May 23, 1967, both the Senate and the House accepted the conference report of the House-Senate Armed Services Committees on the fiscal year 1968 Defense authorization bill which provided that the two nuclear frigates be substituted for the two nonnuclear destroyers requested by the Department of Defense and agreed to a provision in the authorization bill that:

> The contracts for the construction of the two nuclear powered guided missile frigates shall be entered into as soon as practicable unless the President fully advises the Congress that their construction is not in the national interest.

In its action on the bill before the House now, the House Appropriations Committee continues to support the position that we must have more nuclear-powered surface warships. Furthermore, it is clear that all future major fleet escorts should be nuclear powered.

The committee, as set forth in the report, expects the Department to proceed with the construction of the one DLGN, the advance procurement of the other, and to request funds for the construction of the remaining authorized DLGN in the fiscal year 1969 shipbuilding program.

The Department of Defense should proceed with the contracts for the construction of both nuclear-powered frigates in fiscal year 1968 as soon as practicable. We must get on with building more nuclear-powered surface escorts for our nuclear carriers.

This subject has been thoroughly, repeatedly studied and considered by responsible committees of Congress. The facts clearly support the action being taken by Congress to provide all nuclear-powered escorts for our nuclear-powered aircraft carriers.

SUMMARY OF THE BILL

TITLE I—MILITARY PERSONNEL

H.R. 10738 contains a total of $21,927,800,000 for military personnel. This is for pay and allowances for clothing, subsistence, permanent change of station travel, and other personnel costs. The amount in the bill is a decrease of $73.2 million below the budget estimates. A substantial portion of the reduction comes as a result of recently announced reductions in the rates for commercial airlifts. Another major portion of the decrease results from savings possible in Army travel costs as proposed in the budget.

Language in the bill provides for an average strength of the Army Reserve personnel of not less than 260,000 and not less than 400,000 in the National Guard.

TITLE II—OPERATION AND MAINTENANCE

Funds provided in the bill for operation and maintenance total $18,994,200,000 for fiscal year 1968.

This title covers generally the everyday expenses involved in running the Military Establishment, including force units in training and combat; medical care for personnel and their dependents; to operate logistics support systems; command controls; communications systems; dependents overseas education; for the support of free world forces in South Vietnam; and to operate base establishments in support of these functions.

The funds support an active inventory of 34,468 aircraft, 938 active ships, 204 service hospitals, 54 major service supply depots, the direct hire of 905,195 civilian employees, and support of 628 active military installations.

As proposed in the bill, the "Operations and maintenance" is reduced by a net amount of $352.8 million, none of which are directly related to our operations in South Vietnam. These include such areas as savings because of reduced commercial air carrier rates, a cutback in the amount of additional civilian employees requested, reductions in excessive management studies by independent firms, a holdup in the implementation of a proposed new resources management system, a reduction in thé enrollment of the overseas dependents education program, and various other reductions.

TITLE III—PROCUREMENT

The total contained in the bill for procurement is $22,261,200,000. This is a reduction of $655.8 million below the budget estimates. Basically, the funding provided under this title is to allow the Defense Department to secure equipment and weapons systems.

For the Army $5.5 billion is contained in the bill to procure ammunition, weapons, and vehicles, aircraft, guided missiles and necessary supporting equipment. This includes funds for fixed and rotary wing aircraft, surface-to-air missile systems, for potential procurement of long leadtime components for missiles, radars and ground support systems for the Nike X antiballistic system, and surface-to-surface missiles. It provides funds also for such items as tracked combat vehicles, tanks, self-propelled artillery, and air defense guns.

For the Navy and the Marine Corps, $2.9 billion procurement funds are provided in the bill for fixed and rotary wing aircraft, missiles, and related equipment.

The sum of $1.42 billion is provided for the construction of 28 new vessels and conversions of 21. The types of vessels involved range from ballistic missile submarines, submarine tenders, nuclear guided missile frigates and destroyers to amphibious ships, minesweepers and patrol ships, and auxiliary craft. For other procurement for the Navy and the Marine Corps a total of $3,011,000,000 is provided for ordnance, weapons systems, communications and electronic equipment, ammunition, and other items.

The amount provided for Air Force aircraft procurement is $5.59 billion. This is for procurement of combat, airlift, trainer, helicopter and aeromedical aircraft, for modifications and support programs. $1.34 billion is contained in H.R. 10738 for the procurement of a variety of missiles, including ballistic, air-to-air, air-to-ground, and target drone missiles. Other Air Force procurement funds for munitions, vehicles, electronic and other supporting equipment totals $2.4 billion.

The Defense Supply Agency, the Defense Communications Agency, and other Defense-wide activities are funded at $40 million in the bill.

TITLE IV—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

H.R. 10738 provides $7.1 billion for research, development, test, and evaluation for the military services.

The funds included in this title are vital to our overall defense effort so that new weapons systems can be pursued aggressively and purposefully to maintain our military effectiveness.

The funds provided are to move ahead in such critical fields as the antiballistic missile, antisubmarine warfare, missile development, and a host of other projects throughout the services.

The amount provided represents a reduction of $171.2 million in the amount requested for research, development, test, and evaluation. Reductions were made in the request for funds for the Federal Contract Research Centers and for studies and analyses generally.

CONCLUSION

Mr. Chairman, the bill before us today, H.R. 10738, provides necessary funding for our defense program in our national interest.

The committee and the staff worked long hours, weeks and months on the measure to get it in the best shape possible, in our judgment, to bring before the House for consideration.

When so many billions of dollars are involved there are bound to be areas where cuts and modifications can be made. We have attempted to the best of our ability to locate these areas and where they were found recommend reductions from the amounts requested in the budget.

All the time, however, we were ever mindful of our needs in Vietnam and no reductions were made which directly or indirectly will affect our efforts in Southeast Asia.

In other instances it was our decision that additional funds must be provided and this we have done. These have been discussed in detail on the floor here today and in the report.

In those cases where I have commented critically on aspects of the defense program today I have done so because in my opinion certain things need to be aired and discussed in the best interest and welfare of our Nation.

I urge the House to support H.R. 10738.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. LIPSCOMB. I yield to the gentleman from Iowa.

Mr. GROSS. Is this F–111B plane now costing $9 to $11 million per copy?

Mr. LIPSCOMB. The original flyaway cost 5 years ago was $3.5 million. At the present time it is estimated that the F–111B flyaway cost is $8 million plus support equipment costing about $3 million, or an estimate per unit of $11 million.

Mr. GROSS. This is one of the most disgraceful chapters in the history of the Department of Defense. Beginning with the award of this contract to the firm to which the contract went, the General Dynamics Corp. at Fort Worth, Tex.—and I am not going into details for the gentleman knows the story better than I do—but it is one of the most disgraceful chapters in the history of the Department of Defense. I want to commend the gentleman for the searching inquiry that he gave this matter in the hearings before his committee. I thank the gentleman for yielding.

Mr. LIPSCOMB. I thank the gentleman. I know that he has been in the forefront in trying to keep tab on the F-111 program or, as he refers to it, the TFX. There is a great deal of additional information to be disclosed in the days and months to come.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. LIPSCOMB. I am happy to yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I was interested in the observation which the gentleman made that the Department of Defense has identified, out of the funding represented in this bill, approximately $20.6 billion as being attributable directly to the cost of the war in Vietnam.

I noted then that the gentleman went on to say that in his opinion the real cost of that war probably amounted to between $25 and $30 billion a year. The question which I would put to the gentleman is simply this: Does the gentleman therefore believe that in addition to this bill it is likely we will have a supplemental appropriation bill in the amount of $13 to $18 billion? Is that a correct inference?

Mr. LIPSCOMB. No. I did not give a figure such as that, but I have confidence that we will have a figure which I estimate at this time will vary anywhere from $3 to $8 billion. It is our estimate, which we verify from the cost of the efforts in Vietnam. I believe it is recognized by the committee, that we are going to be faced with an additional supplemental bill.

Mr. ANDERSON of Illinois. If the gentleman will yield further, I suppose the other variable in the picture is the possibility of escalation, about which we read something in the paper just this morning.

Mr. LIPSCOMB. If we have to send additional personnel to Southeast Asia, if the attrition rate of our aircraft increases, if the sinking of our ships and other factors increase, if the use of ammunition increases, we will be faced with additional supplemental appropriations, and I must say this is recognized by our committee.

Mr. ANDERSON of Illinois. If the gentleman will yield further, I merely want to add to what has already been said. I compliment the gentleman on an extremely fine and informative statement. The information he has presented, especially with respect to the reluctance of the Department to proceed with the advanced manned strategic aircraft, and the information with respect to the F-111B program and the TFX program should be spread on the RECORD. The gentleman has made a good contribution in pointing them out today.

Mr. MAHON. Mr. Chairman, I yield 20 minutes to the gentleman from Florida [Mr. SIKES].

Mr. SIKES. Mr. Chairman, it is disappointing to note that some of the top people in the Pentagon are leaving Government service. Among these are Defense Deputy Secretary Vance, Under Secretary of the Navy Baldwin, and Admiral McDonald, Chief of Naval Operations. I do not think too much can be said about the caliber of these men or the quality of their contributions to American defense. Each of them has been outstanding in his field and each will be sorely missed. It is not easy to replace such men and the Pentagon has been fortunate to have had their services.

It has been stated that this is the largest appropriation bill in history. It has been estimated that the House is being asked to approve a billion dollars every 5 minutes. All of this bears out the fact that even though we are fighting an undeclared war, it is one of the biggest in American history. It should also be pointed out that this measure provides the most effective defense package in history. The committee has seen fit to recommend some deletions and some additions. All of them are sound. The additions are of particular moment in that they strengthen our defenses in areas which obviously are very important—AMSA, ASW, EA-6A aircraft, nuclear frigate, airlift capability, the continuation of B-52 strength, and others.

I think it is almost certain to be found that we have not faced up to the full requirements for funding the Vietnamese war. We have, however, approved the budget estimate. If the present scale of fighting continues through another fiscal year, the cost will be nearer $30 billion than $20 billion. Possibly, and hopefully, this scale of fighting will diminish, and so will the costs.

Before we get too deeply into the details of this bill, let us consider the amazing success of the Israel forces in the Mideast. This compels a very careful analysis by U.S. strategists of Israel tactics on the field of battle. By defeating the armies of three nations in less than a week at the cost of 679 dead, they have accomplished a feat unmatched in the history of warfare. We and our allies have lost as many in the same period in Vietnam with very little to show for it and I do not decry their sacrifice.

I realize full well that the circumstances are entirely different. Neither terrain or foe are comparable. But there should be lessons to be learned. Significantly, the Israelis made all-out and best use of their facilities, including full use of airpower. For most of the time that we have been in Vietnam, we have fought a one-handed war, despite the protests of U.S. field commanders. It goes on and on and the casualty lists mount. More and more Russian equipment is being brought in to offset our air superiority and the losses there, too, in men and planes, are piling up. Now we are told that the Russians are bringing in medium range missiles with which to strike U.S. bases or Vietnamese cities from North Vietnam. The American people want the Vietnam war won, for they are concerned with the fact that it goes on and on and the end is not in sight.

The total cost of the war to Israel was $100 million. The U.S. Defense Establishment costs twice that much every day for 365 days a year, year in and year out.

It should be noted that the Israelis did not allow themselves to be influenced by third parties. They wasted no time with useless diplomatic flip-flap, or the endless cacophony of the U.N. They looked after Israel's interests first and talked afterward. These facts it would be well to keep in mind. Again, there may be nothing significantly new or different in what they did on the field of battle, but it is well to remember that the winds of change blow constantly. What was good that we read in yesterday's books may be outdated today. We must be certain that Israel's military leaders have not learned something that we have failed to teach our own.

Even so, it has been a long time since the Communists have won an important victory in Vietnam. An effort has been underway for months to mount a sustained and effective offensive by the North Vietnamese regulars. Presumably such an offensive would include a substantial part of that country's remaining effective forces. North Vietnam desperately needs a major victory for the morale of its own people, for that of the Communist world, to provide grist for the Communist propaganda mills and for the doves in this country who still want to go to the conference table.

To the credit of the U.S. forces, they have kept the Communists off balance to the point that their offensive still is not underway. Their supply lines continually are being disrupted. Their concentrations of manpower and equipment are under steady harassment. This should indicate that the military situation in Vietnam is well in hand. But it does not take into consideration the fact that half of South Vietnam's area or more still is outside the control of the South Vietnam Government. Some of it is safe only by day. Despite the presence of half a million U.S. forces who have acquitted themselves magnificently, a very large part of Vietnam is Communist controlled or Communist infiltrated. The actual job of fighting and even that of pacification has fallen more and more upon American soldiers.

The most productive area, the delta, is largely in Communist hands. I have pointed out many times that the delta is the principal food reservoir of Vietnam, but its abundant rice crops benefit the Communist armies and the Communist supporters, even the North Vietnamese, more than it benefits the South Vietnamese. By whatever means are necessary, we should insure the clearing and pacification of the delta before another year runs out. U.S. forces which were intended to help alleviate this situation have had to be moved northward to the area of the DMZ to meet the new offensive threat which is building there.

The problem before us is equally divided between securing the countryside and pacification. Because of poor performance, or waste, or black market, or some of all of these, it has been necessary to place the problem of pacification in military hands also.

There is growing awareness that the situation behind the lines in Vietnam has been deteriorating. The pacification program in many areas is failing to secure the countryside and win over the peasant. Our troops can win battles but behind the battlelines the communities are strongly laced with Communist sympathizers. The job of weeding out the Communist infrastructure, organizing the village population, and economic development is considered the weakest link in the strategic concept. This is the crucial key to an allied victory or eventual defeat of allied aims and justification of American sacrifices.

We know that our field commanders want additional forces and there doesn't seem to be much doubt that they will have been made available. We still have a long, long way to go. During the past year, we have gained some in territory held and in population controlled. But the percentage gained is small compared to the size of the effort put forth. From this point forward, it may be possible to roll up the enemy forces and to get on with the job of pacification at a more rapid pace than has heretofore been possible. If the threatened offensive can be contained and defeated decisively, the end of the fighting could come much more rapidly than now appears in prospect.

In the meantime, the fighting appears more and more to be an American responsibility. This is hard to fathom. We have spent much time, money, effort, and equipment—yes, lives—in helping to develop effective Vietnam forces. The results have not fulfilled expectations. Many people wonder why more effective use cannot be made of the Vietnam forces. It is their war. It is time that the U.S. high command found a way to secure more effective support from the Vietnamese toward insuring their own freedom. For years we have heard of the importance of spending the taxpayers' money to help build up forces of other nations so that in time of emergency those forces, rather than American, would bear the brunt of the fighting. Regretfully, history records but little in practice to justify that theory. There are exceptions, particularly in the case of Korea.

I think it important that there be full understanding of the concern of the committee about the proposed reorganization of the Reserve components. You will have noted the language in the report on page 7 which deals specifically and clearly with this subject. This language is intended to prevent the disbanding of combat units in a time of serious danger to the United States unless the proposals have been fully justified before the proper committees of Congress and until such time as formal legislative expression can be made.

The proposed reorganization of the Reserve components is altogether too similar to the merger proposal which would have eliminated the Reserves a few short years ago. Since that time, it is significant that the Reserves have gradually been whittled down and so has morale. Beginning with a strength of 300,000, they were reduced step by step to the present level of 260,000 which is provided for in the accompanying bill. The reorganization plan, however, would reduce them further to 240,000 and eliminate all combat units.

By way of history, the present reorganization plan was submitted by the Department of the Army to the Section 5 Committee which is charged with responsibility in these matters. The Section 5 Committee is made up of officers from the Regular forces, from the Guard, and from the Reserves. Despite OSD support for the reorganization plan, it was approved by a vote of only 11 to 10. The plan would strip all combat units from the Reserves, including four brigades and 316 smaller units, with an authorized strength of more than 50,000 men in combat units. It would eliminate 15 divisions in the National Guard. A total of 400 combat units would be affected. Ten of the 21 who serve on the Section 5 Committee supported plans to give combat units to the Reserves also.

It will have been noted that we have in the bill before the House a floor of 260,000 for the Reserves and 400,000 for the National Guard. There also is language in section 638 which was added to deal with a threatened merger at an earlier date. That language is largely meaningless insofar as the present problem is concerned because it refers to unexpended balances rather than to the total appropriation. Since action must be taken at this time to show the interest of Congress, we have written language into the report which we feel is strong and meaningful. Our procedure avoids legislation on an appropriation bill. It gives further opportunity to the Committees on Armed Services of the House and Senate to take any legislative action which may be required. Such an opportunity is before the Congress in H.R. 2 which has passed the House and which is awaiting action in the Senate. H.R. 2 will have to be amended to be effective in the present case but at least it provides a vehicle to which amendments are germane. I would call attention to the fact that under the language in our report, a reprograming action would be required to accomplish the realinement which has been proposed. This would require at least a measure of compliance with the intent and interest of the Congress in knowing more about the proposal by the Department of Defense.

Essentially, then, we have been asked to approve carte blanche a plan which has not been reviewed by Congress. In fact, Congress has not even been given the courtesy of a request for approval—during or after the budget submission.

Faithfully the liberal press has parroted the Pentagon propaganda supporting the cutback in combat units in the Reserve components. They say this will result in better trained and more effective units. I fail to see by what magic units can be trained, adequately equipped, and combat sharpened in the Guard but not in the Reserves, or by what magic battle effectiveness in either Guard or Reserves can be gained through disbanding combat units and making their trained personnel into clerks and food handlers.

It is very obvious that we live in a world of crisis. We have just gone through a very serious period in the Middle East and it cannot be said today that all the problems in that area have been resolved. We are confronted with a requirement for more troops in Vietnam. The field commanders there have requested them and it should be obvious that they are necessary. Vietnam, which started out to be a little war, has become one of the biggest in our history. We are spread thin. If there should be another crisis anywhere which involves American forces, it will also almost certainly be necessary to call up the Reserves. For some strange reason, they have not been used except in very limited numbers in the Vietnam war where the Reserve components could have contributed much.

If preparedness is to be insured by this bill, we should not, in its passage, approve by indirection the loss of combat units. Preparedness should be a central theme of this Nation's policies. It is obvious that our Nation may at any time need every trained military man that it has. If this is true it is equally obvious that we should be strengthening, not weakening, all our forces including the Reserves; that dedicated, trained, and experienced manpower, organized and ready, and the drill strength Reserves of both the National Guard and the USAR be given full support and encouragement to carry out the assignments which may at any moment be theirs.

Again, this would not be the case if the new plan for reorganization of the Reserve components is carried out as proposed by the Secretary of the Army. Under this plan, as I stated, the organization Reserves would be composed entirely of support forces. All combat elements now in the Reserves would be transferred to the National Guard or abolished. In substance, the Reserves would become hewers of wood, bakers of bread, and carriers of water. I do not decry the function of support forces. Without them no army can win. But I am concerned, and seriously concerned, with the proposal to abolish 15 National Guard divisions; to abolish four infantry brigades which I am informed are now full strength and capable; and to abolish several hundred USAR combat units, with their 50,000 trained and experienced men. It would appear that in the thirst for economy or merger of the Reserves, as the case may be, would not be sufficiently compelling to cause a weakening of the Nation's military capability in the face of its serious commitments worldwide, in a time of grave international pressures.

The objections to the new plan are widespread. They come from highly placed individuals in and out of the military. Included in these objections is a statement by the national executive committee of the Reserve Officers Association which includes members of all branches of the service and a statement from the Senior Reserve Commanders Association. These individuals know what the effect of such a reorganization would be. Please note, however, that the Congress is not attempting to say to the Pentagon that it can or cannot carry out a reorganization. We realize that reorganizations sometimes are necessary. We simply are asking that the proposed realinement be deferred pending such time as formal legislative expression can be made in the matter.

The bill and the report before you make no mention of it but it is entirely possible that serious damage is being done to the Navy's selected or drill-pay reserve. During the past 4 years the strength of this force has been cut from 155,000 to 126,000 despite the fact that the Joint Chiefs have approved a strength for the Naval Reserve forces of 160,000 and despite the fact that the Chief of Naval Operations and the Secretary of the Navy have for 3 years recommended to the Defense Department an increase for the Naval Reserve to reach this planned strength. The fact that the situation is serious is emphasized because the Navy's Selected Reserve is a "D" Day reserve which cannot depend upon fillers to build it up to strength when reporting for active duty. It has been estimated that more than $7 million is needed to build the drill pay program to 132,000 people by the end of the next fiscal year.

Let me get into other areas. I cannot say that we have accomplished anything significant in this bill toward attainment of an anti-ballistic-missile system. A year ago on good authority that the Russians were building such a system this committee provided funds to initiate construction of a system of our own. The money was not used although the Secretary of Defense confirmed late in the year that a Russian system is under construction. We have money in this year's budget to continue testing but that is about all. The committees of Congress, the House and the Senate, the Joint Chiefs, the Secretaries of the Army, Navy, and Air Force agree that the United States should have an antiballistic-missile system. But the Secretary of Defense disagrees. His word is law in the Pentagon. We are embarked on one of those strange quests in which America sometimes finds itself. Instead of providing for our own defense, we hope to convince the Russians by talk that they should dismantle the anti-ballistic-missile system they are building. Throughout her military history Russia has not had a break like this. Months have passed and they still are busily engaged in building an anti-ballistic-missile system to protect their nation and to readjust the balance of military power in their favor. But they say they are willing to talk about it. That does not provide me with any substantial degree of comfort. Talk is poor defense against effective weapons. The comparative inactivity of the United States in this field undoubtedly will encourage the Russians to continue discussions while stepping up their own anti-ballistic-missile deployment. Every week that goes by widens the gap and increases the danger to the United States and to American citizens.

Now to manned aircraft. Throughout this bill it will be noted that there is a gradual scaledown of manned aircraft. In fact were it not for the efforts of this committee and the Congress we would be much weaker today in manned aircraft than we now are. It is proposed to continue that scaledown even for fiscal 1968 when the Nation is very definitely engaged in a serious war which is testing our military resources. There are altogether many people in the Pentagon who still seem to look upon the war in Vietnam as a minor engagement to be carried on one-handedly while the grand scale of the Pentagon's program for some mythical future engagement is carried forward as the primary objective. It would occur to me that the primary objective of the Department of Defense should be to win whatever war we find ourselves engaged in and to do so as quickly as possible and to think of the grand program later.

There may be new danger in the Russian submarine threat with their missile launch capability and their threat to American shipping. During recent years there have been few indications of stress by Soviets on submarine construction. Apparently this resulted from Soviet emphasis on their anti-ballistic-missile system and even on the belief that the Soviet submarine program was sufficient in numbers and capability for any requirements that might be placed upon it. It does not now appear that this is the case. There seems to be a renewed emphasis on Russian submarine program with a high degree of modernization. For a long time the United States held the edge in the submarine field in quality even though badly outnumbered. This picture can rapidly change if indications of improvements and progress in the Russian submarine are borne out. It is entirely possible that we should be placing much more emphasis on submarine construction to reflect Soviet increases in numbers and their added defensive capability.

This is the best report that has accompanied any defense appropriations bill. It deals more carefully and explicitly with the background of our funding problems than any previous report, and spells out the particular reasons for each of the committee's important actions. Reading it will take time, but it is well worth while.

A great deal of work is required for a measure of the magnitude and detail of this one. The services of a great many people go into it. Long hours through many days of hearings and study are required. Each of the committee and staff members with whom I have worked are due a large measure of appreciation for the product which is before you. However, I would like particularly to call your attention to the very dedicated effort of the distinguished gentleman from California [Mr. LIPSCOMB]. I suspect that he has put in longer hours and given more effort to the bill than did any other individual. His contributions were monumental and he, particularly, is worthy of credit.

This is not to take credit from the chairman of the committee, the distinguished gentleman from Texas [Mr. MAHON], whose great contributions to defense are so well recognized. It is his leadership which has insured a balanced defense program time after time when those in the Pentagon seemed disposed to follow too closely the defense panacea of the moment.

The cuts that have been made are not crippling. It is a healthy thing that the committee has faced up to the fact that military expenditures must not, because of their nature, be immune from the same close scrutiny that should be given to other governmental expenditures. Since the serious buildup began in Vietnam, it has not been possible to make meaningful cuts. The continuous escalation of warfare has meant an anticipated need for more money than that being appropriated each year. This situation is understandable, but in itself it is productive of carelessness and waste. It should now be obvious to the Pentagon that Congress is again looking carefully at expenditure and will expect an equally careful scrutiny by the Department of Defense as expenditures are made. At least in some instances where cuts were made, they could have been deeper. Yet the committee does recognize the necessity of leaning over backward to provide funding for all the items needed to support the fighting forces. The cuts set forth in this bill are an indication of renewed interest on the part of the committee in obtaining savings where savings are possible.

When you consider the fact that we are involved with a deficit between $14 and $29 billion, it is time to think about savings and to wonder whether we really cut deeply enough; particularly in the fields which are not associated with winning the war in Vietnam and which smack so strongly of bureaucratic buildup at so many levels. There are areas which offer promise for further reductions in spending. I am not at all certain that we have cut deeply enough into proposed additions for civilian personnel or that we have tightened the lines enough on the nonprofit corporations.

The nonprofit institutions are the organizations which are set up to provide services to the Government by contract and who attract for their operating personnel individuals who are not willing to work for the salaries paid to Government employees. The organizations have borne a charmed life. There seems to be too little indication of an effort by the Pentagon to require them to hold down expenditures or to require a realistic return from the projects assigned to them. Admiral Rickover, who is one of the most capable thinkers in the Pentagon, has stated repeatedly that the Department of Defense needs more in-house capability rather than contract or nonprofit operations. Certainly the hour is late and Congress should be reestablishing a measure of control on continued expansions in noncombat areas. I have long been convinced that the Pentagon is running studies into the ground. At any time witnesses do not have an answer to a congressional query, they say the matter is under study.

The rapidly escalating number of civilian employees now in the Department of Defense is to me an equal cause for concern. Every year we hear of savings in the operation of the Pentagon, but each year there is a mounting wave of higher costs. I question that there is really much that can be substantiated in the way of real, not theoretical, savings, in many of the activities which are carried on there. The United States employs nearly 3 million civilians worldwide. The number has increased by several hundred thousand in the past few years. Mushrooming Washington shows where most of them have found a happy home.

A part of the civilian buildup has to do with substituting civilians for military. Testimony reveals that there is no plan to convert these jobs back to military slots when the fighting in Vietnam has ended. This means maintaining a very large civilian establishment and a cutback in the Military Establishment when conditions return to normal. I do not think this is a healthy program. Obviously, we cannot have an all-civilian Military Establishment. We must have people in uniform to fight battles and win wars. They need promotion opportunities. We can have so many civilians in the Military Establishment that there will be no place for military personnel other than in overseas defense posts. That adds to the problem of separation of families. In time of emergency we would have fewer military personnel to report to battle stations and there would be the problem of delay which would result from requirements to train additional personnel to fill the ranks. I just do not think this program has properly been thought through.

Very possibly many of the studies which are designed to evaluate Pentagon programs are useless or irrelevant or both. The entire field has been studied by the Government Operations Committee and their findings are scorching. They show duplication and ineffective conclusions and too frequent disregard of the findings of the studies. This is the sort of thing our committee seeks to eliminate. There are too many cases of studies made of studies and nothing concrete to show savings to the Government.

There are areas of activity in which I am sure the taxpayer would welcome a greater show of zeal on the part of governmental negotiators. Some of these, such as the case of U.S. negotiations for compensation for U.S. bases and operating facilities in France, are in the hands of the State Department, rather than OSD. It would be very well, however, at whatever level, to urge U.S. negotiators to work harder to get something of value for whatever property we leave in France or wherever. The French appear to believe that they can get our installations and nonmovable equipment for little or nothing. Frequently this is what happens and the taxpayers are tired of it. So far we have just exactly nothing to show for our efforts.

Now finally this: Because we have carried on the war in Vietnam while adhering to a policy of business as usual at home; because we have leaned over backward to keep from exposing the average American to any hardship or deprivation as the result of war, there are many who have overlooked some very significant facts. It should be emphasized that there are some among us; those who bear the brunt of battle, those who bear the burden of keeping open supply lines and their families, who are in a war. They are bearing a burden just as serious and frequently, just as great and just as dangerous as that in any major crisis in our country's history. For those who carry the load in Vietnam the exposure to danger, the separation of families, the inconveniences which most people knew in prior wars when our whole Nation was mobilized is once again a way of life. The fact that most Americans are not personally involved in the war does not diminish the sacrifices required of the fighting men and their families, and it should result in greater appreciation for them on the part of the rest of us. They have performed magnificently and they are entitled to the respect and admiration of the American people. Theirs has been an example which should not be overlooked even by those who conduct demonstrations, burn draft cards, and desecrate the American flag.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. SIKES. Of course I yield to the distinguished chairman of the Committee on Armed Services.

Mr. RIVERS. Is the gentleman satisfied with the Hébert bill on the reorganization of the Reserve or the Guard?

Mr. SIKES. H.R. 2, which the gentleman aptly refers to, is an important measure that has twice passed the House and which now awaits the action of the Senate. That bill, while it would not now deal specifically with this situation, would at least prove to be a vehicle to which germane amendments would be applicable as an expression of the congressional interest and intent in this matter.

Mr. RIVERS. Within the framework of this proposal by the gentleman from Louisiana [Mr. Hébert], and Senator Russell has assured me—and it is the first time he has done it—is such that he will schedule this bill for hearings. If he does, it will certainly pass. Within the framework of this bill, is it not the gentleman's understanding and assurance that we can work out, by legislative and congressional mandate and action, a mandate to protect the integrity of the Guard and of the Reserve components?

Mr. SIKES. It would be my hope that the problem of Reserve reorganization can be dealt with in this manner. That is exactly the reason we have placed language in our report to deal with the subject rather than writing new law into the bill itself. Our committee has leaned over backwards in an effort to avoid legislating in an appropriation bill.

Mr. RIVERS. Well, of course.

Mr. SIKES. We have asked that the reorganization be deferred through the medium of the language of the committee report until such time as an expression of the Congress could be manifested through regular legislative channels.

Mr. RIVERS. Mr. Chairman, if the gentleman will yield further, I think the gentleman and his committee have done a wise thing.

And, further, Mr. Chairman, I can assure the gentleman that we on the House Committee on Armed Services do have the same concern. We are going to keep the numbers as they are, and the integrity of these units will be preserved, if humanly possible, in this area.

Mr. Chairman, I want the distinguished gentleman from Florida [Mr. Sikes] to continue his great assistance to us, because the gentleman knows so much about it and we do need his help.

But, again, I want to congratulate the gentleman for helping us save those units from those people in the Pentagon who are seeking to change our policy in the Guard and in the Reserves until the Congress clearly stepped in and stopped it.

Mr. SIKES. I appreciate very much the comments of the distinguished gentleman from South Carolina [Mr. Rivers], the gentleman who has contributed so much to the defense of America.

Mr. Chairman, permit me to warn that what is desired here for the preservation of combat units will not be attained simply by the language of the report, or by the language of H.R. 2 as it now is written. H.R. 2, however, does provide a vehicle to which amendments dealing with the subject can be offered.

Further, Mr. Chairman, I would like to call attention to the fact that the language of our report and the reprogramming action required thereunder, would require at least a measure of compliance with the intended interest of the Congress in learning more about the justification of the proposals which are made by the Department of Defense on the Reserve components.

Mr. RIVERS. Mr. Chairman, will the gentleman yield further?

Mr. SIKES. I yield further to the gentleman from South Carolina.

Mr. RIVERS. Not necessarily indispensable to the consideration of this Congress, because we could provide that the divisional setup shall be maintained, if we have the assignment of missions or units.

Mr. SIKES. That is correct. And, we recognize that reorganizations are necessary from time to time in order to keep the military forces modern and effective.

Mr. RIVERS. Mr. Chairman, if the gentleman will yield further, I would much rather have a responsive force cut up in smaller units than have larger forces with no missions and no equipment, as has been true in the past.

Mr. SIKES. That is the point. Today, however, the Congress is particularly disturbed about the proposed elimination of combat units as such.

Mr. LIPSCOMB. Mr. Chairman, I yield 20 minutes to the gentleman from Wisconsin [Mr. Laird].

Mr. LAIRD. Mr. Chairman, I join with the distinguished gentleman from Florida in paying tribute to the chairman of this subcommittee, the Honorable George Mahon, of Texas, for the diligence and hard work that has gone into this committee report.

I particularly pay tribute to the gentleman from California who sat in this committee and spent more time studying this bill and the justifications and the statements of the various witnesses than any other member of the committee.

This committee report is a compromise report, worked out under the leadership of the gentleman from Texas and the gentleman from California after many hours of testimony, morning and afternoon every day in each of the weeks of the last 5 months.

This is a good committee report—the best committee report that has ever accompanied a defense appropriation bill since I have had the opportunity of serving on the Committee on Appropriations in 1953.

This is one of the best reports that has ever come from the Committee on Appropriations accompanying a bill covering the national security costs of our country. It is a good report in many respects because it faces up to the many challenges which we as a nation must face during the next few years.

It points up some of the weaknesses of the Department of Defense, as far as the management of that Department is concerned, as far as the planning and programing of that Department are concerned, and also it recognizes for the first time that we are not clearly and adequately estimating the defense costs of our Nation as far as the third largest war which this country has ever been involved in is concerned and that is the war in Southeast Asia, in Vietnam.

Mr. Chairman, I support H.R. 10738, the largest single appropriation measure ever considered by the Congress. The distinguished chairman of our committee, the gentleman from Texas [Mr. MAHON] and the ranking minority member of our committee, the distinguished gentleman from California [Mr. LIPSCOMB] have done their usual outstanding job in outlining the contents of this bill.

For my part, Mr. Chairman, I would like to make some general comments about the bill and the report and then briefly discuss some of the larger questions that concern all Americans.

ABSENCE OF ADDITIONAL VIEWS

First, Mr. Chairman, let me point out that there are no "additional views" attached to the report this year. I am pleased to report this and would like briefly to explain why the minority members of this subcommittee did not submit "additional views" to the fiscal 1968 report as we have for the past 2 fiscal years.

Basically, there are two reasons.

First, agreement was reached in markup among all members on several major items contained in this bill. One of the more significant is the language contained in our report—House Report No. 349—on page 3 which clearly indicates that substantial additional funds will be required for Southeast Asia activities in fiscal year 1968.

My own view, Mr. Chairman, after hearing the testimony so far before our committee, is that the administration has once again underestimated Southeast Asia requirements by a minimum of $5.5 billion for fiscal year 1968.

The second reason there are no "additional" or "minority" views is that our deep concerns about the future posture of our country in the national security arena especially in the decade of the 1970's and beyond were amply spelled out in last year's additional views contained in House Report No. 1652 and in my own extensive remarks which appear in the CONGRESSIONAL RECORD dated June 28, 1966.

Since very little has changed in the intervening period, there seems to be no compelling reason to restate our very deeply held views on these vital matters.

I will very briefly summarize those concerns a little later in my remarks, Mr. Chairman.

VIETNAM REQUIREMENTS UNDERFUNDED—AGAIN

No member of this committee, majority or minority, can take pride in the fact that the experience of the fiscal year 1966 and 1967 Southeast Asia requirements is to be repeated again in fiscal year 1968, albeit on a somewhat smaller scale.

In fiscal year 1966, Southeast Asia requirements were underestimated in the original budget by some $15 billion.

In fiscal year 1967, Southeast Asia requirements were underestimated by over $13 billion.

In this budget, Southeast Asia requirements, on the bases of our hearings these past 5 months, are underestimated by a minimum of $5.5 billion. There is evidence that they could well go much higher.

Mr. Chairman, it seems to me it would be much better in a time of war to state accurately the defense needs of our Nation. This is a minimal requirement.

Actually, it would probably be far better to overstate defense requirements in a time of war rather than coming back the following January each year with substantial supplemental requests after all or most domestic appropriations measures have been adopted.

This would be the fiscally sane course to follow.

This would be the prudently wise thing to do.

Mr. Chairman, the budget that is submitted to this committee is supposed to be based upon a ground force level in Vietnam of 500,000 men during the fiscal year 1968. That is 500,000 ground forces, plus 87,000 Navy, and 100,000 Air Force personnel, all engaged in this, the third largest war in the history of our country.

Yet the Department of Defense and the President in submitting this budget have once again underestimated the cost of this conflict, and in the budget submission the figure of $20.3 billion is used when every member of our committee on either side of the aisle knows full well that this is an underestimation of those costs.

According to my informants in the Department of Defense—and my informants have been better about cost figures than the direct testimony of the Secretary of Defense in both fiscal 1966 and fiscal 1967—using the same criteria that was used in figuring the $20.3 billion, the expenditure rate in Southeast Asia war costs for April and May is closer to $4 billion a month. The annual cost of the war in Vietnam is closer to $28 billion for fiscal year 1968 than it is to the estimates given in the budget submitted early in January.

Why do I think it is important to point this out now? It is important for us to have these cost figures before the Congress as we review the various domestic programs that are going to be considered by this Congress in the next few months. We have been fighting the Vietnam war on the basis of "Fight now, pay later," for too long. The situation has developed here where in both fiscal 1966 and 1967, we have had supplemental requests of $13 billion-plus at the start of each new session of Congress.

After all the domestic programs have been funded, then we come up with a supplemental approach to finance the costs of the war. In every major war that this country has ever been involved in people have been willing to make sacrifice after sacrifice in order to cover the costs and support the fighting men that are assigned by our Commander in Chief wherever they happen to be assigned. And I say that the American people today are also willing to make sacrifices, but in order to make those sacrifices, the costs must be estimated on a fair and accurate basis, and the people must be told in advance what those costs are.

With supplemental requests of over $13 billion in 1966 and supplemental requests this year of over $13 billion, always coming in after the domestic programs have been funded, the Congress is unable to establish a clear set of priorities as far as funding various programs in the Federal Establishment, in this federal system of ours, and it is time, it seems to me, that we recognize that in periods of war it is better to overestimate your stated expenditure rate, your stated appropriation rate, than to underestimate it to the extent that it has been underestimated by the current management in the Department of Defense.

CREDIBILITY

The problem, Mr. Chairman, is that this administration attempts to blame the war in Vietnam and the consequent increases in defense spending for the "national sales tax" we call inflation and for the deteriorating state of our economy, not to mention the prospective massive deficit we are facing in this fiscal year and in fiscal year 1968.

Yet, Defense spending since 1960, as we have seen, has risen 68 percent while nondefense spending has skyrocketed some 97 percent.

If more accurate forecasts had been submitted with the original budgets in fiscal years 1966, 1967, and 1968, there is no question in my mind that Congress would have more responsibly and thoroughly scrutinized nondefense programs and the prospect of a massive deficit of over $25 billion in fiscal year 1968 probably would not have been as likely.

Mr. Chairman, the budget deficit for fiscal year 1968 was originally estimated at $8.1 billion. That estimate has now been officially revised to some $11 billion.

Members of this Subcommittee on Defense are also members of the full Committee on Appropriations and must pass judgment on the funding requirements of all other levels of Government activity.

We are also Members of the Congress who are required to judge all authorization levels when they come to the floor of the House for final action.

Our responsibility to our own conscience and to all our colleagues in the Congress cannot be appropriately discharged in the face of incomplete or misleading information.

Yet, this is precisely what we have had to contend with in increasing degrees during the past 2 years.

The inflation we faced last year and today, the sluggishness of our economy, the inappropriateness of some of the legislative actions this Congress has approved in the past 24 months, the prospects of a large and apparently necessary tax increase—all of these problems and many more can be attributed in part to an incomplete understanding by Congress of the true and largely predictable requirements of Southeast Asia activities in the past 2 fiscal years.

Mr. Chairman, in no area of national need—domestic or foreign—can this Congress fulfill its responsibilities adequately until it insists upon and obtains full, complete, and accurate information from the executive branch of our Government.

It is this which has led us to the position we are in today, where domestic expenditures have increased by 97 percent since 1960, while Defense expenditures have increased only by 67 percent—at a time when we are engaged in a massive war.

At no time in the recent history of this country—either in the time of World War I, or World War II, or in the Korean conflict—did domestic expenditures go up at a rate of 97 percent. As a matter of fact, during World War I, and during World War II, and during the Korean conflict, just the opposite was the case in the administration of our budget and fiscal matters.

Mr. Chairman, a budget is nothing more than the fiscal plan of our country. It is sent to the Congress at the start of each year to give some indication on the part of the executive branch as to what the fiscal plans are for the next fiscal year. The credibility of the budgets that have been submitted have been completely discounted as far as Defense is concerned during each of the last 2 fiscal years, and the same thing is true this year. I point this out not in the interest of criticism.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Fifty-three Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 134]

Abbitt
Anderson, Tenn.
Arends
Ashbrook
Ashley
Ayres
Battin
Berry
Brown, Calif.
Celler
Clark
Conyers
Corman
Daddario
Diggs
Dow
Dowdy
Fuqua
Gubser
Hanna
Heckler, Mass.
Herlong
Holifield
Hosmer
Kelly
McEwen
McFall
Moss
Pelly
Pepper
Pickle
Pool
Resnick
Ruppe
St Germain
St. Onge
Skubitz
Smith, N.Y.
Thompson, N.J.
Widnall
Williams, Miss
Willis
Young
Younger

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Price of Illinois) having assumed the chair, Mr. Rostenkowski, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 10738, and finding itself without a quorum, he had directed the roll to be called, when 387 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Wisconsin [Mr. Laird] has 11 minutes remaining.

Mr. LAIRD. Mr. Chairman, the point that I was attempting to make before the quorum call was that this bill does not fund the war effort in Southeast Asia.

Mr. FLOOD. Mr. Chairman, if the gentleman will yield, I think the gentleman should take the well. He looks better down there and he was doing so well, and on a matter of this importance I think he should address the Committee from the well of the House.

Mr. LAIRD. I want my distinguished friend, the gentleman from Pennsylvania, to be completely comfortable. Although I might be more comfortable where I am now standing, I will yield to his suggestion and take the well.

Mr. Chairman, additional war costs will be funded in a supplemental appropriation bill which will come before the Congress early in the second session of this 90th Congress.

The expenditure rate in Vietnam will be closer to $28 billion than the $20.3 billion which is earmarked in this appropriation bill and as set forth by the President in his budget as submitted to the Congress. This is true on the basis of the present rate of expenditure of ammunition, and the present steaming rate in Southeast Asia today.

Ammunition and steaming costs are underestimated by in excess of $1,500,000,000 in this bill on the basis of the present use of ammunition and fuel in Vietnam in the third quarter and now in the fourth quarter of fiscal year 1967.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. LAIRD. I yield to the gentleman.

Mr. MAHON. I would like to exchange views with the gentleman from Wisconsin, if he will permit.

Is it not true that last year we were told that under the assumptions underlying the military budget for the fiscal year 1967, the current fiscal year, if the war should continue beyond June 30, 1967, that additional funds would be required?

That is question No. 1, which I am sure the gentleman would answer, "Yes."

Mr. LAIRD. The answer to that question is, "Yes." But to further amplify that answer, even if the war had ended on the 30th of June 1967, I am sure the distinguished gentleman from Texas knows full well that a supplemental appropriation bill would have been needed and necessary in order to restore the drawdown on stocks and supplies, the loss of aircraft, and the loss of helicopters that would have been needed in order to put the Defense Establishment in the same position in which it was 18 months earlier.

Mr. MAHON. Mr. Chairman, will the gentleman yield further?

Mr. LAIRD. I am happy to yield to my distinguished chairman.

Mr. MAHON. Everyone I know of, in and out of Government, thought that in all probability the war would continue beyond June 30. Therefore, the gentleman from Texas now on his feet, and the gentleman from Wisconsin, and many others said early last year that there would have to be a supplemental appropriation. The Defense Department, the President, and many others said that there would have to be a supplemental bill. We shouted this view from the housetops. It was well known.

Mr. LAIRD. They said that after they were pressed, but they never admitted they would need a supplemental if the war would have ended on a certain given date. This was a false assumption to start with in drawing budgets.

At no time in the history of warfare or defense planning has any administration, to my knowledge, assumed a given date that a war would end. This has never happened in the history of any Military Establishment or in the history of any country in the world that a given date was picked upon which the war would end, and they would draw budget assumptions based upon a given fixed date for the end of the war.

Mr. MAHON. Mr. Chairman, will the gentleman yield further?

Mr. LAIRD. I am happy to yield to the gentleman from Texas.

Mr. MAHON. Of course, it is true that in making any budget certain assumptions must be made. Some of them may be arbitrary. I myself felt that the assumptions underlying the fiscal 1967 defense budget were not as realistic as they should have been but the assumptions were clearly delineated.

Mr. LAIRD. I know the gentleman does not like to use the word "phony," but they were false, were they not?

Mr. MAHON. They were not false and they were not phony. They were based upon technical budgetary assumptions.

Mr. LAIRD. I do not think it is a very technical assumption to project the way on which a war is going to end and base assumptions on that date.

Mr. MAHON. The gentleman knows that the war was escalating rather rapidly and it was impossible to tell exactly how much money would be needed. We were told that additional funds would be needed if the war continued. It can be argued that a more definitive figure should have become available earlier. I am not arguing that point. The purpose of this colloquy, in my judgment——

Mr. LAIRD. If the distinguished gentleman will permit me, he is defending the assumption that was used in the 1967 budget that on a certain date the war would end. If that was such a good assumption to make in the fiscal year 1967, why did they not use the same assumption in 1968? The gentleman from Texas knows full well that they did not use the same assumption in the 1968 budget.

Mr. MAHON. The fiscal year 1968 budgetary assumptions are entirely different, in most ways, from those for fiscal 1967. So while you and I shouted from the housetops last year that there would have to be a large supplemental, this year the situation is quite different because the budgetary assumptions are different.

Mr. LAIRD. I agree absolutely with the gentleman that the supplemental will be just about half the supplemental of this year.

Mr. MAHON. My point is, that we all agree there will probably have to be a supplemental because the expenditures for the war will very likely go beyond those which were calculated in the January estimates. Even though a greater number of troops than those present now have been funded in the budget, we think it very probably will go beyond that figure. The estimated personnel figure for Vietnam is less than 500,000. We believe the figure will very probably go higher. Therefore, we think there will have to be some additional funding. The fact that we did not fully fund the costs of the war in fiscal year 1967 early in the year did not influence the war effort, in my opinion. It may have influenced some other things.

Mr. LAIRD. The gentleman from Texas knows full well that it did influence some other things. However, when we get into the other parts of our fiscal planning, in the other areas of fiscal responsibility in which the Congress has certain responsibilities, we can easily see that by underestimating these costs and by using a false assumption—that the Secretary of Defense, as well as others in the administration, knew was a false assumption, to pick out of the hat a date when the war is going to end—that is certainly the way to mislead people as to what the total overall fiscal plan of our country should be.

Mr. MAHON. But the gentleman from Texas and the gentleman from Wisconsin were in no way misled, and assuming our colleagues have confidence in us, they knew all along that there would be a heavy supplemental, and that defense costs would soar. Therefore, when the Great Society programs and domestic programs generally were considered, it was known that there would be additional sums needed. So this should not have adversely influenced Members of Congress.

Mr. LAIRD. The Members full well know that when the Secretary of Defense was asked at the press conference in January 1966, about the projection I made that the supplemental request for 1967 would be well over $10 billion, he said it was false. He came right out and said it was false. And my assumptions were correct, and his were wrong. I see the Secretary of Defense in this budget has not used the same assumptions he did in 1967. The assumptions are somewhat different. But I would never want to be in a position of arguing that the assumptions he used in 1967 were a proper means of estimating defense expenditures while we were engaged in the third largest war this country has ever been engaged in. He would have been a great Secretary of Defense if we had been at peace during his tenure, but unfortunately we are at war, and in estimating costs and budgets, we have to let our people know what the costs are, so that they can tighten their belt in other areas of the economy.

Mr. MAHON. I am not enamored of the defense budgeting system which was employed for the current fiscal year, but I want to proceed further. There are assumptions underlying the 1968 budget, to the effect that the war will continue throughout fiscal year 1968—that is, through June 30, 1968, and beyond that time.

Mr. LAIRD. For at least that amount of time. The assumption goes far beyond; there is no cutoff date on June 30, 1968. The war is a continuing thing and projections are in this budget.

Mr. MAHON. But the additional costs will be required for 1969. So my point is, if one lacks agreement with the budgetary system for the current fiscal year, he should realize fully that if the war does not escalate beyond the present estimated level, the probabilities are that if there is a supplemental—and there probably will be—it will be relatively small as compared to the supplemental of 1967.

Mr. LAIRD. I agree with the gentleman from Texas. It will be less than the supplemental for 1967, but it will be a sizable supplemental. If the manpower level goes above 500,000 troops on the ground, then we will have to have a much larger supplemental, a supplemental of at least $5.5 billion. But even if the war stays at the projection of 500,000 troops on the ground, we will still have to have a supplemental appropriation bill for 1968. We could take examples. Ammunition for destroyers—right now I can tell the gentleman on the basis of information I have from the Defense Department—was underestimated at the very time the Secretary of Defense was making his budget submission to the Defense Appropriations Committee by many millions of dollars.

Mr. MAHON. Mr. Chairman, will the gentleman yield further?

Mr. LAIRD. I yield to the gentleman from Texas.

Mr. MAHON. It is true that we reduced the defense budget by $1.6 billion. We also added-on $400 million. We made a net reduction. We do not feel that these reductions will interfere with the war effort. We are supporting the committee report and the funds requested in this bill, because neither the gentleman from Wisconsin nor I believe that we should at this time give a blank check for an undetermined amount of money which may later be required. We would rather they would lay the further requests before us in clear terms when the need is more apparent.

Therefore, the fact that the costs of the war may to some extent be unfunded is in no way a reason why we should increase the budget or attempt to guess as to what the additional figure may be, or provide a blank check to the Executive for expenditure of funds which have not been justified.

Mr. LAIRD. I agree with the gentleman from Texas.

The reductions made here in no way will affect the war in Vietnam. It is a reflection on the part both of the majority and of the minority members of the committee that we should have tighter control over budgetary processes so far as the Department of Defense is concerned. This is what we have tried to set forth in our committee report, which is agreed to by both the majority and the minority members.

Mr. MAHON. I thank the gentleman.

Mr. LAIRD. Mr. Chairman, if I may, I would like to touch on one or two other points of general concern to all Americans in connection with our Defense Establishment.

NEED FOR A BLUE RIBBON COMMISSION

Mr. Chairman, I referred earlier to the additional views submitted by the minority members of this subcommittee last year. In connection with those views we, together with other Members of Congress, introduced a resolution calling for the early establishment of a Blue Ribbon Commission, made up of the highest caliber experts from both the civilian and military communities, to conduct an independent and objective evaluation of the projected defense posture of this country.

My own rather extensive defense of the need for such a commission is contained in my remarks of last June 28 alluded to earlier.

Those of us who introduced this resolution did not do so lightly.

We came to the conviction that it is vitally needed only after deep deliberation and much soul-searching and after noting the grave concern felt and publicly expressed by leading members of both parties in and out of Congress, by high-ranking military officers, by past holders of the Nation's highest positions in the Department of Defense—both military and civilian—and by almost universal concern in the journals and publications of this country that deal primarily with defense matters.

We came to this conviction as well after noting the cavalier disregard on the part of the Office of Secretary of Defense with respect to clear direction by Congress in several vital matters, with respect to unanimous recommendation on the part of the Joint Chiefs, and with respect to the apparent reliance in that office on preconceived assumptions that often fly in the face of all available evidence.

We came to it finally, Mr. Chairman, because it is no longer possible to rely on the unsupported pronouncements of the highest officials in the Department with regard to the most vital matters of concern to Congress in discharging its constitutional responsibilities in the area of national security.

SUMMARY OF CONCERNS

If I may, Mr. Chairman, I would like briefly to restate in summary fashion the principal concerns that point, in my judgment, to the need for early establishment of such a Blue Ribbon Commission.

First, the defense structure of any nation is determined by that nation's foreign policy.

Primarily, it is our belief as stated in last year's additional views that certain basic changes have taken place in the defense policy of the United States since 1961. These changes need immediate evaluation by this impartial Blue Ribbon Commission. Among the changes, the following are particularly significant:

First, a changed attitude toward the cold war and, as a result, a different assessment of the potential and current threat;

Second, a changed attitude toward the desirability or necessity of pursuing advanced weapons development as vigorously as possible; and

Third, a changed attitude toward those areas of defense and defense planning which should receive priority.

In foreign policy, the basic assumptions upon which the administration appears to base its defense strategy include the following:

First, that there has been in recent years a reduction in tensions between the free world and the Communist bloc—except China—and that further accommodations in the future can be anticipated and should be encouraged;

Second, that our military force structure should be related primarily to the "visible" threat posed by potential adversaries;

Third, that nuclear war is as unthinkable to the Communists as it is to the United States and the free world and that, therefore, the balance that is being achieved between the Soviet Union and the United States with regard to strategic forces should not be upset;

Fourth, that the United States should continue to assume a posture of response both in the area of "crisis control" such as Vietnam and in the area of weapons development; and

Fifth, that the threat from world Communism has, in fact, eased during the course of recent years and, therefore, any attempt to maintain a decisive superiority in the years ahead would reverse this trend.

In defense policy, the basic assumptions would include:

First, that the aggressive pursuit of advanced weapons development such as the antiballistic missile system—ABM—or the advanced manned strategic aircraft—AMSA—would lead to a "reaction" on the part of the Communists that would accelerate the "arms race" and that, therefore, whenever possible, such decisions should be stretched out, studied to death, or postponed.

Second, that the level of effort in new weapons systems should be tied, predominantly, to what the potential enemy is doing and that the determination of what "the other side is doing" must be based on "visible" information.

Third, that the Defense Establishment must be prepared to execute and implement a strategy of "flexible response," one that permits the United States to gradually escalate any conflict and that will not force us into the dilemma of "humiliating retreat or nuclear war."

It is our belief that many of the assumptions that guide our foreign and defense policy may be unrealistic and incorrect. The experience of the past 6 years bears out this contention. The importance of a complete evaluation of these assumptions cannot be overstated.

We believe that there has not been a reduction in tensions but rather a reduction in our desire to recognize Communist actions for what they are.

We believe that our military force structure should not be related to the "visible" threat but rather to the capabilities of the Communists and to the fulfillment of our own national objectives.

We believe that nuclear war should be "unthinkable" to the Communists but that this country should not base its plans on that illusive hope.

We believe that the strategy of response both with regard to crisis situations and with respect to weapons development should give way to a strategy of initiative. We would define a "strategy of response" as one in which this Nation permits a situation to become so serious that it must take extraordinary steps even to return to the status quo, and a "strategy of initiative" as one in which this Nation, when it first sees the possibility of a situation developing, will take steps to prevent its becoming a crisis situation either with respect to potential conflicts or to new advances in weapons development.

We believe that the threat from world communism has not eased and that, therefore, it is of the utmost importance that this Nation maintain a decisive superiority in offensive and defensive weapons.

We believe that the Soviet Union is not "leveling off" its effort in advanced weapons development and that it is, as a matter of fact, aggressively pursuing new development both in outer space and inner space. Secretary McNamara's belated admission of this last November should make this fact clear, Mr. Chairman.

Finally, we believe that under the policies of the past 5 years, rather than escape the dilemma of "humiliating retreat or nuclear war," we have actually enlarged that possibility, in effect, adopting policies that have reduced rather than increased our options.

To reverse this situation, four basic requirements are necessary:

First. A more objective and realistic assessment of the threat coupled with a thorough reevaluation of our foreign policy;

Second. A return to greater participation by and acceptance of military judgment in what are predominantly military affairs;

Third. A more aggressive pursuit of research and development especially in the area of advanced weapons; and

Fourth. A reassessment by the Congress of its own role in the area of national security.

There is, in our judgment, little possibility that these requirements can or will be fulfilled unless the initiative comes from the Congress. It is for this reason that we have called for and strongly support the establishment of a blue ribbon commission of military and civilian leaders to reassess and reevaluate the defense posture of this Nation now and for the future.

Only in this way, Mr. Chairman, can the American people be reassured that this Nation is buying the very best defense consistent with the long-term best interests of the United States.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MAHON. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, I do not expect to take much time on this particular topic, but the discussion between the gentleman from Wisconsin and my chairman, the gentleman from Texas [Mr. MAHON] brings to mind the fact that if we would finance the Defense Department as we did during World War II, and as I believe we should be doing now—that is, by providing funds as they are needed instead of trying to fully fund in advance—this discussion would be needless.

I look back to 1955, when we were discussing this matter on the floor, and to my remarks at that time. I pointed out that as a result of full funding the Defense Department had continued to buy airplanes which would not fly because they had the money and did not want to cancel the contract because that might cause unemployment. There are many similar examples.

There may be some jockeying for position here between my colleagues on the committee.

I do not want to let this statement conclude without also commending the very fine work done by our chairman, the gentleman from Texas and by the other members of the subcommittee. This is a long and detailed and complex bill.

I do say again that this argument about whether something is full funded or not might have some repercussions in a political way, I do not know, but any department which has in addition the funds in this bill some $40 billion or $50 billion of unspent funds, and a great amount of money not obligated, is a department about which there is no need to worry whether it has enough money to finance itself for the next year.

There might be some argument about the wisdom of funding some domestic programs or whether we should do this or should not do some other things. The point I want to bring out today is the fact that I have gone back through the records to 1961. For that whole period I cannot see where a single thing has worked out like the Secretary and his associates at the Pentagon anticipated it would. I cannot see today where anything in Vietnam today is in line with the way it was projected and estimated to us by our experts and throughout that whole time the Secretary of Defense has imposed his will not only on the Defense Department but has consistently tried to virtually eliminate or weaken the Reserves and National Guard combat units.

Here again, we find public announcement, without congressional approval or knowledge, by the Secretary of Defense that he is going to abolish combat units of the Reserves and the Guard. This action is unsound. Our committee has again disapproved such action and has called upon the Secretary to hold such action up unless approved by the Congress.

TIME TO CHANGE OUR COURSE

Mr. Chairman, we need to review to reassess, and, I believe change our foreign policy. I can see how years ago you may have had high hopes for the United Nations when it was created, but I cannot see how those same folks would have any hopes for it now, having had observed its failures, right up to recent weeks.

Mr. Chairman, after World War II, we went around the world injecting ourselves into the internal affairs of just about every nation that would let us help them with foreign aid, underwriting the incumbent governments, governments which sold our goods to their people for what the traffic would bear.

Of course, once the governments we aided got thrown out the new government had no use for us. That is the answer to the feeling against us in so many areas around the world.

All nations engaged in the recent war in the Mideast were recipients of our aid—as a matter of fact we first went into Vietnam with foreign aid. We see the results, a war with no apparent end, unless we change our course.

Let us take further stock of our position today and think about how we got there.

Think of it. Only a few short years ago we were confronted with communism in Cuba. This was halfway around the world from Russia and a place greatly to her disadvantage. When her hand was called, she got out. Where do we confront communism today? We are halfway around the world, with all of the disadvantages on us and with the advantage with communism.

We have read the word "Vietcong" so frequently in the press that most folks today do not stop to realize that the Vietcong are the South Vietnamese who do not agree with us and are trying to throw us out of their country. They are not North Vietnamese but South Vietnamese. Those South Vietnamese who give us lukewarm support we call South Vietnamese.

There are six volumes of hearings here. I challenge you to read them and come out with any feeling that the South Vietnamese on our side want to put out very much themselves except to satisfy us. Why have we had to put our soldiers in there? Because though we could train the South Vietnamese to the point of using this equipment themselves, all too frequently too many had little desire to fight. If they had had half of what the Israelis showed last week, there would be a different story. The war would likely have been over. Besides, we don't know who is with us and who is not.

On another point we are here today presuming that we can continue to spend $20 billion to $25 billion a year in Vietnam and that our economy can stand it. Well, can it? We turned down the other day an increase in the ceiling on our national debt to $375 billion, a level we are bound to reach if we follow our present course. It has been estimated that we have an inflationary spiral of $27 billion this year. That means $27,000,000,000 loss in the value of our savings. I know that the defense witnesses testified we had an average of 7 percent inflation each year. In other words, it costs 7 percent more each year to buy the same thing that you bought the year before. How long can our economy stand up to this course without a crackup?

Now, what am I getting to? I am saying that we owe it to the men we have in South Vietnam, trying to help people who do not have the enthusiasm for themselves as their South Vietnamese relatives whom we call the Vietcong, have for driving us out.

Our supply lines reach half way around the world. We are greatly committed with millions of men behind the 460,000 in Vietnam. We have recommitted ourselves to Southeast Asia to the point that Russia could have called us to task in the Middle East and likely would have if the Israelis had not been victorious so quickly. Who knows, our tiedown in the Far East may have set off Egypt. Could they not tweak our nose in Berlin? Or any where else where we have commitments. We need to get this war over, or get it in condition to turn fighting over to the South Vietnamese Government, with every advantage on their side. Unfortunately we do not seem to have a plan to win.

If you will read these hearings you cannot find a plan to win. The best that I can point out to you about our plan to win is that the Secretary says: "We will stay there until they get convinced they cannot win." When a smaller country like Vietnam can tie up the United States and leave us wide open to trouble in the Middle East, Africa, and everywhere else, it is a sorry day. We certainly should not let this condition continue. I am no military man, but neither is Mr. McNamara. I have sat in on a good many defense hearings. I started listening to defense problems and plans long before the Secretary. I went on this committee in 1943, but I am certainly no expert. I do believe I am just enough of an expert, however, that I would leave these military decisions up to the military, including those that the Secretary of Defense has appointed. It is my belief that we have reached the point where we have to go all out. I know many of my colleagues on the committee will agree with me on this and I have reason to believe many military leaders agree. I believe we must go all out to push the Vietcong back and to bring a collapse of North Vietnam's ability to support.

Now, as for fear China may get in the war. We should think of Israel. If we are afraid of China under the present conditions, would we not be more afraid 10 years from now when she has had 10 years in which to progress? When I say we need to go all out to get rid of the Vietcong, and to bring North Vietnam to her knees, we must then at least say to the lukewarm South Vietnamese that we say we are trying to free, "All right. We have given you equipment; we have trained you. We have broken the enemy's force. If you have any heart in you, then take this equipment and get going, because we have done our share."

I do not see any other way open to us. I say to you today the only plans to win that you will see in these hearings are that we hope to stay there until they decide that they cannot win—and all the time the Vietcong and the North Vietnamese win each day they keep us tied down.

Now, Mr. Chairman, the Vietcong group of South Vietnamese—one can see that they have an issue. They are like the Israelis. They are instilled with a desire to push foreigners out of what they consider their land. And, I seriously question whether we should have ever gone there. But we are there, and I say that we owe it to our boys who are fighting to see that they are permitted to win. We need to win in the interest of the safety of our country. We must get this war over with for as long as it continues we will be overextended over the world, dangerously so.

And, thirdly, Mr. Chairman, our economy calls for getting this war over. Do not let them tell you that the GNP—the gross national product—is increasing at so great a rate that we can stand a $25 billion war in South Vietnam year in and year out without a crack up in our domestic economy.

Mr. Chairman, what is the gross national product? I asked our Director of the Bureau of the Budget when the hearings first commenced this year about this, and he said that the gross national product is the value of goods and services. They count the face value of services on the ground that you would not pay for those services unless they are worth it. But, you know, they put the same face value on governmental services, governmental programs, even though they may be completely wasteful. In other words, the more you waste in the case of governmental services, the more your GNP is. So, the more worthless governmental services you have the greatest the GNP and therefore the more such programs they say "we could afford."

Mr. Chairman, I say that it is time for us to put up and not to shut up, to issue the necessary orders to win for these boys whom we have over there; to issue the order to clean out these North Vietnamese from South Vietnam, for we have the power with which to do it. And, Mr. Chairman, when we have done that, we should said to the South Vietnamese, in addition to training, expertise, and the tremendous amount of equipment which we have furnished you, we have given you every advantage over your enemies, now, like Israel, you take it and go from here.

Now, Mr. Chairman, no one can win for those who do not have the desire to win. We should put it up to them.

Mr. LIPSCOMB. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. MINSHALL].

Mr. MINSHALL. Mr. Chairman, I am indeed honored to have been on this great Defense Subcommittee of the Committee on Appropriations. I do not think that there is any more important committee in the House and, certainly, none that is harder working and one which spends more hours listening to the testimony of experts from the Department of Defense than do we, the members of the Defense Subcommittee.

Mr. Chairman, I would be remiss if I did not pay tribute to my distinguished colleague, the chairman of this committee, the gentleman from Texas [Mr. MAHON], and commend the gentleman for the fair and impartial manner in which he conducts our hearings. You have already heard about the gentleman from California [Mr. LIPSCOMB]. He has worked like a Trojan this year on this most important bill. Unfortunately, because of committee conflicts not all committee members have been able to be there to help him as much as we would like, but the gentleman from California [Mr. LIPSCOMB] has carried the ball in a magnificent manner and has performed an outstanding job. We Members of the House are very indebted to both of these men, the distinguished gentleman from Texas [Mr. MAHON], and the distinguished gentleman from California [Mr. LIPSCOMB].

Mr. Chairman, I wish to bring to the floor of the House my grave misgivings and reservations about the $208.8 million which is being committed in this fiscal year 1968 bill for procurement of 12 F-111B airplanes for the Navy.

Mr. Chairman, during our long hours of hearings which extended over a period of several months, we on the Defense Appropriations Subcommittee heard testimony from the Secretary of Defense, the Secretaries of the Army, Navy, and Air Force as well as from the Joint Chiefs of Staff and their top echelon military and civilian backup witnesses.

Out of these hearings have come six volumes involving more than 3,500 pages of testimony cleared for publication, and thousands more pages of top-secret information were deleted for either reasons of security or as part of the Pentagon's policy of deleting material for political purposes, but the testimony which has been permitted to stand open for public inspection still is sufficient to give some insight into the opinions of the military experts. And from that testimony, even with its numerous deletions, it is not difficult to discover overwhelming arguments against the Navy version of the TFX or, as it has come to be known, the F-111B.

Let me quickly capsulize the stormy history of the TFX, Navy version, as it was originally called. The TFX is now labeled, as I have said, the F-111B, and it is the brainchild of Defense Secretary McNamara who, in 1963, said he wanted a fighter aircraft of great dependability for joint use by the Navy and the Air Force.

This concept of commonality would save at least $1 billion, according to Secretary McNamara. The award of the contract for the TFX touched off a controversy which is raging as of this day, and 4 years later one thing is clear: General Dynamics, with headquarters in Fort Worth, Tex., has failed to develop an aircraft for the Navy at its Long Island, N.Y., plant which, despite repeated design changes, fails to measure up to the minimum standards set by the Navy for introduction into its inventory.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I yield to the gentleman.

Mr. FLOOD. Mr. Chairman, I am sure the gentleman, when he referred to a single-engined plane, did not actually mean a single engine.

Mr. MINSHALL. I will say to the gentleman, no, I did not. I have on some glasses that do not improve my eyesight for close work.

Mr. FLOOD. I would say to the gentleman that my glasses do not help, either.

Mr. MINSHALL. I presume I will have to go back to my original glasses. I thank the gentleman for calling that to my attention and correcting me.

Even these standards for the Navy version of the F-111B have been reduced drastically from original design specifications to satisfy the ego of those who originally conceived the dual purpose, commonality approach for our military aircraft.

Any dollar savings which might have been achieved by the commonality concept have been canceled out long ago.

Mr. Chairman, I do not come to the floor today as a military expert, but I have listened intently to the experts, and the experts on the record and frequently off the record are overwhelmingly against the Navy F-111B. Based on testimony before our Subcommittee on Defense, and statements of the highest ranking naval officers, both in the committee and out of the committee, the F-111B at its very best is an "iffy" aircraft. Why is it "iffy"? The plane was originally hailed as having a dual mission as a fighter-interceptor and as an aircraft platform for launching attacks against a possible threat in the 1970's.

Some contend that this threat may never materialize. Be that as it may, one thing is certain: The F-111B's capability to meet such a threat does not exist today, nor is it certain it ever will exist. Economy and efficiency were major boasts of Secretary McNamara's much-touted commonality concept which we were told would save billions of dollars. The F-111B originally was estimated at $2.8 million per copy, per plane, if you will. Today procurement costs, depending on who is giving the figure, the figure averages out to $8 million or $9 million per plane. American taxpayers are being asked to gamble an additional $208.8 million on an aircraft which is already more than 2 years behind schedule. American taxpayers are being asked to procure a Navy plane which is still at least a year and a half from even being tested on and off a carrier's deck. The initial testing of a changed key prototype will not be done until November of this year.

Original design and specifications have been thrown out the window. Future prototypes will look different and be different especially as to weight and flying characteristics.

It is a changed aircraft with a changed mission.

American taxpayers are being asked to take a chance that the Navy can overcome serious problems of overweight which affect the plane's range, speed, acceleration, maneuverability, fuel consumption and weapons carrying characteristics.

Recently, I gave serious thought to striking out procurement funds for the Navy F-111B, in this appropriation bill.

The situation recalls one that confronted me several years ago when the defense bill came before this Chamber. I am sure that many members of this defense subcommittee remember the situation. It was about the Bomarc. At that time I was a relatively new member of the defense subcommittee, and even though I have gained a total of 9 years' experience on the subcommittee, I certainly do not now consider myself a military expert and I do not pretend to be a prophet. But I do remember in 1960, despite strong pressures, I armed myself with information that I had received both in the subcommittee and from private sources on the question of reliability regarding the Bomarc missile. Like the F-111B the Bomarc had a bad history of throwing good money after bad after repeated tests and repeated failures. In committee I led a fight as a result of which the Air Force finally agreed to cut $160 million from the Bomarc funds.

My efforts to eliminate the remaining $200 million for Bomarc were defeated later on the House floor.

At the height of the Bomarc controversy, Phil G. Goulding, military affairs reporter for the Cleveland Plain Dealer—and I emphasize again—I did not then nor do I now claim to be a military expert but Phil G. Goulding's views on defense matters were considered expert enough in 1960 and his opinions were so highly valued in this area that he subsequently was tapped by Secretary McNamara to serve in the post he now fills at the Pentagon as Assistant Secretary of Defense for Public Affairs.

In his report on efforts to cut Bomarc funds, Goulding wrote in the May 1, 1960, Plain Dealer:

> Rep. William E. Minshall (R) of Cleveland probably is more responsible than any other man for cuts of hundreds of millions of dollars being made in the Bomarc anti-aircraft missile program . . . Chief supporter of the third-term Republican has been the missile itself, which stubbornly refuses to pass its flight tests and which has lagged behind its development schedule. If Minshall is right, and if reductions now recommended by the House Appropriations Committee are upheld he will have earned his $22,500 salary for the next 3,000 years.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I would only add one thing and that is the gentleman who is now standing, the gentleman from Pennsylvania [Mr. FLOOD] is probably just as responsible, if not more responsible for helping to delete these funds than I.

Mr. FLOOD. That is all very fine, but it is only partly so. I did start at them about the Bomarc missile a number of years ago, but I dropped the ball and the gentleman in the well picked up the ball and did a lot of research and work on it and carried it through to where we now know where it is as of this afternoon. We have information but because of its classification, we cannot divulge it.

But I can remember using the expression on the floor at that time in the earlier days and in meetings with the Air Force people that this missile will not even be good enough to knock the starlings off the Archives Building in Washington where we are having a lot of trouble with that problem.

Mr. MINSHALL. I remember the gentleman making that statement—and it is just as true today as it was then—if not more so. Only, I might add further that what the gentleman mentioned, which is classified, secret, bears out what the gentleman has said.

Mr. FLOOD. Could the gentleman give us at least the amount of money—would the gentleman consider that classified or would he consider the whole document classified?

Mr. MINSHALL. I would be glad to do that. I have it in another document here that is not classified.

The Bomarc program was subsequently curtailed but not before nearly—in answering my colleague's query—nearly $3 billion tax dollars went down the drain.

In all candor, I feel that this will be the fate of the F-111B. But in view of the world situation, I am not pressing for elimination today of these funds. I am giving the Secretary of Defense the benefit of every doubt for the sake of the security of our country. I hope that he is right.

As I said earlier, we have had days of testimony on the F–111B. Much of it has been deleted from the printed hearings for security reasons, and I might also say stamped "Secret" in many instances merely to protect Pentagon political interests.

Let me refer you to just a few excerpts which escaped the military censor's red pencil in this year's printed hearings.

On page 839, part 2, of our hearings:

> Secretary Nitze: We do not have a F–111B which contains in it the changes which we think are either desirable or necessary to give us full confidence in carrier suitability.

Yet we are asked to spend more than $200 million to procure them 12 such aircraft.

On page 847, part 2, of this year's hearings, the following colloquy:

> Mr. Minshall: . . . If you had it to do all over again would you follow the course the Defense Department has or would the Navy start over and design its own airplane?
>
> Admiral McDonald, Chief of Naval Operations: I wasn't here at that time, Mr. Minshall. If I had been around at that time I might not be here now. . . . No, I would not have done it that way.
>
> Mr. Minshall: What would you have done?
>
> Admiral McDonald: I would have designed a plane giving full consideration to the weight limitations that are imposed upon operations from an aircraft carrier.

But they want us to procure 12 such planes immediately.

Look at page 234, part 4, of the hearings.

This colloquy is with Vice Adm. Thomas F. Connolly, Deputy Chief of Naval Air Operations:

> Mr. Minshall: . . . There are a lot of things about the F–111B that have not been proven or checked out. Is that a correct statement?
>
> Admiral Connolly: That is right.
>
> Mr. Minshall: But you ask in this budget for 20 aircraft, F–111B, a bird that has not been checked out yet?
>
> Admiral Connolly: Of course, Mr. Minshall, I am up here defending the President's budget.

And that is the crux of the Navy's argument when all is said and done. They are defending the President's budget—Mr. McNamara's budget, in reality, and they are being stifled in voicing their criticism.

The current issue of the Saturday Evening Post, in its excellent article, "Is This Plane a Billion Dollar Bungle," contains this significant quote in regard to the F–111B:

> "There is a fear of recriminations," one highly placed source explains. "Most Navy people feel we have to go along on this and keep our mouths shut or there won't be any Navy."

Even so, sifting through the voluminous hearings, we find the Navy admitting to a serious lack of pilot visibility in the F–111B. Admiral Connolly, on page 229, part 4, himself says:

> There is a lot of work to do on the airplane. There are configuration changes to make the visibility for the pilot better.

The combat ceiling of the aircraft is considerably lower than was originally considered desirable. Dr. Robert A. Frosch, the Assistant Secretary for the Navy for Research and Development, admitted on page 402 of part 3 that the Navy does not know whether the plane will flunk or pass all of the tests.

He told our subcommittee:

> On the basis of flight tests with the final configuration aircraft we cannot expect to know that until next year.

I asked in subcommittee and I ask again on the floor today: Why does the Navy want the F–111B when it is such a questionable aircraft based on the testimony we have heard in years past? Look at what Adm. F. H. Michaelis replied to me under questioning a year ago in our defense subcommittee—and he was in charge of the program. The date was April 19, 1966. I asked him his opinion of the F–111B.

Admiral Michaelis replied:

> It is a very questionable aircraft for carrying out the Navy mission . . . questionable to perform the missions for which it was designed in the Navy.

The Navy's lack of enthusiasm for the TFX is conspicuous on the record.

I assure you that, off the record, it is far more emphatic.

I debated long and hard with myself about introducing an amendment today asking that the $208.8 million procurement money for the 12 F–111B's be eliminated from the budget.

I know all of the facts about this aircraft. I feel strongly that it is as big and perhaps even more costly a mistake than Bomarc.

If this were 1960, when Bomarc was the issue, I would not hesitate for a moment to ask this House to eliminate procurement funds for the Navy's TFX.

Fortunately there were alternatives to Bomarc.

But under Defense Secretary McNamara there is no alternative to the F–111B.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I will be glad to yield to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding and I want to tell him of my appreciation for his good work on the Appropriations Committee. Apparently the committee got better answers from the military than it did from the civilians in connection with the F–111 planes. I was most interested to read on page 839 of the hearings the following colloquy:

> Mr. LIPSCOMB. Does the Navy have in its possession now a F–111B that is carrier-suitable?
>
> Secretary NITZE. We do not have a F–111B which contains in it the changes which we think are either desirable or necessary to give us full confidence in carrier suitability.
>
> Mr. LIPSCOMB. So the answer is "No."
>
> Secretary NITZE. We have not yet tested it on the carrier. The contractor claims it should be in its present configuration, but we do not believe that.
>
> Mr. MINSHALL. Why not just say "No," Mr. Secretary?
>
> Secretary NITZE. I want to be precise.
>
> Mr. MINSHALL. "No" is a pretty precise word.
>
> Secretary BROWN. Some things can be precise without being accurate.

This appears to be another contribution to the credibility gap and evasion that seems to flourish in the Department of Defense under Secretary McNamara.

Mr. MINSHALL. Mr. Chairman, I will let the gentleman decide that for himself. I think the record speaks for itself. There were some evasive answers on this subject, many of which do not appear in the printed record, but I believe this colloquy the gentleman has so well pointed out typifies the response of the Pentagon to the F–111B program.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, I appreciate the gentleman's remark that in spite of his reservations on this system, at this juncture in world affairs, the situation being what it is, he does not propose to offer an amendment to further curtail or cut back or slow down this program. I feel very strongly that any such an amendment would be a grave mistake. The Navy says it needs this plane. Is it not true that, in spite of any of the developmental problems that have occurred, as might be fully understandable in any such revolutionary new program, this program, according to the Navy and the Air Force, still represents the greatest single advance in the state of aerial warfare, wrapped together in a single package, that we have ever had? This is how Secretary Nitze and the program project officers expressed it to me and it seems to me that they should know.

Mr. MINSHALL. I believe when the history is written, we will know more about that.

I would like to point out I believe the F–111B part of the program will be the most significant failure—if the gentleman has been listening to my remarks—that we have ever had in this country since the Bomarc boondoggle.

Mr. WRIGHT. I am sure the gentleman does not want it to be a failure.

Mr. MINSHALL. I certainly do not. I said in my remarks I hope Secretary McNamara is right, and that is why I gave him the benefit of every doubt and did not move to strike out the funds for the Navy version of the TFX commonly known as the F–111B.

Mr. WRIGHT. I believe history will prove Secretary McNamara right. I, having had some familiarity with the program, believe it will be a truly great success.

Mr. MINSHALL. The gentleman should know about it. He is from Texas and he should know.

Mr. WRIGHT. That is exactly correct. I have had the privilege of following this program very closely since its inception. The F–111B, however, is not made in Texas but in New York. But if I had been from California or Florida or any other State, knowing what I do about this program, I would be just as strongly for it.

Mr. MINSHALL. I would like to conclude by saying: that despite the fact that it cannot perform its original mission, the substitution of existing aircraft might or might not be feasible.

This is not 1960. The world climate has changed radically from those cold war days.

International tensions are near the breaking point. We are in a hot war in Vietnam. We have just witnessed an explosion in the Middle East. The world is holding its breath until a new trouble spot erupts.

And, thanks to the omnipotent man in the Pentagon, we are stuck with the Navy TFX, at least for the immediate future.

In deciding not to offer an amendment striking procurement funds for the F-111B, I can only echo the words of the eminent Senator RUSSELL of Georgia:

> If (McNamara) is right, we will save a few dollars.
>
> If he is in error, may a benign Providence save these United States.

Mr. MAHON. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. ANDREWS].

Mr. ANDREWS of Alabama. Mr. Chairman, first I should like to pay my respects to our distinguished chairman, the gentleman from Texas [Mr. MAHON]. I have served under three chairmen of the full Appropriations Committee during my tenure in office, and I have yet to see one who in my opinion has done a better job than has the gentleman from Texas.

This is a big bill. It is the biggest bill that will come before the Congress—$70,295,200,000—to provide the weapons of war for our servicemen who are today engaged in what I consider to be one of the worst wars, if not the worst war, this country has ever been involved in.

There are high ranking members of the military who have agreed with that statement; namely, that this is the worst war this Nation as ever been engaged in.

Unfortunately, Mr. Chairman, it seems that only those who have relatives in the jungles of South Vietnam are concerned about this war. The man on the street, who has no son or no relative in South Vietnam—and the Members know it—has an attitude of "I couldn't care less."

I want to pay my respects to that little country of Israel. I hope the leaders of this country will learn something from the actions of Israel last week. I believe the record of that war is one of the most brilliant chapters ever written in the history of wars.

A little nation, completely surrounded by enemies, outnumbered 3 to 1 both in personnel and in equipment, with full knowledge of the fact that Russia was threatening to go to the aid of her enemies, won a war in the unbelievable time of about 5 days.

It was for one reason, Mr. Chairman. Israel fought that war to win. Israel carried out the statement made by the late General MacArthur, that in war there is no substitute for victory.

Israel cared nothing for the threats of Russia. Figuratively speaking, she used the words of Admiral Farragut when she said, "Damn the Russians, full speed ahead." And, bless her heart, she came out victorious because she fought that war to win.

My great concern, Mr. Chairman, is that our people are not fighting the war to win in South Vietnam. Either one of two things is happening. Either we are not fighting to win, or we cannot win. It is one of the two.

I will say that if this great and powerful Nation, the most affluent nation in the world, cannot whip a little country like North Vietnam, which is not as big as the State of New Jersey—a little nation that has no air force and has no navy—then we have no business in the war business, and we ought to beat our swords into plowshares and declare to the world that we are a nation of Quakers and get out of the war business completely.

Something is going on that I cannot pinpoint. I know that I have talked to many, many, many military men.

I have been on this committee for 23 years. I asked a very high-ranking officer, "Do you have enough equipment?" His answer was, "Yes, sir." I asked, "Do you have enough planes?" He said, "Yes, sir." I asked, "Do you have enough guns and ammunition?" He said, "Yes, sir." I asked, "Well, why can you not whip that little country of North Vietnam? What do you need to do it?" His answer was, "Targets—targets."

Now, you know, if we had sent a team of experts all over the world looking for the very worst place to commit our troops, that team of experts would have come back with a report that would have had South Vietnam high on the list as being the worst place to commit troops.

During those 23 years I have been on the committee military men have told me and the committee that in a guerrilla-type war you cannot hope to win unless you have a superiority of 10 to 1. We have nothing like that superiority today in South Vietnam.

According to the latest reports, we have approximately 435,000 men in South Vietnam. General Westmoreland recently said he needed 200,000 to 250,000 more troops in South Vietnam. The French stayed there for 10 years fighting. They had the best troops in the world down there, members of the Foreign Legion. The French had 600,000 troops in South Vietnam. Did they win? The answer is no. I do not believe you can win a land war in Southeast Asia. You must have a superiority of 10 to 1. One man in the jungle with a rifle is worth 10 men out in front of him.

My prediction here is that if this war continues to be fought as it has been for the last 6 years, we will be there at least another 20 years. To say that this great Nation is pinned down in South Vietnam is an understatement. We are pinned down by a little nation that will not rate 75th in the family of nations. That little nation today has the most powerful, the most affluent nation in the world pinned down. And I say that is an understatement.

We can win if we fight to win, in my humble opinion. I think the most courageous decision ever made in the history of this Nation was made by former President Harry Truman when he ordered the use of atomic weapons at Hiroshima. He served notice on the Japanese Government, "You surrender within 3 days or expect further bombings." Hearing nothing from the Japanese on the third day the second bomb fell on Nagasaki, and the war ended, and literally thousands of lives were saved, because we had planned for the first week in November of 1945 what would have been the bloodiest invasion in the history of the world. Maybe some of you men were in the Pacific at that time waiting for the invasion onto the main islands of Japan the first week in November of 1945. The courageous action of Harry Truman brought that cruel World War II to an end. That second bomb which fell on Nagasaki was the last bomb that we had in our arsenal. We could not have gotten additional bombs until March or June of 1946.

I think we can win this war if we fight to win, but if we continue going as we have for the last 6 years, we will never win. I told the Secretary of Defense when he was before the committee, we have to get tough in order to win this war. Power is the only thing that the Communists understand. I remember when I served as district attorney in Birmingham, Ala., an old police officer told me, "You must never pull a gun on a man unless you are ready to kill him." The same advice is good for a nation that commits troops to battle. Never send troops into battle unless you are willing to back them up with every resource at your command. And, not to do that for those kids in South Vietnam is a criminal shame and an injustice.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. SIKES. Mr. Chairman, I yield the gentleman from Alabama 2 additional minutes.

The CHAIRMAN. The gentleman from Alabama is recognized for 2 additional minutes.

Mr. ANDREWS of Alabama. Mr. Chairman, I told the Secretary, "Mr. Secretary, let us win this war. The people are getting restless. Our casualty lists are going up now to the point where the number killed runs anywhere from 250 to 300 a week. Now, let us pick up that telephone and call those people in Hanoi and tell them we will give them 30 days to get out of South Vietnam, and if you are not out within 30 days, then we are going to bring you to your knees. We think we can do it with conventional weapons but, frankly, I would have no compunctions about using the big weapon to bring this war to an end and thus save the lives of young Americans."

Mr. Chairman, there are those who say that it might jeopardize the lives of the people in this country. So what? This is war. And, we all should share the burden. And I am thinking of that kid in the snake-infested, malaria-infested, sniper-infested jungle. That little fellow's life is in danger 24 hours a day. I hope that we can follow the courage of Israel and Harry Truman and bring this nasty, dirty war to an early conclusion.

Mr. LIPSCOMB. Mr. Chairman, I yield 15 minutes to the distinguished gentleman from Ohio, the ranking minority member of the full Committee on Appropriations [Mr. Bow].

Mr. BOW. Mr. Chairman, I appreciate what my distinguished friend, the gentleman from Alabama [Mr. Andrews], had to say about what happened in Israel, because what I am going to speak about today took place over there, since I think that war—and I believe the gentleman from Alabama would perhaps agree—was won by civilian soldiers, their reserve components—a great many of them—rather than the Regular Army units over there.

So, Mr. Chairman, I would like to talk a little about the realinement of the Guard and the realinement of our Reserve combat units.

Mr. Chairman, I was very much disturbed when I learned that the Pentagon had decided to wipe out 15 National Guard divisions and a number of Reserve units and set up eight divisions and absorb many of those that were being taken over.

Mr. Chairman, I think every member of this Committee has in the past had great pride in the Guard units of their respective States. I know I have great pride in the great 37th Division of the State of Ohio.

Mr. Chairman, in 1963 four Guard units were deactivated, the primary reason being given for the elimination of these divisions was the alleged inefficiency resulting when command was divided.

Now, Mr. Chairman, that is exactly what they are doing in this reorganization plan. They are dividing the command. They are taking these divisions and setting up brigades and assigning many of the brigades of your States to other States.

Now, all of this was done without the consent or the knowledge of the Congress of the United States.

Mr. Chairman, permit me to cite to the Members of the Committee section 104 of the United States Code which states that no change in the branch, organization, or allotment of a unit located entirely within a State may be made without the approval of its Governor.

Section 104(c) goes on to say:

> To secure a force, the units of which when combined will form complete higher tactical units, the President may designate the units of the National Guard, by branch of the Army or organization of the Air Force, to be maintained in each State and Territory, Puerto Rico, the Canal Zone, and the District of Columbia. However, no change in the branch, organization, or allotment of a unit located entirely within a State may be made without the approval of its governor.

The plan was made by the Pentagon was taken up with the adjutants general of the various States in Indianapolis a few weeks ago prior to its being considered by any committee of this Congress. I believe after they had made their plan and met with the adjutants general they took it to one of the subcommittees of the Committee on Armed Services but not to the Congress.

I have been advised they take great pride over at the Pentagon in the fact that nine Governors have already approved of this plan after some weeks, nine out of 50. I know at least one Governor who has vetoed the plan.

What I am disturbed about is how they can go ahead in the executive branch of the Government and take away these units from the States without any consideration of the Congress. I say to you that the Congress has the authority, as the law provides, to take some part in the determination of the setup of these organizations.

I have been greatly tempted to offer an amendment to this bill which would limit and prohibit the Defense Department from making these transfers. It could be done with a limitation. However, the distinguished gentleman from Florida [Mr. Sikes] offered an amendment to the report. He accepted one amendment which I offered to his report. And I call your attention to that on page 7 under realinement of Army Reserve components, in which is said:

> The Committee has considerable misgivings over the prospect of disbanding combat units of the Reserve Components in a time of crisis. The proposal for a major realignment

And we go on to say why. Then we say in the report and direct, "that the proposed realinement be deferred pending such time as formal legislative expression can be made in the matter."

It seems to me, when a Committee on Appropriations directs them to withhold until there is legislative authority, that the Defense Department should accept that direction. And with the statement made here on the floor by the distinguished chairman of the Committee on Armed Services, the gentleman from South Carolina [Mr. Rivers], who said the other body is going to consider H.R. 2, and that he was opposed to the realinement and the taking down of these divisions, I am with some reluctance going to withhold my limitation amendment.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman.

Mr. SIKES. Mr. Chairman, the gentleman should be commended for his interest in this important subject. I am sure he would want me to call attention at this point to the fact that the action of the Committee on Appropriations in directing that this reorganization not be affected pending further action by the Congress was unanimous on the part of a 51-member committee and, that only in deference to the fact that ours is an appropriation committee and not a legislative committee, was the language placed in the report rather than written into the bill as a binding limitation.

Mr. BOW. The gentleman is correct. I may say to the gentleman I was prepared at that time to offer the limitation in the committee, but the gentleman's language as amended in the report caused me to withhold the offering of the amendment. I am going to withhold the amendment today, on the basis that the Defense Department will take cognizance of this discussion and of the language in the report, until H.R. 2 is acted on by the other body and comes out of conference and until there has been a conference on this bill.

Mr. LIPSCOMB. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman.

Mr. LIPSCOMB. I want to join the distinguished gentleman from Ohio in his remarks and support him one hundred percent. I believe that with the gentleman from Ohio [Mr. Bow] laying this on the record, it will help the Department of Defense to realize that the Committee on Appropriations, by the language in the report, means exactly what it says.

I believe it is incumbent upon the Department of Defense to withhold this realinement until it gets some good and adequate expressions of the Congress of the United States as to just what should be done and how it should be done. Therefore, I commend the gentleman in the well for his remarks and offer him my support.

Mr. MINSHALL. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am delighted to yield to my colleague, the gentleman from Ohio.

Mr. MINSHALL. Mr. Chairman, my colleague, the gentleman from Ohio, as usual has made an outstanding statement regarding the realinement of the National Guard and the Reserve units throughout the country. He is certainly to be commended and I join him in everything that he has said.

At this time, Mr. Chairman, I would like to read an article which appeared in the Cleveland Press concerning the 37th Division which my good friend, the gentleman from Ohio [Mr. Bow] has mentioned.

The article is as follows:

TAPS FOR THE 37TH?

Unless the order is reversed, Ohio's proud 37th Infantry Division is about to slip into history after having helped make it for a half century.

The death warrant for the Buckeye corps. identified by its round red and white shoulder patch, was handed down yesterday when the Defense Department announced its retirement after maneuvers this summer. It is part of the Pentagon's streamlining program for the Army National Guard.

For Ohio National Guard officials, the news was not surprising. More than two years ago the Pentagon announced its modernization intention, and many observers expected the 37th to be demobilized then.

Writing at that time of the 37th's impending retirement, Press Military Editor Robert Stafford said: "It has a record of gallantry in combat unmatched by any other National Guard division, of conduct above and beyond the call of duty in three wars, and of patriotic response to any call to service in peace as well as war."

Stafford pointed out that the 37th's record is all the more impressive because it was compiled by "weekend warriors"—the civilian-soldiers suddenly called to fighting duty.

They became professionals fast, though, as the Germans can testify in World War I (Meuse-Argonne front) and the Japanese in World War II (Bougainville).

Eight members of the 37th have won Medals of Honor. One of them was Pvt. Rodger Young whose heroism was memorialized in the famous "Ballad of Rodger Young."

The fighting 37th, 1917–1967. Ohio—and the nation—can be proud.

Mr. BOW. I appreciate the gentleman's remarks and am glad that he has read this statement from the Cleveland Press into the Record.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. BOW. As always I am delighted to

yield to my good friend, the gentleman from Wisconsin.

Mr. LAIRD. I thank my distinguished friend, the gentleman from Ohio, for yielding to me at this time.

I know of my colleague's long interest in the National Guard and the record of the State of Ohio Guard units. I too come from a State that has a long and distinguished history with our 32d Division during World War I, in World War II, and again during the Berlin crisis. It was one of two National Guard divisions that were called up by President Kennedy. It was combat ready in a very short period of time.

I think it is important that the language suggested by the gentleman from Florida and the gentleman from Ohio and contained in this report be called to the attention of every Member of this Committee.

I am confident that the Department of Defense will honor this language and that a congressional committee will be given an opportunity to have a thorough review in connection with the bill, H.R. 2, which is currently before the other body.

I have been assured that in the case of Wisconsin our National Guard unit can maintain some identity of its own by probably changing its name from the "32d Division" to the "32d Brigade." It will be an independent brigade.

I think it is important that this be thoroughly reviewed by the legislative committees of both the House and the Senate and that the language sponsored by the gentleman from Florida and the gentleman from Ohio does just this. I think they have made a valuable contribution to this report and to the consideration of this bill, and I commend them for their interest and the job that they have done in behalf of the National Guard and the Reserve.

Mr. BOW. I thank my colleague, the gentleman from Wisconsin.

May I say in addition, that under the change suggested of calling the division a brigade rather than a division, it would no longer be a complete unit and the plan contemplates the elimination of major generals and a couple of brigadiers and at least eight colonels. In other words, the divisions will be eliminated if they are changed to brigades.

These men have been trained for command. And this is the important element. If you are going to keep manpower, this is important. But you are going to have stretcher bearers, cooks, bakers, and others to fill it up. You will take from the top echelon all these combat-ready divisions.

Mr. LAIRD. Of the Reserve. The gentleman is talking about the Reserve. The National Guard brigade will be a combat brigade.

Mr. BOW. But you are going to lose your top officers. You are going to lose eight colonels in that division and you are not going to have a complete unit. You are not going to have artillery support. I recognize the brigade as one thing. Some of these brigades will be under the command of other States and National Guard units.

I should like to make one other statement and then I shall be glad to yield to both of my friends who would like me to yield. I would like to point out why I believe Congress has a great stake in this. Does the Congress have anything to do with it, or is it Mr. McNamara's computers that can do all of these things?

I would like to refer to the Constitution of the United States, which many of us forget to read at times. What does the Constitution have to say about this?

In article I, section 8 of the Constitution there appears the following language, giving powers to Congress. The Congress has the power—

> To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;
>
> To provide and maintain a Navy;
>
> To make Rules for the Government and Regulation of the land and naval Forces;

That is the responsibility of Congress. Continuing to read:

> To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;
>
> To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;—

Not by the Secretary of Defense.

There are four, five, or six paragraphs in the Constitution outlining the authority of the Congress.

Some of you will say to me, "The President is the Commander in Chief."

That is correct. Let us turn to the language of the Constitution that gives him his authority, after reading these paragraphs on the authority of the Congress in this matter. Under the Constitution, which we have taken an oath to support and defend, article II, section 3, states:

> The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States.

He is the Commander in Chief. He will decide where we are going to bomb and to send troops after we raise them, after we get up the organization of them. That is our responsibility, not the computers in the Pentagon.

So I urge my friends that if we get into this question in H.R. 2, where if we find they have violated this direction in the committee report, the Congress will accept its responsibility under the Constitution and see to it that these units are not destroyed.

I would like to speak a little more about the units, but first I yield to my friend from Pennsylvania.

Mr. FLOOD. I thank the gentleman. As the gentleman knows, some of us have been at this for a number of years. I compliment the gentleman on his position, especially his reference to the Constitution. Of course, my leader on this subject is the distinguished gentleman from Florida, both on the Reserve and the Guard. I rise only to join with my friend, the gentleman from Wisconsin [Mr. Laird]. I am from Pennsylvania. Of course, everyone has heard of the 28th Division. You do not have to go beyond that.

Mr. BOW. I might say to the gentleman that I congratulate him. The 28th Infantry Division is going to stay in existence. It is not one of the 15 divisions that have been taken away. But the 28th Infantry Division of Pennsylvania will include a Pennsylvania brigade, a Maryland brigade and a Virginia brigade.

So the great old Pennsylvania division of the hometown boys is now going to be infiltrated.

Mr. FLOOD. Except that a number of years ago my grandfather had trouble with some of those fellows at Gettysburg, and they found that if you cannot lick them, you join them.

Mr. BOW. The gentleman is correct, and it raises a rather interesting question about how they are going to get along with each other.

Mr. FLOOD. Oh, just like we do here.

Mr. BOW. Fine.

Mr. BRAY. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Indiana [Mr. Bray].

Mr. BRAY. Mr. Chairman, I congratulate the committee for making this very fine effort, which we hope will be successful, to save the destruction of the Guard and Reserves. I read very carefully the section of the report entitled "Realinement of Army Reserve Components," which is on page 7 of the report. I do want to say that it does express the intent of Congress, that the Secretary of Defense go no further in destruction of Guard Reserves until Congress has the time and the opportunity to do something about the matter.

I want also to mention that for the last 6 years there have been organizations, reorganizations, and attempted reorganizations and rumors of reorganizations, each of which would make the Guard and Reserves a weaker and less effective force.

I do want to say we must do everything we possibly can to save and strengthen the Guard and the Reserve. The constant reorganization, the constant threat of reorganization, is destructive of the morale of any unit. That is academic. The fact that the Guard and the Reserve have been able to maintain their morale and their willingness to perform—in spite of the tremendous handicap that has been placed upon them by this constant changing policy and the constant attempt to reduce and reorganize and reorganize, which has been going on now for 6 years—is very commendatory of the officers and men of those services.

Also I want to mention here an article in the New York Times of June 13, 1967, by Charles Mohr, entitled "Rapid Mobilization of Reservists a Key Factor in Israel Victory." The article is as follows:

Rapid Mobilization of Reserves a Key Factor in Israel Victory

(By Charles Mohr)

Baniyas, Syria, June 12.—The Israeli Army is a highly professional striking force but it is composed overwhelmingly of amateurs.

Israel's military reserve and mobilization system, a model of efficiency, constituted one of the major factors in the quick victory achieved against the Arabs.

The army that destroyed six Egyptian divisions in the desert, conquered Jerusalem and dislodged the Syrian Army from fortified hill positions did not exist physically four weeks ago. It existed in the card indexes of the offices of reserve units in every Israeli town and city. Some of the best units were combat-ready only twelve hours after commandeered taxis began delivering call-up notices to Israeli homes, mostly on the evening of May 20. Even "sloppy" units were ready within 48 hours.

It is this reserve-mobilization system that gives Israel a highly responsive striking force without imposing on her the burden of supporting a large regular army. It is a volunteer army in a real sense. During the present crisis some reserve units had a 108 per cent response to the call-up as overage and discharged reservists tried to get back into combat units.

There were almost no evasions of the call-up orders. "Next to Nasser," said a lieutenant colonel, "our biggest obstacle to success was people arguing with us and trying to get in the action."

LIFE ENDS AT 45

"I don't know about other countries," said another officer, "but in Israel the male climacteric comes at 45 when you must leave the active reserves. We say life ends at 45."

For the ingenious, however, there are ways to see action after 45 and they were eagerly taken advantage of. Part of the Israeli war plan is to mobilize a large number of civilian vehicles. The owners of such vehicles have the right to volunteer to drive them even if overage, and most owners did so almost joyously.

There is universal conscription for both boys and girls, the former serving 30 months and the latter 20 months, usually at about age 18.

These conscripts spend their entire active service in training because the Israeli staff believes that only a superbly trained army can protect the country. No time is wasted on garrison duty or in occupying static defense posts. Normally a special border police force guards the nation's frontiers.

REGULAR FORCE IS SMALL

Thus the conscripts in service are not really a part of the "regular" army, although the description is usually applied to them. The true regulars consist only of a small group of officers of the rank of captain and above and senior noncommissioned officers—a nucleus around which the army is built at full mobilization.

After national service training men are assigned to reserve units and remain in them until age 45. Those reservists keep basic personnel equipment, such as fatigue uniforms, webbing boots, at home.

Like most democratic nations, Israel has a grumbler's army in peacetime, and a 90 percent response to annual training call-ups is considered good.

"Every device of the human imagination is used to avoid the training call-ups," an officer said, "and although by law we are allowed to call men up for 30 days each year, political pressures mean that most men get less than a week's training each year, which is not enough.

"But when war comes, all this changes and the same men who have fought for exemptions fight to get back in."

The call-up notices are usually delivered at night or in the evening by taxi drivers and other messengers because, as one staff officer says, "They are at home then and that is when you catch your fish."

One Haifa civilian who fought his way to this Syrian town described it this way: "I came home from a drive with my wife and children and there it was—greetings!"

The summoned reservist makes his own way to the armory or storehouse of his unit, where he is issued weapons, ammunition and other equipment. None of this is as smooth or easy as it may sound for the small number of regulars who must maintain these stores in a state of readiness.

"Even the flashlight issued to a company commander must be filled with fresh batteries," said one regular.

Ideally, the plan is that every tank and jeep should be able to start at a touch of the ignition button. Fuel is regularly changed, batteries are checked and radiators are kept flushed.

The military system is built around a philosophy that is almost totally offensive and does not anticipate prolonged defense. Israel's military doctrine is essentially to attack, but first, to plan for the attack.

On the first day of the war, 25 Arab airfields were bombed and strafed, some repeatedly, within three hours. On the Syrian front, assault infantry units knew far in advance exactly how they would tackle Syria strongpoints.

Though discipline sometimes seems informal, that does not mean it is lax. Instant and determined response to combat orders is expected and officers who let an attack bog down may be removed almost immediately from command.

This article very clearly shows that the reserves of Israel were most effective. Perhaps if the Secretary of Defense would discuss the use made of reserves in the recent Egypt-Israel war with the commander of the Israel Army, he might receive some good advice as to strengthening of the Guard and Reserves instead of weakening them.

Mr. BOW. Mr. Chairman, I thank the gentleman.

In conclusion, I would like to say that in World War I the Guard units of the various States were immediately called into action and the Guard units served admirably and with great distinction throughout that world war. Our 37th was one of those.

Then came World War II, and one of the first divisions activated was the 37th Division of Ohio. It made the long trek back to the Philippines and the return of the Pacific and South Pacific to victory. It was my great honor to be with them, not as a member of the division, but as a war correspondent with the 37th Division, from the landing at Lingayen through the trip down into Manila, through the liberation of Manila, and the liberation of Baguio, through the battles up over Balate Pass and down into the Cagayan Valley. I saw this great division operate. May I say it is one of the very few divisions that left this country early in the war with Maj. Gen. Robert S. Beightler commanding—one of our great commanding officers. And after Bougainville and Guadalcanal and going up through the Pacific, it returned victorious after the war, with Major General Beightler still commanding the division.

Very few divisions in World War II went out with their original commanders and came back with them.

These units have been depended upon for the preservation of our freedom over the years. They have been ignored and now are being decapitated. Fifteen States are going to lose these great divisions.

Mr. Chairman, I hope that the Defense Department will pay heed to this language in the report and that it will not be necessary again to discuss this question until the House has had an opportunity, with the Senate, to bring in legislation which will protect these fine units.

Mr. Chairman, the plan contemplates the elimination of one major—general officer—and eight—colonel or lieutenant colonel—subordinate commands within each combat division. The headquarters scheduled for deactivation are integrated units possessing the required tactical, logistical, and administrative capabilities for command and control of their subordinate units. Long years of training and close coordination is necessary to train these cohesive command and staff entities. There appears to be no evidence of any replacement for these control headquarters which would retain the years of experience and close coordination.

The proposed plan will require such a multitude of headquarters to clear command and control matters that efficiency will be lost. For example, the 38th Infantry Division based in Indiana has brigades in Ohio and Michigan. Three Governors, three adjutants general, three State headquarters detachments, and two U.S. Army areas will become involved in all actions of the 38th Division.

Command and control of a combat division requires a highly trained and effective team of commanders and staff members at all levels. The higher the level of command the more complex and demanding the mission becomes. Confidence is gained through experience and frequent contacts between all levels of command and staff. The requirement to coordinate all matters with such a multitude of higher headquarters is unrealistic.

An infantry division deactivated, and replaced with an infantry brigade consisting of a headquarters and three infantry battalions represents a loss of 927 officers, ranging in grade from second lieutenant to major general, and the years of experience represented by their total commissioned service.

Based on commissioned service, and only minimum times in each grade, the officer personnel of an infantry division represent a minimum of 4,113 years of military experience.

Mr. Chairman, may I refer to the proven competency of National Guard officers.

National Guard officers have proven efficiency through all periods of service. The following extracts from Jim Dan Hill's book "The Minute Man in Peace and War" shows various comparisons between Regular Army and National Guard officers during World War II.

At the time of induction in 1940 there were 21 major generals in the Regular Army and 21 major generals in the National Guard. as of January 1, 1945, five, or 23 percent, of the Regular Army major generals were still in the service and that nine, or 42 percent of National Guard major generals were still in the service.

At the time of induction in 1940 there were 45 brigadier generals in the Regular Army and 74 brigadier generals in the National Guard. As of January 1, 1945, 26 or 57.8 percent. of the Regular Army brigadier generals were still in the service. As of June 30, 1945, 43, or 58.1 percent, of the National Guard brigadier generals were still in the service.

At the time of induction in 1940 there were 704 colonels in the Regular Army and 273 colonels in the National Guard. As of January 1, 1945, 273, or 39 percent of the Regular Army colonels were still in the service, and that 148, or 54 percent of the National Guard colonels were still in the service.

Of the 1,100 lieutenant colonels inducted in 1940, 883 were still in the service at the end of the war.

Of the 1,379 majors inducted in 1940, 1,129 were still in the service at the end of the war.

Of the 14,604 company grade officers inducted in 1940, 12,405 were still in the service at the end of the war.

Additionally, 3,168 enlisted men held reserve officer commissions and were commissioned when inducted in 1940. Of these, 2,686 were still in the service at the end of the war.

More than 75,000 National Guardsmen received commissions through the officer candidate school program during World War II.

It is of particular significance that the losses expressed in the various grades were results of all factors, from losses in combat to physical disability, but that the age in grade policy established just before Pearl Harbor caused more separations than any other single cause.

Let us consider the impact of reorganization on unit efficiency.

The redesignation of units will in many instances, involve a change of branch which results in changes in mission, organizational structure, equipment requirements, personnel, and required skills.

This so-called "streamlining," while effectively accomplished on paper, renders redesignated units relatively ineffective during the transition period required to completely effect the change due to the following:

First. Negates existing training results, and generates a requirement for the development of new training programs.

Second. Time required for procurement of new and/or different equipment.

Third. Lack of qualified officer and noncommissioned officer personnel in the new branch.

Fourth. Loss of time and continuity as a result of adjustments in command structure.

Fifth. Increased administrative requirements—administrative actions, records, supply transactions, and so forth.

Sixth. Effect on morale.

Let us consider also the loss of hard skills as a result of deactivation of divisions.

Inasmuch as the retention and placement of personnel in the National Guard is predicated on authorizations contained in tables of organization and equipment, the deactivation of divisions and their replacement with brigades will render hard skilled and professionally qualified personnel in the following categories as excess: Fixed- and rotary-winged aviators; medical and dental professional personnel; legal professional personnel; signal, engineer, and logistical career field personnel; and, maintenance personnel.

It is noted that all artillery with the divisions is eliminated without an apparent replacement. With five artillery battalions to be lost in each division this is an elimination of 75 battalions.

Military doctrine as taught in the U.S. Artillery and Missile School requires the assignment of minimum necessary artillery to the combat division. It is axiomatic that additional artillery must be available to the divisions from corps and Army.

No provision appears to have been made in the troop list for artillery to reinforce that contained organic to a combat division.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am delighted to yield to my colleague.

Mr. MYERS. Mr. Chairman, it is with deep concern that I discuss with you, my colleagues of the House of Representatives, a proposal recently announced by the Defense Department to reorganize again the Reserve components of the Army.

The Secretary of Defense acknowledged in his annual posture statement on the military forces that he could not merge the Army Reserve into the National Guard. The Congress, following months of investigation in depth and extensive hearings, has twice rejected the Defense Department's proposal to merge the Army Reserve into the National Guard, and has established the requirement for maintenance of separate components in the appropriations bills and the Reserve bill of rights which has been passed by the House of Representatives in this session as H.R. 2.

In December 1965, the Secretary of Defense ordered 748 Army Reserve units inactivated, saying this was necessary in order to eliminate the low-priority units. He declared these low-priority units were not needed in the Army's contingency plans.

All six combat divisions of the Army Reserve were inactivated and approximately 55,000 well-trained Army reservists were affected in the 748 units eliminated.

These inactivations were ordered by the Secretary of Defense in direct defiance of the expressed wish of the Congress that the action should not be carried out until the Congress had an opportunity to review the proposed unit inactivations.

The Defense Department said the inactivations had to be completed by December 31, 1965, in order to eliminate units that were low priority and were not needed under the contingency plans. It hastened to accomplish the destruction before the Congress came back into session in January.

At the same time, it should be noted that there were twice as many low priority units in the National Guard, also presumably not part of the contingency plans, but the Guard's units have not been touched.

I would not in any way cast a reflection on the fine dedication and service of the officers and men of the National Guard. However, I cannot but wonder at the Defense Department's deliberate and persistent moves in these last 24 months to destroy the Army Reserve in violation of the desires of Congress.

The Secretary of Defense has further said in his posture statement of this year that, since the Congress has not approved the merger of the Army Reserve into the National Guard, he was directing the Secretary of the Army to find other ways of accomplishing the same objectives. In other words, under orders from the Secretary of Defense, the Army must find ways to reorganize the Reserve into the Guard and thus to circumvent the will of the Congress.

The words are not the same, but the intent is clear.

And so the Army has now prepared this new reorganization proposal which should be reviewed with that background in mind.

I am informed that this reorganization proposal includes the following:

First. Inactivating all combat and combat service support units in the Army Reserve. This includes four high priority, immediate ready brigades that are part of the required contingency force structure.

Second. A reduction of the Army Reserve's strength to 240,000, which is 20,000 below the minimum strength of not less than 260,000 mandated for the Army Reserve by the Congress.

Third. Establish the strength of the Guard at 400,000.

Fourth. Eliminate the 15 low-priority Guard divisions and convert them to brigades.

The effects of this reorganization—which is nothing more than a further piecemeal implementation of the merger—are far reaching with a heavy impact on Reserve component readiness that the casual announcement of the Defense Department does not reveal or indicate.

Consider these untold facts:

First. The Joint Chiefs of Staff did not recommend or approve a reduction on the Reserve components below 660,000—400,000 for the Guard and 260,000 for the Army Reserve. I am told their recommendations for the Reserve components are said to exceed 660,000.

Second. The four-star commanding general of the U.S. Continental Army Command which is responsible for training and preparing for combat all the units going to Vietnam has not concurred with the plan because of the loss of unit readiness it would cause.

Third. The chief, Army Reserve, a man of 40 years' experience in the National Guard, Regular Army, and the last 17 years in the Army Reserve, does not concur with the plan. The chief, Army Reserve, is responsible for the personnel, training, and equipping of the entire Army Reserve.

Fourth. The Army staff is reported in disagreement on the proposal, even though the matter is one of special interest to the Secretary of Defense personally and a proposal which the Regular Army has been "expected" as "good soldiers" to support.

This is evidenced by the fact that when the Section 5 Committee voted on the plan that vote "approved" the plan by a slender margin of only one vote—11 to 10.

In the committee there are seven National Guard members who may be presumed to have voted for the proposal. The seven Army Reserve members were 100 percent against it. This left the seven Regular Army generals, members of the Army staff agencies, divided 4 to 3 on the proposal.

Fifth. The General Staff Committee on Army Reserve, made up of seven Regular Army members and seven Army Reserve members voted 9 to 5 against the proposal. They also voted to keep combat units in the Army Reserve and to maintain an average strength in the Army Reserve of not less than 260,000.

Sixth. More than 300 well-trained, Immediate Ready Army Reserve units with a strength of almost 40,000 would be inactivated under the plan, only to turn about and immediately reactivate new identical units in the Guard, or upgrade, train, and equip low priority Guard units in order for them to reach the already existing immediate ready standards of the Army Reserve units that would be inactivated.

Seventh. All units of the Army Reserve are now immediate ready, high priority units that are part of the contingency plan requirements.

Eighth. The Guard's structure now includes more than 100,000 in the low priority category, not part of contingency requirements. Yet, the Pentagon is pushing for the inactivation of the Army Reserve's high priority units that are essential to the contingency plan.

Ninth. In the Army Reserve alone, tremendous turbulence would result from this proposed reorganization. It would disrupt more than one-third of the entire Army Reserve and many thousands of dedicated, trained men will be left with no units in which to train.

The Congress traditionally has supported the needs of the national defense and the Nation's security has been regarded above all else. The element of cost has been a secondary consideration.

However, we cannot overlook the cost to the taxpayer, especially when a proposal is submitted which has apparently subordinated real military requirements and the needs of the national defense to other considerations of questionable nature.

This reorganization would destroy well-trained units of the Army Reserve that are needed in our contingency plans only to activate or build up other similar or identical units in the Guard. The trained officers and men of these Army Reserve units would, for the most part, be lost, just as they were in December 1965 when the previous large-scale Reserve inactivations took place.

These units of the Army Reserve and their personnel have been trained and equipped at great expense and now we are to be asked to condone their inactivation only to turn around and activate the same type units in the Guard, or to take low priority units in the Guard and bring them up to the standards of the already existing Army Reserve units being inactivated.

This defies understanding.

There seems to be no real military justification for the plan.

We know from the hard lessons of the 1965 inactivations of the 748 Army Reserve units that their personnel will not volunteer for service in the Guard. When those units were inactivated, the end result was that only about 2 percent of the Army reservists volunteered for service in the Guard. The rest of those 55,000 reservists were largely lost.

The Army Reserve, in 1965, had six combat divisions, all with outstanding World War II records. Some of these in 1965 had reached an advanced state of training that included company level Army training tests and live fire exercises with close-in overhead artillery and air support.

It was at this point the Secretary of Defense, with the glib comment that their people would be absorbed and trained in other needed units, proceeded to inactivate these divisions.

Many of those officers and men of the inactivated units have found no other units in which to train. For a while, a large number were carried as overstrength in units where they had no specific assignments or requirement. As of now, almost the entire 55,000 have been lost.

Some few officers and men are continuing to hold onto reinforcement training units which they formed after the inactivations, and which are meeting with no pay and almost no support from the Army. The Deputy Secretary of Defense promised these RTU's would receive support, but it is noted that there is no funding for such support in the 1968 budget.

I have often thought, especially in light of recent ominous international developments, that we may wake up one day and wish we had those six fine Army Reserve divisions. In fact, if newspaper reports are correct, we are sending men and units into battle today who are less well trained than the units and men affected by the 1965 inactivations and who also may have had less training than those units and men the Secretary of Defense is now proposing to eliminate from the Army Reserves.

This new plan becomes more inconsistent when you consider that the Defense Department is about to call up some 31,000 Army Reservists as "punishment" for not participating in the Reserve program. The public has not been told that the majority of these men cannot participate because there are no units left in their areas.

A callup of Reserves if needed for the defense of our country, is one thing. But to "punish" these men when they are caught in a situation beyond their control that was created by the Pentagon itself is a highly questionable action.

Yet, at this moment the Pentagon is proposing to inactivate more units, making it impossible for more men to meet their military obligations.

There is talk of mobilization of Reserves. This has become a matter of almost daily speculation.

There was a recent press report of a 15,000-man—division size—unit having been formed in Vietnam from bits and pieces to meet an urgent troop requirement just below the DMZ.

Press reports of a few weeks ago said the 1st Armored Division is now being stripped in order to form a new brigade to meet Vietnam troop needs.

There are continuing reports of pilot shortages.

General Westmoreland is known to want and to need more troops. When the speculation arose only a few months ago that Vietnam troop needs might rise as high as 600,000, these predictions were ridiculed by the Pentagon. Yet today we are nearing that figure and new speculation raises the estimates.

It is in the face of these facts that we are being presented with a Pentagon proposal that will reduce the Army Reserve to a new low, will inactivate important high priority units, drastically lower unit readiness, will eliminate such needed units of the Army Reserve as immediate ready brigades and aviation units staffed with skilled personnel and pilots, and which will create new and widespread turbulence and loss of morale in the Army Reserve.

This seems almost unbelievable, but it is true.

I view these developments with the greatest alarm.

There is a clear and, I believe, urgent need for the Congress to stand firmly on its previous rejections of the Reserve-Guard merger and to refuse to be hoodwinked by this new proposal. It cannot be justified as being in the national interest any more than the first merger plan which the Congress found to be poorly planned, and would damage our national security. This new proposal is, if anything, worse than the first one.

The Congress must stand firm on its present language in the appropriations bill and the Reserve bill of rights—H.R. 2.

It must be made clear once and for all that these bills mean what they say and that the maintenance of strengths and the preservation of the separate components is a matter of high interest to the Congress. The Defense Department must understand that the Congress will expect compliance with the language of the bills which state that the National Guard will maintain an average annual strength of not less than 380,000 and the Army Reserve an average strength of not less than 260,000.

There must be no compromise.

Mr. MAHON. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. FLOOD].

Mr. FLOOD. Mr. Chairman, as all of us know, nothing sounds as sweet to the ears of a Congressman as the sound of his own voice. It is rather late in the afternoon. It is rather late in this bill.

First, I do not want the Members to believe that I am sailing under false colors with these black glasses. I have got a "bum" right eye. I did not walk into a barroom door, as I want the Members to see. It just leaks, somehow. The appearance is perfectly proper and entirely legitimate.

Second, I understand, after some 20 years of service on this committee, what the rules are and what one should or should not say, but I am a natural maverick and nonconformist. Otherwise, how could one expect anybody with a mustache like this to be elected to Congress from the heart of the coal fields? So one has to be sort of a nonconformist.

I want to say the same thing now that I said about this time last year, and at about this time of the day.

I hope there will be no quorum call, because this is one of my annual speeches. I desire to talk to these real hard core interested persons.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to my friend from Missouri.

Mr. HALL. I should like to accommodate the gentleman with a quorum call. I, too, believe it is a perfidy and an injustice to the Nation to consider a $71 billion appropriation bill, worthy as its intent may be, with so few Members on the floor. Only my respect for the self-styled nonconformist gentleman of Pennsylvania, and his expertise here in this area and particularly in the defense features of the Panama Canal Zone, plus my desire not to "set him down" in the middle of a good speech, precludes my point of order.

Mr. FLOOD. I agree with that, but, as the gentleman knows, these are not trained seals. We are all prima donnas. We all have rights.

The redeeming feature of this is that it expresses great confidence, it is an extraordinary exhibition of confidence, in the chairman of the Subcommittee on Defense, from the great State of Texas, that in his sublime hands would rest the fate of the Nation and of this great bill.

Mr. DEVINE. Mr. Chairman, I agree with the gentleman. I make the point of order that a quorum is not present.

Mr. FLOOD. Mr. Chairman, will the gentleman please withdraw his point of order?

Mr. DEVINE. Does the gentleman not want the Members present to hear him?

Mr. FLOOD. I am probably the last speaker. There is only an amendment, or perhaps two, for consideration. I am satisfied with the sound of my own voice and that of the gentleman.

Would the gentleman please withdraw his point of order?

Mr. DEVINE. Mr. Chairman, I withdraw the point of order.

Mr. FLOOD. Now, my remark about being a nonconformist is this: I have been on this committee for many more years than many of you can recall. This is largely for the new men who are here. I regard the members of this subcommittee with an esteem and respect which is difficult to fathom. You sit there for 5 or 6 hours a day, for 5 and sometimes 6 days a week, for 5 months at a time and then consider supplementals, and you develop an affection and a regard for your colleagues that you reserve only for members of your family. I have said it is true on my side now down South—and I was raised in the South, although how long ago is none of your business—and this is not unparliamentary language, Mr. Chairman, but the word "damnyankee" down there is one word and not two. In some parts of the State of Pennsylvania where I come from "damndemocrat" is just one word, too. Now, these damndemocrats on this subcommittee go on like Tennyson's brook, forever and forever.

As I have told you, I have been on there 20 years, and I have been low man until this year when we had the good fortune to bring in the gentleman from West Virginia [Mr. SLACK] and my good friend from New York [Mr. ADDABBO], who have contributed much and who in the years ahead will bear a great deal of this burden. How these men can do what they do is beyond me. Every one of these Democrats up to the subcommittee chairman does a tremendous job.

The distinguished gentleman from Wisconsin [Mr. LAIRD], sits to my right as the ranking Republican on Health, Education, and Welfare, the second biggest bill, which we brought in just a short time ago. We miss GERRY FORD. It was a loss to the Republican Party, I think, and to this House and to the Nation when GERRY had to leave us after 15 years to take over the mantle of leadership. He did his homework.

Mr. RHODES of Arizona we have seen here for years. As a leader how he got there I do not know. I do not know the rules on your side. They write their own there. On our side we do not have any rules. We would not dare to have a caucus. I have been at one caucus in 20 years, and the blood was so thick on the floor that we have not had one since.

Now let me tell you this: This is what I would like the public to hear. You all know—oh, I slipped there when I said "you all"—you see what influence will do—the public should know that never have I heard in 20 years acrimony, vilification, abuse, or one word of partisan politics on either side of the aisle on this Subcommittee on Defense. Not once in 20 years. In view of the tremendous and fantastic problems involved, just try and match that. You cannot match it. It is unbelievable. That is the way we come to you today.

The trouble with this bill now is years ago I could talk here for an hour because I was mad about things that were not in it or mad about things that were in it. Every year it is getting tougher and tougher for me to talk 10 or 15 minutes, because I have fewer and fewer things to get mad about. I have some things—some things.

I went down, Mr. Chairman, to the launching of the greatest fighting ship in the world 3 weeks ago, the great fighting aircraft carrier, the *John F. Kennedy*, named after our beloved and revered President. My heart was in that, but I never felt so bad in my life as I did when she started down the ways. And, Mr. Chairman, if you have never been to the launching of a great fighting ship, when it is started afloat, and after the bottles of champagne have been broken, and she starts slowly to move down those ways, and the band plays "Anchors Aweigh," and if the lump is not in your throat, there is something the matter with you—there is something the matter with you. I have been to 50, and the last one was just like the first one.

But you know, Mr. Chairman, what the trouble was. Mr. McNamara and "Mr. McNamara's Band" at the Pentagon made one of the most shocking errors and mistakes in the history of our Military Establishment. The trouble is, Mr. Chairman, that that great carrier is not nuclear powered. That is a disgrace. She was obsolescent the minute she hit the water. That broke my heart, because I came to this floor and I beat my breast and pulled handfulls of hair out of my head and did everything but get down on my knees and pray to you that a nuclear carrier as provided for under my proposed amendment, should be constructed. I got a lot of votes, but not enough.

So, Mr. Chairman, we have gotten no place, and I am mad about that. I feel better right now, however.

But, second, this bill fully funds one nuclear frigate and the money for leadtime on a second nuclear frigate is made available.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MAHON. Mr. Chairman, I yield 5 additional minutes to the gentleman from Pennsylvania.

Mr. FLOOD. I thank the distinguished chairman of the full Committee on Appropriations.

Mr. Chairman, the money providing for leadtime procurement is made available.

Mr. Chairman, I introduced an amendment in the subcommittee to fully fund both of these two nuclear frigates, conforming with the authorization act. That is the practice of the Committee on Appropriations. But, that does not impress them. I had the vote of my distinguished friend from Alabama [Mr. ANDREWS], and I say to the gentleman now, Mr. Chairman, never as long as I am on this subcommittee will I ever again vote for a combat ship of the line which is not nuclear powered—never, never again. I hope you do not; I hope you do not.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to my distinguished friend, the gentleman from California [Mr. HOLIFIELD].

Mr. HOLIFIELD. Mr. Chairman, I thank my distinguished friend, the gentleman from Pennsylvania [Mr. FLOOD], for yielding. The gentleman knows how dear to my heart this subject matter is, and how dear to the heart of the Joint Committee on Atomic Energy is this subject. That committee has been fighting, along with the Committee on Armed Services and the Committee on Appropriations, for this very objective which you have achieved in today's bill.

Mr. Chairman, I wish to compliment the distinguished gentleman from Pennsylvania [Mr. FLOOD] for his stand on this matter over the years and also I wish to compliment the Committee on Appropriations for the courageous position that it has taken. They are 100 percent right.

Mr. Chairman, it is also a great pleasure for me to stand up and add my humble commendation to the words that the gentleman from Pennsylvania has just spoken and for the action which the gentleman's Committee on Appropriations has taken.

Mr. FLOOD. Mr. Chairman, I know the position of the distinguished gentleman from California as chairman of the committee dealing with this subject, and I know the position of my distinguished friend from South Carolina, whom I call "cousin," the great chairman of the great Committee on Armed Services of the House of Representatives.

Mr. RIVERS. First cousin.

Mr. FLOOD. Yes, first cousin.

Mr. RIVERS. Mr. Chairman, I wish to thank the distinguished gentleman from Pennsylvania [Mr. Flood] for his defense of nuclear propulsion of surface ships.

Mr. Chairman, I told the Secretary of Defense that so long as I occupy the chairmanship of the Committee on Armed Services, there will never be another conventional-powered carrier. I have also gotten word to the DOD that there will be other frigates, nuclear powered, for the future.

Mr. Chairman, we never received any help out of the Department of Defense, but we have come up with these two nuclear-powered frigates. We had quite a fight with the other body in the conference, but it is wonderful to have the backing of the great Joint Committee on Atomic Energy and the backing of the great Committee on Appropriations, working in conjunction with the Committee on Armed Services.

Mr. Chairman, one must remember that if it were not for the Congress, we would not have a single nuclear-powered submarine today. The Congress has been the beginning of all this.

Mr. Chairman, it is just refreshing to me to see the gentleman from Pennsylvania [Mr. Flood] with his strength back again, making his own appealing plea and defending the things that ought to be done. May God bless the gentleman.

There will never be another like you. Thank God you are on our side.

Mr. FLOOD. I am for you also.

You know, he is a very fast studier, Mr. Chairman, because I just wrote that out for him about 3 minutes ago, and how he memorized it so fast I do not know.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Mr. Chairman, I yield to quite a character. If you ever heard this man on the back of some admiral, chewing him out as a cross examiner, it would do your heart good because he will never allow a witness to get away from him without losing at least one ear. So I yield to my friend from Wisconsin [Mr. Laird].

Mr. LAIRD. Mr. Chairman, I thank the gentleman for yielding to me.

I would like just to substantiate what he had said about partisan votes in our committee. We have never had a partisan vote in our committee since I first went on the committee in 1953; by partisan vote I mean one in which we divided on in our committee on the basis of our political associations.

Mr. FLOOD. I will say to the gentleman that is correct.

Mr. LAIRD. We put aside all partisan politics. We try to make our decisions based on what is best for the national security of the country with defense appropriations.

Mr. FLOOD. The gentleman does not mean we have never had some very stiff arguments, does he?

Mr. LAIRD. Oh, we certainly have had some very stiff arguments, that is true.

Mr. FLOOD. The gentleman does not mean that I have not had trouble with him, and that he has not had trouble with me, but we always got along.

Mr. LAIRD. But we have always gotten along. We have been able to resolve our differences. Our dispute here is with the Department of Defense. We are disappointed in their not going forward with the nuclear frigate last year. We appropriated leadtime money for this last year.

Mr. FLOOD. That is right.

Mr. LAIRD. What I am afraid of is that they may very well hold back, insisting upon conventional power again. This would be a great mistake because we just built an obsolete carrier. When we launched it, the launching was on the television all over this country, and that carrier was obsolete the day it was launched.

Mr. FLOOD. Can you imagine sitting there with me when she went down those ways? It would break your heart.

Mr. LAIRD. I was glad I was not there with you because it would have broken my heart, too.

Mr. FLOOD. I want to add just one more additional thing, even though I dislike taking up this additional time and holding things up:

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAHON. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. FLOOD. I will not take that much time. I will do it in English.

The CHAIRMAN. The gentleman is recognized for 5 additional minutes.

Mr. FLOOD. Mr. Chairman, there is one thing that sooner or later we must take a look at. I do not know who is going to do it, but somebody must take a look at it, and that is this business in the Department of Defense of making it mandatory that every officer must serve a tour of duty in almost every bureau or department in the hope that he will become Chief of Staff of the Army or the Air Force, or commander in chief of naval operations in the Navy; that he must have a couple of years of service in every office in the Pentagon. This is simply 19th-century thinking, it is an obsolete thing and it should be corrected. I do not know how we would do that, but as a result of that what we get is appalling incompetence in those sections. The fiscal people and the budget people are good, but when they send up line officers, we should not have line officers coming up there in the first place, and they do not like it, and I do not blame these officers, especially officers from four-striper up. They do not want to be here. They want to be with the fleet, or they want to be with the troops, and I do not blame them. That system should be changed.

I hope as soon as we can that a proper committee or a special commission be named to revise that entire procedure which is an archaic and obsolete method of filling these bureau chiefs. It is a dangerous and a bad thing.

Finally this: I know the Fourth of July is approaching, and I am going to make some speeches on the Fourth of July, and so are you.

I do not intend this as a rehearsal—I do not want to try it—but I would just like to say this. I hope for obvious reasons that there is not one vote in this House against this bill—not one.

Now I can understand why a handful of my friends may have voted against the supplemental bill for South Vietnam. That is pretty clear and understandable. But there is less than $20 billion out of the $71 billion in this bill for Vietnam. In all conscience—as strong as you feel on that subject, I would hope, as I say for obvious reasons, that this be a unanimous vote as a warning and as a sign to the world. I know this bill and I know what is in it, so far as finite man can know with a can of worms like this—and it is a can of worms. But make no mistake about this. We on this subcommittee know, and I now report to you, if you have any doubts, the United States of America is the richest, the strongest and the most powerful nation on the face of this earth—bar none. There is not a nation or a combination of nations in the world that does not know it.

We did not ask for this job. God knows we did not ask for this job. But we have it and, Mr. Chairman, that is the way it is going to be. There is only one thing for a leader to do, a leader must lead or quit, lead or get out. Two laps around the track, and go to the showers, hand in your uniform, get out or leave. Mr. Chairman, from now on this Nation intends to lead, whether anybody likes it or not.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. LIPSCOMB. Mr. Chairman, I yield such time as he may require to the gentleman from New York [Mr. Horton].

Mr. HORTON. Mr. Chairman, I rise in support of H.R. 10738, a bill making appropriations for the Defense Department in the fiscal year which begins July 1.

Other than the crisis years of World War II, this measure directs the spending of more money than ever before in the history of our Nation for the common defense. I rejoice not in the establishment of such a record. Yet, I recognize its necessity both to assure our deterrent posture in a world frequently strained by the ambitions of arms and to insure the fulfillment of American commitments in Southeast Asia.

If this bill related directly to the question of how we should pursue our military course in the next year, I might be inclined to comment further; for there are questions on my mind, too, about the effectiveness of our military strategy in ending the aggression in Vietnam. But, that is not what is really before us today. Our Constitution vests the President with the responsibility to direct military engagements. His departments have come to Congress asking appropriate funds to carry out this responsibility.

Our colleagues on the Appropriations Committee have given these requests their laborious and dutiful attention, amending them where they felt it needed, reducing them where they believed it prudent, and affirming them where their wisdom counseled them to do so. The committee report and the statements we have heard today from our colleagues who took the testimony and then wrote the bill offer their own evidence of the competent and comprehensive determinations which surround the committee's recommendation.

As I stated a moment ago, the sheer size of this bill is indicative of the strategically imperiled world in which we live. That it should require of the resources of the United States $70 billion in 1 year to maintain democracy's defenses can only be viewed as regrettable. And, I feel certain I share the feeling of so many of my fellow Congressmen and citizens that a much better world would result if this Nation could devote similar financial strength to pursuits like education, housing, urban revitalization, health, and pollution control.

Still, reality makes us realize that without the freedom protected by such defense expenditures, even that which we now are applying to these peaceful undertakings simply could not be.

Mr. LIPSCOMB. Mr. Chairman, I yield 15 minutes to the gentleman from Arizona [Mr. RHODES], a member of the committee.

Mr. RHODES of Arizona. Mr. Chairman, there is really nothing lower anywhere than the junior member of a subcommittee, on the minority side. Recognizing that fact, I wish to inform my colleagues, and I am sure they will receive this knowledge gratefully, I do not intend to consume all of my time.

Mr. Chairman, I do not intend to try to prove that I am a great military strategist—because I am not a great military strategist—I have not been on this committee long enough.

But I have been on the committee long enough to form a great and lasting admiration for the other members of the committee and for the staff of the committee. It has been said that this is a hard-working committee. It is a hard-working committee.

It has been said that the members are devoted to their duties. They are devoted to their duties.

It has been a great experience for me to be able to be on the committee, to compare notes and to listen to the incisive questioning by the members of the committee of those who come from the Pentagon Building to justify their budget.

This is a $70 billion budget. It started out to be $71 billion. As befits my station on the committee, I am going to do some nitpicking. Somebody has to nitpick a little bit and I think in my position I can do a good job of it.

The item I am going to talk about is three-tenths of a millionth of this particular budgetary request. The item I am going to talk about amounts to $20,000.

If you will turn to page 75 of part V of the hearings, you will see the following colloquy under the heading of "Beautification Program":

BEAUTIFICATION PROGRAM

Mr. LIPSCOMB. What was the item you mentioned about the report on natural beauty?

Mr. HORWITZ. This is money provided to the Director of the Bureau of the Budget.

Mr. LIPSCOMB. What has this to do with the Defense Department?

Mr. HORWITZ. It is our share of this program, and of course we do have our real estate holdings where we carry out certain programs to keep them looking nice.

(Off the record.)

Mr. ANDREWS. Is that amount for beautification an assessment against the Defense Department?

Mr. AIRHART. If I remember correctly this was the President's report.

Mr. ANDREWS. The so-called beautification program?

Mr. AIRHART. That is right.

Mr. ANDREWS. I believe you stated you made the contribution because it was assessed.

Mr. AIRHART. The Budget Bureau would make a determination as to each participating agency's share of the cost.

Mr. ANDREWS. I assume then all or most of the Government agencies are assessed so much for beautification.

Mr. AIRHART. I should think this would include a great many of them, not all.

Mr. Chairman, the meaning of all of this is that someone in the President's office decided that various branches of the executive department should be assessed for some beautification program somewhere. The Bureau of the Budget decided how much each of them was to pay, assessed them accordingly, and the money was put into a beautification program for some purpose somewhere, we know not what or where. In fact, the people who testified from the Department of Defense were not very firm in their own knowledge as to where this particular sum of money went. I do not know how much total money was raised by the executive department in this way, but it seems to me obvious that this is a clear circumvention of the power of the Congress to appropriate.

Going on, Mr. Fisher was asked where this money came from. I will read the colloquy:

Mr. LIPSCOMB. And then there was a reprograming action taken?

Mr. FISHER. Internally.

Mr. LIPSCOMB. For you to obtain the $20,000 to pay your share?

Mr. FISHER. We financed it from internal resources.

Mr. LIPSCOMB. Have you told us where you obtained the money to do this, from what funds?

Mr. FISHER. No, sir; we have not.

Mr. LIPSCOMB. This is what you are going to tell us for the record?

Mr. FISHER. We will; yes, sir.

(The information following:)

The $20 thousand was derived from within the OSD funding due to the refinement of Supplies and Materials estimated requirements.

As one member of the Appropriations Committee, I would like to serve notice on the executive department that this sort of thing, which is apparently a brandnew gimmick, had better stop. We do not intend that this type of circumvention of the authority of the Congress—actually the duty of the Congress as set forth by the Constitution—will be thwarted by operations such as this carried out through the Bureau of the Budget or any other part of the executive department.

Now, some more nitpicking, but this is a little bigger nit because I imagine if what I propose were done, it would save something like three one-hundred-thousandths of the $70 billion which we are appropriating. This involves the duplication of effort amongst the three services insofar as service schools are concerned.

For example, each of the services has a Judge Advocate General School. It is true that the main Judge Advocate General School is the Army school located at Charlottesville, Va. But the other two services also have JAG schools.

The same Code of Military Justice applies to personnel of the armed services. The laws which pertain to them may not be identical, but they are certainly almost identical insofar as their approach is concerned. I defy anyone to put forward a cogent argument as to why it is necessary to have three separate Judge Advocate General Schools. It seems to me they could very well be consolidated into a Department of Defense Judge Advocate General School, and I, for one, recommend that this be done.

As a former JAG officer—I might say a retired JAG officer—I happen to know that before long new arrangements will have to be made in Charlottesville or elsewhere for the Judge Advocate General School of the Army. When this is done, I hope that the school will be made into a DOD school, and the officers from all services, who are lawyers and who need to be oriented or trained in military justice, will be sent to this particular school.

Other schools in the same category concern training for hospital corpsmen.

It is my understanding that all three services train their corpsmen differently. On chaplain schools, I cannot imagine why it would be necessary to have three different chaplain schools. Certainly the finance schools of the three services could be consolidated, as could all of the management types of schools.

I do not have any idea how much money could be saved, Mr. Chairman, if the schools of the types I have mentioned were consolidated, but I daresay it would be a rather substantial sum. I venture to say it would be at least equal to three one-hundred-thousandths of this very large budget.

One of the topics often mentioned by members of the subcommittee during the course of the hearings was a concern that this Nation was becoming myopic concerning our responsibilities in Vietnam—that our concentration on Vietnam was so deep, so intense, that we were neglecting our duties and responsibilities throughout the world.

I noticed in the newspapers not too long ago a mention of the fact that we probably have 40-some treaties with other nations involving some obligation or another on the part of the United States of America. None of us wants the United States not to be in a position to fulfill treaty commitments. But I do not know what these commitments are.

One thing I definitely suggest is that there be some sort of high-level meeting between the Secretary of State and the Secretary of Defense, so that at least the latter may be informed—if he is not already—as to what the possible military commitments of this Nation might be, as a result of these treaties.

When we think of the magnitude of the commitment in Vietnam, when we think of what could have happened in the Middle East not too long ago, when we think of what could happen in South America and other areas of the world in which we are interested and in which we have treaty obligations, we realize that we in Congress are facing a task, in carrying out the responsibilities of this Nation, of a magnitude which we probably cannot even visualize.

We realize that the executive branch also is facing the responsibility of planning for future actions which they probably cannot visualize.

I hope that someday there will be an inventory made of these responsibilities, that we may face up to them realistically in the cold hard light of the late 20th century, to determine whether or not we as a nation really can survive the type of burden which we apparently have assumed throughout the years, and to make if necessary some agonizing reappraisals as to our national responsibilities, squared with our national ability to discharge those responsibilities.

In doing this, of course, it is going to be necessary for us to make certain very basic assumptions. Many of our responsibilities were assumed when the use of nuclear weapons was contemplated, if necessary, to fulfill them. If we are going to carry out those same responsibilities with conventional weapons, then we have a brandnew game as far as training, procurement, and logistics of our Armed Forces are concerned. We have new decisions to make as to our national economic ability to fulfill these responsibilities under the rules of the game as they now exist. It is important that we make these basic decisions and square them with the action which the rest of the world might reasonably expect us to take in the event of aggression elsewhere in the confines of our globe.

I believe it is also necessary that we look at one very important part of our defense arsenal as it exists today. Throughout the hearings, whenever the Air Force and the Army or the Navy were in the room testifying, they were queried concerning their pilot training programs. The Air Force had 2,956 pilots programed for training in fiscal year 1967. In 1968 this goes up to 3,492. I, for one, hope that this is enough, but I am not satisfied that this is enough—for this reason: We have been fulfilling our pilot requirements in Vietnam and elsewhere by taking some actions which a lot of us never thought would be necessary to take.

One of the actions is to take people from jobs which are not flying jobs and put them back in the cockpit after years of limited flying and at ages which are far advanced from those which one ordinarily ascribes to a combat pilot, and then send them out to combat.

I should say, in the next breath, these older pilots have certainly acquitted themselves beautifully. They are fine pilots. They are good men.

At the same time, one wonders for how long we should rely on this type of pilot reserve. In other words, should we not be training more people so that it is not necessary to take pilots out of nonflying jobs and put them back in the cockpit? Many of them are literally "flying grandfathers," capable though they may be.

Also, is it really a good thing to take pilots out of nonflying jobs and send them back to pilot duties?

In many instances it is true, I am sure, that there are jobs which can be handled by nonpilots just as well as any pilot can handle them. However, in the Air Force, by the nature of its mission, there are jobs which should be filled and must be filled by pilots.

I hope that in our zeal to hold down pilot training and our necessity to man aircraft we have not set up ground rules for filling jobs which take pilots out of jobs they should fill. I suspect we have done this.

I hope the Department of Defense will engage in a reappraisal of this whole situation to make certain that the pilot training program is adequate to fulfill all the needs of the Air Force, but also that, pilots will continue to have the opportunity to move into command and staff positions not directly related to flying.

We are told that already there are pilots who are doing a second tour of duty in the Vietnam theater. Rotation of military personnel certainly is to be desired. I believe all of us agree this is a fine morale factor. When one rotates a man from his tour of duty and then a year later sends him back, I wonder how good a morale factor that is?

I recognize the need for pilots, but at the same time we should grind into the need for pilot training some question of whether this is the type of thing we want to do, or whether we should train more pilots than we are now.

Mr. Chairman, in closing I also want to express my agreement with the committee in insisting that we maintain certain airlift capabilities of the reserve arms of the Air Force. The C-5 is to be a great airplane. I hope that we will proceed posthaste to build it and to deploy it. Certainly it is not now built and it is not now deployed.

Therefore, at this time, in order to fulfill the commitments which we have not only in Vietnam but also in other parts of the world, it seems to me to be great wisdom on the part of the Congress to insist that the National Guard airwings which were scheduled for deactivation be retained as active units of the Air National Guard.

Mr. MAHON. Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia [Mr. SLACK], a member of the subcommittee.

Mr. SLACK. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, one of the less imposing dollar items in this multibillion-dollar bill, amounting to a total of only $134.8 million, provides funds for the construction of a nuclear-powered guided missile destroyer leader, and for advance procurement activity on another ship of the same class. This item is not large as today's military expenditures go, but it appears to be a forerunner of events to come.

During recent years there has been growing a conviction in the minds of many that all major naval vessels will one day be nuclear powered. But during those same years there has been a reluctance on the part of defense planners to move firmly away from conventionally powered vessels.

It is quite true that nuclear-powered vessels cost more in the construction and preparation stages. For the same amount of money we can obtain more vessels of comparable size if they are conventionally powered than if nuclear powered. But measured over a span of years, it now appears that no defense funds are actually saved through the construction of conventionally powered vessels.

It was pointed out during the hearings that new naval vessels being built today may reasonably be expected to provide for our defense during the next 35 years, or into the 21st century. Viewed from this standpoint we would do well to ask ourselves whether or not the Congress should not take a stronger position with regard to planning and procurement of nuclear-powered vessels now.

The quick crisis which developed in the Middle East focused our attention on the possibility that we may be required to establish a military presence in several parts of the world at once during some series of international events. Speed of deployment and flexibility of logistics is critical in a situation of this kind. The vessels which can get there fastest and stay on station longest will have the greatest value to us. The world outlook today does not offer us any assurance that a future year will not find us faced with two or three critical situations separated by thousands of miles of ocean. Prudence would suggest that we be prepared to the best of our ability for such a set of circumstances.

During the hearings it was also testified that to bring our Navy up to full cognizance of all modern developments would cost some $15 to $20 billion. As a worldwide power we must have a Navy with worldwide capabilities, so it follows that modernization of the Navy is not actually a subject which offers many alternatives for debate.

During the coming years we will find that the money must be spent and the modernization must be effected. The debate will center upon the question: how best can the goal be accomplished, and will feature the nuclear versus conventionally powered vessel. But today we are much less in the dark about the true costs of operating the two types effectively. We have hard experience by trained naval officers to study, and that experience is being gained every day in the waters of Southeast Asia.

The comparison between operation of nuclear and conventionally powered vessels in support of our South Vietnam commitment appears to be leading to the unavoidable conclusion that our first-line fighting forces must all be nuclear powered if we are to rely on maximum efficiency on the high seas in our national defense.

Mr. MAHON. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York

[Mr. Addabbo], a member of the subcommittee.

Mr. ADDABBO. Mr. Chairman, the House today has the task of passing on the largest single defense appropriations bill in the history of this country. After months of study and review, the Appropriations Committee—of which I am a member—now asks this body to approve more than $70 billion for our national defense during fiscal year 1968. I want to assure my colleagues that the committee, under the leadership of its distinguished chairman [Mr. Mahon] and ranking minority member [Mr. Lipscomb] has approved only those expenditures which proved under rigorous investigation to be absolutely necessary to our national defense.

About three-tenths of the proposed appropriation, or more than $21 billion, represents the rising cost of the war in Vietnam. Because the action of the opponent, as it may either increase or decrease, is unpredictable, costs in Vietnam cannot be precisely projected. Nor did the committee attempt to anticipate the effect of future world crises, such as the Middle East war, on our national defense requirements. I concur with the other committee members in the belief that we must continue to improve our ability to deal with international crises as they may occur.

I lament as I know many others do the fact that the greatest part of our budget, year in and year out, must be devoted to securing our homefront and those of our allies from the threat of useless and despicable aggression. I am dismayed to think that we are spending more each year fighting a protracted war in Vietnam than we are on all the new domestic programs combined. Just think what a fraction of this proposed defense expenditure could do at home to aid the poor, improve health care and facilities, upgrade education, discourage crime—in short, treat the maladies which permeate America, and especially her cities.

Defense spending is not permissive but mandatory. It is like medicine which is necessary for staying alive. As we strengthen our defense we also seek ways and means to a lasting peace and until a better remedy is found a strong defense is still one of the best deterrents to possible all-out aggression by those who would try to destroy free and independent nations.

Mr. LIPSCOMB. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. Findley].

Mr. FINDLEY. Mr. Chairman, I was much impressed with the presentation just a few minutes ago of the gentleman from Ohio [Mr. Bow], in which he set forth quite clearly and properly the constitutional responsibilities of the Congress in respect to military forces; that is, not only the responsibility to raise armies and navies but the responsibility to regulate them.

This is truly a bill to raise an army, to provide for the paying of the men and their equipment. It does raise some additional constitutional questions which I attempted to raise at a rather late hour in connection with the draft bill several weeks ago.

When engineers build a larger engine, they generally put a bigger brake on it. Through the years the Presidency has certainly become a more powerful institution with each succeeding year. Yet, except for the limitation to two terms, I cannot think of any respect in which the Congress has seen fit to put additional braking power upon the Office of the Presidency. For example, I raise the question: What limitations are placed on the President of the United States in respect to the military forces to be created by this bill? Can he send these forces on his own personal decision any place in the world for almost any type of mission? In the absence of a declaration of war, does the President really have this authority? We face the possibility if not the prospect of the President sending another 200,000 or 300,000 combat forces to South Vietnam. Upon what legal authority will the President undertake such an action? Would it be the Gulf of Tonkin resolution? Was this really an explicit act on the part of the Congress authorizing the President to go that far in that region of the world so as to put a half a million people into combat? I question really whether the Congress has measured up to its constitutional responsibilities in recent years. The responsibility, the duty—not just the right, but the duty—to declare war. It seems to me that we have really shirked our duty, and I direct this criticism at myself as well as others.

We seem to have been willing to let the President, on his own, make a fateful decision to send military forces into battle on the Asian mainland. Does the President have adequate authority to send half a million soldiers to other places in the world if, in his opinion, the national interest so directs? Could he send them into the Middle East, for example, if war should break out and he should decide that this is really what ought to be done?

In other words, has the Congress yielded completely in these modern-day circumstances to the Executive the Congress right to declare war?

To me, Mr. Chairman, these are sober questions that deserve our attention.

Mr. LIPSCOMB. Mr. Chairman, I have no further requests for time.

Mr. MAHON. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi [Mr. Montgomery].

Mr. MONTGOMERY. Mr. Chairman, I would like to limit my remarks to page 7 of the report made by the Committee on Appropriations pertaining to the realinement of the Army Reserve components. My friend, the Congressman from Pennsylvania [Mr. Flood], said that he was the last speaker of the day on the Democratic side. I certainly agree with him, because I cannot compare with him. Also he said that "damnyankee" was one word, and I certainly want to agree with him on that, too.

I would like to commend the chairman of the Committee on Appropriations, the Congressman from Florida [Mr. Sikes], and also the gentleman from Ohio [Mr. Bow], in seeing that these statements were inserted asking the Department of Defense to come to the Congress before they realined the National Guard and the Reserve forces of this country.

Mr. Chairman, it just does not make sense to me at this time to eliminate these National Guard units and these Reserve units, when our country, as this report says, is in a time of crisis.

Now, Mr. Chairman, most of the National Guard divisions that will be eliminated by the Secretary of Defense are in camp right now training. These 15 divisions are in camp right now.

You know, Mr. Chairman, Secretaries of the Department of Defense in the past have tried to update and not eliminate these National Guard units.

Mr. Chairman, I recall that the 36th Division in World War I—at least I was told today—had a cavalry regiment that fought in World War I. They did not do away with the 36th Division when they brought in tanks and mechanized the division. They eliminated the cavalry regiment and put in an armored regiment in place of the cavalry regiment.

Mr. Chairman, when they had the horse-drawn artillery, they did not eliminate these divisions, but the Secretary came in and ordered that there be brought into the division the self-propelled artillery weapons.

Mr. Chairman, my point is that you do not have to eliminate a division or a Reserve unit in order to bring it up to date or to build it up to the present war level. You can still keep the individuality of the various units involved.

Mr. Chairman, it is said that these are good National Guard divisions, and they are.

Mr. Chairman, I quote the 31st Division which is composed of men from Mississippi and Alabama. These divisions, when in camp, are graded by Regular Army officers and enlisted personnel sent to these divisions by the Secretary of Defense.

Mr. Chairman, the 31st Division in 1965 had 88 individual-type units or batteries—company-sized units. These 88 units which were graded by Regular Army personnel who grade them as being superior, excellent, satisfactory, or not satisfactory—in 1965 all 88 of these units received a superior rating which indicates that they were proficiently trained and ready to fight.

These are the units which the Secretary of Defense is trying to eliminate.

In 1966 this same division—and these same figures will hold true for other divisions of the National Guard—of the 88 units that went to camp, 81 received a superior rating by regular Army personnel and seven received a satisfactory rating.

Mr. Chairman, it is the opinion of others—it is not my opinion alone—that if you eliminate these National Guard divisions and these Reserve units, and if you realine them, it is going to take at least 3 years during which to bring these new concept brigades and these new Reserve units up to the trained level that these National Guard divisions and these Reserve units have at this time.

Mr. Chairman, insofar as I am concerned this is a very important point.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the distinguished gentleman from Florida.

Mr. SIKES. Mr. Chairman, I wish to compliment the gentleman from Mississippi [Mr. MONTGOMERY] for a very sound statement and for his strong interest in this matter.

Further, Mr. Chairman, I wish to agree with the gentleman that it is a lot simpler, less costly, and more effective to keep a combat-trained man in a combat unit than it is to convert him to a carrier of water, a hewer of wood, or a baker of bread.

Mr. Chairman, we must have proper logistical support units. We cannot win wars without them. However, it just does not make sense to convert combat-trained units to logistics support units.

Mr. MONTGOMERY. Mr. Chairman, I certainly agree with the statement of the distinguished gentleman from Florida and I thank the gentleman for his remarks.

Mr. Chairman, another real danger that I see——

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MAHON. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. MONTGOMERY. Mr. Chairman, another real danger that I see—and I would like the Members of Congress to hear me out on this—is that in most States you are going to lose individual units. For instance, I can use my State as an example where we now have 120 company- and battery-sized units located throughout the small towns of my State which are participating National Guard units. However, under the new proposal, we will have to cut back to 79 units. That represents a reduction of 41 units. However, the problem under the new proposal is where you have a company- or battery-sized unit, you could end up under this new proposal with a platoon or even a squad.

I certainly think at this time it is unreasonable and unbelievable and certainly not in the best interest of the country to realine these National Guard divisions and also the Reserve units, and I hope the Secretary of Defense will heed the request of Congress.

I recall to the Members of Congress that the concept of citizen-soldiers is older than this Nation itself. Certainly Congress should be consulted when such sweeping action is taken by the Secretary of Defense.

Mr. MAHON. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Mr. Chairman, because of the well-intentioned comments of my friend, the gentleman from Ohio [Mr. MINSHALL], and because of certain other things that have been said and written with regard to the F-111 program, I should like to take this time simply to accentuate the positive. I want to bring to the attention of the Members of this House some of the really fine advances that this program does symbolize and embody. The F-111 is a magnificent aircraft and all of America has ample cause to be extremely proud of it.

Those pilots who took the F-111 plane to the Paris air show, Col. Ray O. Roberts and Maj. Robert K. Parsons, returned reporting that it had been the sensation of the entire show. They reported that the Russians had been so impressed that they had spent hours walking around it, looking at it, photographing it and even asking if they might scrape a bit of metal from its wings to take back with them. This clearly indicates——

Mr. MINSHALL. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Of course I will yield to the gentleman, but I have only started.

Mr. MINSHALL. Mr. Chairman, I would like to just make the record clear and state that the F-111 that was at the Paris air show was the Air Force version of the F-111, it is the other version of the F-111, the so-called F-111B with which I was critical.

Mr. WRIGHT. Mr. Chairman, I appreciate the gentleman's elucidation. It is true that the planes demonstrated in Paris were F-111A's. But I believe the worldwide reaction to the stunning new developments in this program applies with equal force to both versions.

Mr. MINSHALL. They are two different airplanes, weightwise, flight characteristics, and in many other respects.

Mr. WRIGHT. Of course, they are two slightly differing versions of the same basic design, in spite of the best efforts of the Defense Department to achieve the maximum degree of commonality.

Mr. MINSHALL. That commonality concept has gone out of the window. The Air Force version of the F-111 is as different as night is to day with respect to the Navy version.

Mr. WRIGHT. Mr. Chairman, I appreciate the gentleman's deep interest. I did not ask him to yield earlier until he had spoken for about 10 minutes, and I have only 3 or 4 minutes remaining in which to emphasize some of the really positive advances achieved in this revolutionary new development in airpower. Permit me, therefore, to emphasize those things which apply to both the Navy and Air Force versions of the F-111.

We have all heard a lot about commonality. I believe it is a valid goal to achieve. Adm. T. F. Connally, Deputy Chief of Naval Air Operations, after flying the plane, said he believed that Defense Secretary McNamara was right. Admiral Connally expressed his own opinion that the commonality factor would save many hundreds of millions of dollars in the follow-on programs and in parts and maintenance. He spoke enthusiastically of the performance characteristics of the F-111B. He said, "I think this F-111B is going to land on that carrier like a lady." I have talked personally with Secretary Nitze and the Navy project officers, and I have no doubt of their enthusiasm for this program.

But let me mention just two or three things that have not yet been brought out in this debate. I believe you will see why the Navy spokesmen are enthusiastic for the F-111B. It brings together in one package the greatest number of totally revolutionary new advances in the state of the art of air-to-air warfare that we have ever seen in the United States.

First, of course, is the swept-wing design, the first of its kind. It is truly revolutionary and extremely significant. By extending the wings at a 90-degree angle from the fuselage the plane is capable of very low speed takeoffs and landings. This, of course, is extremely important on aircraft carriers and on short, hastily built jungle landing strips. But with the wings swept back alongside the fuselage, it can fly 2½ times the speed of sound. One plane contains both extreme capabilities. This makes it the most versatile combat aircraft ever developed by American industry.

Another extremely significant innovation is the modulated turbo-jet engine which, for the first time in jet aircraft, will permit a wide range and a rapid change in speed. Heretofore military jet aircraft have had, let us say, to coin some terminology, just two gears, low gear and floorboard. There were only two choices—either subsonic speed or full jet power. But with the modulated turbojet engine in the F-111, we do not have to just kick on the afterburners and go from a very slack speed into top speed. Our pilots will have a wide range of speeds where they can modulate and make much more flexible the speed and maneuverability of the aircraft.

Nothing has been mentioned in this discussion about the truly revolutionary new radar fire control system. This is an almost unbelievably spectacular advance in target tracking and controlled firepower. Better by far than anything that any nation has conceived in the past, the F-111's fire control system is capable of firing simultaneously at six targets, and while destroying those six targets, it can maintain a constant computerized tracking of 16 more simultaneously. This fantastic new development has been tested and proven in more than 8,000 hours of ground and airborne operation. It works. There has never before been anything like it in the history of warfare.

An equally dramatic thrust forward is involved in the Phoenix air-to-air missile in the F-111. It will extend the effective range of air-to-air missilery by as much as five times the present distance. Think of it. With this new system it will be possible to destroy targets in the air from five times the distance. Consider the advantage.

In other words, if we can knock out a target that is 10 miles away today, this new forward-looking missile system will be able to knock that target out from 50 miles away.

The airplane also embodies a new ejection capsule system, which for the first time, will work at extremely low levels on the ground and on the water, and insure the survivability of the pilots.

Each one of these new systems is a daring and truly spectacular advance in the art of aerial warfare and, wedded together as they are in this revolutionary new airplane, they constitute the greatest potential advance in aerial combat capability that the Nation has ever put together in a single production program.

So I am sure you can see why I say that it is high time to accentuate the positive about the F-111. There is no need to be the least bit defensive about it.

It is inconceivable to me that the Congress would want to delay by 2 weeks or 2 days—let alone 2 years—the entry of this badly needed weapons system into our inventory.

Mr. MAHON. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. HOLIFIELD].

Mr. HOLIFIELD. Mr. Chairman, I have come to the floor of this House many times before to discuss the issue of nuclear propulsion for the surface warships of our Navy. On May 29, 1967, I told you about the commissioning of the nuclear frigate *Truxtun* and the sad state of affairs represented by the recent christening of the nonnuclear aircraft carrier *John F. Kennedy*. The *Kennedy* could have and should have been nuclear powered.

On May 8, 1967, I spoke in support of the fiscal year 1968 defense authorization bill presented on the floor of this House by the distinguished chairman of the House Armed Services Committee, the Honorable L. MENDEL RIVERS. That bill, as originated in the House and as subsequently agreed to in a Senate-House conference and signed into law by the President on June 5, 1967, authorized three new nuclear submarines, long leadtime procurement funds for a third nuclear aircraft carrier, and two new nuclear powered guided missile frigates which Congress substituted in place of two nonnuclear destroyers requested by the Department of Defense. This law, Public Law 90–22, represents a forward step toward equipping our Navy with the finest in nuclear powered surface warships—a step which is badly needed and long overdue.

The bill before the House today appropriates funds for these nuclear-powered warships. In my capacity as a member of the Joint Committee on Atomic Energy I have delved deeply into the factors involved in the value of nuclear propulsion for warships. As you all know, the Joint Committee has studied and analyzed the question of nuclear propulsion for submarines and surface warships for many years. This intensive review was required before the committee could recommend to Congress the research and development effort necessary to build a nuclear Navy "second to none."

As I stated before, the defense appropriation bill for fiscal year 1968 includes funds for two nuclear-powered frigates substituted by Congress in place of two nonnuclear-powered destroyers requested by the Department of Defense. Further, the appropriation bill includes funds for performing the contract definition of a new class major fleet escort called the DXG; the Armed Services Committee Report No. 221 dated May 2, 1967, on the fiscal year 1968 defense authorization act and House Report No. 270 dated May 22, 1967, on the Senate-House Armed Services Committee conference contain language which prohibits using any of these funds for the design of any major fleet escorts not powered with a naval nuclear propulsion plant—a step which I also endorse. Of course, the intent of this provision is not to confuse you with the nomenclature used for various types of ships; the intent clearly is to provide all nuclear escorts for our nuclear aircraft carriers—no matter whether they are called DLGN, DDGN, DXGN, or DXN's, or anything else.

The aircraft carrier continues to be one of our prime naval attack weapons. It provides a movable platform from which to launch airplanes wherever they may be needed. It is a floating airbase complete with maintenance and repair facilities. It has proved to be a vital asset in support of our military activities in Vietnam. The tremendous problems and expense of building up land airbases in Vietnam continue to demonstrate the great advantages of the aircraft carrier concept.

However, to fully exploit the full potential of the carrier task group, everything possible must be done to minimize the logistic support required to sustain the ships in a combat environment. Elimination of the requirement for a continuous supply of propulsion fuel makes nuclear-powered ships valuable. This became abundantly clear to the members of the Joint Committee when we studied this problem in 1963 and prepared our report on nuclear propulsion for naval surface vessels. See the December 1963 Joint Committee report entitled "Nuclear Propulsion for Naval Surface Vessels."

The Department of Defense has finally come to realize this, in the case of aircraft carriers—after Congress repeatedly pointed it out. They still have not recognized this important truth in the case of ships built to escort nuclear carriers.

In fact, I saw an interesting item in Sunday's Washington Post about Navy Secretary Nitze being designated to replace Cyrus Vance as Deputy Secretary of Defense. The article said:

> Perhaps one of Nitze's greatest accomplishments there (as Secretary of the Navy) was to use McNamara's own yardsticks—cost-effectiveness—to convince a doubtful Secretary that all carriers in the future should be nuclear powered.

I do not mind letting Secretary Nitze have some credit.

As I was saying, we must be able to operate attack carrier task forces anywhere on short notice. Nuclear propulsion in our naval striking forces will greatly enhance our capability to operate our carrier task forces throughout the oceans of the world—without the entangling logistic support problems created by conventional fuel requirements and free from the constant changes in the worldwide political climate.

Our one nuclear-powered aircraft carrier, U.S.S. *Enterprise*, which is now deployed for the second time in Vietnam, has set record after record since she joined the fleet 5 years ago. She has proven so effective in battle in Vietnam that the Secretary of Defense requested a new nuclear-powered attack carrier in last year's bill, asked for advanced procurement funds for the third nuclear carrier this year and has told Congress that he intends to ask for the remainder of the funds for the third carrier next year and another in a future year.

At least four major fleet escort ships—destroyers or frigates—are assigned to each aircraft carrier. These escorts are designed to operate either on independent missions against enemy targets or as part of a coordinated protective screen to destroy enemy aircraft, missiles, submarines, and surface ships that attack the force.

The facts behind the action recommended by the House Armed Services Committee and the Joint Committee on Atomic Energy to proceed now on a nuclear-powered surface escort warship building program can be assessed by review of the reports I identified in my floor statement of May 8, 1967. To this list I should add House Report No. 270 dated May 22, 1967, on the conference of the Senate and House Armed Services Committees concerning the fiscal year 1968 defense authorization bill.

In addition, the Joint Committee on Atomic Energy is currently preparing for public release a report prepared by the committee staff on the issue "Nuclear Propulsion for Major Fleet Escorts" and a record of executive hearings held this year on the naval nuclear propulsion program.

The committee staff report, of about 450 pages, will give the complete history of nuclear propulsion for naval surface warships. It will be a document that will be useful to every person who is interested in the national defense of our country, It is well documented. It will furnish the complete story on this problem of whether we should go back to the days of the sailing vessels, you might say, by using oil, because oil today in the propulsion of our naval vessels is just as obsolete as sails were when oil took over.

This report and the record of hearings provide a complete chronology of the positions of key people in Congress, the Navy, and the Department of Defense from 1961 when the *Enterprise* first went to sea up to as recent as May 29, 1967. It also specifically considers all the studies and correspondence provided to Congress by the Navy and the Department of Defense since 1961 on the isssue of whether or not the Navy should have nuclear-powered surface warships. These studies and correspondence are published in the report to the maximum extent permitted by consideration of our national security.

I am sure you will agree that the case is clear and well supported that we, the Congress, will have to take extraordinary steps if the Navy is to get the number of nuclear-powered major surface vessels they need. It is certainly clear that the Navy does not need more "studies" on this issue. No one has ever won a war with paper studies.

The present Middle East crisis clearly supports the conclusion reached by the Joint Committee on Atomic Energy, the Senate and House Armed Services Committees, and the Senate and House Appropriations Committees that the Navy proceed now building nuclear-powered major warships. This crisis supports the position of Congress that it is not in the best interest of this country, either short term or long term, to continue building nonnuclear major surface warships, as has been repeatedly proposed by the Department of Defense.

While only a small fraction of our domestic consumption of petroleum comes from the Middle East, more than half the petroleum products used in Vietnam have been coming from Persian Gulf sources. On June 7, the Secretary of Defense announced that he was invoking an emergency plan to provide petroleum products for our forces in Southeast Asia without being dependent upon the Middle East. This plan involves more than doubling the number of tankers which have been supplying our Southeast Asian forces.

In addition to the possibility of losing these Mideast petroleum products at their sources for political reasons, the closing of the Suez Canal will further increase the difficulty of transporting petroleum products since tankers will now be forced to take the longer route around the Cape of Good Hope. I commented publicly on the importance of nuclear power in warships to decrease our military dependence on petroleum supplies last Saturday.

Over and above the obvious difficulty and increased cost involved in this move, I hope you all remember that no one is attacking these logistic supply forces, no bombs dropped, no shells fired, or no torpedoes fired at these tankers. Our surface Navy, fortunately, has been fighting a "War College" exercise where nobody is firing at them. They have every possible advantage.

The Joint Committee hearing record and report documents some history which is pertinent to this situation and I would like to summarize some of this for you.

For example, how many remember that it was largely due to our submarine and air attacks on the Japanese fuel supply lines from Southeast Asia to Japan during World War II that the Japanese war machine was beaten to its knees, very much shortening that war in the Pacific?

Do you remember when the Atlantic Coast beaches of the United States were coated with oil from sunken tankers—our tankers sunk by German U-boats right off our own coast? We lost some 130 tankers to German U-boats in World War II.

Our logistic support forces are potentially more vulnerable today—with the advent of foreign nuclear submarines and longer range aircraft and missiles.

To assess the importance of reducing the liquid fuel required by naval striking forces through the utilization of nuclear propulsion, it should be borne in mind that the monthly usage rate of petroleum products for the Navy's ships and aircraft in Southeast Asia today is as great as the maximum monthly rate the Japanese were able to import petroleum products into the home islands during World War II. The quantity of ship and aircraft fuel currently required per month for the carrier strike groups alone in Southeast Asia is two-thirds as much as the average monthly requirement for the U.S. carrier strike forces in the 5 months of the Palau campaign—one of the peak naval operations of World War II in the Pacific. About one-third of this total is for carrier propulsion fuel, about one-third for escort fuel, and the remaining one-third for aircraft fuel. Thus, nuclear power in the carrier would reduce the fuel requirements in the logistic pipeline by one-third and nuclear power in the escorts would reduce the fuel pipeline to the striking forces by another one-third.

The Chief of Naval Operations pointed out over a year ago that—

> The compelling reason for the Navy's strong recommendation for nuclear power in surface warships is based on the increased survivability and tactical flexibility which derive from freedom of dependence on propulsion fuel oil logistic support.
>
> The dependence of U.S. air power on the fuel distribution system in the western Pacific is well known. The vulnerability of the system to attack, particularly the overland and terminal fuel distribution required for land-based air operations, is a matter of concern. While the Navy's underway replenishment groups are considered to be less vulnerable, they can also be brought under attack. Current utilization of *Enterprise* and *Bainbridge* is reducing our dependence on fuel oil and thus strengthening our total air posture in Southeast Asia. The introduction of CVAN68 and other nuclear-powered warships could be of critical importance to the efficient projection of air power during the early 1970's."

From the above you can see that the Chief of Naval Operations appreciates the importance of nuclear propulsion in minimizing logistic support requirements. However, it appears that other officials in the Department of Defense have either forgotten these lessons or feel that for some reason they can be ignored.

How often must history repeat itself before these lessons are learned by the people in a position of responsibility in the Department of Defense; before they pick up the step of the drummer leading the way toward a modern Navy for this country?

The bill before you is an important step as it provides funds for two more nuclear-powered guided missile frigates to escort our nuclear aircraft carriers. An overwhelming vote of support should make it clear to the Department of Defense that the American people, through their elected representatives in Congress, believe this is the direction this country should go.

Mr. NEDZI. Mr. Chairman, it is understandable that there are several Members who are trying to stop the Defense Department from reorganizing the Reserve components; however, the fact is that the structure of our Army Reserve components desperately needs reorganizing. It lacks 989 units which are needed. It has 1,076 units which are not needed. Only by correcting this situation can the structure be made to conform to that which the Joint Chiefs of Staff unanimously say is required. And only if the Joint Chiefs recommendation is met, can we get the readiness we need.

None of us are wise enough to know exactly how many artillery battalions, ordnance companies, combat brigades, divisions, special forces, and other units the Reserve components ought to have. That is the job for professionals. To try to substitute our judgment under the circumstances seems to me outrageous.

The Reserve Subcommittee of the Armed Services Committee on which I sit has been fully briefed on the proposed reorganization. It provides the Governors with the forces which they need for local disturbances while at the same time continuing the U.S. Army Reserve at virtually its current strength. Furthermore, the plan is not intended for implementation for another 2 months—a schedule purposely designed to enable the Congress to be fully informed with respect to the plan and to permit further consideration of H.R. 2, a bill which this House passed overwhelmingly only 4 months ago and which explicitly endorses the authority of the military to establish, reorganize, or deactivate units as required by contingency and war plans.

We have no business, particularly at a time when we have nearly 500,000 men in Southeast Asia and over 200,000 men in Europe in telling the military professionals that they cannot put our Reserve forces into the condition necessary to adequately serve the national interest. To the contrary we ought to be telling the Army to get on with the job.

Mr. Chairman, to set the record straight on the proposed realinement of our Reserve components, I submit, in addition, the following statements from the Department of Defense:

Realinement of Army Reserve and National Guard Approved by Secretaries McNamara and Vance

Secretary of Defense Robert S. McNamara and Deputy Secretary Cyrus R. Vance announced today that the Army has proposed, and they have approved, a plan for realigning the Army's Reserve and National Guard forces to improve significantly the early deployment capability and combat readiness of the United States Army's Reserve Forces.

The realignment, to be started this year and to be completed by next summer, is designed to provide Army Reserve Forces as recommended by the Joint Chiefs of Staff to the Secretary of Defense in April 1967, and to bring the Army's Reserve Component structure into balance with contingency plans and the supporting equipment program.

Because of its serious imbalance, the present Reserve Component structure has serious readiness deficiencies. More than a thousand units in the current structure are not needed. Most of these surplus units are manned at only 50 percent of full wartime strength and no equipment is being procured for them. At the same time, the Army Reserve Forces need almost a thousand units it does not have.

The Reserve Forces will be realigned to:

a. Bring the force structure into conformity with that needed to satisfy military requirements and for which equipment procurement has been authorized.

b. Update the Reserve Force structure.

c. Provide adequate forces for the needs of each state.

d. Locate the units in the proposed structure geographically and in relation to population so that in the event of mobilization the burden is shared equitably among states and populations.

e. Diminish the need to assign involuntarily to reserve units individuals who have completed two or more years on active duty.

Under the proposed reorganization, the Army's Reserve Components will consist of units with a total paid drill strength of 640,000. Units in the new structure will be manned at an average of more than 90 percent of full wartime strength. The new structure will be supported with equipment, technicians, spare parts, and all the other essentials necessary to achieve required readiness.

The structure of the Army's Reserve Components under this new plan will consist of eight combat divisions, 18 brigades, 13 Training Divisions and the necessary supporting units to reinforce the Active Army and to provide the support required for the Reserve units.

At present there are 23 divisions, 11 brigades and 13 training divisions in the Army's Reserve Components. Of the 23 divisions, only 8 are manned at 80% of full wartime strength. The remaining 15 low-priority divisions are manned at 50% of full wartime strength. Equipment is not being procured for the 15 low-priority divisions.

The realignment plan continues paid drill units in both the Army National Guard and the Army Reserve. The paid drill strength in the Army National Guard would be 400,000 and 240,000 in the Army Reserve.

The Army National Guard will consist of 8 divisions, 18 brigades, other combat and combat support units, and service support units necessary to maintain equipment and to satisfy state needs. Sufficient forces will be allocated to the states to meet requirements for units needed in the event of civil disturbances and natural disasters.

The Army Reserve will consist of mobilization base units, including 13 training divisions, two maneuver area commands, the Army Reserve schools, and the service support units except those necessary to provide for the Army National Guard and state needs.

The allocation of all combat and combat support units to the National Guard will give the Guard the units most relevant to state missions and will provide a basis which has not existed heretofore for allocating a given type unit to the Guard or to the Reserve. There is precedence for this action in the Reserve Components of the Air Force. In the Army, the Army National Guard is presently composed of approximately 84% of combat and combat support units. The United States Army Reserve, on the other hand, consists primarily of Mobilization Base and Service Support units with about 79% of its strength in units of that type.

The transition from the current structure to the proposed structure will be accomplished by:

a. Consolidating each of the existing 15 low-priority Army National Guard divisions into a high priority divisional or separate brigade.

b. Forming a division base and high priority divisional bridage from each of the eight existing high priority National Guard divisions.

c. Forming the additional 19 divisional or separate bridages needed from the 11 high priority brigades now in the structure and from low-priority units being discontinued.

d. Organizing the resulting 8 division bases and 42 brigades into force of 8 high priority divisions and 18 brigades.

e. Utilizing the Immediate Reserve and the residual assets of the Reinforcing Reserve to form the remaining units required in the proposed structure.

The Selected Reserve Force will be substantially unchanged.

The Army estimates that approximately 92% of the units in the proposed structure will consist of units in the current structure which will continue in being with no change, or will be continued after making a moderate conversion such as the conversion of a 105-mm battalion to a 175mm battalion. Eight percent of the units in the proposed structure will be newly activated. A significant proportion of these activations would be required in any event, because units that do not now exist, or do not exist in the number required, must be added to the structure.

The plan is intended for implementation after the 1967 summer field training has been substantially completed, and will be completed before the beginning of summer field training 1968 so that all units may then attend training in their realigned configuration.

Secretary McNamara emphasized the importance of the reorganization in order that the total force structure—Active and Reserve—will have the units required to enable the Army to respond promptly in meeting any emergencies that may arise in the future.

Detailed stationing plans will be worked out by the Commanding General, Continental Army Command for the units in the Army Reserve and by the Chief, National Guard Bureau and State Adjutants General for the units in the Army National Guard.

Statement of Deputy Secretary of Defense, Cyrus R. Vance, Regarding Realinement of Army Reserve and National Guard, Made June 2, 1967

The Reserve Forces of the United States are in the best shape in their history but more needs to be done. Secretary McNamara and I yesterday approved an Army plan to strengthen further the combat readiness of the Reserve Forces for contingencies anywhere in the world.

The Army's plan is based on an assessment by the Joint Chiefs of Staff of what Reserve Forces our nation needs, and what forces are surplus.

When the Army received the results of the Joint Chiefs' analysis, Secretary Resor and General Johnson developed this plan, designed for streamlined readiness and sustained effectiveness.

Our country must have a modern and up-to-date reserve forces structure. What we want and what we must have are reserve forces, manned, trained and equipped, to carry out missions within a balanced force structure.

This is precisely the objective of the Army's plan. The realignment will assure maximum effectiveness. The fighting edge of the reserve forces will thus be further sharpened.

This plan is the culmination of six years of effort to improve the readiness and effectiveness of our reserve forces. Six years ago our reserve forces lacked readiness objectives that were adequately linked to our contingency war plans. Thousands of units throughout the country were undermanned and ill-equipped. Many were surplus to our military requirements. Major steps to correct these deficiencies were taken in 1962 and 1965, and a third will be taken with this new Army plan. In the process we will have eliminated more than 3500 unneeded units, and will have added to our force structure more than 2000 needed units. We feel that great progress has been made over the last six years. The plan which is now before us will give us a balanced, ready, and effective reserve force.

The proposed reorganization will eliminate about 1000 unneeded units in the Army National Guard and the Army Reserves, and will create approximately 1000 new units. These activations will make the reserve forces compatible with the Active Forces and will give us an improved support structure for both Reserve and Active Forces.

National Guardsmen and Reservists under the realignment plan will know that they are fulfilling a heightened role in our nation's defense. Our civilian leadership and our military commanders will know that they have balanced reserve forces on which they can count for rapid response if necessary. And the American people will know that this major gain in national defense can be maintained for years to come at the minimum cost possible.

Our reserve forces have served the nation in an outstanding manner in the past. This realignment will give them even greater opportunities for more effective service to our nation in the future.

Statement of Mr. Stanley R. Resor, Secretary of the Army, June 2, 1967

Gentlemen, as you came in you were issued a press release which has a number of charts attached that provide information concerning the proposed Reserve Components reorganization we are announcing today.

There are several matters which I would like to emphasize with regard to this proposed reorganization.

Under the reorganization plan which we are announcing today the Army's Reserve Components will have 8 combat divisions, 18 brigades, 13 training divisions and the required reinforcing and supporting units with a total paid drill strength of 640,000. Units in the proposed structure will be manned at an average of over 90 per cent of full wartime strength and will be fully supported with equipment, technicians, and spare parts.

The Army National Guard will have a paid drill strength of 400,000 and will include 8 combat divisions and 18 combat brigades. It will also include the necessary service support units to provide essential maintenance. The Army Reserve will have a total paid drill strength of 240,000 and will include 13 training divisions, whose mission is to prepare individuals for combat, 2 maneuver area commands, the USAR schools and service support units.

The plan will achieve the following major objectives:

It will bring the reserve force structure into conformity with that needed to satisfy military requirements and that for which equipment procurement has been authorized. It will give the reserves the 8 combat divisions, 18 brigades and supporting units recommended by the JCS.

It will update the reserve force structure to conform to modifications which have been made in the Active Army over the last two years.

It will continue to provide adequate forces for the needs of each state.

It will locate units geographically and in relation to population so that the burden of mobilization will be shared equitably among the states and population.

It will diminish the need to assign involuntarily to reserve units individuals who have completed two or more years of active service.

Unlike the reorganization proposal which we made in 1965 and 1966, the current plan will maintain units and paid drill strengths in both National Guard and the Army Reserve.

The proposed reorganization can be accomplished without an unacceptable degree of turbulence. Ninety-two per cent of the units in the new structure, measured in terms of total strength, will be units already in the current structure which will be continued with no change or with merely a conversion to closely related types of units.

The Selected Reserve Force consisting of 3 divisions, 6 brigades and 150,000 men will remain substantially unchanged except for modernization of certain support units to conform to changes made in similar units in the Active Army.

We intend to begin implementing the plan after field training is completed this summer. This will permit Congress time to take action on pending legislation which may be relevant to the plan. A major portion of the reorganization will be accomplished by consolidating existing units not required by current plans into new units which are required. This will enable us to retain most of the trained personnel now in the Reserve Components.

Statement of Gen. Harold K. Johnson, Chief of Staff, U.S. Army, June 2, 1967

In their annual review of the military forces the Joint Chiefs of Staff analyzed the requirements and military force levels needed to fulfill the requirements of the national military strategy. From this analysis, it was determined that the forces in the Army's Reserve Components should consist of 8 divisions and 18 brigades, together with other combat, combat support, and service support units to augment and complement Active Army forces. The Joint Chiefs of Staff recommended that all of the units in the Reserve Components be fully equipped and properly supported to enable them to engage in sustained land combat promptly when called upon to do so.

When this reorganization is completed and when the resulting force reaches the prescribed strengths, equipment levels, and readiness, it will meet the requirements for Reserve Components in the Army as we see them today and in the foreseeable future. The establishment of the Selected Reserve Force was a first step in reaching a higher state of readiness. The proposed reorganization will permit additional improvements in readiness.

I want to pay special tribute to those members of the Army National Guard and the U.S. Army Reserve who have devoted so much time and energy to the security interest of our country. A new opportunity now presents itself which will require an intensified effort and renewed devotion on the part of these individuals. I know that it is their basic purpose to continue to devote their talents and energies to the nation's security and that all other interests become secondary.

Comparison of present and proposed Reserve component structure

Unit category	Present structure				Proposed structure[1]			
	Army National Guard	U.S. Army Reserve	Total	Manning level	Army National Guard	U.S. Army Reserve	Total	Manning level
	Thousands	Thousands	Thousands	Percent	Thousands	Thousands	Thousands	Percent
IMMEDIATE RESERVE UNITS								
Air defense	7.4		7.4	85	10		10	100
Units to round out Active Army	77.0	88.7	165.7	80	88	45	133	90
Brigades (now 11 brigades, to be increased to 18 brigades)	43.6	15.9	59.5	75–80	65		65	90
Mobilization base and training units	8.7	66.9	75.6	75–100	9	66	75	90–100
8 division forces	164.8	72.5	237.3	75–80	222	110	332	90
Support to other services	2.5	11.4	13.9	70		14	14	90
State headquarters and U.S. Army Reserve schools, staff and faculty	3.9	4.6	8.5	100	6	5	11	100
Subtotal	307.9	260.0	567.9		400	240	640	
REINFORCING RESERVE UNITS								
Other divisions (15 divisions, Army National Guard)	96.3		96.3	50				
Nondivisional units	13.6		13.6	50				
Command headquarters, divisional	.7		.7	100				
Subtotal	110.6		110.6					
Total	418.5	260.0	678.5		400	240	640	

[1] Breakout of strength between Army National Guard and U.S. Army Reserve and between categories is approximate and subject to refinement.

Comparison of present and future structure

Unit	Present structure				Future structure		
	Army National Guard		U.S. Army Reserve, Immediate Reserve[3]	Total	Army National Guard	U.S. Army Reserve	Total
	Immediate Reserve[1]	Reinforcing Reserve[2]					
Combat divisions	8	15	0	23	8	0	8
Training divisions	0	0	13	13	0	13	13
Command headquarters, divisional	0	5	0	5	0	0	0
Combat brigades	7	0	4	11	18	0	18
Maneuver area commands	0	0	2	2	0	2	2
Air defense battalions	44	0	0	44	31	0	31
Field Army support command	0	0	0	0	0	1	1
Support brigades	0	0	3	3	0	4	4
Adjutant General units	36	0	96	132	47	116	1
Civil affairs units	0	0	77	77	0	51	51
COSTAR units	0	0	38	38	40	208	248
Finance units	1	0	18	19	0	53	53
JAG units	0	0	196	196	0	226	226
Hospital units	15	0	107	122	0	121	121
Military police battalions	6	0	4	10	11	0	11
Public information units	34	0	25	59	0	35	35
PSYOPS units	0	0	8	8	0	6	6
Garrison units	0	0	18	18	0	4	4
Terminal units	0	0	19	19	0	19	19
Total companies and detachments[4]	2,520	1,480	3,575	7,575	2,900	3,400	6,300
Paid drill strength (thousands)[5]	307.9	110.6	260	678.5	400	240	640

[1] Manned at 80 percent or higher or full wartime strength; necessary equipment being procured.

[2] Manned at 50 percent of full wartime strength; no equipment being procured.

[3] Manned at 90 percent or higher or full wartime strength; to be fully supported with equipment, technicians, and spare parts.

[4] Approximate.

[5] Fiscal year 1967 budget strength.

MAJOR UNITS CURRENTLY IN THE ARMY NATIONAL GUARD

Immediate Reserve divisions and brigades normally manned at 80% war-time strength for which equipment is being procured.

UNIT AND LOCATION

30th Armored Division, Tennessee.
50th Armored Division, New Jersey.
26th Infantry Division, Massachusetts.
28th Infantry Division, Pennsylvania.
30th Infantry Division, North Carolina.
38th Infantry Division, Indiana.
42d Infantry Division, New York.
47th Infantry Division, Minnesota.
53d Armored Brigade, Florida-South Carolina.
86th Armored Brigade, Vermont-Connecticut.
29th Infantry Brigade, Hawaii-California.
69th Infantry Brigade, Kansas-Missouri.
92d Infantry Brigade, Puerto Rico.
258th Infantry Brigade, Arizona-Missouri-Virginia.
67th Infantry Brigade (Mech), Nebraska-Iowa.

Reinforcing Reserve divisions (National Guard) manned at 50% war-time strength for which no equipment is being procured.

UNIT AND LOCATION

27th Armored Division, New York.
40th Armored Division, California.
48th Armored Division, Georgia.
49th Armored Division, Texas.
29th Infantry Division, Virginia-Maryland.
31st Infantry Division, Alabama-Mississippi.
32d Infantry Division, Wisconsin.
33d Infantry Division, Illinois.
36th Infantry Division, Texas.
37th Infantry Division, Ohio.
39th Infantry Division, Louisiana-Arkansas.

41st Infantry Division, Washington-Oregon.

45th Infantry Division, Oklahoma.

46th Infantry Division, Michigan.

49th Infantry Division, California.

MAJOR UNITS IN THE ARNG UNDER THE PROPOSED REORGANIZATION PLAN

Eight divisions and eighteen brigades, all to be manned at 90% full war-time strength and fully supported with equipment, technicians and other essentials for readiness.

UNITS AND LOCATION

26th Infantry Division

Hq and Base, Massachusetts.
Brigade, Massachusetts.
Brigade, Massachusetts.
Brigade, Connecticut.

28th Infantry Division

Hq and Base, Pennsylvania.
Brigade, Pennsylvania.
Brigade, Maryland.
Brigade, Virginia.

30th Infantry Division *

Hq and Base, North Carolina.
Brigade, North Carolina.
Brigade, Georgia.
Brigade, South Carolina.

38th Infantry Division

Hq and Base, Indiana.
Brigade, Indiana.
Brigade, Michigan.
Brigade, Ohio.

42d Infantry Division

Hq and Base, New York.
Brigade, New York.
Brigade, New York.
Brigade, Pennsylvania.

47th Infantry Division

Hq and Base, Minnesota.
Brigade, Minnesota.
Brigade, Illinois.
Brigade, Iowa.

30th Armored Division

Hq and Base, Tennessee.
Brigade, Tennessee.
Brigade, Alabama.
Brigade, Mississippi.

50th Armored Division

Hq and Base, New Jersey.
Brigade, New Jersey.
Brigade, New York.
Brigade, Vermont.

Infantry Brigades (Sep) (14): Arkansas, California, California, Florida, Hawaii, Illinois, Kansas, Louisiana, Oklahoma, Oregon, Puerto Rico, Texas, Washington, Wisconsin.

Infantry Brigades (Mech) (Sep) (2): Nebraska, Texas.

Airborne Brigade (Sep) (1): Alabama.

Armor Brigade (Sep) (1): California.

Current and proposed paid drill strength of Army National Guard by State

State	Current	Proposed[1]
Alabama	16, 283	15, 355
Alaska	2, 253	1, 940
Arizona	2, 948	2, 800
Arkansas	7, 720	8, 050
California	22, 332	21, 958
Colorado	2, 987	2, 706
Connecticut	6, 393	5, 800
Delaware	3, 130	2, 800
District of Columbia	1, 714	1, 705
Florida	8, 333	7, 549
Georgia	7, 613	8, 800
Hawaii	4, 253	4, 595
Idaho	3, 408	3, 319
Illinois	11, 563	11, 338
Indiana	11, 596	10, 489
Iowa	8, 333	7, 811
Kansas	8, 401	7, 300
Kentucky	5, 502	4, 957
Louisiana	7, 725	7, 890
Maine	2, 788	2, 800
Maryland	6, 843	6, 467
Massachusetts	15, 001	14, 877
Michigan	9, 999	9, 750
Minnesota	10, 850	9, 653
Mississippi	10, 928	10, 500
Missouri	9, 299	8, 450
Montana	2, 477	2, 443
Nebraska	4, 861	4, 334
Nevada	880	950
New Hampshire	2, 280	2, 243
New Jersey	14, 761	14, 183
New Mexico	3, 398	3, 267
New York	24, 765	24, 520
North Carolina	11, 262	11, 037
North Dakota	2, 993	2, 600
Ohio	15, 892	14, 991
Oklahoma	8, 974	8, 400
Oregon	6, 718	6, 309
Pennsylvania	18, 753	17, 943
Puerto Rico	6, 923	7, 000
Rhode Island	3, 343	2, 900
South Carolina	11, 053	9, 714
South Dakota	4, 145	3, 757
Tennessee	11, 734	10, 588
Texas	17, 225	17, 409
Utah	4, 886	4, 618
Vermont	3, 144	2, 900
Virginia	7, 698	7, 761
Washington	6, 757	5, 904
West Virginia	3, 576	3, 066
Wisconsin	9, 942	9, 940
Wyoming	1, 681	1, 564

[1] Approximate.

CURRENT LOCATION OF U.S. ARMY RESERVE TRAINING DIVISIONS MANEUVER AREA COMMANDS AND SUPPORT BRIGADES

UNIT AND LOCATION

Training divisions

100th, Kentucky.
104th, Washington, Oregon.
108th, North Carolina, South Carolina.
70th, Michigan, Indiana.
76th, Connecticut, New Hampshire, Vermont, Rhode Island, Maine.
78th, New Jersey.
80th, Virginia, Maryland.
84th, Wisconsin.
85th, Illinois.
89th, Kansas, Colorado, Nebraska.
91st, California.
95th, Oklahoma, Arkansas, Louisiana.
98th, New York.

Maneuver area commands

87th, Alabama.
75th, Texas.

Support brigades[1]

103d, Iowa.
301st, New York.
377th, Louisiana.

Mr. McCLURE. Mr. Chairman, according to an article in This Week magazine last Sunday, all of the wars in America's history have cost $500 billion. The bill before us today is thus equivalent to 14 percent of that figure. When you add what was appropriated in supplementals earlier this year, you will find that the 90th Congress already has authorized defense spending totaling as much as the entire cost of all American wars prior to World War II.

And so I cannot help wondering why it is, with these billions upon billions available for our defense effort, we stagger on and on through a seemingly endless stalemate in Southeast Asia? What, indeed, will it take to achieve victory or even a face-saving settlement? If this budget cannot do the job, then it probably cannot be done.

The root of the problem must lie with those who administer the program.

Strangely enough, it is in the civilian offices at the Defense Department where the will to win is about as obscure as the reasons given for our presence in Vietnam in the first place.

Mr. McNamara's conduct as Secretary of Defense has given rise to that new phenomena, the credibility gap. On more than one occasion, he has flouted the expressed will of Congress. Against the advice of this Nation's foremost military experts, the Secretary has relied solely on the F-111 to fill our bomber requirements. He has practically invited missile attacks on this country by stubbornly refusing to build an adequate anti-ballistic-missile defense.

Furthermore, I think that any man who has misjudged the costs of the Vietnam War by $15 billion as the Secretary did in fiscal 1966 and by $13 billion as he did in fiscal 1967 has a right to expect criticism of his performance. It probably would be presumptuous of a freshman Congressman to call for the resignation of a Cabinet official. So, I shall merely say that I heartily endorse any such expression on the part of my colleagues and wish them Godspeed in their efforts.

Mr. BINGHAM. Mr. Chairman, as I have done in similar cases in the past, I shall vote for this enormous defense appropriation because there really is no alternative, as I see it. In today's world, we must maintain the strength of our Defense Establishment and our forces in Vietnam must have the equipment and supplies they need.

In the bill before us, there is no way of determining how much of the total is to be used in Vietnam or in the process of bombing North Vietnam, and therefore it is not practicable to propose amendments to limit or reduce these amounts. If amendments to this effect are offered, I shall be inclined to support them.

I compliment the committee for the reductions it has made in the budget requests, but I am disturbed that the committee has proposed additions to the administration's requests totaling over $400 million, and I intend to propose an amendment that would reduce these add-ons.

It is imperative that, in these days of economic strain, we conduct our affairs in as economical a way as possible. If the Department of Defense, having carefully studied the matter, concludes that an expenditure is not needed, I am inclined to support that judgment.

Mr. ABBITT. Mr. Chairman, the difficulty of arriving at an adequate appropriation figure which can be justified as neither wasteful nor penurious is well known and appreciated by every member of the committee. The military appropriation before us now is the largest, and necessarily the most delicate, we will consider this year because the safety of the country is involved. With this in mind, I wish to thank the committee for a commendable job in the reduction of budget requests which do not affect our combat effectiveness. While providing for such strategic hardware as a full-strength B-52 force, the FB-111, Minuteman III, Poseidon, and Nike X missiles, they have wisely recommended reduction in amounts requested for special studies and overlapping training programs, and reduction in many other requests which undoubtedly exceed needs.

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*Infantry vs. Mechanized status is under study.

[1] Under proposed reorganization, one new brigade will be added.

One particular reduction should interest us all for its implications. The committee eliminated a $400,000 request for funds to dredge Kings Bay, Ga., which is an inactive ammunition loading depot. Despite the request for funds, the Army testified that there are no current plans to reactivate the depot. Why, then, were the funds requested in the first place? Who formulated the request and for what reason? How many more such indefensible requests in this enormous budget slipped by even the astute committee and its competent staff?

While my principal purpose is to commend the committee and to support the bill, I believe that this is an appropriate time to raise the question of unpunished incompetence. What happens to the man who inserted the Kings Bay proposal to waste $400,000? Will he be left unreprimanded, uncensured, unchecked to strike again when the next budget requests are made?

I am currently reviewing a naval aircraft usage audit which contains more than $100 million of unjustifiable waste for such things as the unnecessary purchase, operation, and maintenance of 135 aircraft beyond the needs of that part of one branch of the service, the transportation of passengers and cargo at a cost of up to 50 times that of commercial transportation, and the joyriding of pilots who fly home for the weekend in planes which cost in excess of $200 per hour to operate. To illustrate my generalizations, I cite the case of a plane being dispatched to return a naval officer to his base at a cost to the Navy of $666 when available commercial transportation cost only $12, and the case of the pilot who took an HU-16 from Norfolk to his home in Minneapolis-St. Paul for the weekend at a cost of $5,663.

I wish to raise many questions from the audit before the Armed Services Committee, but my purpose in mentioning this today is to suggest that we can still pare down the military budget by hundreds of millions of dollars by deeper probes in search of unnecessary requests. The censuring or removing from positions of responsibility those people who deliberately and wantonly waste tax funds and request money for purposes which they know to be unnecessary to the national interest or in amounts beyond the real needs of the services also ought to be considered. The waste weakens our country in a very real way.

Again I commend the committee and promise to give it my full support in future efforts to provide for the true needs of our defense forces while eliminating the inexcusable waste of tax resources.

Mr. MAHON. Mr. Chairman, I believe this concludes the general debate on the bill.

I hope that the hearings and the report, which are available to all Members, as well as the Congressional Record of today, will enable all of us to be generally familiar with the huge operations of the Department of Defense. I hope that that familiarity will instill a confidence in, and support of, the defense operations of our Nation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1968, for military functions administered by the Department of Defenses, and for other purposes, namely:

Mr. MAHON. Mr. Chairman, I ask unanimous consent that on page 1, line 6, where the words "Department of Defenses" appear that the letter "s" be deleted so that the words will read "Department of Defense".

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PRACTICE, ARMY

> For the necessary expenses of construction, equipment, and maintenance of rifle ranges, the instruction of citizens in marksmanship, and promotion of rifle practice, in accordance with law, including travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions, and not to exceed $21,000 for incidental expenses of the National Board; $428,000: *Provided,* That travel expenses of civilian members of the National Board shall be paid in accordance with the Standardized Government Travel Regulations, as amended.

AMENDMENT OFFERED BY MR. M'CARTHY

Mr. McCARTHY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. McCarthy: on page 13, strike out line 19 and all that follows down through and including line 6 on page 14.

Mr. McCARTHY. Mr. Chairman, this amendment is very simple. It would strike $428,000 for the National Board for the Promotion of Rifle Practice. This money is used for ammunition and the loan of rifles to National Rifle Association clubs. The present law requires that groups which want this Federal aid must join the National Rifle Association.

I offer the amendment because I do not believe that the Government of the United States should subsidize an organization which espouses vigilantism within the confines of the United States. I refer to a suggestion in the May issue of The American Rifleman, the official organ of the National Rifle Association, that citizens acquire firearms to form civilian posses in order to provide a potential community stabilizer against the threat of urban rioting.

I would like to quote briefly from this editorial:

> Mob action on a scale unprecedented in the modern United States has ravaged community after community in recent years . . . With homefront safeguards spotty and uncertain, the armed citizen represents a potential community stabilizer. His support of law and order, whether as a civilian member of the posse comitatus or as one of the unorganized militia, defined as "the whole-body of able-bodied male citizens," could prove essential.

I suggest to you that this is a prescription for mass mayhem, for taking the law into one's own armed hands. This $428,000 is only part of about $2 million this organization gets annually under this kind of program.

This morning's issue of the Washington Post quotes the executive vice president of the organization as stating they were given the job of checking out the suitability of groups that get Federal guns "because we have the expertise and know-how."

I say that expertise and know-how did not prevent them from running an editorial like the one to which I referred, or from carrying on their membership rolls the head of the lunatic-fringe Minutemen.

I suggest also that they do not need the money for they are prosperous, having assets of almost $11 million, partly because of their tax-exempt status under section 501 as—and I quote the IRS—"an organization exclusively for the promotion of social welfare."

I think we know it as a lobbying organization. But it is not registered under the Lobbying Act. I think they have performed a disservice to this country in fighting reasonable firearm legislation. We are going to hear about arming the Arabs. I suggest to you that because of the lack of effective firearms laws, we have permitted the arming of very militant far left and far right antagonistic groups, groups like the Black Panthers and the Minutemen. This situation represents a force for instability, especially in the coming hot summer.

Mr. Chairman, I think this whole practice is at best questionable, and I certainly think that the record shows that the NRA is not a proper or responsible conduit for Federal guns and ammunition, and that we could save the taxpayers $428,000 by adopting this amendment.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. McCARTHY. I yield to the gentleman from New York.

Mr. BINGHAM. I would like to commend the gentleman from New York for bringing this matter to the attention of the Committee, and I would like to be associated with his remarks and I shall be glad to support his amendment.

Mr. McCARTHY. I thank the gentleman.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. McCARTHY. I yield to the gentleman from New York.

Mr. SCHEUER. I would like to commend the gentleman, and I support him most wholeheartedly. I do this as a Member who has enjoyed for decades the use of firearms. As a young fellow I was a member of a National Championship Rifle Team, and earned the "Expert Rifleman" citation of the National Rifle Association. I have been a member of rifle and pistol clubs for almost all my life. I own a wide variety of sidearms, shotguns, and rifles. At my home in a locked box I have what constitutes a veritable arsenal of weaponry. My four kids aged 7 to 15 all handle pistols, rifles, and shotguns, with skill, respect, and care. The NRA plays a useful educational role in teaching Americans, myself included, how to use firearms prudently and skillfully. But I am persuaded from their recent published statements and activities, that they should play no formal official, governmentally sanctioned, and subsidized role, directly or indirectly, in the training of our citizenry in the use, and more importantly, in the purposes of the use, of firearms. It is a relationship between a private group and our defense agencies that is bad in principal and worse in practice. It should be brought to a prompt halt by the passage of this amendment.

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. SIKES. Mr. Chairman, I am not sure that I understand the purposes of the amendment offered by the distinguished gentleman from New York. His remarks were directed against the National Rifle Association, but if we look at the language of the bill, it has no reference to the National Rifle Association. His amendment strikes at the National Board for the Promotion of Rifle Practice.

Possibly the amendment was inspired by a story in one of the local newspapers that NRA is subsidized by the U.S. Treasury. This is not the case. The National Rifle Association gets no subsidy from the U.S. Government. Nor has it provided arms and ammunition to either of the groups named by the distinguished gentleman.

The National Rifle Association, by helping to carry out the duties and responsibilities which are assigned by law to the National Board for the Promotion of Rifle Practice, is actually subsidizing the U.S. Treasury. What is done represents a service to the Government which is not paid for from Government funds.

I believe the principal point we want to consider today is that we have a program which has been carried on since 1903 to train young men in the use of arms in the realization that this could be helpful to them and to our country in case of war. The clubs and the individuals who participate are carefully screened.

Nothing is taken from the active forces by making arms and ammunition available for this purpose. The rifles and the ammunition which are used generally are obsolescent or overage, but in the hands of the National Board for the Promotion of Rifle Practice they serve a very useful purpose. I believe this is better than making them into scrap or selling them as surplus into what may be irresponsible hands.

I would like to point out that this program has been going on since 1903 when Elihu Root, as Secretary of War, sponsored the program. During that time the program has worked well. The people have found it useful. No one has tried before in my 27 years here to kill the program. Now, when we are at war it is an inopportune time to do so. If that is the purpose of the amendment, it simply falls on its face, because it would eliminate the directing force of the program, the National Board for the Promotion of Rifle Practice, and accomplish nothing useful.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, when we return to the House, I shall ask unanimous consent to place in the RECORD at this point a breakdown of the funds carried here.

They include $159,000 for the civilian personnel to operate the National Board for the Promotion of Rifle Practice, for example. There is also included $80,000 for the travel of civilian teams to the National Rifle and Pistol matches. At the 1966 national matches, held at Camp Perry, Ohio, 46 rifle and 56 pistol teams, representing 49 States and Puerto Rico, participated. Funds for the lease of Camp Perry, Ohio, which is the site for the national rifle matches, are included in the $428,000 provided for this activity.

The material referred to follows:

The primary mission of the National Board for the Promotion of Rifle Practice is to promote marksmanship training with military type individual small arms among able-bodied citizens outside the active services of the Armed Forces, to formulate policy governing civilian marksmanship programs, and to formulate rules and regulations governing the National Trophy Matches.

The training program of the National Board is conducted through civilian shooting clubs and schools scattered throughout the United States. As of 30 June 1966, there were 387,947 individuals enrolled in 5,789 clubs and schools.

The $428,000 requested for FY 1968 is not intended to cover all the expenses of the marksmanship program carried out by civilian clubs. The ammunition and targets furnished constitute only a fraction of the year's requirement of the average shooter. Most of the ranges used are privately owned and maintained and the instructors contribute their own time as a public service. The Board's program is a stimulant to get young men interested in shooting with military weapons and to maintain a corps of instructors to teach young men to shoot properly. In return for the assistance given, the recipient must agree to fire one of the U.S. Army's qualification courses with a military weapon and the clubs must report the results of the firing in order to remain eligible for assistance the following year.

Funds for personnel costs in FY 1968 will support the present personnel authorization, 22 civilian positions. The reduction of $3,000 in FY 1968 represents the savings in the number of working days and the elimination of overtime costs.

Funds requested for travel in FY 1968 are $43,000 below the FY 1967 level. U.S. teams will participate in one international shooting match in FY 1968, the Pan American Games, to be held in Winnipeg, Canada in July 1967. The cost will be $19,000.

As in FY 1967, $80,000 is requested for the travel of civilian teams to the National Rifle and Pistol Matches. At the 1966 National Matches, held at Camp Perry, Ohio, 46 rifle and 46 pistol teams, representing 49 States and Puerto Rico, participated in the matches.

Funds for the lease of Camp Perry, Ohio, as a site for the National Matches are continued at $50,000 a year. The original lease provided payments of $150,000 a year for the first four years (FY's 1961–1964) and $50,000 a year for the remaining 21 years of the lease.

The amount requested for badges, medals and trophies, $17,950, is the same amount as requested in FY 1967. This item includes all marksmanship awards issued to civilians and all trophies, plaques and medals awarded at the National Matches.

Target funds required in FY 1968 are estimated to be $53,000, which is $18,700 less than the amount required in FY 1967. During FY 1967, the Army adopted a new high-power rifle target. In order to keep the civilian marksmanship program in line with the Army's training methods, an initial issue of these targets was made to all clubs firing high-power rifles. It is anticipated that the requirement for FY 1968 will be reduced since many clubs will have a stock of the new target on hand.

Equipment requirements for the National Matches, $25,000, are continued at the FY 1967 level. This item includes all of the non-expendable equipment used at the matches, to include range equipment, mess equipment, bedding and the many miscellaneous items necessary to support approximately 7,000 competitors and 2,900 support personnel.

Mr. MAHON. Mr. Chairman, I ask for a vote on the amendment.

Mr. FLYNT. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Georgia.

Mr. FLYNT. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York. In opposing this amendment, I would like to associate myself with the remarks of the gentleman from Florida [Mr. SIKES] and the gentleman from Texas [Mr. MAHON].

The reasons given by them clearly demonstrate that the overall national benefits derived from this program far exceed the $428,000 provided for in this item of the bill.

The National Board for the Promotion of Rifle Practice, since its establishment in 1903, has fulfilled an important function in training servicemen and civilians alike in the fundamentals of knowledge and use of firearms.

This knowledge and use of weapons has been in the national interest and there are few, if any, examples in which the knowledge and proficiency thus gained have been for any criminal activity, anywhere, at any time.

The author of the amendment undoubtedly has not reviewed the 64-year history of this board and the functions which it has performed. If he had done so, I am confident he would have come to the unmistakable conclusion that it has been a good program, and has justified its existence and continuance over the years.

Insofar as I have been able to learn, the history and record of the National Board for the Promotion of Rifle Practice does not form a basis for the story which appeared in the newspaper this morning. Contrary to the contents of this newspaper story, the organization referred to therein has contributed much more to this program than the entire amount provided for in this item of this appropriations bill. Mr. Chairman, if any change should be made in either the language or the amount contained in this item of the bill, the amount should be increased to at least equal the amount provided in fiscal year 1967.

Mr. Chairman, I oppose the amendment offered by the gentleman from New York and I urge that it be rejected.

Mr. LIPSCOMB. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from California.

Mr. LIPSCOMB. I thank the gentleman for yielding.

I wish to join the gentleman and others in opposing this amendment. The National Board for the Promotion of Rifle Practice has promoted rifle marksmanship instruction over a great number of years. It has encouraged U.S. participation in many international smallarms competition. These funds provide for our participation in the coming Pan American games. It is a worthwhile operation.

I encourage the Members to vote down the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. McCARTHY].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PROCUREMENT OF EQUIPMENT AND MISSILES, ARMY

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, equipment, vehicles, vessels, and aircraft for the Army and the Reserve Officers' Training Corps; purchase of not to exceed five thousand passenger motor vehicles (including eleven medium sedans at not to exceed $3,000 each) for replacement only; expenses which in the discretion of the Secretary of the Army are necessary in providing facilities for production of equipment and supplies for national defense purposes, including construction, and the furnishing of Government-owned facilities and equipment at privately owned plants; and ammunition for military salutes at institutions to which issue of weapons for salutes is authorized; $5,475,000,000, to remain available until expended.

Mr. GROSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to ask the distinguished chairman of the Appropriations Committee or some member of the subcommittee to provide us with an estimate of the amount of military equipment which is proposed to be purchased abroad. I have in mind, I would say to the distinguished gentleman, the proposal by this Government to buy some $60 million to $80 million worth of military equipment in Great Britain.

May we have some figures, if it is available, as to how much of the $70 billion in this bill is going to go for military equipment purchased in foreign countries?

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. MAHON. I should like to give some information on that subject to the gentleman from Iowa.

The United States has sold over $11 billion in military equipment to our allies in the 5-year period from fiscal year 1962 through 1966.

Mr. GROSS. I would say to the gentleman that I am not asking about how much we have sold. I am asking how much this Government is going to buy in foreign countries?

Mr. MAHON. I was about to say that we have sold $11 billion worth and we propose to buy $325 million worth. That is the quick answer.

Mr. GROSS. Is that the total, $325 million?

Mr. MAHON. I do not believe it would include all items. I do not have a list of items before me. If one calls oil military equipment, we must remember that a lot of oil is bought overseas.

Mr. GROSS. It was publicized in the newspapers a few days ago that the United States was considering the purchase of 200 executive-type jet airplanes from Great Britain. Did this come before the gentleman's committee? Does the gentleman know anything about the purchase of 200 jet executive-type planes? If so, why do we buy them in Britain and who is going to use them when they get to this country?

Mr. MAHON. We are buying from Canada, under this bill—and it is above the budget estimate, by the way—a few copies of the Caribou aircraft, in the total sum of $12.5 million.

Mr. GROSS. What about the executive-type planes they are talking about buying?

Mr. MAHON. Offhand, I do not think those would be involved here. Perhaps some other member of the subcommittee is able to provide some further information on your inquiry.

Mr. LIPSCOMB. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. LIPSCOMB. There have been some ideas expressed as to the possible future procurement of aircraft of this type, but there is nothing in this particular bill for a procurement of jet-type executive aircraft such as has been mentioned by the gentleman from Iowa.

Mr. GROSS. If purchased, who is going to get these British executive-type planes, and why does this Government not buy Jet Stars made in this country or some other similar type of plane made in this country?

Mr. LIPSCOMB. I am all for keeping it in this country. I do not believe in this particular type of procurement being accomplished with foreign firms.

Mr. GROSS. I do not understand why we are buying some $325 million worth of military equipment from Great Britain or from any other country. We have the capacity to produce all we need in this country. We hear about poverty in this country every 15 minutes. What is wrong with our employing more Americans?

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. MAHON. Are we not taking care of American industry and labor in selling $11 billion worth of military equipment to our allies in a 5-year period? What is wrong with that?

Mr. GROSS. Everything in the world is wrong with it. We are getting an awful good lesson right now out of the Middle East. We armed those nations and then they started fighting and tearing each other up. Now we are getting the word over in the Committee on Foreign Affairs that we probably will be asked to put up many millions of dollars in order to patch things up again. That is what is wrong with it.

Mr. MAHON. We did not sell $11 billion in military equipment to the Middle East countries. I referred to our allies.

Mr. GROSS. How cockeyed contradictory can we get in this country when we talk about peace, spend millions of dollars a year on a disarmament agency, and then peddle $2 billion worth of arms a year around the world? How contradictory can we get?

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PROCUREMENT OF AIRCRAFT AND MISSILES, NAVY

For construction, procurement, production, modification, and modernization of aircraft, missiles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands, and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public or private plants; $2,946,500,000, to remain available until expended of which $208,800,000 shall be available only for the F111–B aircraft program.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM: On page 16, line 14, strike out "$2,946,500,000" and insert in lieu thereof "$2,839,800,000,".

Mr. BINGHAM. Mr. Chairman, my amendment would be to eliminate the $106.7 million that has been added on to the request for the EA–6A aircraft. It is an item which appears on page 4 of the committee report under the summary of additions recommended by the committee.

Mr. Chairman, I do want to commend the distinguished committee for the conscientious job I know they have done in making reductions in the requested appropriations, but I am seriously concerned at the amount of over $400 million in add-ons. I propose this amendment as a way of pointing up the problem.

This sum of $106.7 million was not requested by the Defense Department but apparently was made by the Department of the Navy. In this era, when we are faced with inflation and when there are great demands from all sides for expenditures that are necessary, we should economize to the extent we can. When the Defense Department has studied the matter and has come up with the conclusion that this request from the Navy Department should not be met, I believe that it would be wise and economical for this body to go along with the Department of Defense.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I will be glad to yield to the distinguished gentleman from Wisconsin.

Mr. LAIRD. Does the gentleman from New York intend to submit amendments on all of the add-ons which we made?

Mr. BINGHAM. No, but, as I said,

I am concerned about the total amount of add-ons.

Mr. LAIRD. This add-on for the EA-6A is in accordance with the recommendations of the Committee on Armed Services of both the House and the Senate.

It is true that the Chief of Naval Operations and the Secretary of the Department of the Navy appealed the decision of the Secretary of Defense. The Secretary of Defense did not support this particular item. But the Secretary of the Navy and the Chief of Naval Operations did support it. The House Committee on Armed Services supports it, the Senate Armed Services Committee supports it, and the conference committee agreed to this particular add-on.

Mr. BINGHAM. Mr. Chairman, I want to state to the gentleman from Wisconsin [Mr. LAIRD] that I am aware of that. I am proposing this amendment as a way of protesting the fact that such heavy additions have been made to the request submitted. This item is also the type of expenditure which I believe has to do at least, in part, with the intensified bombing of North Vietnam with which I and other Members of the House of Representatives are not in agreement. It is difficult to make out from the hearings on this item—part 4, pages 209 to 212—just what the facts are.

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the Congress has authorized $106 million, through legislation sponsored by the Committee on Armed Services, for these EA-6A aircraft for use in the war in Southeast Asia.

The Joint Chiefs, who have primary responsibility in connection with the war, have recommended these aircraft and have stated that they are urgently needed by the Marines in order to fight the particular type of war in which they are involved.

Mr. Chairman, it is my opinion that it would represent a serious blow to our defense effort should the Congress deny the funds provided herein for the EA-6A aircraft.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New York.

Mr. PIKE. I thank the distinguished gentleman from Texas, the chairman of the Committee on Appropriations, very much for yielding to me at this time.

Mr. Chairman, I would like to say that I appreciate on behalf of Marine aviation in general the fact that these aircraft have been added. They are not essentially a bombing aircraft. They are electronics jamming aircraft. They are designed to save American lives by jamming the radars and the SAM's of the North Vietnamese.

Mr. MAHON. Mr. Chairman, the Marines need these planes very, very badly and I commend the Armed Services Committee for having added them to the authorization. I further wish that all these planes were available at this moment in Vietnam where they are badly needed. This is a new plane for a vital mission and we have very few of them.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Wisconsin.

Mr. LAIRD. Mr. Chairman, I thank the gentleman from Texas for yielding to me at this time.

Mr. Chairman, this is one of the most important additions made by the committee from the strategic standpoint of the prosecution of the war in Vietnam. It is the most important of any that the committee added.

Mr. Chairman, I would caution the members of the Committee today against voting for this amendment. This amendment should be defeated. These add-ons are necessary in order to protect the lives of our fliers and in order to see that the war is prosecuted on a much safer basis from the standpoint of our service personnel.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Chairman, the record of the committee hearings is full of instances where witnesses have stated, one after the other, that this is the greatest single need in additional aircraft. This plane is not a bomber, as has been previously pointed out. Primarily, it is an electronics aircraft, and one which illustrates a state of the art in aircraft design not heretofore reached.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BINGHAM].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools, and installation thereof in public or private plants; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; $1,420,000,000, to remain available until expended: *Provided*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel.

Mr. ANDERSON of Tennessee. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wonder if I might ask a question of the distinguished chairman of the Committee on Appropriations.

Mr. Chairman, the committee report states on page 47 that the Committee on Appropriations will expect the Defense Department to proceed with the advance procurement of the second fiscal year 1968 nuclear frigate, and that the committee will expect the Defense Department to request funds for the full construction of the second nuclear frigate in the 1969 shipbuilding program.

Is that statement, Mr. Chairman, sufficient to insure that the Defense Department will actually build this second fiscal year 1968 nuclear frigate?

Mr. MAHON. Mr. Chairman, if the gentleman will yield to me, I would say the answer to the question is "No." The language is not sufficient to compel the Department of Defense to build the additional frigates that are provided for in this bill. You can lead a defense official to water, but you cannot make him drink, and that is the problem here. I believe these funds will be used, and I certainly would want to emphasize that it is the position of the committee, and I am sure of the House, that we should proceed with all deliberate speed with the construction of these ships for the nuclear navy. I believe this is the wave of the future in navy warfare.

Mr. ANDERSON of Tennessee. Then, Mr. Chairman, would it be proper to say that it is clearly the intention of the Committee on Appropriations and, therefore, the intention of the House, that they should be built?

Mr. MAHON. I say to the distinguished gentleman, who has distinguished himself in the field of nuclear propulsion in the Navy, that it certainly is the view of the committee, and I believe of the House, that the Department of Defense should proceed with construction.

I commend the gentleman for his interest.

Mr. ANDERSON of Tennessee. I thank the distinguished chairman.

AMENDMENT OFFERED BY MR. BYRNES OF WISCONSIN

Mr. BYRNES of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BYRNES of Wisconsin: On page 17, line 9, before the period, add the following: "*Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessels in foreign shipyards."

Mr. BYRNES of Wisconsin. Mr. Chairman, first I do want to congratulate the subcommittee that has had the responsibility of preparing this bill and bringing it to the House. Theirs has been a mammoth job, and I believe we should all express a feeling of appreciation to them for the job they have done. Because I offer an amendment certainly should not be interpreted as being critical of the work of the committee.

Mr. Chairman, I do believe here is one area, however, that a change should be made in the bill as it comes to us.

I would ask the members of the Committee to take the bill as reported by the committee and read the last five or six lines of the first paragraph on page 17 where, after making the funds available, the $1.42 billion for shipbuilding and conversion, Navy, there is a proviso in the bill:

> *Provided*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel.

We already have, therefore, a limitation on the construction of all major components of naval vessels abroad, but the interesting thing is that there is no restriction about having the whole ship built abroad.

What I suggest, Mr. Chairman, is that we should add this additional proviso that none of the funds herein shall be used for the construction of a naval vessel in foreign yards.

The reason this comes to my attention is the fact that there is a practical situation that has been developing and is before us today, in a sense. This appropriation provides for the funding of seven vessels called MOS, ocean mine sweepers. Their duty is mine sweeping and mine hunting, and they operate in support of our amphibious forces.

It is a combat ship. It is a ship of new design, new advance design, according to the words of the Navy, a prototype.

The seven that are funded in this bill are seven out of 16 that it is proposed to be built. We have already authorized and funded in previous years nine of this type vessel, but none of them has yet been contracted for or bids let.

Four were authorized for construction in fiscal year 1966. Five were authorized for construction in fiscal year 1967.

This bill contains seven for 1968.

But what is the plan of the Defense Department? The plan is to give all 16 ships of this new prototype and new vessel of advanced design—that they all are to be given to the British for British construction.

The nine that have already been funded are for 1966 and 1967. Of course, we cannot touch that by legislation here. So there is nothing we can do in a sense, I suppose, to affect their intention to go ahead and let the contracts on those nine.

But I suggest to this House that we should have the responsibility of at least having seven of the 16 constructed in yards here so that we can maintain in this country an expertise with regard to the construction of this type of vessel and so that we do not lose the know-how and experience in building this type or class of vessel.

In my judgment, we should not place sole and immediate reliance upon a foreign source 3,000 miles away and beyond our control. Where are we going to get this type of ship when foreign yards either cannot or will not build them in case of some future emergency?

To me, it is utter folly to put all of our eggs in one basket and then put that basket abroad. All I am suggesting here is that we say to the Navy or to the Department of Defense that these seven—these seven out of 16, at least let us let the contracts for their construction to American yards.

Mr. GARMATZ. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am completely in favor of the distinguished Member's amendment to restrict expenditures under this bill to American yards.

As chairman of the Merchant Marine and Fisheries Committee, on many occasions I have been told by witnesses that it is unnecessary to restrict construction of merchant ships to American yards because the necessary know-how to build merchant ships during wartime would come from the fact that Navy ships are being built in American yards.

I must say that I am not persuaded at all by this argument and the very fact that an amendment such as this has become necessary amply supports my misgivings with respect to maintenance of an adequate shipbuilding base in the United States.

True it is, that up to the moment only a few isolated contracts have been given out abroad and only a few more bids have been sought. But, nevertheless, the intent to build abroad is evident and I am firmly convinced that it is wholly detrimental to the United States.

I am aware of the argument in favor of building abroad—that our airplane industry receives large orders from abroad and that we must do something to spend some of these profits in Britain and elsewhere, but I feel that our ultimate survival in case of war is far more important than a balance-of-payment matter, and that we can assure our future only by having the necessary skills within our immediate control.

We cannot count on Britain or Japan to build our warships or our merchant ships in case of an emergency. We can only rely on our own strengths and skills, and we must keep these skills alive.

Mr. DOWNING. Mr. Chairman, will the gentleman yield?

Mr. GARMATZ. I am glad to yield to the gentleman from Virginia, a member of the Committee on Merchant Marine and Fisheries.

Mr. DOWNING. Mr. Chairman, I completely concur in the statement just made by the gentleman in the well, the chairman of the Merchant Marine and Fisheries Committee of the House. He is knowledgeable in this matter and has made a good statement.

I am also in sympathy with the intent of the amendment just offered. For some reason it seems to me the administration is intent on building our ships in foreign yards. For what reason I cannot know. We talk about the balance of payments. Certainly this is not going to contribute to a solution of our balance-of-payments problem by building ships in foreign yards.

We talk about keeping the employment level high. This is taking employment away from these people. We talk about maintaining the state of the art. We are certainly not helping that. Right at this moment the Secretary of Transportation is trying to sell a maritime policy which has as one of its cornerstones the building of ships abroad. I think it is time that we stop this.

Implements of war, such as naval ships and maritime vessels which will be used and are necessary in time of war, should be built at home. I intend to support the amendment.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. GARMATZ. I yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman from Maryland. I have had the privilege of serving with him on the Merchant Marine and Fisheries Committee for many years, and I subscribe to the thought that he has submitted here.

When are we going to learn? Those of us who can remember 1917 remember that one of the things that was the pacing item of that war was the building of ships to supply logistically our troops abroad. Many of us still remember the old saying that the wooden ships we built were built with wood so green that they could still hear the birds singing in the trees.

Then came World War II, and again the pacing item was shipping to support our foreign efforts.

Are we going to forget, or have we forgotten the lessons of these two wars?

I remember when a group of people representing a foreign chamber of commerce came before the Committee on Merchant Marine and Fisheries and pled that this country abandon its merchant marine because we had other resources, and let them handle the sea traffic of the world as they need no great natural resources. What would happen to our foreign exports if we should become dependent upon foreign shipping? This is what we are rapidly coming to. I thank the gentleman for his very fine statement.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. GARMATZ. I yield to the gentleman from Wisconsin.

Mr. LAIRD. I would like to add to what the gentleman from Maryland said. I think this is a reasonable amendment which has been offered. It does not demand that all 16 of these minesweepers be built in the United States. It says that instead of all 16 being built abroad, at least seven of the 16—just seven—be built in the United States so that we can maintain this capability which could be very important at some future time. I agree with the gentleman from Maryland. I hope the chairman of the subcommittee, the gentleman from Texas, will accept this amendment because it is a good amendment and it should be accepted.

Mr. GARMATZ. I thank the gentleman.

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment. I have before me a statement of the position of the administration on this issue. The effect of the pending amendment is that we deny the Navy the right to let Great Britain compete for the construction of some minesweepers.

It is not proposed that these ships be built abroad unless the bidding abroad is below that proposed by shipbuilders in this country.

I would like to read a portion of the statement with respect to this matter:

> 1. *The US has sold over $11 billion in military equipment to our Allies in the five year period,* FY 62–66. As a general principle the US must be willing to procure selected equipment abroad for use by US Forces as part of large scale foreign purchase programs in the US under competitive arrangements consistent always with our principal interests in military preparedness, security of our equipment and our own political and economic objectives. To eliminate ships from any such small selective purchases abroad is to provide a special and unwarranted privilege to one military equipment industry at the expense of others.

We do not propose to eliminate purchase of some aircraft in Canada. No, just the special purchase of this type of ship. Now I will continue to read the statement:

> 2. Specifically the UK committed itself to purchasing over *$2 billion* in equipment from the US industry over the next ten years. The US in return committed itself to purchasing *$325 million* of equipment from UK industry on a competitive basis over the same time period.

This is a matter of commitments which have been made. If we do not buy the ships, then we have to buy aircraft or something else, because we are committed.

> The United Kingdom has already confirmed orders for approximately $1.3 billion and has committed itself to follow-on costs of over $700 million over the 12-year period of the agreement. The United States has confirmed $143 million was for ships, $100 million for aerospace industry items, and the balance in miscellaneous Army and supply items. Based on prior consideration of the shipbuilding problem by the DOD and Congress, the United States has additionally committed itself to placing 16 minesweepers, 2 AG's and 2 salvage tugs into competition between United Kingdom and United States industries in addition to many other aerospace and ground items. This competition involves 9 MSO's for which funds have already been appropriated by the Congress, and 7 MSO's, for which funds are in S. 666. This would bring the total ships to be placed into competition abroad under the United Kingdom arrangement to $143 million if the United Kingdom industry successfully competes, out of a total shipbuilding appropriation for these three years of $6.2 billion or less than 2.5% of the total new shipbuilding program not counting the backlog of about $7 billion in United States shipyards. To place the shipbuilding industry in a privileged position as proposed by the Byrnes Amendment even for this small percent would not only be unfair to all other United States industries but would place the DOD in a position of being unable to carry out a commitment entered into formally with the United Kingdom and previously discussed with the Congress of the United States.

I underline the word "commitment." We are committed. Members of Congress from districts where they produce aerospace equipment and aircraft should get up under this technique and offer amendments to prohibit the carrying out of these arrangements.

(By unanimous consent, Mr. MAHON was allowed to proceed for 5 additional minutes.)

Mr. MAHON. Mr. Speaker, I will continue reading the statement:

> 3. The proposed amendment prohibits all types of ships. However, the record shows that it is the purchase of the minesweepers which probably involves only three shipyards in the United States which is at issue. These ships were selected by the U.S. Navy for competition by United Kingdom industry in 1965.
>
> While they are slightly longer than previous MSO's, *there are no new basic techniques involved in the hull portion*—and the US Government will furnish all of the complicated equipment to be installed on the ship from US sources. The basic changes in hull specifications are similar to those already incorporated into coastal minesweepers being built in US shipyards. Thus it is the opinion of the Department of Defense that there is no need to provide a special privilege to the few shipyards who have indicated an interest in competing on these ships.

I say, as a matter of fairness to our colleagues, if we are to do this for the shipbuilding industry then we ought to do it for the aerospace industry and for other industries in the United States. Since we have sold $11 billion worth of military equipment abroad it seems to me we ought to be willing to buy a small fraction of our equipment abroad.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. I might say that Admiral Fahy told our committee:

> This is part of the exchange program for the British buying the F-111 or TFX, and our share of supporting them is to let them bid in on MSO's and ATS's and the two AG's.

Mr. MAHON. I thank the gentleman.

Mr. ANDREWS of Alabama. And he did say that price would be taken into consideration.

Mr. MAHON. Of course prices will be taken into consideration.

Mr. DOWNING. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Virginia.

Mr. DOWNING. I thank the gentleman.

Of course we all know that if this is put out to competitive bidding the United States will not have a very good chance, because our costs of things here are so much higher. They will underbid us. It will go to Great Britain.

Mr. MAHON. But, in return for their buying the F-111's, we have committed ourselves to buy other items.

Mr. DOWNING. Who committed us, on an industry that is sick? We are trying to revive the shipbuilding industry. We have no maritime industry. Some of our yards are folding. Why was a commitment made which would further hurt a sick industry?

Mr. MAHON. A commitment is a commitment, and a strong and powerful nation ought to stand by its commitments. We ought to vote down this amendment.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Do we have a commitment that we will fund this in this bill?

The gentleman is not telling us that somebody has made a commitment that all this has to be done, that the Congress even has to fund the seven involved here. That is up to the Congress, as to whether we will authorize these seven and fund them.

Mr. MAHON. They have been authorized, and this is providing the funds for the ships.

We have committed ourselves to buy certain amounts of material from the British. The Navy has selected these wooden-hull minesweepers, and we are going to furnish the technical equipment for them.

Why not stand by our commitments? What is wrong with that?

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. Who made the commitments?

Mr. MAHON. The U.S. Government.

Mr. GROSS. Who made the commitments for the U.S. Government?

Mr. MAHON. The Department of Defense.

Mr. GROSS. That means Robert Strange McNamara?

Mr. MAHON. It means the Department of Defense, and he happened to be the Secretary at the time.

I would hope we could at least let these ships be competed in this country and in Great Britain and that we will not try to take an action which would be equivalent to the great and proud United States welshing on its commitments.

Mr. GROSS. Is this the same individual who closed down the shipyards?

Mr. MAHON. No one is advocating that we close down shipyards. We may possibly have too many, but no one is proposing that we close them down.

Mr. GROSS. He did close them down. The same McNamara closed them down.

Mr. MAHON. Other shipyards than those which would be involved here.

Time marches on.

Mr. CEDERBERG. Mr. Chairman, I rise in support of the amendment.

I would urge the Members to give it very serious consideration. I believe there is more at stake than the three shipyards which are involved.

I admit a particular interest in this because I have one of the small shipyards in my hometown. I know the difficulty that the small yard has today in competing. The yard in my district has already lost bids to British concerns. Saying that the American yard has a right to compete with the foreign yard is just nonsense because it is absolutely impossible for American shipyards to compete with British shipyards. It just cannot be done.

Now, let me tell you another reason why I am opposed to allowing these ships to be built in Great Britain. The Navy now has a new method of awarding contracts on ships for the Navy. The shipyard in my area over the years built many Navy ships—guided missile destroyers, destroyers and destroyer escorts—on the Great Lakes that go up through the St. Lawrence Seaway to the ocean. But now the Navy, when it lets bids for these ships, will let a bid for a large number of ships for one yard whereas in the past they would break these bids up so that they could keep a mobilization base. Now, this yard and others on the Great Lakes and other small yards do not get an opportunity to compete on this Navy work. So what you are doing is allowing the smaller yards that can build these ships to go out of business. You are requiring them to compete with Great Britain. With the present policy of the Navy in shipbuilding, allowing only the very largest yards in this country to build these Navy ships, we are leading to the destruction of the small yards. The small yards that have historically had a part in the shipbuilding business—and I might say have done a very efficient job in providing ships to the Navy—are about to go out of business. I do not think this is fair. I do not think it is fair for our own Navy to have a kind of construction program which makes it impossible for these yards to bid effectively and also places them in competition with foreign yards.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman.

Mr. BYRNES of Wisconsin. These 16 ships would involve around $120 million.

Mr. CEDERBERG. Let us say it is $120 million out of about $2 billion—I do not know how much the gentleman from Texas said was involved here, but certainly they can find some other items for this $120 million and keep these shipyards in business. It would give these smaller yards an opportunity to compete among themselves within the United States without having to compete with foreign yards. It is impossible for them to compete. If you want to put some shipyards in this country out of business, just vote this amendment down and that is exactly what you are going to do.

Mr. PIKE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think all of us recognize the great emotional appeal of buying anything we can get in America and never buying anything anywhere else. We in New York are not indifferent to the problems of shipyards. We even used to have a shipyard in New York, too. We do not have a naval shipyard there any more. It is gone. The gentleman from Virginia, who is a very articulate spokesman for a very excellent shipbuilding area has said that if this amendment does not pass we are not going to buy these ships in America. He says the American yards will not have a chance. This is another way of saying in the final analysis that they are going to be obtainable cheaper if this amendment does not pass. The ships will be procured at a lesser cost in open competition. I do not think that the American taxpayer is going to be outraged at the concept of spending a little less money to buy some of these ships.

Mr. Chairman, I do not believe that anyone is going to be too unhappy if we buy something of equivalent value at a lesser price somewhere else.

Now, Mr. Chairman, I am not in favor of doing this all over the place. I do recognize the peculiar problems of the American shipbuilding industry. But we cannot buy anything ever, anywhere abroad, without stepping upon the toes of some American industry.

Mr. Chairman, there has never been a proposal to buy anything anywhere that did not offend someone; I do not care whether it was ships or planes or engines or tanks or fabrics or buttons or wine, you name it.

Mr. Chairman, we do have a tremendously favorable balance of trade and we have a tremendously favorable balance of commercial trade. We have a tremendously favorable balance of military trade.

Mr. Chairman, the chairman of the committee has properly pointed out how tremendously favorable this balance is. We just cannot hope to sell and sell and sell abroad and never, never ever buy abroad.

Mr. Chairman, I hope that this amendment will be defeated.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, the gentleman from New York has made a statesmanlike speech. I support his position and wish to associate myself with his remarks.

Mr. PIKE. When I read it in the Record tomorrow, I may perhaps wish I had made it myself.

Mr. ZION. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in favor of the amendment.

Mr. Chairman, I have in my files a newspaper clipping from Hong Kong dated about 16 months ago, when I was there. It announced a big contract for a Hong Kong shipyard to build barges for the United States, apparently because the States were incapable of building them themselves.

Mr. Chairman, this was an interesting contract because it provided a substantial profit to these Hong Kong shipbuilders. I was a little bit distressed about it at the time, and I am considerably more distressed about it now, because through the Hong Kong Harbor goes about one-half of the gross national product of Red China, without which we would not be facing all of this armament in North Vietnam.

Mr. Chairman, if we are going to continue to support these countries which are stabbing us in the back in Vietnam by giving them valuable contracts instead of producing the items ourselves, then it is my opinion that we shall continue to see "Vietnams" occur all over the world.

Mr. Chairman, I am very much in favor of the amendment and I hope that my colleagues will joint me in my effort to see that we stop helping these countries that are killing our men in Vietnam.

Mr. DOWNING. Mr. Chairman, will the gentleman yield?

Mr. ZION. I yield to the gentleman.

Mr. DOWNING. Mr. Chairman, I would just like to answer my friend, the gentleman from New York, who was talking about the economics of this matter.

If we are just interested in economy I am sure these ships can be built cheaper in Japan. That nation can build ships for about half of what the Western World can.

Of course, I realize we have to have reciprocal trade. I know that. But my argument is that when we reciprocate we should pick an industry that is not sick. We should pick a vibrant industry, one that can stand the shock of this. But we are picking on an industry that needs help.

Mr. Chairman, I have watched the hydraulic turbine industry dwindle in about 10 years' time when they had 10 firms who were manufacturing this huge equipment, and today we have only three. Primarily that was because our Government has been constrained to award turbine contracts abroad because they can get them cheaper. Therefore we have ruined an industry which can produce these valuables pieces of machinery, and as a result we have lost some of the valuable know-how. I do not want to see that happen here.

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I shall not take the full 5 minutes, but simply want to point out again that the Congress has authorized the action which is proposed in the bill. Acting on the authorization by Congress, the U.S. Government has entered into an agreement which very definitely is favorable to us in that Britain will buy many more times as much from us than we propose to buy from them. Since our Government, acting on the authorization by Congress, has in good faith entered into an agreement; to abrogate that agreement by an amendment here today would leave us in a very bad light, worldwide. I cannot believe the Congress wants to put our Government in the position of having to repudiate its own agreement. It would not place the U.S. Government in good light in its negotiations on many important subjects throughout the world at this critical time.

Mr. LAIRD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I will not take the full 5 minutes, but in view of the discussion which has just gone on, I would like to say to the gentleman from New York that I was glad to oppose the amendment to delete the EA–6A from the bill.

Of course the F–111 aircraft is involved in this matter. But there is no contract on the part of the British Government to buy the TFX. There have been no contracts placed in the United States for the TFX on behalf of the British Government.

The gentleman from Wisconsin has merely asked that of the minesweepers that are going to be built this next year, seven of the 16 be built in the United States—only seven of the 16, in order to maintain some capability here in America to build this new type minesweeper.

Mr. Chairman, I would like to just point out that as far as the cost differential is concerned, this is tied in to a great extent to labor wage rate contracts in the shipbuilding industry.

If you wish to go to the country that can build the ships the cheapest, then you follow the argument of the gentleman from New York. The ships can probably be built much cheaper in Japan. As the gentleman from Virginia has said, and the gentleman from Maryland said earlier, there is a 40-percent differential as far as Great Britain is concerned. The amendment asks only that seven of the 16 minesweepers be built in the United States next year. This is all tied in with the TFX procurement. There has been no contract from Great Britain on this. There cannot be a real and final commitment made on the part of the U.S. Government until the Congress appropriates the money, and there has been no appropriation for these seven ships that are being authorized in this bill.

Mr. Chairman, I ask that this amendment be agreed to.

I yield back the balance of my time.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, unlike the States of Maryland, Texas, and New York, the State of Iowa has not a single shipyard.

I want to see Americans employed in shipyards as well as elsewhere in our industries because the American labor has been and always will be the best market for our American farm products. I want to see American labor employed. I know of no reason why—and at this time of all times, when the British are running supplies into Haiphong to help kill Americans in Vietnam—I see no reason why we should go to Britain for a dime's worth of anything. You tell me why. The chairman of the committee talks about billions of dollars of military equipment that we are selling around the world these days.

Mr. MAHON. We are selling to Britain, if the gentleman will yield.

Mr. GROSS. What is that?

Mr. MAHON. We are selling billions of dollars of military equipment to Britain.

Mr. GROSS. And do you have the slightest knowledge as to what they owe us? They are our biggest debtors from World War I and right down to the present day. They owe us more billions of dollars than any other country in the world. There is not the slightest assurance that they will pay us for anything that they get. These leeches have been on our back for years. Let us stop this business of going to Britain for ships. If you want cheap ships, as one of my colleagues said just a moment ago, go to Japan.

Mr. MAHON. The Congress has authorized these ships and the law provides a means for the type of action proposed in this bill.

Mr. GROSS. The Congress does the authorizing, not the Secretary of Defense. It is certainly right that the Congress do the authorizing.

Mr. MAHON. That is right and the Congress has approved the budget program for these ships and has not restricted the program.

Mr. GROSS. Let us just make the start here today to cut down on those who demonstrate every day that they are not in our camp. Instead of giving us help in Vietnam the British are helping to supply the enemy. If the British are friends, who needs enemies?

Mr. JOELSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to ask the gentleman from Iowa what is the basis of his statement that British ships are supplying the sinews of war to Hanoi, because it is my understanding that that is not the case.

Mr. GROSS. Does not the gentleman know that British ships are running into Haiphong?

Mr. JOELSON. I do not know anything of that sort. I would like to know if the gentleman has his own State Department—because I have been told by our State Department that that is not happening.

Mr. GROSS. Of course, that is happening.

Mr. JOELSON. That is not happening and I would like to ask the gentleman what he bases his statement on.

Mr. GROSS. I base my statement on the fact that they are running ships into Haiphong.

Mr. JOELSON. The gentleman has never taken a trip out of this country so I assume that he has not seen it. I would like to know what information he bases his statement on.

Mr. CHAMBERLAIN. Mr. Chairman, will the gentleman yield?

Mr. JOELSON. I would like an answer from the gentleman who made the statement.

Mr. GROSS. Do I have to take a trip to Vietnam to read a newspaper or to read the Congressional Record? The gentleman from Michigan will give you the figures.

Mr. JOELSON. I would like to know the newspaper that made that statement.

Mr. CHAMBERLAIN. I will tell you where it comes from.

Mr. Chairman, will the gentleman yield?

Mr. JOELSON. Mr. Chairman, I yield no further and yield back the balance of my time.

Mr. CHAMBERLAIN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, since the gentleman raised his question, I have taken this time to set the record straight. Just a few days ago I stood in this very spot and reported to the Members of the House here that during the month of May there were nine free world ships that carried cargo to North Vietnam, seven of which fly the British flag. One was from Malta and one was from Cyprus.

Now last Thursday, if the gentleman will take the trouble to look in the Record——

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. CHAMBERLAIN. The gentleman declined to yield to me and I have 5 minutes and I ask for the courtesy of being able to respond to the question the gentleman has raised.

As I was saying, if the gentleman will look at the Congressional Record of Thursday last, he will see that I have included there a list of 829 ships that have sailed to the port of Haiphong during the last 2 years.

Of these 829 vessels, 210 were flying free world flags. More than 25 percent of all cargoes from any source whatsoever that have gone to North Vietnam during the last 2 years has been carried on free-world-flag ships. What more does the gentleman want? If you will see me later, I will give you the name of every ship, its tonnage, the date it was in the harbor, and everything else.

The gentleman should know this. Of the nine ships that went to North Vietnam during the month of May, one of the ships—and I cannot tell because this is classified—was carrying strategic cargo to the enemy. Now, you will have to use your own imagination as to what this strategic cargo was, but if you will see me after the debate is concluded, I will tell you.

If the gentleman wants me to yield, I am now happy to yield.

Mr. JOELSON. Yes, I would ask you the same question that I asked the gentleman from Iowa. What is the source of your statement that British ships are supplying North Vietnam?

Mr. CHAMBERLAIN. I got this information from the Department of Defense, and I will take you to the safe in my office and show you the whole list. What more do you want?

Mr. JOELSON. All I can say is that I do not resort to confidential information. I have been informed publicly, as have many other Members of Congress, in White House briefings that free world ships—British ships—are not supplying North Vietnam with supplies.

Mr. CHAMBERLAIN. I will take the gentleman to my office with me right now and I will show him this material. It is classified "Secret." I cannot divulge it, but I will give you the name of every one of the 829 ships that has been to North Vietnam for the last 2 years.

Mr. JOELSON. Well, if it is classified "Secret," I am surprised that the gentleman would disclose it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. Byrnes].

The question was taken; and on a division (demanded by Mr. Byrnes of Wisconsin) there were—ayes 119, noes 61.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 637. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount equal to as much as the entire cost of such project.

AMENDMENT OFFERED BY MR. VANIK

Mr. VANIK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Vanik: On page 43, line 8, insert a new section 638 as follows:

"Sec. 638. None of the funds provided herein shall be used to pay for the travel and subsistence of civilians not in the employ or service of the United States Government attending national and international rifle matches."

Renumber present section 638 and subsequent sections accordingly.

Mr. VANIK. Mr. Chairman, I submit herewith an amendment which would strike out the appropriations for the travel and subsistence for the civilian components of rifle teams attending national and international rifle competitions. My amendment is directed toward present practices under the law which permits the participants to have a "rifle match junket" at the expense of the taxpayer.

Every year the National Rifle Association utilizes Camp Perry in Ohio during the months of August and September involving the attendance of approximately 8,000 participants who travel to and from Camp Perry at public expense and who are billeted on the campgrounds.

Camp Perry is owned by the State of Ohio but it is leased and used by the Department of Ohio National Guard, Army Reserve summer training, and the national rifle and pistol matches conducted by the Department of the Army and supported by the civilian marksmanship program.

Earlier this year I requested the Department of Defense to make available the facilities of Camp Perry as a summer camp for 5,000 disadvantaged young people of central Cleveland areas. It seemed to me that such a program would be very helpful in removing these young people from difficult and trying environmental conditions in their home communities for at least a short period to time. The purpose of my suggested program was to provide a camp facility for thousands of young people who had never been exposed to the experience of camp life.

Mr. Edward J. Sheridan, Deputy Assistant Secretary of Defense, advised me on May 19, 1967, that although Camp Perry is owned by the State of Ohio, it is used by the Department of the Army for the national rifle and pistol matches during the months of August and September.

From the standpoint of priorities, it seems to me that the facilities of Camp Perry would be more prudently used as a summer camp for needy young people than as a sharpshooters assembly ground.

It has just come to my attention that, in addition to providing for the travel and subsistence of 8,000 participants of the national rifle matches at Camp Perry, the Department of Defense spends an additional $2.7 million to provide personnel and facilities to support the 8,000 trainees during the training period. In addition, 3,000 active members of the U.S. Army are assigned to Camp Perry to take care of other needs of the training group during this training period.

While 3,000 Army personnel are doing training and porter work for the civilian participants at the Camp Perry training program, young men, 29,000 in the month of August alone, are being drafted to do military work in their stead.

It seems ridiculous for the taxpayers of America to pay for the travel, billeting, and ammunition expended by private citizens involved in these rifle matches. The National Rifle Association justifies the utilization of public moneys on the basis of its service as a community stabilizer. It seems to me that we might do an infinitely better job of stabilizing communities of discontent through the establishment of a summer camp program for the young and the development of training and educational programs for the other groups.

I therefore urge that this Congress halt its practice of providing a Government-subsidized junket to Camp Perry and the adjacent resort areas for the sole benefit of private citizens who have no official connection or obligation to the U.S. Army or its objectives.

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, one of the foremost objectives of the training program of the armed services is the achievement of high standards in marksmanship. This is a necessity for an effective infantryman.

The program against which the gentleman's amendment is directed is not directly a part of the military training program, but many military personnel participate in these matches. It helps to maintain a high espirit de corps among members of the Armed Forces to realize that some of their personnel are among the leaders in marksmanship in this country. The matches have a very fine effect in encouraging young people to engage in healthy, useful training instead of frequenting street corners.

Now, let us look a little further. These matches have been going on for many years. The best of our marksmen, following these matches, compete internationally. Because of these matches and the skills they develop, our marksmen, including a very substantial number from the armed services, have been able to outshoot marksmen from any other country and to win international matches.

That, to me, is a very important thing. The fact that American marksmen are still considered the best in the world is, to me, worth many times the money carried in this bill.

We would destroy this opportunity if the amendment were adopted, and we would be striking a serious blow at the entire military marksmanship program.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Arizona.

Mr. RHODES of Arizona. Is it not also true that the very existence of Camp Perry is an incentive for young people to learn how to fire a rifle and to fire it well? There may be 2,000 people who go to Camp Perry, but for every 2,000 who go, there must be any number of people trying, and in trying they acquire some skill with the rifle they otherwise would not have.

Mr. SIKES. The gentleman is correct. They are encouraged and stimulated by the example of Camp Perry.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. VANIK].

The amendment was rejected.

Mr. PRICE of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to commend the Appropriations Committee for its forthright stand on nuclear propulsion for naval warships. My responsibilities on the Joint Committee on Atomic Energy and the Armed Services Committee have given me an excellent opportunity to learn what new dimensions nuclear propulsion gives to military warships. I believe that anyone who takes the time to study the facts will conclude that nuclear propulsion is indispensable to any Navy which is to be effective.

Before I comment on some specifics on nuclear power in the bill before us, I want to express my satisfaction and state my agreement with the beautifully worded and succinct statement on "Studies and Analyses" in the Appropriations Committee report on page 5. I can testify to the truth of the following excerpt from this section in the committee's report:

> There is some feeling that studies are resorted to as devices to procrastinate expensively, thus deferring decision until the point in time may be reached when a decision is unnecessary because the original need has disappeared.

I strongly support the committee's statement that we must curtail the proliferation of studies since so many studies are used as excuses for not taking responsible action.

I note with pleasure the House Appropriations Committee action discussed on page 47 of the committee report No. 349 to fund construction of one nuclear-powered guided missile frigate—DLGN—in fiscal year 1968 and to fund advance procurement of another nuclear frigate in fiscal year 1968. The report states:

> The budget estimate proposes the amount of $166,600,000 for the construction of two conventionally-powered guided missile destroyers (DDG). These funds were denied in the authorization legislation and two nuclear-powered guided missile destroyer leaders (DLGN) were substituted. The Committee recommends the appropriation of funds for the construction of one additional DLGN and advance procurement of another DLGN at a total cost of $134,800,000. The bill has been reduced by the net difference of $31,800,000. The Committee will expect the Department to proceed with this construction and advance procurement and to request funds for the construction of the remaining authorized DLGN in the fiscal year 1969 shipbuilding program.

Further, Public Law 90–22, the fiscal year 1968 defense authorization law which the President signed on June 5, 1967, requires that:

> The contracts for the construction of the two nuclear powered guided-missile frigates shall be entered into as soon as practicable unless the President fully advises the Congress that their construction is not in the national interest.

With these clear statements of the will of Congress, it should be apparent to the Secretary of Defense that it is the mandate of Congress that the Navy have more nuclear-powered major fleet escorts for its nuclear aircraft carriers.

Further, it should be clear to the Secretary of Defense that work on these nuclear-powered warships should proceed immediately, using the $20 million appropriated by Congress last year in Public Law 89–687 for advance procurement for a fiscal year 1968 DLGN. The Defense Department has procrastinated long enough making ineffectual cost "studies" as an excuse for not proceeding with a course of action that is obvious to all here in Congress; an area which has been examined in depth and is supported by the five cognizant committees of Congress: The Joint Committee on Atomic Energy, the House and Senate Armed Services Committees, and the House and Senate Appropriations Committees have all concluded it is necessary and desirable to build more nuclear-powered escorts for our nuclear aircraft carriers, ships that will be in our fleet into the 21st century. The Joint Committee on Atomic Energy, the House Armed Services Committee, and the House Appropriations Committee have further concluded it would be wasteful to continue building nonnuclear escorts for our nuclear aircraft carriers. It is even worse to continue to delay building nuclear escorts while the question is "studied" more; while our Navy is becoming obsolete before our very eyes.

At the conclusion of my remarks I would like to include a brief statement made by Senator PASTORE, chairman of the Joint Committee on Atomic Energy, and one made by the gentleman from California, Congressman CHET HOLIFIELD, vice chairman of the committee, last Saturday on the lesson we should learn from the latest crisis in the Middle East. I believe both of these gentlemen make some very important points. It is my pleasure to note that the bill before us reflects this lesson.

I want to congratulate the distinguished members of the House Appropriations Committee and especially the distinguished chairman for their clear stand on this issue.

The statements referred to follow:

SENATOR PASTORE STRONGLY URGES NAVY TO "GO NUCLEAR"—SAYS MIDDLE EAST CRISIS SHOWS NAVY'S ACHILLES HEEL

The recent crisis in the Middle East, with the resulting interruption of oil supplies and the closing of the Suez Canal, clearly illustrates the importance of using nuclear propulsion for all capital warships of the United States Navy, it was pointed out today by Senator John O. Pastore, Chairman of the Joint Committee on Atomic Energy.

Senator Pastore, who is noted for his strong support of a nuclear Navy, stressed the importance of supporting the recent Congressional action of changing two conventionally powered major fleet escort ships requested by the Department of Defense to nuclear powered ships. Senator Pastore said:

"The recent announcement by the Secretary of Defense for an emergency plan to provide petroleum products for our military forces in Southeast Asia, which will require doubling the number of oil tankers for the long trip around the Cape of Good Hope, reemphasizes the critical importance of reducing the Navy's dependence on fuel oil. It is with no intention of criticizing past decisions by the Secretary, but rather with the hope that we may move forward in the best interests of the national defense of the United States, that I recommend the Defense Department join with the Congress to insure that all future capital vessels of the United States Navy will be nuclear propelled."

Senator Pastore continued:

"With this in mind, the Defense Department should carry out the Congressional decision that the two major fleet escorts the Department of Defense needs and asked for this year will be nuclear powered."

Senator Pastore emphasized that he and other members of the Joint Committee on Atomic Energy have repeatedly recommended nuclear power for all capital warships.

"The evidence based on detailed studies and analyses made by the Joint Committee overwhelmingly supports the need for a nuclear Navy—Let us eliminate this Achilles' heel now."

MIDDLE EAST CRISIS EMPHASIZES NEED FOR NUCLEAR SURFACE NAVY

(Statement by Congressman CHET HOLIFIELD, vice chairman, Joint Committee on Atomic Energy)

We all know about the crisis in the Middle East and of the efforts by our Government and others to permanently end the fighting. I wonder how many of us have thought about some of the side aspects of this crisis.

Two specific events come to my mind. One is the closing of the Suez Canal, and the second is the stoppage of oil from the Middle East to the United States and other Western nations.

While only a small fraction of our domestic oil consumption comes from the Middle East, news reports indicate that more than half the petroleum products used in Vietnam have been coming from Persian Gulf sources. While the United States has sufficient petroleum resources to supply the needs of our armed forces, we are now faced with having to transport fuel from the United States to Southeast Asia without use of the Suez Canal as a shortcut. Diverting tankers around the Cape of Good Hope can add several weeks to a tanker's voyage.

On June 7 the Secretary of Defense announced he was invoking an emergency plan to provide petroleum products for our forces in Southeast Asia without being dependent on the Middle East. This involves doubling the size of the fleet of tankers which have been used to supply our Southeast Asian forces.

Doesn't this sound like a good case for our Navy having nuclear power in our major surface warships; our aircraft carriers and their escorts?

This year again Congress has had to take the lead in trying to modernize our Navy. Congress changed two non-nuclear major fleet escorts (DDG's) requested by the Secretary of Defense to nuclear powered frigates (DLGN's).

The Suez crisis in 1956 should have shown us the danger to our vital military supply lines overseas. We should have seen the "handwriting on the wall." But apparently we didn't learn from this experience. That "writing" clearly showed that the United States should go to nuclear propulsion for its major surface ships. Yet that "writing" has to this very day been continuously ignored by the Department of Defense by asking for conventional escorts rather than nuclear escorts.

This week, with the closing of the Suez canal, the same "writing" has again appeared on the wall. How many more times will the Department of Defense permit this warning to remain unheeded? Will the Secretary of Defense now carry out the clear mandate of Congress, or will it take a national catastrophe—when it is too late—for him to change his mind?

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 641. This Act may be cited as the "Department of Defense Appropriation Act, 1968".

AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of California: On page 44, immediately following line 23, insert a new section as follows:

"SEC. 642. Money appropriated in this Act shall be available for expenditure in the fiscal year ending June 30, 1968, only to the extent that expenditure thereof shall not result in total aggregate net expenditures of all agencies provided for herein beyond 95 per centum of the total aggregate net expenditures estimated therefor in the budget for 1968 (H. Doc. 15)."

Mr. BROWN of California. Mr. Chairman, I have some trepidation about usurping the role of one of the more distinguished members of the minority in offering this amendment, but I do so because I think it is time we recognized that our responsibilities for economy in Government extend not only to the civilian agencies but to the heretofore sacred cow of the Defense Department. I would like to pay tribute to the distinguished chairman of the Committee on Appropriations for the work he has done here this afternoon. I very much regret that I did not observe or was not present for all of the debate here, because I am sure that there would have been pointed out the epic-making nature of this legislation.

Mr. Chairman, we have before us an appropriation bill which is the largest appropriation bill in the history of this country except for possibly one year during World War II. The chairman of this committee has lucidly presented the arguments for the expenditure of a sum of money equal to the total revenues of the entire United States from the date of its inception up to approximately World War II. The amount of money represented by this bill is equivalent to the total gross national product of approximately one-third of the human race.

I think we have failed to recognize the significance and the importance of this and the tremendous job which the chairman of the committee has done in presenting all of the arguments in favor of this expenditure that we have here. It is staggering to the imagination to realize that this Congress for 150 years struggled over the appropriation in total of an amount of money that we have disposed of here this afternoon in 3 or 4 hours. It makes you wonder whether these early Congresses were actually living up to their responsibilities.

What I have done in this amendment I think all of you are quite aware of. I put a restriction on the expenditure of this money to 95 percent of the amount in the budget estimate. The committee has already reduced the amount of the bill by approximately 2 percent, so what we are actually talking about here is a curtailment of about an additional 3 percent of the deferral of the expenditure of this money.

You may ask as to where this can be cut.

Mr. Chairman, I have a number of suggestions which I would like to offer which I feel are valid.

Mr. Chairman, it is my opinion that beyond the shadow of a doubt, we could cut an additional $2 billion, which is approximately what we are talking about, off this bill in any number of different ways. One way I would suggest would be for example that we cease the bombing of North Vietnam.

Now, Mr. Chairman, I would not be at all surprised but what the Department of Defense will recommend this step be taken in the near future. But, nevertheless, I think it would be appropriate for the Congress to exercise its responsibility in dealing with this legislation in such a way as to put a little pressure upon the Department of Defense to take this step.

Further, Mr. Chairman, I would suggest that we could save, perhaps, one-half billion dollars by deferring the expenditure for the purpose of obtaining information, the expenditure which is contained in this bill, for the antiballistic missile system, a system which all of us know from many talks on this floor, is merely going to involve this Nation in the expenditure of another $30 billion or $40 billion, with no net increase in the security of the country.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. Yes, I shall be happy to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I do not recall—and will the gentleman refresh my memory—how many times the gentleman has voted for the so-called Bow amendment, or an amendment comparable to that, this year or last year.

Mr. BROWN of California. Every time it has been offered to a Defense bill.

Mr. GERALD R. FORD. Mr. Chairman, if the gentleman will yield further, the gentleman has never voted for it as a reduction in expenditures for any civilian agency?

Mr. BROWN of California. Not to my knowledge.

May I suggest also another area which was hinted at by the distinguished gentleman from Iowa [Mr. GROSS], who pointed out the fact that we are spending quite a bit of money in military aid. The gentleman from Iowa pointed out the fact that most of this money is wasted. It is my opinion that we used up quite a bit of our Defense appropriation money in the weapons which we gave or sold to Lebanon, to Jordan, and to some of these other Arab countries in the last few weeks. I am not sure that this contributed to our security or to their security.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. BROWN].

The amendment was rejected.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10738) making appropriations for the Department of Defense for the fiscal year ending June 30, 1968, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

Mr. MAHON. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. BROWN of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BROWN of California. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BROWN of California moves to recommit the bill H.R. 10738 to the Committee on Appropriations with instruction to that committee to report it back forthwith with the following amendment: On page 44, immediately following line 23, insert a new section as follows:

"SEC. 642. Money appropriated in this Act shall be available for expenditure in the fiscal year ending June 30, 1968, only to the extent that expenditure thereof shall not result in total aggregate net expenditures of all agencies provided for herein beyond 95 per centum of the total aggregate net expenditures estimated therefor in the budget for 1968 (H. Doc. 15)."

Mr. MAHON. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. BROWN of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. MAHON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 407, nays 1, not voting 25, as follows:

[Roll No. 135]

YEAS—407

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashbrook
Ashley
Ashmore
Aspinall
Baring
Barrett
Bates
Belcher
Bell
Bennett
Berry
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bolton
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Colmer
Conable
Conte
Corbett
Cowger
Cramer
Culver
Cunningham
Curtis
Daddario
Daniels
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Dickinson
Diggs
Dole
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fino
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Gardner
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodell
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gude
Gurney
Hagan
Haley
Hall
Halleck
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Hardy
Harrison
Harsha
Harvey
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Holifield
Holland
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karsten
Karth
Kastenmeier
Kazen
Kee
Keith
King, Calif.
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kornegay
Kupferman
Kuykendall
Kyl
Kyros
Laird
Landrum
Langen
Latta
Leggett
Lennon
Lipscomb
Lloyd
Long, La.
Long, Md.
Lukens
McCarthy
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
MacGregor
Machen
Madden
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
Mathias, Md.
Matsunaga
May
Mayne
Meeds
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Monagan
Montgomery
Moore
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pollock
Pool
Price, Ill.
Price, Tex.
Pryor
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roush
Roybal
Rumsfeld
Ruppe
Ryan
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schweiker
Schwengel
Scott
Selden
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, Okla.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thompson, Ga.
Thomson, Wis.
Tiernan
Tuck
Tunney
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Walker
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitener
Whitten
Wiggins
Williams, Pa.
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Zablocki
Zion
Zwach

NAYS—1

Brown, Calif.

NOT VOTING—25

Arends
Ayres
Battin
Conyers
Corman
Dingell
Dow
Fuqua
Gubser

Herlong
Horton
Hosmer
Kelly
Patman
Pelly
Resnick
Rooney, N.Y.
St. Onge
Smith, N.Y.
Thompson, N.J.
Widnall
Williams, Miss.
Willis
Young
Younger

So the bill was passed.

The Clerk announced the following pairs.

Mr. St. Onge with Mr. Hosmer.
Mr. Dingell with Mr. Horton.
Mr. Thompson of New Jersey with Mr. Widnall.
Mr. Dow with Mr. Gubser.
Mr. Williams of Mississippi with Mr. Ayres.
Mrs. Kelly with Mr. Battin.
Mr. Rooney of New York with Mr. Arends.
Mr. Fuqua with Mr. Younger.
Mr. Herlong with Mr. Pelly.
Mr. Patman with Mr. Smith of New York.
Mr. Corman with Mr. Willis.
Mr. Resnick with Mr. Conyers.

The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members who have spoken on the Department of Defense appropriation bill today may have permission to revise and extend their remarks in the body of the RECORD and include pertinent additional material.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, I also ask unanimous consent that all Members of the House may have 5 legislative days in which to revise and extend their remarks on the bill just passed and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADMINISTRATION BILL FOR ESTABLISHMENT OF A SYSTEM OF FEDERAL SAVINGS BANKS INTRODUCED BY BANKING AND CURRENCY CHAIRMAN WRIGHT PATMAN

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, President Johnson, in his Economic Report submitted to the Congress last January, recommended that Congress enact legislation providing for Federal charters for mutual savings banks, "to enlarge and strengthen our system of thrift institutions." In making this recommendation, the President referred to his previous request for such legislation contained in his 1966 Economic Report, but not acted upon by the 89th Congress. Yesterday I introduced this legislation for myself, the gentleman from New York [Mr. MULTER], the gentleman from Pennsylvania [Mr. BARRETT], the gentleman from Pennsylvania [Mr. MOORHEAD], the gentleman from Rhode Island [Mr. ST GERMAIN], the gentleman from Texas [Mr. GONZALEZ], the gentleman from New Jersey [Mr. MINISH], and the gentleman from New York [Mr. BINGHAM]. Hearings were held last year on similar bills, but no action was taken by the full committee. The present bill is very similar to the previous bills, but incorporates provisions reflecting the enactment of the Financial Institutions Supervisory Act of 1966.

Mr. Speaker, I insert at this point in the RECORD a section-by-section analysis of the administration's new bill to authorize the establishment of Federal savings banks, followed by the text of the proposed legislation:

SECTION-BY-SECTION ANALYSIS OF A BILL TO AUTHORIZE THE ESTABLISHMENT OF FEDERAL SAVINGS BANKS

Section 1. Short title. The unnumbered first section states the short title, "Federal Savings Bank Act."

TITLE I. FEDERAL SAVINGS BANKS

Chapter I. General provisions

Section 11. Definitions and rules of construction. Section 11, the first section of title I, contains certain definitions and general rules.

The term "mutual thrift institution" would mean a Federal savings bank, a Federal savings and loan association, or a State-chartered mutual savings bank, mutual savings and loan association, mutual building and loan association, cooperative bank, or mutual homestead association.

In turn, "thrift institution" would mean a mutual thrift institution, a guaranty savings bank, a stock savings and loan association, or a stock building and loan association, and "financial institution" would mean a thrift institution, a commercial bank, or an insurance company. By a special definitional provision in this section, the term "financial institutions acting in a fiduciary capacity" as used in sections 53 and 54 would include a credit union, whether or not acting in a fiduciary capacity.

"State" would mean any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and any territory or possession of the United States.

The term "merger transaction" would mean any transaction between or among any two institutions, at least one of which is a Federal savings bank, which will result in a merger or consolidation or pursuant to which any of such institutions, otherwise than in the ordinary course of business, acquires any assets of, or assumes liability to pay any deposits made in or share accounts of, or similar liabilities of, another of such institutions.

As used in relation to a merger transaction, "resulting bank" or "resulting institution" would refer to a bank or other institution (whether or not newly chartered in connection with the transaction) which, after its consummation, and as a result thereof, carries on the business or any part thereof theretofore carried on by one or more parties to the transaction.

Section 12. Rules and regulations. Section 12 authorizes the Federal Home Loan Bank Board to make rules and regulations, including definitions of terms in title I.

Section 13. Examination. This section provides for general and special examinations by the Federal Home Loan Bank Board or Federal savings banks, and also provides that the Board may render to any bank or officer or director thereof such advice and comment as it may deem appropriate with respect to the bank's affairs.

Section 14. Reports. Section 14 provides that the Board may require periodic and other reports and information from Federal savings banks.

Section 15. Accounts and accounting. The Board would be authorized by section 15 to prescribe, by regulation or order, accounts and accounting systems and practices for Federal savings banks.

Section 16. Right to amend. The right to alter, amend, or repeal title I would be reserved by section 16.

Chapter 2. Establishment and voluntary liquidation

Section 21. Information to be stated in charter. This section makes provision for the contents of charters for Federal savings banks.

Section 22. Issuance of charter for new bank. A charter for a new Federal savings bank could be issued by the Board on the written application (in such form as the Board may prescribe) of not less than 5 applicants and upon the making of specified determinations by the Board, including a determination that there has been placed in trust or escrow for an initial reserve such amount, not less than $50,000, in cash or securities approved by the Board as the Board may require, in consideration of transferable certificates to be issued by the bank in such form, on such terms, and bearing such interest or other return as the Board may approve.

Section 23. Issuance of charter for a converted bank. Subsection (a) of this section would authorize the Board to issue a charter for a converted Federal savings bank on written application (in form prescribed by the Board) of the converting institution and determination by the Board among other things that (1) the converting institution is a mutual thrift institution and (2), if the converting institution is a Federal savings and loan association, the conversion has been favored by vote of two-thirds of the directors and two-thirds of the votes entitled to be cast by members.

To such extent as the Board might approve by order, and subject to such prohibitions, restrictions, and limitations as it might prescribe by regulation or written advice, a converted bank could retain and service the accounts, departments, and assets of the converting institution.

Subsection (b) of the section provides that the Board shall not issue a charter under subsection (a) unless it determines that, taking into consideration the quality of the converting institution's assets, its reserves and surplus, its expense ratios, and such other factors as the Board may deem appropriate, and making appropriate allowances for differences among types of financial institutions, the converting institution's history has been of a character "commensurate with the superior standards of performance expected of a Federal savings bank".

Section 24. Conversion of Federal savings banks into other institutions. Under subsection (a) of section 24 the Board, on written application of a Federal savings bank, could permit it to convert into any other type of mutual thrift institution, on a determination by the Board that (1) two-thirds of the directors have voted in favor of the proposed conversion, (2) the requirements of section 45 have been met, (3) the conversion will not be in contravention of State law, and (4) upon and after conversion the institution will be an insured institution of the Federal Savings Insurance Corporation (i.e., the Federal Savings and Loan Insurance Corporation, whose name would be changed to Federal Savings Insurance Corporation by section 201) or an insured bank of the Federal Deposit Insurance Corporation.

Subsection (b) of the section provides that no institution into which a Federal savings bank has been converted may, within ten years after the conversion, convert into any type of institution other than a mutual thrift institution which is either a bank insured by the Federal Deposit Insurance Corporation or an institution insured by the Federal Savings Insurance Corporation, regardless of whether the later conversion took place directly or through any intermediate conversions.

Enforcement of this prohibition would be by the Federal Home Loan Bank Board in the case of an institution having a status as an insured institution of the Federal Savings Insurance Corporation and by the Board of Directors of the Federal Deposit Insurance Corporation in the case of an institution having a status as an insured bank of that Corporation. On a determination that a violation had taken place, the relevant board, by order issued not later than two years after any such violation, could terminate such status without notice, hearing, or other action. For the purposes of this subsection and subsection (a) of section 26, the terms "conversion" and "convert" would be defined as applying to mergers, consolidations, assumptions of liabilities, and reorganizations, as well as conversions.

Section 25. Voluntary liquidation. A Federal savings bank could not voluntarily go into liquidation or otherwise wind up its affairs except in accordance with an order of the Board issued under section 25. Upon application by such a bank, the Board could permit it to carry out a plan of voluntary liquidation upon a determination by the Board that (1) two-thirds of the bank's directors have voted in favor of the proposed plan, (2) the requirements of section 45 have been met, (3) there is no longer a need in the community for the bank, or there is not a reasonable expectation that its continued operation will be financially sound and successful, and (4) the plan is fair and equitable and in conformity with the requirements of section 26.

Section 26. Distribution of assets upon liquidation. Subsection (a) of section 26 provides that on liquidation of a Federal savings bank under section 25, or liquidation of any institution while subject to the prohibition in subsection (b) of section 24, the net assets after the satisfaction or provision for satisfaction, in accordance with such rules and regulations as the Board may prescribe, of all proper claims and demands against the institution, including those of depositors or shareholders, shall be distributed to the Federal Savings Insurance Corporation. In the case of institutions subject to subsection (b) of section 24, the claims of depositors or shareholders are to be limited to amounts that would have been withdrawable by them in the absence of any conversion (as defined in said subsection) while the institution was so subject.

The object of this provision is to deter conversions of Federal savings banks to nonmutual operation and to deter unneeded voluntary liquidation of Federal savings banks. Under section 24 Federal savings banks are prohibited from converting *directly at one step* into any other type of institution except a mutual thrift institution insured by the Federal Savings Insurance Corporation or the Federal Deposit Insurance Corporation. Section 26 is designed to deter, to the extent of its provisions, the conversion of a Federal savings bank *indirectly or by successive steps* into an institution other than such an insured mutual thrift institution.

Subsection (b) of section 26 provides that on liquidation of a Federal savings bank otherwise than pursuant to section 25 the net assets remaining after the satisfaction or provision for the satisfaction, in accordance with such rules and regulations as the Board may prescribe, of all proper claims and demands against the bank, including those of depositors, shall be distributed to the depositors in accordance with such rules and regulations as the Board may prescribe.

Section 27. Authority of Board. This section authorizes the Board to make rules and regulations for reorganization, liquidation, and dissolution, merger transactions, and conservatorships and receiverships, and to provide by regulation or otherwise for exercise during conservatorship or receivership of functions by depositors, directors, officers, or bodies which may select directors.

Chapter 3. Branching and merger

Section 31. Branches. Under section 31 a Federal savings bank could establish a branch or branches with the approval of the Board, upon a determination by the Board that (1) there is a reasonable expectation of the branch's financial success based on the need for such a facility in the locality, the bank's capitalization, financial history, and quality of management, and such other factors as the Board deems appropriate, (2) its operation may foster competition and will not cause undue injury to existing institutions (including commercial banks) that accept funds from savers on deposit or share account, and (3) if the bank were a State-chartered financial institution other than an insurance company it could establish the proposed branch or an office of an affiliated institution of the same type could be established in the same location.

The object of item (3) in the paragraph above is to limit the establishment of branches by Federal savings banks to States (defined in section 11) where financial institutions other than insurance companies may conduct multi-office operations either through branching or through affiliates. It is of course to be recognized that multi-office operation through affiliates is not branching, but the competitive effect on other financial institutions can be as great as if the multi-office operation were conducted by means of branching.

Section 31 also provides that, under such exceptions and conditions as the Board may prescribe, a converted Federal savings bank may retain any branch in operation immediately prior to the conversion and shall be deemed to have retained any right or privilege to establish or maintain a branch if such right or privilege was held by the converting institution immediately prior to conversion.

Finally, the section provides that subject to approval granted by the Board not later than the effective date of a merger transaction a resulting Federal savings bank may maintain as a branch the principal office or any branch operated by another institution which is a party to the transaction and shall be deemed to have acquired any right or privilege then held by such an institution to establish or maintain a branch. The Board could not grant such approval except on compliance with a requirement analogous to item (3) of the first sentence of this analysis of section 31 unless the Board, in granting the approval, determined that the merger transaction was advisable because of supervisory considerations. Examples of such situations could include those where one or more of the institutions was in a failing or declining condition, one or more of the institutions was not rendering adequate service in its territory, or one or more of the institutions had an unsafe or unsound management.

Section 32. Merger transactions. A Federal savings bank may carry out a merger transaction from which the resulting institution will be a mutual thrift institution, but only with the approval of the Board. The section provides that the Board shall not grant such approval unless it determines that—

(1) Every party to the transaction is a mutual thrift institution;

(2) In the case of every party which is a Federal savings bank, two-thirds of the directors have voted in favor of the transaction and the requirements of section 45 have been met;

(3) In the case of every party which is a Federal savings and loan association, two-thirds of the directors, and two-thirds of the votes entitled to be cast by members, have voted in favor of the transaction, at meetings duly called and held for that purpose within six months prior to the filing of the application;

(4) In the case of every party which is a State-chartered institution, the consummation of the transaction will not be in contravention of State law;

(5) There is a reasonable expectation that the resulting institution will be financially successful, based on its proposed capitalization, the financial history of each of the institutions involved, and such other factors as the Board may deem relevant;

(6) In the case of a merger, consolidation, or acquisition of assets in which the resulting institution is a Federal savings bank, its assets will be such that, with such exceptions as the Board may prescribe, it will be able to dispose of those not eligible for investment by Federal savings banks;

(7) The resulting institution will be an insured bank of the Federal Deposit Insurance Corporation or an insured institution of the Federal Savings Insurance Corporation;

(8) The proposed transaction is approved pursuant to section 410 of the National Housing Act, if applicable, and section 18(c) of the Federal Deposit Insurance Act, if applicable.

In connection with this section attention is called to section 202 of the draft bill, which lays down, in a new section 410 of the National Housing Act, ground rules for mergers and similar transactions involving institutions insured by the Federal Savings Insurance Corporation, which would include but would not be limited to Federal savings banks. Those rules would parallel the rules laid down for insured banks of the Federal Deposit Insurance Corporation by Public Law 89–356, commonly known as the Bank Merger Act of 1966, which made amendments to subsection (c) of section 18 of the Federal Deposit Insurance Act.

For a more detailed discussion of the proposed new section 410 of the National Housing Act, reference is made to the summary of section 202 of the present draft bill, beginning at page 8 of this analysis.

Chapter 4. Management and directors

Section 41. Board of directors. A Federal savings bank would have a board of directors of not less than seven nor more than twenty-five. The Board could prescribe regulations as to the management structure, and subject thereto the board of directors of a bank could by bylaws or otherwise delegate such functions and duties as it might deem appropriate.

Section 42. Initial directors. The initial directors of a new bank would be elected by the applicants. The initial directors of a converted bank would be the directors of the converting institution, except as the Board might otherwise provide, consistently with subsection (b) of section 44 where applicable.

Section 43. Election of directors by depositors. Except as provided in sections 42 and 44, directors would be elected by the depositors. The Federal Home Loan Bank Board could by regulation provide for the terms of office, the manner, time, place, and notice of election, the minimum amount (and a holding period or date of determination) of any deposit giving rise to voting rights, and the method by which the number of votes a depositor would be entitled to cast would be determined.

Section 44. Selection of directors of banks converted from State-chartered mutual savings banks. Section 44 applies to a State-chartered mutual savings bank which is in operation on the date of enactment of the title and later converts to a Federal savings bank, where the directors of the converting bank were, on the date of such enactment and thereafter, chosen otherwise than by depositor election. If such a converting bank files as part of or an amendment to its application for a Federal charter a description in such detail as the Board requires of the method by which and terms for which its directors were chosen, and if the converted bank has not elected by vote of its directors to be subject to section 43, the method of selection and terms of office of the converted Federal savings bank would be in accordance with such description, with such changes, subject to the discretionary approval of the Federal Home Loan Bank Board, as might be made on application by the converted bank. It is to be noted that this provision would not authorize the Board to approve any such changes in the absence of such an application by the bank.

Section 45. Approval of proposed merger, conversion, or liquidation. Under subsection (a) of section 45, no Federal savings bank whose directors were elected by depositors could make application to the Federal Home Loan Bank for approval of a merger transaction, a conversion, or a liquidation pursuant to section 25 unless two-thirds of the votes entitled to be cast by depositors had been cast in favor of making the application at a meeting duly called and held for such purpose not more than six months before the making of the application. The Board would have regulatory authority with respect to such meetings as set forth in the section.

No Federal savings banks whose directors were not selected by depositors could make any such application unless two-thirds of the votes which would be entitled to be cast for the election of directors had been cast in favor of making the application.

The Board could except from any or all of the foregoing provisions of this section any case in which it determines that such exception should be made because of an emergency requiring expeditious action or because of supervisory considerations.

Section 46. Proxies. Any proxy by a depositor for the election of directors would be required to be revocable at any time. A proxy given for a proposal to be voted on under subsection (a) of section 45 would likewise be so revocable, would be required to expire in any event not more than six months after execution, and would be required to specify whether the holder shall vote in favor of or against the proposal. It is further provided that the Board shall prescribe regulations governing proxy voting and solicitation and requiring disclosure of financial interest, compensation and remuneration by the bank of persons who are officers and directors or proposed therefor, and such other matters as the Board may deem appropriate in the public interest and for the protection of investors.

In addition, it is provided that the Board shall by regulation provide procedures by which any depositor may at his own expense distribute proxy solicitation material to all other depositors, but these procedures are not to require disclosure by the bank or the identity of its depositors. It is further provided that the Board shall by order prohibit the distribution of material found by it to be irrelevant, untrue, misleading, or materially incomplete and may by order prohibit such distribution pending a hearing on such issues.

Section 47. General provisions relating to directors, officers, and other persons. Section 47 provides that except as provided in paragraph (2) of subsection (b) of the section no director of a Federal savings bank may be an officer or director of any financial institution other than such bank. Said paragraph (2) provides that a director of a converted bank who held office on the date of enactment of this title as a director of the converting institution, and whose service has been continuous, may continue to be a director of any financial institution of which he has continuously so been a director, unless the Board finds after opportunity for hearing that there exists an actual conflict of interest or the dual service is prohibited by or under some other provision of law.

At least one more than half the directors would be required to be persons residing not more than 150 miles from its principal office. No director could receive remuneration as such except reasonable fees for attendance at meetings of directors or for service as a member of a committee of directors, but this provision is not to prohibit compensation for services rendered to the bank in another capacity. The office of a director would become vacant when he had failed to attend regular meetings for a period of six months unless excused by resolution duly adopted by the directors prior to or during that period.

The section also contains stringent provisions against self-dealing by directors, officers, employees, and other persons connected with Federal savings banks. Additional provisions of this section would prohibit any bank, director, or officer from requiring (as a condition to any loan or other service by the bank) that the borrower or any other person undertake a contract of insurance or any other agreement or understanding as to the furnishing of other goods or service with any specific company, agency, or individual; would prohibit deposit of funds except with a depositary approved by vote of a majority of all the directors, exclusive of any who was an officer, partner, director, or trustee of the depositary; and would specifically provide that no Federal savings bank should pay to any director, officer, attorney, or employee a greater rate of return on the deposits of such director, officer, attorney, or employee than that paid to other holders of similar deposits with the bank in question.

Where the directors or officers of a bank knowingly violate or permit any of its directors, officers, employees, or agents to violate specified provisions of this section or regulations of the Board thereunder, or any of the provisions of specified sections of title 18 of the United States Code, every director and officer participating or assenting to such violation shall, the section provides, be held liable in his personal and individual capacity for all damages which the bank, its depositors, or any other person sustains in consequence of the violation.

Except on written consent of the Board, no person could serve as a director, officer, or employee of a Federal savings bank if he had been convicted of a criminal offense involving dishonesty or breach of trust, and for each willful violation the bank would be subject to a penalty of not over $100 for each day the prohibition was violated. Finally, no officer, director, or employee of any corporation or unincorporated association, no partner or employee of any partnership, and no individual, primarily engaged in the issue, flotation, underwriting, public sale, or distribution at wholesale or retail or through syndicate participation, of stocks, bonds, or similar securities could serve at the same time as an officer, director, or employee of such a bank except in limited classes of cases in which the Board might allow such services by general regulation when in the Board's judgment it would not unduly influence the investment policies of the bank or the advice given by it to its customers regarding investments.

Chapter 5. Sources of funds

Section 51. Reserves. A Federal savings bank for which a charter is issued under section 22 could not commence operations until the amount required by that section had been paid to the bank for an initial reserve, and such reserve could be reduced only by the amount of losses or by retirement of the certificates referred to in that section. The bank would be required or permitted to have such other reserves, including valuation reserves, as the Board might prescribe or authorize.

Section 52. Borrowings. To such extent as the Board might authorize by regulation or advice in writing, a bank could borrow and give security and issue notes, bonds, debentures, or other obligations or other securities, except capital stock.

Section 53. Savings deposits. A bank could accept savings deposits except from foreign governments and official institutions thereof and except from private business corporations for profit other than financial institutions acting in a fiduciary capacity. It could issue passbooks or other evidences of its obligation to repay such deposits.

Under subsection (b) of this section, a bank could classify its savings depositors according to specified criteria and agree in advance to pay an additional rate of interest based on such classification. However, it would be required to regulate such interest so that each depositor would receive the same rate as all others of his class.

Further provisions of this section would authorize a bank to refuse sums offered for deposit and to fix a maximum amount for savings deposits and repay, on a uniform nondiscriminatory basis, those exceeding the maximum. The bank could require up to 90 days' notice before withdrawal from such deposits, notifying the Board immediately in writing, and the Board, by a finding which must be entered on its records, could suspend or limit withdrawals of savings deposits from any Federal savings bank if it found that unusual and extraordinary circumstances so required.

Interest on savings deposits could be paid only from net earnings and undivided profits, and the Board could provide by regulation for the time or rate of accrual of unrealized earnings.

Section 54. Time deposits. Subject to the same exceptions as in the case of savings deposits, a Federal savings bank could accept deposits for fixed periods not less than 91 days and could issue nonnegotiable interest-bearing time certificates of deposit or other evidence of its obligation to pay such time deposits.

Section 55. Authority of Board. The exercise of authority under sections 53 and 54 would be subject to rules and regulations of the Board, but it is provided that nothing in this section shall confer on the Board any authority as to interest rates other than the additional rate referred to in section 53(b).

Chapter 6. Investments

Section 61. Definitions and general provisions. Section 61 contains definitions and general provisions for the purpose of the investment provisions of the bill.

Among other things, "general obligation" would mean an obligation supported by an unqualified promise or pledging or commitment of faith or credit, made by an entity referred to in section 62(1) or 63(a) or a governmental entity possessing general powers of taxation including property taxation, for the payment, directly or indirectly, of an amount which, together with any other funds available for the purpose, will suffice to discharge the obligation according to its terms.

The term "political subdivision of a State" would include any county, municipality, or taxing or other district of a State, and any public instrumentality, public authority, commission, or other public body of any State or States; "eligible leasehold estate" would mean a leasehold estate meeting such requirements as the Board might prescribe by regulation; and "conventional loan" would mean a loan (other than as referred to in section 70) secured by a first lien on a fee simple or eligible leasehold estate in improved real property.

Section 61 also provides that the Board may authorize any acquisition or retention of assets by a Federal savings bank (including, without limitation, stock in service corporations) on a determination that such action is necessary or advisable for a reason or reasons other than investment, and may exempt or except such acquisition, retention, or assets from any provision of the title.

The same section also provides authority and limitations for acquisition (as distinguished from origination) of loans and investments, and for acquisition by origination or otherwise of participating or other interests in loans and investments. Any such interest must be at least equal in rank to any other interest not held by the United States or an agency thereof and must be superior in rank to any other interest not so held and not held by a financial institution of a holder approved by the Board. It also provides authority for the making of loans secured by an obligation or security in which the bank might lawfully invest, but such a loan may not exceed such percentage of the value of the obligation or security, nor be contrary to such limitations and requirements, as the Board may prescribe by regulation.

Section 62. Investments eligible for unrestricted investment. Section 62 provides that a Federal savings bank may invest in (1) general obligations of, obligations fully guaranteed as to principal and any interest by, or other obligations, participations, or other instruments of or issued by the United States, any State, one or more Federal Home Loan Banks, banks for cooperatives (or the Central Bank for Cooperatives), Federal Land Banks, or Federal Intermediate Credit Banks, the Federal National Mortgage Association, the Tennessee Valley Authority, the International Bank for Reconstruction and Development, the Inter-American Development Bank, or the Asian Development Bank, (2) bankers' acceptances eligible for purchase by Federal Reserve Banks, or (3) stock of a Federal Home Loan Bank.

Section 63. Canadian obligations. Section 63 provides in subsection (a) that, subject to the limitations in subsection (b), a Federal savings bank may invest in general obligations of, or obligations fully guaranteed as to principal and any interest by, Canada or any province thereof. Subsection (b) provides that investments in obligations under this section or investments in Canadian obligations under section 64(2) may be made only where the obligation is payable in United States funds and where, on the making of the investment, not more than 2% of the bank's assets will be invested in Canadian obligations and, if the investment is in an obligation of a province, not more than one percent of its assets will be invested in obligations of that province. "Canadian obligation" is defined as meaning the above mentioned obligations and obligations of Canada or a province thereof referred to in section 64(2).

Section 64. Certain other investments. Subject to a limitation of 2% of the bank's assets invested in securities and obligations of one issuer, and to such further limitations as to amount and such requirements as to investment merit and marketability as the Board may prescribe by regulation, a bank may invest in (1) general obligations of a political subdivision of a State, (2) revenue or other special obligations of Canada or a province thereof or of a State or political subdivision thereof, (3) obligations of securities (other than equity securities) issued by a corporation organized under the laws of the United States or a State, (4) obligations of a trustee or escrow agent under section 22(5) or certificates issued thereunder, and subordinated debentures of a mutual thrift institution insured by the Federal Deposit Insurance Corporation or the Federal Savings Insurance Corporation (the name to which the Federal Savings and Loan Insurance Corporation would be changed by section 201), or (5) equity securities issued by any corporation organized under the laws of the United States or of a State. This authority is subject, in the case of such equity securities, to a further requirement that at the time of the investment the reserves and undivided profits of the bank equal at least 5% of its assets and that on the making of the investment the aggregate amount of all equity securities then so held by the bank not exceed 50% of its reserves and undivided profits and the quantity of equity securities of the same class and issuer held by the bank not exceed 5% of the total outstanding. For the purposes of this section the Board could by regulation define "corporation" to include any form of business organization.

Section 65. Real estate loans. Conventional loans could be made, subject to such restrictions and requirements as the Board might by regulation prescribe as to appraisal and valuation, maturity (not over 30 years in the case of loans on one- to four-family residences), amortization, terms and conditions, and lending plans and practices. No such loan could result in an aggregate indebtedness of the same borrower exceeding 2% of the bank's assets or $35,000, whichever was greater. Also, no such loan secured by a first lien on a fee-simple estate in a one- to four-family residence could exceed 80%, or in the case of any other real property 75%, of the value of the property except under such conditions and subject to such limitations as the Board might prescribe by regulation. Further, no loan secured by a first lien on a leasehold estate could be made except in accordance with such further requirements and restrictions as the Board might so prescribe.

Loans for the repair, alteration, or improvement of any real property could be made under such prohibitions, limitations, and conditions as the Board might prescribe by regulation. Loans not otherwise authorized under the title but secured by a first lien on a fee-simple or eligible leasehold estate in unimproved property could be made, provided the loan was made in order to finance the development of land to provide building sites or for other purposes approved by the Board by regulation as in the public interest and provided the loan conformed to regulations limiting the exercise of such power and containing requirements as to repayment, maturities, ratios of loan to value, maximum aggregate amounts, and maximum loans to one borrower or secured by one lien which were prescribed by the Board with a view to avoiding undue risks to such banks and minimizing inflationary pressures on land in urban and urbanizing areas.

The section contains a provision that a bank investing in a loan where the property securing the loan is a one- to four-family residence more than 100 miles and in a different State from the principal office of the bank must retain for such loan a Federal Housing Administration-approved mortgagee resident in such other State to act as independent loan servicing contractor and to perform loan servicing functions and such other related services as were required by the Board.

Section 66. Loans upon the security of deposits or share accounts. A Federal savings bank could make any loan secured by a deposit in itself or, to such extent as the Board might permit by regulation or advice in writing, secured by a deposit or share account in another thrift institution or a deposit in a commercial bank.

Section 67. Loans secured by life insurance policies. A Federal savings bank could make a loan secured by a life insurance policy, not exceeding the cash surrender value.

Section 68. Unsecured loans. Unsecured loans not otherwise authorized under the title could be made, but only to such extent as the Board might permit by regulation, and then not if the loan would increase the outstanding principal of such loans to any principal obligor, as defined by the Board, to more than $5,000. No loan could be so made if any obligor was a private business corporation for profit.

Section 69. Educational loans. Subject to such prohibitions, limitations, and conditions as the Board might prescribe by regulation, a Federal savings bank could invest in loans, obligations, and advances of credit made for the payment of expenses of college or university education, up to a limit of 5% of the bank's assets.

Section 70. Guaranteed or insured loans. A Federal savings bank could, unless otherwise provided by regulations of the Board, make any loan the repayment of which was wholly or partially guaranteed or insured by the United States, a State, or an agency of either, or as to which the bank had the benefit of such insurance or guaranty or of a commitment or agreement therefor.

Chapter 7. Miscellaneous corporate powers and duties

Section 71. General powers. Section 71 provides that a Federal savings bank shall be a corporation organized and existing under the laws of the United States and set forth miscellaneous corporate powers, which are to be subject to such restrictions as may be imposed under the title or other provisions of law or by the Board. It also provides that such a bank shall have power to do all things reasonably incident to the exercise of such powers. The specified powers would include the power to sell mortgages and interests therein, and to perform loan servicing functions and related services for others in connection with such sales, provided the sales are incidental to the investment and management of the funds of the bank.

Section 72. Service as depositary and fiscal agent of the United States. Section 72 provides that when so designated by the Secretary of the Treasury a Federal savings bank shall be a depositary of public money, except receipts from customs, under such regulations as he may prescribe, and may be employed as a fiscal agent of the Government, and shall perform all such reasonable duties as such depositary and agent as may be required of it.

Section 73. Federal home loan bank membership. On issuance of its charter, a Federal savings bank would automatically become a member of the Federal Home Loan Pank of the district of its principal office, or if convenience required and the Board approved, of an adjoining district. It is provided that such banks shall qualify for such membership in the manner provided in the Federal Home Loan Bank Act for other members.

Section 74. Change of location of offices. A Federal savings bank could not change the location of its principal office or any branch except with the approval of the Board.

Section 75. Liquidity requirements. A Federal savings bank would be required to maintain liquid assets consisting of cash and obligations of the United States in such amount as, in the Board's opinion, was appropriate to assure the soundness of such banks. Such amount could not, however, be less than 4% nor more than 10% of the bank's obligation on deposits and borrowings, and the Board could specify the proportion of cash and the maturity and type of eligible obligations. The Board could classify such banks according to type, size, location, withdrawal rate, or such other basis or bases as it might deem reasonably necessary or appropriate for effectuating the purposes of the section.

In addition, the Board could require additional liquidity if in its opinion the composition and quality of assets, the composition of deposits and liabilities, or the ratio of reserves and surplus to deposits required further limitation of risk to protect the safety and soundness of a bank or banks. The total of the general liquidity requirement and of this special liquidity requirement could not exceed 15% of the obligation of the bank on deposits and borrowings.

The general liquidity requirement would be computed on the basis of average daily net amounts covering periods established by the Board, and the special liquidity requirement would be computed as the Board might prescribe. Penalties for deficiencies in either requirement are provided for. The Board would be authorized to permit a bank to reduce its liquidity if the Board deemed it advisable to enable the bank to meet requests for withdrawal, and would be authorized to suspend any part or all of the requirements in time of national emergency or unusual economic stress, but not beyond the duration of such emergency or stress.

Chapter 8. Taxation

Section 81. State taxation. Section 81 provides that no State or political subdivision thereof shall permit any tax on Federal savings banks or their franchises, surplus, deposits, assets, reserves, loans, or income greater than the least onerous on any other thrift institution. It further provides that no State other than the State of domicile shall permit any tax on such items in the case of Federal savings banks whose transactions within such State do not constitute doing business, except that the act is not to exempt foreclosed properties from specified types of taxation. The section also defines "doing business" and other terms used in the section.

TITLE II

Section 201. Change of name of insurance corporation. Section 201 would change the name of the Federal Savings and Loan Insurance Corporation to Federal Savings Insurance Corporation, which is more accurately descriptive of its function.

Section 202. Mergers and similar transactions involving insured institutions. Section 202 would provide, for institutions insured by the Federal Savings Insurance Corporation (which would include but would not be limited to Federal savings banks), ground rules for mergers and similar transactions which would parallel those laid down for insured banks of the Federal Deposit Insurance Corporation by Public Law 89–356, commonly known as the Bank Merger Act of 1966, which made amendments to subsection (c) of section 18 of the Federal Deposit Insurance Act.

Under the new provision, which would add to the National Housing Act a new section 410, an institution insured by the Federal Savings Insurance Corporation could not, except with approval of said Corporation, merge or consolidate with another institution, assume liability to pay deposits, share accounts, or similar liabilities of another institution, or transfer assets to another institution in consideration of assumption of liabilities for any portion of the deposits, share accounts, or similar liabilities of such insured institution. Notice of any proposed transaction of this kind (referred to in the new section as a merger transaction) would, unless the Corporation found it must act immediately to prevent probable failure of an institution involved, be required to be published as set forth in the section in a newspaper of general circulation in the community or communities of the main offices of the institutions, or, if there was no such newspaper, in the newspaper of general circulation published nearest thereto.

Before acting, the Corporation, unless it found that it must so act immediately, must request a report from the Attorney General on the competitive factors involved. The report is to be furnished within 30 calendar days from the request, or within ten days if the Corporation advises the Attorney General that an emergency exists requiring expeditious action. Under subsection (d), the Corporation could not approve any proposed merger transaction which would result in a monopoly or would be in furtherance of any combination or conspiracy to monopolize or attempt to monopolize the business of thrift institutions in any part of the United States. Further, it could not approve any other proposed merger transaction whose effect in any section of the country might be substantially to lessen competition or tend to create a monopoly or would in any other manner be in restraint of trade, unless it found that the anticompetitive effects were clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served. The same subsection would direct the Corporation to take into consideration in every case the financial and managerial resources and future prospects of the existing and proposed institutions and the convenience and needs of the community.

The Corporation would be required to give immediate notice to the Attorney General of any approval of a proposed merger transaction. If the Corporation found it must act immediately and the report on competitive factors had been dispensed with, the transaction could be consummated immediately on approval by the Corporation. If the Corporation had advised the Attorney General of the existence of an emergency requiring expeditious action and had requested such report within ten days, the transaction could not be consummated before the fifth calendar day after such approval. In other cases it could not be consummated before the thirtieth calendar day after such approval.

Any action brought under the antitrust laws arising out of a merger transaction must be commenced prior to the earliest time under which a merger transaction so approved might be consummated and the commencement of such an action would stay the effectiveness of the approval unless the court specifically ordered otherwise. In any such action, the section provides, the court "shall review de novo the issues presented". In any judicial attack on an approved merger transaction on the ground that such transaction alone and of itself constituted a violation of antitrust laws other than section 2 of the Sherman Act, the standards applied by the court must be identical with those the Corporation is directed to apply under subsection (d).

On the consummation of a merger transaction in compliance with the section and after the termination of any antitrust litigation commenced within the period prescribed (or on the termination of such period if no such litigation is commenced therein) the transaction cannot thereafter be attacked in a judicial proceeding on the ground that it alone and of itself constituted a violation of antitrust laws other than said section 2. However, the provisions of the new section are not to exempt any resulting institution from complying with the antitrust laws after the consummation of the merger transaction. In any action brought under the antitrust laws arising out of a merger transaction so approved by the Corporation, the Corporation and any State banking supervisory agency having jurisdiction within the State involved may appear as a party of its own motion and as of right and be represented by its counsel. The section does not contain any provision purporting to validate any merger transaction consummated before its enactment.

For the purposes of the new section "antitrust laws" would mean the Sherman Act, the Clayton Act, and "any other Acts in pari materia." The Corporation must include in its annual report to the Congress a description of each merger transaction approved by it during the period covered by the report, with (1) the name and resources of each institution, (2) whether a report was so submitted by the Attorney General and, if so, any summary by him of the substance thereof, and (3) a statement by the Corporation of the basis for its approval.

Section 203. Insurance by the Federal Savings Insurance Corporation. Section 203 would require the Federal Savings Insurance Corporation to insure the deposits of each Federal savings bank and authorize it to insure the deposits of mutual savings banks chartered or organized under the laws of the States, the District of Columbia, and the territories and possessions.

Section 204. Conforming amendments to section 406 of National Housing Act. Section 204 would make conforming amendments to provisions of section 406 of the National Housing Act affected by the extension of insurance under title IV of that act to deposits in Federal savings banks and mutual savings banks of the States, the District of Columbia, and the territories and possessions.

Section 205. Conforming amendment to section 407 of National Housing Act. Section 205 of the draft bill would amend section 407 of the National Housing Act (relating to termination of insurance of accounts by the Federal Savings Insurance Corporation) so as to include Federal savings banks along with Federal savings and loan associations among the institutions which cannot voluntarily terminate their insurance with the Federal Savings Insurance Corporation.

Section 206. Change of insurance from Federal Deposit Insurance Corporation to Federal Savings Insurance Corporation. Section 206 provides that when a State-chartered mutual savings bank insured by the Federal Deposit Insurance Corporation qualifies to be insured by the Federal Savings Insurance Corporation or is converted into a Federal savings bank or merged or consolidated into a Federal savings bank or a savings bank which is, or within sixty days becomes, an insured institution under section 401 of the National Housing Act (relating to the Federal Savings Insurance Corporation), the FDIC shall calculate the amount in its capital account attributable to such mutual savings bank, as set forth in the draft bill. This amount is to be paid, as set forth in the draft bill, by the FDIC to the Federal Savings Insurance Corporation.

Section 207. Eligibility of mutual savings banks for FDIC insurance. Section 207 would end the future eligibility for FDIC insurance of those mutual savings banks which the draft bill would make eligible for Federal Savings Insurance Corporation insurance. It would not affect the FDIC insurance of mutual savings banks which on the effective date of the new provisions were insured by the FDIC.

Section 208. Amendment of criminal provisions. Section 208 would amend a number of specified provisions of title 18 of the United States Code, which relates to crimes and criminal penalties. The principal object of these amendments is to extend those provisions so as to make them applicable to Federal Home Loan Bank members and institutions insured by the Federal Savings Insurance Corporation, which would have the effect of making them applicable to Federal savings banks since all such banks would be required by the draft bill to have such membership and insurance.

Section 209. Amendment of section 602 of Federal Property and Administrative Services Act of 1949. Paragraph (11) of section 502 of the Federal Property and Administrative Services Act of 1949 (which section was renumbered as section 602 by section 6 of the Act of September 5, 1950, 64 Stat. 578) provided that nothing in said 1949 act should affect or impair any authority of the Housing and Home Finance Agency, or any officer or constituent agency therein, with respect to the disposal of residential property, or of other property (real or personal) held as part of or acquired for or in connection with residential property, or in connection with the insurance of mortgages, loans, or "savings and loan accounts" under the National Housing Act. Although the Federal Savings and Loan Insurance Corporation (whose name would be changed to Federal Savings Insurance Corporation by this draft bill) ceased to be a constituent of the Housing and Home Finance Agency, subsection (b) of section 17 of the Federal Home Loan Bank, as added by section 109 of the Housing Amendments of 1955, preserved the applicability of the exemption of the Corporation. Section 209 of the draft bill would change the language "savings and loan accounts" in said paragraph (11) to read "savings and loan or other accounts" so as to make the exemption applicable with respect to the operations of the Corporation in connection with Federal savings banks. The last sentence of said section 209 has been included because the present applicability of the exemption is by means of saving provisions.

Section 210. Technical provisions. Section 210 provides that headings and tables shall not be deemed to be a part of the act and that no inference, implication, or presumption shall arise by reason thereof or by reason of the location or grouping of any section, provision, or portion of the act or of any title of the act.

Section 211. Separability. Section 211, the last section, is a separability provision along usual lines.

H.R. 10745

A bill to authorize the establishment of Federal mutual savings banks

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title I of this Act may be cited as the "Federal Savings Bank Act".

TITLE I—FEDERAL SAVINGS BANKS

Chapter 1. General provisions

Sec. 11. Definitions and rules of construction.
Sec. 12. Rules and regulations.
Sec. 13. Examination.
Sec. 14. Reports.
Sec. 15. Accounts and accounting.
Sec. 16. Right to amend.

Sec. 11. Definitions and rules of construction.

(a) The term "Board" means the Federal Home Loan Bank Board.

(b) The term "mutual thrift institution" means a Federal savings bank, a Federal savings and loan association, or a State-chartered mutual savings bank, mutual savings and loan association, mutual building and loan association, cooperative bank, or mutual homestead association.

(c) The term "thrift institution" means a mutual thrift institution, a guaranty savings bank, a stock savings and loan association, or a stock building and loan association.

(d) The term "financial institution" means a thrift institution, a commercial bank, or an insurance company, and the term "financial institutions acting in a fiduciary capacity", as used in sections 53 and 54, includes a credit union, whether or not acting in a fiduciary capacity.

(e) The term "director", when used with reference to a State-chartered bank, includes a trustee or other person performing functions similar to those of a director of a Federal savings bank.

(f) The term "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and any territory or possession of the United States.

(g) A requirement that a given proportion of the directors of a Federal savings bank vote in favor of a given proposal in order for the proposed action to be taken includes the requirement that the votes be cast at a meeting duly called and held for the purpose of voting on the proposal.

(h) The term "order", when used with reference to an order of the Board, includes a resolution or equivalent formal action.

(i) The term "merger transaction" means any transaction between or among any two or more institutions, at least one of which is a Federal savings bank—

(1) which will result in a merger or consolidation, or

(2) pursuant to which any of such institutions, otherwise than in the ordinary course of business, acquires any assets of, or assumes liability to pay any deposits made in, or share account of, or similar liabilities of, another of such institutions.

(j) The term "resulting bank" or "resulting institution", used in relation to a merger transaction, refers to a bank or other institution (whether or not newly chartered in connection with such transaction) which, after the consummation of such transaction and as a result thereof, carries on the business or any part thereof theretofore carried on by one or more parties to such transaction, and the term refers to such institution as it exists after such consummation.

Sec. 12. Rules and regulations.

The Board is authorized to make such rules and regulations (including definitions of terms used in this title) as it may deem appropriate for the administration, enforcement, or effectuation of the provisions of this title.

Sec. 13. Examination.

(a) REGULAR EXAMINATIONS.—The Board shall conduct not less than one and not more than two regular examinations during each calendar year into the affairs and management of each Federal savings bank. The Board shall make one or more assessments in each year on all Federal savings banks in a manner calculated to yield a total sum approximately equal to the total cost of the examinations authorized by this subsection.

(b) SPECIAL EXAMINATIONS.—The Board may conduct a special examination into the whole or any part of the affairs and management of any Federal savings bank at any time, and shall assess such bank an amount equal to the cost of such examination.

(c) ADVICE AND COMMENT.—The Board may render to any Federal savings bank or officer or director thereof such advice and comment as the Board may deem appropriate with respect to the affairs of such bank.

Sec. 14. Reports.

The Board may require periodic and other reports and information from Federal savings banks.

Sec. 15. Accounts and accounting.

The Board is authorized to prescribe, by regulation or order, accounts and accounting systems and practices for Federal savings banks.

Sec. 16. Right to amend.

The right to alter, amend, or repeal this title is hereby expressly reserved.

Chapter 2. Establishment and voluntary liquidation

Sec. 21. Information to be stated in charter.
Sec. 22. Issuance of charter for new bank.
Sec. 23. Issuance of charter for a converted bank.
Sec. 24. Conversion of Federal savings banks into other institutions.
Sec. 25. Voluntary liquidation.
Sec. 26. Distribution of assets upon liquidation.
Sec. 27. Authority of Board.

Sec. 21. Information to be stated in charter.

Every charter for a Federal savings bank shall set forth—

(1) the name of the bank, which shall include the words "Federal", "Savings", and "Bank".

(2) the locality in which the principal office is to be located.

(3) that such charter is issued under the authority of this Act, and that the corporate existence, powers, and privileges of such bank are subject to this Act (including amendments thereto) and all other applicable laws of the United States.

The charter shall be in such form and may contain such additional material as the Board may deem appropriate, and the Board may make provision for amendments thereto.

Sec. 22. Issuance of charter for new bank.

The Board is authorized to issue a charter for a new Federal savings bank upon the written application, in such form as the Board may prescribe, of not less than five applicants. The Board shall not take such action unless it determines that—

(1) the bank will serve a useful purpose in the community in which it is proposed to be established,

(2) there is a reasonable expectation of its financial success,

(3) its operation may foster competition and will not cause undue injury to existing institutions, including commercial banks, that accept funds from savers on deposit or share accounts,

(4) the applicants are persons of good character and responsibility, and

(5) there has been placed in trust or in escrow such amounts in cash or securities approved by the Board as the Board may require, not less than $50,000, to be transferred to the bank for an initial reserve upon the issuance of its charter, in consideration of transferable certificates to be issued by the bank in such form, upon such terms, and bearing such interest or other return as the Board may approve.

Sec. 23. Issuance of charter for a converted bank.

(a) The Board is authorized to issue a charter for a converted Federal savings bank upon the written application, in such form as the Board may by regulation prescribe, of the converting institution. The Board shall not take such action unless it determines that—

(1) the applicant is a mutual thrift institution,

(2) in the case of a Federal savings and loan association,

(A) two-thirds of the directors have voted in favor of such conversion, and

(B) two-thirds of the votes entitled to be cast by members have been cast in favor of such conversion

at meetings duly called and held for that purpose within six months prior to the time such application is filed with the Board,

(3) in the case of an applicant which is a State-chartered institution, the conversion will not be in contravention of State law,

(4) the converted institution will serve a useful purpose in the community in which it is proposed to be located,

(5) its operation may foster competition and will not cause undue injury to existing institutions, including commercial banks, that accept funds from savers on deposit or share accounts,

(6) there is a reasonable expectation of its financial success, based upon its capitalization, financial history, and quality of management, and such other factors as the Board may deem appropriate,

(7) the composition of its assets is such that, with such exceptions as the Board may prescribe, the institution will be able to dispose of assets not eligible to be invested in by Federal savings banks, and

(8) the proposed initial members of the board of directors are persons of good character and responsibility and there is a reasonable expectation that they will comply with the provisions of section 47 with respect to the conduct of directors.

A converted Federal savings bank may, to such extent as the Board may approve by order, and subject to such prohibitions, restrictions, and limitations as the Board may prescribe by regulations or advice in writing, retain and service the accounts, departments, and assets of the converting institution.

(b) The Board shall not issue a charter under subsection (a) of this section unless it determines that, taking into consideration the quality of the assets of the converting institution, is reserves and surplus, its expense ratios, and such other factors as the Board may deem appropriate for this purpose, and making appropriate allowances for differences among types of financial institutions, the history of the converting institution has been of a character commensurate with the superior standards of performance expected of a Federal savings bank.

Sec. 24. Conversion of Federal savings banks into other institutions.

(a) Criteria for Approval.—Upon the written application of a Federal savings bank, the Board is authorized to permit such bank to convert into any other type of mutual thrift institution. The Board shall not take such action unless it determines that—

(1) two-thirds of the bank's directors have voted in favor of the proposed conversion,

(2) the requirements of section 45 have been met,

(3) such conversion will not be in contravention of State law, and

(4) upon and after conversion, the converted institution will be an insured institution of the Federal Savings Insurance Corporation or an insured bank of the Federal Deposit Insurance Corporation.

(b) Ten-Year Prohibition on Conversion to Stock Institution.—No institution into which a Federal savings bank has been converted may, within ten years after such conversion, convert into any type of institution other than a mutual thrift institution which is either a bank insured by the Federal Deposit Insurance Corporation or an institution insured by the Federal Savings Insurance Corporation. This subsection shall apply to conversions regardless of whether taking place directly or through any intermediate conversions. If the Board, in the case of an institution which has a status as an insured institution of the Federal Savings Insurance Corporation, or the Board of Directors of the Federal Deposit Insurance Corporation, in the case of an institution which has a status as an insured bank of the Federal Deposit Insurance Corporation, determines that such institution has been converted from a Federal savings bank through a conversion or conversions (including any intermediate conversions) any one or more of which constituted a violation of this subsection, such board, by order issued not later than two years after any such violation, may without notice, hearing, or other action terminate such status. Such termination of status as an insured institution shall have the same effect as where such status as an insured institution is terminated by an order issued pursuant to provisions of section 407 of the National Housing Act, and such termination of status as an insured bank shall have the same effect as where such status as an insured bank is terminated by an order issued pursuant to provisions of subsection (a) of section 8 of the Federal Deposit Insurance Act. For the purposes of this subsection and section 26(a), the terms "conversion" and "convert" apply to mergers, consolidations, assumptions of liabilities, and reorganizations as well as conversions.

Sec. 25. Voluntary liquidation.

(a) Board Approval Required.—No Federal savings bank may voluntarily go into liquidation or otherwise wind up its affairs except in accordance with an order of the Board issued under this section.

(b) Criteria for Approval.—Upon application by a Federal savings bank, the Board is authorized to permit such bank to carry out a plan of voluntary liquidation. The Board shall not take such action unless it determines that—

(1) two-thirds of the bank's directors have voted in favor of the proposed plan of liquidation.

(2) the requirements of section 45 have been met,

(3) there is no longer a need in the community for the bank, or that there is not a reasonable expectation that the continued operation of such bank will be financially sound and successful, and

(4) the plan of liquidation is fair and equitable and in conformity with the requirements of section 26.

Sec. 26. Distribution of assets upon liquidation.

(a) Voluntary Liquidation and Liquidation Within Ten Years of Conversion.—In the event of the liquidation pursuant to section 25 of a Federal savings bank, or in the event of any liquidation of any institution while such institution is subject to the prohibition contained in section 24(b), the net assets remaining after the satisfaction or provision for the satisfaction, in accordance with such rules and regulations as the Board may prescribe, of all proper claims and demands against the savings bank or other institution, including those of depositors or shareholders (but limited, in the case of an institution so subject to section 24(b), to amounts which would have been withdrawable by such depositors or shareholders in the absence of any conversion as defined in section 24(b) while the institution was so subject), shall be distributed to the Federal Savings Insurance Corporation.

(b) Involuntary Liquidation.—In the event of the liquidation of a Federal savings bank otherwise than pursuant to section 25, the net assets remaining after the satisfaction or provision for the satisfaction, in accordance with such rules and regulations as the Board may prescribe, of all proper claims and demands against the savings bank, including those of depositors, shall be distributed to the depositors of the bank in accordance with such rules and regulations as the Board may prescribe.

Sec. 27. Authority of Board.

The Board shall have power to make rules and regulations for the reorganization, liquidation, and dissolution of Federal savings banks, for merger transactions involving a Federal savings bank, for Federal savings banks in conservatorship and receivership, and for the conduct of conservatorships and receiverships, and the Board may, by regulation or otherwise, provide for the exercise during conservatorship or receivership of functions by depositors, directors, or officers of the bank or anybody having authority to elect or appoint directors of the bank.

Chapter 3. Branching and merger

Sec. 31. Branches.
Sec. 32. Merger transactions.

Sec. 31. Branches.

(a) Criteria for Establishment of Branch.—A Federal savings bank may establish one or more branches, but only with approval of the Board. The Board shall not grant approval to establish a branch unless it determines that—

(1) there is a reasonable expectation of the branch's financial success, based upon—

(A) the need for such a facility in the locality where it is proposed to be established,

(B) the bank's capitalization, financial history, and quality of management, and

(C) such other factors as the Board may deem appropriate,

(2) its operation may foster competition and will not cause undue injury to existing institutions, including commercial banks, that accept funds from savers on deposit or share accounts, and

(3) if the bank were a State-chartered financial institution of some type other than an insurance company—

(A) it could lawfully establish the proposed branch, or

(B) an office of an affiliated institution of the same type could be established in the same location.

(b) Retention of Branches After Conversion.—With such exceptions and under such conditions as the Board may prescribe, a converted Federal savings bank—

(1) may retain any branch in operation immediately prior to conversion, and

(2) shall be deemed to have retained any right or privilege to establish or maintain a branch, if such right or privilege was held by the converting institution immediately prior to conversion.

(c) Retention of Branches After Merger Transaction.—(1) Subject to the approval of the Board, which shall not be granted later than the effective date of the merger transaction involved, and to the extent permitted by such approval, a Federal savings bank resulting from a merger transaction—

(A) may maintain as a branch the principal office of, or any branch operated by, any other institution party to such transaction immediately prior to the consummation of such transaction, and

(B) shall be deemed to have acquired any right or privilege then held by such other institution to establish or maintain a branch.

(2) The Board shall not grant any approval under paragraph (1) of this subsection unless—

(A) if the resulting Federal savings bank were a State-chartered commercial bank or thrift institution,—

(i) it could lawfully establish such a branch, or

(ii) an office of an affiliated institution of the same type could be established in the same location, or

(B) the Board, in granting such approval, determines that the merger transaction is advisable because of supervisory considerations.

(d) Maintenance of Branches.—A Federal savings bank shall not maintain any branch—

(1) unless such branch was authorized to be established or retained, or is authorized to be maintained, by or under this section, or

(2) in violation of the terms of any approval granted, or exception or condition prescribed, under this section.

Sec. 32 Merger transactions.

A Federal savings bank may carry out a merger transaction from which the resulting institution will be a mutual thrift institution, but only with the approval of the Board. The Board shall not grant such approval unless it determines that—

(1) every party to the transaction is a mutual thrift institution.

(2) in the case of every party to the transaction which is a Federal savings bank—

(A) two-thirds of the directors have voted in favor of the proposed transaction, and

(B) the requirements of section 45 have been met.

(3) in the case of every party to the transaction which is a Federal savings and loan association—

(A) two-thirds of the directors have voted in favor of the transaction, and

(B) two-thirds of the votes entitled to be cast by members have been cast in favor of the transaction,

at meetings duly called and held for that purpose within six months prior to the time the application is filed with the Board.

(4) in the case of every party to such transaction which is a State-chartered institution, the consummation of such transaction will not be in contravention of State law.

(5) there is a reasonable expectation that the resulting institution will be financially successful, based upon its proposed capitalization, the financial history of each of the institutions involved, and such other factors as the Board may deem relevant.

(6) in the case of a merger, consolidation, or acquisition of assets in which the resulting institution is a Federal savings bank,

the composition of the assets of such bank will be such that, with such exceptions as the Board may prescribe, such bank will be able to dispose of assets not eligible to be invested in by Federal savings banks.

(7) the resulting institution will be an insured bank of the Federal Deposit Insurance Corporation or an insured institution of the Federal Savings Insurance Corporation.

(8) the proposed transaction is approved pursuant to section 410 of the National Housing Act, if applicable, and section 18(c) of the Federal Deposit Insurance Act, if applicable.

Chapter 4. Management and Directors

Sec. 41. Board of directors.
Sec. 42. Initial directors.
Sec. 43. Election of directors by depositors.
Sec. 44. Selection of directors of banks converted from State-chartered mutual savings banks.
Sec. 45. Approval of proposed merger, conversion, or liquidation.
Sec. 46. Proxies.
Sec. 47. General provisions relating to directors, officers, and other persons.

Sec. 41. Board of Directors.

(a) Requirement.—A Federal savings bank shall have a board of directors consisting of not less than seven nor more than twenty-five members.

(b) Functions.—The management and control of the affairs of a Federal savings bank shall be vested in the board of directors.

(c) Delegation.—The Board may prescribe regulations relating to the management structure of Federal savings banks. Subject to such regulations, the board of directors of a Federal savings bank may by bylaws or otherwise delegate such functions and duties as it may deem appropriate.

Sec. 42. Initial Directors.

(a) New Savings Banks.—The initial directors of a new Federal savings bank shall be elected by the applicants as soon as practicable after the issuance of the bank's charter, and shall have such terms as the Board shall by regulation prescribe.

(b) Converted Savings Banks.—The initial directors of a converted Federal savings bank shall be the directors of the converting institution, except as the Board may otherwise provide (consistent with section 44(b) where applicable), and shall have such terms as the Board may prescribe by regulation or by such order.

Sec. 43. Election of Directors by depositors.

Except as provided in sections 42 and 44, the directors of a Federal savings bank shall be elected by the depositors. The Board may by regulation provide for the terms of office of directors, the manner, time, place, and notice of election, the minimum amount and a holding period or date of determination of any deposit giving rise to voting rights, and the method by which the number of votes any depositor is entitled to cast shall be determined.

Sec. 44. Selection of Directors of banks converted from State-chartered mutual savings banks.

(a) Applicability.—This section shall apply to any converted Federal savings bank converted from a State-chartered mutual savings bank in operation on the date of enactment of this title whose directors were then and thereafter until conversion chosen otherwise than by depositor election, if the converting State-chartered bank filed as a part of (or an amendment to) its application for a charter a description in such detail as the Board required of the method by which and the terms for which its directors were chosen, and if the converted Federal savings bank has not elected, by a vote of its directors, to be subject to section 43.

(b) Rule.—The method of selection and terms of office of the directors of any bank to which this section is applicable shall be in accordance with the description referred to in subsection (a), with such changes, subject to the discretionary approval of the Board, as may be made upon application by the bank.

Sec. 45. Approval of proposed merger, conversion, or liquidation.

(a) Banks With Depositor Voting.—No Federal savings bank whose directors are elected by the depositors may make application to the Board for approval of a merger transaction, a conversion, or the liquidation of such bank pursuant to section 25, unless two-thirds of the votes entitled to be cast by depositors have been cast in favor of making such application at a meeting of depositors duly called and held not more than six months prior to the making of such application for the purpose of considering and voting on the question. The Board shall be regulation provide for the conduct of meetings pursuant to this subsection and for notice and information required to be furnished to depositors with respect thereto and may by regulation provide for the minimum amount, type of deposit, and a holding period or date of determination of any deposit giving rise to voting rights, and the method by which the number of votes any depositor is entitled to cast shall be determined.

(b) Banks Without Depositor Voting.—No Federal savings bank whose directors are not elected by the depositors may make any application of a type which would require depositor approval under subsection (a) of this section, unless two-thirds of the votes which would be entitled to be cast for the election of directors have been cast in favor of making such application.

(c) Exceptions.—The Board may except from any or all of the foregoing provisions of this section any case in which the Board determines that such exception should be made because of an emergency requiring expeditious action or because of supervisory considerations.

Sec. 46. Proxies.

(a) For Election of Directors.—Any proxy given by a depositor in a Federal savings bank for the election of directors of such bank shall be revocable at any time.

(b) For Approval of a Merger, Conversion, or Liquidation.—Any proxy given by a depositor in a Federal savings bank with respect to a proposal to be voted on pursuant to section 45(a) shall be revocable at any time, shall expire in any event not more than six months after the execution thereof, and shall specify whether the holder thereof shall vote in favor of or against the proposal. Any proxy on such a proposal purporting to give the holder discretion with respect to the exercise thereof shall be void.

(c) Proxy Voting and Solicitation.—The Board shall prescribe regulations governing proxy voting and the solicitation of proxies, and requiring the disclosure of financial interest, compensation and remuneration by the bank of persons who are or are proposed as officers or directors, and such other matters as it may deem appropriate in the public interest and for the protection of depositors. The Board shall by regulation provide procedures by which any depositor may, at his own expense, distribute proxy solicitation material to all other depositors, but such procedures shall not require the disclosure by the bank of the identity of its depositors. The Board shall by order prohibit the distribution of material found by the Board to be irrelevant, untrue, misleading, or materially incomplete, and may by order prohibit such distribution pending a hearing on such issues.

Sec. 47. General provisions relating to Directors, officers, and other persons.

(a) Fiduciary Relationship.—The directors and officers of a Federal savings bank shall be in a fiduciary relationship to such bank and its depositors. The Board may prescribe such regulations as it may deem appropriate to define and govern such relationship.

(b)(1) Interlocking Prohibited.—Except as provided in paragraph (2) of this subsection, no director of a Federal savings bank may be an officer or director of any financial institution other than such bank.

(2) A director of a converted Federal savings bank who held office on the date of enactment of this title as a director of the institution from which such converted Federal savings bank was converted, and whose service has been continuous, may continue to be a director of any financial institution of which he has continuously been a director since the date of enactment of this title unless the Board finds, after opportunity for hearing, that there exists an actual conflict of interest, or unless such dual service is prohibited by or under some provision of law other than this subsection.

(c) Residence.—At least one more than one-half of the directors of any Federal savings bank shall be persons residing not more than 150 miles from the principal office of such bank.

(d) Compensation.—No director shall receive remuneration as director except reasonable fees for attendance at meetings of directors or for service as a member of a committee of directors. This subsection shall not prohibit the receipt of compensation by a director for services rendered to his bank by him in another capacity.

(e) Attendance.—The office of a director shall become vacant whenever he shall have failed to attend regular meetings of the directors for a period of six months, unless excused by a resolution duly adopted by the directors prior to or during such period.

(f) Borrowing.—No Federal savings bank shall make any loan or extend credit in any manner, other than on the security of deposits, to any director, officer, or employee of the bank, or any person or firm regularly serving the bank in the capacity of attorney-at-law, or to any partnership or trust in which any such party has any interest, or to any corporation in which any of such parties are stockholders, and no Federal savings bank shall purchase any loan from any such party, or from any such partnership, trust, or corporation, except that with the prior approval of a majority of its board of directors not interested in the transaction, such approval to be evidenced by the affirmative vote or written assent of such directors, a Federal savings bank may, upon terms not less favorable to the bank than those offered to others, make a loan or extend credit to, or purchase a loan from, any corporation in which any such party owns, controls, or holds with power to vote not more than 15 percent of the outstanding voting securities and in which all such parties own, control, or hold with power to vote not more than 25 percent of the outstanding voting securities. In any such case, full details of the transaction shall be reflected in the records of the bank: *Provided*, That nothing contained in this subsection shall be construed as authorizing a Federal savings bank to make or purchase any loan that it is not otherwise authorized by law to make or purchase: *Provided further*, That any Federal savings bank may, with the prior approval of a majority of its board of directors, and on terms not more favorable than those offered to other borrowers, (1) make a loan on the security of a first lien on a home owned and occupied or to be owned and occupied by a director, officer, or employee of the bank, or by a person or member of a firm regularly serving the bank in the capacity of attorney-at-law, in such amount as may be permitted by regulation of the Board, and (2) make any other loan of a type that it may lawfully make to any director, officer, or employee of the institution, or to any person or member of a firm regularly serving the bank in the capacity of attorney-at-law, in an aggregate amount not exceeding $5,000.

(g) Certain Conditions Prohibited.—No Federal savings bank or director or officer thereof shall require, as a condition to the granting of any loan or the extension of any other service by the bank, that the borrower or any other person undertake a contract of insurance, or any other agreement or understanding with respect to the furnishing of any other goods or services, with any specific company, agency, or individual.

(h) Selection of Depositary.—No Federal savings bank may deposit any of its funds except with a depositary approved by a vote of a majority of all directors of the savings bank, exclusive of any director who is an officer, partner, director, or trustee of the depositary so designated.

(i) Purchases, Sales, and Contracts.—Except as otherwise provided by the Board, no Federal savings bank may purchase from or sell to, or contract to purchase from or sell to, any of its directors, officers, or employees, or any person or firm regularly serving the bank in the capacity of attorney-at-law, or any partnership or trust in which any such party has any interest, or any corporation in which any of such parties is a stockholder, any securities or other property, except that, where permitted by regulation of the Board, a Federal savings bank may make any such purchase from, or any such sale to, any corporation in which any such party owns, controls, or holds with power to vote not more than 15 percent of the outstanding voting securities and in which all such parties own, control, or hold with power to vote not more than 25 percent of the outstanding voting securities. In any such case, full details of the transaction shall be reflected in the records of the bank. Nothing contained in this subsection shall be construed as authorizing a Federal savings bank to purchase or sell any securities or other property which the bank is not otherwise authorized by law to purchase or sell.

(j) Return on Deposits.—No Federal savings bank shall pay to any director, officer, attorney, or employee a greater rate of return on the deposits of such director, officer, attorney, or employee than that paid to other holders of similar deposits with such bank.

(k) Personal Liability.—If the directors or officers of any Federal savings bank shall knowingly violate or permit any of its directors, officers, employees, or agents to violate any of the provisions of subsections (f), (i), and (j) of this section or regulations of the Board made under authority thereof or (to such extent as the Board may provide by regulation) made under authority of subsection (a) of this section, or any of the provisions of section 212, 213, 214, 215, 665, 1006, 1014, 1906, or 1909 of title 18 of the United States Code, every director and officer participating in or assenting to such violation shall be held liable in his personal and individual capacity for all damages which the bank, its depositors, or any other persons shall have sustained in consequence of such violation.

(l) Conviction of Certain Criminal Offenses.—Except with the prior written consent of the Board, no person shall serve as a director, officer, or employee of any Federal savings bank who has been convicted, or who is hereafter convicted, of any criminal offense involving dishonesty or breach of trust. For each willful violation of this prohibition, the bank involved shall be subject to a penalty of not more than $100 for each day this prohibition is violated, which the Board may recover by suit or otherwise for its own use.

(m) Connection With Securities Business.—No officer, director, or employee of any corporation or unincorporated association, no partner or employee of any partnership, and no individual, primarily engaged in the issue, flotation, underwriting, public sale, or distribution, at wholesale or retail, or through syndicate participation of stocks, bonds, or other similar securities, shall serve at the same time as an officer, director, or employee of any Federal savings bank except in limited classes of cases in which the Board may allow such service by general regulations when in the judgment of the Board it would not unduly influence the investment policies of such bank or the advice it gives its customers, regarding investments.

Chapter 5. Sources of funds

Sec. 51. Reserves.
Sec. 52. Borrowing.
Sec. 53. Savings deposits.
Sec. 54. Time deposits.
Sec. 55. Authority of Board.

Sec. 51. Reserves.

(a) Initial Reserve.—A Federal savings bank for which a charter is issued under section 22 may not commence operations until the amount required by the Board pursuant to section 22(5) has been paid to the bank for an initial reserve. The initial reserve of an operating Federal savings bank may be reduced only by the amount of losses, or by retirement of the certificates referred to in section 22(5).

(b) Other Reserves.—In addition to any initial reserve, a Federal savings bank shall, when required by the Board, and may, when authorized by the Board, establish, and make such credits and charges to, such other reserves (including valuation reserves) as the Board may so require or authorize, and, subject to such restrictions and limitations as the Board may prescribe, may retain amounts as surplus or undivided profits.

Sec. 52. Borrowing.

To such extent as the Board may authorize by regulation or advice in writing, a Federal savings bank may borrow and give security and may issue notes, bonds, debentures, or other obligations or other securities (except capital stock).

Sec. 53. Savings deposits.

(a) Eligible Savings Depositors.—A Federal savings bank may accept savings deposits, except from foreign governments and official institutions thereof, and except from private business corporations for profit (other than financial institutions acting in a fiduciary capacity), and may issue passbooks or other evidences of its obligation to repay such savings deposits.

(b) Classification of Depositors.—A Federal savings bank may classify its savings depositors according to the character, amount, duration, or regularity of their dealings with the bank. Subject to the restrictions imposed under this title or other provisions of law, the bank may agree with its depositors in advance to pay an additional rate of interest on savings deposits based on such classification, and shall regulate such interest in such manner that each depositor shall receive interest at the same rate as all others of his class.

(c) Refusal and Repayment.—A Federal savings bank may refuse to accept any sums offered for deposit, and may fix, and from time to time alter, a maximum amount for savings deposits, and may repay on a uniform nondiscriminatory basis deposits exceeding such maximum.

(d) Interest Payable Only From Earnings.—A Federal savings bank may pay interest on savings deposits only from net earnings and undivided profits. The Board may by regulation provide for the time or rate of accrual of any items of unrealized earnings.

(e) Advance Notice of Withdrawal.—A Federal savings bank may at any time require that up to ninety days' advance notice be given to it by each depositor before the withdrawal of any savings deposit or portion thereof. A Federal savings bank shall immediately notify the Board in writing whenever it requires any such notice of withdrawal.

(f) Suspension or Limitation by Board.—If the Board finds that unusual and extraordinary circumstances so require, the Board may suspend or limit withdrawals of savings deposits from any Federal savings bank. The Board shall enter any such findings on its records.

Sec. 54. Time deposits.

A Federal savings bank may accept, except from foreign governments and official institutions thereof, and except from private business corporations for profit (other than financial institution acting in a fiduciary capacity), deposits for fixed periods of time not less than ninety-one days, and may issue nonnegotiable interest-bearing time certificates of deposit or other evidence of its obligation to pay such time deposits.

Sec. 55. Authority of Board.

The exercise by Federal savings banks of authority vested in them by or under sections 53 and 54 shall be subject to such rules and regulations as the Board may prescribe, except that nothing in this section shall confer on the Board any authority with respect to interest rates other than the additional rate referred to in section 53(b).

Chapter 6. Investments

Sec. 61. Definitions and general provisions.
Sec. 62. Investments eligible for unrestricted investment.
Sec. 63. Canadian obligations.
Sec. 64. Certain other investments.
Sec. 65. Real estate loans.
Sec. 66. Loans upon the security of deposits or share accounts.
Sec. 67. Loans secured by life insurance policies.
Sec. 68. Unsecured loans.
Sec. 69. Educational loans.
Sec. 70. Guaranteed or insured loans.

Sec. 61. Definitions and general provisions.

(a) Definitions.—For the purposes of this chapter—

(1) The term "general obligation" means an obligation which is supported by an unqualified promise, or an unqualified pledging or commitment of faith or credit—

(A) to pay, directly or indirectly, an aggregate amount which (together with any other funds available for the purpose) will suffice to discharge such obligation according to its terms, and

(B) made by an entity referred to in section 62(1) or 63(a) or by a governmental entity posessing general powers of taxation, including property taxation.

(2) The term "political subdivision of a State" includes any county, municipality, or taxing or other district of a State and any public instrumentality, public authority, commission or other public body of any one or more States.

(3) The amount of any securities held by a Federal savings bank at any time shall be measured by the cost thereof, determined in such manner as may be prescribed by the Board.

(4) The term "eligible leasehold estate" means, with reference to any loan, a leasehold estate meeting such requirements as the Board may by regulation prescribe for the purpose of this subsection.

(5) The term "conventional loan" means a loan (other than such a loan as is referred to in section 70) which is secured by a first lien on a fee simple or eligible leasehold estate in improved real property.

(b) Authority Required.—A Federal savings bank may make no loan or investment which is not authorized under this title or other provisions of Federal law.

(c) Service Corporations.—The Board may authorize any acquisition or retention of assets by a Federal savings bank (including, without limitation, stock in service corporations) upon a determination by the Board that such acquisition or retention is necessary or advisable for a reason or reasons other than investment, and may exempt or except such acquisition or retention, or such assets, from any provision of this title.

(d) Purchases and Participations.—Subject to such limitations and requirements as to amounts and as to terms and conditions as the Board may prescribe, a Federal savings bank may acquire by purchase or otherwise any loan or investment, or may acquire by origination or otherwise a participating or other partial interest in any loan or investment, if—

(1) at the time of such purchase or acquisition, the bank would have authority to make the loan or investment (up to the amount of the price of or consideration given for the acquisition) itself, and

(2) in the case of a participating or other partial interest, the bank's interest is—

(A) at least equal in rank to any other interest therein not held by the United States or an agency thereof, and

(B) superior in rank to any other interest therein not held by the United States or an agency thereof, a financial institution, or a holder approved by the Board for the purposes of this section.

(e) Loans Secured by Investment Collateral.—A Federal savings bank may make any loan secured by any obligation or security in which the bank might lawfully invest at the time the loan is made, but such loan shall not exceed such percentage of the value of the obligation or security, nor be contrary to such limitations and requirements, as the Board may by regulation prescribe.

Sec. 62. Investments eligible for unrestricted investment.

A Federal savings bank may invest in—

(1) General obligations of, obligations fully guaranteed as to principal and any interest by, or other obligations, participations, or other instruments of or issued by—

(A) the United States.

(B) any State.

(C) one or more Federal home loan banks.

(D) one or more banks for cooperatives, or the Central Bank for Cooperatives.

(E) one or more Federal land banks.

(F) the Federal National Mortgage Association.

(G) one or more Federal intermediate credit banks.

(H) the Tennessee Valley Authority.

(I) the International Bank for Reconstruction and Development.

(J) the Inter-American Development Bank.

(K) the Asian Development Bank.

(2) bankers' acceptances eligible for purchase by Federal Reserve banks.

(3) stock of a Federal home loan bank.

Sec. 63. Canadian obligations.

(a) Obligations of Canada and Canadian Provinces.—Subject to the limitations contained in subsection (b) of this section a Federal savings bank may invest in general obligations or obligations fully guaranteed as to principal and any interest by Canada or any Province of Canada.

(b) General Limitations.—Any investment by a Federal savings bank in a Canadian obligation, whether pursuant to section 64(2) or subsection (a) of this section, shall be subject to the limitations and conditions that—

(1) such obligation is payable in United States funds, and

(2) immediately upon the making of such investment—

(A) not more than 5 percent of the bank's assets will be invested in Canadian obligations, and

(B) if the investment is in an obligation of a Province of Canada, not more than 1 percent of the bank's assets will be invested in the obligations of such Province.

(c) Definition.—As used in this section, the term "Canadian obligation" means an obligation referred to in subsection (a) of this section or an obligation of Canada or of a Province of Canada referred to in section 64(2).

Sec. 64. Certain other investments.

Subject to the limitation that immediately upon the making of any investment in any security or obligation under authority of this section, not more than 2 percent of the bank's assets will be invested in the securities and obligation of the issuer or obligor of such security or obligation, and subject to such further limitations as to amount and such requirements as to investment merit and marketability as the Board may by regulation prescribe, a Federal savings bank may invest in—

(1) general obligations of a political subdivision of a State.

(2) revenue or other special obligations of Canada, a Province of Canada, a State, or a political subdivision of a State.

(3) obligations or securities (other than equity securities) issued by any corporation organized under the laws of the United States or any State.

(4) obligations of a trustee or escrow agent acting to meet the requirements of section 22(5) of this title, any certificates issued by a Federal savings bank pursuant to such section, and any subordinated debentures of a mutual thrift institution which is insured by the Federal Deposit Insurance Corporation or the Federal Savings Insurance Corporation.

(5) equity securities issued by any corporation organized under the laws of the United States or any State, subject to the further limitations and conditions that at the time of such investment the aggregate of the reserves and undivided profits of the bank is at least equal to 5 percent of the assets of the bank and that immediately upon the making of any investment in any equity security under authority of this paragraph—

(A) the aggregate amount of all equity securities then held by the bank under authority of this paragraph does not exceed 50 percent of its reserves and undivided profits, and

(B) the quantity of the equity securities of the same class and issuer then held by the bank shall not exceed 5 percent of the total outstanding.

For the purposes of this section, the Board may by regulation define the term "corporation" to include any form of business organization.

Sec. 65. Real estate loans.

(a) Conventional Loans.—(1) A Federal savings bank may make conventional loans subject to the following conditions and limitations:

(A) No loan to any borrower may result in an aggregate indebtedness by such borrower, directly or indirectly, to the bank exceeding 2 percent of the bank's assets at the time the loan is made, or $35,000, whichever is greater.

(B) No loan on the security of any one lien may result in an aggregate indebtedness to the bank upon the security of such lien exceeding 2 percent of the bank's assets at the time loan is made, or $35,000, whichever is greater.

(C) No loan secured by a first lien on a fee simple estate in—

(i) a one- to four-family residence may exceed 80 percent, or

(ii) any other real property may exceed 75 percent,

of the value of the property, except under such conditions and subject to such limitations as the Board may by regulation prescribe.

(D) No loan may be made secured by a first lien on a leasehold estate except in accordance with such further requirements and restrictions as the Board may by regulation prescribe.

(2) Loans under this subsection shall be subject to such restrictions and requirements as to appraisal and valuation, maturity (which shall not exceed thirty years in the case of loans on one- to four-family residences), amortization, terms and conditions, and lending plans and practices as the Board may prescribe by regulation. Such restrictions and requirements may differ according to the purpose, type of property securing the loan, or other factors deemed relevant by the Board.

(b) Real Property Improvement Loans.—Subject to such prohibitions, limitations, and conditions as the Board may by regulation prescribe, a Federal savings bank may make loans for the repair, alteration, or improvement of any real property.

(c) Loans on Unimproved Property.—A Federal savings bank may make any loan not otherwise authorized under this title secured by a first lien on a fee simple or eligible leasehold estate in unimproved property if—

(1) such loan is made in order to finance the development of land to provide building sites or for other purposes approved by the Board by regulation as being in the public interest, and

(2) such loan conforms to regulations limiting the exercise of powers under this subsection and containing requirements as to repayment, maturities, ratios of loan to value, maximum aggregate amounts, and maximum loans to any one borrower or secured by any one lien, which shall be prescribed by the Board with a view to avoiding undue risks to Federal savings banks and minimizing inflationary pressures on land in urban and urbanizing areas.

(d) Loan Servicing.—A Federal savings bank which invests in a loan where the property securing the loan is a one- to four-family residence more than 100 miles, and in a different State, from the principal office of such bank must retain, with respect to such loan, a Federal Housing Administration-approved mortgagee resident in such other State to act as an independent loan servicing contractor, and to perform, with respect to such loan, loan servicing functions and such other related services as are required by the Board.

Sec. 66. Loans upon the security of deposits of share accounts.

(a) A Federal savings bank may make any loan secured by a deposit in itself.

(b) A Federal savings bank may make a loan secured by a deposit or share account in another thrift institution or a deposit in a commercial bank, but only to such extent as the Board may permit by regulation or advice in writing, and subject to any limitations and conditions the Board may impose.

Sec. 67. Loans secured by life insurance policies.

A Federal savings bank may make any loan secured by a life insurance policy, not exceeding the cash surrender value of such policy.

Sec. 68. Unsecured loans.

A Federal savings bank may make unsecured loans not otherwise authorized under this title, but only to such extent as the Board may by regulation permit, and subject to such limitations and conditions as the Board shall by regulation impose. No such loan shall be made by any Federal savings bank if the effect of such loan would be to increase the outstanding principal of such loans by such bank to any principal obligor (as defined by the Board) to an amount which exceeds $5,000. No loan may be made under authority of this section if any obligor on such loan is a private business corporation for profit.

Sec. 69. Educational loans.

Subject to such prohibitions, limitations, and conditions as the Board may by regulation prescribe, a Federal savings bank is authorized to invest in loans, obligations, and advances of credit (all of which are hereinafter referred to as "loans") made for the payment of expenses of college or university education, but no Federal savings bank shall make any investment in loans under this section if the principal amount of its investment in such loans, exclusive of any investment which is or which at the time of its making was otherwise authorized, would thereupon exceed 5 percent of its assets.

Sec. 70. Guaranteed or insured loans.

Unless otherwise provided by regulations of the Board, a Federal savings bank may make any loan the repayment of which is wholly or partially guaranteed or insured by the United States or a State or by an agency of the United States or of a State, or as to which the bank has the benefit of such insurance or guarantee or of a commitment or agreement therefor.

Chapter 7. Miscellaneous corporate powers and duties

Sec. 71. General powers.

Sec. 72. Service as depositary and fiscal agent of the United States.

Sec. 73. Federal home loan bank membership.

Sec. 74. Change of location of offices.

Sec. 75. Liquidity requirements.

Sec. 71. General powers.

(a) SPECIFIED POWERS.—A Federal savings bank shall be a corporation organized and existing under the laws of the United States, and subject to such restrictions as may be imposed under this title or other provisions of law, or by the Board, shall have power—

(1) to adopt and use a seal.

(2) to sue and be sued.

(3) to adopt bylaws governing the manner in which its business may be conducted and the powers vested in it may be exercised.

(4) to make and carry out such contracts and agreements, provide such benefits to its personnel, and take such other action as it may deem necessary or desirable in the conduct of its business.

(5) to sell mortgages and interests therein, and to perform loan servicing functions and related services for others in connection with such sales, provided such sales are incidental to the investment and management of the funds of such bank.

(6) to appoint and fix the compensation of such officers, attorneys, and employees as may be desirable for the conduct of its business, define their authority and duties, require bonds of such of them as the directors may designate, and fix the penalties and pay the premiums on such bonds.

(7) to acquire by purchase, lease, or otherwise such real property or interests in real property as the directors may deem necessary or desirable for the conduct of its business and sell, lease, or otherwise dispose of the same or any interest therein; but the amount so invested shall not exceed one-half of the aggregate of its surplus, undivided profits, and reserves, or such greater amount as the Board may permit by written authorization.

(8) to act as agent for others in any transaction incidental to the operation of its business.

(b) POWERS UNDER OTHER PROVISIONS OF FEDERAL LAW.—A Federal savings bank may exercise any power conferred upon it by or under any provision of Federal law other than this title, but notwithstanding any other provision of law, except specific amendments of this sentence, the exercise of any such power shall be subject to such prohibitions, limitations, and conditions as the Board may impose.

(c) IMPLIED POWERS.—In addition to the powers expressly enumerated or defined in this Act, a Federal savings bank shall have power to do all things reasonably incident to the exercise of such powers.

Sec. 72. Service as depositary and fiscal agent of the United States

When so designated by the Secretary of the Treasury, a Federal savings bank shall be a depositary of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary; and may also be employed as a fiscal agent of the Government; and shall perform all such reasonable duties as depositary of public money and as fiscal agent of the Government as may be required of it.

Sec. 73. Federal home loan bank membership.

Upon the issuance of a charter to a Federal savings bank, such bank shall automatically become a member of the Federal home loan bank of the district in which its principal office is located, or, if convenience shall require and the Board approve, shall become a member of a Federal home loan bank of an adjoining district. Federal savings banks shall qualify for such membership in the maner provided in the Federal Home Loan Bank Act for other members.

Sec. 74. Change of location of offices.

A Federal savings bank may not change the location of its principal office or any branch except with the approval of the Board.

Sec. 75. Liquidity requirements.

(a) GENERAL PROVISIONS.—Every Federal savings bank shall maintain liquid assets consisting of cash and obligations of the United States in such amount as, in the opinion of the Board, is appropriate to assure the soundness of Federal savings banks: *Provided,* That such amount as the Board shall prescribe (hereinafter in this section referred to as "general liquidity requirement") shall not be less than 4 percent or more than 10 percent of the obligation of the Federal savings bank on deposits and borrowings. The Board may specify the proportion of the general liquidity requirement which shall be maintained in cash and the maturity and type of obligations eligible for inclusion in such liquidity requirement.

(b) CLASSIFICATION.—The Board may prescribe from time to time different general liquidity requirements, within the limitations specified herein, for different classes of Federal savings banks, and for such purposes the Board is authorized to classify such banks according to type of institution, size, location, rate of withdrawals, or, without limitation by the foregoing, on such other basis or bases of differentiation as the Board may deem to be reasonably necessary or appropriate for effectuating the purposes of this section.

(c) ADDITIONAL LIQUIDITY.—The Board may require additional liquidity (hereinafter in this section referred to as "special liquidity requirement") of any Federal savings bank or Federal savings banks if, in the opinion of the Board, the composition and quality of assets, or the composition of deposits and liabilities, or the ratio of reserves and surplus to the deposits of such bank or banks requires a further limitation of risk to protect the safety and soundness of the bank or banks: *Provided,* That the total of the general liquidity required under subsection (a) hereof, and the special liquidity required by the Board under this subsection, shall not exceed 15 percent of the obligation of the bank on deposits and borrowings.

(d) COMPUTATION.—The amount of the general liquidity required to be maintained by each Federal savings bank, and any deficiencies in such liquidity, shall be computed on the basis of the average daily net amounts of the bank covering such periods as may be established by the Board. Any special liquidity required of any Federal savings bank shall be computed in such manner as the Board may prescribe.

(e) PENALTIES.—The penalties for deficiencies in the general or special liquidity may, in the discretion of the Board, include an assessment against the Federal savings bank based on the amount of the deficiency, computed as hereinabove provided, for any such period at a rate of 1 percentage point above the current rate for short-term advances charged by the Federal home loan bank of which it is a member, or by the Federal home loan bank of the district in which is located the Federal savings bank's principal place of business, the making of advances to the Federal savings bank by the Federal home loan bank of which it is a member at the rate of 1 percentage point above the current rate for short-term advances made by such Federal home loan bank, or such other penalties as the Board may deem to be appropriate.

(f) REDUCTION OF LIQUIDITY; SUSPENSION OF REQUIREMENTS.—Whenever the Board deems it advisable, in order to enable a Federal savings bank to meet requests for withdrawals and other existing obligations, the Board may, subject to such conditions as it shall impose, permit such bank to reduce its liquidity below the minimum amount; and in time of national emergency or unusual economic stress, the Board may suspend any part or all of the liquidity requirements provided for herein for such period as the Board deems necessary but not beyond the duration of such emergency or stress.

Chapter 8. Taxation

Sec. 81. State taxation.

Sec. 81. State taxation.

(a) No State or any political subdivision thereof shall impose or permit to be imposed any tax on Federal savings banks or their franchises, surplus, deposits, assets, reserves, loans, or income greater than the least onerous imposed or permitted by such State or political subdivision on any other thrift institution.

(b) No State other than the State of domicile shall impose or permit to be imposed any tax on franchises, surplus, deposits, assets, reserves, loans, or income of institutions chartered hereunder whose transactions within such State do not constitute doing business, except that this Act shall not exempt foreclosed properties from ad valorem taxes or taxes based on the income on receipts from foreclosed properties.

(c) The term "doing business" as used in this section does not include any one or more of the following activities when engaged in by a Federal savings bank:

(1) The acquisition of loans (including the negotiation thereof) secured by mortgages or deeds of trust on real property situated in a nondomiciliary State.

(2) The physical inspection and appraisal of property in a nondomiciliary State as security for mortgages or deeds of trust.

(3) The ownership, modification, renewal, extension transfer, or foreclosure of such loans, or the acceptance of substitute or additional obligors thereon.

(4) The making, collecting, and servicing of such loans through a concern engaged in a nondomiciliary State in the business of servicing real estate loans for investors.

(5) Maintaining or defending any action or suit or any administrative or arbitration proceeding arising as a result of such loans.

(6) The acquisition of title to property which is the security for such a loan in the event of default on such loan.

(7) Pending liquidation of its investment therein within a reasonable time, operating, maintaining, renting, or otherwise dealing with selling, or disposing of, real property acquired under foreclosure sale, or by agreement in lieu thereof.

(d) As used in this section, the term "State of domicile" means the State in which a given Federal savings bank's principal office is located, and the term "nondomiciliary State" means a State other than the State in which such bank's principal office is located.

TITLE II

SEC. 201. The Federal Savings and Loan Insurance Corporation is hereby redesignated as the Federal Savings Insurance Corporation.

SEC. 202. Title IV of the National Housing Act is amended by adding at the end the following new section:

"SEC. 410. (a) Except with the prior written approval of the Corporation, no insured institution shall—

"(1) merge or consolidate with any other institution;

"(2) assume liability to pay any deposits, share accounts, or similar liabilities of any other institution;

"(3) transfer assets to any other institution in consideration of the assumption of liabilities for any portion of the deposits, share accounts, or similar liabilities of such insured institution.

"(b) Notice of any proposed transaction for which approval is required under subsection (a) (referred to hereafter in this section as a 'merger transaction') shall, unless the Corporation finds that it must act immediately in order to prevent the probable failure of one of the institutions involved, be published—

"(1) prior to the granting of approval of such transaction,

"(2) in a form approved by the Corporation,

"(3) at appropriate intervals during a period at least as long as the period allowed for furnishing a report under subsection (c) of this section, and

"(4) in a newspaper of general circulation in the community or communities where the main offices of the institutions involved are located, or, if there is no such newspaper in any such community, then in the newspaper of general circulation published nearest thereto.

"(c) In the interests of uniform standards, before acting on any application for approval of a merger transaction, the Corporation, unless it finds that it must act immediately in order to prevent the probable failure of one of the institutions involved, shall request a report on the competitive factors involved from the Attorney General. The report shall be furnished within thirty calendar days of the date on which it is requested, or within ten calendar days of such date if the Corporation advises the Attorney General that an emergency exists requiring expeditious action.

"(d) The Corporation shall not approve—

"(A) any proposed merger transaction which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of thrift institutions in any part of the United States, or

"(B) any other proposed merger transaction whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

In every case, the Corporation shall take into consideration the financial and managerial resources and future prospects of the existing and proposed institutions, and the convenience and needs of the community to be served.

"(e) The Corporation shall immediately notify the Attorney General of any approval by it pursuant to this subsection of a proposed merger transaction. If the Corporation has found that it must act immediately to prevent the probable failure of one of the institutions involved and the report on the competitive factors has been dispensed with, the transaction may be consummated immediately upon approval by the Corporation. If the Corporation has advised the Attorney General of the existence of an emergency requiring expeditious action and has requested the report on the competitive factors within ten days, the transaction may not be consummated before the fifth calendar day after the date of approval by the Corporation. In all other cases, the transaction may not be consummated before the thirtieth calendar day after the date of approval by the Corporation.

"(f)(1) Any action brought under the antitrust laws arising out of a merger transaction shall be commenced prior to the earliest time under subsection (e) at which a merger transaction approved under subsection (d) might be consummated. The commencement of such an action shall stay the effectiveness of the Corporation's approval unless the court shall otherwise specifically order. In any such action, the court shall review de novo the issues presented.

"(2) In any judicial proceeding attacking a merger transaction approved under subsection (d) on the ground that the merger transaction alone and of itself constituted a violation of any antitrust laws other than section 2 of the Act of July 2, 1890 (section 2 of the Sherman Antitrust Act, 15 U.S.C. 2), the standards applied by the court shall be identical with those that the Corporation is directed to apply under subsection (d).

"(3) Upon the consummation of a merger transaction in compliance with this section and after the termination of any antitrust litigation commenced within the period prescribed in this subsection, or upon the termination of such period if no such litigation is commenced therein, the transaction may not thereafter be attacked in any judicial proceeding on the ground that it alone and of itself constituted a violation of any antitrust laws other than section 2 of the Act of July 2, 1890 (section 2 of the Sherman Antitrust Act, 15 U.S.C. 2), but nothing in this section shall exempt any institution resulting from a merger transaction from complying with the antitrust laws after the consummation of such transaction.

"(4) In any action brought under the antitrust laws arising out of a merger transaction approved by the Corporation pursuant to this section, the Corporation, and any State banking supervisory agency having jurisdiction within the State involved, may appear as a party of its own motion and as of right, and be represented by its counsel.

"(g) For the purposes of this section, the term 'antitrust laws' means the Act of July 2, 1890 (the Sherman Antitrust Act, 15 U.S.C. 1–7), the Act of October 15, 1914 (the Clayton Act, 15 U.S.C. 12–27), and any other Acts in pari materia.

"(h) The Corporation shall include in its annual report to the Congress a description of each merger transaction approved by it during the period covered by the report, along with the following information:

"(1) the name and total resources of each institution involved;

"(2) whether a report was submitted by the Attorney General under paragraph (4), and, if so, any summary by the Attorney General of the substance of such report; and

"(3) a statement by the Corporation of the basis for its approval."

Sec. 203. (a) Subsection (a) of section 403 of the National Housing Act (12 U.S.C. 1726 (a)) is amended (1) by inserting "and Federal savings banks" immediately after "Federal savings and loan associations", and (2) by striking out "and cooperative banks organized and operated" and inserting ", 'cooperative banks, and mutual savings banks chartered or organized".

(b) The first sentence of subsection (b) of such section is amended by inserting "and each Federal savings bank" immediately after "each Federal savings and loan association".

Sec. 204. (a) Subsection (a) of section 406 of the National Housing Act (12 U.S.C. 1729 (a)) is amended by inserting "or Federal savings bank" immediately after "Federal savings and loan association".

(b) The first sentence of subsection (b) of such section is amended (1) by inserting "or Federal savings bank" immediately after "Federal savings and loan association" both times it appears, (2) by inserting "or bank" immediately after "such association" both times it appears, and (3) by inserting "or bank" immediately after "insured members of the association".

(c) The second sentence of such subsection is amended by inserting "or bank" immediately after "such association" both times it appears.

(d) The first sentence of subsection (c) of such section is amended by inserting "or Federal savings bank" immediately after "a Federal savings and loan association".

Sec. 205. The first sentence of section 407 of the National Housing Act (12 U.S.C. 1730) is amended by inserting "or a Federal savings bank" immediately after "a Federal savings and loan association".

Sec. 206. Whenever a State-chartered mutual savings bank which is an insured bank of the Federal Deposit Insurance Corporation shall qualify to be insured by the Federal Savings Insurance Corporation or shall be converted into a Federal savings bank or merged or consolidated into a Federal savings bank or a savings bank which is (or within sixty days after the merger or consolidation becomes) an insured institution within the meaning of section 401 of the National Housing Act, the Federal Deposit Insurance Corporation shall calculate the amount in its capital account attributable to such mutual savings bank. For the purpose of such calculation, the amount so attributable shall be deemed to be the total assessments payable to the Federal Deposit Insurance Corporation by such mutual savings bank from the date its deposits became insured by the Federal Deposit Insurance Corporation through the end of the immediately preceding calendar year less the total of—

(1) a sum computed for the same period equal to the total amount of credits toward assessments from net assessment income received by such mutual savings bank,

(2) a pro rata share for the same period of operating costs and expenses of the Federal Deposit Insurance Corporation, additions to reserve to provide for insurance losses (making due allowance for adjustments to reserve resulting in a reduction of such reserve), and insurance losses sustained plus losses from any preceding years in excess of reserves, such pro rata share to be calculated by applying a fraction of which the numerator shall be the average deposits of the mutual savings bank, which may be determined from its report of condition to the Federal Deposit Insurance Corporation in December of each year, from the date its deposits became insured by the Federal Deposit Insurance Corporation to the end of the calendar year preceding the date upon which the calculation is being made, and the denominator shall be the average of total deposits of all insured banks over the same period, which may be determined from the annual reports of the Federal Deposit Insurance Corporation during the same period.

(b) As soon as possible after such mutual savings bank becomes an insured institution within the meaning of section 401 of the National Housing Act, or on demand by the Federal Savings Insurance Corporation in the case of any such conversion, merger, or consolidation, the Federal Deposit Insurance Corporation shall transfer to the Federal Savings Insurance Corporation the amount calculated in accordance with the provisions of subsection (a).

(c) Whenever a State-chartered mutual savings bank which is an insured bank of the Federal Deposit Insurance Corporation shall qualify to be insured by the Federal Savings Insurance Corporation or shall be converted into a Federal mutual savings bank, the bank involved shall, on the date on which it becomes an insured institution within the meaning of section 401 of the National Housing Act, cease to be an insured bank insofar as the Federal Deposit Insurance Corporation is concerned, but the obligations to and rights of the Federal Deposit Insurance Corporation, depositors of the insured bank, the bank itself, and other persons arising out of any claim made prior to that date shall remain unimpaired. All claims not made prior to such date but which would have been properly payable by the Federal Deposit Insurance Corporation if made prior to that date, shall be assumed by the Federal Savings Insurance Corporation.

SEC. 207. (a) The first sentence of subsection (b) of section 4 of the Federal Deposit Insurance Act is amended by inserting, immediately before the period, a comma followed by the following: "except that the foregoing provisions of this sentence with respect to State banks which become members of the Federal Reserve System shall not be applicable to such banks as are, without regard to any definition in this Act, mutual savings banks referred to in subsection (a) of section 403 of the National Housing Act".

(b) The first sentence of section 5 of the Federal Deposit Insurance Act is amended by inserting immediately after "any State nonmember bank" the language "(except such banks as are, without regard to any definition in this Act, mutual savings banks referred to in subsection (a) of section 403 of the National Housing Act)".

SEC. 208. (a) Section 212 of title 18 of the United States Code is amended to read as follows:

"§ 212. Offer of loan or gratuity to bank examiner

"Whoever, being an officer, director, or employee of a bank which is a member of the Federal Reserve System or the deposits of which are insured by the Federal Deposit Insurance Corporation, or of any member of any Federal home loan bank or any institution the accounts of which are insured by the Federal Savings Insurance Corporation, or of any land bank, Federal land bank association, or other institution subject to examination by a farm credit examiner, or of any small business investment company, makes or grants any loan or gratuity, to any examiner or assistant examiner who examines or has authority to examine such bank, corporation, member, or institution, shall be fined not more than $5,000 or imprisoned not more than one year, or both; and may be fined a further sum equal to the money so loaned or gratuity given.

"The provisions of this section and section 213 of this title shall apply to all public examiners and assistant examiners who examine member banks of the Federal Reserve System or insured banks, or members of any Federal home loan bank or insured institutions, whether appointed by the Comptroller of the Currency, by the Board of Governors of the Federal Reserve System, or by a Federal Reserve agent, or by a Federal Reserve bank, or by the Federal Deposit Insurance Corporation, or by the Federal Home Loan Bank Board, or by the Federal Savings Insurance Corporation, or by any Federal home loan bank, or appointed or elected under the laws of any State; but shall not apply to private examiners or assistant examiners employed only by a clearinghouse association, or by the directors of a bank, corporation, member, or insured institution.

"Nothing contained herein or in section 213 of this title shall prohibit (1) any such officer, director, or employee from making, or an examiner or assistant examiner from accepting, from any such bank, corporation, member, institution, association, or organization, a loan in an amount not exceeding $30,000 which is secured by a first lien on a home owned and occupied or to be owned and occupied by such examiner or assistant examiner, or (2) any officer, director, or employee of any national banking association or State bank which is a member of the Federal Reserve System from making, or any examiner or assistant examiner of the Federal Deposit Insurance Corporation from accepting, a loan from any such bank under regulations adopted by the Corporation: *Provided*, That no examiner or assistant examiner to whom such a loan is made shall, as long as the loan remains outstanding, participate in any examination of the institution by which the loan was made."

(b) Section 213 of title 18 of the United States Code is amended to read as follows:

"§ 213. Acceptance of loan or gratuity by bank examiner

"Whoever, being an examiner or assistant examiner of member banks of the Federal Reserve System or banks the deposits of which are insured by the Federal Deposit Insurance Corporation, or members of any Federal home loan bank or institutions the accounts of which are insured by the Federal Savings Insurance Corporation, or a farm credit examiner, or an examiner of small business investment companies, accepts a loan or gratuity from any bank, corporation, member, institution, association, or organization examined by him or from any person connected therewith, shall be fined not more than $5,000 or imprisoned not more than one year, or both; and may be fined a further sum equal to the money so loaned or gratuity given, and shall be disqualified from holding office as such examiner."

(c) (1) Section 214 of title 18 of the United States Code is amended to read as follows:

"§ 214. Offer for procurement of certain loans or discounts

"Whoever stipulates for or gives or receives, or consents or agrees to give or receive, any fee, commission, bonus, or thing of value for procuring or endeavoring to procure from any Federal Reserve bank, or any Federal home loan bank, any advance, loan, or extension of credit or discount or purchase of any obligation or commitment with respect thereto, either directly from such Federal Reserve bank or Federal home loan bank, or indirectly through any financing institution, unless such fee, commission, bonus, or thing of value and all material facts with respect to the arrangement or understanding therefor shall be disclosed in writing in the application or request for such advance, loan, extension of credit, discount, purchase, or commitment, shall be fined not more than $5,000 or imprisoned not more than one year, or both."

(2) The table of sections at the beginning of chapter 11 of title 18 of the United States Code is amended by changing "Offer for procurement of Federal Reserve bank loan and discount of commercial paper" to read "Offer for procurement of certain loans or discounts".

(d) Section 215 of title 18 of the United States Code is amended to read as follows:

"§ 215. Receipt of commissions or gifts for procuring loans

"Whoever, being an officer, director, employee, agent, or attorney of any bank, the deposits of which are insured by the Federal Deposit Insurance Corporation, or of a Federal intermediate credit bank, or of any member of a Federal home loan bank, or of any institution the accounts of which are insured by the Federal Savings Insurance Corporation, except as provided by law, stipulates for or receives or consents or agrees to receive any fee, commission, gift, or thing of value, from any person, firm, or corporation, for procuring or endeavoring to procure for such person, firm, or corporation, or for any other person, firm, or corporation, from any such bank, corporation, member, or institution, any loan or extension or renewal of loan or substitution of security, or the purchase or discount or acceptance of any paper, note, draft, check, or bill of exchange by any such bank, corporation, member, or institution, shall be fined not more than $5,000 or imprisoned not more than one year, or both."

(e) Section 655 of title 18 of the United States Code is amended to read as follows:

"§ 655. Theft by bank examiner

"Whoever, being bank examiner or assistant examiner steals, or unlawfully takes, or unlawfully conceals any money, note, draft, bond, or security or any other property of value in the possession of any bank or banking institution which is a member of the Federal Reserve System or which is insured by the Federal Deposit Insurance Corporation, or of any member of any Federal home loan bank, or of any institution the accounts of which are insured by the Federal Savings Insurance Corporation, or from any safe deposit box in or adjacent to the premises of such bank, member, or institution, shall be fined not more than $5,000 or imprisoned not more than five years, or both; but if the amount taken or concealed does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both; and shall be disqualified from holding office as a national bank examiner, Federal Deposit Insurance Corporation examiner, or Federal Home Loan Bank Board examiner, or as an examiner of any such member or institution.

"This section shall apply to all public examiners and assistant examiners who examine member banks of the Federal Reserve System or banks the deposits of which are insured by the Federal Deposit Insurance Corporation, or members of any Federal home loan bank or institutions the accounts of which are insured by the Federal Savings Insurance Corporation, whether appointed by the Comptroller of the Currency, by the Board of Governors of the Federal Reserve System, by a Federal Reserve agent, by a Federal Reserve bank, or the Federal Deposit Insurance Corporation, or by the Federal Home Loan Bank Board, or by the Federal Savings Insurance Corporation, or by any Federal home loan bank, or appointed or elected under the laws of any State; but shall not apply to private examiners or assistant examiners employed only by a clearinghouse association, or by the directors of a bank, member, or insured institution."

(f) Section 657 of title 18 of the United States Code is amended to read as follows:

"§ 657. Lending, credit, and insurance institutions

"Whoever, being an officer, director, agent, or employee of or connected in any capacity with the Federal Home Loan Bank Board, the Federal Savings Insurance Corporation, any Federal home loan bank, the Federal Deposit Insurance Corporation, the Farm Credit Administration, the Federal Housing Administration, the Federal Crop Insurance Corporation, the Secretary of Agriculture, acting through the Farmers' Home Administration, or any land bank, intermediate credit bank, bank for cooperatives, or any lending, mortgage, insurance, credit, or savings and loan corporation or association authorized or acting under the laws of the United States, or any member of any Federal home loan bank or any institution the accounts of which are insured by the Federal Savings Insurance Corporation, or any small business investment company, and whoever, being a receiver of any such institution, or agent or employee of the receiver, embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, credits, securities, or other things of value belonging to any such agency, bank, corporation, association, member, or institution, or pledged or otherwise entrusted to its care, shall be fined not more than $5,000 or imprisoned not more than five years, or both; but if the amount or value embezzled, abstracted, purloined, or misapplied does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both."

(g) (1) Section 1006 of title 18 of the United States Code is amended to read as follows:

"§ 1006. Federal credit institution entries, reports, and transactions

"Whoever, being an officer, director, agent, or employee of or connected in any capacity with the Federal Home Loan Bank Board, the Federal Savings Insurance Corporation, any Federal home loan bank, the Federal Deposit Insurance Corporation, the Farm Credit Administration, the Federal Housing Administration, the Federal Crop Insurance Corporation, the Secretary of Agriculture acting through the Farmers' Home Administration, or any land bank, intermediate credit bank, bank for cooperatives, or any lending, mortgage, insurance, credit, or savings and loan corporation or association authorized or acting under the laws of the United States, or any member of any Federal home loan bank or any institution the accounts of which are insured by the Federal Savings Insurance Corporation, or any small business investment company, with intent to defraud any such institution or any other company, body politic or corporate, or any individual, or to deceive any officer, auditor, examiner, or agent of any such institution or of any department or agency of the United States, makes any false entry in any book, report, or statement of or to any such institution, or without being duly authorized, draws any order or bill of exchange, makes any acceptance, or issues, puts forth, or assigns any note, debenture, bond, or other obligation, or draft, bill of exchange, mortgage, judgment, or decree, or, with intent to defraud the United States or any agency thereof, or any bank, corporation, member, institution, or association referred to in this section, participates or shares in or receives directly or indirectly any money, profit, property, or benefits through any transaction, loan, commission, contract, or any other act of any such agency, bank, corporation, member, institution, or association, shall be fined not more than $10,000 or imprisoned not more than five years, or both."

(2) Section 1009 of title 18 of the United States Code is amended by striking out "Federal Savings and Loan Insurance Corporation" and inserting in lieu thereof "Federal Savings Insurance Corporation or any institution the accounts of which are insured by said Corporation".

(3) Section 1014 of title 18 of the United States Code is amended by striking out "a Federal Savings and Loan Association" and inserting in lieu thereof "any institution the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation or the Federal Savings Insurance Corporation".

(h) Section 1906 of title 18 of the United States Code is amended to read as follows:

"§ 1906. Disclosure of Information by Bank Examiner

"Whoever, being an examiner, public or private, discloses the names of borrowers or the collateral for loans of any member bank of the Federal Reserve System, or bank insured by the Federal Deposit Insurance Corporation, or of any member of any Federal home loan bank or any institution the accounts of which are insured by the Federal Savings Insurance Corporation, examined by him, to other than the proper officers of such bank, member, or institution, without first having obtained the express permission in writing from the Comptroller of the Currency as to a national bank or a district bank, the Board of Governors of the Federal Reserve System as to a State member bank, the Federal Deposit Insurance Corporation as to any other insured bank, or the Federal Home Loan Bank Board as to any member of any Federal home loan bank, other than those the deposits of which are insured in accordance with the provisions of the Federal Deposit Insurance Act, or as to any institution the accounts of which are insured by the Federal Savings Insurance Corporation, or from the board of directors of such bank, member, or institution, except when ordered to do so by a court of competent jurisdiction, or by direction of the Congress of the United States, or either House thereof, or any committee of Congress of either House duly authorized, shall be fined not more than $5,000 or imprisoned not more than one year, or both."

(i) Section 1909 of title 18 of the United States Code is amended to read as follows:

"§ 1909. Examiner performing other services

"Whoever, being a national bank examiner, Federal Deposit Insurance Corporation examiner, farm credit examiner, or an examiner or assistant examiner of members of any Federal home loan bank or institutions the accounts of which are insured by the Federal Savings Insurance Corporation, performs any other service, for compensation, for any bank or banking or loan association, or for any such member or institution, or for any building and loan association, savings and loan association, homestead association, or cooperative bank, or for any officer, director, or employee thereof, or for any person connected therewith in any capacity, shall be fined not more than $5,000 or imprisoned not more than one year, or both."

SEC. 209. Paragraph (11) or subsection (d) of section 602 of the Federal Property and Administrative Services Act of 1949 is amended by inserting "or other" immediately after "savings and loan". The amendment made by this section shall be applicable to said paragraph as heretofore or hereafter amended and supplemented.

SEC. 210. No section heading or other heading and no table appearing in this Act shall be deemed to be a part of this Act or of any title of this Act, and no inference, implication, or presumption of legislative or other construction shall be drawn, made, or deemed to exist by reason of any such heading or table or by reason of the location or grouping of any section, provision, or portion of this Act or of any title of this Act.

SEC. 211. Notwithstanding any other evidences of the intention of Congress, it is hereby declared to be the controlling intent of Congress that if any provision of this Act, or any provision enacted, altered, or amended by this Act, or the application of any such provision to any person or circumstances, is held invalid, the remainder of this Act and of the provisions enacted, altered, or amended by this Act, and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SCHOLARSHIP TRIP FOR HIGH SCHOOL JUNIORS

Mr. ROUSH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ROUSH. Mr. Speaker, last week I described to the Members of the House of Representatives the Fifth Congressional District Washington scholarship trip for high school juniors.

At that time I indicated that these students were chosen by their schools and financed by various kinds of service organizations and civic-minded citizens from the major cities in the Fifth District.

Eleven students came last week. Fifteen are here this week. I sincerely hope that the students who are with us now will enjoy their 3½ days in the Capital of the United States as much as those did last week; that our second group will learn as much about the legislative, executive, and judicial branches of their Government.

Our first group left filled with enthusiasm. We crowded a lot into a few days: State Department visit and excellent briefing; a visit to the Supreme Court and luncheon there; a congressional hearing; an embassy tour; a detailed introduction to the workings of a Congressman's office by my own staff; the Archives; the historic monuments; meeting with a Peace Corps representative—and many more interesting experiences.

It was almost too much for the students to absorb, yet we felt we must at least indicate the overall workings of our Federal Government rather than to concentrate on any one single aspect, regardless of how interesting that might be.

I expect both groups to return to Indiana and share this significant educational experience with their families and friends. I am delighted to have been an instrument in bringing them here.

Mr. Speaker, at this point I should like to include the names of those students who are visiting with us here in Washington this week:

Maconaquah High School: Mary Jo Radel, Miami.

Highland High School: Kathy Sheldrake, Madison.

Fairmount High School: Linda Chapel, Grant.

Madison Heights High School: Fred Donaldson, Madison.

Marion High School: John Copeland, Grant.

Decatur High School: Vicki Wolfe, Adams.

Monmouth High School: Don Ehlerding, Adams.

Montpelier High School: Richard A. Beymer, Blackford.

Northwestern High School: James Stunkard, Howard.

Bluffton High School: Glen Talbert, Wells.

Marion High School: Rory O'Connor, Grant.

Pendleton High School: Christy Campbell, Madison.

Lancaster High School: Ronald Gehring, Wells.

Elwood High School: Barbara Knauer, Madison.

Bennett High School: Steve Peters, Grant.

ROGERS INTRODUCES RADIATION SAFETY ACT OF 1967

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, last month I spoke to the House regarding the potential hazard of X-radiation as emitted from color television sets.

At that time, I was advised that the Federal Government had no machinery and no specific program for testing and evaluating this problem.

Since a great portion of the American public watches television, I consider it necessary that the Government be in a position of assuring the public that there is no possible danger connected with color television.

I have therefore drawn a bill which I am introducing today and is cosponsored by Congressman JOHN JARMAN, of Oklahoma, that would allow the Secretary of Health, Education, and Welfare to establish a proper level of radiation for television sets and give him the machinery to inspect sets to make sure they were in compliance with that standard.

As the television industry has always cooperated with Government in matters of public interest, I feel that it will again direct itself to the problem in conjunction with the establishment of proper standards so that the American public will be insured that the highest level of safety is being adhered to in regard to television viewing.

I feel that the Government has an obligation to the public to insure this confidence. And the bill which I am introducing will give the Secretary of Health, Education, and Welfare the tools to implement these safeguards.

HON. GEORGE R. STOBBS—LAWYER, CIVIC LEADER, AND CONGRESSMAN

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, in common with many people in Worcester County and my district, I was greatly saddened to learn of the passing of the Honorable George R. Stobbs, former Representative of the Fourth Massachusetts District, who served as a Member of the House in the 69th, 70th, and 71st sessions.

Congressman Stobbs had a brilliant career and was a man of many interests and achievements. He was possessed of a very bright, alert mind, learned in the law, dedicated to his beloved city of Worcester, State, and country, and devoted to many fine causes. His service in this body was distinguished by his great ability, zeal, and accomplishment. He was an outstanding Congressman.

For years, both before and since his service in the House, he was recognized as a lawyer of eminence in Worcester County and in our State.

He was a very fine, cultured gentleman, highly trained and educated, and possessed of very high qualifications as a counselor-at-law, and was very distinguished before the bar.

In addition, he took part in a host of civic activities, and was noted for his effective leadership in behalf of innumerable great causes.

Of very pleasing personality, gracious and courtly in manner and approach, gregarious and outgoing, popular among the people, well-liked and esteemed by lawyers and by all who knew him, George Stobbs was indeed a notable figure in contemporary American life.

He was born in Webster, Mass., in my district, attended the Webster public schools and was a graduate of Phillips Exeter Academy, Harvard College, A.B., magna cum laude, A.M. in history and government.

He took his law degree with similar distinctions at Harvard Law School in 1902, and served as assistant in the history department of the college while studying law. Following his admission to the Massachusetts bar that same year, he joined the law office of Taft, Morgan & Stewart in Worcester, and this firm later became Taft & Stobbs, and eventually Stobbs, Stockwell & Tilton, a very prominent, successful, law firm.

In 1909, he was appointed special justice of the central district court of Worcester, where he served until 1917, when he resigned to become an assistant district attorney. In 1924, he was elected to the U.S. House of Representatives on the Republican ticket and, as I pointed out, he served three successive terms with real distinction, and was highly esteemed and respected by his colleagues.

He was a member of the House Judiciary Committee, also a member of the commission to represent the House of Representatives at the sesquicentennial of the passage of the resolution at Williamsburg, Va., instructing Richard Henry Lee to introduce a resolution in the Continental Congress for independence of the Colonies. This distinguished commission represented the House at the sesquicentennial of the Battle of Yorktown.

He was also a member of the commission to represent the House of Representatives at the Inter-Parliamentary Conference in London.

While in Congress, he worked to obtain compensation for World War I veterans and Spanish-American War veterans and widows.

He retired from public life in 1931 to resume the private practice of law in which he achieved such very high standing.

In World War I, he was a captain in the Massachusetts State Guard, and from 1937 to 1942 he was a lieutenant colonel in the U.S. Army Reserve.

Congressman Stobbs was an acknowledged authority on history and was president of the Worcester Historical Society, trustee of the famous Old Sturbridge Village, and a member of the American Antiquarian Society and the Vermont Historical Society.

He was also past president of the Bohemian Club, the Shakespeare Club, the Worcester Fresh Air Fund, the Worcester Harvard Club, the Economic Club and was a director of the Worcester Free Public Library.

He was also a former director of Worcester County National Bank, First National Bank of Webster, chairman of the board of trustees of Becker Junior College, a member of the board of trustees of Rural Cemetery and a director of the Worcester Gas Light Co.

He was a director of the Worcester Boys Club for more than 20 years and also served as the club's attorney and on its finance committee.

He was a member of the American, Massachusetts, and Worcester County Bar Associations.

In 1930, Delta Upsilon Fraternity elected him first vice president, the highest honorary post in the organization.

In Washington, he was a member of the Raquet Club and the Burning Tree Club.

He served as chairman of the Worcester branch of the Foreign Policy Association and was a member of the Worcester Fire Society, the Massachusetts and Worcester County Republican Clubs, and was an honorary member of the Rotary and Kiwanis Clubs of Worcester.

He was a 32d degree Mason and a member of the First Unitarian Church of Worcester.

The foregoing account of his life, career, interests, activities, offices, positions, distinctions and honors of former Congressman Stobbs was largely taken from an "In Memoriam" article in the Worcester Legal News.

His life was an extremely active one and he participated in many business, civic, charitable, fraternal, benevolent, and religious pursuits.

He was an unusually vigorous leader who, in his long, very useful, dedicated lifetime, left a deep impress upon the times in which he lived.

Endowed with boundless energy and enthusiasm and a zest for worthwhile endeavors, George Stobbs was respected, admired, and esteemed as a great American in many places and by many people. His long life, rich in significant achievements and contributions illustrates the fine, constructive things that can be done when natural ability, superb training, high qualifications of character, fitness and capacity are combined and sparked by a tireless, unswerving public spirit and inspired personal zeal to serve commendably and brilliantly—not in private fields alone, but in public areas as well, to further the interests of the people and the country and to strengthen the fabric of American institutions.

Such a man was George Stobbs.

He will long be remembered for the high quality of his citizenship, his outstanding service to city, State, and Nation and his warm, generous, personal qualities.

To his sorrowfully bereaved family, and all the dear ones he leaves behind to carry on in his spirit of devotion, I extend most heartfelt sympathy and sincere prayers that the good Lord may comfort and sustain them in their hour of grief and bring them his consolations and blessings. May he rest in peace.

ADDITIONAL LEGISLATIVE PROGRAM FOR THE BALANCE OF THE WEEK

Mr. RHODES of Arizona. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RHODES of Arizona. Mr. Speaker, I take this time to ask the distinguished majority leader as to the program for tomorrow and the rest of the week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the majority leader.

Mr. ALBERT. Mr. Speaker, in response to the inquiry, I am glad that the distinguished gentleman from Arizona has taken this time to ask about the program, because there has been, as we had announced there might well be, a change in the program. Tomorrow we will have the Flag Day ceremonies as announced, but following those ceremonies we will put over the bill H.R. 2082 providing certain benefits to members of the Armed Forces for dependents' schooling. We will announce the programing of that later and we will put down for consideration tomorrow House Joint Resolution 559, settlement of the current railway labor-management dispute, which will be considered under an open rule, with 3 hours of general debate.

Mr. RHODES of Arizona. Mr. Speaker, may I ask the distinguished gentleman from Oklahoma as to the plans for bringing up the bill having to do with the desecration of the flag? I had understood that it might be brought up tomorrow.

Mr. ALBERT. Mr. Speaker, if the distinguished gentleman from Arizona will yield further, the program will remain the same, except that the railway joint resolution has the right-of-way, and if the other bill has to be put over until next week, well, we shall of course have to do that.

Mr. RHODES of Arizona. Does the gentleman from Oklahoma have any thoughts as to the schedule for Thursday and the balance of the week?

Mr. ALBERT. Mr. Speaker, if the distinguished gentleman will yield further, we still have the program for Thursday as announced, except I must advise the gentleman that we do not know whether we will finish the joint resolution dealing with the railway matter tomorrow. If not, it will go over to Thursday. Otherwise, we will take up the flag desecration bill on Thursday as announced. But in no event will we take up the railway bill and the other bills after Thursday.

Mr. RHODES of Arizona. I thank the gentleman from Oklahoma.

JOSEPH CARDINAL RITTER

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. ZION] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. ZION. Mr. Speaker, Saturday morning the world was saddened to learn that a great churchman and a fine American had passed away quietly in his sleep. The death of Joseph Cardinal Ritter, at the age of 74, was a profound loss to the men and women of all faiths in the hills of southern Indiana where he grew to manhood and received his religious training.

Born in New Albany, July 20, 1892, he was one of six children of Nicholas and Bertha Ritter. Like his four brothers and sister, he worked in the family's neighborhood bakery. He was graduated from St. Meinrad's Seminary, in Spencer County, in 1917.

He served as a priest and rector in Indianapolis until 1933, at which time he was consecrated a bishop, and at 41 was one of the youngest bishops in America.

Joseph Ritter's first act as a newly consecrated bishop was to walk through the church and give his parents his first personal blessing. Later that day he remembered an invalid member of the diocese and stopped at her home to show her his ring, simply because he knew that she would like that.

When Pope Pius XII elevated the Indianapolis See to an archdiocese in 1944, Cardinal Ritter became the first archbishop of Indiana. He immediately stepped into the path of the Ku Klux Klan, ordering desegregation of parochial schools. He established five instructional centers for Negro children and asked that white members of the church give special assistance to Negro members.

In 1946 he was named archbishop of St. Louis. Long after leaving Indiana, Cardinal Ritter retained fond memories. "I'm a born Hoosier, and I'm proud of it," he liked to say. He missed the home of his boyhood and one of his friends remarked, on learning of his death, "One of the hardest decisions that Cardinal Ritter had to make was leaving Indiana and all the people he knew."

Pope John XXIII bestowed the red hat of a cardinal on Joseph Ritter in 1960, adding yet another turn to the able prelate's life. The then "prince of the church" sent this message to the people of Indiana:

> I could not forget you. When word came of this great honor, I thought of you who helped me to merit it. Surely you are my joy and crown.

Cardinal Ritter became recognized as one of the most forceful and respected leaders of the Catholic Church in America. He was regarded by his colleagues in the College of Cardinals as a liberal and took a prominent part in church reforms advocated by the Second Vatican Council. At the council he supported a proposal that each individual could worship God in his own way, even if he were "in error" in the eyes of the church. The proposal failed but Cardinal Ritter had promised to "continue to work for approval of the religious-freedom document."

The cardinal served as the chief American spokesman at the council and was held to be one of the most influential of the 2,000 bishops in attendance.

Cardinal Ritter had a surprising attachment for his home city of New Albany and returned frequently to his home country along the Ohio River in the years that followed. The community that sent him forth had its last formal reunion with him on May 7, 1961, only 4 months after he had been named a cardinal. The humble, former "baker's boy" had scores of friends in southern Indiana. Remarked his longtime friend, Msgr. James Jansen of New Albany, on learning of the cardinal's death:

> His association with the great of this world never deprived him of interest in the common man. Certainly no one has ever had greater ambition to labor for the welfare of people entrusted to his care.
>
> He was never content to follow the easy path of mediocrity, but courageously launched many and varied programs in the social field with amazing serenity and sureness of purpose; many of these programs were quickly adopted all over the country—in education, integration, and ecumenism. Full of ideas, his life was stamped with the nobility of truth. The closer you were to him, the more you were forced to appreciate his greatness.

Msgr. Herman Mootz, vicar general of the Evansville diocese and pastor of the St. John's Church in Evansville, recalled his friendship with the cardinal. He said:

> He was a very friendly, meek, and hospitable man. He was very fine. I don't know how to put it. He always had a pat on the back for a person and he was interested in everyone.

Joseph Cardinal Ritter had just celebrated his golden jubilee as a priest in Indiana several weeks ago. It was to be his final trip to his native soil. He was shortly to suffer two heart attacks in St. Louis and, in the quiet dawn hours of Saturday, June 10, his great heart stopped. Dr. C. G. Vournas, his personal physician, said the cardinal's last words were, "I feel weak; I'm tired."

Fifty years of service to his God and to his church had come to an end. The life of the New Albany baker's son had left an impact on all those who knew and loved him. He will be missed.

ARMED FORCES MAILING PRIVILEGES

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BUTTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. BUTTON. Mr. Speaker, as a member of the Subcommittee on Postal Rates of the House Post Office and Civil Service Committee, I am extremely gratified to have taken part in the extensive discussions leading to the passage last Monday of H.R. 10226, the bill that will extend free mailing privileges to all members of the Armed Forces overseas.

I appreciate our chairman, the Honorable THADDEUS J. DULSKI, asking for unanimous consent on Monday, so all Members would have 5 legislative days in which to comment, for the RECORD, on this very worthwhile postal legislation. Especially, since I could not be in attendance during the deliberations on the floor, due to the necessity of my being in my district on official business.

Mr. Speaker, this bill rounds out the efforts of our committee to see, after work for a number of years, that all servicemen serving in overseas areas have the benefits of fast, efficient, and less expensive mail service. It also touches those family members here at home of servicemen overseas, who want, in every way possible, to maintain the highest morale among our men in uniform.

It is significant, Mr. Speaker, that this bill had the bipartisan support of each member of the Postal Rates Subcommittee, and was cosponsored by 25 members of the full committee.

This new legislation will extend free mailing privileges on letters, cards, and sound-recording personal communications to all members of the Armed Forces overseas, and to all members hospitalized as a result of disease or injury incurred while on active duty.

Additionally, this legislation will establish a new category of airlift mail for a member of the Armed Forces between the point of mailing and the point of delivery for parcels not in excess of 30 pounds of weight and 60 inches in length and girth combined, mailed at or addressed to any Armed Forces post office.

As a new member, Mr. Speaker, of the Subcommittee on Postal Rates, I want to express my sincere pleasure at being able to join with my distinguished colleagues in this effort. I also would like to take this opportunity to express my appreciation to the Honorable ARNOLD OLSEN, of Montana, chairman of our subcommittee, who worked diligently in preparing this important legislation.

LEGISLATION MAKING THE BUNKER HILL BATTLEFIELD A NATIONAL HISTORIC SITE

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, I am joining today with my distinguished colleague, the gentleman from Massachusetts [Mr. O'NEILL], in introducing a bill which would establish the famed Bunker Hill battlefield in Boston as a national historic site and put it under the aegis of the National Park Service.

As most children know from their history courses, the battle of Bunker Hill was fought June 17, 1775, or 192 years ago this Saturday. While the defense of Bunker Hill has been characterized as an act of bravery and courage by our predecessors in the history books, the famed battle certainly had its strategic value, too.

Not only did this battle persuade the waverers among the colonists to join our War of Revolution and hearten those patriots who already had; but, as one historian later wrote:

> At Concord and Lexington we proved we would fight, at Bunker Hill we proved we could fight.

While the battlefield site itself is within the Massachusetts district so ably represented by my colleague, the gentleman from Massachusetts [Mr. O'NEILL], all New Hampshirites share strongly in the desire to maintain and improve the site.

Few outside of New England realize that more patriots from New Hampshire than from any other State participated in this battle. Records of the day show that of the approximately 1,600 Colonial soldiers who fought at Bunker Hill, about 1,050 were from New Hampshire, 350 from Massachusetts—which then included what is now Maine—and 200 from Connecticut.

The only two full regiments were from New Hampshire, one of 506 men commanded by Col. John Stark, and one of 405 men under the command of Col. James Reed. These two regiments were stationed along the rail fence there reaching down to the Mystic River beach.

These records also show that still another group of between 90 and 100 New Hampshire soldiers were at the redoubt under the command of Colonel Prescott, who, while he was from Pepperell, Mass., had farm holdings extending across to Hollis, N.H. Of this group, 60 men were in Capt. Reuben Dow's company from Hollis, which lost eight men, more casualties than were suffered by any other community.

New Hampshire has also figured prominently in efforts to maintain the battlefield and monument there.

The present monument was constructed with donations from many Americans through the Bunker Hill Monument Association. But, although the cornerstone was laid June 17, 1825, it was not until June 17, 1843, that the monument was completed. And this was only after the dedicated and inspiring efforts of a Newport, N.H., woman who rescued the work. I refer to Sara Josephas Hale, who was editor of Ladies magazine and Godey's Lady's Book.

So much for the historical background. What of the present?

In 1919, the monument was turned over to the State of Massachusetts. Today it is maintained by the Metropolitan District Commission and, I regret to say, it is maintained in a nondescript, uneducational manner, lacking even a description of the battle itself.

Because of the national historic value and background in the site and the monument, the Bunker Hill Monument Association has urged passage of a bill such as we are proposing today. In 1966, the Massachusetts General Court memorialized the Congress to assume this responsibility. And Commissioner Whitmore, of the Metropolitan District Commission, has also urged its transfer to the National Park Service.

I urge that this bill be enacted and the desired transfer be effected so that New Hampshirites, Massachusetts residents and indeed the entire Nation, can once again look with pride on this monument to one of its most famous battles in its war for independence.

U.S. LABOR COURT BILL

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. GARDNER] may extend his remarks at his point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. GARDNER. Mr. Speaker, I join today with my colleagues in the House and Senate in introducing legislation to replace the National Labor Relations Board with a U.S. Labor Court. This court would decide cases on the basis of congressional policy and previous decisions, rather than on the basis of partisan politics as practiced by the NLRB. The present disposition of the board is to rely on changing policies and even to reverse their own decisions. These actions have resulted in an atmosphere of increasing confusion, unrest, and hostility.

In light of the present and increasing controversy that has developed between labor and management within the last few years, it is important that a strong and influential body be in existence to reconcile differences which arise. Such decisions, which define the limits and rules of labor-management conduct, should be as precise and predictable as other legal decisions that regulate our growing and maturing industrial sector. The creation of a labor court, composed of a body of 15 judges, would provide this stability in labor-management decisions.

The bill would establish a 15-judge U.S. Labor Court. Each judge would be appointed by the President with the advice and consent of the Senate for 20-year terms with the exception of original appointees, who would serve staggered terms. In addition, the general counsel of the NLRB would be replaced by an Administrator appointed by the President with the advice and consent of the Senate. Also, a total of 90 commissioners, appointed by the court, would replace the present NLRB trial examiners.

In the interest of justice and public confidence, it is important that our labor-management laws be interpreted and applied by persons of judicial temperament acting in a judicial atmosphere—by judges who are insulated from political and special interest pressures. It is for this reason that I introduce and support legislation to replace the NLRB with a U.S. Labor Court.

THE VIETNAM WAR: A COST ACCOUNTING

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. CURTIS. Mr. Speaker, the magnitude of defense expenditures attributable to the Vietnam war has provided a significant expansionary impact on our economy over the last 2 years. I have consistently urged the Congress to recognize that we cannot continue to increase domestic expenditures when we are fighting a major war abroad. Administrative budget expenditures will probably approach $145 billion in fiscal 1968, up $49 billion since fiscal 1965 when the Vietnam buildup began. In a period when defense expenditures have been abruptly rising by around 60 percent, domestic expenditures—instead of being cut back—have been increased by around 40 percent.

The urgent need to cut back on expenditures has been denied by this administration. In order to encourage the Congress and the American people to believe that it is possible to have both guns and butter, the administration has continually underestimated expenditures—particularly defense expenditures.

Although the Congress is given responsibility for establishing the level of taxes and for appropriating money under our Constitution, the administration has withheld the necessary facts from the Congress to make intelligent decisions based on the Nation's fiscal and economic needs.

When pressed for information in the recent debt hearings on the true level of defense expenditures anticipated in fiscal 1968, Secretary Fowler stated that it was impossible to provide the Ways and Means Committee and the Congress with any data more recent than the January budget. Yet the New York Times recently reported that the economists of the business council, after "lengthy talks with Government officials in the Council of Economic Advisers, the Treasury Department, and other agencies," predicted that Vietnam war costs for fiscal 1968 would be $5 billion above the January budget estimate. Senator Stennis, of the Senate Preparedness Investigating Subcommittee, has indicated that Vietnam expenditures for fiscal 1968 are underestimated by $4 to $6 billion.

This is a repeat performance of the shocking misrepresentation of Vietnam war costs by the administration all through 1966. When the administration submitted the budget for fiscal 1967 in January of 1966, it indicated that defense expenditures for Vietnam would be $10.3 billion. Despite the fact that increased expenditures for defense purposes and domestic programs drove interest rates to their highest level in 40 years, created massive inflation, depressed the construction industry, and caused severe economic dislocation, the administration refused to inform the Congress of the true level of expenditures. While professing to be concerned about congressional "add ons," the administration withheld essential facts about Government spending in order to mislead the Congress into enacting expensive new domestic programs that would certainly have been given a much lower priority if the true facts were known. As late as September of last year, the administration was adhering to its January budget estimates. At a press conference held in Johnson City, Tex., on September 8, 1966, the President, in referring to a message on fiscal policy sent to the Congress that day stated:

> We are hoping that in light of this message, and the prudent attention and consideration that the Congress will be giving the remaining eight bills, that they will be somewhere in reasonable proximity to the budget and the request that I made earlier; namely, a budget of $112 billion 800 million.

It was not until the fiscal 1968 budget was submitted in January of this year that the year-old fiscal 1967 expenditure figures were officially revised. It was then that the President told the American people and their representatives in Congress that defense expenditures attributable to Vietnam for fiscal 1967 would be $19.4 billion.

Mr. Speaker, 9 months before that—in April 1966—Fortune magazine carried an article entitled "The Vietnam War: A Cost Accounting." The opening paragraph of that article states:

> What happens in the U.S. economy over the next year or two, what happens to demand and production and prices and taxes, will to a large extent depend upon the cost of the Vietnam war. If anyone inside the Pentagon knows the current cost, he is not telling, nor, of course, is anyone there telling about costs associated with future operations. Accordingly, *Fortune* has undertaken on its own to figure out the cost—present and prospective—of the Vietnam war. It is already costing a lot more than almost anybody outside the Pentagon imagines.

The article goes on to make assumptions based on public statements of General Westmoreland, Secretary McNamara, and others, about the level of operations anticipated in Vietnam, and on the basis of this information the authors make their own estimates about the costs of the Vietnam war during fiscal 1967. Their conclusions were summarized in the following paragraph:

> In Fortune's calculation it was assumed that the 100 percent increase in U.S. servicemen in South Vietnam, from 200,000 to 400,000, would be accompanied by these less than proportionate increases: 50 percent in bombing and tactical air support operations; 10 percent a year in construction costs; 15 percent in military aid to South Vietnam.
>
> On these exceedingly conservative assumptions, the costs at 400,000 come to the resounding total of $21 billion a year.
>
> To calculate Vietnam war costs during fiscal 1967 it is necessary to make some assumptions about the pace of the buildup. *Fortune* assumed that U.S. forces in South Vietnam would increase to 250,000 men by this June 30, expand steadily to reach 400,000 as of December 31, and then remain at that level. On this basis the prospective Vietnam war costs during fiscal 1967 work out to $19.3 billion.

Although the article admitted that the costs of $19.3 billion might be more than the level of expenditures required, because Mr. McNamara could draw down on inventory during fiscal 1967 and replace it later, it pointed out that this option had been nearly used up. It is amazing to me that this $19.3 billion figure is only $100 million less than the $19.4 billion estimate the administration submitted 9 months later.

Mr. Speaker, I am today inserting the Fortune article in the Congressional Record so that the American people will know that reasonably accurate cost estimates can and have been made by those in possession of far fewer facts than the administration. I am also inserting an article from the New York Times describing the recent meeting of the business council I have referred to. The Congress and the American people can see that they are being denied critical budgetary facts again this year.

The Vietnam War: A Cost Accounting

[Charts mentioned in article could not be reproduced for the Record]

(Note.—The cost analysis for this article was carried out by a team consisting of, in addition to Mr. Bowen: Alan Greenspan, president of Townsend-Greenspan & Co., consultants; P. Bernard Nortman, independent economic consultant; Sanford S. Parker, chief of Fortune's economic staff; and research associate Karin Cocuzzi.)

(By William Bowen)

The Vietnam war is peculiarly expensive, far more so than is generally thought. Costs are running above $13 billion a year, and are headed up. Fortune's figures suggest that we're in for bigger defense budgets—and new economic strains.

What happens in the U.S. economy over the next year or two, what happens to demand and production and prices and taxes, will to a large extent depend upon the cost of the Vietnam war. If anyone inside the Pentagon knows the current cost, he is not telling, nor, of course, is anyone there telling about costs associated with future operations. Accordingly, Fortune has undertaken on its own to figure out the cost—present and prospective—of the Vietnam war. It is already costing a lot more than almost anybody outside the Pentagon imagines.

At present, with about 235,000 U.S. servicemen in South Vietnam, the U.S. costs are running at a yearly rate of more than $13 billion. Costs, it should be observed at once, cannot be translated mechanically into expenditures; a drawdown on inventories involves a cost, but may not involve an expenditure for quite some time. Still, if the war continues at only the present rate through fiscal 1967 (the year beginning next July 1), the resulting Defense Department expenditures will probably exceed the $10 billion or so that the hefty 1967 defense budget officially allows for the Vietnam war.

But the war, it appears, will get bigger. U.S. Senators who know what Defense Department witnesses say in closed congressional hearings have predicted a U.S. buildup to 400,000 men, or more. General William C. Westmoreland, the U.S. commander in Vietnam, has reportedly requested a buildup to 400,000 by the end of December. With that many U.S. servicemen in South Vietnam, the cost of the war would run to $21 billion a year—even more if bombing and tactical air support increased in proportion to the buildup on the ground. At any such level the Vietnam war would bring on economic strains beyond what most economists appear to foresee, and beyond what makers of public policy appear to be anticipating. The strains would surely add to the pressure for higher taxes.

In its Vietnam cost accounting, Fortune had considerable help from outside economists, but no access to classified data. The basic sources were public documents—federal budgets, Defense Department publications, transcripts of congressional hearings. Defense Department officials interviewed were persistently wary of discussing the costs of the war, although the department proved willing to provide some missing bits of factual information that would otherwise have been unobtainable. It turned out that some costs—of ammunition, for example—could be easily calculated from published Defense Department figures. But getting at some other costs required elaborate calculations, and still others could only be estimated. Estimates and assumptions were in all cases conservative. The results, set forth by category below, represent what is probably the first serious effort outside the Defense Department to analyze the costs of the war.

The purpose of the undertaking was not to make a case against (or for) the fiscal 1967 defense budget, but to provide a basis for looking beyond the budget and assessing the potential economic effects of the war. In wartime no defense budget can sensibly be viewed as a hard forecast of defense spending. Actual expenditures during the fiscal year will be determined by unfolding events that no budgeter can foresee months in advance. So far as the economy is concerned, then, what counts is not budget projections but Defense Department orders and expenditures.

The costs and expenditures resulting from a war do not match up in the short run. They rise and decline in different trajectories. In the early phases of any war, the Defense Department can hold down expenditures by drawing upon existing forces and supplies, just as a business firm can temporarily reduce cash outlays by letting inventories dwindle, or a family can cut next month's grocery bill by eating up the contents of the pantry. Later on in the war, expenditures catch up with costs. It must be kept in mind that "expenditures," as used here, means *incremental* expenditures—those that would not be required if it were not for the war.

An idea of the movements of costs and expenditures and defense orders, and their changing economic effects, can be gathered from the following budgetary-economic scenario of a medium-sized war—i.e., a war not very different from the one in Vietnam.

A WAR IN FIVE ACTS

Act I. It looks like a small war, and it requires only smallish incremental expenditures. The forces sent overseas are members of the existing defense establishment, and the Defense Department would have to pay, feed, and otherwise provide for them if they were doing peacetime duties in Georgia instead of fighting guerrillas in a tropical republic. The weapons, ammunition, and equipment come from existing stocks. The extra expenses (hostile-fire pay, transportation) can be temporarily absorbed in the immensity of the defense budget, and the Administration does not have to ask Congress for supplemental appropriations to finance the war. It is being financed, in effect, through "reduced readiness"—that is, the U.S. has fewer trained men and smaller stocks of war matériel to deploy or use in any *other* contingencies.

Act II. The struggle has expanded, and the armed forces need extra inflows of men and matériel to compensate for the unexpectedly large outflows to the war zone. The Pentagon places contracts for additional arms, ammunition, equipment; it expands draft calls and recruitment efforts. the Administration asks Congress for supplemental appropriations. War expenditures are still only moderate, but with defense orders increasing and inflationary expectations beginning to stir, the war is already having noticeable effects upon the economy.

Act III. The U.S. buildup in the war zone has continued. The Administration has asked Congress for large supplemental appropriations. Spending still lags behind costs, but it is rising fast—the recruits in training have to be paid, and so do the additional civilians hired. The war's economic effects, moreover, are expansionary out of all proportion to the actual increases in defense spending: the surge in defense orders has increased demand for skilled workers, materials, components, and credit in advance of deliveries and payments. To some extent, the Defense Department's matériel buildup is being temporarily financed by the funds that contractors and subcontractors borrow from banks against future payments from the U.S. Treasury.

Act IV. The U.S. military buildup in the war zone tops out. Defense production continue to rise, but the *rate* of rise is much less rapid than in Act III, and the expansionary economic force exerted by the war begins to wane. Deliveries of arms, ammunition, and equipment rolling into military depots more than match the chew-up of matériel in the war, and so some replenishment of inventories takes place. Men are moving out of training and into operating units faster than forces are being sent overseas, and so there is a net buildup of trained, deployable military forces in the U.S. Expenditures catch up with costs.

Act V. The war ends. The drop-off in contract awards and the collapse of inflationary expectations reverberate throughout the economy. Far from falling steeply, expenditures continue to rise a bit before entering into a gradual decline: the incoming deliveries must be paid for, and the men brought into the armed forces must be provided for until they are mustered out. With deliveries no longer partly offset by wartime chew-up, inventories fill rapidly, and begin to overflow. During the period of readjustment, military manpower and military inventories exceed normal peacetime requirements. Expenditures for this excess readiness largely make up for the expenditures deferred through reduced readiness in the early phases of the war.

In January, 1965, the Vietnam war was still in Act I, and to all appearances nobody in the Administration expected an Act II. The President's budget message declared that, with the "gains already scheduled," U.S. military forces would "be adequate to their tasks for years to come." The new budget projected a *decrease* in defense spending in fiscal 1966, and a *decline* in total uniformed personnel. Major General D. L. Crow, then controller of the Air Force, subsequently testified at a congressional hearing that "the guidelines for the preparation of the budget as they pertain to Vietnam were actually a carry-forward of the guidelines that were used in the preparation of the 1965 budget, and they did not anticipate increased activity, per se, in Vietnam."

IT'S NOW ACT III

Not until last May was it entirely evident that Act II had begun, but there were intimations earlier. In January, 1965, after declining for four consecutive quarters, the Federal Reserve Board index of "defense equipment" production turned upward, beginning the precipitous climb depicted at the bottom of the page opposite. In February the U.S. began bombing targets in North Vietnam. In March the decline in Army uniformed personnel came to a halt, though the downtrend continued for a while in the other services. In April the U.S. buildup in Vietnam accelerated. In May the Administration asked for, and Congress quickly voted, a supplemental fiscal 1965 appropriation of $700 million. In June the decline in total uniformed military personnel turned into a steep rise.

The Vietnam war is now well along in Act III of the budgetary-economic scenario. Since that $700-million request in May, 1965, the Administration has asked for $14 billion in supplemental war appropriations. Soaring orders for ammunition and uniforms have contributed to shortages of copper and textiles for civilian use. So far, however, the costs of the war have been largely channeled into reduced readiness. The war reserve of "combat consumables" has been drawn down. New equipment and spare parts that otherwise would have gone to units elsewhere have been diverted to Vietnam—Iroquois helicopters, for example, that would have gone to the Seventh Army in Germany. Fixed-wing aircraft to replace losses in Vietnam have been ordered, but not yet fully delivered and paid for. The war has required only moderate incremental expenditures (that must be understood, however, to mean "moderate" as war expenditures go—a few billion dollars). But as deliveries roll in and the armed forces expand, expenditures will begin to catch up with the war's far from moderate costs.

In numbers of U.S. servicemen deployed, the Vietnam war is not as big as the Korean war at its peak. But costs per man run much higher than they did in the Korean war. The pay that servicemen get has gone up more than 40 percent since then. Some materiel costs have risen very steeply since Korea. The F–86D fighters in Korea cost about $340,000 each; the F–4C's in South Vietnam cost nearly six times as much. Ammunition use per combat soldier is very much higher than in the Korean war. The M–14 rifle fires up to 150 rounds per minute, and ten rounds per minute at a sustained rate. The M–16, carried by some Special Forces troops, can use up ammunition at a full-automatic rate of 750 rounds per minute. The M–79 grenade launcher fires grenades as if they they were bullets.

The nature of the war contributes to making it peculiarly expensive for its size. Technologically sophisticated military forces, magnificently equipped to kill and destroy, are inefficiently employed against meager or elusive targets. In Korea, there were visible masses of enemy forces to shoot at, and the U.S. superiority in weapons could be exerted efficiently; in Vietnam the enemy hits and runs, moves under cover of darkness or foliage. With their abundant firepower, the superb U.S. fighting men in South Vietnam clobber the Vietcong in shooting encounters, but the U.S. forces run up huge costs—in troop supplies, fuel, helicopter maintenance—just trying to find some guerrillas that they can shoot at.

FIRING INTO A CONTINENT

There is an almost profligate disparity between the huge quantities of U.S. bullets and bombs poured from the air upon targets in Vietnam and the military and economic damage the bullets and bombs do, in the aggregate. In North Vietnam the U.S. has debarred itself from attacking economically valuable targets such as port facilities and manufacturing plants. From bases in Thailand, F–105's fly over North Vietnam and drop their mighty payloads on or near roads, rail lines, ferry facilities, bridges. The costs to the enemy of repairing the damage are picayune compared to the costs to the U.S. of doing the damage. In South Vietnam the guerrillas seldom present concentrated targets. Machine guns mounted on helicopters and on A–47's (elderly C–47's, modified and fitted with three guns) fire streams of bullets into expanses of jungle and brush that are believed to conceal Vietcong guerrillas. The thought of an A–47 firing up to 18,000 rounds per minute into treetops brings to mind that bizarre image in Joseph Conrad's *Heart of Darkness*, of the French warship off the African coast: "There wasn't even a shed there, and she was shelling the bush . . . firing into a continent."

B–52's, operating at a cost of more than $1,300 per hour per plane, fly a ten-hour round trip from Guam to South Vietnam to strike at an enemy that has no large installations or encampments visible from the air. The B–52's have been fitted with extra racks that increase their payloads to more than sixty 750-pound bombs, about $30,000 worth of bombs per plane. "The bomb tonnage that is resulting is literally unbelievable," said Secretary McNamara at a Senate hearing last January. Several weeks later, at a press conference, he said: "Our consumption in February . . . of air-delivered munitions alone in South Vietnam was two and a half times the average monthly rate in the three years of the Korean war." But much of that "literally unbelievable" bomb tonnage merely smashes trees and blasts craters in the earth.

Only a rich nation can afford to wage war at ratios so very adverse. But the U.S. *is* a rich nation. If there is a great disparity between the bomb power dropped and the economic value of the targets, there is also a great disparity between the wealth and power of the U.S. and of the enemy. The cost of the bombs is small in relation to the G.N.P. of the U.S., and the damage they do is sometimes substantial in relation to the G.N.P. of North Vietnam, or to the resources available to the Vietcong. But the costs of winning are going to be unpleasantly large.

The official position of the Defense Department is that it does not know what the costs of the war are, and that it does not even try to compute them. As a Pentagon official put it: "We have no intention of cost-accounting the war in Vietnam. Our business is to support the conflict there. Our business is not cost accounting. We have no estimates of costs. It's not practical to say the war has cost x dollars to date."

The Defense Department argues that the war costs are commingled with those of a military establishment that existed before the U.S. troop buildup in South Vietnam began. And that, of course, is true. Still, a meaningful total can be arrived at by analyzing and adding up the various war costs, regardless of whether they translate immediately into added expenditures. One way or another, we may assume, all costs will result in either added expenditures or reduced readiness, and in the reckoning of the costs it does not matter which, or when, or how.

Fortune's first objective was to arrive at an approximation of annual costs at the early-1966 level of 200,000 U.S. servicemen in South Vietnam. The results of that analysis can serve, in turn, as a basis for calculating costs at higher levels of buildup. In what follows, costs are divided into standard categories—military personnel, operation and maintenance, and procurement—that the Defense Department uses in its budgeting. To outsiders, the department's assignment of expenses to these categories sometimes seems a bit arbitrary. Some clothing is funded under personnel and some under operation and maintenance; ordinary repair parts are funded under O. and M., aircraft "spares" under procurement.

INSIDE AND OUTSIDE THE THEATRE

Military personnel. As noted, the fiscal 1966 defense budget, submitted in January, 1965, projected a moderate *decline* in total uniformed military personnel ("active forces"), from about 2,663,000 at that time to 2,640,000 as of June 30, 1966. Actually, the decline proceeded so briskly that the total got down to 2,641,000 in May, 1965. Since then the Defense Department has announced plans to *increase* military personnel to 2,987,000 by next June 30, and to add on another 106,000 by June 30, 1967; by the latter date, the total would be 452,000 above the May, 1965, low point. In addition the department is expanding the civilian payroll by about 100,000 during fiscal 1966, and many of these civilians will take over work previously done by servicemen, freeing them for other duties.

It might appear that these figures could serve as a basis for calculating the personnel costs attributable to the Vietnam war. But it is impossible, without knowing the Defense Department's classified plans and assumptions, to relate the announced personnel increases to any particular force level in South Vietnam. And to have any meaning, statements about the cost of the Vietnam war must be related to specified force levels. Here we are trying to get the the cost of the war at a particular level—200,000 U.S. servicemen in South Vietnam. For this reckoning, the war personnel costs may be taken as the combined personnel costs of (1) the 200,000 men in Vietnam, (2) the peripheral supporting forces in Southeast Asia, and (3) the required backup forces. The Defense Department defines personnel costs as pay and allowances, subsistence (chow), personal clothing (the "clothing bag" issued to each recruit), plus certain other expenses. Average personnel costs in the armed forces run to $5,100 per man per year, but the men in South Vietnam get "hostile-fire pay" of $65 a month, and other war costs boost the average to about $6,200. So, 200,000 men at $6,200, or $1,240,000,000.

The peripheral supporting forces—mainly aboard Seventh Fleet ships and at bases in Thailand—numbered at least 50,000 last winter, when the U.S. force level in South Vietnam reached 200,000. That's 50,000 men at $6,200 a year, or $310 million.

Each thousand U.S. servicemen stationed overseas under non-war conditions have on the average about 600 other servicemen backing them up: trainees, transients, men serving in supply units or performing various auxiliary functions. But it takes far more than 600 men to back up a thousand men deployed in South Vietnam. Additional supply men are required to keep the huge quantities of arms, ammunition, equipment, and supplies moving into the theatre of war. The men serving there are rotated home after a one-year tour (a three-year tour is normal for U.S. forces in Western Europe), and additional trainees are needed to support the rotation. Extra backup men are needed, also, to make up for the erosion resulting from deaths, severe injuries, and tropical ailments. In the course of a month, large numbers of men spend some days or weeks in transit to or from South Vietnam. And additional men in training require additional men to train them. With all the additions, it works out that there is a ratio of one to one, or 1,000 to 1,000 between servicemen in the theatre of war and servicemen outside the theatre but assignable to the war as elements of cost.

For the 250,000 men in Vietnam and vicinity, then, there will be 250,000 others elsewhere. Since some of these are new recruits, the average personnel cost is taken to be only $4,700. That makes another $1,175,000,000, bringing total personnel costs to $2,725,000,000.

KEEPING THEM FLYING

Operation and maintenance. This category is even more capacious than its name suggests. It includes everything that does not fall into other categories—recruitment, training, medical care, repairs, operation of supply depots, transport of goods, and, in the official expression, "care of the dead." A great many of those additional civilians hired by the Defense Department in the last several months are working in O. and M.

In fiscal 1965, O. and M. for the entire armed forces averaged out to $4,630 per man. For 500,000 men that would come to $2,315,000,000. But the Vietnam war entails extraordinary O. and M. expenses. Planes there fly a lot more hours per month than they normally do, and the extra O. and M. involved in keeping them flying runs at a rate of more than $200 million a year. Extra repair and maintenance are required to keep vehicles moving and equipment working. An enormous logistic flow must be coped with—more than 700,000 tons a month. The shipping costs to Vietnam amount to $225 million at a yearly rate. Combat clothing gets ripped up in the bush, deteriorates rapidly in the moist tropical heat. And, of course, extra medical care per man is needed in a tropical war. When all the extra O. and M. costs involved are added together, the total, by a conservative reckoning, comes to $1 billion. That brings the over-all O. and M. costs to $3,315,000,000.

Procurement, i.e., matériel costs. As reckoned here, these are taken to be the chew-up in the war zone rather than the additional procurement resulting from the war. Ammunition and aircraft losses together account for more than 75 percent of materiel costs, and for both categories the costs can be calculated with some statistical precision.

McNamara reported last January that U.S. ground forces in South Vietnam, including Army and Marine helicopter units, were "consuming ammunition at the rate of about $100 million per month," and that U.S. air forces were using up "air munitions" (mostly bombs) at the rate of about $110 million per month. That works out to a combined rate of $2.5 billion a year. At that time there were about 190,000 U.S. servicemen in South Vietnam, so for the calculation of costs at the 200,000-man level, the figure has to be adjusted upward a bit, to $2,650,000,000.

In testifying at congressional hearings, McNamara and other Defense Department witnesses furnished numerous bits of information about U.S. aircraft operations in the Vietnam war, including losses in 1965 and numbers of sorties over various periods (one flight by one plane counts as one sortie). Sorties per month increased dramatically during 1965, and despite low loss rates per 1,000 sorties, losses added up to large numbers over the course of the year: 275 fixed-wing aircraft lost as a result of "hostile action" alone, and 177 helicopters lost, 76 as a result of "hostile action," 101 in accidental crashes and other mishaps. Assuming continuation of 1965 ratios between sorties and losses, estimated annual attrition at a 200,000-man force level works out, in rounded figures, like this: 475 fixed-wing tactical planes at $1,800,000 equals $855,000,000; 165 other fixed-wing planes (transport, observation) at $200,000 equals $33,000,000; 320 helicopters at $250,000 equals $80,000,000; for a total of $968,000,000.

A figure for aircraft spares was arrived at by first calculating total flying costs of the aircraft operations (information on average flying costs per hour for various types of military aircraft is available). That came to $800 million a year. Spares represent, on average, 20 percent of flying costs, which comes to $160 million. With the addition of a minimal $25 million to allow for spares required to repair planes hit by enemy fire, the total for aircraft spares comes to $185 million.

Little information is available about matériel chew-up, apart from ammunition and aircraft. In the absence of direct evidence, however, Defense Department procurement orders provide a basis for rough estimates. It is assumed—and this is a bit of a leap—that the annual attrition of weapons, vehicles, and equipment is equivalent to one-third of the increase in procurement orders in those categories (as measured by the increase in prime contract awards from the second half of 1964 to the second half of 1965). From that procedure emerges a round figure of $600 million for attrition of hard goods other than aircraft, ammunition, and ships (in effect, ship losses are assumed to be zero). That brings total procurement to $4.4 billion.

The three categories together—military personnel, O. and M., procurement—add up to $10,440,000,000. That is the approximate annual cost of the U.S. operations in the Vietnam war at the 200,000-man level reached early this year. To that figure must be added support for South Vietnamese military forces. (For fiscal 1967, military assistance to South Vietnam will be included in the defense budget.) Counting supplemental requests, total military aid to South Vietnam comes to more than $1 billion in the current fiscal year. In the early 1960's, military aid to South Vietnam ran to something like $100 million a year; the $900-million difference can be considered a Vietnam war cost. In addition, the U.S. pays $50 million to help support South Korean forces in South Vietnam.

Much of the $1.4 billion that Congress has appropriated in fiscal 1966 for military construction in Southeast Asia has to be counted as part of the Vietnam war cost. According to Secretary McNamara's testimony at a Senate hearing, all of the contemplated construction "is associated with the operations in South Vietnam." Some of the facilities may have military value to the U.S. after the war is over, but it seems reasonable to suppose that at least $1 billion of the planned construction would not have been undertaken had it not been for the war. If that is spread over two years, construction adds $500 million a year to the cost of the war.

That brings the grand total to $11.9 billion a year. This figure does not allow for an important deferred cost, depreciation of equipment. Since the Defense Department does not pay taxes or operate in terms of profit and loss, the business-accounting concept of depreciation is hard to apply, but the wearing out of equipment is a reality whether it is cost-accounted or not. This wear-out is a separate cost from the additional maintenance and repair required to keep planes and ground equipment operating in the Vietnam war. Tactical planes and Military Airlift Command planes involved in the war are flying 60 percent more hours per month than they normally do in peacetime, and even with extra maintenance their useful lives are being shortened. The consequences will show up in future defense budgets.

In addition, the war imposes substantial nonmilitary costs that are not included in the $11.9 billion (or in the other war-cost figures that follow). U.S. economic aid to South Vietnam, for example, leaped from $269 million in fiscal 1965 to $621 million in the current year.

MORE MEN FOR PATROL, SEARCH, PURSUIT, ATTACK

The $11.9 billion may be taken as the annual military cost of sustaining the war with 200,000 U.S. servicemen in South Vietnam—the level reached around February 1. Given that yardstick, it is a relatively simple matter to cost out the present level (about 235,000 in South Vietnam). It can be assumed that costs have increased since February in direct proportion to the buildup, except that construction costs and military aid to South Vietnam remain unchanged. So calculated, the current cost works out, at an annual rate, to $13.7 billion—the "more than $13 billion" mentioned at the beginning of this article.

Efforts to project costs at very much higher levels of buildup run into some uncertainties. Costs at the 400,000-man level—the level General Westmoreland is reportedly aiming for by the end of this year—would not be double those at 200,000. For one thing, the expansion of U.S. forces will itself tend to alter the character of the war. Indeed, it has already. The widening U.S. superiority in firepower forced the enemy to cut down on direct assaults by battalions and regiments and revert pretty much to guerrilla warfare. As the number of G.I.'s in South Vietnam increases, the forces needed to guard the coastal enclaves will not have to increase proportionately, so a larger percentage of the total combat-battalion strength will be available for patrol, search, pursuit, and attack operations. Some costs, as a result, will increase faster than the number of U.S. servicemen in South Vietnam—e.g., Fortune has assumed a 5 percent increase in the rates of ground and helicopter ammunition use per 100,000 men.

But in some respects costs would not nearly double as we built up to 400,000. The existing construction plans, for example, provide for port facilities, roads, and installations beyond current requirements. Costs of supporting South Vietnamese forces would not double either—South Vietnam's military and paramilitary forces already number about 600,000 men, and an increase of even 50 percent could not be squeezed out of a total population of 16 million. (An increase to 670,000 has been announced, however, and some upgrading of the military equipment and supplies furnished by the U.S. will undoubtedly occur.) Bombing and tactical air support operations would probably not double either: lack of runways would prevent that large an expansion.

In Fortune's calculation it was assumed that the 100 percent increase in U.S. servicemen in South Vietnam, from 200,000 to 400,000, would be accompanied by these less than proportionate increases:

50 percent in bombing and tactical air-support operations;

10 percent a year in construction costs;

15 percent in military aid to South Vietnam.

On these exceedingly conservative assumptions, the costs at 400,000 come to the resounding total of $21 billion a year.

To calculate Vietnam war costs during fiscal 1967 it is necessary to make some assumptions about the pace of the buildup. Fortune assumed that U.S. forces in South Vietnam would increase to 250,000 men by this June 30, expand steadily to reach 400,000 as of December 31, and then remain at that level. On this basis the prospective Vietnam war costs during fiscal 1967 work out to $19.3 billion.

USED-UP OPTIONS

The $58.3-billion defense budget for fiscal 1967 includes, by official reckoning, $10.3 billion in expenditures resulting from the Vietnam war. With a buildup to 400,000 in fiscal 1967, war expenditures during the year would greatly exceed this figure, but would not necessarily boost total defense spending as much as $9 billion. For one thing, Secretary McNamara can cut somewhat further than he already has into programs not directly connected with the war.

But not very far; McNamara's options for deferring expenditures in fiscal 1967 have been pretty well used up. The 1967 defense budget shows a total of $1.5 billion in cutbacks in military construction, strategic-missile procurement, and other non-Vietnam programs. In view of McNamara's economizing in recent years, there cannot be much leeway left for deferrals. The Secretary himself said not long ago that in shaping the 1967 budget he had deferred "whatever can be safely deferred," which suggests that there is *no* leeway anymore.

He has also largely used up the options for restraining expenditures by drawing down inventories and reducing trained forces outside the war theatre. McNamara has vigorously insisted that "we have a great reservoir of resources," and he is undoubtedly right about that, especially if "a great reservoir" is interpreted to include the potential capacity of the U.S. economy to produce military goods. But he has overstated his case by arguing, in effect, that the Vietnam war has not reduced readiness at all (". . . far from overextending ourselves, we have actually strengthened our military position"). Counting peripheral supporting forces, the U.S. now has about 300,000 men deployed in the Vietnam war theatre, and (in keeping with that one-to-one ratio) another 300,000 men are committed to backing them up. That makes 600,000 men unavailable for other contingencies. Since the low point in May, 1965, U.S. military manpower has increased by approximately 400,000 (this figure allows for substitution of civilians for uniformed personnel), and a lot of those 400,000 are men still in training. It would be remarkable indeed if all this had somehow "strengthened our military position."

Nor is there much left to draw down in military inventories. As shown in the middle row of charts on page 121, Defense Department expenditures for procurement declined sharply in fiscal 1965—by $3.5 billion, in fact. This decline in procurement apparently contributed to the Army shortages (of repair parts, communication equipment, helicopters, and trucks, among other things) discovered early last year by investigators of the U.S. Senate's Preparedness Investigating Subcommittee, headed by Mississippi's Senator John Stennis. Pentagon witnesses tried to explain that the "shortages" were mere routine gaps between reality and ideal tables of equipment. But at one point South Carolina's Senator Strom Thurmond pinned down two Pentagon generals in this exchange:

Senator Thurmond: You have not denied those shortages, have you, General Abrams . . .?

General Abrams: No.

Senator Thurmond: And you have not, General.

General Chesarek: No.

Senator Thurmond: You do admit the shortages?

General Chesarek: Yes, sir.

The combination of rising Vietnam requirements and thin, declining inventories led last year to surges in military production and orders *far beyond what can be inferred from the official estimates of expenditures attributable to the Vietnam war*. In the second half of calendar 1965, Defense Department prime contract awards ran $3.3 billion ahead of the corresponding period of 1964—$6.6 billion at an annual rate. In contrast, the Defense Department estimates fiscal 1966 *expenditures* for the Vietnam war at only $4.6 billion. Anyone trying to catch an intimation of things to come might do well to keep an eye on *orders*, rather than expenditure estimates. Orders are for real: if you want the stuff delivered in time, you've got to order it in time. But expenditure estimates are not binding upon anybody.

TRYING TO AVOID THE PILE-UP AT THE END

Since they are not for real, budgetary expenditure estimates are an exceedingly unreliable guide to the future. A better guide can be found in requests for *appropriations*. For the the fiscal years 1966 and 1967 combined, the Defense Department has estimated Vietnam war expenditures at $15 billion, but for the same two fiscal years the department has already requested approximately $23 billion in Vietnam war appropriations.

Big as they look, however, these requests for war appropriations will almost certainly be added to long before the end of fiscal 1967. That probability can be inferred from on-the-record statements by Secretary McNamara and other Defense Department witnesses at congressional hearings.

The Defense Department has based its requests for war appropriations not upon a forecast of what will actually happen in the Vietnam war, but upon what a Pentagon official calls "calculated requirements." In calculating the "requirement" for any procurement item, the department considered the lead time—how far ahead you have to order the item to have it when you need it. For complex or precisely tooled military hardware, lead times may run to a year or more, and for such items—particularly aircraft and aircraft spares—the department allowed fully for expected losses and use-up to the end of fiscal 1967. But for items with shorter lead times, requirements were calculated tightly, on the assumption that later on they could be revised and McNamara could ask for supplemental appropriations.

Supplemental appropriations have come to be viewed as natural in wartime. And McNamara's policy of asking for funds "at the last possible moment," as he puts it, has its merits. By following that policy he hopes to avoid "over-buying" and any pile-up of surplus matériel at the end of the war. (When the Korean war ended, the military establishment had billions of dollars worth of excess goods in stock or on order.) But the policy implies that the Defense Department will have to ask for more funds before the end of fiscal 1967 unless there is some unexpected abatement in the war.

Of necessity, the 1967 defense budget was constructed upon working assumptions about how big the war will get and how long it will last, and given all the uncertainties, these cannot be expected to coincide with the realities. In estimating expenditures and appropriations for fiscal 1967, the Defense Department assumed that U.S. "combat operations" in Vietnam will not continue beyohd June 30, 1967. In keeping with that assumption, the 1967 budget does not provide funds for orders of aircraft or other military goods to replace combat losses after that date. Here again the assumption implies that the Defense Department will need supplemental appropriations in fiscal 1967 if the war continues at even the present rate.

McNamara has not said in public what U.S. force level in South Vietnam is allowed for in the 1967 budget, and the explanations he has offered at congressional hearings have been deleted by Pentagon censors. But at a Senate hearing in January, General John P. McConnell, the Air Force chief of staff, indicated that, for the Air Force at least, the appropriations requested so far allow for little or no expansion of the war beyond the 200,000-man level. Said McConnell in reply to a question concerning the adequacy of the funds requested: "We don't have any problem if the war continues at about the same rate as now, Mr. Chairman."

These budgeting assumptions expressed and implied by McNamara and other Pentagon witnesses lead to a strong inference: by next January, if the war continues unabated until then at even the present rate, the Defense Department will have to ask for supplemental appropriations for long-lead-time items required in fiscal 1968 and shorter-lead-time items required in the last months of fiscal 1967. Some months before next January, indeed, perhaps this summer, the department will have to begin ordering very-long-lead-time items in anticipation of fiscal 1968 combat losses.

MOUNTING ASTONISHMENT AT THE BAD NEWS

It follows that if the U.S. buildup in South Vietnam proceeds to a much higher level, the supplemental requests will run into many billions before the end of fiscal 1967. And since the military establishment will have to procure a lot of additional equipment and supplies and bring in a lot of additional men, defense expenditures will rise billions of dollars above the estimate submitted last January.

So the 1967 budget barely begins to suggest the level of Vietnam war spending that probably lies ahead. The budget is not misleading once its rather sophisticated underlying assumptions are understood; but the assumptions are *not* widely understood, and the Administration has not made much of an effort to see that they are. There is likely to be mounting astonishment this year and next as the bad news about the war's costs and the implied message about taxes and inflation sink in. It's a good bet that Americans will still consider the war worth winning. There is no reason for them not to know its cost.

VIETNAM REQUIREMENTS ARE PUSHING U.S. ARMED FORCES OVER THE 3-MILLION LEVEL

In keeping with Secretary McNamara's long-range plans, the total number of U.S. military personnel shrank in the latter half of calendar 1964, and the shrinkage continued until May, 1965, even after the buildup of U.S. forces in South Vietnam had begun. But after May the military-personnel curve rose steeply. By the end of June, 1967, according to plans already announced, the armed forces will have 452,000 more men than they had at the May low. As the chart shows, far more men have been added to the armed forces since May, 1965, than actually have been sent to Vietnam since then. A main reason for the disparity is that it takes a serviceman outside the theatre of war to support one in Vietnam.

After trending upward from 1956 on, total U.S. military expenditures fell in fiscal 1965, and as the layer chart at left shows, the drop resulted mainly from a decline in procurement; there was also a decline in the "other" category, mainly in spending for research and development and military assistance. The four charts to the right constitute a closer look at the shift in procurement—a shift away from heavy spending for strategic missiles and toward more for "limited-war" capabilities, especially for "ordnance, vehicles & related equipment." Spending for aircraft, after a ten-year decline, has surged upward as a result of Vietnam.

DEFENSE PRODUCTION SOARS

Both lines of this chart show quarterly changes, seasonally adjusted. Arms production as measured by the Federal Reserve Board "defense equipment" index (main components: military aircraft, ordnance, Navy ships) rose during 1961, the first year of McNamara's stewardship, remained on a bumpy plateau in 1962 and 1963, declined in 1964, then moved into a spectacular upswing beginning in the first quarter of 1965. By January, 1966, the index had reached 126 percent of the 1957–59 average, indicating that the Vietnam war has already had a substantial impact on the economy. Contracts normally precede production, and so the commitment line normally moves up (or down) months ahead of the production line, but in 1965 there was an extraordinary switch in this relationship. The reason is that arms production was pushed upward by a surge in precontract "letter contracts" from the Defense Department—a sign of urgency.

[From the New York Times, May 13, 1967]

ECONOMISTS FIND 1968 WAR BUDGET $5 BILLION SHORT—REPORT TO BUSINESS COUNCIL FORESEES VIETNAM COSTS REACHING $26.9 BILLION—TAX INCREASE FAVORED—A $15-BILLION FEDERAL DEFICIT AND DECLINE IN CORPORATE PROFITS ARE PREDICTED

(By Eileen Shanahan)

HOT SPRINGS, VA., May 12—The cost of the war in Vietnam is likely to rise next year by $5-billion over the Administration's current official estimates, a group of business economists predicted today.

The forecast, made after extensive consultations with Government officials, has no public backing from any Government source.

The predicted increase would raise the cost of the war to $26.9-billion in the 1968 fiscal year, which begins next July 1.

The increased war costs, coupled with some other adverse budgetary developments, will raise the budget deficit for the new fiscal year from an official estimate of $8.1-billion to between $15-billion and $18-billion, the business economists predicted.

Government officials have publicly given no indication that they consider any such increase in war costs to be likely. There have been no official revisions of the $21.9-billion Vietnam war expenditure figure contained in the President's budget message of last January.

BUILD-UP BEING CONSIDERED

The possibility of accelerating the build-up of forces in Vietnam beyond the schedule made public in January is currently under discussion within the Administration, however, although the decision is believed not to have yet been made.

The prediction of the large increase in war costs was given today to a group of the nation's leading business executives by a committee of economists who work for their companies.

The economists prepare such a forecast for their chiefs twice a year, after lengthy talks with Government officials in the Council of Economic Advisers, the Treasury Department and other agencies.

The report was presented to members of the Business Council by Ralph Lazarus, president of the Federated Department Stores, Inc., who is chairman of the Business Council's Committee on the Domestic Economy.

The council is an organization of some 120 men, most of them the heads of large corporations, who advise the Government on policy issues.

Mr. Lazarus did not detail the reasons for the expected $5-billion military budget increase other than to label it "for Vietnam escalation." He added that the $5-billion figure was "very conservative—the lowest figure we've heard."

He declined to specify which Government officials the economists had talked to or the extent to which the $5-billion figure may have been based on Government estimates.

Senator John Stennis, Democrat of Mississippi who is a member of the Senate Armed Services Committee, recently estimated that Vietnam spending next year would go up by $4-billion to $6-billion over the Administration's estimate.

At least one Government official who talked to the business economists confirmed in a telephone interview today that he had mentioned the Senator's figure to the group. He said, however that the conversation on this point was purely hypothetical—concerning what the economic impact would be if Senator Stennis's figure was right.

For the present fiscal year, which ends June 30, the Government's original estimate of the cost of the war in Vietnam is now expected to fall $10-billion short of the actual expenditures.

The original estimates, however were based on the assumption that the war would end during the fiscal year, a factor that accounted for much of the error. For next year, no such assumption about the end of the war was made.

The Administration's deficit estimate in the January budget was $8.1-billion. The business economists added $5-billion in expenditures for the war and subtracted $2.5-billon for lower tax collections that they expect this year because of lower corporate profits. With these calculations the deficit would be raised to more than $15-billion.

If, in addition, Congress refused to enact the 6 per cent tax increase that President Johnson has proposed, the deficit would be raised more than $18-billion, the business economists said.

The economists favored the tax increase—as did a number of the corporate executives—but said it should be put into effect on October, rather than in July, as the President originally asked.

TAX-RISE DELAY BACKED

The delay in raising taxes was seen as desirable because the economy is currently going through a period of softness.

The business economists felt, and the corporate executives generally agreed, that business would start to turn up again by the final quarter of this year, possibly earlier.

Mr. Lazarus said that he personally was for the proposed tax increase for just this reason.

The chairman of the business council, Albert L. Nickerson, chairman of the board of the Mobil Oil Corporation, also indicated his agreement with the tax increase plan. He said that the inflationary pressures that were "latent" during the first quarter, while business was sluggish, would probably revive in the latter part of this year.

Mr. Lazarus described the period of slight business slowdown that the economy has encountered this year as not a recession but a "minicession—which means that it is short but interesting."

Fred J. Borch, president of the General Electric Company, said that he thought the problem of businesses getting rid of excessive inventories—which has been seen by Government and private economists alike as the main economic problem this year—"will be behind us more quickly than most people think."

LEGISLATION ON LABOR-MANAGEMENT RELATIONS IN THE FEDERAL SERVICE

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to

the request of the gentleman from Oregon?

There was no objection.

Mr. CURTIS. Mr. Speaker, governmental agencies should not be excepted from generally recognized standards procedures, and methods of sound employee-management relations. Indeed, practices which have insured fair and impartial consideration of employees' views on working conditions, and provided effective methods of adjusting grievances, may be even more necessary in Federal agencies than in private firms. Five years ago, efforts were made, through Executive Order No. 10988, to provide recognition of postal unions and unions of other Federal employees. It is my understanding from discussions with various representatives of Federal employee organizations that these efforts were not very successful. The reason, I am informed, lay in the inability to enforce the Executive order due to lack of sanctions.

If sanctions are needed it falls on Congress, not the administration, to provide them. The purpose of the bill I am introducing today is to make effective Executive Order No. 10988, making recognition of properly constituted Federal employee organizations mandatory, and to provide for grievance procedures just as in the private sector. This bill will leave unaffected prohibitions on Federal employees' right to strike as it must, and will not concern itself with the ultimate aspects of collective bargaining in the area of wages.

I hope that consideration will be given in the Congress to the question of effectively implementing labor-management relations in the executive branch. For this purpose I am introducing this bill, which is similar to bills introduced by several of my colleagues.

Mr. Speaker, in addition I would like to insert in the Record my remarks delivered before the Subcommittee on Union Recognition of the House Committee on Post Office and Civil Service in 1958. In 1958 the subcommittee did not report out a bill to the House. Nevertheless, because of the identity of the issues, I would like to insert the statement in the Record at this time.

Statement of Congressman Thomas B. Curtis Before Subcommittee on Union Recognition of the House Committee on Post Office and Civil Service

I am grateful to this Sub-Committee to allow the insertion of my remarks in the record. I am quite concerned and have been for some time with respect to postal employee problems and particularly with reference to the question of Union recognition. I am convinced that this needed recognition will greatly improve the employment practices in the Federal government.

Some people have stated that the postal service does not offer the same advantages paywise and as a career that exists in private employment for commensurate skills. Certainly it appears from an analysis of the skills needed in the postal service compared with the same type skills in private employment that the postal service in a high cost area like St. Louis is not in a competitive position either in starting salaries or in overall career possibilities. The present legislation is a start in the right direction, but there is still a lot to be accomplished in this area.

You are presently studying a set of bills which provide for union recognition. It is to this important question that I wish to direct my remarks.

It certainly behooves the Federal Government not only to have good employment practices itself but it actually should be a leader rather than a tardy follower of private enterprise. There was a time when a career in the postal service was a mark of distinction. Perhaps this is still true although the old-time postal workers as well as the newer ones state that this is no longer so. Certainly the recruitment experiences in St. Louis in the past few years indicate that it is no longer true. This has serious implications for the future, not only of the people who have embarked upon careers in the postal service, but also for the public which counts upon speedy, efficient and courteous service from the Postal Department.

I am satisfied that a basic error in the employment practices of the Post Office Department is the failure to recognize and deal with union leaders of the postal employees' own choosing. I cannot understand why the postal unions have not received full and adequate recognition long before now. The union leaders have been fair in their approach by recognizing a basic truth that there can be no right of strike against the Federal Government. For the workers not to have the right through representatives of their own choosing to discuss employment practices with those who are responsible for administering the postal service is not only archaic, but stupid. The people who best know working conditions and who best can give suggestions for improving them are the workers themselves. I have many times stated that if unions did not exist smart management would create them as a part of good employment organization.

The basic problems that exist in the wage scales of the postal employees seem to arise from the fact that wages in the postal service are fixed on a national basis, and that job classifications are likewise national in scope. The reclassisfication of jobs is a never-ending one in a well-run modern-day organization. With automation moving at the pace it moves, constant reclassification becomes even more significant. Workers' organizations are of the greatest help in carrying on this task of reclassification. Yet the Federal postal service does not avail itself to any real extent of the help that the unions could give them in this area.

Rather than get into the many details of good employment practices at this time, I prefer to again emphasize that recognition of unions of the workers' own choosing is the best way to be certain that the new techniques in employment practices are adopted and utilized by the Post Office Department. It is no wonder to me that we have not gone as far and as fast as private enterprise in the postal services with the archaic benevolent despotism existing under the present procedures. Our postal workers in effect have not been permitted to participate in making the postal service better and more efficient as have employees in private enterprise through the technique of good and strong labor unions led by dedicated and forward-looking labor leaders.

I have said before and now reaffirm because of its real pertinence to the matter at hand my views on economy. The basic purpose of economy in the Federal Government is to preserve the integrity of the purchasing power of the dollar. The basic reason for preserving the purchase power of the dollar is to preserve the living standards of our people, particularly those who are dependent upon fixed pensions and wage scales for their income and have no capital investment with which they can hedge against inflation. Now if we are going to economize on the salaries of the people in the Federal Government we defeat the very purpose of the overall economizing. We adversely affect the standard of living of this large block of American people. The last place to economize in the Federal Government is in the salaries and wages of our Federal employees. For another reason, too, that economizing on peoples' salaries is not the road to further efficiency in the performance of their jobs.

Many of the postal employees in the St. Louis area have to hold down two jobs, to the detriment I might state of the efficient performance of both, and a detriment to the very concept of the 40-hour week. Yet to make ends meet to maintain their standard of living they must do this. Union recognition will place the needed emphasis on this important point.

I think we can greatly improve the employment practices in the Federal Government. The place to begin is in union recognition. Once the representatives chosen by the Federal employees are recognized by our Federal administration, I am satisfied that we will improve the Federal Service constantly so that once again service in the United States Post Office Department will be a mark of distinction.

RESOLUTION TO DIRECT JOINT ECONOMIC COMMITTEE TO STUDY POPULATION GROWTH AND MOVEMENT

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Curtis] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. CURTIS. Mr. Speaker, I introduce for appropriate reference a House resolution which directs the Joint Economic Committee, or any subcommittee thereof, to conduct a study of the economic impact of the growth and migration of population in the United States.

This resolution is also being introduced in the Senate by the chairman of the committee, Senator William Proxmire, and by Senator Karl E. Mundt, and in the House by Representative Wright Patman, vice chairman of the committee.

Under the Employment Act of 1946, the Joint Economic Committee was given a broad mandate to study means of coordinating Government programs in order to further the declaration of policy set forth in the act. It is becoming increasingly clear that population growth and migration have an important impact on the number and location of employment opportunities in our country. Changes in population affect not only the location of industries and regional development, but they have contributed to the emergence of basic economic problems in both our cities and rural areas.

The resolution which I am introducing today directs the Joint Economic Committee to study the factors which affect the geographic location of industries, as well as those which are necessary in order for industries to operate efficiently outside large urban centers, and to operate and expand within large urban centers without the creation of new economic and social problems. It also requires the committee to analyze and evaluate the limits imposed upon population density in order for municipalities or other political subdivisions to provide necessary public services in the most effective and efficient manner. Finally, it directs the committee to consider the importance of geographic balance in economic development of the Nation and how the Federal Government might encourage more balanced industrial and economic growth.

I include the resolution in the RECORD at the conclusion of these remarks.

The resolution is as follows:

H. CON. RES. 371

Whereas the Congress, by section 2 of the Employment Act of 1946, declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means consistent with its needs and obligations and other essential considerations of national policy, with the assistance and cooperation of industry, agriculture, labor, and State and local governments, to coordinate and utilize all its plans, functions, and resources for the purpose of creating and maintaining, in a manner calculated to foster and promote free competitive enterprise and the general welfare, conditions under which there will be afforded useful employment opportunities, including self-employment, for those able, willing, and seeking to work, and to promote maximum employment, production, and purchasing power;

Whereas the Joint Economic Committee, established under that Act, has been given the directive and function to study means of coordinating programs in order to further this declaration of policy as set forth in the Act;

Whereas the growth and movement of population has most important effects on production and consumption in our economy; and

Whereas population movements have profound interaction with the location and industries and regional development; and

Whereas population growth and movement has contributed to the emergence of certain basic economic problems both in the cities and in the rural areas: Now, therefore, be it

Resolved, That it is the sense of the Congress that the Joint Economic Committee, or any duly authorized subcommittee thereof, be requested and urged to include within the scope of its investigations an investigation and analysis of the growth and movement of population including, but not limited to the following—

(1) an analysis and evaluation of the economic, social, and political factors which affect the geographic location of industry;

(2) an analysis and evaluation of the economic, social, and political factors which are necessary in order for industries to operate efficiently outside the large urban centers or to operate and expand within the large urban centers without the creation of new economic and social problems;

(3) an analysis and evaluation of the limits imposed upon population density in order for municipalities, or other political subdivisions, to provide necessary public services in the most efficient and effective manner;

(4) an analysis and evaluation of the extent to which a better geographic balance in the economic development of the Nation serves the public interest; and

(5) a consideration of the ways and means whereby the Federal Government might effectively encourage a more balanced industrial and economic growth throughout the Nation.

STATEMENTS OF HOUSE REPUBLICAN COMMITTEE ON WESTERN ALLIANCES

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at his point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. FINDLEY. Mr. Speaker, as the North Atlantic Council meets in ministerial session today and tomorrow, I wish to call to your attention two statements on NATO recently issued by the House Republican committee on Western alliances, of which I am the chairman.

UNITED STATES MUST LEAD IN STRENGTHENING NATO

The first urged amendment of the North Atlantic Treaty to give official status and powers to the North Atlantic Assembly. This was adopted by the committee on June 8 and a copy sent to the President.

The second is a statement deploring U.S. policy toward NATO. This was prepared by Representatives SEYMOUR HALPERN, of New York, and MARVIN L. ESCH, of Michigan. It was approved by the committee yesterday.

Other members of our committee are: Representatives E. ROSS ADAIR, of Indiana; WILLIAM O. COWGER, of Kentucky; WILLIAM C. CRAMER, of Florida; SHERMAN P. LLOYD, of Utah; WILLIAM S. MAILLIARD, of California; ALEXANDER PIRNIE, of New York; ALBERT H. QUIE, of Minnesota; WILLIAM V. ROTH, of Delaware; HERMAN SCHNEEBELI, of Pennsylvania; CHARLES W. WHALEN, of Ohio; and LARRY WINN, JR., of Kansas.

NORTH ATLANTIC ASSEMBLY SHOULD HAVE OFFICIAL STATUS

Mr. Speaker, the North Atlantic Treaty should be amended to provide for an assembly having equal status with the Council as an institution of the Atlantic alliance. The assembly should be given powers of deliberation and control at least equal to those conferred upon the assemblies of the European Economic Community and the Council of Europe. It should meet frequently and for substantial periods.

Such an assembly would improve the exchange of ideas by representatives elected directly by the people of these nations. Its public debates would tend to moderate nationalism and some of the abrasive tendencies of bureaucracy. The need for this has just been dramatically demonstrated by the disarray of the NATO nations in reacting to the Mideast crisis.

While the European assembly has only indirect control over the Community, its members have organized into four political groups cutting across national lines, thus producing debate on the merits of an issue with a minimum of national bias. Members of the Council of Europe Assembly are similarly organized.

This action is long overdue. It was authoritatively proposed in March 1953 by a conference including top representatives of the Netherlands Government in a resolution which was drafted in close consultation with the Foreign Ministry prior to the meeting.

About a month later as the North Atlantic Council was about to meet, 140 prominent citizens of Canada, France, the United Kingdom, and the United States addressed an open letter to their countrymen and NATO representatives. It called attention to the authority in the treaty for further development of the North Atlantic community and suggested the creation of a North Atlantic consultative assembly, composed of representatives of people of the NATO countries, which would have as its principal objective the implementation of article II of the treaty. This pledges members to bring about "conditions of stability and well-being" and to "encourage economic collaboration between any or all of them."

Even before this there were a number of important initiatives looking toward an assembly of legislators of the Atlantic community. In the spring of 1951, the late Paul Reynaud visited Washington and suggested that Members of our Congress attend the next meeting of the European Assembly, in Strasbourg. Reynaud had been the Premier of France in 1940 when its Government received General de Gaulle as an emissary from Winston Churchill bearing a proposal that Great Britain and France unite under a single government to resist the onslaught of Hitler's armies.

In May 1951 the Assembly of the Council of Europe resolved to invite Members of the U.S. Congress to meet with them either in Strasbourg or Washington to discuss common problems in accordance with a mutually agreed agenda. Such a meeting was arranged by Paul Henri Spaak and Lord Layton, President and Vice President, respectively, of the Assembly who visited the Speakers of both our Houses. It took place in November 1951.

In the Netherlands, in March 1952, two groups—the Association for the International Rule of Law and the Netherlands Council of the European Movement—issued a joint resolution as a basis for action toward a North Atlantic federation and established a committee to further their cooperation in this. The first paragraph of the resolution advocated a North Atlantic representative assembly within the framework of NATO.

In April 1952, 60 Canadian Senators and Members of Parliament were hosts to a U.S. delegation comprising Justice Roberts, Senator Gillette and Congressman Leroy Johnson. They resolved that—

> The national legislatures of the sponsor nations of NATO give consideration to the creation of a North Atlantic Assembly, composed of the parliamentary representatives of the people concerned, which will have as its objective the implementation of Article II of the North Atlantic Treaty.

In May 1952, the Atlantic Union Committee held a strategy conference in Washington and, at the request of General Draper, the U.S. Permanent Representative on the North Atlantic Council, cabled its views to him. The first recommendation was "a North Atlantic Assembly" as mentioned above.

Writing in Look magazine in November 1952, Arnold Toynbee said:

> In western countries whose constitutions are federal as well as democratic, it is an axiom that political unity at the govern-

> mental level will remain precarious, and perhaps illusory, unless and until it has been underpinned by unity at the deeper level of popular representative institutions. If we were now to take this first step of convening delegations of national legislators from all the NATO countries to deal at this level, with NATO's common affairs, we might find we had created a growing point from which a democratically-governed western community could bring itself into being step-by-step.

A report by Pierre Streit on the NATO Council meeting about May 1953 indicated that the Norwegian Storting had discussed the idea of an Atlantic Assembly and its NATO representative had placed this on the agenda of the North Atlantic Council.

An international movement, now known as the Atlantic Treaty Association, organized by the British Society for International Understanding in September 1952, held a conference at Copenhagen in September 1953. One hundred and twenty persons from all 14 NATO countries made plans to hasten the creation of Atlantic committees in member nations and noted, but did not adopt, a resolution of one of its commissions which recommended the creation of a consultative assembly within the framework of NATO.

Failure of the NATO governments to establish a consultative assembly as an official organ of NATO was mitigated in July 1955 by the creation of the informal NATO Parliamentarians Conference. In each of the past 5 years, this body itself has recommended the establishment of an official consultative assembly as an organ of NATO but our Government has never given serious attention to these recommendations. In recent years, the State Department has publicly endorsed an "Atlantic Assembly" but when asked to elaborate on the nature of the institution so endorsed it revealed that it opposed an organic relationship of such a body with the other institutions of the alliance.

The Atlantic Convention of NATO nations in January 1962 recommended that the NATO Parliamentarians Conference be developed into a consultative assembly which would review the work of all Atlantic institutions and make recommendations to them.

Two Members of the U.S. Congress have played leading roles in the endeavor to convert the NPC into an official consultative assembly. Representative WAYNE HAYS was a member of a special committee appointed by the conference in 1962 to bring this about. Representative HAYS has long been the chairman of the House delegation to the NPC. Mayor John Lindsay, as a NATO parliamentarian in 1964, headed its political committee which also recommended action toward this end.

Since the beginning in 1955, over 30 U.S. Congressmen have been delegates to the NPC. Some of these were or have since become key leaders in both the executive and legislative branches of our Government. Among these are the President, the chairman of the Foreign Relations Committee, and the minority leader of the Senate.

At its 12th annual meeting last November, the NATO Parliamentarians Conference approved a report on the conversion of the conference into an official assembly and a proposed charter for it. Both of these were forwarded to the North Atlantic Council.

Now as a ministerial session of the North Atlantic Council is about to convene, we urge the world's largest and oldest representative government—the U.S. Government—to instruct its Ambassador to NATO to press for early and favorable action on this proposal, and further to seek its accomplishment through amendment of the North Atlantic Treaty by the 15 NATO nations.

FAILURE OF U.S. NATO POLICY

The traditional notion of the North Atlantic Treaty Organization as an urgent exercise in collective self-defense for the member states is today beset by doubts and diminishing faith on both sides of the ocean. Many different influences, some of them complex and perhaps unavoidable, have brought about a situation where our perception of the Atlantic alliance, formed when the Soviet threat to Europe was immediate, is being challenged on the basis of present-day realities.

The United States, as leader of the free world, cannot afford to turn a deaf ear to these new and still evolving developments. Even more precarious for our future relations with Europe would be a stubborn, Pavlovian-like defense of the status quo, together with hurried attempts to patch up differences for the sake of appearance, without making a consummate effort to join our allies in dealing with the real NATO difficulties.

These difficulties can only be solved, in the long run, through joint discussion and decision and not through unilateral action.

The success of the alliance in deterring Soviet aggression is undeniable. At its inception, the framers of the North Atlantic Treaty believed that only by pooling their resources and preparing collectively for the contingency of war, which had twice in this century ravaged a divided Europe, could the Allies achieve security and peace. While it is true that the overwhelming nuclear capability of the United States has formed the main deterrent, this capability is committed to Atlantic defense through NATO, and these persuasive treaty provisions give credibility and an essential aspect of mutual endorsement to the American retaliatory power.

Today the threat of overt Soviet military penetration has apparently receded. That threat has taken on a far more subtle and sophisticated cast. Many Europeans, accustomed to America's nuclear protection and inwardly concerned about their own economic and social problems, believe that NATO is becoming increasingly outmoded, a cold war legacy incapable, by its very nature, of responding to the fresh opportunities and directions on the continent. A new nationalism and self-confidence, activated and symbolized by Gaullist forces, fed in some quarters by latent anti-Americanism, is suggesting that NATO may even constitute a serious liability in handling the gut issues of German reunification, security in central Europe, and the future of East-West relations generally.

There is some sentiment—or resignation—that the fate of Europe rests with direct Soviet-American relationships, and that in the great scheme of things, NATO does not figure significantly. American military predominance has, for many Europeans, removed the urgency of the NATO concept, which explains in part the reluctance of the European governments, and public opinion, to support approved force levels.

Notwithstanding these board interpretations, our NATO partners certainly wish to preserve, in their own self-interest, the American commitment to Europe, which is the keystone of their security. However, the political context in which NATO exists and functions has changed, and it is absolutely essential that the NATO nations attempt to arrive at a common understanding of these changes and, where appropriate, a common reworking of the objectives, obligations, decisionmaking arrangements, and other organization features. In this connection, we welcome the current NATO study, proposed by Belgium, aimed at evaluating the impact of world political trends on the alliance and recommending means of strengthening it. We regret that the United States, from which Europeans logically expect a strong degree of leadership, did not initiate such a thorough examination long ago. Beginning in 1963, this committee has repeatedly urged a similar undertaking.

Although developments in Europe and in the Communist world, and particularly the withdrawal of Gaullist France from the NATO command structure, have helped to undermine the integrity of the alliance, the United States has contributed to the sense of uncertainty and ambiguity which today beclouds the organization and its role. We have repeatedly professed our commitment to a strong NATO partnership. But our past actions have not always served to reinforce that claim.

The rigidity of America's official position, in defending NATO's underlying assumptions and the principle of integration, conflicts with frequent and abrupt shifts in policy which speak louder than words. The resultant confusion has undercut the moral force of our persistent defense of the NATO status quo.

As a world power, the United States has become preoccupied with crises outside the NATO sphere and has been moved, rightly or wrongly, to take certain actions in its own national interest. These actions have, in a tangible and psychological manner, affected the overall NATO picture.

On numerous occasions we have failed to consult fully with our allies in reaching strategic decisions of consequence to the alliance. The application of U.S. nuclear weapons in case of a European war, which is of vital concern to our allies, was thrown into doubt when Secretary of Defense McNamara enunciated the no-cities doctrine in a speech at Ann Arbor in 1962. The flexible response posture was a new strategy, supplanting the theory of massive retaliation, and as such held great importance for the European countries which would bear the brunt of a Soviet land attack. This new strategy was not submitted to NATO for review previous to its announcement, and only in May 1967 was it officially ratified by the Council.

Bilaterally, the United States and Great Britain canceled the Skybolt project in 1962 and embarked upon a new nuclear program. A totally unrealistic and militarily vulnerable scheme was devised—the MLF—in order to give Europeans, particularly West Germany, a hand in nuclear defense, which we later shelved. Our Government abruptly withdrew missiles from Turkey and Italy in 1963.

During the early stages of the French nuclear development, the United States consistently refused to sell or make available technology to the De Gaulle government, even though the French program was inevitable, and this treatment contrasts sharply with our close collaboration with the British from the days of World War II.

More recently, the difficulty of alining key NATO partners behind the draft nuclear nonproliferation treaty testifies to the need, and the practical wisdom, of securing during the formative stages the advice and cooperation of the alliance. A treaty banning the spread of nuclear weapons, however desirable in the context of world stability, relates to the future of the alliance its security, and the question of nuclear-sharing. These important matters, as well as the treaty's inspection machinery, should have been thoroughly explored in the NATO councils before and during the negotiation period.

We also note the conclusion of the tripartite talks where agreement was reached on the question of offset payments, a difficult and painful issue. Part of this arrangement proposes the withdrawal of 35,000 American troops from Germany and some Air Force squadrons, as well as a contingent of British forces. There is no doubt that these plans, negotiated outside the alliance organs, will be approved by the Defense Planning Committee to this extent, they are a veritable fait accompli. These agreements were dictated solely by balance-of-payments considerations and also, in the case of the United States, by congressional pressures for troop redeployments. While not minimizing the importance of financial concerns, we are alarmed that the United States evidently did not inaugurate within NATO a prior evaluation and exchange of views on the military and security questions which the retrenchment signifies.

We have touched here only upon a few, historical instances, and more recent cases, exemplifying the American indifference to the principle of mutuality, in pursuit of its own objectives, and in a further statement we intend to outline this harmful sequence at greater length.

The triangular, three-power offset accords are partially a 1-year arrangement, which means that we will face this sensitive issue again early in 1968. Official spokesmen are jubilant that the problem has been solved, at least temporarily, and that the British will remain in Germany, minus 5,000 men. However this may be, the total contract is symptomatic of the extent to which governments are overriding the conventional NATO ideal in favor of domestic priorities.

This critique does not seek to judge the validity of many actions taken by our Government in response to conceived national interests. However, we do emphasize that many of these decisions were reached unilaterally or in disregard of NATO, and at times needlessly so, and that this methodology as well as the nature of the policies, bearing on the interests of the alliance, has tended to undermine the cohesion and faith of the NATO membership.

U.S. foreign policy, during the past decade, reflects the changing nature of world politics. As Europe has prospered, our attention has been increasingly focused elsewhere. Our absorption in the problems of Africa and the Pacific, and the neglect we have shown NATO, accents the disparity of power and motivation which has come to separate us from our NATO allies.

Our mistakes of commission and omission are made more critical by their interaction with changing conditions in Europe. Significant modifications are underway in the Communist world, brought about by the Sino-Soviet split and the reemergence of nationalist sentiment; these developments have inspired a growing diversity of economic and political outlook, however circumscribed by Western standards. The politics of getting along with traditional ideological enemies has an irresistible pull in Europe, as demonstrated by the Bonn government's new recognition policy toward the Soviet bloc.

The enlarged perspectives which animate European politics today do not, in reality destroy the relevance of close military collaboration in defending Western Europe against the application of Soviet pressure. The task is to reconcile the movement toward detente and closer East-West relations with the maintenance of a strong, reliable NATO Alliance. The two are not contradictory, as many would suppose for NATO is a purely defensive arrangement.

By implication, the United States should welcome initiatives designed to resolve sharp differences between East and West, and should encourage steps to increase understanding and minimize tension between our allies and the satellite states. This is inevitable anyway and it does not automatically deaden the NATO ties, only in the minds of those who would turn back the clock, unwilling to adjust to the new concerns of our NATO partners. It is only blind adherence to obsolete propositions which can quickly destroy NATO.

To a considerable extent, the increasing desire of East Europe for contacts with the West, which implies a recognition of the Western status and achievement, results from the success of NATO in making possible both stability and economic prosperity.

In the near future we shall issue two additional statements, the first a documentation of American conduct toward the alliance, and secondly, recommendations for revitalizing NATO as a relevant and meaningful enterprise.

PERSONAL EXPLANATION

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Kupferman] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, as a member of the Subcommittee on Insular Affairs of the Interior and Insular Affairs Committee, yesterday, Monday, June 12, on official business for said committee, I attended at the United Nations in New York City, the 34th session of the Trusteeship Council for the Trust Territory of the Pacific Islands for the annual report and hearing of the administering authority, the United States.

I was, therefore, not present on the vote on H.R. 7476, rollcall No. 131, to authorize adjustments in the amount of outstanding silver certificates. If I had been present, I would have voted "aye."

THE AMERICAN FLAG

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Goodling] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. GOODLING. Mr. Speaker, I would like to remind my colleagues that there is now on display in Statuary Hall in the Capitol a remarkable display of American flags that they will not want to miss.

There are 44 flags on display, which individually depict an exciting American historical event and which together present a dramatic perspective on American history, before and after this country's independence.

This display has been set up in consonance with Flag Week, June 12, and Flag Day, June 14, periods proclaimed by the Congress and the President of the United States as a time for extending proper recognition to our American flag.

Approval of the display was granted by the Speaker's committee, with the Honorable Jack B. Brooks, of Texas, handling much of the detail associated with this approval. The committee determined that this display would coincide with the ceremony to be conducted on Flag Day in the Chamber of the House of Representatives.

Such ingenious displays do not just happen, and this particular one was researched and assembled by Mr. Wilfred C. Clausen, a citizen of Hanover, Pa. Mr. Clausen has developed his interesting flag project in behalf of the Hanover, Pa., Area Historical Society. This society came into being in 1965, having been originated by a small group of individuals with a keen interest in the history of Hanover, Pa.

It's a good beginning—

Said Mr. Clausen upon setting up his display in Statuary Hall—

but a lot more remains to be done. This project will require additional research, and right now I am exploring all the historical data I can assemble on Revolutionary War flags. Sometimes this information is scarce, and often times the pictures available are quite small. On some occasions I have worked with 1½ inch size pictures, straining to capture the precise detail and color of the flags. Then I have the task of obtaining the right kind and color of material and cutting it into the proper design, always striving to keep the finished product true to scale.

Mr. Clausen indicated that more times than not he has to work hard at getting the materials required for his flags. He said he is fortunate, however, because a shop in Hanover, Pa., is equipped to handle his requests for special flag materials, many times ordering these materials from other parts of the country.

He said he was greatly impressed with the willingness of individuals to help on his flag project. Mrs. Elizabeth Botterbusch, for instance, is responsible for sewing the flags together with precise stitching and in a masterful way that preserves the true nature of the flags. Mr. Richard Garrett performed a fine job in setting up the sign cards, which identify the flags and tell about their historical significance.

Mr. Clausen also stated that all of the service and patriotic organizations always extend a high degree of cooperation to his flag efforts, sponsoring his displays and helping to set them up and attend them. Significant contributions in this respect have been regularly made by the Veterans of Foreign Wars Post No. 2506, the Hanover Elks Lodge, and the Patriotic Sons of America.

Mr. Speaker, I recommend that my colleagues pay a call to Statuary Hall to see this impressive display of flags. I can assure them they will find it an experience they will long and patriotically remember.

A description of the flags presently on display follows:

1. England, 1605: Flag of the English nation with its red cross of St. George.

2. Great Britain Union Jack, 1606: Symbol of the union of England and Scotland effected by the coronation of James Stuart of Scotland, Kind of England. Red cross of St. George now joined with the white cross of St. Andrew of Scotland. Flag of England was used by the colonists for over a hundred years.

3. American Navy Jack, 1775: Hoisted by Esek Hopkins to the main mast of the Alfred, December 5, 1775, at the time Lt. John Paul Jones raised the Grand Union Flag. Snake spread over red and white stripes.

4. South Carolina Navy Ensign, 1776: The Southern colonies favored the device, "Don't Tread on Me," often used at this time. South Carolina adopted red and blue stripes with crawling serpent for armed ships.

5. Betsy Ross Flag, 1777: Designed by resolution of Congress, June 14, 1777, the Stars and Stripes contained alternate red and white stripes, 13 in number, and 13 stars in a blue field, representing a new constellation, situated in a circle to represent their equality. Popularly known as the Betsy Ross flag, this is probably the oldest national flag in existence, with the exception of Denmark's.

6. Washington's Cruisers, 1775: A white background containing a large pine tree, a design adopted frequently by the colonists to symbolize their struggles with the wilderness of a new land. This was carried by cruisers in the early formation of an American navy.

7. John Paul Jones Starry Flag (12 stars), 1779: This flag was rescued from the sea during the battle of *Bonhomme Richard* and the *Serapis* in the Revolutionary War. At this time, Jones is reputed to have said: "I have not begun to fight."

8. Liberty Flag (8 pointed stars, red and blue stripes), 1765–77: Colonists just before the Revolution would hoist flag poles in the center of the town square in defiance of the English taxation policy. English soldiers often cut these down.

9. Liberty Flag Canton Union Jack, 1775: Small Union Jack in its canton (corner), indicating continued loyalty to the Crown, often with American watchword, Liberty across lower part of the field. Such a flag was hoisted on a liberty pole at Taunton, Massachusetts.

10. Bunker Hill Flag, 1775: Tree on upper left arm of a red cross on white background corner of a blue field. This was recognized as the emblem of the Americans at the Battle of Bunker Hill, June 17, 1775.

11. Continental Army Flag, 1776: Symbol of Massachusetts Bay Colony. The frequent custom of the colonists as they grew toward independence was to use a pine tree symbol. This was in place of the crosses of St. George and St. Andrew.

12. Bennington Flag, 1776: Bearing the date of Independence, this flag was borne by Ethan Allen's Green Mountain Boys at the Battle of Bennington, August 16, 1777. Contains alternate red and white stripes, a blue field with 13 stars surrounding the figure "76." Early indication of what would become the American Flag.

13. Gadsden Flag First Marine Flag, 1775: A distinctive flag, this one shows a coiled rattlesnake on a yellow background. It was carried on the *Alfred* in 1775, later presented to the Continental Congress by the South Carolina delegate, Christopher Gadsden. An historic naval emblem.

14. Grand Union Flag, 1775–76: Immediate predecessor of the Stars and Stripes, this flag was carried on ships of the colonial fleet and a similar flag was raised by General George Washington at Cambridge as the standard of the Continental Army. 13 stripes, alternately red and white, represent the 13 colonies, with a blue field in the upper left hand corner bearing the crosses of St. George and St. Andrew—a significant sign of continued feeling for England.

15. Liberty Tree Flag, 1776: This flag bears upon a white background the green pine tree of liberty, often the inscription, "An Appeal to Heaven." General Gage ordered the tree under which the Sons of Liberty met in Boston cut down. Thereafter this symbol appeared frequently on colonial flags. The Massachusetts Council adopted this flag in April of 1776.

16. Massachusetts Navy Ensign, 1775: Vessels bearing this flag had a commission from the Continental Congress at Philadelphia. It bears a pine tree and a rattlesnake coiled at its roots with the motto, "Dont Tread on Me."

17. American Merchants and Privateers, 1776: Ordered to raid British shipping by the Continental Congress, American privateers were also commissioned to carry a flag with 7 red and 6 white stripes as a national flag to prevent their seizure as pirate ships. This flag became the symbol of gallant deeds at sea.

18. Fort Moultries, South Carolina, 1776: The first distinctive American flag displayed in the South. This one flew over a fort on Sullivan's Island, near Charleston, South Carolina, when Britain attacked, June 28, 1776. The garrison under Colonel William Moultrie withheld the British, thereby saving the South from invasion for another two years.

19. Beaver Flag, New York, 1775: Carried by armed ships of New York and copies after the seal of New Netherland, the Dutch colony to which New York had formerly belonged.

20. Oliver Hazard Perry, 1813: Perry's Flag was unfurled at the Battle of Lake Erie, September of 1813. It bore the inscription, "Don't Give Up the Ship."

21. Fifteen Stars and Stripes, 1794–1818: Adopted by resolution in 1794, after the admission of Kentucky and Virginia, this remained the flag until 1818. It was the inspiration for Francis Scott Key's *Star Spangled Banner* in the War of 1812. The Hanover Company fought at the battle of North Point, near Baltimore bearing this flag.

22. Stars and Bars, Confederate States of America, 1861: Confederate flag especially identified with the State of Virginia.

23. Bonnie Blue Flag, Confederate States of America, 1861: Confederate flag especially identified with the State of Virginia.

24. World War I, 1914–18: 48-star flag, after the admission of Arizona and New Mexico, 1912.

25. World War II, 1941–45: Such flags were used as casket flags for servicemen slain in the First and Second World Wars. This was the flag that flew over the United States Capitol when we went to war in 1941. This same flag went with President Roosevelt to Casablanca, Yalta, and other historic places, and flew over conquered cities, as well as the first United Nations meeting in San Francisco in 1945.

26. Present-day flag: 50 stars, indicating the admission of Alaska as the 49th State in 1959 and Hawaii as the 50th State in 1960.

27. Red Ensign, 1707: Red. Canton Union Jack. Used on ships that brought settlers to American shores.

28. Hanover, Pennsylvania, Associators, 1775.

29. Easton, Pennsylvania, 1775: Prepared in advance of Revolutionary War. Blue flag. 13 stars in body of flag. Canton 13 red and white stripes.

30. Pennsylvania Longrifleman: Regiment recruited from western counties of Pennsylvania, 1776. Olive green flag. Spearman throwing spear at British Lion in net.

31. Connecticut, 1776: Webb's Division. One of the first Connecticut flags.

32. Third Maryland, 1776–1814: Carried at the battle of Cowpens, South Carolina. Battle of North Point. Thirteen stripes, blue canton, 12 stars in circle, 1 star in the center.

33. 1st. Navy Ensign, 1776. Thirteen stripes, blue canton, thirteen stars in horizontal rows.

34. The Bucks of America, 1776. Presented to the first Negro Company. Autographed in panel at top of pine tree by John Hancock and George Washington. Yellow background, pine tree, buck deer, scroll: Liberty or Death.

35. Clasped Hands. Olive green, white canton, 13 mailed hands holding chain. Forerunner of slogan: "E Pluribus Unum."

36. New York, 1776: Captain Hulbert, Long Island, New York. Battle of Long Island, Ticonderoga and fighting near Philadelphia. Forerunner of 1st. United States flag. 13 stripes, blue canton, thirteen 6-pointed stars.

37. John Paul Jones, Serapis Flag, 1777: Flown from captured British ship *Serapis*, taken to port of Texal, Netherlands. Red, white, and blue stripes. Blue canton, 13 stars.

38. Pennsylvania Militia, 1802. 13 stars in circle, Regimental Number. Blue, eagle design in center.

39. Texas, 1824: Carried at the Battle of the Alamo. Red, white, and green. Neutral stripes, blue canton, 13 stars.

40. United States Flag, 1861: 34 star flag. Our flag at the start of the Civil War.

41. Centennial Flag: Used at the Philadelphia Centennial. Great Star design.

42. United States Flag, 1863: 35 star flag. Our flag after the admission of West Virginia. Battles of Vicksburg and Gettysburg.

43. Pennsylvania-Militia National, 1802: 13 stripes, canton blue eagle, 13 star in circle. Regimental Number. Used in the War of 1812. Battle of North Point, Maryland.

44. United States Centennial, 1876: Our country 100 years old. Centennial held in Philadelphia, Pennsylvania. Thirteen stripes. Stars arranged in great star design.

JOB CORPS SURVEY

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. WYATT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WYATT. Mr. Speaker, Mrs. Robert Neikes of my hometown, Astoria, Oreg., has furnished me with the results of a survey showing community acceptance of the Tongue Point Job Corps Center in Astoria, Oreg. I have furnished these figures to the House Committee on Education and Labor, and have asked that they be made part of the official record in the hearings now being held on the poverty program by that committee. To make the record complete, I would like to bring these figures to the attention of my colleagues in the House, and I, therefore, present herewith a news release from the Job Corps Center:

> A sizeable majority—almost 70%—of Astoria residents like the Job Corps and hope the Tongue Point Center will continue to train corpsmen or corpswomen in their area, a survey indicates.
>
> A scientifically-conducted polling of a five per cent segment of Astoria's approximately 10,000 population was accomplished during May of this year, and results compiled from the resulting statistics were released this week.
>
> Fifty per cent of persons receiving a mailed questionnaire responded to the survey, providing an across-the-board sampling of two and a half per cent of the total population. Names were selected at random from the Astoria telephone directory, and officials at the Center noted that this selection may have had a negative effect by eliminating homes without telephones, which might be presumed to favor anti-poverty measures.
>
> Responding to the question "Do you favor continuation of Tongue Point Job Corps Center?" 69% of those polled answered in the affirmative, while 31% expressed disfavor of the project, which is operated by the University of Oregon under a contract with the federal Office of Economic Opportunity.
>
> Center officials expressed gratification at this evidence of Astoria's warm reception, pointing out the contrast with other areas of the nation, where in some instances closure of centers actually had been requested.
>
> A telegram congratulating the city on the results of the poll and expressing appreciation for Astoria's warm reception of the Tongue Point Center was received Monday (June 12) by Mayor Harry Steinbock from William P. Kelly, national director of the Job Corps.
>
> "Congratulations to the city of Astoria for its approval of the Tongue Point Job Corps Center and expression of interest and participation in our program through the recent city-wide poll," Kelly's message said. "We hope this pleasant relationship will continue for a long time."
>
> A flat 75% of Astorians believe location of a Job Corps Center at Tongue Point benefits Clatsop county, with 25% holding the opposite view; only 30% oppose continuation by Congress of the Job Corps program while 70% believe the national program should be kept, the poll indicates.
>
> Of those responding, 38% had been reached previously by some type of contact from the center; they had heard a center representative speak, had visited the center, or had read brochures about it. More than 18% have participated in some form of community activity in which corpsmen or corpswomen were involved. Assistance to center activities on a volunteer basis was offered by 29%.
>
> A small number of those polled—four per cent—although approving of the Job Corps as a national institution, did not like the center's location at Astoria; on the other hand, a similar number disapproved of the Job Corps plan nationally, but indicated that if Congress did maintain such a program, Astoria should have a center. Seven per cent disapproved of the center's location at Astoria even though they believed it is economically beneficial to Clatsop county.
>
> Seventeen per cent of those answering "wrote in" favorable comment on their questionnaires, while 15% commented adversely.
>
> And, as might possibly be expected in this era of taxpayer revolt, five per cent just answered "no" to all questions.
>
> Indicating lack of direct knowledge, 18% of those disapproving the center said they had never visited it, while only 10% of those who had inspected it still disapproved. Only three per cent of those who had participated in any center activity recorded negative opinions.

CONGRESSMAN HORTON SUBMITS BILL SPEEDING DISABILITY INSURANCE PAYMENTS TO CRITICALLY DISABLED

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HORTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. HORTON. Mr. Speaker, some months ago a letter from one of my constituents brought to my attention the very serious financial hardships that often result, quite needlessly, from the statutory requirement that the payment of disability benefits under the Social Security Act be deferred until 6 months after the claim is originally made. As Commissioner Robert M. Ball of the Social Security Administration has indicated, in the vast majority of cases this requirement is essential to the orderly and equitable administration of this vital insurance program.

My investigation of several cases arising in the 36th Congressional District of New York revealed, not surprisingly, that those claimants in most immediate need of benefits—the elderly and those persons suffering from the most serious disabilities—are also generally those claimants with handicaps that are identifiable after only a few days or weeks of disability as certain to persist during the 12 months required for compensation to be provided under the act. A case in point which I investigated recently involved Mr. Theodore Metzger, a constituent and close personal friend of many years. It is particularly this case, which so cried out for relief, that has prompted the amendment to the Social Security Act which I am now submitting.

This bill directs the Social Security Administration to immediately pay any claimant who, like Mr. Metzger, has been blinded or has lost a limb or who is otherwise suffering from a disability of such type or nature that its protracted duration can be immediately determined. The bill vests the discretion to define cases in this third category in the Social Security Commissioner.

The goal of this legislation is to effectuate the original purpose of the disability insurance program: to provide an incapacitated person with sufficient sums of money to assure his wellbeing, and that of his family, during a time of major crisis in his life. The authors of the Social Security Act intended that claimants receive the insurance payments in time to effectively relieve the financial pressure that begins to build up as soon as the claimant loses his job due to the disability. Any delay in commencing these payments, beyond the moment it is ascertained that the disability falls within the law, frustrates the purposes of the program. Although some such frustration is an unfortunately unavoidable byproduct of efficient and judicious administration of the program, this body must exert every effort to minimize such delays.

I know many of my colleagues share my deep concern for the problems of the disabled and I look forward to early favorable action on this bill. Such action will assure that this Nation does everything possible, to aid both the disabled and their families, by effectuating to the fullest possible extent, the original intent of Congress on creating this insurance program.

CONGRESSMAN HORTON INTRODUCES RESOLUTION CONDEMNING ADMINISTRATION PROPOSAL TO TAX SOCIAL SECURITY BENEFITS AND RAILROAD RETIREMENT

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HORTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. HORTON. Mr. Speaker, the administration recently sent to this body a proposal that certain retirement benefits, including social security and railroad retirement payments, be subjected to Federal income taxation. This tax was suggested as one element of the President's plan to increase such payments to those of our senior citizens most in need of additional financial help. In essence the President is asking that we tax one group of our senior citizens for the benefit of another. What the President proposes is double taxation in the purest sense. Further, it is designed as a steeply progressive form of taxation.

The President's proposal will merely compound the already extremely difficult plight of one segment of our older citizens, citizens who are already faced with the almost impossible challenge of living on minimal fixed incomes during these times of growing inflation.

The tax has at least three additional faults. First, despite the abundance of competent medical authority attesting to the vital importance of older people remaining active, this tax would further encourage idleness among our older citizens. It would penalize those who continue to work and make a positive contribution to our society as well as their own physical and mental health.

Second, it would stifle the initiative of those senior citizens who remain capable of leading active and productive lives. In so doing it would deprive them of a great source of personal satisfaction. Our Government must be ever alert not to deprive any of its citizens of their dignity or sources of emotional satisfaction in the course of providing for their material welfare. Far too many present and past Government aid programs have needlessly substituted psychological and spiritual deprivation in the place of the material deprivation they have eliminated.

Third, the tax would work a fundamental change in the philosophy of the social security and railroad retirement programs. They would cease to be social insurance funds to which we all contribute during our productive years with the expectation of an annuity during our retirement. Rather, social security and railroad retirement payments would become but an extension of the vast Federal welfare program financed through the general tax revenues.

For the foregoing reasons I believe this proposed tax is fundamentally opposed to the compelling needs of our retired citizens. Their needs are more nearly met by H.R. 6983, the bill I introduced in March, which would not only increase the amount of the monthly social security benefits but also increase the amount of earned income a person may receive during any year without jeopardizing his right to receive such benefits. Thus H.R. 6983 would stimulate rather than retard individual initiative.

Because I feel that the proposed tax reflects an insensitivity to the needs of the elderly, I am today introducing a sense of Congress resolution expressing opposition to the taxation of social security and railroad retirement payments. I urge all of my colleagues to take this opportunity to demonstrate their awareness of the problems of the aging and support this resolution.

CONGRESSMAN HORTON CITES CATHOLIC STANDARD SUPPORT OF DISTRICT OF COLUMBIA REORGANIZATION PLAN

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Horton] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. HORTON. Mr. Speaker, as one who has strongly supported the concept of modern government contained in Reorganization Plan No. 3 for the District of Columbia, I am pleased to call my colleagues' attention to a June 3 editorial in the Catholic Standard supporting the plan. The Standard, Washington's archdiocesan newspaper, expresses the view of a large number of civic, religious, and educational institutions in the metropolitan area which are solidly behind the reorganization plan.

> We urge the Congress to allow the President's plan to become a reality—

The Standard declares.

> It will give the District a much better local government. And, it is an important step in preparing for home rule, something which the Capital of the free world needs and deserves.

I urge my colleagues to heed the words of the Standard. The reorganization plan is vital to the welfare and progress to the residents of Washington. The 90th Congress must support this proposal that is so right and so necessary to the concept of modern, democratic government for all our people.

In light of the great importance of this issue now before the House I would like to share this fine editorial with my colleagues:

President's District of Columbia Plan

President Johnson's proposal for a new form of rule in the District of Columbia offers the nation's capital a more modern and more effective local government. The District's present form of government, introduced as an experiment in 1874, has very little leadership. When a sudden crisis arises, the city often is unable to act, as witnessed by the current trouble over the summer project funds. The present weak form of local government is one of the causes of the city's constant financial problem. The next fiscal year will see the District budget exceed half a billion dollars and yet the District, unlike other large American cities, has no one official who is in control of the entire budget.

The President's plan will change much of this. He proposes to replace the three Commissioners with one, which will strengthen the currently weak executive power in the city. The consolidation to one Commissioner should bring greater efficiency to the actual day by day governing of the District.

The nine-member council also is an important step, since it will give the citizens of the District a voice in their government. Although the President will appoint the members of the council, he has served notice that he will take into consideration such factors as geography, population and race. This will bring not only public representation but also a responsiveness to the needs of the public. The President proposes that the council have the authority to set the real estate tax and to pass the annual city budget.

We urge the Congress to allow the President's plan to become a reality. It will give the District a much better local government. And, it is an important step in preparing for home rule, something which the capital of the free world needs and deserves.

CHAFFEE SCHOOL COMMENCEMENT ADDRESS

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Morse] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. MORSE of Massachusetts. Mr. Speaker, on June 6 my administrative assistant, Miss Linda K. Lee, was invited to deliver the commencement address at the graduation exercises of the Chaffee School in Windsor, Conn. She was a student at the school and this year marked the 10th anniversary of her graduation.

Because her message, urging the students to involve themselves in the political life of their community is a timely one for all graduates, I include the text in the Record:

Remarks of Linda K. Lee at the Commencement Exercises, Chaffee School, June 6, 1967

There must have been many times during my four years at Chaffee when I would have relished the opportunity to stand before assembled students, faculty and parents and say exactly what I thought! Now that I have been given this unique opportunity, I find it far more of a challenge than I suspected.

I recall a certain member of the English faculty remarking from time to time that the more things change, the more they remain the same. This is certainly true of Chaffee in the decade since I received my diploma. The School has expanded in numbers and facilities and the Class of 1957 is a bit grayer, but the essential quality of Chaffee remains the same. The School has adapted to the times, *and* maintained the standard of academic excellence that has made it unique among secondary schools. This is no mean feat in a world where change is too often marked by a loss of quality.

The excellence of your education is the same as it has always been although the world into which you take your knowledge has changed remarkably. It is interesting to reflect on the changes in public concern since I was at Chaffee. In the years between 1953 and 1957 we worried about whether to send foreign aid to "neutral countries" such as India. Now we are afraid that they will not be able to absorb all the aid we think she needs. We were concerned that growing suburbia would sap the vitality of American culture. Today we are not sure that our cities are fit for habitation. We collected money for refugees from the Hungarian Revolution of 1956. Now we are busy building bridges to the Soviet bloc. We have survived another decade without nuclear holocaust, but the events in Southeast Asia and the Middle East demonstrate how far we are from the creation of a stable world order. Yet nuclear devastation is somehow less imminent than mass starvation.

What makes these problems essentially similar is their complexity and magnitude. The earlier generations had it easier in some respects. Their frontiers were more clearly defined: the Alleghenies, the Mississippi, the Pacific. Our frontiers are found in the urban slums of Hartford and Bedford-Stuyvesant, in the barrios of Lima and Rio, and in the rural poverty of West Virginia. Our frontiers also lie in devising solution to traffic jams, updating archaic welfare programs and preventing hideous housing subdivisions.

The signs are good that our generation is beginning to meet those challenges. If the 1950's were populated by what was called the "silent generation," the students of the 1960's have been involved, committed and actively engaged in the solution of our most pressing public problems.

In part we were shamed out of our earlier lethargy by the extraordinary courage of the students who "sat in" at a Greensboro, North Carolina, soda fountain in the spring of 1960. In part we were inspired by the words of the man who assumed the Presidency in 1961. In part we outgrew the "Keep up with the Jones" philosophy. We are more interested in new ideas than in new washing machines.

Whatever the cause, American young men and women have assumed a greater share of leadership and have stimulated their elders to efforts that should have been begun years ago. There are nearly 13,000 young men and women serving in the Peace Corps. Several thousand more are Volunteers in Service to America. Many of you have used your leisure time in community activities.

You can take pride in this service, just as you take pride today in having four rigorous academic years. You will find that the education you have received here, and the community spirit has helped inspire, will serve you well in the years ahead.

But with this pride and privilege goes the obligation to take a leading role in improving the quality of American life and in making life possible for the rest of the world. Despite the encouraging trends I mentioned a moment ago, there are some discouraging signs that women are not now doing their share.

When President Johnson launched his well-intentioned drive to appoint more women to high government positions, he found an embarrassing lack of qualified candidates. The most recent national manpower report of the Department of Labor shows that the proportion of working women in professional classifications has actually *declined* over the past 15 years, despite greater opportunities for education and advancement. Whereas 19 women legislators graced the 87th Congress in 1961, only 11 were sworn into the 90th Congress in January.

This downward trend is not the result of discrimination. Some exists to be sure, but barriers to women in the professions, in the arts, in science, and in public service are lower than ever in our history.

Nor does the trend reflect lack of activity on the part of women. Charitable activity is at an all-time high. Educational institutions find their alumnae more loyal than ever before, and more diligent in their financial support. The problem is that too much of women's activity is concentrated in very traditional channels—and at a time when we need all the ability, all the talent, and all the brains we can find in every area of public need.

Women have not set their sights high enough. Too much of modern culture, mass media and household myth tells us that certain jobs and certain professions are not "women's work". It is high time for American women to decide that lack of merit and inclination are the only obstacles to achievement.

Yet, much as I would encourage educated young women to choose the professions: law, medicine, public health, education, international affairs—or even politics—as their goal, as a practical matter very few individuals in any generation are going to serve in the Peace Corps, or VISTA, or in Congress. Very few are going to choose public service as a full-time career. But that does not absolve all of us as citizens from active participation in the public business.

I recall a friend of mine at another distinguished educational institution, a few miles to the north, who felt that she didn't need to read the New York Times each day because she was a student of biology. Another colleague of mine in law school read only the financial pages because he was planning to be a corporate lawyer. They both forgot that they are *citizens* first, *regardless* of their professional specialization.

Just what are the responsibilities of citizenship for the educated person?

The first is to be informed, so that you can vote intelligently and act effectively.

The second is to encourage others, less exposed to knowledge, to do the same. Organize discussion groups, circulate articles among your friends. Bring speakers, writers and artists to your area.

The third and most important responsibility of citizenship is to involve yourself in the affairs of your community. Whatever your profession or family obligations you will live in a community, whether it is one of 9 million or nine thousand. These communities have problems and responsibilities. You may have children to educate, open spaces to preserve for recreation, homes to maintain. And you will do all of these things in an increasingly polluted environment.

Decisions will be made about each of these factors in your life. And the extent to which you influence those decisions will determine the extent to which the quality of *your* life and that of your family and community approaches *excellence* or merely drifts along according to the conventional wisdom. You can best influence those decisions by engaging yourself in the political life of your community.

I am fully aware that the word politics has an unfortunate connotation in the minds of many people—of all generations. A recent survey of American college students, indicated that 77 per cent of those interviewed lacked confidence in the integrity of their political leaders.

Yet politics is basicaly nothing more than the way people live together in society. When we do it badly, we blame it on politics. When we do it well, we pride ourselves on self-government. They are really one and the same thing. As Elihu Root said, "politics is the practical exercise of the art of self-government and somebody must attend to it if we are to have self-government."

Self-government is at the heart of the success of American democracy. Alexis deTocqueville recognized this early in the 19th century when he wrote, "local assemblies of citizens constitute the strength of free nations . . . A nation may establish a system of free government, but without the spirit of municipal institutions, it cannot have the spirit of liberty." It is precisely the lack of this spirit that inhibits the economic and social development of dozens of nations in Asia, Africa and Latin America today.

What must we do to insure that self-government—at all levels—will serve the daily needs of the people *effectively* and lead them to new heights of accomplishment?

We must insist that our elected officials inspire the total confidence of the people they represent. We must insist on standards of ethics and conduct from *elected* officials that we have demanded for years from appointed ones.

We must be willing to seek office ourselves. Serve on the local zoning board or urban renewal agency and insist that architectural excellence take precedence over economic interest.

Serve on the local school board and insure that educational experimentation be more than gimmickry, that what goes on inside the new school building be more important than the beauty of the bricks outside.

Serve on the local welfare council and demand that welfare programs encourage, rather than discourage, the maintenance of strong family units.

And while we are assuming our responsibilities of citizenship in our local community, we must remember that we are also citizens of the world community. We cannot afford to be ill-informed about the other peoples of the world. We cannot afford the luxury of ignorance. We cannot afford to wait until war reminds us what we should have done in peace.

In these days of billion dollar budgets, statistics have an unreal quality, yet one figure is tragically real. It is that nearly two billion people, two-thirds of the earth's total population does not get enough to eat. It is not merely soggy humanitarianism that impels us to accept that challenge.

Finally, I would urge you to travel, not just in the traditional Grand Tour of Europe, but in the exciting nations of the developing world. See the abject poverty that resides next door to affluence in our own country. When you have seen them and talked to the people, I think you will reject some of the popular notions of recent years; the notion that people are poor because they are unwilling to help themselves, the notion that a balanced budget is more important than a balanced diet, the notion that people work for the government only because they can't make it in the private sector.

But what of your next four years? After all, many of the civic responsibilities I have outlined will be yours only later in life. What of your citizenship as a student?

I am not one to bemoan the activism of contemporary students. Some may lack sympathy with their taste and judgment, but student involvement in political activity is basically a healthy sign, especially when compared with the apathy of the past. Student militance in the United States, when contrasted with the traditions of other nations, is hardly worthy of the vindictive charges that have been levelled against it. Nor it is worthy of the attacks on civil liberties.

For the most part, the new spirit of student activism has found expression in only one substantive issue at a time. In the early 1960's students devoted themselves to the growing drive to make real the promise of equal opportunity for all Americans. Most recently, of course, the issue has been the war in Vietnam.

War is a traumatic experience for any nation—even when the battle is distant from its shores. We have experienced dissent from each of our international military conflicts. And we have experienced attempts to stifle that dissent. Yet the First Amendment has survived internal security legislation, internment camps, and Senatorial inquisitors. It will survive anti-peace demonstration legislation as well.

As the events of the past few days indicate, we are still too far away from a world order that will prevent international military conflict. In the meantime, we must be mature enough not to throw aside the values we claim to defend, and to recognize that the actions of major world power will not always be universally popular abroad or productive of political consensus at home.

Having said this, I think we can address ourselves to the effectiveness of current student political activity. One-issue politics has never met with success in this country. It tends to encourage extremism on the part of the participants, contribute to the polarization of debate, and lead to frustration and cynicism when differences are compromised, as inevitably they must be in a pluralistic society.

There is a place for demonstration and public protest, but they must not be the only techniques of political activity. There is room for commitment, but it must not become dogmatic. Even Albert Camus' *Rebel* recognized that to improve society, you must accept it.

MacGeorge Bundy put the role of dissent well in a recent speech when he said, "It is not the American tradition that dissent, dispute, debate and defiance are ends in themselves. Human sympathy across political difference, magnanimity in the face of division and temperance in assessment and calmness in conviction—these moderating qualities can help us in our necessary battles and beyond them."

I would urge you to fulfill your public obligations in this spirit.

I suppose that it is in the nature of commencement addresses that graduates be warned of the evils of the world and exhorted to defeat them all before breakfast. It is also in their nature to be forgotten in the excitement of future plans and the warmth of friendly farewells. But I remember the message of my college commencement speaker, James Reston of the New York Times. He recited the problems and pitfalls of the future, yet he told us that in spite of, or perhaps because of, these difficulties, we lived in a time of great promise and opportunity. Even this week when the problems overshadow the promise, I agree with his assessment. Our challenges are greater, but so is our capacity to meet them.

BALTIC STATES FREEDOM

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentlewoman from Illinois [Mrs. Reid] may extend her remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mrs. REID of Illinois. Mr. Speaker, I wish to join with other colleagues in the House in once more paying tribute to the gallant, freedom-loving peoples of the Baltic States of Lithuania, Latvia, and Estonia who 27 years ago lost their independence and became captive nations of Soviet communism.

For these beleaguered men and women, the dream of liberty still remains; and as long as freedom exists anywhere in the world, and as long as we here in the free world continue to give them encouragement to persevere, I know that these courageous people will not abandon their hope for liberation.

During the 89th Congress I sponsored one of the many resolutions urging that the United States exert every effort through the United Nations to win the right of self-determination for these captive nations; as you know, the Congress approved House Concurrent Resolution 416. On behalf of the people of my district, many of whom are of Baltic ancestry, I wish to reaffirm my support of this resolution and express the hope that the United States will employ every appropriate means toward its implementation. May I again salute the good people of Lithuania, Latvia, and Estonia and join in their hope that independence for them will soon be a reality.

MISS BARBARA WARD—GUEST SPEAKER AT TOMORROW'S FOREIGN AID COFFEE IN THE SPEAKER'S DINING ROOM

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. Bolton] may extend her remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mrs. BOLTON. Mr. Speaker, I would like to remind my colleagues that the guest speaker at tomorrow's foreign aid coffee in the Speaker's dining room is the noted economist, lecturer, and writer, Barbara Ward—Lady Jackson.

Miss Ward has been on the staff of the London Economist since 1950. She is the author of a number of definitive books on international affairs including "Five Ideas that Change the World" and "The Rich Nations and the Poor Nations."

She is a graduate of the Sorbonne and Oxford and has received numerous doctorate degrees in recognition of her leadership in the fields of philosophy, politics, and economics.

As anyone who has heard her speak can attest, Miss Ward is charming and witty and a most articulate and stimulating speaker. I am sure that we will find it a most rewarding session and I hope as many of my colleagues as possible will be able to attend.

Place: The Speaker's dining room.
Date: Wednesday, June 14.
Time: 3 p.m.

ADMINISTRATION BARTERING AWAY ASP

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. Moore] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. MOORE. Mr. Speaker, at the recent Kennedy round of negotiations on tariff reductions, the administration virtually bartered away the American selling price as it affects the American chemical industry.

Mr. Speaker, the economics of any State in the Union is no more entwined with the success of the American chemical industry than is the State of West Virginia. Vast numbers of West Virginia families look to a healthy chemical industry for their livelihood. Therefore, the agreement reached at Geneva, I believe, seriously affects the well-being of the chemical industry in the United States and our Nation's national security as well. I oppose, Mr. Speaker, the provisions arrived at in the Kennedy tariff negotiations respecting the American selling price, but I cannot help pausing a minute to say "I told you so."

I opposed the Trade Expansion Act of 1962, the only West Virginian in the Congress to do so, and at that time, I pointed out that the wide authority given the administration could well have severe repercussions on some aspects of our American industry and its employees. The bartering away of the American selling price will indeed have terrific effects upon the American chemical industry.

Mr. Speaker, I appealed by letter to the President of the United States pointing out my objections to any then considered suggestion that the chief U.S. negotiator give in with respect to a change in the American selling price despite some assurances that the United States would not deal with the American selling price except in a separate package. I now find that the arrangement made with respect to American selling price in the Kennedy round is not separate nor equal.

Again, Mr. Speaker, I am on the record both by my vote on the legislation giving the administration authority to engage in these trade negotiations and in various protestations to the President of the United States with respect to the bartering away of the American selling price.

Mr. Speaker, perhaps Chester M. Brown, chairman of the board of Allied Chemical Corp. has more clearly set forth the problem confronting the American chemical industry in an address before the Synthetic Organic Chemical Manufacturers Association entitled the "New Math." Under unanimous consent I include Mr. Brown's address in my remarks:

THE NEW MATH

International trade negotiations bear a strong resemblance to a game of poker, with each chip having a value of many millions of dollars. We Americans, in general, are pretty fair poker players. I seriously doubt, however, that future historians, will conclude that we were notably adept at either negotiations or poker, from the results of the Kennedy Round agreements. More likely, they may think we were using a "New Math," where the numbers didn't even mean what they said.

It was less than four years ago, at another SOCMA meeting, that I spoke on the subject of United States foreign trade policy. At that time, describing the chemical industry's disappointment with the 1960–1961 GATT negotiations, I expressed my fervent hope that the American government would come to recognize commercial realities, and take them into account during the Kennedy Round discussions that still lay ahead.

I am afraid, though, that my hope—and surely one which all of us shared—has not come to pass. Later this month, when the government spells out the details of the agreement pertaining to chemicals, we will have absolute confirmation both that our industry has suffered badly—and that the just-concluded trade negotiations will not rank among this country's most brilliant diplomatic triumphs.

As a matter of fact, reports coming out of Geneva tell us that in the final days and hours of the bargaining—when the clock had been stopped and the chips were down—the American negotiators, at least in respect to chemicals, consistently yielded to the demands of the Common Market. The astuteness of the Europeans at the conference table, has not been dimmed by either their own public or private reactions to the agreement as they express themselves. The truth is, they can barely confine their delight.

Since that Monday, when we had the first unofficial results, I have spoken to many of you in this room and to others who have responsibility for directing the major chemical companies of America. I find a virtually unanimous view that the agreement is a poor one, not just for our own industry and its scores of thousands of employees, but for the nation as a whole. The bargains were not reciprocal, nor were the gains made in other areas, say, in agriculture, sufficient to justify the expense paid by the chemical industry.

Industry leaders find it difficult to understand how the American negotiators can justify an agreement by which this country undertakes to reduce its existing chemical duties by 50%—in exchange for cuts in the Common Market and the United Kingdom of only 20%. Though it grieves me to say it, I expect the government will soon try to convince, by the use of peculiar "new math" techniques, the public, the Congress—and us in the chemical industry—that the arrangement is no less than fair and reciprocal.

The government has already claimed that the U.S. reduction amounts—not to 50%—but to no more than 42%. It bases this calculation on the fact that a small group of chemicals, relatively unimportant in trade terms, and with preexisting tariffs of 8% or less will have their protection cut by only 20%. Supposedly, then, this small cut on products having—as a practical matter—virtually no protection at all today, offsets part of the 50% cut that applies to all other chemicals.

In addition, the government claims that the European cut, in reality, amounts to 25% or more. It reasons that tariffs on a small list of chemicals—primarily of interest to the Swiss—have been reduced by 35%, and that on some other chemicals Common Market tariffs higher than 25% have been reduced by 30%. I believe the number of these chemicals, so reduced is—three. The fact is, all other European chemical tariffs have been reduced between 10 and 20%. In the case of Great Britain, some present tariffs will actually be raised.

The courage of the chief negotiator is commendable as he fights his battle of arithmetic armed with figures that are at best feeble. For he must now realize that in the frenzied deadline negotiating, in an atmosphere charged with suspense, optimism and unreasoning pressures, he made less than an ideal bargain. I can understand his and the government's natural reluctance to reflect upon just how injurious it will turn out to be.

In my opinion this bargain is even more unfavorable than the 50%-20% ratio would imply. The truth of the matter is: American chemical companies have come out of the Kennedy Round with less access to European Markets than they had before the discussions started.

The United States entered into these negotiations with the firm intention of discussing the general subject of liberalization of trade. We wanted to talk not about tariffs alone, but about many of the non-tariff barriers that other nations have erected to protect their domestic industries.

Relatively early in the talks, however, it became clear that these nations would not allow us to look into their many and varied restrictions practices—such as variable agricultural levies and border taxes. These important non-tariff foreign barriers often create a considerably more formidable barrier to trade than do tariffs themselves. Even so, the United States concurred in the exclusion of these topics. That weakening of purpose was the tip-off, the preliminary to the final—and sacrificial—settlement reached on chemicals.

Since the Europeans so steadfastly refused to discuss their own non-tariff barriers, I am confused by the American decision to talk about a subject that Europeans have long called an American non-tariff barrier—the American Selling Price.

To a chemical company interested in export sales, a product's total cost of entry represents the protective wall that company has to scale. So the important question is: How many dollars and cents have to be paid just to gain entrance for our chemicals into a foreign market?

Most foreign nations have carefully refined their complex systems of turnover and value-added taxes, of export rebates, or arbitrarily-administered customs regulations, of border taxes and transit fees. They have refined and polished them to the degree that their domestic industries can grow and prosper—in spite of American competition.

Despite their generous application of these self protecting devices, in conferring with the Americans the European negotiators did not neglect to defend staunchly the principle of free trade. Nor did they fail to criticize United States tariffs as being protectionist.

They complained that American chemical tariffs are "excessively high", far greater than those in Europe. The fact is: the American tariffs are the *only* barrier to foreign products attempting to enter the domestic chemical market, while foreign tariffs constitute the least of the obstacles confronting American product's entry into European markets. In fact, the European barriers are often such that if American companies want a reasonable piece of these foreign markets, they must build plants on the continent rather than attempt to export from this country.

In recent months, a number of interesting studies have been made of the costs of gaining access for American chemicals into the European markets and the corresponding costs of European chemicals gaining access to the American market. These studies give a true measure of the disparities in protectionism in Europe and in the United States. The costs I am referring to relate only to the costs of shipping, insurance and tariffs in each direction, plus the expense of border taxes on shipments into Europe, and the rebates of taxes given by the European countries on exports made from those countries. Collectively, these costs are referred to as "costs of entry".

To be more specific, we will examine the costs incurred on shipments to and from Germany, because it is between these two countries that the largest transatlantic trade flows. In addition, we will take ethylene glycol as an example because it is an important product in international trade and one in which production costs are similar on both sides of the ocean. It is also one of the products on which the Europeans have claimed a disparity, since their tariff rate is 19% and ours about 37%. These studies show the approximate costs of landing one pound of German ethylene glycol in New York and one pound of its American counterpart in Hamburg. A detailed analysis of these calculations will be distributed by SOCMA, with copies of my talk.

Here are the results. Today, a German producer can land the ethylene glycol in New York at a total cost of entry of a little less than 7 cents a pound. It costs the American producer about 6½ cents a pound at Hamburg. The difference is about one half of a cent. The figure refutes the European charge that United States trade walls are unconscionably high.

What happens now? After the Kennedy Round cuts are in full effect, and the Common External Tariff is in full force, and Europe's value-added taxes are harmonized, the cost of entry into the United States for German producers of that same pound of ethylene glycol will have decreased from just under seven cents to about three cents. Our negotiators have done their part in opening up our market to German producers.

By contrast, the cost of entry for American producers selling in Germany will have risen from 6½ cents to more than 7½ cents. In fact, even if the Common Market had agreed to a 50% tariff cut as part of the Kennedy Round, the American producer would pay more to land his product in Europe after the agreement was implemented than before the negotiations started. Can we give credit to our negotiators for opening up a market for us?

If these results can be seriously offered as evidence of trade liberalization, I think all of us here must go back to our dictionaries, as well as some "New Math" books.

The important point to keep in mind here is that the chemical industry's entire protection comes from tariffs. When tariffs are cut by 50% our protection is cut by 50%. The same is not true in Europe.

I think it would be shortsighted of us to assume that American industry will not feel the full effect of the Common Market's restrictive practices until some time in the 1970's. It will be worse then, but we will notice the difference by next year. Here's an example of what I mean. In the Kennedy Round, the West German government tariffs will be cut by an average of 20%—that is, about 2½ percentage points. However, West Germany will increase its border tax on imports by five percentage points—or double the Kennedy Round cut.

It seems the Germans have made no significant contribution to trade liberalization or to finding a reasonable balance between it and protection.

Administration spokesmen assert that our industry can tolerate these inequitable arrangements because our exports now are more than double our imports.

I should add that we have maintained this ratio through a massive export drive which, at the same time, has helped to support a vital national objective—the stemming of the U.S. gold drain.

Unfortunately, over the past few years, it has become more difficult for our industry to preserve the current trade surplus. Since 1960, the growth rate of chemical imports has been about twice that of exports.

The chemical trade surplus with the major industrial nations is even more precarious than the general figures would indicate. During the last few years, imports from Europe have grown four times as rapidly as our exports to Europe. In the case of Japan, the figures are even more startling. Her chemical shipments to the U.S. have almost doubled in the past three years; our exports to Japan are six percent below what they were in 1964. I expect that the condition will grow worse—from our point of view—even before the Kennedy Round agreement is fully implemented.

Although administration does not appear to be unduly concerned, the fact is we are surrendering large portions of our business to other nations—to Germany, for example, which has a chemical industry less than a quarter the size of that in this country, but with greater exports and a larger trade surplus. Last year alone, German chemical exports totaled close to three billion dollars, and resulted in a trade surplus of almost two billion dollars, figures well above the U.S. totals in the same categories.

We are in 1967—not 1947—and it behooves us all to accept the fact that our European friends have become formidable competitors in the international market place. I think, at this point in time, we have a right to expect U.S. government negotiators to come out of international trade bargaining sessions with an acceptable quid pro quo.

Clearly they did not do this as far as chemicals are concerned.

In fact, it will soon be painfully obvious to everybody here that we were not well served in Geneva.

I would like to comment upon the American Selling Price, and the separate package in which it was theoretically wrapped in Geneva and which the Administration has promised, before long, to open for the inspection of Congress.

As a matter of interest, less than three months ago, the chief U.S. negotiator said, in part, in a letter to Senator Jennings Randolph, "I can only stress that we are deeply aware of the consequences of concluding an (ASP) agreement that is in any way tied to the overall Kennedy Round agreement. We are therefore determined that any ASP agreement we sign will be concluded as a totally separate agreement". End of quote.

I find it hard to understand how we can be expected to consider this a separate package. The fact is: In return for the U.S. reduction of 50%, the Europeans have agreed to a reduction of 20% now and an additional 30% if and when—and only if and when—Congress eliminates the American Selling

Price. In my view, the arrangement is neither separate—nor equal.

We may not know all the details of the separate package until the actual legislation is introduced in Congress. It is already patently clear, however, that American producers of benzenoid chemicals would suffer immeasurably if Congress were to adopt the Tariff Commission's converted rates—which would subsequently be reduced by 50%, in line with the Kennedy Round agreements.

My own company, as a case in point, at this moment must consider the possibility of manufacturing some of our benzenoid chemicals abroad, and importing to fill domestic needs. I suspect other companies are thinking in the same cheerless terms.

Putting aside the question of company profits, I believe there is not a responsible official in the industry who does not feel deep concern for those employees whose jobs may be exported if the package is adopted, and for those small companies who will not, for a variety of reasons, be able to shift their production overseas. And, finally, I'm quite sure our industry has a concern for national security which transcends any industry self interest.

It's quite possible that not everybody in this industry yet realizes the full weight of the burden we are being asked to carry. If ASP is rescinded, protection for most American dyes would decline by almost 70%. Because of the conversion rates used by the Tariff Commission, more than half of that reduction would go into effect almost immediately upon passage of the legislation.

Tariff cuts would be equally severe on other products too. The duty on ethyl vanillin today, for example, is about 75%. This will come down to about 20%, constituting a drop of more than 70%. The duty on caprolactam would fall from about 65%, which it is today, to 20%. I could give other examples too.

If ASP goes, foreign producers will be able to manipulate export values as circumstances require. They will probably have the capacity to cripple—if not destroy—certain segments of the American benzenoid industry.

"Business Week" recently quoted the comment of a spokesman for a German company, after the chemical agreement. He said, "Germany's big chemical makers are rubbing their hands in anticipation". A representative of Farbenfabriken AG put it more graphically. "We feel like a little boy", he said, "who has been promised an electric train for Christmas".

I think it is just good sense for us to recognize that, no matter how generous our spirit, this country cannot any longer afford to play the role of Santa Claus in international relations.

At Allied Chemical we are going to do whatever lies within our power to protect our benzenoid production. We must.

We have no choice but to fulfill our responsibilities to our stockholders, to our employees and their families, and to the many communities across the country whose economic stability rests on the maintenance of a viable benzenoid chemical industry.

I am certain other companies will do no less.

I hope that, acting in concert, we can persuade Congress that it would be in the best interests of the nation to reject the separate package on American Selling Price. I hope, further, that we can persuade Congress that it would be in the best interests of the nation to rescind the unreciprocal portion of the 50% reduction in chemical tariffs which the government yielded in Geneva.

REDUCE DRUG COSTS

The SPEAKER. Under previous order of the House the gentleman from New York [Mr. HALPERN] is recognized for 15 minutes.

Mr. HALPERN. Mr. Speaker, the patent laws of the United States, which protect manufacturers of brand-named prescription drugs from competition, were never meant to enforce exorbitant price schedules.

Patents must guarantee a producer fair returns on the cost of perfecting a process which assures the consumer of consistently pure and effective medicines. But patents must not bolster and enforce excessive profits.

The drug industry has fortified itself behind its patents to establish unreasonably high prices for prescription drugs. The Federal Government, as the grantor, not only has the right to limit patents to protect the consumer, but has a clear duty to take such action.

For that reason, I am introducing today an amendment to title 35 of the United States Code to compel a patentholder who nets more than 400-percent profit on a specific patented drug to grant to other competing firms a license to produce the same drug, 3 years after the issuance of the patent.

Action to enforce this compulsory licensing would be taken by the Federal Trade Commission, after receiving a complaint from a qualified applicant who has been denied a license by the patentholder.

The Commission would hold hearings, and take testimony to determine if the price charged to retail druggists, 3 years after the issuance of the patent, is more than five times the cost of producing, packaging, and distributing the drug.

If that is the case, the Commission would order the patentee to grant an unrestricted license to any qualified applicant to make, use, and sell the drug in its finished form.

Thirty days after such an order becomes final, if the patentee still refuses to grant a license, the Commission would order the patent cancelled.

Mr. Speaker, this legislation is vitally needed to protect the sick and the aged from price gouging, while stimulating competition, encouraging essential research, and protecting reasonable profits.

The monopolistic protection of the patent laws often permits drug manufacturers to set arbitrary prices which frequently bear no relationship to the costs of developing, perfecting, and producing drugs.

This frequently means that the poorest among us are forced to pay unconscionably high prices for the medicaments they need, and the public tills of cities, counties, and States are also victims of the same overpricing.

Within the past few years, for example, we have had dramatic evidence of such overpricing in my own home city of New York. One typical case involved a certain broad-spectrum antibiotic, which was such a useful drug that the municipal hospitals and health services purchased 700,000 capsules a year.

The city paid the manufacturer $24.99 per bottle of 100 capsules, while small communities, using no more than a bottle or two a year, paid exactly the same price.

After a year of appeals for lower prices, the New York City comptroller finally took strong measures, holding up payment on a $180,000 bill presented by the manufacturer of the antibiotic. That got speedy results. It brought the firm to the negotiating table, and the city won an immediate 15-percent price reduction.

Last year, when the patent was close to expiration, the same firm offered the city a price of $18 a bottle for the same drug—almost 28 percent lower than the first price. Now that the patent has expired and competitors are free to enter the field, the city pays only $6.73.

How can any manufacturer justify a patent-supported price which is a full 3½ times the profitable market price of the identical drug without a patent?

We can no longer allow this industry to take advantage of stricken persons by squeezing out of them the last few dollars the traffic will bear, to reap excessive profits.

I have frequently heard the argument put forth by spokesmen for the drug industry that limiting the prices charged for prescription drugs would cut down on the funds available for research, which has resulted in many great advances in the healing arts. That argument is unfounded.

Major research is conducted by other industries without exaggerated markups. Despite what the drug manufacturers would have you believe, the high profits from exorbitant markups are not all plowed back into research.

In fact, pharmaceutical houses spend hundreds of millions of dollars each year to send promotion men into the field to push the sale of their overpriced products among physicians in private practice and on the staffs of hospitals. The big markups also pay for that.

I do not suggest that we eliminate normal sales promotion, nor that we bar recovery of a reasonable cost of such promotion in the final price of the product. But I do urge that action be taken immediately to curb those who would take advantage of monopoly to capitalize on human misery.

Mr. Speaker, there is a critical need for this legislation, and I trust it will be enacted with all possible speed.

FAIR PLAY FOR OTEPKA

The SPEAKER. Under previous order of the House the gentleman from Ohio [Mr. ASHBROOK] is recognized for 60 minutes.

Mr. ASHBROOK. Mr. Speaker, as most of us know, the controversial case of the State Department versus Otto Otepka, which is now being heard in secret hearings, has been a national issue since 1963. Involved, basically, is the right of an executive branch employee to give information to a congressional committee even though such information may prove embarrassing to the agency involved. A second issue in the case pertains to the right of a Federal employee to fair treatment in adversary proceedings within the Federal agency.

The hearings now in progress have been conducted in secret, over Mr. Otepka's objections. He contends that all classified documents have been made public by the Senate, and as this has been a case of national importance, the American people have a right to know the details. In addition, the transcript of the hearings has been classified, not to be released to the public now or later. It will be remembered that the transcript of the celebrated Oppenheimer security case was subsequently made public, with some classified documents deleted. There is no precedent for this action on the part of the State Department. Finally, 10 of the 13 charges against Otepka have been dropped, those charges having to do with the mutilation and declassification of classified documents.

Concerning Otepka's background, he has almost 30 years in Government service, joining the State Department as a security officer in 1953. His efficiency reports up until 1960 were all highly favorable, and in 1958 he received a Meritorious Service Award signed by the Secretary of State John Foster Dulles for sustained meritorious accomplishment. Since September 1960, Otepka received no efficiency report although he requested them and despite the fact that State regulations require a yearly efficiency report. In 1963, well after he had become involved in the congressional hearings, he began getting complaints about his performance of duty.

Otepka's trouble began in November 1961 when he appeared before the Internal Security Subcommittee of the Senate Judiciary Committee with the express permission of his superiors. The inquiry concerned security practices of the State Department, and Mr. Otepka answered the questions truthfully, letting the chips fall where they may. In 1962 and 1963 he again made a number of appearances before the same committee. During this time, Mr. Otepka supplied three memorandums to the Senate subcommittee which are now the subject matter of the three outstanding charges against him.

With relation to three outstanding charges, State cites the Presidential directive of March 13, 1948, which forbids the disclosure, except as required in the efficient conduct of business, of "reports, records, and files relative to the loyalty of employees or prospective employees."

It would seem that they have conveniently overlooked title V, section 53 of the United States Code enacted in 1948 which reads:

> The rights of persons employed in the civil service of the United States . . . to furnish information to either House of Congress or to any committee or member thereof, shall not be denied or interfered with.

Also of interest to us as Members of Congress is a concurrent resolution passed by Congress in 1958, which is today known as the Code of Ethics for Government Service and which outlines 10 guidelines for the conduct of those in Government service. The very first guideline states:

> Put Loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

In 1965 this Code of Ethics was made available to Members of the House in a large 19- by 12-inch multicolored format for distribution. The U.S. Civil Service Commission also disseminated the code in Departmental Circular 982 of December 2, 1958.

The mutilation-of-documents charges against Mr. Otepka, which have been leveled against him for 4 years and now have been suddenly dropped, merit further investigation. Of the original 13 charges, charges 5, 7, 9, and 11 pertain to the mutilation issue. When Mr. Otepka's lawyer inquired by letter of State whether he—Otepka—personally mutilated the documents, a State Department official answered that "the allegation is that Mr. Otepka was responsible for the mutilation of the documents in question, not that he personally mutilated them." It would seem that if State knew this much about the nature of the mutilation, they perhaps know who the actual mutilators are. Mr. Otepka has denied either committing the mutilation or ordering others to do so.

On June 1, the gentleman from Iowa, Congressman H. R. GROSS, inserted in the CONGRESSIONAL RECORD an article about the Otepka case from the May 31 issue of the Government Employees' Exchange, which throws more light on the mutilation issue.

In this article it is claimed that the State Department dropped the mutilation charges for fear that Otepka knows the identity of the actual mutilators and would expose them at the hearings. Furthermore, the article states that those actually responsible for the mutilations have indicated that, if compelled to do so, they will name those "top persons" at State who issued the orders for the mutilations and the planting of the documents in Mr. Otepka's burnbag.

The mutilation issue becomes even more important when one considers title 18, section 2071 of the United States Code:

> (a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so, takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined not more than $2,000 or imprisoned not more than three years or both. (b) Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined not more than $2,000 or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States. June 25, 1948, c 645, 62 Stat. 795.

As the State Department, as early as 1963, ruled that Otepka was guilty under the above-mentioned statute, why has he not been prosecuted? Either State was acting in good faith when they made the charge or this was another harassment tactic from the beginning. If the charge was made in good faith, why then was the case not prosecuted? And why the sudden dropping of the mutilation charges a short time ago? According to the Washington Post of June 7, the Justice Department officer who is representing the State Department at the hearings stated that the dismissal of the mutilation charges had nothing to do with proof. Evidently, then, State believes, or wants to create the impression that it has the necessary evidence to prove the mutilation charges against Otepka.

Again, I ask, why has not Otepka been prosecuted?

With regard to the decision of the State Department not to make public any portion of the transcript, it is possible that the Freedom of Information Act passed by the 89th Congress might be of relevance. This law was designed to allow the people of the Nation a greater insight into the actions of their Government and to stop unwarranted withholding of Government documents from public scrutiny. Without further study, I cannot say at the moment whether the issue of the transcript is covered by the act. However, I intend to look into the applicability of the statute with a view to amending it, if so needed.

When one contrasts Mr. Otepka's eagerness to have public hearings, the reluctance of State to publish even portions of the transcript is certainly suspect. As previously stated, there are no so-called classified documents which have not already been made available to the public. As previously noted also, in the case of J. Robert Oppenheimer, who was denied a security clearance by the Atomic Energy Commission, the transcript of the hearings, with some classified documents deleted, was made public. The American public thus had the opportunity to decide for themselves the merits of the Oppenheimer case. It will be remembered that a wealth of information was forthcoming from these hearings concerning known members of the Communist Party and their activities over the course of a number of years.

It is conceivable that a wealth of information will be contained in the transcript of the Otepka hearings—information that might be of assistance to the American public in appraising security procedures in the State Department. When one considers the record to date, the wiretaps, the false testimony before a congressional subcommittee, the hasty resignations of State Department officials, the mutilation and planting of documents and other abuses recorded in the subcommittee's 20-part hearings, it is urgent that the American people raise a storm of protest against the unwarranted secrecy of the Otepka hearings.

Where does Mr. Otepka go from here?

The decision of the State Department can, of course, rule against him or find him innocent of the charges. Should he be found guilty, he may appeal to the Civil Service Commission. In the event that the Commission decides against Otepka, he can find further recourse in the courts.

Although Mr. Otepka seeks vindication from the charges against him, his case has a much wider applicability. The interests of Federal employees in general are at stake here. If a Government agency can with impunity use underhanded and corrupt practices to force an employee from Government service, then practically no Federal employee is safe. If the trial and ordeal of Mr. Otepka can be used as a reminder against an employee who puts loyalty to the country before loyalty to his department, then the age of Federal automatons is just around the corner. In this light it is incumbent upon Federal employees not to assume the attitude "better him than me." The general public has a stake in this case also, for the conduct of the Federal Government rests in part on the dedication and suitability of the Federal employee. If the person in Government employ acts like a marionette out of fear of top-level reprisals, then the science of government suffers. Fair and just treatment in the case of Otto Otepka must therefore be a prime and urgent concern of all.

Congress too has a key part to play in this affair. The record of abuses and questionable procedures provides material for a number of congressional committees, either House or Senate. The practice of the mutilation of documents certainly appears to come within the purview of legislative oversight. The arbitrary classification of documents by executive agencies needs investigation and definition if the abuse of classification as evidenced in this case is not to be repeated. It is also quite evident that a continuing study of security procedures in the State Department is called for.

In addition, it is necessary to resolve, by law if necessary, inconsistencies between Presidential Executive order and existing laws with respect to testimony before congressional committees. Further, it must be determined whether the "spirit," at least, of the Freedom of Information Act of 1966 has been violated in reference to the Otepka proceedings.

Needless to say, it would be criminal if the person or persons responsible for the mutilation and planting of documents in the Otepka case were to remain unexposed, perhaps to again use their expertise against fellow employees in the future.

For those who have followed the Otepka case over the years, this is but a superficial treatment. This is a case so vast and complex that only the salient points can be emphasized if corrective action is to be taken. To be sure, there are other Federal employees with the vigor and dedication of Mr. Otepka, but to date his case is unique in its object lesson of unswerving loyalty to country over loyalty to any Government department. I believe the American public will wait many a year before another case of such national prominence is handed to them for resolution. For, in the final analysis, they are both judge and jury. They can demand that the facts of the Otepka case be made known to all—or they can remain silent and allow this issue to become just a passing reference in the history books of their children.

Mr. GURNEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GURNEY. Mr. Speaker, I am pleased to have the opportunity to join in this special order concerning the case of Otto Otepka and the treatment he has received at the hands of his employers in the State Department.

Although the State Department has dropped 10 of the original 13 charges against Mr. Otepka, they have continued the practice of carrying on their hearings and inquisitions in secret and behind tightly closed doors. All the better to conceal the wire-tapping eavesdropping and other methods which could not be discussed in public, but which they have used to harass Mr. Otepka.

Not willing to let the accusations stand without a defense for his name and his record, Mr. Otepka has prepared himself to prove the charges false, and in addition, a willful frameup. It was this that caused the Department to drop the 10 charges.

Although Mr. Otepka was promised that a Federal judge would preside over his hearing, it turns out that it will be a secret one presided over by a State Department official. He is, it seems, to be granted the singular justice of being judged by his accusors.

Frankly, I do not know whether Mr. Otepka has done the things the State Department accuses him of. I cannot prejudge, any more than the Department has a right to. But I do feel that Mr. Otepka should be granted the opportunity to be heard and judged fairly, and that the only way to assure this is by an open hearing where the State Department will not be able to cover up its activities and injustices to Federal employees.

PRESIDENT JOHNSON AND THE UNTOLD PROGRESS STORY OF THE MEXICAN-AMERICAN COMMUNITY

The SPEAKER. Under special order of the House, the gentleman from California [Mr. ROYBAL] is recognized for 30 minutes.

Mr. ROYBAL. Mr. Speaker, one of the untold stories of the Johnson administration has been its concerted 3-year effort to strengthen job, school, health, and housing opportunities for the more than 5 million Mexican-Americans of this Nation.

I am pleased to tell part of that story to this House, first because I am proud to represent a congressional district and a State which has a large Mexican-American community, and second because the Mexican-American community is now being recognized by this administration.

I am also pleased to speak, because I am proud of my President and party leader, Lyndon B. Johnson, whose efforts to bring the Mexican-American into the open door of American life reflect the ideals of our Nation and the platform of the Democratic Party.

Last Friday was a truly significant day for Mexican Americans. On that occasion, President Johnson swore in Vicente Ximenes, of New Mexico, as the first American of Mexican descent to serve as a member of the U.S. Equal Employment Opportunity Commission. Mr. Ximenes is a most capable individual, a war hero and an economist, who has served this Nation in war and peace and who, I am sure, will continue to serve his country with dedication and distinction.

On the same occasion of his appointment to the U.S. Equal Employment Opportunity Commission, the President also established a new interagency Committee on Mexican-American Affairs to be headed by Mr. Ximenes. He also made public a special Cabinet Committee report entitled "The Mexican American—A New Focus on Opportunity."

This report is highly significant, not only for my District, but for all districts in those Southwestern and the various States of the Nation where Mexican Americans live.

It describes what has been done by the Federal Government under President Johnson, to improve the economic, educational, and health levels of the Mexican American through new Federal job training and manpower development programs, through Federal aid to local school districts, and through public health programs. It tells also of several appointments that have been made of Mexican Americans to high administrative positions.

But it is also a balanced report for it tells the sad story of the second largest minority in the United States, and shows how much more we must do in new programs to help the Mexican American, and how government and private business and the local community must cooperate if opportunity is to become a reality.

A start has already been made. In 1966, in my own State of California, the U.S. Department of Labor began a special $400,000 manpower training program for Mexican-Americans in Napa. It trained Mexican-American men and women in such varied occupations as nursing, metal working, and other employment.

In my own district, in Los Angeles, and in Oakland, Calif., more than 400 Mexican-American women are being trained this year as nurses and nurse aides.

This is just part of the story.

Across the country President Johnson's deep concern for the Mexican American youth is paying off in a variety of ways:

Five thousand Mexican American youths have enrolled in Job Corps centers.

Federal agencies have launched combined campaigns against unemployment and underemployment in large cities such as Los Angeles, San Antonio, Houston, Oakland, and others.

Similar efforts for Mexican-Americans have been carried out in education, public health, housing, and community development.

Massive immunization programs, protecting 1.5 million Mexican Americans from polio, diphtheria, whooping cough, tetanus, and measles, are conducted in a typical year by the U.S. Public Health Service.

Hundreds of thousands of Mexican American school children have already benefited from the extra teachers, smaller classes, books and materials provided by the millions of Federal dollars invested in local school districts under the Elementary and Secondary Education Act of 1965—the first law ever to approve Federal aid for public schools, directed specifically at helping poor children. May I say that I am proud to have stood with the President and voted to send this historic bill through the Congress.

The U.S. Government has been engaged in a special effort to upgrade the status, health, pay, and education of the migrant farmworker—at least a million of whom are Mexican-Americans.

Two few people care deeply about the plight of the farmworker. But Lyndon Johnson, his administration and this Congress care.

This year the Office of Economic Opportunity is devoting over $25 million alone to antipoverty programs for the migrant worker.

We are enforcing new minimum wage regulations which directly affect the economic future of the Mexican-American. And it was the 89th Congress—I am proud to say—which for the first time in our history brought farmworkers under the national minimum wage and hour act.

There are many other successes which could be cited. The appointment of Vicente Ximenes to these two important posts is perhaps the most significant, but just the beginning, toward the final emancipation of a people rich in American heritage but too long unfairly relegated to a status of underprivileged minority.

The report made public by the President Friday underlines the poverty, discrimination, low wages, and low educational attainment which the Mexican American suffers. And it declared: "The trend of discrimination and deprivation must be reversed."

Yes, Mr. Speaker, that trend must be reversed by our Government, by the private business community, and by the leaders of local communities working together throughout the country. Government alone cannot create total opportunity by law. But government can lead the way by demonstrating that equality of opportunity is made available to all its people.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman.

Mr. KAZEN. Mr. Speaker, no one was more pleased than I when the President nominated a longtime friend, Vicente Ximenes to the Equal Employment Opportunities Commission some 2 months ago. The Senate approved that nomination and Mr. Ximenes was sworn in last week. As one who was born under the influence of the Latin culture of the Southwest, as one who spoke Spanish by the time I spoke English, and as a Congressman who has a large number of Latin Americans among my constituency, I have a special interest in the Equal Employment Opportunities Commission and in this appointment.

When I was first asked my opinion on Mr. Ximenes prior to his appointment, I unreservedly endorsed him as one of the most competent men in his field. I know Mr. Ximenes as one who has made his own way by virtue of his talents and by his own ability; as one who rose from modest beginnings. I know Vicente Ximenes as a person who knows the problems of minority groups, who understands the special problems of the Latin American, and who is dedicated to erasing all inequality in America.

He has shown by his achievements in life that he has the understanding and the ability to open new doors of opportunity for all people.

President Johnson, a man of our own land, also knows some of the problems. He taught school at Cotulla, a community in my district that I know well. The people of Mexican ancestry in my district have long known the President as a man of compassion, as one who has worked all his public life to provide equal opportunity to all. Under his administration, America has made vast strides; much more needs to be done, and the President recognizes this. Certainly anyone who knows my part of the country also knows the limitations of opportunity that we are all trying to erase. I do recognize the problems and we are trying to do something about them.

I want to add my voice to those who compliment President Johnson on his excellent choice of Vicente Ximenes. I want to add my voice in praise to a President who has not only made a pledge to open avenues of opportunities to Latin Americans of this country, but to bring them fully into the mainstream of a full life, and includes work and recognition for talent and ability. In naming a Cabinet-level committee headed by Vicente Ximenes, he is being true to his pledge and gives real meaning to his promise. The President, always an activist, has now provided the vehicle for the implementation and coordination of programs. That truly has to be the greatest recognition of the Latin American community in the history of this Nation.

A look at President Johnson's record reflects his own attitude toward these citizens. He has named my fellow Laredoan, Oscar Laurel, to the National Transportation Safety Board. He has named Raymond Telles, a former Ambassador to Costa Rica, as the Chairman of the U.S. section of the Joint United States-Mexican Commission on Economic and Social Development of the Border Areas. Just recently, he nominated another Spanish-speaking American, Benigno C. Hernandez, Ambassador to Paraguay. And still another, Dr. Hector Garcia, as a member of the National Advisory Council on Economic Opportunity.

Since my childhood, I have heard of the Government's failure to recognize talent of our Mexican-American people, and I was inclined to believe that, until recently, this had been the case. No more—for President Johnson has changed all this. I am proud to say that I have long been one of those who advocated that policy since I first became a public official 20 years ago. I have conferred with President Johnson on this very subject many times over the years; when he was a Senator, when he was majority leader, when he was Vice President, and since he has become President. I personally know of his interest and I know we are going to see some real achievement in this field.

I thank the gentleman for yielding.

Mr. ROYBAL. I thank the gentleman for his kind remarks. May I state that his knowledge of the Spanish language as well as his knowledge of the problems of Mexican-Americans are both excellent.

Mr. EDWARDS of California. Mr. Speaker, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Speaker, I wish to compliment my colleague from California for taking the time today to discuss this vital matter. Mr. Speaker, I join my colleagues in hailing the President's decision to create a Cabinet Committee on Mexican-American Affairs. This is a long overdue and badly needed step forward to ending the historic neglect of the problems and opportunities of the Mexican-American community.

The Committee will be headed by Mr. Vicente T. Ximenes, a new Commissioner on the Equal Employment Opportunities Commission. Mr. Ximenes is from New Mexico, and most recently he has been working for the Agency for International Development in Panama.

Other members of the Cabinet Committee will be Secretary of Labor Willard Wirtz; Secretary of Health, Education, and Welfare John Gardner; Secretary of Agriculture Orville Freeman; Secretary of Housing and Urban Development Robert Weaver; and Sargent Shriver, Director of the Office of Economic Opportunity. Their primary responsibility will be to assure that on-going programs of the Federal Government are reaching Mexican-Americans and seeking out new solutions and approaches to handle the problems unique to this community.

Today, there are more than 5 million Mexican-Americans, concentrated primarily in the five Southwestern States of California, Texas, Arizona, Colorado, and New Mexico. This means that there are more Mexican-Americans than residents of the city of Chicago, or about as many as residents of the State of Massachusetts.

More important than the size of the Mexican-American population, however, is the startling and disturbing fact that, as a whole, they are one of the most impoverished groups of our otherwise affluent society. This is especially graphic in California where the contrast between the leisurely, informal, abundant way of life of the majority community—an image we all know too well—and the squalid, bleak existence of the barrio is as great as the physical contrasts within this great State.

My own congressional district contains the second largest population of persons with Spanish surnames in the State of California. The Mayfair neighborhood is the core of this population, almost 4 miles from downtown San Jose and isolated from the mainstream of city life.

Since 1960, the increase in population in the area from 4,700 to 7,200 has been 43 percent Mexican American. The residents clearly do not share in the relatively high level of economic and social life in the San Jose metropolitan area and this gap widens every year. In 1966, the county unemployment rate dropped to 3.1 percent while in Mayfair, 14 percent of the labor force was unemployed. In 1965, the median family income in Mayfair was $3,200 lower than the county figure. And in education, the countywide average of educational attainment is 12.2 years—compared with an appallingly low 8.8 years for the Mayfair resident.

These statistics indicate the grave plight of this community—one which is worsened still by barriers of culture and language, by the suburban isolation of the area and the lack of transportation and mobility, and by public neglect of the most basic metropolitan facilities such as streets, curbs, sidewalks, and drains.

These problems in employment, health, and education are substantial. They are unique as well, for it is estimated that less than half of the residents of Mayfair speak little or no English. This additional problem of a language barrier has become the foremost obstacle to obtaining either employment, health, or any of the other needed social services. It is an obstacle, even, to obtaining an education—for the Spanish-speaking child falls far behind in his other subjects while he is learning the new language. Indeed the dropout rate is one of the highest for any group in America and understandably so.

Mexican-Americans clearly do not have the equal opportunity they deserve as citizens of this country. Yet the Mexican-American heritage and culture is strong and stimulates a wealth of pride and good feeling. I believe that the socioeconomic problems of the Mexican-American community can be successfully attacked and resolved without an obliteration of this heritage. Equality does not mean a loss of cultural identity—for the Mexican-American or for any other group in America. It does means that because a child has a Spanish surname, he will not necessarily be more inclined to drop out of school before the ninth grade, to be unable to find a satisfying and adequately paying job, to live in rundown housing in neighborhoods without streets and curbs, to be more susceptible to disease and to early death, due to lack of medical care.

This is why the President's Cabinet Committee on Mexican Americans Affairs takes on such great importance today. There is a large and exciting job to be done and I want to assure the President, Commissioner Ximenes, and the entire Committee of my hearty support and fervent hope that they will bring to this community the needed and deserved attention of the whole Nation.

I thank the gentleman for yielding.

Mr. ROYBAL. I thank the gentleman for his kind remarks. May I state that, as usual, he is always in the forefront fighting for equality for all Americans.

Mr. MILLER of California. Mr. Speaker, I thank the gentleman very much for yielding to me.

I join with what the gentleman has said and what has been said by others about this forward step that is being taken to give recognition to the plight of many of our citizens who have been underprivileged. When we speak of Mexican-Americans, it sometimes takes on the connotation of a foreigner, but in California many—perhaps the majority—of the so-called Mexican-Americans antedated the Anglo-Saxon culture in California. They are the original natives of California, and we are proud of them.

I believe what the President has done is not only commendable but it is in the greatest interest of our own country, because the results of the last few weeks, the tragedies that have taken place, should point up to us that our interests must lie in the Western Hemisphere, and the culture of the countries south of the American border is the Latin culture that the Mexican-Americans have. It is to our interest not only to protect them here, but through this, as a recognition of this problem, to protect our own selfish interests in bringing about a better understanding with our neighbors of South and Central America.

I thank the gentleman for what he has done and the others who have spoken here today on this grave problem.

Mr. ROYBAL. Mr. Speaker, I thank the gentleman for his statement. I must say I agree wholeheartedly with him, particularly when he pointed out that the Spanish speaking of this country can trace their ancestry to the time prior to the landing of the Pilgrims. It was the Spanish speaking who brought culture and religion to this hemisphere.

Mr. MILLER of California. Mr. Chairman, if the gentleman will yield again, may I say we in California are very proud of the Spanish heritage that was brought by the people from south of California. It is something that we cherish.

Our laws, incidentally, find their basis in the old Spanish law rather than in the Anglo-Saxon law. One of the things that has always been of interest to me is the fact that we have community property laws, where under the Mexican or Spanish culture we treat our wives as our equals and not as chattels, as they were treated in Anglo-Saxon law.

Mr. UDALL. Mr. Speaker, I am glad to participate in this special order and to add my own comments on recent events focusing attention on the Spanish-speaking population of our country.

For too long the problems of this segment of our population have lacked the public appeal that creates the atmosphere necessary for remedial action. Many of us from the Southwest have in our own ways sought to remedy the very real problems that plague the Mexican-American communities. But the magnitude of these problems requires concerted effort at the highest levels of our State and Federal Government.

These are problems that manifest themselves in such shocking statistics as unemployment rates twice as high as those of their fellow Americans, education attainment levels fully 4 years behind their fellow Americans, and incomes that place slightly more than one-third of these families below the poverty line.

It is this type of long-standing poverty, Mr. Speaker, that President Johnson is correctly attempting to eradicate. I am convinced the President's appointment of Vicente Ximenes to the Equal Employment Opportunity Commission and his Executive order creating an Interagency Committee on Mexican-American Affairs will contribute much toward helping these people share in the prosperity of the Nation.

Of course, there are those who question the need for special emphasis on the problems of these people, or who say that these fine people do not really have problems.

To these critics, Mr. Speaker, I commend some statistics which factually portray conditions of the Spanish-surnamed in comparison with their fellow Caucasians commonly known as Anglo-Americans, or Anglos in the Southwest. I have had some charts prepared, Mr. Speaker, and without objection I would like to insert them at this point in the RECORD.

Percent distribution of families with income below $3,000

	Anglos	Spanish-surnamed
Arizona	18.2	30.8
California	13.3	19.1
Colorado	18.1	35.0
New Mexico	22.4	41.5
Texas	25.2	51.6

Percent distribution of school years completed, for males age 14 and above

	Anglos	Spanish-surnamed
Arizona:		
Less than elementary	18.7	51.9
Less than high school	56.9	85.5
Less than college	90.8	98.2
California:		
Less than elementary	13.5	37.4
Less than high school	51.5	76.4
Less than college	88.4	97.3
Colorado:		
Less than elementary	13.7	39.9
Less than high school	52.8	82.0
Less than college	89.3	97.7
New Mexico:		
Less than elementary	20.9	44.4
Less than high school	57.1	81.1
Less than college	90.2	97.4
Texas:		
Less than elementary	26.9	64.7
Less than high school	60.7	87.8
Less than college	91.1	98.2

These figures, Mr. Speaker, portray only part of the hard-core difficulties facing the Mexican American. I am therefore grateful that the President has created the Interagency Committee and I assure the President he will continue having my support on behalf of legislation or Executive efforts to help bring our Nation's prosperity to all of its inhabitants.

Mr. TUNNEY. Mr. Speaker, I would like to join my colleague from California, ED ROYBAL, in praising the progress achieved thus far by the Mexican American community and in the recognition that much more needs to be done before equal opportunity is achieved.

An important step on this avenue of progress was made on June 9 when President Johnson swore in Vicente Ximenes as the first Mexican American member of the U.S. Equal Employment Opportunity Commission. The President also established a new Interagency Committee on Mexican-American Affairs to be headed by Mr. Ximenes, as well as making public a comprehensive Cabinet Committee report entitled "The Mexican American—A New Focus on Opportunity."

The Congress must take an active part in the improvement of job training and job opportunities, housing, health care, recreation and education. These are areas where a great deal of progress has been made but where the end is not yet in sight. The burden of chronic unemployment has been lessened but has not yet been removed. State, local, and Federal Governments in cooperation with private industry and other private groups must exert maximum effort to strengthen and improve economic opportunities. America has the resources to meet these challenges and cannot afford in good conscience to seek less than the complete fulfillment of this goal.

Mr. Speaker, I am including as a part of my remarks, statements from the swearing-in ceremony of Vicente Ximenes at the White House on June 9.

These significant documents follow:

THE WHITE HOUSE,
June 9, 1967.

Memorandum for Hon. W. Willard Wirtz, Secretary of Labor; Hon. John W. Gardner, Secretary of Health, Education, and Welfare; Hon. Orville L. Freeman, Secretary of Agriculture; Hon. Robert C. Weaver, Secretary of Housing and Urban Development; Hon. R. Sargent Shriver, Director, Office of Economic Opportunity; Hon. Vicente Ximenes, Commissioner, Equal Employment Opportunity Commission.

Over the past three years, many members of my Administration have had discussions with Mexican American leaders and others interested in their problems. They have discussed the value of our programs to Mexican Americans in their search for equal opportunity and first-class American citizenship.

The time has come to focus our efforts more intensely on the Mexican Americans of our nation.

I am therefore asking the Secretary of Labor, the Secretary of Health, Education and Welfare, the Secretary of Housing and Urban Development, the Secretary of Agriculture and the Director of the Office of Economic Opportunity to serve on an interagency committee on Mexican American affairs. I am asking Commissioner Vicente Ximenes of the Equal Employment Opportunity Commission to chair this committee.

The purpose of this committee is to assure that Federal programs are reaching the Mexican Americans and providing the assistance they need and seek out new programs that may be necessary to handle problems that are unique to the Mexican American community.

I am also asking this committee to meet with Mexican Americans, to review their problems and to hear from them what their needs are, and how the Federal Government can best work with state and local governments, with private industry and with the Mexican Americans themselves in solving those problems.

I would like to be kept informed, at periodic intervals, of the progress being made.

LYNDON B. JOHNSON.

RELEASE FROM OFFICE OF THE WHITE HOUSE PRESS SECRETARY

New avenues of opportunity are being opened for the Mexican American citizen under Federal programs, the President was told today in a special report from Cabinet members.

These beginning efforts on behalf of more than five million members of the Mexican American community mark the first chapter in a determined campaign to help this minority group, the report stated.

The report was submitted to President Johnson by the Secretary of Labor; the Secretary of Health, Education, and Welfare; the Secretary of Agriculture; the Secretary of Housing and Urban Development; and the Director of the Office of Economic Opportunity.

The Report entitled "The Mexican American—A New Focus on Opportunity" summarized steps taken since 1963 to foster equal opportunity and improve education, employment, wages, health and housing for Mexican American citizens. The report finds:

90,000 Mexican American youths have been enrolled in Neighborhood Youth Corps programs since 1964.

34,000 Mexican American children participated in Headstart programs last summer.

The Office of Economic Opportunity has provided almost $25 million for anti-poverty programs to upgrade health, education and housing facilities for Mexican American migrant workers and their families.

In California, $8.5 million in Federal funds over the past two years have helped the State Office of Economic Opportunity mount successful programs for thousands of migrant workers and their families in public health services, day care centers for children, education and mobile housing facilities.

U.S. Public Health immunization programs in the Southwest are protecting more than 1.5 million Mexican Americans from polio, diphtheria, measles and other infectious diseases.

The Elementary and Secondary Education Act of 1965 has provided additional teachers, equipment and special language programs for thousands of Mexican American school children.

New minimum wage requirements, for the first time covering farm workers, are helping Mexican American farm workers who have traditionally received low wages.

Individuals and cooperatives in five Southwestern States have received $45 million in Department of Agriculture loans to build new housing, water and recreational facilities.

The Cabinet Report concluded that new progress for the Mexican American community can be achieved through the President's new legislative proposals in the war on poverty, education and civil rights—all designed to expand opportunities for Mexican-Americans as well as for all American citizens.

The Report concluded that this is "only the first chapter in what will become a record of solid accomplishment for the Johnson Administration—a new focus on opportunity for the Mexican American citizen of this land."

REPORT TO THE PRESIDENT—THE MEXICAN AMERICAN

A NEW FOCUS ON OPPORTUNITY

Today, in San Antonio, Texas, new job opportunities have been developed for 1,153 Mexican American students in an in-school Neighborhood Youth Corps project supported by almost a million dollars in U.S. Department of Labor funds.

In Los Angeles and Oakland, California, more than 400 Mexican American women are receiving professional training as nurses and health workers under U.S. Office of Education programs.

In Durango, Colorado, a local Community Action Group organized a neighborhood center for 100 Spanish-speaking residents using antipoverty funds. There were no paved streets in the area, or recreational, safety or medical facilities. Today the city health department is providing needed services to that area. The State employment service has placed a job counselor in the neighborhood. And street lights have been installed.

In 1966 the student body of Ben Bolt Palito Blanco School District, Texas—almost all of them Mexican Americans—produced their first student newspaper, tripled the number of books they read, and advanced in reading ability by one to four grades, with the aid of volunteers from the National Teacher Corps.

At Three Rocks, near Fresno, California, Mexican American families once living in condemned housing, are now building their own attractive homes with a $113,000 grant from the U.S. Office of Economic Opportunity, and have formed their own *El Porvenir Development Corporation.*

In Sandoval, New Mexico—where 40 percent of the population is Mexican American—300 residents received technical training in a dozen different fields; while an additional 200 enrolled in basic adult education centers under the auspices of the U.S. Department of Agriculture.

In El Paso, Texas, 1,320 low-rent housing units occupied predominantly by Mexican American families are being improved and rehabilitated with grants from the Department of Housing and Urban Development.

Individuals and cooperatives in five Southwestern States have received $45 million in Department of Agriculture loans to build new housing, water and recreational facilities. Many of the participants and beneficiaries are Mexican Americans.

Six months ago some of these projects did not exist.

Three years ago they were only ideas.

Today, they are examples of progress.

But we must not be satisfied with our achievements to date. We have begun what must be a long and determined campaign to help the Mexican American community. And we must persevere in that effort.

THE MEXICAN AMERICAN AND THE HISTORIC ROOTS OF INEQUALITY

The Mexican American was an American long before this land became the United States.

He embodies traditions, language and culture which predated our own by hundreds of years.

Yet, in many respects, the Mexican American has been a neglected American. He continues to face severe handicaps in language, jobs, education, health and housing opportunities.

He has sought, but has too often been denied, the dignity and fruit of well-paid labor. He has sought, but has often been denied, the proper tools of education for his children. He has sought—but has often suffered because of it—to maintain his own proud traditions in a free society where differences should be respected and cultural diversity encouraged.

The Mexican American—more than 5 million strong—represents the second largest minority group in our country. But like many minority groups he has often had to turn to government to protect his rights and encourage his advancement.

Government has an obligation to match the promise of American opportunity with action—in employment, a decent wage, better education, improved housing, improved community facilities, and the guarantee of civil rights which every American expects.

Government in the last three years has begun to fulfill those obligations in ever-increasing measure for all our citizens.

In the past three years, your Administration has more than doubled its investment in the most diverse health and medical program in history, from $5.1 billion to $12.4 billion. Twenty major health measures were passed by the Congress.

In the same period, Federal funds for education of our children tripled—from $4.7 billion to $12.3 billion, as law after law was approved by the 88th and 89th Congresses.

We have included for the first time more than 9 million new workers under a higher minimum wage.

Today, the United States Government is investing more than $25 billion in a concerted war against poverty and deprivation to help its citizens share the fruits of American prosperity and education.

Under U.S. manpower and training programs, over one million men, women, and young people have been trained or retrained for new skills and occupations.

This, then, is our report on how opportunity specifically for the Mexican American citizen has been given a new focus under the advances of your Administration.

JOBS—AN IMMEDIATE NEED

There is no more fundamental problem facing the Mexican American community today than the need for goods jobs and job training.

Mexican American citizens must not only know that good jobs exist, they must be trained to hold them, and they must believe that government will fight job discrimination wherever it is found.

Progress has been made.

During your Administration:

90,000 Mexican American youths have enrolled in the Neighborhood Youth Corps since that program began in 1964.

5,000 Mexican American youths have enrolled in Job Corps Centers.

In June, 1966, Operation SER—initiated at your direction—began developing programs to help disadvantaged Mexican Americans obtain training, counseling and jobs throughout the Southwest area.

The more than half million dollar project—to which is committed another $5 million for programs it develops—was started by the U.S. Department of Labor and the Office of Economic Opportunity in cooperation with such Mexican American organizations as the American GI Forum, the League of United Latin American Organizations and the Community Service Organizations.

The area of New Mexico, Colorado, Utah and Arizona has been designated a special economic region under the Economic Development Act. The area will receive special Federal grants to help create new industry and more jobs for residents—many of whom are Mexican Americans.

In late 1966, the Department of Labor began a $395,000 manpower training program in diverse fields such as nurse training and metal work for more than 100 adults in Napa, California, most of whom are Mexican Americans.

Federal agencies have launched a combined campaign against unemployment and underemployment in large cities where there are concentrations of Mexican American populations, such as Los Angeles, San Antonio, Houston, and Oakland. A similar effort will soon begin in Phoenix, Arizona.

EDUCATION—A FUNDAMENTAL CONSIDERATION

Education is the essential entry point into the mainstream of American society for any child.

If educational opportunity is limited; if a child feels ethnically isolated or neglected; if the fundamental values and traditions of our society come through to him in a dilapidated school, with inadequate teachers, no funds for extracurricular activity, and with emphasis on the child's social inferiority—then the result will be a turning away from society and a closing of the mind to advancement and attainment.

This is what has happened to many of the children of minority groups in our country. It is what has happened, in too many instances, to the Mexican American child.

The time has come for us to redress the errors of the past.

The time has come for an intensified program to provide compensatory treatment and vastly improved facilities for the Mexican American school child who has been denied quality American education.

During the summer of 1966, 34,000 educationally deprived Mexican American children were enrolled in successful Head Start programs.

In 1966, 15,000 Mexican American children were enrolled full time in year-round Head Start projects in five Southwestern States. Their numbers represented almost 10 percent of all children enrolled in Head Start programs in the entire country.

The U.S. Office of Education has established a completely new unit which will concentrate on educational programs for Spanish-speaking children, and has appointed a group of distinguished laymen mostly Mexican Americans, to an Advisory Council on Mexican American Education.

Under the first Federal aid law for public schools ever enacted—the Elementary and Secondary Education Act of 1965—thousands of Mexican American students in schools throughout the Southwest have already received the benefits of smaller classes, additional teachers, more books and equipment and bilingual programs which recognize the special language needs of these children.

Federal aid through the National Teacher Corps has enabled many Southwestern State school districts to supply specially trained teachers as classroom aides and to introduce new extracurricular activities in such cities as South San Gabriel, California; Rio Grande City, Texas; and Riverside, California.

The Federal Government is sponsoring adult basic education programs for 50,000 Spanish-speaking citizens in New Mexico, Texas and California.

The U.S. Office of Education has made a series of grants to State Education agencies for programs designed to improve educational opportunities for the children of migrant farm workers. During the past eighteen months, sixteen grants were made to local educational agencies throughout the Southwest for programs which will specifically assist schools with a high proportion of Mexican American students.

In addition, six summer training institutes have been established to train teachers working with Mexican American school children.

In short, government programs in education are beginning to focus on the unique problems of the Mexican American citizens in the Southwest. However, we recognize that we must continue to encourage and support programs which will raise the educational horizons of disadvantaged Mexican American students and provide them with an equal chance to fulfill their educational potential.

HEALTH—THE BASIC NECESSITY

We shall never have a strong society until every individual enjoys the best and most modern health protection and services available, regardless of his status, ethnic background or ability to pay.

The Mexican American—like too many other Americans—has been deprived of quality medical and health services for too long. But government has begun to move ahead more vigorously in the last three years to meet his medical and health needs, as it has made strides toward meeting the health needs of other deprived Americans.

In a typical year, U.S. Public Health immunization programs in the Southwest protect over 1.5 million Mexican Americans from polio, diphtheria, whooping cough, tetanus, and measles.

A tuberculosis control program in the same area reached over 28,000 Mexican American citizens.

More than 25,000 Mexican Americans will benefit from 38 community mental health centers in the five Southwestern States.

The Department of Agriculture special milk and school lunch program in the Southwest contributes to the nutritional needs of hundreds of thousands of Mexican American children. Over $28 million is spent annually for school and other nutritional programs.

THE MEXICAN AMERICAN IN THE CITY

Proportionately more Mexican Americans live in cities than do all Americans, taken together; 79% for Mexican Americans, 70% for all Americans. It is important then, that efforts to improve conditions of life for Mexican Americans be directed toward cities. Illustrative of efforts of this kind, the following examples of programs of the War on Poverty seek problems of the Mexican American in the city with special emphasis:

East Los Angeles now has a separate Community Action organization to receive Federal anti-poverty funds, run by a Board of Directors which is, in majority, Mexican American. This group runs a variety of programs including Head Start, Neighborhood Youth Corps, adult and youth employment programs.

Phoenix and its adjoining areas are operating Community Action programs through Boards of Directors with heavy representation of Mexican Americans from low-income areas.

A similar situation exists in the San Diego and Riverside areas, which also provide a wide selection of OEO programs.

Laredo, Texas, where 80 percent of the people are Mexican American, has been selected as a pilot city for the War on Poverty. Over a million dollars has been granted to date in a comprehensive attack on extreme poverty in Laredo.

THE MEXICAN AMERICAN IN RURAL AMERICA

Nearly one out of five Mexican Americans lives in a rural area. They are engaged in helping to produce food and fiber. They are participating in the programs that contribute to the economic development of the countryside and in "building a New Rural America."

A more prosperous and more attractive rural America with higher per person and per family income, and more nearly adequate community facilities will end greater opportunity for Mexican Americans.

Through many of the programs of the U.S. Department of Agriculture, Mexican American rural residents are begining to break the chains of deprivation.

During the past two years, in New Mexico, several thousand Mexican American families, many of whom own small farms, received the benefits of a special Agricultural Conservation Program. Under this joint Federal-State program, water supplies are being conserved and farming can be carried out more efficiently.

Home economists, many of whom are Mexican Americans, are visiting thousands of poor Mexican American families in the Southwest, providing counseling on homemaking, the family budget, sewing and food preparation.

In the counties of five Southwest states, 11,000 Mexican American farm families are receiving technical assistance and help in applying sound conservation practices through cooperative agricultural programs. Special attention is being given to the problem of meeting the hazards of drought.

Last year, grazing permits for national forest land were held by 1,250 Mexican American families. These permits made it possible for farmers who operate small ranches to graze their cattle on the forest at minimum fees.

Last year, the harvesting and processing of timber from the national forests provided employment for over 1500 Mexican American wood and mill workers from the countryside.

THE MIGRANT WORKER

Thousands of seasonally employed American workers, and their families, lead hard, uncertain lives. For them, employment is determined not by their abilities or opportunities, but by the calendar. Among them are 2 million migrant farm workers in the United States—almost a million of whom are Mexican Americans. They have often had to pick a meager living from the soil, "travelling everywhere but living nowhere." They have often been referred to as forgotten Americans.

But Government is determined that these workers will not be forgotten.

Government agencies and departments during your Administration have been engaged in a vigorous program to improve the status, health, economic security, education, and potential of the migrant farm worker.

This year, the U.S. Office of Economic Opportunity devoted $41 million to anti-poverty programs involving migrant workers and their families. Sixty percent of those funds—or almost $25 million—has been used in programs to help Mexican American migrant workers.

In California, almost $8.5 million in Federal funds in the past two years have helped the State Office of Economic Opportunity mount a comprehensive program for thousands of migrant workers and their families in public health, day care centers for children, local classes and mobile housing for migrants.

In Texas alone, where there are more than 100,000 migrant workers—the vast majority of them Mexican Americans—anti-poverty funds provided full-time classroom instruction for 38,000 children of migrant families and to 8,300 of their parents in the improvement of language skills in both English and Spanish.

The Government is enforcing new minimum wage requirements adopted under your Administration which for the first time cover farm workers. This is particularly meaningful for Mexican American farm workers who have traditionally received low wages.

Regulations regarding the use of foreign farm workers have been tightened to enlarge employment chances for American workers. Steps are also being taken to improve housing for farm workers and to keep youngsters out of hazardous farm jobs.

Again this summer the U.S. Public Health Service will provide needed medical and health services to migrant workers through grants to States and local organizations. Since 1964, under the Migrant Health Act, funds have increased from $1.5 million to $7.2 million.

THE MEXICAN AMERICAN IN GOVERNMENT

The strength of democratic government has always been the diversity of the men and women in it—men and women from all groups, levels and stations of American life.

You have demonstrated in your three and one-half years in office a willingness and a readiness to reach out into the community to select highly qualified and capable men and women of all races, religions and national origins to guide and administer the policies of your Administration.

Among your appointments have been men like *Vicente Ximenes* of New Mexico, to the Equal Employment Opportunity Commission.

Raul H. Castro of Arizona, as Ambassador to El Salvador.

Recently you appointed *Benigno C. Hernandez* of New Mexico as Ambassador to Paraguay.

You appointed *Ambassador Raymond Telles*, of Texas, to the Chairmanship of the United States Section of the Joint United States-Mexican Commission on economic and social development of the border area.

You have also appointed:

Oscar Laurel of Texas, to the National Transportation Safety Board;

Emilio Naranjo of New Mexico, United States Marshal for the District of New Mexico;

Dr. Hector Garcia of Texas, to the National Advisory Council on Economic Opportunity;

Dr. Julian Samora of Indiana and *Herman Gallegos* of California, to the President's Commission on Rural Poverty;

Armando Rodriguez of California, to the new post of coordinator of educational programs for the Spanish-speaking in the United States Office of Education.

Gonzalo R. Cano of California, was recently named to the Community Relations Service, and *Philip Montez* of California, to a key post with the Civil Rights Commission.

Tom Robles of New Mexico is Southwest Regional Director for the Equal Employment Opportunity Commission.

The Department of Labor has named *Daniel Chavez* of New Mexico, Bureau District Director for Northern California and Nevada; *Dr. Fred Romero* of Colorado, Deputy Regional Director, Neighborhood Youth Corps for Dallas, Texas; and *John C. Otero* of New Mexico, as one of four Coordinators for the Labor Department's Special Impact Program. *Albert Cruz* of New Mexico, has been appointed to the Department's Office of Manpower, Policy, Evaluation and Research.

The Department of Health, Education, and Welfare has also appointed: *Miss Lupe Anguiano* of California, to the Office of Education; *Daniel Galvan* of Texas, to the Public Health Service's civil rights compliance staff in Dallas; and *Alex Mercure* of New Mexico, to the National Advisory Council on Adult Basic Education.

The Office of Economic Opportunity appointed *Leveo V. Sanchez* of New Mexico, to the directorship of its Middle Atlantic Region; and named *Mrs. Graciela Olivarez* of Arizona, to its ad hoc Committee to Coordinate National Volunteer Efforts on the War on Poverty.

The Department of Agriculture recently appointed *Louis P. Tellez* and *Carlos F. Vela* as special consultants.

The departments and agencies of government will continue their search for Mexican Americans for the public service.

THE MEXICAN AMERICAN AND THE AMERICAN FUTURE

Two years ago you said:

"We are not trying to give people more relief—we want to give people more opportunity . . . They want education and training. They want a job and a wage which will let them provide for their family. Above all, they want their children to escape the poverty which has afflicted them. They want, in short to be part of a great nation, and that nation will never be great until all of the people are part of it."

We must do a better job or recognizing those aims for the Mexican American community.

As this report shows, much has been accomplished on many fronts. More will have to be accomplished on *all* fronts.

The Mexican American represents 12 percent of the population in the American Southwest. But he represents 23 percent of those who live in poverty in that region.

The most recent census figures available—1960—showed that the Mexican American citizen in the Southwest:

Had an unemployment rate almost double that of the rest of the population.

Had an annual income of little over half that of other citizens—$2,084 compared with $4,337.

Occupied five times as many dilapidated housing units.

Completed little more than half the number of school years of the rest of the population.

This trend of discrimination and deprivation must be reversed.

But reversal of inequities is not enough. We must work harder and devote greater resources to new opportunity programs. And government alone cannot bear the full responsibility for creating opportunity.

Government must have the strong and willing cooperation of the American business community and local community leadership throughout the nation. For opportunity will be but a mere slogan without the commitment, dedication and full imaginative use of the resources of the American free enterprise system. It is America's productive power which has raised our citizens to the highest standard of living in world history. We cannot permit any citizen to be excluded from sharing in the fruits of that prosperity.

We look, too, to the future and your legislative proposals which would strengthen the war against poverty, improve educational opportunity and upgrade civil rights laws. All of these will benefit Mexican Americans as they benefit all Americans.

This report is, we believe, only the first chapter in what will become a record of solid accomplishment for the Johnson Administration—a new focus on opportunity for the Mexican American citizen of this land.

Submitted to the President on June 9, 1967.

W. Willard Wirtz,
Secretary of Labor.
John W. Gardner,
Secretary of Health, Education, and Welfare.
Orville L. Freeman,
Secretary of Agriculture.
Robert C. Weaver,
Secretary of Housing and Urban Development.
Sargent Shriver,
Director, Office of Economic Opportunity.

Mr. BROOKS. Mr. Speaker, one of the first signs of expanded equal employment opportunity in the United States has always been the entry of minority groups into government.

I am immensely pleased to point out that, contained in a Cabinet report on Mexican-Americans released by the President last week, there is one entire section devoted to the growing number of Mexican-Americans in high positions in the U.S. Government.

This has been typical of President Johnson in his almost 4 years as President.

He has reached out into the community to select men and women of quality and merit without regard to their national origin, their language, their race, or religion.

This is American opportunity at is best.

And the record of the Johnson administration on equal employment opportunity for minorities is one of the best records of any administration in history.

I compliment the President for making opportunity a reality in his own Federal departments.

Mr. PICKLE. Mr. Speaker, there is always one way to distinguished a Democratic President from any other President. It is the amount of attention he pays the little man, the forgotten man, the man who needs his help.

It is no accident that a great Democrat, Lyndon B. Johnson, has during his 3½ years in the White House moved forward on a host of fronts to expand opportunity for the Mexican-American.

The President grew up with many Mexican-Americans. And, as he said the other day at the White House at the swearing in ceremony of Vicente Ximenes as Commissioner of the Equal Employment Opportunity Commission, he never forgot them. His choice, I might add, was an excellent one.

The President has focused new attention on the Mexican-American community. He has also told us how much we all have to do—Government, labor, business, and the local community.

I am privileged to represent many thousand Mexican Americans in my congressional district. I have worked with them on many civic projects, in Neighborhood Youth Corps programs, through the Lions Club and they are fine people and strong with the spirit of America.

The time has come for us to make opportunity real for these millions of citizens too long kept in America's back room.

This means new opportunity for Mexican Americans in jobs, wages, housing, schooling, health, and community facilities.

At this point in the RECORD I would like to insert a report of new opportunities being opened to Mexican Americans as detailed in a White House press report of June 9, 1967:

> New avenues of opportunity are being opened for the Mexican American citizen under Federal programs, the President was told today in a special report from Cabinet members.
>
> These beginning efforts on behalf of more than five million members of the Mexican American community mark the first chapter in a determined campaign to help this minority group, the report stated.
>
> The report was submitted to President Johnson by the Secretary of Labor; the Secretary of Health, Education, and Welfare; the Secretary of Agriculture; the Secretary of Housing and Urban Development; and the Director of the Office of Economic Opportunity.
>
> The Report entitled "The Mexican American—A New Focus on Opportunity" summarized steps taken since 1963 to foster equal opportunity and improve education, employment, wages, health and housing for Mexican American citizens. The report finds:
>
> 90,000 Mexican American youths have been enrolled in Neighborhood Youth Corps programs since 1964.
>
> 34,000 Mexican American children participated in Headstart programs last summer.
>
> The Office of Economic Opportunity has provided almost $25 million for anti-poverty programs to upgrade health, education and housing facilities for Mexican American migrant workers and their families.
>
> In California, $8.5 million in Federal funds over the past two years have helped the State Office of Economic Opportunity mount successful programs for thousands of migrant workers and their families in public health services, day care centers for children, education and mobile housing facilities.
>
> U.S. Public Health immunization programs in the Southwest are protecting more than 1.5 million Mexican Americans from polio, diphtheria, measles and other infectious diseases.
>
> The Elementary and Secondary Education Act of 1965 has provided additional teachers, equipment and special language programs for thousands of Mexican American school children.
>
> New minimum wage requirements, for the first time covering farm workers, are helping Mexican American farm workers who have traditionally received low wages.
>
> Individuals and cooperatives in five Southwestern States have received $45 million in Department of Agriculture loans to build new housing, water and recreational facilities.
>
> The Cabinet Report concluded that new progress for the Mexican American community can be achieved through the President's new legislative proposals in the war on poverty, education and civil rights—all designed to expand opportunities for Mexican Americans as well as for all American citizens.
>
> The Report concluded that this is "only the first chapter in what will become a record of solid accomplishment for the Johnson Administration—a new focus on opportunity for the Mexican American citizen of this land."

Mr. McFALL. Mr. Speaker, I rise to commend President Johnson's announcement last week of the establishment of an Interagency Committee on Mexican-American Affairs.

The President said that the purpose of this Committee is to assure that Federal-aid programs are reaching the Mexican-American community—and are providing the assistance it needs. The Committee also will seek to devise new programs that may be necessary to handle problems unique to the Mexican-American community.

The President has wisely chosen an outstanding Mexican American—Vicente Ximenes—to head this Committee. Mr. Ximenes' credentials are well known. He is now serving on the Equal Employment Opportunity Commission.

This interagency Committee, consisting of Cabinet officers whose programs touch the lives of the Mexican-American community, will insure that help will be forthcoming where help is needed most.

We have made a promising start in this area. But it is only a start. The Mexican-American continues to face severe handicaps in language, jobs, education, health, and housing opportunities.

The Mexican-American community—more than 5 million strong—represents the second largest minority group in our country. But like many minorities it has often had to turn to Government to protect its rights and help the advancement of its members into the mainstream of our democratic life.

The Johnson administration is working to fulfill those obligations in ever-increasing measure for all our citizens. And I believe that the formulation of an interagency Committee of Cabinet officers will help to insure that intelligent use is made of existing programs to get to the heart of existing problems.

I am sure that the Mexican-American community joins with me in commending the President for his leadership.

Mr. CHARLES H. WILSON. Mr. Speaker, I would like to take this opportunity to congratulate Vicente T. Ximenes on his appointment to the Equal Employment Opportunity Commission.

Mr. Ximenes, formerly the Deputy Director of our AID mission in Panama, brings both experience and sensitivity to his new post. Like President Johnson, Mr. Ximenes is a former elementary school teacher and civilian conservation corpsman. Like our President, this distinguished son of the Southwest has come to Washington to serve his country through public service.

It is my hope that Vicente Ximenes' career, which in itself is surely an inspiration not only to his fellow Mexican-Americans but to all Americans, will be repeated many times over.

As President Johnson noted the other day as he swore in Mr. Ximenes, equal employment opportunity is a national objective. It is the responsibility of Government, business, and labor alike to transform the slogan "equal opportunity" into reality.

Mr. Speaker, the selection of Vicente Ximenes to the Equal Employment Opportunity Commission is a major step in that direction.

Mr. WALDIE. Mr. Speaker, President Johnson's appointment of Vicente T. Ximenes to the Equal Employment Opportunity Commission last week is symbolic of the position which the Mexican-American has attained in American life. It is also symbolic of how much more must be done to help the 5 million men and women who make up the Mexican-American community.

This country has for too long neglected the Mexican-American citizen—in education, housing, jobs, and the other benefits of democracy.

Mr. Ximenes' appointment to this high-ranking position—to foster equal employment opportunity—signals a new day for the Mexican-American. And much of the credit must go to the hard work and dedication of President Johnson, whose efforts on behalf of the Mexican-American are only now becoming known.

Mr. MORRIS of New Mexico. Mr. Speaker, I would like to join my colleagues in praising the action of the President in creating the Cabinet Committee on Mexican-American Affairs.

The Committee, to be led by a distinguished Mexican-American, Vicente Ximenes—pronounced "he-men-us"—will serve a highly useful role in focusing the attention of the administration on the problems of this too long neglected community.

The group's problems are very real. No matter how you measure poverty—by income per individual, by educational attainment, by infant mortality rates, by housing criteria—no matter what statistic device one uses, the answer is always the same—the Mexican-Americans of the Southwest are among the Nation's least favored citizens.

I think, Mr. Speaker, it would be helpful if we could state for the record an accidental factor which has helped cause the community's neglect.

The Mexican-American community is concentrated almost completely in five Southwestern States: Texas, California, New Mexico, Colorado, and Arizona. Until recently no large groups of Mexican-Americans lived anywhere else in the country.

Other minorities—with the exception of the Indians—tend to be better distributed around the Nation, and while virtually every American of voting age has had some contact with Negroes, for instance, only a minority of the Anglo population has had any contact with Mexican-Americans.

It has been suggested that the Mexican-American community would not have been neglected so long if the Nation's Capital were in Los Angeles, for instance, or if the community happened to live on the east coast, rather than in the Southwest.

It is encouraging to see the administration take a deliberate and thoughtful step, such as the creation of this Cabinet Committee, to help remedy the problems of this all-important, but too long isolated segment of our society.

Mr. VAN DEERLIN. Mr. Speaker, the distinguished gentleman from California [Mr. ROYBAL] is to be commended for taking this opportunity to discuss the achievements of our citizens of Mexican descent.

I am also pleased to join with Mr. ROYBAL in acknowledging the positive action taken last week by President Johnson when he announced the formation of a Cabinet-level committee to work on the problems of Mexican-Americans.

In my own district, much remains to be done to insure our Mexican-Americans equal opportunity with their fellow citizens. But there are already encouraging signs of progress. Several of my constituents, for example, have scored notable breakthroughs in obtaining important posts which by unfortunate tradition had been reserved exclusively for "Anglos."

I am especially proud of Porfirio Q. Lopez, who last month was nominated by President Johnson to become the postmaster of San Ysidro, Calif. Mr. Lopez has achieved a singular distinction, for he is believed the first person of Mexican ancestry ever selected for a postmastership in San Diego County.

A native of Sonora, Mexico, Mr. Lopez has served his adopted land in both the military and postal services. After he was naturalized in 1941, Mr. Lopez began an 8-year tour in the U.S. Army which ended when he was honorably discharged as a staff sergeant.

It is pertinent to note at this point, I think, that at least 17 Mexican-Americans have won the Nation's highest combat decoration, the Congressional Medal of Honor.

On leaving the Army, Mr. Lopez joined the postal service and within 6 years worked his way up from clerk to acting postmaster of San Ysidro, a strategically located city which lies just across the international border from Tijuana, Mexico. Mr. Lopez secured the permanent appointment by outscoring all rivals on a competitive civil service examination last winter. His grade on that test was a near-perfect 95.

I have checked with the Post Office and Civil Service Committee of the other body, and I understand that approval of Mr. Lopez' nomination is imminent.

The Lopez success story already has received extensive and favorable publicity in many of the publications of old Mexico, for our Mexican friends clearly see this appointment as a dramatic indication of the progress their former compatriots are making in this country.

I might also mention Armando Rodriguez, a former vice principal at Gompers Junior High School in my district who has just been named to the new post of Coordinator of Educational Programs for the Spanish-speaking in the U.S. Office of Education.

Mr. Rodriguez, one of the most popular athletes ever graduated by San Diego State College, excelled in both football and wrestling. He was one of the first from a racial minority to achieve administrator status in the San Diego city schools system. He was honored in 1962, from a field of five candidates, by Democratic nomination to the California Legislature.

In his new position with the Office of Education, Mr. Rodriguez will be seeking still greater breakthroughs for youngsters in States of the great Southwest.

Many other of my Mexican-American constituents are doing extremely well, of course. I cited the cases of Mr. Lopez and Mr. Rodriguez only as good examples of the advances that are being made by countless Mexican-Americans, not only in California, but throughout the Southwest.

My friend, the gentleman from California [Mr. ROYAL] and other colleagues are working on legislation which would give the Mexican-American children of today the chance to emulate Mr. Lopez and Mr. Rodriguez. I refer to the Bilingual American Education Act, which would help literally millions of youngsters learn the English language soon enough and well enough so as to lose no time in ascending the educational ladder.

In addition, as President Johnson noted last Friday, the Office of Economic Opportunity has prepared highly effective programs specifically for Mexican-Americans in San Diego County and elsewhere.

In conclusion, Mexican-Americans of the United States are well on the way to winning their battle for a better life. With the help they are now receiving from governmental and other sources, total victory is clearly in sight.

Mr. HAWKINS. Mr. Speaker, last Friday, in the East Room of the White House, many of us in this House witnessed a very important event, the swearing in of Vicente Ximenes and the creation of the Cabinet Committee on Mexican American Affairs, to be headed by Mr. Ximenes.

The Mexican-American community has many problems, and for far too long has been a stepchild of this Nation. The creation of this Committee is an important move forward for the community, and for the Nation as a whole.

Mr. Speaker, I would like to make a couple of background comments on the community, which is simply not very well known here in the East.

In the first place, the Mexican-American community traces its origins in this Nation back much further than any other European community can. As early as 1598—9 years before Jamestown and a generation before Plymouth Rock—Spanish colonists settled in New Mexico. By 1630 there was a group of 25 missions established in that State.

By the time of the American Revolution there was a string of Spanish communities from Texas to San Francisco.

Every other ethnic group which makes up this great melting pot of a nation, with the exception of the American Indians, moved to this country. But in the case of the Mexican-American, the country moved in on him. During the Texas annexation of 1845, the seizure of much of the American West from Mexico in 1848, and finally in the Gadsden Purchase of 1853, the border of the United States moved south and west enveloping the well-established communities of that region.

There followed an unattractive chapter in our history, a period of exploitation of the residents of that region, the effects of which are still felt today.

We now, I trust, are on the threshold of a new period of harmony and cooperation, and I feel sure that the Cabinet Committee will do its utmost to bring the Mexican-American community into the mainstream of American life.

Mr. COHELAN. I thank the gentleman from California.

Mr. Speaker, last Friday, President Johnson received a report from his Cabinet on the impact of Federal programs on the welfare of the Mexican-American community.

I was particularly pleased to note that the first item contained in that report dealt with new job opportunities that have been developed for 1,153 Mexican-American—I use this phrase for description only—students in San Antonio.

This report demonstrates dramatically the deeply felt commitment of President Johnson to helping the 5-million-member Mexican-American community.

I am further heartened to note that, in the words of the Cabinet officers who signed the report, this progress is "only the first chapter in what will become a record of solid accomplishment for the Johnson administration—a new focus on opportunity for the Mexican-American citizen of this land."

The report indicates substantial progress achieved for Mexican-Americans. To cite some key examples:

Last summer, 34,000 Mexican-American schoolchildren were enrolled in Operation Headstart, and 15,000 others were enrolled in year-round Headstart projects in five Southwestern States. They represent almost 10 percent of all children enrolled in this program in the entire Nation.

Adult basic education programs of the Federal Government are being sponsored for 50,000 Spanish-speaking citizens in Texas, New Mexico, and California.

More than 1.5 million Mexican-Americans have received immunization against such diseases as polio, measles, diphtheria, and whooping cough through the programs of the U.S. Public Health Service.

Ninety thousand Mexican-American youths have enrolled in the Neighborhood Youth Corps in the past 3 years; 5,000 have served in the Job Corps.

The Office of Economic Opportunity has devoted $41 million to antipoverty programs involving migrant workers and their families. Sixty percent of those funds—or almost $25 million—has been used in programs to help Mexican-American migrant workers.

In Texas alone, where there are more than 100,000 migrant workers—mostly Mexican-Americans—antipoverty funds are providing full-time classroom instruction for 38,000 children of migrant families and for nearly 9,000 parents for improvement of language skills in both English and Spanish.

The Federal Government has instituted new minimum wage requirements which for the first time cover farmworkers—a development quite meaningful to Mexican-American farmworkers who traditionally receive low wages.

These are just a few of the highlights from this report. But as the writers themselves note:

> We must work harder and devote greater resources to new opportunity programs.

What are these new opportunity programs?

The Cabinet officers rightly note that the President's legislative proposals now under consideration by the 90th Congress will benefit Mexican-Americans as they benefit all Americans. I am speaking particularly of programs dealing with the war on poverty, improvement of educational opportunities, and upgrading of civil rights laws.

These are the programs that will help those Americans who need our help most. I urge my colleagues to support these programs that carry such hope and promise for our people.

I commend President Johnson for releasing this important and significant report to the American people. I commend him also for appointing Vicente Ximenes, a native of Texas, and a distinguished Mexican-American, to the Equal Employment Opportunity Commission.

This report demonstrates conclusively that the Mexican-American community has a stanch ally in Lyndon Baines Johnson.

Mr. MOSS. Mr. Speaker, last week President Johnson told a distinguished group at the White House that the success of opportunity programs for the Mexican-American citizen must be a joint responsibility of business, labor, and government.

That is all too true.

Opportunity for the Mexican-American—or for any other deprived American—will not spring solely from laws passed by the Congress.

Opportunity in jobs, education, health, wages, and so forth, must emerge out of a new atmosphere created in this Nation.

Opportunity must grow out of the willingness of a people.

Business and labor must join with local, State, and Federal governments in a vast new opportunity program aimed at lifting the Mexican-American to the level he desires.

We need all the talent we can get in this country. Let us not lose one iota of it because of discrimination or poverty or ignorance.

I salute President Johnson for his excellent programs for Mexican-Americans during the past 3 years, and I join him in his future opportunity efforts.

Mr. HANNA. Mr. Speaker, it is a privilege to join with my distinguished colleague from California [Mr. ROYBAL] in pointing up the progress being made in many areas by the Spanish-speaking population of the United States.

The problems faced by many of my constituents whose heritage is rooted in Latin America are just now being recognized by our Nation's political leaders. A wealth of programs designed to upgrade the circumstances of many of these Americans are now available.

As important, the Federal Government and numerous State governments are incorporating the talent, energy, and ability of many of the leaders of America's Spanish-speaking population. This recognition is overdue and these talents have been untapped too long. However, I am encouraged with the progress now evident.

Much will be said during this special order about the numerous and important contributions that have been made and are being made today by Americans with a Latin American heritage. The importance of these contributions to American culture and progress are inestimable. I am concerned, however, that there is little awareness by the average American as to the extent or impact of these contributions. Also I am concerned that many of the members of the various Spanish-speaking communities throughout the United States are largely unaware of the positive impact their ancestors and present leaders, ideas, traditions, culture, and heritage have played and are playing in the life and progress of the United States.

I am, however, encouraged that some attempts, primarily by the farsighted leaders within the various communities, are being made to overcome what has apparently been error by oversight. A number of prominent Mexican-American organizations within my own constituency are doing a most admirable job in demonstrating the positive and constructive contributions being made every day by Americans of Mexican ancestry. Pride in accomplishment is an important element to nurture within every group that helps form the diversity of America. Our citizens of Latin American descent have much to be proud of, and much to contribute.

I would like to dwell for just a moment on a question of present accomplishments by local communities. A few years ago it was obvious to a number of the leaders of the Mexican-American community in my district that students raised in predominantly Spanish-speaking homes faced language problems in school.

After much discussion it was decided to establish a self-help program through LULACS. This program has become eminently successful. Under the auspices of LULACS a number of school districts in my area now have the benefit of well-planned and administered tutorials. Financed through the Office of Economic Opportunity, our local tutorial program has expanded to the point where it is able to significantly affect hundreds of students who would otherwise be disadvantaged. This year OEO is once again considering support of the LULAC effort, and we are expecting that the Office of Economic Opportunity will wisely decide to continue its support of this widely accepted and beneficial program.

Under the supervision of the wise local community leadership so evident around the Nation, programs similar to the one in my district are benefiting many thousands. This is most encouraging, and suggests we may look to the future with optimism.

Mr. BROWN of California. Mr. Speaker, I wish to associate myself with the preceding remarks of my friend and colleague from California, the Honorable EDWARD ROYBAL.

It is highly satisfying to know that the focus of governmental concern and action is to finally settle upon the Mexican-American community. In my opinion, there is no community of people in this land that has endured with such admirable patience and perseverance as that shown to us by the Spanish-speaking community. They have waited in a never-ending line of priorities. The focus of attention, much less, action, was seldom upon them—it was always somewhere else.

Now, we are assured a new beginning or focus, if you prefer, is in sight. I sincerely hope that this is so.

Some progress has been made. For that we can be thankful. I am impressed by the blueprints for the future. Moreover, it is undeniable that the President of the United States has a sincere and deep compassion for and commitment to Americans of Mexican descent. I know we are all anxious to get behind the President and make the shadows of dreams the substance of reality.

Those who have spoken before me have done an excellent job of outlining the blueprint for the future. They have also very capably reviewed the history, progress, and hopes of the Spanish-speaking people. I seek permission, Mr. Speaker, to introduce at this time, two items intended to strengthen, clarify, and complement those points which have already been made. The article that follows comes from the March 10, 1967, issue of the Los Angeles Times:

MEXICAN-AMERICAN JOBS CAMPAIGN GETS RESULTS

(By Jack Jones)

A recent immigrant from Mexico applied for a job with a steel company. He was big, strong and intelligent, but he could not speak English well, so he was turned away.

The job: Washing out garbage cans.

"So we sent him over to Northrop," said Dionicio Morales, executive director of the Mexican-American Opportunity Foundation, "and they told us, 'Send us more like this guy.' "

Standing in his office on the second floor of a small building at 4629 Brooklyn Ave., Morales looked out at the aging little houses of East Los Angeles and said, "That's the exciting part."

MAOF, originally founded as the Equal Opportunity Foundation but retitled to "identify ourselves with this forgotten community," has a $200,000 Labor Department grant to find jobs and training in private industry for jobless "chicanos" (Mexican-Americans).

NOT EVEN SCRATCHING SURFACE

With 400 allotted on-the-job training slots (the Urban League has a 1,000-slot program in the Negro Community) and just 272 formerly unemployed persons now placed, MAOF is, Morales admitted "not even scratching the surface."

Automation, language difficulties and a traditional fear of officialdom (including the State Employment Service) have combined to create among the exploding Spanish-surname population a problem Morales said is worse than that faced by Negroes.

"There are thousands of migrants out there floating around," he said. "They don't know what to do or where to go. Construction is at a low ebb and machines are digging the ditches."

The introduction of Spanish-speaking staff members into the State Employment Service section of the East Los Angeles multiservice center is a help, Morales said.

"But the Mexican can't get in the habit of going there, because of years of needing an interpreter when he stepped up to the window."

MAOF may not even be scratching the surface, but Morales said industry—particularly aerospace—is demonstrating awareness of the Mexican-American's problems and is cooperating.

Norair division of Northrop, Lockheed, Aerojet General and Aeronca all have MAOF trainees on the job, as do several other firms. They are reimbursed for part of the training time by MAOF out of the Labor Department funds.

Representatives of Hughes and Douglas and of labor unions sit on the MAOF board of directors.

MAOF has two Neighborhood Adult Participation Project (NAPP) aides (thus tying in the antipoverty program) who are job developers, seeking companies in the market for on-the-job trainees.

The blackboard at MAOF headquarters reads:

"We need these trainees now—structural assembler, metal and honeycomb, integral tank sealer, machine shop helper, template maker, wire preparer."

"Those are the jobs," said Morales, a long-time union representative, "where the wages are adequate to bring up the economic standard for the Mexican worker and his family."

Morales is one of those who feel that antipoverty programs have largely overlooked the unique problems of the Mexican-American, who has yet to realize the value of federal and state services available to him.

This view is reflected into a joint proposal submitted to the Labor Department as a "special impact program" by MAOF and UCLA's Institute of Industrial Relations to set up a kind of Mexican-American NAPP organization.

$253,839 REQUESTED

The request, written by Morales and Dr. Paul Bullock, head of the UCLA institute and on the MAOF board, is for $253,839 to establish six neighborhood service centers in predominantly Mexican-American areas around the county.

In addition, the Institute of Industrial Relations is seeking $44,226 to operate an intensive research apparatus, computing the results of findings by the centers.

"We can sit around and talk about dropouts and language barriers all our lives," said Morales, "but let's get the Mexican-American out of the mediocre jobs and the sweat shops and off the unemployment rolls."

This article from the Los Angeles Times presents an excellent example of the tireless efforts put forth by spirited citizens and some segments of the business community to better the conditions of the Mexican-American people. But there is still cause for despair. We have witnessed some good results, but, as Mr. Dionicio Morales states, we have "not even scratched the surface."

I am pleased to note that there is widespread acknowledgement of the presence of a vast reservoir of talent and productive capability to be tapped within the Mexican-American community. It is a national shame that this recognition did not come sooner. It appears that we will now reverse this trend of unconcern. Think of the great good to be derived from this cooperative venture between these people and their government. We should not allow this opportunity to pass.

I switch now to another topic: Education and culture. I have for many years believed that one of the greatest resources this Nation possessed was the bilingual and bicultural abilities of its citizens. A sizable number of our Americans of Mexican descent have these wonderful attributes. The problem is that, heretofore, these abilities have been neglected and, even more distressing, discouraged.

I would like at this point in my remarks, Mr. Speaker, to present for the perusal of my colleagues, an article entitled "Se Habla Espanol" which appears in the May 1967 issue of the American Education, a publication of the U.S. Department of Health, Education, and Welfare:

Se Habla Espanol—Help for Spanish-Speaking Youngsters

(By Joseph Stocker)

(Note.—A former newspaperman and full-time writer, Mr. Stocker is now director of publications and public relations for the Arizona Education Association.)

There are more than one and one-half million children with Spanish surnames in the schools of five Southwestern States—Arizona, California, Colorado, New Mexico, and Texas. Nearly all of them are Mexican-Americans. In scholastic attainment they lag far behind their Anglo-American schoolmates, and their dropout rate is high. The reason for their underachievement can be summed up in a single word: language.

Monroe Sweetland, Western States legislative consultant for the National Education Association (NEA), has described the school record of Mexican-American youngsters as "tragic." He said bluntly, "It constitutes the greatest single failure of our systems to provide equality of educational opportunity in this region."

The Mexican-American child comes out of a Spanish-speaking home into an English-speaking school, and from that point on it's a case of oil trying to mix with water. In many instances, says John M. Sharp, professor of modern languages at Texas Western College, El Paso, the child's parents speak little or no English, and his first significant contact with our language occurs when he begins school. "English is no less a foreign language to him than it would be to a child from Argentina or Colombia," says Dr. Sharp. "He suddenly finds himself not only with the pressing need to master what to him is an alien tongue, but also, at the same time, to make immediate use of it in order to function as a pupil."

In many States English is prescribed by law as the language of instruction. Schools even forbid Mexican-American students to speak Spanish except in Spanish classes, the obvious theory being that if they speak only English, they will learn English. Some schools have been known to administer corporal punishment to students for lapsing into Spanish. "If you want to be American," the young Latin is told over and over again, "speak American."

These speak-English-only laws are hard to enforce. "Obviously it is impossible to make a person speak a language," says James Burton, who teaches English and speech to Mexican-American students at Jefferson High School in El Paso. "Any teacher in control of his classroom can prevent his students from speaking Spanish, but the result is likely to be a thundering silence. It is certainly no guarantee that fluent, idiomatic English will gush forth like the water from the biblical rock."

It's not only an alien language that the Mexican-American child encounters, it's an alien set of cultural standards as well. The tempo is faster than that to which he is accustomed. The school environment lacks what one Southwestern educator has described as "the plasticity and warmth of human relationship" so often found in the Mexican-American home, however humble. Customs are strange. "Take the matter of funerals," says Florence Reynolds, principal of Pueblo High School at Tucson, Ariz. "If a member of the family dies, the Mexican-American child is likely to stay out of school as much as a week. He does so at the insistence of his parents. But we say it's wrong to stay out of school a week for a funeral. So the school is putting itself above the parents, in effect, and the younster is caught in a dichotomy of values."

Many a Mexican-American child, therefore, suffers not only educational but psychological damage. He is being told in every conceivable way that his language and his culture are no good. He must inevitably begin to suspect that he is no good either. If he is no good, how can he succeed? And if he cannot succeed, why try? "These children," summed up a California school administrator, "are conditioned to failure in the early years of their schooling, and each passing year only serves to reinforce their feelings of failure and frustration. Is it any wonder that as soon as they are 16 or can pass for 16, they begin dropping out of school?"

Schools have tried one remedial measure or another, with no great success. Perhaps the most widely used approach has been to group all Spanish-speaking beginners in a special prefirst-grade class to teach them English, after which they are "promoted" to the first grade. But this means that little Juanito must go through his entire school career a year behind his age group, which simply confirms his feelings of inferiority.

Lately, however, a new concept has emerged that seems to hold out real hope and might even bring a dramatic breakthrough in the education of Mexican-Americans. It's the concept of bilingualism: using Spanish as a vehicle to education for the Spanish-speaking child, with English being taught as a second language.

The idea is only now catching on. In a school system here, another there, teachers and administrators have become aware that bilingualism may hold a key to the future for hundreds of thousands of Mexican-American children.

It's a spontaneous movement, with no central direction or coordination. Different schools go about it in different ways, but the results in almost all instances have been encouraging. At Laredo, Tex., in the United Consolidated Independent School District, a suburban district encompassing 2,440 square miles, bilingualism has been put to work in the primary grades. The student body is a mix of Anglo-Americans and Mexican-Americans, and instruction is carried on in both English and Spanish. The district tried it the other way, forbidding the Mexican-American children to speak Spanish, educating them solely in English. The result was frustration and failure and a heavy proportion of Mexican-American dropouts.

Then a concerned school board appointed a superintendent, Harold C. Brantley, who believed in bilingualism and wanted to build a program along such lines. In September 1964, the district launched what it called "an experimental biliteracy program"—bilingualism for both Mexican-American and Anglo-American children. It began in the first grade and was extended to the second grade in the fall of 1965. Last fall it moved to the third grade, and eventually it is to extend through all the grades, including high school.

At Tucson's Pueblo High School, Mexican-

American students are offered courses in Spanish custom-tailored for them. The school had discovered that many Mexican-Americans are actually "bilingual illiterates," that is, they speak, read, and write both languages poorly. Their Spanish is often a hybrid catch-as-catch-can mixture of Spanish and English. Yet when some of these Mexican-American students enrolled in conventional Spanish courses they were bored to tears. One Latin miss said candidly to her teacher, "I came here to learn good Spanish but you haven't taught me very much." "I don't wonder they were bored," says Principal Florence Reynolds. "Imagine—teaching a Spanish-speaking youngster to say, 'Buenos dias.' "

In 1959 Pueblo High offered an experimental course in Spanish for the Spanish-speaking. It was such a success that the students petitioned the faculty to provide a second year. At the end of the second year they again asked for more. Today the school conducts 14 such classes, nearly all taught by native speakers, several of whom were born in Mexico. Along with language skill, curriculum emphasizes the cultural heritage of Spain and Mexico to help the student gain a sense of identity and pride. Attesting to the success of the program is the fact that, although English-speaking students are in the majority at Pueblo High, more Spanish-speaking than English-speaking students are enrolled in Spanish courses. Two of the program's alumni, their interest whetted by the courses, chose careers in education, got their degrees, and are now back at Pueblo High as Spanish teachers.

Some months ago the program also caught the attention of the NEA. Its staff members, impressed by what they saw at Pueblo High, heard also of similar programs springing up in other Southwestern communities. Bilingualism, they sensed, held a significant answer to the problem of educating Mexican-Americans. So the NEA set up a project, the NEA-Tucson Survey on the Teaching of Spanish to the Spanish-Speaking, to survey the five Southwestern States. Its purpose was to search out some of the more promising approaches to bilingualism, and to persuade more schools to try them now that financing was available under the Elementary and Secondary Education Act of 1965. Seven Tucson educators, all involved in one way or another with the education of Mexican-Americans, comprised the NEA's survey team. Chairman was Maria Urquides, dean of girls at Pueblo High and herself a Mexican-American.

Members of the team visited 37 schools in 21 cities. Their report, titled "The Invisible Minority . . . Pero No Vencibles" ("But Invincible"), firmly concludes that bilingualism "can be a tool—indeed the most important tool—with which to educate and motivate the Mexican-American child."

Chairman Urquides, a vigorous, exuberant, outspoken woman, intensely proud of her "Mexicanness," insisted at the outset that the survey wasn't to be just another study of the Mexican-American education problem. "The heck with a study!" she snorted when an NEA staffer first broached the idea. "We've been studied so much we're sick of it. Let's do something about it—something to strengthen the youngster's concept of being a Mexican-American, to make him proud of being a Mexican-American. The schools are doing so much now to destroy it!"

And so the NEA report doesn't just assemble recent research on the subject, as do so many similar reports. It describes in detail a number of the most promising programs in bilingualism that the survey team observed in its travels through the five States. Then it says to other schools with sizable Mexican-American enrollments and high Mexican-American dropout rates: Go thou and do likewise. A number of schools are doing just that.

There is evidence that the best bilingual teachers are those who speak Spanish natively. And this, by the nature of things, means mostly Mexican-Americans. For the teacher of Spanish to the Spanish-speaking is usually much more than just a teacher: he is a counselor, a parent-substitute, an understanding friend, even, sometimes, a father confessor.

Maria L. Vega performs just such a multiple role at Phoenix Union High School, which has a 50 percent Mexican-American enrollment. Born in Mexico, speaking labored English even yet, Mrs. Vega started the Spanish-speaking program at Phoenix Union in 1960. There was one class that year. Last year there were 14.

"They come to us with every problem they have," she says. "Once a boy came to me. 'Mrs. Vega,' he said, 'I stole a car. Here are the keys.' I helped him, and he got another chance, and this past year he graduated. A girl comes to me and says, 'Mrs. Vega, I'm going to have a baby. What shall I do?' I say, 'Do your parents know?' And she says, 'No.' And I say, 'Let's tell them.'

"Our classes deal with human relations, with the problems of our community—drinking, TB, juvenile delinquency. School is so important to them. For a majority of them there is no other place—their homes are so small. They have no place to study.

"I teach them more than Spanish. I teach them Spanish history, geography, literature. If they know their great heritage, they can be proud. And they can *be* something, instead of just on welfare. They can be better American citizens."

What Maria Vega and all the rest are doing is what Daniel Schreiber, former director of the NEA's Project Dropout, must have had in mind when, at a Mexican-American seminar held in Phoenix in 1963, he talked of the need of young people to "achieve confident self-identity." "The youngster," he said, "whose school experience begins and ends in failure—and those of minority children too often do—having discovered that he is good at nothing, stands a strong chance of becoming good for nothing. And far too many young lives, with all the potentials and real talents and capabilities they embody, are being wasted and crushed. The challenge is to redeem them through inventiveness and energy and dedication."

Now, four years after Schreiber spoke these words, there is much activity to report. New and imaginative programs are springing up in many communities. More and more, there is the "general feeling of great urgency—of urgency for positive action," that Regina Goff, OE's Assistant Commissioner of Programs for the Disadvantaged, called for at a conference last August on Federal educational programs affecting Mexican-Americans.

Action takes many forms, often innovative. Pueblo, Colo., schools and other community agencies are working on a bicultural program of art, music, literature, history, and language with financial help from title III of the Elementary and Secondary Education Act. In Alpine, Tex., where more than 60 percent of the children speak Spanish, schools are using two-way radios for guidance and counseling, and experimenting with leased wire and voice-writers for language teaching. El Paso is beginning the first phase of its model center for teaching English and Spanish and is also planning a general cultural center.

In such ways, through bilingualism, it begins to appear that the process of redemption is under way for at least one group—the "invisible minority" of the American Southwest.

It is clear that this country will be dealing with Latin America more extensively in the future. Our ability to comprehend the culture and mores, and to speak the languages of our neighbors to the south will be of inestimable value and benefit. And who will be best-equipped and able to provide talents and qualified personnel? The Mexican-American community can be one inexhaustible source of talent, competence, and good will in our growing relations with Latin America.

There is already good precedent. The following examples are but a beginning, I am sure: Mr. Raymond Telles of Texas, Ambassador to Costa Rica; Mr. Raul H. Castro of Arizona, Ambassador to El Salvador; and Mr. Benigno C. Hernandez of New Mexico, recently appointed Ambassador to Paraguay. These gentlemen are presently on the job. Three were appointed by President Johnson, one by the late President Kennedy.

The formation last week of an Interagency Committee on Mexican-Amercan Affairs is, hopefully, a large step in the direction of equal opportunity and equal citizenship for Americans of Mexican descent. The President could not have chosen a better man to chair this Committee than Mr. Vicente Ximenes, who was, on the same day, installed as a Commissioner on the Equal Employment Opportunity Commission. I believe that this appointment reflects the great importance the President places upon the new committee.

All of these events, Mr. Speaker, are of great importance to the Spanish-speaking population of the Southwest. I am privileged, as are many others here, to represent large numbers of Americans of Mexican descent. I rejoice with them over the creation of this committee, the selection of a fine chairman, and the aforementioned new focus upon the Mexican-American citizens of our Nation.

We look forward—as we always have—with great anticipation and hope for the future. I thank you, Mr. Speaker.

Mr. WALKER. Mr. Speaker, last Friday, in ceremonies at the White House, President Johnson welcomed to the U.S. Equal Employment Opportunity Commission its first Commissioner of Spanish-American descent, Vicente T. Ximenes of New Mexico.

I would like to point out at this time that I personally do not recognize a distinction whereby some Americans are referred to by hyphenated titles. I do so here advisedly to denote a specific group for identification only.

It was a proud day for the Spanish-American community in the United States.

It was a proud day for the United States.

Mr. Ximenes' appointment is a symbol of American achievement. Yet it is also a reminder of how much more we must achieve to attain first-class status for the Spanish-American—in jobs, wages, educational attainment, housing, and community facilities.

At the swearing-in ceremonies for Mr. Ximenes, President Johnson made public a special Cabinet committee report which detailed the Government's efforts of the last 3 years to give the Spanish-American the tools and resources and help he needs to take advantage of the full promise of American opportunity.

The report cited some of the statistics of accomplishments of the Johnson administration during the past 3 years:

> Almost 34,000 Spanish American children enrolled in project Headstart programs last summer;
>
> 90,000 Spanish-American youths have enrolled in the Job Corps since 1964;
>
> More than 60 percent of the $41 million going into migrant worker anti-poverty programs is devoted to Spanish-American workers and their families;
>
> In my own State of New Mexico—in one town of Sandoval where the population is 40 percent Spanish-American—300 residents are receiving technical job training in a dozen different fields, while an additional 250 are enrolled in basic adult education programs sponsored by the Office of Economic Opportunity;
>
> Individuals and cooperatives in the five Southwestern states of New Mexico, California, Texas, Colorado, Arizona have received $45 million in United States loans to build new housing, water and recreation facilities. Many of the beneficiaries have been Spanish-Americans.

I am deeply proud to be associated with a President and an administration which has not forgotten the second largest minority group in the country.

I am proud that President Johnson has moved quietly and effectively to encourage equal opportunity for Spanish-Americans in the public schools of the Southwest.

And I am proud that our Government believes that much more must be done, especially for the many hundreds of thousands of farmworkers who are now covered for the first time by a minimum wage law proposed by President Johnson and approved by the Congress.

President Johnson has not been hesitant in using the powers of government to fight discrimination and to train Spanish-Americans for new skills and careers. Private enterprise must do no less. The leaders of local communities in the Southwest must do no less.

This is a great human story. It is becoming one of the finest progress stories of the Johnson administration.

As a Congressman from the great Southwest, as a Democrat, and as an American, I pledge my full support to the President in his far-seeing opportunity program for the Spanish-American citizen.

Mr. FISHER. Mr. Speaker, the appointment of Mr. Vicente Ximenes, of New Mexico, to serve as a member of the U.S. Equal Employment Opportunity Commission, was an excellent choice. The background and record of Mr. Ximenes demonstrate his high qualifications for this post. This man, a war hero, has made a distinguished record as an economist and research specialist.

In the Southwest, an import element in our society is comprised of Americans of Mexican descent. In war and in peace these people have proven their value as citizens and have contributed substantially to community progress and also to their own improvement. There remains, of course, very much to be done. They need the education, the encouragement, and employment opportunities, and I am confident Mr. Ximenes will be able to contribute to the solution of those problems.

Again, I express my own commendation of the choice of Mr. Ximenes for a position on this important Commission.

Mr. SISK. Mr. Speaker, last week, with great sympathy and understanding, President Johnson turned the attention of the Congress and the American people to the challenging question of equal opportunity for the Mexican American.

At a White House ceremony to swear in Vicente Ximenes as a member of the Equal Employment Opportunity Commission, the President established a special high-level Committee on Mexican American Affairs. That Committee will work to see that Federal programs are effectively reaching the Mexican Americans—in education, jobs, training, help for migrant farmworkers, health, and community facilities.

The President also released a significant Cabinet report which evaluated the Federal Government's efforts, during the past 3 years, to focus new attention on the needs of Mexican Americans.

I am particularly interested in this effort because there are large groups of Mexican Americans in my own congressional district, and I am pleased and proud that our Government is placing new emphasis on helping these people who have been neglected for too long.

I am exceptionally proud that the U.S. Government is investing millions of dollars in local California school districts—under President Johnson's Elementary and Secondary Education Act of 1965—to reduce classroom size, to provide modern instructional materials, and to add new teachers, and thereby improve the quality of education for hundreds of thousands of Mexican American schoolchildren.

In my own district of Fresno, antipoverty funds have enabled Mexican American families at Three Rocks to build new homes with a $113,000 loan from the Department of Housing and Urban Development.

I am proud that the Federal Government is continuing to invest millions annually in new health, education, housing, and training programs for the Mexican American migrant worker and his family, of whom there are over 30,000 in my congressional district.

I compliment the U.S. Public Health Service which, in a typical year, immunizes over 1.5 million Mexican Americans and their families from polio, diphtheria, smallpox, and other diseases.

Comprehensive Government job training programs have benefited Mexican Americans, not just in my own State of California, but all across the southwestern area of the Nation.

The U.S. Office of Education has helped thousands of educationally deprived Mexican American students in project Headstart.

The University of Southern California has planned a program which, if funded by the Congress, will establish special institutes to train teachers who travel with Mexican American migrant workers, teaching their children both English and Spanish and relating them more closely to the community.

In short, the record of the Johnson administration is good concerning the Mexican Americans. And it is getting better.

Within a short time, the Congress will receive the President's new antipoverty recommendations from committee. Many of these programs hold potential for hundreds of thousands of Mexican-American citizens.

Let us not be misled into cutting these programs.

Let us continue and improve the Neighborhood Youth Corps, the Job Corps, Headstart, and Upward Bound, the health and migrant worker programs, and many other opportunity programs.

Let us join the President as he continues the solid program of accomplishment he has already initiated.

It is an accomplishment which reflects well on the Mexican American who seeks the benefits of full citizenship.

It reflects well on a Congress determined to wipe away the stains of deprivation and discrimination which have held back the Mexican-American citizen.

Our Government is now engaged in an unprecedented program to share the benefits of American prosperity and education, health and community facilities, job training and careers, with all willing citizens.

Let us support President Johnson in the fulfillment of this great ideal. As he said last week at the White House, what we do for any minority, we do also for the majority. What we do for any American, we do for all Americans.

Mr. YOUNG. Mr. Speaker, President Johnson has focused the American conscience on the needs and the potentials of the Mexican American citizen.

Last week in impressive ceremonies at the White House, on the occasion of the appointment of Mr. Vicente T. Ximenes to the Equal Employment Opportunity Commission, the President released a Cabinet committee report outlining what Government had done in the past 3 years for the Mexican American citizen, what the Mexican American was doing for himself, and what our responsibilities were for the future.

The report clearly pointed out that the Mexican American has suffered low wages, limited opportunity, and partial education because he has been discriminated against.

The time has come, the President said, to undo the damage of the past.

The time has come to make opportunity: to create jobs, to offer training, to give compensatory treatment in education, to offer new hope and help to many millions who want to contribute to this society but have been held back.

The new focus of opportunity for Mexican Americans, which President Johnson has fostered, must be a focus of the heart and the mind and soul. It must result in a positive desire to help the Mexican American help himself.

The President has demonstrated to the people what he has done in 3½ years. We must now join him in a full opportunity program for all Americans.

Mr. BURLESON. Mr. Speaker, the action of the President in appointing Vicente T. Ximenes to the Equal Employment Opportunity Commission, and at the same time creating a new Interagency Committee on Mexican American

Affairs, to be headed by Mr. Ximenes, is most commendable.

The action of the President in appointing Mr. Ximenes not only fills a vacancy, but it fills a void. I would not assert that there has been willful neglect of efforts to provide greater opportunity for Mexican American citizens, but emphasis has been placed elsewhere for too long, and to ignore obvious needs is not doing the program for the betterment of all citizens any good. It reflects on the entire effort. But this appointment of a highly qualified man with an impressive background should provide a voice for Mexican Americans which has not been properly heard in the immediate past.

This is not assuming that Mr. Ximenes is expected to devote his attention in this direction only, because his former activities indicate a broad knowledge and experience in matters relating to equal opportunity and a desire for the betterment of the underprivileged. It does, however, bring into Government service an individual who is intimately acquainted with the existing situation and who can present a fresh and an authentic view heretofore lacking.

Leaders in the Mexican American community in my own district have experienced some frustration in being unable to present problems and conditions deserving attention under the equal employment opportunity program. I think we must admit that in all probability we have taken too much for granted and have assumed that problems would have a way of working themselves out to a solution, but the question is what degree of solution is satisfactory. Opportunity for employment and education are more basic in many instances with our Mexican American citizens than any other segment of our society. With such opportunities assured, these citizens will take their place of responsibility in our society as a whole. I believe that Mr. Ximenes, in this new capacity will afford better opportunities for these developments.

Therefore, Mr. Speaker, I lend my hearty support to the President's appointment of Mr. Ximenes, in order that his valuable service will soon be applied to the great problems involved.

Mr. LEGGETT. Mr. Speaker, I have noted with pleasure and respect the remarks of my California colleague, Mr. Roybal, concerning the administration's recent actions designed to benefit U.S. citizens of Mexican descent.

The formation of a Cabinet-level committee to focus on the problems of the Mexican American community demonstrates the administration's sincerity of purpose, to assure that Federal programs are reaching Mexican Americans and providing assistance they so urgently require.

Mr. Roybal has adequately outlined the administration programs now underway which are directly elevating the status of our more than 5 million Mexican Americans. These programs include—

Manpower training and retraining under the Department of Labor.

Combined Federal agency campaigns against unemployment in our major metropolitan centers with substantial Mexican-American populations.

Massive immunization programs to wipe out diseases afflicting our Spanish-speaking citizens.

School aid programs under the Elementary and Secondary Education Act of 1965, making possible the improvement of schooling for hundreds of thousands of Mexican-American children.

Special efforts to improve the health, wages, and education of migrant farmworkers, at least 1 million of whom are Mexican Americans.

For far too long, many of these citizens have been the forgotten minority, forgotten because their innate dignity and their pride of race and customs would not permit them to cry out for the help they need—help to overcome barriers of language and culture which have held them in the status of second-class citizenship.

This status could be a national disgrace, an ugly scar on the traditions of the United States as the one Nation where opportunities should be equal for all. For these citizens I speak of are not newcomers to these shores. In fact, as we sometimes forget, the Mexican American is more a native in his ancestry than anyone except the American Indian. And, like the American Indian, he has been exploited, cheated, and shoved aside in the past century by the "Anglos" who lusted for our Western States' wealth of natural resources.

The President's action in creating this Committee—comprised of the Secretaries of Labor, Agriculture, Housing and Urban Development, and Health, Education, and Welfare, and the Director of the Office of Economic Opportunity—is a new indication that we will no longer tolerate relegation of the Mexican American, or any other American, to any status except full, equal citizenship.

It is especially pleasing to me to know that an outstanding representative of the Mexican American community—the very able and distinguished Mr. Vicente Ximenes, of the great State of New Mexico, a newly confirmed member of the President's Equal Employment Opportunity Commission—has been designated Chairman of the Interagency Committee.

I note that Mr. Ximenes comes from a 20th-century background not unlike that of a most distinguished historical figure from my State. I refer to Mariano Guadalupe Vallejo, born in the first decade of the 19th century, a native son of Spanish California who, like Mr. Ximenes, rose from humble beginnings to prominence as a military hero, then as a statesman highly influential in the submission of California to the United States. Mariano Vallejo was an important delegate to the State's constitutional convention, then a member of its first State senate. My own hometown, incorporated in 1868, was named for Guadalupe Vallejo and, more recently, the 40th nuclear Polaris submarine to join our Navy's fleet, built at our Mare Island Naval Shipyard, was commissioned in his name.

Mr. Speaker, in conclusion I would like to call attention to the extraordinary services rendered to this body by our colleagues of Mexican American heritage. I know their numbers will grow as those already among us grow in stature. I salute the President, and Mr. Ximenes, and pledge them my utmost support in their worthy efforts to upgrade the status of every American of Mexican ancestry.

Mr. de la GARZA. Mr. Speaker, my colleagues, I am very happy and very proud to have attended the ceremonies at the White House when Vicente T. Ximenes was sworn in as a member of the Equal Employment Commission.

We very respectfully commend President Johnson for his wise selection, and also for his untiring and continuing interest in the welfare of all Americans regardless of their background or origin. His naming of a Cabinet-level committee with Mr. Ximenes as Chairman to look into the possible ways to better aid a group of Americans was indeed a gratifying moment during the impressive ceremonies, for this we also respectfully commend President Johnson and pledge our cooperation to this committee. I have personally invited them to begin their study in the 15th Congressional District of Texas, which is only logical, since it is the beginning of the Southwest as the crescent winds up to New Mexico, Arizona, and California.

I do hope that they accept this invitation and visit our area to see how we live, what we are doing for ourselves, where we need help and how they can help us, so that working together as Americans we might have a better tomorrow. I was so impressed with President Johnson's remarks that I think it would be well if all of us read them and I hereby very respectfully include them in the Record. Thank you Mr. Speaker. The remarks follow:

Remarks of the President at the Swearing-in Ceremony for Vicente T. Ximenes

Mr. Ximenes and his family, Senators Anderson and Montoya, Members of the Congress, Members of the Cabinet, distinguished guests, ladies and gentlemen:

We have come here today to honor Vicente T. Ximenes.

But we have come here also to reaffirm an ideal that I think all of those present in this room share: the ideal of full opportunity for every citizen in the United States of America.

Mr. Ximenes' life is a very vivid story of American opportunity. He is a distinguished public servant, a teacher, a war hero; a leader of the Mexican-American community. Today, he achieves another high honor as he becomes a member of the Equal Employment Opportunity Commission of the United States Government. And we—as a nation—are honored by his achievement.

As President, I want to see his story repeated—again and again and again.

Because the promise of America is still unfulfilled for too many Americans among us.

Millions of Americans still are poor. They are without training. They are without jobs. They are without hope.

It is our responsibility as public servants and public leaders to correct that, to change that, and to get results.

Mr. Ximenes and I are both graduates of the first anti-poverty program in the 1930's. He was a member of the Civilian Conservation Corps and I was a member of the NYA. Both of those have since gone out of existence, but the need for the kind of training they gave is still here.

Before that, I taught school in the little town of Cotulla in South Texas. It was there in that school, at an early age, that my dream began of an America—my own land—where race, religion, language, and color didn't count against you.

And I made a decision then which I have reaffirmed every day since I have been in the White House—that if ever I had the privilege of holding public office, I would not rest—

Until every American, who wanted it, had a job to work at;

Until every child, who wanted it, had an opportunity to get all the education his mind could take;

Until every family had an opportunity to get a decent home in a decent neighborhood;

Until every single American had entered the open door to full participation in the life of America.

That is what we have been working for in the past three and one-half years. That is what they refer to as the "Great Society". It is not great yet, but it has improved a lot in three and a half years—and it is going to improve a lot more, in whatever time we are allotted.

Some of our cynics will criticize us and some of our opposition will complain, but the record of these years in education, in jobs, in health, in civil rights, and in poverty marks more than just a proud beginning.

Today, our effort in the field of education is three times what it was three years ago. The budget this year has a little over $12 billion for education. Three years ago it had a little over $4 billion. Three times the effort in education than we had only three years ago. $12 billion for education.

That is twice as much money as Herbert Hoover had for the entire Federal Budget when I came to Washington.

In health—we must have sound bodies, if we are to have our minds take that education. We were spending a little over $4 million for health three years ago. The budget this year is over $12 billion. Three times as much for the human body—everybody's body—not just the rich man's body, or the poor man's body, the brown man's body, the white man's body, the black man's body. Three times as much for health as we were spending three years ago.

In civil rights we have passed three Civil Rights Bills that have made gradual progress, moving along the road until the day where the "emancipation" will no longer be a "proclamation", but will actually be a fact.

Today, I am releasing a special Cabinet Report which tells the story of new opportunities that have been created for more than five million Mexican-American citizens.

It shows how far government, business, labor, and community leadership still must go to turn the slogan of opportunity into the fact of reality.

Real opportunity—for all Americans—must grow out of the work of selfless public servants who are, really, to take the risk at all levels.

Real opportunity must grow out of a business community that is ready to use America's resources to create jobs for willing hands and minds.

I am going to establish today the highest level committee a President can create, a Cabinet Committee on Mexican Americans, that will be composed of Secretary Wirtz, Secretary Gardner, Secretary Freeman, Secretary Weaver, and Director Shriver of the Office of Economic Opportunity.

And the President and the Vice President will be around to serve ex officio, when they can be helpful.

Right here, now, I am going to sign an order creating that committee—and I am going to ask Mr. Vicente T. Ximenes to serve as the chairman of that committee.

I am saying to Mr. Ximenes, and to the Cabinet members who are on that committee, that I will expect from you not just reports, but I want some solutions. I may get too many of the former—but never too many of the latter.

Mr. Ximenes, we welcome you to the Equal Employment Opportunity Commission. We believe that you will add a new image and new vitality to its fine work.

We value the historic tradition that you represent.

The State of New Mexico has sent many great men to Washington in the Senate and the House of Representatives, in the Cabinet, and at many levels. They will be looking to you with admiration and with pride. I am sure they will not be disappointed.

We today affirm this truth: that what we do for any minority, we do as well for the majority. After all, we do all of this for America.

Thank you very much.

GENERAL LEAVE TO EXTEND

Mr. **ROYBAL**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject matter of my special order.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE SUPREME COURT AND MASS DEMONSTRATIONS

The **SPEAKER** pro tempore. Under a previous order of the House, the Chair recognizes the gentleman from Illinois [Mr. PUCINSKI] for 10 minutes.

Mr. **PUCINSKI**. Mr. Speaker, news of the Supreme Court decision upholding the injunction of the Birmingham, Ala., city court against demonstrations on Good Friday and Easter Sunday in 1963 is welcome and exceedingly timely. It may well become the Magna Carta for restoring peace to America's streets and sidewalks.

As Justice Stewart said in the majority decision:

> When protest takes the form of mass demonstrations, parades, or picketing on public streets and sidewalks, the free passage of traffic and the prevention of public disorder and violence become important objects of legitimate state concern.
>
> The court cannot hold that the demonstrators were constitutionally free to ignore all the procedures of the law and carry their battle to the streets.

Justice Stewart added:

> One may sympathize with the petitioners' impatient commitment to their cause, but respect for judicial process is a small price to pay for the civilizing hand of law.

Mr. Speaker, in August of last year—when Chicago was experiencing mass demonstrations that tied up traffic and caused incalculable bad feeling in neighborhoods throughout the city—I introduced legislation to permit the Attorney General of the United States and the various State attorneys general to obtain orders from U.S. district courts placing reasonable limitations on the size and conduct of certain public demonstrations.

The decision of the Supreme Court reported in the press today gives ample power to local courts to enforce their authority and protect the public safety.

Throughout our history, the most difficult problems that courts or legislatures must resolve are those of competition between important rights. The past few years have provided ample evidence of this type of conflict. Persons with grievances justly wish to publicize their views. The community desires to maintain peace and order.

Must society's interest in peace be suppressed or can it be protected?

Those who resort to demonstrations may intend their actions to be nonviolent. But can the organizers truly be nonviolent knowing in their minds and hearts that their conduct will precipitate a counterreaction, often a violent one, in others?

Mass demonstrations have resulted in the disruption of public order and have confronted law enforcement officials with a situation with which they cannot adequately cope.

Anyone who doubts this need only pick up any morning newspaper to read of the communities across the land which have been rocked in recent weeks by rioting, looting, bloodshed, and large-scale disorder.

Last night Tampa, Fla., lost an entire city block to rioters. A so-called peaceful sit-in demonstration in a welfare office in Roxbury, Mass., 2 weeks ago resulted in a night of bloody rioting, looting, and gunfire.

Throughout America, it is now common practice for firemen to request police protection before responding to a fire alarm in areas of their city where sniping has lately become a popular outdoor sport.

Mr. Speaker, this society has endured much. For the most part, it has acted with enormous patience in the face of enormous provocation.

There is no one among us who does not remember with awe and wholehearted respect the quiet, nonviolent civil rights demonstrations of the early sixties. The dignity and nobility of men and women, boys and girls, who were trying desperately to illustrate the terrible deprivations imposed on them by virtue of their race—and only their race—moved the Congress and the Nation as never before in our history.

From those demonstrations, the best and most far-reaching guarantees for true liberty for all our citizens were enacted into law and reaffirmed throughout our land.

Our courts have the power to help the demonstrators—singly and in groups. The current Supreme Court decision underscores the imperative need of our courts to exercise their authority to prevent the eruption of violence.

In the past, the Supreme Court has made several landmark decisions in connection with freedom of speech and assembly. I would like to cite a few of them:

Mr. Justice Holmes, speaking for the Court in *Schenck* v. *United States*, 249 U.S. 47.51–52, said:

> The character of every act depends upon the circumstances in which it is done. . . . The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic. It does not even protect a man from injunction against uttering words that have all the

> effect of force. . . . The question in every case is whether the words used are in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent.

In the case of *Cox* v. *Louisiana,* 379 U.S. 536, 554, the Court stated:

> The rights of free speech and assembly, while fundamental to our democratic society, still do not mean that everyone with opinions or beliefs to express may address a group at any public place and at any time. The constitutional guarantee of liberty implies the existence of an organized society maintaining public order, without which liberty itself would be lost in the excesses of anarchy.
>
> The control of travel on the streets is a clear example of governmental responsibility to insure this necessary order. A restriction in that relation, designed to promote the public conveniences in the interests of all, and not susceptible to abuses of discriminatory application, cannot be disregarded by the attempted exercise of some civil right which, in other circumstances, would be entitled to protection. . . .
>
> Governmental authorities have the duty and responsibility to keep their streets open and available for movement. . . . We emphatically reject the notion urged by appellant that the First and Fourteenth amendments afford the same kind of freedom to those who would communicate ideas by conduct such as patrolling, marching, and picketing on streets and highways, as these amendments afford to those who communicate ideas by pure speech.

The Supreme Court has further stated:

> When the clear and present danger of riot, disorder, interference with traffic upon the public streets, or other immediate threat to public safety, peace, or order, appears, the power of the State to prevent or punish is obvious.

Cantwell v. *Connecticut,* 310 U.S. 296, 308.

Mr. Speaker, today is June 13, 9 days short of the beginning of yet another "long hot summer."

I for one, have had enough of looting, of burning buildings, of threats and counterthreats, of the deaths of small children and men and women caught in the path of flying rocks or the gunsights of hidden snipers.

This Nation is fed up with lawlessness; fed up with individuals—regardless of race—who will not take their grievances to the courts, where they belong.

We are fed up with so-called spokesmen who endlessly harangue about their rights whether they be clad in the robes of black power advocate, the white sheets of the Ku Klux Klan, or the brown shirts of the American Nazi Party.

With the legislation now on the books and with this hallmark decision of the Supreme Court upholding the power of the lower courts to enforce their authority, let us see to it that the self-styled vigilantes for whatever cause are persuaded to the wisdom of court battles, not street battles.

Let us exert our energy in voter registration drives, in efforts to raise the economic status of minority groups, in campaigns for better education and better housing through cooperation with local communities so that all our citizens may truly benefit from the wondrous privileges of this great Nation.

I cannot recall seeing it written anywhere in words of fire that "All men are entitled to a free ride."

Yet we are entitled, each and every one of us, to earn our own place in the world.

In this country, we can be what we set out to be if we respect ourselves and the rights of others. The golden rule may be a little bent around the edges, but thank God there are millions of Americans who have not forgotten it.

"If all the world were just, there would be no need of valor," Plutarch said.

We might also recall the words of Rousseau:

> Where is the man who owes nothing to the land in which he lives? Whatever that land may be, he owes to it the most precious thing possessed by man—the morality of his actions and the love of virtue.

These riots are not spontaneous in most instances. They are usually fanned and instigated by agitators well known to local authorities. I believe local authorities should enjoin them before they start the riots.

I hope courts will not hestitate, in the light of the Supreme Court decision to enjoin those who would take the law into their own hands and then hold them in contempt if they flout the injunction. This is the road to restoring peace in our Republic.

WITH NASSER, FOOD FOR PEACE IN REALITY FOOD FOR WAR

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. FINDLEY] is recognized for 60 minutes.

Mr. FINDLEY. Mr. Speaker, the record is now abundantly clear: The Congress was right and the administration wrong over the past 4 years in regard to aid to Egypt.

With Nasser, food for peace was in reality food for war. In handling his government over a billion dollars worth of aid, the United States actually financed the subversion of its own policies in the Middle East.

To our discredit and disadvantage, we gave our most dedicated and devious antagonist in that vital region the means of political survival. Without this aid, local unrest would doubtless have forced him to divert into food purchases the resources he poured into his ill-fated military adventures in the Middle East and Africa.

Since 1963 the Congress has repeatedly expressed its objection to financial aid in any form to the Nasser regime—most recently by the Findley amendment to the 1966 agricultural appropriation bill, which shut off aid under Public Law 480 to any country making shipments to North Vietnam.

Despite this clear expression of congressional will and other similar enactments that preceded it, the administration nevertheless within the past year extended nearly $70 million in credit to Egypt.

This loan was made by the Department of Agriculture's Commodity Credit Corporation. The first payment amounting to $2,665,784 fell due on June 3 and on that date the Nasser regime made only a token payment of 10 percent—$260,000—leaving the 90-percent balance in arrears.

This means that the American taxpayer is now left holding the bag for the $70 million minus the $260,000 token payment. I detailed this almost unbelievable action granting CCC credit in an extension in the daily RECORD on March 15, page A1327.

Fifty million dollars of this credit was extended to Nasser after the House of Representatives by an overwhelming vote—290 to 98—on April 26, 1966, had enacted the Findley amendment to the Agricultural appropriation bill. The first $20 million in credit was granted on April 8, and the balance of $50 million on July 1, 1966.

All economic assistance to Egypt under foreign aid was halted in 1963 by congressional action over the protests of the administration. Congress then sought to bar aid to Egypt under Public Law 480 but under administration pressure finally watered the language down so as to permit the President to set aside the restriction if he deemed such to be in the national interest. On a rollcall vote every Republican except one voted against giving the administration this loophole.

It was not until the 1966 amendment, which Republicans supported without exception, that Presidential discretion on Nasser aid was removed.

Down through the years the administration has contended Congress should give it flexibility—that is, not tie its hands. The theory is that the President should be able to change policies in "the national interest."

Time and again the administration argued that discretionary authority would give the President "leverage" in diplomacy. Behind the demand was the contention that the President has better knowledge of foreign affairs and accordingly his judgment is superior to that of Congress.

If this contention ever had any basis in fact—and I question whether it ever did—it was certainly proven wrong in regard to aid-to-Egypt.

Consistently for 10 years Egypt has sought to subvert our foreign policy objectives. This effort has been especially pronounced since the Casablanca Conference of 1960.

Nevertheless the administration has just as consistently heaped aid on the Nasser regime.

Therefore, I conclude that the Congress was eminently right in seeking to impose inflexible rules against aid to Egypt. This episode should give new heart to those who believe Congress should assert a stronger role in foreign policy.

In this statement, I will set forth the record of American economic assistance to Egypt—including foreign aid, food aid, Commodity Credit Corporation credit, and Export-Import Bank guarantees—since 1961, contrasting this benevolence with Nasser's systematic efforts to undermine our objectives in the Middle East, North Africa, the Congo, Vietnam, and in the United Nations.

The record demonstrates conclusively that never in the last 6 years has aid to the Egyptian Government been in our national interest.

The President has clearly acted against the national interest in continuing to exercise his discretion to extend aid to Nasser. So great has been our economic assistance to Egypt—it totals over 1 billion dollars—that Egypt ranks third among all nations in total U.S. aid.

Without this aid food shortage long ago might have overtaken the Egyptian population and forced Nasser out of office or into new policies. In those circumstances his only chance for continued political survival would have been to halt all aggression and active diplomacy against the United States and devote every available resource to food production and population control.

To appraise the significance of Nasser's foreign policy it is necessary first to outline the objectives of his Egyptian foreign policy.

The first objective has been the removal of Western influence in the Middle East. To accomplish this Nasser sought first to destroy or seriously weaken the Baghdad Pact—CENTO—a Western military alliance designed to prevent Soviet aggression. He further sought to weaken the Eisenhower doctrine which was designed to eliminate Soviet subversion through civil wars, coups, and internal revolutions. Next, he sought to eliminate pro-Western leaders. In this effort he directed his efforts in subversion and political assassination against King Hussein of Jordan, King Faisal of Iraq, and the monarchy of Saudi Arabia. Nasser sought to eliminate British influence by supporting the rebels in Kuwait, Yemen, and Aden.

Once Western influence was removed, Nasser aimed to fill the power vacuum thus created not with Soviet power, but through the establishment of an Egyptian hegemony. The United Arab Republic capital at Cairo and its leadership was to be entrusted to Nasser himself.

This objective would be accomplished by the use of political assassination to destroy those who—even though pro-Western like Kassem of Iraq—opposed Egypt's role as the leading Arab power. To accomplish the ultimate goal of uniting all of Egypt under Nasser's political and military influence required the destruction of the state of Israel. If he could accomplish this last objective Nasser's prestige and leadership would be unquestioned in the Arab world.

U.S. POLICY IN THE MIDDLE EAST

U.S. policy in the Middle East rests upon two principles. The first is based on point 12 of President Wilson's Fourteen Points. This point specifically dealt with the disposition of the Ottoman Empire in the Middle East and established the U.S. respect for the general principle of national self-determination. Thus our commitment to preserve the territorial and administrative integrity of all Middle Eastern States—including Egypt and Israel—is based historically upon President Wilson's Fourteen Points. The second major U.S. objective in the Middle East has been to keep to an absolute minimum Soviet influence. The Truman doctrine opposed direct Soviet aggression in Turkey and Iran while the Eisenhower doctrine stated U.S. opposition to Soviet subversion in the Middle East.

However, U.S. policymakers seem unable to fathom that these two points are really in conflict with one another. By building up the strength of the Arab world without distinguishing between our enemies and our friends we have opened the way for Soviet influence and weakened the position of Israel. First, the threat to stability in the Middle East does not originate so much from the Soviet Union as it does from certain fanatical Arab elements. Thus the Eisenhower doctrine has in many respects outgrown its usefulness. Originally formulated it was designed to build up the economic strength of the Arab States so they could not be subverted by internal revolution based on social and economic distress and dislocation. The Eisenhower doctrine, formulated at a time when the Soviets were in fact eyeing the Middle East, sought to, first, assist the Middle East to develop its economic strength; second, undertake programs of military assistance; and third, provide for the employment of the Armed Forces of the United States where appropriate and if requested. The key elements however, were one and two. The Soviet Union reacted by doing indirectly what they could not do directly. Playing on the jealousy and disunity in the Arab world it sought to aline itself with the most fanatical elements of the Arab world, that is, Syria and Egypt. This would provide a counterweight to the U.S. allies, notably Saudi Arabia and Jordan. Soviet inspired efforts to topple governments friendly to the United States in Lebanon and Jordan failed, but did succeed in Iraq in 1958. Iraq then dropped out of the Baghdad Pact.

The Soviet Union, however, has worked through a proxy, Egypt. Nasser is no Communist and, in fact, he has ruthlessly suppressed local Communist parties. But the Soviets have been willing to overlook this and use him for their own purposes. Soviet aid to Nasser and diplomatic support is similar to that used to bolster Patrice Lumumba in the Congo in 1960–61.

Thus Egypt, despite great American aid, has been the most disruptive element in the Middle East. It has worked to destroy our policies not only in connection with Israel, but also with Jordan and Saudi Arabia. Likewise it has sought to subvert American goals in North Africa and "black" Africa and in many other areas where Egyptian influence is limited to diplomatic and political maneuvers.

The United States has financed the potential destruction of everything it has sought to create in the Middle East and North Africa by bolstering the regime of Nasser.

U.S. AID TO UNITED ARAB REPUBLIC

Recent American aid to Nasser has been restricted almost entirely to the distribution of surplus agricultural commodities. To realize the importance of these commodities to Nasser one must first realize that Egypt is constantly on the verge of widespread famine. Its present population will double in 23 years. Egypt looks to the Aswan Dam—which we refused to finance in 1956—as the answer to its food production problems. But the production from new lands thereby opened up will be absorbed by the population born during the 10-year period needed to construct the dam.

Egypt has put almost no money or effort in modernizing its agriculture. Egypt is the third largest recipient of American food, loans, and grants since World War II. The value of this food is, in fact, almost double what the Soviet Union has contributed to the Aswan Dam. Egyptian leaders give great publicity to the Russian gift but press the lid on publicity about food from the United States, without which it could not survive. Egypt itself, produces only enough food to support its rural population. Our aid has been the buffer between Nasser's wholehearted support from the people which allowed him to undermine our policies and riots in the street because of famine which would have resulted in his dismissal. Our surplus agricultural commodities, sold for local currency, has allowed Nasser to save on precious hard currency, much of which was then loaned back to the Government for development projects. Furthermore, the United States has assisted Nasser by extensive loan guarantees through the U.S. governmental Export-Import Bank. At the close of business on June 30, 1966, there were $25,906,800 outstanding in Export-Import Bank commitments to Egypt.

Our food aid to Nasser ended in June 1966. It could not be resumed because of the passage and enactment into law of my amendment to the Agriculture Appropriation Act of 1966 and a similar amendment to the Food for Peace Act, both of which prohibit U.S. concessional sales under Public Law 480 to any country which trades with North Vietnam. Egypt was thus forced to use its scarce dollar reserves to buy $50 million worth of U.S. wheat—enough to last until February of 1967.

The Congress clearly restricted Public Law 480 loans to Egypt unless the "President determines that such sale is in the national interest of the United States." This amendment was added in 1966 and applied to local currency and to concessional dollar sale. In 1965 I had proposed an amendment to Public Law 480 to prohibit use of any agricultural funds during the fiscal year 1965 to finance export of agricultural commodities to the United Arab Republic under title I. The administration and the Democratic leadership opposed my amendment and it was defeated. In 1966 when a similar amendment was offered the administration protested that it would tie the President's hands in foreign policy. Against my better judgment and that of many Congressmen, the President was given discretionary authority to conduct such sales if "they were in the national interest of the United States."

U.S. AID TO EGYPT NOT IN THE "NATIONAL INTEREST"

The fact of the matter is, however, the President broke faith with the Congress. In retrospect it is clear—and it was clear to many of us at the time—that our agricultural assistance to Nasser was against the national interest of the United States. It was not against our national interest because Nasser told us to "go jump in the lake." Insults, while outrageous, are nothing more than political rhetoric designed for domestic consumption. It was against our national interest because Nasser sought to undermine every objective we had to preserve the peace and reduce Soviet influence in the Middle East.

What I propose to do now is to set out the record of Nasser's every effort since 1958 to undermine the position of the United States wherever and whenever he thought his influence was great enough to do it.

First, to recapitulate, since 1946 we have extended to the United Arab Republic $1,133,000,000 in economic aid of which only $93 million has been repaid. Only a little more than $20 million was extended to the United Arab Republic before Nasser came to power in 1953.

NASSER UNDERMINES PROPOSED MIDEAST DEFENSE PACT

In 1953 the United States was anxious to promote regional defense pacts patterned on the NATO Alliance. We sought to draw the Arab countries into a broader military scheme which would encompass the Middle East as a whole. However, the plan was thwarted from the beginning by the United Arab Republic. It refused to accept the proposals for a Western sponsored Middle East Command and instead proclaimed a policy of positive neutralism. Other nationalist Arab nations followed Egypt's example.

While I have no argument with any country's desire to remain genuinely neutral it was obvious from the beginning that Nasser, like the Tower of Pisa, was leaning to one side in his neutrality. In 1955 it was disclosed that the United Arab Republic was buying enormous supplies of arms from Czechoslovakia. Soviet economic aid was being used to penetrate Egypt and open the way for Soviet influence in the Nile Valley.

EGYPT SEIZES CANAL

In 1956 Egypt violated international law by seizing the Suez Canal. In fairness to Egypt, however, it must be admitted that she operated the canal efficiently and opened it to all traffic except Israeli. Likewise she compensated the stockholders of Joint British-French Canal Co. However, Nasser rejected any plan for an internationalization of the canal.

NASSER THREATENS LEBANON GOVERNMENT

In April 1957, pro-Nasser elements attempted to overthrow the pro-Western monarchy of the Hashemite Kingdom of Jordan. Secretary Dulles said, "The U.S. regards the independence and integrity of Jordan as vital" to our national interest. In 1958 Nasser's fifth column in Lebanon precipitated a civil war and U.S. Marines were landed to restore order. Nasser threatened to send Egyptian "volunteers" to Lebanon. On both occasions we mistakenly believed at the time that the incidents were created by the Soviet Union, but we now know that instead they were created by Nasser. Nasser's announced goal was the establishment of Egyptian hegemony over all the Nile Valley. There was to be one United Arab Republic with its capital in Cairo and its President was to be none other than Colonel Nasser.

Although Nasser could not overthrow King Hussein his influence was strong enough to prevent Jordan's entry into the Baghdad Pact.

NASSER PROMOTES CRISES IN IRAQ

Beginning in 1955 Nasser initiated a crisis with Iraq. Nasser was strongly opposed to any move which would continue the presence of Great Britain and the United States in the Middle East. He viewed the Baghdad Pact in which Iraq was a member as an obstacle to the removal of Western influence. In addition Egypt's troubles with Iraq involved a historical rivalry between the Valley of the Nile and the Land of Mesopotamia. Since Nasser sought the role of standard bearer of Arab nationalism for himself alone he could not share it with the center of another power and civilization. In 1958 Nasser gave covert aid and diplomatic and political support for the Iraq revolution which overthrew the monarchy and established General Kassem as the strongman. Iraq immediately withdrew from the Baghdad Pact. Although Kassem was to oppose Nasser on the question of Kuwait, Nasser's principal goal of dismantling CENTO—The Baghdad Pact—had received a great boost. CENTO had been established to remove or prevent Soviet influence in the Middle East. Now Nasser had prevented Jordan's entry and been largely responsible for the withdrawal of Iraq.

Up to this point the United States had given the Nasser government over $100 million in economic assistance.

Nasser, however, soon found displeasure with Kassem's independence. In October 1959 pro-Nasser elements shot and wounded the Premier in an attempt on his life. In February 1963 Kassem was overthrown and executed. The situation in Iraq remained unstable for awhile, but in November, a Nasser admirer, Abdel Salam Mohammed Arif, led a military coup and ousted the provisional government. Arif announced he would continue to work for unity with Egypt and Syria. On May 3, 1964, he presented a provisional constitution consciously patterned after Egypt's "in preparation for the forthcoming union" of Iraq and Egypt.

UNITED ARAB REPUBLIC LOOKS SOUTH TO "BLACK AFRICA"

The Pan-Arab offensive of Nasser's was clearly running out of steam by the end of 1959. Although Nasser had enjoyed some triumphs, notably his union with Syria—later to be dissolved—and the withdrawal from the Baghdad Pact of Iraq and a new found friendship with the U.S.S.R., Nasser had been unsuccessful in Lebanon, Jordan, and Saudi Arabia.

The newly independent nations of Africa, provided tempting targets for Cairo's influence. During the first 6 years of his regime, Nasser's interest in Africa was symbolic rather than actual. However, by 1960 Nasser perceived that many of the so-called Black African states were developing close political and economic ties with Israel. Powerful radio Cairo beamed broadcasts to the south in Swahili and other native languages. Its broadcasts were decidedly revolutionary in character. Opposing Western imperialism, real or imaginary—without acknowledging its steady retreat from the African Continent—this propaganda attacked at the same time local federalism and tribalism in favor of the emerging central governments. Nasser sought to move into the vacuum of leadership caused by the withdrawal of British and French influence. Egypt participated in a number of African conferences held in Cairo, Lagos, Conakry, and Casablanca.

CASABLANCA CONFERENCE AND THE CONGO

This meeting was held in Casablanca between January 5 and 7, 1961. It was attended by the heads of state of Morocco, the United Arab Republic, Guinea, Ghana, and Mali; and important personages from Algeria, Ceylon—hardly an African power. The conference was to interpret Africa's role in international relations. It was held at the height of the Congo crisis.

The passage of time has partially eroded how close the world came to a genuine international conflict resulting from the crisis in the Congo in 1960–61. The prospect that soldiers of the Warsaw Pact would attempt to remove Belgian soldiers—a nation which was a member of NATO—would have precipitated a direct confrontation between NATO and the Warsaw Pact. The Casablanca Conference came out strongly for the Lumumba faction in the Congo. Once Lumumba was assassinated the United Arab Republic quickly denounced United Nations intervention in the Congo and sought in every way to block its usefulness and effectiveness. The United Arab Republic had been appointed in November 1960 as a member of the Congo Conciliation Commission, but Egypt withdrew. So repugnant were Egyptian activities in the Congo that the Kasavubu government in December 1960 ousted its diplomatic mission. Egypt then announced its plans to withdraw its forces from the peacekeeping operation and to send arms to the Congo rebels.

All of these matters came to a head at the Casablanca Conference which was the watershed of Nasser's attempts to destroy United States and U.N. policy in the Congo. The conference affirmed its belief that the Lumumba government was the legal government and declared the members intention to withdraw their troops from United Nations command. Egypt promised military assistant to the supporters of Mr. Lumumba in Stanleyville. The conference adopted an Egyptian resolution denouncing Israel as "an instrument in the service of imperialism and neo-colonialism not only in the Middle East but also in Africa and Asia." Egypt joined in the resolution condemning the North Atlantic Treaty Organization.

The U.S. policy on the Congo has been to support the United Nations efforts to preserve the nation intact and to keep the major powers out of the conflict by preserving the peace with U.N. forces. Nasser sought to subvert this policy through his support for the Lumumba government—rapidly losing popular favor—and his unilateral withdrawal from the conciliation commission and threatened withdrawal from the U.N. forces.

Egyptian representatives in the United Nations were silent during Soviet attacks on Secretary General Hammarskjold's efforts in the Congo.

THE BELGRADE CONFERENCE

To heighten and increase their influence with the "Third World," President Tito of Yugoslavia and President Nasser arranged for a conference of the heads of state of 29 unalined nations to be held in Belgrade, Yugoslavia, beginning September 1, 1961. The conference opened during the Berlin crisis and the announcement by the Soviet Union that it was resuming atmospheric nuclear tests.

The final communique of the conference listed 27 points, almost all of which embarrassed U.S. policy and favored the then current position of the Soviet Union. Nasser himself was reported to have been one of the moving spirits of the conference. In the conference resolution there was a complete absence of any condemnation or even mention of the Soviet nuclear tests. The conference called for the abolition of all foreign military bases, and singled out the U.S. base at Guantanamo Bay, Cuba, as affecting Cuba's sovereignty and territorial integrity. The resolutions also hinted approval for the troika concept of the Soviets for an International Secretariat of the United Nations by calling for a reorganization of the U.N. Secretariat to achieve wider regional representation. The conference also called for the admission of Communist China to the United Nations.

MORE TROUBLE IN THE MIDDLE EAST

In October 1962 Nasser sent troops to Yemen to aid the republican forces in their civil war with the royalists and for the next several months Egypt and Saudi Arabia hovered on the brink of war. During the crisis in Yemen the United Nations was attempting to ascertain the facts and restore peace.

EGYPT AND VIETNAM

Egypt has consistently sought to undermine the U.S. position on the Vietnam question.

The United Arab Republic has carried on active economic relations with North Vietnam for many years. In 1946, Egypt sold North Vietnam at least $200,000 in cotton yarn and during 1965 this rose to $370,000. The Far East Economic Review, 1965 yearbook, reported:

> A delegation led by the vice-minister for foreign trade for North Vietnam arrived in Cairo and signed a long-term agreement, a payment agreement and a protocol for the year. The UAR will supply North Vietnam with cotton, cotton yarn, textiles, lorry tyres, petroleum and petroleum products.

"Government and Politics in Southeast Asia," second edition, published in 1964 by Cornell University stated:

> North Vietnam imports agricultural products, raw cotton, steel, petroleum products, industrial equipment, machinery, rubber and transportation equipment from Egypt.

These two articles demonstrate rather clearly the tremendous economic support that North Vietnam enjoys from the United Arab Republic.

Egypt has not only given the North Vietnamese considerable diplomatic support by demanding that the United States stop its air attacks, but has even bolstered the National Liberation Front, permitting the establishment of an NFL office in Cairo.

On November 24, 1966, President Nasser demanded that the United States stop bombing NVN and pull its troops out of South Vietnam. It was in that same speech that Nasser referred to the friendship between his country and the Soviet Union as "remote from selfish aims, a friendship of ideals, and a friendship for the sake of principle."

Radio Cairo consistently attacks U.S. actions in Vietnam as "a new threat to world peace."

EGYPT IN THE UNITED NATIONS

Although on a few major matters Egypt has voted with the United States in the United Nations, for the most part she has consistently opposed our objectives by either voting against our position or abstaining.

On the matter of Communist China's representation in the United Nations, Egypt abstained until the 1956 session. Since that time Egypt has consistently voted with the Soviet bloc on the matter of Peking's representation.

In 1965 Egypt voted against a resolution which called "for the cessation of all practices which deprive the Tibetan people of the human rights and fundamental freedoms which they have always enjoyed."

On the Hungary question Egypt has consistently abstained from voting against the Soviet Union.

The degree to which Egypt has voted against the United States in the General Assembly is detailed below:

Session	Number of major issues	Number of times Egypt voted with United States against U.S.S.R.
1960	37	1
1961	43	3
1962	29	4
1963	23	3
1964	(1)	
1965	[2] 147	9
1966	[2] 163	9

[1] No record votes.
[2] All issues.

Egypt consistently votes against the United States a higher percentage of the time than any other nation in the Middle East. It was not always so. From 1946 through 1954, Egypt voted with the United States on 60 percent of the major political, noncolonial questions in the United Nations.

EGYPTIAN NATIONALIZATION OF U.S. FIRMS

Precise and accurate information on the assets of U.S. firms which have been nationalized in the Middle East is not available. For a number of reasons, the companies are reluctant to discuss specifics concerning the nationalization of their properties.

International law clearly recognized—see U.N. GA Resolution 1803 adopted December 14, 1962—that in cases of nationalization of private property[1] "the owner shall be paid appropriate compensation . . . in accordance with international law."

Most companies nationalized in the Middle East by the United Arab Republic or Syria averaged at least an annual return of upwards of 10 percent on their investments. Consequently the typical offer by the Egyptian and Syrian Governments for 15 year negotiable bonds bearing 3 percent per annum represents a substantial loss of income.

Two American companies nationalized by the Nasser government, the American Middle East Corp.—a food processing and packaging firm—and the American Eastern Co. undertook negotiations with the government before any actual decree was promulgated and obtained an agreement for cash payment on installments, rather than bonds. However, because of the foreign exchange difficulties of the United Arab Republic Government, there have been occasional lapses in the prompt payment of these installments.

Where the Government has not nationalized firms, it has boycotted any of them that have engaged in trade with Israel. On December 2, 1966, the United Arab Republic and other Arab States blacklisted eight companies including Ford Motor Co., Coca Cola, and RCA because of their economic relations with Israel. Jordan in April of this year banned and blacklisted more than 50 companies on the ground that they had dealt with Israel. Among the companies were E. J. Korvette, Inc. Arab forces were also set to blacklist B. F. Goodrich & Co., but the company received a last minute reprieve when the matter came up in February 1965.

EGYPT-ISRAEL

The record of President Nasser's attempts to subvert and destroy the State of Israel are well known and need not be repeated here. However, it should be reemphasized that Nasser has never complied with the 1951 resolution of the United Nations General Assembly calling for free passage of Israel ships through the Suez Canal. Egyptian closing of the Gulf of Aqaba was not only against accepted principles of international law as determined in the Corfu Channel case before the International Court of Justice in The Hague in 1947, but the 1958 Geneva Convention on Passage Through International Waterways.

CONCLUSION

Congress determined that American surplus agricultural commodities could be sold to Egypt only if the President found the transaction to be within "the national interest." Congress did not use the term "national interest" lightly. It means that our aid to Egypt must not be against accepted American policy in the Middle East nor may it be used in a way that subverts that policy.

The President broke faith with the Congress by continuing aid shipments of surplus agricultural commodities to Egypt. Although Egypt has been the third largest recipient of our food program, Nasser consistently, year after year, does all in his power to abort U.S. polices in the Middle East, the Congo and elsewhere through deliberate acts of subversive plots, alleged attempted assassinations of neighboring leaders friendly to the United States and overt, active support of anti-American regimes throughout the area. Without our aid it is questionable whether Nasser would have survived. Thus, our aid has had the curious result of subverting our own policies. Such a prostituted concept of the "national interest" was never intended by the Congress.

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[1] Egypt voted for this resolution on final passage. However, she also supported an unsuccessful Soviet amendment which, in effect, denied the right of compensation for property taken.

Since 1964 Republicans consistently have attempted to cut off economic assistance and surplus agricultural commodities to the United Arab Republic. Time and time again these efforts were blocked by the President and the Democratic leadership in the Congress. Despite the fact that aid was to be extended to the United Arab Republic only in "the national interest" or if the President was certain Egypt was no longer engaged in "aggression," the President has continued, in one form or the other, some type of assistance to Nasser. The "national interest" apparently does not include, according to the President's logic, taking into consideration the November 26, 1964, burning of the Kennedy Memorial Library in Cairo; the December 19, 1964, shooting down of an unarmed U.S. commercial plane, and Nasser's Arab leaders friendly to the West, expropriate and blacklist U.S. business firms.

The extent to which the United States has been left "holding the bag" to use an expression is nowhere more dramatically illustrated than in the fact that despite the fact the United Arab Republic owed the United States $2,665,784 in CCC loans—principal and interest—on June 3, of this year, she paid only 10 percent of what she owed as of that date—$260,000.

CHRONOLOGY OF CONGRESSIONAL EFFORTS TO BAN AID TO UNITED ARAB REPUBLIC

In 1964 consideration of H.R. 11380, Representative Samuel S. Stratton, Democrat, of New York, offered an amendment which would prohibit foreign aid to the United Arab Republic unless the President determined that the United Arab Republic was not engaging in or preparing for aggression against Israel or any other Eastern Mediterranean country. This was rejected after heated debate, in a standing vote 32 to 83.

In January 1965 the House Appropriations Committee reported House Resolution 234 on supplemental funds for the Commodity Credit Corporation. An appropriation for $1.6 billion was accepted by a voice vote. The bill was then recommitted to add language barring the use of funds to finance the export of any U.S. agricultural commodities to Egypt under title 1 of Public Law 480. Representative Robert H. Michel, Republican, of Illinois, moved for recommittal, which was adopted by a rollcall vote, 204 to 177. Republicans voted solidly for recommittal.

This action was taken in retaliation for anti-American incidents in Egypt, and among those cited were: the November 26, 1964, burning of the Kennedy Memorial Library in Cairo; the December 19 shooting down of an unarmed U.S. commercial plane; and the December 23 Nasser speech supporting Congolese rebels and telling the United States to "go jump in the lake."

Opponents of the amendment objected that the restriction would tie the President's hands.

Representative Michel stated:

> Nasser's record of interference in affairs of other countries in the past has been documented many times. Under a variety of pretexts our aid has nevertheless continued . . . If we do not wish to see the dignity of the laws of the U.S. flouted by every petty national leader who wishes to enhance his position, we must act.

William F. Ryan, Democrat, of New York, felt that aid would enhance the arms race in the Middle East. Carl Albert, Democrat, of Oklahoma and George H. Mahon, Democrat, of Texas, were in opposition on the grounds that they did not wish to restrict the President's authority.

The Senate, by a 44 to 38 rollcall vote—D. 38–17, R. 6–21—agreed to an administration-backed committee amendment substantially weakening the House ban on food to Egypt. Senator Jack Miller, Republican, of Iowa, proposed an amendment to permit aid to Egypt under the 1962 agreement only with congressional approval. This was rejected.

The House on February 8, rejected by 165 to 241 on a rollcall vote a motion by Robert H. Michel, Republican, of Illinois, to instruct House conferees not to accept the Senate amendment. Only one Republican voted against the motion, but 240 Democrats voted, in effect, to permit discretion on aid to the United Arab Republic.

Also in 1965, Public Law 89–171, the Foreign Assistance Act of 1965 was amended to stipulate that no sales of surplus U.S. agricultural commodities for foreign currency could go to the United Arab Republic unless the President determined that it was in the U.S. national interest.

Under title I of Public Law 480, the United States was allowed to sell surplus farm goods to foreign countries for the currency of the recipient nation. The January 26 and May 26 proposals were two of a series of efforts in recent years to limit or halt aid to some nations, usually those with Communist governments. The January 26 proposal—later modified to give the President discretionary authority, instead of imposing a flat ban—applied only to the United Arab Republic.

Both of the May 26 proposals sought to insert the same language in the bill, applying the ban to both the United Arab Republic and Indonesia. The House first rejected the amendment, offered by Paul Findley, Republican, of Illinois, by voice vote.

Findley said his amendment would have "the beneficial effect of serving notice to Nasser and to Sukarno that we resent the insults they have directed our way in recent months; that we are putting on record our desire to shut them off from this form of foreign aid."

The second May 26 vote was on the recommittal motion, offered by Representative Frank T. Bow, Republican, of Ohio. The motion instructed the committee to add the language of the Findley amendment and report the bill back to the House. The 187 to 208 vote rejecting the motion was almost an exact reversal of the 204 to 177 vote, January 26, accepting the similar motion. Only two Republicans voted against the Bow motion while 206 Democrats voted against recommittal. The amendment would have prohibited use of any of the funds during fiscal 1966 to finance export of agricultural commodities to the United Arab Republic or Indonesia under title I of Public Law 480.

In June 1966 the House, in passing H.R. 14929, accepted an amendment by William F. Ryan, Democrat, of New York, which would ban the sale of food to Egypt under title I—surplus products for foreign currency—unless the President determined that such action was in the national interest. The original Egypt provision applied only to local currency; Ryan's applied to local currency and to concessional dollar sales.

In October, the House and Senate adopted the second conference report on H.R. 14929, which revised the act of 1954.

In July, the House adopted an amendment by Leonard Farbstein, Democrat, of New York, and amended by Seymour Halpern, Republican, of New York, providing that no aid be given to the United Arab Republic unless it was essential to national interest, and would not be used to further aggression, and such action would be reported by the President within 30 days. The latter two of the three provisions were offered by Representative Halpern.

In the Senate, on July 19, a similar provision was adopted by voice vote. This amendment was proposed by Senator Javits, Republican, of New York.

An April 26, the Findley amendment to the agricultural appropriations was adopted by the House, 290 to 98, and subsequently was enacted. It prohibited concessional sale aid under Public Law 480 to any nation, like Egypt, making shipments to North Vietnam.

AMERICAN COUNCIL OF YOUNG POLITICAL LEADERS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. William D. Ford] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. WILLIAM D. FORD. Mr. Speaker, I recently had the privilege of addressing a group of 16 young European Christian Democratic political leaders at a meeting sponsored by the American Council of Young Political Leaders.

I was greatly impressed with the enthusiasm and interest displayed by these young visitors to our Nation. I am sure that they will return to their homes with a much better understanding of the United States and of our political system.

The American Council of Young Political Leaders is deserving of high praise for its sponsorship of such visits by groups from other nations. This bipartisan organization is doing something more than just talking about international understanding—it is doing something about it.

If mankind is ever to abolish war from the face of the earth, we first must break down the barriers of mistrust and suspicion among the peoples of the world. There is no better way to accomplish this than through just such programs as this one conducted by the American Council of Young Political Leaders.

These young people will be the leaders of the world in years to come. They will be better leaders, more understanding and tolerant leaders, if they are able to expand their knowledge of other nations, other peoples, and other political systems.

This is why, Mr. Speaker, I am so pleased with the work being done by the American Council of Young Political Leaders. They have my wholehearted support in their program to further world understanding.

THE 14TH AMENDMENT—EQUAL PROTECTION LAW OR TOOL OF USURPATION

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. RARICK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. RARICK. Mr. Speaker, arrogantly ignoring clearcut expressions in the Constitution of the United States, the declared intent of its drafters notwithstanding, our unelected Federal judges read out prohibitions of the Constitution of the United States by adopting the fuzzy haze of the 14th amendment to legislate their personal ideas, prejudices, theories, guilt complexes, aims, and whims.

Through the cooperation of intellectual educators, we have subjected ourselves to accept destructive use and meaning of words and phrases. We blindly accept new meanings and changed values to alter our traditional thoughts.

We have tolerantly permitted the habitual misuse of words to serve as a vehicle to abandon our foundations and goals. Thus, the present use and expansion of the 14th amendment is a sham—serving as a crutch and hoodwink to precipitate a quasi-legal approach for overthrow of the tender balances and protections of limitation found in the Constitution.

But, interestingly enough, the 14th amendment—whether ratified or not—was but the expression of emotional outpouring of public sentiment following the War Between the States.

Its obvious purpose and intent was but to free human beings from ownership as a chattel by other humans. Its aim was no more than to free the slaves.

As our politically appointed Federal judiciary proceeds down their chosen path of chaotic departure from the peoples' government by substituting their personal law rationalized under the 14th amendment, their actions and verbiage brand them and their team as secessionists—rebels with pens instead of guns—seeking to divide our Union.

They must be stopped. Public opinion must be aroused. The Union must and shall be preserved.

Mr. Speaker, I ask to include in the RECORD, following my remarks, House Concurrent Resolution 208 of the Louisiana Legislature urging this Congress to declare the 14th amendment illegal. Also, I include in the RECORD an informative and well-annotated treatise on the illegality of the 14th amendment—the play toy of our secessionist judges—which has been prepared by Judge Leander H. Perez, of Louisiana.

The material referred to follows:

H. CON. RES. 208

A concurrent resolution to expose the unconstitutionality of the 14th admendment to the Constitution of the United States; to interpose the sovereignty of the State of Louisiana against the execution of said amendment in this State; to memorialize the Congress of the United States to repeal its joint resolution of July 28, 1868, declaring that said amendment had been ratified; and to provide for the distribution of certified copies of this resolution

Whereas the purported 14th Amendment to the United States Constitution was never lawfully adopted in accordance with the requirements of the United States Constitution because eleven states of the Union were deprived of their equal suffrage in the Senate in violation of Article V, when eleven southern states, including Louisiana, were excluded from deliberation and decision in the adoption of the Joint Resolution proposing said 14th Amendment; said Resolution was not presented to the President of the United States in order that the same should take effect, as required by Article 1, Section 7; the proposed amendment was not ratified by three-fourths of the states, but to the contrary fifteen states of the then thirty-seven states of the Union rejected the proposed 14th Amendment between the dates of its submission to the states by the Secretary of State on June 16, 1866 and March 24, 1868, thereby nullifying said Resolution and making it impossible for ratification by the constitutionally required three-fourths of such states; said southern states which were denied their equal suffrage in the Senate had been recognized by proclamations of the President of the United States to have duly constituted governments with all the powers which belong to free states of the Union, and the Legislatures of seven of said southern states had ratified the 13th Amendment which would have failed of ratification but for the ratification of said seven southern states; and

Whereas the Reconstruction Acts of Congress unlawfully overthrew their existing governments, removed their lawfully constituted legislatures by military force and replaced them with rump legislatures which carried out military orders and pretended to ratify the 14th Amendment; and

Whereas in spite of the fact that the Secretary of State in his first proclamation, on July 20, 1868, expressed doubt as to whether three-fourths of the required states had ratified the 14th Amendment, Congress nevertheless adopted a resolution on July 28, 1868, unlawfully declaring that three-fourths of the states had ratified the 14th Amendment and directed the Secretary of State to so proclaim, said Joint Resolution of Congress and the resulting proclamation of the Secretary of State included the purported ratifications of the military enforced rump legislatures of ten southern states whose lawful legislatures had previously rejected said 14th Amendment, and also included purported ratifications by the legislatures of the States of Ohio and New Jersey although they had withdrawn their legislative ratifications several months previously, all of which proves absolutely that said 14th Amendment was not adopted in accordance with the mandatory constitutional requirements set forth in Article V of the Constitution and therefore the Constitution itself strikes with nullity the purported 14th Amendment.

Now therefore be it resolved by the Legislature of Louisiana, the House of Representatives and the Senate concurring:

(1) That the Legislature go on record as exposing the unconstitutionality of the 14th Amendment, and interposes the sovereignty of the State of Louisiana against the execution of said 14th Amendment against the State of Louisiana and its people;

(2) That the Legislature of Louisiana opposes the use of the invalid 14th Amendment by the Federal courts to impose further unlawful edicts and hardships on its people;

(3) That the Congress of the United States be memorialized by this Legislature to repeal its unlawful Joint Resolution of July 28, 1868, declaring that three-fourths of the states had ratified the 14th Amendment to the United States Constitution;

(4) That the Legislatures of the other states of the Union be memorialized to give serious study and consideration to take similar action against the validity of the 14th Amendment and to uphold and support the Constitution of the United States which strikes said 14th Amendment with nullity; and

(5) That copies of this Resolution, duly certified, together with a copy of the treatise on "The Unconstitutionality of the 14th Amendment" by Judge L. H. Perez, be forwarded to the Governors and Secretaries of State of each state in the Union, and to the Secretaries of the United States Senate and House of Congress, and to the Louisiana Congressional delegation, a copy hereof to be published in the Congressional Record.

VAIL M. DELONY,
Speaker of the House of Representatives.
C. C. AYCOCK,
Lieutenant Governor and President of the Senate.

THE 14TH AMENDMENT IS UNCONSTITUTIONAL

The purported 14th Amendment to the United States Constitution is and should be held to be ineffective, invalid, null, void and unconstitutional for the following reasons:

1. The Joint Resolution proposing said Amendment was not submitted to or adopted by a Constitutional Congress. Article I, Section 3, and Article V of the U.S. Constitution.

2. The Joint Resolution was not submitted to the President for his approval. Article I, Section 7.

3. The proposed 14th Amendment was rejected by more than one-fourth of all the States then in the Union, and it was never ratified by three-fourths of all the States in the Union. Article V.

I. THE UNCONSTITUTIONAL CONGRESS

The U.S. Constitution provides:

Article I, Section 3. "The Senate of the United States shall be composed of two Senators from each State * * *"

Article V provides: "No State, without its consent, shall be deprived of its equal suffrage in the Senate."

The fact that 23 Senators had been unlawfully excluded from the U.S. Senate, in order to secure a two-thirds vote for adoption of the Joint Resolution proposing the 14th Amendment is shown by Resolutions of protest adopted by the following State Legislatures:

The New Jersey Legislature by Resolution of March 27, 1868, protested as follows:

"The said proposed amendment not having yet received the assent of the three-fourths of the states, which is necessary to make it valid, the natural and constitutional right of this state to withdraw its assent is undeniable * * *."

"That it being necessary by the constitution that every amendment to the same should be proposed by two-thirds of both houses of congress, the authors of said proposition, for the purpose of securing the assent of the requisite majority, determined to, and did, exclude from the said two houses eighty representatives from eleven states of the union, upon the pretence that there were no such states in the Union; but, finding that two-thirds of the remainder of the said houses could not be brought to assent to the said proposition, they deliberately formed and carried out the design of mutilating the integrity of the United States senate, and without any pretext or justification, other than the possession of the power, without the right, and in palpable violation of the constitution, ejected a member of their own body, representing this state, and thus practically denied to New Jersey its equal suffrage in the senate, and thereby nominally secured the vote of two-thirds of the said houses." [1]

The Alabama Legislature protested against being deprived of representation in the Senate of the U.S. Congress.[2]

The Texas Legislature by Resolution on October 15, 1866, protested as follows:

"The amendment to the Constitution proposed by this joint resolution as Article XIV is presented to the Legislature of Texas for its action thereon, under Article V of that Constitution. This Article V, providing the mode of making amendments to that instrument, contemplates the participation by all the States through their representatives in Congress, in proposing amendments. As representatives from nearly one-third of the States were excluded from the Congress proposing the amendments, the constitutional requirement was not complied with; it was violated in letter and in spirit; and the proposing of these amendments to States which were excluded from all participation in their initiation in Congress, is a nullity." [3]

The Arkansas Legislature, by Resolution on December 17, 1866, protested as follows:

"The Constitution authorized two-thirds of both houses of Congress to propose amendments; and, as eleven States were excluded from deliberation and decision upon the one now submitted, the conclusion is inevitable that it is not proposed by legal authority, but in palpable violation of the Constitution." [4]

The Georgia Legislature, by Resolution on November 9, 1866, protested as follows:

"Since the reorganization of the State government, Georgia has elected Senators and Representatives. So has every other State. They have been arbitrarily refused admission to their seats, not on the ground that the qualifications of the members elected did not conform to the fourth paragraph, second section, first article of the Constitution, but because their right of representation was denied by a portion of the States having equal but not greater rights than themselves. They have in fact been forcibly excluded; and, inasmuch as all legislative power granted by the States to the Congress is defined, and this power of exclusion is not among the powers expressly or by implication, the assemblage, at the capitol, of representatives from a portion of the States, to the exclusion of the representatives of another portion, cannot be a constitutional Congress, when the representation of each State forms an integral part of the whole.

"This amendment is tendered to Georgia for ratification, under that power in the Constitution which authorizes two-thirds of the Congress to propose amendments. We have endeavored to establish that Georgia had a right, in the first place, as a part of the Congress, to act upon the question, 'Shall these amendments be proposed?' Every other excluded State had the same right.

"The first constitutional privilege has been arbitrarily denied. Had these amendments been submitted to a constitutional Congress, they never would have been proposed to the States. Two-thirds of the whole Congress never would have proposed to eleven States voluntarily to reduce their political power in the Union, and at the same time, disfranchise the larger portion of the intellect, integrity and patriotism of eleven co-equal States." [5]

The Florida Legislature, by Resolution of December 5, 1866, protested as follows:

"Let this alteration be made in the organic system and some new and more startling demands may or may not be required by the predominant party previous to allowing the ten States now unlawfully and unconstitutionally deprived of their right of representation to enter the Halls of the National Legislature. Their right to representation is guaranteed by the Constitution of this country and there is no act, not even that of rebellion, can deprive them of its exercise." [6]

The South Carolina Legislature by Resolution of November 27, 1866, protested as follows:

"Eleven of the Southern States, including South Carolina, are deprived of their representation in Congress. Although their Senators and Representatives have been duly elected and have presented themselves for the purpose of taking their seats, their credentials have, in most instances, been laid upon the table without being read, or have been referred to a committee, who have failed to make any report on the subject. In short, Congress has refused to exercise its Constitutional functions, and decide either upon the election, the return, or the qualification of these selected by the States and people to represent us. Some of the Senators and Representatives from the Southern States were prepared to take the test oath, but even these have been persistently ignored, and kept out of the seats to which they were entitled under the Constitution and laws.

"Hence this amendment has not been proposed by 'two-thirds of both Houses' of a legally constituted Congress, and is not, Constitutionally or legitimately, before a single Legislature for ratification." [7]

The North Carolina Legislature protested by Resolution of December 6, 1866 as follows:

"The Federal Constitution declares, in substance, that Congress shall consist of a House of Representatives, composed of members apportioned among the respective States in the ratio of their population, and of a Senate, composed of two members from each State. And in the Article which concerns Amendments, it is expressly provided that 'no State, without it consent, shall be deprived of its equal suffrage in the Senate.' The contemplated Amendment was not proposed to the States by a Congress thus constituted. At the time of its adoption, the eleven seceding States were deprived of representation both in the Senate and House, although they all, except the State of Texas, had Senators and Representatives duly elected and claiming their privileges under the Constitution. In consequence of this, these States had no voice on the important question of proposing the Amendment. Had they been allowed to give their votes, the proposition would doubtless have failed to command the required two-thirds majority. * * *

If the votes of these States are necessary to a valid ratification of the Amendment, they were equally necessary on the question of proposing it to the States; for it would be difficult, in the opinion of the Committee, to show by what process in logic, men of intelligence could arrive at a different conclusion." [8]

II. JOINT RESOLUTION INEFFECTIVE

Article I, Section 7 provides that not only every bill which shall have been passed by the House of Representatives and the Senate of the United States Congress, but that:

"Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill."

The Joint Resolution proposing the 14th Amendment [9] was never presented to the President of the United States for his approval, as President Andrew Johnson stated in his message on June 22, 1866.[10] Therefore, the Joint Resolution did not take effect.

III. PROPOSED AMENDMENT NEVER RATIFIED BY THREE-FOURTHS OF THE STATES

1. Pretermitting the ineffectiveness of said resolution, as above, fifteen (15) States out of the then thirty-seven (37) States of the Union rejected the proposed 14th Amendment between the date of its submission to the States by the Secretary of State on June 16, 1866 and March 24, 1868, thereby further nullifying said resolution and making it impossible for its ratification by the constitutionally required three-fourths of such States, as shown by the rejections thereof by the Legislatures of the following states:

Texas rejected the 14th Amendment on October 27, 1866.[11]

Georgia rejected the 14th Amendment on November 9, 1866.[12]

Florida rejected the 14th Amendment on December 6, 1866.[13]

Alabama rejected the 14th Amendment on December 7, 1866.[14]

North Carolina rejected the 14th Amendment on December 14, 1866.[15]

Arkansas rejected the 14th Amendment on December 17, 1866.[16]

South Carolina rejected the 14th Amendment on December 20, 1866.[17]

Kentucky rejected the 14th Amendment on January 8, 1867.[18]

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[1] New Jersey Acts, March 27, 1868.

[2] Alabama House Journal 1866, pp. 210-213.

[3] Texas House Journal, 1866, p. 577.

[4] Arkansas House Journal, 1866, p. 287.

[5] Georgia House Journal, November 9, 1866, pp. 66-67.

[6] Florida House Journal, 1866, p. 76.

[7] South Carolina House Journal, 1866, pp. 33 and 34.

[8] North Carolina Senate Journal, 1866-67, pp. 92 and 93.

[9] 14 Stat. 358 etc.

[10] Senate Journal, 39th Congress, 1st sessn. p. 563, and House Journal p. 889.

[11] House Journal 1866, pp. 578-584—Senate Journal 1866, p. 471.

[12] House Journal 1866, p. 68—Senate Journal 1866, p. 72.

[13] House Journal 1866, p. 76—Senate Journal 1866, p. 8.

[14] House Journal 1866, pp. 210-213—Senate Journal 1866, p. 183.

[15] House Journal 1866-1867, p. 183—Senate Journal 1866-1867, p. 138.

[16] House Journal 1866, pp. 288-291—Senate Journal 1866, p. 262.

[17] House Journal 1866, p. 284—Senate Journal 1866, p. 230.

[18] House Journal 1867, p. 60—Senate Journal 1867, p. 62.

Virginia rejected the 14th Amendment on January 9, 1867.[19]

Louisiana rejected the 14th Amendment on February 6, 1867.[20]

Delaware rejected the 14th Amendment on February 7, 1867.[21]

Maryland rejected the 14th Amendment on March 23, 1867.[22]

Mississippi rejected the 14th Amendment on January 31, 1867.[23]

Ohio rejected the 14th Amendment on January 15, 1868.[24]

New Jersey rejected the 14th Amendment on March 24, 1868.[25]

There was no question that all of the Southern states which rejected the 14th Amendment had legally constituted governments, were fully recognized by the federal government, and were functioning as member states of the Union at the time of their rejection.

President Andrew Johnson, in his Veto message of March 2, 1867,[26] pointed out that:

"It is not denied that the States in question have each of them an actual government with all the powers, executive, judicial and legislative, which properly belong to a free State. They are organized like the other States of the Union, and, like them, they make, administer, and execute the laws which concern their domestic affairs."

If further proof were needed that these States were operating under legally constituted governments as member States in the Union, the ratification of the 13th Amendment by December 8, 1865 undoubtedly supplies this official proof. If the Southern States were not member States of the Union, the 13th Amendment would not have been submitted to their Legislatures for ratification.

2. The 13th Amendment to the United States Constitution was proposed by Joint Resolution of Congress [27] and was approved February 1, 1865 by President Abraham Lincoln, as required by Article I, Section 7 of the United States Constitution. The President's signature is affixed to the Resolution.

The 13th Amendment was ratified by 27 states of the then 36 states of the Union, including the Southern States of Virginia, Louisiana, Arkansas, South Carolina, Alabama, North Carolina and Georgia. This is shown by the Proclamation of the Secretary of State December 18, 1965.[28] Without the votes of these 7 Southern State Legislatures the 13th Amendment would have failed. There can be no doubt but that the ratification by these 7 Southern States of the 13th Amendment again established the fact that their Legislatures and State governments were duly and lawfully constituted and functioning as such under their State Constitutions.

3. Furthermore, on April 2, 1866, President Andrew Johnson issued a proclamation that, "the insurrection which heretofore existed in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi and Florida is at an end, and is henceforth to be so regarded." [29]

On August 20, 1866, President Andrew Johnson issued another proclamation [30] pointing out the fact that the House of Representatives and Senate had adopted identical Resolutions on July 22nd [31] and July 25th, 1861,[32] that the Civil War forced by disunionists of the Southern States, was not waged for the purpose of conquest or to overthrow the rights and established institutions of those States, but to defend and maintain the supremacy of the Constitution and to preserve the Union with all equality and rights of the several states unimpaired, and that as soon as these objects are accomplished, the war ought to cease. The President's proclamation on June 13, 1865, declared the insurrection in the State of Tennessee had been suppressed.[33] The President's proclamation on April 2, 1866,[34] declared the insurrection in the other Southern States, except Texas, no longer existed. On August 20, 1866,[35] the President proclaimed that the insurrection in the State of Texas had been completely ended; and his proclamation continued: "the insurrection which heretofore existed in the State of Texas is at an end, and is to be henceforth so regarded in that State, as in the other States before named in which the said insurrection was proclaimed to be at an end by the aforesaid proclamation of the second day of April, one thousand, eight hundred and sixty-six.

"And I do further proclaim that the said insurrection is at an end, and that peace, order, tranquility, and civil authority now exist, in and throughout the whole of the United States of America."

4. When the State of Louisiana rejected the 14th Amendment on February 6, 1867, making the 10th state to have rejected the same, or more than one-fourth of the total number of 36 states of the Union as of that date, thus leaving less than three-fourths of the states possibly to ratify the same, the Amendment failed of ratification in fact and in law, and it could not have been revived except by a new Joint Resolution of the Senate and House of Representatives in accordance with Constitutional requirement.

5. Faced with the positive failure of ratification of the 14th Amendment, both Houses of Congress passed over the veto of the President three Acts known as Reconstruction Acts, between the dates of March 2 and July 19, 1867, especially the third of said Acts, 15 Stat. p. 14 etc., designed illegally to remove with "Military force" the lawfully constituted State Legislatures of the 10 Southern States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana and Texas. In President Andrew Johnson's Veto message on the Reconstruction Act of March 2, 1867,[36] he pointed out these unconstitutionalities:

"If ever the American citizen should be left to the free exercise of his own judgment, it is when he is engaged in the work of forming the fundamental law under which he is to live. That work is his work, and it cannot properly be taken out of his hands. All this legislation proceeds upon the contrary Assumption that the people of each of these States shall have no constitution, except such as may be arbitrararily dictated by Congress, and formed under the restraint of military rule. A plain statement of facts makes this evident.

"In all these States there are existing constitutions, framed in the accustomed way by the people. Congress, however, declares that these constitutions are not 'loyal and republican,' and requires the people to form them anew. What, then, in the opinion of Congress, is necessary to make the constitution of a State 'loyal and republican?' The original act answers the question: 'It is universal negro suffrage, a question which the federal Constitution leaves exclusively to the States themselves. All this legislative machinery of martial law, military coercion, and political disfranchisement is avowedly for that purpose and none other. The existing constitutions of the ten States conform to the acknowledged standards of loyalty and republicanism. Indeed, if there are degrees in republican forms of government, their constitutions are more republican now, than when these States—four of which were members of the original thirteen—first became members of the Union."

In President Andrew Johnson's Veto message on the Reconstruction Act on July 19, 1867,[37] he pointed out various unconstitutionalities as follows:

"The veto of the original bill of the 2d of March was based on two distinct grounds, the interference of Congress in matters strictly appertaining to the reserved powers of the States, and the establishment of military tribunals for the trial of citizens in time of peace.

"* * * * *

"A singular contradiction is apparent here. Congress declares these local State governments to be illegal governments, and then provides that these illegal governments shall be carried on by federal officers, who are to perform the very duties on its own officers by this illegal State authority. It certainly would be a novel spectacle if Congress should attempt to carry on a legal State government by the agency of its own officers. It is yet more strange that Congress attempts to sustain and carry on an illegal State government by the same federal agency.

"* * * * *

"It is now too late to say that these ten political communities are not States of this Union. Declarations to the contrary made in these three acts are contradicted again and again by repeated acts of legislation enacted by Congress from the year 1861 to the year 1867.

"During that period, while these States were in actual rebellion, and after that rebellion was brought to a close, they have been again and again recognized as States of the Union. Representation has been apportioned to them as States. They have been divided into judicial districts for the holding of district and circuit courts of the United States, as States of the Union only can be districted. The last act on this subject was passed July 23, 1866, by which every one of these ten States was arranged into districts and circuits.

"They have been called upon by Congress to act through their legislatures upon at least two amendments to the Constitution of the United States. As States they have ratified one amendment, which required the vote of twenty-seven States of the thirty-six then composing the Union. When the requisite twenty-seven votes were given in favor of that amendment—seven of which votes were given by seven of these ten States—it was proclaimed to be a part of the Constitution of the United States, and slavery was declared no longer to exist within the United States or any place subject to their jurisdiction. If these seven States were not legal States of the Union, it follows as an inevitable consequence that in some of the States slavery yet exists. It does not exist in these seven States, for they have abolished it also in their State constitutions; but Kentucky not having done so, it would still remain in that State. But, in truth, if this assumption that these States have no legal State governments be true, then the abolition of slavery by these illegal governments binds no one, for Congress now denies to these States the power to abolish slavery by denying to them the power to elect a legal State legislature, or to frame a constitution for any purpose, even for such a purpose as the abolition of slavery.

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[19] House Journal 1866–1867, p. 108—Senate Journal 1866–1867, p. 101.

[20] McPherson, Reconstruction, p. 194; Annual Encyclopedia, p. 452.

[21] House Journal 1867, p. 223—Senate Journal 1867, p. 176.

[22] House Journal 1867, p. 1141—Senate Journal 1867, p. 808.

[23] McPherson, Reconstruction, p. 194.

[24] House Journal 1868, pp. 44–50—Senate Journal 1868, pp. 33–38.

[25] Minutes of the Assembly 1868, p. 743—Senate Journal 1868, p. 356.

[26] House Journal, 39th Congress, 2nd Session. p. 563 etc.

[27] 13 Stat. p. 567.

[28] 13 Stat. p. 774.

[29] Presidential Proclamation No. 153, General Records of the United States, G.S.A. National Archives and Records Service.

[30] 14 Stat. p. 814.

[31] House Journal, 37th Congress, 1st Sessn. p. 123 etc.

[32] Senate Journal, 37th Congress, 1st Sessn. p. 91 etc.

[33] 13 Stat. 763.

[34] 14 Stat. p. 811.

[35] 14 Stat. 814.

[36] House Journal, 39th Congress, 2nd Sessn. p. 563 etc.

[37] 40th Congress, 1st Sessn. House Journal p. 232 etc.

"As to the other constitutional amendment having reference to suffrage, it happens that these States have not accepted it. The consequence is, that it has never been proclaimed or understood, even by Congress, to be a part of the Constitution of the United States. The Senate of the United States has repeatedly given its sanction to the appointment of judges, district attorneys, and marshals for every one of these States; yet, if they are not legal States, not one of these judges is authorized to hold a court. So, too, both houses of Congress have passed appropriation bills to pay all these judges, attorneys, and officers of the United States for exercising their functions in these States. Again, in the machinery of the internal revenue laws, all these States are districted, not as 'Territories,' but as 'States.'

"So much for continuous legislative recognition. The instances cited, however, fall far short of all that might be enumerated. Executive recognition, as is well known, has been frequent and unwavering. The same may be said as to judicial recognition through the Supreme Court of the United States.

"* * * * *

"To me these considerations are conclusive of the unconstitutionality of this part of the bill now before me, and I earnestly commend their consideration to the deliberate judgment of Congress. [And now to the Court.]

"Within a period less than a year the legislation of Congress has attempted to strip the executive department of the government of some of its essential powers. The Constitution, and the oath provided in it, devolve upon the President the power and duty to see that the laws are faithfully executed. The Constitution, in order to carry out this power, gives him the choice of the agents, and makes them subject to his control and supervision. But in the execution of these laws the constitutional obligation upon the President remains, but the powers to exercise that constitutional duty is effectually taken away. The military commander is, as to the power of appointment, made to take the place of its President, and the General of the Army the place of the Senate; and any attempt on the part of the President to assert his own constitutional power may, under pretence of law, be met by official insubordination. It is to be feared that these military officers, looking to the authority given by these laws rather than to the letter of the Constitution, will recognize no authority but the commander of the district and the General of the army.

"If there were no other objection than this to this proposed legislation, it would be sufficient."

No one can contend that the Reconstruction Acts were ever upheld as being valid and constitutional.

They were brought into question, but the Courts either avoided decision or were prevented by Congress from finally adjudicating upon their constitutionality.

In Mississippi v. President Andrew Johnson, (4 Wall. 475–502), where the suit sought to enjoin the President of the United States from enforcing provisions of the Reconstruction Acts, the U.S. Supreme Court held that the President cannot be enjoined because for the Judicial Department of the government to attempt to enforce the performance of the duties by the President might be justly characterized, in the language of Chief Justice Marshall, as "an absurd and excessive extravagance." The Court further said that if the Court granted the injunction against enforcement of the Reconstruction Acts, and if the President refused obedience, it is needless to observe that the Court is without power to enforce its process.

In a joint action, the states of Georgia and Mississippi brought suit against the President and the Secretary of War, (6 Wall. 50–78, 154 U.S. 554).

The Court said that:

"The bill then sets forth that the intent and design of the Acts of Congress, as apparent on thier face and by their terms, are to overthrow and annul this existing state government, and to erect another and different government in its place, unauthorized by the Constitution and in defiance of its guaranties; and that, in furtherance of this intent and design, the defendants, the Secretary of War, the General of the Army, and Major-General Pope, acting under orders of the President, are about setting in motion a portion of the army to take military possession of the state, and threaten to subvert her government and subject her people to military rule; that the state is holding inadequate means to resist the power and force of the Executive Department of the United States; and she therefore insists that such protection can, and ought to be afforded by a decree or order of his court in the premises."

The applications for injunction by these two states to prohibit the Executive Department from carrying out the provisions of the Reconstruction Acts directed to the overthrow of their government, including this dissolution of their state legislatures, were denied on the grounds that the organization of the government into three great departments, the executive, legislative and judicial, carried limitations of the powers of each by the Constitution. This case when the same way as the previous case of Mississippi against President Johnson and was dismissed without adjudicating upon the constitutionality of the Reconstruction Acts.

In another case, ex parte William H. McCardle (7 Wall. 506–515), a petition for the writ of habeas corpus for unlawful restraint by military force of a citizen not in the military service of the United States was before the United States Supreme Court. After the case was argued and taken under advisement, and before conference in regard to the decision to be made, Congress passed an emergency Act, (Act March 27, 1868, 15 Stat. at L. 44), vetoed by the President and repassed over his veto, repealing the jurisdiction of the U.S. Supreme Court in such case. Accordingly, the Supreme Court dismissed the appeal without passing upon the constitutionality of the Reconstruction Acts, under which the non-military citizen was held by the military without benefit of writ of habeas corpus, in violation of Section 9, Article I of the U.S. Constitution which prohibits the suspension of the writ of habeas corpus.

That Act of Congress placed the Reconstruction Acts beyond judicial recourse and avoided tests of constitutionality.

It is recorded that one of the Supreme Court Justices, Grier, protested against the action of the Court as follows:

"This case was fully argued in the beginning of this month. It is a case which involves the liberty and rights, not only of the appellant but of millions of our fellow citizens. The country and the parties had a right to expect that it would receive the immediate and solemn attention of the court. By the postponement of this case we shall subject ourselves, whether justly or unjustly, to the imputation that we have evaded the performance of a duty imposed on us by the Constitution, and waited for Legislative interposition to supersede our action, and relieve us from responsibility. I am not willing to be a partaker of the eulogy or opprobrium that may follow. I can only say . . . I am ashamed that such opprobrium should be cast upon the court and that it cannot be refuted."

The ten States were organized into Military Districts under the unconstitutional "Reconstruction Acts," their lawfully constituted Legislature illegally were removed by "military force," and they were replaced by rump, so-called Legislatures, seven of which carried out military orders and pretended to ratify the 14th Amendment, as follows:

Arkansas on April 6, 1868;[38]

North Carolina on July 2, 1868;[39]

Florida on June 9, 1868;[40]

Louisiana on July 9, 1868;[41]

South Carolina on July 9, 1868;[42]

Alabama on July 13, 1868;[43] and Georgia on July 21, 1868.[44]

6. Of the above 7 States whose Legislatures were removed and replaced by rump, so-called Legislatures, six (6) Legislatures of the States of Louisiana, Arkansas, South Carolina, Alabama, North Carolina and Georgia had ratified the 13th Amendment, as shown by the Secretary of State's Proclamation of December 18, 1865, without which 6 States' ratifications, the 13th Amendment could not and would not have been ratified because said 6 States made a total of 27 out of 36 States or exactly three-fourths of the number required by Article V of the Constitution for ratification.

Furthermore, governments of the States of Louisiana and Arkansas had been re-established under a Proclamation issued by President Abraham Lincoln December 8, 1863.[45]

The government of North Carolina had been re-established under a Proclamation issued by President Andrew Johnson dated May 29, 1865.[46]

The government of Georgia had been re-established under a proclamation issued by President Andrew Johnson dated June 17, 1865.[47]

The government of Alabama had been re-established under a Proclamation issued by President Andrew Johnson dated June 21, 1865.[48]

The government of South Carolina had been re-established under a Proclamation issued by President Andrew Johnson dated June 30, 1865.[49]

These three "Reconstruction Acts"[50] under which the above State Legislatures were illegally removed and unlawful rump or puppet so-called Legislatures were substituted in a mock effort to ratify the 14th Amendment, were unconstitutional, null and void, ab initio, and all acts done thereunder were also null and void, including the purported ratification of the 14th Amendment by said 6 Southern puppet State Legislatures of

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[38] McPherson, Reconstruction, p. 53.

[39] House Journal 1868, p. 15, Senate Journal 1868, p. 15.

[40] House Journal 1868, p. 9, Senate Journal 1868, p. 8.

[41] *Senate Journal 1868, p. 21.*

[42] House Journal 1868, p. 50, Senate Journal 1868, p. 12.

[43] Senate Journal, 40th Congress, 2nd Sessn. p. 725.

[44] House Journal, 1868, p. 50.

[45] Vol. I, pp. 288–306; Vol. II, pp. 1429–1448—"The Federal and State Constitutions," etc., compiled under Act of Congress on June 30, 1906, Francis Newton Thorpe, Washington Government Printing Office (1906).

[46] Same, Thorpe, Vol. V, pp. 2799–2800.

[47] Same, Thorpe, Vol. II, pp. 809–822.

[48] Same, Thorpe, Vol. I, pp. 116–132.

[49] Same, Thorpe, Vol. VI, pp. 3269–3281.

[50] 14 Stat. p. 428, etc. 15 Stat. p. 14, etc.

Arkansas, North Carolina, Louisiana, South Carolina, Alabama and Georgia.

Those Reconstruction Acts of Congress and all acts and things unlawfully done thereunder were in violation of Article IV, Section 4 of the United States Constitution, which required the United States to guarantee every State in the Union a republican form of government. They violated Article I, Section 3, and Article V of the Constitution, which entitled every State in the Union to two Senators, because under provisions of these unlawful Acts of Congress, 10 States were deprived of having two Senators, or equal suffrage in the Senate.

7. The Secretary of State expressed doubt as to whether three-fourths of the required states had ratified the 14th Amendment, as shown by his Proclamation of July 20, 1868.[51] Promptly on July 21, 1868, a Joint Resolution[52] was adopted by the Senate and House of Representatives declaring that three-fourths of the several States of the Union had ratified the 14th Amendment. That resolution, however, included purported ratifications by the unlawful puppet Legislatures of 5 States, Arkansas, North Carolina, Louisiana, South Carolina and Alabama, which had previously rejected the 14th Amendment by action of their lawfully constituted Legislatures, as above shown. This Joint Resolution assumed to perform the function of the Secretary of State in whom Congress, by Act of April 20, 1818, had vested the function of issuing such proclamation declaring the ratification of Constitutional Amendments.

The Secretary of State bowed to the action of Congress and issued his Proclamation of July 28, 1868,[53] in which he stated that he was acting under authority of the Act of April 20, 1818, but pursuant to said Resolution of July 21, 1868. He listed three-fourths or so of the then 37 states as having ratified the 14th Amendment, including the purported ratification of the unlawful puppet Legislatures of the States of Arkansas, North Carolina, Louisiana, South Carolina and Alabama. Without said 5 unlawful purported ratifications there would have been only 25 states left to ratify out of 37 when a minimum of 28 states was required for ratification by three-fourths of the States of the Union.

The Joint Resolution of Congress and the resulting Proclamation of the Secretary of State also included purported ratifications by the States of Ohio and New Jersey, although the Proclamation recognized the fact that the Legislatures of said states, several months previously, had withdrawn their ratifications and effectively rejected the 14th Amendment in January, 1868, and April, 1868.

Therefore, deducting these two states from the purported ratifications of the 14th Amendment, only 23 State ratifications at most could be claimed; whereas the ratification of 28 States, or three-fourths of 37 States in the Union, were required to ratify the 14th Amendment.

From all of the above documented historic facts, it is inescapable that the 14th Amendment never was validly adopted as an article of the Constitution, that it has no legal effect, and it should be declared by the Courts to be unconstitutional, and therefore null, void and of no effect.

THE CONSTITUTION STRIKES THE 14TH AMENDMENT WITH NULLITY

The defenders of the 14th Amendment contend that the U.S. Supreme Court has finally decided upon its validity. Such is not the case.

In what is considered the leading case, Coleman v. Miller, 307 U.S. 448, 59 S. Ct. 972, the U.S. Supreme Court did not uphold the validity of the 14th Amendment.

In that case, the Court brushed aside constitutional questions as though they did not exist. For instance, the Court made the statement that:

"The legislatures of Georgia, North Carolina and South Carolnia had rejected the amendment in November and December, 1866. New governments were erected in those States (and in others) under the direction of Congress. The new legislatures ratified the amendment, that of North Carolina on July 4, 1868, that of South Carolina on July 9, 1868, and that of Georgia on July 21, 1868."

And the Court gave no consideration to the fact that Georgia, North Carolina and South Carolina were three of the original states of the Union with valid and existing constitutions on an equal footing with the other original states and those later admitted into the Union.

What constitutional right did Congress have to remove those state governments and their legislatures under unlawful military power set up by the unconstitutional "Reconstruction Acts," which had for their purpose, the destruction and removal of these legal state governments and the nullification of their Constitutions?

The fact that these three states and seven other Southern States had existing Constitutions, were recognized as states of the Union, again and again; had been divided into judicial districts for holding their district and circuit courts of the United States; had been called upon by Congress to act through their legislatures upon two Amendments, the 13th and 14th, and by their ratifications had actually made possible the adoption of the 13th Amendment; as well as their state governments having been re-established under Presidential Proclamations, as shown by President Andrew Johnson's Veto message and proclamations, were all brushed aside by the Court in Coleman by the statement that: "New governments were erected in those States (and in others) under the direction of Congress," and that these new legislatures ratified the Amendment.

The U.S. Supreme Court overlooked that it previously had held that at no time were these Southern States out of the Union. White v. Hart, 1871, 13 Wall. 646, 654.

In Coleman, the Court did not adjudicate upon the invalidity of the Acts of Congress which set aside those state Constitutions and abolished their state legislatures,—the Court simply referred to the fact that their legally constituted legislatures had rejected the 14th Amendment and that the "new legislatures" had ratified the Amendment.

The Court overlooked the fact, too, that the State of Virginia was also one of the original states with its Constitution and Legislature in full operation under its civil government at the time.

The Court also ignored the fact that the other six Southern States, which were given the same treatment by Congress under the unconstitutional "Reconstruction Acts", all had legal constitutions and a republican form of government in each state, as was recognized by Congress by its admission of those states into the Union. The Court certainly must take judicial cognizance of the fact that before a new state is admitted by Congress into the Union, Congress enacts an Enabling Act to enable the inhabitants of the territory to adopt a Constitution to set up a republican form of government as a condition precedent to the admission of the state into the Union, and upon approval of such Constitution, Congress then passes the Act of Admission of such state.

All this was ignored and brushed aside by the Court in the Coleman case. However, in Coleman the Court inadvertently said this:

"Whenever official notice is received at the Department of State that any amendment proposed to the Constitution of the United States has been adopted, according to the provisions of the Constitution, the Secretary of State shall forthwith cause the amendment to be published, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States."

In Hawke v. Smith, 1920, 253 U.S. 221, 40 S. Ct. 227, the U.S. Supreme Court unmistakably held:

"The fifth article is a grant of authority by the people to Congress. The determination of the method of ratification is the exercise of a national power specifically granted by the Constitution; that power is conferred upon Congress, and is limited to two methods, by action of the Legislatures of three-fourths of the states, or conventions in a like number of states. Dodge v. Woolsey, 18 How. 331, 348, 15 L. Ed. 401. The framers of the Constitution might have adopted a different method. Ratification might have been left to a vote of the people, or to some authority of government other than that selected. The language of the article is plain, and admits of no doubt in its intrepretation. It is not the function of courts or legislative bodies, national or state, to alter the method which the Constitution has fixed."

We submit that in none of the cases, in which the Court avoided the constitutional issues involved in the composition of the Congress which adopted the Joint Resolution for the 14th Amendment, did the Court pass upon the constitutionality of the Congress which purported to adopt the Joint Resolution for the 14th Amendment, with 80 Representatives and 23 Senators, in effect, forcibly ejected or denied their seats and their votes on the Joint Resolution proposing the Amendment, in order to pass the same by a two-thirds vote, as pointed out in the New Jersey Legislature Resolution on March 27, 1868.

The constitutional requirements set forth in Article V of the Constitution permit the Congress to propose amendments only whenever two-thirds of both houses shall deem it necessary,—that is, two-thirds of both houses as then constituted without forcible ejections.

Such a fragmentary Congress also violated the constitutional requirements of Article V that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

There is no such thing as giving life to an amendment illegally proposed or never legally ratified by three-fourths of the states. There is no such thing as amendment by laches; no such thing as amendment by waiver; no such thing as amendment by acquiescence; and no such thing as amendment by any other means whatsoever except the means specified in Article V of the Constitution itself.

It does not suffice to say that there have been hundreds of cases decided under the 14th Amendment to supply the constitutional deficiencies in its proposal or ratification as required by Article V. If hundreds of litigants did not question the validity of the 14th Amendment, or questioned the same perfunctorily without submitting documentary proof of the facts of record which made its purported adoption unconstitutional, their failure cannot change the Constitution for the millions in America. The same thing is true of laches; the same thing is true of acquiescence; the same thing is true of ill considered court decisions.

To ascribe constitutional life to an alleged amendment which never came into being according to specific methods laid down in Article V cannot be done without doing violence to Article V itself. This is true, because the only question open to the courts is whether the alleged 14th Amendment became a part of the Constitution through a method required by Article V. Anything beyond that which a court is called upon to hold in order to validate an amendment, would be equivalent to writing into Article V another mode of the amendment which has never been authorized by the people of the United States.

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[51] 15 Stat. p. 706.

[52] House Journal, 40th Congress, 2nd Sessn. p. 1126 etc.

[53] 15 Stat. p. 708.

On this point, therefore, the question is, was the 14th Amendment proposed and ratified in accordance with Article V?

In answering this question, it is of no real moment that decisions have been rendered in which the parties did not contest or submit proper evidence, or the Court assumed that there was a 14th Amendment. If a statute never in fact passed by Congress, through some error of administration and printing got into the published reports of the statutes, and if under such supposed statute courts had levied punishment upon a number of persons charged under it, and if the error in the published volume was discovered and the fact became known that no such statute had ever passed in Congress, it is unthinkable that the Courts would continue to administer punishment in similar cases, on a non-existent statute because prior decisions had done so. If that be true as to a statute we need only realize the greater truth when the principle is applied to the solemn question of the contents of the Constitution.

While the defects in the method of proposing and the subsequent method of computing "ratification" is briefed elsewhere, it should be noted that the failure to comply with Article V began with the first action by Congress. The very Congress which proposed the alleged 14th Amendment under the first part of Article V was itself, at that very time, violating the last part as well as the first part of Article V of the Constitution. We shall see how this was done.

There is one, and only one, provision of the Constitution of the United States which is forever immutable—which can never be changed or expunged. The Courts cannot alter it; the executives cannot change it; the Congress cannot change it; the States themselves—even all the States in perfect concert—cannot amend it in any manner whatsoever, whether they act through conventions called for the purpose or through their legislatures. Not even the unanimous vote of every voter in the United States could amend this provision. It is a perpetual fixture in the Constitution, so perpetual and so fixed that if the people of the United States desired to change or exclude it, they would be compelled to abolish the Constitution and start afresh.

The unalterable provision is this: "that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

A state, by its own consent, may waive this right of equal suffrage, but that is the only legal method by which a failure to accord this immutable right of equal suffrage in the Senate can be justified. Certainly not by forcible ejection and denial by a majority in Congress, as was done for the adoption of the Joint Resolution for the 14th Amendment.

Statements by the Court in the Coleman case that Congress was left in complete control of the mandatory process, and therefore it was a political affair for Congress to decide if an amendment had been ratified, does not square with Article V of the Constitution which shows no intention to leave Congress in charge of deciding whether there has been a ratification. Even a constitutionally recognized Congress is given but one volition in Article V, that is, to vote whether to propose an Amendment on its own initiative. The remaining steps by Congress are mandatory. If two-thirds of both houses shall deem it necessary. Congress shall propose amendments; if the Legislatures of two-thirds of the States make application, Congress shall call a convention. For the Court to give Congress any power beyond that to be found in Article V is to write the new material into Article V.

It would be inconceivable that the Congress of the United States could propose, compel submission to, and then give life to an invalid amendment by resolving that its effort had succeeded—regardless of compliance with the positive provisions of Article V.

It should need no further citations to sustain the proposition that neither the Joint Resolution proposing the 14th Amendment nor its ratification by the required three-fourths of the States in the Union were in compliance with the requirements of Article V of the Constitution.

When the mandatory provisions of the Constitution are violated, the Constitution itself strikes with nullity the Act that did violence to its provisions. Thus, the Constitution strikes with nullity the purported 14th Amendment.

The Courts, bound by oath to support the Constitution, should review all of the evidence herein submitted and measure the facts proving violations of the mandatory provisions of the Constitution with Article V, and finally render judgment declaring said purported Amendment never to have been adopted as required by the Constitution.

The Constitution makes it the sworn duty of the judges to uphold the Constitution which strikes with nullity the 14th Amendment.

And, as Chief Justice Marshall pointed out for a unanimous Court in Marbury v. Madison (1 Cranch 136 @ 179):

"The framers of the constitution contemplated the instrument as a rule for the government of courts, as well as of the legislature."

* * * * *

"Why does a judge swear to discharge his duties agreeably to the constitution of the United States, if that constitution forms no rule for his government?"

* * * * *

"If such be the real state of things, that is worse than solemn mockery. To prescribe, or to take this oath, becomes equally a crime."

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"Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions * * * courts, as well as other departments, are bound by that instrument."

The federal courts actually refuse to hear argument on the invalidity of the 14th Amendment, even when the issue is presented squarely by the pleadings and the evidence as above.

Only an aroused public sentiment in favor of preserving the Constitution and our institutions and freedoms under constitutional government, and the future security of our country, will break the political barrier which now prevents judicial consideration of the unconstitutionality of the 14th amendment.

THE MIDEAST CRISIS—NOT BACKWARD TO BELLIGERENCY BUT FORWARD TO PEACE

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. TENZER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. TENZER. Mr. Speaker, the distinguished Foreign Minister of the State of Israel, Abba Eban, in his address to the United Nations Security Council on June 6, 1967, set the theme for a lasting peace in the Middle East so much desired by all the peace-loving nations of the world. His address was entitled, "Not Backward to Belligerency but Forward to Peace."

On June 7, 1967, following the first United Nations resolution calling for a cease-fire in the Middle East, I stated to a distinguished group of Americans who visited me in Washington as follows:

> I deem it most imperative that the terms of the agreement to follow the cease fire provide effective guarantees, to the end that permanent peace may be established in the Middle East.
>
> The interests of world peace would best be served if the terms provide:
>
> 1. For *recognition* of the validity of the sovereignty of the State of Israel by the U.A.R. and other Arab states.
> 2. A *reaffirmation* that the Gulf of Aqaba is an international waterway and will remain open for free passage to shipping of all nations through the Straits of Tiran.
> 3. An opening of the Suez Canal to shipping of *all* nations.
> 4. An ending of terrorism and border raids so that Israel may carry out its desire to live in peace with its neighbors.
> 5. For direct negotiations between Israel and her Arab neighbors for the resolution of other pending issues.

Indeed, it is within the province of the sovereign State of Israel to speak its mind on the terms of the agreement to follow the cease-fire—the terms which in its view will best insure permanent peace in the Middle East. We on the other hand take the opportunity to make suggestions which in our opinion will best secure the peace of the world—thereby also serving the best interests of the United States.

An elaboration of the five points suggested on June 7, 1966, is accordingly in order.

I. THE STATE OF ISRAEL A SOVEREIGN NATION

The State of Israel is a member of the United Nations—a full-fledged member of the family of nations. Though the integrity of her borders were guaranteed by the major powers—three times in 20 years—the State of Israel was obliged to go to war to put a stop to the violation of her boundary lines.

It is therefore basic to any plan for permanent peace in the Middle East that the sovereignty of the State of Israel be recognized by her neighbors. This fact cannot be questioned—this truth is and should not be negotiable because its import was underlined by the events of the past 10 days.

The foundation for a permanent peace in the Middle East must be the absolute and unqualified recognition by the Arab States of the right of the State of Israel to exist as a sovereign state among other sovereign states. When this foundation is laid, then Israel and her Arab neighbors can, through direct negotiations, begin to build the structure leading to permanent peace.

II. STRAIT OF TIRAN AN INTERNATIONAL WATERWAY

Since 1950, Egypt has repeatedly given assurances that the Strait of Tiran would remain open for "innocent passage of foreign ships," to the Gulf of Aqaba. That phrase used at the United Nations Conference on the Law of the Sea in 1958 must become the permanent and binding policy of the United Arab Republic and other Arab nations. It is a policy which must be guaranteed by the United States, the Soviet Union, and the United Nations.

We must never again have to sit by and watch one nation unilaterally dictate a denial of the right of "innocent passage" of an international waterway for its own political purposes to another member of the maritime family of nations

The right of the State of Israel to free access through the Strait of Tiran to the Gulf of Aqaba must be absolute. It must never again be tested by a blockade or political maneuver of another nation.

III. OPEN SUEZ CANAL TO ALL NATIONS

It follows logically from recognition of the sovereignty of the State of Israel that she is entitled to and must have access to all international waterways. Seaway robbery—whether in the Gulf of Aqaba or the Suez Canal—must be banned by the United Nations for all time. Twice in the last 10 years we have seen the Suez Canal become a focal point for violence. The world cannot afford—in the face of other great problems—another such occurrence, another experience in brinksmanship.

IV. TO LIVE IN PEACE WITH ITS NEIGHBORS

The surrounding Arab nations must cease once and for all time their open and notorious campaign of threats, boycotts, and border violations. First, the Fedayeen raids, and more recently the El Fatah raids on peaceful settlements and farmers, have challenged the integrity of the territorial borders of the State of Israel.

The numerous excursions into Israel territory for the purposes of sabotage and destruction must be avoided and prevented. Until this can be achieved with adequate international guarantees, the Middle East will continue to be a threat to international peace.

The State of Israel must negotiate its own peace. However, for this to become a reality, all nations must stand together in urging direct negotiations between Israel and her Arab neighbors for the establishment of permanent peace.

V. DIRECT NEGOTIATIONS BETWEEN ISRAEL AND THE ARAB NATIONS

The disputes which have led to three Middle East wars in the past 20 years must be settled by direct negotiations between Israel and the Arab nations. The United Nations should endorse and promote such direct negotiations and provide effective guarantees for enforcement of settlement provisions agreed upon. The United States, the Soviet Union, Great Britain, and France should encourage such direct negotiations.

THE REFUGEE PROBLEM

One of the most serious problems facing the nations of the Middle East is the resettlement of refugees. On October 17, 1966—daily CONGRESSIONAL RECORD, page A5336—I warned of the grave danger posed by the recruitment of refugees in the Palestine Liberation Organization—PLO—and other terrorist forces dedicated to the destruction of the State of Israel.

At that time, to encourage direct negotiations for a permanent peace, I called for a cessation of U.S. contributions to the United Nations Relief and Works Administration—UNRWA—which has fed, housed, and educated 10,000 to 15,000 Arab refugees enrolled in the PLO. These refugees were trained in the Gaza strip and Sinai for aggression against Israel.

Now the Arab refugee situation has reached a new peak and the problem still remains totally unsolved.

For 19 years the Arab nations with vast open land stood idly by, utterly neglecting the more than 1 million Arab refugees starving at their borders. They have stood by while hunger, disease, and poverty stalked the refugee camps.

During this same period, the State of Israel absorbed between 80,000 to 100,000 refugees per year. With hard work, sweat, and tears—arid land, desert land, and mountainous terrain was converted into arable lands, producing abundant crops—some never before known to the area. Vast amounts of food were grown to feed a growing population, reduce the dependence on imports, and in fact resulted in producing excess quantities of certain commodities which became available for export.

The people of the State of Israel are a compassionate people. Their heritage calls for feeding the hungry, clothing the naked, providing shelter for the unhoused, healing the sick, caring for the widows, and orphans, and educating the uneducated.

If left alone, to negotiate directly with her Arab neighbors, I am certain that bold and imaginative programs to bring relief to the Arab refugees and to resettle them on the vast open lands would be forthcoming.

The State of Israel, showing compassion and consideration as some of her spokesmen have already indicated, is prepared to devise and design plans for the permanent solution of this 20-year-old problem. These programs need not be confined to the 1.3 million Palestinian refugees but also to the other millions of Arabs, subject to the approval of the heads of their respective States, once they begin to live in peace with the State of Israel.

Mr. Speaker, it is estimated that the world population now stands at approximately 3.3 billion and that approximately one-third of the world's population goes to sleep hungry every night.

It has also been reported that in some underdeveloped nations of the world, hundreds of people die from hunger, starvation, or malnutrition every day.

The United States has carried on a massive program of distributing surplus food and agricultural products throughout the world and in the Middle East, but some authorities have stated that by the 1970's our agricultural surpluses will be exhausted.

The policy of self-help has been demonstrated in various ways over the past 20 years. One example is Israel, where arid, desert, mountainous land was reclaimed, redeveloped, and converted into arable and productive land. Twenty years ago and even up to 10 years ago various commodities were rationed. Eggs were rationed in the early history of the State but have not been on the ration list for many years. Today Israel is one of the largest exporters of eggs. It is also an exporter of citrus products.

In the State of Israel newcomers from 71 different nations of the world, many of whom never before worked on a farm, have been settled on farms, labored diligently, and have prospered.

Mr. Speaker, with this background and with the knowledge that our President has already started to plan for economic assistance, and in the hope that direct negotiations between Israel and her Arab neighbors will soon be underway, I am taking the liberty of proposing a vast agricultural resettlement plan for the Arab refugees in the Middle East.

A SUGGESTED PLAN FOR PERMANENT PEACE IN THE MIDDLE EAST

First. The 1.3 million Palestinian refugees should be resettled through the creation of a United Nations Economic Commission for the Middle East.

Second. The United States, the Soviet Union, Great Britain, and France should agree to cease shipment of offensive arms to the Middle East.

Third. Under the peace treaty arrived at by direct negotiations, Israel and its Arab neighbors should invite the United Nations to participate in administering a comprehensive agricultural resettlement program.

Fourth. Specified areas in the Middle East should be set aside for resettlement of the Palestinian Arabs on the land.

Fifth. All refugee camps operated by and with U.N. support should be phased out over a short term of years.

Pending abolition of these refugee camps, all ration cards should be reissued and only to those who are entitled to hold them under the existing or new set of guidelines to be established.

To the extent possible private funds should also be employed in this vast resettlement project which has for its purpose the dissolution of one of the major contributing factors to unrest in the Middle East.

Also to the extent possible the foreign oil companies should explore the use of available funds and part of their excess profits to develop lands around their projects.

Mr. Speaker, there is an opportunity for imagination in designing an overall resettlement program for refugees in the Middle East. During the past 20 years, the number of refugees has been increasing at a rate of about 30,000 a year and efforts to meet the refugee problem have been lackluster and unimaginative.

In 1965, I visited Hong Kong and learned of an experiment in resettlement of refugees unparalleled in history. The plan was developed by the Kadoorie brothers, former residents of mainland China, and who prospered in Hong Kong.

The city of Hong Kong had a population of approximately 600,000 20 years ago, and today there are more than 3.6

million, increasing daily as refugees pour in from mainland China.

Twenty years ago the Kadoorie brothers established an experimental farm to determine which of the world's agricultural products could be grown in the undeveloped sections and on the mountain slopes of the new territory in Kowloon, part of the British Crown Colony of Hong Kong. The Kadoorie brothers, consulting with British and American agricultural specialists, soon learned that the mountainous regions could be terraced and the land could be developed to supply food for the great influx of refugees and for the residents of Hong Kong who up to that time depended entirely upon the importation of food.

The Kadoorie brothers started a program of selling land to any family who so desired in small plots—4½-acre parcels. They provided plans for the construction of homes, chicken coops, pig sties, and supplied all necessary manual equipment for farming operations. Instructions on planting seeds and fertilizer were also provided.

The total cost, including the food necessary for the family's needs until the first crops were harvested, was included in a 100-percent loan payable over 30 to 40 years without interest, and secured only by the land. After a few years, the government of Hong Kong joined in the project and as of the date of my visit more than 750,000 families, comprising more than 300,000 people, had been settled on the land.

It is estimated that whereas 20 years ago 95 percent of the food requirement of Hong Kong was imported, that today with a population of 3.6 million, six times the original population, nearly 25 percent of the food requirement is home grown.

More significant is the fact that 75,000 families from Red China have become independent owners of their own parcel of land and the house built upon it.

I have learned from experience highlighted by my travels around the world and particularly my visits to Hong Kong and Israel that you cannot change the politics of a hungry man.

I insert in the RECORD at this point the text of an article which appeared in the May 1963 edition of the Reader's Digest, a condensed version of an article by Clarence W. Hall, which first appeared in the Christian Herald, entitled "The Remarkable Kadoorie Brothers of Hong Kong":

THE REMARKABLE KADOORIE BROTHERS OF HONG KONG

(By Clarence W. Hall)

In many parts of the world I've witnessed the shine of pride on the faces of people who have achieved security for themselves and their families, against great obstacles. But never have I seen such radiant faces as those in Cheung Sheung, a village I stumbled upon recently while roving Hong Kong's "New Territories"—that portion of the colony on the mainland which fronts the Chinese border. The villagers, all refugees from Red terror, buzzed about me, eager to show me their lush little farms, their pin-neat homes, their healthy broods of pigs, chickens and geese.

Suddenly over the hubbub I heard a shout, and the crowd left me to surge toward the road where an ancient motorcar was approaching. The car braked to a stop, two white men leaped out and were promptly engulfed by the crowd. One of the men smiling and businesslike, began asking questions. The other, stocky and merry-eyed, handed out little packets of raisins to the children.

It wasn't until I heard a familiar name amid the excited voices that I realized the newcomers' identity: Lawrence and Horace Kadoorie, sons of a multimillionaire Jewish philanthropist, who operate one of the most effective privately sponsored onslaughts on human need anywhere in the world.

In the past 12 years the Kadoorie Agricultural Aid Association has helped more than 300,000 poverty-stricken refugees and peasants, turning some 75,000 into independent farmers. Thanks largely to KAAA, the colony's farm production has more than tripled.

Between 1949 and 1951 hundreds of thousands of refugees from Red China, most of them destitute, poured into the city of Hong Kong and the rural New Territories. Government and private relief agencies did what they could. But when the tide swelled the colony's population to nearly three times its postwar level, the Kadoorie brothers knew from past experience that mere relief was not enough. To discover the dimensions of Hong Kong's vast mosaic of misery, they went among the mushrooming squatter settlements to see for themselves. They made two heartening discoveries: First, these refugees were no drifters; they had left their homes because of their convictions. Second, they asked for no charity, only work.

But what kind of work? The answer, since the majority were peasants, seemed to lie in agriculture. In 1951 the Kadoories formed the KAAA, designed to help the impoverished secure a living through farming. The fact that such a program would cost millions did not deter them. The brothers told government officials, "We'll finance it if you make unused Crown land available and give us the aid of your agriculture experts."

To show what could be done, the KAAA transplanted 14 refugee families to a rocky, arid hillside of 3½ acres, with a bombed-out structure that would serve as temporary shelter. Each family was given its own plot. "This land is nothing but stones!" some protested. "Fine!" Horace Kadoorie replied. "With these stones you can build pigsties while clearing the land. I'll supply cement, and for every pigsty you build I will give you two pigs."

The villagers soon were in the pork business. Ingeniously, they filled and terraced the rocky slope, constructed irrigation channels, built up soil fertility by adding loam and manure. In the first year they produced not only enough food for their own use but made a gross profit of HK$11,370 (a Hong Kong dollar is 17½ cents in U.S. currency).

At the village of Nim Shue Wan a number of families were settled on land reclaimed from the sea by a seawall. To get them started, the KAAA gave cement, wells, pumps, a sailing junk for transport, and a number of pigs. It also made available to them loans[1] of HK$16,300, interest-free for expansion. These loans have now been repaid, and the villagers number more than 100 prospering families.

In the beginning, KAAA's contribution was largely in the form of gifts. To make land and future markets accessible, a network of more than 150 miles of roads and paths, plus 142 bridges, was constructed with KAAA materials and village labor. Ferry service was essential for island villages; the Kadoories provided junks and constructed 27 piers. For water supply and irrigation in water-short Hong Kong, 293 dams, 400 wells, eight reservoirs and 30 miles of channels were built or repaired. Where sea or rivers would wash away fertile farmland, seawalls, culverts and floodgates were built. More than 1100 villages benefited.

One important achievement has been the Kadoorie experimental and extension farm, started six years ago in Pak Ngau Shek. Though both European and Chinese agriculturalists declared the steep, stony hillsides of this area valueless, the Kadoories procured 360 acres. Within months a small army of refugees turned these acres into what is perhaps the most impressive agricultural experiment station in the Far East. Here the Kadoories have scotched many old farmers' tales. For one, it had been accepted for generations that citrus fruit would not grow on these barren slopes. That theory was exploded when Horace found a tangerine tree flowering there. Today, Pak Ngau Shek grows thousands of citrus trees, has triggered a "village orchard plan" and supplied 80 villages with 25,000 trees.

Also from Pak Ngau Shek come many varieties of vegetables and fruit seldom seen before in Hong Kong. The Kadoories' fat and heavy-breasted Pekin ducks and new crossbreed chickens are the finest in the area. And their success in the breeding of pigs has been so great that Hong Kong's pig population has increased from 8,000 in 1945 to around 400,000 today, vastly easing the colony's dependence on pork imports from Red China.

The Kadoories choose their beneficiaries almost willy-nilly; any needy person can apply; none is turned away without being given a chance. Remarkably few fail.

A good example of success: four farmers and their families who made it across the border almost eight years ago. In jam-packed Hong Kong, they lived in tiny cardboard huts with no land and nobody to hire them. The Kadoories gave them deeds to adjoining plots of land, each with a small house and a few pigs and chickens, and two cows jointly owned. There were two strings attached: they were not to sell any property for a year, and they were to follow faithfully the advice of agriculture experts.

The four families thrived. In 3½ years, needing more land, they split their holdings to go their separate ways. Each family's share came to HK$35,000. Since then all have prospered.

It was the Kadoorie brothers' remarkable father, Sir Elly Kadoorie, who established the family fortune and philanthropy that has so benefited Hong Kong. Sir Elly was born in Baghdad, Iraq. At an early age he left home for India and China, became a British subject, and built a fortune in rubber, banking and real estate. Once poor himself, he held a firm belief that "wealth is a sacred trust to be administered for the good of society. He built schools and hospitals in Iraq, Iran, India, Syria, Turkey, France, Portugal and China. He was the first to provide educational facilities for girls in many parts of the Middle East. For such broad-scale philanthropy, he was knighted in 1926 by Britain's King George V.

When Lawrence and Horace Kadoorie took their places in the family firm of Sir Elly Kadoorie & Sons, they continued their father's benefactions. Today there are 36 major institutions spread over the globe that bear the Kadoorie name.

Horace, a 60-year-old bachelor who gives personal management to the KAAA, is usually up and away from home by dawn, his car a familiar sight on roads leading to refugee villages. This way he gets in a few extra hours mingling with KAAA-sponsored farmers, and finding new ones, before going to the office. Says Horace, "There's more fun in showing one man how to stand on his own feet than in creating a dozen successful businesses."

Lawrence Kadoorie, 63, is brisk and energetic, a dedicated believer in the free-enterprise system with the inherent responsibility it imposes. "Let the 'have' nations beware," he recently told a group of international diplomats. "Salvation for our free way of life lies not in handouts or charity, but in creating conditions under which those who need help can help themselves."

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[1] In 1939 the government joined the brothers in a mutually financed loan fund.

Last year the Kadoorie brothers received Southeast Asia's most coveted recognition—The Ramón Magsaysay Public Service Award. A noted Australian magazine publisher called their work "the greatest two-man stand against communism I have ever seen." The brothers merely smile and quote Edmund Burke: "The only thing necessary for the triumph of evil is that good men do nothing."

Mr. Speaker, the complete settlement of the problems in the Middle East will not be achieved without the assistance of the major powers. Cooperation between the United States and the U.S.S.R. is an essential ingredient to permanent peace in the Middle East. Through a vast and comprehensive resettlement program encouraged by the great powers we can make giant strides in guaranteeing the peaceful settlement of problems in that area of the world.

The setting up of demilitarized buffer zones, with the land put to use in a vast agricultural resettlement program for Arab refugees, will show the way for establishing dunams for democracy in the desert. On the seacoast areas, construction of desalinization plants could be planned, providing water for living and for irrigation. The fact that this envisions a vast, long-range, costly project should not be a reason not to start. Whatever the costs, it would take many years to start, to develop, to implement. In the final analysis the cost would be far less than the cost of a continuous arms race, and be much less than the cost of war, but without the death and destruction it brings with it.

Mr. Speaker, the bombs and guns have been silent for only a few hours and the world must not forget their destructive effect—the loss of lives and destruction of property. The world has a way of forgetting about its troubles when they are halted even for an instant. We must not fail to utilize the current concern for and interest in the Middle East in the quest for an equitable and just settlement. The search for permanent peace not only in the Middle East but throughout the world must continue to be our major objective.

Mr. Speaker, the opportunity to do a great service to the future prosperity and happiness of all mankind is upon us. As Albert Einstein said a long time ago:

> Peace cannot be kept by force, it can only be achieved by understanding.

We must continue to exert our every effort to insure that such understanding can prevail.

VALEDICTORY ADDRESS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Sisk] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. SISK. Mr. Speaker, I have the honor to present, for the consideration of my colleagues, the valedictory address delivered by Christopher E. Cobey, of Merced, Calif., at the commencement exercises of the Capitol Page School on June 12, 1967. I commend to your attention the thoughtful comments of a fine young man, expressing the viewpoint of his generation:

Valedictory Address Delivered by Christopher E. Cobey at the Commencement Exercises of the Capitol Page School, June 12, 1967

Senator Percy, Dr. DeKeyser, honored guests, and friends: Ours is the fateful generation.

The spirit of the times, in which the members of the class of 1967 have been caught up, is exemplified in the words of Alfred, Lord Tennyson when he wrote, in "The Passing of Arthur": "The old order changeth, yielding place to the new." Ours is the new generation, and we are the ones who will write the most significant and decisive and exciting history the world has ever seen.

Our generation is different from the previous one. The differences are greater and more unmistakeable than between any other two. Young people are quoted as saying that they do not care about their country. This is a far cry from the solid support the citizens gave their fighting men in the Second World War. Today many people, and this is not limited to the youth of America, are confused about our foreign relations, and the confusion registers itself in widely-publicized protests. These protests, I believe, are a reflection of the new questioning mood of today. We are not content to take things at face value. We observe, we think, we evaluate, we ask why.

Our attitude is shown in the frank discussion today of topics once thought to be too controversial to talk about in public, subjects such as religion, drugs, morality, and sex. The public discussion of these matters does not necessarily mean that we are more immoral than the previous generation. It is, instead, the sound of today's youth examining values once held without question. We are told that certain actions are thought to be not correct, and like a person who sees a "Wet Paint" sign, we want to find out for ourselves. In this respect, we are not too different from past generations. However, we are more vocal in our opinions when we find that things are not the way they were said to be.

Ours is the first group of people to be brought up in the age of television. Most of us have been watching TV since we were old enough to be aware of it. Through television advertising, we were told at a tender age that we had dandruff, and halitosis, among other faults. When we learned from experience that the statements of television advertisers were not always correct, we became premature cynics. Television has, no doubt, influenced our lives to an extent not yet entirely known.

Ours is the age of the Beatles and the miniskirt. In addition, we will be remembered for the Monkey, the Frug, and the Swim. Although termed by our parents to be a manifestation of our rebellious attitude, some of them must have seen some benefit in these activities. We often see older people imitating the gyrations of the younger generation. Their actions prove to be a chiropractor's delight.

Our generation has been brought up under intense pressure, but we have weathered it. We grew up in the shadow of the Bomb. It is now an everyday thing to us, this weapon that can snuff out the lives of thousands of people at one blast. Pressure has come not only from the world's military posture. After Sputnik was launched, there was an increased emphasis on education as a result of our elders' re-examination of the curriculum by which we were educated. Consequently, not only was there great stress on mathematics and the sciences, but the humanities were also emphasized. Science, mathematics, physics courses and the methods of teaching them were revised. In the humanities, courses were introduced combining literature, philosophy, history, and other subject areas. As a result, more high school students now go on to institutions of higher learning. The competition to get into a good college, and later, a good graduate school, is very intense. Society expects us to work to our utmost capacity at all times to become the responsible, knowledgeable, well-trained specialists needed for tomorrow. This, it is believed, can best be done by attending college.

Living in such a "pressure cooker," however, has been for the good of America. We have endured the tensions of the teenager and the uncertainty of getting into college. We have learned to deal with frustrating situations. A new breed of Americans has been developed by this way of life, and this is fortunate. For this generation must cope with problems that did not exist twenty years ago. The next fifty years, our fifty years, will be the most decisive half-century in the history of the world. Why? Because man's progress is under constant acceleration. It was hundreds of years before man was able to utilize steam power, but less than one hundred and fifty years later, electricity became available. It was less than twenty-five years ago that the atomic bomb was first used, but now atomic power is already replacing electricity as our primary fuel. We learned in World War II how the atom can be used for purposes of destruction, and today we are finding many peaceful uses for the atom. Many countries will soon have the technical knowledge necessary to make them potential nuclear belligerents. What then? Will we let an increasingly tense world plunge into a war which would be an unheralded holocaust? This is another grave problem that must be solved. It is the task of our generation to ensure the atom's awesome power is used in a civil manner.

There are many other evidences of man's constant progress. When Magellan set out to circumnavigate the globe in 1519, his ships voyaged for three years. Now, Gemini astronauts can take the same trip in ninety minutes. In the 1850's, it took two weeks for news to spread from coast to coast. In the 1966 elections, however, computers told the nation of the results with startling accuracy even before the polls had closed. The latter example points up still another aspect of our society. We are in the era of instant communication. We can now learn of discoveries and the results of explorations as they occur. This information explosion, coupled with the present speed of communication, means that we have less time to make decisions, to ponder our actions. Our reactions must be more highly developed to meet this demanding pace.

So our chief legacy is the atom and its uses. We have others: air pollution and contaminated water. Decaying cities and disgruntled minorities. Doubts about God and second thoughts on morality. Examination of principles: what *is* right and what *is* wrong? And who is to say?

This is the future facing our generation. There are many difficult but exciting challenges ahead of us. Within five years an age-old dream will become reality when a human being first sets foot on the moon. Within twenty years, the chances are good that the United States and other countries will have established colonies on other planets. How will we handle these new-found possessions? Will their acquisition lead to trade and commercial wars as did the settling of the New World colonies? Will we finally have the sense to talk out our differences instead of re-

sorting to violence as we have always done before? Will we be the generation that makes all men brothers? Or will we be the last generation?

The members of this class will be among the ones to decide these questions. We have derived the profits from the efforts of our parents, as well as the problems. There are myriad opinions from among our ranks on how to accomplish our goals. This diversity of belief will be needed in the coming years. It will help us to see all sides of a situation, and to decide on the best course of action.

Our task will not be an easy one.

For ours is the fateful generation.

REMARKS BY FRANK L. MCNEILL, ASSISTANT DEMOCRATIC PAGE OVERSEER, SALUTATORIAN, CHARLESTON, W. VA.

Senator Percy, fellow students, parents, faculty, and distinguished guests, I bid you welcome. Welcome to the commencement exercises of Capital Page School, class of 1967.

There are sixteen of us. We have come from ten different states, both near and far. Almost all of us have served in Congress longer than the speaker here tonight, yet we smack of the callowness of youth contrasted to the sophistication of our environment. There is controversy surrounding our very presence here in Congress, and this may well be a penultimate ceremony.

Should a young man, still flaunting the immaturities of adolescence, be subjected to an ultra-adult society during the most impressionistic period of his life? We have been subjected to that culture, and have been enriched by it.

Make no mistake; no one has pampered your son. In an environment with little or no adult supervision, your son has done much that would displease you, but he has done much more that should delight you. It is difficult to try to maintain a mere semblance of a normal student-teacher relationship with such a limitation of time.

I speak not of high school trivia, for that is not wherein the uniqueness of our school lies; it resides in the atmosphere of Washington, hub of the universe, to which I bid you welcome.

POSTAL SERVICE

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. DANIELS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. DANIELS. Mr. Speaker, last week the gentleman from Illinois [Mr. DERWINSKI] inserted in the RECORD an editorial from the Chicago Tribune criticizing the postal service. He said he was inserting the editorial in the interest of "constructive discussion of the steady deterioration within the Department." The Post Office Department faces many difficult problems, as our outstanding Postmaster General has often acknowledged. But to say that postal service is bad and constantly getting worse simply does not square with the facts.

During the past Christmas season, our Post Office Department handled about 9 billion pieces of mail. In other words, in a period of about 1 month, the U.S. Post Office Department processed and delivered as much mail as the postal service of France handles in an entire year. This record torrent of mail was delivered by our postal service without any major delays or breakdowns. If that is an example of deterioration of service, then I am sure many organizations would welcome such decay.

Few firms in the United States would have a better firsthand opinion about the quality of the postal service than the Reader's Digest. Reader's Digest, Inc., spends more than $19 million a year on postage. It mails out some 17 million copies of the Reader's Digest every month and it makes extensive use of every class of mail from first to fourth. Digest spokesmen testified last week before the Postal Rates Subcommittee, on which I serve, and they had some illuminating comments on the quality of postal service. They called the contention that mail service is geting worse a "myth." Let me quote from the Digest's testimony:

> Mail service is like the weather. People are always talking about it. On rainy days we hear many complaints and on sunny days we hear scant praise. I guess every one of us in this room has experienced irritating cases of mail delay, and these are the cases we remember. These cases might have happened to us last week, or ten years ago, or they might have happened to our grandparents eighty years ago. We rarely remember that the vast majority of mail *does* get delivered in just about the same time as it did in years past.
>
> Because Reader's Digest's livelihood depends so heavily on mail, we are vitally interested in mail service. We need to know mail transit time not only to predict deliveries to our customers, but also to determine how many people we'll need in both our incoming and outgoing mail departments—in each of which we spend over $1 million annually. For years we have kept factual records of mail transit time, by class of mail, by state, at regular intervals.
>
> A careful study of these records, gentlemen, *shows no substantial change* in mail service in recent years. These records indicate what kind of variation our inbound and outbound mail has received, and what we can reasonably expect it to receive. We are satisfied with today's mail service.
>
> Some interesting things come to light upon examination of certain of our mail service records. One observation is that mail service, if anything, may be getting ever so slightly better.

Mr. Speaker, when the Reader's Digest talks about mail delivery it does so with extensive knowledge of the facts. It does not speak in glittering generalities. I think my colleagues will agree that the testimony I have just quoted is impressive evidence that the postal service is not in a state of collapse, as some who might just have a political ax to grind would have us believe.

The editorial that the gentleman from Illinois inserted in the RECORD called for the post office to be turned over to private industry. Among other things, the editorial suggested this would solve the problem of the postal monopoly now exercised by the Government. This is a rather intriguing argument, since every serious suggestion I have seen about turning the postal service over to private industry has envisioned a setup similar to the American Telephone & Telegraph Co.—and I was always under the impression that A.T. & T. rated pretty high up in the monopoly league itself.

There are many compelling reasons why the postal service should not be turned over to private industry. I have served on the Post Office and Civil Service Committee long enough to know that any private postal corporation, no matter how efficient, would have to do one of two things to show a profit. It would have to sharply curtail service or impose a tremendous increase in rates. In either occurrence, many of the very people who are now so smugly advocating a private postal system would be storming this Hill to complain about the high-handed manner in which their postal service had been curtailed or their postal rates raised by 100 percent or more.

The Washington Evening Star had a very entertaining article recently about what it might be like to have a private postal company. It was written by David Braaten. Mr. Braaten meant his article to be funny, and it was. But like most effective humor, it has a strong element of truth. Mr. Braaten predicted that if you called the private postal corporation to arrange for mail delivery the conversation would go something like this:

> "I'd like to arrange for mail delivery at 2108 Rowhouse Vista Drive," you tell the girl at the post office.
>
> "Very good, sir. Single family?"
>
> "Yes."
>
> "Do you wish a mailbox at the back door as well as the front? It will save steps."
>
> "No thanks. One will be plenty."
>
> "Very well. How about a 'blizzard blue' or 'sleet grey' colored mailbox?"
>
> "Oh, never mind that. I was just going to pick one up at the hardware store."
>
> "I'm sorry, sir, only official Bell Mail Co. equipment is permitted. Now then, we can give you a choice of 26 colors, only $15. Or there is the new Princess model in long-lasting polymorphous plastic, It's completely washable and lights up when the mail is delivered. Only $25."
>
> "Gee, don't you have something a little, well, cheaper?"
>
> "Hmm. Very well, sir. It's your home. We can let you have our plain galvanized model for $10."
>
> "That'll do fine."

Mr. Speaker, much needs to be done to give our great Nation the modern mail delivery system it deserves. The system we have today will not meet the needs of tomorrow. Mail volume is fast approaching the 100-billion mark.

Certainly the answer to our steadily rising volume of mail cannot be found in turning over the postal service to a private firm, or to 20 or 30 private firms. Nor is the answer to be found in totally unsubstantiated allegations that mail service is rapidly deteriorating.

The prime need is for modern mail handling facilities and equipment. This will require the expenditure of considerable sums of money for capital improvements. And since my distinguished colleague from Illinois is so concerned about the postal service I am sure he will support Postmaster General O'Brien's forward-looking modernization program.

NORTHROP CORP.—AN EXAMPLE OF AMERICAN FREE ENTERPRISE SYSTEM AND ITS OUTSTANDING CONTRIBUTION TO PARIS AIRSHOW

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. CHARLES H. WILSON] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. CHARLES H. WILSON. Mr. Speaker, Northrop Corp., long identified as a manufacturer of military aircraft but now increasingly expanding its operations in parallel with today's growth in air transportation and communications, was one of the major U.S. companies displaying its capabilities and programs at the 1967 Paris Airshow.

The Northrop exhibit at the biennial international aerospace event portrayed in graphic form a wide spectrum of activities. Featured were illustrated descriptions of the parachute landing systems developed and produced by Northrop which returned to earth all Mercury and Gemini astronauts, and which will be used in the Apollo lunar program.

The exhibit also depicted two experimental wingless lifting bodies, the M2–F2 and HL–10, which Northrop manufactured for NASA; the navigation system being developed for the giant Lockheed C–5A logistics transports; and the 153-foot-long passenger compartments, along with wing components, being built for the huge Boeing 747 airliners.

The T–38 Talon supersonic trainer used by the U.S. Air Force and NASA; advanced space suit research and development, and worldwide communications activities of Northrop's Page Communications Engineers, Inc., subsidiary, were also Northrop display highlights.

In addition Northrop-built F–5 Freedom Fighters, bearing the insignia of the U.S. Air Force, were displayed on the ground and in the air. In the flight demonstrations conducted at the airshow, the flights of the Freedom Fighter repeatedly impressed the huge crowd of spectators with its speed and maneuverability. Freedom Fighters are now in worldwide service with the defense forces of U.S. allies.

The flights of the Freedom Fighter were a point of particular pride for me since this supersonic fighter is built in my home district at Northrop's aircraft assembly plant at Hawthorne, Calif.

The history of Northrop is a moving one of the free enterprise system combined with advanced technology in America to contribute to continuing national strength and vigor.

Northrop was founded in 1939 with an original 50 employees. Today it has more than 22,500 employees assigned to locations from coast to coast and at stations around the world.

In addition to its plants in California, Northrop has principal locations in Texas, Illinois, Alabama, North Carolina, Massachusetts, and Washington, D.C.

Northrop is a diversified, advanced technology company with major product areas in aerospace, communications, electronics and advanced weaponry.

Its role in the designing and manufacture of fighter aircraft for the international market is a dynamic one. The company is continuing to design increasingly advanced versions of the F–5 and has on its drawing boards new advanced fighter aircraft intended to meet international requirements which at the proper time pick up where the F–5 leaves off. In addition, Northrop is engaged in a wide range of research projects that will bring aeronautical and space advances. These include work in laminar flow control, VTOL, hypersonic flight, low altitude penetration, and new parawing recovery systems for space craft.

In addition to its role as the producer of virtually the entire passenger compartment of the 747 airliners, Northrop has been selected by Boeing to produce a large section of the fuselage for the SST aircraft.

Northrop's communications work is done predominantly by the company's two subsidiaries, Page Communications Engineers of Washington, D.C., and the Hallicrafters Co., of Chicago, Ill. Besides installing long-range communications systems around the world, Page has developed a new type of satellite earth receiving station that is priced within the means of most nations of the world. These stations are expected to provide tremendous impetus to worldwide communication and understanding.

Northrop's work in electronics covers a broad range of products and systems, including automatic test systems for Polaris and Poseidon missiles, the navigation system for the Lockheed C–5A military logistics airplanes, airborne computers, and a great deal of work in optics and electro-optics.

The fourth major product area, advanced weaponry, includes such projects as production of Hawk missile launchers and loaders, and development of new types of rocket propulsion systems and air-launched flares.

Mr. Speaker, Northrop's exhibit at the Paris Airshow accurately reflected the outstanding contributions it has made, and continues to make, to both our national defense and the annals of aviation history. I know that Americans in general and the people of Hawthorne, Calif., in particular are very proud of Northrop Corp. for these contributions.

RESOLUTIONS ON MIDDLE EAST

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. Friedel] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. FRIEDEL. Mr. Speaker, today, I transmitted to the President 107 resolutions signed by 21 Maryland State senators and 86 members of the house of delegates concerning the Middle East situation. These resolutions read as follows:

> Resolution
>
> Once again, the Soviet Union appears to be testing American resolve to defend the peace.
>
> The United States Government, speaking through Presidents Truman, Eisenhower, Kennedy and Johnson and through the Congress of the United States, has repeatedly declared its determination to act against aggression in the Middle East. And, we note with appreciation, the declaration of a White House spokesman that "This country is, of course, committed to the principle of maintaining peace in the Middle East. This has been our position over the years. It is still our position."
>
> Consistent with that declaration, we pledge the fullest support to measures which must be taken by the Administration to make our position unmistakably clear to those who are now bent on the destruction of Israel, that we are now prepared to take whatever action may be necessary to resist aggression against Israel and to preserve the peace.
>
> We are confident that the people of the United States will support such a policy, protecting the only Democracy in the Middle East.

I fully support the above statement.

I commended the President for the prompt action he took in stating the U.S. position on this crisis as well as for his efforts in working through the United Nations and other diplomatic channels to end the hostilities in the Middle East. Developments over the weekend indicate that these efforts have been successful in bringing about a cease-fire. However, I urged the President to make it quite clear to all parties within the area that Israel must retain territorial gains which will permit her to defend her borders and insure free passage of her ships through the Gulf of Aqaba and the Strait of Tiran.

In addition, I pointed out to the President that every effort must be made to reconcile the Arabs with their Israel neighbors. Because of the Arab nations' combined superior strength and military hardware, Israel is still at the mercy of its Arab neighbors. Looking into the future, the time is likely to come when Soviet influence will neutralize Western influence in the Middle East. At such a time, the survival of Israel will have to rest on mutual understanding and cooperation between the Arab nations and Israel. I urged the President to take the initiative in effecting this reconciliation in an effort to build a meaningful and lasting peace in this area.

CONGRESSMAN MINISH AWARDED HONORARY DEGREE OF DOCTOR OF LAWS FROM SETON HALL UNIVERSITY

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Patten] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. PATTEN. Mr. Speaker, it was indeed a pleasure for me to learn that my distinguished colleague and friend, the gentleman from New Jersey, Congressman Joseph Minish, was awarded an honorary degree of doctor of laws from Seton Hall University of South Orange, N.J., at the commencement exercises on June 3, 1967.

As indicative of the fine representation which Representative Minish has provided for his 11th Congressional District, the president of Seton Hall University, auxiliary bishop of Newark, said that the university selected the Congressman in recognition of his dedication to the constituents of the 11th district and his humanitarian concern for all people.

The text of the presentation of Representative Minish—inserted hereafter—indicates the obstacles which had to be overcome during his early life. His determination through the years has earned him this honorary degree and has also provided him with the opportunity to serve as a Member of this distinguished legislative body—the Congress of the United States. He is truly the people's representative. In addition, his background is a credit to the operation of our Government and political system that anyone can serve in higher office without regard to race, color, creed, or financial background. He has written his own chapter of "Profiles in Courage."

The text of the presentation of Representative Minish for his doctor of laws degree by Dr. John B. Duff, assistant professor of history and political science follows:

> The Honorable Joseph G. Minish is presented for the degree of Doctor of Laws Honoris Causa.
>
> If anyone believes that the theme of the Horatio Alger success story has no relevance for the twentieth century, the career of the distinguished representative from New Jersey's Eleventh Congressional District should disabuse him of his skepticism.
>
> Born in Throop, Pennsylvania, in 1916, the son of a coal miner, his father's early death thrust upon him the burden of leadership at the age of eleven as he supplemented the family income by working in the mines after school. After service [in the Army] in the second world war, he entered the labor movement in the critical years after 1945. His struggle against subversive elements, his championship of democratic procedures, and his demonstration of leadership soon led to his election as executive secretary of the Essex-West Hudson Labor Council.
>
> Elected to the 88th Congress in 1962, he was re-elected in 1964 and in 1966. Although still a junior Congressman, he has already made his mark in the House. As chairman of a special House subcommittee on sharp financial practices against United States servicemen, he dealt what, it is to be hoped, will prove a mortal blow against loan sharks preying on American servicemen. For this achievement, he received the 12th Annual Citizenship Award from B'nai B'rith and the Distinguished Service Award from the Catholic War Veterans and the Jewish War Veterans.
>
> A man totally dedicated to the service of his fellowman, an outstanding public servant, he has been described by speaker of the House John W. McCormick as "an incalculable asset." I am proud and privileged to present Joseph G. Minish for the honorary degree of Doctor of Laws with all the rights and privileges appertaining thereto.

RESPECT FOR THE FLAG CANNOT BE LEGISLATED

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Brown] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BROWN of California. Mr. Speaker, the House this week will be called upon to vote on the bill H.R. 10480 to prohibit desecration of the flag. From all the information available to me, I believe that the House will pass this bill. Yet as one who loves his country and respects its flag, I must set forth my views as to why the passage of this bill will not engender greater love of country or respect for the flag as the symbol of that country.

I would wish that love of our country and respect for its flag could be legislated. Or even that hatred of our country and disrespect for its flag could be prohibited by law. Our jobs as Members of this great legislative body would be made much easier. We know, with hardly a second thought, that this is not possible, just as well as we know that we cannot pass a law requiring that a man love his wife, respect his parents, or worship God. To seek with great fanfare to penalize a few of the superficial expressions of disrespect is a futile task. Only a little thought is required to conclude that we would not wish to legislate love of country and respect for its flag if we could. Love and respect that is not freely given is without meaning—a travesty on the words.

We have before us, then, a bill to punish those who show by certain acts that they do not respect the flag. The majority of this House, and the majority of the citizens of this great country, will undoubtedly support this legislation. Some will even say that not to support it shows lack of love of country, lack of patriotism, lack of respect for the flag. Such has indeed been the case in every period of history. Every Roman Emperor felt that respect for his high office could be compelled by the Roman law. The Catholic Church once felt that love of God could be compelled by the tortures of the Inquisition. As the committee hearings point out, the U.S.S.R. believes that respect for the Soviet flag can be compelled, and have provided a penalty of 2 years in jail for desecration of the Soviet flag. This should make a Soviet citizen twice as respectful of his flag as the American citizen will be of his—since this bill provides only a 1-year jail sentence for the American citizen.

Many of us in this Chamber are the descendants of English citizens who came to this country because their love of God would not allow them to bow down to, or bare their heads before, an English King. The English law required this, as a simple measure of respect to the sovereign—the symbol of the British Empire. The vast majority of the English people saw no harm in requiring by law this mark of respect for the King, the symbol of the nation. They undoubtedly felt, with proper patriotic fervor, that to penalize a lack of respect for the King would discourage disrespect and create a more loyal citizenry. The small minority of dissenters who disagreed with this view were among the founders of this country. They were also among the architects of our Constitution. They sought to obtain in this country that freedom denied in England, and in almost all the world, to think as one pleased, to speak as one pleased, and to worship as one pleased—without compulsion or restraint.

These men knew the simple truth that for men to be free they must resist all compulsion to stifle ideas, to compel conformity of thought. Freedom to think as one pleases is the basic value which the first amendment to the Constitution seeks to protect. This is the highest function of men, the one from which derives all other attributes of freedom. I stress this point because of only one reason. The entire controversy over the flag and its desecration stems from its use as a symbol, as shorthand for an idea, as a form of speech.

Today our citizens are engaged in a great controversy over the role of this country in the world and, specifically, over the question of our involvement in Vietnam. Those who support that policy very frequently do so on the grounds that our flag is committed to the conflict and must not be dishonored. This is a shorthand way of saying that, rightly or wrongly, our troops are there, our honor as a great nation is committed, and to protect that honor and those commitments we cannot now withdraw. One who carries this type of argument to extremes is said to wrap himself in the flag.

Those citizens who feel that our military involvement in Vietnam on the present scale is a mistake, that it was accomplished by an unwise extension of Executive power, that it violated commitments made to the electorate against involving this country in a land war in Asia, that it has abrogated the constitutional powers of the Congress to declare war, may also feel that these actions desecrate the flag of our country—make it meaningless as a symbol of a free people served by a government of limited power under the restrictions of a Constitution unmatched in human history. They may wish to make this assertion by a symbolic action, which the bill we will consider would make illegal and severely punish.

It has always been true that those who destroy freedom do so in the name of protecting order and, that custodian of order, the state. Those who temporarily control the state and, more particularly, its military power, always have the advantage in manipulating the symbols of the state and using these symbols to conceal their actions under the banner of patriotism, love of country and similar slogans. Hence the phenomena so prevalent today of constitutional governments being overthrown by military juntas. Even simpler is the process of directing foreign policy by involving the flag, in the form of a military unit, a naval vessel, or an Air Force plane. Our whole course in Vietnam has been manipulated by flag symbolism. Our boys—with our flag—are involved; we cannot let them down. Our ships—with our flag—are being attacked; we must protect them. We cannot ask if, perhaps, our boys or our ships may not be in the wrong place, carrying out wrong policies, because they carry our flag. We even become indignant that our airplanes—with our flag—are shot down while bombing the citizens of a foreign country against which we have not declared war. One would think, from our indignation, that it is wrong for these people to defend themselves against our bombs by shooting at our planes.

The inherent impossibility of legislating love of country or acceptance of the temporary policies of that country by penalizing disrespect for the symbol of that country is multiplied by the language of this bill. Not only does it seek to penalize actions relating to a symbol—the flag—but also actions with respect to a symbol of the symbol. I quote from the bill on page 2, line 3:

> The term "flag of the United States" . . . shall include . . . any picture or representation . . . of any part or parts of either, made of any substance or represented on any substance, of any size . . . upon which shall be shown the colors, the stars and the stripes, in any number of either thereof, or of any part or parts of either, by which the average person seeing the same without deliberation may believe the same to represent the flag, standards, colors or ensign of the United States of America.

Under this language it seems quite possible that a dissident citizen hurling a red, white and blue egg at a picture of the President may be convicted under this proposed statute. I can quite easily conceive that the imaginative young people of this country, who oppose the Vietnam war, will evolve literally hundreds of ways of testing this statute and, since it will now be a Federal responsibility to enforce this law, the sheer magnitude of coping with this outbreak of crime may require the creation of a new type of Federal police force.

Needless to say, this potential mockery of the law will contribute not one iota to love of country, respect for the flag, acceptance of the war in Vietnam, or any worthwhile goal. It will only exacerbate the tensions in our society, make a sport of violating the law, and heighten the blood pressure of the righteously indignant.

Mr. Speaker, in the name of patriotism, of freedom, of love for flag and country, let us not set forth on this path.

In conclusion, Mr. Speaker, may I say one thing more. One hundred and seventy years ago this Congress under the pressures of the time enacted legislation aimed, as is this bill, at creating love of country. It sought to do this by punishing any person who tried to defame the President or the Congress by the written or spoken word. This was the Sedition Act of 1798. We have made great progress since that time. Our elected officials, including myself, are now so accustomed to being publicly defamed that we accept it as part of the price of office in a democracy. Only in countries such as Communist China do we find it a crime to defame a public figure. Many of you probably saw the story last week of the Irish ship's officer in a Chinese port who suffered considerable difficulty for defaming Mao Tse-tung by doodling a mustache on his picture. The picture of Mao Tse-tung has become a symbol to Chinese Communists of their new society.

I would hope that this bill, which would punish the defamation of a symbol, and even of a symbol of a symbol, is not leading us toward the day that we shall all be forced to pay homage to a man as symbol of our country. We must, instead, freely give our allegiance to the great principles embodied in our Constitution which set individual liberty as the touchstone of human progress. I do not wish to see the day that a citizen of this country is not free to doodle a mustache on my picture or that of L. B. J.

URGENT NEED FOR LEGISLATION TO PROTECT URANIUM MINERS UNDER WORKMEN'S COMPENSATION LAWS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BURTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BURTON of California. Mr. Speaker, all of us, I am sure, were distressed to learn recently that 6,000 uranium miners are today suffering from lung cancer and leukemia as a result of their breathing uranium dust. Since these tragic illnesses did not become known until many years after exposure, workmen's compensation laws, as now written, fail to protect these miners and their families.

This is an urgent reason for Federal legislation in this field. In other ways, too, Mr. Speaker, workmen's compensation laws need to be brought up to date. This was the subject recently when Lawrence Smedley, assistant director of the AFL–CIO Department of Social Security, was interviewed on the air. Since we should all be aware of this problem, Mr. Speaker, I ask that the script of this radio interview, an AFL–CIO public service program, carried on the Mutual Broadcasting System, appear in the RECORD at this point.

I also ask that there be appended the text of a letter on the subject of uranium poisoning, sent to Secretary of Labor W. Willard Wirtz by Andrew J. Biemiller, director of the AFL–CIO Department of Legislation.

INDUSTRIAL INJURIES AND WAGE PROTECTION

(Labor News Conference, Mutual Broadcasting System; guest, Lawrence Smedley, assistant director of the AFL–CIO's department of social security; panel, Alex Uhl, editor of Press Associates, Inc., Al Goldsmith, editor of the Washington Insurance Newsletter; moderator, Harry W. Flannery)

FLANNERY: Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is Lawrence Smedley, assistant director of the AFL–CIO's Department of Social Security.

Workmen's compensation—the insurance that most workers have to guard against the loss of wages in the event of death or disability resulting from a job-related injury—is an important protection for workers and their families.

Although the first workmen's compensation laws were enacted more than 50 years ago and exist now in some form in every state, each of them is plagued by serious shortcomings. Overhauling workmen's compensation to meet the needs the insurance is designed to meet has been a major goal of the AFL–CIO for many years. Here to question Mr. Smedley about what updating is needed and how it can best be accomplished are Alex Uhl, editor of Press Associates, Incorporated, and Al Goldsmith, editor of the Washington Insurance Newsletter. Your moderator, Harry W. Flannery.

And now, Mr. Uhl, I believe you have the first question?

UHL: Mr. Smedley, Mr. Flannery has pointed out that it has been half a century since these laws first came into existence and that there are problems that have developed over the years which apparently have not been resolved. Could you tell us about some of these problems that the AFL–CIO is trying to tackle?

SMEDLEY: Yes, Mr. Uhl. There are many things which we feel are wrong with workmen's compensation laws. I will list a few of them.

First, I think the one that stands out is the inadequacy of cash benefits, which have not kept up over the years.

Other problems, are for example, that 23 out of 50 states have failed to enact compulsory coverage.

Twenty-five states permit numerical exemptions—in other words, they don't cover small employers.

Twenty states have failed to extend coverage of the laws to all occupational diseases.

Twenty-two states do not provide unlimited medical benefits—in other words, in many states, a worker can still pay for the cost of his industrial injury himself.

Twenty-nine states still do not grant the administrative agency the authority to supervise medical care, to assure that the worker gets proper and adequate medical care.

Thirty-two states make no provision for maintenance benefits if the worker wants to undertake rehabilitation.

These are just a few of the shortcomings, Mr. Uhl. May I point out that the standards that the AFL–CIO has urged have been recommended by the United States Department of Labor, the International Association of Industrial Accident Boards Commission which is the association of state workmen's compensation administrators, by practically all academic people and experts who work in this field.

So our standards are not way-out standards. They are generally accepted standards. But in spite of this fact, workmen's compensation laws still have not achieved the kind of adequacy they should have.

UHL: There is just one question in connection with that, Mr. Smedley—out of 65 million American workers, do we have any idea of how many are not covered?

SMEDLEY: There are no accurate statistics in workmen's compensation, because it is entirely a state program. There is no real central source of statistics.

We do have estimates. Our best estimates are that about four-fifths of the wage and salary workers, or about 50 million wage and salary workers, are covered by workmen's compensation.

FLANNERY: Mr. Smedley, since this is a state matter, is the AFL–CIO seeking to go after this state by state, to correct the inequities in the particular states?

SMEDLEY: The AFL–CIO has advocated a federal workmen's compensation law and in lieu of that federal minimum standards.

I would like to point out that the efforts by the state AFL–CIO state bodies have been as vigorous and as ably advanced as any in recent years. But the basic deficiencies of workmen's compensation laws remain, and the prospects do not indicate that a central reform will take place. We feel that federal workmen's compensation legislation is imperative if injured workers and their families are to receive protection commensurate, at least with the standards of a great society.

FLANNERY: Mr. Goldsmith.

GOLDSMITH: As the first step in this program of enacting federal workmen's compensation laws, the AFL–CIO has long advocated the enactment of minimum standards for compensating injuries arising out of ionizing radiation. Can you tell us, Mr. Smedley, to what extent progress is being made along these lines—on both the state and federal levels?

Smedley: As you know, last year, we had a bill which passed both Houses of Congress providing for unemployment compensation standards. Now, that bill failed in conference committee. Had the unemployment minimum standards bill passed, I think you would have seen a much greater priority in behalf of organized labor for federal minimum standards. So obviously until the unemployment compensation standards are achieved, I don't think you will see a priority for federal minimum standards in workmen's compensation that you would have seen otherwise.

But I do think that there is the likelihood of some kind of federal legislation—less major perhaps—but in the special areas of radiation injury and so forth—or perhaps a grant-in-aid program to improve state workmen's compensation laws. I think that in the interim, you will see less major federal workmen's compensation, but some kind of legislation along these lines.

Uhl: Well, Mr. Smedley, I was startled the other day to hear figures cited on the number of uranium miners who apparently are suffering from lung cancer, presumably as a result of working in the uranium mines. What is happening to these people? I heard the figure of 6,000 miners as involved.

Smedley: What has happened here, Mr. Uhl, is that in the West—in the uranium mines—these individuals worked in mines and they breathed uranium dust, which is radioactive.

As you know, radioactive exposure can cause latent disease. It might not show up for 15 or 20 years. It can cause cancer—leukemia is a very common result.

So what has happened with these individuals is that now, 15 and 20 years later, they are developing cancer and leukemia in very large numbers. It is obvious that these individuals have received these diseases as the result of their occupations.

One of the tragedies is that at the time they worked in the mines and left the mines, there were time limits in the workmen's compensation law. They had to file a claim within a period of so many years. And many of them are precluded from filing for workmen's compensation for their cancer or leukemia, in spite of the fact that everyone is certain that it resulted from their occupation.

May I point out that the AFL–CIO, as early as 1959, advocated federal legislation with regard to radiation injury. We predicted at that time that this kind of tragedy would likely occur unless federal legislation were adopted. We are still advocating federal legislation in the area of radiation. We hope that Congress, as a result of this sad situation, will pass such legislation.

Flannery: Mr. Smedley, I want to get back to a fundamental question. What is the theory behind workmen's compensation? Why shouldn't a worker pay for an industrial injury himself? He's got a job. He's accepted this job, and it seems perhaps that the worker himself should pay for the injury sustained as the result of his employment.

Smedley: Well, in the first place, workmen's compensation differs from the typical social insurance, Mr. Flannery, in that the worker always had the common law right to sue his employer in the event of an industrial injury.

Secondly, the employer does not pay for workmen's compensation. It is primarily paid for by the public, since the employer passes on the cost of this, generally, to the public.

But in any event, the worker has given up his right to sue in order to receive workmen's compensation protection. And in return for that we hoped that he would have a prompt benefit, adequate medical care and that society would be able to resolve the problems that would develop if we didn't have this kind of program to take care of our industrially injured.

It has not worked out as well as we had hoped when the laws were first passed. But I think that we can still improve state legislation, and with federal legislation, we can improve the program to operate as it was originally intended.

Flannery: Mr. Goldsmith.

Goldsmith: Mr. Smedley, returning to the problem of better detection of injuries caused by ionizing radiation, some years ago the Atomic Energy Commission and the Labor Department started work on a joint program to lead to a national record-keeping system. Legislation was sent to the Hill last year and it was side-tracked, primarily because of objections that this was a wedge to produce a federal workmen's compensation system. How do you assess the prospects for such a national record-keeping system?

Smedley: Yes, I'm familiar with the legislation that you are talking about. Unfortunately, it was not passed. But I think the prospects are a little better at the present time, primarily as a result of the uranium miners and the situation that has developed there. I think that as a result, you will again see legislation—similar legislation—along this line introduced in the Congress.

Uhl: Mr. Smedley, this matter of federal legislation raises the question of who provides the insurance to protect these workers who are injured on the job. Is it done by the state itself—is it done privately—or is it a combination of both? How do you feel it should be run?

Smedley: Well, workmen's compensation is one of the few social insurances that uses, primarily, private insurance. There is a state law requiring that the employer purchase an insurance policy for workmen's compensation protection. There are about seven states that have exclusive state funds that preclude any kind of private insurance and about 19 all told, including the exclusive state fund states, that have some sort of a state fund competing with private insurance.

Workmen's compensation costs about $2,700,000, annually. Of that $2,700,000, only about $1,700,000 reaches the injured workers in benefits, so that only about 63% of the premium dollar reaches the workers in benefits. This is a very high retention level—a very, very high expense ration.

For this reason, the AFL–CIO has advocated exclusive state funds. We feel that workmen's compensation is basically a tax on the employer, fixed by public law, and that the administration of that act should not be delegated to private groups.

With the state funds—exclusive state funds—about 94% of premium reaches the injured worker. The difference there could be used very substantially to improve workmen's compensation laws, because the total program—on an average, you understand, they use experience ratings that vary from employer to employer—but as a total program, it costs just about 1% of payroll. So the difference between private insurance and public financing would permit a considerable upgrading of the laws.

Goldsmith: In connection with the various state legislatures and their steps toward improving workmen's compensation laws, both employer organizations and the insurance carriers, along with state and local government organizations, consistently maintain that they are working toward the improvement of these laws. Now don't you think it would be possible for greater cooperation between these groups and organized labor to come into being—to tackle the uniformity of laws, as well as the new problems that are arising?

Smedley: Well, Mr. Goldsmith, we are striving with these groups. We would be very happy to cooperate with these groups—we try to on the state level in seeking to improve state laws.

I'd like to remind you that these people have had 50 years to use the state legislative approach to improve these laws and they have not been successful. I would also remind you that we know of no area that the federal government has entered where the states have done an adequate job.

Now, if the states will improve their workmen's compensation laws—raise them to a level of adequacy—I don't think they will have to fear federal legislation. But they haven't done this. Until they do, I think they are going to have to expect federal legislation in this field.

Uhl: Mr. Smedley, one group of workers in this country that seems to be pretty well neglected is the farm worker. I notice that AFL–CIO president George Meany last week told Congress that farm workers ought to be included under the National Labor Relations law so they can have unions and fight for better wages and living conditions. Now are farm workers included under workmen's compensation? Should they be?

Smedley: Agricultural workers are excluded from many social insurance programs, of which workmen's compensation is only one. They are probably the least adequately covered of any workers in the workmen's compensation program and ironically, Mr. Uhl, agricultural work is one of the most hazardous of all occupations. It has a very, very high accident rate, so there is a great need to cover the agricultural worker. The rationale in the past for not covering them has been that it is administratively difficult to administer workmen's compensation programs that cover agricultural workers.

But we know now, in regard to the Social Security program—they have covered agricultural workers almost entirely now—that the administrative difficulties have not been that bad, really.

Goldsmith: With regard to the Social Security laws, Mr. Smedley, how do you feel about the current provision requiring an offset between workmen's compensation benefits and Social Security disability benefits? Are you for repeal of that recently-enacted provision?

Flannery: I think you might take up first, Mr. Smedley, what is meant by an offset?

Smedley: Yes. Mr. Goldsmith, as you know, it is possible for a person who is permanently and totally disabled to receive benefits from the Social Security disability program. Now if he were occupationally injured and his permanent and total disability resulted from his occupation, he could receive both workmen's compensation and his Social Security disability benefits.

This has greatly alarmed the insurance industry particularly and some employers, who wish to offset Social Security benefits by the amount of workmen's compensation benefits received. We have opposed this and will continue to oppose it, for a number of reasons.

The Social Security amendment of 1965 include a provision that when combined benefits exceed 80%, there will be reduction of Social Security benefits. Now, what they actually advocated and tried to get through was a dollar-for-dollar reduction.

We think this is unfair first because in many states the workmen's compensation benefit is very, very inadequate. It replaces a very, very small percentage of wages, and to reduce a Social Security benefit when a workmen's compensation benefit is inadequate, is unfair to the worker.

Two, it should not be done on the Social Security side, because the worker has paid all his life into the Social Security program. When he has paid into that program, to reduce his benefit—and in many cases he won't receive any Social Security benefit, in spite of the fact he has paid all his life into the program—seems to us very, very unfair.

Third, the Social Security program is a universal program, Mr. Goldsmith. It would be impossible for this program to make special provisions for little programs—much smaller programs that exist in states or privately. It is up to those plans to adjust themselves where problems develop.

There are 50 states. There are 50 complex workmen's compensation laws, varying in all degrees of benefits and other provisions. So obviously, it seems to us that where coordination is needed, or some sort of offset—in most cases it wouldn't be, but if it should be needed—the state is the best judge of how to implement it, because a provision in the federal law cannot make adequate provision for the complexities of state laws.

Uhl: Does this same question arise in the case of prepaid health and hospital insurance—Blue Cross and Blue Shield?

Smedley: No, this does not arise.

Flannery: Mr. Smedley, as I understand it, one of the things that the AFL–CIO is particularly concerned about in connection with workmen's compensation is the fact that heart disease is usually not covered, and that this affects not only those who are covered by workmen's compensation, but also the handicapped worker.

Smedley: Yes, Mr. Flannery, this has become an ever greater issue in the last year or so.

In workmen's compensation, it has long been a legal doctrine that an employer takes a worker as he finds him and is responsible for the aggravation of any underlying pathological condition. In othêr words, the worker's injury or disease does not have to be caused by his occupation. It is necessary only that his occupation aggravates it. And there would be a few people indeed, experts and otherwise, who would concede that the stress and strain of an occupation cannot aggravate a heart condition. As a result, the legal interpretations by the courts have liberalized the compensability of heart disease.

Now, the general rule in the past in many states has been that it must be shown that the heart attack was caused or contributed to by unusual employment effort or strain. In other words, something unusual in the occupation.

Now in many states, the courts have ruled that there need be no requirement that the work effort be excessive, in the sense of being unusual or not ordinarily employed. It is enough that a usual strain associated with the work in itself, which was too much at that time, because of the condition of the heart—or that such routine effort, in combination with the diseased condition of the heart, produced collapse.

So a result of this legal liberalization by the courts, the insurance companies in many states have been trying to change the definition of injury by accident to preclude heart disease. There has been considerable legislative activity and so forth in the states on it.

Flannery: This also affects the employment of the handicapped worker?

Smedley: Yes. There is a problem in hiring the handicapped, because it is felt by some employers, for example, that if a worker has a pre-existing disability—for example, if he has a hand missing and he loses a second hand—the employee will then have permanent and total disability, and therefore, he is reluctant to hire a handicapped worker.

Now, we have advocated that second injury funds be established by the states to pick up the difference, so that when an employer hires a handicapped worker, the fund would pick up the difference between the preexisting disability and that which is caused by his employment. Then the employer would not have to fear additional workmen's compensation cost.

Flannery: Thank you, gentlemen. Today's guest on Labor News Conference was Lawrence Smedley, assistant director of the AFL–CIO's Department of Social Security. Representing the press were Al Goldsmith, editor of the Washington Insurance Newsletter, and Alex Uhl, editor of Press Associates, Incorporated. This is your moderator, Harry W. Flannery, inviting you to listen again next week. Labor News Conference is a public affairs presentation of the AFL–CIO, produced in cooperation with the Mutual Radio Network.

May 9, 1967.

Hon. W. Willard Wirtz,
Secretary of Labor, Department of Labor,
Washington, D.C.

Dear Mr. Secretary: On behalf of the American Federation of Labor and Congress of Industrial Organizations, I wish to express the strongest endorsement and support of the proposed safety and health standard (CFR Part 5204) covering uranium miners exposed to radon daughters gas under provision of the federal public contract procurements act.

This is a long-needed and long delayed step by the federal government to extend the protections against radiation already provided for other workers in this field to the uranium miners.

As you know, the concern of the AFL–CIO has been expressed both formally and informally over many years. The .3 working level standard in your recommended standard was that which the AFL–CIO recently recommended to the Federal Radiation Commission as against its proposed .1 working level which we regard as dangerously permissive.

We strongly believe that this standard can be enforced and with the full cooperation of other federal agencies with responsibilities in this field, a control program can be swiftly mounted.

We urge that you undertake programs in the field of workmens' compensation and manpower training to provide some relief, inadequate though it may be under the circumstances, for the miners in increasing numbers who are becoming victims of incurable lung cancer, and for their families.

We look forward to an opportunity to discuss these matters further with you and members of your staff.

Sincerely,

Andrew J. Biemiller,
Director, Department of Legislation.

TRANSITION TO USE OF DOMESTIC FARM LABOR HAS BEEN SUCCESSFUL

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Burton] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BURTON of California. Mr. Speaker, from time to time I have read statements in the press referring to the alleged hardships of California growers since the expiration of Public Law 78, which stopped the flow of foreign farmworkers into the United States.

Some of these articles have been highly critical of Secretary of Labor Wirtz, particularly his action in establishing $1.60 an hour as the pay which must be offered to domestic farmworkers before requesting the importation of foreign workers. Often this $1.60 an hour is referred to as a "minimum wage"—a point which should be clarified. The Secretary has the responsibility for setting "adverse effect rates" which apply only to employers who want agricultural workers for temporary seasonal employment. Before farmers are allowed by law to bring foreign workers into the country, they must attempt to hire domestic help at the adverse effect wage rate. If sufficient workers are not available, they may request foreign workers at the same wage rate.

In establishing these rates, the Secretary of Labor is only meeting his responsibility to the Immigration and Nationality Act to assure that foreign workers are not brought into the country unless they are absolutely needed and their employment will not adversely affect wages and working conditions of American workers.

The wage rates have been set only for the 11 States which had foreign labor in 1966. The rates in these States depend on the wage structure in the individual State. Therefore, California's increase to $1.60 an hour is in keeping with general wages in the State.

It appears doubtful that California farmers suffered financial hardship as a result of farm wage increases in view of the fact that the net income realized per farm in California rose 18 percent from 1965 to 1966.

Further, with 1966 net farm income in the United States at a nearly 20-year high of $16.2 billion—$2 billion more than in 1965 and almost $4 billion more than in 1964—one could hardly argue that the country has suffered from the limitation of foreign agricultural workers and general increases in employment, wages, and working conditions of domestic farmworkers.

The record clearly shows that Americans are willing to work in the fields and orchards. They ask only what any worker deserves—a decent living wage. Significantly, the annual average unemployment rate for farmworkers dropped from 7.3 percent in 1965 to 6.5 percent in 1966. Both were well below the staggering 8.7-percent average for the last 5 bracero years.

California has definitely not been suffering from lack of workers—foreign or otherwise. For example, in 1964, 24 States used Mexican braceros. In 1965 and 1966, only one State used them—California.

Just a few weeks ago, Les Hubbard, a chief spokesman for the growers council in San Francisco, disputed the argument that there is a farm labor shortage in California.

> There are few growers who need foreign workers—

He said—

> mainly because of the increased use of harvesting machines.

He predicted that growers will ask for far fewer than the 8,700 hired in California last year.

Another well-worn and groundless argument is the contention that the country will suffer higher food prices as a result of California's $1.60 adverse effect rate.

I would point out that although food

prices rose 5 percent between 1965 and 1966, foods which require the bulk of seasonal farm labor in their production accounted for the least part of the increase. Prices of fresh fruits and vegetables rose only 3 percent and processed fruits and vegetables 1 percent, while meat, poultry, and fish accounted for most of the price increase.

Thus, the evidence points strongly to the conclusion that the transition to the use of domestic farm labor in this country has been successful.

The whole country—California included—has benefited from the termination of the mass importation of foreign farm labor—a milestone on the road leading the farmworker into the mainstream of our economic life.

A BILL TO EXTEND PROVISIONS OF ACT OF OCTOBER 23, 1962, RELATING TO CERTAIN UNPATENTED MINING CLAIMS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. JOHNSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, I introduce today a bill to extend the provisions of the act of October 23, 1962, relating to certain unpatented mining claims.

The 1962 act, commonly known as the Johnson-Church Act or the Mining Claims Occupancy Act, initially was drafted and introduced by me due to a very serious problem which existed in the Second Congressional District of California, which is largely federally owned either through the U.S. Forest Service, the Bureau of Land Management, or other agencies of the Department of the Interior.

Over the decades we have had a vast number of people file or purchase mining claims in good faith, believing they were acquiring valid title to their lands. In many instances the original claims were located many, many years ago when the price of gold was reasonable and the gold prospector could make a reasonable living on a claim of this nature. There is no question in my mind but that many of these claims could have been patented at that time but were not for one reason or another.

Now, many of these claims cannot, because of the price of gold, be patented, and the people who have built their homes and their lives on these claims face the loss of their improvements, their occupancy, and their homes.

It was my hope that through the introduction of the Mining Claims Occupancy Act we would enact a relief bill which would assist occupants of these unpatented claims to obtain, at fair market value, their homesites up to 5 acres of land.

The authority for this act expires October 23 of this year. Many people have yet to file applications under this authority. Additionally, the Public Land Law Review Commission, authorized by Congress in the act of September 19, 1964, is considering the whole broad question of public land use in the Nation. It is my feeling that the authority vested by the Congress under the Mining Claims Occupancy Act should be continued until the Public Land Law Review Commission completes its work, and also to permit those who have not been able to participate under the program to date, to do so.

The bill which I introduce today would merely extend, without modification, the provisions of this act until 1 year after the Public Land Law Review Commission submits its final report to the President and the Congress.

GOVERNMENT PROGRAM EVALUATION COMMISSION

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. BLANTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BLANTON. Mr. Speaker, each year Congress establishes appropriations for hundreds of Federal programs costing billions of dollars. We can study them in committees, however, a detailed evaluation of existing programs and those which were inaugurated years ago is seriously lacking.

It is a pleasure for me to cosponsor a bill—H.R. 10520—today to establish a Government Program Evaluation Commission, directly responsible to the legislative branch. This Commission will eliminate the virtual monopoly the executive agencies have in this field of evaluating past and present programs.

The Commission's purpose would be to inform Congress and the President of the effectiveness of past and existing programs; second, to determine whether they should be continued; third, and if so, on what level; and fourth, to assign relative priority in allocation of Federal funds.

A careful study of this bill will indicate that selection of members will be divided among the two major parties, and will be essentially bipartisan.

It is my judgment that such a Commission will help us eliminate wasteful spending, and help us to have some governmental organ which would help our multitude of programs furnish the best possible services with the least amount of waste. The major reexamination duties of this Commission will help committees determine the usefulness of the numerous programs, and will simplify the study of legislation in regard to the appropriations required by them.

At present, Congress must rely almost entirely on the executive branch and the agencies that administer the programs for this type of information. This is mainly because they have the staff, resources, and techniques for such evaluation. However, since these agencies and the branch they are responsible to usually attempt to justify their existence and spendings, can we be assured of complete objectivity? Objectivity has been lacking in the past on several occasions.

We need an independent agency to help us evaluate the programs, and to keep us better informed. The public demands that Federal programs be effective, with an elimination of waste and overlapping. This bill is the answer to that demand, and is sorely needed by the legislative branch.

THE LATE JOSEPH CARDINAL RITTER

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. HUNGATE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HUNGATE. Mr. Speaker, I wish to join with countless others who are mourning the death of Joseph Cardinal Ritter, the archbishop of St. Louis. Cardinal Ritter passed away after 74 fruitful years of religious fulfillment on Saturday, June 10, 1967. In his own quiet way, he not only led his church to an elevated and honored position in America, but also to a more meaningful place in the lives of its many faithful. His own life embodied concepts of human justice and Christian charity. Years before this Congress passed legislation to integrate America's schools, Cardinal Ritter ordered that parochial schools of both Indianapolis and St. Louis open their doors to children of all races. He was the leading spokesman at the Second Vatican Council and led the fight for a liberal church stand on religious liberty. This courageous outlook resulted in a new ecumenical spirit that will someday undoubtedly bring a new harmony among the Christian religions of the world.

At home, a far-reaching innovation brought forth the concept of the expansion fund drive which enabled the physical construction and continued growth of the diocese of St. Louis. The cardinal's leadership also paved the way for an almost effortless transition into the use of the Second Vatican Council's decrees on the new liturgy.

Cardinal Ritter was a man of tremendous foresight. His small physical stature belied his enormous will to see the precepts of Christian life become a lasting reality. We mourn him, and we will miss him.

BUNKER HILL NATIONAL HISTORIC SITE

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. O'NEILL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I introduce today, along with Representative JAMES CLEVELAND, of New Hampshire, a bill that would make

Bunker Hill Monument in Charlestown a national historic site.

The people of Charlestown, of Boston, and of the entire Commonwealth feel a special pride in and affection for Bunker Hill. But this monument is too important, too meaningful to the rest of the country, to be limited to the people of our State. It represents America's struggle for independence and freedom, her fight for the right to establish her own form of government. Because of this, the Commonwealth of Massachusetts wishes to donate the Bunker Hill Monument to the people of the United States.

The bill would authorize the Secretary of the Interior to accept the donation of the monument and the 4 acres of land surrounding it, and to establish the site as the Bunker Hill National Historic Site. This would be administered, protected, and developed by the Secretary of the Interior.

INTEROCEANIC CANAL PROBLEM: TENNESSEE OPPOSES SURRENDER AT PANAMA

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Flood] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. FLOOD. Mr. Speaker, in a statement to the House in the Congressional Record of May 15, 1967, I quoted the texts of resolutions adopted by the South Carolina Legislature and the house of delegates of the Virginia Legislature opposing the projected surrender to Panama of U.S. sovereignty over the Canal Zone. It is indeed, gratifying to report that the 85th General Assembly of the State of Tennessee, by action of its house of representatives on May 22, 1967, and the senate on May 24, adopted Tennessee House Joint Resolution 84, likewise strongly opposing the relinquishment by the United States of its existing sovereign rights, powers, and authority over the Canal Zone and Panama Canal.

It is interesting, Mr. Speaker, that the Tennessee resolution had 23 sponsors. This fact clearly shows that the mass of the people of the several States of the Union are far ahead of their general government in Washington in appraising the dangers at Panama. These have been dramatized by recent threats of Egypt to block the Suez Canal to vessels of nations opposing Egypt's despotic policy in claiming international waters adjacent to the Suez Canal as being under the absolute control of Egypt.

The people of the United States instinctively recognize that cession of their sovereignty over the Canal Zone would be tantamount to ceding it to Communist revolutionary power and that Panama would become another Cuba. They do not wish to have a Suez Canal type of crisis at Panama and growing numbers of them are determined to prevent it. The adoption of the proposed new treaties with Panama will inevitably create there a Suez Canal situation.

Mr. Speaker, with three States having exercised their sovereign powers as parties to the Constitution, it is to be expected that other States will soon follow Virginia, South Carolina, and Tennessee with supporting actions.

The indicated resolution follows:

Tennessee House Joint Resolution 84

A resolution expressing strong opposition to the proposal that the United States relinquish its sovereignty over the Canal Zone and the Panama Canal

Whereas, the Executive Branch of the United States Government has publicly announced that it is in the process of negotiating a treaty or Treaties with the Republic of Panama that could dilute the indispensable grant of sovereignty over the United States-owned Canal Zone territory acquired pursuant to law and purchase from individual property owners under the 1903 Treaty with Panama for the construction, operation, maintenance, sanitation, and protection of the Panama Canal; and

Whereas, any such proposed treaty or treaties, if ratified by the United States Senate, could divest the United States of authority where there is grave responsibility and thereby render our government impotent to maintain and operate the Panama Canal in conformity with the provisions of the 1901 Hay-Pauncefote Treaty with Great Britain under which Treaty the United States is obligated to maintain, operate and protect the Panama Canal on terms of equality for world shipping; and

Whereas, the proposed new treaty or treaties, if approved, could effectively destroy all the indispensable rights heretofore exercised by the United States with respect to the Canal Zone and the Panama Canal; and

Whereas, any withdrawal by the United States could make easier a takeover by communist authority and similar takeovers of governments throughout Latin America, as in the case of Cuba, and imperil the security of the United States and the entire Western Hemisphere; now therefore,

Be it resolved by the House of Representatives of the eighty-fifth General Assembly of the State of Tennessee, the Senate concurring, that we oppose the relinquishing by the United States of its existing rights, powers and authority over the Canal Zone and Panama Canal.

Be it further resolved, that copies of this resolution be forwarded to each United States Senator and each member of the House of Representatives in the Congress from Tennessee.

WHEN THE RACE FOR SPACE BEGAN

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Flood] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. FLOOD. Mr. Speaker, the launching of the Russian Sputnik I in 1957 was an achievement of epochal significance that stimulated extensive writings about the efforts of man for the investigation of space. Little, however, has been published about the pioneering that necessarily preceded recent extraordinary performances in the race of the two strongest world powers—the Soviet Union and the United States.

One such article about the first use of sealed cabins and life support systems, by J. Gordon Vaeth, now Director of System Engineering of the U.S. National Environmental Satellite Center, tells the dramatic story of the important contribution of Lt. Comdr.—now Vice Adm.—T. G. W. Settle, U.S. Navy, and the late Maj. Chester L. Fordney, U.S. Marine Corps Reserve, in their historic balloon ascent in August 1933 into the stratosphere. In the light of the later role for space, the initial Soviet reactions to that world altitude record flight, as related by Director Vaeth, supplies an insight into what has followed in "contesting" the heights of science. The knowledge gained by Lieutenant Commander Settle and Major Fordney was doubtless utilized with profit by Soviet scientists in developing the first sputniks.

In order that the history of the Settle-Fordney flight and its significance may be recorded in the permanent annals of the Congress and thus serve as an inspiration to the youth of our Nation, I quote the indicated article as part of my remarks:

When the Race for Space Began

(By J. Gordon Vaeth)

(The Soviet Union had captured the imagination of the world by sending men higher than anyone had ever gone before. America's response was made shortly afterward by a naval officer and a Marine officer. Their names were not Shepard and Glenn, and the time was not the Sixties, but the Thirties. In an all-but-forgotten flight, two American military men carried their country's colors to a world altitude record and began the race for space that continues today)

On 20 November 1933—while a great, pear-shaped, white-colored envelope drifted silently above the Ohio countryside—a message was received by Naval Communications in Washington: Stratosphere Balloon Lt. Comdr. Settle Major Fordney took off Akron Naught Nine Three Naught X Please Inform OPNAV, Buaer, Major General Commandant.

Those who originated and received this dispatch could have hardly foreseen its implications. The take-off which it reported would result in the achievement of a world's altitude record. The Foreign Commissar of the Soviet Union, commenting on the flight, would use it as a basis for challenging the United States to compete with his country for the conquest of the heights. Josef Stalin, apparently irked by the Settle-Fordney achievement, allegedly would order three Soviet balloonists into the air and to their deaths in an attempt to break the American-held record. And from this there would emerge the Race for Space, a race that began with piloted balloons before graduating to satellites and manned spacecraft.

The balloon which rose from the Akron Municipal Airport that morning 30 years ago had emblazoned on its gondola the crossed anchors, shield, and eagle of the Navy, and the globe, eagle, and anchor of the Marine Corps. The pilot was Lieutenant Commander Thomas ("Tex") Greenhow Williams Settle, U.S. Navy, known at that time for his interest in rocket experiments and his predictions of the coming era of manned rocket flight. Lieutenant Commander Settle's scientific observer was a ground-based Marine reservist, Major Chester L. Fordney.

Their ascent did much more than begin the Race for Space. It pioneered the sealed cabins and life support systems used in manned spacecraft today. As far as is known, it was the first flight to expose living organisms, spores, directly to conditions at the top of the atmosphere. It is believed to have been the first flight in which the biological effects of very high altitude radiation upon human beings was the subject of serious concern and study.

Settle and Fordney rode no rocket. They could hardly be called astronauts in today's sense of the word. They were, however, the first Americans to reach, enter, and remain for any period of time (two hours) in a space-equivalent environment. In this sense, they were America's first men-in-space—and the press and public of the times considered them such.

The story of their flight had its beginnings half a decade before in the mid-1920s. Settle, an airship officer based at Lakehurst, New Jersey, had become interested in taking a free balloon as high as possible into the atmosphere. He watched, therefore, the altitude attempts being made at the time in an open balloon basket by the Army's Captain Hawthorne Gray. When, in 1927, Gray reached 42,470 feet, but lost his life through oxygen supply failure, Settle quickly concluded that flight to this and greater heights would demand sealed and pressurized cabins.

With C. P. Burgess of the Bureau of Aeronautics, he worked out a design for such a cabin. It was among the first in aviation history. Dubbed "The Flying Coffin" because of its shape, it consisted of a cylinder about seven feet long, with rounded ends and a diameter of approximately three feet. Inside was room for one man, his life support system, instruments, and flight controls. Sitting on a shelf, Settle had hoped to ride this tube-shaped gondola far into the stratosphere.

Rear Admiral William A. Moffet, the Bureau's research-minded Chief, took a personal interest in the "Coffin" and authorized its fabrication by the Naval Aircraft Factory, Philadelphia. It was never built, however. About this time, Navy efforts to develop a seaplane to win the Schneider Racing Trophy had begun to attract Congressional and public attention. There was an outcry against so-called "unconventional projects." The Bureau of Aeronautics yielded to pressure, and among the projects cancelled was "The Flying Coffin."

Others, however, had been quick to adopt the idea. Auguste Piccard, the Swiss-born physicist, was one. Independently, he had hit upon the same solution to protect himself against the low pressure, extreme cold, and lack of oxygen found at the heights he wanted to reach for cosmic ray studies. Instead of a cylinder, however, his cabin was a sphere. In it, he and an assistant twice reached record altitudes over Europe: 51,000 feet in 1931 and 53,000 feet a year later.

Early in 1933, Auguste Piccard came to the United States for a lecture tour which he hoped would help raise funds for still another ascent. This was the year that Chicago was playing host to the world's fair—"A Century of Progress" Exposition. Piccard suggested that he make his new scientific flight as one of the attractions of the fair. Its managers were enthusiastic; the National Broadcasting Company and the Chicago *Daily News* quickly volunteered to help as sponsors. Two Nobel prize-winning American scientists, Arthur H. Compton and Robert A. Millikan, would provide cosmic ray equipment. The Union Carbide and Carbon Corporation agreed to donate the hydrogen and the Dow Chemical Company, a gondola. The balloon would be designed and built at cost by the Goodyear Zeppelin Corporation. The pilot would be Auguste Piccard. His twin brother Jean, a chemist living in Wilmington, Delaware, would accompany him aloft as observer.

An unforeseen circumstance in Europe, however, necessitated Auguste Piccard's return. Settle, the only man in the world then known to be licensed to fly all types of aircraft, record distance-holder for balloon flying and winner of the 16-entry Gordon Bennett International Balloon Race of 1932, was loaned by the Navy to serve as pilot. When uncertainty arose about the balloon's ability to reach a record height, Jean Piccard graciously withdrew from the flight to reduce the weight not disposable for ballast.

Settle would go it alone—and, to see his take-off, tens of thousands arrived at Chicago's Soldier Field on the summer night of 4 August 1933. They looked out upon a sight never before seen in that great stadium. White ground cloths had been spread across the grass. On them lay a pile of wrinkled fabric, the envelope of the largest balloon yet built. Nearby was a stack of 700 steel cylinders filled with hydrogen gas. From these cylinders a long inflation tube stretched over to the giant bag.

Inflating the 600,000-cubic-foot, single-ply, rubberized-cotton envelope was slow and tedious. Gradually, however, the 105-foot-diameter balloon began mushrooming into shape. It was kept earthbound by ropes which passed through eyelets in a catenary band circling the envelope near its top.

Toward 2:00 a.m., the gondola was wheeled beneath the towering bag to be connected by shroud lines with another catenary band girding the lower part of the balloon. Seven feet in diameter, the sphere had a shell only three-sixteenths of an inch thick.

At 2:15 a.m., it was announced over the public address system that Settle wanted to test the balloon valve. Complete silence was requested. The crowd fell quiet. He gave the valve cord a hard pull, let go, and listened. Many could hear it—a prolonged hissing and whistling that gradually lessened and then stopped, which meant that, instead of slamming shut as they should have done, the valve doors had only slowly, very slowly, moved back into the closed position.

The envelope was only partially inflated to leave room for the hydrogen to expand as greater heights and lower pressures were reached. The 125,000 cubic feet which had been fed into the bag had concentrated as a ball of gas in the upper portion of the ballon; the lower part was empty and hung as loose folds of fabric. Passing through these folds, the valve cord had been restrained. The balloon's designers had foreseen this possibility, had heavily coated the cord with graphite, and had brought it down through the interior of the bag and out through the fabric at a point where they thought the valve cord would be relatively free from the sucked-in folds and curtains. Still, the cord continued to be restrained.

Settle stood on the field, looking alternately at the balloon and at the crowd. Unable to valve properly, he knew that the flight would probably fail. He also knew that to abort the launch attempt by ripping the balloon and releasing its hydrogen in the middle of the stadium would endanger the people in the stands.

"Let's go," he said.

Bathed in the light of powerful searchlights, the *A Century of Progress*, as the balloon had been christened on the field, began a slow majestic climb. It was 3:00 a.m.

At 5,000 feet, seeing himself over deserted railroad yards, Settle tried the valve again. This time it stayed open, showing no sign of closing whatsoever.

Three thousand feet . . . and falling. Settle began dumping sand and lead pellet ballast upon the tracks beneath.

Still illuminated by the lights at Soldier Field, the sinking balloon was clearly visible to the spectators. Marine Major Fordney, whose men had been helping with the launch operation, took four Marines with him, jumped into a car and headed for the balloon, keeping it barely in sight as it dropped ever lower in the sky. When he reached it, he found it lying deflated on the Chicago, Burlington, and Quincy right-of-way at 14th and Canal Streets. A cigarette-smoking crowd had begun to gather and was tramping over the envelope. Settle, uninjured, was doing his best to keep them away. Few paid any attention to his warning shouts that the big bag still had pockets of explosive hydrogen in it. Some had begun cutting the fabric up for souvenirs. One or two were even eyeing the equipment and instruments inside the gondola.

Fordney and his men made their entry. According to the Chicago *Daily News*, "In the ensuing three minutes, the mob was treated to a gala performance of language and action that have won reputations for potency from the halls of Montezuma to the Shores of Tripoli. Neither lost any of its traditional effectiveness under the circumstances." With the help of other military personnel arriving on the scene, the balloon was rolled up, placed on a railroad freight car, and, with the gondola, taken to a nearby warehouse where it was secured for the night and guarded by Fordney's Marines.

The flight had reached 5,000 feet. It had lasted about 15 minutes. The great spectacle at Soldier Field had ended in a tremendous flop. Yet the press treated the episode good-naturedly. One paper headlined the story, Settle Up! Settle Down! Almost every editorial expressed the hope that the flight would be attempted again.

And it was. The hydrogen was re-ordered; two thousand holes and bruise marks were patched in the envelope; the gondola was refitted and its dents removed.

Settle, whose duty assignment was Inspector of Naval Aircraft in Akron, remained on loan by the Navy for this second attempt. His experience on the first flight had convinced him that, regardless of weight considerations, he needed another man on board. He chose "Mike" Fordney, who had saved the balloon from the mob and whom he had known for some months in connection with the Exposition and with the preparations for take-off at Soldier Field. Fordney, a student of science, and in charge of the mathematics exhibit at the fair, was detailed as flight observer.

On 24 September 1933 came news from overseas that the Soviets had that date tried unsuccessfully to launch a record-seeking, high-altitude, sealed-cabin balloon. Its name: the *USSR*. Six days later, they succeeded. In a flight lasting eight hours and 19 minutes, three Russian aeronauts, Georgi Prokofiev, Konstantin Gudenoff, and Ernest Birnbaum reached a height of 62,230 feet. In their ascent from Moscow to a point 11.8 miles above the earth, they had surpassed Auguste Piccard's "highest aloft" record by almost 10,000 feet.

In replying to the Soviet achievement, Settle and Fordney decided not to try another ascent from the Exposition grounds in Chicago. They would transfer operations to the Goodyear Zeppelin dock at Akron. Inside this mammoth hangar, the balloon could be inflated and rigged regardless of the weather and in privacy, without fanfare and public relations pressures.

On 17 November, the *A Century of Progress*, was erected and pronounced ready for flight again. The troublesome valve cord, now encased in a flexible tube and led out of the bag at the equator, worked perfectly. Only the wait for favorable weather remained.

Early the morning of the 20th, the already-inflated balloon was walked through the northeast hangar doors and out onto the field. Fordney, dressed in leather flying jacket, took his place inside the gondola for what would be the first and only balloon flight he ever made. His was the responsibility for the scientific equipment.

Settle, hatless and wearing white tennis shoes, blue trousers, and a light leather jacket, was atop the gondola checking shroud lines and attachments.

Because a "high sun" was desired for some of the scientific experiments aboard, the plan was to reach peak altitude about midday. High velocity winds waited in the stratosphere. Drift-wise, Settle and Fordney could not afford to spend any more time than absolutely necessary in their eastward flow. The coastline was too close. Accordingly, it was hoped to delay the launch as late into the morning as possible.

The balloon had been undocked at daybreak to take advantage of the early-morning wind lull. As the sun rose, so did the wind. By nine o'clock it was blowing out of the northwest at almost eight m.p.h. The craft could not be held on the ground much longer. Minutes later the *A Century of Progress* began its ascent with Settle riding atop the gondola roof jettisoning bags of lead and sand ballast.

For the second time it was headed up, its destination the upper atmosphere. Gross weight as it left the ground was 7,700 pounds, of which 4,100 was ballast.

Inexorably the aerostat began its drift towards the coast where the Atlantic lapped at the shoreline only 400 miles away. Altitude was maintained at between 2,000 and 5,000 feet as Settle tried to stay in low-vel city winds as long as possible before starting up towards ceiling about noon.

Casually killing time and drifting along with hatches open, Settle and Fordney quickly began to feel at home in their little sphere. It was not a strange environment to either of them. They had spent many preflight hours in it. Procedure trainers being unknown in 1933, they had used the gondola for dry-runs and closed-hatch simulated flights to prove out the adequacy of the air regeneration system.

Of the equipment crammed into the 7–foot ball, this was perhaps the most important. The heart of the system was a double-walled flask containing liquid oxygen which was evaporated to replace oxygen consumed by breathing. It could also be used to maintain or build up cabin pressure. To remove carbon dioxide and water vapor, absorbents used in the submarine service were employed. Anticipating latter-day "bailout bottles," Momsen submarine escape lungs were carried to be worn in the event of having to parachute down from very high altitudes.

The chutes were attached to the shroud lines of the rigging. Each man wore a parachute harness. If he had to jump, he would quickly fasten the harness D-rings to the chute and dive over the side. A tie-down arrangement in the rigging would, like a static line, automatically open the parachute.

The gondola had a deck, 4 feet in diameter, to stand upon. Three tiers of shelves circled the white-painted interior of the sphere. Deck and shelves were supported by eight vertical stanchions attached directly to the load ring atop the gondola. Thus, the weight of men and shelf-mounted equipment was taken directly by the rigging of the balloon and not by the thin gondola skin. Ten observation ports, 3¼ inches in diameter, had been built into the shell. So had two hatches, each with an airtight double door. To control internal temperature, the upper half of the outer surface from the gondola's equator to 60 degrees North latitude had been painted white, the lower half, black.

At 12:45 p.m., over East Liverpool, Ohio, Settle began ballasting continuously. The ascent to the heights had begun in earnest. Hatches were closed at 13,750 feet. Ground visibility was poor and obscured by haze while the balloon rose ever higher into clearer and more rarefied air. As it did, the faint clicking of the cosmic ray counters became more insistent.

Peak altitude was reached about 2:10. The altimeter read 58,000 feet. Exact height would not be known until the balloon's return to earth and an examination made of its sealed barograph by the Bureau of Standards. At ceiling, cabin pressure held at the equivalent of 12,000 to 15,000 feet while inboard temperature ranged between 40 and 50 degrees Fahrenheit.

In addition to three pieces of cosmic ray apparatus, there were cameras, a spectrograph, a light polarization indicator, and air sample bottles to monitor, operate, or use. Also aboard were standard color charts to compare with and determine the color of the sky.

Suspended in the rigging above the gondola was the aerial for the 3-watt radio transmitter carried. Dangling 60 feet below was the receiver antenna. Call letters were W9XZ. From the beginning of the flight, Settle and Fordney were in voice contact with ground stations. They talked with flight sponsors Frank Knox, publisher of the Chicago *Daily News*, Niles Trammell, NBC vice president and Rear Admiral Ernest J. King, Chief of the Bureau of Aeronautics.

For two hours the balloon floated at near-maximum altitude. With the approach of late afternoon, the hydrogen began to cool and contract. A loss of lift set in. As it did, Settle began ballasting again this time to control the rate of descent.

From a ballast hopper inside the gondola poured a mixture of lead shot. One millimeter and one-half millimeter in diameter, the size of these pellets had been carefully selected to ensure that no one could be injured on the ground by their fall. Tests had shown that at terminal velocity they would not puncture the eyeball of a person looking skyward at the balloon.

Descent was maintained at a rate of less than 15 feet per second. At about 30,000 feet, inboard and outboard pressures were equalized. At 26,500, the hatches were opened. Now Settle could begin ballasting with equipment from inside the cabin. Out went the heavy radio batteries, tools, food, each item with a small parachute attached to it to slow its fall and protect life and property below.

At 5:40 p.m., and a height of 800 feet, the *A Century of Progress* levelled off near Bridgeton, New Jersey. Owing to the near-darkness and proximity of the coast, Settle decided to and as soon as possible. Ten minutes later, with the balloon almost down to the ground, he pulled the red-dyed rip cord. Seconds later, the envelope draped itself across a Jersey marsh.

The flight had ended in a bayou-like terrain of bays, inlets, and partly submerged patches of weeds and mud. The two men set out with a flashlight in various directions from the undamaged gondola to try to reach a house or telephone—always to be stopped by a body of water so large they were unable to see its other side in the darkness. Under the circumstances, they could do little else but return to the deflated balloon, wrap themselves in its folds for warmth, and await the return of daylight.

Next morning, while an aerial search began for the unreported flyers, Fordney stripped to his skin and, holding his clothes above his head, set out through the cold marsh waters in search of civilization. Settle stayed behind to protect the scientific instruments and particularly the barograph upon which the official record of altitude would depend. After sloshing along for about five miles, the Marine finally reached a farmhouse where he was able to telephone the balloon's position (at the confluence of the Delaware and Cohansey Rivers) and report "all safe." Shortly afterwards, state police, naval personnel, and flight officials arrived on the scene and the roll-up and clean-up operations began.

At three that afternoon, a Coast Guard plane landed at the Naval Air Station, Anacostia, with Settle and the barograph aboard. Two days later, on the 23rd, the Bureau of Standards, after examining the instrument, announced that an altitude of 61,237 feet had been achieved. This was about a thousand feet below that reached by the Russian balloon, *USSR*. The Soviet Union, however, was not at that time a member of the Fédération Aeronautique Internationale, the aviation body which certifies world flying records. For this reason, the Russian record had never been recognized. On 4 January 1934, the FAI advised that the Settle-Fordney flight had been entered in the list of world records.

Despite the failure of their own record to be recognized, the Russian aeronauts sent cordial greetings and congratulations. Delivered to the Army and Navy Club in Washington, they took the form of cablegrams received by the Soviet Embassy and forwarded to Settle by mail. They came not only from the crew of the *USSR* but also from Fedor Ilin, President of the Committee-on-Construction of Osoaviakhim, Russia's popular aviation organization. Osoaviakhim was readying its own balloon for yet another Soviet "stratostat" ascent.

From Maxim Litvinoff, Foreign Commissar of the Soviet Union, came this message: Hearty congratulations on your great achievement. I am sure that your colleagues in the Soviet Union have watched with greatest interest your flight. May both our countries continue to contest the heights in every sphere of science and technique.

"Contest the heights"—these were the words that Litvinoff used. The Soviet intent to compete with American technology had been declared, the challenge given, the race towards space begun.

Russia's response to the new American record came only two months after the Settle-Fordney flight. The *Osoaviakhim*, with a crew of three, Fedossejenko, Vassenko, and Oussyskine, climbed to a height of 72,182 feet on 30 January 1934. During descent, however, the balloon fell, out of control, killing all on board. The Soviets said that the crew, in their enthusiasm, had simply over-expended their ballast, failing to keep enough to control their descent. American balloonists, quick to doubt that their Russian counterparts would make such a fundamental error, were more inclined to believe that the *Osoaviakhim*, or *Sirius* as it was also known, had iced up during its descent through the clouds. One factor was unclear—why the flight had been attempted at such an unfavorable time of year.

Later, newspaper sources would provide an interesting, perhaps accurate, answer. That week in January was the week when the 17th All-Union Communist Party Congress was meeting in Moscow. Stalin, so the story went, anxious that a spectacular Soviet achievement take place while the Congress was in session, let it be known that he expected the *Osoaviakhim* to provide that achievement. When adverse mid-winter weather threatened to cancel the operation, he allegedly sent word direct: "You go . . . or else!" Perhaps, then, with good reason, Fedossejenko had leaned from the hatch at take-off to cry "Long Live the 17th Party Congress! Long Live the World Revolution!"

In April 1934, the First All-Union Stratostat Congress was convened in Leningrad. During its deliberations, the Settle-Fordney ascent was described as "a sign of great advance in American technology," and Settle was referred to as the Russians' worthiest competitor in their assault upon the upper air.

Settle, however, could no longer compete. Due for a change in duty, he had been transferred to China waters, there to take command of the Yangtze River gunboat *Palos*. Others would have to take his place.

They did. Kepner, Stevens, and Anderson, in the U.S. Army Air Corps-National Geographic Society balloon, *Explorer*, reached about 60,000 feet on 26 July 1934, barely parachuting to safety when the envelope failed and its hydrogen burned in flight.

Drs. Jean and Jeanette Piccard, to whom ownership of the *A Century of Progress* had reverted following the Settle-Fordney flight, took the balloon skyward once more on 23 October 1934, this time to 57,579 feet.

At this point, the Soviets returned to the fringes-of-space sweepstakes. Their entry was the balloon of Varigo and Christopzille. In a caution-filled ascent reflecting the accident to the *Osoaviakhim*, they went to 53,000 feet on 26 June 1935.

Armistice Day that same year saw Stevens and Anderson attain 72,395 feet in the *Explorer II*.

Thus, with balloons did the United States first answer Soviet Commissar Litvinoff. Today, three decades later, Americans and Russians "continue to contest the heights" with the newest flight vehicles their respective technologies can provide.

CHANGE—A WORLD FOR THE YOUNG

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from South Carolina [Mr. DORN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. DORN. Mr. Speaker, the Honorable Byron R. White, Associate Justice of the Supreme Court of the United States, made the graduating address at the first commencement exercises of Langley High School at McLean, Va., on Saturday, June 10. My daughter was a member of the graduating class and, therefore, I was privileged with my family to hear this great, timely, and challenging address so ably delivered by Justice White.

I commend to my colleagues in the Congress and to the people of our country Justice White's superb address:

AN ADDRESS BY BYRON R. WHITE, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES, AT THE LANGLEY HIGH SCHOOL COMMENCEMENT

Mr. Hertzler, graduates, parents, faculty and friends of Langley High School.

I had only a few blocks to travel here, the same few blocks that many of you graduates had to come. But I would have agreed to a much longer trip to be here, for the very simple reason that the arrival of another generation on the scene is an important event, not only to you who have finished your high school training, but to all of us, especially to us who are called the older generation. Your mothers and fathers may not appreciate that classification, but none of us can deny the facts of life.

All of us, I think, are all too well aware of the degree to which each of you will determine the future. Change, very rapid change has overtaken the world, this country in particular. This remarkable acceleration began when many of us were much younger. Change is, therefore, neither strange, abhorrent nor avoidable as far as we are concerned. The point is, however, that the race is a very fast one, a race perhaps only for the young and the swift. At least, it is a race for those who are prepared for it. I do not mean to suggest that everyone need be a sprinter or perish, but I should not mince words in suggesting to you that there are not just one, but several races now in progress, in which all or most of your graduates will participate whether you like it or not. And the results of the contest will determine to a great extent your own destinies and those of your children.

Change has made the world a world for the young, not only because of the energy and resilience which existence today requires, but for still another distinctive reason which has emerged in the last decade. "Change" as we speak of it, is a convenient way of talking about that whole collection of factors which have brought complexity to almost everything we do. Behind the most simple aspects of everyday life, like going to the store, to the movie, or for a ride, or building a house, or turning on the lights or the water, or going to the doctor or doing our everyday work, there is the most towering complexity, aimed, perhaps at making life more fruitful, even simpler, but nevertheless requiring a degree of competence which would have astonished our ancestors. Just to run the country and survive from day to day calls for trained intelligence from all of us.

Beyond the routine, however, there are matters which seem to have mystified the generation just ahead of you. It is our hope that you can do much better with these issues. We say for ourselves that we too had problems, in the form of depression and war, that had never been faced before. Perhaps it has always been that the present must manage legacies from the past but we are now facing what seem to be a collection of quite unyielding and intractable problems, for which the country has as yet no viable solutions. Many people today sense an intense need for an absolutely new and historically unmatched degree of insight and intelligence. Moreover, the major current conundrums not only invite and demand the attention of extraordinary competence but also the cooperative effort of men and women of many different skills and understandings. Our principal preoccupations—war and peace, freedom and equality both at home and abroad, continued prosperity, the growth of the world's population, the management of technology—these and many other issues on our list of urgent concerns await the attention of you young people who have been trained and educated in the modern world. There is hardly any comparison between the training you have so far received and that which your parents enjoyed. There is far more contrast than likeness. The contrast is even sharper with respect to the educational years still before you. You have been exposed to far more than your predecessors, and you will be exposed to far more in the years to come. This is not, perhaps, an unmixed blessing, but it is a fact, not only a necessary but an exciting fact. Wherever our problems came from, whoever is to blame for them, they are in the last analysis your problems too. Their solution poses the most inexhaustible demand for talented and well motivated individuals that the world has yet experienced. That need will be satisfied from your generation or it will not be satisfied at all. Hence my interest, and the interest of the country, in you and all of the others who have reached this important stage in their careers. The challenge is yours.

Actually, what I am saying is nothing more than an expression of the underlying conviction of those who settled this land and who determined, based on their own experience, to create and perpetuate the system we have. The principle is that our real wealth is not in our natural resources, our lands, our forests, mines or rivers, but in our people. There have been some major arguments about the matter, but the long range judgment of this country is that morally, as well as economically, the most rewarding and most satisfying investment is the investment in our human resources. Free man with choice and with the opportunity to develop and apply his talents has been our most successful formula. The idea has been, first, that given the right circumstances, human capability is almost unlimited and second, that human beings are entitled to those right circumstances. Not all people will respond. As a matter of fact, many will not, and they have every right to decline. But enough have responded, and will respond, to make the whole effort worth the candle.

This country now spends almost $50 billion a year on all levels of education, public and private, incomparably more than just a few years ago and incomparably more than any other country in the world. In 1869, there were 16 thousand high school graduates, 2% of all 17 year olds. A century later, the figures are over 3½ million graduates or 72% of 17 year olds. In 1870, a little over 1½% of the 18 to 21 year olds were enrolled in higher educational institutions. In 1963, the percentage was 38½% of this same age group. In 1869, the were hardly any PhD degrees granted in the entire country. In 1963-1964, there were 14,490 doctorates conferred. One hundred years ago, there were 50 thousand people in colleges and universities. There are 5½ million today and the figure is going up at a rapid rate. Americans in higher education outnumber those in higher education in all of the rest of the world combined. American colleges and universities have a larger population than Denmark, Ireland or any of the independent nations of the United Nations. There are 21 hundred colleges and universities in the country and over 2 million teachers at all levels of education.

These are not boastful figures, but only an indication of the degree to which this country depends on the development of human beings. For us, this is not only a practical necessity but it is what the people demand and what they will have. And it is what you in turn will demand and will have for your children.

We have also attempted, not always successfully, to distribute power, both political and economic power in a similar fashion, not only because we have feared concentrations of authority and influence but because widely held power will for most purposes produce the best long range results. Such faith in mass competence may not have great historical support outside our own communities and even here it is still being put to the bitter test by events swirling around us at this very moment. But we have succeeded much more often than we have failed. The system has so far worked. Whether it will continue to do so depends on many things. But the major element will be your own development and your own response. I have no doubt, and neither does anyone else, that in a scant few years a good many of you will be in positions of great responsibility and will be setting the tone and the character of the future. Thus it is only fitting that we congratulate you and wish you Godspeed.

If you have not passed beyond our control, you will probably do so very soon, as is only natural. From this time forward it will be much more of a mutual affair. If you will permit, we shall make every effort to uphold our end of the bargain. I have, in turn, every confidence that you will do likewise. In fact, I suspect that you will do much more than that. I hope that you will.

MEDICAID—DIRECT BILLING

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from South Carolina [Mr. DORN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. DORN. Mr. Speaker, the relationship between a patient and his physician is one of the most important relationships in our society. It is essential that this ethical and moral relationship be maintained as a cornerstone of our freedom, just as the dealings between a client and his attorney must also remain inviolate. The news reporter and his source of information fall in a somewhat similar category.

Unfortunately, the patient-physician relationship has been upset by the passage of title XIX of the Social Security Act, best known as medicaid.

Medicaid, Mr. Speaker, provides for only one form of billing by the physician for his services to the patient. The physician must bill the Government or its agent, such as an insurance company or a State agency.

The intent of both medicare and medicaid was to put everyone in the mainstream of health care. The effect of this legislation, however, has been to place the patient in a second-class category. If the patient has been paying his doctor bills all his life and suddenly is told he does not have to bother any longer because the Government is picking up the tab, he is then placed in a new and different category—one with aspects of charity care that must be distasteful to many.

Contrast with this medicaid provision the situation when the patient pays his bill and is then reimbursed by the Government. The patient has been treated and he has paid the physician—their personal relationship has been maintained. The patient has also dealt separately with the Government, as he would a private insurance company. The physician has remained a physician, not an agent of the Government.

Any payment mechanism should damage a patient's sense of self-sufficiency as little as possible. The relationship must continue to be one between equals, not one between a physician-agent and a ward of the Government.

Mr. Speaker, I believe it is imperative that there be an alternative to medicaid's single method of payment, so that the traditional physician-patient relationship can be maintained. The logical alternative is perhaps best known as direct billing. While it might well result in significantly reduced monetary rewards for some members of the medical profession, the profession is firmly on record in favor of legislation to amend medicaid to include direct billing provisions.

Therefore, I have introduced legislation which would allow physicians and patients to maintain their rightful relationship through direct billing.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. Kelly (at the request of Mr. Rostenkowski), for Tuesday, June 13, 1967, on account of illness.

Mr. Tenzer, for June 14 and 15, for observance of Jewish Festival—Feast of Weeks (Shevuoth).

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Pucinski, for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Findley (at the request of Mr. Dellenback), for 30 minutes, today; to revise and extend his remarks and to inlude extraneous matter.

Mr. Bolling (at the request of Mr. Pryor), for 10 minutes, tomorrow, June 14; to revise and extend his remarks and include extraneous matter, charts, and tables.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Dellenback) and to include extraneous matter:)

Mr. Springer.

Mr. Smith of California.

Mr. Horton.

Mr. Grover.

(The following Members (at the request of Mr. Pryor) and to include extraneous matter:)

Mr. Rees.

Mr. Philbin in two instances.

Mr. Brooks and to include a table.

SENATE BILLS, JOINT AND CONCURRENT RESOLUTIONS REFERRED

Bills, joint and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1281. An act to authorize the appropriation of funds to carry out the activities of the Federal Field Committee for Development Planning in Alaska; to the Committee on Interior and Insular Affairs.

S. 1566. An act to amend sections 3 and 4 of the act approved September 22, 1964 (78 Stat. 990), providing for an investigation and study to determine a site for the construction of a sea-level canal connecting the Atlantic and Pacific Oceans; to the Committee on Merchant Marine and Fisheries.

S.J. Res. 88. Joint resolution authorizing the operation of an amateur radio station by participants in the 12th World Boy Scout Jamboree at Farragut State Park, Idaho, August 1 through August 9, 1967; to the Committee on Interstate and Foreign Commerce.

S. Con. Res. 30. Concurrent resolution to print a report entitled "Mineral and Water Resources of Alaska"; to the Committee on House Administration.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 6138. An act to authorize appropriations for the saline water conversion program, to expand the program, and for other purposes;

H.R. 6431. An act to amend the public health laws relating to mental health to extend, expand, and improve them, and for other purposes; and

H.R. 9029. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1968, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1352. An act to authorize adjustments in the amount of outstanding silver certificates, and for other purposes.

ADJOURNMENT

Mr. PRYOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 13 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 14, 1967, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

831. Under clause 2 of rule XXIV, a letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to extend for 2 years the authority for more flexible regulation of maximum rates of interest or dividends, higher reserve requirements, and open market operations in agency issues, was taken from the Speaker's table, referred to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Joint Committee on Disposition of Executive Papers. House Report No. 354. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 4920. A bill to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the San Carlos Apache Reservation in Arizona; with amendment (Rept. No. 355). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 8372. A bill to authorize the States of North Dakota, South Dakota, Montana, and Washington to use the income from certain lands for the construction of facilities for State charitable, education, penal, and reformatory institutions (Rept. No. 356). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. House Resolution 509. Resolution providing for the consideration of H.R. 8, a bill to amend the Internal Security Act of 1950 (Rept. No. 357). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 510. Resolution providing for the consideration of H.R. 10480, a bill to prohibit desecration of the flag, and for other purposes (Rept. No. 358). Referred to the House Calendar.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 480. A bill to amend the act of October 4, 1961, relating to the acquisition of wet lands for conservation of migratory waterfowl, to extend for an additional 8 years the period during which funds may be appropriated under that act, and for other purposes (Rept. No. 359). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 482. A bill to amend the act of March 16, 1954, relating to hunting stamps for the taking of migratory waterfowl, to require a hunting stamp for the taking of any other migratory bird, and for other purposes; with amendment (Rept. No. 360). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 511. Resolution providing for the consideration of House Joint Resolution 559, joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees (Rept. No. 361). Referred to the House Calendar.

Mr. FASCELL: Committee on Foreign Affairs. Report entitled "Modern Communications and Foreign Policy" (Rept. No. 362). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 2532. A bill to provide for the disposition of funds appropriated to to pay a judgment in favor of the Ottawa Tribe of Oklahoma in docket No. 303 of the Indian Claims Commission, and for other purposes; with amendment (Rept. No. 363). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota:

H.R. 10770. A bill to reclassify certain position in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BIESTER:

H.R. 10771. A bill to provide compensation to survivors of local law enforcement officers killed while apprehending persons for committing Federal crimes; to the Committee on the Judiciary.

By Mr. CAHILL:

H.R. 10772. A bill to amend the Federal Power Act to facilitate the provision of reliable, abundant, and economical electric power supply by strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the proper conservation of scenic and other natural resources; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER:

H.R. 10773. A bill to amend section 1730 of title 18, United States Code, to permit the uniform or badge of the letter-carrier branch of the postal service to be worn in theatrical, television, or motion-picture productions under certain circumstances; to the Committee on the Judiciary.

By Mr. CURTIS:

H.R. 10774. A bill to provide for improved employee-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. EILBERG:

H.R. 10775. A bill to expand the definition of deductible moving expenses incurred by an employee; to the Committee on Ways and Means.

By Mr. FISHER:

H.R. 10776. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. HALPERN:

H.R. 10777. A bill to amend title 35 of the United States Code to provide for compulsory licensing of prescription drug patents; to the Committee on the Judiciary.

By Mr. HARDY:

H.R. 10778. A bill to amend the National Security Act of 1947, as amended; to the Committee on Armed Services.

By Mr. RODINO:

H.R. 10779. A bill to amend the Federal Power Act to facilitate the provision of reliable, abundant and economical electric power supply, by strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the proper conservation of scenic and other natural resources; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS of Florida:

H.R. 10780. A bill to amend the Public Health Service Act to provide for the establishment of a National Eye Institute in the National Institutes of Health; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas (by request):

H.R. 10781. A bill to amend title 38 of the United States Code with respect to the termination of pension of certain veterans being furnished hospital treatment or institutional or domiciliary care by the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. ULLMAN:

H.R. 10782. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink, whether or not dressed; to the Committee on Ways and Means.

By Mr. WHITENER (for himself, Mr. McMillan, Mr. Abernethy, Mr. Dowdy, Mr. Sisk, Mr. Hagan, Mr. Fuqua, Mr. Walker, Mr. Nelsen, Mr. Springer, Mr. Harsha, Mr. Broyhill of Virginia, Mr. Winn, Mr. Zwach, and Mr. Steiger of Arizona):

H.R. 10783. A bill relating to crime and criminal procedure in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DIGGS:

H.R. 10784. A bill to abolish the death penalty under all laws of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. GARDNER:

H.R. 10785. A bill to amend title 28 of the United States Code, "Judiciary and Judical Procedure," and incorporate therein provisions relating to the U.S. Labor Court, and for other purposes; to the Committee on the Judiciary.

H.R. 10786. A bill to amend title II of the Social Security Act to provide an 8-percent, across-the-board increase, with subsequent cost-of-living increases, and to increase the amount an individual is permitted to earn without loss of benefits; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 10787. A bill to amend title II of the Social Security Act to eliminate the 6-month waiting period for disability insurance benefits in cases of blindness or loss of limb and in certain other cases where the severity of the impairment is immediately determinable; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 10788. A bill to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes; to the Committee on the Judiciary.

By Mr. PRYOR, Mr. BEVILL, Mr. BRINKLEY, Mr. BLANTON, Mr. BRASCO, Mr. EILBERG, Mr. GALIFIANAKIS, Mr. KYROS, Mr. MONTGOMERY, Mr. NICHOLS, Mr. RARICK, Mr. STUCKEY, and Mr. TIERNAN:

H.R. 10789. A bill to establish the Government Program Evaluation Commission; to the Committee on Government Operations.

By Mr. ROGERS of Florida (for himself and Mr. Jarman):

H.R. 10790. A bill to amend the Public Health Service Act to provide for the protection of the public health from radiation emissions from electronic products; to the Committee on Interstate and Foreign Commerce.

By Mr. DOLE:

H.R. 10791. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income amounts received for additional living expenses arising out of a casualty loss to the residence of the taxpayer and paid pursuant to a policy insuring such residence; to the Committee on Ways and Means.

By Mr. HAGAN:

H.R. 10792. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. HAMMERSCHMIDT:

H.R. 10793. A bill to establish the Government Program Evaluation Commission; to the Committee on Government Operations.

By Mr. JOHNSON of California:

H.R. 10794. A bill to extend the provisions of the act of October 23, 1962, relating to relief for occupants of certain unpatented mining claims; to the Committee on Interior and Insular Affairs.

By Mr. LONG of Louisiana:

H.R. 10795. A bill to designate the Alexandria National Cemetery, Pineville, La., as the Pineville National Cemetery; to the Committee on Interior and Insular Affairs.

By Mr. O'NEILL of Massachusetts (for himself and Mr. Cleveland):

H.R. 10796. A bill to authorize the Secretary of the Interior to establish the Bunker Hill National Historic Site in the city of Boston, Mass., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BELL:

H.J. Res. 620. Joint resolution concerning a national education policy; to the Committee on Education and Labor.

By Mr. CUNNINGHAM:

H.J. Res. 621. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. HATHAWAY:

H.J. Res. 622. Joint resolution to authorize the President to issue annually a proclamation designating the 7-day period beginning October 2 and ending October 8 of each year as Spring Garden Planting Week; to the Committee on the Judiciary.

By Mr. KARTH:

H.J. Res. 623. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H.J. Res. 624. Joint resolution creating a Joint Committee To Investigate Crime; to the Committee on Rules.

By Mr. CHARLES H. WILSON:

H.J. Res. 625. Joint resolution creating a Joint Committee To Investigate Crime; to the Committee on Rules.

By Mrs. HANSEN of Washington:

H.J. Res. 626. Joint resolution creating a Joint Committee To Investigate Crime; to the Committee on Rules.

By Mr. McMILLAN:

H. Res. 512. Resolution expressing the disapproval of the House of Representatives of Reorganization Plan No. 3; to the Committee on Government Operations.

By Mr. PHILBIN:

H. Res. 513. Resolution extending greetings and felicitations of the House of Representatives to the people of Hubbardston, Mass., on the occasion of the 200th anniversary of their community; to the Committee on the Judiciary.

By Mr. SISK:

H. Res. 514. Resolution to create a select committee to regulate parking on the House side of the Capitol; to the Committee on Rules.

By Mr. BROYHILL of Virginia:

H. Res. 515. Resolution expressing the disapproval of the House of Representatives of Reorganization Plan No. 3; to the Committee on Government Operations.

By Mr. HORTON:

H. Res. 516. Resolution expressing the sense of the House that certain social security and railroad retirement benefits shall not be made subject to Federal income taxes; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII,

237. The SPEAKER presented a memorial of the Legislature of the State of Pennsylvania, relative to desecration of the U.S. flag, which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 10797. A bill for the relief of Evelina D. Ocampo; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 10798. A bill for the relief of Orsalina Leo; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.R. 10799. A bill for the relief of Dr. Fausto Dimzon Garcia; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.R. 10800. A bill for the relief of Overseas Barters, Inc.; to the Committee on the Judiciary.

H.R. 10801. A bill for the relief of Lydia Tababan; to the Committee on the Judiciary.

By Mr. KUPFERMAN (by request):

H.R. 10802. A bill for the relief of Numeriana S. Mojado; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 10803. A bill for the relief of Tran Van Nugyen; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H.R. 10804. A bill for the relief of Ioannis Foutris; to the Committee on the Judiciary.

SENATE

Tuesday, June 13, 1967

(Legislative day of Monday, June 12, 1967)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, this white altar reared at the gates of the morning speaks to us ever of our final reliance on those supreme spiritual forces, faith and hope and love, which alone abide and on which our salvation in the end depends.

Give us ears to hear above the noise of crashing systems, Thy voice in and through the change and confusion of our day, when, in a better order of human society, pity and plenty and laughter shall return to the common ways of man. Endow Thy servants in this national body with wisdom and purity in the ministry of public affairs. Make them worthy of the Nation's trust in these days so full of destiny.

May our individual lives be as lighted windows amid the encircling gloom. In this global contest beyond the light and darkness, make us as individuals the kind of persons which Thou canst use as the instruments of Thy purpose for all mankind.

Thus may we be—

"Done with lesser things
And give heart and mind and soul and strength,
To serve the King of Kings."

Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1352) to authorize adjustments in the amount of outstanding silver certificates, and for other purposes.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the Journal of the proceedings of Monday, June 12, 1967, was approved.

THE DODD CENSURE RESOLUTION

The PRESIDENT pro tempore. Pursuant to the unanimous-consent agreement of May 19, 1967, the Chair now lays before the Senate, Senate Resolution 112, as the pending business, which the clerk will state by title.

The Assistant Legislative Clerk. Calendar No 186, Senate Resolution 112, relative to the censure of Thomas J. Dodd.

ABSENCE OF SENATORS

Mr. MANSFIELD. Mr. President, before I suggest the absence of a quorum—in accordance with the understanding of yesterday it will be a live quorum—I wish to announce to the Senate that the distinguished Senator from Hawaii [Mr. Inouye] and the distinguished Senator from North Carolina [Mr. Jordan] are both ill in the hospital and will not be able to attend.

Mr. DIRKSEN. Mr. President, three minority Senators will be unavoidably absent today, on official business.

Mr. MANSFIELD. Mr. President, two or three Democratic Senators, in addition to those mentioned, are unavoidably delayed but will be here.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Bartlett in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 134 Leg.]

Aiken
Allott
Anderson
Baker
Bartlett
Bayh
Bennett
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Griffin
Gruening
Hansen
Harris
Hart
Hatfield
Hayden
Hill
Holland
Hollings
Hruska
Jackson
Javits
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Scott
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

Mr. LONG of Louisiana. I announce that the Senator from Washington [Mr. Magnuson] is absent on official business.

I further announce that the Senator from Hawaii [Mr. Inouye] and the Senator from North Carolina [Mr. Jordan] are absent because of illness.

I also announce that the Senator from Indiana [Mr. Hartke] is necessarily absent.

Mr. KUCHEL. I announce that the Senator from New Jersey [Mr. Case], the Senator from Iowa [Mr. Hickenlooper], the Senator from South Dakota [Mr. Mundt], the Senator from California [Mr. Murphy], are necessarily absent.

The Senator from North Dakota [Mr. Young] is absent on official business.

The PRESIDING OFFICER. A quorum is present.

PRIVILEGE OF THE FLOOR

Mr. BENNETT. Mr. President, since I must participate in this discussion as vice chairman of the committee, I ask unanimous consent that my administrative assistant, Tom Korologos, may sit with me during these deliberations on the floor of the Senate.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. STENNIS. Mr. President, it goes without saying that the committee considers, and I am sure Senator Dodd considers, this a very serious and highly important matter. It is for that reason I express the strong desire, not only for the committee but also for the Senator from Connecticut, that a high attendance be had and that careful attention be given to all of those who present this matter to the Senate.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. STENNIS. Yes, I yield for a question.

Mr. LONG of Louisiana. Mr. President, I completely agree with what the Senator from Mississippi is saying. The Senate is sitting as a trial court and jury and no one has a right to vote in judgment on a case if he absents himself from the jury box while the case is being tried. I agree with the Senator and I compliment him.

Mr. STENNIS. I thank the Senator for his remarks.

Members of the Senate, let me quickly get to the way the committee feels and I feel about this matter in presenting it to the Senate. This matter is no longer in our hands. It is a matter before the Senate. It is resting in the bosom of the Senate, it is the pending business, and it is Senate business only.

I am going to ask that I not be requested to yield until I have completed my remarks. Then, it will be a privilege to yield to any Senator who may wish to be recognized.

This matter involves a long and complicated set of facts. If the Senate is really going to grasp the fundamentals and the controlling facts, it is going to require a lot of attention on the part of the Senate, not only to the debate but also to the subject as a whole, although, with all deference, the matter boils down to a rather simple question in the end.

Let me state this with emphasis as to the overall nature of this charge. I shall not go into the sadness in anyone's heart in the situation with which we are confronted. I am sure that is shared by all Senators.

But the overall nature of this charge in the resolution is not a general condemnation of testimonial dinner as such. It does not base any charge against the Senator from Connecticut because of a testimonial dinner or any other kind of dinner—just the fact that it was held. The basis of the charge is on the use of the money collected. That is the sole basis of the charge.

There is no attempt to convict him of violating Federal law, Connecticut law, or any other law, or failing to pay income tax or failing to file a report. This goes solely to the use of the money. This is money collected under all the banners and trappings of campaign expenses, past or future, especially so far as the public was concerned, and then a great part of it was spent indiscriminately for personal use and personal debt. That is the basis of the charge.

The charge is not based upon one expenditure, or a few expenditures, and not on one matter which could have been an error. It is based on the fact that the practice happened over and over and over again, so much so, and over a long period of time, as to become a pattern of operation.

The words used in the charge itself are "course of conduct." It amounted to a course of conduct that was wrong on its face, and therefore brought the Senate into disrepute.

This morning, we propose to present the facts that we think overwhelmingly prove this conclusion. We do not think that this was refuted in the hearings, although we were hoping that it would. I do not believe it has been refuted yet, nor will it be refuted in this debate.

I want to say this, further, that I think we need not doubt every Senator will have an opportunity to pass on the essential questions and then vote either his approval or disapproval on this course of conduct.

I do not think this question will go off on a side issue by merely giving the committee instructions about what to do with reference to something else. We are going to present the issue involved, as we see it, to the Senate, and seek to get a decision from the Senate.

Mr. President, we are not prosecutors. We have not been. No man's case was ever heard with more unanimous personal sentiment for the man than this one. Thus, we are not prosecuting. It is our duty, however, to present this matter to the Senate and project what we believe to be the true situation.

I want to make a brief reference here to the power and authority of the Senate to pass on alleged misconduct of Members.

The Senate possesses two kinds of power, one supplementing the other, which relates to prescribing rules of conduct for its Members and the disciplining of Members for misconduct.

First, the Senate, being a sovereign and continuing body, has inherent power to insist upon and maintain moral and ethical standards in its own house. Second, it has express constitutional power to do so.

Article I, section 5, clause 1 of the Constitution provides:

> Each House shall be the judge of the elections, returns, and qualifications of its own Members . . .
>
> Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and with the concurrence of two-thirds, expel a Member.

Mr. President, addressing this question both to the Senate's inherent powers and express constitutional powers in these respects, the court held *In re Chapman* (1897), 166 U.S. 664, that in addition to the powers expressly given by article I, section 5, clauses 1 and 2 of the Constitution, that the Senate "necessarily possesses inherent power of self protection."

I am reading from the case:

> According to [the Senate's] resolution [to investigate charges of misconduct against certain Senators], the integrity and purity of the members of the Senate had been questioned in a manner calculated to destroy public confidence in the body, and in such respects as might subject members to censure or expulsion. The Senate, by the action taken, signifying its judgment that it was called upon to vindicate itself from aspersion and to deal with such of its members as might have been guilty of *misbehavior* and broad reproach upon it, *obviously had jurisdiction of the subject of the inquiry it directed* . . . . 41 L. ed. 1158.

Note that the court spoke of "misbehavior." It did not confine its holding to the constitutional phrase, "disorderly behavior."

I mention this merely in passing. I take it beyond all dispute that the Senate has full control of the situation.

What did the committee find the situation to be as to how the Senate has met this problem in the past?

By prescribing a whole lot of rules in advance? No.

That has not happened in almost 200 years of the Senate's existence. The Senate has never undertaken to reduce to writing the "shall nots" concerning a Senator's activities. Still, on several occasions, the Senate has censured its Members for conduct unbecoming a Member whenever that conduct reflected on the Senate.

We have no written rules for expelling a Member, and the question of expulsion is more grievous than the matter now before the Senate. There are no written rules—even though that has been done—for expulsion. There are also no written rules, gentlemen, for testing a person's right to take his seat in the Senate as a Member.

Senators may be surprised to know that there are a few provisions in the Corrupt Practices Act, enacted about 1926, which have some bearing upon that question. But there are no prescribed rules of conduct written out in advance that would affect a Senator in the matter of taking his seat. Still such proceedings of this kind have been instituted at least 150 times, and carried through to a decision in many of those cases during the history of the Senate.

I hold in my hand a memorandum from the Library of Congress, Legislative Reference Service, containing some research for the committee on this matter. I make this available to anyone who may contest the facts as I state them here.

I quote from a Senate document:

> The Senate has never perfected specific rules for challenging the right of claimant to serve, inasmuch as each case presents different facts. The practice has been to consider and act upon each case on its own merits, although some general principles have been evolved from the precedents established.
>
> Senate Election Cases from 1913 to 1940, Senate Document No. 147, 76th Congress, 3rd Session (1940).

One more statistic here. According to the count we made, the Senate having acted in 151 cases of election contests or misconduct, of these 19 appeared to involve misconduct. So the remaining 132 were probably election cases. Of these 19, five were conduct censure cases. Of the five, only one involved a regulation, law, or written rule.

So there is nothing novel about this particular situation which faces the Senate. Our major jurisprudence is based upon the unwritten rules of equity courts, which are courts of conscience, as we lawyers say. This case being presented is a matter of conscience, ethics, and conduct, pertaining not merely to one Senator, but to how it affects the Senate.

I shall proceed as rapidly as I can consistent with this subject matter. I am going to discuss it now largely from the report, copies of which are at the desks of Senators. I shall make repeated references to part 2 of the hearings, as printed, copies of which are also on the desks of Senators. Part 1 of those hearings related to what we call the Klein matter. That is not in issue here. No charges were preferred in connection with that part of the record.

Now, how did this matter originate and get to this committee. Members of the Senate? By the way, the statement I am now making is the first time I have talked about the merits of the case publicly since it started. I have discussed it with fellow members of the committee, but no one else. My statements have been confined to procedure. But here is the way the case came to this committee, after it broke in the newspapers. The first part of the case was the Klein matter, including the trip to Europe.

Senator DODD came to me and asked our committee to look into the matter of the Klein affair. Along about that time, and soon thereafter, the financial matters commenced breaking. Word was already out about the 4,000 documents taken from Senator Dodd's office.

Senator Dodd and his group did submit information to us and cooperate with us on the Klein affair, all the way through; but as to these financial matters—I do not say this to discredit him—the committee developed them itself. I mentioned to Senator Dodd, when these financial matters were breaking, whether or not he wanted to give us a statement about it. He properly said he would consider it, or words to that effect. I never did urge him to give us anything. I am a lawyer. I respect a man's rights. It had not developed fully, anyway.

When Mr. Sonnett came along, a very capable lawyer, and a fine gentleman, I discussed the matter with him and said, "Now, this financial matter looks serious and it is going to involve a lot of proof. I can see where it will race across the country to many banks. Do you want to consider some statement or stipulation?" Mr. Sonnett said he would look into it, which was a good answer. I never urged him. It went that way.

When we concluded the hearings on the Klein matter, I said to Mr. Sonnett "We need an answer. Are you going to submit anything on these finances?" He said, "I can't do it without waiving the question of jurisdiction." He contended strongly that the committee did not have jurisdiction to hear the financial matter.

By the way, something is going to be said about ex post facto. No objection was made to ex post facto in the Klein matter. One phrase would apply as well as the other.

So Mr. Sonnett gave me that reason. I thought it was a good one. I never mentioned it to him any more, that I recall, in the future. We had developed the facts. These facts came from all over the country.

I told the chief counsel to develop these financial facts. They got more and more involved. By the way, we were investigating a lot of other things at the same time. It did get so involved that we decided we had to select some one thing—not one thing, but a few things, anyway, as a matter of necessity. The financial matter was one thing. I told him, "You have to be thorough and complete. Bring in here whatever is favorable to the Senator from Connecticut and whatever is unfavorable. We want the whole thing."

I would not sign a subpena duces tecum until there was a written statement from the chief counsel telling what he wanted and what was the basis of his inquiry. We have those records in our files. I think it wound up that I signed 106, or something like that. That is the way we got the facts about the money.

When the evidence was all in, I still thought that with such a great volume, stipulations could be made which would save much time for everyone. Finally, the stipulations were agreed to 2 days before the hearing started by counsel for Senator Dodd and counsel for the committee.

I told Senator Dodd that almost the whole case was based upon those stipulations and the sworn testimony taken in Senator Dodd's presence, with his attorney, and with the right of cross-examination. There also were some minor documents, which I shall identify in a few minutes. There is not one word of logic or truth in the claim about Senator Dodd's not having had due process of law. He has had every fundamental right that American jurisprudence ever thought of, plus a lot more. We even gave him most of the expected testimony in advance—before the open hearings, at least. We gave him a statement of the panoramic view of the evidence, that I thought he was entitled to. So all the talk about a lack of due process of law was born later, although Mr. Sonnett vigorously challenged, as he should have done, the jurisdiction of the committee all the way through.

I shall return to the subject of due process of law in a minute. But I assure the Senate now that nothing was done without the utmost scrupulosity toward the Senator from Connecticut. Three members of the committee are lawyers; and the other members of the committee are men of good sense and good brains beyond the knowledge of most lawyers. I do not think there was any doubt about due process until the question was raised by someone else.

The whole matter is based upon the testimony of witnesses, stipulations, and about five other documents. Some news items were put in. The Sinclair affidavit was put in at Mr. Sonnett's request. Also, the Latex Co., $8,000 petty cash voucher was admitted.

Mr. President, I am going to take up the question of the testimonial dinners, or whatever they were called, somewhat in detail, because a pattern developed from those details. I will follow through from the records which disclose where the money went, how it was handled, and how it was used.

Incidentally, I should say that we have been extra careful for another reason. This is the first hearing to be held by this committee. It is the first report to be filed, and many precedents are set thereby. Each step of the proceedings and the authority therefor are documented for any Senator who is interested, beginning on page 9 and continuing through page 13 of the report. The report also describes the methods of investigation and the procedures followed. I do not think it is necessary to repeat them. The scope of the investigation is revealed by the following passage which appears on page 11 of the report:

> The information and financial data developed by these investigative processes formed the basis for substantially all of the factual matters contained in the stipulations of March 11 and 13, 1967.

That was this year, just before the hearings.

> During the investigation of this phase by the Committee, 105 interviews were conducted, 106 subpoenas duces tecum were served, and documents and statements were received from 174 organizations and persons.
>
> The investigation was conducted in Washington, D.C., New York, New York, Los Angeles, California, and at various locations in the state of Connecticut.

Senate Resolution 112 is the result of the conclusions of the committee after the hearings, based on the facts and a hearing of all the evidence.

Some preliminary hearings were held by a two-member subcommittee of the six-member committee. Testimony of some witnesses was taken in executive session without the Senator from Connecticut or his lawyer—either of them—being present; but none of that testimony was used—not any of it, for any purpose, except to find out, after all, what, if anything, the witnesses knew, and to have some idea of their credibility, reliability, background, and attitude toward testifying.

We used it for that a little, not much. But not one scintilla of it was used otherwise. All the testimony, as I have said, was heard as I have already related.

It is a little repetitious, but I will state again:

> The gravamen of this resolution is that the Senator from Connecticut engaged in a course of conduct, over a period of years, of converting to his own personal and private use large sums of money which he had obtained from the public under circumstances that amounted to representations that it would be used for political purposes. Such a course of conduct further encompasses the collection of money from both the Senate and from private organizations for the same travel. All of these activities were undertaken while the Senator was a Member of the Senate, and with the prestige, influence, and position in society and in Congress that goes with this office.

These fundraising events we touched on were seven in number. Seven fundraising events and a campaign for reelection to the Senate were conducted under the tacit control of the Senator from Connecticut. I examine these facts, now, going back to 1961, one at a time, as summarized on page 14 and the first paragraph of page 15 of the report, which constitute a succinct statement of the facts. I read therefrom as follows:

> A fund-raising dinner was held for Senator Thomas J. Dodd in Hartford, Connecticut, on November 20, 1961. The fifteen honorary guests were all prominent members of Senator Dodd's political party, including the then Vice President of the United States, Lyndon B. Johnson.

Those matters are pertinent to show the political nature of this entire undertaking so far as the public was concerned, and so far as the announcements that were made.

> Matthew Moriarty, a businessman of Manchester, Connecticut, was the Chairman. Arthur Powers, a businessman and First Selectman of Berlin, Connecticut, was the Treasurer. Edward Sullivan, a member of Senator Dodd's Hartford office staff, was the business manager and handled the details of the dinner. Sullivan kept the funds and the financial accounts of the dinner.
>
> A letter of invitation to the dinner accompanied by a return address envelope soliciting contributions was prepared and mailed by Powers. The return envelope was addressed to Senator Dodd's Hartford P.O. Box and all funds were collected by Sullivan. Neither the letter nor the return envelope disclosed the intended use of the dinner proceeds.
>
> Moriarty, Powers and Sullivan testified that the dinner was organized to raise funds for Senator Dodd's personal use, although Powers was quoted by the press at the time of the dinner as saying the proceeds were to be used to pay off campaign deficits.

That was the general pattern that we found. These men who helped out—Moriarty, Powers, Sullivan, and some others we will come to—all testified that they understood that this money was for personal use. However, they are contradicted on all sides by circumstances, and in some cases by quotations from their own statements.

> James Boyd, a former Administrative Assistant to Senator Dodd, testified that Senator Dodd told him that the funds were to be used to retire the previous campaign deficit, and that he stated that purpose in arranging for Vice President Johnson's appearance. Recently President Johnson stated publicly that he never knew that any dinner he attended was to raise funds for anyone's personal use.

That quotation is found at page 893 of the hearings.

> Five newspaper articles in Connecticut at the time of the dinner referred to it as a testimonial event without stating the purpose for the use of the proceeds. Two newspapers reported that the proceeds of the dinner were to be used to help clear up a deficit from the 1958 election campaign. Form affidavits from about 123 persons attending the 1961 dinner indicated that they contributed money for Senator Dodd's personal use. Newspaper reports indicate 700 persons attended. Boyd and O'Hare, former members of Senator Dodd's staff, testified that Senator Dodd, Sullivan and two other Senate staff employees, James Gartland and George Gildea, were the primary organizers of the dinner. Moriarty stated he had nothing to do with arrangements for the dinner but tried to sell as many tickets as possible. Powers testified that the dinner was organized by several friends of Senator Dodd and several staff members. Although he was Treasurer, he testified that he did not handle funds or know how much money was raised.
>
> The gross receipts of the 1961 dinner were at least $64,245, and the net receipts, after payment of expenses of the dinner were at least $56,110. The net receipts were deposited in Senator Dodd's personal account—

This was 1961—

> in the Riggs National Bank in Washington, D.C., and mingled with his personal funds. From these funds, Senator Dodd repaid $23,000 on a loan from the Federation Bank and Trust Company, originally borrowed in December 1958. Senator Dodd stated that this and other loans were for "political-personal" purposes.

O'Hare testified that the remaining funds, amounting to $33,110, were used for general, household, and personal expenses. O'Hare was the bookkeeper in Senator Dodd's office. This testimony was not contradicted. Because records detailing the $33,000 were not retained by the bank, the committee could not trace these payments any further.

That was not the case with many of these funds; but, as to that one amount, that is as far as the committee could go for the reasons that I have stated.

Whatever we found, be it in favor of Senator Dodd or not, we brought in that information on those matters.

I read now from page 853 of the printed hearings, part 2, the controlling parts of the stipulation:

> It is hereby stipulated and agreed, by and between the parties hereto, the Select Committee on Standards and Conduct of the United States Senate (the "Committee") and Senator Thomas J. Dodd of Connecticut, through the undersigned, their respective attorneys, that the following facts are true and that the Committee may so find; provided, however, that this stipulation shall not constitute a concession by Senator Dodd that the Committee was empowered by Senate Resolution 338 of the 88th Congress to investigate the matters covered in paragraphs 1 through 87 herein and shall be without prejudice to the rights of either the Committee or Senator Dodd to introduce other and further evidence not inconsistent with the facts herein stipulated or to object to the relevance or materiality of any facts herein stipulated.

I read that to refresh the memory of Senators because it has a direct bearing on the matter from here on out. In the law, or anywhere else, when people stipulate that facts are true and may be introduced in evidence and considered by the tribunal holding the hearing, it means exactly what it says: that they are agreed to as facts in the case. Otherwise, it would be an idle gesture to fool with such a thing.

That is exactly what it means here. It means that in laymen's dealings with one another. It means that in the Senate or in court or anywhere else.

Proceeding now further, from page 854 of the hearings with reference to the same matter, the stipulation reads:

> The total amount of $64,245 from the contributions to the 1961 dinner was deposited in Testimonial Account No. 1. These deposits were made during the period from October 1961 to February 1962.

I continue to read:

> The expenses of the 1961 dinner, amounting to $8,134.61 were paid from Testimonial Account No. 1.
>
> The remaining funds in Testimonial Account No. 1 amounting to about $56,110.39, were transferred as follows:

This is repetition, but I want to show clearly that these facts come from the stipulation and not just the report.

I continue to read:

> The remaining funds in Testimonial Account No. 1 amounting to about $56,110.39, were transferred as follows:
>
> The amount of $35,000 to the bank account of "Hon. Thomas J. Dodd &/or Mrs. Grace M. Dodd" (hereinafter called the "Personal Account") at the Riggs National Bank, Washington, D.C., about November 22, 1961.
>
> The amount of $20,915.72 to the Personal Account at the Riggs National Bank, Washington, D.C., about January 15, 1962.
>
> The amount of $194.67 to Senator Dodd about January 8, 1963.
>
> On November 27, 1961, $23,000 from the funds deposited in the Personal Account at the Riggs National Bank was used to repay, in part, a loan of $25,000 to Senator Dodd from the Federation Bank & Trust Co., New York, N.Y., made on December 23, 1958.

That illustrates that we traced those funds when we could and tied them in with whatever the facts showed.

Senator Dodd testified, I ought to say here with emphasis, that there was not any question in his mind that he had the right to use the proceeds of the 1961 dinner for his personal use. I believe I have already said that Moriarity, Powers, and Sullivan all testified that the money to be collected was to be used for private purposes, but they did not inform the public of this fact in any way.

All the way through, Members of the Senate, the message relating to the personal use of funds was from some oral statement that someone made. The public never was told that this money was anything except political money—that is, money for past campaigns or future campaigns.

The proof in that respect will grow as these different accounts are merged. The pattern already emerges of the collection of the funds ostensibly for political use, but later some of the funds were diverted for personal and private use. That indicates a course of action.

I pass to the 1963 District of Columbia reception. The facts regarding that reception are set forth here on page 15 of the report. I read from page 15 of the report, as follows:

> A fund-raising reception was held for Senator Thomas J. Dodd in Washington, D.C., on September 15, 1963. Former Postmaster General J. Edward Day was the Honorary Chairman, and James Gartland, Administrative Assistant to Senator Dodd, was the Vice Chairman (pp. 650, 898, 899, Hgs.). Sanford Bomstein, a Washington businessman, was the Treasurer until the reception. Michael V. O'Hare, Senator Dodd's bookkeeper, was the Treasurer following the reception. Robert Shaine, a professional fund-raiser, from New Hampshire, was hired by Senator Dodd to solicit contributions to the reception. Others involved in planning or conducting the reception were George Gildea, a member of the staff of the Subcommittee to Investigate Juvenile Delinquency; James Boyd, Senator Dodd's then Administrative Assistant; Elizabeth McGill, a secretary on the staff of the Subcommittee to Investigate Juvenile Delinquency; "Mattie" Matthews and Joe Mills, of the staff of the Democratic Senatorial Campaign Committee; Joe Barr, Washington representative of United Aircraft Corporation; and Jack Fleischer, a former member of Senator Dodd's staff.

That is not the Mr. Joe Barr who is connected with the Treasury.

I emphasize the foregoing to show that the committee found these fundraising events were just wrapped up in political figures and political leaders, not only in Connecticut, but also here in Washington.

An added feature involved in the District of Columbia reception was that Robert Shaine, a professional fundraiser, organizer, or contribution seeker, was employed by Senator Dodd. He was paid a rather modest sum for that service.

As indicated on the preceding page, Boyd also testified that he worked with Shaine in organizing the reception and that he provided Shaine with help.

It was stipulated in paragraph 22, of page 856 of the printed hearings, and I call this to the attention of the Senate that:

> David Nichols, a Certified Public Accountant employed to audit the affairs of Senator Dodd for the purpose of preparing his Federal income tax return, informed Senator Dodd in early 1964 that the $6,000 referred to in subparagraph 20(c) above, should be treated as a loan from a campaign fund to Senator Dodd unless Senator Dodd considered it to be income to him. Senator Dodd agreed to treat it as a loan from a campaign fund.

Gentlemen, that is a rather significant fact. Here is a Senator employing a certified public accountant to audit and prepare his Federal income tax return. The certified public accountant runs into a $6,000 item that has been used from the political fund.

According to the stipulation, which was agreed to by Senator DODD, the CPA was saying, in effect:

> Now, listen. You will have to pay income tax on this if you are going to use it for a personal matter—either that, or treat it as a loan.

So, it was treated as a loan.

Sworn testimony of Senator DODD was also received on this point in open hearings and is summarized as follows in the middle of page 16 of the report:

> Senator Dodd testified that he considered the reception proceeds to be his personal funds but acknowledged that he borrowed six thousands dollars from the proceeds—

Of this sum of money—

> to pay his personal income tax and treated it as a loan from a campaign fund.

I do not wish to be severe on anyone, but facts are facts. This is an instance in which $6,000 of this political money, from this dinner, was used to pay income tax. I do not know of anything more personal than income tax. Senator DODD later repaid that loan.

Mr. Bomstein and others maintained that the funds from the District of Columbia reception were collected for personal use, but again the public was not told of this intention. A letter reminder was sent to the invitees which did not state any purpose for the event. No other letters of invitation or solicitation were found or offered in evidence.

So there was just silence as to the use of the funds so far as the notices and the letter were concerned. But it was wrapped from toe to top in political celebrities and political activities.

I read from page 16 of the report:

> The gross proceeds of the D.C. reception were $13,770 and the net proceeds were $12,805. The use of the proceeds from the D.C. reception is set forth on pages 855, 856, and 897 of the printed hearings.

The disposition of those proceeds are in the stipulations—page 855—and that is where it shows up that one of those items—and I am referring to paragraph (a), at the bottom of page 855—about $750 in cash, was used by Senator DODD to repay in part a loan of $5,000 from Mr. Bomstein to Senator DODD, made on September 4, 1958.

> (b) $4,387.43 was used in October and November, 1963, to pay the expenses of Senator Dodd as described in Appendix 10 attached hereto.

Now, please turn to page 897 of the hearings. These are not great sums of money, Members of the Senate, but here is this pattern now rushing forward even more rapidly than heretofore.

Page 897 of the hearings, appendix 10, is part of the stipulation agreed to. It shows the disposition of $4,387.43 of the proceeds of the District of Columbia reception. It is itemized, and you see that some of the money, $116.70, was used for the purchase of football tickets, $6 for the purchase of flowers. I mention just a few of these items. Some are typical: $82.32 to Congressional Country Club, Inc., May–August 1963, house charges.

Go down the line, and you will find $60 for limousine services; Diplomat Motel, $20, motel accommodations for John Turco and party. Down further, ball game tickets, $90.40; Schneider's Liquor Store, $181.18.

Other items are referred to on page 856 of the hearings, which is where the $6,000 shows up:

> (c) $6,000 was transferred to the Personal Account at the Riggs National Bank, Washington, D.C., on or about October 3, 1963.
>
> (d) $1,567.13 was transferred to a bank account entitled "Testimonial for U.S. Senator Thomas J. Dodd . . ."

The sum of $100 remained in the account.

That was the loan to Senator DODD as it appeared in the account, and he did pay back that loan. I want to make that clear. He did pay back the $6,000. As I recall, he borrowed money and then repaid the loan.

The stipulation by Senator DODD confirms the testimony of the other witnesses that a substantial part of the money from the 1963 District of Columbia reception was used for personal purposes. Senator DODD's testimony does not claim that the public was advised or that he thought they were advised of the planned personal use of these proceeds.

This is step 2, then, of a pattern that emerges as the course of conduct referred to in the resolution. While claiming that the proceeds of the District of Columbia reception were a gift to him to use for private purposes, nevertheless, when this matter came up from his auditor, that situation was then shifted, and he treated the loan as one from a campaign fund.

Now I move forward rapidly until the October 1963 Connecticut events. These were four events, all held on the same day, preceding the 1964 campaign. They were called the Hartford breakfast, the Woodbridge luncheon, the Fairfield reception, and the Bridgeport dinner. The four events were managed by different persons. I will read, therefore, some of the details, because these events involved different people.

The business manager of the Hartford breakfast was Edward Sullivan, of Senator DODD's office staff. Matthew Moriarty, was treasurer of the breakfast. Both Moriarty and Sullivan testified that the funds were raised for Senator DODD's personal use.

A solicitation letter for the breakfast, over Moriarty's signature, was mailed with a return-address envelope enclosed. Neither the letter nor the envelope stated the intended purpose for which the funds were to be used. The return envelopes were addressed to Senator DODD's Hartford office post office box. Although Moriarty was the treasurer, all receipts were received and handled by Sullivan. The honorary guests at the breakfast were all prominent members of Senator DODD's political party. Some of the proceeds of the Hartford breakfast and the Woodbridge luncheon—$31,040—were deposited in the "Testimonial for U.S. Senator Thomas J. Dodd" bank account.

On the same day, the Woodbridge luncheon was held at the home of Connecticut State Senator Gloria Schaeffer. James Gartland, of Senator DODD's staff, was in charge of arrangements for the luncheon. The net proceeds of the luncheon were sent to Sullivan, who deposited them in the same account.

The Fairfield reception was held at the home of Archie Perry, in Fairfield. The Bridgeport dinner was held at the Stratfield Motor Inn.

Paul McNamara, a lawyer and 1958 election campaign manager for Senator DODD, managed both of these events. McNamara did not recall who recruited him to act as manager.

McNamara testified of his concern for Senator DODD's personal financial problems and stated that the events were intended to raise funds for Senator DODD's personal use. McNamara did not know the nature or the extent of Senator DODD's indebtedness. Two letters of solicitation were written by McNamara, and both specifically requested contributions for Senator DODD's 1964 campaign.

Those letters appear on pages 911 and 912 of the hearings, and the letters contradict squarely the testimony of this witness.

McNamara acknowledged the letters and stated that he made additional solicitations by phone and always spoke of Senator DODD's dire financial problems. McNamara handled all of the funds for these two affairs and, after paying $4,886 for the dinner expenses forwarded proceeds amounting to $10,069 to Senator DODD. The proceeds were then deposited in the "Testimonial for U.S. Senator Thomas J. Dodd" account. McNamara retained about $750 in cash from the contributions to the dinner, at Senator DODD's direction, as repayment, in part, of a loan from McNamara to Senator DODD in about September 1958.

Now, in general, as to the nature of these meetings, the then Vice President of the United States, Lyndon B. Johnson, was the featured guest at each of the four foregoing events. Newspaper reports in Connecticut and New York at the time of the October 1963 Connecticut events uniformly reported that their purpose was to raise funds for Senator DODD's 1964 reelection campaign.

James Boyd testified that he was involved in negotiating Vice President Johnson's appearance at the October 1963 Connecticut events. He testified further that in dealing with Ivan Sinclair on Vice President Johnson's staff, he was asked for the purpose of the dinner and that he, therefore, asked Senator DODD for a reply. Boyd testified that Senator DODD was upset with the question but told Boyd to tell Sinclair that the events were to raise money for Senator DODD's campaign starting the next fall. Boyd gave that information to Sinclair and said he believed that a letter confirming the conversation was written for Senator DODD's signature.

Ivan Sinclair testified that he recalled conversations with Boyd concerning then Vice President Johnson's attendance at the October 1963 Connecticut events, but did not recall whether the purpose of the fundraising events was for Senator DODD's 1964 political campaign. An affidavit of Sinclair, dated February 21, 1967, stated that on the basis of conversations with two members of Senator DODD's staff and from the circumstances of the events, the "declared purpose of Dodd Day was to raise funds for Senator Dodd's forthcoming 1964 campaign for reelection to the Senate." Sinclair testified that his affidavit was signed without duress and that it was in his possession for 6 weeks before he signed it, but that he had not studied it as closely as he should have.

In other words, this man modified his testimony from the opening testimony and from the affidavit he had given. I elaborate on that and I bring it out here because I think it should be brought out. The whole tenor, the whole tone, the whole trappings and wrappings of these events was that this money was for political purposes. It does show, too, that the Senator from Connecticut and several members of his office staff planned to give and conducted each of these last four fundraising affairs. No public notice of any kind was ever given to the average contributor that these funds would be put to private use. I must move along.

Here is a brief comment about the 1964 political campaign. The finances of the 1964 political campaign are briefly described as tabulated on page 19 of the report. If Senators will turn to that page, they will see the amounts and the total. I do not think it is necessary to dwell on that matter except in this respect. The campaign contributions deposited in the "Testimonial for U.S. Senator Thomas J. Dodd" account, amounting to $85,818, were mingled with the proceeds of the October 1963 Connecticut events and the 1965 dinner.

In other words, there was a dinner in 1965 and these Connecticut events in October 1963 and the 1964 campaign proper political fund was raised in the meantime between the two. Out of this 1964 campaign fund $85,000 was mingled into the testimonial bank account that was also taking care of the money for these other meetings.

The disposition of these funds is described on pages 22 and 23 of the report. The remaining campaign contributions, amounting to $160,472, were transferred or dispersed as described in testimony and on pages 857–859, 938, 939, and 951–957 of the printed hearings. I refer to those matters to show a connecting link.

Then, we come to the 1965 dinner. The 1965 fundraising dinner was held for Senator Dodd in Connecticut on March 6, 1965. As a preface to that matter, the committee attempted to determine the deficit of Senator Dodd's 1964 campaign. We had witnesses who testified on that. All of them said—and this included Moriarity and that group—that the amount was $6,000, $7,000, or $8,000. The report filed in Connecticut showed $6,600 was the deficit for the 1964 campaign. This next fundraising dinner was held for Senator Dodd in 1965. The honored guests were all prominent members of Senator Dodd's political party. Arthur Barbieri, Democratic town chairman for New Haven was the chairman. Matthew Moriarty, a businessman of Manchester, Conn., was the treasurer. Edward Sullivan of Senator Dodd's Hartford office, handled all the finances for the dinner. Vice President Hubert H. Humphrey was the featured speaker at the dinner. A payment of $7,500 was made to the Democratic National Committee from the dinner proceeds for his appearance. This dinner again was wrapped from toe to top again in political trimmings of all kinds.

Barbieri testified that the dinner grew out of a conversation between Barbieri and James Gartland, Senator Dodd's administrative assistant.

Barbieri said the idea was conceived in mid-December 1964, and he then invited persons to attend a meeting at the Statler Hilton in Hartford, where he was selected chairman. The meeting to organize the dinner was held on December 19, 1964, at the Statler Hilton, and at that time the decision was made to hold a dinner for Senator Dodd.

Sullivan, Moriarty, and Barbieri all testified that the dinner was for the purpose of raising funds for Senator Dodd's personal use.

Two solicitation letters from Barbieri for funds for the dinner were introduced in evidence. They appear on page 970 and page 1118 of the printed hearings. On page 970 there appears the Barbieri letter dated February 3, 1965, and which refers to the preceding 1964 campaign. It was sent out to invitees to the dinner. The letter stated:

> The result justified the efforts and the expense, but a considerable deficit was incurred and must be met.

It stated that a testimonial dinner would be held at the Statler Hilton Hotel in Hartford, Conn., on Saturday, March 6. It further stated:

> This affair will celebrate his record-breaking majority and assist in meeting the campaign deficit.

That letter was dated February 3, 1965. The other letter is on page 1118 of the printed hearings. It announces that the Vice President would be there, and it makes no mention of what would be done with the money.

Another letter, dated December 30, 1964, was sent by Barbieri, as a political leader, to members of his political party requesting them to serve on the dinner committee. The first solicitation letter, dated February 3, 1965, was sent to a "great number" of persons throughout Connecticut requesting their participation, as I said, to assist in meeting the campaign deficit. A return envelope was attached to the letter with the return address of Senator Dodd's Hartford office.

Newspapers in Connecticut at the time of the event uninformally reported the purpose of the dinner was to pay off Senator Dodd's 1964 campaign deficit.

Form affidavits of about 300 persons who attended the 1965 dinner indicated that they contributed money for Senator Dodd's personal use. Approximately 1,000 persons attended the dinner, according to newspaper reports.

Moriarty, the dinner treasurer, testified he did not handle funds nor know the amount of money raised nor how it was spent. Sullivan received and controlled all funds for the dinner.

The proceeds from the 1965 dinner, amounting to $79,223, were deposited in the "Testimonial for U.S. Senator Thomas J. Dodd" account and mingled with the proceeds of the October 1963 Connecticut events and 1964 campaign contributions. The disposition of these funds is described on pages 22 and 23. I am going to say something additional about the disposition of these funds but at this time I will move on to additional facts. As to what became of the money, that will be covered later. In addition to these facts, the committee received testimony that the principal solicitation letter was written by a member of Senator Dodd's staff. Finally, not one printed invitation, ticket, program, or other communication relating to this dinner informed the public—I repeat, the public—that the funds were to be used for personal purposes.

Moving on to something more about this account, under the heading "Testimonial for U.S. Senator Dodd's Bank Account," most of the proceeds of the four consecutive Connecticut events, the 1964 political campaign, and the 1965 dinner, were deposited in his account. The disposition of those funds is shown on pages 22 and 23 of the report.

I want to mention Mr. Sullivan here, to the Members of the Senate. This gentleman was a member of Senator Dodd's staff. He was not offered as a witness by the committee. He was not offered as a witness by Senator Dodd. The committee felt that he had so much to do with these funds that his testimony should be brought before the Senate. He was unable, at that time, to come here. So a deposition was taken. That deposition is in the record here, and is so marked.

I am continuing to read from page 22 of the report:

> Sullivan testified that he used the Testimonial account for testimonial and campaign money and did not distinguish between deposits of campaign receipts or fund-raising proceeds.

That is an additional part of the picture, Members of the Senate, indicating the same trend, the same pattern, the same habit, the same custom, over and over and over again.

As I say, the committee took Sullivan's deposition, not knowing what he was going to say. We felt that he should testify. He said he put the money all in the same account—testimonial dinners, regular campaigns—everything else.

Continuing to read from page 22 of the report:

> Between October 1963 and February 1964, $41,109 from the proceeds of the four October 1963 Connecticut events were deposited in the account; between March 1964 and January 1965, $85,818 from contributions to Senator Dodd's 1964 reelection campaign were deposited in the account; between January 1965 and April 1965, $79,223 from the contributions to the 1965 dinner were deposited in the account; between October and December 1964, $22,593 in net transfers from campaign funds were deposited in the account; and in December 1963, $1,567 from the proceeds of the D.C. reception were deposited in the account. All of these funds were mingled in the account and were spent without differentiating between personal and political expenses.

The latter remark comes from Mr. Sullivan's testimony. That is not the committee speaking. That is not the discharged employees speaking. That is not the people who took letters out of the files speaking. That is Mr. Sullivan speaking.

Of course, that hearing was like any proper deposition hearing. Lawyers representing Senator Dodd were present.

Continuing to read from page 22 of the report:

> From this composite fund, totaling $230,310, the amount of $94,870 was transferred to Senator Dodd's personal account at the Federation Bank and Trust Company in New York, New York, and used to repay loans and for other purposes disclosed by the evidence.
>
> It was admitted by Senator Dodd that $9,480 from these funds was used for improvements to Senator Dodd's home in North Stonington, Connecticut, and $4,900 was transferred to his son, Jeremy (p. 862, Hgs.).

The last statement is part of the stipulations. These references above which I have just read, about these funds can be found too, in the stipulations. Those stipulations, by the way, begin on page 853.

Continuing reading from pages 22 and 23 of the report:

> It was further stipulated that $28,588 of loans which were originally used directly or indirectly to pay personal income tax for Senator Dodd were repaid from these funds. Senator Dodd testified that an additional $5,000 from the funds in the Federation account was used to repay a loan taken out during the 1958 campaign and used for political purposes. An additional loan, originally taken out in 1964, which was repaid from the Federation account, in the amount of $1,750, was used to pay for work on a political document. Three additional loans taken out by Senator Dodd during and immediately prior to the 1958 campaign, totaling $18,500, were used for "personal-political" purposes according to Senator Dodd.

I will refer to Senator Dodd's testimony later, in particular; but his testimony in explaining this money—when he testified before us—did not go much further than merely saying it was for personal-political purposes, by which I understand he means—of course he is speaking for himself now—that he considered all these expenses to be political which they may not seem to others.

Continuing reading from page 23 of the report:

> Repayments amounting to $26,652 on six loans made from late 1959 through 1962 were also made from the funds in the Federation account (pp. 862,863, Hgs.). Senator Dodd did not state the specific use of these loans but did admit that living expenses and personal expenses were piling up during this period (pp. 820, 822, Hgs.).
>
> The remaining $135,440 of the mingled funds in the "Testimonial for U.S. Senator Thomas J. Dodd" account were used for both political and personal expenses of Senator Dodd. These payments are detailed on pages 993–1002 of the printed hearings.

Now I wish to comment on Senator Dodd's testimony.

I talked to Mr. Fern, chief counsel, and to members of the committee, about all these loans when they showed up, to see what the loans meant, and what they were for, believing that they might shed light on this entire case.

So in that attitude of trying to get at the facts, and frankly hoping it would clear up things far more than it did, we developed such proof as we could along that line. But I thought the real explanation would come when Senator Dodd put on his own testimony, and particularly when he went to testify. I say this with great respect to him. Senator Dodd offered only two or three witnesses, Members of the Senate. One I believe I have already mentioned, from Schneider's liquor store, and two or three others; and he took the stand himself, but did not testify directly. He said that he would submit to questions by the committee. That was all right. The committee could have just left it there. I thought if we did that he would perhaps make a statement, anyway, but we all thought we had a duty there.

So I went to asking him questions about these loans. I refer now to pages 1030 and 1031 of the hearings, which contain a list of the loans that Senator Dodd put in the record himself as part of the stipulation.

It was agreed that there was an outstanding balance as of January 1, 1960, as indicated there.

I went to questioning him there with an idea of getting testimony. I was hopeful, as I said in my remarks. I said to the Senator, "I believe it would be to your advantage." I refer to the testimony on page 835 of the hearings. I will quote, if I may:

> The Chairman. Now frankly, that is all the information that we have been able to get as the chairman understands, with reference to these items.

I was talking about the loans which appear on pages 1030 and 1031:

> Now I think if you possibly can, it would certainly be relevant, and perhaps helpful to you to give more definite information than the date and the amount and the name of the lender.

I wanted to find out if that was political money for campaign expenses or whether it was part of any personal money.

I said further:

> We were not able to get anything definite on most of these loans as to what the purpose was and as far as they knew what the money was used for.
>
> I raise the whole issue as to them as a background for what happened in 1963 and 1964 and 1965.

In other words, here was the whole issued presented to Senator Dodd as to what the loans were for. I said this was an issue that will go to the background in 1963 and 1964 and 1965.

Senator Dodd said:

> Well, I can tell you just what I told you about the others you asked me about. These were all in a period from 1956 to 1959, I believe. Well, obviously, that mortgage loan, that is when I bought my house in Washington.

I said:

> Yes.

Senator Dodd said:

> I borrowed half the money and the rest of it came from the sale of my house in Hartford.

I said:

> Yes.

Then Senator Dodd said:

> That is what that was for. The others all had to do with matters that I have described heretofore in my appearance here this morning. They were all mixed up with what I call personal political obligations.

He said they were all mixed up. That was a disappointing answer to the committee. I know it was to me. This testimony was disappointing. He said they were all mixed up.

> And the details I cannot reconstruct for you. I can ask these people, and I will, what their best recollection is. I have discussed Kearney and Manes and Parser.

They were three of his friends from whom he had borrowed money. The chairman said:

> All right, will you excuse me just one minute here for a matter of information?
>
> Senator Dodd. Yes.
>
> The Chairman. I meant to ask you, to be certain now that you are not misled, these are listed here, and totaled for the years.

I was referring to pages 1030 and 1031.

> For instance, there on appendix 7, loans for 1956 total $14,500; 1957 has a $36,000 total. And 1958 has a total here on this list of $90,000; 1959, $70,000. These are your listings, Senator?

Senator Dodd said:

> Yes.
>
> The Chairman. And they total $211,000, and we were not able to develop any of the facts with reference to those loans as to what the money was borrowed for and what it was used for. Certainly we could not complete the record, and that is what we want you to help do. It shows an outstanding balance by the way of $149,000 on January 1, 1960.
>
> Senator Dodd. I think that has practically all been paid now.
>
> The Chairman. Yes, well I know. That is why we think it is so relevant. A great deal of it at least was paid out of these funds that were collected.
>
> Senator Dodd. Yes, it was.
>
> The Chairman. Well, that is why——
>
> Senator Dodd. With some few exceptions.
>
> The Chairman. That is why I am asking here as a relevant matter more about what this money went for that is listed in appendix 7.
>
> Senator Dodd. I have told you the best of my recollection, and not only that, but what I know to be true. It went for these political-personal debts.

With all great deference, that confirms what I, as the chairman, and the committee were forced to conclude—that all the way through here all this money was used indiscriminately for personal matters and political.

> The Chairman. Yes.
>
> Senator Dodd. And obligations that were accruing over these years.
>
> The Chairman. All right.
>
> Senator Dodd. Some of them obviously, I hate to say it again, like the mortgage, that has not been paid off. I pay that off by the month, and it has been reduced to that extent by monthly payments.
>
> The Chairman. That was listed there as a part of the picture——
>
> Senator Dodd. I understand.
>
> The Chairman (continuing). By your attorneys, and I think properly listed for information that it showed. * * *
>
> There may be others who want to question you.
>
> Will you turn now just for one item here on page 11, item 86 of the printed stipulation.
>
> Senator Dodd. Yes.
>
> The Chairman. That refers to the George Gildea loan.

That George Gildea loan is listed on page 1030 of the hearings.

> Senator DODD. Yes.
>
> The CHAIRMAN. "Loaned Senator Dodd $3,800 on April 13, 1962."
>
> Senator DODD. Yes.
>
> The CHAIRMAN. According to the stipulation, you paid Mr. Gildea $5,000 on August 7, 1965?
>
> Senator DODD. Yes.
>
> The CHAIRMAN. And that included the repayment of this $3,800 loan?
>
> Senator DODD. I think there was another $1,200 loan. I think that is why I paid him $5,000.
>
> The CHAIRMAN. The stipulation says the $3,800 went to pay your Federal income tax.
>
> Now what can you give us on the $1,200 as to what it went for?

I repeat, of the $5,000, the stipulation says $3,800 went to pay Senator DODD's income tax.

Senator DODD said:

> I think I bought a car. I think that is what it was. It was a very short time. I do not remember. I think it was 30 or 60 days.
>
> The CHAIRMAN. And you used the George Gildea money in buying a car, is that right, the $1,200?

Senator DODD said he thought so.

So there again, on a personal matter like a automobile, this money was being indiscriminately used over a period of years, time after time after time. That is what led to the language in this resolution, charging him with a course of conduct of using this money to—not stealing it; we never used that word—but it has to be as strong as converting the money for a purpose that was not made clear or not made known except to a few at the time this money was collected.

Mr. President, I ask unanimous consent that I may yield to the majority leader without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, without wishing to interrupt the sequence of the Senator's speech, but on the basis of conversations held yesterday with the distinguished chairman of the Ethics Committee, who now has the floor, the distinguished Senator from Connecticut [Mr. DODD] and the distinguished minority leader [Mr. DIRKSEN], I ask unanimous consent that at the conclusion of the remarks by the distinguished Senator from Mississippi, he be followed by the distinguished Senator from Utah [Mr. BENNETT], who in turn will be followed by the distinguished Senator from Connecticut [Mr. DODD], and then the rest of the Ethics Committee, I believe, headed by the Senator from Kentucky [Mr. COOPER], the Senator from Louisiana [Mr. LONG], and others who will be interested.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. I thank the Senator from Mississippi.

Mr. STENNIS. May I ask the majority leader, is it contemplated that the Senate will take a recess for lunch? I should like to finish my initial appearance.

Mr. MANSFIELD. We will be glad to accommodate the Senator in any way he wishes, whether he wishes to recess now until 1 o'clock, or whenever it suits his convenience.

Mr. STENNIS. I think I can finish in a reasonable time. I would not wish to put a limitation on myself, but it is now 20 minutes to 12, and I think I can finish before 12:30.

Mr. MANSFIELD. Does the Senator wish to continue?

Mr. STENNIS. Yes.

Mr. MANSFIELD. Fine.

Mr. President, I ask unanimous consent that at the conclusion of the remarks by the distinguished Senator from Mississippi, the Senate take a recess for 1 hour.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. STENNIS. Mr. President, I know that these figures are confusing. I wish to say this, though, about that account up in Connecticut, all that money, both campaign and fundraising, being put into the same account. Senator DODD's testimony shows that sometime about mid-October of 1964 he ordered those accounts separated, and they were. But it is the Sullivan testimony that is so revealing as to what went on, and these many hundreds of thousands of dollars involved here, and some of it, several hundred million dollars, I suppose, by now, but much of it the same money, just showing up in different accounts.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. STENNIS. If I may, I ask that I might finish my presentation on behalf of the committee first.

Mr. LONG of Louisiana. Is the Senator aware of the fact that he said several hundred million dollars?

Mr. STENNIS. Well, I said—no, I did not mean that.

Mr. LONG of Louisiana. That is the way I heard it.

Mr. STENNIS. I said if you add up all the figures I have related here, it might add up to a hundred million, or something like that. But I am pointing out that there was not that much money involved, that a lot of these figures I have called out are repetitious, from one account to another.

Mr. LONG of Louisiana. So that I may get it straight, is the Senator saying that these figures would add up to several hundred million dollars?

Mr. STENNIS. If the Senator from Louisiana will just listen to me, I will state it again. I said all the figures I have called out here might add up to $100 million, but that is not the case. That is not the case, because many of the figures I have stated are repetitious, because they show up in one account, and then they are transferred to another account, and transferred to still another account. That statement was preliminary to what I am coming to right now.

Mr. LAUSCHE. Mr. President, will the Senator yield for one question?

Mr. STENNIS. I wish to be courteous to all Senators, but if I am to carry out my mission, I must finish my statement, and then yield for questions.

Mr. MANSFIELD. Mr. President, I would ask that the request of the Senator from Mississippi be honored by the Members of this body.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. STENNIS. Someone has said that I said several hundred million dollars. I wish to make clear—is the question of the Senator from Ohio on this point?

Mr. LAUSCHE. Yes, sir.

Mr. STENNIS. I yield to the Senator from Ohio.

Mr. LAUSCHE. I understand that three campaigns were involved. Can the Senator state what the total dollar amount is that is actually involved, in the figures that have been discussed?

Mr. STENNIS. Yes, we have that figure here, or I can get it in a short time. It is on other pages. The total amount, in round figures, as I recall, runs to something like $460,000.

Mr. LAUSCHE. That is for all purposes?

Mr. STENNIS. Yes, for all purposes that we developed here, in these campaigns.

Mr. LAUSCHE. In the three campaigns?

Mr. STENNIS. I beg the Senator's pardon?

Mr. LAUSCHE. In the three campaigns, for 1956——

Mr. STENNIS. No, I do not know about the 1956 and 1958 campaigns. We dealt with this matter beginning with the dinner in 1961, the events of 1963, the campaign of 1964, and the dinner of 1965.

Mr. LAUSCHE. I thank the Senator.

Mr. STENNIS. But, anyway, I wish to make it clear that whatever I said, $100 million or several hundred thousand, or whatever it was, there was no intention to state that we are dealing here—and everyone who has read this report knows it—with any figure of several hundred million dollars. That statement was preliminary, leading up to this point: If you trace all these amounts down, as we have here in an exhaustive and well-organized stipulation, as reproduced on page 854 to 861 of the printed hearings, you will find a record of where much of this money and these funds went.

The stipulation, however, did not show the purposes of almost $100,000 in loans that was repaid from the proceeds of fund-raising events or election campaigns. That was where I was trying to give Senator DODD a chance to explain these matters. I really thought he would have some records or memorandums, or testimony, that would go to that question. However, as I have already said, nothing was developed along that line.

The committee held regular meetings to review the evidence taken at the hearings. All members of the committee participated fully in the meeting and discussions. I remember the first meeting we had after all the testimony had been taken. We met in a little room in the Capitol for many hours. Only six men were in that room, all Senators, all under the same obligation as agents of the Senate. We carefully reviewed and analyzed exhaustively, in further meetings, the expenditures of funds raised for Senator DODD. This review and analysis resulted in a conclusion by the committee that certain expenditures had been made for personal purposes.

In addition to the expenditures which we found had been clearly for personal purposes, the committee regarded the purpose of other expenditures as inconclusive. These expenditures were not included in the personal expenditures listed by the committee in this section.

The committee asked the Senator from Utah [Mr. BENNETT] and the Senator from Minnesota [Mr. MCCARTHY] to be a subcommittee to examine personally the different items and to determine what they thought about their being personal or political.

After their attentative duty to that burdensome assignment, they returned with figures that I shall relate now, figures which Senators already know about, because they are contained in the report. Both Senators will explain to the Senate, and I think to the full satisfaction of the Senate, how they reached their conclusions and will give their reasons therefor.

The committee held 10 meetings after the testimony had been given in formal meetings, besides having discussions elsewhere. Those meetings lasted from 2 to 5 hours, with full attendance most of the time. I mention this to show that this is serious business. This information is detailed and hard to get at. So the committee very carefully considered all of these facts. They are intermixed and intermingled, and they crisscross in a hundred different ways. But I think we have followed them down to the ultimate.

I shall take a minute more to read the figures from page 25 of the report:

> From the proceeds of the 7 fund-raising events from 1961 through 1965 and the contributions from the 1964 political campaign, Senator Dodd or his representatives received funds totaling at least $450,273. From these funds, Senator Dodd authorized the payment of at least $116,083 for his personal purposes.

That was the conclusion of the two-man subcommittee as related in detail to the full committee and fully proved to our satisfaction. That appears on page 25 of the report.

I continue to read from page 25:

> The payments included Federal income tax, improvements to his Connecticut home, club expenses, transfers to a member of his family, and certain other transportation, hotel, restaurant and other expenses incurred by Senator Dodd outside of Connecticut or by members of his family or his representatives outside of the political campaign period. Senator Dodd further authorized the payment of an additional amount of at least $45,233 from these proceeds—

This refers to the political money collected.

I continue to read:

> Senator Dodd further authorized the payment of an additional amount of at least $45,233 from these proceeds for purposes which are neither clearly personal nor political. These payments were for repayment of his loans in the sum of $41,500 classified by Senator Dodd as "political-personal" and $3,733 for bills for food and beverages.

That same subcommittee first, and the full committee later, found that the expenditure of $45,233 of this money was questionable and found that these funds were personal-political and were used to repay loans and even to pay for food. So that, Members of the Senate, is a very significant part of this report. I think the committee can assert with confidence that the figures of $116,083 for personal purposes and $43,233 classified as political-personal are indeed conservative and are actually based on evidence admitted at the hearings.

Members of the Senate, these facts are not in dispute.

The conclusions and the purposes are in dispute, but these facts are largely admitted in these stipulations by Senator DODD and the committee.

From all the evidence of Senator DODD's direct and indirect control of the organization and administration of the several fundraising events conducted from 1961 through 1965, from the recurring patterns of notice and so forth to the public of the purpose of each of these events, and notwithstanding this notice, the conversion to his personal purpose of substantial parts of the proceeds from each fundraising event, as well as from funds contributed to his election campaign, there emerges an inescapable conclusion that unfortunately the Senator from Connecticut deliberately engaged in this course of conduct to divert to his own use funds over which he held only a trustee or fiduciary control.

There is another item here that I have not discussed, and that is the so-called double billing. That item is going to be discussed in detail by others.

The committee made a very careful examination of these matters, Members of the Senate, and I have here a statement about them. These duplicate travel payments are covered on page 23 of the committee report, and I will now read that in the RECORD. It reads:

> On seven occasions from 1961 through 1965, Senator Dodd while travelling on official Senate business, paid for by the Senate, also received substantially equivalent expense reimbursement for the same transportation from private groups for his appearance as a speaker at various events (pp. 746, 747, 863–865, Hgs.).
>
> The trips were to Philadelphia, Pennsylvania, in March 1961; West Palm Beach, Florida, in March 1961; San Francisco, California, in June 1961; Miami, Florida, in August 1962; Seattle, Washington, in June 1963; Tucson, Arizona, in February 1965; and Los Angeles, California, in March 1965. Senator Dodd received reimbursement of travel expenses from private sources for each trip prior to payment by the Senate for the same expenses. Senator Dodd received travel expense payment from a private source for the 1961 San Francisco trip prior to his travel (pp. 863–865, 1003–1014, Hgs.).
>
> Senator Dodd's former bookkeeper, Michael O'Hare, testified that during his employment it was his responsibility to bill the private groups, before whom Senator Dodd appeared as a speaker, for travel expenses and other fees (pp. 746, 747, 748, Hgs.). He testified that in doing so he acted at the express direction of Senator Dodd (pp. 746, 747, Hgs.). O'Hare also testified that two of the seven trips involving duplicate payments were taken prior to his employment (p. 746). The duplicate payments from private sources were deposited in Senator Dodd's personal checking account in Washington, D.C. O'Hare testified that Senator Dodd's Senate travel vouchers were prepared by the subcommittee staffs (p. 747, Hgs.).
>
> Senator Dodd testified that he did not authorize O'Hare nor anyone else to bill twice and that the double billings were the result of sloppy bookkeeping (pp. 832, 834, Hgs.).
>
> It was stipulated that on at least six other trips, which were nonofficial, Senator Dodd received and used travel expenses payments paid by both his political campaign funds and by private sources (p. 938, 954, 996, 997, 1015–1018, Hgs.). The trips were to Atlantic City, New Jersey, in August 1964; Los Angeles, California, in February 1964; Bal Harbour, Florida, in December 1964; San Francisco, California, in June 1964; Tyler, Texas, in September 1963; and Claremont, California, in February 1964.

Two of the seven trips were taken prior to the employment of O'Hare, as shown on pages 746 and 834 of the printed hearings. It is impossible to associate the duplicate payments with O'Hare alone. Although Senator DODD claims, as he indicated on page 834 of the printed hearings, that O'Hare's inefficiency was the cause of these double payments, O'Hare testified without contradiction that both Senator DODD's and his accountant were pleased with O'Hare's bookkeeping and that O'Hare received substantial raises in salary throughout the 4½ years of his employment by Senator DODD.

O'Hare's record of service and position and salary is shown on page 1094 of the printed hearings and substantiate his testimony.

The staffs of the committee or subcommittees for which Senator DODD performed travel prepared vouchers for travel for payment by the Senate, not O'Hare.

These vouchers are reproduced on pages 1023 through 1026 of the printed hearings.

There is no evidence that O'Hare prepared any of these vouchers.

As I have already read from the committee report, O'Hare testified, as shown on pages 746, 747, and 748 of the printed hearings, that Senator DODD directed him to bill twice. Senator DODD denied doing so, as shown by pages 832, 833, and 837 of the printed hearings. But O'Hare also testified, as shown on page 747, without contradiction, that at Senator DODD's direction he requested the staff director of the Juvenile Delinquency Subcommittee to arrange for payment for travel expenses by private organizations for the 1961 San Francisco trip under the sponsorship of that subcommittee.

Senator DODD's signature does appear on six of the nine vouchers, as shown on pages 1003 through 1020 of the printing hearings, indicating that he should have known of these payments when he signed. The other three voucher payments were through a credit card, and the airline billed the Senator direct.

There is testimony from O'Hare, as shown on page 730 of the hearings, that Senator DODD did take a personal interest in his books.

> Mr. O'HARE. He took a great personal interest in his personal finances. As far as the books as such goes, why, occasionally, he would ask to see them or inquire of me as to whether or not they were up to date, and was I keeping them in good order.
>
> Mr. FERN. And at any time did he give you any reason to believe that you were not keeping them in good order?
>
> Mr. O'HARE. No sir. On the contrary.

I have not yet gone into detail on the subject of use of the removed documents.

I intended to do so at the beginning of my remarks. This matter originated by Senator Dodd's files being rifled by some of his then former employees, not including O'Hare at the time. This is something that I certainly do not approve of, nor does any other member of the committee.

The files had already been rifled and were in the hands of newspaper columnists. We did not have copies of those sheets. We assisted Senator Dodd, at his request, in getting copies for him, because we thought he was entitled to them.

We never based any charges or got the case up, so to speak, against Senator Dodd based upon those stolen papers. We stayed away from them as evidence in the case. This case is based on stipulations. It is based upon sworn testimony of the witnesses, taken in Senator Dodd's presence and in the presence of his counsel, where they had the right of cross-examination, and upon a few documents that were admitted in open hearing.

The complaint is made here about certain loans and trips that we could not have found out about without the use of the stolen papers. These are the facts about that matter. I have already said that as a lawyer, and as anyone with commonsense, I could see that this matter was getting into the loan picture; and I told the chief counsel to develop everything he could about the loans—good or bad. We were trying to get at those facts. I was trying to get at them through Senator Dodd, the same way, when he was being examined.

The five items about loans and travel, which were found in these papers, are covered in the stipulations. There was no objection to including the items. They have been agreed to, and I will identify them later. Thus the five items about which complaint is now made are covered in the numerous stipulations that have been agreed to as being the facts in the case, and have been in the record all this time.

Now, a word about these employees. I believe that with one exception—and I will state it—virtually everything in their testimony is either admitted or agreed to or substantiated over and over again. The exception is Mr. O'Hare. Mr. O'Hare, a young man, was not one of the original people who rifled these files. He was still employed there and, as I recall, did not know anything about it for some time, but he finally got into it; and I believe that, within itself, was a wrong. I have heard the testimony of many people who had done things wrong, and I do not suppose I have ever heard testimony of anyone who never had committed a wrong. After following him closely all the way through his testimony, checking on him in every way that counsel and I could, comparing what he said to us about dozens and dozens and dozens of matters and finding them as he said they were, testifying as he did in open hearing—under terrific pressure, naturally, because of the subject matter—and with the background of our checkup on all these other things, his testimony about his keeping of these travel records was very convincing. Of course, it was. Otherwise, six out of six men would not have based a charge such as this on any of his testimony.

I frankly state this to the Members of the Senate, because it is a part of the proof in this matter on the double billing. His testimony is a link in it with reference to Senator Dodd's knowing. This young man—I am not making any excuses for him, and I do not excuse him—finally joined with reference to taking those files.

But that really was not the question before us. The question was, what does this testimony establish? I have told the Senate.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I have asked others not to interrupt me. I will yield for questions when I finish, Senator.

The PRESIDING OFFICER (Mr. Proxmire in the chair). The Senator declines to yield.

Mr. STENNIS. I respectfully decline to yield at this point. I am almost through.

The instances of double billing are all identified. I shall read the ones that are stipulated on pages 863 and 865. When I say "stipulated," I do not mean to imply that Senator Dodd ever agreed that he told anyone to double bill or that he knew anything about it.

Gentlemen, I have taken a good deal of time. There is much else in this record, but I believe that covers substantially the matters that are before the Senate. There is an abundance of testimony corroborating these matters and explaining further the facts.

It has been said that out of all the matters that have been in the newspapers, the committee passed up the remainder. That is not an accurate statement, Mr. President. The committee really did not pass up any of them. We expressly retained jurisdiction and the right to consider them.

I mention this because of what has been said. Senators will find in the record that that is very clearly covered. Many were not delineated by name because it was considered that it could have been prejudicial to enumerate them in an official report. This committee has made no conclusion with reference to these matters, unless it was a few trivial matters, except the ones that we have brought before the Senate. This report speaks for itself.

On the whole, I feel this way, gentlemen: as an act of generosity, as an act of feeling or compassion, I would like to be more generous than this resolution is, but that is really not the question. There is no constitutional question involved, as I said in the beginning. There is not much dispute about the essential facts. The matter comes down to the question: What is the Senate going to do about it? That question rests right in the lap of everyone.

I know that no one approves, that no one could possibly approve of what this testimony shows as constituting proper conduct for a sitting Member of the Senate.

We have that question now: What are we going to do about it? Unmistakably, a part of our duties, if we do not act, if we do not meet this matter in an affirmative way on this proof with a clear and unmistakable expression of disapproval that carries a meaning more than words, but carries a meaning that will perhaps do good in the future, then I respectfully submit that we fail to meet this issue. We will have thereby approved, whether we intend to or not, like it or not, a pattern of conduct. It is either that, or we are not willing to face the issue. I do not believe the Senate wants to do either one of those things. I could be as forgiving as any Senator. As I say, that is not the issue. If we pass up this matter, then sometime, somewhere, in some way, something big will slip out of this Chamber, and a lesser standard or lesser role or lesser conduct will have to be accepted.

Sad as it is—and I say it is sad for every one of us, for the Senator from Connecticut and for the rest of us—I do not believe we can afford to do it.

For the time being, Mr. President, subject to answering questions if anyone wishes to ask questions, I yield the floor.

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess for 1 hour.

Mr. LONG of Louisiana. Mr. President——

Mr. MANSFIELD. Mr. President, I withdraw my request.

The PRESIDING OFFICER. Does the Senator from Louisiana seek the floor?

Mr. LONG of Louisiana. Mr. President, will the Senator from Mississippi yield for a question?

Mr. STENNIS. I yield to the Senator.

Mr. LONG of Louisiana. Mr. President, I wish to ask one question. The Senator said he thought it was wrong for Mr. O'Hare to break into Senator Dodd's office at night and steal the documents, some 4,000 of them, I understand; and I understood that although he said it was wrong, nevertheless he trusted the man's word and believed him.

Does the Senator believe it is all right for the man to steal from the Government and private organizations, as the man admitted he did, as a conspirator?

Mr. STENNIS. To what does the Senator refer?

Mr. LONG of Louisiana. Mr. O'Hare was asked under oath, I understand: If you did this on Senator Dodd's instructions, he does not have the right to authorize you to steal money from the Government or private individuals and you have been a party thereto; you understand that if he committed a crime so did you and he does not have the right to authorize you to commit a crime; and he said he understood that. Mr. O'Hare alleged himself guilty of stealing not only from his boss, but from private organizations and the Government.

I assume that the Senator would also feel that he should not approve of that course of conduct of stealing from the Government or private organizations.

Mr. STENNIS. Of course, I would not approve of such conduct if it amounts to that. I am against that, as is the Senator from Louisiana.

I merely said this. In weighing all testimony and considering all of the case, the checkups we made, many many matters about which this man told us on that point, we took his testimony.

Mr. LONG of Louisiana. But I take it

that the Senator would not approve of the man stealing from one's boss.

Mr. STENNIS. Of course not.

Mr. LONG of Louisiana. The Senator would not approve of stealing from Senator DODD, from the Government, or from private organizations. With regard to at least one of these so-called double billings alleged by Mr. O'Hare, the committee, on thorough study, found it was not a double billing. I have in mind a trip to Los Angeles where Senator DODD spoke to the Junior Chamber of Commerce. In that case, O'Hare was alleging himself guilty of a crime, wrongfully charging both the Government and a private organization, he did not commit. We can forgive him for that crime that he did not commit, but in saying that he did, he lied.

I ask the Senator if he approved of O'Hare lying under oath. That is perjury.

Mr. STENNIS. If I thought he lied under oath as to that point, we would not be here on that point. It obviously answers itself.

Mr. LONG of Louisiana. If the Senator became convinced that Mr. O'Hare was not only a burglar against Senator DODD and against the Government and private organizations but also a perjuror, a liar under oath, would the Senator then place the same reliance upon the testimony of Mr. O'Hare?

Mr. STENNIS. Those things will be subject to proof and to anything the Senator wishes to present. A bare statement on that matter by the Senator from Louisiana is not proof.

Mr. LONG of Louisiana. If the man contended he committed a crime which had never been committed and when the evidence came forward he still insisted he committed such a crime, would that amount to perjury?

Mr. STENNIS. I did not understand to what the Senator refers. Does the Senator refer to what my reaction would be to the example the Senator tries to give of stealing? I think the thing itself speaks, and that is what I think of the entire case. There is an old Latin phrase in common law covering this case: "The thing itself speaks."

Mr. LONG of Louisiana. I would not quarrel with the facts on which the Senator relies; only the interpretation he places on them, and the reliance he places on testimony which I think is perjured and which I think I can establish is perjured testimony.

I wish to say to the Senator that he has my complete admiration. He is one of the great Members of the Senate and he is doing what he thinks his duty requires him to do reluctantly. Ever since I came to the Senate I have had tremendous admiration for the Senator from Mississippi. I applaud the Senator for doing his duty as he sees it.

Mr. STENNIS. I thank the Senator.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. LAUSCHE. Would the Senator from Mississippi describe the actual proceedings that took place in connection with what he calls the stolen documents; how it was done, when it was done, and how the documents were converted, and so forth?

Mr. STENNIS. I may have to refresh my recollection some on the dates, but these matters first came out in the newspapers in January of 1966. Almost a year before then, at least two of the employees of Senator DODD's staff who had been discharged in some way, entered his office. As I recall, a former assistant had a key.

They systematically took from those files a great number of papers which totaled something like 4,000. That is a rough figure. Those papers comprised correspondence that covered all the Klein matters. We plowed through all of that. The papers also covered a great deal of personal matter but particularly the campaign matters. I would rather not call so many of them by name because, as I said, we did not list them in the report because they tend to be prejudicial. But there were a great number. The purpose was to expose Senator DODD. A great number pertained to automobile—supposed acts he had done as a Senator in connection with departments. I am not suggesting, of course, that he did anything wrong on those. They are not before the Senate. But it also covered account books, ledger books, and memoranda. They were all taken downtown and copied, through an arrangement with someone. They came into the hands of Mr. Pearson and Mr. Anderson. As I undertand it, they were selected systematically as to what they would run in the paper.

I never did deal with Mr. Pearson or Mr. Anderson. The committee did not, either, except some slight contact to start with. They wrote me letters. We did everything we could to let Senator DODD know what had been taken from his office.

Later, the first two employees were joined by another and Mr. O'Hare was, at that time, still employed; but, frankly, I think they got him into it. I think the first two got Mr. O'Hare into this matter. That is my conclusion.

Mr. LAUSCHE. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am happy to yield to the Senator from Ohio.

Mr. LAUSCHE. Over what length of time did entry into Senator DODD's office, where the papers were taken, take place?

Mr. STENNIS. As I remember that part of it, something like a year.

Mr. LAUSCHE. Was his office entered during the night or during the day—on Sundays, or——

Mr. STENNIS. His office was entered sometimes at night and sometimes on weekends.

By the way, the papers were copied—I call it Xerox copying, something of that kind, and then they were returned to the files sometimes during the same weekend—perhaps in 2 or 3 days.

This was all handled, as I judged by the gentleman, Mr. James Boyd, the one who took the lead in that from the beginning. As I say here, that is reprehensible and goes beyond any kind of responsibility that they have to expose alleged wrongdoing.

Mr. LAUSCHE. I make the inquiry——

Mr. STENNIS. Yes; I know. On page 31 of the report there is a reference to it. I will get the Senator more dates on this matter as to just when this all happened. It has gone out of my mind temporarily, however.

Mr. LONG of Louisiana. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am happy to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Can the Senator tell me whether, to the best of his information, among the documents stolen and subsequently made available for publication were the Senator's income tax returns, the stealing of which would be a Federal offense?

Mr. STENNIS. Yes. There were about 4 years' of income tax returns in that group. One of those returns is in the record. The committee did not put it there. That was put in by Senator DODD himself.

Mr. McCLELLAN. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am happy to yield to the Senator from Arkansas.

Mr. McCLELLAN. Has this matter of the stealing of these documents been referred to the Department of Justice?

Mr. STENNIS. Yes. That is what we did, Senator. The committee has stated that it is reprehensible conduct and wrongdoing. I could not find anything that we could do ourselves about it. They are no longer in the employ of the Senate.

Mr. McCLELLAN. Do we have any report from the Department of Justice as to just what it is doing about it?

Mr. STENNIS. Well, when we filed our report, we referred the matter of stealing the documents to them in writing. They have advised me that they are looking into it and are examining the statutes closely. The committee has not spared anyone, I doubly assure the Senator on that, and I know that he does not think otherwise.

Mr. McCLELLAN. I do not think that, of course, but——

Mr. STENNIS. I say that publicly.

Mr. McCLELLAN. I would like to know, although it is not absolutely pertinent to this issue, I realize, but since the Senate itself is involved, I would like to know about it, and would hope that there would be some assurances given by the Department of Justice that it will perform its function in this connection, and meet its responsibility in connection with the thefts.

Mr. STENNIS. We certainly have put it up to them. I agree with the Senator's sentiments. I voted in favor of putting something in the report, in saying exactly what we said. We all voted on it. We felt that, for the time being, we were at the end of our rope with reference to it.

Mr. CURTIS. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am happy to yield to the Senator from Nebraska.

Mr. CURTIS. In reference to the newspaper columns mentioned in connection with the stolen documents, I would like to ask: Did this newspaperman participate in any of the planning and arranging, and other actions, in connection with the theft of the documents, or did he receive them in a complete bundle after the offense had been committed?

Mr. STENNIS. There were dealings with Mr. Anderson from time to time by the former staff members. They had conferences with him. The committee did not go into that part primarily. We were not going to use the papers that they offered to give us—Mr. Anderson. I used Mr. Pearson's name. I do not know that there was any contact with Mr. Pearson. I do not know of any. So I confine my remarks to Mr. Anderson.

Mr. CURTIS. Did Mr. Anderson confer with the persons who stole the documents as the theft was taking place?

Mr. STENNIS. As I recall; yes. They were in conference from time to time. All this did not happen at once.

Mr. CURTIS. Did Mr. Anderson make any suggestion or give any direction as to how to proceed in searching for documents, copying them, and stealing them?

Mr. STENNIS. I hesitate to try to answer that question, because I had no contact with Mr. Anderson. In the beginning, there were some telephone conversations with him. We did not have a mandate from the Senate to try to get into that part. We wanted to handle the matter independently of the downtown investigation.

Mr. CURTIS. I understand; but is it the Senator's abiding knowledge that Mr. Anderson did meet with those people periodically as the theft was taking place?

Mr. STENNIS. That is certainly my recollection, but I cannot state it as a fact. I am not dodging the question at all. I did not deal with Mr. Anderson and had no conversation with him.

Mr. CURTIS. But all the facts would indicate that he knew that the papers were stolen?

Mr. STENNIS. Yes, yes; no doubt about that.

Mr. CURTIS. He used the stolen material upon which to write a column which he sold for a price. Is not that true?

Mr. STENNIS. He certainly used that material. Yes; it was used to go in his column.

Mr. CURTIS. Does the committee know whether the column is something that is sold?

Mr. STENNIS. Well, yes; it is generally understood that it is syndicated, and the newspapers pay him for the column.

Mr. CURTIS. I regret that the rules of the Senate will not permit me to express myself concerning the chief engineer of this theft. I mean no criticism of the very fine Senator from Mississippi and his colleagues who served on the committee; but I do hope that if there is one ounce of decency left in the Department of Justice, the Department will follow through on this matter with reference to the man who engineered a theft from a Senator's office.

Mr. STENNIS. I follow the Senator's sentiments generally, but I am not in a position to state facts to the Senator about the matter.

Mr. COTTON. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. COTTON. I want to get one point clear in my mind with reference to the colloquy that took place about the reliability of Mr. O'Hare's testimony. Did I correctly understand the Senator from Mississippi to say that in the matter of the alleged double charges, Mr. O'Hare was the one who made the charges to the private individuals or association, but that some other individuals, connected with a committee or a subcommittee, was the one who entered the charges as against the Senate and the Government?

Mr. STENNIS. The clerks for the respective committees for which Senator DODD traveled made out the requisitions for the official travel, but what had happened was that before the official payment was made the travel expense had already been collected from that private organization. When O'Hare came in, he said that Senator DODD told him to do it that way. There are certain other facts that are connected with it that would assure a pattern along that line; but his testimony is direct. I state that as a fact of life in this case.

Mr. COTTON. My question went to the credibility of the O'Hare testimony. It was suggested by the Senator from Louisiana that he had knowingly and consciously participated in the stealing or double charging. I wanted to ask if it were possible that when Mr. O'Hare made the charges to private associations or individuals he had no knowledge that the charges had been made or were to be made against the Senate for the same charges?

Mr. STENNIS. Frankly, I would want to refresh my recollection on the record on that point before I gave the Senator a full answer. My impression is that in some of the cases he did not know, but in some he might have known. The official part was all handled by the clerks for the subcommittees. That is where Senator DODD signed for this money. But the payments had already been made, as I said, to O'Hare, or through his requisition. My impression is that, yes, he knew it as to some of them. That is my impression, but I would want to reserve judgment on that.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. BENNETT. It seems obvious to the Senator from Utah that he must have known it, because if any check came from the disbursing office, it had to go on the books.

Mr. COTTON. That means he knew it afterward.

Mr. BENNETT. Yes.

Mr. STENNIS. He knew it afterward. The question is whether he knew it beforehand. I would want to refresh my recollection as to some of it.

Mr. LONG of Louisiana. Mr. President, if I may ask the chairman of the committee to look at a copy of the hearings, I think he will see it was made clear by Mr. Boyd's testimony that Mr. Anderson affirmatively importuned Mr. Boyd to engage in the taking of records. If the Senator will turn to page 751 of the hearings, he will see that Mr. Anderson met with Mr. O'Hare and he persuaded him to agree to enter into this conspiracy. He also persuaded him it would be well to continue Mr. O'Hare on the payroll because he would be a more effective thief if he did. If the Senator will look at the bottom of page 751, he will see that that is where Mr. O'Hare agreed to become a thief with Mr. Anderson. Mr. Anderson cautioned Mr. Boyd how dangerous that course of action was and that one had to be careful.

Mr. STENNIS. I am not defending Mr. Anderson or anyone else. The Senator knows that. We are trying to present the facts. I disapproved of the actions of these four members of the group in strong language. I do not want to say anything until I check the record as to who approached whom, whether Anderson approached them or they approached Anderson.

Mr. LONG of Louisiana. Will the Senator permit me to ask the Senator from Mississippi to have the marked portions of page 177 and the marked portion of page 751 appear in the RECORD at this point, so it may be clear as to how it happened?

Mr. STENNIS. The Senator wants to introduce into the RECORD the question by Mr. Sonnett.

Mr. LONG of Louisiana. And the answer.

Mr. STENNIS. Mr. President, I ask unanimous consent that the question to Mr. Boyd which appears on page 177 of the hearings and the answer given by Mr. Boyd be included in the RECORD at this point. The question to which I refer is the second question on that page asked by Mr. Sonnett.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

> Mr. SONNETT. So you didn't seek Mr. Anderson out initially with all of this story of yours?
>
> Mr. BOYD. Well, I wouldn't say it was as simple as that. Mr. Anderson called me on the phone a couple of times, told me, reminded me of his columns about Senator Dodd over the years, both favorably and unfavorably, told me he thought that there was a tremendously interesting area of study there, sought my cooperation and told me that if I ever decided that I cared to tell him anything about Senator Dodd's activities, he would be very available, and also telling me that he thought that it was my duty if I had any feeling of any wrongdoing, to come forward with it.
>
> I spent a considerable amount of time mulling it over, however, before I approached him, and I did so finally having decided to go to the press, on the basis that Mr. Pearson and Mr. Anderson had established themselves as men who were willing to undertake such an enterprise and men who had the courage to carry it out, and were as close an approximation as we could reach to getting it to the entire American public, and to be sure that the project would be carried through and never abandoned under any kind of pressure.

Mr. LONG of Louisiana. Mr. President, would the Senator be so kind as to place in the RECORD the questions starting at the bottom of page 751 and the answers to those questions, which go over to page 752?

Mr. STENNIS. Yes. There are questions and answers on page 751 by the chairman directed to Mr. Michael V. O'Hare and his responses or answers to them, which extend to the top of page 752. I ask unanimous consent to have them printed.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

Testimony of Michael V. O'Hare

Mr. Sonnett. Mr. O'Hare, do you recall generally your testimony when last you appeared before the committee?

Mr. O'Hare. Yes, sir; I do.

Mr. Sonnett. I would like to read to you from page 243 of the printed record of your prior testimony, a portion, and ask you whether you wish to make any change now in that testimony. I am going to read from 243, Mr. Fern:

"Jim Boyd had spoken to me on a number of occasions during the month of July and August. He asked me finally around the middle of August 1965 if I would come out with him and meet with Jack Anderson. I agreed to this and after talking with Mr. Anderson, meeting him for the first time, hearing all that he did have in mind, sometime later convinced myself that his motives were honorable.

"The Chairman. Pardon me now. When was that? What was the date of this first meeting?

"Mr. O'Hare. With Jack Anderson?

"The Chairman. Yes.

"Mr. O'Hare. Around the middle of August 1965.

"The Chairman. All right.

"Mr. O'Hare. As I say, after meeting with him, I was convinced or at least within a few days, a short period of time after meeting him, I became convinced in my own mind that possibly some good could come out of the expose that he planned, and it was with this in mind that I finally agreed to join up and participate in it. From then on, I was an active member of the group as far as working, doing research for them, gathering actually any material. The documents which were taken as far as my own participation in it went, I do not believe that I took any great amount of documents probably until around the middle of October 1965. I may have taken a few copies here and there, but it was not until October, the middle of October, that I actually took any great amount.

"Mr. Sonnett. Was that after Terry Golden had been discharged?

"Mr. O'Hare. It was the weekend following Terry Golden's dismissal.

"Mr. Sonnett. And Terry Golden was your girlfriend?

"Mr. O'Hare. Yes, sir, and still is."

Mr. LONG of Louisiana. May I suggest that the testimony, to be complete, should include the questions and answers which are contained on page 183.

Mr. STENNIS. Very well. I ask unanimous consent that, from part 1 of the hearings in the middle of the page, the question by the chairman as to the parties that were involved, and Mr. Boyd's answer, beginning with "Yes," and the rest of the answer be printed in the Record.

There being no objection, the extract was ordered to be printed in the Record, as follows:

The Chairman. I have been talking about law violations. Anyway, what is your testimony on it now? That you did not discuss this matter? I think this is a very serious point, Mr. Boyd. Your testimony is you did not discuss the question of whether it was a violation of law with any other party?

Mr. Boyd. I did not discuss the question——

The Chairman. These parties that are involved?

Mr. Boyd. Yes. With the exception—let me put Mr. Anderson aside from that discussion. I did not discuss it with any of the others. I believe that Mr. Anderson told me that it was a hazardous thing, it was a risk, it might result in trouble, that he did not think that it would because when the full story was told and the motives were told, he could not imagine any legislative or executive body taking action.

I don't think we discussed it in terms of a specific criminal violation.

The Chairman. All right. Nor did any of the others, former members of the staff, raise the question with you in your discussion?

Mr. Boyd. No, sir. The other two, Mr. O'Hare and Miss Golden, had no part in the affairs of June, so it would only be Mrs. Carpenter and she did not.

The Chairman. She what?

Mr. Boyd. She did not raise the question.

The Chairman. She did not raise it?

Mr. Boyd. No.

The Chairman. I thank you.

Mr. BROOKE. Mr. President, will the Senator yield for a procedural question?

Mr. STENNIS. I yield.

Mr. BROOKE. The distinguished chairman, in his presentation, referred to "the overwhelming evidence." Will the Senator state what test should be applied by Senators in the evaluation of the evidence, whether it will be some evidence, the preponderance of evidence, or will it be proof beyond a reasonable doubt?

Mr. STENNIS. Well, I think every Senator has to be his own judge as to that, I will say to the Senator from Massachusetts.

Mr. BROOKE. Did the committee consider this question?

Mr. STENNIS. No. I do not think tests like that are applicable. I think every Senator has to do on these matters the best he can, and the degree of proof required is a part of his responsibilities. We instruct juries that hear cases and give them guidelines about the testimony. To me, that part is overwhelmingly proved, but the Senator will have to judge for himself as to whether he is convinced and what degree of proof is necessary.

Mr. MILLER. Mr. President, will the Senator yield for a question on the report?

Mr. STENNIS. I yield to the Senator from Iowa.

Mr. MILLER. On page 26 of the report, the committee stated:

> In addition to the matters considered in public hearings, other allegations of misconduct by Senator Dodd were published in the press or encountered by the staff in its investigation.

Then the committee went on to say:

> The Committee does take note of allegations which, if proven, might possibly constitute violations of existing law. After investigation, the Committee determined that it could not secure substantial findings of fact to sustain the allegations. These allegations are therefore being referred to the Department of Justice.

My recollection is that one such allegation had to do with the receipt of law fees, and a possible conflict of interest. May I ask the Senator from Mississippi whether or not that was one of the allegations which the committee investigated, but which the committee was not able to find was substantiated by its investigation?

Mr. STENNIS. I am glad to answer the Senator's question. Here is the committee's position on those matters: As I said, we ran down numerous allegations. I have never seen a few men cover as much ground as these men did. But there were so many matters there that we just could not follow up on all of them; to really obtain the full story on each one, we decided, would require machinery like that of the FBI.

We did not enumerate those matters, however, because we felt that to do so would be prejudicial. That is the way we handled the matter. We recognized that as a part of the picture, and we wanted the Senate to know that we had not ignored it.

Mr. MILLER. Do I understand——

Mr. STENNIS. As to the legal fees, frankly, I do not remember anything outstanding about legal fees, although I know the matter was discussed. I am not sure that it is in that group to which the Senator has referred. I will refresh my recollection on that point.

I do know there is one charge there about him having done some things that was not substantiated at all, on which we received all the facts. But then there were some that we could not develop, frankly.

Mr. MILLER. Then do I understand that the subject of legal fees and possible conflicts of interest—which was one of the allegations in the press—was investigated by the committee?

Mr. STENNIS. I will give the Senator a definite answer later. Right off, I do not remember whether that was one of the matters we went all the way on or not. That is my best recollection. There are a number of them there, and some of them are serious charges, in the group to which the Senator has referred. But I do not think we ought to discuss them now. I really do not believe it would be proper.

Mr. MILLER. I merely asked the question in connection with the statement by the committee in its report. I know the committee has had multitudinous matters to consider.

Mr. STENNIS. I will give the Senator an answer, and if he insists, I will give him a public answer. But I do not wish to say anything here, now, that is prejudicial to Senator Dodd. The committee covered the point, as the Senator sees from the report. We did not abandon anything. We referred those matters on which we had some evidence to the Department of Justice, not only this matter of the files, but some other things as well.

Mr. MILLER. I wonder if the Senator from Mississippi could provide that information for the Record later.

Mr. STENNIS. I do not wish to promise now that I will provide it for the Record. I will look into it, and give the Senator an answer. I will look into the matter, but I do not think we ought to bring it up publicly.

Several Senators addressed the Chair.

Mr. STENNIS. I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, inasmuch as the matter has been raised by the Senator from Iowa [Mr. Miller], in all fairness, I think we should make some statement about it.

A number of charges were made against the distinguished Senator from Connecticut, in addition to those that have been discussed. The committee spent a very long time on the Klein matter, and then later weeks and weeks upon the subject which the chairman of the committee has discussed so fully and ably this morning.

At the close of the hearings, or at the close of our consideration of the matter, the question was raised whether or not we should continue the investigation into several other charges which had been brought before the committee. The staff of the committee had made a preliminary investigation of some of those matters, and had found, in some instances, that there was not enough proof, in their judgment, to sustain continuing the investigation on those particular issues.

I served on a subcommittee with the distinguished Senator from Minnesota [Mr. McCarthy], looking into one matter which, as I remember its substance, claimed a payment had been made to the Senator from Connecticut. We could find no proof in our investigation of that particular charge, and so stated to the full committee.

But I must say that it was my judgment—and I had so held in the committee, and stated in a reservation which I made on the floor of the Senate the day that our report was filed, which I had told the committee I would make—that I felt that we should have continued the investigation on those other issues, for two reasons: First, to comply with the mandate of the Senate to the committee to go into all the issues; and second—and I give the two points absolutely equal importance—as a matter of justice to Senator Dodd; because if the allegations were not true, that fact should be made known.

As I have stated, in one instance, which I can say for myself I went into, at least in my judgment, and I believe also in the judgment of the Senator from Minnesota [Mr. McCarthy], we found absolutely no proof to sustain the particular charge. I told the committee that I would make this statement before the report was made. I made it on the floor of the Senate the same day of its report and I felt that I should make this statement now.

But if the Senator from Mississippi will permit me now to respond for a moment to the question asked by the Senator from Massachusetts [Mr. Brooke], when he asked about the degree of evidence which the committee considered necessary on this particular matter before the Senate: As the Senator from Mississippi has said so correctly, it was not a question of what degree of evidence we considered. This is not a criminal proceeding, in which one must find beyond a reasonable doubt; and yet I believe we would want to find beyond any reasonable doubt any charge against a Member of our own body.

But on the question of evidence, I would merely say that there is no question as to the facts, the validity of the evidence, because the matter before us is based upon stipulations, upon an agreement as to the facts, with one exception of which the Senator talked about. That concerns the testimony of Mr. O'Hare. The committee had to question the veracity of O'Hare. However, on all other aspects, the stipulations were agreed to. It was upon agreed evidence that we made our judgment. The matter of use of funds, is admittedly no violation of any law that we can find.

However, we must determine in our own judgment whether his conduct was proper as a Member of the Senate.

I thought I should direct myself to the question and I ask unanimous consent to place in the Record my reservation stated on the floor, when the committee report was filed.

There being no objection, the statement was ordered to be printed in the Record, as follows:

The Dodd Case

Mr. COOPER. Mr. President, earlier today, the distinguished chairman of the Select Committee on Standards and Conduct [Mr. Stennis] filed in the Senate the committee's report and recommendations on the investigation of Senator Thomas J. Dodd, of Connecticut. I agree wholly with the conclusions and recommendations of the committee, with respect to those subjects upon which the committee held public hearings.

I think it proper, however, to say that I hold certain reservations which I expressed and contended for in the committee. My reservations concern sections 4 and 5 of the conclusions of the committee.

The subject of conclusion IV is "Other Allegations Not Covered in Public Hearings." It is correct that the preliminary examination of the staff and committee of these allegations indicated that it was unlikely that conclusive findings of fact could be obtained. It is correct that some evidence would only be cumulative. It is correct that the preliminary examination of the staff and committee of these allegations indicated that it was unlikely that conclusive findings of fact could be obtained. It is correct that some evidence would only be cumulative. It is correct that the charges are being referred to the Department of Justice.

Nevertheless, I believe that further hearings on these allegations which were serious charges—charges which, if proven, could involve violations of law—might have provided the Senate and the public with better information as to their substance and their truth or falsity. In addition, it would have enabled Senator Dodd to respond to these allegations made against him.

My second reservation concerns the supplement, "Unauthorized Removal of Documents from Senator Dodd's Office."

The committee has authority to deal with the acts of Senator Dodd's employees. The consideration of their acts involves the public interest in the disclosure of wrongdoing, and also the problem of the custody of official papers of a Member's office and his personal papers—in the proper conduct of the office.

It was my position that the committee should make such recommendations as it determines necessary on this matter, separate from the report that has been filed, for the subject of the present inquiry is the allegations made against Senator Dodd.

I informed the committee that I would make this statement on the floor of the Senate.

Mr. HOLLAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Mississippi has the floor. Does the Senator from Mississippi yield to the Senator from Florida?

Mr. STENNIS. I will yield in a moment.

The Senator from Louisiana [Mr. Long] has called to my attention a question and answer printed on page 752, part 2 of the official printed hearings.

This being part of the official record, I ask unanimous consent that an excerpt from the testimony of Michael V. O'Hare beginning at page 751 and ending at the third line at the top of page 753 be printed at this point in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Mr. Sonnett. I would like to read to you from page 243 of the printed record of your prior testimony, a portion, and ask you whether you wish to make any change now in that testimony. I am going to read from 243, Mr. Fern:

"Jim Boyd had spoken to me on a number of occasions during the month of July and August. He asked me finally around the middle of August 1965 if I would come out with him and meet with Jack Anderson. I agreed to this and after talking with Mr. Anderson, meeting him for the first time, hearing all that he did have in mind, sometime later convinced myself that his motives were honorable.

"The Chairman. Pardon me now. When was that? What was the date of this first meeting?

"Mr. O'Hare. With Jack Anderson?

"The Chairman. Yes.

"Mr. O'Hare. Around the middle of August 1965.

"The Chairman. All right.

"Mr. O'Hare. As I say, after meeting with him. I was convinced or at least within a few days, a short period of time after meeting him, I became convinced in my own mind that possibly some good could come out of the expose that he planned, and it was with this in mind that I finally agreed to join up and participate in it. From then on, I was an active member of the group as far as working, doing research for them, gathering actually any material. The documents which were taken as far as my own participation in it went, I do not believe that I took any great amount of documents probably until around the middle of October 1965. I may have taken a few copies here and there, but it was not until October, the middle of October, that I actually took any great amount.

"Mr. Sonnett. Was that after Terry Golden had been discharged?

"Mr. O'Hare. It was the weekend following Terry Golden's dismissal.

"Mr. Sonnett. And Terry Golden was your girlfriend?

"Mr. O'Hare. Yes, sir, and still is."

Is there any change you wish to make?

Mr. O'Hare. Probably a couple: First of all I would like to move up the date of my meeting; my first meeting with Mr. Anderson, and my active participation from middle August, which I stated was the date to the best of my knowledge. But after relating it back to other events, it would probably be closer to mid-July when I first met with Mr. Anderson.

I wouldn't care to make any change on the testimony about the bulk of the documents. What I would like to do is just try to correct some misunderstandings that have come because maybe at the time that the question was asked I wasn't alert enough to be aware of all of the implications.

From the moment that I met with Mr. Anderson, and I agreed to help, I was a totally cooperating member of this group who had as its goal to bring about an investigation of Senator Dodd. This isn't the type of thing that you go into halfway, especially not a Senate employee, where the name of Drew Pearson or Jack Anderson is anathema in any office. For four and a half years I worked very hard to get where I did. I went from $20 a week, as Mr. Fern brought out, to $10,500 a year, and I did it by working 12 hours a day and 14 hours a day, sometimes 6 or 7 days a week.

My decision to help Mr. Anderson and Mr. Pearson was made neither lightly nor maliciously. I engaged completely. I would have preferred that I had been able to separate myself from the office at the time that I agreed to cooperate with them. At their request I didn't leave the office. They said that they would like me to remain on for as long as I could. I had some misgivings about this myself, because I knew the way people would look and say, "Well, here he is, a disloyal employee. He is on the payroll of Senator Dodd and at the same time he is taking all of these things from him and cooperating with a couple of columnists who are working against him."

But I believed if what we were to do was to be successful at all, and I certainly believed in the undertaking that I was to participate in, I had to do it wholeheartedly, and I believed that this required my staying in the office. So that for the period from mid-July until the time that I was off the payroll, I was cooperating entirely, committed in every way to assist Drew Pearson and Jack Anderson.

The investigation they were conducting, though, because of the nature of the activity itself, was becoming more and more bold. My position in the office was becoming more and more delicate. Every day that I walked in, it was a day-to-day existence. Would I be discovered today? Would I be fired? Would Senator Dodd today finally learn that here one of his most trusted members of the staff was indeed working against him and be ejected perhaps even physically from the office? It wasn't an easy thing to do. It's not that there weren't some doubts in my own mind at times. But I was being true to myself, and that was the important thing.

Miss Golden likewise was cooperating. When Senator Dodd fired Terry Golden, and we have already gone through this in the Klein hearings about the actual——

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HOLLAND. The distinguished Senator has made reference to the conduct of four former employees of the Senator from Connecticut.

I wonder if the Senator would be willing to have printed in the Record that part of the report that deals with that subject matter, beginning with the title "Supplement—Unauthorized Removal of Documents from Senator Dodd's Office," and covering pages 31 and 32 of the report.

I think it would be of very great interest not only to those persons on the Senate floor, but also to those throughout the Nation who read the Record as to just what is shown in the report on that subject.

Mr. STENNIS. Mr. President, I thank the Senator from Florida for his suggestion.

I ask unanimous consent that pages 31 and 32 of the report as filed by the committee be printed at this point in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

SUPPLEMENT—UNAUTHORIZED REMOVAL OF DOCUMENTS FROM SENATOR DODD'S OFFICE

I. INTRODUCTION

The subject of the Investigation on which this Report is made is Senator Thomas J. Dodd. But the Committee would not be meeting its full responsibilities if it did not go beyond the disposition of the charges against Senator Dodd to the acts of his former employees in removing and using records from his files wtihout his authority. The evidence of these acts was developed incidentally to the main subject, but is complete enough for the Committee to present this Supplement as a brief report of the facts and Committee views.

II. FINDINGS OF FACT AND CONCLUSIONS

Findings of fact

During his initial appearance before the Committee, James Boyd, Administrative Assistant to Senator Dodd until May 1965, testified at some length that he and three other former employees, working together from about May to December 1965, removed about 4,000 documents from the files of Senator Dodd's office in the Old Senate Office Building, Washington, D.C., without authority, copied them and then returned the documents to the files (pp. 122, 123, 170, 171, 177, 184, Hgs.). His testimony was corroborated by Mr. Michael V. O'Hare, a former bookkeeper for Senator Dodd, who was one of the participants in the removal of the documents (p. 243, Hgs.). Both Boyd and O'Hare testified they were aided in the removal of documents by Marjorie Carpenter and Terry Golden, secretaries on Senator Dodd's staff until December 1964 and October 1965, respectively (pp. 123, 752, 753, 755, Hgs.). Both witnesses volunteered that they had removed documents, without permission of Senator Dodd, in order to substantiate what they believed to be evidence of serious wrongdoing (pp. 122, 752, Hgs.). Three of the participants in the removal of documents were not in Senator Dodd's employ at the time documents were taken. O'Hare remained on the staff until January 31, 1966, during which time he participated in the removal and copying of documents from the Senator's files (pp. 752–755, Hgs.). None of the four former staff members denied their participation in the removal process.

Boyd stated that the plan to remove documents was agreed upon only after prolonged consideration of the consequences (p. 170, Hgs.). The group ultimately provided the documents to newspaper columnists for publication, on the condition that after the documents were assembled they would be turned over to any legitimate authority upon request (p. 171, Hgs.). Using the documents as source material, the columnists wrote and had published between January 1966 and the present time many articles about Senator Dodd's activities.

Boyd testified that the group decided to have the documents published in the press to assure public disclosure of the facts in the hope that this would ultimately result in some form of official investigation into the conduct of Senator Dodd (pp. 170, 171, Hgs.). Boyd and O'Hare denied that they received any financial benefit in connection with the removal or the publishing of the documents (p. 171, Hgs.).

Senator Dodd testified that the former employees, two of whom he fired, were acting in revenge and because of vindictiveness.

Conclusions

1. James P. Boyd, Jr., Michael V. O'Hare, Marjorie Carpenter, and Terry Golden, each of whom was employed by Senator Dodd until between December 1964 and January 1966, collaborated in removing about 4,000 papers from Senator Dodd's office from about May to December 1965 without Senator Dodd's permission, copied the papers, and then returned them.

2. Boyd, O'Hare, Carpenter, and Golden gave the copies of Senator Dodd's papers to Washington newspaper columnists, who used the papers as the basis for many published articles about Senator Dodd in 1966 and 1967.

III. RECOMMENDATIONS TO THE SENATE

While the Committee recognizes the duty of every Senator, or officer or employee of the Senate, to report wrongdoing to responsible authorities, the Committee believes that the unauthorized removal of papers from a Senator's office by employees and former employees is reprehensible and constitutes a breach of the relationship of trust between a Senator and his staff, is an invasion of what must be considered privileged communications between a Senator and his correspondents, and is a threat to the orderly conduct of business of a public office.

Since the subject employees are no longer in the employ of the Senate, the Committee notes that any disciplinary action against them by the Senate is not possible.

IV. REFERENCE OF POSSIBLE VIOLATION OF LAW TO FEDERAL AUTHORITIES

In accordance with Section 2(a)(4) of Senate Resolution 338 of the 88th Congress, the Committee has directed the Chairman to refer to the Attorney General of the United States for his action or recommendation the matter of the unauthorized removal of papers from Senator Dodd's office by his former employees.

Approved:

John C. Stennis,
U.S. Senator, Chairman.
Wallace F. Bennett,
U.S. Senator, Vice Chairman.
Mike Monroney,
U.S. Senator.
Eugene J. McCarthy,
U.S. Senator.
John Sherman Cooper,
U.S. Senator.
James B. Pearson,
U.S. Senator.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. BROOKE. Mr President, the distinguished Senator in his presentation referred to the matter of political and personal expenditures. No evidence has been presented as to how Senator Dodd had divided political and personal expenditures.

Did the committee set forth any guideline as to what would be considered personal or political expenditures or a mixture of the two, or is there stated in the committee report or elsewhere the difference between what is a personal expenditure and what is a political expenditure?

It seems to me that the Senate will be bogged down as it considers the committee report and recommendation as to what is political and what is personal, and what is a mixture of the two.

Mr. STENNIS. I am glad to answer that question.

That particular matter will be expressly covered by the Senator from Utah [Mr. Bennett] and the Senator from Minnesota [Mr. McCarthy], who served as a special subcommittee to go through the entire record and pick out the items which they thought in their judgment were so personal that they could not be considered political.

They are going to address the Senate and go into that very matter. I am sure they will give the Senate guidelines. The work of these two Senators was presented to us.

I give an outstanding illustration of what I consider to be a personal matter. That would be an income tax statement. Whatever a man owes for income tax is considered by me to be a personal matter, a personal debt, a personal obligation.

Repairs to his own home and items of that nature are so clearly and unmistakably personal that there could be little argument.

However, there are some other items that fall in the gray field.

I think the committee adopted mighty good guidelines. Anything connected with campaigning or preparation for the campaign was considered political.

Mr. BROOKE. That is not contained in the committee report, as I recall.

Mr. STENNIS. It is true that it is not covered in detail in the report, but it will be developed here by the Senator from Utah and the Senator from Minnesota.

I will say something further on the subject later, but I want the two Senators to speak first.

I thank the Senator for his question.

RECESS

Mr. MANSFIELD. Mr. President I ask unanimous consent that the Senate stand in recess for 1 hour exactly.

The PRESIDING OFFICER Is there objection? The Chair hears none and it is so ordered.

At 12 o'clock and 55 minutes p.m. the Senate took a recess until 1:55 p.m., the same day.

At 1:55 p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. Proxmire in the chair).

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names.

[No. 135 Leg.]

Aiken
Allott
Anderson
Baker
Bartlett
Bayh
Bennett
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Griffin
Gruening
Hansen
Harris
Hart
Hatfield
Hayden
Hill
Holland
Hollings
Hruska
Jackson
Javits
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Scott
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

The PRESIDING OFFICER (Mr. Talmadge in the chair). A quorum is present. Under the order previously entered, the Senator from Utah [Mr. Bennett] is recognized.

PRIVILEGE OF THE FLOOR

Mr. BENNETT. Mr. President, before I begin, during the call for the quorum the distinguished senior Senator from Kentucky [Mr. Cooper] asked me to yield to him in order that he might ask unanimous consent that, as a member of the committee, he might have Mr. William R. Haley, his legislative counsel, sit with him and have the privilege of the floor. The Senator from Kentucky does not seem to be in the Chamber and, therefore, I make the unanimous-consent request in his behalf.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

SUPPORT FOR ETHICS COMMITTEE RECOMMENDATION

Mr. BENNETT. Mr. President, as the vice chairman of the Select Committee on Standards and Conduct, it is my privilege to follow the distinguished Senator from Mississippi, the chairman of the committee, in supporting the committee's recommendations for the adoption of the resolution of censure now before the Senate.

It is not my intention to duplicate the well-expressed and clear statement of explanation that the chairman has just presented, other than to say, without reservation, that his views, as indicated by my signature on the committee report, have my unqualified concurrence.

As the ranking Republican on our committee, I feel I should begin by reminding the Senate of the nonpolitical nature of the committee's composition and conduct of its affairs. I believe that I can attest without hesitation to the political impartiality of our participation in the events which ultimately led to the censure resolution that is before us today. Most Members of the Senate will recall that the resolution which established the Select Committee on Standards and Conduct provided that the committee consist of six members of the Senate, of whom three shall be selected from members of the majority party and three shall be selected from members of the minority party. The wisdom of this provision is apparent from the balanced and forthright manner in which the committee has approached its responsibilities.

When the committee organized itself, it selected a chairman from among its majority party members and a vice chairman from among the minority party members. No decision of consequence has been made without a complete agreement between the chairman and the vice chairman.

At one of the first meetings of the committee, all members pledged themselves to undertake the tasks which the Senate has assigned to them without reference to party affiliation. In every subsequent meeting or conference, every member present participated fully in expressing his views with that pledge in mind.

Just as the committee membership is bipartisan, the committee determined that the staff would be nonpartisan. Initially, in selecting the chief counsel, and later in approving the selection of the other members of the committee staff, we looked solely for professional ability and objectivity. To this date, I do not believe that any member of the committee even knows how any staff member has voted in any elections.

Some outsiders who are not familiar with the functioning of our committee have indicated a belief that the committee may have been influenced by motives other than the maintenance of the integrity of the Senate. Let me state, Mr. President, that there has never been any outside influence exerted on the committee, either to take, or not to take, any specific course of action, either in the investigation of Senator Dodd or on the handling of any other matters before the committee. Our colleagues in the Senate have been especially restrained and circumspect in avoiding what might have even appeared to be a suggestion to the committee, or to any of its members, as to how committee affairs should be conducted. Likewise, no evidence has been brought to my attention of the exertion of any pressure from any other channels, political or otherwise. The innuendo that the committee may have been influenced by Communist sympathizers in its action in the Senator Dodd matter is so patently ridiculous as to be unworthy of an answer.

Not being a lawyer, I cannot readily cite legal authority and precedent for the various rights and priviliges that were conferred upon Senator Dodd by the committee, both during its conferences with him and throughout the hearings which it held. However, as a Senator I think I have a fairly well developed sense of fairness and of what is right, and this has convinced me that the committee conducted its investigations and its hearings in such a way as to give Senator Dodd every opportunity to present his case freely and in its most favorable light. And, of course, as Senators know, in addition there are three of the six members of the committee who are lawyers, and one of the three, our chairman, has had a broad experience and a distinguished record as a judge in his own State. To the extent that the concept of fair play needs to be translated into legal privilege, I am sure my lawyer colleagues saw that all these requirements were satisfied.

Immediately after being organized, the committee began at once to write committee rules of procedure, and on February 2, 1966—prior to the initiation of the investigation of Senator Dodd—these rules were adopted. The rules for the conduct of committee hearings appear to be eminently fair to anyone who might someday appear before the committee as the subject of an investigation. Among other things, the rules provided that wherever possible, the hearings will be open to the public, that a witness might be accompanied by counsel of his own choosing, and that the record of his testimony be made available to him.

In addition, the rules permitted a person who is the subject of an investigation to submit questions to the committee for the cross-examination of all witnesses, and prohibits the operation during a hearing of cameras, outside microphones, or other distractions or harassments. When the committee was confronted by the probability that a hearing would have to be held, these rules were again revised and modified to insure even greater fairness to all parties concerned. Senator Dodd, as will any other person who may in the future come before the committee, was further permitted to cross-examine all witnesses and to exercise that right, at his discretion, through his counsel. Senator Dodd was also permitted to offer the testimony of witnesses and evidence on his own. The net effect of these liberalizations of our rules, I feel, was to allow Senator Dodd every possible opportunity to avoid the emotionally trying ordeal of prolonged public hearings.

The early efforts of the distinguished

chairman and myself to get the facts before the committee without the necessity for lengthy and embarrassing hearings, eventually ripened into a stipulation as Senators have been told. While this agreement between the committee and Senator DODD as to many of the facts did not obviate the necessity for hearings, it shortened them considerably. Much of the basis of the censure resolution rests upon these admissions of facts by Senator DODD, but I want to emphasize that at no point was any compulsion ever exerted on Senator DODD to force him to enter into these stipulations. He and his counsel were given ample time to review the proposed agreement at considerable length and they did so; and his counsel, with his acquiescence, signed the stipulation as a completely voluntary act.

The committee viewed its assignment as a factfinding exercise. Until we could find the facts, we could not possibly inform Senator DODD precisely what he was going to be faced with at the hearings. Therefore, considerably in advance we did provide Senator DODD with detailed notice of the matters to which he would be expected to respond. First, since we were looking into charges relating to his conduct, we wanted to benefit as fully as possible from his own explanations before the hearings were held. Second, we constantly adjusted and stretched out our program in order that he might have as much time as necessary to develop and organize his position. The Senate is aware that it is nearly 18 months since this began.

As a further indication of the committee's interest in getting all the facts before it pro and con, we made available to Senator DODD the committee's subpena power so that he would be able to compel the attendance of whatever witnesses he chose.

In line with the committee's conception of its role as a factfinder, committee counsel was instructed to collect and present to Senator DODD all of the relevant facts, whether favorable or unfavorable. Neither the committee nor our counsel himself conceived of the counsel's role as a prosecutor. Someone had to assume the burden of the first move, and since the initiative was in the committee's hands, it fell to the committee counsel to be first to examine witnesses and present evidence. That he accepted his role as a factfinder is revealed by the names of several of the witnesses he called—Moriarty, Powers, McNamara, Barbieri, and Sullivan. Everyone knew before they were called that these witnesses would be favorably disposed toward Senator DODD.

Senator DODD was not required by the committee to appear as a witness, or to testify. At all times, the committee respected his right not to incriminate himself. Of course, he did appear, but as a result of his own choice.

At the time that the allegations against Senator DODD were first made public, the committee learned of the unauthorized removal of about 4,000 papers from Senator DODD's office. Because of the circumstances under which the documents were taken, and the consequent disrupting influence on the orderly conduct of the Senator's business, the committee decided that it would not make use of the papers in the determination of the facts relating to Senator DODD's conduct. Shortly thereafter, Senator DODD expressly requested that the committee obtain for him copies of each of the documents which had been taken from his office. The committee honored Senator DODD's request and, having obtained copies from the Department of Justice, had copies of these copies made available and given to him. Although a duplicate set was retained in the committee files, none of the papers were used in the conduct of the investigation, nor were any of them offered or received as evidence in the hearings. There were certain documents from Senator DODD's files used in the Klein or first phase of the investigation. These were provided to us by the Senator himself. Thus, the privilege which the committee attaches to a Senator's correspondence and records was respected. This policy decision by the committee obviously inured very greatly to Senator DODD's advantage.

By the time of the second series of hearings, which were concerned with Senator DODD's personal and political finances, the committee had gained much practical experience in the determination of what types of documents it would admit as evidence. The committee believed that a high level of authenticity could be established if persons who had knowledge of the facts in issue should testify in person. For this reason, the committee preferred not to accept any written statements, sworn or otherwise, unless a witness was unavailable. The deposition of Sullivan, Senator DODD's representative in Hartford, Conn., for example, was ordered only after a certificate had been received from Sullivan's doctor affirming that Sullivan should be excused from appearing in Washington for reasons of health. The only other exception to the admission of written statements in lieu of witnesses in the financial hearings, was made for the 400 affidavits offered by Senator DODD's counsel filed by persons who stated that their contributions to Senator DODD were a nonpolitical gift. This exception, again, was made for Senator DODD's sake because of the difficulty of taking testimony from such a large number of persons.

As is stated in the committee's report, "Hearsay evidence was limited and assigned appropriate probative value." Information gained from hearsay was held at a minimum; nevertheless, the committee saw no necessity to completely prohibit hearsay, for the six members of the committee felt that they could individually evaluate what degree of credibility should be assigned to such testimony. All of the members of the committee have had broad experience with Senate hearings and are capable of determining how much of a witness's statements can be relied upon. Moreover, the committee membership includes three lawyers, two of whom had been judges. As a matter of fact, no single fact based on hearsay alone was accepted on its face by the committee.

Prior to the first hearings, Senator DODD informed the committee that whenever he appeared as a witness he would submit to examination by members of the committee only and not by the committee's counsel. This request was honored at both hearings.

Almost from the outset, the committee was faced with repeated questions raised by Senator DODD concerning the jurisdiction of the committee and its methods of procedure. The most important of these questions was Senator DODD's contention that the committee lacked authority to make any investigation into his finances. When each one of these contentions were made, the committee afforded Senator DODD and his counsel all opportunity to raise every possible point in support of their arguments in a closed meeting of the committee. The issue of jurisdiction was raised several times by Senator DODD's counsel, and ruled upon by the committee on three occasions, they having decided in each of those three cases that it did, in fact, have jurisdiction.

One of the characteristics which distinguished the hearings by our committee was the respect and courtesy that were displayed by the committee and its staff toward all witnesses.

Upon completion of all hearings, the members of the committee held at least 10 meetings to deliberate on the findings, conclusions, and possible recommendations in the investigation. All of the members of the committee participated in almost every one of these meetings. Basic decisions were referred by the chairman to the committee for a vote. In each case, the vote was unanimous. Members themselves read and reread the various drafts of the report many times and contributed many suggested substantial language changes of their own. I think it would be fair to say that members of the committee wrote and rewrote the various drafts of the report many times, so that the resulting report is truly a committee product rather than merely a staff-written document.

From an examination of the several matters which I have selected to illustrate the committee's fairness to Senator DODD, I am sure the Senate will reach the conclusion that the committee has, in its desire to be completely fair to him, literally bent over backward for the benefit of the Senator from Connecticut. Aside from the collective sense of fairness and rightness which marked the committee's deliberations, all members recognized throughout that they were setting precedents for the future operations of the committee. This, therefore, made them doubly cautious in making sure that Senator DODD would not be handicapped in any way in presenting a response most favorable to his point of view.

As I said to begin with, I have not been educated in the law, but I have had some practical exposure to the law, both as a juror and, not the least lately, as a legislator. It strikes me that our hearings were probably more fair than those in many courts, and obviously more fair than most congressional hearings.

The chairman has spoken of the collection and use of the various moneys by Senator DODD through a program of seven fund-raising affairs, and a political fund-raising campaign, from 1961 through 1965. In explaining the committee's findings and conclusions as to the disposition of these funds, the chairman observed that they decided, from the evidence, that Senator Dodd had authorized the payment of at least $116,083 for his personal purposes.

It was also noted by the chairman that Senator Dodd further authorized the payment of an additional amount of at least $45,233 from these proceeds for purposes which seemed to be neither clearly personal nor clearly political. It falls to me, now, to elaborate on the succinct explanation provided by our distinguished chairman with respect to the allocation of these funds.

From the facts provided at the hearings, the committee had before it a clear and complete explanation of at what time and for what purposes the various expenditures of the political funds were made. Most of these facts were contained in the detailed schedules of payments which were attached as appendixes to the principal stipulation between Senator Dodd and the committee. The stipulation did not recite, however, all of the purposes of the many loans which Senator Dodd repaid from political funds. In his own testimony, chiefly in answer to questions asked by the chairman, Senator Dodd provided his recollections of the purposes for which most of the remaining loans were made. In effect, then, the record of the use of some $450,000 of political funds was based on Senator Dodd's own admissions.

From this record, members of the committee proceeded to allocate all of the payments as being either for a personal or political purpose. Each individual item of payment shown in the various schedules and testimony in evidence was reviewed and discussed in detail. As our study proceeded, it became apparent that the information we had of the use of some of these payments was not exact or complete enough to support a definitive determination as to whether the purpose was political or personal. We, therefore, established a category to which the chairman referred, called the gray area. The gray area contained figures which could not clearly be defined as being either conclusively political or conclusively personal, although what information we did have was based almost entirely on Senator Dodd's testimony.

In making this final allocation, we developed a series of criteria which was based upon our own experience as office-seekers, officeholders, and Senators. I should like to recite the principal criteria.

All loans which were used to pay income taxes we decided were personal.

The money to repay loans which were taken out to pay income taxes, we decided were personal.

All moneys to repay loans which were taken out to cover personal expenses as identified in the stipulation we decided were personal.

The cost of all air transportation provided to Senator Dodd and to members of his staff between Washington, D.C., and New York City or the State of Connecticut we regarded as political. Obviously, we did not include in our totals any of the travel costs of trips made to a State other than New York or Connecticut in which the Senator made a speech, nor did we include the expenses involved in the six trips for which Senator Dodd received repayment from private sources as well as reimbursement of his personal account from a political campaign fund.

The cost of air transportation provided to members of Senator Dodd's family between Washington, D.C., and New York City or the State of Connecticut during the period of Senator Dodd's 1964 political campaign was also regarded as political.

The cost of air transportation to Senator Dodd, members of his family and his staff to locations other than in the State of Connecticut, with the exceptions referred to above, was considered to be purely personal.

Those oil credit card purchases by Senator Dodd or his employees which could be related to any political purpose were regarded as legitimate political purchases. On the other hand, such purchases by members of Senator Dodd's family, outside of the period of his political campaign, were determined to be personal. Railroad transportation for travel not involving Connecticut was similarly regarded as a personal expense, on the same basis as we had allocated the airline transportation.

All of the hotel and restaurant expenses of Senator Dodd and his staff in Connecticut were labeled as political and campaign expenses. On the other hand, classified as personal were hotel and restaurant expenses of Senator Dodd and his staff at locations other than in Connecticut and dues and house charges payable to the several clubs to which Senator Dodd belonged, no matter where they were located.

Payments to the Senate restaurant and to Schneider's Liquor Store in Washington appeared to contain elements of both political and personal purposes and were, therefore, included in the gray area which were described in the hyphenated phrase "personal-political." Based on Senator Dodd's own testimony in which he coined the phrase "personal-political," at least four loans were similarly treated.

With the facts before it and the criteria it developed, the committee allocated payments in the following amounts: From the net proceeds of the 1961 fund-raising dinner, all of which were deposited in Senator Dodd's personal bank account, the payment of $33,000 for general, household, and personal expenses was considered as personal and not disputed; $625 was paid from the 1963 District of Columbia reception for personal purposes and included such items as Congressional Country Club charges, limousine service to a race track, and motel accommodations for some of Senator Dodd's personal friends.

Payments from the testimonial for U.S. Senator Thomas J. Dodd bank account totaling about $5,700 were similarly determined to be personal and included such items as air transportation to Florida, Chicago, San Francisco, Texas, and other places by Senator Dodd and members of his family during 1963 and 1964. Other payments from this account include country club charges and hotel bills for Senator Dodd and members of his family. About $4,000 was expended from campaign bank accounts for such purposes as airline trips to Jamaica, Curacao, Miami, and London by Senator and Mrs. Dodd. Hotel and club bills were also paid out of this account. Propane gas service charges for Senator Dodd's Connecticut residence were charged to this account.

Over $28,000 in political funds were used by Senator Dodd to retire loans that had been made directly or indirectly to pay his Federal income taxes.

Another $27,000 of political money was applied to the repayment of loans made from late 1959 through 1962 for personal expenses.

Senator Dodd diverted over $9,000 in political funds to payments for improvements to his Connecticut home. He gave his son $4,900 out of political campaign funds.

And so the list goes. I will not take the time of Members of the Senate to spell out in detail each dollar of personal expense or personal-political expense. But if any Senator desires further details of this allocation, I will supply them.

May I add that in the allocation of expenses between political and personal purposes, our estimates were on the conservative side, and wherever there was a doubt, we gave the benefit of the doubt to Senator Dodd.

For instance, when the committee as a whole decided there was this area we have called the gray area and that it contained $45,233, the Senator from Minnesota [Mr. McCarthy] and I were assigned to go through this sum. We allocated the $45,000 to political, which included some Senate restaurant checks, some liquor bills, and these four loans.

These expenses represented the payment of many bills covering a period of 5 years and the use of at least seven different bank accounts. In addition, certain expenses were paid directly from cash received in connection with Senator Dodd's political campaign or his various fund-raising events.

Mr. President, I have not attempted to range over the numerous facets of the committee's investigation. The distinguished Senator from Mississippi, as the chairman of our committee, has done that very ably. But having assisted in a special assignment to scrutinize the "gray area" of unclear expense allocations and recommend their disposition to the committee, I have dwelt at some length on this subject, and now, along with my chairman and the other members of the committee with whom I have the honor to serve, I will do the best I can to respond to any questions Senators may have, closing with the statement again that I completely support the committee's conclusions and recommendations.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. BENNETT. I am happy to yield.

Mr. COTTON. Perhaps I missed it, or perhaps it has been pointed out in the report of the committee, but I did not catch, from the Senator's statement, the total of all of the money from all of the dinners that was allocated to political expenses, the total in the gray area, so-called, the questionable items, and the total for personal purposes.

Mr. BENNETT. On page 25 of the report, the Senator will find all of those figures. The total amount received was $450,273; and of this amount, the committee determined that Senator Dodd had authorized for personal purposes——

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend until order is restored. Persons in the gallery will remember that they are guests of the Senate, and refrain from conversation.

The Senator from Utah may proceed.

Mr. BENNETT. From the total amount received, $450,273, Senator Dodd authorized the payment of at least $116,083 for personal purposes. Senator Dodd further authorized the payment of an additional amount of at least $45,000 from these funds for purposes which were neither clearly political nor personal; those were the gray areas. So out of approximately $450,000 we are left with the total of $116,083 for personal purposes.

Mr. COTTON. The total of the gray area?

Mr. BENNETT. $45,233.

Mr. COTTON. And the total of the political?

Mr. BENNETT. Well, we did not subtract, but if the Senator will add $116,000 and $45,000, the total is about $161,000. When that is subtracted from $450,000, something like $290,000 will remain.

Mr. COTTON. I thank the Senator.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. MILLER. Did I understand the Senator to say that the committee regarded all of the costs of club dues and clubhouse charges as being personal?

Mr. BENNETT. Yes.

Mr. MILLER. Did the committee take into account the fact that there could have been substantial entertaining of constituents from one's home State, either here in Washington or in Connecticut, and, that being the case, that this might qualify as a political-personal expense?

Mr. BENNETT. To offset that, the committee gave to the Senator as personal all of his expenditures for liquor and all of his expenditures in the Senate Dining Room.

It is necessary to make a more or less arbitrary division of things like that. But speaking for myself, as one member of the committee, I think a man can be a successful Senator without joining a club; and if he chose to join one or more clubs, I assume that it was because he wanted whatever benefits the club could supply to him personally. That is the basis on which I approached this problem.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MILLER. May I continue for a moment?

As I understand it, then, there might have been a recognition that some part of the club expenses would have been political-personal, but inasmuch as all of the Senate restaurant expenditures were allowed, the committee felt that this would be an offset?

Mr. BENNETT. And all of the liquor.

Mr. MILLER. And all of the liquor. The committee felt that would be an offset, so there would be an equitable allocation of expenses?

Mr. BENNETT. That is the way I approach it.

Did the Senator from Louisiana wish me to yield to him?

Mr. LONG of Louisiana. Yes, I asked if the Senator would yield.

The Senator says he understands how someone could be excused and understood for entertaining his friends, even at a country club. Would the Senator explain how one can entertain his friends at a country club if he is not a member of it?

Mr. BENNETT. The Senator misunderstood what I said. I said a man could be a Member of the Senate without joining a country club.

Mr. LONG of Louisiana. Will the Senator yield for a further question?

Mr. BENNETT. I yield.

Mr. LONG of Louisiana. Assuming the Senator would like to entertain his constituents at a country club, how could he do so without joining the country club?

Mr. BENNETT. If the Senator has been in Washington as long as I think he has, and has not learned the answer to that question, I am astounded. There are hundreds of lobbyists who would be delighted to invite the Senator and his friends to country clubs to which they belong.

Mr. LONG of Louisiana. Would it not be better if the Senator did not have to call upon a lobbyist for a favor, in order to entertain his friends at the country club?

Mr. BENNETT. I go back to my original point: A Senator can entertain his friends without going to a country club. There are plenty of restaurants; there are plenty of other places of entertainment. To start on the basis that in order to be a successful Senator and take care of one's constituents it is necessary to have membership in a country club would wipe me out, because I am not a member of any country club in the Washington area.

Mr. LONG of Louisiana. I am a member of a country club in the Washington area and have not had time to go there in 3 years. The only time I went there, I entertained constituents. If I were a member because I wanted to entertain there, could I not maintain the country club membership for that purpose? The Governor of my State, who is presently in the Senate gallery, might be in town, and I might wish to entertain him at a country club. Does it not occur to the Senator that the fact that I have not used that club for 3 years, anyway, but have kept up my dues, might mean that I could be doing so because on some occasion I might not want to call in a lobbyist, but might wish to entertain someone of some importance in my State at a country club?

Mr. BENNETT. It would be up to each Senator to make his own determination.

Mr. LONG of Louisiana. The Senator from Utah said it was not necessary to entertain. I quite agree. I suggest to the Senator that it would be quite possible for me to accept the Governor's hospitality in the Governor's mansion and never return the courtesy; but I also suggest to the Senator that there is nothing particularly wrong about maintaining membership in a country club so that I will have some place to take my Governor when he is in town.

Mr. BENNETT. The Senator from Utah will have to come back to his original statement. He said it is not necessary to entertain in a country club. A Senator can entertain in his own home; he can entertain in one of a great many hotels. To pick out this item and say, "This is a necessary political expenditure," does not seem to be particularly appropriate.

Mr. LONG of Louisiana. I quite agree that it should not be necessary, but it might be a good idea.

Mr. BENNETT. I said that the Senator is free to make his own determination as to whether he wants to entertain his Governor at a country club and is willing to absorb the dues for 3 years so that the club will be available when he wants it. But when we come to the question of whether it is necessary to keep membership in a country club dormant for 3 years with the thought that someday a constituent may be entertained there, that seems to be stretching the point pretty far.

Mr. LONG of Louisiana. Did it ever occur to the Senator that it might be desirable, when a couple gets married, to send a wedding present, even though the Senator did not know either of the persons? I just happen to think that it is a good idea to send a wedding present, especially if it is a modest one, or even a telegram of congratulations upon their marriage, because they thought enough of me to send an invitation. Might not that help a man to be reelected?

Mr. BENNETT. I am sure the Senator could send a telegram on his Senate telegraphic allowance.

Mr. LONG of Louisiana. That is one of the biggest items of my nonreimbursable expense—communications. After that allowance has become exhausted, with what fund could I send a telegram?

Mr. BENNETT. I do not remember that we, in making our determination, made any judgment of the use by Senator Dodd of communications.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. BROOKE. I asked the question of the distinguished chairman of the committee [Mr. Stennis] as to what test should be applied by the Senate in evaluating the evidence and arriving at a decision. The Senator from Mississippi answered that the test would be left up to the individual Senators.

I now ask the question of the distinguished senior Senator from Utah: What test was applied, if any, by members of the committee in arriving at their findings and recommendation. Some evidence; a preponderance of the evidence; or proof beyond a reasonable doubt? Was any test applied by the members of the committee?

Mr. BENNETT. Since we were not a judicial body, I am sure we did not draw those lines and wonder at what point we moved from one area into the other area.

I would say that it was roughly—I

was going to say the preponderance. However, I would say it was probably beyond a reasonable doubt, because with respect to the Klein phase of the hearings, after we had gone through several days of hearings, we ourselves decided that the evidence we had developed at the hearings left us in doubt. So we did not include the reference to those hearings in our report to the Senate.

With reference to these financial affairs, it seems to me that the situation referred to may be a little academic, because we are dealing here with facts about which there is no doubt. And they were essentially all admitted.

Senator DODD is not accused of a crime. The problem we faced concerned a judgment as to whether these actions brought any disrepute to the Senate or damaged the image of the Senate. It does not matter how we phrase it.

We decided on the basis of the facts available to us that in our opinion that was the effect of the Senator's course of conduct. Because we were not in a strictly judicial capacity, we did not attempt to lay down the usual judicial pattern.

Mr. BROOKE. The charges against Senator DODD and the recommendation for censure are very serious. Although this matter is probably in the nature of a civil rather than a criminal proceeding, nevertheless, the result could be very grave. Certainly the censure of a U.S. Senator cannot be compared with a death sentence. But it could be compared with a life imprisonment sentence, if it were a criminal matter.

Mr. BENNETT. Perhaps I should answer the question by saying that in my opinion the information establishes the basis of the Senate's decision both beyond a reasonable doubt and by the preponderance of the evidence.

Mr. BROOKE. Now, sir, in mentioning the matters which the committee considered to be personal rather than political, one of the matters pertained to the travel of Mrs. Dodd outside of the State of Connecticut, or to Washington, D.C.

It certainly is conceivable that the wife of a U.S. Senator might be invited to travel with him to attend a political function, say, in Chicago, Ill. And it certainly seems that this might be considered a political expenditure or a proper political expenditure rather than a personal-political expenditure.

Although, we are here concerned with Senator DODD—and this is a most important matter before us at this time—I am sure that the committee understands, and must have understood, that if we abide by the guidelines set by the committee we are establishing a precedent which the Senate will be bound to follow in the future.

Are we going to follow all of the guidelines which the committee has set forth in its report and which the distinguished senior Senator from Utah has mentioned one by one, such as the country club expenses which were classified as personal rather than political? Will the Senate accept the guideline that the travel of the wife of a U.S. Senator, to a State other than his own is personal rather than political?

Are we going to judge all of these matters as they have been outlined by the committee?

Certainly, this is a matter of grave concern to the Senate, as well as to Senator DODD.

Mr. BENNETT. Mr. President, answering the first example, or responding to it, it seems to me that if the people of Illinois—and the Senator mentioned Chicago—felt that Senator DODD's presence was important to them politically, and they invited the wife of Senator DODD they should take care of the expenses.

If the Senator decided he wanted to take his wife along for the ride, then I think that would be his expense.

Mr. BROOKE. Perhaps the political committee might decide that it would be advantageous to have both the Senator and Mrs. Dodd in Illinois at a particular political function.

Mr. BENNETT. If there had been a showing that Senator DODD had, in fact, spent money in his personal travel which had a political relationship, we would have looked at it very carefully and probably thrown it over.

Mr. BROOKE. Then, the committee did not arbitrarily say that travel outside the Senator's own State is a personal expenditure.

Mr. BENNETT. No. We examined every single example.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. PEARSON. Mr. President, I wanted to comment on the question asked by the distinguished Senator from Massachusetts.

Actually we had $450,273 involved, and there is hard evidence to indicate that in some particular instances, such as improvement to the personal home of the Senator and the payment of income taxes, we had a clear personal use of the money.

Then we would go up and down the scale and try to make judgment as to whether an expenditure was personal, political-personal, or political.

We thought we owed it to the Senator to come in with as precise figures as we could get.

As a matter of fact, we said to our counsel: "Check these out. Put them in each slot, and find out where they belong."

The counsel said: "I can't do it. I don't know."

Then we called on two Senators experienced in the political world and in politics generally. We assigned to them the problem of making this distinction.

They did this. We had them do it for the reason that we thought we ought to come with as precise figures as we could obtain.

However, we find on the edges of each one of these classifications some very great disagreement.

I do not think that the judgment of the subcommittee, coming with an allocation of funds as we did, can set down guidelines for every State and every Senator for all time.

This was done in an effort to come in with as clear an explanation as we could make.

Mr. BENNETT. I thank the Senator, who is an excellent lawyer.

Mr. BROOKE. Mr. President, I thank the distinguished junior Senator from Kansas for his clarification. I certainly understand that the committee had a Herculean task before it and its members have performed their task well.

I must nevertheless point out that if we are to use these guidelines—and I know the Senators spent a tremendous number of man-hours working on them—the guidelines will establish a precedent which Senators will have to follow in the future concerning the question as to what is a political expenditure and what is a personal expenditure.

It seems to me that this is such an important question that the Senate should be aware that there could very well be far-reaching by-products.

Mr. BENNETT. Mr. President, I should like to make the additional point, that while the guidelines seem to be drawn rather sharply concerning the travel items, if we found, as I indicated, that Mrs. Dodd had actually gone on a political mission, we did not let the guideline operate. We let the purpose of the trip control.

The guidelines were only used in situations in which there was no obvious political purpose to the trip.

Mr. BROOKE. Then, would it be fair to say that every expenditure stands on its own merits, and that we will judge each expenditure on the basis of purpose of the travel?

Mr. BENNETT. The Senator is correct. Eventually, we get into a gray area in which we do not have complete information as to the purpose of the trip. Those are the areas in which we used the guidelines.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. LONG of Louisiana. Mr. President, on page 25 of the committee report it is stated:

> From these funds, Senator Dodd authorized the payment of at least $116,083 for his personal purposes.

We have not to this date been accorded an explanation of what these items were.

There is some reference to a few of them. Will the Senator provide us with an itemized statement of what the $116,000 was expended for? If the Senator can provide the details as to why the committee felt that each of these items was for the Senator's personal purposes, would the Senator provide that for the RECORD?

Mr. BENNETT. I shall be very glad to provide a list, bill by bill.

Now, this is not charge by charge, because some of them are statements. The Senator did not pay cash for these services. He allowed the bills to run, and then he paid the statement.

I have the list, Mr. President, and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Proceeds of 1961–65 fundraising events and contributions to 1964 political campaign used for personal purposes

Stipulation	Amount	Remarks
A. Payments from 1963 District of Columbia Committee for Dodd bank accounts (stipulation, p. 897):		
1. American Express, July 12 and July 29, 1963—Rotunda Restaurant service	$59.92	
2. Army Athletic Association—Purchase of football tickets	116.70	
3. Billy Martin's Carriage House, October 1963—Payment for restaurant service	72.77	
4. C. & P. Telephone Co.—Telephone service to Washington residence of Senator Dodd	21.62	
5. Congressional Country Club, May to August 1963—House charges	82.32	
6. D.C. Transit System, Aug. 15, 1963—Limousine service, District of Columbia and Virginia	60.00	Limousine service to Charles Town race course for Senator Dodd, a son, and several staff members (undisputed testimony of Michael O'Hare, p. 735).
7. Diplomat Motel, July 24, 1963—Motel accommodations, John Turco and party	20.80	
8. Naval Academy Athletic Association—Purchase of football tickets	99.40	
9. Pennsylvania R.R. Co.—Travel to Connecticut	91.59	Transportation for Senator Dodd and members of family between Washington, D.C., and Connecticut (undisputed testimony of Michael O'Hare, p. 735).
Total	625.12	
B. Payments from testimonial for U.S. Senator Thomas J. Dodd bank account:		
1. American Airlines—Air transportation during period 1963 through July 1964, such as, trips to Tampa, Fla., Chicago, Ill., San Francisco, Calif., Tyler, Tex., Los Angeles, Calif., Detroit, Mich., by Senator Dodd and members of family (stipulation, pp. 993, 995–997).	4,265.38	
2. American Express, Sept. 23, 1963, Washington, D.C.—Restaurant service and 1965 membership dues, Senator Dodd (stipulation, p. 993).	61.93	
3. Billy Martin's Carriage House, February 1964—Payment for restaurant service (stipulation, p. 993)	15.47	
4. Congressional Country Club, December 1963–July 1964—House charges (stipulation, p. 993)	221.75	
5. Essex House, Nov. 28, 1963—Room, restaurant, and telephone service, Christopher Dodd (stipulation, p. 993)	45.50	
6. Galt Ocean Mile Hotel, May 23 to 29, 1964—Room, telephone, and miscellaneous service, Senator and Mrs. Dodd (stipulation, p. 994).	96.67	
7. Gulf Oil Co., July 16, 1963–January 25, 1964—Auto service, members of Senator Dodd's family (stipulation, pp. 994, 998)	159.36	
8. Hartford Club, November 1963–September 1964—Payments for house charges and dues (stipulation, p. 994)	306.51	
9. Humble Oil & Refining Co., November 1962–June 1963—Auto service, Christopher Dodd (stipulation, pp. 994, 998)	118.75	
10. New York Athletic Club, August 1963–January 1964—Room and miscellaneous club charges, Senator Dodd (stipulation, p. 994)	202.07	
11. Pennsylvania R.R. Co.—Travel expense to Connecticut (stipulation, p. 994)	33.28	
12. Statler-Hilton Hotel, February 13, 1965—Room and telephone service, Jeremy Dodd (stipulation, pp. 995, 1000)	46.54	
13. Texaco, Inc., July 10, 1963–June 3, 1964—Auto service, members of Senator Dodd's family (stipulation, pp. 995, 1002)	148.40	
14. University Club, July 1964—House charges, Senator Dodd (stipulation, p. 995)	30.40	
Total	5,752.01	
C. Payments from Dollars for Dodd bank account (stipulation, p. 938): 1. Southern Jersey Airways, Aug. 21, 1964—Air taxi service from Atlantic City, N.J., to Westerly, R.I., Senator Dodd.	136.00	Senator Dodd received $187.58 from Metromedia for travel expenses which amount included $136 for air fare from Atlantic City, N.J., to Westerly, R.I. (stipulation, p. 1015).
D. Payments from Dodd for Senator bank account:		
1. American Airlines, Inc.—Air transportation during period August 1964 through February 1965; such as, trips to Jamaica and Curacao, Miami, Fla., and London by Senator and Mrs. Dodd (stipulation, pp. 951, 954).	2,749.86	
2. Beckers—Payment to Washington store (stipulation, p. 951)	28.00	
3. Beverly Hills Hotel, Feb. 10, 1965—Room, beverage, and restaurant service, Senator Dodd (stipulation, p. 951)	60.59	
4. Congressional Country Club, November 1964–May 1965—House charges and dues (stipulation, p. 951)	96.18	
5. Coral Ridge Hotel, Florida—Room rental (stipulation, p. 951)	23.69	
6. Hartford Club, October 1964–September 1965—Payments for house charges and dues, Senator Dodd and Jeremy Dodd (stipulation, p. 952).	332.12	
7. New York Athletic Club, Jan. 28, 1965—club charges, Senator Dodd (stipulation, p. 952)	32.17	
8. Pennsylvania R.R. Co.—Travel to Connecticut (stipulation, p. 952)	72.68	
9. Statler-Hilton Hotel, Oct. 19, 1965—Room and telephone service, Jeremy Dodd (stipulation, pp. 953, 955)	30.39	
10. Suburban Propane Gas Corp., Feb. 8, 1964–Mar. 18, 1965—Propane gas service to Clarks Falls, Conn., residence of Senator Dodd (stipulation, p. 953).	49.13	
11. Texaco, Inc., Nov. 8, 1964–Feb. 18, 1965—Auto service, Jeremy and Christopher Dodd (stipulation, pp. 953, 957)	213.53	
12. University Club, September 1964–June 1965—House charges and dues (stipulation, p. 953)	151.38	
Total	3,839.72	
E. Payments from Federation bank account:		
1. Repayment of loans used to pay, directly or indirectly, Federal income taxes:		
(a) Federation Bank & Trust Co.—Loan of Apr. 11, 1962 (stipulation, p. 862)	8,088.31	
(b) George Gildea—Loan of Apr. 13, 1962 (stipulation, p. 863)	3,800.00	
(c) Gateway Co.—Loan of Dec. 5, 1963 (stipulation, p. 863)	6,950.00	
(d) William D. Leo—Loan of Mar. 12, 1964 (stipulation, p. 862)	5,500.00	
(e) Albert P. Morano—Loan of April 1964 (stipulation, p. 862)	4,250.00	
	28,588.31	
2. Improvements to Senator Dodd's North Stonington, Conn., home (stipulation, p. 862)	9,479.40	
3. Transfer to son, Jeremy Dodd (stipulation, p. 862)	4,900.00	
Total	42,967.71	
Total stipulation	53,320.56	

Testimony	Amount	Remarks
A. Payments from Riggs account: 1. Payment of general, household, and personal expenses with balance of net proceeds ($56,110) received from 1961 testimonial dinner (undisputed testimony of Michael O'Hare, pp. 732, 733)	$33,110.00	
B. Payments from Federation bank account:		
1. Repayment of loans used to pay personal expenses:		
Edgar Parser loan of Dec. 28, 1959 (Senator Dodd testimony, p. 824)	3,000.00	
Paul Kovacs loan of Feb. 10, 1960 (Senator Dodd testimony, p. 823)	3,702.00	
Howard A. Brundage loan of late 1960 (Senator Dodd testimony, pp. 821, 822)	7,500.00	
George Gildea loan (Senator Dodd testimony, p. 836)	1,200.00	
Manes, Sturim, Donovan & Laufer loan of Nov. 16, 1962 (Senator Dodd testimony, p. 819)	2,500.00	
United Bank & Trust Co. loan of Dec. 17, 1962 (Senator Dodd testimony, pp. 817, 818)	8,750.00	
Total	26,652.00	
C. Cash: International Latex Corp. contribution (Senator Dodd testimony, p. 827; Edward F. Sullivan testimony, pp. 1133, 1134)	3,000.00	
Total, testimony	62,762.00	
Total	116,082.56	

Mr. BENNETT. I will quote one or two items as examples. I am quoting from the first page. These are expenditures from the 1963 District of Columbia Committee for Dodd bank account.

Rotunda Restaurant, $59.92, paid through the American Express, for two meals, or two occasions.

Mr. LONG of Louisiana. Suppose that was for himself and his administrative assistant, to talk Senate business? Would the Senator find that that was necessarily a personal expense?

Mr. BENNETT. The Senator would have to go back a little deeper, to answer that question, but I am sure the answer is in the committee's files.

The Army Athletic Association, football tickets.

Mr. LONG of Louisiana. Suppose that happened to be for the people who were raising the money for the Senator to try to get him out of debt, and as a matter of good will toward them, he acquired six football tickets?

Is that the Army-Navy game?

Mr. BENNETT. It is.

Mr. LONG of Louisiana. Suppose he gave these tickets for the Army-Navy game to demonstrate his gratitude to these people because they were working to raise money to try to get him out of the $150,000 debt he had? Would the Senator feel that was a justifiable expense against that testimonial dinner?

Mr. BENNETT. Try this one: C. & P. Telephone Co., telephone service to the Washington residence of Senator DODD. I suppose the Senator will say that perhaps some of his constituents called him collect, and this he paid out of his home telephone bill instead of his office telephone bill.

Mr. LONG of Louisiana. Why not?

Mr. BENNETT. The point I am trying to make, and I am sure the Senator is trying to make, is that if one wishes, he can excuse every expenditure a Senator makes, including the necessity to buy a new necktie because his present one is a little shabby, and he is going to meet some of his constituents and he does not want to be ashamed. In the end, somebody has to make a subjective decision.

Mr. LONG of Louisiana. Suppose a man did not have a single necktie and he had to attend a session of the Senate? Might it not be that if he had no other funds to pay for it, he might have to use those funds?

Mr. BENNETT. Limousine service, $60. Charles Town racetrack, for Senator DODD, a son, and staff members. Is that a political expense?

Mr. LONG of Louisiana. Entertaining the office staff?

Mr. BENNETT. Entertaining the office staff.

Mr. LONG of Louisiana. That is a necessary expense, if you want loyal employees. The Senator is in all this trouble right now because he did not have loyal employees. Now read the next one.

Mr. BENNETT. I have never taken my staff to the Charles Town racetrack in a limousine, and I still believe I have loyal employees.

Mr. LONG of Louisiana. May I say to the Senator that it has been my privilege to go to the races with my administrative assistant; and while I did not charge it to the Senate, at the same time I realize now, having seen what happened to TOM DODD, that it is very important to have good relations with the administrative assistant.

Mr. BENNETT. There was $28,588 for repayment of loans made to pay his income tax.

Mr. LONG of Louisiana. Let us discuss that for a moment. The man has $150,000 of debts. For 3 years he is trying to pay off this $150,000 of debts from the money he has coming to him for legal work done previously and from his Senate salary for 3 years. In order to make enough money to pay off that $150,000—which is not deductible—he is going to have to pay taxes on that money. So, did it ever occur to the Senator that perhaps even that item might justifiably be carried against the cost of this campaign, because he had to make that much money in order to pay off this $150,000—none of which is deductible?

Mr. BENNETT. Unfortunately, the record fails to reveal an amount of $150,000 directly attributable to campaign losses.

Mr. LONG of Louisiana. With regard to the $29,000, is the Senator talking about $29,000 that was paid out of that testimonial fund?

Mr. BENNETT. No. I am talking about a series of loans repaid out of various funds, which loans were created for the purpose of getting money enough to pay income tax.

Mr. LONG of Louisiana. All I want to say to the Senator about this matter is that with this man $150,000 in debt, his friends undertook to hold a testimonial dinner, raised some money to try to get the poor fellow out of debt; and the whole purpose of this dinner was not to raise money for a campaign but to try to get the man out of $150,000 of debt for the previous two campaigns.

So when they raised this 60-odd thousand dollars, it would be perfectly proper and perfectly correct to use some of this $60,000, which they raised at this testimonial dinner to help get the man out of debt, to pay his income tax.

You cannot elect a man to the U.S. Senate if he is only one step ahead of the tax collector, and the tax collector is seizing his sound truck, seizing his stationery, seizing his personal account, seizing everything he has to pay off the Government tax.

As a practical procedure, he had every right to pay out of his testimonial money the income tax that he owed and to begin to get out of debt.

Mr. BENNETT. The Senator is arguing, as I understand, that since the Senator has to be in pretty good standing with the Internal Revenue Service in order to get elected, he can charge his income tax to political campaigns.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. McCARTHY. I believe the RECORD should show that this committee did not say that the Senator could not have a testimonial dinner to raise money to pay off income tax or any other personal expense. The wording of our censure resolution has to do with confusion over the purposes of the dinners.

I believe it to be perfectly legal to hold a testimonial dinner or to make some other type of appeal, if those to whom the appeal is made understand that the money is going to be used for personal purposes. Our committee did not say that this was wrong or improper. The charge the committee made has to do with the confusion as to the purposes of the dinners and the manner in which the funds drawn from several dinners were commingled and used.

On the specific question of what was used for personal purposes and what was used for other purposes, it should be noted that we started with a clear case—payment of the income tax. We moved on from that to expenditures with reference to the dwelling of the Senator. We moved on from that into a somewhat uncertain area.

We attempted to apply four general standards. We perhaps could have said that all of these personal expenditures could be run together, we could have laid it out, and let Senator DODD and his people stipulate what was personal and what was not—and they were free to do that in any case. Generally they did not respond to what we laid out, or attempt on their own to distinguish between what was personal and what was not. The usual answer was that the personal and the political were run together. They talked about personal-political expenditures and political-personal expenditures.

The committee believed that it should try to make some general distinctions; and we applied, as the vice chairman of the committee has said, a kind of geographical standard—first as to where the money was spent, in Connecticut or on the way to Connecticut.

We attempted to apply a time standard with reference to actual campaigns, the preconvention, the convention, the campaign itself, and a postcampaign period.

We attempted to apply a third standard with reference to the purpose for which moneys were spent, as far as we could determine, and for whom it was spent. Necessarily, this moved us into an uncertain area, a gray area, and we are willing to admit to that; we opened all of this up to Senator DODD in the hope that he could make clear distinctions for us. This was the expressed determination on our part.

The fifth standard we applied was that which the Internal Revenue Service uses on these matters, and the Internal Revenue Service does make distinctions, with reference to whether or not a Senator can deduct his fees at a country club. If the Senator from Louisiana wishes to do something about that, and I think he should, he could do it in the Committee on Finance. Internal Revenue makes a clear distinction as to what kind of expenditure for entertainment is personal, as to whether one can buy flowers for constituents and deduct the cost—or charge it as a political expenditure.

Insofar as we had any basis for applying the rules of the Internal Revenue Service and the distinctions the Service makes between a personal and a political expenditure, we did so. I suppose we need not have tried to make that distinction. However, we thought we were carrying out the mandate in the resolution. We were setting up the committee and we thought we were expected to make a beginning toward laying down general rules of conduct and standards of ethics that we might expect Senators to follow in the future, but at the same time to make those judgments on the basis of the experience of the Senate.

We were careful not to move into areas in which we thought precedents should first be established by rule. We stayed away from the question of referrals. I assume that this is primarily the responsibility of bar associations but could be made subject of a Senate code.

We stayed away from the question of finder fees because we thought if we moved in this area the charge that we were imposing ex post facto rule could be sustained. We tried to move in an area in which the Senate could pass judgment, using only standards we had available, those imposed by Internal Revenue, and those relating to custom in fundraising and in campaign financing. We attempted to apply a general standard as to when the money was spent, and as to the purposes for which it was spent.

This is the basis upon which we present the case to the Senate with reference to the first item in the censure resolution. It is within this framework that the Senate should pass judgment on the committee recommendation.

Mr. LONG of Louisiana. Mr. President, the first stipulation on page 853 states:

> 1. Senator Dodd first campaigned for election to the U.S. Senate from Connecticut in 1956. He was unsuccessful. He successfully campaigned for election to that post in 1958. between 1956 and 1959, Senator Dodd borrowed a total of about $211,000. At the end of 1959 his personal indebtedness was about $150,000.

Would the Senator be willing to agree that that $211,000 which the Senator borrowed was, for the most part—at least 80 percent of it—borrowed to pay political expenses?

Mr. BENNETT. The Senator cannot agree to that because we have no evidence. On the contrary——

Mr. LONG of Louisiana. Did the Senator try to get it?

Mr. BENNETT. Yes, and somewhere in the background is my memory of the fact that the Senator gave us out of that experience about a $7,000 political——

Mr. LONG of Louisiana. At the end of 1959 his indebtedness was about $150,000.

Mr. BENNETT. I am sorry. Would the Senator repeat that statement?

Mr. LONG of Louisiana. The Senator may not have completed his first answer.

However, I am speaking about the $211,000 which the Senator owed.

Mr. BENNETT. He borrowed $211,000 between 1956 and 1959. There is no evidence that that was borrowed for political purposes or to repay political debts.

Mr. LONG of Louisiana. Is the Senator aware that in 1956 he owed virtually nothing when he started running for the Senate? He was virtually debt free.

Mr. BENNETT. Neither this Senator nor the committee has any knowledge of the financial dealings of Senator Dodd, nor are we concerned with the period before the 1961 dinner.

Mr. LONG of Louisiana. Oh, it is enormously important, and that is one of the reasons the committee fell into error. I now begin to understand how the committee could have made this grievous error.

Is the Senator from Utah telling the Senate that the committee did not know that this $211,000 was an indebtedness that the man incurred in those 2 years while he made two unsuccessful campaigns for the U.S. Senate? Now, I begin to understand. Is the Senator saying that the committee did not know that these were political obligations?

Mr. BENNETT. The Senator is correct. I wish to point out to the Senator from Louisiana that the Senator from Connecticut had many opportunities to tell that to the committee, to point it out, and to give details. He appeared as a witness. We met him in executive session many times and he did not give us that kind of information. How could we know?

Mr. LONG of Louisiana. Now, I begin to understand how there could be such a complete difference of opinion. To this Senator it has been clear all the time.

The man started running for the U.S. Senate in 1956 with no indebtedness. He was virtually debt free. Then, after he ran he lost and he then had a substantial debt. Then, he tried again. By the time he had been elected and paid what he could out of his personal income to pay political expenses, the next statement is made in the committee report that at the end of 1959 his personal indebtedness was $150,000.

Do I understand the Senator to say that the committee did not realize, nor did the Senator realize, that the $150,000 was mostly an indebtedness incurred to become a Senator?

Mr. BENNETT. The Senator is saying that Senator Dodd had ample opportunity to make that clear to the committee and failed to do so. I think the committee cannot be charged with ignorance because we began our investigation with 1961 and he had ample opportunity in our discussions to say to us, "I was $150,000 in debt politically so I had to have a dinner to pay that debt." But there was no such evidence coming from the Senator from Connecticut.

Mr. LONG of Louisiana. As I have said, I now begin to understand why we are so completely at odds on the conclusions we would reach in this case. When the Senator from Connecticut speaks, we will understand this. It may be that the Senator did not know that the committee did not understand this; that he took it for granted the committee would understand this.

We shall now proceed to find out the nature of this indebtedness.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BENNETT. I am happy to yield.

Mr. STENNIS. Mr. President, I wish to refer the Senator to page 835, which refers to the point I made this morning about the examination of Senator Dodd. The Senator from Utah has already referred to it. The point to which I refer is near the top of the page. In order to refresh our recollection, the question was propounded by me:

> The Chairman. Now frankly, that is all the information that we have been able to get as the Chairman understands, with reference to these items.

Was not that the beginning of the questioning by the committee on these very loans to which the Senator from Utah and the Senator from Louisiana had been referring?

Mr. BENNETT. The Senator is correct.

Mr. STENNIS. I shall continue to read from page 835.

The chairman said:

> Now I think if you possibly can, it would certainly be relevant, and perhaps helpful to you to give more definite information than the date and the amount and the name of the lender.

Does not that question refer to the stipulations that had been put in by the Senator from Connecticut, and he gave us only these items that I have related?

Mr. BENNETT. The Senator is correct. I think there are other figures which are interesting and which appear a little below that reference on page 835.

Mr. STENNIS. Yes.

Mr. BENNETT (continuing reading):

> The Chairman. I meant to ask you, to be certain now that you are not misled, these are listed here, and totaled for the years.
>
> For instance, there on appendix 7, it is 1956, that is $14,500 total; 1957 has a $36,000 total. And 1958 has a total here on this list of $90,000; 1959, $70,000.

In other words, the loans were going up every year even though there were only two political campaigns.

Mr. STENNIS. Those were loans which the committee was trying to get the Senator from Connecticut to explain, to his advantage of course, if he could; is that not correct?

Mr. BENNETT. Yes. Let me read further from page 835:

> The Chairman. And they total $211,000, and we were not able to develop any of the facts with reference to those loans as to what the money was borrowed for and what it was used for. Certainly we could not complete the record, and that is what we want you to help do. It shows an outstanding balance by the way of $149,000 on January 1, 1960.

All Senator Dodd would say was: "I think that has practically all been paid now."

Mr. STENNIS. Refreshing the recollection of the Senator from Utah further, does not the record show, on the next page, that we went into one loan, my question did, regarding the George Gildea loan and it was developed that that was $3,800 with reference to a tax matter, I believe——

Mr. BENNETT. Income tax.

Mr. STENNIS. Yes, and $1,200 for an automobile.

Mr. BENNETT. That is right.

Mr. STENNIS. And we did not get any other evidence along that line even though we opened it all up; is that not correct?

Mr. BENNETT. Yes. This bears out what I was trying to say to the Senator from Louisiana [Mr. Long], that the committee could not get information as to the reason for, or the source of the

$211,000 worth of loans and, therefore, we could not assume that they were political loans.

Mr. MUSKIE. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I am happy to yield to the Senator from Maine.

Mr. MUSKIE. The committee has identified $116,000 as representing, first, an expenditure. Did this expenditure include any payments on the indebtedness of $150,000 which represented Senator Dodd's personal indebtedness at the end of 1959?

Mr. BENNETT. Those expenditures included $28,588 payments on loans created for the purpose of paying income tax.

Mr. MUSKIE. Were those loans included in the $150,000?

Mr. BENNETT. I do not know. I have no way of knowing. The Senator from Connecticut would not supply us that information.

Mr. MUSKIE. In any case, did the committee conclude that any of the $116,000 represented personal expenditures because it was included in the $150,000 indebtedness that was outstanding in 1959?

Mr. BENNETT. Let me back up—those loans did not include any of the expenditures—loans outstanding in 1959—oh, I now see I have dates.

The first one for $8,000 was made on April 11, 1962. The next one for $3,800 was made on April 13, 1962. The next one was made on December 5, 1963. The next one was made on March 12, 1964. The next one was sometime in April 1964. Thus, none of this $28,588 represented loans that were in existence before April 11, 1962.

Mr. MUSKIE. To put it another way, the $150,000 indebtedness outstanding in 1959 was outside the $116,000 which the committee has identified as personal expenditures; is that not correct?

Mr. BENNETT. That is right.

Mr. GORE. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I yield.

Mr. GORE. Did the $159,000 increase in personal debt operate, in the Senator's mind, as a net increase in indebtedness, or was it incurred in consequence of acquisition of assets?

Mr. BENNETT. This Senator cannot answer that categorically, but he suspects that if we could get all the facts about it, we would find an increase in acquisition of assets, plus probably the cost of living which might have been counted as part of his current income.

Mr. GORE. The Senator says he suspects. He does not know that as a matter of his own knowledge?

Mr. BENNETT. We have no way of knowing. We do not know what that was made up of.

Mr. LONG of Louisiana. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I am happy to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Let me say to the Senator that as I commend the distinguished chairman of the committee, I want also to commend the Senator from Utah, as vice chairman, for doing his duty as he sees it. I am confident that every member of the committee is working to enhance the standards of the Senate. The Senator from Utah is doing his duty as he sees it. Even though I may differ with the conclusion he reaches, I believe that he is one of the great members of this body. His conduct, as far as I am concerned, is absolutely above reproach.

Mr. BENNETT. I appreciate that. If I suddenly discovered that 99 Senators agreed with me completely, I would begin to wonder what was wrong with me.

Mr. BROOKE. Will the Senator from Utah yield?

Mr. BENNETT. I am happy to yield to the Senator from Massachusetts.

Mr. BROOKE. We are here concerned solely with private funds, as I understand it. No public funds have been made the subject of any allegations; is that not correct?

Mr. BENNETT. That is right.

Mr. BROOKE. We are then concerned with private funds donated to Senator Dodd, through the purchase of tickets or direct contribution. These funds were to be used either for political or personal purposes. Senator Dodd has distributed to the Senate affidavits from individuals who say under oath that they intended their contributions to be used by Senator Dodd for personal expenditures.

My inquiry is: Did the committee have witnesses who appeared before it, or did the committee have affidavits from witnesses, to the effect that they had made their contributions purely for political purposes. And further, if the answer is in the affirmative, was the committee able to establish whether such contributions were used for personal purposes by Senator Dodd?

It seems to me that this is the key question. I do not find in the committee report any statements of witnesses to that effect.

Mr. BENNETT. The committee had to rely largely on letters, newspaper reports, and other public information for its interpretation for the reasons for the dinner. That is where we disagree with Senator Dodd. He says these dinners were given with the understanding that he could use the money any way he pleased. He chose to use some of it for political purposes and some of it for personal purposes.

With respect to the 400 affidavits, I am sure that our record will show—although I do not have it at the tip of my tongue—the total number of people who attended these dinners. Therefore, the 400 affidavits represent a very small percentage—well, let us say less than a third of those who attended the dinners. These people were approached by Senator Dodd's representatives, or the representatives of his attorney, with a form. They were not given a choice "Will you check off whether this is a political contribution or a personal contribution."

They were in a printed, or at least a produced, form, and they were asked to sign them. If they signed them, they indicated this was to be personal. In some cases, this was 6 or 7 years after the fact.

I am also aware that the people who went out to solicit the signatures for the affidavits realized Senator Dodd's problems, and they probably conveyed to the people who were to sign the affidavits the feeling that this was one way that they could help Senator Dodd. So it has been my personal feeling that this affidavit was not an example of a free recollection of the situation. It was a very clever means of trying to persuade the people, at no cost or hurt to themselves, to help their friend Tom Dodd. Those who did not agree with the language of the affidavit, of course, did not sign it.

We do not know how many affidavits were offered and rejected, or we do not know whether they carefully screened the list of the persons to whom they went to be sure of their signatures.

Mr. BROOKE. Will the Senator yield?

Mr. BENNETT. I yield.

Mr. BROOKE. Does the Senator know whether any affidavits were offered and rejected? Was there any evidence before the committee which indicated persons were solicited to sign the affidavits who did in fact refuse to sign them?

Mr. BENNETT. I will check into the committee hearings to see if we can locate it. I think the answer is in there.

Mr. BROOKE. At any rate, the Senator is stating that no witness appeared before the committee who testified that he had contributed his money purely for political purposes?

Mr. BENNETT. That is correct.

Mr. BROOKE. And the only evidence before the committee was in the form of invitations, newspaper clippings, and letters, which indicated that the purpose of these dinners was to raise funds for political use?

Mr. BENNETT. That is correct. The Senator from Utah thinks there is another significant thing, which has not been discussed. If the first testimonial dinner, for example, were really a testimonial dinner to help a man who was in deep personal debt, does not the Senator imagine there would have been people other than political leaders who would have been invited to the program? Does he not think that perhaps town authorities, if they were not members of his own party in Connecticut, would be invited? Does not the Senator think there would be evidence of his friends? The dinner was conceived and managed out of his own office. They had a Republican in there to kind of "sweeten the pot," though he did not come—Senator Bridges, of New Hampshire, but it just seems to me, if one looks at the makeup of the stickers and the people who performed the various functions in the dinner, he sees they are all political entities.

Mr. BROOKE. Will the Senator yield?

Mr. BENNETT. I yield.

Mr. BROOKE. The Senator from Massachusetts certainly understands what the Senator from Utah is saying. As a member of the bar, I have never served on a jury, and I am finding the experience of sitting in the capacity of a juror an unhappy one. What the Senator says is unquestionably the truth. But, on the other hand, it seems to me that the Senate must base its finding on the evidence, not on conjecture, nor on circumstantial evidence that is presented to it. Certainly, there must be a presumption of innocence in favor of Senator Dodd. It is my opinion that the burden of proof is upon the Ethics Committee which has submitted the resolution to the Senate for adoption.

I would like to know what evidence the committee has that there were persons who contributed to Senator DODD and who stated to the committee, either verbally or through written affidavits, that they had made their contributions purely for political purposes.

Is there any evidence in committee to counter the evidence submitted in affidavits by Senator DODD? We cannot go beyond the affidavits. They speak for themselves. Presumably they are legal. Considering the total number of contributors, I agree that 400 affidavits is a small number. But the committee has introduced no affidavits or testimony in rebuttal. What evidence is before us then that there were persons who contributed to Senator DODD with the understanding that the funds would be used for purely political reasons?

Mr. COOPER. Mr. President, will the Senator yield?

Mr. BENNETT. Yes. I would like to get another able lawyer into this discussion.

Mr. BROOKE. I am disturbed by this question. I think it should be answered.

Mr. COOPER. I understand the Senator's question. It is appreciated. It goes to a question which should be cleared up.

Mr. STENNIS. Mr. President, will the Senator speak louder, so we can hear over here?

Mr. COOPER. We have to look at the situation from the standpoint of the time when these events occurred.

The PRESIDING OFFICER. There will be order in the Senate Chamber.

Mr. COOPER. As I said, I think we have to look at the situation as of the time these events occurred. I know the Senator, and all of us, must make our judgments upon the reports, the facts and explanations. If questions raised here challenge the report, or the facts upon which we made our recommendations, they must be answered.

Again I go back to my proposition that we must look at these events from the standpoint of the time they occurred. The Senator has asked very properly, what was the evidence which at that time, on what facts could we adduce evidence, as of the time the events occurred, which led us to believe unanimously that they were political events?

In answer, it is because, first, the events occurred during a period when the distinguished Senator from Connecticut was, or had been, a candidate for office, or was looking forward to being a candidate for office.

Second, the communications that were sent out by the managers of these events encouraging attendance speak of them, with one exception, as connected with campaigns, either to make up deficits or to provide for the needs of a coming campaign. That is positive evidence, certainly directed to affect or induce a person who was invited to come to the event. Was one invited to come to contribute to a political campaign or political need, or to come to make a contribution to assist a man and a friend in his personal expenses? What was it that bore upon the mind of the person who received the invitation?

First, I think one would have to say, from reading the record, that there was evidence of their political nature considering the events were held in a period of campaigns—past, present, future; second, there was the evidence of the invitations speaking of campaigns; this was that direct evidence.

Again, as to the newspaper accounts, while I myself do not give them the greatest weight, showed the atmosphere in which the events were held.

Again the fact that those who were invited and who spoke were members of one political party, gives some evidence of the nature of the events although they might also have spoken at a testimonial.

Mr. LONG of Louisiana. Mr. President, I must insist on the regular order. The Senator can be brief in making his speech. I will permit it, but there has been a unanimous consent that the Senator from Connecticut is to be recognized next.

The PRESIDING OFFICER. The Senator from Utah has the floor, and he can yield only for a question.

Mr. COOPER. Mr. President, I was trying to address myself to a question that was asked.

Mr. BENNETT. Mr. President, I ask unanimous consent that I may allow the Senator from Kentucky, out of order, to continue his discussion.

Mr. LONG of Louisiana. Mr. President, reserving the right to object—and I shall not object—I simply would hope that the Senator would be brief. I understand the Senator from Connecticut [Mr. DODD] is scheduled to take the floor next. I would hope that the Senator would try to be brief in stating what he has in mind.

Mr. COOPER. I understand. I heard the distinguished Senator from Massachusetts ask a perfectly proper question, which I think any Senator would expect to be answered. We have the responsibility to state what evidence we based our judgment upon.

The PRESIDING OFFICER. No objection is heard, and the unanimous-consent request is agreed to.

Mr. LONG of Louisiana. How much time?

The PRESIDING OFFICER. No limitation on the time has been stated.

Mr. LONG of Louisiana. Then I must object. I would like to have some understanding about how long this will go on.

Mr. COOPER. Three minutes.

Mr. LONG of Louisiana. The Senator can take even 5 minutes.

Mr. COOPER. All right.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 minutes by unanimous consent.

Mr. COOPER. I have stated what I believe are the positive elements of evidence. Now I will refer to the affidavits. During the course of the hearing, the distinguished Senator from Connecticut offered as evidence the affidavits. As the Senator from Utah has pointed out, the letters were prepared by counsel, and it was stated to the committee, they were sent out to those known to have attended the dinner, and about 400 answers were received. I do not know whether any refused to sign, but at least 400 did sign.

I think the Senator knows that if the committee had wanted to be legalistic, if it had wished to raise all kinds of legal objections, we could have objected to their admissibility. An affidavit given several years after the event would not be likely, as contemplated in law, to portray the intention of the person at the time he bought a ticket.

But we did not make any objection, and agreed that the affidavits should come in for whatever weight they might have.

They hold some value as to the intention of the person, without question. But concerning the basis of what affected the intention of a person at the time he bought a ticket, the reasons I have stated are evidence which might be more properly received.

I finally say that even beyond this question of what was intended, although that is important, another question is involved, and that is whether this whole practice of testimonials or dinners for personal expenses is a proper practice.

Mr. President, I think we were fair in our judgment of the facts.

Mr. BROOKE. Mr. President, I thank the distinguished Senator from Kentucky.

Mr. BENNETT. Mr. President, just one brief comment. I should like to refer my friend, the Senator from Massachusetts, to pages 911 and 970 of the hearings, each of which pages contains a letter which is a clear indication that whoever wrote that letter was soliciting political campaign money.

Now, Mr. President, having been praised by my friend, the Senator from Louisiana, I recognize that as my cue to sit down, and I will now take advantage of it and yield the floor.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Senator from Connecticut is now recognized.

The Senate will be in order.

Mr. LONG of Louisiana. Mr. President, will the Senator from Connecticut yield to me for a brief statement?

Mr. DODD. I yield.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Louisiana is recognized.

Mr. LONG of Louisiana. Mr. President, I would like to express my high regard for the Select Committee on Standards and Conduct. I would be willing to have my life on trial before these members, if they were sitting as the jury.

Unfortunately, Mr. President, this committee, composed of six of the most completely honorable men in the U.S. Senate, were in the unhappy situation of being required to act as investigator, prosecutor, judge, and jury.

The committee, in complete good faith, fell into error. It is easy for me to understand how this happened. Had I been a member of the committee, starting from the committee's point of departure, wandering around in the confused forest of lies, stolen documents, treachery, deceit—never once being in position to stand on a high barren hill and look down on the entire forest to see it in its proper perspective—then I too would probably have recommended censure of TOM DODD.

For example, Mr. President, it has never really occurred to the committee even yet, that this is not a case of the U.S. Senate against TOM DODD, nor is it a case of the people of the United States against the U.S. Senate. The Senate is not on trial here, as I will demonstrate in the course of this proceeding.

This is the case of Drew Pearson and others against THOMAS J. DODD. It is the legislative version of the case of THOMAS J. DODD against Drew Pearson and others, pending downtown in the District Court for the District of Columbia.

The committee report and its resolution constitute a charge that THOMAS DODD is a thief, that he is guilty of stealing money. This is not true at all. Quite to the contrary, Jack Anderson and four treacherous office employees are the thieves.

They stole more than 4,000 documents from the office files of an honorable man in a compulsive desire to destroy that man.

Now, let me explain for the benefit of my colleagues what I mean when I refer to theft:

There was once a proliferation of criminal laws of Louisiana relating to the wrongful obtaining of property. If a man simply stole your property in broad open daylight and did not have to enter a building to do it, this was known as obtaining property by larcency. If he broke into your home or your office to steal your property, this was known as burglary. If he obtained your money by artifice and fraud, using fraudulent documents, this was known as obtaining by false pretenses. Or, if he was working with confederates, this was known as operating a confidence game.

If the man was in a position of trust, such as the teller in a bank, and he pocketed the money of his employer and spent it for his own advantage, this would be known as embezzlement.

It was a frightful problem for an honest district attorney to prosecute a thief when it was not quite clear precisely how he wrongfully denied someone his property. If he charged a man with larceny and he later found that it was embezzlement, the man would go free because the charge was larceny instead of embezzlement. For that reason, we in Louisiana consolidated all of the offenses into one single crime—theft.

From the point of view of a simple farmer, a workingman, it was just like saying "he stole my money," since the public would not much care whether he broke into a building, came into possession of the money in relationship of trust, obtained it by using a fraudulent document or by pretending that he was someone that he was not.

Now, Mr. President, fundamentally, THOMAS J. DODD is being tried here on a charge of theft.

The first charge is that he obtained money on the theory that these funds were needed to discharge expenses incurred in his campaign, when, in fact, he obtained these funds in order to fatten his private bank account and increase his net worth.

It is charged secondly that he billed both the Government and private organizations twice for a number of trips which he took for the purpose of making money out of it.

It has already been shown, and the proof will be amplified in the course of this defense, that TOM DODD did not knowingly double-bill anybody ever either directly or indirectly.

We shall also prove that, far from making money over and above his salary out of politics, TOM DODD is in the red by $55,670.

Standing in the rear of the Chamber is a chart which I intend to use later on, but which I wish to use at this point also.

I ask unanimous consent that a copy of the chart, and a supporting statement which documents the figures it cites be inserted at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOCUMENTATION OF FIGURES USED TO SHOW OUT-OF-POCKET DEFICIT

Dodd's political expenses exceeded his contributions

Expenses:	
Unreimbursed costs of office	[1] $101,353
Campaign and political expenses	[2] 247,937
Politically connected debts, 1956 and 1958 campaigns	[3] 120,000
Total	469,290
Receipts:	
Testimonials	[4] 167,330
Campaign contributions	[5] 246,290
Total	413,620
Out of pocket deficit	55,670

[1] Senator Dodd spent $101,353 from his *personal* bank account for political purposes. This information and the computation of the amount is contained in Senator Dodd's memorandum regarding testimonial funds circulated to the Senate on May 17, 1967, at pages 10 and 11.

This information was available to the Select Committee but was not considered.

[2] The figure $247,937, which represents Senator Dodd's total political expenses (not including political debts as computed below in footnote 3) from *campaign* and *testimonial* funds is computed as follows:

From campaign funds:	
Total campaign funds as found by the Select Committee. (See report, par. E, page 25)	$246,290
Less:	
Total personal expenses paid from campaign funds as set forth in schedule 1 of appendix C to Senator Dodd's memorandum of June 9, 1967, regarding constitutional issues involved	3,109
Subtotal for campaign and political expenses paid from campaign funds	243,181
From testimonial funds:	
Total political expenses paid from the testimonial account as set forth in schedule 3 of appendix C to Senator Dodd's memorandum of June 9, 1967, referred to above	110,663
Less:	
Total deposits of campaign funds in testimonial account. See pages 2–3 of appendix C to Senator Dodd's June 9, 1967, memorandum	105,906
Subtotal for political expenses paid for with testimonial funds	4,756
Grand total of campaign and political expenses	247,937

[3] Politically-connected debts derived from the 1956–1958 period when Senator Dodd ran first unsuccessfully and then successfully for U.S. Senator were repaid in the amount of at least $120,000. That figure is based on the $150,000 debt acknowledged by the Select Committee in paragraph 1 of the stipulation between the Committee and Senator Dodd (Hearings, Part 11, page 853), less the $30,000 mortgage on his Washington home included in the $150,000 total. (See hearings, Part 11, page 1031.)

[4] The amount $167,330 represents a deduction of the expenses associated with the various testimonial affairs from the Committee's figure of $203,983 (Report, para. D, pg. 25) which is a gross figure. The *net* figure was computed by deducting the following expenses from the Committee's figure of $203,983 gross:

Expenses of 1961 testimonial (Par. 9 of the stipulation and hearings, pt. 11, p. 854)	$8,134.61
Expenses of District of Columbia reception (Par. 20 of the stipulation, hearings, pt. 11, p. 855)	965.44
Expenses of 1963 Connecticut events (Par. 30 of the stipulation, hearings, pt. 11, p. 857)	4,885.94
Expenses of 1963 and 1965 testimonial (Schedule 2 of Appendix C to Senator Dodd's memorandum of June 9, 1967.)	$22,667.65
Subtotal for testimonial costs	36,653.64
Gross	203,983.00
Expenses	36,653.00
Net testimonial receipts	167,330.00

[5] The figure $246,290 for campaign contributions was taken directly from the Select Committee's Report (Paragraph E, page 25).

Mr. LONG of Louisiana. Mr. President, this man is $55,670 behind as a result of his political expenses, rather than being ahead.

That chart shows that, of the unreimbursed cost of being a Senator, the man had $101,353 of expenses which have been computed by his accountants and which we contend will stand anybody's analysis.

He had campaign and political expenses of $247,937.

He had politically connected debts of $120,000 during the 1956 and 1958 campaigns.

That is a grand total of $469,290.

Against that, the Senator had the benefit of testimonial dinners given for him for a total of $167,330. Call them testimonial dinners or fundraising dinners or whatever you want.

He had had campaign contributions of $246,290, for a total of $413,620.

This man is in the red as the result of his service here in the Senate by a total of $55,670.

He has not stolen a nickel from anybody. He has not stolen a red copper cent.

All we are talking about here is that, having incurred these tremendous obligations in running for office, the man found it necessary to call upon his friends for help. And they were only too anxious to help.

This committee looked almost with contempt upon the affidavits of 400 people from Connecticut who signed a sworn statement that they were putting up that money to help this man because he needed some help, knowing that he was deeply in debt, and having done so, they did not want a nickel of it back.

They gave the money to him for whatever purpose might be required.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. LONG of Louisiana. I will yield in a moment when I complete my statement.

Mr. President, the committee might not look upon this as admissible evidence, but every one of those witnesses was available. They could have called every one of them.

If the committee was not going to accept the affidavits, it should have been willing to stipulate that that is what the witness would have testified if the committee had called him.

Furthermore, the committee sent counsel up to Connecticut to try to get the affidavits of people that "we did not intend that this money would be used for the man's personal account."

With all of the efforts of counsel to get an affidavit in Connecticut to the effect that a donor gave some money and was disappointed to find that some of this money may have been used for the man's personal service, all counsel got were affidavits that as far as the donors were concerned, they gave the money for whatever purpose was necessary.

Here is such an affidavit, and Tom Dodd did not get it. Committee counsel got it. I am not sure that he made it available to Senator Dodd, but he got a copy of it in any event.

The affidavit states that the man is a Republican and went to this dinner. It states that he went there to help Tom Dodd with his personal expenses.

Mr. President, I ask unanimous consent that the affidavit of Mr. William H. Mortensen be printed at this point in the Record.

There being no objection, the affidavit was ordered to be printed in the Record, as follows:

STATEMENT

I, William H. Mortensen, 22 Wampanoag Drive, West Hartford, Connecticut, do voluntarily make the following statement to the Select Committee on Standards and Conduct of the United States Senate. I realize that I am not required to make this statement and do so willingly without duress or promise of reward.

I attended a dinner in Hartford, Connecticut in November, 1961 for the purpose of honoring Senator Thomas J. Dodd. The dinner was held in the Statler Hotel. I received an invitation to the dinner in the form of a letter I think was signed by Matthew Moriarty or a Mr. Powers of Berlin but I no longer have a copy of that letter. I don't believe that the letter mentioned the purpose for which the funds were being raised, but I personally did not regard the dinner as a political gathering and I did not care what use was made of my $100 contribution. As far as I know all tickets were sold for $100 per person. I recall that there were approximately 900 to 1,000 persons present at the dinner. Most of the persons in attendance were Democrats but there were also some well-known Republicans present—for instance Edward N. Allen, former Lieutenant Governor, as I recall.

I had no discussions concerning the proceeds of the dinner with Senator Dodd or any of his staff. It is my opinion that the dinner was intended to be a personal testimonial for Senator Dodd. Testimonial dinners have been fairly common in Connecticut and I believe they are generally held as personal tributes rather than political or campaign purposes. As a Republican I would have felt out of place at a dinner which was solely a Democratic fund raising affair.

I also attended a $100 a plate dinner for Senator Dodd in March, 1965 at the Statler Hotel in Hartford. I was given a ticket to the dinner by someone, whom I honestly do not recall and so did not contribute $100 myself. I recall receiving a letter from Matthew Moriarty, Treasurer or perhaps Arthur Barbieri of New Haven, inviting me to the dinner in 1965 and I believe that the letter emphasized the testimonial aspect of the dinner and did not mention any fund raising aspects, as I recall. The letter did not specify any particular use for the proceeds of the dinner to my recollection. I would estimate that the proceeds from the 1965 dinner would have reached $80,000 based on the number of persons present.

In particular, I recall seeing Henry Nielsen, office—122 Washington Street, Hartford, home—Ridge Road, Wethersfield; Herman Wolfe, office and home: 20 Turkey Hill Circle, Greens Farms, Connecticut; Mervyn Lenz and Samuel Lenz (Brescomb Distributors) 230 Locust Street, Hartford, at the 1965 dinner, the latter three at my table.

I do not have any letters, programs, correspondence or other documents relating to either the 1961 or the 1965 dinner in my possession.

WILLIAM H. MORTENSEN.

Subscribed and sworn to before me this —— day of ———, 1966.

——— ———,
Notary Public.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. STENNIS. Mr. President, are the figures to which the Senator has referred on the chart figures that the Senator from Louisiana is vouching for?

Mr. LONG of Louisiana. Yes. I will vouch for those.

Mr. STENNIS. What is the Senator's knowledge of them? I did not hear the Senator when he first got the floor. He might have given the source of his personal knowledge about them, but I did not hear him do so.

Will the Senator tell us now what his knowledge is of those figures?

Mr. LONG of Louisiana. I will be glad to do that.

The figure of $120,000, we took from stipulation 1. That concerns the personal indebtedness of $150,000.

Thirty thousand dollars was a mortgage on the man's home in Washington, D.C.; a home which he acquired between the time he was elected and the time that he became a Senator.

We are by rights entitled to fatten that figure by $36,000. On this $211,000, there was a reduction of $61,000 between the time the man was elected and the time he took office; $36,000 of that $150,000 was money that was paid out of personal income to redeem political expenses.

By rights, that figure should be different. It should be $150,000 or $156,000. However, that figure had its genesis in stipulation No. 1.

The $167,000 is computed from the committee figure of $203,983 as the gross proceeds from the testimonial affairs. The $167,000 is the result of subtracting the costs of conducting the testimonials. The $246,000 is the committee's figure.

Mr. STENNIS. The Senator mentioned a figure of $120,000. What is that figure based upon?

Mr. LONG of Louisiana. That is the indebtedness of Senator Dodd from running for office in the primaries and in the general election—the primary in 1956, and the primary and general elections in 1958.

Mr. STENNIS. Has Senator Dodd testified to that effect?

Mr. LONG of Louisiana. Well, he will have the opportunity to testify.

Mr. STENNIS. Did he testify to that effect before the committee, according to the Senator's examination of the record?

Mr. LONG of Louisiana. I am not in a position to answer that question. The Senator might know better than I would, but Senator Dodd will speak for himself here.

Mr. STENNIS. The Senator uses that figure now. The Senator did not find that figure in the record, did he?

Mr. LONG of Louisiana. I found this figure of $211,000 and the figure of $150,000 in the record.

Mr. STENNIS. But the Senator did not find the figure of $120,000 in the record?

Mr. LONG of Louisiana. No. That is what I arrived at.

Mr. STENNIS. The Senator has no personal knowledge of it. Is that correct?

Mr. LONG of Louisiana. I have some personal knowledge of it, yes. I have discussed it with Senator Dodd and with his accountants.

Mr. STENNIS. My point is that at this stage of the debate the $120,000 figure has not been supplied by anyone that knows about the facts themselves or that has personal knowledge of the record. Is that not correct?

Mr. LONG of Louisiana. That figure was supplied to me by Senator Dodd's lawyers and accountants and Senator Dodd.

Mr. STENNIS. Did they give any reason to the Senator from Louisiana as to why they did not supply it to the committee?

Mr. LONG of Louisiana. It was not discussed.

Frankly, when I looked at this, and up until I heard the speech by the Senator from Utah, I had been assuming that the committee was prepared to state that this $150,000 of indebtedness was indebtedness that had been incurred, for the most part, in campaigning for office in 1956 and 1958—in one unsuccessful campaign and one successful campaign.

Mr. STENNIS. The Senator from Louisiana had not looked at any of the evidence or made a check of it, so far as the evidence is concerned?

Mr. LONG of Louisiana. I made a check.

Mr. STENNIS. The Senator did not find it in the evidence. If the Senator does not mind, will he just answer my question? I merely want to establish the fact.

Mr. LONG of Louisiana. I have made a statement, but what I am going to explain is somewhat different from what I have said. I think we had better wait until the Senator from Connecticut has made his statement; then I shall take the floor and make my presentation in chief.

Mr. STENNIS. My point now is that the Senator from Louisiana is not speaking from facts that have been established from any evidence or of any facts from the Senator's personal knowledge. Is that correct?

Mr. LONG of Louisiana. I am speaking from personal knowledge, which I would say should be better documented, and I believe will be as the case proceeds.

Mr. STENNIS. So the Senator's figures, after all, have not been documented by facts?

Mr. LONG of Louisiana. It never occurred to me that that would be necessary, until I heard the Senator from Utah [Mr. BENNETT].

Mr. STENNIS. I thank the Senator for yielding.

Mr. LONG of Louisiana. There is another figure on the chart that I can document; and this, incidentally, is the one that the committee declined to take an interest in. I am not sure that the committee ever looked at it. It is something that the committee did not even look at.

I contend—and I am confident that I am correct about this—that it is permissible for a Senator to spend campaign expense money to cover some of the costs that are not reimbursed—some of the essential costs of being a U.S. Senator. I have claimed them both ways. Usually I have claimed these expenses to be necessary public relations expenses which are not expenses of running for office. I have claimed them that way. The reason I have is that I wanted to deduct such expenses for income tax purposes. That is usually the objective.

But it is quite true that when I was claiming them in that way, the Internal Revenue Service was trying to make me pay taxes on income which I used to pay those expenses, contending that the expenses were political. So the Internal Revenue Service was contending that the expenses I now relate are political. I was contending that they were public relations expenditures that go with being a good Senator and are not covered by Senate reimbursement.

Suppose one needs lawbooks or needs newspapers to keep up with what is going on in his State. He subscribes to newspapers. He has expenses for photographs and news clips for radio and television. One of my principal expenses is the making of radio and television clips for broadcasting in my State, to keep the folks there aware of what is going on. I want to keep the people informed; that is why I claim those expenditures as a deduction. Most people do it as a help toward having themselves reelected, to try to help them get some radio and television time and some newsletters back home, over and above expenses, saying if you do not do some of this, you are not going to be reelected. I certainly do it for myself. Telephone and telegraph expenses generally run over and above what the Senate allows. What if somebody calls and wants to be called back? To call him collect is something people think a Senator should not do. These are the types of expenses we are talking about.

I ask unanimous consent to have a letter printed in the RECORD at this point. The committee, I believe, failed to see it; but here it is, if the chairman would like to see it now.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. STENNIS. I do not know what the Senator means when he says the committee did not want to see a paper. The committee has been trying to see any paper from any source that would shed light on this matter, for months and months. The Senator and I have talked about this case, and the Senator never offered evidence or anything else. The Senator from Louisiana talked about this case, but never offered me or any other member of the committee any evidence.

Mr. LONG of Louisiana. I could not have offered this to the Senator until a day ago.

Mr. STENNIS. Is the Senator now reading from testimony? Is that from the expense account of the Senator from Louisiana or is it from Senator DODD's expense account, or what is it, and how does the Senator verify it?

Mr. LONG of Louisiana. The letter is self-explanatory. It is from Thompson & Belloff, certified public accountants, 931 Bonifant Street, Silver Spring, Md.

Mr. STENNIS. If Senator DODD wishes to introduce that in evidence, I certainly will not object; but if it is submitted by someone who does not know anything about it and who does not vouch for it in any way, I submit that it has no place in this record at this time.

Mr. LONG of Louisiana. It is signed. It is not forged. It is not forged by O'Hare. This was signed by the people themselves, and I vouch for that.

Mr. STENNIS. The Senator has no personal knowledge of this matter. Is that correct?

Mr. DODD. I may be able to help both Senators.

Mr. STENNIS. If Senator DODD wishes to offer something he vouches for, I have no objection. I would be glad to have it.

Mr. LONG of Louisiana. I made reference to a figure. The Senator wanted me to document it, and I documented it, and here is a statement signed by the people, and it is available to the committee; and if the Senator thinks I am not telling the truth, he can call these people.

Mr. DODD. I believe I can help clear up this matter. I believe this document was included in the letter of May 17, which I sent to every Member of the Senate.

Mr. STENNIS. If that is correct, and the Senator wishes to introduce it in the RECORD, I have no objection.

Mr. LONG of Louisiana. Do I understand correctly that the Senator would object if I asked unanimous consent?

Mr. STENNIS. I will not object if it is properly verified, but I have the duty to see that we stay on the proper track.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. BENNETT. I would prefer to have Senator DODD yield to me. I have just been handed—I find it on my desk—a paper which says "Memorandum from THOMAS J. DODD," and another paper which says "Appendix," which has no identification. Under the rules, this cannot be put on the desks unless it is identified.

Is this an appendix to the memorandum which has already been put on the desk?

Mr. DODD. Yes, I believe it is. It could have been better identified. I believe the first line does say "Dodd Political Expenses."

Mr. LONG of Louisiana. The Senator from Utah asked the wrong Senator to yield.

Mr. BENNETT. This is a procedural matter. I should like to ask the Senator from Louisiana to yield, then, in order that I may ask Senator DODD a question.

Mr. LONG of Louisiana. I am afraid I must decline to yield that way, because the Senator is talking about something I did.

Mr. President, I did not know that what is on the Senators' desks had been distributed by the pages, but I am happy that it has been. If there is some objection, we will try to accommodate everyone. I do not know of any law that states that I cannot put up a chart in the Chamber so that someone can cross-examine me about those figures.

I have just been cross-examined about how I would go about documenting those figures; well here it is in this memorandum, to try to satisfy that type of cross-examination.

Mr. President, if Senators feel that I cannot put a statement on someone's desk, I will ask that we remove the statement, and I will talk about it later.

Mr. BENNETT. The only point is that I was trying to determine whose statement it was.

Mr. LONG of Louisiana. It is mine, and I regret that it was not labeled as such.

Mr. BENNETT. The Senator has answered the question, and the objection is removed.

Mr. LONG of Louisiana. I thank the Senator.

Mr. President, very crucial to the difference of opinion between the committee and those of us who favor Senator DODD is that his defenders feel that this man has been the victim of all sorts of smears and falsehoods circulated in newspapers throughout the Nation for some 15 months; that this was a deliberate plot by columnists Drew Pearson and Jack Anderson. I want to put it in the Record on my own time, because I was not permitted to do it on the Senator's time, for reasons I understand.

It is very clear that this whole thing was a plot by Jack Anderson, for reasons best known to him. That is how it all started; that is all it is about.

I like Jack Anderson. I know him for what he is, and I still like him. I even like old Drew Pearson. In my opinion he is a lovable crocodile.

Mr. President, I wish to read an excerpt from the Wall Street Journal:

> Late last year, Mr. Anderson continues, he made contact with several men who were then or had been Dodd's aides and who did not like some of the things he (the Senator) was doing.

He made contact with them. This is quoting Mr. Anderson:

> It started slowly. First one assistant, then another, eight in all. Finally, I got most of them together and we talked, and one would spark another's memory. They made up a list of over 50 items of things that were questionable. They made copies of documents from his files to support the point.

That is not quite true. They stole the documents, and Jack Anderson's secretary used a copying machine to make copies. Mr. Anderson's staff made the copies. Jack did not want to admit to that reporter that he was guilty of those crimes with which he is connected—4,000 acts of theft—and I do not blame him. I certainly would not want to be prosecuted for that.

> They made copies of documents from his files to support the points and passed them to me. From there we did a lot of checking with all sorts of people who had had dealings with Dodd.

Then, here is the Mark Evans show. Mark Evans had Jack Anderson come in and tell how he did all of this. I quote:

> Anderson. And, anything as far as I am concerned as a reporter, the public has a right to know about.
>
> Evans. No matter how you go about getting it?
>
> Anderson. Yes, when Senator Dodd, for example, uh, his activities, came under our scrutiny, we got documents that came out of his files. His own employees who took those documents discussed it with me before they did. I put it this way to them. I said, You don't work for Senator Dodd. I said, you work for the taxpayers. Now let's say that you were working for a great corporation and your immediate superior was cheating the stockholders. Would your obligation be to that superior, or would it be to the stockholders? To the Corporation? And they all agreed that it would be to the Corporation.

That was televised on a Washington station, so everyone could see and hear it.

These former employees were persuaded by Mr. Anderson that they should engage in this course of conduct. They committed more than 4,000 acts of theft.

Then, O'Hare came in. He was the principal witness, or was so regarded by the committee. If I had been on the committee and had heard his testimony, I would have considered him the most damaging witness against Tom Dodd. Look at the impression he made on the chairman today. I quote from the Chairman's presentation:

> Now, a word about these employees. I believe that with one exception—and I will state it—virtually everything in their testimony is either admitted or agreed to or substantiated over and over again.

The chairman goes on to say:

> The exception is Mr. O'Hare. Mr. O'Hare, a young man, was not one of the original people who rifled these files. He was still employed there and, as I recall, did not know anything about it for some time, but he finally got into it; and I believe that, within itself, was a wrong. I have heard the testimony of many people who had done things wrong, and I do not suppose I have ever heard testimony of anyone who never had committed a wrong.

That would sound as though the chairman thought that O'Hare was an ordinary fellow like the Senator who might make a mistake on occasion, but who would not over a period of months continually steal and lie. He must have made a good impression on the committee. To continue:

> After following him closely all the way through his testimony, checking on him in every way that counsel and I could, comparing what he said to us about dozens and dozens and dozens of matters and finding them as he said they were, testifying as he did in open hearings—under terrific pressure, naturally, because of the subject matter—and with the background of our checkup on all these other things, his testimony about his keeping of these travel records was very convincing.

Do Senators know what I find? I find that when O'Hare came in, in effect he was asked: "Do you understand that Tom Dodd could not authorize you to steal from the Federal Government or private employers; that if you did, even under his instructions, you committed a crime?" He said "Yes." In effect, he said yes because he was told: "Do you not realize that the fact that Senator Dodd might have been wrong does not excuse you if you did this?" Mr. O'Hare said, "Yes, he understood that."

Then, there is the trip to Los Angeles. Mr. O'Hare swore under oath that this was a double billing. He was asked: "Did it ever occur to you that Senator Dodd did not go alone; that he was accompanied by Mrs. Dodd and Judge Gartland; that there were three tickets involved, one of which was paid out of the testimonial fund, the other was paid for by the junior chamber of commerce, and the other paid by the Government?"

He was asked: "Did it ever occur to you that this was not a double billing at all; that the junior chamber of commerce knew Mrs. Dodd was to go and they were anxious to pick up one ticket and that presumably was the ticket for Mrs. Dodd?" Mr. O'Hare said, "No, that ticket was for Senator Dodd."

Look at what this man was swearing to under oath. He was swearing that the U.S. Government paid for Mrs. Dodd's ticket when the U.S. Government obviously could pay only for Senator Dodd's ticket. The junior chamber of commerce paid for Mrs. Dodd's ticket. He swore to a crime he did not commit.

On that charge of double billing—the trip to Los Angeles—the committee correctly found there was no double billing.

When Mr. O'Hare admitted that he stole from the Government in connection with that trip to Los Angeles, he actually claimed himself to be guilty when he was not guilty. He was not guilty of stealing on that one. He lied. Here is a perjurer and a thief—who is not particular from whom he steals, and was engaged with other people in a conspiracy to destroy a Senator.

To this moment the committee apparently does not fully comprehend this horrible conspiracy, with the result that this man was regarded as an extremely credible witness. The truth is that he is a liar, a perjurer, and a forger. Two of these charges he admits, and the other we will prove in due course.

Mr. President, those who are going to judge Tom Dodd should be here. It is not fair for a man to vote as a juror if he has not been present to hear the defense. The offense has been heard over the last 15 months, mostly through the distortions in the Drew Pearson-Jack Anderson column. I think Senators should at least be here during the discussion of this matter while the defense is being made and hear honest speeches in Senator Dodd's defense.

Therefore, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Hollings in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators answered to their names:

[No. 136 Leg.]

Aiken
Allott
Anderson
Baker
Bartlett
Bayh
Bennett
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Griffin
Gruening
Hansen
Harris
Hart
Hatfield
Hayden
Hill
Holland
Hollings
Hruska
Jackson
Javits
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Scott
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

Mr. LONG of Louisiana. Mr. President, I understand the Chair has just ruled that a quorum is present.

The PRESIDING OFFICER. The Senator is correct.

Mr. LONG of Louisiana. I appeal from the ruling of the Chair. There is no quorum present here.

The PRESIDING OFFICER. The record shows that a quorum responded to the rollcall and there is no appeal.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a——

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER.** The Senator from Montana will state it.

Mr. MANSFIELD. Who has the floor?

The **PRESIDING OFFICER.** The Senator from Louisiana has the floor.

Mr. MANSFIELD. Mr. President, I thought that the Senator from Louisiana was interested in getting the distinguished Senator from Utah to yield the floor so that the distinguished Senator from Connecticut could make his speech. I understand that this was arranged so that the proper publicity could be gotten this afternoon. Is that correct?

Mr. LONG of Louisiana. Yes; but what dismays me is that I have counted as many as 30 vacant chairs in this Chamber, and Senators have no right to vote on this matter if they are not going to be here to hear it. I suggest the absence of a quorum.

Mr. MANSFIELD. Mr. President, would the Chair recognize the Senator from Connecticut? I will then suggest the absence of a quorum.

The **PRESIDING OFFICER.** The Senator from Connecticut is recognized.

Mr. MANSFIELD. Mr. President, will the Senator from Connecticut yield without losing his right to the floor?

Mr. DODD. I am glad to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from Montana? The Chair hears none, and the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 137 Leg.]

Aiken
Allott
Baker
Bayh
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gore
Griffin
Hansen
Harris
Hart
Hatfield
Hayden
Hill
Holland
Hollings
Hruska
Jackson
Javits
Jordan, Idaho
Kuchel
Lausche
Long, Mo.
Long, La.
McCarthy
McClellan
McGee
McIntyre
Miller
Mondale
Monroney
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Scott
Smathers
Stennis
Tower
Tydings
Williams, N.J.
Williams, Del.
Young, Ohio

The **PRESIDING OFFICER.** A quorum is present.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that there be printed in the RECORD immediately following the quorum call a list of Senators who were actually present, but were unable to get their names listed as having answered to the quorum call.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Anderson
Bartlett
Brewster
Clark
Fulbright
Gruening
Kennedy, Mass.
Kennedy, N.Y.
Mansfield
McGovern
Metcalf
Morse
Morton
Russell
Smith
Sparkman
Spong
Symington
Talmadge
Thurmond
Yarborough

The **PRESIDING OFFICER.** The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I am conscious of the fact——

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. DODD. Yes.

Mr. LONG of Louisiana. Would the Senator mind asking the Chair how many Senators answered to their names on that quorum call?

Mr. DODD. No, I do not mind asking him. I will ask the Presiding Officer.

The **PRESIDING OFFICER.** Seventy Senators answered to the quorum call.

Mr. DODD. I am sure I know what the Senator from Louisiana is driving at. I am, of course, most anxious that every Senator hear me. I realize it is late in the day and that we all have a lot of other things to do. I know it was also agreed and, I believe, announced by the majority leader and minority leader, that we would sit until 6 o'clock.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. LONG of Louisiana. May I say I have been anxious to have the Senator from Connecticut make his statement today, so much so that he has released his speech to the press. The wire services may already be reporting the prepared text of the speech. May I say I have just been advised by a lawyer who is assisting me, and whom I regard as one of the great lawyers of this country, that it would be inadvisable to have the Senator from Connecticut make his speech with so many Senators absent.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. MANSFIELD. May I say to the assistant majority leader, a lawyer is not a Member of the Senate.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. LONG of Louisiana. May I say, with all due deference to my distinguished majority leader, whom I very much admire, that we are sitting here in a judicial capacity.

Mr. MANSFIELD. The Members of the Senate are judging this matter—not lawyers who are accompanying Senators. I would hope that that distinction would be kept in mind.

Mr. LONG of Louisiana. It remains nonetheless that I have a right to talk to my lawyer.

Mr. MANSFIELD. But lawyers have no right to advise the Senate as a whole.

Mr. LONG of Louisiana. Senators have a right to obtain advice from lawyers, and Senators have a right to advise other Senators. May I say we are acting here in a judicial capacity. We are going to sit here as a jury. We are going to vote, sooner or later, on whether a man is guilty, and if we vote guilty we will, in effect, have found this man guilty of theft. That is a very serious charge against a U.S. Senator.

For the jury to have almost one-third of its Members absent when a case is being heard is a complete injustice to the defense. It would be reversible error in any court in the land. We have a right to insist that there be full attendance and that all Senators try to be here. As I look around, I can see a solid row of five empty desks. I see a profusion of desks of absent Senators on my side of the aisle.

We have been here from 10 a.m. until 4:30 p.m. May I say that the Senate should not vote on this case without Senators at least, for the first time, hearing the defense.

I have thought about this matter. The Senator from Connecticut has his own lawyer to advise him. If the Senator prefers to make his speech now, I will respect that. After all, it is his fate we are deciding here, not mine. But if the Senator thinks we should quit and come back tomorrow in the hope that as many Senators will hear him as heard the prosecution—which has already been heard in the press for some 15 months—I will respect his wish. But I would be dismayed if we would have as many as five Senators absent.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. MOSS. I may suggest that I understand what the Senator from Louisiana is saying. I agree that it is very important that every Senator hear the words of the Senator from Connecticut, or read those words.

Some allusion was made to the fact that the Senate Chamber is not always full of Senators. That is true, the reason being that the CONGRESSIONAL RECORD tomorrow will carry every word that has been said. I think there must be a presumption that our brethren who have not occupied their chairs will inform themselves. So I see no reason to desist from going ahead with the procedures now before the Senate.

Mr. DODD. Mr. President, I am perfectly willing to proceed, but it does not appear that I can finish what I have prepared by 6 o'clock. But I will do my best.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. MANSFIELD. Mr. President, the Senator from Connecticut is the one who is affected most by the resolution now pending before us. The leadership is always anxious to comply with the Senator from Connecticut's requests. We would like to inquire as to just what the Senator from Connecticut would like to do.

If I may have the Senate's attention, may I say I have just found out that there are more than 70 Members here; that, because of the question raised by the Senator from Louisiana, my name is not on the list because I happened to have left the Chamber to do something which ordinary mortals have to do on occasion. I am listed as missing. So I think, in view of the fact that the question was raised, the announcement that only 70 Senators were present is inaccurate. I think the number should be more, because there are more than 70 here. There have been more than 70 here during today's proceedings. There were at least 70 on the floor when the first quorum was called.

However, if the Senator from Connecticut thinks, because of what has happened this afternoon, with the hour getting late, that he would prefer to be recognized first thing in the morning, the leadership is prepared to go along, because it recognizes the situation which exists.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MANSFIELD. I would like to get an answer first.

Mr. DODD. Mr. President, I am always glad to hear what the Senator from Pennsylvania has to say, but I would like to answer the majority leader, who has extended every courtesy to the Senator from Connecticut. Frankly, I am tired. I suppose everybody is. But I am anxious to have every Senator hear what I have to say. It is a matter of the gravest importance to me.

I am also aware that Senators have other things to do. I am well aware of that. I do not think any Senator is staying away purposely to avoid hearing what I have to say. I do not think anything of that kind. But it is late in the day. Would it greatly inconvenience the majority leader if I were allowed to go over until tomorrow?

Mr. MANSFIELD. Not at all, because I am interested in seeing that the Senator from Connecticut is given every possible consideration.

Mr. DODD. I know that.

Mr. MANSFIELD. As far as the joint leadership is concerned, the Senator from Connecticut is going to get that consideration. Knowing what the Senator desires, and after the Senator from Pennsylvania gets through, I will——

Mr. DODD. Mr. President, may I make one unanimous-consent request first? I think it might help clear the record somewhat with respect to the debate this afternoon between the distinguished Senator from Utah, the distinguished Senator from Louisiana, and other distinguished Senators.

I ask unanimous consent to insert in the Record three letters or memorandums which I wrote to each Member of the Senate concerning my predicament.

Mr. STENNIS. Mr. President, will the Senator repeat that request? I did not hear the unanimous-consent request.

Mr. DODD. I asked unanimous consent to insert in the Record at this point the three letters or memorandums which I sent to each Member of the Senate.

Mr. STENNIS. I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

There being no objection, the letters and memorandums were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., May 4, 1967.

Re reimbursed travel expenses.

Dear Senator: The Select Committee on Standards and Conduct of the United States Senate (the "Ethics Committee"), in its report to the Senate dated April 27, 1967, has proposed that I be censured on two grounds: *viz.*, (1) that I received multiple reimbursement for certain travel expenses including reimbursement by the U.S. Senate; (2) that I spent political funds on personal expenses.

The purpose of this letter is to set forth the facts concerning the first charge to the extent they are not reflected in the report of April 27, 1967.

It is certainly reasonable to assume that negligent error by my bookkeeper would not form the basis for a recommendation of censure. Accordingly, although not stated, it appears that the first ground for the proposed censure is that I knowingly received from the Senate between 1961 and 1966 the admittedly erroneous reimbursement for travel expenses referred to in the report of April 27, 1967.

During the period in question, 1961 through 1966, I made more than 80 trips for which I was reimbursed either by the Senate or by private organizations. The Ethics Committee's proposed censure relating to reimbursed expenses is based on seven of these more than 80 trips and involves a total reimbursement to me of $1,767.14. The points that I wish you would bear in mind in considering this may be summarized as follows:

(i) Michael V. O'Hare, my former bookkeeper, who leveled this charge of double billing against me in the first instance, was in charge of all travel matters for me between May, 1961, and January, 1966;

(ii) O'Hare made numerous mistakes both in requesting reimbursement for travel expenses and in failing to do so—this is evidenced in part by five letters which are enclosed herewith and by the Stipulation of March 11, 1967, between me and the Ethics Committee;

(iii) One of O'Hare's mistakes was in failing to claim reimbursement from the Senate to which I was entitled for travel between Washington and Connecticut. His error here resulted in a loss to me of between $1,092.00 and $1,837.57; depending upon the mode of travel;

(iv) Two of the errors made by O'Hare, and corrected by him, pursuant to the letters enclosed, resulted in a transfer to my personal travel account of charges previously billed in error to Senate Subcommittees; and

(v) Two of the erroneous billings took place prior to O'Hare's employment and two took place after O'Hare had transferred his allegiance to Drew Pearson and Jack Anderson.

In light of the foregoing, all of which is set forth in more detail below, it is and has been my consistent position that these erroneous reimbursements by the Senate were the product of negligence on the part of my bookkeepers and not an intentional act on their part and, in any case, certainly not known or directed by me. To this I might add only one qualification. Recognizing that the last two erroneous double billings by O'Hare took place after his secret defection, they may indeed have resulted from a conscious effort on his part.

It is uncontested that on the seven occasions referred to in the Ethics Committee report, the Senate erroneously reimbursed me for a previously or subsequently reimbursed travel expense. However, what is not reflected in the report, although reflected in the Stipulation of March 11, 1967, paragraph 108, is the fact that on 21 occasions, between 1961 and 1966, I incurred travel expenses on official business of the U.S. Senate for which I was entitled to be reimbursed under 2 U.S.C. Sec. 43(b) and for which reimbursement was neither received nor claimed. The total dollar amount involved in the seven erroneously reimbursed trips is $1,767.14, and the total reimbursement involved in the twenty-one trips to which I was entitled and for which no claim was ever made was between $1,092.00 or $1,837.50, depending on the mode of travel (see Stipulation of March 11, 1967, paragraph 109). Hence, the maximum erroneous reimbursement is $675.14.

O'Hare was charged with the responsibility for claiming reimbursement for me regarding travel on official Senate business. In his testimony before the Ethics Committee O'Hare contended that on five separate occasions from 1961 to 1965 he was specifically instructed by me to claim improper reimbursement from the Senate for travel which was reimbursed to me by an outside organization. The amount of the erroneous reimbursement by the Senate on each of these five occasions ranged from $163.63 to $397.27. Against the background contention by O'Hare, an apt contrast is provided by O'Hare's explanation of his failure to claim reimbursement for the twenty-one trips for which it has been stipulated that I was entitled to reimbursement even after O'Hare, by his own admission, learned in 1965 of the right to reimbursement. O'Hare stated:

"In order to gain reimbursement I would have had to do a complete audit for that year or maybe year and a half . . . and for the sake of just two or three trips this was just too arduous a task for me to do at this time." (T. 1255–56)

O'Hare's claim of conscious erroneous billing must also be contrasted with the fact that two of the seven erroneous billings, one in the amount of $24.53 and the other $127.82, took place prior to O'Hare's employment.

Perhaps the most important fact to be taken into account in this connection is that in 1962 and again in 1963, O'Hare caused travel originally charged to a Senate Subcommittee to be transferred to my personal travel account. This is reflected in the letters attached hereto as Exhibits 1 and 2 (these letters were not accepted as a part of the record in the Ethics Committee investigation). It is impossible to square these letters with O'Hare's testimony that I had instructed him to consciously double bill on five separate occasions spanning the years 1961 to 1965.

When these letters are considered with the fact that two of the seven erroneous billings took place prior to O'Hare's employment and the concession of O'Hare that two took place after he had switched allegiance from me to Pearson and Anderson, the only rational conclusion here is that these multiple reimbursements were a product of human error with the possible execption of the last two. These last two, it is noted, took place after O'Hare switched allegiance and it is entirely possible that they were the subject of an intentional act on the part of O'Hare rather than negligence on his part.

Other errors by O'Hare in billing travel expenses are evidenced by Exhibits 3 to 5 attached hereto. They are letters written by him in which travel expenses were switched from one account to another.

The account numbers referred to in the various letters attached hereto are identified as follows:

Account number AAQ–1331–WAA, chargeable to personal.

Account number AAQ–7866–NAA, chargeable to Internal Security Subcommittee of the Judiciary Committee of the United States Senate.

Account number AAQ–26589–WAA, chargeable to Juvenile Delinquency Subcommittee of the Judiciary Committee of the United States Senate.

The foregoing five letters, copies of which are attached hereto, were offered to the Ethics Committee both before and after the most recent hearings and were rejected on both occasions.

In considering this charge of knowingly receiving multiple reimbursement from the Senate, consideration should also be given to the statements by the bookkeepers who preceded and followed O'Hare (these statements were submitted to the Committee but were never included in the record. They are attached hereto as Exhibits 6 and 7).

The first employee to keep the financial records was Barbara Beall who began her employment with me in January, 1959, and continued it until she terminated her employment in January, 1961. During this period she was my personal secretary as well as the bookkeeper. Covering her bookkeeping duties for me, Miss Beall states:

"During the time I was your personal

secretary and bookkeeper it was part of my duty as bookkeeper to bill for trips made by you. Accordingly, I had occasion to bill subcommittees and private organizations. I am sure that I never billed two organizations, such as a subcommittee and a private organization, for the same trip nor did I bill any organization more than one time for the same trip, and you certainly never asked me or anyone else to do so." (Exhibit 6, Letter from Barbara Beall dated August 1, 1966, emphasis in the original).

Miss Beall terminated her employment with me in January 1961, and I had no official bookkeeper until May, 1961, when O'Hare was employed in that capacity. From January 1961 to May 1961, the checkbooks were maintained by several people. It was during this period that the first two errors in billing were made.

The books are presently maintained by Doreen Moloney. Miss Moloney states:

"Since January of 1966 I have maintained Senator Dodd's books, which were previously maintained by Michael V. O'Hare. In this capacity, I have handled the Senator's travel arrangements which included the purchasing of tickets and the receipt of reimbursement for travel expenses incurred by Senator Dodd. I have never billed more than one organization for any particular trip nor was I ever instructed to do so." (See Exhibit 7, Affidavit of Doren Moloney dated January 21, 1967).

To recapitulate, against the unsupported accusation by O'Hare there stands: (i) two letters (Exhibits 1 and 2) evidencing two separate occasions, one in 1962 and another in 1963, when O'Hare transferred a charge for travel expenses from a Senate Subcommittee to my personal account; (ii) three other occasions (Exhibits 3, 4 and 5) on which O'Hare was compelled to credit other erroneous billings he had made; (iii) the statements by the bookkeepers who preceded and followed O'Hare pointing out that they were never asked by me to make erroneous billings and, in fact, never made erroneous billings; and (iv) my testimony in which I denied O'Hare's accusation under oath and described O'Hare as a "liar."

But even if the documentary and third party evidence in support of me were lacking, the conclusion would be unchanged. In that event the issue would turn solely on O'Hare's credibility, or lack thereof. And there is compelling evidence that O'Hare testimony is not credible, even if you ignore the inherent incredibility of O'Hare's assertion that on five separate occasions over a period of four years he had been specifically instructed to make an erroneous billing to the Senate of a trifling amount.

O'Hare admitted active participation in the unauthorized removal of my documents while he continued to pose as a loyal employee. His life was a lie by his own admission from July 1965 until January 1966, when he finally terminated his employment with me. On cross examination O'Hare testified that my purported signature on the money orders he had used to make certain payments had been forged by him. He also conceded that certain of my checks, made out to cash and put in evidence at the hearings, bore his endorsement on the back. He contended, however, that the signature on those checks were my genuine signature and that I had signed them in O'Hare's presence. This latter contention was refuted by the testimony of Mr. Charles Apel, one of the country's leading handwriting experts who served 25 years with the F.B.I. Mr. Apel established the F.B.I.'s laboratory for document analysis and was in charge of it for many years.

In short, O'Hare had previously conceded in his testimony an ability to deceive and his indifference to the commission of a crime. Furthermore, his ability to forge my signature, coupled with the testimony of handwriting expert Apel, raises serious questions as to whether or not O'Hare participated in illegal acts other than those which he admitted.

O'Hare's testimony in this case is simply not credible on any analysis.

There are absolutely no facts whatsoever on which to base a recommendation of censure for double billing.

Sincerely,

THOMAS J. DODD.

EXHIBIT 1

MAY 15, 1962.

Re: AAQ-7866-NAA.

AMERICAN AIRLINES, INC.,
Credit and Collections,
New York, N.Y.

GENTLEMEN: On March 23, and March 26, 1962 I charged ticket Nos. 166033 & 104303 respectively to the above account.

The charge for these flights should properly be applied against my personal account. I would appreciate it if you would transfer the $50.60 charge for these trips to AAQ-13331-WAA on your next billing.

With best wishes,

Sincerely yours,

THOMAS J. DODD.

EXHIBIT 2

MARCH 4, 1963.

Re: AAQ-7866-NAA.

AMERICAN AIRLINES, INC.,
Credit and Collections,
New York, N.Y.

GENTLEMEN: On March 1, 1963 I charged a round trip ticket from Washington to Los Angeles to the above account.

I would appreciate it if you would transfer this charge to AAQ-13331-WAA.

With best wishes,

Sincerely yours,

THOMAS J. DODD.

EXHIBIT 3

NOVEMBER 10, 1961.

Mr. WILSON HOWARD,
American Airlines, Inc.,
New York, N.Y.

DEAR MR. HOWARD: On October 23, 1961 I traveled from Providence to Washington and inadvertently charged the ticket to the wrong account.

The ticket was charged on Account No. AAQ-13331-WAA and should properly have been charged on Account No. AAQ-7866-NAA. I would appreciate it if you would correct your records, and bill accordingly.

Please accept my apology for any inconvenience this may cause you.

With best wishes,

Sincerely yours,

THOMAS J. DODD.

EXHIBIT 4

MARCH 12, 1962.

Re AAQ-26589-WAA.

AMERICAN AIRLINES, INC.,
Credit and Collections,
New York, N.Y.

GENTLEMEN: On October 10, 1961 I inadvertently charged Ticket No. 7183338 for $25.85 to the above listed account. It should properly have been charged to AAQ-7866-NAA. I would therefore appreciate it if you would transfer the charge on your next billing.

Thank you for your assistance in this matter.

With best wishes,

Sincerely yours,

THOMAS J. DODD.

EXHIBIT 5

APRIL 4, 1964.

Mr. DON CAMPBELL,
American Airlines, Inc.,
Washington, D.C.

DEAR MR. CAMPBELL: On Thursday, February 27th I charged a round trip ticket from Washington to Los Angeles to account No. AAQ-7866-NAA.

I would appreciate it if you would transfer this charge to account No. AA-26589-NAA.

With best wishes,

Sincerely yours,

THOMAS J. DODD.

EXHIBIT 6

AUGUST 1, 1966.

Hon. THOMAS J. DODD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I am sending this letter to you at your request.

My name is Barbara Beall. I live at 225 Kaiulani Avenue, Honolulu, Hawaii. I was employed by you from January 1959 to January 1961. As the first secretary to be hired for your staff as Senator-Elect, I began working as receptionist and general secretary in your office and then from the summer of 1959 to January 1961 I was your personal secretary and bookkeeper.

During the time I was your personal secretary and bookkeeper it was part of my duty as bookkeeper to bill for trips made by you. Accordingly, I had occasion to bill subcommittees and private organizations. I am sure that I never billed two organizations, such as a subcommittee and a private organization, for the same trip nor did I bill any organization more than one time for the same trip, and you certainly never asked me or anyone else to do so.

Indeed, you were such a stickler for honesty that you had the whole staff on pins and needles sometimes when you would discover such a thing as a letter which you considered personal being mailed without a stamp by a staff member who was about to let it go out under the frank. You would be annoyed for the rest of the day over something like that.

Frankly, I considered it a refreshing experience to work for you as you time and again exhibited a real code of ethics by which you lived.

Most sincerely,

BARBARA BEALL.

EXHIBIT 7

AFFIDAVIT

I, Doreen Maloney, state that I am presently employed by Senator Thomas J. Dodd and have been employed by him since March, 1962.

Since January of 1966 I have maintained Senator Dodd's books, which were previously maintained by Michael V. O'Hare. In this capacity, I have handled the Senator's travel arrangements which included the purchasing of tickets and the receipt of reimbursement for travel expenses incurred by Senator Dodd. I have never billed more than one organization for any particular trip nor was I ever instructed to do so. On the contrary, I am sure that if either the Government or private organizations were erroneously billed for travel expenses, Senator Dodd would insist that I correct it. However, no such erroneous billings occurred since I have maintained the books.

DOREEN MALONEY.

WASHINGTON, D.C.

Now appeared before me this 21st day of January, 1967, the aforesaid Doreen Maloney, personally known to me who being duly sworn, declared that the aforesaid statement consisting of one page is true.

JAMES F. GARTLAND,
Notary Public.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
May 18, 1967.

Hon. ———,
U.S. Senate
Washington, D.C.

DEAR SENATOR: The attached memorandum deals with the second ground of my proposed censure, namely, that I spent some $116,000 of "political" funds for "personal" purposes.

I earnestly hope that you will find the time to read it and to give it your careful attention.

Sincerely yours,

THOMAS J. DODD.

Enclosure.

MEMORANDUM

MAY 17, 1967.

From Senator Dodd.

Re Ethics Committee Resolution on Testimonial Funds.

This memorandum is addressed to the second ground for my proposed censure, namely, that I spent some $116,000 of "political" funds on "personal" matters. This matter, I believe, is of interest to every man in public life today.

If testimonial dinners are immoral now, they were not so in 1961, 1963 or 1965, when I was thus honored, and indeed they have been a traditional part of the political life of our nation for at least a hundred years.

Nowhere does the report of the Committee, as I read it, condemn as illegal or unethical the use of testimonial affairs as a method of raising funds intended as gifts for men in public life.

The nature of a gift is that it is to be spent at the discretion of the recipient. Legally, there are no limits on this discretion. But to make my personal position clear at the outset, let me repeat that I said in my Senate speech of March 10th: I would *not* consider it proper if a Senator used testimonial funds to enrich himself or to live lavishly. But I do consider it proper for a Senator to use such funds *at his discretion* to help liquidate campaign deficits, to pay off sundry political debts, to offset his costs of office, and to offset or reimburse himself for any money he may have put out-of-pocket to meet such politically connected expenses. This is what I did.

Several witnesses before the Committee testified to the widespread practice of this form of fund-raising in Connecticut political life. A recently adopted resolution of the Young Democrats in Connecticut refers to the testimonial dinner as a nationwide institution.

". . . many of Senator Dodd's friends, realizing his personal sacrifice and believing in him and in his position, organized various testimonials and turned their proceeds over to him as personal gifts for his unrestricted personal use, a device commonly used throughout the country to show tribute and credit to distinguished individuals . . ."

A copy of the complete text of that resolution is enclosed herewith.

No doubt all the Senators can think of examples of men in public life so honored—the example which comes most quickly to my own mind is described on page 85 of William Manchester's book on the assassination of President Kennedy. Manchester points out that on the day preceding the assissination, President Kennedy and then Vice President Johnson both spoke at a testimonial dinner held in honor of Representative Albert Thomas of Texas and that from the proceeds of the dinner Mr. Thomas was presented with a Cadillac automobile.

But if testimonial dinners for the personal benefit of an individual are commonplace in America, this cannot be what derogates, as my accusers say "from the public trust expected of a Senator." The theory of the proposed censure must be that I misled my friends into thinking they were not contributing to a testimonial dinner at all, but to a campaign fund.

The Committee report is critical of the solicitation material of the various testimonials which were held in my honor. It complains that nowhere is the invitee informed as to the purpose the proceeds will be put.

Political testimonials are commonplace affairs, and it is not customary to identify the purpose of these affairs in the precise manner that the Committee's report suggests.

Now I have seen a lot of invitations to testimonial dinners in my time, and I can't remember a single one which said anything more than that there was going to be a testimonial to honor Mr. Jones or Mr. Smith. That's all they said. There was no rule and no law requiring that they say more. I cannot recall a single one which carried an explanatory note stating that the contributions would be turned over to the subject of the testimonial as a personal gift to be used as he saw fit.

In my home state of Connecticut testimonials are exceedingly commonplace affairs, and it is universally known by those who are in the habit of attending political functions that the proceeds of testimonials are intended as personal gifts.

The sum I am alleged to have used improperly is $116,000. The total raised at the testimonial affairs held in my honor on four separate occasions in 1961, 1963, and 1965 (which of course were not campaign years) amounted to about $170,000. My position is that substantially more than $116,000 was intended as a gift to be used at my discretion. My position is, further, that the funds I received are more than offset by what I paid out to discharge politically connected debts and to cover unreimbursed costs directly connected with holding public office.

The Committee ruled that all of my testimonials were political fund raising functions. But reviewing the record, the following will be found:

DINNER, 1961

The Committee's report states that "the sponsors of the 1961 Connecticut dinner represented the event in a solicitation letter as a testimonial dinner for Senator Dodd without stating any further purpose." The net proceeds turned over to me were $56,000. Since the real issue is the intent of the donors, presumably the Committee has concluded that the failure of the solicitation letter to state expressly that the funds to be raised at the testimonial dinner were for my personal use demonstrates that the funds must have been raised for a campaign. That conclusion does not follow. Since the testimonial dinner was described as a non-partisan tribute and a large number of Republicans attended, it is impossible to understand how anyone could have construed it as a partisan political fund-raising affair.

The solicitation letter referred to reads in full as follows:

"On November 4th, 1958, the people of Connecticut elected Tom Dodd to the Senate of the United States.

"The wisdom of their choice is apparent as evidenced by his outstanding record.

"His stature in the Senate is acclaimed by his colleagues on both sides of the aisle.

"Senator Dodd's friends have appropriately decided to honor him in the middle of his term. Their recognition will be in the form of a testimonial dinner to be held on Monday, November 20th, 1961, at the Statler Hotel in Hartford.

"The testimonial will be a non-partisan tribute. The Vice President of the United States, Lyndon Johnson, and Senator Styles Bridges, the senior Republican in the Senate, have already signified their intentions of being with us, and we would like very much to have you come.

"A table may be reserved in the name of the person sponsoring a group of ten or more. Please list the names of your guests for the program and seating arrangements.

"Your participation will be appreciated."

I submit to the judgment of my fellow Senators whether anyone who received such a letter could have thought that funds were being requested for a partisan political campaign or not.

1963 RECEPTION, DISTRICT OF COLUMBIA

The testimonial reception in Washington on September 15, 1963, was described as a testimonial on the tickets. In the brief letter of invitation sent out by the D.C. Committee for Dodd, the fact that it was a testimonial did not appear. On the other hand, there was absolutely nothing in the letter which suggested that it was a campaign fund-raising affair. It is true that I borrowed $6,000 from the Washington testimonial fund on the basis of erroneous advice of my accountant and later repaid it. But a single confused act does not determine the essential character of a public function.

The net proceeds of the 1963 D.C. Reception was about $12,000.

CONNECTICUT EVENTS, 1963

In the case of the Dodd Day affairs on October 26, 1963, the breakfast was clearly described as a testimonial breakfast on the order forms, on the return envelopes, and on the program. The reception that afternoon was described as such and not as a campaign fund-raising affair. About $10,000 was raised at this dinner and about $30,000 at the other events held that day. Solicitation letters for the dinner that evening did, however, contain inaccurate language, as I admitted to the Committee. I did not prepare those letters and I never saw them, as the record reflects.

DINNER, 1965

With respect to the March 1965 testimonial dinner, from which I received about $68,000, the uncontested fact is that the Committee received affidavits from 330 persons who donated money in connection with that dinner in which they swore under oath that they intended the donations as unrestricted gifts. The Committee report relies on unreliable newspaper statements in estimating that approximately 1000 persons attended that dinner. That estimate is incorrect. I need not tell you that newspaper reports of attendance at political affairs, although gratifying to the individual concerned, are not noted for their accuracy. The names listed on the program for the 1965 testimonial dinner total 706 and this, if anything, is an exaggeration of the number of contributors involved. This is so because the names on the program include guests of contributors as well as the contributors themselves. Thus, approximately 50% of those who in fact contributed to the 1965 testimonial dinner have stated under oath that they intended no limitation on the use to which their gifts could be put.

OFFER OF REFUND

The evidence is overwhelming that those who came to these testimonial affairs did understand their purpose and the nature of their own contribution. It is significant to note that there has not been a single statement, under oath or otherwise, by any contributor to any of the testimonial affairs asserting that he had intended his money not as a gift but as a political contribution.

I have publicly stated that if any person states that he contributed to these functions with the understanding that he was making a political contribution and not a testimonial contribution, I would return his money to him.

This statement was carried prominently over every radio station in Connecticut and in every Connecticut paper.

To date, not a single person who attended these functions has requested that their contribution be refunded.

What better evidence could there be to prove that those who attended these affairs understood they were making a gift to me?

AFFIDAVITS

During a single month I received affidavits from about 430 individuals who contributed to one or more of the testimonial affairs, which represented over 50% of those we were able to contact.

This large number of affidavits has come in despite the fact that many persons were only contacted by telephone or mail, with little or no follow-through, despite all the adverse publicity resulting from the Pearson-Anderson vendetta, despite the understandable fear of some people of involvement in a controversial matter, and despite the attempted intimidation by Jack Anderson in a characteristically distorted speech over the Connecticut radio in which he threatened anyone who signed an affidavit with a charge of perjury.

ADVICE OF COUNSEL

Prior to the first testimonial affair held in my honor, the dinner held on November 20, 1961, I sought the advice of my then law partner, M. Joseph Blumenfeld (now a Federal District Judge), and he advised me that the proceeds of the 1961 dinner constituted a tax-free gift which I was free to use for such purposes as I saw fit. I am enclosing herewith a copy of Judge Blumenfeld's affidavit confirming this fact. I relied generally on the advice which Judge Blumenfeld gave me with respect to testimonial events.

THE FINANCIAL BURDEN OF POLITICAL OFFICE

The net proceeds of all of the testimonial affairs was approximately $170,000.

It is undisputed that between 1956 and 1959 I borrowed a total of $211,000 and that the net balance owing at the end of 1959 was $150,000. It is my position that $120,000 of this indebtedness was politically connected.

I had no significant debts prior to 1956. Between 1956 and 1958 I ran twice for the Senate and once for the nomination; in fact I was running non-stop for over two years. This and this alone was why my personal indebtedness built up so rapidly during this period.

The politically connected debts totaling $120,000 have been paid off by me since 1959, largely out of testimonial proceeds. In addition, between 1959 and 1966 I spent from my personal funds $101,000 on the unreimbursed costs of office. These costs consisted of the following:

Expenditures incidental to the office of U.S. Senator:	
Travel and entertainment (including estimated expenses of $9,171.62)	$51, 090. 67
Less reimbursements	14, 340. 91
Subtotal	36, 749. 76
Dues and subscriptions	3, 979. 33
Photographs, news clipping service, radio and television	10, 160. 61
Telephone and telegraph	9, 327. 69
Less reimbursements	1, 140. 00
Subtotal	8, 187. 69
Office supplies and other expenses	11, 825. 14
Less reimbursements	5, 712. 13
Subtotal	6, 113. 01
Total	65, 190. 40
Expenditures in maintaining a second residence in Washington, D.C.:	
Utilities	5, 021. 78
Telephone	2, 285. 04
Repairs and maintenance	8, 364. 65
Real estate taxes	5, 390. 81
Interest expense	10, 297. 09
Insurance	1, 389. 08
Rent (1959)	2, 147. 60
Moving expenses (1959)	1, 266. 76
Total	36, 162. 81
Grand total	101, 353. 21

Against the intake of approximately $170,000 therefore, I spent $120,000 for repayment of the political loans and $101,000 for costs of office. This means, in effect, that I have had to dig into my own income to the extent of some $50,000 over and above what I have received from testimonials to cover political expenses. Obviously, I have not enriched myself from my position as a Senator.

It is therefore readily understandable why, as I previously reported to the Senate, at the age of 60 I own no stocks or bonds, I have no interest in any company or firm, I own no real estate other than my home in Connecticut and my home in Washington, both of which are heavily mortgaged and that my total net worth is not more than $54,000.

EX POST FACTO

In summary, it is apparent that testimonial affairs for the personal benefit of the person being honored did not in 1961 or 1963 or 1965 violate the then prevailing legal and ethical standards applicable to men in public office. I respectfully submit that my conduct in those years should not be condemned by standards subsequently adopted. The framers of the Constitution recognized the evil of *ex post facto* laws and those same principles are equally applicable to the matter here in issue.

As the Supreme Court recognized most recently in *Boui* v. *City of Columbia*, 378 U.S. 347 (1964), no person should be required to speculate or to guess whether a course of action violates a standard of conduct which remains to be adopted and to apply a newly adopted standard to past conduct ". . . is at war with a fundamental concept of the common law . . ."

Admittedly the Committee's judgment in this case was significantly influenced by standards which the Committee anticipates may be recommended and eventually accepted by the Senate. I urge that we move to the adoption of such standards as soon as the present debate is concluded—but it would be grossly unfair to apply them retroactively.

The adoption of such clearly defined standards would, hopefully, insure that no other Senator would in future be subjected to the harrowing personal ordeal which I have experienced over the past sixteen months. And even more importantly, the early adoption of such standards would not only be in the best interests of the Senate but manifestly would serve the national interest.

RESOLUTION OF YOUNG DEMOCRATIC CLUBS, INC., MAY 6, 1967

Whereas Senator Thomas Dodd, has honorably represented the interests of the people of Connecticut in the United States Senate for the past nine years;

And whereas Senator Dodd has achieved a memorable record in the Senate, in particular for his sponsorship of the May 21, 1963 resolution which made the Test Ban Treaty possible, and his many correct positions on matters of foreign affairs;

And whereas Senator Dodd, because of his lack of financial resources, has achieved this remarkable record at a great personal sacrifice;

And whereas many of Senator Dodd's friends, realizing his personal sacrifice and believing in him and in his positions, organized various testimonials and turned their proceeds over to him as personal gifts for his unrestricted personal use, a device commonly used throughout the country to show tribute and gratitude to distinguished individuals;

And whereas the motives and sincerity of Senator Dodd have been questioned by disloyal former staff members;

Be it therefore resolved that the Young Democratic Clubs of Connecticut Inc. do hereby reaffirm their faith and confidence in Senator Thomas J. Dodd and do hereby extend their best wishes to him and to his family at a time of great trial;

And be it further resolved, that the Young Democratic Clubs of Connecticut Inc. do hereby censure Mr. Michael O'Hare; Mr. James P. Boyd; Mrs. Marjorie Carpenter; and Miss Terry Golden for illegally removing and copying the records of Senator Dodd; for efforts made to destroy his reputation and to malign his character; and for their ignominious betrayal of his trust and friendship;

Attest:

HAROLD J. ALLEN, Jr.,
President, Young Democratic Clubs of Connecticut, Inc., and National Committeeman, Young Democratic Clubs of Connecticut, Inc.

AFFIDAVIT

STATE OF CONNECTICUT,
County of Hartford, ss:

M. Joseph Blumenfeld, being duly sworn, makes the following statement:

"1. In 1960 or 1961, while I was still engaged in the private practice of law and prior to my appointment as United States District Judge, I advised Senator Thomas J. Dodd in connection with the then proposed testimonial dinner which was subsequently held in his honor on November 21, 1961. At that time I was familiar with the proposed manner of carrying out the testimonial dinner, and I understand that the dinner was actually carried out in that manner.

"At that time I advised Senator Dodd that the net proceeds of the dinner should be treated by him as a gift excludable from gross income for Federal income tax purposes under the provisions of section 102(a) of the Internal Revenue Code of 1954, and that he was free to use these net proceeds in any way he wished and not solely for political purposes.

"M. JOSEPH BLUMENFELD."

Subscribed to in my presence and sworn to before me this 20th day of February, 1967.

BENJAMIN SANDERS,
Notary Public.

U.S. SENATE,
Washington, D.C. June 9, 1967.

DEAR SENATOR: This is the last of the three letters to my fellow Senators in connection with the forthcoming debate on the report of the Select Committee on Standards and Conduct.

In the prior two letters I believe I have demonstrated that:

(a) The charge of double billing is entirely groundless. My former bookkeeper made a few minor mistakes in billing for travel expenses while in my employ. And then, after switching his allegiance to gossip columnists, he charged that these mistakes, attributable solely to his incompetence, were intentional acts ordered by me. Moreover, his failure to claim for me reimbursements from the Senate basically offsets the errors in my favor made by him.

(b) The charge that I authorized the expenditure of at least $116,083 of political funds for personal expenses is both untrue and substantively irrelevant. It is untrue in that more than $116,083 of these funds were gifts to me to be used at my discretion. And it is substantively irrelevant since it fails to take into account the fact that my political activities have resulted in a personal deficit of about $50,000, after taking into account all contributions received by me during my entire service as a Senator.

As my colleagues know, I have responded directly to the charges brought against me. It is my intention to continue to do so in the course of the forthcoming debate. However, there are larger issues involved in my case which go to the rights of every member of the Senate.

Because I know that Senators will want to consider this case in its full context and in all its implications, I have had my counsel prepare a memorandum analyzing the serious constitutional questions involved in the hearings and Report of the Ethics Committee. A copy of that memorandum is enclosed.

I hope you will find the time necessary to study the enclosed memorandum carefully. I think it is extremely important to the future of the Senate.

Sincerely,

THOMAS J. DODD.

(Enclosure.)

MEMORANDUM CONCERNING THE CONSTITUTIONAL ISSUES RAISED BY THE INVESTIGATION OF SENATOR THOMAS J. DODD BY THE SELECT COMMITTEE ON STANDARDS AND CONDUCT, U.S. SENATE

THE PROPOSED CENSURE OF SENATOR DODD IS IN CONTRAVENTION OF HIS CONSTITUTIONAL RIGHTS

The purpose of this memorandum is to consider whether the imposition of the sanction of censure on Senator Dodd pursuant to the recommendations of the Select Committee on Standards and Conduct of the United States Senate would be consistent with the requirements of due process of law applicable to proceedings of this sort.

That such an inquiry is appropriate is implicit in the Committee's own observation, in its Report, that "The power to punish necessarily involves the ascertainment of facts and application of appropriate rules of law" (p. 9) and that "The action of a House of Congress in judging the conduct of one of its Members is 'judicial in nature', . . . and must be carried out in proceeding consistent with the due process of law requirements of the Fifth Amendment of the Constitution" (p. 11). Indeed, pursuant to these observations, the Committee purported to be guided in its deliberations "by the rules of evidence applicable to the Federal courts." (*Ibid*)

The Committee's observations were in accord with the applicable law. The Senate, when it acts with respect to its own members exercises a broad, perhaps unreviewable power. But the Supreme Court has made it clear that, when it acts, it does so subject "to the restraints imposed by or found in the implications of the Constitution." ***Barry* v. *United States ex rel. Cunningham*, 279 U.S. 597, 614 (1929).** Again in ***Watkins* v. *United States*, 354 U.S. 178, 198 (1956)** the Court held that "the Bill of Rights is applicable to [Congressional] investigations as to all forms of government action."

It is, of course, clear that the proceedings of the Select Committee, and the action which it recommends that the Senate take, are penal and punitive in nature. The purpose of the investigation was to investigate Senator Dodd's conduct to determine whether penal sanction should be imposed. The penalty of censure is a penalty of such a sort that the requirements of due process are applicable. The Supreme Court has held that the State may not take action which has the effect of stigmatizing an individual with a "badge of infamy" without complying with due process requirements. ***Wieman* v. *Updegraff*, 344 U.S. 183, 191 (1952).** See also ***Willner* v. *Committee on Character and Fitness*, 373 U.S. 102 (1963); *United States* v. *Lovett*, 328 U.S. 303 (1946); *Slochower* v. *Board of Higher Education*, 350 U.S. 551 (1956); *Birnbaum* v. *Trussel*, 371 F. 2d 672, 678, 679, notes 13, 14 (2d Cir. 1966); *Beard* v. *Stahr*, 370 U.S. 41, 42 (1961) (dissenting opinion).**

It is evident that the punishment which the Select Committee recommends for Senator Dodd is comparable in its impact to other sanctions which the courts have held may not be imposed without due regard for the requirements of due process of law. Indeed, the arbitrary infliction of such penalties on an elected representative of the people poses particular threats to the democratic process.

While it is vital that such representatives be responsive to their constituencies and that their conduct be subject to public scrutiny, it is equally vital that they be not exposed to the exercise, or threatened exercise, of unrestrained power by those who hold a different view. If sanctions may be imposed without legal restraint or arbitrarily, they can easily become the instrument of oppression, and the least popular view is likely to be the first suppressed.

While no charge is made that the Select Committee, or any member of the Senate, is motivated improperly in connection with the proposed censure of Senator Dodd, it is submitted that to sanction procedures of the sort which led to the rendering of the Committee's Report is to establish a precedent which may, at other and different times, produce the most serious consequences.

We submit that an analysis of the procedures employed by the Committee, the evidence upon which it relied, and the judgment which it reached, will demonstrate that the action which it proposes that the Senate take is inconsistent with the requirements of due process and the commands of the Constitution.

I. The committee condemned Senator Dodd on the basis of undefined ex post facto standards

It is, of course, one of the basic principles of due process, and indeed, an essential element of the "rule of law" which forms the basis of our jurisprudential system, that a man must be judged by clearly-defined standards formulated prior to the time when he engages in the conduct which is being judged.

The standards must not only be formulated in advance; in addition, they must be sufficiently precise to provide a reasonable guide for the regulation of an individual's behavior. The Supreme Court has observed that "A statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess as to its meaning and differ as to its application, fails the first essential of due process of law." ***Connally* v. *General Construction Company*, 269 U.S. 385, 391 (1926); *United States* v. *Cardiff*, 344 U.S. 174, 176 (1952).**

It is equally clear that the requirements of due process apply, not only to criminal prosecutions, but to any governmental actions or proceedings which injure an individual or deprive him of a valuable right or privilege. ***Wilner* v. *Committee on Character and Fitness*, 373 U.S. 96 (1963)** [application for admission to bar]; ***Greene* v. *McElroy*, 360 U.S. 474 (1959)** [revocation of security clearance]; ***Goldsmith* v. *United States Board of Tax Appeals*, 270 U.S. 117 (1926)** [application of accountant to practice before Board of Tax Appeals]; ***Gonzales* v. *United States*, 348 U.S. 407 (1955)** [denial of status as conscientious objector]; ***Kelly* v. *Herak*, 252 F. Supp. 289 (D. Mont. 1966)** [dismissal of Government employee]; ***Doe* v. *CAB*, 356 F. 2d 699, 701 (10th Cir. 1966)** [refusal of pilot's medical certificate]; ***Duomar* v. *Ailes*, 230 F. Supp. 87 (D.C.D.C. 1964), aff'd, 346 F. 2d 834 (D.C. Cir. 1965)** [expulsion of cadet from U.S. Military Academy].

Prior to the Committee investigation there was, of course, no information given Senator Dodd as to the principles which would be applied in judging him, for, indeed, no such principles had been formulated. Even in the Report which was the culmination of the Committee's work, there is no explicit statement of the rules which are applicable, and which the Committee found Senator Dodd to have transgressed. There is, rather, merely a description of the conduct which the Committee found Senator Dodd to have engaged in, and a conclusion that that course of conduct "is contrary to accepted morals, derogates from the public trust expected of a Senator, and tends to bring the Senate into dishonor and disrepute" (Report, p. 27). This Delphic standard, if it had been formulated prior to the hearings, would have been analogous to the State statute considered by the United States Supreme Court in ***Musser* v. *Utah*, 333 U.S. 95 (1948)** making unlawful conduct injurious to "public morals." The Supreme Court indicated, with respect to that statute, that, unless the State Supreme Court severely restricted its scope, it would be void because "on its face it fails to give adequate guidance to those who would be law abiding, to advise defendants of the nature of the offense with which they are charged, or to guide courts in trying those who are accused" (333 U.S. at 97).

In point of fact, as one of the Select Committee's members has explicitly recognized, the standards applied by the Committee in assessing Senator Dodd's conduct are standards which cannot be clearly stated since they are still in the process of formulation. Commenting on the Committee's judgment, Senator Eugene McCarthy, a member of the Committee, has said:

> "The Committee did attempt to pass a fair judgment on the basis of what it considered to be generally accepted standards and *also on the basis of the rules and standards which it anticipated may be recommended and eventually accepted in the Senate.*" (Appendix A) (Emphasis Supplied)

What Senator McCarthy suggests, an analysis of the Select Committee's Report and of the findings and evidence upon which it is based confirms. As will be demonstrated, the Committee's recommended censure of Senator Dodd because of his alleged mishandling of testimonial and campaign funds was based on the *ex post facto* application of at least four propositions not heretofore generally recognized as constituting applicable legal or moral principles.[1]

If the Select Committee had concluded from its analysis of Senator Dodd's affairs that these norms should govern him (and others), in the future, it would have functioned as congressional committees usually function. And its judgment, like most legislative judgments, would be susceptible to appraisals and criticism on only one level: Was it wise or unwise?

But this Committee was not simply acting in an investigatory capacity. It was, as it recognized, performing a function which was "judicial in nature" (Report, p. 11). It set out, not to guide the future of all Senators, but to judge the past conduct of one Senator.

By recommending Senator Dodd's censure for the violation of rules which the Committee itself formulated for the first time when assessing his conduct, and is still formulating, the Committee subjected Senator Dodd to an *ex post facto* judgment.

To the Founding Fathers such a judgment, in the exercise of the punitive powers of the state, or any of its instrumentalities, was the vice beyond all others—one so inimical to a free society that the Convention of 1787 bracketed *ex post facto* laws with the dreaded bills of attainder and wrote prohibitions of them, not into the Bill of Rights, but into the original Constitution itself and made those prohibitions expressly binding, not only on the federal Government, but on the States, as well. U.S. Const. Art. I § 9 cl. 3 and § 10 cl. 1.

A. Prior Legislative Efforts

The impropriety of the Committee's action is even clearer when we consider that the practices for which it has condemned

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[1] We do not argue that the proposed censure of Senator Dodd for double-billing of travel expenses is equally susceptible to attack as an *ex post facto* determination. We do contend, however, that, by any standard, the evidence cited as showing that Senator Dodd intentionally sought and obtained such double reimbursement was inadequate. Annexed as Appendix B is a letter by Senator Dodd previously circulated to the Senate under date of May 4, 1967 considering that matter in detail.

Senator Dodd are practices of a sort that have been studied over the years by Congress with a view toward legislative action, but with respect to which Congress has, despite many efforts, even yet been unable to formulate rules which it has been willing to adopt.

Since at least 1953, Congress has considered hundreds of bills all designed to require the reporting by members of the Senate and the House of Representatives of financial information relating to their sources of, and application of, their income. One of the bills introduced in 1953 was H.R. 2129, introduced by Representative O'Hara of Illinois, which would have required the reporting by the members of the Senate and House of their income, divided into various categories, and their gross expenditures. Even though bills in substantially the same form have been introduced in every session of Congress since that time, no such legislation has been adopted.

Also in 1953, a bill was introduced by Representative Radwan, H.R. 5332, which would have required every member of Congress with respect to whom there had been established a fund to assist him in defraying his expenses to file "a statement disclosing detailed information with respect to persons contributing to such fund, the amount of each expenditure from each fund, and the purpose of each such expenditure."

In April of last year there was introduced into the House of Representatives as H.R. 14793 a bill which would have made it a criminal offense for any member of Congress to receive directly or indirectly "any contribution as a result of a fund-raising event organized in his behalf" and to use "all or any part of such contribution for personal living or family purposes . . ." Neither of these bills became law.

In a bill introduced during this session of Congress, H.R. 2585 introduced by Representative Tenzer, of New York, it was recited, in connection with the proposed establishment of a joint congressional committee on ethics, that:

"Some conflicts of interest are clearly wrong and should be proscribed by sanctions in the criminal law; however, *many are composed of such diverse circumstances, events, and intangible and indirect concerns that only the individual conscience can serve as a practical guide. But there are many possibilities of conflict in that shadowland of conduct for which guidance would be useful and healthy,* but for which the criminal law is neither suited or suitable." (Emphasis Supplied)

The problems in this area are, as H.R. 2585 points out, in a "shadowland of conduct for which guidance would be useful and healthy . . . ", but, in spite of the fact that Congress and observers of Congress have over many years grappled with these problems,[2] no set of standards has yet been developed which Congress has been willing to enact into law.

B. The Standards Applied by the Committee

An analysis of the Report of the Select Committee and of the findings and the evidence upon which it is based demonstrates that the recommended censure of Senator Dodd because of his handling and use of testimonial and campaign funds was based upon the *ex post facto* application of at least four propositions.

It should be noted, at the outset, that the Committee made no finding that, as a result of the receipt of funds from testimonial dinners or campaign contributions, Senator Dodd's personal estate was enriched or enhanced. The Committee made no inquiry into the question whether the amounts received by Senator Dodd by way of campaign contributions and testimonial funds exceeded his total expenditures for campaign and political purposes, so that he reaped a net personal profit. As is demonstrated in Appendix C hereto, Senator Dodd's expenditures for political purposes exceeded by a substantial margin the amounts he received from campaign contributions and testimonial proceeds taken together.

The Committee's whole effort was to determine, not whether there had been a net diversion of funds to Senator Dodd's personal use, but whether, by a tracing of the funds received, it could be established that some of the funds from the testimonial or campaign contribution accounts were expended for purposes which might be characterized as "personal."

Thus, the first proposition upon which the Committee's conclusion is obviously based is the proposition that a Senator must at all times segregate in separate bank accounts, or by other means, personal funds on the one hand, and campaign or political funds, on the other. That this was a fundamental basis for the Committee's conclusion is also evidenced by the Committee's frequent references in its Report to the fact that there was a "mingling" of funds in these categories. See, for example, the Committee Report at pages 18, 20, 22, 23.

While such an "anti-mingling" rule might be a desirable and beneficial one, one while it might be sound as a matter of housekeeping in connection with the management of one's personal affairs, it has certainly never been accepted or adopted as a binding rule for the violation of which punishment should be imposed. In other words, even with respect to funds clearly designated by the donor as campaign contributions, while it might generally be recognized that funds in the amount of the donations should be put to political or campaign use, it has never, to our knowledge, been seriously advanced that the amounts so contributed must, under penalty of punishment or ostracism, be regarded as a trust *res,* and treated as such.

The second proposition upon which the Committee's conclusions are based is that, whenever a political candidate or officeholder is the beneficiary of a fund-raising "testimonial" the funds from which are to be devoted, in *whole* or in *part,* to his own personal use, those contributing must be specifically advised that the funds are intended for the personal use of the beneficiary. Thus, the Committee, in condemning Senator Dodd, pointed out that the notices of the fund-raising events, in some instances, "failed to state for what purposes the funds were to be used." *(Report, p. 25.)* The Report further commented that "not one solicitation letter, invitation, ticket, program, or other written communication informed the public that the funds were to be used for personal purposes." The Committee went on to find that "part of the proceeds" from these testimonials was used for his personal benefit. The Committee's obvious hypothesis was that it is only where the donors are specifically told that the funds are to be used for personal purposes that they may be so employed.

That this was an underlying principle which guided this Committee's action is also evidenced by the fact that the Committee did not, in its conclusions, distinguish between the various fund-raising dinners and other functions from which Senator Dodd received proceeds. With respect to the 1961 fund-raising dinner there was no evidence whatever that Senator Dodd, anyone acting for him, or anyone connected with the arranging for or conducting of, the dinner, represented in any way that the funds were to be used for campaign or political purposes. Thus, the materials relating to that dinner and annexed to the Stipulation of Facts as Appendices 1, 2, 3, and 4, consistently described the affair only as a "testimonial." The dinner was held in the middle of Senator Dodd's term. The Arthur Powers' letter soliciting contributions in connection with that dinner emphasized that it was a "nonpartisan tribute." Of the seven newspaper articles in the record relating to this dinner, six emphasized its "non-partisan" character, and two referred prominently to some of the Republicans present.[3] The Committee's inclusion of the proceeds from this dinner in the funds alleged to have been improperly diverted makes it clear that the Committee was resting on the proposition that any "testimonial" for a political candidate or officeholder must be presumed to have been for the purpose of raising campaign funds, unless some other purpose is explicitly stated. Such a rule is not only completely unsupported by any rule of law, generally accepted morals, or popular understanding, but is, indeed, contrary to the common understanding of such affairs.

The giving of "testimonial" dinners and other functions is not confined to the honoring of political figures. Thus, such functions are frequently given in tribute to people of accomplishment in many fields. Indeed, "testimonial" has been defined as "an expression of appreciation: token of esteem: tribute",[4] and as "a gift presented to someone by a number of persons as an expression of appreciation or acknowledgement of services or merit, or of admiration or respect."[5]

The Committee's treatment of these "testimonials" also ignored the multitude of affidavits submitted by persons who attended these affairs stating that they understood the money donated to have been intended for Senator Dodd's personal use. While it is true that such affidavits were not obtained from all of those in attendance at the affairs, it is also true that there was no contrary evidence or testimony given by any contributor to any of them.

Our contention that there is no common understanding or commonly accepted principle that "testimonial" funds must be used only for campaign purposes also finds considerable support in testimony given by Senator Everett M. Dirksen in the trial of William G. Stratton which is reported as *United States* v. *William G. Stratton*, 15 A.F.T.R. 2d 775 (N.D. Ill. March 10, 1965). Senator Dirksen testified in part as follows:

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[2] Senator Dodd has consistently supported, and voted for, legislation of this sort. For example, on July 27, 1964, S. 337, a bill introduced by Senator Jordan, was brought to the Senate floor for action. The bill would have required a disclosure of business interests. On the floor an amendment was offered to strengthen the bill. This was the Clarke-Case amendment. Senator Dodd voted for this amendment, but it was defeated by a vote of 60 to 25. Then Senator Williams offered an amendment which would have required each Senator to report to the Ethics Committee once a year his assets and liabilities and a copy of his tax return. Senator Dodd voted for this amendment but it too was defeated, this time by a vote of 59 to 27. Finally, a motion to recommit was entertained and it was carried. Senator Dodd voted against the recommittal motion. The recommittal motion resulted in a bill with no financial disclosure provisions.

[3] Indeed, the only references in the press to the fact that some of the proceeds might be used for campaign purposes were in two articles which appeared after the dinner (and therefore could have had nothing to do with the intent of the donors). The *Hartford* Times reported that "*Some* of the money, it was reported will be used to clean up a deficit outstanding since Mr. Dodd's 1958 campaign." The New Britain News reported that the Treasurer of the committee "said the money will help Sen. Dodd meet his campaign deficit." The treasurer, Mr. Powers, denied under oath ever having made such a statement (Tr. 635–36).

[4] Webster's Third International Dictionary. It is interesting to note that this source cites as examples of the use of the word the following: "The testimonial planned in his honor" and "as a testimonial to his war service, he was . . . made the recipient of a sword of superb workmanship."

[5] Oxford Universal Dictionary, 3rd ed.

"Q. Where a candidate receives a contribution from a supporter, is there any requirement with respect to how he uses that money?

"A. By requirement I would assume you mean a ruling or a regulation or an interpretation of existing law.

"There could be such rulings, of course, by the Internal Revenue Service, but I know of nothing in existing law with respect to an interpretation that very specifically puts a restriction on him as to how he uses it once the contribution or the gift has been made for that purpose." (Transcript, p. 7587)

Senator Dirksen recognized that it is common practice to accept private contributions for use in defraying expenses which are "personal" but which are one of the inescapable costs of holding public office:

"Q. Senator, with respect to the demands that are made upon a man in public office, how does he normally meet those demands?

* * *

"A. It is wholly a matter of judgment and capacity, and if counsel will permit, I can only say that I got rather curious about the demands on myself over a period of time, and we clocked them for a period of about six months, and generally speaking they ran at the rate of roughly a hundred dollars a day. Those are all forms of demands, for political purposes, for nonpolitical purposes, contributions where a church burned down or where a church wanted a new pipe organ or where they wanted to send a girls' basketball game to a league performance out east somewhere, and they are as varied as human activity.

"So we just lumped them all together and they ran at the rate of a hundred dollars a day.

"Well, manifestly that would exceed your entire salary, and how would you meet it unless you had sustaining funds out of which you could take care of it?

"So you have to become very selective about meeting demands of that kind.

"Q. And from where are such funds obtained?

"A. Well, there are helpful contributions from those who recognize the difficulty that public service interposes for you, and you undertake to use such funds, if you can, for that purpose." (Transcript, pp. 7588–90)

Senator Dirksen particularly recognized that a man in public office receives both general gifts and campaign contributions and that it is sometimes difficult both to distinguish between them and to determine what, if any, limitations should properly be imposed on the use of either:

"Q. I have a question or two, Senator:

"You discussed earlier two types of contributions which I understood you recognized as typically received by candidates or political leaders, politicians, one, campaign contributions and, two, general gifts, if I understood you correctly.

"Is that right?

"A. Yes.

"Q. In your experience do you have contributions received which are of two different types?

"A. Yes, I think so, and may it please the Court, let me illustrate for example: There are such committees as the National Senatorial Campaign Committee, which both parties maintain. A man may send a contribution to that committee that may be earmarked for me or for any other senator. There is no interdiction on it, no indication as to how it shall be spent.

"So if that contribution does reach me I would feel free to spend it in any way that my personal judgment dictated.

"Now in addition to that you get contributions that come directly to you, intended, of course, for the campaign that happens to be at hand, so there is a little bit of distinction there, I am quite sure. However, I don't know that there is any particular prohibition on how you should spend either one of these contributions." (Transcript, pp. 7626–7)

While the Select Committee apparently proceeded on the assumption that the description of a fund-raising function as a "testimonial" warranted the presumption that the proceeds were to be used for campaign purposes, it seems clear that an opposite presumption would be more warranted. In common parlance, it is submitted, a "testimonial" is a function to honor and give tribute to an individual; it would commonly be assumed that the benefits accruing to the person honored were for his unrestricted use.[6]

Thus, the second, highly questionable, principle which the Committee used to judge Senator Dodd's conduct was the proposition that no funds from a "testimonial" may be used for the personal benefit of the person honored unless those attending or contributing are specifically informed that such use is intended.

The third novel proposition upon which the Committee relies is that political funds must be used exclusively within "the political campaign period" and within the constituency for which they are solicited. This reliance is demonstrated by the fact that the Committee found that "Senator Dodd used at least $116,083" of "political" funds for his personal purposes[7] and, in describing the uses to which this amount was put, indicated that there was included within this $116,083 some amount which the Committee had allocated there because it constituted expenditures "incurred by Senator Dodd outside of Connecticut or by members of his family or his representatives outside of the political campaign period." Again, there is certainly no generally recognized rule of law or public morals that prescribes that money given for campaign purposes must be used within the jurisdiction embracing the office sought—particularly in a case such as this where it has been stipulated that some of the campaign funds were raised outside of Connecticut (Stipulation, ¶¶ 50–52, 55–56).

Nor is there any presently existing statute, rule or regulation which proscribes the expenditure of campaign funds other than for, or during the period of, a particular campaign. Indeed, the applicable rule for tax purposes is to the contrary. Thus, Revenue Ruling 54–80, 1954–1 Cumulative Bulletin p. 11, dealing with "political contributions" provides that: "Contributions to political organizations are customarily made with the intent and understanding that they be used for the expenses of a political campaign *or for some similar purpose*." The ruling goes on to say that "Where a political gift is received by an individual or a political organization and it is held or used for the purposes intended, *i.e.*, for present *or future* expenses of a political campaign *or for some similar purpose*, it is not taxable income to the recipient." Accordingly, even the Treasury Department[8] has recognized that contributions in connection with a particular campaign need not be expended solely on that campaign.

Finally, the Committee's conclusions are also based upon its finding, to which it apparently accorded considerable weight that: *"Senator Dodd exercised the influence and power of his office as United States Senator to directly or indirectly obtain funds from the public* through testimonials which were political in character, over a period of five years from 1961 to 1965." The Committee's assumption apparently was that it is contrary to law or public morals for a man in public office to engage in activities which are abetted by the prestige which he has in that office and which result in pecuniary benefit to him. While the scope of the principle upon which the Committee relied is not clear, it is not immediately apparent why, if it is applied at all, it ought not be applied to speaking tours, or any other public appearance from which a pecuniary benefit accrues. It should not require extended argument to demonstrate that no clear legal or moral rule has ever been formulated in this area.

C. The impropriety of the standards applied

It is evident that Senator Dodd has been judged against standards newly minted by the Select Committee. He faces, as a consequence, a severe punishment—a vote of censure which is intended to hurt him and which, if implemented, will hurt him.

Such a judgment and such a punishment cannot be squared with the Constitution of the United States.

In *Cummings* v. *Missouri*, 71 U.S. (4 Wall.) 277 (1867), the Supreme Court struck from the Reconstruction Constitution of Missouri a provision which would have barred from the exercise of the priestly office any person who did not take an oath that he had not supported the Confederacy or performed other acts reflecting something less than wholehearted support for the Union cause.

The Court, through Mr. Justice Field, said:

"The disabilities created by the constitution of Missouri must be regarded as penalties—they constitute punishment. We do not agree with the counsel of Missouri that 'to punish one is to deprive him of life, liberty, or property, and that to take from him anything less than these is no punishment at all.' The learned counsel does not use these terms—life, liberty, and property—as comprehending every right known to the law. He does not include under liberty freedom from outrage on the feelings as well as restraints on the person. He does not include under property those estates which one may acquire in professions, though they are often the source of the highest emoluments and honors. The deprivation of any rights, civil or political, previously enjoyed, may be punishment, the circumstances attending and the causes of the deprivation determining this fact." (71 U.S. at 320).

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[6] The Committee attempts to provide some basis for distinguishing testimonials in behalf of Senator Dodd from other testimonials by characterizing them as "political in character." Admittedly they were "political" in the sense that the principal accomplishments of the man being honored were in the area of politics; they were "political" in the same sense that a testimonial for a minister is religious—for a doctor, medical. The Committee refers to the fact that the funds from the affairs were under the control of members of Senator Dodd's staff, the participation by members of Senator Dodd's staff, the political relationship between Senator Dodd and the sponsors, and the like. It does not appear, however, that any of the facts referred to would warrant the inference that persons donating to, or attending, such affairs should presume that the funds are to be employed only for campaign purposes.

[7] Since the Committee does not indicate in its Report, and has not otherwise advised Senator Dodd or his counsel, as to the complete make-up of the $116,083 of expenditures it found to be "personal", it is not possible to examine in detail its findings in this area. We note, however, the inordinate difficulty of determining, with respect to a man in political life, where his personal expenses end and where his political expenses begin. Senator Everett M. Dirksen has testified, in proceedings referred to *supra*, that, for example, "the purchase of clothing by a man that is frequently and constantly campaigning . . . could well be a political expense." (Transcript, pp. 7623–24.) In Appendix C hereto we have demonstrated that Senator Dodd's political expenditures were sufficient to absorb all of the funds received.

[8] The ruling does not of course speak to the question when a gift is a "political" contribution and when it is not. Thus, it does not answer the question whether a "testimonial" donation is "political" or personal.

It went on to define "*ex post facto* law":

"By an *ex post facto* law is meant one which imposes a punishment for an act which was not punishable at the time it was committed; or imposes additional punishment to that then prescribed; or changes the rules of evidence by which less or different testimony is sufficient to convict than was then required." (71 U.S. at 325–28)

On the same day that it decided *Cummings* the Court also struck down a Reconstruction statute which, in effect, barred a Confederate Senator and others who had supported the Confederacy from practicing before the Bar of the Supreme Court. *Ex Parte Garland,* 71 U.S. (4 Wall.) 333 (1867).

In *Burgess* v. *Salmon,* 97 U.S. (7 Otto) 381 (1878), the Court again recognized the broad sweep of the Constitutional provision outlawing the *ex post facto* imposition of punishments and penalties. Sustaining the dismissal of a Government *Civil* suit to recover allegedly unpaid taxes, the Court said:

"In the present case, the acts and admissions of the government establish the position that the duties exacted by law had been fully paid, and the goods had been surrendered and transported before the President had approved the act of Congress imposing an increased duty upon them.

"To impose upon the owner of the goods a criminal punishment or a penalty of $377 for not paying an additional tax of four cents a pound would subject him to the operation of an *ex post facto* law.

"* * * the *ex post facto* effect of a law cannot be evaded by giving a civil form to that which is essentially criminal." (97 U.S. at 384–85)

United States v. *Lovett,* 328 U.S. 303 (1946), although decided under the bill of attainder branch of the constitutional clause, also is relevant. There the Un-American Activities Committee of the House of Representatives, after conducting hearings, concluded that three federal employees were guilty of "subversive activities" and procured the enactment of a rider to an appropriations bill which barred the use of federal funds to pay them salaries.

As explained by the Court:

"The committee, stating that 'subversive activity' had not before been defined by Congress or by the courts, formulated its own definition of 'subversive activity' which we set out in the margin. Respondents Watson, Dodd, and Lovett were, according to the subcommittee, guilty of having engaged in 'subversive activity within the definition adopted by the committee.' " (328 U.S. at 311)

Such a procedure could not stand:

"No one would think that Congress could have passed a valid law, stating that after investigation it had found Lovett, Dodd, and Watson 'guilty' of the crime of engaging in 'subversive activities,' defined that term for the first time, and sentenced them to perpetual exclusion from any government employment. Section 304, while it does not use that language, accomplishes that result. The effect was to inflict punishment without the safeguards of a judicial trial and 'determined by no previous law or fixed rule.' The Constitution declares that that cannot be done either by a State or by the United States." (328 U.S. at 316–17)

Senator Dodd has been condemned, not cause he violated accepted rules, but because his situation, in which he required financial aid in order to hold public office, illustrates a problem which troubles every thoughtful American. That problem is the one of financing participation in public life in an age when the cost of even minimal communication with a large constituency far exceeds any salary which has ever been paid to any official.

From Senator Dodd's case a reasonable man could draw the conclusion that more detailed and specific regulation is required. But from the Committee's conclusions a fair man, conscious of the limitations of our Constitutional system, can only go forward to formulate new rules. He cannot go back, as the Select Committee went back, to measure that which has been done in the past by standards which have yet to be formulated and adopted.

II. Senator Dodd's constitutional rights were infringed by the select committee's use of stolen documents and the fruit of those documents

A. The Stealing of the Documents and Their Use by the Committee and Its Staff

The facts concerning the removal of documents from Senator Dodd's files were clearly established by the testimony of the persons involved:

James P. Boyd, Jr., former administrative assistant to Senator Dodd, testified that on Saturday and Sunday, June 12 and 13, 1965 and again on the following weekend, June 19 and 20, 1965, he made a total of seven entries into the Senator's office for the purpose of removing documents, copying them elsewhere, and covertly replacing the originals (T. 122–123). On four of these occasions he was accompanied by Mrs. Marjorie Carpenter, Senator Dodd's former personal secretary (T. 123), with whom Boyd was romantically involved (T. 214). Boyd and Mrs. Carpenter were able to enter the Senator's office after they had both been dismissed since Mrs. Carpenter had obtained a key for this purpose in January, 1965 (T. 123, Exec. T. 288), shortly after she had been dismissed by Senator Dodd, on December 7, 1964 (T. 123, 215).

They copied the documents they had taken, returned the originals,[9] and immediately delivered the copies to columnist Jack Anderson. (T. 159, 164)

Boyd brought Michael V. O'Hare, a former aide to Senator Dodd, to meet Anderson for the purpose of inducing him to remove additional documents (T. 243). Boyd thought that having a contact inside the Senator's office was preferable to making surreptitious trips himself (T. 184). Before O'Hare met Anderson, he was not an active participant and had doubts about the advisability of removing documents (T. 157, 243). After Senator Dodd had fired Terry Golden, with whom O'Hare was romantically involved (T. 243), and after his meeting with Anderson, O'Hare [10] removed large numbers of documents, also turning copies of them over to Anderson (T. 243). Miss Golden also participated in the removal of documents (T. 157–158).

James Boyd testified that his purpose in obtaining the documents was "to assure public disclosure of the facts in the hope that this would ultimately result in some form of official investigation into the conduct of Senator Dodd." (Committee Report, p. 31, Hearings, Part 1, pp. 170–71).

Approximately 4,000 documents were taken (T. 123).

The stealing of the documents from Senator Dodd's office gave rise to the Committee investigation which ultimately ensued. Copies of those documents were obtained by the Committee and used by its staff. While the Committee states in its Report that it decided that "it would be improper to use documents taken without consent from a Senator's office and therefore obtained all facts through its own independent investigation" (p. 12), it is evident that copies of the documents were reviewed by the Committee's staff and that facts gleaned from those documents were used by the Committee in its investigation.

Thus, at the outset of the hearings relating to Senator Dodd's relationship with Julius Klein, Senator Stennis, Chairman of the Committee, commented:

"Among the evidence examined by our staff were over four thousand documents which had been removed from Senator Dodd's files." (Hearings, Part 1, p. 3.)

These four thousand documents included both the documents bearing on the Klein matter and those bearing on the subsequent investigation of Senator Dodd's financial affairs.

In any event, an analysis of the proceedings before the Committee demonstrates that the stolen documents provided information which the Committee used in pursuing its inquiry. Specific illustrative instances are as follows.

1. On December 16, 1966, Benjamin R. Fern, Chief Counsel to the Committee, wrote the Institute for American Strategy requesting an affidavit regarding their payment to Senator Dodd for travel expenses. Mr. Fern stated that "the Committee has received information that Senator Dodd received a payment of $358.63 from the Institute, by Check No. 3257 dated December 30, 1964." There is only one source where this information could have been obtained—from the ledgers taken from Senator Dodd's office. Mr. Fern had subpoenaed the records of Riggs National Bank but neither the bank statement nor the deposit slip detailed this specific information.

2. On December 16, 1966, Mr. Fern wrote the American Medical Political Action Committee requesting information concerning their payment to Senator Dodd of travel expenses. He stated that "the Committee has received information that Senator Dodd received payments of $2,000 and $739.08, by AMPAC Checks Nos. 3669 dated June 17, 1964 and 3740 dated July 8, 1964". Again, the ledgers taken from Senator Dodd's office was the only record of this transaction in complete detail. The bank statement and the deposit slip do not disclose any of these details.

3. Another instance concerns a trip by Senator Dodd to Orlando, Florida. Again, details concerning this trip can only be found

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[9] It appears that either by inadvertence or design, not all of the documents taken were actually returned. See, e.g., the discussion concerning the diary of Senator Dodd's 1964 trip to Germany, a highly relevant and favorable document to Senator Dodd, which could not be located in the Senator's office but, fortunately, a copy of which was found at his home (T. 428).

[10] O'Hare, Senator Dodd's principal accuser, admitted under oath to having endorsed and cashed 19 checks drawn on Senator Dodd's personal bank account and made out to cash (Hgs., pp. 758–759). O'Hare's testimony that these checks cashed by him, which totaled over $2,000, had been signed by Senator Dodd in his presence was flatly contradicted by Charles Appell, one of the country's leading handwriting experts and for 25 years head of the F.B.I.'s section devoted to questioned documents. Mr. Appell concluded that none of these checks had been signed by Senator Dodd (Hgs., pp. 797–798).

in the ledgers of Senator Dodd and cannot be obtained from bank statements and deposit slip.

4. On June 9, 1966, a subpoena was issued to Lazarus Hayman, concerning a loan to Senator Dodd. The subpoena was specific in amount and date. This information could only be found in the ledgers and not in the bank statement and deposit slip.

5. By letter dated June 21, 1966, the Committee requested information about a second loan from Lazarus Hayman. The letter was specified as to the date, amount and check number of the loan, information which could only be obtained from the ledger and not the bank statement nor the deposit slip.

In each of these instances, and undoubtedly many others, the Committee used information which could only have come from the stolen documents in pursuing its investigation.

B. The Impropriety of the Committee's Action

The Fourth Amendment to the United States Constitution provides as follows:

> "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searchers and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Obviously, the security of Senator Dodd in his "papers, and effects" has been seriously violated by the theft of a great mass of his private and personal records, and the subsequent use of these documents to provide evidence to be used as a basis for censure or other punishment. No public official can be "secure" within the meaning of the Fourth Amendment if his private office may be thus invaded, lawlessly and by stealth, and material so acquired used to prosecute him. The question then becomes whether the dictates of the Fourth Amendment are inapplicable because of any special circumstances present in this case.

In *Burdeau* v. *McDowell,* 256 U.S. 465 (1921) it had been held that the Fourth Amendment was directed only toward acts by governmental officials and did not preclude the use in a prosecution of evidence unlawfully obtained by a private person and subsequently delivered to the police or prosecutor. From this proposition it was deduced that, where evidence had been unlawfully obtained by State officials there was no bar to its use in a federal prosecution. *Byars* v. *United States,* 273 U.S. 28, 33 (1927); *Feldman* v. *United States,* 322 U.S. 487, 492 (1944).

In a strong dissent in the *Burdeau* case, in which he was joined by Justice Brandeis, Justice Holmes observed:

> "Plaintiff's private papers were stolen. The thief, to further his own ends, delivered them to the law officer of the United States. He, knowing them to have been stolen, retains them for use against the plaintiff. Should the court permit him to do so?
>
> ". . . In the development of our liberty insistence upon procedural regularity has been a large factor. Respect for law will not be advanced by resort, in its enforcement, to means which shock the common man's sense of decency and fair play." (256 U.S. at 476–77)

For many years the rule of the *Burdeau* case was consistently followed in the federal courts. Finally, however, in 1960 in *Elkins* v. *United States,* 364 U.S. 206, 217 the Supreme Court rejected the previous rule that evidence unlawfully obtained by state authorities could be properly used in a federal prosecution.

As is pointed out in *Note, Exclusion of Evidence Obtained by an Unreasonable Search in a Civil Action,* 48 Cornell L.Q. 345 (1963), "the authority of [*Burdeau* v. *McDowell, supra*], however, after Elkins and Mapp is in serious doubt today", *id.,* n. 13 at 347. As the Court stated in *Elkins,* "to the victim it matters not whether his constitutional right has been invaded by a federal agent or by a state officer", 364 U.S. at 215. It can hardly reassure the victim that the invasion was effected by a private person who acted with the avowed intent of delivering the stolen papers to the authorities to be used as evidence in a prosecution.

If the federal authorities may not use illegally seized evidence handed to them on a "silver platter" by overzealous state police, there is little logic in allowing them to use similar evidence when provided by a private person acting on his own initiative. Indeed, there is less: for the police officer at least is invested with his authority by the due forms of law, and is governed and restrained by his position as a public servant who acts in the realization that his conduct will be subject to the scrutiny of his superiors, of the courts, and of the public press. Private individuals act only on their own authority, as so many self-appointed attorneys-general, and are subject to no such restraints. Whether motivated by a personal grudge or by a sincere belief that he must act the vigilante for the public good, the private citizen who takes upon himself the power of investigating and prosecuting his fellow-citizens is as real a danger to the right of privacy and security guaranteed by the Fourth Amendment as is the overzealous policeman.

The conduct engaged in by Dodd's former employees—"to rummage at will among his papers in search of whatever will convict him", Learned Hand, J. in *United States* v. *Kirschenblatt,* 16 F.2d 202 at 203 (2d Cir. 1926)—would have rendered all such evidence inadmissible if done by government employees, or, presumably, if done by these private persons at the instigation of federal agents. Can it be said that Senator Dodd's "right to be secure in [his] . . . papers" is the less effectively destroyed because these papers were stolen in the first instance by private vigilantes, rather than by overzealous police officers?

At least one Court of Appeals has assumed that the decision in *Elkins* "changed" the "silver platter" rule both to private persons as well as state officials. *Williams* v. *United States,* 282 F. 2d 940, 941 (6th Cir. 1960). While other cases have continued to distinguish between "private" and "official" action, *e.g., United States* v. *Goldberg,* 330 F. 2d 30, 35 (3d Cir. 1964), cert. denied, 84 S.Ct. 1630; *Knoll Associates, Inc.* v. *Dixon,* 232 F. Supp. 283, 286 (S.D.N.Y. 1964), some of those which have done so have been badly split on the question. Thus, in *Sackler* v. *Sackler,* 15 N.Y. 2d 40, 203 N.E. 2d 481, 255 N.Y.S. 2d 83 (1964), a civil action for adultery based on evidence secured by the forcible breaking-into of defendant's home, the New York Court of Appeals held (5–2) that *Burdeau* v. *McDowell, supra,* remained "the definitive holding that the Fourth Amendment has nothing to do with non-governmental intrusions", 15 N.Y. 2d at 43, 203 N.E. 2d at 483. However, it is noteworthy that the trial judge, the dissenters from the 3–2 decision in the Appellate Division, and two judges of the Court of Appeals, all believed that "*Burdeau* v. *McDowell* . . . was, in effect, overruled by *Elkins* v. *United States*", 15 N.Y. 2d at 45, 203 N.E. 2d at 484 (Van Voorhis, J., dissenting).

It is becoming increasingly difficult for courts to avoid the conclusion embodied in *Elkins,* that the privacy and security of one's personal belongings is as effectively destroyed whatever the identity of the intruder whose trespass is retroactively rewarded by a successful prosecution based on use of the evidence so obtained. The "private person" exception to the now-uniform rule of exclusion of illegally-seized evidence will provide a continuing temptation to overzealous prosecutors and law enforcement officials, both state and federal, to conduct illegal searches and seizures through the agency of "private" undercover agents and informers. In addition, continuance of the rule will perpetuate the kind of situation declared lawful in *Sackler* v. *Sackler, supra:* encouraging private citizens engaged in private civil litigation to resort to forcible and lawless intrusions into the homes and offices of their opponents, to obtain whatever evidence is desired, secure in the knowledge that whatever tort "remedies" the victim may have, he or she is powerless to prevent the public use of such evidence in a court of justice.

It is submitted that the *Elkins* decision should be carried to its logical conclusion and that the Fourth Amendment should be construed to bar the use in litigation or punitive proceedings of unlawfully seized or stolen evidence, whoever the thief may be.

It is, of course, clear that there is nothing about the nature of the proceedings before the Senate which exempt them from the requirements of the Fourth Amendment. As we have noted above, the Bill of Rights is fully applicable to Congressional investigations. *Watkins* v. *United States,* 354 U.S. 178 (1957). As the Court pointed out in *Nelson* v. *United States,* 208 F. 2d 505, 513 (D.C. Cir. 1953), "The Fourth Amendment exempts no branch of the Federal government" and "this constitutional guaranty applies with equal force to executive, legislative, and judicial action."

The only remaining question is whether there is anything about Senator Dodd's status as a Senator which puts him beyond the protection of the Fourth Amendment. We know of no authority to the effect that by becoming an elected or appointed governmental official an individual forfeits his right to the protection of the Fourth Amendment.

The Amendment has, of course, been held to be broadly applicable to people in all walks of life and even though they may be under duties or disabilities that differentiate them from most citizens. Thus, it has been held that the Fourth Amendment protects aliens, *United States* v. *Wong Quong Wong,* 94 Fed. 832, 834 (D. Vt. 1899); *United States ex rel. Mezei* v. *Shaughnessy,* 195 F. 2d 964, 967 (2d Cir. 1952), and parolees, *Brown* v. *Kearney,* 355 F. 2d 199, 200 (5th Cir. 1966). It protects artificial persons, *i.e.,* corporations. *United States* v. *Morton Salt Co.,* 338 U.S. 632 (1950). The Fourth Amendment is broadly drawn; it is unlimited as to the persons to whom it applies.

It might be suggested that a Senator, because he is a "public official", is entitled to less privacy than is the private citizen, by analogy with the reasoning which holds that his right to maintain a libel action is circumscribed by his status as a public official, *New York Times Co.* v. *Sullivan,* 376 U.S. 254 (1964). However, the policy considerations which dictated the holding in *Sullivan* were the urgent necessity of preserving the public's freedom to freely criticize those men entrusted with the public's business, and the dangers of allowing those men to use the libel suit as a weapon with which to crush critics. 376 U.S. at 291, 292.

The result in the *Sullivan* case was dictated by the Bill of Rights, not in contravention of it. It is one thing to say that free speech with respect to the activities of public officials is so important that, once having placed himself in the spotlight of public office, such an official has severely restricted his capacity to secure redress for the things said about him. It is quite another to say that by holding public office he has forfeited his rights as a citizen so far that unlawful invasion of his privacy and personal effects is to be encouraged and rewarded. Are public officials to be less protected from such intrusion than persons charged with the most heinous crimes?

No one could reasonably claim that the First Amendment right to free speech, and to the fearless criticism of an elected official, necessarily includes the right to burgle that official's home or office in order to obtain evidence against him. To state such a proposition is to refute it.

It is true that the cases have always recognized that the Fourth Amendment is to be construed less strictly in regard to certain quasi-public types of records, *i.e.*, those records and reports required by law to be kept in order that there may be suitable information available to the government with respect to transactions which are the appropriate subjects of government regulation. See, *e.g.*, *S.E.C.* v. *Olsen*, 354 F. 2d 166, 170 (2d Cir. 1965); *Peeples* v. *United States*, 341 F. 2d 60, 64 (5th Cir. 1965), *cert. denied*, 380 U.S. 988; *Davis* v. *U.S.*, 328 U.S. 582, 593 (1946). This is a well-established doctrine, but it has no application to the facts of this case. The records stolen from Senator Dodd, and upon which his recommended censure is based, are not claimed to be this "public" kind of records. Rather, they were the private papers of a citizen who has been elected to representative office under the Constitution and laws of the United States. Indeed, every citizen must be concerned if the private papers of an elected representative may be stolen with impunity, and thereafter used by the government in an inquisitorial process to destroy his reputation.

CONCLUSION

For all of the reasons indicated, the deliberations and judgment of the Select Committee denied to Senator Dodd the protections of fairness and due process which in this country are universally applied to those charged with misconduct.

For the Senate to sanction such procedures by accepting the Committee's recommendations would not only be unfair to Senator Dodd, it would establish for future proceedings a dangerous and destructive precedent.

Respectfully submitted.

CAHILL, GORDON, SONNETT,
REINDEL & OHL,
Counsel for Senator Thomas J. Dodd.

APPENDIX A

[From the office of Senator EUGENE J. MCCARTHY, Senate Office Building, Washington, D.C.]

APRIL 27, 1967.

MCCARTHY EXPECTS SENATE APPROVAL OF THE DODD CASE

Following are Senator Eugene J. McCarthy's (DFL–Minn.) comments on the Dodd report:

"The report on the Dodd case together with the conclusion and the recommendations on the resolution I am sure will be subject to some criticism. It was difficult to get agreement within the Committee itself. Each member of the Committee had some reservations about some aspects of the report or about some of the language.

"The Committee is not a court required to pass on legal questions since a member of the Senate is subject to the same laws as any other citizen. The special responsibility of the Committee is for standards and conduct. Possible violations of law were referred to the appropriate agencies of the Government. Since no formal or official code of ethics for the Senate has yet been established, it was difficult to move in the area of ethical and moral standards. The Committee did attempt to pass a fair judgment on the basis of what it considered to be the generally accepted standards and also on the basis of the rules and standards which it anticipated may be recommended and eventually accepted by the Senate.

"I expect that the Senate will approve our report and also pass the resolution."

APPENDIX B

U.S. SENATE,
Washington, D.C., May 4, 1967.

Re Reimbursed Travel Expenses.

DEAR SENATOR: The Select Committee on Standards and Conduct of the United States Senate (the "Ethics Committee"), in its report to the Senate dated April 27, 1967, has proposed that I be censured on two grounds: *viz.*, (1) that I received multiple reimbursement for certain travel expenses including reimbursement by the U.S. Senate; (2) that I spent political funds on personal expenses.

The purpose of this letter is to set forth the facts concerning the first charge to the extent they are not reflected in the report of April 27, 1967.

It is certainly reasonable to assume that negligent error by my bookkeeper would not form the basis for a recommendation of censure. Accordingly, although not stated, it appears that the first ground for the proposed censure is that I knowingly received from the Senate between 1961 and 1966 the admittedly erroneous reimbursement for travel expenses referred to in the report of April 27, 1967.

During the period in question, 1961 through 1966, I made more than 80 trips for which I was reimbursed either by the Senate or by private organizations. The Ethics Committee's proposed censure relating to reimbursed expenses is based on seven of these more than 80 trips and involves a total reimbursement to me of $1,767.14. The points that I wish you would bear in mind in considering this may be summarized as follows:

(i) Michael V. O'Hare, my former bookkeeper, who leveled this charge of double billing against me in the first instance, was in charge of all travel matters for me between May, 1961, and January, 1966;

(ii) O'Hare made numerous mistakes both in requesting reimbursement for travel expenses and in failing to do so—this is evidenced in part by five letters which are enclosed herewith and by the Stipulation of March 11, 1967, between me and the Ethics Committee;

(iii) One of O'Hare's mistakes was in failing to claim reimbursement from the Senate to which I was entitled for travel between Washington and Connecticut. His error here resulted in a loss to me of between $1,092.00 and $1,837.57; depending upon the mode of travel;

(iv) Two of the errors made by O'Hare, and corrected by him, pursuant to the letters enclosed, resulted in a transfer to my personal travel account of charges previously billed in error to Senate Subcommittees; and

(v) Two of the erroneous billings took place prior to O'Hare's employment and two took place after O'Hare had transferred his allegiance to Drew Pearson and Jack Anderson.

In light of the foregoing, all of which is set forth in more detail below, it is and has been my consistent position that these erroneous reimbursements by the Senate were the product of negligence on the part of my bookkeepers and not an intentional act on their part and, in any case, certainly not known or directed by me. To this I might add only one qualification. Recognizing that the last two erroneous double billings by O'Hare took place after his secret defection, they may indeed have resulted from a conscious effort on his part.

It is uncontested that on the seven occasions referred to in the Ethics Committee report, the Senate erroneously reimbursed me for a previously or subsequently reimbursed travel expense. However, what is not reflected in the report, although reflected in the Stipulation of March 11, 1967, paragraph 108, is the fact that on 21 occasions, between 1961 and 1966, I incurred travel expenses on official business of the U.S. Senate for which I was entitled to be reimbursed under 2 U.S.C. Sec. 43(b) and for which reimbursement was neither received nor claimed. The total dollar amount involved in the seven erroneously reimbursed trips is $1,767.14, and the total reimbursement involved in the twenty-one trips to which I was entitled and for which no claim was ever made was between $1,092.00 or $1,837.50, depending on the mode of travel (see Stipulation of March 11, 1967, paragraph 109). Hence, the maximum erroneous reimbursement is $675.14.

O'Hare was charged with the responsibility for claiming reimbursement for me regarding travel on official Senate business. In his testimony before the Ethics Committee, O'Hare contended that on five separate occasions from 1961 to 1965 he was specifically instructed by me to claim improper reimbursement from the Senate for travel which was reimbursed to me by an outside organization. The amount of the erroneous reimbursement by the Senate on each of these five occasions ranged from $163.63 to $397.27. Against the background contention by O'Hare, an apt contrast is provided by O'Hare's explanation of his failure to claim reimbursement for the twenty-one trips for which it has been stipulated that I was entitled to reimbursement even after O'Hare, by his own admission, learned in 1965 of the right to reimbursement. O'Hare stated:

"In order to gain reimbursement I would have had to do a complete audit . . . for that year or maybe year and a half . . . and for the sake of just two or three trips this was just too arduous a task for me to do at this time." (T. 1255–56)

O'Hare's claim of conscious erroneous billing must also be contrasted with the fact that two of the seven erroneous billings, one in the amount of $24.53 and the other $127.82, took place prior to O'Hare's employment.

Perhaps the most important fact to be taken into account in this connection is that in 1962 and again in 1963, O'Hare caused travel originally charged to a Senate Subcommittee to be transferred to my personal travel account. This is reflected in the letters attached hereto as Exhibits 1 and 2 (these letters were not accepted as a part of the record in the Ethics Committee invesigation). It is impossible to square these letters with O'Hare's testimony that I had instructed him to consciously double bill on five separate occasions spanning the years 1961 to 1965.

When these letters are considered with the fact that two of the seven erroneous billings took place prior to O'Hare's employment and the concession of O'Hare that two took place after he had switched allegiance from me to Pearson and Anderson, the only rational conclusion here is that these multiple reimbursements were a product of human error with the possible exception of the last two. These last two, it is noted, took place after O'Hare switched allegiance and it is entirely possible that they were the subject of an intentional act on the part of O'Hare rather than negligence on his part.

Other errors by O'Hare in billing travel expenses are evidenced by Exhibits 3 to 5 attached hereto. They are letters written by him in which travel expenses were switched from one account to another.

The account numbers referred to in the various letters attached hereto are identified as follows:

Account number AAQ–1331–WAA, chargeable to: Personal.

Account number AAQ–7866–NAA, chargeable to: Internal Security Subcommittee of the Judiciary Committee of the United States Senate.

Account number AAQ–26589–WAA, chargeable to: Juvenile Delinquency Subcommittee of the Judiciary Committee of the United States Senate.

The foregoing five letters, copies of which are attached hereto, were offered to the Ethics Committee both before and after the most recent hearings and were rejected on both occasions.

In considering this charge of knowingly receiving multiple reimbursement from the Senate, consideration should also be given to the statements by the bookkeepers who preceded and followed O'Hare (these statements were submitted to the Committee but were never included in the record. They are attached hereto as Exhibits 6 and 7).

The first employee to keep the financial records was Barbara Beall who began her employment with me in January, 1959, and continued it until she terminated her employment in January, 1961. During this period she was my personal secretary as well as the bookkeeper. Covering her bookkeeping duties for me, Miss Beall states:

"During the time I was your personal secretary and bookkeeper it was part of my duty as bookkeeper to bill for trips made by you. Accordingly, I had occasion to bill subcommittees and private organizations. I am sure that I never billed two organizations, such as a subcommittee and a private organization, for the same trip nor did I bill any organization more than one time for the same trip, and you certainly never ASKED me or anyone else to do so." (Exhibit 6, Letter from Barbara Beall dated August 1, 1966, emphasis in the original).

Miss Beall terminated her employment with me in January 1961, and I had no official bookkeeper until May, 1961, when O'Hare was employed in that capacity. From January 1961 to May 1961, the checkbooks were maintained by several people. It was during this period that the first two errors in billing were made.

The books are presently maintained by Doreen Moloney. Miss Moloney states:

"Since January of 1966 I have maintained Senator Dodd's books, which were previously maintained by Michael V. O'Hare. In this capacity, I have handled the Senator's travel arrangements which included the purchasing of tickets and the receipt of reimbursement for travel expenses incurred by Senator Dodd. I have never billed more than one organization for any particular trip nor was I ever instructed to do so." (See Exhibit 7, Affidavit of Doreen Moloney dated January 21, 1967).

To recapitulate, against the unsupported accusation by O'Hare there stands: (i) two letters (Exhibits 1 and 2) evidencing two separate occasions, one in 1962 and another in 1963, when O'Hare transferred a charge for travel expenses from a Senate Subcommittee to my personal account; (ii) three other occasions (Exhibits 3, 4 and 5) on which O'Hare was compelled to credit other erroneous billings he had made; (iii) the statements by the bookkeepers who preceded and followed O'Hare pointing out that they were never asked by me to make erroneous billings and, in fact, never made erroneous billings; and (iv) my testimony in which I denied O'Hare's accusation under oath and described O'Hare as a "liar."

But even if the documentary and third party evidence in support of me were lacking, the conclusion would be unchanged. In that event the issue would turn solely on O'Hare's credibility, or lack thereof. And there is compelling evidence that O'Hare's testimony is not credible, even if your ignore the inherent incredibility of O'Hare's assertion that on five separate occasions over a period of four years he had been specifically instructed to make an erroneous billing to the Senate of a trifling amount.

O'Hare admitted active participation in the unauthorized removal of my documents while he continued to pose as a loyal employee. His life was a lie by his own admission from July 1965 until January 1966, when he finally terminated his employment with me. On cross examination O'Hare testified that my purported signature on the money orders he had used to make certain payments had been forged by him. He also conceded that certain of my checks, made out to cash and put in evidence at the hearings, bore his endorsement on the back. He contended, however, that the signature on those checks were my genuine signature and that I had signed them in O'Hare's presence. This latter contention was refuted by the testimony of Mr. Charles Apel, one of the country's leading handwriting experts who served 25 years with the F.B.I. Mr. Apel established the F.B.I.'s laboratory for document analysis and was in charge of it for many years.

In short, O'Hare had previously conceded in his testimony an ability to deceive and his indifference to the commission of a crime. Furthermore, his ability to forge my signature, coupled with the testimony of handwriting expert Apel, raises serious questions as to whether or not O'Hare participated in illegal acts other than those which he admitted.

O'Hare's testimony in this case is simply not credible on any analysis.

There are absolutely no facts whatsoever on which to base a recommendation of censure for double billing.

Sincerely,

THOMAS J. DODD.

EXHIBIT 1

MAY 15, 1962.

Re: AAQ–7866–NAA.

AMERICAN AIRLINES, INC.,
Credit and Collections,
New York, N.Y.

GENTLEMEN: On March 23, and March 26, 1962 I charged ticket Nos. 166033 & 104303 respectively to the above account.

The charge for these flights should properly be applied against my personal account. I would appreciate it if you would transfer the $50.60 charge for these trips to AAQ–13331–WAA on your next billing.

With best wishes.

Sincerely yours,

THOMAS J. DODD.

EXHIBIT 2

MARCH 4, 1963.

Re: AAQ–7866–NAA.

AMERICAN AIRLINES, INC.,
Credit and Collections,
New York, N.Y.

GENTLEMEN: On March 1, 1963 I charged a round trip ticket from Washington to Los Angeles to the above account.

I would appreciate it if you would transfer this charge to AAQ–13331–WAA.—personal.

With best wishes.

Sincerely yours,

THOMAS J. DODD.

EXHIBIT 3

NOVEMBER 10, 1961.

MR. WILSON HOWARD,
American Airlines,
New York, N.Y.

DEAR MR. HOWARD: On October 23, 1961 I traveled from Providence to Washington and inadvertently charged the ticket to the wrong account.

The ticket was charged on Account No. AAQ–13331–WAA and should properly have been charged on Account No. AAQ–7866–NAA. I would appreciate it if you would correct your records, and bill accordingly.

Please accept my apology for any inconvenience this may cause you.

With best wishes.

Sincerely yours,

THOMAS J. DODD.

EXHIBIT 4

MARCH 12, 1962.

Re: AAQ–26589–WAA.

AMERICAN AIRLINES, INC.,
Credit and Collections,
New York, N.Y.

GENTLEMEN: On October 10, 1961 I inadvertently charged Ticket No. 7133338 for $25.85 to the above listed account. It should properly have been charged to AAQ–7866–NAA. I would therefore appreciate it if you would transfer the charge on your next billing.

Thank you for your assistance in this matter.

With best wishes.

Sincerely yours,

THOMAS J. DODD.

EXHIBIT 5

APRIL 4, 1964.

Mr. DON CAMPBELL,
American Airlines, Inc.,
Washington, D.C.

DEAR MR. CAMPBELL: On Thursday, February 27th I charged a round trip ticket from Washington to Los Angeles to account No. AAQ–7866–NAA.

I would appreciate it if you would transfer this charge to account No. AA–26589–NAA.

With best wishes.

Sincerely yours,

THOMAS J. DODD.

EXHIBIT 6

AUGUST 1, 1966.

Hon. THOMAS J. DODD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I am sending this letter to you at your request.

My name is Barbara Beall. I live at 225 Kaiulani Avenue, Honolulu, Hawaii. I was employed by you from January 1959 to January 1961. As the first secretary to be hired for your staff as Senator-Elect, I began working as receptionist and general secretary in your office and then from the summer of 1959 to January 1961 I was your personal secretary and bookkeeper.

During the time I was your personal secretary and bookkeeper it was part of my duty as bookkeeper to bill for trips made by you. Accordingly, I had occasion to bill subcommittee and private organizations. I am sure that I never billed two organizations, such as a subcommittee and a private organization, for the same trip nor did I bill any organization more than one time for the same trip, and you certainly never asked me or anyone else to do so.

Indeed, you were such a stickler for honesty that you had the whole staff on pins and needles sometimes when you would discover such a thing as a letter which you considered personal being mailed without a stamp by a staff member who was about to let it go out under the frank. You would be annoyed for the rest of the day over something like that.

Frankly, I considered it a refreshing experience to work for you as you time and again exhibited a real code of ethics by which you lived.

Most sincerely,

BARBARA BEALL.

EXHIBIT 7

AFFIDAVIT

I, Doreen Maloney, state that I am presently employed by Senator Thomas J. Dodd and have been employed by him since March, 1962.

Since January of 1966 I have maintained

Senator Dodd's books, which were previously maintained by Michael V. O'Hare. In this capacity, I have handled the Senator's travel arrangements which included the purchasing of tickets and the receipt of reimbursement for travel expenses incurred by Senator Dodd. I have never billed more than one organization for any particular trip nor was I ever instructed to do so. On the contrary, I am sure that if either the Government or private organizations were erroneously billed for travel expenses, Senator Dodd would insist that I correct it. However, no such erroneous billings occurred since I have maintained the books.

DOREEN MALONEY.

WASHINGTON, D.C.

Now appeared before me this 21st day of Jan., 1967, the aforesaid Doreen Maloney, personally known to me who being duly sworn, declared that the aforesaid statement consisting of one page is true.

JAMES F. GARTLAND,
Notary Public.

APPENDIX C

The Committee has charged that Senator Dodd spent at least $116,083 derived either from testimonial proceeds or from campaign contributions on "personal" expenses (Report, p. 25). The Committee does not detail which expenses it concluded to be personal or whether the funds allegedly diverted to personal use were diverted from testimonial proceeds or from campaign contributions.

In this Appendix we will analyze the record in order to demonstrate that Senator Dodd's expenses of a political nature exceeded the total available to him from campaign and testimonial sources. Since the Committee adopted a "tracing" approach it did not attempt to answer the question with which this Appendix deals.

The campaign contributions received by Senator Dodd in connection with his 1964 campaign were deposited in four separate accounts which may be identified as follows and which were used exclusively for the deposit of campaign contributions: Dollars for Dodd, Dodd for Senator, Citizens Committee for Dodd and the National Non-Partisan Committee for Reelection of Senator Thomas J. Dodd.

The stipulation identifies the expenditures from each of these accounts (Stipulation, ¶¶ 39, 40, 45, 49 and 52, Hgs., pp. 858–859). In addition, some campaign contributions were deposited in Testimonial Account No. 2, which we will consider below.

We have analyzed the expenditures from all of the campaign contribution accounts listed above. With respect to the Citizens Committee and the National Non-Partisan Committee accounts, the Committee stipulated that there was no expenditure for other than a political purpose. (Stipulation, ¶¶ 49 and 52, Hgs., p. 859).

A careful analysis of the record of expenditures from the Dodd for Senator Account and the Dollars for Dodd Account reveals a small amount of expenditures which appear to have been for "personal" purposes. These expenditures are set out in Schedule 1. They total $3,109.54.

Turning to Testimonial Account No. 2, paragraphs 56 and 57 of the stipulation (Hgs. p. 860) reflect the deposit in that account of campaign contributions in the amount of $80,818.31. In addition, there was, at a later date, a transfer to this account from the Dodd for Senator Account and the Dollars for Dodd Account in the amount of $25,093.43. (Stipulation, ¶¶ 66(e) and 66(d), Hgs. p. 861). Thus, there was a total amount of $105,906.74 of campaign contributions deposited in the Testimonial Account No. 2*. But this is $4,756.52 less than the $110,663.26 of political expenditures made from that account. Computation of the $110,663.26 of political expenditures is set forth in Schedule 3 hereto.

Thus, if, as we contend, the proceeds of the testimonial affairs from which this political deficit of $4,756.52 was financed are viewed as the personal funds of Senator Dodd, it will be seen that there was no net diversion of campaign funds to personal expenses. And if the proceeds of the testimonial affairs are viewed as political funds, it is seen that the maximum amount of personal expenses paid for from political accounts was $7,746.03, comprised of the $3,109.54 paid from campaign accounts other than Testimonial Account No. (see Schedule 1), $1,186.92 of erroneous travel charges paid from Testimonial Account No. 2 (see schedule 3) and $3,449.57 of personal expenses paid from Testimonial Account No. 2 (see schedule 4).

This is insignificant particularly when compared with the personal deficit of Senator Dodd of about $50,000 which resulted from the payment of campaign and other political expenses, including the unreimbursed costs of office, of about $220,000 as compared to the net testimonial proceeds of about $170,000. This deficit was spelled out in more detail in Senator Dodd's memorandum circulated to the Senate under date of May 17, 1967.

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*The $105,906.74 does not include $5,400.00 of campaign funds which was erroneously deposited in Testimonial Account No. 2. (Stipulation ¶¶ 54(b) and 57, Hgs., pp. 859–860). This $5,400 is more than offset by the equally erroneous transfer of $6,000 to the Dodd for Senator Account from the proceeds of the D.C. Reception. Senator Dodd had borrowed these funds from the Testimonial Account and repaid them to the Dodd for Senator Account on the basis of incorrect advice from his accountant. (Stipulation ¶ 44, Hgs., p. 858).

Schedule 1 to app. C—List of expenses paid from the Dodd for Senator Committee bank account which appear to be personal in nature (app. 25, hearings, pp. 951–953)

	Amount
Beverly Hills Hotel: Room, etc., Feb. 25, 1965, Thomas J. Dodd	$60.59
Congressional Country Club: Dues, January, March, and May 1965	48.00
Coral Ridge Hotel: Room, Florida (no date or name given)	23.69
Essex House: Room (1 day), etc., Nov. 6–7, 1964, Senator and Mrs. Thomas J. Dodd	52.32
New York Athletic Club: Miscellaneous charges by Senator Dodd, Jan. 28, 1965	32.17
Suburban Propane Gas Corp.: Propane gas service to Clarks Falls, Conn., residence of Senator Dodd, Feb. 8, 1964–Mar. 18, 1965	49.13
University Club: Dues	101.13
American Airlines (app. 25a, hearings, p. 954):	
Nov. 6, 1964: [1] Senator and Mrs. Dodd to Jamaica	460.00
Nov. 12, 1964: [1] Senator Dodd (2 fares) rerouting to Curacao	375.00
Nov. 17, 1964: [1] Senator Dodd and wife, rerouting charge	14.40
Dec. 22, 1964: [1] Tom and Nick Dodd, Washington to New London	53.04
Jan. 4, 1965: Mr. C. Dodd, Washington to Providence	29.14
Jan. 29, 1965: Mrs. Dodd, to London	752.00
Feb. 19, 1965: [1] Senator Dodd, Washington to Miami	153.72
Feb. 19, 1965: [1] Senator Dodd, Providence to Miami	197.19
Subtotal for American Airlines	2,064.84
Statler-Hilton Hotel, Hartford, Conn. (app. 25c, hearings, p. 955), Oct. 19–20: Room (1 day) Jeremy Dodd	$30.39
Texaco, Inc. (app. 25e, hearings, p. 957): All charges after Nov. 3, 1964, excluding charges for Senator Dodd	218.33
Total of the above	2,680.59
On 2 occasions, travel expenses which were paid by a private group which had invited Senator Dodd to speak were also paid, erroneously, from campaign funds. These were as follows:	
1. A private organization reimbursed Senator Dodd's expenses of $136 for travel (hearings, pp. 1015–1016). The Dollars for Dodd Committee actually paid the bill (app. 23, hearings, p. 938)	136.00
2. A private group reimbursed Senator Dodd's travel expenses of $292.95 (hearings, p. 1017) although the Dodd for Senator Committee actually paid the bill (app. 25a, hearings, p. 954)	292.95
Total erroneous charges to campaign accounts	428.95
Total personal expenses and erroneous charges	3,109.54

[1] Although all of these charges relate to the same trip, no credit is reflected for the tickets not used.

Schedule 2 to app. C—List of expenses directly associated with testimonials paid from testimonial account No. 2

Payee	Testimonial involved [1]	Amount
Ace Printing Co. (app. 35, hearings, p. 993)	Dodd Day	$471.97
Advertising Novelty Co. (app. 34, hearings, p. 993)	1963 District of Columbia reception.	124.50
Aldor Sparks Co. (app. 35, hearings, p. 993)	1965 dinner	15.00
Ambassador Restaurant (app. 35, hearings, p. 993)	do	412.55
Congress Printers (app. 35, hearings, p. 993)	do	1,761.31
Democratic National Committee (app. 35, hearings, p. 993)	do	7,500.00
Hartford Club (app. 35, hearings, p. 994)	Dodd Day	810.23
King Cole Stores (app. 35, hearings, p. 994)	1963 testimonial	510.56
Lebon Press, Inc. (app. 35, hearings, p. 994)	do	38.30
Lee Shaw's Restaurant (app. 35, hearings, p. 994)	1965 testimonial	494.15
Murphy, Inc. (app. 35, hearings, p. 994)	1963 testimonial	102.00
Pat Dorn Orchestra (app. 35, hearings, p. 994)	1965 dinner	173.00
Pickwick Arms (app. 35, hearings, p. 994)	Dodd Day	15.68
Pinkerton (app. 35, hearings, p. 994)	1965 dinner	55.00
Shaino, Robert (app. 35, hearings, p. 994)	1963 District of Columbia reception.	$500.00
Trade Sign Hangers (app. 35, hearings, p. 995)	1963 and 1965 testimonials.	90.00
Yush Sign & Display Co. (app. 35, hearings, p. 995)	1963 testimonial	25.88
Statler Hilton Hotel (Hartford) (app. 35e, hearings, pp. 999–1000):		
1. All expenses between Oct. 22 and 26, 1963, were associated with Dodd Day.		402.31
2. All expenses between Mar. 5 and 7, 1965, were associated with the 1965 dinner.		9,165.21
Total		22,667.65

[1] The specific description of each expenditure is omitted; however, every expenditure listed herein is specifically associated with the testimonial mentioned in app. 35.

Schedule 3 to app. C—How the figure of $110,663.26 for total political expenses paid from testimonial account No. 2 was computed

	Amount
Total amount of expenditure from testimonial account No. 2 (which are listed in app. 35 of the stipulation, 993–1002)	$135,440.40
Transfer from testimonial account No. 2 to Citizens Committee for Dodd used for campaign purposes (from par. 68(a) of the stipulation, T. 861)	2,500.00
Total	137,940.40
Less expenses directly associated with the testimonial affairs (as listed in schedule 2 of this appendix)	22,667.65
Total	115,272.75
Less total amount of personal expenses (as listed in schedule 4 of this appendix)	3,449.57
Total	111,823.18

	Amount
Less erroneous travel charges:	
1. A private group reimbursed Senator Dodd's travel expenses, accompanied by former employee Michael O'Hare, of $686.06 (hearings, p. 1017), although the bill was actually paid from testimonial funds (app. 35a, p. 997)	$686.06
2. A private group reimbursed Senator Dodd's travel expenses of $220.14 (hearings, pp. 1017–1018), although the bill was actually paid from testimonial funds (app. 35a, hearings, p. 996)	220.14
3. On 1 trip to Los Angeles, Senator Dodd was accompanied by Mrs. Dodd and a member of his staff, James Gartland. The Senate paid the Senator's expenses and the private organization paid Mrs. Dodd's expenses of $280.72 (hearings, p. 1016), although her ticket had actually been paid from testimonial funds as had Mr. Gartland's (app. 35a, hearings, p. 996)	280.72
Total erroneous travel charges to testimonial funds	1,186.92
Total political expenses paid from testimonial funds	110,663.26

Schedule 4 to app. C—List of personal expenses paid from testimonial funds

	Amount
American Express (app. 35, hearings, p. 993): "Membership renewal dues for year ending Sept. 30, 1965, Thomas J. Dodd"	$10.00
Essex House (app. 35, hearings, p. 993): "Room (1 day), restaurant and telephone service, Nov. 28–29, 1963, Christopher Dodd"	45.50
Galt Ocean Mile Hotel (app 35, hearings, p. 994): "Room (7 days), telephone and miscellaneous service, May 23–29, 1964, Senator and Mrs. Thomas J. Dodd"	96.67
Magovern Co. (app. 35, hearings, p. 994): "Miscellaneous personal expense" (the purpose of this expense is not given)	260.31

American Airlines (app. 35a, hearings, p. 995–997): The following items would appear to be personal in nature; however, the actual reason for the expenditures is not given:

Billing date	Passenger	Routing	Fare
Hearings, p. 995:			
July 23, 1963, billing	Thomas J. Dodd, Jr	Washington to Chicago	$35.65
Do	do	Washington to Tampa to Washington	136.08
Do	Thomas J. Dodd	do	136.08
Do	Thomas J. Dodd, Jr	Washington to Chicago to Washington	91.77
Aug. 21, 1963, billing	Martha Dodd	Washington to New London to Washington	54.34
Do	Thomas J. Dodd, Jr	Washington to Asheville to Washington	68.36
Do	Thomas J. Dodd	Washington to Miami to Washington	112.77
Do	Thomas J. Dodd and Nicholas	Washington to Asheville to Washington	102.59
Do	Martha Dodd	Credit, Washington to New London	(25.20)
Sept. 23, 1963, billing	Thomas J. Dodd, Jr	Washington to New London	25.46
Hearings, p. 996:			
Nov. 15, 1963, billing	Large dog kennel	do	15.00
	Pet dog	do	6.24
Jan. 3, 1964	Christopher Dodd	Washington to New York to Providence	29.77
Hearings, p. 997:			
May 22, 1964	Mrs. Dodd	Washington to Miami	78.12
Do	Thomas J. Dodd	Baltimore to Miami	83.53
May 26, 1964	Thomas J. Dodd (2 fares)	Miami to Washington	156.24
July 16, 1964	Nicholas Dodd	Hartford to Detroit to Hartford	84.95
Total, American Airlines			[1]1,132.00

	Amount
Gulf Oil Co. (app. 35b, hearings, p. 998)	$179.38
Humble Oil & Refining Co. (app. 35c, hearings, p. 998)	118.75

Statler Hilton Hotel (app. 35e, hearings, pp. 999–1000): the following items would appear to be personal in nature; however, the actual reason for the expenditures is not given:

Date and service	Guest	Amount
Oct. 10–12, 1963: Rooms (2 days), restaurant, valet, and telephone service	Thomas J. and Mrs. Dodd	$171.86
Oct. 11, 1963: Restaurant service	do	3.53
Apr. 18–19, 1964: Rooms (1 day), restaurant and telephone service	Senator and Mrs. T. J. Dodd	59.90
Feb. 13–14, 1965: Rooms (1 day) and telephone service	Jeremy M. Dodd	46.54
Total, Statler Hilton charges		281.83
Texaco, Inc., hearings, (app. 35g., p. 1002)		263.10
Total, personal expenses		2,387.54

In addition to the foregoing listed expenses which on their face appear to be personal, there are a number of expenses, mostly for restaurant charges, which could either be campaign, political, or personal in nature. It is estimated that no more than 50 percent of these were personal expenses. They are as follows:

	Amount
American Express (app. 35, hearings, p. 993): "Washington, D.C., restaurant charges, Thomas J. Dodd, Sept. 23, 1963"	$51.93
Congressional Country Club (app. 35, hearings, p. 993): Various house charges	221.75
Frank's Restaurant (app. 35, hearings, p. 994): "Miscellaneous entertainment charge"	19.68
Hearthstone (restaurant) (app. 35, hearings, p. 994): "Miscellaneous entertainment expense"	12.80
Schneider's Liquor Store (app. 35, hearings, p. 994): "Payments of January, May, and August 1964 for liquor"	450.10
Senate Restaurant (app. 35, hearings, p. 995): "Payments of February, May, July, August, and September 1964 for restaurant charges"	1,312.88
American Airlines (app. 35a, hearings, p. 997):	
June 19, 1964: "Mrs. T. Dodd (2 fares), Washington to New London"	38.92
June 23, 1964: "Grace M. Dodd, New York City to Washington, shuttle"	16.00
Total	2,124.06
50 percent of total	1,062.03
Grand total of personal expenses	3,449.57

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[1] This figure does not include $1,505.90 for American Airlines billings prior to July 23, 1963. The entry appears in app. 35, hearings, p. 995, with no passenger or routing shown. Although these bills were not claimed as campaign expenses (hearings, p. 1019), this fact does not mean that they were not political expenses for trips between Washington and Connecticut. The amount is excluded here because there is simply no information on which to conclude that it was personal in nature.

Mr. CLARK. Mr. President——

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. CLARK. Mr. President, I thank my friend from Connecticut for yielding.

I would merely like to request the Record to note that the quorum clerk advises me that my name was not listed as present on the last rollcall, and the majority leader was not listed as present on the last rollcall. We were both here and in our seats before the Senator from Connecticut began to speak.

Mr. MANSFIELD. Mr. President, I ask unanimous consent, if the Senator will yield, that the Senator from Connecticut [Mr. Dodd], be recognized at the conclusion of the call of the quorum tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Connecticut has the floor.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. DODD. Mr. President——

Mr. DIRKSEN. Only for the purpose of letting the Senator from Connecticut know that if we have a live quorum tomorrow morning, there should be 95 Senators here. The reason that four of them will not be here is that they are in the hospital, and the other one I cannot account for at the moment, but I am sure I shall. So I want to make that clear, that four are in the hospital at the present time.

Mr. DODD. Mr. President, let me say to the minority leader, I do not want to be put in a difficult position here. I am not complaining about absentees; I know how it happens; it often happens to me.

On the other hand, I am torn by the desire to have as many Senators hear me as I can possibly have. I am put in a difficult spot, which I wish I were not in. The hour is late, and I am as tired as anybody, I suppose. I imagine many other Senators are as well. I would appreciate it if we could go over until tomorrow morning.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. MORSE. I wish to say, Mr. President, that I think the request of the Senator from Connecticut is a very reasonable request. I know my majority leader and the minority leader recognize that, and have already made it perfectly clear. In fact, a request has been made that there be a recess until tomorrow.

But I wish to make this comment, bearing upon what the Senator from Utah has said. I was notified that the Senator from Connecticut was about to speak, and I came over immediately. I was here as much as I could be during the day, hearing the Senator from Mississippi. I could not be present to hear the Senator from Utah. But I want the Record to be perfectly clear that the senior Senator from Oregon is not going to remain on the floor of the Senate during the course of these hearings when his duties require him to be elsewhere, for I am not a nonreader. As the Senator from Utah [Mr. Moss] has pointed out, we can read, and I will give to the Senator from Connecticut every moment of time I can give, consistent with my duties. Because I am not here does not mean I cannot sit as a juror on the basis of the record that is made, and I want to say right here and now that I am one Senator who protests the idea that if he is not on the floor of the Senate every moment of these hearings, he is not carrying out his duty in the Senate.

Each of us must be the judge of where he ought to be in order to carry out his duties. I want the Senator from Connecticut, the Senator from Mississippi, and the committee to know that I am going to read every word, but I intend to be the judge of where I am going to be at any time, may I say to the Senator from Louisiana, in carrying out my duties. I will be my own judge, and the Senator from Louisiana can be his own judge as to what his duties are.

Mr. MANSFIELD. Mr. President——

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DODD. Yes. Mr. President, I just hope I do not get caught in this crossfire. I could not be in a more unfortunate situation. Here I am, trying to get votes, and being shot at from both sides.

Mr. MANSFIELD. Mr. President, if the Senator will yield the floor——

Mr. DODD. I yield.

Mr. MANSFIELD. There will be no further debate on this resolution tonight; but at the conclusion of the rollcall tomorrow morning, I ask unanimous consent that the distinguished Senator from Connecticut be recognized.

The PRESIDING OFFICER. It has already been so ordered.

ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent, now that the Senate has concluded its consideration of Senate Resolution 112 for the day, that there be a brief period for the transaction of routine business under unanimous-consent procedure.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Jones, one of his secretaries.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

More Effective Regulation Under Federal Insecticide, Fungicide, and Rodenticide Act

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, to provide for more effective regulation under such act, and for other purposes (with an accompanying paper); to the Committee on Agriculture and Forestry.

Report on Measures Taken To Deal With the Supply of Oil Posed by the Situation in the Middle East

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on measures to place the Government in a position to deal with problems of supply of oil posed by the situation in the Middle East (with an accompanying paper); to the Committee on Banking and Currency.

Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on need for strengthened procedures to reduce the number of extra final inspections on newly constructed houses, Federal Housing Administration, Department of Housing and Urban Development, dated June 1967 (with an accompanying report); to the Committee on Government Operations.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. MANSFIELD (for Mr. Fulbright), from the Committee on Foreign Relations, with an amendment:

S. 990. A bill to establish a U.S. Committee on Human Rights to prepare for participation by the United States in the observance of the year 1968 as International Human Rights Year, and for other purposes; (Rept. No. 344).

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TYDINGS (for himself, Mr. Morse, and Mr. Spong):

S. 1941. A bill to prevent, abate and control air pollution in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

(See the remarks of Mr. Tydings when he introduced the above bill, which appear under a separate heading.)

INTRODUCTION OF THE DISTRICT OF COLUMBIA AIR POLLUTION CONTROL ACT OF 1967

Mr. TYDINGS. Mr. President, on behalf of myself, and Senators Morse and Spong, I introduce, for appropriate reference, a bill to establish effective machinery for the control of air pollution in the District of Columbia. Earlier this year, joint hearings on problems of air pollution in the District of Columbia were conducted by two subcommittees of the Senate District of Columbia Committee—the Subcommittee on Public Health, Education, Welfare, and Safety, chaired by the distinguished senior Senator from Oregon [Mr. Morse] and the Subcommittee on Business and Commerce, which I have the privilege to chair. Senator Spong, of Virginia, a member of the full committee, participated actively in these hearings because of the importance of these problems to his constituents, as well as his interest in problems of the District of Columbia generally, I believe that these extensive hearings brought together a compendium of information on metropolitan area air pollution problems, and have general relevance to metropolitan areas nationally.

Regarding the District of Columbia, two conclusions clearly emerged from these hearings. First, air pollution in the District of Columbia metropolitan area is at a level which significantly endangers the health of our citizens, and adds greatly and unnecessarily to the expense of commercial and governmental activity in the area. Second, the existing machinery in the District of Columbia government for control of air pollution is hopelessly ineffective. The present air pollution control laws and regulations are based on the old-fashioned, discredited notion that visible air pollution—that is smoke—is the only form of pollution that needs control. The view seems to be "if you can't see it, it can't hurt you." This view is totally fallacious. In addition, the enforcement machinery for these outmoded laws is an administrative nightmare. Four different agencies of the District Government have some enforcement or smoke control responsibilities—the Departments of Health, of Licenses and Inspection, of Police, and of Sanitary Engineering. There is no single agency which is charged with overall control of air pollution in the District. There is no single agency to which a citizen can bring his complaints and expect satisfaction. As a result, pollution control has been a matter of the lowest priority in the city government.

This situation must change. The major sources of air pollution must be immediately brought under control. As a vital first step, strong, centralized administrative machinery must be created with powers to investigate causes and sources of air pollution in whatever form—whether particulate or gaseous—in the District of Columbia, to adopt binding regulations to control such air pollution, and to enforce these regulations. That is the essential purpose of this bill. It would create a District of Columbia Air Pollution Control Board, possessing these powers, composed of three members appointed by the Commissioners for 4-year terms. In carrying out its functions under the act, the Board would be advised by an Air Pollution Control Advisory Council, composed of seven members with experience in engineering, health, manufacturing, and commercial aspects of air pollution control.

This bill calls for the same kind of strong air pollution control agency which the Maryland State Legislature has, during its last session, created for my home State. The Maryland law is, in essential respects, the model for this bill. The bill does not impose particular air pollution control regulations for the District. It does not in itself set, for example, specific limitations on sulfur emissions or impose specific requirements for incinerator control devices. Rather, the bill gives full authority to the Air Pollution Control Board to adopt such standards by regulations. The Board could, for example, adopt all the standards proposed by the Metropolitan Washington Council of Governments in its model air pollution control ordinance, or it could, of course, vary some.

I believe that Congress would be better advised to control air pollution in the District of Columbia by creating an independent agency with all the necessary tools of regulation and enforcement, rather than adopting itself detailed pollution control regulations. Administrative flexibility is essential for a workable air pollution control program. Technology in this area is rapidly progressing. If the Congress were to enact particular pollution control standards today, it is likely that these standards would be outdated and inadequate within a brief time. When change in air pollution standards becomes necessary, congressional action should not be required.

It should be noted that the Air Pollution Control Board created by this bill is an independent administrative agency. The regulations which it promulgates will not require approval of the District Commissioners or any other executive agency of the District government. Particularly in view of the lackadaisical attitude which the District government has shown in the past regarding air pollution control, I believe that this administrative independence of the Air Pollution Control Board is vitally necessary to insure that it will do the job.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1941) to prevent, abate, and control air pollution in the District of Columbia, and for other purposes, introduced by Mr. Tydings (for himself, Mr. Morse, and Mr. Spong), was received, read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SPONG. Mr. President, I welcome the opportunity to cosponsor legislation which would create an Air Pollution Control Board of the District of Columbia to prevent, control, and abate air pollution in the District.

As a member of the Subcommittee on Air and Water Pollution of the Public Works Committee, I have gained a particular awareness of the increasing dangers of air pollution. Furthermore, as a member of the Committee on the District of Columbia and a participant in the March hearings on air pollution in the metropolitan area as well as the representative of a State which is contiguous to the District, I have a special interest in air pollution abatement in this area.

I believe enactment of the proposed legislation would be a major step forward in our battle to prevent and control the emission of chemical impurities into the atmosphere.

In the District, pollution control and abatement activities are currently divided among a number of agencies, with a resulting fragmentation of responsibility. Establishment of a board would eliminate this fragmentation.

Air contaminants—whether stationary or mobile—come from a number of sources, each of which requires a special technical knowledge for handling. Only a full-time, coordinated, professional staff, such as could be organized under the proposed board, can deal effectively with the multiple sources of air pollutants.

In addition, the proposed legislation would serve not only the more than 800,000 residents of the District, but all the 2.5 million persons who live in the Washington area.

Residents of the city and suburbs daily cross political boundaries—for work, shopping, and recreational purposes. And, air currents themselves move from section to section, carrying whatever pollutants they may have with them.

Virginia and Maryland have already established air pollution control boards to deal with air contamination. Creation of a District Board would provide the setting for future cooperation among the three main political entities in the Washington metropolitan area in meeting mutual problems.

At a time when the Federal Government is taking an increased interest in air pollution in urban centers throughout the country, it is appropriate that efforts be made to turn the capital area into a model for other municipal areas.

We should begin immediately to work toward that goal.

AMENDMENT OF PUBLIC LAW 89-491—AMENDMENT

AMENDMENT NO. 209

Mr. CLARK submitted an amendment, intended to be proposed by him, to the bill (S. 1574) to amend the act of July 4, 1966 (Public Law 89-491), which was referred to the Committee on the Judiciary and ordered to be printed.

ADDITIONAL COSPONSORS OF BILLS

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Wisconsin [Mr. Nelson], I ask unanimous consent to have the following names added as additional cosponsors at the next printing of S. 1567: Mr. Bayh, Mr. Burdick, Mr. Harris, Mr. Long of Missouri, Mr. McGovern, Mr. Miller, Mr. Yarborough, and Mr. Proxmire.

The PRESIDING OFFICER. Without objection, it is so orderd.

Mr. NELSON. Mr. President, I ask unanimous consent that the name of the Senator from North Dakota [Mr. Burdick] be added as a cosponsor of Senate bill 682, the River and Stream Erosion Control Act, at the bill's next printing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I ask unanimous consent that the name of the Senator from North Dakota [Mr. Burdick] be added as a cosponsor of S. 1006, the Roadbank Erosion Control Act, at the bill's next printing.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **NELSON**. Mr. President, I ask unanimous consent that the names of the Senator from Indiana [Mr. Bayh], the Senator from Missouri [Mr. Long], the Senator from Washington [Mr. Magnuson], the Senator from South Dakota [Mr. McGovern], and the Senator from Wisconsin [Mr. Proxmire] be added as cosponsors of S. 1561, the dairy parity program, at the bill's next printing.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **NELSON**. Mr. President, I ask unanimous consent that the names of the Senator from Montana [Mr. Metcalf] and the Senator from Minnesota [Mr. Mondale] be added as cosponsors of S. 1856, to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink, whether or not dressed, at the bill's next printing.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

NOTICE OF RESCHEDULING OF HEARINGS ON NATIONAL FLOOD INSURANCE LEGISLATION

Mr. **WILLIAMS** of New Jersey. Mr. President, I would like to announce that hearings by the Subcommittee on Securities of the Committee on Banking and Currency on S. 1290, a bill to provide for a national program of flood insurance, scheduled to begin on Tuesday, June 27, and continue through Thursday, June 29, have now been rescheduled to begin on Monday, June 26, and continue through Wednesday, June 28. The subcommittee also plans to receive testimony on S. 1797, and any other proposals to establish a program of national flood insurance that may be pending before the subcommittee at that time.

The hearings will commence at 10 a.m. in room 4232, New Senate Office Building, instead of room 5302, as we previously announced.

Persons desiring to testify or to submit written statements in connection with this bill should notify Mr. Paul M. Penick, assistant counsel, Senate Committee on Banking and Currency, room 5300, New Senate Office Building, Washington, D.C. 20510, telephone 225–3921.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. **SMATHERS**:

Address delivered by Senator Magnuson, in Bermuda, to representative group of financiers from New York City and surrounding areas.

ECONOMIC INEQUITIES

Mr. **PROUTY**. Mr. President, Mr. William D. Pardridge, of Linden, Va., has written numerous articles on the subject of "economic inequities."

For some years now, Mr. Pardridge has been working quite diligently on this subject, and the results of his study and research, I understand, will be assembled in a book which he intends to have published.

The Burlington, Vt., Free Press, on May 13, 1967, printed an article entitled "Crisis in Our Economy," written by Mr. William D. Pardridge.

I have found this article to be of considerable interest, and I want to share it with Senators and others of the American people who read the Congressional Record. This is not the first of Mr. Pardridge's articles on this subject, and it will probably not be the last, but it is equally important for our consideration with all the others.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Crisis in Our Economy

Congress recently gave the White House $12 billion to fight in Vietnam for another three months or so, anyway to the end of the 1967 fiscal year.

This is at an annual rate of $41 billion over and above all other civil and military expenses of the government. And the war is constantly getting more expensive than any annual rate of the moment.

Such an astronomical appropriation of real economic wealth out of, away from, the American economy means in concrete terms that our standard of living is to be reduced markedly.

In monetary terms, it means either higher taxes for everyone or higher prices for everyone.

Or both.

Mostly both—until wages and prices are frozen, and profits are taxed away completely.

How else can the recurring $41 billion and even more be found? It can't, because war money, as opposed to internal, domestic monetary shenanigans, isn't money—it's real, real goods.

This is one reason the business-expansion tax credit is being restored—not to quicken business activity in the hard face of a recession but to start the ball rolling again for industrial activity.

When the handwriting is all on the wall, Congress itself will actually raise the President's six percent tax surcharge. Economists and businessmen have been using the wrong crystal balls.

The economic way to fight inflation is to pour more real goods into the economy—not to take money out of the economy. That latter way is an illusion and a shell game.

The hitch, the booby-trap here is that the government is emphasizing the wrong kinds of goods. War-goods production aggravates inflation because economic resources and labor are used to produce non-economic goods.

Inflation caused by increased war production along with decreased civilian production cannot be halted except by rigid wage-price controls.

Now, it is plain to see that such a situation can only reduce our standard of living. Let us say our total production is the same in dollars, in money value, but we have fewer kitchen stoves and more cannon balls. The Gross National Product figures in dollars remain the same, however, and everybody is hoodwinked.

One of the basic ills of American economic thought is the over-worked emphasis on money—monetary and fiscal affairs—and the almost total neglect of economic analysis in terms of the kinds of goods and services an economy must produce in order to generate its own economic feedback.

A decreasing per cent of goods workers cannot support itself plus an increasing per cent of service workers when the difference between the two widens faster than the rate of industrial productivity. This is simple arithmetic.

And remember, defense workers' production and all military personnel are not in the goods economy. They are in the service sector of the economy that produces no economic feedback.

The Vietnam economy does not even attempt to feed itself with machine tools and other productive economic wealth. Only a few economies in the world attempt this. If the American economy does not feed its own industrial appetite, it's finished. There is no other large economy from which to draw excess real wealth.

How come, then, we are eating our industrial seed corn? Just how long can we live on pure economic flim-flam? Not long.

Economists in both the Federal Reserve System and the President's Council of Economic Advisers are wittingly and unwittingly distorting the balanced forces of natural economic production. They are inviting and urging non-productive service workers to overrun the whole economy.

Main Street delusions and Dow-Jones averages are now supported solely by the paper paychecks of service-worker emphasis.

Individuals go to jail for kiting checks, but what happens to government and academic moguls who kite the producing forces of our national economy? Books are written about them, is all.

The home-front economics of a modern war has nothing whatsoever to do with the moral and strategic justifications of that war. Nobody can say the economic sacrifices of World War II were not worth the reason of total American participation.

The economic cost of all-out war in Southeast Asia, and that is where we're headed for sure, is simply a factor to consider in weighing the values of whatever ends are advertised as cause for national motivation.

Economic analysts would be derelict if they did not bring a readable picture of this cost into the open.

An economic collapse or severe recession due to a needless goods-service worker imbalance, coupled with two more summers of race riots, and that's simply what they are, both alongside total Asiatic military involvement, all together would destroy completely this nation's traditional political theory.

Something has to go, and go fast—the service workers and second-generation dolesters, the race riots, or the Vietnamese. You pay your money and you take your choice. Mister, you can't have 'em all.

THE CALENDAR

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Senate turn to the consideration of the Calendar with Calendar Order No. 297 and that the remainder of the Calendar be considered in sequence.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

AUREX CORP.

The bill (H.R. 4445) for the relief of Aurex Corp. was considered, ordered to a third reading, read the third time, and passed.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report

(No. 306), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay the Aurex Corp. $172,550, as recommended by the U.S. Court of Claims in congressional reference case No. 12–58, decided April 15, 1966.

STATEMENT

The facts of the case are contained in House Report No. 62 and are as follows:

The claim of the Aurex Corp. was the subject of the bill, H.R. 3677, introduced in the 85th Congress. On July 29, 1958, the House of Representatives passed House Resolution 630, which referred the bill to the Court of Claims for further proceedings as a congressional reference case in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code. That court proceeded to consider the case and reported its findings and conclusions to the Congress in its opinion and commissioner's findings of fact, which are set out in full in this report.

The Aurex Corp. in its petition to the Court of Claims claimed that it had suffered injury as the result of an excess profits determination under a renegotiation proceeding following World War II. The opinion of the court outlines the facts concerning this proceeding and concluded that the corporation was equitably entitled to payment in the amount stated in the bill. The court, on page 8 of the opinion, referred to the fact that there was a failure to accord sufficient credit for Aurex' contribution to the war effort. In this connection, the court stated:

"The flaw in the renegotiation was the failure to accord a sufficient credit for Aurex's contribution to the war effort—a factor which was expressly made significant by the statute and the regulations. The Chairman of the board indicated that it had allowed $150,000 on this account, but the commissioner rightly found that, though there was discussion of this sum, it was never actually applied to reduce the excessive profits otherwise determined. If that credit had been applied as it should, the gross amount of the renegotiation liability would have been $90,000 (instead of $240,000) and the net due after tax adjustments would have been about $36,500 (instead of $114,118.07)."

The court then took this error as the basis for its finding in favor of the Aurex Corp. and stated:

"The proper basis of recovery, as the commissioner recommended, is to reinstate the credit of $150,000 which the board said it would grant but never did. If that sum, covering both plaintiff's direct contribution to the war effort and the risks to its civilian business through focusing on solenoid production, had been taken into account, Aurex would have been permitted to retain overall profits of some $375,000 for the renegotiable period (instead of profits of $225,000 under the board's action). When compared to the pre-war work profit of $144,000 in 1944, this annual rate of over $300,000 appears to allow an adequate amount for the risks of undertaking war contracts and for Aurex' contribution to the war effort. At the same time, the corrected gross renegotiation liability of $90,000 is only $20,000 more than the tentative obligation fixed by the board's representative in June 1946 which the company was willing to accept—and the net liability of $36,000 (after tax credits) would have been only $8,500 more than the $28,000 of net liability under the representative's acceptable determination. It is a fair inference that, if plaintiff's liability had been properly established in 1946 or 1947 at $90,000 (gross) or $36,500 (net), it could and would have paid that amount—and could not rightfully complain. The net improvement in the Aurex financial position (see findings 56, 64) would have been about $121,000 (consisting of a reduction of some $77,500 in liabilities and an increase of about $43,500 in cash from additional tax refunds).

"This $121,000 should now be restored to plaintiff. By such a payment, at least the financial basis for the additional credit of which the company was deprived in 1946 would now be replaced. There is the further problem of the delay in payment since 1946. The commissioner concluded that delay-compensation should be made for the $43,500 of extra tax refunds which Aurex would have received in cash if its renegotiation liability had been properly fixed,[1] but that such recompense would not be warranted for the $77,500 of excessive liability imposed on the company in 1947 which it never paid but which, for about four years, impaired its credit. We agree. The part of the award standing in place of the tax refunds should bear interest like other tax refunds. But even in this equitable proceeding there is inadequate ground for departing from the usual rule in this court against interest on nontax and noneminent domain awards against the Government (*United States* v. *Thayer-West Point Hotel Co.*, 329 U.S. 585 (1947)), and for allowing delay-compensation for a sum which the plaintiff would not have had in cash but only in reduced liabilities.

"Accordingly, we recommend to the Congress that plaintiff be paid the sum of $172,550 ($121,000 plus $51,550 for delay in payment) on its equitable claim."

The bill contains a limitation of 20 percent upon attorneys fees. In view of the extended court proceeding in this matter, the committee has determined that this is a proper limitation.

In view of the facts of the matter and the recommendation of the Court of Claims, the committee concurs in the recommendation of the House Judiciary Committee that the bill, H.R. 4445, be considered favorably.

Attached hereto and made a part hereof are the opinion of the court and the findings of the commissioner in the case.

OBSTRUCTION OF CRIMINAL INVESTIGATIONS

The bill (S. 676) to amend chapter 73, title 18, United States Code, to prohibit the obstruction of criminal investigations of the United States was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 73, title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1510. Obstruction of criminal investigations

"(a) Whoever willfully endeavors by means of bribery, misrepresentation, intimidation, or force or threats thereof to obstruct, delay, or prevent the communication of information relating to a violation of any criminal statute of the United States by any person to a criminal investigator; or

"Whoever injures any person in his person or property on account of the giving by such person or by any other person of any such information to any criminal investigator—

"Shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"(b) As used in this section, the term 'criminal investigator' means any individual duly authorized by a department, agency, or armed force of the United States to conduct or engage in investigations of or prosecutions for violations of the criminal laws of the United States."

(b) The chapter analysis of chapter 73, title 18, United States Code, is amended by adding at the end thereof the following new item:

"1510. Obstruction of criminal investigations."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 307), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the proposed legislation is to amend chapter 73 of title 18, United States Code (relating to obstruction of the administration of justice), by adding a new section prohibiting the obstruction of Federal criminal investigations. Sections 1503 and 1505 of chapter 73, title 18, presently prohibit attempts to influence, intimidate, impede, or injure a witness or juror in a judicial proceeding, a proceeding before a Federal agency, or an inquiry or investigation by either House of the Congress or a congressional committee. However, attempts to obstruct a criminal investigation or inquiry before a proceeding has been initiated are not within the proscription of those sections. The proposed legislation would remedy that deficiency by providing severe penalties for attempting to obstruct the communication to a Federal criminal investigator of information relating to a violation of a Federal criminal law, thus extending to informants and potential witnesses the protections now afforded witnesses and jurors in judicial, administrative, and congressional proceedings.

ANALYSIS OF THE BILL'S PROVISIONS

Subsection (a) of the bill would amend chapter 73 of title 18, United States Code, by adding a new section (sec. 1510) at the end thereof.

Subsection (a) of the new section 1510 would prohibit willful attempts, by means of bribery, misrepresentation, intimidation, or force or threats of force, to obstruct, delay, or prevent the communication to a Federal criminal investigator of information relating to a violation of a Federal criminal law. The subsection would also prohibit injuring any person in his person or property on account of his communicating such information to a criminal investigator or on account of such communication of information by any other person (a relative or friend, for example). Both proscriptions would apply to protect the communication of information to a Federal criminal investigator at any time from the commission of a criminal violation or conspiracy until the institution of judicial proceedings within the meaning of sections 1503 and 1505. The penalty provided for a violation of the section is a fine of up to $5,000 or imprisonment for up to 5 years, or both.

Subsection (b) of the new section 1510 defines "criminal investigator" to include any person authorized by a department, agency, or armed force of the United States to investigate or prosecute violations of Federal criminal laws. This includes Federal prosecuting attorneys as well as Federal criminal investigators, within the group of persons to whom the communication of information is protected.

Subsection (b) of the bill would make the necessary technical amendment to the chapter analysis of chapter 73 of title 18, United States Code.

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[1] At 6 percent, this amounted to about $47,000 as of September 1964, and will amount to about $51,500 by June 1, 1966.

STATEMENT

A similar bill, S. 2188 of the 89th Congress, was approved by this committee, with amendments, and favorably reported to the Senate on August 24, 1966 (Rept. No. 1499). The bill, as reported, was passed by the Senate on August 26, 1966, and sent to the House of Representatives where it was referred to the Committee on the Judiciary. No further action was taken on the bill in the House of Representatives during the 89th Congress.

The present bill, S. 676, is identical to S. 2188 as it was approved by this committee and passed by the Senate during the 89th Congress.

In its favorable report on S. 2188 this committee set forth the need for the legislation and the committee's recommendations as follows:

S. 2188 was introduced in accordance with the recommendations of the Department of Justice. Its purpose, according to Attorney General Katzenbach, who presented the Department's views to the subcommittee, is to "dam a gaping hole in the protection the Government can now provide to its own witnesses"—a hole resulting from the fact that it is "not now a Federal crime to intimidate, harass, or attack a witness who has divulged information to Federal investigators, but before a case reaches court" (p. 30).[1]

As the Attorney General and other witnesses emphasized, the deficiency in the law which S. 2188 would remedy has resulted from the strict construction the courts have given the present Federal statutes prohibiting the obstruction of the administration of justice. Section 1503 of title 18, United States Code, prohibits attempts to influence or injure an officer, juror, or witness in a judicial proceeding; and section 1505 prohibits attempts to influence or injure witnesses before Federal agencies and congressional inquiries. However, being criminal statutes, these provisions must be strictly construed, *Haili* v. *United States*, 260 F. 2d 744 (9th Cir. 1958); hence, section 1503 has been narrowly construed by some Federal courts so as not to prohibit attempts to obstruct a criminal investigation or inquiry prior to the initiation of judicial proceedings, *United States* v. *Scoratow*, 137 F. Supp. 620 (W. D. Pa. 1956). It is not, therefore, a crime within section 1503 to obstruct a criminal investigation by the Federal Bureau of Investigation where no criminal proceeding has been commenced; and some lower Federal courts have required the issuance of a subpena or other process commanding the appearance of a witness in court for the purpose of giving testimony in order for a criminal charge of obstruction of justice properly to lie.

The anomalous situation resulting is that a premium is placed upon being able to adversely influence a person having knowledge relating to a criminal offense before the judicial machinery is set in motion by the commencement of a criminal action in court. Attorney General Katzenbach told the subcommittee that the Department of Justice could find no justification for this present inconsistency in the law. "The danger to an informant or a witness flows from whether he has talked to the Government," he stressed, "not from whether the case is yet before the court." The Federal Government ought to be able to provide "the same assurances and protections to a person willing to go to the FBI or other Federal agency that it can at a later stage in prosecution" (p. 30).

Mr. Katzenbach particularly stressed in his testimony the difficulty of preparing cases for trial in the field of organized crime when witnesses consistently refuse to cooperate with investigators in the face of threats and other kinds of intimidation directed at them or their families. Indeed, he said, organized crime owes much of its national power and affluence to its ability to impose silence on members and thereby protect both the leaders and the membership. The need for legislation to help break this grip of silence, he said, "is underscored by the dozens of cases of witnesses beaten with baseball bats and tortured with acetylene torches. And for every identifiable case of intimidation or attack, there are many more cases of sudden, unexplained silence" by witnesses or potential witnesses (p. 30).

In a letter from the Department of Justice recommending passage of the bill (which is set forth in full in a later section of this report) it is pointed out that there have been numerous cases in which the murdering or threatening of potential witnesses during an investigation has actually prevented the initiation of proceedings on the matter being investigated. This frustration of criminal investigations and prosecutions is surely inimical to our system of justice; but, since no statute presently protects witnesses during the investigative stage of criminal cases, the Government has been unable to take any punitive action. Passage of S. 2188, Mr. Katzenbach said, would assure that this situation can be "quickly and surely rectified" (p. 30).

Assistant Treasury Secretary David C. Acheson testified that the Treasury Department, as well as the Justice Department, sees important advantages in punishing interferences with the communication of information to criminal investigators without regard to the pendency of formal court proceedings. The cases are many in which potential witnesses against criminal subjects have disappeared, died, or changed their stories during an investigation, he said, particularly in the field of organized crime (p. 57):

"Organized crime cases present special risks of intimidation before the matter becomes one of judicial cognizance. Organized crime figures commonly employ subterfuge and secrecy. The development of cases against them often involves a protracted investigation before sufficient information is gathered to commence a prosecution. The risk that potential witnesses will be identified and silenced during such extended investigations is substantially greater than in the typical brief police investigation."

With the suggestion that the bill be amended so as to include prosecuting attorneys within the group to whom the communication of information is protected, Mr. Acheson told the subcommittee that the Treasury Department strongly urges enactment of the bill (p. 58).

In addition to Mr. Katzenbach and Mr. Acheson, every other law enforcement official who testified before the subcommittee strongly supported the proposed legislation. Included were the Honorable J. Joseph Nugent, attorney general of the State of Rhode Island and chairman of the Criminal Law Committee of the Association of State Attorneys General (pp. 96–109); the Honorable Robert Matthews, attorney general of the Commonwealth of Kentucky (pp. 137–149); William M. Lombard, chief of police of Rochester, N.Y. (pp. 123–137); Gerald M. Monahan, chief of police of Allentown, Pa. (pp. 109–119); and Mr. Charles Siragusa, former Deputy Commissioner of the Federal Bureau of Narcotics and present executive director of the Illinois Crime Commission (pp. 210–220).

Many of the State and local law enforcement officials who commented on the bill, either orally before the subcommittee or in written statements submitted for possible inclusion in the record, recommended extending the coverage of the bill to witnesses who give information to State officials relating to violations of Federal law. The committee is of the opinion, however, that it would be unwise to extend the bill's coverage in this respect. It is felt that the protection of witnesses who give information to State investigators would more properly be accomplished under State law, and it is hoped that enactment of S. 2188 will give guidance to the States in the enactment of similar legislation. Moreover, the Department of Justice, in commenting on this point, has taken the position that extending Federal coverage to non-Federal investigations would possibly impose upon Federal investigative agencies an additional heavy burden for which no need has yet been demonstrated.

In this regard, John B. Layton, Chief of Police, Washington, D.C., recommended extending the bill's coverage to protect witnesses who give information about violations of Federal law to the Metropolitan Police of the District of Columbia. The committee agrees with the Department of Justice that a sufficient need for such an extension of coverage has not been demonstrated, and that, if such a need is demonstrated, coverage should be accomplished by appropriately amending the District of Columbia Code.

The comments of the Department of Justice on these suggestions for extending the coverage of the bill are included in a letter from Attorney General Katzenbach which is set forth in full at a later point in this report.

Only one witness testified in opposition to the bill, and the committee is of the opinion that his opposition reflected a misunderstanding or misstatement of the purpose and effect of the bill. The witness expressed the fear that the bill would vest in Government investigators a weapon which could be used to intimidate or harass potential witnesses by unjustly accusing them of obstructing or impeding criminal investigations by giving false or misleading information about criminal violations. However, this objection misses the point that the sole purpose of the bill is to protect informants and potential witnesses against intimidation or injury by third persons designed to prevent or discourage them from talking to Government investigators. The informants or witnesses cannot themselves become subject under this bill to any penalty on account of any information they may furnish to an investigator. Hence, there is no possibility that the legislation could endow a Government investigator with the "power to put the man he is talking to in jail," as the witness suggested (p. 260).[2]

The second point of opposition raised by this witness was that the bill would unwisely penalize persons for threats of coercion unaccompanied by any physical acts. Again, this objection stems from a misunderstanding of the legislation. As introduced, the bill proscribed endeavors to obstruct criminal investigations "by means of bribery, misrepresentation, intimidation, force, or threats thereof." Clearly, the only threat proscribed by this language is a threat of force, since it is difficult to imagine a threat of bribery, misrepresentation, or intimidation. In any event, to preclude a misreading of the provision, the committee has amended the bill to read "bribery, misrepresentation, intimidation, *or force or threats thereof*," in order to make it unavoidably clear that the word "threats" refers only to threats of physical force.

CONCLUSIONS

The committee believes that the proposed legislation, which is identical to the bill (S.

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[1] Unless otherwise indicated, page references in parentheses are to the hearings before the Subcommittee on Criminal Laws and Procedures on Mar. 22, 23, and 24, and May 10 and 11, 1966.

[2] The witness repeatedly referred to S. 1665 of the 87th Congress which contained a provision penalizing the willful and knowing communication of false or misleading information to a Government investigator. He did not note, however, that S. 2138 contains no such provisions.

2188) approved by this committee in the second session of the 89th Congress, is meritorious. The proposal strikes at the heart of a serious problem which frequently interferes with, if not thwarts, investigations of violations of Federal criminal laws. The hearings on S. 2188 demonstrated clearly the perils faced by persons having knowledge of criminal activities who are disposed to cooperate with investigators, and the consequent difficulty of preparing criminal cases for trial in the face of bribery attempts or threats of injury directed at potential witnesses or their families. This is especially true in the field of organized crime, the hearings revealed, where a familiar racketeering technique is the use of threats or other methods of intimidation to frighten and terrorize potential witnesses. Testimony before the subcommittee demonstrated further that racketeers do not hesitate to carry out their threats of injury by acts of violence when necessary to enforce the code of silence upon which organized crime chiefly relies to escape detection and prosecution.

Under existing law, potential witnesses willing to cooperate with Federal investigators cannot be protected to the extent that trial witnesses can, since it is not at present a violation of Federal law to attempt to intimidate or injure a person having information about criminal violations prior to the formal institution of judicial proceedings. The proposed legislation would correct this serious deficiency in the law by providing severe penalties for attempts to obstruct justice by interfering with criminal investigations conducted by Federal departments and agencies. Every citizen has an obligation to aid in the enforcement of the criminal laws. In discharging this obligation, persons who supply information to investigators are clearly entitled to the same protection against intimidation or injury that the Government can provide to witnesses and jurors in criminal proceedings. The proposed legislation would empower the Government to provide that protection and would be an effective weapon in combating organized crime.

The committee concludes that S. 676 would constitute a substantial improvement in existing law and recommends that it be considered favorably.

AMENDMENT OF TITLE 18, UNITED STATES CODE

The bill (S. 677) to permit the compelling of testimony with respect to certain crimes, and the granting of immunity in connection therewith was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1952 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Whenever in the judgment of a United States attorney the testimony of any witness, or the production of books, papers, or other evidence by any witness, in any case or proceeding before any grand jury or court of the United States involving a violation of this section, or any conspiracy to violate this section, is necessary to the public interest, he, upon the approval of the Attorney General or an Assistant Attorney General designated by the Attorney General, shall make application to the court that the witness shall be instructed to testify or produce evidence subject to the provisions of this subsection, and upon order of the court such witness shall not be excused from testifying or from producing books, papers, or other evidence on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no such witness shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor shall testimony so compelled or evidence so produced be used as evidence in any criminal proceeding (except prosecution described in the next sentence) against him in any court. No witness shall be exempt under this subsection from prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this subsection."

SEC. 2. Section 1503 of title 18, United States Code, is amended by placing "(a)" before the present paragraph and by adding the following new subsection at the end thereof:

"(b) Whenever in the judgment of a United States attorney the testimony of any witness, or the production of books, papers, or other evidence by any witness, in any case or proceeding before any grand jury or court of the United States involving a violation of this section, or any conspiracy to violate this section, is necessary to the public interest, he, upon the approval of the Attorney General or an Assistant Attorney General designated by the Attorney General, shall make application to the court that the witness shall be instructed to testify or produce evidence subject to the provisions of this subsection, and upon order of the court such witness shall not be excused from testifying or from producing books, papers, or other evidence on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no such witness shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor shall testimony so compelled or evidence so produced be used as evidence in any criminal proceeding (except prosecution described in the next sentence) against him in any court. No witness shall be exempt under this subsection from prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this subsection."

SEC. 3. Chapter 9 of title 18, United States Code, is amended by adding the following new section at the end thereof:

"§ 156. Refusal to testify

"Whenever in the judgment of a United States attorney the testimony of any witness, or the production of books, papers, or other evidence by any witness, in any case or proceeding before any grand jury or court of the United States involving a violation of this chapter, or any conspiracy to violate this chapter, is necessary to the public interest, he, upon the approval of the Attorney General or an Assistant Attorney General designated by the Attorney General, shall make application to the court that the witness shall be instructed to testify or produce evidence subject to the provisions of this section, and upon order of the court such witness shall not be excused from testifying or from producing books, papers, or other evidence on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no such witness shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor shall testimony so compelled or evidence so produced be used as evidence in any criminal proceeding (except prosecution described in the next sentence) against him in any court. No witness shall be exempt under this section from prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this section."

SEC. 4. Chapter 11 of title 18, United States Code, is amended by adding the following new section at the end thereof:

"§ Refusal to testify

"(a) Whenever in the judgment of a United States attorney the testimony of any witness, or the production of books, papers, or other evidence by any witness, in any case or proceeding before any grand jury or court of the United States involving a violation of this chapter, or any conspiracy to violate this chapter, is necessary to the public interest, he, upon the approval of the Attorney General or an Assistant Attorney General designated by the Attorney General, shall make application to the court that the witness shall be instructed to testify or to produce evidence subject to the provisions of this section, and upon order of the court such witness shall not be excused from testifying or from producing books, papers, or other evidence on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no such witness shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor shall testimony so compelled or evidence so produced be used as evidence in any criminal proceeding (except prosecution described in the next sentence) against him in any court. No witness shall be exempt under this section from prosecution or perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this section."

SEC. 5. (a) The analysis of chapter 9 of title 18, United States Code, is amended by adding the following new item at the end thereof:

"156. Refusal to testify."

(b) The analysis of chapter 11 of title 18, United States Code, is amended by adding the following new item at the end thereof:

"225. Refusal to testify."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 308), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to amend sections 1952 (interstate travel in aid of racketeering) and 1503 (obstruction of justice by injury or threat to a witness or juror) and chapters 9 (bankruptcy frauds) and 11 (bribery, graft, and conflicts of interest) of title 18, United States Code, to provide a statutory method for compelling witnesses to testify or produce documentary evidence concerning violations of such sections or chapters, notwithstanding their objection that testimony or evidence might be self-incriminating, by granting them immunity from prosecution for matters or transactions revealed by such testimony or documentary evidence.

PROVISIONS OF THE BILL

Section 1 of the bill would amend section 1952 of title 18, United States Code (which prohibits interstate and foreign travel or transportation in aid of racketeering enterprises), to provide a statutory method for granting immunity from prosecution to a witness in exchange for testimony or documentary evidence concerning violations of that section. The provision would apply to proceedings before any grand jury or court of the United States. In each case, the witness would be required first to claim his privilege against self-incrimination so that a deliberate decision may be made as to whether an application to the court for a grant of immunity in exchange for the witness' testimony or documentary evidence is necessary to the public interest. Upon application by the U.S. attorney, with the approval of the Attorney General or his designee the court would issue an order directing the witness to testify or produce documentary evidence. The witness could not then be excused from complying with the order on the ground of possible self-incrimination; but he could not thereafter be prosecuted in any court, State or Federal, for matters revealed by such compelled testimony or evidence, nor could it be introduced as evidence in any subsequent criminal proceeding against him in any court. He would not, however, be immune from subsequent prosecution for perjury or contempt of court committed while giving testimony or producing documentary evidence pursuant to the court's order.

Section 2 of the bill would add an identical witness-immunity provision to section 1503 of title 18, United States Code, which prohibits the obstruction of justice by threatening or injuring an officer, juror, or witness in a judicial proceeding.

Section 3 of the bill would add an immunity provision to chapter 9 of title 18, United States Code, relating to bankruptcy frauds.

Section 4 would similarly amend chapter 11 of title 18, United States Code, which relates to bribery, graft, and conflicts of interest.

Section 5 of the bill would make the necessary technical amendments to the analyses of chapters 9 and 11 of title 18, United States Code.

STATEMENT

A similar bill, S. 2190 of the 89th Congress, was approved by this committee, with an amendment in the nature of a substitute, and favorably reported to the Senate on August 24, 1966 (Rept. No. 1498). The bill, as reported, was passed by the Senate on August 26, 1966, and sent to the House of Representatives where it was referred to the Committee on the Judiciary. No further action was taken on the bill in the House during the 89th Congress.

The present bill, S. 677, is identical to S. 2190 as it was approved by this committee and passed by the Senate during the 89th Congress.

In its favorable report on S. 2190 this committee set forth the need for the legislation and the committee's recommendations as follows:

"S. 2190 was introduced in accordance with the recommendations of the Department of Justice. Its enactment will constitute a major step in the implementation of President Johnson's request, in his 1965 message to the Congress on crime and law enforcement, for legislation enabling Federal law enforcement agencies to strengthen and expand their war against organized crime. The bill received the strong support of the President in his March 1966 message to the Congress proposing a national campaign against organized crime. In that message the President said:

" 'Organized crime will stop at nothing to escape detection and prosecution. Torture and murder of witnesses, efforts to bribe prosecutors and jurors—these are not shocking exceptions. They are familiar racketeering techniques.

" 'Such methods not only make it harder to prosecute racketeers, they poison the system of law enforcement itself. They require a strong antidote, and an important one is now pending in both Houses. This legislation would expand the authority of the Department of Justice to immunize hostile but knowledgeable witnesses against prosecution and thereby enable them to testify without incriminating themselves.'

"As the President noted in his message, immunity legislation is by no means a new concept in Federal law. There are currently some 55 Federal statutes on the books authorizing grants of immunity to witnesses before various Federal bodies, principally the regulatory agencies.[1] S. 2190 would extend such authority to an area of law enforcement where it now is critically lacking: the investigation and prosecution of racketeering-type crimes perpetrated on a large scale by multi-State organized crime syndicates, such as the notorious Mafia or Cosa Nostra.

"Testimony before the Subcommittee on Criminal Laws and Procedures, and before other congressional groups investigating crime in recent years, has established clearly that one of the most serious obstacles impeding the Federal Government's war on crime has been the inability to get incriminating evidence against known criminals because of the refusal of knowledgeable witnesses to testify before grand juries and courts. Absent authority to compel such hostile witnesses to testify by granting them immunity from prosecution, they may withhold crucial evidence against other criminal figures by claiming their personal privilege under the fifth amendment against possible self-incrimination.

"The problem is especially acute in the investigation and prosecution of organized crime, the subcommittee was told, for reasons inherent in the way in which such criminal activities typically are carried on. The principal targets in the attack on organized crime are of necessity the top leaders of the syndicates. However, owing to the layer-upon-layer hierarchical organization of the syndicates, the top racketeers are able to direct vast criminal empires without openly engaging in anything illegal themselves and without ever running directly afoul of the law. Consequently, it has been readily apparent in recent years that virtually the only means of obtaining incriminating evidence against these syndicate leaders is through the testimony of minor participants in criminal conspiracies who have valuable knowledge about the organization and its leaders. Understandably, however, these minor racketeers, when apprehended and questioned, refuse to talk. They are inclined to remain silent because of their own involvement and their fear of reprisals, and they are privileged to remain silent because of the fifth amendment's protection against being compelled to give possibly self-incriminating evidence.

"In his testimony before the subcommittee, Attorney General Katzenbach stressed the difficulty encountered by law enforcement officials in trying to trace organized crime through the maze of subordinates to the men who direct it, and explained how the fifth amendment actually assists the rackets in maintaining its protective shield of enforced silence:

" 'Attorney General KATZENBACH. * * * Organized crime operates successfully because of the conspiracy of silence that it has. That is what makes it really difficult to move up the line and get at all save those who are the lower echelon. It makes it very difficult to get the top leaders unless they happen to be careless. They enforce this conspiracy of silence in their own way.

" 'Chairman McCLELLAN. They enforce it by violence and terror.

" 'Attorney General KATZENBACH. That's correct, Mr. Chairman. It also ties into the privilege against self-incrimination under the fifth amendment. We protect their silence on the one hand and in a sense we are authorizing protection of the people within the organization.' (P. 38.)[2]

"The Attorney General emphasized that much progress has been made in recent years in combating organized crime. He said that legislation such as the comprehensive antiracketeering statutes enacted by the 87th Congress has enabled the Federal Government to develop an effective and accelerating organized crime drive centered in the Department of Justice, utilizing the cooperative efforts of the Federal Bureau of Investigation, the Internal Revenue Service, the Federal Bureau of Narcotics, and other Federal law enforcement and investigative agencies. As one indication of the scope and effectiveness of this organized crime drive, Mr. Katzenbach noted that the number of organized crime indictments secured by the Federal Government rose from 17 in 1960 to 331 in 1964 and to 491 in 1965 (pp. 30-35). He said, however, that a jurisdictional basis for Federal investigation and prosecution of racketeering has proved to be only part of the answer. The problem of how to get evidence to incriminate the top racketeers under the new laws still must be solved. He concluded (p. 38):

" 'I think the simple fact of the matter is that we cannot make progress in fighting organized crime other than by getting the testimony of people who are involved in it. If we want to make real progress I believe it is of very great importance that we turn to the immunity statute * * *. I believe that it is extremely important legislation in terms of combating crime.'

"In his testimony before the 1963 hearings on organized crime held by the permanent Subcommittee on Investigations, then Attorney General Robert F. Kennedy said it was already apparent to him that the new antiracketeering laws, as helpful as they clearly were, could not be fully effective without a means of compelling testimony concerning violations of them. He explained:

" 'Attorney General KENNEDY. The difficulty is that where it goes across State lines these matters involve some of our biggest gangsters and hoodlums in the United States or their lieutenants. It is virtually impossible to obtain testimony from any of those who are directly involved. If they bring in an outside individual, a businessman, a labor leader, or an ordinary citizen, we have found from our experience that he becomes so intimidated that he will also refuse to testify.

" 'So the result is that cases that we realize exist, because of our investigative work, we are not able to present in a court of law because we just do not have the witnesses. If we could obtain an immunity provision * * * so that we could give immunity and require testimony, it would be very helpful in cutting down on the bigtime activities of those involved in organized crime.'[3]

"The views of Attorneys General Katzenbach and Kennedy were echoed by other law enforcement officials who testified before the subcommittee, particularly by the Honorable David C. Acheson, former U.S. Attorney for the District of Columbia and present Special

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[1] A list of 55 Federal witness-immunity statutes appears at pp. 35–36 of the Hearings on Organized Crime and Illicit Traffic in Narcotics before the Permanent Subcommittee on Investigations of the Committee on Government Operations, U.S. Senate, 88th Cong., first and second sess., pt. 1. See also 72 Yale L.I. 1568 (1963), app. A, pp. 1611–12.

[2] Unless otherwise indicated, page references in parentheses are to the hearings by the Subcommittee on Criminal Laws and Procedures on Mar. 22, 23, and 24, and May 10 and 11, 1966.

[3] Hearings on Organized Crime and Illicit Traffic in Narcotics, op. cit., note 1 above, p. 18.

Assistant to the Secretary for Enforcement, Department of the Treasury. Mr. Acheson indicated that his experience in the Justice Department and the Treasury Department had firmly convinced him that immunity grants in appropriate cases could be a valuable aid in law enforcement. He said he personally would favor a general Federal immunity statute applicable to all criminal violations without limitation to particular crimes. However, pending enactment of such general immunity legislation, he would, he said, strongly advocate the addition of immunity provisions to the four criminal statutes to which S. 2190 refers. He noted that the Treasury Department's Bureau of Narcotics has had experience with immunity grants under the provision of 18 U.S.C. 1406, which authorizes such grants in connection with certain narcotic and marihuana offenses. He concluded (p. 58):

" 'We have found that grants of immunity to carefully selected individuals can be an extremely helpful tool in penetrating multiparty criminal transactions. Based on our experience, we believe that immunity provisions, subject in every case to procedures like those in S. 2190 as a safeguard against improper use, would be helpful to Federal enforcement efforts.'

"Additional firm support for increased Federal witness-immunity authority came from all of the State and local law enforcement officials who testified before the subcommittee. J. Joseph Nugent, attorney general of the State of Rhode Island, told the subcommittee that he had found certain of his State's immunity statutes to be very helpful, and concluded that Federal immunity legislation was, in his opinion, 'a very good idea.' 'I believe that this bill is a step in the right direction,' he said, 'and I think it may help to solve, by its enactment, otherwise unsolvable criminal acts' (p. 107).

"Robert F. Matthews, the attorney general of the Commonwealth of Kentucky, shared Attorney General Nugent's views:

" 'Attorney General MATTHEWS. * * * The authority to grant immunity to witnesses is, of course, an effective instrument in prosecutions where the only witnesses available are the ones who tend to incriminate themselves. Obviously, this bill should facilitate prosecutions under the statutes referred to. I think it is a very fine piece of legislation' (pp. 143–144).

"Gerald M. Monahan, chief of police of Allentown, Pa., stressed the fact that S. 2190 would increase the effectiveness of existing antiracketeering statutes and of other criminal legislation under consideration by the subcommittee. He said that most of the law enforcement people with whom he had discussed the several crime bills pending before the subcommittee had considered S. 2190 to be 'the best piece of legislation of all of them' (p. 111).

"Charles Siragusa, former Deputy Commissioner of the Federal Bureau of Narcotics and present executive director of the Illinois Crime Commission, pointed out that the enabling act which created his commission contained comparable witness-immunity authority. He said his experience in law enforcement led him to conclude that S. 2190 'would be another excellent weapon in the war on organized crime' (p. 214).

"EXCERPTS FROM WRITTEN STATEMENTS SUBMITTED TO THE SUBCOMMITTEE

"In addition to the witnesses who testified before the subcommittee, a large number of interested and qualified persons (including State and local law enforcement officials, State supreme court justices, and professors of law specializing in criminal law) submitted written statements on S. 2190. They have been indexed and are available in the subcommittee's files. Almost without exception, those statements strongly supported the bill. Representative excerpts follow:

" 'Darrell F. Smith, attorney general of the State of Arizona: "S. 2190 is a vital measure to be highly commended and encouraged. In many instances, it is vital for the safety of all that the prosecuting authorities be in a position to forgo the possibility of prosecuting some individuals in order to develop information absolutely essential to combat crime on a broader scale. Only through effective granting of immunity can the individual's rights under the Constitution be fully protected as regards his privilege against compulsory self-incrimination."

" 'Bronson C. La Follette, attorney general of the State of Wisconsin: "We in Wisconsin have recognized the necessity for a general immunity statute in any criminal prosecutions as a necessary tool to successfully prosecuting certain types of criminal cases where evidence is difficult to obtain and it is necessary to use the testimony of accomplices and coconspirators in order to convict persons judged to be the masterminds or ringleaders. (The bill) * * * deserves the wholehearted support of the national law enforcement family."

" 'David J. Keyser, chief of police, Baton Rouge, La.: "This particular bill will be of great aid in obtaining information for prosecution of the heads of criminal organizations by using information obtained from subordinates. By granting immunity to the unimportant people in an organization, it will aid prosecutors and investigators in obtaining good evidence for prosecution."

" 'Frank S. Hogan, district attorney of the county of New York: "I approve of giving the Attorney General or designated Assistant Attorney General authority to compel a person claiming the privilege of self-incrimination to testify or produce evidence in any case involving violation of certain Federal laws and grant such persons immunity from prosecution for any transaction regarding which he was compelled to testify."

" 'John McKee, president and managing director, the Dallas Crime Commission: "Senate bill S. 2190 is a very important bill. From our crime commission's standpoint * * *, I find personally a lot of cases where men will come forward and there would be sources of information that would lead us directly to cases that are unsolved or cases that are planned, * * * (and if) immunity could be secured for these individuals this would be a great deterrent—particularly within the small organized group of criminals. I think the bill would accomplish this purpose."

" 'R. A. Miles, chief of police, Austin, Tex.: "Legislation of this type, in my humble opinion, is overdue. All of us in the law enforcement profession have long deplored the obstacles which have been so consistently placed in the path of * * * efforts to ferret out the identities of those engaged in widespread criminal and subversive activities. This bill is exceptionally well drawn and should provide adequate constitutional safeguards for those who are cooperative or are innocent of any wrongdoing."

" 'F. C. Ramon, chief of police, Seattle, Wash.: "In the difficult area of measuring the rights of a human being in our society against the needs of government in protecting that society, this legislation is an exemplar of striking the necessary balance. * * * If this bill is enacted, undoubtedly the States using the grand jury system will enact similar legislation. This will serve as a model or base for legislation in the non-grand-jury States in the presently almost foreclosed areas of investigation." '

"CRIMINAL STATUTES TO WHICH THE BILL APPLIES

"As noted above and stressed throughout the hearings, S. 2190 does not represent an effort to establish general Federal immunity authority, but aims instead to extend that authority only to the area of law enforcement where the need has been demonstrated to be most critical: the investigation and prosecution of organized crime, with respect to which evidence is often unobtainable if accomplices and coconspirators cannot be compelled to testify. The legislation would authorize Federal prosecutors to confer immunity from prosecution, in appropriate cases, in exchange for testimony or evidence relating to violations of four criminal statutes covering a wide variety of racketeering offenses, including interstate gambling, prostitution, and bootlegging, as well as bribery, graft, bankruptcy fraud, jury tampering, and other such schemes for the obstruction of justice. The four statutes will be discussed in order.

"I. The racketeering travel act

"One of the major weapons in the Government's fight against organized crime is the Racketeering Travel Act (18 U.S.C. 1952), enacted by the 87th Congress in an effort to enable the Federal Government to deal more effectively with multistate racketeering. That provision goes to the heart of illegal activities conducted by interstate crime syndicates by making it a felony to travel in interstate or foreign commerce, or to use an interstate or foreign commerce facility, for the purpose of distributing the proceeds of an unlawful activity, committing a crime of violence to further an unlawful activity, or otherwise promoting or carrying on an unlawful activity. "Unlawful activity" is defined to include any business enterprise involving violations of State or Federal laws on gambling, liquor, narcotics, prostitution, extortion, or bribery.

"Attorney General Katzenbach, in his testimony before the Subcommittee on Criminal Laws and Procedures, said that section 1952 has already proved to be "one of the most useful antiorganized crime laws" in the Government's arsenal (p. 31). However, he expressed the strong belief that to develop the statute to its maximum usefulness, legislation is needed enabling the Government to compel the testimony of persons having knowledge of violations of the section or conspiracies to violate it, who would otherwise refuse to testify on the basis of the fifth amendment. Such legislation, he said, "is important—perhaps essential—if we are ever to pierce effectively the conspiracy of silence which is the prime protection of the leading gangsters in organized crime" (p. 31).

"Assistant Secretary Acheson agreed with the Attorney General that section 1952 has been a significant weapon against organized crime, and would be even more effective if an immunity provision were added. He said (p. 58):

" 'Investigations of violations of section 1952 of title 18 involving liquor and narcotics are, under subsection (c) of that section, designated to be supervised by the Secretary of the Treasury. Our experience with that section supports the Justice Department's view that it is an effective tool in combating organized crime operations. Considering the multiparty nature of most of the operations involving liquor and narcotics which would be punishable under section 1952, it might well be necessary to grant immunity to peripheral participants in order to develop certain cases against those principally responsible for the enterprise. We therefore support the addition of immunity provisions to section 1952.'

"In his testimony during the hearings on organized crime held by the Senate Permanent Subcommittee on Investigations in 1963, Attorney General Kennedy stressed that one major purpose of his testimony was to seek the help of Congress in obtaining legislation authorizing the granting of immunity to witnesses in racketeering investigations and prosecutions. Mr. Kennedy told the subcommittee that as racketeers have become more clever and adroit at insulating themselves from the law, the value of informants has increased correspondingly; but the flow of information from such sources has not answered the problem. 'Being able to identify a top racketeer is one thing,' he said, 'securing the evidence to convict him in a court of law is quite another.'[4]

"With that problem in mind, Mr. Kennedy asked specifically that the Congress enact legislation authorizing the granting of immunity to witnesses in establishing violations of the Racketeering Travel Act:

" 'Attorney General KENNEDY. * * * I have recommended * * *, Mr. Chairman, * * * having an immunity statute attached to section 1952 of title 18, the Racketeering Travel Act passed by Congress at the last session, which deals with travel on illegal business across State lines. Illegal business is described as prostitution, organized crime, gambling, bribery, extortion. This is a very powerful weapon and it has been very useful to us so far. But we have a difficult time, as always, in obtaining witnesses to testify on some of these matters. If we could give immunity to some of the key witnesses who have information about these kinds of activities, that would be extremely important.'[5]

"The committee is persuaded that an immunity provision is needed to develop the Racketeering Travel Act to maximum usefulness. As of many of the witnesses stressed in their testimony, the need is inherent in the way modern interstate racketeering is carried on. Rackets lords need only contact one or two trusted lieutenants to successfully direct a massive illegal gambling or liquor operation, shielded from the likelihood of apprehension and prosecution by the fact that the only persons who can implicate them are their lower echelon accomplices who are themselves involved and, therefore, unlikely to talk. Section 1 of S. 2190 would enable Government prosecutors to overcome this obstacle in many cases by granting immunity from prosecution to lesser participants in interstate racketeering enterprises in order to obtain information from them for use in achieving the conviction under section 1952 of the bosses of the operations.

"2. Obstruction of justice

"Section 1503 of title 18, United States Code, makes it a felony to influence by threat or force, or to injure a witness or juror in a judicial proceeding. Attorney General Katzenbach told the subcommittee that one major way in which justice is sometimes frustrated is by the intimidation or injury of witnesses in criminal proceedings. Witnesses or potential witnesses in Federal court proceedings have been seriously injured or even killed, and persons believed to have evidence with respect to such incidents have refused to testify on the grounds of self-incrimination.

"This was corroborated by Mr. Siragusa, of the Illinois Crime Commission, who told the subcommittee that, in his State of Illinois, 'investigations of organized crime are continually obstructed by acts of violence.' He described one particularly brutal instance in which a female witness was first bribed and then threatened by a leading racketeer to induce her not to identify three armed robbers. When she decided to testify anyway, her home was subsequently burned, killing her 5-year-old son, despite extensive police surveillance (pp. 211–212).

"Attorney General Katzenbach testified that, in his opinion, 'addition of immunity provisions to secton 1503 would enable us better to secure information about the beating and murder of witnesses' and would make that statutory method for the protection of Government witnesses much more effective (p. 31). The committee agrees that such legislation (sec. 2 of S. 2190) would constitute an important additional protection to our system of justice.

"3. Bankruptcy frauds

"Chapter 9 (secs. 151–155) of title 18, United States Code, prohibits fraudulent schemes designed to violate the Federal bankruptcy laws, such as fraudulent concealment of assets, false claims against bankrupt estates, and embezzlement by trustees or receivers in bankruptcy. The committee believes that if testimony with respect to violations of that chapter could be compelled, an important source of illegal revenue for organized crime syndicates could be closed and the legitimate business community could be protected more effectively against costly fraudulent bankruptcy schemes.

"The subcommittee was told that bankruptcy investigations conducted in various parts of the country have disclosed that setting up and financing planned bankruptcies constitutes a major source of revenue for organized crime. Such schemes usually involve use of an ostensibly honest and respectable frontman or the takeover of a business with an established credit rating. Large amounts of merchandise are obtained from suppliers on the credit of the frontman or business, with no intention of paying for it. The merchandise is then sold, the proceeds are stolen by the organizers of the operation, and the business goes into bankruptcy. Throughout the operation, and at the bankruptcy proceedings in the Federal court, only the frontman appears. Without his cooperation, which he generally refuses to give on the basis of the fifth amendment because he is himself implicated, there is usually no evidence with which to prove that the bankruptcy was deliberate and fraudulent and to implicate the operators of the scheme. Section 3 of S. 2190 would authorize the Government to compel the frontman to testify, in appropriate cases, by granting him immunity from prosecution on the basis of his testimony. In this way, persons involved in relatively minor capacities in fraudulent bankruptcy schemes can be compelled to divulge information which may aid in the identification and prosecution of the persons primarily responsible for these fraudulent operations.

"The prevalence of planned bankruptcies and the high cost of such schemes to the public and to legitimate businesses are evident from the numerous letters received by the subcommittee and individual Senators from representatives of the business community. The letters are available for reference in the subcommittee's files. The following excerpts are typical:

"Stanley L. Davis, general credit manager, American Olean Tile Co., Lansdale, Pa.: "We certainly would like you to know that we are 100 percent in favor of Senate bill 2190 which you introduced to help the Government fight planned bankruptcies. We hope that you can have this bill enacted because crime in planned bankruptcies has been prevalent in our area."

"R. W. Rowles, assistant treasurer, Anchor Hocking Glass Corp., Lancaster, Ohio: "Your attention is again directed to Senate bill 2190 which would assist the Government in its fight against organized crime in 'planned bankruptcies.' * * * Our firm has suffered damage as the result of this type of operation and we believe, as do other members of the National Association of Credit Management, that this bill would assist in the prevention of such frauds."

"O. D. Glass, Jr., assistant credit manager, Genesco, Inc., Nashville, Tenn.: "We believe that this bill would be in the best interest of the credit fraternity in general and that business would be benefited thereby."

"Alan B. Sipe, corporate credit manager, the Huffman Manufacturing Co., Dayton, Ohio: "I would like to urge positive action on Senate bill 2190 * * * Credit men in all States are plagued with syndicate bankruptcies and more convictions would tend to make this business unprofitable * * *' "

"There can be no doubt of the serious problem posed by planned bankruptcies, both from the point of view of the legitimate business community and in terms of a revenue source for organized crime. The committee believes that enactment of S. 2190 will, as Attorney General Katzenbach stated, provide the Justice Department with 'a much-needed wedge to drive into the increasing intrusions of racketeers into legitimate business' (p. 31), thus better enabling the Department to protect the public against costly frauds and eradicate what may well be organized crime's largest single illegal revenue source.

"4. Bribery, graft, and conflict of interest

"S. 2190 would similarly amend title 18, chapter 11, United States Code, to provide for the compelling of testimony and the granting of immunity therefor with respect to bribery, graft, and conflict-of-interest violations involving public officials. Because of the nature of these offenses and their seriousness, the committee deems it essential that the Government be afforded an additional tool with which to protect itself and the public. Section 4 of S. 2190 would provide such a tool.

"Attorney General Katzenbach told the subcommittee that political corruption has become 'one of the most important types of organized crime conduct and at the same time one of the most difficult to deal with.' Neither a briber nor a public official who has accepted a bribe will readily testify, he said, since both have committed a crime. An immunity provision added to chapter 11 'would allow the Department to determine which may be the less culpable and then to proceed against the other' (p. 31).

"The committee recognizes that political corruption has become a serious and ubiquitous byproduct of organized crime. It undermines the integrity and efficiency of public officials and tends to destroy public confidence in law enforcement and the administration of criminal justice. Enactment of S. 2190 would provide a means of combating such corruption by authorizing law enforcement officials to immunize one of the parties involved and compel him to give testimony which can be used to convict and punish the other.

"ANALYSIS OF THE BILL'S PROVISIONS

"Witness must affirmatively claim fifth amendment privilege

"S. 2190 provides, in brief, that the Government may compel a witness to testify or produce evidence with respect to violations of the four criminal statutes referred to, despite the self-incriminating nature of the testimony; but in exchange for the testimony, the Government is disabled from obtaining penal sanctions against the witness for matters revealed by his testimony. This is based upon the proposition that the fifth amendment does not confer upon a witness an absolute right to remain silent, but protects him only from being compelled to furnish evidence that could result in his being subjected to a criminal sanction. If the witness is rendered immune from incrimination on the basis of his testimony, the fifth amendment proscription loses its force and may not be relied upon as a basis for refusing to testify. (*Brown* v. *Walker*, 161 U.S. 591 (1896).)

"As noted above, there are some 55 Federal immunity statutes currently in force. Most of them are embodied in regulatory statutes for the purpose of facilitating the enforcement procedures of the various administrative agencies, although some are applicable to grand juries and trials. The existing statutes may also be classified as to whether or not a witness must affirmatively claim his privilege against self-incrimination before he is entitled to be immunized. Some of them, called claim statutes, require the witness to first claim his privilege and refuse to testify. Others, called automatic or immunity bath statutes, provide that a witness automatically obtains immunity from prosecution merely by responding to a subpena and testifying, without the necessity of first claiming his constitutional privilege.

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[4] Hearings on Organized Crime and Illicit Traffic in Narcotics, op. cit. note 1 above, p. 15.

[5] Id. at p. 18.

"The committee is of the opinion that a witness should be required to claim his constitutional privilege before being given immunity in order to avoid the possibility of a witness getting an unintentional or unnecessarily broad 'immunity bath' solely by reason of his having been called to testify. Hence S. 2190 provides that a witness may be granted immunity with respect to any transaction, matter, or thing concerning which he is compelled to testify 'after having claimed his privilege against self-incrimination.' The granting of immunity should in every instance be a considered and conscious act and should not be attained by inadvertence, mistake, or neglect. By requiring the witness affirmatively to claim his privilege not to testify, the bill affords the Government the opportunity to make a deliberate, positive evaluation of the expected testimony in the light of its necessity to the public interest as opposed to whatever disadvantage to the cause of justice may be the result of immunizing a particular witness.

"Procedure for granting immunity

"While most of the immunity statutes currently in force do not detail procedures for granting immunity, at least two, the Narcotic Control Act of 1956 (18 U.S.C. 1406) and the Federal Immunity Act of 1954 (18 U.S.C. 3486), do set forth a procedure. Those statutes, which authorize grants of immunity in connection with narcotics violations and national security offenses, respectively, provide that whenever the testimony of a witness who has claimed his privilege against self-incrimination is considered necessary to the public interest, the U.S. attorney, upon approval of the Attorney General, shall make application to the court that the witness be instructed to testify or produce evidence. Upon order of the court, the witness is granted immunity and ordered to testify.

"S. 2190 as introduced set forth no procedure for granting immunity. It provided merely that no witness should be entitled to refuse to testify about enumerated violations on the basis of the fifth amendment, but such witness would receive immunity from prosecution on the basis of testimony compelled, with the approval of the Attorney General, over his fifth amendment objection. A number of witnesses and correspondents, including particularly Mr. Zagri of the Teamsters Union and Mr. Speiser of the ACLU, criticized the failure of the bill to spell out a procedure for granting immunity embodying some judicial check on the discretion of the Attorney General to indiscriminately immunize witnesses.

"The committee believes that the legislation under consideration should set forth a procedure for the granting of immunity which includes an application to the court for an order directing the witness to testify. Although in most cases a court order would in fact be the normal result, whether specifically required or not, the committee can visualize instances, particularly in proceedings before grand juries, in which the absence of a requirement for an application to grants of immunity which would not be in the best interest of the Government and would not adequately assure the protection of the rights of the witness. Therefore, the committee has amended S. 2190 by substituting the procedure specified in the immunity provision of the Narcotic Control Act of 1956 and the Federal Immunity Act of 1954, which have been interpreted and approved by the U.S. Supreme Court.[6]

"The procedure set forth in the bill as thus amended should better protect the rights of the witness and provide a judicial check against the sort of indiscriminate and unwise use of immunity grants feared by Mr. Zagri and Mr. Speiser.

"While the amended bill does not spell out the application procedure in minute detail, the committee envisions that the Department of Justice will employ the procedure now used in applying for immunity grants under the Narcotic Control Act and the Federal Immunity Act. Under those statutes, when a U.S. attorney has received a letter from the Attorney General approving an application to a district court for an order compelling the testimony of a particular witness, the U.S. attorney must submit an application to the court setting forth the following:

"1. That the grand jury is inquiring into matters pertaining to the statute;

"2. That the witness was asked certain questions (repeating the questions in detail);

"3. That the witness refused to answer the stated questions;

"4. That the answers to the questions are necessary to the public interest of the United States; and

"5. That the application is made with the approval of the Attorney General (a copy of the letter of approval is attached to the application).

"In support of the application, an affidavit is filed by the U.S. attorney stating:

"1. That the testimony is necessary to the public interest;

"2. That the affiant was present during the testimony of the witness before the grand jury;

"3. That the information is material and necessary to the investigation being conducted by the grand jury; and

"4. That the application is made in good faith.

"Under this procedure, the court has no discretion to deny the order of the ground that the public interest would not warrant it. The court's duty is only to ascertain whether the statutory requirements have been complied with by the grand jury, the U.S. attorney and the Attorney General. (*Ullmann* v. *United States*, cited in note 6 above.) Thus the court may not question the judgment of the prosecutive branch as to whether or not the public interest requires that a particular witness be granted immunity; but it may inquire into such matters as whether some other legal objection to compelling the witness' testimony exists and matters showing the presence or absence of good faith in the application. In addition, the provision requiring the approval of the Attorney General or his designee before an application for immunity may be made should serve as a check against hasty or improper action by prosecuting attorneys and should assure that the overall picture of organized crime will be considered before immunity applications are made.

"The substitute bill retains one procedural feature of the bill as introduced which does not appear in the Narcotic Control Act or the Federal Immunity Act. It is provided that an Assistant Attorney General designated by the Attorney General, as well as the Attorney General himself, may approve an immunity application. Attorney General Katzenbach stated in his testimony that, because of administrative considerations within the Department of Justice, the authority should be delegable. The committee concurs, and that provision of the original bill is, therefore, retained in the substitute bill.

"Scope of immunity granted

"Utilization of the language of 18 U.S.C. 1406 (the Narcotic Control Act) and 18 U.S.C. 3486 (the Federal Immunity Act of 1954) has the additional advantage of avoiding any possible controversy as to the scope of immunity granted in exchange for compelled testimony, since the relevant words of those sections have been construed by the U.S. Supreme Court to grant immunity from prosecution sufficiently broad to be constitutional.

"In order to be constitutionally acceptable, an immunity statute must confer protection as broad as the fifth amendment privilege it displaces. *Counselman* v. *Hitchcock*, 142 U.S. 547 (1892). In two recent decisions on this point, the Supreme Court has said that the fifth amendment's prohibition against compelled self-incrimination extends to the States through the 14th amendment, *Malloy* v. *Hogan*, 378 U.S. 1 (1964), and that, therefore, a witness in a Federal court is protected against being compelled to give testimony that might incriminate him under State law as well as Federal law, and a witness in a State court is protected against compelled self-incrimination under Federal law as well as State law, *Murphy* v. *Waterfront Commission of New York Harbor*, 378 U.S. 52 (1964).

"In construing the Narcotic Control Act (in *Reina* v. *United States*, 364 U.S. 507, 510–512 (1960) and the Federal Immunity Act (in *Ullmann* v. *United States*, 350 U.S. 422 434–435 (1956)), the Supreme Court has said that the relevant language, which is utilized substantially verbatim in the substitute bill, provides immunity from State as well as Federal prosecutions, and therefore validly supplants the privilege against self-incrimination. The Court said further that the Congress clearly has the power to enact legislation granting immunity from State prosecutions to the extent necessary and proper for the more effective enforcement of criminal laws within the power of Congress to enact (*Reina*, p. 511–512, upholding grants of State immunity under the Federal narcotics laws enacted under the commerce clause). The committee has no doubt, therefore, that the Congress has the power to grant immunity from State as well as Federal prosecutions in exchange for testimony relating to the four criminal statutes to which S. 2190 refers. Each of those statutes applies particularly to organized crime, the far-reaching national and even international implications of which have caused the Congress serious and continuing concern. The discovery and apprehension of those engaged in it present particularly difficult problems of law enforcement, as noted in detail earlier in this report. It can hardly be questioned, the committee believes, that the Congress has a rational basis for agreeing with the Justice Department that the grant of State as well as Federal immunity would be appropriate and conducive to more complete disclosure and cooperation by witnesses, and hence would aid in the more effective enforcement of the antiracketeering laws.

"In this regard, the committee feels it appropriate to note that it understands the *Murphy* v. *Waterfront Commission* opinion to indicate that a Federal immunity statute need not altogether bar subsequent State prosecutions for matters or transactions about which a witness is compelled to testify before a Federal court or grand jury, provided State authorities are prohibited from using the compelled testimony or its fruits in any manner in connection with a criminal proceeding against the witness. However, the committee agrees with the judgment of the Department of Justice that, since the question is not free from doubt,[7] and in order to secure the maximum cooperation of knowledgeable witnesses—which is the primary purpose of the legislation—the immunity granted should preclude subsequent State or Federal prosecutions for matters revealed by compelled testimony and preclude the use of such compelled testimony as evidence in a subsequent criminal proceeding against the accused in any court, State or Federal. As noted, the language of the substitute bill has been interpreted by the Supreme Court to have that effect."

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[6] The Federal Immunity Act was held constitutional in *Ullman* v. *U.S.*, 350 U.S. 422 (1956) and *Adams* v. *Maryland*, 347 U.S. 179 (1954); the Narcotic Control Act's immunity provision was held constitutional in *Reina* v. *U.S.*, 364 U.S. 507 (1960).

[7] In *Stevens* v. *Marks*, 383 U.S. 234 (February 1966), the Court notes that it is still an undecided question whether merely prohibiting the use of the witness' testimony or its fruits (but not prohibiting prosecutions based on independent evidence) is sufficient to supplant the fifth amendment.

CONCLUSIONS

The committee finds that S. 677, which is identical to the amended bill approved by this committee and passed by the Senate during the second session of the 89th Congress, is meritorious and recommends it favorably. The authority to make immunity grants has been given to nearly all of the administrative agencies, but unaccountably has been withheld, in large part, from the prosecutive arm of the Government where it is most urgently needed. Experience has shown that immunity authority, where it exists, has been used sparingly and without abuse and has been helpful to law enforcement. The proposed legislation would authorize immunity grants with respect only to four criminal statutes directly applicable to organized crime, and would specify a procedure designed to avoid excessive or unwise use and to assure full protection of the rights of the witness. The committee concludes that the legislation would be a significant improvement in existing law and recommends that the bill be considered favorably.

BILL PASSED OVER

The bill (S. 541) for the relief of Jack Baer was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

DR. AMPARO CASTRO

The bill (S. 118) for the relief of Dr. Amparo Castro was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Amparo Castro shall be held and considered to have been lawfully admitted to the United States for permanent residence as of May 1, 1958.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 311), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

ARTHUR JEROME OLINGER, AND GEORGE HENRY OLINGER

The bill (S. 155) for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitations, bars of laches, or lapse of time, or that the claims herein arose in a foreign country, jurisdiction is hereby conferred upon the United States District Court for the District of Hawaii to hear, determine, and render judgment upon the claims of Arthur Jerome Olinger and his father, George Henry Olinger, for compensation for a fractured skull and other injuries sustained by the said Arthur Jerome Olinger at the age of three, such injuries having occurred as a result of a fall from the third floor of Government quarters, owned and controlled by the United States, known as Feebren Strasse II, Warner Barracks, in Bamberg, Germany, on September 29, 1962.

SEC. 2. Suit upon any such claims may be instituted at any time within one year after the date of the enactment of this Act. Proceedings for the determination of such claims and review thereof, and payment of any judgment thereon, shall be in accordance with the provisions of law applicable to cases over which the court has jurisdiction under section 1346(b) of title 28 of the United States Code. The application of section 2680(k) of title 28 of the United States Code to the claims herein is waived. Nothing in this Act shall be construed as an inference of liability on the part of the United States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 312), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is that, notwithstanding any statute of limitations, bars of laches, or lapse of time, or that the claims herein arose in a foreign country, jurisdiction is hereby conferred upon the U.S. District Court for the District of Hawaii to hear, determine, and render judgment upon the claims of Arthur Jerome Olinger and his father, George Henry Olinger, for compensation for a fractured skull and other injuries sustained by the said Arthur Jerome Olinger at the age of three, such injuries having occurred as a result of a fall from the third floor of Government quarters, owned and controlled by the United States, known as Feebren Strasse II, Warner Barracks, Bamberg, Germany, on September 29, 1962.

STATEMENT

The facts of the case are found in the Army report of January 11, 1966, on S. 1803, 89th Congress, and are as follows:

"On September 29, 1962 at approximately 11:15 a.m., Army Sergeant George Olinger's 4-year-old son, Arthur, fell from his third floor bedroom window in Government quarters at Bamberg, Germany. Mrs. Olinger informed an investigator that she had left her son in his bedroom to pick up some paper. She was in the living room combing her hair when she heard a scream. She ran into the bedroom and saw that the window was open and the screen had fallen out. When asked how her son was able to get up to the window, she answered that she had a coffee table setting by the window and her son must have climbed upon the table and opened the window. Mrs. Olinger explained why the post engineer had not installed bars over the bedroom window as follows:

"'About 3 months ago I called the engineers and made a request for them to do it because the screen had fallen out on other occasions. They told me that they couldn't do anything unless I came down and signed some papers for the work order. My husband is always in the field and has very little time to go down and with four children it is hard for me to go down to their office.'

"As a result of the fall Arthur Olinger suffered a skull fracture. After being taken to the 188th General Dispensary in Bamberg, Germany, he was evacuated by air, first to the 10th Field Hospital, Wurtzburg, Germany, then to the Landstuhl Medical Center. The child was treated at the Landstuhl Medical Center from September 29, 1962, to October 6, 1962. The clinical record of Arthur Olinger shows his medical treatment as follows:

"'The patient was admitted September 29, 1962, at 1630 hours. Shortly thereafter the patient was taken to the operating room where debridement of the skin, right frontal, with removal of loose depressed bone fragment and repair of tear in the wall of sagittal sinus was done. Approximately 30 cc's of brain was debrided. Postoperatively the patient did well and by October 5, 1962, was awake, and alert and eating well. He was up and about the ward and the wound looked good. On October 6, 1962, the sutures were removed and the wound found to be well healed.'

"Congress has provided for an orderly system to compensate individuals for personal injuries caused by one of the Armed Forces. Persons injured in the United States or its territories may file suit under the Federal Tort Claims Act (28 U.S.C. 1346, 2671–2680 (1964)) or seek administrative redress through the appropriate military department under the Federal Tort Claims Act, the Military Claims Act, infra, and other laws. Claimants injured in a foreign country by one of the Armed Forces have no judicial remedy in U.S. courts but may seek administrative relief under the Military Claims Act (10 U.S.C. 2733 (1964)) or under other laws not pertinent to the present case. The Olingers had 2 years from the date the claim accrued to file a claim against the United States cognizable under the Military Claims Act, supra. Such claims may be administratively settled for an amount not to exceed $5,000 and any amount in excess of $5,000 deemed meritorious is reported to Congress for its consideration. The Olingers have not presented a claim to the Army under this statute and are now barred from doing so by the statute of limitations. The purpose of the bill is to waive any statute of limitations and to permit a cause of action in a U.S. district court for a tort claim expressly barred from judicial consideration under the provisions of the Federal Tort Claims Act as it arose in a foreign country (28 U.S.C. 2680(k) (1964)). Enactment of the proposed legislation would therefore interfere with the systematic procedures provided by Congress for administrative and judicial consideration of such claims against the United States. It could result in the introduction of numerous similar bills. Even if the Olingers were allowed to institute suit in a district court by enactment of the bill, recovery would be improbable as the Government is in no way responsible for the injuries suffered by Arthur Olinger. At the time of his injuries window guards were installed on the windows of children's bedrooms in Government housing at the Bamberg post only upon written request by either sponsors or dependent wives. Although the post engineers informed Mrs. Olinger 3 months before the incident that window guards could not be installed without a written request, a search of the records at the Bamberg Subdistrict Engineering Office disclosed that the Olingers failed to submit a written request for the installation of window guards."

It is the opinion of the committee that the rights of a minor child should not be extinguished because of a mere inadvertence of the mother. In disagreement with the Army on this point, the committee recommends favorable enactment of S. 155, without amendment.

CWO CHARLES M. BICKART

The bill (S. 163) for the relief of CWO Charles M. Bickart, U.S. Marine Corps was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Chief Warrant Officer Charles M. Bickart, United States Marine Corps (retired), is hereby relieved of all liability for repayment to the United States of the sum of $8,407.49, representing the amount of overpayments of retired pay received by the said Chief Warrant Officer Charles M. Bickart (retired), for the period from July 1, 1955, through September 30, 1963, as a result of administrative error in the computation of his retired pay. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

Sec. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Chief Warrant Officer Charles M. Bickart (retired), referred to in the first section of this Act, the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act.

Mr. MANSFIELD. Mr. President. I ask unanimous consent to have printed in the Record an excerpt from the report (No. 313), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve CWO Charles M. Bickart, U.S. Marine Corps (retired), of all liability to repay to the United States the sum of $8,407.49, representing the amount of overpayments of retired pay to him from July 1, 1955, through September 30, 1963, as a result of administrative error in the computation of his retired pay. The bill would also authorize the Secretary of the Treasury to pay to Mr. Bickart any amounts that have been received or withheld from him on account of the overpayments.

STATEMENT

Late in the second session of the 89th Congress, this committee reported, and the Senate passed, S. 1406, a bill for the relief of this claimant. There was not time in the second session for action by the House of Representatives.

The records of the Department of the Navy disclose that Mr. Bickart was transferred to the Fleet Marine Corps Reserve on July 24, 1946, having completed 21 years and 18 days of active duty. He again performed active duty from January 21, 1952, through June 30, 1955. He was then released from active duty, and, having completed more than 30 years of active and inactive service, he was transferred from the Fleet Marine Corps Reserve to the retired list effective July 1, 1955, pursuant to section 6331 of title 10, United States Code and was advanced to the grade of chief warrant officer.

Through administrative error Mr. Bickart was improperly paid monthly retired pay based on the basic pay of a chief warrant officer (W–2) with over 30 years of service, and with 30 years of service (times 2½ percent) used as a multiplier in computing retired pay. He was actually entitled, however, to retired pay based only on his years of active service; that is, the pay of a chief warrant officer (W–2) with over 24 years of service, using 24 years of active service (times 2½ percent) as a multiplier in computing retired pay (10 U.S.C. 6330, 6331).

The erroneous overpayments to Mr. Bickart continued from July 1, 1955, through September 30, 1963, and totaled $8,407.49. The error was eventually discovered incident to a review of his pay account. The recipient has now furnished the Navy Department data on his personal finances which indicates that repayment would work an extreme hardship on him.

The Department of the Navy, in reporting on the merits of S. 1406, an identical bill of the 89th Congress, to the chairman of this committee, stated in part as follows:

"Since officers retired upon completion of 30 years' service normally receive retirement pay computed on total service, including Inactive Reserve time, Chief Warrant Officer Bickart could reasonably have expected that because he had been advanced to officer status, his retirement pay would be based upon the same total cumulative service computation. Even assuming access to Marine Corps publications, he could not have detected an inaccuracy in the amount of retired pay due him by reference to a then appropriate publication, the Marine Corps Manual, 1949, volume I, paragraphs 1042 and 1043. Those paragraphs provided no criteria other than citation to statutory authority. Statutes involving computation of retired pay are both complicated and subject to legal interpretation. To charge this former enlisted man, in effect, with the burden of discovering, examining, and correctly interpreting, personally or through counsel, all the applicable statutes, decisions of courts and the Comptroller General, and service regulations, or of accepting at his peril the computation rendered by the Marine Corps, does not appear to come within the fair and reasonable meaning of detectability or presumed detectability of the erroneous payments made to him.

"Inasmuch as the overpayments to Chief Warrant Officer Bickart were due to an administrative error rather than to action on his part, and it does not appear that he knew or reasonably should have known he was being overpaid, the Department of the Navy interposes no objection to enactment of S. 1406."

The committee is in agreement with the views expressed by the Department that the claimant should be relieved from the liability to repay this amount to the United States. The committee has in the past in a number of instances relieved a Government employee from liability to repay amounts overpaid through administrative error and where repayment would impose an undue financial hardship upon the claimant, and where the claimant received the overpayments in good faith. In view of the fact that these factors are all present in the instant case, the committee recommends favorable consideration of S. 163, without amendment.

ROSEMARIE GAUCH NETH

The bill (S. 445) for the relief of Rosemarie Gauch Neth was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 445

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Rosemarie Gauch Neth, the widow of a member of the Armed Forces of the United States who died in line of duty while serving in Vietnam, shall be held and considered to be within the purview of section 319(a) of such Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 314), explaining the purposes of the bill.

There being no objection, the excerpt was orderded to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to preserve to the widow of a U.S. serviceman the privilege of filing a petition for naturalization under section 319 of the Immigration and Nationality Act as the spouse of a U.S. citizen.

RICHARD K. JONES

The bill (S. 454) for the relief of Richard K. Jones was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Richard K. Jones of Avondale Estates, Georgia, the sum of $15,000, in full satisfaction of all his claims against the United States for compensation for personal injuries sustained by the said Richard K. Jones as a result of an automobile accident occurring on January 23, 1957, while he was officially engaged in pursuing suspected violators of the Internal Revenue Code as an investigator of the United States Treasury Department: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 315), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the bill is to authorize and direct the payment of $15,000 to Richard K. Jones in full satisfaction of all his claims against the United States for compensation for personal injuries sustained as a result of an automobile accident which occurred on January 23, 1957.

STATEMENT

A similar bill, S. 1213, was favorably considered by the Committee on the Judiciary in the 89th Congress, which was passed by the Senate and referred to the House of Representatives.

The Department of the Treasury "is of the opinion that the question of whether relief should be granted in this case involves a matter of policy for congressional determination."

The facts of the case are contained in the report of the General Counsel of the Treasury to the chairman of the committee, dated September 2, 1965 on S. 1213, 89th Congress, and are as follows:

"On the date of the accident Mr. Jones and two fellow employees were on official duty as criminal investigators, alcohol and tobacco tax, Internal Revenue Service, and while engaged in the pursuit of suspected violators of the liquor laws, the suspects' vehicle forced the investigators' automobile off the road whereupon it overturned and rolled down an embankment.

"As a result of his injuries, which included a fractured femur, severe lacerations of the face and neck and damage to his vocal cords, Mr. Jones was hospitalized and was unable to return to work until March 4, 1957. Pursuant to the provisions of the Federal Employees' Compensation Act (5 U.S.C., ch. 15), the Bureau of Employees' Compensation, U.S. Department of Labor, disbursed a total of $3,105.45 in payment of medical expenses incurred by Mr. Jones.

"We have also been advised by that Bureau that Mr. Jones' face and neck are scarred as a result of the lacerations suffered in the accident and that he has some speech difficulty as a consequence of the paralysis of one of his vocal cords. It is also indicated that after remaining in a standing position for a period of time, he is unable to walk without a limp.

"Although there appears to be no dispute concerning either the nature and extent or the residual effects of Mr. Jones' injuries, none of these problems, in the judgment of the Bureau, had an adverse effect upon Mr. Jones' wage earning ability and, therefore, he had no 'disability' within the meaning of the act. However, even if a finding of disability had been made, his speech impairment is not a loss such as would bring him within the schedule (5 U.S.C. 755) under which additional compensation is awarded for various periods of time for the loss of certain designated members and functions of the body. It is apparent, however, that his speech impairment represents a loss at least equal to, if not greater than, many of these specified in the schedule. Loss of the use of a toe, finger, and even part of a finger, are but a few examples of compensable disabilities under that schedule.

"Mr. Jones assumed his present position as an investigator in the Inspector General's Office of the Department of Agriculture on or about January 4, 1960, after it became evident that he was no longer competent to meet the rigorous physical demands placed upon a criminal investigator. In his former employment, Mr. Jones would have qualified for retirement upon the completion of 20 years of satisfactory Government service and he stated that it was his intention, had he remained in that position, to retire at the end of 20 years to begin the practice of law. Mr. Jones believes that the additional length of time he must now serve in order to qualify for retirement has eliminated any possibility of a private law practice.

"Insofar as the retirement benefits are concerned, the Civil Service Commission has advised that it does not believe that any monetary value can or should be assigned to the difference between the annuity Mr. Jones might have received had he qualified for special law enforcement benefits and the annuity he may ultimately receive under the Retirement Act provisions applicable to employees generally, since entitlement to the special law enforcement benefit cannot be presumed in advance; and that this special benefit exists only after the individual has met all of the statutory requirements. The matter of any income which may have been lost because of Mr. Jones' failure to qualify for the early retirement seems to be too speculative and hence does not warrant compensation. The Department would like to point out, however, that it is clear that as a result of the accident Mr. Jones has sustained a material loss of speech capacity for which he has received no compensation and for which there is no authority to award compensation administratively."

After consideration of the foregoing facts, the committee recommends enactment of this legislation.

ELADIO RUIZ DeMOLINA

The bill (S. 463) for the relief of Eladio Ruiz DeMolina was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Eladio Ruiz DeMolina shall be held and considered to have been lawfully admitted to the United States for permanent residence as of February 7, 1957.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 316), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

SABIENE ELIZABETH DeVORE

The bill (S. 733) for the relief of Sabiene Elizabeth DeVore was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 301(a)(7) of the Immigration and Nationality Act, Robert William DeVore, a citizen of the United States, shall be held and considered to have been physically present in the United States, prior to the birth of his daughter, Sabiene Elizabeth DeVore, for a period of five years after he attained the age of fourteen years.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 317), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable Robert William DeVore to transmit U.S. citizenship at birth to the beneficiary who is his daughter.

DR. MENELIO SEGUNDO DIAZ PADRON

The bill (S. 808) for the relief of Dr. Menelio Segundo Diaz Padron was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 808

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Menelio Segundo Diaz Padron shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 10, 1961.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 318), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. CESAR ABAD LUGONES

The bill (S. 863) for the relief of Dr. Cesar Abad Lugones was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Cesar Abad Lugones shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 23, 1961.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 319), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. FELIX C. CABALLOL

The bill (S. 1108) for the relief of Dr. Felix C. Caballol was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Felix C. Caballol and Lucia J. Caballol, his wife, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 19, 1960.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 320), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiaries to file petitions for naturalization.

RAMON E. OYARZUN

The bill (S. 1109) for the relief of Dr. Ramon E. Oyarzun was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Ramon E. Oyarzun shall be held and considered to have been lawfully admitted to the United States for permanent residence as of November 29, 1961.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 32), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. MANUEL ALPENDRE SEISDEDOS

The bill (S. 1110) for the relief of Dr. Manuel Alpendre Seisdedos was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Manuel Alpendre Seisdedos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 30, 1960.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 322—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. LUCIO ARSENIO TRAVIESO Y PEREZ

The bill (S. 1197) for the relief of Dr. Lucio Arsenio Travieso y Perez was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1197

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Lucio Arsenio Travieso y Perez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 18, 1961.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 323) explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

WOUTER KEESING

The bill (S. 1259) for the relief of Wouter Keesing was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Wouter Keesing shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 13, 1951.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 324), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

ALFREDO BORGES CAIGNET

The bill (S. 1270) for the relief of Alfredo Borges Caignet was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1270

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Alfredo Borges Caignet shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 5, 1961.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 325), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. FLORIBERTO S. PUENTE

The bill (S. 1278) for the relief of Dr. Floriberto S. Puente was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Floriberto S. Puente shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 3, 1961.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 326), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

AMENDMENT OF TITLE 28, UNITED STATES CODE

The bill (S. 1465) to provide for holding terms of the District Court of the United States for the eastern division of the Northern District of Mississippi in Ackerman, Miss., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of section 104(a)(1) of title 28, United States Code, is amended to read as follows:

"Court for the eastern division shall be held at Aberdeen and Ackerman.".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 327), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to provide that the U.S. district court is authorized to hold terms of court at Ackerman in the eastern division of the northern district of Mississippi. Accordingly, it amends the third sentence of section 104(a)(1), title 28, United States Code.

STATEMENT

At the present time, court for the eastern division of the northern district of Mississippi is held at Aberdeen, in Monroe County. Ackerman, the county seat of Choctaw County, is also in the eastern division, but in its southwest quadrant, approximately 50 miles from Aberdeen. Jurors and witnesses from Choctaw County, as well as Winston, Oktibbeha, and Attala Counties, must now travel at least that distance to court.

The Committee has been informed by the Board of Supervisors of Choctaw County that courthouse facilities sufficient to accommodate court functions will be made available at no cost to the Federal Government. An ample law library is also available.

KYONG HWAN CHANG

The bill (S. 1781) for the relief of Kyong Hwan Chang was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1781

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Kyong Hwan Chang shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 328), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Kyong Hwan Chang. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

CECIL A. RHODES

The bill (H.R. 1526) for the relief of Cecil A. Rhodes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 329—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to validate the postal employment of Cecil A. Rhodes, of Jacksonville, Fla., in a period from March 27, 1960, through October 4, 1965, for periods when he also served on active duty with the Navy.

STATEMENT

The facts relating to this claim are set forth in Report 37 of the House of Representatives on H.R. 1526, and are as follows:

In its report to the committee on the bill, the Post Office Department stated that it favors enactment of the bill and the U.S. Civil Service Commission and the Comptroller General have indicated that they have no objection to enactment of the bill.

The individual named in H.R. 13459 was employed by the Post Office Department in the Jacksonville Post Office as a substitute clerk working nights in the period from March 27, 1960, through October 4, 1965. An audit by the General Accounting Office disclosed that in that period he also served for temporary periods of 90 to 120 days each on active duty with the Navy. As a result, Mr. Rhodes received compensation for his civilian employment and active military duty during these periods. The Comptroller General ruled that civilian service and active military service are incompatible and that Mr. Rhodes was not entitled to retain his civilian salary during such periods unless there was statutory authority for doing so. On the basis of this ruling, Mr. Rhodes would be required to repay the full amount of compensation he received with the Post Office Department during the periods he served on active duty with the Navy and this amount in the 5-year period totaled $23,799.32. The Comptroller General's report observes that when faced with this situation and when he was required to choose which he preferred, he elected to resign his post office position and remained with the Navy.

The committee has granted relief in similar cases on prior occasions. The Post Office Department and the Comptroller General both recognized that the Government has received the benefit of Mr. Rhodes' services in the periods in question and recognized that it is inequitable for the Government to require a refund of the amounts paid him as compensation for that work. Similarly the departmental reports indicate that Mr. Rhodes performed his services in good faith without any intentional misrepresentation on his part.

It is noted that this claim has passed the House on a previous occasion, as shown by the report on H.R. 13459, of the 89th Congress.

The committee, after a study of the favorable reports from the Post Office Department and the Comptroller General of the United States, takes the view that the claimant did perform the work in good faith and that the Government received the benefit thereof. The committee concurs with the House that this is a claim which merits legislative relief and, therefore, recommends that the bill, H.R. 1526, be considered favorably.

WILLIAM JOHN MASTERTON AND LOUIS VINCENT NANNE

The bill (H.R. 2048) for the relief of William John Masterton and Louis Vincent Nanne was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 330), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to William John Masterton and Louis Vincent Nanne as of September 24, 1959.

BILL PASSED OVER

The bill (H.R. 4566) for the relief of Mary F. Thomas was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

EARL C. CHAMBERLAYNE

The Senate proceeded to consider the bill (S. 747) for the relief of Dr. Earl C. Chamberlayne which had been reported from the Committee on the Judiciary with an amendment on page 1, line 6, after the word "of", to strike out "the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available."; and insert, "December 9, 1952."; so as to make the bill read:

S. 747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Earl C. Chamberlayne shall be held and considered to have been lawfully admitted to the United States for permanent residence as of December 9, 1952.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 332), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended to accomplish the desired purpose.

RAMON G. IRIGOYEN

The Senate proceeded to consider the bill (S. 1258) for the relief of Ramon G. Irigoyen which had been reported from the Committee on the Judiciary with an amendment in line 6, after the word "of", to strike out "March 30, 1961" and insert "March 23, 1961"; so as to make the bill read:

S. 1258

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Ramon G. Irigoyen shall be held and considered to have been lawfully admitted to the United States for permanent residence as of March 23, 1961.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 333), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended to reflect the proper date on which he was admitted as a visitor.

GONZALO G. RODRIGUEZ

The Senate proceeded to consider the bill (S. 1269) for the relief of Dr. Gonzalo G. Rodriguez which had been reported from the committee on the Judiciary with an amendment in line 6, after the word "of", to strike out "August 6, 1962.", and insert "August 2, 1962."; so as to make the bill read:

S. 1269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Gonzalo G. Rodriguez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 2, 1962.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 334), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended in accordance with the suggestion of the Commissioner of Immigration and Naturalization to reflect the proper date on which he entered the United States.

DR. ALFREDO PEREIRA

The Senate proceeded to consider the bill (S. 1280) for the relief of Dr. Alfredo Pereira which had been reported from the Committee on the Judiciary with an amendment in line 6, after the word "of", to strike out "July 26, 1963" and insert "July 4, 1960"; so as to make the bill read:

S. 1280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Alfredo Pereira shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 4, 1960.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 335), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended in accordance with the suggestion of the Commissioner of Immigration and Naturalization to reflect the proper date on which he entered the United States as a visitor.

ROY A. PARKER

The Senate proceeded to consider the bill (S. 1448) for the relief of Roy A. Parker which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That the periods of time Roy A. Parker has resided in the United States since his lawful admission for permanent residence on December 16, 1958, shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 336), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended in accordance with established precedents.

AUTHORIZATION FOR THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA TO SETTLE CLAIMS AND SUITS AGAINST THE DISTRICT OF COLUMBIA

The bill (H.R. 834) to amend section 5 of the act of February 11, 1929, to remove the dollar limit on the authority of the Board of Commissioners of the District of Columbia to settle claims of the District of Columbia in escheat cases was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 337), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

Under section 5 of the act of February 11, 1929 (D.C. Code, sec. 1–906), the Commissioners of the District of Columbia may not compromise a claim or suit on behalf of the District of Columbia when such settlement would reduce such claim or suit by an amount greater than $10,000.

The purpose of H.R. 834, which was passed by the House of Representatives on March 13, 1967, is to amend the aforesaid statute to authorize the Commissioners, acting for the District, and subject to the approval of the U.S. District Court for the District of Columbia, to settle a disputed claim regarding the surplus of a decedent's estate to which the District is a statutory escheatee, where such compromise would result in a reduction of more than $10,000 in the amount of the District's claim against the estate.

ESCHEAT CLAIMS

The present bill addresses itself to escheat claims that arise under section 19–701 of the District of Columbia Code which reads as follows:

"§ 19–701. Escheatment Generally

"Where there is no surviving spouse or relations of the intestate within the fifth degree, reckoned by counting down from the common ancestor to the more remote, the surplus of real and personal property escheats to the District of Columbia to be used by the Commissioners of the District of Columbia for the benefit of the poor."

Each year, there are between five and 15 cases where a person dies in the District of Columbia as to whom it is believed there are no heirs. Commonly, after publication of notice, people come forward as claimants under law against the estate. In such cases, as noted hereafter, the burden of proof which falls upon the District of Columbia may be very substantial. In such situations, it may be highly desirable and advantageous to the District of Columbia to be able to compromise such claims.

However, the authority of the Commissioners of the District of Columbia to compromise any claim is strictly limited by the act of February 11, 1929, as amended (D.C. Code, sec. 1–906) which provides:

"SEC. 5. That upon a report by the Corporation Counsel of the District of Columbia showing in detail the just and true amount and condition of any claim or suit which the District of Columbia may now or hereafter have against any person, firm, association, or corporation, and the terms upon which the same may be compromised, and stating that in his opinion the compromise of such claim would be for the best interest of the District of Columbia, the Commissioners of the District of Columbia be, and they hereby are, authorized to compromise such claim or suit accordingly: *Provided, however,* That no claim or suit so compromised shall be reduced by an amount greater than $10,000: *And provided further,* That this section shall not apply to claims or suits for taxes or special assessments."

Thus, regardless of the desirability and benefit to the District of Columbia, no compromise may be made by the Commissioners in an escheat case if the compromise would result in a reduction of more than $10,000 in the amount of the District's claim.

NEED FOR THE LEGISLATION

As noted above, the surplus of an estate escheats to the District of Columbia on proof that there is no surviving spouse or relative of the deceased within the fifth degree counting down from the common ancestor to the more remote. The burden of proof that must be borne by the District in such cases was established in the case of *Frazier* v. *Kutz,* decided by the U.S. Court of Appeals for the District of Columbia on December 13, 1943 (139 F. 2d 380), in which the court said:

"In every case of this nature there is a presumption of law that the deceased left heirs, and this presumption obtains until the claimant by escheat overcomes the presumption by strong and convincing evidence."

To comply with the standards of proof required by the courts, the District of Columbia often finds it necessary to trace the ancestry of the decedent through a series of generations to determine whether or not there is an ancestor having progeny who may or may not inherit. This may involve extensive searches of records in foreign countries to examine the validity of claims and the authenticity of foreign documents. Where records have been destroyed by conflagrations, or due to wartime destruction, it may be extremely costly or even impossible to establish essential facts of relationship. Claimants may be scattered in different nations and they would have to come to this jurisdiction themselves or by designation of representatives to testify affirmatively because of the questioned validity of or the lack of documentary proof which might otherwise support a disposition of the estate.

Where such circumstances exist, it may require expenditures which would consume a substantial part of or all of the net estate and involve several years of time for the District to resolve a case.

COMMITTEE HEARING

During a public hearing before the Judiciary Subcommittee of the committee on April 14, 1967, testimony was presented regarding the difficulties which may be involved under existing provisions of law, and the committee was advised of a specific case now pending which involves such elements of uncertainty as might be best resolved to the benefit of the District of Columbia through a compromise agreement which compromise would involve a reduction by an amount greater than $10,000. The bill requires that any such compromise in escheat cases must have the approval of the U.S. District Court for the District of Columbia. Such court supervision would simplify the problem of securing bond for the administrator, protect the administrator if issue is raised later by a dissatisfied party, and would protect the District government concerning any question that might be raised as to the propriety of the compromise.

No objections were voiced to the purpose and language of the bill. Accordingly, the committee finds that the proposed legislation is reasonable and desirable.

AMENDMENT OF DISTRICT OF COLUMBIA TRAFFIC ACT

The bill (S. 762) to amend the District of Columbia Traffic Act, 1925, as amended was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of paragraph (1) of subsection (a) of section 7 of the District of Columbia Traffic Act, 1925, as amended (sec. 40–301 (a) (1), D.C. Code), is amended (a) by striking "not in excess"; and (b) by inserting immediately before the period at the end of such sentence the following:

"*Provided,* That whenever the Commissioners or their designated agent find, on the basis of medical evidence, that the physical or mental condition of an application for the issuance or renewal of a permit is such as to indicate the advisability of limiting to a period of less than three years the validity of any permit issued to such applicant, then the Commissioners or their designated agent are authorized to issue to such person one or more permits, each valid for a period of less than three years, except that during the three-year period beginning with the date of issuance of the first such permit, no additional fee shall be charged for the second and subsequent permit issued to such person within such three-year period, if the second or the last of such permits is not to be valid after the expiration of such three-year period".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 338), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of S. 762 is to authorize the Board of Commissioners of the District of Columbia or their designated agent to issue and renew motor vehicle operator permits for periods less than 3 years whenever they find, on the basis of medical evidence, that the physical or mental condition of the applicant is such as to indicate the advisability of so limiting such permit.

NEED FOR THE LEGISLATION

Under existing law, motor vehicle operators' permits must be issued for a period of 3 years to applicants found mentally, morally and physically qualified to operate a motor vehicle safely. In the administration of the law, the Director of the District of Columbia Department of Motor Vehicles frequently finds it necessary to require applicants to undergo a medical examination to determine whether the applicant is physically and mentally qualified to drive a vehicle without jeopardy to the safety of other persons and property. Often, the Director, receives advice from private physicians or from the Department's Medical Advisory Board that while the applicant is presently qualified, his condition should be reviewed in 6 months, 1 year or 2 years. Where the permit holder willingly cooperates, there is no problem respecting such a review. At times, however, the individual is uncooperative and it is sometimes necessary to issue an order suspending his permit until proof of his qualification to drive safely is furnished the Department. Such an order is effective only if notice thereof can be served on the permit holder.

According to information provided the committee by the Commissioners, experience shows that some physicians are willing to certify to an applicant's qualifications for a period not exceeding 6 months, or 1 year, or some other period of time less than 3 years. S. 762 would enable a more effective handling of cases involving determinations respecting physical and mental qualifications of applicants for motor vehicle operators' permits by authorizing the issuance of the permit for a period to coincide with the period for which the applicant has received medical clearance. Upon application for renewal of their permits, the physical and mental qualifications of the holders of such limited term permits would be subject to reevaluation.

The present fee for the issuance of a 3-year motor vehicle operator's permit is $3. Under S. 762 this same fee would be chargeable upon the first issuance of a permit for a shorter period. However, the bill provides that there would be no additional charge for subsequent permits issued the same applicant and effective during the 3 years next following the date the first limited permit was issued.

COMMITTEE HEARINGS

At a public hearing held by the Judiciary Subcommittee of the committee on April 14, 1967, testimony was received in support of the bill and requesting its enactment. Representatives of the Board of Commissioners approved enactment of the bill. No one appeared in opposition to the bill.

AMENDMENT OF ACT TO PROVIDE ADDITIONAL REVENUE FOR THE DISTRICT OF COLUMBIA AND OTHER PURPOSES

The Senate proceeded to consider the bill (S. 763) to amend the act approved August 17, 1937, so as to facilitate the addition to the District of Columbia registration of the motor vehicle or trailer of the name of the spouse of the owner of any such motor vehicle or trailer which had been reported from the Committee on the District of Columbia with an amendment on page 2, line 5, after the word "trailer", to strike out the comma and "upon payment of a fee commensurate with the cost of providing such service, as the Commissioners shall from time to time determine and establish"; so as to make the bill read:

S. 763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (d) of section 2 of title IV of the Act entitled "An Act to provide additional revenue for the District of Columbia, and for other purposes", approved August 17, 1937 (50 Stat. 680), as amended (sec. 40–102(d), D.C. Code), is amended by inserting immediately after the second sentence of such subsection the following: "If a motor vehicle or trailer be registered in the name of an individual, the name of the spouse of such individual may be added to the registration as a joint owner, subject to applicable provisions of law relating to the titling of the motor vehicle or trailer."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 339), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the reported bill is to amend subsection (d) of section 2 of title IV of the act entitled "An act to provide additional revenue for the District of Columbia, and for other purposes," approved August 17, 1937 (50 Stat. 680), as amended (sec. 40–102(d), D.C. Code), to permit an individual owner to add to the registration of a motor vehicle or trailer the name of the spouse of such owner, as a joint owner, without obtaining an entirely new registration with full fees. This would insure that one of the two persons so designated would, on the death of the other, be able to obtain immediate possession of the motor vehicle or trailer.

Existing law makes no provision for the addition of the name of a spouse to a registration during a registration year, thus necessitating the taking out of a new registration with full fees where an individual owner wishes to add the name of a spouse and no sale of all or a part of the motor vehicle or trailer is contemplated. The committee was advised that this requirement is a constant source of complaint by motor vehicle and trailer owners, and that most, if not all, of the States presently permit the addition of names to motor vehicle registrations.

COMMITTEE AMENDMENT

Your committee amended the bill to strike the requirement for payment of a fee for the addition of the name of a spouse to the registration of a motor vehicle or trailer. Your committee and the Commissioners feel that the present fee for the titling of a motor vehicle and the fee for the transfer of tags are sufficient to cover the cost to the District of adding the name of a spouse to a registration.

HEARING

At a public hearing conducted by the Subcommittee on the Judiciary on April 14, 1967, testimony in favor of this legislation was presented by spokesmen for the Board of Commissioners of the District of Columbia. No opposition was expressed to the enactment of the bill.

AMENDMENT OF THE DISTRICT OF COLUMBIA TRAFFIC ACT

The bill (S. 764) to amend section 6 of the District of Columbia Traffic Act, 1925, as amended, and to amend section 6 of the act approved July 2, 1940, as amended, to eliminate requirements that applications for motor vehicle title certificates and certain lien information related thereto be submitted under oath was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (d) of section 6 of the District of Columbia Traffic Act, 1925, as amended (43 Stat. 1121, 46 Stat. 1425; sec. 40-603(d), D.C. Code), is amended by striking ", under oath,".

Sec. 2. The first sentence of section 6 of the Act approved July 2, 1940, as amended (54 Stat. 737; sec. 40–706, D.C. Code), is amended by striking "under oath".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 340), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of S. 764 is to facilitate transfers of motor vehicle or trailer ownership by eliminating present requirements that applications to the Director of Motor Vehicles for official certificates of title, and statements in such applications relating to liens, be made under oath.

NEED FOR THE LEGISLATION

Under present law when transferring title to a motor vehicle or trailer, it is necessary that the application for certificate of title be made under oath. Your committee was advised by the Department of Motor Vehicles that this existing provision has been the source of many complaints because of the inconvenience to owners and dealers in motor vehicles and trailers, by having to appear before a notary for each application. Those who complain point out that many reports and forms including tax return forms no longer require a notary.

The Commissioners in recommending enactment of the bill believe the interest of the public will continue to be protected without the requirement that applications be made under oath in view of the fact that under the authority contained in subsections (c) and (d) of section 6 of the District of Columbia Traffic Act, 1925, as amended (sec. 40-603 (c) and (d), District of Columbia Code), the Commissioners have adopted a regulation, contained in section 2 of the Traffic and Motor Vehicle Regulations for the District of Columbia, providing among other things that the making of any false statement in any application or other document required by such regulations may subject the offender to punishment by a fine of not more than $300 or to imprisonment for not more than 10 days, or both such fine and imprisonment. This regulation, the Commissioners believe, will afford protection to the public after the words "under oath" have been stricken in the first sentence of subsection (d) of section 6 of the Traffic Act.

PREMARITAL EXAMINATIONS IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (S. 1226) to transfer from the U.S. District Court for the District of Columbia to the District of Columbia court of general sessions the authority to waive certain provisions relating to the issuance of a marriage license in the District of Columbia which had been reported from the Committee on the District of Columbia with amendments in line 3, after the word "That", to strike out "section 3", and insert "sections 3 and 6"; and in line 6, after "(80 Stat. 959)," to strike out "is", and insert "are"; so as to make the bill read:

S. 1226

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 3 and 6 of the Act entitled "An Act to require premarital examinations in the District of Columbia, and for other purposes", approved October 15, 1966 (80 Stat. 959), are amended by striking "United States District Court for the District of Columbia" and inserting in lieu thereof "District of Columbia court of general sessions".

The amendents were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 341), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of S. 1266, as amended, is to transfer from the U.S. District Court for the District of Columbia (hereinafter referred to as the "U.S. District Court") to the District of Columbia Court of General Sessions (hereinafter referred to as the "Court of General Sessions") the authority to waive the premarital blood test requirements of section 2 of the act of October 15, 1966 (80 Stat. 959) and the waiting period requirement of section 2 of the act of August 12, 1937 (District of Columbia Code, sec. 30-109) related to the issuance of a marriage license in the District of Columbia.

NEED FOR THE LEGISLATION

Public Law 89-493 approved July 5, 1966 (80 Stat. 263) transferred certain functions, including the issuance of marriage licenses within the District of Columbia and functions related thereto, from the U.S. District Court to the Court of General Sessions effective November 1, 1966.

However, under section 3 of Public Law 89-682 approved October 15, 1966, an act to require a laboratory blood test of parties contemplating marriage, with a view to ascertaining whether they are affected with syphilis in a communicable stage, the authority, under certain circumstances, to waive this requirement and the 3-day waiting period requirement between the application for and issuance of a marriage license established by section 30-109 of the District of Columbia Code, was vested in the judges of the U.S. District Court rather than the judges of the Court of General Sessions.

Thus, although under Public Law 89-493 the functions related to the issuance of a marriage license have been placed in the Court of General Sessions, under Public Law 89-682, the authority to waive the aforementioned related requirements now rests in the U.S. District Court.

The design of Public Law 89-493 was to place all functions related to the issuance of marriage licenses in the District of Columbia in the Court of General Sessions. The aforementioned waiver authority is an important part of those functions. S. 1226 is needed to transfer such authority to the court now charged with administering the marriage license laws.

COMMITTEE AMENDMENTS

The committee's recommended amendments are conforming amendments requested by the Board of Commissioners. The effect of the first will be to conform Public Law 89-682 to the purpose of the bill by effecting the same change in section 6 thereof as S. 1226 proposes in section 3; namely, the deletion from section 6 of the phrase "United States District Court for the District of Columbia" and the insertion in lieu thereof of "District of Columbia Court of General Sessions". The committee's second amendment is a word change required to conform the language of the bill to the committee's first amendment.

COMMITTEE HEARING

At a public hearing held by the Judiciary Subcommittee of the committee on April 14, 1967, a representative of the Board of Commissioners approved enactment of the bill, as amended. The Commissioners have also advised the committee that the chief judge of the U.S. District Court likewise favors the bill's enactment. No one appeared in opposition to the bill.

AMENDMENT OF DISTRICT OF COLUMBIA CODE WITH REFERENCE TO JUDGMENTS OR DECREES

The Senate proceeded to consider the bill (S. 1227) to provide that a judgment or decree of the U.S. District Court for the District of Columbia shall not constitute a lien until filed and recorded in the office of the Recorder of Deeds of the District of Columbia, and for other purposes, which had been reported from the Committee on the District of Columbia with an amendment on page 3, after line 24, to strike out:

SEC. 4. Section 552 of the Act of March 3, 1901 (D.C. Code, sec. 45-708), is amended by inserting immediately after the eleventh paragraph the following:

"The Commissioners may, after public hearing, increase or decrease the foregoing fees authorized to be charged by this section to such amounts as may, in the judgment of the Commissioners, be reasonably necessary to defray the approximate cost of rendering such services.";

So as to make the bill read:

S. 1227

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (a) of section 15-101 of the District of Columbia Code is amended to read as follows:

"Except as provided by subsection (b) of this section, every final judgment or final decree for the payment of money rendered in the—

"(1) United States District Court for the District of Columbia; or

"(2) District of Columbia Court of General Sessions—

when filed and recorded in the office of the Recorder of Deeds of the District of Columbia, is enforceable, by execution issued thereon, for the period of twelve years only from the date when an execution might first be issued thereon, or from the date of the last order of revival thereof."

SEC. 2. (a) Subsection (a) of section 15-102 of the District of Columbia Code is amended to read as follows:

"(a) Each—

"(1) final judgment or decree for the payment of money rendered in the United States District Court for the District of Columbia, or the District of Columbia Court of General Sessions, from the date such judgment or decree is filed and recorded in the office of the Recorder of Deeds of the District of Columbia, and

"(2) recognizance taken by the United States District Court for the District of Columbia, or the District of Columbia Court of General Sessions, from the date the entry or order of forfeiture of such recognizance is filed and recorded in the office of the Recorder of Deeds of the District of Columbia, shall constitute a lien on all the freehold and leasehold estates, legal and equitable, of the defendants bound by such judgment, decree, or recognizance, in any land, tenements, or hereditaments in the District of Columbia, whether the estates are in possession or are reversions or remainders, vested or contingent. Such liens on equitable interests may be enforced only by an action to foreclose."

SEC. 3. Section 15-311 of the District of Columbia Code is amended to read as follows:

"§ 15-311. Property subject to levy

"The writ of fieri facias may be levied on all goods and chattels of the debtor not exempt from execution, and upon money, bills, checks, promissory notes, or bonds, or certificates of stock in corporations owned by the debtor, and upon his money in the hands of the marshal or his deputy or other officer or person charged with the execution of the writ. A writ of fieri facias issued from the United States District Court for the District of Columbia or the District of Columbia Court of General Sessions upon a judgment entered in such court may be levied on all legal leasehold and freehold estates of the debtor in land, but only after such judgment has been filed and recorded in the office of the Recorder of Deeds of the District of Columbia."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 342), explaining the purposes of the bill.

There being no objection, the excerpt

was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of S. 1227, as amended, is to provide that the same recordation requirements shall apply to liens established by final judgments or decrees rendered, and recognizances declared forfeited, by the U.S. District Court for the District of Columbia, hereinafter referred to as the "U.S. District Court," and the District of Columbia Court of General Sessions, hereinafter referred to as the "Court of General Sessions."

NEED FOR THE LEGISLATION

At present, a final judgment or decree of, or a recognizance declared forfeited by, the Court of General Sessions does not become a lien on interests in real property until it is filed and recorded in the office of the Recorder of Deeds of the District of Columbia. However, the same recordation requirement does not apply respecting the final judgments, decrees, and forfeited recognizances of the U.S. District Court. Under present law, such judgments, decrees, and forfeitures become liens on interests in real property without any necessity for their recording elsewhere than in judgment docket of that court. Thus, a person desiring to determine whether a lien exists against a particular parcel of land must research both the records maintained in the office of the Recorder of Deeds of the District of Columbia and the judgment docket in the U.S. District Court.

The effect of S. 1227, as amended, will be to establish the same recordation requirements for the final judgments, decrees, and forfeited recognizances of both the U.S. District Court and the Court of General Sessions.

The land records of the District of Columbia are in the custody of and are maintained in the office of the Recorder of Deeds. The bill is intended to centralize the recordation in that office of liens affecting such land based on final judgments, decrees, and forfeitures rendered or declared by both of the courts. The bill is also intended to serve the public convenience by eliminating the present need to search two sets of records at different locations in order to determine whether such a lien exists.

To accomplish the foregoing objectives, the bill would amend sections 15-101, 15-102, and 15-311 of the District of Columbia Code to provide (1) that every final judgment or final decree for the payment of money rendered in the U.S. District Court shall be enforceable by execution thereon when filed and recorded in the office of the Recorder of Deeds of the District of Columbia, (2) that such judgments or decrees and each recognizance taken and forfeited by that court shall constitute a lien on interests in real property from the date it is filed and recorded in the office of the said Recorder of Deeds, and (3) that a writ of fieri facias (writ of execution) issued from the U.S. District Court upon a judgment entered in that court may be levied on such estates of the debtor in land only after the judgment has been filed and recorded in the office of the Recorder of Deeds.

THE COMMITTEE AMENDMENT

As introduced, section 4 of S. 1227 proposed an amendment to section 552 of the act of March 3, 1901 (D.C. Code, sec. 45-708), the effect of which would be to vest the Commissioners of the District of Columbia with authority to increase or decrease certain filing and other fees chargeable by the Recorder of Deeds of the District of Columbia at levels reasonably necessary to defray the approximate cost of rendering such services.

Under section 1 of the act of August 3, 1954 (D.C. Code, sec. 45-714), the Commissioners already possess such authority. Representatives of the Board of Commissioners have advised the committee that it is unnecessary to restate this authority in the present bill, and accordingly, the committee recommends that section 4 of S. 1227 as introduced be deleted in its entirety.

COMMITTEE HEARING

At a public hearing held by the Judiciary Subcommittee of the committee on April 14, 1967, testimony was received in support of the bill and requesting its enactment. Representatives of the Board of Commissioners approved enactment of the bill. No one appeared in opposition to the bill's enactment.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Adm. Thomas H. Moorer to be Chief of Naval Operations.

There being no objection, the Senate proceeded to consider executive business.

U.S. NAVY

The PRESIDING OFFICER. The clerk will state the nomination in the U.S. Navy.

The legislative clerk read the nomination of Adm. Thomas H. Moorer, U.S. Navy, to be Chief of Naval Operations in the Department of the Navy for a term of 2 years, pursuant to title 10, United States Code, section 5081.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting the nomination of Thurgood Marshall, of New York, to be an Associate Justice of the Supreme Court of the United States, which was referred to the Committee on the Judiciary.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

Mr. BYRD of West Virginia. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MANSFIELD. It will not be a live quorum.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GENOCIDE CONVENTION STILL NOT RATIFIED AFTER 18½ YEARS

Mr. PROXMIRE. Mr. President, it is now 18½ years since the General Assembly of the United Nations adopted the text of the Genocide Convention. On December 9, 1948, the United States was one of those countries who voted for the adoption of this significant landmark in the development of international law.

Millions of Americans will feel that an historic achievement has been registered if this convention, based on the grim experience of the colossal holocaust which martyred 6 million Jews in World War II, is at long last made part of the world's protection against a similar outbreak against humanity. I am convinced that the time is right, that the Senate should at long last ratify the convention.

The Genocide Convention declares the destruction of a national, racial, religious, or ethnic group to be an international crime. For those of us with memories of the Nazi era, the Nuremburg trials and the subsequent trials of Eichmann and other mass murderers, this is a bitter recollection, for the United States, the leader and the inspiration of the free world, has yet to ratify the Genocide Convention.

It was the United States which took the lead in helping to draft this convention and we were among the first to sign it. The U.S.S.R. and the Federal Republic of Germany have ratified it, along with many other nations; we have not.

As long as the specter of genocide continues to haunt mankind, this Nation has a basic international—and moral—obligation to assume the responsibilities of the convention. The United States has a long and proud history of moral leadership in defending and aiding oppressed peoples. Our Government has done so through official actions, and our people have done so singly and through organized voluntary groups.

It seems to me that the United States of America should be taking every opportunity to champion the rule of law in the conduct of nations. This commitment has cost us much in blood and treasure in the past. We can now give fresh vitality to our peace leadership and our moral leadership by ratifying without further delay the Convention on the Prevention and Punishment of the Crime of Genocide.

TRIBUTE TO CYRUS VANCE

Mr. McGEE. Mr. President, the Government, and in particular the Department of Defense, has lost a remarkably capable executive in Cyrus Vance, who is stepping down as Deputy Secretary of Defense.

As one who has observed Mr. Vance at work, here in Washington and "over there" in the Vietnam war zone, where I was privileged to accompany him on an inspection trip last year, I want to state my very high regard for this devoted public servant. He has been, as the Washington Post said in its editorial columns Tuesday, an "extraordinarily competent official."

Mr. Vance was well known to Members of this body, Mr. President, before his association with the Department of Defense, having served capably as special council to the Preparedness Investigating Subcommittee of the Armed Services Committee and as consulting counsel to the Special Committee on Space and Astronautics prior to his appointment as General Counsel of the Department of Defense in 1961. Since then, Mr. Vance, whose active uniformed service during World War II was with the U.S. Navy, has been Secretary of the Army and Deputy Secretary of Defense.

In all of these positions, and as a practicing attorney prior to his entrance into Government service, Mr. Vance has been an articulate advocate, but never a carbon copy of his boss. He has been a thinking advocate whose contributions always have been real and substantive.

Mr. President, Cyrus Vance is, indeed, a hard man to lose, as the Post said in its Tuesday editorial, for which I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Hard Man To Lose

Secretary McNamara often spoke of his longtime Deputy, Cyrus R. Vance, as his alter ego, and to a remarkable degree, that is how it worked. Mr. Vance was as qualified as a number two man could be to take over from his chief, either in an emergency or as a permanent replacement, if the Secretary had, for one reason or another, moved on. To a considerable extent, the two men were interchangeable and Mr. Vance was ever the faithful advocate of established policy.

But to say that he was a carbon copy of his boss—a mere echo of Mr. McNamara's views—does not do justice to this extraordinarily competent official. While serving as a back-up man, he also brought his own special talents to the Pentagon. He was especially effective on Capitol Hill; he played an important role during the crisis in the Dominican Republic, a role which required some flair for diplomacy as well as for military matters; his touch as a civilian leader of military men was adroit.

And all this he managed to do tirelessly and cheerfully despite a painful back ailment which immobilized him for long stretches during his distinguished service over nearly seven years in one of the most taxing jobs in the Government. It is easy to understand the President's "deepest reluctance" at losing him. As Deputy Secretary, he will doubtless be ably replaced by Mr. Paul H. Nitze, a tested veteran of the Washington scene. As a devoted and talented official, he is the kind of man any government can ill afford to lose.

SORTING OUT POLITICAL REALITIES AMONG THE ARAB NATIONS

Mr. McGEE. Mr. President, I ask unanimous consent to have printed in the Record the insights of Columnist Joseph Kraft on the need for a sorting out of the political realities among the Arab nations of the Middle East before order and peace can be attained in the wake of the recent outbreak of violence and war in that quarter of the globe.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, June 13, 1967]

Insight and Outlook—The Politics of Araby

(By Joseph Kraft)

In rebuilding the Middle East, the first order of business is not "a peace of reconciliation," nor any of the other high-sounding themes dear to the capitals of the great world. The first order of business is a sorting out of political realities among the Arabs themselves.

A gale has swept across their world. Familiar structures have been weakened, and unknown possibilities laid bare. The general aspect is one of ruin and chaos—Troy after the seige. Still certain salient features are apparent.

President Gamel Abdel Nasser, despite the refusal of his resignation by the National Assembly, is in obvious difficulty. He had assigned to himself the role of messianic leader of an Arab revolution supposed to bring freedom, power and modern living to Islamic states ranging from the Arabian peninsula to the Atlantic. He has failed in that task.

For the time being, perhaps, he retains the support of the Arab masses. I see no reason to doubt the reports of massive pro-Nasser demonstrations in Egypt and other Arab states.

On the contrary, the Arab masses are more than ever bitter and disappointed. More than ever they need an heroic figure on which to project their frenzy. If anything, the monolatry of the Arab political desert is now heightened.

But Arab elites all over the world are a different story. They know who set them on the road to disaster. They know who collapsed under pressure. And they seem determined to assert the realities.

Thus Foreign Minister Adnan Pachachi of Iraq declared openly in the United Nations that the cease-fire accepted by Egypt was "an unconditional surrender." "Our greatest shock," a North African diplomat here said, "is what we discovered about Nasser. We discovered Nasser was not a Nasserite."

Dissatisfaction also seems to be working in Egypt, in the Egyptian army in fact. At first, in the inner councils of the regime, President Nasser and his great friend, Commander-in-Chief Abdel Hakim Amer apparently argued against any precipitate acceptance of the cease-fire.

But the active service chiefs of the Army, Navy and Air Force insisted that Egypt was beaten and that Nasser and Amer had to accept the consequences. Their arguments apparently carried the day. Nasser and Amer accepted the cease-fire. Sensing that their power base in the army was on the wane, they resigned.

The popular demonstrations have now restored Colonel Nasser. And he has reasserted his position in the army by forcing the resignation of the service chiefs. But among the younger army officers, among those who know how they were out-generaled and out-gunned, all is not well.

They are apparently ready to abandon the dreams of Arab revolution in favor of building up their own country—an Egypt-first program. And as leader of that program they apparently can look at Vice President Zakaria Mohieddin, to whom Nasser tentatively ceded the presidency last week.

What will emerge from the interplay of these popular and elite pressures is not yet clear. Perhaps, Colonel Nasser will himself move toward a more moderate, pragmatic position. He may yet be forced from power. In that case, there would surely develop a surge of intense left-wing feeling throughout the Arab world.

In any case, time is required for a sorting out of pressures. The more so as with time, the frenzy of the Arab masses can abate, making it possible for rulers to work out more moderate policies.

With so much so fluid, there is going to be mounting pressure on the United States to get in the game. The woods here are full of officials who are not above nibbling at Israel in order to patch up ties with the Arabs.

But, in fact, there is not much the United States can usefully do in the Middle East just now. Anyone Washington tries to help will surely be hurt in the long run. The American interest is to stand aloof from the area itself, while working out with the Soviet Union the kind of understanding—particularly in limiting arms shipments—which can prevent the costly mistakes made in the past under the sign of cold war competition.

THE SOVIET UNION'S SUPERSONIC AIRLINER

Mr. CANNON. Mr. President, on June 13, the United Press International carried a dispatch from Moscow stating that the Soviet Union expects to fly a supersonic airliner within a few months. The newspaper, Evening Moscow, indicated that a test flight for the Russian TU-144 will occur this year. I am asking that this UPI dispatch be included in the Record at this point.

There being no objection, the dispatch was ordered to be printed in the Record, as follows:

Moscow.—The Soviet Union's supersonic airliner will be test-flown "within a few months," a Moscow newspaper said today.

Soviet planemakers are believed to be racing to get their supersonic TU-144 into the air before the British-French Concorde or the American Boeing 2707.

The Concorde is scheduled to be test-flown next February, and the 2707 is to get off the ground sometime in the indefinite future.

The newspaper Evening Moscow said the TU-144 will fly "within a few months," indicating a test flight may be planned for this year.

Mr. CANNON. I recently returned from attending the Paris Air Show representing the Senate Armed Services Committee, where it was most evident that this country's leadership in aviation is seriously being challenged, particularly in the field of supersonic aircraft development.

At the Air Show the British-French had a full-scale mockup of the Concorde, their supersonic jet which is scheduled to fly in early 1968. The Russians also had models of their TU-144, which will be in the air considerably before the U.S. supersonic transport.

On May 1, 1967, contracts were signed with the Boeing Co. and General Electric Co. to begin prototype construction of the U.S. supersonic transport. Congress is now considering an appropriation request of $198 million to proceed with the construction of this plane. Already this country is from 3 to 3½ years behind the time the Concorde and the TU-144 will enter into commercial service.

The supersonic transport is an important program from a number of standpoints. It is the next logical step in the development of aviation technology. It will help retain our world leadership in this field. Through the SST, nations of the world will be brought closer together. Our balance-of-payments position will be strengthened. Approximately 50,000 jobs will be created. A production program will mean from $20 to $40 billion in the economy. I believe it is imperative that this country proceed with the construction of a supersonic airliner which will be a safe, superior, and economically profitable plane. This is an arena of industrial competition in which the United States cannot afford to finish second.

MR. JUSTICE MARSHALL

Mr. KENNEDY of New York. Mr. President, President Johnson's nomination of Thurgood Marshall to our Nation's highest Court is an excellent one. He will serve with honor and distinction. Judge Marshall brings with him to the Supreme Court an intimate knowledge of Supreme Court litigation, based upon long experience. As counsel for the legal defense fund of the NAACP, he appeared before the Court frequently, arguing for the constitutional rights of Negro Americans—and really of all Americans—in literally dozens of cases which became landmarks in our judicial history. I was pleased, as Attorney General, to have the opportunity to recommend his appointment to President Kennedy as a judge of the U.S. Court of Appeals for the Second Circuit, where he served so well. And he comes to the Supreme Court fresh from his outstanding work as the chief appellate lawyer for the United States. His experience, then, is that of both bench and bar—unique preparation for the tasks which now await him.

To Negro Americans, Thurgood Marshall is a symbol of their struggle for justice, for equal rights before the law. To all Americans he is a symbol of advocacy for rights which we all hold dear. And as an experienced appellate lawyer and judge, he will be a valuable addition to our most respected tribunal.

LEAP

Mr. KENNEDY of New York. Mr. President, we in New York City have observed with interest the operation of a project called LEAP—the Lower East Side Action project. Over the last few years LEAP has had remarkable success working with young people—delinquents and dropouts on whom others had given up—winning their confidence and getting them reinterested in the educational process. For the past year LEAP has had a grant from the Office of Juvenile Delinquency at the Department of Health, Education, and Welfare and was under the impression that the funds would be continued for another 6 months. Fiscal difficulties developed at HEW, and it appears that LEAP may not be re-funded. Edward P. Morgan did an interesting report on LEAP last week on his radio show, which is, I think, of interest to the Senate. I, therefore, ask unanimous consent that it be inserted in the Record at this point in my remarks.

There being no objection, the text of the radio broadcast was ordered to be printed in the Record, as follows:

Edward P. Morgan and the News

New York, June 8, 1967.—This, obviously, is not Leap Year. Nor does it seem to be the year for LEAP, whose initials stand for Lower East Side Action Project, a tiny pilot plant of human commitment to freeing the children of the poor from the trap of poverty, deprivation and ignorance. LEAP is housed in a dilapidated tenement at 44 East Third Street here in New York City. It has been kept alive by an extraordinary young man and his wife, Larry and Michelle Cole. He is a 30-year-old psychologist who for a while worked nights on drug research for the National Institute of Mental Health. Michelle had a job in the Manhattan office of Playboy Magazine. But their lives and those of 15 staff members of LEAP have become intimately entwined—full time—since 1962 with the existence of the neighbors around East Third Street, many of them Puerto Rican youngsters who, except for the LEAP project would have already plunged into the wreckage of forgotten people.

In some respects LEAP has been cursed by its own success. It has been so unorthodox in its approach to education and its results have been so spectacular in individual cases, that the project is regarded with suspicion by the bureaucracy of government and with hostility by the police. The result is, combined, apparently, if indirectly, with the voracious pull of war demands in Vietnam on the federal budget, that LEAP faces the end of the road because $58,000 counted on from the Department of Health, Education, and Welfare to carry it on for one half year from this month is not available.

There are two official explanations, both of them maddening. One is that HEW's office of juvenile delinquency, an operation stemming from the Kennedy Administration, is being "phased out." A broader operation is needed but—*surprise, surprise!*—there has been no legislation passed providing for any. The other is the gargly logic of bureaucracy to the effect that in order to merit government support projects have to generate knowledge that may be translated to other projects and LEAP may not fall in that category because its success is attributed largely to the drive and dedication and charisma of one man, Larry Cole.

But editor James Wechsler, who in a journalistic sense has sort of adopted LEAP, has observed in his column in the New York Post that with some diligent hunting, the equivalent of Cole and his staff should be found elsewhere. The problem, as Wechsler writes, is to cut through the inevitable resistance of vested interests and simple minds to any serious reform.

About 100 kids are "members" of LEAP. Fifteen of them are project students. They are all street people, 12 to 18 years of age. They were dropouts from school and society, some had been pushing or using dope. This made them, inevitably, the targets of the police. On May 31, New York Fire Department brass suddenly visited LEAP's slum digs. Although nobody had declared it a fire hazard for four years, the firemen brass didn't like what they smelled, the language they heard, or the pop art on the walls. They left a six-hour vacate notice behind. Then the Board of Education took a sudden interest, ruled the 15 project students had to be back in school on a Monday. On March 24, 1966, New York Post Editor Wechsler had reported an incident in which four plainclothesmen beat up two boys on their way from a tenants' group meeting to the LEAP center.

But Mayor John Lindsay's city administration is slowly, painfully, injecting some humanity into the public services of the metropolis. The Fire Department order was reversed, the Board of Education relented with the qualification that better quarters had to be found next fall, the police-community relations are receiving attention.

The urgent need now is cash. Last year HEW gave LEAP $80,000; another $70,000 came from private sources. In the four previous years, LEAP lived on $60,000 of donations. The Coles have spent $20,000 of their own money, not counting their time. Somebody has figured out that the $58,000 LEAP needs to keep from being crippled for the next 6 months is equivalent to the cost of the war in Vietnam for 60 seconds.

LEAP's teenagers are given meals, medical care, clothes, psychological tests. One eighth grade boy was found to be blind in one eye. His school had discovered nothing of his handicap though treatment in time would have saved his eye. The 15 full time students were all complete failures in New York schools. Their response to Cole's methods of winning their confidence in teaching have been astonishing. Their minimum progress after one year of full time reading and other instruction has been the equivalent of two school years.

A University of California criminologist who visited LEAP found the youngsters "hostile" to the police. Cole doesn't like to talk about himself or his methods but he has remarked, "we aren't Boy Scouts, you know."

HEW officials are frankly embarrassed about the fact that while LEAP has been rated high in performance it is too low in priority to get any more funds. Government officials, of course, aren't Boy Scouts either, but somebody ought to be found in the Great Society with enough sensible generosity to do LEAP, and the country, a good turn.

This is Edward P. Morgan saying good night from New York.

SENATOR RANDOLPH COMMENDS WASHINGTON POST COMMENT ON FELLOW WEST VIRGINIAN—DEPUTY SECRETARY OF DEFENSE VANCE—"A HARD MAN TO LOSE"

Mr. RANDOLPH. Mr. President, a distinguished American is departing his official Government post—Deputy Secretary of Defense Cyrus Vance has submitted his resignation and the President has accepted it with "deep reluctance."

Our Nation has benefited from the outstanding leadership and the dedicated service of Secretary Vance in this vital position. He has served with distinction in a period of turbulence and world crisis.

West Virginians are particularly gratified by the achievements of Secretary Vance, for he is a native of Clarksburg, located in the central part of our State. As recently as last Friday evening, we expressed tribute to this esteemed public servant when the West Virginia Society of the District of Columbia presented him with the annual Son of the Year Award.

The Washington Post editorialized today on the contributions and the service of Secretary Vance, declaring that he is "a hard man to lose." It is a cogent analysis of Secretary Vance's role in running the Defense Department and in a decisionmaking process which affects the entire world.

Mr. President, I ask unanimous consent that the editorial, "A Hard Man To Lose," be printed in the Record.

[The Washington Post, Tuesday, June 13, 1967]

A Hard Man To Lose

Secretary McNamara often spoke of his longtime Deputy, Cyrus R. Vance, as his alter ego, and to a remarkable degree, that is how it worked. Mr. Vance was as qualified as a number two man could be to take over from his chief, either in an emergency or as a permanent replacement, if the Secretary had, for one reason of another, moved on. To a considerable extent, the two men were interchangeable and Mr. Vance was ever the faithful advocate of established policy.

But to say that he was a carbon copy of his boss—a mere echo of Mr. McNamara's views—does not do justice to this extraordinarily competent official. While serving as a back-up man, he also brought his own special talents to the Pentagon. He was especially effective on Capitol Hill; he played an important role during the crisis in the Dominican Republic, a role which required some flair for diplomacy as well as for military matters; his touch as a civilian leader of military men was adroit.

And all this he managed to do tirelessly and cheerfully despite a painful back ailment which immobilized him for long stretches during his distinguished service over nearly seven years in one of the most taxing jobs in the Government. It is easy to understand the President's "deepest reluctance" at losing him. As Deputy Secretary, he will doubtless be ably replaced by Mr. Paul H. Nitze, a tested veteran of the Washington scene. As a devoted and talented official, he is the kind of man any government can ill afford to lose.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 3 minutes p.m.) the Senate took a recess until tomorrow, Wednesday, June 14, 1967, at 10 o'clock a.m.

NOMINATION

Executive nomination received by the Senate, June 13 (legislative day of June 12), 1967:

U.S. SUPREME COURT

Thurgood Marshall, of New York, to be an Associate Justice of the Supreme Court of the United States.

CONFIRMATION

Executive nomination confirmed by the Senate June 13 (legislative day of June 12), 1967:

U.S. NAVY

Admiral Thomas H. Moorer, U.S. Navy, for appointment as Chief of Naval Operations in the Department of the Navy for a term of two years pursuant to Title 10, United States Code, Section 5081.

EXTENSIONS OF REMARKS

Freedom for Baltic States

EXTENSION OF REMARKS

OF

HON. H. ALLEN SMITH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1967

Mr. SMITH of California. Mr. Speaker, this week, on June 15, marks the 27th anniversary of the Soviet Union's takeover of the Baltic States, Lithuania, Latvia, and Estonia, by force of arms. For 27 years, the unfortunate peoples of these countries have been enslaved by the despots of the Kremlin, and many thousands of them have been exterminated or exiled to Soviet slave-labor camps in Siberia and other places in Communist Russia.

Throughout this time, Lithuanian, Latvian, and Estonian refugees in our own country have toiled tirelessly and unceasingly in bringing the plight of their former countrymen to our attention. They are zealously dedicated to the cause of a return to freedom for their mother countries.

Mr. Speaker, Lithuania, Latvia, and Estonia have a right to be free and independent, as they were for centuries before the Soviet occupation on June 15, 1940.

The United States demands freedom for all nations and peoples in Africa and Asia. We should do no less with respect to Europe. The Baltic States are more than 700-year-old nations and certainly have at least as much entitlement to freedom and independence as does any new country in any part of the world. The United States must not have a double standard for freedom with respect to any nations or peoples on the face of this earth.

The situation in the Baltic States becomes more intolerable with the passage of time. This is because exterminations and deportations still continue and there is a real danger of eventual decimation of the nationals of these countries, accompanied by ever-increasing occupations of the lands by people from the Soviet Union.

The people of the Baltic States and their relatives in our country are waging an heroic fight for freedom. They deserve the full sympathy and support of all freedom-loving Americans.

The Johnson Administration War on Poverty Is Going Ahead Full Throttle

EXTENSION OF REMARKS

OF

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1967

Mr. BROOKS. Mr. Speaker, the annual battle against the Johnson administration's war on poverty is now underway. Once again the Republicans are trotting out their blunderbuss, taking wild potshots at everything our administration is doing to help our Nation's poor.

We have all heard these Republican laments many times before. It is the same sullen cry of defeatism, blind obstruction, and disregard of the people's welfare that they have been preaching since the days of Calvin Coolidge.

I am used to these Republican complaints. But I must say that I am surprised by some of the criticisms voiced by members of our own party that allege that the Johnson administration has not done enough for the poor.

These critics should know better. The record shows that we are spending 27 percent of all Federal cash payments—not including our national defense—on programs to help poverty-stricken Americans.

I think that most Americans would agree that $25 billion a year is not a piddling amount in any league. And that is the amount—$25.6 billion to be precise—that this Democratic Congress, as part of the Johnson administration, is spending in fiscal 1968 on a broad range of programs to help the poor.

These programs represent President Johnson's determination to combat poverty in ways that are most effective and meaningful to those citizens who are unable to share in our national prosperity. It represents this Congress' determination to program and fund these vital efforts. Included in these programs is the Office of Economic Opportunity, social security, public assistance, education, health benefits, employment and retraining, regional economic development, school lunches, and various food distribution programs.

No administration, no Congress has done more to help the poor. And certainly no administration has been more effective.

Today, we are spending 13 times more than we did in 1963 to provide sound educational programs for poor children. Health expenditures have quadrupled during this same period, and cash payments to the poor are up 40 percent.

These statistics clearly support the fact that President Johnson is pushing ahead to meet our commitment to the Nation's poor. The President has not retreated from this fight. He has clearly indicated that we in this Nation and in this Congress aim to eradicate poverty and the forces which perpetuate these social and economic inequities. And we shall continue this battle until it is won.

There is simply no justification to the charge that the Johnson administration has reneged on its commitment to the war on poverty. The facts—and indeed, the figures—prove otherwise.

President Johnson was the first Chief Executive in our history to declare an all-out war on poverty. Our programs are winning the first rounds in this difficult struggle and we are not going to quit before we have barely begun.

Let us not be misled by those sowing seeds of doubt or dissent: The war on poverty will continue to enjoy strong support and high priority as long as Lyndon B. Johnson is our President.

This is a fact. And any other speculation is misguided and false.

Mr. Speaker, I insert into the Record

a breakdown of estimated Federal expenditures for the fiscal years 1960 through 1968 that will document the full extent of the Johnson administration's resolve to wage war on poverty on every meaningful front:

Estimated Federal funds for programs assisting the poor, fiscal years 1960–68

[Administrative budget and trust funds, billions of dollars]

Category	1960 actual	1963 actual	1966 actual	1967 estimate	1968 estimate
Education and training:					
HEW:					
Elementary and Secondary Education Act of 1965			1.0	1.1	1.3
Other	0.1	0.2	.5	.7	.7
OEO–NYC, Job Corps, CAP, etc			.7	.9	1.3
Labor–MDTA, etc		(1)	.1	.2	.3
Interior	.1	.1	.1	.1	.1
VA	.1	(1)	(1)	.1	.1
Subtotal	.3	.3	2.5	3.1	3.8
Health:					
HEW:					
Health insurance for the aged and disabled (HI and SMI)			(1)	1.4	1.7
Public assistance medical care	.2	.4	.7	1.0	1.2
Other	.2	.3	.6	.7	.8
VA–Hospital and domiciliary care	.3	.4	.4	.4	.4
OEO–CAP, etc			.1	.1	.1
Subtotal	.7	1.0	1.8	3.6	4.2
Cash benefit payments:					
HEW:					
OASDI	4.0	5.3	6.8	6.8	8.5
Public assistance	1.8	2.3	2.8	2.9	3.0
Railroad retirement	.3	.3	.3	.3	.4
Labor–Unemployment benefits	.5	.6	.4	.4	.4
VA–Compensation and pensions	1.6	2.0	2.3	2.4	2.4
Subtotal	8.3	10.4	12.7	12.8	14.6
Services, economic and community development, etc.:					
Agriculture:					
Food programs	.2	.3	.4	.4	.5
Other	.2	.3	.5	.3	.2
Commerce: EDA and Appalachia		.1	.2	.3	.2
OEO: CAP and other			.6	.6	.6
HEW: VRA, WA, etc	(1)	.1	.1	.1	.1
HUD:					
Public housing and rent supplements	.1	.1	.1	.2	.2
Urban renewal and other	.1	(1)	.3	.3	.8
Interior: Services to Indians, etc	.1	.2	.2	.2	.3
Labor: Employment, youth and other services	(1)	.1	.1	.2	.1
SBA: Economic opportunity loans					
Subtotal	.7	1.2	2.6	2.5	3.1
Total:					
Administrative budget	5.1	6.8	11.8	13.0	14.6
Trust funds	4.9	6.2	7.7	9.1	11.1
Grand total	9.9	13.0	19.6	22.0	25.6

[1] Less than $50,000,000.

Note.—Figures may not add because of rounding.

Congressman Horton Calls for Meaningful and Permanent Peace in the Middle East

EXTENSION OF REMARKS

OF

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1967

Mr. HORTON. Mr. Speaker, on Thursday, June 8, Mrs. Lester J. Berlove, chairman of an emergency meeting of the Rochester Jewish Community to raise funds for Israel through the United Jewish Appeal, invited me to speak at that meeting. I was committed to participate in hearings of the Select Committee on Small Business in Utah and Kansas and was not able to accept this invitation.

However, I did prepare a statement for the Rochester meeting, which Mrs. Berlove was kind enough to read in my absence. I should like to share with my colleagues the text of my statement on that occasion:

STATEMENT OF CONGRESSMAN HORTON, PREPARED FOR DELIVERY AT EMERGENCY COMMUNITY-WIDE MEETING OF THE ISRAEL EMERGENCY FUND OF THE UNITED JEWISH APPEAL, TEMPLE BETH EL, ROCHESTER, N.Y.

It has been ten days since I addressed the emergency session of the Jewish Community Council by long-distance hook-up at Temple B'rith Kodesh. Much has happened since those tense days of concern for the lives and future of the Israeli people. In these ten eventful days we have learned two very important lessons:

First, that when the chips are down the people and government of the State of Israel are quite capable of standing on their own two feet in defense of their children and their future.

Second, that the United Nations, once the hope of the world at its creation, must travel a long, hard road back to regain the respect of peace-loving peoples, and to regain some measurable degree of effectiveness in solving international conflicts.

Those of you who watched or heard Tuesday evening's session of the Security Council, heard Abba Eban's words citing the widespread concern and support for the safety of Israel which swept the world during this crisis. Part and parcel of the support Mr. Eban was talking about was the kind of outpouring of spiritual, material and political support which has occurred in our own community of Rochester.

Your presence here tonight, the unprecedented gathering of 3,000 people at B'rith Kodesh, and similar meetings throughout the world, demonstrated to Israel, to the Arabs and to other potential military adversaries of Israel where the hearts of America really lie in this crisis. I think you would agree that these outpourings of sympathy and support suggest ties which are far stronger than any that can be described as "neutral in thought, word and deed."

Despite the unfortunate confusion in American policy statements earlier this week, I think that the Soviet Union, particularly, was convinced of our firm and standing commitment to come to the aid of Israel should the life or territory of that nation become imperiled. As I told the representatives of the Rochester Zionist Council and the Jewish Community Council yesterday in my Washington office, I believe that there is a definite parallel between Viet Nam and our commitment to the Middle East. On the one hand, the Arabs and the Russians hoped that we would avoid involvement in the Mid-East at all costs, in an effort not to overextend our military resources. On the other hand, however, during every moment of the fighting in the Mid-East, our presence in Viet Nam has stood as a living and breathing example that America stands behind her commitments and her word. The fact that we have precluded any military success for the Communists in South Viet Nam speaks loudly in the ears of those who would risk tampering with the territory and political integrity of Israel, to which we are also strongly committed. I do not say this in defense of the Viet Nam war, but only point it out as a significant factor which must have lingered in the minds of those who might have answered Arab cries for help.

Fortunately, Israel's military superiority made unnecessary any world-wide conflagration over the Middle-East. But without the additional deterrence of the firmness and the potential firmness of United States international commitments, the risk of such a conflict would be far greater.

In the face of Israeli successes, our Government and the United Nations must look toward permanent solutions to the situation which are more acceptable than the solutions arrived at after the Suez crisis 11 years ago. No one can expect Israel to relinquish its hard-earned successes without far-stronger assurances and conditions in her favor. No one can expect Israel to again leave her access to Africa and East Asia through Eilat subject to the whim of a hateful Arab dictator, or even to the whim of an official of the United Nations. Free international passage through all waterways in the area must be guaranteed to all nations, including the State of Israel.

Further, the perennial trouble spots in the Israel border areas must be re-examined. The populous Gaza enclave, teeming with Palestine refugees; the divided city of Jerusalem and the Syrian hilltops overlooking the kibbutzim of Galilee must all be scrutinized in view of the events of the past few days.

One fact is crystal clear to me. Israel can suffer no loss as the result of any cease-fire agreement or peace settlement. Having faced three times in the last 20 years, the aggressive encirclement of hostile Arab forces, having twice been aggressively excluded from the use of crucial international waterways, Israel cannot, and I venture, it will not agree to be placed in a position where this tragic history can repeat itself again.

A great people and a great country has given everything it has this week to assure democracy in the face of the most serious aggression any country and its people has ever been called upon to face. Israel and her people have faced the test and won the victory. You in Rochester tonight are called upon to make a sacrifice to help those who plunged ahead. I urge each of you to do all you can within your means so that you can contribute and be a part of these great people and this great country of Israel.

The Problems of Business and Government

EXTENSION OF REMARKS

OF

HON. GEORGE A. SMATHERS

OF FLORIDA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 13, 1967

Mr. SMATHERS. Mr. President, a few weeks ago a conference was held in Bermuda by a most distinguished and representative group of successful financiers from New York City and surrounding areas. The purpose of the meeting was to discuss the Nation's economy, its problems, its relationship to Government, and its future. Among the distinguished speakers was Dr. Paul McCracken, former Chairman of the Board of Economic Advisers to President Eisenhower, and our own most knowledgeable and capable chairman of the Committee on Commerce, Senator WARREN G. MAGNUSON. As a fellow Senator, I was most proud to sit in the audience and listen to the senior Senator from Washington, my former chairman, lucidly and eloquently speak to this select group from the business community about the problems, not only of his committee with business, but the problems of the Government itself in seeking solutions to business problems and in fostering continued growth of business in our free enterprise system.

Regrettably, no record was made of the questions directed to Senator MAGNUSON and of the lucid and understanding answers with which he responded. However, I do have the text of his preliminary remarks, and I know that all Members of Congress would be benefited greatly by reading what this very wise man had to say. Therefore, Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the speech recently delivered by Senator MAGNUSON.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE SENATE COMMERCE COMMITTEE: A MEETING GROUND, NOT A BATTLEFIELD

Set in several niches in the walls of the Commerce Committee hearing room in the New Senate Office Building are models and exhibits symbolizing the Committee's jurisdiction. Taken together, they form a colorful backdrop for the almost infinite variety of Committee responsibilities.

Not surprisingly, the greater number represent modes of transport, both ancient—a square-rigged merchantman and a vintage steam locomotive—and modern—a passenger jet, a diesel locomotive, a great overland truck transport, and a trim replica of the nuclear merchant ship *Savannah*.

Other exhibits remind us that the Committee's jurisdiction extends to the interstate transportation not only of goods and people but, also, of words. So this modest collection necessarily includes a replica of the first telegraph key, an early network microphone and a glittering communications satellite.

The life and commerce of the oceans is richly represented: a 19th-century fishing schooner, with each carved fisherman standing in a wooden barrel lashed to the deck, secure from being washed overboard by an errant wave; and mounted fish from the great fisheries—a silver salmon from the Pacific, red snapper from the Atlantic, whitefish from the Great Lakes, and an enormous gulf shrimp.

These traditional matters continue to engage the energies of the Committee, whether in hammering out a legislative solution to a railroad work rules dispute, seeking an equitable and coherent national transportation policy—exploring measures to revitalize a weakened domestic merchant marine, or even ministering to the sorry plight of a South Carolina shrimper who, having purchased a derelict hull for a song, labors long and lovingly to rebuild it, only to discover that the vessel, having initially been constructed in Nova Scotia, is ineligible to engage in the U.S. fisheries.

But the work of the Senate Commerce Committee in the seventh decade of the 20th century ranges far afield from these time honored responsibilities: Satellite communications, the electric car, the meaningful dissemination of industrial technology, oceanographic research to meet the challenge and promise of the ocean's resources. And finally we find ourselves increasingly occupied with what some call consumer's rights and others dub "consumerism"—automobile and tire safety, cigarette labeling and advertising, protection against unsafe toys, confusing packaging and labeling, flammable fabrics, gas pipelines.

The other day at Hot Springs, Virginia, Charles G. Mortimer, of General Foods, keynoted the opening session of the Business Council by calling for 100% business opposition to anything Washington proposes which tampers with the free enterprise system.

I suppose, as a representative of Big Government, with the opportunity to keynote this smaller but no less distinguished assembly, I should counsel you with equal vigor to submit meekly to the Federal chopping block, and recognize humbly that Washington is the depository of all wisdom. Well, I'm not going to do that.

But I am troubled by Mortimer's attack, not so much because of the free enterprise solution which he offers to the nation's problems, but because he seems to deny the very existence of the problems. The failure of the automobile industry to subordinate styling to safe design was not a figment of Congress' imagination. Henry Ford has acknowledged it and others in the industry quietly and privately now grant that the safety law was needed to set the ground rules for competition which did not subordinate safety.

At the same time, there is a disturbing tendency in some government circles to believe that the problems which we now face are the creations of business, and that harsh and punitive restrictions are the true solution. But exploding population, air and water pollution, urban chaos, cultural, as well as economic poverty, are products of the same underlying dynamic forces which have given us a great abundance and technological preeminence. We also face what the social scientists call the "shifting pattern of social demand"—the growing sophistication and impatience of the affluent citizens as consumer and voter.

Very simply the problems which now face us are the products of change. The fact is that neither business nor government going it alone can control the forces unleashed by such products of modern technology as nuclear power, satellite communications, exploitation of space, development of the supersonic transport, the fourth generation of digital computers and integrated transportation systems. Business, government, the universities, must all combine to the utmost their talents and resources if we are to reach the goals which such technology promises.

During the last several years we have tried to make the Senate Commerce Committee serve as a forum, not for the confrontation of hostile forces, but for the forging of new efforts based upon mutual interest—a meeting ground, not a battlefield.

Thus, the Committee which produced the Packaging and Labeling Law is the same Committee from which COMSAT was born. The Senate Commerce Committee is necessarily faced with forging solutions to social problems. But we are not less concerned with seizing those opportunities which can only be realized through the combined resources of business and government. COMSAT is perhaps a far more monumental Committee product than the Auto Safety or Packaging Laws.

No one in public life can fail to be aware of the growing social concern of the business community. No longer is a company's sense of social obligation limited to passing the hat at Community Chest time—when the American Plywood Association invests capital and resources in slum rehabilitation, when General Electric, RCA, Philco, IBM etc. breathe life into Job Corps centers, and the large corporations headquartered in New York initiate a new partnership to bridge the no-man's land of indifference between Wall Street and City Hall.

Let's take a modest example of this new spirit as it affects a matter now before the Commerce Committee. Probably no single issue has generated so massive a flood of mail to the Committee as warranty service problems. Initially, as we began to focus on this problem, we found evidence of misleading and confusing representations which led inevitably to consumer dissatisfaction. Early this year, we suggested the need for new legislation to require the uniform disclosure of the basic terms and conditions of guarantees and warranties. Yet, as we dug deeper into these problems, as we began to confer with the businesses affected, we began to see that what we had was not basically a disclosure problem, but a servicing problem. On a Saturday morning, the President of one of the largest corporations in America, on his own initiative, came to see the staff of the Committee to talk about the servicing problem, and what his company was attempting to do to meet that problem. When he was through, the staff reported to me that they saw the problem in a new light. They were convinced of the good faith and determination of the company to service the products it sold to the utmost of its ability. And out of that meeting has come a new effort to tap federal resources to aid rather than regulate the industry in meeting its needs. For example, to look to the National Bureau of Standards for assistance in developing new diagnostic equipment for locating product defects or to strengthen vocational training programs to attract and train sufficient mechanics for the demand.

Again, early this year, the Commerce Committee held extensive hearings on the future of the electric car. Last year, Secretary of HEW Gardner vowed that government and industry were on a collision course on vehicular pollution. But I see one role of the Commerce Committee as averting such collisions. It is my feeling that out of those hearings there has grown a determination on the part of both industry and government to work together in developing the technology to solve the problem, rather than to polarize government and business for the next round of debate.

This new spirit is nowhere more evident than in the growing concern of industry in the safety of its own products. The proposal which we made last year, and which the President is now strongly endorsing, to establish a National Commission on Product Safety is a case in point. This Commission would conduct a comprehensive study and investigation of the extent to which the unsafe design of household products constitutes a significant public health problem and a review of the scope and adequacy of present safeguards against the sale of hazardous products. The proposal for the Commission has been welcomed and openly endorsed and supported by industry, just as industry has done much to eliminate hazards from its products.

It has as its concern not only the protection of consumers against unreasonable hazards stemming from the unsafe design of household products but the protection of manufacturers and retailers against burdensome and conflicting regulation. Too often states and localities, and the Federal Government as well, have reacted hastily to a consumer problem illuminated by a tragic event such as a fire or explosion, enacting legislation which goes far beyond curing the problems to which it was directed and causes needless and useless burdens on industry. We must be equally concerned with eliminating this legislative "over-kill."

Our efforts, however, will not be limited to the shaping of new laws and the doctoring of old laws. We are actively exploring with business representatives new ways in which we can communicate with each other more clearly and freely. We are now exploring with industry representatives the possibility of establishing voluntary national, industry-wide *Ombudsmen*: industry-designated representatives to whom complaints can be directed on the national level, just as the Better Business Bureaus act as business "*Ombudsmen*," on the local level.

Although it appears to some critics that the politicians have dug up the consumer as a political "mother lode," I want you to know that those of us who are concerned with, and responsible for, legislation affecting the consumer are not prepared to bury business in the empty hole.

Gilbertville Water Supply System

EXTENSION OF REMARKS

OF

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1967

Mr. PHILBIN. Mr. Speaker, with the help of a grant from the Farmers Home Administration, Gilbertville, Mass., in my district recently completed construction of its new ground water supply system, thereby assuring its residents an adequate water supply for many years to come.

Gilbertville is one of the first Massachusetts communities to benefit from this kind of Federal grant made available under a special program of the Farmers Home Administration to provide grant and loan assistance to rural areas for the development of water systems and waste disposal plants.

I want to commend and congratulate the Government officials and civic leaders of this outstanding community for their perseverance and foresight in bringing this badly needed project to a successful completion.

I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the remarks in part which I made at the dedication of the Gilbertville water supply system on April 16.

REMARKS OF CONGRESSMAN PHILIP J. PHILBIN AT THE DEDICATION OF THE GILBERTVILLE WATER SYSTEM, APRIL 16, 1967

Mr. Chairman, Senator Quinn, Representative Cole, Chairman Plouffe, and the Board of Water Commissioners, Director Ward, Mr. Sewall, Mr. Howe, Mr. Gleason, Mr. Dana, Mr. Riding, Distinguished Board of Selectmen of Hardwick and New Braintree, Commissioner Nowak, Commissioner Kolsa, and all distinguished guests and friends.

It is a special honor, privilege and pleasure for me to be with you at this very happy, meaningful dedication of your new, water supply system for the Gilbertville district.

First, I want to express my heartiest congratulations to the various individuals and groups, to the Water District, and to the Community itself, for the fulfillment of this urgently needed exceptionally useful project.

There are many people, whom we can thank, for the realization of this great day, and for the wholehearted co-operation they extended to make it possible.

Your able, distinguished Commissioners, Chairman Plouffe, and his associates, Mr. Nowak and Mr. Kolsa, deserve highest credit and appreciation, not only for rounding out this fine, water program and this project, but for their capable, persistent efforts that were never abated until this project was assured and completed.

I think that very special credit is also due to our great Farmers Home Administration of the Federal Government, some of whose outstanding leaders are here today, for their exceptionally persevering work, guidance, direction, and crowning achievement in providing the federal grant which has been such an important factor in working out the new water system.

As I mentioned, there are many leaders and officials, indeed, who contributed most wholeheartedly to the results secured. In fact, they are too numerous to enumerate here.

But I want them all to know of the very deep gratitude that I personally feel for their warm interest, their unbroken faith, their personal concern and efforts that have unquestionably made possible the history-making event we so proudly celebrate today. And I should compliment and also thank the faithful, loyal and devoted people of the district and the community who had the foresight, the generosity and the good sense to make necessary basic funds available from their Town Treasury.

As most of you know, this project did not come in an easy way. Back in 1963, our good friends, Paul Plouffe and the Commissioners brought to my attention their desire and intent to apply for federal assistance for the project under the accelerated, public works program.

Since these funds had been exhausted, after some struggles and wait, we turned to the Department of Agriculture under its new program for the development of water and disposal systems.

This time, I am very happy to say, we hit pay dirt, thanks to the wisdom, judgment and efficiency of the Department, and the co-operation of some of our great federal leaders who are here with us today.

Senator Kennedy and other members of Congress helped us, and we all pitched in, but the road was long, hard, and filled with obstacles, and we can all be relieved and very grateful that after some delay, after painstaking engineering evaluations of the Commission, and official departmental reviews, the Farmers Home Administration came up with the concrete answers we were seeking, and it was my truly great pleasure last June 24th to dispatch a wire from Washington to the Board here that a substantial federal grant had been approved.

From then on, I am happy to say, the course of progress was relatively smooth. With its own funds, plus the federal grants, the Gilbertville Water District was soon able to get construction under way.

Today, the town has a brand new water supply system with estimated, adequate well capacity, which should be sufficient to meet the area's water requirements for some time to come.

As we all realize, our nation has many problems pressing us for solution these days, which are in some respects very challenging, and in other respects grave and totally unprecedented.

Our greatest task is to preserve our own freedom and security, and bring peace and order to the nation and in time hopefully to establish universal peace.

No one can predict what course Communist tyranny will take, but we hope and pray that all concerned in this crisis, the principals and the puppets, will listen to our earnest pleas for peace, and will agree at an early date, to stop their aggressions against the weak and the helpless and yield to the earnest pleas and prayers and sustained efforts for peace that have been made by our own great nation and so many other great nations of the world.

Meanwhile, Americans will remain firm, resolute and loyal in our high purpose of protecting our liberties, striving for freedom and total peace in the world.

Finally, may I say that this town can be proud today for the excellent work of its Water Commissioners, the sound judgment and public spirit of its people, and of its fine new water system.

It should last you for many years to come. But if for any reason, it should not and your growth and prosperity requires further action, I think you know where to come, and let me assure you that we of the federal government will always be eager and willing to assist you in every way we can. I am very proud to be here.

Thanks and best wishes for the future.

Congressman Rees Announces Results of 1967 Congressional Questionnaire

EXTENSION OF REMARKS

OF

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1967

Mr. REES. Mr. Speaker, this April I sent to my constituents in California's 26th Congressional District my annual congressional questionnaire. The response was immediate and enthusiastic, and I would like to thank the more than 15,000 citizens who were sufficiently concerned to take the time to complete and return this poll.

My congressional district is in the western section of Los Angeles County and includes the cities of Beverly Hills and Culver City; the Los Angeles City communities of Rancho Park, Venice, Mar Vista, Westdale, West Los Angeles, Cheviot Hills, Beverlywood, West Adams, and Fairfax Avenues; as well as the Los Angeles County areas of Marina del Rey, West Hollywood, and the Sunset Strip. Incomes range from lower middle to upper; a majority of my constituents are homeowners, and their educational level is higher than average.

The questions were written to reflect issues of particular concern to my district, as well as the current major national and international issues. In the multiple-choice questions many respondents chose several alternatives. Because of this some percentages add up to more than 100 percent.

Particularly gratifying was the high degree of respondents who further elaborated their views with notes and letters. I regret that space limitations make it impossible for me to share these comments with my colleagues as I can testify to the worthwhile nature of the overwhelming majority of the statements.

Knowing that my colleagues in Congress will be interested in the response of my constituents to the vital issues of the day, I include here the tabulated results of this poll:

Rees 1967 congressional questionnaire survey compilation

FOREIGN POLICY

1. Vietnam: Which pôlicy do you favor for the U.S. in Vietnam?

(a) Continue the present policy of supporting the South Vietnamese, including limited bombing attacks in the north, while at the same time seeking a peaceful solution on the diplomatic front	22.7%
(b) Expand the war on all fronts to achieve a complete military victory	38.8%
(c) Halt the bombing of North Vietnam in the hope that this will provide the necessary climate for peaceful negotiations	32.4%
(Write in) Withdraw immediately	7.6%

2. East-West relations: What policy would you favor in dealing with the Soviet Union and other East European nations?

(a) Relax tensions and begin to build "peaceful bridges" by such means as increased East-West trade and approval of the United States-U.S.S.R. Consular Convention	67%
(b) Continue the present policies of the cold war and rely on the military deterrent of NATO	12.6%
(c) Intensify the cold war, even to the breaking off of diplomatic relations, unless the Eastern bloc countries promise to cut off aid to North Vietnam	20.4%

3. Foreign aid: We are now finding that the gap between the richer industrialized countries and the poorer underdeveloped nations continues to grow. As practically all of our aid programs are to underdeveloped nations, what should our future policy be?

(a) Continuance of foreign aid programs at their present level	13.9%
(b) Curtailing all foreign aid until we have "taken care of our own," or at least until the Vietnam war is solved	42.1%
(c) Expand aid programs with emphasis on helping underdeveloped countries to help themselves	41.8%

4. The Arab boycott: The Arab League nations have a trade boycott against all American firms doing substantial business in Israel. Which of the following alternatives would you favor?

(a) Continue the present U.S. compromise policy of requiring businesses to report to the Department of Commerce any Arab League actions, such as a request to fill out a questionnaire or to sign agreements, in furtherance of the boycott	12.9%
(b) Attempt to break the boycott by passing new and stronger legislation which will flatly prohibit American firms from taking actions which would support or further this restriction on trade	37.6%
(c) Leave it up to the affected businesses to choose between Arab and Israel markets as outlets for their products	36.7%

5. Red China: Despite the inner turmoil in Red China, we must continue to deal with the problem of recognition. Which would you favor?

(a) Continue U.S. policy of not recognizing Red China and opposing its admission to the United Nations	35.9%
(b) Extend diplomatic recognition to Red China and support Red China's admission to the United Nations	33.4%
(c) Initiate such programs as trade in nonstrategic goods, cultural exchanges of news reporters with the Communist Chinese, etc	31.3%

DOMESTIC POLICY

6. The Draft: The present draft law expires this June. Which of the following proposals would you favor?

(a) Universal program of two years of national service whereby a young man can choose at the age of 18 whether to join the armed forces, enter a CCC-type organization, or begin his college training (with the provision that after graduation he would serve his country in a capacity related to his academic interests through either the armed forces or such organizations as the Peace Corps or the Teachers Corps, etc.)	56.5%
(b) The National Advisory Commission on Selective Service recommendation of drafting young men at 19 by use of a lottery, granting educational deferments only in unusual situations	20.5%
(c) Retain the existing system	10.9%

7. State of the Union proposals: Following are new measures proposed by the President in his State of the Union Message to Congress. Which do you favor:

Gun control legislation:

Yes	73.8%
No	22.3%

Stronger air pollution control laws:

Yes	92.1%
No	7.9%

Increase of social security benefits by 20 percent:

Yes	62.4%
No	28.9%

Step up in the war on crime:

Yes	88.2%
No	5.2%

Renewed attack on urban blight:

Yes	66.9%
No	16.8%

Federal support for educational television:

Yes	57.3%
No	34.2%

Establishment of a Redwood Park in California:

Yes	78.6%
No	12.7%

Congressman Paul Rogers Comments on the Fair Packaging and Labeling Act of 1966

EXTENSION OF REMARKS

OF

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1967

Mr. SPRINGER. Mr. Speaker, on May 26, 1967, Representative Paul G. Rogers spoke before a special conference of the Federal Bar Association on the subject of the Fair Packaging and Labeling Act of 1966.

Representative Rogers' contribution in helping to shape this important consumer legislation is well recognized by his colleagues on the House Interstate and Foreign Commerce Committee. His thoughts and opinions on this subject, therefore, deserve special consideration.

In his address before the Federal Bar Association conference, Congressman Rogers stressed the fact that Congress, having enacted the Fair Packaging and Labeling Act of 1966, will closely watch the manner in which the bill is implemented by executive department agencies and complied with by industry, toward the end that the congressional intent of this legislation is followed.

Mr. Speaker, considering the importance of the subject of fair packaging and labeling to the American consuming public, I am including Representative Rogers' speech before the Federal Bar Association conference in the Congressional Record.

CONGRESSMAN PAUL ROGERS' SPEECH BEFORE FEDERAL BAR ASSOCIATION, MAY 26, 1967

Our concern here is clear and precise—the status and future of the Fair Packaging and Labeling Act which Congress enacted last year. But if we are to comprehend the present and from it measure the shape of the future we must first look back for a moment to understand what brought this legislation into being. In considering a bill as complicated as the Fair Packaging and Labeling Act, this entails a review of the legislative process and Congressional intent and how they influenced the enactment of this new law.

At least from the vantage point of the House Interstate and Foreign Commerce Committees, I would say that this Packaging and Labeling Act is an example of the Congressional deliberative process at its best. It is legislation that was molded into shape by many months of thoughtful consideration, extensive discussion, and unlimited debate.

So this bill came out of the House Committee and Congress *not* as the Administration's bill, *not* as industry's bill, *not* as the bill of any specific interest or pressure, but rather as Congress' own bill—a bill reflecting what the people's representatives in Congress determined was needed to advance the interest of consumers in today's complex marketplace.

Of course, not a few—and some are here—would have preferred a different and possibly less onerous law. Some emphatically cried out for requirements far more severe. Others preferred no legislation at all. But to every shade of opinion our House Committee gave a full and fair hearing, and I am satisfied that this was so.

It was then, in this careful and reasoned fashion that the 89th Congress incubated and hatched out the Fair Packaging and Labeling bill of 1966. And having so carefully fashioned this legislative child, Congress has no intention of shirking its responsibility as the parent. This is to say, that we who labored long and hard to make this bill the law of the land are determined to have it enforced—and observed—in the manner and to the extent that we intended.

Congress, therefore, is going to carefully watch how the business community positions itself in respect to this new law.

The Fair Packaging and Labeling Act, as it finally emerged, was based on a major premise—that the overwhelming majority of the nation's consumer products manufacturers, processors and producers, are honest and responsible citizens who seek to deal fairly with their customers, the consuming public. It follows that this legislation presumes full compliance and cooperation on the part of the industries concerned. It would be grave error for these industries to misread this premise, and default on their responsibilities.

The need for federal regulation of certain packaging and labeling practices has been demonstrated.

This question now is "How much regulation is needed?" How much, however, depends on industry's reaction to the bill as enacted. The more successfully industry can get its own house in order, and can itself correct packaging and labeling practices which confuse or mislead consumers, the less need there will be for federal regulation or intervention. I hope that industry will clearly recognize this and will not delay in effecting the steps necessary to carry out the intent of Congress as expressed in the Packaging and Labeling Act.

But there is another side to the coin. Congress will be equally watchful of the manner in which the bill is implemented by the agencies charged with such responsibility.

I stress this here for a number of reasons, but especially because of the attitude—sometimes held by some departments and agencies in downtown Washington—that the legislative branch, once having enacted a bill, loses custody of the child as soon as it is signed into law. From that point on, according to this view, the law becomes a ward solely of the administrators charged with its implementation.

I would not mention this attitude if it were uncommon in official Washington. But a number of times in recent years the intent of a law passed by Congress has been so stretched on the rack of regulatory interpretation as to disfigure it beyond parental recognition.

Such an unhealthy tendency must not pervade the proposed administration of this new labeling and packaging statute. Where existing regulations are clearly adequate—where industry and various echelons of government have already acted responsibly and reasonably, and also, where experts in this difficult area have labored long and conscientiously to satisfy consumer need—then change *for its own sake* becomes worse than unnecessary; it becomes instead an unwarranted cost burden upon the consuming public, a needless imposition upon industry, a distortion of Congressional intent, and an indulgence of bureaucratic pettiness—as well as another case history of "Parkinson's Law".

I say this in the best of spirit and not to impugn motives. But I do give voice to a growing apprehension lest inter-agency relationships and a yen to blaze new consumer trails generate results harmful to objectives that everyone here shares in common. Indulged, they are likely to be directly at variance with the manifest intent of the Congress to help the consumer, not add to his financial burden.

Unfortunately, there are irresponsible elements in business as in all other human endeavors. But common sense suggests that if consumer product industries were as hostile to the public interest as some critics contend, our entrepreneurial system would long ago have failed.

The evidence is directly to the contrary. It demonstrates that we have the most successful consumer economy in the world. And I would be among the first to acknowledge that its success arises from the intensity of competition for consumer favor, not from Federal fiat and dictation.

Precisely for that reason I find an inner contradiction in the contention of some that massive Federal intrusions into the marketplace are needed to protect consumer interests. The implication is that the government must take over to bring rationality and order into the mounting "complexity" of the marketplace. Yet, this very "complexity" is the response of a delicately balanced, continually adjusting, consumer-oriented economy that is driven by its own internal forces to meet the ever-changing needs of American consumers.

This point is particularly relevant on the question of product proliferation. You will recall that early drafts of the bill would have required the federal regulatory agencies to impose mandatory solutions wherever problems of "undue proliferation" of package sizes, weights, etc. exist. After considerable testimony on this subject and careful consideration by the House Commerce Committee it became apparent that this was a much more difficult problem than had at first been supposed. The end result was to adopt a different approach and permit *voluntary* solutions to "undue proliferation", and to enable such problems to be solved more sensibly on a case by case basis. We trust therefore, that industry will move ahead expeditiously in developing voluntary and workable solutions to problems of product proliferation, thereby justifying our confidence in industry's ability to carry out Congressional intent in this area.

A final important point pertains to the requirement in the statute's "Declaration of Policy" that packages and labels should facilitate "value comparisons" by consumers. The change from the words "price comparisons" in the original bill to "value comparisons" in the final version again was made after lengthy testimony and careful congressional deliberation. Perhaps it would be well to briefly reiterate the reason for this change as explained by its author, Congressman Gilligan:

"It is designed to insure that the government agencies and officials charged with enforcing the law and issuing regulations thereunder do not exercise the powers conferred upon them, particularly section 5, for the sole purpose of facilitating a mathematical computation; that is, a price comparison, in the supermarket aisle. Price is only one element in a consumer value decision; other factors of equal or greater importance are product performance, the convenience of the package, and the suitability of the size or quantity of the product in satisfying a consumer's personal desire or need. Obviously what constitutes value is highly subjective."

The point here is that each value decision must be made by the *individual* involved—it is a personal judgment of the kind the federal government is ill-equipped to make and should not be—and is not—asked to make for the consumer. Thus it is important for all to remember that it is "value" *according to the judgment of the consumer,* which is here involved, and not "value" according to the judgment of the federal regulatory agencies. There has been some comment from the Senate Side revealing a misunderstanding of the intent of this House Amendment on this very point. The intent of the change was clearly stated by the author of the amendment himself.

In sum, I view the Fair Packaging and Labeling Act as a reasonable, balanced legislative instrument. It was created to apply additional safeguards in behalf of consumer interests, but without repressive regulation of manufacturing and marketing. We acted on the belief that since an informed and free choice is the goal of our consumer economy, it can best be achieved through industry cooperation, not Government decisions substituted for marketplace decisions.

What now of the future? I see it this way: If the departments and agencies cleave to Congressional intent, the Fair Packaging and Labeling Act of 1966 is likely to become a legislative landmark in developing a climate in which government and industry can work together effectively and harmoniously to advance the interests of the consuming public. It is, as I have pointed out, the responsibility of both parties—government and industry—to produce the desired result. Time will tell whether or not they will meet that responsibility.

But this we can safely predict: If they fail this responsibility, Congress will act. We will not tolerate either an encroachment by the bureaucracy or intransigence on the part of private industry.

In conclusion, then, let me focus attention on three points:

First, Congress has not washed its hands of responsibility in packaging and labeling areas. We will continue to follow, with active interest, the manner by which this new law is implemented by both the agencies and industry.

Second, we in the legislative branch are determined to fulfill our duties and responsibilities in areas of consumer problems.

And finally, I am convinced that the Legislative Branch will continue to adhere to the principle that our political and economic system is based on the protection of the interests of citizen-consumers who have minds of their own, are capable of making intelligent decisions in the supermarket, and neither need nor want their decision making power turned over to Big Brotherism in Washington.

This then ar I view it, is the sum of the philosophy behind the Fair Packaging and Labeling Act of 1966—a law enacted to protect the most basic consumer interest—the right to a free and informed choice in an abundant, free economy.

New York—Second Congressional District's Annual Questionnaire Response

EXTENSION OF REMARKS

OF

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1967

Mr. GROVER. Mr. Speaker, for the information and convenience of my colleagues and my constituents, I am pleased to submit the percentage analysis of responses to my questionnaire on vital issues of the day.

This year my questionnaire was prepared by the students of the political science department of Suffolk County Community College under the able supervision of Prof. Ronald J. P. Lesko.

I am grateful to the college and its hard-working students, and wish to thank my constituents for their participation.

The difference, in those questions that do not add up to 100 percent, is that percentage which was left blank by those who completed the questionnaires. The percentage analysis follows:

[In percent]

	Yes	No	No opinion
FOREIGN AFFAIRS			
1. Do you feel that a far-reaching arms control agreement with Russia is practical and wise?	47	47	4
2. Do you feel that we have been too restrictive in terms of our trading policies with Communist-governed countries to date, and that we should expand trade with Communist countries now?	33	62	3
3. Do you feel that the United States is concerning itself excessively with problems in other parts of the world?	51	46	1
4. Is Asia within our range of interests?	73	20	4
5. Should the United States lessen its involvement in Europe?	50	45	3
6. Do you believe that military victory is possible for the United States in Vietnam?	70	25	3
7. Do you believe we can win the peace after a military victory?	49	39	7
8. In view of your feeling above, should we halt bombing and further escalation unconditionally?	18	75	4
9. Should the foreign aid portion of the budget be:			
(a) Increased?	7	38	3
(b) Held at present level?	27	25	3
(c) Decreased?	55	15	3
SPACE AND DEFENSE			
10. Do you feel that the cost of our space program is a deterrent to our national health, education, and welfare objectives?	34	60	4
11. Should we develop a more effective antimissile defense system?	65	22	10
12. Should the draft system be drastically revised?	55	34	7
13. Do you feel that our draft system should:			
(a) Use the lottery system?	40	31	8
(b) Consider national intellectual needs in postwar situations (educational deferements)?	42	30	6
BUDGET AND TAXES			
14. Do you feel that we can support both the domestic Federal projects and the Vietnamese war without reducing spending in either area?	22	71	5
15. Do you feel that the Federal Government annually should increase its support of the arts and humanities?	31	58	8
16. Do you feel that some Federal tax credit plan should be developed covering college and private high school education costs?	64	31	3
17. Do you feel the President's proposed 6 percent tax increase (surcharge) is necessary?	17	70	11
HEALTH AND WELFARE			
18. Should social security benefits be geared to the cost of living?	81	14	3
19. Do you feel that the Manpower Development and Training Act has been a success?	10	52	35
20. Do you favor stronger Federal controls over technological areas like air pollution and automobile manufacturing?	64	31	3
PERSONAL, POLITICAL, AND CIVIL RIGHTS			
21. Do you feel that positive advances have come about in the area of racial equality in the last 10 years?	79	16	3
22. Has Congress gone as far as it should in terms of legislating the morality of civil rights?	67	23	8
23. Should the Federal Government develop a plan for controlling campaign expenditures?	71	22	6
24. Do you feel that Federal controls ought to be adopted relative to any computerized collection of all citizens' personal files now available in Washington, D.C.?	51	26	19
CRIME AND LAW ENFORCEMENT			
25. Do recent Supreme Court decisions respecting the rights of suspects and convicted criminals unduly hamper law enforcement?	79	16	
LABOR AND TRANSPORTATION			
26. Do you feel that labor unions are insufficiently controlled under present Federal laws?	71	24	4
27. Should sec. 14-b of the Taft-Hartley law be repealed?	18	53	24
28. Should the Federal Government lend support to a major, multilevel transportation system along the northeast coast?	68	21	10
CONSERVATION			
29. Is the Federal Government doing enough regarding the conservation of valuable inland areas, wetlands, rivers, seashores, etc?	19	66	12

Hubbardston, Mass., Celebrates Its 200th Anniversary

EXTENSION OF REMARKS

OF

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1967

Mr. PHILBIN. Mr. Speaker, the year 1967, and particularly this summer, will long be remembered by several communities in my district because it is the year when outstanding anniversary programs of events were held to mark noteworthy anniversary dates.

Today, Mr. Speaker, I am proud indeed to bring to the attention of the House the 200th anniversary of the town of Hubbardston, Mass., which was incorporated as a district 200 years ago today. This happy event of June 13, 1767, is the subject of a weeklong celebration in Hubbardston which will culminate this Sunday with a huge 2-hour, six-division parade, a drum and bugle corps competition, and a fireworks display.

The Hubbardston anniversary program is truly impressive. It began with a bicentennial ball on May 12 and this evening at the Center School there will be a speaking program marking the actual date of the charter. Tomorrow, June 14, there will be a tour of historic homes, and on Saturday there will be sports events, a firemen's muster, and a band concert.

One fact, Mr. Speaker, should be singled out for special mention: the Hubbardston anniversary program is a simple and dignified one, which might well be a duplicate of the program held to celebrate Hubbardston's 100th anniversary, a memorable celebration which is being relived in Hubbardston this week.

A century ago, at Hubbardston's centennial celebration, a long poem was read which included these lines:

> Some few within this audience know
> How this street looked long years ago.
> A tavern stood at either end,
> Where those who had some cash to spend,
> Or idle hours to pass away,
> Might wet their whistles any day;
> And it was said, we know not why,
> That whistles then were often dry.

Generally, though, much more serious things were said that day. The closing sentence of the centennial address by Dr. J. C. Gleason was:

> If, on the 13th day of June, 1967, our descendants shall be pleased to observe their centennial day, may the records of this coming century show as little to censure and more to admire than we find in that just closed.

His hope has been fulfilled. We find, on this day that seemed so far in the future to Dr. Gleason, nothing to censure and much indeed to admire. The last century has seen great changes as the generations have passed in Hubbardston. During all this time, this lovely community has preserved its traditions of patriotism and civic pride.

An account of that centennial summer's day tells us that:

> Thus passed the 13th day of June, 1867; a day long to be remembered in the annals of Hubbardston; a day which was closing without the happening of any accident to mar the pleasure of the occasion; a day that had brought together more people than had ever before been assembled in the town on any occasion; a day rendered pleasant by all its surroundings—a clear sky, a bright sun, pure air and gentle breezes; pleasant by the friendly greetings of old friends and asso-

> ciates, the returned sons and daughters of Hubbardston, returned to the old homestead for an affectionate embrace.
>
> Many had returned to meet aged parents or other relatives, others to meet no kindred or relative, but nevertheless to meet friends, warm friends, and revisit and revive the scenes, the haunts, and the memories of former years, the homes which they may have once left without casting one longing, lingering look behind, but to which they now turned with fond delight.

Mount Wachusett seems to have been the object which drew the attention of the first settlers of Massachusetts toward this region. As early as 1631, Governor Winthrop noted in his journal that he and others went up the Charles River about 8 miles above Watertown, climbing upon "a very high rock, where they might see a very high hill, due west about 40 miles." In 1635 an expedition crossed the area to the Connecticut River.

The first settlement in the region was at Lancaster, in 1643. In 1681, Stoughton and Dudley were appointed by the general court to negotiate with the Nipmuck Indians for the territory. The next year they reported that they had "purchased a track for £30 and a cart, and, for £50, another track, 50 miles long and 20 wide." The negotiators stated that, "The northern part toward Wachusett is still unpurchased and persons yet scarcely to be found meet to be treated with thereabouts."

Four years later, five Indians were found who claimed to be the owners of this northern section. Their names, or the names bestowed upon them for the occasion, were Puagastion, Pompamamay, Qualipunit, Sassawannow, and Wananapan. On the 22d of December 1686, they deeded a tract of land, swamps and timber 12 miles square for £23.

This deed, probably arranged in order to pacify the Indians of the area, was not regarded by its grantees as very valuable at the time. Twenty-six years after its execution, the heirs of the original grantees petitioned the general court for a confirmation of their title. This the general court did on February 23, 1713, on condition that, within 7 years, 60 families should be settled on the land, and a sufficient acreage be reserved for the gospel ministry and for schools.

New England's founders, Mr. Speaker, believed in first things first; those first things were provided for in the reservation of land in any township for the support of education and religion.

This tract was surveyed in 1715. It contained 93,160 acres, and included the area of what is now Rutland, Oakham, Barre, Hubbardston, a portion of Paxton, and more than half of Princeton.

In December of 1715, the 33 proprietors voted "to survey and set off into lots the contents of 6 miles square, to be granted to settlers, in order to secure the performance of the conditions in the original confirmation of title." They then laid out 62 lots of 30 acres each which they offered to permanent settlers, promising them that more land would be divided among them if 60 families were settled within the prescribed 7 years. This promise was kept. The proprietors gave up all right and title to a fourth of the original purchase in order to encourage settlement. That fourth eventually became Rutland and part of Paxton.

The remaining three-fourths were held in common by the proprietors until 1749 when the northwest corner was incorporated into a separate Rutland District, now the town of Barre, 6 miles square, a favorite size and form when the towns of the area were being laid out. What became Oakham was called the West Wing, and what is now the west part of Princeton was the East Wing. Hubbardston was then called merely the northeast quarter. The proprietors divided this quarter among themselves by laying out lots there in 1737. Provision was made for allocations of land for a minister and a school.

On June 12, 1767, the members of the general court and the Governor's council approved a bill giving the northeast quarter the status of an incorporated district, and the Governor signed the bill on June 13. A warrant was issued on June 25 for the election of local officers which was held on July 3. Town status was obtained by Hubbardston under a statute of March 23, 1786, declaring all places in Massachusetts incorporated as districts before January 1, 1777, to be "towns to every intent and purpose whatever."

The district and town were named for Thomas Hubbard, one of the early land proprietors of the area. Mr. Hubbard was a Bostonian who served as speaker of the Massachusetts House of Representatives. He was treasurer of Harvard College for 17 years, and promised the citizens of Hubbardston that he would give the glass for the first meetinghouse. A history of Hubbardston in those days tells us that, "To make Mr. Hubbard's liberality more conspicuous, the people planned for an extra number of windows. But he died in 1773, and his estate was so much involved that they received nothing, and were obliged to glaze their windows at their own expense."

Mr. Speaker, in recognition of Hubbardston's 200th anniversary celebration I am introducing today a special resolution extending the greetings and felicitation of the House to Hubbardston on the occasion of this anniversary.

I know that my colleagues will be pleased to join me in paying well-deserved tribute to this progressive community in my district and its people who have contributed so much down through the years to the growth and advancement of our great country.

The text of my resolution reads as follows:

> Whereas the year 1967 marks the two hundredth anniversary of the incorporation of the town of Hubbardston, Massachusetts on June 13, 1767; and
>
> Whereas from the time of settlement in 1737 the people of Hubbardston have figured conspicuously in the founding and growth of this Nation; and
>
> Whereas the observance of the two hundredth anniversary of Hubbardston is being celebrated with impressive community ceremonies this week which will attract many visitors to central Massachusetts; and
>
> Whereas Hubbardston is a progressive community rich in historic interest, distinguished for its fervent civic spirit, and faithfully devoted to American institutions and ideals: Now, therefore, be it
>
> *Resolved*, That the House of Representatives extends its greetings and felicitations to the people of Hubbardston, Massachusetts, on the occasion of the two hundredth anniversary of this community and the House of Representatives further expresses its appreciation for the splendid services rendered to the Nation by the citizens of Hubbardston during the past two hundred years.

SENATE

WEDNESDAY, JUNE 14, 1967

(Legislative day of Monday, June 12, 1967)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Let us pray.

Almighty and ever-living God, as we bow in this quiet moment dedicated to the unseen and the eternal, make vivid our abiding faith, we beseech Thee, in those deep and holy foundations which our fathers laid, lest in this desperate and dangerous day we attempt to build on sand instead of rock.

Enable Thy servants in this place of governance, in the discharge of great responsibilities of public trust, to be calm, confident, wise, and just, their hope in Thee sure and steadfast.

Help us in all things to be masters of ourselves that we may be servants of all.

Make us alive and alert, we pray Thee, to the spiritual values which underlie all the struggle of these epic days. To this end may selfishness and all uncleanness be purged from our own hearts and our will be lost in Thine.

"Breathe on us, breath of God
Fill us with life anew,
That we may love what Thou dost love
And do what Thou wouldst do.

Breathe on us, breath of God
Until our heart is pure,
Until with Thee we will one will
To do and to endure."

We ask it in the name of that one whose truth will make all men free. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 10738) making appropriations for the Department of Defense for the fiscal year ending June 30, 1968, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1352. An act to authorize adjustments in the amount of outstanding silver certificates, and for other purposes;

H.R. 6133. An act to authorize appropriations for the saline water conversion program, to expand the program, and for other purposes;

H.R. 6431. An act to amend the public health laws relating to mental health to extend, expand, and improve them, and for other purposes; and

H.R. 9029. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1968, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 10738) making appropriations for the Department of Defense for the fiscal year ending June 30, 1968, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the Journal of the proceedings of Tuesday, June 13, 1967, was approved.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 138 Leg.]

Aiken
Allott
Baker
Bennett
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Hansen
Harris
Hart
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hollings
Jackson
Jordan, Idaho
Kennedy, Mass.
Kuchel
Lausche
Long, La.
Long, Mo.
Magnuson
Mansfield
McCarthy
McClellan
McGovern
McIntyre
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Scott
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. GRUENING] and the Senator from Indiana [Mr. HARTKE] are necessarily absent.

I also announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from North Carolina [Mr. JORDAN] are absent because of illness.

Mr. KUCHEL. I announce that the Senator from New Jersey [Mr. CASE] and the Senator from South Dakota [Mr. MUNDT] are necessarily absent.

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). A quorum is present.

Mr. MANSFIELD subsequently said: Mr. President, I have in my hand the list of Senators who came into the Chamber during and after the quorum call this morning, but who were not listed. I ask unanimous consent, as I did yesterday, that there be printed in the RECORD, immediately following the quorum call, a list of Senators who were actually present but were unable to have their names listed as having answered to the quorum call.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Anderson
Bartlett
Bayh
Dominick
Griffin
Hruska
Javits
Kennedy, N.Y.
McGee
Metcalf
Murphy
Muskie
Smathers
Thurmond

Mr. GORE. I believe the RECORD should show that it is frequently the custom in the Senate that during a rollcall, when two or three or more Senators are in conference in the Chamber, they depend upon the clerk to observe their presence and record them as present. Ordinarily, the clerk performs the rollcall quite efficiently; but when almost a total membership is present, and almost immediately a demand is made to know the number, it is but human that a clerk may fail to recognize four, five, or six of 97 Senators who are present.

Mr. COOPER. Mr. President——

The PRESIDING OFFICER. Under the unanimous-consent agreement previously entered, the Senator from Connecticut [Mr. DODD] is recognized.

Mr. COOPER. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. DODD. I yield.

PRIVILEGE OF THE FLOOR

Mr. COOPER. Mr. President, I ask unanimous consent that Joseph Alsop Chubb, of my staff, be granted the privilege of the floor today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Under the order, the Senator from Connecticut is recognized.

Mr. DODD. I yield to the majority leader.

AUTHORITY FOR VICE PRESIDENT TO SIGN BILLS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that despite the fact that the Vice President for good and sufficient reason is not present today, he be allowed to sign duly enrolled bills.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. DODD. I yield.

Mr. LONG of Louisiana. Can the Senator inform me how many Senators are present?

Mr. DODD. I have no idea.

Mr. LONG of Louisiana. Would the Senator be willing to inquire of the Chair?

Mr. DODD. I would be glad to do it.

Mr. President, I have been asked by the Senator from Louisiana to inquire how many Senators are present. I have no way of knowing.

The PRESIDING OFFICER. The Chair is unable to hear the Senator.

Mr. DODD. Mr. President, I have been asked by the Senator from Louisiana to inquire of the Chair how many Senators are present in the Chamber.

The PRESIDING OFFICER. A quorum is present. The presence of a quorum has been announced.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. DODD. I yield.

Mr. LONG of Louisiana. Did the Senator ask the Chair how many Senators responded?

The PRESIDING OFFICER. The Senator may ask how many Senators responded to the call, if he so desires.

Mr. DODD. Mr. President, I shall put my question that way. How many Senators responded?

Mr. PROUTY. Mr. President, may we have order? We cannot hear a thing.

The PRESIDING OFFICER. The Chair will ask the legislative clerk to state the number of Senators who responded to the call. As soon as the clerk has completed the tally he will give us the number of Senators who responded to the quorum call. [After a pause.] Eighty Senators have answered to their names.

Mr. LONG of Louisiana. Mr. President, will the Senator from Connecticut yield further for a question?

Mr. DODD. I yield.

Mr. LONG of Louisiana. Mr. President, may I be permitted to put a statement in the RECORD to show the names of the additional Senators who arrived while this inquiry was being propounded?

Mr. DODD. I believe that I am not the one to ask. I think the Presiding Officer could tell us.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. DODD. I yield.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I may be permitted to supplement the RECORD with an additional statement to show the number of Senators who entered the Chamber since the call for the quorum was had.

Mr. DIRKSEN. There may be objection. I want to know precisely what the Senator is trying to determine, because all Senators, except two, on this side of the aisle are here.

Mr. LONG of Louisiana. I would like the RECORD to reflect the names of the Senators who were in their seats to hear the principal witness for the defense.

We are sitting here as a court, and we are participating as both judges and jurors. In any other court, it would be a reversible error to proceed with a single juror absent, and any judge who did not participate in the case would decline to participate in the decision.

I want the RECORD to reflect who was here, although I realize Senators can be absent and come in and vote their judgment.

I am happy to say that we have a good attendance at this moment.

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum and that we make it live.

Mr. GORE. Mr. President, reserving the right to object——

Mr. ALLOTT. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Does the Senator from Connecticut yield for that purpose?

Mr. MANSFIELD. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. LONG of Louisiana. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Connecticut yield?

Mr. MANSFIELD. Mr. President, if I may be heard, I think the joint leadership would deeply appreciate it if the Senator from Connecticut would get on with the remarks he has been prepared to give since 3:15 yesterday afternoon. There are at least six Senators legitimately absent today. We have in excess of 80 Senators here now. I suggest most respectfully that we get on with the business of the Senate.

Mr. LONG of Louisiana. Mr. President, I make a unanimous-consent request. Mr. President, I wish to make a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Connecticut yield for a parliamentary inquiry?

Mr. LONG of Louisiana. The Senator from Connecticut has yielded for a unanimous-consent request.

Mr. DODD. I yield.

Mr. LONG of Louisiana. Mr. President, I want the RECORD to show, in fairness to those Senators who have now entered the Chamber, that they are here.

I ask unanimous consent that I might place in the RECORD a list of the names of Senators who entered the Chamber since the quorum call.

Mr. GORE. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. LONG of Louisiana. Mr. President, I propounded a unanimous-consent request.

Mr. MANSFIELD. Mr. President——

The PRESIDING OFFICER. Is there objection to the request?

Mr. GORE. Mr. President, reserving the right to object, this is not a court procedure. From the very beginning we have followed the regular rule. No blame attaches to a Senator who comes into the Chamber one-half minute or 3 minutes after a rollcall. No Senator should be personalized in the RECORD or in any way identified in such a manner. This is contrary to the usual practice of the Senate, and I object.

The PRESIDING OFFICER. Is the Senator from Tennessee asking for the regular order?

Mr. HICKENLOOPER. Mr. President——

Mr. GORE. Mr. President, I withhold it.

Mr. HICKENLOOPER. Mr. President——

Mr. LONG of Louisiana. Mr. President, I would like to make this statement in reply to what the Senator from Tennessee has just said. We are acting here in our judicial capacity.

Mr. President, I have made a request and Senators can reserve the right to object.

The PRESIDING OFFICER. The Senator from Connecticut has the floor. Does the Senator from Connecticut yield to the Senator from Louisiana?

Mr. DODD. Yes. I am always glad to yield to all my colleagues.

Mr. LONG of Louisiana. Mr. President, I ask that I may make a speech to my unanimous-consent request. Mr. President——

Mr. HICKENLOOPER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. There is objection to the unanimous-consent request.

Mr. MANSFIELD. Mr. President, may I most respectfully request the Chair to ask the distinguished Senator from Connecticut [Mr. DODD] to get on with the speech which he has been prepared to make since midafternoon on yesterday, and for which there is a tremendous audience at the moment.

The PRESIDING OFFICER. The regular order has been called for. The Senator from Connecticut has the floor and can yield only for a question.

REPLY TO THE ETHICS COMMITTEE REPORT

Mr. DODD. Mr. President, I thank the Presiding Officer. Let me say to the distinguished majority leader that I have no interest in delaying these proceedings. I have had none. The sooner they are concluded, the better I shall feel.

I also apologize to the Senate for not having delivered my remarks yesterday afternoon, but I was tired, as I think most of us were. I appreciate the fact that the distinguished majority and minority leaders agreed to let us go over until this morning.

I hope that I am somewhat refreshed, at least in voice, and that I can better explain to my colleagues the situation as I understand it.

I come before you to present my response to the recommendation of the Senate Ethics Committee that I be censured on two counts—that I diverted political funds to personal use, and that I was guilty of deliberately billing the Government for travel for which I was paid from other sources.

It is you, the Members of the Senate, who will be my final judges, and it is to you that I address my appeal.

It has been suggested that the Senate would automatically be disposed to approve a unanimous report coming from the Ethics Committee because I am one Senator and they are six, and because a vote against a recommendation by the Ethics Committee might be construed as a vote against ethics.

I cannot believe that this is so.

I am convinced, on the contrary, that the Members of the Senate will have the fairness to listen to what the Ethics Committee has to say, to listen to what I have to say, and then to make their judgment.

I am convinced that the Senate would not want to serve as a rubberstamp for any committee.

In appealing to the Senate, I want to appeal above all to the six members of the Ethics Committee. I do so in the hope that, despite the recommendation which they have presented to the Senate, they will listen to what I have to say with open minds.

A man's reputation is his most precious possession. And for a Senator who values his reputation there could be no prospect more ruinous than the condemnation or censure of his peers. It is tantamount to a capital offense conviction from which there is no appeal.

It is my hope, therefore, that in weighing my case the Members of the Senate will attempt to assess the fundamentals as well as the details; that I will enjoy the presumption of innocence to which every accused man is entitled; that, where conflicting testimony results in doubt, I will be accorded the benefit of the doubt; that the issues will be decided only on their merits, and that political considerations will not be permitted to intrude on this decision.

In appealing against the recommendation of the Ethics Committee, I do not challenge either their integrity or their fairness. In the course of my Senate duties, I have learned to know them all and to respect them all.

But even the wisest and fairest of judges and examiners are fallible; and it is the recognition of this basic fact that makes the right of full evidentiary review an essential and frequently employed component of our system of jurisprudence.

I have gained, during these past weeks, a perspective that initially eluded me. Call it a sense of proportion: a consciousness of being able to see things, at last, in their right place and order.

I trust I may be forgiven for having "focused" poorly at times when suddenly I found myself having to defend my honesty and my honor. For whatever faults I may have, these marks of my manhood had never before in my life been questioned.

I know that my personal tribulations and my emotional response to these tribulations bear no relevance to the charges against me. But I would, nevertheless, like to say something on this subject, because I feel it will enable you to better understand the difficulties I have experienced in coping with this situation.

I am sure the situation I confronted has its counterpart in the personal experience, at one time or another, in one degree or another, of every one of you, of every man and woman in the land.

Is there anyone alive who has not felt in some—perhaps fleeting—moment of anguish, that goodness has suddenly fled the world? That all of the canons of justice have been repealed? That the minimum requirements of human decency have been suspended? A moment, I mean, when, without deserving it, you come under general attack: when you know the attack is unjust, yet others deny or doubt what you know.

For 18 months now I have endured an ordeal without precedent in the history of the U.S. Senate.

All manner of slanders and lies and distortions and calumnies have been heaped on my head by two widely syndicated columnists—men who are by common consent the most reckless twisters of facts and the most unscrupulous character assassins ever spawned by the American press.

The initial charges had to do primarily with my relationship with Julius Klein, a Chicago public relations man who had been my friend for some years. In response to the charge that I abused my office as a U.S. Senator in an improper manner on behalf of General Klein, I asked the Senate Ethics Commitee in a letter dated February 27, 1966, to investigate these specific allegations.

Since the Klein affair is not an issue here, I intend to comment only briefly on it.

It all began with a column by Jack Anderson charging that I had received a genuine Persian rug from Gen. Julius Klein in return for certain favors I had done for him. Anderson said that he had documentary proof to support this.

Here is the so-called Persian rug of which Jack Anderson spoke. It is, as you can see, a cotton miniature approximately 9 by 12 inches in size and its value is about $2.

And here is Jack Anderson's documentary proof—the Christmas card from General Klein which came with the rug. At the bottom of the card is a P.S. which reads, "Your favorite flower vase may like to sit on this genuine 'Persian rug'." The words "Persian rug" are in quotation marks.

That is all there was to the rug and that is all there was to the story.

But by repeating the story many times in the 500-odd newspapers which carry their column, Pearson and Anderson were able to gain national attention for their charges. I denied them to the press. I denied them on television. But as everyone who has lived through this kind of experience knows, it takes time for the truth to overtake the original lie.

The committee, however, found, after a thorough investigation of and hearings on the Klein matter, that there was no basis for recommending any action by the Senate.

The malicious lies that Pearson and Anderson told about me in over 100 columns, and the even more malicious lies they told about my wife and children, would have been ordeal enough, I believe, for the strongest soul.

The ordeal was compounded, because it was clear from the beginning that the Pearson-Anderson campaign against me originated in the pathological desire for vengeance of several ex-employees whom I had once regarded as friends and in whom I had reposed complete confidence.

To tell the story properly, I have to go back to early 1962.

James Boyd, who had been my aide since 1958, was discovered in grave personal misconduct. The offense was so serious that he offered his resignation. I decided to give him a second chance, in part because of his youth, in part because of his wife and children. In his testimony, Boyd said that there was a period of time when he regarded me as a father. I have some reason for believing now that this statement was a gross exaggeration and that Boyd's attitude toward me at the best of times bordered on unfaithfulness. For my own part, however, I did have kindly interest in him and, having this attitude, I think it was only human to try to avoid taking an action which would destroy his career and bring misery to his family.

When I told him that he would be given one more chance, Boyd promised me, fervently and faithfully, that there would be no more such episodes.

In accepting his promise, I now realize, I was guilty of a profound misreading of character. But I believed then, and I still believe today, it is always better to err on the side of forgiveness than on the side of condemnation.

A complete report on this earlier incident was turned over to the Ethics Committee at an early stage in its investigation.

I now know that Boyd abused his promise to me from the moment he made it. But it was just before the 1964 campaign closed that I discovered that Boyd had returned to his old ways.

On December 7, 1964, I dismissed Boyd and my personal secretary, Mrs. Marjorie Carpenter, for conduct which no Senator could have tolerated.

Boyd never officially reentered my office after December of 1964, although he was kept on the payroll for a period of time thereafter. But 1 month after Boyd's salary had been terminated, he and Mrs. Carpenter entered my office illegally over a weekend. All told, according to their own testimony, they made seven illegal entries. They took thousands of documents from my files, including correspondence with my constituents and with my wife and classified documents. They copied them, in cooperation with Jack Anderson's secretary, Miss Opal Ginn, and they turned them over to Anderson.

Subsequently, Boyd and Carpenter were joined by my bookkeeper O'Hare, over whom they had always exercised a kind of mesmeric influence, and by O'Hare's girlfriend, Terry Golden. Over a period of many months while they remained on my payroll, O'Hare and Golden continued to remove documents and to copy them.

Both of these people lived a lie every day after they joined the conspiracy. By day, they would smile and fawn and pretend to be faithful employees. By night they would copy documents which had been taken during the day for Pearson and Anderson.

In its report, the Ethics Committee condemned the action of these four ex-employees as "reprehensible," and a threat to the orderly conduct of business of a public office, and it referred the matter to the Attorney General for his action. I am in complete agreement with the committee's recommendation, although I am mystified over the credibility which the committee apparently attached to the word of these "reprehensible" witnesses.

Perhaps the committee was impressed by them because they sometimes told the truth, or appeared to tell the truth. But, as everyone knows, half truths are dangerous, because the chances are that you are getting the wrong half of it, and the most effective liars are those who know how to mingle truth with falsehood, or to slant the truth so that it conveys a false impression.

The evidence is overwhelming that the motivation of these ex-employees had absolutely nothing to do with ethics in Government, but that it was based, rather, on a pathological hunger for revenge.

If they really had believed that I was guilty of wrongdoing they should have reported the facts to the Justice Department or the FBI or the Ethics Committee. Instead, they stole documents from my office files and took them to the two columnists whom they knew to be most hostile to me, and the most unscrupulous in their methods.

Their intent was to hurt and destroy me.

There is nothing about which they could have been less concerned than ethics in Government.

They have succeeded in hurting me, I am frank to confess, in more ways than one.

The Pearson-Anderson attacks, to the extent that these two character assassins are believed by the public, unquestionably did some damage to my reputation.

These attacks, in turn, led to the Ethics Committee investigation and indirectly to the resolution of censure which we are debating today.

But perhaps the cruelest hurt which they inflicted on me was the simple knowledge of their vengeful personal treachery.

Boyd, and O'Hare, in particular, had frequently been guests in my house, and Mrs. Dodd and I had treated them almost as members of the family. It hurt to think that these young people should now be engaged in a conspiracy to destroy me.

The immediate reaction was to wonder whether I could ever again place complete trust in any employee. And I am told that other Senators had similar thoughts as a result of my experience.

But, on reflection, I have become, I hope, a bit more philosophical about this matter. It is impossible to live a life without trust, or, for that matter to conduct the business of Government unless a relationship based on trust exists between a Senator and his employees.

In the entire history of the Senate, moreover, no dismissed employees had sought to do what Boyd and Carpenter had done.

Realizing these things, I think I can truthfully tell my colleagues today that I have recovered the essential ability to trust other people which my larcenous ex-employees had temporarily destroyed.

These were some of the components of my personal ordeal.

But the most crushing experience was when I woke up one day no longer able to blink away the fact that much of the world, including some of my colleagues and friends, had apparently taken it on the word of these two professional character assassins that I was a common sneak.

During these months I have sometimes reflected on my public career, on my efforts to serve my country and my State, on the not infrequent instances in which I have supported unpopular causes and invited the displeasure of powerful forces, all on the theory—not wholly out of fashion, I trust—that men are the servants of duty. In the course of these reflections, it sometimes occurred to me there might be a more fitting reward for that effort than the session that convenes today.

Such considerations can easily lead to self-pity, and to bitterness.

But I indulge in no self-pity, nor in bitterness. I want these issues resolved on the basis of fairness and justice.

The Senate's prime business today is to take the first step toward formulating a highly important element of American public policy. And I am determined to do everything I can to aid, and if possible, to guide, the Senate in taking those steps and in putting that policy on a sound and permanent basis.

I speak of the urgent need to establish a code of ethics for the guidance of Senators, including rules and norms governing the use of funds raised at functions popularly known as testimonial dinners.

The hearings that have been conducted by the select committee have made it abundantly clear that the establishment of such rules and norms is in the public interest, both for the guidance of public officials and for the guidance of those private citizens who attend and contribute money at these gatherings.

Moreover, the report which has just been presented by the select committee's distinguished chairman makes clear that the committee regarded this problem as its principal concern.

Once again, the need arises to put things in their right place and order. If we wish to give the establishment of a code of Senate ethics and the problem of testimonial dinners the careful attention and thought they deserve, it is plain from the parliamentary situation that we must first clear the decks of another matter.

The matter of testimonial dinners is, according to every legitimate understanding of the concept, a true case of ethics. It requires the Senate to ask ethical questions and to make ethical judgments.

But the Senate's agenda today includes the quite different question of whether one Senator has engaged in a particularly wretched brand of larceny known as "double billing." Ethnical judgments are not involved at all here. No one, I am certain, needs persuading that deliberate double billing is "unethical"—that stealing money from the Government is wrong. It is a crime as mean and wicked and contemptible as any that a public servant could commit.

The committee's report does not say that I deliberately and fraudulently charged the Senate and private organizations for the same travel. But this is the only meaning that can be read into their statement that I requested and accepted such double reimbursement.

Regarding this single issue, the evidence is in conflict. And the Senate, like any jury in a court of law, must decide the factual issue: it must decide which of the conflicting sets of evidence it believes.

If, after hearing all of the evidence, you judge me to be a thief, I believe the Senators should reconsider the appropriateness of the committee's censure motion. They should reconsider the adequacy of the punishment.

Let me be frank. If I should come to the conclusion that some Senator were guilty of a deliberate attempt to defraud the Government of this country, I would not urge that he be censured. I would urge that he be expelled.

The concrete charge against me is that between 1961 and 1965, there were seven instances in which my office was reimbursed, in whole or in part, from both Government and private sources. The amounts involved ranged from $24.53 to $402.92. The total amount involved in the double billings was $1,763.96.

It should be emphasized at the outset that the committee did not question the official nature of the seven trips at issue here. On the contrary, it was confirmed by the chairman during the course of the hearing, and it was confirmed again in the committee's report, that all of these trips were—I quote—"on official Senate business."

The question for the Senate to decide in this matter is simple enough: Were the seven double billings a result of a conscious, deliberate, willful attempt on my part to defraud the Government or were they the result of inept or inaccurate bookkeeping?

Before analyzing this matter in more detail, I am constrained to say that the charge is so inherently implausible that I shall never be able to understand how the members of the Ethics Committee found against me.

I have been in public life now for more than 30 years in different capacities, and prior to this time, no one has ever accused me of double billing or of chiseling in any other way. Indeed, I simply cannot conceive of any public official jeopardizing his entire future by engaging in the kind of petty larceny that has been imputed to me.

Seven double billings in 7 years does not by any stretch of the imagination suggest a pattern of willful villainy.

A double billing on a trip to Philadelphia, costing approximately $24, certainly does not suggest willfulness because any person intent on defrauding the Government by double billing would unquestionably avail himself of more lucrative opportunities. And, believe me, I had many such opportunities over the period of the nearly 8 years that I have been in the Senate and the 4 years in the House of Representatives.

Nor is willfulness suggested by the fact that on scores of occasions when I could have double billed if it had been my intention to defraud the Government in this way, there was no double billing.

Nor can the charge that I engaged in this kind of fraud be reconciled with the fact that I have on frequent occasions forgone per diem, or billed only for hotel accommodations and for no other expenses incurred in the course of my travels.

Not an iota of evidence was produced to support O'Hare's accusation that I had instructed him to double bill. But there was a mountain of evidence to support my own contentions that these rare instances of double billing were clearly due to errors and that O'Hare himself was an incredibly inept bookkeeper.

The first fact that should be made clear is that I myself had nothing to do with the so-called double billings.

In every case, it was O'Hare who wrote to the private organizations involved requesting payment of my transportation expenses.

In every case, it was O'Hare who picked up tickets at the Capitol ticket office and billed them to my committee credit cards.

The vouchers subsequently submitted to the Government, moreover, were never signed by me.

I myself never saw, let alone signed, any document involved in the billing of a private organization or of a Senate committee.

It is clear from an examination of the remarks of the distinguished Senator from Mississippi yesterday that an item of particular importance to the committee on this question of double billings was the fact that some of the Senate vouchers bore my signature. At page 15671 of the RECORD the Senator stated that my signature does appear on six of the nine vouchers involved, and stated further, "indicating that he should have known of these payments when he signed."

Again, at page 15674 of yesterday's RECORD the chairman of the Select Committee stated that while O'Hare either did not know or may not have known about more than one source of reimbursement, the implication is clear that the committee felt that I knew there were two sources since the committee thought that I signed the Senate travel vouchers. This implication is unmistakable from an examination of the Senator's remarks beginning at the bottom of the first column of page 15674 of the RECORD.

Mr. President, the fact is that I never signed one of those vouchers. I ask unanimous consent that the affidavit of a handwriting expert, Mr. Charles Appel—who testified, by the way, during the hearings—be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I am sorry, but I did not hear the Senator's request.

Mr. DODD. I asked unanimous consent that an affidavit executed by Mr. Charles Appel, a handwriting expert having years of experience, be printed in the RECORD.

Mr. STENNIS. Mr. President, reserving the right to object, I merely wish to develop the facts. Was that a witness who testified?

Mr. DODD. Yes; the same one.

Mr. STENNIS. Did he testify at the hearings to the signatures the Senator is now talking about?

Mr. DODD. No, he did not, because

I was not aware of the fact that I am now relating. He actually gave me his affidavit, or gave it to my lawyers.

Mr. STENNIS. I just wanted to get the facts on that point.

Mr. DODD. They are the facts.

Mr. STENNIS. Mr. President, may I ask the Senator one other question? Does the Senator have other affidavits, on any other subjects, which he proposes to offer in the Record?

Mr. DODD. No, I do not; this is the only one.

Mr. STENNIS. Mr. President, I do not object.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut? The Chair hears none, and it is so ordered.

The affidavit is as follows:

Affidavit Report of Handwriting Examination

1. The undersigned states that he is Charles Andrew Appel, Jr., of 3383 Stephenson Place Northwest, Washington, D.C. whose occupation is that of Document Examiner.

2. He is the Document Examiner who testified at the hearings before the Select Committee on Standards and Conduct, U.S. Senate March 16, 1967, a copy of whose qualification description is attached hereto,

3. In the course of his examinations regarding Senator Thomas J. Dodd there was submitted to him Senate Vouchers covering Air Transportation charges payable for Senator Dodd as follows:

Voucher 2298 Mar. 19–25, 1961, #2423, April 5–11, 1961, #87 July 13, 1961, #418 and #525 Sept. 27, 1961, #407 Aug. 10–13, 1962, #403 June 17–18, 1963, #83 July 13, 1964, #486 Sept. 8, 1965, #553 Oct. 26, 1965,

4. The purpose of the examinations was to determine whether the signatures thereon of Senator Thomas J. Dodd were or were not signed by him,

5. The method of examination included studies of the designs in comparison with examples known to have been signed by Senator Dodd and studies of how the signatures were created,

6. And the result of the examinations is the conclusion and formal opinion that the signatures of Senator Thomas J. Dodd on the travel vouchers designated above were not executed by him and are forgeries, that is, imitations of the genuine signature designs of the senator, such as appear on letters and papers of official business emanating from his office.

Charles Andrew Appel, Jr.,
Examiner.

Before me appeared the above Charles Andrew Appel, Jr., this 19th day of May, 1967 and being duly sworn signed his name, certifying to the truth of this affidavit.

Lorene S. Logan,
Notary Public,
District of Columbia.

My commission expires May 14, 1968.

Trial Brief To Qualify as Document Examiner

Give your full name: Charles Andrew Appel, Jr.

Give your full address: 3383 Stephenson Pl., N.W., Washington, D.C.

What is your occupation? Examiner of Questioned Documents in civil cases, which includes the identification of handwriting, typewriting and other mechanical impressions, paper, ink and writing materials; and determination of the authenticity of writings.

When and how did you start this work? Was appointed a Special Agent of the Federal Bureau of Investigation in 1924, made a special study of Questioned Documents and, after becoming proficient in this work was assigned to set up a laboratory and analyse papers in F.B.I. cases. The F.B.I. Laboratory was established in 1932 and from then until my retirement December 31, 1948, I was regularly assigned the examination of specimens in Criminal cases. Upon retiring at the end of 1948 I set up my own laboratory and have been engaged in the examination of civil cases.

What was your training? LLB Georgetown University 1922. Admitted to the bars of the District of Columbia 1922 and to practice before the U.S. Supreme Court 1929.

Studied the literature on Document Analysis and the application of scientific procedures to investigations, attended lectures of such examiners as J. Fordyce Wood at Northwestern University in Chicago, Albert S. Osborn of New York, and Dr. Wilmer Souder, National Bureau of Standards, Washington, D.C.; conducted research to develop methods of analysis and instructions for investigators and examiners, lectured to schools of Special Agents, to examiners, and to the National Police Academy, and prepared texts used in F.B.I. work.

Where have you qualified as a witness to give testimony as a Document Examiner?: In Federal, State and Military Courts throughout the United States and possessions, and before Committees, Commissions, and Congress.

Name one or two well known cases to which you were assigned: So-called Pendergast election frauds cases, K.C. Mo.; TWA v. Howard Hughes et al N.Y. (signatures); Banes v. Lee San Juan, P.R. (sequence typing and signature).

Cases submitted by Judges to act as Court Expert under new rules—D.C., Norfolk and Baltimore: R. Hauptmann, Kidnaping, Bronx, N.Y.; Manny Strewl et al. Kidnaping, Binghamton, N.Y.; Duquesne espionage conspiracy, German, New York; Ludwig espionage conspiracy, German, New York; Velva Lee Dickinson, espionage, Japanese, New York; Marine Welding Co., War Frauds, Philadelphia; Many murder, extortion, and forgery cases in State and Federal Courts, Terre Haute, Salt Lake, Richmond, Memphis, Birmingham, Los Angeles, etc.; Vincent Astor, Harry Publicker, Gertrude Lare, K. Roth, Moody, K—will cases; Aristotle Onassis v. Saudi Arabia suit Paris, Fr. (signature-ink); Curmani v. Suleri trial at Lanore, Pakistan (writings-Kashmir Accession).

Mr. DODD. Mr. President, I should like to explain, particularly to the chairman of the committee, who did not see this witness, who Mr. Appel is. For 25 years he was the top handwriting expert for the FBI. He has appeared in more cases across this land for 25 years, than any other handwriting expert. He is considered by everyone who is knowledgeable in the field to be perhaps the top handwriting expert in this country.

He examined these vouchers, and in this affidavit he says—I will not read the entire affidavit and bore you with it; it is going into the Record:

> As a result of the examination, it is the conclusion and formal opinion that the signatures of Senator Tomas J. Dodd on the travel vouchers designated above—

And he lists them by date and identifying number—

> were not executed by him and are forgeries—that is, imitations of the genuine signature designs of the Senator such as appear on letters and papers of official business emanating from his office.

So the affidavit, although I have read only part of it, states unequivocally that this renowned expert has examined every one of the vouchers in the record and has reached the conclusion that not one of them was signed by me.

I knew that, anyway.

Mr. BENNETT. Mr. President, will the Senator yield for a question?

Mr. DODD. I yield.

Mr. BENNETT. Did the money which these vouchers generated get into the Senator's account, or is it the Senator's position that this money was taken by someone else?

Mr. DODD. I believe it got into my account through this worthless bookkeeper, who deposited checks—even endorsed them and deposited them. That is how they got there, and I will have more to say about that a little later.

The simple truth is that the staff of the subcommittees on which I was serving prepared the voucher for a particular trip and someone affixed my signature.

Well, no one will ever do it again, if I am around to sign vouchers. But it never occurred to me that there was anything wrong about my office procedure at the time.

Thus, Mr. President, what apparently is a key item against me in the minds of the members of the committee is completely refuted.

The infrequency of the double billings compared with the total number of trips I took during the period in question, moreover, should be sufficient to demonstrate that there was no pattern and no deliberate policy.

Before Mike O'Hare came on in 1961, there had been two double billings under two different bookkeepers.

In 1961 Mike O'Hare double billed once.

In 1962 he double billed once.

In 1963 he double billed once.

In 1964 there were no double billings.

And in 1965, the year of his defection to Pearson and Anderson, he double billed twice.

In the case of the two double billings that took place before O'Hare became my bookkeeper, the two former staff members who were at that time responsible for my travel arrangements have submitted letters stating that they were certainly never instructed to double bill, and that, if double billings did occur, they were clearly the result of clerical errors.

Mr. President, I ask unanimous consent to insert into the Record at this point the two statements to which I have referred.

I believe one of them is already in the Record, the one from Barbara Van Trease. There is another one from Mr. Charles Plante, which, through inadvertence, was left out of the Record, and I should like to have it included in the Record at this point.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, I certainly want the Senator to have the benefit of anything in his favor. I believe, however, that he is mistaken about one of those letters being in the Record now. At least, that is my recollection. For the present, would the Senator allow me to look at those letters for a moment? He can bring this subject up again later.

Mr. DODD. That will be satisfactory. I thought the Van Trease letter was in the RECORD.

The PRESIDING OFFICER. Does the Senator withhold the request?

Mr. DODD. I am a little bewildered.

Mr. STENNIS. Mr. President, I wish to make the following inquiry so that the RECORD will be clear. As I understand the Senator from Connecticut, he withholds his request for the time being.

Mr. DODD. Yes, I do; out of deference to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator.

Mr. DODD. I do not want to make a mistake about this. I thought that one was in and that we inadvertently failed to put in the second one.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. DODD. I yield.

Mr. LONG of Louisiana. The Senator from Connecticut understands, does he not, that he does not need the consent of the Senate to put the letters in the RECORD; all the Senator needs to do is to read them into the RECORD, and that does not require the consent of anybody.

Mr. DODD. The Senator is a far better parliamentarian than I. I do not want to take advantage.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. STENNIS. The Senator from Connecticut understands, does he not—I am sure other Senators do—that it is clear that the chairman of the committee is not objecting now to the Senator from Connecticut putting it in the RECORD?

Mr. DODD. I understand.

Mr. STENNIS. I want the RECORD to be clear.

Mr. DODD. I understand. I want to be perfectly accurate about it and that is the way I want to keep it.

But O'Hare, having gone through my books systematically in an effort to find anything that might compromise me, apparently came across the several instances of double billing that had resulted from his own slipshod bookkeeping, and he told the committee that the errors were not errors but that they were part of a deliberate effort on my part to defraud the Government.

O'HARE'S BOOKKEEPING RECORD

Let me tell you what kind of bookkeeper O'Hare really was:

On 21 occasions, between 1961 and 1966, I incurred travel expenses on official business to my home State, for which I was entitled to reimbursement but for which no claim was ever submitted. O'Hare was directly responsible for the failure to collect reimbursement in 15 instances between fiscal 1961 and the fiscal year of 1966. He was indirectly responsible for the failure to collect reimbursement in 15 instances between fiscal 1961 and the fiscal year of 1966. He was indirectly responsible for the failure of my office to claim reimbursement for official travel to Connecticut subsequent to his departure, because, in handing over the books to my secretary, Miss Moloney, he failed to give her any instruction on this matter. Indeed, his only legacy to Miss Moloney consisted of seven notices from the bank informing her that checks O'Hare had written before his departure could not be covered by the funds available in my checking account. Imagine a bookkeeper not knowing that an account he was responsible for and on which he was writing checks did not have sufficient funds to cover the amount of the checks. And yet, Mr. O'Hare was such a bookkeeper.

O'Hare's double billings resulted in the collection of Government vouchers of some $1,700 for which no claim should have been filed. His "never billings" for trips to Connecticut cost me roughly the same amount out of my own pocket.

O'Hare's explanation of his failure to claim reimbursement for the many home State trips for which I was entitled to reimbursement is typical of his carelessness:

This is what he said:

> In order to gain reimbursement, I would have had to do a complete . . . for that year or maybe a year and a half . . . and for the sake of just two or three trips this was just too arduous a task for me to do at this time. (T. 1255–56)

There is no year since I entered the Senate that I have not traveled to Connecticut at my own expense in excess of 30 times. It would have required no effort at all for a competent bookkeeper to fill out vouchers for the number of trips for which I was entitled to reimbursement. But while O'Hare considered it too arduous a task to arrange for my reimbursement, the fact that he filled out vouchers for travel to Connecticut on three occasions for James Boyd, on one occasion for Marjorie Carpenter, and one occasion for himself makes it clear that he had not considered the task too arduous where his friends were involved.

In addition to his double billings and never billings, O'Hare had a marked penchant for erroneous billings. On five occasions O'Hare had to write to American Airlines to request that trip charges be transferred from one account to another account because his initial instructions had been wrong. Copies of these letters have been provided to the Senate Ethics Committee.

Mr. BENNETT. Mr. President, will the Senator yield for a question?

Mr. DODD. I yield.

Mr. BENNETT. In order that the Senator from Utah can clearly understand what the Senator is saying with respect to Mr. O'Hare's failure to request reimbursement on the Senator's travel, is the Senator saying that he never requested reimbursement on any travel during that period, or that there were 21 instances in which he did not request reimbursement although he had requested such reimbursement in other instances?

Mr. DODD. Let me say again what I have said. I hope I can make clear to the Senator. There were 21 times since I came to the Senate when I was entitled to reimbursement for trips from Washington to Connecticut and return under the rules and regulations of the Senate. Six times other bookkeepers failed to ask for reimbursement for that travel and 15 times O'Hare never asked. That is what I am saying.

Mr. BENNETT. But there were times when he did ask and the Senator did get reimbursed?

Mr. DODD. There were not.

Mr. BENNETT. There were not?

Mr. DODD. None at all.

Mr BENNETT. None at all. That is what I wanted to clear up.

Mr. DODD. None at all. I believe I am right.

I am talking about—I want to be careful about my facts. I am talking about trips to which Senators are entitled, to and from their States to Washington.

Mr. BENNETT. I understand that, but the thing I am trying to get clear is whether there were more than 21 opportunities to get reimbursement over this period of time, and did Mr. O'Hare claim some of them and get reimbursement or did he miss them all?

Mr. DODD. As far as I am concerned, he missed 15 and six were missed by other bookkeepers.

Mr. BENNETT. Yes, but that does not answer the question. Was the Senator entitled to more than 21?

Mr. DODD. I do not believe so. I think that was the total number I was entitled to.

Mr. BENNETT. That is the thing I wanted to get clear.

Mr. DODD. Yes. I am sure I am right about that, Senator.

Mr. LAUSCHE. Will the Senator from Connecticut yield in order to permit me to ask him a question?

Mr. DODD. I am glad to yield to the Senator from Ohio.

Mr. LAUSCHE. Were there other trips made on which the Senator was not allowed reimbursement and for which the Senator had never thought of asking for reimbursement?

Mr. DODD. Of course. I say to the Senator that I go home 30 times a year—but, believe me, that is a most conservative figure. I am sure that I go home more often than that.

I never ask for any reimbursement for those trips. I could not, I am not allowed to do so. I was going home to attend to affairs in my State.

I suppose, since I became a Member of the Senate, I must have traveled back and forth to Connecticut a couple of hundred times. I have no accurate way to estimate the number—a great many times.

Mr. GORE. Mr. President, will the Senator from Connecticut yield for a question?

Mr. DODD. I am happy to yield to the Senator from Tennessee.

Mr. GORE. In order that I may be able to measure in my own mind the relevancy of the evidentiary nature of the statements which the Senator from Connecticut has made, earlier he stated that there were scores of instances in which the opportunity for double billing occurred but he could not himself actually——

Mr. DODD. Could not have.

Mr. GORE. Would the Senator be more specific?

Mr. DODD. Well, I do not know how many such trips there were. I think there are about 80 official trips which I have made for the Government. Out of those

80 trips, only the five under O'Hare were those alleged on which I double billed.

Mr. GORE. What I am trying to get at is, in the order of what number of instances occurred in which the Senator performed the double role—in performance of his duty as he regarded it for the Government and——

Mr. DODD. Doing something else.

Mr. GORE. And then making a speech or otherwise, or serving an interest which compensated him for his travel?

Mr. DODD. I do not have those figures accurately at my fingertips, but I can say to the Senator from Tennessee that it must have happened many, many times. Many times.

A little later on, I shall have something to say about that.

Related to his penchant for erroneous billings was the fact that O'Hare, in sending my airline bills for 1964 to my Hartford office for payment, failed to indicate to my Hartford office that six of these trips had already been paid for by private organizations. The result was that they were again paid for out of campaign funds.

Moreover, the record will show that this witless bookkeeper who has now set himself up as a custodian of public morals, on a number of occasions double paid my personal bills, including one bill for more than $140.

O'Hare's slovenly bookkeeping frequently resulted in the nonpayment of even minor bills for 6 months or a year on end. A particularly glaring example was his failure in 1962 and again in 1963 to send in to the American Bar Association checks for the annual membership fee of $20.

As a result of his failure, my membership in the bar association lapsed and I had to be reinstated. And to top off this record of unspeakable carelessness, when O'Hare finally got around to paying my delinquent fee in the summer of 1964, he overpaid the amount due by $10.

Mr. LONG of Louisiana. Mr. President, will the Senator from Connecticut yield for a question?

Mr. DODD. I am happy to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Is it not a fact that the Senator's membership in the American Bar Association lapsed?

Mr. DODD. Yes.

Mr. LONG of Louisiana. Is it not a fact that the Senator had to apply to be reinstated as a member of the American Bar Association and then, when Mr. O'Hare finally paid the dues, he overpaid them by $10?

Mr. DODD. That is exactly right. He concealed from me the fact that it had not been paid.

I do not think there is much sense in dwelling on this any longer. I think I have said enough to demonstrate that O'Hare might very well have been the all-time, most inefficient bookkeeper in the history of the U.S. Senate. [Laughter.]

I could go on for days telling you about the countless instances of slovenly bookkeeping that were discovered by my accountants when they went through O'Hare's records carefully after he had left. But I believe that what I have already said is enough to demonstrate that O'Hare may very well have been the all-time, most inefficient bookkeeper in the history of the U.S. Senate.

THE QUESTION OF O'HARE'S CREDIBILITY

On top of his abysmal bookkeeping record, O'Hare was the kind of witness to whom no judge, in my opinion, would have granted any serious credibility. He not merely took documents from my office, but for almost 6 months after he joined the conspiracy, his entire life, as I have pointed out, involved a daily routine of deceit and lying and betrayal.

O'Hare told the committee that he had personally seen me sign 36 checks that were shown to him during his cross-examination. But one of this country's top handwriting experts, Charles Apel, a man who served the FBI for 25 years as a handwriting expert, testified without contradiction that these checks—including 19 checks for cash, endorsed by O'Hare—bore forged signatures. Regrettably, the committee's report made no mention of this vital evidence relating to O'Hare's lack of credibility.

O'Hare also admitted that he had forged my signature on money orders.

According to O'Hare, I had instructed him to pay some of my bills from the District of Columbia Committee for Dodd account, and, in order to conceal the origin of this money, I had asked that the bills be paid by money order. He said that he had attempted to forge my signatures in a number of cases because the people at the receiving end knew my signature.

This entire statement is so incredible that by itself it should have been sufficient to convict O'Hare in the eyes of the committee.

What could I possibly have concealed and whom could I possibly have deceived by withdrawing funds in cash from the District of Columbia account and then using this cash to purchase money orders to pay my bills?

Whether a withdrawal was in cash or in check form, the records of the District of Columbia Committee would have shown that I, Senator DODD, had withdrawn so much money on the date in question.

If it was simply a matter of getting some bills paid, would it not have been a thousand times simpler to transfer funds from the District of Columbia account to my own account by check and then write checks of my own against the money that had been deposited? Of course it would.

As for O'Hare's claim that he forged my signature because some of the people at the receiving end knew my signature, this is utterly nonsensical whichever way you look at it.

In the first place, although I have not purchased money orders myself, I am told by those who have purchased them that signatures are unnecessary on money orders—that the name of the sender can, for that matter, be typed in.

In the second place, the money orders on which O'Hare affixed forged signatures, included giant corporations like American Express, D.C. Transit System, District Delivery Service, Army Athletic Association, Western Union, C. & P. Telephone Co.

I do not believe there is a single bookkeeper in any one of those companies who would know my signature from Adam's, and I do not believe they examine signatures that way.

Moreover, according to his own statements, O'Hare failed to forge my signature on other money orders to small firms run by people who knew me well and probably could have recognized my signature—for example, the Cotter Garage in Hartford.

O'Hare's entire statement on this matter was a tissue of lies from beginning to end. Indeed, I can think of no more clearly demonstrable proof of the truly pathological nature of the testimony of this sick and vengeful young man who apparently has convinced himself—or has been convinced by Drew Pearson and Jack Anderson—that he can become a national figure by assisting in the destruction of Senator DODD.

But there was much more than this.

O'Hare admitted that he had participated in the theft of documents from my office.

He admitted that he had conspired to steal and publish my income tax returns in violation of Federal law.

He made it clear that he was acting out of vengeance when he told the committee that he had engaged in the large-scale theft of documents only after the dismissal of his girl friend, Terry Golden, and after Jack Anderson had given him a "pep" talk encouraging him to steal my documents. He also described how he had agreed, at Jack Anderson's urging, to stay on the job so that he could continue to steal documents.

In my judgment, this is about as base a form of dishonor as one can think of. Whatever Senators may think of Boyd—and I have my own thoughts about him—or Carpenter, they, at least, had been dismissed. But this base character came in every day, smiling and fawning, pretending to be my friend, my faithful and trusted bookkeeper, lying to me every day.

When I first learned someone had broken into my office, O'Hare was the first one I called in. I said, "I received an anonymous letter telling me someone had broken into my office. We had better change the locks."

I was talking to the thief. But he never told me.

How can Senators take the testimony of such a man and say he is credible and reliable, and say I am a thief because he said so?

What is happening to the U.S. Senate if I cannot look at my fellow Senators in the eye and say this is a fact?

I have walked among you. I have talked with you. I have lived with you more than 8 years.

Does any one of you know any time I have lied to you or done any dishonorable thing in this body, ever broken my word, ever cheated you, ever said I would do this and then done something else?

And yet, in the face of this record—in the face of O'Hare's confirmation of his ability to deceive and his indifference to the commission of crime, of his admission that he had forged my signature on a number of occasions, of his tangled and completely incredible testimony on the subject of the money orders, of the clearly demonstrable fact that he was motivated by vengeance—in the face of all this, the committee's report was apparently prepared to accept the word of O'Hare as proof that I had engaged in the practice of deliberate double billing.

But perhaps I should not blame the Ethics Committee too much for being deceived by Mike O'Hare because, I am frank to confess, I myself was completely deceived by him over a period of more than 6 months.

I not merely repudiate the charge that I engaged in deliberate double billing: I want to state affirmatively that I believe I have been scrupulous in trying to keep my trip expenditures as modest as possible; in trying to separate official expenditures from personal expenditures in the case of trips with dual purpose; and in seeking to correct errors whenever they have been brought to my attention.

On two occasions, trips originally charged to Senate subcommittees were, at my request, transferred to my personal travel account.

There have been occasions in the past when I waived per diem payments because no expenses were incurred; and there is at least one voucher which shows that when I was in Connecticut on personal business and left from New York on official business, the air fare reimbursed to me was reduced accordingly.

An interesting point in connection with the seven trips involved in the "double billing" charge is that for two of them per diem vouchers were submitted; no per diem was requested for four of the trips; and, in the case of the remaining trip, per diem was claimed for the time on official business but I was removed from per diem status for a period of approximately twenty hours when I was addressing a group who paid me an honorarium.

If it was my intent to defraud the Government through double billings, is it conceivable that I could have been so scrupulously careful in so many other instances?

Was I honest about per diem—and sometimes dishonest about travel?

Was I dishonest in San Francisco in 1961—while I behaved with integrity in Miami in 1963?

It simply makes no sense.

Because I found this conclusion by the Ethics Committee impossible to understand, I carefully restudied the committee's hearings and its report, as well as various newspaper reports, and commentaries on the case, in the hope of discovering what might have misled the committee members. And I have found one clue that I think may greatly enlighten the Senate.

I refer to a UPI news item that appeared in a number of papers around the country on May 5, shortly after the Select Committee made its report. The story is based on an interview evidently granted by the distinguished Senator from Utah, who served as the vice chairman of the select committee.

I quote the portions of the news story that relate to Senator BENNETT's apparent understanding of the double billing case:

> The Senate Ethics Committee found in its investigation of Senator Thomas J. Dodd (D., Conn.) that there was a pattern to his double-billing for travel expenses, it was disclosed today.
>
> Sen. Wallace F. Bennett (R., Utah), the Committee vice chairman, said the panel took this into consideration in rejecting Sen. Dodd's explanation that the double-billing was the inadvertent result of negligence by his bookkeepers.
>
> Sen. Bennett said the Ethics Committee discovered during its inquiry that "a billing to a private source always preceded billing to the Government."
>
> "It seems to me that has some connotation," Sen. Bennett said. "Billing to the Government after billing to another source."

The Senators will note this theory of the case—namely, that a suspicious "pattern" emerges from the fact that the Government seems always to have been billed after the private organization was billed—evidently influenced other members of the committee besides its vice chairman. For Senator BENNETT is quoted as saying:

> The panel took this into consideration in rejecting Senator Dodd's explanation. . . .

Let me observe, first, that I am not sure I understand the reasoning of the "pattern" theory; I do not really understand how the time sequence of the payments is relevant to the question of whether I am guilty of requesting double payments. From my own experience as a lawyer, I would say that it would prove absolutely nothing if private billings were collected before the Senate committees were billed, or if the official billings were invariably collected before I collected from private sources, or if the procedures were mixed up.

But the fact of the matter is that the "pattern" that allegedly suggests some theory of guilt simply does not exist. Indeed, the facts of the case are exactly the reverse of what they were evidently understood to be by the committee members.

The facts are that in every one of the double-billing cases, save one, the San Francisco trip, the Government was not billed after the private organization was billed—a sequence which, according to the "pattern" theory, justifies suspicion of guilt—but before the private organization was billed.

The reason for the actual sequence can easily be understood.

On six of the seven trips—the Miami trip was an exception in this case—the billing to the Government for travel expenses took place at the moment my airplane ticket was purchased—at the moment; that is, when a committee credit card was submitted to the airline as payment for the fare.

In other words, the billing to the Government took place not only before the private billing took place, but before the trip took place.

As for the Miami trip, the Government was billed somewhat later, because in this instance I paid for that airplane ticket out of my personal funds. I purchased the ticket on August 10, 1962. Then, shortly after I returned from the trip on August 13, my office asked the Committee on the Judiciary, on whose behalf I had incurred this out-of-pocket expense, to reimburse me.

The Senators will also readily understand why the private organizations in most of these cases were billed after the trip, and thus after the Government billing.

The normal procedure when a private organization is expected to defray travel expenses, is to forward to the organization a statement of such expenses after the trip has been completed.

This happened in each of the cases except the San Francisco trip of 1961. In that case the record shows that the private organization calculated the amount of travel allowance in advance of the trip. That organization also paid my office before the trip, and thus before the erroneous credit card billing to the Government.

Mr. LAUSCHE. Mr. President, will the Senator yield briefly?

Mr. DODD. I yield.

Mr. LAUSCHE. Seven trips are involved in this issue pending before us. How many trips, in all, were made through these 5 or 6 years that could have been used for double billing, if that was the practice?

Mr. DODD. Eighty.

Mr. LAUSCHE. That is, there were 80 trips made to different parts of the country, and in seven of the 80, it is claimed there was double billing?

Mr. DODD. Yes. And remember that two of the seven took place under prior bookkeepers, who said that was their mistake, that I had nothing to do with it. So it is actually five.

Mr. LAUSCHE. I thank the Senator.

Mr. DODD. The payment of billings to private organizations, to complete the picture, is usually forthcoming within a week or so after the expense claim has been mailed.

So much for the actual pattern of billings which, as I say, was precisely the opposite of what the committee members evidently understood it to be.

Now, I also think I know why the committee members were confused on this point—why, that is to say, they were under the impression that the Government billings occurred after the private organization billings. For it appears clearly in the stipulation set forth in the committee's record that in every one of these cases the Government actually paid the billings in question a considerable time after the billings were paid by the private organizations.

Concretely, the time lapses ranged from 3 to 8 months. Why? Again, for a readily understandable reason.

It takes time for airlines to process billings that are made through credit cards.

And then it takes still more time to process the airlines' claim through the Government—through the subcommittee's office, through the Senator's office, through the full committee's office, through the Senate Disbursing Office, through the office of the Committee on Rules and Administration, and, finally, again through the Disbursing Office for payment.

If there is any "pattern" involved here, as the Senator from Utah and other members of the committee evidently believed, it is simply the pattern of the elephantine slowness of Government machinery in arranging for payments; it has nothing whatsoever to do with when billings were made.

Let me now summarize the points I have made in answer to the charge that I deliberately double billed the Government on seven occasions.

First. There is no evidence at all that I was aware of the double billing on the Philadelphia and West Palm Beach trips. No witness testified to any knowledge of those cases. No one, not even a Mike O'Hare, said that I had instructed them to double bill, while two statements from employees who helped keep my books at the time make it clear that, in fact, I gave no such instructions.

Second. As for the other five trips, there is no evidence that I was aware of the double billing except for the unsupported testimony of one witness who made out an unanswerable case against his own credibility.

Third. The "pattern" theory of the double billings, which reportedly influenced the select committee's members, plainly dissolves once the facts of the case are correctly understood.

It is, of course, impossible in a case like this to prove in mathematical terms that I did not instruct Mike O'Hare to double bill. In a case like this, the jury must weigh the credibility of the witnesses, and must determine whether it is prepared to accept the word of the accuser or the word of the defendant.

I have spoken enough on the subject of O'Hare. Now let me repeat to the Senate what I told the Ethics Committee solemnly and under oath, and I take the same oath now as I did in giving my evidence before the Ethics Committee—that I am telling you the truth, the whole truth and nothing but the truth, so help me God.

I am telling the truth as though I had to face my Maker in a minute.

I am telling you the truth and I am concealing nothing.

May the vengeance of God strike me if I am doing otherwise.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. DODD. I yield.

Mr. LONG of Louisiana. There is a case entitled "THOMAS J. DODD against Drew Pearson, et al.," pending in the District Court for the District of Columbia. Is the Senator willing to take the witness stand in that case and repeat under sworn oath, under the penalty of perjury, what he is saying here?

Mr. DODD. I am willing to take the witness stand in any forum in the world and swear under oath. I swear now, and I will swear forever, to the truth of the matter.

Mr. LONG of Louisiana. Is the Senator willing to answer any question that any Senator wants to ask relevant to this double billing?

Mr. DODD. Of course.

Mr. LONG of Louisiana. And is the Senator willing to answer the truth in that district court case to which I have referred under the penalty of perjury, and to answer it before any other trial tribunal on earth?

Mr. DODD. Of course I am. I have great respect for our courts not only as a citizen, but also as a lawyer. And I have great respect for the Senate. And I hope that I am not misunderstood when I say that I want the respect of my colleagues.

Now let me say under oath to you that I did not order or request double billing in these cases; I have never in my life ordered or requested double billings of any kind. As nearly as I can tell, these seven double billings over a 5-year period were the result of inadvertent errors made by my bookkeeper. To my certain knowledge I had nothing whatever to do with them. On my pledged word I was not even aware of their existence until last summer when my lawyers' review of the books verified the duplications that had earlier been discovered by my accusers.

I point out again that the very same carelessness that caused me to be overpaid in seven instances caused me to be underpaid in 21 instances. And the very same personal detachment from these matters that caused me to be unaware of the overpayments, also caused me to be unaware of the underpayments.

I make this statement on my solemn word, in the belief that my colleagues will accept it—yes, and in the hope that the members of the Ethics Committee will see fit to reconsider their judgment on the basis of the statement I have made here today.

If Senators cannot look one another in the eyes and believe an affirmation solemnly made where there is absolutely no evidence to prove that the affirmation is false, then the whole basis of this body as a deliberative society has dissolved.

I should perhaps mention before closing my presentation of the facts in this matter that I have sent to the Senate Disbursing Office a check in the amount of $1,763.96, representing payment in full for the seven trips that were erroneously billed to the Government. As I have pointed out previously, this amount is roughly offset, or perhaps even more than offset, by the 21 trips to Connecticut for which my office, primarily because of O'Hare's negligence, failed to bill.

However, that does not do much for me. It is more important to me by 1 million miles that you do not believe me to be a sneak thief, a petty larcener, a pickpocket, or a crook. That is what is important—not the money.

I rest my defense on the charge that I have engaged in the fraudulent practice of deliberate double billing.

Mr. MANSFIELD. Mr. President, is the Senator through with the double-billing part of his speech?

Mr. DODD. Yes. I am.

RECESS

Mr. MANSFIELD. Mr. President, I would like to suggest at this time, if the distinguished Senator will approve, a matter which I have already discussed with the distinguished minority leader, and that is that we take our recess now for 1 hour, and that immediately upon the reconvening of the Senate the Senator will take the floor and resume his speech.

Mr. DODD. I appreciate that.

Mr. MANSFIELD. Mr. President, we ask unanimous consent that the Senate stand in recess for 1 hour.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

At 11 o'clock and 58 minutes a.m. the Senate took a recess until 12 o'clock and 58 minutes p.m., the same day.

At 12:58, the Senate reassembled, and was called to order by the Presiding Officer (Mr. CANNON) in the chair.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisisana. Mr. President, I want to make it clear that I am most contrite about my insistence that Senators be present to hear Senator DODD's speech. I knew he was going to make a magnificent address, one of the most stirring and telling speeches I have ever heard; and inasmuch as I was aware of what was in store for the Senate, I did not want Senators to miss it. I realize that I may have incurred their displeasure, but I hope they know what I have in mind. They should not have missed that speech.

Mr. MANSFIELD. The Senate understands and appreciates the comments of the Senator from Louisiana.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 139 Leg.]

Aiken
Allott
Anderson
Baker
Bartlett
Bayh
Bennett
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Griffin
Hansen
Harris
Hart
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hollings
Hruska
Jackson
Javits
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, La.
Long, Mo.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Murphy
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Scott
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, Del.
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present. Under the previous order, the Senator from Connecticut is recognized.

Mr. DODD. Mr. President, may I ask the majority leader a question?

Mr. MANSFIELD. Yes, indeed.

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DODD. I am aware of the fact that I have had my back turned to a number of Senators. It had not occurred to me until I was nearly finished this morning. Would it be acceptable if I took a seat in the rear of the Chamber so that I can face all of my colleagues?

Mr. MANSFIELD. Yes, indeed.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. LONG of Louisiana. There have been two Senators, the Senator from Maine [Mr. Muskie] and the Senator from Michigan [Mr. Hart], who have volunteered their seats so that the Senator from Connecticut and his counsel may move to those seats and face the entire Senate. I thank the Senators for their generosity. The Senator from Maine and the Senator from Michigan might occupy the two seats which have been vacated.

(At this point, Mr. Dodd and his counsel moved to seats in the rear of the Chamber.)

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. DODD. Yes, I yield. I am sorry to delay the Senate. It has been suggested that I might get over nearer to the center so that Senators on the other side of the Chamber can hear me.

Mr. MANSFIELD. That would be better.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. DODD. I yield.

Mr. LONG of Louisiana. As the Senator from Connecticut pointed out in his statement, there is a question of who is lying. Is Thomas J. Dodd the liar or is Michael O'Hare the liar?

The Senator said that his name was forged to certain documents. We have blown up signatures on those checks. I would ask the Senator to look at the chart in the rear of the Chamber and tell me if he can recognize which is his signature and which is the forgery.

Mr. DODD. Clearly the one on top is not my signature.

Mr. LONG of Louisiana. Will the Senator explain why the one on top is not his signature and why a handwriting expert would so advise?

Mr. DODD. I know my signature. That is not mine.

Mr. LONG of Louisiana. I ask the Senator to look at the first letter, the "T" on Thomas.

Mr. DODD. I do not write that way.

Mr. LONG of Louisiana. The Senator does not write a "T" that way.

Did the handwriting expert say in his judgment that that could not have been a "T" written by Thomas Dodd?

Mr. DODD. I think he said that in effect.

Mr. LONG of Louisiana. I ask that the Senator look at the letter "J."

Mr. DODD. I do not make that kind of "J."

Mr. LONG of Louisiana. Will the Senator look at the letter "J" in the name "Thomas J. Dodd," and tell me if the other two are signatures that the Senator wrote himself?

Mr. DODD. The two lower ones are very difficult for me to distinguish one from the other. My recollection is—I believe it is true—that the middle one is mine, but do not hold me to that.

Mr. LONG of Louisiana. May I ask the Senator, in view of the fact that they look very much alike, would not the Senator say on those two lower signatures, the "J" looks something like the the way the Senator writes the letter "J" for his middle initial?

Mr. DODD. Yes.

Mr. LONG of Louisiana. What does the "J" stand for?

Mr. DODD. Joseph.

Mr. LONG of Louisiana. Thomas Joseph Dodd. I ask the Senator to look at the "J" on the top. Is not that "J" one thousand percent different from the way Thomas J. Dodd signs his name?

Mr. DODD. It is to me.

Mr. LONG of Louisiana. Is that not, in the Senator's opinion, and on advice of handwriting experts, a forgery by Michael J. O'Hare?

Mr. DODD. Yes, but I believe with respect to that signature he used the word "forgery." Maybe it is technically accurate, but my recollection of the record was that he did not pretend he was trying to imitate my signature on the top one, as I recall the record.

Mr. LONG of Louisiana. Are not these signatures from the double billing?

Mr. DODD. No.

Mr. LONG of Louisiana. Is that not from the double billing charge?

Mr. DODD. No, they are taken from the so-called money orders.

Mr. LONG of Louisiana. Money orders. In any event is that not the way Michael O'Hare would write the name "Thomas J. Dodd"?

Mr. DODD. He sometimes did, but I think I can help the Senate. I tried to explain that. He sometimes signed my name as it appears on the top line, and he sometimes signed my name as it appears on the bottom line. His explanation of that, as I recall, was that to those companies he thought would not know my signature, he used the top form. To those companies he thought would know my signature, he used the bottom one. I tried to explain to the Senate that if they will take his testimony and read it, it did not make sense because the companies to which he sent the bottom signature were not companies that would know my signature from Adam's. He did not, however, forge my signature on money orders to local companies where I live in Hartford, and personal friends, who know my signature very well.

Mr. LONG of Louisiana. One thing remains very obscure to me from the Senator's presentation, which is otherwise complete. Why did the Senator ever hire that man? How did the Senator come to hire a man of that sort?

Mr. DODD. Well, I thought he was a good young man, and I believe he was. He was recommended to me by someone—I cannot recall who. He was a student at Catholic University.

Mr. LONG of Louisiana. Are you a Catholic?

Mr. DODD. Yes, but do not hold that against me.

Mr. LONG of Louisiana. Did the Senator from Connecticut hold it against him?

Mr. DODD. That has nothing to do with it.

Mr. LONG of Louisiana. Would the Senator explain why he hired a man of that sort and put him on the Federal payroll?

Mr. DODD. I did not know at that time he had any deficiencies of character. I did not believe he did. I think this developed after these other things happened. I think he was under the influence of other people.

I do not know exactly how to answer the question. I thought he was a good young man. I trusted him. I do not think he betrayed me until pretty late in the game when he fell under the influence of others. That is my only explanation. How does one explain something like this? I do not know enough about the frailties of human nature in others. I have enough of my own.

Mr. LONG of Louisiana. Was that man in college, or how long had he graduated from college when the Senator from Connecticut hired him?

Mr. DODD. I hired him when he was a student, part time.

Mr. LONG of Louisiana. A student at Catholic University?

Mr. DODD. Yes.

Mr. LONG of Louisiana. Did the Senator give him the benefit of the fact that he was an Irishman going to Catholic University?

Mr. DODD. That has nothing to do with it.

Mr. LONG of Louisiana. But for a while, he was a nice, honest, decent fellow?

Mr. DODD. He was, to me. I believe he was. I do not like to get into these religious things. I have relatives who are Baptists.

Mr. THURMOND. Mr. President, we are unable to hear the Senator from Connecticut on this side of the aisle. I am wondering whether the Senator could raise his voice or perhaps move down into the well of the Chamber so that all Senators can hear him.

Mr. MANSFIELD. Mr. President, I think that where the Senator is standing now he will be heard and will be heard plainly. I think that each Senator should stay at his desk.

Mr. DODD. I will try to raise my voice as much as I can. Can the Senator hear me now?

Mr. THURMOND. Yes, we can hear you. I thank the Senator.

Mr. DODD. Mr. President, I must say again that I am grateful to the majority leader and to the minority leader for the kindness they have extended to me, and to Members of the Senate as well. I believe that all can understand this is a matter of great importance to me. It is my political life that is at stake.

I would rather be dead than be dishonored.

TESTIMONIAL AND CAMPAIGN FUNDS

Mr. President, the second part of the resolution is what I wish to address myself to at this hour.

The matter of testimonials is more complicated, but I believe that the committee has erred as seriously on this point as it did on the point of deliberate double billings.

The resolution presented by the Ethics Committee charges me with having exercised the influence and power of my office to obtain and use for my personal benefit, funds from the public through political testimonials and a political campaign. In its conclusion, the report says that from the campaign funds and testimonial funds received, I authorized the payment of at least $116,083 for personal purposes.

Now I do not know how the committee arrived at the figure of $116,083, and, regrettably, the report contains no itemization which would enable me, or for that matter, any interested reader, to know what precise expenditures the committee had in mind.

By lumping campaign funds together with testimonial funds, however, I believe that the report succeeds in creating the impression that all, or most, or at least a very substantial of the $116,083, supposedly used for personal purposes, came from campaign funds. This simply is not so.

My lawyers have subjected the records to a painstaking examination and, according to their calculations, a maximum of $3,100 out of $246,000 received for my campaign, was spent for personal purposes. They told me that in preparing this itemization, they deliberately erred on the side of being hard on me—and from a quick look at the tabulated expenses, I notice that they have charged as a personal expense a trip made by my son, Thomas Dodd, Jr., to Asheville, N.C., where he stood in for me at a function I was unable to attend and read my speech. An item like this, I believe, is clearly a political expense.

In any case, this $3,100 is less than the deficit incurred by my campaign. It merely serves to reduce, but does not eliminate, that deficit.

Nevertheless, I do not defend the use of even a relatively small amount of money from my campaign funds for personal purposes. It may be technically permissible, but it does not measure up to my own standards, and it would not have happened had I known about it.

But I want to turn now to the question of the so-called political testimonials, because this is what 98 percent of the committee's charges is all about.

I have read and reread the committee's charges, and I cannot construe it otherwise than meaning that the political testimonials organized in my behalf constituted a violation of the law or a violation of existing rules.

If it was a violation of the law, the committee's report fails to specify precisely which law has been violated.

When it was first suggested in 1961 that a testimonial dinner be held for me, I felt uneasy about it. I am not the kind of person who enjoys testimonial affairs, and I guess most people do not. It is always an embarrassment and always difficult. But, I did the one thing I thought a prudent man should do.

I went to a lawyer who I thought—and still think now—was one of the great lawyers of this country. He and I had served together as assistant U.S. attorneys in Hartford. Our families were close. We became law partners. For a number of years now he has been a distinguished Federal judge. I had great respect for him then and I do now.

I told him that a testimonial dinner for me had been suggested and I wanted to know what was the right or wrong of it, should I do it, or should I not.

He said, "Well, Tom, let me look it up, and I will let you know what I think about it."

I do not recall exactly whether it was a week or a few days later that he called me and said, "Tom, it is all right. Your friends can do this for you if they want to, and you can use this money to clear up your obligations."

As a matter of fact, what he said, as I recall it was, "You can do what you want to with it, and I know what you want to do with it."

Well, I took that advice as being good advice. I accepted it as such.

Actually, I also talked to other lawyers and I got the same opinion from them.

In any event, after these proceedings were underway, Judge Blumenfeld executed an affidavit which I placed in the Congressional Record yesterday, on page 15696, and I should like to read it to my colleagues:

AFFIDAVIT

STATE OF CONNECTICUT,
County of Hartford, ss:

M. Joseph Blumenfeld, being duly sworn, makes the following statement:

"1. In 1960 or 1961, while I was still engaged in the private practice of law and prior to my appointment as United States District Judge, I advised Senator Thomas J. Dodd in connection with the then proposed testimonial dinner which was subsequently held in his honor on November 21, 1961. At that time I was familiar with the proposed manner of carrying out the testimonial dinner, and I understand that the dinner was actually carried out in that manner.

"At that time I advised Senator Dodd that the net proceeds of the dinner should be treated by him as a gift excludable from gross income for Federal income tax purposes under the provisions of section 102(a) of the Internal Revenue Code of 1954, and that he was free to use these net proceeds in any way he wished and not solely for political purposes.

"M. JOSEPH BLUMENFELD."

Subscribed to in my presence and sworn to before me this 20th day of February, 1967.

BENJAMIN SANDERS,
Notary Public.

Now, I think it is important for the Senate to understand that that was the first testimonial dinner.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. DODD. Yes.

Mr. LONG of Louisiana. It is not clear to the Senator from Louisiana at this moment—through the Senator's presentation, at least—why the Senator held such a dinner.

Mr. DODD. I did not hold it. My friends knew what had happened to me from 1956 to 1959. I think, if the Senator will bear with me, I will explain that in the course of my remarks.

Mr. LONG of Louisiana. Will the Senator explain the item which was mentioned yesterday, and which stands out like a sore thumb, the trip to the racetrack?

Mr. DODD. I am not much of a race fan. I like horses, but I am not a devotee of racetracks. I took my staff there after this unpleasant incident in my office. I guess I have gone, maybe once a year, for the past 10 years, and I usually put $10 in my pocket to lose.

That is how it happened.

It has been bandied about so that the impression has been made that I am a racetrack fan.

Mr. LONG of Louisiana. Was that an outing for the Senator's office staff to create good will, knowing what had happened with his office staff?

Mr. DODD. Yes, and that is all it was. By the way, my wife was in Connecticut. Therefore I took along my son. That is what that was about.

But to return to the matter I was discussing. If testimonials do not violate any law, do they perhaps violate some existing Senate rule? If they do, the committee has failed to specify which rule was violated.

I wish testimonials were out of business. At least I am sure I wish so today. I wish there were no such thing.

However, there is nothing more common in the State from which I come than testimonial affairs. Never a week passes in the State of Connecticut but that several of them are held for people in private life, for persons in public life, for persons retired from an active life.

It is a very common thing.

The fact is, that there is no law or rule prohibiting testimonials, and that I have been judged completely on the basis of nonexistent standards.

The fact is, further, that nowhere does the report of the committee explicitly condemn as illegal or unethical the use of testimonial affairs as a method of raising funds intended as gifts for men in public life.

The Supreme Court has pointed out that no person should be required to speculate or to guess whether a course of action violates a standard of conduct which remains to be adopted. "Such a procedure" said the court, "is at war with the fundamental concept of the common law." But this is precisely what has been done in my case.

The committee's report appears to imply that the people who attended testimonials in my behalf were somehow misled. This, like the double-billing charge, strikes at my heart, because it has the connotation of treachery, deceit, dishonesty—the connotation that I fooled people—which I did not do.

Now, I have seen a lot of invitations to testimonial dinners in my time, and I cannot remember a single one which said anything more than that there was going to be a testimonial to honor Mr. Jones or Mr. Smith. That is all they said. There is no rule and no law requiring that they say more. And I do not see how a man can be found guilty of violating a nonexistent rule. This runs counter to every concept of civilized justice.

As everyone in Connecticut knows, I publicly offered to refund the money to any person who claimed that he had not understood the nature of the various testimonials and that he had really intended his money as a political contribution. This offer was carried prominently on the front page of every Connecticut paper and over every Connecticut radio and TV station.

To date only one person who attended these affairs has written in to ask that his $25 contribution be refunded to him.

On the other hand, between 400 and 500 people who purchased tickets have submitted statements saying that they did, in fact, intend their contribution as gifts.

This large number of affidavits has come in despite the fact that many persons were only contacted by telephone or mail with little or no followthrough; despite all the adverse publicity resulting from the Pearson-Anderson vendetta, despite the understandable fear of some people of involvement in a controversial matter; and despite the attempted intimidation by Jack Anderson in a characteristically distorted speech over the the Connecticut radio in which he threatened anyone who signed an affidavit with a charge of perjury.

I think I heard someone suggest yesterday that there is something a little fishy about these affidavits. It was implied that these people had signed the affidavits because they were my friends, or because they had been pressured to sign them.

There is not an iota of evidence to prove that this is so.

I think one of the confusions attending this item is the numerical confusion. The same people attended several testimonials. If you add them all up, you will come out with figures far in excess of the actual number. A good number of them were my friends. They went in 1961, they went in 1963, they went in 1965. But they were not three people; there was just one person.

Let me say parenthetically at this point that I also received the impression yesterday that it was felt to be significant that only Democrats attended these affairs.

I have never been a bitter partisan. I am not now. And I am not ashamed of that, either.

The fact of the matter is that at that first 1961 testimonial, former Senator Styles Bridges, who sat for years on the other side of the aisle, was to be a principal speaker. He was not there, because he was taken ill, and that is the only reason. I had gone, a short time before, to New Hampshire, and spoken at a testimonial for him, because I liked him, and he had been asked by the committee to come down to Hartford to speak at mine.

Who else was there? Why, one of the outstanding Republicans in the State of Connecticut, former Republican Mayor William Mortensen of Hartford, whose affidavit the Senator from Louisiana put in the RECORD yesterday.

Bill Mortensen is my friend. I would like to believe he votes for me. I hope he does. But he is my friend in any event. And every time there has been a testimonial for me, he has bought a ticket to it.

The last Republican candidate for Governor of Connecticut was there, Mr. Clayton Gengras.

You tell me that this was just DODD's political cronies? That implication is not true.

I could run down that list with you, name after name. There were many businessmen and executives who were not all Democrats by a long shot. I do not say this boastfully, but they are my friends.

I have lived among them. I think I have their confidence. I believe they voted for me. I think they wanted me to get along well. They wanted to help me out.

It just is not true, my fellow Senators, that this was a Fancy Dan political stunt. It was nothing of the sort.

I want to read just one letter. It is typical. It is addressed to me, dated March 7, 1967, and reads as follows:

> DEAR TOM: Whenever I have bought my tickets for a dinner in your honor, it was because it gave me the opportunity to make a contribution to you without causing you any embarrassment. Truly no one—

This part I would rather leave out, but I had better read the whole letter—

> Truly no one who does as much for the people and the country as you do can also have the time needed to make a living for your family.
>
> My contributions were for you, not for any campaign expenses. After all, in politics I am a registered Republican, not a Democrat. And I write this letter to you because I read about the way they're trying to discredit you.

The letter is signed "A. H. Layte, president, Morris Packing Co." He is a well-known man, and that is a well-known concern in my State.

Let me tell you, my friends, there are many more like him. They are all sworn affidavits. True my lawyers did have a form prepared, but we had little time to get these for the committee. And I want to emphasize, no one was coerced. No one was pressured. No one was, I am sure, urged or pressured into signing such an affidavit. They did so willingly, to establish the facts.

These hundreds of affidavits constitute substantial and, indeed, overwhelming proof that those who attended these several testimonial functions understood their nature and did intend their contributions as contributions to a testimonial affair, and not to a political affair.

The rule is that the intent of the donor is the determining factor in deciding whether a contribution should be regarded as a gift.

I believe that these hundreds of affidavits constitute overwhelming proof that those who attended the several testimonial functions understood their nature and did intend their contributions as gifts.

The nature of a gift is that it is to be spent at the discretion of the recipient. Legally, there are no limits on this discretion. But to make my personal position clear, let me repeat what I said in my Senate speech of March 10: I would not consider it proper if a Senator used testimonial funds to enrich himself or to live lavishly. But I do consider it proper for a Senator to use such funds at his discretion to help liquidate campaign deficits, to pay off sundry political debts, to offset his costs of office, and to offset or reimburse himself for any money he may have put out-of-pocket to meet such politically connected expense.

This is what I did.

In this connection, I want to call your attention to what Paul Douglas, a former and honored Member of this body, said in Boston on Monday of this week:

> Let there be no more foolish talk about testimonial dinners . . . being improper . . . They are, on the contrary, the most effective and most decent device which has yet been developed.

I believe that the report of the Ethics Committee erred in its conclusions, among other reasons because it failed to take into account the basic arithmetic of my position.

The implication of the report to the average reader would unquestionably be that I have abused my position to enrich myself. This just is not true.

I have not enriched myself from public office, and all of those who know me are aware of this.

Let me present to you what I have called "the basic arithmetic" of my position, so that you can understand my case better.

I ran for the Senate in 1956 and was defeated. I then conducted a long and bitter campaign for the nomination in 1958. I won the nomination, and I won the race for the Senate. But I had been running nonstop for more than 2 years, and the expenses just piled up and piled up. When I entered the Senate in 1959, I was burdened by a total debt of some $150,000, which had built up during this period. Of this amount, some $120,000 was politically connected.

Then there is the matter of out-of-pocket costs of office, which constitute a heavy burden for every Senator. These costs include things like—

Meetings, conferences, luncheons, dinners with constituents and representative constituent groups, which run at least several thousand dollars a year;

Telephone calls in excess of the basic allowance, which in some years have cost me almost $3,000;

Unreimbursed trips to my home State—and there have been countless such trips;

The cost of producing the radio and TV programs through which I have sought to keep the people of Connecticut informed of what is being done in Washington; and the cost of maintaining a separate residence in Washington for myself and my family.

Over the years my out-of-pocket costs of office have averaged somewhat more than $12,500 a year. I do not know how that compares with the expenditures of other Senators. But if I remember correctly, this is about what former Senator Paul Douglas said it cost him. And I think there are others who have said that it costs more.

Mr. LONG of Louisiana. For 1 year.

Mr. DODD. The Senator is correct.

In any event, these are the facts about me.

So, adding up these out-of-pocket costs of office, from the day I entered the Senate until the close of 1966, my accountants find and tell me that I put out of pocket more than $101,000 for these purposes.

Against the intake of approximately $170,000, therefore, I spent $120,000 for repayment of the political loans and $101,000 for costs of office. This means, in effect, that I have had to dig into my own income to the extent of some $50,000 over and above what I have received from testimonials to cover political expenses. Obviously, I have not enriched myself from my position as a Senator.

The final and conclusive proof that I have not enriched myself from public office is the statement of net worth I made on the floor of the Senate. Let me repeat the central facts of this statement:

I own no stocks or bonds. I do not have any in my wife's name, my children's name, or the name of any relative.

I have no interest in any business.

I own no real estate apart from my home in Connecticut and my home in Washington, both of which have sizeable mortgages.

I have no cash in any safe deposit box in this Nation or any other nation, or in any hole or in any stump of a tree.

My total net worth, as I told the Senate, is approximately $54,000.

After 30 years in public life, I have this little to show in terms of worldly wealth.

I want to refer here to the remarks yesterday of the distinguished junior Senator from Massachusetts in his questioning of the distinguished senior Senator from Mississippi. As Senator STENNIS conceded, the committee did not consider the question of what should be or would be the applicable burden of proof in this case. Indeed, I doubt that the committee even considered the more basic question as to who would bear that burden of proof. The report merely states that the committee assumed the "burden of proceeding."

As all lawyers know, the "burden of proceeding" is not the same as the burden of proof. It may best be described as simply the burden of going forward initially.

This failure of the committee to determine who would bear the burden of proof and what that burden would be has had serious substantive effects.

It has always been part of my defense that at the time I entered the Senate in 1959, I had politically connected debts of about $120,000. This is reflected in paragraph 1 of the so-called printed stipulation between me and the committee. The amount of these debts and the dates they were incurred are reflected in the so-called supplementary stipulation. The debts were incurred from 1956 through 1959. In addition, I testified that prior to 1956, I had no significant amount of indebtedness. That is about as far as I can go.

But as the distinguished Senator from Mississippi recognized yesterday, the doctrine of res ipsa loquitur—the thing speaks for itself—has application in this case. And I cannot think of a better example of the application of that doctrine than here.

I incurred these debts during a period when I was running almost nonstop for the Senate. I ran unsuccessfully in 1956, I ran successfully for the nomination in 1957 and in 1958, and I ran successfully for the Senate in 1958.

I submit that unless there are some facts which demonstrate the contrary—and I do not know any that do—it must be taken that this $120,000 in debts is politically connected.

However, Senator STENNIS stated yesterday that the committee's report and proposed censure motion is based in part on their disappointment with my testimony concerning the details of these debts incurred some 10 years ago. I think that reflects a failure to understand that this proceeding is penal—that in penal proceedings the prosecution—which, like it or not, is the committee—bears the burden of proof and that the burden of proof should be "beyond a reasonable doubt."

Against that standard, which was not applied, I submit that the record demonstrates only that these stipulated debts were politically connected.

Another area in which the committee's misconception of burden of proof had telling effects was that concerned with the more than 400 sworn statements I submitted to the committee. Once again, I refer to Senator BROOKE's questioning, this time his questioning of the senior Senator from Utah.

Senator BENNETT stated yesterday that the committee gave relatively no weight to these affidavits, even though they were under oath and even though they came from the people who contributed money to these testimonial affairs, because, as Senator BENNETT felt, "this affidavit was not an example of a free recollection of the situation. It was a very clever means of trying to persuade the people, at no cost or hurt to themselves, to help their friend TOM DODD."

As the junior Senator from Massachusetts put it, this is "conjecture."

In any case, as Senator BENNETT conceded, no witness testified before the committee that he contributed his money to these testimonial affairs for "purely political purposes."

So you have a record which contains live testimony of contributors plus more than 400 sworn statements of other individual contributors that they, in each case, did not intend their contribution to be purely for political purposes. Opposing this, you have the apparent dissatisfaction of the committee with the quality of that evidence. I submit that if the committee had understood the nature of its burden of proof, it would not and indeed could not have based its report and conclusion on such conjecture as it would have concluded necessarily that these testimonial affairs raised funds which were not intended for political purposes.

Let me now answer the doubts yesterday expressed by Senator BENNETT in reply to Senator BROOKE's questions.

Over 1,500 names appeared on all of the programs to the various testimonial affairs and this is a realistic means of arriving at total attendance at all the testimonials. The Ethics Committee relied upon newspaper accounts to determine the total attendance. But as most of you know, newspaper accounts in this regard are ordinarily exaggerated in order to make the event more attractive and therefore popular.

When overlapping is eliminated—that is, removing the names which appear on more than one list—we are left with just over 1,000 names of individuals who attended all or some of the dinners. Addresses were not available for over 200 of these people.

Of this number, 435 submitted sworn and notarized affidavits that their contributions constituted a gift to me to be used at my discretion.

This is not, as Senator BENNETT suggests, a small percentage of people who attended the dinners but rather it is an extraordinarily high percentage. Frankly I was rather amazed that we were able to contact and secure affidavits from as large a number of people as this. Difficulties such as taking the trouble to locate a notary and swear to the affidavit undoubtedly discouraged many other people from turning in affidavits.

Moreover, no witness testified before this committee that he contributed to these testimonial affairs for pure political reasons—not one. And this matter has dragged on for 18 months. The investigators have crisscrossed and roamed up and down my State. Not one person could be found to say he thought these were political funds. No such witness appeared at the hearings.

In the light of all this, how can questions now be raised to suggest there is something phony about the affidavits I submitted. I say that if the committee understood the nature of its burden of proof it would not—indeed, could not—have based its report and conclusion on such conjecture and it would have concluded that these testimonial affairs raised funds which were not intended for political purposes. That is all the testimony there is.

I was taught that one lives with the record when proving or disproving a case.

Perhaps my position would have been better understood if I had kept my personal funds and my testimonial funds carefully separated from each other, and if I had used my testimonial funds exclusively for the purpose of liquidating my political debts and covering, or partially covering, my unreimbursed costs of office.

However, I did not keep my testimonial funds completely separated from my personal funds. Certain personal expenses were, as the stipulation demonstrates, paid out of my testimonial fund. On the other hand, I paid out of my personal pocket unreimbursed costs of office totalling $101,000.

There was absolutely nothing illegal or improper about commingling funds in this manner. But in retrospect I realize that this commingling lends itself to misinterpretation and confusion—and that this confusion, in turn, probably played a large part in the mistaken judgment of the Ethics Committee.

Perhaps my office bookkeeping procedures could have been improved. Indeed, in retrospect I am prepared to concede that the bookkeeping that went on in my office was incredibly sloppy in many ways. For this I do not seek to divest myself of responsibility.

I am technically responsible, in the sense that a captain of a ship is always responsible, just because it was my office.

I am responsible because I trusted other people to manage my financial affairs for me, while I tried to devote myself to my duties as a U.S. Senator.

I am responsible because I was doing what my constituents expected me to do, instead of being back in my office keeping my books myself or looking over O'Hare's shoulder to make sure he paid all the bills out of the proper bank account.

I am responsible—but, Mr. President, I am not guilty. By any honest accounting I have not profited one penny from public office.

Mr. President, the implications of this case go far beyond what happens to me or my family.

A question at issue is whether men of moderate means are to be able to compete for office, or whether public office is to become the exclusive domain of the wealthy.

A question at issue is whether we are here to enshrine a precedent which makes ex post facto justice permissible when Senators come before Senate committees to defend themselves against charges that have been made against them.

A question at issue is whether a Senator so defending himself is entitled to the same protection of due process as a citizen who comes before a court of law.

A question at issue is whether freedom of the press involves the right of muckraking columnists to conspire to steal the files of any public official or private citizen they dislike.

If this kind of thing is allowed to go uncalled, unpunished, no office in this Capitol, no office in this city, no public office throughout this land will be safe from the same sort of thing that was done to me. No one. The word will go out, "We have a license to steal, particularly from a public official."

Let no one say that the means do not matter. As Justice Douglas said in a cogent statement addressed to every American:

> The means are all important in a civilized society. It may seem unimportant that a miserable person is forced to confess to a crime. But in the sweep of history, a nation that accepts that practice as normal, a country that engages in wire-tapping, a people that exalts the ends over the means have no claim to a position of moral leadership among the nations.

I submit that my case cannot fairly be judged if it is not considered in its full context and in all its implications.

Mr. President, I have completed my presentation.

I do not ask for mercy.

I ask for justice.

Now, Mr. President, I am sure there are many Senators—I hope there are—who will want to ask me questions, and I will do the best I can to answer them.

TEN-MINUTE RECESS

Mr. MANSFIELD. Mr. President, if the Senator from Connecticut does not mind, I ask unanimous consent to suggest a 10-minute recess.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

At 2 o'clock and 28 minutes p.m., the Senate took a recess until 2 o'clock and 38 minutes p.m. of the same day, when called to order by the Presiding Officer (Mr. McGovern in the chair).

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Connecticut [Mr. Dodd] be allowed to retain the floor while I suggest the absence of a quorum.

The **PRESIDING OFFICER.** Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 140 Leg.]

Aiken
Allott
Anderson
Baker
Bartlett
Bayh
Bennett
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Griffin
Hansen
Harris
Hart
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hollings
Hruska
Jackson
Javits
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Murphy
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Scott
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The **PRESIDING OFFICER.** A quorum is present.

Mr. MANSFIELD. Mr. President, who has the floor?

The **PRESIDING OFFICER.** The Senator from Connecticut has the floor.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. DODD. If the Senator from Kansas will indulge me for a moment, I talked to the Senator from Mississippi about two documents. I am very anxious to clear that up, and I will then be glad to yield.

I referred this morning to a letter from a former secretary who took care of my books for a while. I find that this is already in the Record.

Mr. STENNIS. The Senator is correct. I was thinking of the committee record, and the Senator was talking about the Congressional Record. That letter is in yesterday's Congressional Record.

I understand the Senator has another letter.

Mr. DODD. Yes. I do not believe this other letter is in the Record. I have not seen it printed anywhere.

Mr. STENNIS. I will not object to having the Senator put the letter in the Record. However, before this matter is over, I do not know what the Senators will ask to have placed in the Record.

Could the Senator not let that be put in affidavit form and then we can have it?

Mr. DODD. I do not have it in affidavit form. The letter is addressed to me.

Mr. STENNIS. Is the party available?

Mr. DODD. Yes. I believe he is.

Mr. STENNIS. I am not going to object, in the final analysis, but if the Senator could confine it to affidavits, I believe it would be better.

Mr. DODD. Would it be acceptable to the Senator if I were merely to read the letter now?

Mr. STENNIS. If the Senator wants to read it, that will be all right.

Mr. DODD. It is a short letter.

Mr. STENNIS. That is the privilege of the Senator if he wants to read it.

Mr. DODD. Mr. President, I talked this morning about two letters. One was from a young lady who took care of my books before O'Hare.

I had forgotten if this letter was in the Record for yesterday. I find that it is in the Record for yesterday on page 15703. It is a very short letter addressed to me. It reads:

> Dear Senator: I am sending this letter to you at your request.
>
> My name is Barbara Beall. I live at 225 Kaiulani Avenue, Honolulu, Hawaii. I was employed by you from January 1959 to January 1961. As the first secretary to be hired for your staff as Senator-Elect, I began working as receptionist and general secretary in your office and then from the summer of 1959 to January 1961 I was your personal secretary and bookkeeper.
>
> During the time I was your personal secretary and bookkeeper it was part of my duty as bookkeeper to bill for trips made by you. Accordingly, I had occasion to bill subcommittee and private organizations. I am sure that I never billed two organizations, such as a subcommittee and a private organization, for the same trip nor did I bill any organization more than one time for the same trip, and you certainly never asked me or anyone else to do so.
>
> Indeed, you were such a stickler for honesty that you had the whole staff on pins and needles sometimes when you would discover such a thing as a letter which you considered personal being mailed without a stamp by a staff member who was about to let it go out under the frank. You would be annoyed for the rest of the day over something like that.
>
> Frankly, I considered it a refreshing experience to work for you as you time and again exhibited a real code of ethics by which you lived.
>
> Most sincerely,
>
> Barbara Beall.

I also have a letter from Mr. Charles Plant who, prior to O'Hare, also had charge of my books.

I had that letter last October, but I discovered it only recently.

It reads:

> A member of your staff, Mr. Perry, contacted me recently covering possible double billing which occurred while I was an employee in your office.
>
> I want to tell you for the record that at no time during my 13 month tenure did you by direction or implication instruct any employee of your staff to engage in double billing. If, in fact, any such double billing did occur, it is my opinion that it resulted from simple clerical error.
>
> Sincerely,
>
> Charles Plant.

Mr. President, there is one other matter that I would like to mention here. I overlooked it.

I believe it was on yesterday that there was talk about a trip that was taken by Mrs. Dodd to London in January of 1965 and billed to campaign funds. I am sorry to say that I could not place the trip at the time, but I believe I have placed it now.

I want to tell the Senate that I made that trip to London with Mrs. Dodd at the request of the executive department of the Government. It was an official mission. That is how the trip came about. I had something to do there that I was asked to do, and I did it in the best way I could. I thought it would be helpful if Mrs. Dodd accompanied me.

I ask to be excused from telling just what the trip involved, but I would be glad to give you the details in executive session.

That is the fact of the matter, and that is how Mrs. Dodd happened to make that trip to London in January 1965.

This kind of expense, I believe, can truly be classified as personal political.

I now yield to the distinguished Senator from Kansas.

Mr. PEARSON. I thank the Senator.

I recognize the speech he has just made to be certainly the most important in his career. I judge it might be his greatest for no Senator here is unmoved by his proof, and certainly not the junior Senator from Kansas. At no time have I casually approached this matter in the last 14 months.

What I should like to do is to make a statement in reference to the committee position regarding the double billing. I can do it through the vehicle of a question, I suppose, but I ask unanimous consent that I may make a statement without the Senator from Connecticut losing his right to the floor.

Mr. DODD. I would be very happy to answer questions.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. PEARSON. Mr. President, this matter was of real concern to me, and I think I made no greater study of it than did any other committee member. I was not a part of any special subcommittee.

I noted this morning that the Senator from Tennessee [Mr. Gore] and the Senator from Ohio [Mr. Lausche] asked questions that really went to the very heart of the problem and the issue here.

I would like in outline form, and as quickly as I may, to indicate the action of the committee and the processes of thought and investigation that went on.

The period involved is the period from July 1960, through December 1965, and I might refer Senators to page 11 to page 23 of the report, which covers the matter of travel, and also to two stipulations. One is the stipulation contained in volume 2 of the hearings, pages 863 through 865, and the other stipulation is contained in the supplemental stipulations which are found on pages 1015 and 1018.

During the period involved, the committee made a study of approximately 80 trips, as the Senator from Connecticut correctly stated this morning. From that point, we sought to determine how many of the trips involved a claim which had been made against the Senate. From the records of the disbursing office, it was determined that of the 80, some 26 trips represented claims against the Senate or the subcommittee.

The next step was to seek to determine, once the issue of the so-called double billing had been framed, how many of those 26 trips represented an occasion—either through the nature of the trip, in a geographical sense, or the timing involved—a dual performance, so to speak; how many were conducted for Senate business. The committee makes no issue of that whatsoever, as the Senator correctly stated. The committee sought to find out how many of those trips were on Senate business but also involved a personal appearance by the Senator. That was determined to be in the number of 10. The figure that resulted was seven. Seven were represented, by the committee report, as supporting the resolution—seven out of 10, which is a great distinction between seven or a fewer number out of some 80 trips that might have been taken.

There were seven on which there were double payments representing the Senate and also private organizations.

In the stipulations I referred to on pages 1015 and 1018, there are six additional trips—they are not in issue—which did represent some evidence of a course of conduct, or a pattern, as the Senator referred to it this morning. Six trips were taken, and payment was received not only from the private organizations involved, but also from the campaign funds of the testimonial account.

So we had seven out of 10, by our estimate, and then the six additional.

In this regard, I make an oblique reference to the kind of evidence—the kind of persuasive evidence—the committee used. This has been discussed here. I believe that the committee, wherever a cause to question or a doubt was created, gave the Senator from Connecticut every consideration, and we increased the burden of proof upon ourselves.

As an illustration, I refer to a trip to Los Angeles in February 1964. A voucher for this trip was submitted to the Subcommittee on Juvenile Delinquency, which paid an air fare from Baltimore to Los Angeles to Baltimore in the sum of $320.78. That is found on page 1016 of the second volume of the hearings. Also, the Los Angeles Junior Chamber of Commerce paid Senator Dodd air fare in the amount of $320.78. Also, a check was drawn against the testimonial account for Mrs. Dodd—we assume Mrs. Dodd—in the amount of $280.72.

So the question in regard to this particular trip was that if Senator Dodd had received payment from the subcommittee and also from the junior chamber of commerce, it was another case of so-called double billing involving Government expense; or, if that were not so, then it was a payment for Mrs. Dodd's travel, and that would represent the dual proposition, in which payment was made from the testimonial account and also from a private organization. Resolving that, we simply struck it out. We did not use it as one of the seven examples of the 10 to which I have referred.

That is an illustration. There are two others, but I shall not go into them because, in all fairness, I believe one illustration can prove the point.

Actually, the real, hard core of the evidence relied upon by the committee, as I recall, and about which we held many discussions, rested fundamentally on the stipulations themselves. I have referred to the stipulations. We were bound to consider the time of payment.

There has been some discussion as to whether payment from the private organizations was made prior to the payment on the Senate vouchers. This morning, the Senator from Connecticut made the point that the vouchers were signed at the time the airline tickets were issued. It does not seem to me to make a great deal of difference whether the voucher was signed and then payment was received from the private organization and then payment came in later on the Senate subcommittee voucher.

In any case, the time of payment does not make so much difference, but the fact is that both were paid, the private organization payment coming undoubtedly to the Senator himself. Evidence indicated the deposit in his private checking account at Riggs National Bank.

In that regard, the committee was bound to consider that six of the nine Senate vouchers were signed by Senator Dodd—or so we understood until today, when the affidavit came in indicating that the signatures were not those of Senator Dodd.

We take into account mistakes made, we take into account the record indicating that on several occasions the wrong credit card was used and correction was made, and in so considering are bound to wonder why other mistakes were not so corrected.

As to the statement of credibility of O'Hare himself, actually, the fundamental evidence, to repeat, rests in the stipulations. One crucial point relied upon heavily is that O'Hare testified that Senator Dodd directed him to make double billings. Senator Dodd testified that this was not the case, that it was not true. But in regard to O'Hare's ineffectiveness and sloppy bookkeeping, the committee was bound to consider the fact that he worked in the office for 4½ years, received an increase in salary during that time, received positions of greater responsibility, and had worked under the supervision—or at least the annual audit—of a CPA, Mr. Nichol, who came to Washington from Hartford, Conn.

I believe it is an oversimplification, based on the record that I have very briefly sketched, to reduce this matter to a question of believing the word of Senator Dodd or believing the word of Michael O'Hare. I have very briefly gone through a rather complicated set of circumstances and facts. I did want to make that statement.

I thank the Senator for yielding to me for that purpose, and would submit a question to him as to whether he would like to respond.

Mr. DODD. This morning I referred to the six trips which he also billed to the campaign fund. Certainly I did not need it, at a time when it was pretty hard to raise money. I believe I said he had a penchant for erroneous billing which was typified in this instance. Why in the world he did it I do not know, but I know he did. Those airline bills came in and he did not take the time to look through them and find out which trip was which. He shipped the entire thing off and they had no way to know which bill was which. That is the way that bill was paid up there. I am not clear as to whether I understood the Senator's point about the Los Angeles trip. Mrs. Dodd did go. The junior chamber of commerce there asked her to go. I do not know whether I submitted that letter to the committee but they did write a letter saying that that was a fact.

Mr. PEARSON. There is no issue made of that.

Mr. President, will the Senator yield further?

Mr. DODD. Yes, I yield.

Mr. PEARSON. I cited that trip to show, wherever a doubt was involved or a question raised, that it represented, I thought, somewhat of a manifestation of the burden of proof we placed on ourselves.

Mr. DODD. I am sorry. I did not hear the Senator.

Mr. PEARSON. It represented a manifestation of the burden of proof or the degree of proof we placed on ourselves, and I think it is evidence in some sense of the fairness we sought to show throughout the hearing.

Mr. DODD. I want the Senator from Kansas to know that I do not charge any member of this committee with being unfair and I never have. My only complaint has been that this is misunderstood. I know the members of the committee too well in the sense that I know what kind of Senators they are and what kind of men they are. I have never suggested that, but I have suggested only this morning, I think it was, that I just cannot understand how, looking at O'Hare and looking at me, the committee could believe O'Hare when he said, "Dodd told me to do it." That is the nub of this matter.

I do not know whether there have been such areas in other Senator's travel bookkeeping over the years or not. Perhaps I am the only one to whom it has ever happened. However, it seems to me that the whole core of this matter is whether I am telling the truth or whether Mr. O'Hare is telling the truth. I cannot see it any other way.

While I am on my feet and discussing this matter, I think it would be a good idea for the Senate to set up an audit committee for the audit of Senate travel accounts everywhere. If we had such an audited account this would never have happened. Someone could come around and say, "Look here, Dodd, you made so many trips. Let's see your books and check it out."

I would like to see that done.

I think what happened to me can happen to others. That was the whole thrust of my statement. But I am most anxious to have it understood that I do not think for a minute that the Senator from Kansas or any member of the committee was unfair to me.

Mr. MANSFIELD. Mr. President, if the Senator is finished I would like to propound a unanimous-consent request.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. MANSFIELD. I yield.

Mr. STENNIS. Mr. President, I wish to address a question to the Senator from Connecticut.

I do have some questions I would like to ask you, Senator.

Mr. DODD. Fine.

Mr. STENNIS. But there will be a special matter here at 4 o'clock.

Mr. DODD. I know.

Mr. STENNIS. Frankly, I have to get a little additional data.

Mr. DODD. I shall do anything the Senator wishes.

Mr. STENNIS. I understand. I shall do it later in the debate.

Mr. DODD. I shall be at the disposal of the Senator at any hour.

Mr. STENNIS. I thank the Senator.

PROGRAM—ORDER FOR RECESS—ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, in view of the fact that no one is ready to speak at the present time or ask questions, due to the shortness of the period of time between now and 4 p.m., we ask unanimous consent that the 2-hour limitation on the conference report on the extension of the Selective Service Act begin at 3:15; that the 2 hours remain the maximum time, to be equally divided between the senior Senator from Massachusetts [Mr. Kennedy] and the distinguished chairman of the committee [Mr. Russell], and the time to take no longer than 2 hours.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MANSFIELD. Mr. President, the yeas and nays will still hold.

The PRESIDING OFFICER. Yes.

Mr. MANSFIELD. Mr. President I ask unanimous consent that when the business of the Senate is completed today it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY SELECTIVE SERVICE ACT OF 1967

The Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1432) to amend the Universal Military Training and Service Act, and for other purposes.

Mr. KENNEDY of Massachusetts obtained the floor.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. Kennedy] has 1 hour and is recognized under the time limitation.

Mr. KENNEDY of Massachusetts. Mr. President, I know this has been an extremely long day involving the consideration of Senate Resolution 112, one of the most important matters that the Senate has considered in recent time. I know the membership has been extremely attentive in listening to the debate going on over the entire matter.

I shall not take an unusual amount of time. I think, depending on the distinguished chairman of the committee, I would not take more than 15, 16, or 17 minutes, which I state for the information of the Senate.

I would hope that Senators would possibly stand by. There are a few matters I would like to cover, and I do not expect to take an overly long time in my presentation.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and I ask attachés of the Senate to please ask all Senators to come to the Chamber, because this time may be shortened considerably, and there will be a yea-and-nay vote.

The PRESIDING OFFICER. From whose time will the quorum call be taken?

Mr. MANSFIELD. The time of both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that beginning now, instead of the 2-hour limitation, there be a limitation of 30 minutes on the conference report, the time to be equally divided between the distinguished Senator from Massachusetts and the distinguished Senator from Georgia. That will be a total of 30 minutes—15 minutes to a side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. KENNEDY of Massachusetts. Mr. President, let me say, for the benefit of the distinguished Senator from Georgia, that I should like briefly to review the highlights of the reservations I have about the conference report. Then I propose that, should the conference report be rejected, that the conferees be sent back with an instruction; namely, that extension of the Selective Service Act be restricted to 1 year. That would be the only instruction.

Mr. President, I had the opportunity Monday last to review a great many questions and reservations I have about this conference report, points which distinguish it from the bill as passed by the Senate. But, rather than going through a detailed account, I will review briefly my objections.

Mr. MORSE. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY of Massachusetts. I yield.

Mr. MORSE. I do not quite understand

the proposal the Senator is going to make. Do I understand correctly that he is going to ask the conferees to go back to conference with an instruction that they seek to get a modification that will extend the draft for 1 year. But will they extend the draft for 1 year on the basis of the conference report, or on some desired modifications of the conference report, if the conferees can get agreement?

Mr. KENNEDY of Massachusetts. My position would be that we would instruct them to extend it on the basis of the agreement made in conference. As regrettable as I think that agreement is, we would extend that agreement for the period of 1 year, and 1 year only.

There are many other instructions which could readily be made, but I believe, realizing the limited time we have to debate, plus the exigencies as to termination of the Selective Service Act, a 1-year extension would at least give us a chance to review in considerable detail—next year—a number of questions which have come up.

Mr. MORSE. Mr. President, will the Senator from Massachusetts yield to me for 1 more minute?

Mr. KENNEDY of Massachusetts. I yield.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 1 minute.

Mr. MORSE. I think that would be regrettable because I do not see why those of us who recognize and believe there are gross injustices in the conference report, so far as the Selective Service Act is concerned, should not instruct the conferees to seek to take up with their House counterparts the suggestions which have been made for modifications to the draft, to seek, if they could, to get them to agree to some modifications.

I am going to ask unanimous consent to put a few telegrams in the Record which I have received, since the Senator and I discussed the draft on the floor of the Senate the other afternoon, on the position taken by a good many civil rights groups in this country pointing out that the conference report is going to lead to great civil rights objections. We have plenty of civil rights problems in this country without adding the conference report to the fuel. There are those who think there should be legal counsel representation in regard to conscientious objectors which, for the first time, we are denying to them.

I want to cooperate with the Senator and, of course, he leaves me no choice but to go along with what he directs; but I do not think we should give them instructions to bring back a conference report except to seek to get a limitation for 1 year.

I think the conference report is so bad that it should be rejected on its demerits. Therefore, the Senator puts me in a very difficult parliamentary situation.

Mr. President, I ask unanimous consent to have two telegrams printed in the Record. They are typical of the rising tide of objections to the conference report. If the Senate passes it in its present form, then I want to say that we are heading for some serious trouble in the months ahead in regard to the Selective Service Act.

There being no objection, the telegrams were ordered to be printed in the Record, as follows:

Armonk, N.Y.,
June 14, 1967.

Senator Wayne Morse:

The proposed selective service legislation reported back to the Senate by the conference prohibits the changes that the National Advisory Commission thought essential to a fair and efficient draft and which President Johnson accepted. As chairman and members of the commission we urge you to support those efforts in the Senate to limit the life of the bill so that reform is possible in the near future.

Burke Marshall.
Thomas S. Gates.
Rev. John Courtenay Murray.
John A. McCone.
Mrs. Oveta Culp Hobby.

Wabur, Wash.,
June 14, 1967.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.:

Urge your vote for recommital of S. 1432 for purpose of limiting draft law extension to one year. This would give Congress more time to study defects. Among many inequities NAACP is concerned about failure to prohibit racial discrimination in appointment of selective service boards.

Clarence Mitchell,
Director, Washington Bureau, NAACP.

Mr. KENNEDY of Massachusetts. Mr. President, I am not familiar with the telegram which the Senator has received, but I would like to read into the Record some telegrams which I have received which are related to the matter before the Senate.

The telegram I am about to read was sent to me by Burke Marshall, who was Chairman of The National Advisory Commission on Selective Service; also Thomas S. Gates, Jr., former Secretary of Defense and now chairman of the board of the Morgan Guaranty Trust Co.; Mrs. Oveta Culp Hobby, former Secretary of Health, Education, and Welfare and now editor and chairman of the board of the Houston Post; John McCone, former Chairman of the Atomic Energy Commission and Director of the CIA; and Father John Courtenay Murray, professor of theology at Woodstock College. All of these distinguished Americans have served on the National Advisory Commission.

The telegram reads:

The proposed selective service legislation reported back to the Senate by the conference prohibits the changes that the National Advisory Commission thought essential to a fair and efficient draft and which President Johnson accepted. As chairman and members of the commission we urge you to support those efforts in the Senate to limit the life of the bill so that reform is possible in the near future.

Also, Mr. President, I want to read a telegram I received from Kingman Brewster, president of Yale University, and a member of the National Advisory Commission:

Conference bill would seem to compound both uncertainty and inequity of the draft. National security and public confidence in both legislative and executive concern for fairness will be impaired if executive is not permitted to reform classification and selection in direction of National Advisory Commission report. Strongly urge renewal of present legislation in preference to conference bill.

Here is one from John Stillman, national chairman of the American Veterans Committee:

AVC urges vote against draft conference report as step backwards. We prefer original Senate bill.

Mr. President, I have other telegrams on this subject, one of which I ask unanimous consent to have printed in the Record.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

Washington, D.C.,
June 13, 1967.

Hon. Edward Kennedy,
U.S. Senate,
Washington, D.C.:

Urge your vote for recommittal of S. 1432 for purpose of limiting draft law extension to 1 year. This would give Congress more time to study defects. Among many inequities NAACP is concerned about failure to prohibit racial discrimination in appointment of Selective Service boards.

Clarence Mitchell,
Director, Washington Bureau, NAACP.

Mr. KENNEDY of Massachusetts. Mr. President, since Monday last, I have inquired of a number of different agencies of the Government as to their reactions to the conference report.

At this time, I ask unanimous consent to have these letters printed in the Record. They are available to every Senator, and I would ask those now in the Chamber to examine them.

There being no objection, the letters were ordered to be printed in the Record, as follows:

The Deputy Secretary of Defense,
Washington, D.C., June 14, 1967.

Hon. Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Senator Kennedy: You have requested our comments on several questions which have arisen in connection with consideration of the Military Selective Service Act of 1967. I am pleased to provide you with the views of the Department of Defense on these questions:

1. *Do you agree with the essential principles of the random selection system described to the House and Senate Armed Service Committees by General Hershey?*

Yes, we do. General Hershey outlined a procedure in his testimony based on a random selection of birthdays as the means of establishing the order of induction among individuals who are equally qualified and available in the designated prime age class. On May 9, 1967, we responded to General Hershey's request for our comments on this plan and advised him that the basic elements of the plan appeared to be simple, understandable and feasible.

2. *Would the fair and impartial random selection (FAIR) plan permit men already in the pool to receive reclassification prior to induction?*

Yes. We testified during the hearings that, just as today, men would be subject to reclassification at any time before induction for bona fide reasons, such as physical unfitness, extreme hardship, enlistment into a Reserve component, etc.

3. *Would the FAIR system in conjunction with the young age class tend to discourage*

voluntary enlistment and officer procurement?

We have given this question very careful consideration and, as you know, responded several times to it during the hearings.

It is our considered judgment that military recruitment would not be adversely affected. Today most enlisted volunteers join the Armed Forces before or shortly after reaching age 19. Historically, this has been the period in a young man's life when he is most likely to volunteer for military service. Under the FAIR system, young men would not only be permitted but encouraged to enter volunteer programs up to the point of induction just as at present. Also, Class I-D deferments would continue to be provided to persons entering ROTC and other officer programs, and to those participating satisfactorily in Reserve programs. Moreover, other college students will not be subject to selection under the FAIR system until graduation, and will then be available as a source of procurement for officer candidate and similar programs. With no change in these policies, it is our judgment that the number of entrants into volunteer programs of all kinds would not be appreciably different from that which is obtainable under the present system. Under either system, it seems to us that the principal determinant will be the size of draft calls—that is, "draft pressure."

4. *Does the FAIR system require that draft quotas be set on a National basis instead of on the present State and local quota basis used today?*

No, it does not. The FAIR system can be carried out without any change in the present state and local quota system.

5. *Does the elimination of most graduate student deferments have any bearing on when the FAIR system should be installed?*

We believe that this well might be the case. We estimate that as many as 100,000 college graduates who would normally be going directly into graduate schools each year will lose their deferred status next year under the new policies. If the present system is continued, most if not all of these men would be drafted immediately, and for several months nearly all draftees would be college graduates under the present oldest first system. Under the FAIR system, they would have an equal exposure along with all other Class I-A men, and be called in proportion to the total needed in the order of their random selection.

6. Why do you believe that the FAIR system would be considered more equitable by young men than a system of calling those men nearest to age 20 each month?

From our point of view, as the recipient of men from Selective Service, either system will provide the number of men needed each month. Our concern is to provide the most equitable system—that which will give each man an equal chance to be selected or not to be selected. We believe that the FAIR system provides the greatest degree of equity.

There are two main problems of equity in a system which selects each month's draftees from those nearest to age 20. First, this procedure will inevitably result in concentrating draft liability disproportionately among men born in certain days of the month—that is, those men nearest age 20 at the time each local board prepares its draft list. Second, this procedure would penalize some men more than others, because draft calls vary widely from month to month—as much as 100% or more. This is due to the fact that the draft is used to make up the difference in the number of men needed each month, after allowing for voluntary enlistments and reenlistments. But, volunteering is seasonal. Thus, under the system of calling those nearest to age 20 in a given month, men born in November (a low volunteer month) are likely to have twice the chance of being drafted as men born in January (a high volunteer month). The same would be true for men born in April or May (low volunteer months) versus those approaching age 20 in June or July (high volunteer months).

The FAIR system would, in an objective and impartial manner, determine each man's order of draft vulnerability, regardless of the day of the month each draft board prepares its draft list and regardless of monthly fluctuations in draft calls. We believe, therefore, that FAIR is a planned and orderly system of random selection, whereas the oldest first within a specified age group would prove to be a haphazard method of selection which could be very confusing to the public.

7. *Why is it preferable to leave the authority for developing the detailed rules of any selection system to the president rather than requiring that such a system be written into statute?*

The Selective Service System is massive and must be sensitive to current changes in the supply and demand for men. The primary reason for the success of our Selective Service System has been the flexibility allowed to the President to prescribe and revise rules governing classification and selection. We are entering a period when the number of young men reaching draft age each year will normally be far in excess of the number needed for military service. Hence, we need to develop and operate a new system which can be promptly adjusted based on experience. We do not believe that this can be done if the rules are rigidly embedded in law. We do not believe that the public would wish to see long delays in improving or adjusting our selection procedures such as might occur if the only method of doing this were by statute or revision in statute.

We appreciate this opportunity to submit our comments on these important questions.

Sincerely,

CYRUS VANCE,
The Deputy Secretary of Defense.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., June 14, 1967.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: In accordance with your request, I am writing to express the serious concern of the Department of Justice with certain statutory changes that would be made by the Conference Committee version of S. 1432, the Selective Service extension bill. These changes affect the Department's responsibilities for handling the prosecution of offenses and other legal activities. Certain other changes in existing law which had been contained in the bill as passed by the House were discussed in my letter of June 1, 1967 to the Chairmen of the Conference Committee, and those changes were modified or eliminated in the Conference version.

A brief discussion of the points of concern to the Department in the Conference Committee version of the bill follows:

1. *Inhibition on litigating discretion.* Section 1(12) of the bill as passed by the House and section 1(11)(b) as recommended by the Conference Committee would require the Department of Justice to proceed with any prosecution or appeal requested by the Director of the Selective Service System, or to notify the Congress in writing of its reasons for not doing so.

This is a novel provision. The Department of Justice is charged with analyzing the strengths and weaknesses of particular criminal cases as subjects for successful prosecution or appeal. In principle, it is unsound to inhibit the professional judgment of experienced prosecutors by subordinating that judgment to the views of the administrator of a particular program. In practice, application of this provision would divert effort from expeditious handling of cases to the preparation of justifications, and possibly lead to disclosure of prosecutive and appeal standards to the detriment of the deterrent effect of the criminal sanction.

Moreover, this provision would set a harmful precedent with respect to other agencies with whom we occasionally differ in litigating judgment. Such a provision would have an impact contrary to recognized standards of professional relationships between the Government's attorneys and their agency "clients," as well as a tendency to interfere with Executive discretion. It should be deleted from the bill.

2. *Precedence for draft law prosecutions.* The same section of the bill would also tighten the requirement of the Act that the courts give precedence to the trial of selective service prosecutions.

Unquestionably, it is desirable that draft violators be prosecuted promptly, particularly in time of armed conflict. However, it simply is not practical to demand that the courts give absolute priority to the disposition of any one class of criminal cases regardless of the urgency or importance of other pending matters. Nor is it feasible to demand that immediate hearings be held in all cases. Many factors affect the order in which individual cases are brought to trial—whether the defendant is being held in custody, availability of witnesses, possible impact of one case on other cases pending, and so on. Those who are responsible for bringing cases to trial, and the courts, must have some latitude.

Accordingly, we suggest that the purpose of this provision, to express a sense of urgency on the part of the Congress, might more effectively be stated in relative terms. For example, the sentence in question might be reworded as follows:

"Precedence shall be given by every court of the United States to trials, appeals, and other proceedings in cases arising under this title, it being the intent of Congress that the courts shall advance all such cases on the docket for immediate trial or hearing to the maximum extent consistent with the interests of justice and the effective discharge of their business."

The foregoing comments are essentially similar to those set forth in my discussion of the same points in my letter of June 1, 1967 to the Chairmen of the Conference Committee.

Sincerely,

RAMSEY CLARK,
Attorney General.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
June 14, 1967.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: In response to your request for information about the impact of the Selective Service amendments relating to PHS commissioned officers serving in the Peace Corps, the Food and Drug Administration; and other departments and agencies outside the Public Health Service:

The impact will be very severe. The House amendments of Section 6(a)(2) of the present Act remove the exemption from military registration and service all those physicians who are commissioned officers of the Public Health Service but who are on detail to the Peace Corps, the Food and Drug Administration, the Office of Economic Opportunity, the Departments of Agriculture, Housing and Urban Development, Commerce, Defense, Interior, State, Labor and the National Aeronautics and Space Administration.

The Public Health Service has been the major source of medical support for many health programs in the Federal Government, chiefly because of the difficulty in obtaining health manpower through the methods of recruitment and employment available to the Federal agencies. The health programs in these agencies have been developed and maintained by cooperative agreements with the PHS.

As you know, the House amended and the Conference Committee accepted a provision that those officers currently on duty and those in receipt of orders by the time the bill becomes law will retain their exemption. While we appreciate the delay in effect, it does not provide us with any solution to the problems that will be created.

FOOD AND DRUG ADMINISTRATION

In order to fulfill the Food and Drug Administration responsibility to the consumer relative to new drugs and a drug inspection program, the Commissioner indicated that increased manpower was necessary. He further informed the Secretary of HEW that his efforts in the recruitment of these personnel had been unsuccessful. Therefore, the Secretary approved, effective July 1966, the assignment of 62 Public Health Service physicians to the Food and Drug Administration. Without these physicians the program of processing new drug applications will be seriously hampered. For example, it is estimated that processing times for these applications—which is now approaching the statutory limit of 180 days—may be increased by at least 60 to 90 days. This will adversely affect both the health of the public and the economics of the drug industry.

PEACE CORPS

In the Peace Corps medical program about 130 Public Health Service physicians provide medical care and supervision to some 12,600 volunteers in 52 countries around the World. About 90 percent of the Public Health Service commissioned physicians have Selective Service obligation. The efforts of the Peace Corps to recruit physicians by other means for this work have been unsuccessful. The Public Health Service physicians overseas are the primary medical support to the volunteers usually assigned to remote areas in developing countries. We are advised by the Peace Corps that it is extremely doubtful that volunteers can be recruited without assurance to themselves and their families that medical care will be available.

OFFICE OF ECONOMIC OPPORTUNITY

The loss of Public Health Service medical support would have serious repercussions for this agency and would substantially impair an excellent cooperative relationship which has been in existence for over a year.

Many of the PHS officers hold major positions of responsibility in OEO health programs. Their presence has facilitated coordination and programmatic relationships with the Public Health Service as well as other parts of DHEW.

Were this arrangement no longer possible, it could cause serious problems in the cooperative arrangements among Federal agencies and would impair coordination of the total Federal health effort on behalf of the poor of this country.

In each of the other agencies I have mentioned, fewer numbers of physicians are involved but the impact of the Conference Report will still be very grave. Each agency will be faced with a serious dilemma. No alternative source of physicians is now available. Developing alternative sources will almost certainly require substantial funding and new legislative authority. More important, alternative sources of manpower for these agencies will require substantial time for implementation. For example, if we had the authority and the funds (which we do not) to begin recruiting beginning medical students this fall for Federal service upon their graduation, we would wait at least five years before a single physician became available through that source.

DEFERMENT

There have been suggestions that a Presidential deferment for physicians serving in these programs would offer some relief. In our opinion, it would not. A physician is draft-obligated until he is 35 years of age. There is very little reason to suppose many physicians would be interested in voluntarily serving two or more years in Federal agencies, only to face two more years of compulsory military service to fulfill a Selective Service obligation.

There has also been a conference amendment exempting PHS commissioned officers serving in certain agencies—such as the Environmental Science Services Administration of the Department of Commerce—from service because the commissioned corps of their agency would become a military service in time of war. In fact, every commissioned officer in the Public Health Service faces this same prospect. Section 216 of the Public Health Service Act clearly authorizes the President to declare the commissioned corps of the Public Health Service a military service in time of war or emergency. If the obligation to serve in military service applies to all PHS commissioned officers—and it does—and if that obligation is a reason to exempt some officers—and we agree that it is—then it is a reason to exempt all such officers.

STATE AND LOCAL HEALTH DEPARTMENT ASSIGNMENTS

There is considerable confusion over the application of the Conference Report to PHS officers assigned to State and local health agencies. Over the years, the Public Health Service has assigned health personnel to help State and local governments carry out both Federal and State health programs. These assignments currently include some 150 physicians. Over 90 percent of them have a draft obligation. They are working in such fields as venereal disease control, tuberculosis control, immunization activities and epidemic intelligence.

If we are unable to support these programs with individuals having Selective Service obligations, many vital public health measures now being conducted by the States and their subdivisions would have to be curtailed. For example, of the 93 physicians now engaged in control of such communicable diseases as tuberculosis and venereal disease, 90 are draft obligated. Of the 10 physicians assigned to assist States in Medicare and Medicaid implementation, 8 are draft obligated. Of the 44 assigned to assist State and local heart disease, cancer, and neurological disease programs, 42 are draft obligated. Clearly, the fulfillment of draft obligation by these physicians through service in these cooperative health programs is a major factor in developing and maintaining essential public health programs with the States.

We share the concerns of the Congress that the present methods of supplying medical manpower to Federal agencies should be reviewed and new methods developed. As you are aware, the National Advisory Commission of Health Manpower is presently considering the problems of personnel resources for public as well as private segments of our society. Their report to the President is due in September. We have been working closely with the Commission and we are hopeful their findings and recommendations will provide the basis for an orderly revision of current manpower resource development and a long range solution to our health manpower problems.

But until the Commission reports—or until other methods of recruiting manpower are developed and implemented—the Selective Service amendments as adopted by the Conference Committee are neither equitable nor workable. They simply cut off a major medical manpower resource without offering any alternatives to the affected agencies.

Sincerely,

Philip R. Lee, M.D.,
Assistant Secretary for Health and Scientific Affairs.

Peace Corps,
Washington, D.C., June 14, 1967.

Hon. Edward M. Kennedy,
U.S. Senate.

Dear Senator Kennedy: At the request of your office, I want to bring to your attention pertinent facts regarding the Peace Corps medical program and the likely effect on it of enactment of the present bill to extend the draft.

One hundred and twenty-five Public Health Service physicians detailed to the Peace Corps serve in 52 countries where the safe water supply is limited, diseases are endemic, and sanitary conditions are rudimentary. These Peace Corps physicians, whose average age is 27.5 years and whose average salary is $10,000, are trained to recognize and treat the tropical and other diseases peculiar to the areas where 12,653 Volunteers are presently serving. Sparse medical facilities, poor and undependable communications systems, slow surface transportation, and large distances necessitate considerable travel by the Peace Corps physicians for curative and preventive medical support.

The Peace Corps physician manages all aspects of direct medical care for Volunteers, including the performance of annual and termination medical examinations, the administration of immunizations and inoculations, the provision of health education information, and the performance of site surveys prior to the Volunteer's arrival. He maintains a medical office complete with adequate supplies and drugs and the necessary laboratory facilities. He arranges the occasional medical evacuations of Volunteers to the United States, the Canal Zone, or Europe.

Without desiring to over-dramatize the magnitude of the health problems facing our Volunteers, I do want to give one example of the importance of having an American physician available to the Volunteers. In Calcutta, prior to the arrival of a Peace Corps physician, 15% of all Peace Corps Volunteers were hospitalized for an average of two weeks.

Within six months after the Peace Corps physician's arrival, the hospitalizations were reduced by 90%. This resulted in considerable savings in time and cost, and a considerable increase in the Volunteers' well being.

If the present bill to extend the draft is enacted, Public Health Service physicians not under orders by June 30, 1967, to report to the Peace Corps will not be exempted from military service. Given the present draft situation, it is likely that a substantial number of these physicians perhaps would not have an opportunity to serve with the Peace Corps on a deferment basis. Without these PHS physicians, our best guess is that we will succeed in attracting only a relatively small number of other doctors to serve overseas.

At this point, we cannot accurately estimate our ability to establish an adequate health program for Volunteers overseas based almost entirely on local medical facilities and physicians. We do know, however, that at a minimum such a program will sharply increase the cost of providing high-quality health care and, as indicated above, would greatly increase the amount of time Volunteers would spend away from the job.

Thus, the present bill will deprive the

Peace Corps of its only basic source of qualified medical doctors, significantly alter the level of necessary health care always promised and furnished Volunteers, and deal the whole Peace Corps program a fundamental blow.

With best wishes,

Sincerely,

JACK VAUGHN.

OFFICE OF ECONOMIC OPPORTUNITY,
Washington, D.C., June 14, 1967.
Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: This letter is in response to your inquiry concerning the effect on the health programs of OEO were U.S. Public Health Service commissioned officers detailed here to be withdrawn.

The loss of these physicians would impede our health efforts in a major way. USPHS physicians are helping poor urban and rural communities to develop Neighborhood Health Centers which bring to those less fortunate of our citizens the wonders of modern medicine, often for the first time. Without this help the Tufts University Medical School would probably not have been able to develop such Centers in Columbia Point, Massachusetts or Mount Bayou, Mississippi. With their help, the University of Southern California School of Medicine is about to open such a center in Watts; the Boston University School of Medicine is about to do the same in Roxbury; other medical schools and health organizations are about to do the same in the Hough Area of Cleveland, the rural communities of Appalachia and twenty-one other communities of need throughout the land.

USPHS doctors are helping to mobilize the medical resources of this country in assisting the 100,000 Job Corps boys and girls, 80% of whom have not seen a physician or dentist before. They are helping to train VISTA Volunteers to work in health programs in rural areas of our country where medical personnel are scarce.

Were they no longer to help in this way, the loss would really be a loss felt by hundreds of communities in this country which now receive technical assistance from these young physicians.

The need is great. The United States now ranks 14th in the nations of the world in infant mortality rates. And it is the deprivation of the poor that makes our record such a shame. These young men are helping us to fight *this* war and to prevent the casualties we have been suffering here at home.

I understand this legislation would also cut the Peace Corps off from receiving these Public Health Service physicians as well. This would mean that the 125 physicians caring for the health of Peace Corps Volunteers around the world would no longer be available. This would be a great blow to the Peace Corps. Its health record has been tremendous. Less than 1.4% of its Volunteers have had to come home for medical or psychiatric reasons. This record would not have been possible were it not for these physicians.

But the health of the Volunteer is not the only issue. The loss of these doctors would deprive the 52 developing countries in which the Peace Corps works of the technical assistance these physicians give to the development of health programs in these countries they so sorely need.

In addition, like the Peace Corps Volunteers themselves, these young doctors become interested in our health problems here at home as a result of their experience overseas. Scores of them have expressed an interest in helping us in the anti-Poverty program when they return to the United States and many are working with us already.

I certainly hope the Congress will give careful consideration to any action which would limit this nation's efforts at home and abroad to bring that most basic of human rights, the right to life itself, to the poor who have had their lives whittled away for so long by poverty and disease.

Sincerely,

SARGENT SHRIVER,
Director.

Mr. KENNEDY of Massachusetts. I direct the attention of Senators to the letter from the Deputy Secretary of Defense, and refer to page 2 of his letter. I want to make it extremely clear so that everyone in the Senate understands what it will be doing if the conference report is adopted, with regard to all the young people in this country presently in college.

The conference report has placed restrictions on the extension of graduate student deferments. According to the Defense Department's letter, there will be approximately 100,000 young men graduating from college each year who, under the new policies of the conference report, would no longer be deferred, but instead who would be drafted first. This is because we must continue to take the oldest first from within a prime age group. This prime age group is now 19- to 26-year-olds, and if some graduate student deferments are terminated, but not all, then those whose deferments are terminated will almost automatically be the oldest, and they will automatically be the first to go.

If we adopt the conference report, in effect what we will be asking for will be the automatic induction of all those boys who graduated from college this past June, except for those entering dental or medical schools.

I should like to read an excerpt from the letter from Secretary Vance, which comments on this point:

> We estimate that as many as 100,000 college graduates who would normally be going directly into graduate schools each year will lose their deferred status next year under the new policies. If the present system is continued, most if not all of these men would be drafted immediately, and for several months nearly all draftees would be college graduates under the present oldest first system.

This is just one illustration of the grave problems that I think are suggested by the conference report. I have some other, general questions with regard to college and graduate school deferments, but directing our attention to this bill this afternoon, this is the point we must focus on.

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

Mr. KENNEDY of Massachusetts. I yield.

Mr. DOMINICK. I am not clear as to the point the Senator from Massachusetts is making, because it is my understanding that the conference report recommends that we go to the youngest first, not the oldest first.

Mr. KENNEDY of Massachusetts. I want, if I may, to clarify what I think is a semantic problem. The conference report commits us to the retention of a system which determines order of induction by age, oldest first and then on down to the youngest. This selection system can apply to any age group, and the one to which it applies first is called the "prime age class." The existing prime age class is the 19- to 26-year-olds. The President—and almost without exception, everyone else who has studied the matter—has recommended that the prime age class be restricted to the 19-year-olds. The conference report does not restrict the President from ordering that the 19-year-olds be the prime age class.

But until the 19-year-olds are determined to be the prime age class, as of June 30 we have this situation: We must take the oldest first from within a given age class. If, for example, we were to move to the 19-year-olds, this will pose all kinds of additional problems, which I would like to discuss in just a minute. But I am talking about the effect of this bill as of July 1.

Mr. DOMINICK. Would it be possible, under this bill as of July 1st, for the President to direct that changes be made the following day?

Mr. KENNEDY of Massachusetts. Yes. He could make recommendations that the 19-year-olds be taken first. But according to the House committee report, we have too many 19-year-olds for our needs. So, on that and other authority, we would be selecting some, but not all, of the 19-year-olds.

How are we going to reduce that number? That is the nub of the National Advisory Commission's inquiry. How are we going to figure out how to take some, but not others? The Commission recommends the FAIR system, to which the distinguished chairman of the Armed Services Committee said he did not object. There was a suggestion that we might use birthdates.

If we look to the 19-year-olds, we will have too many young people for them all to be needed by the draft. If we look to the 19-year-olds, rather than the 19- to 26-year class—which I think we should—then we have to have the FAIR system. That has been rejected by the conference.

There has been an outright prohibition which prevents the President from doing——

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. Has the time been reduced by action of the Senate?

Mr. KENNEDY of Massachusetts. Mr. President, how much time do we have, in toto?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that 30 minutes be set.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that we have enough time to discuss this matter.

Mr. MANSFIELD. No. I ask unanimous consent that the unanimous-consent limitation be extended to 30 minutes a side.

Mr. SYMINGTON. I say, with all respect to the distinguished majority leader, that a good many millions of Americans are interested in this. I am a member of the Armed Services Committee and have listened to all the testimony. I have been a conferee on the bills. Still the point the Senator from Massachusetts is bringing up at this time is not too clear to me. I would like to ask him some questions.

The PRESIDING OFFICER. Is there objection to the request that the time be extended 30 minutes on each side?

Mr. MANSFIELD. Altogether.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY of Massachusetts. Mr. President, I yield myself 3 more minutes. I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I will make a brief statement and then ask a question of the Senator.

When we first considered the original bill in the Senate Armed Services Committee, there had been a great deal of criticism that under the current system boys who were better off were going to college and those from less fortunate families were going to war. A Member of Congress made a talk in which he said the last 30 draftees in his district came from families whose incomes were less than $5,000 annually. As I remember, we also heard criticisms by some well-known college presidents that college deferments were being used as a method of completely avoiding military service. We investigated that allegation and found that criticism was not correct so far as undergraduates were concerned.

Our study showed that 74 percent of high school graduates went into the military service, and 71 percent of college graduates with bachelor degrees went into military service. In effect, there was no difference in the point of service between college graduates and high school graduates.

But we did find a sharp reduction in the number of graduate students who served. This seemed to justify the criticism made by some university officials. In fact, we found that the number of college students who went into the military service dropped from 71 percent for college undergraduates to 27 percent for graduate students.

If these figures are correct, I would ask my respected and distinguished colleague if he sees any benefit in shifting around and taking a number of college graduates, as against the 19-year-olds.

Mr. KENNEDY of Massachusetts. We had a chance to talk about this the other day.

I have my own feeling about college deferments. I think in a peacetime situation, we should extend college deferments broadly. But in a war situation, such as Vietnam, when we are suffering casualties, I think that policy ought to be reviewed. I have very real problems in favoring continuation of college deferments under the present situation, but that is a purely personal opinion.

I want to analyze what is in this report. As much as I would enjoy exploring this specific argument with the distinguished Senator from Missouri, it is not relevant to what I was saying about this report. To get back to it, I think the particular point made by Secretary Vance in response to a question about the effect of this bill on the some 100,000 American boys who graduated from college this past June, is valid. This is one of the real questions I have with the bill, and one of the reasons I feel we should send it back.

I would next like to refer my colleagues' attention to the letter from the Attorney General.

Mr. MILLER. Mr. President, will the Senator yield on that point?

Mr. KENNEDY of Massachusetts. We have very limited time. I would like to get these two or three points into the RECORD. Then I shall be glad to yield for questions.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. KENNEDY of Massachusetts. I yield myself 4 minutes more.

I would refer the attention of Members of the Senate to the letter from the distinguished Attorney General. It has been made part of the RECORD. I would like to review parts of it:

> In accordance with your request, I am writing to express the serious concern of the Department of Justice with certain statutory changes that would be made by the Conference Committee version of S. 1432, the Selective Service extension bill. These changes affect the Department's responsibilities for handling the prosecution of offenses and other legal activities.

It then discusses the inhibition on litigative discretion in section 1(11)(b) of the report:

> *Inhibition on litigating discretion.* Section 1(12) of the bill as passed by the House and section 1(11)(b) as recommended by the Conference Committee would require the Department of Justice to proceed with any prosecution or appeal requested by the Director of the Selective Service System, or to notify the Congress in writing of its reasons for not doing so.

After outlining the effect of the bill, the letter gives the Attorney General's opinion of it:

> This is a novel provision. The Department of Justice is charged with analyzing the strengths and weaknesses of particular criminal cases as subjects for successful prosecution or appeal. In principle, it is unsound to inhibit the professional judgment of experienced prosecutors by subordinating that judgment to the views of the administrator of a particular program. In practice, application of this provision would divert effort from expeditious handling of cases to the preparation of justifications, and possibly lead to disclosure of prosecutive and appeal standards to the detriment of the deterrent effect of the criminal sanction.
>
> Moreover, this provision would set a harmful precedent with respect to other agencies with whom we occasionally differ in litigating judgment. Such a provision would have an impact contrary to recognized standards of professional relationships between the Government's attorneys and their agency "clients," as well as a tendency to interfere with Executive discretion. It should be deleted from the bill.

The Attorney General discusses another aspect of the report which deals with a provision for absolute precedence for draft law prosecutions:

> *Precedence for draft law prosecutions.* The same section of the bill would also tighten the requirement of the Act that the courts give precedence to the trial of selective service prosecutions.
>
> Unquestionably, it is desirable that draft violators be prosecuted promptly, particularly in time of armed conflict. However, it simply is not practical to demand that the courts give absolute priority to the disposition of any one class of criminal cases regardless of the urgency or importance of other pending matters. Nor is it feasible to demand that immediate hearings be held in all cases. Many factors affect the order in which individual cases are brought to trial—whether the defendant is being held in custody, availability of witnesses, possible impact of one case on other cases pending, and so on. Those who are responsible for bringing cases to trial, and the courts, must have some latitude.

The Attorney General then suggests alternate language which accomplishes the same end without upsetting established judicial doctrines:

> Accordingly, we suggest that the purpose of this provision, to express a sense of urgency on the part of the Congress, might more effectively be stated in relative terms. For example, the sentence in question might be reworded as follows:
>
> "Precedence shall be given by every court of the United States to trials, appeals, and other proceedings in cases arising under this title, it being the intent of Congress that the courts shall advance all such cases on the docket for immediate trial or hearing to the maximum extent consistent with the interest of justice and the effective discharge of their business."

So we have the opinion of the Attorney General on two extremely important matters affecting the Federal court system as well as the relationship between the heads of the various agencies and the Attorney General. He is expressing his quite serious concern about it.

A third letter I have here is from the Peace Corps. What we would do by the passage of the conference report is take away doctors which, under our present system, the Public Health Service provides for the Peace Corps, as it does the OEO and a number of other programs. First of all, I should like to read what Mr. Jack Hood Vaughn has written to me about the effect of this act on the Peace Corps:

> Without desiring to over-dramatize the magnitude of the health problems facing our Volunteers, I do want to give one example of the importance of having an American physician available to the Volunteers. In Calcutta, prior to the arrival of a Peace Corps physician, 15% of all Peace Corps Volunteers were hospitalized for an average of two weeks. Within six months after the Peace Corps physician's arrival, the hospitalizations were reduced by 90%. This resulted in considerable saving in time and cost, and a considerable increase in the Volunteers' well being.
>
> If the present bill to extend the draft is enacted, Public Health Service physicians not under orders by June 30, 1967, to report to the Peace Corps will not be exempted from military service. Given the present draft situation, it is likely that a substantial number of these physicians perhaps would not have an opportunity to serve with the Peace Corps on a deferment basis. Without these PHS physicians, our best guess is that we will

> succeed in attracting only a relatively small number of other doctors to serve overseas.

Let me read the last paragraph of that letter, and then ask you to read through the rest of it yourselves, if you would.

> Thus, the present bill will deprive the Peace Corps of its only basic source of qualified medical doctors, significantly alter the level of necessary health care always promised and furnished Volunteers, and deal the whole Peace Corps program a fundamental blow.

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. KENNEDY of Massachusetts. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. KENNEDY of Massachusetts. I yield myself 3 more minutes.

Another letter is from the Department of Health, Education, and Welfare, in reply to my request for their reactions to this report:

> In response to your request for information about the impact of the Selective Service amendments relating to PHS commissioned officers serving in the Peace Corps, the Food and Drug Administration; and other departments and agencies outside the Public Health Service:
>
> The impact will be very severe.

Then, going down further on page 1, the Department discusses the Food and Drug Administration.

> In order to fulfill the Food and Drug Administration responsibility to the consumer relative to new drugs and a drug inspection program, the Commissioner indicated that increased manpower was necessary. He further informed the Secretary of HEW that his efforts in the recruitment of these personnel had been unsuccessful. Therefore, the Secretary approved, effective July 1966, the assignment of 62 Public Health Service physicians to the Food and Drug Administration. Without these physicians the programs of processing new drug applications will be seriously hampered. For example, it is estimated that processing times for these applications—which is now approaching the statutory limit of 180 days—may be increased by at least 60 to 90 days. This will adversely affect both the health of the public and the economics of the drug industry.

The Department also discusses the disruption to the programs of the Office of Economic Opportunity, and this discussion should be read in conjunction with that in the OEO letter itself.

There is, further, the discussion of PHS doctors being assigned to State and local health departments. It is my understanding that this assignment will no longer be available to physicians with draft obligations.

The OEO, the Food and Drug Administration, the Agriculture Department, the Peace Corps, the Federal Water Pollution Control Agency, and other programs are frozen out. They will no longer have the services of PHS doctors.

Mr. President, these are very significant letters I have received with regard to the attitudes of the various agencies of our government, on the particular aspects of the report which most concern them. I reviewed in detail, on Monday last, my general apprehensions concerning the whole program. I have a lengthy speech here, which I have not yet had a chance to read. But on these questions, I would hope the Senate would return this bill to conference, with the one instruction that we limit the extension of the draft to just 1 year, and that we take that opportunity to examine both this bill and the other recommendations, with a view to achieving the kinds of reforms in the Advisory Commission's report, the Mark Clark report, and the Defense Department study.

Mr. MILLER. Mr. President, will the Senator yield for a question now?

Mr. KENNEDY of Massachusetts. I would like to see, first, how much time I have remaining.

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. KENNEDY of Massachusetts. I will yield on other time. I wish to withhold the remaining time I have. There have been other Senators who indicated they wanted to speak.

My friends, this is where we started on Monday evening. That is one of the reasons we wanted to have a complete review and discussion of this matter. We were restricted at that time to this amount of time. It is an unfortunate situation we are in. I regret this as much as does the Senator from Iowa.

Mr. MILLER. Mr. President, could the Senator from Georgia allow me a minute or two?

Mr. RUSSELL. Mr. President, I would be glad to, but I have been requested by members of the conference for more time than I have available.

Mr. SYMINGTON. Mr. President, I again ask unanimous consent that we be given enough time to discuss a matter that involves millions of Americans.

The PRESIDING OFFICER. How much time does the Senator request?

Mr. SYMINGTON. I ask unanimous consent that 1 hour be allotted on each side.

The PRESIDING OFFICER. One hour additional time?

Mr. SYMINGTON. Thirty minutes additional time on each side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. RUSSELL. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. RUSSELL. Mr. President, I have listened with great interest to the impassioned plea of the distinguished Senator from Massachusetts; and I may say that while I appreciate the complimentary things he had to say about the original bill, I do not think that the bill before the Senate at the present time is nearly as bad as the Senator indicates he thinks it is. As a matter of fact, Mr. President, this bill is a vast improvement over the existing law, and that would be true were it for only one particular: Under the existing law, a young man lives from 18½ to 26 years of age in much uncertainty about the operation of the draft. He cannot be sure of any plan, whether it is matrimony, or taking a job, or going to school, without undertaking to relate it to that 7½-year span during which he is susceptible to the draft.

Under this bill and the regulations the President will promulgate, there will be a 12-months' period of prime liability. That one aspect of this bill should offset all the nitpicking about the effect it will have upon the Department of Justice, and these incidental matters.

Mr. LAUSCHE. What is the primary responsibility?

Mr. RUSSELL. That is the most important issue, as I see it, before the Senate here now.

I am as interested in the telegrams from distinguished members of the Commission who made a report on this bill as is the Senator. I note, however, that I have received no objection from them; so their objections undoubtedly were made in response to the request of the Senator from Massachusetts. The letters he received from the departments stated they were in response to his request.

I cannot be amazed that the members of the Commission support their report. I find nothing to amaze me, or cause great consternation, that the Attorney General, or the officers who expressed contrary opinions to some provisions of this bill, still hold to their positions. But we have come to a sad pass in this country, my fellow Senators, when we are bound to copy, to the last word, comma, and period, the recommendations of a Commission. We might as well do away with Congress, and let the President appoint Commissions to pass the laws that will regulate the lives of the people of this land.

Mr. President, I, of course, understand the position of my friend, the senior Senator from Oregon [Mr. MORSE], who said he is violently opposed to the report. He was opposed to the original Senate bill, that the Senator from Massachusetts said was such a wonderful work of art.

I find nothing in his position which is inconsistent or surprising to me in the slightest degree.

The Senator from Massachusetts has secured statements from some of the same persons who came before the committee and expressed the same views before the bill was passed. He now says that, because they still cling to their original opinions, the Senate ought to reject the conference report.

I say that is a very poor basis for rejecting a conference report.

Mr. President, I have very grave doubt about the validity of this 1-year instruction that the Senator says he will move to include in the measure.

The House bill provides for 4 years. The Senate bill provides for a 4-year extension of the draft.

Where will we find ourselves if we send the measure back to the House? We would have to take the provision for the 4-year extension out of both bills and insert a 1-year extension.

It is my view that such a conference agreement would be subject to a point of order in either body and that it would be out of order.

Mr. President, I understand that the Director of Selective Service is likely to recommend to the President a regulation that none of the provisions of this act dealing with graduate students should be retroactively applied and therefore should not affect anyone who is now a student.

I have no apologies to make whatever for the other provisions of the bill relating to graduate students.

These provisions would let the President of the United States prescribe regulations that would permit graduate students that are essential to the defense of this country and to the health of its people—persons studying to be doctors, dentists, atomic scientists and the like—to continue their graduate work.

I receive hundreds and thousands of letters from all over the United States relating to the draft.

The thing that has subjected the Selective Service Act to the most criticism all over this country has been the practice of a small handful, a very small handful, of graduate students who transfer from graduate degree to graduate degree until they have deferred themselves into a state of practical exemption.

We did try to restrict that practice, and I am proud of it.

I am surprised that the Senator from Massachusetts would find anything to criticize in that. It is a loophole that should have been closed. It should have been closed earlier by regulations.

The conference report attempts to correct that fault by providing that the National Security Council must study the question and make recommendations as to those graduate degrees that it considers to be vital to the national security of the country. That Council is the arm of the Government that advises the President in these military matters.

Mr. President, at the cost of repetition, I want to say that the objections to the conference report are vastly overstated.

I would have preferred the Senate bill, naturally. Most people prefer their own creation to that of anybody else. But we operate with two Houses in the Congress, and the other body has some participation in these matters.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. SYMINGTON. With regard to the closing of the opportunity to avoid military service through graduate work, is it not true that first we agree that with few exceptions, no further deferments would be granted after a college student received his baccalaureate degree or reached the age of 24? In addition, the National Security Council would have the right to advise that deferments be made for graduate students in professional studies determined to be essential to the national interest.

Mr. RUSSELL. We undertook to tighten this up and to restrict the fields in which deferments for graduate work are authorized.

We recommend that the President should have the power to issue regulations and to limit graduate deferments to those that are essential to the protection of the country.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. HOLLAND. Does the bill at present not also provide that baccalaureate graduates revert to the age period at which they shall be eligible for the draft and would go back to the 19-year-old age bracket?

Mr. RUSSELL. Yes. I think the Senator from Massachusetts mentioned that in his remarks. Those who pass the age of 19 can take advantage of one of the educational deferments to seek a baccalaureate degree. Then, either when they receive that degree, which is about the average age of 22, or when they reach the age of 24, if they happen to be working 6 months and going to school for 6 months, as some of them are compelled to do, or if their schoolwork is not good enough and they drop out of school, they are eligible to be drafted. They then are placed in the 19-year-old age bracket regardless of how old they are. They take their position with the 19-year-olds. That procedure should avoid any favoritism being granted to any person by reason of a deferment to obtain education.

A student should not escape one whit or tittle his liability to the military service to the United States.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MILLER. Mr. President, the Senator will recall that the Senator from Massachusetts read from a letter from the Deputy Secretary of Defense to this effect: "We estimate that as many as 100,000 college graduates who would be normally going directly into graduate schools each year will lose their deferred status next year under the new policy."

The fact that they leave their deferred status does not mean that all of them will go into the service.

Mr. RUSSELL. Not necessarily, because they may not take all those that qualify. That is the principal argument to be made for the so-called random system.

Mr. MILLER. We had testimony that about one in seven of those who were eligible would go into the service.

I hope that the Senator from Massachusetts was not trying to convey the impression that 100,000 of these men, because they left their deferred status, would automatically go into the service.

Mr. RUSSELL. That assumption by the Deputy Secretary of Defense is not correct.

If the President allows any deferments whatever by regulation, we know as a practical matter that he will make deferments for doctors and dentists and persons of that nature that are essential to the national defense.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. LAUSCHE. What argument has been made about deferring doctors who are now connected with, let us say, Peace Corps work, from service or help maintain the health of military men?

Mr. RUSSELL. Mr. President, I have touched on that and I discussed it at some length the other day.

The House provision denied any military credit for doctors who serve other than in the Armed Forces or our National Institutes of Health or the Public Health Service.

We opposed that provision in the conference as being too stringent. The Congress has tried to limit credit for military service to the uniformed services, such as the Armed Forces, the Coast and Geodetic Survey, the Coast Guard, and organizations of that kind that are called into being and action in the case of war.

In addition, the conferees agreed to permit Public Health Service doctors serving with the Bureau of Prisons to receive military credit because the Bureau can hardly employ a doctor owing to the dangerous nature of the work, the remoteness of some prisons, and other undesirable conditions of work. The conference agreement would confine credit to those who have historically been allowed credit for their military service by virtue of serving in a uniformed organization or in the Bureau of Prisons. And the other agencies were eliminated, the Peace Corps, the Department of Agriculture, and the Office of Economic Opportunity.

Mr. LAUSCHE. In the Foreign Relations Committee, when the Peace Corps was established, questions were put at great length to the proponents of the Peace Corps concerning whether service in the Peace Corps would grant deferment in the military service.

Those who were expounding the advisability of establishing the Peace Corps in effect said that under no circumstances will service in the Peace Corps be allowed to be used as an excuse to keep from serving in the military.

The record will clearly support the statement I have made.

In my opinion, as between serving as a doctor in a foreign country and in the Peace Corps, in my judgment, it is preferable that he shall serve as a doctor for our men who are injured in the battlefield or who are otherwise serving in the Army or the Navy.

Mr. RUSSELL. There was some strong feeling in the conference—and I have no hesitancy in mentioning names. The Senator from Missouri [Mr. SYMINGTON] was one of those who stood out very vigorously for deferment of those in the Peace Corps. The determining factor for some was that the Peace Corps was established on the premise that there are many altruistic, humane-minded young people in this country who were willing to make sacrifices to serve humanity all over the world.

Now, were we to single out young doctors and say, "Because you are a doctor, you are not willing to make your contribution along with the teachers, along with the scientists, along with the public health advisers, along with the women who are going all over the world to improve the lot of underprivileged." It would be a reflection, as I see it, on the young men who were studying medicine, to say that out of all the Peace Corps, "You are the only ones who do not go and serve, unless you are given credit for your military duty by your service overseas." No one serving in other capacity in the Peace Corps gets that credit.

Mr. President, I repeat that this legislation is under a deadline. We will not get a 1-year extension of the draft if the report is rejected and sent back to the committee. It may become so hopelessly entangled that the authority to induct will expire on the 1st of July. We only have about 15 days left.

Some Senators who have served in the other body know it is not as easy to take up a conference report there as it is in the Senate. A very slight delay could endanger the entire legislation. Notice has already been served that 39,000 young men will be selected next month under this draft bill. If there is a hiatus in the draft authority, they will not be selected.

If this bill gets in the position of being killed or where the draft authority is even suspended for a month or two, I think that the half-million young Americans in Southeast Asia are not going to be very greatly impressed with an argument against a section in this bill directing the Department of Justice to give priority to the prosecution of draft evaders. Why should it not give priority to the prosecution of draft evaders in a time like this?

Mr. LAUSCHE. Is it in the bill?

Mr. RUSSELL. Yes. That is one of the great objections.

Any number of bills have been passed saying that the Department of Justice should give priority to various cases.

So I wish to say, Mr. President, that in my judgment, despite the very deep feeling of the Senator from Massachusetts and some of his colleagues, some of whom oppose any draft under any circumstances, the Senate would be taking a great risk by sending this bill back to conference to put a 1-year extension in the bill, since both the House and the Senate bills now provide for 4 years.

I yield to the Senator from Maine.

Mrs. SMITH. Mr. President, as ranking minority member of the Committee on Armed Services, I wish to associate myself with the remarks of the distinguished chairman of the committee, the senior Senator from Georgia.

I shall not add anything to his remarks except to say that I concur completely with him and his position.

I urge the Senate to approve the conference report now before us.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield 3 minutes to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, I support the conference report on S. 1432 and urge that the Senate adopt it.

A conference always requires a compromise between the views of the two differing bodies. While the bill arrived at in conference is certainly not the same as the bill which originally passed the Senate, the differences are not nearly as extensive as some would have us believe. The bill originally adopted by the Senate contained a minimum of changes in the basic law.

Much of the work that was done by the Committee on Armed Services of the Senate was in an advisory capacity, making recommendations to the President as to how his discretionary authority was to be implemented. Some of these items have now been written into the law, and this seems to me to be one of the basic objections of those opposing the conference report. In my own view, this is a strengthening of the law rather than a weakening of the system.

I have prepared a résumé of the basic changes in the law contained in the bill as it has been agreed to in the conference committee. Also, the résumé contains a brief description of some of the recommendations made by the Senate Armed Services Committee as to the implementation of areas where the President retains absolute discretion. I ask unanimous consent that this résumé be printed in the RECORD following these remarks.

There being no objection, the résumé was ordered to be printed in the RECORD, as follows:

RÉSUMÉ OF CHANGES IN SELECTIVE SERVICE LAW

CHANGES IN PRESENT LAW

1. Changes name from Universal Military Training and Service Act to Military Selective Service Act of 1967.

2. Extends basic law for four years—July 1, 1967, to July 1, 1971.

3. Insures liability to draft for selectees who delay induction through litigation beyond age 26.

4. Directs National Security Council to advise Director of Selective Service on occupational and student deferments.

5. Any change in method of selecting inductees, such as FAIR or lottery system, would require act of Congress.

6. Allows enlistment in Reserve or National Guard any time up to day of induction. (Previously, could not enlist in Reserve or National Guard after receiving notice of induction.)

7. Subjects alien doctors and dentists to draft up to age 35, on same basis as U.S. doctors and dentists.

8. Ends deferments for Public Health Service officers who are assigned to the Peace Corps, Food and Drug Administration, Department of Agriculture and OEO.

9. Requires President to continue undergraduate deferments until graduation or attainment of age 24, if work is satisfactory, unless needs of Armed Forces require curtailment or termination of such deferments. Authorizes President to grant graduate deferments for medical, dental and certain essential subjects, and authorizes limited occupational deferments for highly skilled persons who have completed graduate study. Urges nationwide uniformity in classification criteria whenever practicable.

10. Test for conscientious objectors is based only on "religious training and belief" and does not include "essentially political, sociological, or philosophical views, or a merely personal moral code." Eliminates test of an individual's belief in a relationship to a Supreme Being, and the requirement for a hearing by Department of Justice on appeal from local board's denial of conscientious objector status.

11. Allows Reserve personnel not on active duty to act as appeal agent.

12. Prevents judicial review of classification by local board except as defense to criminal prosecution.

13. Changes name of clerk of local board to "Executive Secretary."

14. Requires semiannual reports to Congress from Director of Selective Service.

15. Gives precedence on both trial and appeal to cases arising under Military Selective Service Act.

16. Requires Department of Justice to prosecute all cases recommended by Director, or advise Congress of reasons for not doing so.

17. Allows call-up of individual Reservists not satisfactorily participating in, or assigned to, a Reserve unit, if full Reserve obligation not discharged.

RECOMMENDATIONS AS TO IMPLEMENTATION

1. Expressed no opposition to President's plan to reverse order of induction from age 26 to age 19.

2. Recommended apprentice deferments in critical occupations on same basis as undergraduate deferments.

3. Recommended retention of state quota system of meeting military manpower needs.

4. Expressed opposition to eliminating local boards and creating a centralized bureaucracy to perform their functions.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY of Massachusetts. I yield myself 5 minutes.

I wish to address myself to a number of questions.

First, I do not believe that the comments made here, and the opinions presented in the respective letters, are nitpicking. They are significant, they are substantive, they are based upon comments which are made in analyzing the conference report. They deserve the attention of the Members of the Senate.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield.

Mr. RUSSELL. Were they not made on the solicitation of the Senator from Massachusetts?

Mr. KENNEDY of Massachusetts. I inquired—the record should be clear—of the respective agencies for their comments on the particular provisions of the conference report. I believe that whether those comments were addressed to the Senator from Massachusetts or to any other Member of the Senate, they would be identical.

As a matter of fact, I refer to the last paragraph of the letter I received from the distinguished Attorney General:

> The foregoing comments are essentially similar to those set forth in my discussion of the same points in my letter of June 1 to the Chairman of the Conference Committee.

These were available to the conference, and they have been made available to all Members of the Senate as well.

Mr. RUSSELL. I am not complaining about the Senator's using those views. They conform to the testimony submitted to the committee. But I did say there is nothing amazing in the fact that these officials hold to their opinion.

Mr. KENNEDY of Massachusetts. My colleague is not, I am sure, saying that the heads of these agencies would do anything but express their best judgment on the question.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield.

Mr. MORSE. I spoke against the conference report the other day. We have plenty of time before the Selective Service Act expires, and my hope is that we will reject the conference report, and we can go back to conference, to see what the able Chairman can work out in conference. If he cannot work out anything, he can come back to the Senate and give us the final report.

In view of the evidence the Senator from Massachusetts has put into the RECORD, the wires that I have put into the RECORD, the serious problem that I believe this bill will create in the field of civil rights if it is adopted, as well as the point I made the other day, we should give it another try in conference and see what agreement can be reached with the House conferees, if any, and bring back the final bill at that time.

If you adopt the conference report in its present form, you will have only yourselves to blame for the trouble you will be in the months ahead because of the great weaknesses in the conference report.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield.

Mr. SYMINGTON. As the able Senator from Massachusetts knows, this bill is a compromise between the attitudes of the Senate and the House. He points out that he was satisfied with the Senate bill.

I believe that those of us who participated in the conference should present the fact that on Senate views the chairman of the conference, the Senator from Georgia, was persistent. In fact, on one particular point, in which I happen to know the Senator from Massachusetts has been interested for many months, we held out 3 days and finally got a much better compromise than if the position of the House had simply been accepted.

Mr. KENNEDY of Massachusetts. I appreciate the comment made by the distinguished Senator from Missouri.

I have nothing but the highest regard for the chairman of the committee and the work that was done by him and the members of the committee.

But I know the pressures on the committee. I know the House conferees were adamant. I know the concern over other pending Senate business.

I believe, however, that these areas I am discussing are significant and substantive.

I wish to review one other area.

Mr. DOMINICK. Mr. President, will the Senator yield for a series of questions?

The PRESIDING OFFICER (Mr. MONDALE in the chair). Does the Senator from Massachusetts yield?

Mr. KENNEDY of Massachusetts. Mr. President, I shall yield in a moment, but first I wish to make one point.

One of the differences between what was in the Senate report and is not in the conference report is how we are to consider apprentices in on-the-job-training programs. It was my feeling, and it was testified to before the distinguished chairman of the committee, that if we were to extend college deferments, we should give deferments to those boys throughout the country who are enrolled in bona fide on-the-job-training programs and apprenticeship training programs; that they should not be interrupted, as it is today. The Senate bill devotes much attention to this question. I commend the Senate committee because it sympathized with this problem and included that language in the report.

The House report and the conference report contain no reference to apprenticeship training programs, except the reference made in the formal presentation, much as I think the chairman and other members of the committee would have liked to have it in there.

In the formal presentation, the Senator from Georgia [Mr. RUSSELL] made a statement—I refer to page 15424 of the RECORD of June 12, 1967—that the National Security Council would be able to advise the President as to who can be deferred and who cannot be deferred.

The distinguished Senator from Georgia said:

> Other parts of the bill vest the National Security Council with the responsibility for advising the Selective Service System on student, apprentice, and occupational deferments.

I read the conference report to the extent that unless the National Security Council is going to find, under the definition of national security, health, and welfare what I consider a fundamental question of equity—that is, that we should treat the boy in the apprenticeship program the same as the boy studying drama in a liberal arts college—and make a finding on the basis of national consideration, then the apprenticeship program, I say with the greatest respect, is removed from the conference report.

These are some of the areas and some of the points I have sought to bring out this afternoon. They are not so much my reflections only; they have been brought out also by the Attorney General, the Department of Health, Education, and Welfare, and the Peace Corps. It can be said that the Peace Corps is voluntarism, but Public Health officers attached to the Peace Corps, in order to function in a proper capacity abroad, should have the best facilities available to them. I do not think we are questioning the concept of voluntarism if the boy is not going to be healthy.

I would remind the Senator that I have a letter from HEW. It points out it is not only the Peace Corps; it is the Office of Economic Opportunity, the Agriculture Department, and the Food and Drug Administration. All of these agencies and State and local clinics are working under public health auspices. I think the best possible way in which we could proceed would be to return to conference just for the 1-year extension.

I refer to page 4 of the letter we received from HEW:

> We share the concerns of the Congress that the present methods of supplying medical manpower to Federal agencies should be reviewed and new methods developed. As you are aware, the National Advisory Commission of Health Manpower is presently considering the problems of personnel resources for public as well as private segments of our society. Their report to the President is due in September. We have been working closely with the Commission and we are hopeful their findings and recommendations will provide the basis for an orderly revision of current manpower resource development and a long range solution to our health manpower problems.
>
> But until the Commission reports—or until other methods of recruiting manpower are developed and implemented—the Selective Service amendments as adopted by the Conference Committee are neither equitable nor workable. They simply cut off a major medical manpower resource without offering any alternatives to the affected agencies.

The Secretary of the Department of Health, Education, and Welfare says this program should be extended for a short period of time, as well.

I shall yield, but first I should like to know how much time is remaining.

The PRESIDING OFFICER. The Senator has 27 minutes remaining.

Mr. KENNEDY of Massachusetts. I yield myself 3 minutes.

Mr. DOMINICK. I wish to clear up a point I brought out before. Unfortunately, I had to leave the Chamber. I do not know whether other Senators have cleared it up in the meantime.

I understand that as the draft system now operates under the present law, the oldest are taken first. As the Senator from Georgia said, if one is between 18 and 26 years of age, he is in a state of flux and never knows when he will be called.

The report on the Senate bill recommended that 19-year-olds be taken first in order to get away from that problem, and that students who want to be deferred, be deferred until they receive their baccalaureate degree, or reach the age of 24, or flunk out. Upon the happening of one of those three things they are dropped into the pot with 19-year-olds and are eligible to be called.

Is it not true that the conference report provides for that in the form of legislation, as opposed to having it in the report?

Mr. KENNEDY of Massachusetts. That would not be done. I refer to page 10 of the House report.

Mr. DOMINICK. I refer to page 4. It appears in the legislation.

Mr. KENNEDY of Massachusetts. This language should be emphasized: "will in no way proscribe or inhibit the President in changing the priorities of various age groups for induction, nor will it preclude him from adopting the so-called modified young age system which would involve identifying the 19- to 20-year age group."

I completely agree with the Senator that the 19-year-olds should be taken first. I completely agree. This language would permit the President to do so. That is the interpretation of the Senator from Colorado. This language would permit the President to do so. The Mark Clark commission and the Department of Defense both agree.

I would remind the Senator of this one fact. The House conference committee report and the distinguished Senator from Georgia [Mr. RUSSELL] both recognized the fact that if the 19-year-old age group, were to become the prime age group, then there would be too many 19-year-olds.

Mr. DOMINICK. I fully understand

that. That is because there is not a need for that much manpower yet.

Mr. KENNEDY of Massachusetts. That is correct. This is the fundamental question. I support taking the 19-year-olds; but, as the chairman has pointed out, by doing so there will be too many eligibles. So it becomes necessary to devise a way of taking some and not others. That could be done by birthdays or by some other fair system. Either would be satisfactory to me.

But the conference report prohibits—absolutely prohibits—the President from implementing any kind of fair system. The only way it could be done would be by enacting new legislation. Everyone recognizes that if the act is to be extended for 4 years, neither the Senate nor the Committee on Armed Services is likely reconsider a random system in the immediate future, and certainly not by the end of this month, June 30.

Mr. DOMINICK. If we are to take the position of drafting the youngest first, which both Houses have said they think ought to be done, and as is also provided in the report beginning at the bottom of page 3 and continuing on the top of page 4 as a new legislative proposal with which the President could go forward, and it developed that there were too many, how would the men be selected? It would have to be done by birthdays, would it not?

Mr. KENNEDY of Massachusetts. How would it be done by birthday?

Mr. DOMINICK. That is the way it is done now.

Mr. KENNEDY of Massachusetts. The oldest would be taken first. That is exactly the dilemma in which I think many of us find ourselves. Let us assume it is decided to take the 19-year-olds first. We would start with the oldest rather than the youngest. Let us assume that that system were to go into effect today. That would mean that everyone of that age group who had a birthday a year ago yesterday would be the oldest.

Mr. DOMINICK. There could not be any more random selection than that.

Mr. KENNEDY of Massachusetts. No? If the President said that the system were to begin today, everyone would know that based on the day he was born in April or May in a given year, he would be excluded from the draft. That would work hardship, because in different months, different numbers would be called in the draft. If we said, "Let us do it in each month; let us do it by birthdays and take the oldest in January, the oldest in February, and continue in that way each month," then first of all, as the Department of Defense letters have shown, there would be seasonal fluctuations in calls by draft boards. More persons might join in January than in November. How would they be treated? Suppose there were much heavier calls in January and February. If it is said that men should be taken by birthdays, and selected at random, the simple point I make is that the bill prohibits the President from using any kind of random selection, either by birthdays or by lottery. It would not make any difference how that was done. But the report does provide that the President may select the youngest—the 19-year-old group—first.

The distinguished chairman of the Committee on Armed Services and the committee itself both indicate that there is a surplus of 19-year-olds. So the question is, How can some be taken when all of them are not needed? That was one question that was submitted to the Marshall Commission and the Clark Panel to answer for us. That is a problem which confronts us. I do not believe it is a fundamental problem; I merely think we have not come to an agreement.

Mr. DOMINICK. The Senator would still agree, would he not, that students who had deferments and who graduated would now be dropped into the pot with 19-year-olds, for determination of who would be chosen from that group?

Mr. KENNEDY of Massachusetts. Was the Senator talking about graduates?

Mr. DOMINICK. Persons who have graduated from an undergraduate college and have obtained a baccalaureate degree.

Mr. KENNEDY of Massachusetts. If, suddenly, the President were to say that June 30, the oldest would continue to be taken first but under the terms of the report we are considering, then it would take a finding by the National Security Council to eliminate the inequities. This is because the 100,000 mentioned here earlier who would be going on to graduate school, who would not fall under the deferment categories, would be the first ones drafted in July.

Mr. DOMINICK. With all due respect to the Senator from Massachusetts, it would appear to me from this language that those who graduate or those in graduate school, or whatever it may be, will form part of a pool out of which this group will be taken, which will include the 19-year-olds.

Mr. KENNEDY of Massachusetts. But the college graduates will be the oldest, will they not?

Mr. DOMINICK. I would presume so.

Mr. KENNEDY of Massachusetts. We are going to find that those in a graduate school will be the oldest, for the purposes of determining the order of induction. That is the problem.

I would refer the Senator to the letter written by Secretary Vance on this subject, because I have been talking considerably about this, and his letter states it very clearly. It is not just me saying it. Secretary Vance has also stated it. It is a part of the record.

Mr. LAUSCHE. Mr. President, will the Senator from Georgia yield to me, so that I may ask him one or two questions?

Mr. RUSSELL. I am very glad to yield to the Senator from Ohio. But first, Mr. President, how stands the time?

The PRESIDING OFFICER. Thirty-nine minutes remain.

Mr. RUSSELL. How is the time divided?

The PRESIDING OFFICER. The Senator from Massachusetts has 17 minutes remaining.

Mr. LAUSCHE. Which bills will best result in supplying doctors and dentists for the military men of our country serving overseas or within the country?

Mr. RUSSELL. The conference report would offer a greater assurance of medical men for the people in the armed services because it puts a restriction on civilian agencies to which Public Health Service doctors can be assigned and receive credit for their service as if it were military duty.

Mr. President, while I am dealing with this particular point, let me say that the civilian agencies do not have an impossible task of getting doctors. If there is any civilian agency that should argue for a military credit, it is the Veterans' Administration and its hospitals. They do not have these Public Health Service doctors assigned because they do not need it. The VA gets the doctors that it needs on the open market. The Peace Corps, the OEO, and all the other agencies, should be able to do the same thing.

Mr. LAUSCHE. Why did the conference report state that deferments shall not be granted to doctors and dentists in the agricultural division in the Peace Corps, in the poverty program, and other civilian programs, and declare that they should, first, be made to serve in the military?

Mr. RUSSELL. It was done for two reasons. It was not aimed at those agencies but it was an attempt to prevent the extension of all these allowances for military credit to any other civilian agency. Therefore, the conference report seeks to confine the crediting as military service to doctors in the uniformed services, with the single exception of the Bureau of Prisons which has been furnished Public Health Service doctors for years.

On these other civilian agencies that have been furnished Public Health doctors, we do not know whether they can hire physicians or not. They can try it and see. The President is authorized to grant an occupational deferment for physicians working for these agencies. But the conferees felt that the Congress should assert itself to the extent of saying that there must not be an unlimited crediting of service with civilian agencies as military duty.

Physicians and dentists have a special draft liability to age 35. The purpose is to assure a sufficient supply for the Armed Forces. Therefore, we did not feel we should leave the door open to permit any civilian agency to use an unlimited number of doctors and to take them away from the supply available to the Armed Forces.

Mr. LAUSCHE. If the conference report is not adopted, is it a fact that doctors and dentists and other specialists will be required first to serve the civilian agencies and can disregard the needs of the military in this country?

Mr. RUSSELL. The practice now is that physicians so assigned get the same credit for military service as a man in Vietnam.

Mr. LAUSCHE. But under the conference report——

Mr. RUSSELL. No. Not under the conference report.

Mr. LAUSCHE. That is, they will have to serve the military and that is why——

Mr. RUSSELL. Under the conference report, they do not get credit for military service for serving the civilian agencies.

Mr. President, there has been a good deal of discussion about the great trouble we can expect to have during the period of transition when a large number of older men will be dumped into the 19-year-old pool. There is ample law on the statute books dealing with that.

Everyone has been concerned about that problem. But, at the present time, there is on the books, because we did not rewrite the whole draft law, this provision:

> The President is authorized—

Notice how sweeping this is—

> from time to time, whether a state of war exists, to select or induct into the Armed Forces of the United States for training and service in the manner provided in this title—

Heed this—

> including but not limited to selection by age groups or age group, such number of persons as may be required, to provide and maintain the strength of the Armed Forces.

That gives him plenty of authority to apportion the burden during the first years of transition.

The President could determine, on the 39,000 draft proposed for the next month, if the Senate approves the conference report, that we will take 12,000 of the 19-year-olds. We will take 10,000 of those who have been thrown back from their graduate courses, which has been discussed here.

We are going to take the remainder from the 20-year-old group. He could distribute the call among several groups to equalize it.

But we are not going to solve all the transitional problems in the first year.

This is not a temporary thing. There will be more young men classified 1A than we will need for draft selection from this year on, unless we get into a deplorable conflict elsewhere on the globe.

This throwback, whether it is 100,000 or 200,000, whatever the number may be, should not result in their all getting a windfall. I think the President should select some, under this provision of the law, from that group in order to make some effort to equalize the service of our young people to their country in a time of danger. It cannot be done completely fairly, but we should do it as fairly as we can.

The Senator has referred to the Department of Defense. I think I am as familiar with the Defense Department as anybody around here. I have seen its officials come and go, and I have worked with them. Most of them are highly competent. But it happens that the Department of Defense has nothing to do with the administration of Selective Service. After a person is drafted, the Department has control over him, but until the time he is drafted, the Department of Defense has nothing with his selection. Such a decision is up to the draft boards and the laws that relate to the Selective Service System.

It is significant to me, in reading these communications here today, that we have not had anything from General Hershey objecting to this bill. He has not expressed any displeasure with it. He has not said it would cripple the Selective Service System. I suspect General Hershey knows as much about the subject as anyone here. I think I know a little about it, but he knows a great deal more than I.

I have a memorandum from the Selective Service System confirming what I said in the debate here on Monday—that there was no prohibition whatever, nor any contradiction to the Senate committee report's suggestion that apprenticeship deferments should take the same position as that of college undergraduates.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield.

Mr. PASTORE. The Senator from Massachusetts has argued that if we removed deferments for postgraduates, we would be putting those graduates into the 19-year-old pool. He has argued that if the President says that the oldest within the 19-year-old pool shall be called first, we would have more than would be necessary in the 19-year-old pool, and the responsibility would fall upon the graduates, because they are the oldest.

The Senator from Georgia is arguing that there is abundant law on the books under which the President has the discretion to say he will take 10,000 of the oldest who are 19 and 10,000 of the oldest who are graduates.

Mr. RUSSELL. Unquestionably. There is no question about it. We are not changing much of the permanent provisions relating to the Selective Service System. This bill does not repeal or amend all the basic law. What is necessary is an extension of the authority to induct. We sought to ameliorate some of the most glaring injustices. This is quoted from a part of the selective service law that would be unchanged:

> The President is authorized to * * * select or induct into the Armed Forces of the United States for training and service in the manner provided in this title, including but not limited to selection by age group or age groups * * *.

He can divide the call among age groups as he sees fit, and I assume he will. If I were President, I would issue an order to divide the calls for at least the first year to avoid having all those over 20 who are now deferred excused from liability as the price of changing the system to take the 19-year-olds first. I would certainly call some of the older group and some of the younger group. I would mix them up. We are not going to get away from that problem under this act, because there will be men who are 24 years of age falling back into the 19-year-old group when they finish college. They are, constructively, 19-year-olds as far as the draft is concerned. There should be a rollback or reversion of those with apprenticeship deferments and college deferments.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. JAVITS. I am a little troubled by the 1- to 4-year extension. I had an assistant monitor what was going on on the floor in my absence. He advises me that the Senator from Georgia had not addressed himself to the practicality of a 1-year extension. Sometimes it is argued that there would not be enough young men in the pool, or there might be other objections. I wondered if the Senator would address himself to the 1-year question.

Mr. RUSSELL. I have discussed that question on other occasions. I think it would create tremendous uncertainty all over the country, to start with. In the second place, I do not think it is parliamentarily possible, because both the House and the Senate bill provide for a 4-year extension. That is my own view. I understand the Parliamentarian may hold to the contrary. But there is a 4-year provision in the House bill and a 4-year provision in the Senate bill. Even if the House receded—which it would not do—and I would not insist on it—if I were instructed to insist on a 1-year provision, I would not serve as a conferee, but would ask that a Senator who favored such a provision serve as a conferee in my place.

Mr. JAVITS. I think there are grave imperfections in this bill. Very frankly, what deeply troubles me is the possibility of turning down this conference report on a draft bill, even if it were to be considered to be a bad bill, in view of the present posture of our Nation's foreign policy. Even if I did consider it to be bad, I would be worried about doing that. I wondered if the Senator, with his great experience, had some comment on that.

Mr. RUSSELL. There is no question that it would cause great confusion. I think it would cause misunderstanding on the part of those who are in the armed services. I do not agree with the Senator's conclusion that it is a bad bill. It is not a perfect bill, but it is an infinitely better bill than the law we are amending. It is a much better and fairer bill than the law we are amending.

Mr. KENNEDY of Massachusetts. Mr. President, if the Senator will yield.

Mr. RUSSELL. I yield.

Mr. KENNEDY of Massachusetts. If we extended beyond June 30 the present law—not the conference report—the President's recommendations could be put into effect. We know this, because it was the basis of the President's message to the Congress, in which he indicated he would do so. But now, under the conference report, there is specific language to prohibit him from making such adjustments.

Mr. RUSSELL. What is the Senator referring to?

Mr. KENNEDY of Massachusetts. The random selection.

Mr. RUSSELL. With respect to the random selection, I repeat, the President has stated that the random system should be started before the first day of January 1969; and if he will propose, or the Senator from Massachusetts, or any of the other advocates of the random selection system, will introduce a bill that is reasonable and provides for a fair and workable random selection, we can get a law long before the first day of January 1969. It is my idea that it would be done.

We had a firm agreement with the conferees of the other body that if the

President would propose something definite that deals specifically with the subject of random selection, when and how it shall be applied, we would give it immediate consideration. I am not opposed to random selection, I have said that all the way through.

Mr. KENNEDY of Massachusetts. This is really the basis of the reason I would like to have an extension of 1 year. We would be able to have that kind of adjustment and change. What we are talking about this afternoon is a 4-year extension. It is not even an extension of the present law, which would provide that, by Executive order, certain adjustments and changes could be made. We will, by adopting this report, be freezing the law for 4 years.

There are further substantive questions, some of which I pointed out on Monday. Just for an example——

Mr. RUSSELL. Mr. President, the Senator from Massachusetts has been over all that, and I have very little time. He has stated it all two or three times.

Mr. JAVITS. Mr. President, will the Senator permit me to ask one further question?

Mr. RUSSELL. The Senator from Indiana rose first. I yield to him.

Mr. JAVITS. I thank the Senator.

Mr. BAYH. Mr. President, will the Senator deal briefly with the means of choosing the individual within the 19-year-old pool and the graduate student pool? How would that be effectuated? As I understand, the Senator from Massachusetts is concerned about the equity of that situation. Could the Senator shed some light on it?

Mr. RUSSELL. Until the President comes up with a new system of selection, and that has been approved by the Congress, the boards will follow the custom for the last 18 years of taking the oldest first. That is the practice until now, and I assume that course will be followed in the future.

In other words, the oldest man within an age group would be reached first—say the President changes the prime group to age 19, and I hope he does as soon as this bill has been enacted—the oldest 19-year-old would be called first. We would follow that system for the time being, because the President has set January 1, 1969, as the date by which he hoped to institute a random selection system. That is over 18 months from today.

Mr. BAYH. Will the Senator yield for a further question?

Mr. RUSSELL. I yield.

Mr. BAYH. I do not mean to be picayunish about this matter——

Mr. RUSSELL. I understand; we are all concerned about the problem.

Mr. BAYH. The Senator discussed taking the oldest first; but is a new determination made of the age group in each calendar year, so that, if you are a young 19-year-old, and the calendar changes, they immediately choose a new group of 19-year-olds, or do you keep escalating on until you are at the top of the 19-year-old group?

Mr. RUSSELL. Under the present circumstances?

Mr. BAYH. Yes.

Mr. RUSSELL. You start at 26 and come down, under the present system, but the President has suggested a change, and it has been approved by both Houses—and I think it meets the approval of the Senator from Massachusetts—to start with age 19 and go up.

Mr. BAYH. What I mean is, the oldest of the 19-year-olds are eligible first?

Mr. RUSSELL. The oldest in the 19-year-old group, yes.

Mr. BAYH. That means that the ones with the greatest degree of probability of being drafted would be the ones born in December, November, and October, and the ones born in January, February, and March might well escape?

Mr. RUSSELL. No. Of course, they move as if on an escalator. When all the eligibles are not required, some of them could move on to age groups of diminishing liability. But as to those who are chosen, they do take the oldest first and come down. And I am not opposed to doing that; that is a logical system. A man cannot fix the date of his own birth; it is by chance. He is thrown into that position by the accident of birth.

But that system would be followed without regard to whether the motion of the Senator from Massachusetts fails or not. That system would continue probably until January 1, 1969, even if this bill just extended the present law. We discussed this random selection at length in conference, at great length, and spent more time on it than on any other single problem, because I did not like the House provision. But we practically invited the President to send up a proposal as early as possible, with the assurance by both groups of conferees, the ranking members on both the House committee and the Senate committee, that we would give it immediate consideration.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield.

Mr. PASTORE. When a graduate student is dropped down to the 19-year-old group, and he is not called, what becomes of him after everyone in the 19-year-old pool becomes 20 years old?

Mr. RUSSELL. After 1 year from the time he becomes a constructive 19-year-old, he moves out of the prime liability group.

Mr. PASTORE. Into his own age bracket?

Mr. RUSSELL. Yes.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield.

Mr. JAVITS. I liked the Senate bill. I do not want to be misunderstood on that score. However, the Senator and I had a discussion about racial discrimination on draft boards. One of the problems which concerned the Senator from Massachusetts, at least in his prepared text, is the fact that the conference report specifically states: "No citizen shall be denied membership on any local board or appeal board on account of sex," and he concludes from that that the legislative record will be silent on the issue of racial discrimination, and believes that we are derelict in that regard.

What I wish to ask the Senator is: Could the Senator repeat, as part of the legislative record in connection with the conference report, his assurance to the Senate, in response to colloquy with me, that it was not intended that the legislative record be thus silent, and that the committee will be vigilant on that score, and will respond to any complaints lodged with it?

Mr. RUSSELL. Mr. President, what the Senator from New York has quoted is the present law. Of course, the committee has no authority to enforce the law; but it is the intention of the committee—and I have no hesitation in stating it for purposes of legislative history—that there shall be no discrimination whatever in the selection of the boards.

The Senator understands, of course, that selections of draft board members are made by the President on the recommendations of the Governors of the several States. Dealing with the matter very frankly and clearly, so that nobody will be misunderstood, up until now, there have not been many of our Negro citizens on the draft boards. There are some being appointed at the present time.

I did ask Mr. Burke Marshall, who, as the Senator well knows, was head of the Civil Rights Section in the Department of Justice, if their examination—and they went into a large number of draft boards—revealed that there had been any racial bias in the selection of persons to be inducted. He testified before the committee that they had not found a single instance of it.

I do not say that that is any argument against having Negroes on the boards, but I can say it is a clear indication that they have not been abused in not being selected. He testified to that effect, as did all other witnesses before the committee.

Mr. JAVITS. The important thing to me is that the legislative history show that it is our intention that Negroes shall be fairly represented, and that whatever we can do within Congress, and certainly whatever the committee can do, it will do to see that that is the actual practice.

Mr. RUSSELL. The law provides that in the selection of persons for training and service; and, in the interpretation and the execution of the draft law, there shall be no discrimination against any person on account of race or color. In the last analysis, the President has to appoint the draft boards. But it is hard for me to believe that a man who has just appointed a Negro to the Supreme Court of the United States would hesitate to request a State Governor to give him the name of a Negro to serve on a selective service board.

Mr. JAVITS. With all respect for the Senator's views—which I know well—on the civil rights issue, I also know the Senator's views about the military. May we have some indication of the feeling of the committee, as the Senator sees his committee, that it will do its utmost to see that this present law is honored?

Mr. RUSSELL. Mr. President, I would not deceive the Senator from New York. I do not think that we have any jurisdiction in the matter. The Department of Justice might have some, because it involves the enforcement of a law. But I have stated the legislative intent as clearly as I know how, and I know of nothing else that this committee can do. The committee does not select the draft boards.

Mr. JAVITS. There is nothing in this conference report that changes that situation?

Mr. RUSSELL. There is nothing in the conference report that changes the law that in the selection of persons for service and that in the execution and administration of the law there shall be no discrimination on the basis of race or color.

Mr. JAVITS. I thank the Senator.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. KENNEDY of New York. As I recall from reading the Marshall Commission report, only about 1½ percent of the total membership of the draft boards in the United States is Negro.

Mr. RUSSELL. Perhaps the Senator from New York is correct. If the Senator goes back to about the time the draft was originated, he will find that there were not then many Negroes holding local office in certain sections of the country. If he wishes to thrash all of that old straw here, he is at liberty to do so.

People have been trying to adapt themselves and comply with the new order and conform, whether they believe in it or not.

I say that there has been an improvement.

I am perfectly willing to agree with the Senator's statement that until very recently there was a very small percentage of Negroes on draft boards. And I do not think such a condition was limited to the South. May I say that the State of New York was just about as bad with reference to abusing that provision of the law as was any Southern State.

Mr. KENNEDY of New York. I did not mention anything about a Southern State.

I said that the situation existing in the United States was that about 1½ percent of the membership of the draft boards was Negro.

The reason I brought the matter up is that because we are fighting a war and people are being killed, and it seems to me quite important that particularly at such a time, all people ought to have equal representation on the draft boards.

My colleague raised a question as to why the conference report should provide that there should be no discrimination based on sex.

I do not know why we did not also include a provision that there should be no discrimination based on color or religion. It strikes me as strange.

Mr. RUSSELL. It was only recently that we passed a law that there should not be any discrimination in employment because of sex.

Mr. KENNEDY of New York. I am not talking about that part of it.

Mr. RUSSELL. The world moves on, and I doubt if it serves any useful purpose to condemn us for things that might have happened in the past. I think it is much better to encourage movement forward in the future.

Mr. KENNEDY of New York. That is why I raised the question.

Mr. RUSSELL. That is not any new condition. We had the Selective Service Board during World War I and World War II and down to this good hour. It is no new condition. With respect to the composition of these draft boards, it has been more or less national in its aspect. This is something to which consideration should be given.

The President of the United States has the power to reject any recommendations for board membership made by any Governor in the United States.

Mr. KENNEDY of New York. I understand also from the Marshall report—and I have not read it for a month or so—that about 60 percent of the Negroes eligible for the draft are drafted which is much higher than the percentage for white people.

Mr. RUSSELL. I think that is very deceptive. I think it is a very unfair statement to be made without any footnote or explanation. The reason it is misleading is that a relatively smaller percentage of the Negro population qualifies mentally and physically for induction.

Some complaints have been made about the number of Negroes in the paratroop outfits and other organizations of that kind.

The number of Negroes in some combat units is disproportionate to their composition of the total population. However, many of these are volunteer organizations. It is a very natural thing to have many volunteers for units that receive extra pay for combat and hazardous duty.

Negroes have had less difficulty in advancing in the Army than in civilian life. That is the reason that there was a higher percentage of Negroes in those organizations.

However, if we take the overall military composition, including the Navy, Negro membership is roughly proportionate to the total Negro population of the United States.

Whether that is a condemnation of the Navy or an exaltation of the Army, the Senator can draw his own conclusion. That is a fact.

Mr. KENNEDY of New York. Am I correct in my understanding that approximately 22 percent of our casualties in Vietnam have been Negroes?

Mr. RUSSELL. I think that is a little high. I think it is about 20 percent. It may be over 20 percent if the elite combat units such as the 1st Air Cavalry, are considered. For example, I observed that outfit when it was trained before being sent to Vietnam. It had a very high percentage of Negroes, particularly among the noncommissioned officers.

I believe that over half of the noncommissioned officers in that outfit were Negroes. I am sure that is true for one of the paratroop brigades, which was heavily involved in the fighting in Vietnam and suffered very great losses.

The hard core of the Army that did the first fighting certainly had a much higher percentage of Negroes than the total number of Negroes in this country bore to our total population.

It was not, therefore, unusual that they suffered a higher percentage of the casualties there.

Mr. KENNEDY of New York. I appreciate the courtesy of the Senator.

I raised the question because it struck me, as it did other Senators, that we had in the conference report a provision that there should not be any discrimination based on sex. The conference report left out a provision with respect to race.

The question has been raised in the United States as to why so many of those who were casualties in Vietnam have been Negroes. There was question as to whether there was discrimination against them by the draft boards.

I believe it might be a very helpful provision if we were to provide the same provision with respect to race and religion.

I have the same reservations as does the Senator from Massachusetts about some of the other provisions of the bill.

Mr. RUSSELL. The committee was not unaware of this. Some of this concern has been expressed in good faith. And some of it has been as a result of demagoguery.

We went into the subject very fully.

Mr. Marshall himself testified, as I stated a moment ago, that there was no discrimination against the Negro in the operation of the Selective Service law. That is what we are dealing with here now.

If the Senator wishes, we could pass a law that people could not enlist in the Army out of proportion to their racial composition of the total population.

I ask unanimous consent to have printed at this point in the Record the testimony of Mr. Burke Marshall with respect to this issue and also an excerpt from the Marshall report on page 22, beginning with: "The Negro does not serve in the Armed Forces out of proportion to his representation in the population as a whole—" and going down to and including the end of that paragraph on page 26.

There being no objection, the material as ordered to be printed in the Record, as follows:

> The Negro does not serve in the Armed Forces out of proportion to his representation in the population as a whole. But far greater percentages of Negroes than whites are rejected for service.[1] Department of Defense estimates showed that of all those examined almost 50 percent of nonwhite men aged 26–29 years in 1964 had been found unfit for service as opposed to almost 25 percent of the white male population of the same age group.[2] (See chart 6.) The percentage of Negroes considered qualified for service was thus considerably smaller than the similar percentage of whites. Nevertheless, 30.2 percent of that qualified Negro group was drafted, whereas only 18.8 percent of the qualified whites were. (See chart 7.) This is primarily because of two factors: (1) Fewer Negroes are admitted into Reserve programs. The 1965 study showed Reserve duty experience for 2.8 percent of all nonwhites in the age group reviewed, and 5.4

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[1] This is primarily because of written test failures; physical rejections among Negroes are actually lower than those for whites.

[2] The estimates cited here are based upon overall disqualification rates, including experience of both volunteers and draftees. The disqualification rates for those called for induction alone have been consistently higher than these overall rates.

percent of those qualified for military service, compared with 15.5 percent of all comparably aged whites, and 20.6 percent of the whites qualified. (The Reserve problem is discussed later in this report.) (2) Fewer Negroes get into officer programs—little more than 0.2 percent of that total nonwhite group and less than 0.4 percent of those qualified, contrasted with 3.3 percent of all the whites and 4.3 percent of the qualified whites in the group studied.[3]

Enlistment rates are about equal for qualified white and Negro men. However, Negroes already in the service reenlist at a substantially higher rate than do white servicemen—their first term reenlistment rates have been more than double that of whites in recent years, according to Department of Defense figures. The Report of the U.S. Commission on Civil Rights in 1963 concluded that this "suggests that Negro servicemen believe on balance that the Armed Forces offer them greater career opportunities than they can find in the civilian economy." The Negro soldier has a record of heavy volunteering in elite combat units. (Some airborne divisions, which rely exclusively on volunteers, are 24 percent Negro.) The possible attractiveness of a relatively nonsegregated society which primarily measures ability cannot be said, however, to be the sole reason for the Negro's heavy representation in combat units. The same educational deficiencies which disqualify the Negro for service in such large numbers continue to work their effect inside the service as well; fewer Negroes even among those eligible for service are admitted to jobs requiring technical skills; sometimes the path leading to an infantry division is the only one entirely open. Approximately 20 percent of all personnel assigned to combat occupations throughout the Army are Negro.

The overall proportion of Negroes in relation to all enlisted personnel in Vietnam is only 11 percent; but their percentage in the Army units there is 14.5 percent; and their representation in Army combat units is, according to the Defense Department, "appreciably higher" than that. Current figures are not available, but as of late 1965, 22.8 percent of the enlisted men in combat units in Vietnam were Negro. The casualty figures reflect this. During the first 11 months of 1966, Negro soldiers comprised 22.4 percent of all Army troops killed in action.

The Commission considers that there is reason to believe that many of the statistics relating to the Negro would be comparable for some other minority groups, although specific information to establish this is not available.

Senator **Inouye**. My third and last question, Mr. Chairman. I have seen statistics which seem to indicate that on a proportionate basis, there are more Negroes in the U.S. Army, there are more Negroes serving in Vietnam, there are more Negroes on combat assignments.

In fact, I read stories about certain battalions being 40 percent Negro and 60 percent non-Negro, and as a result I have seen several statements issued by prominent Americans charging that there was some discrimination involved. I would like to know if there is any validity to this. I would like to have your views, sir.

Mr. **Morris**. I would be very happy to respond to this, sir. The average intake into the military services for years has been running in the area of 10 to 12 percent nonwhites. This represents approximately the percent that the Negro represents in population.

It is true that nonwhite accessions into the Army are greater than in other services, and the consequence is today that those members of the Army forces in Vietnam tend to run higher than their general proportion to the military population.

For example, as of September 30, 1966, in Vietnam 14.5 percent of Army enlisted men were Negro, and 3.8 percent of the officers, for an overall average of 13.3 percent. But in some units, and particularly the airborne units, the percent runs much higher—up to 22 percent is the highest figure that I have seen in any total unit. This is not a disproportion as we see it for these elite units, such as the airborne, since those men who enter those units do so as volunteers. They desire that type of service.

Senator **Inouye**. I notice that there is some, as you say, disproportionate statistics for 14 to 22 percent.

Mr. **Morris**. Yes, sir.

Senator **Inouye**. How do the percentages run? This is for enlisted personnel, is it not?

Mr. **Morris**. 14.5 percent is Army enlisted. The overall percent of all Army personnel is 13.3 percent in Vietnam.

Senator **Inouye**. What is the percentage of officers?

Mr. **Morris**. 3.8, sir.

Senator **Inouye**. Thank you very much.

Senator **Jackson**. To follow up on Senator Inouye's point, which is one that concerns us naturally, Mr. Secretary, I wonder if you could give us a breakdown as to percentages first as to those who come in either on their first enlistment or are inducted, what percentage of the total are Negro or nonwhite, and then the percentage of those who are in after the 24 months of service, who come in and reenlist?

Is it not a fact again, generally, I am just guessing, but it is my impression that quite a substantial percentage of Negroes, more in proportion to the population, reenlist?

Mr. **Morris**. That is correct, sir, and I can furnish that.

Senator **Jackson**. And make it a career.

Mr. **Morris**. That is correct, sir. In calendar year 1965, for example, the reenlistment rate in all services of white personnel was 17.1 for first term personnel, for Negroes it was 45.7, two and a half times as great.

Senator **Jackson**. So the significant point it seems to me would be that they have voluntarily increased their percentage.

Mr. **Morris**. Correct, sir.

Senator **Jackson**. In relation to the white population.

Mr. **Morris**. Correct, sir.

Senator **Jackson**. Especially after they have served the 24 months as a draftee. I think this is a point that has not been properly brought out in the press. The Negroes themselves have found the service desirable. They have wanted to stay in, and they have manifested that fact by volunteering.

Mr. **Morris**. That is correct. I would like if we may, to furnish a full statement of these statistics for the record.

(The above information follows:)

"The following statistics on overall Negro participation in the Armed Services and on Negro participation and casualties in Vietnam are provided, based upon latest available reports.

"Negroes as percentage of total military personnel on active duty, officer and enlisted, by service, selected years, 1949–65

	DOD	Army	Navy	Marine Corps	Air Force
Total personnel:					
1949	7.0	11.2	4.2	1.9	4.5
1954	8.7	12.7	3.2	6.0	7.6
1962	8.2	11.1	4.7	7.0	7.8
1964	9.0	12.2	5.1	7.9	8.7
1965	9.5	12.8	5.2	8.3	9.2
Enlisted:					
1949	7.8	12.4	4.7	2.1	5.1
1954	9.3	13.7	3.6	6.5	8.6
1962	9.2	12.2	5.2	7.6	9.2
1964	10.1	13.4	5.8	8.7	10.0
1965	10.5	13.9	5.8	9.0	10.7
Officers:					
1949	.9	1.8	--------	--------	.6
1954	1.5	3.0	.1	.1	1.1
1962	1.6	3.2	.2	.3	1.2
1964	1.8	3.4	.3	.4	1.5
1965	1.9	3.6	.3	.4	1.6

"Percent nonwhite among enlisted accessions to active duty, fiscal years 1961–65

Fiscal year	Total DOD	Army		Navy	Marine Corps		Air Force
		Inducted	Enlisted		Inducted	Enlisted	
1961	8.2	14.4	8.2	2.9	--------	5.9	9.5
1962	9.7	15.3	9.0	4.1	--------	6.5	8.6
1963	10.6	18.5	11.2	4.3	--------	5.5	10.5
1964	10.7	14.2	12.2	5.0	--------	8.7	9.1
1965	12.2	16.3	14.1	5.8	--------	8.4	13.1
1966 [1]	9.9	13.0	11.2	3.4	12.5	8.6	8.0

"[1] In fiscal year 1966, the Navy inducted 2,503 men and the Air Force 20 men. These personnel were not included in this computation.

"Reenlistment rates by race, calendar year 1965

Service	1st term		Career	
	White	Negro	White	Negro
Army	13.7	49.3	80.7	96.9
Navy	24.2	44.8	89.6	93.4
Marine Corps	18.9	38.9	87.7	92.3
Air Force	19.1	39.2	88.9	92.2
DOD total	17.1	45.7	86.4	94.2

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[3] Statistics relating to the Negro serviceman are contained in the tables in sec. V of the appendix.

"Negro personnel in Vietnam, Sept. 30, 1966

	Enlisted men		Officers		Total	
	Negro	Percent Negro	Negro	Percent Negro	Negro	Percent Negro
Army	24,868	14.5	804	3.8	25,672	13.3
Navy [1]	5,469	6.4	28	.4	5,497	5.9
Marine Corps	4,340	7.5	29	.7	4,369	7.1
Air Force	4,448	11.3	77	1.5	4,525	10.2
Total DOD	39,125	11.0	938	2.5	40,063	10.2

"[1] Including offshore elements of 7th Fleet.

"Enlisted fatalities due to hostile action in Vietnam, total and Negro, 1961–66

	Total	Negro	Percent Negro
Army	3,682	815	22.1
Navy	114	1	0.9
Marine Corps	1,933	216	11.2
Air Force	65	3	4.6
Total DOD	5,794	1,035	17.9

"Note.—The higher fatality rate among Negroes in relation to their percentage of total enlisted strengths in Vietnam is attributable to the relatively high proportion of Negroes in primary combat units in Vietnam (Infantry, Air Cavalry and Airborne) which have borne the brunt of the combat casualties. For example, in November 1965, the percentages of Negroes among enlisted men in selected primary combat units were as follows:

	Percent Negro
101st Airborne Brigade combat units	29.6
173d Airborne Brigade combat units	26.2
1st Air Cavalry Division combat units	22.4

"These contrast with an overall percentage of Negroes in relation to total Army enlisted personnel in Vietnam in November 1965 of 15.9 percent. The higher proportion of Negroes in these high risk combat units is a result of individual choice and demonstrated skills. For example, the Negro soldier has traditionally volunteered for airborne units, where the increased pay, prestige of personal leadership and opportunity to demonstrate his natural abilities are most attractive. Additionally, many Negroes do not have the necessary skills upon induction or enlistment for assignment to the more technical specialties."

Senator Inouye. I am very happy to hear this testimony. In other words, you are saying there is no validity to the charge of discrimination.

Mr. Morris. No, sir.

Senator Inouye. I thank the chairman for his assistance on this.

Senator Jackson. Right on that point, the report of the National Advisory Commission on Selective Service I think has made a very good statement on page 9, that it might be well to read into the record as a summary of it. I quote:

"The Commission gave careful study to the effect of the draft on its fairness to the Negro. His position in the military manpower situation is in many ways disproportionate, even though he does not serve in the Armed Forces out of proportion to his percentage of the population. He is underrepresented, 1.3 percent, on local draft boards. The number of men rejected for service reflects a much higher percentage, almost 50 percent of Negro men found disqualified, and of whites 25 percent, and yet recent studies indicate that proportionately more, 30 percent Negroes of the group, qualified for the service are drafted than whites, 18 percent, primarily because fewer Negroes are admitted into Reserve or officer training programs. Enlistment rates for qualified Negroes and whites are about equal, but reenlistments"—

And this was your point?

Mr. Morris. Yes, sir.

Senator Jackson (reading):

"Reenlistments for Negroes are higher. The Department figures show the rate of reenlistments is now more than double that of white troops. Negro soldiers have a high record of volunteering for service in elite combat units."

You have covered that by reference to the airborne.

Mr. Morris. Yes, sir.

Senator Jackson. The airborne units.

"This is reflected in but could not be said to be the sole reason for the Negroes' overrepresentation in combat in terms of his proportion of the population. Although Negro troops account for only 11 percent of the total U.S. enlisted personnel in Vietnam, Negro soldiers comprise 14.5 percent of all Army units, and in Army combat units the proportion is according to the Department of Defense 'appreciably higher than that.' During the first 11 months of 1966 Negro soldiers totaled 22.4 percent of all Army troops killed in action."

This relates to the percentage again I assume that are in combat units.

Mr. Morris. That is correct, sir.

Senator Jackson (reading):

"There are reasons to believe, the Commission finds, that many of the statistics are comparable for some other minority groups, although precise information is not available. Social and economic injustices in society itself are the route of inequities which exist. It is the Commission's hope that the recommendations contained in this report will have the effect of helping correct these inequities."

Mr. Morris. May I add just one footnote, please?

Senator Jackson. Yes.

Mr. Morris. We outlined in our statement, and General Clark referred to our program known as Project 100,000, under which we are prudently revising our standards so as to make sure they are not discriminatory.

It is of interest that men who are now being admitted who were formerly disqualified, do represent a much higher percent of those, both draft and volunteers, in the Negro ranks. We think that as the Marshall Commission recommended, we are moving properly in the direction they outline.

Chairman Russell. I have a number of other questions, but I know other members have them too. There is one question I would like to ask. As a southerner I am perhaps somewhat suspect for asking this question, but I have seen many statements in the press that have not been justified by my observations of our Armed Forces over a period of years as to the racial balance of the Armed Forces. I have read your report and I see it indicates that Negroes do not serve in the Armed Forces out of proportion to their composition of the population, is that correct?

Mr. Marshall. That is correct, Senator.

Chairman Russell. And the Negro soldiers have a record of heavy reenlistment and volunteering in elite combat units, such as the paratroopers, making a career of the armed services.

Mr. Marshall. That is correct, Senator. Their casualty rates right now are proportionately high for that reason.

Chairman Russell. Did you in your study find that there had been any noticeable discrimination for racial reasons in connection with the selective service boards?

Mr. Marshall. No, Senator. We have some statistics on the composition of the local boards, which show that proportionate to the population Negroes are underrepresented. I suppose that you could show that about other groups. We didn't have statistics on other groups, and there are lots of reasons for that, Senator, that aren't discriminatory.

Chairman Russell. I didn't have as much reference to the boards as I did to those that they selected for service.

Mr. Marshall. We thought—Senator, there was no evidence before the Commission that racial discrimination, direct racial discrimination, accounted for the statistics which we referred to in the report with respect to the effect of the draft on the Negro. The statistics are that out of the eligible pool, some 18 percent of whites, I think, and 30 percent of Negroes are drafted, so that there is a higher proportion out of the eligible pool, and that is balanced by the rejection rate, which accounts for the fact that the total population mix is about even.

But we did not find, Senator, and we didn't have any evidence presented to us, that any of these factors were the result of racial discrimination. They are the result I think of other factors which have to do with education and poverty and other chances which may be related to racial discrimination, but we did not have any evidence of widespread or even significant racial discrimination within the operation of the Selective Service System, in the sense that a local board took Negroes and didn't take whites or anything like that.

Mr. KENNEDY of New York. Would that include all of the figures?

Mr. RUSSELL. Yes. It would.

Mr. KENNEDY of New York. It will include the draft board figures that I mentioned earlier?

Mr. RUSSELL. The Senator is correct. If they are not included there, I have no objection to the Senator from New York inserting them in the Record himself.

Mr. KENNEDY of New York. If they are not included, then I ask unanimous consent that they be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

THE PERSONNEL

The national and state headquarters are heavily oriented toward the military. Commissioned officers of the Armed Forces occupy most of the executive positions at the national level. State directors and their key staffs are usually Reserve or National Guard officers on active duty.

The members of the local boards are all male (as the regulations now demand), mostly veterans and almost exclusively white: a 96.3-percent response to a Commission questionnaire in October 1966 indicates that only 1.3 percent of 16,632 local board members are Negro,[1] 0.8 percent are Puerto Rican, 0.7 percent Spanish American. There are 38 members (0.2 percent) who are Oriental, and 16 (0.1 percent) American Indians.

The average age is 58. One-fifth of all the board members are over 70, and of these, 400 are over 80; 12 are between 90 and 99.

Almost half have served on their local boards more than 10 years; 1,335—8 percent of those responding—have served more than 20 years.

The majority (67 percent) have served on active military duty—41 percent in World War II, another 17 percent in World War I, and the remainder in Korea and at other times.

As compared with the general population of the same age, local board members are well educated; about one-third of them are college graduates, contrasted with less than 10 percent of the population's comparable age group.

Seventy percent are in white-collar occupations. Of these, more than 20 percent are professional men. A majority (15 percent) of the rest are farmers. Craftsmen, service workers, semiskilled workers and laborers are represented on local boards in far smaller proportions (less than 25 percent) than their representation in the general population.[2]

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[1] Responses to a December 1966 telegraphic inquiry by the Selective Service System show 261 Negro members out of 17,123 local board members, or 1.5 percent.

[2] Statistical information on the composition of local boards is shown in the tables in sec. 1 of the appendix.

THE PROBLEMS

When the 1940 Selective Training and Service Act was being deliberated the local board concept was described in congressional hearings in terms of its vitality and fairness: "An eligible citizen chosen to serve is selected by a board composed of his neighbors who live in the same community in which he lives." General (then Major) Hershey, testifying before the Senate committee, pointed out that "* * * we are only seeking * * * about 1 million out of 11,500,000, so there has got to be an equity decision. Somebody has got to decide which one of the 11 is to be taken, and I do want to impress upon all the fact that * * * the choice is being made by the neighbors of the man * * *" That concept was actually first envisioned in the period after the Civil War—which had seen violent public reaction to the draft—when a report recommended that future conscription be placed in the hands of local boards composed of "civilian neighbors." It has thus survived for a century. In its budget justification for fiscal 1967, Selective Service characterized the local boards as "little groups of neighbors on whom is placed the responsibility to determine who is to serve the nation in the Armed Forces and who is to serve in industry, agriculture, and other deferred classifications." And in one of its recent communications to local boards, the national office told them: "Because of its comparatively long association with a registrant and knowledge of what he has done, the local board is relatively well-qualified to evaluate his ability to perform."

However universally valid this personalized concept might have been in the past, only in rural areas does it appear to be true today. Urban board members usually work in anonymity—and indeed seem to look upon that anonymity as an advantage. Rarely it would seem do those on such a board actually know the men whom they are classifying on the basis of their records—and vice versa. After taking an extensive look into local board operations in one state, a team of researchers reported to the Commission: "Very little evidence exists to suggest that the fact of drafting by local boards has more than symbolic significance, if that, in urban settings."

A group of nine college students who took soundings on campuses across the country on matters relating to the draft met with the Commission to report their findings. The fallacy of the personalized concept of the local draft board was high on their list of topics of interest. Identity of local board members, one of them reported, "is one of the best guarded secrets in America." There was no doubt that he spoke the sentiments of his colleagues, although another expressed it more moderately: "The idea that the draft boards are a group of your neighbors sitting in judgment or consideration of your fate is not a workable real plan right now. No one seems to know who the members of his draft board are. The few exceptions the people who do know, tend to come from small towns." This anonymous character of the boards can of course be overstated. A registrant always has the right to request a personal appearance before his board—if, for instance, he wishes to seek a reclassification—so long as he makes his request within 10 days of his classification notice. But the point is clear that board operations are not usually intensely personal.

In utilization of office space, many urban boards themselves have moved away from the strictly "neighborhood" approach and toward an informal sort of consolidation. In Baltimore, the Commission learned, 17 boards operating in that area all keep their records and meet in one centrally located building. The eight boards in San Antonio do the same thing; in fact, this appears to be the practice among more than half the metropolitan boards of the country.

Each of these boards has its own clerk who handles the records for her board—although there is inevitably some sharing of the workload among them. The clerk is an important part of any board's operation. There is a tendency on the part of many young registrants to overestimate this importance, to assume, as one of the college students told the Commission, that "the draft board members are rubberstamp machines and the clerks actually have the power to say who gets what deferment, who is I–A, who gets inducted." The "anonymity" of the boards is perhaps one reason for this impression; even more likely however is the method of board operation. Many board members have heavy professional and business duties. They usually meet in the evening to make their classification decisions. A registrant seeking information by phone or in person would no doubt find the clerk the only person on hand. The more efficient she is, the more authoritative her answers may appear to the registrant. The assumption which results is understandable, but misleading. Evidence before the Commission indicates that board members around the nation are deeply aware of their responsibilities and conscientious in the discharge of them.

The fact does remain, however, that the clerk's role is a highly important one. Inevitably, much of a board's work is routine. (Some 17 percent of the boards responding to a Commission survey indicated that 90 percent or more of the classification decisions made in their September 1966 meeting were virtually automatic.)[3] Although the board itself does the classifying, a good clerk can make the board's job considerably easier. Perhaps the most important of her tasks—certainly from the registrant's point of view the most critical—is the routine preparation of cases for board review and decision, which in practical effect amounts to an initial classification. The clerks usually are highly regarded by their boards. Many of them also have long years of experience in and familiarity with the System, some dating from World War II days. Despite the importance of their work, however—and although they are subject to civil service rules—their salaries are set by the state directors and especially in smaller towns and rural areas are considerably below that of most Federal workers. (The woman who coordinates the work of all the clerks of those 17 Baltimore boards has been with the Selective Service System 21 years and her pay is the equivalent of that earned by a recent college graduate in the civil service with 2 years' experience.)

But there is a wide variation in the way in which local boards view the routine aspect of their work; it ranges from that previously noted 17 percent who say they actually have to review in detail only 10 percent of their cases, to another 7 percent who say they have to review virtually all cases in detail. This reflects the System's absence of uniformity as it operates throughout the country. The wide range in the workloads of local boards, determined by their size, obviously contributes to the lack of uniformity

A good deal of the variation is dictated by social and economic factors.[4] For men with different educational backgrounds, there is substantial degree of difference in their chances of entering military service. Men with less than an eighth-grade education, and Negro high school dropouts are less likely to enter because more of them fail the written examination. On the other hand, graduate and professional students are much less likely to see active duty because many of them continue their student deferments until they are 26, fathers, or can receive occupational deferments. (See chart 5.)

High-income areas usually have a high proportion of students (II–S) deferments; a study in one state pursued this circumstance further and showed that boards in high-income areas had the lowest proportion of registrants serving or having served in the Armed Forces. Low-income slum areas have the greatest number of men rejected for service. And there is a direct relationship between those two statistics: In the state subjected to intensive study, the board with the highest percentage of rejectees also had the lowest number of student deferments. That area was also 50 percent Negro.

The Negro's position in the total military manpower picture—both his service and his ineligibility for service—is a matter deserving attention. His participation is in several ways inequitable. It is an inequity which is difficult to pinpoint specifically, for its manifestations are the results of the handicaps under which the Negro has struggled in this country, and reflect social and economic injustices which are older by far than the operation of the Selective Service System.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. JACKSON. Mr. President, I would like to say to the distinguished junior Senator from New York that the same questions he has put to the distinguished chairman of the committee, I saw fit to put to Mr. Burke Marshall. In general, it is that part of the testimony that I believe the Senator from Georgia has obtained permission to have printed in the RECORD.

Mr. RUSSELL. I also examined him.

Mr. JACKSON. And Mr. Marshall corroborated the position taken by the chairman of the committee.

Mr. KENNEDY of New York. I do not know whether the Senator from Washington was present at the beginning of the discussion.

I raised the question because the conference report states that there shall be no discrimination based on sex. I thought it very obvious that this would be a question that we might consider.

Mr. JACKSON. I think it is contained in the statute. I believe that the statute provides that there is to be no discrimination because of race or creed or color.

Mr. KENNEDY of New York. It only refers to sex in the conference report.

Mr. JACKSON. I refer to the statute.

Mr. RUSSELL. The conference report has added sex as an additional element to protect the women who want to get in the women's branch of the Armed Forces.

I am sure that the Senator from New York would not wish to discriminate against women.

Mr. KENNEDY of New York. Oh, no, certainly not. I join with the Senator from Georgia.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. HOLLAND. Mr. President, is it not true that this matter of calling the men for any first year from the 19-year-olds beginning with the oldest and coming down to the youngest in that year, applies to white, black, and everybody else exactly alike?

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[3] See tables 7.5 and 7.6 of the appendix.

[4] See sec. II of the appendix.

Mr. RUSSELL. The Senator is correct.

Mr. HOLLAND. There cannot be discrimination on the basis of race.

Mr. RUSSELL. The Senator is correct.

Mr. HOLLAND. I want the RECORD to show that in the 4 years that the Senator from Florida had some responsibility in this field, we found that not only was the number of men called in accordance with the population of the two races, but also that a much greater number of Negroes were found to be educationally not qualified or physically not qualified.

My own feeling after watching it for 4 years and trying my best to see that it was fairly handled, was that the members of the Negro race were being exceedingly fairly treated under our application of the draft. I think that will continue. And I think this law requires that it continue.

Mr. RUSSELL. Mr. President, I have only a few minutes remaining, and I reserve that time.

Mr. KENNNEDY of Massachusetts. Mr. President——

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. KENNEDY of Massachusetts. I do not intend to take much time. I yield myself 4 minutes.

Mr. President, during the past year and a half or 2 years, the Senate and the House of Representatives have been considering the entire question of the draft and the reform of the draft. The last time the Selective Service Act was extended, it was extended with only 15 minutes' consideration on the floor of the Senate.

During the past year, there have been debates and discussions in the universities. There have been various symposiums and national television shows dealing with the question of how we can best eliminate the inequities and deficiencies of the draft system.

I believe we all realize the tremendous amount of time that has been devoted to this question by the distinguished chairman of the committee. He is knowledgeable, he is understanding, and he has demonstrated not only on the floor of the Senate, but also on the various other occasions that he has concerned himself with this problem, that he is interested in draft reform, as we all must be.

Mr. RUSSELL. I thank the Senator.

Mr. KENNEDY of Massachusetts. The young people around the country are now looking to Congress, to whether we are going to act, and act responsibly, in trying to reform the draft system. Everyone in the Senate realizes that we cannot have a draft system which will be perfectly equitable. We understand that. No one is asking that. But I do believe that we in the Senate have a responsibility to attempt to eliminate as many inequities as possible.

Because of this, the President appointed a very distinguished panel, the Marshall Commission, a bipartisan panel, composed of people who have concerned themselves about the security of our Nation in a variety of ways. The House of Representatives appointed the Mark Clark Panel. The Defense Department interested itself in the study, and they have made a series of recommendations.

It is the opinion of these gentlemen, not only of the Senator from Massachusetts—it is the opinion of those who were most directly involved in the Advisory Commission report—that this conference report will preclude the opportunity for effective reform.

It seems to me that when we have the number of different questions that have been raised, in good faith, by a number of the agency heads—the Attorney General of the United States, the Secretary of Health, Education, and Welfare, the Director of the Peace Corps, and others—it raises very serious questions about the whole functioning and the operation of the conference report.

I need not reiterate that I supported the Senate report. I believe it was a good bill, and it could be and it should be supported. But there have been some dramatic changes. They are not small changes, but they are substantive changes; and I believe we owe the young people of this country the opportunity to give this the most careful consideration.

I believe that we should have an extension of just 1 year for this legislation. If it works well, if it can function, then I will join—and I know others will join—in seeing that it is extended for a period of time.

I voted against the amendment proposed by the junior Senator from Oregon providing for a 2-year extension. I voted against the proposed amendment for the same arguments that have been enunciated this afternoon—that is, that we should have something that is predictable over a period of time. The Senate bill did that, and I believed it should extend for 4 years.

But now, because of the various questions that have been raised and debated, because of the serious reservations that have been expressed, I hope we will send the report back to conference, with the understanding—and only this one instruction—that it be extended 1 year, and that we give what has been proposed and supported by the distinguished members of the committee the opportunity to function and to work. If it does, then we will be able to extend it. If it reveals the flaws that some of us believe quite sincerely it does contain, we will be able to act again and act responsibly on this critical issue.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a tabulation of information relating to the numbers of health personnel on detail out from the Public Health Service.

There being no objection, the tabulations were ordered to be printed in the RECORD, as follows:

Illustrative of Public Health Service programs in support of State and Local Health department activity is the following data:

Program	Total physicians assigned	Draft obligated	
		Number	Percentage
Communicable diseases	93	90	95
Tuberculosis control [1]	53	------	------
Venereal disease control	11	------	------
Epidemic control and immunization program [2]	23	------	------
Other	6	------	------
Chronic diseases	44	42	95
Heart disease control [3]	29	------	------
Cancer control	6	------	------
Neurological and sensory	6	------	------
Other	3	------	------
Community health services (general public health programs)	6	6	100
Medical care administration (medicare-medicaid)	10	8	80
Total	153	146	95

[1] Tuberculosis control officers are assigned in 26 States, the District of Columbia, Guam, and Puerto Rico which are areas of high incidence of the disease. Without these officers a reduction of 180,000 annual tuberculosis examinations in 60,000 persons in these geographic areas would result.

[2] In many instances this officer is the only capable medical epidemiologist and without his services epidemic calls may go unanswered and vaccination programs may not be carried out.

[3] The largest number of these officers are involved in rheumatic fever control and in many instances the only physician involved in such a program within the State.

Draft status of U.S. Public Health Service commissioned officers serving in State and local health departments, by State

	Total			Physicians			Others		
	Total	Obligated	Non	Total	Obligated	Non	Total	Obligated	Non
00 Washington metro	5	5	------	5	5	------	------	------	------
01 Alabama	5	5	------	2	2	------	3	3	------
02 Arizona	5	4	1	5	4	1	------	------	------
03 Arkansas	5	1	4	2	1	1	3	------	3
04 California	13	11	2	12	11	1	1	------	1
05 Colorado	7	6	1	6	6	------	1	------	1
06 Connecticut	3	3	------	3	3	------	------	------	------
09 Florida	28	12	16	6	6	------	22	6	16
10 Georgia	11	7	4	8	7	1	3	------	3

Draft status of U.S. Public Health Service commissioned officers serving in State and local health departments, by State—Continued

		Total			Physicians			Others		
		Total	Obligated	Non	Total	Obligated	Non	Total	Obligated	Non
11	Idaho	2	1	1	1	1		1		1
12	Illinois	3	3		3	3				
14	Iowa	1	1		1	1				
15	Kansas	4	3	1	3	3		1		1
16	Kentucky	6	3	3	3	3		3		3
17	Louisiana	6	3	3	2	2		4	1	3
18	Maine	1	1		1	1				
19	Maryland	5	5		5	5				
20	Massachusetts	2	1	1	1	1		1	1	
21	Michigan	2	2		2	2				
22	Minnesota	4	3	1	4	3	1			
23	Mississippi	9	7	2	7	7		2		2
24	Missouri	5	5		4	4		1	1	
25	Montana	2	2		1	1		1	1	
26	Nebraska	4	4		2	2		2	2	
27	Nevada	1	1		1	1				
29	New Jersey	7	6	1	5	5		2	1	1
30	New Mexico	4	3	1	2	2		2	1	1
31	New York	13	7	6	7	7		6		6
32	North Carolina	4	3	1	4	3	1			
33	North Dakota	1	1					1	1	
34	Ohio	5	5		5	5				
35	Oklahoma	11	5	6	6	4	2	5	1	4
36	Oregon	2	2		2	2				
37	Pennsylvania	6	5	1	5	5		1		1
38	Rhode Island	4	2	2	2	2		2		2
39	South Carolina	9	6	3	1	1		8	5	3
40	South Dakota	2	1	1	1	1		1		1
41	Tennessee	9	7	2	7	7		2		2
42	Texas	10	8	2	3	3		7	5	2
43	Utah	3	3		3	3				
44	Vermont	2	1	1	1	1		1		1
45	Virginia	1		1				1		1
46	Washington	3	3		2	2		1	1	
48	Wisconsin	5	5		3	3		2	2	
53	Guam	2	1	1	1	1		1		1
55	Puerto Rico	10	3	7	3	3		7		7
57	Virgin Islands	1		1				1		1
70	Hawaii	1	1		1	1				
90	Alaska	3	2	1	2	2		1		1
	Total	257	179	78	156	148	8	101	31	70

Number of health personnel on detail from Public Health Service as of Dec. 31, 1966

Department of State:	
AID	30
Peace Corps	141
U.S. Coast Guard	95
Department of Commerce:	
ESSA	3
Maritime	3
Department of Labor (BEC)	4
Department of Justice (Bureau of Prisons)	103
Department of Agriculture	2
Department of the Interior (Federal Water Pollution and Control Agency)	70
Department of Housing and Urban Development	7
Department of Health, Education, and Welfare:	
FDA	155
WA	1
VRA	1
St. Elizabeths	16
Office of Economic Opportunity	12
National Aeronautics and Space Administration	2
Department of Defense	2
Appalachia health program	1

Mr. JACKSON. Mr. President, will the Senator yield for a point of clarification?

Mr. KENNEDY of Massachusetts. I yield 1 minute to the Senator from Washington.

Mr. JACKSON. Mr. President, earlier, the able junior Senator from New York propounded a question with reference to discrimination, in which he mentioned in the report that no citizen shall be denied membership on a local draft board on account of sex. I was under the impression at the time that the discussion was with reference to discrimination as to inductees. The statute provides, as I understand, that inductees shall not be discriminated against on account of race, creed, or color. However, that provision is not applicable, as I understand the law, to the selection of members of the draft board.

I was in error when I indicated that there was a provision in the law, as I understand it, which prohibits selection of members of the draft board on the basis of any discrimination as to race, creed, or color. I wanted to make the record clear on this as I understand the situation. If I am wrong, I wish to be corrected.

Mr. KENNEDY of Massachusetts. I yield back the remainder of my time.

Mr. KENNEDY of New York. The conference report says that there cannot be any discrimination based on sex.

Mr. JACKSON. That is correct. It is limited.

Mr. KENNEDY of New York. But the law still permits discrimination based on color or creed, in determining the composition of the 4,000 local boards.

Mr. JACKSON. Mr. President, I feel very strongly, and of course the provision that is applicable to inductees certainly should be applicable to the selection of members of the draft board.

Mr. KENNEDY of New York. I am sure we all feel very strongly about that. But the simple, uncontroverted fact remains: we are being asked to accept a report which prohibits discrimination against inductees by reason of race, color, or creed, but which prohibits discrimination in the composition of local boards only by sex.

Mr. MILLER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Georgia has 3 minutes remaining. The Senator from Massachusetts has yielded back the remainder of his time.

Mr. RUSSELL. I yield 1 minute to the Senator from Iowa.

Mr. MILLER. I thank the Senator.

Mr. President, the senior Senator from Massachusetts has pointed out and laid great emphasis on the report of the President's Commission. We should make it very clear that the report of the President's Commission was not unanimous. There was a very substantial minority, and Mr. George Reedy undertook to represent this minority in extended hearings, in a statement before our committee.

I ask unanimous consent that a marked portion of hearings containing portions of Mr. Reedy's testimony be printed in the RECORD at this point, to make it clear that there was a split in the thinking between the majority and the minority, and the minority generally agreed with the unanimous report of the Clark Commission, which was established by the House Armed Services Committee.

Mr. KENNEDY of Massachusetts. Reserving the right to object, I would not object if the conclusions of the Marshall Commission are stated. They are very short—eight pages—and I would hope that they could be included in their entirety.

There being no objection, the statement and the Marshall Commission conclusions were ordered to be printed in the RECORD, as follows:

STATEMENT OF GEORGE E. REEDY, JR., MEMBER, NATIONAL ADVISORY COMMISSION ON SELECTIVE SERVICE

Mr. REEDY. Thank you very much, Mr. Chairman. I have a brief statement that I would like to make outlining the problems of the student deferment, as those of us who were the minority on the Commission saw it, and after that I will be happy to accept questions on any other part of the report.

I do not believe that any other major issue before the commission produced a more searching debate or a more narrow division than that of student deferment. Those of us who were on the minority believe that effectuation of the majority recommendations would cause serious administrative problems, would not be essential to the correction of past inequities, and would quite likely introduce a new inequity of "double jeopardy" into the Selective Service System.

Early in the deliberations of the commission, action was taken which in our judgment reduced the basic issues discussed in this section of the report to just one substantive question, and that is, should students be made vulnerable to military service before or after they have completed their undergraduate college work. The majority decided that the exposure to service should be prior to entering college, the minority proposed that exposure be after completion of the baccalaureate degree. It is difficult to discern a question of equity in either proposal per se, provided that vulnerability to service is assured and that the deferment is truly a deferment and not permitted to become an exemption, and we feel that the only considerations that are valid at this point involve the consequences that would follow from putting either course of action into effect.

In other words, what would be the effect upon the manpower procurement policies of the Defense Department in exposing students to selective service before they begin college or after they leave college. As long as they are exposed, we felt that the problems of equity were resolved.

The minority feels strongly that a system which would expose students to service vulnerability before rather than after college would complicate and in some cases even jeopardize key personnel procurement programs which are related directly to combat effectiveness.

Modern military operations require a certain proportion of men who are college graduates. This problem presents itself in the most acute form in the medical corps. But it is also pressing in a number of other specialties and relates directly to the officer procurement program. The services get almost 80 percent of their new officers from college sources, and the service academies can supply only a very small percentage of the total need.

At the present time, and I think we have to be frank about this, the major stimulus to officer recruitment, just as it is the major stimulus to voluntary enlistment, is the Selective Service System. The majority proposal, once past the transitional period, would remove this stimulus and force the defense establishment to rely entirely upon voluntary methods for obtaining doctors, dentists, technicians, and officers generally.

I would like to raise one point here. As a general rule, when we speak of abolishing student deferments, we fail to realize that there is another side to that coin. To abolish student deferments means to relinquish any form of control over students in college, because all of the students in college, once their deferments are abolished, will either have served in the armed forces or will have gone through the random selection system, assuming that that system is approved, and will have not been selected. Consequently those in college will be, in effect, home, scot free.

The majority proposal recognizes this problem and seeks to meet it through programs of financial help that would be accorded to students who would contract to serve in the armed services for a period following their graduation. In effect, this would amount to a student deferment. And that is another point that I would like to make. Despite the language that has been used in discussing this problem, no member of the commission actually proposed the abolition of student deferments. The true issue here is the extent to which student deferments should be restricted, with the majority feeling that the student deferment should be restricted to the category of prospective ROTC officers, and the minority feeling that the student deferments should be permitted through the baccalaureate degree, but without any prospects of those deferments being pyramided, and thus permitting the deferments to become an exemption.

Moreover, the burden of selecting these students to be deferred under the majority proposal would be shifted from the Selective Service System to the Defense Department, which is a departure from present concepts. The Defense Department states that it could procure officers through such programs although they would be costly and difficult to administer. In effect, the Defense Department states, or stated, to the commission, that in the event student deferments were abolished, it would still be possible—it would not be insuperable, I believe was the exact language—it would not be an insuperable problem to recruit officer personnel through the ROTC deferment, and through various other programs in which they would try to supplement the income of college students. But such programs are of doubtful efficacy at best, and to my mind this raises the problem of whether we should do something just because the problems of doing it are not insuperable.

It seems to me that once the question of equity is resolved, and I believe we would resolve that question of equity, if we were to forbid the period of deferments, that the next consideration should be what is the most efficient policy, what is the most efficacious policy, what is the policy that best serves the interests of our country.

Now, to rely for officer recruitment on retaining the ROTC deferment only would mean in effect that we would rest our procurement policies upon contracts made with 18- or 19-year-old boys, many of whom would drop out, many of whom might turn out to be unsuitable at the time that they became available for military service four or five years later, and also many of whom might at that point regret the contract they had signed with the government when they were 18 or 19 years old.

Furthermore, the Defense Department itself states that for this system to be workable there would have to be a very heavy over recruitment of these ROTC cadets who would be selected and would be deferred so they could go through college.

It seemed to me, and it seemed to the members of the minority, that a far better system would be to permit the college deferment through the baccalaureate degree, and then make the college student vulnerable at that point, so the selective service would have a large flexible pool from which to draw the college-trained personnel that the Armed Forces need.

But there is one other problem. Regardless of the fact that the problems of procuring officers under such a system would not be insuperable, I have yet to hear an answer to the problems of recruiting doctors and dentists. I know of no educator who believes that prospective medical students can be identified when they are 18 or 19 years old. A man cannot very well become a medical or dental student until he has completed his baccalaureate degree, and consequently it is not a practical matter to grant deferments, which everybody admits must be granted to medical and dental students, to 18- or 19-year-olds.

On the other hand, if the student deferment is permitted to continue through the baccalaureate degree, at that point it is a very simple matter to grant deferments to those who have been accepted by medical or dental schools, and to permit them to continue their education, and there is no objection from any source to this particular deferment, for the simple reason that the likelihood of doctors and dentists serving in the Armed Forces is extremely high, probably higher than any other segment of the population.

If we do not do this, I think it is almost certain that somewhere along the line we are going to face the problem of double jeopardy, because the armed services must have medical personnel. There is no question about that. And since the supply of medical personnel—since the supply of doctors and dentists coming out of school is quite small, and there is no way of predicting the needs of the Armed Forces, they could go higher, and since the average has been running at 50 percent of all medical graduates, we are going to have to face the prospect of drafting some men twice.

Now, this does not involve a great number of men. I do not want to overstate this. The Armed Forces have been taking in about 5,000 medical personnel in terms of doctors and dentists a year. Nevertheless, however small a segment of the population, it is an extremely important segment of the population, and I believe it would present some serious difficulties to add to the burden of an already lengthy period of education that every doctor must undergo the prospect of having to serve not only after he completes his education but before he undertakes his education.

All of these considerations aside, however, the major problem, I believe, is that the programs that would be instituted to make up for the problems of abolishing student deferment fail to meet the basic requirement of a military manpower procurement problem. They simply do not assure the Defense Establishment that qualified men, men that are needed, can be brought into service at a time and a place when needed.

The concept of basing officer procurement policy upon contracts with 18- or 19-year-old men, contracts that would be cashed in 4 or 5 years later, is really workable only in a world where all contingencies can be foreseen well in advance, and I do not believe we can anticipate that kind of a world.

Obviously, no responsible Government can afford to gamble on the Nation's security, and if, after abolishing the student deferment program, we were to reach a situation where we needed those college-trained men, I think that what would happen is that the power would be retained to expose college graduates to military service even though they had been exposed before, and perhaps even though they may have served before. There would be here raised what I think is an unnecessary specter of double jeopardy.

This is especially clear in regard to doctors, but we cannot tell what the future demands will be for various skills in the population, and I think that it is a mistake, when we are dealing with what should be a continuing program, to introduce that factor of rigidity.

As far as the minority of the commission was concerned, the inequities of the present system—and there are inequities, there is no question about that—do not lie in the college deferment per se, but in the possibilities that are now afforded to pyramid deferments into an exemption, and these possibilities would end under the proposal which was agreed to unanimously by both the majority and minority members of the commission.

This proposal would grant the student deferment only to the baccalaureate degree, or to turn it around, it would abolish the deferment for graduate work, with the sole exception of medical and dental fields, and would withhold from the student the possibility of any other type of deferment other than extreme hardship. Obviously the extreme hardship concept must always apply. That is a practical matter that can be determined.

But under this proposal, students who were deferred through the baccalaureate degree would not be permitted to get further student exemption, except for medical or dental work. They would not be permitted to have marital deferments, occupational deferments, or any other type, upon the receipt of their baccalaureate degree, or at the conclusion of 5 years, whichever came earlier. They would go into the draft pool and would be equally vulnerable with everyone else, would have 1 year of maximum exposure.

We feel that as long as there is a year of maximum exposure, the particular time at which it takes place is not a matter of equity.

Now, it is true that at the present time you would have a situation where a man taking advantage of such a deferment could conceivably defer himself out of a period of trouble. He could just as easily defer himself into a period of troubles. I doubt very much whether men who took advantage of a college deferment in 1962 or 1963 regard that deferment as a privilege at the present time. If this were a world in which we knew that the entire Selective Service System would be wrapped around this one year, that this were the only trouble that our country would ever be in, and that that trouble was of a reasonable duration and that we could plot out the future as well as Nostradamus, I think that there might be a certain merit to the equity argument, but under the situation where we are considering a permanent policy for the United States, a policy that is supposed to govern not just for this year and not just for the next year, but as long as there is any type of a need for manpower, I think that we have to retain the degree of flexibility.

The difficulties inherent in abolishing the deferment system are quite apparent from an examination of the so-called transitional machinery which the majority proposed in the report. In effect what this amounted to was that all students now in college would be permitted to retain their deferment until they had reached the degree for which they were working. This proposal was not placed into the report out of a feeling of sympathy for the students. It was placed into the report because an examination of the figures disclosed that immediate abolition of the student deferment would actually create a windfall in which a large number of college students who have been enjoying deferments would have seen those deferments turned into a permanent exemption, and their place would be taken by 19-year-olds. This may sound like something of a paradox, but one of the difficulties in discussing this entire selective service question is that it is usually discussed in terms of generalities, and the generalities when applied to the specific figures quite often have a totally different meaning.

I have a table, which I would like to leave for the committee, which illustrates this particular point, Mr. Chairman.

Chairman RUSSELL. We will be glad to have it.

(The table referred to follows:)

"*Illustrative projections of draft lottery pool and of entrants to service by educational level under alternative student deferment policies, 1968–69* (*assuming 1,000,000 annual entries to military service*)

[In thousands]

	"1968		1969	
	Alternative A	Alternative B	Alternative A	Alternative B
Lottery manpower pool (19 years and over):				
1. Nonstudent pool, beginning of year	430	430	301	310
College graduates	70	70	-----	-----
Some college	80	80	40	40
No college	280	280	270	270
2. Entries to pool during year from student sources	580	1,290	670	850
College graduates	250	250	300	300
Some college	280	990	320	500
No college	50	50	50	50
3. Less new deferment or exemption	40	20	40	21
4. Total lottery pool (1+2−3)	970	1,700	940	1,140
College graduates	310	310	290	290
Some college	340	1,060	340	530
No college	320	330	310	320
Entrants to military service:				
5. Total required new entrants	1,000	1,000	1,000	1,000
6. Less volunteers under age 19	340	340	340	340
Some college	20	20	20	20
No college	320	320	320	320
7. Required new entrants from lottery pool (volunteers/draftees)	660	660	660	660
8. Percent of lottery pool required	68	39	70	58
9. Educational level of new entrants from pool:				
College graduates	210	120	200	170
Some college	230	410	240	310
No college	220	130	220	180
Total	660	660	660	660
10. Educational level of total new entrants into service:				
College graduates	210	120	200	170
Some college	250	430	260	330
No college	540	450	540	500
Total	1,000	1,000	1,000	1,000"

INTRODUCTION AND SUMMARY OF CONCLUSIONS

Sweeping changes have come to our society since the system for selecting men for induction into the Armed Forces was established a quarter of a century ago.

Among them are two which work with opposite effect on the manpower situation: A dramatic population growth has increased the supply of eligible men available for military service. But changes in military technology and transitions in strategic concepts have at the same time modified manpower requirements for national security. Of the nearly 2 million now reaching draft age each year, our Armed Forces are likely to need only from half to one-third of them, varying with the circumstances. And of those, only a portion must be selected for nonvoluntary induction. (The range in recent years has been from 10 to 40 percent, depending on the total size of the force level.) The problem which results, and which confronted this Commission, as one member expressed it for all the others, is: Who serves when not all serve?

It is an enduring problem, but floodlighted today by the war in Vietnam. The echo of American battle fire impels, as it always should, the hard probe for better solutions.

The Commission saw as its overriding obligation the necessity to search for a method of manpower procurement which would assure the Armed Forces' ability to acquire the men they need, under any circumstances, to protect the nation's security and meet its commitments; and at the same time function as uniformly and equitably as possible with due regard for the problems and the rights of the individuals into whose lives it must intrude.

Following the mandate of its charter, the Commission examined proposals ranging from elimination of all compulsory service to compulsion for all.

Aware of the spirit of social concern that animates much of young America today, the Commission considered whether other programs such as the Peace Corps and VISTA, elevating society and benefiting the participants alike, could be developed and serve as substitutes for military service.

It made a thorough study of the Selective Service System as it presently works—the entire system, from the policies that guide its nationwide operation to the actual functioning of its local draft boards; the procedures by which men are examined, classified, and readied for induction; the variety of deferments and exemptions, and the factors which influence them; the appeals machinery; the peoples' attitude toward the system itself.

It reviewed the administrative procedures governing enlistment into the Army Reserve and National Guard which have subjected those components to wide and often legitimate public criticism.

Its search directed Commission attention to serious defects in our national life. Of each group of men coming to draft age each year, from one-fourth to one-third of those examined are found ineligible for service because of educational or health deficiencies or both; almost 700,000 potential draftees were found unqualified to serve in the last fiscal year. A total of 5 million men between the ages of 18½ and 34 who have been examined for the draft are today considered ineligible to serve. The Commission studied the implication of these figures as they affect the national security and reveal weaknesses in our society.

In pursuit of the answers to all the questions it faced, the Commission sought to hear the nation's voice. It invited the opinions of more than 120 organizations across the country, reflecting every sector of the society; a group of college student leaders; some 250 editors of student newspapers; each of the more than 4,000 local draft boards and the 97 appeal boards; many prominent private citizens; every Governor, the head of every appropriate Federal department and agency, the mayors of a number of cities. Answers came from many of these sources. The Commission had access to and studied the testimony and data provided in Congressional hearings. Members conferred with political leaders and college presidents and representatives of the poor. Observers attended and reported on three national conferences on the draft. The Commission listened to specialists who spoke on particular points of law and military need, management procedures and the values of social programs. And finally it had letters, which it gratefully acknowledges, from people across the land who voiced their suggestions, their convictions, their resentments, and their hopes.

But seeking to know the national mind was not, of course, enough. In the diversity of its interests, the nation does not think with one mind, or speak with one voice. To meet its responsibility, the Commission had to find its own answers, based on its own comprehension of issues that involve both the national welfare and the rights of the individual.

After long and careful deliberation, those answers are presented here in summary form, and discussed in detail in the body of this report.

* * * * *

To provide a flexible system of manpower procurement which will assure the Armed Forces' ability to meet their national security commitments under all foreseeable circumstances, the Commission recommends:

1. Continuation of a selective service system. (See ch. II).

To make the controlling concept of that system the rule of law, rather than a policy *of discretion, so as to assure equal treatment for those in like circumstances, the Commission recommends:*

2. A consolidated selective service system under more centralized administration to be organized and operated as follows:

A. National headquarters should formulate and issue clear and binding policies concerning classifications, exemptions, and deferments, to be applied uniformly throughout the country.

B. A structure of eight regional offices (aligned for national security purposes with the eight regions of the Office of Emergency Planning) should be established to administer the policy and monitor its uniform application.

C. An additional structure of area offices should be established on a population basis with at least one in each state. At these offices men would be registered and classified in accordance with the policy directives disseminated from national headquarters. (The Commission sees the possibility of 300–500 of these offices being able to answer the national need.)

(1) The use of modern data-handling equipment, as well as the application of uniform rules, would facilitate processing, registration, and classification.

(2) Under appropriate regulations, registrants would change their registration from one area office to another as they changed their permanent residence.

D. Local boards, composed of volunteer citizens, would operate at the area office level as the registrants' court of first appeal.

E. These changes should be made in the organization of the local boards:

(1) Their composition should represent all elements of the public they serve.

(2) The maximum term of service should be 5 years.

(3) A maximum retirement age should be established.

(4) The President's power to appoint members should not be limited to those nominated by the governors of the states.

(5) Women should be eligible to serve.

F. The entire appeals process should be made uniform and strengthened in the following ways:

(1) The registrant should be able to appeal his classification to his local board within 30 days instead of the 10 days presently stipulated.

(2) Local boards should put their decisions in writing so appeal boards will have the benefit of the record in making their decisions, and the registrant will be able to know the reasons for the decision.

(3) Appeal boards should be colocated with the eight regional offices, although operate independently of them. The National Selective Service (Presidential) Appeal Board would remain as presently constituted.

(4) Appeal agents should be readily available at the area offices to assist registrants in making appeals.

(5) An adequate number of panels should be established, above the local board level, for the specific purpose of hearing conscientious objector cases on an expedited basis. (See ch. IV.)

To remove widespread public ignorance concerning the operations of the Selective Service System, the Commission recommends:

3. Both the registrant and the general public should be made fully acquainted with the workings of the improved system and the registrant's rights under it, in these ways:

A. Easily understandable information should be prepared in written form and made available to all registrants each time they are classified.

B. An adviser to registrants should be readily available at the area office to inform and counsel registrants who need assistance with registration and classification problems.

C. Public information procedures regarding the entire system should be made more effective by national headquarters. (See ch. IV.)

To reduce the uncertainty in personal lives that the draft creates, and to minimize the disruption it often causes in the lives of those men who are called, the Commission recommends:

4. The present "oldest first" order of call should be reversed so that the youngest men, beginning at age 19, are taken first. (See ch. V.)

To further reduce uncertainty and to insure fairness in the selection of inductees from a large pool of eligible men, when all are not needed, the Commission recommends:

5. Draft-eligible men should be inducted into service as needed according to an order of call which has been impartially and randomly determined. The procedure would be as follows:

A. At age 18, all men would register, and as soon as practicable thereafter would receive the physical, moral, and educational achievement tests and evaluations which determine their eligibility for military service according to Department of Defense standards. (This universal testing would meet social as well as military needs).

B. Those found to be qualified for service (I–A) who would reach the age of 19 before a designated date would be included in a pool of draft eligibles. Those men reaching 19 after that date would be placed in a later draft-eligible pool.

C. The names of all men in the current draft-eligible pool would be arranged in an order of call for the draft through a system of impartial random selection.

D. For a specified period (a year, or possibly less), men in the pool would undergo their maximum vulnerability to the draft. Induction, according to the needs of the Department of Defense throughout that period, would be in the sequence determined by the impartial and random process.

E. When the specified period of maximum vulnerability had elapsed, an order of call would be determined for a new group of men, and the remaining men in the previous pool would not be called unless military circumstances first required calling all of the men in the new group. (See ch. V.)

6. No further student or occupational deferments should be granted, with these exceptions:

A. Under appropriate regulations which will safeguard against abuses, students who are in school and men who are in recognized apprentice training when this plan goes into effect will be permitted to complete the degrees or programs for which they are candidates. Upon termination of those deferments they will be entered into the random selection pool with that year's 18-year-olds.

B. Thereafter, men who are already in college when they are randomly selected for service would be permitted to finish their sophomore year before induction.

C. Men who undertake officer training programs in college should be deferred, provided they commit to serve in the Armed Forces as enlisted men if they do not complete their officer programs.

(These represent majority decisions; a minority of the Commission favors continued student deferment.)

D. Hardship deferments, which defy rigid classification but which must be judged realistically on individual merits, would continue to be granted.

7. Study should begin now to determine the feasibility of a plan which would permit all men who are selected at 18 for induction to decide themselves when, between the ages of 19 and 23, to fulfill that obligation. Inducements would be offered to make earlier choice more attractive, and the option of choice could always be canceled if manpower needs were not met. If the feasibility of this plan is confirmed, the plan should be put into effect as soon as possible. (See ch. V.)

To broaden the opportunities for those who wish to volunteer for military service, the Commission recommends:

8. Opportunities should be made available for more women to serve in the Armed Forces, thus reducing the numbers of men who must involuntarily be called to duty. (See ch. II.)

9. The Department of Defense should propose programs to achieve the objective, insofar as it proves practicable, of accepting volunteers who do not meet induction standards but who can be brought up to a level of usefulness as a soldier, even if this requires special educational and training programs to be conducted by the armed services. (See ch. VIII.)

To remove the inequities in the enlistment procedures of the Reserve and National Guard programs, the Commission recommends:

10. Direct enlistment into Reserve and National Guard forces should not provide immunity from the draft for those with no prior service except for those who enlist before receiving their I–A classification.

11. If the Reserves and National Guard units are not able to maintain their force levels with volunteers alone, they should be filled by inductions. Inductions would be determined by the same impartial random selection system which determines the order of call for active duty service. (See ch. VI.)

The Commission supports recommendations presented to it by the National Advisory Commission on Health Manpower and the Department of State:

12. A national computer file of draft eligible health professionals should be established to assist selective service area offices to place their calls for doctors and dentists and allied professions so as to cause minimum disruption in the medical needs of the community.

13. Policies governing the drafting of aliens in the United States should be modified in the following ways to make those policies more equitable and bring them into closer conformity with the country's treaty arrangements:

A. All nonimmigrant aliens should be exempt from military service.

B. Resident aliens should not be subject to military service until 1 year after their entry into the United States as immigrants.

C. One year after entry, all resident aliens should be subject to military draft equally with U.S. citizens unless they elect to abandon permanently the status of permanent alien and the prospect of U.S. citizenship.

D. Aliens who have served 12 months or more in the Armed Forces of a country with which the United States is allied in mutual defense activities should be exempted from U.S. military service, and credit toward the U.S. military service obligation should be given for any such service of a shorter period. (See ch. VII.)

* * * * *

In arriving at the recommendations presented herein, the Commission considered other propositions which it rejected. Among them were:

1. Elimination of the draft and reliance on an all-volunteer military force.

Although there are many arguments against an exclusively volunteer force, the decisive one, the Commission concluded, was its inflexible nature, allowing no provision for the rapid procurement of larger numbers of men if they were needed in time of crisis. (See ch. II.)

2. A system of universal training.

In the context in which the Commission studied it, universal training is a program designed by its proponents to offer physical fitness, self-discipline and remedial training to great numbers of young Americans—and

> not a substitute for the draft. The Commission concluded that:
>
> A. Such a program cannot be justified on the grounds of military need, and
>
> B. Compulsion is not a proper means of accomplishing the worthwhile objectives of rehabilitation. (See ch. II.)
>
> The problem of men rejected for service for health and educational deficiences, to which universal training is directed, is one which presents the country with a tragedy of urgent dimensions. Recommendations in this report will, the Commission hopes, help to alleviate this problem. The proposal to examine all 18-year-old men (recommendation 5A, p. 6) will help in identifying the problems and obtaining assistance for those rejected. (See ch. VIII.) The proposal to permit men failing to meet induction standards to volunteer for service and receive special training (recommendation 9, p. 7) will also be of value. But the larger part of this problem is imbedded in the conditions of the rejected men's lives, such as discrimination and poverty. It is essential to the future of the country that further steps be taken to correct those conditions before they can grow—as they are growing now—into a national shame and a threat to the nation's security. (See ch. VIII.)
>
> 3. A system of compulsory national service; and along with that,
>
> 4. Volunteer national service as an alternative to military service.
>
> The Commission found first of all that there are difficult questions of public policy—and a lack of constitutional basis—involved in compulsory national service. Second, it concluded that no fair way exists to equate voluntary service programs with military service.
>
> Volunteer national service must, then, be considered on its own merits as a separate program unrelated to military service. That there is a spirited interest in such service today is abundantly clear. But the needs which such service would meet and the way in which programs would be administered and financed are matters which are still inconclusive. The Commission received no clear or precise answers to the questions it raised concerning them. The Commission is sensitive to the spirit which motivates the desire for national service, and it suggests further research to define the issues more clearly, together with public and private experimentation with pilot programs. (See ch. IX.)
>
> 5. Recognition as conscientious objectors of those opposed to particular wars (instead of war in any form).
>
> There is support within the Commission for this proposal. However, a majority of the Commission opposes it. The Commission majority believes, moreover, that the recent Supreme Court decision in *U.S.* v. *Seeger* offers sufficient guidance in defining the standards of the conscientious objector's position. That decision interprets the statute's requirement that conscientious objection be based on religious training and belief, to include "a given belief that is sincere and meaningful [and] occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God of one who clearly qualifies for the exemption." (See ch. V.)
>
> * * * * *
>
> There remains another point to be made in this summary:
>
> The Commission gave careful study to the effect of the draft on and its fairness to the Negro. His position in the military manpower situation is in many ways disproportionate, even though he does not serve in the Armed Forces out of proportion to his percentage of the population. He is underrepresented (1.3 percent) on local draft boards. The number of men rejected for service reflects a much higher percentage (almost 50 percent) of Negro men found disqualified than of whites (25 percent). And yet, recent studies indicate that proportionately more (30 percent) Negroes of the group qualified for service are drafted than whites (18 percent)—primarily because fewer Negroes are admitted into Reserve or officer training programs. Enlistment rates for qualified Negroes and whites are about equal, but reenlistments for Negroes are higher: Department of Defense figures show that the rate of first-term reenlistments is now more than double that of white troops. Negro soldiers have a high record of volunteering for service in elite combat units. This is reflected in, but could not be said to be the sole reason for, the Negro's overrepresentation in combat (in terms of his proportion of the population): Although Negro troops account for only 11 percent of the total U.S. enlisted personnel in Vietnam, Negro soldiers comprise 14.5 percent of all Army units, and in Army combat units the proportion is, according to the Department of Defense, "appreciably higher" than that. During the first 11 months of 1966, Negro soldiers totaled 22.4 percent of all Army troops killed in action.
>
> There are reasons to believe, the Commission finds, that many of the statistics are comparable for some other minority groups, although precise information is not available. Social and economic injustices in the society itself are at the root of inequities which exist. It is the Commission's hope that the recommendations contained in this report will have the effect of helping to correct those ineqiuties.

Mr. RUSSELL. Mr. President, I was diverted and did not make a statement with respect to the deferment of apprentices.

I have in my hand a memorandum from the Selective Service System which confirms the statement I made on the floor on Monday that there is nothing in the bill or in the House or Senate provisions which would in any way contradict the recommendations in the report of the Senate Armed Services Committee that so long as a student deferment program is operating, apprentices should be deferred under similar condition.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. JAVITS. We really should straighten out this draft board business. It is a fact that no discrimination based on sex is specified in the conference report and that the language in the statute is unclear.

For the legislative record, do the words in the statute which deal with the interpretation of the draft law, in the judgment of the Senator from Georgia, refer to the selection of members of those draft boards?

Mr. RUSSELL. I do not think they do. I think the decisions of the courts over the last several years, and every trend of that branch of the Government, makes it very clear that there should not be any discrimination. There is nothing in the statute that specifically requires the appointment of any particular class or category of persons.

Mr. JAVITS. Either way?

Mr. RUSSELL. That is correct. And no inhibition.

Mr. JAVITS. Either way?

Mr. RUSSELL. Either way.

Mr. JAVITS. But the Senator makes it as part of the legislative history that his understanding of the Supreme Court decisions and the general policy of our Government dictate there shall be no such discrimination?

Mr. RUSSELL. That is the trend. I do not agree with all of these Supreme Court decisions, may I say.

Mr. JAVITS. I understand.

The PRESIDING OFFICER. All time has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 1 minute.

Mr. EASTLAND. I object.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered; and the clerk will call the role.

The assistant legislative clerk proceeded to call the roll.

Mr. McGEE (when his name was called). Mr. President, on this vote I have a pair with the Senator from Alaska [Mr. GRUENING]. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. LONG of Louisiana. I announce that the Senator from Alaska [Mr. GRUENING] and the Senator from Indiana [Mr. HARTKE] are necessarily absent.

I also announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from North Carolina [Mr. JORDAN] are absent because of illness.

The result was announced—yeas 72, nays 23, as follows:

[No. 141 Leg.]

YEAS—72

Aiken
Allott
Anderson
Baker
Bayh
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Cooper
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gore
Griffin
Hansen
Harris
Hayden
Hickenlooper
Hill
Holland
Hollings
Hruska
Jackson
Javits
Jordan, Idaho
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
McClellan
McIntyre
Miller
Monroney
Montoya
Morton
Moss
Mundt
Murphy
Muskie
Pastore
Pearson
Prouty
Proxmire
Randolph
Ribicoff
Russell
Scott
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—23

Bartlett
Brooke
Case
Church
Clark
Dodd
Fulbright
Hart
Hatfield
Kennedy, Mass.
Kennedy, N.Y.
Mansfield
McCarthy
McGovern
Metcalf
Mondale
Morse
Nelson
Pell
Percy
Smathers
Tydings
Yarborough

NOT VOTING—5

Gruening
Hartke
Inouye
Jordan, N.C.
McGee

So the report was agreed to.

LEAVE OF ABSENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Pennsylvania [Mr. CLARK] may be officially excused from attendance in the Senate because of a death in his family.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DODD CENSURE RESOLUTION

ORDER FOR RECOGNITION OF SENATOR STENNIS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the morning prayer tomorrow, the distinguished Senator from Mississippi [Mr. STENNIS] be recognized.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent, now that the Senate has concluded its consideration of Senate Resolution 112 for the day, that there be a brief period for the transaction of routine business, under the usual limitation.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Jones, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE COMMUNICATIONS, ETC.

The President pro tempore laid before the Senate the following letters, which were referred as indicated:

Amendment of Agricultural Marketing Act of 1946

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to further amend the Agricultural Marketing Act of 1946 (with an accompanying paper); to the Committee on Agriculture and Forestry.

Report of Audit of Exchange Stabilization Fund

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report of audit of the Exchange Stabilization Fund, for the fiscal year ended June 30, 1966 (with an accompanying report); to the Committee on Banking and Currency.

Extension of Regulation of Maximum Rates of Interest or Dividends, Higher Reserve Requirements, and Open Market Operations in Agency Issues

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to extend for two years the authority for more flexible regulation of maximum rates of interest or dividends, higher reserve requirements, and open market operations in agency issues (with an accompanying paper); to the Committee on Banking and Currency.

The World Food Problem

A letter from the Administrator, Agency for International Development, Department of State, transmitting, for the information of the Senate, a statement prepared for Congressional Committees reviewing the Agency for International Development program, relating to the world food problem (with an accompanying paper); to the Committee on Foreign Relations.

DESECRATION OF THE FLAG—RESOLUTION OF THE SENATE OF PENNSYLVANIA

Mr. SCOTT. Mr. President, I submit a resolution adopted by the Senate of the State of Pennsylvania, and ask unanimous consent that it be printed in the RECORD and appropriately referred.

The PRESIDING OFFICER (Mr. MONDALE in the chair). The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The resolution was referred to the Committee on the Judiciary, as follows:

Resolution

Many Pennsylvania citizens have expressed their concern and dismay about recent acts of desecration performed against the Flag of the United States of America at so-called peace rallies, while many of Pennsylvania's sons are dying on a distant battlefield in a valiant attempt to preserve and extend the rights and privileges of democracy, so fully enjoyed in the United States, to other peoples.

Pennsylvania has not been plagued with such activities directed against the Flag, probably because of its long-standing public policy, expressed by duly enacted legislation, against insult or desecration of the Flag; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania, to encourage a sense of unity between those at home and our country's fighting men overseas, memorialize the Congress of the United States to adopt legislation making desecration of the Flag a criminal act, punishable by fine or imprisonment or both; and be it further

Resolved, That a copy of this resolution be forwarded to the presiding officer of each House of Congress of the United States and to each Senator and Representative from Pennsylvania in the Congress of the United States.

Attest:

MARK GRUELL, Jr.,
Secretary, Senate of Pennsylvania.

The PRESIDENT pro tempore laid before the Senate a resolution of the Senate of the State of Pennsylvania, identical with the foregoing, which was referred to the Committee on the Judiciary.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with an amendment:

S. 1577. A bill to complement the Vienna Convention on Diplomatic Relations (Rept. No. 346).

THE 17TH ANNUAL REPORT OF THE SELECT COMMITTEE ON SMALL BUSINESS—MINORITY VIEWS (S. REPT. NO. 345)

Mr. SMATHERS. Mr. President, as chairman of the Senate Select Committee on Small Business, I submit the committee's 17th annual report, and ask that it be printed, together with minority views of Senators JAVITS, SCOTT, COTTON, DOMINICK, and HATFIELD.

The PRESIDING OFFICER. The report will be received and printed, as requested by the Senator from Florida.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

Wilfrid E. Johnson, of Washington, to be a member of the Atomic Energy Commission.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. METCALF:

S. 1942. A bill for the relief of Hyung-Shil Shin; to the Committee on the Judiciary.

By Mr. RANDOLPH:

S. 1943. A bill to amend the act of August 4, 1950 (64 Stat. 411), to provide salary increases for certain members of the police force of the Library of Congress; to the Committee on Rules and Administration.

By Mr. HOLLINGS:

S. 1944. A bill for the relief of Thomas H. Belser; to the Committee on the Judiciary.

By Mr. LONG of Missouri:

S. 1945. A bill to amend the antitrust laws to provide that the refusal of nonprofit blood banks and of hospitals and physicians to obtain blood and blood plasma from other blood banks shall not be deemed to be acts in restraint of trade, and for other purposes; to the Committee on the Judiciary.

By Mr. SPARKMAN:

S.J. Res. 90. Joint resolution extending for 4 months the emergency provisions of the urban mass transportation program; to the Committee on Banking and Currency.

ADDITIONAL COSPONSORS OF BILLS

Mr. DIRKSEN. Mr. President, I ask unanimous consent that, at the next printing of Senate bill 515, to prohibit desecration of the flag, the name of the junior Senator from California [Mr. MURPHY] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from South Carolina [Mr. HOLLINGS], I ask unanimous consent that, at the next printing of the bill (S. 1796) to impose quotas on the importation of certain textile articles, the names of the following Senators be added as cosponsors: Mr. BENNETT, Mr. BIBLE, Mr. COTTON, Mr. CURTIS, Mr. FANNIN, Mr. PEARSON, Mr. EASTLAND, and Mr. TALMADGE.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE CONCERNING NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Veryl L. Riddle, of Missouri, to be U.S. attorney, eastern district of Missouri, term of 4 years, vice Richard D. Fitzgibbon, Jr., resigned.

John C. Begovich, of California, to be U.S. marshal, eastern district of California, term of 4 years, to fill a new position created by Public Law 89-372, effective September 18, 1966.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, June 21, 1967, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearings which may be scheduled.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 14, 1967, he presented to the President of the United States the enrolled bill (S. 1352) to authorize adjustments in the amount of outstanding silver certificates, and for other purposes.

INTERNATIONALIZATION OF WORLD WATERWAYS

Mr. THURMOND. Mr. President, one of the lessons which the Mideast crisis has emphasized for the world is the disastrous consequences of allowing important waterways to be operated under irresponsible control. For years Egypt has denied Isael transit privileges through the Suez Canal. Now the canal is closed completely at Egypt's pleasure. Some of the consequences of such a closure are detailed in Monday's edition of the National Observer.

At this point, I ask unanimous consent that the article, "How Shutdowns of the Suez Canal Affect Shipping Around the World," be printed in the Record at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Mr. President, it is especially important, therefore, that the important waterways of the world be in responsible hands. I was disturbed to read over the weekend a column by Drew Pearson advocating international control of all world waterways. Pearson asserts that the Johnson administration is considering using the diplomatic break with Egypt as an excuse for the internationalization of world waterways, including the Suez Canal." If a faction of the Johnson administration is really advocating this action, then it is plain that Pearson is serving as a mouthpiece to drum up support, for he says:

> The United States, therefore, is in a justifiable position to move for the internationalization of Suez as a move toward stability and peace.

What Pearson does not say explicitly is that the United States would be forced to internationalize the Panama Canal, if we first advocated the internationalization of Suez. Our stake in Panama is many times greater than our stake in Suez. At the present time, negotiations are proceeding for new treaties with Panama concerning the operation of the canal. I reserve my right to comment on those treaties at the proper time, but at the moment I would like to point out that internationalization of the Panama Canal is one of the most extreme proposals that radicals have made with regard to the canal.

The reason is obvious. The United States is highly dependent upon the successful operation of the Canal. Any proposal that weakened U.S. control over the canal would increase the vulnerability of the United States. It is astonishing that Pearson could be ignorant of such a situation.

I ask unanimous consent that the Pearson column "U.S. Studies Internationalized Canal," Washington Post, June 10, 1967, be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. THURMOND. Mr. President, internationalization of the Panama Canal has been one of the prime goals of the international Communist movement since the very beginning. John Reed declared it so in Petrograd in 1918. On December 2 of that year, President Theodore Roosevelt answered him with an unequivocal statement:

> The Panama Canal must not be internationalized. It is our canal; we built it, we fortified it, and we will protect it, and we will not permit our enemies to use it in war. In time of peace, all nations shall use it alike, but in time of war our interest at once becomes dominant.

The same sentiments prevailed as late as 1956, when Secretary of State John Foster Dulles addressed himself to this very question of whether the status of the Suez Canal could affect the status of the Panama Canal. I quote from an article in the Washington Evening Star, August 29, 1956:

> The Secretary told a news conference in Washington yesterday the United States has all the rights in the Canal Zone which it would possess if it were the sovereign—to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, powers, or authority.

The account added further:

> Mr. Dulles got into the Panama question with a statement declaring the situations pertaining to the Suez Canal and the Panama Canal are "totally dissimilar in two vital respects." He said the Suez was internationalized by the Treaty of 1888, while the United States has rights of sovereignty over the Panama Canal.

I ask unanimous consent that this entire article, "Dulles Stirs Up Panama and Japan, All in 1 Day," be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. THURMOND. Mr. President, the strategic waterways of the world continue to be an essential element in the Communist plan for world domination. Internationalizing of the Panama Canal has been a key point in this strategy, just as is the Suez Canal and the Mideast oil region. An expert analysis of this plan has just come to my attention in an editorial from the February issue of Task Force. In the light of current Mideast developments, the reasoning in this editorial has already justified itself and proved its accuracy. I therefore also ask unanimous consent that the editorial, "Crisis in World Strategy: An Appraisal" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Task Force, February 1967]

Crisis in World Strategy: An Appraisal

The ending of World War II did not bring peace as was universally hoped but resulted in a wider struggle by predatory communist nations for world power through the process of gaining domination of key coastal areas and strategic water routes. What are some of the key geopolitical problems involved?

I. First, consider Soviet aims in the Suez-Red Sea area. In this, communist control of the Suez Canal through Nasser, largely induced by United States intervention, and the recent announcement of the British Labor Government of its intention to withdraw in 1968 from Aden, are of prime importance. As communist penetration in nearby nations convenient for taking over Aden is increasing, its conquest by Red power will complete the existing Soviet domination over the Suez Canal-Red Sea route to the Middle and Far Easts. Moreover, it will present Europe with the same situation it faced in 1453 when the Eastern Roman Empire fell to the Turks, thereby leading the Portuguese to seek a new route to India by the Cape of Good Hope.

II. Consider next the Soviet stake in Viet Nam. There, Red power, following the 1941 Japanese war plan for securing control of Southeast Asia and, ultimately, of the Malay Barrier, for oil, manganese, tungsten, tin, rice and other vital materials, has been engaged in an aggressive guerrilla war of conquest with Chinese and Soviet support. Though Viet Nam is far more strategic than Korea, the present war is being handled by our Government in the same ineffectual and timid manner under a phoney no-win policy called limited warfare as was the Korean War. Unfortunately, there is no MacArthur with keen strategic insight and power of expression to show our people the way out of the quagmire, with its mounting tolls of American lives and treasure.

III. Now, consider Soviet aims in Rhodesia and South Africa. The recent proclamation by the President of the United States directing mandatory economic sanctions against Rhodesia is, in effect, opening the back door to war with all of Southern Africa, the countries of which are strongly anti-communist and friendly to the West. Southern African sea and airports, occupied by Red naval and air forces, could well dominate the sea routes around the Cape of Good Hope, and close the alternate passage between the Atlantic and Indian oceans.

Recently, in line with Administration and UN policies, the tax-exempt Carnegie Endowment for International Peace, formerly fronted by Alger Hiss, has issued a general staff type of war plan for a UN land-sea-air assault on South Africa. This plan, prepared with the shameful assistance of United States citizens, including a member of the faculty of the U.S. Military Academy, estimates that military casualties among the assaulting forces would be between 19,000 and 38,000. Such a plan could not serve Red objectives better if prepared by Alger Hiss himself. The casualties no doubt would be Americans, for the United States would be the main tool used by the UN to attack Southern Africa for Soviet gains.

If successful, the operation outlined in this notorious war plan issued by the once great peace foundation would inevitably place Red power in position to control the ocean routes adjacent to Southern Africa by submarines and aircraft, thereby strategically isolating the sea transport of Western Europe and the United States from countries bordering the Indian Ocean.

IV. Lastly, consider Soviet aims at Panama. In that strategic crossroads, as the result of a series of ill-advised surrenders by our government to the mob dictated government of Panama, United States control over the Canal Zone and Panama Canal has been placed in the gravest danger, with successive U.S. Administrations having officially displayed the Panama flag over the Zone territory equally with that of the United States. Moreover, the present Administration has publicly announced its intention to cede sovereignty over the Canal Zone back to Panama. Meanwhile, Panamanian revolutionaries, many of them trained in Cuba, and other radicals, are standing by for the projected cession as the signal for over-throwing constitutional government in Panama.

Such overthrow would make Panama another Cuba, place Red power in control of the Canal Zone, and swiftly lead to the Free World's loss of the Panama Canal. This loss would undoubtedly encourage like communist revolutionary takeovers in other Latin American countries. Yet not one member of the United States Senate, which is the treaty ratifying agency of our government, has taken any significant step to prevent the long planned giveaway of the Panama Canal to the Reds or even studied the subject to the point of reasonable understanding.

The resulting world situation is one of unprecedented peril. The above enumerated focal points pose great issues requiring clarification and exposure, which can be accomplished only by Committees of the Congress. Those at the watch towers of freedom, especially members of the Congress, should not and cannot evade their responsibilities in making or avoiding, as our safety requires, critically important treaties, especially those of such far-reaching consequences as agreements affecting the Panama Canal. What can we do?

The following program for the Congress is suggested:

1. Study the immortal 1951 address by General MacArthur to the Congress, which is available in recordings as well as in the Congressional Record. If "Viet Nam" is substituted for "Korea", that address fits the present Viet Nam situation precisely and with even greater emphasis.

2. Investigate the tax-exempt Carnegie Endowment for International Peace for its role in preparing the general staff type war plan to attack South Africa and the parts played by officials or officers of our government.

3. Demand of the Executive Department that it exercise the power to veto in the UN Security Council the projected move to apply mandatory sanctions against Rhodesia.

4. Adopt joint resolution cancelling Executive Order No. 11,322 of January 5, 1967, and instructing the Executive to notify the UN that the United States will not honor UN sanctions against Rhodesia.

5. Investigate the flying of the Panama flag in the Canal Zone territory, the Administration's announced intent to cede United States sovereignty over the Zone back to Panama, and the grave implications of the loss of the Panama Canal on world strategy.

Be not deceived; the world is on fire and the future is dark. Today is timely; tomorrow may be too late. It is the solemn duty of our citizens to act immediately and effectively. Let all patriots write their members of the Senate and House to exercise their full strength and power in preventing the success of Red terror and dominance throughout the world. Send your Senators and Congressmen a marked copy of this issue of Task Force, and ask them to read it!

EXHIBIT 1

[From the National Observer, June 12, 1967]

SUPERTANKER TO THE RESCUE: HOW SHUTDOWNS OF THE SUEZ CANAL AFFECT SHIPPING AROUND THE WORLD

The closing of the Suez Canal for six months a decade ago sliced the jugular of world trade, badly damaging Europe's economy. By contrast, Egypt's closing of the canal last week during the latest Arab-Israel War was felt by world traders like an annoying pinch on a few capillaries.

Hardship results whenever the canal is closed, of course. Closing the strategic waterway raises some costs for private concerns, and it puts a drain on some European nations' treasuries. But the closing doesn't, as it did in 1956–57, force Europe into a buy-at-any-price corner in order to obtain the goods that normally travel through the 103-mile-long canal across the Egyptian desert.

"The present situation is uncomfortable, but far from grim," says one oilman. Making the situation more uncomfortable is the cutoff of oil shipments to Western customers. Soon after Israel attacked its Arab neighbors last week, several Arab nations embargoed oil exports, particularly those to the United States and Great Britain.

Nine Arab countries—Abu Dhabi, Algeria, Bahrein, Iraq, Kuwait, Libya, Qatar, Saudi Arabia, and the United Arab Republic—produce about 8,500,000 barrels of oil daily, or one-third of the Free World's supply. The effect of a cutoff on the United States is slight; the United States gets less than 5 per cent of its oil from Middle Eastern wells.

NO ALTERNATE MARKET

A cutoff policy in relation to Europe can't last very long, in all probability. Arab nations have no alternative market for their oil. Without Western customers, many of these nations would lack any major source of income.

By what route will the oil flow when the Arab nations resume their shipments? The Suez Canal likely will remain closed for some time, for Egypt disclosed last week that ships sunk by Israeli attacks now block passage in the waterway. As long as the canal remains closed, ships will have to travel around Africa's Cape of Good Hope. Gulf Oil Corp. last week, for example, radioed its tanker London Confidence to alter course and make the voyage to Philadelphia via the Cape of Good Hope.

Such decisions may push up shipping costs by a third or more. Already the U.S. Maritime Administration has approved a 25 per cent increase in shipping fees. The longer voyages around the tip of Africa are not the only factor adding to costs; insurance companies last week imposed higher, war-risk rates.

An immediate result of the higher costs was a decision by India to postpone buying a much-needed 1,865,000 bushels of U.S. wheat. India said charter rates were now too costly on the voyage from New Orleans to Bombay, which is 2,386 miles longer via the Cape than through the canal. India was willing to pay $16.32 a ton to the shipper; the best offer it received was $18.90 a ton, or $4.90 above the prewar price.

Europe, by contrast, will suffer fewer problems from the delays and the costs in the longer voyages around the Cape. When sunken ships blocked the Suez Canal in 1956, they cut off the route that supplied Europe with over 80 per cent of all its oil. That same route now supplies half of Europe's oil.

The canal's relative importance to Europe thus has diminished. Granted, the canal's traffic has increased. The United Arab Republic has deepened the canal, enabling ships up to 60,000 tons to use it instead of the decade-ago limit of 30,000 tons. As a result, 20,285 ships passed through the canal in the year that ended June 30, 1966, compared with 14,666 in 1955. Canal revenues over that period rose to $197,000,000 from $75,000,000.

Yet over this period, world trade has grown at a faster pace. Europe, for instance, now imports about four times as much petroleum as it did at the time of the 1956 Suez crisis. European oil companies have brought in oil fields in Algeria and Libya, on the western side of Suez; this area now provides one-third of Europe's oil.

Since 1956, many oil companies have begun shipping oil from the Middle East to Europe aboard supertankers, capable of hauling 100,000 tons or more of oil in a single trip. These ships can't pass through the canal, for they're too big. A typical tanker voyage to Northern Europe from the Middle East may take six weeks via the Cape, compared with three weeks via Suez. But British Petroleum Co., a major Middle East producer, estimates that a 200,000-ton supertanker can carry oil around the Cape for 40 per cent less per barrel than it costs a 50,000-ton tanker to haul it through the Suez.

Other factors diminish the importance of the closing of the canal. There is a 20 per cent unused tanker capacity among world shippers, leaving many vessels available for service to aid in the run around the Cape. Too, Europe has a three-month supply of oil on hand now, so any petroleum pinch won't be felt for some time yet. And summer is the period of the lightest oil usage, as there is no demand for heating oil.

CANAL'S MAJOR PRODUCT

Still, oil has remained the principal product moving through the canal. Before the closing last week, oil tankers accounted for 71 per cent of the canal's tonnage. Of the 55 ships that used the canal during a normal day before the latest Middle Eastern war, over half were oil tankers.

While oil remains the major product moving through the canal, other products as well will have to be rerouted at greater cost. The canal does a large business in rubber from Malaysia and Cambodia, wool from Australia and New Zealand, and jute from India and Pakistan. Nearly half the world's tin supply moves through it, much of it from Malaysia. About 40 per cent of Britain's butter and cheese travels through the canal from New Zealand.

The effects of a world temporarily without a Suez Canal could work to the benefit of many American companies. Some American oilmen, for instance, talk of the closing of Suez as a stimulant to the sluggish U.S. business of drilling new wells. If Europe can't get all the oil it needs from the Middle East, it will doubtless make up part of the slack in purchases from U.S. wells. U.S. producers believe they can quickly turn valves to raise domestic oil production by possibly 3,000,000 barrels a day.

Thus most world traders don't worry as much over the canal shutdowns as they once did. It just isn't as important as it once was.

EXHIBIT 2

[From the Washington (D.C.) Post, June 10, 1967]

UNITED STATES STUDIES INTERNATIONALIZED CANALS

(By Drew Pearson)

There's a backstage debate going on inside the Johnson Administration regarding the idea of using the present diplomatic break with Egypt, initiated by President Nasser, as the moment to move for the internationalization of world waterways, including the Suez Canal.

Twice Nasser has closed the canal to Western shipping on his own whim, once in 1956, again in 1967. In 1955 he seized the canal from the French and British with no excuse other than pique over the fact that John Foster Dulles had decided not to finance the Aswan Dam.

It was President Eisenhower who in 1956–57 came to Nasser's rescue and demanded that the French, British and Israelis give the canal back to Egypt.

But today, despite Mr. Eisenhower's rescue of Egypt's precarious position in 1956 and despite five years of keeping the Egyptian people from starvation with $912 million of American grain, Nasser has falsely accused the United States of using planes from the Sixth Fleet to aid Israel. His accusation caused half of the Arab nations to break diplomatic relations, has endangered American lives all over the Near East and caused incalculable loss to American libraries, consulates and embassies.

The United States therefore is in a justifiable position to move for the internationalization of Suez as a move toward stability and peace.

NASSER'S BRAZEN ALIBI

Most brazen canard launched by any propaganda machine in years was Nasser's claim that the United States had intervened on the side of Israel.

Nasser of course was looking for an alibi for the complete rout of his troops. It was the third successive time the Egyptian army has collapsed before the Israelis: the first in 1948, when Nasser was almost taken prisoner; the second in 1956, when Israeli troops penetrated to the Suez Canal; the third, this week.

Nasser claimed this week that Israel was winning only because of help from airplanes from the Sixth Fleet. Real fact is that the nearest U.S. carrier, the Little Rock, was more than 350 miles from Egypt. Another carrier, the Saratoga, was more than 500 miles away. Not a single plane left the deck of either ship, as the Russians, whose destroyers had been shadowing both carriers 24 hours a day, fully knew.

Real fact is that President Johnson was more cautious than any other U.S. President except Mr. Eisenhower regarding the Near East. He kept Foreign Minister Abba Eban waiting all day before he finally saw him, then gave him no promises regarding Israeli ships through the Gulf of Aqaba.

Secretary of State Rusk told members of the Senate Foreign Relations Committee that no Israeli ships had gone through the gulf for two years, and implied that Nasser might be appeased by barring Israeli ships in the future.

In brief, the United States was about as neutral in the Near East crisis as it was possible to be.

Despite this, Nasser influenced the entire Arab world with false and damaging charges against the United States.

WHY THE FIGHT?

Reason why Israeli troops, surrounded by superior Arab numbers, were able to rout the enemy was very simple. The Israelis have something to fight for. The Arabs don't.

The Israelis are culminating a 2,000-year struggle to return to a homeland; and they fight with the memory of what happened to 6 million Jews, in the gas chambers of Hitler. They know that if they lost this battle, their fate at the hands of Nasser would be to get pushed into the sea.

Arab troops, on the other hand, serve in armies where there is no democracy, where the old caste privilege between officers and men still prevails.

Up until recently 90 Egyptian families controlled most of the nation's irrigated land; in Jordan, 50 Bedouin chieftains controlled most of the arable land. In Egypt the young officers get their imported scotch no matter what happens. Egyptian troops are lucky if they get their full quota of bread and rice.

In the Arab states today there is great wealth. Oil has made Saudi Arabia, Kuwait, Libya and Iraq among the wealthiest nations in the world. But there is also great poverty. Kuwait is the only country where the wealth of oil has been distributed among the masses.

In Israel there is very little individual wealth. Nor is there much individual poverty. You see no beggars on the streets as in the Arab states.

Israel is a middle-class, hard-working semi-Socialist state where there is no division between the wealthy and the poor. These are some of the reasons why Israeli soldiers fight, Arab soldiers don't.

Exhibit 3

[From the Washington (D.C.) Evening Star, Aug. 29, 1956]

Dulles Stirs Up Panama and Japan, All in 1 Day

Panama, August 29.—Secretary of State Dulles' latest comparison of the Panama and Suez Canals today heightened a new flare-up of anti-U.S. feeling in Panama.

The Secretary told a news conference in Washington yesterday the United States has all the rights in the Canal Zone which it would possess if it were the sovereign—"to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, powers, or authority."

His statement landed squarely in the middle of one of the touchiest points in relations between Panama and the United States. Within hours Foreign Minister Alberto Boyd got out a statement taking issue with Mr. Dulles and outlining Panama's position.

Panama has steadfastly claimed sovereignty over the Canal Zone, as distinct from jurisdictional rights granted to the United States by treaty. Panama's position is that the rights given the United States were only for the purposes of construction, operation, maintenance and defense of the waterway.

Mr. Dulles got into the Panama question with a statement declaring the situations pertaining to the Suez Canal and the Panama Canal are "totally dissimilar in two vital respects." He said the Suez was internationalized by the treaty of 1888, while the United States has rights of sovereignty over the Panama Canal.

The second dissimilar aspect, he went on, involves the dependence of a large number of countries on the Suez and their fear that this lifeline may be cut.

"As far as I am aware," Mr. Dulles said, "no country anywhere in the world fears that its economy is jeopardized by our possible misuse of our rights in the Panama Canal."

Replying, Mr. Boyd pointed out the Panama Canal was built on Panamanian territory and said the provisions on neutralization and freedom of transit in the Constantinople convention of 1888, internationalizing the Suez Canal, are applicable to the Panama waterway.

U.S. COMMITTEE ON HUMAN RIGHTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 333, S. 990, that it be laid before the Senate and considered immediately.

The PRESIDING OFFICER. The bill will be stated by title.

The Assistant Legislative Clerk. A bill (S. 990) to establish a U.S. Committee on Human Rights to prepare for participation by the United States in the observance of the year 1968 as International Human Rights Year, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment on page 7, line 7, after the word "exceed", to strike out "$300,000" and insert "$275,000"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF UNITED STATES COMMITTEE ON HUMAN RIGHTS

Section 1. That, in order to provide for effective and coordinated preparation for participation by the United States in the observance of the year 1968, designated by the General Assembly of the United Nations as "International Human Rights Year", there is established an advisory and coordinating committee, to be known as the "United States Committee on Human Rights" (hereinafter in this Act referred to as the "Committee").

MEMBERSHIP OF THE COMMITTEE

Sec. 2. (a) The Committee shall be composed of eleven members, as follows:

(1) two Members of the House of Representatives, appointed by the Speaker of the House of Representatives, one from each of the two major political parties.

(2) two Members of the Senate appointed by the President of the Senate, one from each of the two major political parties.

(3) seven appointed by the President of the United States, one of whom he shall designate to serve as Chairman of the Committee.

(b) The Committee shall elect a Vice Chairman from among its members.

(c) A vacancy in the Committee shall be filled in the same manner in which the original appointment was made.

(d) The Committee is authorized to issue such rules and regulations it deems advisable to conduct its activities.

COMPENSATION OF MEMBERS OF THE COMMITTEE

Sec. 3. Members of the Committee who are officers or employees of the United States shall serve without compensation in addition to that received for the service as such officers or employees. Members of the Committee appointed from private life each shall receive $100 per diem when actually engaged in the performance of duties vested in the Committee. Each member of the Committee shall be allowed travel expenses in the same manner as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

POWERS AND DUTIES OF THE COMMITTEE

Sec. 4. The Committee shall formulate plans for effective and coordinated participation by the United States in the observance of the year 1968 as "International Human Rights Year". In order to carry out the provisions of this Act the Committee is authorized to—

(1) conduct studies, seminars, and meetings with appropriate parties in order to provide for effective participation in the observance of International Human Rights Year at the Federal, State, and local levels of government in the United States;

(2) explore the role of the United States in defining, expressing, and expanding the application of human rights principles in the United States and throughout the world;

(3) review past and present policies of the United States with respect to the universal application and preservation of human rights principles; and

(4) take such other action and conduct such other activities as it may deem appro-

priate to provide a basis for the observance by the United States of International Human Rights Year.

COOPERATION WITH COMMITTEE BY EXECUTIVE AGENCIES

Sec. 5. (a) The Committee is authorized to request any department, agency, independent establishment, or instrumentality in the executive branch of the Government to furnish suggestions and information to assist the Committee in carrying out the provisions of this Act. The head of each such department, agency, independent etablishment, or instrumentality shall furnish such suggestions and information to the Committee upon request of the Chairman or Vice Chairman.

(b) Upon request of the Chairman or Vice Chairman of the Committee, the head of each department, agency, independent establishment, or instrumentality in the executive branch of the Government shall otherwise cooperate with the Committee in carrying out the provisions of this Act and shall provide the Committee with such additional assistance and services as may be available.

(c) The Administrator of General Services shall provide administrative services for the Committee on a reimbursable basis.

STAFF OF COMMITTEE

Sec. 6. (a) The Committee shall appoint an executive secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, prescribe his duties, and fix his compensation at a rate not to exceed the maximum rate payable under the General Schedule contained in section 5332 of such title.

(b) The Committee is authorized to appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and fix the pay in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, of such personnel as it deems advisable to carry out the purposes of this Act.

(c) The Committee may procure temporary and intermittent services to the same extent as is authorized for the departments by section 3109 of title 5, United States Code, but at rates not to exceed $100 per diem for individuals.

REPORT AND TERMINATION OF COMMITTEE

Sec. 7. (a) The Committee shall submit to the President, not later than September 1, 1967, for transmittal to the Congress a report of the activities of the Committee under this Act together with its recommendations, including recommendations as to the manner in which the most effective and coordinated participation by the United States in the observance of the year 1968 as "International Human Rights Year" may be accomplished and including recommendations as to the means by which the United States may contribute most effectively to the acceptance, observance, practice, and enforcement of the principles of human rights throughout the world during International Human Rights Year and thereafter.

(b) From and after the submission of its report to the President under subsection (a), the Committee shall, under the direction of the President, continue as an informational and coordinating clearinghouse and center of United States participation in the observance of the year 1968 as "International Human Rights Year" and, to carry out such purpose, shall perform such additional duties as the President may prescribe.

(c) The Committee shall cease to exist at the close of December 31, 1968.

ACCEPTANCE OF DONATIONS; AUTHORIZATION OF APPROPRIATIONS

Sec. 8. (a) The Committee is authorized to accept donations of money, property, and personal services in carrying out the provisions of this Act.

(b) There are authorized to be appropriated such sums, not to exceed $275,000, as may be necessary to carry out the provisions of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that certain excerpts from the report accompanying S. 990, having to do with the provisions of the bill and the background, be printed in the Record at this point.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

PROVISIONS OF THE BILL

S. 990 provides for the creation of an advisory and coordinating committee to be known as the U.S. Committee on Human Rights. It will be composed of 11 members—two from the House of Representatives (one from each party, appointed by the Speaker of the House; two from the Senate (one from each party), appointed by the President of the Senate; and seven members appointed by the President, one of whom he will designate to serve as Chairman of the Committee.

The powers and duties of the Committee will be to formulate plans for effective and coordinated participation by the United States in the observance of the year 1968 as International Human Rights Year. The Committee will be authorized to conduct studies and seminars for effective U.S. participation; to explore the role of the United States in defining, expressing, and expanding the application of human rights principles in the United States and abroad; to review past and present policies in this field; and to take any other action deemed appropriate to provide a basis for the observance by the United States of International Human Rights Year. There are provisions for cooperation with agencies of the executive branch and for staffing.

The Committee will be required to submit a report to the President for transmission to the Congress no later than September 1, 1967, together with recommendations as to the manner in which the most effective and coordinated participation by the United States in the observance of the International Human Rights Year may be accomplished. During the course of the Human Rights Year, the Committee will be continued as a coordinating center for U.S. activities. The Committee will cease to exist on December 31, 1968.

Finally, the bill, as reported by the Committee on Foreign Relations, will authorize the appropriation of $275,000 for the expenses of the U.S. Committee on Human Rights.

BACKGROUND

The General Assembly of the United Nations, in December 1963, designated 1968 as the International Year for Human Rights. At that time, it invited the specialized agencies and member states to participate with the United Nations Committee on Human Rights in a variety of activities to be undertaken during that year to call attention to the celebration of the 20th anniversary of the Universal Declaration of Human Rights.

This bill, except for minor drafting changes relating to the provisions for staff, is identical to S. 3101, which was passed by the Senate on October 17, 1966, by a voice vote. Although the House Committee on Foreign Affairs had reported favorably a companion measure, neither bill was finally acted upon during the days before adjournment on October 22.

The bill was reintroduced as S. 990 on February 16, 1967, by Senator Clark, for himself and Senators Brewster, Hart, Inouye, Long of Missouri, McCarthy, Morse, Moss, Pell, Proxmire, Randolph, Scott, Tydings, Yarborough, and Young of Ohio.

The Committee on Foreign Relations considered S. 990 on February 28 and again on June 8 at which time it was ordered reported favorably to the Senate, with the amendment referred to above.

SILVER PRICE AT LONDON PREVAILS

Mr. JORDAN of Idaho. Mr. President, the State of Idaho leads the Nation in the production of silver. For this reason we watch the fluctuations in silver stocks and market prices with great interest.

The evidence is now conclusive that the U.S. Treasury is no longer able to control the market price of silver by meeting market demands from silver stockpiles. With the world market price at about $1.70 an ounce for spot silver, producers are no longer willing to sell to the U.S. Treasury at the price of $1.29 an ounce.

A news item appeared in the June 8, 1967 issue of the Wallace Miner, published in Wallace, Idaho, under the headline "Silver Price at London Prevails," with a subhead "U.S. Treasury's $1.29 Price Abandoned by Local Operators."

I ask unanimous consent that this news item be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Silver Price at London Prevails—U.S. Treasury's $1.29 Price Abandoned by Local Operators

Inland Empire mine operators this week could get about $1.70 an ounce for their silver output, compared to the $1.29 price which the U.S. Treasury has been paying domestic producers since 1964.

In reply to a Spokane Chronicle query, a spokesman for the Bunker Hill Co. at Kellogg said Bunker Hill now is buying and selling silver based on the London market price.

This price Monday was reported at $1.71½ on ounce for spot silver.

Financial wire reports received at the Spokane Stock Exchange Monday said that American Smelting & Refining Co., the world's largest refiner of silver, has started purchasing domestic and foreign ores and concentrates and selling processed metal at the prices prevailing in London.

American Smelting's Inland Empire operations include operation of the Galena Mine (this country's second largest silver mine) in the Silver Belt between Kellogg and Wallace.

Cominco, major Canadian silver producer, also was quoted as saying it is basing its silver price on the London quotation.

American Metals Climax, Inc., was reported to have said it looks as if it would have to depart from its practice of pricing silver from its mines on the basis of the U.S. Treasury price.

The Wall Street Journal Monday reported that industry officials said the move by the major U.S. and Canadian silver refiners practically assures a "dual price structure" for silver.

They said the situation results from the action of the Treasury Department May 18 in banning exports of its silver stocks and limiting sales of Treasury silver to legitimate domestic industrial users.

In the meantime, Canada reportedly has restricted the export of silver to normal commercial shipments for which export permits will be issued.

Travelers will be restricted to taking $5 worth of silver coins out of the country, said the report received at the Spokane Stock Exchange.

The Canadian action was said to have been announced by Robert Winters, minister of trade and commerce, at Ottawa.

Winters said a recent similar export ban by the United States had resulted in abnormal movements of Canadian silver, silver alloys and chemicals containing silver, all of which are included in the new order.

Mr. DOMINICK. Mr. President, the statement which has just been made by the Senator from Idaho and the news article which he has placed in the RECORD are of extraordinary significance and back up the point I was trying to make on the recent silver bill.

At that time I pointed out that silver was going to be more important than silver certificates; that the certificates would be redeemed in order to get the silver to get a much higher price for it.

I also said at that time that for that reason I did not think we would have the stockpile of silver at the end of the year to take care of the national defense needs of this country.

It strikes me that my prediction has been confirmed by the fact that domestic producers are selling abroad, and not here, and that they are doing it because the price abroad is substantially higher than in the United States. At the same time our own industrial users here are still buying silver from the Treasury. We are losing silver to foreign markets day in and day out.

I would say—without any intent to exceed the limitation on routine business being conducted now—that unless we take adequate steps to make our defense stockpile inviolable and do it as soon as possible, we are not going to have enough silver for the defense needs of our country.

AMENDMENT AND EXTENSION OF THE DRAFT ACT AND RELATED LAWS

Mr. McCARTHY. Mr. President, in support of the effort made by the Senator from Massachusetts [Mr. KENNEDY], to have the draft law extended for only 1 year, a telegram was sent to me, signed by five members of the National Advisory Commission on the Draft, namely: Burke Marshall, Thomas S. Gates, Rev. John Courtenay Murray, John A. McCone, and Mrs. Oveta Culp Hobby. They objected to the fact that much of what they had recommended was not included in the draft extension which was the subject of the conference report and on which the Senate acted today.

There was another matter with which the Advisory Commission concerned itself in the course of its study and deliberations, which I had hoped would be the subject of continuous study by anyone responsible for the draft laws of the country during the next year. There would have been pressure to make this study had the 1-year extension been agreed to.

I am hopeful, in spite of the fact that the law has been extended beyond 1 year, that this matter will receive serious and continuing attention from everyone in the administration, outside the administration and here in the Senate who is responsible for developing a fair and equitable and a rational draft system for the country.

The particular proposition to which I wish to address myself to this evening is the so-called principle of selective conscientious objection which has developed as a new problem with relation to the drafting of men for the war in Vietnam and which may continue to be a problem for us as we face limited wars in the future.

Mr. President, I ask unanimous consent to have printed in the RECORD excerpts from the existing law, together with excerpts from court cases dealing with the problem, excerpts from the conference report, section 7, and a commentary on the effect of that conference report.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

CONSCIENTIOUS OBJECTORS

1. Existing Law, Section 6(j):

"Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the armed forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. Religious training and belief in this connection *means an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation*, but does not include essentially political, sociological, or philosophical views or a merely personal moral code."

2. Excerpt from *U.S.* v. *Seeger*, 380 U.S. 163 (1965):

"We have concluded that Congress, in using the expression 'Supreme Being' rather than the designation 'God,' was merely clarifying the meaning of religious training and belief so as to embrace all religions and to exclude essentially political, sociological, or philosophical views. We believe that under this construction, the test of belief 'in a relation to a Supreme Being' is whether a given belief that is sincere and meaningful occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God of one who clearly qualifies for the exemption. Where such beliefs have parallel positions in the lives of their respective holders we cannot say that one is 'in a relation to a Supreme Being' and the other is not. We have concluded that the beliefs of the objectors in these cases meet these criteria . . ."

Excerpts from concurring opinion of Douglas, J.:

"If I read the statute differently from the Court, I would have difficulties. For then those who embraced one religious faith rather than another would be subject to penalties; and that kind of discrimination, as we held in *Sherbert* v. *Verner*, 374 U.S. 398, would violate the Free Exercise Clause of the First Amendment. It would also result in a denial of equal protection by preferring some religions over others—an invidious discrimination that would run afoul of the Due Process Clause of the Fifth Amendment."

3. Conference Report, Section 7:

"Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the armed forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. As used in this subsection, the term 'religious training and belief' does not include essentially political, sociological, or philosophical views, or a merely personal moral code."

4. Effect of Conference Report:

To overrule *U.S.* v. *Seeger*, by eliminating the language in the existing law upon which the Supreme Court relied in deciding the case (the language eliminated is underlined).

5. The Senate bill did not upset the existing law.

Mr. McCARTHY. Mr. President, the principle of conscientious objection was carefully considered during the past year by the President's National Advisory Commission on Selective Service, but, in the end, it was rejected by the Commission, principally on these 5 grounds:

First, the majority of the members of the Commission believed it is one thing to deal in law with a person who believes he is responding to a moral imperative outside of himself when he opposes all killing, but quite another thing to accord a special status to a person who believes there is a moral imperative which tells him he can kill under some circumstances and not kill under others. Moreover, the majority argues that the question of "classical Christian doctrine"—I am not sure what that means—on the subject of just and unjust wars is one which would be interpreted in different ways by different Christian denominations and is therefore not a matter upon which the Commission could pass judgment.

Second, the majority holds that so-called selective pacifism is essentially a "political" question which should be resolved through recognized democratic processes. I assume by that we are asking for somewhat clearer definition in the law, or perhaps in the courts.

Third, legal recognition of selective pacifism, the majority felt, could open the door to a general theory of selective disobedience to law, which could quickly tear down the fabric of government.

I do not think this is a fair distinction, the difference between selective pacifism and pacifism which is recognized in the legal practices of this country, that this is selective disobedience of the law.

Fourth, the majority was unable to see the morality of a proposition which would permit the selective pacifist to avoid combat service by performing noncombatant service in support of a war which he had theoretically concluded to be unjust.

I can see some point in this if both actions were directly contributory to the conduct of the war. If there was some distinction or division, the action in one case could be separate, somehow, from the other, and if one were called upon to be put in noncombatant service, he would have to give demonstrable proof that he was serious about his pacifist position. Then the fourth point would be subject to reservation.

Finally, the majority felt that a legal recognition of selective pacifism could be disruptive to the morale and effectiveness of the Armed Forces.

I do not know upon what basis they added the fifth point. In any case, I would say it would be very difficult to have significant proof of it.

There was also a minority view submitted, which I think is deserving of continued consideration. I quote directly from it.

First, they pointed out that—

> The present statute incorporates the moral position of absolute pacificism, which holds that all uses of military force are inherently immoral. Although this moral view of war has occupied a time-honored place in American society it is a sectarian position and does not represent the moral consensus of the American people with regard to the uses of military force. Hence, though this moral view should continue to be honored in a revised Selective Service Act, it should not be accorded its present place of privilege as the legal doctrine which alone controls the issue of conscientious objection.

This, the first point made in the minority view with reference to selective conscientious objection, constitutes a challenge to the accepted position, which seems to be that if you can establish that you are against all wars, then you can be against any war or any involvement; but, on the other hand, that if you attempt to pass an overall judgment on particular actions or particular involvements, and attempt to make, as to any or all, a reasoned judgment on the facts in the light of the movement of history, at that point you are out of court and immediately disqualified.

Second, to quote again from the minority view:

> The classical doctrine on war widely held within the Christian community has been based on the moral premise that not all uses of military force are inherently immoral. . . . In a word, a war may be just, it may also be unjust.

Third:

> Although the decision to make war is the prerogative of duly constituted government, responsible to its people, and constitutes a presumption for the citizen in favor of the legitimacy of the war, the citizen still is personally responsible for his own moral judgments on matters of public policy. He may not abdicate his own conscience into the hands of government. . . . In particular cases, therefore, it can happen that the conscientious moral judgment of the citizen is in conflict with the judgments made by government, either with regard to the justice of the nation's cause or with regard to the measure and mode in which military force is to be employed in the defense of the nation's vital interests. In such cases the citizen should not be compelled by government to act against his conscience by being forced to bear arms. Government, however, may legitimately require of the citizen some manner of alternative service, either in a noncombatant or in a civilian capacity, as a duty of citizenship.

Mr. President, this minority report raises for our attention a most serious question. Each day, the movement of our own times and the complexity of current problems make it more and more difficult for individual citizens to respond within the limits, the direction, and the confines of authority called traditional or institutional practices. Second, Government could not eliminate all the pressure that will continue to bear upon the individual consciences of our citizens so far as the question of military service is concerned. It is our duty to try to lay down certain general guides, to set some limits, to establish some policies to make it somewhat easier for the most concerned and most sensitive of our citizens to come to a moral judgment, which will not necessarily be in conflict with the law when it considers the general good of the United States.

I ask unanimous consent to have printed at this point in the Record the text of an address given by John Courtney Murray on the vital question of "War and Conscience." This address was given at Western Maryland College in June of this year, 1967.

There being no objection, the address was ordered to be printed in the Record, as follows:

WAR AND CONSCIENCE

(Commencement address, Western Maryland College, June 1967, by Rev. John Courtney Murray, S.J.)

I take as my subject today the issue of selective conscientious objection, conscientious objection to particular wars, or as it is sometimes called discretionary armed service.

The theoretical implications of the issue are complex and subtle. The issue raises the whole question of war as a political act and the means whereby it should be confined within the moral universe. The issue also raises the question of the status of the private conscience in the face of public law and national policy. In fact, the whole relation of the person to society is involved in this issue.

Moreover, the practical implications of the issue are far reaching. Selective conscientious objection, as Gordon Zahn has pointed out, is an "explosive principle."

If once admitted with regard to the issue of war, the consequences of the principle might run to great lengths in the civil community.

I cannot today discuss the issue in all its complexity. I shall be content to make some comments on it, which are directed, for reasons that will appear, both to the academic community, especially the student community, and also to the political community, itself and in its representatives.

A personal note may be permissible here. During the deliberations of the President's Advisory Commission on Selective Service, on which I was privileged to serve, I undertook to advocate that the revised statute should extend the provisions of the present statute to include not only the absolute pacifist but also the relative pacifist; that the grounds for the status of conscientious objector should be not only religiously or non-religiously motivated opposition to participation in war in all forms, but also to similarly motivated opposition to participation in particular wars.

This position was rejected by the majority of the Commission. No Presidential recommendation was made to the Congress on the issue. There is evidence that the Congress is not sympathetic to the position of the selective objector and is not inclined to accept it.

This does not mean that the issue has been satisfactorily settled. The public argument goes on and must go on. It is much too late in the day to defend the theory of General Hershey that "the conscientious objector by my theory is best handled if no one hears of him." The issue is before the Country and it must be kept there.

It is true that the issue has been raised by a small number of people, chiefly in the academic community—students, seminarians, professors, not to speak of ministers of religion. But this group of citizens is socially significant. It must be heard and it must be talked to.

I recognize that in many respects the issue has been raised rather badly, in ways that betray misunderstandings. Moreover, mistakes have been made about the mode of handling the issue.

Nevertheless, the student community is to be praised for having raised a profound moral issue that has been too long disregarded in American life.

The American attitude towards war has tended to oscillate between absolute pacifism in peacetime and extremes of ferocity in wartime. Prevalent in American society has been an abstract ethic, conceived either in religious or in secularized terms, which condemns all war as immoral. No nation has the *ius ad bellum*. On the other hand, when a concrete historical situation creates the necessity for war, no ethic governs its conduct. There are no moral criteria operative to control the uses of force. There is no *ius in bello*. One may pursue hostilities to the military objective of unconditional surrender, and the nation may escalate the use of force to the paroxysm of violence of which Hiroshima and Nagasaki are forever the symbols, even though they were prepared for by the fire bomb raids on Tokyo and by the saturation bombing of German cities. And all this use of violence can somehow be justified by slogans that were as simplistic as the principles of absolute pacifism.

These extreme alternatives are no longer tolerable. Our Nation must make its way to some discriminating doctrine—moral, political, and military—on the uses of force.

Perhaps the contemporary agitation in the academic community over selective conscientious objection may help in this direction. It has contributed to a revival of the traditional doctrine of the just war, whose origins were in Augustine which was elaborated by the medieval Schoolmen and further by international jurists in the Scholastic tradition and by others in the later tradition of Grotius.

This doctrine has long been neglected, even by the churches, for reasons on which I cannot delay here.

Now we begin to witness its revival. We are also beginning to realize that it is not a sectarian doctrine. It is not exclusively Roman Catholic; in certain forms of its presentation, it is not even Christian. It emerges in the minds of all men of reason and good will when they face two inevitable questions. First, what are the norms that govern recourse to the violence of war? Second, what are the norms that govern the measure of violence to be used in war? In other words, when is war rightful, and what is rightful in war. One may indeed refuse the questions, but this is a form of moral abdication, which would likewise be fatal to civilization. If one does face the questions, one must arrive at the just war doctrine in its classical form, or at some analogue or surrogate, conceived in other terms.

The essential significance of the traditional doctrine is that it insists, first, that military decisions are a species of political decisions, and second, that political decisions must be viewed, not simply in the perspectives of politics as an exercise of power, but of morality and theology in some valid sense.

If military and political decisions are not so viewed the result is the degradation of those who make them and the destruction of the human community.

My conclusion here is that we all owe some debt of gratitude to those who, by raising the issue of selective conscientious objection, have undertaken to transform the tragic conflict in South Vietnam into an issue, not simply of political decision and military strategy, but of moral judgment as well.

The mention of South Vietnam leads me to my second point. The issue of selective conscientious objection has been raised in the midst of the war in Southeast Asia. Therefore, there is danger lest the issue be muddled and confused, or even misused and abused.

In South Vietnam we see war stripped of all the false sanctities with which we managed to invest World War I and World War II, and to a lesser extent even Korea. The South Vietnamese war is not a crusade. There is not even a villain of the piece, as the Kaiser was or Hitler, or Hirohito. Not even Ho Chi Minh or Mao Tse Tung can be cast in the role of the man in the black hat. We have no easy justifying slogans. We cannot cry, "On To Hanoi," as we cried, "On To Berlin" and "On To Tokyo." This war does not raise the massive issue of national survival. It is a limited military action for limited political aims. As we view it in the press or on television it almost seems to fulfill Hobbes's vision of human life in the state of pure nature, "nasty, brutish, and short"—only that the war in South Vietnam will not be short. In the face of the reality of it, all our ancient simplisms fail us. The American people are uncomfortable, baffled and even resentful and angry.

To state the problem quite coldly, the war in South Vietnam is subject to opposition on political and military grounds, and also on grounds of national interest. This opposition has been voiced, and voiced in passionate terms. It has evoked a response in the name of patriotism, that is also passionate. Consequently, in this context, it is difficult to raise the moral issue of selective conscientious objection. There are even some to whom it seems dangerous to let the issue be raised at all.

At this juncture I venture to make a recommendation in the common interest of good public argument.

The issue of selective conscientious objection must be distinguished from the issue of the *justice of the South Vietnam war. If this* distinction is not made and enforced in argument, the result will be confusion and the clash of passions. The necessary public argument will degenerate into a useless and harmful quarrel.

The distinction can be made. I make it myself. I advocate selective conscientious objection in the name of the traditional moral doctrine on war and also in the name of traditional American political doctrine on the rights of conscience. I am also prepared to make the case for the American military presence and action in South Vietnam.

I hasten to add that I can just about make the moral *case. But so it always is. The morality of war can never be more than marginal.* The issue of war can never be portrayed in black and white. Moral judgment on the issue must be reached by a balance of many factors. To argue about the morality of war inevitably leads one into gray areas.

This is the point that was excellently made by Mr. Secretary Vance in his thoughtful address *to the Annual Convention of the Episcopal* Diocese of West Virginia on May 6th.

It is evident here that our national tradition of confused moral thought on the uses of force does us a great disservice. It results in a polarization of opinion that makes communication among citizens difficult or even impossible. As Mr. Vance said, "In America today one of the greatest barriers to understanding is the very nature of the dialogue which has developed over the issue of Vietnam. It is heated and intolerant. The lines on both sides are too sharply drawn." I agree.

By the same token rational argument about selective conscientious objection will be impossible if public opinion is polarized by all the passions that have been aroused by the South Vietnam war. The two issues, I repeat, can and must be separated.

Another difficulty confronts us here. The issue about conscientious objection seems to have been drawn between the academic community and the political community—if you will, between poets and politicians, between scientists and statesmen, between humanists and men of affairs, between the churches and the secular world.

It is, therefore, no accident that the dialogue at the present moment is in a miserable state. One may seek the reason for the fact in the differences in the climate of thought and feelings that prevail in the two distinct communities, academic and political.

In consequence of this difference in climate, each community, in a different way, can become the victim of the intellectual and moral vice that is known as the selective perception of reality. This, however, is too large a subject for discussion here. I shall simply make several comments.

It has been observed that the commitment of the intellectual today is not simply to the search for truth, but also to the betterment of the world—to the eradication of evil and to the creation of conditions of human dignity, first among which is peace. One might say that he has assumed a prophetic role, not unlike that of the churches. This is most laudable. The danger is lest the very strength of the moral commitment—to peace and against war—may foreclose inquiry into the military and political facts of the contemporary world—the naked facts of power situations and the requirements of law and order in an imperfect world, which may justify recourse to the arbitrament of arms.

The problem is compounded if the so-called "norms of nonconformism" begin to operate. In that case opposition to war becomes *the test of commitment to the ideals* of the academic community.

On the other hand, the politician is no prophet. He may and should wish to shape the world unto the common desire of the heart of man which is peace with freedom and justice. But he is obliged to regard the world as an arena in which historical alternatives are always limited. He must face enduring problems, which may seem intractable, and which demand continuing decisions and acts. His actions cannot be based on absolute certainties or on considerations of the ideal, but on a careful balancing and choosing between the relativities that are before him.

In a word, for the prophets and for the intellectual, war is simply evil. For the politician it may well appear to be the lesser evil. This too is a conscientious position, but it is very different from the prophetic position, even though the choice of the lesser evil is part of the human pursuit of the good. In *any event, it is not surprising that the politician and the prophet fail to communicate.*

It must also be remembered that the politician creates the situation within which the prophetic voice may be safely heard. There is much wisdom in the statement of Professor Paul Ramsey: "The right of pacifist conscientious objection can be granted for *the fostering of the consciences of free men, only because in national emergencies there* are a sufficient number of individuals whose political discretion has been instructed in the need to repel, and the justice of repelling, injury to the common good."

I might add a practical point. The intellectual, whether he be student or professor, sets a premium on being provocative. His task is to challenge all certainties, especially easy certainties, and therefore to challenge the authorities on which certainties may depend. He wants evidence, not authority, and he sets a high value on dissent. All this is excellent and necessary. But there is danger in thrusting this scale of evaluation into the political community. It is not merely that the intellectual provokes reaction; he provokes an over-reaction on the part of the representatives of the political community, and thus he may easily defeat his own cause.

The advocacy of selective conscientious objection in the midst of the South Vietnamese war is provocative, and the political response to it has been an over-reaction. If you want the evidence you need only read the record of the hearings in the Congress, both Senate and House, on the revision of the Selective Service Act, when the issue of conscientious objection was brought up. The claim that the selective objector should be recognized was met with the response that all conscientious objection should be abolished.

All this amounts simply to saying that we face a most difficult issue. I thought it might be of some value to try to locate some of the sources of the difficulty.

I should like to continue in this practical vein. Strictly on grounds of moral argument, the right conscientiously to object to participation in a particular war in incontestable. I shall not argue this issue. The practical question before all of us is how to get the moral validity of this right understood and how to get the right itself legally recognized, declared in statutory law. (I leave aside the question whether the right is a human right, which ought to receive sanction in the Bill of Rights as a constitutional right.)

I have made one practical suggestion already. The issue of selective conscientious objection must be argued on its own merits. It is not a question of whether one is for or against the war in Vietnam, for or against selective service, much less for or against killing other people. The worst thing that could happen would be to use the issue of conscientious objection as a tactical weapon for political opposition to the war in Vietnam or to the general course of American foreign policy. This would not be good morality and it would be worse politics.

Perhaps the central practical question might be put in this way. Do the conditions *exist which make possible the responsible exercise* of a right of selective conscientious objection? The existence of these conditions is the prerequisite for granting legal status to the right itself.

There are two major conditions. The first is an exact understanding of the just war doctrine, and the second is respect for what Socrates called *"the conscience of the laws."* Let me explain.

Not long ago a young man in an anti-Vietnam protest on television declared that he would be willing to fight in Vietnam if he knew that the war there was just, but since he did not know he was obliged to protest its immorality. This young man *clearly* did not understand the *just war doctrine and he* did not understand what Socrates meant by the "conscience of the laws."

Similarly, in a statement issued by a Seminarians Conference on the Draft held recently in Cambridge there appears this statement: "The spirit of these principles [of the just war doctrine] demands that every war be *opposed until or unless it can be morally* justified in relation to these principles."

Socrates would not have agreed with this statement nor do I. The dear seminarians have got it backwards.

The root of the error here may be simply described as a failure to understand that provision of the just war doctrine which requires that a war should be "declared." This is not simply a nice piece of legalism, the prescription of a sheer technicality. Behind the provision lies a whole philosophy of the State as a moral and political agent. The provision implies the recognition of the authority of the political community by established political processes to make decisions about the course of its action in history, to muster behind these decisions the united efforts of the community, and to publicize these decisions before the world.

If there is to be a political community, capable of being a moral agent in the international community, there must be some way of publicly identifying the nation's decisions. These decisions must be declared to be the decisions of the community. Therefore, if the decision is for war, the war must be declared. This declaration is a moral and political act. It states a decision conscientiously arrived at in the interests of the international common good. It submits the decision to the judgment of mankind.

Moreover, when the decision-making processes of the community have been employed and a decision has been reached, at least a preliminary measure of internal authority must be conceded by the citizens to this decision, even by those citizens who dissent from it. This, at least in part, is what Socrates meant by respect for the "conscience of the laws." This is why in the just war theory it has always been maintained that the presumption stands for the decision of the community as officially declared. He who dissents from the decision must accept the burden of proof.

The truth, therefore, is contrary to the statement by the seminarians. The citizen is to concede the justness of the common political decision, made in behalf of the nation, unless and until he is sure in his own mind that the decision is unjust, for reasons that he in turn must be ready convincingly to declare.

In a word the burden of proof is on him, not on the government or the administration or the nation as a whole. He does not and may not resign his conscience into the keeping of the State, but he must recognize that the State too has its conscience which informs its laws and decisions.

When his personal conscience clashes with the conscience of the laws, his personal decision is his alone. It is valid for him, and he must follow it. But in doing so he still stands within the community and is subject to its judgment as already declared.

Only if conceived in these terms, can the inevitable tension between the person and the community be properly a tension of the moral order. Otherwise, it will degenerate into a mere power struggle between arbitrary authority and an aggregate of individuals, each of whom claims to be the final arbiter of right and wrong.

This is the line of reasoning which led me to argue before the National Advisory Commission on Selective Service, that one who applies for the status of selective conscientious objector should be obliged to state his case before a competent panel of judges. I was also following the suggestion of Professor Ralph Potter of Harvard that the concession of status to the selective objector might help to upgrade the level of moral and political discourse in this country. It is presently lamentably low.

On the other hand, Professor Paul Ramsey has recently suggested that the matter works the other way round. "A considerable upgrading of the level of political discourse in America is among the conditions of the possibility of granting selective conscientious objection. At least the two things can and may and must go together." He adds rather sadly: "The signs of the times are not propitious for either." I agree.

My conclusion here is that those who urge the just war doctrine as the ground for selective conscientious objection must understand the doctrine itself. They may not naively or cynically employ it as a device for opting out from under the legitimate decisions of the political community, or as a tactic for political opposition to particular wars. Rightly understood this doctrine is not an invitation to pacifism, and still less to civil disobedience.

There is a further requisite for legal recognition of selective conscientious objection. It is the prior recognition of the difference between moral objection to a particular war and political opposition to a particular war. This seems to be the sticking point for the political community. It brings into question the whole ethos of our society in the matter of the uses of force.

Historically, we have been disposed to regard the intuitive verdict of the absolute pacifist that all wars are wrong as having the force of a moral imperative. The same moral force is not conceded to the judgment of the conscientious man, religious or not, who makes a reflective and discriminating judgment on the war in front of him. The general disposition is to say that objection to particular wars is and can only be political and, therefore, cannot entitle anyone to the status of conscientious objector.

Here again there is a misunderstanding of the just war doctrine. In fact there seems to be a misunderstanding of the very nature of moral reasoning.

The just war doctrine starts from the moral principle that the order of justice and law cannot be left without adequate means for its own defense, including the use of force. The doctrine further holds that the use of force is subject to certain conditions and its justice depends on certain circumstances. The investigation of the fulfillment of these conditions leads the conscientious man to a consideration of certain political and military factors in a given situation. There is the issue of aggression, the issue of the measure of force to be employed in resisting it, the issue of probable success, the issue of the balance of good and evil that will be the outcome. The fact that his judgment must take account of military and political factors does not make the judgment purely political. It is a judgment reached within a moral universe, and the final reason for it is of the moral order.

There is some subtlety to this argument. But that is not, I think, the reason why the political community refuses to assimilate or accept it. The reasons are of the practical order.

The immediate reason is the enormous difficulty of administering a statute that would provide for selective conscientious objection. The deeper reason is the perennial problem of the erroneous conscience. It may be easily illustrated.

Suppose a young man comes forward and says: "I refuse to serve in this war on grounds of the Nuremberg principle." Conversation discloses that he has not the foggiest idea what the Nuremberg principle really is. Or suppose he understands the principle and says: "I refuse to serve because in this war the United States is committing war crimes."

The fact may be, as it is in South Vietnam, that this allegation is false. Or suppose he says, "I refuse to serve because the United States is the aggressor in this war." This reason again may be demonstrably false. What then is the tribunal to do?

Here perhaps we come to the heart of the difficulty and I have only two things to say. First, unless the right to selective objection is granted to possibly erroneous consciences it will not be granted at all. The State will have to abide by the principle of the *Seeger* case, which does not require that the objection be the truth but that it be truly held. One must follow the logic of an argument wherever it leads.

On the other hand, the political community cannot be blamed for harboring the fear that if the right to selective objection is acknowledged in these sweeping terms, it might possibly lead to anarchy, to the breakdown of society, and to the paralysis of public policy.

Second, the reality of this fear imposes a further burden on the consciences of those who would appeal to freedom of conscience. Selective objection is not a trivial matter. As Professor Ralph Potter has said: "The nation is ultimately a moral community. To challenge its well estabished policies as illegal, immoral and unjust, is to pose a threat, the seriousness of which seems at times to escape the critics themselves, whether by the callowness of youth or the callousness of usage." It must be recognized that society will defend itself against this threat, if it be carelessly wielded.

The solution can only be the cultivation of political discretion throughout the populace, not least in the student and academic community. A manifold work of moral and political intelligence is called for. No political society can be founded on the principle that absolute rights are to be accorded to the individual conscience, and to all individual conscience, even when they are in error. This is rank individualism and to hold it would reveal a misunderstanding of the very nature of the political community. On the other hand, the political community is bound to respect conscience. But the fulfillment of this obligation supposes that the consciences of the citizens are themselves formed and informed.

Therefore, the final question may be, whether there is abroad in the land a sufficient measure of moral and political discretion, in such wise that the Congress could, under safeguard of the national security, acknowledge the right of discretionary armed service.

To cultivate this power of discretion is a task for all of us.

JUSTICE WILLIAM O. DOUGLAS WRITES OF TEXAS' VANISHING WILDERNESS, AND OF THE BIG THICKET IN EAST TEXAS

Mr. YARBOROUGH. Mr. President, we have on the Supreme Court of the United States today a man who is a student, and a concerned one, of conservation. I speak of Justice William O. Douglas, who has recently published an excellent, if alarming, book on the disappearance of some of the fabulous wilderness areas in my State of Texas. The book is called "Farewell to Texas, the Vanishing Wilderness," and I urge all Senators to read it and consider it well in connection with their own States, because it is a book on the state of the Union, the first of a series of books by Justice Douglas on this subject.

This morning, Mr. Justice Douglas was interviewed for nearly half an hour, on the "Today" show on television, and he described the various vanishing wilderness areas of my State, particularly the Big Thicket, consideration of which forms the first chapter of his book. Mr. President, that is the area of which I am trying to preserve a part through the pending bill, S. 4, the proposed Big Thicket National Park bill.

Mr. Duncan Spencer wrote a concise and warm review of Justice Douglas' book for the Evening Star here in Washington on Tuesday, June 13. I ask unanimous consent to have printed in the RECORD his review, published in the Washington Star, of Tuesday, June 13, 1967, of the book, "Farewell to Texas," written by Justice William O. Douglas.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, June 13, 1967]

A BOOK FOR TODAY—CONSERVATION IN TEXAS

(By Duncan Spencer)

("Farewell to Texas." By William O. Douglas. McGraw-Hill. 242 pages. $6.95.)

Justice William O. Douglas' 21st book tells the melancholy tale of conservation in the wilderness areas of Texas.

It is the first volume of "The American

Wilderness Series," of which Douglas is general editor. "Farewell" takes the reader on a guided tour of the remaining primeval forests, mountains and plains of the Lone Star state, spelling out in flat prose what was there, what is there now, and what won't be there very much longer.

Douglas is a heartfelt enemy of private enterprise, the lumberman, developer, rancher, dammer, miner. "They see a tree and think in terms of board feet. They see a cliff and think in terms of gravel. They see a mountain and think in terms of excavations." The answer, he believes, is federal ownership, strict National Park Service control.

In making his case for preservation, Douglas concentrates on desert, mountain, forest—areas of isolation which the entrepreneur has begun to touch only after all the more easily exploitable land has been used. These are the Big Thicket of East Texas, the Big Bend country of the Southwest, the central hill country (where LBJ lives), and the mountains and canyons of the Rio Grande and Pecos Rivers. In all these places, with the polite exception of the President's surrounds, conservation is under assault by what Douglas calls "Modern Ahabs" (Ahab the biblical king of Samaria, not Melville's captain).

But Douglas has a couple of heroes, too. First, of course, is the land itself, which he catalogues with a loving and knowing eye, even supplying the reader with a catalogue of fern and orchid species. Others include Sen. Ralph Yarborough, Lyndon Johnson, and the few Texans who have donated lands to the park service.

Douglas' subject is a good one. His treatment of it is in part polemical, in part botanical, interspersed with personal and local anecdotes. Instead of singing praises, he lists species. But because he is who he is, clumsiness looks like ruggedness.

EDITORIAL TRIBUTE TO FORMER PRESIDENT HARRY TRUMAN BY WASHINGTON, MO., CITIZEN AND DIBOLL, TEX., FREE PRESS

Mr. YARBOROUGH. Mr. President, Mr. Harry S. Truman, one of the finest men who has ever held the Presidency of the United States, turned 83 years old recently. On that occasion, the Washington, Mo., Citizen—a weekly newspaper, ran a fine tribute to him in its May 14 edition. I did not see that article, but fortunately one of the better Texas weeklies, the Free Press of Diboll, Angelina County, in east Texas, reprinted that article.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial, as reprinted in the Diboll, Tex., Free Press, of June 8, 1967, entitled "History and Harry Truman," originally published in the Washington, Mo., Citizen of May 14, 1967.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Diboll (Tex.) Free Press, June 8, 1967]

HISTORY AND HARRY TRUMAN

They had a birthday party in Kansas City last Monday for former President Harry S. Truman, but Mr. Truman wasn't present to hear them sing "Happy Birthday." It was his 83rd birthday.

Mr. Truman doesn't get out much these days, and hasn't been in his office in the Truman Library in Independence for many months. He isn't as spry as he used to be a few years ago, but probably reads more now than ever before. Age has a way of creeping up on all of us.

The only Missourian ever to be president of the United States guided this country through the most critical period in this nation's history—and he did an excellent job of it!

The burdens that he inherited when he took office were enormous. World War II was still going on. He had to finish that, and after it was finished, he had to lead the nation back into normalcy.

And before he was finished with that, he had to stop communism in its tracks in Korea, and for his entire seven years in the White House, he was faced with a cold war that threatened to get hot any moment! He kept it cold!

During all of his years in the White House, he didn't have the best Congress to work with. It went along after a fashion, but whatever was done had to be done by the man from Missouri, who certainly didn't have everybody's respect at the time. Today the respect for him is growing in every corner of the land.

Harry Truman was first of all an honest man with a lot of Missouri common sense. He had some bad men around him, but no President has ever escaped from that. The opportunists, the moochers, grafters, and fakers are always around, like flies around a lump of sugar!

Korea wasn't the only place in the world where Harry Truman stopped communism in its tracks. He also stopped it in Greece, and in Turkey, and Western Europe probably would not be what it is today if it hadn't been for the man from Missouri—the man with the sharp tongue. He fathered the Marshall plan in Western Europe, the North Atlantic Treaty Organization in Europe, as well as a similar alliance in Southeast Asia.

Probably no other President in the history of this country did more than Mr. Truman, and probably no other President had such fluctuations in popularity. He was riding the crest of the polls one day and when he went down a week later, he came right back up.

This, by the way, brings up an interesting point about a poll of historians taken a few years ago in the early sixties on how they thought Mr. Truman would end up in history.

This poll included 75 of the nation's historians. They ranked him as one of the near great Presidents. No poll has been taken since then, but the chances are Mr. Truman would end up today in the group of Great Presidents, and probably will go down in history with Abraham Lincoln, Thomas Jefferson and George Washington.

It must be remembered, of course, that historians are people, and the whims of people are beyond the understanding of other people. But there is one thing they can't take away from this man in Independence—he called a spade a spade, and wouldn't stand for any tomfoolishness!

And he probably had more courage than any other man that ever served in the White House. The power of other nations in Mr. Truman's time was awesome. Destruction could come swiftly and completely. He used this power to end World War II. He has mentioned that that was the most difficult decision he has ever been called on to make—the decision to use the A-bomb!

He knew that many innocent people would be killed, and others crippled for the rest of their lives. It was a decision that only a great man could make. Maybe history will blame him for that, but history can never blame him for bringing the bloodiest war the world has ever known to an end with that one act.

WASHINGTON (Mo.) CITIZEN.

MAY 14, 1967.

TEXAS LEGISLATURE REPORTS TEXTILE INDUSTRY'S CONCERN

Mr. YARBOROUGH. Mr. President, I send to the desk for printing in the RECORD a concurrent resolution of the Legislature of the State of Texas, adopted May 29, 1967, concerning the importance and the present depressed state of the domestic textile industry in the United States.

The PRESIDING OFFICER. Without objection, the resolution of the Texas Legislature will be received and printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SENATE CONCURRENT RESOLUTION 92

Whereas, The Legislature of the State of Texas understands and accepts the need for a substantial volume of international trade in textile products; and

Whereas, Current trade policies, however, have generated imports into this country in a volume at a rate of growth that seriously threatens the economic stability of the cotton farmer, of the primary U.S. textile industry, the apparel industry, the wool producer and the chemical and machinery industries, and many other industries which supply and serve the U.S. textile industry; and

Whereas, Texas future well-being depends heavily on the economic stability and confidence of these industries; and

Whereas, Texas is one of this nation's leading producers of cotton. In 1966 more than 30 per cent of the nation's cotton crop was produced in Texas. Texas cotton farms employ about 160,000 persons and provide an annual payroll of more than $120-million; and

Whereas, The apparel and primary textile industries of Texas employ 30,000 persons and have a combined annual payroll of more than $100-million. Including employment in gins, cotton seed oil mills, farm and gin machinery manufacturing and transportation, more than 230,000 Texans are dependent on cotton and cotton textiles for their livelihood; and

Whereas, Aside from cotton, Texas is the country's leading producer of wool and mohair, and the Texas petrochemical industry is a leading supplier of materials used in the production of synthetic fibers; and

Whereas, Texas heavy dependence on textile and related industries is such that this legislature cannot ignore the tremendous flood of cotton, wool and man-made fiber textile goods that are devouring this country's domestic market; and

Whereas, Ten percent of the United States cotton textile market in 1966 was absorbed by imports of more than 1.8 billion square yards of cotton textile goods. And imports in 1967 are running 11 percent ahead of last year's record total.

Whereas, In 1966, 10 per cent of this country's made-made fiber textile market was absorbed by imports of almost 800-million square yards of man-made fiber textiles. Man-made fiber textile imports have increased more than 600 per cent since 1961, and this year are running 25 per cent ahead of last year's total; and

Whereas, Twenty-five per cent of the United States wool market has been absorbed by wool textile imports amounting to more than 179-million square yards; and

Whereas, It has been estimated that cotton, wool, and man-made fiber textile imports have replaced jobs in the United States for 200,000 to 250,000 persons directly in textile, plus another 100,000 to 150,000 in those industries which supply materials and services to textiles; and

Whereas, The rapid and sharp increase in textile imports demonstrates clearly that present policies governing imports of textile products do not provide for the development of orderly trade; rather, they create extreme disruption in U. S. textile markets and deprive hundreds of thousands of employment. The textile tariff reductions negotiated during the recent Kennedy Round of the Geneva Agreement on Tariffs and Trade can only invite further increases in imports and resulting unemployment; now, therefore be it

Resolved, That we strongly urge the executive and legislative branches of the United States government to recognize the immediate urgency of the textile imports situation and move promptly to impose meaningful quantitative controls on imports of cotton, man-made fiber and wool textile imports, and that copies of this Resolution be forwarded to the President of the United States, the Secretary of State and the Texas delegation to the United States Congress.

PRESTON SMITH,
Lieutenant Governor, President of the Senate.
BEN BARNES,
Speaker of the House.

I hereby certify that S. C. R. No. 92 was adopted by the Senate on May 27, 1967.

CHARLES SCHNABEL,
Secretary of the Senate.

I hereby certify that S. C. R. No. 92 was adopted by the House on May 29, 1967.

DOROTHY HALLMAN,
Chief Clerk of the House.

Mr. YARBOROUGH. Mr. President, the problem of textile imports is one of increasing concern to my State. The Texas Legislature, in its session just concluded, has pointed out the great importance of the textile industry in Texas. Texas is the Nation's leading producer of wool and mohair; Texas produces more than 30 percent of the Nation's cotton. Increasing imports of foreign textiles therefore have the potential for great harm to the economy of Texas, and proposed tariff changes can contribute to such a result.

THE ROLE OF THE PRIVATE PERSON IN AMERICA

Mr. HOLLINGS. Mr. President, on June 3, 1967, Dr. A. G. D. Wiles, president of Newberry College, one of South Carolina's finest institutions of higher learning, delivered the commencement address at the Citadel, my alma mater in Charleston.

In this address, entitled "The Role of the Private Person in America Today," Dr. Wiles exhorted us all to become involved in the affairs of our Nation. This exhortation was tempered with a warning that to become involved, we must become informed, that we should become a nation of readers.

Dr. Wiles pointed out—and rightfully so—that the individual should not criticize any segment of our everyday life until he has become thoroughly informed on this particular segment, and he further said:

> Our form of government is dependent upon the individual responsibility of each of us, and we are not keeping ourselves up to the task.

Mr. President, I found Dr. Wiles' speech to be very well prepared and thought provoking. I should like to recommend it to each and every Member of this body and ask unanimous consent that the entire context be reprinted in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE ROLE OF THE PRIVATE PERSON IN AMERICA TODAY

(By A. G. D. Wiles, president, Newberry College)

Harvard University's Douglas Bush has recently cried out, "O, that we were a nation of readers"; and *The Saturday Review of Literature's* editor Norman Cousins has said in an essay:

"We [Americans] have everything we need, . . . except the most important thing of all—time to think and the habit of thought. We lack time for the one indispensable for safety of an individual or a nation."

Both these highly regarded thinkers are saying the same thing: Let us read significant works seriously and think seriously if we are to save our nation; and, indeed, the world, leadership of which has been thrust upon us. They are saying that very critical questions are before us, both at home and abroad, and that we are ill-equipped to deal with them because we have not read seriously and thought seriously about them. Indirectly they are saying that our form of government is dependent upon the individual responsibility of each of us, and that we are not keeping ourselves up to the task.

Looked at closely, their argument can stir little objection in us. It is essentially true. Deep down, too many of us have not a reasoned, thoughtful view about federal aid to education, the legal barrier to prayer and Bible reading in the public schools or to indictment of an alleged criminal on the basis simply of his own confession, about the Anti-Poverty Bill, the national debt, Vietnam, foreign aid to underprivileged countries, peaceful coexistence with Communism, or the vast window-dressing of our own present culture and society, to mention just a few of the critical issues before us.

It is not sufficient for us to squawk like chickens in a chicken yard at feeding time. Our government operates by the consent of the governed, and it will fail unless that consent is based on our sound knowledge derived from sound reading and thinking.

Where do we find the sound reading? Not generally in the daily newspapers, which are usually not sound by the very fact of being "daily"! Nor generally in the alluring paperbacks in every air port and drug store! We must find the sound reading through going to original materials where available, and through inquiring of learned, thoughtful friends and of selective and descriptive bibliographies.

May I, as a humble and limited observer and reader, give you some hand-ups in advance?

(1) In an effort to find out whether federal aid to education—in the form of loans and grants—is on the level and is or is not advisable to bolster local and private aid, in the light of the swift rise in high school and college population and in the light of rapidly changing and expanding areas of knowledge, let us read and study the government bills themselves granting federal aid, and the outlook on the bills by such creditable organizations as the American Council on Education, which is governed by our finest college and university presidents, private and public.

(2) To find out whether daily Christian prayer and Bible reading in the public schools were injurious to the sensitivity of minority religious groups, or whether they are objectionable mainly to the nonreligious and the atheistic impulse, we might read the plaintiff's pleas before the Supreme Court, the Court's decision, and the objections of such thoughtful men as Senator Everett Dirksen.

(3) To discover whether police methods with apprehended criminal suspects have been generally so undemocratic and brutal as to require the Supreme Court's decision that a suspect's confession is invalid unless there is clear evidence that he has been informed of his right to have a lawyer present during questioning, we should read the plaintiff's plea before the Supreme Court, the Court's decision, and the comments of such men as J. Edgar Hoover and highly respected police chiefs across the land. This is a very critical matter because out of the Court's decision has come the dismissal of a number of indictments against persons who had allegedly confessed rape and murder.

(4) To find out whether the Anti-Poverty Bill, and numerous related bills implementing the Great Society, actually boomerangs and becomes, in many instances, "Anti-Work," we must read the bills themselves, and check carefully on local organizations of local citizens set up to implement them.

(5) To come to some grips with the question of whether the seemingly vast national debt of $365,000,000,000 and interest rate thereon as well over $1,000,000,000 a month is defensible, we must go to the economists and take into account our gross national product of over $700,000,000 annually, and the credits and debits to us from high government spending, including aid to education and to roads and to the aged and to the unemployed, and the debit side, of course, of high taxes. Abba Lerner's little book *Everybody's Business: A Re-examination of Current Assumptions in Economics and Public Policy* (Michigan State University Press, 1961) will be helpful on this subject in its later chapters, as it will also be on the subjects of inflation and taxes.

(6) To find out whether the nation has taken a justifiable course in Vietnam, we should read the SEATO pact of 1955, to which we are signatory, and which brought South Vietnam under it and guaranteed her decent treatment; and we can read the evidence on who first conspired against and invaded whom in Vietnam.

(7) To determine whether the great sums in foreign aid to underprivileged countries are justifiable—not an easy task!—we should read thoughtfully books like Robert Heilbroner's *Great Ascent,* and even Lederer and Burdick's *Ugly American.*

(8) To check whether enduring peaceful coexistence with Communism is at all likely, or whether we are doomed to the freeze of cold war or the threat of hot war *ad infinitum,* we should first read key writings of the shapers of world Communism—Marx, Engels, Lenin, Stalin, Mao Tse Tung—and troubled and discouraging going it is!—and then read our own authors who have been closely associated with Communism, such as J. Edgar Hoover in *Masters of Deceit,* and our own Mark W. Clark in *From the Danube to the Yalu.*

(9) Finally, we should read books like Daniel J. Boorstein's *The Image* to keep a weather eye on this country's present tendency toward false pride and false images and false, or untrue, gods. Boorstein points out that we have the tendency to talk too big in windy labels and slogans and images, that give us a gaudy, bogus exterior. Maybe we should have done with the constant use of such terms as New Deal, Fair Deal, New Frontier, Great Society, the soap that cleanses both body and soul without the use of water, the cigarette that freshens the air you breathe, the Madison Avenue man, the *greatest, greatest, greatest* on earth movie, drama, game, vacation, hotel, newspaper, magazine, perfume, girl, man, the only living politician's politician, etc., etc. This is the mental and emotional smog we live in, and possibly it is more unhealthy than the material smog of the big cities. Wouldn't it be pleasant again, as in older days, to vote for, work for, live with a plain, quiet, ordinary man who will do his best?

Only by such reading and thinking, enjoined upon us by two of our finest thinkers (Douglas Bush, and Norman Cousins), will we find the path to safety, and honor, and decency for our country. We must not kid ourselves that we are too busy to read, to think, because this is kidding ourselves to defeat. We need all hands on deck, and all hands able seamen.

If I were leading cheers, I would say to you young men of the long blue-grey line: "Come on, guys, let's get behind this country, *the best in the world, IF we will understand and do our part.*"

HAWAII SAYS ALOHA TO ALLAN J. McGUIRE

Mr. FONG. Mr. President, I should like to take this opportunity to honor the memory of a dear son of Hawaii. He is Allan J. McGuire, a member of a prominent family of Hawaii and a family which has contributed materially to the building of the Hawaii we know today.

Death came to Mr. McGuire last Friday after a long and useful life in the economic, recreational, and social structures of the community. Mr. McGuire was among those who had to go to work early in life in order to help provide a widowed mother with the necessities of life.

Mr. McGuire's entire professional life—spanning nearly 50 years—was in the newspaper business. He rose from a menial job on the Honolulu Advertiser to become a cost accountant, a business department executive, assistant treasurer, treasurer, head of a subsidiary of the company, and finally a director of the Hawaii Newspaper Agency; an agency formed in 1963 to manage and coordinate the mechanical production facilities of the consolidated Honolulu Advertiser and Honolulu Star-Bulletin.

Through his long association with the Honolulu Advertiser, Mr. McGuire worked ceaselessly toward the economic and political development of the islands. He and other members of his family are widely recognized for the active roles they have played in the achievement of statehood for Hawaii and in the promotion of the 50th State as a tourist destination area.

The late Mr. McGuire was indeed among the "builders of Hawaii." To his family, Mrs. Fong and I extend deepest condolences in its hour of sorrow, and we join the community in bidding aloha to a dear son of Hawaii.

RIGHTS OF YOUNG OFFENDERS

Mr. RIBICOFF. Mr. President, a scholarly and eloquent plea for the rights of youthful offenders in the juvenile courts was made recently by Chief Judge David L. Bazelon of the U.S. Court of Appeals for the District of Columbia.

In an address at Harvard University, April 14, Judge Bazelon pointed out that the justification for the juvenile court system is that youngsters should not be tried—or punished—as adults for crimes but, instead, should be given treatment and rehabilitated, and cared for.

But not all—in fact, not many—teenagers in trouble are so fortunate, particularly those who come from lower income families.

Judge Bazelon cited example after example of youngsters brought before juvenile courts, who are tried, convicted, and sentenced in proceedings blatantly unconstitutional.

The availability of treatment and rehabilitation is the basic reason for juvenile courts. But all too frequently, young people in need of help do not receive it.

One passage in the talk is worthy of special attention. It relates to our Nation's Capital—the city to which we in the Congress have a unique responsibility. In the words of the speech:

> In the District of Columbia, for example, the juvenile court is overloaded with work. We have too few judges, too few supporting personnel, too few public institutions and too few dollars. Last year, 10,000 delinquent children had their cases heard by a juvenile court judge in Washington. We have only three of these judges, so each judge had about 3,500 cases, about 14 a day. You can readily understand why 85 percent of the children "waived counsel" and "acknowledged" their involvement. With a caseload of 14 per day, the juvenile judge simply cannot take the time to hold trials.

Life magazine, in a thoughtful editorial of May 5, commented upon Judge Bazelon's speech and called for "a reexamination of juvenile justice."

I ask unanimous consent that the text of Judge Bazelon's talk and the Life magazine editorial be printed in the Record at this point.

There being no objection, the speech and article were ordered to be printed in the Record, as follows:

The Promise of Treatment

The legal profession has been engaged in more than one revolution during the past decade. And a new one is beginning now. The spark was Morris Kent, a seriously disturbed Negro boy of sixteen, who in 1961 was picked up for housebreaking, robbery and rape. He was brought before the then only juvenile court judge in Washington who, according to the statutes and cases in my jurisdiction, was supposed to give Morris "care," "concern" and "adequate and suitable treatment." But these fine principles sound false in the real world of the nation's capital. The juvenile court judge was in an impossible situation. Here was a lad "seriously disturbed," desperately in need of professional care and treatment, and yet, as Judge Lawson, who was appointed to our Juvenile Court after the *Kent* case, was later to say, we simply "don't have a place in the community for this type of child." Well, this was the problem for the juvenile court judge in the *Kent* case. And he chose a rather ingenious solution. He washed his hands of the whole sorry mess and "waived" his jurisdiction to the adult criminal courts.

Morris stood trial as an adult criminal and the jury found him guilty of the housebreaking and robbery charges although it acquitted him by reason of insanity on the rape charges. The criminal court judge sent him to a mental institution until he recovered his sanity, after which he was to serve a sentence of thirty to ninety years.

My own Court of Appeals affirmed the conviction and sentence even though, as one of my colleagues frankly put it, "it [was] a fair inference from the record before us that one of the reasons why the Juvenile Court waived jurisdiction was because [Morris] was seriously disturbed and the Juvenile Court lacked facilities adequately to treat him." To me, it was "shocking that a child was subjected to prosecution and punishment as a criminal because he was thought to suffer from a serious mental or emotional disturbance."

At first, Morris's lawyer asked my Court of Appeals to rehear the case, but then he decided to seek immediate review by the Supreme Court. At the time, observers thought his chances were rather slim. Since Illinois established the nation's first juvenile court at the turn of the century, the Supreme Court had never reviewed a case coming from any children's court. But the Supreme Court agreed to hear Kent's case. For the first time in more than sixty years of juvenile courts, the Supreme Court of the United States decided to look into the record of a juvenile proceeding. The justices opened the door cautiously, and, judging from their opinion, they recoiled from what they saw within.

"While there can be no doubt of the original laudable purpose of the juvenile courts, studies and critiques in recent years raise serious questions as to whether actual performance measures well enough against theoretical purpose to make tolerable the immunity of the process from the reach of constitutional guarantees applicable to adults. . . . There is evidence, in fact, that there may be grounds for concern that the child receives the worst of both worlds: that he gets neither the protections accorded to adult nor the solicitous care and regenerative treatment postulated for children."

And that is what I want to discuss today—"the solicitous care and regenerative treatment postulated for children"—what I have called, "the promise of treatment."

I

There is no need to detail for the audience the history of the juvenile courts. I do think that we may profit by spending a few minutes discussing the legal justifications for our juvenile court system. All of us know those two latin words "parens patriae." But what does that phrase really mean? Black's Law Dictionary—the Noah Webster of my profession—tells us that *parens patriae* refers to "the sovereign power of guardianship [of the state] over persons under disability such as minors, and insane and incompetent persons." I suppose that is a good dictionary definition, although it does not help us solve any of the difficult problems in this area of law. Unfortunately, for sixty years courts have been using that phrase as if it were the answer. The judge closes his eyes, waves his magic gavel, intones the magic phrase, and the problems go away. Well, they don't.

A chief difficulty with discussing the justification for juvenile courts is that they deal with so many different kinds of children: children who have committed anti-social offenses; children who are neglected or abandoned; children who are disturbed or "beyond parental control," and the like. There are nine different categories in the District of Columbia. Some jurisdictions provide different labels for these categories. New York, for example, classifies children as "neglected," "delinquent" or "in need of supervision." The law of the District of Columbia makes no distinction whatsoever although, in practice, the juvenile court classifies children as "dependent" or "delinquent." It is understandable, then, that judges and scholars have suggested different justifications for society's right to deal with the child at all. At the risk of oversimplification, I will talk about three of the more prevalent justifications. You must remember that I am oversimplifying, although I hope I am not drawing a caricature.

First, there are those who think that the function of a juvenile court is to punish. According to these people, a child, like an adult, who commits an anti-social act, should be held responsible for it unless he can show that he has some kind of mental condition which excuses him from responsibility. This is the position taken by Justice Oliphant of the New Jersey Supreme Court. Let me read to you from one of his opinions:

"A peaceful citizen has the right to be protected by his government, and to have a spade called a spade, and if young hoodlums are mentally incapable of a criminal intent they should be put to the burden of establishing that proposition in a court of law under established rules and are only entitled as a matter of right to the constitutional guarantees afforded to other citizens." [*State* v. *Monahan*, 15 N.J. 34, 104 A. 2d 21, 40 (1954) (dissenting opinion)].

I do not say that a juvenile court cannot or should not ever undertake to "punish" children, although I think that is an extremely narrow view of the problem. And, of course, it completely ignores the neglected child or the child who is "beyond parental control"—children who may be deeply disturbed but who surely are not "young hoodlums." But regardless of whether juvenile courts should sometimes punish children, it is evident that punishment is not the central justification for the juvenile courts as they exist today. If it were the central concern, we wouldn't need juvenile courts at all. We would need only a few more criminal court judges and some extra cells in the adult jails.

There are others who suggest that our juvenile courts exist to protect society. In the large view, I cannot quarrel with this concept. If we succeed in helping the child, we will have made our society safer also. Unfortunately, too much talk about protection ignores the element of treatment and rehabilitation. Then protection means nothing more than getting the child out of the way, getting him off the streets. If we are going to follow Justice Oliphant's advice and call a spade a spade, I'd like to call this particular spade preventive detention. Without discussing the constitutional or moral objections to preventive detention, I think I can assert with some confidence that it is not, nor does anyone claim it is, the only or even the primary purpose of our juvenile courts. Here, again, if removal from the streets were the goal, the criminal courts could provide the solution just as quickly and perhaps more effectively than a juvenile court, which is restricted to essentially nonpunitive processes and whose jurisdiction is limited by the happenstance of the child's birthdate.

It is only when we turn to the treatment and rehabilitation of the child that we approach a satisfactory justification for our juvenile courts, at least as they exist today. I do not mean that punishment and safety are not factors to be considered, but I do claim that standing alone they do not and cannot provide suitable underpinning for our present system. The central justification for assuming jurisdiction over a child in an informal, non-adversary proceeding is the promise to treat him according to his needs.

II

There is a promise of treatment. There was a time when we might have been proud of it. But now we know too much. We look around us and see the promise broken at every turn. It is full of cant and hypocrisy. And yet, it is made to do double duty. It is used to justify the informal non-adversary procedures of the juvenile court; used again to justify the child's confinement.

The Supreme Court now has a case dealing with a boy from Arizona, Gerald Gault. Gerald and a friend were supposed to have made a lewd telephone call to a neighbor. While his mother was at work, a probation officer took him into custody and questioned him. His mother returned home that evening, and neighbors told her that her son was "detained." She went to the detention home where the officer told her that a hearing would be held the following day. The hearing was held in the judge's chambers and no record of the proceedings was made. There was no lawyer. The neighbor did not testify, although, seemingly, Gerald admitted placing the call. When asked what section of the law Gerald had violated, the officer stated, "we set no specific charge in it, other than delinquency." There is considerable doubt about the judge's ultimate determination. At one point, he thought Gerald's phone calls amounted to a breach of the peace, elsewhere he said Gerald was "habitually involved in immoral matters"—a phrase used in Arizona's juvenile court statute—and again he stated there was "probably another ground, too."

Probably not a single justice of the peace in this country would permit an adult to be convicted in such a proceeding. According to the briefs and allegations in the Supreme Court, almost every ingredient of the civilized procedures and safeguards which we refer to as due process of law was missing: Gerald did not have adequate notice of the charges, he did not have an opportunity to confront and cross-examine the witnesses against him, he did not have counsel, he was not warned of any privilege against self-incrimination, no appellate review was provided, and the lack of a transcript made subsequent review of what actually happened virtually impossible. I understand that juvenile proceedings are not criminal proceedings and that these procedures and safeguards are not necessarily applicable. It is important to notice, though, that the Arizona Supreme Court sought to justify these shortcuts because of the promise to treat the child. This is from the Arizona court:

"We are aware of the tide of criticism inundating juvenile proceedings. The major complaint deals with the informal, non-adversary procedure for determining delinquency rather than the treatment rendered after a finding of delinquency. On the other hand, juvenile courts do not exist to punish children for their transgressions against society. The juvenile court stands in the position of a protecting parent rather than a prosecutor. It is an effort to substitute protection and guidance for punishment, to withdraw the child from criminal jurisdiction and use social sciences regarding the study of human behavior which permit flexibilities within the procedures. The aim of the court is to provide individualized justice for children. Whatever the formulation, the purpose is to provide authoritative treatment for those who are no longer responding to the normal restraints the child should receive at the hands of his parents."

I do not find it objectionable to deprive the child of some procedural safeguards if the "individualized" treatment he is supposed to get requires the sacrifice and if the new procedures are reasonably fair. We should not blind ourselves, though, to what "individualized" treatment in our juvenile courts really is.

In the District of Columbia, for example, the juvenile court is overloaded with work. We have too few judges, too few supporting personnel, too few public institutions, and too few dollars. Last year, 10,000 delinquent children had their cases heard by a juvenile court judge in Washington. We have only three of these judges, so each judge had about 3,500 cases, about fourteen a day. You can readily understand why 85% of the children "waived counsel" and "acknowledged" their involvement. With a case load of fourteen per day, the juvenile judge simply cannot take the time to hold trials.

If our blindness extended only to these formal procedural matters, our juvenile court system would probably be in decent shape. But, in fact, blindness and insensitivity pervades the whole system. A short while ago, a Negro girl named Betty Jean from the slums of Washington was brought before the Juvenile Court. Her attorney asked for a psychiatric examination. He submitted the following facts: His client had commenced sexual relations at the age of ten; she was the mother of an illegitimate child; she was raped by a neighborhood boy at the age of sixteen; she had nightmares and saw people staring at her when the lights were out. A physician who had treated her from time to time added the opinion that Betty Jean was "known . . . to have been a disturbed child since early childhood" and that she needed "nothing short of a complete psychiatric study." The juvenile judge recognized that, under the law, he had discretion to provide for such an examination and that the community had hospitals available for this purpose. But he did not. Here is why: (These are his own words.)

"Such experiences are far from being uncommon among children in her socio-economic situation with the result that the traumatic effect may be expected to be far less than it would be in the case of a child raised by parents and relatives with different habits and customs."

So, sexual activity at the age of ten—rape at sixteen—are "far from being uncommon" in the slums, and Betty Jean's experiences would not touch her as deeply as they would others, and so the judge can deny her access to a psychiatrist.

I do not deny that different people may be affected differently by the same experiences. But the insensitivity of the judge's statement and similar statements amazes me. And the statement contains an internal contradiction which wrenches the whole system.

This young girl came from the slums—a subculture which, according to the judge, insensitizes her and makes it impossible for her to respond to experiences which would traumatize the rest of us. Yet if Betty Jean could not respond to the rape, why the assumption that she could respond to other external stimuli—for example, the rules of behavior in our society. The judge never asked the question and with good reason. Its answer would undermine his confidence in the system which incarcerates Betty Jean.

For the purpose of denying her a psychiatrist, the judge saw that Betty Jean was a Negro from the slums; but for the purpose of putting her away, he did not, or would not, see the same thing. For that purpose Betty Jean might as well have been a white, middle-class child from the suburbs, for it was white, middle-class suburban values to which the judge was asking her to respond. You and I know that suburban children do not appear regularly before our juvenile courts. It is not that there is no delinquency in the suburbs, or that these children have no problems. But they have families and communities which are interested. And effective or not, at least they care and make the attempt. They know where the Judge Baker Clinics are in this country.

Betty Jean is the kind of girl we must deal with in the courts. And if we recognize that she is what she is for some purposes, how can we ignore that fact for other purposes? It has always seemed to me that this kind of compartmentalization is a sign of deep and serious illness in the system.

I do not mean to present answers to these questions. I mean only to point out that there are questions and problems—serious ones—and that at present we are refusing to face them because we are mollified by the promise of treatment, a promise which is being broken.

I do not know how to make that promise a reality, and perhaps nobody does. But I do know that the first step is to awaken our consciousness to the fact that there is a promise. We must first know that there is a moral and legal obligation. As it is now, we are confused about what our obligations are. The people who are on the inside, running our receiving homes, and training schools, and prisons and hospitals, know that things are radically wrong, but they will not speak out. And the people on the outside do not want to see the truth, so they go through elaborate rituals in order to blind themselves.

When I was in California recently, I listened to a number of officials involved in the correctional process complain about the inadequacy of their facilities. And yet not one of these people had ever spoken out.

It is as if they thought they were required to accept what was given to them. Everyone, from the guards to the psychologists, had become society's janitor's fixing a pipe here and there, sweeping the floor, making sure the heat was on, but never once suggesting that the structure was faulty. I know it is not easy to call one's own usefulness into question. But the structure *is* faulty.

I don't mean to sound supercilious about you workers in the helping professions for I believe you are attempting to do your jobs honestly and sincerely. And in any event, it ill-becomes me to criticize another profession on this score, since my profession is undoubtedly the worst offender. We judges are a resourceful lot, and there are numerous legal doctrines we can use, and do use, every day to avoid seeing what is before us. Not many months ago, a federal judge in California received a handwritten complaint from a prisoner in a state institution. Such complaints are common and often without foundation in fact. And courts have adopted a shorthand method of ridding themselves of such matters. In the ordinary judicial opinion one reads that such complaints touch matters of "internal discipline" and that the courts cannot deal with these problems. Something in this particular pleading struck the judge and he ordered an evidentiary hearing. This is what he found: The prisoner was confined in a windowless cubicle, deprived of the basic rudiments of civilized existence including functioning toilet facilities so that his concrete box was filled with the stench of human excrement. The judge quickly forgot about "internal discipline" and ruled that the prisoner was being subjected to "cruel and unusual punishment" and directed the prison officials to remedy the situation immediately or else release the inmate.

I hope that there would be the same shock if judges would allow themselves to know what was happening to juveniles. But we don't. The other day, a severely disturbed seventeen-year-old sought a judicial hearing on his claim that he was being illegally held in our District of Columbia Receiving Home for Children without receiving any psychiatric assistance. He had been at the Home for eight months awaiting disposition of a pending charge in the juvenile court. The judge did not hold a hearing to learn what the facts were—because, in his opinion, whether or not the child was receiving psychiatric assistance "was not germane to the lawfulness of [the juvenile's] confinement." I can scarcely imagine anything more "germane" to the "lawfulness" of the child's confinement than a claim—a claim incidentally which the attorney for the superintendent of the institution candidly conceded was true—that he was receiving no treatment at all, although he was desperately in need of it, and although the promise of treatment was the justification for holding the boy.

The fact that we are judges makes this deliberate blindness even more serious. A child comes before us and claims that he is being held illegally. The society asks us to say whether or not he is correct. There are some judges who think that they need only approve the way in which the juvenile home got custody of the child; that is, were the proceedings proper, was the order of confinement signed by the right person, and so forth. Even if this were the extent of our duty, and I do not think it is, society perceives that we are doing much more—namely deciding, in effect, that everything about the child's confinement is legal, the proceedings, the place of confinement, the conditions of confinement. The appearance becomes the reality, and, in effect, we are putting our stamp of approval on his confinement and on the whole system under which he is held. When we refuse to discover the facts, we are participating in society's fraud—worse, we are the high priests in black robes who soothe society into thinking there is no fraud.

These comments apply to all judges but most particularly to the juvenile court judges themselves since they are the ones charged with administering the statutes. I say "administering the statutes" advisedly. I do not mean administering the juvenile homes. The juvenile court judges need not muckrake by going into the homes and telling the administrator how to do his job. However, before the judge approves the system he should know what the system is.

Appellate judges play a very different, and I might say much more limited role. We must merely make sure that the juvenile court judge knows all the relevant facts and exercises an intelligent judgment within a wide range of permissible discretion. For us this task is not essentially different from reviewing any federal administrative agencies which deal primarily with property values as opposed to personal ones. For example, we do not allocate air routes or issue television licenses. We do, however, require the Civil Aeronautics Board and the Federal Communications Commission to discover all the relevant facts and base their decisions on those facts. We do not purport to, nor can we, make the judgments themselves but we do make sure that the agency exercises its judgment intelligently. I am fully willing to acknowledge that juvenile judges have a great deal of expertise in their area. But expertise and discretion are meaningless without a factual basis.

Having discretion, of course, does not mean that it is being exercised. For example, suppose the juvenile court judge had before him one hundred children, each with different needs and different problems. And suppose for each of the children the judge made only one of two decisions, either to release him or to send him to the one inadequate institution which the community provides. In a recent juvenile court record I studied, the disposition order was pre-printed with two boxes: probation to the parents or commitment to the Department of Public Welfare. I would not call that an exercise in discretion. There are, after all, other things which can be done ranging from provision of foster care to more assistance for the child's parents, from community programs to sending the child to a private institution. And I think that an imaginative juvenile court judge with an imaginative staff could provide for some of these alternatives without further statutory authority. To be fair, I must say that it is not simply a failure of imagination which limits the search for alternatives. It is also a lack of staff, of time, of public understanding, and of money.

Saying that the juvenile court judge has discretion does not mean that it is not being abused. And I'm sure you will not be surprised to hear that it is being abused all too often, as it was in Betty Jean's case.

I think a court is justified in acting in this area simply on the basis of the most traditional notions of what a court must do when litigants come before it. However, I need not rely completely on the inherent responsibility of courts, for the legislature has not been silent. For example, our District of Columbia Code requires the Juvenile Court Act to be construed so that "the child shall receive such care and guidance, preferably in his own home, as will serve his welfare and the best interests of the District" and that, when a child must be removed from his home, the "court shall secure for him custody, care, and discipline as nearly as possible equivalent to that which should have been given him by his parents." How, then, can a court avoid this responsibility?

Where does this all lead? Suppose the judges and the psychiatrists and the correction officials begin to see that the promise of treatment is a fraud? I suppose I share in some degree the lawyer's faith that if we know all the facts, just decisions will follow naturally and the treatment will become a reality. But I doubt if this faith is justified. In May of 1966 the Juvenile Court for the District of Columbia adopted a new policy memorandum outlining the factors which must be considered before a juvenile is waived to the adult court. It is now the Juvenile Court's stated policy that if treatment is not available the child should be waived. The question raised by this new policy is clear: Are we to punish someone because the community has not provided the means and facilities for his treatment and, perhaps, cure?

I have advocated the first step—learning the facts—on the assumption that once faced with reality we would be jolted into action. Here we have a situation, though, in which the exposure of the lack of treatment will prompt not treatment—but punishment. I am puzzled. Perhaps we have more deeply ingrained escape mechanisms than I had imagined. I must say that I have a certain amount of sympathy for the escape. None of us wants to be faced with the possibility of failure and none of us wants to have our usefulness called into question. If the juvenile court judges require treatment, they would have had to face the possibility that treatment itself is a ruse, at least when we are talking about mental and emotional disorders particularly associated with the slums. Why should they subject themselves to the frustration of impotence? This possibility of failure must prompt escape in this whole area, not only by the judges, for if the judge feels threatened by the fact that treatment may be an illusion, how much more threatened must the doctors and social workers feel? If the courts and the legislatures provided a psychiatrist for each disturbed child then, the burden of failure would shift to you.

I do not mean to end on a negative note, but I have all these doubts, and I want to share them with you. Perhaps these doubts will lead us to a realization that we can never be satisfied with treating the individual unless we also treat his society. But whatever the solution, individual treatment or social revolution, the situation is not hopeless. The hope comes from a secret weapon, the same one which the Israeli Ambassador told me about in 1948 when the Arabs were pushing the Israelis into the sea. The secret weapon was no alternative. They simply could not contemplate the alternative of failure, and neither can we.

[From Life, May 5, 1967]

Broken Promise to Juveniles

It is possible for an American citizen to be tried secretly and convicted of a crime without ever hearing the charges against him; with no chance to face his accusers or to have a lawyer represent him; and with no right to a jury trial when the sentence may mean years behind bars. All this can happen if the accused happens to be, legally, a juvenile.

At the turn of the century adults, with the best of intentions, took away some substantial civil rights from youth. In exchange, they wrote into a series of state laws the premise that juveniles in trouble or abandoned become the wards of the court. And in return for that surrender of rights, the courts, and the state welfare agencies, would take responsibility for treating, rehabilitating or simply caring for the juvenile.

In some states and cities the bargain has worked out well. But there are important exceptions, according to Chief Judge David Bazelon of the U.S. Circuit Court of Appeals for the District of Columbia. He says, "We look around us and see the promise broken at every turn. It is full of cant and hypocrisy."

The worry about juvenile justice is part of the increased concern about juvenile crime (youths of 15 to 17 have the highest arrest rate of any age bracket). The increase is greatest in the slums, but even the wealthiest suburbs have more and more delinquency problems.

What happens to those who get into trouble? Often, the juvenile judge has no place to turn for the treatment that he should be guaranteeing to the youth in his charge. Deserted children and others who require psychiatric help are lumped in with hard-core delinquents. There never seems to be enough money for the facilities or the people to help them. Worst off of all are those jurisdictions that simply have no place to treat juveniles. Youths are either released to their parents or the judge "waives" his guardianship and passes the youth along to an adult court. Last year some 600,000 youths appeared before juvenile courts. And 100,000 of them are now doing time in adult prisons—a good way to guarantee that many of them will be in and out of jails for the rest of their lives.

Judge Bazelon and the growing number of critics of the juvenile court system may soon get a prestigious ally. Last year the Supreme Court ruled on an appeal stemming from a juvenile court case—the first time in the 68-year history of juvenile courts that the Supreme Court has agreed to look into and to review their actions.

Justice Fortas, speaking for the majority of the Court, found that "While there can be no doubt of the original laudable purpose of juvenile courts, studies and critiques in recent years raise serious questions as to whether actual performance measures well enough against theoretical purpose to make tolerable the immunity of the process from the reach of constitutional guarantees applicable to adults. . . . There is evidence, in fact, that there may be grounds for concern that the child receives the worst of both worlds: that he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children."

The Supreme Court is expected soon to rule on the case of Gerald Gault, an Arizona boy serving six years of detention for allegedly making lewd phone calls (a crime for which the maximum adult sentence is two months). He was found guilty after a series of maneuvers that violated every definition of "due process." Answering the state's plea that the boy, then 15, had not been convicted of a crime but detained for delinquency, Justice Fortas commented, "You can call it a crime or a not-crime, or you can call it a horse. He's still deprived of his liberty."

If the Supreme Court rules in favor of the Gault boy, juvenile court justices will be on notice that they must uphold their end of the bargain that is implicit in juvenile law. And the justices will also have to insist that their states provide proper facilities for their charges.

Too many youths in difficulty are convinced that the adult world wants only to "get" them—or, at best, to hide their problems and consider them solved. Injustices in the name of justice create in their victims a lasting grudge against society. A re-examination of juvenile justice won't solve all problems of delinquency, but it is an essential place to start.

PROBLEMS OF FOOD PRODUCTION

Mr. **HATFIELD**. Mr. President, Mr. Herbert Halzman, Assistant Administrator for Private Resources of the Agency of International Development, sent me a very thoughtful letter and bulletin concerning the problems of food production which confront much of the world's population. In order that the scope and severity of this problem be better understood, and the efforts of this agency known and appreciated, I would like to share his letter with the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR SENATOR HATFIELD: Present world food production must be more than doubled in little more than the next three decades if mass starvation is to be avoided.

This impending crisis is of primary concern both to the Legislative and Executive branches of the U.S. Government, but a solution can only be realized by full utilization of the food production processes and distribution capabilities of the private agricultural business communities in the United States.

The Agency for International Development, through its office for War on Hunger and its office for Private Resources, is working closely with the Departments of Agriculture, Commerce, and State to recruit the participation of the private business community in this decisive struggle.

The enclosed bulletin (*The War on Hunger: A Challenge to Business*) has been prepared to help identify the opportunity and programs for implementing this effort. If you would care for additional copies to distribute to your constituents in agricultural industries, they will be available upon request.

If you would care to discuss this vital and timely subject in your newsletter or on television or radio reports to your constituents, we will be pleased to be of assistance to you.

We appreciate your help with this problem and welcome any suggestions you may have as to how we can better produce the concerted effort that is essential if we are to meet this serious need.

Sincerely,

HERBERT SALZMAN,
Assistant Administrator for Private Resources.

SLAVERY EXISTS TODAY—SENATE SHOULD RATIFY HUMAN RIGHTS CONVENTION ON SLAVERY—LXXXVIII

Mr. **PROXMIRE**. Mr. President, as I speak today to urge the Senate to ratify the human rights conventions, I wish to emphasize that these conventions are not merely academic or theoretical exercises. These human rights conventions proscribe real practices, tragic practices. The Convention on Slavery is a perfect example.

Slavery, in all its forms, can have no part in civilized society. Many persons in the Western World are surprised to learn that slavery still exists in some Middle East territories and in parts of Asia and Africa. But the United Nations General Assembly has again and again had its attention drawn to the actual details of this hideous institution.

This history of the international fight against slavery is a continuous one and several antislavery conventions have been adopted. In 1926 the League of Nations adopted such a treaty, and the U.S. Senate consented to ratification by the U.S. Government some 3 years later. The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions, and Practices Similar to Slavery was adopted on September 25, 1956, to amend the 1926 convention. This more recent attempt to stifle the actions of those who would exploit their fellow man outlaws debt bondage, serfdom, the purchase of brides, and the exploitation of child labor.

On July 25, 1957, the International Labor Organization adopted the Convention Concerning the Abolition of Forced Labor, under which each of the countries which become parties to this treaty must undertake to suppress any form of forced labor for political reasons, for economic development, as a means of labor discipline, as a punishment for having participated in strikes, or as a means of racial, social, national, or religious discrimination.

Mr. President, these are not mere quixotic attempts to transform our society into a utopia overnight. These are pragmatic undertakings, which if successful, will bring about a situation which should be, but unfortunately is not, existent without these treaties. The Antislavery Society of London reports that 2 million slaves exist today, in 1967. I contend that by becoming a party to the Conventions on Slavery and Forced Labor, the United States can really help to alleviate this dreadful burden upon the world.

Our ratification would encourage other nations to adhere to these conventions and implement their provisions in their own territories. Furthermore, ratification would place the United States in a much better legal and moral position to protest the existence of slavery in countries which have ratified the conventions but which fail to fulfill their obligation in practice. There is no reason, Mr. President, that the United States should not become a party to these treaties, and there are so many reasons why we should.

I call upon the Senate today to reinstate our country to a position of leadership in the worldwide fight against slavery. President Abraham Lincoln drew our domestic misdeeds in this field to a halt 105 years ago. Let each of us do our share in bringing this inhuman practice to a halt throughout the world. Let 1967 be the year in which we ratify the Supplementary Slavery Convention and the Convention Outlawing Forced Labor, as well as the Human Rights Conventions on Freedom of Association, Genocide, and Political Rights of Women.

JOSEPH CARDINAL RITTER

Mr. **LONG** of Missouri. Mr. President, the death of Joseph Cardinal Ritter in St. Louis last weekend is a great loss not only to the Roman Catholic archdiocese over which he presided for more than 20 years, but to the entire St. Louis community. Cardinal Ritter, who celebrated his 50th year as a priest April 29, was a strong advocate of human rights, justice, and ecumenism.

Less than a year following his appointment as archbishop of St. Louis, he ordered an end to segregation in the Catholic schools in his jurisdiction. To insure compliance, a pastoral letter was issued warning of automatic excommunication to anyone resorting to outside authority in order to resist the order. Soon afterward, discriminatory practices were ended in all Catholic hospitals in the archdiocese.

Cardinal Ritter established his Archdiocesan Commission on Human Rights in August 1963. Its purpose was "to formulate programs of action that will overcome the obstacles that now impede the use of God-given rights."

The cardinal participated enthusiastically and influentially in the Second Vatican Council. During the deliberations, he was in the forefront of the movement absolving Jews of blame in the death of Jesus. In March 1964, his Archdiocesan Commission on Ecumenism was established.

I knew Cardinal Ritter personally and I know I speak for all Missourians when I say how much we will miss him and his great work among us.

Mr. President, I ask unanimous consent that two editorials which appeared in the St. Louis Post-Dispatch and the St. Louis Globe-Democrat concerning the record of Cardinal Ritter be inserted at this point in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the St. Louis Post-Dispatch,
June 12, 1967]

Cardinal Ritter

Cardinal Joseph Ritter was a powerful influence for good in the St. Louis community as well as in the Roman Catholic archdiocese over which he presided for more than 20 years. Beyond that, he was known and admired in many parts of the world, for his participation in mission endeavors but most of all for his advocacy of liberal attitudes in the second Vatican Council, in which he took a leading part.

The Cardinal came to St. Louis from Indianapolis as a man of strong will but of generally conservative bent in religious matters. He was profoundly influenced by Pope John XXIII, however, and began the development of progressive policies that made the St. Louis archdiocese outstanding. Though tempered with a native caution, his ability to recognize the necessity for change at an age when most men cling to settled ideas testified to his resiliency of mind and spirit.

In the ecumenical movement initiated by Pope John and the Council, Cardinal Ritter became an advocate of religious tolerance and co-operation, not only by his own example but in the freedom he gave his associates. The late Msgr. Daniel Moore, for example, was encouraged to become the foremost St. Louis clerical advocate of ecumenism, and also to develop the *St. Louis Review*, of which he was editor, into the foremost diocesan newspaper in the United States.

Although he was completely committed to the welfare of the Catholic school system, Cardinal Ritter invariably supported whatever measures the city undertook to assist the public schools. Although he directed the collection of large sums of money for Catholic charities he gave strong support to the United Fund and other community welfare endeavors. As is well known, he integrated the archdiocesan schools years before the Supreme Court outlawed segregation in the nation's public schools.

Withal, the Cardinal was a pious, unpretentious and kindly person, as Mayor Cervantes said, "a man of God who not only believed in the fatherhood of God but likewise the brotherhood of man." He lived a full life and left much for which he will be remembered, and surely would not have asked for any more than he had.

[From the St. Louis Globe-Democrat,
June 12, 1967]

Joseph Cardinal Ritter

St. Louis and the nation have lost a citizen of sterling quality in the death of Joseph Cardinal Ritter.

In a brilliant career in the church and in a wide variety of community projects stretching back more than half a century since his ordination in a country parish in Indiana, Cardinal Ritter has always been a monumental man.

Successively Bishop and Archbishop of Indianapolis, Archbishop of St. Louis since 1946 and made a cardinal in 1961, Cardinal Ritter followed in the spirit of saintly Pope John who gave him his red hat.

During all of the more than two decades he has resided in our city, Cardinal Ritter has fought the good fight for understanding, peace and love in his own church and in the wider community beyond.

He desegregated the parochial schools 20 years ago, as he had done in Indianapolis. He took the side of the Jews in their efforts to establish a new Temple Israel in Creve Coeur. He was always in the forefront among those in the Vatican Council in Rome who sought to modernize the church and give the laity a broader role in church affairs.

He was awarded an honorary degree by Eden Theological Seminary and was the first Catholic leader in America to approve joint marriage ceremonies between Protestants and Catholics.

In 1965 he was given the Humanitarian Award as that citizen whose whole life had truly been lived in the spirit of the Fatherhood of God and the Brotherhood of Man.

The citation stated that he was "beloved of his own flock and of all faiths for his wisdom, his vision, and for his compassion for all the family of God . . . His whole life has been testament to his love of all mankind."

This great and noble man who, with all the honors which came to him, always retained his humility and his abiding love of all the children of God, has as his monument a career of service which will be a beacon to others to follow for all time.

THE FIGHT FOR CLEAN AIR

Mr. BOGGS. Mr. President, the June issue of the AFL–CIO Federationist carries an article by George Taylor which summarizes well the urgency of combating the air pollution problem.

Public understanding of how air pollution adversely affects them is essential in combating this menace to our health and prosperity.

The Federationist performs a valuable public service in carrying such an informative and readable article.

I ask unanimous consent that this article, entitled "The Fight for Clean Air," be inserted at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Fight for Clean Air

(By George Taylor)

(Note.—George Taylor is an economist in the AFL–CIO Department of Research.)

When the right circumstances conspire, air pollution can turn into a deadly mass killer.

In 1930, there were 60 people killed when a deadly smog settled in over the industrial Meuse Valley in Belgium.

In 1948, the steel and chemical town of Donora, Pennsylvania, was visited by a fog and a temperature inversion which left 20 dead.

In 1950, a tank of poisonous hydrogen sulfide was accidentally released to the atmosphere from an oil refinery in Mexico City. The toll: 22 dead and 320 hospitalized.

In 1952, a "black fog" hung like a shroud over London for four days and took 4,000 lives.

Ten years later, both London and New York City suffered through serious smogs.

And just last November—as if to publicize the National Conference on Air Pollution about to open in the nation's capital—the elements conspired to form a temperature inversion over New York City. Preliminary estimates put the number of deaths at 80, a toll expected to rise when the death rate is checked against mortality tables over a longer period.

These dramatic instances of smog disasters serve as periodic reminders that the city air we breathe is unclean. Air pollution is taking its toll of people's health every day in every city in the United States. It is a problem which most people are aware of by now and to which they seem to be adapting.

Unfortunately, it may take a major air pollution disaster to crystallize support for strong regulatory action.

President Johnson attempted to point up the critical urgency of the problem when he sent a special message on air pollution to Congress earlier this year. The President declared:

"We are not even controlling today's level of pollution. Ten years from now, when industrial production and waste disposal have increased and the numbers of automobiles on our streets and highways exceeds 110 million, we shall have lost the batttle for clean air—unless we strengthen our regulatory and research efforts now."

The superficial aspects of air pollution are widely evident. People are aware of the offensive smell, the dirt deposited on clothing and curtains, the corrosion of metal and stone, the lack of visibility on roads and the damage to bathing areas.

But the dangers from air pollution are far broader and more insidious. The longterm effects of air pollution begin to work on the human organs from the day of birth. Increasing numbers of Americans are becoming afflicted with respiratory conditions—everything from the common cold to lung cancer—which are aggravated by breathing polluted air.

One of the fastest growing causes of death in the United States is emphysema, a progressive breakdown of air sacs in the lungs caused by chronic infection of the bronchial tubes. In 1962, over 12,000 persons died of emphysema. Each month, 1,000 or more workers are forced to retire prematurely because of this disease.

Other diseases of the lungs and air passages which are worsened by breathing polluted air include bronchial asthma, chronic restrictive ventilatory disease and even the common cold.

The death rate from lung cancer has been rising. Research points to a variety of causes. However, the incidence of cancer is twice as high in urban as in rural areas and appears to be related to population density as well. This is the basis for speculation that air pollution may be a contributing cause of lung cancer.

The first public concern over pollution involved the smoke nuisance in the 1940s. Public indignation focused on offenders responsible for dirtying the community. Antismoke ordinances were adopted in such large cities as St. Louis and Pittsburgh. The changeover from coal-burning to diesel locomotives and the increasing use of natural gas for home and office space heating helped to reduce much of the smoke nuisance in many urban areas.

Now the concern and danger is only partially with smoke. The newer industrial processes and many of the older ones are expelling a wide range of gases and minute particles. These pollutants often overload the ability of the atmosphere to disperse them and they produce effects which are sometimes unpleasant, sometimes unhealthy and, on occasion, disastrous.

The basic causes of the air pollution problem are well-known. They involve an increasing population which is becoming more and more concentrated in urban areas. The U.S. population will grow to an estimated 225 to 250 million by 1980. About 200 million people will be living in cities.

These urban area people will be driving more cars, consuming more electric power, buying more manufactured goods, creating more wastes. The overall result will be an ever-rising amount of air pollution.

The main trends are apparent.

In 1960, 60 million automobiles in the United States burned 40 million gallons of gasoline. By 1980, over 110 million automobiles are expected to be on the road, almost doubling the gasoline being burned and emitting most of the pollutants into urban areas.

More solid wastes are dumped each year, most of it combustible. In 1960, the per capita amount of combustible waste was 1,100 pounds. Even if the per capita figure does not increase, which is unlikely, this nation will be producing 175 million tons of combustible waste by the year 2000, enough to bury a city the size of Pittsburgh or Boston, or Washington, D.C. under a 30-foot mountain of trash.

By 1980, use of electric power may have increased threefold over present demand. Most of it will be generated by fossil fuels—coal and oil—although nuclear energy will be rapidly moving to the fore in the next decade. As of 1966, generation of electricity is one of the major sources of air pollution.

The growth of industrial production—iron and steel, non-ferrous metals, chemicals, petroleum, paper and allied products—is expected to double or triple over the next decade or so. These are the major industries which share responsibility for atmospheric pollution.

There is also the clear danger created by a constantly changing technology. By the end of the century, the annual expenditure by industry and government in industrial-oriented research may reach as high as $70–$80 billion. Increased research and development already has contributed to the introduction of dozens of new materials, many releasing airborne contamination to the environment, the effects of which are yet unknown.

The principal pollutants released to the air total about 125 million tons per year at present, according to a 1966 report by the National Academy of Sciences.

Automobiles, trucks and buses powered by internal combustion engines are the major emitters of carbon monoxide, oxides of nitrogen and hydrocarbons. Generation of electric power by burning coal and oil produce most of the oxides of sulfur. Industrial production is the chief contributor to the atmosphere of particulate matter and miscellaneous pollutants.

The data clearly show that moving sources of pollution spew six of every ten tons of pollutants into the air. Thus the nation's motor vehicles constitute the number one air pollution problem.

Industry, including electric power generation, is the next greatest offender, contributing nearly four of every ten tons of polluting materials emitted.

People do not die immediately from foul air, even though it may affect their health adversely when pollution of the air they breathe is chronic, which is true in nearly every large city.

But sometimes a smog disaster strikes. Such disasters occur when there is a prolonged temperature inversion and takes place in localities where there is a great volume of toxic materials being emitted into the atmosphere from industrial emitters, automobiles and homes and offices burning soft coal.

A "temperature inversion" is a meteorological situation that occurs when the normally cool upper layers of air become warmer than ground air. In a situation when the air mass is not moving on the back of a prevailing wind, or rain comes to the rescue, the cool upper air stays put and prevents the dirty air at ground level from circulating up and out. Los Angeles is the prime example of a metropolis with a chronic inversion situation. But they can take place anywhere. When they happen suddenly and remain for several days where there is a great deal of emission of pollutants, people who are well get sick, the sick get sicker and some of the sick and some of the older people die.

The burden of principal pollutants is expected to double by the year 2000. Over the great metropolitan areas of the West Coast, the Great Lakes and other regions, inversions are expected to become more and more lethal, together with the kind of "ordinary" air humans breathe between inversions, which merely takes longer to infect individuals with chronic respiratory diseases and possibly lung cancer, but produces few headlines.

In the long-range view of the situation, the steady increase in the release of pollutants to the atmosphere, in addition to what is already there from natural and man-made causes, can work what may very well become a permanent change of the world's climatic cycles. It is a well-known phenomenon that temperatures in large metropolitan areas are consistently warmer than in the countryside and fogs are more frequent. This is an example of local modification.

The bulk of the air resource is in a relatively shallow envelope six miles in depth (the troposphere). There are global regional and local air movements within the troposphere which make up nature's ventilation system, modified by topography, climate and latitude.

If the mass of air pollutants continues to build up, the global capacity of the wind systems to disperse pollutants may be seriously impaired.

Thus modern man in the United States and other industrialized nations has created a menace. It lurks in the very air he breathes and takes an increasing toll in lives, health and the economy. It is seriously disturbing the delicate balance that has existed in the environment, of which man is becoming a ruthlessly disrupting factor. He worships at the shrine of personal cleanliness, creature comforts and new techniques while surrounding himself with an environment of ugliness, filth and poison.

What has been done in recent years to clean up America's polluted air?

The federal government did not move into the picture until 1955, when legislation was enacted creating a federal program.

The Public Health Service of the U.S. Department of Health, Education, and Welfare was authorized to conduct research on the problem and provide technical assistance to state and local governments.

The 1960 amendments to the basic federal act provided for a special study of motor vehicle pollution. The federal program under this law brought more scientific knowledge to bear on causes and effects. The public attention was becoming more aware that polluted air was a national problem, was damaging to the public health and welfare, and that control of many of the larger sources of poison was feasible.

Although knowledge about the causes, effects, scope and control techniques was steadily advancing, there was little done by local, state or federal levels of government to clean up the air. The federal program was research-oriented. Outside of Los Angeles and the state of California, there were few local or state programs. Those in existence were basically ineffective.

The federal Clean Air Act of 1963, however, broadened the scope of the federal program. It authorized federal grants-in-aid directly to state and local air pollution control agencies to establish or improve their programs and empowered the federal government to take necessary action to abate interstate air pollution situations.

The Clean Air Act also expanded research, technical assistance and training activities of the U.S. Public Health Service. It directed the Service to do research and development on motor vehicle and sulfur oxide pollution from coal and oil burning in power generation and other industries, and to develop criteria on air pollution effects on human health and property.

The 1965 amendments to the Clean Air Act authorized the Secretary of HEW to establish standards to control emissions into the air from new motor vehicles and to investigate and develop methods of controlling new air pollution problems.

In 1966, further amendments enlarged the grants-in-aid program to states and localities to assist in maintaining control programs. The Congress also established a three-year authorization of $46 million for fiscal 1967 and $66 million and $74 million for fiscal years 1968 and 1969, respectively.

Between 1955–63, federal funds expended on air pollution control programs had risen slowly from $2 million to about $11 million a year. But in the 1963–66 period, the total rose to $35 million a year.

WHAT HAVE THE STATES DONE

Fifteen years ago, the first state law dealing with air pollution was passed. Until 1963, when the Clean Air Act was passed, only 13 more states had enacted such laws. Since then, 11 more states have acted, so there are now 25 out of the 50 states with anti-air pollution statutes on the books.

In 1961, the budgets for state air pollution control programs totaled only $2 million, of which California alone accounted for 57 percent. There were 148 full-time and 29 part-time personnel working in the control programs of all the states.

By 1966, the states were budgeting an aggregate $9.2 million, $2 million of which was in the form of federal grants-in-aid. There were 406 full-time and 81 part-time personnel working in these programs.

While there was an improvement of state resources applied to the problem, the situation is still far from satisfactory in this respect. Moreover, there is wide variation among the states in the kind of agency assigned program responsibility, in standards and regulations, in enforcement and compliance procedures and punishment of wilful offenders by fines, jail or both.

While the Clean Air Act encourages the formation of interstate compacts to aid in the control of air pollution, very few states have acted. New York and New Jersey were inspired to act after last year's serious smog over the New York City metropolitan area. Illinois and Indiana are negotiating a compact and so are West Virginia and Ohio.

The New York-New Jersey compact, which is furthest along, seeks legislative authority to set air quality standards and to make and enforce regulations. An innovation in this proposed compact would provide for both local and federal representation.

WHAT HAVE THE CITIES DONE?

Since the late 1800s, there have been many local smoke abatement ordinances passed by hundreds of communities, dealing with this aspect of air pollution as a nuisance. Beginning with Los Angeles, recent years have seen a greater community effort to attack poisoned air, not merely smoke.

In November 1965, according to the U.S.

Public Health Service, there were about 130 city, county and multi-jurisdictional air pollution regulatory agencies in operation and located in 35 states serving 63 million people.

The total 1965 budget for all these local administrative areas was about $14.3 million, of which $3.6 million was in federal grants-in-aid. This represented a sizable rise over the $2.6 million budgeted in 1952.

The largest single local agency budget was that of Los Angeles County—$3.7 million. Control agencies in California made up 38 percent of total 1965 local air pollution control budgets in the nation. The seven largest agencies made up 58 percent of the total local air pollution control budget for the nation.

While the towns and cities are now doing more about the problem than a decade ago, much of the larger urban areas still lack programs. There are manpower problems, both in funds available to hire personnel at adequate salaries and trained manpower. The U.S. Public Health Service estimates that at least a fourfold expansion of programs is required to do a reasonably good job in terms of money and staff.

Moreover, there is a lack of definition of the full range of pollutants to be monitored and controlled. There is less than adequate support by local officials for a sustained all-out air cleanup effort. As with the states, regulations are too permissive, enforcement is weak or lacking and long-range planning is neglected.

Thus the federal government, the states and the cities are making a tentative beginning to face up to the air pollution crisis in the United States.

President Johnson's air pollution message of 1967 contained legislative recommendations for strengthening the federal air pollution control program by means of the Air Quality Act of 1967, which was introduced by Senator Edmund S. Muskie (D-Maine) and 20 co-sponsors of both parties.

This legislation would expand the federal air pollution control program to carry out the following:

1. Designate interstate industries which are nationally significant contributors to air pollution and establish industry-wide emission levels, allowing the state to equal or exceed federal levels, but stepping in with a federal enforcement program where a state fails to do this.

2. Establish Regional Air Quality Commissions which cut across state lines and enforce pollution control in so-called regional air-sheds, where air characteristics and flow are generally consistent in pattern over a multi-state area.

The Secretary of HEW would not have to wait for states to move, but could designate interstate regions where control programs were needed and, after consultation with the states and localities involved, appoint a Commission composed of two persons from each state and a federal representative named by the Secretary.

The Commission would be responsible for setting safe air quality and emission levels and could enforce them by means of present statutory authority under the Clean Air Act.

3. State inspection of 1968 and later model vehicles with carburetor and exhaust control devices, by means of assistance from federal matching grants.

4. Improved enforcement procedures.

5. Mandatory registration of all fuel additives with the Secretary of HEW.

6. A broadened research program into emittants from motor vehicles, including diesel engines, alternative methods of motor vehicle propulsion, sulfur dioxide pollution and low-sulfur or sulfur-free substitutes. This program would raise authorized research funds from $12 million in fiscal 1967 to $18 million proposed for fiscal 1968. It proposes the program include direct activities by the federal government and contracts or grants-in-aid to private industry, universities and other groups.

7. The total financial resources proposed in the Muskie bill calls for an increase from the presently authorized $74 million in fiscal 1968 to $80 million for that year and such sums as may be determined by Congress for the following four fiscal years.

The AFL–CIO Executive Council last February called for stronger enforcement of the Clean Air Act. The AFL–CIO agreed with the President's proposal to establish federal air-shed commissions and empower the Secretary of HEW "to set air quality criteria over all sources of industrial pollutants released into the atmosphere, not merely those by automobile as provided by the present act."

By these means, it is possible to move in with federal, state and local programs to control poisoned air emitted from stationary sources, factories, power stations, oil refineries and the like.

The AFL–CIO policy statement had this to say on the problem of automobile combustion and air pollution:

"Expanded use of electric-powered vehicles would sharply reduce the largest and most rapidly-growing source of air pollution. Any federal program to develop an economically feasible electric-powered vehicle should provide public domain ownership of all federal patents and a searching assessment by a national commission, with labor representation, of the social and economic impact of a largescale changeover to the electric automobile."

In a recent statement to a special Senate joint committee considering legislation to authorize a federal research and development program for electric-powered vehicles, AFL–CIO Legislative Director Andrew J. Biemiller said:

". . . present control technology and that likely in the near future is not adequate to reduce the continually mounting load of contaminants emitted to the atmosphere from the automobile in its various forms. The sheer increase in numbers of cars, trucks and buses, even if equipped with all control devices required under the Clean Air Act, will inexorably add to the aggregate environmental burden of carbon monoxide, hydrocarbons and other harmful chemicals released into the air."

The electric car is not new. It was used years ago and some probably are operating in the form of commercial vehicles in most large cities.

The problem is to find an energy source, either a battery or fuel cell which operates on chemicals, which will enable faster pickup and higher speeds and allow the driver to cover 100 miles or more before recharging the battery at a station or exchanging it.

While industry is grudgingly accepting the disagreeable inevitability that there will be some kind of control over air pollution, it wants a major voice in setting the terms.

Industry wants federal activities restricted to research and development, and it seeks federal tax writeoffs as well as state and local financial incentives for air pollution control equipment. Such tax breaks and incentives are strongly opposed by organized labor.

Recently, the chairman of the board of Humble Oil Refining Company said to a meeting in Houston, Texas, that if industry did not voluntarily clean up its own mess ". . . in the near future our actions in this area will be spelled out by congressional legislation."

Uniform federal standards, equitably applied, would enable industries to become socially responsible and also to maintain their respective positions in the marketplace. This is what is provided for in the proposed Clean Air Act of 1967 now before Congress. Without such standards, industries would be enticed to relocate in a more lenient regulatory climate where, among other incentives, a relaxed attitude toward air pollution could be maintained by the state or local enforcement agency.

The battle lines are now being manned in the halls of Congress. But where the fight will be finally won or lost is in the cities, towns and villages of this nation, when the citizens have decided that they have had enough and, as President Johnson has said, ". . . through their elected representatives, demand the right to air that they and their children can breathe without fear."

CITIES WITH MOST SEVERE AIR POLLUTION PROBLEMS [1]

Five areas having most severe problems: Chicago, Cleveland, Los Angeles-Long Beach, New York, Philadelphia.

Five areas ranking second in severity: Boston, Detroit, Newark, Pittsburgh, St. Louis.

Ten areas ranking third in severity: Akron, Baltimore, Cincinnati, Gary-Hammond-East Chicago, Indianapolis, Jersey City, Louisville, Milwaukee, Washington, Wilmington.

FROM THE WAR'S RUBBLE, BUILD A SCHOOL

Mr. NELSON. Mr. President, for the many Americans who have forgotten the basic purpose of our military involvement in Vietnam the students of William Horlick High School in Racine, Wis., have provided an inspiring reminder. Under the leadership of a student council committee, headed by Norm Goodman, they are enthusiastically raising funds to build a school in a poor village in the Vietnam highlands.

The project grew out of a letter from Capt. William Hermanutz who is currently serving with the 1st Cavalry Airborne Division in Vietnam. Captain Hermanutz, a 1950 graduate of Horlick High School in Racine, described the plight of the Vietnamese villagers and their determination to educate their children despite the ravages of war.

At an all-city high school dance "Mission Possible," the Horlick students raised $1,100. The Racine community, responding to the students' imaginative efforts, has donated more than $700. The "from the rubble, build a school" fund now stands at more than $1,800, well over the students' original goal.

I think we can all be proud of what these high school students are doing. Through their efforts the Vietnamese people may one day give their children the vital education they are now unable to provide. I ask unanimous consent that an article by Tex Reynolds in the Racine Journal-Times, an article by Owen Levin also from the Racine Journal-Times and an editorial from the Horlick Herald be inserted in the CONGRESSIONAL RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the Racine Journal-Times, Mar. 29, 1967]

LEGACY FROM SENIOR CLASS—HORLICK PLANS TO BUILD SCHOOL IN VIETNAM

(By Owen Levin)

Each year the graduating class of a high school tries to leave a legacy behind for future classes. Often this legacy is only a reputation or story told around a campfire or at a reunion.

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[1] Source: The National Center for Air Pollution Control, Public Health Service, Department of Health, Education, and Welfare.

But this year the Horlick High School senior class has taken on a project of magnitude—it is seeking to raise enough money to build a school in a hamlet in South Vietnam.

The idea was born in Horlick's Student Council and coordinated by student Norman Goodman, 3100 Chatham St., who has been corresponding with a 1960 Horlick graduate, Capt. Robert J. Hermanutz, now stationed in the central highlands of Vietnam.

Hermanutz is with the 1st Cavalry Airmobile Division. In his letters he pointed out that the villages in the area he is stationed are mostly poor farmers who have suffered much at the hands of the Communists.

HAD SOUGHT SUPPLIES

American soldiers already have helped establish one three-room school and Hermanutz wrote to Horlick, his alma mater, asking if the students could contribute supplies for the school.

The Student Council decided that it could do more than just supply the school. It was decided that Horlick has the potential to raise enough funds to build another badly needed school.

Goodman said that rather than merely ask for student contributions a battle-of-the-bands contest will be sponsored in the future to raise money.

Summing up the feelings of students involved in the planning, Goodman said:

"At a time when war causes so much destruction it is important for Americans to replace that destruction with something better. Too often we become concerned only in the number of 'reds' killed.

"Destruction is only a very small part in the entire purpose of war. To merely destroy and kill, is senseless. It is illogical from any standpoint. Unless the people get something out of the war, something tangible, there is no meaning to the fight between Communism and Americanism. An ideological struggle that affects too few of the common ordinary people."

WRITES FROM VIETNAM

Goodman said Horlick students will be seeking the support of all interested persons in the school-building project.

"What started as a dream can now become reality," he said.

Hermanutz is the son of Mr. and Mrs. A. J. Hermanutz, 7056 Highway 31. He left for Vietnam June 25.

Hermanutz wrote:

"I have found the Vietnamese somewhat reserved and very polite. The villagers are warm and friendly with people they like, and they are co-operative and helpful. They have great respect for virtue and knowledge . . .

"Our villagers are mostly poor farmers. They have suffered much at the hands of the Communists. This was once a Viet Cong stronghold and the inhabitants of this region were held in slavery and forced to grow food to feed the Red armies that were trained here. Churches and temples were closed, schools were destroyed, and teachers were executed.

"Soon after our arrival and the general disappearance of the communist soldiers, one of the first things our villagers did was to start building a school. These parents, having very little education themselves, wanted desperately to improve the lot of their children. Every day the mothers and fathers would spend 10 or more hours working in the rice paddies with primitively crude tools. At night they would congregate at the school site and, with the aid of torchlights, work for six hours or more so that their children might have a 'number one' school.

"In the tradition of American charity towards those less fortunate than themselves, would you please help fulfill the dream of our poor villagers to educate their children. You will be helping a staunch people in a most critical period of history . . ."

[From the Horlick Herald, Jan. 1967]

FROM WAR'S RUBBLE, BUILD A SCHOOL

At a time when war causes so much destruction it is important for Americans to replace the rubble with something better. Too often we have become more interested in the number of "Reds" killed than what has been done to improve the Vietnamese way of life. Too often we have been intent upon destroying rather than attempting to construct and build the foundations of the life we think is so much better.

Recently Student Council received a letter from Capt. Robert Hermanutz, a 1960 graduate of Horlick, who is now serving in Vietnam. His letter relates how the Vietnamese cherish education and how, with the aid of U.S. soldiers, they built a school. He also explains their desperate need for school supplies and farm materials.

Now Horlick has the opportunity to build from the rubble. Student Council and the students of Horlick can work to obtain the supplies they need. The choice is ours.

"GOOD KIDS" EMBARK ON MISSION WHICH DESERVES SUPPORT

(By Tex Reynolds)

I'm weary of the trite observation that "though the minority of teenagers get the bad publicity, the overwhelming majority are decent, intelligent kids." But nevertheless, it does an adult good now and then to meet some outstanding representatives of the majority and observe what they're doing.

Students at Horlick High School have embarked on a highly commendable undertaking. They call it "Mission Possible." What they propose to do is raise funds to build a school for a poor village in the highlands of Vietnam. The inspiration for this came in a letter from a 1960 graduate of Horlick—Capt. William Hermanutz, with the 1st Cavalry Airborne Division—describing the plight of the Vietnamese villagers and their determination to provide education for their children despite the poverty and other obstacles in an area subject to the ravages of a long war.

Norman Goodman is the chairman of the Student Council committee sponsoring the project. With him are Tony Rondone and Gary Swoboda as they visit this office to explain what the students are trying to do, and to frankly seek a "plug" in this column. Rather than merely ask for cash contributions from students and others, they plan also to work for what they need. Thus they are going to have a "battle-of-the bands" in the Horlick Field House on April 21. That is, "rock and roll" dance combinations, which will donate their services and vie for the approval of the dancers, who will ballot to decide the first prize winner, invitations and posters are being sent to all of the high schools in Racine. Hopefully, those working under the slogan, "From the Rubble Build a School," expect to raise $500 from the affair. But also hopefully, they are inviting adult groups and individuals to match this amount, and have arranged for contributions to be received by Mrs. Gene Schemel, cashier at the North Side Bank. With the total fund raised, they expect that materials can be purchased to build a one-room school (with the villagers and American servicemen doing the work), and also provide the necessary equipment and supplies.

Besides being a praiseworthy channel for the energy of these high school students, projects like this probably can do more for the "image" (for want of a better, less tired word) of Americans in Asia than all the speeches of all the diplomats—including the President of the United States.

Incidentally, Mr. and Mrs. A. J. Hermanutz, 7056 Highway 31, have picture slides of the Vietnam area, and its people, where their captain son is stationed. And groups can arrange showing of these slides, with a commentary, by calling either the Hermanutz home or Norman Goodman at Horlick.

THE CASE FOR A TAX INCREASE STILL NOT CLEAR

Mr. PROXMIRE. Mr. President, there has been a growing revival of support, in the press and elsewhere, for the President's proposed increase in personal and corporate income taxes.

The basis for this support is not the state of the economy. A tax increase tends to slow down the economy. But initially every economic indicator shows that the economy has already greatly slowed down from its rapid growth of the first three quarters of 1966.

Right now, on the basis of available economic evidence, there is no economic case—I stress "no economic case"—for a tax increase. But there is a case, a prospective budgetary case, for a tax increase. Last week I documented that case, the grim prospect that there may be a huge administrative budget deficit, possibly a $25 billion or $30 billion deficit, the biggest in our Nation's history by far, except in World War II. A tax increase is said to be necessary to reduce that deficit.

Now is the time when, some argue, such a deficit would surely be inflationary; that it would require heavy Federal borrowing and drive up interest rates.

On the other hand, there is a real prospect that even with a large deficit the economy, with its overhanging inventories, its immensely expanded productive capacity, its recent record-smashing years in the bellwether auto industry—there is a real prospect that the economy, even with this deficit, may still be moving and growing too slowly. Anyone who thinks that that is impossible should put that deficit in perspective.

First, the administrative budget does not represent the full impact of the Federal Government on the economy. The national income accounts budget does that.

The administrative budget excludes the immense impact of the trust funds on the economy. The national income accounts budget includes the full, the total impact of all Federal spending.

The prospective administrative budget deficit was as high as $30 billion. The national income accounts deficit would be $17 billion. Of course, that is still a large amount. But our economy has grown so vast in the past 30 years, to a level of $750 billion, that the national income accounts deficit would be, therefore, not the 25 percent we suffered in World War II, but only about 2½ percent.

In a recent article published in the New York Times, Mr. M. J. Rossant makes an excellent analysis of the issues involved in the tax debate. Mr. Rossant concludes, in part, by saying:

> Indeed, it would be a great mistake to raise taxes just when demand is picking up speed. * * *
>
> The Treasury will not benefit if the recovery is nipped in the bud by increased taxes. The deficit in the budget might even widen because a lower level of economic activity would mean smaller tax receipts.

Mr. President, I ask unanimous consent that Mr. Rossant's entire article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Tax-Rise Debate: Support Grows for Rein on Economy Although Pickup Has Not Yet Begun

(By M. J. Rossant)

The notion that tax increases are needed to restrain a resurgent and inflationary economy is winning fresh support even though symptoms of a new inflationary upsurge or of a dramatic snapback in activity are conspicuously absent.

The fact is that the economy is still in a transitional period caused by too rapid growth followed by overly tight money last year. Washington had predicted a slowdown in the rate of advance during the first half, but so far there has been no advance at all.

But the Administration appears confident that the second half will see a different story. Its economists believe that business will soon begin picking up and that the economy will be in high gear again by the fourth quarter.

ARGUMENT PRESENTED

They argue that tax increases will then be necessary to avoid a recurrence of tight money and inflation—the combination that brought the expansion to a halt last year.

But because the adjustment process has been longer and more pronounced than the Administration had expected, it is legitimate to question whether the expected upturn will come as quickly or be as strong as the official script calls for.

There is little reason to doubt, though, that an upturn is on the way. The massive reversal in credit policy and the vigorous expansionary measures taken by the Administration, along with the continued rise in defense spending, have not merely insured that the "mini-recession" would not become a more obvious and disruptive decline. These stimulative moves will produce recovery.

The biggest tonic of all has been the unexpected sharp rise in military oulays for Vietnam, which was not really part of the Administration's antirecession package. But, without it, the current pause would have been painful and prolonged and recovery would have been delayed indefinitely.

Yet, recovery cannot take place until the adjustment has been completed.

As the National Industrial Conference Board notes, "the second quarter of 1967 now bears the same appearance as the first quarter; business conditions continue sluggish and mildly recessionary in the face of mounting stimulus from the Federal Government."

Even when the sluggishness is shaken off, it is doubtful that there will be a surge of demand great enough to take up all the slack now present in the economy. And, while there may be some inflationary pressures because of the big budget deficit, they should be controllable without tax increases.

Indeed, the available evidence suggests that the upturn will lack the vigor of the earlier expansion. For one thing, it will be starting from a higher base. But, given the excessive inventories that have had to be worked down, there is little prospect that businessmen will begin building up stocks in rapid fashion. Nor are they likely to spend heavily on new plant and equipment, now that production facilities are not fully utilized.

The adjustment, according to the Pittsburgh National Bank, is also "reaching the employment market and thus people's main source of income and spending power." The bank goes on to explain that there is slack in employment that will "give public policymakers latitude to operate with less fears of inflation."

So, when the turn comes, it may turn out to be a slow and orderly improvement that will not at first strain the economy or warrant an early resort to fiscal restraint.

TIMING IS IMPORTANT

Indeed, it would be a great mistake to raise taxes just when demand is picking up speed. A policy of reducing purchasing power—and profits—under such conditions would mean a resumption of sluggishness and fresh complications for Washington policy makers.

The Treasury will not benefit if the recovery is nipped in the bud by increased taxes. The deficit in the budget might even widen because a lower level of economic activity would mean smaller tax receipts.

With slack still present in the economy, the Federal Reserve will probably continue its easing of credit. It takes time for easing to have an effect—the Chase Manhattan Bank points out that the postwar record suggests that there is a lag of some six months between an easing in money and an upturn in business—so there is no real fear of an early tightening.

The Administration is apparently stung by its past mistakes. It waited too long in 1966, permitting the expansion to get out of control, before it applied restraint. But there appears to be just as much risk in acting too early, applying restraint before the upturn has really got under way.

PETITION BY WOMEN STRIKE FOR PEACE ORGANIZATION, PHILADELPHA, PA.

Mr. HATFIELD. Mr. President, several weeks ago I received petitions containing 3,000 signatures collected by the Women Strike for Peace organization in Philadelphia. These signatures were collected within 2 hours, and the petitioners asked the President to find a solution to the war in Vietnam.

Mrs. Ethel Taylor, who sent the petitions to me, said:

> People were eager to sign it—eager to show their opposition to this war.

Mrs. Taylor asked me to make the President aware of the dedication to peace of these 3,000 people. I have sent the petitions to him but wanted all Senators to see this evidence of opposition to the war in Vietnam. To those of us who dissent from the President's policies in Vietnam, these signatures represent that a great many other people share our concern that our current course of action in Southeast Asia will not bring us closer to peace in this part of the world.

KENNETH K. BURKE OF THE HARTFORD TIMES

Mr. RIBICOFF. Mr. President, Kenneth K. Burke, the publisher of the Hartford Times, recently announced his retirement.

Mr. Burke, whose entire career has been with the distinguished Gannett group of newspapers, will retire after 5 years as publisher of the Times, and after 34 years in the newspaper profession.

I know that his colleagues on the Hartford Times—as well as newspapermen throughout Connecticut—join with me in expressing regret at his departure as publisher of the Times, one of the most important newspapers in New England.

Mr. Burke's work took him to six newspapers in three States, and his industry, dedication, wit, intelligence, and sense of public service will be sorely missed.

The Hartford Times of June 9 published an editorial about Mr. Burke and a summary of his newspaper career. I ask unanimous consent that they be printed in the Record.

There being no objection, the editorial and summary were ordered to be printed in the Record, as follows:

[From the Hartford Times, June 9, 1967]

Publisher Burke of Times Retiring

Kenneth K. Burke today announced his retirement as publisher of The Hartford Times, Inc.

Robert R. Eckert, general manager, will succeed Burke as operating head of the newspaper.

Paul Miller, president of The Hartford Times, Inc. and of the Gannett Newspapers, praised Burke's service to The Times and to the Greater Hartford area. "Ken Burke has held positions of responsibility on several Gannett newspapers. Active in civic and cultural affairs, he and Mrs. Burke have won friends and respect in every city in which they have lived."

Burke moved to Hartford as The Times' general manager in April, 1960, after five years as general manager of the Niagara Falls Gazette. He succeeded the late David R. Daniel as The Times' publisher in 1962.

A native of Rochester, N.Y., Burke is a graduate of Mt. Hermon Preparatory School and of Colgate University. He began his newspaper career in 1933 in the retail advertising department of Rochester's Democrat and Chronicle, later joining the general advertising department serving both the Rochester Times-Union and the Democrat and Chronicle. He was national advertising manager of the Albany Knickerbocker News from 1936 to 1940.

His entire newspaper career has been spent on Gannett newspapers. From 1941 to 1951 he was business manager of the Saratoga Springs Saratogian, except for three years of Navy service in which he rose to lieutenant, senior grade. He is a trustee of the National Museum of Racing at Saratoga Springs.

From 1951 to 1955 he was general manager of the Danville (Ill.) Commercial-News.

A year ago, Burke received the Charter Oak Leadership Medal of the Greater Hartford Chamber of Commerce "for leadership in shaping the policies and performance of one of this region's effective media . . . for his important leadership role in the creation and first three years' operation of the Community Renewal Team which he served as first chairman. . . ."

Burke is a past vice president of the Chamber in which he has been very active for several years.

He has also been a leader in organizations of the newspaper industry, including the presidency of the Connecticut Daily Newspaper Association.

In 1963, Burke was named to the board of trustees of Mechanics Bank, and more recently a director of the Hartford National Bank and Trust Co.

Burke's other affiliations include: Director of the Connecticut State Chamber of Commerce, Greater Hartford Community Chest, YMCA of Greater Hartford, American Red Cross, Children's Zoo of Greater Hartford.

His clubs are: Rotary, University, Hartford, Hartford Golf and Farmington Country Clubs.

He is married to the former Mildred Fischer of Albany. Mr. and Mrs. Burke have one daughter, Susan, who is 20.

[From the Hartford Times, June 9, 1967]

Ken Burke Retires

The retirement of Kenneth K. Burke as publisher of the Hartford Times will prompt tributes of respect and affection from all who worked with him in business and civic affairs. He was notable in his zeal for the improvement of this newspaper and for the advancement of the prosperity and human relations of Greater Hartford.

He saw to it that The Times, in its tradition, stood as champion of progressive movement and liberal thought. He brought here a vigorous spirit and personality that were appreciated in a community that was hitting a new stride.

At its start he sparked the Community Renewal Team with an energy that won him a rather unusual honor: His home was firebombed because he dared exert leadership in the fields of civil rights and social justice. We at The Times, it must be said, were proud of his misfortune.

In his association with the business powerhouse of the region—the Greater Hartford Chamber of Commerce—he was an expansionist, with a pride and certainty in the ability of this area to maintain a top position in the nation economically.

In journalism, both on the business and news sides, he was highly regarded in Connecticut and was honored with election to posts of leadership.

So it isn't easy to see his qualities transferred from us by retirement.

We are certain he knows how very many of us will miss his cheery help and guidance.

All who have enjoyed friendship with Ken Burke will join us in wishing him well.

MEAT IMPORTS AND THE CONSUMER

Mr. JAVITS. Mr. President, during the Senate consideration of the investment tax credit legislation an amendment was included which would have reduced by one-third the maximum annual foreign shipments of beef, lamb and goat meat into the United States. The amendment was dropped in conference. However, many of its features have been incorporated in a bill, S. 1588, which is presently pending before the Finance Committee.

In considering this legislation, unfortunately, little attention is being paid to the effects of import quotas on the American consumer. The bulk of the meats imported go into the production of hamburgers, frankfurters, and other meat products widely consumed by American families and which constitute an important share of their regular expenditures. The National Cattlemen's Association and the National Livestock Feeders Association both readily admit that their support for S. 1588 would have the effect of increasing consumer prices. It is clear that the American cattle industry is faced with a problem of overproduction which has affected the prices of meat. They are entitled to Federal assistance as much as any other American industry in trouble, but I submit that it is entirely unfair and improper to blame the cattle industry's troubles on meat imports.

I strongly urge the Senate Finance Committee in considering a solution to the problems of the American cattle industry to bear very clearly in mind that the imposition of additional quotas on meat imports would have an adverse impact on millions of American consumers without being of material assistance to the cattle industry.

I ask unanimous consent that excerpts from a statement on the meat import situation sent to me by the Meat Importers Council be printed in the Record at the conclusion of my remarks.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Statement of Points in Opposition to S. 1588 From the Meat Importers Council, New York, N.Y.

"Clout The Consumer"?: Why do we term this an attempt at *"Clout The Consumer"* legislation?

Millions of American families rely on hamburgers, frankfurters and other convenience foods for their basic meals. Any proposal that would tend to increase the cost of these important, reasonably-priced food items is a *"Clout The Consumer"* Bill.

Hamburgers, Frankfurters and Other Convenience Foods: These low-cost popular food products, so important to the vast number of American consumers, are made of so-called manufacturing meat—a lean meat, produced by grass-fed cattle. Imports of such meat are primarily from Australia, New Zealand and Ireland.

U.S. Production: The U.S. cattle industry concentrates on sending its animals to feedlots to be grain-fed and to become "fat" cattle of higher grade and cost, destined for steaks, chops and other high-priced cuts. Use of this more costly grain-fed cattle meat for hamburgers and frankfurters would raise the prices of these foods so drastically as to price them out of the economic reach of the lower-income families.

If a "subsidy" is the true objective, would it not be more forthright to ask the Congress for that help without resorting to subterfuge in the form of a *"Clout The Consumer"* Bill?

If the U.S. cattle and livestock feed industries are indeed in trouble, as they claim, we favor doing everything practical to assist them. But this isolated attack on meat imports, without first having *all* the facts, seems hardly a practical or sound way to solve the problem.

When the facts are brought to light, they will clearly disclose these relevant points: (1) Imports consist of entirely different types of meat than are produced in sufficient quantity within the United States; (2) they are not competitive with the vast amount of grain-fed U.S.-produced meat; (3) further meat import limitations will in no way solve the real economic problems of the U.S. cattle and feeder industries but will result only in penalizing the vast number of families who eat hamburger and frankfurters etc., at their main meals since such meat imports are used for these basic nutritious consumer products; (4) further import limitations will mean sharp and severe price rises, making the cost of hamburger and frankfurters prohibitive for millions of lower-income U.S. consumers; (5) proponents readily admit that consumer price rises are their primary purpose.

Our Position: We stand ready to rely on the facts.

The cattle and livestock feeder industries deserve to be helped *if* they have serious economic troubles. An objective effort to diagnose and to isolate the real cause of the cattlemen's "ailment" seems to be a reasonable request.

Therefore, we urge the Congress to order a full and objective inquiry into *all* of the facts, including realistic reasons for the current plight of the U.S. cattlemen and livestock feeders. The appropriate method is to order public hearings, conducted by appropriate Committees of both Chambers of the Congress and by the U.S. Tariff Commission. Both sides deserve a chance to be heard. Major consumer organizations of the nation should be given an opportunity to know the true facts and to present their views.

CIVIL RIGHTS ACT OF 1967—RESOLUTION OF BOARD OF CHOSEN FREEHOLDERS OF ESSEX COUNTY, N.J.

Mr. CASE. Mr. President, I ask unanimous consent to have printed in the Record a resolution dated June 8, 1967, adopted by the Board of Chosen Freeholders of the County of Essex, N.J.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

A resolution concerning the civil rights bill of 1967—recommendation for immediate passage in the Board of Chosen Freeholders of the County of Essex, N.J.

"Whereas, Senate Bill 1026 and H.R. Bill 5700, known as the Civil Rights Bill of 1967, have been referred to the Judiciary Committee respectively in the United States Senate and House of Representatives; and

"Whereas, this Board has always supported the proposition of equal opportunity and equal rights for all men and women regardless of race, color or creed; now, therefore, be it

"Resolved, that this Board hereby petitions the United States Senators representing the State of New Jersey and the Representatives of the 10th, 11th and 12th Congressional Districts from the State of New Jersey to have these bills released from committee and recommends the immediate passage of the Civil Rights Bill of 1967 in the best interest of the public; and, be it further

"Resolved, that a certified copy of this resolution be forwarded to the Honorable Harrison A. Williams and Honorable Clifford P. Case, United States Senators from the State of New Jersey and the Honorable Peter W. Rodino, Jr., Honorable Joseph G. Minish and Honorable Florence Dwyer, Representatives of the 10th, 11th and 12th New Jersey Congressional Districts."

Attest:

Charles A. Matthews,
Director.
Harry Dudkin,
Clerk.

The foregoing resolution having been duly presented to me on June 8, 1967, I hereby approved the same June 8, 1967.

Walter C. Blasi,
County Supervisor.

Returned and filed June 8, 1967.

Harry Dudkin,
Clerk.

TRUTH IN LENDING ON THE WAY

Mr. PROXMIRE. Mr. President, a significant victory for the American consumer was achieved on June 8, when a Senate Subcommittee reported unanimously the Proxmire truth-in-lending bill. For 7 years this measure, which was originated by former Senator Paul H. Douglas, had been bottled up in the Committee on Banking and Currency.

I believe we have reported a bill which is fair to the consumer and workable to the credit industry.

We have made a number of changes in the bill to improve its workability; however, the essential features of the bill remain intact. Creditors would be required to disclose the full cost of credit both in dollars and as an annual rate. In this way the consumer will obtain all the facts about credit and will be able to compare the cost of credit among different lenders.

One of the most controversial elements of the bill was revolving credit. The department stores made a substantial argument that revolving credit ought to be excluded from stating an annual rate. We did not accept this recommendation entirely.

Instead, we covered the extended payment revolving credit which is commonly used for financing large purchases such as refrigerators, furniture, household appliances, and the like.

These extended payment plans would disclose the annual rate of their finance charge. On the other hand, those revolving credit plans which are most commonly used to finance small items on a short-term basis would not be required to compute the annual finance rate, but would be required to specify the monthly rate and all the credit terms.

We have also added a new provision to cover credit for agricultural purposes, thus protecting farmers as well as consumers.

I believe the bill represents a significant advance for consumer interests. Although revolving credit is partially exempted, 95 percent of consumer credit would be fully covered by the bill, and there is a possibility that the full committee will extend this coverage. The bill would provide protection where the consumer needs it most.

It includes provisions which will make the bill workable to the industry while still giving the consumer the information he needs to shop wisely for credit. I am hopeful that with the unanimous report of the subcommittee the truth-in-lending bill will be speedily enacted into law.

Mr. President, I ask unanimous consent to have printed in the RECORD an article about the bill, published in the Wall Street Journal of June 9, 1967; a summary of the bill; and the text of a committee print reflecting the changes made by the subcommittee.

[From the Wall Street Journal, June 9, 1967]

TRUTH-IN-LENDING BILL VOTED BY SENATE UNIT AFTER PROPONENTS MAKE CERTAIN CONCESSIONS

WASHINGTON.—"Truth-in-lending" legislation scored a major breakthrough, though its proponents made important concessions to obtain unanimous approval by a Senate subcommittee.

Certain exemptions and changes in the bill approved by the subcommittee are designed to appease department stores, the housing industry, bankers and small businessmen in general. Moreover, the legislation, if finally enacted by Congress, wouldn't become effective until July 1, 1969, to give business time to prepare for it.

Basically, however, the subcommittee retained the essence of the bill sponsored by Sen. Proxmire (D., Wis.) and backed by the Johnson Administration. For most consumer credit, the legislation would require disclosure of "approximate" annual interest rates in percentage terms and the total cost of finance charges on an itemized basis.

SENATE BANKING COMMITTEE

Truth-in-lending legislation has been bottled up in the Senate Banking Committee for six years, but now that a nine-man subcommittee has given a compromise bill solid support it may finally be on its way to enactment. The full committee probably will take up the bill late this month, Sen. Proxmire said, and he predicted it will pass with little or no change. Most of those involved in the extended Banking Committee fight over the bill believe that the legislation's consumer appeal will insure its passage if it reaches the Senate floor. There's some concern by the bill's proponents, however, about the House outlook. The House Banking Committee hasn't done any work yet on a bill.

The legislation, long opposed bitterly by lenders and retailers, is needed, in the view of its advocates, so buyers can shop wisely for credit and be protected against sales schemes that disguise huge interest costs. The measure would, in effect, end long-standing lending and retailing practices by which credit terms on most transactions are stated in percentage rates well below the "true" annual rate.

STATEMENT FOR BUYER

The bill would require that before a sale is completed a buyer be given an "approximate" statement of annual interest, except in these important cases:

—"Revolving credit" charge accounts, offered by almost all department stores, would be exempt from the requirement to disclose annual interest rates in percentage terms. For such accounts, a store would have to state only the monthly interest rate. For example, a store would be able to say it charges 1.5% a month instead of 18% a year on purchases charged to a revolving account.

—First mortgages given to home buyers by a lending institution would be exempt from the annual interest rate disclosure and the requirement to state total finance charges over the life of the loan. Sen. Proxmire said interest rates on mortgages already are stated in annual percentage terms and that to require the statement of finance charges for, say a 25-year mortgage would result in a "frightening figure" without much meaning since many buyers sell their house long before they have lived in it long enough to pay off the mortgage.

—All retail transactions involving a total finance charge of less than $10 would be exempt from the disclosure requirement. This is intended to ease problems for small businessmen.

DIFFICULT ISSUE

Revolving credit was the most difficult issue in the subcommittee. The majority flatly opposed the original proposal to require disclosure in annual percentage-rate terms for charge accounts, arguing that it would be misleading because department store customers usually pay off purchases in a short time.

Proponents of the plan, however, feared that a flat exemption for revolving accounts would open a loophole encouraging many lenders to change over to such credit transactions so they could avoid disclosure of annual rates.

The compromise reached, while exempting typical department store revolving accounts, attempts to safeguard against a switch to open-ended credit arrangements in other transactions. It requires that the "approximate" annual rate must be furnished to a credit purchaser when the seller retains title of the merchandise until it is fully paid for.

The intent is to force annual-rate disclosure on sales of such "big ticket" items as refrigerators and television sets, which many retailers sell under installment contracts rather than under revolving charge accounts. This rule also is intended to discourage such retailers as auto dealers from switching to credit arrangements that would avoid disclosure of "true" annual interest.

However, this disclosure rule wouldn't apply if terms of the credit transactions specified that the buyer was to pay 60% or more of the total cost within a year. Sen. Proxmire said the Banking Committee plans a public hearing on this aspect of the bill before voting on the legislation because the final compromise wasn't discussed during previous public hearings.

Revolving credit accounts for only about 3% of consumer debt. But it's the fastest-growing segment of credit transactions and the American Bankers Association has predicted that within several years such transactions will account for a large part of overall credit.

Sen. Proxmire said he wasn't entirely satisfied with the compromise on revolving credit. His proposal to require annual-rate disclosure on all purchases of $100 or more lost in the subcommittee, 5 to 3. But he said he may offer that plan again when the full Banking Committee considers the bill.

The subcommittee bill also attempts to allay concern, expressed particularly by bankers, that disclosure of "true" annual interest rates might place lenders in at least technical violation of usury laws in some states. Accordingly, until Jan. 1, 1972, the bill would give lenders the option of stating annual finance charges in terms of "dollars-per-hundred" instead of a percentage rate.

But if this option is taken, the bill specifies that dollar disclosure must be based on the declining balance of the loan outstanding rather than on its face value.

This would effectively bar the "add-on" method used by many lenders in which the cost of the loan is stated at, say, $6 a $100, while the interest may total, say 10% because the borrower won't have the full $100 available over the full term of the loan. The optional method would require disclosure of the $10 a $100 cost in such an instance.

CREDIT LIFE INSURANCE

Under another provision softening the original bill, lenders wouldn't have to state the full cost of credit life insurance as a finance charge. In cases where such insurance is required, only the commission, if any, for the seller or lender would have to be disclosed.

The panel extended the terms of the bill in one respect: Credit extended to farmers, up to $25,000, would be covered by truth-in-lending rules. The original bill excluded farm loans in the general exemption for business credit transactions.

The bill provides civil and criminal penalties for failing to comply with disclosure requirements. A court could find a creditor liable to his customer for $100, or twice the amount of the finance charge in a transaction up to a maximum of $2,000. The maximum penalty for "knowing and willful" violations would be $5,000 and a year in prison. The Justice Department would be charged with enforcement.

The subcommittee specified, however, that a creditor able to prove "unintentional error" couldn't be held liable to a customer.

The Federal Reserve Board would write detailed regulations to put truth-in-lending into effect.

[Committee Print]

S. 5

A bill to assist in the promotion of economic stabilization by requiring the disclosure of finance charges in connection with extension of credit

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That this Act may be cited as the "Truth in Lending Act".

DECLARATION OF PURPOSE

SEC. 2. The Congress finds and declares that economic stabilization would be enhanced and that competition among the various financial institutions and other firms engaged in the extension of consumer credit would be strengthened by the informed use of credit. The informed use of credit results from an awareness of the costs thereof by consumers. It is the purpose of this Act to assure a full disclosure of such costs with a view to promoting the informed use of consumer credit to the benefit of the national economy.

DEFINITIONS

Sec. 3. For the purposes of this Act—

(a) "Board" means the Board of Governors of the Federal Reserve System.

(b) "Credit" means the right granted by a creditor to defer payment of debt or to incur debt and defer its payment, where the debt is contracted by the obligor primarily for personal, family, household, or agricultural purposes. The term does not include any contract in the form of a bailment or lease except to the extent specifically included within the term "consumer credit sale".

(c) "Consumer Credit Sale" means a transaction in which credit is granted by a seller in connection with the sale of goods or services, if such seller regularly engages in credit transactions as a seller, and such goods or services are purchased primarily for a personal, family, household, or agricultural purpose. The term does not include any contract in the form of a bailment or lease unless the obligor contracts to pay as compensation for use a sum substantially equivalent to or in excess of the value of the goods or services involved, and unless it is agreed that the obligor is bound to become, or for no other or a merely nominal consideration has the option of becoming, the owner of the goods upon full compliance with the provisions of the contract.

(d) (1) "Finance charge" means the sum of all the charges imposed directly or indirectly by a creditor, or payable directly or indirectly by an obligor, as an incident to the extension of credit, including loan fees, service and carrying charges, discounts, interest, time price differentials, investigators' fees, costs of any guarantee or insurance protecting the creditor against the obligor's default or other credit loss, and any amount payable under a point, discount, or other system of additional charges.

(2) If itemized and disclosed under section 4, the term does not include amounts collected by a creditor, or included in the credit, for (A) fees and charges prescribed by law which actually are or will be paid to public officials for perfecting or releasing or satisfying any security related to a credit transaction; (B) taxes; (C) charges or premiums for insurance against loss of or damage to property related to a credit transaction or against liability arising out of the ownership or use of such property; or (D) if a clear and specific statement is furnished to the obligor that such insurance is optional and is not required as a condition for obtaining the credit, credit life and accident and health insurance. If credit life or accident and health insurance is required as a condition for obtaining the credit, such term shall include any part of the amount required to be paid for such insurance which represents a fee or commission payable, directly or indirectly, to the creditor or for the benefit of the creditor.

(3) Where credit is secured in whole or in part by an interest in real property, the term does not include, in addition to the duly itemized and disclosed costs referred to in clauses (A), (B), (C), and (D) of paragraph (2), the costs of (i) title examination, title insurance, or corresponding procedures; (ii) preparation of the deed, settlement statement, or other documents; (iii) escrows for future payments of taxes and insurance; (iv) notarizing the deed and other documents; (v) appraisal fees; and (vi) credit reports.

(e) "Creditor" means any individual, or any partnership, corporation, association, cooperative, or other entity, including the United States or any agency or instrumentality thereof, or any other government or political subdivision or agency or instrumentality thereof, if such individual or entity regularly engages in credit transactions, whether in connection with the sale of goods and services or otherwise, and extends credit for which the payment of a finance charge is required.

(f) (1) "Annual percentage rate" means, for the purposes of sections 4(b) and 4(c), the nominal annual rate determined by the actuarial method (United States rule). For purposes of this calculation it may be assumed that:

(A) The total time for repayment of the total amount to be financed is the time from the date of the transaction to the date of the final scheduled payment.

(B) All payments are equal if every scheduled payment in the series of payments is equal except one which may not be more than double any other scheduled payment in the series.

(C) All payments are scheduled at equal intervals, if all payments are so scheduled except the first payment which may be scheduled to be paid before, on, or after one period from the date of the transaction. A period of time equal to one-half or more of a payment period may be considered one full period.

(2) The Board may prescribe methods other than the actuarial method, if the Board determines that the use of such other methods will materially simplify computation while retaining reasonable accuracy as compared with the rate determined under the actuarial method.

(3) For the purposes of section 4(d), the term "equivalent annual percentage rate" means the rate or rates computed by multiplying the rate or rates used to compute the finance charge for any period by the number of periods in a year.

(4) Where a creditor imposes the same finance charge for all balances within a specified range, the annual percentage rate or equivalent annual percentage rate shall be computed on the median balance within the range for the purposes of sections 4(b), 4(c), and 4(d).

(g) "Open-end credit plan" means a plan prescribing the terms of credit transactions which may be made thereunder from time to time and under the terms of which a finance charge may be computed on the outstanding unpaid balance from time to time thereunder.

(h) "Installment open-end credit plan" means an open-end credit plan which has one or more of the following characteristics: (1) creates a security interest in, or provides for a lien on, or retention of title to, any property (whether real or personal, tangible or intangible), (2) provides for a repayment schedule pursuant to which more than 60 per centum of the unpaid balance at any time outstanding under the plan is not required to be paid within twelve months, or (3) provides that amounts in excess of required payments under the repayment schedule are applied to future payments in the order of their respective due dates.

(i) "First mortgage" means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate under the laws of the State in which the real estate is located.

DISCLOSURE OF FINANCE CHARGES

Sec. 4. (a) Each creditor shall furnish to each person to whom credit is extended and upon whom a finance charge is or may be imposed the information required by this section, in accordance with regulations prescribed by the Board.

(b) This subsection applies to consumer credit sales other than sales under an open-end credit plan. For each such sale, the creditor shall disclose, to the extent applicable—

(1) the cash price of the property or service purchased;

(2) the sum of any amounts credited as downpayment (including any trade-in);

(3) the difference between the amounts set forth in paragraphs (1) and (2);

(4) all other charges, individually itemized, which are included in the amount of the credit extended but which are not part of the finance charge;

(5) the total amount to be financed (the sum of the amounts disclosed under (3) and (4) above);

(6) the amount of the finance charge (such charge, or a portion of such charge, may be designated as a time-price differential or as a similar term to the extent applicable);

(7) the finance charge expressed as an annual percentage rate, if the amount of such charge is $10.00 or more;

(8) the number, amount, and due dates or periods of payments scheduled to repay the indebtedness; and

(9) the default, delinquency, or similar charges payable in the event of late payments.

Except as otherwise hereinafter provided, the disclosure required by this subsection shall be made before the credit is extended. Compliance may be attained by disclosing such information in the contract or other evidence of indebtedness to be signed by the obligor. Where a seller receives a purchase order by mail or telephone without personal solicitation by a representative of the seller and the cash price and deferred payment price and the terms of financing, including the annual percentage rate, are set forth in the seller's catalog or other printed material distributed to the public, the disclosure shall be made on or before the date the first payment is due.

(c) This subsection applies to extensions of credit other than consumer credit sales or transactions under an open-end credit plan. Any creditor making a loan or otherwise extending credit under this subsection shall disclose, to the extent applicable—

(1) the amount of credit of which the obligor will have the actual use, or which is or will be paid to him or for his account or to another person on his behalf:

(2) all other charges, individually itemized, which are included in the amount of the credit extended but which are not part of the finance charge;

(3) the total amount to be financed (the sum of items (1) and (2) above);

(4) the amount of the finance charge;

(5) the finance charge expressed as an annual percentage rate;

(6) the number, amount, and due dates or periods of payments scheduled to repay the indebtedness; and

(7) the default, delinquency, or similar charges payable in the event of late payments.

Except as otherwise hereinafter provided, the disclosure required by this subsection shall be made before the credit is extended. Compliance may be attained by disclosing such information in the note or other evidence of indebtedness to be signed by the obligor. Where a creditor receives a request for an extension of credit by mail or telephone without personal solicitation by a representative of the creditor and the terms of financing, including the annual percentage rate for representative amounts of credit, are set forth in the creditor's printed material distributed to the public, or in the contract of loan or other printed material delivered to the obligor, the disclosure shall be made on or before the date the first payment is due.

(d) (1) This subsection applies to open-end credit plans.

(2) Before opening any account under an open-end credit plan, the creditor shall disclose to the person who seeks to open the account—

(A) the conditions under which a finance charge may be imposed, including the time period, if any, within which any credit extended may be repaid without incurring a finance charge;

(B) the method of determining the balance upon which a finance charge will be imposed;

(C) the method of determining the amount of the finance charge (including any minimum or fixed amount imposed as a finance charge), the percentage rate per period of the finance charge to be imposed if any, and, in the case of an installment open-end credit plan, the equivalent annual percentage rate; and

(D) the conditions under which any other charges may be imposed, and the method by which they will be determined.

(3) For each billing cycle at the end of which there is an outstanding balance under any such account, the creditor shall disclose—

(A) the outstanding balance in the account at the beginning of the billing period;

(B) the amount and date of each extension of credit during the period and, if a purchase was involved, a brief identification (unless previously furnished) of the goods or services purchased;

(C) the total amount credited to the account during the period;

(D) the amount of any finance charge added to the account during the period, itemized to show the amount, if any, due to the application of a percentage rate and the amount, if any, imposed as a minimum or fixed charge;

(E) the balance on which the finance charge was computed and a statement of how the balance was determined;

(F) the rate, if any, used in computing the finance charge and, in the case of an installment open-end credit plan, the equivalent annual percentage rate;

(G) the outstanding balance in the account at the end of the period; and

(H) the date by which, or the period (if any) within which, payment must be made to avoid additional finance charges.

(e) Written acknowledgment of receipt by a person to whom a statement is required to be given pursuant to this section shall be conclusive proof of the delivery thereof and, unless the violation is apparent on the face of the statement, of compliance with this section in any action or proceeding by or against an assignee of the original creditor without knowledge to the contrary by such assignee when he acquires the obligation. Such acknowledgment shall not affect the rights of the obligor in any action against the original creditor.

(f) If there is more than one obligor, a creditor may furnish a statement of required information to only one of them. Required information need not be given in the sequence or order set forth in this section. Additional information or explanations may be included. So long as it conveys substantially the same meaning, a creditor may use language or terminology in any required statement different from that prescribed by this Act.

(g) If applicable State law requires disclosure of items of information substantially similar to those required by this Act, then a creditor who complies with such State law may comply with this Act by disclosing only the additional items of information required by this Act.

(h) If information disclosed in accordance with this section and any regulations prescribed by the Board is subsequently rendered inaccurate as the result of a prepayment, late payment, adjustment, or amendment of the credit agreement through mutual consent of the parties or as permitted by law, or as the result of any act or occurrence subsequent to the delivery of the required disclosures, the inaccuracy resulting therefrom shall not constitute a violation of this section.

(i) Whenever a creditor is required under this section to disclose a finance charge which includes any fee or commission for credit life or accident and health insurance, he shall, under procedures to be prescribed by the Board, disclose—

(1) the amount by which such finance charge is increased as a result of the inclusion of such fee or commission; and

(2) the total cost of such insurance.

(j)(1) Subject to paragraph (2)—

(A) whenever an annual percentage rate is required to be disclosed by this section, such rate may be expressed either as a percentage rate per year, or as a dollars per hundred per year rate of the average unpaid balance; and

(B) whenever a rate other than an annual rate is used to compute a finance charge and is required to be disclosed under subsection (d), such rate may be expressed either as a percentage rate per period of the balance upon which the finance charge is computed, or as a dollars per hundred per period rate of such balance.

(2) On and after January 1, 1972, all rates required to be disclosed by this section, shall be expressed as percentage rates.

REGULATIONS

SEC. 5. (a) The Board shall prescribe regulations to carry out this Act, including provisions—

(1) describing the methods which may be used in determining annual percentage rates under section 4, including, but not limited to, the use of any rules, charts, tables, or devices by creditors to convert to an annual percentage rate any add-on, discount or other method of computing a finance charge;

(2) prescribing procedures to ensure that the information required to be disclosed under section 4 is set forth clearly and conspicuously; and

(3) prescribing reasonable tolerances of accuracy with respect to disclosing information under section 4. (b) In prescribing regulations with respect to reasonable tolerances of accuracy as required by subsection (a)(3), the Board shall observe the following limitations:

(1) The annual percentage rate may be rounded to the nearest quarter of 1 per centum for credit transactions payable in substantially equal installments when a creditor determines the total finance charge on the basis of a single add-on, discount, periodic, or other rate, and such rates are converted into an annual percentage rate under procedures prescribed by the Board.

(2) The use of rate tables or charts may be authorized in cases where the total finance charge is determined in a manner other than that specified in paragraph (1). Such tables or charts may provide for the disclosure of annual percentage rates which vary up to 8 per centum of the rate as defined by section 3(f). However, any creditor who willfully and knowingly uses such tables or charts in such a manner so as to consistently understate the annual percentage rate, as defined by section 3(f), shall be liable for criminal penalties under section 7(b) of this Act.

(3) In the case of creditors determining the annual percentage rate in a manner other than as described in paragraph (1) or (2), the Board may authorize other reasonable tolerances.

(4) In order to simplify compliance where irregular payments are involved, the Board may authorize tolerances greater than those specified in paragraph (2). (c) Any regulation prescribed hereunder may contain such classifications and differentiations and may provide for such adjustments and exceptions from this Act or the regulations thereunder for any class of transactions, as in the judgment of the Board are necessary or proper to effectuate the purposes of this Act or to prevent circumvention or evasion of, or to facilitate compliance by creditors with, this Act or any regulation issued hereunder. In prescribing exceptions, the Board may consider, among other things, whether any class of transactions is subject to any State law or regulation which requires disclosures substantially similar to those required by section 4.

(d) In the exercise of its powers under this Act, the Board may request the views of other Federal agencies which in its judgment exercise regulatory functions with respect to any class of creditors, and such agencies shall furnish such views upon request of the Board.

(e) The Board shall establish an advisory committee, to advise and consult with it in the exercise of its powers under this Act. In appointing such members to such committee the Board shall seek to achieve a fair representation of the interests of sellers of merchandise on credit, lenders, and the public. Such committee shall meet from time to time at the call of the Board, and members thereof shall be paid transportation expenses and not to exceed $100 per diem.

EFFECT ON STATE LAWS

SEC. 6. (a) This Act shall not be construed to annul, alter or affect, or to exempt any creditor from complying with, the laws of any State relating to the disclosure of information in connection with credit transactions, except to the extent that such laws are inconsistent with the provisions of this Act, or regulations issued thereunder, and then only to the extent of the inconsistency. This Act shall not otherwise be construed to annul, alter or affect in any manner the meaning, scope or applicability of the laws of any State, including, but limited to, laws relating to the types, amounts or rates of charges, or any element or elements of charges, permissible under such laws in connection with the extension or use of credit, nor to extend the applicability of such laws to any class of persons or transactions to which such laws would not otherwise apply, nor shall the disclosure of the annual percentage rate in connection with any consumer credit sale as required by this Act be evidence in any action or proceeding that such sale was a loan or any transaction other than a credit sale.

(b) The Board shall by regulation exempt from the requirements of this Act any class of credit transactions which it determines are subject to any State law or regulation which requires disclosures substantially similar to those required by section 4, and contain adequate provisions for enforcement.

(c) Except as specified in section 7, nothing contained in this Act or any regulations issued thereunder shall affect the validity or enforcibility of any contract or obligation under State or Federal law.

CIVIL AND CRIMINAL PENALTIES

SEC. 7. (a)(1) Any creditor who, in connection with any credit transaction, knowingly fails in violation of this Act, or any regulation issued thereunder, to disclose any information to any person to whom such information is required to be given shall be liable to such person in the amount of $100, or in any amount equal twice the finance charge required by such creditor in connection with such transaction, whichever is the greater, except that such liability shall not exceed $2,000 on any credit transaction.

(2) In any action brought under this subsection in which it is shown that the creditor disclosed a percentage rate or amount less than that required to be disclosed by section 4 or regulations prescribed by the Board (after taking into account permissible tolerances), or failed to disclose information so required, there shall be a rebuttable presumption that such violation was made knowingly. Such presumption shall be rebutted if the creditor shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted

to avoid any such error: *Provided*, That a creditor shall have no liability under this subsection if within fifteen days after discovering the error, and prior to the institution of an action hereunder or the receipt of written notice of the error, the creditor notifies the person concerned of the error and makes whatever adjustments in the appropriate account as are necessary to insure that such person will not be required to pay a finance charge in excess of the amount or percentage rate so disclosed.

(3) Any action under this subsection may be brought in any court of competent jurisdiction within one year from the date of the occurrence of the violation. In any such action in which a person is entitled to recover a penalty as prescribed in paragraph (1), the defendant shall also be liable for reasonable attorneys' fees and court costs as determined by the court.

(4) As used in this subsection, the term "court of competent jurisdiction" means either any Federal court of competent jurisdiction regardless of the amount in controversy, or any State court of competent jurisdiction.

(b) Any person who knowingly or willfully gives false or inaccurate information or fails to provide information required to be disclosed under the provisions of this Act or any regulation issued thereunder, or who otherwise knowingly and willfully violates any provision of this Act or any regulation issued thereunder, shall be fined not more than $5,000 or imprisoned not more than one year, or both. The responsibility for enforcing this subsection is hereby assigned to the Attorney General.

(c) No punishment or penalty provided by this Act shall apply to the United States, or any agency thereof, or to any State, or political subdivisions thereof, or any agency of any State or political subdivision.

(d) No person shall be subject to punishment or penalty under this Act solely as the result of the disclosure of a finance charge or percentage which is greater than the amount of such charge or percentage required to be disclosed by such person under section 4, or regulations prescribed by the Board.

EXCEPTIONS

SEC. 8. The provisions of this Act shall not apply to—

(1) credit transactions involving extensions of credit for business or commercial purposes, or to governments, or to governmental agencies or instrumentalities; or

(2) transactions in securities or commodities in accounts by a broker-dealer registered with the Securities and Exchange Commission;

(3) credit transactions, other than real property transactions, in which the total amount to be financed exceeds $25,000; or

(4) transactions involving extensions of credit secured by first mortgages on real estate.

REPORTS

SEC. 9. Not later than January 3 of each year commencing after the effective date of this Act, the Board of Governors of the Federal Reserve System and the Attorney General shall, respectively, make reports to the Congress concerning the administration of their functions under this Act, including such recommendations as the Board and the Attorney General, respectively, deem necessary or appropriate. In addition, reports of the Board of Governors of the Federal Reserve System shall include the Board's assessment of the extent to which compliance with the provisions of this Act, and regulations prescribed thereunder, is being achieved.

EFFECTIVE DATE

SEC. 10. The provisions of this Act shall take effect upon July 1, 1969; except that section 5 shall take effect immediately upon enactment.

SUMMARY OF CHANGES MADE IN S. 5, THE TRUTH IN LENDING BILL, BY THE SUBCOMMITTEE ON FINANCIAL INSTITUTIONS, JUNE 8, 1967

1. *Revolving Credit:* Open-end or revolving credit plans would be exempt from the annual rate requirement except for "installment open-end credit plans." Such plans are ordinarily used to finance large purchases and are distinguished from ordinary revolving credit by the extended length of time permitted for repayment and the maintenance of a security interest in the merchandise. Such plans would be covered if 60% or less of any amount of credit was payable in one year, or if the seller maintained a security interest, or if accelerated payments are applied to future payments.

The purpose of this amendment is to eliminate any incentive to convert closed-end installment credit to revolving credit merely to escape annual rate disclosure. The amendment also provides greater comparability between installment open-end credit plans and installment closed-end credit plans. Smaller merchants who extend credit through installment contracts can compete on a comparable basis with the larger stores who use extended payment revolving credit.

Because testimony was not heard on this amendment, the full Committee will hold open hearings on June 20 to hear such testimony.

2. *Exemption for Small Retail Credit Transactions:* Any retail credit transaction would be exempt from the annual rate requirement if the finance charge was less than $10. The purpose of this amendment was to simplify compliance, and particularly for small retail businesses.

3. *First Mortgage Credit:* First mortgage credit was exempted from the entire bill. The Subcommittee felt that there were no abuses in this area and that consumers were already receiving adequate information.

4. *Civil Penalties:* The bill was amended to permit a creditor to defend against a civil action by proving the failure to disclose was an unintentional error. However, the burden of proof would be on the creditor, and he would have to establish, by a preponderance of evidence, that such error was unintentional. The amendment also permits a creditor to escape liability for an error if the creditor discovers it first and makes whatever adjustments are necessary to insure that the consumer will not pay a finance charge in excess of the amount or percentage rate actually disclosed.

5. *Effective Date:* The effective date of the bill was postponed to July 1, 1969. The purpose of the change is to permit the States to amend their usury statutes in those cases where the disclosure of an annual percentage rate might possibly cause a legal problem. In addition, the later date permits the States to pass similar disclosure legislation, thereby securing an exemption from the Federal law.

6. *Form of Rate Statement:* The Subcommittee amended the bill to permit a rate statement either in percentage terms or as dollars per hundred per year. In all cases, however, the rate would be on the declining balance of credit. For example, if the effective annual rate, as measured by the actuarial method was 12%, the creditor could either disclose 12% per year or $12.00 per hundred per year. This option will terminate on January 1, 1972. After that date, all creditors would use the percentage form of expressing the rate.

The purpose of this change is to minimize any possible conflict with State usury laws in those States where the percentage form of rates expression might cause a legal problem for some creditors. However, all creditors will be required to use the percentage form after July 1, 1972, on the belief that any such problem will, by that time, be largely solved.

7. *Credit Life Insurance:* The Subcommittee amended the bill to require that the dollar cost of such insurance be disclosed in all cases, whether such insurance was mandatory or not. The original bill required dollar disclosure only if such insurance was optional. If such insurance was mandatory, the original bill would have considered it to be a finance charge, the cost of which would be included in calculating the annual percentage rate. The Subcommittee also amended this provision by requiring that only the commission on such insurance paid directly or indirectly to the creditor would be included in the computation of the annual percentage rate.

8. *Credit Reports on Real Estate Transactions:* Such costs would not be included in the annual percentage rate. Under the original bill they would.

9. *Credit for Agricultural Purposes:* The Subcommittee amended the bill to include credit for agricultural purposes. The original bill would have only covered credit for "personal, family, or household purposes." The principal effect of this change would be to cover credit for farm machinery and equipment.

10. *Overstatement of the Annual Rate:* Creditors would be relieved of any civil or criminal penalty by overstating the annual percentage rate. The original bill provided for such an exemption from civil penalties only if the overstatement was due to an "erroneous computation." There was some doubt about the meaning of this phrase. The original bill also had no such exemption under the criminal penalties section.

11. *Other Amendments:* Other amendments of a technical and clarifying nature were adopted.

ERIE CANAL BOAT MUSEUM

Mr. JAVITS. Mr. President, as one of the sponsors and longtime advocates of the Federal Arts and Humanities Foundation Act, I am glad to bring to the attention of the Senate a laudable innovation sponsored by the New York State Council on the Arts.

This summer, between July 1 and Labor Day, the council will present the Erie Canal Sesquicentennial Exhibition, commemorating the 150th anniversary of the canal. A two-deck, display, canal boat, featuring multimedia exhibits on the history and operation of the canal, will visit approximately 30 communities between Albany and Buffalo. This celebration furthers the purpose of the Federal act, which is to bring the best in arts and culture to the smaller communities of the Nation.

As the canal was an important step in the development of New York State, the council hopes all persons having access to the exhibition, which will be free of charge, will be able to appreciate the historic role the canal has played, and continues to play as the New York State Barge Canal System.

Begun in 1817 and opened in 1825, the Erie Canal was one of the largest public works projects to have been undertaken in its day. Opening a direct water route to the western frontiers, the canal established New York as the leading economic center of the period.

The display boat will comprise a motion-picture tour of the canal; printed materials on the construction and early operation of the canal; working models of a canal lock and boats; an arrangement of technical inventions inspired by the canal, and photographs of the system today.

The announcement is as follows:

THE NEW YORK STATE COUNCIL ON THE ARTS ANNOUNCES ERIE CANAL SESQUICENTENNIAL EXHIBITION TO TRAVEL FROM ALBANY TO BUFFALO ON CANAL BOAT

The Erie Canal made New York the Empire State. Construction of the Erie Canal began 150 years ago. This summer, between July 1 and Labor Day, the New York State Council on the Arts will commemorate this historic event with a multi-media exhibition housed in a two-deck display boat to visit approximately thirty canal communities between Albany and Buffalo. The Council's Erie Canal Sesquicentennial Exhibition, organized by Allon Schoener, Visual Arts Director, is planned to focus attention on the Canal's role in shaping the history of the state and its continuing operation today as the New York State Barge Canal System. The Council's exhibition boat will be open to the public on July 1, in Rome, where the first spade of earth was turned in 1817.

EXHIBITION

The top deck of the exhibition boat will contain: a large collection of early 19th century printed broadsides and other material illustrating the construction of the Canal and its early years of operation; a continuous four-minute audio-visual tour of the Canal in the 1830's based on authentic travellers' journals; prints of canal towns and city scenes dating from 1800 to 1850; an operating scale model of a canal lock and scale models of canal boats; plus over one hundred photographs dating from 1870 to 1920 describing operation of the waterway, daily life, canal commerce and associated industry. The lower deck includes: an additional fifty photographs of life on the canal between 1900 and 1950; technical inventions inspired by the canal; building of the Barge Canal System; and a four-minute color slide trip along the canal today created by photographer Eric Hartmann with narration by Captain Frank Godfrey. A thirty-minute recording of folk songs and fiddlers' tunes of the 19th Century related to the Erie Canal will be heard over loudspeakers outside the exhibition boat. This tape was recorded by Dr. Bruce Buckley of the New York Historical Association.

Interior exhibition space and the exterior appearance of the display boat were designed by George Nelson and Company. Exhibition panel layout and printed materials were designed by Martin Moskof.

ITINERARY AND ACTIVITIES

The Council's exhibition boat will be towed by tug to each canal community. Final arrangements are pending; however, it is anticipated that the exhibition boat will spend between one and five days in Albany, Schenectady, Fonda, Amsterdam, Herkimer, Little Falls, Ilion, Rome, Baldwinsville, Seneca Falls, Clyde, Lyons, Newark, Palmyra, Rochester, Fairport, Spencerport, Brockport, Albion, Medina, Lockport, North Tonawanda and Buffalo. Community participation in a variety of events such as parades, marching bands, folk singers, fiddlers, square dances, and picnic suppers will be encouraged. The Council's Special Projects Director, Ken Dewey, has advised on these events and Meyer Braiterman, Exhibition Manager, will work directly with local communities in planning them. A final schedule of dates and locations is being prepared and will be available by June 1.

HISTORY

Before the Erie Canal was completed in 1825, New York City competed fiercely with Boston and Philadelphia for economic leadership. By opening a direct water route to the expanding western frontier, the canal established New York's dominance over both cities. New York City became the nation's dominant manufacturing and commercial exchange center as well as principal immigration port. Upstate cities such as Albany, Schenectady, Utica, Rome, Syracuse, Rochester and Buffalo flourished during the peak of the canal period. Large Italian and Irish minorities in upstate New York can trace their origins to the canal. The Irish came in the early 19th century to build the Erie and the Italians came in the early 20th century to build the Barge Canal. Railways and motor highways—the two most recent transportation systems—have followed the canal's original route. Although it is now used extensively for transportation of large quantities of petroleum and for individual pleasure boats, the canal is no longer the central thread in the fabric of New York life as it once was.

Construction of the Erie Canal—forty feet wide, four feet deep and covering 363 miles—was one of the largest public works projects ever to have been undertaken. The canal began to function in 1825. During the first year of operation, 19,000 boats used it; 40,000 immigrants traveled west over the canal. Tolls in 1826 amounted to three quarter of a million dollars; in 1830 they passed the million marker. In the first eight years of operation, the canal earned more than initial cost, plus maintenance. Within the first five years, land values rose $100,000,000. Towns doubled their population almost overnight. Before construction began, Rochester counted 331 people; by 1822 it had 2,700, by 1823, 4,274; by 1828 it became the greatest flour milling center in the world, with a population of 11,000.

OTHER COMMEMORATIONS

A new stamp commemorating the sesquicentennial of the Erie Canal will be issued on the 4th in Rome. The Erie Canal Sesquicentennial Committee of the City of Rome has been designated the official sponsor of this commemorative stamp by the Postmaster General. Governor Rockefeller has appointed a New York State Commission to Commemorate the Start of Construction of the Erie Canal.

BACKGROUND AND INVOLVEMENT OF COUNCIL—CONTRIBUTORS

The fifteen member New York State Council on the Arts, chaired by Seymour H. Knox of Buffalo, was originated seven years ago to foster an interchange between the cultural resources of New York City and the rest of the state. During this period, the Council has created an outstanding two-way network embracing the visual and performing arts—theater, dance, poetry, music, opera, painting, architecture and film—which engenders the enthusiasm of both artists and performers, and upstate audiences. John B. Hightower is Executive Director.

Speaking of the Erie Canal project, Allon Schoener said: "The Erie Canal Sesquicentennial celebration provided the Council with a wonderful opportunity to introduce a multi-media exhibition conceived as an interpretive communications experience to upstate communities. It is a prototype project which involves a new scale and new techniques. The Council's Erie Canal Susquicentennial Exhibition and its associated events will recreate understanding of the period in which the canal was built and how it affected the lives of millions of people in New York State during the last 150 years. The exhibition will serve the purpose of education and pleasure."

Admission to the exhibition is free. Hours will be from 10 a.m. to 9 p.m. in some communities and 4 p.m. to 9 p.m. in others.

This project was planned in cooperation with the New York State Department of Public Works. The Canal Society of New York is one of the principal lenders to the exhibition and its Executive Secretary, Richard N. Wright, has served as consultant. The exhibition research staff included Louise Broecker, Sam Holmes, Cynthia Jaffee and Leslie Roth.

Documentary photos (1870–1950), recent photos by Eric Hartmann, and bibliography are available.

THE FARM PROBLEM—SOLVED

Mr. McGOVERN. Mr. President, I know that many Members of Congress are gravely concerned, as I am, over the depressed condition of agriculture.

Subparity farm prices—now 74 percent of parity—endanger our own food supplies and impair our ability to conduct a successful international world food effort.

Distressingly low farm returns are diminishing economic opportunities in rural areas and are hastening the concentration of more and more millions of Americans in the cities.

Federal, State, and local jurisdictions are spending many billions of dollars to deal with the problems of congested humanity—crime, air and water pollution, crowded housing, mass transportation and traffic tangles, unemployment, and a host of others. At times these problems seem beyond solution; certainly our efforts to date have been inadequate.

Yet by tolerating per capita farm income of little more than two-thirds of the income of other Americans, we are allowing a fundamental cause of these problems to go unchallenged.

In his book on the New York slums, "The Airtight Cage," author J. P. Lyford questioned this default when he asked—

> Why, for instance, must huge concentrations of unemployed and untrained human beings continue to pile up in financially unstable cities that no longer have the jobs, the housing, the educational opportunities, or any of the other prerequisites for a healthy and productive life? Why do we treat the consequences and ignore the causes of massive and purposeless migration to the city?

In an effort to reverse the trend, our Government has undertaken programs to improve the rural environment—education, water systems, job training, resources development, and numerous others. But these activities, important as they are, still only nip at the fringes of the root problem of dwindling economic opportunity. The outmigration from rural areas will continue as long as productive, gainful employment in farming declines, no matter how good the schools or the water systems.

Perhaps the fact that the population flow from country to city has been relatively gradual accounts for our failure to halt it. If the 7.5 million people who have left the farm since 1929 had all left in 1 year, I have no doubt that the resulting emergency would have prompted quick action to strengthen the farm economy. Yet the end result in terms of where our population is and what it is doing is essentially the same.

Because it may serve to provoke the kind of thought and concern about future trends in farm population that we so desperately need, I welcomed a recent article in the Dakota Farmer in which South Dakota writer Dana Close Jennings carried our past experiences to their logical conclusion.

Mr. Jennings envisions a global one-farm agriculture, with the population moved to the "seaboard ring cities." The interior of the United States, for example, has a permanent resident population of only five families.

"The Farm Problem—Solved" is an entertaining piece, but it is also a frightening one. It is a fanciful account, but certainly we cannot call it fiction just yet, while we are losing some 600,000 in farm population a year and already have some 70 percent of our population crammed onto only 1 percent of the land.

Because of the importance of its message, and also because I believe Mr. Jennings has also caught the mood of farmers' reaction to the state of affairs they find themselves in today, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Dakota Farmer, Apr. 1, 1967]

THE FARM PROBLEM—SOLVED

(By Dana Close Jennings)

Gnarled fingers, the nails blackened by transmission grease and hammerblows, flew over the keyboard punching out tape-programmed instruction to the once-over plow-harrow-packer-planter-fertilizer-sprayer:

"Lay out land 50 miles long and 40 miles wide in former Brown and Day counties in the former state of South Dakota. Drop seed for a final plant population, as computer-corrected for germination rate and wireworm infestation, of 96,973 plants per acre. Return to Chicago's Service Center for restocking bins and tanks, recharging batteries and insertion of a new tape program."

The world's farmer thought to himself: I wonder if that new once-over machine really will put in 750 sections of crop a day like the salesman said? That steel control grid just under the plowsole ought to help—I hope it does—cost me $3,785.64 per acre. But if it works it'll be worth it—then I can do away with two people—the crop tender in the East River sector and the other one in the West River sector.

He sighed and walked over to the window where, far below, the tip of the Empire State building barely poked above the battery-acid smog.

He coughed, turned the air purifier up another notch and picked up the USDA and *Consumers Yield Order for Crop Year 1987.* They wanted 17,345,967,456.5 bushels of corn this year. Damn bureaucrats! Can't they understand that while we control the weather and insects, the plant geneticists just can't breed seed that precisely? We've still got biological variable. I suppose there'll be another Congressional hearing if I overproduce 0.0001 percent like I did last year.

The videoprinter telenews bell jangled with its usual insistence. He tore off the printout and scanned the usual headlines: "Bread Riots in Paris; Government Dumps Wheat in Seine; Food Riots in India; Starving Mobs Storm Government Bins Bursting With Grain."

He walked to the Weather Selector console and dialed a 2-inch rain for the Sahara section, and switched on "warm, drying winds" for the haylands covering the former Andes, now leveled. His secretary popped in.

"Yes, Miss Metro?"

"You're on TV in one minute, two-and-a-quarter (a little timer on her bosom went BONG) seconds."

"I am? What'd I do wrong this time?"

"It's your annual Meet the World program, sir, the USDA and Consumers' yearly effort at public relations, when high school and college classes all over the world join the TV hookup to ask you questions. But—" she seemed embarrassed.

"Yes, what is it?"

"Well, sir, your rating is falling off. Agriculture always has ranked at the very bottom, and now you're farther down than ever. Only three college classes in Zanzibar, one high school class in India and one in Washington are hooking on this year. The computerized audience projection is only for six billion viewers, less than 1 percent of the world population. A new low."

"Yes, I know. Agriculture's image has been slipping for as long as I can remember. But I bet if I fell short a few billion bushels one year, there'd be lots of interest.

"Turn 'em on."

Five TV screens glowed. A bright young high school type appeared on the Washington screen. Red veins in his eyeballs sparkled in the unnatural studio lighting.

The faces on the India screen had long black hair tumbling over the eyes like—who was it—those singing insects that had such a short, sharp whirl of popularity way back there in '66. Damn the Sixties! That was when the government's cheap food policy reached its first interim goal—reduced 3.5 million farmers to 1 million.

The Master Screen lit up and Hinkley Brunkley, dean of the world's 3½ million agricultural commentators, appeared, giving forth the greeting that made him famous:

"Hell-low there, World! This is Hinkley Brunkley in Washington modernating the annual Farmer Meets the World world-wide telecast. We'll give Zanzibar the first question. Come in, Zanzibar!

Zanzibar (sounding tinny through the bonded solid-state stereo translator): "We don't understand, sir, when one man—yourself—owns and controls the entire world food production, you have the gall to expect the rest of us to carry your mountainous surpluses. Why can't you tailor supply to demand, or else store the stuff yourself?"

Brunkley (cutting in the audio): "As background to your very fine, well-thought-out question, Zanzibar, perhaps we should ask the farmer to give us a thumbnail sketch of how he operates, for the benefit of those of our small, select audience of only six billion viewers. Take it, farmer!"

Farmer (*apologetically*): "Well, actually it isn't a completely one-man operation. I'm just the one guy they jump on every time yields exceed needs by a few thousandths of one percent.

"The field work is all done by automation, naturally.

"While I actually operate the entire plant through *programmed tapes myself, I do have* a technical staff of 50 scattered all over the world to watch crops, check performance, to make micro-adjustments, etc. All field operations are tape-programmed. While most of my equipment is automated to the point of self-service, self-repair and even to signal by radio when obsolescence approaches, we still *need the man on the land.*

"The world is all laid out in sectors best adapted to certain crops. For example, the entire midsection of the U.S. raises corn, while from the 98th meridian west wheat is the only crop. My wheat field is 1,000 miles wide and 2,000 miles long without a single stop or deviation *for top efficiency.* The Southeast, of course, grows cotton; *fruits* and vegetables in the Mohave. Tobacco covers what used to be called Canada, rice in southeast Asia and olives in the historic Fertile Crescent at the east end of the Mediterranean.

"All interior farmsteads, homes, towns and cities were bulldozed and plowed under 16 feet deep. Nothing gets in the way of my machinery. That's why even the red flag marking the former site of Moscow is supported in mid-air by a helicopter. The once-over machine, for example, takes 17,543.3567 acres just to turn around. That's efficiency.

"All populations of all continents have been—and it took a terrible fight in the World Congress to accomplish this—moved to the seaboard Ring Cities.

"Today you find every land mass such as North and South America, Euro-Asia and so on ringed by one huge megalopolis, with the interiors devoted entirely to agriculture. The interior of the former United States, for example, has a permanent resident population of five families—my two checkers and three professional cuckleburr-hunting guides to direct expeditions in their search for the now nearly extinct and therefore priceless cuckleburr. The interiors, except for diverted areas in the new Cropland Adjustment Program such as the former state of Kansas, the former nation of Germany and so on, are developed entirely to agriculture, and all are barren of any human habitation except for the exceptions noted.

"I'm assisted by my very able secretary, Miss Metro. We have a 10-man machine service center where Chicago used to stand before we plowed it under. There's a checker in the East Forty—that's the fun-name given the former United States area east of the Mississippi to the Alleghenies, and one checker on the West Forty, from the Mississippi across the low ridge, where the Rocky Mountains used to rise, right up to the Pacific megalopolitan fringe, now popularly called SmogAngeles.

"And in Washington I have a staff of 1,148 checker-checkers checking on my two field checkers. We have a service center similar to the Chicago unit in the heart of each of the other continents, with one to three checkers on each continent to make sure the equipment is operating efficiently and that the automatic conveyer belts are transporting harvested crops to the seaboard population belts."

Zanzibar (testily): "But you're evading my question on surpluses!"

Farmer (meekly): "Surpluses? How can there be food surpluses in a world in which a billion people drop dead every day of starvation?"

Brunkley (interrupting): "This is neither the time nor the place for splitting philosophical hairs!"

Zanzibar: "But with just one man—yourself—owning and controlling the entire world *food* and *fiber production*, why can't you control these surpluses until the political machinery can be set up for equitable distribution?"

Farmer (wearily): "An overproduction of 0.001 percent looks awful big when you pull it into one big pile. Think what a donnybrook there'd be if I underproduced that much one year. *In this biological business*, you just can't shave it that thin."

Zanzibar (out of patience): "But Industry does."

Farmer: "You can turn off a drill press or lay off a factory full of workers. You can't turn off a cow for a week or tell a corn field to stop growing until Dec. 1, then turn it on again."

Brunkley: "India has a question. Come in, India."

India: "Sir, the rice and wheat surpluses here are extremely inconvenient and expensive. They overflow the bins and excite our starving masses. Can't you do something about these unwanted, burdensome surpluses?"

Farmer: "Yes, I'll admit that a one-week reserve of rice and wheat is a bit much. We tried dumping it in the ocean one year, but it caused a terrible water pollution problem. Burning pollutes the air. The USDA and Consumers are working on it."

India: "Speaking of USDA and Consumers subsidy, how can you justify a department of over 400,000 employees looking after the business of just one man—yourself? Another staggering subsidy to you."

Farmer: "I don't try to justify it. That's bureaucratic growth for you. It started in '33 and has been growing ever since. I didn't ask for them. Matter of fact, I think we could get along with half that many."

Zanzibar: "How can you justify, economically, the existence of your agricultural plant at all?"

Farmer: "It isn't easy. Still, when you count all the people engaged in manufacturing, repairing and servicing my equipment, manufacturing the fertilizers and chemicals I need, processing and distributing and transporting and retailing the world's food, four out of every 10 jobs are agriculturally-related."

India: "One thing that worries us is, with the entire world's food and fiber production owned by a single individual, and with your personal deviationistic free-enterpirse sympathies, why can't you divert supplies from the market, demand exorbitant prices like 5 cents a pound for steak and 1 cent a quart for milk? We did some figuring and found that if you did this across the board, it would cost the average family a thundering big 4½ percent of their take-home pay just to eat."

Farmer: "I can best explain that if you'll let me go back a few years and trace the development of the present trend.

"Twenty years ago in the then United States alone there were over three million farmers. I know it's an unbelievable figure. The government, seeing more votes in the cities, officially inaugurated a cheap food policy and starved 2½ million farm families off the land. Then the cities, as they existed in that time, became choked with unemployed people seeking relief.

"The government decided that farmers must get more efficient, and to get efficient, they should get bigger, so another half-million farmers were starved off.

"This didn't solve the problem, either, so the government kept on starving farmers off the land. Thus every remaining farmer got bigger and therefore more efficient.

"The government was so in love with this fewer farmers/bigger farms philosophy that it carried it out until only two of us were left—myself and Joe Cotton in South Africa.

"Joe and I decided that if we farmers would just stick together we could present a united front to the World Congress and make them meet our demands for fair prices. But Joe and I couldn't agree on what we wanted. He demanded one thing and I demanded something else.

"Then good old Joe got knocked under his tractor by a spent rocket casing so I bought out his widow and here I am—the only farmer in the world—the logical ultimacy of the bigger farms/fewer farmers philosophy.

"The farmer can't get much fewer, and the farm can't get any bigger.

"I thought then that since I owned and controlled the world's entire food supply, I could exercise some bargaining power. But the Congress said the Capper-Volstead Act of 1923 applied only to farmers' groups, and I'm not a group. Then they threw the Sherman Anti-Trust Act at me.

"Although I have the responsibility of feeding all the billions in the world, I still have no bargaining power. My income is still only one-third that of the factory hand."

Zanzibar: "We thought you'd be rich. You mean you're not making enough to live on?"

Farmer: "I'm staying alive only by living up my capital and exploiting my wife and kids. My wife teaches a 10-room school, the kids work for nothing here in the computer room, and I tend bar on weekends to pay for the privilege of farming."

India: "What are your personal qualifications to be the world's farmer? Background? Education?

Farmer: "Well, my father was president of General Motors, General Electric, General Foods, General Farms and General Dynamics (all incorporated) and U.S. Senator from Brooklyn and chairman of the Senate Consumer Affairs committee."

India: "Certainly your childhood equipped you ideally for a career in agriculture. And your education?"

Farmer: "I have PhDs in accounting, agriculture, agronomy, business administration, biology, botany, chemistry, chemical engineering, computer design, dramatics, electrical engineering, electronic engineering, entomology, geology, geography, geophysics, forensics, choreography and zoology."

India: "What explanation can you give for the fact that surpluses are as high now as they were during the Great Famine of 1967 when half the people in my country starved to death? Your country then had a mountainous surplus of 2½ pounds of meat per person. Why have you not been able to reduce that?

Farmer: (His burly hands playing swiftly over the computer console keyboard, like those of a concert pianist's): "I'll have that information for you in 16 manoseconds. (He tears the printout from the computer). Here it is the red meat surplus as of (bong) this moment is exactly the same as it was Jan. 31, 1967: 2.50000001 pounds per person, enough to last 48 hours 13 minutes 12.6573 seconds. Projected against scheduled births and deaths, this will result in a net per capita meat reserve as of midnight, Dec. 31, 1987, of 2.4949494948 pounds per capita.

"I retired the entire former state of Kansas last year, and will divert the two former Dakotas next year.

"Biological variables and political interference are the reasons for this poor showing on my part."

Brunkley: "We haven't heard from Washington yet. Washington, you're close to the Capitol scene. What is the feeling of the World Congress on this matter of surpluses?"

Washington (smugly): "Yes, I am rather close, since my father, Sen. Urban is chairman of the supremely powerful Senate Agriculture Committee. They are meeting today to decide what to do about this vexacious surplus problem. The committee is completely out of patience with the whole agricultural mess and I think will take drastic, decisive and final action today."

Washington: "Now, a technical question. My father, Sen. Urban and may I remind you he is the chairman of the all-powerful Senate Agricultural Committee—asked me to check a technical point: there seems to be some production step behind the carton of milk that is delivered to our electro-cooler each morning via pneumatic tube from the former state of Wisconsin. He mentioned some biological entity—I think he called it—he wasn't quite sure himself—is the term KO?"

Farmer: "I think you'll find the correct technical term is cow, a female mammalian quadruped of the ruminant class, family Bovidae, genus Bos, whose hyper-developed lacteal glands in the ventral epithelium have been bred up, through many generations, to secrete this nourishing fluid, Nature's most nearly perfect food. The typical milk-type weighs 1,000 to 1,200 pounds, is fed a high-energy, high-protein ration of urea, wood yeast and fat-rich dehydrated algae and bacteria fortified with synthetic vitamins, minerals and antibiotics."

Washington (incredulously): "You mean the milk we drink comes from an *animal*?"

Farmer: "That's right." (The face on the Washington screen turns a glowing fluorescent green and topples into the camera; the screen goes blank.)

Brunkley: "Thank you, farmer, for your revolting admission. I'm sure the Senate Agriculture Committee will act instantly upon this information, already relayed by videotype to the chambers. And that's all the time we have left on Agriculture's Meet the World this year. Tune in next year, same time, same station. Meanwhile, Goodbyyyyye, World!"

The farmer sighed and turned back to his computer programming. The *attention* bell of the videotype printer rang more insistently than usual. He tore off the printout and read:

Farm problem solved: Washington—With a single push of the signature button, Sen. Urban moments ago solved a problem with which Congresses have unsuccessfully grappled for 52 years—the farm problem. Said the tall, distinguished Sen. Urban, chairman of the powerful Senate Agriculture Committee, as he pressed the button making the new Agricultural Adjustment Act of 1987 law:

"We, my colleagues and I, have solved the seemingly insoluble problem of surpluses, subsidies and an agriculture forever jerking at the hem of the Congressional garment.

"With this Act, we hereby and forthwith abolish agriculture."

WOMEN'S CLUBS SUPPORT TRUTH IN LENDING

Mr. PROXMIRE. Mr. President, at the 76th Annual Convention of the General Federation of Women's Clubs, this excellent organization passed a most encouraging resolution on truth in lending. The organization, representing 800,000 members, decided to go on record in support of the truth-in-lending bill. I ask unanimous consent that the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

General Federation of
Women's Clubs,
Washington, D.C., June 7, 1967.

Hon. William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: At the 76th annual convention of the General Federation of Women's Clubs which is still in progress here in San Francisco, the delegate body, representing 800,000 members, today voted in favor of a strengthening amendment to our 1965 resolution entitled "Credit and Installment-Buying". Because the Senate Banking and Currency Committee is soon to meet in executive session to consider your "Truth in Lending" bill, we hasten to make our views known to you and hope you will consider this letter a statement in support of this legislation.

Our resolution, as amended, follows:

"Whereas, The extensive, continuing increase of consumer credit and installment-buying is playing a crucial role in our national economy; and

"Whereas, Many families spend significant amounts of their income for the use of consumer credit; and

"Whereas, The actual amount of the purchase price, entire amount of interest, additional carrying charges, insurance and other charges often are not clear to the buyer; and

"Whereas, Unwise buying with excessive consumer credit costs can be promoted by unscrupulous credit operators; therefore

"Resolved, That the General Federation of Women's Clubs urges its member clubs to promote legislation in all states that have not already enacted such comprehensive laws for consumer protection and at the federal level requiring that all credit buying contracts or written statements issued by lenders and sellers shall clearly and separately state the exact figures showing (1) the cash price of items purchased, (2) total interest, (3) carrying charges, (4) insurance, (5) annual percentage rate, and (6) any other charges made."

We do hope that this legislation will be reported out by the Banking and Currency Committee and that it will soon be approved by the Senate.

Respectfully yours,
Carolyn L. Pearce,
President.

TRIALS AND TRIBULATIONS OF VOLUNTEER PUBLIC SERVICE

Mr. HATFIELD. Mr. President, it was my pleasure recently to read an article presented to the National School Boards Association convention in Portland, Oreg., on April 24, 1967.

The article reflects the trials and tribulations of a family who became involved in volunteer public service. But more than that, it reflects, I believe, the desire of one family to improve the community in which they live. It represents involvement in our democratic process.

It is with pleasure that I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

After the initial shock wore off resulting from the phone call from the National School Boards Association asking me to participate in this clinic, I hurriedly sent for Dr. Knowles' speech, as originally my role was to be a reactor—imagine the surprise when the mail came with instructions for a panel arrangement. In all fairness to you, my search never ceases for the answers to the question "what courses of action will make our role easier and lessen the stress on normal family life?"

Former conventions have been very helpful to me in the sharing of experiences. The causes and effects upon our lives may run parallel with some of yours.

My background is a bit similar to Donna Densley's in one respect—our parents were both teachers and fathers were superintendents.

When we first moved to Oregon, we bought a house in the country, (we thought), 17 years ago. That area is the East Multnomah County area adjacent to Portland which now is bursting with a population of 150,000 people which, if incorporated, would be second largest city in the state. Needless to say, this tremendous population increase in so short a period brought forth a multitude of problems, and in order of occurrence, I will attempt to relate how one thing leads to another.

When our #1 and #2 sons were small, our yard soon became the Bureau of Parks and Recreation for the entire neighborhood, and somehow didn't quite fill the bill for a baseball diamond or football field, so when PTA was looking for a Parks and Recreation Chairman, I was volunteered and when we discovered we had to go before the School Board and Superintendent in order to establish a summer recreational program at the school, my husband was easily briefed and cajoled into being our spokesman (a man communicates always more convincingly to men).

Before we knew it, he was coaching an 8th grade ball team, then Cub Scout Pack Chairman, and next someone asked him to run for the School Board of the elementary district. Well—we had met some wonderful people through our experiences with the board and administration, so it wasn't difficult to say yes "mutually" although we had no idea of the responsibilities and challenges to come.

Being on a local school board broadens your area of concern, you begin to realize that what happens to all children, directly affects your own children, and this changes some ideas you may have previously had on policy and needs in education. The next wall you bump into is how to explain the "why" to your fellow neighbors and taxpayers. This is where the wife enters in. She can take one of two positions, either be sympathetic and listen to complaints and direct persons to the right sources of information, or answer questions she is knowledgeable about, and I firmly believe she can thus lighten some of the burden on her husband.

My husband is handicapped resulting from polio contracted while serving in the Marine Air Corps during World War II. He was starting his own insurance business at this time and this all may have some bearing on my "pitching in" when needed. About two years ago, my husband figured out that he had given a total of one year of working hours in a five year period to education, and he is still going strong.

We work as a team. He studies and makes the decisions and I do the cheer leading and supporting, and make every effort to be informed about the issues all persons in the district should be informed about.

In our area, the School District is our identity, our Parks and Recreation Dept., our Adult Education, our cultural outlet through drama and music and art, and our sports outlet. More students are involved and more variety of activities offered because the schools are the only governmental agency we can identify with. Consequently, we have had tremendous barriers to overcome—those who were living here 20 years ago resented those who moved in, and all the problems they brought with them. In 1960 the Chamber of Commerce stated that East County was the fastest growing area in the United States.

Let me briefly give you a bird's eye-view. In 1959 under the new reorganization law, we became the 1st large school district in Oregon to unify grades 1 through 12. Three elementary districts were involved. The majority favored reorganization, but by a slim margin. Several minority groups organized and were heard from loud and clear, and became frighteningly powerful at this time. In our young political experiences, we had never encountered this type of organized opposition before. We had been looking at the world through rose-colored glasses. We knew how apathetic and complacent the public was in its political thinking and action. What we didn't know was, how aroused that same public could become when it had been fed misleading facts and figures by a small vocal minority, whose goal was to go back to the 3Rs, the little red schoolhouse, etc.

What followed the next five years made it impossible for us, a family of 6 (4 boys we have) to lead a normal family life. We soon learned to "roll with the punches", developed a sense of humor to deal with some of the problems, and a flexibility to cope with some of the challenges, a better understanding of people, and I believe these experiences actually strengthened our family relationships, and certainly strengthened our School District.

Our boys saw first hand "democracy in action" and they pitched in and learned what "division of labor" in the home means, too. Board members' children are never spared—one has double-shifted, one has attended 4 different elementary schools in the district, and had class in an attic, another morning-shifted and all four attending private kindergartens as Oregon has no public kindergartens on a state wide basis as yet.

Budgets passed, but bond issues were not quite so fortunate. Of course, when you have to go to the voters for money to complete a high school building, administration office, additions to two elementary schools, and completely build two new schools in a one-year period, the communications job is massive. Seven elections in an 18-month period, plus two board elections gives some idea of the problem.

One thing my husband learned is that sometimes it pays to invite "the enemy into your camp". He took time to personally call on persons who wrote letters to the editors whom he believed to be misinformed, also others that were spreading misinformation in different areas—some he encouraged to serve on budget committees and citizens committees, and they are now strong supporters of the District.

Minority groups seem to attract news media also, and we have all spent time and effort to see that reporters have the true facts. Board meetings were interrupted, tape recorders brought to meetings, hybernetics practiced in all communications areas. Misleading and false fact sheets, some with no signatures, others with wrong addresses, false names, etc. were distributed on cars in shopping areas, stuffed in mail boxes. We learned to combat this by getting out our own fact sheet following theirs on short notice with many signatures of well-known and respected citizens in the area. Our house was a kind of depot, information center and emergency center.

During this time we learned to testify on bills at the legislature, and learned well the governmental processes, and what government by the people really means. We had a brief resting period between 1961 and 1964 at which time the S.O.S. "Save Our Schools" organization was gathering strength throughout the state and busily harassing other school districts. They were successful in unseating candidates for several elections, infiltrated PTA's and political groups. We lent a hand, and my husband attended many meetings throughout the state during this time repairing the damages and preventing them when possible.

In 1964 we were lulled into a false sense of security—the day before the annual budget election, the minority group blanketed the area with unsigned and misleading fact sheets and down went the budget! We put it up for a 2nd vote, and missed passing it by one vote. Thirteen schools would close if it went down again. It was before the third vote that one of our minority leaders and my husband were interviewed over CBS by Charles Kerrault. This person actually admitted being opposed to all "public education" at this time, and my husband defended public education—the budget passed.

The tax base election came next and we breathed a sigh of relief—no opposition. My husband then ran for Mt. Hood Community College Board, whose temporary quarters are on Multnomah County Fair Grounds with trailer classrooms, but that is another tale to tell, as the Community Colleges are new to Oregon compared to most states.

As a closing thought—with picketing and strikes the present rage. How about the wives demanding "doubled" salary increase for Board member husbands $0.00 to $00.00?

Mrs. Sedley N. Stuart.

Portland, Oreg.

DEATH OF PAUL SCHUTZER AND TED YATES IN THE NEAR EAST

Mr. KENNEDY of New York. Mr. President, the tragedy of conflict in the Near East has claimed the lives of tens of thousands—Arab and Jew, soldier and civilian, men and women and children as well. We mourn all the dead; especially the 33 young Americans who died as a result of the mistaken attack on the U.S.S. *Liberty*.

But if all are to be mourned, two more deserve special mention: Paul Schutzer and Ted Yates. These were dedicated newsmen, professionals in the highest sense of the word—so dedicated to bringing news to the American people, and to the world, that they heedlessly exposed themselves to danger. This they had each done in many corners of the world. Last week, on the first day of fighting, on the two main fronts of the war, Paul

Schutzer and Ted Yates died. They will be missed.

I ask unanimous consent that articles about them—one, by Michael Mok on Paul Schutzer, published in Life magazine; the other, by Pete Hammill on Ted Yates, published in the New York Post—be printed in the Record as a reminder of their contributions.

There being no objection, the articles were ordered to be printed in the Record, as follows:

A Photographer's Death—His Last Photographs

Tel Aviv.—This is the story of Paul Schutzer, Life photographer, and how he came to die in the first hours of the Arab-Israeli war. But it must begin with another war, the one in Vietnam. That time we were with a squad of American Marines inside an amphibian tractor, part of the first wave assaulting a Vietcong-held beach, the name of which everyone has likely long forgotten. Machine-gun fire was hammering away, and while the Marines gave their weapons a final check, Paul took off his steel helmet and put on a funny-looking hat, sort of like a sailor cap turned inside out, on which he had stenciled the Star of David. He explained it was a *kova tembel* (fool's hat) such as they wear on the *kibbutz* in Israel. "If I am going to die," Paul said, "I am going to die under my own colors." Then, just before the bow doors clanged down, he said, *"L'ha-im,"* which means "To life." This was the first Hebrew word Schutzer taught me. Since we survived the landing and what followed, it was not the last.

When the U.A.R. closed the Strait of Tiran, we went to Israel together. From the moment he arrived, Paul, who had been to Israel many times before, bent all his energy, influence and guile to have us assigned to an assault unit. The authorities, civil and military, were reluctant to give in because they feared for our safety should war break out. But Paul persisted, arguing like a Jesuit, or whatever the Jewish equivalent of a Jesuit may be. "Have you forgotten that, according to Mosaic law, 'for every battle there must be two witnesses—preferably two who are not directly involved'?" he said. "Look no further. Michael and I are your two witnesses." His listeners smiled at Schutzer's attempt to beat them into submission with the Bible itself. But they would not yield.

He appealed at last to Major General Moshe Dayan, his old friend who had just been appointed Minister of Defense. The general listened, made a couple of phone calls, and doors began to open. That is why last Monday, as the war flared on three fronts, Paul and I were sitting in the shade of a little wood with men from a battalion of mechanized infantry.

Their mission was to board halftracks and, supported by tanks, spearhead an armored column striking across the Negev Desert for the city of Gaza. While we waited, a fat cook gave us each a meat sandwich and a mug of very sweet coffee. "They are very small sandwiches," the cook apologized. We assured him they were the best we had ever tasted. We never finished the food because, unexpectedly, Brig. General Shlomo Goren, chief rabbi of Israeli armed forces, appeared to bless the troops going into battle and Paul had to have the picture. "Put on a hat," Schutzer yelled as we ran toward the rabbi. I didn't because I didn't have one, but I was very glad for the blessing all the same.

Paul insisted we ride in different half-tracks—"If you ride with me, that cuts off one camera angle. No one wants pictures of your ugly face." Schutzer, accompanied by a young lieutenant named Dov, who was the liaison officer assigned to us, mounted the lead vehicle carrying the battalion commander. I climbed into the second tractor, commanded by a lieutenant they called Yacob. The column began to roll. Schutzer gave the thumbs-up sign and shouted something I couldn't hear for the roaring of the engines. I got the message: it was *"L'ha-im!"*

We jumped off from a fortified *kibbutz* called Nahal Oz (which means "brave river") and less than 200 meters past the line of departure ran into heavy machine-gun and small-arms fire. Then mortar rounds came crumping in all around us. In my own half-track, the bursting shells first wounded the machine gunner, who sits in an elevated position up front. Blood welled down his face and made the stock of his weapon slippery, but he pressed it into his cheek and kept firing.

The driver, taking evasive action, maneuvered the heavy vehicle like a dodge-em car at a carnival. The tracks threw up clouds of Negev dust that choked and blinded the troops who were blazing away with their Uzi submachine guns at dug-in Egyptian soldiers, now firing on us from all sides. Yacob, the vehicle commander, was bleeding from two wounds, one in the arm and another just below the left knee. He continued directing fire, however, shouting *"Oyev!"* (enemy), and then would loose a short burst to pinpoint the target.

We were within grenade range now. One of our troopers cast aside his Uzi and, face contorted, lobbed grenade after grenade at enemy soldiers trying to rush our half-track. Some of the grenades burst so close I could hear their fragments whinging off the side of our vehicle. The driver, still maneuvering for our lives, suddenly jounced the car into reverse, landing us half in a cactus thicket. For a few instants, the war forgot us and I stood up to have a look around.

To our left front I could see one of our half-tracks had sustained a direct hit and was blazing. The fire soared skyward with a fierce cracking noise, and it was incredibly bright, brighter than the desert sun. "I hope Paul has a picture," I thought and then, "Good Christ, what if he is inside. . . ."

Come dark, the crippled half-track was still burning and we were busy securing a little airport that had signs in both English and Arabic saying "Welcome to Gaza." The boys used classic commando technique on the buildings: kick down the door, pitch in a grenade, rake the inside with a long burst and then have a look around.

After things quieted down—they were still mortaring our position but not very accurately—I went from tractor to tractor, looking for Paul. No one had seen him, no one knew where he was. Men who had chatted with us in the woods before the battle suddenly had forgotten how to speak English. They were the same men who could speak it before. I knew, as I recognized their silhouettes by the light of the desert stars and the red lines of outgoing tracers overhead. "Maybe he went out with the first lot of wounded," someone said finally. So I headed back with the next bunch. We loaded the casualties on a half-track, with the walking wounded riding in the command car.

We drove without lights but incoming mortar rounds had ignited acres of cotton and rye so we had no trouble finding our way. Two kilometers back, there was a large tour bus waiting for us. The civilian driver had volunteered it to fetch out the wounded. It was hard getting the stretchers through the windows and some of the badly wounded cried out, *"Adonai,"* which in Hebrew means "Lord." We had no morphine.

We went back through Nahal Oz, where it all started, pitch black now except for taped flashlights of *kibbutzniks* in fool's hats who pointed the way. Bouncing over potholes made the wounded men scream. We finally got to the forward aid station. No Paul, but I found Dov, who had been riding with him.

"Is that you Mike?" Dov asked. I was kneeling beside him. "Yes," I said.

"Mike, I don't want to tell you this but your friend is dead. Do you understand? Paul is out of it now . . ."

I must have made some kind of noise because Dov reached up with a bulkily bandaged hand (the dressings used for burns are very awkward looking) and patted me on the head. "Don't feel so bad," he said. "Please don't feel so bad." I pushed on to Ashkelon hospital because somebody said Paul might have been taken there directly, bypassing the forward station. At the hospital I found another man who had been on Paul's half-track. He was burned all over and couldn't see. He recognized my voice. "Paul is dead," he said. "He was standing up taking pictures. They shot him through the head before the bazooka round hit us, before the half-track caught fire."

I saw the boys on their half-tracks coming out on Wednesday, after they had conquered the desert. I was waiting for them in Beersheba. Somewhere they had found blue and white Israeli flags to tie to the machine guns and the antennas of their cars. Their faces were gray from the dust of the Negev. Crowds cheered them all along the route. Some young girls tossed up bottles of bright orange sodapop which they glugged down. Underneath the layers of filth their faces were proud and fiercely joyful. They had no way of knowing, as I did, that one of the two witnesses to their battle was gone forever.

A Man Who Died

So the little war is over. Nasser and his fellow buffoons have folded their little adventure, to scurry away again in a fog of lies and rhetoric. And the rest of it will go to the conference table, where they will sort it all out and decide who gets what and at what cost. I'd like to know who pays for Ted Yates.

Ted Yates was one of the best TV people this country has yet produced: a tough sardonic reporter, a fine film maker and a man capable of physical courage and moral outrage. He was in Jerusalem last week, in the lobby of the Intercontinental Hotel when the machine guns started hammering outside. Everyone ducked for cover except Yates. He was a reporter. He wanted to see what happened. A bullet slammed into his head.

"The thing about Ted was his incredible, endless curiosity and vitality," said Stuart Schulberg, the NBC producer who had worked with Yates for three years. "I think it was this strength he had, this physical quality he had that made his death so unacceptable to all of us."

For months Yates had been preparing two one-hour specials for NBC on the Middle East and when Nasser and his fellow adventurers heated things up, he considered himself fortunate.

"He said, 'Gee, what a stroke of luck,' as the war started developing on his schedule," Schulberg said. "Most people would think, God, there goes my nice, interesting summer following the Bedouin around in the desert. He thought it was luck. It was not that he enjoyed war. But he identified with men in battle. It was the Hemingway syndrome. He had a lovely wife, home, and career but he seemed to have a mystique about himself and his ability to survive. It always gets a bit sticky to talk about, a bit embarrassing, because it's this Hemingway thing again."

Schulberg and Yates shared adjoining offices, and the day Yates left for the Middle East, they talked again about being careful, avoiding recklessness.

"Whenever we mentioned that, he would put his head back and laugh this boyish laughter," Schulberg said. "He never would accept it. It was beyond his imagination. He had a kind of fatalism, a quality I don't quite understand. He went off with all the fear and trepidation you and I bring to a New Year's Eve Party."

Yates was in Cairo for three or four days, in the midst of Nasser's carefully staged demonstrations and protests, but it was too tame. He wanted to be where the action was. He grabbed a plane for Israel. The five-man crew was petrified. Not Yates.

"He worked out of the tradition of a marine," Schulberg said. "He just shrugged off the danger, more like a professional soldier than a documentary film maker. The 'duty calls' tradition is more common to the professional soldier than to a married man, father of three, who labors for NBC News. Now he's dead and he's irreplaceable. He had certain ingredients that won't be put together again. First, he was a trained reporter; then a master film maker and documentary director; and then he had this absolute physical fearlessness."

Schulberg plans to ask the Directors Guild to create an annual Ted Yates Award for documentary films, to keep his name alive. "He hated eulogies and sham and obits of any kind," Schulberg said. "But he was so proud of his ability, I think he'd be pleased."

The other morning, Schulberg and his friends put together a farewell to Ted Yates, to appear on the Today show.

Once, just once, I would like to use this space to bury someone like Nasser. It never seems to work out that way.

CONFERENCE REPORT ON SELECTIVE SERVICE ACT

Mr. KENNEDY of Massachusetts. Mr. President, for more than a year now we have heard criticism of the draft law—criticism that it is an outdated system which works unevenly and unfairly. This outcry against the draft has not been confined to the campuses or to the academic community alone—leading spokesmen of business, labor, the clergy, minority groups, and other organizations have joined in the dissent. As a result, the President appointed a panel consisting of some of this country's most distinguished individuals. They have looked closely at the mutual criticism of the draft and they have confirmed its validity and recommended the many badly needed reforms.

Now the Nation expects the Congress to institute these reforms. Both those affected by the draft and those interested in equity have placed their reliances upon us in this matter. The Senate met its obligations clearly. But the bill produced in conference fails those who look to us, and it fails to meet the goals suggested by the President in this area of critical importance to our young.

We have been faced with an ever-rising lack of public confidence in the present system, because its impact is unfair, unpredictable and uneven. We have been faced with a growing cynicism, with our proud tradition of service in defense of the Nation, because some with the intellectual and financial means find ways to escape their obligation, while others less fortunate know they must bear the burdens of service. We have been faced with mounting alarm over its procedures because nearly half the casualties in Vietnam are draftees and they have been chosen by a system that responsible and dedicated men have labeled unfair.

The Senate Armed Services Committee, as I said on Monday, reported out a draft bill which met our responsibilities and which would have given the public renewed confidence in the draft system. It reflected careful judgments and measured deliberation. In light of the promised reforms announced by the President, I was both happy and proud to give it my full support.

I am now opposing acceptance of the conference bill because I consider its provisions worse than those in the existing law. It is a backward step. It is a regression, just at the time that our Nation expected enlightened reform. Acceptance of the conference bill will not reflect well on the Senate or the Congress. We would then have not a fair and predictable system, but a system which perpetuates loopholes and inequities; not a flexible system adaptable to changing circumstances, but an arbitrary and rigid system; not an orderly procedure for the expressions of individual conscience, but 4,000 different sets of rules.

Under the terms of the unanimous-consent agreement governing consideration of this report, we must vote on final passage no later than 6 tonight. I wish to be very clear in informing my colleagues that a vote against acceptance of the conference bill will not leave the Nation without a draft system; it will merely be a vote for one last attempt to bring reason to the House and equity to millions of young men.

Once the conference report is rejected, I intend to make a motion for a new conference, and move that the conferees be instructed to report back a bill with an extension of the induction authority limited to 1 year. This would insure that we would not freeze the provisions in the conference bill into law for 4 years—4 years in which our military manpower requirements may vary from what they are today.

I also want to make clear the fact that a vote against the conference bill is not a vote against the draft at this time of grave national involvement. It is a vote against the specific terms as produced in the conference, and nothing more. There is ample time—16 days—to complete the work of another conference.

I do not stand alone in my criticism of the conference report.

Mr. Burke Marshall, former Assistant Attorney General and now General Counsel of IBM; Mr. Thomas S. Gates, Jr., former Secretary of Defense and now chairman of the board of the Morgan Guaranty Trust Co.; Mrs. Oveta Culp Hobby, former Secretary of HEW and now editor and chief of the board of the Houston Post; Mr. John A. McCone, former Chairman of the Atomic Energy Commission and Director of the CIA and now with the Joshua-Hendy Corp. in California; and Rev. John Courtney Murray, S.J., professor of theology at Woodstock College—all these distinguished Americans, members of the National Advisory Commission on Selective Service, have today informed the Senate of their disagreement with the conference.

Mr. Kingman Brewster, Jr., president of Yale University and also a member of the National Advisory Commission, has informed all Senators his own views of the conference report.

In addition, representatives of labor unions, church organizations, minority groups, private industry, and other Americans have—by telegram—urged Senators to reject the conference report.

A number of departments and agencies in the executive branch have expressed their concern over the mischief the conference report would work. The Justice Department, the Defense Department, HEW, the Peace Corps, OEO—all these have serious reservations about the impact of the report. I have made copies of these letters available to all Senators.

So it is with the genuine concern of many informed Americans over the provisions in the report that I come to the Senate this afternoon and ask that the report be rejected.

On Monday I set out at length some of my objections to the conference bill, but I did not set them all out. I would like briefly to review them, taking them in the order in which they appear in the statement of the managers on the part of the House, in the conference report.

First, the National Security Council is required to advise the Director of the Selective Service System on the establishment of occupational deferments. Under existing law, the National Security Council is charged with advising the President on broad matters relating to national defense. Its staff of 50 comprise experts on foreign policy and national security. It simply does not have the staff nor the expertise necessary to weigh the manpower needs of specific industries or employers, and to process the many hundreds of petitions for deferment status. Policy on occupational deferments is presently made by an Interagency Advisory Committee, which has performed its task well and which has the resources to do so. I think it a most unwise precedent to require the National Security Council to concern itself with matters other than those broad issues of national security and defense which it has traditionally focused upon.

Second, random selection. The President cannot change the method of determining the induction without the passage of legislation authorizing him to do so. Thus the existing system, drafting the oldest first, will continue in force and effect. This would preclude adoption of a random selection system, which was recommended by the Marshall Commission, the Defense Department, the Selective Service System, and the President, as the House committee has consistently made its opposition to any random selection system very plain. Thus even if the Senate were to pass a bill approving a random selection system, we would—for 4 years—be faced with adamant refusal by the House to approve it. It is my understanding that the Director of the Selective Service System has already prepared regulations for implementing a random selection system.

Third, Public Health Service physicians. Presently, medical officers of the Public Health Service are deferred from the draft. Small numbers of Public Health Service doctors have in the past been "detailed out" to other Federal agencies, as this is the only way these agencies can be assured of a steady supply of able physicians and dentists. Under the conference bill, only service in the Coast Guard, the Environmental Sciences Services Administration, and the Bureau of Prisons will constitute draft deferment for Public Health Service doctors "detailed out." This shuts off the supply of physicians to such agencies presently receiving them as the Peace Corps, OEO, the Food and Drug Administration, the Pan American Health Organization, the Department of Agriculture, the Department of Interior, and so forth. This is, I think, a very serious matter. To illustrate, the Public Health Service physicians assigned to FDA have been performing research and testing of new drugs, and they will have to curtail this vital activity if the flow of Public Health Service physicians is cut off.

Fourth, student deferments. There are two troublesome aspects of the conference bill's student deferment provisions. One is the mandatory provision for the deferment of undergraduate students; without any provision for apprentice or vocational students. In other words, those who have the means—intellectual and financial—to stay in any college are assured of a deferment. Those without these means, who may be engaged in on-the-job training, vocational skill training, are subject to the draft. I would only point out that both groups are learning to become productive citizens—but one group, the less privileged, has no protection from exposure to the draft.

The other troublesome provision concerns graduate deferments, the subject of the sharpest criticism in the national debate on draft reform. The conference bill continues the President's authority to prescribe graduate deferments, and thus continues the loophole which has generated the greatest cynicism. The bill contains a so-called antipyramiding provision, but it very plainly points out that the procession from college student to graduate student to occupational deferment, until the cutoff age of 35 is reached, will prove the route for many young men of means to beat the draft.

These two provisions are worse than the present law because present law gives the President wide discretion; the conference bill does not.

Fifth, conscientious objectors. Again there are two separate and objectionable provisions. One would overrule the 1965 Supreme Court decision, United States against Seeger, by striking from the statute the language upon which the Court relied. In its place, the statute requires that conscientious objection be based on "religious training and belief," not including "essential political, sociological, or philosophical views, or a merely personal moral code." This raises the prospect of denying conscientious objectors status to those not members of religious sects, which would raise the issue of equal protection.

The other objectionable provision eliminates the present requirement for a hearing by the Department of Justice whenever an appeal is filed against a local board's denial of conscientious objection status. This would terminate the procedure, in effect since 1940, whereby conscientious objection appeals are referred to the Department of Justice for FBI screening and investigation, hearing before a volunteer lawyer hearing officer, and written recommendation by the Department to the Selective Service appeal board. The purpose of eliminating this procedural step was announced as intended to reduce delays in prosecuting conscientious objection appeals. It has the effect, however, of giving each appeal board the authority and discretion to set its own rules, without uniformity, and without the investigative expertise of both the FBI and the Department of Justice.

Sixth, judicial review. The conference bill would prohibit judicial review of local board classification except as a defense to a criminal prosecution. In other words, no appeal lies against a classification—either as 1-A, student deferment, conscientious objector, or any other—until and unless the registrant has agreed or disagreed to report for induction. Thus, one can only petition for judicial review of an administrative decision—classification—as a criminal. There is no civil judicial remedy. This is surely an extraordinary situation.

Seventh, court procedures. There are two troublesome aspects of the conference bill's interference in Federal court procedures. One is a requirement that selective service cases—both trial and appeal cases—be given absolute precedence on the dockets of Federal courts. There is no room, under the terms of the bill, for the exercise of discretion by the courts. We can all be sympathetic with a desire to avoid delay in the decision of selective service cases, particularly in a time when we are engaged in combat operations. Yet to permit absolutely no flexibility, no discretion, to the courts in the management of their dockets seems most unwise. There are other cases—civil and criminal—which compete with the importance of selective service cases, and courts should have some breathing space.

This is particularly so when coupled with the other objectionable provision. This second would require the Department of Justice, on the Selective Service Director's request, to prosecute a given selective service case or advise the Congress, in writing, the reasons for its failure to do so. The judicial doctrine of prosecutorial discretion in the Federal courts has, down through our legal history, uniformly permitted U.S. attorneys absolute discretion both in bringing and dismissing criminal prosecutions. The reasoning is particularly applicable to this case: only experienced prosecutors can make the judgments on whether the evidence is sufficiently strong to merit the expenditure of public funds in the prosecution. This provision of the conference bill is a novel and virtually unprecedented interference with the court system. And I do not think it belongs in the law.

Eighth, discrimination on local boards. The conference bill would prohibit discrimination by sex in determining the composition of local boards. It does so in these words: "No citizen shall be denied membership on any local board on account of sex." Despite the fact that the issue of racial discrimination has already been raised in court cases and with the Justice Department, there is nowhere mentioned in the conference discrimination on account of race, or of religion, or of creed. Are we to interpret the positive legislative mandate against discrimination by sex to mean an implied neutrality of the Congress on discrimination in other ways? Surely, this should be clearly spelled out in the law, unless it is intended to preserve the composition of totally white local boards in States with populations 30- to 40-percent Negro—which have not one Negro on local boards—or similar discrimination against Spanish Americans, Puerto Ricans, and other minority groups.

I have just reviewed my eight specific objections to the provisions of the conference. Not one of these provisions was in the Senate-passed bill.

I know the House conferees were adamant. I know the pressure we are under to complete action on this bill by the end of the month. And I know the restrictions of other pending Senate business.

But the draft is a matter of the highest importance to many millions of young men and women in this country. In large degree it shapes their futures. I do not think we in the U.S. Senate should pass the bill before us, because it is a step backward and will hurt our young more than help them.

I urge the rejection of the conference bill.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 49 minutes p.m.), the Senate took a recess until tomorrow, Thursday, June 15, 1967, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate June 14 (legislative day of June 12), 1967:

IN THE AIR FORCE

Maj. Gen. Robert A Breitweiser, FR1406, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President in the grade of lieutenant general, under the provisions of section 8066, title 10 of the United States Code.

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

To be first lieutenants

Abel, Gene P., OF100055.
Adams, Doye W., O99538.
Adams, Johnnie R., OF100056.
Adamson, Robert W., OF100057.
Alden, William M., O98356.
Alt, Emil A., Jr., OF106481.
Amos, Albert R., Jr., O99539.
Anderson, Aggrey V., O99333.
Anderson, Dennis K., O99540.
Apuzzio, Louis R., O98008.

Armour, Richard J., OF100061.
Armstrong, William, O99542.
Austin, Norman T., OF100062.
Baggett, John A., OF100762.
Bagley, Philip J., O99541.
Bailey, Dalene G., OF100397.
Banta, Theodore S., O99037.
Barlow, Ronald B., OF100063.
Barrett, Richard A., OF103259.
Bartels, Dwayne A., O97389.
Bartholomew, Daniel, OF106051.
Bashore, John F., O98367.
Bates, Jared L., OF100064.
Baucum, Tommy A., OF100501.
Bauer, William L., O99422.
Baumiller, Charles, OF106054.
Bayer, William K., O99423.
Bell, Kenneth A., OF100067.
Benavides, Gustavo, O98371.
Bennett, Mary M., N003219.
Benson, Richard W., O99131.
Benson, Roger L., OF100068.
Berrong, Larry B., OF100069.
Berry, Donald K., O99425.
Bessellieu, William, O99426.
Bidwell, Robert L., O99545.
Biller, James F., OF100070.
Bird, Lawrence M. Jr., O97401.
Black, Gorham L., O97403.
Black, Robert G., O99427.
Blakely, William M., O99546.
Bloodhart, Raymond, O99547.
Bluhm, Raymond F., OF100072.
Bly, Elihu A., Jr., O97406.
Boen, Boyd R., OF106503.
Bohm, John A., OF100073.
Bolden, Frank A., O99185.
Boukalis, Peter C., O97454.
Bourgault, Bruce A., OF100074.
Bowen, Jerry W., OF100075.
Bowman, Gary F., O99428.
Bowman, Thomas E., O98380.
Boyd, Clinton B., O99226.
Boyd, Cary A., OF100076.
Boyd, James P., O99429.
Boyd, Joel D., OF100077.
Boyd, Raymond D., OF100078.
Bradford, James C., OF104155.
Brake, Perry F., O99135.
Brandon, Ramey J., O99430.
Bridgewater, Gary L., OF100080.
Bright, Willard R., OF106515.
Brosnahan, Patrick, OF100081.
Brown, Harvey E., O98030.
Brown, James F., O97732.
Brown, Nolan H., O97414.
Brown, William C., O99432.
Bryan, Hardy W., III, O97436.
Bryant Earl W., O98033.
Buchly, Howard L., O98036.
Buck, John M., O97428.
Buckley, Kurt F., OF100084.
Burroughs, Bruce G., OF106071.
Cain, Carolyn H., L632.
Caldwell, Harold E., 098624.
Cardinali, Richard, OF100505.
Carlson, James R., OF101126.
Carroll, Brian, J., OF100087.
Caruso, Joseph G., OF100996.
Cassidy, Charles M., O97508.
Chadbourne William, OF104391.
Chambers, Howard L., O99435.
Chapman, Jesse L., OF100090.
Chase, Michael T., O97450.
Christensen, Marth, O99437.
Chubb, William A., OF103164.
Cidras, Joseph M., OF10092.
Clark, Ray K., OF102791.
Clausen, Linden E., O97523.
Clayton, Robert O., O99439.
Coble, George T., Jr., OF103227.
Coggeshall, John S., O99440.
Coke, Alfred M., O99441.
Coleman, John D., O97531.
Collar, William D., OF105360.
Collins, Charles E., OF100096.
Conner, Vernon L., O97462.
Coradine, Arthur J., O99443.
Cottman, Robert L., O99590.
Couch, Jacob B., O98401.
Couture, Paul E., OF100099.
Coyner, William L., OF103459.
Craig, David B., OF102441.
Critchfield, John B., OF106558.
Curtis, Danny D., O99445.
Cutshaw, Charles O., OF100564.
Czepiel, Ronald W., OF100535.
Dallow, Richard S., O97478.
Dansby, James C., O99151.
Darsey, Ralph O., O99446.
De Hanas, Jack M., O99447.
De Hart, Wallace K., O99448.
De Vivo, Ronald G., O97493.
Dean, Charles M., OF100953.
Deane, Peter J., OF100100.
Delora, Jo Ann, L641.
Dent, Dewitt R., OF105438.
Desfor Barry D., O97491.
Devin, Kathleen, N003283.
Dexter, Thomas H., OF100102.
Dobbs, John R., OF106571.
Dotson, George S., OF100103.
Doyle, David E., OF104551.
Drexler, Arthur J., OF108157.
Duckworth, Robert D., OF100104.
Duerr, Hans, O98410.
Duplessis, Troy L., O98412.
Durbin, Harlin N. Jr., O99450.
Durgin, Peter H., O98294.
Durham, George E., OF105381.
Dyer, Elbert W., OF100105.
Eason Lloyd J. Jr., OF106103.
Eason, Michael G., O98414.
Ecclestone, John S., O97539.
Eckland, James D., O98689.
Edgerly, David E., O98080.
Edwards, Carolyn L., N003244.
Eisaman, Robert R., O97801.
Elliott, Randall T., O99452.
Emigh, Donald B., OF100106.
England, William L., OF106587.
Engle, Benjamin J., O99160.
Estey, Melvin A., Jr., O97512.
Fadhl, Robert J., OF106107.
Fahle, Leroy D., O97858.
Familetti, Robert J., O99453.
Feistner, James P., OF100108.
Ferguson, James K., OF100640.
Fernandez, Carlos M., OF100642.
Fesmire, John A., OF105669.
Flaherty, Daniel J., OF105390.
Ford, David R., OF100109.
Foster, Frank C., Jr., OF100661.
Ford, Thomas J., Jr., O97528.
Fore, Calvin R., O98088.
Fornnarino, George, OF100110.
Franklin, Robert B., O99454.
Franklin, William W., O99555.
Freemyer, Norman D., O99557.
Friday, Vernon W., OF100111.
Fritz, Allan J., O97534.
Fulford, Ernest L., O98095.
Funderburk, Fred L., OF105997.
Galster, Robert W., O99558.
Galten, John W., O97405.
Gambolati, Ronald L., O99456.
Garber, Allen, O97540.
Garlock, Larry W., O98425.
Gaw, Michael T., O97444.
Gehring, Carl H., O97545.
Giblin, Daniel E., OF103580.
Gideon, Wilburn C., O98432.
Gilbert, Edwin J., O98433.
Giles, Raymond Chad, OF106118.
Gill, George W., O98296.
Gillham, John N., Jr., OF103832.
Gillette, Robert E., O97833.
Gilligan, Francis A., O97876.
Godfrey, Albert B., O98435.
Godfrey, Jeffrey H., OF100705.
Goff, Edward L., O99458.
Goldenberg, Frank G., O97552.
Gollnick, John P., OF100112.
Gore, William W., O99564.
Gosz, John P., OF103604.
Grantham, Norma J., N3198.
Graves, Harold R., O98112.
Graves, Scott A., O98113.
Greer, William B., O97510.
Gressette, Taum W., OR100113.
Grier, Tommy F., Jr., OF105685.
Griffith, Paul D., O98732.
Griffith, Willie E., O99461.
Griffitts, Richard, O98426.
Grose, William C., OF100114.
Groves, Lane H., O99462.
Guin, Jackie B., OF100116.
Haack, Duane G., OF100117.
Hasse, Harold W., Jr., O98224.
Haggerty, Edward D., OF100118.
Hagman, J. Michael, O98124.
Hailey, Gerald W., O99463.
Hall, George D., OF106128.
Hammann, Amy D., N3204.
Hankins, Guy L., OF100119.
Harris, James A., O99563.
Harrison, James M., O98133.
Hart, John L., O98445.
Hartzog, William W., OF103634.
Hatmaker, Ray G., OF103678.
Hawkes, Michael A., OF100122.
Herbert, Sherrill G., OF100748.
Heggie, Walter B., Jr., OF101935.
Heilig, Donald M., OF105422.
Hein, Clark D., O97572.
Helmbold, Richard F., 097975.
Henry, O. Marie M., N003223.
Herkenhoff, Walter, O99466.
Hery, Texat, L636.
Hill, Richard F., III, O99566.
Hocevar, August E., O98140.
Hodge, Warren F., O99467.
Hoherz, Melvin A., OF102025.
Holleman, Gerald W., O99468.
Hopkins, Clarence, OF106141.
Holscher, Richard W., O99568.
Holterman, Gordon C., O98764.
Houston, Jerry B., O97593.
Hoza, John T., OF105707.
Hrdlicka, Richard G., O99470.
Hubing, James N., O98147.
Humphrey, Clyde L., O97596.
Humphrey, Vernon W., OF102921.
Huntley, Edward G., OF106146.
Hurelbrink, Merle G., O99471.
Iannarino, Thomas E., O98150.
Ingram, Charles W., O99569.
Isaac, William T. Jr., OF100126.
Izzi, Alfonso J., OF105711.
Jackson, Ralph H., O97693.
Jackson, Robert H., O99474.
Jamieson, John D., OF100127.
Jamison, William S., O99475.
Jaworowski, Joseph, O98775.
Jencks, Harlan W., O98460.
Jenks, Melvin C., OF106664.
Jennings, Logan R., O98156.
Jensen, Bruce A., OF100128.
Jobe, James H., OF100129.
John, Jim P., OF100791.
Johnson, Julius F., OF100131.
Johnson, Lawrence, OF105182.
Joles, Robert J., OF105717.
Jones, Boyd A., OF106013.
Jones, Douglas E., OF106672.
Jones Melvin D., OF104134.
Jones, Michael C., OF106151.
Kaczor, George R., O99478.
Kaplan, Harvey T., O98468.
Kasik, James F., OF100132.
Kasprisin, John E., OF102068.
Kasprzyk, Richard C., O99769.
Katuzny, Walter E., O97786.
Keaton, Dickie G., OF100133.
Keener, Allan W., OF101950.
Keller, Clyde R., O99479.
Kem, Howard E., OF103636.
Kennedy, Condon P., OF100821.
Kephart, Judith G., L646.
Kepner, Richard B., OF100134.
Kidd, John C. II, O99192.
Kimenis, Visvaldis, OF100135.
Kincheloe, Lawrence, OF104186.
Kinnan, Donald P., O98259.
Kirila, Michael R., O98473.
Kishimoto Richard A., OF102311.
Knapp, Richard E., OF106158.
Knight, Phillip W., O97726.
Knotts, Lawrence E., OF100136.
Kocsis, Alexander S., OF100137.
Koenigsbauer, Herbert G., OF206335.
Korecki, Eugene M., O99570.

Korkin, Robert A., O97629.
Kramer, Charles H. R., O98172.
Kurtz, Richard G., O97631.
Kuypers, John C., O98178.
Kwieciak, Stanley, O99482.
Laing, John C., O97595.
Landin, Robert F., OF105459.
Langley, Samuel H., OF105695.
Lanpher, Michael J., OF100141.
Larremore, Joseph T., OF100143.
Larsen, James H., OF106164.
Laskoski, Richard D., O97638.
Leblang, Wayne A. G., OF105733.
Leckey, James G., O99571.
Lederer, Roger J., O99484.
Ledwin, Norman A., O98186.
Lee, John P., OF100144.
Leigh, Fredric H., O98187.
Lenius, Harlan J., OF100145.
Lessard, Paul A., O99572.
Letchworth, James R., OF106171.
Levinson, Philip J., O99573.
Lewis, Allen L., OF106173.
Lewis, Edgar C., OF106714.
Lindahl, Edward J., O99770.
Lindsay, David O., OF100875.
Lindsay, Edward E., OF100146.
Locker, William J., O98193.
Long, George M., OF106282.
Long, James B., Jr., OF105740.
Long, James G., OF100147.
Looney, Harold, Jr., O99487.
Lund, Robert R. OF100148.
Lupardus, Carl R., O99207.
Luton, John B., O99488.
Lychmanenko, Eugene, O98196.
Machina, Mark E., O97490.
Maino, Michael M., O98499.
Makarewicz, Theodore W., O99574.
Mallory, Reginald, OF100898.
Marcy, Richard C., Jr., O98202.
Marshall, Gail W., O97661.
Martin, William O., OF104493.
Mason, Gregory W., OF100152.
Massey, Ronald F., O97666.
Mathews, Paul H., Jr., O99208.
Maykuth, Paul B., O99492.
McAllister, Amos J., OF100154.
McCarron, Geoffrey, OF100155.
McCauley, William, O98504.
McCoid, Frederick, OF101072.
McConnell, James V., O97407.
McCormack, James W., OF100156.
McDonald, Benjamin, O99210.
McElwee, Vernon D., O99774.
McGrath, John, OF106272.
McGrath, Vincent A., O98211.
McGruder, John P., OF100160.
McHale, John L. III, OF100162.
McKiness, Douglas, OF102081.
McMillian, John W., O97671.
Mebane, William C., OF100163.
Meinke, Gary E., O99576.
Menig, David B., OF100943.
Meoni, Neil W., O97677.
Mercer, Lynne E., N003261.
Merritt, Gordon L., O99493.
Mertz, Wade M., Jr., O98032.
Miller, Gerald G., OF106190.
Miller, James W., O99218.
Minney, Robert W., OF100166.
Mitchell, Ralph M., O98850.
Mitchell, Richard S., O97686.
Mix, David J., OF105304.
Monroe, James W., O99577.
Mooney, Philip D., O98226.
Moore, Gary K., O99496.
Moore, James F., O97495.
Moore, William E., O99497.
Moreau, James G., OF105768.
Moreland, Harold D., O97556.
Morris, Charles T., O99220.
Morris, John F., O97694.
Morrison, Ronald E., OF100167.
Morse, Michael M., O98450.
Mortensen, Eugene P., O98229.
Muldoon, James J., OF106982.
Nash, Kenneth H., O99499.
Nevers, David G., O99776.
Newborn, James L., OF100169.
Newman, Lawrence J., OF100170.
Noble, Donald H., O98235.
Oakes, Henry M., OF100171.
O'Brien, Thomas J., Jr., OF105388.
O'Hall, Carl J., OF106199.
Oliver, John F., III, O98875.
Olmstead, James L., O99500.
Olson, Charlotte, N003262.
Olszewski, Walter A., OF100173.
Onstott, Billy M., OF100174.
Orlowski, Randolph, O98878.
Orsini, Fuldo E., OF100175.
Pahland, Richard C., OF106201.
Pahris, James M., O99580.
Palm, Harald E., Jr., OF100176.
Patterson, Bryce L., OF100177.
Pauler, Gerald L., OF105790.
Payne, Leslie, O97725.
Peeples, Hardy W., OF100179.
Pendleton, Richard, O98542.
Penn, Robert E., OF105792.
Penn, Ronald W., O98286.
Perez, Anthony R., O99581.
Perron, Owen F., O97821.
Peters, Donald G., OF100180.
Peters, Joseph F., OF100181.
Phelps, Harvey A., O97365.
Piechocki, John R., O98248.
Pierson, J. Terry, O99582.
Pinson, James W., OF100183.
Pittson, Eugene R., O99505.
Pleasants, James L., OF105917.
Porcreva, Michael A., O98252.
Pollard, David E., O98566.
Pongonis, James A., OF100184.
Poole, Barry G., O99583.
Porch, David B., OF105797.
Potter, Clifton A., O99506.
Powers, George E., O98255.
Powers, Frank, O98523.
Powers, Jerry H., O99233.
Powers, Robet Lee, O99507.
Prangley, Robert E., O98893.
Price, Edward R., O99508.
Pride, Cadwallader, O97866.
Prohaska, Thomas G., OF101047.
Propp, Carl R., OF101048.
Purcell, Jackson D., OF100186.
Ragsdale, Jack D., Jr., O99235.
Read, Philip J., O97742.
Rayburn, James L., OF106786.
Redish, Stephen, Jr., OF100188.
Redman, Michael C., O98527.
Reed, Donald J., O97766.
Reese, Thomas S., O99584.
Reid, Michael J., OF100189.
Reid, Tilden R., O98898.
Reinholtz, Richard, O98900.
Rerecich, John A., OF108282.
Reynolds, Howard I., O99133.
Rhodes, Dennis D., O99240.
Rice, Richard E., O99778.
Rich, John H., Jr., OF105524.
Richardson, Lawrence, OF100192.
Richardson, Stephen, O99509.
Ricketson, Don A., OF100193.
Rives, Charles M., OF106368.
Roberson, Carlton F. O98049.
Roberts, Donald B., OF100196.
Roberts, Terry R., O99585.
Robinson, Earl L., OF105810.
Rodgers, Richard L., O97756.
Rosenthal, Sidney D., O98070.
Rudy, James J., O99510.
Rush, Wayne A., O99244.
Sadberry, John R., Jr., O99586.
Sage, Terence F., O98917.
Samples, Watson L., OF103725.
Sasser, Howell C., OF103895.
Sauter, Fred F., OF100197.
Sawyer, John M., O99587.
Sawyer, Paul F., OF100198.
Schaaf, Clifford C., OF101105.
Schaible, Dennis J., O99161.
Scharf, Richard D., O98924.
Schenk, Stevens T., O97765.
Schmidt, George C., O99512.
Schweitzer, Jeffrey, O99588.
Scussel, James T., O99779.
Sedlock, Michael E., O99127.
See, Frederick W., O99513.
Segal, Herbert E., O99589.
Seip, Walter L., II, O97530.
Sessums, Robert B., O98431.
Severson, Richard W., OF106225.
Sheppard, Hugh P., O97782.
Shockey, Gilbert L., OF100203.
Shoemaker, David J., O99514.
Simmons, Richard P., Jr., OF100204.
Simpson, Larry W., OF100205.
Singer, George D., O98544.
Smith, Cecil C., OF108305.
Smith, Freddie G., O97376.
Smith, James L., OF100206.
Smith, Myles G., O99517.
Snider, Thomas H., O97797.
Sonricker, William, OF100207.
Spille, Robert M., OF100209.
Stafford, Billy W., O99591.
Steadman, Robert P., O99780.
Steinberg, Barry P., O99592.
Stepan, Jacob F., O99473.
Stephens, Jeffrey L., O97465.
Stephens, Robert F., O99593.
Stephens, Thomas E., OF106236.
Stevens, Lila C., N3206.
Stewart, George D., OF106833.
Stiglich, Gerald F., O97802.
Stone, Frank D., OF100210.
Streetmaker, John I., O99260.
Studdard, Walter C., O99519.
Surdu, Frank G., OF100211.
Suttle, Thomas H., Jr., O99520.
Sutton, Melvin J., O99594.
Swarthout, John E., O98302.
Taddy, Peter A., OF105838.
Tate, James L., O99521.
Taylor, Edwin L., O98553.
Taylor, John M., Jr., OF100212.
Tharp, William G., II, O98477.
Thomas, Robert M., OF105839.
Thomson, John M., O99522.
Timian, Robert C., OF100214.
Todd, Patrick R., OF105846.
Trader, Michael W., O98310.
Trimble, Richard S., OF105852.
Troxler, Robert C., O98313.
Tugwell, Tyler, OF105139.
Turner, Richard W., OF100215.
Tutton, Raymond F., OF100216.
Uecke, John W., OF100217.
Valencia, Romolo, O98316.
Veen, Robert A., OF105572.
Vesser, Thomas F., OF105348.
Vititoe, John N., OF100219.
Volk, George F., OF105858.
Volkman, Ronald L., OF100220.
Vorpahl, Kenneth W., O98323.
Wagner, Dale N., O98324.
Walker, Clyde E., OF100222.
Walker, Herbert A., OF105144.
Wall, Thomas D., OF102118.
Wallace, James C., OF100223.
Walter, David P., O99269.
Warner, John D., O99524.
Warvai, Harold E., O99595.
Waters, Henry J., O99596.
Weaver, John W., O88526.
Webb, William F., OF101232.
Weber, Gary L., O99527.
Wengert, Walter D., O99598.
Whitcomb, Richard G., O98246.
White, David E., O99781.
Whitley, Bobby, O99782.
Whitney, Douglas W., OF100225.
Wiener, William, OF100226.
Wilkerson, James V., OF101262.
Williams, Fontaine, OF100227.
Williams, Freddie W., O99275.
Williams, Gary E., OF101265.
Williams, George M., O97864.
Williams, Rowdy L., O99531.
Williams, Russell A., O99532.
Wilson, William W., OF101272.
Winch, Gerald J., O99599.
Winmill, John I., OF100229.
Wood, Jack E., OF100230.
Wood, Robert T., OF101283.
Wood, Samuel E., O98345.
Woods, Jackie W., OF105880.
Woods, Leroy, OF108335.
Worthington, Douglas L., O98346.
Wright, Frederick L., OF105980.

Wrenn, Robert W., O99231.
Wurm, Charles M., OF103786.
Yeager, Frederick J., O99033.
Zalaha, John W., O99283.
Zimmerman, Maryolou L., 637.
Zins, Linus P., O97877.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JUNE 14, 1967

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Thou hast given a banner to them that fear Thee, that it may be displayed because of the truth.—Psalm 60: 4.

God of our fathers, whose almighty hand hast made us a nation and preserved us as a people, we thank Thee for days like these when we lift up before our eyes the flag of our beloved country. Grant, O Lord, that this day may kindle in our minds a greater love for our United States and a deeper loyalty to the princely principles which are the foundation stones of our American way of life. Make us aware of our duties as citizens of this free land and help us to accept our responsibilities to keep this land strong and good.

Together may we endeavor to strengthen the moral and spiritual life of our people and do all we can to protect our free institutions, to preserve our liberty and to proclaim freedom to all the world.

Bless Thou this flag of our national life. May it now and always be the symbol of hope to the world and may it wave in glory and majesty over free people for all times.

So we pledge allegiance to the flag of the United States of America, and to the Republic for which it stands one nation, under God, indivisible, with liberty and justice for all. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 834. An act to amend section 5 of act of February 11, 1929, to remove the dollar limit on the authority of the Board of Commissioners of the District of Columbia to settle claims of the District of Columbia in escheat cases;

H.R. 1526. An act for the relief of Cecil A. Rhodes;

H.R. 2048. An act for the relief of William John Masterton and Louis Vincent Nanne; and

H.R. 4445. An act for the relief of Aurex Corp.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 118. An act for the relief of Dr. Amparo Castro;

S. 155. An act for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually;

S. 163. An act for the relief of CWO Charles M. Bickart, U.S. Marine Corps (retired);

S. 445. An act for the relief of Rosemarie Gauch Neth;

S. 454. An act for the relief of Richard K. Jones:

S. 463. An act for the relief of Eladio Ruiz DeMolina;

S. 676. An act to amend chapter 73, title 18, United States Code, to prohibit the obstruction of criminal investigations of the United States;

S. 677. An act to permit the compelling of testimony with respect to certain crimes, and the granting of immunity in connection therewith;

S. 733. An act for the relief of Sabiene Elizabeth DeVore;

S. 747. An act for the relief of Dr. Earl C. Chamberlayne;

S. 762. An act to amend the District of Columbia Traffic Act, 1925, as amended;

S. 763. An act to amend the act approved August 17, 1937, so as to facilitate the addition to the District of Columbia registration of a motor vehicle or trailer of the name of the spouse of the owner of any such motor vehicle or trailer;

S. 764. An act to amend section 6 of the District of Columbia Traffic Act, 1925, as amended, and to amend section 6 of the act approved July 2, 1940, as amended, to eliminate requirements that applications for motor vehicle title certificates and certain lien information related thereto be submitted under oath;

S. 808. An act for the relief of Dr. Menelio Segundo Diaz Padron;

S. 863. An act for the relief of Dr. Cesar Abad Lugones;

S. 1108. An act for the relief of Dr. Felix C. Caballol and wife, Lucia J. Caballol;

S. 1109. An act for the relief of Dr. Ramon E. Oyarzun;

S. 1110. An act for the relief of Dr. Manuel Alpendre Seisdedos;

S. 1197. An act for the relief of Dr. Lucio Arsenio Travieso y Perez;

S. 1226. An act to transfer from the U.S. District Court for the District of Columbia to the District of Columbia court of general sessions the authority to waive certain provisions relating to the issuance of a marriage license in the District of Columbia;

S. 1227. An act to provide that a judgment or decree of the U.S. District Court for the District of Columbia shall not constitute a lien until filed and recorded in the Office of the Recorder of Deeds of the District of Columbia, and for other purposes;

S. 1258. An act for the relief of Ramon G. Irigoyen;

S. 1259. An act for the relief of Wouter Keesing;

S. 1269. An act for the relief of Dr. Gonzalo G. Rodriguez;

S. 1270. An act for the relief of Alfredo Borges Caignet;

S. 1278. An act for the relief of Dr. Floriberto S. Puente;

S. 1280. An act for the relief of Dr. Alfredo Pereira;

S. 1448. An act for the relief of Roy A. Parker;

S. 1465. An act to provide for holding terms of the District Court of the United States for the Eastern Division of the Northern District of Mississippi in Ackerman, Miss.; and

S. 1781. An act for the relief of Kyong Hwan Chang.

CALL OF THE HOUSE

Mr. JOELSON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 136]

Anderson, Tenn.
Arends
Ashbrook
Ashley
Ayres
Battin
Berry
Collier
Conyers
Corman
Derwinski
Dow
Foley
Fuqua
Herlong
Ichord
Karth
Leggett
Long, La.
Lukens
Moorhead
Morton
Patman
Pelly
Pollock
Rooney, N.Y.
St. Onge
Stephens
Tenzer
Thompson, N.J.
Ullman
Vanik
Williams, Miss.
Young
Younger

The SPEAKER. On this rollcall 398 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

The SPEAKER. Pursuant to the order of the House of May 25, 1967, the Chair declares the House in recess for the purpose of observing and commemorating Flag Day.

RECESS

Accordingly (at 12 o'clock and 34 minutes p.m.) the House stood in recess subject to the call of the Chair.

FLAG DAY

During the recess the following proceedings took place in honor of the United States Flag, the Speaker of the House of Representatives presiding:

FLAG DAY PROGRAM, UNITED STATES HOUSE OF REPRESENTATIVES, JUNE 14, 1967

The United States Marine Band, directed by Lieutenant Colonel Albert F. Schoepper, and the Air Force "Singing Sergeants" entered the door to the left of the Speaker and took the positions assigned to them.

The Doorkeeper (Honorable William M. Miller) announced *The Flag of the United States.*

[Applause, the Members rising.]

The Marine Band played *The Stars and Stripes Forever.*

The Flag was carried into the Chamber by Colorbearer and a guard from each of the branches of the Armed Forces, Sergeant David C. Insco, USA, NCO in charge.

The Color Guard saluted the Speaker, faced about, and saluted the House.

The Flag was posted and the Members were seated.

Mr. BROOKS of Texas accompanied by Honorable W. Pat Jennings, Clerk of the House of Representatives, took his place at the Speaker's rostrum.

The SPEAKER. The Chair recognizes the gentleman from Texas, Mr. BROOKS.

Mr. BROOKS. Mr. Speaker, the United States Marine Band with Lieutenant Colonel Albert F. Schoepper conducting will now accompany Master Gunnery Sergeant William Jones who will sing *The Pledge of Allegiance to the Flag.*

The Marine Band, accompanying

Master Gunnery Sergeant William Jones, soloist, presented *The Pledge of Allegiance to the Flag*, by Irving Caesar, ASCAP.

Mr. BROOKS. Mr. Speaker, at this time I would like to express my appreciation to the other members of the Flag Day Committee, the Honorable BILL NICHOLS, of Alabama; the Honorable DURWARD G. HALL, of Missouri; and the Honorable RICHARD L. ROUDEBUSH, of Indiana, for their hard work and dedicated efforts.

Mr. Speaker, the Air Force Choral Group, the "Singing Sergeants," directed by Captain Robert B. Kuzminski, will now present a medley of songs appropriate for this occasion.

The Air Force "Singing Sergeants," directed by Captain Robert B. Kuzminski, presented a medley of patriotic songs: "America," "This is My Country," and "America the Beautiful."

Mr. BROOKS. Mr. Speaker, today, Flag Day, 1967, is a day for all Americans to pledge their allegiance to the ideals and aspirations we share together as a united people. It is not a day for self-congratulations—but for self-reflection. For our Flag is but a symbol of our national purpose—and a nation can only be as great and just and humane as its people.

The Flag we honor stands for something unique in the world: A nation as strong as it is free; as productive as it is progressive; as brave as it is selfless.

It is not too fashionable in some quarters to be patriotic. Some so-called sophisticates openly scoff at those who show deep love of country.

I am sad for them. I believe in patriotism. I believe in the kind of patriotism that sustains our fighting men in Vietnam. We have some of those brave men here with us today. Each of them bears the scars of his devotion—and on behalf of the Nation, I salute them.

[Applause, the Members rising.]

Mr. BROOKS. I wish you gentlemen would now stand so that the Members might see you and appreciate more deeply your contribution.

(The veterans of the Vietnam war rose.)

[Prolonged applause.]

Mr. BROOKS. Mr. Speaker, I think the time has never been more ripe for the kind of patriotism these men have shown.

For the American citizen is no longer a frontiersman whose only concern is his personal life; who allows his country to take care of itself. The complexities of modern civilization demand our involvement in democratic life—and life today asks the best from us all.

Real patriotism—real love of country—is the driving force behind every citizen who is determined to leave to his children and to his neighbor's children more opportunity, more freedom, and more security than he himself enjoyed.

We should never be ashamed to say: Our country, right or wrong.

But neither should we be reluctant to say: When right, keep it right—when wrong, put it right.

John Gunther once wrote: "Ours is the only country deliberately founded on a good idea."

This idea is as simple as it is profound—namely, that freedom is not only a right, but a responsibility. And that those who value and defend freedom for themselves, will value and defend freedom for others.

On this Flag Day, this generation of Americans—perhaps more than any other—understands the responsibilities of freedom.

We are working today to extend the boundaries of freedom and opportunity for all Americans.

And we are fighting and dying in Vietnam to help defend the freedom of others who seek our help.

President Johnson has said: "The ultimate test of our civilization, the ultimate test of our faithfulness to our past, is not our goods or our guns. It is in the quality of our people's lives and in the character of the men and women our society produces."

Patriotism is a vital part of the American character. I mean a patriotism based not on blind self-righteousness but on a far deeper love that recognizes both our strengths and weaknesses, what we are, and what we are capable of becoming.

This is the kind of patriotism we celebrate on this Flag Day.

Our country is the measure of our hopes and aspirations. Its strength and greatness rest with our determination and spirit.

Let us be proud of what the American spirit has already accomplished. We live in the freest, most prosperous, and most compassionate nation the world has ever known.

And let us be worthy of the glories of our heritage—and the promise of our future.

I request the Members to rise, and invite the visitors in the gallery to join with the "Singing Sergeants," accompanied by the Marine Band, in singing *The National Anthem*, and request that everyone remain standing while the Colors are retired from the Chamber.

The Members rose and sang *The National Anthem*, accompanied by the Marine Band and the Air Force "Singing Sergeants."

The Colors were retired from the Chamber, the Marine Band playing *The National Emblem March*.

The Marine Band and the Air Force "Singing Sergeants" retired from the Chamber.

At 12 o'clock and 55 minutes p.m. the proceedings in honor of the United States Flag were concluded.

The SPEAKER. The House will continue in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock p.m.

Mr. BROOKS. Mr. Speaker, today we had the pleasure and honor of having with us men who have sacrificed greatly for our country. As I stated earlier in my remarks:

These men are symbolic of the highest form of patriotism.

These 19 members of the armed services who were wounded in Vietnam truly represent the pride of America.

On this Flag Day, 1967, we join with all Americans in honoring these noble young men. We also share with their families, their neighbors, and our Nation the pride in them and their accomplishments, their dedication and their service. These men are representatives of the many thousands of patriotric and heroic servicemen. The young men who were with us today are:

Robert C. Blake, private, first class, U.S. Marine Corps, Moundsville, W. Va.

John H. Buckner, corporal, Army, Knoxville, Tenn.

Paul C. Carpenter, sergeant, first class, Army, Valley Station, Ky.

Joseph H. Coffey, lance corporal, U.S. Marine Corps, Huntington, W. Va.

James E. Cohenour, sergeant, Army, Alderson, W. Va.

Taylor H. Cooper, corporal, U.S. Marine Corps, Mount Rainier, Md.

Frank Crawford, sergeant, first class, Army, Washington, D.C.

Robert A. Jackson, sergeant, first class, Army, Beverly, Mass.

Peter J. LaMonica, hospital corpsman, senior chief, Elkton, Md.

John R. Lucas, lance corporal, U.S. Marine Corps, Falls Church, Va.

James T. Padgett, sergeant, Army, Baltimore, Md.

Robert A. Currey, hospital corpsman, third class, Navy, Salem, W. Va.

Gary L. Franklin, specialist, seventh class, Army, Limestone, N.Y.

Lawrence L. Gerhard, sergeant, U.S. Marine Corps, Akron, Ohio.

William V. Henderson, private, first class, U.S. Marine Corps, New Martinsville, W. Va.

Carroll P. Pederson, first lieutenant, Army, Chicago, Ill.

Robert P. Taylor, major, Air Force, Wenatchee, Wash.

Freyre D. Vasquez, private, first class, Army, Carcada Mercedita, P.R.

Ronald R. Yerman, sergeant, U.S. Marine Corps, Cleveland, Ohio.

FLAG DAY

Mr. HALL. Mr. Speaker, I think it is entirely fitting that the House of Representatives take this special and unique notice of Flag Day by authorizing the ceremonies in the House Chambers today. I think this is a precedent which might well be followed even in "normal" times—if indeed, we ever experience normal times again.

But it is especially fitting in order to place in proper perspective the disgusting acts of flag desecration which occurred a few months ago at a so-called peace rally in New York City. For every person who would engage in such an act, there must surely be at least a million who honor everything our colors stand for.

A flag may be only a symbol, but it is the most important symbol of our national existence. Millions of Americans have suffered to protect and preserve it, untold numbers have died, others have suffered grievious wounds, and even today, others are suffering the indignities of confinement in Communist prison camps, as a living testimonial to their love of country and all she stands for.

Through our national emblem "Old Glory," they shall not be forgotten.

In a land composed of all races and creeds from every corner of the earth, the "Stars and Stripes" are a single unifying force, representing the ideals and principles which bind so many diverse peoples together.

I hope and pray our Nation never becomes so "sophisticated" that its people are embarrassed at the very thought of expressing their patriotism and love of country. There is no more appropriate time to do so than on Flag Day, though indeed we should be eternally grateful for every day that the Stars and Stripes fly over our beloved land.

Mr. NICHOLS. Mr. Speaker, it is an honor and a privilege for me, a freshman Congressman, to have been chosen to serve on the Flag Day Committee. While our primary purpose here is to make the laws of our country, one of our functions is to lead our citizens in patriotic endeavors such as this program. I am pleased to say that my State of Alabama is joining wholeheartedly in the observance of Flag Day. Gov. Lurleen Wallace has proclaimed today Flag Day in my State, as has the Alabama Legislature. Many municipalities and county governments in my Fourth District are planning special ceremonies to honor our flag today. Patriotism is not dead in Alabama. We have had no flag burnings, draft-card burnings, or antiwar demonstrations in our State. Instead, our students concentrate their energies in donating blood for our servicemen in Vietnam. My alma mater, Auburn University, recently donated 4,800 pints of blood in just 2 days to set a new world's record. American boys are fighting and dying for our flag in Southeast Asia. It is ironic to me that they are fighting and giving their lives so that the peaceniks and beatniks here at home can continue to demonstrate against the war. I wonder just how long an anti-Vietcong demonstration would last in North Vietnam, or how long an anti-Red Guard demonstration would last in Red China.

We will soon begin debate on the flag desecration bill, and I will support it 100 percent. Critics of the bill say you cannot legislate respect for our flag. I say this to those critics: Neither can you legislate respect for private property, yet we have laws prohibiting destruction of private property. Neither can you legislate respect for our country, yet we have laws against treason. Neither can you make people respectfully pay their taxes, yet we have laws requiring the payment of taxes.

We can not legislate respect for the flag by passing this antidesecration law, Mr. Speaker, but we can make the publicity-seeking flag burners think twice before burning another American flag. We can give millions of Americans, more than 99 percent of our people, I'd say, a better feeling just knowing it was against the law to burn their flag.

I was very impressed by an article sent to me by a good patriotic Alabamian. I do not know who the author is, but he has a message for all of us. It follows:

Do You Remember?

Hello! Remember me? Some people call me Old Glory, others call me the Stars and Stripes; also I have been referred to as the Star-Spangled Banner. But whatever they call me, I am your Flag, or as I proudly state, the Flag of the United States of America. There has been something that has been bothering me, so I thought that I might talk it over with you. Because it is about you and me.

I remember some time ago—I think it was Memorial Day—people were lined up on both sides of the street to watch the parade. The town's high school band was behind me and naturally I was leading the parade. When your daddy saw me coming along waving in the breeze, he immediately removed his hat and placed it against his left shoulder so his hand was directly over his heart. Remember?

And you—I remember you. Standing there as straight as a soldier, you didn't have a hat but you were giving the right salute. They taught you in school to place your hand over your heart. Remember little sister—not to be outdone, she was saluting the same as you. I was very proud as I came down the street. There were some soldiers home on leave and they were standing at attention giving the military salute. Ladies as well as men paying me the reverence that I deserve.

Now I may sound as if I am a little conceited. Well I am. I have a right to be. Because I represent the finest country in the world, the United States of America. More than one aggressive nation has tried to haul me down but they all have felt the fury of this freedom-loving country. You know. You had to go overseas and defend me.

What happened? I'm still the same old flag. Oh, I have a couple more stars added since you were a boy. A lot more blood has been shed since the Memorial Day so long ago. Dad is gone now. The old town has a new look. The last time I came down your street I saw that some of the old landmarks were gone, but in their place, shining majestically in the sun, were a number of new buildings. Yes, sir, the old town sure has changed.

But now I don't feel as proud as I used to. When I come down your street, you just stand there with your hands in your pockets and give me a small glance and then turn away. When I think of all the places I have been, Anzio, Guadalcanal, Korea—and now, Vietnam. Then I see the children running around and shouting. They don't seem to know who I am. I saw one man take his hat off and then look around. He didn't see anybody else with theirs off so he quickly put his back on.

Is it a sin to be patriotic any more? Have you forgotten what I stand for? Have you forgotten all the battlefields where men fought and died to keep this nation free? When you salute me you are actually saluting them.

Take a look at the Memorial Honor Roll sometime. Look at the names of those men that never came back. Some of them were relatives and friends of yours. Probably went to the same school with some of them. That's what you are saluting. Not Me.

Well it won't be long until I'll be coming down your street again. So when you see me, stand straight, place your hand over your heart, and you'll really see me waving back my salute to you. And I'll know that you remembered.

I also include, Mr. Speaker, this copy of Gov. Lurleen Wallace's Flag Day proclamation in the Record:

Montgomery, Ala.—Gov. Lurleen B. Wallace has designated Wednesday, June 14 as "Flag Day" in Alabama.

In her proclamation of the occasion which is supported by the American Legion she called for citizens of the state to display the national emblem on that day.

Her proclamation stated:

Whereas, the Flag of the United States of America is a symbol to all mankind of the costly attainment of precious freedoms and the recognition of individual dignity; and

Whereas, the Flag should always be held in reverence and respect by all Americans as the living symbol of our great Nation; and

Whereas, the display of a Flag of presentable appearance is an expression of sincere loyalty, dedicated patriotism, and positive support of our Nation's cause; and

Whereas, Americans everywhere should take time to renew and revitalize their faith in that which the Flag symbolizes, and to increase their knowledge of its history; and

Whereas, the Flag should be displayed by every home and business firm on Flag Day, June 14, and other appropriate occasions;

Now, therefore, I, Lurleen B. Wallace, Governor of the State of Alabama, do hereby proclaim June 14 Flag Day in Alabama, and encourage the citizens of Alabama to display the living symbol of our great Nation on this day, and on other appropriate occasions."

On behalf of the Flag Day Committee, I want to express our appreciation to the American Legion for furnishing the small flags that each Member of the House and our guests are wearing today. Two years ago, the Legion began "Operation Show Your Colors." Since then, 25 million flags have been distributed throughout the country. This morning, the Legion presented the Speaker with the 25 millionth flag. This is a most worthwhile project, and I hope that each of you will continue to "show your colors," not just on Flag Day, but every day of the year.

Mr. ROUDEBUSH. Mr. Speaker, today's observance of Flag Day here in the Chamber was without a doubt one of the most impressive ceremonies it has been my privilege to witness.

I know that I join with all Members of this body when I compliment the Speaker for his foresight and awareness of the appropriate in scheduling the ceremony.

I am equally sure that all of us present today received a surge of patriotism and rededication to the principles of our wonderful Nation.

There was an almost visible atmosphere of emotion in the Chamber as representatives of our various military branches, together with our Vietnam veterans, participated in the brief but impressive ceremony.

I only wish that every American in this United States could have been present. Because all Americans would have thrilled to this display of patriotism which is the wellspring of our national heritage and purpose.

The exhibition in the Chamber today reflects the real attitude of Americans toward the Nation, rather than the shabby, overemphasized displays of anti-American behavior so obnoxious to our people.

I wish to pay particular respect and homage to the wonderful performance of the U.S. Marine Corps Band, the Air Force "Singing Sergeants," and the Color Guard representing each of the branches of the U.S. Armed Forces.

Their participation highlighted the program and they performed in perfect style and grace.

The medley of patriotic songs by the "Singing Sergeants" was a beautiful rendition of our traditional music so beloved by all Americans.

The Color Guard performance was flawless and a fine exhibition of the precision and execution of drills by our military units.

Our colleague, the Honorable Jack Brooks, of Texas, deserves warm praise for his wonderful remarks pertaining to the occasion.

His brief but eloquent presentation summed up very well the beliefs of the vast majority of Americans who still regard reverence for the flag and all it implies, as a privilege and duty of American citizenship.

It was a distinct honor for me to serve on the committee for Flag Day together with Representative Brooks, chairman of the event, and the Honorable Bill Nichols, of Alabama, and Durward G. Hall, of Missouri.

I believe the program was arranged with taste, dignity, and brevity to display with unmistakable clarity the high regard and deep devotion that we all possess for the U.S. flag and the country it symbolizes.

Again, Mr. Speaker, my sincere thanks for your leadership in authorizing and scheduling the beautiful and moving ceremony we witnessed today.

Mr. PATMAN. Mr. Speaker, with a great feeling of pride as an American, yet with humility as an individual, I am privileged today to join with my colleagues in voicing our respect and allegiance to the flag of the United States. Throughout the years of our generation, Mr. Speaker, we have seen the problems of our Nation and the world multiply in number and increase in complexity almost beyond human control. The issues with which we contend have been, I think, too often surrounded by a murky fog of intellectual sophistication that obscures and even distorts the fundamental principles that have guided our Republic through two centuries of great national growth.

It seems to me, Mr. Speaker, that too many well-meaning people have come to the sad conclusion that right and wrong have been abolished by an ever-widening and pervasive area of gray. In this context I ask for a return to the pure and simple patriotism that comported so well with the lucid intelligence of men like Benjamin Franklin, Thomas Jefferson, and Abraham Lincoln. It is not given to each mortal to be so richly endowed in intellect and vision as were these great Americans, who have their counterparts among the great leaders of today, but we, all of us, can share their faith in America and their allegiance to the flag which they revered. As a symbol our flag has remained constant, although there are now more stars upon its field of blue.

This House will soon have under consideration legislation which has been spontaneously evoked by acts of desecration committed against our national standard by the mistaken few, whether they are seekers of notoriety, arrogant intellectuals, victims of foreign ideologies, or just crazy mixed-up kids. There used to be a saying: "Stand up and be counted." But nowadays it is the off-beat youngster whose dissenting views are sought after and given wide publicity, while the great majority of our responsible young people are ignored. It might be said, therefore, that today you have to lie down to be counted.

It is not inappropriate, Mr. Speaker, for the Congress to entertain legislation which would establish a minimum standard of public behavior with respect to our flag. The separate jurisdictions and sovereign rights of the 50 States are strengthened, not weakened, when we clarify our fundamental legal concepts. It has often been stated by men of good judgment that we cannot legislate morality, and this I am sure extends to patriotism; but there are some offenses that are such a gross affront to the sensibilities of the observer that they have been proscribed in all jurisdictions. I place the deliberate desecration of our flag in this category. In this connection I might suggest that whereas section 4(j) of Public Law 829, 77th Congress, provides that when the flag, by reason of its condition, is no longer a "fitting emblem" for display, it should be destroyed "in a dignified way, preferably by burning." Note that the flag is not to be burned in an undignified manner—certainly not by those who are so obviously themselves a glaringly unfit "emblem" of our youthful citizenry, the great majority of whom are loyal Americans.

In order to avoid questionable circumstances that might otherwise be involved in any act of destruction by burning, it might be worth while to consider authorizing Post Office officials, such as a postmaster, to accept from the public flags which are no longer serviceable for destruction in accordance with an appropriate and fitting ceremony. Again, Mr. Speaker, let me emphasize the positive point that patriotism is as alive and vibrant today in our America as it has indeed flourished in our historic past, and I cite a thousand letters from my constituents, expressing horror and repugnance at recent acts of desecration against the Stars and Stripes. There has been in fact a great resurgence of interest, reaching the proportions of a patriotic revival, in all the great events of our history, illuminated as they are by the countless acts of heroism of our Armed Forces in Vietnam, who at this hour are as splendid in their valor as were our defenders at Valley Forge.

Mr. Speaker, our flag carried "aloft and free" is the symbol of America, and America is the symbol of hope for humanity.

Mr. SCHADEBERG. Mr. Speaker, today we observe Flag Day throughout our land and on the following day this House will convene to vote on legislation which would make it a Federal crime to desecrate the American flag.

That it has become necessary to even introduce such legislation—and I have supported it with a bill of my own—is lamentable. It bespeaks of a breakdown somewhere along the line that has resulted in a failure to give honor to those who fought and died so the flag could continue to fly over the "land of the free and the home of the brave." When we recall the valorous deeds of men, long dead, to keep Old Glory flying, we are shamed by the thought that some Americans think so lightly of their country and flag that they stoop to commit acts of dishonor that bring our status as a nation to new levels of disrespect among the nations that make up our world community.

Today I present for the Record my thoughts on what Flag Day should mean to all who are grateful that there were those who so loved freedom that they were willing to lay down their lives that others might have the opportunity to pursue it. I urge my colleagues to read these remarks.

DEDICATION AND THE FLAG

Mr. Speaker, Henry Ward Beecher once said:

> A thoughtful mind, when it sees a Nation's flag, sees not the flag only, but the Nation itself; . . . the principles, the truths, the history. . . .

The flag of the United States is the most beautiful among national symbols. I suppose a person must actually leave this country for a spell and return to it to appreciate the full significance of the Stars and Stripes. A person has to give something of himself to a "cause" before he learns to appreciate the value of that cause. In the 25 years I spent in the pulpit of the parish ministry I never stressed financial needs in speaking to the congregation. Naturally we discussed these needs in meetings of the various working boards of the church but never before the congregation. I stressed stewardship in terms of the giving of one's time to the church and the larger task of building of God's Kingdom and the record proves that when the people of the church were busy giving themselves they gave generous support to the cause toward which they spent their labors. The same is true of the Nation. Those who give part of themselves for their nation are by and large those who more fully appreciate what their nation is and what it is striving to be.

I was one of those young men who began my adult responsibilities during the depression years of the early 1930's. I recall an incident which happened while I was in college. I was finding it difficult to secure the necessary food on a regular basis. My fiancee had a birthday which I did not wish to have pass by without notice. I purchased a modest present for her. When I gave the present to her, she appreciated it but rebuffed me for buying her the present because she knew that I had to go without several meals to pay for it and she did not want me to do that.

You see, Mr. Speaker, what I am trying to say is that we have to give part of ourselves to our Nation before we can fully appreciate what the Nation means to us. This is what the late President Kennedy alluded to when, in his first inaugural message, he said, "Ask not what your country can do for you, ask what you can do for your country."

On Wednesday of this week we will be observing what I personally believe to be one of the most significant days of the year. I have a suspicion that it will go by almost unnoticed by the vast majority of Americans who find themselves too busy to tear themselves away from their favorite TV program, first, long enough to take a look at what their forefathers have given them from the past; second, long enough to realize what is stealthily being taken from them as more and more they turn to Government to assume responsibilities for which they, by virtue of being created by God were personally endowed; and, third, long enough to understand what tomorrow is going to bring them if they insist on living in the make-believe world that Government can give them things for nothing much as God dropped down manna from heaven to the Israelites in the wilderness.

Flag Day ought to stir us into a deeper appreciation of what this Nation means to us and what it can, if we will it, mean to freedom-loving people all over the world. Frankly, Mr. Speaker, I am greatly concerned about the future—not the distant future, but the immediate future—for we are witnessing here in America chaos and violence; a disregard for constitutional principles; a lack of leadership; a grasping for personal power and vain glory; and a breakdown in respect for our historic traditions and institutions which must be appalling to all serious students of our national history and utterly distasteful to any man or woman in whose veins flow the blood of patriotism and in whose breast there breathes the fresh air of freedom's cause.

Time today will not permit me, I am sure, to say all I want to say or I feel needs be said but frankly, Mr. Speaker, I would be derelict in my duty as a citizen, a Congressman, and a clergyman, if I did not lay the cards on the table and tell you frankly and honestly and without fear of being misunderstood that the chips are down and the kind of nation you and I knew a decade ago and loved and appreciated and stood ready and are still ready to live for, and if needs be, to die for, may not long continue to be the kind of a nation which has brought us to our great accomplishments.

It is becoming corrupted by those who believe we must keep moving even if it means going in the wrong direction because they believe that making change must take precedence over solidifying the good we have been bequeathed from the past. Obsessed with their own intellectual capacity and impressed with their own accomplishments yet being also utterly devoid of that more sterling quality of being able to make commonsense judgments based on practical realism, there are those who are willing to lead this country backward along collectivist and politically authoritarian trails to new frontiers on which are nothing more than ghost towns abandoned by those in the past who felt progress could not be made until the human spirit was freed of its political and authoritarian chains.

They do not question the integrity or sincerity of those who actually believe that the only way they can bring the rest of the world to share our level of standards is to bring us down to their level and thus narrow the economic and social and cultural, yes, and political, gulf that separates us—bringing with it a golden age of peace. But I do question their judgment.

They miss the mark made by our great, yet relatively short, national history, first, because peace is the goal not freedom; second, because peace at any price is to them preferable to freedom with honor—some have come to the false conclusion that our Constitution is no longer adequate for the challenge of our age; third, some have lost faith in the capacity of the individual citizen to decide his own destiny and accept responsibility for himself and his own; fourth, they insist that interdependence with the Soviet bloc nations in Europe is the key to perfect peace for a world hell-bent toward the abyss of collectivism. We are indeed victims of a strange social disease that makes us finance our own destruction.

Too many have swallowed the propaganda bait that Marxism is the "wave of the future" and so we find ourselves in the strange role of supporting the causes of collectivist dictators throughout the world who are accomplishing their ends with the use of mere slogans that are appealing to the ear and strike a responsive chord in the emotional character of the finer nature of man. We are partners in a strange game of international roulette in which every bullet chamber is filled with the means by which freedom can be destroyed.

I left my pulpit in Burlington, Wis., which I served for just short of 15 years, to become a candidate for Congress, not because I had tired of the parish ministry but because I felt deeply that time was running out for freedom—for all that which our flag symbolizes—and that I might make a contribution to my Nation and my God that would be of value in these trying and difficult days—a contribution I would not make in the pulpit but which can be made only in the Halls of Congress.

I am of the firm conviction that from a theological point of view socialism is not compatible with the Judeo-Christian philosophy because socialism rests upon the philosophy of humanistic materialism, with its sole emphasis on the material man and the fulfilling of his material needs. Humanitarianism is not the answer to fulfilling the needs of man. It can keep men alive but it does not give them anything for which to live. The Judeo-Christian philosophy is that man is "more than flesh and blood and his body; more than raiment." He is indeed a spirit created in the image of God who is a Spirit.

Unless man is challenged and is made responsible for his own welfare and that of his loved ones, unless, of course, he does not have the strength or capacity to do so; unless he is set free to roam the vast frontier of unexplored ideas and is not thwarted in his attempt to find a better life by others who insist that he must operate within guidelines set by those who would sacrifice the pioneer "for the common good," man is reduced to the mere level of the animal of the field. He will be provided with pasture and shelter and a trough for food to which he can come when he gets hungry, but will be destined to serve only the ends of his beneficent or ruthless master, as the case may be.

Should we continue in our present direction we will become, from within, victims of the very evil we seek to avoid through an over $60 billion a year expenditure for military protection. In just plain words, it is this: we talk like free men but we act like apologists for collectivism and we will end up under a Marxist yoke. It is high time we realize that freedom is not secure even with nuclear subs guarding the moat that separates our front door from the enemy if we leave the rear window ajar that borders on the fertile plain of socialism.

Now it is not important that you either agree or disagree with me. It is important that you sift the facts upon which you make judgments: if freedom is what we want, we still have it within our means to save it. If socialism is what we want, we merely have to sit and wait. It will fast overtake us. There is no middle road. There are only those who desire freedom and those who desire to collectivize our national institutions.

While I am concerned, I am not frustrated nor am I discouraged. We in America are glancing out upon a horizon of an utterly fantastic age. No generation of people has more to gain by success nor more to lose by defeat than we here in America who live in the year of our Lord 1967. The challenge is ours as is the responsibility.

I return you for a moment to my opening quote:

> A thoughtful mind, when it sees a Nation's flag, sees not the flag only, but the Nation itself, . . . the principles, the truths, the history. . . .

Wednesday we will observe Flag Day. I wonder what it will mean to the great people of our land?

Our Stars and Stripes came into being and was born amid the strife of battle. It became the standard around which a free people struggled to found a great nation. Its spirit is fervently expressed in the words of Thomas Jefferson:

> I swear before the Altar of God eternal hostility to every form of tyranny over the mind of man.

Lest we forget, I remind you that it was the Stars and Stripes which in 1941 flew over the U.S. Capitol on December 8, when we declared war upon Japan and on December 11, when we declared war upon Germany and Italy. It proved to be the flag of liberation. Our flag flew over Pearl Harbor on December 7, 1941, and was the same flag which flew atop the White House on August 14, 1945, when the Japanese accepted surrender terms.

While those Stars and Stripes were waving majestically over the White House on August 14, 1945, I stood at attention looking at the same Stars and Stripes, which were battle-worn and weathered, flying in a gentle breeze on the flag staff of a heavy cruiser aboard which I served in the closing year of the war.

As a chaplain on active duty in the Navy in World War II and in the Korean crisis, I was aboard the U.S.S. *Louisville,* the flagship of the Cruiser Bombardment Division operating in the South Pacific which figured actively in the liberation of the Philippines and Okinawa. Less than 1 month after I assumed the chaplain's responsibility aboard her she received a direct hit from a Japanese kamikaze plane during the prelanding bombardment in the Lingayen Gulf.

We retired under cover of darkness to lick our wounds and to repair what we could of the damage. The admiral felt that though we were missing three of our nine 8-inch guns and had suffered the loss of only two 40-millimeter quads we should lead the fleet into the Lingayen Bay the following morning to resume our task of helping to prepare for the coming landings of the American liberation troops. Again we suffered another hit from a second suicide plane. Suffering some 65 killed and 150 wounded in varying degrees of seriousness we retired from the foray and when opportunity permitted, 10 days later, we began our journey back to the States for major repair and overhaul.

Overhaul completed, we returned to the fleet in time to help in the Okinawa campaign. Again we suffered yet a third direct hit from a suicide plane and retired to Pearl Harbor, for repairs, after burying the dead and taking care of the wounded. It was in the final testing stage of our newly repaired guns that the Japanese surrendered. Upon receiving official notice of surrender I requested permission from the captain to give a prayer of thanksgiving for peace from the bridge and suggested he might like to give a word of "Well done" to the men. We pulled into the harbor and tied up alongside the dock. It was there that the word came to the men that the war was over and that they were to be congratulated by a grateful nation for their sacrifices.

I shall always remember the scene from the vantage point of the bridge. Looking down I saw the men as they reacted to the news. Some could not contain themselves and shouted and jumped for joy. Some knelt in prayer; others seemed stunned by the news as if it were too good to be true while others sat or stood quietly in mute meditation.

After the captain's word and the prayer, a Navy band appeared on the dock and, after playing a stirring march, sounded off with "The Star-Spangled Banner." I can never forget standing there on that ship's bridge, at attention, under a beautifully blue Hawaiian sky, dotted by puffs of white cloud tinted with the reflection of a golden sun with tears streaming unashamedly down my cheeks as I stood at attention before the flag that was a rallying symbol through the battles and long dark nights of fearful waiting and anticipation.

I discovered the real meaning of the Stars and Stripes. I saw there not just red, white, and blue bunting but I felt again first, the cold hands of those I held as I said a parting prayer as they lay dying on the scorched deck of the cruiser; second, I heard again the fainting whisper of a young lad who asked me to "tell Mom it's all right;" third, I saw the men to whom the cost of battle was personal as I helped transfer their torn bodies, minus limbs, to hospital ships or tried many times in vain to bring comfort to their tortured and twisted minds which could not take more of the chaos and hell of battle; fourth, I recalled the dying words of the admiral who told me on his deathbed, having lived 3 days after his lungs were seared by the blast of an incendiary bomb which exploded near him: "Chaplain, we must pay a big price for big gains and I am willing to be part of the cost."

And, Mr. Speaker, I knew that freedom does not come cheap. It is costly to attain and equally costly to keep. You and I are free men because others died to buy us the time that we might pursue it, and God forbid—God forbid you and I should be too busy—too indifferent—too cowardly—to live for that cause for which others were willing to die.

That is why I say, Mr. Speaker, that this flag which is indeed the symbol, not only of freedom, but of the cost of keeping freedom is not to be ignored.

Every time we hear our national anthem, or see our flag go by, our hearts should swell up with humble pride. If to love one's country; if to respect our flag; if to pledge allegiance to that flag is superpatriotism; if to salute our flag is being a 110-percent American, then I stand convicted and I make no apologies for it—and I hope you will not either.

On Wednesday of this week I plead with you to put up your flag—and take the hands of the members of your family and sing together the national anthem. I urge you to look out upon your world in which we cry "Peace, Peace" but in which we know there is no peace.

Finally, may I suggest that you learn for yourself and teach your children the last stanza of our national anthem, for it bespeaks of the full extent of what America means to free men. It clearly sounds the warning to all that God is indeed the author of liberty and the flag the symbol of a Nation molded out of that faith:

Oh! thus be it ever, when free men shall stand
Between their loved homes and the war's desolation!
Blest with victory and peace, may the heav'n rescued land
Praise the power that hath made and preserved us a Nation.
Then conquer we must, when our cause it is just,
And this be our motto: "In God Is Our Trust."
And the star spangled banner in triumph shall wave
O'er the land of the free and the home of the brave!

Mr. LONG of Louisiana. Mr. Speaker, Flag Day this year means a great deal to Americans throughout the world, for it gives us another opportunity to commemorate the adoption by the Continental Congress of the original Stars and Stripes on June 14, 1777. Despite the bitter memory of recent attempts by the thoughtless and unwise to desecrate the flag, the great principles which it symbolizes still hold true for the present generation of Americans and free men everywhere.

It has been 190 years since our flag's adoption, and it is apparent to all reasonable men that it has stood the test of time. Today millions of Americans are flying the flag proudly because it is the symbol of strength and freedom and hope. Today, as much as ever, we need an untrammeled symbol to remind us daily that we do indeed have cause to be patriotic and steadfast.

Although we do not all agree to the exact procedures by which our system of government should operate, we do acknowledge the fact this Flag Day that we are a great nation, a nation in which we are free to worship, to work, to rest, to save, to invest, to own, to think, to vote, to travel, to learn, to teach, to preach, to agree, to disagree, to praise, to condemn, to serve, to create, to write, to speak, to play, to love, to be humble, and to be proud.

We have much to be thankful for in these troubled times, but more than any other we can be thankful for those principles of justice and liberty for which the American Flag waves so proudly today. I take very great pleasure in joining our fellow Americans in paying our respects to Old Glory and to that Nation for which she stands.

Mr. POLANCO-ABREU. Mr. Speaker, it is proper that we set aside one day each year to give particular reverence to our national flag, which is the symbol of the cohesiveness of all the people over whom it waves. The flag which we display today represents our identity as U.S. citizens, united against all outsiders if need be, but always united together, each one to all the others.

Flag Day 1967 takes on a special significance, because today one can scarcely think of honoring the flag without revering also our half-million youths in Vietnam who are undergoing indescribable hardships and who stand ready to make the contribution of limb and life if need be, that our cohesiveness, our togetherness, our strength in unity may endure. They are doing so that we as a nation, symbolized by this flag, may always champion, with the necessary strength to champion, the causes of man's freedom and dignity and the preservation of democracy as a way of life for all who despise aggression and slavery.

It is fitting also, I think, that the Congress is devoting its attention to Federal legislation to insure that the flag be treated with deserving respect. I am happy to say that Puerto Rico has one of the strongest penal code provisions to punish acts of disrespect or desecration to the flag. This law will be vigorously enforced whenever needed but, happily, the miserable fad of protest via flag desecration has not reached our island. Perhaps it is because of the mature and affectionate respect for meaningful traditions on the part of the Puerto Rican people.

Mr. DOLE. Mr. Speaker, I wish to take this opportunity to congratulate my colleagues who served on the Committee for Flag Day for the outstanding job they have done in arranging the impressive program we have just witnessed.

This day, which commemorates the adoption of the Stars and Stripes as our Nation's symbol, has always held special significance to the world's oppressed and has been a beacon light of freedom to millions who have come to our shores to seek a new life.

It has been my pleasure and privilege only within recent weeks to send a flag which was flown over this Capitol to one of our gallant fighting men in Vietnam who had requested it on behalf of his comrades and himself to properly display in their billet. Only yesterday I received a letter from a soldier in Vietnam telling me how proud he is to be serving our country and decrying the fact there are some who engage in acts which betray their efforts.

Mr. Speaker, the flag is more than just an emblem. It is the symbol of sovereignty of this great land, and the hope of countless millions throughout the free world.

Let this special day, which was so designated by act of Congress and approved by President Truman on August 13, 1949, take on greater significance each year it is commemorated. May Old Glory continue to wave in triumph "over the land of the free and the home of the brave."

Mr. BRASCO. Mr. Speaker, each and every day throughout the school year, millions of American children stand quietly beside their desks, and, with their hands over their hearts, "pledge allegiance to the flag of the United States of America." But as we grow older, and move from the world of school, all too often the words and pledges of the classroom grow distant and faint.

It is for that very reason that today, from coast to coast, we celebrate Flag Day. This is one day, set aside from all others, when we are reminded of the rich heritage and history that stand behind our flag.

For in itself, any flag is meaningless. One rectangle of cloth, variously colored, has no intrinsic meaning. It assumes, rather, only those meanings and symbols that we, as well as our forefathers, can give it.

It was the first President, George Washington, who described the first flag of our small, new Nation:

> We take the stars from heaven, the red from the Mother Country, separating it by white stripes, thus showing that we have separated from her; and the white stripes shall go down to posterity representing liberty."

This, then, is our flag. It is the flag that inspired Francis Scott Key, the flag that preceded our forces in two World Wars, in pursuit of liberty, justice, and equality for all.

The sum of our history, the sum of our achievements, the sum of our ideals are found in that flag. It tells of men not content to be ruled by others, who struck a blow for freedom two hundreds years ago that forever altered the course of world events. It tells of a people determined to make this bold new experiment in freedom a success. It tells of a nation that has risen to greatness on the strength and power of her ideals.

What are those ideals? The most basic is an abiding belief in the freedom of the individual. Our Constitution, our Bill of Rights, are both designed to insure liberty for each and every citizen. This was, in terms of history, a radical experiment. No other country had ever given and guaranteed such freedom. We built a democracy, in which everyone could participate, regardless of race, sex, or creed.

Coupled with that freedom, however, is a great deal of personal responsibility. The success of our way of life literally depends on the "man in the street" carrying out his responsibilities. Without his interest, without his vote, without his participation—democracy must fail.

This is why, in many senses, Flag Day is not one day at all. If we confine our patriotism to June 14 alone, then we have done little good. We should, rather, observe Flag Day every day. Our observance should be made of voting rather than parades, of meetings rather than speeches, and of interest rather than celebration. Only through such day-to-day commemoration of the importance and value of the flag, as well as all it stands for, are we doing justice to ourselves and our Nation.

There are some who think that in a modern world of jets and rockets, the values and meanings of a flag created hundreds of years ago have no relevance. But they are wrong. It is in these very times of peril, when we are challenged both at home and abroad to make freedom and democracy a working reality, that we need to cling to the ideals that have carried us to prominence. The emerging nations, the struggling nations, and the Communist nations, are all looking to us. It was President John F. Kennedy who proclaimed:

> Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty.

That burden, and that flag, are in our hands. It is up to present and future generations to meet the challenge of the new age, and carry forth the meaning of the flag into a new era. For it is in the flag of the United States that our belief in democracy and our love for America are given expression and permanence.

Mr. BERRY. Mr. Speaker, on this Flag Day, I would like to insert in the RECORD, portions of a letter which I received this week from Abraham Bordeaux of Rosebud, S. Dak. Abraham is a Rosebud Sioux Indian who speaks out for his people on desecration of our flag, as recently witnessed in the flag-burning demonstration in New York City. The Rosebud Sioux Indians are proud, patriotic people in the fullest sense of the word and Mr. Bordeaux's letter points out this fact very well.

I feel this letter should be read by all Members of Congress. I insert it as part of my remarks at this point in the RECORD:

A ROSEBUD SIOUX SPEAKS

It is impossible for me to believe that some of our Rosebud Sioux took part in a demonstration in New York City where they burned an American flag and individuals burned their draft cards.

We Indians were the first Americans. My ancestors were proud people. They did not like wars. They were peace loving people, but they always stood up for what is right. When they were called to take up arms to right a wrong they gave all they had. The Rosebud Sioux have lost men in World War I, II, Korea, and Vietnam.

I am a veteran of World War II. When Uncle Sam called me I went proudly. Also I am proud because by the grace of God I have been given three sons who were in the service after me. One son is still serving and will soon be on his way to Vietnam. We all stand up tall and are proud of serving our country. The burning of draft cards and the American flag are crimes in our code of ethics and should be punished as such.

You can see on Memorial Day or Flag Day throughout the reservation, our people proudly flying Old Glory with its red, white and blue colors which mean so much to us. You will never see Old Glory burned on the Rosebud Reservation. Woe be to the people who would dare to desecrate our flag of which we hold so dear. We have too many heroes buried throughout the Reservation who fought under Old Glory to protect our precious freedom.

The Sioux Indians are proud of their patriotic people. We cannot find words to express how ashamed and sad we are that a handful of people who were Sioux Indians took part in the recent New York protest. These actions were pretty hard to stomach by all the Sioux Indians wherever they were. I think our handful of people who made this trip were misled. I know this, I would never be a part of burning Old Glory or my draft card.

I am trying to right a wrong, the impression that has been made by a few of our Sioux Indians. I want the people who read this not to judge the Rosebud Sioux Indians by the action of twenty eight misguided people who took part in a demonstration. This whole disgusting thing makes sane people of all races sick.

Mr. DENNEY. Mr. Speaker, I would like to present the following remarks for the attention of my colleagues on this day of patriotism: Flag Day, 1967.

THE GREATEST NEED

At this crucial time in the history of America we are confronted with strife, turmoil, disregard for law and order, rioting, sit-ins, demonstrations, beatniks and draft-card burners on the domestic front and a fluid, changing world situation from the Far East to the Middle East, and in all our alliances, a general lack of respect for America in the capitals of the world. Some of these problems are brought on by a changing society where world travel has been shortened due to mastery of the air and an affluent society in America which has not reacted in the same manner to all American citizens.

As farsighted, progressive people, we should stand aside and look at ourselves to see what causes our shortcomings and then try to determine a remedy, based on lessons learned from the past, but not antiquated to the point of reverting to the past or remaining dormant.

In my opinion, there is a tremendous need on the domestic front for: First, respect for, belief in and pride in law and order; second, respect for, belief in, and pride in our form of government; and third, respect for, belief in and pride in the American people—all of the people.

Two weeks ago I had the opportunity to speak at a Memorial Day observance, and I am vitally concerned about the patriotic apathy among the adults as demonstrated by the fact that very few attended this memorial service. I noticed few flags flying in the residential or business areas, and a general attitude that Memorial Day should be observed by the patriotic organizations, but that the rest of our citizenry should spend their time watching the ball game or TV or enjoying some other recreational activity, as this day has become a holiday from work rather than a Memorial Day to honor the approximately 1 million men who will no longer work or take a holiday, having given their lives in defense of our great American principles.

I am firmly convinced that if we respect the man in blue who is trying to protect you and me, our homes, our families, and our property, and if our courts would return, in their decisions, to recognizing the rights of the victim and the vast majority of good citizens rather than being so concerned with the rights of the minority, and if those decisions proclaimed to the potential criminal that if he commits a crime against his fellow man, justice will be swift and decisively brought to bear, and there will be no relief from the courts on minor technicalities, we would see a reversal of the rising crime rate to a downgrading of the crime rate. This can only be accomplished by a basic respect for belief in and pride in law and order.

I am proud to be a Member of Congress and to have a part in the vital decisions that concern our domestic and foreign problems, and I think it behooves all of us to speak with pride of our form of government and to recognize that, although there are a few that will take advantage of their high position in unjust enrichment, the great majority of men and women holding public offices are dedicated, honest, sincere citizens trying to establish rules for the benefit of our entire society. We must take pride in and have respect for and a constant belief in our process of government, and rise to the defense at all times against those who would try to tear down the basic beliefs and principles which have made the United States the greatest country in the world.

We must always keep in mind the principle of the "dignity of man." You and I are citizens under our Constitution. We have voluntarily agreed that we will be bound by and carry out our responsibilities for the good of all mankind, and one major responsibility, no matter what a man or woman's race, color, or creed, as long as they believe in our system and are doing their utmost to carry on, we must give them the dignity they deserve as being citizens under our form of government.

Finally, I strongly believe that we are fighting for a principle, and I would like to relate a true story which took place on the island of Okinawa during World War II. It was at the foot of Sugar Loaf Hill, and six times the Marines had assaulted Sugar Loaf Hill, which lies near the capital city of Naha. It had been raining for 12 days, and all the men were tired and bedraggled. As was the case with most military men when they get a break, we immediately began to brew a pot of coffee, which we were doing at the time a line of marines from another company who were being pulled in to make a seventh assault on Sugar Loaf Hill were passing by us.

As they were going by, I noticed a young marine. I knew he was young, as he had fuzz rather than a tough beard. His eyes had that horror-stricken glare that men in combat sometimes get when they have seen events which go beyond the most fertile imagination. Feeling sorry for him, I handed him a cup of coffee. As he took it, tears came to his eyes, and of course we all looked away because we did not want to see a man cry. He drank the coffee, thanked me, and then said, "Captain, what are we fighting for?" I said, "Son, we are fighting for our mothers, our fathers, brothers, sisters, wives, sweethearts, and for the principles of peace in the world, the dignity of man and the security and right of every individual to chart his own course. Our Nation has a great destiny, and we are here to help fulfill that destiny so that our fellow men can carry out their responsibilities."

Mr. **KUYKENDALL.** Mr. Speaker, there are some who say we should not be concerned with the burning and desecration of the American flag. A recent editorial in one of the Washington newspapers noted "the flag is merely a piece of cloth," and held that to desecrate it should be no more than misdemeanor. I cannot agree that the American flag is merely a piece of cloth without meaning or purpose. Rather I subscribe to the words of Henry Ward Beecher:

> A thoughtful mind when it sees a nation's Flag, sees not the Flag, but the nation itself. And whatever may be its symbols, its insignia, he reads chiefly in the Flag, the government, the principles, the truths, the history that belongs to the nation that sets it forth. The American Flag has been a symbol of liberty and men rejoiced in it.

So when wild demonstrators burn and destroy the American flag, they are tearing at the very roots of liberty. This flag has stood for freedom and justice for more than a century and a half. Wherever it has flown men have been inspired to a greater resolve to be free. This flag has never led a war of conquest. This flag has never been raised in defense of the enslavement of mankind. Rather, its bright stars and broad stripes have been carried to the far corners of the earth whenever man's freedom was imperiled. It has been stained by the blood of countless generations of Americans who prized freedom more than their own lives and fortunes.

What better way to destroy freedom than by destroying the symbol of that freedom. It is an historic truth that when you destroy respect for the banner of a nation, disrespect for the nation itself is inevitable.

Do you believe that those who burned the flag in Central Park a few weeks ago felt they were burning merely a piece of cloth? Of course not, they were expressing deep and violent hatred for America and for all the principles for which America stands. They were trampling into the dust freedom itself. They were spitting on the graves of all those who have given the last measure of devotion in defense of liberty from Bunker Hill to the hills of 881 in the jungles of Vietnam. Burning the American flag is just as much an act of treason as giving outright material aid to the enemy because the purpose is the same—the destruction of faith in our country and its ideals and its glorious tradition.

Desecration of the flag in the spirit in which we have seen it displayed in recent weeks is deliberately designed to weaken our national will to resist aggression even when that aggression threatens the freedom of a friendly people and the peace of the world. Desecration of the American flag at a time when Americans are fighting and dying is deliberately designed to give aid and comfort to the enemy and, Mr. Speaker, I submit that giving aid and comfort to the enemy is treason no matter how it is excused in newspapers' editorials or by radio and television commentators.

On this day when we honor the American flag may we here resolve that it shall ever remain a symbol of freedom so that men in the deepest moments of despair may draw from it new inspiration, new strength, new resolve that freedom, God's most precious gift to man will not perish from the earth. May we look upon our flag in a sense of rededication to those glorious words in the national anthem:

> Then conquer we must when our cause it is
> just,
> And this be our motto, "In God is our trust."

And, tomorrow, when we vote upon the bill to punish those who seek to destroy free America by desecration of the American flag, may this body unanimously endorse our fundamental beliefs in the right of all men to be free in a world that prizes freedom under God.

Mr. **STEIGER** of Wisconsin. Mr. Speaker, today marks the 82d year that Flag Day has been celebrated in Wisconsin's Sixth District. For other parts of the country this will only be the 50th year that such a celebration is held.

I am proud to join my colleagues in commemorating the anniversary of the date on which the original design of the American flag was approved by the Continental Congress in 1777. No more fitting a tribute could be made to this Nation and what it stands for than this celebration today in honor of our flag.

The flag does not stand for or represent one political party or another, one administration or another, or any segment of our Nation and its population. The flag represents this Nation as a whole and everything it stands for. It is a symbol of our past and a dedication to our future.

I think Bernard Cigrand realized these things when he originated the first Flag Day back in 1885. The patriotic teacher was only 19 when he was teaching at Stony Hill School in Ozaukee County, near the village of Fredonia and now the village of Waubeka. He and his pupils were the first in the Nation to hold a recognized observance of the birthday anniversary of the American flag.

Children in the class read essays on the flag and discussed its history and meaning. A small flag was displayed on the teacher's desk.

After that brief but historic ceremony, Cigrand began urging his countrymen in letters and speeches to set aside a day for the flag. In 1894, the first citywide Flag Day observance was held in Chicago after Cigrand and a group of veterans proclaimed it at a meeting in the old Grand Pacific Hotel. More than 100,000 persons attended Flag Day ceremonies that year in the city's parks.

In 1916, Cigrand saw the realization of his lifelong struggle. That year, President

Woodrow Wilson proclaimed June 14 as Flag Day. At long last the flag had a day of its own.

No better explanation of why we celebrate Flag Day exists than Woodrow Wilson's original Flag Day proclamation which stated:

> The things that the flag stands for were created by the experiences of a great people. Everything that it stands for was written by their lives. The flag is the embodiment, not of sentiment, but of history. It represents the experiences made by men and women, the experiences of those who do and live under the flag.

For Sixth District citizens, June 14 is a double celebration and recognition. We join the rest of the Nation in the commemoration of the adoption of the American flag. At the same time, however, we remember Bernard Cigrand, an Ozaukee County schoolteacher who started this tribute to our flag and believed enough to convince an entire nation.

Mr. BROTZMAN. Mr. Speaker, I have been deeply moved recently by two reports of the damaging of American flags, and on this Flag Day, 1967, I would like to share my thoughts with my distinguished colleagues.

The storys of these two flags are as different as night and day and they represent, I believe, the opposite ends of the patriotic spectrum.

The first instance—a sorry spectacle—was the burning of an American flag in New York in April. I am sure all of us recall with distaste the photograph of a band of smirking demonstrators destroying our sacred national symbol to dramatize their disagreement with national policy.

The second story of a flag came to my attention only yesterday. One of my young friends, Sp4c. Richard L. Witherall, of Denver, Colo., wrote to me from Vietnam with regard to some comments I had made on Memorial Day about protection of the flag. I would like to quote part of that letter. He wrote:

> Speaking of the American flag, when I came over here in December, I asked my parents to send me my flag . . .. I asked the Captain if I could put it up in the village where we were, and he said "Yes."
>
> There were Vietnamese soldiers at one end of the village flying their flag and we were at the other end flying ours. It sure looked good! So far it is torn up a bit from the wind, and it has grenade holes through it from when we were up with the Marines. I had tied the flag to the antenna of the radio that I carry.

Mr. Speaker, the story of the first flag, shocking though it was, should not be disheartening. It proved two things—that this generation, like the ones before it, has its share of misfits and sensation-seekers, and that we must provide long overdue legislation to protect the flag from acts of vandalism.

I firmly believe, Mr. Speaker, that the story of the second flag captures the sentiments of the vast majority of the American people today.

It occurs to me, Mr. Speaker, that we in Congress should do everything possible to recognize the reverence toward the American flag displayed by Specialist Witherall. The world must know that we wholeheartedly support our flag and our fighting men.

For my part, I am sending Specialist Witherall an American flag which has been flown over our Nation's Capitol. I know that the flag I send—special though it may be—cannot compare with his in terms of sentimental and patriotic value, but it is my hope that he will lend me his flag so that I may display it in my office.

Mr. PATTEN. Mr. Speaker, our celebration of Flag Day will not be complete if we fail to look beyond the flag itself, to see what the flag symbolizes—for in this lies what makes the flag so great; this is why we commemorate the flag today.

Seldom do I walk into the Capitol of the United States without a deep sense of reverence when I see the flag flying overhead; similarly, it has given me a deep sense of pleasure to be able to make presents of flags which have been flown proudly over the Capitol dome to fine organizations in my district.

Yet, the flag is but a symbol of what has made this country great—of the 200 million Americans of all races and religions and ethnic backgrounds. When you think, you must wonder if we can fulfill the hope and promise which we have offered to all our people—that the whole Nation can live with freedom and justice for all.

As I scan this Chamber and see the Congressman from South Dakota who was born on an Indian reservation [Mr. REIFEL], the Congressman from Texas whose parents were original colonists of a Mexican state [Mr. GONZALEZ], the Congressman and lovely Congresswoman from Hawaii [Mr. MATSUNAGA and Mrs. MINK], and the Commissioner from Puerto Rico [Mr. SANTIAGO-ABREU], I realize that the American flag is wide enough to encompass them all and to give them all a feeling of pride and national devotion.

Sociologists have referred to America as the "melting pot" of nations and it is appropriate that this body, so representative of the Nation, be similarly composed. Under one roof and one flag, Congressman KLUCZYNSKI and PUCINSKI of Illinois, Congressmen DADDARIO and GIAIMO of Connecticut, Congressmen CELLER and FARBSTEIN of New York, Congressman GALIFIANAKIS of North Carolina and Congressman KYROS of Maine, Congressman NELSEN of Minnesota and Congressman OLSEN of Montana, Congressman ZABLOCKI of Wisconsin and Congressman VANIK of Ohio, Congressman DAWSON of Illinois and Congressman CONYERS of Michigan, Congressman O'NEILL and Speaker MCCORMACK of Massachusetts, and hundreds of others—of all backgrounds and from all national origins—have assembled to fulfill the dream of 200 million others with the same hopes and aspirations that my colleagues and their ancestors had when they decided first to make America their home and when they first saluted the American flag.

To these men and to all others in this Chamber and across this Nation whom they represent, the flag is more than just a cloth symbol—it truly stands for the untapped potential of the world's greatest democracy, seen throughout the world as a bastion of individual civil liberty and human freedoms. As one war rages in Southeast Asia and one hopefully draws to a close in the Mideast, we must consider the plight of the people of those war-ravaged countries and reflect how the American flag stands as a symbol to them too: of peace as an alternative to war, of prosperity as an alternative to poverty, and of justice as an alternative to oppression.

In his book "A Nation of Immigrants," the late President Kennedy quotes the poet Walt Whitman:

> These States are the amplest poem,
> Here is not merely a nation but a teeming
> Nation of Nations.

Although nearly two centuries have gone by since the American flag first waved, the basic desires and yearnings of the people of the world are little different now than then. As the flag represented hope and "the impossible dream" to the original colonists and the Founding Fathers so it represents the extension and fruition of that dream today for a future of world peace and understanding.

Mr. BLANTON. Mr. Speaker, history records from earliest times that man has identified with certain emblems or symbols. Celtic and Teutonic tribes that roamed the forests of what is now Western Europe, the small city-states of ancient Greece, the huge Roman Empire, the Crusades in the Holy Land, the exploration of the New World, and down to modern times, man has expressed his love of country or people, his obedience to its laws and his hopes in its ideals, through cloth banners we now call flags.

Americans have reserved today as a special time to salute our cloth banner. We are paying respect to the symbol of our heritage, to our present society, and to our future when we observe this "Flag Day."

We can recall our heritage by a mere glance at the flag when we see the 13 bold red and white stripes. These stripes are symbolic of the original 13 colonies which banded together as one in a common cause.

We can see the symbol of our present Nation when we gaze upon the 50 white stars on the field of blue. It is symbolic of 50 separate entities, united as one in a common purpose.

We can also look upon the future when we see our flag. For the flag is symbolic of the future dreams of America, tempered by a rich and proud heritage, and yet never remaining anchored—a Nation always progressing toward the good of its people.

Today, there is a small, insignificant number of our people who look upon our flag as nothing more than a piece of cloth. These people would burn or tear this national symbol with no remorse. They are blind to both its heritage and the future it speaks for. Their actions are geared solely to the present.

Yet there are many more who today give their lives under this banner. They are proud young Americans who use this flag as a symbol of the past, present, and future, and who gallantly defend its purpose. Nearly a half million Americans daily look upon this banner as their source of comfort and strength as they trod through the jungles of a land far from our shores. They realize that America has its shortcomings, but its institutions offer the best hope for free men.

Let us never focus our attentions on the few who show no respect for our banner, when so many give their lives for it. For those who defend that banner defend the right to even criticize what it stands for. The meaning of the flag—the essence of what it stands for—this cannot be torn up by anyone. Too many millions of Americans today and throughout our infant history have labored to perfect that symbol, to defend that symbol, to make that symbol live in the manners and actions of each generation for almost two centuries. Indeed, the cloth can be burned, feet can trod over it, but because the eye cannot see it will not mean that what it symbolizes is not there. As long as Americans hold fast to the dreams that flag has, and still continues to inspire, the flag will be in our hearts as well as on the staffs.

The American flag represents the most powerful nation on the face of the globe. It symbolizes the most advanced civilization that human history has recorded. It symbolizes a people drawn from every nation, every race, every walk of life that exists on earth. And yet this is a humble symbol—a flag which has never been used in colonialization or to force others to live under it—things it could easily do if it desired.

And yet the enemies of this flag have forced our people to go to war to preserve its dignity, to keep its ideals from being crushed by forces alien to the individual freedom of man. Today we find ourselves preserving the symbolism of our banner on the other side of the world. It is not arrogance nor territorial conquests which sends our flag on such missions—but the hope that someday our enemies will finally realize that as long as America is called upon to defend those ideals, it will not tremble in the face of rocket rattling.

Mr. Speaker, America today does not merely salute a piece of cloth. It salutes ideals, heritage and dreams. It is good for each American to pause a few minutes this day to look at our symbol, and to be thankful that men of many years ago had the vision to carve its place in mankind, and to remember that to preserve it, we must always be conscious of what it stands for, as well as to defend it.

Mr. FASCELL. Mr. Speaker, it was the first President of the United States, George Washington, who is credited with giving this description of the flag of this country:

> We take the stars from heaven, the red from the Mother Country, separating it by white stripes, thus showing that we have separated from her; and the white stripes shall go down to posterity representing liberty.

Thus it was that George Washington, Robert Morris, and Col. George Ross—a committee appointed by the Congress—designed the original flag of America. Popular legend tells us that the design was made into reality by the skillful hands of Betsy Ross. And so the banner that we honor today first came into being.

The history of that flag is the history of this Nation. How it grew, to include the expanding territory being added to the Union; how it adorned the sites of many famous battles marking turning points in our drive toward both freedom and prominence; how it has spread over the globe as a symbol of our leadership of the free world. In essence, that flag has come to mean the United States to countless thousands, both at home and abroad.

What we commemorate here, then, is more than just an outward symbol of our existence as a nation. We commemorate the ideals and concepts that made this Nation, and consequently, its flag, what it is today. For by itself, any flag is meaningless. It is only significant when it is imbued with the meaning given by a rich and noble heritage such as ours.

What is that heritage? It is first a heritage of independence, of a people restive under bondage of any kind—physical or mental. This country was born in a revolution against tyranny, and our history is full of our struggle to end tyranny wherever we found it—in the factory, in the halls of state, or in the attempted conquests of enemy aggressors.

And our heritage is one of dedication to ideals. Obviously, this Nation could have never become a democracy without a deep and firm belief in the dignity of the individual person. Our mode of life, our form of government, all our freedoms are predicated on that fundamental conviction. As a result, this flag has followed us all over the world—not in search of colonial conquest, but in the quest for peace and freedom for all men.

And, as any history book will tell you, an essential ingredient in this heritage is courage. It takes the truest kind of courage to stand by such convictions as we profess; it takes immense bravery to endure and prevail in the face of hostile ideologies. Our Founding Fathers understood well the necessity for both kinds of courage—not only the spectacular heroics of the battlefield, but also the day-to-day heroism of bearing the responsibilities of citizenship.

All these ideals, all this history, meet in the flag. Perhaps it was President Woodrow Wilson, in 1917, who best phrased the meaning and significance of this flag and this day:

> We meet to celebrate Flag Day, because this flag which we honor and under which we serve is the emblem of our unity, our power, our thought, and purpose as a Nation. It has no other character than that which we give it from generation to generation. The choice is ours. It floats in majestic silence above the hosts that execute those choices whether in peace or war. And yet, though silent, it speaks to us—speaks to us of the past, of the men and women who went before us and of the records they wrote upon it. We celebrate the day of its birth, and from its birth until now it has witnessed a great history, has floated on high the symbol of great events, of a great plan of life worked out by a great people.

Mr. MINISH. Mr. Speaker, the stirring Flag Day ceremonies that have been conducted in the House Chamber today are a fitting expresison of what the flag and its hymn, the Star-Spangled Banner, mean to Americans. On this 190th anniversary of Flag Day, we salute the Stars and Stripes and the principles for which they stand. We pay homage to the valiant servicemen with us who have paid a high price for freedom, whose invincible patriotism merits our pride and gratitude.

On June 14, 1777, the Continental Congress adopted a resolution providing:

> That the flag of the thirteen United States be thirteen stripes, alternate red and white: That the Union be thirteen stars, white in a blue field, representing a new constellation.

As we gaze today at the flag, grown to 50 stars, we are filled with pride at our glorious history and with confidence that the grave challenges that beset us today will be successfully met.

To our polyglot population, composed of all races and creeds from all corners of the world, the flag is emblematic of our shared devotion to the ideal of America as "the land of the free and the home of the brave." Denis W. Brogan, the noted English author, has aptly described the significance of the American flag to our citizens, whether first or fifth generation Americans. He described the flag as the "regimental color of a regiment in which all Americans are enrolled."

In devotion to the flag all Americans are one. It signifies our unity, our strength, our purpose in upholding the principles and the ideals of our beloved Nation. Let us respect it and be faithful to the great values which it symbolizes.

Mr. HAGAN. Mr. Speaker, it is my conviction that Flag Day was most fittingly observed with the ceremonies we witnessed today in the House Chamber. I certainly was most impressed with the observance and I want to congratulate my colleague, the gentleman from Texas, the Honorable JACK BROOKS, and other members of the Flag Day Committee. The bands and units from the various armed services did an excellent job and I am sure that all my colleagues were as impressed as I was.

It is my sincere wish that more and more programs of this stirring and patriotic nature will take place not only in the Congress, but throughout the Nation.

Today's Flag Day observance will not soon be forgotten by those of us who were fortunate enough to have attended and participated in this fitting ceremony.

ACTION NEEDED ON ANTIRIOT LEGISLATION

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I have today filed a discharge petition to remove H.R. 5920, an antiriot bill, from the House Judiciary Committee and bring it up for House consideration.

My action today was necessary because of the growing threat of rioting and other civil disturbances throughout the country. Every responsible citizen is disgusted with the behavior of rioters. Prompt and effective corrective action is a matter of urgent national priority.

The antiriot legislation that I introduced earlier this year provides an important first step in corrective action in that it prohibits travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance. This is the same provision approved by the House last year in the civil rights bill, but it did not become law when the Senate failed to act.

Outside agitators have been major factors in several recent disturbances, and it is essential that these agitators are apprehended, prosecuted, and punished for violation of Federal law. The Federal Government has a responsibility to act under the interstate commerce clause. This responsibility has been shirked too long.

It is primarily the responsibility of State and local governments to suppress violent civil disturbances. But many of the riots during the last 3 years have occurred in cities in the East, West, North, and South. They have been similar in the weapons and guerrilla tactics employed. And they have been unprecedented in magnitude and destructiveness. It is highly probable that the same agitators bear responsibility for mass violence throughout the country.

Citizens in every part of the country are demanding action against rioting. Laws will never provide a total solution as long as some members of society live in disrespect of the law. However, until people change, new laws are our only alternative to the "law of the jungle."

TO REQUIRE THE ESTABLISHMENT, ON THE BASIS OF THE 18TH AND SUBSEQUENT DECENNIAL CENSUSES, OF CONGRESSIONAL DISTRICTS COMPOSED OF CONTIGUOUS AND COMPACT TERRITORY FOR THE ELECTION OF REPRESENTATIVES

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2508) to require the establishment, on the basis of the 18th and subsequent decennial censuses, of congressional districts composed of contiguous and compact territory for the election of Representatives, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none, and appoints the following conferees: Messrs. Celler, Tenzer, Conyers, McCulloch, and MacGregor.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks today on the Flag Day ceremony, immediately after the expiration of recess.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PARIS AIRSHOW A SUCCESS

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. FRIEDEL. Mr. Speaker, as chairman of the Subcommittee on Transportation and Aeronautics of the Interstate and Foreign Commerce Committee, I had the pleasure of attending the Paris Airshow last month and I can assure my colleagues that you would all have been proud of the U.S. representation at this important event.

In a statement welcoming foreign visitors to the U.S. pavilion at the Paris Airshow, President Johnson said:

> Our County's exhibition at this 27th International Aviation and Space Salon is a mutual endeavor of American private enterprise and the United States Government. It reflects the shared hope of our government and industry for international cooperation on this planet and in the exploration of outer space.

Some reports in the press were critical of Members of Congress and other Government officials who attended this show but press reports are nearly unanimous in declaring that the American exhibit has been a huge success. I should like to read some excerpts from an article in the Washington Daily News of June 6, 1967:

> Americans visiting this greatest of all international airshows were proud of the U.S. exhibit, assembled as a joint industry-Government effort, "in the spirit of Lindbergh."
>
> All you had to do was watch the crowds of excited, admiring French aviation enthusiasts—particularly the younger ones—to know that we were the hit of the show.
>
> The U.S. exhibit tracing the history of aviation, gave generous credit to other nations, but naturally emphasized our own considerable contributions. It was fortunate that the show almost coincided with the 40th anniversary of that most dramatic of all flights, Charles A. Lindbergh's solo hop from New York to Paris.
>
> The Russians wheeled out their biggest aviation artillery—the giant AN-22 cargo carrier and their TU-62 four-engine, 186 passenger jet. The British and French, of course, had a model of their supersonic Concorde. But the American exhibit was pre-eminent in sheer variety of equipment displayed and in articulate presentation.

I take this opportunity to call these remarks to the attention of my colleagues who may have missed the favorable comments. I think it is also important to remember that the United States must continue development of the supersonic transport if we are to compete with the French, British, and Russians in air transportation in the future.

ANOTHER MARSHALL TO GRACE THE SUPREME COURT

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. FRIEDEL. Mr. Speaker, it is almost universally acknowledged by legal scholars that John Marshall was one of the greatest Justices of the Supreme Court of the United States. In his day he molded the constitutional law for our country and firmly established the great power and the finality of judgment of the Supreme Court.

Yesterday, the President nominated another Marshall to the Supreme Court and I commend him for this wise appointment and predict that Thurgood Marshall will add further luster to the name of Marshall.

As a Baltimorean, I feel particularly proud of this appointment because Thurgood Marshall was born in our great city in 1908 and attended its public schools. After he passed the bar, he opened a law office in our city where he displayed the outstanding legal ability that led to greater things for this distinguished man.

As a Representative in the Congress from the great State of Maryland, I also take justifiable pride in the fact that the present distinguished Solicitor General of the United States will become the first Supreme Court Justice from my State of Maryland since Roger B. Taney.

I thoroughly agree with President Johnson when he said that Thurgood Marshall has earned and deserves a place on the Supreme Court and is the man best qualified for this important position by reason of his training and wide experience. He argued and won 29 Supreme Court victories and his prior judicial experience on the U.S. Court of Appeals for the Second Circuit, as well as his excellent work as Solicitor General of the United States, gives him an ideal background and preparation to assume the high position as one of the Justices of the Supreme Court.

I have no doubt that the Senate will confirm this appointment and that after he becomes Mr. Justice Marshall, the country will have further reasons to view this appointment with great satisfaction. He has my very best wishes and my most heartfelt congratulations.

CALL OF THE HOUSE

Mr. SATTERFIELD. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. MILLS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 137]

Anderson, Tenn.
Ayres
Brock
Brown, Calif.
Brown, Mich.
Collier
Conyers
Corman
Diggs
Dow
Evins, Tenn.
Fuqua
Hanna
Hansen, Wash.
Hays
Lukens
McEwen
Mayne
Nedzi
Ottinger
Patman
Pelly
Pollock
Pool
Resnick
Rooney, N.Y.
St. Onge
Stephens
Tenzer
Thompson, N.J.
Williams, Miss.
Willis
Young
Younger

The SPEAKER. On this rollcall 399 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPROPRIATIONS FOR PROCUREMENT OF VESSELS AND AIRCRAFT, AND CONSTRUCTION OF SHORE AND OFFSHORE ESTABLISHMENTS FOR THE COAST GUARD

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5424), to authorize appropriations for procurement of vessels and aircraft, and construction of shore and offshore establishments for the Coast Guard, with Senate amendments thereto.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

On page 1, line 7, strike out "$98,776,000" and insert: "$97,776,000".

On page 3, lines 3 and 4, strike out "$39,662,000" and insert: "$37,663,000".

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. GROSS. Mr. Speaker, reserving the right to object—and I shall not object, I hope—can the gentleman tell me if all amendments made by the other body are germane to this bill?

Mr. GARMATZ. The Senate has taken out $1 million for the housing, and also a little over $1 million for other items.

Mr. GROSS. But are the amendments germane to this bill?

Mr. GARMATZ. Yes, sir.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

MOTION OFFERED BY MR. GARMATZ

Mr. GARMATZ. Mr. Speaker, I move that the House concur in Senate amendment No. 1.

The SPEAKER. The question is on the motion offered by the gentleman from Maryland.

The motion was agreed to.

MOTION OFFERED BY MR. GARMATZ

Mr. GARMATZ. Mr. Speaker, I move that the House concur in Senate amendment No. 2, with the following amendment in order to correct a typographical error:

In lieu of "$37,663,000" insert "$37,993,000".

The SPEAKER. The clerk will report the amendment.

The Clerk read as follows:

Mr. GARMATZ moves that the House concur in the Senate amendment No. 2, with an amendment as follows:

"In lieu of '$37,663,000' insert '$37,993,000.' "

The SPEAKER. The question is on the motion offered by the gentleman from Maryland.

The motion was agreed to.

THE CHALLENGE OF ASSURING PEACE IN THE MIDDLE EAST

Mr. FARBSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, Israel has driven her attackers from the battlefield and won one of the classic victories in military history. It would be tragic if subsequent events in the diplomatic field left the Middle East in as volatile a state as ever. It would be absurd if stability did not emerge from the change in the status quo. We as a great power would be derelict if we did not use all our influence to end the threat of war in the Middle East.

I must admit to a certain anxiety to what is now transpiring in the area of diplomacy. The Arab States, having failed abysmally to make good their threat to destroy Israel, are now sobbing the tears of the aggrieved and are attempting by guile to win back what they lost in battle. They are being supported by an astonishing number of countries.

The leader of the group, of course, is the Soviet Union. I am most troubled, Mr. Speaker, that Russia learned no lesson in the recent war. The Kremlin is trying to restore the cold war to the Middle East, as fast as Israel knocked it out. It seems still bent on troublemaking, however inept its allies proved themselves to be in carrying out their assignments.

Mr. Speaker, this is the moment for greatness for American diplomacy. It is time for us to step in and show that we will not countenance a restoration of the old system of constant provocation, for the next war may well spill over the boundaries of the Middle East. We must not worry about Arab sensibilities or oil companies or so-called nonalined nations. We must rise to the challenge of assuring peace in the Middle East—for the sake of Russia, Israel, the Arab States, and ourselves.

SETTLEMENT OF THE CURRENT RAILWAY LABOR-MANAGEMENT DISPUTE

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 511 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 511

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 559) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees. After general debate, which shall be confined to the joint resolution and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.J. Res. 559 it shall be in order to take from the Speaker's table the joint resolution of the Senate (S.J. Res. 81) and to consider the same in the House.

The SPEAKER pro tempore (Mr. NATCHER). The gentleman from Mississippi is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the usual 30 minutes to the minority, to the very able and distinguished gentleman from Illinois [Mr. ANDERSON] pending which I yield myself such time as I may consume.

Mr. Speaker, as the reading of the resolution reflects, it provides an open rule, with 3 hours of general debate, for the consideration of the joint resolution from the Committee on Interstate and Foreign Commerce.

Mr. Speaker, this is the so-called railroad strike legislation. It is a problem which I am sure the White House, the labor unions, and the Congress would like to see go away.

It is possibly the most controversial piece of legislation that has come before this House during this 90th Congress. Mr. Speaker, for those who are interested I would call attention to the main provisions of the bill.

No. 1, it would set up a five-man panel or a special board, which, of course, would be appointed by the President, to attempt to mediate this dispute that has been going on now for these long months between management and labor. This mediation could be carried on under the bill for a period of 30 days. Should mediation fail within 30 days, the board would hold hearings to determine whether the recommendation of the special mediation panel—which I understand is known as the Fahy Panel after Judge Fahy, who was the chairman—for a 6-percent increase for 18 months effective as of January 1, 1967, plus three 5-cent increments for journeymen and mechanics should be placed in effect or whether it should be modified.

The next step, after the special board has submitted its determination, is the intervention of another additional 30-day period which is provided to give the parties themselves an opportunity to reach an agreement.

Now, the fourth step is that if the parties fail to reach an agreement within this last 30 days, the findings of the special board would take effect. This would be the 91st day after the enactment of the pending joint resolution and would remain in effect for such period as the special board may determine but not to exceed two years calculated from January 1, 1967. However, again, under this proposed legislation, the parties may modify this determination so arrived at at any time by agreement amongst themselves.

Fifth, during this 2-year-or-less period neither side may engage in a strike or a lockout.

Finally, if all of the provisions of the joint resolution are utilized, in the absence of some agreement along the line, the determination arrived at will remain in effect for 2 years from January 1, 1967—or less if so prescribed by the board—and may be modified after the 2-year period through the procedures prescribed in the Railway Labor Act, which require initially the filing of notices under section 6 of the act, with prescribed statutory procedures following thereafter.

Mr. Speaker, I think that is an accurate statement of what the bill would do.

Now, Mr. Speaker, I said in the beginning that this bill was very controversial—this legislation—and, apparently, it will not go away.

Mr. Speaker, I do not know that I can add anything that will be helpful to the membership in determining this issue, but surely, Mr. Speaker, I do have some convictions of my own with reference to the proposed legislation.

Mr. Speaker, I do not like, nor do you or anyone else, the fact that we find ourselves in this position.

Mr. Speaker, I do know that this controversy has been going on for months and months and months. This is the third time that it has come to our doorstep here in the Congress of the United States.

And, Mr. Speaker, even this resolution, if enacted, is not going to finally solve the problem unless some positive and permanent action is taken with respect thereto.

I spoke of the interest of the executive department, I spoke of the Congress, I spoke of the labor unions, and I spoke of the railway industry. However, there is the vital interest of another group of people whom I have not mentioned and that is "Mr. John Q. Public," the taxpayers; that is the citizens of this country whom we are sent here to represent.

Mr. Speaker, these people have a stake in this matter. They have a real stake in this matter. That is why we must see that the wheels are going to continue to grind on the rails and to determine whether commerce shall be carried on between the various States and between the various subdivisions of the various States—whether the economy can, in fact, be carried on. Mr. Speaker, this boils down to the question as to whether or not people will be fed, whether they will be housed, whether we are going to have the foods which are so vital and necessary to the nourishment of the body.

Mr. Speaker, I am told upon reliable authority that the railroads will not accept any perishable product for transportation after tomorrow night without some action is taken to prevent the pending strike.

Mr. Speaker, that is a serious situation. It calls for some affirmative action on the part of this House. The Senate, as you are aware, has already passed this bill. I am confident that the membership of this body will meet its responsibility.

All of these things are involved but, my friends, there is another thing involved in this, and I want to call that to your attention if I may in conclusion. I refer to the war, the bloody war that is going on in Vietnam. Some of you will recall that I stood here in the well of the House about a week ago and said that for the first time, because of my economic philosophy, I was going to vote to increase the debt limit because I could not in good conscience in my own view—I do not pass upon the conscience of anybody else—vote to do anything directly or indirectly that would affect the ability of these boys that you and I had drafted, that we had appropriated all of this money for that they might defend themselves and win that bloody conflict over there. I feel exactly the same way about this situation, possibly even more pointedly, because you and I know that the heavy equipment that goes to Vietnam, or at least a great portion of it, must travel over the rails of this country to the ports of embarkation. I believe we owe those boys a duty. I believe we owe them a superior duty, and so I repeat here in all of the arguments that are made against this legislation with which I have sympathy, I am not going to be a party to crippling or hindering the efforts of those who are fighting and dying for this country over there.

There are going to be a lot of amendments offered to this bill, as I understand. I do not propose to pass upon the merits of them because, frankly, I am not familiar with them. I am going to meet that when the time comes, but what I am going to do, what I hope you are going to do—and I know you are going to do in the final analysis—I am going to exercise my humble vote in this body to prevent, if possible, the paralysis of the economy of this country; and at the same time see that the free flow of the necessary sinews of war continue to our valiant fighting men overseas.

Mr. Speaker, I urge the adoption of the resolution.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois [Mr. ANDERSON].

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I shall not proceed with a detailed recitation of the melancholy train of events that have brought us this afternoon to a consideration of House Joint Resolution 559. There is scarcely anyone within the sound of my voice this afternoon who is not aware, I am sure, that the situation had its seeds at least as far back as 1963 when we were called upon to exercise what was supposed to be kind of a one-shot compulsory arbitration of the railroad rules dispute in the railroad industry in that particular year.

Appendix A to the committee report presents a pretty thorough chronology of all of these events. I am reminded very much this afternoon of the story that many of you may have heard of the old couple in Illinois who had retired late on one winter evening and they were lying in bed, and after a while the grandfather clock in the hall began to chime, and it chimed 10 o'clock and 11 o'clock and 12 o'clock, and then finally it struck 13 times, and the old fellow awoke with a great start and nudged his wife and said, "Martha! Martha! Wake up! It's later than it has ever been!"

I believe it may well be later than it has ever been this afternoon for the institution of collective bargaining as we have known it historically in this country.

We have heard my distinguished chairman whom I deeply revere, regard, and respect, make a very emotional and moving plea—for the sake of the boys in Vietnam—for the sake of commerce that must move in this country that this legislation, as distasteful as it is, must be passed by this House this afternoon. And there is great concern. I read on the wire a few moments ago that there was a special cabinet meeting at the White House. There is great concern that maybe this bill will not pass in precisely the form that it was reported out by the Committee on Interstate and Foreign Commerce.

We heard something about "twisted arms" as the Committee on Rules listened to testimony on this bill yesterday.

I know also of a statement a few minutes ago by the Secretary of Transportation, Alan Stephenson Boyd, accusing one of the parties in this dispute, Roy Siemiller, president of the International Association of Machinists "as part of a group, extremely small in number, who apparently have no concern for the public welfare but only for their own selfish interests."

I wish Mr. Boyd or someone on behalf of this administration would have had the courage to talk like that a few weeks ago back in May of 1967 when this committee began its meetings.

Pretty late, at the 13th hour we are beginning to see a little courage emerge from this administration as to where the finger ought to be pointed and where the blame ought to be assessed.

I am a little tired of hearing about a "crisis" every year in this Chamber and being told I have got to pass this bill this afternoon in precisely this form without amendment because the administration has said this is the only way the job can be done.

Why has not the presidential task force reported to the Nation and to this Congress on emergency strike legislation? No, because a consensus cannot be reached. Somebody's feelings may be hurt. Somebody's toes might have to be stepped on.

I, for one, am getting a little tired of government by consensus. Government by consensus too often becomes a government by crisis. When it comes to legislating like that in this Chamber, I am not very sure that we would make a very wise decision under circumstances of that kind.

We have had effort after effort, we have had a National Mediation Board to get into this dispute. Then we had an emergency board, and then we had a special mediation board and we have had some of the most distinguished people in our country. Yet, today we find ourselves literally almost at about where we started.

Now we are told that the administration's proposal is not only necessary but that it is urgent and that we are left with no other choice, that it might bring the dispute to an end, and that this further mediation and compulsory arbitration—this erosion of the collective bargaining process in our free society, is alright and that we should put all of our faith and trust in Emergency Board 169 and what restrictions or recommendations they might make.

This situation parallels so many others in recent time and the proposals spawned by this administration under fancy titles. But when we look beyond the rhetoric and peer at what is under the fancy book cover—yes, call it even a false facade, we seem to consistently find a resort to deceit.

We are going to hear talk this afternoon I am sure in this debate about the boys in Vietnam and how we have to protect them and how we have to protect this country.

Most of us sat in this Chamber a few minutes ago and heard and saw some very moving ceremonies in honor of Flag Day. Indeed, we were reminded that there are some intangible rights represented by the American flag that are just a little bit more important than money.

One of the saddest things for me to read was this report of the committee and to find what they had to say about all that is involved in this dispute between the railroad unions, the shop craft unions and the railroads is money. You will find that in the committee report.

What kind of barbaric society—what society is this—have we come to the point where the commerce of this great country can grind to a halt because a few selfish, mercenary individuals, and I care not where they sit, be it on the side of labor or management, are not willing to compromise their differences between 6 percent and 6½ percent—or between 5 percent or 12½ percent on these wage and equity payments.

We can talk about the boys in Vietnam—and let us do it. But let us ask ourselves what kind of society are they going to come back to when they come back after 3 years or 2 years in Vietnam? Are they going to come back to a society in which wage rates are controlled by the Federal Government, where conditions of employment, hours, wages, and management decisions that ought to be left to the free-market economy, have become the sole dictate of the Federal Government? Is that the kind of society that they are going to come back to and inherit? Then I wonder if all the sacrifices that they have made will prove to be worthwhile.

Call me emotional, if you will, and maybe I still labor a little bit under the emotion I felt as I sat in this Chamber at the ceremonies a few minutes ago. But I wish we could have had those representatives of labor and management in this Chamber to listen to that program, because when I read in this report—and I think I am correct—that between April 25 of this year and June 6 they did not even meet face to face to consider and to discuss their differences, I thought it was shocking. I think it is disgraceful. I, for one, resent the fact that this Congress is called upon to pull the chestnuts out of the fire, be it for management or be it for labor. They ought to have just as much concern about this matter, just as much patriotism, and they ought to feel the public interest just as keenly as any Member of this body.

I do not like this joint resolution in its present form. I doubt very much whether I shall vote for it if and when we come to the end of this debate it is in the form that it is now, because conservative that I am, I recognize that there are some pretty basic fundamental rights in American society, one of which is that men shall have the right to freely direct and to determine those conditions under which they will live. And I do not know whether I am vain in hoping that maybe some of those representatives of labor and management may be listening to my voice this afternoon or may be reading this debate and have a last-minute stroke of conscience that can bring them even now to the bargaining table where they belong before this Congress is called upon to pass this kind of legislation.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from Washington [Mr. ADAMS].

Mr. ADAMS. Mr. Speaker, my colleagues in the House, and particularly the gentlemen who have already addressed you, I will not take a lot of time during the discussion of the rule, but I do know that there is confusion in the House because of the very short period in which this has come up.

I also want to make it very clear that no member of this committee, nor I am sure now of this House, relishes the position that we are in. We did not ask for it, and many of us highly resent the fact that the Congress of the United States is expected to be the final arbiter of all national disputes.

I will not delay the debate on this rule, but I do want to indicate very clearly to the Members of the House that there will be a substitute offered. It will be offered during the first part of the amendments on this bill, and it will be a substitute for the entire bill. Actually it is a compromise. I think we must recognize the facts that have been pointed out by the first two speakers on this rule: One, we cannot allow our economy at this point to be completely crippled by a rail strike. We owe this to our men overseas. We owe this to our people. And we as Representatives of these people have that ultimate responsibility.

I believe we have also the second responsibility pointed out by the most recent speaker, that for this Congress and for this Government to set by compulsory arbitration—call it what we will—the terms and conditions under which men work will bring a great tragedy. We will hear during the debate today that if the Congress shall decide each of these, we might just as well be prepared to decide each of them in the future, because the parties at the bargaining table will know that there is a final step and, gentlemen, that buck stops here in the Congress.

Many of us disagree with that principle. I want to make it very clear that the chairman of our committee and other Members—but in particular the chairman—had moved heaven and earth with these parties to make them agree, and we did not terminate our hearings until both parties sat in that room, looking all of us directly in the eye, and said: "We cannot agree." This was after they had been asked to go out and try again and try again.

On the substitute that will be offered—there are copies in the rear of the House—which is House Joint Resolution 585, each of the Members received in the mail this morning a letter and a memorandum on this resolution. Basically it is a compromise, to try once again to save collective bargaining. It basically sits between the President's proposal and those who say, "Let the matter go to strike and the parties will settle."

What it tries to do is place the pressure on both sides in an even-handed manner to say, "Settle this. A plague on both your houses. We will not take sides. We would ordinarily leave you to your economic weapons but in this case the public interest," as pointed out by the gentleman from Mississippi, "is that we cannot allow a crippling rail strike while we are at war." So we must substitute for the absence of economic weapons.

The deadline on this, and make no mistake about it, is 12:01 on June 19, which is next Monday. As of that time there will be a strike.

Mr. ANDERSON of Illinois. Mr Speaker, I have no further requests for time.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. MOSS].

Mr. MOSS. Mr. Speaker and my colleagues of the House: Some 44 days ago I stepped into the well of this House in opposition to the resolution then before us, requesting postponement of this labor controversy for 47 days. I stated my firm conviction that we were merely postponing the inevitable, that we were not facing up to any of the basic issues.

Now we are here, once again, asked to postpone, and then to mediate to finality—whatever that means.

I do not oppose this rule, but I want to make it very clear to every Member of this body that the alternatives are not the adoption of the resolution as it came from the committee or a strike.

In between, during the course of the debate here today, we shall have the opportunity of examining and evaluating a variety of alternatives.

I feel very, very strongly, as the distinguished minority member of the Rules Committee has stated, that there are certain things we should preserve. If they are worth fighting for on a field of battle they are worth preserving in this Chamber on this floor, where we speak for free men and for free women, and we should attempt to effect every appropriate compromise to preserve those rights.

The right to contract freely for one's

labor is certainly one characteristic of this society worth every effort, every energy, every bit of intellect of this House to preserve.

During the period of this dispute there has been a shocking lack of meaningful negotiation. There has been less time spent in more than a year by the principals in an effort to reach a solution than there has been by the Committee on Interstate and Foreign Commerce of this House in the past 2 weeks, in its effort to learn the facts, to fathom the full measure of differences.

I believe we are deserving of something better from our industry and something better from our labor than to be faced periodically with problems of this type, which inevitably tend to compromise the liberties of one or the other.

So I ask today that we adopt this rule and that we—each of us—pay close attention to the debate. It is more significant than the political future of any individual or of individuals. It is fundamental to the preservation of a society and a way of life. It requires close attention and most serious consideration.

Mr. **COLMER**. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. PICKLE].

Mr. **PICKLE**. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. **PICKLE**. Mr. Speaker, I wish to give my strong endorsement to House Resolution 511 and to House Joint Resolution 559 as a solution to the current rail dispute.

It is a bill which gives the widest possible latitude to the bargaining positions of the parties, and I believe it is a well-considered answer. The current rail dispute has developed too far for Congress to handle on anything other than an ad hoc basis, and I think that the collective bargaining to be carried out under House Joint Resolution 559 and the ultimate solution contemplated in the bill are in keeping with what the parties themselves would agree to if the situation were not disrupted.

One thing that bothers me about this entire matter is that we should not have to be considering these disputes on a case-by-case basis. During the hearings we had in the Commerce Committee, it became clear to me that Congress is not equipped to "mediate" labor disputes. Yet that is exactly what we have been trying to do.

Time and time again in the hearings, we were faced with the situation of not knowing what the parties really stood for, and who, if anyone, was dealing in good faith. When management appeared before us, labor was the villain; when labor was there, management was the one with dirty hands.

Since February, I have talked of the need for a permanent solution to the problem of emergency transportation strikes. And now, to anyone who agonizes over the need to face such a hot and contested dispute, I ask—why have we not demanded congressional initiative in this area? Why have we denied Congress its traditional policymaking function, and relegated it instead to the role of trial examiner?

In February, I introduced a bill, H.R. 5638, which would make a permanent amendment to section 10 of the Railroad Labor Act. The bill creates procedures which are to be followed in critical transportation disputes, and many of the steps I proposed there are very similar to the procedures before us today.

My bill calls for the National Mediation Board to notify the President of a dispute that "threatens substantially to interrupt interstate or foreign commerce to a degree such as to deprive any section of the country of essential transportation."

The President would then have two choices: First, to appoint a nonbinding Emergency Board; or second, to announce his intention to appoint a binding Special Board.

If the President took the first course of action, the Emergency Board would have 60 to 120 days to make recommendations, followed by another 30-day cooling-off period.

After the report of the Emergency Board, the President could—

First. Send the report to Congress with recommendations for action;

Second. Put the Board's recommendations into effect for 120 days; or,

Third. Announce his intent to set up a binding Special Board.

Whenever the President decided to turn to the binding Special Board, the two sides would have 10 days to select members and agree on procedures. If they refused, the President would do so. The Special Board's conclusions would be final, binding, and enforceable in Federal courts for a period up to 2 years. But at any time during that period, the parties could mutually agree to alter the terms of the Special Board settlement.

My bill would vest the President with the power to analyze disputes such as the one before us today, and decide whether to allow a strike to proceed, whether to select a Special Board to arbitrate the matter, or whether to send the controversy to Congress with recommendations for action.

The report of the Commerce Committee on House Joint Resolution 559 admits that in the last 4 years, we have been dragged into these disputes three times. Since 1963, every major dispute has been tossed in our laps. If there is anyone in this Hall who thinks that situation will change, I can tell you it will not.

It is obvious that we must amend our labor laws. Recently, I have been heartened to see some of our leading newspapers calling for action. In the Washington Post and the New York Times, neither particularly noted for maintaining conservative views, we have seen numerous editorials calling for permanent legislation.

I personally have been in correspondence with many of the Nation's most noted law and economics professors, and with leading figures in the major bar associations across the country. I can report to you now that there is a movement stirring to correct this situation, and that the approach most usually mentioned is very much like the bill I introduced.

I admit that there may be ways in which my bill could be strengthened, borrowing, in part, from the procedure of the bill before us today. But the important thing is to realize that permanent legislation can be created which will leave enough flexibility to preserve the basic cornerstone of our national labor policy, and at the same time, give the public the "third seat" it so sorely needs at the bargaining table.

Our Nation's labor laws have not needed too many amendments. In their respective areas, the Railroad Labor Act and Taft-Hartley have done a good and reasonable job. But I say it is time that we moved to assure that our laws are responsive to the situations of the times. I say that it is time we created an arsenal of weapons or a Presidential choice of procedures to deal with these problems.

The articles referred to follow:

[From the Washington (D.C.) Post,
Mar. 17, 1967]

EMERGENCY STRIKE BILL

It is gratifying to see that the problem of emergencies resulting from strikes is getting some thoughtful attention this year, at least in the transportation field. Representative J. J. Pickle of Texas has introduced a bill that would substantially modify the procedures under the Railway Labor Act. Mr. Pickle recognizes the need for additional power in the Government to cope with these situations and seeks to provide it with a minimum impingement upon free collective bargaining.

Under his bill the Mediation Board would notify the President if, in its judgment, a dispute between a railroad or airline and its employees should threaten to deprive any section of the country of essential transportation service. The President would then have a choice of procedures. He could appoint an emergency board or a special board to investigate the dispute. If he should prefer the emergency board route, he could direct the board to outline the facts behind the dispute and to make recommendations for a settlement within a period of 60 days, with the right to extend the period for another 60 days.

Work would continue during that time and for 30 days thereafter. If no settlement had been reached at the end of the "cooling-off period," the President could send the report to Congress and ask for legislation; or he could put the working conditions recommended by the board into effect for up to 120 days, to allow further time for a settlement; or he could notify the parties of his intention to name a special board. This would be a last-resort measure looking toward arbitration. The parties would then have 10 days to set up their own board to make a final and binding arbitration of the dispute. If they should fail to do so, the President would name an arbitration board of three, with one representative of each side and a public member. Its decision would be final and binding for not longer than two years, subject only to an appeal to the courts grounded on fraud or violation of the law or the Constitution.

Elaborate though it is, this formula has many virtues. It would extend the periods of mediation if necessary. It would open a variety of routes to a solution, thus allowing flexibility in meeting different situations and intensifying pressure for agreement because of the uncertainty as to which route might be chosen. It would discourage employer procrastination for the sake of continuing the status quo by putting into effect the emergency board's recommendations, if the President so ordered. Finally, it would come to compulsory arbitration only if all else failed to protect the public interest in continued operation of the transportation system.

Of course, any system that may be adopted should extend beyond railroads and airlines to other industries in which continuous operation is essential to the public interest. But there may be some advantages in moving one step at a time. The hopeful thing about this bill is that it may provide a foundation on which the Administration can base its own request for legislation. The recommendations on this subject promised by the White House some 14 months ago have not yet been forthcoming. If the President's experts are still at odds among themselves, he could at least commend to Congress the thoughtful work of Mr. Pickle.

[From the New York Times, June 12, 1967]

KEEPING THE TRAINS RUNNING

The overwhelming vote by which the Senate passed President Johnson's bill to avert a national railroad strike betokens no vast enthusiasm for the complex peace formula. Rather it reflects Congressional recognition that collective bargaining has broken down on the railroads and a statutory prod is needed to keep the trains running.

The bill will have tougher sledding in the House, where efforts will be made to substitute a resolution calling for seizure of the railroads. The controversy may continue almost up to the strike deadline of June 19. Undoubtedly the end result will be a law embodying the Johnson formula for a blend of negotiation, mediation and compulsory arbitration.

The real puzzle is why such laws must always be enacted under the whip of a strike crisis. The country would be much better protected if Congress gave the President an appropriate arsenal of weapons to ward off national emergency strikes without panicky improvisation every time a fresh threat arises.

Now, Mr. Speaker, I will talk to the gentleman from Illinois about the bill in detail and with respect to the provisions thereof. Therefore, I yield to the distinguished gentleman from Illinois [Mr. ANDERSON].

Mr. ANDERSON of Illinois. Mr. Speaker, I thank the gentleman from Texas for yielding, and I wish to applaud the gentleman publicly for the initiative which the gentleman has displayed, and if the gentleman is remiss in his interpretation of this matter——

The SPEAKER pro tempore (Mr. NATCHER). The time of the gentleman from Texas has expired.

Mr. COLMER. Mr. Speaker, I yield the gentleman from Texas [Mr. PICKLE] 2 additional minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield further?

Mr. PICKLE. Yes, I yield further to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, if I have been remiss in this regard, I wish to publicly confess that fact at this time. I do want to ask the gentleman from Texas, however, this question.

Mr. Speaker, has the gentleman from Texas ever at any time received any encouragement whatsoever from the Secretary of the Department of Labor, the Honorable Willard Wirtz, in support of his bill or in support of any similar legislation?

Mr. PICKLE. At any time?

Mr. ANDERSON of Illinois. And, Mr. Speaker, if I may continue for just a moment, I understand from the committee report on this resolution, House Joint Resolution 559, that he did ask about the recommendations of the Presidential Task Force on Emergency Strike Legislation, and that the Secretary of the Department of Labor, Mr. W. Willard Wirtz, stated that perhaps there will never be any such recommendations upon such legislation.

Mr. Speaker, I wonder, in view of that fact, whether the gentleman has any cause to believe that that not only will he have the support of this minority Member of this body, but will the gentleman have the support of the Secretary of the Department of Labor and the support of the administration as well as the support of the people who control the majority membership in this Congress.

Mr. PICKLE. Mr. Speaker, I would reply to the distinguished gentleman from Illinois [Mr. ANDERSON] yes, I think we do. I think the Department of Labor and the other executive departments of the Government are waiting to see what will happen on this bill.

Mr. Speaker, I asked that particular question of the Secretary of the Department of Labor and he said that he did not know whether such support is coming.

Mr. Speaker, I think the American Bar Association is going to establish some type or kind of rules with reference to this matter, rules designed to be of help and improvement in the resolution of these labor problems, and it is my hope and sincere wish that they shall be shortly forthcoming.

Mr. ANDERSON of Illinois. Mr. Speaker, if the gentleman will yield further, if I could be as sincere and sure as the gentleman from Texas is about the prospect of this or any other type of similar legislation being submitted, this would ease my fears with respect thereto. However, Mr. Speaker, one of the reservations I have—and it is very real and of deep conviction—is that once it is passed, once we push this whole troublesome matter back to January 31, 1969, any impetus behind the bill which has been offered by the distinguished gentleman or which has been offered by anyone else, is going to die with it, together with any real desire and drive to get this kind of legislation enacted that is most desperately needed, is going to fall by the wayside.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. NATCHER). The question is on the resolution.

The resolution was agreed to.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 559) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution House Joint Resolution 559, with Mr. MILLS in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule the gentleman from West Virginia [Mr. STAGGERS] is recognized for 1½ hours and the gentleman from Illinois [Mr. SPRINGER] is recognized for 1½ hours.

The Chair recognizes the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. Mr. Chairman I am here today in a most unusual position. I was requested by the President to introduce the bill we have before us today, and because of my responsibilities as chairman of the committee, I introduced the bill. If the House was to be given an opportunity to work its will on this legislation, it was necessary that hearings begin promptly and continue as expeditiously as possible, and I think the record will bear me out, that the hearings before our committee have been prompt, they have not been delayed in any respect.

In fact we interrupted consideration of a very important piece of health legislation in order to take up this bill. We have heard every witness who wanted to be heard on the legislation. I did this because I felt it to be my responsibility to the House as chairman of the committee.

Following the conclusion of our hearings I promptly scheduled executive sessions for consideration of the bill and we met as promptly as possible both morning and afternoon and the committee reported the bill to the House.

Yesterday I went before the Rules Committee as chairman of the committee to present the facts to the Rules Committee and attempt to obtain a rule so that the bill would be considered by the House. I have done these things because I felt it is my responsibility to do so as chairman of the committee.

Unfortunately, Mr. Chairman, I was opposed to this bill when I introduced it, and having heard all the witnesses and all the testimony, I am still opposed to it. For that reason I have asked the gentleman from Maryland [Mr. FRIEDEL] to handle the bill in Committee of the Whole, so that I would be free to express my opposition to it.

There is a disagreement between members of our committee as to the proper course of action for the Congress to take in this dispute. The majority of the committee feels that the passage of the resolution presently before the House, without doubt, is the best solution to the problem facing the House. I do not agree with this position although I certainly concede to those gentlemen their right to their opinion just as I hope they will concede to me my right to disagree with them.

I am not convinced that there would be a nationwide railroad strike if the Congress passed no legislation. We really do not know, since the last time there was a nationwide railroad strike without the Federal Government having authority to intervene and prevent the strike from occurring or continuing, was in 1922. For 45 years the railroads have operated under what amounts to a no-strike umbrella. A witness for the railroads pointed out that a strike would cost the railroads $12 million a day for each day it continued.

Even if I am wrong in my assumption that perhaps the Congress would be better advised to do nothing in this case, I think the bill before us is deficient in that the pressures it applies are completely one sided and apply only to the unions.

I think management is being favored in this legislation. When free men are compelled to work for wages and under conditions that are unacceptable to them, I do not think that the industry for which they work can long hope to remain under private ownership. If we are going to take away freedom from the working man who has built this country, I am confident we will eventually balance the scales by taking away the right of business to operate for private profit where wages are set by Government under compulsion.

A number of amendments were offered to this bill during its consideration in executive session designed to equalize the burden of the bill by giving management incentives to negotiate through collective bargaining that management does not have under this bill. I expect to support amendments to this effect when they are offered.

Our committee also adopted another amendment during executive consideration which later was reconsidered and was then defeated by a tie vote which would have assured that the employees affected by this dispute would receive wages comparable to wages of other persons holding similar jobs throughout America. If this amendment had carried, my attitude toward the bill might have been different.

Mr. Chairman, this concludes the presentation I desire to make on the bill. At this time I request the gentleman from Maryland [Mr. FRIEDEL], the ranking majority member on the Interstate and Foreign Commerce Committee, to take charge of managing the bill on the floor.

Mr. FRIEDEL. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the House today faces a most difficult situation. Next Monday at 12:01 a.m. a nationwide railroad strike will occur unless Congress passes some sort of legislation between now and then. As a practical matter then—this means we have to pass legislation and get it to the White House by Saturday—so there isn't very much time available to us.

Our committee has brought to the House today a bill that none of us really wanted to vote for. The bill provides a means of settlement of the current labor-management dispute in the railroad industry that should have been settled by collective bargaining. There is not a member of our committee—and I am sure that there is not a Member of this House who does not feel that the proper way for this dispute to have been settled is through the process of collective bargaining. That is the way labor disputes should be settled and that is the way this one should have been settled. But we have to face facts and the facts are that in this case collective bargaining has failed. Unless we pass legislation a nationwide railroad strike will occur and this strike will have very serious consequences on our efforts in Vietnam, our defense effort throughout the United States, the health and safety of numerous segments of the American people, and the strength of our economy.

In a message to the Congress earlier this year the President pointed out the consequences of a nationwide strike.

Members can find a summary of the situation in the committee Report No. 353 beginning on page 9:

> On the first morning of the strike three-quarters of a million rail commuters in New York, Chicago, and Philadelphia alone would be unable to take their trains to work.
>
> Shipments of perishable foodstuffs to many major cities would be halted at once.
>
> Actual food shortages could soon occur in several cities.
>
> Some health hazards would develop. For example, supplies of chlorine used to purify community water supplies would grow short.
>
> The coal mining industry, with 140,000 workers, would cease operations almost at once.
>
> Many other industries which rely heavily on the railroads—such as metal mining, steel, chemicals—would be badly crippled and soon begin to close down.
>
> For a week or more most factories could operate from their inventories. Soon, shortages and bottlenecks would begin to curtail production drastically. A spreading epidemic of lost production and lost jobs would sweep through the Nation.
>
> A 1-month strike would reduce the gross national product by 13 percent. That would be nearly four times as great as the total decline that occurred in the Nation's worst postwar recession. It would drive the unemployment rate up to 15 percent—for the first time since 1940—putting millions of workers out of jobs.
>
> In short, a railroad strike would affect every man, woman, and child in this Nation. It would increase the cost of living. Each day the strike continued would bring pyramiding losses in goods, services and income—losses which can never be fully regained. A prolonged strike could well break the back of the Nation's stable prosperity for some period to come.
>
> Beyond this, there remains the impact of a rail strike on defense production, and particularly on our 500,000 brave servicemen in Southeast Asia.
>
> For example:
>
> Forty percent of the total freight shipped by the Defense Department is moved by the Nation's railroads. A strike would materially disrupt these vital operations.
>
> Shipments of ammunition will be critically affected. During April 210,000 tons of ammunition are scheduled to move to ports for overseas shipment. About 175,000 tons are going by rail.
>
> Production of ammunition will be hindered, Sulphuric acid a key ingredient for ammunition, moves only by railcar.
>
> The movement of gasoline and jet fuel for our combat and transport aircraft heavily depends on railroads.
>
> The M-48 tank and other heavy military equipment used in Vietnam can be shipped only by rail.
>
> Strategic missiles such as Polaris and Minuteman are moved by specially equipped railcars.

Faced with this situation, the majority of our committee voted to report this bill to the House.

The bill, as reported by the committee, establishes machinery for settlement of the current dispute. It is limited strictly to the dispute involving the shopcraft unions—which has already been considered by the Congress twice this year in two bills extending the no-strike provisions of the Railway Labor Act.

As reported by our committee, the bill is identical to the bill as passed by the Senate last Wednesday. It establishes a five-man special board to be appointed by the President which will engage in mediation for the first 30 days after the enactment of the legislation. It is hoped that this special board can lead to the settlement of the dispute during this period; however, if this does not prove possible, at the end of 30 days the special board will hold hearings at which time each side to the dispute may present its views as to whether or not the recommendations made by the Fahy Panel for settlement of this dispute should be placed in effect, and what modifications, if any, should be made in those recommendations. At the end of 30 additional days the special board is to make a final determination which is intended to incorporate the recommendations of the Fahy Panel with such modifications as may be necessary to make sure that the determination is: First, in the public interest, second, achieves a fair and equitable settlement within the limits of the collective bargaining and mediation efforts which have taken place in this case, third, will protect the collective bargaining process, and fourth, will serve the purposes of the Railway Labor Act.

The determination of the Special Board is required to be submitted to the President and to the Congress on the 60th day after the enactment of the resolution. This determination, unless modified by the parties in the meantime, will go into effect on the 90th day after the enactment of the resolution and will remain in effect for such period as the Special Board may determine, but for no longer than 2 years from January 1, 1967. The determination is to have the same effect as though it had been entered into through the ordinary process of collective bargaining under the Railway Labor Act. This means that the wages and working conditions established under this determination will remain in effect through December 31, 1968, and may be modified thereafter through the ordinary procedures of the Railway Labor Act, through the filing of what is commonly known as section 6 notices with the normal bargaining and mediation procedures of the act applicable thereafter.

One thing needs to be especially noted at this point because the legislative history in this regard was apparently overlooked by the courts in connection with Public Law 88-108, passed in 1963, dealing with the railroad work rules dispute. The issues involved in this dispute which are to be determined by the Special Board may at any time—and I emphasize at any time—be resolved by the parties themselves reaching agreement. The parties may reach agreement during the mediation process before the special board. They may reach agreement while the special board is holding its hearings. They may reach agreement after the Special Board has held its hearings and before the 90th day after the enactment of the resolution. The parties may reach agreement at any time after the enactment of the resolution and before December 31, 1968. The parties also have a duty to continue to bargain with each other on the issues involved in this dispute during the entire time the Board's determination is in effect. The difference between the bargaining on the issues which I am now referring to and the bargaining procedures provided in the Railway Labor Act is that no statutory deadlines are operative under this procedure, whereas under the Railway Labor Act certain time limitations apply after which further and different procedures take effect. Perhaps an illustration will make this a bit clearer.

When a notice is filed under section 6 of the Railway Labor Act, a conference must be held at a time specified in the notice and bargaining must continue for at least 30 days. If the dispute is not resolved during this period of bargaining then matters are frozen for 10 days further after the termination of the conference and then at that point either party may request the services of the National Mediation Board, and, so long as the National Mediation Board is engaging in mediatory efforts, no strike and no change in work rules is permitted. When the Mediation Board determines that its efforts are unsuccessful it notifies the parties and they are frozen for an additional 30 days. During this period if the President appoints an Emergency Board, the status quo remains frozen for an additional 60 days. These are the procedures that are followed in normal collective bargaining under the Railway Labor Act. However, under this bill the rates of pay and working conditions which are established pursuant to the determination of the Special Mediation Panel will continue in effect and at no time before the end of the period set by the Special Board may the parties engage in a strike, or make any changes, other than by agreement, in rates of pay or working conditions involved in the current dispute.

Mr. Chairman, our committee held very extensive hearings on this resolution and we considered it in great detail in our executive sessions. A number of amendments were offered to the bill but with the exception of amendments making the bill conform exactly to the measure as passed by the other body, all of these amendments were rejected. I am sure that some, if not most, of these amendments will be offered today while the resolution is being considered so perhaps it might be helpful if I discussed some of them briefly.

One amendment which was offered would have combined the features of the resolution presently before us with seizure of the railroads. Seizure was discussed at great length during our hearings and the witnesses for the administration and for the railroads expressed opposition while witnesses on behalf of labor stated that they favored seizure. One witness on behalf of the unions stated that if Congress was to pass legislation—such as the resolution presently pending before us—he proposed eventual nationalization of the entire railroad industry. The majority of the committee voted against this particular amendment, primarily, as I understand it, on the grounds that the amendment would unfairly discriminate against the railroads.

Two other seizure amendments were offered, one of them proposing straight seizure of the railroads as a means for settling the dispute with seizure substituted entirely for the procedures of the resolution. Another amendment offered provided seizure of profits of the railroads during the period the dispute is unsettled.

These amendments were rejected essentially for the same reasons I have already stated.

Other amendments were offered, all proceeding pretty much on the theory that the bill should be amended to put additional pressures on railroad management and to provide penalties against the railroads for the period during which the dispute is not settled. These amendments, as I mentioned, were rejected by the committee.

Mr. Chairman, a number of members of the committee voted against this bill. I know that none of the members who voted against the bill favor a railroad strike. I am confident that none of them want to see the railroads seized. The bill and the amendments do indicate that there was serious disagreement on our committee over the best means of settling this dispute. The theory on which these amendments were offered was that they would encourage the process of collective bargaining and thereby lead to a settlement of this dispute in the way that it should have been handled in the first place—settled by the parties themselves through the processes of collective bargaining.

However, the majority of the committee did not agree that this approach was the best. As I stated when I began my remarks, I do not believe any member of our committee really wanted to vote for the bill we have before us today. I know I did not. If the bill had been amended, I still think all of us would have preferred not to have to vote on even the amended bill. All of us wanted to see this problem resolved through collective bargaining without any congressional intervention whatsoever.

But we have to face facts. As matters now stand it appears that if the Congress does not pass this legislation this week we will face a nationwide strike starting at 12:01 a.m. next Monday morning.

With the critical situation facing us in Vietnam and the grave impact such a strike would have on our defense efforts and economy I do not think we can take the risk of having a nationwide railroad strike.

For these reasons, Mr. Chairman, I urge the passage of this resolution.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the beginning I believe it would be well that my colleagues understand something of the history and issues involved. There are about 750,000 railway employees. Roughly 600,000 of these in 14 railway brotherhoods have already settled their problems with railway management. There are signed contracts between the parties which extend for a year from January 1, 1967. In short, 72 percent of the railway workers are already covered by existing contracts and are not a party to this dispute.

There are 10 brotherhoods involved in this dispute comprising 137,000 shopworkers, consisting primarily of journeymen mechanics, their helpers, and apprentices, powerhouse employees, and railway shop laborers. They comprise 28 percent of the employees working on railways.

Some time ago notices were served by the brotherhoods asking for a 20-percent wage increase, a change in vacation schedule, and other changes in work rules.

The carriers offered a 5-percent increase for a 1-year period. The eight brotherhoods proposed a 2-year contract with a 6½-percent increase for 1967, and a 5-percent further increase for 1968, plus 12½ cents inequity adjustments for 1967 and an additional 12½ cents adjustment in 1968. To these two offers there was disagreement between the parties.

Pursuant to the Railway Labor Act, the President then appointed an Emergency Board which proposed a 5-percent pay increase for 1967, and recommended a job evaluation to determine the inequity adjustments and the employees to be covered. This proposal was accepted in entirety by the railroads and rejected in entirety by the brotherhoods.

There was a 20-day extension by Congress to give the President a chance to appoint a new Panel. As Chairman of this Panel the President appointed Judge Fahy, recently retired from the U.S. Court of Appeals for the District of Columbia. This Panel recommended a 6-percent increase for 18 months beginning January 1, 1967, with three 5-cent inequity adjustments during the 18-month period. The recommendation of the Panel with respect to the 6-percent increase for 18 months was accepted by the carriers but they rejected the three 5-cent increases. The recommendations were rejected entirely by the unions.

This is where the matter stands as of today, except that the last extension voted by the Congress for mediation purposes will expire at midnight, June 18.

A second matter that the House will certainly consider is the effect and impact of a nationwide railway strike which could occur on next Monday.

On the first morning of the strike, three quarters of a million rail commuters in the country would be unable to take trains to work.

Second. Shipments of perishable foodstuffs to many major cities would halt at once.

Third. Actual food shortages could soon occur in several large cities.

Fourth. Some health hazards would develop; for example, supplies of chlorine used to purify community water supplies would grow short.

Fifth. The coal mining industry with 140,000 workers would cease operations almost at once.

Sixth. Industries which rely on the railroads in the heavy industry field such as steel, automobiles, and chemicals would be badly crippled and soon begin to close down.

Seventh. In 1 month, the unemployment rate would go to 15 percent.

In short, a railroad strike would affect every man, woman, and child in the Nation. It would increase the cost of living substantially.

However, more important than the economy would be the effect on the defense production and 500,000 servicemen in Southeast Asia.

Forty percent of the total freight shipped by the Defense Department is moved by the Nation's railroads. A strike would materially disrupt these operations. In April, 210,000 tons of ammunition moved to ports for overseas shipments. About 175,000 tons go by rail. The movement of gas and jet fuels for combat and transport aircraft heavily depends on the railroads. All other heavy military equipment used in Vietnam can be shipped only by rail. Strategic missiles such as Polaris and Minuteman are moved by specially equipped rail carriers.

It is true that the brotherhoods offered to carry all needed supplies for Vietnam or the general welfare. However, the Defense Department testified by virtue of a previous experience in this field that there had been "chaos" and that such a plan was totally unworkable. From all of the testimony that was introduced, I feel sure that most of the committee was convinced that it was not only impractical but almost totally impossible to separate defense materials from nondefense materials and transport those materials with any efficiency or speed. It appeared further that it would not be possible in the short period of time to establish the administrative machinery and guidelines required to provide for the continued operation of the railroads carrying only those items of freight necessary in order to prevent injury to the national defense and public health.

I believe all Members of the House realize that only the most compelling considerations would lead the committee to report legislation to the House which interferes with the rights of labor and management. However, it was the feeling of the committee that if this labor dispute is allowed to progress to the point of a nationwide rail strike, it would have serious effects upon the security and the health of the United States. These are the reasons, Mr. Chairman, why the committee did report the bill as requested by the President. All other questions, such as economic problems between the parties, seizure of the railroads, and others, were given serious consideration by the committee. The committee came to the conclusion that alternative methods suggested by the respective parties simply would not be applicable in the public interest and that the proposed shutdown of the Nation's railroads had such serious implications that these matters could not be brought before the House and that this was the only form of legislation it could recommend at this time.

Mr. Chairman, the bare essentials of the bill provide—

First. For the appointment by the President of a five-man Special Board to assist the parties in completing their collective bargaining and the resolution of the remaining issues in the dispute.

Second. The bill directs the Special Board to attempt by mediation to bring about a resolution of the dispute and thereby complete the collective-bargaining process.

Third. The legislation further provides that if there is no agreement 30 days after the enactment of this resolution, the Special Board will hold a hearing on the proposal made to the parties by the Special Mediation Panel in its report to the President of April 22, 1967.

Fourth. It provides further that the Special Board shall make its determination on or before the 60 days after the enactment of this resolution. Section 5 provides that if no agreement is reached within 90 days, the findings of the Special Board shall go into effect and shall last for a period of 2 years from January 1, 1967.

Mr. Chairman, this, in the simplest language, gives the major provisions of the bill.

The President sent down to the committee to testify for the bill, the Secretary of Transportation, the Secretary of Defense, and the Secretary of Labor. All of them gave strong evidence in favor of the proposal, without any modification of any kind.

The committee or portions of the committee met twice with the President to discuss the matter. At the first meeting, there was present the Secretary of Defense, the Secretary of Transportation, the Secretary of Labor, and Arthur Goldberg, now the U.S. Delegate to the United Nations, and formerly the Secretary of Labor in the Kennedy and Johnson administrations, who had vast experience in the labor relations field when he represented the United Steelworkers. He strongly recommended this legislation. The Attorney General was also present and recommended the legislation.

In the second meeting at the White House, the President had present the leaders of both parties in the House and Senate as well as the Secretary of Defense and the Secretary of Labor and the chairmen of the respective committees in the House and Senate and the ranking minority Members.

Mr. Chairman, this legislation has been thoroughly considered by four departments of the administration and hearings in both the House and Senate extending over several weeks. I want to assure my colleagues that all avenues of settlement were explored and it was only after testimony in executive session by both labor and management that no agreement was possible that this legislation was brought to the floor. I know this committee will give all of this its very best thought on the debate that is about to take place.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the distinguished gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I thank my good friend for yielding.

I noted in a release not long back that the Long Island Rail Road controversy to which the gentleman alluded with regard to the problem of commuters has been settled with a settlement far more generous than that which the rest of the railroad brotherhoods had pointed out. The settlement is 50 cents an hour to be received January 1, 1967; and on November 1, 1967, 23 cents; and on August 1, 1968, 27 cents; increases in lunch time and an increased vacation package and added pay holidays, bringing the wage settlement, as near as I can figure, to $3.70, effective January 1, 1968, which is far in excess of the level which has been received.

These facts I regard as an indictment of the industry, and point out the fact that collective bargaining is still possible, and I say this is also an indictment of the parties to the matter.

So the question of large numbers of commuters who might be denied access to employment and from employment to homes is not as large as the administration would have us believe, I would point out to my good friend.

Mr. SPRINGER. May I say in justification to what the gentleman has said—or maybe not in justification, I do not know which—that the Long Island Rail Road is not applicable to this dispute in my opinion because it is purely a commuter railway, but it is one which is heavily subsidized by the city of New York and also by the State of New York, and the relations between them are different. New York City itself is one of the highest cost-of-living centers in the country. So you do have other factors involved, certainly not related to this dispute. The Long Island Rail Road yesterday was granted $22.6 million by the Housing and Urban Development Administration here in Washington. This railway is heavily subsidized by city, State, and the Federal Government.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. ADAMS. I thank the gentleman for yielding.

Mr. Chairman, I believe the gentleman indicated these parties were far apart, and I believe that the members of the committee may misinterpret exactly the position.

I believe the gentleman used 19 percent, and yet it was testified on page 242 of the hearings that the carrier proposal is a 5-percent general increase for 1 year from January 1, 1967. The union proposal is a 6.5-percent general increase, and a 12.5-cent inequity adjustment for skilled men for 1 year, and a 5-percent general increase and a 12.5-cent inequity adjustment for skilled men for the second year. And as part of the original management package, as was testified to, they agreed that there should be an inequity adjustment made to the men which would be in addition to the 5 percent. So that the difference between the parties actually, in an overall increase, is something like—as I think the gentleman pointed out—between 1 and 1.5 cents, plus doing away with the compression suffered by the skilled people. Both were in agreement on that principle. This just seems that the railroads have not offered the basics, whereas the unions have said 12.5 cents a year for 2 years. Is that correct?

Mr. SPRINGER. I could not agree with the gentleman on some of the statements if I understood him correctly, and that was that they were not far apart. The only true evaluation I can get from the evidence of an offer, if I can pin it down as an offer on the part of the railroads, is 5 or 6 percent, based upon the findings of the Emergency Board No. 169, or the Fahy Panel. That is the only evidence that I can find concretely that the railroads made that kind of an offer, if they accepted what the Panel found, because they made that kind of an offer. I find no offer where they offered anything with respect to inequities because they said they wanted a job evaluation, and they said they were willing to abide by the job evaluation, as I understood it, which was suggested by either the first or the second, Emergency Board.

Mr. ADAMS. Mr. Chairman, I refer the gentleman also to the testimony of Mr. Wolfe on page 182 of the hearings, when he testified the second time, stating that the carriers' offer, the final offer, as was stated by the President's Emergency Board No. 169, was that they would offer a 5-percent increase plus a correction of inequities. Is that correct?

Mr. SPRINGER. And job evaluation.

Mr. ADAMS. Would the gentleman agree that the railroads have never taken the position that they would not correct the compression that had existed in the skilled wages which could be a matter simply of negotiations as to the amount of the payment?

Mr. SPRINGER. Yes; that is true. But the gentleman failed to tell the House here that if you had the job evaluation, there is contention on the part of at least one of the parties to this, as I understand it, if you have a job evaluation based on the usual concept of the job evaluation, there would be a lowering of the rates in some of these skills. We certainly do not want that situation.

Mr. ADAMS. I refer to Mr. Leighty's testimony in which he states flatly that there would not be any loss of wages by anyone under the formula that is involved in the job evaluation criteria as used in Emergency Board No. 169 report; is that correct?

Mr. SPRINGER. Not as I understood him. Maybe that is what he might have testified, but that is not as I understood the testimony given by management. They were willing to have job evaluation. But the dispute involves, I think if you want to be technical about this, is whether or not some of the employees, of these 137,000 are in fact skilled. Some of these people they claim are no more machinists than you or I are. I do not know whether that is true or not. But it is the purpose of job evaluation to decide and to determine whether or not these people are skilled or unskilled by a determination and finding of what kind of job they do.

Mr. ADAMS. I simply want to point out that there is a difference of opinion and a very deep one between members of the committee as to whether or not the parties are close together or terribly far apart, because it goes to a fundamental issue. Some of us believe that if the parties have pressure put on them, they are close enough to complete their bargaining.

I do not want the impression to be left that the parties are so far apart that they would not complete their bargaining. Because I do not think that is the position of the majority of the committee, although I respect the fact that the gentleman may well draw that conclusion himself from the facts.

Mr. SPRINGER. Let me reply.

When Mr. Ramsey and Mr. Wolfe, speaking before the committee in the first hour of our executive session, as they were ready to leave I said "I want to be sure there is no misunderstanding. You are not close together in your bargaining"—do I state that correctly? On one side there is an offer of between 5 and 6½ percent and on the other side they refused it, and both gentlemen said, "Yes."

Mr. ADAMS. Wait a minute now. Not on the percentages.

Mr. SPRINGER. I do not yield further to the gentleman. I just want to reply and say that this is in the testimony and I want to pin it down that they are now approximately 15 percent apart and both of them said they were not close together.

The gentleman can read that in the testimony and it will be revealed to him.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. PICKLE. It is obvious that there is or must be some major difference or the parties would have gotten together by now. Both parties were in the hearings and the Fahy Panel points it out. They said there is a wage compression differential there. Both parties said they cannot correct that in a single step, as the unions apparently want to do. Yet, both management and the unions so stated in the hearings that it could not be done in a single step.

Management did agree to the job evaluation and put in escrow funds to handle it.

Mr. SPRINGER. My understanding is pursuant to what the gentleman said. If you will read the testimony of Mr. Schoene, who was the attorney, as I recall for one of the brotherhoods, he said this was the real issue and they were now bargaining by percentage, thereby removing the compressions. The point they brought out in the hearing was that to be relieved from these compressions they must reward those who are skilled over those who are unskilled. I believe I stated just what the gentleman said.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. OTTINGER. As to fixing the responsibility for this resolution, I think the gentleman attempted to put the total responsibility on this side of the aisle by saying that this was the administration's, and solely an administration proposal. The gentleman does support the proposal of House Joint Resolution 559; does he not?

Mr. SPRINGER. Yes, I do.

Mr. OTTINGER. Then I am correct in stating that the resolution would not have passed out of the committee were it not for the support of but one of the members of the committee on the gentleman's side of the aisle?

Mr. SPRINGER. May I say that if my side had not been present in the room, it would have been defeated according to my feelings by a vote of 12 to 6, among Democrat members of the committee.

Mr. OTTINGER. But the majority was not on our side of the aisle?

Mr. SPRINGER. The Democrat majority were opposed to the bill.

Mr. OTTINGER. That is correct.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield.

Mr. BELCHER. Did the gentleman from Illinois have any other alternative as between supporting this legislation and bringing chaos to this country?

Mr. SPRINGER. There comes a time when I figure you must either have to accept responsibility or you fail to do so. I believe that Senator MORSE, who handled this joint resolution for the majority, for the leadership, and for the President in the Senate, put it best. It was one of the few times I have agreed with the distinguished gentleman. But most eloquently he said that there are three parties in a dispute of this kind: there is labor, there is management, and there is public interest. I concluded from reading his testimony that he felt that the public interest was at least 50 percent of the entire dispute, and that somewhere, sometime, and someplace if you are not going to have a strike which would affect the national interests and the national defense, the Members of the House and the Senate had to measure up to what they believed ought to be done.

Mr. BELCHER. I have always opposed compulsory arbitration. I am a free enterpriser. I have always believed that labor and management should have the opportunity to sit down across the table and to settle their own differences without the interference of Government. But in this particular case the Government did not deprive, as I understand it, the two parties of the right to sit down across the table and deal at arm's length. But both sides said that they could not get together. Therefore, the right to bargain freely was of no benefit to either party, was it, because it absolutely did not work.

Mr. SPRINGER. It was the result of almost 4 months of bargaining before the Emergency Board was appointed, and roughly another 60 days during which it was again discussed. There was roughly another 20 days in which the Fahy Panel discussed it, and still we did not get an acceptance by the parties of the work of the two boards as a final solution, nor did they come to a separate and independent conclusion of their own upon which they could agree as a result of those three efforts at bargaining, and consequently we are here with this legislation today.

Mr. BELCHER. Of what value to union labor is the right to bargain collectively if they, themselves, say that they cannot get together? They have not forfeited any right if the thing does not work. It does not look to me like the mere right to bargain is of any value unless the parties can bargain and get something out of it.

Apparently all bargaining activities in this instance have broken down, and as much as I would certainly hate to vote for a compulsory bargaining measure, I still think the interests of all the boys we have overseas, the future security of this country, and the welfare and health of 190 million people should not be taken away merely because 100,000 people cannot make a deal with their own management.

Mr. SPRINGER. I yield to the gentleman from Kansas.

Mr. MIZE. Mr. Chairman, I thank the gentleman for yielding. I am sure that all of us in the committee and in the House are extremely sympathetic with the tough job that the members of the Interstate and Foreign Commerce Committee have had in coming up with this piece of legislation. I am confident that in the hearings it was necessary for you to listen to both sides in reviewing the offers and counteroffers between management and the unions, to review in detail the events—in depth—leading up to their decision to bring out this resolution. However, it seems to me that in analyzing this whole matter now, we should not spend too much time in reviewing here on the floor of the Committee how far the parties are apart in their offers and counteroffers. What we are charged with here today, tonight, and tomorrow, is the responsibility of coming up with a joint resolution that will return to the bargaining parties the right of free bargaining under normal circumstances, yet solve this knotty problem because of Vietnam. I hope that we do not interject ourselves into their bargaining by discussing who did or did not make the fairest offer.

Mr. SPRINGER. May I say that those are issues for the Board itself to hear and mediate and bring the parties together upon. Then, if there is no decision, this would be their duty under this legislation. It would be the duty of the panel then to make a final decision if they were not able to bring them together in mediation.

Mr. MIZE. I hope we do not try to decide that here on the floor of the House.

Mr. CAHILL. Mr. Chairman, I was interested in the gentleman's observation that 72 percent of organized labor have effected a settlement with industry, and only 28 percent have not. I am wondering if the 72 percent that effected settlement did it through collective bargaining, or was this as a result of some recommendation by an appointed committee?

Mr. SPRINGER. They did it entirely through collective bargaining.

Mr. CAHILL. Does the gentleman have any thoughts or opinions he can express as to why 72 percent can effect a settlement through collective bargaining with management and labor working together, and in 28 percent management and labor could not? Can the gentleman point out any great area of difference?

Mr. SPRINGER. I would try to, and this would be only an opinion.

I believe in the 14 brotherhoods that have settled, it is my understanding that those are the less skilled. I do not know whether they would be willing to accept this, and I take this only from what these brotherhoods in dispute tell me. They settled for 5 percent across the board, and signed a contract. The skilled brotherhoods which supposedly are involved are eight in number. They believe there are inequities as a result of this compression, which, may I say, labor and management may be working together has forced on this situation over a period of years by raising across the board by cents per hour, which has tended to lessen the distance between skilled and unskilled. They were this far apart, but these cents-per-hour raises have been such that they brought the difference down to this situation. This dispute is whether or not these skilled workers get what they think they have got coming. On the other side there is management trying to determine—at least they say—which of these 137,000 are in truth skilled, and which are unskilled.

It was for this reason that the first Emergency Board No. 169 set an evaluation test to all of these jobs, to determine which ones of them were, in fact, skilled, and which ones were not skilled.

The Fahy Panel was concerned with this. When Judge Fahy was testifying before the committee, I asked him this question:

> Judge Fahy, is it true that the crux of this dispute is the differential problem which is in dispute, that it is the real cause of their inability to agree generally on all of the other factors?

He said—and I believe I quote him correctly:

> If you can settle the differential problem, all of the other things having to do with vacation, and hours, and so on, would all fall into place like a jigsaw puzzle.

Mr. CAHILL. Is the gentleman then saying if both sides would accept the impartial determination of a Board as to which fall into the category of skilled and unskilled, there would be no problem between labor and management as far as the money problem is concerned?

Mr. SPRINGER. I can only say this: It is my understanding—and I believe I am correct—that the brotherhoods have thus far refused to submit to an evaluation board. They have insisted, it is my understanding, that any increases must apply to all the people in the various crafts who are supposed to be skilled.

Mr. CAHILL. I have heard some discussion as to the provision on page 5 of the joint resolution which indicates that if an agreement is not reached, then the Board's finding shall take effect until such time not to exceed 2 years from January 1, 1967, which, as I interpret it, means that the Board's finding would be binding until January 1, 1969. Could the gentleman advance the reasoning?

Mr. SPRINGER. No. It would be all of 1967 and all of 1968.

Did the gentleman say 1969?

Mr. CAHILL. Not to exceed 2 years from January 1, 1967.

Mr. SPRINGER. That is correct.

Mr. CAHILL. That would take it to December 1968?

Mr. SPRINGER. December 31, 1968. That is correct.

Mr. CAHILL. Can the gentleman tell us the reason why the committee selected December 31, 1968, to make this final?

Mr. SPRINGER. I believe largely because the legislation was sent down that way. There was some talk of a year, but the committee did not see fit to substitute a year instead of 2 years.

Mr. FRIEDEL. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. JARMAN].

Mr. JARMAN. Mr. Chairman, I believe we must pass this measure because we have no reasonable alternative.

Everyone recognizes that a railroad strike at this time would be unthinkable. This was emphasized with clarity, logic, and force in these letters of June 6 to the President from Secretary of State Dean Rusk and Secretary of Defense Robert S. McNamara.

THE SECRETARY OF STATE,
Washington, June 6, 1967.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: I wish to express my deep concern at the possible interruption of our national rail system by a strike at this time. In my opinion, it is absolutely essential that our domestic transportation be maintained at full capacity during this present critical period in our foreign relations.

The continuing supply of our forces in Viet-Nam is heavily dependent upon our domestic rail system. They should have the highest priority. In addition, the United States is engaged in supplying essential goods in trade channels or as part of our assistance programs to other countries throughout Southeast Asia and other very vital areas in the world. Any interruption of these supplies in their movement to our ports could have the most serious consequences for our nation and for freedom in the world.

Further, the unfortunate hostilities which have erupted in the Middle East have created a new series of potentially heavy burdens on our economy. Fighting or political action may disrupt the movement of food and fuel to much of Europe and Asia. To the extent this occurs we will need our full resources to meet the contingencies which may occur.

In these circumstances, the United States simply cannot afford a crippling strike. All our strength will be needed to meet our obligations to our soldiers in Viet-Nam and to our friends and allies around the world. I hope and pray it can be avoided.

Respectfully,

DEAN RUSK.

THE SECRETARY OF DEFENSE,
Washington, D.C., June 6, 1967.

MEMORANDUM FOR THE PRESIDENT

The Defense Department has just completed a review of the effects of a rail strike on our national security. I feel I must tell you that it is the unanimous opinion of the Joint Chiefs of Staff, Mr. Vance and me that acceptance of an interruption of rail movements of defense equipment and defense-related supplies at a time when we have 500,000 men engaged in military operations in the Pacific and simultaneously face a

> crisis of unpredictable dimensions in the Middle East would be an act of utter folly, an incredible evasion of our responsibility to our nation.
>
> I realize these are strong words, but I know of no others to describe the effect on our military posture were rail transport of defense goods to be interrupted.
>
> ROBERT S. MCNAMARA.

The Senate has already passed this identical bill by a vote of 70 to 15. The strike deadline is next Monday and today we in the House must face up to what must be regarded as a national necessity, pass this bill and send it on to the President for signature.

Everyone in this House believes in the principle of collective bargaining—but the chief issue before the House today is not the protection of collective bargaining. In this instance, as Secretary of Labor Wirtz "collective bargaining has fallen flat on its face." The issue is one of saving the country and the people from incalculable losses because of the breakdown of collective bargaining for which the people are not responsible.

And, yet, I believe the settlement formula put forward in this bill will have a minimum impact on the principle of free collective bargaining and will be fair to both sides. It substantially extends the bargaining and mediation processes. The Special Board will go several extra miles to bring the disputing parties into agreement. If all efforts for a voluntary settlement should fail after 90 extra days of trying, the recommendations of this board of experts would go into effect for up to 2 years from January 1, 1967, unless a prior settlement were reached by the parties.

The entire thrust and purpose of this emergency legislation is mediation, collective bargaining, and helping the parties reach an agreement. The best evidence of this is the bill itself.

Section 1 establishes:

> A Special Board for the purpose of assisting the parties in the completion of their collective bargaining and the resolution of the remaining issues in dispute.

Section 2 provides:

> The Special Board shall attempt by mediation to bring about a resolution of this dispute and thereby to complete the collective bargaining process.

Section 3 provides:

> If agreement has not been reached within thirty days after the enactment of this resolution, the Special Board shall hold hearings on the proposal made by the Special Mediation Panel, in its report to the President of April 22, 1967, in implementation of the collective bargaining contemplated in the recommendation of Emergency Board Numbered 169, to determine whether the proposal (1) is in the public interest, (2) is a fair and equitable extension of the collective bargaining in this case, (3) protects the collective bargaining process, and (4) fulfills the purposes of the Railway Labor Act. At such hearings the parties shall be accorded a full opportunity to present their positions concerning the proposal of the Special Mediation Panel.

Section 4 provides:

> The Special Board shall make its determination by vote of the majority of the members on or before the sixtieth day after the enactment of this resolution, and shall incorporate the proposal of the Special Mediation Panel with such modifications, if any, as the Board finds to be necessary to (1) be in the public interest, (2) achieve a fair and equitable extension of the collective bargaining in this case, (3) protect the collective bargaining process, and (4) fulfill the purposes of the Railway Labor Act.

Section 5 provides:

> If agreement has not been reached by the parties upon the expiration of the period specified in section 6, the determination of the Special Board shall take effect and shall continue in effect until the parties reach agreement or, if agreement is not reached, until such time, not to exceed two years from January 1, 1967, as the Board shall determine to be appropriate.

Mr. Chairman, this bill speaks for itself in its clear intent to achieve mediation, collective bargaining and a voluntary agreement between the parties to this dispute. It is a fair bill to both sides and it is imperative for the Nation's welfare that this bill be passed.

Mr. WOLFF. Mr. Chairman, will the gentleman yield for a question?

Mr. JARMAN. I would be glad to yield to the gentleman from New York.

Mr. WOLFF. Mr. Chairman, would the gentleman from Oklahoma say that the same national and public interest is involved concerning the maritime industry, the steel industry, and the defense and production industry?

In other words, are we going to be called upon to act in a similar capacity as we are today if such a dispute should occur in any of these industries?

Mr. JARMAN. I certainly recognize the import of what the gentleman from New York is saying. I would very strongly suggest that the Congress continue to face this contingency with reference to problems such as this. But, it is my opinion that we cannot afford to allow a strike to occur in this instance. In other words, we are under the gun to prevent such a strike.

Mr. Chairman, I shall certainly support such legislation to prevent this legislation to come in on an ad hoc basis.

Mr. FRIEDEL. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. ADAMS].

Mr. ADAMS. Mr. Chairman, I think we had better make it clear right at the beginning that we do not propose that we would let this matter go to a strike, and that we are in any way engaged in passing legislation which in fact represents a limiting factor upon the parties, because of the fact that there are some of us in dispute with this matter.

But, Mr. Chairman, one can see that there is presented here the proposition of being in favor of nothing.

Mr. Chairman, the problem is that there cannot be any bargaining in this case, because there is no incentive on the part of management to do so. That is everything that is involved up to this point and, therefore, I understand that any bargaining which will take place will be on the part of the men involved in this dispute, and that is to say that for over 60 days they cannot strike.

Mr. Chairman, why in the world should the Government come along at this point, at this specific point—and state that there must be compulsory arbitration, because railroad management wants compulsory arbitration?

Mr. Chairman, the gentleman from New York [Mr. WOLFF] wanted this, and several others made a special plea with reference thereto. They said, in other words, that the way in which to resolve this dispute is to follow this course. They have recommended a special panel to rule upon and receive these complaints. However, I would say this, that no matter what one says about the fact that this is voluntary, time and time again the railroad representatives came up here and said that we must settle this question.

All right. Now, I have the court opinion right there, if anybody wants to look at it. It has not worked. The compulsory arbitration did not work at all, and they are back in dispute.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman.

Mr. MOSS. On that occasion we were told we had to settle it because the Nation's economy would be shattered

Mr. ADAMS. Right.

Mr. MOSS. Now we are told that Vietnam is the reason.

Mr. ADAMS. Right. And I tell my colleagues that this will continually be the fact, that it is in the national interest, a national strike. It is a national problem. The airlines were up here last year. We had again to consider this. The railroads are back again.

What this establishes is this—and it is a very simple thing—and to those of you who oppose compulsory arbitration I say now we do not want to be back in this well with the same thing in 12 months, in 15 months, or in 18 months and be saying "I told you so." We would rather have it out right now.

That just establishes a precedent that you will enjoin men from striking so that there is no economic weapon, and you can put no pressure on management that is comparable; that you have the bargaining process which has already been interfered with. You have already established a precedent that, if you hold tight long enough, there will be a national emergency and you will be in the Congress and they will have to settle it for you—they will have to settle it for you. Now we know. We have just been through this in the airline strike, and we are going through it now. That is what will happen.

I will say to the gentleman that 72 percent may have settled on some issues, and I can answer the question that was asked rhetorically about why did all of them settle? I can tell you why: Because there is a court of appeals case, and most of the railroad brotherhoods are under present injunction from this 1963 act. And when that breaks out they are going to be right back up here, and it will be about the middle of next year.

Also when their contract terminates they are going to be right back up here on these issues.

Mr. WATSON. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I will yield to the gentleman briefly for a question, but we have only a few moments left because we are caught in between the two factions.

Mr. WATSON. Does my good friend from Washington mean to tell us that these 74 percent agreed because they were forced to agree to this settlement?

Mr. ADAMS. No. I would say this in reply to the gentleman: that a great many of the issues, which are the tough issues between these parties, they were not in position to bargain because of the court cases.

Mr. WATSON. But they did voluntarily agree to this contract?

Mr. ADAMS. On part of the issues, yes; oh, yes.

Now, this is the next point here. In House Joint Resolution 585 we are proposing to follow the President's proposal very, very closely. We did this deliberately because many of us discussed permanent legislation, then we had a proposal to set up the same 90-day period, it applies, the board will decide—and I do not want to sugar-coat it for anybody that is in the labor movement that this board will not do the same thing under House Joint Resolution 585 that it is going to do under the President's proposal, but say these are going to be the terms and conditions. We are also going to continue the injunction. And again I do not want to sugar-coat it.

It is unpalatable, but we have said at the same time to management, if we hold these men and if we make them do it, then we are going to have to seize the railroads during that period of time.

And we give three alternatives for this seizure, and injunction determining, the first alternative is if the parties settle, the moment they settle we will let go. The second is, if the President says there is no longer a national emergency, they are out. The third is 2 years.

Now, that is the proposal on seizure. The other contemplates proper offer. In other words, protecting the collective bargaining process, if anybody interferes with it—we have already interfered with it, and right now we are debating the interest of these two parties and we are also debating the public interest of the people of the United States. So we say to the parties, "All right"—this is in House Joint Resolution 585—"management, make your last and best offer during this 90-day period."

It has to be submitted to the unions. They vote on it. If they reject it, then the unions make their counter offer. If management rejects it, then all of the public knows where the two parties are and what their position was.

That is the inference of collective bargaining, but this is because the public is involved.

Mr. HOLIFIELD. Can the gentleman tell me if under the present circumstances the railroads have made a counter offer to the unions?

Mr. ADAMS. Not to my knowledge; they have not. What has happened is that both have stated their positions and they have said—we can do nothing more at this point under collective bargaining.

Mr. HOLIFIELD. Would the gentleman agree with me that collective bargaining has not proceeded to its last step—which is the strike step—and that is the power of labor—just as the economic power of management is, as they said—and the power to cease work is the last step of collective bargaining and, therefore, collective bargaining has not been followed to its normal and ultimate step.

Mr. ADAMS. Absolutely, I could not agree with the gentleman more.

Mr. HOLIFIELD. To say that collective bargaining has failed is a misstatement of the fact because the last step in collective bargaining has not been allowed to take place.

Mr. ADAMS. That is correct. We have interfered with the process and what we are saying is that by having interfered with the process and having enjoined the men and said, "You cannot go any further"—we then must build back, if there is to be any restoration of collective bargaining, the equivalent of an unpalatable choice for both parties.

Neither side wants a strike. This is one of the pressures that go on both parties to complete, as the gentleman from California pointed out, collective bargaining. You remove that and you give one party what it wants as a principle which is compulsory arbitration and then, of course, the matter freezes. That is where they are.

Now what happens with seizure? Has it ever been done? Is there any experience? Yes; we seized the railroads in 1943, 1946, 1948, and 1950.

I would point out to the Members of the House that in every case except the last case, there was an almost immediate settlement because nobody likes seizure and nobody likes injunctions and nobody likes compulsory arbitration.

Mr. HOLIFIELD. Is it not true that the right to strike under the law, and also along with it the right to seize, and if the Government did take the right to seize when they took away during the war years the right of labor to strike?

Mr. ADAMS. The gentleman is correct. This is what they propose as a compromise in this case. The arguments the gentlemen are making that we cannot allow a strike because of our boys in Vietnam do not even go at all to the amendment that we will propose, which is an amendment to really say to the parties, we are going to try to build back a little incentive to bargain collectively and we are not going to go compulsory arbitration.

Mr. Chairman, I want to summarize briefly by saying that this proposal will be offered as a substitute for the President's measure.

This substitute will put the men to work and will provide a settlement and will provide for seizure. It will provide for public offer and counter offer. This is in the public interest as best as we can define public interest.

This proposal is not a bill for labor and it is not a bill for management. It is a bill to try to say that we do not believe in compulsory arbitration, so go back and bargain but if you do not, then the public interest is paramount and the public interest will move into this situation and change the whole pattern.

Mr. Chairman, I thank my colleagues for listening and I do hope they will support the amendment when it is offered at the proper time when the bill is being read for amendment.

Mr. SPRINGER. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. DEVINE].

Mr. DEVINE. Mr. Chairman, during the 9 years that I have been in this fine body, this is the first time we have run into this very unique situation where the President of the United States, a member of the majority party, and our chairman of our very fine committee, a member of his party, introduces legislation which the chairman himself finds its impossible to support; and where as a result of a lot of footwork another member of the committee is handling the legislation.

The chairman of our very fine committee, a member of his party, introduced legislation which the chairman himself finds it impossible to support, and as a result of a great deal of footwork, another member of the committee is handling it.

Notwithstanding all of these gymnastics, there is one thing that must remain unmistakably clear. This is Lyndon B. Johnson's compulsory arbitration bill. It does not belong to anybody else. It was drafted by his administration, and it is before the Congress as the "L. B. J. compulsory arbitration bill."

Regrettably, President Johnson, railway management and the labor unions by their failure to act reasonably have literally forced the Congress of the United States into a position of mediator or arbitrator or conciliator of another labor dispute. Regrettably, that has happened three times in the last 4 years. We find ourselves on both sides of the aisle, in all directions, not wanting this resolution really, but we have a Hobson's choice. We have three alternatives: compulsory arbitration, even if the administration chooses to call it mediation to finality; we have seizure, which I believe is repugnant to the American free enterprise system, and we have the choice of doing nothing and taking a chance.

Some of the boys have said that if we do not do anything, they will not strike. I am not willing to take that chance, primarily, as some people say, because "You are running up the flag." Maybe I am, particularly since this is Flag Day and we have had a wonderful demonstration here in the Chamber today. We have thousands of men in Vietnam fighting, and the representative of the Secretary of Defense says that we are moving 200,000 tons of ammunition a month by the railroads. If we take that chance and the movement of that ammunition ceases, who will answer the mother who writes and says, "My boy was killed because he did not have ammunition with which to defend himself"?

The President failed to followthrough with the recommendations for general legislation in the labor-management field which he set forth in his state of the Union message in January 1966, a year and a half ago. Had he followed through and sent a bill to this committee through his Department of Labor, we would not be here today with these three repugnant choices.

The administration, to the contrary, offers this one-shot, stopgap bill in an effort to bail itself out of this singular dispute, in the hope that the overall problems will go away, and they will not.

Railroad management representatives apparently have remained adamant, hoping Congress would solve its dilemma with some form of compulsory arbitration to prevent this strike. During the hearings on this legislation, it made no effort, and indeed did not negotiate nor collectively bargain, from April 25 until just a day or so before our executive sessions, and then announced that they were "hopelessly deadlocked."

Well, if they are in that position, what is there to negotiate about, I ask you?

Representatives of the shop craft unions, together with spokesmen for labor generally—and that includes AFL–CIO and the operating brotherhoods—rejected every recommendation of the whole series of Presidential Emergency Boards, including the Ginsburg Board and Fahy Board.

Their attitude likewise was unrealistic, and they were obviously playing the percentages that their political muscle would intimidate or at least discourage Members of Congress from the objectionable course of compulsory arbitration, in favor of either no action at all, thus driving management into hasty settlement, or government seizure. Incidentally, in the Supreme Court in 1949 unions argued persuasively against seizure as a permanent injunction against striking. That was the position of the unions in 1949. I do not know whether they have reversed their fields today.

In any event, with all the possibilities weighed in depth, the only conclusion that could logically be drawn from the testimony before the committee, if we follow the course of either railway management or the unions, is that the public interest would be sacrificed. Both sides were repeatedly warned that unless they got together and collectively bargained in good faith, the Congress would be forced to enact restrictive legislation that undoubtedly would be repugnant to both sides of the issue.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the distinguished Speaker, the gentleman from Massachusetts.

Mr. McCORMACK. Mr. Chairman, in addition to the public interest, there is a national interest. We have the situation in South Vietnam, where we have 500,000 of our boys in the Armed Forces there.

The Middle East situation is very taut. If anybody thinks it has eased up, there has been a great victory there on the part of the brave people of Israel, but the situation is still very taut.

Paramount to everything—not only the best interest of our people on the domestic level—there is the national interest of our country, and Members should think about that.

Mr. DEVINE. I certainly agree with the Speaker. If this situation did not exist today, I do not believe we would be faced with this legislation today, so, we are now faced with all of the alternatives set forth above and must take some action designed to serve the public interest, as the Speaker said. The Defense Department made it quite clear that it would be virtually impossible to attempt to move just strategic war or defense-related materials if a strike occurred. Although the brotherhoods and shop crafts have said they would do everything they could to move strategic materials if a strike did occur, the Secretary of Defense said it would be impossible. The Government is not equipped to run a railroad efficiently and without vastly exorbitant waste of millions of taxpayers' dollars. They proved that in the past.

Further, in order to keep faith with over a half million boys in Vietnam, committed there, coupled with the essential domestic needs, a strike at this cruical time in our Nation is simply out of the question. The President both times we were at the White House stressed also our domestic needs, including chlorine that would be needed for the water in our cities, and pointed out a strike at this time would be out of the question.

Accordingly, as objectionable as it may be to invoke compulsory arbitration, or "mediation to finality," as President Johnson and Secretary Wirtz prefer to call it, this administration has forced the Congress into the position of accepting the President's compulsory arbitration legislation (H.J. Res. 559), which was drafted at the direction of the President, with the recommendations and guidance of his advisers, including Attorney General Ramsey Clark, former Attorney General, and now Under Secretary of State Nicholas deB. Katzenbach, former Supreme Court Justice, former Secretary of Labor, and now Ambassador to the United Nations, Arthur Goldberg, and Secretary of Labor Willard Wirtz.

We well remember the strike against the airlines last year, and the vacillating course and lack of leadership from the White House that ultimately blew the President's "guidelines" sky high. All of us recall it. I do not know what type gymnastics we would say we went through, but the White House had a very active hand in that. Someone from CAB was in touch with labor and management, working and working, when we had the situation last year. Now, with the vacillating course and lack of leadership from the White House, it leaves us in the situation where we have one of three choices. The Congress has grown weary of being used as a substitute for good faith collective bargaining, and, although this bill leaves a great deal to be desired, we must act to serve the public interest. I believe most of us feel we will be forced into the position of accepting it in the public interest.

Finally, with more than casual application, I invite the attention of the Members of Congress to the following article by United Press staff writer Charles Bernard, which states that Australia controls its labor disputes and they have had compulsory arbitration since 1904.

The article follows:

AUSTRALIA CONTROLS ITS LABOR DISPUTES

(By Charles Bernard)

SYDNEY, AUSTRALIA.—In an era when crippling labor disputes seem the order of the day in the United States and elsewhere, Australia by comparison is a continent of calm.

Unions and management have just about as many disputes in Australia per capita as in the United States, but thanks to a unique set of labor laws enacted in 1904 less than 20 percent of the strikes last more than 24 hours.

A general strike has been unknown in this century.

Key to labor stabilization Down Under is compulsory arbitration with special labor courts whose commissioners can deal out stiff fines and other penalties to enforce their decisions.

Participation in the government conciliation and arbitration procedure is voluntary, but once a union and industry sign up they are bound to comply with all the rules and regulations provided under the law.

POPULAR WITH UNIONS

So popular is the system with Australia's workers that unions have found it virtually impossible to attract membership unless they are registered and can take disputes to the commission and courts for ruling.

Under the system federal and state industrial courts have been established to deal with management-labor quarrels, and to set basic wage rates and working conditions for the industry concerned.

A union files what is termed a "log of claims" on the employer, and management in turn files a "counter log of claims." If the differences cannot be resolved privately, they are then referred to the Industrial Court where a commissioner, or a bench of commissioners, sits in arbitration.

A binding award to the union is then worked out by the commissioners. The award is registered in the court and thereafter is enforceable on both management and labor, usually for a period of about three years after which pacts can be renewed or renegotiated.

NIPPED IN BUD

Federal or state commissions have the power to call disputing parties to a compulsory conference whenever a strike occurs or when one threatens the community welfare. As a result most disputes are nipped in the bud before an actual walkout can develop or spread to serious proportions.

Underlying the system, all Australian workers are guaranteed a federal basic wage set by a bench of five high court judges each year. This basic wage is based on the cost of living, ability of industry to pay and its general effect on the national economy.

Along with control over the labor scene, the Australian government also exercises wide discretionary powers in the encouraging or discouraging of consumer and business spending at home and abroad, basically applying the Keynesian philosophy of economics.

The system is much the same as that used in the United States with the exception that most corrective measures can be taken by cabinet decision on the British pattern rather than through the more laborious channels of congressional legislation as in the United States.

Mr. MACDONALD of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Massachusetts.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I was very curious yesterday in the committee when all but one member of the Republican side of the committee voted for the joint resolution.

Since the gentleman has just stated that this is Lyndon Baines Johnson's compulsory arbitration bill, perhaps I have an idea why the gentleman voted that way. I would like to ask whether that is a consideration that the Republican members of our committee gave for their vote for arbitrary negotiation?

Mr. DEVINE. Mr. Chairman, I am sure that the gentleman from Massachusetts would be very happy to saddle the Republican Party with the responsibility for this legislation. No matter how we try to twist it around, the members of my party who voted for this bill voted in what I would assume they considered the national or public interest. This is the President's bill, sent up by him, and the gentleman and I were both in the White House when he told us it would be coming up.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, is it not true that the national and the public interest would be equally protected and a nationwide tieup would be prevented by the Dingell amendment or by my own amendment?

Mr. DEVINE. I should certainly think not. I do not believe that seizure is an answer to this problem. I believe that is against the American way.

Mr. OTTINGER. The transportation tieup would be equally prevented.

Mr. DEVINE. There will not be a transportation tieup if this joint resolution is enacted.

Mr. SPRINGER. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. WATSON].

Mr. WATSON. Mr. Chairman, I should like first to commend our able chairman for the splendid manner in which he handled the hearings and later the markup and the executive sessions of the committee. I have told him this personally, and I am happy to say it publicly. Although he and I differ on this particular matter, he has certainly been fair in every respect. I for not one moment would impugn his motivation.

I am sure that the chairman of the committee, the gentleman from West Virginia, and for that matter any others who are on the committee who differ with me in my position, would not impugn my motivation.

This is a difficult situation. It is not one this body or the Congress wanted.

In that regard I should like to say to the members of the committee that certainly no committee of the House has ever worked any harder to try to avoid or to postpone this moment or this hour of decision.

I believe, as our eminent leader on the minority side said, on the Committee on Interstate and Foreign Commerce, we have some of the most difficult decisions to face, because practically every one deals directly with economic aspects of life, and they all have a tremendous impact economically on the various parties.

This is no exception. This is perhaps one of the gravest we have had to consider.

We tried as best we could to get these parties together.

At this time I should like to extend a word of commendation to the 72 or 74 percent of the railway employees who are proving to the American people and who have proved to this House that collective bargaining will work. They voluntarily, even without mediators, agreed upon a contract. I am sure I speak for everyone here in applauding and thanking them for settling their differences in the true tradition and spirit of collective bargaining.

It was a sad moment when finally the two parties to this dispute came before the committee and said, "We are hopelessly deadlocked; we cannot get together."

We had pushed all we could. The chairman individually, our minority leader on the committee, and many of us individually had pressed upon the parties the point that this was their hour to prove that collective bargaining will work. We warned them of the possible consequences should they again come to the Congress and ask us to arbitrate their differences. When such eventuates, all parties lose and collective bargaining is tainted with failure.

Interestingly enough, a moment ago one of the gentlemen on the other side of the aisle said that the parties have not resorted to the last step in collective bargaining and then went further to say that the last step is the strike.

No, the strike is not the last step in collective bargaining. The strike is an admission that collective bargaining has failed, that men of good will on both sides cannot reconcile their differences without exposing families of labor to deprivation and hardship and without trying to bring the railroad to its knees through complete stoppage of all rail transportation. In such event both parties lose, as well as the American people.

No, the strike is not the last step in collective bargaining. It is simply an admission that collective bargaining has failed.

But I want to be perfectly honest and fair with the Members of the Committee. There is one last step in collective bargaining that has not been used in this dispute. We have existing law right now under section 7 of the Railway Labor Act which says when the parties cannot get together they can submit the issues in dispute to voluntary arbitration—not compulsory, but voluntary arbitration. Certainly the framers of this act intended, especially in cases such as this where the national interest is so vitally affected, that the parties resort to voluntary arbitration when they are unable to resolve their differences otherwise. It is a procedure in collective bargaining which has been used in many instances in the past and I believe would have been an answer in this case.

We pled with the representatives of the various disputants here to submit the issue to voluntary arbitration as is now provided in the Railway Labor Act. I want to be honest with you as to what their answer was. Bear in mind I am not siding with any party here. I feel, just as the gentleman who preceded us earlier in the debate on the rule—neither party is without blame and we should not attempt to place blame, but I do feel an obligation to give this Committee the full benefit of the background of this dispute and the respective positions of the parties.

May I remind my friends on the Committee of another thing. So far as personal orientation and background are concerned, I yield to no man in my concern for the workingman. I am from a working family. My father and mother both worked. My brother at one time was a member of the Longshoremen's Union and that was back during the early and difficult days of organized labor. In fact, the only association I have had with the railroads is as a lawyer, to be against them, and fortunately, having a good law partner, I do not think that they remember my representation too favorably. But at the same time it seems to me we should try to be fair and objective in these matters.

What are the facts? We asked the representative, Mr. Wolfe, who has sole arbitration authority for all of the railroads to settle this dispute, "Will you submit this matter to voluntary arbitration which presently is provided for in the Railway Labor Act?" Mr. Wolfe stated categorically and without reservation, "We will right now." I am sure my dear friend from Washington will remember this. In fact, the railroad negotiator said, "If we do, we can settle it in 30 minutes." Oh, we took hope in the committee at that time, believing that the last step in collective bargaining would be utilized. I immediately said, "Let us present this proposition to the other side." Unfortunately, the disputing unions were not willing to submit this matter to voluntary arbitration in accordance with existing labor law. Now, where does that lead us? We are caught in this situation at this time.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. WATSON. I will be happy to yield to my friend from Washington.

Mr. ADAMS. I think it was further pointed out that this matter had been discussed on both sides in January of this year and that position then, as was the position of the witness before the committee, was that we want to bargain out our differences and not have a third party come in and tell us what they will be. Further, that there has already been an Emergency Board report which had been rejected by that side which they felt would be the basis for the arbitration award. Therefore, they wanted to bargain.

Mr. WATSON. The gentleman is perfectly correct. These parties said they wanted to work it out by collective bargaining, but unfortunately collective bargaining broke down. We simply asked them to resort to the third and final step in collective bargaining, and that is submit it to voluntary arbitration. Voluntary arbitration is no new process for it has been used in thousands of labor disputes. If you want to get into the Emergency Board recommendations, then the record should show that the carriers agreed to the recommendations of the Emergency

Board, but the union did not. In the subsequent Ginsburg Board—the carriers agreed to the recommendations and the union did not. If you want to set the record straight in all of the proceedings then let us do that.

Mr. ADAMS. Will the gentleman agree during all of this entire period of time they had an injunction in effect against the men with the railroads operating as usual?

Mr. WATSON. I should think, in response to the gentleman, that if the negotiators for the disputing unions had been seriously disturbed over that aspect it would be an added incentive for them to get together and resolve their differences.

I think it is a sad commentary that we are faced with this legislation during a very difficult and trying period in the life of our Nation. If you bring it to the final point, one party refuses to submit this matter to voluntary arbitration, which is presently stated in the Railway Labor Act. One says "We will agree to it," but the other party says "No."

Some would say that this is the President's bill and it is. It was introduced by the Democrats and was endorsed by all of the administration department heads as they appeared before the committee and it was endorsed without any reservation whatsoever. But I am not concerned with political considerations at this time. Let us look at the people's interest. We are faced, as others have said, with a matter of a national catastrophe in the event we should have a nationwide strike. We cannot escape our responsibility.

Furthermore, if we have a strike, as to these three-fourths of the employees in the railroads, 600,000, who voluntarily agreed and proved that collective bargaining will work, then what will we be saying to them? We will be punishing them if we allow a strike to occur. We will say, "You bargained faithfully. You worked out a contract, but you will have to suffer with the 137,000 or the six unions who refused to do so." After all, our union members believe in the democratic processes. Should a minority deny the majority, who have voluntarily agreed to a contract, the right to work?

Mr. Chairman, is that the position which we are going to take? If we are to take that position, then we will set collective bargaining back even further.

Mr. Chairman, as repugnant and difficult the decision may be in this matter, let us look at the national interest and at the interest of our boys in Vietnam. These are the innocent parties. We owe it to our national economy and our boys in Vietnam to act forthrightly and courageously to end this dispute and avoid a nationwide rail strike.

Mr. Chairman, it is my opinion that House Joint Resolution 559 is the most equitable solution that we can find to this pressing problem.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York [Mr. Ottinger].

Mr. OTTINGER. Mr. Chairman, the Congress of the United States is being called upon today to legislatively settle a labor dispute under the gun of a possible national transportation tieup. This is the third time in the past 4 years Congress has been called upon to intervene in such a situation. Other disputes that may occasion congressional interference in transportation labor disputes loom near in the future. This is wrong. And the resolution before us will perpetuate this wrong, encouraging resort to Congress as a labor court of last resort.

Labor disputes should be settled by the parties through collective bargaining. This is a longstanding fundamental principle of our society, embodied in the Taft-Hartley Labor-Management Relations Act and all other labor legislation.

Where the Government must intervene to protect the national interest as is claimed to be the case here, it should do so, not by dictating a settlement of the underlying labor issues as would House Joint Resolution 559, but in such a way as to provide for settlement of the labor matters in issue by the parties through collective bargaining, and in such a way as to discourage resort to Congress.

House Joint Resolution 559 is defective because it discourages collective bargaining, imposes a settlement of the issues and encourages resort to Congress. It sets a very bad precedent. Furthermore, it is unfair and inequitable, taking away the employees' economic power without any comparable deprivation to the carriers, which will be able to continue business as usual.

I will support the substitute of the gentleman from Washington [Mr. Adams]—House Joint Resolution 585—providing for receivership of the carriers during the period the employees are enjoined from striking. He has labored hard and well on this matter. His resolution—House Joint Resolution 585—would encourage collective bargaining by imposing a burden on both sides if they fail to reach a voluntary settlement. His resolution is fair and equitable.

If the Adams substitute fails, I will support the amendment of the gentleman from Michigan [Mr. Dingell] which provides that if a settlement must be imposed, it provide the employees with wages comparable to the average received in other industries by employees performing similar work. If working conditions must be imposed by Government on employees against their will, they should at least be fair working conditions.

But I think the best solution would be to give the President discretion and responsibility in this matter. I will thus introduce an amendment to give the President the option either to invoke the compulsory arbitration provisions of House Joint Resolution 559 or the receivership provisions of Mr. Adams' House Joint Resolution 585 should mediation efforts fail.

My amendment would prevent a transportation tieup and give the same incentive to settle the underlying issues by collective bargaining as Mr. Adams' resolution. It has the same elements of fairness. But instead of having the Congress impose receivership or compulsory arbitration, it leaves the determination to the President.

My amendment is thus the only solution which will discourage these disputes from being thrown in the lap of Congress in the future. It is the only solution which will encourage the President to propose permanent legislation to deal with national emergency labor disputes in the future.

The President should have this discretion and responsibility. He and his department officers have been deeply involved in settlement efforts for months. He decided to refer settlement to Congress. He decided not to propose legislation to provide a permanent solution to this kind of dispute.

Furthermore, the decision as to whether a national railway tieup must be prevented and, if so, what remedy is appropriate, depends upon many factors which could change radically between the time this resolution is passed and the time its final provisions go into effect after 91 days—for example, whether uninterrupted rail service is then essential to the Vietnam war effort and whether there is any new or intensified national emergency or state of war. The President, and only the President, will have the information to make the settlement fit the situation at the time.

National emergency labor settlements should not be continually dumped in the lap of Congress at the last minute before a national tieup is about to occur. The administration has failed to provide promised permanent settlement proposals for such situations and, in my opinion, has failed in this instance to provide a solution that is either fair or effective.

The best way for Congress to assure that it will not continue to be the recipient of these last-minute legislative settlement appeals—and to relieve itself of the undesirable burden of imposing the bad precedent of compulsory settlement—is to give the President the responsibility for making these determinations and the tools with which he can make them fairly and equitably.

Mr. FRIEDEL. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. Satterfield].

Mr. SATTERFIELD. Mr. Chairman, I dare say there are few if any in this committee who favor compulsory arbitration. Indeed free enterprise depends upon free bargaining.

But that is not the question we must decide here today. What we are really called upon to decide is whether or not we are going to protect the public interest and prevent the chaos that would flow from a nationwide rail stoppage.

That public interest goes far beyond the matter of mere inconvenience, for it is concerned with the broad spectrum of our economy, the health and welfare of our citizens, and support of American troops in Vietnam and our national objectives in the world theater.

I would ask the Members to refer to pages 9 through 11 of the committee report for a more detailed indication of the impact of such a stoppage, but I would like to call the attention of the

Members specifically to certain items with respect to our defense effort.

Consider, if you will, over 40 percent of the total freight shipped by the Department of Defense, exclusive of those petroleum products transported by pipeline, is moved by the Nation's railroads. During the first three quarters of this fiscal year, our defense rail shipments totaled 5.4 million tons. This amounts to 20,000 tons, or approximately 625 carloads every day.

The Chairman of the Joint Chiefs of Staff, General Wheeler, has said that during the month of June, 140,000 tons of ammunition are scheduled to move by rail to our ports for shipment overseas. He estimated that more than 900 carloads of ammunition for Vietnam will be moving during the first 2 weeks of this month. Without rail transport, our ability to maintain sufficient stocks of ammunition for our troops in Southeast Asia would be seriously impaired.

The same is true of the movement of heavy military equipment—tanks, artillery, armored personnel carriers. General Wheeler has estimated that in the first half of June over 3,000 railcars would be needed to transport supplies essential to the Vietnam effort.

None of these figures take into consideration the disruption of shipments from subcontractors to prime contractors of essential parts.

A national railroad strike would affect virtually every segment of the American economy and cause immeasurable hardship for most Americans.

Railroads carry over 90 percent of the ton-miles of shipments of passenger car bodies and body parts, nonferrous metal, primary smelter products, millwork and prefabricated-wood products, and flour and other grain mill products, among others.

Railroads account for 37 percent of total manufacturing shipper ton-miles, and over 60 percent if petroleum and coal products are excluded.

The railroads carry, almost exclusively, chlorine, without which our cities' water purification efforts would be seriously hampered.

The railroads carry almost 73 percent of coal-tons—a product essential to the production of much of our urban electricity.

A railroad strike would bear most heavily on perishable products and semiperishable grains that usually move to concentration and consumption points by rail. A rail strike would interfere with the flow of this Nation's domestic and foreign agriculture traffic.

What is more alarming there is no possibility of shifting any significant portion of rail traffic to other modes of transportation. Secretary of Transportation Alan Boyd estimates that the excess capacity available from other modes places the maximum divertible amount of traffic at 10 percent of the normal rail volume—and that only after extensive adjustment in traffic patterns have been achieved over a number of weeks.

In the event of a rail stoppage there would occur a spreading cumulative effect which is graver indeed than the immediate impact on particular industries. I refer to the effect such an interruption of rail service would have on our overall gross national product. In 1963, the Council of Economic Advisers estimated that a rail strike of 1 month's duration would produce a decline in GNP of over 13 percent, nearly four times the quarter-to-quarter drop in GNP during our greatest postwar recession in 1957–58. It does not take much imagination to recognize the gravity of that effect when one contemplates the tremendous deficits that have been forecast for 1968 which assume an increase in our GNP.

I know arguments are being made that if Congress refuses to act or if it chooses some other resource than that contained in House Joint Resolution 559 the strike will be settled. To rely on such an argument is at best a gamble which I suggest we should not take. The only way we can be sure is to pass House Joint Resolution 559 as reported.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. SATTERFIELD. I yield to the gentleman.

Mr. ADAMS. Mr. Chairman, is there any danger, if the men are enjoined, and the same situations as prevailed under House Joint Resolution 559 are in effect that there would be any different problems, but at the same time would it not increase the possibility of bargaining if more pressure is put on both sides?

Mr. SATTERFIELD. I am not convinced that it would increase. I think the pressure now exists on both sides. This would be an arbitration binding on both parties.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRIEDEL. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, there has been considerable discussion here that the measure before us be classified as a White House or L.B.J. bill.

I suppose there might be some element of factuality there.

When President Kennedy recommended the railroad strike legislation in 1963, I suppose you would say that that would be a Kennedy recommendation and this year as the President has recommended this, I suppose you can say that this is a Johnson recommendation.

But neither President Kennedy nor President Johnson is sitting down at the White House dreaming up some kind of measure to make you or me uncomfortable.

They have to meet their responsibilities as leaders of this country. That is simply what the President is doing. Perhaps you can say that the reason he is doing this is because one of the sides will not get together and collective bargaining has not worked.

Second, you and I on either side of the aisle have not done anything about amending our railway labor laws to see that these things do not occur.

A President, whoever he is, must do something about it. That is what our President is trying to do. Is there anyone in the Chamber who thinks he should do nothing? Of course not.

Someone has built up the idea that the offers that have been made are management oriented, and they have been unfair particularly to the unions. This is the biggest smokescreen that has been thrown out here. They seem to think that because the unions cannot get all they want, automatically they have been discriminated against, squeezed, or treated improperly.

I call to the attention of the House the people who were on the National Mediation Board:

Francis A. O'Neill, Jr., who was review attorney for the New York State Labor Relations Board, and who was 13 years with the National Mediation Board.

Leverett Edwards, assistant attorney general in Oklahoma, a member of the Industrial Commission of Oklahoma, and a member of the National Mediation Board for 17 years.

Howard G. Gamser, New York attorney, lecturer at the London School of Economics, Wage Stabilization Board, New York State Mediation Board, and lecturer of labor, Columbia School of Law, and former chief counsel of the House Committee on Education and Labor.

Here are the members of Emergency Board 169: David Ginsburg, who was General Counsel in former years to Leon Henderson of the OPA. And, indeed, one of our own former colleagues, the head of the Un-American Activities Committee, chased him all over the country classifying him as one of those "sympathizers."

Frank J. Dugan, labor law professor at Georgetown University.

John W. McConnell, president of New Hampshire University.

Those are the members of Emergency Board No. 169.

The Special Board members were the following: Judge Charles Fahy, circuit court judge and former General Counsel of the National Labor Relations Board.

John T. Dunlop, economics professor, Harvard University.

George W. Taylor, Wharton School of Business of the University of Pennsylvania.

All throughout these proceedings we have had the unanimous support and counsel of Secretary of Labor Willard Wirtz; Assistant Secretary of Labor Jim Reynolds, probably the most knowledgeable man in this field in America; Arthur Goldberg, former Secretary of Labor and now the Ambassador to the U.N.; Alan Boyd, Secretary of Transportation; and, of course, the Senator from Oregon, who is somewhat experienced in the field. All of those people considered this matter, and I do not see one of them that would be management oriented. I do not see a one on the list that would be trying to be unfair to the worker or to the union man. I do not think anyone in this House would say that these gentleman have been trying to force on the laborers an unfair, difficult, and harsh decision. This simply is not the case.

The big question before us is this: Are we going to let a strike occur, or are we not? I do not care how much we wiggle. I do not care how much we say that it is a kind of compulsory arbitration or mediation to finality. The net effect of the question is, Are we going to let a strike occur or are we not? It is not something that we want to do as a chore but something that we have got to do.

I want to point out one thing to you about this business of compulsory arbitration.

Suffice it to say that the Fahy Panel recommended a 6-percent pay increase for 18 months—retroactive to January 1967—together with increases of three 5-cent increments for mechanics and journeymen during the 18-month period starting in January of 1967.

The importance of this scheme is that although these recommendations were rejected by both parties, they lie somewhere between the demands made by each party at this time.

In other words, the Special Board starts with a package somewhere between the demands of the parties and the Board is limited in the scope of the ultimate settlement to the demands of the party.

So it is easy to see that the Special Board, in effect, is "fenced in" as to the settlement it may recommend.

Let us contrast *this* with the usual ideas of compulsory arbitration.

Suppose we did get this bill passed. Then the question is, What are the issues to arbitrate?

Previous efforts of the parties to arrive at a solution would be ignored and the arbitrator, as the Senator from Oregon has reiterated, would have the "duty to go outside the framework of the collective bargaining and mediation that has preceded his taking jurisdiction as an arbitrator and decide the case on the basis of the evidence in the issues raised and in the arguments and evidence raised and submitted to him in that case." So we think the bill we have before us limits the Special Board and to say it is really compulsory arbitration in the strict sense of the word is not the case.

Now we must say that there is an element of finality. If we want to try to paint that with compulsory arbitration or mediation, that is for each to choose. Both sides can negotiate right on up to *the first 30 days, 60 days, 90 days, even* 2 years thereafter. Certainly this is collective bargaining, because we are giving the parties a chance to bargain. If we are going to protect collective bargaining, we had better pass this resolution that is before us.

At this time and at this late hour, the only tangible question squarely facing us is whether the Congress will allow a nationwide railroad strike to take place at 12:01 a.m. this coming Monday.

It is before us today burdened with *controversy. It is a matter where reasonable men cannot agree and where diver*sity—rather than unity—seems to be the order of the day.

We can wiggle as much as we like here, and we can try to squirm out from under our responsibility. We can blandly say *that we do not like "compulsory arbitra*tion or mediation to finality." We can say that seizure is more desirable than mediation and we can say that some of the workers are getting either more or less than other workers. All of these things, however, are individual views and are often conveniently argued—depending on one's philosophy or background.

But the American public is going to ask the Congress: "Why did you let this strike occur?"

Perhaps this is an unfair appraisal and it is unfair in the sense that it is none of our doing. Mr. Chairman, the parties should have mediated this dispute and it is not right that we are here to vote this resolution.

But we are here, nevertheless, and we are here to face our responsibility. And whether we act or fail to act, the Congress will make a conscious choice which will affect—and very quickly—not only those directly involved in this dispute but the lives of millions of our countrymen.

As most of you know, the major recurring questions during our committee studies of House Joint Resolution 559 were threefold and concerned whether the proposed solution is "compulsory arbitration or mediation to finality"; whether seizure or some other procedure should be added to the bill in order to "equalize" the impact this measure will have on the parties; and, to a lesser extent, whether permanent legislation should be considered.

My reaction to the solution set forth in House Joint Resolution 559 is that the remedy is a sound one. Still, critics raising the banner of "compulsory arbitration" will not allow such a calm approach and I sense the need to explain why I feel that this particular solution is not compulsory arbitration in the traditional sense.

The proposal as suggested by the Pres*ident and as strengthened by amend*ments in committee sets out very sharp and clear limitations on the decision which may be handed down by the Special Board.

Under the terms of the bill now before us, the Special Board is directed to mediate the dispute for 30 days. If no settlement is reached, they are to begin 30 days of hearings to determine whether the proposal of the Fahy Panel is:

First, in the public interest;

*Second, a fair and equitable settle*ment within the limits of collective bargaining and mediation efforts in this case;

Third, protective of the collective bargaining process; and

Fourth, fulfilling the purposes of the Railway Labor Act.

On the issue of the theory of seizure, I know that some members of the Commerce Committee felt that the proposed solution did not provide a "fair evenhanded solution" and that seizure should *be added to the remedy in an effort to make the continuation of the dispute un*pleasant to the carriers.

Many arguments have been made against seizure—in the committee, for example, an entire list was submitted—but I feel there is one pertinent reason. I *think this reason goes to the heart of the* matter, and that is seizure is not a method to resolve or settle a dispute. It is—or at least it is intended to be—a punitive means of enforcing a settlement which has otherwise been violated.

It is an enforcement vehicle, only. It settles nothing and it is likely to upset everything and everybody. It probably even takes away the advantages gained by some of the workers and it takes away the right to strike or lockout.

It sets the stage for nationalization of the industry and it is under normal conditions contrary to our free enterprise system and worst of all it seriously weakens collective bargaining.

When the other body was considering the companion of House Joint Resolution 559, seizure was given a complete and full hearing. In several alternatives, this question was raised and on the floor "fiscal seizure of 10 percent of the carriers' profits" was brought up and, also, a plan for seizure during the 90-day period prior to the time a Special Board recommendation would go into effect.

All of these proposals, as well as other variations of them, were soundly defeated, and have been defeated in every forum in which they have been considered in this dispute.

The tragedy of this dilemma is that we have not moved forward on permanent legislation. In the last 4 years, we have had three major transportation strikes thrown into the lap of Congress by parties who would not settle their differences.

It is clear that this is a pattern that will be followed in years to come unless we improve our national labor policy and the machinery to administer it.

It is for that reason that I introduced H.R. 5683 which would amend the Railway Labor Act to provide procedures to deal with the type of dispute that we are *faced with today.*

I have requested the chairman of our committee to hold hearings on this measure, and unfortunately, the request has not been granted. Again, I call on Congress to consider as soon as possible *permanent alternatives to the case-by*-case type of legislation we are considering today.

Mr. FRIEDEL. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. PEPPER].

Mr. PEPPER. Mr. Chairman, I believe *we agree that the President of the Unit*ed States only did the proper thing by discharging his duty in asking the Congress, when all other means of doing so appeared to have failed, to provide in some manner for the continued and un*interrupted operation of the railroads.* It was only natural that the President should turn to a precedent that this Congress itself had made in 1963, when we passed a bill under similar circumstances, which, in turn, had something of a precedent in the legislation the Congress en*acted in 1916.*

The President's bill, however, proceeds upon the assumption that we need to do something that will solve this dispute at least until January 1969 unless the parties agree between now and that time, upon settlement of their dispute.

I do not agree with that aspect of the President's recommendation. If we followed that course, as I have understood what is proposed here upon this floor, we are going to have to vote either on achieving the President's objective of keeping the railroads in operation through what I believe, at least after the first 90 days, is compulsory arbitration—because by force of law we make the recommendation of the Special Board effective and binding upon both the carriers and their employees—and/or, in the alternative, we adopt the proposed amendment or substitute which able Members of this House contemplate offering, providing for the seizure of the railroads in the interim of the settlement of the dispute, following the analogy of what was done during the war in a similar case.

I believe we can avoid the necessity of having to make either one of those hard decisions, and I believe the way to do it is to adopt an amendment which I venture to offer to strike section 5 of this bill. In substance, the amendment would read:

> On page 4, strike line 25 and all that follows down to and including line 24 on page 5.

That is the part of the bill that puts into effect as a matter of law the recommendations of the Special Board.

I do not believe the time has come when we need to give up all hope of the procedures that are prescribed in this bill being effective to bring about a reconciliation of the parties in this dispute. If my amendment were adopted, everything that is in this bill would remain there except the compulsory arbitration provisions of this bill. The strike would be enjoined for 90 days, as the bill provides. The Special Board would be set up and for 30 days would mediate and try to bring the parties together. And, as the bill further provides, in the second 30-day period the Special Board would conduct public hearings upon the recommendations of the emergency board, and the report of that board on April 22 of this year to the President, and then, at the end of that 60-day period, as the bill provides, that Special Board would make its recommendation to the President and the Congress. And, as the bill provides, for the third 30-day period the Congress and the President and the country would have the benefit of the recommendations of that Special Board. If it all fails, we would not be in any worse position than we are in today.

We would be still here, we could still act, and we could face the hard decision whether we are going to force these men to work, by mandate of law, for some other citizens in this country in these circumstances, or whether we are going to make it a little more palatable by letting them work for the Government of the United States, after the Government, under legislation we would enact, should have seized the railroads.

One may say that there have already been two boards, and that they could not bring the parties together. We know it takes three strikes before a man strikes out.

The first board was appointed pursuant to the Railway Labor Act, Emergency Panel No. 169. They recommended a 5-percent increase and job evaluation.

The Fahy Board, set up under the special legislation of Congress, recommended a 6¼-percent increase and a total package increase of 15 cents an hour over a period of 18 months. That was a different recommendation from the recommendation of Emergency Panel No. 169.

Perhaps a special board would make a more palatable recommendation, which could be accepted.

Mr. FRIEDEL. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, there has been a great deal said today to indicate we face either the legislation before the committee or that we will be having a nationwide railroad strike.

I would point out to the membership that we are just now in the general debate stage of the consideration of this legislation and that a number of amendments will be offered which will make this legislation more palatable and indeed more fair.

I would point out that there is reason to criticize all of the parties to this labor dispute. Labor has pointed out that management met with them on only 4 days. This is in the hearings.

I would point out that from days long past—indeed, from April 25, 1967, until June 6, when the parties were convened at the request of the distinguished chairman of the committee—there were no face-to-face meetings between the parties. Only at that time did the parties get together to agree or that they could not agree.

I do not know whether we are going to save collective bargaining today. It would appear that there is pretty good reason to believe the parties have already slain collective bargaining, or at least that they have not in recent memory resorted to it.

Let me point out that the role of a prophet is indeed a difficult one, and the paths and byways of history are sprinkled with the carcasses of prophets who have neither been honored in their own time nor survived the wisdom of their prophecies.

But I should like to point out that if the legislation presented to the House of Representatives today is enacted into law the issues which divide the parties today will be unresolved at the completion of the 2-year period during which the parties will be foreclosed from both strike and lockout. There will be no more collective bargaining during that interim period of time than there has been to date.

I would point out there is adequate precedent for this, because during the time of the so-called resolution of the issues in a similar dispute regarding manning rules, which were interdicted from strike by legislation passed by this Congress, the issues have simmered but have never been resolved by collective bargaining from the parties, and are indeed now subject under the Railway Labor Act to more collective bargaining, and indeed are subject to ultimately being presented to the Congress because of the possibility of a strike which would affect the railroads under legislation passed in 1963, which supposedly resolved the questions before us.

The House of Representatives should not seek to fix fault. I do not believe it is for us to decide whether the railroads are at fault or whether the brotherhoods are at fault.

I do not believe it is for this body to consider whether or not the offer of management is fair or the demands of labor are fair. That question is not really properly one which should be decided in this kind of body.

If we are going to decide that issue, I would point out to my colleagues, we should then better consider a legislative enactment which would embody what this body considers to be fair wages and fair working conditions for the parties, and not delegate it, under what the Secretary of Labor has admitted meets the classical definition of compulsory arbitration, to some special board to be set up by the Congress. What I think is needed here is evenhanded pressure on both parties to make them bargain collectively. What is needed here is something which is equally obnoxious to all parties so that there is reason for the parties to sit down together and resolve their disputes and differences. I say this because, under our system of government, this is the only way that labor disputes are finally decided.

I would point out to my colleagues, in the tradition of this great Nation, collective bargaining is the only fair way for the resolution of this kind of dispute. If we have compulsory arbitration, then management gets a new partner; namely, Government, to dictate the terms of settlements. Labor secures a new business. The free competitive economic system which has brought such great strength and great success economically to this Nation has been hurt if, indeed, not mortally wounded then. We have then gone a long step toward Government control over the affairs of business and over the wages of labor.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRIEDEL. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. DINGELL. This bill gives the railroads precisely what they have sought since the early 1950's. It gives them compulsory arbitration. It gives them a panel to decide issues which they cannot or will not resolve for themselves.

Two amendments will be offered tomorrow which I would commend to this body. One is the effective seizure amendment in the form of legislation which has been pending during the pendency of this matter. It is House Joint Resolution 585. I would commend it to the reading of the membership, as I would commend the minority views pointing out the reasons and merits for that legislation.

The other thing is legislation which would impose comparability. As long as we are going to impose upon a panel the fixing of wages, we should assure that equal pressure and equal treatment is afforded to both, and workers compelled to work against their wills for an industry in which they do not choose to work will, at least, be given comparable treatment insofar as their wages are concerned to other industries with similar crafts.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. BROCK].

Mr. BROCK. Gentlemen, I am highly reluctant to oppose Members of our minority side on this particular committee. They constitute some of the best quality we have in the House of Representatives. But I must on this day, with a great deal of regret, take an opposing position. Our Secretary of State said something which makes a great deal of sense to me. He said:

> War is the failure of foreign policy.

In a like manner I would say to you today that compulsory arbitration represents the failure of a free society to accept its responsibilities to the people of this country. This bill is not just a crack in the dam; it is an open door to economic serfdom.

I am particularly concerned because we are operating in a crisis atmosphere. Of course this country cannot afford a railway strike. Of course it would affect the Vietnam war, the situation in the Middle East, and all of the rest of our domestic and international problems. But are we to respond to a crisis, as this administration appears wont to, every time it appears, and in the process abdicate principle just in order to resolve the crisis?

What are we doing?

Mr. Chairman, for once this body should undertake to exercise a sense of responsibility and recognize the basic problem involved.

This bill does not propose to do anything except impose our will upon this industry and its employees. It is a one-shot crisis approach; that is all. It represents not an assumption, but an abdication of the responsibility given the Congress by the American people.

Mr. Chairman, the results of this legislation, in my opinion, will lead to the destruction of our free economic system as we know it today.

You simply cannot say that we can permit the Federal Government to set wages for one industry and, thus, destroy the rights of the workers in that particular industry.

If Government is to set wages and prices, you have established total rules for the operation of a free industry. Thus, you have begun to set the profits of the free enterprise system in America—and in the process to destroy our free economic system.

It frightens me to look at the history of this legislation and to recall that only a couple of years ago we had this very same problem pending before us. The Congress imposed compulsory arbitration and hoped it had solved the problem.

Then, the President said that he was going to submit to the Congress a plan for a long-term solution of the problem, creating a panel to study and submit concrete solutions. What happened? Absolutely nothing. They proposed absolutely nothing. No new ideas, new alternatives, only warmed-over force.

Seeing no results, Congress this year provided for a 20-day extension in which we said, "You have got to bargain collectively." They did not do so. Again Congress passed the 47-day extension and stated again that they must bargain collectively. They failed to do so.

Finally, this bill is presented. In it, you must come to the realization that Congress, for the first time, is taking a tragic step in involving itself in the settlement of labor-management disputes.

Mr. Chairman, one of the finest Members of this House, the distinguished gentleman from Ohio said that we only have three alternatives—compulsory arbitration, seizure of the industry involved, or a national catastrophe by virtue of a strike.

Apparently, many responsible Members of this body are supporting compulsory arbitration, seeing no acceptable alternative.

It is interesting to note that those who are opposed include liberals and conservatives, Republicans and Democrats. Members of the majority, though, suggest an even more unacceptable move—seizure. This is wrong.

I suggest there is a better alternative.

This alternative is based upon the study of the basic problem involved, Mr. Chairman, not just superficial symptoms to be treated by seizure.

The basic problem is the fact that in this country we have paralyzed our bargaining process through concentration of power and industrywide negotiations.

Thus, we have involved the consumer, the taxpayer, the public, without giving them a voice. We have got to take the consumer out of this crisis. We must get this problem back to the bargaining table, based upon the original premise of collective bargaining, which is a conversation and dialog between the parties involved—not a national emergency by which one side forces an uneconomic settlement on the other to the detriment of all.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SPRINGER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. BROCK. Mr. Chairman, I, therefore, will propose an amendment to House Joint Resolution 559, striking all after the resolving clause, and inserting in lieu thereof the following:

Strike out all after the resolving clause and insert in lieu thereof the following:

"That section 10 of the Railway Labor Act is amended (1) by striking out the center heading of such section and inserting in lieu thereof 'SETTLEMENT OF EMERGENCY DISPUTES'; (2) by inserting '(a)' after 'Sec. 10.', and (3) by adding at the end thereof the following new subsections:

"'(b) If on the last day of the thirty-day period referred to in the third paragraph of subsection (a) the parties have not reached an agreement for settling the dispute and the President finds that the dispute, if permitted to continue, will imperil the national health or safety, the President shall issue an executive order setting forth such finding. In such case, commencing with the tenth day after the last day of such thirty-day period and until such time as the dispute is settled—

"'(1) no carrier involved in the dispute may, with respect to terms and conditions of employment for his employees involved in the dispute or with respect to terms and conditions for the settlement of the dispute, act in concert or consult with any other carrier involved in the dispute with respect to the terms and conditions of employment of such an employee or with respect to terms and conditions for the settlement of the disptue; and—

"'(2) no person may be the representative, for purposes of collective bargaining, of the employees of more than one carrier involved in the dispute and such person may not act in concert or consult with the representative of the employees of any other carrier involved in the dispute with respect to terms and conditions of employment or with respect to terms and conditions for the settlement of the dispute.

"'(c) For the purpose of carrying out subsection (b) the Mediation Board shall prescribe by regulation how the representative of the employees of each carrier involved in the dispute shall be determined.'.

"SEC. 2. Section 2 of the Railway Labor Act is amended by adding at the end thereof the following:

"'Twelfth. (a) No employee shall engage in any strike growing out of a labor dispute with respect to which the services of the Mediation Board may be invoked unless a majority of the employees in the appropriate unit (as determined by the Mediation Board) have voted by secret ballot in favor of such a strike, and no employee shall continue any strike growing out of any such labor dispute for more than twenty-one days unless a majority of the employees in such unit have voted by secret ballot to continue such strike.

"'(b) Upon receiving a request therefor from any representative of employees, the Mediation Board shall forthwith take a secret ballot of the employees in the unit such Board finds to be appropriate on the question of whether they wish to strike or continue to strike, and shall certify the results to the representative and employers concerned.'

"SEC. 3. The amendments made by the first two sections of this joint resolution shall be applicable to the labor dispute between the carriers represented by the National Labor Railway Conference and certain of their employees with respect to which the provisions of the final paragraph of section 10 of the Railway Labor Act have been extended by PL 90–10 as amended, except that upon the enactment of this joint resolution the President is authorized to issue immediately an executive order setting forth a finding that this labor dispute if permitted to continue will imperil the national health and safety, as provided in subsection (b) of section 10 of the Railway Labor Act, as amended by this joint resolution."

This represents, I think, a practical approach. It would preserve collective bargaining. It would prevent oppressive concentrations of power in the hands of either industry or labor. It would allow all of the influences of a free and competitive economy to come into play in the settlement of disputes.

It would simply require—if a dispute is not settled under the existing procedures of the Railway Labor Act—a "fractionalization" of bargaining units. That is, an employer would be allowed to bargain only with his employees; employees would be allowed to bargain only with their employer. No union or management association could represent more than one group of employees or one employer.

If a settlement is reached between the employer and employees of one line, then they could go back to work—regardless of what other lines were doing. In other words, there would not have to be an industrywide agreement—one that would satisfy all employers and all employees in the industry.

Another important requirement of this plan would be a secret polling of employees—conducted by the Mediation Board—to determine, first, whether a strike would be called, and then, every 21 days thereafter, to determine if the strike should be continued. If the majority of a company's employees were satisfied with an offer, then they could vote to go back to work—again regardless of what employees of another line might choose to do.

As I have said, with all of the influences of a free and competitive economy coming into play, a settlement on a line-by-line basis would be reached, and would be reached by the parties bargaining collectively.

Mr. Chairman, it is my opinion that this approach will give back to our Nation the real benefits of free collective bargaining. That is the principle involved—and it must be preserved.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. Rogers].

Mr. ROGERS of Florida. Mr. Chairman, I thank the gentleman.

Mr. Chairman, actually I am not going to review all of the arguments that have been made. I would like to say the members of the committee, I believe, have been conscientious in trying to bring to the House a possible solution, the best one presented to the Committee, and we went into different considerations.

We hear that perhaps this is not fair to both sides, therefore, if they cannot get together on the one wage problem, the argument is made that it is not fair to the other side; that they then go to a board.

When we analyze the situation we find that the management will have to abide by the decision of that board on the payment of wages. If they go up, management pays. Then the wages are to be retroactive as of the time the disagreement developed, so that the employees will be paid.

This proposal which is presently before the House, which has come from the committee, differs from the 1963 proposal sent here by President Kennedy, in that we have done everything possible to try to continue collective bargaining as has been related this afternoon, first of all, in trying to encourage the parties themselves to get together, and has been said, even insisted, that they get together to continue negotiations.

Second, we tried to encourage them to go into voluntary arbitration, and this was not agreed to.

Finally, as has been stated here, they said, "We simply cannot get together on this pay issue for 28 percent of the employees. All the others have settled."

So what the committee has done now, knowing that even the parties themselves have admitted this Nation cannot stand a nationwide strike in the railroad industry, is to try to protect the collective bargaining positions of both parties by putting in the resolution that any considerations that this board gives in making its recommendations, if they cannot get together within the period of time given, or in the period of time of 2 years, must be within the limits negotiated and framed so far.

This was not so in the 1963 proposal. So I believe we have taken out one of the most offensive elements on compulsory arbitration, in that in compulsory arbitration the board comes in and they look over everything, start everything anew, and they decide whatever they want. This will not be done in this situation. It has to be held within the framework that the parties have presently agreed upon.

Mr. Chairman, I am somewhat amazed when I hear some of these arguments that arbitration is impossible, or that the unions have always opposed it. That is not true. As a matter of fact, section 3 of the act establishes the National Railroad Adjustment Board for the resolution of all disputes in the railroad industry growing out of grievances, or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions.

The statute provides that the National Railroad Adjustment Board shall be composed of representatives of the railroads and the railroad labor organizations, and where necessary, neutral referees appointed by the National Mediation Board.

The decisions of the Adjustment Board are final and binding upon the parties until altered by agreement.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRIEDEL. Mr. Chairman, I yield 2 additional minutes to the gentleman.

Mr. SPRINGER. Mr. Chairman, I yield the gentleman 3 additional minutes.

The CHAIRMAN. The gentleman from Florida [Mr. Rogers] is recognized for 5 additional minutes.

Mr. ROGERS of Florida. Mr. Chairman, I hope the Members will listen to these facts.

Since 1935, the National Railroad Adjustment Board has processed over 58,000 disputes.

Of these, 12,000 were resolved without the use of a referee—simply the two parties.

Another 25,000 were disposed of with a referee.

As has been stated, with a third party getting them together, 25,000 disputes in the railroad industry itself have been disposed of in this way and 21,000 were subsequently withdrawn by one or both parties.

In 1966, 1,700 cases were disposed of.

In 1965, 1,800 cases were disposed of.

In 1964, 2,000 cases were disposed of.

Also, I think it is interesting to note that the union itself, before Emergency Board 169, stated in its brief as follows:

> In their efforts to reach agreement on the ultimate goal of such a wage rationalization, the parties can invoke the good offices of the Department of Labor and other Federal agencies to furnish occupational and labor market information needed in their determination of occupational and job comparability.

And listen to this further:

> If in the final analysis they cannot agree on the ultimate degree of comparability, they should then recourse to arbitration of the unresolved issues.

That was presented to the board itself. So I think we must put in proper perspective this whole approach that the committee has tried to deal with.

Certainly, we would rather that this would not be before the Congress. The committee, I am sure, and others have done everything possible to get the parties to resolve the problems themselves. If the parties really believed in free collective bargaining, this would be settled. But certainly the Congress of the United States has the responsibility that is the national interest, and this comes before labor interests or before management interests. This is the position that this Congress has to take. We have to have the courage to stand up and say, when everyone admits that a national strike cannot be permitted, that we will not allow it, but that we are going to try to work out a provision, which the committee has done, and which is the fairest to all parties involved and which tries to maintain as well as we can all of the principles of collective bargaining. This has been done by trying to say that it can only be within the framework that the parties themselves have agreed upon, and only those issues now in dispute. It expressly provides that this board does not have to recommend 2 years and it does not have to recommend 1 year—but this board may come up and recommend a 30-day trial.

There is nothing that says that there has got to be 2 years in this resolution.

Furthermore, it says that we will encourage the parties to continue negotiation—and they should. They can agree any time they want to.

So I feel the committee has tried to be reasonable and fair with an unpleasant task and an unfortunate task. But I think they have tried to meet the responsibilities that this Congress itself must face.

I would commend for your consideration, a serious look at the resolution as it has been reported out and as it has already been passed by the other body, because of the urgency of the matter.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I am delighted to yield to the gentleman.

Mr. ADAMS. Mr. Chairman, I think you must be very careful not to distort the provisions of the Railway Labor Act. What he refers to is section 152. It says:

> There shall be arbitration of disputes under agreements that have been entered into voluntarily.

Whereas, under section 156, there is a procedure whereby the parties try to arrive at an agreement. There is a great deal of difference between interpreting an agreement and entering into one.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland [Mr. Mathias].

Mr. MATHIAS of Maryland. Mr. Chairman, the scheduling of this debate is, I think, a confession of failure. Perhaps we should admit very candidly that it is an admission of failure on the part of the Congress, and I believe that it is an indictment against the administration because this day is the day of reckoning that has been long coming, and it has been well advertised.

I well recall on Labor Day of 1960 that there were a number of statements made, as are annually made on Labor Day, but on that particular day I was struck by a coincidence—a paradox, if if you choose to call it such—when Arthur Goldberg, who was then the general counsel of the AFL–CIO, said that a paralysis strike, particularly in a basic industry, is a kind of economic weapon that even a nation as wealthy as ours can no longer afford.

On the same day there was a statement by a noted exponent of the free enterprise system, Nelson Rockefeller, who said precisely the same thing. The country has long recognized that the paralysis strike is a danger to our system. We have long had it identified as one of the principal dangers to our economy. Yet here we are this evening, the day of reckoning having arrived, and I think we all bear some share of responsibility for the situation in which we find ourselves.

Let me comment briefly, first, on what I have described as an indictment against the administration. Twice last year the President promised the American people that he would recommend legislation to protect the public against national or regional disruptions due to labor disputes. He made this pledge once in his Economic Report and once again in his state of the Union message. He failed to act.

I, myself, have had 6 years of correspondence and communication with the Department of Labor, and this has only served to confirm my impression that Secretary Wirtz or the departmental bureaucrats under Secretary Wirtz are totally opposed to any new legislation or any new ideas, or in fact any fresh air or discussion on this subject.

Beginning in 1961 I have recommended, and I have actively advocated to the Department of Labor the creation of a "blue ribbon" commission to review the entire complex of labor laws. Specifically, I have recommended establishing a collective bargaining council empowered to review, impartially, trends on wages, prices, and productivity; to suggest realistic and flexible guide posts; and to offer objective guidance to Congress, to Federal mediators, and to all parties on specific disputes, prior to contract expiration. But as late as last year Secretary Wirtz advised me again—and I repeat again because he has done so on several occasions—that he felt the existing machinery was adequate. I wonder if he would repeat that opinion tonight.

There is a top-level President's Advisory Committee on Labor-Management. It was created by Executive Order 10198 issued by President Kennedy in 1962. But that committee has not issued a report on collective bargaining since May of 1962.

On July 11, 1966, almost a year ago, Secretary Wirtz advised me that no further reports were planned from the President's Advisory Commission on Labor-Management Policy. I believe this is truly a tragedy. It is not only a failure, it is a tragedy.

This 6-year record of administrative inertia is extremely dangerous. It is not only tonight, it is not only the railroad strike that we face in the immediate future, but we have labor contracts expiring in a great many of our major industries this year, and 1967 could produce more strikes with more devastating effect than in any previous year.

Mr. Chairman, as was said in the other body in the debate on this subject, the failure of the administration does not excuse the Congress from acting forcefully and properly in this matter. But I think those of us who are lawyers all learned in law school that hard cases made bad law. This is a hard case, and I believe it is in danger of making a bad law.

I am extremely reluctant to support the committee bill in this matter. I know it was said that the committee bill is the means of supporting the troops in Vietnam. But I ask the question, as others have asked here today: What is it that the troops in Vietnam are fighting for? There is a fight here on the homefront as there is on the war front. There is a fight to sustain the kind of economy and the kind of society that has made America the great nation that it is.

I cannot accept the proposition that for us to succumb to the hard choices that are before us, for us to cave in on a very basic economic matter, for us to choose one industry in which to start a process which is, I believe, admittedly corrosive of our entire economic and social system, is not a very, very dangerous precedent. I urge the committee to approach this whole problem in the light that this is not a new subject. It is a subject on which we have all had due notice.

Mr. FRIEDEL. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. KORNEGAY].

Mr. KORNEGAY. Mr. Chairman, I share in the dilemma that many of us find ourselves in here today. I do not think any Member of this body is happy about the prospect of voting on the issue before us today.

Yet, we cannot assume an ostrichlike position and hope that the problem that we face will go away before we pull our heads from the sand.

Through all of the raging controversy that has attended this issue now for several months, one fact remains uncontroverted. That is, that this Nation cannot tolerate a nationwide railroad stoppage that would bring our country's economy to its knees, particularly at this crucial moment in our Nation's history when we must move men and materiel for our fighting forces in Southeast Asia and be alert to move men and materiel anywhere there is a threat to world peace.

Twice this year, we have provided extensions of time in order to give the affected parties the opportunity to meet and act. Up to this minute, the bargaining processes have not produced a solution, and although free collective bargaining in this instance may not have failed, it surely is stymied for the moment.

Committees in both bodies have held long and exhaustive hearings and have heard testimony from all who wished to be heard. The other body last week passed this resolution overwhelmingly, by a vote of 70 to 15. The Interstate and Foreign Commerce Committee, although divided in its opinion, brings you this resolution, a proposal that will protect the public interest. It is, I suggest, the best possible compromise that has been offered to meet the crisis that confronts us.

It is, perhaps, the only recourse we can take to prevent a nationwide rail stoppage while at the same time protecting the public interest and preserving free collective bargaining.

We are now in our second extension of the Railway Labor Act and agreement between labor and management still appears distant. The irony of the situation is that, while the issues in this dispute are important, the differences that divide both parties are not that great.

I was hopeful that the recommendations of the Fahy Mediation Board would be acceptable. They were not.

But we cannot let this setback become an emotional stoppage to continuing the collective bargaining process. The stakes are too great. The joint resolution now before us would not let that happen. Rather, it establishes specific procedures for assisting the disputing parties in the completion of their collective bargaining and the resolution of remaining issues of difference.

The railroad system in this country is the largest carrier of intercity freight in the entire transportation system. In 1965 it moved approximately 700 billion ton-miles of freight, 43 percent of the total intercity movement. In 1965 railroads moved 4.3 billion ton-miles of Department of Defense freight traffic in the continental United States, 39.3 percent of the total.

In terms of passenger service, railroads have been declining steadily over the post-World War II period but still accounted for 17.5 billion intercity passenger miles in 1965, about 2 percent of total intercity movement and 18 percent of common carrier intercity travel. In certain cities, particularly New York, Philadelphia, and Chicago, railroads perform significant commuter service. In 1965 they carried 192.6 million commuters, or about 750,000 for each working day.

These figures help to point out the importance of keeping our railroads in service. But of equal importance is preserving America's tradition of free collective bargaining—a subject to which we cannot attach figures, but which can be counted among the most important individual rights of our citizenry.

This proposal takes both situations into account. Indeed, the very heart of this resolution is to allow every opportunity for labor-management agreement without detrimental governmental intervention.

The proposed five-man Board would be established for 90 days with the express hope that a privately negotiated settlement could be reached during that time. More importantly, no action of this Board will at any time preclude continued bargaining or private agreement.

The first 30 days of the Board's existence will be dedicated solely to continued efforts of collective bargaining. If agreement cannot be reached, the Board will deliberate upon the recommendations of the Fahy panel—a group of men, I might add, whose efforts toward settling this dispute will historically distinguish them among labor mediators.

The Board's determinations on the Fahy recommendations will, after 60 days, be submitted to the President and the Congress.

The committee considered this process the most equitable means of establishing terms for agreement that could be devised. It encompasses the goals we seek—to avert the strike while at all times preserving collective bargaining. If agreement terms are established at the end of 90 days, they will only be in effect until private agreements can be reached or January 1, 1969, whichever is earlier.

I urge both labor and management to continue their deliberations in earnest. This proposal is the most deliberate means of allowing them to do so.

May I respectfully suggest to this body that if this resolution is voted down and a nationwide strike follows, you will again be confronted with this issue. For, as the night follows the day, there will be a deafening hue and cry from the public and a demand for immediate congressional action. And I say to you, now, that a nay vote today is but a vote to forestall later action.

Mr. SPRINGER. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, it has been referred to by one of the speakers that one member of the committee on this side of the aisle voted against this legislation. I plead guilty to that. I was the one Member who opposed this legislation.

I am very much opposed to compulsory arbitration. In 1963, having come from a union family, I was very, very reluctant to vote for compulsory arbitration. I did so, but I said at the time that that would be the last time I would ever do it. That is in the CONGRESSIONAL RECORD. Now, that is only one of the reasons, but it is the major reason, why I oppose this resolution. It is because, without question in my mind, it is compulsory arbitration.

My purpose in rising here today is to point out to the Members who have been so kind as to listen through this debate that there has been much reference made to a substitute which is to be offered when the bill is read. Perhaps some of us or some of the Members might be sitting back, feeling, "Well, we will be taken off the hook by some kind of rewording of this or by a substitute."

I want to say to you who are present here this afternoon that this substitute provides not only for compulsory arbitration but for seizure, and I am equally opposed to seizure or even more so opposed than to compulsory arbitration. I would vigorously oppose any substitute which involves seizure, because, in my opinion, that benefits neither party.

I do not change my position on this bill. I intend to vote against it. But I certainly will urge that the Members who have been sitting here listening to the various speakers say they are going to offer a substitute, who might feel that this might not be so critical after all—I want to say to you it is going to be even more critical than you realize. It is because of this that my name does not appear in the minority views. The minority views say "and would also have provided that until the dispute is settled the railroads involved would be seized by the Government."

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPRINGER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. CUNNINGHAM. That would be the essence of it and the big battle when we start reading this bill and when the amendments are offered to it. To me this is repugnant. It is equally as bad as compulsory arbitration, and I should vigorously oppose it.

Mr. FRIEDEL. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. MOSS].

Mr. MOSS. Mr. Chairman, this is the culmination of what has been a very trying experience. I for one want to make it very clear that I impugn the motives of no member of the Commerce Committee. I believe it to be one of the finest committees in this House. It has worked hard and it has worked objectively. I disagree with the resolution achieved in the committee. I intend in good humor to voice my disagreement.

My good friend, the gentleman from Florida [Mr. ROGERS] stated that the proposal that came out of the committee dealt fairly with both parties. He said, "Why, if the amount that is finally ordered by the Board is more than the railroad wanted to pay, they have to pay it." And they do. They do, indeed.

And, Mr. Chairman, they can go right back to every user and ask for a rate increase, based upon that increased cost.

But, Mr. Chairman, what happens if a worker gets less than he feels is a fair price for his labor? He continues to work. And, he continues to work not for the 30 days which the gentleman stated that the Board might order, but until there is a negotiated settlement, or until January 1, 1969, when he is still not free of the agreement, but can only give notice of his dissatisfaction and start all over again the lengthy procedure which has brought this dispute here to the floor of the House today.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield to me at this point?

Mr. MOSS. No. The gentleman from Florida would not yield to me and I refuse to yield to the gentleman from Florida at this point.

Mr. ROGERS of Florida. But, Mr. Chairman, the gentleman from California referred to me by name.

Mr. MOSS. I know that I referred to the gentleman. However, I will not yield to the gentleman since the gentleman did not yield to me. I will not yield to the gentleman.

Mr. Chairman, now, the same sort of misinformation was contained in the statements of two other Members of this body who said—it is my recollection one of them said, and I undertake to quote him directly, "fencing in the Board." Fence it in? How effectively would we fence it in?

Mr. Chairman, let us look at page 4, line 16, which states:

> The Special Mediation Panel with such modifications, if any, as the Board finds to be necessary.

In other words, Mr. Chairman, this "fencing in" by the findings of the Fahy Panel means that that is a starting point.

Mr. Chairman, I had a bitter experience with the "starting point" in 1963 when the congressional committee very clearly made a mandate to the effect that the basis for the settlement of the manning dispute would be negotiated up to the point reached at that moment, but that is not what occurred.

Mr. ROGERS of Florida. Well, now, Mr. Chairman, will the gentleman yield to me at this point? Surely the gentleman wants the RECORD to be clear on this point.

Mr. MOSS. I am being very clear on the point.

Mr. ROGERS of Florida. Mr. Chairman, it is my opinion that the Members of the Committee deserve a further explanation of the point.

Mr. MOSS. Mr. Chairman, I do not yield to the gentleman from Florida.

The CHAIRMAN. The gentleman from California declines to yield to the gentleman from Florida.

Mr. MOSS. Now, Mr. Chairman, the fact is that we have also been told that an embargo starts at midnight tonight. I had a staff member to check with the Association of American Railroads, and I find that there is no embargo ordered or plan to put such an embargo into effect, although it has been in effect since yesterday on the Pennsylvania because of the congestion in the New York area, a situation which is totally unrelated to a pending or impending strike.

Mr. Chairman, we who oppose the committee's action did not do it in a negative sense, and we did not do it without having a full grasp of the public interest involved, the very broad public interest, and one which demands the attention of this Congress as to equity in its treatment, both of industry and of labor.

Mr. Chairman, the substitute which will be offered tomorrow by the gentleman from Washington [Mr. ADAMS] provides that equity of treatment. It proposes to place pressure upon both parties, and labor continues to work and the railroads will be operated under a receivership and they continue to bargain, while the minute they reach agreement, the receivership is dissolved and the injunction is lifted and the parties go back to normal relations.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. MOSS. Yes—notwithstanding the

fact that the gentleman from Texas did not yield to me, I yield to the gentleman.

Mr. PICKLE. I thank the gentleman for yielding, and I do not recall that I did not yield to him.

Mr. MOSS. I do, quite vividly.

Mr. PICKLE. If I am given time again I will be glad to yield to the gentleman.

The gentleman talks about the proposition of receivership. I assume the gentleman is referring to seizure when he is talking about receivership?

Mr. MOSS. I am referring precisely——

Mr. HALEY. Mr. Chairman, I make the point of order that a quorum is not present.

Mr. MOSS. Mr. Chairman, I did not yield to the gentleman from Florida.

I mean precisely and very precisely——

The CHAIRMAN. The gentleman from California will suspend.

Does the gentleman from Florida make the point of order that a quorum is not present?

Mr. HALEY. I do, Mr. Chairman.

Mr. PICKLE. I would yield to the gentleman from Florida if it would be permitted and agreeable to the gentleman in the well.

Mr. MOSS. No. I am faced with a point of order.

Mr. HALEY. The gentleman did not yield to my colleague from Florida. He yielded to the gentleman over there.

Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman withdraws his point of order.

Mr. MOSS. Mr. Chairman, I mean precisely what I said to the gentleman. We provide that the President may have the Attorney General go into a court, a district court, and seek to place the railroads in receivership.

Now, that is the term that is used in our draft resolution, and that is exactly what we mean, nothing more and nothing less. Just as we continue workers on the job through injunctive proceedings, if that is necessary.

Mr. PICKLE. The question I wanted to ask the gentleman is that I assume that when he is talking about seizure, and apparently that is what he is recommending, what happens to the other 74 percent of the workers who have already settled and who are at work, and who have no problems? In a seizure there is no strike, and this would automatically mean they are deprived of their right to work or not to work.

Mr. MOSS. Oh, the gentleman knows that they continue to work. They continue to draw their salaries. They continue to get their vacations, and the Nation's industries continue to operate. There is nothing as indicated negative in the proposal that we have offered, and it is equitable.

Mr. PICKLE. Yes, but they do not strike.

Mr. MOSS. I cannot understand the rationale that says you may seize a man's labor, but you may not seize a man's property; that you may order one to do something, but you may not order the other.

Compulsory arbitration is what I call the bill that was reported by the committee, and all of the semantics and gymnastics that can be indulged in will not remove the fact that that is precisely what it is.

Mr. PICKLE. The Special Board is not ordering either one to do a specific thing that they do not want to do. This bill will on the decision that will be reached.

Mr. MOSS. Let us look at the boards. Emergency Board No. 169 recommended for a 2-year period $85,440,000 improvement in salaries. The Fahy Panel, finding that there was a great deal of inequality in the shop craft union salaries, ordered an increase, or recommended an increase, of $139,223,510. A great deal of difference between the results of these two impartial panels manned by very distinguished gentlemen.

These are difficult issues to settle, and I much prefer the way that says that both parties continue to serve the needs of this Nation and sit down and talk and arrive at their own agreement, we are not going to fix your wages.

Mr. PICKLE. Now, I would say to the gentleman he mentioned Emergency Board No. 169——

Mr. MOSS. No; I will not yield further to the gentleman. I will yield to the gentleman from Florida, who had a question, and then if I have time I will yield further to the gentleman.

Mr. ROGERS of Florida. Mr. Chairman, I was going to ask the gentleman to read to the House the language that we specifically put in by saying that those considerations must be in a settlement within the limits of the collective bargaining and mediation efforts in this case.

Mr. MOSS. The gentleman knows full well that we exercised great care and diligence in 1963 both in the language of the law and in the language of the report to accomplish this same objective, and that we failed.

Mr. ROGERS of Florida. I would not agree with the gentleman on that because this is entirely different.

Mr. MOSS. I do not recognize it as being entirely different. I said that this was not one that finally ended on January 1 of 1969 because there is an interesting bit of language on page 5 which says—the Board's determination, the Special Board, shall have the same effect as though arrived at by agreement of the parties under the Railway Labor Act. That means that instead of delaying only until January 1, 1969, we could be delaying for a year or 18 months or more beyond that.

I want to point out to you, that to the men and women working for wages, that wages deferred means deferred buying power and you cannot make up for the lack of an adequate household budget. There is no compensation proposed here to offset the value of the lost compensation which ultimately might be paid retroactively.

I strongly urge the most careful consideration of the substitute that will be offered by the gentleman from Washington, and failing that, I would at least hope that we would establish a requirement of standards of comparability as will be proposed by the gentleman from Michigan [Mr. DINGELL].

SEIZURE LEGISLATION

Mr. PICKLE. Mr. Chairman, at the close of debate the gentleman from California raised the issue of seizure, a method I strongly oppose. I would like to submit some pertinent information on this subject.

Some Members of the Congress have urged that this body incorporate a seizure provision into the administration's resolution. But in my judgment, they fail to highlight the disadvantages of such an approach. Let me mention but a few.

First, the Members say that seizure creates equality of treatment between the parties. This could not be further from the truth. Seizure takes away from the railroads the operation of their private properties and imposes upon them operation and management by the Federal Government. Is this equality of treatment or is it one-sided treatment? I say it is the latter. Particularly in the light of the fact that the carriers have indicated their willingness to accept the National Mediation Board's proffer of arbitration, their willingness to accept the report of Emergency Board No. 169, their statements before the committee of the other House which implied their acceptance of the Fahy Panel proposal, and their unqualified statement before the House Commerce Committee that they would be willing even at this late stage to submit the dispute to voluntary arbitration.

Second, seizure raises a host of legal problems to confront both the parties and the Government. Is the Government subject to damage suits for losses incurred during the period of seizure? Does seizure freeze collective-bargaining negotiations for the 75 percent of the workers in the railroad industry who have settled their disputes without legislation? Who is liable for negligent injuries incurred by the railroad employees during the period of seizure? What rights do railroad employees have to leave their jobs during seizure? In what fashion will the Government reimburse the railroads for the operation of the railroads?

Seizure has never been an acceptable solution to problems of this character. For years organized labor has opposed seizure for the solution of collective-bargaining disputes. Seizure becomes no more palatable when joined with the administration's resolution.

How can anyone argue the merits of seizure in the light of the history of this dispute? The dispute should be settled through collective bargaining and mediation within the framework of what already has transpired in this case. That is what House Joint Resolution 559 attempts to do. To seize would be only to further complicate an already complicated picture. To seize would serve to inject the Congress into the dispute to a degree much greater than its circumstances warrant. To seize would serve to substitute false logic for sound reason.

I would hope that the Members advocating some form of seizure would reconsider their position, not from the point of favoring one side or the other, but rather from the point of view of where the equities and the public interest lie in the resolution of this dispute. Thank you.

Mr. JARMAN. Mr. Chairman, I think

it might be of benefit to Members to have inserted in the RECORD at this point the text of a press conference held at the White House this afternoon. The text follows:

PRESS CONFERENCE OF HON. ROBERT S. McNAMARA, SECRETARY OF DEFENSE; HON. WILLARD W. WIRTZ, SECRETARY OF LABOR; HON. ALAN S. BOYD, SECRETARY OF TRANSPORTATION, THE WHITE HOUSE, JUNE 14, 1967

Mr. CHRISTIAN. Secretaries McNamara, Wirtz and Boyd.

Secretary WIRTZ. At the Cabinet meeting, we discussed the railroad situation. I think you know the details of it. Unless the legislation presently before the House is passed, there will be a railroad strike at 12:01 A.M. Monday morning. That is Sunday night.

Since a strike would be senseless—the Senate has adopted a procedure and method for settling this dispute. It adopted it by a vote of 70 to 15. It involves a procedure which would provide for the handling of this matter over a 90-day period by mediation, by negotiation, by the clearing up by a five-man board of any questions that were left at the end of that period.

I don't think there would be any questions left at the end of that period. It would be settled in the pattern of collective bargaining and the pattern of negotiation.

If there is any question in anybody's mind right now, it must be only as to the importance of this issue and as to the consequences of a strike.

To weigh the consequences of a strike against whatever may be involved in the resort to this procedure is, in my own judgment, beyond any reasonable possibility of doubt.

But in the report in the Cabinet meeting this morning, the President asked for a report from the Secretary of Defense about this situation. I think you should have that; also from the Secretary of Transportation.

Secretary McNAMARA. I think there are two points which I should emphasize to you which I emphasized to the Cabinet.

The first is that no amount of rhetoric—and there has been a lot on this subject—no amount of rhetoric can obscure the facts that a railroad strike will stop the movement of essential munitions and equipment to South Vietnam, and will reduce the production of essential Defense equipment and munitions in the thousands of our plants across the country that are producing this equipment, vital not only to Vietnam but to the support of our forces elsewhere in the world.

We have 500,000 men, approximately, in Southeast Asia today in combat. We have another 500,000 stationed abroad in other parts of the world requiring the supplies produced in our plants today and the production of those plants will be substantially reduced by a rail strike.

So no amount of rhetoric can obscure that point. I know of no authority in rail transportation who would dispute the statement I have made.

The second point I made to the Cabinet was that we are in a particularly delicate period of international relations. I doubt very much that the full importance of the Middle Eastern crisis has been understood by our people.

I doubt very much that it is understood that the crisis is not over, that it will extend into the future, and that the result in part will depend upon our strength, our military strength.

It is absolutely essential that we maintain it. It cannot be maintained during a period of termination of rail operations. Similarly, we are in a period of intense conflict in South Vietnam.

As you know, the operations in and around the Demilitarized Zone have risen in activity during the past several weeks as North Vietnamese Divisions have moved into that area.

Those Northvietnamese Divisions carried out a very high rate of activity in four or five of the past six weeks—and, undoubtedly, will do so in the future. We have indications—through intelligence sources—that they plan a summer campaign both in that I Corps area and in the central plateau region.

So on two sides of the world, we face crises that demand that we maintain our military force at a high level of effectiveness, and we just can't do that in a rail strike.

These were the two points I made to the Cabinet.

Secretary BOYD. The point I made is that in addition to the defense situation, the facts are that the United States of America is the most sophisticated, highly integrated industrial society in the world. Aside from any questions about defense whatsoever, it is utterly impossible for this economy to continue operating with a rail strike which is the basis of the integrated, industrial society we have here.

This goes into the whole area of the health and welfare of the American society. You have heard before the fact that all of the chlorine for water purification, for example, moves only by tank car. It may be of some interest to know that in the average automobile, there are some 14,000 different component parts. They all go in a production line, basic to which is the railroad transportation system.

There are, apparently, many people in this country who think we can have a national rail strike and everything else will go along just the same as it has. This will not happen.

We have tremendous responsibilities in this country, tremendous federal and state programs which must be supported through rail traffic and activity.

We cannot afford to have a rail strike, certainly not in this situation where, first, there has been absolutely no question about the fairness nor the justice of the various efforts which have been made so far to resolve this situation; secondly, where 80 percent of the railroad industry, the workers, have signed contracts, and where there is no question but what the proposals which have been made by the Emergency Board and the Fahy Mediation Panel would be just and equitable by anybody's standards.

We have approached the stage where it is apparent that a group of arbitrary individuals, very small in number, seem to have no concern whatsoever for the public interest, but only for their own selfish interests.

Secretary WIRTZ. Are there questions?

Question. When you speak of these people in this small group, do you mean specifically House members?

Secretary BOYD. No, I am talking about people representing some of the craft unions.

Question. Who would they be? Or is it all the union leaders in the craft unions?

Secretary BOYD. I don't think there is any secret of the fact that Roy Siemiller is the International President of the IAM.

Secretary WIRTZ. In terms of the industry as a whole, I want to say again 80 percent of it has settled. There are 23 unions, and 16 or 17 of them have settled. This case narrows down to a dispute about the settlements with the remaining six unions. There is some question about whether they all see it the same. As far as I am concerned, the point is not that the whole thing has been settled, but that a pattern of settlement has been evolved, and a fair, reasonable, honest, equitable procedure has been arranged for settling it as far as the remaining groups are concerned.

If the alternative is a senseless strike to this country, that procedure is a fair answer in this case.

Question. For those of us who have not followed it in detail, the last ditch procedure in the bill is a form of compulsory arbitration on the remaining issues, is that right?

Secretary WIRTZ. When the country is faced with a shutdown, I will not argue what you will call it. The procedure is just this, that there will be mediation, and there will be negotiation for 60 days by a five man board which will include, as the President has indicated, top public representatives, including some with special labor and management backgrounds. They will get the parties to agree if they possibly can. This statute provides that the agreement be within the area already marked out.

If they don't agree at the end of 60 days, this five man board is going to suggest the agreement, and if it isn't accepted voluntarily by the parties, it goes into effect with a two-year period. The words are not important when we are at the stage we are now.

Question. Mr. Secretary, could you explain——

Secretary WIRTZ. Not important to me.

Question. —exactly why at this moment there is being so much pressure applied here? Is it because the House appears to be not willing to pass the bill?

Secretary WIRTZ. It is because a question has arisen in the House. It is perfectly clear. With a divided 16–16 vote in the committee that we know about, with every indication of a possibility of division on the Floor, with a lot of talk now about pro-labor and anti-labor votes, with a lot of question about partisanship, Republican and Democrat, who will line up, this is Wednesday and if the House passes a bill which is different from the bill passed by the Senate, there is not time, probably, for a practicable conference. We are right up against the gun at this point.

The reason, in answer to your question, is where there has been a 75 to 10 vote in the Senate, where there is a favorable report out of the committee on the same bill, there is reason to be concerned that somebody is going to disregard the importance of the point and look for an easy way out of this matter.

Yes, in direct answer to your question, the problem arises because this is Wednesday, and the legislative processes are such that if this is not supported there will be a strike Sunday night. I don't believe people realize the consequences of it.

Question. Has this come out of the Committee in the House yet?

Secretary WIRTZ. It is reported out of the committee and is on the floor of the House today with debate probably starting at two o'clock.

Question. Have you made your views known to the members of the House as strongly as you have made them known here today?

Secretary WIRTZ. I don't know whether as effectively. Every expression of ours has been this strong. I am not sure about the question. These views have been communicated individually and in groups to everybody involved.

Question. Do you expect the debate to run into tomorrow before they vote?

Secretary WIRTZ. I don't know about that. I think the rule is a three hour debate. What will happen as far as the voting is concerned, I don't know.

Question. Secretary McNamara, you said in the Middle East crisis the result will depend in part on our military strength. Could you explain that a little more?

Secretary McNAMARA. I said that the Middle Eastern crisis had not reached the period where a settlement is clear. We will be involved, we as a nation and the nations of the world will be involved, in very delicate discussions over a period, a substantial period, in the future, and factors influencing those discussions will be the military strength of the parties, including ours.

Our military strength cannot be maintained during a rail strike.

The PRESS. Thank you.

Mr. RHODES of Arizona. Mr. Chairman, this is the House Republican Policy Committee statement on railroad labor dispute legislation—House Joint Resolution 559.

In this period of international tensions and war, we face the decision of accepting a chaotic nationwide railway strike, a seizure of the railroads by the Federal Government or the belated proposal of the Johnson-Humphrey administration for compulsory arbitration.

It is tragic that the present crisis in the railroad industry, following on the heels of a major crisis in the airline industry, has failed to spur the Johnson-Humphrey administration into meaningful action. Now, as in 1963, the administration is handling these recurring crises on a purely ad hoc basis. This is the case despite the fact that the President in his 1966 state of the Union message, promised that legislation to deal with such problems would be submitted for congressional consideration and to implement this pledge, a Presidential task force was appointed. However, as of this moment, the results of the deliberations of the task force are unknown and the President has failed to forward any recommendations. Moreover, the Secretary of Labor has now testified that such legislation may never be forwarded.

In the absence of administration initiative and proposals with respect to emergency disputes, Republican Members of Congress have introduced legislation that would come to grips with this important problem. Certainly full scale hearings on these and other proposals should be held as soon as possible. It is absolutely irresponsible to drift from one crisis to another without attempting to formulate permanent and long-range legislation.

In the present railroad labor dispute, the Administration permitted the settlement machinery under the Railway Labor Act to run its course and expire without taking a strong stand or making a determined effort to bring the parties together. Incredibly, the administration engaged in this vacillating performance even though more than 70 percent of the railway workers have satisfactorily negotiated contracts and only six shop craft unions are engaged in the present dispute. Moreover, it was only when a decision could not be delayed any longer that Congress was finally requested to provide two separate periods of delay totaling 67 days.

The Secretary of Defense, the Secretary of Labor and the Secretary of Transportation have testified that a nationwide rail strike would cripple our war effort and inflict incalculable damage to our general economy. Moreover, experts in the railroad field have stated that in the event of a strike of this type, it would be impossible to sort out defense traffic for special handling. Thus, a nationwide strike of the railroads with its serious ramifications must be prevented.

Because of the administration's failure to deal squarely and in a timely fashion with national emergency strikes, there is now no practical alternative to the administration's proposal. However, let no one be deceived regarding the present plan. Clever words and semantic gimmickry cannot gloss over or change the compulsory nature of the award contemplated by the Johnson-Humphrey proposal. This country and this Congress should not have to choose between such alternatives as compulsory arbitration or national chaos. Unfortunately, this is the choice that has been forced upon us today.

Mr. FULTON of Tennessee. Mr. Chairman, conscience and deep personal conviction compel me to express my opposition to House Joint Resolution 559.

The purpose of this legislation is to prevent a strike in the railroad industry which, it is alleged, would imperil the economy and hamper our military efforts in Vietnam. This must, of course, be avoided.

However, the cure proposed in House Joint Resolution 559 may well prove to be more dangerous than the disease. There is nothing in this proposal which provides any incentive for meaningful collective bargaining. In the meantime, it would extend for 2 years a compulsory work order which twice has been extended by the Congress.

Additionally, passage of the resolution would add another page to the record of congressional involvement in labor-management disputes and, as this volume builds, the principle of free collective bargaining as well as the act is eroded.

Twice before in extending the no-strike deadline the Congress has failed to provide the industry with any incentive to bargain by prohibiting a strike. In so doing we have denied labor its greatest economic weapon by removing the strike threat. Earnest collective bargaining has been lacking in this situation because of the confident feeling that the Government will provide a solution which will be more favorable than any that could be secured at the bargaining table.

The fact is that more and more the Congress is being looked to and counted upon as an instrument for the settlement of major labor-management disputes.

A more important fact, however, is that this is not the function of the Congress or any legislative body in a free society, nor should it be.

Passage of this resolution will simply encourage further reliance on the Congress in these matters in the future while lessening the reliance on collective bargaining.

This bill does not enhance or promote free collective bargaining.

This bill does not provide equitable consideration of both the parties involved.

This bill does not reverse the trend toward legislative involvement in labor-management disputes.

This bill does not provide assurance of a final and equitable solution to the problem.

Therefore, I must oppose it.

Mr. GALLAGHER. Mr. Chairman, at the outset I want to make it very clear that I am unalterably and irrevocably opposed to any form or kind of compulsory arbitration—regardless of whether this compulsion comes after a period of negotiation or whether it comes automatically as soon as a dispute arises.

Mr. Chairman, the method proposed for ending the threat of a railway strike which we are considering today contains as its final alternative compulsory arbitration. There is no question in my mind that the provisions of section 5(a) of the bill bring this about.

One of the "Whereas" clauses of the bill states that—

> It is desirable to provide procedures for the orderly culmination of this collective bargaining process.

But, Mr. Chairman, when any "procedure" is provided to end collective bargaining at a certain date, then there is really no collective bargaining taking place because one of the parties, the one with the upper hand, will simply wait until the time has run out and then take what comes. There is no collective bargaining, there is only some form of collective waiting period. The element in collective bargaining which has brought it to be the mainstay and keystone of our labor relations was that there is no final settlement unless both parties agree. In an atmosphere of compulsory arbitration, there is no agreement between the parties.

I do not mean to imply that I am opposed to the use of arbitration. Where the parties to a collective bargaining agreement include a provision requiring arbitration, I fully support the enforcement of the arbiter's decision by the courts. But I do not support any form of arbitration where the element of consent is lacking by both parties to the agreement.

Mr. Chairman, the proposal we have before us today takes from the railroad employee the only weapon he has to attempt to bring about the terms and conditions of employment that he feels he deserves. The employees are, in effect, required to work under conditions which they are now collectively protesting and which they have indicated are unacceptable. In a broad sense, we would deprive the employee of his freedom to choose the conditions under which he will work and I think this freedom is too basic to our system to be removed.

I also object to the precedent this legislation would add to a growing involvement of the Congress in labor-management affairs. Congressional action has been called for three times during the last 4 years. If we continue to intervene—and I might add that we intervene each time by taking away or limiting the right of the union to strike—we give more indication to employers that when the activity affects the national interest all they have to do is wait and the Congress will not allow a strike to interfere with the national interest. We are in the process of slowly eroding the effectiveness of the employees' right to strike and by this we are seriously weakening the entire structure of labor relations in this country.

Mr. BINGHAM. Mr. Chairman, in the railway crisis which we now confront, the three aims of legislation should be: First, to prevent a national railroad strike; second, to require the parties to bargain collectively and arrive at a negotiated settlement; and third, in the event of a failure to settle, then to set a helpful rather than harmful precedent for future collective bargaining.

House Joint Resolution 559, the resolution now before us, would not encourage a negotiated settlement nor set a helpful precedent.

Mr. Chairman, when the proposed substitute—incorporated in House Joint Resolution 585—is offered, I shall support it. Unlike House Joint Resolution 559, which in my opinion would not be evenhanded in its impact, the substitute would put great pressures on both parties to settle. It would indicate that Congress expects labor and management in national negotiations where a dispute affects the national interest to settle these by collective bargaining, rather than by governmental intervention.

The present dispute goes back to May 17, 1966, when the six shop craft railway labor organizations served notices requesting certain contract changes. No settlement was reached through collective bargaining. On April 11, 1967, Congress passed Senate Joint Resolution 65—Public Law 90-10—preventing a work stoppage until 12:01 a.m. May 3, 1967. On May 1, 1967, Congress passed Senate Joint Resolution 79—Public Law 90-13—preventing a work stoppage until 12:01 a.m. June 19, 1967.

The administration's proposal, which is incorporated in House Joint Resolution 559, was sent up on May 4, 1967. This resolution first proposes a 90-day extension of the prohibition against a strike. It then contemplates a Special Board consisting of five members to be appointed by the President to make a determination of the dispute within 60 days and report to Congress and the President. If the parties have not made an agreement while this Special Board is meeting and before the expiration of 91 days after the enactment House Joint Resolution 559, then the determination of the Special Board shall take effect and continue until the parties reach agreement, or if agreement is not reached, until such time, not to exceed 2 years from January 1, 1967, as the Board shall determine to be appropriate.

The proposed substitute follows the President's proposal very closely in that it would prevent a work stoppage and would allow a Special Board to propose a determination of the issues. But it would also do the following:

First. During the period of hearing by the Special Board, both parties would be required to make public offers of settlement.

Second. On the 90th day, when the Special Board recommendations were put into effect, the President would direct the Attorney General to petition the court for appointment of a receiver or receivers for the railroad.

The proposed substitute will prevent a strike as effectively as House Joint Resolution 559, but it will do so in such a way as to put equal pressure on the two sides to arrive at a negotiated settlement. If it is adopted as a substitute, I shall then vote for the resolution. If it is rejected, and if no other equalizing amendment is adopted, then I shall be constrained to vote against House Joint Resolution 559, I am confident that, if House Joint Resolution 559 should be defeated, there would be time for the Congress to enact an acceptable measure if the parties do not reach an agreement before the strike deadline.

Mr. SPRINGER. Mr. Chairman, I yield back the balance of my time.

Mr. FRIEDEL. Mr. Chairman, I yield back the balance of my time and ask that the Clerk read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a Special Board for the purpose of assisting the parties in the completion of their collective bargaining and the resolution of the remaining issues in dispute. The Special Board shall consist of five members to be named by the President. The National Mediation Board is authorized and directed (1) to compensate the members of the Board at a rate not in excess of $100 per each day together with necessary travel and subsistence expenses, and (2) to provide such services and facilities as may be necessary and appropriate in carrying out the purposes of this resolution. For the purpose of any hearing conducted by the Special Board, it shall have the authority conferred by the provisions of sections 9 and 10 (relating to the attendance and examination of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 26, 1914, as amended (15 U.S.C. 49, 50).

Mr. FRIEDEL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair [Mr. MILLS], Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 559) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees, had directed him to report that it had come to no resolution thereon.

GENERAL LEAVE

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution (H.J. Res. 559) and include extraneous matter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

APPROPRIATIONS FOR PROCUREMENT OF VESSELS AND AIRCRAFT AND CONSTRUCTION OF SHORE AND OFFSHORE ESTABLISHMENTS OF COAST GUARD

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to vacate the proceedings whereby the House concurred, with an amendment to Senate amendment No. 2 to the bill, H.R. 5424.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

MOTION OFFERED BY MR. GARMATZ

Mr. GARMATZ. Mr. Speaker, I move that the House concur in the Senate amendment No. 2 with an amendment.

The Clerk read as follows:

Mr. GARMATZ moves that the House concur in Senate amendment No. 2 with the following amendment: In lieu of "$37,663,000" insert "$37,963,000".

The motion was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF THURGOOD MARSHALL TO THE SUPREME COURT

Mr. RYAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, yesterday President Johnson appointed Solicitor General Thurgood Marshall to the U.S. Supreme Court. The President is to be commended for this outstanding appointment.

In selecting Thurgood Marshall, the President has called upon a man with a distinguished record of 34 years' dedication to all facets of the legal profession. Mr. Marshall rose from humble origins to graduate first in his class from Howard Law School. As the counsel to the NAACP and its legal defense fund, he fought the early legal battles for racial equality. One of his most notable achievements was the role he played in the 1954 Supreme Court decision outlawing racial segregation in the public schools.

His experience before the Supreme Court encompasses 32 cases as a private attorney, and the argument of 19 cases for the Government as Solicitor General. Judge Marshall also served for more than 3 years on the U.S. Court of Appeals following his appointment by President Kennedy in 1962.

As President Johnson expressed it in announcing the appointment:

> I believe he has already earned his place in history, but I think it will be greatly enhanced by his service on the court.

Mr. Speaker, the qualification and caliber of this man are so evident that it should not be necessary to pay undue attention to the obvious achievement: that Judge Marshall is the first Negro to be accorded this high honor.

His race should not be a relevant consideration. When this country has reached the point where only a man's excellence is cause for the celebration of his appointment, we will have achieved racial justice. However, the fact that Thurgood Marshall will be the first Negro Justice is noteworthy, as the headlines show. And this is more cause for reflection than celebration.

In recent years we have seen the first Negro baseball player in the major leagues, the first Negro Cabinet member, the first Negro Senator since reconstruction, and now, the first Negro Supreme Court Justice. These are extraordinary achievements because racial discrimination raises extraordinary hurdles. True progress will have been made when the appointment of a

Negro to high office is no longer a first, and no longer remarkable in itself.

President Johnson is to be congratulated for making one further step in this direction. Every American, regardless of race, should be proud of this appointment. I am especially delighted because Thurgood Marshall has been a resident of the congressional district which I am privileged to represent.

I include at this point in the RECORD a profile of Thurgood Marshall which appeared in today's New York Times:

THURGOOD MARSHALL—FIRST NEGRO JUSTICE

WASHINGTON, June 13.—People who visit the Solicitor General for the first time are always struck by the contrast between the office and the man who occupies it. The office is ornately prestigious: A huge, high-ceilinged room with powder-blue walls topped by a bas-relief figure on a silver fretwork. The man is warmly informal: an easy-going, genial fellow with the 6 foot 2 inch, 210-pound frame of a football player, a mournful face, the generous wit of a born story-teller, and an accent that can be adjusted, as the occasion demands, from a scholarly baritone to a cottonfield bass.

Thurgood Marshall is now headed for equally if not more prestigious territory—the august chambers of the Supreme Court. But his friends would be greatly surprised if the experience causes any appreciable change in the personal qualities that have marked the man ever since he began practicing law 34 years ago: his tolerance, his zest for relaxed conversation, his ability to put people at ease, his capacity to negotiate solutions to seemingly impossible problems, and—in matters of law—his deep concern for what one associate calls the "human side" of any case.

"These are the things that have gotten him where he is," an old friend said today. "He is a fine lawyer with broad experience and a profound concern for justice. But what makes the difference with the judge, to oversimplify a bit, is his ability to take very sticky situations and patch them over with his personality."

LIKENED TO WARREN

Accordingly, there were some here who, when asked to speculate about Mr. Marshall's future performance on the Court, guessed that it might well resemble the performance of Chief Justice Warren—not because Mr. Marshall would deliberately pattern himself after the Chief Justice but because the two of them have many gifts and many attitudes in common. Not the least of these are a common conviction that differences of opinion can be negotiated, and a common capacity to negotiate them.

"Neither man," said another associate, "is particularly interested in the purely technical side of the law. Both of them like to look behind a case to see how it came about and what it means."

Mr. Marshall is, of course, no stranger to the Supreme Court. During the 25 years he served as counsel for the National Association for the Advancement of Colored People and the N.A.A.C.P. Legal Defense and Educational Fund, he entered the marbled halls of the Court 32 times to seek rulings that would weaken the legal superstructure of segregation. He emerged the winner 29 times. His biggest single victory was the 1954 decision holding racial segregation in public schools unconstitutional.

His frequent trips to the Supreme Court were interrupted in 1961 when he was appointed by President Kennedy to the United States Court of Appeals for the Second Circuit, where he served for nearly four years.

His appointment as Solicitor General in the summer of 1965 brought him back to his old haunts. Of the 150 or so cases reviewed by the Court during an average term, perhaps half involve the Federal Government. Mr. Marshall's job has been to decide which cases the Government should take to the Court and who should argue them.

As Solicitor General he has argued 19 cases himself. His 22 months in the post added a new dimension to a legal career that, apart from his brief stint on the Court of Appeals, consisted largely of trial or appellate work. As director of all Government litigation before the Court, he necessarily acquired considerable knowledge of the workings of the executive branch—knowledge that should come in handy in the 75 or so cases involving the Government that come before the court each term.

The son of a Pullman car steward, Mr. Marshall was born in Baltimore on July 2, 1908, with scarcely better prospects than thousands of other Negroes who ended up as high-school dropouts. But he was the son of parents who believed in the liberating possibilities of education. His mother sold her engagement ring to pay part of his college expenses, and in 1929 Mr. Marshall graduated from Lincoln University in Pennsylvania. Four years later he received a law degree from Howard University in Washington. He ranked at the top of his class.

Mr. Marshall says:

"My father turned me into a lawyer without ever telling me what he wanted me to be. In a way, he was the most insidious of my family rebels. He taught me how to argue, challenged my logic on every point, even if we were discussing the weather."

His father, who later became a steward at several private clubs in Maryland, also taught his son to fight for civil rights.

"'Son,' he used to say to me," Mr. Marshall recalls, "'if anyone ever calls you a nigger, you not only got my permission to fight him—you got my orders to fight him.'"

Yet Mr. Marshall is not openly pugnacious on the subject of civil rights—except, of course, as an advocate in the courtroom—and one of his long-time white associates said today that perhaps his most "obvious characteristic" is his capacity "to put you at ease on the matter of race."

Mr. Marshall has been married twice. His first wife of 26 years, Vivian Burey Marshall, died in 1955. A year later, he married Cecilia Suyat, a Hawaiian of Filipino descent. They have two sons, Thurgood Jr., 11, and John William 9.

ANTIRIOT LEGISLATION IS A MUST; H.R. 517, PROVIDING FOR A RULE TO DISCHARGE THE COMMITTEE ON THE JUDICIARY AND TO PROVIDE FOR IMMEDIATE HOUSE CONSIDERATION, INTRODUCED

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CRAMER. Mr. Speaker, on Monday of this week on this floor I announced my intention either to file a discharge petition, or, in the alternative, to ask the Rules Committee to adopt a rule to discharge the Judiciary Committee and to provide the ground rules for debate on a much-needed piece of legislation. I refer to the antiriot legislation—my bill, H.R. 421—which passed this House by a vote of 389 to 25 as an amendment to the 1966 civil rights bill that died in the Senate during the last session.

I understand, and I am glad to note, that there is considerable support for the legislation, even to the extent of my distinguished colleague, the gentleman from Florida [Mr. GIBBONS], filing a discharge petition as of today to discharge the Judiciary Committee. I gave consideration to that procedure and determined in my own mind that the orderly and proper procedure was to ask the Rules Committee to discharge the Judiciary Committee and to provide a rule for consideration of that measure. I have today introduced such a resolution, and I have been assured by the distinguished chairman of the Rules Committee and the ranking member that it is a matter in which the committee is interested and that hearings will be held as soon as possible on it.

This is the proper and orderly procedure. I do not want to see this bill filibustered to death. I did not undertake a direct discharge because in my opinion that would leave under the rules the possibility of endless debate and disorderly procedures. It would take unanimous consent to cut debate off. In my opinion, the bill could be destroyed in that fashion. I desire orderly procedure. The Rules Committee should have the right to consider it. For that reason I am asking that my colleagues support the effort to get the Rules Committee to give consideration to reporting a rule discharging the Committee on the Judiciary and providing for orderly procedure and adequate debate on H.R. 421 so that debate can be properly determined, so that the number of hours of debate might be established, and the proper procedure for amendments can also be determined.

I think that this is the responsible manner in which to get this legislation before the House. I urge all Members to introduce a similar resolution or write the chairman of the Rules Committee indicating support for this measure.

In the event the Rules Committee does not act, a discharge petition on H.R. 517 would be in order any date after June 27 and if H.R. 517 were discharged then the rule contained therein would be before the House establishing orderly procedure and H.R. 421, my antiriot bill, would be before the House pursuant to the rule discharged under H.R. 517.

For further information of my colleagues, I place in the RECORD a copy of H.R. 517 and H.R. 421 with a list of cosponsors to date, as well as those who supported the antiriot amendment to the 1966 civil rights bill.

In addition, I am placing into the RECORD the names of those Members who introduced an antiriot bill in the 89th Congress and those who introduced antiriot legislation in this Congress.

H. RES. 517

Resolved, That upon the adoption of this resolution the House shall immediately resolve itself into the Committee of the Whole House on the State of the Union for the consideration of H.R. 421, to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Cosponsors of Cramer Resolution, H. Res. 517, Providing for the Consideration of H.R. 421

Mr. Cramer.
Mr. Gerald R. Ford.
Mr. Goodell
Mr. Poff.
Mr. Arends.
Mr. Rhodes of Arizona.
Mr. Laird.
Mr. Smith of California.
Mr. Anderson of Illinois.
Mr. Quillen.
Mr. Latta.
Mr. Martin.
Mr. Kee.
Mr. Thompson of Georgia.
Mr. King of New York.
Mr. McClory.
Mr. Skubitz.
Mr. Don H. Clausen.
Mr. Schneebeli.
Mr. Derwinski.
Mr. Wampler.
Mr. Dickinson.
Mr. Edwards of Alabama.

Other Sponsors of Resolution for the Consideration of H.R. 421

Mr. Burke of Florida.
Mr. Minshall.
Mr. Battin.
Mr. Carter.
Mr. Dole.
Mr. Kuykendall.
Mr. Watson.
Mr. Brock.
Mr. Railsback.
Mr. Hunt.
Mr. Shriver.
Mr. Conable.
Mr. Betts.
Mr. Fountain.
Mr. Grover.
Mr. Nelsen.
Mr. Denney.
Mr. Lipscomb.
Mr. Jonas.
Mr. Davis of Wisconsin.
Mr. Cederberg.
Mr. Morton.
Mr. Wyatt.
Mr. Michel.

H.R. 421

A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18 of the United States Code is amended by inserting, immediately after chapter 101 thereof, the following new chapter:

"CHAPTER 102.—RIOTS AND OTHER VIOLENT CIVIL DISTURBANCES

"§ 2101. Riots

"Whoever moves or travels in interstate or foreign commerce or uses any facility in interstate or foreign commerce, including the mail, with intent to—

"(1) incite, promote, encourage, or carry on, or facilitate the incitement, promotion, encouragement, or carrying on of, a riot or other violent civil disturbance; or

"(2) commit any crime of violence, arson, bombing, or other act which is a felony or high misdemeanor under Federal or State law, in furtherance of, or during commission of, any act specified in paragraph (1); or

"(3) assist, encourage, or instruct any person to commit or perform any act specified in paragraphs (1) and (2);

and thereafter performs or attempts to perform any act specified in paragraphs (1), (2), and (3), shall be fined not more than $10,000 or imprisoned not more than five years, or both."

Sec. 2. The table of contents of "Part I—Crimes" of title 18 of the United States Code is amended by inserting after the following:

"101. Records and reports............ 2071"

the following new chapter reference:

"102. Riots and other violent civil disturbances.................. 2101".

Sec. 3. Nothing contained in this Act shall be construed as indicating an intent on the part of the Congress to occupy the field in which any provision of this Act operates to the exclusion of State laws on the same subject matter, nor shall any provision of this Act be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this Act or provision thereof.

Names of Members Who Introduced Antiriot Legislation in the 90th Congress (Through June 12, 1967)

On January 10: Cramer, Abernethy, Adair, Bennett, Mrs. Bolton, Cunningham, de la Garza, Dingell, Hechler of West Virginia, Johnson of Pennsylvania, Laird, Lennon, Michel, Minshall, Morton, Poff, Pool, Rhodes of Arizona, Roudebush, Williams of Mississippi, Wyman.

On January 11: Roush.
On January 16: Cabell, Whitten.
On January 17: Chamberlain, Fino, Mize.
On January 18: Kluczynski.
On January 19: Mrs. Reid of Illinois, Whalley.
On January 25: Harvey.
On January 31: Fascell, Hosmer.
On February 13: Morris.
On February 21: Gibbons.
On February 27: Arends.
On March 8: Fuqua.
On March 13: Roberts.
On March 15: Willis.
On April 11: Thompson of Georgia.
On April 13: Derwinski.
On April 18: Kuykendall.
On April 19: Reinecke.
On April 27: Kee, Staggers.
On May 3: Wampler.
On May 23: Talcott.
On June 12: Dickinson.

Names of Members Who Introduced Antiriot Legislation in the 89th Congress, 2d Session

On September 12, 1966: Cramer (H.R. 17642).

On September 13: Arends, Lennon, Anderson of Illinois, Hosmer, Reifel.

On September 14: Andrews of North Dakota, Cabell, Cunningham, Erlenborn, Harvey, Hutchinson, Johnson of Penn., Kluczynski, Minshall, Reid of Illinois, Scott, Sikes, Bolton, Findley, Martin, Roncalio, Bow, Callaway, Hechler.

On September 15: Adair, Battin, Berry, Boggs, Buchanan, Fulton of Penn., Michel, Mize, Rhodes of Arizona, Sweeney, Taylor, Williams.

On September 19: Poff, Shriver, Teague of California, Walker of New Mexico, Whitten, Burleson, MacGregor, O'Neal of Georgia.

On September 20: Hamilton, Laird, Fountain, Dickinson.

On September 21: Secrest, Morton.

On September 22: de la Garza, Fascell, Fino Hansen of Iowa, Kornegay, Pirnie, Watson, Don H. Clausen.

On September 26: Langen, Slack.

On September 27: Senator Eastland, Derwinski, Hagen of California, Morris, Roudebush, Reinecke.

On September 28: Latta.

On September 29: Henderson, Stratton, Willis, Whalley.

On September 30: Mosher.
On October 3: Robison.
On October 5: Ashbrook, Pool.
On October 7: Pepper.
On October 11: Clarence J. Brown, Jr., Long of Maryland.
On October 13: Kee.
On October 17: Broyhill of Virginia.
On October 18: Staggers.

Members Who Voted for Cramer Anti-Riot Amendment to the House Passed Civil Rights Act of 1966 (Vote Taken August 9, 1966)

[Roll No. 207]

YEAS—389

Abbitt, Abernethy, Adair, Adams, Addabbo, Albert, Anderson of Illinois, Anderson of Tennessee, Glenn Andrews, Andrews of North Dakota, Annunzio, Arends, Ashbrook, Ashley, Ashmore, Aspinall, Ayres.

Bandstra, Baring, Bates, Battin, Beckworth, Belcher, Bell, Bennett, Berry, Betts, Boggs, Boland, Bolling, Bolton, Bow, Brademas, Bray, Brock, Brooks, Broomfield, Clarence J. Brown, Jr., Broyhill of North Carolina, Broyhill of Virginia, Buchanan, Burke, Burleson, Burton of Utah, Byrne of Pennsylvania, Byrnes of Wisconsin.

Cabell, Cahill, Callan, Callaway, Carey, Carter, Casey, Cederberg, Chamberlain, Chelf, Clancy, Clark, Clausen, Don H., Clawson of Delaware, Cleveland, Clevenger, Collier, Colmer, Conable, Conte, Cooley, Corbett, Corman, Craley, Cramer, Culver, Cunningham, Curtin, Curtis.

Daddario, Dague, Daniels, Davis of Georgia, Davis of Wisconsin, Dawson, de la Garza, Delaney, Denton, Derwinski, Devine, Dickinson, Dingell, Dole, Donohue, Dorn, Dowdy, Downing, Dulski, Duncan of Oregon, Duncan of Tennessee, Dwyer, Dyal.

Edmondson, Edwards of Alabama, Ellsworth, Erlenborn, Evans of Colorado, Everett, Evins of Tennessee.

Fallon, Farnum, Fascell, Feighan, Findley, Fino, Fisher, Flood, Flynt, Fogarty, Foley, Gerald R. Ford, William D. Ford, Fountain, Frelinghuysen, Friedel, Fulton of Pennsylvania, Fulton of Tennessee, Fukua.

Gallagher, Garmatz, Gathings, Gettys, Giaimo, Gibbons, Gilligan, Goodell, Grabowski, Gray, Green of Oregon, Green of Pennsylvania, Greigg, Grider, Griffiths, Gross, Grover, Gubser, Gurney.

Hagan of Georgia, Hagen of California, Haley, Hall, Halleck, Halpern, Hamilton, Hanley, Hanna, Hansen of Idaho, Hansen of Iowa, Hansen of Washington, Hardy, Harsha, Harvey of Indiana, Harvey of Michigan, Hathaway, Hays, Hébert, Hechler, Helstoski, Henderson Herlong Hicks, Holifield, Horton, Hosmer, Howard, Hull, Hungate, Huot, Hutchinson.

Ichord, Irwin, Jacobs, Jarman, Jennings, Joelson, Johnson of California, Johnson of Oklahoma, Johnson of Pennsylvania, Jonas, Jones of Alabama, Jones of Missouri, Jones of North Carolina.

Karsten, Karth, Kee, Keith, Kelly, Keogh, King of California, King of Utah, Kirwan, Kluczynski, Kornegay, Krebs, Kunkel, Kupferman.

Laird, Landrum, Langen, Latta, Leggett, Lennon, Lipscomb, Long of Louisiana, Long of Maryland, Love.

McCarthy, McClory, McCulloch, McDade, McDowell, McEwen, McFall, McGrath McMillan, McVicker, Macdonald, MacGregor.

Machen, Mackay, Mackie, Madden, Mahon, Mailliard, Marsh, Martin of Alabama, Martin of Massachusetts, Martin of Nebraska, Mathias, Matthews, May, Meeds, Michel, Miller, Mills, Minish, Minshall, Mize, Moeller, Monagan, Moore, Moorhead, Morgan, Morris, Morse, Morton, Mosher, Moss, Multer, Murphy of Illinois.

Natcher, Nedzi, Nelsen, O'Brien, O'Hara of Michigan, O'Konski, Olsen of Montana, Olson of Minnesota, O'Neal of Georgia, O'Neill of Massachusetts, Ottinger.

Passman, Patman, Patten, Pelly, Pepper, Perkins, Philbin, Pickle, Pike, Pirnie, Poage, Poff, Pool, Price, Pucinski, Purcell, Quie, Quillen.

Race, Randall, Redlin, Reid of Illinois, Reid of New York, Reifel, Reinecke, Resnick, Reuss, Rhodes of Arizona, Rhodes of Pennsylvania, Rivers of Alaska, Rivers of South Carolina, Roberts, Robison, Rodino, Rogers of Colorado, Rogers of Florida, Ronan, Roncalio, Rooney of Pennsylvania, Rostenkowski, Roudebush, Roush, Rumsfeld.

Satterfield, St Germain, St. Onge, Saylor, Schisler, Schmidhauser, Schneebeli, Schweiker, Scott, Secrest, Selden, Senner, Shipley, Shriver, Sickles, Sikes, Sisk, Skubitz, Slack, Smith of California, Smith of Iowa, Smith of New York, Smith of Virginia, Springer, Stafford, Staggers, Stalbaum, Stanton, Steed, Stephens, Stratton, Stubblefield, Sullivan, Sweeney.

Talcott, Taylor, Teague of California, Teague of Texas, Tenzer, Thomas, Thompson of New Jersey, Thompson of Texas, Thomson of Wisconsin, Todd, Trimble, Tuck, Tunney, Tupper, Tuten, Udall, Utt.

Vanik, Vigorito, Vivian, Waggonner, Waldie, Walker of Mississippi, Walker of New Mexico, Watkins, Watson, Watts, Weltner, Whalley, White of Idaho, White of Texas, Whitener, Whitten, Widnall, Williams, Bob Wilson, Charles H. Wilson, Wolff, Wright, Wyatt, Wydler, Yates, Young, Younger, Zablocki.

SUPPORT FOR ISRAEL BY MEMBERS OF PHILADELPHIA BAR

Mr. NIX. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. NIX. Mr. Speaker, when men speak of lawyers anywhere in the United States, a special place of distinction is reserved for the Philadelphia lawyer.

From the earliest days of our history, the Philadelphia lawyer has protected the weak, restrained the powerful, and preserved the Nation.

I am therefore honored to join with a great number of distinguished members of the Philadelphia Bar in the presentation of a petition to the President of the United States; to the Congress and to the leaders of our country.

I offer this petition for the favorable consideration of my colleagues:

Petition

We, the undersigned, are attorneys-at-law in the City of Philadelphia, Commonwealth of Pennsylvania.

We desire that the President and members of the Congress of the United States of America be informed that we support the State of Israel in the present Middle East crisis.

We urge the elective leaders of our country to publicly announce their support of the State of Israel and to give it such moral and financial support necessary to sustain it in its time of need.

Signatures

Dan Berger, Gail J. Heinberg, Robert S. Cohen, James L. Price, Sidney B. Gottlieb, Leonard A. Gottlieb, Henry Drizin, Jane P. Larome, Alin M. Thomas, Victor Lipsky.

Herbert Braker, Robert M. Pressun, Sylvan Emham, Ellean M. Wine, Richard B. Lord, Sidney Marguhes, Mark K. Kessler, Harold Greenberg, Murray A. Zatman, Philip M. Shukman, E. Burton Kerr.

Robert Freeham, Bennett L. Aaron, Irving I. Specker, Norman C. Hen, A. M. Adams, Jerome Thar, Laurence E. Goldst, Edward Wolf.

Edwin E. Nazthers, Helen S. Medink, Raphael Goldstein, Louis Goldhirsh, Gal Gelb, Leon Segal, Z. W. Quie, M. Henry Schnig, David H. Stern, Gul M. Gouy.

Jerome J. Shestack, Arthur Kobu, Harvey Levin, Ira P. Riger, Mervin O. Meeker, Samuel Jay Cooke, Thomas P. Glassmoyer, George P. Williams III, Sanford M. Rosenbloom.

Thomas B. Rutter, J. B. Milland Tyson, Levy Aucleson, Herman I. Mash, John M. McNally Jr., Hardy Williams, Jos. Minney, Vampt J. Carlin, Alexandria Osinoff, Melvin Lashner.

Edwin S. Bauer, Albert J. Persichetti, James R. J. Red, Abraham A. Levinthil, Irwin Stander, Stephen M. Feldman, Stanley E. Elsordon, Paul Yerund.

Stanley S. Cohen, Pearl Tawe, Jerome N. Berenson, Joseph Atlas, Jacobs J. Kilminel, B. Jerome Shane, Alan David Silverman, Herman S. Davis, Sidney Chart, Nathan Lavine, Alexander B. Inelson, Don Weisberg.

Michael E. Ryan, Burton Caine, Michael M. Dean, Franklin N. Fogarty, Henry F. Miller, Alvin H. Dorsky, Ginge M. Brantz, Jean Brandsch.

Robert Waltz, Frank F. Ebby, Daniel B. Letwin, Stanton S. Oswald, Judoh I. Lobout, Barry Waxman, Steven A. Arbittier, Robert M. Segal, Jack Van Baden.

Morris C. Forer, Bernard Chanin, Ronald W. Wiener, Edward M. Glickman, Myles H. Teenenbeam, Henry A. Gladstone.

Mary H. Mahod, Seymour Kirkland, Ace Spite, Leonard M. Sagot, Sam Dulin, Edwin B. Tracey.

Bernard J. Goodheart, Bernard Wyman, Edmund Pawclec, Herbert H. Yaskin, Richard V. Hahn, Jack Beaslow, Burton Satebery, Ronald Bluestein, Leonard Zach.

Fabias Grenberg, Manuel Grife, Stanley E. Gins, Nuomie E. Bloch, Abe Lzsowsk, Abrm. A. Huschel, A. Wally Henn, Meyer Cadmar, Quincy J. Maclure, Frank A. Irl, Marvin J. Lessen.

B. Bert Siegler, William T. Gold, Alan Schwartz, William M. Labkoff, Morris S. Finkel, Nathan D. Patelow, Jerome Sepnin, Chl. H. Greenberg, L. D. Greenberg, Jim Smit.

Jerome M. Cabaren, John Daudeau, J. J. Lenard Rotberg, Martin J. Heiligman, Harold Rosef, Thomas Pasman, Henry N. Fwinn, Manville J. Akley, Joseph Litt, Abe Alnot.

Alan Wm. Margoles, Stanley Frank, Edwin L. Scheilin, Melvin Dion, Miller Perrman, Amen W. Rubin, Arthur M. Todd, Frank Bieltsl.

Elliot L. Cherry, Alan Kauffman, Robson Ahenson, Myron H. Deutsch, Samuel Sackmean, Theodore H. Lunine, Samuel Smith, Stanley Alein, Leonard H. Sigal.

Carter P. Carson, Donald A. Marshall, F. B. Neeoff, Melvin L. Sharoff, Stephen H. Shank, Monhan G. Needleman, Siedan Taks, Charles E. Ficher, N. H. Olm.

Heurt Bloom, Bernard M. Gross, Huldon Selysoh, Arnold W. Wachles, Arthur Samson, David Rosenfield, Norman A. Orbton, Jim M. Fulay.

Harris Oninsky, Richard M. Roseableeth, Martin Newman, Henry J. Morgan, Jerome B. Apfel.

Edwin A. Easton, Stephen B. Klein, Leonard Dulin, William G. Schwartz, Gerald Bib, Howard I. Hatoff.

Samuel N. Rabinowitz, Goncer W. Kresal, Paul D. Guth, Elliott K. Braverman, Emanuel W. Betoff.

Stanton W. Kratzok, B. M. Richly, Arthur G. Raynes, Allen T. Newman, Liby L. Weinstein, Samual C. Kitz, Donald Lea, Alan Cooper.

J. Miller, C. S. Fine, Benjamin B. Levin, West O'Nally, Robert Find, Joseph J. Cohen, Therco J. Weelman, S. Donald Keesal, S. T. Usall, Harry Fredman, Gabriel M. Moss, Barbara R. Mueklieb, Maurice Marmon.

Hy Plain, Jerome Jaffee, Barton M. Banks, Franklin G. Banks, Allan H. Gordon, Robert N. C. Nixon.

David Goldberg, David Cohen, Harvey Garter, Pat. R. Amy, Louis L. Dolin, Samuel J. Stark, Andrew Shapoti, Arthur M. Dolin, James M. Moran.

Nelson Bomslier, James O. Burgess, Andy Dahl, Robert L. Serzt, Lionel B. Gumnet, Stephen Reid, Stephen B. Vorin, Gerald Gourish, Lawrence E. Hirsch, Reigan A. Herry, Max Slobodin, Edward Steinhager.

Theodore Olin, Stevens Shelby, Peter M. Stern, Harry Nohlin, Donald I. Krantz, Benjamin Pomerant, Melvin B. Goldstein, Neil W. Berl.

Gilbert Gold, Frederick Cohen, Bernard Norman, Norton A. Hall, Stan Felser, Wilbur Greenberg, Charles Z. Golden, Mandel Stevenson, Johnny Allow, Eliot Underlinger.

A "SHIRT SLEEVE" MEETING OF FARMERS AT SOUTH HILL, VA.

Mr. ABBITT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. ABBITT. Mr. Speaker, on June 2, 1967, there was a so-called shirt sleeve meeting of farmers at South Hill, Va., sponsored by the U.S. Department of Agriculture. I understand the meeting was well attended and many of our farm leaders spoke out in behalf of the peanut producers of America who have been shortchanged by the Agriculture Department in the last few years. I was particularly pleased by the statement made by William V. Rawlings, executive secretary and general counsel of the Association of Virginia Peanut & Hog Growers, Inc.

Mr. Rawlings and I have been closely associated for a long time and have worked diligently to bring forcefully to the Secretary of Agriculture the dire plight in which the peanut farmers now find themselves brought about by the failure of the Secretary of Agriculture and his advisers to face up to the situation now confronting us and to give the peanut producers a fair support price.

Some time ago grower representatives and Congressmen from the peanut producing areas met with the Secretary. We pointed out to the Secretary at that meeting the terrible situation now confronting the peanut producers but apparently to no avail. Bill Rawlings and other grower representatives from the Virginia peanut producing areas were present and strongly advocated positive action by the Secretary of Agriculture. I was shocked that action was not forthcoming and under leave to extend my remarks in the Record, I herewith include the remarks of Bill Rawlings at the meeting in South Hill on June 2, which remarks are very pertinent and appropriate at this particular time:

Statement by William V. Rawlings, Capron, Va., Executive Secretary and General Counsel, Association of Virginia Peanut and Hog Growers, Inc., Before USDA "Shirt Sleeve" Meeting, South Hill, Va., June 2, 1967

My name is William V. Rawlings and for eighteen years I have been Executive Secretary and General Counsel of the Association of Virginia Peanut and Hog Growers, Inc. I am appearing here today as a representative of our Association in an attempt to constructively but with straightforward statements relate to you gentlemen the feelings of peanut producers regarding our peanut price support program; why, in my opinion, peanut growers are more concerned and distressed than at anytime I have observed in the past eighteen years and what our Association thinks can be done to improve the situation.

Let me make it abundantly clear that our growers have the highest respect and regard for our State and County ASC Committees, their office personnel and staffs. The grievous short-comings we will discuss briefly concern those in the U.S. Department of Agriculture in Washington and others connected with the Administration.

I have not heard of the first instance where any of our Virginia personnel connected with the United States Department of Agriculture were asked for their opinion or thoughts regarding the 1967 price support level for peanuts. In the interest of conserving time I make reference to a letter from our Association dated February 28, 1967, to the Honorable Orville L. Freeman, Secretary, United States Department of Agriculture which set forth in detail an unusually strong and factually documented case for favorable consideration by the Secretary of a minimum increase in the 1967 peanut price support level of not less than $36.00 per ton. I ask that said letter be made a part of the permanent record of this meeting.

"Peanut growers are extremely disappointed that the Secretary's preliminary announcement of the 1967 price support level for peanuts failed to recognize the spiraling increases in costs of production and family living. Prior to announcing the 1966 price support level, peanut growers from throughout the major producing areas made a similar and equally sound case for a reasonable increase in the price support level. This request netted an announced increase of $3.00 per ton but the U.S.D.A increased grade factor requirements for an average ton of peanuts. The net effect was that there was no real or effective increase of any significance at all. In the late summer of 1966 word was passed to growers from Officials in the Department of Agriculture that the climate had changed and that indications were the Department would look with favor upon a reasonable increase in the price support level for the 1967 crop. I thought it was significant that this was prior to the general election in 1966 and I also thought it to be no more than propaganda deliberately leaked down to growers for the purpose of attempting to bail out certain political candidates. Whether I was correct or not in my initial assessment, the fact is that immediately after the general election there was an entirely different atmosphere in the Department and it was impossible to find anyone who could give any basis for hope that we would be treated any better in the matter of price support for the 1967 crop.

"Prior to the 1967 price support announcement, someone in the U.S.D.A. disseminated information to local papers which purported to show that peanut producers had never had it so good. These releases stated that from 1960 to 1966 the value of the peanut crop has increased 43% while during the same period the cost of production of *all* agriculture commodities had increased only 12%. The inference was clear that peanut producers had experienced an increase in net income of 31% during the six-year period. To put it mildly, this is simply misleading and untrue. The joker was they used cost figures for *all* agricultural production and I am inclined to doubt the accuracy of those figures. If we would assume that the figure of 12% was correct, it bares little or no relation to the major increases in the cost of peanut production during the last six years. Authoritative and factual studies by qualified Agricultural economists indicate that in the State of Virginia the cost of producing peanuts has increased 63% during the six-year period. I have every reason to feel that these figures are conservative, accurate, unbiased and not doctored for political purposes.

"Research conducted by the University of Georgia concluded that the cost of producing peanuts increased 60% in three years (From 1963 to 1966). This research was published in October 1966 and yet the U.S.D.A. releases to the public refer only to the dubious 12% increase in the cost of producing all agricultural commodities. The Department had these Georgia research results but declined to use them.

"It is understandable that peanut producers are disturbed over such tactics by people in responsible positions and on the public payroll. They are disturbed that the Department of Agriculture, to which producers of our food and fiber should be able to look with confidence, as having an interest in the image of producers and their welfare, would be a party to such misleading information.

"I feel very strongly that there is little to be gained by producers in trying to determine who was responsible when we all are sure of the fact that it is the responsibility of the Administration. I find it extremely frustrating for a relatively few of us working directly with and for producers to combat such an arsenal of publicly financed people who are deliberately putting out this type of information. It is my understanding that there are over one-hundred thousand people on the payroll of the United States Department of Agriculture. It is no wonder to me that agriculture continues to have a bad public image and it is worsening, especially in the eyes of our urban friends, because of half information, incorrect information and misleading information originating from Washington in the Department of Agriculture.

"I again point out that peanut producers are receiving less for peanuts than they were in 1955, farm expenses have risen 8% since last August, farm prices have dropped 7% since last August, farm prices are now only 72% of parity, the parity figure is the lowest in thirty-four years and farm prices are no higher than they were in 1947.

"Peanut growers are unable to reconcile these facts with recent White House public assurances that parity for agriculture continues to be an important goal of the Administration. Obviously, their aim is far off of the announced goal. This brings us to our first recommendation:

"No matter how good a program is in principle; how great its potential is to accomplish its objectives, nor how lofty the goals of an administration, it cannot be any better than the capabilities of the people upon whom the Secretary and Administration rely for advice, information and administration and their dedication to assure that full and completely factually correct information is provided to the Secretary and public. It is hoped that the Secretary of Agriculture will take a belated but cold, hard and objective look at such personnel; especially those responsible for the before mentioned releases and initiate a prompt housecleaning where indicated. This may be extensive. It is understandable to me that the confidence of peanut producers in the Department of Agriculture is more shaken than I have observed in eighteen years.

"Recommendation number two from our Association is that the Secretary reconsider the preliminary price support announcement for the 1967 peanut crop and properly take into consideration the real increases in cost of production which have occurred since 1960 and announce a final price support which will reflect an increase of not less than $36.00 per ton. This is a very reasonable and conservative request from peanut producers in all three major producing areas. The law provides that the final price support announcement is made after the August crop report is available and can be any amount up to 90% of parity as long as it is not below the preliminary announcement. The latter provision would certainly cause no difficulty this year. A $36.00 per ton increase would reflect approximately 87.5% of parity.

"It is fully recognized that the Secretary and his advisers will again be bombarded with telephone calls from manufacturers and perhaps some shellers. Their case will be that they have either bought or sold large quantities of 1967 crop peanuts on the assumption that the preliminary announcement would not be changed. I point out that there is not a one of these people but who is familiar with the law—that is, that the final price support announcement is made after the August crop report is available. It is disheartening to have observed in the past that those who wanted to speculate in such a manner could thus close the door on producers getting a nearer fair price for the commodity they produce. In the past few years, it has been my observation that a telephone call from a large manufacturer was more effective in Washington at the United States Department of Agriculture than hundreds of sound, straightforward producers stating their case. We hope this situation will change.

"Peanut producers recognize that we are producing more peanuts than we have a domestic edible market for. We recognize that application of new technology has caused us to increase yields per acre faster than we have been able to increase consumption and that the peanut program is costing more than we would prefer. However, I must point out that a part of the increased cost of the program could be avoided by less costly means of diverting the surplus. Virginia growers have on numerous occasions recommended specific legislative and administrative changes which would reduce the cost of the peanut program and have had specific legislation introduced in the Congress to accomplish this purpose. We have been unable to get the backing necessary within the Department to accomplish these goals. Therefore, we feel it is very unfair to blame peanut producers for not having a less costly price support program and use the cost of the program as a reason for not giving producers a very modest increase in price support level.

"I do not believe there is any economic group in our country more interested in or more willing to cooperate in bringing about economies in the operations of the various governmental programs than are our people who produce the food and fiber for this country and a good part of the free world. At the same time, we do not understand why agriculture, in this case peanut producers, must be singled out for economies when the same Administration continues to foster costly new programs such as the poverty program and every type of foreign giveaway program. Agriculture remains as a second class economic group in this country and we are appealing to the Administration for action rather than further studies, words, and statements about goals, bargaining power and muscle in the market place.

"Virginia Peanut growers have again recently submitted recommendations for legislative changes which will result in parity prices for peanuts used in our domestic market. We recommend U.S.D.A. support and provide leadership to attain this goal. Although in the past, every study of parity of income which I have observed has indicated that parity prices will still fall short of parity of income—that is to say the same average income for investment, labor and management as is the average for other segments of our economy; we feel that a program which will return parity prices would be a major step forward, a just step, an equitable step and a step that would be supported by our American consumers who, when given the true facts, are fair-minded.

"The Secretary may be assured that our growers will continue to work with those in the Department and those in the Legislative branch of our Government and any other group in an effort to achieve the foregoing."

ISRAEL AND THE SOVIETS

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MADDEN. Mr. Speaker, it is amazing to learn from the news media that the Soviet Government is now demanding that the relatively small territory gained by Israel in the recent conflict should be returned to their enemy neighbors.

The Soviets should be reminded emphatically when this discussion comes up in the United Nations that their attitude toward Israel might be taken seriously if the Soviet Communist Government returned freedom and independence to the millions whom they enslaved in central Europe. The Soviets should first return its enslaved nations to the control of the conquered people.

The free world knows the methods used by the Soviets when they aggressed and, through military might, enslaved Poland, Slovakia, Lithuania, Romania, Hungary, and all peoples in the Balkan nations' area.

The Soviets, under Stalin and Khrushchev, not only enslaved the people remaining in their homeland but deported millions into the wilds of Siberia to work and die in slave labor camps. The world knows that the 14,000 Polish leaders, doctors, lawyers, clergymen, military officials, and intelligentsia were murdered in the Katyn Forest and also others in extermination prisons during the early days of World War II.

The present-day rulers of Communist Russia should now repent for the millions who starved in the Ukraine after the Soviet army moved their grain crops to Russia.

These questions should be presented to the Soviet representatives when they appear at the United Nations demanding that Israel return the small territory adjacent to its borders during the short duration of combat 2 weeks ago.

Along with my remarks, I ask unanimous consent to include a resolution unanimously adopted by the Lithuanians of East Chicago, Ind., on this question.

RESOLUTION

We the residents of Lithuanian descent in East Chicago, Indiana and Lake County gathered here to commemorate the 27th anniversary of mass deportation of the Lithuanian people to Siberian concentration camps are animated by a spirit of solidarity, united by a common bond resisting the brutality of the Soviet military police force.

Gravely concerned with the present state of affairs in our enslaved country we strongly protest Soviet Russia's aggression and the very cruel crimes perpetrated by Soviets in occupied Lithuania: Murder and yearly systematic deportations under various guises to forced labor camps in Soviet Russia; Colonization of Lithuania by the Soviets; Persecution of the faithful; Distortion of the Lithuanian culture and finally, the transformation of it into a Russo-Communist hybrid.

We are requesting that the U.S. government raise the issue of the freedom of the Lithuanian people and the other Baltic States in the United Nations. The purpose of this would be to regain the independence and sovereignty to Lithuanian people and its member Baltic States. We strongly support our government policy in Viet Nam, by condemning Soviet aggression in the free countries of the world, we are making the world safe for democracy.

Be it resolved, that this resolution be forwarded to the President of the United States and copies be sent to the Secretary of State and to the respectful Senators and Representatives of the state of Indiana and to the press.

COMMITTEE COMMEMORATING THE
DEPORTATION OF THE LITHUANIAN PEOPLE,
KAZYS VALEIKA, *Chairman.*
S. KARVELIS, *Secretary.*

NEED FOR ANTIRIOT LEGISLATION

Mr. EDWARDS of Alabama. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. EDWARDS of Alabama. Mr. Speaker, I am joining with the distinguished gentleman from Florida [Mr. CRAMER] in asking the Rules Committee to grant a rule so that we can bring to the floor H.R. 421, which is similar to my bill H.R. 7612.

This legislation is designed to prohibit persons from traveling in interstate commerce or from using any facilities in interstate or foreign commerce for the purpose of instigating riots or violent disturbances in the communities of our Nation.

If we needed any reminder of the existence of organized plans for riots during these next months, we have had this reminder during the past 3 days in Tampa, Fla., Montgomery, Ala., and Cincinnati, Ohio.

No city in the United States will be exempt from these disorders. Washington, D.C., Milwaukee, Wis., and Oakland, Calif., have been put on notice along with other communities from coast to coast.

This legislation does not limit the constitutional rights of anyone to engage in legitimate protests or responsible picketing. These legitimate rights are rights that must be protected.

There are people in our midst, however, who are skillfully and professionally engaged in efforts to incite and promote violence in the form of riots with the objective of spreading hate, fear, and the breakdown of law and order.

The organizers of these riots are not interested in the constitutional rights of anyone. To the contrary, they are fanatically dedicated to the destruction of our constitutional rights in favor of outright violence.

Citizens of our country should no longer be misled by the efforts of these people to camouflage their activities under the cloak of nonviolence. The instigators of today's riots used nonviolence only so long as it served their ultimate purpose, and today openly employ and encourage the use of violence.

This week, for example, in the area of Montgomery, Ala., the Student Nonviolent Coordinating Committee has been engaged in gun battles with police. The group's leaders advocate scorn for the laws of the country, and seek to destroy law and order in any way possible.

The new chairman of that organization is Mr. Rap Brown, who is quoted as saying in Atlanta this week that Negro soldiers in Vietnam should "come home to the defense of their mothers and families."

Mr. Speaker, the Judiciary Committee has failed to act. We must get this proposed legislation to the floor of the House where it may be debated and considered. I find it hard to believe that very many Members of the House would object to seeing the proposal considered.

In my judgment it is vitally important that we debate this legislation soon and that we give proper and adequate consideration to the proposal to penalize those persons who seek to incite and promote riots with the objective of destroying law and order in communities across the land.

DISMISSING THE CONTESTED ELECTION CASE OF WYMAN C. LOWE, CONTESTANT, AGAINST FLETCHER THOMPSON, CONTESTEE, FIFTH CONGRESSIONAL DISTRICT OF GEORGIA, AND DENYING PETITION OF WYMAN C. LOWE RELATIVE TO GENERAL ELECTION ON NOVEMBER 8, 1966, IN SAID DISTRICT AND STATE

Mr. ASHMORE, from the Committee on House Administration, reported the following privileged resolution (H. Res. 541, Rept. No. 365), which was referred to the House Calendar and ordered to be printed:

H. RES 541

Resolved, That the election contest of Wyman C. Lowe, contestant, against Fletcher Thompson, contestee, Fifth Congressional District of the State of Georgia, be dismissed, and that the petition (numbered 75) of Wyman C. Lowe relative to the general election on November 8, 1966, in the Fifth Congressional District of the State of Georgia be denied.

CONTESTED ELECTION CASE OF JAMES A. MACKAY, CONTESTANT, AGAINST BENJAMIN B. BLACKBURN, CONTESTEE, FOURTH CONGRESSIONAL DISTRICT OF THE STATE OF GEORGIA

Mr. **ASHMORE**, from the Committee on House Administration, reported the following privileged resolution (H. Res. 542, Rept. No. 366), which was referred to the House Calendar and ordered to be printed:

H. Res. 542

Resolved, That Benjamin B. Blackburn was duly elected as Representative from the Fourth Congressional District of the State of Georgia to the Ninetieth Congress and is entitled to his seat.

PROPOSED SUBSTITUTE AMENDMENT FOR HOUSE JOINT RESOLUTION 559

Mr. **ADAMS**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous material.

The **SPEAKER**. Is there objection to the request of the gentleman from Washington.

There was no objection.

Mr. **ADAMS**. Mr. Speaker, at this point in the Record I should like to have printed a copy of House Joint Resolution 585, which is the proposed substitute amendment that will be offered tomorrow in the Committee of the Whole.

The substitute amendment will be as follows:

H.J. Res. 585

Joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and certain of their employees represented by the International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; Sheet Metal Workers' International Association; International Brotherhood of Electrical Workers; Brotherhood of Railway Carmen of America; International Brotherhood of Firemen and Oilers functioning through the Railway Employees' Department, AFL–CIO, labor organizations, threatens essential transportation services of the Nation; and

Whereas Emergency Board Numbered 169 (created by Executive Order 11324, January 28, 1967, 32 F.R. 1075) has made its report; and

Whereas, under procedures for resolving such dispute provided for in the Railway Labor Act as extended and implemented by Public Law 90–10 of April 12, 1967, as amended, the parties have not succeeded completely in resolving all of their differences through the processes of free collective bargaining; and

Whereas related disputes have been settled by private collective bargaining between the carriers and other organizations representing approximately three-quarters of their employees, so that the present dispute represents a barrier to the completion of this round of bargaining in this industry; and

Whereas a Special Mediation Panel appointed by the President upon enactment of Public Law 90–10 proposed settlement terms to assist the parties in implementation of the collective bargaining envisaged in the recommendations of Emergency Board Numbered 169; and

Whereas it is desirable to provide procedures for the orderly culmination of this collective-bargaining process; and

Whereas the national interest, including the national health and defense, requires that transportation services essential to interstate commerce be maintained; and

Whereas the Congress finds that an emergency measure is essential to security and continuity of transportation services by such carriers: Therefore, be it.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a Special Board for the purpose of assisting the parties in the completion of their collective bargaining and the resolution of the remaining issues in dispute. The Special Board shall consist of five members to be named by the President. The National Mediation Board is authorized and directed (1) to compensate the members of the Special Board at a rate not in excess of $100 for each day together with necessary travel and subsistence expenses, and (2) to provide such services and facilities as may be necessary and appropriate in carrying out the purposes of this resolution. Such Special Board shall have the power to sit and act in any place within the United States and shall conduct such hearings, public or private, as it may deem necessary or proper to carry out the purposes of this resolution. For the purposes of any hearing or inquiry conducted by any Special Board appointed under this resolution, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49 and 50, as amended), are hereby made applicable to the powers and duties of such Special Board.

Sec. 2. The Special Board shall attempt by mediation to bring about a resolution of this dispute and thereby to complete the collective bargaining process.

Sec. 3. The several departments and agencies of the Government shall cooperate with the Special Board in the discharge of its duties and, upon request, shall furnish such information in their possession relative to the discharge of such duties, and shall detail from time to time such officials and employees, and perform such services as may be appropriate. The National Mediation Board is further authorized and directed to reimburse such other agencies for assistance in carrying out the purposes of this resolution as may be appropriate.

Sec. 4. If agreement has not been reached within ten days after the enactment of this resolution, the Special Board shall hold hearings on the proposal made by the Special Mediation Panel in its report to the President of April 22, 1967, in implementation of the collective bargaining contemplated in the recommendation of Emergency Board Numbered 169, to determine whether the proposal (1) is in the public interest, (2) is a fair and equitable extension of the collective bargaining in this case, (3) protects the collective-bargaining process, and (4) fulfills the purposes of the Railway Labor Act. At such hearings the parties shall be accorded a full opportunity to present their positions concerning the proposal of the Special Mediation Panel.

Sec. 5. Within such time as the Special Board may determine, but not to exceed fifteen days after its establishment, the carrier parties to the dispute shall be required to submit to the Special Board a last offer of settlement of the issues in dispute. Within twenty days thereafter the National Mediation Board, with such assistance from other agencies as may be necessary, shall take a secret ballot of the employees of each carrier involved in the dispute on the question of whether they wish to accept the offer. The result of such ballot shall be certified to the Special Board. If the majority of the employees vote to accept such proposal, such determination shall be binding on the parties. If the carriers' offer is rejected, the representatives of such employees shall within five days after certification of rejection submit to the carriers, with copies to the Special Board, a counteroffer, which shall within five days be accepted or rejected. If agreement has not been reached by the parties by use of the above-rated offer and counteroffer, then the Special Board shall continue holding hearings as set forth in section 4 as implemented by the stated public positions set forth in this section. The Special Board shall be authorized to make public any or all of the proceedings and issue such reports to the President, the Congress, and the public as it may deem appropriate.

At such hearings the parties shall be accorded a full opportunity to present their positions concerning the proposal of the Special Mediation Panel.

Sec. 6. On or before the sixtieth day after the enactment of this resolution, the Special Board shall make its determination by vote of a majority of the members and shall incorporate the proposal of the Special Mediation Panel with such modification, if any, as the Special Board finds to be necessary to (1) be in the public interest, (2) achieve a fair and equitable extension of the collective bargaining in this case, (3) protect the collective bargaining process, and (4) fulfill the purposes of the Railway Labor Act. The determination shall be promptly transmitted by the Special Board to the President and to the Congress.

Sec. 7. If agreement has not been reached by the parties upon the expiration of the period specified in section 11, the determination of the Special Board shall take effect and shall continue in effect until the parties reach agreement, or if agreement is not reached, until such time, not to exceed two years from January 1, 1967, as the Special Board shall determine to be appropriate. The Special Board's determination shall have the same effect (including the preclusion of resort to either strike or lockout) as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.). At the time the determination of the Special Board shall take effect, the President shall direct the Attorney General to petition any district court having jurisdiction of the parties for the appointment of a special receiver or receivers to take immediate possession in the name of the United States of any carrier which is subject to such dispute and to use and operate the equipment and facilities of any such carrier in the interest of the United States, and if the court finds that the exercise of the power and authority provided by this resolution is necessary to protect the national health, safety, or the public interest, it shall have jurisdiction to appoint such receiver or receivers and to make such other orders as may be necessary and appropriate to carry out this resolution.

Any suit, action, or proceeding under this resolution against an employer, or a labor organization, or other persons subject thereto involving two or more defendants residing in different districts may be brought in the judicial district whereof any such defendant is an inhabitant; and all process in such cases may be served in the district in which any of them are inhabitants or wherever they may transact business or be found.

The several district courts of the United States are invested with jurisdiction to prevent and restrain violations of this resolution. Whenever it shall appear to the court before which any such proceeding may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned whether they reside in the district in which the court is held or not, and subpenas to that end may be served in any district by the marshal thereof.

In any case, the Act of March 23, 1932, entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes" (47 Stat. 70; 29 U.S.C. 101–115) shall not be applicable.

The order or orders of the court shall be subject to review by the appropriate circuit court of appeals as provided in sections 1291, 1292 of title 28, United States Code, and by the Supreme Court upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

Sec. 8. Whenever a district court has appointed a receiver or receivers pursuant to the provisions of this resolution, or has issued such other orders as may be necessary to carry out the purpose thereof, it shall be the duty of the parties to the labor dispute giving rise to such action to make every effort to adjust and to settle their differences, with the assistance of the National Mediation Board. During the period in which possession of any carrier has been taken under this resolution the United States shall hold all income received from the operation thereof in trust for payment of general operating expenses, just compensation to the owners as hereinafter provided, and reimbursement to the United States for expenses incurred by the United States for the operation of any such carrier. Any income remaining shall be covered into the Treasury of the United States as miscellaneous receipts. In determining just compensation to owners of the carriers, due consideration shall be given to the fact that the United States took possession of such carrier when its operation had been interrupted by a work stoppage or that a work stoppage was imminent; the fact that the carriers or the labor organizations, as the case may be, have failed or refused to comply with recommendations for settlement made during proceedings under this resolution; the fact that the United States would have returned such carrier or carriers to its owners at any time an agreement was reached, and to the value the use of such carriers would have had to the owners in the light of the labor dispute prevailing, had they remained in their possession during the period of operation.

Sec. 9. The President may appoint a Compensation Board to determine the amount to be paid as just compensation under this resolution to the owner or owners of the carriers of which possession is taken. For the purpose of any hearing or inquiry conducted by any such Compensation Board the provisions relating to the conduct of hearings or inquiries by special boards as provided in section 1 of this resolution are hereby made applicable to such hearing or inquiry. The members of Compensation Boards shall be appointed by the President and compensated in accordance with the provisions of section 1 hereof.

The award of the Compensation Board shall be final and binding on the parties unless within thirty days after the issuance of said award either party moves to have the award set aside or modified in the United State Court of Claims in accordance with the rules of such court.

Sec. 10. Any carrier or carriers of which possession has been taken under this resolution shall be returned to the owner thereof as soon as (1) agreement has been reached with the representatives of the employees settling the issues in dispute, or (2) the President finds that the continued possession and operation of any such carrier or carriers by the United States is no longer necessary to the national health, safety, or the public interest.

Sec. 11. The provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160), as heretofore extended by law, shall be hereby extended until 12:01 o'clock antimeridian of the ninety-first day after enactment of this resolution with respect to the dispute referred to in Executive Order 11324, January 28, 1967.

Sec. 12. If any provision of this resolution or the application of such resolution to any person or circumstance shall be held invalid, the remainder thereof, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

NEW YORK LOTTERY

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MURPHY of New York. Mr. Speaker, on Monday of this week an article in the New York Times quoted New York State officials as saying that the sale of lottery tickets in banks had fallen 20 percent. In addition, many banks will not participate because they allege that the compensation they receive for selling tickets is inadequate.

The result is obvious. With sales off and compensation down, savings accounts and business deposits will now be supporting the sale of lottery tickets in banks.

Therefore, I call on all banks in the State of New York with federally insured accounts to voluntarily cease to act as vending agents for the lottery. It should be clear by now that this practice is contrary to—and even endangers—the principles of thrift. When the people of New York approved the lottery in a State referendum there was nothing said about using thrift institutions to sell lottery tickets. I think a more appropriate source can and should be used to sell these tickets.

Also, I can call on Governor Rockefeller to make a study to determine where the majority of lottery tickets are now being sold. I think such a study would show, as earlier testimony predicted, that the tickets are sold primarily in poverty areas.

The bill to prevent banks from selling lottery tickets, which I cosponsored with the chairman of the Banking Committee, the gentleman from Texas, the Honorable WRIGHT PATMAN, has now passed the House Banking Committee by a vote of 19 to 11 and hopefully it should reach the floor by mid-July. In addition, Federal agencies are supporting this legislation. I hope that the banks will meet their obligation to the public by voluntarily withdrawing from the lottery without waiting for the passage of this legislation.

LEGISLATIVE PROGRAM FOR THE BALANCE OF THE WEEK

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I take this time to ask the distinguished majority leader the program for the rest of the week and any comments he might be able to make at this stage as to the program that will follow.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD. R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. In response to the inquiry of the gentleman, we shall continue tomorrow consideration of the joint resolution which we have had under consideration today. It is expected that that is probably all we will be able to do tomorrow, and in that event we will pick up on Tuesday with H.R. 10480, a bill to prohibit the desecration of the flag.

Mr. GERALD R. FORD. That will be on the program for next Tuesday?

Mr. ALBERT. On Tuesday of next week, in the event it is not reached tomorrow.

Mr. GERALD R. FORD. Can the gentleman inform the Members as to when the conference report on the selective service bill will be reached?

Mr. ALBERT. Probably next week. If we were to finish early enough, and the gentleman from South Carolina should desire to do so, and the action was concurred in by the gentleman from Massachusetts, we might go on with it tomorrow. But we expect only to finish this bill.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Texas.

Mr. PICKLE. I thank the gentleman for yielding. Will he advise the Members as to the time tomorrow the House intends to convene?

Mr. ALBERT. I was getting ready to ask the gentleman from Michigan to yield for that purpose. I do so now.

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SPECIAL ORDER OF HON. TOM STEED OF OKLAHOMA

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the special order for today for Congressman STEED, of Oklahoma, be vacated, and that he be granted a special order of 60 minutes on Tuesday, June 20, after all other business and special orders previously granted on that day, and that he be permitted to revise and extend his remarks and include extraneous material.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE BALTIC STATES

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Rumsfeld] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, it was 27 years ago that the Baltic States of Lithuania, Latvia, and Estonia fell under the domination and rule of Communist governments not of their choosing. The people of these countries have been subjected to a totalitarianism that is alien to their history of democracy and freedom. We are mindful of the tragic events which brought about the loss of independence and national sovereignty of these countries and of the sufferings of hundreds of thousands of their citizens. We pay honor and tribute to these valiant people and join with them in renewing our faith in the cause of freedom and our commitment to human liberty and justice for all.

THE BALTIC STATES

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Derwinski] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, this week nationwide observances are being held to commemorate the illegal seizure of the Baltic States by the Kremlin. The primary purpose of this commemorative week is to remind citizens of the United States of the illegal Soviet control of Lithuania, Latvia, and Estonia and the necessity of restoring legitimate freedom to the Baltic peoples.

We must note, Mr. Speaker, that even our spineless State Department has not formally approved the Soviet Union's seizure of the Baltic States although ratification by the Senate of the Consular Convention could be used by the Soviet Union as a vehicle for maneuvering a U.S. consulate into that area, which would then be tantamount to recognition of the seizure.

We must recognize that permanent peace and freedom will not come to this troubled world unless the peoples of the Baltic States and all of the other captive nations of communism are permitted to determine governments of their own choosing, in conformity with historical traditions and national aspirations.

I, therefore, am pleased to join numerous House Members in making special note of this week commemorating the tragic seizure of the Baltic States by Stalin and point out that we must reappraise the present foreign policy of appeasing the Soviet Union and instead develop an imaginative diplomatic offensive against the Russian dictatorships.

I remain completely opposed to aid and trade subsidy of Communist governments since this perpetuates Red control over their captive populations. Unfortunately, the Johnson administration is frantically pursuing coexistence with Eastern European Communist governments despite their involvement against us in Vietnam. We should organize a free world economic offensive against the Communist governments rather than subsidize them.

INSPIRING MESSAGE FROM YOUNG AMERICA

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. Wyatt] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WYATT. Mr. Speaker, approximately 2 weeks ago I received a letter from a young man which is extremely thought-provoking, particularly since it was written on the eve of his volunteering for service in the U.S. Army.

In these days of protests, riots, and general lack of respect for law and order, it is truly heartwarming to see such a shining example of idealism as exemplified in his letter. His sincerity and the depth of his intensity was so inspiring to me that I thought it would be to others and I consequently requested and received his permission to have his letter reprinted in the Congressional Record, as follows:

Corvallis, Oreg.

Representative Wendell Wyatt,
House Office Building,
Washington, D.C.

Dear Congressman: Thank you for the opportunity to express my opinions in regard to what you call "thorny problems." In most cases, I have simply answered yes or no. Those responses to which I hold a more dogmatic opinion, I have underlined. To others, which I felt needed certain qualifications, I wrote short qualifying statements. The remainder of this letter is my opinion regarding one of the questions upon which I feel there is much which *needs* to be said.

Is the war in Viet Nam an "illegal, immoral, and completely unjustifiable American military intervention in Asia"? My answer is a most emphatic *NO!* It is appalling to me to hear such a naive assertion, and I find that I must guard my thinking and my tongue closely, lest I quickly label persons as "Communist" who would utter such statements. Such a statement is indeed an asset to the Communist intent and promotes their propaganda war. Yet I must constantly realize that the right of dissent is here in use, without which we would be equally as guilty of promoting the ideals of Communism.

Therefore, although I may not agree with such a statement and can not help but question the mind behind it, I must respect the right to express an opinion. Personally, I believe we are *entirely* justified, legally and morally, by our position in Viet Nam. It is sad to realize that of all the nations now free from Communist control, only a few are willing to give their wealth of resources and men to secure that same freedom for another country. Mr. Wyatt, I am only 21 years of age. I did not help start our country. I have yet done little to promote its future. But I am old enough to sense and deeply appreciate the human sacrifices which underlie the rich, God-given heritage we enjoy.

Recently I heard a speech given by a Senator which has given me cause to wonder if that heritage is being forgotten. I found it hard to believe that what I heard coming from the lips of one man, was representative of the hearts and minds of many people. (I sincerely hope that what I heard was *not* the voice of America's people, for my faith in her people would be seriously shaken if that were true.) Although I cannot recall the exact words of his message, it was very clear that, concerning our commitment to Viet Nam, he thought we should unconditionally pull out, sit back in our 19th century rocking chairs and let the rest of the world go to Communism. He seemed to think that because we are surrounded on all sides by water, we are safe, self sufficient and need not fear outside aggressors. It seems to me that a prominent leader of our country once thought the same thing—to his everlasting discredit! Haven't we learned from history the folly of such narrow-mindedness? We *can not* separate ourselves from the rest of the world! We need the rest of the world and it needs us. To isolate ourselves would be to cut our own throats, as well as the throats of others. Would that be morally right? I submit that we *do* have a moral obligation: to ensure that *any* country, such as Viet Nam, sees both sides of the coin before the coin is flipped, giving freedom or bondage. And should the coin come up freedom, we are justified *in the name of freedom,* to protect and promote the continuance of that freedom—even to the point of military intervention where such intervention is made necessary. If we are not willing to defend another's freedom, we have no legal right, *or* morally justified right, to claim such freedom for ourselves. If others lose their freedom, then in the end we too shall lose ours, for we *can not* stand alone. Freedom without expression is not freedom: *it is bondage. That* is why we are in Viet Nam—why we *must* stay and why we *must* fight *to win.*

In connection with this, I recommend to you the article "I Died a Soldier" on page 103 of the May issue of the Reader's Digest. And when you have read that, consider again these words from Abraham Lincoln:

"The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, and for the people, shall not perish from the earth." (Gettysburg, Nov., 1863).

I write to you, Mr. Wyatt, because you are my voice. Through you, my voice and my opinions are heard where they count most. I write to you because I am proud to be an American. I am also proud of the fact that, starting June 1st, I *voluntarily* enter the United States Army, to live, fight and, yes, possibly die for what I believe is legally, morally and justifiably right: "that government of the people, by the people, and for the people, shall not perish from the earth."

Sincerely and respectfuly yours,
Elwood R. Richter.

FLAG DAY

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Keith] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. KEITH. Mr. Speaker, on this Flag Day when legislation is pending to make it a Federal offense to publicly desecrate the symbol of the United States, it is important that we keep in mind the real nature of the flag and that for which it stands. When incoherent and irrational vandals burn or otherwise defile the flag, they insult all that it represents, but they cannot really debase either the flag or its principles.

This morning's Washington Post, in a thoughtful editorial pointed out:

> What is defaced is a piece of bunting, a scrap of textile, a printed image. What is beyond the reach of the rancor of vandals and the obscenities of demonstrators is a flag not made of cloth—but an image that rises in the minds of Americans when they think of all that is good in their nation and noble in their country and deserving in their countrymen.

Mr. Speaker, despite reservations as to the need for and the possible constitutionality of H.R. 10480, I will vote for its passage tomorrow. However, I would like to go on record as supporting the sentiments so well expressed in the following June 14 Washington Post editorial:

> FLAG DAY 1967
>
> Flag Day, this year, comes at a time when disrespectful treatment of the national emblem has aroused concern and inspired legislation to punish the desecration of this symbol of the Nation. The legislation may be superfluous, given the existence of state laws that make this sort of misconduct punishable as a misdemeanor. But there does seem to be need for some broader understanding of the things for which the flag stands.
>
> It is not, as many of those who defile it seem to think, the mere trademark of a current policy of one administration or one officeholder. It remains, through one administration after another, the flag of the Nation, the symbol of the country, the banner of all its people of all conditions and views. To deface it or to desecrate it as a means of reproaching passing policy, besides being an offense to every American, is an acknowledgement that the offender is ignorant of the nature of the symbol. It is besides an admission that the flag-destroyer lacks the verbal facility and intellectual capacity to articulate a political argument in terms intelligible to literate persons. And it is, in addition, an insult to all the great principles for which the flag stands, including the principles that shield those in a democratic society who avail themselves of the right to voice dissent.
>
> No law can prevent, no punishment completely restrain, the few disturbed and unbalanced people who defile the flag; but fortunately, no desecration that they contrive can really debase the flag or its principles. What is defaced is a piece of bunting, a scrap of textile, a printed image. What is beyond the reach of the rancor of vandals and the obscenities of demonstrators is a flag not made of cloth—but an image that rises in the minds of Americans when they think of all that is good in their Nation and noble in their country and deserving in their countrymen. *That is the flag that no irreverent hand can harm.*
>
> That flag never will be disfigured by anything but acts and deeds unworthy of the principles for which it stands. Vandals may trample upon a million copies of it, defile a million replicas, but it will fly as bravely as ever and stir as profoundly as ever the emotion and pride of American citizens.

HATCH ACT LIBERALIZATION WOULD ENDANGER CIVIL SERVICE MERIT SYSTEM

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. NELSEN. Mr. Speaker, may I commend to my colleagues the testimony of Mr. David T. Stanley, of the Brookings Institution, given before the Commission on Political Activity of Government Personnel on May 16, 1967. That Mr. Stanley is eminently qualified to render expert testimony in this instance is evident from his background of 28 years of Federal service in administrative and management positions and the numerous studies he has made during this time of personnel and civil service problems in both Federal Government and the government of the States of Virginia, Maryland, California, and New York and of the cities of Los Angeles, Cincinnati, Detroit, Birmingham, Philadelphia, and New York.

Mr. Stanley puts in sharp perspective and answers the major question confronting the Hatch Act Commission: Should we liberalize the act, and if so, what are the possible ramifications? Mr. Stanley believes that to allow those Federal employees who are now covered by the Hatch Act to engage in partisan politics would be a step backward and a threat to the civil service merit system. Specifically, he disagres with a Civil Service Commission recommendation that certain areas throughout the country impacted by Federal employees be permitted to engage in purely partisan politics. I include his testimony, together with questions and comments of Commission members which followed, in the RECORD at this point:

STATEMENT OF MR. DAVID T. STANLEY, SENIOR STAFF, BROOKINGS INSTITUTION BEFORE THE COMMISSION ON POLITICAL ACTIVITY OF GOVERNMENT PERSONNEL, MAY 16, 1967

My name is David T. Stanley. I am a member of the Governmental Studies Senior Staff of the Brookings Institution. I have been there since 1961. Before that I had 22 years of Federal service in administrative and management positions. I have made major personnel studies in the Federal Government, in the State of Virginia, and in the government of the City of New York. I have been a consultant with the State of Maryland and have explored both personnel and civil service problems of the States of California and New York and the cities of Los Angeles, Cincinnati, Detroit, Birmingham, and Philadelphia.

Two years ago I wrote a rough statement on the subject of amending the Hatch Act and, among other things, I recommended it would be a good idea to appoint a responsible commission to take a fresh look. I had some conclusions in there that I now completely reject. So it is nice to have a couple of years go by.

I commend your effort and I am very happy that such an important and qualified body is doing this important study.

I presume that, like others making such studies and like those of us who make other studies in the public service, you may feel pressure to make changes. Perhaps you may feel pressure particularly to make changes in the direction of liberalizing "the Hatch Act." I would urge caution upon you and urge that you examine the actual as well as the avowed motives of those who urge such liberalization upon you.

You have a very difficult problem and there are many considerations of equity in this problem. I would like to emphasize one aspect above others.

I have devoted my working life, as have you gentlemen who are present have, to efforts to improve the quality of the public service. I believe in it very deeply, and I believe further that it has a long way to go. It is very difficult to get well-qualified people into the public service and to keep them there. I can refer you to a few of the materials I have written on this matter. It seems to me that the paramount consideration, above all, is that if anything that is done as a result of your recommendations would weaken the integrity or the caliber of the public service, this would be most unfortunate.

Now let me digress for just a moment to say something I should have said at the very beginning.

I am speaking for myself and not for the trustees, officers, or other staff of the Brookings Institution.

There seems to me to be ample evidence, both large and small, that civil services, that merit systems, are hard pressed to maintain their gains. There is continuing pressure on the part of partisan politics in the opposite direction. If one reads the annual reports of the Public Personnel Association on this subject, one discovers that significant extensions of merit systems in State and local governments have slowed down. Extensions are rare. A few years ago it was authoritatively reported that something like half of the employees of all the States were covered by formal merit systems. I don't know what the count would be now, but probably it is not much above that.

Even established allegedly fair comprehensive merit systems tend to be partial in their coverage and in their effectiveness. They tend to be underfinanced. I have seen some where a partisan politician who is a member of the State legislature would refer a friend for a position in the government of that particular State; the friend would go down to the merit system office, take a simple examination, and step over to the department and take the job.

In the Federal service, too, which generally speaking, has achieved a higher level of accomplishment in public personnel administration than State and local governments, I am sure each and every one of the Members of the Commission is not unaware of partisan pressures that have intruded into the civil service itself. I am aware of one example, which, of course, I shall not identify for you, of an administrative officer, Grade 14, in an important bureau who was placed in that position by nothing but political endorsement.

I have worked with another State—I will not identify this one—a State where the administrative officials, who were under civil service, were making a grave effort to upgrade the quality of their work. I asked them, "What about the leadership you get from your political officers in this effort?" They said, "Well, the leadership will have to come from us."

In another State I am familiar with a situation where the jobs of directors of State parks are filled by direct referral from members of the State legislature. They are now tying to upgrade these positions, which means they would like to have people with high school diplomas take these park director jobs.

I have been in a State where personnel directors of departments and agencies of this State government have been campaign managers for the gentleman who happened to have been elected governor of that State.

Well, these may be small things, they may be scattered things, but each of us who have delved into the public service situation in this country can cite similar examples. They all add up to cause for concern. They add up to a belief on my part that civil service reform in the United States may have reached a high-water mark, may have reached a peak, unless there is renewed citizen interest, unless Senator Muskie and his subcommittee in the Senate make some substantial progress in extending the merit system.

It is a never-ending struggle. It is hard enough to stay where we are in maintaining civil services that are rigorous enough in the old-fashioned sense and yet flexible enough to meet the needs of modern government management without making renewed concessions to partisan politics.

Now, I favor partisan politics and I am interested in it, and many political leaders of both parties favor strengthening the public service. I point out, however, that this is one of many pressures that beat upon legislative leaders, upon Congressmen, upon mayors, upon governors, and upon members of city councils.

This brings me to the position I really would like to take before you, which is one of general support for the Civil Service Commission recommendations on the Hatch Act, as advocated to you by Chairman Macy, with one major exception. I think, incidentally, that the staff work done on that particular presentation was very praiseworthy. I agree with and support all of the Civil Service Commission's recommended changes with the exception that I do not agree that any partisan participation by employees now covered by the Hatch Act would be desirable.

In the first place, it seems to me that this would be an important symbolic step backwards from traditional civil service and merit system values.

Second, it seems to me that day by day, week by week, year by year employees and officials will inevitably get involved with political organizations. Political organizations are known for the effectiveness of their communications among different levels of government. There will be pressures that will tend to ramify both up and down from wherever the pressure points are.

Now, you add this to the fact that many government decisions on program and on administration are razor-close decisions, decisions on where to place a facility, decisions on whom to employ among several apparently equally qualified candidates, decisions on recommended legislation. These close decisions are influenced, perhaps consciously perhaps subconsciously, by all the pressures that beat upon the administrative official involved. If he, in addition to being an official of the program or of the administration, is also involved in partisan politics, even to a modest degree, this will subject him to communications, to recommendations, it will involve him even in a minor way in matters related to deals, favors, compromises, which are the life blood of partisan politics but which, in my judgment, are very bad for the life blood of the civil service.

I think what I say is especially important in this day when more and more Federal programs are being carried out by benefit of grants-in-aid to State governments and, therefore, raises in my mind the probability that more and more State employees will be covered by the protective legislation which we are now considering amending.

It is also important in view of the current tendency to make merit systems more flexible.

Many persons will tell you the civil service reform battle has been won and we can now turn our attention to making the personnel officers of the governments serve the purposes of management more effectively. Well, that is well and good, but when you do loosen up and make more flexible the civil service procedures, you invite all manner of considerations, and the more involved the administrative officials are with partisan politics, it seems to me the greater these dangers are.

I have, I think, only one more thing to say.

In general, I have not tried to bring any data before you. I told the staff member who invited me that I didn't have an opportunity to make studies. But I did look into the data collected by the Brookings Institution a few years ago under the books entitled "The Image of Federal Service," and I spoke with Dr. Franklin B. Kilpatrick, the director of that study. Dr. Kilpatrick said, as far as he could remember, when Federal officials and employees were polled on the nature of their work and the desirability of the jobs they held, practically none of them mentioned that they were distressed or inconvenienced or bothered by lack of, well, rights, if you will, by the inability to participate fully as political citizens. In fact, there were so few of them that raised this point that he decided, as a matter of the research methodology, not to set up a category to record these beliefs.

The only other thing from that study that would be at all pertinent is the belief expressed by a few businessmen that they would be unwilling to consider serving in the Federal Government themselves because of the degree of political influence that was used to make decisions which were properly economic decisions or management decisions.

So just to sum up, I am greatly concerned about the future of the public service. I think we have to keep battling to keep it extremely competent, and I am afraid that even a modest retreat from the nonpartisan principle that the Civil Service Commission has advocated would be a nose under the tent, so to speak, and I would recommend against is. Otherwise, I would wholeheartedly endorse all the perfecting changes, the administratively improving changes that are recommended by Mr. Macy.

I will be glad to amplify or answer questions.

Mr. Roger W. Jones. Thank you very much, Mr. Stanley.

Any questions, Mr. Ramspeck?

Mr. Ramspeck. I don't believe so, Mr. Chairman. But I just want to tell Mr. Stanley how happy I am to hear him express those opinions, because I hold very much the same opinions, particularly with regard to the problem of maintaining a real merit system not only in the Federal Government but in other governments.

Some years ago when Jim Watson was executive director of the National Civil Service League, he said to me one day, "The spoils system is over."

I said, "I couldn't disagree with you more, because it will never be over."

What happens is that in the Federal Government—this is, at least, what I have found in the many years I have been in Congress—a new member of the Congress coming into the House and the Senate with local government experience where they have no merit system is very much frustrated by the merit system at first. After they have been there a few years they begin to find out that getting dough from people doesn't make political hay. So you have always got this influx of new people and you always have the danger of eliminating the merit system in new agencies or exempting certain people.

I don't think we will ever see the day when we don't need to guard carefully against efforts to take away the protection of the merit system. And, of course, as you know perhaps better than I do, what the difficulty is in getting the right sort of people into the Federal Government. If they object to political pressure, it will be much more difficult.

I am very happy to hear your statement, Mr. Stanley.

Mr. Stanley. Thank you, sir.

Mr. Charles O. Jones. I would like to concur.

Mr. Stanley, when you are referring to the Civil Service Commission's report and that section which you are not in agreement with, do you mean that part dealing with full partisan participation at the local level in those areas where 49 percent—

Mr. Stanley. I am sorry I didn't make that more explicit. That is the part I am referring to. I concur in the other things, including the spread of the nonpartisan principle to other jurisdictions.

Mr. Roger W. Jones. Thank you very much. We appreciate your being here.

Mr. Stanley. Thank you for asking my advice.

RIOTS AND DISTURBANCES

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ashbrook] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, the subject of riots is back in the news again. Last Sunday Florida's second largest city, Tampa, was the scene of violence, and today's news includes a report concerning racial disorders in Cincinnati, Ohio, in which from 800 to 900 National Guardsmen were called to duty to quell disorder.

In his annual testimony this year before a House Appropriations Subcommittee, J. Edgar Hoover, Director of the FBI, made a number of references to the issue of violence in the streets, which I insert in the Record at this point:

Excerpt of Statements by J. Edgar Hoover Before a House Subcommittee of the Committee on Appropriations, February 16, 1967

RIOTS AND DISTURBANCES

No area of the country has escaped unrest and turbulence based on racial and ethnic considerations. Outbreaks ranging from minor disturbances to major violence and actual riots accompanied by looting, arson, and attacks on law enforcement and constituted authority have occurred in several localities.

Unfortunately, some civil rights leaders in the past have condoned what they describe as civil disobedience in civil rights demonstrations. Martin Luther King, Jr., for example, after arriving in Chicago, Ill., early in 1966 in connection with the civil rights drive there, commented about the use of so-called civil disobedience in civil rights demonstrations and said:

"It may be necessary to engage in such acts . . . . Often an individual has to break a particular law in order to obey a higher law."

Such a course of action is fraught with danger for if every one took it upon himself to break any law that he believed was morally unjust, it is readily apparent there would soon be complete chaos in this country. Respect for law and order cannot be a part-time thing. Under such conditions, there only tends to be a growing disregard of the law and its enforcement.

OUTSIDE INFLUENCE IN RIOTS AND DISTURBANCES

For the most part, the riots and disorders that have occurred in this country since the summer of 1964 were sparked by a single incident, generally following an arrest of a Negro by local police for some minor infraction of the law. Although most of the riots and disturbances have been characterized by spontaneous outbursts of mob violence dominated by young hoodlums, the involvement of other violent, lawless, subversive, and extremist elements became readily apparent as the rioting grew and spread.

EXPLOITATION BY COMMUNISTS AND OTHERS

Communists and other subversives and extremists strive and labor ceaselessly to precipitate racial trouble and to take advantage of racial discord in this country. Such elements were active in exploiting and aggravating the riots, for example, in Harlem, Watts, Cleveland, and Chicago.

The riots and disturbances of recent years have given Communists a golden opportunity to emphasize the Marxist concept of the "class struggle" by identifying the Negro and other minority group problems with it. Communists seek to advance the cause of communism by injecting themselves into racial situations and in exploiting them (1) to intensify the frictions between Negroes and whites to "prove" that the discrimination against minorities is an inherent defect of the capitalist system, (2) to foster domestic disunity by dividing Negroes and whites into antagonistic, warring factions, (3) to undermine and destroy established authority, (4) to incite Negro hostility toward law and order, (5) to encourage and foment further racial strife and riotous activity, and (6) to portray the Communist movement as the "champion" of social protest and the only force capable of ameliorating the conditions of the Negroes and the oppressed.

The cumulative effect of almost 50 years of Communist Party activity in the United States cannot be minimized, for it has contributed to disrupting race relations in this country and has exerted an insidious influence on the life and times of our Nation. As a prime example, for years it has been Communist policy to charge "police brutality" in a calculated campaign to discredit law enforcement and to accentuate racial issues. The riots and disorders of the past 3 years clearly highlight the success of this Communist smear campaign in popularizing the cry of "police brutality" to the point where it has been accepted by many individuals having no affiliation with or sympathy for the Communist movement.

The net result of agitation and propaganda by Communist and other subversive and extremist elements has been to create a climate of conflict between the races in this country and to poison the atmosphere.

LEGISLATION TO DESIGNATE THE PUMPING STATION AT THE SNAKE CREEK ARM OF THE GARRISON DAM RESERVOIR IN NORTH DAKOTA AS THE TOTTEN TRAIL PUMPING STATION

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from North Dakota [Mr. KLEPPE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. KLEPPE. Mr. Speaker, I have today introduced legislation to designate the pumping station at the Snake Creek arm of the Garrison Dam Reservoir in North Dakota as the Totten Trail pumping station.

July 17 will mark the 100th anniversary of the establishment of Fort Totten on the southern shore of Devils Lake. It was named for Gen. Gilbert Totten, then Chief of the Engineer Corps, U.S. Army, which in the next century was to construct the massive Garrison Dam. The pumping station at the dam will supply water to raise the level of Devils Lake.

Gen. Alfred H. Terry, commander of the Department of Dakota, established Fort Totten with three companies of the 31st Infantry. At times the post, which still stands as a historic site today, was the headquarters for as many as five companies. General Terry's name in the history of Dakota Territory has been eclipsed by that of one of his subordinates, Gen. George Armstrong Custer. As a footnote, it might be added that this would not have happened had Custer carried out Terry's orders. There would have been no Custer massacre.

Totten Trail—in fact there were three of them—was an important supply and mail link first between Fort Abercrombie, south of Fargo, and Fort Totten. Later it ran from Fort Seward, at Jamestown, N. Dak., to Fort Totten and finally from Fort Stevenson, on the east bank of the Missouri River a few miles West of what is now the town of Coleharbor. This last was perhaps the most important of the Totten Trails. It served as a staging point for much of the considerable freight traffic which moved on the Missouri River.

Totten Trail is a part of the early history of the West. It has been recorded in verse which is perhaps more notable for its historic, rather than esthetic, value. I quote from "North Dakota," an excellent history of the State, complied and published in 1938 by the Works Progress Administration:

> Although the Indians of the region were usually quite peaceable, there was occasional trouble with them, particularly on the route to Fort Stevenson along the Missouri. This trail constituted the main channel of transportation and communication for Fort Totten in its early days. An anonymous poem describes what is said to have been an actual occurrence (although the date given is not correct) in which Josh Murphy and Charlie Reynolds—General Custer's scout on the Black Hills expedition, who died with Custer at the Little Big Horn—are carrying the mail into Fort Totten.
>
> "It was in the spring of sixty-four,
> Just a little while ere the war was o'er,
> That 'twas mine the mail bags to transport
> From Stevenson Pass to Totten fort;
> Through the rugged passes the route to take
> O'er the mountains that frown on Devils Lake;
> Those canyons alive with skulking crews
> Of the Chippewas and the savage Sioux;
> But my heart felt light and my arm felt strong
> For brave Josh Murphy rode along."
>
> Josh is shot by Indians and begs his companion to prevent them from taking his scalp. Charlie lifts the dying man to his saddle and Josh's pony dashes into the night.
>
> "We sought for Josh and we struck his trail
> In the dew damp notes of the scattered mail;
> And we found him at last, scarce a pistol shot
> From the picket wall of the fort he sought.
> There he proudly lay with his unscalped head
> On the throbless breast of his pony—dead!
> And the route from the pass to the cedared hill
> Is known as the 'Deadman's Journey' still."

AMERICANS HAVE PAID FOR ARAB-ISRAEL CRISIS

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. DEVINE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEVINE. Mr. Speaker, 2 days ago I introduced H.R. 10760 designed to prevent any U.S. taxpayer money, in the form of foreign aid, or any other program by virtue of public law, administrative order or otherwise, going to any United Arab Republic nation, or other, who have severed diplomatic relations with the U.S. Government.

A number of my colleagues have since introduced similar bills and we will press for early hearings before the Foreign Affairs Committee.

Meanwhile, the following article by Alice Widener is helpful in refreshing our minds about the Federal funds already used for "nonpeace" purposes:

AID BRINGS TROUBLE—AMERICANS HAVE PAID FOR ARAB-ISRAEL CRISIS

(By Alice Widener)

There is one thing sure about the Mideast crisis—we bought and paid for it. If we Americans don't learn now that we can't buy friends or peace, then we must have holes in our heads.

The amount of tax money we have squandered on economic aid to the four small disputant nations in the crisis is almost 1 per cent of our colossal national debt of $320 billion.

Moreover, the total of our aid to Egypt, Israel, Jordan and Syria is illustrative of why our nation has a persistent deficit in its balance of international payments, a deficit mostly responsible for the drain on our gold reserves and flight from the U.S. dollar.

In turn, this drain and flight endanger the savings, investments and pensions of all Americans.

Here are the latest figures from our State Department on U.S. aid to the four disputant nations in the Mideast crisis, fiscal years 1946–66 inclusive:

Egypt	$1, 133, 300, 000
Israel	1, 104, 500, 000
Jordan	572, 800, 000
Syria	73, 300, 000

Almost all this vast amount of Americans' hard-earned money was spent in an effort to help develop these underdeveloped nations. Only a small amount was spent on military aid: $11.1 million to Egypt, $27.6 million to Israel, $55.6 million to Jordan, and $100 thousand to Syria.

What is the net result of our aid? We ourselves are now in danger of being dragged into a world war set off by acts of violence prompted by fanaticism and belligerence.

Only a few hours spent in seeing and listening to the Egyptian, Israeli, Jordanian and Syrian delegates at the United Nations Security Council are enough to judge these diplomats' immoderation, aggressiveness and almost total disregard of other nations' security and peace, including that of their greatest benefactor, the United States.

The combined total population of the four nations is only 39,505,000, according to the latest U.N. statistics.

In round figures, Jordan's population is less than 2 million; Israel's is less than 3 million; Syria's is approximately 5 million, Egypt's is 29 million. Yet each disputant has a vote at the U.N. equal to that of the United States.

Today, despite huge amounts of U.S. aid, Egypt is insolvent and in arrears on loans from the International Monetary Fund and U.S. Export-Import Bank.

Like other socialist heads of state in underdeveloped nations, Nasser has a head for Marx but none for sound economics.

Had he followed the excellent economic advice given to his nation at the Bank of

Egypt in March 1954 by Dr. Albert Hunold of the Zurich Institute of International Affairs, Nasser would not now be in the position where he finds it necessary to resort to military blackmail for the purpose of extorting money from Americans.

Our well-intentioned foreign aid, designed to keep the peace and win us friends, has bought us nothing but international troubles, blackmail, enmity and injury to the U.S. dollar.

There used to be an old saying, "Beggars can't be choosers," but due to U.S. foreign aid, they can be choosers today and they can choose war.

THE FLAG SPEAKS

Mr. McDONALD of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. McDONALD of Michigan. Mr. Speaker, as we celebrate this day to mark with respect that flag which represents for all of us the freedoms and rights forged over many generations, it is fitting that this House should consider a bill to make acts of desecration against our national flag a Federal crime.

As the merits of this measure are discussed, I submit for consideration by my colleagues two editorials which appeared recently in newspapers from my area. The first appeared in the Spinal Column, a weekly paper published in Union Lake, Mich. The second in the Detroit News. They read as follows:

[From the Spinal Column, May 24, 1967]

The Flag Speaks

Filled with significance are my colors of red, white and blue into which have been woven the strength and courage of American manhood, the love and loyalty of American womanhood.

Stirring are the stories of my stars and stripes.

I symbolize the soul of America, typifying her ideals and aspirations, her institutions and traditions.

I reflect the wealth and grandeur of the Great Land of Opportunity.

I represent the Declaration of Independence.

I stand for the Constitution of the United States.

I signify the law of the land.

I tell the achievements and progress of the American people in art and science, culture and literature, invention and commerce, transportation and industry.

I stand for peace and good will among the nations of the world.

I believe in religious and racial tolerance.

I stand for personal liberty.

I proclaim freedom of religion, freedom of press, freedom of speech and freedom of assembly.

I am the symbol of American Democracy and the emblem of National Unity.

I am the heart of America, symbolizing the joys and sorrows, the love and romance of her people.

I wave exaltingly over the school houses of the Land, for Education is the Keystone of the Nation and the Schoolroom is my Citidel.

I am the badge of the Nation's greatness and the emblem of its Destiny.

Threaten Me and Millions Will Spring To My Defense!

I am the American flag!

This article was taken from a booklet published by the Department of Michigan Veterans of Foreign Wars of the United States.

[From the Detroit News, May 22, 1967]

Flag Burners Deserve Punishment

When the oratory finally subsides, we trust Congress will enact a dignified, unhysterical law which makes it a federal offense to desecrate the American flag.

The flag is a symbol of the nation per se, not the nation when someone thinks it is right at the moment or wrong at the moment, but the nation itself through all the ups and downs of its course through history.

As such a symbol, it is entitled to a formal respect which should transcend anyone's opinion about the government of the moment. The United States is more than the Johnson administration or any other.

Those who trample or burn the flag because they don't like the Vietnam war engage in a childish tantrum. Their right to protest the war and belabor the government does not necessarily encompass the right to revile the nation itself, or its symbol.

Some of the hyperbole raised in the flag's defense is tarnished. Some congressmen who wrap themselves in the Red, White and Blue primarily for political profit may also be guilty, in spirit, of misusing the flag.

Where is their indignation when the Confederate Stars and Bars fly in Dixie where Old Glory should be—including the place of honor over Mr. and Mrs. George C. Wallace's Capitol? That, too, is an expression of contempt hardly less pointed, however more genteel.

But none of this papers over the flaws in the flag-burners' defense. The claim of a spokesman for the American Civil Liberties Union that flag-burning is a form of free speech, protected by the Constitution, pushes the First Amendment privilege to the brink of absurdity.

If a Vietnik—or a warhawk—finds only assassination will express his opinion forcefully enough, cannot the law restrain him? May he blow up a bridge to make his point? May he shout "Fire!" in a crowded theater, to cite the classic example.

The right of free speech is a paramount right, but its form is subject to reasonable regulation. The nation's right to defend its symbol from desecration is reasonable.

Its defense should take a reasonable form, as well. Some of the penalties under discussion are out of all proportion to the crime. When the United States undertakes to defend its flag against desecration, it should do so in a manner which bespeaks dignity and self-assurance, not an immature fit of anger.

CRISIS SHOWS NEED FOR OIL SHALE MOVE

Mr. LLOYD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. LLOYD. Mr. Speaker, on May 27 our distinguished colleague, the gentleman from Colorado [Mr. Brotzman], addressed a letter to the President regarding what he called the "dangerous dependency" of the free world on the oil of the Middle East.

Basically, he recommended that the United States accelerate the development of its shale oil production capability to avoid a crippling blow to the free world should the vast oil of the Middle East become unavailable. He indicated his belief that the recently announced five-point program of the Interior Department would lead to the eventual development of the oil shale industry, but that progress may not be fast enough.

This letter was dispatched in the early days of the Middle East crisis, and subsequently, of course, war did break out and the Arab nations did shut off much of Western Europe's oil supply.

Mr. Speaker, it is the gentleman from Colorado's [Mr. Brotzman] position—and my own—that the events of the past week should serve as a warning that too many of the free world's oil suppliers are politically unstable, and future crises may not be as short-lived as this one seems to be.

It does not make sense, either from the point of free world security or the U.S. balance-of-payments deficit to leave the vast oil shale reserves of Colorado, Wyoming, and Utah undeveloped any longer.

One of the outstanding authorities in the Nation on the potential of oil shale summarized the pressing needs for an accelerated development of the oil shale industry last week in Denver. He is Dr. Orlo E. Childs, president of Colorado School of Mines.

With your permission, Mr. Speaker, I would like to insert in the Record an account of Dr. Childs' remarks printed in the June 8 issue of the Denver Post:

Petroleum Institute Told Crisis Shows Need for Oil Shale Move

(By Bert Hanna)

Cutting off the oil supply from the Middle East to Western nations is a vivid demonstration of the need for prompt development of a supplemental oil supply from a viable oil shale industry.

Dr. Orlo E. Childs, president of the Coloradio School of Mines and an authority on oil shale, made this assessment in a luncheon address Thursday at the Denver Hilton Hotel.

Speaking to the mid-year meeting of the Division of Finance and Accounting of the American Petroleum Institute, Dr. Childs said:

NEEDS OF TOMORROW

"The supply of American crude oil needs of tomorrow will not be solved by 'turning a few valves' as indicated by some shortsighted news interpretations made important by recent Middle-East developments.

"We must remember that most of our foreign oil is imported from countries with very unstable governments. This isn't a sound base for long-range expectation . . ."

He reported that last year total demand for crude oil and gas liquids in the United States was 12.3 million barrels per day, but the country produced 9.9 million barrels daily for only 80 per cent of needs. The remaining 2.4 million barrels were imported.

INCREASED DEMANDS

"Demand for crude oil and its products is expected by conservative estimates to increase in the range of 2 to 3 per cent over the next decade," Dr. Childs told the oil industry's financial experts.

"Even with our advancing exploration technology and ever-increasing ability to recover oil from the fields we discover, domestic crude oil production is forecast to increase at a rate of only half the rate of increase in demand over the next decade.

"Thus, in 1977, our production of crude and gas liquids will be 4.2 million barrels per day short of our requirements, assuming no increase in military needs.

PRODUCING CAPACITY

"Also, at that time, our excess producing capacity is expected to be down from the present 2.9 million barrels per day to only .6

million barrels per day. So this is a gap that can't be closed by our conventional crude oil production.

"Are we to continue this trend toward more and more dependence on imported crude oil?"

Dr. Childs said there's no question of the need for an oil shale industry from the vast shale beds of the Green River Formation, the richest deposits located in northwestern Colorado.

But, he continued, there is such a need only if oil shale can compete under the free enterprise system without subsidy and in the open market with other energy sources.

RICHEST DEPOSITS

Pointing out that largest and richest oil shale deposits are located on public lands, he said, "it would seem prudent that the public lands should be made available to industry on a reasonable and responsible basis."

"Uncertainties as to this government's policies should be removed," he said. "Government should now stand aside and let the free enterprise system, which has created this magnificent country, operate."

Analyzing regulations recently proposed by Interior Secretary Stewart L. Udall for a limited leasing program for research and development on public oil shale lands, Childs pointed out that only 30,000 acres or only 5 per cent of the federally owned lands would be involved.

"Reactions to these regulations have been varied," he said, "and it's hoped that many items which at first seem uncomfortably restrictive will be negotiable when leases are given.

"Large outlays of capital in the range of $100 million to $200 million will be necessary to establish commercial production.

PROFIT EXPECTANCY

"There must be opportunity for success and reasonable profit expectancy if capital expenditures of the necessary scale are to be contemplated in the birth of a new industry."

Dr. Childs scoffed at recent warnings by some economists and others of the "danger of a giveaway" and "danger of recurrence of Teapot Dome type scandals."

"At this critical time of need for rational decision, it's inappropriate to fan the emotional fires of fear and endanger long-range values to our national economy," he said.

"Policy decisions of government are needed now, and a policy can emerge from the steps the secretary has taken. These are the first steps out of confusion," Childs said.

The mid-year conference of the oil industry's financial and accounting experts affiliated with the American Petroleum Institute has attracted over 600 delegates and wives from across the country. The meeting will be concluded Friday.

RESULTS OF SEVENTH ANNUAL CONGRESSIONAL QUESTIONNAIRE

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. HARVEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. HARVEY. Mr. Speaker, I am pleased, as I have done for the past 6 years, to bring to the attention of all my colleagues results of the annual congressional questionnaire conducted in Michigan's Eighth District. These results are based on the tabulation of the first 9,216 returns. I would point out that this total of tabulated returns is the highest ever since the first questionnaire in 1961. In addition, returns are still coming in and, I estimate nearly 11,000 participated in this annual vote.

I am particularly grateful for the fine cooperation extended by our district newspapers which also published the questionnaire so that all residents would have an opportunity to vote. Of course, I am particularly gratified that so many citizens took the time to express their viewpoints.

I would like to insert at this time the news release being mailed today, along with the questionnaire results:

WASHINGTON, D.C.—The majority of voters participating in Congressman Jim Harvey's annual Congressional questionnaire in Michigan's Eighth District favor the United States "pursuing the Vietnam war more vigorously," but many with the reservation of . . . "Win or get out."

Congressman Harvey announced today the tabulated results of the first 9,216 returns that were received. "A few returns are still coming in but not of a quantity to have any bearing on the tabulation," Harvey said. He revealed that the Control Data Corporation tabulated the returns. "This is the greatest number that we have ever tabulated, and I am most grateful for the interest of so many of our residents. I am also appreciative of the fine cooperation I received from our weekly and daily newspapers in the Eighth District which published the questionnaire as a public service."

In the four-section question on United States involvement in Vietnam, some voters only answered one question, while others completed all four. Voters had an opportunity to vote in favor of the Administration's present conduct of the war; whether to pursue the conflict more vigorously; de-escalate our military efforts; or pull out entirely.

Some 5,700 persons, or 61.8% of the total 9,216 who submitted returns, favored pursuing the war more vigorously. Only 6.4%, or 591 people, answered no. Another 1,329 people called for a withdrawal. This represents 14.4% of the total participating.

As to de-escalating our military efforts, only 6.8%, or 631 persons, favored this course of action. The closest decision centered on the Administration's present conduct of the war. About 22%, or 2,027, of all those voting backed the Administration's strategy, while 42.3%, or 3,900, voters disagreed.

Congressman Harvey was quick to point out, however, that "the question on Vietnam generated much comment, and a very high portion of the voters had reservations on their selections. Basically, the one theme that a great many carried was that we should fight to win or get out. In addition, time and time again I would notice the comment—'I don't know all the facts,' or 'I don't feel well enough informed.' "

While there was some doubt and some reservations on the Vietnam question, the voters were crystal clear on two other domestic questions. First, they emphatically opposed any increase in Federal taxes; and two, they favored the return of 3% of revenues collected by the Federal Government to state and local governments.

On the vote concerning the Administration's request for a new 6% surtax on personal and corporate income taxes, 7,406 votes, or 80.4% were cast against the proposal. Only 1,169, or 12%, favored it.

The percentages are practically the same, only in reverse, on the question for a return of Federal revenues to states. Some 7,420, or 80.5%, were in the affirmative, while 13.3%, or 1,226, persons voted against the idea.

By far the closest vote on the ten questions involved whether or not the Federal Government should restrict and regulate the sale of all firearms. 50.9%, or 4,694, voted no, while 4,224, or 45.8% favored the action. Only 276 persons, or 3%, did not vote on this question.

The second closest vote centered on the selective service system and whether the present draft should be replaced by a lottery system. This legislation, now awaiting final Congressional approval, continues college deferments. On the questionnaire, 49.3%, or 4,542, voted against any change, while 39.6%, or 3,652, favored the lottery system.

All other questions resulted in one-sided decisions. The election of President by popular vote instead of through the present Electoral College carried by a margin of 79.5% to 17.1%, with 7,329 favoring it.

Voters also rejected the proposal for expansion of trade between the United States and European communist countries by a wide vote, 60.4% to 32%. Of those voting, some 5,566 were against the Administration's plan and 2,953 favored it.

On social security increases tied to boosts in the cost of living, Eighth District residents favored the plan, 68.7% to 26.8%. This question found 6,332 in the affirmative and 2,466 in the negative.

The percentage was nearly the same for the question on providing tax credits for some portion of college tuition payments paid by families. 6,105, or 66.2%, favored the proposal, with 2,534, or 27.5%, in opposition.

The final question on whether to lower the voting age to 18 years of age was also turned down, 67.4% to 30%. This resulted from 6,213 no votes and 2,763 yes votes. The tabulated results:

	Yes	No	No answer
Do you favor:			
1. Administration's conduct of the war in Vietnam?	22.0	42.3	35.6
Or should the United States:			
(a) Pursue the conflict more vigorously?	61.8	6.4	31.7
(b) De-escalate our military efforts?	6.8	20.3	72.8
(c) Pull out entirely?	14.4	22.8	62.7
2. Drafting of men for military service by lottery system replacing present method of selective service?	39.6	49.3	10.9
3. President's proposal for expansion of trade between the United States and European Communist countries?	32.0	60.4	7.4
4. Administration's request for new 6-percent surtax on personal and corporate income taxes?	12.7	80.4	6.7
5. Increase in social security benefits tied to cost-of-living index?	68.7	26.8	4.4
6. Tax credits for some portion of college tuition payments?	66.2	27.5	6.2
7. Return of 3 percent of revenues collected by the Federal Government to State and local governments?	80.5	13.3	6.1
8. Election of President by popular vote instead of through the present electoral college?	79.5	17.1	3.4
9. The Federal Government restricting and regulating the sale of all firearms?	45.8	50.9	3.0
10. Lowering the voting age to 18?	30.0	67.4	2.4

IRREGULARITIES IN OEO

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. GARDNER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. GARDNER. Mr. Speaker, I have today sent a letter to OEO Director Sargent Shriver to request an investigation and ruling on the activities of Operation Breakthrough, community action agency in Durham, N.C. I am basing this request on personal reports from Durham residents to me as the only North Carolina Congressman on the Education and Labor Committee and on a special report prepared by a staff investigator from the committee.

The employees of Operation Breakthrough in Durham have spent taxpayers' dollars to create and organize a political machine. They have devoted months of their time, during working hours, researching registration and voter lists in the Durham County Courthouse They have contacted unregistered voters and persuaded them to register and have used Government automobiles to transport them to the polls to register. On the day of a recent municipal election, May 13, 1967, Operation Breakthrough employees used their own automobiles to contact and deliver voters to the polls and handed out sample ballots telling Durham citizens how to vote. These same poverty workers recruited students from nearby universities to pursue the same methods of influence on election day.

A complete investigation has been conducted by the minority staff of the Education and Labor Committee. Their final report is well documented and gives ample proof that Operation Breakthrough did engage in the activities previously mentioned.

I severely condemn such activity on the part of Federal employees and charge that it is completely outside of the limits and purpose of the poverty program. The goal of the poverty program is to aid and help the poor and not to federally subsidize a political machine.

Unless Mr. Shriver renders a decision on this matter, this misuse of Federal funds could set a national precedent.

At this point, I would like to insert my letter to Sargent Shriver dated June 14, 1967:

JUNE 14, 1967.

Mr. SARGENT SHRIVER,
Director, Office of Economic Opportunity, Washington, D.C.

DEAR MR. SHRIVER: Enclosed is a copy of a report concerning Operation Breakthrough, the Community Action Agency in Durham, North Carolina. This report was prepared by a staff investigator, Education and Labor Committee, based on his investigation in Durham on June 2nd and 3rd, 1967.

Based on the evidence developed in the report, I feel that Operation Breakthrough developed a political apparatus which delivered a bloc-type vote in the Municipal elections on May 13, 1967. I recognize that the election was non-partisan and very likely would not be considered a violation of Chapter 15, Title V, U.S. Code (formerly called the Hatch Act). However, there are good reasons to believe that Operation Breakthrough employees' activity has raised questions of political involvement which violates the Economic Opportunity Act (Section 202 (b) 42 U.S.C. 2782 (b) O). I further feel that the activity of Operation Breakthrough employees has been contrary to OEO's instructions set out in OEO, CAP Memo 50–A, dated December 1, 1966.

I am deeply concerned about this activity, and feel that it is completely outside the limits and the purpose of the Poverty Program. It is not the role of anti-poverty workers to spend taxpayers' money by devoting months of their time researching registration and voters lists, subsequently engaging in registration drives, and on election day delivering the voters (even though in the last step on their own time and in private automobiles), and telling the voters how to cast their ballots. There is presently widespread and serious concern in the Durham area about this matter. Community and business leaders question activity that permits Operation Breakthrough employees to openly participate in an effort to organize and deliver the vote in an election involving candidates for public office.

Unless you render a decision now as to the propriety of these activities, this action could set a national precedent. Therefore, I call on you to investigate the allegations against the Durham Community Action Agency, and to render a ruling on the propriety of their activities.

I shall await your correspondence to inform me of your appraisal of the situation in Durham, and your plans to resolve the matter.

Yours very truly,

JAMES C. GARDNER,
Member of Congress.

MISSION OF MERCY

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. GUDE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. GUDE. Mr. Speaker, newspaper reports indicate that as many as 50,000 Egyptian troops may be wandering helpless in the Sinai desert. There are and will be, of course, other victims of war in the Middle East. But these men are being threatened by immediate death through thirst and starvation. American citizens have always been motivated by a humanitarian desire to render immediate succor to the helpless suffering regardless of nations or race.

The International Red Cross is the world agency which can most effectively and swiftly translate our humanitarian concern to assistance for those suffering. The Red Cross in its finest tradition is already at work in these disaster areas. It is urging action by the Middle Eastern nations and particularly asking Egypt to turn on its water supplies under the Suez Canal.

I have sent a telegram to President Johnson asking his use of every possible diplomatic channel within and without the United Nations to strongly urge all nations to cooperate with the Red Cross in its efforts. This is a mission of mercy to which I hope my colleagues will lend their support in whatever way possible.

LEGISLATIVE REORGANIZATION PROPOSALS

The SPEAKER pro tempore (Mr. SMITH of Iowa). Under a previous order of the House, the gentleman from Missouri [Mr. BOLLING] is recognized for 10 minutes.

Mr. BOLLING. Mr. Speaker, this week I have introduced a legislative reorganization bill, H.R. 10748, in an attempt to generate some positive action on Senate-passed S. 355 which for several weeks has been in the Rules Committee of which I am a member.

I introduce this bill with great reluctance and only after widespread comments to me that the House provisions of S. 355 as passed by the Senate are unsatisfactory and unworkable to many House Members whose opinions I respect. My personal view is further that the ground rules, within which the Joint Committee on the Reorganization of the Congress worked, themselves severely inhibit any substantive and needed alteration of congressional procedures. I do not offer my bill as gospel and I welcome comments for changes by both Democratic and Republic Members of the House.

Frankly, my bill is far from good enough from anything approaching an ideal standpoint. But it, as well as S. 355, which is hopelessly bogged down in the Rules Committee, does include useful provisions and these provisions should be promptly enacted. My bill is offered in the hope that it will lead to the compromises essential to make it possible to pass the best reorganization bill practicable in the present Congress.

Some of my colleagues may be aware that recently I was appointed as chairman of a new task force of the Democratic study group on standards of official conduct and congressional reform. However, the bill I have introduced today is not a consequence of that appointment.

Mr. Speaker, I want now to outline the major provisions of my bill. And at the end of these remarks I wish to include a chart comparing, as I interpret them, the differences between Senate-passed S. 355; my bill, H.R. 10748; and Print No. 2, which I take to represent revisions made by some House members of the Joint Committee on the Organization of the Congress, the so-called Madden-Monroney committee, in a parallel effort to obtain a larger degree of agreement among House members than Senate-passed S. 355 has been able to secure.

First, my bill adds following provisions to S. 355:

Administration and enforcement of Lobbying Registration Act placed in the office of the Attorney General instead of in the office of the Comptroller General as proposed in S. 355.

Attorney General to inform Ethics Committees of both House and Senate of allegations of violations of Lobbying Act.

Legislative committees to conduct periodic review of all Federal grant-in-aid programs, but eliminates provision for a special staff member on each standing committee to carry out the responsibility.

Study of congressional operations, at least once every 5 years, by the Government Operations Committees of both House and Senate—instead of establishing a new standing Joint Committee on Operation of the Congress.

Quarterly and yearly publication in CONGRESSIONAL RECORD of official foreign travel by Members, including information as to cost and purpose.

Study aimed at modernizing tourist

guide facilities—including audiovisual techniques, lecture room, explanatory commentaries by guides for tourists as they watch floor proceedings from behind glassed-in galleries. Retains free-guide provision of S. 355.

Congressional nominations to the military service academies are eliminated. Full geographical representation in each entering class, however, is required.

Written and oral communications between Members of Congress and their staffs to executive branch agencies on adjudicatory proceedings to be made part of public record.

Existing prohibition on sitting of most committees while House is in session is eased by permitting them to sit while House is engaged in general debate.

Study toward establishing an administrative management unit to carry out custodial, maintenance, and operation functions of the House.

Small office allowance to help freshman Members between time of election and time they are sworn in.

"Thomas Jefferson rule" made part of Rules of the House—this would require a Member with a direct personal interest in legislation to abstain from voting.

Requests for contempt-of-Congress citations by House committees be routed through the Rules Committee. They now go directly from the requesting committee to the House floor.

Second, my bill retains these features of S. 355:

Elimination of congressional influence in appointment of postmasters.

Creation of job placement office for use of Members seeking staff.

Abolish coordinator of information.

Study to achieve better telephone and telegraph service.

Professionalization of Capitol Police force.

Minority party provided with its own professional and clerical committee staff appointments.

Revamp page boy system.

August adjournment, except in time of state of war.

Improvement of legislative reference service.

Provision for improved budget information and cost-effectiveness studies of Federal programs by General Accounting Office.

Provisions bearing solely with the Senate.

And finally, my bill deletes these features of S. 355:

Some proxy-vote language.

Rollcalls on certain appropriations bills.

Job reclassification authority to Clerk, Doorkeeper, Sergeant at Arms, and Postmaster of House pending overall management study.

House committee jurisdiction realinements.

Division of House Education and Labor Committee into two standing committees.

Permission authority for radio and television coverage of House committee public hearings.

The comparison referred to follows:

Comparisons—Legislative reorganization proposals

TITLE 1—THE COMMITTEE SYSTEM

S. 355	*Bolling bill—H.R. 10748*	*Print No. 2*
Sec. 102(b) Open business meetings of committees—with exceptions.	Same.	Open if majority of committee so orders.
Sec. 102(b) All roll-call votes in committee either announced or printed in reports.	Same.	Announce *and* publish in reports only final votes to report measures.
Sec. 102(d) Proxy rule revisions—including language apparently forbidding proxy voting on reporting measures or matters.	Leave to committees to determine whether to permit proxy voting on reporting measures or matters.	Provision deleted.
(2) 3-calendar day waiting period between filing of a report on a measure by a committee and House vote on measure.	Procedure recommended, but not made mandatory.	Provision expanded to include "matters" but 3-day period may be waived by the Speaker.
(3) Language apparently designed to develop total committee funding.	Revised to encourage this objective but to permit flexibility.	S. 355 language.
(4) Committees to wait at least 1 day so minority views can be filed with reports on bills.	Extends this to "matters" as well as "measures."	Bolling language.
Sec. 103(a) 1. one-week advance notice of public hearings.	Deleted.	S. 355 language *plus* limit witnesses to brief summaries of their written testimony which as far as is practicable shall be filed in advance.
(2) Open committee hearings required *except* on matters declared confidential or to protect witnesses' character or reputation.	Same.	Expands open-hearing waiver to include closing a hearing for "any other urgent reason."
(3) 1-day reserved for minority to call witnesses if it so requests.	Same—except request must include ranking minority member.	Deleted.
(4) Open hearings may be broadcast by radio or TV—if committee wishes.	Deleted.	TV-Radio coverage *if* Speaker obtains approval of full House in advance.
(5) After each day's testimony, committee staff to prepare summary for committee members' use and such summaries may be included in printed hearings.	Deleted.	Deleted.
	POWERS OF THE COMMITTEES	
Sec. 104—Any standing committee may sit while House is in session *if* Speaker and minority leader consent. This limitation does not apply to Appropriations, Govt. Op., Rules & HUAC.	Any standing committee may sit while House is in general debate—otherwise Speaker-Minority Leader consent needed. Same 4 committees exempted.	S. 355 language except Minority Leader consent clause deleted.
Sec. 105—Legislative Review—authorizes each legislative committee to establish a position of legislative review specialist with detailed duties and responsibilities to review administration and operation of programs under jurisdiction of each such committee. Even if no review specialist named each such committee shall conduct on a "continuing basis" a review of programs.	Legislative committees shall conduct periodic reviews of grant-in-aid programs, but review specialist position deleted.	Similar to Bolling language.
Sec. 106(a)—Conference reports to include explanatory effects of agreed-upon provisions. Provision for individual supplementary views. Debate time divided between those for Conference report and those against.	Same, except debate time to be divided between members of Majority Party and members of Minority Party.	Provides for explanatory material; deletes debate time provision; deletes supplemental views provision; and limits number of conferees from each body to five.
Sec. 131. Revises legislative jurisdiction of Agriculture, Astronautics, Interstate and Maritime committees. Divides Education and Labor into two committees. Renames Banking & Currency as Banking, Housing & Urban Affairs Committee.	Deletes jurisdiction changes. Retains Bking-Currency renaming. Extends jurisdiction of Rules Committee to include contempt-of-Congress citation requests. Deletes split of Education & Labor.	Also deletes jurisdiction changes, but retains Education & Labor split. Creates a standing Committee on Small Business.

Comparisons—Legislative reorganization proposals—Continued

TITLE TWO—BUDGET AND ACCOUNTING PROCEDURES

S. 355—Continued	*Bolling Bill—H.R. 10748*—Continued	*Print No. 2*—Continued
Sec. 201–208—Establish standardized information system for fiscal & budgeting data, including use of automatic data processing, plus cost effectiveness studies for use of committees and upon request to individual members.	Generally same, but on constitutional grounds deletes *direct* participation of Comptroller General in establishing standard info system, leaving it to Secretary of Treasury & Director of Budget Bureau. Deletes individual-member request provision.	In line with Bolling approach.
Sec. 231.—Supplemental budget information to Congress on June 1 of each year, including revised estimates of expenditures.	More permissive language, with information to Congress if drastic alterations in budget estimates and expenditures occur after President sends his budget to Congress in Jan.	S. 355 approach.
Sec. 231–235—Spells out Appropriation Committee's responsibilities for holding open hearings annual review of budget & its underlying assumptions, proxy voting, review Federal spending, more detailed committee reports. Yea-nays required on appropriations bills and on bills to raise Members' salaries.	Retains budget review feature, deletes Yea-Nay provisions. Deletes open hearing provision.	Closer to S. 355, but deletes proxy voting, Yea-Nay & open hearing provisions.
Sec. 251–253—Requires detailed cost estimates for ensuing six years with bills brought to floor plus try to insure all continuing programs of Fed. Gnt. be designed and carried on an annual appropriation basis.	Same except for annual appropriation basis feature.	Likewise eliminates annual appropriation basis feature.
	TITLE THREE—COMMITTEE STAFFING	
Sec. 301(1) Specifies standing committees may have six professional and six clerical employes. Two professionals and one clerical may be selected for appointment by minority committee members. Minority control also over discharge of minority personnel. Requires "equitable treatment" of minority personnel. Saving clause protecting jobs of committee employes at time this section goes into effect.	Similar but requires ranking minority committee member assent to hiring of minority professional staff personnel. Ranking minority member must also approve hiring of minority clerical personnel. However, a majority of a committee may bring about discharge of minority *clericals & professionals*. Retains saving provision.	One, not two, minority professional staff—with selection subject to majority vote of full committee. Majority vote control also extends to firings of minority *professional* staff. BUT minority has control over hiring and firing of minority *clericals*.
(2) Authorizes specialized training for professional staff.	Same.	Same.
(3) Authorizes hiring consultants jointly selected by chairman *and* ranking minority member—subject to approval of House Administration Comm.	Consultants selected by chairman.	Consultants selected by committee members.
Sec. 321(a)—Legislative assistant position for each Senator.	Expands to create titles of Administrative Assistant and Legislative Assistant in Office of each House Member. No pay provision.	Senate language
Sec. 322—Additional travel to District for Member and Staff.	Same.	Same.
Sec. 323—Study to improve phone and telegraph service.	Same.	Same.
Sec. 331—Expand and upgrade Legislative Reference Service and rename it.	Same.	Same, except eliminates authority to utilize automatic data processing.
Sec. 333—Abolish of Coordinator of Information in House.	Same.	Same.
	TITLE FOUR—CONGRESS AS AN INSTITUTION	
Sec. 401–408—Establishes a 10-member "Joint Committee on Congressional Operations" with responsibility, among others, for a "continuing study of the organization and the operation of the Congress." Also would bring major court proceedings affecting the Congress to attention of House and Senate.	Gives the Government Operations Committees of the House and Senate responsibility for such a study. Judiciary Committee would watch-dog court proceedings.	Establishes a joint committee but deletes continuing study provision and retains S. 355 language giving the joint committee responsibility to study automatic data processing and information retrieval systems with view to possible use by the Congress. Also gives the joint committee duty to identify court proceedings "of vital interest" to the Congress.
(2) Establishes a job employment office for Senate & House members—under administration of the Joint Committee.	Retains employment office which House Administration & Senate Rules & Administration committees will supervise.	(2) S. 355 language.
Sec. 422—Professionalize Capitol Police force.	Same.	Same.
Sec. 423—Revamp page-boy system so as to require that an applicant hold a high school diploma and that a page may *not* serve after reaching aged 22.	Adds that advance written notice must be given parents or guardians as to nature of working, schooling & Housing arrangements.	Retains S. 355 language.
Sec. 424—Revamp Capitol tourist guide operation so as to provide *free service* under a new Capitol Guide Board composed of Architect of Capitol & Sgt-at-Arms of both House and Senate. Sets salaries and duties of guides.	Expands to provide for a study aimed at greatly improved touring system, including lecture room, audiovisual aids, taped commentaries in glassed-in public galleries overlooking floor of both chambers. Study to be coordinated with P.L. 89–790, National Capital Visitors center study commission.	S. 355 provisions with altered language and assigns Joint Committee on Congressional Operations role in guides' hiring.
Sec. 433—Annual August recess—except if a state of war exists.	Same.	Same.
Sec. 441—Eliminate influence of Members of Congress in connection with appointment of postmasters and rural carriers.	Same.	Same but language tightened.
No Provision.	Eliminate congressional role in military service academy appointments. Retains requirement for geographical representation of all states in appointments.	No Provision.

Comparisons—Legislative reorganization proposals—Continued

TITLE FOUR—CONGRESS AS AN INSTITUTION—continued

S. 355—Continued	*Bolling bill—H.R. 10748*—Continued	*Print No. 2*—Continued
Sec. 451-461—Detailed provisions authorizing establishment of step increases, pay compensation schedules & position classification for employees of House under the Clerk, Sgt.-at-Arms, Postmaster & Doorkeeper.	Retains step increases but directs a study with view to establishing an administrative management unit for House embracing operation, maintenance and custodial functions.	S. 355 provision.
Sec. 471—Converts pay schedule of House employes from basic to gross annual one.	Same.	Same.
No Provision.	Quarterly & yearly publication in Congressional Record of detailed information about official travel outside U.S. by Members of Congress.	No provision.
No Provision.	Permit transfer to Clerk for payroll purpose of employes of Members who are on sick leave that has reached its 30th day.	No provision.
No provision.	Small allowance to assist freshmen Members between time they're elected and time they're sworn in.	No provision.
Sec. 481—Unobligated stationery allowance of Members to be turned back to Treasury general fund at end of each year.	Same.	Deleted.
No provision.	Oral and written communications between Members or staff with any unit of Executive Branch in respect to any matter pending for adjudication—such communications shall be made part of public record of such adjudicatory proceeding.	No provisions.
No provision.	Include "Jefferson's Rule" as part of Rule 8 of the Rules of the House. This states, in part, that "where the private interests of a Member are concerned, he is to withdraw" from voting on a matter before the House.	No provision.
	TITLE FIVE—REGULATION OF LOBBYING	
Sec. 501-501—(1) Broadens lobbying registration act to cover individuals and organizations whose *substantial* purpose is to influence legislation—current language is *Principal* not *substantial*.	Same.	Same.
(2) Transfers administration of lobbying act from Clerk of House to Comptroller General.	Transfers administration to Attorney General. Requires AG furnish ethics committees of both Senate & House with allegations of violations he receives.	S. 355 language.
(3) Records required under Act be kept for 5 years—statute now requires 2-year period.	Same.	Same.
	TITLE SIX—EFFECTIVE DATES	
Sec. 601—Various titles & sections become effective at different dates ranging from 30 days after passage of this bill to Jan. 1, 1968.	Same—except Title One (Committee Procedures) effective date changed to January, 1969, when next Congress comes in.	Bolling language.

NOTE.—

1. S. 355 refers to the bill as it passed the Senate in March, 1967.
2. Bolling bill number is H.R. 10748.
3. Committee Print No. 2 refers to a revised version of Senate-passed S. 355 and as such is the latest such version available to Rep. Bolling.

LATIN AMERICAN AGGRESSION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Alabama [Mr. EDWARDS] is recognized for 15 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, the serious matter of Castro Communist aggression in Latin America will be at issue next week when the Organization of American States holds its 12th meeting of Consultation of Ministers of Foreign Affairs.

The meeting has been called by Venezuela to consider action by the OAS with regard to Cuba. On May 8, two Cuban army officers were captured on a beach east of Caracas where they had assisted in landing eight Venezuelan-born but Cuban-trained guerrillas from a boat that had come from Santiago, Cuba.

The Venezuelan guerrillas escaped into the mountains nearby. The two Cubans confessed their part in the operation, and one of them has since taken his own life.

The Castro government has admitted its backing of the operation as a means to "fulfill its duty of solidarity with revolutionaries around the world."

This is the second incident of clear Cuban Communist export of subversion to Latin America which President John Kennedy, following the Bay of Pigs in 1962, vowed that the United States would prevent.

The first was in 1963 when a large cache of arms and munitions was found buried on a beach in Venezuela. An OAS investigating team at that time agreed that the war materials came from Cuba and had been brought into Venezuela for subversive purposes.

The OAS, on that occasion in 1963, formally accused Cuba of intervention in the affairs of an OAS member nation, and voted to urge all OAS members to break diplomatic and trade relations with Cuba. All OAS members but Mexico did sever their relations and trade with Cuba.

With the OAS now about to consider this second blatant example of Cuban Communist aggression in Latin America, I believe it is vitally important that the OAS take vigorous action in this matter.

It will not be enough that the OAS agree to take the matter up at the United Nations with the objective of achieving a U.N. resolution regarding Cuba's aggression. A U.N. debate on this issue would be as meaningless as those we have seen in recent days regarding the Middle East crisis. And should such a U.N. resolution actually be produced, it would have no influence whatever on Cuba's aggression.

The United States should, using the diplomatic resources available to our foreign policy machinery, work for OAS action which implements measures against Cuba short of outright military action.

For example, there might be a naval patrol established along the vulnerable coasts of Latin America to guard against future intrusions by the Cubans.

And, the OAS might well impose economic sanctions on trade between Cuba and non-Communist countries. Adequate preparatory work has already been done in connection with this latter step.

In July 1964, the ninth meeting of consultation of OAS Ministers of Foreign Affairs urged the cooperation of friendly governments in the matter of suspending trade and shipping with Cuba.

In November of 1966, when the OAS issued a report on the Tri-Continental Conference held in Havana in January of that year, one of the 11 recommendations was to renew efforts toward this objective. The U.S. delegation was a party to the report and the recommendations.

These efforts to reduce Cuban trade with non-Communist governments outside of Latin America have obviously failed. In the period January to August 1966, France imported $4.3 million worth of goods from Cuba, and exported $8.4 million worth.

Spain, the United Kingdom, Italy, the Netherlands, Sweden, Japan, and Switzerland are all trading heavily with Castro's Cuba. On May 19, 1967, the British signed a $44,800,000 contract with Cuba for the construction of a large fertilizer plant.

The OAS, acting as a group, surely has the leverage with which to take action against these non-Communist nations still doing business with Cuba when the vital importance of the issue at hand is known and understood by reasonable people everywhere.

This issue is the same as the issue in South Vietnam and the same as in Israel: open aggression against established national governments which ask only to be let alone.

Perhaps unlike aggression in Southeast Asia and in the Middle East, Cuba's aggression is freely admitted. Castro has issued a loud and clear challenge, not just to the OAS, but to the United Nations and to all decent mankind in general.

Castro has blatantly announced that he intends to aid in subversion and insurrection throughout Latin America. His boasts, and his aggressive acts are in violation of section 4, article 2, of the U.N. charter which states:

> All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.

Tune in to Radio Havana on your shortwave radio receiver and you can hear violations of this section of the U.N. charter on any evening of the week.

The Cuban subversive effort is part of Havana's implementation of the Tri-Continental Conference in January 1966, at which Communist delegates from three continents—Asia, Africa, and Latin America—all pledged their efforts to create "more Vietnams" around the world.

The Soviet Union was a prime backer of the 1966 meeting and is continuing its policy of aid and encouragement to Castro. On May 21, for example, Pravda in Moscow gave the Communist Party's outright support for the two different methods of opposition to existing governments in Latin America.

Russia supports not only the constitutional methods of overturning Latin American governments, but also supports the guerrilla tactics supported by Castro and encouraged at the Tri-Continental Conference.

There should be no illusion that Russia has turned its back on violence as a means of establishing Communist regimes. The May 21 Pravda article praises the Castroites of Latin America as "patriots taking up arms and coming out against anti-people regimes."

The Russian-Cuban challenge in Latin America is of critical importance for the OAS at this time. The challenge must be met by something stronger than resolutions.

On July 28 in Havana, the revolutionary representatives from 28 Latin American and Caribbean countries will meet as an outgrowth of the Tri-Continental Conference.

Their aim will be to create "more Vietnams" in Latin America, and they have already started acting on Castro's theory that armed struggle is the sole means of achieving the revolution they have in mind.

The July 28 meeting will be called the "First Solidarity Conference of the People of Latin America," and will be sponsored by the Latin American Solidarity Organization.

Mr. Speaker, U.S. leadership in next week's OAS meeting will be vital. The OAS can act as a regional body resisting Castro's aggression, or it can stand aside and let it continue.

On the outcome may rest the basic future security of all the Americas.

U.S. NOTE TO U.S.S.R.

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MULTER. Mr. Speaker, on June 2, 1967, the Government of the Soviet Union reported that American aircraft had bombed a Soviet merchant ship in the port of Cam Pha. After investigation, our Government sent the following note to the Soviets on June 3, 1967.

Particularly significant is the last part of this note emphasizing that if the Soviets are really interested in peace, they should use their good offices to get Hanoi to join us in negotiating a settlement in Vietnam.

The text of the note follows:

UNITED STATES NOTE TO U.S.S.R.

The Government of the United States of America refers to the note of the Government of the Union of Soviet Socialist Republics dated June 2, 1967.

The United States Government has investigated the circumstances surrounding the incident described in the Ministry's note, which alleges that on June 2 at 11:40 Moscow time American aircraft bombed the Soviet motor vessel "Turkestan" in the roadstead of the port of Cam Pha damaging the ship and seriously wounding two crewmen.

As a result of this investigation, it has been established that two flights of American aircraft were engaged in military operations on June 2 in the vicinity of Cam Pha. Attacks by these aircraft, however, were directed only against legitimate military targets and every possible care was taken to avoid damage to any merchant shipping in or near Cam Pha. The American pilots engaged in the strikes report that all ordnance was on target, but that intense anti-aircraft fire was present in the area. It appears, therefore, that any damage and injuries sustained by the Soviet ship and its personnel were in all probability the result of the anti-aircraft fire directed at American aircraft during the period in question. Accordingly, on the basis of fact available to us which we believe to be complete, the United States Government cannot accept the version of the incident contained in the Soviet note of June 2.

United States military pilots are under strict instructions to avoid engagement with any vessels which are not identified as hostile, and all possible efforts are taken to prevent damage to international shipping in Vietnamese waters. Nevertheless, accidental damage remains an unfortunate possibility wherever hostilities are being conducted, and the Soviet Government knows that shipping operations in these waters under present circumstances entail risks of such accidents.

It is unfortunate that the "Turkestan" was damaged and particularly that members of its crew suffered injuries. It is, indeed, regrettable that, according to subsequent reports, one member of the crew died as a result of injuries sustained. It is also regrettable that hundreds of Vietnamese, Americans, and citizens of allied nations are dying each week as a consequence of the aggression of North Viet-Nam against the Republic of Viet-Nam.

The Soviet Government may be assured that United States authorities will continue to make all possible efforts to restrict air activities to legitimate military targets. At the same time, the Government of the United States believes it would be helpful if the Soviet Government would make renewed efforts, as Co-chairman of the Geneva Conference, toward bringing about a peaceful settlement of the conflict in Viet-Nam.

FURTHER WATER POLLUTION CURBS URGED

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. O'HARA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, many of our lakes, rivers, and streams are rapidly becoming sewers of filth and disease. On a large number of our waterways, where a few years ago one could raise a bucket of crystal-clear water safe enough to drink, few would dare to swim today.

Hardly a major body of water has remained untouched by the blight of pollution. Rivers in major population areas are, for practical purposes, dead. Even in remote regions, lakes and streams are beginning to feel the pressure of waste and sewage.

The facts and figures on water pollution are staggering. Studies by the Public Health Service and the Water Pollution Control Administration indicate many of our rivers contain massive concentrations of inorganic and synthetic origin chemicals, sediments, bacteria, and other organic wastes and even radioactive pollutants which exceed by many times allowable maximums. The count of coliform bacteria in Ohio's Maumee River, for instance, is often as high as 24,000 times the permissible limit.

The costs of water pollution are also staggering. Dirty water reduces the value of lakes and streams for recreation and pleasure purposes. Michigan's Huron-Clinton Metropolitan Authority has constructed a beautiful manmade beach and recreation area on Lake St. Clair, located in the 12th Congressional District which I represent. Yet many swimmers prefer to use the public swimming pool located adjacent to the beach because of the deterioration of Lake St. Clair's water.

Pollution, likewise, reduces the value of water for commercial purposes. Recent statistics reveal the almost unbelievable fact that in just 7 years, the value of the blue pike production of Lake Erie, one of the most polluted of all lakes, declined from $1,316,000 to $120.

Federal and some State and local authorities have begun to respond to the challenge of unclean water. The passage last year of the landmark Clean Water Restoration Act and 2 years ago of the Water Quality Act marked major steps toward curbing the increasing pollution of America's waterways.

Nonetheless, much more can and must be done to combat pollution. As the distinguished junior Senator from Wisconsin [Mr. NELSON] has pointed out, there is not a "single cause of pollution," nor is there "a single solution to the problem."

One aspect of the pollution challenge which has not received adequate attention is the dumping of untreated sewage from small boats. The large increase in recreational boating has made it an increasingly serious source of bacterial pollutants. Such pollution, according to the Senate Public Works Committee, creates "particular problems when recreational watercraft are clustered together in anchorage, both in fresh waters and coastal salt waters."

A number of States have enacted laws attempting to regulate recreation-caused pollution of this sort. Many of these laws, however, are either unenforced or unenforceable.

To reduce pollution caused by pleasure craft, I am today introducing legislation to require that all vessels equipped with toilet facilities and constructed after January 1969, must provide some method for storage or treatment of wastes. The Secretary of Transportation would be given the authority to develop, in consultation with the Secretary of the Interior, standards for such treatment or storage facilities.

We require that large ships, house trailers, buses, and airplanes contain sewage retention facilities. Why not boats?

The cost of this legislation would be slight. Several methods for preventing the release of untreated sewage have been developed and can be constructed relatively inexpensively. The saving to the public in decreased pollution would far outweigh the expense of such facilities.

Mr. Speaker, shortly before his death, the late Senator from the State of Michigan, Pat McNamara, outlined the problem of water pollution:

> The waters of our Nation constitute one of our greatest natural resources and are involved in all aspects of economic growth and well-being . . . We can no longer afford the widespread illusion that our water supplies are drawn from a limitless source. Just as we have had to do with our land, forest and mineral resources, we must now take whatever steps are necessary to develop, conserve and protect our water resources in order to meet the Nation's soaring needs for this precious product of nature.

We cannot afford to ignore Senator McNamara's warning.

ORDER OF ELKS GAVE US FLAG DAY

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PURCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PURCELL. Mr. Speaker, it was my privilege on Sunday last, June 11, to participate in the annual Flag Day ceremony of Dallas Lodge No. 71 of the Benevolent and Protective Order of Elks.

It was most heartwarming and reassuring to me to see a large group of American citizens gather for the specific purpose of showing their respect and love for the American flag and all that it represents.

To me it was particularly significant that I should have the opportunity to participate in this ceremony in Dallas, Tex., because this is where Flag Day really began. The following is a quotation from the official book of rituals of the Elk's Grand Lodge:

> The Benevolent and Protective Order of Elks is the first and only fraternal body to require formal observance of "Flag Day". In July of 1908, the Grand Lodge of this Order, at Dallas, Texas, then assembled, provided for the annual nation-wide observance of "Flag Day" on the 14th of June in each year, by making it mandatory upon each subordinate Lodge of the Order.

The ceremony is most impressive. It outlines the history of our flag from the pine-tree flag to our present-day national emblem. It is both an informative and inspirational ceremony which is carried out with a great deal of pageantry.

Since Flag Day began in the first decade of this century at Dallas, the Order of Elks has encouraged an increasing national emphasis on this annual recognition of the flag. An outstanding Texan, Judge William Hawley Atwell, who served as grand exalted ruler of the order in 1925–26, was one of those who worked diligently to make Flag Day an official national observance.

It was not until August 3, 1949, that the President of the United States signed Public Law 203, designating June 14 as Flag Day. Forty-one years after the grand lodge action in Dallas, our Nation selected the same date for our national celebration of Flag Day.

Mr. Speaker, I want to commend and congratulate the Benevolent and Protective Order of Elks for their patriotic emphasis and their dedication in seeing that as many Americans as possible stop at least once a year to reflect on all those wonderful attributes of this Nation for which the American flag is the symbol.

On this Flag Day, I want to particularly thank Dallas Lodge No. 71 for giving me the opportunity to participate in their observance of Flag Day this year.

Thank you, Mr. Speaker.

AN ANTIRIOT BILL

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. ROBERTS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ROBERTS. Mr. Speaker, it is past time for the House Judiciary Committee to report an antiriot bill. Last March 13 I introduced H.R. 7108, which puts curbs on violent civil disturbances and riots by making it a Federal offense for anyone to go from State to State in person or to use the mails to create such riots and disturbances. But while the esteemed Judiciary Committee is fiddling, Cincinnati, Ohio, and Tampa, Fla., and other great cities in our Nation are burning.

This morning's newspapers told of more riots and more fires and looting taking place in Tampa and Cincinnati. Rioters set fire to homes and businesses, tossed Molotov cocktails at passing cars on a superhighway, took potshots at police and mobilized National Guard units. Firemen had to plead for police protection while trying to battle the blazes set by these rioters. There seems to be a great clamor for antigun legislation but nothing about Molotov cocktails.

I say all of these raids are being directed or led by agitators who move into the areas from other States in a continuous effort to foment riots and racial violence.

Unless Congress votes some legislation to give officers the power to make arrests and halt these high-handed tactics, we are heading for what could be "America's darkest hour."

But Congress cannot act as long as the Judiciary Committee elects to sit on bills such as H.R. 7108. I can recall after the Watts incident in California there was no bottleneck in getting a bill on the floor to make restitution for all of the looting and burning that took place there.

I say that is not the kind of bill the American people want. They want a bill to impower the police to use whatever force necessary to keep these ambulatory arsonists at home. I hope the Judiciary Committee will just bring H.R. 7108 to the floor. Then these migrant, meandering marauders will think twice before they travel so freely across our great Nation, leaving burned-out and looted homes and businesses in their wake, not to mention heartbreak, tears, and even death.

Mr. Speaker, I urge the House Judiciary Committee to act.

I place the newspaper reports from the June 14, 1967, Washington Post, Washington, D.C., of the riots at Tampa, Fla., and Cincinnati, Ohio, into the Record.

Cincinnati: National Guard Ordered In

The Ohio National Guard was ordered into Cincinnati last night after gangs of Negro youths continued looting and setting fires for the second straight night.

The riots in Cincinnati seemed to follow the same pattern of those in Tampa, where the outbreaks continued for the third night.

At the same time, Black Power leaders in Montgomery, Ala., demanded an "eye-for-an-eye" retaliation if a young civil rights worker loses his sight from injuries suffered during an outbreak in Prattville on Monday after the arrest of Stokely Carmichael.

Carmichael, who was released on bond from jail yesterday, and H. Rap Brown his successor as head of the Student Nonviolent Coordinating Committee, led a protest march of 200 to 300 young Negroes to edge of the Capitol grounds in Montgomery. There were no incidents.

Calm appeared to have returned to the Watts district in Los Angeles after Monday night's outbreak when 500 Negroes threw rocks and bottles at firemen who were fighting a $35,000 fire at a storage yard.

Ohio's Gov. James A. Rhodes sent the Guard to Cincinnati at the request of Mayor Walton Bachrach.

At least 11 persons—including three newsmen and four policemen—were injured during the Cincinnati riots. None was hurt seriously.

The riots in Cincinnati were apparently triggered by a protest rally over a death sentence imposed on a Negro convicted of murder.

During the first night of the Cincinnati riots, as happened in Tampa Sunday night, the outbreak of looting and setting fires to stores and buildings was confined to the Negro section.

But then on the second night, the outbreaks spread to other districts. In Cincinnati they spilled over to adjacent Walnut Hills where a hardware store was set afire.

Police also reported trouble calls from other sections of the city—ranging from the Old West End near the Union Terminal to Norwood and the Evanston section four miles to the northeast. Looting was reported in a number of areas, including the downtown section for the first time.

As in Tampa, there also were scores of fire alarms, most of them false, which kept police and firemen busy throughout the city.

Shortly after midnight, there was a report that one person was shot in the Over-the-Rhine area north of downtown.

City officials and Negro leaders held an informal meeting early today in the police command post. But there was no indication of what was decided.

However, after the meeting Mayor Bachrach said police told him the "looting is continuing unabated." He also said trouble was "covering a good part of the city."

Tampa: A Now Familiar Frieze

(By Nicholas von Hoffman)

Tampa, Fla., June 13.—The scene was becoming familiar to American cities. It was a morning-after-the-riot frieze on the three blocks of Central Avenue. The fires had been put out, but the glass had not been swept up yet. Policemen with automatic rifles patrolled the sealed-off street. Here and there small numbers of people appeared timidly on the sidewalks.

There was the usual atmosphere, as though everyone were suffering from social concussion. "It was as big a surprise to me as it was to you. I really didn't think it was going to happen," said L. C. Burney, a Negro longshoreman.

[National Guardsmen were pulled back into their compounds tonight after Negro leaders guaranteed they could restore peace. Several buildings and a lumber yard were set afire later but otherwise peace apparently had been restored.]

"What's wrong around here? Why did this start?" a reporter asked. A Negro, 20 years old and an unemployed casual laborer in a sweatshirt and a straw pork-pie hat, quit jiving and fidgeting with his friends. He strained to come up with an answer to the Nation's largest social problem.

"Not enough rec-eation," he said. If the answer didn't satisfy, it was no less convincing than the words of sociologists, senators and presidents on the same subject.

Up the street, an informer stopped Police Lt. V. A. Sergi. "What do you hear about tonight?" asked Sergi, who had once been a policeman in Bedford Stuyvesant and had come down here 12 years ago.

There are a lot of Northerners in this town, which strikes a visitor like a tropical version of some north New Jersey city like Passaic or Elizabeth.

The Mayor's name is Nick Nuccio. This town of 300,000 that he runs, with its port and its 16 per cent Negro population, seems to have no connection with the South or with the vacation lands that surround it.

"I hear some stuff is going to start in West Tampa near the Blind Pig," the informer told the policeman.

"They going to move like last night?"

"Yeah, like last night," the informer agreed.

Last night was Monday, when violence along Central ave. and at the pastel-colored housing project behind it had petered out to spurt again in diminished spots, elsewhere. If it was centered anywhere it was in the old Spanish cigarmaking section called Ybor City.

"They started robbing people and hitting them over the head a couple of years ago in Ybor City," recounted Henry Rivera. "What can an old man do if they come after him? There were three of them that were going to get me a few nights ago, but a bus came along before they could. Of course, I would have fought."

Rivera was in the little store-front cigar factory working despite the vandalism and scary speculation that inevitably comes with these riots.

Monday night, Gov. Claude Kirk Jr. was here overseeing the operations of 500 National Guardsmen and talking about law order and peaceable living.

"All Floridians are safe. There were just a few attempts that would have resulted in looting if we hadn't been so vigilant. I doubt you've seen any Governor function as we did. Total containment, that's what we had. Attention to detail, that's what we did," Kirk declared sitting in the Hillsborough (Tampa) County sheriff's office.

"There was an estimated 75 pistols looted, but what do I care?" The Governor asked with a ready answer to his own question. "I've got 500 damn carbines out there. This's how I'd fight the Vietnamese war, so nobody would be hurt."

It was late at night and the rioting had not been much, so Kirk flew off to a speech in Miami today attacking a news agency for writing that "rampaging Negroes burned and looted Tampa's sprawling slums."

The Governor has a reputation as something of a flamboyant blowhard, but in this instance most of the press here agreed with him that the agency grossly exaggerated the story. Still there had been Sunday night, when it was bad and nobody could be sure it wouldn't happen again.

CRISIS IN WORLD STRATEGY: WHAT WOULD MacARTHUR DO?

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. Rarick] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RARICK. Mr. Speaker, in a statement in the daily Congressional Record of April 18, 1967, page A1879, I quoted a most scholarly and thoughtful editorial in a recent issue of Task Force, the monthly publication of the Defenders of the American Constitution, Ormond Beach, Fla., of which the president is Lt. Gen. P. A. del Valle, U.S. Marine Corps, retired, a World War II associate of Gen. Douglas MacArthur in the Pacific.

This editorial listed and discussed the danger at the following four key strategic spots: Suez Canal-Red Sea area in the Near East; Vietnam in Southeast Asia; southern Africa and nearby sea lanes; and Panama Canal.

It also outlined a program for action by the Congress to meet the threats from these widely separated areas and called upon all patriots of our country to write their respective Senators and Representatives to exercise their full strength and power in preventing the success of Red terror and conquest throughout the world.

Now that the crisis in the Near East has diverted public attention from Southeast Asia, all should realize that the strategic points previously mentioned are not the locations where the decisive effort by world revolutionary forces for world domination would be made, but the mere diversions fought by Soviet "cannon-fodder stooges." Moreover, the events now taking place in the Near East are further evidences of Soviet policy because President Nasser is clearly a Soviet pawn. The arbitrary actions of Nasser in the operation of the Suez Canal and in mining and blockading the Gulf of Aqaba is typical of long-announced Soviet policy of conquering all nations of the earth by force and violence, if necessary, and forcing them into the communist orbit of despotism.

Despite the wide separation of current disorders in various strategic areas of the world and their magnitude, the attention of the Kremlin is not going to be diverted from the historic line for the defense of Western civilization, extending from Denmark to the Alps across central Europe. The task of formulating and directing our war operations is not for amateurs in the Department of State, but calls for the ablest military and naval strategists that our country can muster.

In this regard, let us take a look into our history. In 1898 when Commodore George Dewey, who had served under Admiral Farragut in the 1862 operation for the capture of New Orleans, was in the midst of the confusion of preparation for the battle of Manila Bay and had to bear the burden of responsibility alone, he would recall the great naval leader when he was a young officer and ask himself: "What would Farragut do?"

In 1951, after the return of General MacArthur from Japan and the Korean war, former President Hoover described him as the "greatest combination of statesman and military leader that

America has produced since George Washington." No doubt many professional officers of our Armed Forces who served with MacArthur, or have studied his career, are today asking themselves: "What would MacArthur do?"

The answer to that question, Mr. Speaker, no one can give, but what we can do is to read and study his immortal 1951 address before the Congress, which deals in broad outline with the strategy required for free world defense. We can also listen to recordings of this great classic that ranks with the best of ancient Greece and Rome. It should be played and replayed for the benefit not only of our adult population and all the students and scholars in our educational institutions, but also for Members of the Congress.

What General MacArthur said during the Korean war in 1951 to a joint meeting of the Congress is altogether applicable to present crisis. I quote one key passage which we can ignore only at our peril:

> The Communist threat is a global one. Its successful advance in one sector threatens the destruction of every other sector. You cannot appease or otherwise surrender to Communism in Asia without simultaneously undermining our efforts to halt its advance in Europe.

I insert the full text of General MacArthur's address following my remarks:

FROM REMINISCENCES

(By General of the Army Douglas MacArthur)

Mr. President, Mr. Speaker, and distinguished Members of the Congress:

I stand on this rostrum with a sense of deep humility and great pride—humility in the wake of those great American architects of our history who have stood here before me, pride in the reflection that this forum of legislative debate represents human liberty in the purest form yet devised. Here are centered the hopes and aspirations and faith of the entire human race.

I do not stand here as advocate for any partisan cause, for the issues are fundamental and reach quite beyond the realm of partisan consideration. They must be resolved on the highest plane of national interest if our course is to prove sound and our future protected. I trust, therefore, that you will do me the justice of receiving that which I have to say as solely expressing the considered viewpoint of a fellow American. I address you with neither rancor nor bitterness in the fading twilight of life with but one purpose in mind—to serve my country.

The issues are global and so interlocked that to consider the problems of one sector, oblivious to those of another, is but to court disaster for the whole.

While Asia is commonly referred to as the gateway to Europe, it is no less true that Europe is the gateway to Asia, and the broad influence of the one cannot fail to have its impact upon the other.

There are those who claim our strength is inadequate to protect on both fronts—that we cannot divide our efforts. I can think of no greater expression of defeatism. If a potential enemy can divide his strength on two fronts, it is for us to counter his effort.

The Communist threat is a global one. Its successful advance in one sector threatens the destruction of every other sector. You cannot appease or otherwise surrender to Communism in Asia without simultaneously undermining our efforts to halt its advance in Europe.

Beyond pointing out these simple truisms, I shall confine my discussion to the general area of Asia. Before one may objectively assess the situation now existing there, he must comprehend something of Asia's past and the revolutionary changes which have marked her course up to the present. Long exploited by the so-called colonial powers, with little opportunity to achieve any degree of social justice, individual dignity, or a higher standard of life such as guided our own noble administration of the Philippines, the peoples of Asia found their opportunity in the war just past to throw off the shackles of colonialism and now see the dawn of new opportunity, a heretofore unfelt dignity and the self-respect of political freedom.

Mustering half of the earth's population and 60 per cent of its natural resources, these peoples are rapidly consolidating a new force, both moral and material, with which to raise the living standard and erect adaptations of the design of modern progress to their own distinct cultural environments. Whether one adheres to the concept of colonization or not, this is the direction of Asian progress and it may not be stopped. It is a corollary to the shift of the world economic frontiers, as the whole epicenter of world affairs rotates back toward the area whence it started. In this situation it becomes vital that our country orient its policies in consonance with this basic evolutionary condition rather than pursue a course blind to the reality that the colonial era is now past and the Asian peoples covet the right to shape their own free destiny. What they seek now is friendly guidance, understanding, and support, not imperious direction; the dignity of equality, not the shame of subjugation. Their prewar standard of life, pitifully low, is infinitely lower now in the devastation left in war's wake. World ideologies play little part in Asian thinking and are little understood. What the peoples strive for is the opportunity for a little more food in their stomachs, a little better clothing on their backs, a little firmer roof over their heads, and the realization of the normal nationalist urge for political freedom. These political-social conditions have but an indirect bearing upon our own national security, but form a backdrop to contemporary planning which must be thoughtfully considered if we are to avoid the pitfalls of unrealism.

Of more direct and immediate bearing upon our national security are the changes wrought in the strategic potential of the Pacific Ocean in the course of the past war. Prior thereto, the western strategic frontier of the United States lay on the littoral line of the Americas with an exposed island salient extending out through Hawaii, Midway, and Guam to the Philippines. That salient proved not an outpost of strength but an avenue of weakness along which the enemy could and did attack. The Pacific was a potential area of advance for any predatory force intent upon striking at the bordering land areas.

All this was changed by our Pacific victory. Our strategic frontier then shifted to embrace the entire Pacific Ocean which became a vast moat to protect us as long as we hold it. Indeed, it acts as a protective shield for all of the Americas and all free lands of the Pacific Ocean area. We control it to the shores of Asia by a chain of islands extending in an arc from the Aleutians to the Marianas held by us and our free allies. From this island chain we can dominate with sea and air power every Asiatic port from Vladivostok to Singapore and prevent any hostile movement into the Pacific. Any predatory attack from Asia must be an amphibious effort. No amphibious force can be successful without control of the sea lanes and the air over those lanes in its avenue of advance. With naval and air supremacy and modest ground elements to defend bases, any major attack from continental Asia toward us or our friends of the Pacific would be doomed to failure. Under such conditions the Pacific no longer represents menacing avenues of approach for a prospective invader—it assumes instead the friendly aspect of a peaceful lake. Our line of defense is a natural one and can be maintained with a minimum of military effort and expense. It envisions no attack against anyone nor does it provide the bastions essential for offensive operations, but properly maintained would be an invincible defense against aggression.

The holding of this littoral defense line in the western Pacific is entirely dependent upon holding all segments thereof, for any major breach of that line by an unfriendly power would render vulnerable to determined attack every other major segment. This is a military estimate as to which I have yet to find a military leader who will take exception. For that reason I have strongly recommended in the past as a matter of military urgency that under no circumstances must Formosa fall under Communist control. Such an eventuality would at once threaten the freedom of the Philippines and the loss of Japan, and might well force our western frontier back to the coasts of California, Oregon and Washington.

To understand the changes which now appear upon the Chinese mainland, one must understand the changes in Chinese character and culture over the past fifty years. China up to fifty years ago was completely nonhomogeneous, being compartmented into groups divided against each other. The war-making tendency was almost nonexistent, as they still followed the tenets of the Confucian ideal of pacifist culture. At the turn of the century, under the regime of Chan So Lin, efforts toward greater homogeneity produced the start of a nationalist urge. This was further and more successfully developed under the leadership of Chiang Kai-shek, but has been brought to its greatest fruition under the present regime, to the point that it has now taken on the character of a united nationalism of increasingly dominant aggressive tendencies. Through these past fifty years, the Chinese people have thus become militarized in their concepts and in their ideals. They now constitute excellent soldiers with competent staffs and commanders. This has produced a new and dominant power in Asia which for its own purposes is allied with Soviet Russia, but which in its own concepts and methods has become aggressively imperialistic with a lust for expansion and increased power normal to this type of imperialism. There is little of the ideological concept either one way or another in the Chinese makeup. The standard of living is so low and the capital accumulation has been so thoroughly dissipated by war that the masses are desperate and avid to follow any leadership which seems to promise the alleviation of local stringencies. I have from the beginning believed that the Chinese Communist's support of the North Koreans was the dominant one. Their interests are at present parallel to those of the Soviet, but I believe that the aggressiveness recently displayed not only in Korea, but also in Indo-China and Tibet, and pointing potentially toward the south reflects predominantly the same lust for the expansion of power which has animated every would-be conqueror since the beginning of time.

The Japanese people since the war have undergone the greatest reformation recorded in modern history. With a commendable will, eagerness to learn, and marked capacity to understand, they have, from the ashes left in war's wake, erected in Japan an edifice dedicated to the primacy of individual liberty and personal dignity, and in the ensuing process there has been created a truly representative government committed to the advance of political morality, freedom of economic enterprise, and social justice. Politically, economically and socially, Japan is now abreast of many free nations of the earth and will not again fail the universal trust. That it may be counted upon to wield a profoundly beneficial influence over the course of events in Asia is attested by the magnificent manner in which the Japanese people have met the recent challenge of war, unrest and confusion surrounding them from the outside, and checked Communism within their own frontiers without the slightest slackening in their forward progress. I sent all four of our occupation divisions to the Korean battlefront without the slightest qualms as to the effect of the resulting power vacuum upon Japan. The results fully justified my faith. I know of no nation more secure, orderly and industrious—nor in which higher hopes can be entertained for future constructive service in the advance of the human race.

Of our former ward, the Philippines, we can look forward in confidence that the existing unrest will be corrected and a strong and healthy nation will grow in the longer aftermath of war's terrible destructiveness. We must be patient and understanding and never fail them, as in our hour of need they did not fail us. A Christian nation, the Philippines stand as a mighty bulwark of Christianity in the Far East, and its capacity for high moral leadership in Asia is unlimited.

On Formosa, the Government of the Republic of China has had the opportunity to refute by action much of the malicious gossip which so undermined the strength of its leadership on the Chinese mainland. The Formosan people are receiving a just and enlightened administration with majority representation on the organs of government, and politically, economically and socially they appear to be advancing along sound and constructive lines.

With this brief insight into the surrounding areas I now turn to the Korean conflict. While I was not consulted prior to the President's decision to intervene in support of the Republic of Korea, the decision, from a military standpoint, proved a sound one, as we hurled back the invader and decimated his forces. Our victory was complete and our objectives within reach when Red China intervened with numerically superior ground forces. This created a new war and an entirely new situation—a situation not contemplated when our forces were committed against the North Korean invaders—a situation which called for new decisions in the diplomatic sphere to permit the realistic adjustment of military strategy. Such decisions have not been forthcoming.

While no man in his right mind would advocate sending our ground forces into continental China and such was never given a thought, the new situation did urgently demand a drastic revision of strategic planning if our political aim was to defeat this new enemy as we had defeated the old.

Apart from the military need as I saw it to neutralize the sanctuary protection given the enemy north of the Yalu, I felt that military necessity in the conduct of the war made mandatory:

1. The intensification of our economic blockade against China;

2. The imposition of a naval blockade against the China coast;

3. Removal of restrictions on air reconnaissance of China's coastal area and of Manchuria;

4. Removal of restrictions on the forces of the Republic of China on Formosa with logistic support to contribute to their effective operations against the common enemy.

For entertaining these views, all professionally designed to support our forces committed to Korea and bring hostilities to an end with the least possible delay and at a saving of countless American and Allied lives, I have been severely criticized in lay circles, principally abroad, despite my understanding that from a military standpoint the above views have been fully shared in the past by practically every military leader concerned with the Korean campaign, including our own Joint Chiefs of Staff.

I called for reinforcements, but was informed that reinforcements were not available. I made clear that if not permitted to destroy the enemy buildup bases north of the Yalu; if not permitted to utilize the friendly Chinese force of some 600,000 men on Formosa; if not permitted to blockade the China coast to prevent the Chinese Reds from giving succor from without; and if there were to be no hope of major reinforcements, the position of the command from the military standpoint forbade victory. We could hold in Korea by constant maneuver and at an approximate area where our supply line advantages were in balance with the supply line disadvantages of the enemy, but we could hope at best for only an indecisive campaign, with its terrible and constant attrition upon our forces if the enemy utilized his fill military potential. I have constantly called for the new political decisions essential to a solution. Efforts have been made to distort my position. It has been said that I was in effect a war monger. Nothing could be further from the truth. I know war as few other men now living know it, and nothing to me is more revolting. I have long advocated its complete abolition as its very destructiveness on both friend and foe has rendered it useless as a means of settling international disputes. Indeed, on the 2nd of September 1945, just following the surrender of the Japanese nation on the battleship *Missouri*, I formally cautioned as follows: "Men since the beginning of time have sought peace. Various methods through the ages have been attempted to devise an international process to prevent or settle disputes between nations. From the very start, workable methods were found insofar as individual citizens were concerned; but the mechanics of an instrumentality of larger international scope have never been successful. Military alliances, balances of power, leagues of nations, all in turn failed, leaving the only path to be by way of the crucible of war. The utter destructiveness of war now blots out this alternative. We have had our last chance. If we will not devise some greater and more equitable system, Armageddon will be at the door. The problem basically is theological and involves a spiritual recrudescence and improvement of human character that will synchronize with our almost matchless advances in science, art, literature, and all material and cultural developments of the past 2,000 years. It must be of the spirit if we are to save the flesh."

But once war is forced upon us, there is no other alternative than to apply every available means to bring it to a swift end. War's very object is victory—not prolonged indecision. In war, indeed, there can be no substitute for victory.

There are some who for varying reasons would appease Red China. They are blind to history's clear lesson. For history teaches with unmistakable emphasis that appeasement but begets new and bloodier war. It points to no single instance where the end has justified that means—where appeasement has led to more than a sham peace. Like blackmail, it lays the basis for new and successively greater demands, until, as in blackmail, violence becomes the only alternative. Why, my soldiers asked of me, surrender military advantages to an enemy in the field? I could not answer. Some may say to avoid spread of the conflict into an all-out war with China; others, to avoid Soviet intervention. Neither explanation seems valid. For China is already engaging with the maximum power it can commit and the Soviet will not necessarily mesh its actions with our moves. Like a cobra, any new enemy will more likely strike whenever it feels that the relativity in military or other potential is in its favor on a world-wide basis.

The tragedy of Korea is further heightened by the fact that as military action is confined to its territorial limits, it condemns that nation, which it is our purpose to save, to suffer the devastating impact of full naval and air bombardment, while the enemy's sanctuaries are fully protected from such attack and devastation. Of the nations of the world, Korea alone, up to now, is the sole one which has risked its all against Communism. The magnificence of the courage and fortitude of the Korean people defies description. They have chosen to risk death rather than slavery. Their last words to me were, "Don't scuttle the Pacific."

I have just left your fighting sons in Korea. They have met all tests there and I can report to you without reservation they are splendid in every way. It was my constant effort to preserve them and end this savage conflict honorably and with the least loss of time and a minimum sacrifice of life. Its growing bloodshed has caused me the deepest anguish and anxiety. Those gallant men will remain often in my thoughts and in my prayers always.

I am closing my fifty-two years of military service. When I joined the Army even before the turn of the century, it was the fulfillment of all my boyish hopes and dreams. The world has turned over many times since I took the oath on the Plain at West Point, and the hopes and dreams have long since vanished. But I still remember the refrain of one of the most popular barrack ballads of that day which proclaimed most proudly that—

"Old soldiers never die, they just fade away."

And like the old soldier of that ballad, I now close my military career and just fade away—an old soldier who tried to do his duty as God gave him the light to see that duty.

Good-by.

WISE WORDS FROM POSTMASTER GENERAL LAWRENCE F. O'BRIEN: "BLESSED ARE THE PEACEMAKERS"

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BOLAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BOLAND. Mr. Speaker, in a speech this week to Harrisburg Democrats, Postmaster General Lawrence F. O'Brien spoke candidly about the problem of party unity and the controversy over Vietnam.

I commend our distinguished Postmaster General for the wisdom of his words. For he has rightly noted that in Vietnam, as well as everywhere else in the world, "We are all peacelovers."

And he added:

> The President is trying to make a peace in Southeast Asia that will last. He will not agree to a policy that has America making its first stand in the last ditch. He wants advice about peace, but often he has merely been smothered by statements from peacelovers.

The Postmaster General concludes:

> I think a Democratic Party that shows the country it is creative in the area of peacemaking, that is providing the President with useful, constructive advice, is showing the country a responsible party.

Larry O'Brien is obviously right: To want peace is one thing, but to work to obtain it, is quite another.

The American people will continue to support overwhelmingly a President who stands firm against aggression, while working overtime to seek a peaceful settlement of differences. And because this is so, history may judge our generation of Americans as the peacelovers who become the peacemakers.

Mr. Speaker, I include Postmaster General O'Brien's speech with my remarks at this point in the Record:

Address by Postmaster General Lawrence F. O'Brien at the Pennsylvania State Democratic Dinner, Farm Show Building, Harrisburg, Pa., June 6, 1967

Fellow Democrats, I am delighted to be with you here in Harrisburg tonight. I have some very fond memories of this city. Over six years ago, some of you will remember, a young man from Massachusetts came to Harrisburg to ask your support in his bid to win the Presidency.

He took the political temperature here and found it to be warm and encouraging.

In fact, President Kennedy long remembered the reception that he received at the Zembo Mosque Temple. Later on, there were other great receptions in Chicago, New York and Los Angeles, and, after that, in Caracas and Berlin.

But before John F. Kennedy became President of the United States, Harrisburg turned out to see him and to listen to his message.

John Kennedy's message then was that this nation was not doing all it could, or all it should.

And today the very people who were holding America back in 1960 are hoping to regain control.

A few months ago they held a big powwow in Washington.

It was mighty interesting.

There they were, the underdogs, raising a million dollars at one dinner. Underdogs were chasing the fat cats all over the place.

The occasion was something of a fashion show.

The models were wearing their basic smiles—smiles that got slightly ragged around the edges as the evening progressed.

There was Richard Nixon wearing his reversible coat in his usual colors—red, white and blue.

There was Ronald Reagan, who came on stage and claimed that Sacramento was the biggest mess outside of Washington. He's having a hard time remembering that he's Governor now—and the messes in Sacramento belong to him. But when all you've got is one good script, it's hard to find another.

Incidentally, Barry Goldwater was invited to join the fashion show. But he was unable to, since he had lost his entire wardrobe back in November 1964.

And then there was the Governor of Michigan. You remember him. He's the one that Americanized the compact car. And his views since then have been truly in the mainline of Republican tradition: think small, and shift for yourself.

His positions on public issues remind me of a traffic sign I once saw. The sign warns: "Don't Park on Both Sides of the Street."

Governor Romney was trying his best to look sweet, since he says he is "courting" the Presidency. Well, I am happy to tell him, it's already engaged.

Several Republican speakers said they were sure the *next* President of the United States was in that room.

But they couldn't figure out who it was.

So, I'll inform them. He wasn't in that room. He was in another room, the Oval Room at 1600 Pennsylvania Avenue. And his name is Lyndon Baines Johnson.

If anything, the fashion show proved that the term "new Republicanism" is empty—just a couple of words that happened to get together.

I think we can count on the Republicans making a good many mistakes in the months to come—they always have.

But I think just as firmly that it would be a bigger mistake for Democrats to count too much on the opposition's errors.

We ourselves must produce, we ourselves must build. And we know from experience that when it comes to the creation of effective political machinery, nothing is more important than the leadership of State party organizations. You must be the builders of the foundation on which will rise a successful party and successful campaign.

The first step in that process of rebuilding is to look forward, not backward.

All of us could spend time and energy mulling over the events of last fall, gauging what we did and what we didn't do, and finding fault. We *could* spend the time, but it would be time wasted. The important consideration is not the past but the future. What do we do now? Where are we going? Are we mastering events, or are we being mastered *by* events?

I know that this forward look has been the strategy of the Democratic National Committee. I can assure you that its house is being put in good order.

But I would be less than candid if I did not say that my observations around the country in the last four months have given me deep concern. A number of States reflect disunity in State and local Democratic organizations.

A number of States in which Democratic candidates were less than successful seem also to have adopted the attitude that "it isn't our fault." They are saying, in effect, "If it wasn't for Vietnam, or the cost of living, or the floods, we would have won." Well, a lifetime in politics has taught me that such reasoning is nothing more than nonsense.

We all remember that Will Rogers once said, "I am not a member of any organized political party. I am a Democrat." That was good for a lot of laughs back in 1922—but let's not forget that the disunity that produced laughs back in those days, also produced an unbroken string of 12 years of Republican Presidents, Republican majorities in the 67th, 68th, 69th, 70th, 71st and 72nd Congresses, and ultimately, such disasters as the Depression.

Democratic disunity is the germ that produces Republican disease. If we want to be disease spreaders, that's one thing, but if we want to provide solutions to the problems our nation is facing, and avoid the disasters that are always the result of fighting among ourselves, then we must work together.

Time is the primary requirement to carry out the responsibility of building. We have time now—and now is the time to use it. Many State organizations have no statewide election demands on their resources for well over a year. That period can be wasted through inaction, or it can be employed to recruit staff, to refine and extend voter registration, to prepare campaign material, to secure the finances you need, and, above all, to organize in a hard-hitting, effective way.

Long before the opening gun of the 1968 campaigns, we should be ready to go, and able to go, and headed in the same direction.

The other crucial task of any State and local organization that seeks to make a meaningful contribution is to educate.

Tell the people, again and again, about the issues.

One of the major issues is Vietnam. Now I suppose, having talked about party unity, you might have expected me to avoid talking about Vietnam. But not talking about it doesn't make it go away. The Republican policy on Vietnam seems to be shaping up. It is simple. It is clever. And it may prove difficult to beat. That policy is simply that they support our men in Vietnam, but that the Democratic party neither knows how to make war or to make peace. Hence, the argument runs, the leadership of this country must be placed in the calm, capable hands of men like Mr. Nixon who wins arguments in kitchens . . . if not in television debates.

How do we meet this argument? Well, for one thing we have got to respond by asking for specifics. Just how would these tired new faces go about winning the war or making peace? Barry Goldwater might import the Indian Rain Dance from Arizona, but it takes more than noises and gestures to win wars and to construct a durable peace. So, while the Republican argument is clever, its essential bankruptcy will be revealed clearly during the campaign.

However, it is not enough to counter Republican arguments. We must enunciate our own Democratic policy.

Recently 14 Democratic Senators, joined by 2 Republicans, took an action that can only be commended. All of these men had criticized our policy in Vietnam for one reason or another. Yet they issued a statement which President Johnson summed up as meaning, "Don't be misled, North Viet Nam." This position clearly stated that the signatories were ". . . steadfastly opposed to any unilateral withdrawal of American troops." In other words, they were against simple-minded solutions to difficult problems.

Here we see we can find unity, while still preserving our Democratic party tradition of freedom of dissent.

I think the essence of that argument is found in the Sermon on the Mount. As you recall, it says, "Blessed are the peacemakers." It doesn't say anything about *peacelovers*. We are all peacelovers. There's nothing special about a peacelover. But it takes considerable thought, energy, imagination, diplomacy, and, unfortunately, in the kind of world in which we live, sometimes force to be a peacemaker. The President is trying to make a peace in Southeast Asia that will last. He will not agree to a policy that has America making its first stand in the last ditch. He wants advice about making peace, but often he has merely been smothered by statements from peacelovers.

I think a Democratic Party that shows the country it is creative in the area of peacemaking, that is generating new ideas about peace, that is providing the President with useful, constructive advice, is showing the country a responsible party.

So, let's not stifle dissent by any means. We all want an honorable end to the conflict in Vietnam, and we all want any peace made there to be a lasting peace, not just a pause that will result in our fighting again, perhaps at greater cost and closer to our shores.

As for domestic issues, the President has given Congress one of the finest agendas of action in history.

He has placed renewed emphasis on raising the quality and availability of education, including the use of the greatest educational tool ever invented—television—to teach our children.

He has asked for a pilot program for free meals for preschool children.

He has asked for an anti-crime program that will reduce crime by removing the poverty in which it breeds, and will also give meaningful help to local police forces.

He has asked for protection of consumers, including truth-in-lending.

He has asked for an expansion of our effort to support mental health and combat mental retardation.

He has asked for new legislation for veterans.

He has asked for new action and renewed vigor in every area that challenges America today to assure continuity of progress in the future.

This is a program we can be proud of.

We must tell the voters about it. We must describe what is being attempted, and what is being achieved. And if the Republicans blindly oppose, as they have so often, let's tell the voters about that too.

And I think it might be well to remind the people that such landmarks as Medicare and Federal assistance to primary and secondary schools were the result of action by *your* party, and *your* Administration, and *your* President, and *your* Democratic Congress.

Now I know that it is easy for me to come up here to Pennsylvania and talk about party unity.

And I am well aware of the danger of giving advice.

It's like the little boy who was asked to write a few lines about Socrates. He said, "Socrates was a wise man. He went around giving people advice. They poisoned him."

Free advice is dangerous to give and, too often, worth exactly what you pay for it.

So I am not going to attempt to give you advice—rather, I am going to give you a few examples of what unity really means.

I recall very clearly a windswept Boston common in 1952—walking there with two young men.

One had decided to seek state-wide office in Massachusetts and his brother had determined that he would devote his full time and effort to assist him.

And I also remember the primary route in 1960. I recall particularly Wisconsin and West Virginia and the conversation I had the morning following that West Virginia primary with the defeated candidate.

I will never forget that morning.

That son of Minnesota, tired, bone tired, from weeks without sufficient sleep, disappointed, naturally.

And yet, at that moment he was not grimly hanging on to the disappointment of the past, to the dregs of hope drained. No! He was looking to the future. And so, calmly, firmly he pledged his support, his full vigor, his total commitment, to move our party forward.

My friends, I also recall a hotel room in Los Angeles in 1960.

I remember well a tall Texan coming into that room to meet and be greeted by his new leader.

And that Texan on that day said to our nominee, "You have my pledge.

"I will move heaven and earth to help achieve victory as a member of this ticket."

And I also recall a plane at Dallas.

On that plane with the body of our fallen leader—a man I had been intimately associated with for 14 years—I again listened to the words of that Texan, who explained carefully to me his constitutional responsibility, which he was fully prepared to accept, and pointed out that the world and the nation awaited this grim testing of our democratic form of government.

The key word was "continuity."

And he said to me, "I have a constitutional responsibility; you have none.

"But I ask you to stand shoulder to shoulder with me."

I have served two Presidents over these last six and a half years—in close association.

And I recall here so vividly these reminiscences I am sharing with you—that young man on windswept Boston Common, who served his brother, the President, with dedication to the end; that brave and courageous Democrat from Minnesota who traveled the highways and the byways of West Virginia and reacted as a true soldier at his moment of personal loss; and that tall Texan who traveled the long train route through the South in 1960 and who later assured continuity for this nation at a moment of crisis and great stress as the world waited with bated breath.

I say to you, my friends, that all three of these men—leaders of our party—indeed all of those who hold national position and whom we look to for guidance and for leadership—they will march shoulder to shoulder in 1968.

They will be together on the continuing upward path to an even greater America.

They will discharge their responsibilities together—their responsibilities to their party—their responsibilities to this nation.

They will, because they know the value of unity and the cost of disunity.

I submit to you, will you follow in their footsteps? Will you display courage and unity, and lead Pennsylvania to a better future? I feel I can find the answer in the brilliant progressive record of your past. I believe you will meet the challenge that confronts us. I believe you will be victorious here in Pennsylvania, that you will help assure four more years of progress in Washington. I am confident we can count on you and we all know the Nation will be the better for it.

THE BALTIC STATES: A TRIBUTE

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Rodino] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RODINO. Mr. Speaker, during the last few weeks our newspapers have carried full coverage of the Arab-Israel war. Americans have been astonished by the remarkable success of the small nation of Israel in achieving military victory over the Arab nations.

Yet, small states have not always survived the threats from powerful neighbors who have been committed to their destruction: not all have had the success of Israel.

One of the examples in modern times of such states which could not meet the challenge to their survival is that of the three Baltic States: Latvia, Lithuania, and Estonia. The Baltic peoples are a redoubtable, courageous, and stouthearted people; the historical record is filled with glorious accounts of their struggle for existence. But sometimes the might of the enemy can be too great for a people, and the balance of power can be so heavily weighted against them that they could not hope to contest their adversary successfully.

Such was the case of the Baltic States and their attempts to survive as independent, free nations against the overwhelming power of Nazi Germany and the Soviet Union. As World War II loomed on the horizon, the Baltic States declared their neutrality; they had hoped that this formal claim to noninvolvement might enable them to survive among the ambitious giants to the east and west. But this was to no avail. The Nazis and Soviets divided the Baltic area into zones of influence, and from that moment on loss of freedom and independence of the Baltic peoples was only a matter of time.

Caught between the giants, the Baltic States could not survive. As states they were annihilated, and many thousands of their people were executed or dispersed throughout the Soviet Union.

It is fitting, therefore, that on this 27th anniversary of captivity we honor the valiant peoples of the Baltic States. Let us hope for the day when the Baltic States will once again join the family of free nations.

EXEMPLARY, UNEXCEPTIONAL AND ALMOST OBVIOUS

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Annunzio] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, the Washington Post this Sunday pointed out that the Teacher Corps still hangs in limbo because of delay in congressional action to give funds for continued operations.

The Post points out, in its editorial, that the death of the Teacher Corps would leave a number of schools without the help on which they are relying in their struggle to educate deprived youngsters.

I ask unanimous consent that the editorial be printed in the Record in its entirety. The text follows:

[From the Washington Post, June 4, 1967]

Living Dangerously

Not since the Perils of Pauline ran serially in the movies of a day gone by has there been a scenario quite so replete with cliffhanging episodes as the story of the Teacher Corps. Scorned, knocked down, beaten up and kicked around, the fledgling agency is still alive and full of promise. Its fate, however, hangs in the balance, as one used to say. Unless Congress gives it a new lease on life before the month of June comes to a close, the Teacher Corps will cease to exist; and a number of idealistic young men and women who enlisted with it a year ago for a two-year stint will find themselves out in midstream without a canoe. What is rather worse, moreover, a number of schools which counted on these trained and dedicated volunteers will have to struggle along without them.

It had been hoped that congressional authorization for continuance of the Teacher Corps would be included in the Elementary and Secondary School Education Act approved by the House a week or so ago. A last-minute amendment deleted it, however. This left the Corps, not extinct but in a precarious position. It is to be brought up again when the 1967 Higher Education Act comes before the House. An appropriations Conference report has set aside $3.8 million to finance the Teacher Corps. This money can be made available to the agency, of course, only if its continued existence is authorized.

For our part, we view the Teacher Corps as an exemplary, unexceptionable and almost obvious form of Federal aid to education. It is designed to bring into the teaching profession young college graduates of exceptional ability and exceptional devotion to the idea of helping teach youngsters in the schools of deprived neighborhoods. These young teachers, given graduate training in universities associated with the Corps, would work under experienced supervisory teachers as regular subordinates of local school authorities. They could make an invaluable contribution in enthusiasm, dedication and freshness of approach. We hope that Congress will let them have the opportunity to undertake this immensely helpful assignment.

BALTIC STATES FREEDOM DAY

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Annunzio] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, in June of 1940 the Russians overran Lithuania, Latvia, and Estonia, and conducted a mass deportation to Siberia which caused the death of thousands of innocent people. All over the world today the peoples of the Baltic States are commemorating the 27th anniversary of this tragic event.

The unfortunate plight of the Baltic States Republics has long been a matter of profound concern to me. During the 89th Congress I introduced a resolution with reference to the continuing enslavement of Lithuania, Estonia, and Latvia. Today I am pleased once again to introduce a similar resolution expressing the sense of the Congress in behalf of the Baltic States and urging that these Republics be freed so that, under the supervision of the United Nations, they may hold elections and choose their own form of government.

We in the free world enjoy all the benefits of political and economic liberty—yet how can we fully enjoy our liberties while millions of our fellow men are brutally deprived of the most fundamental human rights? Because we ourselves are free, we have a compelling moral obligation to our brothers trapped behind the Iron Curtain. It seems to me that this obligation lies particularly heavily on our own country, for as a leader in the free world, the United States must help to keep the light of liberty burning brightly in order to remind those who look to the West for inspiration that they are not forgotten.

Twenty-seven years have passed since the Baltic States were overrun by the Communists and thousands of these innocent people were inhumanly exiled, deported, and murdered. The sad fate and memory of these victims are very much alive today, and on the observance of Baltic States Freedom Day we pay due tribute to their blessed memory, while praying for the freedom of the Baltic peoples from Communist totalitarian tyranny.

Today, on the 27th anniversary of Baltic States Freedom Day, it is particularly fitting that we remember the courageous Estonians, Latvians, and Lithuanians. I urge, therefore, that my colleagues join in support of my own resolution, and the nine others which have already been introduced in order that our belief in the fundamental rights and the inherent dignity of mankind may be reaffirmed to all nations.

ASPIRA

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Puerto Rico [Mr. Polanco-Abreu] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. POLANCO-ABREU. Mr. Speaker, on May 26, 1967, the New York Times printed an article about a Puerto Rican organization in New York City called Aspira—Spanish for "to aspire." Aspira was founded to help Puerto Rican youngsters overcome the three major barriers they face in trying to improve their education: language, inadequate counsel, and financial need. Since 1961 a total of 440 Aspira members have received scholarships to colleges and universities such as Yale, Princeton, Wesleyan, Barnard and many others.

There is an important fact about Aspira: Its help is available only to those who are willing to help themselves. "Aspirantes" help one another, too.

Here is a program that fosters pride, hope, and purpose in life, and makes leaders of many who otherwise might have floundered and been lost. What community is without such souls, and what city or town would not be better for an organization like Aspira?

It is with such thoughts that I commend the New York Times article as worthy of attention.

[From the New York Times, May 26, 1967]

ASPIRATION GIVEN TO PUERTO RICANS—ORGANIZATION HELPS YOUTHS IN CITY TO ACHIEVE GOALS THROUGH EDUCATION

(By Judy Klemesrud)

George Rios, a 27-year-old Puerto Rican, picked up a piece of chalk and printed "Spic" on the blackboard. Most of the 20 Puerto Rican teenagers sitting in a circle around him looked shocked.

"Spic," he said, jabbing at the word he had written. "S-P-I-C. Who can tell me what that word means?"

At first there was silence in the room, on the fourth floor of an ancient West Side brownstone. Then a dark-eyed girl with a yellow ribbon in her long hair ventured: "Spanish person ignored coldly?"

The youngsters laughed, but the laughter was tinged with bitterness. The girl's definition of the derogatory term for a person of Spanish descent had hit close to home.

"Come on, now," Mr. Rios prodded. "I thought we were going to think positively. Let's shine a little light on 'spic.'"

Shining a little light on the Puerto Rican heritage is one of Mr. Rios' jobs. He is an educational counselor for Aspira, an organization of more than 2,500 Puerto Rican teenagers in New York City who are trying to obtain better educations for themselves.

440 SCHOLARSHIPS GIVEN

Yesterday, 230 Aspira members were honored at a reception in the Commodore Hotel for winning scholarships to 53 colleges and universities, including Yale, Princeton, Barnard and Wesleyan. The scholarships were secured for them through Aspira's Scholarship and Loan Center.

The youngsters were awarded certificates of recognition by Hugh M. Satterlee, chief of the educational talent section, division of student financial aid, Department of Health, Education and Welfare, who urged them to "aspire, achieve and inspire."

It was the largest number of winners since Aspira was founded in 1961 by Antonia Pantoja, now an assistant professor at the Columbia University School of Social Work. To date, a total of 440 Aspira members have won scholarships, and several hundred others have been accepted at tuition-free city schools.

Typical of yesterday's winners was Reinaldo Ortiz, 17, of Manhattan, whose family has an annual income of $1,800 a year, supplemented by welfare. Reinaldo, who ranks first in his class of 231 at Benjamin Franklin High School, received a full scholarship to Wesleyan University. He hopes to be a physician.

Aspira, in Spanish, means "to aspire," and the organization's young members call themselves Aspirantes. Their motto is "Excellence Through the Pursuit of Education." And their symbol is el pitirre, a small bird found in Puerto Rico.

"It's a very brave bird—it fights any bird that gets in its way," said Annie Heywood, 17, president of one of the 51 Aspira clubs in New York City.

Aspira's program is aimed basically at breaking down the three major barriers facing Puerto Rican youngsters who want to improve their education: Language, inadequate counseling and financial need.

But an equally important part of the program is teaching the teen-agers to be proud of their culture.

"The best definition for 'spic' is Spanish people, Indians and colored," Mr. Rios told the 20 Aspirantes who attended a workshop recently at the Manhattan Aspira Center, 1974 Broadway.

"Those are the different people who live together on the island of Puerto Rico," he said. "And they live together in peace."

PROBLEM OF NAMES

The workshop, called the Puerto Rican New Yorker, drew candid exchanges from the teen-agers, most of whom were born in New York City of parents who had moved here from Puerto Rico after World War II.

"What really bugs me is to have my name mispronounced," said Marina Hernandez, 18, a junior at Cathedral High School. "The teachers are always doing this, and it makes me so mad that I stand up and correct them."

Mr. Rios, who is studying nights for a sociology degree at Hunter College, said he had been called "Rose" or "Rye-ose" for the last four years.

"I thought, 'It can't be prejudice,'" he said, "but there was always a little voice in any head that said it was."

He was interrupted by Roberto Aponte, 16, who hopes to study chemistry at Massachusetts Institute of Technology. "If someone mispronounces my name, I don't think they're prejudiced," he said. "I just think they're stupid."

Mr. Rios asked the teen-agers to guess what percentage of the city's Puerto Rican population was on welfare. The estimates ranged from 25 to 90 per cent, and the youngsters seemed surprised when told the actual figure was 7 per cent.

"My brother was a welfare spic—he looked like it, too—but he took 21 honors in his high school," Mr. Rios said proudly.

At times the meeting grew spirited as the teen-agers waved their arms and interrupted each other to tell their views on being a Puerto Rican New Yorker. Some of their comments included:

"Puerto Ricans have had tempers. If we're ever going to get anywhere, we'd better learn to control them."

"The Spanish language newspapers aren't much help. All you read about are Puerto Ricans mugging Puerto Ricans, and festivals in Puerto Rico."

"I think the United States is coming into a stage where most people will take you for what you are, even if you are a Negro or Puerto Rican."

"The Irish fought their way out of the slums because of their willingness and aggressiveness. The only way we're going to get out is by getting good educations."

WIDESPREAD SUPPORT

The meeting ended with a discussion of 40 prominent Puerto Ricans—painters, poets, patriots, politicians, scientists and writers—whose names appeared on a list that Mr. Rios gave each Aspirante to take home.

Aspira had nine staff members when it was founded by Miss Pantoja, who grew up in the Barrio Obrero, one of Puerto Rico's worst slums. Today it has 62 employes working at centers in Manhattan, Brooklyn, the Bronx, and at its executive offices at 296 Fifth Avenue. Its annual operating budget is $600,000—a third from private sources and the rest from the Federal Office of Economic Opportunity and the United States Office of Education.

Aspira's executive director is Frank Negron, a graduate of New York University, who believes Aspira's purpose is "to provide the Puerto Rican community with an educated leadership to act as a bootstrap for the entire community."

One of the first college-educated Aspirantes to return to her community was Migdalia De Jesus, a petite brunette who is now an Aspira counselor in the Bronx. In 1961, when she was 16, she asked her high school counselors for permission to transfer from a commercial to a college preparatory course. She was told: "Your grades are good but your English isn't. Forget it."

PROMINENT PUERTO RICANS

A short time later she joined Aspira, where she received tutoring in English and the assurance that she was indeed capable of going to college. Her transfer was finally granted, and a year later she enrolled in Hunter College on a scholarship secured by Aspira.

"The guidance system in our schools just isn't very good—you're lucky if you get 15 minutes a year," Nancy Muniz, 17, a senior at Julia Richman High School, said at a recent Aspira meeting.

"I didn't even know the requirements for college before I came to Aspira," she added. With the help of Aspira, Nancy has been accepted for nurses training at Manhattan Community College.

Aspira has had widespread support among Puerto Rican parents, whose children currently number 40,000 in New York City high schools. (Aspira officials estimate that only about 5 per cent of those who graduate will go on to college, compared with 40 per cent of high school graduates nationally who go on to college on some form of post high school training.

About 750 parents of Aspirantes have joined an auxiliary organization called the Federation of Puerto Rican Parents. Through it they learn of the educational and job opportunities available to their children in New York State.

Another group, the Madrinas, consists of 35 elderly women who devote themselves primarily to raising emergency funds for youngsters whose family or personal crises might otherwise bring a halt to their education. The Madrinas also explain Aspira's work to parents, schools and Parent-Teacher Associations.

Aspirantes are trying a new approach to helping each other at Brandeis High School, where a buddy tutoring system has been formed in which members with grade averages over 90 tutor those who are doing poorly in their work.

"One girl who had 97 in trig was assigned to a boy who was in the low 60's," said Jose Toro, 29, director of the Manhattan Aspira Center. "In a few weeks she brought him up to the 90's."

Mr. Toro, who paid his expenses at City College of New York with money he earned working as a bus boy, said one of his most rewarding experiences in Aspira occurred recently when an Aspirante named José Garcia began referring to himself again as José Garcia.

"For a while he was telling people his name was Joe Garsha," he said. "He was ashamed he was Puerto Rican."

A RESOLUTION FOR THE FLAG

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. BYRNE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BYRNE of Pennsylvania. Mr. Speaker, I wish to bring to the attention of my colleagues a resolution which was adopted by the Senate of Pennsylvania on June 5 in behalf of the important legislation coming before us later in the week to uphold the dignity of the flag of the United States of America.

The resolution follows:

SENATE OF PENNSYLVANIA RESOLUTION

Many Pennsylvania citizens have expressed their concern and dismay about recent acts of desecration performed against the Flag of the United States of America at so-called peace rallies, while many of Pennsylvania's sons are dying on a distant battlefield in a valiant attempt to preserve and extend the rights and privileges of democracy, so fully enjoyed in the United States, to other peoples.

Pennsylvania has not been plagued with such activities directed against the Flag, probably because of its long-standing public policy, expressed by duly enacted legislation, against insult or desecration of the Flag; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania, to encourage a sense of unity between those at home and our country's fighting men overseas, memorialize the Congress of the United States to adopt legislation making desecration of the Flag a criminal act, punishable by fine or imprisonment or both; and be it further

Resolved, That a copy of this resolution be forwarded to the presiding officer of each House of Congress of the United States and to each Senator and Representative from Pennsylvania in the Congress of the United States.

COMBINING SURPLUS COMMODITIES DISTRIBUTION PROGRAM WITH THE FOOD STAMP PROGRAM

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, I have introduced today legislation which is designed to combine the already existing surplus commodities distribution program and the food stamp program into a two-part supplemental program which will benefit all those who are unable to otherwise obtain a nutritional diet.

The direct distribution program provided for by section 32 of Public Law 320 of the 74th Congress allows surplus commodities to be distributed to those in low-income groups and those affected by disaster. This is indeed a worthwhile program, but there are certain faults in the program which the food stamp program has partially remedied. First of all, under the direct distribution program, foods are available on a priority basis to feed victims of natural disasters. This of course is understandable, but this priority system implies that a needy citizen is not guaranteed the surplus commodities that he might need. Second, under the direct distribution program only Government-owned surplus commodities are available which comprises a nutritional but not necessarily palatable diet. Third, the charitable nature of the surplus commodities program does not at all increase personal initiative.

The food stamp program, provided for by Public Law 88–525 of the 88th Congress, does away with the above faults of the direct distribution program. Through the purchase of food with stamps at retail outlets, the buyer never need fear that there will be a shortage of commodities. Under the food stamp program, the needy can purchase his choice of finished foodstuffs, rather than only the basic surplus commodities available under the direct distribution program. Finally, the program, which is a subsidy rather than a charity, does not hinder the participants' personal initiative.

But included in the food stamp program, Mr. Speaker, is what I consider one serious liability. There is included in the program the provision that, and I quote: "In areas where a food stamp program is in effect, there shall be no distribution of federally owned foods to households under the authority of any other law except during emergency situations caused by a national or other disaster as determined by the Secretary"—of Agriculture.

As you can see, Mr. Speaker, the unfortunate case arises of the family unable to meet the minimum stamp purchase requirement and also being unable to receive surplus commodities because it is now impossible for both programs to exist in the same area.

There are areas in this country which would very much like to participate in the food stamp program but are unwilling because of the stipulation that they will lose their rights to participation in the direct distribution program.

In the legislation which I have proposed today, Mr. Speaker, I have suggested that both the food stamp program and the direct distribution program be allowed to be conducted in the same area thereby allowing a family not able to meet the minimum food stamp requirements to participate in the surplus commodities program. I feel these changes are necessary, Mr. Speaker, to further benefit the needy of this country who, of course, these bills are intended to help.

Because of the existing situation in my district, I have included in my bill planning and coordinating grants to localities which initiate both Federal food programs. In Bexar County, which I represent, there is interest, as there is in many areas, in changing from the direct distribution program to the food stamp program, and hopefully there would be interest in participating in both. Since the direct distribution program is administered by the county court of commissioners and the food stamp program would be administered by the local State welfare office, I believe there should be Federal assistance in planning should Bexar County be interested in these supplemental programs.

FIREARMS

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. DINGELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DINGELL. Mr. Speaker, an interesting letter to the editor has just come to my attention regarding an editorial in the Washington Post, June 7, 1967, referring to misuse of firearms. The letter was written by the editor of the American Rifleman, Ashley Halsey, Jr. Mr. Halsey points out that the National Rifle Association favors keeping firearms from the very undesirables that the Post editorial listed. He also indicates that reports that he American Rifleman urged citizens to "acquire firearms and form civilian posses" are erroneous and have been retracted by several respected newspapers.

The letter, printed in the Washington Post, June 9, 1967, follows:

ON FIREARMS

Your editorial page June 7 referring to misuse of firearms adds:

"It is, of course, impossible to say whether the sniper had armed himself in response to the recent editorial suggestion in *The American Rifleman*, official organ of the NRA, that citizens acquire firearms and form civilian posses in order to provide 'a potential community stabilizer' against urban rioting."

It is entirely possible for anyone with a sense of accuracy and truth to say that the sniper could not have armed himself in response to *The American Rifleman*, because *The American Rifleman* never urged citizens to "acquire firearms and form civilian posses." The only publicity of this nature has emanated from distorted news reports in *The Washington Post*, the New York *Times*, the Los Angeles *Times*, and other newspapers, radio and television. Many of the latter have had the decency to admit that the original report erred. Among these have been the Denver *Post*, the San Francisco *Examiner*, and other respected newspapers. Even the New York *Times*, originator of the canard, admitted nine days later that it had "reported erroneously" in some respects. This was, of course, neatly buried inside the newspaper whereas the original mistake was on Page 1.

The final paragraph of your editorial this morning, asserting that "The NRA continues to befuddle Congress into allowing guns to be purchased at will by any crank or criminal, any juvenile or junkie, any hophead or hothead," is equally erroneous as many sane, honest people know. The NRA favors keeping firearms from the very undesirables that you list. Your own insistence on impractical firearms legislation has done much to delay any practical conclusion in this respect.

ASHLEY HALSEY, JR.,
Editor, The American Rifleman.

WASHINGTON.

RUSSIA AND THE MIDDLE EAST

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. LONG] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. LONG of Maryland. Mr. Speaker, last Thursday after a cease-fire in the Middle East had been worked out in the United Nations Security Council, I suggested in a letter to President Johnson that this Government seize the occasion of the Middle East negotiations to initiate wide-ranging discussions with Russia and other powers to get permanent peace in both the Middle East and Vietnam.

During the tense days of crisis last week, American Ambassador Arthur Goldberg and Russian Ambassador Nikolai Fedorenko spent long hours in private bargaining sessions to work out the terms of the cease-fire. These first steps at cooperation in peacekeeping should be broadened to arrange a cooling off of diplomatic hotspots in the Far East as well.

Mr. Speaker, I include in the RECORD my letter to the President suggesting discussions with Russia and other powers to arrange a settlement in the Middle East and Vietnam:

JUNE 8, 1967.

HON. LYNDON B. JOHNSON,
President of the United States,
White, House,
Washington, D.C.

DEAR MR. PRESIDENT: I would respectfully like to suggest that the United States seize the occasion of the Middle East negotiations to initiate wide-ranging discussions with Russia to get permanent peace in both the Middle East and Vietnam. . . .

The apparent defeat of Russia's Arab allies has put her in an embarrassing position, Russia might have been trying to undermine the U.S. position in Southeast Asia by diverting us in the Middle East, but her side lost, and now she may be seeking a way out.

I do not believe that any settlement should be made at the expense of Israel. Israel should receive recognition of her permanent right to exist as a nation in the Middle East, her right to use international waterways—including the Gulf of Aqaba and the Suez Canal—and her right to be free from the dangers of harassment and surprise attack.

The people of South Vietnam must be assured the right to elect a government of their choice.

There are obstacles in the path of such a wide-ranging approach. The issues in both cases are exceedingly complex, positions have been hardened, and neither side may be amenable to big power suggestion.

Nevertheless, peace in the Near and Far East may be closely linked in an important respect; both the United States and the Soviet Union have vital interests in the two areas, and a clash of the superpowers in either could lead to World War III.

Respectfully yours,

CLARENCE D. LONG.

LET'S MOVE FORWARD TOWARD PEACE IN THE MIDDLE EAST

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentlewoman from New York [Mrs. KELLY] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mrs. KELLY. Mr. Speaker, the days of open conflict in the Middle East are hopefully behind us. It behooves us now not to look back at belligerency, but forward to peace.

With this in mind, I should like to make a few observations on two pertinent, and related subjects.

First, I should like to underscore our national commitment to the preservation of peace in the Middle East, and to Israel's right to secure and viable existence.

Second, I should like to outline a number of steps which constitute a prerequisite to lasting peace in the Middle East.

Let me begin with the U.S. commitment in Israel and to the cause of peace in the Middle East.

Ever since President Wilson's active support of the Balfour Declaration of 1917, endorsing the establishment of a national homeland for the Jews in Palestine, the United States has exerted every effort to live up to the objectives of that declaration and to maintain peace in the Middle East.

We may recall that in 1922, the Congress of the United States approved the Balfour Declaration by a joint resolution.

We will also recall that in 1947 Soviet attempts to seize the Turkish Straits region and to overthrow the Greek Government, and thereby to gain control of the eastern Mediterranean, were frustrated by President Truman's declaration, known as the Truman doctrine, and by the aid speedily approved by the Congress for both Greece and Turkey.

I would like to turn now to the task of outlining those steps which, in my opinion, need to be taken before we can expect to see the establishment of lasting peace in the Middle East.

First, the U.N.-directed cease-fire has to be fully implemented and guaranteed. This is the basic requirement for any further progress.

Second, all nations, particularly those in the Middle East, have to acknowledge the fact that Israel is a sovereign state, entitled to full recognition and to security within her territory.

Third, a permanent settlement of the outstanding issues between Israel and its Arab neighbors—social, political, and economic—must be undertaken. The time is long past for temporizing—and placing reliance on tenuous armistice arrangements. There has to be a peace settlement—and as a step in that direction, Israel and her neighbors have to enter into direct negotiations.

Fourth, the results of that conference—the terms of that peace settlement—have to be guaranteed by the international community: the United Nations, including the big powers.

Fifth, freedom of navigation on all international waterways—including the Gulf of Aqaba, the Strait of Tiran and the Suez Canal—must be guaranteed, and that guarantee made enforceable.

Sixth, positive action must be taken to

resolve, once and for all, the problem of the Palestine refugees. Adequate provision must be made for their permanent resettlement.

Seventh, a concerted international effort must be mounted to provide the resources necessary to facilitate the achievement of the above objectives, rehabilitation of the wartorn areas, and economic development of the Middle East region.

And, finally, the United States should lead in this effort by providing immediate relief assistance to the victims of the armed conflict in the Middle East, as well as economic aid for development.

I have already urged the executive branch to take prompt action on this last-mentioned recommendation. I also propose to offer the following amendment to the Foreign Assistance Act which is presently being considered by the Committee on Foreign Affairs of which I am a member. The amendment reads as follows:

CHAPTER 8—SPECIAL ASSISTANCE TO THE MIDDLE EAST

SEC. 111. Part 1 of the Foreign Assistance Act of 1961, as amended, which relates to economic assistance, is amended by adding at the end thereof the following new chapter:

"CHAPTER 8—SPECIAL ASSISTANCE TO THE MIDDLE EAST

"SEC. 481. SPECIAL ASSISTANCE TO THE MIDDLE EAST.—The President is authorized and directed to provide assistance under this part, together with agricultural commodities and excess property authorized to be provided under any other provision of law, in order to (1) provide immediate disaster relief to the victims of the armed conflict in the Middle East, and (2) to assist Israel to achieve the establishment of a lasting peace in that area of the world."

Mr. Speaker, I earnestly hope that the proposals which I have outlined here may help to advance the cause of a just and lasting peace in the Middle East.

INDIAN MINISTER CITES VALUE OF INDIVIDUALISM

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. EDWARDS] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. EDWARDS of California. Mr. Speaker, on the 7th of June 1967, the Honorable P. K. Banerjee, Minister of India, spoke to the graduating class of Fresno State College in Fresno, Calif. His eloquent words spoke keenly and wisely to the most important question facing all mass, modern, technological societies and that is, the role of the individual in such a society. In face of the often oppressive and anonymous quality of this kind of society it becomes more and more difficult to maintain the values of individualism, liberty, and freedom. Too easily can the human life become merely a cog in the machinery.

Mr. Banerjee calls upon this graduating class and this generation to renew our commitment to these values and to fight unceasingly to preserve equality, free speech, freedom of religion and assembly—civil liberties which are basic and enshrined in both Indian and American Constitutions. I ask unanimous consent to insert his fine address into the RECORD at this point.

INDIVIDUAL AND SOCIETY

(Commencement address by the Honorable Dr. Purnendu Kumar Banerjee, Minister, Embassy of India, Washington, D.C., at Fresno College, Fresno, Calif., June 7, 1967)

I deem it a great honor and privilege to participate in this Commencement exercise. I wish to speak this afternoon on the individual and society. This is one of the basic problems which is facing all communities. Our problems often emenate from an inadequate realization of the role of the individual. Even in societies where the dignity of the individual is recognized, communities are not always able to evolve institutions which enable them to translate that recognition into realities.

This is because the individual is increasingly submerged in the society. He is called upon to conform to tradition and often loses his individuality. It is your concern, as the elite of the coming generation, to eschew conformity. You have been taught here not to deride what you do not understand or reject what you do not recognize. Your acceptance need not be uncritical. You will, I am sure, examine every idea and principal on its merit. The individual, in modern society, has often lost his identity. Man set out to conquer nature, but in the process has lost sight of the basic goals. The rights and privileges of the individual today, both in totalitarian and free societies, are considerably crippled in the guise of protection. It is my view that the individual can never be suppressed for long. Man has shown an amazing capacity to protect his inherent and inalienable rights and interests. I will analyse today the individual in the United States, India and China. I have selected these three nations because China has a population of 750 million, India 500 million and the United States 200 million; and together they represent more than half the world's population. Two of them, the United States and India, seek to promote democratic values and ideology and promote the individual, while the third is a totalitarian state where the individual is required to participate through compulsion and not through persuasion. Among them they represent the forces that unhappily divide the world.

From the very beginning, American thought was crystal clear on the issue. Professor Henry Steele put it eloquently to the Senate Foreign Relations Committee recently:

"Never treat any human being as a means but always as an end . . . so conduct yourself that you might generalize your every action into a universal rule."

The Founding Fathers were clear and in a sense over-zealous in protecting and safeguarding the rights of the individual. They realized that the individual needed protection from the protector. The division of authority between the Legislature, the Executive, and the Judiciary was meant to guarantee this. Each is expected to criticize and control the other organs of Government. Conformity and support of each other was an exception and not the rule. The American Constitution thus put limits on the use of power in order to protect the rights of the individual. Senator Fulbright recently wrote that the essential purpose of the American system—of federalism, checks and balances and the Bill of Rights—was not efficiency in the use of power, but limitations on it. For it accepted that degree of inefficiency in the conduct of government which was essential to protect the individual. At the core of the system is the belief that the human individual is an end, not a means; and that means, in order not to destroy the ends they serve, must be morally compatible with them. If America stands for anything in the world, it was this idea. Thus the American ideal was eloquently put and aptly described. President Johnson too, in propounding his concept of the Great Society, held the quality of the individual as the test of its greatness. In the American society there is a continuing concern and awareness of the fact that individual rights are being eroded. But built-in mechanisms of the system enable it to retrieve the lost ground.

In India, our heritage, long before the advent of the European traders and conquerors, held the individual as an ideal. The philosophy of *Advaita* propounded by Sankara in the 8th century A.D. places the individual, as a part of the Divine. The village communities in India had, even in the earliest time, elected councils to debate and discuss their problems, reflecting and recognizing the role of the individual. In ancient literature and in religious outlook, the individual was again featured prominently. Each one was required to know his station and his duty. The non-Western cultures generally emphasized duty which is of course one side of the medal; the obverse is rights. Whether rights were emphasized or duties, the individual's role always received prominence.

The Constitution of India zealously guards the rights of the individual. The Bill of Rights includes—freedom of speech, assembly and religion; the right of equality before law, the right to property, the right to be protected against exploitation, and the assurance of cultural and educational rights. India is a secular State where every individual, irrespective of his religion, is entitled to hold any political or public office.

During the last twenty years, we have had four general elections. The last one was held in February 1967, when nearly 150 million voters went to the polls. This was the largest election the world has ever witnessed. The ruling party lost control in several states and was returned at the Centre with a reduced, but clear majority. India has thus shown that she is an active democracy where peaceful changes are possible. The successive Prime Ministers have been elected and transition was peaceful and through democratic process.

On May 6, 1967, votes were cast to elect the President of India. It is significant that a member of the minority community—the Moslem community—was chosen by the overwhelming majority to occupy the highest office in the country. Thus, India has not only set for herself an ideal, but nurtured institutions to ensure that the approach to that ideal is not disturbed or destroyed.

China, on the contrary, seeks a different goal through a different method. To her, the human individual is like an artifact to be used for the benefit of society. Mao Tse-tung was aware of the strong resistance he was likely to meet and his preparation was equally planned and elaborate.

For example, Mao Tse-tung began with the introduction of the commune system. He thought that the pure form of communism as enunciated by Marx, interpreted by Lenin and implemented by Mao Tse-tung himself, was not applied rigidly in the Soviet Union. Soviet communism, according to him, had, therefore, a serious set back when Krushchev became the leader. This he attributed to the fact that the Soviet leaders had failed not only to destroy human instinct, but also to create a communist state where men and women would have no normal human emotion and interest. Mao Tse-tung's commune system was meant to break the age-old pattern of family life in China. He sought not only to control the mind, but also to control human emotions. The break-up of family life could cut the chord of sentiment. Children, under the commune agricultural system, were separated from their parents; husbands and wives were assigned to different and distant brigades and teams. They were required to work hard for the Party and the country, separated by hundreds of miles from their families and devoid of any emotional or sentimental ties. Despite all this, the commune system was a failure and even Mao Tse-tung had to reorganize his agricultural commune system, allowing families to re-unite.

Then came the perennial problem of modalities. It appears that there were serious differences within the Chinese leadership over the road to follow, if not over the destination. These differences were serious and for the present they were in a smouldering socio-political volcano. The current upheaval in China is a consequence of this basic goal to suppress the individual.

The Red Guard Movement, conducted by what may be termed "Mao Tse-tung's generation—born and brought up during Mao Tse-tung's rule—is organised to quell opposition to Mao Tse-tung's concept of a dehumanised and classless society. Mao Tse-tung has, in my judgment, erred in believing that he can alter human instinct and incentive. This is impossible; Mao tse-tung with all his might and glory of success will not be able to control the spirit of Man. The spirit of Man has always rebelled against coercion and suppression. This has been the story of successive generations of mankind. Man has been waging his war for 3000 years. Liberty has, despite vicissitudes, managed to triumph over tyranny and suppression. I have absolute faith in the spirit of Man.

But I do not want to minimize the seriousness of the problem. We have to be alert and watchful. We have to remove one of the basic causes of tyranny. We have to realise that a world cannot be half rich and half poor. Unless the rich and the poor nations together make a joint effort to eradicate our common enemies like hunger, lack of education, housing and opportunity, we would be moving like the Red Queen who moved as fast as she could only to find that she had arrived at her starting point. We have to fight prejudice and ignorance and poverty. We can achieve this through education. I am not talking of the education that only enables a person to read and write. I am concerned with the education that teaches us to adjust opposing viewpoints. To do this, it is essential to develop a spirit of tolerance for another's opinion.

There is even a greater danger that lurks in the background. And that is downgrading the human being and treating him like any other cog in the machine. There is an ever-growing tendency all over the world to worship the robot and make the human individual conform to the needs of technology. This danger unlike the ideological cleavage, is corroding our resistance subtly and imperceptibly. We have, because of the technology, become men in a hurry. We hardly have time to stand and survey. We seldom make any effort to resist the machine. Technology, instead of being a tool, has become an end in itself.

This technological revolution, both in our physcial environment and psychological commitment, has transgressed the barriers of ideology. There is no section of the world which does not worship the machine. Gandhi was an exception. He sought to make his people in India lead a simple life. His attempt to play down the importance of modern technology and the machine-minded society was based on the apprehension that soon the machine would dominate the man rather than man controlling the machine.

There is also an assault on human dignity. John Gardner, U.S. Secretary of Health, Education and Welfare, recently spoke of the problem and pointed out that the modern society not only fails to ask for or expect any depth of commitment from the individual; but in a curious way it even discourages such commitment. It has suppressed the spirit of endeavour on the part of the individual. The sense of helplessness is intensified by the appearances of successful operation which surrounds the huge glittering machinery of our society, which hums with an intimidating smoothness. Organizations compete for power, not individual, who is groping for a personal commitment to a philosophy of life.

This has in a sense become a universal malady. As Bayard Hooper put it, "in the name of competition we emasculate the worker and the manager alike and turn them into gray-faced, status-seeking consumers. In the name of efficiency, we are said to ravage the rural landscape and the city skyline, creating ragaelopolis which is the despair of all who look on it."

The Youth must have a commitment to exercise his individuality. As leaders of tomorrow, I expect you to fight this malady and protect the role of the creative individual.

The individual over the ages has always managed to survive the onslaught of forces opposed to his existence, be it his fellow men or the machine he has created. I am confident that he will continue to play that role. As Jawaharial Nehru put it in his *Discovery of India*:

"Amazing is the spirit of Man. In spite of innumerable failings, man, throughout ages, has sacrified his life and all he holds dear for an idea, for truth, for faith, for country and honour. That ideal may change, but capacity for self-sacrifice continues, and because of that, much may be forgiven to Man, and it is impossible to lose hope for him."

But you cannot be silent participants. As you enter the portals of society, you have to take up the burden. For all material progress, we still have to heed to the dictum of Socrates: "Know Thyself". The individual, each one of you, has a responsibility to resist the oppressive impersonalization and growth of Centralism. The follies, crimes and massacres of history are the result of the surrender of the individual to the custody of the clique or the crowd. Let us not repeat such mistakes. As Bertrand Russell eloquently put it: "If life is to be saved from boredom relieved only by disaster, means must be found for restoring individual initiative, not only in things that are trivial, but in the things that really matter . . . It is in the individual, not in the whole, that the ultimate value is to be sought."

Fellow Graduates, as pioneers in the promotion of freedom, you will be accepting this challenge. The burden will be yours, so will be the glory.

THE NEW CAREERS MOVEMENT

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. SCHEUER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCHEUER. Mr. Speaker, one of the most vital trends in the Nation today is the new careers movement—the training and placing of career aids, subprofessionals, in responsible jobs that offer a chance for upward mobility. One of the national leaders of the new careers movement is Dr. Frank Riessman, professor of educational sociology at New York University.

Dr. Riessman's article, "The Human Service Worker: A New Careers Movement," which appeared in the March-April 1967 issue of the Department of Labor's publication, Employment Service Review, should be of great interest to my colleagues.

THE HUMAN SERVICE WORKER: A NEW CAREERS MOVEMENT

(By Frank Riessman)

While the Guaranteed Annual Income and Black Power have received considerable publicity in the last year, a much quieter movement has been slowly gathering momentum. In fact, it may not yet be a movement in the full sense of the word. But increasing attention is being given to a new kind of public service employee in our society. This is the human service worker, functioning as a teacher aide, family planning worker, housing aide, counselor aide, research aide, mental health aide, etc. This new worker, supported largely by public funds, has been called everything from an auxiliary to a nonprofessional to a subprofessional, to a paraprofessional.

Americans for Democratic Action, at its 1966 convention, proposed that 5 million of these jobs be created in public services. Included in their list were police aides, recreation aides, homemakers, welfare aides, code enforcement inspectors. Congress has enacted the Scheuer-Nelson Subprofessional Career Act which will appropriate approximately $70 million to employ and train untrained, unemployed people in these needed jobs.

Already in the United States there are probably close to 50,000 of these new nonprofessionals, most of the jobs having been created by the antipoverty legislation. Most estimates indicate that 25,000 such full-time human service positions were produced for "indigenous" nonprofessionals by the Office of Economic Opportunity. Probably another 25,000 or more part-time preschool aides have been employed through Operation Headstart, and presently through title I of the Elementary and Secondary Education Act some 40,000 teacher aides will be employed. Medicare will involve many thousands more as home health aides.

The studies find that this new manpower has worked quite effectively in reaching the poor and helping the poor to utilize services. The nonprofessionals have been strikingly effective, for example, in persuading people to obtain birth control information and to utilize the new birth control clinics. In fact, the reports indicate that these neighborhood residents are perhaps the most effective agents in bringing the new birth control techniques to the low income population.

A research investigation in nine cities conducted by Daniel Yankalovich, Inc., indicates that these new workers evidence high morale and considerable involvement in their work, and have been well accepted by professionals. Most of the difficulties anticipated, for example, problems of confidentiality, authority, overidentification with the agency and so on, have not been significant, according to this investigation. An ancillary, though especially interesting finding, is that the hard-core poor who, incidentally, were hired in only small numbers have nevertheless done as good a job as the more "creamed" nonprofessional recruit.

It is interesting to observe the effect of the new trend on the older type nonprofessionals who have long worked in settlement houses, hospitals, child care, etc. In New York City, for example, District Council 37 of the American Federation of State, County, and Municipal Employees of the AFL–CIO (which incidentally has in its union 20,000 hospital workers, and 7,000 school lunch aides) is now developing a plan whereby nurse aides can become licensed practical nurses, *with the required education and upgrading taking place on the job itself.*

This model is related to the New Careers concept which suggests that jobs normally allotted to highly trained professionals or technicians can, if they are broken down properly, be performed by inexperienced, untrained people. These initial jobs form the entry position. The notion is *jobs first, training built in;* that is, the job becomes the motivation for further development on the part of the nonprofessional.

This New Careers concept requires that jobs be redefined and that the job structure be reorganized to permit new hierarchical steps from the entry position up to the fully professionalized position. This requires a reorganization of the table of organization and a redefinition of jobs both for the nonprofessional and the professional (with the latter being released from many nonprofessional functions such as helping children on with their shoes, taking attendance, etc.)

The idea is to provide people with employment first and diplomas later and to introduce training while the workers are on the job with concomitant college courses provided largely at the job base. This concept is directly opposite to one of the most popular ideas in America, namely that one has to obtain long years of education before he can perform a meaningful job. The New Careers concept stresses instead that the job be provided initially and that training, upgrading, and added education be built in. It is possible to begin, for example, as a teacher's aide and while obtaining courses on the job, in the evening, and during the summer, to rise within a short period of time to become an assistant teacher, then an emergency teacher (or associate teacher), and ultimately a fully licensed professional teacher. In a plan being developed in the Newark School System, it is proposed that individuals with less than a high school education go through these steps while working full time, obtaining an entry salary of approximately $4,000 per year and becoming full fledged teachers in 5 to 6 years. Fairleigh Dickinson University in New Jersey has accepted this plan and has patterned courses so that the aides can enter new careers while working full time. They will introduce these courses in the field (at the job) as well as at the University.

However, although it is clear that increasing numbers of nonprofessionals are being effectively employed in human services in the United States, a variety of problems is now coming to the fore. *While jobs have been created, careers have not.* Very little training and upgrading has been instituted and the tables of organization of the agencies have not been reorganized to develop hierarchical lines for the nonprofessional to move upward. Although civil service requirements have been waived for the entry position in some cities and States, new career lines for nonprofessionals have not been instituted in the civil service system. Thus far, also, the security of nonprofessionals has not been clearly established, nor have the new nonprofessionals been integrated in any of the major associations of organizations, such as the National Education Association.

It is noteworthy, however that there are at present a number of New Career programs in the process of being developed, in cities around the country—in Seattle, New Haven, San Francisco, Sacramento, Washington, D.C., Eugene (Oreg.), and a few community colleges are introducing field steps to become professionals. Some large universities too, like New York University's "Second Chance University" are developing programs for nonprofessionals to enable them to acquire rapidly these new careers. Similarly, Yeshiva University is developing a health career program with attached college credit. The Citizens Crusade Against Poverty is planning to hold a series of regional conferences and a national conference moving toward some type of association or organization for nonprofessionals or new concepts and the National Association of Social Workers is also studying ways in which to integrate the new manpower organizationally. Training centers are beginning to open for the training and upgrading of nonprofessionals.

At the present time there is a great need to assist the development of these various projects. They are, in fact, requesting assistance. There would seem to be a need, therefore, for a basic center to integrate the emerging knowledge and provide technical assistance and consultation in a variety of areas.

ISRAEL'S FUTURE STILL GRAVELY IMPERILED

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. SCHEUER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCHEUER. Mr. Speaker, while most Americans will rejoice at the miraculous military victory of the State of Israel, Israel's future still is gravely imperiled. Arab leaders have continued to give single voice to their still stated determination utterly to destroy and eradicate the only true democracy in the Middle East.

The Soviet Union, Red China, and other Communist nations are doing all they can, short of war, to support the Arabs.

They seek to penalize Israel's victory with defeat and to reward Arab defeat with victory.

The vital national interests of the United States demand our support of a militarily defensible and economically viable State of Israel and a lasting and stable peace in the Middle East.

Because of my firm conviction that it is in the clear interests of the United States to support a strong, secure Israel as a bastion of peace and democracy in the Middle East, I joined with the public officials and major organizations of the Bronx in calling a mass meeting to demonstrate united Bronx support for Israel and for a just peace in the Middle East. We unanimously agreed to demonstrate for Israel. I urge a vast outpouring of public support for her at the rally.

The weeks ahead will be critical for Israel and world peace. The war Israel won with blood and valor on the battlefields must not be lost at the bargaining table.

The meeting has been called for Sunday, June 25, at 1:30 p.m. at Courthouse Square, at the intersection of 161st Street and the Grand Concourse in the Bronx. The parade to the meeting will assemble on the Grand Concourse, between 175th and 176th Streets at 10:30 a.m.

Israel and the Arab nations, having faced each other directly in mortal combat, should be encouraged again to face each other around the conference table, and to negotiate realistically, the terms of their future coexistence as neighbors and friends.

The United States and the United Nations can assist their rebirth by constructive proposals for developing a better life for the entire region. The potential for creative and constructive thinking for development of the area is vast and unlimited. The entire region desperately needs comprehensive programs in health, education, housing, employment, drug and disease control, water resources development, controlled exploitation of natural resources, and development of small industries. This is the challenge for our country, for the United Nations, and for all people who seek a more permanent peace. This is the uniquely productive role which the United States and the United Nations can play; helping to bind up old wounds and to create a new and better world in which Arab and Jew alike can live in mutual acceptance and esteem.

OUR NEGLECTED BLIND AND DEAF CITIZENS

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. CAREY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CAREY. Mr. Speaker, President Johnson, in his welfare message to the Congress last February, stated:

> Among the most tragically neglected of our citizens are those who are both deaf and blind. More than three thousand Americans today face life unable to see and hear. To help reach the deaf-blind with the best programs our experts can devise, I recommend legislation to establish a National Center for the Deaf and Blind.

Today, I have introduced legislation that would establish such a national center.

Up to the present time little has been done at the Federal level to assist those of our citizens who must bear this most extreme combination of physical handicaps. The Department of Health, Education, and Welfare has conducted some research programs in this area and experimental projects in the training of teachers of the deaf-blind have been instituted by the Office of Education. But such minimal assistance in the face of this overwhelming situation can only be regarded as inadequate.

This burden must be shared by a humanitarian society. Unless something is done without delay we will not have the teachers, programs or the special facilities required to overcome the communication barriers of these young people and adults so they may live in a sighted and hearing world.

The Industrial Home for the Blind in Brooklyn has been urging the creation of such a center for some time. This institution has been offering the most comprehensive and extensive service to adult deaf-blind persons that exists in this country, and with the cooperation of the Vocational Rehabilitation Administration had endeavored to extend those services nationally to deaf-blind individuals.

The bill I have introduced today also contains provisions for the planning for additional centers in order that similar services may be extended to all areas of the country. This measure responds to the practical and sound recommendations made by the President in his message earlier this year.

THE OPPORTUNITY CRUSADE

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. PATTEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PATTEN. Mr. Speaker, some Republican members of the House Education and Labor Committee have launched one of their periodic moves against the poor, this time disguising it under the euphemistic name of the "opportunity crusade."

It is their latest effort to wreck the Nation's antipoverty program.

We cannot permit them to wage war against the poor.

We cannot permit them to dismember the finest antipoverty program since the days of the New Deal.

We cannot permit them to wreck the labors of John F. Kennedy and Lyndon B. Johnson to vanquish poverty, misery, and ignorance from America.

One of the programs under attack by some Republicans is the Job Corps. It is also one of our most successful programs.

The Job Corps is trying to achieve something very specific by operating some 118 centers across the Nation. One is located in Edison, N.J.

First, it is trying to take the deprived young man or woman out of their negative city environment and put them into a new and better environment.

Second, it is trying to cultivate a desire to learn and advance, away from the distractions and interruptions of the ghetto.

Third, it is trying to give the youth a new lease on life, new skills, new reading and writing abilities, new interests in occupations or subjects beyond his usual acquaintance.

This takes money. It takes time. It takes energy. There are discipline problems. The Job Corps centers are not finishing schools for debutantes. They are centers which take the hopeless and hapless unemployed school dropout and try to bring him into the main flow of American life.

We have heard wails of criticism about the Job Corps. But let us look at the facts.

Recent statistics show that more than 70 percent of the 130,000 enrollees in Job Corps Centers since 1964 have been placed in good paying jobs, or have returned to school or have entered the military.

This is an excellent success record. In fact, I think it is fabulous, considering the problems which have had to be faced.

The Job Corps is today turning 5,000 graduates a month from its 118 centers throughout the country. The learning rate of enrollees has tripled. They have gained knowledge in skills, vocations, language and mathematics. They have gained self-confidence.

Costs for Job Corps trainees have dropped.

Now, for the first time, this Nation has begun paying attention to the more than one-half million young people aged 16 to 21 who are out of school, out of work, unskilled and without motivation or, perhaps, hope.

The Job Corps is a major effort to salvage these young Americans.

We cannot permit some of these Republican members of the Education and Labor Committee to succeed in their crusade against the poor. We must pass the President's poverty bills and we must keep faith with those who look to us for help.

Let us not lose faith in America. Let us not lose faith in the talent—the unknown and undeveloped talent—of hundreds of thousands of young men and women who wait on us for their opportunity to march forward into tomorrow.

MIDDLE EAST CRISIS

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. ROONEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ROONEY of Pennsylvania. Mr. Speaker, with the cessation of fighting in the Middle East, the most strenuous task of all—the establishment of a lasting peace—faces the nations of the world.

It seems to me to be quite clear that the objective of peace discussions must be to end the constant border tensions which have marked the 19 years of Israel independence. A way must be found for Israel and the Arab nations to live peacefully side by side to insure that the next decade does not bring a fourth outbreak of war in the Middle East.

The task ahead is ominous. Deep-rooted Israel and Arab feelings are in sharp conflict. These feelings must be soothed and the conflicts erased if a Middle East peace is to be a durable one. The objective will not be achieved in short order.

I know how earnestly the Jewish community in our Nation longs for such a peace in the Middle East and for the preservation of Israel's rights as a free and democratic nation. A recent resolution adopted by the Allentown Charles Kline Lodge No. 916, B'nai B'rith, is indicative of this and I respectfully include it in the RECORD at this point:

> Whereas, Israel has become the bastion of democracy in the Middle East; and
>
> Whereas, Israel has become the unwarranted target of aggressive acts by unfriendly nations; and
>
> Whereas, the very existence of Israel as a democracy was threatened by these acts;
>
> Now, therefore, be it resolved, That the Allentown Charles Kline Lodge No. 916 of B'nai B'rith hereby urges the Honorable Fred B. Rooney, Member of Congress, 15th District, Pennsylvania, to support and work for the United States' commitment to the free and democratic State of Israel in order to maintain a lasting peace in the Middle East as well as protect Israel's vested rights as a free nation.
>
> I hereby certify that the above is a true and correct copy of the resolution duly adopted at a meeting of the Executive Board of the Allentown Charles Kline Lodge No. 916, B'nai B'rith, duly held June 6, 1967 and that it is still in effect.
>
> Witness my hand and seal this 7th day of June, 1967.
>
> JEROME B. FRANK,
> *Secretary.*

REHABILITATION CENTER OF GOOD SHEPHERD HOME, ALLENTOWN, PA.

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. ROONEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ROONEY of Pennsylvania. Mr. Speaker, this past weekend it was my pleasure to participate in the dedication of a new rehabilitation center of the Good Shepherd Home in Allentown, Pa.

This wing consists of a 22-bed hospital and outpatient clinic to provide care and treatment for, and to rehabilitate, the physically handicapped. Help for the physically handicapped has been the purpose of Good Shepherd Home since its founding in 1908 by the Reverend Dr. John Raker.

The home today is expanding to provide the most modern facilities for the care, treatment, and rehabilitation of an even greater number of physically handicapped. Sunday's dedication of this new facility was a particularly happy occasion for the present superintendent of Good Shepherd Home, the Reverend Dr. Conrad Raker, son of the home's founder.

In my remarks on the occasion of the dedication, I said:

> These new facilities which we dedicate today will permit Good Shepherd Home to broaden its services to the community. Its expanded rehabilitation services will be available not only to the disabled within the institution but also on an out-patient basis to the handicapped in the surrounding communities of Eastern Pennsylvania.
>
> The Rehabilitation Center also will serve the Bureau of Vocational Rehabilitation, the Crippled Children's Bureau of the Department of Health, and the voluntary agencies engaged in treatment, rehabilitation, and research related to specific disabilities. Through these cooperative arrangements, the center will become a focus for evaluation and diagnosis, treatment and research for this section of the state.

Federal assistance under the Hill-Burton program and particularly the Laird amendments was made available to Good Shepherd Home in several areas of the development program just completed. Having had an opportunity to personally inspect the facilities at Good Shepherd Home and to see firsthand the extremely effective work they are doing in the rehabilitation of the handicapped, I am pleased to report to my colleagues that Federal assistance is serving a very worthwhile purpose in this fine institution.

LIFTING RESTRICTIONS ON TRAVEL TO ISRAEL

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Bingham] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BINGHAM. Mr. Speaker, now that the shooting has stopped in the Middle East, a difficult period of uncertainty lies ahead. As I stated last week, I hope the U.S. Government will do what it can to insist that the parties directly involved, the Arab States and Israel, negotiate directly to achieve a permanent settlement.

In the meantime, there seems to be no reason why the State Department should not lift restrictions on travel to Israel, as well as to those Arab States that have not broken relations with the United States. Israel is suffering economic stresses and strains brought about by the original Arab aggression, and sorely needs the foreign exchange which visitors from the United States can bring.

There are many Americans who want to go to Israel at this time. In addition to those with friends or relatives there, others want to help with civilian jobs left undone because of Israel's mobilization. Finally, there are many who are anxious to go for religious reasons. For the first time in two decades, there is access for Jews to religious sites in old Jerusalem.

There may be some danger involved in such travel, but this is a risk which those who wish to travel can properly be allowed to assume. Travel to and within South Vietnam would seem to be far more dangerous and yet there are no restrictions on civilian travel to South Vietnam.

I have no doubt that travel restrictions to Israel and at least some of the Arab States will be lifted within a matter of weeks, long before there is any permanent settlement. I hope that the State Department will move quickly and take the action now.

NATURAL BORN CITIZEN

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Dowdy] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DOWDY. Mr. Speaker, for a number of years, I have heard and read the discussions, pro and con, regarding the meaning or construction that should be placed on the phrase, "natural born citizen," as used in the U.S. Constitution, limiting eligibility for the office of President.

This has been a recurring discussion, as various persons, born outside the United States, of U.S. citizen parentage, have been mentioned as possible candidates for the offices of President and Vice President. The question is again current.

I have never undertaken to brief the question, but have read most of the papers, articles, essays, and briefs that have been written about it over a period of many years, including some prepared prior to my lifetime.

I have just recently read an unpublished essay or brief on the meaning of the phrase as it may apply to a current prominent possible candidate for the office of President, the same having been written by the Honorable Pinckney G. McElwee, of the bar of the District of Columbia. As it is not otherwise available, and may be of interest to the Members of this Congress and others, I would incorporate in the Record as a part of my remarks, that it may be easily available for consideration with other dissertations on the subject, to shed whatever light it merits:

NATURAL BORN CITIZEN

(The meaning of the term "Natural born citizen" as used in clause 4, section 1 of Article II of the Constitution of the United States relating to eligibility for the Office of President, by Pinckney G. McElwee of D.C. Bar.)

Mr. George Romney, present Governor of the State of Michigan, has been frequently mentioned in recent news media as a prospective candidate for the Office of President of the United States in 1968. According to "Who's Who" he was born in Chihuahua, Mexico, on July 8, 1907. A question exists whether he would be eligible to be inaugurated, if he should be elected to the Presidency because of a specific requirement of the Constitution of the United States that the President be "a natural born citizen". The answer to this question should be found in advance of the party nominating conventions, not only in respect to his ability to serve if elected, but also because of the effect that the existence of such question would have on the outcome of an election, if he became the nominee of a party.

The Constitution of the United States was adopted in 1789. In the 4th clause of section 1 of Article II it provides:

"No person, except a *natural born citizen*, or citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the Office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years and been fourteen years a resident within the United States."

The language used in the Constitution must be construed with reference to the English Common Law. As stated in I Kent's Commentaries, par. 336:

"It is not to be doubted that the Constitution and laws of the United States were made in reference to the existence of the common law. . . . In many cases, the language of the Constitution and laws would be inexplicable without reference to the common law; and the existence of the common law is not only supported by the Constitution, but it is appealed to for the construction and interpretation of its powers."

It has been frequently held by the U.S. Supreme Court that the language of the Constitution cannot be properly understood without reference to the common law. *Moore* v. *United States*, 91 US 270 (274), *United States* v. *Wong Kim Ark*, 169 US 649 (654), *Smith* v. *Alabama*, 124 US 478. It was stated in Moore v. United States by Justice Bradley in a unanimous opinion, page 274:

"The language of the Constitution and of many acts of Congress could not be understood without reference to the common law."

It was stated in United States v. Wong Kim Ark at page 654:

"The Constitution of the United States, as originally adopted, uses the words 'citizen of the United States' and 'natural born citizen of the United States'. By the original Constitution, every representative in Congress is required to have been 'seven years a *citizen* of the United States' and every Senator to have been 'nine years a *citizen* of the United States' and 'no person except a *natural born citizen* or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the Office of President'. The Fourteenth Article of Amendment, besides declaring that 'all persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside'. . . . The Constitution nowhere defines the meaning of these words, either by way of inclusion nor of exclusion, except insofar as this is done by the affirmative declaration that 'all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States'. In this, as in other respects, it must be interpreted in the light of the common law, the principles of history of which were familiarly known to the framers of the Constitution. *Minor* v. *Happersett*, 21 Wall 162, *Exparte Wilson*, 114 US 417, 422, *Boyd* v. *United States*, 116 US 616, 624, 625, *Smith* v. *Alabama*, 124 US 465. The language of the Constitution, as has been well said, could not be understood without reference to the common law. 1 Kent Com. 336, Bradley, Jr. in *Moore* v. *United States*, 91 US 270, 274."

The cited provisions of the 14th Amendment had a purpose to enfranchise the recently freed negro slaves, whether they were native born or naturalized. The purpose was to make non-citizens citizens. It did no more than establish *citizenship* where none previously existed. It did not even purport to make a *foreign born citizen* a *natural born* one.

In *Smith* v. *Alabama*, 124 US 465, at page 478 Justice Matthews stated:

"There is, however, one clear exception to the statement that *there is no national common law*. The interpretation of the Constitution of the United States is necessarily influenced by the fact that *its provisions are framed in the language of the English Common law*, and are to be read in the light of its history."

According to information furnished to me, which I have no reason to doubt, facts regarding the birth and citizenship of Mr. Romney are as follows. His grandfather was Miles Park Romney. In 1885 he left his family in Arizona and moved to Chihuahua, Mexico. One of his children was Gaskel R. Romney, born in the United States in 1871. He did not accompany his father to Mexico, but followed and with the family joined him in 1887, Gaskel R. Romney being then 16 years old. Gaskel R. Romney was married to Anna Aurelia Pratt in Mexico about 1898. They had 4 children, born in the State of Chihuahua, Mexico: George, the 4th child, being born there on July 8, 1907. This family then moved to El Paso, Texas, where the 5th, 6th and 7th children were born.

It will be seen from the foregoing that Mr. George Romney was born in Chihuahua, Mexico of an American born father and by virtue of the birth and citizenship of his father in the United States, George was born with dual citizenship, being a citizen of Mexico by birth and becoming a citizen of the United States at birth *automatically by naturalization* pursuant to the Act of Congress granting automatic naturalization in such circumstances. This type of American citizenship is a qualified one and requires an election on his part upon arriving at his majority, or within a reasonable time thereafter. *In re Reed*, 6 F S 800, *State v. Jackson*, 65 A 661, *Ludlam v. Ludlam*, 26 NY 371, Van Dyne on Cit. 38. Mr. Romney appears probably to be a *citizen* of the United States. But, the question under consideration is not one of simple *citizenship* but rather, whether he is a "*natural born citizen*" as prescribed in the Constitution of the United States for the Presidency.

The Constitution itself does not define the term natural-born citizen. At the time of the adoption of the U.S. Constitution, under the common law, the terms native born citizen and natural born citizen were synonymous, but, the customary usage was to refer to such type of citizenship as "natural born" instead of "native born."

The words "natural" and "native" are both derived from the latin word "natus" meaning birth. Blackstone's Commentaries, Chapter X, defines natural-born subjects as:

"Natural-born subjects are such as are born within the dominions of the crown of England; that is, within the ligence, or, as it is generally called, the allegiance of the king; and aliens, such as are born out of it."

The first definition of the word "natural" in Webster's Dictionary is "of, from, or by, birth." Literally translated both "natural-born citizen" and "native-born citizen" mean citizen by and from birth. Black's Law Dictionary defines "native" as "a natural-born subject or citizen by birth; one who owes his domicile or citizenship to the fact of his birth within the country referred to." Black defines "natural born" as "In English law one born within the dominion of the King." Black defines "naturalize" as "to confer citizenship upon an alien; to make a foreigner the same, in regard to rights and privileges, as if he were a native citizen or subject." Bancroft's History of the U.S. (1876) VI, xxvi, 27, states, "Every one who first saw the light on the American soil was a natural-born American citizen."

There were several naturalization statutes enacted by Parliament which "declared" or "deemed" persons born outside of the dominions of the King, whose parents were subjects, to be subjects. 29 Car II Cap. 6 (1676) related to children of subjects born during "the late trouble" in foreign countries between June 15, 1641 and March 24, 1660 and required such person to receive the sacrament and take an oath of allegiance and file a certificate with a court. 7 Anne Cap V, par. 31 (1708) naturalized foreign born protestants of *natural-born* subjects by providing they shall be "deemed" natural born subjects, 4 George II Cap XXI (1731) repeats the Act of 1708 in 7 Anne; and again in 13 George III Cap 21 (1773) repeats the same naturalization act. All of these statutes of naturalization demonstrated that the citizen by birth was the genuine "natural born citizen." As stated in Van Dyne on Citizenship of the United States, pp. 32:

"It was almost universally conceded that citizenship by birth in the United States was governed by the principles of the English common law. It is very doubtful whether the common law covered the case of children born abroad to subjects of England. Statutes were enacted in England to supply their deficiency. Hence, it was deemed necessary to enact a similar law in the United States to extend citizenship to children born to American parents out of the United States."

Statutes 11 and 12 of William III, Cap 6 (1700–1707) was a statute to permit inheritance of children born outside of the King's realm and dominion of his majesty's natural born subjects as though such children "had been naturalized or natural-born subjects." (See McCreary v. Sommerville, 22 U.S. 354 l.c. 356, 357).

Generally, when we speak of the English Common Law we mean the lex non scripta or unwritten law as defined by Blackstone, that portion of the law of England which is based, not on legislative enactment, but on immemorial usage and the general consent of the people. *Levy v. McCartee*, 31 US (6 Pet) 102. As stated in the latter case, "It is too plain for argument, that the common law is here spoken of, in its appropriate sense, as the 'unwritten law of the land, independent of statutory enactments.'" In Bouvier Law Dictionary it is stated in respect to common law, "Those principles, usages, and rules of action applicable to the government and security of persons and of property, which do not rest for their authority upon any express or positive declaration of the will of the legislature." Citing 1 Kent Com. 429. It should be borne in mind that the English common law did not become the common law of the United States. But, the English common law is referred to in explaining the meaning of the language used by the framers of the Constitution who were familiar with its terminology. Thus, in determining the meaning of the term "natural-born citizen," as used in the Constitution, we should inquire what the language meant to the members of the Constitutional convention, and not what the English common law and statutory law was in all of its ramifications relating to the subject of citizenship. It is clear that under the English common law this term "natural born" meant "native born", i.e. within the realm and dominion of the King. While naturalization and other acts of Parliament had afforded to foreign born alien children of English parentage certain rights to citizenship and inheritance by being "deemed" to be "natural born" (i.e. "deemed" native born when not so born), still, the fact remains that the genuine "natural-born" citizens were the "native-born" citizens. It was this genuine "native-born" citizen (rather than one who was not, but by act of Parliament was "deemed" to be) to which the framers of the Constitution referred when they used the term "natural-born citizens" as one of the qualifications for the President. The English common law is explained in detail in Calvins case, 7 Coke 1.

In *Wong Foong v. U.S.*, 69 F 2d 681, the court said: "Under the common law of England a child born abroad of a father who is a subject of England does *not* become a citizen of England." And in *Weedin v..Chin Bow*, 274 US 657, l.c. 663, the court said "under the common law which applied in this country, the children of citizens born abroad were *not* citizens, but aliens."

In *Doe v. Jones*, 4 T.R. 300, 308, 100 Reprint 1031, Lord Kenyon stated:

"The character of a natural-born subject, anterior to any of the statutes, was incidental to birth only; whatever were the situations of his parents, the being born in the allegiance of the King, constituted a natural-born subject."

Sheddins v. Patrick, 1 Macg 535, l.c. 611 (House of Lords) The Lord Chancellor stated:

"I need not state to your Lordship that, independently of statute, everyone born abroad is an alien. I state the proposition too generally, because the children of Ambassadors and some other persons were excepted; but as a general proposition, all persons born abroad were aliens. That state of law was interferred with first by a very early statute. . . . In the reign of Queen Anne it was enacted by statute, passed for 'naturalizating foreign protestants' that children of all natural-born subjects born out of the ligence of his majesty should be 'deemed,' 'adjudged' and 'taken' to be natural-born subjects of his Kingdom."

The case *In re Guerin* (Queen's Bench), 37 Weekly Reporter 269, (Feb. 2, 1889) dealt with the term "natural-born" in the Extradition Act of Parliament and the term "native-born" in an extradition treaty with France. It was contended by Guerin that a person born abroad of British parents was a "natural-born" British subject within the meaning of the extradition treaty with France, Sir Alfred Wills, Judge, speaking for the Court stated:

"The first question in this case in logical order is whether Guerin is a person to whom the extradition treaty with France applies; and that depends on whether he can bring himself within the exception which says that "native-born or naturalized subjects" are exempt from the operations of the treaty. The onus of proving that he comes within the exception lies on the prisoner. Now there are only two methods in which a person, other than a temporary resident in the kingdom, can acquire status as a British subject; viz, by *naturalization or by reason of the circumstances of his birth. I am unable to draw any distinction between the expression 'natural-born' used in the Extradition Act and 'native born' used in the treaty. It means a person who is a native by reason of the circumstances of his birth.*"

In Dicey's Conflicts of Law (1896) it is stated: (pp. 173).

"Natural-born subject" means a British subject who has become a British subject at the moment of birth.

"A naturalized British subject means any British subject who is not a natural-born British subject. (pp 175) Rule 22. Subject to the exceptions hereinafter mentioned, any person who (whatever the nationality of his parents) is born within the British dominions is a natural-born British subject."

In the "comment" which followed it was stated:

"This rule contains the leading principle of English law on the subject of British nationality. 'Allegiance is the tie, or ligamen, which binds the subject to the King, in return for that protection which the King affords the subject'. But every person born within British dominions does, with rare exception, enjoy at birth, the protection of the Crown. Hence, subject to such exceptions, every child born within the British dominions is born 'under the ligence' as the expression goes, of the Crown, and is at and from the moment of his birth a British subject; he is, in other words, a natural-born subject."

The exceptions mentioned are those whose fathers are alien enemies or ambassadors or diplomatic agents.

In the case of *Lynch v. Clarke*, 1 Sandf. 583, N.Y.), the Vice-Chancellor stated that he entertained no doubt "that every person born within the dominion and allegiance of the United States, whatever the situation of his parents, was a *natural born citizen*." He added that "this was the general understanding of the legal profession, and the universal impression of the public mind."

In the case of Minor v. Happersett in the U.S. Supreme Court, 88 US (21 Wall) 162, the court said:

"The Constitution does not in words, say who shall be natural born citizens. Resort must be had elsewhere to ascertain that. At *common law with the nomenclature of which the framers of the Constitution were familiar, it was never doubted that all children born in a country of parents who were its citizens became themselves upon their birth, citizens also. These were natives, or natural born citizens as distinguished from aliens and foreigners.* Some authorities go further and include as citizens children born within the jurisdiction without reference to the citizenship of their parents. As to this class there have been doubts, but never as to the first. For the purpose of this class it is not necessary to solve these doubts. It is sufficient for everything we now have to consider that all children born of citizen parents within the jurisdiction are themselves citizens.

In the Dred Scott Case, 60 U.S. 393, l.c.

576 in his separate opinion, Justice Curtis stated:

"The first section of the second Article of the Constitution used language "*a natural born citizen.*" It thus assumes that citizenship may be acquired by birth. Undoubtedly, this language of the Constitution was used in reference to that principle of public law, well understood in this country at the time of the adoption of the Constitution, which *referred citizenship to the place of birth.*

The fourth clause of section 8 of Article I of the Constitution of the United States gives to Congress authority "to establish an uniform Rule of Naturalization . . .", and Congress has established and frequently amended uniform rules for the naturalization of children born outside of the jurisdiction of the United States (i.e. aliens) in Section 1401 et seq. of Title 8, U.S. Code. To many it has granted automatic naturalization, provided timely advantage is taken of the rights by the person concerned. Examples of these were persons whose fathers were citizens, later (1934) persons of whom either of the parents were citizens (not including illegitimates), and still later (1952) illegitimate children whose mothers were citizens. To other aliens having no citizen parents the process of naturalization required an application to and order of a federal court. But, whether the naturalization be automatic due to citizen parentage or by court decree for others, *the fact remained that for all persons born outside of the jurisdiction of the United States a naturalization by authority of Congress has been required in order to become a citizen. Native born citizens hold citizenship by birth.* U.S. v. Wong Kim Ark, Supra.

In a recent case of the U.S. Supreme Court (Montana v. Kennedy, Attorney General, 366 U.S. 308) it was held that the petitioner was *not* a citizen of the United States despite the fact that his mother was a native born citizen of the United States. The reason for the holding was that at the time of the birth of the petitioner in England the Act of Congress only authorized automatic naturalization for a person whose father was a native born citizen, but not a person whose mother had been a native born citizen. The Act of Congress was amended to include children of a mother *who had lost* her citizenship on March 2, 1907 (Montana v. Kennedy, supra) and again in 1934 (48 Stat 797) to include children of any *native born* mothers.

In U.S. v. Wong Kim Ark, 169 U.S. at page 655, the court said:

"The *fundamental principle* of the common law with regard to English nationality was birth within the allegiance, also calling 'ligealty,' 'obedience,' 'faith,' or 'power' of the King. The principle embraced all persons born within the King's allegiance and subject to his protection. Such allegiance and protection were mutual—as expressed in the maxim, protecti trahit subjectionem, et subjectio protectionem—and were not restricted to natural-born subjects and naturalized subjects, or to those who had taken an oath of allegiance; but were predicable of aliens in amity, *so long as they were within the kingdom*. Children, *born in England,* of such aliens, were therefore *natural-born* subjects. But the children, born within the realm of foreign ambassadors, or the children of alien enemies, born during and within their hostile occupation of part of the King's dominions, were *not* natural-born subjects, *because not born within the allegiance, the obedience or the power, or, as would be said to this day, within the jurisdiction of the King.*" (Thus, a child born in Mexico of English parents was not a natural-born subject, despite his automatic naturalization by Act of Parliament). Later in the same opinion (l.c. 658) the court said: "It thus clearly appears that by the law of England for the last three centuries, beginning before the settlement of this country, and continuing to the present day, aliens, while residing in the dominions possessed by the Crown of England, were within the allegiance, the obedience, the faith or loyalty, the protection, the power, the jurisdiction of the English Sovereign; and therefore every child *born in England* of alien parents, was a *natural born subject*, unless the child of an ambassador or other diplomatic agent of a foreign state, or an alien enemy in hostile occupation of the place where the child was born.

"The same rule was in force in all of the English Colonies upon this continent down to the time of the Declaration of Independence, and in the United States afterwards, and continues to prevail under the Constitution as originally established."

The same ruling upholding American citizenship of children born in the United States are found in 9 Op Atty Gen 373, and 10 Op Atty Gen 328, 394, 396.

The Act of March 26, 1790 (1 Stat 103) provides in pp 104: "And the children of citizens of the United States that may be born beyond the seas, or out of the limits of the United States *shall be considered as natural-born citizens.*"

In *Osborn v. Bank*, 22 US (9 Wheat) 738, l.c. 827, Chief Justice Marshall said:

"A naturalized citizen is indeed made a citizen under an Act of Congress, but the Act does not proceed to give, to regulate, or to prescribe his capacities. He becomes a member of the society, possessing all the rights of a native citizen, and standing, in the view of the Constitution, on the footing of a native. *The Constitution does not authorize Congress to enlarge or abridge those rights*. The simple power of the national legislature, is to prescribe a uniform rule of naturalization, and *the exercise of this power exhausts it*, so far as regards the individual. The Constitution then takes him up, and, among other rights, extends to him the capacity of suing in the Courts of the United States, precisely under the same circumstance under which a native might sue. *He is distinguishable in nothing from a native citizen, except so far as the Constitution makes the distinction*. The law makes none."

Thus the Act of March 26, 1790 would be unconstitutional if it attempted to enlarge the rights of a naturalized citizen to be equal to those of natural-born citizens under the Constitution.

Although it is not within the power of Congress to change or amend the Constitution by means of definitions of languages used in the Constitution so as to mean something different than intended by the framers (amendments being governed by Article V) an argument might be advanced to the effect that the use of identical language by Congress substantially contemporaneously might be considered in later years by a court to reflect the same meaning of the same words by the framers of the Constitution; and under this argument to attach importance to the Act of Congress of March 26, 1790 (1 stat 103).

This argument fades away when it is found that this act used the term "natural-born" through inadvertence which resulted from the use of the English Naturalization Act (13 Geo. III, Cap 21 (1773)) as a pattern when it was deemed necessary (as stated by Van Dyne) to enact a similar law in the United States to extend citizenship to foreign-born children of American parents. In the discussion on the floor of the House of Representatives in respect to the proposed naturalization bill of a committee composed of Thomas Hartley of Pennsylvania, Thomas Tudor Tucker of South Carolina and Andrew Moore of Virginia, Mr. Edamus Burke of South Carolina stated, "The case of the children of American parents born abroad ought to be provided for, as was done in the case of English parents in the 12th year of William III." (See pp 1121, Vol 1 (Feb. 4, 1790) of Annals of Congress.) The proposed bill was then recommitted to the Committee of Hartley, Tucker and Moore, and a new bill containing the provision in respect to foreign-born children of American parentage was included, using the Anglican phrase "shall be considered as natural born citizens." Manifestly, Mr. Burke had given the wrong reference to the Act of Parliament of the 12th year of William III which was an inheritance law. But, it was a naturalization bill and the reference to the English acts shows the origin of the inadvertent error in using the term natural-born citizen instead of plain "citizen" came from copying the English Naturalization Act.

Mr. James Madison, who had been a member of the Constitutional Convention and had participated in the drafting of the terms of eligibility for the President, was a member of the Committee of the House, together with Samuel Dexter of Massachusetts and Thomas A. Carnes of Georgia when the matter of the uniform naturalization act was considered in 1795. Here the false inference which such language might suggest with regard to the President was noted, and the Committee sponsored a new naturalization bill which deleted the term "natural-born" from the Act of 1795. (1 Stat 414) The same error was never repeated in any subsequent naturalization act.

The Act of 1795 provides:

"The *children of citizens* born outside of the limits and jurisdiction of the United States, shall be *considered as citizens of the United States.*"

In 1802, when Congress repealed entirely the law of 1790, it enacted that *"the children of persons who now are, or have been citizens* of the United States, shall, although born outside of the limits and jurisdiction of the United States, *be considered as citizens* of the United States" (2 stat 153). (R.S. 1993) This was followed by the Act of 1855 (10 Stat 604) which repealed the Act of 1802.

Congress, in its exclusive control of naturalization, could make any person born outside of the limits of the United States a citizen, either automatically or by pursuit of a proper court proceeding; but, it is not within the power of Congress in its control of naturalization to alter the fact of place of birth to make a foreign born child a "natural-born" citizen as described in clause 4, section 1 of Article II of the Constitution so as to become thereby eligible to become the President.

In *United States v. Perkins,* 17 F S 117, the syllabus reads:

"Child born in England of mother who had been born in United States, and had married Englishman in England, held not a 'natural born citizen,' within the provisions of Federal Constitution, whether child became citizen at birth by reason of mother's citizenship or by her subsequent repatriation (Cable Act. 8 U.S.C.A. §§ 9, 10, 367–370; 8 U.S.C.A. §§ 6 and note, 7, 8, 399c(a); Rev. St § 1993; Convention with Great Britain May 13, 1870, art. 1, 16 Stat. 775)."

And the text of the opinion on page 179 reads:

"But I think it is immaterial, for the purpose of the instant suit, whether petitioner became an American citizen at his birth by reason of his mother's citizenship or later by means of the repatriation of his mother. I do not think the authorities sustain his claim that he is a natural-born citizen within the meaning of the provisions of the Constitution, either of section 1, clause 4, or article 2, that 'No person except a natural born citizen or a citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President,' or of the Fourteenth Amendment, that 'All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the

United States and of the State wherein they reside."

In the case of *United States v. Wong Kim Ark*, 169 U.S. 649, at page 688, 18 S. Ct. 456, 472, 42 L ed 89, it was said: "This sentence of the fourteenth amendment is declaratory of existing rights, and affirmative of existing law, as to each of the qualifications therein expressed—'born in the United States,' 'naturalized in the United States' and 'subject to the jurisdiction thereof'—in short, as to everything relating to the acquisition of citizenship by facts occurring within the limits of the United States. *But it has not touched the acquisition of citizenship by being born abroad of American parents; and has left that subject to be regulated, as it had always been, by Congress, in the exercise of the power conferred by the Constitution to establish an uniform rule of naturalization.*" And again on page 702, "Citizenship by naturalization can only be acquired by naturalization under the authority and in the forms of law. But citizenship by birth is established by the mere fact of birth under the circumstances defined in the Constitution. *Every person born in the United States, and subject to the jurisdiction thereof, becomes at once a citizen of the United States and needs no naturalization. A person born out of the jurisdiction of the United States can only become a citizen by being naturalized, either by treaty, as in the case of the annexation of foreign territory, or by authority of Congress, exercised by declaring certain classes of persons to be citizens, as in the enactments conferring citizenship upon foreign-born children of citizens*, or by enabling foreigners individually to become citizens by proceedings in the judicial tribunals, as in the ordinary provisions of the naturalization acts." Petitioner claims that these statements are mere dicta as applied to his claim and not entitled to consideration. But the Supreme Court in that case went fully into the whole question of citizenship in all of its aspects and this court could not ignore the carefully expressed opinions of the Supreme Court, even if this court should differ from that opinion. Also see Schautus v. Attorney General, 45 F S 61, 1.c. 67.

In State v. Rhodes (C.C. Ky.) 27 Fed. Cas 785, 879 (1866), Justice Swayne of the Supreme Court said:

"*All persons born in the allegiance of the king are natural born subjects, and all persons born in the allegiance of the United States are natural born citizens. Birth and allegiance go together*. Such is the rule of common law, and it is the common law of this country, as well as of England."

In Rawle's view on the Constitution of the United States, page 86, it is stated:

"Every person *born within the United States, its territories or districts*, whether the parents are citizens or aliens, *is a natural born citizen within the sense of the Constitution*, and entitled to all rights and privileges appertaining to that capacity."

In *Luria v. United States*, 231 US 9, in a unanimous decision Justice Van Deventer, speaking for the court, at page 22, stated:

"Under our Constitution, *a naturalized citizen* stands on an equal footing with the *native citizen in all respects, save that of eligibility to the Presidency*." Cited with approval by Justice Frankfurter in Baumgartner vs. U.S. 322 U.S. 673.

In *Knauer v. United States*, 328 U.S. 654, in a separate opinion, at page 677, Justice Rutledge stated:

"I do not find warrant in the Constitution for believing that it contemplates *two classes of citizens, excepting only for two purposes.* One is to provide how citizenship shall be acquired, Const. Art. 1, p. 8; Amend XIV, p. 1, *the other to determine the eligibility for the presidency. The latter is the only instance in which the charter expressly excludes the naturalized citizen from any right or privilege the native born possesses.*"

In *Husar v. United States*, 26 F 2d 847, in the Circuit Court of Appeals of the 9th Circuit the court stated:

"True, there is no express requirement that the United States District Attorney for China shall be a citizen of the United States. Nor, so far as we have been able to discover, is there such express requirement respecting any other officer of the United States, *excepting only the President and members of Congress.* (Const. US Art 2, par 1, subd 5); and these constitutional provisions were for the apparent purpose, not of insuring against alien office holding, but *requiring American birth in the one case and prescribed periods of citizenship in the other two.*"

A child born in a foreign country of American parents may claim United States citizenship at majority. *In Re Reed*, 6 FS 800—It required an election on his part when he attained his majority. *State* v. *Jackson*, 79 Vt. 504, 65 A 657.

In 1854 an article appeared in 2 Am Law Reg. P 193, which pointed out among other things that, due to the language of the Act of 1802, *all children of American families "born in a foreign country" are aliens.* This article resulted in the passage of the Act of Congress of 1855 (10 Stat 604) which repealed the act of 1802 (2 Stat 153). Had Mr. Romney been born between 1802 and 1855 he would not even be a citizen through his father.

In the case of *Ludlow* v. *Ludlow*, 26 NY 356, 84 Am. D 193, the sole issue was one of citizenship in order to be able to inherit real estate in New York state. In the opinion Judge Selden uses the term "natural born citizen" on two occasions. A careful reading in the second instance shows that he was using the word "natural" in the sense of "native" wherein he said "among the facts found by the court are the following, viz: "That Richard L. Ludlow, the father of said Maximo M. Ludlow and of the plaintiff, in the latter part of the year 1822, voluntarily expatriated himself from the United States, where he was a *natural born citizen* for the purpose of becoming a permanent resident of Lima, in Peru, South America, and of establishing his permanent domicile there." As the case shows that Richard L. Ludlow was born in the United States in 1804 the use of the term "natural born" meant native born.

In *U.S.* v. *Fisher*, 48 F S 7, the court said:

"*A naturalized citizen*, broadly speaking, enjoys all of the rights of the *native* citizen, except so far as the Constitution makes the distinction. Const. rt. 2, par 1, cl 4 and this constitutional exception is limited alone to the occupancy of the office of President of the United States."

In *Elk* v. *Wilkins*, 112 US at page 101, Justice Gray said:

"The distinction between *citizenship by birth* and *citizenship by naturalization* is clearly marked in the provisions of the Constitution by which 'no person, except a "natural born" citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of the President;' and 'the Congress shall have power to establish a uniform rule of naturalization' ".

In 2 Bancroft's History of the U.S. Constitution 192, reference is made to the fourth clause of the 1st section of article II. In the Constitutional Convention, says Mr. Bancroft:

"One question on the qualifications of the president was among the last decided. On the twenty-second of August, the Committee of Detail, fixing the requisite age of the president at thirty-five, on their own motion, and for the first time required only that the president should be a *citizen* of the United States, and should have been *an inhabitant* of them for *twenty-one years.* On the fourth of September, the Committee of States, who were charged with all unfinished business, limited the *years of residence to fourteen.* It was then *objected* that *no number of years could properly prepare a foreigner for that place;* but, as men of other lands had spilled their blood in the cause of the United States, and had assisted at every stage of the formation of their institutions, on the seventh of September, it was unanimously settled that *foreign-born residents of fourteen years who shall be citizens at the time of the formation of the Constitution are eligible* to the Office of the President." (Corroboration for the statements of Bancroft are to be found in Vol 5 of Johathan Elliott's "Madison Papers," pages 462, 507, 512 and 521, and in Vol. 3 of Henry D. Gilpin's "Madison Papers" pages 1398, 1437 and 1516)

It will be seen from the foregoing that a distinction was made between *natural-born citizens* and *foreign-born citizens.* The very exception made as to *foreign-born citizens* who were citizens at the time of the adoption of the Constitution proves conclusively the intent of the framers of the Constitution to limit eligibility for all others to *native-born citizens. There was no Act then making a foreign born child a citizen.*

The word inhabitant means "a permanent resident." The substitution of natural-born citizens took the place of a permanent residence for 21 years. Manifestly, the meaning of the Committee of States that "*no number of years* could properly prepare a *foreigner* for that place" may properly be translated to mean that being an inhabitant in the United States *for all of the years of the life* of the individual concerned *was not sufficient.* What then is to be concluded that they meant to say when they used the language that the President shall be a "natural-born citizen." *Is not the proper conclusion that if a lifetime of inhabitance is insufficient, native birth was contemplated?* Suppose a candidate for President be 60 years old. Could this provision of the Constitution contemplate a foreign birth of a German mother and American father and continuous foreign residence for 46 years so long as the last 14 years were in residence of the United States, merely because a parent of the foreign-born candidate happened to be an American citizen, if a lifetime of inhabitance was not sufficient? It seems apparent that the Committee was trying to establish an eligibility requirement of a far greater degree than 21 years inhabitance—and at the same time reducing the residence requirement to 14 years. Could this increased requirement be satisfied by a foreign birth and foreign rearing until the character, patriotism and loyalty qualities were firmly fixed by the 46 years-foreign residence to be followed by only 14 years' residence in the United States from a mere American parentage? It seems to me that the question answers itself—that "natural born citizen" meant "native born citizen." The framers of the Constitution could not have attached such importance to American parentage of a foreign born and reared person when a lifetime of inhabitance (permanent residence) was considered insufficient.

I do not find in court decisions and legal literature of the time of adoption of the Constitution of the United States any reference to "native-born," when reference is made to a native born citizen or subject. The word invariably used was "natural-born." As an example, a "denizen" was an "alien-born" person who had obtained a denizenation by gift of the King, (i.e. letters patent to make him an English subject). This patent was the exercise of a high royal prerogative. Naturalization could only be accomplished by Parliament. A denizen could take and hold lands by purchase or devise—which an alien could not do; but could not take title by inheritance. The children born before denizenation could not inherit from him, but those born afterwards could inherit. It is interesting to note in 1 Blackstone Comm. 374 in commenting on the denizen he says, "A denizen is a kind of middle state, *between an alien and a natural-born subject,* and partakes of both." Note that he does not use native-born subject, as this term is now used. The distinction was drawn between an alien and a natural-born citizen, not native-born citizen. See Fries Case 9 Fed Case 126, Case No. 5126 and Collingwood v. Pace, 1 Ventries (Eng.) 419.

Mr. Binney, in the second edition of a paper on the Alienigenae of the United States, printed in pamphlet at Philadelphia with a preface bearing his signature and the date of December 1, 1853, on page 22, said:

"The right of *citizenship* never descends in a legal sense, either by the common law, or under the common naturalization acts. *It is incident to birth in the country, or it is given personally by statute.* The *child of an alien,* if born in the country, is as much a *citizen* as the *natural-born* child of a citizen, and by operation of the same principle. See Amer. Law Register for Feb. 1854 2 Amer. Law Reg. 193, 203, 204."

The comparison was made to alien and natural born, not native born.

To a letter written in New York by John Jay to George Washington, President of the Federal Convention, on July 25, 1787 has been attributed the provision in the Constitution requiring that the President shall be a "natural-born citizen." This letter said:

"Permit me to hint whether it would not be wise and reasonable to provide a strong check to the admission of foreigners into the Administration of our National Government, *and to declare expressly that the command in chief of the American Army shall not be given to, nor devolve on, any but a natural-born citizen.*"

The "hint" of John Jay that the Command in Chief of the American Army should not be given to, nor devolve on, any but a *natural-born citizen* bore fruit, and it was accordingly provided that the President shall be a natural-born citizen. Note that his "hint" distinguished natural-born citizens from foreigners. Every one of the 55 persons constituting the Federal Convention had been born on English soil and was a natural-born citizen.

Three articles have appeared in Journals on the same general subject as this article. The first was in the Albany, New York Bar Journal (66 Albany Law Journal 99) in 1904, both of which concluded that a foreign-born child of American parentage came within the term natural-born and was eligible to become President. The second in 1950 was 35 Cornell Law Quarterly 357. The first was so inadequately considered and lacking in citation as not to deserve mention. The only reference was to the inadvertent use of the term natural born in the Act of 1790 (1 Stat. 103). He did not seem to know that it was Mr. Madison who had participated in the drafting of the Constitution who had discovered the error and authorized the bill to correct it by deleting the term from the act of 1795 (1 Stat. 445). This first article did, however, apparently serve to encourage the author of the article in the Cornell Law Quarterly which was apparently inspired by a desire to accomplish a desired result, namely, to urge eligibility for the Presidency on behalf of Mr. Franklin Delano Roosevelt, Jr. who was born at the family summer home at Campobello, New Brunswick, Canada. His article attached great importance to the naturalization acts of the English Parliament which had "deemed" the children of English parentage born abroad to be natural born. The author seemed to have lost sight of the fact that the English common law in respect to citizenship did not become the common law of the United States and that the framers of the Constitution in making one qualification for the Presidency that the person be a "natural born citizen" referred to the *genuine* natural born citizen rather than one who by legislative act was "deemed" to be. A great weakness of his argument was later revealed by the decision of the U.S. Supreme Court in 1961 in Montana v. Kennedy, Attorney General, 366 US 308, holding that his subject would not even have been an American citizen if his citizenship had depended on the citizenship of his mother, Eleanor Roosevelt, and that he only had dual citizenship because Congress in the exercise of its constitutional authority to establish uniform rules of *naturalization* had seen fit to grant to him automatic American citizenship due to the citizenship of his father.

Both articles assume that the restriction to natural-born citizens was based upon the law of blood of parentage, Jus Sanguinis, rather than the place of birth, Jus Soli; and without legal basis, claim that the former was of a higher order than the latter. Based upon such assumption they conclude that it is not the *place* of birth in the United States which controls, but the *American parentage* of the child that complies with the requirement of the Constitution. The *fact* is, however, that the blood relationship had nothing whatsoever to do with the requirement, and the *sole basis* for the requirement *was place of birth.* This is demonstrated from the notes of Mr. James Madison, made on the spot, at the Constitutional Convention and reported in Bancroft's History of the Constitution showing that the initial proposal of the Committee of Detail called for 21 years of inhabitance (permanent residence) which relates solely to *place* and is entirely unrelated to blood. But, objection was made that "*no number of years* could properly prepare a *foreigner* for that place, i.e., a lifetime of residence could not properly prepare *one of* foreign birth. (*place again*)" It was then that the Committee of States changed the requirement to call for native birth, as "natural-born" was meant by Blackstone, et al. (again place), but exception was made to those *foreigners* who were *residents* at the time of the adoption of the constitution—*again place!* Indeed, the claim of citizenship by blood or descent was expressly overruled in favor of the rule of citizenship by place of birth, in U.S. v. Wong Kim Ark, 169 US 649, l.c. 674 in which the court stated:

"There is nothing to countenance the theory that a general rule of *citizenship by blood or descent* has displaced in this country the fundamental rule of citizenship by birth within its sovereignty. So far as we are informed, there is no authority, legislative, executive, or judicial, in England or America, which maintains or intimates that the statutes (whether considered as declaratory, or as merely prospective), conferring citizenship on foreign-born children of citizens, have superseded or restricted, in any respect, the established rule of *citizenship by birth within the dominion.*"

The 1904 article said "a forced or restricted construction of the constitutional phrases under consideration would be out of harmony with *modern conceptions* of political status, and might produce startling *results,*" (i.e. the Constitution is to be amended by judicial fiat to achieve desired results). Continuing, it says, "it remains to be decided whether a child of domiciled Chinese parents, born in the United States, is eligible, if otherwise qualified, to the Office of President and to all privileges of the Constitution." (This had already been decided in the affirmative in *U.S.* v. *Wong Kim Ark,* 169 US 649), "and it would be a strange conclusion, in another aspect, the child of American parents, born in China, should be denied corresponding rights and privileges in the United States." It would seem that the "strange aspect" was that a person whose skin was yellow could be President because of being born in the United States, whereas, a person whose skin was white could not if born in China. If racial prejudice is disregarded, there is nothing strange about the fact that the Constitution requires that the President be a native-born citizen.

The author of the 1950 article in the Cornell Law Quarterly argues that since under British statutory naturalization law children born to British parents outside of the dominions of the King became citizens at birth, such child was a "natural-born" British citizen, and our constitution should be so interpreted. Not only is this argument contrary to the cited decisions of the British appellate courts, and not a part of the British common law, as pointed out in Levy vs. McCartee, 31 U.S. 102, but, as pointed out in Hawle's View of the Constitution, the early Congress found it necessary to adopt similar naturalization law otherwise the foreign born children of American parents would not even be American citizens.

There have been two periods since the creation of the United States during which there has been no Act of Congress which naturalized the foreign-born children of American citizens. These were (1) after June 21, 1789 (the effective date of the Constitution) and the Act of March 26, 1790, and (2) between the Act of April 14, 1802 and the act of February 10, 1855. What was the meaning of the words "natural-born citizen" during these periods? Manifestly, the only meaning that these words could have had, during these periods, was what we now call "native-born citizen," since *birth within the United States* was the *only* way a child could then be "born" a citizen. During those periods all foreign-born children were aliens. The meaning of the language used in the Constitution has not changed either before or after these acts of Congress. It was the *Acts of Congress* governing naturalization *which changed* from time to time—it being beyond the power of Congress to change the Constitution by legislative enactments. Thus, if prior to the first naturalization act of March 26, 1790, and again during the period from April 14, 1802 to February 10, 1855, the term "natural-born citizen" meant born within the domain of the United States—which is the only meaning it could have had—then that meaning could not be altered by any Act of Congress naturalizing foreign-born children of American parents, and it remains the meaning today.

The third article appeared in the December 23rd, 1955 issue of U.S. News and World Report in relation to the eligibility of Herbert Hoover, Jr., Franklin D. Roosevelt, Jr., and Christian A. Herter who were born in England, Canada and France, respectively. The main point advanced by the author was that children born to American parents outside of the United States became citizens *at birth,* whom he called "born citizens." From this conclusion he takes another step to call them "natural-born citizens," although recognizing that the U.S. Supreme Court in the case of *U.S.* v. *Wong Kim Ark* 169 US 655 had held that they were naturalized citizens rather than natural-born citizens. When he says that they were "born citizens" his statement was erroneous. They were naturalized citizens. Born citizens are those who acquire their citizenship solely by birth within the United States. All persons born outside of the United States are born aliens and acquire citizenship by naturalization by compliance with an act of Congress naturalizing children born outside of the United States to American citizen parents. The article contains some false conclusions of the author reading as if they were statements of fact. For example, he states, "This leads one to focus attention on the difference in legal meaning between the two terms—as they were understood by minds steeped in the English legal tradition in 1787—and the only difference which such scrutiny reveals is that, whereas all "natives" (except the children of foreign diplomats and invading armies) were "natural-born subjects," the converse of this proposition was not true. Some natural-born subjects were not "natives" and these were none other than the foreign-born children of native parentage." This converse proposition is a false conclusion of the author and not a correct statement of fact or law. No child born outside of the dominion of the King was ever a true "natural-born subject." They were naturalized subjects. It is true that by the naturalization acts under which they had become naturalized subjects had "deemed" them to be natural-born subjects (despite the fact that they were not so in fact), and the very fact that these were "deemed" to be natural-born by the naturalization act reveals that the true "natural-born" subjects were those born within the dominion of the King without the necessity of a naturalization law to "deem" them to be in law what they were not in fact.

This subject was considered by Weston W. Willoughby in his 3-volume treaties on "United States Constitutional Law." In Vol. 1, page 354 (par. 199), he stated:

"*Natural-born citizen not yet defined.* So far as the author knows, no fully satisfactory definition of the term "natural-born citizen" has yet been given by the Supreme Court. Thus, it is not certain whether a person born abroad of American citizens who have themselves resided in the United States is to be deemed a natural-born citizen or a citizen naturalized by the Act of Congress which provides that such persons shall be deemed to be citizens of the United States. To the author it would seem reasonable to hold that anyone who is able to claim United States citizenship without prior declaration upon his part of a desire to obtain such a status should be deemed a natural-born citizen. If this doctrine should be accepted, persons born abroad of parents themselves citizens would not be regarded as natural-born citizens, because, in fact, it is provided by Act of Congress of March 2, 1907 (34 Stat 1229) that such persons, in order to receive the protection of the United States are required, upon reaching the age of eighteen years to record at an American consulate their intention to become residents and remain citizens of the United States, and, moreover, are required to take the oath of allegiance to the United States upon attaining their majority. It is also to be observed that for many years there existed no statutory provision whatever for the citizenship of persons born abroad of American parents who had not become American citizens prior to the Act of 1802."

There were but two types of English citizenship—natural-born (native-born) and naturalized. The same is true of American citizenship. A citizen is either one or the other. Mr. Romney was born an alien and was naturalized automatically by Act of Congress. The U.S. Naturalization Law as it existed at the birth of Mr. Romney did not even purport to "deem" him to be a natural-born citizen as did the British. It merely declared him to be a citizen. He is, therefore, not a native-born citizen, but is a naturalized citizen. He is, therefore not a "natural-born citizen" according to the English common law, nor an American natural-born citizen under the Constitution of the United States. *Luria* v. *U.S.*, 311 US 9.

It has been suggested that the provision calling for the President to be "a natural-born citizen" is a "mere technicality". In the same sense, so are the requirements that the President shall be 35 years old and a resident for 14 years. One is just as valid and binding as the others, and all three were purposeful, deliberately and intentionally made. Thirty-five years of age was to insure maturity; 14 years of residence was to insure familiarity with the Government, its institutions and people, and native birth was to insure loyalty and freedom from foreign sympathy and ideologies. The members of the convention knew that some might be more mature at 34 than others at 35; and some might have a better knowledge of the Government, its institutions and people in 12 or 13 years than others at 14 years; and some might possess a higher degree of loyalty and greater freedom from foreign sympathy and ideologies by residence from childhood than others of native birth. Most people are known to have a soft spot in their hearts for the country of their birth, and birth in the United States saves this soft spot for the United States. I doubt that Sir Walter Scott would approve a paraphrasing of his famous question, "Breathes there a man with soul so dead who never to himself has said *that* is my own, my native land—Mexico!" In making rules, the line must be drawn somewhere that is reasonably calculated to accomplish the desired purpose. Individual fact cases, standing alone, can always make the wisdom of rules seem dubious. Reasonable rules are made for the general good, even though hardship may ensue in individual cases from their application. Their reason for these rules is just as valid now as when made.

To summarize; a natural-born citizen of the United States, as that term is used in the Constitution of the United States, means a citizen born within the territorial limits of the United States and subject to the laws of the United States at the time of such birth. This does not include children born within the territorial limits of the United States to alien parents who, although present with the consent of the United States, enjoy diplomatic immunity from the laws of the United States, and, as a consequence are not subject to the laws of the United States. Nor would this include children born within the territorial limits of the United States to alien enemy parents in time of War as a part of a hostile military force, and, as a consequence not present with the consent of the United States, and not subject to the laws of the United States. But, this *does* include children born to alien parents who are present within the territorial limits of the United States "in amity" i.e. with the consent of the United States, and subject to its laws at the time of birth. *U.S.* v. *Wong Kim Ark* 169 US 649, Luria v. U.S., 231 US 9, Minor v. Happersett 88 US 162.

I find no proper legal or historical basis on which to conclude that a person born outside of the Uinted States could ever be eligible to occupy the Office of the President of the United States. In other words, in my opinion, Mr. George Romney of Michigan is ineligible to become President of the United States because he was born in Mexico and is, therefore, not a *natural-born citizen* as required by the United States Constitution.

MEDICARE AND MEDICAID

The **SPEAKER** pro tempore. Under a previous order of the House, the Chair recognizes the gentleman from California [Mr. King] for 5 minutes.

Mr. **KING** of California. Mr. Speaker, the Medicare and Social Security Amendments of 1965 were a signal achievement of the Johnson administration. I am proud of the fact that I was the House sponsor of the King-Anderson bill which was the basis for the 1965 bill which the gentleman from Arkansas, Chairman Wilbur D. Mills, reported out of the Committee on Ways and Means. Both Chairman Mills and the ranking minority representative on the committee, the gentleman from Wisconsin, John W. Byrnes, contributed significantly to the constructive improvement of this great legislation.

On July 1, 1967, we commence the second year of operation of medicare and complete the first full year of its successful operation.

One of the men most responsible for guiding the legislation through the Congress and for successfully guiding its administrative implementation is the Under Secretary of Health, Education, and Welfare, Wilbur J. Cohen. He has written a succinct and understandable progress report on the Medicare and Medicaid programs which I think all Members will want to read.

Mr. Speaker, I include Mr. Cohen's report in the Record at this point following my remarks:

MEDICARE AND MEDICAID: A PROGRESS REPORT

(By Wilbur J. Cohen, Under Secretary of Health, Education, and Welfare)

The enactment of the 1965 Amendments to the Social Security Act ushered in a new era in medical care in the United States. Two major new health programs were established—Medicaid and Medicare. Medicaid, which became effective January 1, 1966, providing care for the medically needy of all ages and Medicare, effective July 1, 1966, the health insurance program for the 19 million aged Americans, have made "good health" a reality for many citizens. In the past year and a half, through the combination of these two programs, significant improvements are being made in health care and the impact of these two programs is being felt by the entire Nation.

MEDICARE

During the past 12 months, Medicare has demonstrated the capacity for providing comprehensive, high quality health care when and where it is needed.

Preparations—The 11 months of extensive preparation and planning that preceded July 1, 1966, has paid off in valuable dividends. The gigantic Medicare enterprise is working well, and as more experience is gained, it can be expected to work even better.

The effective operation of this monumental program required, at one moment of time, the creation of the most comprehensive and sensitive administrative machinery in the world. Before the first benefit check was issued, effective working relationships among Federal and State employees, providers of care, insurance companies, and intermediaries, and 19 million elderly people and their families had to be established. Policies, procedures and regulations had to be developed and issued. Forms, methods and systems were designed. Thousands of people were contacted and consulted in order to assure the cooperation of the groups upon whom the success or failure of the program rested—the elderly, the hospitals, the physicians, social security administration employees, Congressional groups, the AFL-CIO and other labor organizations, Senior Citizen groups and other social welfare organizations. The successful first year operation of the program has resulted from this careful preparation, the understanding, and the cooperative participation of all these diverse groups, institutions and individuals. The preparations that preceded the beginning of the Medicare program, were compared by President Johnson with the preparations that were made before the Normandy Invasion in World War II.

Accomplishments—Medicare is a fast growing stalwart in the delivery of medical services. Since July 1, about four million older Americans have entered hospitals for treatment under Medicare, and have had hospital expenses amounting to $2.4 billion paid by the program. In addition, $640 million have been paid for physicians' services for those of the 18 million elderly enrolled in voluntary medical insurance part of the program, who required these services. About 230,000 people have received home health services after their hospital stay and since January 1, another 200,000 people have received care in extended care facilities.

But the impact of the program is far greater than what can be implied from a mere recital of numbers. Many of the aged who have received care may not otherwise have received care before the program began. Many may have received the medical care, but as a ward patient and not as a private patient with the dignity and freedom of choice that goes with the ability to pay. Of far greater importance is the realization that for millions of aged, health care will not entail the kind of financial distress which frequently occurred in the past for this age group. Before Medicare only a little over half of the aged had health insurance and of those who did, probably only half of them had the degree of coverage that provided broad protection against hospital costs. Now all of the aged have the security of knowing that they are protected against burdensome health care costs if and when these costs arise.

Medicare, too, has been a most potent force in upgrading the level of health care available to all Americans. Quality standards for providers of services who wish to participate in the program have assured the development of improved care and services of hospitals, extended care facilities, home health agencies and independent laboratories. Some 6,800 hospitals containing 98.5 percent of the bed capacity of non-Federal general care hospitals in the United States now meet these high quality standards. For several hundred of these hospitals considerable upgrading of care was required to meet the standards for participation. The participation of over 4,000 extended care facilities and about 1,800 home health agencies is also conditioned on their capability of providing quality care in terms of physical facilities, personnel and patient care.

In addition, the requirement of conformity with Title VI of the Civil Rights Act has meant that in many communities minority group members for the first time have equal access to high quality care.

One of the most significant accomplishments of Medicare is that it has stimulated the development of, and made available more economical and efficient alternatives to hospital care—hospital outpatient services, post-hospital extended care and home health care, and physicians' services in the hospital, office or home. This wide range of alternatives makes it possible for the doctor, patient or family to make a realistic choice of the place which best meets the patient's needs.

Medicare represents the most comprehensive health insurance package ever made widely available to a major segment of the population. Its benefits are making available a wider spectrum of health services than is characteristic of the insurance coverage held by most Americans of any age.

The comprehensiveness of Medicare coverage sets a standard against which all age groups will measure the comprehensiveness of their health insurance coverage. And the program is stimulating improved health insurance coverage for the entire population.

Medicare was hotly opposed and debated before its enactment but, after many years of this protracted and intense controversy and debate. Medicare has become an operating reality. Some people have attributed Medicare with sparking a "Revolution in Medicine." It certainly has opened up new avenues of discussion and exploration, clearing away some of the ideological controversies which for years impeded intelligent thought, and replacing conflict with cooperation.

The medical profession has provided invaluable leadership throughout the period of intensive activity that preceded the start of Medicare and the even more action-packed period that has followed. Medical leaders have given their greatly needed support to the new medical program and are taking an active part in making it operate smoothly, effectively, and fully responsive to the health needs of the American people.

Of course there have been some administrative problems, but that is only to be expected in an enterprise involving so many millions of people and thousands of organizations. But it has only been through the understanding, cooperation, and diligence of these many individuals, groups and organizations that the program is succeeding so well. There were many unprecedented administrative and procedural problems that had to be solved. But most of these problems have been solved successfully. As Medicare goes into its second year it will proceed on a sound administrative basis. A few difficulties in administration still persist and strenuous efforts are being made by all involved to iron out these problems. Simplification of existing procedures is provided in H.R. 5710 introduced by the Chairman of the Committee on Ways and Means, Wilbur D. Mills.

Medicare is a truly remarkable example of what can be done when groups work together cooperatively to assure the delivery of high quality medical care.

MEDICAID

The related Medicaid (Title XIX) program has also expanded the opportunities for breaking down the financial barriers to adequate medical care. While Medicare provides health insurance to aged Americans, Medicaid is designed primarily to finance the health care of the needy under age 65. The program represents a commitment to the young as well as to the aged. It expands the Kerr-Mills Medical Assistance program and extends it to other needy groups. It provides new health services for children of impoverished families. One of the significant developments under Medicaid has been that 14 States have extended their program to children under age 21 who are medically needy. The program sets up standards of health care which means better health for all patients. Thus, this program also is a powerful force for raising the quality of medical care throughout the Nation.

The Medicaid law authorizes States to establish a single program under which medical assistance can be provided to the aged who are indigent, to needy individuals under programs for aid to children, the blind, to the permanently and totally disabled, and to persons who would qualify under these programs if in sufficient financial need.

Twenty-eight jurisdictions have Medicaid programs approved by the Department of Health, Education, and Welfare and in operation. These are: California, Connecticut, Delaware, Hawaii, Idaho, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, Utah, Vermont, Virgin Isands, Washington, West Virginia, and Wisconsin.

We are hopeful that about 40 jurisdictions will have programs operating or ready to go forward by the end of this calendar year.

In March 1967, total monthy payments for Medicaid amounted to about $183.7 million; over 1.3 million people benefited from the program in 16 States. (About $5 million a month was also spent for close to 50,000 aged persons under the Kerr-Mills program of 1960.) Today, more than half of all Americans live in States that have Medicaid programs.

Of importance in this legislation is the provision which stipulates that after 1969, Federal Matching Grants to States for various categorical medical assistance may be paid only under a single coordinated Title XIX Medicaid program.

Although the Federal law requires each State to provide certain specified services in order to obtain Federal funds, the States do have leeway to go beyond these minimum requirements. The State plans, therefore, have varied—both in the range of services to be provided and in the maximum income levels established for financial eligibility.

However, by July 1st of this year, in order to receive Federal funds, all States must provide five basic services: inpatient hospital services. outpatient hospital services, physicians' services, skilled nursing home services for persons over 21 and x-ray and other laboratory services.

The law requires that each State program must provide these services, first, to all public assistance recipients. In addition to these beneficiaries, the States may designate other low-income families or individuals who may need help in paying for medical and allied care. Therefore, different States set different income levels as their ceilings for eligibility—for instance, in Utah the maximum for an individual is $1,200 a year and for a family of four it is $2,640; in Illinois, the individual income is set at $1,800 and the family of four ceiling is $3,600; Pennsylvania has $2,000 for the individual, $4,000 for the family; Massachusetts, $2,160 and $4,176; California, $2,000 and $3,800. And in the much discussed New York program, the eligibility limit for individuals is $2,900 and for a family of four, $6,000 if there is a breadwinner, $850 less if there is no employed person.

With only a very few exceptions, the States have moved conservatively in their income eligibility toward a Medical Assistance program which would meet the needs of the people least able to pay for medical care. The majority of State programs now include, in addition to public assistance recipients, other categories of needy people, especially children, and several State plans are offering a variety of services beyond those required by the law.

There has been a steady increase in the number of people receiving benefits from Medicaid. It is not entirely clear, however, how many of these people are new patients who have not been receiving medical assistance before and how many were formerly covered by public assistance programs or by programs from other resources such as voluntary organizational funds, private organizational funds, fraternal or industrial organizational funds, or spread among "paying patients" receiving care and services from the available and existing resources (charity wards, free clinics, etc.). No doubt many of these people in the past received charity care from physicians. In bringing medical care to a large segment of the population who previously could not afford it, Medicaid should mean an end to charity services. With payment made for all patients, high quality care should be available also to all patients.

COMMUNITY PLANNING

One of the most important aspects of the Medicare and Medicaid programs has been to highlight the need for areawide community planning of all its health and medical care facilities and manpower. Communities must plan for an adequate number of facilities with a full range of needed services. They must also design the facilities so that they are flexible enough to get the most utilization from them as needs change. A comprehensive pattern of services should be integrated into the facilities. Cooperative arrangements can be developed to assure that community resources are used to promote quality care with the most efficiency and economy. In addition to planning the most efficient use of facilities and services, health manpower resources must also be used more economically and imaginatively. Although the health manpower shortages will probably not be remedied immediately, there are many steps that can be taken to make better use of the resources that are now available.

SUMMARY

Both Medicare and Medicaid are stimulating major changes in the financing and delivery of health care. The financial support flowing from both of these programs will help to fill the gaps that have long prevented the health community from achieving the quality of care in health services for many people, which modern science and modern skills have made possible.

Both of these new programs have been essential to the Nation's all-out attack on poverty. Ill health has long been recognized as one of the most important roots of individual poverty. Poverty can often be translated into poor health. The interrelationship of poverty, disease, ill health, poor education, inaccessibility of health services and financial barriers to adequate medical care has become more and more apparent. These two programs have probably done more to break down these barriers to care than any other steps that have been taken. They are removing the financial barriers to health care and at the same time improving the quality and availability of health care for all citizens regardless of age, sex, race, or any other factor except medical need.

The accomplishments that have been made in the past few years in the field of medicine have been tremendous. But the future will be even more exciting. We have entered one of the brightest chapters in human history. In the years to come, the organization and delivery of medical services will be changed dramatically. The miracles of modern medicine will be available to all through private and public insurance arrangements, irrespective of any factor unrelated to medical necessity.

The impact of Medicare and Medicaid, as well as other new health programs, will be felt by the entire Nation. And, it is meant to be, if we are to attain the goal enunciated by President Johnson: "Good health for every citizen to the limits of our country's capacity to provide it."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Halpern (at the request of Mr. Dellenback), for 15 minutes, June 15; and to revise and extend his remarks and to include extraneous matter.

Mr. Steed (at the request of Mr. Edmondson), for 60 minutes, on Tuesday, June 20.

Mr. Edwards of Alabama (at the request of Mr. Dellenback), for 15 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. King of California (at the request of Mr. Vigorito), for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. Lukens.

Mr. Brock to include with his remarks the text of a substitute amendment which he intends to offer on this legislation.

(The following Members (at the request of Mr. Dellenback) and to include extraneous matter:)

Mr. Hutchinson.

Mr. Bob Wilson.

Mr. Gude.

(The following Members (at the request of Mr. Vigorito) and to include extraneous matter:)

Mr. Joelson.

Mr. Murphy of Illinois.

Mrs. Kelly.

Mr. Philbin.

Mr. Brasco.

Mr. Rooney of New York.

Mr. Kee.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 118. An act for the relief of Dr. Amparo Castro; to the Committee on the Judiciary.

S. 155. An act for the relief of Arthur Jerome Olinger, a minor by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually; to the Committee on the Judiciary.

S. 163. An act for the relief of CWO Charles M. Bickart, U.S. Marine Corps (retired); to the Committee on the Judiciary.

S. 445. An act for the relief of Rosemarie Gauch Neth; to the Committee on the Judiciary.

S. 454. An act for the relief of Richard K. Jones; to the Committee on the Judiciary.

S. 463. An act for the relief of Eladio Ruiz DeMolina; to the Committee on the Judiciary.

S. 676. An act to amend chapter 73, title 18, United States Code, to prohibit the obstruction of criminal investigations of the United States; to the Committee on the Judiciary.

S. 677. An act to permit the compelling of testimony with respect to certain crimes, and the granting of immunity in connection therewith; to the Committee on the Judiciary.

S. 733. An act for the relief of Sabiene Elizabeth DeVore; to the Committee on the Judiciary.

S. 747. An act for the relief of Dr. Earl C. Chamberlayne; to the Committee on the Judiciary.

S. 762. An act to amend the District of Columbia Traffic Act, 1925, as amended; to the Committee on the District of Columbia.

S. 763. An act to amend the act approved August 17, 1937, so as to facilitate the addition to the District of Columbia registration of a motor vehicle or trailer of the name of the spouse of the owner of any such motor vehicle or trailer; to the Committee on the District of Columbia.

S. 764. An act to amend section 6 of the District of Columbia Traffic Act, 1925, as amended, and to amend section 6 of the act approved July 2, 1940, as amended, to eliminate requirements that applications for motor vehicle title certificates and certain lien information related thereto be submitted under oath; to the Committee on the District of Columbia.

S. 808. An act for the relief of Dr. Menello Segundo Diaz Pardon; to the Committee on the Judiciary.

S. 863. An act for the relief of Dr. Cesar Abad Lugones; to the Committee on the Judiciary.

S. 1108. An act for the relief of Dr. Felix C. Caballol and wife, Lucia J. Caballol; to the Committee on the Judiciary.

S. 1109. An act for the relief of Dr. Ramon E. Oyarzun; to the Committee on the Judiciary.

S. 1110. An act for the relief of Dr. Manuel Alpendre Seisdedos; to the Committee on the Judiciary.

S. 1197. An act for the relief of Dr. Lucio Arsenio Travieso y Perez; to the Committee on the Judiciary.

S. 1226. An act to transfer from the U.S. District Court for the District of Columbia to the District of Columbia court of general sessions the authority to waive certain provisions relating to the issuance of a marriage license in the District of Columbia; to the Committee on the District of Columbia.

S. 1227. An act to provide that a judgment or decree of the U.S. District Court for the District of Columbia shall not constitute a lien until filed and recorded in the office of the Recorder of Deeds of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 1258. An act for the relief of Ramon G. Irigoyen; to the Committee on the Judiciary.

S. 1259. An act for the relief of Wouter Keesing; to the Committee on the Judiciary.

S. 1269. An act for the relief of Dr. Gonzalo G. Rodriguez; to the Committee on the Judiciary.

S. 1270. An act for the relief of Alfredo Borges Caignet; to the Committee on the Judiciary.

S. 1278. An act for the relief of Dr. Floriberto S. Puente; to the Committee on the Judiciary.

S. 1280. An act for the relief of Dr. Alfredo Pereira; to the Committee on the Judiciary.

S. 1448. An act for the relief of Roy A. Parker; to the Committee on the Judiciary.

S. 1465. An act to provide for holding terms of the District Court of the United States for the eastern division of the northern district of Mississippi in Ackerman, Miss.; to the Committee on the Judiciary.

S. 1781. An act for the relief of Kyong Hwan Chang; to the Committee on the Judiciary.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 6133. An act to authorize appropriations for the saline water conversion program, to expand the program, and for other purposes;

H.R. 6431. An act to amend the public health laws relating to mental health to extend, expand, and improve them, and for other purposes; and

H.R. 9029. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1968, and for other purposes.

ADJOURNMENT

Mr. VIGORITO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, June 15, 1967, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

832. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to further amend the Agricultural Marketing Act of 1946; to the Committee on Agriculture.

833. A letter from the Secretary of the Treasury, transmitting a report of audit of the Exchange Stabilization Fund for the fiscal year ended June 30, 1966, pursuant to the provisions of section 10 of the Gold Reserve Act of 1934, as amended; to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASHMORE: Committee on House Administration. S. 853. An act to extend the life of the Commission on Political Activity of Government Personnel (Rept. No. 364). Referred to the Committee of the Whole House on the State of the Union.

Mr. ASHMORE: Committee on House Administration. House Resolution 541. Resolution dismissing the election contest in the Fifth Congressional District of the State of Georgia and denying the petition of contestant (Rept. No. 365). Referred to the House Calendar.

Mr. ASHMORE: Committee on House Administration. House Resolution 542. Resolution dismissing the election contest of the Fourth Congressional District of the State of Georgia (Rept. No. 366). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER (for himself, Mr. Rodino, Mr. Rogers of Colorado, Mr. Donohue, Mr. Brooks, Mr. Kastenmeier, Mr. Corman, Mr. McCulloch, Mr. Mathias of Maryland, Mr. MacGregor, Mr. McClory, Mr. Railsback, and Mr. Biester):

H.R. 10805. A bill to extend the life of the Civil Rights Commission; to the Committee on the Judiciary.

By Mr. ANDREWS of North Dakota:

H.R. 10806. A bill to provide for a more conservative capitalization of the Saint Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. ASHBROOK:

H.R. 10807. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbances, and for other purposes; to the Committee on the Judiciary.

H.R. 10808. A bill to amend the Internal Security Act of 1950; to the Committee on Un-American Activities.

By Mr. BRADEMAS (for himself, Mr. O'Hara of Michigan, Mr. William D. Ford, Mr. Hathaway, and Mr. Scheuer.

H.R. 10809. A bill to amend the Older Americans Act of 1965 so as to extend its provisions; to the Committee on Education and Labor.

By Mr. BURTON of California:

H.R. 10810. A bill authorizing the Secretary of the Army to establish a national cemetery at Camp Parks, Calif., for northern California; to the Committee on Interior and Insular Affairs.

By Mr. CLANCY:

H.R. 10811. A bill to provide that American foreign aid shall be suspended with respect to any country which has severed diplomatic relations with the United States on or after January 1, 1967, and for other purposes; to the Committee on Foreign Affairs.

By Mr. COLLIER:

H.R. 10812. A bill to provide that American foreign aid shall be suspended with respect to any country which has severed diplomatic relations with the United States on or after January 1, 1967, and for other purposes; to the Committee on Foreign Affairs.

H.R. 10813. A bill to amend section 3731 of title 18, United States Code, to permit an appeal by the United States in certain instances from an order made before trial granting a motion for return of seized property and to suppress evidence; to the Committee on the Judiciary.

H.R. 10814. A bill to amend title 18, United States Code, to authorize the issuance of a search warrant to search for and seize any property that may constitute evidence of the offense in connection with which the warrant is issued, and for other purposes; to the Committee on the Judiciary.

By Mr. DEVINE:

H.R. 10815. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. EILBERG:

H.R. 10816. A bill to amend the Federal Power Act to facilitate the provision of reliable, abundant and economical electric power supply, by strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the proper conservation of scenic and other natural resources; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRISON:

H.R. 10817. A bill to provide for the issuance of a special postage stamp in commemoration of the work of Esther Hobart Morris for her role in women's suffrage in Wyoming; to the Committee on Post Office and Civil Service.

By Mr. HÉBERT:

H.R. 10818. A bill to amend section 4(c) of the Voting Rights Act of 1965 with respect to the definition of the phrase "test or device"; to the Committee on the Judiciary.

By Mr. HÉBERT (for himself, Mr. Waggonner, Mr. Passman, and Mr. Edwards of Louisiana):

H.R. 10819. A bill to amend and clarify section 4(a) of the Voting Rights Act of 1965; to the Committee on the Judiciary.

H.R. 10820. A bill to amend and clarify section 4(b) of the Voting Rights Act of 1965 with respect to review of certain determinations and certifications thereunder, and for other purposes; to the Committee on the Judiciary.

By Mr. KORNEGAY:

H.R. 10821. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. O'HARA of Michigan:

H.R. 10822. A bill to amend sections 2(2) and 14(c)(2) of the National Labor Relations Act, as amended; to the Committee on Education and Labor.

H.R. 10823. A bill to require that vessels comply with standards of waste disposal prescribed by the Secretary of Transportation; to the Committee on Merchant Marine and Fisheries.

By Mr. PETTIS:

H.R. 10824. A bill to provide that American foreign aid shall be suspended with respect to any country which has severed diplomatic relations with the United States on or after January 1, 1967, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SKUBITZ:

H.R. 10825. A bill to promote the general welfare, foreign policy and national security of the United States; to the Committee on Ways and Means.

By Mr. STANTON:

H.R. 10826. A bill to expand the definition of deductible moving expenses incurred by an employee; to the Committee on Ways and Means.

By Mr. WATSON:

H.R. 10827. A bill to revise the quota-control system on the importation of certain meat and meat products; to the Committee on Ways and Means.

H.R. 10828. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. CAREY:

H.R. 10829. A bill to establish a National Center for Deaf-Blind Youths and Adults; to the Committee on Education and Labor.

By Mr. EDMONDSON:

H.R. 10830. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. FRIEDEL (by request):

H.R. 10831. A bill to amend section 409 of part IV of the Interstate Commerce Act, as amended, to authorize contracts between freight forwarders and railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. GONZALEZ:

H.R. 10832. A bill to improve the Food Stamp Act of 1964; to the Committee on Agriculture.

By Mr. KLEPPE:

H.R. 10833. A bill to officially designate the Totten Trail pumping station; to the Committee on Public Works.

By Mr. WOLFF:

H.R. 10834. A bill to extend to volunteer fire companies the rates of postage on second-class and third-class bulk mailings applicable to certain nonprofit organizations; to the Committee on Post Office and Civil Service.

By Mr. ASPINALL:

H.R. 10835. A bill to establish the National Park Foundation; to the Committee on Interior and Insular Affairs.

H.R. 10836. A bill to amend the Internal Revenue Code of 1954 with respect to returns and deposits of the excise taxes on gasoline and lubricating oil; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts:

H.R. 10837. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on irradiated fresh, chilled, or frozen fish; to the Committee on Ways and Means.

H.R. 10838. A bill to amend the Tariff Schedules of the United States to provide that certain fish glue may be imported free of duty; to the Committee on Ways and Means.

By Mr. CAREY:

H.R. 10839. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CLANCY:

H.R. 10840. A bill to amend title 18 of the

United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. HUNGATE:

H.R. 10841. A bill to abolish the office of U.S. commissioner, to establish in place thereof within the judicial branch of the Government the office of U.S. magistrate, and for other purposes; to the Committee on the Judiciary.

H.R. 10842. A bill to amend section 784(g) of title 38 of the United States Code so as to provide for the payment of interest on payments of national service life insurance and U.S. Government life insurance made pursuant to judicial judgment or decree; to the Committee on Veterans' Affairs.

By Mrs. KELLY:

H.R. 10843. A bill to reclassify certain key positions and increase salaries in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ADAMS:

H.J. Res. 627. Joint resolution to authorize the President to issue annually a proclamation designating the 7-day period beginning October 2 and ending October 8 of each year as Spring Garden Planting Week; to the Committee on the Judiciary.

By Mr. ASHBROOK:

H.J. Res. 628. Joint resolution to provide for the resumption of trade with Rhodesia; to the Committee on Foreign Affairs.

By Mr. EILBERG:

H.J. Res. 629. Joint resolution to authorize the President to proclaim the Volunteer Ambulance Corps and Fire Company Week; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.J. Res. 630. Joint resolution to provide for the issuance of a special postage stamp to commemorate the memory of Ernie Pyle; to the Committee on Post Office and Civil Service.

By Mr. MATSUNAGA:

H.J. Res. 631. Joint resolution creating a Joint Committee To Investigate Crime to the Committee on Rules.

By Mr. ANNUNZIO:

H. Con. Res. 372. Concurrent resolution expressing the sense of the Congress with respect to the incorporation of Latvia, Lithuania, and Estonia into the Union of Soviet Socialist Republics; to the Committee on Foreign Affairs.

By Mr. CRAMER (for himself, Mr. Gerald R. Ford, Mr. Goodell, Mr. Poff, Mr. Arends, Mr. Rhodes of Arizona, Mr. Laird, Mr. Smith of California, Mr. Anderson of Illinois, Mr. Quillen, Mr. Latta, Mr. Martin, Mr. Kee, Mr. Thomson of Wisconsin, Mr. King of California, Mr. McClory, Mr. Derwinski, Mr. Skubitz, Mr. Don H. Clausen, Mr. Schneebeli, Mr. Wampler, Mr. Dickinson, Mr. Edwards of Alabama, Mr. Gardner and Mr. Buchanan):

H. Res. 517. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. CONABLE and Mr. BETTS:

H. Res. 518. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. BATTIN:

H. Res. 519. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. BROCK:

H. Res. 520. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. BURKE of Florida:

H. Res. 521. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. CARTER:

H. Res. 522. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. COWGER:

H. Res. 523. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. DENNEY:

H. Res. 524. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. DOLE:

H. Res. 525. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. DUNCAN:

H. Res. 526. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. FOUNTAIN:

H. Res. 527. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. GROVER:

H. Res. 528. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. HUNT:

H. Res. 529. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. KUYKENDALL:

H. Res. 530. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. McCLURE:

H. Res. 531. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. MILLER of Ohio:

H. Res. 532. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. MINSHALL:

H. Res. 533. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. NELSEN:

H. Res. 534. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. RAILSBACK:

H. Res. 535. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. SHRIVER:

H. Res. 536. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. WATSON:

H. Res. 537. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. WINN:

H. Res. 538. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. GROSS:

H. Res. 539. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. PHILBIN:

H. Res. 540. Resolution extending greetings and felicitations of the House of Representatives to the people of Ashby, Mass., on the occasion of the 200th anniversary of their community; to the Committee on the Judiciary.

By Mr. MICHEL, Mr. LIPSCOMB, Mr. JONAS, Mr. DAVIS of Wisconsin, Mr. CEDERBERG, Mr. MORTON, and Mr. WYATT:

H. Res. 543. Resolution providing for the consideration of H.R. 421; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

238. The SPEAKER presented a memorial of the Legislature of the Commonwealth of Massachusetts, relative to education television; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 10844. A bill for the relief of Kenneth Ragunan; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 10845. A bill for the relief of Francisco K. Melich (also known as Franz Kuntner Melich) and his wife, Maria Melich (also known as Maria Toth De Melich); to the Committee on the Judiciary.

By Mr. CASEY:

H.R. 10846. A bill for the relief of Dr. Anil K. Sinha, Mrs. Purnia Sinha, and Madhulika Sinha; to the Committee on the Judiciary.

By Mr. DIGGS:

H.R. 10847. A bill for the relief of Miss Felisa M. Timog; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 10848. A bill for the relief of Natalina Recina; to the Committee on the Judiciary.

H.R. 10849. A bill for the relief of Gennaro Cacciuottolo; to the Committee on the Judiciary.

By Mr. HUNGATE:

H.R. 10850. A bill for the relief of Howard J. Benard; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 10851. A bill for the relief of the New Bedford Storage Warehouse Co.; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 10852. A bill for the relief of Ilidio Da Piedade Gomes; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 10853. A bill for the relief of Dr. Emil Bruno; to the Committee on the Judiciary.

By Mr. POLANCO-ABREU:

H.R. 10854. A bill for the relief of Dr. Jorge Ricardo Davalos-Reyling; to the Committee on the Judiciary.

H.R. 10855. A bill for the relief of Dr. Juan A. Larios-Simeon; to the Committee on the Judiciary.

H.R. 10856. A bill for the relief of Dr. Georgina Garcia de Muns; to the Committee on the Judiciary.

H.R. 10857. A bill for the relief of Dr. Jose Ramon Fernandez-Gonzalez; to the Committee on the Judiciary.

H.R. 10858. A bill for the relief of Jose M. Portela-Rodriguez; to the Committee on the Judiciary.

H.R. 10859. A bill for the relief of Dr. Reynaldo A. Geerken-Saladrigas; to the Committee on the Judiciary.

H.R. 10860. A bill for the relief of Dr. Reynaldo G. Geerken-Campos; to the Committee on the Judiciary.

H.R. 10861. A bill for the relief of Dr. Rolando Guzman-Rodriguez; to the Committee on the Judiciary.

H.R. 10862. A bill for the relief of Dr. Esther Martha Espinosa Baez de Guzman; to the Committee on the Judiciary.

H.R. 10863. A bill for the relief of Dr. Oscar F. Cartaya; to the Committee on the Judiciary.

By Mr. PRYOR:

H.R. 10864. A bill to authorize the Secretary of Agriculture to convey certain lands in Saline County, Ark., to the Dierks Forests, Inc.; to the Committee on Agriculture.

By Mr. ROSTENKOWSKI:

H.R. 10865. A bill for the relief of Jose Armando Silvestre; to the Committee on the Judiciary.

By Mr. TAFT:

H.R. 10866. A bill for the relief of Dr. Subhash Shah; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

104. The SPEAKER presented a petition of Dr. David Calderwood, Oceanside, Calif., and others, relative to prayer in public schools; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

National Coal Week

EXTENSION OF REMARKS

OF

HON. JAMES KEE

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1967

Mr. KEE. Mr. Speaker, under leave to extend my remarks in the RECORD, I include last week's public service television and radio newscast, "The Kee Report." The subject discussed is National Coal Week, honoring the 50th anniversary of the National Coal Association.

NATIONAL COAL WEEK

This is Jim Kee—bringing you the Kee Report. President Lyndon B. Johnson has called upon the American people to observe the week beginning June 18, as National Coal Week to honor the 50th anniversary of the National Coal Association.

The Chief Executive took this action in response to a concurrent resolution passed unanimously by both Houses of Congress. The sponsors of National Coal Week had two purposes in mind—to recall what the industry has contributed to the national welfare in times past and to point up the vital role which the coal industry still plays in the nation's industrial life.

Half a century ago, this country faced a crisis of alarming proportions. The United States had just entered World War I and it was apparent that only American manpower and resources could bring victory to the Allied cause. At that time, American industry was almost wholly dependent upon the coal industry for its fuel needs. Unless there was a rapid expansion in coal production, this nation's industrial plant would be unable to produce the mountain of supplies needed to bring victory to the armed forces of the Allies.

President Woodrow Wilson intervened personally to meet this crisis. Through his Secretary of War, he asked the coal industry to mobilize to meet the energy demands of a nation at war. The response to this request was the formation of the National Coal Association just 50 years ago this month. The industry was mobilized so well by this Association that the coal industry set amazing production records. As a result it was said that World War I was won on the home front in America.

This wartime achievement was a proud moment in the history of the coal industry. It has been well said that America grew great on the coal of Appalachia. For nearly a century, this fuel supplied the energy for the nation's mills and factories and supplied the warmth for the nation's homes and schools.

Like all industries, coal was hard hit by the great depression. During World War II it surpassed even the great production record of two decades earlier. But after hostilities ceased, the competition of new fuels cut deeply into the markets for coal.

But now we are in the 1960's. The National Coal Association is still in existence and under its leadership, the coal industry is making a vigorous comeback. This is important to West Virginia—and especially to the Fifth District—which is the largest coal producing Congressional District in the United States.

The coal industry is expanding its export markets. The conversion of coal into steam energy is constantly being made more efficient. Experiments on a large scale are being carried on to test the conversion of coal into oil and gasoline. The use of coal in making plastics is under study. In short, the coal industry today is one of the most technically advanced in the United States.

The energy needs of the United States are constantly expanding. An alert coal industry can capture a fair share of the market. I am happy to report that the outlook for coal is improving.

Thank you for listening.

Our Flag Is Honored by the First Maryland Regiment

EXTENSION OF REMARKS

OF

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1967

Mr. GUDE. Mr. Speaker, last week in recognition of Flag Week, I had the pleasure of honoring in a Capitol ceremony the First Maryland Regiment Fife and Drum Corps. This historic unit today honors the First Maryland Battalion, which was originally mustered into service in late 1775, when it fought valiantly in the first major engagements of the Revolutionary War. The Marylanders so impressed General Washington with their spirited bayonet attack at the Battle of Long Island that he ordered them to keep their bayonets fixed at all times, thus earning the title, "The Bayonets of the Revolution."

The unit became the First Maryland Regiment with the reorganization of the Army in late 1776. After distinguished service in the northern campaigns from 1777 to 1779, they were detached to form the nucleus of the Army of the Southern Colonies. This task was given to the Marylanders because of the high esteem in which they were held by General Washington. They formed the backbone of the Southern Army in all campaigns until the independence of our country was assured. Washington's trust had been well placed.

The modern First Maryland Regiment was organized in 1964 with the express desire to authentically portray and perpetuate the memory of the common soldier of the original regiment. Many hours of painstaking research went into the achievement of this aim. Each item worn by the members of the unit has been carefully reproduced from originals in various museums and private collections.

The regimental fife and drum corps performs 18th century rudimental martial music. All selections have been thoroughly documented. All drill and ceremony is taken exactly from the American manual of General Von Steuben, first published in 1779.

At the present time, the unit is able to portray the First Maryland Regiment in its two distinct uniforms; the hunting shirt uniform of the period 1776–78, and the regimental uniform of the period 1779–83.

Sovereign Order of Cyprus Honors Prof. Oswald LeWinter

EXTENSION OF REMARKS

OF

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1967

Mr. BRASCO. Mr. Speaker, under leave to extend my remarks, I insert the highlights of the ceremony at which a high distinction was conferred upon one of our foremost educators in the United States, Prof. Oswald LeWinter, author of the widely praised book, "Shakespeare in Europe," and other numerous distinguished works of criticism and scholarship. Professor LeWinter, I am terribly proud to add, is both an adviser and a friend. Mr. Speaker, the honor to which I am referring was the elevation of Professor LeWinter to the rank of Knight Commander of the Ordre Souverain de Chypre.

The ceremony during which Professor LeWinter was decorated with the historic cross of this venerable and preeminent order took place on May 25, 1967, in the chapel of the Order of the Holy Cross of Jerusalem in New York City, in the presence of a number of distinguished prelates and public officials. It was the most recent official act of the American branch of this order, since 1964 under a New York State charter in which its purpose is stated as follows:

> To strive for the maintenance of Christian ideals and Western humanism, the liberty and dignity of Man and to oppose all forms of oppression.

The Sovereign Order of Cyprus, one of the four oldest orders of chivalry, was founded in the year 1192, by Guy de Lusignan, King of Cyprus and Jerusalem, and confirmed by Pope Innocent III in the year 1200, who imposed upon it the dual mission of spreading the Christian faith and acting as a bulwark of Christendom in the eastern Mediterranean. The order was created on the model of the Hospitaller and military orders such as those of the Temple, and of St. John, installed in the Holy Land. Three hundred men of noble birth were inducted as knights in the new order and allowed to wear the red, eight-pointed cross of the order at the throat. They were obliged to defend the island route to the Holy Land and to prevent attack and infiltration by the infidels. The order also consisted of men-at-arms, chaplains, and serving brothers who, with the knights, were organized in commanderies. The distinguishing mark of the knights was a blue mantle with the red cross of the order upon it. The order attracted to its ranks some of the most vigorous nobles of Christendom, and these knights were to take an active interest in the affairs of the Holy Roman Empire and of the Byzantine Empire in addition to their defense of the pilgrims and their charitable works.

Under a succession of able grand masters, for more than three centuries, the deeds and influence of the Sovereign Order of Cyprus were enormous and its members played an important role as a stabilizing force in the political life of the Levant. After the annexation of Cyprus by Venice, the order entered a period of decline and its members dispersed throughout the Balkan States and Western Europe. More recently the order was reactivated by the descendants of some of its most illustrious knights with the blessings of the Holy See and dedicated to the unique values of Christian civilization and the spirit of ecumenism. Its reorganizers, like their famous ancestors, felt obliged, in the face of the many dangers which beset our culture and our institutions, to reestablish this venerable and tradition-laden order of chivalry, springing from one of the most respected shrines of Western thought, affirming in this way, the continuity of Christian effort against terror and injustice.

The Sovereign Order of Cyprus, today a modern organization, based on ancient principles and traditions, is dedicated to the building of schools, hospitals, churches and other charitable, spiritual, and educational institutions. It honors writers, artists, men of science, culture, education, and medicine; leaders of the free world from every walk of life, regardless of race, color, creed, or national origin. However, in its nearly 800-year history only 900 men have received this coveted knighthood and cross. For the propagation and spread of its principles, the order has created an Institute for the Study of Moral Philosophy and Social Sciences—Académie des Etudes Supérieures—which it subsidizes.

Mr. Speaker, it gives me particular pleasure to inform this House that it was in recognition of the dynamic spirit of American patriotism, and the modern day crusade in which we Americans seek to bring freedom from oppression to the peoples of the world, that Michel Paul Pierre Count de Valitch, grand chancellor of the Sovereign Order of Cyprus, heir to the rich traditions of this ancient order, authorized the establishment of an American commandery of the order more than 3 years ago. Count de Valitch personally attended to its inauguration and has, since then, personally overseen its affairs.

At this point, I would like to enter in the RECORD the names of some of the outstanding members of this order both in the United States and abroad:

His Royal Highness Prince Louis de Bourbon.

His Imperial and Royal Highness Prince de Ligny Luxembourg.

His Excellency Paul P. Barrenechea, Minister for Foreign Affairs, Republic of Peru.

His Excellency Stephan Brunet, Secretary General, Union of War Veterans, France.

Mr. Francis Bellon, distinguished industrialist, Paris, France.

Archbishop Charles Brearley, Sheffield, England.

His Excellency Baron Francesco Caponera, Diplomat, Rome, Italy.

Dr. Charles P. Covino, Space Research Pioneer, New Jersey.

Archbishop Louis Canivet, Paris, France.

General James H. Doolittle, United States Army, Retired.

Right Reverend Monsignor Aloysius C. Dineen, New York City.

Honorable Joseph Eden, Diplomat, London and Paris.

Mr. Henry Evans, Author and Professor of International Relations, New Jersey.

Monsignor Patrick B. Fay, New York City.

Honorable Ludovic Huybrechts, Conseilleur de Commerce, Antwerp, Belgium.

Honorable Jean-Louis Jammet, LL.D. Professor of Law, Paris, France.

Dr. Serge Korff, Professor of Nuclear Physics at New York University and President of the Explorers Club of New York.

Dr. Hugh R. Kailan, Professor of Education, London, England.

Honorable Edward Thompson, Justice of the Supreme Court of the State of New York.

Dr. Pasquale Zaccara of New York City.

Mr. Monty Winslow, President of Transojet Tours of New York.

Mr. Lowell Thomas, Author, New York.

Honorable Enrique De Los Heros, former ambassador of the Republic of Peru in Spain.

Rear Admiral Gordon McLintock, Commandant, United States Merchant Marine Academy, Kings Point, New York.

Mr. Georges Levai, distinguished authority on Art, Paris, France.

Mr. Nicolas Alexandre Manic, industrialist and patron of the arts, Paris, France.

Colonel Le Baron R. Matyn de Lionel, Grand Chancellor of the renowned Royal Order of St. Georges de Burgogne of Belgium, Brussels, Belgium.

Rear Admiral Alfonso Navarro Romero, Republic of Peru.

Count Stephen Potocki, diplomat, Paris, France.

His Highness Prince L. Radziwill, Rome and London.

Reverend Frederick P. Erkhardt, D.D., New York City.

These distinguished contemporaries typify the caliber of men holding this high honor. And I wish to congratulate my esteemed friend Prof. Oswald LeWinter, at having been selected to join their company. I wish also to congratulate Count de Valitch and the members of the Sovereign Order of Cyprus and to wish them continued success in their efforts toward bringing about a better and more peaceful world.

Baltic States Freedom Day

EXTENSION OF REMARKS

OF

HON. WILLIAM T. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1967

Mr. MURPHY of Illinois. Mr. Speaker, in June 1940, in blatant disregard of all its previous pledges, the Soviet Union invaded and occupied by force of arms the three independent nations of Latvia, Estonia, and Lithuania. Even though the Soviet Government had renounced all sovereignty to the Baltic Republics and, in 1920, had signed treaties with each of the three states explicitly recognizing their independence from Soviet control "forever," Russian troops forcefully "incorporated" these free and sovereign nations into the Soviet Union.

But this was just the first act of the tragedy. On June 14, 1941, a wave of terror began which had no parallel in the histories of these tiny nations. Mass deportations of men, women, and children to the slave labor camps of Siberia were undertaken with ruthless efficiency. In the single night of June 14–15 it has been estimated that 15,000 Latvians and 30,000 Lithuanians were herded into waiting cattle cars for the long cruel trip into slavery. Under the pretext that these people were Nazi sympathizers, the Russians—themselves in secret negotiations with Hitler—gathered up thousands upon thousands of the peoples of these poor nations and sent them to Siberia.

Many years have passed since those tragic days. A whole generation has grown up which has never heard of the mass deportations of Baltic peoples into Russian slavery. Many do not even know that Latvia, Estonia, and Lithuania ever existed on the face of the earth as independent and free nations. Thus it becomes our sad duty to devote this day as a day of remembrance. It is our hope that someday the Baltic States will again be able to resume their rightful place in the community of nations, and that the desire for freedom which so many of their peoples still cherish will be rewarded.

Paterson, N.J., Celebrates 175th Birthday

EXTENSION OF REMARKS

OF

HON. CHARLES S. JOELSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1967

Mr. JOELSON. Mr. Speaker, the city of Paterson, N.J., is now celebrating its 175th birthday. A daylong program commemorating the anniversary is scheduled for July 4, and will be held in Paterson's Eastside Park.

The affair will also feature a free fireworks display at the park, an exhibit featuring Paterson's history, a folk festival, a sports program, the lighting of Passaic Falls, displays by the various organizations in the city, a motion picture on Paterson's history prepared by the film class of Mr. Donald Smith of the Neighborhood Youth Corps, and the simultaneous ringing of every available bell and whistle in the city at 2 o'clock. The Young Citizens for a Better Paterson will also hold a birthday ball on the evening of July 1.

The city of Paterson was founded at the suggestion of Alexander Hamilton, who first visited the site of the present city on July 10, 1778. Our first Secretary of the Treasury was impressed with Passaic Falls and its capacity to provide power for industry. Based upon Hamilton's recommendations, the State legislature granted a charter to the Society for Useful Manufactures in 1791. The city was named after Gov. William Paterson, who signed the charter.

With the growth of transportation facilities, Paterson became a major industrial center. Railroad cars were an important product in the early 19th century, but by the end of that century silk mills were the most important source of manufacturing in the city. In fact, Paterson was called the "Silk City of the World." It was also known, however, for many other things. The motor which propelled Charles Lindbergh's *Spirit of St. Louis* in its transatlantic flight was built in Paterson. Samuel Colt's revolver, John P. Holland's submarine, and Col. Andrew Derrom's system of prefabricated housing all originated there.

I look forward to attending the July 4 celebration which will be under the direction of the able president of the Passaic County Historical Society, Alfred P. Cappio.

Lithuania, Latvia, and Estonia Have a Right To Be Free and Independent

EXTENSION OF REMARKS

OF

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1967

Mr. BOB WILSON. Mr. Speaker, the week of June 12–16 marks an infamous anniversary in the world's history. Twenty-seven years ago this week the Soviet Union took over the Baltic States of Lithuania, Latvia, and Estonia.

The tyrants took over these nations savagely, by armed might. Since then their stewardship has been that of oppression, suppression, and emaciation of national identity. There have been brutal mass transportations of citizens of these countries to slave labor camps, large-scale killings and the other atrocities which accompany Communist rule of any peoples.

Today these same Russians are sitting in the United Nations, attempting to spread their control through settlements and concessions in the Mid East mess. These same Russians are shipping arms, ammunition, and supplies to North Vietnam to kill our GI's.

Congress is not the administrator of foreign policy. The Congress cannot right some of our wrongs in foreign policy. However, Congress can suggest, and does reflect, the will of the American people in matters of foreign relations. House Concurrent Resolution 416, passed by the House on June 21, 1965, and by the Senate on October 22, 1965, calls for freedom for Lithuania, Latvia, and Estonia.

I suggest that now would be a good time for our U.N. Ambassador, Arthur J. Goldberg, to bring before the U.N. the question of restoring the boundaries and free rule of Latvia, Lithuania, and Estonia—thus carrying out the intent of House Concurrent Resolution 416.

While we are actively engaged in securing freedom for the South Vietnamese, we should be no less determined to secure eventual freedom from communism for the enslaved of Europe. The plight of these people measures the basic difference between our approach to the world, and that of the Communists. While we seek to support, strengthen, and build other nations, the Reds seek only to weaken, divide, and conquer.

May I remind those who want to build bridges to the Russians in the Kremlin that these bridges must span the chasm of despair created in the hearts and minds of the millions who yearn to be free, and in the hearts and minds of their countrymen who now live in our land of freedom, and who seek action from their Government to restore freedom to the Baltic States, their original homelands.

Mr. Speaker, I insert in the RECORD at this point a statement by the Americans for Congressional Action To Free the Baltic States, which describes fully the immorality of the Soviet actions in Eastern Europe.

Also, I wish to insert the text of House Concurrent Resolution 416, which was adopted unanimously by both the House and the Senate, and represents a clear-cut pattern of the American public's belief in freedom for all who seek it.

I urge my colleagues to read these documents, and join me in urging that our United Nations delegation put before that world body the question of freedom for the Baltic States.

Texts are as follows:

LITHUANIA, LATVIA, AND ESTONIA HAVE A RIGHT TO BE FREE AND INDEPENDENT

Since June 15, 1940, the Baltic States have been suffering in the Soviet captivity. The Soviet Union took over Lithuania, Latvia, and Estonia by force of arms.

The Baltic States have never experienced in their long history through centuries such an extermination and annihilation of their people as during this Soviet occupation since June 15, 1940. During the last twenty-seven years the countries lost more than one fourth of their entire population. Hundreds of thousands of Lithuanians, Latvians, and Estonians were murdered by the Kremlin despots or died in exile in Soviet slave-labor camps and prisons in Siberia and other places of Communist Russia. At least 20 per cent of the present population of Soviet-occupied Lithuania, Latvia, and Estonia are not the Balts, but the Soviet colonists. The genocidal operations and practices being carried out by the Soviets continue with no end in sight. Bearing in mind that all of the murdered and deported people have been the most educated, courageous, industrious, comprising the strongest elements of the countries, the losses in population become more terrible and almost fatal to the survival of the Lithuanian, Latvian, and Estonian nations.

But let us now return to the details of the Soviet occupation of Lithuania. At the same time that the forces of occupation were entrenching themselves and the mock elections were being carried out in 1940, leaders and active members of all non-Communist political parties and thousands of public officials were arrested. This was but a prelude to one of the most despicable acts of modern times, namely the mass deportations that ensued. Interrupted only by a temporary Nazi occupation of Lithuania from 1941 to 1944, when the Soviets re-occupied Lithuania, these deportations went on for about a decade. People from every walk of life, even old and dying people, were put on cattle freight cars for the three-week journey to Siberia or remote areas near the Arctic Ocean. The number of all the deportees amounted to about twenty percent of the population, or 600,000 Lithuanians. In two nights alone of June, 1941, 34,260 Lithuanians were deported to the horribly miserable conditions of the slave-labor camps. The consequent death toll of these deportees was very high.

With the increase of physical terrorization by the Soviets, a strong Lithuanian underground resistance organization was formed and fought the Soviets. It was an heroic and widespread resistance movement, but it was a costly one: after the war about 30,000 died in battles with Russian Communists.

If we demand for freedom for all nations in Asia and Africa, we should do exactly the same thing in Europe. The Baltic States (Lithuania, Latvia, and Estonia) are more than 700-year-old nations and they have the same (or even more) right to be free and independent as any new country in any part of the world. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union is surely intolerable.

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

NOTE.—*House Concurrent Resolution 416* was adopted by the House of Representatives by a record vote of 298 yeas to no nays on June 21, 1965, and unanimously passed by the United States Senate on October 22, 1966.

President McKinley's Visit to Three Oaks, Mich., Remembered

EXTENSION OF REMARKS

OF

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1967

Mr. HUTCHINSON. Mr. Speaker, the Village of Three Oaks, which is located in the Fourth District of Michigan, has chosen a unique method to call attention to its 100th anniversary.

I have been informed the Village will reenact the visit which President McKinley made to the community 68 years ago.

Some residents of Three Oaks well remember the Spanish-American War President's visit on October 17, 1899. He came to dedicate the site for a cannon captured from the Spaniards in the war and presented to the community after its citizens raised $1,400 for a memorial to the men of U.S. battleship *Maine*.

This was the largest per capita contribution of any community in the Nation and it had won the coveted award for Three Oaks, plus the admiration of the entire country.

The naval gun became known as the "Dewey Cannon" for it had been captured from the Spanish at Corregidor by Admiral Dewey, the naval hero of the Spanish-American War.

President McKinley's visit will be remembered on the opening day of the centennial celebration, Sunday, July 9, and the reenactment will include the red carpet incident.

It seems that the Village made every effort to treat the President in a manner befitting his high office, even going so far as to literally "roll out the red carpet" for him to walk on. President McKinley declined the honor, remarking that "God's green earth was good enough" for him.

I join with thousands of others who are familiar with this fine southwestern Michigan community in expressing "best wishes" on the occasion of its 100th birthday which will be marked—I am informed—by the firing of the famous "Dewey Cannon."

Baltic States Freedom Day

EXTENSION OF REMARKS

OF

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1967

Mr. ROONEY of New York. Mr. Speaker, this week we note a tragic anniversary in the history of the Baltic States of Estonia, Latvia, and Lithuania. Twenty-seven years ago Russia, gorged on her early and easy victories with her then ally, Nazi Germany, "annexed" the three states. There was little that the tiny nations, independent since the end of World War I, could possibly do and the rest of the world was too embroiled in its own woes than to do more than take note and continue preparations for the holocaust to come.

Almost 1 year to the day after "annexation" Soviet troops and secret police swooped down on the captive nations and began the systematic murder and deportation that was to continue for well over a decade.

In 72 hours—June 14–16, 1941—more than 34,000 Lithuanians alone were deported to Soviet slave labor camps. Many never made it to the camps and few of those who did survived. Baltic States experts estimate that more than 25 percent of the population of the three states was deported or murdered as the Soviets carried out their campaign to colonize the three countries.

The crime of those rounded up for exile or slaughter was simply being either a leader or an anti-Communist. In short, a patriot.

During the war, when the Baltic States were occupied by Germany, the deportations stopped, but on reoccupation by the Soviets they were once more viciously resumed. An underground movement fought pitched battles with the Red army and more than 30,000 Balts are believed to have died in those battles.

Mr. Speaker, it might be assumed that after a quarter century of this kind of oppression that the people of the Baltic States would be ready to quit—to stop fighting and accept their fate.

But they do not quit. They will not accept the collar of communism. The people have nourished and kept alive a national spirit predicated on the dignity of man. This spirit is nowhere better exemplified than in the groups in this country that strive to support, encourage and help their loved ones at home. I have met many members of these fine organizations and a little over a year and a half ago was privileged to be able to address more than 15,000 people who jammed Madison Square Garden in New York for the Baltic States Freedom Rally.

There was a spirit and faith that really has to be seen to be believed.

Mr. Speaker, it is my earnest belief and I am sure that that belief is shared by every Member of this body that we must continue to support these fine people in their unceasing effort to make their homeland free once again. We must provide them with information in their own tongue, we must strive to keep open the channels for delivery of clothing, food and medicine and above all, we must never cease in our efforts to force Russia to release these nations from bondage.

Baltic Peoples Freedom Day, June 11

EXTENSION OF REMARKS

OF

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1967

Mrs. KELLY. Mr. Speaker, June 11 marked the Baltic States Freedom Day, a day which in fact commemorates the most tragic moment in the history of the Baltic peoples, the date on which they were deprived of their freedom. We rise today to give a saddened tribute to a besieged people, who were among the first to fall prey to Russian Communist imperialism following the outbreak of World War II, whose fate should have served to forewarn the world of the cold war which was to emerge after that global holocaust.

The fate which was to befall the Estonian, Latvian, and Lithuanian nations was determined even prior to the outbreak of World War II. The secret nonaggression protocol concluded in August 1939, between Nazi Germany and the Soviet Union and its subsequent corollaries placed these three Baltic States in the Soviet sphere of influence. Poland was invaded by Nazi Germany in September 1939. Within barely a month the Soviet Union had forced each of the Baltic Nations to sign a treaty of mutual assistance, mutual assistance which meant each was coerced into accepting Soviet bases on their territory. These bases gave the Soviet Union a foothold for its invasion of the Baltic States in the summer of 1940.

The now familiar pattern of Soviet colonization followed. The presence of occupation forces enabled the Soviets to impose Communist governments on these formerly independent nations. But the Baltic nations were not to enjoy even the limited advantages of a satellite status; the Soviet design for them was even more comprehensive. The Communist-installed governments in the Baltic States "voted" for their incorporation into the Soviet Union. The U.S.S.R. "accepted" their incorporation. Today the Baltic States are constituent republics of the Soviet Union.

Today the Baltic peoples are enslaved. They have been deprived of their independence, subjugated to the Communist system, and find their nationalistic tendencies thwarted at every turn. From the very beginning of Russian occupation, the Soviets have conducted a stringent campaign to remove all traces of nationalism among the Baltic peoples. Within the first year following the Russian invasion over 100,000 Baltic peoples were deported to remote regions of the Soviet Union.

Despite the captivity in which they live, despite the tragedies they have endured, the Baltic peoples throughout the world remain dedicated to the restoration of the independence of their respective fatherlands. In recognition of the unsubmissive spirit of the Baltic people, we take this occasion to reassure them of our moral support. May they never despair, for surely their suffering will one day be rewarded and their homelands once again become their own.

At this point, Mr. Speaker, I insert the text of my resolution (H. Con. Res. 25), which I introduced on January 10, 1967:

H. CON. RES. 25

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President of the United States should take such steps as he may deem appropriate to bring before the United Nations the questions of Soviet action in the Baltic States for the purpose of urging the United Nations to request that the Union of Soviet Socialist Republics—

(1) withdraw all Soviet troops, agents, colonists, and controls from Lithuania, Latvia, and Estonia; and

(2) return all Baltic exiles from Siberia, prisons, and slave-labor camps in the Soviet Union.

SEC. 2. *It is further resolved*, That it is the sense of the Congress that the President of the United States should take such steps as he may deem appropriate to urge the United Nations to conduct free elections in Lithuania, Latvia, and Estonia under its supervision.

Respect for the U.S. Flag Is Not Outdated Nor Unsophisticated

EXTENSION OF REMARKS

OF

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1967

Mr. LUKENS. Mr. Speaker, it has become fashionable in some circles to regard patriotism and respect for the U.S. flag as "outdated" and "unsophisticated." These people think that as the world grows smaller, loyalty to our country somehow becomes less important. The burning and desecration of the American flag, they view with indifference or even encouragement.

Events, however, demonstrate the continued and even growing importance of devotion to our Nation. These are troubled and critical times, indeed, when our enemies on every front seek to attack and destroy the foundations of our existence as a Nation and as a bulwark of freedom and democracy.

As long as there are powerful forces which are determined to undermine our liberty and prosperity, the shrinking of the world through faster communications and transportation make it not less, but more imperative that we rely upon our great Nation to defend us.

No nation, however, can protect a people which does not respect the nation itself. It is in the light of this principle that we must view the acts of profound disrespect for the American flag which have occupied headlines in recent months.

Mr. Speaker, the American system of government allows any citizen the right to criticize and disagree with the policies of the administration in power, no matter how severe his dissent may be. Indeed, it is this very feature of our system which we are striving so courageously to defend, and which makes the American way of life worth defending.

At the same time, Mr. Speaker, our American system of government presupposes a basic loyalty to and respect for our national institutions. We allow anyone to criticize the President, but were we to allow anyone to replace the Presidency with his own form of government, our democratic structure would collapse. Our citizens may oppose the passage of a law, and may seek to have it annulled by the courts, but they must still obey it; they must respect our legal institutions.

Our flag, adopted by the Continental Congress of the United States of America 210 years ago, is the supreme visible symbol of our Nation. To attack the flag, Mr. Speaker, is to attack and undermine the foundations of the American system of government, something quite different from an act of dissent from the policies of a member of that system.

Mr. Speaker, there are many fine and honorable men who are opposed to our defense of Vietnam: true pacifists who believe that a policy of pacifism would be a credit to the United States, and there are others who sincerely believe for other reasons that our stand in Vietnam is not in the best interests of this country. One can, while not agreeing with these positions, nevertheless respect them, for their advocates remain loyal to the United States itself.

Those who burn and desecrate our flag are of another breed. They are not dissenting from our policies, but from our system, our constitution, our Nation itself.

No nation, Mr. Speaker, can view such attacks with indifference. It is entirely fitting that on Flag Day, 1967, this House resolve to pass legislation designed to protect our flag. For the sake of the thousands who have given their lives and will continue to do so in defense of that flag, we can do no less.

Ashby's Bicentennial

EXTENSION OF REMARKS

OF

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1967

Mr. PHILBIN. Mr. Speaker, this month the historic town of Ashby, Mass., in my district, is celebrating its 200th anniversary with impressive community exercises.

Ashby was formed in 1667 from parts of Townsend, Fitchburg, and Ashburnham after a 2-year fight led by John Fitch, after whom Fitchburg was named, for separate status. The first town meeting was held on March 30, 1767, and the first selectmen were John Fitch, John Locke, and John Jones.

While Ashby has remained primarily a rural community, town records show that there was small industry as long ago as 1750 when James Locke operated a gristmill powered by water from Willard Brook. By 1850, there were several small mills. One of them is believed to be the first factory to make tubs and pails in Massachusetts.

Today farming is still conducted in Ashby, but most of its people commute to their employment in Fitchburg, Worcester, or Boston.

In recognition of Ashby's anniversary, Mr. Speaker, I am introducing today an appropriate resolution for the consideration of the House which extends greetings and felicitations to the poeple of Ashby on this historic anniversary.

Actually, Ashby began celebrating its anniversary on March 4 of this year with a bicentennial dinner, which I was greatly honored to attend, and I include as part of my remarks the address I gave at this opening event of the anniversary.

Earlier this month, as part of the bicentennial program, there was a firemen's parade and muster in Ashby. This first event of the extensive anniversary program was held on June 11 at Allen Field.

This Friday, there will be a tour of historic homes in the community, an exhibit of arts and crafts and an anniversary pageant in the elementary school auditorium. The pageant will be repeated on Saturday.

On June 24, an open air supper will be held in the evening on the town common, to be followed by square dancing in the elementary school auditorium. A nondenominational worship service will take place on Sunday, June 25, on the town common. This will be followed by a barbecue dinner at noon and a band concert in the afternoon.

Other events on the Ashby anniversary program include an oldtime band concert on the town common on July 12, a road race and field events at Allen Field on September 30, and a huge bicentennial parade on October 8.

This is a most impressive anniversary program, Mr. Speaker, and it was a distinct honor and pleasure for me to be able to participate in the March bicentennial dinner which initiated the 200th birthday of the fine town of Ashby. I was very much impressed with the dinner and the gathering, which was in the finest tradition of Massachusetts and New England.

Notwithstanding the tumult, the shouting, the agitation, and the signs of uneasiness which surround us these days, it was a most refreshing experience for me to attend this large anniversary celebration meeting of sincere, dedicated Americans and to join with them in starting so enthusiastically the program for the observance of the bicentennial anniversary of their town.

The program of the occasion was admirably arranged and conducted by the able master of ceremonies and spiritual leader, Rev. Lawrence M. Jaffa, and the invocation was given by the able spiritual leader, Father Thomas F. Brosnan. The reading of the town charter by John F. Nash, town moderator, was extremely interesting and it vividly recalled the early days of the Nation.

The Ashby Oratorio Singers, led by their very brilliant, dynamic director, Mr. Clark Greene, accompanied by a most accomplished pianist, Connie Fanos, sang several musical selections of a spiritually inspirational nature, reminiscent of past days.

Distinguished public officials from town, county, State, and Nation were present, including the able, distinguished Senator John E. Harrington, Jr., of the Massachusetts State Senate and the able and distinguished Representative George W. Shattuck, of the Massachusettts House of Representatives.

Lovely young ladies, who were candidates for bicentennial queen, were presented to the gathering and were received with great enthusiasm. They were all typically beautiful, young American girls and naturally were greatly appreciated and acclaimed by the audience.

Next on the program came a very remarkable bicentennial address by attorney John B. Matson, a native of Ashby, a prominent lawyer in Boston, and distinguished, learned former chief examiner of the Massachusetts land court.

Following Mr. Matson's fine speech the Ashby Oratorio Singers again entertained the audience, this time with the closing number, "America the Beautiful," and I have never heard this moving song sung with more feeling, sensitivity or better effect. Mr. Greene as well as his singers are to be complimented on their fine work.

To close out the program, benediction was offered by the able spiritual leader, Rev. Rollin E. Johnson, Jr., and that concluded a most impressive program which had been arranged by the dinner chairman, Mrs. George J. Thibault, and her group.

I am very happy, Mr. Speaker, to have the opportunity to make reference to this glowing, first event of the Ashby, Mass., bicentennial celebration in the Congress, and I heartily congratulate the leaders and the people of Ashby for the good beginning they made in commencing their 200th anniversary celebration. I feel sure that the rest of their program will be as noteworthy and successful as this dinner.

It is not any commonplace thing for a town or community to celebrate a 200th anniversary, and in this respect Ashby is indeed singularly honored. I shall never forget the wonderful, inspiring night I spent at the initial event of the bicentennial program, and I am much indebted to the members of the committee, who so kindly invited me and made possible for me such a memorable evening.

After the conclusion of the program, I was invited by my friends, Mr. and Mrs. Edwin Lyman, to visit with them and some friends in their lovely colonial home, not far from the center of Ashby.

My night with my friends of Ashby was an experience which I shall always gratefully remember. It was a pleasure for me in many respects, but I think I was impressed most with its projection in the total community of those values, ways of life, and virtues that built the early foundations and sparked the advancement of the Nation.

It gave me the chance to think about the people who founded this Nation and their ways, the sacrifices they made carving a civilization out of a wilderness, and infusing it with life and splendor and progress that has been so much part of our country's origin, development, and growth.

These colonial people did not have the conveniences and comforts of the 20th century, but neither did they have the unsettlement, uneasiness and divisive elements of the present time.

They had purpose, ideals, high goals, and they worked together faithfully, industriously, doggedly, and without thought of self to reach them, and then turn their gains over to those who followed them.

The question is: Shall we, and the succeeding generations, be worthy of these invaluable legacies from our past heritage? Shall we, in our day, zealously preserve them, and transmit them untarnished and unblemished to those who come after us?

The answer to these questions will determine by and large the destiny of America and the destiny of freedom in the world. I have faith that Americans of this generation will take up their burden and their torch and sustain them for our own great Nation and the world.

Mr. Speaker, the text of my congratulatory resolution reads as follows:

Whereas the year 1967 marks the two hundredth anniversary of the incorporation of the town of Ashby, Massachusetts; and

Whereas from the time of its settlement the people of Ashby have figured conspicuously in the founding, growth, and defense of this Nation; and

Whereas the observance of the two hundredth anniversary of Ashby is being celebrated this month with impressive community ceremonies; and

Whereas Ashby is a beautiful community rich in historic interest, well known for its patriotic contributions, noted for its many famous sons and daughters who distinguished themselves in many fields of endeavor and many facets of American civilization: Now, therefore, be it

Resolved, That the House of Representatives extends its greetings and felicitations to the people of Ashby, Massachusetts, on the occasion of the two hundredth anniversary of this community and the House of Representatives further expresses its appreciation for the splendid services rendered to the Nation by the citizens of Ashby during the past two hundred years.

REMARKS IN PART OF CONGRESSMAN PHILIP J. PHILBIN, ASHBY BICENTENNIAL DINNER, MARCH 4, 1967

My dear friends, it is a real privilege, pleasure and honor for me to be with you tonight upon the occasion of this fine kick-off dinner commencing the celebration of the bicentennial anniversary of the incorporation of the beautiful Town of Ashby.

First, I want to congratulate all of you--your outstanding Committee, your able and distinguished officials, your religious, civil and business leaders, and all the people of Ashby, upon this most unusual anniversary, commemorating your 200th birthday. Many happy returns of the day.

Just think of it, my friends, 200 years of history, starting with the primitive conditions of Colonial New England and spanning marvelous changes, progress and fabulous development that has taken place in the intervening years.

From very early days, this community has been noted for its religious and patriotic dedication.

This Town was founded by hardy, God-fearing people who never knew fear or doubt, determined men and women committed to belief in Divine Providence and resolutely determined, at all costs, to live under institutions of freedom, personal liberty and peace.

The story of Ashby is inspiring and thrilling. It is an American story, a story of problems, struggles and sorrows, but also a story of gains and victories, not only of the growth, well-being and happiness of this wonderful community, but also distinct contributions to the great, forward-moving lifestream of national strength, unity and prosperity that is represented by our country.

Thanks to the spirit and the labors, the loyalty and devotion of the American people throughout the years, this town is now part of a nation that is termed the giant of the North American continent, the most powerful, richest and most advanced nation in the world. Yes, rich beyond contemplation, powerful in ways that truly stagger the imagination, rich with accumulations of industry, the returns of commerce and labor and the highest standards of living that the world has ever known.

Our progress has not been confined to material progress. With it, has come unprecedented progress in the arts, science, civilization, religion, spiritual development—progress in every area, and all these blessings which the American people have received have their proud temples in this beautiful New England town, and in the towns, villages and cities spread from coast to coast, north, south, east and west all over this great nation.

It can be said that you people of Ashby, as well as our fellow citizens throughout this broad country, have recognized the responsibilities and duties that come with strength, and power, and the endowments of free government bequeathed to us by our dedicated ancestors and predecessors.

It can, and should be, said on this, and every other occasion, that you have shared the great, national sacrifices that have been made.

You have lived by the principles, ideals and values which have made this nation what it is.

You have recognized the most urgent need that has confronted us in the past, and that confronts us today, for protecting and guarding these great blessings of liberty, so that they may be assured in perpetuity for this nation, and for other nations that share our rich heritage of freedom.

In looking back tonight to the days of Ashby's founding in an uncharted wilderness 200 years ago, we can take real pride in the resolution, strength of character, goodness of heart, absolute fidelity to country and faith in God of Ashby's citizens from the beginning and throughout many generations of its history.

We can be thankful for the blessings bestowed by the Creator throughout all these years, and the marvelous work, patience, gallantry and determination of those who have preceded us, and whose cherished memory we shall always honor.

To a greater extent than some skeptics and ideologists of this generation may think, we have drawn strength and inspiration as a nation, and as a proud people, from our shining, historical past. Even as we recognize, with the eloquent poet, that "the moving finger writes, and having writ, moves on," that we can never turn back the clock, that the nation and the world must go forward, must go upward to broader higher goals, must adapt ourselves to the incredible changes that are taking place around us, which are made necessary by the inescapable demands and needs of the nuclear, jet age and the truly fabulous times in which we live.

What we must recognize with special emphasis is that each generation must labor to keep the lamps of freedom burning and, if necessary, we must struggle to preserve human liberty, and freedom, and the right to enjoy free, democratic government, free enterprise, that is the very basis of this nation, free, religious worship and individual rights that are so precious to all of us.

We are living in extremely unsettled, challenging times. In this dangerous world, where aggression and tyranny seek to destroy the rights of all free people, we must stand, as we have always stood, with courage and high purpose, unalterably committed to defend the safety, security, integrity and welfare of the nation, and uphold the principles of truth and justice and ordered liberty upon which our great, free system is based.

There are no easy solutions, no short cuts, no magical formulas by which we can settle the problems of this hour.

To do this, we must be determined, first, last and always, to preserve our own free heritage. We must, and I know we will, continue to strive with all our hearts and energies for a "rule of law", and for a just, enduring, honorable peace in Vietnam and in the world—a universal peace that will permit all human beings to live under the fatherhood of God and the brotherhood of man, free from Communist dictatorship, or any other kind of tyranny, and delivered from the dreadful scourge of nuclear war or any other war. Let us know that peace with freedom is the great question of our day.

As we celebrate, so meaningfully and with such true reverence and devotion, the founding of this typically American town, let us face without flinching the grave problems that are before us.

Let us never abandon the principles and the values that made us the great free God-fearing nation that we are.

Let us always remain firm without fear or doubt, in the spirit of those who founded this country, and those who preceded us, with real courage, faith and determination, to keep this nation as a secure dwelling place and sanctuary for those dedicated to human freedom and committed to peace and progress and amity.

Just a personal word. I want you to know how very proud I am of this town, and its faithful, devoted people, and of the great privilege you of this District have accorded me to represent you in the Congress of the United States, the greatest, deliberative body of its kind in the world.

As your Congressman, your friend, and a most sincere admirer, I am very happy tonight to bring the greetings and felicitations of our great District to all your leaders and your people, and to express the hope and prayer that in the time to come the good Lord will bring you all, each and every one of you, choicest blessings of good health, prosperity, happiness and peace for many years to come.

I express to you my deep gratitude for the encouragement and support you have extended me in my important official work, and for the many evidences of warm friendship that you have so wholeheartedly extended me.

Finally, in the happy trilogy of spiritual dedication, patriotism and zeal for achievement, always so typical of this Town, I am sure that you will go forward together, as you have in the past, to even greater heights of accomplishment, well-being and success, and that you will always maintain here the close ties of loyalty, mutual respect and affection which are so much a part of American community life, so invaluable in building the strength of the nation, safeguarding the fountainhead of enterprise and freedom and preserving the rights of the individual citizen and his family.

I am deeply grateful to you and your distinguished Committee, for giving me the very high honor of being with you on this memorable occasion. Command me when I can be helpful.

HOUSE OF REPRESENTATIVES

THURSDAY, JUNE 15, 1967

The House met at 11 o'clock a.m.

Rev. Lindell O. Harris, Hardin-Simmons University, Abilene, Tex., offered the following prayer:

Our Heavenly Father, we acknowledge our unworthiness even to approach Thee, but in gratitude we bow our heads and hearts before Thee.

For the blessings of home and country, for the privilege of work and the opportunity of service we give Thee thanks.

Grant to these who represent us the commonsense of the uncommon man and the dedicated perseverance of the true statesman.

Amid the stress and tension of continuing world crisis, help us all to have tough minds and soft hearts. May we be guided by principles of justice tempered with mercy, seeing in all men their virtues more than their vices. All this we pray in the name of Him who loved us and gave Himself for us. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1432) entitled "An act to amend the Universal Military Training and Service Act, and for other purposes."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 990. An act to establish a U.S. Committee on Human Rights to prepare for participation by the United States in the observance of the year 1968 as International Human Rights Year, and for other purposes.

RELIABILITY OF THE M-16 RIFLE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOWARD. Mr. Speaker, on May 22, I asked Secretary of Defense McNamara to look into complaints that our new M-16 rifles were jamming during combat in Vietnam.

As you know, the distinguished chairman of the House Armed Services Committee, the gentleman from South Carolina, the Honorable L. MENDEL RIVERS, has appointed a three-man subcommittee headed by our colleague, the gentleman from Missouri, the Honorable RICHARD ICHORD, to investigate the M-16 rifle.

On May 22 before I read excerpts of a letter from a New Jersey marine in Vietnam on the floor of the House, I passed this letter on to the Department of Defense and Mr. ICHORD. The subcommittee has now returned from Vietnam where it had the opportunity to look into the M-16 controversy firsthand. Since my remarks on the floor of the House, I have been inundated with mail from across the country. Some of it, I feel, is valuable; some of it may not be. However, I have turned all of this correspondence over to Mr. ICHORD. His subcommittee will issue a complete report in the near future.

While the question of jamming will undoubtedly be settled to our satisfaction by the subcommittee report, I am more than pleased to report to you that several changes and modifications have been made and are being made on the M-16 rifle. These changes relate to a cutdown in the rapidity of fire, the number of rounds of ammunition recommended per clip, method and material for lubrication, and the chrome plating of one piece of equipment.

I feel this does reflect that we have encountered problems with the M-16 but that the military responded quickly to correct the defects discovered. While it is my personal opinion that the military could have announced these modifications without causing any adverse publicity, I commend them for acting swiftly to improve the M-16 rifle.

I am happy that changes toward improvement have been made and are being made. A final determination of the entire M-16 controversy can only be made after Mr. ICHORD's special subcommittee files its report.

RAILROAD STRIKE LEGISLATION

Mr. HARVEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HARVEY. Mr. Speaker, the difficult decision which the House faces this afternoon comes about because there is no existing legislation to handle the problems posed by the threat of a nationwide railroad strike. I believe that the absence of such permanent legislation is a cause of regret for all Americans, and that both Congress and the President must accept a share of the blame.

For the present, there are only three basic alternatives that we have to handle this problem.

We can permit a strike to take place. But I do not believe that this can be viewed as a practical alternative at this time. Certainly, it should be evident to all Members that with almost a half million boys in Vietnam waging a battle for their very lives, an emergency exists and a strike would be intolerable.

We can seize the railroads, as many would have us do. But this action would not aid in settling the dispute between labor and management.

Furthermore, the criterion for seizure is not present; neither party is accused of wrongdoing which would justify seizure. There is no reason why the employer should be singled out for punishment.

We are left then with House Joint Resolution 559 as the only other reasonable alternative to the problem facing us. No one in Congress is happy with it, for it represents a curious mixture of mediation and compulsory arbitration.

Despite its imperfections and the haste with which we are again asked to pass this legislation, House Joint Resolution 559 appears to me to be the most practical and the fairest solution to the railroad labor dispute at the present time. It is practical because it avoids a strike which our Nation could not under any circumstances afford. It is fair because it treats both labor and management the same. I am not impressed that the special board to be named by President Johnson under House Joint Resolution 559 would be antilabor under any circumstances, or would be any less fair to labor than to management.

Mr. Speaker, it is imperative that this strike be settled and that House Joint Resolution 559 be passed.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 138]

Ashley
Ayres
Celler
Cohelan
Collier
Conyers
Corman
Dawson
de la Garza
Dent
Diggs
Dow
Ford, William D.
Fuqua
Hagan
Ichord
Lukens
Machen
Mayne
Moore
Pollock
Pool
Rooney, N.Y.
Roudebush
Rumsfeld
St. Onge
Sisk
Tenzer
Thompson, N.J.
Tuck
Utt
Williams, Miss.
Young
Younger

The SPEAKER. On this rollcall, 399 Members have answered to their name, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 10867

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight tomorrow night, Friday, June 16, to file a report to accompany the bill H.R. 10867.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

DISCHARGE PETITION TO COMMITTEE ON THE JUDICIARY

Mr. GIBBONS. Mr. Speaker, yesterday I filed a discharge petition to help bring to the floor an antiriot bill that I think is constructive legislation designed to help to put an end to some of the violent disruptive behavior going on in this country. At the same time the gentleman from Florida [Mr. Cramer] is proceeding in another but parallel direction through the Committee on Rules. Today he and I discussed the approaches that we are following. I want it clearly understood that I want the antiriot bill to come to the floor and for us to work our will in any way we can get those bills here. I would suggest those of you who would like to have the opportunity to vote again on the Cramer-type amendment to proceed in any manner that you want to. To show my good faith and determination I join Congressman Cramer in his efforts before the Committee on Rules and further I invite each of you to sign the discharge petition at the clerk's desk to discharge a similar bill. We should push ahead on both fronts to move this vital legislation to the floor of this House for action.

THE NEED FOR DAY CARE CENTERS

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GIBBONS. Mr. Speaker, it is my privilege today to introduce a bill on behalf of myself and the gentleman from New York [Mr. Ottinger], which would provide day care for children of the poor to enable their parents to undertake basic education, job training, or employment and thus remove themselves from the Nation's welfare rolls.

The need for this legislation is clear. There are 900,000 American families headed by women whose household responsibilities limit them to dependence on a monthly welfare check. They represent a major share of the $6.1 billion spent by government on welfare during fiscal 1966. These women will remain on welfare unless responsible care can be provided for their children during working hours. Yet while these families comprise 2.7 million children, the capacity of licensed day care facilities is but 350,000.

The proposed legislation, which is also being introduced today in the other body by Senator Javits, would authorize $60 million to set up 50,000 places in day care facilities. This bill would not accommodate the total need, but it would be a solid beginning. It would go a long way toward paying for itself in the number of families it removes from welfare aid. On this basis, I commend it to my colleagues as a sensible, hardheaded investment.

CARDINAL CUSHING IN SUPPORT OF NATIONAL LOTTERY

Mr. FINO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FINO. Mr. Speaker, I would like to bring to the attention of the Members of this House a statement recently made by His Eminence Cardinal Cushing, in support of the national lottery idea. As the cardinal said:

> If we can have lotteries in Ireland, England, and other countries in Europe, why can't we have them in the States?

The cardinal made these observations in a letter to Francis Kelly, chairman of the Massachusetts Sweepstakes Commission, in which he thanked Mr. Kelly for sending him 25 State lottery tickets which he had purchased in New York.

I am wondering how all of this strikes the distinguished Postmaster General, Mr. O'Brien, who is a good friend of the cardinal's. I say this because Mr. O'Brien continues to oppose the bill which I and other Congressmen have introduced to end the present prohibition of Federal law against sending lottery tickets through the mails.

Surely, the sentiment of the Commonwealth of Massachusetts is overwhelmingly prolottery, and I would think that the Postmaster General might pay some attention to home State opinion.

Let me also say that the House would do well to note the overwhelming support of this Nation for the lottery idea before voting on the Patman bill to cripple the New York State lottery by prohibiting banks from selling lottery tickets in New York.

THE PARTICIPATION CERTIFICATES LEAD PARADE TO HIGHER INTEREST COSTS

Mr. WIDNALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WIDNALL. Mr. Speaker, for the first time this year, yields on Treasury bonds yesterday broke through the 5-percent level on the upside. Leading the parade to higher interest costs is a new $900 million issue of Fannie Mae participation certificates being offered today to yield 5.25 percent for the September 1969 maturity and 5.50 percent for the June 1972, maturity.

The interest yield on the new participation certificates tops the return on comparable Treasury issues by approximately one-half percentage point. Treasury 4s of October 1969, are selling at

$98¼ to yield 4.82 percent. Treasury 4s of February 1972, are selling at $96 to yield 4.99 percent. Treasury 4s of August 1973 selling at $94¾ yield 5.02 percent.

Mr. Speaker, this one-half percent added interest cost of participation certificate financing graphically demonstrates the wisdom of this House recently in curtailing participation certificate sale authorization in the Independent Offices Appropriation Act.

The administration asked for authority in that act to sell $3,235 million of participations in the next fiscal year. The House by floor amendments reduced that total to an authorized amount of but $881 million. The reduction of $2,454 million was not to be used for program operation needs but instead represented excess participation certificate sales to be used to jimmy the budget and make the budget deficit appear to be $2,454 million less than it otherwise would be.

On the basis of one-half percent added interest cost of participation certificates financing that action by the House in knocking out $2,454 million of excess participation certificate financing will save the taxpayers $12¼ million of totally unnecessary interest costs per year.

The offering today of $900 million participation certificates is being made under congressional approval granted last year. Over the life of the issues; namely, 2¼ years on $450 million and 5 years on $450 million, taxpayers are being hooked for $16.3 million in added interest costs. This costly, deceptive, and disruptive participation certificate financing practice must be stopped.

TAX DEDUCTIONS FOR TRANSPORTATION EXPENSES

Mr. SCHADEBERG. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SCHADEBERG. Mr. Speaker, the day-to-day problem of making a paycheck stretch to meet the needs and obligations of the wage earner has been a matter of deep concern to me for a long time. In these days of inflation, high living costs, and higher taxes, it becomes a more critical problem than ever before.

My own efforts as a Member of Congress, to allow our citizens to keep more of their hard-earned dollars, have been directed to cutting unnecessary spending, stabilizing the currency, balancing the budget and, through several bills which I have introduced, offering the individual taxpayers of this country certain rightful deductions and exemption allowances in computing their Federal income tax.

In line with these efforts, I am today introducing a bill to allow an income tax deduction for the expenses of transportation to and from work. These expenses must be met daily by almost every working man and woman in this country and, in many instances, amount to a goodly portion of his income. Since they usually are a set figure, they must be budgeted for, in computing one's regular and necessary obligations, and, as a rule, they represent a cost which cannot be reduced. They are a particularly heavy burden on our low-income wage earners whose transportation expenses are proportionally much more onerous than the higher income taxpayer's expenses.

Under the terms of the bill which I have introduced, all ordinary and necessary expenses of transportation between a taxpayer's residence and his place of employment, if it is within 30 miles of his residence, may be deducted from his income before his tax is computed. I intend to make every effort to see that this legislation is enacted into law as soon as possible and I urge my colleagues in this body to join with me in sponsoring similar legislation and in pressing for early action on it.

SETTLEMENT OF THE CURRENT RAILWAY LABOR-MANAGEMENT DISPUTE

Mr. FRIEDEL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 559) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

The SPEAKER. The question is on the motion offered by the gentleman from Maryland [Mr. FRIEDEL].

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 559), with Mr. MILLS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read the first section of the joint resolution ending on page 3, line 19.

The Clerk will report the committee amendment to the first section.

The Clerk read as follows:

On page 3, line 10, strike out "for" and insert in lieu thereof "per".

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Chair recognizes the distinguished gentleman from Massachusetts [Mr. MCCORMACK].

Mr. McCORMACK. Mr. Chairman, the situation that confronts us today, as we all understand, is that unless the bill passes both branches a railroad strike will go into effect on Sunday night at 1 minute after midnight.

I might say I consider the importance of this bill somewhat similar to the extension of the Selective Service Act 3 months prior to Pearl Harbor, because I feel strongly the national interests of our country are involved, and seriously so.

That factor, that a strike is going to take place unless action is taken, is inescapable. Failure to pass the pending bill within the time limit involved means that legislation cannot be enacted into law, at least, in my opinion, by next Saturday.

We are faced with a national crisis. No word, no argument, no placing of the blame, can escape this fact or challenge this assertion. Not only is our national economy threatened with hundreds of thousands, if not millions, of workers who are not directly involved facing unemployment, with inflation resulting, with widespread dislocation, but our duty and responsibility to our Armed Forces abroad—and particularly in Vietnam are involved—and who knows what might happen in the Middle East?

With the world situation that now exists, the tying up of our railroads would have a serious effect, and it would in fact have a disastrous effect.

As I mentioned earlier, just as I thought 3 months before Pearl Harbor that it was dangerous to the national interests of our country to fail to extend the then existing Selective Service Act, so do I think today it would be dangerous to the national interests to fail to take action that would keep our railroads moving.

In the national interest of our country and of our people, failure to pass the pending bill is too great a calculated risk to take, and there is no greater responsibility than the national interest of our country.

When the national interest of our country is involved, that should be, and in fact is, of paramount importance.

To me, this is so, no matter who occupies the White House—whether he be a President elected as a Democrat or whether he be a President elected as a Republican—as my Republican friends and the leadership on the Republican side well know.

When President Eisenhower was in office and the late Honorable Sam Rayburn presided as Speaker of this House of Representatives, I and other leaders in all cases where the national interest was involved considered that interest to be paramount. Anyone who closes their eyes to that fact is, as I see it, living in "a dream world of hope." To those few who are opposed to the position that the Government has taken in Vietnam, and whose views I respect although, of course, I disagree, I remind them that they certainly should want to assure to our forces a continuing and uninterrupted means of supplies and of support.

Ask yourself, my colleagues, as I have asked myself, "What would be the situation if a strike did occur?" That possibility is just around the corner unless we act. We are forced to act because there has been a breakdown of collective bargaining.

There are many people who are going to suffer and there will be devastating effects throughout the world that will flow as a result of a strike.

We know that about 75 percent of the employees of the railroads who comprise the membership in 16 unions have agreed on certain contracts and are now working under such contracts. The remaining employees—about 132,000 to 137,000 are members of six unions.

The other body passed this bill by a vote of 70 to 15.

I call your attention to these words in the minority views as contained in the report of the committee. Mark you, in these words they give the best reasons and make the best argument as to why they should vote for the bill. I respectfully submit this to you for your consideration.

In the minority views they say:

> None of the undersigned wants to vote for seizure of the railroads—

I would add at this point, neither do I. They submitted that in the minority views—none of them do—they say that and we agree.

They say further in the minority views—

> nor do we want to vote for compulsory arbitration, however attractively disguised.

There is a difference between compulsory arbitration and machinery providing for mediation and negotiation.

The minority views read further:

> None of the undersigned wants to see a nationwide railroad strike either.

Now I can understand gentlemen offering amendments to this legislation, but if the amendments are not adopted, on final passage of the bill how can they vote against the bill is difficult for me to understand. How they can reconcile their views, particularly when they have said that "none of us wants to see a strike occur"—and have expressed themselves in words to similar effect.

Surely that would be a very strange situation to all of us as American citizens and as Members of this representative body.

I stood in the well of this House 3 months before Pearl Harbor. I went through that fight. I recall at that time that I admire one of my distinguished colleagues who only a few days ago said he realized afterward in the light of Pearl Harbor occurring, that his vote was wrong, and I do not use the "wrong" but that he had voted on the basis of his judgment at that time but he said later the results showed him that if he had the knowledge he would have voted the other way.

The **CHAIRMAN**. The time of the gentleman from Massachusetts has expired.

Mr. **HALEY**. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts [Mr. McCormack] may proceed for 5 additional minutes.

The **CHAIRMAN**. Without objection, it is so ordered.

There was no objection.

Mr. **McCORMACK**. Mr. Chairman, we here at this time are looking to the future—and that future is only a few days away. But who can tell what is going to happen? Just imagine the picture and the frightening results that may occur and which will occur and which we know will occur.

The situation, as I said, in the Middle East is very tense. We have the responsibility—ours is the responsibility. Complaining about how it got here does not help us any. We have to face our responsibility.

I urge my colleagues on both sides to view the situation and to think of the natural and probable consequences that reasonably would occur if a strike takes place which would cause so many hundreds of thousands of employees in industry to become unemployed and will hurt those people who are innocent parties.

Mr. Chairman, the national interest of our country calls for the passage of this bill as the committee has reported it to us. I respectfully submit over and above everything else that where the national interest is involved our duty lies in looking out for the national interest of the United States.

AMENDMENT OFFERED BY MR. ADAMS

Mr. **ADAMS**. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Adams: Strike out all after the resolving clause and insert in lieu thereof the following:

"That there is hereby established a Special Board for the purpose of assisting the parties in the completion of their collective bargaining and the resolution of the remaining issues in dispute. The Special Board shall consist of five members to be named by the President. The National Mediation Board is authorized and directed (1) to compensate the members of the Special Board at a rate not in excess of $100 for each day together with necessary travel and subsistence expenses, and (2) to provide such services and facilities as may be necessary and appropriate in carrying out the purposes of this resolution. Such Special Board shall have the power to sit and act in any place within the United States and shall conduct such hearings, public or private, as it may deem necessary or proper to carry out the purposes of this resolution. For the purposes of any hearing or inquiry conducted by any Special Board appointed under this resolution, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49 and 50, as amended), are hereby made applicable to the powers and duties of such Special Board.

"Sec. 2. The Special Board shall attempt by mediation to bring about a resolution of this dispute and thereby to complete the collective bargaining process.

"Sec. 3. The several departments and agencies of the Government shall cooperate with the Special Board in the discharge of its duties and, upon request, shall furnish such information in their possession relative to the discharge of such duties, and shall detail from time to time such officials and employees, and perform such services as may be appropriate. The National Mediation Board is further authorized and directed to reimburse such other agencies for assistance in carrying out the purposes of this resolution as may be appropriate.

"Sec. 4. If agreement has not been reached within ten days after the enactment of this resolution, the Special Board shall hold hearings on the proposal made by the Special Mediation Panel in its report to the President of April 22, 1967, in implementation of the collective bargaining contemplated in the recommendation of Emergency Board Numbered 169, to determine whether the proposal (1) is in the public interest, (2) is a fair and equitable extension of the collective bargaining in this case, (3) protects the collective-bargaining process, and (4) fulfills the purposes of the Railway Labor Act. At such hearings the parties shall be accorded a full opportunity to present their positions concerning the proposal of the Special Mediation Panel.

"Sec. 5. Within such time as the Special Board may determine, but not to exceed fifteen days after its establishment, the carrier parties to the dispute shall be required to submit to the Special Board a last offer of settlement of the issues in dispute. Within twenty days thereafter the National Mediation Board, with such assistance from other agencies as may be necessary, shall take a secret ballot of the employees of each carrier involved in the dispute on the question of whether they wish to accept the offer. The result of such ballot shall be certified to the Special Board. If the majority of the employees vote to accept such proposal, such determination shall be binding on the parties. If the carriers' offer is rejected, the representatives of such employees shall within five days after certification of rejection submit to the carriers, with copies to the Special Board, a counteroffer, which shall within five days be accepted or rejected. If agreement has not been reached by the parties by use of the above-stated offer and counteroffer, then the Special Board shall continue holding hearings as set forth in section 4 as implemented by the stated public positions set forth in this section. The Special Board shall be authorized to make public any or all of the proceedings and issue such reports to the President, the Congress, and the public as it may deem appropriate.

"At such hearings the parties shall be accorded a full opportunity to present their positions concerning the proposal of the Special Mediation Panel.

"Sec. 6. On or before the sixtieth day after the enactment of this resolution, the Special Board shall make its determination by vote of a majority of the members and shall incorporate the proposal of the Special Mediation Panel with such modification, if any, as the Special Board finds to be necessary to (1) be in the public interest, (2) achieve a fair and equitable extension of the collective bargaining in this case, (3) protect the collective bargaining process, and (4) fulfill the purposes of the Railway Labor Act. The determination shall be promptly transmitted by the Special Board to the President and to the Congress.

"Sec. 7. If agreement has not been reached by the parties upon the expiration of the period specified in section 11, the determination of the Special Board shall take effect and shall continue in effect until the parties reach agreement, or if agreement is not reached, until such time, not to exceed two years from January 1, 1967, as the Special Board shall determine to be appropriate. The Special Board's determination shall have the same effect (including the preclusion of resort to either strike or lockout) as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.). At the time the determination of the Special Board shall take effect, the President shall direct the Attorney General to petition any district court having jurisdiction of the parties for the appointment of a special receiver or receivers to take immediate possession in the name of the United States of any carrier which is subject to such dispute and to use and operate the equipment and facilities of any such carrier in the interest of the United States, and if the court finds that the exercise of the power and authority provided by this resolution is necessary to protect the national health, safety, or the public interest, it shall have jurisdiction to appoint such receiver or receivers and to make such other orders as may be necessary and appropriate to carry out this resolution.

"Any suit, action, or proceeding under this resolution against an employer, or a labor organization, or other persons subject thereto involving two or more defendants residing in different districts may be brought in the judicial district whereof any such defendant is an inhabitant; and all process in such cases may be served in the district in which any of them are inhabitants or wherever they may transact business or be found.

"The several district courts of the United States are invested with jurisdiction to prevent and restrain violations of this resolution. Whenever it shall appear to the court before which any such proceeding may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned whether they reside in the district in which the court is held or not, and supenas to that end may be served in any district by the marshal thereof.

"In any case, the Act of March 23, 1932, entitled 'An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes' (47 Stat. 70; 29 U.S.C. 101–115) shall not be applicable.

"The order or orders of the court shall be subject to review by the appropriate circuit court of appeals as provided in sections 1291–1292 of title 28, United States Code, and by the Supreme Court upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

"Sec. 8. Whenever a district court has appointed a receiver or receivers pursuant to the provisions of this resolution, or has issued such other orders as may be necessary to carry out the purpose thereof, it shall be the duty of the parties to the labor dispute giving rise to such action to make every effort to adjust and to settle their differences, with the assistance of the National Mediation Board. During the period in which possession of any carrier has been taken under this resolution the United States shall hold all income received from the operation thereof in trust for payment of general operating expenses, just compensation to the owners as hereinafter provided, and reimbursement to the United States for expenses incurred by the United States for the operation of any such carrier. Any income remaining shall be covered into the Treasury of the United States as miscellaneous receipts. In determining just compensation to owners of the carriers, due consideration shall be given to the fact that the United States took possession of such carrier when its operation had been interrupted by a work stoppage or that a work stoppage was imminent; the fact that the carriers or the labor organizations, as the case may be, have failed or refused to comply with recommendations for settlement made during proceedings under this resolution; the fact that the United States would have returned such carrier or carriers to its owners at any time an agreement was reached, and to the value the use of such carriers would have had to the owners in the light of the labor dispute prevailing, had they remained in their possession during the period of operation.

"Sec. 9. The President may appoint a Compensation Board to determine the amount to be paid as just compensation under this resolution to the owner or owners of the carriers of which possession is taken. For the purpose of any hearing or inquiry conducted by any such Compensation Board the provisions relating to the conduct of hearings or inquiries by special boards as provided in section 1 of this resolution are hereby made applicable to such hearing or inquiry. The members of Compensation Boards shall be appointed by the President and compensated in accordance with the provisions of section 1 hereof.

"The award of the Compensation Board shall be final and binding on the parties unless within thirty days after the issuance of said award either party moves to have the award set aside or modified in the United States Court of Claims in accordance with the rules of such court.

"Sec. 10. Any carrier or carriers of which possession has been taken under this resolution shall be returned to the owner thereof as soon as (1) agreement has been reached with the representatives of the employees settling the issues in dispute, or (2) the President finds that the continued possession and operation of any such carrier or carriers by the United States is no longer necessary to the national health, safety, or the public interest.

"Sec. 11. The provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160), as heretofore extended by law, shall be hereby extended until 12:01 o'clock antemeridian of the ninety-first day after enactment of this resolution with respect to the dispute referred to in Executive Order 11324, January 28, 1967.

"Sec. 12. If any provision of this resolution or the application of such resolution to any person or circumstance shall be held invalid, the remainder thereof, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby."

(By unanimous consent, Mr. ADAMS was allowed to proceed for 5 additional minutes.)

Mr. ADAMS. Mr. Chairman, I particularly appreciate the difficult situation we all face today. I know my colleagues do.

I was very pleased that when the Speaker made his remarks this morning he did not come out in opposition to the principle of what we are trying to accomplish by this amendment. I am in complete agreement with him, and I know the rest of us are, that we must meet our responsibilities to our men in Vietnam.

I believe we will find that the members on the committee who are taking the position that I will advocate, and the members who will support it, also support this.

Therefore, the memorandum which was circulated this morning by my distinguished friend and colleague, the gentleman from Louisiana [Mr. BOGGS], the whip, indicating the difficulties of a railroad strike, and the statements which were made by the Speaker this morning, I completely agree with. I completely agree with them.

We do not want to have a strike.

I want to point out that under this substitute we are not going to have a strike. There will be no strike.

As for the date and the time, and whether this can become law, I want to say unequivocally—unequivocally—that the members of the committee, led by the distinguished gentleman from West Virginia, and all the rest of us, have never delayed. We will not delay today. We did not delay yesterday.

If there is a conference, we will go to conference at any time, starting the minute this is passed. We will sit all night, sit all day Friday, all Friday night, and all Saturday, and settle this matter.

So there is no question at all about anyone saying that this matter cannot be settled and that it cannot be done in time.

I agree completely with the remarks of the Speaker that we have a responsibility. I believe that responsibility carries through Thursday, Thursday night, Friday, Friday night, Saturday, Saturday night, Sunday, and Sunday night.

So let us get out of our mind any fact that this cannot become legislation before Sunday. It can. It should. We expect that it will.

The second thing is whether or not there has been a group which has settled. Before explaining each provision of this amendment, I believe these things should be pointed out. I hope all Members have copies of the report, because this is very important in regard to the argument which has been going on about whether or not 80 percent have settled and this is just a matter of a few recalcitrant men, which was put out in this press release.

Let me explain. Look at appendix B in the report. I will refer directly to the facts set forth there.

I do not believe anyone is going to question these facts.

Members will find there a series of groups and railroads listed.

Of these groups the question is, When are they going to reopen?

The first group, September 1 of this year.

The second group, September 1 of this year.

Why will this effect collective bargaining? Because these brotherhoods are waiting to see what this House is going to do, just as management is, with this matter.

If we say, "We will take you off the hook; you will not have to bargain all the way," then, gentlemen, you can expect that after September 1, 1967, you are going to have the trainmen file their notices and start bargaining and you are going to have the firemen file their notices and start, and you are going to have the clerks file their notices and start. You will have a "long time" with the nonoperating people. It will be just March 1 of next year. You just have to plan on that now, because it will hit us sometime about September of next year.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Michigan.

Mr. DINGELL. I point out now that the trainmen announced they will be reopening September 1 for 12½ cents.

Mr. ADAMS. Absolutely.

Mr. DINGELL. This was in the paper this morning and was announced yesterday in Cleveland.

Mr. ADAMS. As I pointed out yesterday in the Committee of the Whole, the district court here has been hearing the trainmen and oilers in their so-called manning issue. The court of appeals just reversed that. It goes to the Supreme Court. With the time spent by the Supreme Court, gentlemen, you can expect that the trainmen, the firemen, and the oilers will arrive here in the House during the summer of 1968 and you will have this issue before you again. That is the purpose, gentlemen, of what we are trying to do with House Joint Resolution 585.

We are not trying to delay this and we are not trying to say that there should not be a settlement or that you should not go to a strike. We are merely trying to propose a compromise which, as I pointed out with the gentleman from California yesterday, builds back collective bargaining to the greatest degree we can by legislation. If someone can think of a better way to do it, then God bless them. We would like to have it. We build back here the best way we can put pressures on the parties to settle. That is one of the key points in this bill.

All of you have this bill. It is in the back of the Chamber. But I also refer you, if you do not have it before you, to your seat on the House floor. Just reach beneath the seat and you can obtain a copy of the RECORD of yesterday and turn to pages 15849 and 15850 in the CONGRESSIONAL RECORD. We put it in the RECORD yesterday so you would have it immediately at hand. On page 9 of the bill, section 8, it says this:

> During this period of seizure due consideration shall be given to the fact that the United States took possession of such carrier when its operation had been interrupted by a work stoppage or a work stoppage was imminent.

Now, there is a key reason for that provision. What it is trying to do is build back some of the economic pressures into this legislative settlement—into this legislative settlement—to break the parties out of their frozen position. This is why so many of us oppose 559. I can tell you, gentlemen, 559 is just more of the same that these parties have been going through since January of this year, with one exception. That one exception is compulsory arbitration, which is to say—and I do not care how you say it, because you can call it anything you want to, if you want to put another label on it—and feel these are fighting words, then call it finality of wage negotiations. However, as of the date that this goes into effect a board will say these are the rules and this is how you are going to work. Another section will say, "You men are enjoined and you have to continue working." At that point, gentlemen, collective bargaining in the railroad industry is going to be a thing of the past, because in 1963 we did it with the trainmen and the oilers. That is pointed out in the appendix of the report. Now we do it with this group.

What are you going to do with the clerks and the operating people and the conductors and all the rest when they come up? Do you know what they will say in negotiations in those nice, quiet, silent negotiations? They will say, "We know Congress will take us off the hook, so make your last offer." I refer you to the testimony in the hearings of Mr. Wolf where he said, "Our position is the last position that came down from the Board." I said to him, "Are you making another offer? Are you going any place?" He said, "Oh, no. That is our position." Then I said to him, "Would you talk about something?" He said, "Oh, yes. We will talk. We will talk now about anything, but that is our final position."

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. Yes. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Does not experience demonstrate that compulsory arbitration is just a fancy term for Government wage fixing?

Mr. ADAMS. That is it. It is that. You can put any label you want to on it, as I said before, but this is what occurs.

Now, Mr. Chairman, yesterday I pointed out the fact that this argument was 80-percent settlement and 20-percent habit and is just not correct.

Mr. Chairman, what happens is that the 80 percent are sitting there watching to see what is going to happen to the 20 percent. What you do in this legislation is going to affect all of our lives and our future economic problems. It is here. It is not in the future.

Now, Mr. Chairman, the next problem which we have tried—and that is why we asked that this be read all the way through—to follow the proposal. You will find House Joint Resolution 585 follows the President's proposal, section by section, in one proposal after another.

In other words, Mr. Chairman, it provides for the appointment of a board, it provides for mediation, it provides for a period of 90 days during which negotiations may be conducted, it provides for a firm settlement at the end thereof, it provides during the period of time that all of this is going on that the men shall be enjoined, but it also provides a couple of additional things which, frankly, we drafted after listening to the hearings and after having the benefit of additional time and work which came about as a result of those hearings.

Mr. Chairman, having had the privilege of that additional time, we provided that in addition to House Joint Resolution 559, the parties—the parties—can go to this Board and present their various sides of the question.

The CHAIRMAN. The time of the gentleman from Washington has expired.

(By unanimous consent, Mr. ADAMS was given permission to proceed for 2 additional minutes.)

Mr. ADAMS. Mr. Chairman, we also provide in one section that this seizure and injunction can be terminated at any time by either agreement, or under the very broad powers of the President. In other words, at any time at which the President feels that the national interest, health, and safety is no longer involved, this action can be taken.

Mr. Chairman, these represent some of the improvements that we have put into this section of the bill.

Mr. Chairman, we have also provided in this substitute for public offers on both sides—in other words, to bring the parties out into the open. In other words, we provide that there shall be offers and counteroffers.

Mr. Chairman, those of us who are familiar with the airline strike last year recall that there was submitted an offer and then there was a vote upon it. They did not agree to it, but there was wide publicity and we did get the parties to settle.

Mr. Chairman, we are bringing out this joint resolution, House Joint Resolution 585, because we feel it is a better resolution—it is a compromise between striking and the President's proposal which has been submitted.

Mr. Chairman, I would plead with the Members of the Committee of the Whole House on the State of the Union to pass this joint resolution and try to preserve and save a little bit of collective bargaining. All of us recognize that we can go in and just simply hold these men; we can do it, but is that fair?

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Florida.

Mr. ROGERS of Florida. Mr. Chairman, in the consideration of this, I wonder if the gentleman from Washington [Mr. ADAMS] would advise the Committee as to the cost that would be involved to the Government, since compensation would have to be paid if this proposal was adopted.

Now, Mr. Chairman, there was no testimony presented before the committee as to what the costs would be to the Government.

I am sure that the gentleman from Washington realizes that when the railroads were seized in World War I the cost accruing to the Government was in the sum of about $1,600,000,000.

Mr. Chairman, it is my opinion that the Committee of the Whole House on the State of the Union is entitled to know—since the Committee did not have this information and since we did not really go into all of the ramifications of a seizure proposal—I wonder if the gentleman could give this information to the Committee?

The CHAIRMAN. The time of the gentleman from Washington has again expired.

(By unanimous consent Mr. ADAMS was given permission to proceed for 1 additional minute.)

Mr. ADAMS. Mr. Chairman, I would say this to the gentleman from Florida: We do not have presently available a figure as to what would happen, but the principle which is now involved is different from that involved in the war. In this case the railroads are paid as just compensation only that amount that they would have earned if they had been on strike, which means that into the Treasury flows more money than will go back out.

I want to say this on seizure. We have had a lot of opinions on seizure, but I would say that this does not mean that there are going to be civil servants sent down to run the engines. What this is, actually, is a rather simple matter on the top of a Government-regulated industry of continuing it along in the same fashion that it has continued in the past.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. HOLIFIELD, and by unanimous consent, Mr. ADAMS was permitted to proceed for 1 additional minute.)

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman.

Mr. HOLIFIELD. The gentleman from Florida [Mr. ROGERS] brought up the cost to the Government during the years of World War II, I believe he said.

Mr. ROGERS of Florida. No; World War I.

Does the gentleman mean World War I rather than World War II?

Mr. ROGERS of Florida. World War I.

Mr. HOLIFIELD. Mr. Chairman, let me call the attention of the House to the fact that the Government rebuilt the railroad beds and replaced the rolling stock of the railroads to the tune of hundreds of millions of dollars, which the railroads inherited when they received the railroads back.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. If the gentleman will permit me to finish, then he may go ahead.

I would say to all the Members that if there are any Members who want time and want to question me about this, I am available to them.

In the President's bill there is also one more further fact. On page 5 you will find in line 6 a provision which fixes the Board's power to continue until these parties have settled their agreement, and if they cannot agree, then there will be no further agreement and the contract will continue until they are back here or forced into court.

I thank the Chairman for his courtesy.

Mr. ALBERT. Mr. Chairman, I move to strike out the last word.

(By unanimous consent, Mr. ALBERT was permitted to proceed for 10 minutes).

Mr. ALBERT. Mr. Chairman, first of all may I congratulate the distinguished gentleman from Washington upon the high quality of his presentation. He has obviously done his homework as he always does. Ever since the gentleman from Washington [Mr. ADAMS] first came to Congress he has shown great qualities of legislative leadership. I rejoice that he has lived up to his promise. All Members on both sides of the aisle are always delighted when new Members come who are interested in their jobs, who will work at their jobs, and who are able to make constructive contributions to the House. The gentleman from Washington has certainly proved himself to be such a Member.

I dislike having to disagree with a friend whom I hold in such high esteem. I believe generally he and I are on the same side of most issues.

I believe under the circumstances in which we find ourselves today that the gentleman is mistaken, and that his amendment should be defeated.

It seems to me that seizure under the circumstances which confront us is like using a sledge hammer to swat a fly. It is a most drastic remedy, and I do not believe it is called for by the present situation.

First, the parties are close to a solution, I believe, after over a year of bargaining with the help of two Special Boards composed of some of the most distinguished men in the country.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I would be happy to yield to the gentleman after I complete my statement.

Mr. DINGELL. I would say to the gentleman ordinarily I would be happy to wait until the gentleman concluded, but I just want to point out to the distinguished majority leader that the parties are not close together. The evidence and testimony we have received in the committee is that they are not close together.

Mr. ALBERT. Well, they are reasonably close. I believe the report points out what the parties have asked for and what their present positions are. They are fairly close.

Second, a fair solution that meets the particular facts of this case without the risks and hazards of seizure is available, and that is the proposal which the committee has brought to the floor.

Third, seizure has never been applied, as far as I know, in this kind of a situation. And if I understand the feelings of the House—and I have talked with many Members—I do not believe that the Members at this late hour want to enter into the area of seizure in this dispute.

In the first place, as the gentleman from Florida indicated, this might involve considerable public expense.

In the second place, I know that the President does not want this additional duty. He does not want to take over the job of managing the railroads of the country—at a time when he is so preoccupied with so many other things.

The seizure amendment does not take into account the fact, as has been pointed out before, that it involves now at least only a part of the industry.

The seizure amendment would impose, as I understand it, a no strike and no lockout moratorium not only on the employees who are involved in this dispute, but also on those who have already settled their disputes.

Mr. DINGELL. Mr. Chairman, will the gentleman yield for a correction?

Mr. ALBERT. I yield to the gentleman.

Mr. DINGELL. Mr. Chairman, I would point out to my very dear friend, the distinguished majority leader, that the joint resolution, House Joint Resolution 585, would prevent both a strike and a lockout in precisely the same way as the administration bill, House Joint Resolution 559, does.

Mr. ALBERT. I will say to my friend that I had reference to those who have settled on their own and who are already working.

Seizure, it seems to me, would settle nothing. It would perpetuate an already undesirable situation.

The resolution before us accomplishes the purposes it seems to me that we want to accomplish.

It takes up where the parties left off.

It takes into account also what the Fahy Panel proposed.

It provides for intensive mediation followed by hearings before the parties.

Finally, and only if a settlement has not been reached, it provides for a determination within the framework of collective bargaining and mediation efforts in this case.

Mr. Chairman, what concerns us is not a theory. It is a situation—as Woodrow Wilson once said. We are faced with a matter which involves the national interest of the United States as our distinguished Speaker of the House said a few minutes ago.

This is Thursday afternoon and unless the Congress acts—on Sunday night there will be a nationwide railroad strike. Nobody has disputed that fact.

No Member of this House is unaware of the consequences of such a national catastrophe—particularly one which would paralyze the entire railway transportation industry of this country.

As our distinguished Speaker pointed out, even those who signed the minority report stated emphatically that none of them wanted a nationwide strike. They realize that such a strike would be disastrous to the economy of the country and to the welfare of our people. More important, it would, at this hour, be disastrous to the defense of our Nation.

Mr. Chairman, we are engaged in a war. We have 500,000 troops in the field. We face an unsettled situation—a serious, a grave, and an explosive situation in the Middle East.

Mr. Chairman, with these things in mind, yesterday I addressed a letter to the Secretary of Defense and another letter to the Chairman of the Joint Chiefs of Staff on this very subject. I wrote to them that it would be helpful, in my opinion, in connection with the President's legislative request to have an expression of their views as to the impact on our security of a stoppage of our railroad transportation system. I have heard from both the Secretary of Defense and the Chairman of the Joint Chiefs of Staff.

I would like first to read General Wheeler's letter to me. It is as follows:

> DEAR MR. ALBERT: You have asked me for my views as to the consequences of a stoppage of the national rail transportation system.
>
> Over 40 per cent of the total freight shipped by the Department of Defense, exclusive of those petroleum products transported by pipeline, is moved by the nation's railroads. During this month of June, 140,000 tons of ammunition are scheduled to move by rail to our ports for shipment overseas. It takes about 150 rail carloads of ammunition to load one ammunition ship.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. Yes, I am happy to yield to my distinguished friend, the gentleman from California, who is part of the leadership and who I know wants to work this matter out in a fair and equitable manner.

Mr. MOSS. The gentleman said that he is opposing the substitute.

Mr. ALBERT. The gentleman is correct.

Mr. MOSS. Very clearly, the substitute does not anticipate a national work stoppage, and I ask my good friend what is the pertinency of the material he is now giving the House to the alternative that we are urging?

Mr. ALBERT. I will say to my friend that I am worried about the time element. The alternative that the gentleman urges has not passed another body, has not been reported by the committee, and at this late hour is not ready for consideration by another body. I fear that if the alternative is adopted, we will have a railroad strike on Monday.

Mr. MOSS. Mr. Chairman, will the gentleman yield further?

Mr. ALBERT. Yes, I will yield to the gentleman from California, but first let me ask the gentleman a question.

Mr. MOSS. First, let me respond and say, Yes, the gentleman does want to be blunt.

Mr. ALBERT. I know the gentleman does, but let me ask the gentleman a question.

Mr. MOSS. I shall be pleased to respond.

Mr. ALBERT. Would the gentleman's proposal, or the Adams proposal, offer the best chance of preventing a railroad strike on Monday?

Mr. MOSS. Is expediency the only test that we are to apply to the proposals before this House?

Mr. ALBERT. Of course expediency is not the only test of the proposals, and it is not the test that we are now applying.

Mr. MOSS. The blunt statement the gentleman has from me is that every single Member who signed the minority report felt that we should have worked last evening until midnight or later, if it was necessary, to move us along on the path that we wanted to achieve in getting the bill acted upon and acted upon promptly.

Mr. ALBERT. I am not accusing the gentleman of anything. I am right in the middle of reading an important letter.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. *Yes, I yield to the gentleman* from Michigan.

Mr. DINGELL. As a matter of fact, I will say to my beloved friend, when the Committee rose last night, it rose over my protest.

Mr. ALBERT. The gentleman is correct.

*Mr. DINGELL. I spoke to the distin*guished majority leader and also to the Speaker, pointing out that we would be in precisely this position if we rose at that time rather than working till night, as we well could have, to arrive at a just, equitable, and proper piece of legislation.

Mr. ALBERT. It would not have made much difference whether we had passed the bill yesterday or today, in my judgment.

Mr. DINGELL. I say to my valued and distinguished friend that the time that could have been spent last night in working to achieve proper legislation could have been well served in resolving the problems before us, and we would have had more time for conference with the other body.

Mr. ALBERT. May I say to the gentleman—and I am not going to yield further—I am reading from General Wheeler's letter:

> The movement of heavy military equipment is especially dependent on rail carriage. Combat vehicles, such as tanks and armored personnel carriers, are being moved daily to and from Vietnam in a program of repair and redistribution.
>
> During the next two weeks, over 3,000 rail cars will be needed to transport ammunition, weapons, tactical vehicles, rations and other combat supplies for Vietnam.
>
> The situation in the Middle East adds further urgency to the need for assuring uninterrupted operation of our national rail transportation system.
>
> I do not personally see how, at a time when our defense needs are greater than they have been at any time since World War II, we can ask anything less than the full and uninterrupted operation of the nation's railroads. A stoppage of the rail transportation system would have immediate and grave consequences on our national security. The Joint Chiefs of Staff are in unanimous agreement with the judgment I have expressed.
>
> EARLE G. WHEELER,
> *Chairman, Joint Chiefs of Staff.*

Now, Mr. Chairman, I should like to read the letter from the Secretary of Defense:

> THE SECRETARY OF DEFENSE,
> *Washington, D.C., June 14, 1967.*
>
> Hon. CARL ALBERT,
> *Majority Leader,*
> *House of Representatives,*
> *Washington, D.C.*
>
> DEAR MR. ALBERT: I am happy to furnish my views on the destructive impact that a railroad strike would have on our national security.
>
> I feel I must tell you that it is the unanimous opinion of the Joint Chiefs of Staff, Mr. Vance and me that acceptance of an interruption of rail movements of defense equipment and defense-related supplies at a time when we have 500,000 men engaged in military operations in the Pacific and simultaneously face the dangerous unknowns associated with the situation in the Middle East would be an act of utter folly, an incredible evasion of our responsibility to our nation.
>
> I realize these are strong words, but I know of no others to describe the effect on our military posture were rail transport of *defense goods to be interrupted.*
>
> In my prepared statement before the House Committee on Interstate and Foreign Commerce on June 6, 1967, I stated that "it is unthinkable that a strike should be permitted to occur in an industry which constitutes one of the basic elements supporting our military posture." I urge the *Committee and now urge the House of Representatives to support the Joint Resolution* requested by the President in order that the vital rail transportation facilities of our nation may continue to operate.
>
> Sincerely,
> ROBERT S. MCNAMARA.

Mr. Chairman, these are the words of those upon whom rests the responsibility of maintaining the defense forces and the defense facilities of our Nation.

What is the legislative situation which now confronts the House? We have here a resolution which was reported by the Committee on Interstate and Foreign Commerce. That committee considered the amendment presently before the House and other amendments as well. We have on the Speaker's desk a joint resolution passed by the Senate. That body has also considered, both in committee and on the floor of the Senate, the various amendments which have been suggested during the debate on this resolution. I know that these amendments are offered in the best of faith, and I know that they are offered by gentlemen as interested as I in preventing a railroad strike. But it seems to me that the urgency of the matter requires that we proceed as the committee has recommended, to bring this matter to a conclusion by passing today the resolution before the House, and by defeating the amendments which in my mind would beyond any doubt delay the completion of this matter until it was too late to prevent a strike.

I regret that we are here in this unfortunate situation. But in my judgment we will either adopt the resolution or we will face the almost certainty of a railroad strike.

I am not unmindful of the arguments that have been made against this resolution. I agree that there is an element of compulsion in this resolution, but the compulsion is limited. The important thing, it seems to me—and I say this in answer to my good friend, whom I admire and respect as much as I admire any man in the world, the gentleman from California [Mr. Moss], I say to him that it seems to me in the consideration of this amendment, two grave risks confront the House: First, the utter irresponsibility which we would demonstrate if we permitted a nationwide railroad strike, and, second, the danger of adopting amendments which well may have a dilatory effect to the extent that such a strike will become inevitable, and I say this even though I know that gentlemen offering these amendments are not doing so for dilatory purposes. These amendments are offered in good faith, but I fear they will result in delays that may be disastrous.

Mr. HARVEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is the seizure amendment. Let it be known by no other name. It amounts to seizure of the railroads in order to settle this particular dispute.

Let me inform my colleagues in the House that our Interstate and Foreign Commerce Committee fully considered this amendment and they rejected it by a vote of 17 to 10.

I want to say to the Members this afternoon that in my judgment *seizure in a case such as this would be a grossly* unfair remedy.

I want to address myself to that point for just a minute.

In the first place, let me point out that there is no criterion here for seizure whatsoever. We have not heard any speaker on this floor get up and say that either one of these parties, either the employer or the unions, is guilty of any wrongdoing.

This is not a case, let me say, where the employer has refused to recognize a union. This is not a case where an employer is trying to destroy a union or anything of the sort.

On the contrary, all of the speakers on both sides of the aisle have agreed that this is a case where the parties are separated by one thing only, dollars and cents. That is what separates them.

We keep hearing that somehow seizure is supposed to balance the equities between the parties in the settlement of this dispute.

Let me say here and now, that is a gross distortion of the truth, because just the opposite is true. What seizure will do is weight the remedies strongly in favor of labor. We might just as well pass a bill right now and say, "We are going to settle this dispute and we are going to legislate in favor of the brotherhoods." We might as well do that, because that is what seizure would do in a case such as this. That is how important it is.

We start out with a situation in which the parties are equal at the present time. They are equal under House Joint Resolution 559. Labor loses the right to strike and management loses the right to a lockout. They agree to go before a Special Board, as they have gone before, I might say, three other Special Boards.

I heard one labor leader say on television that these were antilabor Boards. I was so shocked when I heard him say that on the Walter Cronkite program that I started asking Mr. Leighty and other labor leaders who came before us, "Do you consider these Boards to be antilabor, these Boards appointed in the past by President Johnson and approved by Secretary Wirtz? Is this an antilabor administration?"

I could not believe it. Neither did the labor leaders who came before us. They denied it. In other words, these were fair and reasonable men who tried for a settlement of this dispute.

Let us take a look at the qualifications of some of them.

We started out with the National Mediation Board, with a man by the name of Francis A. O'Neill as Chairman of the Board.

Who is he? He is a distinguished man with 20 years of experience in the U.S. Government in settling disputes such as this and in settling disputes such as this with the airlines as well.

Then we go to Emergency Board No. 169, which the President appointed when the efforts before the National Mediation Board failed.

A man by the name of David Ginsburg headed that Board. He is a distinguished American, an attorney here in the District of Columbia, who has long experience. He was formerly General Counsel of the OPA.

Also on that Board were Frank J. Dugan, a professor of law at Georgetown University, and John W. McConnell, president of the University of New Hampshire.

Do these sound like antilabor men? Would this be the type of people the Johnson administration is appointing?

The Members cannot believe that. Neither can I. Neither does organized labor believe that.

Then we come to the Special Panel. Who composed that Panel?

Judge Fahy, from the District of Columbia, whom we know very well, who just recently retired, was on that Panel.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(By unanimous consent, Mr. Harvey was allowed to proceed for 3 additional minutes.)

Mr. HARVEY. Let me just call to the attention of Members a few facts about Judge Fahy. This man not only retired recently as a judge of the U.S. Court of Appeals, but also he was the first general counsel of the National Labor Relations Board. In addition to that, he was Solicitor General of the United States.

Can you believe a man like Judge Fahy is going to be antilabor? Of course not. Look at Dr. Dunlop's qualifications. He is a Harvard University professor. Look at Dr. Taylor's qualifications who served on the same Panel. He is from the University of Pennsylvania. My point is these are all distinguished Americans. I have no quarrel with them. Leaders of organized labor, including Mr. Leighty, said he had no quarrel with them and he refuted the argument that they were in any way antilabor.

We start out with a Panel in these cases that is fair and equal to both parties. However, when you add the element of seizure, then you are unbalancing the equities. Then you are weighting that Panel strongly in favor of labor. As I say, you are weighting it so strongly that you might just as well say right here and now, "We decided we are going to settle the dispute in Congress and pass a bill in favor of the brotherhoods, and we will settle it."

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. I yield to the gentleman.

Mr. PICKLE. Dr. Taylor and Judge Fahy are members of this last Board, and they said that Resolution 559, which is the resolution before us, is the fairest and best means of settling this issue. Is that not right?

Mr. HARVEY. They certainly did.

I would point out in conclusion some testimony which I think the Members of this House should very carefully consider. This is the testimony of the Secretary of Labor, Mr. Wirtz. I specifically inquired of him as to what he thought about seizure. Let me quote a few of his remarks here.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. Not at this point. No.

I quote Secretary Wirtz:

> As the chairman indicated, there are an infinite number of problems, one being whether the conditions should be frozen as they are or whether there would be the power to change them. There would be the introduction of all the complexities of the transfer of ownership or operation.
>
> There were about 125 or 135 seizures during the war. Most of them ended up in litigation.
>
> I may say some of them are still in litigation today.
>
> So there are all those complexities.
>
> I also think it is a matter of common fairness involved here, equities of the situation. I don't think the circumstances here warrant the taking over of properties by the Government.

This is what he concluded with.

I am glad to see that the administration does not feel that way, and I certainly share that view. I think to adopt the seizure remedy would be grossly unfair.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

(By unanimous consent, Mr. Harvey (at the request of Mr. Rogers of Florida) was allowed to proceed for 1 additional minute.)

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. I am glad to yield to the gentleman from Florida.

Mr. ROGERS of Florida. As a matter of fact, is it not true under the present law after an agreement has been entered into that as individual arguments and individual claims as to wages come up they are settled by arbitration presently under the law?

Mr. HARVEY. That is correct.

Mr. ROGERS of Florida. So that this is a process that is presently used and recognized. Further, it seems to me—and I am sure the gentleman from Michigan will agree with me on that—if I were a unionman representing my union and I had the right to have the Government come in and seize an industry until they met my demand and have a board set up, as has been proposed here, to set the pay scale all during this period of time and at the same time say we are not going to compensate the industry other than on the consideration that a strike has been going on all along, then I would think that is the perfect solution; namely, just to wait and never settle.

One union—one union—could hold up this entire industry and require seizure from now on without any settlement. So I can see the unfairness of the proposition as the gentleman has so clearly explained.

Mr. HOLIFIELD. Mr. Chairman, I rise in support of the Adams amendment, and I move to strike the requisite number of words.

(By unanimous consent, Mr. Holifield was allowed to proceed for 3 additional minutes.)

Mr. HOLIFIELD. Mr. Chairman, as the previous speaker said, seizure is drastic. So is the imposition of arbitrary compulsion upon labor in a free society. That is drastic, too. That strikes at the very foundation of the democratic processes of government. The statutes on labor, including the Wagner Act, and others, have given to labor the right to free collective bargaining, and the right to strike to enforce that bargaining to the extent that this is possible.

Now, Mr. Chairman, we have had a lot of discussion about the boys fighting in Vietnam. This is an appeal to emotionalism. Of course, I have friends and relatives who are fighting in Vietnam. I do not feel that any Member of this House wants to draw the line between patriotism and treason for those who differ as to how this matter should or is going to be settled—for those who are going to vote for House Joint Resolution 559, or for the Adams amendment.

And, Mr. Chairman, if there is any Member who wants to draw that line, let him stand up now. And, if they do not want to draw that line, then quit befuddling the issue with this situation.

Mr. Chairman, there are unionmen who are fighting in Vietnam. There are boys whose fathers are working on the railroads that are fighting in Vietnam. They are fighting there for the free processes of a democratic society, not for compulsion on one side and freedom from compulsion on the other.

Now, Mr. Chairman, either we are at war or we are not at war. If we are at war, then let us follow the pattern of World War I and World War II in which seizure and compulsory arbitration of labor disputes were carried out.

Mr. Chairman, if we are not at war, let us follow the peacetime processes of a democratic society. Now, I will say to the members of the Committee that we are at war. It does not make any difference to me whether it is a declared war or is an undeclared war. We are at war. We have 500,000 men out there in Vietnam.

So, Mr. Chairman, I say that this House today by adopting the Adams amendment can authorize the President to exercise the same powers that were established during World War I and during World War II, to the extent that he deems it necessary.

Yes, Mr. Chairman, the Adams amendment is a seizure amendment. It is a seizure of both management and labor.

Mr. Chairman, the committee joint resolution is a seizure proposal, I will have you know. It seizes the right of labor and nullifies the right of that vital step in the process of negotiation, in the process of collective bargaining, and that is the right to strike. We are taking it away from them and we are taking it away from them in the Adams amendment also.

Now, Mr. Chairman, the Adams amendment is evenhanded pressure upon both parties. It keeps the railroads operating, it protects their profits, and keeps the men from striking. It protects their earnings and sets up measures for the use of the procedure of arbitration and negotiation.

Mr. Chairman, it protects the earnings of the men engaged in this type of employment. It brings pressure to settle by requiring offers and counter offers, and provides for the consideration of the the question that although labor offered, management did not counteroffer.

Mr. Chairman, it was at that point that collective bargaining stopped, because of the lack of the negotiations on the part of management, the lack of a counteroffer to labor's proposal and the ultimatum upon the part of management that they had gone so far and they would go no further.

Mr. Chairman, labor has not refused to bargain. Labor has not said that it will take only the ultimate that they have asked for. It has said that it is ready to sit down and negotiate.

However, Mr. Chairman, management has not said this.

Mr. Chairman, I say to the members of the Committee of the Whole House on the State of Union that there need not be the alternative of imposing compulsory arbitration upon labor and labor alone, and not putting pressure upon management at the same time.

Mr. Chairman, the members of the Committee have the alternative here that was spoken of in the minority report.

The alternative is before us. We do not have to have a strike. We do not have to have arbitrary compulsion against labor without arbitrary seizure of management.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield for a correction?

Mr. HOLIFIELD. Certainly I will yield.

Mr. ROGERS of Florida. Mr. Chairman, I am sure the gentleman would not want to give the impression to the House on a fact that is not true.

Mr. HOLIFIELD. That is right.

Mr. ROGERS of Florida. Mr. Chairman, both sides have stated they are willing to talk and negotiate. They have stated this before the committee, both of the representatives who appeared before the committee.

Mr. HOLIFIELD. As I understand, management said they would talk, but that their position was a final and frozen position.

Mr. ROGERS of Florida. The gentleman is not correct in his understanding.

Mr. HOLIFIELD. I will yield to the gentleman from Washington, Mr. Brock Adams, to correct me if I am wrong.

Mr. ROGERS of Florida. What the parties said was that they thought they were at a position where the parties could no longer reach agreement on the remaining issues.

Mr. HOLIFIELD. Mr. Chairman, I am yielding to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I believe it is clear that management's statement—and this was the testimony of Mr. Wolfe—what their last offer was, and when they were asked about bargaining beyond that last offer they said "Yes," they would talk if somebody wanted to talk to them, but that was all they would do.

Mr. Chairman, while I am on my feet, I would like to correct an impression that was made today and yesterday, if the gentleman will yield further.

Mr. HOLIFIELD. I yield to the gentleman.

Mr. ADAMS. And the gentleman from Florida [Mr. Rogers] corrected it by referring to the statute. And I would point out to the gentleman from Florida that that there is not compulsory arbitration in the railroad industry on the making of agreements. Section 152 has an arbitration agreement for settlements already voluntarily made to interpret them, but under section 157 the statute provides that there shall be collective bargaining on the creating of agreements.

Mr. HOLIFIELD. And that is based on voluntary arbitration.

Mr. ADAMS. Absolutely voluntary.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Michigan [Mr. Dingell].

Mr. DINGELL. Mr. Chairman, I thank the gentleman for yielding, and I commend my friend for his very useful and helpful statement, and the precise point the gentleman has been making is one which I agree with and that is whether we are going to have evenhanded pressure on both sides, or whether we are in effect going to legislate on the back of labor working conditions, wages, and matters of that kind, and taking away their rights. And I commend the gentleman for bringing this out.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I want to point out and clear the Record that on the day we started executive hearings in committee the chairman called the representatives from both sides, management and labor, and both said they were at an impasse, they could not possibly budge on either side.

Mr. HOLIFIELD. The Brock Adams amendment will provide, am I correct, a direction for them to negotiate, whereas the committee bill will only put pressure on labor?

Mr. PICKLE. I would also point out that the chairman asked the representatives of the union at that time if they would submit to voluntary arbitration, and they said "No." The management representative said his group would submit to voluntary arbitration.

Mr. HOLIFIELD. Of course, they said "No."

Mr. OTTINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Adams amendment. I believe it would provide a much fairer solution than House Joint Resolution 559. The gentleman from California has said in his very fine presentation that this is a seizure provision, and in fact it does provide for a seizure, as a last resort, but I believe its genius is that it probably will not result in seizure. It gives an alternative to compulsory arbitration and deprivation of the right to strike, which are clearly pressures against the unions. The unions have rejected compulsory arbitration, deprivation of the right to strike, as the most drastic deprivation you can give them. The Adams bill just puts equal pressure upon management.

The Brock Adams amendment will result in collective bargaining and result in a voluntary settlement of the dispute, not a settlement that is imposed upon it by the Government, but one which will be reached by voluntary agreement among the parties. I am very happy to support the amendment of the gentleman from Washington [Mr. Adams].

Mr. JARMAN. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, the part of the amendment that we consider, and it is one of the most important that faces us today, is the seizure element of the substitute amendment.

Some of the points have already been made in this argument and let me briefly touch on several of them.

This country has had experience with seizure in World War I and World War II. We have had a bitter and unfortunate experience with seizure in costs and in inefficient operation of the railroads. It has been referred to that in World War I it cost our Government $1,600,000,000 in payments to reimburse the railroads after seizure was over and the railroads were returned to the owners.

It has been estimated that the operating costs were 83 percent higher under the Federal control.

The truth of the matter is that actually seizure would be at the expense of the pocketbooks of the American taxpayers under any seizure decision.

The effect that seizure would have on the 75 to the 80 percent of the employees who have already voluntarily settled with management has already been mentioned. They would be under a no-strike prohibition. Seizure would cover all of these employees, even though those who have already settled may have legitimate areas of grievance to take up with management.

As a followup to that important point—seizure can result in a complete moratorium on collective bargaining for all of the employees of all these railroads.

The distinguished majority leader has mentioned what a harsh remedy seizure is—a bludgeon. It has been called a blackjack approach. In a sense this would be compulsory arbitration because it would force management to capitulate to union demands.

In effect, seizure would say to management—surrender in the argument—surrender in the controversy before you.

It should be pointed out that seizure comes definitely under the heading of penalty legislation without the commission of a wrong, because there has been no wrong by either party to this dispute. They simply have not agreed on the terms of pay and of working conditions.

This amendment would punish the carriers. It is not the function of the Congress to punish a party to a labor dispute. Our function and a very clear function that we must face, is to keep the wheels rolling on the railroads in the interest of our national security.

I have two more points that I would like to bring to your attention which have been referred to. I think from a practical standpoint it is of great importance that we consider this resolution in terms of the action already taken in the other body.

Seizure has been considered in the other body both in the committee and on the floor of the Senate. Senator YARBOROUGH, of Texas, introduced an economic seizure amendment which was defeated in the committee and it was decisively defeated on the floor of the Senate by a vote of 59 to 23.

Senator KENNEDY of Massachusetts, introduced a general seizure amendment which was defeated in the committee and it was defeated decisively on the floor of the Senate by a vote of 64 to 22.

As has been stated, the bill passed the other body by a vote of 70 to 15.

I think it is practical for us to consider, and I think it is the reality of the situation, that if this House adopted this substitute amendment and we put the seizure provision in this bill that the Senate conferees would not accept the seizure provision and an impasse would result. The strike on Monday would come very surely as a result.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JARMAN. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JARMAN. Let me mention one more point that I think is the most serious defect in the substitute amendment. That is, there is no telling how long the seizure would last under this substitute. Seizures have lasted for less than a week, but a seizure in 1950 lasted for 21 months.

This is an extremely one-sided amendment. The effect that it would have in terms of length of seizure is very apparent. As a practical matter, the amendment provides that the decision reached by the Special Board will operate as a floor on the benefits that will be received by the union. All the union has to do, once the Board has reached its decision and set this floor, is to hold out and then, using that determination by the Special Board as a floor, demand increased amounts, and unless the railroads capitulate to those demands, the railroads remain seized for the entire 2 years or possibly longer.

Mr. ADAMS. Mr. Chairman, will the gentleman yield at that point?

Mr. JARMAN. May I finish one more thought and then I shall be glad to yield.

In other words, the amendment seems to assume that the decision by the Special Board is not going to be fair to the unions so that it is necessary to use the decision as a floor on the basis of which the unions can then begin to bargain upward, and I refer you specifically to section 10 of the bill.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. JARMAN. I am very happy to yield to the gentleman from Washington.

Mr. ADAMS. That provision was left in this bill to again make it as close as possible to the President's proposal, because if you will refer to the President's proposal you will observe that the last sentence in section 5(a), starting at line 6, states:

> The Board's determination shall have the same effect (including the preclusion of resort to either strike or lockout) as though arrived at by agreement of the parties under the Railway Labor Act—

Which means that these contracts, which are open ended, would stay in effect until the parties would agree again, and absent agreement the provisions of House Joint Resolution 559 would last indefinitely into the future.

In other words, we were trying to stay close to what the President had asked for. If the gentleman wishes to have both of these proposals changed, then, of course, we would be willing to do so, but this was the reason for that action, and this is the reason it stands at that point.

Mr. JARMAN. In response to the gentleman's statement, let me again say that it is my understanding of his substitute that once a seizure would go into effect, it would stay in effect until—and again I refer you to section 10—

> Any carrier or carriers of which possession has been taken under this resolution shall be returned to the owner thereof as soon as (1) agreement has been reached with the representatives of the employees settling the issues in dispute—

Under the terms of the resolution it follows that seizure will not be lifted until agreement is reached. The employees can use the Board's determination as a floor. The employees can use it as a floor, and refuse to agree, and there is no telling how long the seizure could then be continued.

Mr. ADAMS. Mr. Chairman, will the gentleman yield further?

Mr. JARMAN. I am happy to yield to the gentleman from Washington.

Mr. ADAMS. On page 6 of the substitute you will find that what you have stated could not happen, because the language is carefully worded at that point. It states:

> The determination of the Special Board shall take effect and shall continue in effect until the parties reach agreement, or if agreement is not reached, until such time, not to exceed two years from January 1, 1967, as the Special Board shall determine to be appropriate.

So the matter is reopened at the end of 2 years if the parties have not agreed.

I agree with the gentleman. That was the point I made before, that both of these can continue——

Mr. JARMAN. May I say to the gentleman, since my time is limited, that the area of the bill that he reads on page 6 deals with how long the Board's determination shall last, not how long the seizure shall be in control.

Mr. ADAMS. But the point the gentleman made was that these men would keep these wages indefinitely and that they would have to last indefinitely. What I am pointing out is that this is not true. At the end of 2 years this matter is opened, in both bills.

Mr. JARMAN. We see that as a grave defect of the bill. I leave it to the House.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the substitute offered by the gentleman from Washington is speculative in its broadest sense. Somehow he reasons that if we have seizure, the parties will get together and settle things, whereas he thinks under the resolution before us, they will not. It is just as speculative to one as to the other.

The gentleman from Washington starts off with his proposal based on the bedrock proposition, or an offer, a counteroffer, an election. Then, if that is not settled, eventually a special board will make a decision.

We asked the Secretary of Labor what he thought about a procedure such as this, and the Secretary of Labor said it was not only impractical, but his Department or any other department of the Government was not equipped and could not set up the machinery to hold an election of this kind.

I want to go further, because this is not only the position of the Secretary of Labor. This same dialog occurred in the hearings between the gentleman from Washington and the representatives of the labor unions. Mr. Ramsey, who was the spokesman, and who was called in as the person to represent his side, said this, and I call the gentleman's attention to the hearings, May 23, when the following dialog took place:

> Mr. ADAMS. I would like to know what your position is if there are to be these sanctions applied during this period of continuing mediation—I think you may have stated this before—what is your position on re-

> quiring at a point in this statement of public position by you as negotiators for the unions and by management in their position as negotiators for all the carriers?
>
> Mr. RAMSEY. A declaration to the public?
>
> Mr. ADAMS. A public statement of your unions. We would envision something like this: The requirement that management submit an offer, and that it be accepted or rejected by your side and then if it were rejected, a statement of counteroffer by your side to be combined with the panel recommendations in terms of a final solution to the matter.
>
> By "final solution" I mean an establishment of conditions during the period of time when management would be held and you would be held.
>
> Mr. RAMSEY. I haven't had time to study the more recent bill that I believe you have sponsored——
>
> Mr. ADAMS. Several of us have introduced an additional bill.

This is the part I really want to get to:

> Mr. RAMSEY. We, of course, feel that unless there was very elaborate machinery, No. 1, you could never take a vote of the membership. It would be a delaying tactic that would bring no results; that is, toward a settlement.
>
> Mr. ADAMS. We can reconsider that provision. It was based on the airline strike experience. I am now taking your publicly stated position that you gentlemen sitting at this table have full authority, with no—

Here is the Secretary of Labor saying elections would not work, and he is not set up to do it, and the representative of the union saying it would be a delaying tactic.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Washington.

Mr. ADAMS. In the first place, Mr. Chairman, I want to point out the gentleman has made the point—and he said it; we have never said it—that this is labor's bill. This substitute is evenhanded to both sides.

Mr. PICKLE. The gentleman means the seizure bill?

Mr. ADAMS. Yes, indeed. We have always said that. This has always been our point.

The second thing is that this is based on the experience the committee experienced in the airline strike last year. We wanted to be sure we avoided any possibility of negotiators not being authorized to settle. A vote was held on the airline strike last year, and we have set up provisions in section 3 of the substitute to do it in exactly the same manner as under the Taft-Hartley Act at this time. This is something on which I happen to disagree with the Secretary of Labor and Mr. Ramsey.

Mr. PICKLE. Yes; I accept the fact that the gentleman disagrees with them, but the question is: Will it work? The Secretary of Labor and the union representative said it would not work. It worked in reverse last year, in the airline strike last year.

(By unanimous consent, Mr. PICKLE was allowed to proceed for 1 additional minute.)

Mr. PICKLE. The oddity of the reasoning about it is on the horrors of compulsory arbitration. They say if we adopt this resolution, that is compulsory arbitration.

I would disagree, because House Joint Resolution 559 really is mediation to finality.

Though one may wish to argue, all major authorities in connection with the Government say it is in fact mediation to finality.

Why would it be compulsory arbitration if we passed House Joint Resolution 559 but not be compulsory arbitration if we passed the seizure provision? It would be taking away the right to strike. It would be setting the wages. What is the difference, really, except, I think, in some gentleman's fanciful thoughts and wild hopes, that somehow seizure might be a wedge—nothing more—nothing less.

Secretary Wirtz and former Secretary Goldberg have said in public statements that seizure would be the worst possible thing for the unions. I do not believe the gentleman from Washington wants it. I cannot understand his reasoning when he contends that on one side it is compulsory arbitration and harsh, and on the other hand, if it is done by seizure, it is not.

It applies in both instances, not just on one side.

If we were to pass a seizure provision, I believe it would be the most harsh remedy we could have. It is an enforcement matter; nothing more, nothing less.

Mr. MOSS. Mr. Chairman, I rise in support of the amendment.

Once again we are back where we were yesterday, faced with some of the same statements of error that confronted us in the debate at that time.

We are told again today that this Special Mediation Board which would be created under the legislation reported by the committee would effectively lock in the type of settlement that would be finally ordered for the workers.

Let me read the language from Public Law 108 of the 88th Congress. Let me show how carefully we tried to insure that the negotiation would be the basis for the settlement.

> The arbitration board shall incorporate in such decision any matters on which it finds the parties were in agreement, shall resolve the matters on which the parties were not in agreement, and shall in making its award give due consideration to those matters on which the parties were in tentative agreement.

Now, we can look back over the 4 years. That did not happen. So we are going to try to correct it, if we take the legislation as it comes down to us, and say that it is going to insure justice, by saying that the Mediation Board shall incorporate the proposal of the Special Mediation Panel with such modifications, if any, as the Board finds to be necessary.

So, if we enact this, we shall have done again what we did before. That did not guarantee equality of treatment to both parties.

The distinguished majority leader said that this substitute was like using a sledge hammer to swat a fly. I liked that, because it struck me that it matters not if it be a sledge hammer or a flyswatter if it kills the fly.

There is a very fragile thing involved here in the issues before the House, a very sensitive thing—an element of freedom. How do we preserve it?

Oh, how bitterly I resent the efforts to say that those of us who have opposed the precise language submitted by the Secretary might be less than loyal or less than vigorous in our support of our efforts in Vietnam.

I recall of no instance from the beginning, back in 1954, until today when I have not given the fullest of support to our effort in Vietnam. This cannot be equated with that. This is a separate matter. This actually involves some of the things we are fighting about in Vietnam; namely, freedom. If we are going to give us the little of it and seize the labor of man, then I say, as I said yesterday, that in fairness we must seize some of the properties and we must hold the feet of both parties to the fire and make it equally uncomfortable for both, and produce from that effort a settlement which they as reasonable individuals finally determine is possible.

The committee bill merely says to labor "You must work at whatever the Special Mediation Board awards, and you will continue to work at least until January 1 of 1969 when you can give notice."

Mr. ALBERT. Mr. Chairman, will my friend yield?

Mr. MOSS. Of course. I will be pleased to yield to the majority leader.

Mr. ALBERT. I tried to make it clear that I am sure everybody on both sides of this issue is together on the question of national defense or at least of the support of our fighting men, but on the issue of compulsion, does not the resolution reported by the committee also say to management, "You will pay, if it goes that far, the wages determined under the provisions of this resolution"? Does it not say that?

Mr. MOSS. It does indeed, and I thank my friend so very much for bringing out that point, because the minute the railroad gets that additional cost above what they wanted to award, they have a remedy.

The CHAIRMAN. The time of the gentleman has again expired.

(By unanimous consent, Mr. Moss was allowed to proceed for 3 additional minutes.)

Mr. MOSS. They can go and seek immediately to impose increases on the carriage of every type of commodity. Where is the similar remedy for labor? How can they get a redress of grievance? They are locked in solidly until 1969, and then they can only give notice. They can only give notice of a desire to change the award of the Board because the award of the Board must be regarded as though it were an agreement entered into under the National Railway Labor Act. This is the inequity, and I think that the distinguished majority leader put his finger right on the very heart of the issue.

Mr. ADAMS. Mr. Chairman, will the gentleman yield to me at that point?

Mr. MOSS. Yes. I will be delighted to yield to the gentleman.

Mr. ADAMS. I would further refer the gentleman to the hearings at page 121 where the letter of Mr. Wolfe, dated April 27, 1967, is entered. There he expresses some of the thoughts of the railroad industry on the problem. There is also included a memorandum in support of arbitration ending up saying compulsory arbitration is the way to settle these, with another letter dated May 2, 1967, by the same Mr. Wolfe, again in support of arbitration, saying that the fairest and the only solution—the only solution—is for Congress to meet its public responsibility and to legislate compulsory arbitration. So I do not think they are too much worried about bargaining if this is going to be compulsory arbitration.

Mr. MOSS. The railroads want it. Make no mistake about that. They want the bill as it came from the committee. I am not certain as to the degree of enthusiasm of either party for the substitute here, but I am certain that it has a lot of equity built into it.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, during the general debate yesterday I mentioned the fact that in committee I voted against House Joint Resolution 559, the legislation which we now have under consideration. However, I was in the minority and House Joint Resolution 559 passed.

Mr. Chairman, however, when the present proposition—the amendment which has been offered by the gentleman from Washington [Mr. Adams]—came before the Committee, I opposed it.

Mr. Chairman, I am opposed to compulsory arbitration. I am equally opposed to seizure.

But, Mr. Chairman, I feel that one thing which has not been brought out here and which should be considered is this: I have read the hearings that took place in the other body. And, Mr. Chairman, if this amendment is adopted, there is going to have to be a conference. The gentleman from Oregon of the other body is very, very strongly opposed to seizure, according to the testimony and, therefore, in my opinion there is going to be a deadlock. If we have a deadlock, then we are surely going to have a strike because the conferees parties in my opinion will never come to an agreement on this subject. I am confident of this based upon the testimony that I have read from the other body—that the gentleman from Oregon whom, I suppose, will be the chief conferee or one of the conferees on that side, will obviously not go for seizure. We are going to have, therefore, this deadlock.

Mr. Chairman, I am terribly sorry that I must rise and make this statement, because I do not favor House Joint Resolution 559 before us, but I voted against the Adams amendment in committee, as my colleagues will recall.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman from Nebraska yield to me at this point?

Mr. CUNNINGHAM. Yes; I yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, I say this, that every Member of this body owes his own responsibility on a subject of this kind, and if this substitute should pass, then it becomes the responsibility of the other body to meet the situation that we present to them, just as we are meeting the situation which they presented to us.

Mr. Chairman, if the gentleman will yield further, I do not buy this claim that we are under the pressure of time. We have several days here to work upon this matter.

Mr. Chairman, the gentleman from Nebraska knows, as well as the gentleman speaking, that he has seen this body act expeditiously under the pressure of meeting a deadline and enacting at the proper time necessary legislation.

Mr. Chairman, I would say to the gentleman from Nebraska, let us face our responsibility and present the other body with our ideas on this matter, as they have presented them to us.

Mr. Chairman, I thank the gentleman from Nebraska for yielding.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman from California for his contribution.

Mr. Chairman, the gentleman from California knows that I have great affection for him. However, I am just trying to be practical about this matter. It is my opinion also that we should decide in our own minds what should be done. The other body, however, has decided what it feels ought to be done. But in my view and in reading, as I said, the transcript of the hearings of the other body on this subject, and having some information other than that, it is my opinion that if the Adams substitute is adopted, this legislation is going to be hopelessly deadlocked in conference and that then we will be faced again and again with this serious situation.

Mr. FRIEDEL. Mr. Chairman, I wonder if we can agree upon setting a time limit on this substitute amendment which has been offered by the gentleman from Washington [Mr. Adams]?

Mr. Chairman, I ask unanimous consent that all debate on the substitute amendment close within the period of 15 minutes, and the last 5 minutes being reserved to the committee.

The **CHAIRMAN** pro tempore (Mr. Rostenkowski). Is there objection to the request of the gentleman from Maryland?

Mr. DINGELL. Mr. Chairman, I object.

Mr. FRIEDEL. Mr. Chairman, I move that all debate on this substitute amendment and all amendments thereto close in 15 minutes.

The **CHAIRMAN** pro tempore. The gentleman from Maryland [Mr. Friedel] moves that all debate on the amendment and all amendments thereto conclude in 15 minutes.

Mr. FRIEDEL. Mr. Chairman, I withdraw my motion.

The **CHAIRMAN** pro tempore. Without objection the gentleman withdraws his motion.

MOTION OFFERED BY MR. FRIEDEL

Mr. FRIEDEL. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 25 minutes, and that the last 5 minutes be reserved for the committee.

The **CHAIRMAN** pro tempore. The gentleman from Maryland [Mr. Friedel] moves that all debate on this amendment and all amendments thereto to terminate in 25 minutes, and that the last 5 minutes be reserved for the committee.

Mr. HALL. Mr. Chairman, I make the point of order that time may not be retained under such a motion.

The **CHAIRMAN** pro tempore. The Chair will state the gentleman is correct.

The gentleman from Maryland moves that all debate on this amendment and all amendments thereto terminate in 25 minutes. The question is on the motion.

The motion was agreed to.

(By unanimous consent, Mr. Brock yielded his time to Mr. Springer.)

Mr. OTTINGER. Mr. Chairman, a parliamentary inquiry.

The **CHAIRMAN** pro tempore. The gentleman will state his parliamentary inquiry.

Mr. OTTINGER. Mr. Chairman, may a Member who has previously spoken on this amendment receive additional time under this new time limit?

The **CHAIRMAN** pro tempore. The Chair will state that under the motion he can. This supersedes the 5-minute operation of the rule.

(By unanimous consent, Mr. Dellenback yielded his time to Mr. Springer.)

(By unanimous consent, Mr. Scherle yielded his time to Mr. Springer.)

(By unanimous consent, Mr. Satterfield yielded his time to Mr. Rogers of Florida.)

(By unanimous consent, Mr. Macdonald of Massachusetts yielded his time to Mr. Staggers.)

(By unanimous consent, Mr. Vigorito yielded his time to Mr. Staggers.)

(By unanimous consent, Mr. Pickle yielded his time to Mr. Rogers of Florida.)

(By unanimous consent, Mr. Tunney yielded his time to Mr. Staggers.)

(By unanimous consent, Mr. Kastenmeier yielded his time to Mr. Staggers.)

The **CHAIRMAN** pro tempore. The Chair recognizes the gentleman from Ohio [Mr. Vanik].

Mr. VANIK. Mr. Chairman, I ask unanimous consent to revise and extend my remarks at this point in the Record, and to yield the balance of my time to the gentleman from West Virginia [Mr. Staggers].

The **CHAIRMAN** pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Chairman, I want to take this opportunity to associate myself with the remarks of my distinguished colleague from the State of Washington, the Honorable Brock Adams.

I support his amendment and his approach to labor controversy. It is studied. It is fair. It reflects a careful appraisal of the entire problem.

House Joint Resolution 559 compels railroad workers to work under terms and conditions which they may not approve. No such compulsion is directed toward management.

If we determine, in the national interest, that we must seize the man, we should also seize the machine. House Joint Resolution 559 in its present form seizes the man and compels his labor. This amendment provides that we should seize the railroad and its machinery in the same manner. It is a fair and reasonable approach to the total problem.

The **CHAIRMAN** pro tempore. The Chair recognizes the gentleman from Texas [Mr. Eckhardt].

Mr. ECKHARDT. Mr. Chairman, I ask unanimous consent to revise and extend my remarks at this point in the Record, and to yield the balance of my time to the gentleman from West Virginia [Mr. Staggers].

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

(By unanimous consent, Mr. Brown of Ohio yielded his time to Mr. Springer.)

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New Jersey [Mr. Gallagher].

Mr. GALLAGHER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks at this point in the Record, and to yield the balance of my time to the gentleman from West Virginia [Mr. Staggers].

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GALLAGHER. Mr. Chairman, seizure is a drastic step and an unpleasant word. Any action or inaction could be drastic in view of the problem. But the basic issue we face today is not whether to take a drastic step, but whether we wish to continue a system of labor relations based on free collective bargaining. The solution to the railroad labor dispute before us today ends with a provision for compulsory arbitration and arbitration lacking choice spells out the beginning of the end of the free labor movement in this country.

If the demands of the war are so urgent—as those who say end collective bargaining insist—then let us, as a nation, exercise the inherent national powers brought into existence by the emergency. That power and the limitation confining it to this issue will be reenforced by the adoption of this amendment.

We are asked by the committee resolution, House Joint Resolution 559, to penalize only the unions by removing the right to strike without any commensurate pressure on management. The Adams amendment imposes responsibility on both labor and management and I find it a sound proposal, although limiting this endorsement toward this specific case as a special situation.

To cite Vietnam as a reason for the abandonment of free and open collective bargaining is an unfair criticism toward those of us who support our President wholeheartedly on his Vietnam policy but who in conscience cannot vote to suppress collective bargaining. If the national interest is indeed jeopardized at this point, then the seizure amendment is a way out of a difficult situation that all of us want to resolve without casting aside one of the foundations of a free society—the principle of free choice in labor relations. Free choice incidently is also at the root of the war in Vietnam. The men now fighting there are certainly entitled to the benefits of a free society when they return from the war.

There have been some very harsh words exchanged in the last 2 days, but one of the voices of reason and temperance has been that of my distinguished colleague from the State of Washington, and I would hope that we would adopt his amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. Fino].

Mr. FINO. Mr. Chairman, I rise in support of the Adams substitute resolution because, in my judgment, it is much fairer to the American labor movement than the provisions of House Joint Resolution 559.

It seems to me that the premise of House Joint Resolution 559 is that railroad labor is at fault and that the railroad industry is right. I believe that this is an unfair and unjust stance for the Federal Government to take.

The committee bill does not put any pressure on the railroads to bargain collectively and, in addition, it would establish the very unfortunate precedent of congressional compulsory settlement of all future labor disputes.

The merit of the substitute resolution is that it requires a period of public offer and counteroffer by the two sides and I think that we can expect both sides to make some concessions with the threat of seizure hanging over the heads of the railroads and the continued injunction applying to the unions.

It stands to reason that without the provision that the railroads be seized at the same time as the compulsory settlement is put into effect, there would be no pressure on the railroads to seek agreement with the unions—all of the pressure would be on the unions. That is why the substitute is a better and fairer recommendation.

Needless to say, I feel very strongly about this question. If we make the mistake of passing the committee bill instead of the substitute, we will be replacing collective bargaining with congressional bargaining—a process which bodes ill for the future of the American labor movement.

I think George Meany, president of the AFL–CIO, put it very properly when he said:

> If there is no effective collective bargaining, then I say that this is the beginning of the end of what we call our democratic way of life.

I have repeatedly complained about Government trying to rearrange schoolchildren. I have often complained about Government trying to rearrange residential patterns in the United States. Now we find Government trying to rearrange labor patterns.

I think we have had enough Government involvement in our lives without having further Government involvement in labor movements.

I would like to see the Federal Government stick to the traditional functions of government—like statesmanship—instead of seeking out new power and new controls.

For these reasons, I urge the House to reiterate our longtime faith in collective bargaining by accepting the substitute, which is a fair and just proposal.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina [Mr. Watson].

Mr. WATSON. Mr. Chairman, I agree wholeheartedly with the statement made by our esteemed majority leader when he said the proposed substitute or amendment is a sledge hammer approach to this particular problem. It is both drastic and punitive.

Frankly, I was dismayed and intrigued by the comments of my friend, the gentleman from California, when he said it makes no difference whether it is a sledge hammer or a flyswatter—just so you kill the fly. He cannot mean that. He should be concerned with matters other than the fly. He does not want to break down the table in the process of killing the fly. He does not want to destroy collective bargaining or break the back of the carriers when the application of a flyswatter will do.

While not perfect, this joint resolution, House Joint Resolution 599, is a suitable solution for the problem that we have.

I urge my colleagues in the House to vote down the sledge hammer approach that we have here in the substitute amendment proposed by my esteemed colleague, the gentleman from Washington, Brock Adams. Let us apply a reasonable rather than a radical approach to this crisis situation.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. O'Hara].

(By unanimous consent, Mr. O'Hara of Michigan yielded his time to Mr. Staggers.)

The CHAIRMAN. The Chair recognizes the gentleman from Washington [Mr. Adams].

(By unanimous consent, Mr. Adams yielded his time to Mr. Staggers.)

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. Hanna].

Mr. HANNA. Mr. Chairman, there are only two questions that appear to me to be pertinent that have been raised here.

The first question is whether or not there is a risk that involves the national security. In my judgment, that question was answered by the Joint Chiefs of Staff, the Secretaries of the Navy and of the Army, and by the office of Mr. McNamara.

I cannot take as a substitute for that answer the minority position of this committee.

The second question that has been raised is, What do we do when the right to strike will not be tolerated by the national interest, the national economy, and by the citizens of the United States?

That question is too large to be decided just for the railroads. That is a question for all labor and ought to be put in a forum where the answer can be given a broad study.

It is not good enough to bring an amendment in on the floor of the House that could not even pass the committee.

Mr. Chairman, those are the two points and that is what we have to decide.

It seems to me our course is clear. We have to defeat the amendment on just that basis.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. Springer].

Mr. SPRINGER. Mr. Chairman, House Joint Resolution 559 was authored by the President of the United States. He has put this legislation on the high level of national defense and the immediate public interest. His Secretary of Defense and Secretary of Labor have said this legislation is imperative. He is not my President but I intend to stand by him and our boys in Vietnam in this critical hour. The President said at the White House:

> I do not want seizure and I do not need it. I have other duties that keep me busy. The government snould not be in the Railroad business.

His statement speaks for itself.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, the issues before this body are very simple. A number of statements have been made about how onerous seizure would be to the railroads. Let me point out that the same people who run the railroads now would run them if the railroads are seized under a judicially appointed receiver.

Let me point out that the full protection of due process and recognition of the constitutional rights of the railroads and their shareholders are insured and assured under the Adams substitute.

Let me point out that on conclusion of the dispute, the railroads will be returned to their rightful owners with full compensation for any damages which they have undergone during the interim period. This is fair, equal, and even-handed treatment. Labor will have some awkward times until they bargain collectively, and management will have some awkward times. The pressure will be on both sides.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. PUCINSKI].

(By unanimous consent Mr. PUCINSKI yielded his time to Mr. STAGGERS.)

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. GERALD R. FORD].

Mr. GERALD R. FORD. Mr. Chairman, I am persuaded that the committee resolution is the right approach. I oppose the Adams substitute, and I am persuaded by people who ordinarily would not be persuasive in my case. I have read the debate in the Senate, or the other body, on this particular issue of seizure, and the discussion or debate in the other body on this issue was masterfully handled by men such as the Senator from Oregon [Mr. MORSE], and the Senator from New York [Mr. JAVITS].

They are able Members of the Congress who are convinced beyond any doubt whatsoever that the seizure interjects into this problem an inequity that cannot be justified.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

The Chair recognizes the gentleman from Illinois [Mr. ARENDS].

(By unanimous consent, Mr. ARENDS yielded his time to Mr. GERALD R. FORD.)

Mr. GERALD R. FORD. Mr. Chairman, I might also say that the members of the President's Cabinet, who are knowledgeable and expert in this area, such as the Secretary of Labor, Mr. Wirtz, strongly opposed the seizure provision or the seizure approach. The President himself opposes seizure and he bases that judgment on the recommendations of his experts in his administration.

In addition, I am convinced by what I have heard said here on the floor by Members of this body who have opposed this particular approach. For that reason, Mr. Chairman, I hope we defeat the Adams substitute. Seizure would be unwise.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland [Mr. FRIEDEL].

(By unanimous consent, Mr. FRIEDEL yielded his time to Mr. STAGGERS.)

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. ROGERS].

Mr. ROGERS of Florida. Mr. Chairman, I oppose the substitute because it is the most drastic interference in the collective bargaining system of this Nation that we can take. I would quote, in support of the committee resolution, the gentleman who has offered the substitute, as saying that the committee resolution interferes least with the collective bargaining procedures in this case. I am quoting from page 125 of the hearings, where Mr. ADAMS, in talking to the Secretary of Labor said:

> You stated, and I agree with you, that House Joint Resolution 559 is requiring the littlest possible interference in the collective bargaining process.

Now, this is what the committee has tried to do—to interfere least with the collective bargaining process of this country, and Mr. ADAMS himself admits that the committee action makes the least interference of any possible action.

The committee has gone into this problem. They have recommended to this body this course which brings about the least interference. I would urge that we vote down the substitute, which is the greatest interference, because those employees who have already settled their grievances would be prohibited from striking if they have any other disagreements during the time of the substitute. This is the most drastic action that this Congress could take to destroy collective bargaining.

I urge the defeat of the substitute and support of the committee bill.

Mr. OLSEN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN. Mr. Chairman, I rise in support of the substitute resolution by the gentleman from Washington. House Joint Resolution 559, the committee resolution, takes away from these 137,000 railroad shopmen their right to strike for a period running as long as to December 31, 1968. The right to strike, Mr. Chairman, is a basic human right in any free society. The possibility of striking is the only legal and peaceful weapon in the hands of our working people to improve their pay and conditions of work.

House Joint Resolution 559 removes that right from the working people and threatens them with Government-imposed forced wages, to the profit of the private railroad corporations. This is completely one-sided and unjust, Mr. Chairman. It gives the railroad corporations exactly what they want—compulsory arbitration.

Surely, if the Nation's interests forbid a national railroad strike—and if Congress is going to treat these railroad men like Government employees by forbidding them to strike—then the even-handed approach is to treat the railroad corporations' property in a similar way.

That, as I understand it, is what the substitute resolution, House Joint Resolution 585 proposes to do. It would be a seizure of the railroads under a court receiver, pending a negotiated settlement of this labor dispute. At the same time, this substitute resolution would insure that the railroad owners receive the constitutionally guaranteed just compensation for Federal use of their properties. The substitute resolution, moreover, would prevent a railroad strike just as effectively as the committee resolution.

As a practical matter, the substitute resolution also has an overwhelming and decisive advantage over the committee resolution in this respect: By imposing a disability on both sides in this dispute, it would encourage both sides in this industry to settle their future disputes themselves and not bring their future quarrels back to Congress. The committee resolution, in contrast, by giving the railroad corporations just what they want—compulsory arbitration of this dispute—encourages the management side to dig in their heels in future disputes and force those disputes back up here to us.

Mr. Chairman, on grounds of principle and on grounds of practicality, the substitute resolution, House Joint Resolution 585—although I may not agree with it in every respect—is a far more sensible approach than the committee resolution.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia [Mr. STAGGERS], to end debate on this matter.

Mr. DINGELL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and fifty-two Members are present, a quorum.

Mr. STAGGERS. Mr. Chairman, first I should like to commend all members of the Interstate and Foreign Commerce Committee for the patience they have shown during the consideration of this measure, and also their tolerance for all views expressed by every different side.

I should like to tell the House that, as we consider a question as difficult as this, the measure came out of the committee after several days of hearings and executive session with not the slightest trace of rancor or vindictiveness expressed by any Member for another entering into our discussions at all. I hope before we get through with this proposal the Members of Congress will react in the same way.

We have talked about the national interest and it has been mentioned several times. I do not believe there is a man or a woman in this House who does not put the national interest first, but we are looking for what is the national interest of this great land of ours.

On April 28 of this year the unions involved in this dispute sent a telegram to the Secretary of Defense offering to see that all war materials were delivered and that all materials affecting the health and safety of the Nation were delivered.

There was a response in the press saying that this was useless and that there was not any use trying to do anything about it.

The committee insisted that there be a meeting to discuss the union proposal. Later a meeting was held. That meeting lasted for 50 minutes. I understand the representatives of the railroads were not present.

Later a press conference was held, and an administrative spokesman stated that this was not practicable, again.

The unions offered to do everything possible to see that war materials were delivered to our fighting boys on the fronts everywhere.

They have said that there would not be any stoppage on delivery of war materials in any way, that they would cooperate. They wanted to meet and work it out. Nothing has been done to work it out, as to the delivering of war materials, to this time.

I should like to read a letter, to the House, because the question has been raised that there is not time to work this legislation out peacefully and quietly, and that if we amend this proposal there will not be time to work it out on the other side.

I want to put that argument to rest, because of what was said by our beloved Speaker, a great man and a good man, and by our majority leader. They are two of the finest gentlemen I have ever known in my life. They are great men—great leaders. They have brought up the question of getting war materials to the front, and also the question that there would not be time for a conference if we amend this bill.

The letter I have is from the Railway Labor Executives' Association, as of today, and addressed to me. It reads as follows:

RAILWAY LABOR EXECUTIVES'
ASSOCIATION,
Washington, D.C., June 15, 1967.

Hon. HARLEY STAGGERS,
Chairman, Interstate and Foreign Commerce Committee, U.S. House of Representatives, Washington, D.C.

DEAR CHAIRMAN STAGGERS: A valid question has been raised by a number of the members with respect to the possibility of a railroad strike occurring before conferees could complete their work in the event S.J. Res. 559 should be amended.

I wish to advise you on behalf of the six shop-craft unions involved in this dispute that no strike action would be taken during the period of time required for the conferees to compose the differences between the measures adopted by the two Chambers.

We would be most appreciative if you would advise your colleagues to this effect.

Sincerely yours,
DONALD S. BEATTIE,
Executive Secretary.

We can continue in hysteria, but I say this is important to America. This is as important a measure as this Congress and as succeeding Congresses will ever work on. There is not anything more fundamental to the rights of America, or more fundamental to that which our boys have been fighting for in Vietnam, and which our men have given their lives for so that we might have freedom and liberty here.

We talk about patriotism. I would like to say that management is just as patriotic as any other group we have in the land. I would also like to say of these labor groups that you will not find a single flag burner or a draft-card burner in that group. You will not find any of them in any union shop in America. If one shows up, his life would be in jeopardy. I can tell you that. They are loyal and patriotic Americans. I want you to know, also, that most of them have fought in different wars. Their sons and daughters are serving now. They want to do their job just as you and I do, but they do not want this Congress to do this. All they ask is that we be fair.

The President's name has been mentioned several times. I should like to say now that I believe our President is one of the most efficient, one of the most dedicated, one of the most farsighted men we have ever had sitting in the White House. He is a man who has had more problems, I believe, than any other President who ever sat in the White House. I believe he will go down in history as one of the great Presidents, when this is all over, that this Nation has ever had, because he is trying to solve the problems abroad and to keep our Nation running in a prosperous way.

America has tried to create an image around the world that it is a fair, great, and good nation. We have spent billions of dollars in creating this image. We give these moneys away to show to all the people in the world how good and how fair we are. But at home we also want to be fair to those who built this land, because it is the laborers of America who built it. The laborers built the bridges, they cleared the forests, built the automobiles that you run, built the television sets that you watch, the airlines that you travel on, and all of the rest of the things we have in this land. Labor did it.

Yes, we need management and capital, but you would not have anything if it were not for the laboring man of America. They are the ones we are trying today to do something to that is unfair. We are saying to them, "Yes, we are going to make you work and we are not going to give you wages that are comparable with those who work around you." According to the figures, some of these men who work in the cities where the railroad workers are working alongside of them get as much as $1 or $1.50 an hour less. This Congress, which I know wants to be fair, wants to say to those men that "We are going to make you work, and work at less wages than the men you have to associate with in the crafts which are comparable to yours."

I know this Congress does not want to do that. There is not a man here that wants to start this country down the road to oblivion. That is what we would be doing if we passed this bill here. You say that this only affects 137,000 people. I say that it will continue down that road to the other 72 million workers we have in America, and we will be saying that they must work and at a set wage which we will be setting for them. The day when we pass this bill America is on the road to darkness and, as I said, to oblivion as a great nation, because labor built this land.

I know the pressures have been terrific on you and I know there are going to be more before the bill passes, but all I ask is for every man to say that he will be fair.

We have three words that are written on the front of the podium. They are "justice, tolerance," and "liberty." Our country is based on these ideas. If you are going to make a man work and say "We will make you work at less wages than a man in the same city who is working right beside you," then that is unfair. This Congress is not being fair if we do that. Tolerance is the capstone and the keystone of our democracy, but we will never keep liberty and freedom in America if we start down this road.

Mr. Chairman, all I want to say is, we are going to create an image of fairness to all of the people if we pass this amendment. All we ask here is just be fair. Be fair.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. ADAMS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ADAMS. Mr. Chairman, I demand tellers.

Tellers were ordered and the Chairman appointed as tellers Mr. ADAMS and Mr. FRIEDEL.

The Committee divided, and the tellers reported that there were—ayes 111, noes 198.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: Strike out all after the resolving clause, and insert in lieu thereof:

"That there is hereby established a Special Board for the purpose of assisting the parties in the completion of their collective bargaining and the resolution of the remaining issues in dispute. The Special Review Board shall consist of five members. The representatives of the carrier and organization parties to the dispute shall be directed, respectively, within five days after the declaration of a national emergency each to name one person to serve as a member of the Special Review Board. The President shall name the Chairman and two other members. If the parties shall fail to name members to the Board within such five days, such additional members shall also be named by the President. Such Board shall have the power to sit and act in any place within the United States and shall conduct such hearings, public or private, as it may deem necessary or proper to carry out the purposes of this resolution. For the purposes of any hearing or inquiry conducted by any Board appointed under this resolution, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49 and 50, as amended), are hereby made applicable to the powers and duties of such Board.

"Sec. 2. The several departments and agencies of the Government shall cooperate with the Board in the discharge of its duties and, upon request, shall furnish such information in their possession relative to the discharge of such duties, and shall detail from time to time such officials and employees, and perform such services as may be appropriate. The National Mediation Board is authorized and directed to compensate the members of such Board at a rate not in excess of $100 for each day, together with necessary travel and subsistence expenses, and to provide such services and facilities as may be necessary and appropriate in effectuating the purposes of this resolution. The National Mediation Board is further authorized and directed to reimburse such other agencies for assistance in carrying out the purposes of this resolution as may be appropriate.

"Sec. 3. Within such time as the Board may determine, but not to exceed fifteen days after its establishment, the carrier parties to any such dispute shall be required to submit to such Board a last offer of settlement of the issues in dispute. Within twenty days thereafter the National Mediation Board, with such assistance from other agencies as may be necessary, shall take a secret ballot of the employees of each carrier involved in the dispute on the question of whether they wish to accept the offer. The result of such ballot shall be certified to the Special Review Board. If the majority of the employees vote to accept such proposal, such determination shall be binding on the parties. If the carrier's offer is rejected, the representatives of such employees shall, within five days after certification of rejection, submit to the carriers, with copies to the Special Review Board, a counteroffer, which shall within five days be accepted or rejected. The Special Review Board shall be authorized to make public any or all of the proceedings and issue such reports to the President, the Congress, and the public as it may deem appropriate.

"Sec. 4. At the expiration of sixty days, unless the dispute has been settled by that time, the President shall direct the Special Board to report to him, within such time as he shall determine, but not to exceed ten days, the status of the dispute. Such report shall include an evaluation of the issues in dispute, the positions of the parties and of those proposals for settlement which appear most reasonable and appropriate for the protection of the public interest. A copy shall be made available to the parties and shall be made public. Upon receipt of such report the President shall be authorized to take such additional action as set forth in section 5 of this resolution.

"Sec. 5. (a) If the parties shall not have reached agreement within ten days of the receipt of such report by the President, he shall be authorized to direct any carrier, or carriers, subject to the provisions of this resolution to transport any goods, material, equipment, or personnel as he may deem necessary to protect the health, welfare, safety, or public interest of the Nation. Any carrier, or carriers, directed to perform such services shall be advised that such order is issued pursuant to this resolution, and the President shall, by rules or regulations issued thereunder, provide such procedures as may be necessary and appropriate to carry out the purposes of this section.

"(b) The President shall be authorized to establish fair and equitable rates for the transportation of such goods, material, equipment, or personnel ordered to be transported pursuant to this resolution and to modify the wages, hours, and working conditions in effect during the performance of any such service: *Provided,* That any such modification shall not be inconsistent with the proposals made by one or both of the parties or the evaluations contained in the report of the Special Board pursuant to section 4. Whenever any such carrier, or carriers, is engaged in such transportation pursuant to an order issued under this section, the wages, hours, and working conditions in effect at the time the dispute arose shall be fully applicable without change, except by agreement between the parties, or as may be modified pursuant to any order of the President, or such agency of the Government as may be designated by the President to perform such functions.

"(c) Fair and just compensation shall be paid by the United States for the transporation of goods, material, equipment, or personnel, to the extent such service is for the sole benefit of the United States.

"(d) He may delegate the authority under this section to any agency of the Government which he deems appropriate, and the several departments and agencies of the Government are authorized and directed, to the extent consistent with law, to exercise their powers, duties, and functions in such manner as will assist in carrying out the objectives of this section. This section shall be supplemental to any existing authority, and nothing herein shall be deemed to be restrictive of any existing powers, duties, and functions of any such department or agency of the Federal Government.

"Sec. 6. The several district courts of the United States are invested with jurisdiction to prevent and restrain violations of this resolution. Any suit, action, or proceeding under this resolution against an employer, or a labor organization, or other persons subject thereto involving two or more defendants residing in different districts may be brought in the judicial district whereof any such defendant is an inhabitant; and all process in such cases may be served in the district in which any of them are inhabitants or wherever they may transact business or be found. Whenever it shall appear to the court before which any such proceeding may be pending that the ends of justice require that other parties shall be brought before the court, the court may cause them to be summoned whether they reside in the district in which the court is held or not, and subpenas to that end may be served in any district by the marshal thereof.

"In any case, the Act of March 23, 1932, entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes" (47 Stat. 70, 29 U.S.C. 101–115) shall not be applicable.

"The order or orders of the court shall be subject to review by the appropriate circuit court of appeals as provided in sections 1291 and 1292 of title 28, United States Code, and by the Supreme Court upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

"Sec. 7. The provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160), as heretofore extended by law, shall be hereby extended until 12:01 o'clock antemeridian of the ninety-first day after the effective date of this resolution with respect to the dispute referred to in Executive Order 11324, January 28, 1967.

"Sec. 8. If any provision of this resolution or the application of such resolution to any person or circumstance shall be held invalid, the remainder thereof, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

"Sec. 9. This resolution shall become effective on ——— 1967."

Mr. DINGELL (during the reading of the amendment). Mr. Chairman, in view of the length of the amendment and in order to save the time of my colleagues, I ask unanimous consent that the amendment be considered as read and printed in the Record at this point, and that I may be permitted to explain the amendment.

Mr. SPRINGER. Reserving the right to object, Mr. Chairman, will the gentleman tell me what the amendment is?

Mr. DINGELL. If the gentleman will permit, I will be happy to explain the amendment.

This amendment was originally printed in House Joint Resolution 661 on June 7, 1967.

Mr. SPRINGER. Is this the amendment which was presented in the committee on comparability of pay?

Mr. DINGELL. No; it is not the comparability amendment.

This is an amendment which authorizes the President to issue such rules and regulations as may be appropriate to move any goods, equipment, material, or personnel as may be necessary to protect the health, welfare, safety, and public interest of the Nation.

Mr. SPRINGER. Is this in the nature of an amendment or is this a substitute?

Mr. DINGELL. It is an amendment in the nature of a substitute.

Mr. SPRINGER. Does it strike out all after the enacting clause?

Mr. DINGELL. It strikes out all after the resolving clause.

Mr. SPRINGER. May I ask the gentleman further, under my reservation of objection, is that all there is in the gentleman's amendment?

Mr. DINGELL. That is all there is in the gentleman's amendment. It is precisely as House Joint Resolution 611 is written save that it is offered as an amendment in the nature of a substitute. It is changed slightly from House Joint Resolution 611 but so as to go into immediate effect, instead of leaving the date blank as we sought to do in the other.

Mr. SPRINGER. Does the gentleman tell me that there is nothing in the nature of the substitute like the Adams amendment?

Mr. DINGELL. I offer the gentleman my firmest assurance that I am offering House Joint Resolution 611 precisely as printed and it includes nothing on comparability nor does it include anything of the Brock substitute or the substitute offered by my good friend, the gentleman from Washington [Mr. Adams].

Mr. SPRINGER. Nor anything in House Joint Resolution 559?

Mr. DINGELL. I offer the gentleman that assurance.

Mr. SPRINGER. With that understanding, Mr. Chairman, I withdraw my reservation of objection.

Mr. PICKLE. Mr. Chairman, further reserving the right to object, I would ask the gentleman, Is this the same substitute that was offered in committee which was the recommendation of the unions that we divide up shipments in a way so that you could separate commerical from defense shipments?

Mr. DINGELL. No, I would say to the gentleman, this is not the recommendation of the unions and it has not been discussed with the unions.

I would point out that it simply affords the President the power to issue such orders and rules and regulations as are necessary to assure the transportation of any goods, material, equipment, or personnel that he may deem necessary to protect the health, welfare, or safety, or the public interest of the United States.

It is not a seizure. It is not compulsory arbitration. It has in it no comparability. It is simply an authority for the President to move these goods, equipment, supplies, and personnel as are necessary to protect the health, safety, welfare and the public interest of the United States.

Mr. ROGERS of Florida. Mr. Chairman, further reserving the right to object, suppose there was a strike—would this prevent a strike?

Mr. DINGELL. I give the gentleman my best assurance that this would prevent a strike. It follows the line of the administration bill as closely as I was able to make the amendment follow the administration bill, but instead of compulsory arbitration as is involved in House Joint Resolution 559, it says that the President issues regulations to assure the movement of goods, personnel, and equipment essential to protect the health, welfare, safety, and public interest of the United States.

Mr. ROGERS of Florida. As I understand it then, if either party did not desire to carry out the movement of goods, the President would seize the railroads?

Mr. DINGELL. No.

Mr. ROGERS of Florida. Or the President would issue an order to compel the movement of such goods?

Mr. DINGELL. The gentleman apparently has not read the amendment.

Mr. ROGERS of Florida. Yes; I have read the amendment.

Mr. DINGELL. I am trying to explain it, and I would say the gentleman probably did not give close attention to me as he might have when the legislation was before him previously in committee.

Mr. ROGERS of Florida. Yes, I did; and I voted against it.

Mr. DINGELL. This is not giving seizure power to the President at all. This amendment gives the President the power to go into court to have the necessary mandatory and prohibitory injunction issued by the court to see to it that his rules and regulations are carried out.

Mr. ROGERS of Florida. In other words, this would be the situation that they said would not work. I thank the gentleman.

Mr. DINGELL. No; it is not. The gentleman is entirely in error on that point.

The thing that the Secretary of Labor and the Secretary of Defense said would not work was the offer and the proposal made by labor to move just those goods that are necessary to defense.

My amendment affords the President much more vast and wider powers.

Mr. GROSS. Mr. Chairman, further reserving the right to object, I ask the gentleman from Michigan how much more or less in content is his amendment in the nature of a substitute than the text of House Joint Resolution 559?

Mr. DINGELL. As I read it—and I am giving the gentleman a quick answer and I hope he will understand that——

Mr. GROSS. No, no——

Mr. DINGELL. The only sections we find here on a quick reading of the bill that are different from the administration joint resolution, House Joint Resolution 559, if the gentleman will permit me to continue, are section 5 and some changes in section 6 of the proposal that I offer.

Mr. GROSS. Is the substitute longer or shorter in text than House Joint Resolution 559?

Mr. DINGELL. Well, I think the gentleman could compare those and come to the same conclusion that I would. I will tell the gentleman that the amendment I have offered is nine pages in length whereas the administration proposal is six pages in length.

Mr. GROSS. Mr. Chairman, that answers the question and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I should like to thank my good friends for their help, for I believe their reservations of the right to object were extremely helpful.

Let me point out that this committee has labored long and hard to come to a successful conclusion of one of the difficult problems that we face in this country today. We have sailed between Scylla and Charybdis. On the one hand we had seizure. The House has in its wisdom rejected seizure, even though I would say I supported it because I feel it is an appropriate solution to the problem we have before us.

I now offer an alternative to seizure and I point out it is an alternative to the other objectionable alternative, which is compulsory arbitration. Compulsory arbitration is anathema to labor. Compulsory arbitration is anathema to conservatives and to liberals, because it intrudes into the affairs of management on the one hand and it intrudes into the affairs of labor on the other hand.

Seizure is anathema to management because it takes away what are appropriate management prerogatives, and it effectively takes title and control over the whole of the entity of the corporation concerned.

This is an attempt to afford the President the power to issue rules and regulations to assure—and I will read now to my good friends among the membership—to issue regulations "to direct any carrier, or carriers, subject to the provisions of this resolution to transport any goods, material, equipment, or personnel as he may deem necessary to protect the health, welfare, safety, or public interest of the Nation."

The idea behind this provision is to say, "Mr. President, we do not want a strike. We do not want compulsory arbitration. We do not want seizure. But what we do want is that goods, services, equipment, and personnel essential to protect the health, welfare and safety or public interest of this Nation will continue to move."

Now, let us look a little bit at what this means. It means that the crops, supplies, agricultural commodities will continue to move. The President will be able to issue rules and regulations to assure that those commodities will move. It means that where supplies, ammunition, food, troops, and items essential and necessary to the conduct of our affairs in South Vietnam will continue to move on the railroads of this Nation to the ports of embarkation.

What else does it mean? It means that things necessary for the preservation of public health, such as chlorine for the chlorination of water, of our Nation's water supply, fuel for the generation of electric power, oil and coal will continue to move. It means that chemicals, paper, and packaging necessary to the health, welfare, and public safety and public interest of this Nation will continue to move.

I would urge my colleagues to read the bottom of page 5, section 5, and then at the top of page 6. It is a matter of about six lines that should be considered. These are the broad powers that are afforded the President.

Let me say we are now facing a grave situation in this body. The House of Representatives may well find itself, if this amendment is rejected, in a position where it will reject any and all legislation. There is a real peril, according to the remarks of my good friend from Illinois [Mr. SPRINGER] and the leadership on this side, that we may well, if we fail to enact this legislation, find ourselves with a nationwide railroad strike on our hands, and we may find ourselves, if we have that strike, under the circumstances which will jeopardize the economy and under the circumstances which will jeopardize our war effort in Vietnam.

Now I wish to stress again to my colleagues that what we do here is avoid seizure. There is no seizure under this proposal. We avoid compulsory arbitration. The President issues such rules and regulations as are necessary to assure normal transportation of any goods, material, equipment, or personnel as he may deem necessary to protect the health and welfare and safety and the public welfare of our Nation.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my good friend, the gentleman from Florida.

Mr. ROGERS of Florida. Mr. Chairman, I believe what the gentleman should point out to the House is that Members should also read page 6, because there he is creating a transportation dictator and giving to the President of the United States the authority to set wages and to set prices of transportation.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. ROGERS of Florida. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan be recognized for 1 additional minute.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent that I may proceed 5 additional minutes in order to answer the gentleman from Florida. He is asking an important question.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan for 5 additional minutes.

Mr. DINGELL. Mr. Chairman, the gentleman is absolutely correct. This is one of the reasons I say to my good friend that I introduced this legislation some days ago so that it would be clearly before the membership at this time, so they would know all the things I had in mind. Yes; I say the gentleman is absolutely correct.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield to me so that I may ask the question?

Mr. DINGELL. Mr. Chairman, I will answer the gentleman's question.

Mr. ROGERS of Florida. I have not asked it yet.

Mr. DINGELL. The President is authorized to establish rates for the transportation of goods, material, equipment, or personnel as he may deem necessary to protect the health, welfare, safety, or public interest of the Nation, pursuant to this resolution. The reason that is put in there is to assure labor it will receive fair compensation under the proposal.

Also, I will say to my good friend, I am glad he brought this question up, because the amendment is invaluable to insure fair compensation to the railroads for the transportation of those commodities which will be moved under it, since I recognize that all of the commodities which might otherwise be moved and which are in a dispute of this sort will not be moved, because all of them will not necessarily fit into the qualifications set out for us in lines 1 and 2.

I would point out to my beloved friend from Florida, for whom I have the highest possible regard—and I want him to know that—I will be happy to yield.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(On request of Mr. ROGERS of Florida, and by unanimous consent, Mr. DINGELL was allowed to proceed for 1 additional minute.)

Mr. DINGELL. Mr. Chairman, I will yield to my friend as soon as I finish answering his question.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. Mr. Chairman, the gentleman has asked me an important question, and I want to answer it for him. I want to say to my good friend that this is to assure fair treatment to all parties. If the President is going to issue the rules, he should have authority and direction from the House of Representatives to treat the parties concerned fairly, and the language in subsection (b), line 8, page 6, is an attempt to assure that.

Mr. Chairman, I yield further to my beloved friend.

Mr. ROGERS of Florida. Mr. Chairman, I thank the gentleman.

Would the gentleman explain to us what would happen on the 18 railroads that are presently losing money? Would the Government come in and assure them a profit, at more cost to the public, or would the Government pay for it out of tax dollars?

This, I believe, is the most far-reaching proposal I have ever heard the gentleman make, to let the President tell everybody in the transportation industry both management and labor, that they must do exactly what the White House demands—and there goes collective bargaining out the window.

Mr. DINGELL. Mr. Chairman, the gentleman is a much more astute lawyer than this, and I know he cannot really believe what he has just told the House of Representatives. If he does believe it, he has misread the bill entirely and completely misunderstands it. I tried to explain it to my friend from Florida. I sit next to him on the committee, and I know him to be an able Member of this body.

Let me point out that this does not direct the President to change the rates. It says he is to be authorized to establish fair and equitable rates.

If the railroads, which are losing money right now, wish a rate adjustment, I point out to my good friend from Florida, which is a fact well known to him, they can rush immediately to the ICC and ask for a rate adjustment so as to achieve rates fully compensatory to them.

The language about which the gentleman complains simply says the rates will be fair and equitable. It is suggested that the President fix rates at that level so as to achieve the fairest and best possible treatment for all parties. We are trying to legislate equity, not to take sides in a fight.

Mr. JARMAN. Mr. Chairman, I rise in opposition to the amendment.

I will take just a minute on this amendment.

Mr. FRIEDEL. Mr. Chairman, will the gentleman yield?

Mr. JARMAN. I am glad to yield to the gentleman from Maryland.

Mr. FRIEDEL. I should like to know whether we can agree on a time to limit debate on this amendment. After the gentleman concludes, I believe we should close debate. Would that be all right?

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. JARMAN. I am glad to yield to the gentleman from Illinois.

Mr. SPRINGER. May I ask the distinguished gentleman from Maryland how much time he is requesting?

Mr. FRIEDEL. With a speech for and against, after the gentleman from Oklahoma concludes, I believe we should vote on the amendment.

Mr. SPRINGER. How many minutes?

Mr. FRIEDEL. Mr. Chairman, I ask unanimous consent that the debate on this amendment be limited to 5 minutes after the gentleman from Oklahoma has concluded.

Mr. SPRINGER. Mr. Chairman, I have no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. JARMAN. Mr. Chairman, my remarks in opposition to the amendment will be very brief. I merely want to make crystal clear to the committee that this issue, this recommendation, was not covered in the hearings on this subject. It was introduced on last Wednesday, the day before the executive session.

It is seizure, without calling it such. It would put the President in the business of running the railroads. He could give orders to the railroads as to what they could carry, what wages they could pay, and what rates they could charge, under a Presidential order.

It is a far-reaching amendment that has had a very inadequate background of hearings. I urge its defeat.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. OTTINGER].

Mr. OTTINGER. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Michigan [Mr. DINGELL].

Mr. JONES of Missouri. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. OTTINGER. Mr. Chairman, I yield to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, the gentleman from Oklahoma expressed a rather clear misunderstanding of the legislation before us.

I would point out that this is not seizure. The terms and conditions under which the President would act are most clearly spelled out under the legislation.

I point out further the very important fact that any action taken under this legislation would be subject to full judicial review and also subject to compensation for any damages occasioned by any parties thereby. So the full constitutional protection of rights would be assured.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. TEAGUE].

Mr. TEAGUE of California. Mr. Chairman, it seems to me this is totally impractical. In my district or near my district freight trains are made up consisting of perhaps 10 cars of strawberries, 10 cars of lemons, 10 cars of roofing materials, 10 cars of cotton, and 10 cars of defense material.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of California. I decline to yield to the gentleman.

Some of these items refer to welfare and some are perishable. Some could be deferred. Others could not. It is totally difficult and impractical to separate some from the others in the makeup of freight trains.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, the gentleman from Oklahoma put his finger on this analysis when he said this is seizure without calling it seizure, no more and no less. Indeed, it is the wildest thing proposed here yet, and I urge its defeat.

The CHAIRMAN. The Chair recognizes the gentleman from Washington [Mr. ADAMS].

Mr. ADAMS. Mr. Chairman, I may say to my colleagues during the course of the afternoon I have followed the principle of trying to find some way of starting these parties bargaining again. This is an alternative which has been proposed that is perhaps less seizure than total control of the railroads. There will be other amendments which will do such things as giving the President the power voluntarily to seize if he desires to do so. There will also be those that indicate such things as comparable wages being required. We want the House to know the alternatives they have to make these parties bargain.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. Moss].

Mr. MOSS. Mr. Chairman, I want to assure my colleagues that I have as much interest in the agriculture of my great State as has my colleague, the gentleman from California [Mr. Teague]. The language on the bottom of page 5 and up to the top of page 6 of this legislation makes it very clear that the President would be vested with ample authority to permit the mixed cargo type of train makeup that he mentioned.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. Dingell].

Mr. DINGELL. Mr. Chairman, I sought to yield to my good friend the gentleman from California [Mr. Teague] at an earlier time. He did not choose to yield to me. But I want to tell him the language of this amendment is drawn precisely as it is drawn so as to cover agricultural commodities to make sure that they will not rot in the fields or rot at the railheads but will continue to move in an orderly fashion from farm to market to the ultimate consumer to make the fact very clear that the interests of the farming people are not hurt.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. Springer].

Mr. SPRINGER. Mr. Chairman, I hope this amendment will be defeated. I do not believe that anything will be accomplished merely by adopting this substitute for a bill which the committee spent almost 4 weeks of hearings and executive session on. I have not seen exactly this kind of an amendment or substitute before that I can remember. Maybe the gentleman did offer it in committee, but I hope it will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. Dingell].

The amendment was rejected.

AMENDMENT OFFERED BY MR. OTTINGER

Mr. OTTINGER. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Ottinger: Strike out all after the enacting clause and substitute therefor, the following:

"That there is hereby established a Special Board for the purpose of assisting the parties in the completion of their collective bargaining and the resolution of the remaining issues in dispute. The Special Board shall consist of five members to be named by the President. The National Mediation Board is authorized and directed (1) to compensate the members of the Board at a rate not in excess of $100 per each day together with necessary travel and subsistence expenses, and (2) to provide such services and facilities as may be necessary and appropriate in carrying out the purposes of this resolution. For the purpose of any hearing conducted by the Special Board, it shall have the authority conferred by the provisions of sections 9 and 10 (relating to the attendance and examination of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 26, 1914, as amended (15 U.S.C. 49, 50).

"Sec. 2. The Special Board shall attempt by mediation to bring about a resolution of this dispute and thereby to complete the collective bargaining process.

"Sec. 3. If agreement has not been reached within thirty days after the enactment of this resolution, the Special Board shall hold hearings on the proposal made by the Special Mediation Panel, in its report to the President of April 22, 1967, in implementation of the collective bargaining contemplated in the recommendation of Emergency Board Numbered 169, to determine whether the proposal (1) is in the public interest, (2) is a fair and equitable settlement within the limits of the collective bargaining and mediation efforts in this case, (3) protects the collective bargaining process, and (4) fulfills the purposes of the Railway Labor Act. At such hearings the parties shall be accorded a full opportunity to present their positions concerning the proposal of the Special Mediation Panel.

"Sec. 4. The Special Board shall make its determination by vote of the majority of the members on or before the sixtieth day after the enactment of this resolution and shall incorporate the proposal of the Special Mediation Panel with such modifications, if any, as the Board finds to be necessary to (1) be in the public interest, (2) achieve a fair and equitable settlement within the limits of the collective bargaining and mediation efforts in this case, (3) protect the collective bargaining process, and (4) fulfill the purposes of the Railway Labor Act. The determination shall be promptly transmitted by the Board to the President and to the Congress.

"* * * * *

parties upon the expiration of the period specified in section 6, the determination of the Special Board shall take effect and shall continue in effect until the parties reach agreement or, if agreement is not reached, until such time, not to exceed two years from January 1, 1967, as the Board shall determine to be appropriate. The Board's determination shall have the same effect (including the preclusion of resort to either strike or lockout) as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.).

"(b) In the event of disagreement as to the meaning of any part or all of a determination by the Special Board, or as to the terms of the detailed agreements or arrangements necessary to give effect thereto, any party may within the effective period of the determination apply to the Board for clarification of its determination, whereupon the Board shall reconvene and shall promptly issue a further determination with respect to the matters raised by any application for clarification. Such further determination may, in the discretion of the Board, be made with or without a further hearing.

"(c) The United States District Court for the District of Columbia shall have exclusive jurisdiction of all suits * * *.

"Sec. 6. At the time the determination of the Special Board shall take effect, the President may, at his discretion, direct the Attorney General to petition any district court having jurisdiction of the parties for the appointment of a special receiver or receivers to take immediate possession in the name of the United States of any carrier which is subject to such dispute and to use and operate the equipment and facilities of any such carrier in the interest of the United States, and if the court finds that the exercise of the power and authority provided by this resolution is necessary to protect the national health, safety, or the public interest, it shall have jurisdiction to appoint such receiver or receivers and to make such other orders as may be necessary and appropriate to carry out this resolution.

"Any suit, action, or proceeding under this resolution against an employer, or a labor organization, or other persons subject thereto involving two or more defendants residing in different districts may be brought in the judicial district whereof any such defendant is an inhabitant; and all process in such cases may be served in the district in which any of them are inhabitants or wherever they may transact business or be found.

"The several district courts of the United States are invested with jurisdiction to prevent and restrain violations of this resolution. Whenever it shall appear to the court before which any such proceeding may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned whether they reside in the district in which the court is held or not, and subpenas to that end may be served in any district by the marshal thereof.

"In any case, the Act of March 23, 1932, entitled 'An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes' (47 Stat. 70; 29 U.S.C. 101–115) shall not be applicable.

"The order or orders of the court shall be subject to review by the appropriate circuit court of appeals as provided in sections 1291, 1292 of title 28, United States Code, and by the Supreme Court upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

"Sec. 7. Whenever a district court has appointed a receiver or receivers pursuant to the provisions of this resolution, or has issued such other orders as may be necessary to carry out the purpose thereof, it shall be the duty of the parties to the labor dispute giving rise to such action to make every effort to adjust and to settle their differences, with the assistance of the National Mediation Board. During the period in which possession of any carrier has been taken under this resolution the United States shall hold all income received from the operation thereof in trust for payment of general operating expenses, just compensation to the owners as hereinafter provided, and reimbursement to the United States for expenses incurred by the United States for the operation of any such carrier. Any income remaining shall be paid into the Treasury of the United States as miscellaneous receipts. In determining just compensation to owners of the carriers, due consideration shall be given to the fact that the United States took possession of such carrier when its operation had been interrupted by a work stoppage or that a work stoppage was imminent; the fact that the carriers or the labor organizations, as the case may be, have failed or refused to comply with recommendations for settlement made during proceedings under this resolution; the fact that the United States would have returned such carrier or carriers to its owners at any time an agreement was reached, and to the value the use of such carriers would have had to the owners in the light of the labor dispute prevailing, had they remained in their possession during the period of operation; and should the operations of any carrier during the period of seizure have resulted in a loss greater than the just compensation as determined hereunder, such carrier shall be obligated to pay such loss in excess of just compensation to the Treasury of the United States.

"Sec. 8. The President may appoint a Compensation Board to determine the amount to be paid as just compensation under this resolution to the owner or owners of the carriers of which possession is taken. For the purpose of any * * * conducted by any such Compensation Board the provisions relating to the conduct of hearings or inquiries by special boards as provided in section 1 of this resolution are hereby made applicable to such hearing or inquiry. The members of the Compensation Board shall be appointed by the President and compensated in accordance with the provision of section 1 hereof.

"The award of the Compensation Board shall be final and binding on the parties unless within thirty days after the issuance of said award either party moves to have the award set aside or modified in the United States Court of Claims in accordance with the rules of such court.

"Sec. 9. Any carrier or carriers of which possession has been taken under this resolution shall be returned to the owner thereof as soon as (1) agreement has been reached with the representatives of the employees settling the issues in dispute, or (2) the President finds that the continued possession and operation of any such carrier or carriers by the United States is no longer necessary to the national health, safety, or the public interest.

"Sec. 10. The provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160), as heretofore extended by law, shall be hereby extended until 12:01 o'clock ante meridian of the ninety-first day after enactment of this resolution with respect to the dispute referred to in Executive Order 11324, January 28, 1967.

"Sec. 11. If any provision of this resolution or the application of such resolution to any person or circumstance shall be held invalid, the remainder thereof, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby."

Mr. OTTINGER (during reading of the amendment). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the Record.

Mr. Chairman, I circulated a letter to every Member of the House explaining just what this amendment contains. It is quite long and involved.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. SPRINGER. Mr. Chairman, reserving the right to object, is the distinguished gentleman from New York going to explain his amendment?

Mr. OTTINGER. Mr. Chairman, if the gentleman from Illinois will yield, I shall be glad to tell the gentleman that this is the amendment—the same proposition—that I offered in the committee. It proposes to give the President the discretion of either choosing receivership or compulsory arbitration.

Mr. SPRINGER. In other words, under the provisions of the gentleman's proposed amendment, it would allow the President to proceed in this matter; is that correct?

Mr. OTTINGER. Mr. Chairman, if the gentleman will yield further, this would allow the President, in his discretion, 91 days from now, to impose a receivership decision.

Mr. SPRINGER. Mr. Chairman, did the gentleman from New York introduce this amendment in the form of legislation?

Mr. OTTINGER. I did.

Mr. SPRINGER. Mr. Chairman, can the gentleman give me the number of the resolution?

Mr. OTTINGER. No; I am sorry; I did not introduce it separately as a separate resolution.

Mr. SPRINGER. Mr. Chairman, I wonder if the gentleman from New York would furnish to me a copy of the resolution?

Mr. OTTINGER. I shall be very glad to do so.

Mr. SPRINGER. Mr. Chairman, with that understanding, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

(By unanimous consent, Mr. Ottinger was allowed to proceed for 5 additional minutes.)

Mr. OTTINGER. Mr. Chairman, we have just had rejected by this Committee what I consider to be a very excellent proposal which was offered by the distinguished gentleman from Washington [Mr. Adams], the proposal that provided as a last resort, receivership or seizure. I supported that amendment.

But, Mr. Chairman, I really do not think, as the President proposes, that we should be asked in the Congress to impose receivership as the ultimate solution to this problem, and certainly not what amounts to compulsory arbitration, as we are asked to do in the administration joint resolution, House Joint Resolution 559.

Mr. Chairman, I do not believe that we can know at this time, 91 days before these provisions and this decision are to go into effect, whether the conditions in this country will make it necessary to have compulsory arbitration or seizure, or, indeed, any kind of interference with the rights of collective bargaining.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I am glad to yield to my colleague from New York.

Mr. WYDLER. Mr. Chairman, I wonder if the gentleman from New York [Mr. Ottinger] can tell the Members whether the gentleman knows or has been informed as to whether the President wants the discretionary powers that the gentleman wishes to grant to him under this amendment?

Mr. OTTINGER. I have no idea about that. However, it seems to me that the President should not try to dump this problem into the lap of the Congress, because the President has got the information with reference to the dispute and he has been working with the various parties involved.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to my colleague on the committee, the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, with reference to the question of the President dumping this question into the lap of the Congress, is it not a fact that the problem which faces the United States of America today requires that this Congress has to act upon some kind of legislation directed toward this problem, because the President of the United States has no alternative with reference thereto?

Mr. OTTINGER. Mr. Chairman, I decline to yield further.

Mr. Chairman, the President of the United States has asked us to institute the provisions of House Joint Resolution 559, and I do not feel that we should be asked to make that decision 91 days—3 months—before the actual decision has to be made.

Mr. Chairman, it is my opinion that the President ought to have flexibility, and flexibility is provided for in my substitute amendment.

My amendment, if adopted, would give the President the option of invoking either the receivership provision as contained in the resolution offered by my colleague, the distinguished gentleman from Washington [Mr. Adams], or the so-called "mediation to finality" provision contained in the current legislation.

The President should have these options, for three reasons: First of all, it is a fair solution, applying equal pressure to both sides of the issue.

Second, it really does preserve the theory of collective bargaining. In other words, if one side declines to bargain, it will be threatened by the prospect of seizure, and if the other side declines to bargain, it will be faced with the prospect of compulsory arbitration.

So, Mr. Chairman, the President would have really effective tools which would give the parties the latitude of real bargaining and which would allow and permit them to arrive at a voluntary settlement to this dispute.

It would permit the President to choose the solution which appears to be most appropriate in the light of the state of the negotiations, 91 days from now, and also the national and international conditions that may be prevailing at that time.

My amendment would allow the President the option to do one or the other. It does not direct the President to seize the carriers as was directed under the Adams amendment, nor does it direct him to apply so-called "mediation to finality." It merely permits him to do either if in his wisdom he decides such a step is necessary and appropriate.

This places the responsibility for action right where I think it belongs—not with the Congress, but with the President. It gives him the tools with which to achieve a fair and equitable solution. The decision as to whether a national railway tieup must be averted, and if so, how, ought not to be made 91 days in advance. It should be made by the President in the light of the national and international situation prevailing at the time the action is required. The decision must take into account many factors which can change radically between now and this fall when the ultimate provisions of House Joint Resolution 559 would go into effect.

This dispute involves a complex and changing situation. Only the President will have the information to make the solution fit the conditions at the time a choice of remedies must be selected. In our haste and our concern we must not and we need not restrict the President in his choice of alternatives.

There is an equally pressing reason for adopting this amendment. One of the greatest dangers in hasty action is the very bad precedent that we may set by imposing compulsory arbitration. Labor disputes should not be settled by Congress; they should be settled by free collective bargaining between labor and management. House Joint Resolution 559 simply does not promote this. It imposes a settlement already accepted by management. Management will have no incentive to bargain. Under the amendment I am offering both parties would be confronted with equally distasteful alternatives, and I believe that negotiations would result.

National emergency labor settlements should not be continually dumped in the lap of Congress at the last minute before a national tieup is about to occur.

I believe the administration has failed badly in not providing long-promised, permanent settlement proposals for such situations; and, in my opinion, the administration has failed in this instance to provide a solution that is either fair or effective.

The best way for Congress to assure that it will not continue to be the recipient of these last-minute appeals for legislative settlements—and will not have to impose the bad precedent of compulsory arbitration—is to give the President responsibility for making these determinations and the tools with which he can make them fairly and equitably.

Mr. KORNEGAY. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I will be glad to yield to the gentleman.

Mr. KORNEGAY. Mr. Chairman, I appreciate the gentleman yielding to me. I might say that I do not have the copy of the substitute, and therefore I would like to ask the gentleman what these tools are that the gentleman is proposing to give to the President to put him in a position to force the parties to this dispute to bargain.

Mr. OTTINGER. The tools my substitute gives to the President are, first of all, the very tools for which he asks, the power to impose settlement by mediation to finality, or compulsory arbitration, or whatever you want to call it. Second, my substitute gives the President a second set of tools, which are the tools offered by the gentleman from Washington [Mr. Adams] in his resolution, the option of a receivership or seizure.

I believe that this is a balanced proposal which will enable the President to give both of the parties equal treatment.

Mr. KORNEGAY. In other words, the President on his own motion can seize the railroads?

Mr. OTTINGER. That is correct, at the end of the 90-day period.

Mr. KORNEGAY. Taking the control away from the management and forcing the employees to work?

Mr. OTTINGER. That is right—just as you are taking away from the employees the right to strike.

Mr. KORNEGAY. But in effect it would be doing the same thing, would it not, under the terms of the resolution?

Mr. OTTINGER. That is correct.

Mr. KORNEGAY. How long would it last under your resolution?

Mr. OTTINGER. For the same period as provided by the administration resolution.

Mr. KORNEGAY. That is January 1, 1969.

Mr. OTTINGER. That is right.

Mr. KORNEGAY. I thank the gentleman very much.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I am glad to yield to my colleague, the gentleman from New York [Mr. Horton].

Mr. HORTON. According to the gentleman's notice that he sent out to each Member, he indicated that he was going to provide in his amendment the so-called mediation to finality proposal. I assume that that is included in this amendment?

Mr. OTTINGER. That is correct.

Mr. HORTON. Does the gentleman agree with me that mediation to finality is compulsory arbitration?

Mr. OTTINGER. I certainly do. That is what it amounts to.

Mr. HORTON. I want to indicate to the gentleman that I am opposed to his resolution because I do not feel even the Congress should authorize compulsory arbitration much less give this or delegate this power to the President, and I do not feel the President should have this unusual power.

Now how would the gentleman explain his proposal to give the power of compulsory arbitration to the President?

Mr. OTTINGER. I find it distasteful. I wish, just as the gentleman must also and most Members, that we were not confronted with this problem at all. But making a choice of alternatives, it seems to me that the best way to assure that this dispute will be resolved by collective bargaining would be to force both sides to negotiate by giving them both a choice of equally distasteful alternatives.

Mr. ROGERS of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would point out to the House that this proposed amendment was rejected by the committee in its consideration for a number of reasons.

Here it is proposed to give to the President, any time he so desires, the right to come in and take over the whole industry, again going through this process that would apply in seizure where wages are set, prevention of strikes, and so forth.

The House has already determined that it is not a good procedure.

Furthermore, we get into the problem of compensation which has so many ramifications that the committee does not even know what they are because we did not go into this problem at all in the hearings.

So there are so many compelling reasons to turn down this proposal that I would hope the Committee of the Whole would defeat this amendment overwhelmingly.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. Ottinger].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OTTINGER. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. BROCK

Mr. BROCK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Brock: Strike out all after the resolving clause and insert in lieu thereof the following:

"That section 10 of the Railway Labor Act is amended (1) by striking out the center heading of such section and inserting in lieu thereof 'SETTLEMENT OF EMERGENCY DISPUTES'; (2) by inserting '(a)' after 'Sec. 10.', and (3) by adding at the end thereof the following new subsections:

" '(b) If on the last day of the thirty-day period referred to in the third paragraph of subsection (a) the parties have not reached an agreement for settling the dispute and the President finds that the dispute, if permitted to continue, will imperil the national health or safety, the President shall issue an Executive order setting forth such finding. In such case, commencing with the tenth day after the last day of such thirty-day period and until such time as the dispute is settled—

" '(1) no carrier involved in the dispute may, with respect to terms and conditions of employment for his employees involved in the dispute or with respect to terms and conditions for the settlement of the dispute, act in concert or consult with any other carrier involved in the dispute with respect to the terms and conditions of employment of such an employee or with respect to terms and conditions for the settlement of the dispute; and—

" '(2) no person may be the representative, for purposes of collective bargaining, of the employees of more than one carrier involved in the dispute and such person may not act in concert or consult with the representative of the employees of any other carrier involved in the dispute with respect to terms and conditions of employment or with respect to terms and conditions for the settlement of the dispute.

" '(c) For the purpose of carrying out subsection (b) the Mediation Board shall prescribe by regulation how the representative of the employees of each carrier involved in the dispute shall be determined.'.

"Sec. 2. Section 2 of the Railway Labor Act is amended by adding at the end thereof the following:

" 'Twelfth. (a) No employee shall engage in any strike growing out of a labor dispute with respect to which the services of the Mediation Board may be invoked unless a majority of the employees in the appropriate unit (as determined by the Mediation Board) have voted by secret ballot in favor of such a strike, and no employee shall continue any strike growing out of any such labor dispute for more than twenty-one days unless a majority of the employees in such unit have voted by secret ballot to continue such strike.

" '(b) Upon receiving a request therefor from any representative of employees, the Mediation Board shall forthwith take a secret ballot of the employees in the unit such Board finds to be appropriate on the question of whether they wish to strike or continue to strike, and shall certify the results to the representative and employers concerned.'

"Sec. 3. The provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160), as heretofore extended by law, shall be hereby extended until 12:01 o'clock antemeridian of the ninety-first day after enactment of this resolution with respect to the dispute referred to the Executive Order 11324, January 28, 1967.

"Sec. 4. The amendments made by the first

> two sections of this join resolution shall be applicable to the labor dispute between the carriers represented by the National Labor Railway Conference and certain of their employees with respect to which the provisions of the final paragraph of section 10 of the Railway Labor Act have been extended by Public Law 90–10 as amended, except that upon the enactment of this joint resolution the President is authorized to issue immediately an Executive order setting forth a finding that this labor dispute if permitted to continue will imperil the national health and safety, as provided in subsection (b) of section 10 of the Railway Labor Act, as amended by this joint resolution."

Mr. DINGELL. Mr. Chairman, I wish to assure that I will have an opportunity to make a point of order to the amendment, but in order to permit my friend and colleague from Tennessee the privilege of speaking on his amendment, I should like to ask unanimous consent that he be permitted to be heard and that thereafter I may be heard on the point of order.

The CHAIRMAN. The gentleman from Michigan reserves a point of order.

Mr. JARMAN. Mr. Chairman, I rise also to reserve a point of order.

The CHAIRMAN. The gentleman from Oklahoma reserves a point of order.

The Chair recognizes the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, first of all, I would like to pay tribute to the distinguished gentleman from Tennessee. I know he has given this matter a great deal of thought, and he has spent a great deal of time in research on it before coming to the conclusion as to what he believes should be done. I know the entire House respects him for being willing to take a stand on what he believes to be right.

Mr. Chairman, I cannot support this, and I told the gentleman that I cannot, and there are practical reasons why I cannot. Both management and labor are opposed to fragmentary settlements. I believe we can understand that. There are 154 standard railroads in the United States. I am talking about large railroads. This does not take into consideration short lines and others, of which I understand there are 70 or 80.

It would mean, if they were to bargain railroad by railroad, that there could be two or three on a strike, and the others not on strike. Going into a State, other railroads would be operating, with connecting lines into other railroads which were a part of the strike. Delivery might be made to the terminal of a railroad, and that railroad could not deliver the goods because of a strike on that railroad.

Those are the practical problems which are involved in a big industry such as the railroad industry, in which there are some 24 brotherhoods which to bargain.

It presents such practical limitations that both management and labor testified before our committee they did not favor doing so. They were sharply questioned on this point. Two members of the committee, one on my side of the aisle, deeply believe that this is perhaps a way to work out something, trying to get a settlement unit by unit.

I thought that both management and labor gave excellent reasons why this, at its very best, even though there might be some merit to it, actually would bring about an impossible situation for them to undertake.

Mr. BROCK. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Tennessee.

Mr. BROCK. What is it that makes the railroads different from all the rest of the industry of the world? Are they so unique, they can find no way to bargain together, the management of each company and the employees of that company?

Mr. SPRINGER. I believe it is the fact which was referred to a moment ago. These lines are all interdependent and connected with each other.

That is not true of the automobile industry. If the Ford Motor Co. should shut down, I could buy a Chevrolet. If the Chevrolet production should shut down, I could buy another automobile.

In the industry of the railroads, that is not true. They are all connected.

I can send something from Seattle to Miami, and even though it goes over five railroads eventually it will arrive. Suppose that a connecting railroad somewhere in between Washington and Florida were on strike.

I believe we can see that bargaining unit by unit for an entire network, for the entire country, simply would not work.

Mr. BROCK. The point of the amendment is to protect the consumer, the general public of this country. We have to talk about providing an alternative source of supply.

Mr. SPRINGER. May I say in reply, if we were talking about the trucking industry I could not give such a positive answer, because in nearly every community there are two or three trucking companies. If one of them is on strike, the others will pick up and deliver whatever needs to be delivered to and from that community.

This is an industry to which we have given much consideration. This is not the first time the proposal has been up for consideration. It is not the first time it was asked for in our committee. As some Members know, it goes back to 1953, when I first went on the committee. We went into the problems of whether this could be done unit by unit. We came to the conclusion it was an impossibility.

Mr. BROCK. If the gentleman will yield further, the purpose of the measure today is to avoid a national emergency through a national railroad strike. The problem is created by the fact that there are no real pressures to enforce responsible collective bargaining, so we have a situation today of the need for pressure without compulsory arbitration. What I am trying to do is to bring competition back into play by putting each railroad on a competitive basis, so that it must try to solve its problems with its employees in order to stay in business.

In my home State there is the L. & N. and the Southern Railroad. If one railroad settles, the other had darned well better settle, or it will go out of business. Without my amendment this factor is missing. Without it, all sink or all swim—and only the public suffers.

If we allow free market economic pressures to work, the railroads and the unions will be more responsible. This would go a long way toward solving today's problem.

Mr. SPRINGER. Suppose that both of the railroads were on strike. Then how could we expect that community to be served?

Mr. BROCK. Of all the railroads and all the unions in the country, I am quite sure that someone in management and labor would accept their responsibility to the American public. If one did, the rest would be forced to do so. All I ask is the reinstitution of free market competitive factors.

Mr. SPRINGER. I agree with the gentleman, insofar as his efforts are concerned. I commend him.

Mr. BROCK. Mr. Chairman, I appreciate the opportunity to explain this amendment. I have been most interested in the debate today. There is a germ of truth in what almost everyone has said. I agree with the majority leader when he says that the country cannot afford a cessation of railroad operations. But I also agree with the gentleman from California [Mr. MOSS], when he says that we cannot, in this Congress, allow expediency to override our principles.

I must say that I personally resent very deeply the utilization of the tragic situation in Vietnam as an emotional argument to pass a joint resolution which would impinge upon the very freedom for which those young men are fighting.

I agree with the gentleman from California [Mr. HOLIFIELD], when he says this bill, as written, represents compulsion on organized labor. I agree with the gentleman from Michigan, who said the argument for seizure represents the same problem for industry.

I would like to propose another alternative. The gentleman from Washington said he would like very much to have some other solution proposed which does not involve compulsion. I hope to propose such a solution.

The basic problem in this dispute is involved in the fact that under industry-wide negotiations we have two people, one representing all labor, and the other representing all management, dealing with an issue which involves the general public. This represents an intolerable concentration of power. There is no competitive pressure on these two people to be responsible, because they know full well that this country will never accept a railroad strike which destroys our national security.

We have seen the results of this kind of attitude. Since the 25th of April, both sides, while professing to want to negotiate, have not even sat down at the same table with each other—not one time since Congress extended the strike.

Now, how do we get back to the basic purpose of free collective bargaining, the purpose of creating a dialog between the management of a corporation and the employees of that company on economic issues involved, and take the general public out of the discussion and out of involvement?

I propose to do two things: first, to put off the strike for 90 days as is proposed in the bill, and second, during this period, to take an entirely different approach, based upon the problem, not the symptom that we are treating with compulsory arbitration. I would prohibit industrywide bargaining and require as an alternative carrier-by-carrier negotiations.

The obvious principle involved is to get the bargaining back down to the corporate level, the competitive level where collective bargaining really works.

Unless we do this, we never are going to solve the problem we are faced with today. I have heard people on both sides say that this just diminishes collective bargaining a little bit. That is like being a "little bit pregnant." The ultimate conclusion of this bill will be the destruction of freedom of the workingman in this country. I do not believe this House can afford to take that step. I believe we have to find some alternative to compulsory arbitration. This responsibility was given each of us, and it cannot be refused.

Very simply then, my substitute is to extend the no-strike authority of the President for 90 days and fractionalize the bargaining. Only in this way can the corporation and its employees negotiate together and come to a common conclusion which is satisfactory to both. Only in this way can Congress maintain the security of this Nation while at the same time maintaining a very basic freedom on the part of the individuals involved.

Mr. SPRINGER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. We first have to dispose of two points of order.

Mr. DINGELL. Mr. Chairman, I would be glad to reserve my point of order so the gentleman from Illinois can be recognized to speak.

The CHAIRMAN. The gentleman can continue to reserve his point of order if he desires to do that.

Mr. DINGELL. Mr. Chairman, I renew my point of order.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Michigan on his point of order.

Mr. DINGELL. Mr. Chairman, I renew my point of order on a series of grounds.

First, the amendment goes beyond the fundamental purpose of the legislation before the committee today. As such it is not germane to the fundamental purposes of the measure.

I would cite that the amendment deals with sections of the Railway Labor Act other than those presently before us.

I would point out that the amendment also deals with duties of representatives and the responsibility of bargaining units, something far beyond the matters presently before the committee.

In addition to this, the pending measure is limited to a specific labor dispute, whereas the amendment offered by the distinguished gentleman from Tennessee deals with all labor disputes.

The legislation pending before the committee today deals with railroads in one specific instance, Mr. Chairman, whereas the amendment sponsored by my distinguished friend from Tennessee [Mr. BROCK] deals with every industry covered by the Railway Labor Act, which would also include the airlines.

In addition to that, Mr. Chairman, the amendment deals with matters involved in elections such as the requirement for secret ballot, whereas no such requirement is presently pending in legislation before the committee today.

Mr. Chairman, I believe it is well settled that where an amendment is so much more sweeping and broad than that presently before the body that it is defective because of the violation of the rule of germaneness and thus subject to a point of order.

Mr. Chairman, in addition to this I would point out that legislation dealing with a specific subject or a specific set of circumstances under the rules may not be amended by a provision which is general in nature even when of the class or the specific subject involved.

Therefore, Mr. Chairman, I would necessarily renew my point of order and urge on the Chair that the amendment presently pending, offered by my distinguished friend from Tennessee, is not germane and therefore is subject to a point of order.

The CHAIRMAN. Does the gentleman from Tennessee desire to be heard?

Mr. BROCK. Yes, Mr. Chairman.

I merely wish to say my amendment strikes at the resulting cause whereas the gentleman made reference to a specific situation. Second, in talking about the fact that some of it goes beyond the intent of the present legislation, it does not relate to germaneness, because the amendment, as is the bill, is an amendment to the Railway Labor Act. I cannot see that there is any question about it.

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard on the point or order?

Mr. JARMAN. No, Mr. Chairman.

The CHAIRMAN. The Chair is prepared to rule. The gentleman from Tennessee [Mr. BROCK] offers an amendment in the nature of a substitute to which the gentleman from Michigan [Mr. DINGELL] makes a point of order on the ground that the amendment is not germane to House Joint Resolution 559, the resolution before the Committee.

The Chair will call attention to "Cannon's Precedents," volume 8, page 479, section 2912, which reads as follows:

> To a bill proposing measures to meet a declared emergency and limited in operation to a period of five years an amendment proposing permanent legislation of the same character was held not to be germane.

Because the amendment offered by the gentleman from Tennessee is permanent legislation and the resolution before the committee is limited to an existing situation and is not permanent in nature, the Chair holds that the amendment is not germane and sustains the point of order made by the gentleman from Michigan [Mr. DINGELL].

Are there any further amendments to section 1?

AMENDMENT OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. ECKHARDT: Amend H.J. Res. 559 by striking the period on page 3, line 19 thereof and adding the following language: ", and the matter under investigation shall include any and all fiscal and financial affairs of the carriers, including their relations with each other and with other persons and corporations, as the Special Board may deem appropriate for inquiry."

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes in support of his amendment.

Mr. ECKHARDT. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Chairman, reserving the right to object, I would ask that the gentleman from Texas make his request at the end of the 5 minutes.

Mr. ECKHARDT. Mr. Chairman, I withdraw my request.

Mr. Chairman, this amendment is a very narrow and specific amendment, but I believe it is of such importance that if the amendment were carried, I should support the bill. I think it makes that much difference, because I believe if it did carry, it would increase the pressure upon the carriers to come to an agreement within the first 30 days.

Mr. Chairman, there are two matters now pending before this Congress. One of those matters is the matter of negotiations during the 30 days. And, second, there is the question of compulsory arbitration.

Mr. Chairman, if there was built within the bill sufficient pressures to require agreement, then we never come to the question of compulsory arbitration.

Mr. Chairman, the amendment which I propose would simply go to the sentence of section 1 which reads as follows, with the amendment added; it simply adds another portion to that sentence. On page 3, line 13, there is stated the following:

> For the purpose of any hearing conducted by the Special Board, it shall have the authority conferred by the provisions of sections 9 and 10 (relating to the attendance and examination of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 26, 1941, as amended (15 U.S.C. 49, 50).

Then, Mr. Chairman, there would be added to that the following: ", and the matter under investigation shall include any and all fiscal and financial affairs of the carriers, including their relations with each other and with other persons and corporations, as the Special Board may deem appropriate for inquiry."

Mr. Chairman, the reason for the offering of my amendment is brought about by the limitation contained in sections 9 and 10 of the Federal Trade Commission Act, which are set out at page 19 of the committee report in appendix C, as follows: "and the Commission shall have power to require production of all such documentary evidence relating to any matter under investigation."

Now, Mr. Chairman, it will be noted that section 3 of the resolution itself limits the scope of the action of the Special Board to matters pertaining to "a fair and equitable settlement within the limits of collective bargaining and mediation efforts in the case."

Mr. Chairman, as I read the section of House Joint Resolution 559 so limiting the scope of the Board in connection with sections 9 and 10 of the Federal Trade Commission Act, this will limit inquiry upon the part of the Board to those issues which have been raised by the unions and by the carriers.

Mr. Chairman, I submit that neither the unions nor the carriers are the sole parties in interest with respect to investigation of the financial condition of the carriers; such conditions that are pertinent to public examination.

Mr. Chairman, we are not here to arbitrate between labor and management but to consider matters involving the public interest, which interest may go beyond the urgings of either labor or management.

Therefore, Mr. Chairman, this amendment would simply open up and extend the consideration to any and all fiscal and financial affairs of the carriers, including their relations with each other and with other persons and corporations, as the Special Board may deem appropriate for inquiry, which relations may be extremely pertinent to the public interest, although these relations may not be of interest to either labor or management.

Mr. ADAMS. Mr. Chairman, will the distinguished gentleman yield?

Mr. ECKHARDT. I yield to the distinguished gentleman from Washington.

Mr. ADAMS. Mr. Chairman, the gentleman from Texas has made a very fine statement and I think also that the gentleman has proposed a very fine amendment to House Joint Resolution 559.

Mr. Chairman, I rise in support of the amendment which has been offered by the gentleman from Texas.

Mr. Chairman, one of the things that we have attempted to say with reference to the parties involved is that the public interest becomes involved when there is a rail strike, and we have pending before the Congress the question involving the oldtime collective bargaining rules which in effect state that you can keep everything tight and quiet and close to the vest and not permit a full disclosure thereof.

The public is a third party to these negotiations. I think the gentleman's amendment would do that, and I have heard it stated in the committee, stated to the Secretary of Labor, the same thing, that we have to have more than minimum interference in this field.

Mr. SATTERFIELD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to point out that the amendment proposed by the gentleman from Texas is one on which our committee has held no hearings. It is unfortunate indeed that the gentleman did not bring it to the attention of the committee during the period of time that we considered this matter extending approximately 1 month.

Having said that, Mr. Chairman, I fail to see—nor can I understand—where the subject matter of this particular amendment has anything to do with the dispute. It certainly does not go to the heart of the issues which are in dispute, nor does it deal with the resolution presently pending on this floor, and its attempt to resolve those issues.

Already we have nationwide bargaining on the part of labor and on the part of management, and I fail to see where any effort to inquire into the financial structure of the railroads or the relations between them would offer any help in efforts to resolve this most difficult matter.

Mr. Chairman, I would hope the House will see fit to reject this amendment.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. SATTERFIELD. Yes; I yield to the gentleman.

Mr. ECKHARDT. Mr. Chairman, may I point out to my distinguished colleague that the provisions here do not necessarily go to the entire structure of the railroads, but they go to their financial and fiscal relations, and their relations with each other, and do not require the Board to look into matters other than those that the Board considers pertinent to the inquiry. But there is a broader range of inquiry for the Board so that the white light of public opinion can be directed at the carriers which frankly I believe would tend to impel the railroads to come to some agreement with the unions with whom they are bargaining.

If it would tend to do so, certainly the amendment would not hurt.

Mr. SATTERFIELD. Mr. Chairman, I would say in reply to the gentleman that what the gentleman is really trying to do is embarrass the railroads into a position where they will have to settle. Is that correct?

Mr. ECKHARDT. I hope they will not be embarrassed by the white light of public opinion.

Mr. SATTERFIELD. In any event, I fail to see how this subject deals with the issues brought before us today. It would have absolutely nothing to do with the determination of the issues involved here or the issues between the parties that they cannot now resolve.

Mr. ECKHARDT. But my colleague will note that that determination lies with the Board.

Mr. SATTERFIELD. Mr. Chairman, I ask that this amendment be rejected.

Mr. SISK. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I do not set myself up here as an expert on the resolving of this issue, and I have not spoken on it before, but I am a little bit concerned as I attempted to listen to what the gentleman from Texas [Mr. ECKHARDT] was proposing here. I was particularly intrigued by the comments of the gentleman who apparently was opposing him.

As I understood the amendment, this is an amendment which requires that all the facts be laid on the table, all the facts concerning labor and labor's problems, and all the facts concerning management and management's problems, in an attempt to settle this issue.

Is there someone here—and I would like to direct my question to the gentleman opposing the amendment, the gentleman from Virginia [Mr. SATTERFIELD], because I was curious about the objection. Does the gentleman object to all the facts being laid out on the table in the settlement of this strike?

Mr. SATTERFIELD. As I understand what is involved in this amendment—and I have not had a chance to read the amendment, but listened to it as it was read—it would give the special board the right to inquire into the finances of the railroads and the relationships between them, and I do not believe in that regard there should be or need be any additional broadening of the investigation.

Mr. SISK. I would like to direct a question to the gentleman from Texas then because I am seeking information here as to whether I want to support this amendment or not. I do feel it is imperative that more facts be brought out and more light be shed than there has been in the past and that we can settle this.

Can the gentleman from Texas comment on that as to just what his intent is here in his amendment?

Mr. ECKHARDT. I am glad to respond to my colleague, the gentleman from California.

The only effect of the amendment is to widen the rather narrow scope of section 9 and section 10. After all, we are borrowing from another section of the act and that section of the act is limited under its own language to such documentary evidence relating to any matter under investigation.

Now we have narrowed the investigation, or at least we have narrowed the ultimate decision, to a consideration of the differences between the carriers and the unions.

If we are to consider the public interest, we must widen that scope of the investigation to include the financial and fiscal matters of the railroads, which matters the Board may consider pertinent.

All this amendment does is to open that door but it in addition limits the scope of investigation to that which the Board considers pertinent.

Mr. SISK. As I say, my interest here is, and it certainly would be my hope, that this Board once it is set up to mediate or to attempt to mediate this strike would be given all the information—information as to the brotherhoods and their position and the why of their position as well as information from the roads and their ability to meet the requirements or the requests rather that have been made.

All I am seeking is to see that all possible light is shed upon the subject for the purpose of the Board being able to operate in broad daylight.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman because here again, as I say, I am still seeking information.

Mr. PICKLE. Mr. Chairman, that sounds very good—but what information is the gentleman asking for?

Mr. SISK. All I am asking for is whether there is some desire on the part of the gentleman or those, let us say, who are supporting this bill to limit information to the Board?

Mr. PICKLE. The bill clearly says that such information with respect to section 9 and section 10 shall be made available and this has been brought out all throughout the consideration of this bill.

What information are you asking for that the parties have not brought out? The gentleman from Texas [Mr. ECKHARDT] said clearly that his own purpose was to bring in some kind of great big basketful of information and put pressure on the carriers.

Mr. SISK. Let me say to my good friend, the gentleman from Texas, I personally am not seeking any information other than as to the intent of this amendment which I understood was to make certain that the Board had available to it all information from both sides.

There has been talk about books. I have heard about a third set of books that the railroads have. Has the gentleman ever heard of that?

Mr. PICKLE. I have not, and I have been going to the hearings and sitting there for weeks and weeks and this issue never came before our committee that I know of.

Mr. SISK. Let me say to my good friend as I said, I have come into the well without any particular idea as to whether I would support or oppose the gentleman's amendment. But I am concerned about any objection to the shedding of any light on this subject that it would be possible to shed, coming from any source.

I want to say on behalf of some of us who have been somewhat concerned about this issue and with reference to whether or not it has been heard in the committee, I want to say to the gentleman from Virginia that his committee came up before our Committee on Rules in a very peculiar position the other day and in essence said to us on the Committee on Rules, "We have done the very best we could. We had a 16 to 16 vote. We have had a standoff and we have not been able to solve this issue so we would like to have the right to go down to the floor of the House with a bill and let the House decide."

It is a little unusual for the Committee on Rules to have an admission practically from a committee that it had been unable to solve the situation, at least from its standpoint.

So as I say, when we come to the point of any resistance to the shedding of additional light, then I get a little bit concerned and that is the reason for my question.

Mr. SATTERFIELD. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. SATTERFIELD. I invite the gentleman's attention to page 4, section 3 of House Joint Resolution 559, which sets forth four broad criteria on which the Special Board is expected to make its determination. When we read the two sections together, it is quite obvious that it has the power to produce whatever information is necessary for that Special Board to make a determination under these directions of the resolution and within this criteria.

Mr. SISK. They can require the unions and the railroads both to produce all information.

Mr. ROGERS of Florida. Everything that is relevant to this dispute that is necessary for the Board to make a decision on the criteria spelled out in section 5 of the joint resolution, may be required to be produced by the Board.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Texas.

Mr. ECKHARDT. If this be true, how would the amendment hurt the bill? All the amendment does is to make quite clear that this is true, and the way the resolution is written, it is written with respect to that narrow issue of difference between the railroads and the unions. I had the same question raised to me in the Texas Legislature, where it was said that the trucks and the railroads have their say. Why do you need another spokesman? I say that the important spokesman are the people as between those two interests.

Mr. SISK. Of course, that was the reason I raise the question.

Mr. ROGERS of Florida. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. SISK] may proceed for an additional 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Florida.

Mr. ROGERS of Florida. I think it should be made clear that on page 3 of the joint resolution the Board is given authority to require all evidence they desire. The Board can require the attendance and examination of witnesses and the production of books, papers, and documents. This authority would be given by the resolution. The Board would have that authority.

Mr. SISK. As I understand, this is a rather simple amendment. I do not have it in front of me. I heard it read. It seems to me that it would simply require that all information be made available to the Board. Why do you object to that?

Mr. ROGERS of Florida. Such a provision is already in the joint resolution.

Mr. SISK. Does the gentleman feel that the amendment is superfluous?

Mr. ROGERS of Florida. I believe it would be superfluous.

Mr. SISK. Would it hurt the legislation any?

Mr. ROGERS of Florida. Yes.

Mr. SISK. Why?

Mr. ROGERS of Florida. Because we are hopeful that the House will act on this legislation so that we can immediately——

Mr. SISK. Oh, the gentleman does not want the joint resolution to go to conference. Is that the idea?

Mr. ROGERS of Florida. I think the decision should be made to go ahead and act. We have a crisis staring in our face. The amendment is superfluous. It is very clear in the language that the Board can get all the documents the Board wants. There is no question about it. The amendment was not even raised before the committee.

Mr. MOSS. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. SISK] may proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to my friend and colleague from California.

Mr. MOSS. Does my friend from California have the feeling that I seem to sense that we in the House are being presumptuous to consider anything different from that which was reported by the other body?

Mr. SISK. That, of course, was the thing that concerned me a little. It seemed to me that my friends protesteth too much. If the amendment does no harm and would simply make certain that all information would be made available, I would not be afraid to go to a conference on the joint resolution, I might say. I think we have had pretty good assurance that a conference would not necessarily upset the apple cart. The gentleman from West Virginia, the chairman of the committee, I think made that quite clear early in the afternoon.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the chairman of the committee.

Mr. STAGGERS. I reiterate what I said earlier. If the joint resolution goes to conference, there will be no strike, and the fact that it might go to conference is no excuse for not putting in the joint resolution an amendment that would help the bill. It is no excuse to prevent us from making it a better joint resolution. They have given their word that there will be no strike.

Mr. WATSON. Mr. Chairman, I move to strike the requisite number of words. I shall not take the 5 minutes that is allotted to me, but I wish to say that the amendment has raised an interesting point. I think we should clarify it. There is absolutely no intention under this joint resolution to withhold or to conceal any financial or other information which might be necessary in order for the Special Board to arrive at a just and equitable determination.

I agree with the statement of the gentleman from Florida that the amendment is superfluous. In my judgment, it is unnecessary. But additionally we have this point. We tried as best we could in this joint resolution to narrow and restrict the authority of the Special Board. I believe all my friends on the other side of the aisle and those who are interested in the brotherhoods would recognize the fact and admit that already these disputants have agreed on a number of issues. Let us not disturb those matters already agreed upon voluntarily by the parties.

It was the purpose of this resolution to restrict the authority of the Special Board to mediate those issues which have not been resolved. In my humble judgment, if the amendment of the gentleman from Texas should carry, then we could very well open a Pandora's box, which would open up some of the other issues which have already been arbitrated, or which have been agreed to by the parties in dispute.

Certainly we do not desire to permit any party to withhold or conceal any information. As the gentleman from Florida said, in this resolution they, the Special Board, have the authority to force the production of any documents, any books, any records, or any witnesses that can shed any light on the particular issues which are yet unresolved.

I hope this House will not go beyond that. These parties have bargained and agreed on a number of issues. Let us not disrupt or upset those matters which have been already agreed upon.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. WATSON. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, will the gentleman not agree that if Pandora's box contains a third set of records, that the public ought to get into Pandora's box?

Mr. WATSON. I believe the gentleman is being unfair and unrealistic in his implications. We have had about a month of hearings. No man from either side has intimated, much less said, that there was a third set of books. All of these parties—each of the other—have said they negotiated in good faith.

I believe it is a sad commentary at this late hour for anyone to impugn the good faith of either party. I am sure this Board will get from labor and from management every record and every document they need in order to resolve these narrow issues that are yet unresolved. Let us not go ahead and upset matters that have been already agreed upon through collective bargaining.

Mr. ECKHARDT. If the gentleman will yield further, I am not saying there is anything in Pandora's box that it need be opened. The only thing I am saying is we as a public body have a responsibility to dig as deeply as possible into this matter. It is of basic interest to the general public of the United States.

Mr. WATSON. Mr. Chairman, I am sure the gentleman would not ask this House to pass an amendment on pure conjecture that there might be a third set of books. We do not legislate that way. If the gentleman has any evidence on which to base his accusation, he can bring it before the House. Otherwise, if he does not, let us leave these parties as they are, for the Special Board has ample authority to get the information it needs to resolve these basic issues.

Mr. DINGELL. Mr. Chairman, I rise in support of the amendment.

Mr. FRIEDEL. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Maryland.

Mr. FRIEDEL. Mr. Chairman, I am going to ask to set a time limit for debate on this amendment.

Mr. SPRINGER. Mr. Chairman, we would like to have 5 minutes on this side.

Mr. DINGELL. Mr. Chairman, before I yield further, is this time coming out of my time?

The CHAIRMAN. Yes, it is coming out of the time of the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, then I decline to yield further.

Mr. Chairman, my distinguished friend from South Carolina has hit the nail on the head here. He has called this amendment superfluous. I would point out that while it may be superfluous to the language of the bill and to the authority of the body concerned, the Special Board, it is, nevertheless, of vital importance to the legislation. I thoroughly agree with him when he says it is not necessary, because I would point out that the Special Board, operating under the legislation on page 4, beginning with line 5, has a number of responsibilities. One of them is to determine whether the proposals are in the public interest.

This would give that body the broadest possible authority to go into all financial and fiscal matters of the carriers as set forth in the amendment. Also it would give them the broadest authority to go into the relations of one carrier with another, because the carriers not infrequently, acting under exemptions of antitrust laws, do engage in fixing rates under the authority allowed them by tolerance of the ICC. It would allow the special mediation panel to go into the questions involving the relationships with other persons and corporations, because this would be very much involved in the determination of whether these matters are indeed in the public interest. The resolution would also permit the information to be gotten under other requirements, such as item 2, to determine whether or not it is a fair and equitable settlement within collective bargaining.

It would also include the opportunity to go into those same questions, the fiscal and financial affairs of the carriers, to ascertain whether those arrangements are indeed fair to the carriers, because the only way the Board would be able to ascertain whether or not the settlement it imposed was going to be fair to the carriers would be by going into the question of the financial capacity and capability of the carriers to pay wages and other similar matters.

I would point out that this same information is necessary to assure that this will effectuate the purposes of the protection of collective bargaining as set out under item 3, line 8, page 4 of the measure.

In a like manner, it is necessary to assure the Board whether or not the proposed orders and requirements of the Board will fulfill the purposes of the Railway Labor Act.

While I wish to commend my valued and distinguished friend from Texas, who has come up with a very useful device, something which I believe enunciates purposes already involved in the resolution, House Joint Resolution 559, and while I support it, I feel compelled to point out to the House of Representatives that this power, under the very broad and sweeping authority afforded the body which will arrange the compulsory arbitration, is already available, and the Board is able to require this information to be able to decide exactly these questions.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my friend from Washington.

Mr. ADAMS. We are pleased to hear the response of the gentleman, because we have made it absolutely clear by the legislative history that this is in the bill and that these carriers can be so required to bring forth these books.

I support the concept. If everybody is in agreement it is already in the measure, it is established by legislative history and we will not have to argue about it further.

Mr. SPRINGER. Mr. Chairman, I move to strike the requisite number of words.

May I say to my colleague, somewhere in this we ought to keep some kind of perspective.

I realize that it is most difficult for the Members to try to talk about an amendment they do not have before them.

There are three matters involved in this particular amendment. I ask the Members to listen to this closely: "and the matter under investigation shall include any and all fiscal and financial affairs of the carriers, including their relations with each other and with other persons and corporations, as the Special Board may deem appropriate for inquiry."

There is not anything there about labor producing records of any kind in this regard. It is purely a one-sided amendment, which would require one party to come in with any records that they wanted, leaving out the other party.

That is the first objection to it.

Gentlemen, let us come to the heart of this question. Assuming it had merit, which it does not have, this is not the body to consider the thing which the gentleman from Texas talks about. The Interstate Commerce Commission has jurisdiction over all of these matters. All of these matters are on record in the Interstate Commerce Commission. Any time the Commission wants to, it can subpena any witness to come down and to give it this information, if it does not already have it on record. They do this from time to time.

They do this in regard to consolidations and mergers of railroads. The evidence is piled high down there, including every single aspect. Any information that anybody may want, the Interstate Commerce Commission has on file.

Let us go further than that. If we read this proposal, we see that they can compel this to be brought in. They will not, because this is not their jurisdiction. The Special Board is not created for that. It is created for the purpose of resolving the issues open in this particular dispute, and that is as far as it would go. There is not anything in this legislation that would prevent them from getting all necessary information.

That is the second reason.

We do have here, may I say, a one-sided amendment, which would apply to one party and not apply to the other.

If someone from my side of the aisle brought in an amendment to force labor to bring in such records, I would be just as strenuously opposed to that.

It is not the purpose of this special board, to go into such things as the structure of unions and the structure of railroads.

The third point is that under this proposal the board could get needed information and proceed to resolve the one issue before it.

That is what this is all about, and I think we ought to have the picture here with reference to the amendment the gentleman brought in on this particular thing. At least I think we ought to keep some kind of perspective about this amendment.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. If I have any time left.

Mr. ECKHARDT. Will the gentleman then agree that without the amendment the authority to reach the matters covered by the amendment are available to the Board as are the affairs of the unions so bearing on the issue?

Mr. SPRINGER. Yes, sir; I do.

Mr. ECKHARDT. Then, I will withdraw my amendment.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 2. The Special Board shall attempt by mediation to bring about a resolution of this dispute and thereby to complete the collective bargaining process.

Mr. O'HARA of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, mine has been a long and happy marriage with labor. For much over 60 years I have made my humble contribution to the cause of labor. For much over 60 years labor has been my friend. Labor has supported me in every election. Labor has given me help and counsel and strength when I needed it. And always, Mr. Chairman, I have given everything in me, of heart and mind and body, to the toilers in the days and years of this long struggle to reach upward to a higher plane of welfare and dignity.

Always, Mr. Chairman, I have believed that compulsory arbitration is the graveyard of labor. It likewise is the enemy of forward-looking management that has found that in voluntary cooperation with labor is the surest road to a sound national economy and happy society.

For much over 60 years I fought for labor. It has been a long, hard battle.

Now if we go back to compulsory arbitration, we are setting back the clock. We are digging the grave for the hopes that we have built all these years.

Yet, Mr. Chairman, this to me is a sad day. I know that the great and dedicated, the God-fearing man in the White House, has his troubles. I do not think any President of ours was ever more heavily laden, and I do not think that any President of ours ever has spent more hours in prayer humbly seeking Divine guidance than President Johnson.

I for one cannot turn back.

The great and noble Speaker of the House and the great and noble majority leader know with what faith and fidelity I have leaned upon and been guided by counsel.

But today, Mr. Chairman, I am voting "no." I who have been blessed with many years, during which labor has by sacrifice and struggle and suffering gained its foothold in the sunshine, cannot vote to return to compulsory arbitration and thus turn back the clock. No, Mr. Chairman, I will look at that clock as I vote "no," and I will say, "Mr. Clock, I am not turning you back. If you go back to the 'yesterdays,' it is not my vote that sends you back." That is all.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 3. If agreement has not been reached within thirty days after the enactment of this resolution, the Special Board shall hold hearings on the proposal made by the Special Mediation Panel, in its report to the President of April 22, 1967, in implementation of the collective bargaining contemplated in the recommendation of Emergency Board Numbered 169, to determine whether the proposal (1) is in the public interest, (2) is a fair and equitable extension of the collective bargaining in this case, (3) protects the collective bargaining process, and (4) fulfills the purposes of the Railway Labor Act. At such hearings the parties shall be accorded a full opportunity to present their positions concerning the proposal of the Special Mediation Panel.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the second committee amendment.

The Clerk read as follows:

On page 4, line 6, strike out "extension" and insert in lieu thereof "settlement within the limits".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 4, line 7, immediately after "bargaining" insert the following: "and mediation efforts".

The committee amendment was agreed to.

AMENDMENTS OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment which is now pending at the desk, but before that amendment is reported, I ask unanimous consent, since I have a further amendment to page 4, line 21 in the next section, section 3, and since both of these amendments deal generally with the same subject matter, that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. SPRINGER. Mr. Chairman, reserving the right to object, will the gentleman from Michigan [Mr. DINGELL] explain to the members of the Committee the intent of the amendments which he has in mind?

Mr. DINGELL. Mr. Chairman, if the gentleman from Illinois will yield, yes, I shall be delighted to explain to my good friend, the distinguished gentleman from Illinois [Mr. SPRINGER] the purpose and intent of the amendments which I am offering.

Mr. Chairman, the second amendment which I have asked unanimous consent to be read and considered en bloc, is that amendment which goes to the question of comparability. This is the amendment which states that at such hearing the Special Board shall take such action as may be necessary to determine the average wages for those crafts and employment in other industries which are similar to those crafts and employment involved in this dispute.

Mr. Chairman, the first amendment, I will say to my good friend, the gentleman from Illinois [Mr. SPRINGER], is one which says that the Special Board shall take such action as to assure that wages are comparable to average wages for similar crafts and employment in other industries.

Mr. SPRINGER. Mr. Chairman, may I ask the gentleman from Michigan one further question? Does the gentleman have any further amendments pending along this line?

Mr. DINGELL. Mr. Chairman, if the gentleman will yield further, these are the last two amendments that at this time I intend contemplating offering. I will tell the gentleman from Illinois that I have no other amendments drafted and that I have no other amendments pending at the desk.

Mr. SPRINGER. Mr. Chairman, are these amendments applicable to the same section?

Mr. DINGELL. Mr. Chairman, I beg the gentleman's pardon. I did not hear the gentleman's question.

Mr. SPRINGER. Are these applicable to the same section?

Mr. DINGELL. No; the amendment which I have just offered is applicable to section 3 and the other one which I have asked unanimous consent to have considered en bloc is applicable to section 4.

Mr. SPRINGER. Mr. Chairman, I withdraw my reservation of objection, although may I ask the gentleman from Michigan if he will furnish to me a copy of the proposed amendments?

Mr. DINGELL. I shall be happy to do so.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. DINGELL: On page 4, line 10, after the period insert the following: "At such hearing the Special Board shall take such action as may be necessary to determine the average wages for those crafts and employment in other industries which are similar to those crafts and employment involved in this dispute."

And on page 4, line 21, strike "and" and on page 4, line 22, immediately before the period insert the following: "and (5) assure that wages are comparable to average wages for similar crafts and employment in other industries."

Mr. DINGELL. Mr. Chairman, I am sure most of my colleagues have now heard about this pair of amendments. They are very simple. They say that when the Government is going to fix the wages of workingmen, and when the Government is going to compel compulsory arbitration, that it shall insofar as possible assure that the wages of those same workingmen are comparable to average wages for similarly situated crafts and trades in other industries.

I would point out that the gentleman from California [Mr. MOSS] has not long past put into the CONGRESSIONAL RECORD figures and satistics showing rather conclusively that for the same trades, crafts, and professions, the railroad shop crafts are paid as much as 30 cents to $3.30 less than other groups similarly situated.

I would point out that this is an evidence of the gross unfairness, and it is evidence of the reason why this Congress should not be imposing so unilaterally a settlement and so heavy a burden upon one side in this labor dispute.

I believe that this amendment, while not curing all of the defects of the legislation now before us, goes a long way to assure that when Government steps into collective bargaining disputes that it at least tries to do so in a full, fair, and equitable manner.

The wages fixed would be done on the average, and this would thus enable the Board to arrive at a very fair consideration of what is the wage.

This change in my amendment came about as a result of an amendment which was offered by my valued friend from North Carolina [Mr. KORNEGAY] and was adopted by the committee. I would point out that this amendment was adopted by the committee in the morning by a vote of 14 to 13. I would point out that it was reconsidered in the afternoon on a very narrow vote, after a rather heavy lobbying pressure by the railroads, and by the administration, and by certain other persons.

I would point out that the amendment then failed on a 16 to 16 vote when the final question was presented to the committee.

I believe this amendment does, as nearly as we are possibly able to do in an unfair and unjust piece of legislation, insure as much equity as we can secure.

Mr. KORNEGAY. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman.

Mr. KORNEGAY. Mr. Chairman, I want to first commend the gentleman for introducing the amendment, notwithstanding what happened to it in the committee, and at the same time I want to ask the gentleman if, under the amendment, it is not limited strictly to wages rather than other forms of compensation or fringe benefits?

Mr. DINGELL. The gentleman is absolutely correct on that point.

Since the gentleman has brought this up I would like to make it very clear that the framework, insofar as comparability will be applied by the Board, is within the framework of the last offer of management and the last offer of labor so that we will not be faced with a very high or a very low fixing of wages. They will not be above the offer which labor said they will take, and they will not be below the offer which management said they would make. So that this is well within the language adopted just now in the committee amendments which say that the fixing of wages by the Board shall be within the limits of the collective bargaining and mediation efforts in this case.

Mr. KORNEGAY. Mr. Chairman, will the gentleman yield further?

Mr. DINGELL. Mr. Chairman, I would like to raise just one more point, if I may, and then I will be most pleased to yield to my very dear friend, and that is that the Railway Labor Executives' Association has on June 14, 1967, sent me a letter, and this letter is signed by Mr. Donald Beattie who is the executive secretary.

The letter referred to is as follows:

RAILWAY LABOR EXECUTIVES' ASSOCIATION,
Washington, D.C., June 14, 1967.

Hon. JOHN DINGELL,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: In case you offer on the floor of the House a "comparable wage" amendment to H.J. Res. 559 similar to the amendment offered by you in the Interstate Commerce Committee, I feel you should know that this amendment has the support of railway labor and specifically of the six railroad shopcraft unions.

Our understanding also is that your amendment would in no way weaken the clear legislative intent that the new Special Board shall not get involved in recommending or undertaking a "job evaluation" study or survey, since the Fahy mediation panel has already turned down that proposal.

Although we consider your "comparable wage" amendment a significant effort to make H.J. Res. 559 less one-sided, we cannot support H.J. Res. 559 even with this amendment in it. This legislation would still threaten railroad employees with working at compulsory wages for the profit of their private employers—an unjust, unfair and un-American procedure.

Sincerely yours,
DONALD S. BEATTIE,
Executive Secretary.

This is supported by the unions. It does have the inprimatur of that group.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KORNEGAY. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. DINGELL] may proceed for 3 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. KORNEGAY. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I thank my good friend, and I am delighted to yield to him.

Mr. KORNEGAY. I have asked the gentleman to yield for one further question in order that the record may be clear on the subject. May I ask the gentleman, my good friend in the well, if this provision would last just for the life of the legislation that we have here under consideration today?

Mr. DINGELL. The gentleman is entirely correct.

Mr. KORNEGAY. In other words, there is nothing permanent in this amendment which would have the effect on a permanent basis of having any control over the setting of the wages by the Government?

Mr. DINGELL. The gentleman is entirely correct. The amendment deals only with the wages which would be fixed by the Board and the duration of comparability requirement on this would be limited to the life of the legislation now before us.

Mr. KORNEGAY. I thank the gentleman very much and again I would commend the gentleman for his amendment.

Mr. DINGELL. I would stress to my colleagues, and I think this is extremely important, that this amendment only says that the wages shall be comparable within the requirements of the legislation set out in subsection 2, line 6, page 4 wherein the requirement is imposed on the Board to ascertain that settlements and wages imposed are a fair and equitable settlement within the judgment of the collective bargaining and mediation efforts.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman.

Mr. BENNETT. I want to congratulate the gentleman for introducing this amendment.

This amendment takes out many of the objections that a great many of us have to this legislation and I think it makes it a better bill. It is analogous to what has been in the statutes with regard to blue collar workers in the military repair and overhaul shops for almost 100 years. It has worked very well there. Therefore, I think this piece of legislation with this provision in it would be something that we can be proud of; and without it it would need further attention.

Mr. DINGELL. I thank my good friend.

Mr. KUYKENDALL. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the so-called comparability amendments.

There are several points on which all of the parties to this matter on the floor of the House seem to agree. The first one is that we should not be discussing this matter at all.

The second one is that of the three alternatives—seizure, compulsory arbitration, and a national strike—all are very undesirable.

Third, I think the testimony of the past 2 days has pointed out that we should not be getting directly involved in the matter of the principle of this labor dispute itself, or the actual negotiation of the points of disagreement.

First, I would like to read to you from the committee hearings on this matter beginning at the bottom of page 330, referring to the testimony of Mr. Schoene, who is the general counsel of the Railroad Labor Executives' Association.

Mr. Schoene is explaining how the matter of compression of wages came about.

I wish to point out, Mr. Chairman, that approximately 10 consecutive agreements by labor—10 consecutive requests were instigated by labor. I wish to point out that by design, by plan—and I am not saying whether the plan was wise or not—this compression of wages was created over 21 years of agreements inspired by labor itself.

I quote Mr. Schoene where he says:

> Our efforts over the years have been directed in that way, except when we went on the 40-hour week and there was a percentage adjustment at that time. But any percentage adjustment, that was possible in 1946 on a 57-cent-an-hour rate, would just have been peanuts for those people.
>
> Mr. Kuykendall. I understand. You and Mr. Wolfe did agree on this particular explanation.
>
> Mr. Brown. This created, however, the compression which you are trying to compensate for now.
>
> Mr. Schoene. There is no question about that.
>
> Mr. Brown. And that was the labor policy at that time, was it not?
>
> Mr. Schoene. Yes. We had a difficult choice between having people work at disgracefully low rates or build up compression. We chose to get the minimum rates up first, and now we are seeking to eliminate the compression.

Mr. Chairman, the testimony itself, in the words of the labor counsel, Mr. Schoene, points out clearly that the matter of compression of wages is one of the major—if not the principal—areas yet unresolved in this dispute. Both parties to the dispute agree completely that the wage compression does exist. However, there is disagreement on how it should be handled. The brotherhoods are asking for two 12½-cent-per-hour increases on top of the regular percentage increase to solve the compressed wage situation. The railroads have made no specific offer except the offer to help by having a wage evaluation panel make a study of the case. The brotherhoods have objected strongly to wage evaluation.

Mr. Chairman, my point is this. This amendment, which I oppose, interjects the Congress of the United States directly into a wage fixing of the parties. I certainly concur that some of the brotherhoods are underpaid for their skills. But if we set the dangerous precedent of actually awarding by an act of Congress a wage increase to a labor union, I see no reason why every union in the country whose wages for reasons beyond control might be lower than the average should not simply come to Congress and seek a handout.

I ask every member of this Committee seriously to consider whether or not he wants to arbitrarily adjust the wages of the parties in a labor dispute.

Mr. MOSS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I say to my distinguished colleague that we have already by this joint resolution done everything that he criticized in his remarks. We have injected ourselves just as fully as we possibly can.

Now the question remains in this last possible opportunity: Do we try to insure at the very least that these people whose labor we are going to seize shall be compensated on a standard of comparability?

Compression is interesting. I recall coming here 15 years ago and serving as a member of the Post Office and Civil Service Committee. We then faced the fact that the Federal Government as an employer of labor had followed a pattern of compression of wages. And 15 years later that is still the fact, and it has been the fact in every intervening year.

But comparability can be determined. We require it by law—the Davis-Bacon Act. Theoretically now we require it by law for our own employees. We have not yet achieved it. My State of California requires it by law for its employees. It has been far more successful in achieving it than we have at the Federal level.

The gentleman recalls full well that during the extensive debate on this amendment in the committee that we explored the problems which will always be inherent in attempting to determine comparability.

I cited instances in the railroad shops in my own district where one craft was paid $3.04 an hour while the same skill on the civil service lists of my home city was paid $4.70 an hour. There are gross inequities and they are found in the Fahy Panel report. No one has denied that this type of inequity exists.

It exists, gentleman, because this unique industry has not, since 1924, been permitted to complete the process of collective bargaining without that skeleton in the cloakroom saying, "we are going to intervene"—that is, Government. They are going to be seized, they are going to be arbitrated, or something is going to happen. So there has always been a compulsion implied or, as will be the case if this bill passes today, explicitly stated.

So, in simple justice, can we not add the other guideline that merely says the average comparable wage, the national average comparable wage paid to similar craft in other industries? How in the world can we do less than that?

Mr. DINGELL. Mr. Chairman, will the gentleman yield? I would like to point out something.

Mr. MOSS. I yield to my friend from Michigan [Mr. Dingell].

Mr. DINGELL. Mr. Chairman, the hearings are available. Secretary Wirtz agreed that wages in the shop crafts in the railroad industry are below comparability, by a substantial amount below the other industries. If my friends will consult the tables beginning on page 25, they will see there very clearly that the wages of the shop crafts in the railroad industries are significantly below, on both a local and a national basis, any measurable comparability with similar crafts in other industries in this Nation.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. Moss was allowed to proceed for 2 additional minutes.)

Mr. MOSS. Mr. Chairman, I will make one brief statement and then I will be pleased to yield to the distinguished gentleman from Michigan, the minority leader [Mr. Gerald R. Ford].

I want to say we have a very real responsibility here. We are going to require these people to continue working, and that responsibility imposes upon us the requirement to be fair.

Now I yield to the distinguished gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, the gentleman from Michigan and the gentleman from California made a very eloquent plea for this amendment. I would respectfully ask both: If this amendment is approved, will they vote for the legislation?

Mr. MOSS. Mr. Chairman, I am of the opinion I probably will.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman from Michigan respond?

Mr. DINGELL. Mr. Chairman, let me assure my good friend I am giving consideration at this time as to what I will do in this bill. I am giving very careful and prayerful consideration, may I say, and I may well vote for this bill if this amendment is included.

Mr. MOSS. Mr. Chairman, I would like to say to the minority leader, I have not tried to destroy this bill. I have not tried to provoke a labor dispute. I have tried to find a middle course that represents fairness to both parties. I have not sought an advantage for one over the other. I do not seek it now.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from California has expired.

(On request of Mr. Albert and by unanimous consent, Mr. Moss was allowed to proceed for 1 additional minute.)

Mr. MOSS. I am pleased to yield to the distinguished majority leader.

Mr. ALBERT. Mr. Chairman, is it not true that the question of wage comparability is within the subject matter of the resolution as it stands? In other words, it is a point on which the parties can negotiate, it is a point with respect to which mediation can be had. Is that not true?

Mr. MOSS. Mr. Chairman, I rather doubt that it is sufficiently explicit.

Mr. ALBERT. I would like to refer the gentleman to a statement made by the Emergency Board No. 169.

> Though it may require several years to fully correct these inequities—

This is admitting there are inequities, which have been so found—

> the evidence is more than ample to warrant an immediate 'down payment'. In the case of shop mechanics, to close the demonstrated differentials, of the order of 40–50 cents, might require 3 or 4 years, but the evidence fully justifies a 'down payment' of 13 or 14 cents at once, and the Board should so recommend."

May I inquire of the gentleman whether the hearings disclose that even the unions have thought this is a matter which might require 3 or 4 years to accomplish? Is this not a part of the subject matter of the resolution, and should we not proceed within the terms of the resolution?

Mr. MOSS. I believe the resolution refers to the Special Mediation Panel, which was the Fahy Panel, and not the findings of Board No. 169, although they might be comprehended within mediation already undertaken.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. MOSS. Mr. Chairman, I ask unanimous consent that I may proceed for an additional 2 minutes.

Mr. ARENDS. Mr. Chairman, reserving

the right to object, I shall not object to this one more extension of time, but I trust the Members will not continue this pattern of everyone asking for additional time.

Mr. Chairman, I withdraw my reservation.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Michigan.

Mr. DINGELL. I should like to point out to the distinguished majority leader that this was a question on which I inquired rather carefully of the Secretary of Labor. The answer I got back, I must confess, of his interpretation of House Joint Resolution 559, was rather fuzzy but I felt it might well be at variance with my own, which is that the requirement of "fair and equitable" appearing at page 4 of the bill necessarily includes comparability.

I would point out it was my impression that the Board would be, under sections 3 and 4, item 2 in each instance, appearing on lines 6 and 18 respectively, absolutely compelled to consider comparability, because in each instance the Board would be required to ascertain whether that was fair and equitable.

But I would point out—and I am rather ashamed of this, I say to the majority leader—that great efforts were made by the Departments downtown and the railroads to reverse the consideration of the committee and the interpretation of the committee in the morning. That is why we have the question now placed before us.

I believe that fair and equitable also means comparable. That is why the amendment is offered. It is also why the amendment is offered in such a way that it stays within the last offer of both management and labor, as required under the amendments just adopted by the committee, and indeed adopted by the Committee of the Whole by unanimous consent, which formulate the framework as to what constitutes a fair and equitable settlement.

Mr. MOSS. I just want to say, if it is comprehended within the language, because of the confusion there can certainly be nothing but good by including it very specifically in the language and making it clear what is the intent of this body.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I am happy to yield to the gentleman from Tennessee.

Mr. KUYKENDALL. I believe the record will show that in my questioning of the witnesses there is an indication—I know there is a compression of wages. My testimony here pointed out that compression of wages has been created over a 21-year period. I deplore this compression of wages. But I am not criticizing the motives behind it.

My point is very similar to the one made by the distinguished majority leader. Since this is a major area of concern, and since it is a major area of negotiation, which I believe House Joint Resolution 559 leaves to this Board, I would fully hope that the Board, when it acts, would take this under consideration. I just do not feel it is our business here on the floor to do so.

Mr. MOSS. I would not only hope, but I feel we should direct them to.

Mr. PICKLE. Mr. Chairman, I rise in oppostion to the amendments.

Mr. Chairman, first, the Dingell amendment is inconsistent with the substantive provisions of House Joint Resolution 559. The joint resolution provides that the Special Board established therein shall incorporate in its determination the proposal of the Special Mediation Panel—Fahy Panel—with such modifications as it deems appropriate in the light of four Board criteria. One of the criteria is that the proposal of the Special Mediation Panel "achieves a fair and equitable settlement within the limits of the collective bargaining and mediation efforts in this case." The Dingell amendment would have the effect of providing the basis for a settlement beyond the limits of the collective bargaining and mediation efforts in this case.

Second, the Dingell amendment would possibly produce the basis for a settlement beyond anything conceived by the parties. In their final brief before Emergency Board No. 169, the shop craft unions made the following comments with respect to wage inequities:

> Though it may require several years to fully correct these inequities, the evidence is more than ample to warrant an immediate "downpayment". In the case of shop mechanics, to close the demonstrated differentials, of the order of 40–50 cents, might require 3 or 4 years, but the evidence fully justifies a "downpayment" of 13 or 14 cents at once, and the Board should so recommend.

The most recent formal position of the unions is that they would accept a wage inequity adjustment of 12½ cents in 1967 and 12½ cents in 1968. On the other hand the Dingell amendment would provide an immediate adjustment to correct the entire inequity gap even though the unions have argued on the record that it might require 3 or 4 years to accomplish.

Third, the Dingell amendment would seriously disrupt the labor relations picture throughout the railroad industry. A number of key railroad labor agreements expire on December 31, 1967, and June 30, 1968. If the shop craft unions achieved a complete wage inequity adjustment it would precipitate crises in all the forthcoming railroad labor negotiations.

Fourth, the Dingell amendment could have a negative effect on the wages of a number of shop craft employees. The Dingell amendment provides that wages be made comparable to average wages for similar crafts and employment in other industries. Presumably, many railroad shop craft employees at the lower end of the skilled craft spectrum could receive wage reductions as a consequence.

Fifth, any objective wage comparability determination would require a qualitative analysis of job content. This could give rise to a "job evaluation" study—a procedure the shop craft unions have objected to throughout the course of this dispute.

Sixth, the Dingell amendment could create a serious and lasting adverse impact on the economic structure of the railroad industry. Railroad wage rates have a direct and intertwined relationship, one to another. Any settlement giving rise to a marked departure in these relationships would give rise to similar demands from other railroad unions—as indicated in 3 above—demands which could only be met through substantial rate increases.

Seventh, the Dingell amendment would have the effect of moving the Congress into the collective bargaining process to an unwarranted degree. The whole thrust of the administration proposal is to produce a mechanism for the resolution of this dispute with the least possible intrusion into the private bargaining of the parties. It is for this reason that House Joint Resolution 559 is carefully framed to give overriding consideration to the collective bargaining and mediation efforts in this case—as reflected by the report of Emergency Board No. 169 and the proposal of the Fahy Panel. Incorporation of the Dingell amendment into the resolution provides basis for settlement bearing little relationship to the limited band of disagreement presently between the parties and arrived at through the private decisionmaking process.

This was defeated in the House Commerce Committee and for good reason.

It could open the door for huge and immediate inflationary wage increases, and upset the careful negotiations which have already produced a stable pattern of wage settlements in 75 percent of the railroad industry.

Comparability is a principle both parties recognize. The question is when comparability should be achieved. There is ample room within the negotiations of the past year and the recommendations of the Ginsburg and Fahy Panel proposals on this issue. These factors will be taken into account in the settlement. To go beyond them goes against the grain and fractures the concept of the President's proposal.

If passed, it will make the House version different from the Senate version, and the delay in a conference could well plunge the Nation into a disastrous rail strike.

Mr. STAGGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall speak for only about 1 minute on this subject.

Mr. Chairman, the argument over this question of comparability in my opinion involves a question concerning which many of us have lost sight, and that is the fact that we are forcing men to work.

Mr. Chairman, the least we can do if we follow this course is to say to these men that we will provide wages to them that are comparable with the wages paid to other men who work beside them and who are engaged in a similar occupation.

Mr. Chairman, if we are going to force these men to continue working and say that they have got to work, we ought to give them wages that are fair, instead of leaving the question up to the decision of a board. We should not leave this responsibility up to someone else, when, in fact, the Congress is legislating in this field and is saying that this must be done. Mr. Chairman, we should provide that these men who continue to work shall receive comparable wages to others who are engaged in similar work.

Mr. PICKLE. The President is simply trying to mediate this dispute and has been so engaged in those efforts and extensive hearings during the past 12 months.

Mr. STAGGERS. Mr. Chairman, when you put men to work—and that is what you are doing under this resolution—then you are saying that they must work for the wages which we set.

Mr. PICKLE. If the gentleman used the expression of "seizure," then the gentleman must admit that seizure does the same thing.

Mr. STAGGERS. We are not talking about seizure.

Mr. PICKLE. I am just talking along the line that this involves the same principle.

Mr. STAGGERS. Mr. Chairman, in response to what the gentleman from Texas has said, if we are going to force men to work, then we ought to see to it that they are treated fairly. In other words, the least we can do is to provide for them comparable wages.

Mr. PICKLE. This is the point of this resolution which is now pending before us and which involves the Mediation Board which can provide for it.

Mr. STAGGERS. In any event, it represents bad policy because if you are going to say that men have got to work, then on the other hand let us say that they shall receive comparable wages.

Mr. FRIEDEL. Mr. Chairman, I ask unanimous consent to limit debate on these amendments to 10 minutes, 5 minutes to be allocated to the proponents and 5 minutes to be allocated to the opponents.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. SISK. Mr. Chairman, I object.

Mr. FRIEDEL. Mr. Chairman, I move that all debate on these amendments close in 10 minutes.

Mr. SPRINGER. Mr. Chairman, reserving the right to object——

The CHAIRMAN. The gentleman from Maryland is making a motion. Is the gentleman from Maryland moving that all debate on this amendment close in 10 minutes?

Mr. FRIEDEL. Twenty minutes, Mr. Chairman.

The CHAIRMAN. Twenty minutes on this amendment?

Mr. FRIEDEL. Yes; on the amendment.

Mr. GERALD R. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Michigan will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Chairman, we have had in the past and we have had today, under these circumstances, a number of Members standing up on both sides of the aisle and on both sides of the various pending amendments. All of us understand why. However, only a relatively few wanted to take their time during which to comment and to participate in the debate, the net result being that additional time has been made available to the principal spokesmen who were going to speak.

Mr. Chairman, I know that several Members on our side of the aisle feel that it would be much more constructive if only those who are really going to speak during the debate would actually ask for and seek time during which to speak.

Mr. Chairman, I know that there are one or two Members who are going to object to the transfer or reallocation of time under a motion to limit debate. So, I shall stand up and, frankly, right now indicate that whatever time we get on this side of the aisle I would like to have granted to the gentleman from Illinois [Mr. Springer].

Mr. FRIEDEL. Mr. Chairman, I withdraw my motion, because I see a great number of other Members rising right now to be heard again. Therefore, Mr. Chairman, I withdraw my motion and shall let them speak on their own time under the rules of the Committee.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall not consume the 5 minutes allocated to me.

Mr. Chairman, when Members talk about establishing in this legislation pay comparability for the workers—and, perhaps, they are entitled to a pay increase—I do not know, what about the effect upon that vital third party, the public, in the matter of rates generated by such action?

There has been no discussion of what is going to happen to the public to whom such costs would be passed. I do not understand how we can in good conscience here this afternoon, without any evidence whatever as to its effect, write into this bill a comparability provision.

Another interesting angle to this situation is that on January 12, 1966, President Johnson, apparently having the rail situation as well as other labor disputes in mind, said he would come to Congress with a bill dealing with labor disputes. We have not heard one word, as far as I know, during the year and a half that has elapsed, from the White House about specific legislation to deal with this dispute and others.

About the same time in 1966, if memory serves me correctly, the steel companies said they wanted to increase prices, and they were immediately slapped down by the same President of the United States.

Then the aluminum companies came along and said they needed to increase prices. They, too, were slapped down, and the threat was made that if they increased steel and aluminum prices they might well find their Government contracts cut off. Regardless of the merit or demerit of the attempted action by the steel and aluminum companies, the White House intervened.

Mr. Chairman, it seems to me that during this period, this long period that has elapsed since January 12, 1966, President Johnson could have acted to prevent the situation in which we find ourselves here today. I say to you that he has been derelict in carrying out his assurance to the Nation that he would take specific action.

Mr. JARMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my contribution to the argument on this amendment will take only about 30 seconds.

The thing I would like to emphasize to my colleagues in the House is that there have been no hearings before our committee on this amendment. It sets completely new standards. It would open up a virtual Pandora's box of problems that none of us can envisage at the present time. There has been no real record made, so no Member of the House voting on this amendment can know exactly what he is voting for.

Mr. Chairman, I urge the House to vote against this amendment.

Mr. KORNEGAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take the full time. I merely wish to point out to the House that in section 3, on page 4, of the bill, certain conditions are laid down and made incumbent upon the Special Board. There are four of them. This is the fifth one, this amendment we have under consideration.

The second provision says—and the requirement of that one is—fair and equitable settlement within the limits of the collective bargaining and mediation efforts in this case, which as I interpret it, means the top level and the bottom level of the offers in connection with wages. Now, this amendment would simply say this: that is, it gives assurance to the workers that they would receive average wages comparable to similar skills in other industries at the hands of the Board during the life of this legislation.

There is nothing mysterious about it. It was amended in the committee, and we have tried very hard to point out here today that it is workable, and that it would certainly help the bill and not hurt the bill.

Mr. Chairman, I would say that I am not here to try to hurt the bill. I want to improve it.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. KORNEGAY. Yes, I yield to the gentleman.

Mr. DINGELL. Mr. Chairman, I thank the gentleman for yielding to me.

I just want to be sure that I set right an error that is in the mind of my good friend from Texas [Mr. Pickle], in regard to the reading of the language of that particular section. I am sure if the gentleman will reread that language he will find that the highest limits and the lowest limits on comparability are the offers of the parties under the language which is in the bill which stays within the limits of the collective bargaining. If the gentleman reads that he will find that labor cannot receive more than they offered, and they cannot receive lower than management has offered.

These I think are the boundaries under which we are discussing comparability. There are not going to be any extraordinary increases given under this, or any wage cuts given below that which management has already offered.

So, Mr. Chairman, this is a very good amendment that the gentleman knows would be good for the country.

Mr. PICKLE. Mr. Chairman, would the gentleman from North Carolina yield to me?

Mr. KORNEGAY. Yes; I yield to the gentleman.

Mr. PICKLE. Mr. Chairman, I do not labor under any misapprehension, I would say to the gentleman.

Mr. DINGELL. The gentleman is under a grievous misapprehension.

Mr. PICKLE. Item 2 on page 4—and this is part of the resolution we passed—is a fair and equitable settlement within the limits of the collective bargaining and mediation efforts in this case.

Mr. DINGELL. Now the gentleman has read the exact language.

Mr. PICKLE. That is what you are doing now.

Mr. DINGELL. As the author of the amendment I have just attempted to clarify wherever confusion exists in the mind of the gentleman and to set his mind at ease and give him a more perfect understanding of the amendment.

Mr. CARTER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, today we are considering legislation to prevent a railroad strike. If we pass this legislation in its present form, we are denying the right of free collective bargaining. Both sides of the House, it seems to me, are divided. This bill might well fail to pass. To insure its passage and that our carriers continue to transport our military supplies, and to insure receipt of necessary weapons, bombs, and food by our men in Vietnam, it would seem wise that we give wage comparability to the craft unions, which have not, at this time, reached a settlement with management.

This means that a boilermaker or a machinist in a railroad shop would receive wages comparable to those received by a boilermaker or a machinist in a shipbuilding company. And what could be wrong with this? We know that many crafts do not receive wages comparable to those received by like crafts in other industries.

If this one amendment is agreed to, House Joint Resolution 559 will pass and a crippling, disastrous strike will be avoided. I urge agreement to this amendment.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman.

Mr. ALBERT. What would happen if the railroad workers in one of these crafts or in any area should be getting more than the national average—would their wages have to be lowered? Would this be a mandatory reduction of the wages of those workers?

Mr. CARTER. That is entirely possible. If we agree to comparability; it works both ways.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman.

Mr. DINGELL. According to the statement, the gentleman from Oklahoma is laboring under the same misapprehensions our valued and distinguished friend, the gentleman from Texas, labors under and that is that the periphery and boundaries within which comparability is going to be fixed is within the borders of collective bargaining which is going on—which means the maximum offer of management and the minimum offer of labor. Above or below that point, comparability will not be fixed. It is going to operate in that zone and I hope I made that abundantly clear.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman.

Mr. ALBERT. Is it not true that if the management offer is below what the national average is, and the craft wage in that area is above the national average, that some workingman might have his wages cut?

Mr. CARTER. I shall answer that by saying that that condition is not true, according to the figures I have seen. The average at least in craft unions is much below, as was pointed out by the distinguished gentleman from California in one case. It was $3.04 and in another union it went up to $4.70, I believe.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Michigan.

Mr. DINGELL. One of our committee staff has just brought to my attention the fact that the parties have agreed to "red circle" which means in the parlance of collective bargaining that labor will not take the cut below existing wages for the incumbent in the job. Labor will not take a cut under the language of this amendment. So I believe the objection raised by my valued friend, the majority leader, is well answered by that point.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman.

Mr. ROGERS of Florida. I still think we just need to get back to the resolution to see what it does.

The gentleman from Michigan says that comparability is going to come within the limits set, the high and low limits that labor and management said they would go for. So we have the limit set. This is the very point of the resolution, that the parties are to get together between these two figures. That is what the gentleman from Michigan says he wants to do. That is what the resolution calls for, and the amendment is not needed at all. That is the very purpose of the resolution—to get these parties together within the limits. I urge the defeat of the amendment.

Mr. CARTER. Mr. Chairman, I regret that the gentlemen have taken a little more time for speeches than questions, but this is going to be compulsory arbitration, and not as we have it by free and collective bargaining. That is one of our objections to this position. I urge agreement to this amendment.

Mr. OTTINGER. Mr. Chairman, I move to strike the requisite number of words. I shall not take a great deal of the time of the House, but I do wish to point out, perhaps in response to a misapprehension that may have been left in the minds of the Committee by my friend and colleague, the gentleman from Oklahoma [Mr. JARMAN], that this amendment was not considered in the committee. It was in fact considered carefully. It came to one vote in the committee and passed. A motion to reconsider was entertained, and because of whatever mysterious things may have happened in the interim, the amendment failed by a tie vote of 16 to 16.

I very heartily support the excellent amendment of the gentleman from Michigan. I think if we are going to do the undesirable thing of imposing working conditions, at least they should be fair working conditions.

Mr. JARMAN. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I am glad to yield to the gentleman from Oklahoma.

Mr. JARMAN. I would say to the gentleman the one thing I tried to impress upon the House was that there have been no hearings, that no real record has been made in the hearings of our committee, and that the one time it was brought up and discussed was in executive session.

Mr. OTTINGER. I would disagree with the gentleman on that as well. We took the most detailed evidence in 16 days of hearings on the question of what the wages of the workers involved here were and how they compared with wages paid in other industries. On page 25 of the hearings there is an extensive table that goes into the differences between the payment of these workers and the payment to workers in comparable industries. The Secretary of Labor, in point of fact, admitted in the hearing that the wages of these railway workers were not comparable, and that the wages in these shop craft unions were substantially less than those of comparable workers.

Mr. JARMAN. Mr. Chairman, will the gentleman yield further for a response?

Mr. OTTINGER. I yield to the gentleman from Oklahoma.

Mr. JARMAN. It is true that there is a table on page 25 that is a part of the hearings, but there is no discussion of it. It was not actually gone into in the hearings. There is no colloquy between the committee members and the witnesses. We have only a table.

Mr. OTTINGER. I would disagree with the gentleman in that the next 10 pages go into a specific discussion of the various details of comparable wage rates. This amendment came to a vote and the amendment was defeated on the second go around by a tie vote.

Mr. WATSON. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I am glad to yield to the gentleman from South Carolina, my colleague on the committee.

Mr. WATSON. Since you are offering a proposal to establish comparability of wages, in a desire to be fair would you likewise expand your amendment to require the Special Board to insure comparability of profits of the railroads with other industries of the country?

I want to assure you that in asking the question I would be just as strongly opposed to dictating or trying to dictate to this Special Board that they must give comparability of profits to railroads with those of other industries as I am to this proposal. But do you not believe that it would be fair to require the Board to give comparability to the railroads in the way of profits?

Mr. OTTINGER. I think it would be completely fair. In point of fact, you have that situation now. The Interstate Commerce Commission is required to do that very thing. They are required to assure that the carriers receive a fair return.

Mr. WATSON. But not a comparable profit with that of other industries, and your amendment does not require comparability of profits——

Mr. OTTINGER. It is not my amendment. It is the amendment of the gentleman from Michigan.

Mr. WATSON. The amendment you are supporting.

Mr. OTTINGER. Yes. And it is not necessary to make a provision for comparability of profits in view of the fact that the Interstate Commerce Act already makes adequate provision in that regard.

Mr. SPRINGER. Mr. Chairman, I move to strike the last word.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Ohio.

Mr. AYRES. Mr. Chairman, I have just returned from the annual meeting of the International Labor Organization in Geneva which I attended as a representative of this body. This branch of the United Nations is tripartite in structure, being composed of representatives of labor, employers, and government of 119 nations. In my many discussions with delegates from these nations, it was my proud boast that our country's labor-management relations were based on free collective bargaining and not on government compulsion. They are amazed that our system has worked so well in bringing about the highest standard of living in the history of mankind.

Mr. Chairman, it is my strongest hope that we will do nothing to impair this policy which is a fundamental cornerstone of our free and democratic society. I have always opposed compulsory arbitration, which is the complete negation of the voluntary collective bargaining process.

All of you, I am sure, recall the proposal by former President Harry Truman to draft striking railroad workers into the Armed Forces shortly following the end of hostilities in World War II. The measure passed the House overwhelmingly. But in the Senate, the late Robert A. Taft, of my own State of Ohio, opposed the bill and succeeded in preventing its enactment. Although not a Member of Congress at the time, I was in full accord with the Senator from Ohio. The issue was then resolved without radical departure from our collective-bargaining system. I believe that this present issue can be brought to an equally satisfactory conclusion.

Mr. Chairman, in my opinion, the enactment of laws imposing compulsory arbitration is just as coercive and dictatorial as drafting strikers into the Armed Forces. Both would compel free American workers to work under conditions of employment which they would not accept if they were permitted to exercise their right to choose freely. And I am sure that none of us have been deluded into believing that the measure pending before us is, in the final analysis, anything but compulsory arbitration—the imposition of terms and conditions of employment not through free collective bargaining but through Government fiat. None of us are so naive as to believe that the precedent set here would not apply in the future to other industries.

I cannot but believe that both sides in the present controversy are seriously concerned with our situation in Vietnam and will do nothing to endanger the national security.

Mr. Chairman, if this body reaches the conclusion that the pending proposal must be enacted in the present circumstances, I would like to say this. The time has come for this Congress, whether the administration wishes it or not, to initiate immediately a thorough reexamination and review of our existing laws dealing with labor-management relations. The object of such a study should be the gathering together of such legislation into a single, unified law covering all of American industry and containing provisions to deal effectively with situations such as the present one while preserving our fundamental framework of free collective bargaining.

We are suffering now from our failure to have launched such a reexamination long before the current crisis arose, and from the failure of this administration to live up to its pledge more than a year ago to recommend permanent measures for dealing with these problems. I hope and pray that the Congress will not prove equally remiss.

Mr. KARTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall not take 5 minutes, but I would say the most profound statement which has been made during this debate was just made by the gentleman who concluded his statement in the well. He said, in effect, that if these two amendments are adopted it will resolve the dispute. I cannot think of any better way for this body to act than to resolve the dispute.

I have listened to every bit of this debate, Mr. Chairman, and I have heard almost without exception every Member express strong disappointment in the fact that we are being called upon to vote for a compulsory arbitration measure. It appears to me, on the basis of what the gentleman just said, if we adopt these two amendments we need not concern ourselves about compulsory arbitration. On that basis I sincerely hope the two amendments will be agreed to.

Mr. Chairman, I rise in opposition to the compulsory arbitration resolution before the House.

Nearly everyone who has spoken on this measure in the last 2 days has either indicated some displeasure with the resolution or if not that, they have strongly disclaimed any authorship. Everyone seems to hate the thought of such compulsory arbitration, but for some unknown reason, a majority fails to dislike it sufficiently enough to vote for the alternatives offered; which in all probability would force the parties to reach a negotiated settlement. If no alternative to compulsory arbitration is agreed upon, I shall vote against the resolution.

As Chairman STAGGERS has already said, the labor groups involved have agreed that the Nation's security will not be put in jeopardy. They have given strong assurances that all work necessary to guarantee such security will be done. Even though other important matters of public interest may be involved, the way to resolve these matters of interest is to provide all incentives necessary to force a conclusion to the collective bargaining process.

Free men, offering free expressions in a free society, should not be forced against their will, to accept anything other than that which they have themselves bargained for, so long as the national security and welfare is not involved.

Therefore, it is my opinion that if no legislation is passed, the national interest will be served nonetheless. I am hopeful, however, that agreement can still be reached in this body on meaningful alternatives that will assist the collective bargaining process—not hamstring it.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Michigan [Mr. DINGELL].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DINGELL. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. DINGELL and Mr. FRIEDEL.

The committee divided, and the tellers reported that there were—ayes 88, noes 137.

So the amendments were rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. The Special Board shall make its determination by vote of the majority of the members on or before the sixtieth day after the enactment of this resolution, and shall incorporate the proposal of the Special Mediation Panel with such modifications, if any, as the Board finds to be necessary to (1) be in the public interest, (2) achieve a fair and equitable extension of the collective bargaining in this case, (3) protect the collective bargaining process, and (4) fulfill the purposes of the Railway Labor Act. The determination shall be promptly transmitted by the Board to the President and to the Congress.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendment to section 4.

The Clerk read as follows:

On page 4, line 19, strike out "extension" and insert in lieu thereof "settlement within the limits."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment to section 4.

The Clerk read as follows:

On page 4, line 20, immediately after "bargaining" insert the following: "and mediation efforts."

The committee amendment was agreed to.

The CHAIRMAN. If there are no further amendments to section 4, the Clerk will read.

The Clerk read as follows:

SEC. 5. If agreement has not been reached by the parties upon the expiration of the period specified in section 6, the determination of the Special Board shall take effect and shall continue in effect until the parties reach agreement or, if agreement is not reached, until such time, not to exceed two years from January 1, 1967, as the Board shall determine to be appropriate. The Board's determination shall have the same effect (including the preclusion of resort to either strike or lockout) as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.).

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendment to section 5.

The Clerk read as follows:

On page 4, line 25, immediately after "SEC. 5." insert "(a)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 5, immediately following line 10, insert the following:

"(b) In the event of disagreement as to the meaning of any part or all of a determination by the Special Board, or as to the terms of the detailed agreements or arrangements necessary to give effect thereto, any party may within the effective period of the determination apply to the Board for clarification of its determination, whereupon the Board shall reconvene and shall promptly issue a further determination with respect to the matters raised by any application for clarification. Such further determination may, in the discretion of the Board, be made with or without a further hearing.

"(c) The United States District Court for the District of Columbia shall have exclusive jurisdiction of all suits concerning the determination of the Special Board."

The committee amendment was agreed to.

The CHAIRMAN. Are there any other amendments to section 5?

AMENDMENT OFFERED BY MR. PEPPER

Mr. PEPPER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PEPPER: On page 4, strike out line 25 and all that follows down through and including line 24 on page 5, and renumber the succeeding section accordingly.

Mr. PEPPER. Mr. Chairman, this amendment preserves in its entirety the resolution which we are considering today, but would strike from that resolution all of section 5. That is the compulsory arbitration section of the resolution.

Mr. Chairman, I do not suppose that there is any serious doubt in the mind of any Member, however many nice distinctions may be made to the contrary, that section 5 is compulsory arbitration, because the section reads in and of itself on page 5 as follows:

The Board's determination shall have the same effect (including the preclusion of resort to either strike or lockout) as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.).

In other words, this is to say that the recommendations of the Special Board is by law made the same as an agreement of the parties under the Railway Labor Act.

Now, Mr. Chairman, it is my opinion that every one of us in this House of Representatives is thoroughly sensible of his or her obligations to our country; and even if we have to make a hard decision, if we are compelled to do it in the national interest, we shall make the personal or political sacrifice in order to do it. But, Mr. Chairman, it is not my opinion that we are compelled to make that final decision at this time.

I do not see why it is not equally satisfactory in the national interest if we preclude a strike for 90 days as this bill does, and as it would do if my amendment should be adopted, instead of having now to preclude further consideration of this subject until January 1, 1969. If my amendment is adopted any strike would be precluded for 90 days so that there is, meanwhile, no detriment to the national interest. There would be a Special Board authorized by the Congress and appointed by the President to consist of five persons as provided in the resolution. That Board, as provided in the resolution, for a period of 30 days would act as a board of mediation striving to bring the parties together, and as provided in the resolution, if they were unsuccessful in bringing the parties together in conciliation of the dispute, then in the second 30 days this Board of five authorized by the Congress and appointed by the President would hold public hearings on the report of the Fahy committee of three which reported to the President April 22 to see in what respects if any that report should be modified. At the end of the 60-day period or the second 30-day period, under the resolution, as it would be if my amendment were adopted, then the recommendations of the Special Board authorized by this resolution would be transmitted to the President and to the Congress. The report would be public for 30 days, as the resolution provides. The President, the Congress, the public, and the parties themselves would have the benefit of the recommendations of this Special Board.

Now, the difference in the resolution as it now is and as it would be if my amendment were adopted is this: If my amendment is not adopted, and the resolution is enacted, on the 91st day the recommendations of the Board have the effect of law. We will have legislated a mutual agreement of the parties according to the language of the bill on page 5. Not only that, but as the lawyer for the committee will tell you, or anyone else who is informed will advise you, this resolution, if it were adopted without amendment, provides that if any employees employed by the railroads were to quit work or to strike in concert, that strike could be enjoined by a Federal court, and the offenders appropriately punished for contempt by the court issuing the injunction. If my amendment is adopted, all the provisions of this resolution except section 5, the compulsory arbitration provision, will be in effect.

Mr. Chairman, I did not discover until today that the Fahy committee was not authorized by the Congress when it extended for 20 days the no-strike provision. That committee was appointed by the President, so this is the first time, if we do it today, that the Congress has provided for a special board with all the authority of the Congress behind it, and the President has appointed that board of five pursuant to the act of Congress to mediate this dispute and to make recommendations if its mediation effort should not succeed.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(On request of Mr. YATES, and by unanimous consent, Mr. PEPPER was allowed to proceed for 5 additional minutes.)

Mr. PEPPER. Now, Mr. Chairman, what does that Board do? The Special Board authorized by this resolution first acts as a mediation board for 30 days; then, if its mediation efforts do not succeed for the next 30 days, it holds public hearings. That would be the first time any Presidential Board except the original Emergency Board shall have held public hearings relative to this dispute. The Fahy committee did not hold public hearings.

I have on my desk from the committee the number of hours the railway employees, through their officials, had in consultation with the Fahy committee, and it comes to a total of 24 hours and 20 minutes. That is the total consulting time. I do not know how long the railway executives were in consultation with the Fahy committee. I do not disparage that distinguished committee. I am only saying those hearings were not public and they were relatively brief.

But the hearings of this Special Board which we would authorize in this resolution are public and the public has the right to hear both sides of this dispute. Finally, when on the basis of the public hearings this Special Board makes its report to the President and the Congress, we all will have the benefit of that 30 days of study pursuant to public hearings of this distinguished Board of five, as authorized by this resolution, and their report to the President and the Congress.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman.

Mr. HOLIFIELD. If the gentleman's amendment is adopted, the trains will continue to run and the status quo will remain the same, as I understand it for 90 days?

Mr. PEPPER. That is right.

Mr. HOLIFIELD. Then at that time we can face the issue and the boys in Vietnam will be protected for 90 days?

Mr. PEPPER. I will say to my able friend, every aspect of the public interest, by the continued and uninterrupted operation of the railroads is preserved by this resolution, if my amendment is adopted.

But by my amendment the compulsory arbitration provision does not go into effect automatically, as the resolution unamended would provide, in 91 days.

Mr. HOLIFIELD. I want to compliment the gentleman on his amendment.

If this amendment carries, I will vote for the bill. If it does not, then I will vote against the bill because I am not ready to cross the bridge of compulsory arbitration, against one side of a labor dispute with management.

Mr. PEPPER. Mr. Chairman, may I just say this in conclusion.

There is an old saying in the law that hard cases make bad law.

Mr. Chairman, the national interest must be preserved. I want to make my position clear. If all the amendments are defeated, I am going to vote for this bill. But in doing so it will be contrary to my judgment and contrary to my principles and belief. We ought not to do it unless and until we have exhausted every possibility in an attempt to find a way in which this matter might be brought to a satisfactory conclusion.

Mr. Chairman, the bill reflecting the threatened railroad strike that we passed in 1963 has carried this Congress a long way down the road toward the abolition of, in the case of major disputes, of the principles of free collective bargaining. Add one more meaningful precedent to that one and from now on this Congress becomes the compulsory arbitration tribunal of the United States in every major dispute that arises in our country.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman from Florida yield?

Mr. PEPPER. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I feel there is a stroke of statesmanship in the amendment of the gentleman from Florida. Is it not true that the searchlight of public opinion will come into full operation under the gentleman's amendment and thereby help to bring about a speedier settlement?

Mr. PEPPER. That is correct. It is also true, and I hope it will be fully understood, that the sentiment of this House of Representatives is that management and labor must always recognize that the people of this country are superior to any special interest, whoever they may happen to be, and that each should conscientiously in the next 90 days if we adopt this amendment—conscientiously cooperate with the Special Board authorized by the Congress to try to bring about a fair settlement of this dispute—and not by unjustified demand or refusal force the Congress in order to protect the essential public interest to sacrifice the vital democratic principle of collective bargaining.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, many of us have been waiting patiently and hopefully throughout this long legislative day for the vehicle to come along that would enable us by the action of this House today to support a measure which would be effective in trying to avoid a disastrous railroad strike without at the same time compromising principles that we all hold dear.

Mr. Chairman, I rise to support the amendment offered by the gentleman from Florida and to tell the gentleman I believe that in his amendment we have that vehicle and we have that solution.

I was a little surprised for a moment this morning at the turn that this debate took when it was suggested that a vote against this resolution or a vote for any change in the language of this resolution would be comparable to a vote against the extension of the selective service law back in 1940.

I think when that analogy was used, frankly, our distinguished Speaker was perhaps using an analogy that was more apt than he realized—but apt in quite a different sense. We would in fact be impressing into service men to work in an industry in this country without giving them the right to have any part in the determination of the wages and conditions of employment under which they would operate.

So, Mr. Chairman, I would suggest that perhaps in quite a different sense the analogy he used was somewhat apt.

Let us take a quick look at the arguments that will be raised against this amendment. One is that we cannot take the chance of changing the language of this joint resolution, House Joint Resolution 559, because it would then have to go to conference, the time is short, and we are facing a crisis in the Nation.

Well, I would hate to think, my friends on the committee, that we have come to the point where we have to abdicate our responsibility as a coequal and as an independent body in a situation of this kind. We might as well have a unicameral national legislature if we are to suggest that we dare not change the sacrosanct language of this resolution.

And it pains me to differ with my distinguished and able friend, who is the ranking member on my side of this committee. I respect him, and I respect the hard work and the long hours that he has put in, along with other members of the committee, in trying to arrive at a solution. But I think there is an even higher duty today that we respond to those convictions of conscience that tell us that this is not the best possible joint resolution that we can work out on the floor of this House today.

Let me very quickly address myself to, I know, the second argument that will be raised against the amendment, and that is that this is just another extension. We have had two before. We failed in those previous extensions to get the parties to hammer out an agreement. So why try again?

You know, I am reminded at this point of something from the Scriptures. I think it was Simon Peter who came to our Lord and said, "If I have forgiven my brother seven times, Lord, have I fulfilled my responsibility?"

As I recall it, the answer that he received from the Lord was something like this: "Go back and forgive thy brother 70 times seven."

I would suggest that the principle that we support here of free collective bargaining is important enough that if we told these parties to go back and bargain 70 times 7, it would be too much.

I would suggest that to use the argument because they had failed twice before to come to an agreement using the processes of free collective bargaining is scarcely the kind of argument that should be used to defeat the amendment of the gentleman from Florida.

You know, it was some 60 years ago that a great leader in this country, a great leader of the miners, John Mitchell, wrote this:

> In the long run, the success or the failure of trade unions will depend upon the intelligent judgment of the American people.

My colleagues, we can use our resources to summon that intelligent judgment on the part of the American people during the next 90 days to compel these parties to come to an agreement. As I suggested in my speech yesterday, very belatedly the administration finally seems to have found its voice, and we actually had a member of this administration, the Secretary of Transportation, Mr. Boyd, speak out against Mr. Siemiller, the head of the International Association of Machinists, saying that here was a man who was putting private selfish interest ahead of the public good.

I somehow dare to hope that other voices in the administration will be raised during the next 90 days.

Let me suggest one further reason why we should adopt the amendment of the gentleman from Florida. A 90-day extension would give the administration one last chance to forward to this Congress what they should have done a year and a half ago—a definitive set of proposals whereby we can frame the kind of emergency strike legislation so that we do not have to deal with this on an ad hoc basis, and maybe if they do that, and if these parties fail during the next 90 days to come to an agreement, I will take an entirely different position in the well of this House. I will suggest that under the terms and under the framework of a general statute—not an ad hoc statute—but a general statute, that if they have failed, if they have failed to come to an agreement, then in the public interest the time will have come for this Congress to act.

I beg you to adopt the amendment of the gentleman from Florida.

Mr. BOGGS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have listened with great interest to the impassioned speeches of my dear and distinguished friend from Florida [Mr. PEPPER], and my good friend from Illinois [Mr. ANDERSON].

I would say that I bow to no man in this Chamber in having supported the fundamental rights of organized labor. For many years, I have stood in the well of this House time and time again, when it has not been particularly popular, to support and to work for what I consider the legitimate needs and demands of the great labor movement in our country.

As I read what we have before us today, it is a proposal to maintain the processes of collective bargaining, not to restrain them, but to maintain them for at least 90 days. If they have not succeeded in the 90-day period, it provides for a 2-year period, during which time the parties can come to an agreement, using the full force of collective bargaining.

Why are we here? We are here because collective bargaining has broken down, not because we are trying to interfere with collective bargaining.

Why do I say it has broken down? Does not the record show that it has broken down?

There was a year of negotiation under the Railway Labor Act. There was an Emergency Board appointed. That was the first Board. That is a public Board. Then there were two other Boards appointed, the Ginsburg Board and the Fahy Board. Both of them wrestled and grappled with the problem. In all three instances collective bargaining failed to work.

Congress said, twice in that period, let us let collective bargaining do the job, so we came in with a 20-day extension—we all remember that—and then we came back again with a 45-day extension—and we all remember that.

Now, if I read the proposal of my distinguished friend from Florida, what it really says in essence is that there will be just another 90-day resolution, because it takes from the heart of this resolution the procedures which would go into effect in the event the collective bargaining fails to operate within the next 90-day period.

But my friends, if we adopt the amendment suggested by my friend from Florida, what will happen in my humble judgment is that in place of this being a spur to collective bargaining, it will be a spur to come back to the Congress at the end of the 90-day period, and then we will be right where we are this afternoon, after 2 days of debate, after two extensions, after extensive hearings before the committee, and after all the amendments which have been voted on here today.

So I say to my friends on both sides of the aisle, let us face it now. If we do not face it today, if we adopt the amendment of the gentleman from Florida, come September we will be back, and we will have the same issues, the identical issues, and we will have to establish some kind of machinery.

I agree with the gentleman from Illinois hopefully that we will in the wisdom of the Congress and the executive branch be able to establish the legislative machinery and the legal machinery to deal with crises in these public utility industries.

This afternoon we are confronted with an emergency. The suggestion of my dear friend from Florida would not solve it. It will simply put it off, to come back another day, rather than to do what is required to be done now.

Mr. MOSS. Mr. Chairman, I rise in support of the amendment and move to strike the requisite number of words.

Mr. Chairman, some 45 days ago I stepped into the well of this House to oppose an extension.

I step here today to support it, as the only desirable alternative remaining before this House, in my judgment.

We are here because one party to this dispute has from the beginning wanted compulsory arbitration. If we accept this amendment at this time we will make very clear the strength and determination of this House that we want the processes of collective bargaining to work.

If the Pepper amendment acts as a barrier to collective bargaining, then the administration proposal also acts as a barrier to collective bargaining, because the only difference is that the Pepper amendment strikes the compulsory arbitration. It strikes section 5. The procedures up to that point are identical.

Then we would get a report back. Perhaps in the meantime, in this additional moment, we could act to secure a more effective means of dealing with this type of problem.

I am at the point where I have explored over the past several months virtually every type of proposal that could be conceived of. I know the House has been patient, and I know that all members of the committee on both sides of the aisle have spent many hours in the hearings before the Committee on Interstate and Foreign Commerce in an effort to find the ideal solution.

Now the solution seems to be only time to continue to seek and, as I say, after this experience, to demonstrate conclusively the determination of this body that collective bargaining will work.

At the same time, the security of the Nation is not imperiled. Vital services continue.

I hope the amendment will be adopted.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I am pleased to yield to the distinguished gentleman from Maryland.

Mr. LONG of Maryland. Would not the gentleman agree that passage of this amendment would give the administration time in which to come forward with the kind of permanent strike settlement proposals we have all been hoping they would present for a long time?

Mr. MOSS. It would give to the administration time, and it would give to this Congress the opportunity, if it must take the initiative, to do its job, for it is also our responsibility as much as it is the responsibility of the President of the United States, if not more so.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. MOSS. Yes. I yield to my colleague from Washington.

Mr. ADAMS. I hope at this point we will be able to close debate and vote on this amendment, Mr. Chairman. I am in support of it and will not speak any longer on it, but I think it gives us an alternative where we can perhaps make this work.

Mr. Chairman, I have a parliamentary inquiry. Can we move in Committee of the Whole that debate be closed at this point?

The CHAIRMAN. Only on the amended section and the amendments thereto.

Mr. SPRINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, what has been the history of this whole matter? On October 19, roughly 8 months ago, the mediation process under the Railway Labor Act began. On January 6 it terminated. No results. On January 28 Emergency Board No. 169 appointed by the President began to work. On March 10 Emergency Board No. 169 made its report and came to an end. From October 19 to January 6 the mediation process worked under the Railway Labor Act. From January 28 to March 10 Emergency Board 169 appointed by the President operated. There were no results in either case. From April 14 to April 23 the Fahy panel operated. No results. Then we extended it for some 40 days. First I believe we extended it for 20 days and then 40 days to June 19.

May I say to my colleagues that spiritually, morally, may I say, the parties are further apart today in their own minds—they are further apart today than they were on October 19 when they started their discussions.

The gentleman from Florida examined me no end before the Committee on Rules. I told him at that time that there was not any chance for any agreement. We had both parties before us in the first hour of our executive committee meeting on the first day. We had there Mr. Wolfe and Mr. Ramsey, who represented both management and labor. I asked them, "Are you deadlocked?" And they said, "We are deadlocked." Now, if they were deadlocked only pennies apart, that would be different, but there is a difference here of between 5 and 6½ and 20 percent.

Mr. Chairman, I will admit that I have had nothing of more importance during the last 6 weeks except this problem pending upon my desk.

Mr. Chairman, if the members of the committee think the pressures have been great upon them on both sides—both labor and management; and I know who has been going about the halls and who has been dropping into the office of everyone—if the Members think the pressure is going to be released during the next 90 days, I want you to know that that is going to be the biggest mistake you will make in your congressional career, because pressures are going to be increased during the next 90 days.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent Mr. SPRINGER was given permission to proceed for 2 additional minutes.)

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I am delighted to yield to the distinguished Speaker.

Mr. McCORMACK. Mr. Chairman, the distinguished gentleman from Illinois has presented the very clear and powerful case with which we are confronted today, a breakdown in collective bargaining.

Mr. Chairman, the resolution now pending before the Committee of the Whole House on the State of the Union proposes to restore the processes of collective bargaining.

Mr. Chairman, any time within the 30-day period, constituting 90 days during which negotiations have been taking place, a settlement made at any time afterward, within the 2-year period and the parties get together and negotiate and make a settlement, then the operation of this joint resolution having been enacted into law will be inoperable.

Mr. Chairman, for us to simply extend this law for another 90 days—and that is all the Pepper amendment is—is simply postponing the day of reckoning.

Mr. Chairman, it seems to me that we have not faced up to our responsibility unless we defeat the pending amendment.

Mr. SPRINGER. Mr. Chairman, I thank the distinguished gentleman from Massachusetts, the Speaker of the House of Representatives.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not intend to consume the full 5 minutes allocated to me under my pro forma motion.

However, Mr. Chairman, it is my opinion that it should be clearly pointed out that if this amendment prevails we, in effect, will be doing precisely what we did on April 11 when we extended the time 20 days; we will be doing precisely what we did on May 1, 1967, when we extended the time 27 days; we will be doing, more voluminously in words and phrases, what we did in a very simple resolution on those two previous occasions.

Frankly, Mr. Chairman, I will be here for the purpose of going through this legislative experience again later this year. All of us will be here. However, Mr. Chairman, there is not one scintilla of evidence about which I have heard from anyone which indicates that the 90 days—which will represent an extension of 47 days—will result in the resolution of the problem.

Now, Mr. Chairman, let us take this step represented by the Pepper amendment with our eyes wide open.

Mr. Chairman, if the amendment which has been offered by the gentleman from Florida [Mr. PEPPER] is approved, let us understand the net result. I caution you that you will be right back here within a period of 90 days, going through the same process. I think further delay will be most unwise.

Therefore, Mr. Chairman, I hope the amendment is defeated.

Mr. DINGELL. Mr. Chairman, I rise in support of the amendment.

Mr. FLYNT. Mr. Chairman, will the distinguished gentleman from Michigan yield?

Mr. DINGELL. I yield to my distinguished friend, the gentleman from Georgia [Mr. FLYNT].

Mr. FLYNT. Mr. Chairman, I rise in support of the pending amendment offered by the distinguished gentleman from Florida [Mr. PEPPER].

Mr. Chairman, I support the amendment because I feel that it is and does represent a most reasonable approach. It is the most reasonable approach which has yet been made to resolving this grave and serious nationwide problem, a problem which could result in a strike and a tieup of the Nation's rail transportation at 1 minute past midnight on Monday next.

In response to the statements made by the distinguished ranking minority member of the great Committee on Interstate and Foreign Commerce, for whom I have the utmost respect, he refers to the 19th of July, the 19th of August, and the 19th of September, and says, hopefully, that we will be at our homes by that time.

Let me say most respectfully to my friend from Illinois, that if we can avert a nationwide rail strike and at the same time preserve the right of collective bargaining, then I am willing to stay here until the leaves fall off the trees and the snow covers the ground. I say this because I feel that there is a very meaningful hope that there will be a voluntary solution and settlement of this labor dispute which exists between the management and the unions involved in this present situation, this present labor dispute.

To pass this bill without the pending amendment can be compared to giving a patient with a bad cold an overdose of arsenic. It might cure the cold, but it would kill the patient in the process. On the other hand, to adopt the Pepper amendment, we might both cure the cold and save the patient.

I believe that as the temperament and the temper of the House, as demonstrated here today, becomes known to all parties to this dispute, to management and to labor alike, they will come to a meaningful solution to this dispute between now and the 90-day period which is called for in the Pepper amendment.

Mr. Chairman, all that the amendment of the gentleman from Florida [Mr. PEPPER] does is to delete section 5 to maintain the present injunctive status in effect for 90 or 91 more days, during which time I believe that reasonable men—reasonable men of good will—can get together and prevent the onslaught of the destructive and devastating strike which confronts this Nation.

Mr. Chairman, there are three alternatives in addition to the adoption of the Pepper amendment. Let us see what those three alternatives are:

The first would be a nationwide strike, devastating and crippling to our whole national economy. That course of action would appear to me to be unacceptable and intolerable.

The next course of action would be for the U.S. Government to seize and operate the railroad network of this country. This would be inefficient, costly, possibly dangerous, and 180° away from our concepts of a free enterprise system. It could possibly result in permanent nationalization of the railroads, other public utilities, and other major industries. To me, this course appears to be totally unacceptable and intolerable and only slightly less offensive than a nationwide strike.

A third course of action would be the enactment of House Joint Resolution 559, which the rejection of the Pepper amendment will unquestionably mean since it is identical in form and substance with a similar bill passed by the other body. The only things that I can think of which appear to me to be worse than House Joint Resolution 559 in its present form are a nationwide strike or seizure of all railroads.

This leaves as the only acceptable course, the passage of House Joint Resolution 559 as amended by the pending amendment.

I believe the only reasonable solution which this House has before it today which can be promptly and properly acted upon, is to adopt the amendment of the gentleman from Florida, and let the voice of reason be heard in bona fide collective bargaining between the parties to this dispute.

Mr. Chairman, I am not opposed to this legislation. I certainly take no pleasure in opposing the committee position of the great Committee on Interstate and Foreign Commerce which brings this bill to the floor. I served on this committee for the first 7 years of my congressional service, and for it and its members, I have the highest and most affectionate regard and respect.

If this amendment should be rejected, I shall probably vote for the bill in its present unamended form. I think that no other substantive amendment has a chance of adoption.

I sincerely believe that the pending amendment will so improve House Joint Resolution 559 that the House will pass it with the amendment overwhelmingly, perhaps with near unanimity, and without a record vote. If this amendment is adopted and the joint resolution, as amended, is passed by the House of Representatives, it will be a good example of the House responsibly working its will to improve pending legislation during full and open debate and in accordance with sound practices, rules, and procedures of this body.

Mr. Chairman, I feel this will be a reasonable and an honorable solution, and one with which this Nation can live and live in peace.

The CHAIRMAN. The Chair recognizes the distinguished chairman of the Committee on Rules at this point.

Mr. COLMER. Mr. Chairman, I thank the able and very courteous Chairman for recognizing me.

Mr. Chairman, I ask unanimous consent to speak out of order, and apologize to the Committee for doing so.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. COLMER. Mr. Chairman, I apologize to the membership for interrupting the orderly procedure of debate on this important bill, but I feel that I am justified in doing so in order that not only the membership generally, but the members of the committees affected, may have ample and appropriate notice of a hearing which we propose to conduct in the Committee on Rules.

Mr. Chairman, as important as the current bill under consideration is, there is another matter of even greater importance on which this Congress should act. I refer to a substantial number of bills pending in the Judiciary Committee, which have for their purpose the curbing of certain unlawful and most unfortunate riots which are currently, and have for some time in the past infested the Nation. These are the riots which are instigated by persons outside the State who have used interstate facilities to bring about planned chaos. Many of these riots are scheduled and announced in advance, and they are resulting not only in the destruction of property, but in the loss of lives.

Last year when the country suffered a rash of these riots, this House—by an overwhelming vote of 389 to 25—adopted the so-called Cramer amendment to the Civil Rights Act of 1967, which, if properly administered, would have put a stop to this wave of crime. That civil rights bill, with the antiriot amendment, was not acted upon by the other body.

This year there have been more than 90 similar antiriot bills introduced in the House. A number of them have been pending in the Judiciary Committee, to which they were referred, for some 6 months with no action being taken by that committee.

Over 100 resolutions have been introduced and referred to the Rules Committee which would, if adopted by the Rules Committee, bring this subject matter to the floor of the House.

Mr. Chairman, the Nation's house is threatened with conflagration by these disorderly and unwarranted actions. The situation is daily growing worse, with riots occurring or threatened all over the Nation from Florida to Ohio.

The time has arrived for some action. The people of this country are seriously and justifiably alarmed. They are entitled to some relief from threatened anarchy.

Therefore, Mr. Chairman, notice is now given that on Tuesday, June 27, the Committee on Rules will conduct hearings on these over 100 resolutions pending before it to take this matter directly to the floor for some remedial action.

Mr. SMITH of California. Mr. Chairman, will the gentleman yield?

Mr. COLMER. I yield to the gentleman.

Mr. SMITH of California. Mr. Chairman, I appreciate the distinguished chairman yielding to me. I commend the chairman on the position being taken here today on this extremely important legislation pending before the Congress. I can assure the gentleman that the minority members of the Committee on Rules will be present at 10:30 a.m. on Tuesday, June 27, to hear any Members who wish to testify on the measures pending in this regard.

Mr. COLMER. I thank my distinguished colleague. I express the hope that the Members on the majority side will also be present and that this matter may be thoroughly considered. Some action must be taken on this important matter.

Mr. FRIEDEL. Mr. Chairman, I ask unanimous consent that debate on the pending amendment conclude in 5 minutes.

Mr. PICKLE. Mr. Chairman, I object.

Mr. FRIEDEL. Mr. Chairman, I move that all debate on the pending amendment close in 10 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Maryland [Mr. FRIEDEL].

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. QUIE].

Mr. QUIE. Mr. Chairman, I plan to support the Pepper amendment. I feel very strongly that this is the way we can avert a national railroad strike and at the same time not get into compulsory arbitration, which is dangerous to our basic freedom of voluntary collective bargaining.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Chairman, underlying much of the debate today and yesterday has been the fear or the assumption that unless this legislation contains elements of compulsion, there will be brought down upon the heads of the people of our country a railway strike. I shall vote for the Pepper amendment on the assumption and with the faith that the parties to this dispute will act as free, responsible, and patriotic Americans and come to an agreement during the next 90 days. Both sides are by now fully advised and duly warned as to the prospects of compulsory arbitration and/or seizure if this is not the case. The disputants themselves have a responsibility to their country, and to the public, and to all who have labored to develop and defend free collective bargaining.

I believe they will recognize and fulfill their responsibilities, but if we err, let it be on the side of freedom, and not of compulsion. I urge the passage of this amendment. In so doing, we will be keeping faith with the institutions of freedom. With faith in free men, I shall so vote.

The CHAIRMAN. The Chair recognizes the gentleman from Kansas [Mr. DOLE].

Mr. DOLE. Mr. Chairman, I rise in support of the amendment. I recognize that 90 days is not a long time, but when one is about to be executed, it is worth considering. Many of us are opposed to compulsion, whether it be in farm programs, open housing, or right-to-work laws, so-called compulsory unionism. I very much dislike voting for compulsory arbitration and therefore, strongly support the Pepper amendment and urge that it be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, I, too, support the Pepper amendment. I object most strongly to the tone of futility and frustration that has been expressed by the leadership on both sides of the House. I think that with the appointment of a new Board, in accordance with this amendment and under the legislation, there will be opportunity again to consider this matter, and by free collective bargaining achieve a result that will permit the parties to get together.

The CHAIRMAN. The Chair recognizes the gentleman from Kansas [Mr. SKUBITZ].

Mr. SKUBITZ. Mr. Chairman, I rise in support of the Pepper amendment. If it is adopted, I shall support the bill.

During the last session of Congress, I opposed the effort to strike 14(b) from the Taft-Hartley Act because I felt strongly that no man should be forced to join a union against his will.

Mr. Chairman, if collective bargaining is to be preserved, then labor's right to strike must also be preserved. But, I hasten to add, this right is not an inalienable right—it is not superior to the collective rights of all the people when the national health, safety, or welfare is endangered. I opposed the seizure proposal that has been submitted to this body but, here again, if the national interest demanded such action, I would support it.

By this amendment, a strike is averted for 90 days. Labor and management have one more chance to resolve their differences with these additions: A Board appointed by the President to help mediate the dispute. If an agreement is not reached in 30 days, then the Board shall hold public hearings on the proposals and submit its determination to the President and Congress.

Nothing is lost by this action. If Congress must convene 90 days hence because the parties have not acted, I, for one, am willing to do so. But I think every effort should be made by this body to let the parties resolve the issues—which in this instance is wages.

However, if this amendment fails, then I shall support the committee bill because I feel a strike at this time would endanger our national security. The national interest of this country demands that there must not be a strike. Nothing must be done by labor or management to hamper or interfere with the free flow of goods to our boys in Vietnam.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. SKUBITZ. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I am opposed to compulsory arbitration and, accordingly, I support the amendment to the bill which will delete section 5 from the bill.

I am satisfied in my own mind that the parties can arrive at an agreement as to wages and working conditions. To impose compulsory arbitration on the railway unions and the railway management would do a disservice to all parties to the controversy, and would do violence to the entire institution of collective bargaining.

With the elimination of section 5 from this bill the administration and the Congress will have 90 days within which to present some general legislation to meet critical labor disputes such as the threatened railway strike. Appropriate general legislation is a far preferable method of resolving national strikes which affect the public interest. I hope that general legislation may be considered and finally acted upon within the next 90 days.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. PEPPER].

Mr. PEPPER. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina [Mr. WATSON].

Mr. WATSON. Mr. Chairman, I am sure, from the reaction we see, that the amendment will probably be adopted. But let me say this in all humility and honesty to my friends. If you had been with the committee and had wrestled with this problem, you would not have as much hope and faith as you have today. In striking out section 5, you are striking out the very thing which will force these parties to get together in 90 days. If you strike it out, they will not get together in 90 days.

We believe in collective bargaining. All of us are against compulsory arbitration. Under this joint resolution, you would put the parties in dispute on the line. You would say, "If you believe in the matter of collective bargaining, if you are against compulsory arbitration, then you have it within your power to settle within 90 days, and this compulsory arbitration feature will never be triggered under House Joint Resolution 559."

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. SATTERFIELD].

Mr. SATTERFIELD. Mr. Chairman, like the gentlemen who preceded me have stated, I still have hope that under House Joint Resolution 559 the parties will get together. I would like to remind this House that our committee heard the witnesses and parties to this dispute, and based upon their testimony I am confident that we will be back here within 90 days with similar legislation, because I do not think there is any possibility that a settlement will be arrived at if this amendment is passed.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, if we vote for this amendment, we are taking the easy way out. This dispute has been going on for over a year. We have given two extensions of time. They have not come to agreement. Any further extension is going to make the situation worse.

I say the time has come for this Congress to say to both management and labor: "You are not bigger than the Congress or the Nation and you must try to reach some type of agreement." They have not done so, and they will not do so.

We have labored long and hard and there has been no decision. I say the American people expect us to take some kind of action, and the public patience is running thin.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. ROGERS].

Mr. ROGERS of Florida. Mr. Chairman, I, too, would sense the mood of the House in postponing a decision on this matter. I do think we should consider, in making this decision, that we are in effect postponing a pay raise as well. The solution to this problem is being postponed. It has been going for a year, and they have been doing without the increased pay for a year. This postpones it for another 3 months.

I believe we should think seriously whether this decision should be made at this time or whether we should go ahead, as the committee has proposed, after extensive hearings, and make a decision to get them to negotiate on a collective-bargaining basis, to proceed as suggested.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. JARMAN].

Mr. JARMAN. Mr. Chairman, I take this one last opportunity to express a firm personal conviction that the very best and fairest chance we have of solving this problem is through the provisions of House Joint Resolution 559, mediation to finality.

It has been a long dispute. It has been worked on for a long time. We need to measure up to the challenge that is before us today.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. PEPPER].

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. SPRINGER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. PEPPER and Mr. FRIEDEL.

The Committee divided, and the tellers reported that there were—yeas 189, noes 105.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. The provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160), as heretofore extended by law, shall be hereby extended until 10:01 o'clock antemeridian of the ninety-first day after enactment of this resolution with respect to the dispute referred to in Executive Order 11324, January 28, 1967.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

On page 6, line 2, strike out "10:01" and insert in lieu thereof "12:01".

The committee amendment was agreed to.

Mr. HALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think that many members of this Committee had their feeling on the railroad arbitration bill reflected in the eloquent remarks made yesterday by the gentleman from Illinois [Mr. ANDERSON].

The clock has struck 13, and once again this body is being asked to react to an immediate crisis, a crisis which is the end result of a series of procrastinations, by the Chief Executive, and by the parties to this dispute. I have yet to see truly wise and prudent actions adopted by the legislative branch when it operates under the "blackjack" of an approaching calamity. We improvise, we rationalize, and we eulogize, and then we go ahead and act after time and circumstance have removed all our other options.

I predict that no one will be happy with this legislation, not the railroads, not labor, and not the American people. Members of Congress who vote for this measure, and—after study, hearings, debate, and reading the report of the committee—I reluctantly expect to be among them, will have to live with the uneasy feeling that in so doing they may have struck a mortal blow to the concept of collective bargaining. Members of Congress who oppose this measure, may feel that they have saved collective bargaining but only at the expense of a national transportation disaster, and worse yet; at the expense of sons and brothers in Vietnam whose lifeline extends across the Pacific Ocean to the railroad tracks across the Nation.

As a member of the Armed Services Committee, who has had more than his share of disagreements with Secretary of Defense McNamara, I am constrained to admit that I agree with his appraisal of the ultimate effect of a transportation strike upon our defense needs. It would certainly be disastrous. As a member of the Committee on Armed Services, I am privy to the daily tons of high explosives alone, transshipped across the United States and Pacific to our men. Union officials may challenge this claim, but were they in our positions would they be willing to take the gamble? I think not. But also, Mr. Chairman, this dilemma in which the Committee finds itself today, reflects dismally upon the executive branch.

Today it calls upon us to prevent a threatened breakdown of our transportation system. But, this is not just some Johnny-come-lately threat, it is a threat which has been years in the making. It was even recognized by the President of the United States in his state of the Union message each of the past two sessions of Congress. He appointed a Presidential Task Force on emergency strike legislation. but he then apparently waited for a consensus on something which surely the most illiterate could see was beyond consensus. What a tragic opium has been perpetrated upon the public by the acceptance of the word "consensus." He who would wait for all parties to a dispute to reach consensus on a truly fundamental difference will find himself waiting forever, and the demands of the moment do not allow us that luxury.

I take no joy in stating that I expect to vote for this bill, only because the sands of time have run out. But I also say that it establishes a precedent which is dangerous for all—for management, for labor, and for the public.

It may be a case of "closing the barn door after the mule has been stolen," for new legislation in the labor relations field, but there are many more barn doors that are open, and the President should be put on notice that the promissory note he gave us last January is due, in fact overdue, and that he has a responsibility to make specific proposals to this Congress just as we will then have a responsibility to act on, or amend them.

AMENDMENT OFFERED BY MRS. SULLIVAN

Mrs. SULLIVAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. SULLIVAN: Add at the end of the joint resolution a new section as follows:

"SEC. 7. The Special Board established by the first section of this joint resolution shall also have and exercise, with respect to any labor dispute to which the Florida East Coast Railway Company is a party and which is the subject of any strike now in effect, the same powers and duties set forth in sections 2, 3, and 4 of this joint resolution. In the exercise of such powers and duties pursuant to this section the Special Board shall use, in

> lieu of the proposals of the Special Mediation Panel, the recommendations of Emergency Board Number 157 as contained in its report of December 23, 1963 with respect to disputes covered by said report and shall extend the principles underlying said recommendations to the other disputes covered by this section. The recommendations of the Special Board made pursuant to this section shall operate and take effect in accordance with section 5 of this joint resolution."

Mr. FRIEDEL. Mr. Chairman, I reserve a point of order against the amendment.

Mrs. SULLIVAN. Mr. Chairman, what about the longest railroad strike in history? Have we forgotten about it? What about a situation where the railroad has not only refused to bargain but has locked out its employees? This resolution fails to include one of the worst labor disputes in the United States involving one of the most arrogant manipulators of great wealth in this country. My amendment would correct this deficiency by including the disputes on the Florida East Coast Railway under House Joint Resolution 559.

The Florida East Coast offers a shocking example of bad labor relations. The strike there has been going on since January 23, 1963. Two Presidential Emergency Boards recommended settlement terms—which were accepted by the unions and rejected by management. Repeatedly the highest Government officials, including the late President Kennedy and the Florida delegation in Congress, urged voluntary arbitration of this Florida East Coast dispute. The unions each time accepted; the management each time refused. This strike began on the part of the nonoperating unions, but it now includes all the railway unions. The Florida East Coast Railway is now operated on a partial basis by strikebreakers. This railroad forms part of a billion dollar financial-industrial empire known as the Du Pont Estate, whose dominant figure, Mr. Edward Ball, clearly has no intention of settling the FEC dispute. If we are going to take away the right to strike of the railroad shopmen, then justice calls for ending Mr. Edward Ball's right to lock out his union railroad employees—because that is what this Florida East Coast situation has turned into.

In addition to the factors I have cited, the Florida East Coast dispute—unless it is ended—runs the risk of interrupting the essential flow of railroad transportation in interstate commerce. This is apt to occur through picketing by FEC strikers of the yards, shops, and tracks of connecting railroads that interchange freight traffic with the FEC. Such picketing was enjoined at first by the Federal courts. But the Fifth Circuit Court of Appeals, in a decision which the Supreme Court upheld, has ruled that such Federal injunctions are illegal. A Florida State court injunction is now outstanding against such picketing, but that injunction is being appealed. Without attempting to prejudge the case, it is certainly quite possible that this State injunction will be ruled invalid shortly on the basis that Federal law is paramount in this kind of peaceful labor dispute.

I want to stress that House Joint Resolution 559 as it now stands contains nothing to prevent this kind of spreading out of the Florida East Coast dispute. My amendment would remedy that lack in House Joint Resolution 559.

My amendment would extend the no-strike, no-lockout provisions of House Joint Resolution 559 to the Florida East Coast Railway. The Special Board created by House Joint Resolution 559 would be given the same powers and duties in connection with the disputes that have created strikes on the FEC as in the national shop craft dispute. In the Florida East Coast situation, the Special Board would use the findings and principles of Presidential Emergency Board 157—which recommended settlement terms for the original FEC strike—in the same way as it uses the recommendations of the Fahy Mediation Panel in the national shop craft dispute.

In the Committee on Banking and Currency, we were subjected to a real example of the kind of disregard for the public interest demonstrated by Mr. Edward Ball. He can truly be said to be in the mold of another railroad tycoon who said "The public be damned."

Mr. Chairman, my amendment is an act of simple justice. It would also avert the very real danger that the Florida East Coast dispute may spread and disrupt essential transportation service. I hope and trust that my amendment will meet with overwhelming bipartisan support.

Mr. FRIEDEL. Mr. Chairman, I make the point of order that the amendment which has been offered by the distinguished gentlewoman from Missouri [Mrs. SULLIVAN] is not germane to the joint resolution now under consideration.

Mr. Chairman, the joint resolution (H.J. Res. 559) deals with a nationwide railroad dispute with the shop craft unions. However, the amendment which has been offered by the distinguished gentlewoman from Missouri [Mrs. SULLIVAN] deals with a single dispute involving one railroad and all of its employees, not just the shop craft union.

Mr. Chairman, the amendment involves a different group of employees, a different railroad, and a different dispute from the matters dealt with in the joint resolution.

The CHAIRMAN. Does the distinguished gentlewoman from Missouri wish to be heard further on the point of order?

Mrs. SULLIVAN. Mr. Chairman, I have nothing further to add, except to say that this is a railroad dispute. It has been in existence since 1963 and this railroad does haul or carry freight and passengers in interstate commerce.

The CHAIRMAN. The Chair is prepared to rule.

The gentlewoman from Missouri offers an amendment to the joint resolution to which the gentleman from Maryland makes a point of order on the ground that the amendment is not germane.

The Chair has had an opportunity to read the amendment and to consult the precedents as well. The joint resolution (H.J. Res. 559) is aimed at one specific controversy between labor and management. The amendment posed by the gentlewoman from Missouri [Mrs. SULLIVAN] relates to a different controversy involving different classifications of unions as pointed out by the gentleman from Maryland [Mr. FRIEDEL].

The amendment therefore is beyond the purview of the resolution (H.J. Res. 559). The Chair sustains the point of order made by the gentleman from Maryland.

Mr. BRAY. Mr. Chairman, being forced to consider a bill under pressure of a last-minute emergency is the worst situation that can face any lawmaking body. Yet, that is exactly what faces this Committee today when it votes on the administration's railroad labor dispute legislation.

In the President's 1966 state of the Union message given on January 12, he promised that legislation to deal with labor crises would be submitted to the Congress. He also announced appointment of a special Presidential task force to deal with the problem. However, to date, the task force has made no report, the President has failed to forward any recommendations, and the Secretary of Labor has testified that the promised legislation may never even be submitted.

Thanks to administration vacillation and indecision, the Congress is faced with a choice that is really not a choice at all. The essence of the administration proposal before the Congress today is compulsory arbitration, which is a definite threat to the principle of free collective bargaining. However, on the other hand, we have the prospect of the crippling of our war effort, great damage to the Nation's economy, and the general national chaos that would result from a nationwide rail strike.

The fact that the Congress today has no alternative but to vote for or against national chaos is certainly a severe condemnation of the quality of our present national leadership.

The Pepper amendment does put off the ultimate decision for 90 days, but at the end of 90 days we will face the same problem unless the administration or House leadership proposes a real solution.

Mr. DELLENBACK. Mr. Chairman, the national interest takes many forms and in some instances is greater than the sum of its individual parts. So here today, with its threatened impact on this Nation's commitments, not only in Vietnam, but throughout the world, the railroad crisis does in truth involve the national interest. And, on the basis of the best evidence before us, that national interest demands at this time there be no cessation of railroad operations.

But the national interest is made up of parts, and those parts are often critically important. So it is that the welfare of the people in my State of Oregon is a vital part of the national interest. And the working men and women of Oregon—heavily dependent on our forest products industry and badly hurt during the last year and one-half by high-interest rates, tight money, and a nationwide homebuilding slump—cannot stand a cessation of railroad operations at this time. There are mills whose operations are on a day-to-day basis, to which railroads are absolutely essential and which will be out of operation—possibly permanently—if the railroads cease to operate. The loss of jobs, the general injury to the economy of Oregon and most particularly within the Fourth District of Oregon, are blows which my State is poorly equipped to stand.

There may well be others here who are in positions similar to mine—who have perishable crops or other products which must roll on the rails. There are areas involved where a failure to keep the railroads operating will mean not simply discomfort, not simply hardship, but disaster.

There are serious drawbacks to this bill as it appears before us for vote. But it gives us hope that our economy and our own effort will not suffer disaster; that the parties will succeed in reaching agreement during the additional breathing spell; that the President will fulfill his pledge to suggest permanent legislation in this field. If he does not do so, we of the Congress should move forward on our own.

With all its drawbacks, this is legislation which must be approved here tonight.

Mr. MURPHY of New York. Mr. Chairman, there is one important point to be made in connection with the resolution before us—it is that at this stage of the current railroad dispute the interest of the public is far more important than the interests of management or labor.

Clearly, it is not in the interest of the public to sustain a nationwide railroad strike—a short strike, a partial strike, or any kind of strike. Our defense effort, our great urban centers and our whole economy depends on the maintenance of rail service. That is how the public interest is defined.

A railroad strike is far more than a matter of inconvenience.

It is a matter of coal, which travels almost totally by rail, reaching the points where it is used to produce electric power.

It is a matter of chlorine, again traveling mostly by rail, reaching those places where it is used to purify the water supplies of our great cities.

It is a matter of tanks, guns, and ammunition, all vitally needed for the war in Vietnam, reaching the ports for shipment to Southeast Asia.

It is a matter of this Nation's agricultural products reaching ports for shipment to foreign nations—nations who depend heavily on receiving those products.

It is a matter of sustaining the high level of employment which we have achieved. A strike would have a spreading effect on factories and industries which would have to shut down for lack of raw materials and bulk commodities.

It is a matter of maintaining our postal service. The Post Office would be forced to refuse all second-, third-, and fourth-class mail, including parcel post, moving more than 150 miles from origin.

The question, then, is what do you do to prevent such a crippling strike? Do you junk the collective-bargaining process and impose a hurried settlement? Do you seize the railroads in an unwarranted intervention of the Government into private industry? Do you put the Congress in the business of setting wage rates?

Or do you continue the collective bargaining process, build upon the substantial agreements that have already been reached, and guarantee continued rail service? This is the course that must be taken. The proposals in the amendment to the resolution before us offered by the gentleman from Florida are the best possible under the circumstances. We have run out of alternatives. We have run out of time.

We have 211,500 miles of railroads that carry 738 billion ton-miles of freight in a single year to over 50,000 communities. We are not so rich and powerful a nation as to ignore the importance of those figures.

In 1963, the Council of Economic Advisers estimated that a rail strike of a single month's duration would produce a decline in our gross national product of over 13 percent—nearly four times the quarter-to-quarter drop in GNP during our greatest postwar recession in 1957–58. Even the richest Nation on earth cannot afford that.

Nearly 40 percent of the ton-miles of Defense Department freight moves by rail—the most powerful nation on earth cannot afford to interrupt that flow.

I feel strongly that this is not the time for seizure of the railroads.

This is not the time to deny the laboring man the right to strike.

This is the time to extend once again to both management and labor in this dispute, an opportunity to resolve the differences with free and open collective bargaining.

I strongly urge the passage of the Pepper amendment to the resolution before us.

Mr. ANNUNZIO. Mr. Chairman, I am opposed to, and shall vote against, the administration's proposal and any similar effort to take away from labor its right to strike.

I have followed very carefully the course of this dispute between the carriers and the nonoperating unions. Mr. Chairman, there has not been any genuine effort made by the railroads to arrive at a settlement in this dispute. There has not been any disposition on the part of the representatives of the carriers, at any time, to sit down and honestly engage in the genuine give and take of collective bargaining. This is how I read the record.

Allow me to cite an example from that record. Last March, during the 30-day period following the submission of the report of the Presidential Emergency Board, the chief management negotiator, Mr. J. E. Wolfe, informed the negotiators for the unions that if they would make him a serious settlement proposal he would give it "profound" consideration. The unions responded with an offer which, among other matters, scaled down their original request for a 20-percent general pay increase to one for 7 percent.

This proposal was made on March 29. The railroads "considered," all right. They considered the proposal for 5 minutes and rejected it. This was their "profound" consideration.

Management did, however, promise a counterproposal. But it was not made at the next meeting or the next. Indeed, as far as I am aware, no actual counterproposal has yet been made, at least none which is on record. The unions cut their demand from 20 percent to 7 percent to 6½ percent. The railroad would not budge from their original position of 5 percent.

To my way of thinking, the railroads are stalling, hoping, believing, expecting, that, as a rail strike will not be allowed, they have only to hold back and have Congress intervene and force a settlement.

They can look to a considerable body of precedent. We intervened for them in 1963. I think you know, Mr. Chairman, how that intervention turned out. The carriers had hoped to get an agreement which would permit some 5,000 to 7,000 firemen to be discharged. Congress passed a law which allowed some 17,000 to be fired.

We all remember, too, I fear, the 1946 strike emergency. We remember, too, that it was settled, and without legislation.

Mr. Chairman, I shall be brief. We have heard repeatedly that there is no substitute for collective bargaining. Then we have heard it said that strikes on the railroads are intolerable. By now it should be clear to this sort of double-talk leads only to an abdication of bargaining responsibility by whichever party to the bargaining that fancies it will be the gainer if governmental intervention takes place.

One slogan must be dropped. If we abandon hope of collective bargaining and insist only that a strike cannot be tolerated, our course is clear. Let me call the attention of the Speaker to what Congress did in 1916. Then a railroad strike threatened under world conditions when our intervention in a war seemed likely. President Wilson and Congress responded by passage of the Adamson Act—a dictated settlement along lines which had been previously accepted by the unions and rejected by the carriers.

Let me call the attention of the gentlemen who represent our railroads to this settlement. They need not assume that if they force matters to a showdown they will like what Congress does to settle the dispute. This is not 1916, but neither is it 1963.

The other alternative for Congress is to refuse to intervene, to tell both parties that they must reach a settlement, and to assist them in every way possible to do so.

Let me call the attention of the parties to another dispute. In 1941, when America knew it was on the road to war, and was straining every effort to arm its allies and to rearm itself, a rail strike was threatened. The issues, as today, concerned wages and vacations. This strike was settled by an Emergency Board, which, after its original recommendations, based on the record made at its hearings, were rejected, then proceeded to mediate the dispute and obtained a settlement. The employees received a substantial wage increase and paid vacations. The carriers were subsequently allowed a rate adjustment to offset, in part, their increased costs.

If I were sitting at the bargaining table and had a choice of making concessions and reaching a settlement as in 1941 or having one dictated to me by the

Congress as in 1916, I would say, again, "there is no substitute for collective bargaining," and, this time, prove it, by engaging in such bargaining.

Mr. Chairman, there is no room in America for compulsory arbitration which is tantamount to slave labor. We in America pride ourselves on our free trade labor unions and genuine collective bargaining. I am voting against the administration's proposal in order to preserve these cherished American ideals.

Mr. FULTON of Pennsylvania. Mr. Chairman, above all else, as we consider this resolution before us today, I hope that we will profit by past experience. Congress took the road of compulsory arbitration in a railroad labor dispute back in 1963. I warned against that course at the time. We have now had nearly 4 years of experience under that 1963 compulsory arbitration law, and it has not worked farily, it has not worked justly, and it has not settled that railroad work rules dispute. That 1963 dispute may well return to haunt us here in Congress again—as I shall explain in a minute. The only real solution for labor-management disputes in a free enterprise economy lies in collective bargaining and freely negotiated settlements. Let us emphasize that point. Let us look at this resolution before us not only from the standpoint of the dangers of a national railroad strike but also from the standpoint of whether this resolution would help or hurt collective bargaining and the prospect for a negotiated settlement.

What is the substance of this resolution? It is another action of compulsory arbitration. It can be called "mediation to finality." But the fact is that under this resolution a new Special Board—a Government board—is given the power, after 90 days, to impose on the parties its own decision about wages and terms of work. That is compulsion. It is the very opposite of collective bargaining.

The resolution gives the parties the right to make a collective bargaining agreement and supersede the Special Board procedure. But how much does this mean? In practical terms, it means nothing. Back in 1963, Congress gave the two sides the same right—or thought it did. But as soon as Congress passed that 1963 compulsory arbitration law, collective bargaining in that dispute ceased, on the two issues that Congress put under compulsion.

I voted against that resolution in 1963. At that time I made for the RECORD the following statement:

> Mr. FULTON of Pennsylvania. Both sides of this railroad dispute have been in to see me in my office, and not a few of them. My advice to each one is, go back and bargain collectively. Come up with a good contract agreement, as you should, not only for the benefit of the railroad business but for the benefit of the labor movement of this country. Management and labor should run the U.S. railroads, not the U.S. Government.
>
> I would like to point out further that this is a very unusual thing where railroad management and the owners in this country are not only sitting on the lap of Government, but they are jumping on it. Where is this industry, this free enterprise that has said, "Let me handle management affairs without Government interference, and keep big government out"? Where is this brave new world of free enterprise which is always coming in here and saying to me, "JIMMY, do not put more controls on us"? Here in the railroad dispute, we have industry itself coming in and asking for compulsory arbitration.
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> May I point out further that the method of enforcement of this particular resolution is by force. This is return to the old injunction procedures without specifically saying it. The administration must now come to injunction by force and by court order. We people in the steel industry and in the coal mining areas of this country know what rule by injunction was. We have advanced beyond that in Pennsylvania. I hope the Congress will defeat this resolution, because first, it is ex post facto; secondly, it is rule by injunction; and thirdly, this proposed legislation is setting the terms of agreement and employment by Government action which is a completely new departure in labor-management legislation in America.
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> I would emphasize that the Taft-Hartley 80-day delay provision is a cooling-off period only and does not settle the terms of the contract for the parties, as this legislation does. We must remember that the Taft-Hartley Act did not settle or terminate the dispute, it simply postpones and maintains status quo for 80 days. I emphasize the Taft-Hartley Act postponed. in order to have a cooling-off period. This proposed legislation makes the Taft-Hartley Act provisions look like a summer tea party. This legislation not only provides a cooling-off period, not for 80 days but for 150 to 180 days, and on top of that, imposes for 2 years the word of the Government on everything through compulsory arbitration. This determines who shall be employed, who loses his job, and can easily be extended to wages, hours, and working conditions. It is impossible and implausible to divide up collective bargaining so that by this legislation there can be collective bargaining on one part, or on two parts or six parts, of an industrial dispute such as this, and then have forced arbitration on two basic proposals in dispute between the parties, with the arbitration board decisions binding on both parties. My experience in collective bargaining has been as attorney representing both management and labor and as a small employer. I have 70 or 80 employees on 6 newspapers who are represented by their chosen union. And let me tell you that we have our arguments. I have had big disagreements with the representatives of these employees. We have worked out all problems by collective bargaining and voluntary agreement. I like collective bargaining procedures and oppose this resolution which substitutes, for collective bargaining and freedom of contract, compulsory arbitration and imposition of settlement on the parties by Government force and action. This is a bad precedent.
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> Congress should make these people go back to free collective bargaining, the industry must get over this attitude of sitting on its hands and waiting for Congress to do something and rescue them. The railroads must be run by people in the railroad industry, and they will be better and more efficiently managed and run.
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> Neither Congress nor the President should assume the authority to direct the terms and procedures which mandatorily prescribe rules that determine the provisions contained in a labor-management contract large or small. We in this House should make the conditions which encourage free collective bargaining, the best that can be worked out. As soon as this House takes over the settlement of disputes, that is the beginning of the end for collective bargaining in this country.

Mr. Chairman, I wish every Member of the House could go through the testimony relating to that 1963 law at the recent hearings of the Interstate and Foreign Commerce Committee on the resolution now before us. I wish we could all read the testimony of the presidents of the two unions most affected by that law, the Locomotive Firemen and the Trainmen—testimony that was underscored. The railroads have gone through a sorrowful time under that 1963 law.

I would like to quote a few remarks in the recent hearings by U.S. Secretary of Labor W. Willard Wirtz about the 1963 law. Secretary Wirtz, as you know, supported that earlier resolution. There were many claims at that time that the resolution was not really compulsory arbitration, that the resolution was simply building upon the collective bargaining in the case. Secretary Wirtz said in regard to the 1963 law in his testimony of May 9, 1967, before the Interstate and Foreign Commerce Committee that the 1963 law "turned out to be compulsory arbitration. There was an effort, an honest effort made, to prevent that happening because the Congress wrote into that law that the Arbitration Board shall incorporate in its decision any matters on which it finds the parties were in agreement, shall resolve the matters on which the parties were not in agreement and shall, in making its award, give due consideration to those matters on which the parties were in tentative agreement, and to the narrowing of the areas of disagreement which had been accomplished in bargaining and mediation. But we all know that it developed—that the board found it necessary to establish its own framework of decision."

That Arbitration Board paid little or no attention to the instructions of Congress. The board established its own "framework of decision." And the courts—bless them—upheld that arbitration in so doing. Secretary Wirtz said further that there resulted "a lot of litigation, some of which is still pending." Still pending—after 5 years of what was supposed to be, under the law, a 2-year arbitration. Secretary Wirtz summed it up as an "unfortunate experience"—House hearings, pages 14–16.

Mr. Chairman, that was the Secretary of Labor speaking about that 1963 compulsory arbitration law—a law he came up here at the time and asked the Congress to enact. Now the administration is up here again, for the same purpose, with essentially the same kind of bill, in another railroad dispute. One such experience ought to be enough. I predict that the parties would quickly settle this dispute by themselves. And that should be our goal.

I am glad I voted against the 1963 bill. Congress should realize that this one experience ought to be enough. How much will be left? It will be practically the end of collective bargaining. The House of Representatives should have the courage not to pass this resolution designed to take away collective bargaining procedures from the industry.

My position is that the parties should be notified to bargain continuously under collective bargaining procedures and to avert the strike which might occur at midnight on Monday, June 19. We in Congress have given ample extension to the parties for collective bargaining.

Good faith requires good collective bargaining.

Good corporate and good union management require contract provisions freely arrived at through collective bargaining procedures rather than the heavy hand of Government in effect taking over the decisions of the railroad industry, though not the operations at this time.

The U.S. Congress should not set contractual terms for employment except for minimum wages in any U.S. industry, and should not control collective bargaining contracts that have provisions governing hours, wages, fringe benefits, vacations, insurance provisions, and so forth, which are the essence of successful corporate management, successful union endeavor, and the operation of the free enterprise system.

Mr. MORTON. Mr. Chairman, in good conscience, I saw no alternative but to support the amendment so eloquently presented by the gentleman from Florida to eliminate compulsory arbitration from the resolution before us.

Let us not regard this amendment as a solution. It is, in fact, and in short, a provision of time in which a solution to the railway labor problem before the Nation can be finally developed.

We have been told over and over again during this debate, that if the Congress fails to act, and if the committee bill before us fails to pass, the Nation's great arteries of commerce, the railroads, will come to a screeching halt, military supplies will be dammed up and our boys in Vietnam undermined for lack of logistic support.

Mr. Chairman, yesterday was Flag Day. In this Chamber resounded the words and music of patriotism unprecedented. The ceremony here was a stern reminder of our need for national purpose and unity of effort. The question is, Does this requirement apply only to us in this Chamber or does it apply equally to the thousands of people who work for the railroads and the hundreds in their management?

I cannot for one minute believe that the level of patriotism of the railroad workers, who have contributed so much to the building of this country would allow them to stand on principle to the extent that a single boy's life in Southeast Asia would be jeopardized because of a failure to deliver the goods. As a nation, we have too much to lose and too little to gain by arbitrary stubbornness which could tie up the world's greatest transportation system.

Therefore, Mr. Chairman, time is needed and the amendment provided it. In the issues that separate the parties, there is a middle ground to be found by probing and negotiation and not by legislation or arbitration. I supported this amendment, not because in it I saw the answer, but because it would again have given men of good faith who operate our vast railroad network and men of equally good faith who represent its vital skills a new opportunity to reflect upon the needs of their country to find in themselves the energy to pursue the search for an equitable solution. To expect them to do otherwise in these times would indeed be downgrading their sense of responsibility to a nation of which they are an integral part, a nation to which they have contributed so much and yes, a nation who has given unlimited opportunity and unprecedented success. Let us get on with the resolution.

Mr. CLEVELAND. Mr. Chairman, the 2 days of debate and discussion here in the House on House Joint Resolution 559 have not changed my intention of again voting against this sort of legislation. Admittedly, there are compelling reasons for this legislation but I am troubled by the fact that once again Congress is being used to settle a strike by compulsory arbitration in a crisis atmosphere on an ad hoc basis and under intense administration pressure.

In addition, I am disturbed by the fact that this administration has not yet submitted its promised recommendations to the Congress for general legislation to meet the problem of strikes that affect the national interest within the framework of a free representative government. It is true this is a difficult assignment, but the record is clear that an explicit promise for general legislation was made by the President right here in this House in his 1966 state of the Union message. The President said here on January 12, 1966:

> And I also intend to ask the Congress to consider measures which, without improperly invading state and local authority, will enable us effectively to deal with strikes which threaten irreparable damage to the national interest.

By attempting to settle this strike at the last minute, on an ad hoc basis, and under pressure, we are simply putting off the day when we will face up to our real responsibilities to legislate generally in this critical area.

Four years ago we enacted—then, too, at the last minute—work rules legislation to settle a railway dispute. The issues involved in that dispute are still not settled, and more congressional action may be needed. This points up the futility of using Congress as a glorified arbitration board. This is not fair to labor, management, or the public.

Mr. RANDALL. Mr. Chairman, if House Joint Resolution 559 were before this body for a record vote, without amendment, many of us would have no recourse but to vote against the resolution. It is appropriate I should state the reasons why.

One of the foremost objections is that the resolution would have taken away the right of collective bargaining, no matter how many denials to the contrary. The provisions of House Joint Resolution 559 is nothing more or less than compulsory arbitration. Let us look for a minute at some of the other things going on in this country and then try to understand why collective bargaining should be the first freedom limited or restricted as a casualty of the Vietnam conflict. We have had the "beatniks" and "peaceniks" who have laid across the railroad tracks to stop shipments to Vietnam. We have had the flag burners. Also the draft-card burners. For some strange reason all of them have been forgiven. Why does it suddenly become an injustice and something evil for workingmen to hold out for a rate of pay they believe they deserve.

In all of the debate the grave urgency and the talk of a national emergency is predicated upon the movement of defense materials to Vietnam. Railroad labor offered to move shipments necessary to the military effort and also all shipments necessary to the public health. It is hard to understand why there was a flat refusal by administration spokesmen of this offer, but it is a fact the offer was rejected.

Another reason I cannot support House Joint Resolution 559 without amendments is that the entire penalty is placed against the railroad workers. There is no comparable penalty of any kind against railroad management. These railroad corporations will benefit by profit from the labor of their employees during the time of the injunction imposed by this resolution. We have all heard the expression that this resolution will mean forced labor. True, these workers can quit their jobs, but, if so, they lose their seniority and retirement and they must work some place to support their families.

Mr. Chairman, when all the oratory is silenced and all of the use of rhetoric has been concluded and we come to consider what is fair and equitable and the application of good conscience, if the railroad workers are denied their right to strike and enjoined and restrained in this matter then certainly equal restraint should be placed against management.

If railroad workers are forced to work for wages they have not agreed to and have no recourse but to lose all the rights acquired over the years when they quit their jobs, then railroads should be prevented from exercising some of the privileges they have enjoyed such as the right to abandon service, proposal of mergers or to apply for change of rates. All I am saying is both sides should be treated alike. Some restrictions must be placed on management if restrictions are going to be placed upon labor.

For the Record, I want to make it plain I supported House Joint Resolution 585 offered as an amendment in the nature of a substitute which contemplated evenhanded pressure on both parties. It said in effect that Congress expects labor and management to settle the differences by collective bargaining rather than by ad hoc settlements. After this amendment was defeated, I supported House Joint Resolution 611 which would provide the granting of extraordinary power to the President to order the railroads to carry defense materials and such shipments as are necessary for the national health. After this was defeated, I supported the Ottinger amendment which would give the President the option of invoking either so-called seizure provisions or other provisions of House Joint Resolution 559 because I felt the President should be given the responsibility to determine the choice of tools at such times as negotiations broke down rather than come back and dump this matter again in the lap of the Congress at the last minute before a national tie-up is about to occur. Then when this amendment was defeated, I supported the Dingell comparability amendment, only to see this go down to defeat. Finally and most reluctantly, I supported the Pepper amendment upon the faith and hope that the Senate will accept the House action for another 90 days extension to permit the parties to make a last effort to iron out their differences, rather than have to submit to compulsory arbitration which could be binding until 1969.

Those who would be critical say there may be a strike at midnight Sunday. I have confidence rail labor groups will not strike as long as this matter is in conference and as long as they believe there is a reasonable hope that the House and Senate can agree. In this instance the Senate should and must recede from its position and concur with the House.

One thing more should be put in the RECORD. Railroad management has found time or consented to sit down around the collective bargaining table for only 6 hours and 40 minutes in the past 2 years. While these figures have been furnished by the Railway Labor Association, I have checked this with members of our Commerce Committee and they tell me they believe it is accurate. Can it be true that the reason management has been so reluctant to sit down and negotiate, is because of their hope, their omission to engage in collective bargaining would force Congress into compulsory arbitration?

Maybe it is more true that some believe that the administration's one-sided bill has caused the railroads to become confident that they can drop every effort toward settlement. It is my opinion management should be warned against trying this sort of thing. The other body may continue on their course, but in my opinion, the House will insist that if restraints and restrictions are placed upon labor, some equal restrictions be placed against management to serve as a source of motivation for the parties to commence to work together in an effort to agree between themselves.

Finally, let me make it crystal clear for the record, railroad labor is not strike happy. Out of 42 national negotiations launched by the unions in the past 15 years, 40 of these 42 have been settled without a crisis reaching Congress.

Mr. ASHLEY. Mr. Chairman, the prospect of compulsory arbitration is repugnant to a vast majority of this body and the citizenry of our country. The strength of our great industrial society, the most productive in the history of mankind, is directly attributable to the vitality of our labor movement and the process of free collective bargaining.

Successful collective bargaining requires not only a sense of responsibility on the part of management and labor but also a recognition by them of the public interest. When this critical element is overlooked or ignored the inevitable result is a weakening of economic stability and injury to the public.

In situations in which the potential injury to the public is irreparable, it is fundamental that the Government intercede in behalf of an otherwise voiceless citizenry.

This is the situation that confronts us today, Mr. Chairman. We have it on no less authority than that of the President of the United States, the Secretary of Defense, Secretary of Labor, and the Secretary of Transportation that a nationwide railway strike would cripple our war effort and damage our economy incalculably. We are told that the continued support of American fighting forces in the Far East is heavily dependent upon our domestic rail system. Transportation experts have provided impressive evidence that, in the event of a strike, it would be impossible to provide special handling of defense products in any acceptable volume.

According to the testimony by the Secretary of Transportation, the maximum divertible amount of transfer from rail to other carriers is approximately 10 percent of the normal rail volume and this would only be attainable after several weeks of extensive adjustment. Even if efforts were made to continue purely military shipments by rail, injury to our Nation's economy would soon cause budgetary problems so serious as to affect our national security.

Because it is widely recognized that a shutdown of our railroads would result in unacceptable injury to the American public, efforts have been made to achieve a legislative solution to the bargaining impasse. The bill before us, passed earlier this week in the Senate, is in my view an awkward and inequitable mechanism to achieve this end. It provides first for a 90-day extension of the injunction against the strike, then calls for a special 5-member Board appointed by the President to report back with a determination of the dispute within 60 days. In the event the parties have not reached an agreement before the expiration of the injunction, then the Board's determinations take effect and continue until the parties reach agreement or until July 1, 1969, whichever comes first.

Under the circumstances, it seems clear to me that management is in an enormously advantageous position. They can await the findings of the Special Board and then decide whether the recommendations are to their advantage or whether it is more advantageous to seek an agreement with labor.

Should the Special Board recommendations be favorable in their eyes, they could forestall further bargaining and accept a settlement which would freeze the Board's findings and guarantee 2 years of labor peace.

Under the Senate proposal, the position of the railroad employees would obviously be very different from that of any other employees in private industry and they would be at a distinct disadvantage. Their choice would simply be to accept the Board's demands in the form of a labor contract or face the imposition of a 2-year coverage of the Board's findings.

This mechanism which purports to offer the means of equitably resolving the areas of dispute offers options to management which simply are not available to labor.

The three aims of legislation in this dispute should be to prevent railway strikes during a national emergency, to require the parties to bargain collectively and arrive at a negotiated settlement, and in the event of failure to set a helpful rather than a harmful precedent.

The Senate proposal would answer the first requirement but it would discourage negotiated settlement and thus set a harmful precedent. The proposed substitute, House Joint Resolution 585, contemplates more evenhanded pressures on both parties to settle. Further, it would provide strong evidence that Congress expects labor and management in this critical industry to settle disputes by collective bargaining and not hold out false hopes of congressional largesse.

Quite honestly, I feel that seizure is an extreme recourse, but I am deeply concerned about congressional action freezing employee rates while leaving management's prerogatives, including higher profits, untouched.

Another compelling reason for supporting the substitute is procedural in nature. If the House adopts legislation differing from the Senate version, the matter will go to a House-Senate conference where it may be entirely possible to work out a compromise which would impress upon management a prospective burden short of seizure, but enough of a deterrent to encourage them to bargain in good faith to settle their differences.

Mr. Chairman, I am opposed to compulsory arbitration, regardless of its form or by what other names it may be disguised, because I believe it weakens the basic responsibility of management and labor and the process of free collective bargaining.

I will continue to vote for amendments which will result in equal treatment to the parties of the dispute before us.

In the final analysis, Mr. Chairman, I am going to support responsible legislation because nearly 50,000 American men are fighting a grim and desperate war 10,000 miles from where we sit today. These men surely desire the full support of the Nation they serve. No labor-management dispute, regardless of the industry, can be allowed to deprive these men of the continuous flow of materiel and supplies upon which their lives depend.

The **CHAIRMAN.** Under the rule, the Committee arises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. MILLS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 559) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees, pursuant to House Resolution 511, he reported the joint resolution back to the House with sundry amendments adopted by the Committee of the Whole.

The **SPEAKER.** Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. PICKLE. Mr. Chairman, I demand a separate vote on the so-called Pepper amendment.

The **SPEAKER.** Is a separate vote demanded on any other amendment?

If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amend page 4 by striking out line 25 and all that follows down through and including line 24 on page 5, and renumber the succeeding sections accordingly.

The SPEAKER. The question is on the amendment.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PICKLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. CUNNINGHAM. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. CUNNINGHAM. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CUNNINGHAM moves to recommit the joint resolution (H.J. Res. 559) to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the nays appeared to have it.

Mr. PICKLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the joint resolution.

The joint resolution (H.J. Res. 559) was passed.

A motion to reconsider was laid on the table.

Mr. FRIEDEL. Mr. Speaker, pursuant to House Resolution 511, I call up from the Speaker's table for immediate consideration Senate Joint Resolution 81 to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

The Clerk read the title of the Senate joint resolution.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 81

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and certain of their employees represented by the International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; Sheet Metal Workers' International Association; International Brotherhood of Electrical Workers; Brotherhood of Railway Carmen of America; International Brotherhood of Firemen and Oilers functioning through the Railway Employees' Department, AFL–CIO, labor organizations, threatens essential transportation services of the Nation; and

Whereas Emergency Board Numbered 169 (created by Executive Order 11324, January 28, 1967, 32 F.R. 1075) has made its report; and

Whereas, under procedures for resolving such dispute provided for in the Railway Labor Act as extended and implemented by Public Law 90–10 of April 12, 1967, as amended, the parties have not succeeded completely in resolving all of their differences through the processes of free collective bargaining; and

Whereas related disputes have been settled by private collective bargaining between the carriers and other organizations representing approximately three-quarters of their employees, so that the present dispute represents a barrier to the completion of this round of bargaining in this industry; and

Whereas a Special Mediation Panel appointed by the President upon enactment of Public Law 90–10 proposed settlement terms to assist the parties in implementation of the collective bargaining envisaged in the recommendations of Emergency Board Numbered 169; and

Whereas it is desirable to provide procedures for the orderly culmination of this collective bargaining process; and

Whereas the national interest, including the national health and defense, requires that transportation services essential to interstate commerce be maintained; and

Whereas the Congress finds that an emergency measure is essential to security and continuity of transportation services by such carriers: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a Special Board for the purpose of assisting the parties in the completion of their collective bargaining and the resolution of the remaining issues in dispute, The Special Board shall consist of five members to be named by the President. The National Mediation Board is authorized and directed (1) to compensate the members of the Board at a rate not in excess of $100 per each day together with necessary travel and subsistence expenses, and (2) to provide such services and facilities as may be necessary and appropriate in carrying out the purposes of this resolution. For the purpose of any hearing conducted by the Special Board, it shall have the authority conferred by the provisions of sections 9 and 10 (relating to the attendance and examination of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 26, 1914, as amended (15 U.S.C. 49, 50).

SEC. 2. The Special Board shall attempt by mediation to bring about a resolution of this dispute and thereby to complete the collective bargaining process.

SEC. 3. If agreement has not been reached within thirty days after the enactment of this resolution, the Special Board shall hold hearings on the proposal made by the Special Mediation Panel, in its report to the President of April 22, 1967, in implementation of the collective bargaining contemplated in the recommendation of Emergency Board Numbered 169, to determine whether the proposal (1) is in the public interest, (2) is a fair and equitable settlement within the limits of the collective bargaining and mediation efforts in this case, (3) protects the collective bargaining process, and (4) fulfills the purposes of the Railway Labor Act. At such hearings the parties shall be accorded a full opportunity to present their positions concerning the proposal of the Special Mediation Panel.

SEC. 4. The Special Board shall make its determination by vote of the majority of the members on or before the sixtieth day after the enactment of this resolution, and shall incorporate the proposal of the Special Mediation Panel with such modifications, if any, as the Board finds to be necessary to (1) be in the public interest, (2) achieve a fair and equitable settlement within the limits of the collective bargaining and mediation efforts in this case, (3) protect the collective bargaining process, and (4) fulfill the purposes of the Railway Labor Act. The determination shall be promptly transmitted by the Board to the President and to the Congress.

SEC. 5. (a) If agreement has not been reached by the parties upon the expiration of the period specified in section 6, the determination of the Special Board shall take effect and shall continue in effect until the parties reach agreement or, if agreement is not reached, until such time, not to exceed two years from January 1, 1967, as the Board shall determine to be appropriate. The Board's determination shall have the same effect (including the preclusion of resort to either strike or lockout) as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.).

(b) In the event of disagreement as to the meaning of any part or all of a determination by the Special Board, or as to the terms of the detailed agreements or arrangements necessary to give effect thereto, any party may within the effective period of the determination apply to the Board for clarification of its determination, whereupon the Board shall reconvene and shall promptly issue a further determination with respect to the matters raised by any application for clarification. Such further determination may, in the discretion of the Board, be made with or without a further hearing.

(c) The United States District Court for the District of Columbia shall have exclusive jurisdiction of all suits concerning the determination of the Special Board.

SEC. 6. The provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160), as heretofore extended by law, shall be hereby extended until 12:01 o'clock antemeridian of the ninety-first day after enactment of this resolution with respect to the dispute referred to in Executive Order 11324, January 28, 1967.

Mr. FRIEDEL. Mr. Speaker, I move to strike out all after the resolving clause of Senate Joint Resolution 81 and to insert the language of House Joint Resolution 559, as passed by the House.

The Clerk read as follows:

Mr. FRIEDEL moves to strike out all after the resolving clause of Senate Joint Resolution 81 and insert the provisions of House Joint Resolution 559, as passed by the House, as follows:

"That there is hereby established a Special Board for the purpose of assisting the parties in the completion of their collective bargaining and the resolution of the remaining issues in dispute. The Special Board shall consist of five members to be named by the President. The National Mediation Board is authorized and directed (1) to compensate the members of the Board at a rate not in excess of $100 per each day together with necessary travel and subsistence expenses, and (2) to provide such services and facilities as may be necessary and appropriate in carrying out the purposes of this resolution. For the purpose of any hearing conducted by the Special Board, it shall have the authority conferred by the provisions of sections 9 and 10 (relating to the attendance and examination of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 26, 1914, as amended (15 U.S.C. 49, 50).

"Sec. 2. The Special Board shall attempt by mediation to bring about a resolution of this dispute and thereby to complete the collective bargaining process.

"Sec. 3. If agreement has not been reached within thirty days after the enactment of this resolution, the Special Board shall hold hearings on the proposal made by the Special Mediation Panel, in its report to the President of April 22, 1967, in implementation of the collective bargaining contemplated in the recommendations of Emergency Board Numbered 169, to determine whether the proposal (1) is in the public interest, (2) is a fair and equitable settlement within the limits of the collective bargaining and mediation efforts in this case, (3) protects the collective bargaining process, and (4) fulfills the purposes of the Railway Labor Act. At such hearings the parties shall be accorded a full opportunity to present their positions concerning the proposal of the Special Mediation Panel.

"Sec. 4. The Special Board shall make its determination by vote of the majority of the members on or before the sixtieth day after the enactment of this resolution, and shall incorporate the proposal of the Special Mediation Panel with such modifications, if any, as the Board finds to be necessary to (1) be in the public interest, (2) achieve a fair and equitable settlement within the limits of the collective bargaining and mediation efforts in this case, (3) protect the collective bargaining process, and (4) fulfill the purposes of the Railway Labor Act. The determination shall be promptly transmitted by the Board to the President and to the Congress.

"Sec. 5. The provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160), as heretofore extended by law, shall be hereby extended until 12:01 o'clock antemeridian of the ninety-first day after enactment of this resolution with respect to the dispute referred to in Executive Order 11324, January 28, 1967."

The motion was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 559) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO SPECIAL SUBCOMMITTEE ON EDUCATION TO SIT DURING REMAINDER OF SESSION TODAY

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the special Subcommittee on Education be permitted to sit during the remainder of the session of the House of this afternoon.

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, would the gentleman repeat his request?

Mr. PERKINS. I have asked unanimous consent for the special Subcommittee on Education to sit for a hearing, for the remainder of the session this afternoon, because we are trying to agree on reporting out a bill.

Mr. GERALD R. FORD. Has this been cleared with the ranking minority Member?

Mr. PERKINS. Yes, it has been cleared with the gentleman from Minnesota [Mr. Quie] and the gentleman from New York [Mr. Goodell] on your side.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

LEGISLATIVE PROGRAM

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute for the purpose of asking the distinguished majority leader what the schedule or program is for the remainder of this week and possibly next week.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ALBERT. Mr. Speaker, will the gentleman yield to me?

Mr. GERALD R. FORD. I am glad to yield to the gentleman.

Mr. ALBERT. Mr. Speaker, with reference to the inquiry of the distinguished minority leader, we will of course meet tomorrow but we will put over the legislative business that we have scheduled for today until next week.

We will announce the legislative program for next week either tomorrow or Saturday.

Mr. GERALD R. FORD. May I ask the distinguished majority leader whether it is contemplated that conferees will be appointed. Undoubtedly, a conference will be held on the legislation which was just passed, but of course we do not know when the conferees will meet.

Mr. ALBERT. May I say to the gentleman that until the Senate acts on the House joint resolution, as passed, I do not believe I would be in a position to advise the Members. If the Senate should agree to the House amendment, of course, that would end the matter. If the Senate should disagree and ask for a conference, I, without having consulted with the Speaker, would think that the appointment of conferees would be the next order of business.

Mr. GERALD R. FORD. Is it possible that there would be a conference report on this tomorrow and/or Saturday?

Mr. ALBERT. It is possible; yes.

Mr. GERALD R. FORD. We are not ruling out the possibility, then, of a session on Saturday?

Mr. ALBERT. No; we are not.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. Would that be the only legislative business?

Mr. ALBERT. That is the only legislative business that we plan to program for the balance of the week, if that becomes in order.

STAR-CHAMBER OTEPKA CASE

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, the newspaper articles which I shall insert in the Congressional Record as a part of my remarks tell the story of a series of amazing decisions in the State Department and by high officials of that Department in the attempt to fire Otto F. Otepka, Chief Security Evaluator.

The Otepka hearing is presently being conducted behind closed doors in the State Department and behind a cloak of secrecy that is totally unwarranted. The exclusion of the public and the press is an apparent coverup of the illegal and unauthorized eavesdropping and wiretapping that has been condoned by high State Department officials.

Simple justice to Otepka demands that the transcript of the hearings be made public. It also demands that the doors to the hearings be open so that the people of this country may have a day-to-day account of this outrageous affair.

Simple justice also demands that the State Department provide Otepka with the recordings and transcripts of the illegally acquired recordings of his—Otepka's—telephone conversations. As an honorable employee of this Government he is certainly entitled to these recordings and transcripts in defending himself.

This is particularly true at a time when the Johnson administration went so far out of its way to make records of wiretapping available to Bobby Baker, James Hoffa, and Fred B. Black, Jr.

Otepka is fighting to save his job and the integrity of the whole Government personnel system is at stake in this case.

Mr. Speaker, the following newspaper articles set forth in detail the sordid story of the persecution of Otto Otepka:

Furor Over Secrecy in Otepka Case—Gross Calls Action Another "Injustice"

(By Clark Mollenhoff)

Washington, D.C., June 11, 1967.—The State Department last week clamped the tight secrecy of a national security classification on the Otto F. Otepka personnel hearings despite the fact that all documents to be produced at the hearings have been made public.

The State Department action has already resulted in protests from Congress, with Representative John M. Ashbrook (Rep., Ohio) declaring that this "unfair" treatment of an employee by the "federal juggernaut" will discourage responsible and competent people in government.

GROSS IS SHOCKED

Representative H. R. Gross (Rep., Ia.) expressed his "shock" in a letter to Secretary of State Dean Rusk, at learning that a State Department hearing officer had ruled that a transcript of the Otepka hearing was to carry a national security classification of "confidential."

Gross said that the secret hearings constituted "an outrageous injustice" piled upon many injustices in the handling of the Otepka matter.

Gross declared that he believed "an open hearing was assumed as essential to basic fair play in a democracy."

The secrecy action was taken at the request of Irving Jaffe, a Justice Department lawyer, who is serving as lawyer for the State Department in an effort to fire Otepka, chief security evaluator.

Otepka and his lawyer, Roger Robb, have protested the security classification, but were overruled by hearing officer Edward Dragon.

PROVIDED DOCUMENTS

Otepka, a veteran Civil Service lawyer with more than 25 years of seniority, is charged with "insubordination" because he provided three State Department documents to a Senate investigating subcommittee to prove that he had given truthful testimony relative to the handling of a security case.

The State Department contends that Otepka violated a State Department and executive branch order by failing to clear with his superior, John F. Reilly, before giving the documents to the Senate internal security counsel, J. G. Sourwine.

Otepka and his counsel contend that he was required to produce the documents to prove he was telling the truth and that it was unreasonable to expect him to clear this with Reilly because those documents proved that Reilly had given untruthful testimony under oath relative to the handling of the security case in question.

There was a national security classification of "confidential" on two of the three documents that Otepka gave to the Senate Internal Security Subcommittee, but violation of security is not an issue since the committee staff and members are cleared to receive access to such documents.

NO LONGER ISSUE

However, the secrecy of the documents is no longer an issue because the Senate subcommittee has reviewed them, judged that no security problem is involved and has published them in a report released to the public months ago.

The secrecy was imposed over the objections of Robb, who argued that his client has nothing to hide and that he wants a full open hearing so the public can see the kind of case the State Department is trying to make for firing him.

Jaffe said that two documents with national security classifications will be introduced into the evidence, and that therefore the entire transcript should be classified.

Robb argued that it would be possible to conduct an open hearing on all other matters and only impose secrecy on the two documents that carry a security classification.

Jaffe also confirmed that the State Department formally has dropped 10 of 13 charges that were placed against Otepka by Reilly.

The 10 charges being dropped involved allegation that Otepka had mutilated some classified documents found in his burn bag. Otepka has denied these charges, has contended that those charges were a frame-up and has said he would take a lie detector test if Reilly and other State Department superiors would also submit to a lie detector test.

"INSUBORDINATE CHARGES"

The three charges still pending against Otepka are allegations that he was "insubordinate" in giving three documents to the Senate subcommittee without informing his superior, Reilly.

Otepka and Robb argue that Otepka had a responsibility to tell the truth to a properly authorized committee of Congress, and to produce the documents to prove the truth of his statements.

Jaffe told The Register that he does not plan to call Reilly as a witness and that he is not sure that Reilly will appear as requested to be questioned by Robb.

Jaffe also told The Register that since Reilly is no longer with the State Department, he cannot assure Otepka that Reilly will appear voluntarily.

REILLY WITH FCC

"It is up to Reilly to determine if he wants to testify," Jaffe said. "He is now an employe of another agency [The Federal Communications Commission (FCC)] and we have notified that agency that Mr. Otepka wants Reilly as a witness."

Otepka and Robb have contended that it is vital to Otepka's defense that he be permitted to question the man who was his accuser in the first instance. In connection with this, it has been established that Reilly and two other high State Department officials engaged in an effort "to get" Otepka. This included general harassment and illegal eavesdropping, wiretapping and surveillance of his burn bag and his associations.

Reilly, and two of his aides—David Belisle and Elmer D. Hill—denied under oath before the Senate subcommittee that they had ever engaged in wiretapping on Otepka and denied any knowledge that this had been done. Later, they were forced to admit that they had known of the wiretapping, had taken part in planning it and had given untruthful testimony under oath about it.

A spokesman for the FCC stated that Reilly probably will be tied up in the television application hearing for three or more weeks and that it is not certain that he will be available to testify in the Otepka hearing.

WASHINGTON, D.C., June 14, 1967.—The State Department Tuesday was asked to produce the long secret recording obtained by wiretapping the telephone of Otto F. Otepka, the former chief security evaluator for the Department.

The demand for the wiretaps was made by Roger Robb, lawyer for Otepka, in connection with the hearing on Secretary Dean Rusk's effort to fire Otepka for giving documents to a Senate investigating subcommittee.

Robb said he made the demands in the closed hearing before State Department hearing officer Edward Dragon, and argued that "justice" to Otepka demands that the State Department make available the mysterious wiretap recordings that were admitted to have been made prior to the time ouster charges were started against Otepka.

Robb declared that "the administration has voluntarily made public the records of eavesdropping and wiretapping involving such persons as Fred B. Black, Jr., (Robert G.) Bobby Baker and James R. Hoffa even when it represented the possibility of upsetting a criminal case."

"It would appear to me that there should be no reluctance on the part of the State Department to make any similar records available to Mr. Otepka when he is fighting to save his Government job," Robb said.

Irving Jaffe, the Justice Department lawyer who is pressing the ouster action against Otepka, informed Robb that he is not certain that the recordings of the wiretap still exist. At Robb's request, Jaffe said that he would inquire to determine if the recordings or transcripts still exist and if Secretary of State Rusk will permit them to be made available.

Robb declared that there is testimony before the Senate Internal Security Subcommittee on the details of how three State Department officials—John Reilly, David Belisle and Elmer D. Hill—planned and executed the wiretapping of Otepka's telephone as a part of a "get Otepka drive" that had the approval of still unnamed superiors.

"There is no reason why the recordings or the transcripts of such recordings should have been destroyed," Robb said. "If they are in existence they should be given to Otepka so we can determine if the case against Otepka was in any manner based on such illegal wiretapping and eavesdropping."

The Senate internal subcommittee record shows that Reilly, Belisle and Hill first denied under oath that there had been any eavesdropping or recording of Otepka's telephone conversations. However, faced with evidence that they were not truthful, they admitted that they had knowledge of the illegal eavesdropping and that Reilly and Hill had actually taken part in the placing of the device in Otepka's telephone.

The last known record of the recordings was in the testimony of Hill who admitted that he had custody of the recordings, had discussed them with Reilly who found them "very interesting." He said that at Reilly's instructions he had given them to some still unidentified superior in the State Department.

Although Reilly, Hill and Belisle admitted giving false and misleading testimony under oath relative to the wiretapping of Otepka, they have never been subjected to any critical comment by Rusk or other high state department officials. Belisle is still in the State Department, Reilly resigned but was almost immediately employed as a hearing officer at the Federal Communications Commission.

In the face of this record, the State Department is continuing to press to try to fire Otepka for "insubordination" for delivering two documents to the Senate Internal Security Subcommittee to establish the truth relative to laxity in the handling of certain security cases at the State Department.

Otepka is in the witness chair in the closed hearings. The secrecy of a national security classification has been placed on the record by the State Department that bars publication of the details of his story on his problems with security under the Rusk regime.

GRAND COULEE PROJECT MUST NOT GO TO RUSSIA

Mrs. MAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mrs. MAY. Mr. Speaker, I am greatly perturbed to read in the papers that the President of the United States has been considering an invitation to Soviet Russia to build and install giant turbines and generators in Grand Coulee Dam in the State of Washington.

As incredible as it may seem, Mr. Speaker, such a decision was reportedly urged at least 6 weeks ago by the Department of State. Inasmuch as the President has not as yet announced his decision, it is not too late for him to reject the State Department recommendation as both preposterous and outrageous.

However, if for any reason, the President decides to allow Soviet bidding on this giant project, I intend to introduce legislation in the House of Representatives to prevent the administration from carrying out such a decision.

According to the documented evidence, Mr. Speaker, Soviet Russia first expressed interest in bidding on $340 million in heavy electrical equipment for the proposed third powerplant at Grand Coulee Dam in my State last March. The Soviet interest was taken under advisement. The Secretary of the Interior, who had presented the third powerplant proposal to the Congress as a wonderful opportunity for American free enterprise to recapture the lead over Soviet Russia in building big power equipment, was supposed to make the decision as to whether foreign bidding would be allowed.

But, Mr. Speaker, that decision was not left to him. Apparently, against the better judgment of the Secretary of the Interior, the collective weight of the Department of State, the Bureau of the Budget, and the White House itself, was brought to bear, and as finally evolved, the Soviets would be allowed to submit bids. The plan submitted to the President is to the effect that the first three of six giant turbine-generator sets to be installed at the dam would be procured in the United States, but the second set of three turbine generators would be procured from the "world market."

As mother of a boy in the U.S. Marine Corps, I feel it is preposterous and shameful that the administration has before it a plan to allow the Soviet Union to furnish electrical equipment for this project at the same time that Soviet equipment is killing our boys in Vietnam. Not only would such a decision lack any sense of morality, but any decision to encourage Communist slave labor to compete with American free enterprise would reek of sheer economic stupidity.

Mr. Speaker, on April 13 I wrote to the President to express my conviction that if the Soviet Union were a successful bidder, the Communists would have every political gain while the United States would have everything to lose. The gains to the Soviet Union in political prestige over the United States could be so great as to entice the Soviet Union into submitting a ridiculously low bid at sizable monetary loss to them in order to secure such advantage.

Here and now, Mr. Speaker, I call upon the President of the United States to openly and publicly reject the recommendation of his advisers and to announce that all six of the turbine-generator sets to be installed at Grand Coulee Dam will be built by American initiative and know-how, and the Soviet interest in this project is flatly rejected.

COMMISSION ON OBSCENE AND NOXIOUS MATERIALS

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. ST GERMAIN. Mr. Speaker, the world in which we live requires the utmost development of our mental capabilities if man is to progress as he should. For our Nation, it means the best possible educational development of our citizens.

As we all know, the educational process is not confined to the walls of our educational institutions. Much of our education is acquired outside the halls of our schools and a good portion of this is in the form of the various reading matter that we come in contact with.

In view of this, it is greatly disturbing to see any pornographic literature reach our citizens, let alone the sea of filth that is cast before their eyes today. This obscenity can only serve to distract and mislead our citizens and deprive them of those intellectual and moral pursuits that enrich all of society.

Mr. Speaker, as the chosen representatives of the people, we have an obligation to do whatever we can to foster the educational and moral development of our citizens and protect them as best we can from those things that only hinder this development.

Currently, our citizens are spending $1 billion a year for the purchase of pornographic materials. Yes, this business grosses $1 billion a year and every dollar that it receives contributes to its further growth. And what steps have we in the Congress taken to curb the distribution of obscene literature? What have we done to curtail the growth of this pernicious business that gnaws away at the moral fibers of our society? The fact that it still remains a $1 billion business answers these questions most poignantly.

What provokes me most is that our mail system is used as a primary means of distribution for this business. In other words, we even subsidize its distribution into our homes and most of the pornographic material received in the mail is unsolicited.

In testimony before the House Committee on Education and Labor, the Chief Postal Inspector, Mr. Henry Montague, told the committee that 20 million pieces of unsolicited direct-mail advertising offering material in the "gray" area of obscenity are sent through the mail each year. Mr. Montague stated:

> It is the indiscriminate mailing of such offensive material that so arouses the mail receiving public. The operations of one dealer alone has resulted in over 100,000 complaints to the Department during the past four years. Some persons have individually received as many as thirty lurid, unsolicited advertisements from the same promoter.

Just the other day one of my constituents gave me a direct-mail advertisement sent to her home unsolicited. It offered a number of obscene publications that could be ordered by mail, any one of which would prove most detrimental to the children residing in that home. The advertisement itself would suffice in leaving an ugly mark on her children.

Now I realize that there is much debate as to what constitutes obscenity but very little has been said as to what can be done about it once it is defined.

Legislation is now before the Congress that, if enacted, can lead toward an acceptable definition of obscenity and what should be done about curbing its distribution in these United States. I rise today in support of Senator MUNDT's bill which has passed the Senate and is now before this body for consideration.

This legislation would create a Commission on Noxious and Obscene Matters and Materials to be comprised of 20 persons from many walks of life who have knowledge of the seriousness of the problems associated with the suppression of the traffic in obscene materials. These people, to be appointed by the President, would include among others: Members of Congress and of the clergy; representatives from the Post Office Department, Department of Justice, book publishing and periodical industries, and prominent educators.

The purposes of the Commission would be to:

First, explore the methods of combating the traffic in obscene and noxious materials;

Second, seek the means of improving coordination between the various levels of government in suppressing such traffic;

Third, endeavor to inform the public about the problem;

Fourth, report its findings and recommendations as to what legislative, administrative, or other forms of action needs to be taken to combat the traffic in obscene and noxious material.

I am very pleased to cosponsor this legislation in this body for, while it may not provide all the answers, it nevertheless provides us with the means to these vital answers. No effectual legislation has been adopted in the past which deals a crippling blow to this insidious industry that causes such moral decay in our society. The legislation which has passed the Senate and which I have cosponsored, would be the first step toward gaining an effectual program to curb the distribution of pornographic material.

Therefore, Mr. Speaker, I urge that my colleagues join me in support of this legislation to create a Commission on Noxious and Obscene Matters and Materials.

Far too much time has passed and far too many minds have been marred to allow any further delay in coming to grips with this problem.

THE APPROPRIATIONS BUSINESS, 90TH CONGRESS, FIRST SESSION

Mr. MAHON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, because several of the underlying authorization bills will not be ready on time, the reporting schedule of the Committee on Appropriations has been interrupted, in consequence of which the appropriations business in the House is now at a virtual standstill. We will not be able to report another appropriation bill until sometime after the first of the new fiscal year.

On yesterday, I took the liberty of sending a letter to all Members of the House, summarizing the appropriation bills to date, as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., June 14, 1967.

Of special interest to all members (action on the appropriation bills).

DEAR COLLEAGUE: I thought you would like a brief résumé of the appropriations business of the session, supplementing status reports in the RECORD of yesterday and on several earlier occasions. A simplified summary table showing the total amounts is also being sent to you today.

House action in 11 bills to date: The House has considered $126,888,000,000 of budget requests for appropriations at this session in 2 supplemental bills for 1967 and 9 bills for 1968. This is about 85% of the total appropriation requests which it is now tentatively indicated will be before us for action in bills this session. The House has made net reductions totaling $3,039,000,000 in the 11 bills. $83.9 billion of the requests involved defense purposes (including the $14.4 billion supplemental some weeks ago); $43.0 billion related to non-defense bills. The sum of $1,671,000,000 was cut from the non-defense requests, $1,368,000,000 from the defense items.

Bills remaining: 5 bills for fiscal 1968 remain to be reported, involving roughly $20,900,000,000 of budget requests now pending, plus such indeterminate additional amounts as may be submitted later for consideration in the closing supplemental bill, as follows:

1. Public Works ($4,867,000,000)
2. Foreign Aid ($3,818,000,000)
3. Military Construction ($2,937,000,000)
4. Transportation ($1,718,000,000)
5. Closing supplemental (space, poverty, higher education, etc. etc. $7,472,000,000 deferred from earlier bills for lack of authorization, plus any necessary last minute supplements)

Including roughly $15.2 billion of so-called permanent appropriations—mainly interest on the debt—that do not come before us for a vote in the annual bills but do have to be reckoned in budget totals, it is tentatively indicated that budget requests for appropriations at this session will aggregate something like $163,000,000,000 plus.

Thus far we have kept to our reporting schedule on the bills *but are now at a standstill.* Reason: All of the 5 appropriation bills remaining hinge wholly or in part on authorization bills not yet reported or enacted. This means that we will not be able to report another appropriation bill until sometime after the first of the new fiscal year. It will, of course, be necessary to again consider a continuing resolution before July 1.

Cordially,

GEORGE MAHON,
Chairman.

Mr. Speaker, summarizing tne figures in the letter another way, the $163 billion, plus, probable total administrative budget requests for appropriations at this session would involve:

First, about $87,000,000,000 in three defense bills of the session—the supplemental earlier in the spring; the regular defense bill for 1968; and the military construction bill not yet reported;

Second, about $61,000,000,000 in 13 other bills of the session; and

Third, about $15,000,000,000 in so-called permanent appropriations that accrue under legislation of earlier years and must be counted but which we are not called to vote on in bills of the session.

SENATE ACTION

While the House has passed 11 appropriation bills this session, the Senate has passed only four of them—the two supplementals for 1967 and two regular bills for 1968. They involved about $23.6 billion of budget requests. They reflected net reduction of $195 million below those requests.

FINAL ACTION

Three appropriation bills have received final clearance this session—the two supplementals for fiscal 1967 and the Interior appropriation bill for fiscal 1968. They involved $15,991 million of budget requests. They appropriated $15,777 million, a reduction of $214 million.

BUDGET DEFICITS

The estimates of the budget deficits for fiscal years 1967 and 1968 that were tentatively projected in the budget message of last January 24 are out of date. Budget projections never materialize; they always turn out differently. They often turn out worse; sometimes for the better. They always rest on many assumptions, many contingencies, many uncertainties. This year's budget projections were no exception to the unvarying pattern.

The January budget projected a revised administrative budget deficit for the current fiscal year 1967 of $9.7 billion. The latest official Executive revision shows a deficit of $11.0 billion, an increase of $1.3 billion. Revenues are adjusted downward by $0.5 billion and expenditures are now estimated to be $0.8 billion higher.

Mr. Speaker, somewhat repeating what I said here on the floor on Tuesday last, the tentative administrative budget deficit projection for the forthcoming fiscal year 1968 was $8.1 billion—resting, however, as always, on a number of legislative actions. That projection was recently revised upward by the executive branch to $11.1 billion, an increase of $3.0 billion. The revenue projection was lowered by $1.5 billion; estimated expenditures were elevated by $1.5 billion.

Further, as to the tentative character of the projected deficit for fiscal 1968, I repeated what was said on the House floor on January 24—the day the President's new budget was submitted—that even if only a handful of selected budget assumptions and contingencies did not materialize, the administrative budget deficit for 1968 could go as high as $18.3 billion, and supplied the details in tabular form. And in a letter to all Members of the House on March 14, I said:

> Even the $8.1 billion deficit for fiscal 1968 hinges significantly on Congress enacting the 6 percent surtax proposal, a postage increase, an acceleration of corporate tax collections, and approval of $5 billion of participation certificates. The proposed pay increase is in the budget at $1 billion. If just this series of actions is not approved by Congress, for instance, the estimated deficit would be $18.3 billion.

This is not the time to discuss whether there should be a tax increase. But these shifts in the budget outlook, joined with the contingencies and uncertainties still surrounding the revised $11.1 billion budget deficit figure, have evoked estimates of an administrative budget deficit upward of $24 to $29 billion in fiscal 1968. This alone should compel us to greater prudence in conference dealings, in considering the $20 billion, plus, in budget requests remaining to be voted on, and in voting on all legislative authorizations.

The $3,039,000,000 cut by the House to date from the appropriation requests is much larger than the final cuts by Congress on all of the appropriation bills in the last session, and larger than the year before, but the fiscal situation facing us this year is vastly different, vastly more critical. So greater caution and prudence ought to be the order of the day.

Mr. Speaker, for ready reference and information, I include two supporting tabulations of the figures on the appropriation bills. One is a highly summarized picture of the totals; the other shows the figures on an individual bill basis. Both reflect the same results:

Summary of action on budget estimates of "appropriations" in appropriation bills, 90th Cong., 1st sess., as of June 15, 1967

[Does not include any "back-door" type appropriations, or permanent appropriations [1] under previous legislation. Does include indefinite appropriations carried in annual appropriation bills]

	All figures are rounded amounts		
	Bills for fiscal 1967	Bills for fiscal 1968	Bills for the session
A. House actions:			
1. Budget requests for "appropriations" considered	$14,411,000,000	[2 3] $112,477,000,000	$126,888,000,000
2. Amounts in 11 bills passed by House	14,238,000,000	[2 3] 109,611,000,000	123,849,000,000
3. Change from corresponding budget requests	−173,000,000	−2,866,000,000	−3,039,000,000
B. Senate actions:			
1. Budget requests for "appropriations" considered	14,533,000,000	9,073,000,000	23,606,000,000
2. Amounts in 4 bills passed by Senate	14,457,000,000	8,954,000,000	23,411,000,000
3. Change from corresponding budget requests	−76,000,000	−119,000,000	−195,000,000
4. Compared with House amounts in these 4 bills	+219,000,000	+90,000,000	+309,000,000
C. Final actions:			
1. Budget requests for "appropriations" considered	14,533,000,000	1,458,000,000	15,991,000,000
2. Amounts approved in 3 bills enacted	14,394,000,000	1,383,000,000	15,777,000,000
3. Comparison—with corresponding budget requests	−139,000,000	−75,000,000	−214,000,000

[1] Permanent appropriations were tentatively estimated in January budget at about $15,212,066,000 for fiscal year 1968.

[2] Includes advance funding for fiscal 1969 for urban renewal and mass transit grants (budget, $980,000,000; House $925,000,000).

[3] And participation sales authorizations as follows: Total authorizations requested in budget, $4,300,000,000; total in House bills $1,946,000,000.

Summary of action on budget estimates of "appropriations" in appropriation bills, 90th Cong., 1st sess., as of June 15, 1967

[Does not include any "back-door" type appropriations, or permanent appropriations [1] under previous legislation. Does include indefinite appropriations carried in annual appropriation bills]

	Budget estimates considered by House	Passed House	Budget estimates considered by Senate	Passed Senate	Enacted	(+) or (−), latest action compared to budget
Bills for fiscal 1968:						
Treasury-Post Office	$7,613,787,000	$7,499,230,000	$7,615,148,000	$7,555,167,000		−$59,981,000
District of Columbia:						
Federal payments	63,499,000	59,499,000				−4,000,000
Federal loan appropriation	49,600,000	48,100,000				−1,500,000
Interior	1,443,793,000	1,365,310,150	1,458,218,000	1,399,359,550	$1,382,848,350	−75,369,650
Loan and contract authorizations	(30,700,000)	(16,200,000)	(30,700,000)	(16,200,000)	(16,200,000)	(−14,500,000)
Independent offices-HUD	[2,3] 10,804,642,700	[2,3] 10,013,178,782				−791,463,918
Contract authorization	(40,000,000)					(−40,000,000)
Labor-HEW	[3] 13,322,603,000	[3] 13,137,488,000				−185,115,500
State, Justice, Commerce, and judiciary	[3] 2,342,942,000	[3] 2,194,026,500				−148,915,000
Legislative	231,311,132	228,089,952				−3,221,180
Agriculture	[3] 5,021,097,400	[3] 4,770,580,950				−250,516,450
Loan authorization	(859,600,000)	(859,600,000)				( )
Defense	71,584,000,000	70,295,200,000				−1,288,800,000
Public works	[4] (4,867,813,000)					
Military construction	[4] (2,937,000,000)					
Foreign assistance	[4] (3,818,736,000)					
Transportation	[4] (1,718,618,772)					
Supplemental (NASA, poverty, other deferred items; usual supplementals)	([4] [5])					
Subtotal, 1968 bills	112,477,275,232	109,610,703,334	9,073,366,000	8,954,526,550	1,382,848,350	−2,808,882,698
Supplementals for fiscal 1967:						
Defense supplemental (Vietnam)	12,275,870,000	12,196,520,000	12,275,870,000	12,196,520,000	12,196,520,000	−79,350,000
2d supplemental	2,134,932,833	2,041,826,133	2,257,604,652	2,260,246,933	2,197,931,417	−59,673,235
Subtotal, 1967 bills	14,410,802,833	14,238,346,133	14,533,474,652	14,456,766,933	14,394,451,417	−139,023,235
Cumulative "appropriation" totals for the session:						
House	126,888,078,065	123,849,049,467				−3,039,028,598
Senate			23,606,840,652	23,411,293,483		−195,547,169
Enacted			15,991,692,652		15,777,299,767	−214,392,885

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[1] Permanent "appropriations" were tentatively estimated in January budget at about $15,212,066,000 for fiscal year 1968. (All forms of permanent "new obligational authority" for 1968 were tentatively estimated in the January budget at $17,452,899,000.)

[2] Includes advance funding for fiscal 1969 for urban renewal and mass transit grants (budget, $980,000,000; House bill, $925,000,000).

[3] And participation sales authorizations as follows: Independent offices-HUD, $3,235,000,000 in budget estimates and $881,000,000 in House bill; Labor-HEW, $115,000,000 in budget estimates and House bill; State, Justice, Commerce, and judiciary, $150,000,000 in budget estimates and House bill; Agriculture, $800,000,000 in budget estimates and House bill. Total authorizations requested in budget, $4,300,000,000; total in House bills, $1,946,000,000.

[4] These are the amounts presently pending consideration in the committee.

[5] Several billion.

INVESTIGATE CONTINENTAL TELEPHONE

Mr. OLSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN. Mr. Speaker, I am today introducing a resolution for the establishment of a Select Committee To Investigate the Continental Telephone Corp., a telephone holding company. This telephone holding company by its own admission is the third largest telephone holding company in the United States. It readily admits that it was formed for the purpose of gathering together and merging under one head numerous small telephone companies.

It is my understanding that this company has absorbed a great many small companies, numbering in the hundreds, many of which were financed by REA funds. It is my further understanding that this company owns and controls small companies to the extent that approximately 11 percent of all REA funds authorized by this Congress are presently being utilized by it and are under its direction. I feel that this trend toward complete monopoly of the small telephone companies in this country and the further encroachment upon REA funds is going to continue. I feel that it is paramount for this Congress to create this committee for an immediate investigation of this matter.

Mr. Speaker, the following is a copy of the resolution I have today introduced:

> A resolution to establish a select committee to investigate and study the acquisition of small investor-financed and REA-financed telephone companies by the Continental Telephone Corp., a telephone holding company
>
> *Resolved,* That there is hereby created a select committee to be composed of five Members of the House of Representatives appointed by the Speaker, one of whom he shall designate as chairman, and not more than three of whom shall be appointed from the same political party. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.
>
> SEC. 2. The committee is authorized and directed to conduct a full and complete investigation and study into the policies and practices of the Continental Telephone Corporation of 130 South Bemiston Street, St. Louis, Missouri, whose president is Philip J. Lucier.
>
> In the conduct of such an investigation and study the matters considered by the committee shall include, but not be limited to, the following data:
>
> (1) The number of small telephone companies the said Continental Telephone Corporation acquired in the last five years, both privately financed and financed in whole or in part by Rural Electrification Administration funds;
>
> (2) The number of transactions in which investor-owned, REA-financed independents have sold out to said Continental Telephone Corporation by tax free exchange of stock;
>
> (3) The amount of REA funds presently being utilized by each and all of the telephone companies owned or controlled by Continental Telephone Corporation;
>
> (4) The manner and method employed by the said Continental Telephone Corporation in acquiring control of these smaller companies, both investor-financed and REA-financed;
>
> (5) The prices paid by the Continental Telephone Corporation, a holding company, per station in the companies it acquired.
>
> (6) The prices being paid for telephone companies by said Continental Telephone Corporation for stock of acquired companies, including cash or stock paid, and fringe benefits offered to officers of the acquired companies, if any, whether or not these benefits are of record; and the relationship of the full price paid, delivered or promised to the actual value of the stock of the acquired company based on past earnings of that company; and
>
> (7) To check into and ascertain the actual earnings of said Continental Telephone Corporation as compared to present dividends which may be excessive and which could cause an ultimate loss to stockholders in the future with what is commonly known as watered or diluted stock.
>
> SEC. 3. The committee shall consider and make recommendations with respect to its findings.
>
> SEC. 4. For the purpose of carrying out this Resolution the committee or any subcommittee thereof authorized by the committee to hold hearings is authorized to sit and act during the present Congress at such times and places within the United States including any commonwealth or possession thereof whether the House is in session, has recessed, or has adjourned, to hold such hearings and to require by subpoena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Subpoenas may be issued over the signature of the chairman of the committee or any member of the committee designated by him and may be served by any person designated by such chairman or member. The committee shall report to the House not later than

ninety days following the date on which the committee is first appointed under this Resolution the results of its investigation and study together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

HUNG COURT

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, I am sure there are very few of us who were overly startled by the President's nomination of Thurgood Marshall to be the first Negro Justice on the Supreme Court. I suppose we should be thankful it was not Stokely Carmichael who got the job.

The appointment of Mr. Marshall probably would not have much of an effect one way or the other on the Court's philosophies, but it does point out just how far we are removed from the ideas our Founding Fathers had of an unbiased court serving the law. What we have now is a topheavy group of social philosophers picked, not for judicial impartiality, but for their proven tendencies to interpret laws not on the basis of two centuries of wisdom, but rather in line with current social fads and their own personal theories on how to create the perfect society.

A column by Joseph Kraft in the June 15 Washington Post expresses the opinions of many of us:

HUNG COURT

(By Joseph Kraft)

The appointment of Thurgood Marshall to the Supreme Court is an unhappily fit climax to a term that has shown the Court to be hung up on outworn liberal and moralistic doctrines of the past.

Mr. Marshall may not be a bad Justice. By all accounts, he has generous sympathies, common sense and a feel for the political issues that bulk so largely in the work of the Court. But Mr. Marshall will not bring to the Court penetrating analysis or distinction of mind.

Beyond any doubt, Mr. Marshall was appointed because he is a Negro; not just any Negro, not even the best qualified Negro. He was appointed because he is a Negro well known to the Negro community for action on behalf of Negro causes. He was appointed, in other words, on the outmoded principle of ethnic representation, and for years to come his seat on the Court will probably be a Negro seat.

Perhaps that is the price for generations of unfair treatment that find current expression in the case of Adam Clayton Powell and the wave of racial rioting. But it is not, at this particular time, as small a price as it may seem.

For the Supreme Court has recently suffered grievously from a shortage of penetrating analytic minds. More and more it has seemed to be ruled not so much by the internal logic of cases as by a desire to reach results in line with a simple good guys versus bad guys morality.

In the rare cases that present themselves in such simple terms, the Court speaks out with clarity and sweep. A good example is the ringing 9-to-0 decision last Monday that found "no doubt" that a state law against interracial marriage "violates the central principle" of the Constitution.

But most cases involve far more sophisticated issues. And here the Court has frequently followed its emotional bent to dubious results, often speaking with divided tongue and in obscure tone.

In the field of criminal procedure, the Court has been hung up between those who want a Mr. Clean image for the law and those who believe the police must be given sharper tools to do their work. In that vein, last Monday, by a curiously indecisive 5-4 ruling, the Court declared unconstitutional a New York statute that permitted court-authorized eavesdropping on suspected criminals.

The majority opinion by retiring Justice Tom Clark obviously left room for some kind of statute authorizing bugging. But at the same time it declared, in the best liberal rhetoric, that: "few threats to liberty exist which are greater than that posed by the use of eavesdropping devices."

In the field of libel, the Court has been divided on the claims of the right of privacy as against the freedom of the press. In that spirit last week it settled, by 5-to-4 votes with Chief Justice Warren as the swing man, two libel cases in exactly opposite directions.

Wallace Butts, the former Georgia football coach, was awarded a judgment against the publishers of the Saturday Evening Post. But Maj. Gen. Edwin Walker, the retired right-wing officer, was denied a judgment against the Associated Press.

The ostensible distinction was the difference between a wire service and a magazine—a matter on which the Court has no special competence. It is very hard not to believe that the football coach, a good guy, prevailed over the right-wing General who would be, in the eyes of Chief Justice Warren, a bad guy.

Similar patterns of unresolved claims of principle eventually being decided on a good guy versus bad guy basis cropped up last Monday in decisions concerning civil rights and antitrust. In the civil rights field, the Court, by a 5-to-4 majority seemingly rooted in dislike of "Black Power" techniques, approved a 5-day jail sentence meted out to Martin Luther King in Birmingham, Ala.

As to antitrust, in the Schwinn bicycle case, the Court appeared to hand down a ruling that moved two ways at once. It forbids big manufacturers to police the selling arrangements of their dealers. But it seems to authorize smaller manufacturers to prevent their selling agents from passing on products to the big discount houses.

To me anyway, this thicket of contradictions announces the need for a new rationale in the Supreme Court. But for that, the Court will have to wait at least until the President's next appointment.

MRS. GANDHI BLASTS UNITED STATES, LAUDS NASSER

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, it is at a time of crisis that you find out who your real friends are. India's Prime Minister Indira Gandhi this week again demonstrated that she is not at all averse to biting the hand that feeds her.

Her peculiar logic and complete antipathy for an open mind on the Middle East problems are most convincingly illustrated in the following news story from the June 12, 1967, Shreveport Times. While criticizing the United States for not giving India more food, Mrs. Gandhi is praising President Nasser who in his Middle East field day closed the Suez Canal and thus deprived India of much of her vital food imports. There is an even greater sense of awe at her continued condemnation of U.S. policy in Vietnam coupled with a blanket pledge of support for President Nasser. Anyone who takes the time to look can see a definite pattern here.

[From the Shreveport (La.) Times, June 12, 1967]

MRS. GANDHI BLASTS UNITED STATES, LAUDS NASSER

NEW DELHI, INDIA (Associated Press).—Prime Minister Indira Gandhi has unleashed a bitter attack on U.S. foreign aid policies and pledged continued support for Egyptian President Gamal Abdel Nasser, whom she described as "a force for progress."

"We are not getting aid without pressures, but I am sure that abundant aid would be forthcoming if we agree to set up a capitalist system," she said at a public rally Saturday night in Ambikapur, 500 miles southeast of New Delhi. Her remarks were reported Sunday by Indian news agencies.

Mrs. Gandhi left no doubt that the United States, the largest aid-giver to India, was the main target of her remarks.

She specifically criticized U.S. policies of selling arms to Pakistan, and demanding "matching food assistance from other nations at a time when India is in urgent need of food."

"When America first started giving arms aid to Pakistan (the late Prime Minister) Nehru repeatedly told the United States those arms would be used against India, but then America said no, they were meant for containing communism," Mrs. Gandhi said. "Eventually those arms were used against us."

India and Pakistan fought a brief war in 1965 over Pakistani claims to the Indian-held section of Kashmir.

Mrs. Gandhi drew a parallel between Israel and Pakistan, saying both nations had been armed heavily by the West.

"The seeds of the current conflict were sown at the time of the birth of Israel," she said.

En route back to New Delhi on Sunday morning she told newsmen: "Mr. Nasser is a force for progress and his continued leadership of the United Arab Republic—Egypt—should be welcomed."

Her remarks were in line with pro-Arab policy enunciated in the 1950s by Nehru and his close adviser, V. K. Krishna Menon.

Her comments on U.S. food aid were a reference to President Johnson's policy of having more nations help alleviate India's food shortage.

A 100-YEAR-OLD CONNECTICUT NEWSPAPER SUPPORTS PROPOSAL FOR SHORTER PRESIDENTIAL CAMPAIGNS

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MONAGAN. Mr. Speaker, once again I am encouraged by public response to my continuing efforts to bring about through legislation or constitutional amendment, an elimination of lengthy and enervating presidential campaigns. The timing of the current enthusiasm for shorter campaigns is unique in that I have found that normally the grassroots wave of enthusiasm has not developed before a presidential campaign, but thereafter.

I am hopeful that public support for shorter campaigns will continue to grow and that we may find it possible to set up acceptable standards for the 1968 campaign.

With your permission, Mr. Speaker, I enclose, herewith, an editorial supporting my objective which appeared in the June 10 edition of the Meriden Record, an outstanding Connecticut newspaper which currently is being honored in recognition of 100 years of publication. I also include an article on the same subject which appeared in the June 9 edition of the Danbury, Conn., News-Times:

[From the Meriden (Conn.) Record, June 10, 1967]

Two Months Is Long Enough

Presidential election campaigns in the United States cost too much and last too long. By the time the first Tuesday after the first Monday in November of a presidential year rolls around, everyone is exhausted—candidates, party workers, and the long-suffering public.

It shouldn't be this way. Electing a president is a vital part of the democratic process. It should be carried out with efficiency and dispatch in a manner contrived to allow the voters adequate opportunity to hear and judge a candidate without becoming worn out or bored to death in the process.

Rep. John S. Monagan, D, who represents the 5th Connecticut District, which includes Meriden, recently revived a proposal he has made to streamline campaigns in the interest of efficiency and economy. Congressman Monagan urges that Presidential campaigns be limited to 60 days before the election, this to include the nominating conventions. He says: "Sixty days is more than enough time to bring the issues to the public and debate them thoroughly; in fact, in almost every civilized country, 30 days is the limit. We can do the same as Israel, Britain, and India. Long, drawn-out campaigns tax the endurance of our citizens and undermine their confidence in democracy. Even more important, they tend to bore people, which is even more serious. No reform of our campaign procedures can be complete unless we come to grips with one of the most glaring deficiencies in our system: the inordinate amount of time that we devote to campaigning."

Congressman Monagan summed up his position in a statement before the Senate Committee on Finance thus: "Modern transportation renders long campaigns unnecessary, modern communications render long campaigns wasteful . . . in the political business, the area of diminishing returns on campaign exchanges is very rapidly attained."

Congressman Monagan's argument is sound; his contentions are incontestable; his proposed remedies are worthy of application. In the name of common sense and good government, and for the sake of democracy itself, presidential campaigns should be limited to a maximum of two months. Congressman Monagan has shown the way.

[From the Danbury (Conn.) News-Times, June 9, 1967]

Congressmen Push To Cut Presidential Campaign Time

Washington.—A bi-partisan drive has been mounted in the 90th Congress to shorten this country's traditional four to five-month presidential campaign.

One of those who has been pressing for a shortened campaign period is Cong. John S. Monagan, D-5th Dist.

BEST TIME

He testified this week before the U.S. Senate Finance Committee on political campaign financing methods. The Waterbury Democrat said this is the best time to enact a reform.

"The strength of opposition to long presidential campaigns dissipates rapidly after each election," he testified. He added a push for a shorter campaign should be adopted now.

"This committee and this Congress can discharge its obligation to the American people by proposing and enacting an Election Reform Act which will eliminate one of our most obvious political liabilities," he said.

Another supporter of shorter presidential campaigns is Sen. John J. Williams, R.-Del., who is a member of the Senate Finance Committee. The hearing is on the Presidential Election Campaign Fund Act.

Cong. Monagan has been pressing for shorter campaigns ever since he was first elected to Congress in 1958. He is a five-term representative.

Pressure is mounting before the committee to cut the campaign back to no more than five weeks. Purpose would be to start the campaign shortly after the conventions in early September.

THREE-DAY CONVENTIONS

A suggestion already has been made by another Congressional representative for Labor Day weekend political conventions. Other suggestions have been made to cut the conventions to no more than three days.

One basic reason the pressure is mounting for shorter presidential campaign periods is the fact that many congressional members feel that the presence of radio and television has made communication of ideas instantaneous.

The reasoning here is that nothing transpires that doesn't receive widespread publicity. Sen. Williams is known to feel that anything beyond five weeks tends to become repetitious.

MR. NIXON'S CLOUDY CRYSTAL BALL

Mr. VAN DEERLIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VAN DEERLIN. Mr. Speaker, political pundits have been touting Richard Nixon as the Republican Party's likeliest candidate for President. They point out that foreign policy will claim top attention in the 1968 campaign. Within his party Mr. Nixon has the longest experience in, and deepest understanding of, foreign affairs.

It was with some interest, therefore, that I read a New York Times interview with Mr. Nixon in Rabat, Morocco, just a week ago. The interview had been held on the second day of fighting in the Middle East. In the Times dispatch, carried in the San Diego Union of Wednesday, June 7, the former Vice President predicted a long war which "nobody is going to win without massive assistance from a foreign power."

Subsequent events suggest that Mr. Nixon, once again, peaked too soon.

The dispatch follows:

[From the San Diego Union, June 7, 1967]

Nixon Says Nobody Will Win in Mideast

Rabat, Morocco.—The Israel-Arab war is "terribly unfortunate because nobody is going to win," former Vice President Richard Nixon said here yesterday.

At a breakfast news conference, Nixon also said that "the destruction of Israel as a state is just not going to happen."

Here for two days at the beginning of a tour of 12 African states, Nixon said "I do not believe that any side has the capability, without massive assistance from a foreign power, of winning a quick victory."

"Neither Israel nor the Arab states have the logistical power to sustain a long war. Numbers of people in modern times is not an indication of the possibility of fighting a long war," he added.

Asked about the possibility of intervention by the Soviet Union on the side of the Arabs, Nixon said Moscow had an interest at stake in the conflict which, he said, was "the interest of detente between the Soviet Union and the West."

"I cannot believe that the Soviet Union is going to throw out of the window any hope for lessening tensions, any hope for more trade and other benefits that could come from lessening tensions, by blocking the road to peace in the Middle East," Nixon said.

"If the war is allowed to go on to its desolate conclusion the only winner will be the Soviet Union, whose interests in this area is the destruction of all independence there," he said.

THE AMERICAN LEGION AND THE HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, the publication, Firing Line, which is issued monthly by the National Americanism Commission of the American Legion has for many years been deeply interested in the subject of subversion and propaganda activities against our form of constitutional government. Unlike some people and organizations which would abolish HCUA, but who have never even bothered to read even one of its publications or to view the committee's record objectively, the Firing Line is well acquainted with the past history and achievements of this much-abused committee. The remarks of this publication regarding HCUA are of greater value in appraising the worth of the committee than the opposition of uninformed sources.

I insert the views of the June 1967, issue of the Firing Line concerning HCUA in the Record at this point:

Commanding Thoughts—House Committee on Un-American Activities

Cicero said: "A nation can survive its fools, and even the ambitious. But it cannot survive treason from within. An enemy at the gates is less formidable, for he is known and he carries his banners openly. But the traitor moves among those within the gates freely, his sly whispers rustling through the alleys, heard in the very halls of government itself.

For the traitor appears no traitor; he speaks in the accents familiar to his victims, and he wears their face and their garments, and he appeals to the baseness that lies deep in the hearts of all men. He rots the soul of a nation; he works secretly and unknown in the night to undermine the pillars of a city; he infects the body politic so that it can no longer resist. A murderer is less to be feared."

The House Committee on Un-American Activities is one of our few bulwarks against treason from within and we are thankful that the House gave this Committee an overwhelming vote of confidence. The vote was 348-43, which is, unfortunately, an increase for the opposition; there were only 24 members last year who voted to cut off the committee funds.

The leader of the opposition, Representative Don Edwards (D.-Calif.) told the House that for 20 years the committee "has been violating constitutional rights" of citizens and "intends to continue to do so." Representative William Fitts Ryan (D.-N.Y.) accused the committee of having brought "discredit upon this House" and of having used committee funds to hire "friendly witnesses" under contract agreements.

The American Legion has consistently supported this fine Committee and has adopted numerous resolutions at its National Conventions, commending the House Committee on Un-American Activities for its excellent work. We are grateful to those members of the House of Representatives who voted for the funds for the continuation of ferreting out and publicizing the "traitors" through the diligent and untiring effort of this Committee.

LIBERALS BATTING ZERO ON ISRAEL VICTORY

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, I have frequently pointed out instances where liberals have called forth from their bottle of genie-logic, arguments reeking of the double standard: the inconsistencies which they either cannot see or simply do not admit.

The crisis in the Middle East and the Israel victory has again forced liberal and "New Left" spokesmen into double standard arguments, but this time it has brought about a dilemma which sports two equally disagreeable horns. To be sure, some of the liberal double standard bearers have swapped sides, and thus been impaled by the other horn, but they seem to have suffered no apparent pain.

Specifically, the hot war forced a choice between the Israelis or the detente-minded position which encompasses snuggling up with the Soviet Union and Nasser. It is apparently taboo for the liberal to check the premises behind his dilemma.

Washington-based columnist Ralph de Toledano has summed up the situation in an article entitled "Liberals Batting Zero on Israel Victory," which I include with my remarks:

LIBERALS BATTING ZERO ON ISRAELI VICTORY

(By Ralph de Toledano)

There is no joy in that particular Mudville which the liberal movement inhabits. The Israeli victory has caught the self-appointed custodians of absolute truth off-base, and their batting performance is hardly one to give the conservatives any kind of worry. This applies to both the first team and the second team.

The New Left and its not so farout liberal allies had staked their political futures on a line of opposition to the Vietnamese War. The United States had no business to get itself involved. It was not our war. The American-South Vietnamese involvement was imperialistic. This, at least, is what the liberals kept telling us.

The Israeli-Arab confrontation presented a problem. Until the Israelis, realizing that God helps those who help themselves, retaliated to Arab acts of war, the liberals had gnashed their teeth politely and deplored Nasserism in the Middle East. But when the guns began to go off, the taking of sides became inevitable.

This is where the trouble began. Ideologically, the New Left-liberal coalition was faced by two alternatives—either give up their love affair with the "new" Soviet Union (up to its neck in the Arab conspiracy) or turn on the Jews. To deplore an Israeli victory would have alienated some of their best friends in this country. To support Israel meant betraying the mock-up Marxism-Leninism from which much of their thinking derives.

On this, the liberal movement and the New Left have split. In Washington's favorite watering places, there has been a glum silence. While the hated conservatives speak out for the Israelis and criticize the Johnson Administration's weak-kneed response to the issues raised by Egyptian violation of international law in the Gulf of Aqaba and her repeated threats to wipe out Israel, the liberals try to change the subject.

But the subject will not be changed. Many categorical pacifists—"all wars are bad"—changed overnight and were demanding aid to Israel and a reassertion of America's commitments to that nation. Others, like Arthur Schlesinger Jr. and John Kenneth Galbraith, rejected their Jewish and pro-Israeli friends by restating their conscientious objections.

(George Orwell, in the early 1940s, pointed out that to be a conscientious objector in Britain during World War II was the moral equivalent of being pro-Nazi. By withdrawing aid to your own country, he explained, you made the job for the Nazis that much easier.)

Conservatives are willing to welcome the now-hawklike doves into the ranks of reason. There is always the possibility that an understanding of why it was necessary to fight in Israel may rub off on their anti-Vietnam apologetics. And certainly, in the chatter at the Washington cocktail parties, there is a possibly malicious pleasure in watching the Schlesingers compromising their political futures by refusing to support a people with very long memories.

In all this, there is one ugly aspect. The Anti-Defamation League, a subsidiary of B'nai Brith, has gone whole hog by setting up monitors of radio and TV programs in order to prepare lists of those who argued that American boys should not be sacrificed in the defense of Israel. The ADL has been one of the loudest shouters against "snoopers" and self-appointed ideological vigilantes. But now it has openly announced a campaign to smear as anti-Semitic all those who, mistakenly in my opinion, seek to remove the American presence from the Middle East.

The ADL also feels that the words and statements of those like myself who point out the inconsistencies of the New Left-liberal coalition are, in effect, attacking the Jews. This is arrant and arrogant nonsense. The ADL was created to find ways to discourage anti-Semitism. By taking up the cudgels for the New Left, it gives ammunition to its enemies. For it is out to smite conservatives for what its liberal-New Left friends are allowed to say with impunity.

In the political baseball game, this is like a pitcher's balk.

VOICES FROM VIETNAM

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Reinecke] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. REINECKE. Mr. Speaker, my office has received a number of letters from U.S. servicemen who are on duty in Vietnam. These letters reveal the innermost thoughts of our men in uniform who have already been baptized in the blood of war. Although they face imminent personal danger in the unfamiliar jungles and swamps of a distant Asian battlefield, their concern is not for themselves, but for the flag under which they serve, and the people and the country they have left behind. These men who have been hardened by the cold realities of war, are not the least bit ashamed to express their patriotism, love of country, and their willingness to accept and discharge the responsibilities of citizenship. They are ashamed of the flag desecraters and the so-called sophisticates in this country who feel that patriotism is a form of sentimental extremism. The following letter was received from an Army specialist, who is serving with the 1st Infantry Division, in Vietnam:

Congressman Reinecke: Ordinarily, when discussing the policies of our Federal Government, foreign or domestic, I am able to retain my rationale and my composure. This time, however, Lyndon & Co., have aggravated me to the point where it is no longer legitimate partisanship on my part, but rather an overwhelming urge to whack the next liberal who looks at me crosseyed, right between the ears.

Mr. Johnson says the tax increase in the President's Budget for the 1968 fiscal year will give our "fighting men in Vietnam the help they need". Please inform my eminent Commander-in-Chief that this kind of help, we can do without. The kind of help we do need, is already at his disposal.

First of all, we have an adequate supply of arms & ammo. over here already, supplemented by a force of highly competent, well-trained soldiers, airmen, etc. However, it isn't doing us a bit of good. In spite of what you're probably used to hearing, morale over here is not good. Primarily because we are not being allowed to try to win. President Johnson doesn't seem to care one way or the other. A radical mob burns the American Flag in N.Y.C., and our Commander-in-Chief says something like "Sorry 'bout that." Then, he has the audacity to suggest that his proposed tax increase is for one benefit. This is probably the most unscrupulous thing I've ever heard of, appealing to the patriotic instincts of the American citizenry in an attempt to justify his squandering of tax dollars. In page 413 of the Budget, you can see that non-military spending will increase over 1966 by $27.084 billion. Now, how is that going to help the war effort?

In closing, I can only say that I trust you will consider all aspects of this proposed pilferage and do what you think is best for our country and the constituents who have supported you in two successful campaigns.

Cordially & Respectfully Yours,

——— ———.

I was deeply touched by the following letter which was received from a private, first class, who is serving with the 3d Marine Division somewhere in Vietnam:

> Dear Sir: Although I am currently serving in the Republic of Viet Nam with the 3rd Marine Division, my home town is Palmdale, California.
>
> The purpose of this letter is to inquire if you would obtain a United States Flag for me to fly above my "hooch" in Viet Nam. I would also like any information dealing with flying our flag in Vietnam.
>
> Since there is a growing popularity among Marines to fly State flags, I think that it is only appropriate that the United States Flag fly too.
>
> Thank you for your time and trouble.
>
> Sincerely,
>
> ——— ———.

This marine now has an American flag which was flown over the U.S. Capitol especially for him at my request. I hope he received it in time to celebrate Flag Day in traditional style.

The following letter from another Army specialist who is serving with the 4th Infantry Division in Vietnam, was forwarded to me by his sister who lives in Saugus, Calif. In her letter of transmittal, the sister said in part:

> I have taken the liberty of sending you my brother's letter because I want you to know how upset the servicemen in Vietnam get when they hear of the various demonstrations here in the States. Everytime I receive a letter from him he talks about the demonstrations. Truthfully, I really don't know what to say to him about them.

Only personal references to self and family have been omitted for obvious reasons. Otherwise, the following is a verbatim account of this soldier's experience and reactions to antiwar demonstrations here in the States:

> You can't pick up the paper these days without reading about us. We have been in so many fire fights it's pathetic. Remember when I was in Basic Training? Well, my old platoon is practically all dead or seriously wounded back in the States. When I came to Viet Nam our strength numbered up to 750 men. We now have 343 men left, and out of these only 219 are able to fight—or I should say hump the hills and get the enemy. However, we no longer look for the enemy—he looks for us. Here we no longer face the enemy that we did in Tuy Hoa. Here the enemy has equally good ground-arms. We often send Recon Patrols across the river to Cambodia—they report the enemy as strong and forceful. They say that we have close to 500,000 men over here. I'd sure like to know where they're hiding. Right now about the only guys fighting the Cong are us, along the border, the Marines fighting at Con Thieu, Dang Ho, Gio Linh and a few other spots. We don't know what they say in the papers about Vietnam or the places in which battle has occurred. Write and tell me if you have heard of any of these places.
>
> You know it sure is depressing when we hear of all the demonstrations back there. I hate it here—but I came. I'm not yellow!! Yesterday, I helped with the wounded, and I carried a guy I knew since Basic. When we put him down he had no leg. I saw a lot of sick stuff that day and a lot of my friends were killed, and when I hear of a lot of punks who are chicken to come over here and fight, it makes me sick. But we are winning and the enemy knows he has no chance for victory. Every battle we have fought we have suffered, but they have suffered more. Don't worry about me. You'll see me in about 2,000 hours. I'm fine, strong, healthy and alert.

These, then, are the voices of our men in Vietnam who are enduring extreme personal hardship in order that others may live and enjoy the benefits of self-determination. Are we going to turn a deaf ear to them, or are we going to let them know that we too have the courage to defend the American flag, "the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all." I say it is time that we prove that we are neither too apathetic nor too sophisticated to demonstrate our love, loyalty, and devotion for the Stars and Stripes and for the men who serve under her so that others may have liberty and justice.

TO NAME THE VETERANS' ADMINISTRATION CEMETERY IN HOUSTON

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Bush] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. BUSH. Mr. Speaker, today I have introduced a bill to designate permanently the Veterans' Administration cemetery at Houston, Tex., the "Albert Thomas Veterans' Memorial Cemetery."

The late Mr. Thomas served almost 30 years in this Congress and was the second ranking Democrat on the Appropriations Committee at the time of his death early in 1966. He served with distinction and his leadership will always be remembered by colleagues in both parties and by his beloved Houstonians to whom he devoted his life of service.

While I do not belong to the party of the Honorable Albert Thomas, I have great respect for both his ability and integrity and feel the cemetery in Houston should be known by no other name. Certainly, he was a champion of veterans' causes for he recognized the demanding contributions made by our Nation's heroes. I am hopeful that our great body will take swift action to name this cemetery after the Honorable Albert Thomas.

LITHUANIA—A CAPTIVE NATION

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Gerald R. Ford] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, Thursday, June 15, marks 27 years since the Communists gained control over Lithuania and initiated their program for its forcible integration into the Soviet Union and thereby the eradication of this once proud nation. This Communist program has included imprisonment and deportation of approximately 40,000 Lithuanians. We can point to many similar exploitations.

History gives us all too many examples where such captivity has been condoned to the detriment of the world family of nations. To condone is to endorse.

Let the United States and this House not ignore the plight of the freedom-loving people of Lithuania. Their anguish this day prompts us to renew and state again our dedication to the dignity, freedom, and right of self-determination of the citizens of all nations and to the same rights of their nation among the family of nations of this earth.

"BREAKTHROUGH"—AN IMPORTANT ADVANCE IN METROPOLITAN COMMUNICATION

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. Mathias] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. MATHIAS of Maryland. Mr. Speaker, it has become almost a cliche to observe that the so-called problems of the cities are not a series of separate, unconnected woes which can be dealt with one by one. It is also becoming commonplace to note that central city problems, far from being confined within the city limits, have a great impact on the health and vitality of a metropolitan area as a whole.

In many of our great urban areas, perceptive civic leaders are now making intensive efforts to stimulate the informed regionwide communication which must precede intelligent, coordinated attacks on common problems. One such campaign to increase regional awareness and public understanding has been launched this month in the Baltimore area by Group W television station WJZ–TV.

Entitled "Breakthrough," the WJZ–TV series is based on the conviction that—

> The metropolitan Baltimore region can, in concerted effort, solve—or at least alleviate—common problems. To do so will require a new effort, a new way of thinking, a reassessing of goals, a new look at the facts.

To promote this "breakthrough" in communications, the station has scheduled a concentrated series of public affairs programs focused on five problem areas: poverty, crime, education, race relations, and transportation. Each area will be explored in depth in a series of documentary reports, interviews and discussions, based on an honest evaluation of the current Baltimore situation and a thorough assessment of alternatives for the future.

In the pamphlet summarizing "Breakthrough," channel 13's officers stated:

> WJZ–TV, a group W station, and a corporate citizen of Baltimore, is acutely aware of the need for an informed public opinion and enlightened leadership in the Baltimore community, and is likewise aware of the vast potential of a television station to influence public opinion and stimulate leadership.

For translating this awareness into action, I would like to commend Mr. Donald H. McGannon, president of Westinghouse Broadcasting Co., Inc.; Mr. Herbert B. Cahan, Baltimore area vice president, Group W; Mr. David E. Henderson, general manager, WJZ–TV; and their associates in this project. Congratulations should also go to channel 13's partners in "Breakthrough," the Higher Education Council on Urban Affairs, which is a federation of higher educational institutions in the Baltimore area and three related agencies, the Advisory Council on Higher Education, the State department of education, and the board of trustees of the State colleges.

Mr. Speaker, this important year-long series was initiated on June 2 with a luncheon sponsored by WJZ–TV at the Samuel Ready School, symbolically located on the Baltimore City-Baltimore County line. This luncheon featured a panel discussion by top officials of Baltimore City and the five metropolitan area counties, and a provocative address by Mr. Carl T. Rowan, internationally respected commentator and columnist.

I would like to place in the Record a summary of "Breakthrough," and a partial text of Mr. Rowan's challenging address.

BREAKTHROUGH

An airline traveler descending toward Baltimore at night will begin to notice the multiplying concentration of lights when he is as much as twenty miles away from the central city. The closer he comes to the heart of downtown the brighter is the carpet of activity beneath him. He notices not just more lights, but the forms of industrial areas, shopping districts and busy streets. He becomes aware that the glitter forms a clear radial pattern focusing on downtown Baltimore, from the occasional twinkles in the distance to the brilliant glow of the center.

If the traveler is only an occasional visitor he is probably unaware that this vast sea of lights is made up of separate political units—a city in the center, and five large counties. His business call may be in Baltimore City, or perhaps in Towson in Baltimore County, or Glen Burnie in Anne Arundel County, or Bel Air in Harford County, or Ellicott City in Howard County, or Hampstead in Carroll County. Wherever he made his call the chances are that the next day when he is back in St. Louis or Atlanta or Rochester, he will tell his friends that he was "in Baltimore".

In the lesson of the lights the air traveler sees clearly only that this great metropolitan area is an economic unit. He may be vaguely aware that the lives, fortunes and fate of some two million people depend on the extent to which they can work and live together. He does not see the political boundaries drawn by men, boundaries that may bring temporary wealth to one area and consign another area to permanent struggle against cancerous problems that soon spread and weaken the entire metropolis. The lesson of the lights does not reveal all the things that threaten, divide and defeat the people of the metropolis.

WJZ–TV, a Group W station, and a corporate citizen of Baltimore is acutely aware of the need for an informed public opinion and enlightened leadership in the Baltimore community, and is likewise aware of the vast potential of a television station to influence public opinion and stimulate leadership. It was in this spirit that Westinghouse Broadcasting Company last October conducted a naional Public Affairs Conference for Broadcasters in Philadelphia entitled "The Unfinished American Revolution".

At that Philadelphia Conference, Vice President Hubert H. Humphrey noted that "in ancient times people built walls around cities to protect themselves from the barbarians. Now we have psychological walls, economic and social barriers, which imprison people within the city slums and ghettos and areas of obsolescence."

This theme of the relation between the city and its suburbs recurred time and time again at the conference. Group W Commentator Carl Rowan declared, "The people who rule the cities don't live in the cities and they don't give a hoot what happens". H. Ralph Taylor of the U.S. Department of Housing and Urban Development noted that many suburban businessmen "drive back and forth from the suburbs to the center city without seeing or comprehending the problems on either side of them".

And yet the problems are there and many a Baltimore suburbanite cherishes the delusion that they are city problems, beyond his concern or at least his control. He is wrong on both counts. Poverty, crime, poor education, racial strife, or even inadequate transportation, affect him because they weaken the economic base, the industrial climate, the livability, and the image of the Baltimore area. Hence they are not beyond his concern. More important, they are not beyond his control; he can, in partnership with the people of city and the other counties, do something about his surroundings.

WJZ–TV believes that the metropolitan Baltimore region can, in concerted effort solve—or at least alleviate—common problems. To do so will require a new effort, a new way of thinking, a reassessing of goals, a new look at the facts; in short, a Breakthrough. That is our task for the next year.

In military terms a breakthrough occurs when the enemy's lines crumble at some point and the attacking forces are able to penetrate into new territory. The enemy, however, does not usually give way at one point unless he is being assaulted at many points. Thus to attempt a breakthrough requires a broad assault on the problems of the metropolitan region. To mount an offensive WJZ–TV will not present just isolated documentary reports. The attack on each topic will be continuous and repetitive on Channel 13; we will, through a series of six-to-eight week campaigns, assault each problem relentlessly. We will confront, cajole, even irritate our audience in an effort to create an awareness and a concern for metropolitan problems. The specific problem areas will be poverty, crime, education, race relations and transportation. There are, of course, many other problems we could have selected, and any and all problems are interrelated.

First it is necessary to state the problems in sensitive, human terms. This will be the function of the first program in the Breakthrough series, a combination of a documentary and one of the most unusual "open line" presentations ever seen or heard in Baltimore. This 90-minute program will be broadcast by WJZ–TV on Friday, June 2, 1967, from 7:30-9:00 P.M. The first half-hour will be a documentary entitled "Promises to Keep". This is a deeply moving story of the wonder, the horror and the vastness of life in a great metropolis as seen through the eyes of a small boy through thirty-six hours. "Promises to Keep" will be followed at 8:00 P.M. with an hour-long program that will offer an opportunity for citizens of the metropolitan area to speak with their own political leaders. The top executive or legislative spokesmen for the five counties and Baltimore City will assemble in the studios of WJZ–TV to answer the phone inquiries of their constituents. It will be a unique meeting between the people and their elected representatives, and an appropriate introduction to subsequent programs dealing with five major problem areas.

CRIME

is the most direct and immediate problem to many citizens. While its causes are obscure and complex, its effects are simple. People fear for their lives and the lives of their families. They fear for their property. A region where people are afraid to walk the streets is in trouble. A region where people are afraid to leave their homes for fear of burglary is in trouble. On this basis, there is little doubt that Baltimore is in trouble. There are forms of crime less violent that, while not frightening people so directly, are just as clearly signs of a society in trouble. This is the crime of the numbers racket, the protection payoff, the police bribe, the underworld political power. There are two basic approaches to crime. One is better police protection, but doubling the police force and stepping up police efficiency would still leave the problem far from solved. The only real solution to crime is to eliminate the underlying conditions that turn men into criminals. In this sense the war on crime is closely connected with the war on poverty, with education and with race relations. WJZ-TV will explore the problem of crime from both approaches.

EDUCATION

is now widely accepted as the universal necessity that the only real disagreement is on degrees and methods. Education is the main doorway to individual achievement, hence it is also the way out of poverty and apathy. And yet, despite its total acceptance as a public responsibility, education is facing staggering problems. Overcrowded schools, underpaid teachers, inadequate instruction, exploding methodology are the headaches of all school systems, urban, suburban and rural. Education is not only the road to personal achievement, but to the good life; the well-schooled person is far-better equipped to appreciate the wonder of life itself. There is now, however, a newly emphasized social and survival importance to schools. The community with well-educated people can provide the professions and skills to build a thriving economy. The under-educated community will not measure up in the competition with the educated community. Hence everyone has a far greater stake in education than he may realize. These are some of the aspects of education that WJZ–TV will bring to focus in examining one of the Baltimore region's most profound problems.

RACE RELATIONS

produce some of the most complex and emotional conflicts facing any metropolis. Racial prejudices, whether overt or latent, create a variety of other problems. The antipathy of white people to their Negro neighbors in some cases motivates the flight to the white suburbs, leaving the remaining Negroes with all the problems of the aging city, and the city with insufficient wealth to cope with their urgent needs. Prejudiced employers, or employers fearful of their white employees, hire Negroes last and fire them first. Then the fruits of miserable housing, poor schools, and poverty are themselves used as arguments by racially-conscious white people to claim that Negroes are capable of nothing more. And so the problem feeds on itself. Baltimore's attitudes in racial matters have evolved slowly from Southern traditions, but the improvements have—thus far—been generally steady, with fewer setbacks than many Northern cities. Can the white people and the Negroes of Baltimore reach a modus vivendi that will enable them to move forward together for their mutual advantage? This will be the task of WJZ–TV in its examination of this the most delicate and human of the problems facing the metropolitan area.

TRANSPORTATION

or getting people from here to there, has been a serious psychological hurdle in the Baltimore region. After more than a decade of planning, the East-West Expressway is not yet started, the grand design for a metropolitan rapid transit system still is on the drawing board. The expressway plans meet resistance, the transit plan meets apathy. The problem of transportation seems the least human of the Breakthrough topics and yet it has significant human import. If a man living in an inner city neighborhood can find a means to travel quickly to a job in Glen Burnie or Towson, his prospects for self-improvement are broadened. The same holds true for students going to a community college, or a nurse's aide to a hospital. Transportation for people of all economic levels is the life-blood of a city and hence one of the keys to overall regional prosperity. What are Baltimore's transportation needs? How can these needs be fulfilled? What is the role of expressways and the role of mass transit? What will better transportation mean for the renewal of downtown Baltimore, for the strengthening of ties between the metropolitan counties and the city? These are some of the questions to be carefully examined in the programs on transportation, the final problem in the year long series.

BREAKTHROUGH

Thus WJZ-TV joins the people of the Baltimore region to seek a Breakthrough to the solution of our common problems. The situation is—as the Breakthrough symbol implies—as if each county and the city were parts of a jigsaw puzzle. By itself, each piece means nothing. Fit them together and the result is a complete and satisfying picture to be enjoyed by everyone.

The year long Breakthrough project is being produced in cooperation with The Higher Education Council on Urban Affairs. HECUA is a federation of higher educational institutions in the Baltimore Metropolitan area and three related agencies: the Advisory Council on Higher Education, the State Department of Education and the Board of Trustees of the State Colleges. They have joined together in the Council to relate themselves more fully to issues of urban affairs in their teaching and research programs and in the community at large.

Partial Text of Speech By Carl T. Rowan, Westinghouse Broadcasting Co. Commentator and Internationally Syndicated Newspaper Columnist, at "Breakthrough" Luncheon Sponsored by WJZ-TV, Baltimore, Md., June 2, 1967

Thank you, Mr. McGannon. You can't beat working yourself into a position where the president of your company says nice things about you—on the public record. But even without those generous phrases, I'd be proud to be associated with WJZ and Westinghouse. The things you are doing in the fields of public service and corporate good citizenship add up to television's finest hours.

This is a sort of homecoming for me. I literally began my journalism career here in 1948 when I did public opinion surveys for the Baltimore *Afro-American* during the presidential election. I also recall doing a bit of picketing here in protest against theater segregation, so my concern about the social, cultural and political problems of this metropolitan area did not begin only with the invitation to speak here.

But if my interest is old, so are the economic woes and social ailments to which "Breakthrough" addresses itself. They were common to every grouping of men who sought to combine their wisdom and resources in such a way as to promote the common welfare and protect individual possessions, whether material, spiritual or philosophical. Some 500 years before the birth of Christ, Confucius wrote in his *Analects:* "In a country well governed poverty is something to be ashamed of. In a country badly governed, wealth is something to be ashamed of."

How different are Confucius' words from those of contemporary Americans who believe that ours can never be a great society so long as 30 million Americans live in poverty? And has it not been true in the robber baron days of our own country, in the oligarchy-ridden societies of Latin America, and in parts of the Far East, that wealth *is* something to be ashamed of?

But Confucius' views may seem a bit ancient. Let us go modern—to, say, 125 years B.C. We find Polybius writing in *Histories:* "Monarchy degenerates into tyranny, aristocracy into oligarchy, and democracy into savage violence and anarchy." The savage violence that has afflicted our urban centers and the anarchy that threatens many campuses make Polybius look like a far-sighted man indeed.

But I am not here to recite history, or to pontificate on the merits of monarchy vis-a-vis democracy. I have come to talk about the challenges we face as we attempt to ensure that our democracy does not degenerate into savage violence and anarchy.

Mr. Cahan says that placement of this tent here, on this boundary line, is supposed to be symbolic. Symbolic of the jealously-guarded jurisdictional prerogatives that cut through the heart of every sane attempt at metropolitan planning. Symbolic of the petty provincialisms that make it impossible to apply anything other than horse-and-buggy-era potions and salves to metropolitan ailments that will respond only to the most modern, imaginative treatments that can be applied by people motivated by knowledge that they share a common destiny.

But I tell you, ladies and gentlemen, that the boundary line symbolism goes further than that. It reminds me that we are today astride the border line between war and peace, the line between a survival full of conflict and tensions, and nuclear holocaust. Today we straddle that line between racial sanity and social madness in the great cities of America. We are perched precariously and uncertainly on that wall separating a society of beauty, of justice, of human love and respect from one of ugliness, where the strong prey upon the weak and meanness and hostility dog the footsteps of all who walk our way.

I tell you that affluence has scarred the heart and soul of America. The spirit of acquisitiveness, the goal of material gain, permeates everything. It has driven the content of morality, the old religious ideals, out of our businesses, and even our homes. And it is reflected in the behaviour of our children. Most of all, it has produced a smallness, a selfishness, that is manifested in the actions of adults who can only *pretend* that we can educate the people of a vast metropolitan area, or provide adequate transportation, or combat crime, or eradicate the pollution of our air and our water, when tiny political subdivision X cares only about *its* tax structure, the quality of *its* schools, or the values of *its* properties.

Most citizens of Ruxton hardly give a damn about the quality of mass transportation in Baltimore city; nor do the citizens of Chevy Chase, Md., give a hoot about mass transportation in Washington, D. C. They own cars in Ruxton and Chevy Chase.

Or consider crime. We get a lot of sanctimonious cries that someone should do something about crime. The affluent members of our society are really thinking in terms of more policemen with bigger nightsticks and more powerful guns to curb the ruffians from the other side of the tracks who riot and rape and sack and steal.

But take a look at what the President's Crime Commission said recently: "Crime flourishes, and always has flourished, in city slums, those neighborhoods where overcrowding, economic deprivation, social disruption and racial discrimination are endemic. Crime flourishes in conditions of affluence, when there is much desire for material goods and many opportunities to acquire them illegally. Crime flourishes when there are many restless, relatively footloose young people in the population. Crime flourishes when standards of morality are changing rapidly."

The Commission went on to talk of "white collar offenders" and public crime and asserted that "inevitably crimes reflect the opportunities people have to commit them."

The Commission said that our society is endangered not just by the slum hoodlums that you and I deplore and fear, but by a "great reservoir" of actual and potential white collar crime. The Commission said that: "The 'white-collar' criminal is the broker who distributes fraudulent securities, the builder who deliberately uses defective material, the corporation executive who conspired to fix prices, the legislator who peddles his influence and vote for private gain, or the banker who misappropriates funds in his keeping."

In short, the poor folks are robbing delicatessens and looting whiskey stores; the affluent are embezzling banks and business places, or getting rich by illegally peddling influence, or engaging in gross conflicts of interest.

I hope you are now accustomed to the prospect of hearing some plain talk today. I feel a duty to "tell it like it is" because the real tragedy of our urban areas is that there is not enough meaningful communications across these artificial lines and barriers that we have set up out of our greed, our petulance, our fear, our ignorance, our shortsightedness. We tend to insulate and isolate ourselves in our own social and professional circles, thus every proposal to move against the problems that beset us bears the mark of intellectual incest.

For example, nothing bears more heavily on the woes, dangers and frustrations of our cities than race and the passions and fears surrounding it. Yet, for too many people, mum's the word where race is concerned. Maybe Boston could survive an era in which the Lowells talked to the Cabots and the Cabots talked only to God. But today's cities cannot survive the current lack of communications across ethnic lines, for in the absence of real communications frustrations fester, suspicions take on artificial substance and the simplest misunderstanding becomes a gigantic roadblock to progress.

I know. A mayor or two, and perhaps some other officials, already are thinking: Rowan doesn't know what he's talking about; I just created a mayor's council on human relations, and we've got a governor's commission on human rights, or whatever they call it, that has articulate representatives of all our racial and religious groups. What the devil does Rowan want?

I'll tell you not what Rowan wants, but what the times require: some communication that is natural, that is not stultified and stunted by the formal business of social and professional strangers sitting down periodically to run through the psuedo-intellectual ritual of talking about what the community ought to do to, for or with "the colored folks," or the poor folks.

I remember so well my first breaks as a journalist. When I was a young reporter, writing obituaries and the sort, an error in the work schedule left me with time to propose a return to my native South to write about what had changed in the lives of Negroes since World War II. What I wrote, in 1951, turned out to be a sensation—and largely because daily American newspapers had been too timid to deal with the subject. If you were a Negro, you almost had to rape or murder someone, generally white, to make the newspapers. As those articles appeared in the Minneapolis *Tribune*, the mail and the telephone calls poured in, many of them asking me to speak to this group or that.

As I journeyed to speaking platforms in rural Minnesota and the Dakotas, one thing got to be as regular as breathing: someone would get up in the audience and say. "We don't have any race problem in our town; we don't have any Negroes."

Then I would try to explain that the problem doesn't exist in the presence or absence of Negroes, or any other "out" group; it exists in the mind. One only needs the presence of minority group members to make the problem manifestly obvious.

The people of thousands of suburban communities today think that they don't have problems of race, poverty, delinquency, sexual promiscuity and the sort. They have created their own naive world in which what is not seen is presumed not to exist.

What has all this got to do with my thesis that lack of communications is the danger to our cities? A lot. Because what I am saying to you is that you are not going to solve these problems unless you find a way to communicate at lunch, at cocktail time, at dinner, on the 19th hole after golf, with some people from groups with which you are not accustomed to socializing.

I expect the rudest, most embarrassing thing I could do now would be to ask for a show of hands from all you community leaders who regularly have social contact on an informal basis with Negroes you consider your intellectual, social and cultural equals.

The hard, ugly truth is that despite all our talk about progress in race relations since World War II, one fundamental factor has not changed: the white Anglo-Saxon Protestant still struggles to maintain some symbol of his alleged superiority. The country club and the other private clubs are the great symbols, the impregnable preserves of white supremacy, today.

My wife plays tennis regularly with one group of women, all of whom are Jewish. She was appalled recently to hear them say that when they go to a certain posh club for the inter-country club matches, they change shoes in their automobiles because every effort is made to keep them out of the locker room.

There is not a country club in this entire area, to my knowledge, that does not operate under an unwritten law that no Negro family is deemed suitable for admission.

I occasionally drive past one of the Washington area's dinkier so-called country clubs, where the fairways are browned out before July 4. Each glance at the club is a galling reminder that here is one where the laws are not subtle and unwritten. This club boasts of the fact that no group like the Junior Chamber of Commerce or the Grand Old Party or the Federal Reserve Board can have lunch there if it plans to bring along a Negro member or speaker.

What I am saying is that the Negro may be a cabinet member, a federal judge, a Nobel Prize-winner or a Metropolitan Opera star, but the American white man, however lowly and unaccomplished, has got to have his exclusive club from which to thumb his nose and try to convince himself: "I'm better than the best black man."

There are a lot of white Americans in these clubs who are enlightened beyond this point. But they think the quest for affluence requires them to be good club members—and not to rock the boat. In short, they lack guts.

And that brings me to a hard truth that some of you may find inflammatory. But I must say it because it is a vital truth. Until the day comes when the Maryland club or the Baltimore Country Club are well on their way to becoming as integrated as Hill 881 in Viet Nam, our urban areas are going to be in one hell of a mess. Until the Dulaney Valleys, the Ciceros and the Grosse Pointes are as desegregated as Quang Ngai and Plei Mei, there isn't going to be any real "breakthrough"—not in metropolitan Baltimore nor any other metropolitan area.

Don't you believe for a moment that the Negro slum-dwellers and the Stokely Carmichaels are the only angry black men around. You can count me and every other Negro with sensitivity and pride among the ranks of the frustrated and disgusted.

It just happens that some of us have not become so embittered that we are ready to burn down neighborhoods or boycott the responsibilities of citizenship. But as the insults and humiliations pile up, they take their toll, and as we have seen recently, more and more normally tranquil men fall upon the wagon of reason.

Wherever big city violence has occurred—in Los Angeles, Cleveland or you name it—you will find some white politicians crying that "Negro leaders refused to meet their responsibilities." They all think that when the crisis is upon them, "Negro leaders" can wave some magic wand and herd all those angry black devils back into their corrals.

The whole truth is that, in the eyes of the hopeless who nurse hatreds born of despair, there are no real "Negro leaders." There are those who know oh so well how to exploit the animosities and irritations of these embittered masses. But the rational, reasoning, selfless Negro is deprived of the respect essential to leadership by the narrow-minded racism to which I referred earlier.

To the upper class Negro's pacifying entreaties, the Negro slum dweller thinks—and today is likely to say—"Who the hell are you to be calming me down? As far as Whitey is concerned, you're really just another Negro. When they let you in the Merchant's Club, come back and talk to me."

I had not intended to deal so heavily with the racial aspects of our big city problems. But I cannot dodge reality here and ask you to deal with it in everyday life. And it is a reality that very few of our major urban problems is free of the complications of race—and racism.

But you will remember, I am sure, that my basic point of the need to communicate goes far beyond the bounds of race. I do not indulge in melodrama when I say that if we cannot talk to each other, we shall weep together.

Despite the current state of things, I cannot be a pessimist.

TOWARD A PERMANENT SETTLEMENT IN THE MIDDLE EAST

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. WIDNALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WIDNALL. Mr. Speaker, as one who originally supported the creation of the State of Israel, and who believes that it has severely suffered from nonrecognition as a nation, I have been extremely concerned with the crisis in the Middle East. This young nation has in a short span of years, achieved remarkable accomplishments and has been an example of what a cohesive democratic state can do. In a fight for survival, the people of Israel have proven fully by action, dedication, and determination their right to have their country's sovereignty recognized. Their rights as a nation must be the same as those accorded others throughout the world. A prior war was fought by Israel and no peace was achieved. Israel subsequently has led a very tenuous existence. Now, a very decisive military action has taken place and the same uncertainty should not be tolerated for the future.

It is my belief as an American, that we should firmly support maintenance of the present lines until a permanent settlement is achieved between Israel and the Arab nations.

First, Israel sovereignty must be recognized, or what has just taken place is but another exercise in futility that will lead us all closer to a world debacle.

Second, access to and through the Gulf of Aqaba must be assured to Israel and to all other nations, and this is certainly a matter of interest to every nation in the world. The rights of all nations would seriously be jeopardized throughout other waterways, if the whim of any one power can be used to close off international trade.

Finally, any settlement must take into consideration the problem of Arab refugees. There is little basis for doubt that the unsolved problem of the 1940's, the displaced Palestinian, has been a major cause for the continued unrest in that area of the world. Even now there is evidence of new movements of population into Jordan away from the Israel-captured territory. It would be a disservice to themselves should the Government of Israel fail to meet this challenging problem with some concessions of their own. There is every indication that Israel statesmen are aware of this and are willing to go halfway on their part.

Crucial to all of these decisions is the need for direct discussion and agreement between Israel and the Arab nations. No imposed solution from outside, however seemingly fair, will create a viable peace. It is up to the United States and the other great powers, through economic development offers and through consultation and suggestion, to create the climate necessary for this type of settlement. The reaction of the Soviet Union to this effort will be a telling sign of its willingness to seek a detente in other areas of major world controversy. The absence of Rumania, and the comparative silence of Poland and Yugoslavia on the Soviet-inspired resolution condemning Israel is an encouraging development. Hopefully, this will inspire the Soviet Union into a more conciliatory position of its own, its sorry performance at the United Nations notwithstanding.

INDEPENDENCE FOR THE BALTIC STATES

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. LIPSCOMB] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. LIPSCOMB. Mr. Speaker, in mid-June each year for more than a quarter of a century, the thoughts of friends of freedom everywhere have turned sorrowfully yet with firm resolve to the tragic events in the Baltic States during the early years of World War II.

There the flourishing, proudly independent little countries of Estonia, Latvia, and Lithuania fell victim to the mutual fears and avarice of their mighty dictatorial neighbors. On June 15–17, 1940, the armed forces of the Communist Soviet Union dropped all pretense of respect for the sovereignty of Estonia, Latvia, and Lithuania and occupied these brave little states. Their cherished independence was ruthlessly ended, in defiant violation of Soviet mutual assistance pacts with each of them.

Scarcely a year after the Soviet Union had crushed the independence of the Baltic States, the Communist overlords carried out one of the most gruesome acts of deportation in all history. During the night of June 14, 1941, more than 60,000 citizens of these countries, including men, women, and children, were arrested. Families were torn apart as men were packed into cattle cars and sent to forced labor in distant regions of the Soviet Union. Women and children were sent elsewhere, those lucky enough to survive unlikely to see their husbands, fathers, and brothers again.

The devastating tides of war subjected the Baltic States to Nazi occupation and later to reoccupation by the Red army, with further deportations and further repression. Yet after all this suffering, the stalwart Baltic peoples have yet to regain their freedom.

I deem it a privilege, Mr. Speaker, to join with millions of fellow friends of liberty today in honoring the victims of those tragic June days. Let us never cease to keep alive the demand for justice for these brave Baltic peoples who have undergone so much. The day must come when the cause of national independence to which they are dedicated will find fulfillment.

Under leave to extend my remarks, I submit for inclusion in the Record a copy of House Concurrent Resolution 416, the Baltic States resolution, which was unanimously approved by both Houses of Congress in the 89th Congress.

The resolution calls on the President of the United States to bring up the Baltic States question in the United Nations or other appropriate international forums in the interest of restoring to the Baltic peoples their rights which are being so ruthlessly denied. I would urge that appropriate action be taken to carry out the resolution.

The text of House Concurrent Resolution 416 follows:

Concurrent Resolution

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

PHYSICIAN, WHITHER GOEST THOU?

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Kupferman] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, Dr. Irving S. Wright, my constituent, has been chosen as president of the American College of Physicians.

His presidential address given on April 10 in San Francisco, entitled "Physician, Whither Goest Thou?" contains some thought-provoking suggestions and conclusions on problems of health care for the future, and I am pleased to bring them to the attention of my colleagues.

Physican, Whither Goest Thou?

(Presidential address by Irving S. Wright, M.D., American College of Physicians, San Francisco, Apr. 10, 1967)

It has been my pleasure and privilege to have served as a physician for the past 40 years. My distinguished teachers had spanned the previous 40 years. My own interest in medical history extends from the time of Imhotep and later Hippocrates. It is clear that there have been periods when with ebb and flow of history the status of the physician has risen or fallen on the tides of time.

From the perspective of those who are in this hall, we might agree that the first six decades of this century were marked with a rising, even flood, tide. Medical education was critically evaluated by Flexner and thereafter steadily improved in quality. Idealism in medicine was accepted as the order of the day. Research was more carefully planned and more critically viewed. The public recognized the value of basic as well as applied research and supported both. Voluntary health organizations, concerned with tuberculosis, polio, cancer and heart diseases were able to raise many millions of dollars and guide them into productive programs of research, education, and community service. The government, awakened to the challenge by these organizations, foundations, distinguished medical and lay leaders, and members of Congress, appropriated increasing funds for the development of the extra and intra mural programs of the National Institutes of Health. The leading medical organizations were strong—both those involved with economics of medicine and those interested primarily in the continuing education of the physician, such as the American College of Physicians. Polls which were taken to determine the most respected of occupations almost invariably showed the physician at the head of the list. It appeared that the remainder of the century would continue with an undisturbed and steady upward movement.

However, the past six years have clearly demonstrated that this is not to be the case. Instead we find ourselves in a period of ferment. The winds of social change have actually been blowing strongly since the depression of thirty-five years ago. It was inevitable that advocates of increasing welfare programs would ride these winds. The political trends in Europe, Great Britain, and more recently in Canada have been toward health insurance, both governmental and private. Despite the fact that the results have rarely equalled the promises, the opportunities and rewards inherent in this movement have been irresistible to political leaders. We now have Medicare and Medicaid and there is evidence that pressures will increase to expand the application of these and other plans leading to greater governmental control of medical care. It is not my purpose at this time to belabor the economic and political aspects of the changing picture, but one cannot ignore the fact that they play a role in the present concern and confusion of practicing physicians, medical educators, administrators, and the public alike. The clinical practitioners seem to be disturbed by the danger of loss of self in the mass social movements. Independence of operation has attracted a particular type of person to Medicine. The future appears less attractive for him.

The National Institutes of Health established a superb record of accomplishment excelled by no other branch of the Government. Committed to giving freedom to the investigator to seek new truths and to the training of young men in medical science, the extra mural programs exerted a great influence for good throughout the land. Funds were made available through the wisdom of some members of Congress. The advisory councils and study sections represented the best and most sincere guidance available in this country—and the inevitable forms and reports were kept within reason. The leadership of HEW and the NIH is at a very high level today. The programs stressing directed or applied research have been stressed and this is to the good. However, despite this, within the past six years, beginning with picayune investigations, and as a result of criticism and pressure from various other segments of the Government, the activities of the NIH have been gradually restricted and curtailed in many ways. This has particularly affected the more basic research programs. For example, the requirements placed on the extramural investigators for more detailed application forms, reports, etc., have increased until many of them are now spending four or more times as much of their energy in satisfying these demands as was the case ten years ago. This is a waste of time of any productive scientist. The ridiculous time-effort reports were instituted as if scientific minds worth their salt work on the 35 or 40 hour week schedule, or as if the work of technicians and secretaries can be consistently divided between three to ten grants and funds to the percentage point month after month. All of this adds to cost through the need for employment of more local managers and accountants. It is detrimental rather than helpful to the advancement of science. The training grant programs were cut to virtually eliminate foreign trainees.

This was a definite step backward in the development of world scientists and international good will. Many of the trainees of the past have later risen in their own countries to professorial or deanship rank and have remained the best kind of friends the

U.S.A. could have for the rest of their careers. While there have been some abuses of this program, the reasons for abolishing it are not justified and it should be re-established without delay. There is spreading disenchantment on the part of young investigators with studies evaluating new drugs in man. Unless this trend is reversed, how are the new drugs going to be adequately tested to meet the standards required? This is already slowing up the use for man of new drug discoveries and if the young investigators are not wooed back into this field the detrimental effects will be felt for years. Finally, the increases in grant funds for basic research have been curtailed until they are actually inadequate for the annual cost of operation increase which must include new and more expensive equipment as well as salaries and other overhead. We hear much of the need for studies which will lead to the application for man of knowledge already available from more basic research and in this we find ourselves in full agreement. Yet the factors mentioned above and others mitigate against this very step, while reducing the budget for basic research and training of research and clinical investigators both American and foreign will inevitably reduce the development of new findings for the next generation to apply. Thus, the rate of new exploration in basic research is being slowed down. This is all happening in the face of expressed presidential desire to move ahead ever more rapidly in these areas. A hard re-examination of this problem is required if the progress of recent years is to be steadily accelerated rather than inhibited.

The shortage of manpower is acute. Our national planning has not provided a sufficient number of physicians to meet the needs of clinical practice, and this is compounded by the requirements of the armed forces, the public health services and other administrative assignments. We are short of teachers to the point where raiding of existing medical schools for faculty members has almost become an accepted way of life. How are we going to staff the 20 or more new medical schools which are essential for the future? The present increasing hostility by some writers toward the Medical profession is reflected by public response. If this continues, it will become increasingly difficult to attract the best young students to careers in medicine. If the country wants to have good doctors, the people must continue to be appreciative of the burdens and responsibilities the physicians are required to assume for their patients.

The nursing situation is even more acute. There are large medical centers where, despite the demand for their constant use, operating rooms stand idle for lack of capable nurses—this means that patients are occupying beds for extra days until they can be operated upon, and other patients, both medical and surgical, cannot be admitted because of the delay. Yet in some quarters, there has been pressure for decreasing the number of nursing schools because some do not meet the new academic standards. This crisis is being met temporarily by the reactivation of nurses who have been housewives for years, and who are persuaded to return to their profession at least on a part-time basis. The weaker schools should be strengthened and the long-range requirements met by the development of new ones. It is also essential that many more schools for practical nurses be developed. This can most efficiently be done in affiliation with registered nursing schools. It would be most economical of faculty and facilities, and these practical nurses should be trained to assist and work closely with the registered nurses at all levels, thus providing six or eight hands instead of two, which is what the patient and the doctor require. A fresh and constructive approach is urgently needed to meet this crisis.

The same type of shortage also exists in the area of technicians. It is now being met in part by some junior colleges, but the difficulty lies in the present requirements for specialization. The former type of technical courses, consisting largely of hematological and chemical training meets only a small segment of the need. For example, it does not prepare for technical proficiency in roentgenology, isotope handling, physical sciences, animal experimentation, computer programming and electronic equipment use and care. Often, several additional years are required for training in these specific areas. The constant loss of technicians to the draft or to marriage keeps this supply at a premium. One possible source of candidates is in the large number of medical corpsmen being discharged from the armed forces. Many of these are superb candidates. Courses should be organized to complete their training, and efforts made to enlist them for futures as medical technicians as they come out of the service.

The information explosion presents us with one of the greatest of problems. We have supported great expansion of research, but now are being inundated with the resulting information. There are over 10,000 publications appearing weekly or monthly in the biomedical field alone. Buildings cannot be provided to store and make readily available all of these plus all single volumes for the future. Microfilming is a temporary approach, but this can also produce storage problems. For example, the Social Security Administration now has 80-million feet of microfilmed records in its Baltimore headquarters alone. With special optical microscopes, printed material can be reduced to one-million to one. This means that one-million volumes can theoretically be compressed to the size of one. A physicist has suggested that the reduction might be carried farther, to molecular dimensions—one-billion to one—but even now we have the problem of retrieval. We must be sure that the data we get back from such systems will be accurate enough for scientific purposes. Will we be confronted with more examples of the computerized translation from English to Russian and then back to English of the phrase, "the spirit is willing but the flesh is weak?" It came back, "the liquor is strong but the meat is raw." Frightening, isn't it? Such are the problems which must be solved in this field.

The computerization in the health plans of the future seems inevitable, yet computer use demands that the proper questions be formulated and asked. Programming is the key, but who will do it? I have recently participated in a simple compilation regarding one disease. Over 10,000 questionnaires covering about 20 questions were gathered and turned over to trained programmers, who were not, however, physicians. The results were useless and the study had to be re-programmed after physicians had rephrased the questions and methods of approach. This is an example of another problem. Where can we get enough programmers who are capable of this specialized work? For many items at present it requires medical training, and how many physicians are going to want careers in what some have called "feeding the computer monsters?" Yet, feed them we must if any orderly data systems are to finally appear. Thus far computers cannot analyze many of the subtle but nonetheless vital aspects of medical diagnosis of the total patient. By using a now experimental Clinical Decision Support System it appears possible that given a list of findings it can remind the physician of diagnostic possibilities he may have neglected to consider and thus contribute even to the intimate care of the patient. In the future, through a terminal, a physician will be able to communicate with a central computer to obtain pertinent medical information for his case or his lecture. This may seem somewhat confusing for the physician of today, but if the proper steps in education are taken now, the physician of tomorrow will accept it in his stride, and may as a result produce better research and teaching and provide better treatment. The physician must remain the keystone to medical care. We must become more active in this field in order to provide the best and to properly control our destiny. The alternative is to surrender it to the social scientists who are already striving to control the health care programs but who are not properly trained to assume this role.

The new programs of the National Library of Medicine, and SATCOM—the Committee on Scientific and Technological Communication of the National Academy of Sciences—and other groups are concerned with these and many facets of communication and information storage and retrieval. Examples in the prototype phase permit recording on punched cards readings from automated chemistry equipment. Several tests can be monitored and simultaneously made available to the physician, thus eliminating much of the clerical work of medical technologists. A computer program makes it possible to perform calculations of, let us say, complex wave patterns, which formerly took hours or days, in minutes. Thus by a mathematical technique called the Cooley-Tukey Algorithm, the program can provide a simplified method of analyzing electroencephalograms.

There is, therefore, an absolute necessity for internists of the future to become familiar with the full use of these and other new methods of information storage, retrieval, and computer use. Today only a handful of internists have undertaken serious study of these techniques. From this point on, no medical student should be graduated without training which will enable him to use available techniques of this nature. This is easier to achieve than the education of those who have already graduated, and especially that large and important group who are not affiliated with a major medical center where such techniques will soon be in daily use. The American College of Physicians should assume a position of leadership here. We should formulate all pertinent information, develop symposia and post-graduate courses and initiate a broad and continuing program of education in computerization, datamation, information storage and retrieval. It will, of course, be necessary to call upon the experience of companies and governmental agencies in this general field to help us translate available knowledge to the physicians. We must make our needs known to the technical experts already involved in these new fields. The significant questions must be formulated. This is not only a science, but an art worthy of the best talents. (I am pleased to call to your attention the fact that there will be a morning lecture on "The Role of the Computer in Internal Medicine" during this convention).

The field of genetics represents another area which will increasingly demand the attention of the internists. Old and new diseases are constantly being found to be caused or aggravated by genetic factors, and the recognition of these will be required of the internist. The College has had some programs dealing with this area in the past, but there should be increased emphasis on it. We will have a morning lecture on "The Role of Genetics in Internal Medicine" at this convention. This will deal with the present, but what of the future? During the remainder of the century great strides will be made even involving the matching of ova and sperm, Consider the ethical, moral, legal, religious and medical questions to be asked and answered. It seems probable that along with others, the family internist will be consulted on many aspects of the genetic problems. This, then, represents another new area for our continuing education program.

Recently there has been much discussion

of the role of the so-called family physician and who should fill that role. In the past 50 years the growth of new knowledge, techniques, and demands of medicine have clearly outgrown the capacity of any one man to fill the shoes once filled by the general practitioner. This challenge will be multiplied in the future. With great personal effort and the wise use of referrals and consultations, many general practitioners still offer superb care and advice to their families, and this should be encouraged. Other families are fortunate to have good and wise physicians who, regardless of specialty, act as advisers in cases where they are not equipped to handle the situations alone. The internist has come to stand for the best in diagnostic and therapeutic medicine and one to whom families may turn for advice, not only for medical problems, but for decisions regarding the indications for surgery or psychiatry as well.

Patients often express their appreciation of this type of service. Training and specialty Boards in Family Medicine have now been proposed. The programs that have been suggested are generally and fundamentally internal medicine, as they should be, with optional special training depending on the particular interests of the physician. A few Medical Schools, mostly state supported are considering special residency programs to try this concept. In some there is a plan to have a service parallel to the present service in internal medicine. This seems like a doubtful attempt to improve medical services. If undertaken, it will result in needless duplication of many services with additional cost both financially and in manpower. For pragmatic reasons, it appears unlikely to flourish in many schools. It would appear to be more sound to encourage young physicians to enter internal medicine for more training in depth. Those who wish could concentrate on clinical aspects with supplementary studies in psychiatry, public health, or other subspecialties to become a well-rounded family adviser—the practicing internist of the future. Group practice of one or another variety is doubtless the medicine of the future for most of America and in such a setting the internist should occupy the central role as the family adviser on major medical or surgical matters, working closely with the specialists required for the total care of the patient. Associated with each group or hospital, the general practitioner should function in a most important role as the first defense line of prevention and medical care. In some geographic areas this may be from quite a distance.

The American College of Physicians has a compelling interest in each of the challenges I have outlined.

I could give many more examples of what may seem overwhelming, even, to some, frightening changes. Those who meet them will be the leaders of the future. Man, en masse, has traditionally feared the new. However, some have always found it exciting. Long centuries ago the Iron Age revolution began its slow but irreversible course—many despaired. How was anyone to control the explosive potentialities of this new metal whose use was so much greater and wider than copper or bronze? Where was it all to end if every man would own his own spear and sword? Bronze-clad kings and chiefs had monopolized their rare equipment, but the monopoly of iron weapons, once the techniques of manufacture became widely known, was beyond their control. Like the nuclear powers of our time, they might desperately wish to keep the new knowledge to themselves. The task was beyond them. Little wonder that the great historian, Herodotus, should have written as a perfectly obvious fact that "the discovery of iron was a bad thing for mankind." Some physicians of today feel that the great changes with which we are confronted are overpowering and even bad. Whether we like them or not, new discoveries, new techniques, and some major trends cannot be stopped—but they may be analyzed, controlled and used intelligently for the good of mankind, and *THAT* is what the American College of Physicians is all about.

POSTAL FIELD SERVICE

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Reid] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. REID of New York. Mr. Speaker, I am introducing today a bill to reclassify certain positions in the Postal Field Service.

This legislation, which has already been sponsored by some 200 Members of this body, would establish a starting pay for letter carriers and clerks at $6,079 annually with a top step of $7,798 to be reached after 15 years of satisfactory service.

Further, the measure would give each Postal Field Service employee credit for all prior service and advance him to the appropriate step of his level prior to reclassification. The result of this action and of reclassification would be that employees in levels 1 through 4 advance in rate of pay to a rate one level and two steps higher. Employees in levels 5 and 6 advance in rate of pay two steps. In dollars, each employee would receive about $800 above existing pay scales.

Mr. Speaker, this bill would recognize some 400,000 out of the total of 700,000 employees of the Postal Field Service. These are the people who do some of the most significant and important work in the postal service—move, sort, and deliver the mail. If we are to attract and keep capable personnel to the postal service—which needs dedicated carriers and clerks in the service of the American people—this modest raise is necessary.

FEDERAL FINE ARTS AND ARCHITECTURE ACT

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Reid] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. REID of New York. Mr. Speaker, I am introducing today a bill known as the Federal Fine Arts and Architecture Act, to foster high standards of architectural excellence in the design and decoration of Federal public buildings and post offices outside the District of Columbia, and to provide a program for the acquisition and preservation of works of art for such buildings.

The bill has two major aspects. First, it would establish a Public Advisory Panel on Architectural Services in the General Services Administration. A similar panel now exists in the GSA under Executive order and the group created by this statute would provide for Federal public buildings and post offices in the 50 States the same sort of expert advice on design and decoration, and on selection of architects and artists, that the Fine Arts Commission gives for Federal structures in the Capital.

The Chairman of the National Endowment for the Arts would recommend the panel members to the Administrator of the General Services Administration who would make the actual appointments. He is directed to appoint to the panel for 3-year terms at least 12 architects from persons in private life, professionally engaged in architecture, landscape architecture, or city planning, and at least six representatives of allied fields, including painting—at least two, sculpture—at least two, the decorative arts and crafts, and interior design.

With respect to all Federal buildings and post offices outside the District of Columbia, the panel would, first, recommend to the General Services Administrator and to the Postmaster General criteria for selecting architects and artists for public buildings and post offices; second, review design standards and guides; third, advise the Administrator and the Postmaster General in the selection of architects and artists for buildings designated by the Administrator or the Postmaster General as nationally significant; and fourth, advise the Administrator or the Postmaster General with respect to the acceptability of architectural designs or works of art proposed for individual projects.

The second major feature of the bill is the authorization of a cumulative fund to acquire and maintain works of art for Federal buildings and post offices outside the District of Columbia. The fund would be equal to 1 percent of the amount appropriated during the preceding fiscal year for design and construction of public buildings outside the District. Under existing administrative order, one-half of 1 percent is now available and the new statutory provision authorized by this bill would significantly increase the moneys available for this worthwhile endeavor.

Mr. Speaker, Federal buildings and post offices should both blend well into the style of the community in which they are located as well as set high standards of architectural excellence to serve as models for the communities. All too often Federal buildings are pedestrian, monolithic, and clearly lacking in style or excellence. I am hopeful that this bill will serve to ameliorate this situation.

CARDINAL JOSEPH ELMER RITTER

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Curtis] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. CURTIS. Mr. Speaker, as both a spiritual leader and a social reformer, Cardinal Ritter was known and respected by the entire community. Within his own archdiocese, his able administration and innovation brought unprecedented development; within the ecumenical movement he was among those who advocated change and sought to modernize the church.

Twenty years ago the cardinal demonstrated his concern for racial justice and equality by ordering the integration of Catholic schools and threatening to excommunicate those who refused to comply. Later he led efforts to end discrimination in area hospitals. In August 1963 his Commission on Human Rights was established to design programs to overcome obstacles preventing "the use of 'God-given rights'." In 1965 the cardinal initiated "Operation Equality," under which the church purchases only from firms which have signed a pledge to hire minority groups and to open their personnel records to the archdiocese for inspection. To insure a more equitable distribution of church funds, the cardinal last year promulgated a "tithing for the poor" program, which ordered the wealthier parishes of St. Louis to contribute a certain percentage of their income to parishes in slum and rural areas. The cardinal's concern extended to religious as well as racial cooperation. In the 1950's he filed a personal law suit on behalf of the Temple of Israel, which was attempting to build a synagogue in Creve Coeur. Later, in the Vatican Council, the cardinal advocated absolving the Jews for the death of Jesus.

Since he completed the unfinished cathedral at Indianapolis, the cardinal was noted as a builder. After his arrival in St. Louis, he spearheaded a drive for the construction of the Cardinal Glennon Memorial Hospital for children, and was responsible for a development fund *for parish schools and churches. To expedite* financing of new schools and churches, he established a revolving archdiocesan expansion fund.

In the church, the cardinal recognized the need for development and reform. Recognizing the plight of Catholicism in Latin America, the cardinal, then an archbishop, initiated a foreign mission program in Bolivia. During the early sixties the cardinal became a progressive leader in the movement initiated by the second Vatican Council. As an advocate of religious liberty, he defended the right of every man to worship as he pleased. In the Ecumenical Council, he emphasized the need to reform the Mass. In the Vatican Council he received approval for the use of vernacular languages in services, and in his own archdiocese, he established commissions on liturgy and sacred music to make the Mass more meaningful.

Both the Vatican and his own parishioners respected the cardinal and recognized his achievements. Eden Theological Seminary awarded him an honorary degree; in 1965 the St. Louis Globe-Democrat presented him with the "Humanities Award," annually presented to a citizen of St. Louis whose "life has been guided by the fatherhood of God and the brotherhood of man." Yet the cardinal shunned public recognition of his work. During his absence in Rome in 1964, he declined the "Ecumenical Man of the Year" award of the Metropolitan Church Federation of Greater St. Louis. Although grateful for the honor, the cardinal explained that it was his practice to decline any personal award "associated with the performance of what I consider my simple duty."

Despite recognition and acclaim, the cardinal remained a man of simplicity and piety. At times the ceremony and pomp of his position seemed to make him uneasy. Once he was heard to comment that he preferred not to attend regular church services, because "it makes everybody uncomfortable."

His humility and gentle temperament were matched only by his strength of purpose. For both his spiritual leadership and social commitment, Cardinal Ritter will continue to be respected and loved by the community and the church.

INDIAN EMBASSY REPLIES TO STATEMENTS MADE IN "FAMINE 1975"

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. FINDLEY. Mr. Speaker, on several different occasions I have placed material in the RECORD regarding the book "Famine 1975" by William and Paul Paddock. The book in discussing the famine problem is critical of various efforts of the Indian Government to meet the pressing problems of food production and population control. Mr. K. S. Sundara Rajan, Minister for Economic Af*fairs at the Embassy of India in Wash*ington, in a letter to the publishers of the book, took issue with various points and statements raised by the authors. As a courtesy to the Indian Government and in order to be as objective as possible regarding this book, which is an outstanding contribution to the problem of averting world famine by 1975, I ask unanimous consent that the text of the Minister's letter be inserted in the RECORD at this point in my remarks:

"FAMINE 1975!" BY WILLIAM & PAUL PADDOCK

(Comments by Mr. K. S. Sundara Rajan)

MAY 18, 1967.

DEAR MR. MCCALEB: Kindly refer to my letter of May 5, 1967 acknowledging your letter of April 21, 1967 and the advance copy of the book "Famine 1975!" by William and Paul Paddock. As suggested by you, I am giving my comments on the book.

2. I would first like to invite your attention to pages 33–34 of the book which contain a serious misquotation from my speech of December 9, 1965 at the organizational meeting of the Committee on the World Food Crisis. The relevant sentence in the book reads as follows:

"With great efforts we stepped up the production of our food grains . . . in 1950 and 1951. (That is, after the British were gone; these dates, in any case, are rather meaningless in the present crisis, fifteen years later.)"

The quotation is incorrect and misleading. I enclose the full text of my speech (Annexure 1) and you will find from para 2 thereof that what I had actually said was:

"With great efforts we stepped up the production of our food-grains from 51 million metric tons in 1950/51 to 89 million metric tons in 1964/65."

You will note that I did talk of the production figures 14 years later and how we had stepped up our production 75% in the last 14 years. By omitting the important and decisive words "from the 51 million metric tons in 1950/51 to 89 million metric tons in 1964/65" and garbling the years, the sentence has been robbed of all its significance and the sense of what I said has been completely distorted. I hope the omission of these crucial words has not been deliberate, but the other quotations in pages 33 and 34 and the reference in page 251 Serial Number 54 would suggest that the authors had access to the text of my address, copies of which were widely distributed through the Committee on the World Food Crisis.

3. The statement in the book to the effect that "With such statements still coming from high Indian officials, how can one expect population control to be taken seriously in Delhi and by the Indian public?" seems to suggest that the Indian Government was complacent in its efforts for increasing food production and has tended to neglect measures for the control of population. Such an impression is quite contrary to the facts, as the authors would have found if they had gone on to the concluding portion of my speech (para 13) where I had pointed out that increasing food production was only part of the problem and outlined the measures taken, and the success achieved so far, in India's family planning programme. I do *not wish in this letter to go into all the de*tails of what India—as the first country in the world to have a Government-sponsored family planning programme—has so far done about this most important aspect of the food-population equation, but suffice to say, that the Government of India had set up *15,000 family planning centres and 9,000* subcentres and earmarked $306 million for the family planning programme in the Fourth Plan. Large numbers of men and women doctors and para-medical personnel are being trained and extensive research is being carried out in bio-medical, operational and *demographic and communication fields. As* a result of all these efforts there were by end of 1966, 4.5 million contracepting couples and the number is increasing rapidly as the programme gathers momentum. Our objective is to bring the birth rate from the present 41 per thousand to 25 per thousand by 1975 and foreign experts, who have examined the programme and its operation, have found that this target is realistic and attainable on the basis of the present programme.

4. Coming to the main thesis of the book, it seems to me that the title itself summarises the basic delusion under which the authors appear to suffer. "Famine 1975!" is *not* "America's decision who will survive". It is, of course, America's decision on what countries it should aid with food supplies, to what extent and under what conditions. In this context, the efforts of the authors to focus attention on the critical importance of the U.S. role in the world food problem are perhaps well-intentioned. Unfortunately, however, the contribution of the authors to the discussion has been negative, because they have ignored the fact that survival, as distinct from food aid, is basically a function of what the developing countries themselves do in the matter of increasing food production and controlling population [1]. It is only secondarily a function of what the U.S. does to help these countries help themselves. The truth of this is fully recognized in the philosophy and the provisions of the Food for

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[1] At page 246, the authors partly recognize this when they say that "The receiving nation must realize it will not be saved by American food alone, but by its own actions". But what precedes and what follows this statement is a series of one-sided and exaggerated assertions contrary to this basic fact.

Peace Legislation recently enacted by the U.S. Congress.

5. In India's case, for instance, the book totally ignores the efforts under way by Indian farmers as well as the Indian Government to increase agricultural output. India's problem is one of modernising traditional agriculture and her approach to it has been through a new agricultural strategy which has now been in operation for two years on the ground. This strategy consists in the application of a package of practices comprising sound water management, high-yielding varieties of seeds, pest control and sharply increased fertilizer dosages along with good cultural practices for areas of assured rainfall or irrigation facilities totalling 32.5 million acres by 1970/71. The essence of the programme is the introduction of high-yielding varieties of seeds for wheat, rice, corn and sorghum and the assurance of a sufficient quantity of fertilizers to the farmers along with an incentive price to the producer. The very speech of mine referred to by the authors describes in some detail what we have been doing in this field and the hope the new technology gives for the future. Already in the first year of this programme, six million acres have been planted with these high-yielding varieties and we have had very encouraging increases in output. Independent experts of the U.S. Department of Agriculture, the World Bank and the Food & Agriculture Organization, who have been in touch with this programme and its implementation are one with us in the expectation that these measures would succeed in India being self-sufficient in the production of foodgrains by 1971. The Indian Government itself has announced that after that date, it shall not seek concessional food imports from any source. It is surprising that the authors should not have made any reference to these developments even though they discuss India at some length under the heading "India is the Bell weather" from pages 56 to 61 and again from pages 217 to 219. Elsewhere also there are numerous references to various papers and authorities but nowhere is there a reference to the new agricultural policy of the Government of India, *its wide acceptance by farmers in every State,* the availability of new high-yielding varieties of seeds developed both in India and outside, the commitment of the Governments both at the State and the Central level for implementing the new policy as of the highest priority and the results that have been already achieved.

6. In a climate where there is thus a complete coincidence of interest between the food exporting countries and the major food recipient countries in the matter of using food aid as purely an interim device to buy time until the developing countries are able to be on their own feet, it is most unfortunate that the authors of this book have sought to discuss the problem in a grossly one-sided, unhelpful and misleading manner. I would only add, in conclusion, that this is a great pity since the subject itself is an important one affecting the lives of millions of people and deserves a much more informed, intelligent and objective treatment.

7. Finally, I would like to thank you for sending me an advance copy of the book and for inviting my comments.

Yours sincerely,

K. S. SUNDARA RAJAN,

Minister, Economic Affairs, Indian Embassy, Washington, D.C.

LIBRARY BUILDING AT MURRAY STATE COLLEGE NAMED FOR DR. C. S. LOWRY—DEDICATION ADDRESS DELIVERED BY DR. FORREST C. POGUE

Mr. EVERETT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. EVERETT. Mr. Speaker, 35 years ago I had the opportunity and privilege of attending Murray State College after graduation from high school. Murray State College is located at Murray, Ky., an outstanding town and the home of our distinguished colleague, FRANK ALBERT STUBBLEFIELD.

The college since has grown to an enormous capacity and now the Commonwealth of Kentucky has changed the name to Murray State University.

I was very fortunate in the fact that I had two great professors, Dr. Forrest C. Pogue, who now is writing the life history of Gen. George C. Marshall, and also Dr. C. S. Lowry, who has been head of the social science department at Murray for many years.

Recently the library building, to which a large addition has been made since I had the privilege of attending Murray, was named for Dr. C. S. Lowry. The principal speaker at the dedication was Dr. Forrest C. Pogue, also a former student of Dr. C. S. Lowry.

Dr. Lowry is an institution within himself. The dedicatory speech tells the true story of one of the great teachers of this Nation and is so outstanding that I felt it should be brought to the attention of the Congress. The address follows:

ACHIEVEMENT AND DEDICATION

(Address given by Forrest C. Pogue at the dedication of the C. S. Lowry Library, Murray State University, April 30, 1967)

I. INTRODUCTION

We are met here today to honor an institution and a man. In this instance, we cannot separate one from the other, for their lives are so meshed together that to honor one is to confer honor upon the other.

Two years after this university began as Murray State Normal School, a young man from Crittenden County (then two ferry crossings from here), newly decorated with an M.A. from the University of Kentucky, came to this campus.

It was *all* campus then—there were hardly any buildings—but Clifton Sigsbee Lowry, named for the commander of the battleship Maine, which was sunk shortly before his birth in 1898—fitted the fledgling college like a glove. As was the college, he was young, and raw, and eager, but, as it was, he was vigorous and hopeful and concerned with intelligence. Like the college he was lean and hungry to grow and to teach. Like the college he believed passionately as to whom should be taught—the hungry minds or the minds that could be stirred to hunger.

And so the college sought them and Lowry taught them, or such of them as came his way by taking his classes. And none was ever quite the same again—the college or Lowry or the students. They all grew.

More and more students came to the college. More buildings appeared. Lowry went away to Harvard to begin work on his doctorate. He was at Harvard when I first came to Murray as a student, but I soon heard much of him, for he was already a campus legend. Whether his straightforward language and powerful lungs evoked outrage, shock, chuckles, or fervent admiration, no student who ever sat in one of his classes regarded him with indifference. Some of the exaggerated stories I heard about him then are gleefully recounted year after year, as being his latest capers.

I could hardly wait for him to get back to the Murray campus so that I could take some of his classes. Meanwhile I reveled in the several thousand books in the college library in Wilson Hall, for I had come from a small country school that perhaps had a hundred books in its library.

When Lowry returned in the summer of 1929 with a touch of Harvard and, incidentally, a new wife, a former student from Benton whose intellectual curiosity matched his own, I signed up promptly for a couple of his classes. I continued to come back for more throughout the rest of my stay. Lowry had been at Harvard in a great era. He had classes under some of the older giants, such as Channing and McIlwain, and under some of the newer men, such as Holcombe, Friedrich, and Samuel Eliot Morison. They had all fired his imagination as had the great Widener Library and the world of scholarship and books. It was exciting for me, one year out of a two-teacher high school and that 100 book library, and for many like me to feel that through this man we could touch the traditions of Harvard and could be led to the books he had found at Cambridge.

II. LOWRY THE TEACHER

There are many good reasons for naming the Library after Doctor Lowry. One can list the fact that for more than a quarter century, he served as chairman of the Library Committee of the college. Over the years he has worked to build the collections not only of history, political science, sociology, economics, and geography, but also of philosophy and religion which often had no faculty member to look out for them. No one has used the facilities of the library more than he. No one here better represents what the Library stands for. But the chief reason, I think, for honoring him is that his name on the building will remind those who have graduated and those who will attend here in the future that a great teacher passed this way.

Three years ago, I was happy to be present when the Alumni Association gave its first Distinguished Professor Award and selected Doctor Lowry for that honor. All agreed that it was well bestowed because Lowry at his best is Murray at its best. Praise for the qualities of a great teacher is praise for what many others at Murray have tried to do.

As a member of the Faculty, Lowry has answered every call made by the Administration on his time and on his wise counsel. The Library Committee was only one of the many committees on which he served. His advice has been sought for years by the men who headed this institution and by none more than by Doctor Woods. He has labored long and hard to represent the college where he is called—and it is often—before civic clubs, church groups, alumni associations, school gatherings, and the like. No matter how often he has been called, he has taken each assignment seriously, working out carefully what he wants to say and polishing his paradoxes and verbal thrusts until he knows that he will provoke thought.

No one has aided the school by his candid criticisms of faults and shortcomings more than he, but none has been quicker to defend the institution against unjust attacks. He likes to hide the sentimental side of his nature, but he is never completely able to keep his deep love for this institution out of his voice when he speaks of Murray.

But Lowry will be remembered longest as a teacher in the classroom and in his office driving the competent and harrying the unprepared. When I think of the generations of students who have taken his courses, I am reminded of the practice once followed in India by many students who had worked for their college degrees and failed. So highly esteemed was an advanced education that even the students who failed to pass gained distinction by having printed on his calling card the words "Failed B.A." As I talk with many former students, I find again and again those who say with pride "I managed to get a Lowry C."

I doubt if any teacher here has scolded more students than Lowry. But when the old grads come back, he is the first man they come to see. Marvin Wrather will tell you that when the Alumni ask for a speaker for their meetings in cities around the country, Lowry's name leads all the rest.

There are good reasons for this. I want to go into some of the qualities not only in tribute to the man who is being honored but because I think he represents certain qualities that Murray fosters and that it must continue to foster in the future.

Like many who have come here, I am deeply indebted to him for many things. As a boy from a farm—Lowry said recently that he did enough work on a farm to know that there was something else he wanted to do—he could sympathize with those of us who came from small schools but who had a thirst for knowledge. He made me realize that the background of a small school and a rural community was no basis for apology and no excuse for failing to go ahead. He has always taken an interest in those who had few opportunities but a fierce desire to learn.

He stressed the importance of analyzing a question and the necessity of organizing thought. I remember when I handed in my first paper, filled with fine language and a debater's verbiage. It came back with a C minus or D. When he had let the lesson sink in, he thundered, "Pogue, I will teach you to come to the point or you will never pass this course." I managed to get a B, but I had learned my lesson.

He had the fire that burns in one who is caught up in one's subject and the excitement that arises in a course taught by one who never stops learning and who constantly reworks his courses.

He is a master at gaining attention. Of course, it is sometimes rough. Kipling once said "If you hit a pony over the nose at the outset of your acquaintanceship, he may not love you, but he will take a great interest in your movements ever afterwards." Lowry gains your attention.

Once he has your attention, he tests and challenges. Woe to the student who shows some promise. He throws question after question, designed to provoke dissent, to raise an argument, or to strike fire. If the student has it, he will force him to respond.

I have heard him criticized for raising hell for its own sake. But I can testify that he is using a method as old as Socrates—of forcing the student back on his resources—of applying stimulus that is capable of bringing a thoughtful reaction.

I think I had Lowry in mind when I wrote of Harry Hopkins in my last book. I called him "a poser of hard questions" and "the gad-fly of the Anglo American alliance." The man who can ask tough questions, who can go to the root of the matter, who is a gadfly to the intellectually lazy is not always a comfortable man. He disturbs the peace of the slothful and the comfort of fat minds.

I can see him now, stepping in front of an unsuspecting student, suddenly baring his skinny arm. Plaintively, he says, "See how thin I am? That's because my wife won't feed me properly. Should the government allow that?" The alarmed student at first may have thought the man was delirious from lack of nourishment. But the teacher was launching a session on a basic issue in political science. To what extent should the state interfere with private life? Before he had finished, he talked of various forms of state regulation of our lives. The constitutional cases and the Supreme Court decisions that were cited have probably been forgotten. But the principle—neatly tied to his gesture—remains with me still nearly forty years later.

Never have I read as many unassigned books for any teacher. He had a way of tantalizing you with a quotation, of dropping the kernel of a chapter into a lecture, until he trapped you into asking where you could read more about it.

He has a knack of eliminating the hot air content of comments by his students. As one of several debaters in his classes, I did my share of worrying points for the sake of argument. He did not object to controversy, but if the content was purely talk, he could be devastating. I learned from him and from Doctor Drennon the danger of sophistry in discussion—of attempting to be clever instead of truthful.

It is not just in the classroom that he teaches. In his office, on the campus, in the Library, waiting for his mail at the Postoffice, he invites questions or, more often, continues the painful process of licking the cubs into shape.

He berates you for your most recent errors, tests you for any evidence that you have improved, jests with you to make you feel a little easy, challenges you to do better, dares you to do your worse, and often drags out a book or two you should read.

I did not get here in time to see him perform in his classroom yesterday. If I had, I bet that there would have been little change over the years. I watched him for a few minutes when I was here last November and he still had the old fire—eyes ablaze, eyebrows bristling, hands gesturing with fervor, voice strong with vehement force, invoking the spirit of learning, and putting the fear of the Lord into the lazy and the unprepared. But—and this is the important part—kindling interest in learning and a zest for knowledge in those that he could set alight.

The great thing about Lowry is his capacity to grow.

1. He is always learning. Some of his courses are so much second nature that he need not look again at a book but he continues to enliven by the copious gleanings from many sources that catch his fancy.

2. In addition to his own fields, he has strayed into the paths of dramatics, performing some memorable roles over a period of years, and reading deeply in the literature of the theater. Most recently, he has turned to philosophy, studying the existentialists, carrying his reading to the works of Kierkegaard and Sartre. Along with that has gone a study of Greek, where he has found some of the pleasure that he shares with many teachers he has greatly admired.

3. Recently in reading the memoirs of President George N. Shuster of Hunter College, I was impressed by two observations that seemed to catch some of the spirit that animates Doctor Lowry and that I believe is found in the good teacher. Doctor Shuster declared:

"An educated man understands in the end that he must live bravely and genially with his ignorance because being ignorant is a very large part of being human.

"Yet, also, while remaining unable to answer questions which desperately need an answer, he realizes that peering into the mystery engirdling him is a heartening, cleansing, ennobling experience."

And to this statement on ignorance, which is really another name for thirst for knowledge that can never be completely quenched, is this statement that prompts many scholars and students to turn to books. Doctor Shuster tells of seeing a French soldier in World War I placidly reading from a Greek edition of Aeschylus. He concludes: "Fragments of beauty cannot lose their freshness of meaning because the world in which we happen to be busy is false or tawdry."

I have found none more dedicated to his profession and to this institution than this man. He has been offered other tempting jobs but his heart has always stayed here at Murray. The school has no more candid critic. And it has no fiercer defender. As a booster at alumni meetings, a pleader for funds for good causes (he raised more money for the Wells Memorial than any other one person), and as a purveyor of barbecue at Homecoming, he shows in every way the marks of one who is prepared to build a greater institution.

III. MURRAY AND THE SPIRIT OF INQUIRY

I think that Doctor Lowry has prospered here because Murray has permitted him freedom of inquiry. Closely akin to the English and French thinkers whose work influenced Jefferson, Lowry has claimed for himself, his students, and this institution the rights set forth by the great English philosopher, John Stuart Mill, when he became rector of St. Andrews:

"To question all things—never to turn away from any difficulty; to accept no doctrine either from ourselves or from other people without rigid scrutiny . . ., letting no fallacy, or incoherence, or confusion of thought, slip by unperceived; above all, to insist on having the meaning of the word clearly understood before using it, and the meaning of a proposition before assenting to do it,—these are the lessons we learn from the ancient teachers."

Lowry has always argued to his students against seeking cheap poularity. He would speak as quickly against the fear of unpopular beliefs. I like to think because he has been willing to speak out for unpopular causes that we have a freer spirit here and in those corners of Tennessee and Kentucky where his students have preached and taught.

He and the University have lived through periods of harsh debate and strong opposition to freedom to speak out and have held to the tradition of Jefferson. But that tradition works two ways. It is important in this period of disquiet when the violent protesters of the extreme right and of the extreme left seek to deny the right of their opponents to speak at all that we recall the true meaning of the doctrine of free speech. It is one that asks for the chance to state one's case, the right to a hearing, the right to say one's say with dignity. It does not infringe on another's right to speak. It assumes that strong arm methods to deny others the right to speak can end only by destroying all free discussion.

IV. THE LIBRARY

As we come here to dedicate this Library, I face the task of predicting the future of the building with some trepidation because of the writings of Marshall McLuhan whose dictum is "The Medium is the Message," (or as he states it in his latest book, "The Medium is the Message.") His prophecies are not always crystal clear, but they seem to indicate that books, systems of logic, and even alphabets are passé.

His writings, while immensely provocative and valuable for stressing the effects of electronic developments on future education, are hasty in predicting the rapid end of the printed word, the linear concepts produced by type, and the discipline of the book which reduces thinking to order and thought processes to logical sequences.

In his appeal for the Eastern approach—as shown by the quotation from Lao-tze which he includes—the mystic flow—he appears to look forward to a return to the tribe and a primitive approach to life. Mysticism is not new. It was found not only among the Buddhists, but in ancient Greece, in the monasteries of the Middle Ages, and in the speakers in unknown tongues of a later day. It requires no message by television to produce this flow. But mysticism flourishes best in a society where its practitioners can live simply, either growing their food by tilling the soil or picking grapes; in a walled community where the gifts of the faithful will sustain them; or by the begging bowl of the Buddhist monk.

In today's complicated society, it is a question whether an electronic world, based on sophisticated computers, complex transistors, and nuclear-powered apparatus, can long survive a type of training that consists mainly of free happenings and abolition of books.

A return to the simple life—a theory preached through the centuries by the alienated—has much to recommend it. But it doesn't square with the complex world of the computer which works properly only with proper programming. Perhaps we need only a small trained elite to handle this task. But while most of us are "turning on" or "taking trips," we had better have enough people trained in sequential thinking to understand how much stress a bridge will stand, the workings of a transistor, or the necessary judgment to be entrusted to the guardian of a panic button.

An item in the New York Times of April 23 quotes an expert in geochemistry as saying that we may have 15 billion people by the year 2000—only a short lifetime away. He said there were 500 million more, "hungry combustible human beings" in the world than there were ten years ago and predicted that the number would increase by another 600 million in the next ten years. The number seems exaggerated but when one contrasts the role of growth with something over 2 billion when the college was founded and some three and a quarter billion now, he can see what demands on food and shelter that will still develop.

If the abolition of the book will help us solve the problems sooner, we should by all means pursue Mr. McLuhan's goal. Certainly, we must make full use of the various media which are being developed. The Library can not remain—nor does anyone argue that any more—merely a place to keep books. The new Library is already using some of the newest equipment to expand its resources and its services.

From the expensive photostat, we have moved to microfilm, and the microcard. Now, they are developing the microfiche. It will be possible to put sixty or more pages on a single card which can be simply blown up by a mechanical "reader" to regular size.

Now with the systems of information retrieval being developed we can soon tap the information in monographs, studies, articles that have piled up in libraries and offices around the world. Already plans are underway for central libraries from which one can obtain immediate answers to reference questions on a machine placed in the branch libraries. During the recent Fair in New York, I recall standing in front of one of these machines in the Pentagon. To your question relayed from the Pentagon, there came an immediate response. But there was a catch. The first ten questions I asked received no reply. No one had programmed an answer for those questions. Until someone does, the machine still will not provide the answer by itself.

So far as electronics will help carry learning to those who can not do as well by books, I am all for it. McLuhan speaks of electric signals that many permit the deaf to "read." Perhaps there will one day be electric stimuli that help the slow to learn. Certainly if some drug, such as LSD, could be injected to make me learn mathematics, I might be inclined to "take a trip." But during the period of the cultural lag between the world of the book and the world of the electronic medium, I am glad we have the Libraries with their reservoir of organized information.

The message is, I think, that for the university the Library is still a vital center. It should be prepared, I repeat, to go as far as electrical devices will take it to expand its contacts and its services.

It is in the desire to expand the spirit and services of the university that we dedicate this Library today. Dedication, we find has as one of its meanings, to "affirm." In opening this addition to the old Library, we affirm and re-affirm the university's devotion to learning, to the fostering of a spirit of free inquiry, the making of an intellectual climate in which we can say with Emerson, "We are of different opinions at different hours, but we may always be said to be at heart on the side of truth."

We affirm the importance of quiet study. However helped by electronic media we may be, we still believe in the sober efforts of the individual to reach truth by study of those who have walked that path before him and whose experiences and paths may show the way.

We affirm the need of thought over pure sensation. Montaigne, the great French essayist, set above the entrance to his personal library these words, "I do not understand; I pause; I examine." These are still marks of the thinking man: a recognition that one lacks knowledge, a period of reflection; and at last the examination of the facts.

It is an individual act, but one in which the individual may seek contact through the word with a host of thinkers and a body of experiences across the centuries.

V. CONCLUSION

Perhaps today as I look back to my own days here as a student, I am overly nostalgic and imagine more than I once knew. But I recall that there was an excitement here in being at school. And that excitement came I think from the fact that the Library and the laboratories and the professors—the things that together made Murray—offered us a way out and a way up.

In the more than forty years of its existence, Murray has gone from a tiny normal to the status of a university. Its achievements permit it to offer ever greater opportunities than before to those who seek admission. It must continue to provide : (1) a great faculty, (2) a fine library and laboratories, (3) tradition of learning, and (4) freedom to explore. Need I say that a student body that wants to learn is also essential to the picture?

In my look back at Murray and at Lowry, I find that Murray's story and his often merge. In both there is solid achievement and a dedication to learning. It seemed to me that particularly applicable to them both are two lines from Longfellow:

> "Still achieving, still pursuing
> Learn to labor and to wait."

After forty-two years here Lowry is still searching for more knowledge; after 45 the University is still pressing on. Both he and the administrators of this institution know that the harvest is not immediately gathered. Labor in the educational vineyard does not show its effect in the first decade or even the first half-century of the tending. One can not judge finally from the first few generations how well has been the training and cultivation of the vines. It takes true dedication to the task to carry men and institutions through the laboring years. But there are already signs that what has been planted here is flourishing and bearing good fruit.

In asking me to give this address today, Doctor Woods suggested as a possible theme the words, "Achievement and Dedication." Achievement, in a sense, is far too final for our purposes. It means to bring to a head or a final conclusion and we want something more continuous than that. Dedication is more evasive. It can mean "the devotion to the service of a divine being" or "to set apart for a definite use." But we know that dedication can also mean "to affirm." I should like to view dedication today in both senses: we must speak of a building set aside for study but also of the devotion of a teacher and a university that both affirm and devote themselves to the same pursuit of knowledge.

It is perhaps a measure of the achievements of the university to speak of a time nearly forty years ago when the older Library, to which this annex is being added, was opened.

Murray was then eight years old. Doctor Lowry had been here for five years. I was then a junior. I can recall clambering over the steel structure of the building as it went up, later watching the Italian builder (whose daughter and grandchildren later came here) finishing the columns in the building, marveling at the color of the vaulted ceiling and the great bronze doors. As publicity assistant to Professor L. J. Hortin, who will return here this fall, I am glad to say, I helped herald the fact that these doors cost $15,000. It led to criticism in other parts of the state. Elliot Mitchell of the Sun-Democrat settled the issue by writing in effect: Elsewhere, bronze doors are all right. But West Kentuckians need only tow sacks to keep out the breeze.

In 1930, Doctor Lowry was on the scene. In that year, he had a social science department consisting of Glen Ashcraft and A. B. Austin and himself. You will have an idea of Murray's growth when I say that the three then taught all the history, political science, economics, and sociology offered by the department.

As our society has changed and developed, Murray State has also grown. Steady increases in enrollment had been marked by new buildings, new courses, enlargement of faculty, expansion of services. During the past year it entered a new phase of development with the establishment of a university. I recall that when I first heard of this action, I wondered, "Are we large enough?" And then I realized that the University of Kentucky was scarcely half the size of Murray's present enrollment when I went there in 1931.

When the Murray *Alumnus* devoted an issue to the challenges of the new university, the editor asked a number of faculty members and former students for their comments. I was glad to see that Doctor Lowry and I agreed. We were pleased by this sign of progress and growth, but we stressed the need for better faculty, better students, courses aimed at graduate students, and a greatly expanded Library. I have seen signs that all these are being done. I was delighted to note that an addition to the Library and a considerable increase in the budget for books were included in the first proposals made by Doctor Woods. Today, you see a modern, well-equipped addition to the Library I saw opened nearly forty years ago—a building dedicated to the improvement of education and the pursuit of knowledge.

This new building is one more sign of Murray's achievements and one more indication of its dedication to education. As we note the passing of one more milestone in the history of this institution, I like to think that forty years from now, some student in this audience will be dedicating another Library or some other hall of learning. Although I imagine that by then there will be other large additions to the old Library and to this newly-opened annex, I hope that these buildings will still remain. And I hope that the speaker on that occasion will recall the man for whom this building is named and will say: "There were giants at Murray in those days and one was named Lowry."

THINKING OUT LOUD

Mr. HALEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous material.

The **SPEAKER.** Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HALEY. Mr. Speaker, I have asked permission to place in the CONGRESSIONAL RECORD at this time an editorial column which appeared in the Polk County

Democrat on June 12, 1967. The author, S. L. Frisbie IV, is the fourth generation of this family to become a newspaperman. Not only does he follow in distinguished footsteps, but also his writing reflects the same sound judgment and preception his predecessors have demonstrated so well.

The column, "Thinking Out Loud," calls attention to the historic action of the House of Representatives last week in refusing to raise the national debt limit. As he so well states, we must stop spending more money than we have. No one denies that we must meet our obligations and that there will be an increase in the debt ceiling. But, let us hope that the action of the House in forcing a reappraisal of our fiscal practices, overspending and deficit financing, will be a step toward sound fiscal policy, not just a gesture toward it.

I commend this excellent editorial to the attention of my colleagues:

Thinking Out Loud

(By S. L. Frisbie IV)

Here's one to tell your grandchildren about.

On June 7, 1967 (last Wednesday) the House of Representatives of the United States Congress refused to raise the nation's debt limit.

In effect, the House told the President and the federal government in general to quit spending more money than they're taking in.

You and I, of course, do this all the time. If we didn't, we'd go bankrupt.

But the federal government almost never takes in as much money as it gives out; rather, it spends money that it doesn't have through the fiscal foolishness known in government circles as "deficit financing."

To make the books total up, Congress established in 1959 something called the permanent debt limit. I say "something called" because that figure—$285 billion—is not permanent and it is not a debt limit.

No sooner did Congress set the "permanent debt limit," than it turned around and set a "temporary limit." But this term, too, is misleading, since it is neither temporary nor a debt limit. Actually, in a way I guess you could say it is temporary, because the figure is raised each year.

Anyway, the theory behind all this—a theory which nobody believes—is that some day the national debt, like other debt, might be paid off. First we would pay off our "temporary debt," then we would pay off our "permanent debt."

But all this is just theory, and the way it really works is that the administration and Congress figure that we've gotten by with it this long and we can probably get by with it forever, or at least until after the next election.

And so what's a few more billion dollars added to the "temporary debt limit" this year? (A billion dollars is a dollar mark, followed by a one, followed by nine zeroes. That's a thousand million dollars.) (In case anybody cares, that is.)

But last Wednesday night the House—by a margin of 13 votes from its membership of 435—up and cried "Hold, enough!"

And in so doing, it told the Administration to quit spending billions more than it takes in, and to pay back the "temporary debt limit" of $336 billion to the "permanent debt limit" of $285 billion.

Certainly nobody believes that Congress will stick by this dictum. To do so would mean that the federal government could not even meet its payroll, let alone its billions of dollars in friendship-buying payments to the rest of the world, its billions of dollars paid to people too lazy to work but not too proud to accept handouts, and its billions of dollars frittered away on other useless but politically expedient projects.

If the government's debt were truly to be suddenly dropped to a paltry $285 billion, our government would go bankrupt. Not even we reactionaries want that.

No—before the next fiscal year starts next month, Congress will back down and authorize a new, record high "temporary debt limit," and the House's proud action on June 7, 1967, will be forgotten.

Forgotten, that is, by all except those of us who someday will tell our grandchildren about the grand day when their government made a gesture toward sound fiscal policy.

U.S. RESPONSIBILITY IN WINNING THE MIDEAST PEACE

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 15 minutes.

Mr. HALPERN. Mr. Speaker, the brave and valiant Israelis—men, women and children of all ages—have amazed the world with their determined might. They not only have thrown back their enemies, but have pushed them far into the Arab's own territories.

Israel prowess, her will and her determination have won the admiration of freedom-loving people everywhere. And there is no question but that Israel has even won the respect, begrudging as it may be, of her bitterest enemies.

Unlike the Arabs, whose repeatedly stated objective has been one of destruction, a vow reflected so vividly by the Nasser crisis which brought war to the Middle East, Israel seeks only to live in security and peace, and in cooperation with her neighbors. In this war, as in the hostilities of 1956, Israel sought only to defend her land, protect her people and their freedom.

The fundamental issues remain unchanged.

In obvious desperation, as a cover for the devastating Arab military defeats, Nasser and his stooges claim the United States secretly fought much of Israel's battle. We know only too well this is not so. We have proved it is not so. But Nasser keeps repeating it—typical of his Hitler-like big-lie technique, and typical of his wild and blatant irresponsibility.

Then the Egyptian dictator compounded his belligerence and vindictiveness by cutting off diplomatic relations with the United States.

All this is quite ironic, to say the least, because, to the dismay of many Americans and contrary to our long-standing legal and moral commitments, reiterated repeatedly by four of our Presidents—and no nation could have been more reassured by our pledges than Israel—our State Department had announced a policy of neutrality.

The Department's official position was that the United States would be "neutral in thought, word and deed." How ridiculous was this statement. Oh yes, it was later modified to say they meant "nonbelligerence."

Israel did not ask us to be belligerent, but we owed it to her to be steadfast in our allegiance, to be unequivocal in our support, to be true to our commitments.

When the showdown came, there was too much quibbling as to the exact language, the real meaning, of our commitments—as if there should be any question of its application. Then, to top this, came the startling State Department statement. Israel was left standing alone. All of us were left frustrated, bewildered.

But Israel stood up to its greatest challenge, met it bravely, and right prevailed. And now, we hear wild acclaim for Israel's armies—how great the victory was. How magnificent those Israelis are on the battlefield. You have got to hand it to those Jews. We even hear how the United States ought to retain Moishe Dayan to run our Defense Department.

All this is well and good. But where do we go from here? Is this admiration and newly won support just to be superficial, or is it to have real meaning?

Is our Government going to heed our voices, the voices of the vast majority of the American people?

Or are we going to crawl back into the State Department shells and let the striped-pants boys continue to guide U.S. policy?

We should have learned our lesson a long time ago. You cannot appease Nasser or his stooges, nor can you reason with stubborn resistance to reality by assuming a weak position and maintaining a policy lacking in firmness.

The time has come when our Government should forget about currying favor with the Arabs. Instead, we should take the leadership in the community of nations to insist on a settlement on terms that will not leave the way open for further threats to Israel and to world peace; that we must have a settlement that will not bring a new crisis, another war, and another cease-fire.

There must not be just another armistice. Two armistices, those of 1947 and 1956, have failed. A third, leaving the basic disputes unresolved, would stand no better chance. In any league, three strikes are out. The world cannot risk a third strike in the Middle East.

The mistakes and failures of 1946 and 1957 must not be repeated.

In 1957, after the Sinai campaign, Israel's withdrawal of forces was based on her acceptance of four major assumptions, reinforced by recognized principles of international law.

First, the Suez would remain open to Israel's shipping.

Second, the Strait of Tiran and the Gulf of Aqaba would be international waters, guaranteeing to all nations the rights of free passage.

Third, the Gaza strip would not be under the United Arab Republic, but would be protected by United Nations Emergency Forces.

Fourth, efforts would be made to move toward a relaxing of tensions and peace.

We all know only too well the synthetic meaning of those agreements Israel accepted in good faith in 1957.

The simple fact now remains that Israel cannot be expected to go back to the status quo—where there has been no peace and the declared design of her neighbors has continually been to destroy her.

Now the Israelis doubtless are not

going to evacuate the Arab areas they hold without firmer assurances than they had before, underwritten by international guarantees to protect Israel's sovereignty as a nation, to secure normalized and realistic borders and free passage through the Gulf of Aqaba and the Suez Canal.

Israel must also have more satisfaction and cooperation in dealing with other issues, such as the refugee problem, water rights and meaningful restoration of international peacekeeping forces.

No withdrawal can be expected of Israel without these completely new conditions of peace and stability.

The United States is committed to resist aggression and defend freedom. How often have we heard that. I will not even bring up the question of whether Saigon is more sacred than Jerusalem. But I do maintain we can still give meaning to these words. We can yet redeem our pledges to Israel. What we did, or failed to do, is behind us. We now have the opportunity to fulfill our commitment to Israel by standing up for Israel's rights in the peace settlement to come.

Despite her glorious victories, despite her peaceful goals, despite the enthusiastic support of people throughout the world, the fact remains Israel can still lose on the diplomatic front.

She desperately needs the unqualified support of the United States and most of the other big powers to help win a settlement that will bring a lasting peace.

She must have strong allies. She must have the United States at her side in the struggle for diplomatic achievement of her goals for survival and for the future economic and social development of her neighbors.

Israel has the right to expect from the community of nations a new era. But this new era can only be consummated by statesmanship leading to the general peace settlement. That is when the expert skill and power of U.S. diplomacy is needed so badly and must be forthcoming.

We can take immediate leadership in the world community by moving our embassy from Tel Aviv to Jerusalem. This simple change can be a symbol of our support for a future with no false boundaries, no divided cities, no built-in points of crisis and tension.

And there must be a satisfactory resolution of the confused questions of boundaries. The solution should include realistic territorial adjustments in keeping with historic and strategic requirements.

All of Jerusalem must remain within Israel's borders.

There must be inclusion within Israel's boundaries of the Syrian and Jordanian hills overlooking Israel's previous shaky borders.

There must be transit rights for Israel ships and the ships of all nations through the Suez Canal and the Gulf of Aqaba.

There must be guarantees for these territorial and shipping rights through meaningful international authority.

There must be direct talks between the nations involved, and especially there should be direct attempts to find agreeable solutions to the refugee problem. And, in this regard, the United Nations could cooperate toward the peaceful resettlement of the Arab refugees in lands where they can find opportunities. I would like to see a concept of a confederation of Arabs and Israelis to work toward finding solutions of their time-worn problems and toward mutual regional goals.

There must be serious, high-level talks between the United States and the Soviets. Surely, the Soviets must now recognize that their $3 billion worth of arms to the Arabs has hardly been a good investment and its repetition would not offer the most likely means to stabilize Soviet influence in the Middle East. There must be recognition of the fact that renewal of the Mideast arms race would be inconsistent with the efforts the United States and the Soviets are making toward a nonproliferation agreement.

And of paramount importance to the peace settlement, there must be Arab recognition of Israel's sovereignty. No settlement with the Arabs could be effective unless it embodies acceptance of Israel's statehood and rejects the fiction of its nonexistence.

An important challenge for our country is its promotion of stability through assistance to the Middle East as a region, through encouragement of cooperation among all the nations of that area.

We are thankful for Israel's military might in repelling cruel forces of hatred and aggression. But Israel can achieve its true destiny only through reconciliation with the Arabs and achievement of their mutual destinies in the Middle East. A future in which Israel's development techniques, in making the deserts bloom, in medicine and education are shared with its neighbors.

The Arabs must overcome neurotic resentments. Perhaps the shock treatment of defeat will bring them to accept the performance of Israel and to develop jointly a new relationship for mutual welfare and progress.

Any other course will lead to new bitterness, new tensions and more war—perhaps a less controllable, more destructive war, one involving the entire world.

American diplomacy must arrive at a working arrangement with Russia to prevent a new confrontation. The Soviet Union must be made to understand the consequences of seeking domination of the Middle East by using Israelis as the scapegoats and the Arabs as tools.

And the United States on the other hand must help to bring reform and progress to the Arab world by encouraging democratic elements, rather than working through bigoted, despotic, and feudalistic rulers.

I strongly believe that our Government should announce a broad emergency economic assistance program for Israel to help rebuild the devastation the war has caused within its borders. And, if the Arabs show a willingness to work toward regional cooperation, then in the name of humanity we should consider assisting their countries in the reconstruction that lies ahead.

Mr. Speaker, it is not surprising that the Arab antagonists have pursued a course at the diplomatic level designed to overcome their losses at the military level. They must not succeed, for the sake of Israel, or the sake of the United States, for the sake of freedom, for the sake of humanity. The United States must stand by Israel steadfastly, to win the realistic diplomatic victory that is so vital for a lasting peace. Our Government must be unequivocal toward this objective.

WHEN THE MOMENT OF TRUTH ARRIVED, WE HAD TOO MANY IRONIES IN THE FIRE

The **SPEAKER**. Under previous order of the House, the gentleman from New York [Mr. GOODELL] is recognized for 30 minutes.

Mr. **GOODELL**. Mr. Speaker, it has been observed that in a democracy, policy is rooted in the attitudes and moral feelings of the Nation. Applying that notion as a yardstick to recent American foreign policy, I seriously question whether the administration has accurately incorporated the attitudes of the people of this country with regard to the Middle East and the Israel-Arab confrontation.

Had they been fully informed of all the facts during the past 6 years, would the people of the Nation have approved, among other things, of:

First. More than $900 million in food-for-peace aid to the United Arab Republic?

Second. More than $25 million in commercial guarantees or loans for the United Arab Republic?

Third. The acceptance—by the Commodity Credit Corporation of the U.S. Department of Agriculture—of more than $68 million in United Arab Republic letters of credit for commodity shipments between June 1966 and January 1967?

Fourth. Additional millions of dollars worth of military and commodity aid to the Arab nations of the Middle East?

Given the continuing nature of the Israel-Arab confrontation, I am convinced that the people of the United States do not feel that such forms of aid to the United Arab Republic are representative of the attitudes and moral feelings of the Nation. In that context, two successive Democrat administrations have been indifferent to the American people and to the Congress. I refer specifically to the foreign aid programs and policies cited above, and a more recent development of significant proportions.

My colleagues will remember that in considering the Foreign Assistance Act of 1966, the House added a Republican-strengthened amendment which required the President to report to the Congress within 30 days of his finding that aid to the United Arab Republic was in the best interest of the United States, and that such aid would neither directly nor indirectly assist in aggressive acts by the United Arab Republic. The amendment was accepted on July 14; the President signed the bill into law on September 19. Since that time, over $1 million in technical assistance foreign aid has been extended to the United Arab Republic—but no public report or announcement has been sent by the President to either Chamber. It would seem to me that this condition amounts to a violation of congressional intent; it is an attitude of contempt on the part of the administration toward this Chamber and the Congress as a whole. It is a highly offensive act of indifference—and all Members suffer equally.

I pause to inject a note of personal concern at this point. The conference report and the bill itself contain several references to Presidential reporting responsibility in the matter of aid to the United Arab Republic. I am convinced that the intent of the two Chambers, outside of that spelled out in the Foreign Assistance Act, was that the President should make public at least the existence of such a determination. I have discovered only today that the President did indeed make just such a determination—on January 9 of this year—that aid to the United Arab Republic was in the best interest of the United States. That report—a classified document—was transmitted to the chairmen of the Senate Foreign Relations and Appropriations Committees, and through the Speaker of the House to the chairmen of the House Foreign Affairs and Appropriations Committees. No public statement was ever made by the President to the effect that such a document was even in existence—even if the contents were to remain confidential, this Congress should have been notified of the being of such a document. The President here complied with the letter but not the spirit of the law.

One might note, in retrospect, that the President would have had a great deal of difficulty in publicly justifying such aid to the United Arab Republic; in ignoring the notification intent, the President chose to keep his reasons outside the pale of public knowledge.

Republicans in this Chamber have long sought to limit severely or qualify aid to President Nasser and the United Arab Republic. Failing that, Republicans have consistently attempted to attach humanitarian conditions to aid programs so that the suffering masses would benefit, with the result that President Nasser could not indiscriminately use our foreign aid for various military adventures in the Middle East. Obviously, Republicans are concerned about the United Arab Republic's starving, illiterate masses—who have not seen their lot improved in several years of Nasserite rule—inflammatory propaganda messages are a notoriously thin diet for an impoverished people—but we have insisted on certain conditions as necessary in the consideration of aid for the United Arab Republic.

My colleagues may remember that in 1960, as part of President Eisenhower's mutual security and Public Law 480 programs, this Chamber—at Republican insistence—included the provision that the acts be administered to "give effect" to the principle of freedom of navigation in international waterways, and that the purposes of the acts were "negated and the peace of the world endangered" when countries receiving assistance waged economic warfare against other nations receiving assistance. In 1960, you may recall, President Nasser was carrying on a "warm" confrontation against Israel and denying Israel ship and cargo passage through the Suez Canal.

Republicans responded in concert to that real and implied threat by providing President Eisenhower with the rationale to carry on an appropriate program of assistance to Israel. Specific applications of the above-mentioned principle were left to the discretion of the President, who was then to report to the Congress on all such measures. President Eisenhower—as far as he was able while still in office—complied with this requirement. In the past 6 years, however, several forms of aid have been extended to the United Arab Republic, and no reports have been forthcoming from the administration.

During passage of the Food for Peace Act in 1963, the President's power of discretion was reinforced in relation to the extension of Public Law 480 aid. In yet another Republican-inspired provision, aid was to be denied to any nation which the President determined was engaged in or preparing aggression against the United States or any U.S. aid recipient. The restrictive nature of that facet of the program was plainly aimed at the United Arab Republic. The current administration, in continuing to extend aid to the United Arab Republic, has apparently not made that determination, raising serious questions about its willingness to recognize potential or real aggression, and despite the open warfare Nasser has conducted in Yemen—another U.S. aid recipient.

The most significant year of Republican initiative against President Nasser was 1965. After a series of terrorist attacks on U.S. citizens and installations, President Johnson was finally forced into a statement indicating that U.S. aid would be halted if such acts were not stopped. Nasser responded with his "go drink the sea" invective, extending to the United States one of the crudest expressions in the Arab vernacular.

An amendment to the Department of Agriculture appropriations bill, offered by my good friend and colleague, Representative Michel, prohibited use of funds so appropriated to finance export of surplus agricultural commodities to the United Arab Republic under title I of Public Law 480. The motion to recommit to add the restrictive language was adopted by a 204-to-177 rollcall vote. Republicans voted 128 to 0 in support of the recommittal motion. The bill was then immediately reported back to the House and passed by a voice vote.

Lobbyists for the administration went to work after their January 26 defeat. Before the bill went to conference, the restrictive language was subjected to a vote on February 8 instructing the House conferees not to allow its deletion in conference. The motion to instruct was defeated on a 165-to-241 rollcall vote; Republicans stood solidly in opposition to President Nasser by voting 128 to 1 for instruction.

Conferees later reported back to the House a bill containing Presidential discretion in the extension of aid to any nation. The conference report indicated that the administration felt it needed latitude to deal with nations on an individual basis; that its foreign policy would be impeded if it had to operate within guidelines established by the House; that the President would use his aid extension power only with the greatest discretion, and would not aid or abet the preparation of aggression by any state. The argument was made that the Government or the policy of the Government of the United Arab Republic might change and the President should be free to respond favorably to such a change.

The House agreed by voice vote to the conference provision on February 10, 1965, and the Republican attempt to deny aid to Nasser was defeated. The President since that time has applied his discretionary power in the amount of $83.5 million of commodity aid to the United Arab Republic.

Again on May 25, 1965, Representative Bow attempted to have the United Arab Republic aid denial provision reinstituted in the USDA fiscal year 1966 appropriations bill, to prohibit the extension of Public Law 480 export credit to the United Arab Republic. The motion to recommit to add the restrictive language was defeated on a rollcall vote of 187 to 208; Republicans voted against supporting President Nasser by a count of 124 to 2.

In 1966, as I noted earlier, Representative Halpern extended and strengthened the provisions of an earlier amendment to require that the President report within 30 days of his finding that aid to the United Arab Republic was in the best interest of the United States, and that such aid would not directly or indirectly assist in aggressive actions of the United Arab Republic.

It is important to note here that aid which has been extended to the United Arab Republic since the President signed the bill into law has included a nine-university program to upgrade the teaching of engineering at a United Arab Republic university—a program to design, equip and train personnel for a commercial telecommunications system headquartered in Cario—and a technical consultant and specialist program for advising on improvements of industrial and manufacturing systems within the United Arab Republic. While all of these projects have obvious peaceful uses, they can easily be translated into devices or programs for preparing aggression against another state.

Where is the President's report that such aid is in the best interest of the United States, and that such aid did not directly or indirectly assist in the preparation of aggression by the United Arab Republic against Israel? The President's discretion is paramount in all aid matters and obviously he has ignored the attitudes of the Nation in this regard, in addition to ignoring the reporting requirement.

It must be obvious to any observer that all of our aid has directly or indirectly assisted the United Arab Republic and all other Arab aid recipients in the preparation of aggression against Israel. I find that sort of continuing assistance to military despots to be incredible. I find the President's disregard for the provisions required by this Chamber to be an affront to the Congress.

The mistakes of the administration and its cavalier attitude toward the feelings of this Chamber and the American people as a whole—in the extension of aid to the United Arab Republic—came to fruition last week. When the moment of truth arrived, we had too many irons in the fire. Arab nations using U.S. military materiel were fighting Israel, using U.S. military materiel; Arab nations receiving U.S. commodity support were fighting Israel, receiving U.S. commodity assistance. To close this incongruous sequence, the administration then announced our "neutrality" in the conflict.

Three main themes deserve special attention here. First, Republicans have long sought to deny aid to the present aggressive and insulting government of the United Arab Republic. President Nasser has not relented for one minute in his tirades against this country or Israel. Our aid has supported demogogic and inflamed appeals—the long-suffering Arab masses are offered a rhetorical and emotional pallative in the absence of real national development progress. Our aid has supported months of continuing terrorist attacks, not only on Israel but also on U.S. installations and citizens. Our aid directly contributed to the outbreak of hostilities last week, by providing military and commodity wherewithal for the regimes and their military apparatus. Our aid has been extended with considerable indifference toward the attitudes of the people of our Nation.

Second, how can anyone justify nearly $1 billion of aid to the United Arab Republic, and demonstrate that such aid did not offer acquiescent support for the aggressive Nasser government. Nearly $1 billion over this 6-year period was a major prop which sustained President Nasser in power, which sustained his dirty war in Yemen, which sustained his appeal for Arab unity in a "holy war" against Israel, and which sustained a government which constantly subordinated desperately needed social reforms to military considerations.

Republicans have warned against these excesses and have tried to limit such activities. Our efforts to deny the United Arab Republic the nearly $1 billion which it converted into last week's tragedy were in vain. Incredibly, the United Arab Republic has continued to receive aid, in spite of its obvious alliance with the Soviet Union, its continuing military adventures, and its refusal to recognize the sovereignty and integrity of Israel.

Last, the Congress has gone on record three times with regard to the restrictions on aid to the United Arab Republic, and three times the administration has chosen to ignore the wisdom contained in those actions. Members have good cause for concern. The President, in exercising his absolute discretion with regard to the extension of aid, has placed himself beyond the influence of the Members. That indifference contributed significantly to the tragedy of last week; it also contributes significantly to the lessening stature of the legislative branch.

My colleagues on both sides of the aisle: Stand with me in demanding to know why the administration has supported a bellicose government with military and commodity assistance, why the administration has provided direct and indirect aid in the preparation of aggression against a nation with which we have the closest of bonds, and why that same administration has deeply offended the Congress—and especially this Chamber—by not complying with our directives.

NOT BACKWARD TO BELLIGERENCY BUT FORWARD TO PEACE

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MULTER. Mr. Speaker, now that the fighting in the Middle East has ended and the search for a realistic peace lies ahead, it is interesting to look at Mr. Abba Eban's address to the Security Council on June 6, 1967. Israel's Foreign Minister reviewed the prewar tensions, the actual fighting, and reflected upon the task which lies ahead for Israel and her Arab neighbors.

Especially significant in the address, are two statements quoted by Mr. Eban, which were made during the crisis. I believe that these two statements accurately portray the intentions of each nation.

On May 28, President Nasser addressed his nation saying:

> We intend to open a general assault against Israel. This will be total war. Our basic aim is the destruction of Israel.

In contrast to this statement, Prime Minister Eshkol, of Israel, published and conveyed the following message to her neighboring states, even after the fighting had begun. He proclaimed:

> We shall not attack any country unless it opens war on us. Even now, when the mortars speak, we have not given up our quest for peace. We strive to repel all menace of terrorism and any danger of aggression to ensure our security and our legitimate rights.

Mr. Speaker, I commend to the attention of our colleagues the full text of the address by Israel's Foreign Minister, Mr. Abba Eban, in the Security Council on June 6, 1967, as follows:

Not Backward to Belligerency But Forward to Peace

(Full text of the address by Israel's Foreign Minister, Mr. Abba Eban, in the United Nations Security Council on 6 June 1967)

Mr. President: I have just come from Jerusalem to tell the Security Council that Israel, by its independent effort and sacrifice, has passed from serious danger to successful resistance.

Two days ago Israel's condition caused much concern across the humane and friendly world. Israel had reached a sombre hour. Let me try to evoke the point at which our fortunes stood.

An army, greater than any force ever assembled in Sinai, had massed against Israel's southern frontier. Egypt had dismissed the United Nations forces which symbolized the international interest in the maintenance of peace in our region. Nasser had provocatively brought five infantry divisions and two armoured divisions up to our very gates; 80,000 men and 900 tanks were poised to move.

PLAN TO ENCIRCLE ISRAEL

A special striking force, comprising an armoured division with at least 200 tanks, was concentrated against Elath at the Negev's southern tip. Here was a clear design to cut the southern Negev off from the main body of our State. For Egypt had openly proclaimed that Elath did not form part of Israel and had predicted that Israel itself would soon expire. The proclamation was empty; the prediction now lies in ruin. While the main brunt of the hostile threat was focused on the southern front, an alarming plan of encirclement was under way. With Egypt's initiative and guidance, Israel was already being strangled in its maritime approaches to the whole eastern half of the world. For sixteen years, Israel had been illicitly denied passage in the Suez Canal, despite the Security Council's decision of 1 September 1951. And now the creative enterprise of ten patient years which had opened an international route across the Straits of Tiran and the Gulf of Aqaba had been suddenly and arbitrarily choked. Israel was and is breathing with only a single lung.

Jordan had been intimidated, against its better interest, into joining a defence pact. It is not a defence pact at all: It is an aggressive pact, of which I saw the consequences with my own eyes yesterday in the shells falling upon institutions of health and culture in the City of Jerusalem. Every house and street in Jerusalem came into the range of fire as a result of Jordan's adherence to this pact; so also did the crowded, and pathetically narrow coastal strip in which so much of Israel's life and population is concentrated.

Iraqi troops reinforced Jordanian units in areas immediately facing vital and vulnerable Israel communication centers. Expeditionary forces from Algeria and Kuwait had reached Egyptian territory. Nearly all the Egyptian forces which had been attempting the conquest of the Yemen had been transferred to the coming assault upon Israel. Syrian units, including artillery, overlooked the Israeli villages in the Jordan Valley. Terrorist troops came regularly into our territory to kill, plunder and set off explosions; the most recent occasion was five days ago.

PERIL CONFRONTED ISRAEL ALL AROUND

In short, there was peril for Israel wherever it looked. Its manpower had been hastily mobilized. Its economy and commerce were beating with feeble pulse. Its streets were dark and empty. There was an apocalyptic air of approaching peril. And Israel faced this danger alone.

But not entirely alone we were buoyed up by an unforgettable surge of public sympathy across the world. Friendly governments expressed the rather ominous hope that Israel would manage "to live." But the dominant theme of our condition was danger and solitude.

Now there could be no doubt about what was intended for us. With my very ears I heard President Nasser's speech on 28 May. He said:

"We intend to open a general assault against Israel. This will be total war. Our basic aim is the destruction of Israel."

On 2 June, the Egyptian Commander in Sinai, General Murtagi, published his order of the day, calling on his troops to wage a war of destruction against Israel. Here, then, was a systematic, overt, proclaimed design at politicide, the murder of a State.

The policy, the arms, the men had all been brought together. And the State thus threatened with collective assassination was itself the last sanctuary of people which had seen six million of its sons exterminated by a more powerful dictator two decades before.

BLOCKADE COULD NOT BE PASSIVELY SUFFERED

The question then widely asked in Israel and across the world was whether we had not already gone beyond the utmost point of danger. Was there any precedent in world history, for example, for a nation passively to suffer the blockade of its only southern port, involving nearly all its vital fuel, when such acts of war, legally and internationally, have always invited resistance? This was a most unusual patience. It existed because we had acceded to the suggestion of some of the maritime States that we give them scope to concert their efforts in order to find an international solution which would ensure the maintenance of free passage in the Gulf of Aqaba for ships of all nations and of all flags.

As we pursued this avenue of international solution, we wished the world to have no doubt about our readiness to exhaust every prospect, however fragile, of a diplomatic solution. And some of the prospects that were suggested were very fragile indeed.

ISRAEL'S MARGIN OF SECURITY DIMINISHED

But as time went on, there was no doubt that our margin of general security was becoming smaller and smaller. Thus, on the morning of 5 June, when Egyptian forces engaged us by air and land, bombarding the villages of Kissufim, Nahal-Oz and Ein Hashelosha, we knew that our limit of safety had been reached, and perhaps passed. In accordance with its inherent right of self-defence as formulated in Article 51 of the United Nations Charter, Israel responded defensively in full strength. Never in the history of nations has armed force been used in a more righteous or compelling cause.

Even when engaged with Egyptian forces, we still hoped to contain the conflict. Egypt was overtly bent on our destruction, but we still hoped that others would not join the aggression. Prime Minister Eshkol, who for weeks had carried the heavy burden of calculation and decision, published and conveyed a message to other neighbouring States proclaiming:

"We shall not attack any country unless it opens war on us. Even now, when the mortars speak, we have not given up our quest for peace. We strive to repel all menace of terrorism and any danger of aggression to ensure our security and our legitimate rights."

ISRAEL HAD NO DESIRE TO EXPAND CONFLICT

In accordance with this policy of attempting to contain the conflict, I yesterday invited General Bull, the Chairman of the Truce Supervision Organization, to inform the heads of the Jordanian State that Israel had no desire to expand the conflict beyond the unfortunate dimensions that it had already assumed and that if Israel were not attacked by Jordan, it would not attack and would act only in self-defence. It reached my ears that this message had been duly and faithfully conveyed and received. Nevertheless, Jordan decided to join the Egyptian posture against Israel and opened artillery attacks across the whole frontier, including Jerusalem. Those attacks are still in progress.

To the appeal of Prime Minister Eshkol to avoid any further extension of the conflict, Syria answered at 12.25 yesterday morning by bombing Megiddo from the air and bombing Deganya at 12.40 with artillery fire and Kibbutz Ein Hamifrats and Koordani with long-range guns. But Jordan embarked on a much more total assault by artillery and aircraft along the entire front, with special emphasis on Jerusalem, to whose dangerous and noble ordeal yesterday I can bear personal witness.

HEAVY BOMBARDMENT OF ISRAEL'S CAPITAL, JERUSALEM

There has been bombing of houses; there has been a hit on the great new National Museum of Art, there has been a hit on the University and on Shaare Tsedek, the first hospital ever to have been established outside the ancient walls. Is this not an act of vandalism that deserves the condemnation of all mankind? And in the Knesset Building, whose construction had been movingly celebrated by the entire democratic world ten months ago, the Israeli Cabinet and Parliament met under heavy gunfire, whose echoes mingled at the end of our meeting with Hatikvah, the anthem of hope.

Thus, throughout the day and night of 5 June, Jordan, which we had expressly invited to abstain from needless slaughter, became, to our surprise, and still remains, the most intense of all the belligerents; death and injury, as so often in history, stalk Jerusalem's streets.

When the approaching Egyptian aircraft appeared on our radar screens, soon to be followed by artillery attacks on our villages near the Gaza Strip, I instructed Ambassador Rafael to inform the Security Council, in accordance with the provisions of Article 51 of the Charter. I know that that involved arousing you, Mr. President, at a most uncongenial hour of the night, but we felt that the Security Council should be most urgently seized.

ISRAEL DISCONCERTED BY U.N. ROLE

I should, however, be less than frank if I were to conceal the fact that the Government and people of Israel have been disconcerted by some aspects of the United Nations' role in this conflict. The sudden withdrawal of the United Nations Emergency Force was not accompanied, as it should have been, by due international consultations on the consequences of that withdrawal. Moreover, Israeli interests were affected. They were not adequately explored. No attempt was made, little time given, to help Israel surmount grave prejudice to its vital interests consequent on that withdrawal. After all, a new confrontation of forces suddenly arose. It suddenly had to be met. And at Sharm el-Sheikh at the entrance to the Straits of Tiran, legality walked out and blockade walked in. The peace of the world trembled. The United Nations had somehow been put into a position of leaving Sinai safe for belligerency.

It is not a question of sovereignty that is here involved. The United Nations has a right to ask that when it assumes a function, the termination of that function shall not take place in conditions that would lead to anti-Charter situations. I do not raise this point in order to linger upon that which is past; but because of Israel's general attitude to the peace-keeping functions of this Organization. I confess that my own attitude and those of my colleagues and of my fellow-citizens to the peace-keeping functions of the United Nations have been traumatically affected by this experience.

The United Nations Emergency Force rendered distinguished service. Nothing became it less than the manner of its departure. All gratitude and appreciation is owed to the individuals who sustained its action. If in the course of the recent combats United Nations personnel have fallen dead or wounded, then I join my voice in an expression of the most sincere regret.

FUTURE U.N. ROLE PROBLEMATIC

The problem of the future role of a United Nations presence in conflicts such as these is much debated. We must ask ourselves a question that has arisen as a result of this experience. People in our country and in many countries ask: What is the use of a United Nations presence if it is, in effect, an umbrella which is taken away as soon as it begins to rain?

Surely, then, future arrangements for peace-keeping must depend more on the agreement and implementation by the parties themselves than on machinery which is totally at the mercy of the host country, so totally at its mercy as to be the instrument of its policies, whatever those policies may be.

We have lived through three dramatic weeks. Those weeks have brought into clear view the main elements of tension, and also the chief promise of relaxed tension in the future. The first link in the chain was the series of sabotage acts emanating from Syria. In October last year, the Security Council was already seized of this problem. A majority of its member States found it possible and necessary to draw attention to the Syrian Government's responsibility for altering that situation. Scarcely a day passed without a mine, a bomb, a hand-grenade or a mortar exploding on Israel's soil, sometimes with lethal or crippling effects; always with an unsettling psychological influence. In general, fourteen or fifteen such incidents would accumulate before a response was considered necessary. And this ceaseless accumulation of terrorist incidents in the name of what was called "popular war", together with responses which in the long run sometimes became inevitable, were for a long period the main focus of tension in the Middle East.

But then there came a graver source of tension in mid-May when abnormal troop concentrations were observed in the Sinai Peninsula. For the ten years of relative stability beginning with March 1957 and ending with May 1967, the Sinai Desert had been free of Egyptian troops. In other words, a natural geographic barrier, a largely uninhabited space, separated the main forces of the two sides. It is true that in terms of sovereignty and law, any State has a right to put its armies in any part of its territory that it chooses. This, however, is not a legal question: It is a political and a security question. Experience in many parts of the world, not least in our own, demonstrates that massive armies in close proximity to each other, against a background of a doctrine of belligerency and accompanying threats by one army to annihilate the other, create an inflammatory situation.

We were puzzled in Israel by the relative lack of preoccupation on the part of friendly Governments and international agencies with this intense concentration which found its reflection in precautionary concentrations on our side. My Government proposed, at least two weeks ago, the concept of a parallel and reciprocal reduction of forces on both sides of the frontier. We elicited no response, and certainly no action.

INTERNATIONAL WATERWAY CLOSED

To these grave sources of tension—the sabotage and terrorist movement, emanating mostly from Syria, and the heavy troop concentrations accompanied by dire, apocalyptic threats in Sinai—there was added in the third week of May the most electric shock of all. This was the closure of the international waterway consisting of the Strait of Tiran and the Gulf of Aqaba. It is not difficult to understand why this incident had a more drastic impact than others. In 1957 the maritime nations, within the framework of the United Nations General Assembly, correctly enunciated the doctrine of free and innocent passage through the Strait. Now, when that doctrine was proclaimed—and incidentally, not challenged by the Egyptian representative at that time—it was little more than an abstract principle for the maritime world. For Israel it was a great but still unfulfilled prospect. It was not yet a reality. But during the ten years in which we and the other States of the maritime community have relied upon that doctrine and upon established usage, the principle has become a reality, consecrated by hundreds of sailings under dozens of flags and the establishment of a whole complex of commerce and industry and communication. A new dimension has been added to the map of the world's communications. On that dimension we have constructed Israel's bridge toward the friendly States of Asia and Africa, a network of relationships which is the chief pride of Israel in the second decade of its independence.

All this, then, had grown up as an effective usage under the United Nations flag. Does Mr. Nasser really think that he can come upon the scene in ten minutes and cancel the established legal usage and interests of ten years?

There was in this wanton act a quality of malice. For surely the closing of the Strait of Tiran gave no benefit whatever to Egypt except the perverse joy of inflicting injury on others. It was an anarchic act, because it showed a total disregard for the law of nations, the application of which in this specific case had not been challenged for ten years. And it was an act of arrogance, because there are other nations in Asia and East Africa that trade with the Port of Elath, as they have every right to do, through the Strait of Tiran and across the Gulf of Aqaba. Other sovereign States from Japan to Ethiopia, from Thailand to Uganda, from Cambodia to Madagascar, have a sovereign right to decide for themselves whether they wish or do not wish to trade with Israel. These countries are not colonies of Cairo. They can trade with Israel or not trade with Israel as they wish, and President Nasser is not the policeman of other African and Asian States.

Here then was a wanton intervention in the sovereign rights of other States in the eastern half of the world to decide for themselves whether or not they wish to establish trade relations with either or both of the two ports at the head of the Gulf of Aqaba.

A BLOCKADE IS AN ACT OF WAR

When we examine the implications of this act, we have no cause to wonder that the international shock was great. There was another reason too for that shock. Blockades have traditionally been regarded, in the pre-Charter parlance, as acts of war. To blockade, after all, is to attempt strangulation—and sovereign States are entitled not to have their trade strangled. To understand how the State of Israel felt, one has merely to look around this table and imagine, for example, a foreign Power forcibly closing New York or Montreal, Boston or Marseilles, Toulon or Copenhagen, Rio or Tokyo or Bombay harbour. How would your Governments react? What would you do? How long would you wait?

But Israel waited because of its confidence that the other maritime Powers and countries interested in this new trading pattern would concert their influence in order to re-establish a legal situation and to liquidate this blockade. We concerted action with them not because Israel's national interest was here abdicated. There will not be—there cannot be—an Israel without Elath. We cannot be expected to return to a dwarfed stature, with our face to the Mediterranean alone. In law and in history, peace and blockades have never coexisted. How could it be expected that the blockade of Elath and a relaxation of tension in the Middle East could ever be brought into harmony?

THREE MAIN ELEMENTS OF TENSION

These then were the three main elements in the tension: the sabotage movement; the blockade of the port; and, perhaps more imminent than anything else, this vast and purposeful encirclement movement, against the background of an authorized presidential statement announcing that the objective of the encirclement was to bring about the destruction and the annihilation of a Sovereign State.

These acts taken together—the blockade, the dismissal of the United Nations force, and the heavy concentration in Sinai—effectively disrupted the *status quo* which had ensured a relative stability on the Egyptian-Israeli frontier for ten years. I do not use the words "relative stability" lightly, for while those elements of the Egyptian-Israel relationship existed there was not one single incident of violence between Egypt and Israel for ten years. But suddenly this pattern of mutually accepted stability was smashed to smithereens. It is now the task of the Governments concerned to elaborate the new conditions of their coexistence. I think that much of this work should be done directly be these Governments themselves. Surely, after what has happened we must have better assurance than before, for Israel and the Middle East of peaceful coexistence. The question is whether there is any reason to believe that such a new era may yet come to pass. If I am sanguine on this point, it is because of a conviction that men and nations do behave wisely once they have exhausted all other alternatives. Surely the other alternatives of war and belligerency have now been exhausted. And what has anybody gained from them? But in order that the new system of interstate relationships may flourish in the Middle East, it is important that certain principles be applied above and beyond the cease-fire to which the Security Council has given its unanimous support.

ISRAEL WELCOMES APPEAL FOR CEASE-FIRE

Let me then say here that Israel welcomes the appeal for the cease-fire as formulated in this resolution. But I must point out that the implementation depends on the absolute and sincere acceptance and co-operation of the other parties, which, in our view, are responsible for the present situation. And in conveying this resolution to my colleagues, I must at this moment point out that these other Governments have not used the opportunity yet to clarify their intention.

I have said that the situation to be constructed after the cease-fire must depend on certain principles. The first of these principles surely must be the acceptance of Israel's Statehood and the total elimination of the fiction of its non-existence. It would seem to me that after 3,000 years the time has arrived to accept Israel's nationhood as a fact. Here is the only State in the international community which has the same territory, speaks the same language and upholds the same faith as it did 3,000 years ago.

And if, as everybody knows to be the fact, the universal conscience was in the last week or two most violently shaken at the prospect of danger to Israel, it was not only because there seemed to be a danger to a State. It was also, because the State was Israel, with all that this ancient name evokes, teaches, symbolizes and inspires. How grotesque would be an international community which found room for 127 sovereign units and which did not acknowledge the sovereignty of that people which had given nationhood its deepest significance and its most enduring grace.

ISRAEL'S SUCCESSFUL RESISTANCE EVOKES RELIEF

No wonder, then, that when danger threatened we could hear a roar of indignation sweep across the world. No wonder that men in progressive movements and members of the scientific and humanistic cultures joined together in sounding an alarm bell about an issue that vitally affected the human conscience. And no wonder that a deep and universal sense of satisfaction and relief has accompanied the news of Israel's gallant and successful resistance.

But the central point remains the need to secure an authentic recognition by our neighbours of Israel's deep roots in the Middle Eastern reality. There is an intellectual tragedy in the failure of Arab leaders to come to grips, however reluctantly, with the depth and authenticity of Israel's roots in the life, the history, the spiritual experience and the culture of the Middle East.

This, then, is the first axiom. A much more conscious and uninhibited acceptance of Israel's Statehood is an axiom requiring no demonstration. There will never be a Middle East without an independent and sovereign State of Israel in its midst.

The second principle must be that of the peaceful settlement of disputes. The resolution now adopted falls within the concept of the peaceful settlement of disputes. I have already said that much could be done if the Governments of the area would embark much more on direct contacts. They must find their way to each other. After all, when there is conflict between them they come together face to face. Why should they not come together face to face to solve the conflict? On some occasions it would not be a bad idea to have the solution before, and therefore instead of, the conflict.

NOT BACKWARD TO BELLIGERENCY—BUT FORWARD TO PEACE

When the Council discusses what is to happen after the cease-fire, we hear many formulae: back to 1956, back to 1948—I understand our neighbours would wish to turn the clock back to 1947. The fact is, however, that most clocks move forward and not backward, This should be the case with the clock of Middle Eastern peace. Not backward to belligerency, but forward to peace.

The point was well made this evening by the represenative of Argentina, who said: "The cease-fire must be followed immediately by the most energetic efforts to find a just and true peace in the Middle East." In a similar sense, the representative of Canada warned us against merely reproducing the old positions of conflict, without attempting to settle the underlying issues of Arab-Israeli coexistence. After all, many things in recent days have been mixed up with each other. Few things are what they were. And in order to create harmonious combinations of relationships, it is inevitable that the States should come together in negotiation.

Another factor in the harmony that we would like to see in the Middle East relates to external Powers. From these, and especially from the greatest amongst them, the small States of the Middle East—and most of them are small—ask for a rigorous support, not for individual States, but for specific principles; not to be for one State against other States, but to be for peace against war, for free commerce against belligerency, for the pacific settlement of disputes against violent irredentist threats; in other words, to exercise an even-handed support for the integrity and inedependence of States and for the rights of States under the Charter of the United Nations and other sources of international law.

There are no two categories of States. The United Arab Republic, Iraq, Syria, Jordan, Lebanon—not one of these has a single ounce or milligram of Statehood which does not adhere in equal measures to Israel itself.

BALANCED ATTITUDE REQUIRED FROM OTHER STATES

It is important that States outside our region apply a balanced attitude. They should not exploit temporary tensions and divergencies in the issues of global conflict. They should not seek to win gains by inflaming fleeting passions and they should strive to make a balanced distribution of their friendship amongst the States of the Middle East.

Now whether all the speeches of all the Great Powers this evening meet this criterion, everybody, of course, can judge for himself. I do not propose to answer in detail all the observations of the representative of the Soviet Union. I had the advantage of hearing the same things in identical language a few days ago from his colleague, the Soviet Ambassador in Israel. I must confess that I was no more convinced this evening than I was the day before yesterday about the validity of this most vehement and one-sided denunciation. But surely world opinion, before whose tribunal this debate unrolls, can solve this question by posing certain problems to itself. Who was it that attempted to destroy a neighbouring State in 1948, Israel or its neighbours? Who now closes an international waterway to the port of a neighbouring State, Israel or the United Arab Republic? Does Israel refuse to negotiate a peace settlement with the Arab States, or do they refuse to do so with it? Who disrupted the 1957 pattern of stability, Israel or Egypt? Did troops of Egypt, Syria, Jordan, Iraq, Lebanon, Kuwait and Algeria surround Israel in this menacing confrontation, or has any distinguished representative seen some vast Israeli colossus surrounding the area between Morocco and Kuwait?

I raise these points of elementary logic. Of course, a great Power can take refuge in its power from the exigencies of logic. All of us in our youth presumably recounted La-Fontaine's fable, *La raison du plus fort est toujours la meilleure*. But here, after all, there is nobody who is more or less strong than others; we sit here around the table on the concept of sovereign equality. But I think we have an equal duty to bring substantive proof for any denunciation that we make, each of the other.

These are grave times. And yet they may have fortunate issue. This could be the case if those who decided three weeks ago, to disrupt the status quo would ask themselves what the benefits have been. As he looks around him at the arena of battle, at the wreckage of planes and tanks, at the collapse of intoxicated hopes, might not an Egyptian ruler ponder whether anything was achieved by that disruption? What has it brought but strife, conflict with other powerful interests, and the stern criticism of progressive men throughout the world?

Israel in recent days has proved its steadfastness and vigour. It is now willing to demonstrate its instinct for peace. Let us build a new system of relationships from the wreckage of the old. Let us discern across the darkness the vision of a better and a brighter dawn.

PRESIDENT MADE WISE CHOICE IN NOMINATION OF THURGOOD MARSHALL TO SUPREME COURT

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OTTINGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. OTTINGER. Mr. Speaker, I believe the President deserves highest commendation for nominating Solicitor General Thurgood Marshall to the U.S. Supreme Court. The fact that Judge Marshall is the first Negro to be nominated to the Nation's highest Court is historic, but Judge Marshall's race should not be permitted to overshadow his abundant qualifications for appointment.

Judge Marshall has devoted more than 30 years to the legal profession. He is no stranger to history, having served as counsel to the National Association for the Advancement of Colored People and having played a leading role in the events which culminated in the Supreme Court's historic school desegregation decision in 1954.

He has served with distinction as Solicitor General, a post to which he was appointed by President Johnson 2 years ago, and before that as a judge of the U.S. Court of Appeals, to which he was nominated by President Kennedy.

While Judge Marshall has made his mark largely in the field of civil rights, he has broad experience with the Supreme Court and the laws of our Nation. I know he will more than justify the confidence President Johnson has placed in him. I present for inclusion in the RECORD a Christian Science Monitor news story dealing with the nomination:

MARSHALL—A "RIGHTS" CHAMPION

(By Robert Cahn)

WASHINGTON.—The nomination of United States Solicitor General Thurgood Marshall to the Supreme Court gives President Johnson and the civil-rights cause a decided uplift just at a time it is most needed.

If approved by the Senate—and this is considered almost a certainty—Mr. Marshall will become the first Negro to sit on the bench. And although some of his views in other areas are not well established, Mr. Marshall has been a champion of civil-rights causes all his adult life.

He had argued 32 civil-rights cases before the Supreme Court of the United States as chief counsel for the National Association for the Advancement of Colored People (NAACP). He won 29 of the cases.

The President's nomination came a day after Associate Justice Tom C. Clark formally retired from the bench at the end of the 1966–67 court terms.

On that final day, the court delivered its second blow of the term to the civil-rights cause. By a 5-to-4 vote it sustained the conviction of Dr. Martin Luther King and other civil-rights demonstrators for a 1963 Easter march in Birmingham, Ala., in defiance of a court injunction.

Earlier in the term, the court, also in 5-to-4 decision, had decided against Negro students from Florida A and M University who had demonstrated at the Tallahassee jail. In both cases, Mr. Justice Clark had voted with the 5-to-4 majority.

Thus the appointment of Mr. Marshall to the bench would appear to shift the balance in close civil-rights cases over to the present minority of Chief Justice Earl Warren and Associate Justices William O. Douglas, William J. Brennan, and Abe Fortas.

The nomination of Mr. Marshall also is considered timely with Negro rioting breaking out this week in two cities.

Civil rights was only one factor in the decision that has confronted the President since Mr. Justice Clark last February announced his decision to resign. The Justice stepped down because his son, Ramsey, had become Attorney General.

The President, it is known, felt that Mr. Marshall had earned the Supreme Court position by his work as Solicitor General for the last two years. Although close observers of the court had reservations about some of Mr. Marshall's work in arguing cases before the Supreme Court, his record was good.

This year he represented the government, or appeared as a "friend" of the court in eight cases, winning seven of them. The appearance in the California open-housing case was especially brilliant.

During his first year as Solicitor General, Mr. Marshall won eight of 11 cases he argued before the Supreme Court. Three of the victories were in civil-rights cases, including abolishing the Virginia poll tax.

HIGHLY COMMENDED

Mr. Marshall, like the other Johnson appointment of Abe Fortas, is considered a liberal in most areas. With his experience in the Department of Justice, he probably will add to the court's backing of the government in antitrust cases. His position on criminal cases is not so well established.

The Solicitor General is known as an individual thinker, however, and is expected to be his own man after donning the judicial robes.

Mr. Marshall was strongly recommended for the vacancy by Attorney General Clark. And his work as Solicitor General and as a "distinguished justice of the Court of Appeals" was lauded by the President last June at a White House civil-rights conference.

The newly appointed justice was named by President Kennedy in 1961 to the Court of Appeals for the Second Circuit. The appointment was delayed for 11 months in the Senate.

Mr. Marshall was graduated at the top of his class at Howard University and practiced law in Baltimore before joining the legal staff of the NAACP. His greatest victory, and the one that made him a hero among many of his race, was the Supreme Court case he argued in 1954 which held racial segregation in public schools unconstitutional.

THE GUNS OF MAY?

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OTTINGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. OTTINGER. Mr. Speaker, the failures of modern history speak for themselves: France and Belgium, 1914; China, 1932; Ethiopia, 1935; the Sudetenland, 1938. These were the crucial moments when the nations of the world, paralyzed by petty conflicts of interest and complacency, subverted principle for expediency and clothed inaction in hypocritical words of peace. The eventual cost of each of these exercises in international handwashing, whether measured in lives and suffering or in economic loss, was dreadful.

In 1956, faced once again with such a choice in the Middle East, the nations of the West tried once again to buy time and economic stability with paper promises and guarantees intended to be more honored in the breach than the observance. Today, we know that we won neither the oil nor the peace nor the time that were the goals of this policy.

Now, in 1967, the armies of Israel have won for us an unexpected and unmerited second chance in the Middle East.

There are few who know more about the tragic consequences of abrogation of principle than the distinguished historian, Barbara Tuchman, the chronicler of the disastrous follies that led to the First World War. In a letter to the Washington Post, the author of "The Proud Tower" and "The Guns of August" has clearly and accurately defined the choice and the responsibility in the Middle East. I commend this essay to my colleagues in the House and most especially to the policymakers of this administration:

[From the Washington (D.C.) Post, May 29, 1967]

In the crisis in the Middle East we have come to a moment of truth for this country and for the community of Western democracies. Aqaba is the crux. If the President of the United States can state as a principle that the Gulf of Aqaba is an international waterway and that a blockade of Israeli shipping is illegal, and thereafter not only do nothing to implement the principle but stand by while it is violated, then we have indeed reached the ultimate paralysis of power.

This is not a process new in history. It happened to the dinosaur, it happened to the Dreadnaught and it can happen to us.

With regard to the Arab-Israeli conflict it has been a creeping paralysis for the past 10 years. After Israel's withdrawal from the Sinai peninsula, under American pressure and on the promise that her maritime outlet through the Gulf was assured, President Eisenhower engaged to use American influence and best efforts for the reopening of the Suez Canal to Israel's ships. No such efforts were ever made or even attempted by his or by succeeding administrations. We can take no comfort in being a major power if we cannot exercise the will and the strength that goes with the status.

This is—or should be—an American, not a Jewish issue. It is the American reputation that is at stake. If the United States in this crisis fails to support its stated position, because of involvement in Vietnam, then the uneasy rationale—called "resistance to aggression"—of our battle over there collapses hollowly and publicly. While we claim to fight for it in the Far-East, it is nullified in the Near East, closer to home.

Israel represents the land and the nation which were the source of the Judaeo-Christian tradition to which we and the other Western nations belong and which, presumably, we uphold. As such it seems to me obvious that its integrity and security, not to say its survival, is a closer concern of ours than that of South Vietnam. To sacrifice the land of our spiritual birth, the land as an Englishman said "to which we all turn our faces in the grave," while we fight for that great democrat, Premier Ky, is an extreme of absurdity.

Yet the crisis could be our opportunity—if we met it with the nerve and firmness of intent that served us in the Cuban missile crisis. It could be used to restore the prestige we have lost, not by futile fiddling in the U.N. but by straightforward independent action, the only kind that can be effective.

To wait for multilateral action by the so-called family of nations is useless; as far as concerns ability to act jointly and effectively for the maintenance of security, the family of nations is an illusion with which we comfort ourselves like a teething-ring. The meetings of the Security Council, as anyone knows who has attended or listened to them, have become a cynical farce.

Independent action in support of our stated policy is not intervention, nor is it something to be afraid of. Taken with courage and conviction it is what the world is waiting for—from us. It could win back the world's respect and, what is more important, self-respect.

Aqaba is the test from which the Arab nations, and behind them all the nations of Asia and Africa who are watching the performance, will take their cue. If we fail to act to confirm the principle of freedom of navigation, every person in every one of these countries will take note.

The sacrifice of Israel will not buy us time—and certainly not honor, though that is perhaps beside the point. Rather it will hasten the time that is closing in. If the Arabs, with Russia at their back, are successful in this challenge which U Thant's precipitous collapse so unexpectedly widened for them, then the period remaining to us, that is to the Western democracies, is shorter than I had supposed.

Meanwhile let us at least stop pretending; let us stop using the words Peace and Freedom as nice white verbal bandages to cover the gangrene underneath. I for one have had enough of hearing these words mouthed by administration spokesmen as an incantation to bewitch us into supposing that carnage in Vietnam is "freedom" and scuttle in the Middle East is "peace."

Barbara W. Tuchman.

Cos Cob, Conn.

THE MIDDLE EAST

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Bingham] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BINGHAM. Mr. Speaker, I have obtained transcripts of various North Vietnamese radio broadcasts and articles regarding the recent events in the Middle East. These are a chronicle of misinformation, presenting a picture of the United States employing a reactionary Israel of 2½ million people to attack 90 million united Arabs, with the Arabs emerging victorious.

These transcripts of North Vietnamese propaganda indicate the willingness, even eagerness, of the Communist world to oppose any democratic government which stands up to the Communists or to those whom the Communists would woo. The North Vietnamese Government consistently characterized Israel in the most vituperative terms: "reactionary," "a reactionary instrument of the U.S. imperialists," "lackeys," "stooges against the Arab countries," and a "den of pirates."

Right from the beginning of the crisis during the last week in May, Hanoi was quick to pledge support to the Arab States and "welcomed the decision taken by the United Arab Republic" to blockade the Gulf of Aqaba.

Perhaps even more revealing than the alacrity with which Hanoi allied itself with the Arab countries was its stubborn refusal to abandon its prediction of an inevitable Arab "glorious victory." On Tuesday, June 6, when the rest of the world was aware that Israel was putting the Arab troops to flight, the Government of North Vietnam conveyed to the United Arab Republic's President Nasser "congratulations on victory" and condemned the bombing of Cairo—an event that did not occur.

On June 7, while Jordan was anxiously arranging to comply with the U.N.'s cease-fire call and Israel was consolidating its control over the Sinai Peninsula and the Strait of Tiran, an editorial in "Nhan Dan," a Hanoi newspaper, hailed the "brilliant victory" of the United Arab Republic, Syria, and other Arab countries:

> From all sides, in the air as well as on the ground [Israel has] been bitterly defeated.

Interspaced with these pronouncements of Arab victories, which the rest of the world already knew were false, were equally extravagant claims of military victories by North Vietnam against U.S. forces.

There has been considerable speculation that one of the reasons for Hanoi's resistance to U.S. overtures for negotiations is its belief that it is achieving military successes on the battlefield in the south. If Hanoi believes what it says, then this may indeed be a real problem. Hopefully, the faith of the North Vietnamese people in the statements of its own Government may have been shaken by the outcome of the events in the Middle East.

I insert for the Record the following extracts from these broadcasts:

[Hanoi VNA International Service in English 1613 GMT 25 May 1967—B]

Foreign Affairs Vice Minister Sees UAR Envoy

Hanoi, May 25.—Hoang Van Loi, vice minister of foreign affairs, today received (?Ahmad Fuad Abd as-Sabi), charge d'affaires of the UAR. The charge d'affaires informed Vice Minister Hoang of the tense situation in the Middle East and the determination of the governments and peoples of the UAR and the other Arab countries to oppose the Israeli reactionaries and imperialism headed by U.S. imperialism with a view to defending their sovereignty, independence, and territorial integrity and safeguarding peace in the Middle East and in the world.

On behalf of the DRV Government and the Vietnamese people, Vice Minister Hoang hailed the Arab peoples' spirit of unity in the struggle against Israeli reactionaries, imperialism, colonialism, and neocolonialism headed by U.S. imperialism. He expressed full support for the struggle waged by the governments and peoples of the Arab countries and the Palestinian people to liberate Palestine.

Vice Minister Hoang energetically condemned the aggressive, warlike nature of the U.S. imperialists and their acts of an international gendarme in the Middle East as well as in Vietnam and other parts of the world, condemned Israel as a reactionary instrument of the U.S. imperialists in the Middle East, and expressed confidence in the surely victorious struggle of the Arab peoples.

[Hanoi VNA International Service in English 1715 GMT 26 May 1967—B]

Nhan Dan Supports Arab People's Struggle

Hanoi, May 26.—In its editorial today, Nhan Dan voiced firm support for the courageous struggle of the Arab peoples against the U.S. imperialists and the Israeli lackey clique.

The paper welcomed the decision taken by the UAR against the navigation of Israeli ships and all other ships transporting weapons and strategic materials to Israel through the Aqaba Gulf.

President Nasser's decision to blockade the Aqaba Gulf, it said, constitutes a bruising blow dealt at the U.S. imperialists who arrogantly regard all seas and oceans in the world as their own territorial waters. The decision entirely conforms to the sovereignty of the UAR and international law. We fully support this legitimate and necessary act taken by President Nasir.

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The paper concluded: Together with the other fraternal socialist countries, the Asian, African, and Latin American peoples and the justice- and peace-loving people throughout the world, the Vietnamese people deeply sympathize with and resolutely support the Arab people's valiant struggle for independence and freedom. This just struggle is bound to win victory.

[Hanoi VNA International Service in English 1546 GMT 29 May 1967–B]

DRV Fully Supports Arab People's Struggle

Hanoi, May 29.—Recently the Israeli reactionaries, abetted and instigated by U.S.-led imperialism, have made repeated armed provocations against the Syrian Arab Republic and the United Arab Republic, posing a serious threat to their territories and security and rendering the situation in the Middle and Near East extremely tense.

The governments and peoples of the Syrian Arab Republic and the UAR, supported by other Arab countries, have taken firm measures with the aim of defending their sovereignty and territories and contributing to the safeguarding of peace in the Middle and Near East and throughout the world.

Standing at the frontline against U.S. imperialism in Asia, the Vietnamese people deeply sympathize with and fully support the just struggle of the Arab people against U.S. imperialism and the Israeli reactionaries.

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[Hanoi VNA International Service in English 0218 GMT 31 May 1967–B]

Pham Van Dong Message to UAR Premier

Hanoi, May 31.—Premier Pham Van Dong sent a message 29 May to Sidqi Sulayman, premier of the UAR, voicing the Vietnamese people's full support for the Arab peoples' just struggle against U.S.-led imperialism and the Israeli reactionaries. The message reads:

The Vietnamese people and the DRV Government are deeply indignant at the brazen acts of war of the Israeli reactionaries, instigated and helped by the U.S. imperialists, against the UAR and the Arab Republic of Syria.

These actions directly menace the territory and security of the UAR and the Arab Republic of Syria and render the situation in the Middle East extremely tense. This is a gross violation of international law.

The DRV Government strongly condemns the aggressive schemes and acts of the U.S. imperialists and the Israeli reactionaries against your country, fully approves and supports the just struggle waged by the governments and peoples of the UAR and other Arab countries and the Palestinian people against U.S.-led imperialists and the Israeli reactionaries to liberate Palestine, safeguard their territorial integrity, and contribute to the defense of peace in the Midle East and in the world.

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[Hanoi VNA International Service in English 1450 GMT 31 May 1967—B]

Mass Rally Held To Back Arab People's Struggle

Hanoi, May 31.—A mass rally was held here last night to voice the Vietnamese people's full support for the Arab people's struggle against U.S. imperialism and the Israeli reactionaries. The rally was sponsored by the Vietnam Afro-Asian Solidarity Committee.

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A resolution adopted at the meeting expressed warm support for the energetic measures taken by the governments of the UAR and Syria and the firm statement of the council of the League of Arab States on 20 May. The resolution demands that the U.S. imperialists and the Israeli reactionaries stop at once all acts of aggression and war provocation against the Arab countries and respect the independence and sovereignty of the Arab peoples.

[Hanoi VNA International Service in English 1555 GMT 6 June 1967–B]

DRV Expresses Solidarity With Arab Struggle—Ho Message to Nasir

Hanoi, June 6.—The DRV Government declares full solidarity with the government and people of the UAR fighting against Israel's aggression, said President Ho Chi Minh in a message sent today to President Nasir. The message reads in full:

His Excellency President Jamal Abd-an Nasir, UAR, Cairo:

The Vietnamese people and the Government of the DRV are highly indignant at the action of the Israeli reactionaries, agents of the U.S. and British imperialists, in bombing Cairo and other cities and attacking many places of the UAR with ground forces.

This constitutes an impudent act of aggression against the UAR, seriously jeopardizes peace in the Middle and Near East, and most grossly tramples upon international law.

The Government of the DRV strongly condemns this act of aggression of the Israeli reactionaries, instigated and helped by the imperialists, and firmly demands that they stop it forthwith.

The fight of the UAR for its independence and sovereignty, the legitimate rights of the Arab people and peace in the Middle and Near East, is a cause radiating justice. It is sure to enjoy deep sympathy and strong support from the Asian and African peoples and all peace- and justice-loving countries in the world.

The Government of the DRV declares full solidarity with the government and people of the UAR fighting against Israeli aggression. In the face of the united struggle of the Arab people, all aggressive schemes and acts of the U.S. and British imperialists and their agents are doomed to ignominous defeat.

On this occasion, I wish to convey to Your Excellency my congratulations on victory, and through you I warmly hail the army and people of the UAR, who have put up a valiant fight and duly punished the Israeli aggressors.

Please accept, Excellency, the assurances of my highest consideration.

[Hanoi VNA International Service in English 1620 GMT 6 June 1967—B]

Ho Message to al-Atasi

Hanoi, June 6.—Following is the text of the message sent today by President Ho Chi Minh to (Syrian—ed.) President Nur ad-Din al-Atasi:

His Excellency President Nur ad-Din al-Atasi, Syrian Arab Republic, Damascus:

The Vietnamese people and the Government of the DRV are highly indignant at the military attack launched by the Israeli reactionaries, agents of the U.S. and British imperialists, against the territory of the Syrian Arab Republic.

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On this occasion, I wish to convey to Your Excellency my congratulations on victory, and through you I warmly hail the army and people of the Syrian Arab Republic who have put up a valiant fight and duly punished the Israeli aggressors.

Please accept, Excellency, the assurances of my highest consideration.

[Hanoi VNA International Service in English 0559 GMT 6 June 1967–B]

Nhan Dan Editorial

Hanoi, June 6.—The Vietnamese people fully support the just struggle of the UAR, Syria, and other Arab peoples against the Israeli aggressors, henchmen of U.S. and British imperialism, Nhan Dan said in an editorial today. The paper voiced the Vietnamese people's support for the legitimate measures taken by the UAR, Syria, and other Arab countries in defense of their independence and sovereignty.

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The paper recalled the message sent by Premier Pham Van Dong to the prime ministers of the UAR and Syria which pointed out that the Vietnamese people pledge to stand always at the side of the Arab peoples in their just and certainly victorious struggle for national independence, freedom, and peace.

The paper said in conclusion: The U.S. imperialists are receiving telling blows at the hand of the Vietnamese Army and people and are neck-deep in the bog in Vietnam. By recklessly waging a war of aggression against the Arab countries, the U.S. imperialists and their Israel lackeys will surely meet with ignominious defeat. Finally victory will certainly belong to the Arab countries.

[Hanoi VNA International Service in English 1547 GMT 7 June 1967—B]

Further Solidarity Expressed With Arabs

Hanoi, June 7.—In its editorial today, NHAN DAN warmly welcomed the brilliant victory won by the Arab peoples in fighting back the Israeli armed aggression supported by U.S. and British imperialism.

The paper said: Recklessly launching a war of aggression against the United Arab Republic and the Syrian Arab Republic, the Israeli ruling circles, henchmen of the United States, are being duly punished. From all sides, in the air as well as on the ground, the aggressors have been bitterly defeated. The attacks on the territories of the UAR and Syria have been repulsed from the first (?step.) The aggressors have received stunning blows from the armed forces of the UAR, Syria, Iraq, Jordan, and Lebanon. They are running into the huge strength of all of the 90 million Arab people who are resolutely supporting the UAR and Syria morally and materially to smash the aggression.

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It pointed out: U.S. imperialism, the most dangerous enemy of mankind, is guilty of towering crimes against the Arab peoples. The Arab peoples have used the Arab solidarity bloc as an effective and sharp weapon to deal with U.S. imperialism and its lackeys. They are teaching the U.S. imperialists and their stooges how to respect the independence and sovereignty of the Arab countries. The 90 million Arab people united under the anti-imperialist banner are a great force and an important factor for success in their fight to smash the aggression launched by imperialism and its stooges.

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We strongly condemn the U.S. and British imperialists who have connived at the aggressive war launched against the UAR, Syria, and other Arab countries by the Israeli reactionaries. We fully support the just struggle of the people of the UAR, Syria, and other Arab countries. We firmly believe in the success of the Arab peoples.

In the winter-spring of 1966–1967, the armed forces and people in South Vietnam won glorious victories, the U.S. aggressors met with the heaviest and most ignominious failure.

In North Vietnam, 2,000 U.S. aircraft have been shot down. Our armed forces and people, resolved to develop further their great successes, will fight still harder to win yet greater victories, and consider them as their most effective support for the Arab people's struggle against the United States and its lackeys.

[Hanoi VNA International Service in English 1540 GMT 7 June 1967—B]

Mass Organizations' Support

Hanoi, June 7.—More and more mass organizations in the DRV have issued statements condemning the U.S. and British imperialists and the Israeli reactionaries for their open act of aggression on 5 June 1967 against the United Arab Republic and other Arab countries and voicing the Vietnamese people's warm support for the Arab people's just struggle.

The joint statement issued on 6 June 1967 by the Vietnam Asian-African Solidarity Committee and the Vietnam Peace Committee demanded that the U.S. and British imperialists and the Israeli reactionaries stop without delay all their acts of war against the UAR and other Arab countries.

After hailing the glorious victories recorded recently by the Arab peoples, the statement went on: The Vietnamese people fully support the energetic acts taken by the governments and peoples of the UAR, the Syrian Arab Republic, and other Arab countries in fighting back the aggressive acts of the Israeli reactionary ruling circles and the U.S. and British imperialists.

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The above-said statements expressed the belief that justice will certainly triumph and that the Vietnamese people and the Arab peoples will certainly be victorious. The U.S. and British imperialists and their henchmen will meet with ignominious defeat and receive counterblows for their towering crimes.

[Hanoi VNA International Service in English 0554 GMT 8 June 1967—B]

FURTHER SUPPORT

Hanoi, June 8.—The Vietnam Federation of Trade Unions and the Vietnam Women's Union have sent messages to their counterparts in Arab countries sharply condemning the aggressive acts taken against these countries by the Israeli reactionaries at the instigation of U.S. and British imperialism.

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[Hanoi VNA International Service in English 0533 GMT 8 June 1957—B]

Hanoi, June 8.—A resolution was unanimously adopted at a meeting jointly held here last night by the central and Hanoi committee of the Vietnam Fatherland Front to hail the great victories won by the armed forces and people in both South and North Vietnam.

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The resolution declared full support for the just struggle of the peoples of the UAR, the Syrian Arab Republic, and other Arab countries against the Israeli reactionaries who have launched an aggressive war in the Middle and Near East at the instigation of U.S. and British imperialism.

[Hanio VNA International Service in English 0608 GMT June 11, 1967—B]

NHAN DAN EDITORIAL ON MIDDLE EAST SITUATION

Hanoi, June 11.—The struggle of the Arab peoples is meeting with temporary difficulties. However, it has very favorable conditions. Though truculent, imperialism is weakening and disintegrating. The U.S. imperialists are up to their neck in the Vietnam quagmire and surely will be defeated completely. So said Nhan Dan in an editorial today.

The paper said: The world's people have just witnessed an extremely brazen aggression committed by the Israeli reactionaries instigated and backed by the U.S. and British imperialists against the Arab countries in the Middle East. The Middle East is an explosive region because it contains many contradictions. The main and most acute contradiction is that between the constantly developing struggle of the Arab peoples to win back and consolidate their national independence on one side, and the imperialists—headed by the U.S. imperialists—who want to maintain their sordid exploitation, especially with regard to (words indistinct) and expand their position in this most important strategic region in an attempt to carry out their evil design for aggression against the socialist countries and for world domination on the other.

The paper pointed out: The hand of the U.S. and British imperialists in the Israeli reactionaries' aggression against the Arab countries is too obvious. It is because the Arab peoples had seen through the very cruel and perfidious nature of the U.S. and British imperialists that while the armies of the Arab countries were fighting valiantly against the Israel aggressive troops, a high anti-U.S. wave surged powerfully in all the Arab countries and in many other countries.

The people in the Arab countries demonstrated, ransacked U.S. embassies, tore U.S. flags, and shouted: Down with U.S. imperialism! Hang Johnson! United States, Quit Arab Countries! The Arab countries severed diplomatic relations with the United States. Together with the mounting movement of protest against the U.S. aggression in Vietnam, the recent anti-U.S. wave in the Arab countries came as a hard political blow at aggressive and war-seeking U.S. imperialism. That situation proves that the deceitful moves of the United States have gone bankrupt and that the people throughout the world deeply hate U.S. imperialism and resolutely oppose it.

Nhan Dan went on: The recent fight of the Arab countries against the Israeli aggressors have, besides long-term favorable conditions, met with certain immediate unfavorable conditions. The Israeli aggressors, assisted by the U.S. imperialists and after careful preparations, threw their full armed force by surprise against the Arab countries. For their part, the latter were not yet fully prepared and therefore had to accept the cease-fire. The Israeli reactionaries, taking advantage of their position, are putting forth insolent demands to the Arab countries. The Johnson administration has also set up a so-called special committee composed of such notorious aggressors as Dean Rusk and McNamara to keep an eye on and settle problems in the Middle East, or in plain words, to seek to develop the influence of U.S. imperialism in this region.

The paper stressed: The struggle of the Arab countries is meeting with temporary difficulties and setbacks. The recent struggle is but one step on the long path of struggle of the Arab peoples to completely abolish neocolonialism in the Middle East. This path of struggle, like that of other peoples, is a tortuous and hard one, in view of the temporary superiority and the truculence of the enemy. But in spite of ups and downs the struggle of the Arab peoples as well as other peoples will continue along its upward trend. The U.S. imperialists and their henchmen—the Israeli reactionaries—are having some temporary advantages in the Middle East. But this can in no way obliterate the main contradictions in this region. The struggle of the Arab countries is a just struggle and conforms to the law of evolution of history. The main antagonism and other contradictions have not dwindled at all, but instead have further sharpened. Through the recent struggle, two important factors have emerged in the national liberation movement of the Arab peoples; the Arab peoples have taken in their hands the anti-imperialist revolution, and the spirit of solidarity among the Arab peoples against imperialism has been further enhanced.

These factors will develop with every passing day and will bring about a great strength of the Arab peoples. By drawing flesh-and-blood experiences from decades of struggle, always mainly relying on themselves and heightening their vigilance against imperialism, the Arab peoples will certainly overcome the present difficulties and win victory in their next steps.

The socialist countries have the obligation to support the struggle of the Arab peoples. The latter are also enjoying the sympathy and broad support of the people throughout the world.

NHAN DAN said in conclusion: The Vietnamese people have always followed with warm sympathy the just struggle of the Arab peoples. We indignantly condemn the U.S. and British imperialists for having backed the Israeli reactionaries in unleashing a war of aggression against the Arab countries. We resolutely demand that the Israeli aggressive troops be brought home and that the United States, Britain, and Israel respect the independence, sovereignty, and territorial integrity of the Arab countries.

The Vietnamese people are firmly convinced that the great strength of solidarity of nearly 100 million Arab people, who are determined to maintain and step up their struggle, will finally defeat the U.S. imperialists and their flunkeys. The prospect for the anti-imperialist revolution of the Arab peoples is very bright. The just cause of the Arab peoples will certainly be victorious.

[Hanoi VNA International Service in English 1548 GMT 9 June 1967—B]

CUBAN INVESTIGATION DELEGATION DEPARTS

Hanoi, June 9.—The delegation of the committee of Cuban scientists for the investigation of the American imperialist war crimes in Vietnam headed by Dr. Ruben Rodriguez Gavalda, professor of the Havana Medical College and member of the Cuban Committee of Solidarity with Vietnam, has left for home after a visit to Vietnam. It was seen off by Dr. Pham Ngoc Thach, chairman of the DRV Commission for the Investigation of U.S. Imperialist War Crimes in Vietnam; Hoang Tung, president of the Vietnam-Cuba Friendship Association; and a representative of the DRV National Scientific and Technical Commission. The representative of the Cuban Embassy in Vietnam was also present.

BILL TO END SOCIAL SECURITY SYSTEM'S DISCRIMINATION AGAINST WORKING WIVES AND WIDOWS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. Long] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. LONG of Maryland. Mr. Speaker, I am pleased today to join my distinguished colleague, the Congresswoman from Michigan [Mrs. Griffiths], in introducing legislation that would end the social security system's discrimination against working wives and widows.

The nearly 28 million working women in America make up over one-third of our labor force. More than half of these women are married. Prejudice against them should be written out of our laws, not only on grounds of fairness, but because of the importance of women's contribution to this Nation's economy.

The major change in the makeup of the labor force, and a leading reason for its growth, has been the steadily rising participation of married women. The number of married women in the labor force more than doubled from 1900 to 1940, and doubled again from 1940 to 1960. The social security system, which began in the 1930's, must be adjusted to reflect this change.

Although the motives of married women seeking employment are as varied as the factors enabling them to do so—such as increased job availability, higher education, more labor- and time-saving home appliances, earlier marriage and completion of child rearing responsibilities—one incentive stands out—the need or desire for an additional source of income to upgrade the family's standard of living. The wife's salary often provides the discretionary income that will help send children to college, finance family vacations, or purchase home furnishings and appliances. To deny working wives their full social security benefits robs their retirement of the rewards of their employment, and causes their retirement income to drop even more than it would normally.

This legislation would correct many of social security's inequities against working wives and widows. It would permit working couples to pool their social security credits and draw higher benefits on the basis of these combined credits, if they choose to do so. The bill would enable widows with minor children to earn income without reducing their benefits, and it would also give dependents of working women—husbands, widowers, and children—the same benefits which dependents of working men now receive.

Mr. Speaker, I urge favorable consideration of this legislation during the present session of Congress.

MANPOWER STUDY—ANNOUNCEMENT OF HEARINGS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. HOLLAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HOLLAND. Mr. Speaker, last year when the 1966 Amendments to the Manpower Development and Training Act were being considered by the House, a pledge was made that this year the Select Subcommittee on Labor, of which I have the honor to be chairman, would undertake an in-depth study of the manpower training programs of the United States, with a view to discovering the degree to which they are coordinated, examining whether or not there is a coordination problem, and considering varying means of coping with whatever problem we find exists.

That pledge is about to be fulfilled. The subcommittee will begin its initial set of hearings on this problem next Monday, June 19, and will continue to hear witnesses through Thursday, June 22. Although there is legislation before the subcommittee to amend MDTA, and testimony will be taken on that legislation, the primary purpose of the forthcoming hearings will be to exercise our function of legislative oversight—to study an ongoing and very popular program, with a view to improving its administration and, if necessary, the basic legislation on which it stands.

During this first week, our witnesses will be primarily practitioners, rather than public officials. We will be discussing, not basic policy considerations, but the details of how the various manpower programs function and how well or poorly they are meshed. We are going at this study step by step and I cannot promise the House that we will have a report at a given time. I most certainly cannot promise the House what that report will recommend, or what our findings will be. But I can promise the House, and the Nation, that my subcommittee will continue to examine the manpower development scene with an open mind and with a sense of commitment to the continued use and continued flexibility of this very important tool of economic growth.

The witnesses to be heard during this first week are as follows:

WITNESS LIST

Hearings will be held in room 2257, Rayburn House Office Building, at 10 a.m.

MONDAY, JUNE 19, 1967

Dr. Eli Ginzberg, Director, Conservation of Human Resources, Columbia University, New York, New York.

Dr. E. Wight Bakke, Economics Department, Yale University, New Haven, Connecticut.

Dr. Rashi Fein, Brookings Institute, 1775 Massachusetts Avenue, Washington, D.C.

Dr. Harold Taylor, Director, Upjohn Institute for Employment Research, 300 South Westnedge Avenue, Kalamazoo, Michigan.

TUESDAY, JUNE 20, 1967

Mr. Bill Gary, International Union of Electrical, Radio and Machine Workers, 1126 16th Street, N.W., Washington, D.C.

Mr. David Sullivan, Building Service Employees, International Union, 900 17th Street, N.W., Washington, D.C.

Mr. Bruce Cole, Assistant General Secretary, YMCA of Metropolitan Chicago, 19 South LaSalle Street, Chicago, Illinois.

WEDNESDAY, JUNE 21, 1967

Mr. Sam Ganz, Commissioner for Manpower and Career Development, Human Resources Administration, 100 Church Street, New York, New York.

Mr. Paul Ylvisaker, Commissioner, Department of Community Affairs, 363 West State Street, Trenton, New Jersey.

Mr. David Hill, Executive Director, Mayor's Committee on Human Resources, 535 5th Avenue, Pittsburgh, Pennsylvania.

Mr. Ambrose I. Lane, Community Action Organization, Erie County, 825 Genesee Building, Buffalo, New York.

Herbert W. Watkins, Director, Industrial Relations, Graflex Inc., 3750 Monroe Avenue, Rochester, New York.

Mr. Stanley Sadofsky, Co-Director, Center for the Study of Unemployed Youth, 853 Broadway, New York, New York.

Mr. Reese Hammond, International Union of Operating Engineers, 1125 17th Street, N.W., Washington, D.C.

Mr. Richard A. Fulton, Executive Director & General Counsel, United Business Schools Association, 1101 17th Street, N.W., Washington, D.C.

THURSDAY, JUNE 22, 1967

Mr. Roger P. Sonnabend, President, Hotel Corporation of America, 464 Commonwealth Avenue, Boston, Massachusetts.

Mr. Fred C. Fischer, Senior Vice President, Personnel, Macy's, Herald Square, New York, New York.

PANAMA CANAL AND GIBRALTAR

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. FLOOD. Mr. Speaker, in previous addresses and statements by me before this body, I have stressed the effect of crises at the Panama Canal on other strategic spots, one of which is Gibraltar. For this reason it is vital that our isthmian policy decisions must not be made in cavalier manner but should be arrived at from a wisely reasoned line of thought.

For some time, the status of Gibraltar has been a matter of contention between Great Britain and Spain, both of which are friendly with the United States. A recent summary of the status of Gibraltar by Brig. Gen. James D. Hittle not only gives essential historical background but also indicates the impact our ill-advised display of the Panamanian flag in the Canal Zone equal with the flag of the United States is having at Gibraltar.

The indicated news story follows:

[From the San Diego (Calif.) Union, Mar. 26, 1967]

GIBRALTAR CALLED THREAT TO EUROPEAN UNITY

(By Brig. Gen. James D. Hittle, USMC, retired)

Gibraltar, long a keystone in the defense of Western Europe, rapidly is becoming the rock on which European unity could founder.

England, an island, and Spain, a peninsula, are peculiarly sensitive to the importance of the seas. Strategically, as well as culturally, they are Atlantic-minded.

It is this westward and seaward orientation of England and Spain that makes the defense of the United States and the Americas inseparable from the Atlantic. The defense of the Atlantic is inseparable from England and Spain.

Gibraltar, in turn, is vital to the defense of Europe, the Mediterranean world and the Atlantic area. This rugged rock literally and figuratively is the sentry at the world's most strategic straits.

The unfortunate but inescapable fact is that the argument over Gibraltar is reaching potentially catastrophic proportions.

According to knowledgeable European sources, here are the basic points of the issue between Spain and England:

England took Gibraltar under the terms of the Treaty of Utrecht in 1713. Through the centuries Gibraltar has become a symbol of British power where the Mediterranean and Atlantic meet.

Spain, however, claims ultimate sovereignty over the rock rests with Spain, not England. To back up this position, Spanish international lawyers point to the provision of the Utrecht treaty providing that if England leaves Gibraltar, it would revert to Spanish rule if Spain so desired.

With England maintaining only a token naval presence in the Mediterranean, and pulling out of such key bastions as Aden and Malta along the old "lifeline of Empire," Spain is worried about the long-range dangers of a British withdrawal from Gibraltar.

The Franco government obviously does not want Spain to be faced in Gibraltar with the kind of turmoil that has taken place in Aden and Malta. Considering what has happened there as a result of Britain's policy of strategic contraction, Spanish concern is understandable.

European elements who would like to break up U.S. defensive cooperation with Britain and Spain are exploiting the Gibraltar issue to our detriment.

Sources close to the Spanish government say Spain is not trying to oust England from the Rock. They say what Spain wants is recognition of her sovereignty. Spanish participation in administration of the area, and assurance of return of Gibraltar to Spain's control if the British pull out. These sources also stress that Spain is prepared to agree to continuation of British military use of the base.

An arrangement similar to our relationship with the Panamanian government has been suggested. This would provide for flying the Spanish flag beside the Union Jack on Gibraltar.

Such an arrangement would go far, say the Spanish, in "decolonizing" Gibraltar. That Rock is the last colony in continental Europe and is a thorn in the side of a resurgent Spain.

England, on the other hand, with her vast investment and the prestige involved, shows no inclination to dilute her control of the Rock.

Trying to resolve an argument between one's friends is an unenviable task. However, unless the United States takes the diplomatic initiative in seeking a settlement of the Gibraltar issue, it could easily undermine and destroy the cooperation that must exist between us and our allies.

CANAL ZONE SOVEREIGNTY: VIEWS OF CHAIRMAN, HOUSE SUBCOMMITTEE ON PANAMA CANAL

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Flood] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. FLOOD. Mr. Speaker, various Members of Congress knowledgeable on interoceanic canal problems have made addresses in the Congress and issued public statements on isthmian problems but I have yet to read the first newsstory of them in the press of our Capital City of Washington.

Following a recent visitation in the Canal Zone, the distinguished chairman of the Panama Canal Subcommittee of the House of Representatives, the gentlewoman from Missouri [Mrs. Sullivan], one of the best informed Members of this body on canal questions, made a public interview in which she commented on the present treaty negotiations with Panama in which she expressed some very pointed views on what is taking place. She emphasized that Panamanian officials are pressuring the President of the United States with threats of more bloody riots if Panama does not get a treaty to its liking.

Though this type of political blackmail is certainly newsworthy, the press of Washington steadily ignores such reports from the isthmus and the Congress has to rely on newspapers outside the Nation's Capital for reliable and timely information on what is transpiring as regards the Panama Canal.

It was, therefore, most gratifying to read in a recent issue of a Middle Western newspaper an illuminating news story summarizing the highlights of the recent congressional visitation in the Canal Zone.

The indicated news story follows and is commended for reading by all Members of the Congress:

[From the St. Louis (Mo.) Globe-Democrat May 6, 7, 1967]

Mrs. Sullivan Wants United States To Keep Canal

(By Edward W. O'Brien)

Washington.—Rep. Leonor K. Sullivan (Dem.), Missouri, says her recent inspection trip to the Panama Canal reinforced her belief that the United States should not surrender sovereignty over the canal to the Republic of Panama.

She did not see enough evidence of assured government stability in Panama or of economic and social reform for the benefit of the masses, Mrs. Sullivan said in a recent interview.

If the Johnson Administration persists in its plan to relinquish the present exclusive control over the Canal Zone and share operation of the canal with Panama, the result will be "deterioriation" in the canal and no permanent benefit for the people of Panama, she said.

Mrs. Sullivan is chairman of the Panama Canal subcommittee of the House Merchant Marine committee.

NEW TREATY

In that position, she has scrutinized the negotiations begun in 1965 between the United States and Panama for a new treaty covering the canal, which has been United States territory since 1903.

Mrs. Sullivan said President Johnson is being pressured by Panama officials with a prediction of "more bloodshed" if a treaty to their liking is not signed and ratified.

These riots "can be produced" whenever local agitators decide to turn them on, she said, and are not enough reason to give up United States sovereignty in the Canal Zone.

She said she sympathizes with Panamanians in not enjoying the sight of United States-controlled land in the middle of their own nation.

But the truth is, she said, that the United States over the years has done a great deal of good for the people of Panama while their own "ruling oligarchy" couldn't care less about the masses' welfare.

On a trip to Panama a year ago, Mrs. Sullivan said, a national leader told her candidly, "I'm a member of the oligarchy, and I don't believe in land reform."

Some progress is being made now, she said, but the country "has a long way to go."

TECHNICAL JOBS

Since the 1965 riots, she said, many Canal Zone technical jobs have been opened to Panamanians but cannot be filled because trained people are not available.

There are no technical training programs in Panama outside of the Canal Zone, "and there is practically no school system for the masses," she said.

Even if all American workers left the Canal Zone and their jobs could be performed by Panamanians, only 3500 would be employed, she said.

In a country of 1,500,000 people, she said, "this wouldn't make a dent."

Panama is demanding $80,000,000 a year in rent for the canal, Mrs. Sullivan said.

She called the amount "ridiculous" and said that if tolls were charged to collect that much money, the effect would be to drive shipping traffic to other routes.

THE COMMUNIST ASSOCIATIONS OF THURGOOD MARSHALL

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. Rarick] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. RARICK. Mr. Speaker, possibly the appointment of Thurgood Marshall to the Supreme Court of the United States was in keeping with the recent trends and policies of stacking the Court with the most controversial figures in America to further destroy the Court's effectiveness and respect.

It can hardly be considered by anyone with an open mind that the selection was based solely on merit, dedication and pro-American achievement, or even colorblindness without consideration of race.

And yet, it must be noted that the appointment went not to a Negro but to the former chief counsel of the NAACP and former executive of the National Lawyers Guild who just happens to be a Negro.

Already subjected to racial riots, civil disorders, and an ever-increasing national crime wave, the American people are now forced to tolerate more salt in their despairing wounds by suffering one of the originators and activists of the problem that now plagues America—the attorney who had to "get by those boys down there" to upset 180 years of law and order in the nonlegal decision known as Brown against the Board of Education, by the use of intentionally misrepresented facts and suppressed truth—all to the knowledge and approval of Thurgood Marshall.

Dr. Alfred Kelly, a staff NAACP member and professor of history at Wayne University, exposed the truth in his December 28, 1961, speech before the American Historical Society in saying, among other things:

> On the surface, at least, (16) black and white dolls won the case, not the historians . . . It is not that we were engaged in formulating lies; there was nothing as crude and naive as that. But we were using facts, emphasizing facts, bearing down on facts, sliding off facts, quietly ignoring facts and above all interpreting facts in a way to do what (Thurgood) Marshall said we had to do—"get by those boys down there."

The record of achievement of a man now awaiting Senate ratification to the U.S. Supreme Court—a past history, not of lies but not of the full truth, adhering to a basic philosophy of any means justifies the end.

Nor can he even be upheld as a champion of the right-to-vote philosophy mouthed by his friends—for was he not the U.S. Solicitor General who filed a brief opposing the vote product of 4½ million Californians involving the proposition 14 case, known as the Rumford Act? He was again using or misusing words to deny a guaranteed right to vote where the vote disagreed with his desired solution.

Can this man be expected now to be truthful with his powers as a Justice, to help maintain law and order, or is his destiny to deliver votes?

This appointment must come as a belittling jolt to the faithful Texans who had come to believe they possessed one seat on the High Court. In fact, it might just be taken as an insult by those honorable men of the Lone Star State—and indeed to the rest of the Southwest citizens who now are without representation—that is, unless they claim Thurgood.

And to the poor persecuted, occupied Southland, the heel of judicial compulsion and force to destroy their school systems this fall is now to be further compounded by the additional insult of having the agent who was used to foment the trouble now publicly lauded for his race-mixing work and because of it, not in spite of it, appointed to the Supreme Court.

The irony of it is that it is the sponsors of the appointee who will have to suffer with Marshall. They want records to credit against their names a "first" so they will not be forgotten in the transitory sands of history. And I feel comfortably certain they will never be forgotten.

But some day even the Negro will rebel at being used for white advantage against other whites to further divide and destroy our great Nation. They will tire of being exploited as guinea pigs.

To the white southerner, who 100 years after the cessation of the Civil War is still despised by many and looked upon with toleration as an orphan child—a less than 100 percent American, except for income taxes—there need be no sweat.

Thurgood Marshall's contempt, open ridicule, and hatred of white southerners should immediately disqualify him from sitting on any suit or controversy involving white southerners. Marshall, himself, if honest will have to admit that in such cases he could not render fair and impartial, unbiased justice and would or should be excused.

The appointment thus may serve a proper purpose. It confirms the public's image of suspicion and distrust for the Court and the utter unconcern of the administration and its leadership in their responsibility to the American people, who are understandably concerned with what is taking place in their country.

"Target Date for Subjugation 1968"—see my remarks in the daily CONGRESSIONAL RECORD on March 20, 1967, page A1386—moves closer to deadline.

Mr. Speaker, so that our colleagues can have their memory refreshed with the background of Thurgood Marshall I ask that the speech of one of our colleagues, Congressman JOE WAGGONNER from the CONGRESSIONAL RECORD, volume 111, part 12, page 17079 be here inserted following my remarks, accompanied by news releases regarding the appointment from the Washington Evening Star for June 14, editorials from the Washington News and Evening Star for June 14, and the Scripps Howard feature on the family.

[From the CONGRESSIONAL RECORD, July 15, 1965]

THE COMMUNIST ASSOCIATIONS OF THURGOOD MARSHALL

The SPEAKER pro tempore (Mr. MATSUNAGA). Under previous order of the House, the gentleman from Louisiana [Mr. WAGGONNER] is recognized for 15 minutes.

Mr. WAGGONNER. Mr. Speaker, inasmuch as the President has nominated Thurgood Marshall to be Solicitor General of the United States and since this nomination does not come before the House for our approval or disapproval, I take this means as the only one available to me to put into the RECORD for permanent reference, the information available to me of the Communist front associations of this man.

This may not be the entire record and, indeed, it probably is not, but at least it is a beginning.

The information I am about to present comes from the public records, files and publications of the House Committee on Un-American Activities.

This material reveals that Thurgood Marshall was a member of the national committee of the International Juridicial Association. The special Committee on Un-American Activities cited the International Juridicial Association as "a Communist front and an offshoot of the International Labor Defense" in Report No. 1311, dated March 29, 1944. Also, in a report on the National Lawyers Guild, prepared and published September 17, 1950, by the Committee on Un-American Activities, the International Juridicial Association was cited as an organization which "actively defended Communists and consistently followed the Communist Party line."

A list of officers of the National Lawyers Guild, as of December 1949 which is printed in the committee's report on the National Lawyers Guild on page 18, contains the name of Thurgood Marshall, New York City, among the members of the executive board. He was shown to be an associate editor of the Lawyer's Guild Review in the issue of May–June 1948 on page 422.

In the Washington Star, on page A–22 of the February 8, 1948, issue and on page A–82 of the February 12, 1948, issue of that same paper, a story shows that Marshall criticized the loyalty program in a public forum held under the auspices of the National Lawyers Guild here in Washington.

As you know, the National Lawyers Guild was cited by the special Committee on Un-American Activities as a Communist front in Report No. 1311 of March 29, 1944, on page 149. In the committee's report on the organization, released in 1950, the guild was cited as a Communist front which "is the foremost legal bulwark of the Communist Party, its front organizations and controlled unions" and which "since its inception has never failed to rally to the legal defense of the Communist Party and individual members thereof, including known espionage agents."

The Communist Daily Worker of November 24, 1947, on page 4, reported that Thurgood Marshall was among a group of attorneys who sent a telegram to New York Congressmen asking them to oppose the contempt citations in the case of the so-called Hollywood 10.

As I say, this is at least a portion of the Communist front activity of the man the President has nominated to be Solicitor General of the United States. It is probable that a search of the files of the FBI, the Attorney General's office, the Senate Internal Security Subcommittee and an exhaustive search of the records of our own Committee on Un-American Activities would reveal more facts of this same nature. Such a search should be undertaken and the results made known to the people before this nomination is voted upon in the Senate.

This man is cited by the President as "a lawyer and judge of very high ability, a patriot of deep convictions, and a gentleman of undisputed integrity."

With his Communist front associations of the past, here only partially revealed, it seems to me that both his integrity and patriotism are open to serious question, a question that must be answered and his Communist front activity explained, if it can be explained, before he is installed in this high post of responsibility.

MARSHALL: RIGHTS CHAMPION

Thurgood Marshall, chosen by President Johnson yesterday for the Supreme Court, has made a career out of causes, but has seldom been a controversial man personally.

For a generation, the righting of civil and social wrongs has been Marshall's work, as private citizen, judge and the official legal pleader.

But his public years have drawn more respect generally than criticism or even negative reaction from critics.

Although he has the undisputed reputation of being the man who led the Negro rights revolution to its first and often its biggest victories, the tall Baltimore native has seldom been the object of Southern political controversy.

His service since 1965 as U.S. solicitor general has been somewhat muted, compared with his past as a private courtroom advocate for the National Association for the Advancement of Colored People and its Legal Defense and Educational Fund.

But even from his official post, Marshall has continued to work for Negro equality in constitutional, federal and state law.

Just this year, Marshall led the federal government in a successful Supreme Court challenge to a California state constitutional clause permitting private homeowners to refuse to sell or rent to Negroes.

He also led the government, this time unsuccessfully, in attempting to enlarge the right of demonstrators to make racial protests even in defiance of court orders against them.

Outside the courtroom, Marshall has continued to exhort Negro and white lawyers alike to give more of their time freely to defending the rights of the Negro in the ghetto against exploitation by what he has called "the loan shark, the finance man, and the investigator."

At the same time, however, Marshall has shown no sympathy, indeed he has publicly opposed, any move to establish so-called "Black Power" as an independent social or political movement.

Marshall's service on the court comes, somewhat paradoxically, at a time when the justices seem to be faced much less often with civil rights cases of major dimension. Much of this change has apparently resulted because, after years of pressing for it, Negroes were able to get major legislation on equal rights, making it less necessary to file the kind of test cases for which Marshall became the most famous advocate.

While Marshall has had more than three years of experience as a federal appeals court judge, he served in a court where the issues are more dominantly economic and business-oriented rather than devoted to individual rights.

However, in his fairly brief judicial service, he did establish himself as somewhat sympathetic to the rights of the criminal suspect. One opinion that has come to stand as a precedent among federal courts involved the rights of persons facing state criminal charges to be tried only once for the same offense.

This year, the solicitor general made a plea to the Supreme Court to enlarge police power to search for evidence of crime. But he supported the proposal with an argument that a relaxation of limitations on police in that area would permit the court to continue to insist on police fairness in handling confessions given by suspects.

On the whole, Marshall's public record on issues with which he will deal as a justice could be considered moderate-to-liberal.

Thus, his presence on the high tribunal may not provide a new center of leadership for dramatic advances in constitutional law. His philosophy appears to be close to that followed by Chief Justice Earl Warren and Justice William J. Brennan Jr., both of whom vote mainly on the "liberal" side of issues but who frequently abandon that side, too.

At age 58, Marshall will be the fourth youngest justice. Justices Potter Stewart, Byron R. White and Abe Fortas are younger.

Born July 2, 1908, Marshall graduated from Lincoln University in 1930 and received a law degree from Howard University in 1933, graduating first in his class.

He began private law practice in Baltimore that same year, and continued as a private lawyer until 1938 when he became fully active in the legal work of the NAACP. He became counsel of the association's legal defense fund in 1940, and kept that job until President Kennedy named him to the Court of Appeals in 1961.

Among the Supreme Court civil rights cases which Marshall argued for the fund were a 1944 challenge to the Texas white primary, a 1948 challenge to white-only sales clauses on real estate, challenges to racial segregation in Southern universities in 1950 and challenges to public school segregation in 1952 and 1953.

President Johnson chose him to be solicitor general July 14, 1965.

As the government's top lawyer appearing in the Supreme Court, Marshall always wore formal morning dress. But he is by no means formal in his appearance before the high bench, and is well known at the court as a maker and user of homely phrases.

For example, in the California open housing case this year, Marshall said that the state, by creating the right to discriminate, had put its "thumb on the scales."

But he is also capable of a sharp retort on principle, as when he challenged Justice Hugo Black with the remark: "I do not agree that a movement to perpetuate racial discrimination in this day is progress."

When he takes his seat on the high court when the term opens Oct. 2, Marshall will be at the far right side. Seated next to him will be White, who, like Marshall, came to the Supreme Court from the Justice Department.

JUSTICE MARSHALL & CO.

President Johnson must have made up his mind long ago on his choice of a successor to Supreme Court Justice Tom C. Clark. The day after Justice Clark officially retired the President appointed his Solicitor General, Thurgood Marshall, even tho the court will not be in session again until fall.

The Justice-to-be, assuming Senate approval, has been the Administration's chief argument lawyer since 1965 and before that spent three years on the U.S. Circuit Court of Appeals. He is a lawyer of higher professional attainments, varied background and respected reputation.

For much of his career he was chief counsel for the National Association for the Advancement of Colored People, becoming an outstanding advocate of its causes.

As a Justice of the Supreme Court he will, or should, drop that role. Nothing in his record on the Court of Appeals suggests he won't.

Whatever he does is likely to have a profound influence on the course of law in this country.

It often has been said the law is "what the Supreme Court says it is." With the present Court the assertion has been more than a quip. These Justices have written into the Constitution and into the law meanings previous Justices had said were not there. They have broadened the Constitution to say things precise reading does not disclose. They have written a whole new book of law.

They have denied to Congress powers it long was assured it possessed, and which had seemed clear in the Constitution. They have upset state laws, state courts and even state constitutions.

The present Court has broken all the apparent restraints in the Constitution, reaching out boldly with revolutionary doctrine. Some of these decisions, as the Court's own dissenters have been the first to mark, have seemed downright whimsical.

Just lately, by a 5-to-4 vote, the Court erased a 1958 decision and knocked out a 1940 law in which Congress had set out the offenses by which an American might lose his citizenship. The present Court denied Congress any power at all to deprive a man of citizenship, no matter what his offense.

In a whole series of decisions, "justice" has been held clearly to favor the accused, regardless of the crime, regardless of evidence of guilt.

The Court laid down strict rules about confessions, but turned around and decided its own rules didn't apply to previous cases. This had the practical effect of averting a general jail delivery, but consistency would have required the court to release hundreds of convicts.

In applying its "one-man-one-vote" decree, the court virtually ousted legislatures in many states, even overrode constitutions recently approved by state voters. Yet in the litigation over Georgia's governorship, the Court held there was nothing in the Federal Constitution "which dictates the method a state must use to select its governor."

Many of the states patterned their legislatures after Congress, where each state is entitled to two Senators and at least one House member regardless of population. But in batting down the state systems the Court simply said Congress was different.

This Court has been not merely interpreting and clarifying law—it has been writing it.

The first to say so have been the dissenting opinions of the divided Court. Just this week Justice Black, dissenting from the ruling wiping out New York's wiretap law, accused the majority of usurping the policy-making power of Congress, and writing into the Constitution "words the Court believes the framers should have used but did not." Last week Justice Harlan flatly accused the majority of "amending the Constitution."

"Nothing in the letter or spirit of the Constitution," he said in an earlier dissent, "squares with the heavy-handed, one-sided action" taken by the majority.

"The composition of the court," the late Justice Felix Frankfurter once said, "decisively affects its decisions in the application of Constitutional provisions."

The so-called "Warren Court" has made those works gospel.

Now Justice Clark, frequently a "swing man" in close decisions, has departed. Thurgood Marshall will not be tested for months. But the altered "composition of the Court" again will be decisive—in what direction no man now could say. Only history will tell whether the new man is a lawmaker or a jurist.

DR. KING'S CONVICTION

The Supreme Court's majority opinion affirming the conviction of Dr. Martin Luther King Jr. and seven other ministers for contempt of court after they had deliberately violated an injunction issued by a Birmingham judge in 1963 rests upon what strikes us as a sound legal doctrine.

Speaking for the court Justice Stewart said: "The rule of law that Alabama followed in this case reflects a belief that in the fair administration of justice no man can be judge in his own case, however exalted his station, however righteous his motives and irrespective of his race, color, politics or religion. This court cannot hold that (Dr. King and the others) were constitutionally free to ignore all the procedures of the law and carry their battle to the streets. . . . Respect for judicial process is a small price to pay for the civilizing hand of law which alone can give abiding meaning to constitutional freedom."

Justice Stewart was joined in this by Justices Black, Harlan, White and Clark, who has now stepped down from the bench. The dissenters were Chief Justice Warren and Justices Brennan, Douglas and Fortas.

In three opinions they bitterly attacked the majority holding. The details cannot be spelled out in this space. But the essence of the dissents was that the majority by affirming the convictions for violating the injunction, had in effect closed the door to a challenge of a "patently" unconstitutional Birmingham ordinance regulating parades and street demonstrations. The majority, of course, thought otherwise. They said the defendants should have challenged the legality of the injunction before willfully defying it.

We would like to think that the principle announced by the majority would be controlling in the future. But this would be a very dubious assumption in view of the President's nomination of Thurgood Marshall to replace Justice Clark. When a suitable case comes along after the Solicitor General takes his seat on the court, there is a high probability that the holding in the case of Dr. King will be overruled by a new 5 to 4 decision.

IT'S JUST WONDERFUL AND EXCITING—WE'RE NOT OVER THE HILL YET

(By Wauhillau La Hay)

"We're in a state of confusion here at home," said Cecelia "Cissy" Marshall, wife of Solicitor General Thurgood Marshall, after his nomination to the U.S. Supreme Court was announced at the White House yesterday.

The Hawaiian-born wife of the first Negro to be appointed to the highest Bench was speaking from the Marshall home.

"We're not over the hill yet, you know," she cautioned in her soft voice that still has a trace of island accent. "His appointment hasn't been confirmed."

One of the first persons "Cissy" Marshall called was Mrs. Alice Stovall in New York. Mrs. Stovall was the Marshall's secretary during his years as chief counsel of the National Association for the Advancement of Colored People. Mrs. Marshall gave her a list of close friends to call with the big news.

"They—and I mean the President—picked a tremendous person in Mr. Marshall," Mrs. Stovall said. "And Mr. Marshall picked a tremendous person when he married Cissy," she added.

MET IN NEW YORK

They met at NAACP headquarters in New York City. Mr. Marshall's first wife, Vivien "Buster" Burey, whom he married in 1929, died in 1955.

Months after his wife's death, Mr. Marshall started noticing the pretty little secretary of a co-worker at NAACP headquarters.

"That's Cecelia Suyat," he was told. She was born in Hawaii of Philippine parents. After attending business school in Hawaii she had come to New York to seek her fortune. An agency sent her to the NAACP and there she made a name for herself as a serious worker and what Mrs. Stovall called "a really excellent secretary."

They were married almost a year after the first Mrs. Marshall's death. Mr. Marshall laid down the law. His wife was to quit work and concentrate on just being married. She gave up her job gladly, but on a few occasions has done some secretarial work for her husband.

They lived in New York after their marriage. In 1961, Mr. Marshall was named by President John F. Kennedy to the Court of Appeals for the second circuit (headquartering in New York), the first Negro to join the U.S. Appeals Bench.

Then, in 1965, President Johnson named him Solicitor General of the U.S. When their sons, Thurgood Jr., who will soon be 11, and John, 9, were out of school, "Cissy" brought them here. The family now lives in a comfortable townhouse not far from Capitol Hill.

TOO BUSY

Mr. Marshall has been too busy for much socializing, but occasionally he escorts his wife to a party. She's quite short, with dark brown hair and bright, snapping black eyes. Her taste in clothes is rather conservative, but smart.

The wife of one of Marshall's associates said, "We don't see them too often at parties, but I must say I've always been very much impressed with Cecelia. She's so pretty and such a warm, outgoing person. And she's as smart as a whip."

Mrs. Marshall devotes most of her time to her home and her family. Both the Marshalls like to cook and concoct fancy dishes.

Their sons share their parents' passion for bowling. "Cissy" is a crack bowler and beats them all, but the boys are edging up on her.

Yesterday, however, "Cissy" Marshall had her work cut out for her—answering all the congratulatory wires and telephone calls and visits from friends.

"I've hardly been off the telephone since Thurgood called me from the White House," she said. "It's so exciting. It's just wonderful!"

CRISIS IN WORLD STRATEGY: INTIMIDATION OF PRESIDENT JOHNSON EXPOSED

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. RARICK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. RARICK. Mr. Speaker, in a brief discussion of the current crisis in world strategy in the RECORD of June 14, 1967, at page 15863, I quoted the immortal 1951 address of Gen. Douglas MacArthur before a joint meeting of the Congress. Its main points are just as applicable today in Vietnam as they were as regards Korea. Thus, I have read with interest and astonishment an article by a columnist of the Washington Post, Marquis Childs, in the May 29, 1967, issue of that newspaper on "The Viet Nam War: Will China Enter?"

In this article I find, in slightly modified form, the Wake Island Conference calumnious falsehood that General MacArthur misled President Truman as to the possible intervention by Red China in Korea, which author Childs cleverly stresses by quoting a relatively unknown writer's description of MacArthur's advance to the Yalu as "one of the most egregiously wrong strategic intelligence estimates in history."

Because of the seriousness of this criticism, I have looked into the matter and my search has been rewarding. The essentials are set forth in Gen. MacArthur's Reminiscences—McGraw-Hill, 1964—a "Communication" from Maj. Gen. C. A. Willoughby in the Washington Post of May 9, 1964, and an article by John Chamberlain in that paper on April 7, 1967. In view of the completeness of the record it is difficult to understand why the Post permitted the publication of the Childs' article without corrective editorial comment.

The facts about the Wake Island episode are—

First, that near the end of that conference the possibility of Chinese intervention came up in a casual manner.

Second, that the consensus of those present was that Red China had no intention of intervening.

Third, that President Truman asked General MacArthur for his views.

Fourth, that the general replied that the answer could only be "speculative," that neither the State Department nor the Central Intelligence Agency had reported any evidence of intent by Peiping to intervene with major forces, but his own intelligence had reported heavy concentrations of Red Chinese in Manchuria near the Yalu, and that his "own military estimate was that with our largely unopposed air forces, with their potential capable of destroying, at will, bases of attack and lines of supply north as well as south of the Yalu, no Chinese commander would hazard the commitment of large forces upon the devastated Korean Peninsula."—MacArthur, "Reminiscences," page 362.

Fifth, that there was no disagreement from anyone present as to what MacArthur had stated.

The picture drawn in the Childs' article that the President had to go to Wake Island to obtain strategic information on Red China's moves and potential is false. That information was available in Washington in minute detail in daily intelligence summaries and required no confirmation at Wake Island or any other place. Conversely, General MacArthur did not need to make declarations that have since become the basis for articles such as that by Marquis Childs. MacArthur's own intelligence traced the progressive moving and massing of Chinese armies from the interior to the Korean border. His staff in Tokyo located 33 divisions on the Yalu at the time of the Wake Island casual conversations. President Truman went to Wake Island surely not for information that was already available to him in Washington but for political effect and MacArthur's advance to the Yalu was on direct orders of the United Nations.—See statement by General Willoughby quoted later.

Many years later, when writing about this angle of the Wake Island conference, General MacArthur stated that it was "completely misrepresented to the public through an alleged but spurious report in an effort to pervert the position taken by him," and that it was done by "an ingeniously fostered implication that he had flatly and unequivocally predicted that under no circumstances would the Chinese Communists enter the Korean war." He described this as "prevarication."

Despite the glaring distortions of history in the Childs article, its author does perform one useful purpose: the identification of some of those responsible for opposing MacArthur's plan to end the Korean war. They were Assistant Secretary of State for Far Eastern Affairs Dean Rusk, Special Adviser W. Averell Harriman, William P. Bundy of the Central Intelligence Agency, and Secretary of State Dean Acheson. These same individuals are influential in foreign policy making today and some of them are obviously trying to frighten President Johnson and thus to prevent him from allowing our forces to end the Vietnam war in the shortest time with the least cost in lives and treasure by applying every available means for victory. What these "strategists" are actually doing is playing into the hands of the international Communist forces under conditions favorable to them.

Although General MacArthur did sense that a "curious and sinister change" was taking place in Washington aimed at "temporizing rather than winning" the war, he did not then know that our forces would be prevented by elements in our own Government from bombing Red Chinese sanctuaries in Manchuria, from using the forces of free China on Formosa, from intensifying the economic blockade of Red China, and from establishing a naval blockade of the China coast.

Fortunately, as previously indicated, others have written on this particular episode: Major General Willoughby, who was MacArthur's Chief of Intelligence, was in daily touch from Korea with both MacArthur and Washington; and John Chamberlain, who is an objective and forthright writer and coauthor with General Willoughby of "MacArthur 1941–1951"—McGraw-Hill, 1954. The facts in their articles previously cited refute with devastating completeness the allegations in the Marquis Childs article under discussion and expose the utterly false and malicious accusation that MacArthur had misled President Truman.

Because the use of this particular accusation has become a habit among certain publicists and because it is still being used as a propaganda lever against the best interests of our country, utterly ignoring the refutations involved, I quote the three cited writings as parts of my remarks and commend them for study by all who seek the truth.

The indicated articles follow:

[From the Washington Post, Apr. 7, 1967]

THEY CONTINUE TO MISUSE MACARTHUR

(By John Chamberlain)

If a canard is repeated often enough, it becomes history. And then it is used to prevent clear thinking about history that is still to come.

This is exactly what is happening in the case of the lie that Gen. Douglas MacArthur led President Harry Truman astray at their Wake Island conference by assuring him that "he could march to the Yalu and not a single Chinese soldier would enter Korea."

The Wake Island canard is still being trotted out to scare Lyndon Johnson into treading lightly in Vietnam. The worst thing about using MacArthur's alleged "mistake" about Korea to prejudice our contemporary Vietnam planning is that it encourages Ho Chi Minh to keep the war going while thousands continue to die.

I've been over this many times with MacArthur's Chief of Intelligence, Maj. Gen. Charles A. Willoughby, whose papers include some quick staff notes covering what happened at Wake Island. MacArthur was indeed asked about the chance of Red China's intervention if we were to move north to the Yalu. What he gave Mr. Truman was a "speculative" answer. He said his own local intelligence reported heavy Chinese concentrations near the Yalu border in Manchuria, but that a Chinese military commander would not dare risk committing large forces on the Korean peninsula when we had the "atomic potential capable of destroying at will bases of attack and lines of supply north as well as south of the Yalu." (The quotation is Willoughby's paraphrase of MacArthur.)

Of course, the Red Chinese did attack, but only after they had satisfied themselves that MacArthur would not be permitted to bomb the Yalu bridges or otherwise touch the "privileged sanctuary" in Manchuria. Since MacArthur's assurance that no sane Red Chinese commander would risk his troops on the Korean peninsula was based on the sound military proposition that the American forces would be permitted to destroy the enemy's communications over the Yalu, it is certainly stretching things to say that Harry Truman was "misled" by what was said at Wake Island. Mr. Truman knew that military men think in applicable military terms.

The Korean "parallel" has no relevance to the Vietnam situation unless we plan to assure Mao Tse-tung that even if the Red Chinese soldiers march south we will not touch his atomic plants or permit Chiang Kai-shek's 600,000 troops to land on the Asian mainland.

Fortunately there is one present-day commentator who doesn't fall for the continuing widespread misuse of Wake Island history. In his fascinating autobiographical memoir, "It's All News to Me," which is a smooth blend of light and serious stuff, Bob Considine has a lot to say about his encounters with MacArthur.

He mentions the use that 200,000 Chinese "volunteers" made of "a slender rail line, marshalling yards and depots, airfields and maintenance sites which MacArthur had been forbidden to bomb." The implication that MacArthur had had his hands tied is clear.

MacArthur is supposed to have warned against committing U.S. troops to continental Asia, but Considine shows that the General had no compunctions about using picked U.S. forces in special mainland situations.

In a birthday interview MacArthur told Considine that "of all the campaigns of my life—20 major ones to be exact—the one I felt most sure of was the one I was deprived of waging."

The General then outlined an operation that would "have won the war in Korea in a maximum of ten days. The enemy's air would first have been taken out. I would have dropped between 30 and 50 tactical atomic bombs on his air bases and other depots in . . . Manchuria . . . Dropped under cover of darkness, they would have destroyed the enemy's air force on the ground . . . I would then have called upon 500,000 of Chiang Kai-shek's troops, sweetened by two U.S. Marine divisions. These would have been formed into two amphibious forces."

Landing north of the Red Chinese, the amphibians would have squeezed the enemy between themselves and the U.S. Eighth Army. "The enemy," so MacArthur told Considine, "would have been starved out within ten days."

Would Russia have intervened? Not, said MacArthur, over "an endless one-track railroad."

If the Red Chinese had had any intimations that MacArthur would be allowed to exercise his own judgment, would they have marched into Korea? This question, and not the "mistake" made at Wake Island, is what should be pondered in relation to Vietnam.

[From the Washington Post, May 29, 1967]

THE VIETNAM WAR: WILL CHINA ENTER?

(By Marquis Childs)

The tune is somewhat different but the words are the same. China, it is being said by men of authority, cannot or will not enter the war in Vietnam. These comfortable words are strikingly like the repeated assurances of 17 years ago when the United States was deeply committed in Korea and preparing to advance to the Yalu River, the boundary between North Korea and China. Moreover, certain of the same men then in authority have responsibility today for Asian policy.

Secretary of State Dean Rusk was at that time Assistant Secretary for Far Eastern Affairs directly concerned with Korea and China. William P. Bundy, currently Assistant Secretary for the Far East, was with the Central Intelligence Agency beginning in 1951. Dean Acheson, considered a strong supporter of Johnson Administration policy and from time to time a friendly counselor, was Secretary of State. Roving Ambassador W. Averell Harriman, who is the latest to utter reassuring words about China and North Vietnam, was a special assistant to the President.

The conviction widely held then was that the Chinese Communists, having only a short time before driven Chiang Kai-shek and the Nationalists off the mainland, were in no position to send a large force into Korea. They were too busy consolidating their position in a country laid waste by nearly 20 years of war.

The record shows that what the Chinese were saying in 1950 closely parallels what they say today. That record has been put together most impressively by Brig. Gen. Samuel B. Griffith, USMC (Ret.), in his new book, *"The Chinese Peoples Liberation Army,"* one of a series sponsored by the Council on Foreign Relations. Translating Mao Tse-tung's basic work, *"On Guerrilla Warfare,"* Griffith has made himself an authority on China since his retirement. He served in Peking before World War II.

He relates a conversation in August of 1950 between the then Indian Ambassador to Peking, K. M. Pannikar, and Gen. Nieh Jung-chen, acting chief of staff of the Peoples Army. Pannikar told Nieh that America had the power to destroy China's industry and set the country back at least half a century. Nieh replied:

"We have calculated all that . . . They may even drop atom bombs on us. What then? They may kill a few million people. Without sacrifice a nation's independence cannot be upheld . . . After all, China lives on the farms. What can atom bombs do there?"

New Delhi passed the warning on to Washington where it was largely discounted. Gen. Douglas MacArthur, in command in Korea, based the continuing advance of his forces to the Yalu on what the author calls "one of the most egregiously wrong strategic intelligence estimates in history."

Premier Chou En-lai had said publicly that if American-United Nations forces crossed Korea's 38th parallel China would come in. This was put down to propaganda and bluff. Today Chou and Mao say that an American invasion of North Vietnam will bring China into the war. Pressure for that invasion persists both here and in Saigon despite assertions by the highest military and civilian authority that it will not occur. And when it comes to the consequences of nuclear attack, Mao has raised the stakes many times over, saying that China could take not several million but several hundred million casualties and still recover.

General Griffith also translated an ancient Chinese classic by Sun Tzu, *"The Art of War,"* that is said to have greatly influenced Mao. Had American leaders been familiar with the classic works which have governed the Chinese conduct of war they might not have failed into such a fog of self-deception as in Korea when the massive Chinese invasion sent American armies reeling with heavy losses. He quotes Sun Tzu as follows: "All warfare is based on deception. Therefore, when capable, feign incapacity; when active, inactivity. When near, make it appear that you are far away; when far away, that you are near."

The circumstances are quite different in North Vietnam than they were in North Korea, both strategically and psychologically, as they are in the China of 1967 as against the China of 1950. Yet as a recent British visitor to Washington with a long background in China put it after a brief stay in Canton this spring: "They are so utterly divided and disorganized that they are capable of an act of incredible folly." It would seem the smallest part of wisdom to try to avoid inviting that folly.

[From the Washington Post, May 9, 1964]

A COMMUNICATION

(By C. A. Willoughby, Major General, USA (Ret.))

Recent isolated editorials and fragments of daily columns unwittingly perpetuate a "malicious hoax" which is damaging to General MacArthur and the Eighth U.S. Army and represent a complete historical falsehood.

Like a Wagnerian "Leitmotif" certain myths are apparently kept alive, over the years, in endless repetitions, viz.:

On Intelligence: ". . . The War in Korea demonstrated anew his (MacArthur's) great talent as field commander. He was ill served by his own intelligence forces and compelled to conduct a hazardous retreat back to the 38th Parallel when Chinese volunteers poured in upon the U.N. Forces. . . ."

Faulty intelligence, as alleged, did not force the Eighth Army to retreat. The enormous build-up of Chinese forces was known to both Washington and Tokyo, from 33 Red divisions (1950) to 73 Red divisions (1951).

MacArthur prudently retreated, in the face of overwhelming numbers, to stronger positions, with 8 American divisions, to gain space to bomb and delay the Chinese hordes which he was prohibited to do beyond the Yalu.

A discrepancy between 8 American divisions, the hard core of the U.N. assembly, and 33–73 Red divisions is a ratio of roughly 1 to 4 and/or 1 to 9. Eisenhower (in France) or Clark (in Italy) would not dream of risking such a discrepancy in any of their campaigns, and such adverse ratios are unheard of in modern war. The American G.I. is very good indeed—but he is no superman.

ON MAC ARTHUR

On MacArthur: ". . . The J.C.S. flashed back a warning to MacArthur by Telecon Message TT 3848 Oct. 4/50: The potential exists for Chinese Communist forces to openly intervene in the Korean War if U.N. forces cross the 38th Parallel." General MacArthur (allegedly) "ignored the warning and pushed on to the Yalu . . ."

The impression created by this "juicy item" is a cynical perversion of facts. It reads as if MacArthur had crossed the 38th Parallel en route to the Yalu, as a willful, personal act when in fact he advanced on U.N. and Defense Department orders.

On Oct. 6th, the United Nations General Assembly voted explicit approval for the crossing of the 38th Parallel, to exploit MacArthur's smashing defeat of the North Korean Communist army. The U.N. decision was then spelled out in detailed orders by the Pentagon: ". . . The destruction of the North Korean armed forces . . . To conduct military operations North of the 38th Parallel . . . U.N. Forces not to cross the Manchurian or U.S.S.R. borders . . . No non-Korean ground forces will be used (in these areas) . . ."

And then the cloven hoof: ". . . Support of your operations will not include air or naval action against Manchuria (we were at war with China!) or against U.S.S.R. territory (a red-herring, since we were not at war with Russia!) . . ."

"ALLEGED WARNINGS"

As regards "alleged warnings" etc., both Washington and Tokyo were in daily touch for the exchange of current information. Both sides knew precisely what to expect. Tokyo issued a "Daily Intelligence Summary," a sort of military newspaper that was distributed daily to all commanders and staffs. That means thirty separate reports per month. In a limited space, I only list a few condensed highlights and leave it to the average reader to draw his own conclusions, viz.:

June 6: Red China can deploy considerable strength to assist the Red North Koreans. Manchurian estimates: 115,000 regulars and 374,000 militia.

July 8: Chinese troops have arrived in the Antung-Yalu area.

Aug. 15: The build-up of Chinese Communist forces in Manchuria is continuing. China has agreed to furnish military assistance to North Korea.

Aug. 27: High level meeting in Peking. Chinese ordered to assist North Korea. Lin Piao (Fourth Field Army) to command Chinese forces. Indo-China to be invaded. Liu Po-Cheng (Second Field Army) to command (in that area). Soviet officer designated to command combined forces.

Aug. 31: Troop movements from Central China to Manchuria (considered preliminary to enter the Korean theater. Manchuria estimates: 246,000 regulars (an increase) and 374,000 militia.

Sept. 8: If success of the North Korean Red army doubtful, the Fourth Chinese Field Army, (under General Lin Piao) will probably be committed.

Oct. 5: All intelligence agencies focus on the Yalu and the movements of Lin Piao. The massing at Antung and other Yalu crossings appear conclusive. This mass comprises 9/18 divisions organized in 3/9 corps.

Oct. 14: The fine line of demarcation between "enemy intentions" (Peking) and "enemy capabilities" (along the Yalu), to be ascertained in diplomatic channels, the State Dept. and/or C.I.A., and beyond the purview of local, combat intelligence. (As regards enemy capabilities) the numerical troop potential in Manchuria is a fait accompli: A total of 24 Red divisions are disposed along the Yalu, at crossing points.

Oct. 28: Regular Chinese forces in Manchuria now number 316,000 (an increase) organized into 34 divisions and 12 corps (Map A-3 att.). The bulk of these forces are in position along the Yalu River. They assembled in complete safety since MacArthur's air force are forbidden to cross the border.

"LEAKING" IS NOTED

Indicative of the implacable hostility of certain segments of the Pentagon, certain private channels are "leaking" J.C.S. messages etc. that are obviously fragmentary and out of context. The result is a calculated distortion of history viz:

Against the background of the Oct. 14th item (enemy intentions) MacArthur is quoted (out of context) as "advising the J.C.S. against hasty conclusions 'that the Chinese' would employ their full potential military forces" (Nov. 4).

Washington had been fully "advised" of the Red potential (and for many weeks). The point here is that the J.C.S. did nothing about it. They did much worse: They created a "sanctuary" along the Yalu, permitting 33 Red divisions to leisurely pitch their tents along the river, from August to November.

On Nov. 5th, within 24 hours, MacArthur ordered the bombing of the Yalu bridges (under technical restrictions), but true to form, the J.C.S. are reported "as not understanding this action" etc. They thus maneuvered MacArthur into a strategic "impasse"; His eight (8) battered divisions were to take on 3- to 9-times the number of Red divisions, evidently hoping for a tactical miracle. They did not place any such burden on Eisenhower in France, Germany or Italy.

General Collins was dispatched to Tokyo—to investigate—as if Washington had not been aware, for months, the Chinese in Manchuria.

COMMENT BY COLLINS

Collins is reported as commenting "on MacArthur's emotional state." He could have done something infinitely more constructive: He could have drawn certain inescapable strategic conclusions and passed them on to his coconspirators in Washington, viz.:

1. That Red China was at war with the United States.

2. The discrepancy in divisional totals (1–3 and soon 1–9) placed an intolerable and risky burden on the American forces.

3. No such discrepancies were permitted in the European Theater.

4. The employment of Chiang Kai-shek's forces.

5. All-out aerial bombing against Manchurian bases.

6. This would have certainly slowed down the Chinese hordes.

7. All-out U.S. carrier strikes against the flanks of the Chinese, from Antung to Shanghai.

8. Once a full-scale war starts, there is no substitute for victory.

THE CREDIT UNION ASSOCIATION PRAISES CHAIRMAN PATMAN

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. ANNUNZIO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, it has long been known that the gentleman from Texas [Mr. PATMAN] is "Mr. Credit Union" on Capitol Hill. Through the years, he has sponsored every major piece of Federal credit union legislation and has constantly promoted the use of credit unions throughout the world.

No one has been more fully aware of the job performed by Chairman PATMAN, not only in the credit union field but in all monetary matters, than CUNA International, the worldwide credit union association.

This month the 277-member board of directors of CUNA International unanimously approved a resolution praising Chairman PATMAN for his work on behalf of his State and Nation in the U.S. House of Representatives for more than 38 years. I am honored to include a copy of the resolution in my remarks, as a small tribute to a great American:

REPRESENTATIVE WRIGHT PATMAN RESOLUTON

Whereas, Representative Wright Patman of Texas has faithfully and diligently served his state and nation in the United States House of Representatives for over 38 years, and

Whereas, Representative Patman throughout his congressional career has consistently fought against high interest rates and restrictive credit policies in the interest of the general public, and

Whereas, Representative Patman has displayed a keen personal interest in the financial welfare of Armed Forces personnel of the United States and their dependents, by exposing fraudulent credit practices of unscrupulous operators, and by initiating action to make available to Department of Defense personnel the services of credit unions on a worldwide basis, and

Whereas, Representative Patman fathered the Federal Credit Union Act by originally introducing such legislation in the House of Representatives in 1934, and

Whereas, Representative Patman has continuously tendered his energies and interests to the credit union movement in the United States, and

Whereas, Representative Patman has won the admiration and respect of credit union leaders and members throughout the United States and the world by his support of and devotion to credit union philosophy and programs, and

Whereas, Representative Patman journeyed to the 33rd Annual Meeting of CUNA International in Dallas, Texas, once again to inspire and inform the leaders of the credit union movement,

Now therefore be it resolved, that the Board of Directors of CUNA International do hereby place on record their highest commendation and appreciation for his unfailing devotion, sincere dedication, and invaluable service to the credit union movement, and

Be it further resolved, that copies of this Resolution be sent to Representative Wright Patman and to the Texas Credit Union League.

WALL STREET JOURNAL SUPPORTS BANK LOTTERY BAN

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. ANNUNZIO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, the June 13 edition of the Wall Street Journal includes an editorial denouncing the use of New York banks as ticket sales agencies for the New York State lottery.

The editorial in effect supports H.R. 10595, introduced by the distinguished Chairman of the House Banking Committee, the Honorable WRIGHT PATMAN, which would prohibit federally insured financial institutions from engaging in gambling activities, such as selling lottery tickets.

This legislation has been favorably reported from the Banking and Currency Committee and before long should reach the House floor for debate. H.R. 10595 does not question the right of New York State to hold a lottery, nor does it even go into the question of the morality of such a lottery, but what it does do is make it clear that the selling of lottery tickets is not in the traditional or legal sense in the business of banking.

The Wall Street Journal editorial presents a clear picture as to why banks should not engage in lottery selling activities. I commend the editorial to my colleagues:

[From the Wall Street Journal, June 13, 1967]

MR. PATMAN IS RIGHT

Rep. Wright Patman has persuaded his Banking and Currency Committee to pass a bill prohibiting banks from selling lottery tickets, which many of those in New York State have recently started to do. It seems to us he has a point.

The fault of the matter, we grant, does not lie fundamentally with the banks. Since New York needed an outlet for its new lottery scheme, it pretty much painted selling the tickets as the banks' patriotic duty. The sales involve a commission for expenses and will create a certain amount of promotional traffic, so few banks have resisted.

Yet despite its espousal by the state, gambling remains a tainted affair. Historically it has never been far from scandal, a situation which state management may or may not change in the long run. Even without fraud and cheating, moreover, it remains suspect. Those who do not question its morality still must recognize it has a considerable aura of fiscal irresponsibility.

A few banks, notably Franklin National Bank on Long Island, have refused to sell the tickets. They seem to reason that if banks cannot offer integrity, they have little else to sell. So they soundly seek to avoid any activity which carries even a sniff of taint.

If the rest of New York's banks cannot figure this out for themselves, we suppose it's up to Wright Patman to tell them.

HATCH ACT REVIEW

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. OLSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. OLSEN. Mr. Speaker, as we all know, the 89th Congress created a bipartisan commission to study what has been commonly known as the Hatch Act, the Federal law which limits political activity by most Federal workers and those State employees working on federally financed projects.

The AFL–CIO takes the position that the broad bans of the Hatch Act that may have been necessary decades ago are today outmoded, misunderstood, and misinterpreted. According to Thomas E. Harris, associate general counsel of the AFL–CIO, the law needs to be clarified and made less restrictive, so that more Federal and State employees may be able to take part in responsible citizenship.

Mr. Harris was interviewed on this subject on the AFL–CIO public service program, Labor News Conference, heard on the Mutual Broadcasting System. So that we may all be familiar with the points made by Mr. Harris, I insert, Mr. Speaker, the text of the program in the RECORD, as follows:

FLANNERY. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is Thomas E. Harris, Associate General Counsel of the AFL–CIO.

Last year, Congress created a bipartisan commission to study the federal laws limiting partisan political activity by most federal workers and many state employees working on federally financed projects. Last week, Mr. Harris appeared before that commission on behalf of the AFL–CIO. Here to question him about his testimony and the views of organized labor regarding political activity of government personnel are John Cramer, federal employee news columnist for the Washington Daily News and other newspapers, and Mike Causey, government employment reporter for the Washington Post. Your moderator, Harry W. Flannery.

And now, Mr. Cramer, I believe you have the first question?

CRAMER. Mr. Harris, to give our listeners the background, I wonder if you first would explain just precisely what the Hatch Act is, and what it attempts to accomplish?

HARRIS. The Hatch Act is a federal statute enacted in 1939 and extended in 1940. It was enacted, primarily, as a result of certain scandals in connection with the former WPA—the Works Progress Administration.

There were revelations in those days that some of the WPA supervisors had pressured beneficiaries of the program to make political contributions. There were some criminal prosecutions. As a result, Congress enacted a broad statue meant to stop any such abuses in the future.

The statute has two rather different types of provisions. In the first place, it provides that a government employee may not use his official authority or influence for the purpose of trying to affect the results of an election. Nobody, I think, questions the desirability of that provision.

In the second place, it provides that a government employee may not take an active part in political management or political campaigns. It is the second half of this provision which is under reconsideration today.

In general, the statute applies to all employees of the executive branch of the federal government, except the very top-level employees—Cabinet and sub-Cabinet level—those who are appointed by the President and confirmed by the Senate, and the White House staff.

Now, as to state and local employees, it applies to all employees whose principal employment is connected with an activity financed in whole or in part by federal loans or grants.

FLANNERY. How many people are covered by the Hatch Act—precluded from political activities?

HARRIS. There are about 2½ million federal employees, according to estimates. There is no exact way of knowing what number of state and local employees are covered, though it is obvious that the number is growing rapidly—both because state and local employment has been increasing very fast, and because of the proliferation of federal loans and grants to states and municipalities.

CAUSEY. Mr. Harris, who wants to change the Hatch Act—and why?

HARRIS. I would say that the federal employees and their unions, and also state and local employees represented by the State, County and Municipal Employees, AFL–CIO, are interested in getting some liberalization.

Now, as to how the employees themselves feel, their unions, Mr. Causey, have conducted surveys over the years and are convinced that the bulk of the employees want some liberalization. Congressman Joel Broyhill, (R–Va.), testifying the other day before the Commission—you know, he's the Congressman from the 10th District of Virginia, which has the largest number of federal employees of any Congressional District in the country—stated that he has polled his constituents numerous times on this matter and found that there is a very general desire for change in the Act—though not equally general agreement on what the changes should be.

But in general, federal employees seem to want two things: first, they want to retain the provisions which protect them against being pressured by their superiors in the service to engage in any particular political activity or to make political contributions.

On the other hand, they would like a greater freedom, I think, to engage in political activity of their own choice and of their own volition.

FLANNERY. This doesn't include those who work in the offices of Congressmen and Senators—the staff people?

HARRIS. It does not.

FLANNERY. In other words, they are able to work politically for those who employ them?

HARRIS. They are indeed. And the same thing is true of the White House staff, the very top level Cabinet officers, sub-Cabinet officers, Assistant Secretaries and so on. They are, however, subject to various criminal prohibitions, as to using their official position to pressure people to make contributions or to be politically active. That protective part of the statute does apply to them.

FLANNERY. Mr. Cramer.

CRAMER. Mr. Harris, what is the particular interest to the AFL–CIO in having the Hatch Act changed?

HARRIS. The unions which are affiliated with the AFL–CIO have perhaps a million to a million and a half members who are covered by the Act. So that gives us a very direct interest on their behalf, in looking for some liberalization.

You see, the effect of the Act is to bar from political activity—in the language of the statute—a fairly substantial and ever-growing part of the population of the United States—nearly all federal employees, and an ever-increasing number of state and local employees.

One of the major criticisms which is made of political life in this country is the failure of participation of large numbers of citizens. I think the number who vote—who are politically active—is probably smaller in the United States than in any other democracy. That being so, we think that it doesn't make much sense to bar from political activity so large a portion of the population—a part of the population which you must think would more naturally be politically active—unless and except there is some overwhelming need to do it.

Now, the Hatch Act was passed some 27 years ago, at a time when the conception—the constitutional conception—very generally prevailed that government employment was a privilege—that government employees had no constitutional rights—no rights under the First Amendment—no rights to engage in political activity.

Even then it was upheld by the Supreme Court by a vote of only 4 to 3. Two of the Justices who were on the Court then and voted to strike it down as unconstitutional, are still there. There is every likelihood, in view of the changing attitudes of the Supreme Court, that the law as it stands now is unconstitutional.

FLANNERY. You mentioned union members who are also federal employees, Mr. Harris. Isn't it true that often they are restricted in some activities, even within their unions?

HARRIS. That is true. The application of the Hatch Act to activities inside unions presents some puzzling questions on which there are no clear answers at the present time. But, while that is of some special interest to us, it is not one of the broader concerns under the Act.

Let me give you one illustration. The Hatch Act, at the present time, for instance, bars, say, employees of the Alaska Railroad, which is a government-owned railroad, from running for federal office. Now, why in the world shouldn't a brakeman on the Alaska Railroad run for Congress or the Senate, if he can? Is anyone going to think that the performance of his duties is biased and prejudiced—that he has a political angle on how he stops the trains—because he runs for office?

We were shocked at the proposals the Civil Service Commission made to the Commission considering revision of the Hatch Act. It seems to be—as government agencies tend to do—reaching for ever greater authority. It seems to have given no consideration whatever to the interests of federal employees in freedom of speech and their right to state their ideas on political subjects—and their rights to be politically active.

Now in a lot of other countries, such as Canada, when they first established civil service systems, they had very broad bans on political activity of civil servants. But as the years have passed—as the civil service has come to be generally accepted—in most other western countries there has been a realization that it is no longer necessary to emasculate government employees politically in order to protect the civil service.

In Great Britain, for example, a new law was passed in 1953. Now, under this law, all blue collar employees and all of the lower grades of the white collar civil service are exempt from any restraints on political activity. They can even run for the House of Commons. Of course, while running, they have to take a leave of absence—but the government is required to give it to them. If they are elected, they have to resign. If they are defeated, they can go back to work as a postal clerk, or whatever work they do.

Now, what earthly reason is there why postal clerks, or, say, forest rangers, should be barred from political activity? We can see some reason for barring some of the higher grades of the civil service from activity on the federal scene. The people who are in a position to affect and implement policy. For example, if you have, say, the administrator of the federal Fair Labor Standards Act run for office on a party ticket, people subject to the Act might thereafter think he was biased or prejudiced one way or the other. That could lead to demands for his replacement, in the event of a change in administration.

To protect these employees who are concerned with administering policy, we would retain some of the Hatch Act restrictions on their political activity. However, we see no earthly justification for preserving it for the great bulk of federal employees, whose job performance doesn't involve any sort of political discretion whatever.

Now, the Civil Service Commission doesn't see it that way. The other day, John W. Macy, Jr., Chairman of the Civil Service Commission, proposed extending the Act. At the present time, there is an exemption for employees of educational institutions—those in the District of Columbia—the school systems aided by the federal government. Those who would otherwise be covered, enjoy a specific exemption under the Act.

Mr. Macy proposed that this exemption be preserved for school teachers and administrators, but that other school system employees—such as janitors and custodial employees—be brought within the ban of the Hatch Act.

That strikes us as absurd and backward-looking. Why in the world should a school janitor be forbidden to run for political office? If there is any rational ground for distinction, it seems to us that it would be the other way—that a teacher may prejudice his position in the community if he runs for office. At least there is a fair chance that he will irritate some parents. I, myself, would certainly let the teachers run for office. I can't see any conceivable basis for the Civil Service Commission saying that the Act ought to be extended to cover school janitors, except the normal urge of bureaucracy to extend its power ever further.

Flannery. Mr. Causey.

Causey. Mr. Harris, with these greater freedoms the AFL–CIO has proposed for federal workers wouldn't employees' protections be endangered?

Harris. We don't think they should, and I don't believe they would. This might have been the case back around the 1880's, when the Civil Service Commission was first established. But, surely the country is more politically mature than that now.

For instance, a forest ranger. Suppose he runs for Congress and is defeated. Do you really think that there would then be a demand for his replacement as a forest ranger? I don't think so. Or a secretarial clerk in the government. We don't believe that it is necessary, in order to keep their civil service status, to impose these absolute bans on political activity any more.

And, no other western country thinks so—not Sweden, not Canada, not Great Britain, not Germany. Nobody but the United States had these kinds of broad and, we think, antiquated, restrictions.

Cramer. Mr. Harris, as I read the testimony you gave the other day to the Hatch Act Commission, I was impressed with the extreme simplicity and, I think, the extreme workability of the particular proposals you made on behalf of the AFL–CIO. Would you, sir, spell out those proposals in detail for us?

Harris. Well, with respect to running for federal office, we think that each department should draw up a category of the positions in that department which it thinks are in a position to influence policy, and that these top jobs in the civil service, whose incumbents do influence policy, should be continued under restrictions—at least with respect to running for federal political jobs.

All the other employees, we think, should be completely free to be politically active—to be active in parties—even to run for federal office.

Now, with respect to employees of states and localities whose employment is partly subsidized by the federal government, we tend to think that any restrictions placed on them probably ought to be turned back to the states and the municipalities.

It is becoming ever more difficult to identify this group of employees. If proposals such as the amendment suggested by Congressman Albert H. Quie (R-Minn.), which proposes simply to give the states a block grant to use for education, should be adopted—which we hope will not be—apparently everyone in the educational systems would then be covered by the federal Hatch Act.

If the Heller proposal, for which we are likewise unenthusiastic, were adopted—it would simply give the states block grants from federal tax revenues—presumably, all states and local employees would be covered by the Hatch Act. We think that this is asking the U.S. Civil Service Commission to take on a good deal.

We see no reason why the federal government should step into this picture when the states and localities, presumably, could be trusted to regulate the political activities of their own employees.

Flannery. Mr. Harris, as I recall your testimony, one of the instances you gave in connection with the restrictions on union activities was that a federal employee, who happens to be a member of a union, could not get up on the floor and say anything in behalf of any particular candidate or any particular issue?

Harris. You mean, get up on the floor at a union meeting?

Flannery. Yes—at a union meeting.

Harris. Well, that is not at all clear. The regulations of the Civil Service Commission don't really specify what a federal employee can do within a union, or what he can't do. We certainly think that even employees subject to whatever restrictions are retained should be free to express their political views at union meetings—free to urge that a union endorse a political candidate or that it not endorse anyone, even though he might continue to be restricted with respect to political activity aimed at the general public.

Causey. If you put federal employees in the political swim, give them more freedom, aren't you opening them up to arm-twisting and pressure from parties and officials to donate?

Harris. There are criminal statutes on the books now which are meant to protect them from that. And we certainly have no intention of altering or in any way weakening those statutes.

Flannery. Isn't it true, Mrs. Harris, that many of those who are federal employees really don't know how the Hatch Act applies to them?

Harris. Well, any statute like this has an intimidating effect beyond its literal language. Many federal employees simply feel that the safest thing to do is stay out of the political arena entirely. In addition, the Civil Service Commission has, in our view, given the Act a very broad and, indeed, unconstitutional interpretation.

For instance, several years ago a federal employee wrote a letter to a newspaper in Houston—one of these letters to the editor—which the paper ran. In that letter he urged the people to vote against a particular candidate for governor—Governor Allen Shivers, as it happened. Well, the Civil Service Commission held that this was a violation of the Hatch Act. The employee took it to court. The court said that the Act did not extend that far. The Civil Service Commission didn't appeal the decision of the District Court.

However, the circular which the Civil Service Commission puts out to federal employees continues to state that it is a violation of the Act to write letters to the editor on political subjects. We think that the Commission should have the courage of its convictions—that if it is going to continue to convict employees of violating the Hatch Act, then it should litigate these issues in court.

At the present time, it simply intimidates employees who are afraid to challenge it or to litigate. When employees do litigate, quite often the decisions of the Commission are reversed.

Flannery. Isn't it true, Mr. Harris, that sometimes the Hatch Act is really violated in a peculiar way—that the wife of a particular federal employee may be active?

Harris. Well, the little pamphlets of the Commission say that the wife is free to be active, if she is really active for herself—but that she had better watch herself, if she is really acting for her husband. How anyone is going to determine that I don't know. But that illustrates the real nature of many of the restrictions the Commission attempts.

Flannery. One of the important things is to try to make it clear as to just what the Act means. Is that true?

Harris. That is true.

Flannery. Thank you, gentlemen. Today's Labor News Conference guest was Thomas E. Harris, Associate General Counsel of the AFL–CIO. Representing the press were Mike Causey, government employment reporter for the Washington Post, and John Cramer, federal employees news columnist for the Washington Daily News and other newspapers. This is your moderator, Harry W. Flannery, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL–CIO, produced in cooperation with the Mutual Radio Network.

FEDERAL PROFESSIONALS' NEED FOR PAY COMPARABILITY

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. Olsen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. OLSEN. Mr. Speaker, the importance of professional employees in carrying out the present missions of Federal agencies is increasingly self-evident. Almost daily we hear or read about new kinds of work and developments that are being pursued by American scientists, engineers, medical researchers, technologists, and specialists in all disciplines. Their achievements have a continuing impact on the worldwide spread of scientific and technological developments. In turn, these developments continue to change the social and economic aspects of every nation's total economy. Thus, governments everywhere have a vital concern about the capability of their people for outstanding work in science and technology generally.

Federal scientists, engineers, medical researchers, and many other kinds of professional workers share in the great achievements of American science, engineering, and technology. But there are problems about how Federal agencies can equitably share the resources of American talent with industry, commerce, and educational institutions.

For some years I have been concerned about the growing difficulties that Federal agencies have in securing and retaining their fair share of high competence in all disciplines, as well as in the managerial areas of our great Federal agencies. Because of the leadership role of the United States in world affairs, each Federal agency is confronted with means for assuring a first-class performance of its functions. Among these are those which are successful in retaining high competence at all professional and managerial levels. More than ever before, the need for better educated and trained people is of growing significance to all employers. With the trends in worldwide political, economic, and social developments, this is a critical matter for the United States.

The Federal Professional Association, now nearly 5 years old, sees the need for pay comparability in its true perspective. To demonstrate this further, this association is currently supplementing the justification for this pay principle with signed petitions to the Congress. It has already gathered several thousand signatures of Federal employees. More are being received daily.

I think it is timely to have the recent testimony of Mr. Vincent E. Jay, president of the Federal Professional Association, also that of Robert Ramspeck, the distinguished former Member of the House, and that of Dr. Roland R. Renne, president-elect of the Federal Professional Association, before the House Subcommittee on Compensation, brought to the attention of the entire House.

Mr. Speaker, I place this testimony in the Record. The testimony follows:

Statement of Mr. Vincent E. Jay, President, the Federal Professional Association

Mr. Udall. The Subcommittee will now hear from the Federal Professional Association, Mr. Vincent E. Jay, the President of that organization.

Mr. Jay. Mr. Chairman, it is a pleasure, indeed, to be with you again this morning. We greatly appreciate the opportunity to present our views and problems to you and the members on this important subject.

Honorable Chairman and committee members, my name is Vincent E. Jay, national president of The Federal Professional Association. This Association represents career professional and managerial personnel serving the Federal Government throughout the nation and the world. I am accompanied by the Honorable Robert Ramspeck, Consultant to the Association, and Dr. Roland R. Renne, president-elect of the Association.

Congressman Ramspeck is well known as a former Chairman of the House Civil Service Committee, former Democratic Whip, and former Chairman of the U.S. Civil Service Commission. He has served as Member of various presidential commissions and committees, the most recent being the Commission on Political Activity of Government Personnel.

Dr. Renne is well known as former president of Montana State University, Assistant Secretary for International Affairs, Department of Agriculture, and currently as Director, Office of Water Resources Research, Department of the Interior.

Mr. Udall. The Chair would particularly like to welcome these fine gentlemen. I think you have done well in choosing Dr. Renne as President-elect of this organization. He certainly has had an outstanding career. I followed the organization and the efforts of the Association and I want to say that I personally welcome him, congratulate him, and thank him for being willing to undertake the presidency of this organization.

We are particularly pleased to have him appear.

I want to say, too, that Bob Ramspeck in my judgment has performed as much public service as perhaps anyone that I have known. He has done so much to foster improvements in the Federal Civil Service and he has given freely of his time.

I addressed a partisan political gathering in his home town of Atlanta on Friday and had kind words to say about him publicly.

I certainly want to say that I am delighted to have both of you gentlemen present and I am impressed with the caliber of consultants and backup people you have with you at the table this morning.

Mr. Jay. Thank you, Mr. Chairman.

Dr. Renne. Thank you, Mr. Chairman.

Mr. Ramspeck. Thank you, Mr. Chairman.

Mr. Jay. (Continuing.)

My Civil Service career started at Fort Monmouth, New Jersey, in 1942. My experience includes private enterprise, management consultant to government and nongovernment organizations, career employee in various government agencies, an officer of various charity, civic and health organizations, and an officer and employee of a major Federal employee union. I am on annual leave this morning from the Federal Water Pollution Control Administration, where I am currently employed as a management analyst.

The Federal Professional Association is a nonpartisan, nonprofit, individual-membership organization engaged in consultation, education, and research. It is honored to have as an affiliate the National Association of Naval Technical Supervisors, which we also represent here today. The membership of both organizations includes Federal employees from most managerial and professional disciplines represented in the Federal service. Many of these members hold top-level career positions as well as staff and line positions, both in the Washington, D.C., area and throughout the field service. We try to present the views of the entire professional segment of the Federal career service, ranging from accountants to zoologists.

This marks the fifth year that we have appeared before your Committee. To date our efforts on behalf of professionals in the Federal service have had little practical effect. We are still pleading for your help in adjusting the Federal salary structure so as to attract and retain high quality managers and professionals in the Federal service.

The situation has become critical. The nation's press reports almost daily of alleged instances of carelessness, sloppy workmanship, work slowdowns, and strikes on work under Government contracts. In addition, there are complaints of self-inspections rather than Federal employee inspections, and complaints of quality control relaxations. It just does not make sense to spend billions on Government contracts and to save the few dollars it would cost to have competent professionals and managers in the Federal career service in sufficient numbers to review, inspect, and evaluate the products that are being purchased with the taxpayers' money. This holds true for grants and all other expenditures of Federal funds besides contracts.

Furthermore, there are increasing indications that we have gone too far in contracting out much of our Government work, especially that which is performed by highly skilled and trained professionals whose salaries and emoluments the taxpayers are paying indirectly and without adequate controls. We must employ many more managers and professionals in the Federal service to devise reliable contract specifications, conduct economic contract negotiations, make realistic appraisals of work progress, evaluations of work completed, and financial audits of overall costs. These functions are essential to good management. For them to be adequately and properly performed, the Federal career employees who should perform them should receive salaries at least comparable with those paid by private enterprise to those who produce all or a part of the end product.

Because the Federal Professional Association and its affiliates are newly organized, we are still small in numbers and limited in financial resources. We are not yet prepared to undertake the kind of research necessary to document properly the serious decline in quality and the increasing difficulty in recruiting professionals in the Federal service. However, I can present facts and figures supplied by two FPA chapters to indicate the ever-increasing recruiting difficulty. From nearby White Oak, Maryland, we have the following report:

"Top third B.S. Engineers are being offered $8300 to $8500 compared with our offer of $7729.

"1. Table of recruiting results

	Feb. 23	Mar. 17	Apr. 6
Cumulative totals for 1967:			
Total offers	149	218	251
Acceptances	10	17	29
Percent acceptances	7.4	7.8	11.5
Cumulative totals for 1966:			
Total offers	99	144	155
Acceptances	10	22	26
Percent acceptances	10.1	15.3	16.7

"Conclusions: By making 96 more offers this year, we have increased acceptances by 3. That is about a 3% acceptance rate on the extra offers. The total percent of acceptances remains well behind last year. (Report No. 1, 27 January 1967, showed that the percent of acceptances for 1966 was behind that of 1965.)"

From the Veterans Administration Hospital in the Bronx, N.Y., we received word that "The most urgent problem areas have been: (1) Social Workers; (2) Therapists, i.e., Physical Therapists, Corrective Therapists, and Manual Arts Therapists; (3) Medical Technologists; (4) Librarians; (5) Chemists." This report adds "Needless to say, the most critical shortage concerns professional nurses; . . ."

The Civil Service Commission recently raised the salaries of certain classifications of nurses by several steps by placing them in a "shortage category," thus recognizing retaining nurses in the Federal service. Simi- the increasing difficulty in attracting and lar actions have been taken with other "shortage categories."

The efforts of the Civil Service Commission to juggle salaries of "shortage category" personnel in response to recruitment and retention problems compounds rather than alleviates the overall Federal salary problems. Such action creates inequities within professional groups and throws the salary alignment of supervisors out of any reasonable relationship. This problem exists with regard to engineers, nurses, scientists, and all other "shortage category" groups to which the tactic is applied. And it may not be impertinent to suggest that the Federal service *does not now* enjoy a surplus of high-quality employees in *any* professional or managerial discipline.

We have had some reports from our members that they have been offered the next step, Grade 14 or Grade 15, in order to accept supervisory positions, but after having moved into the supervisory position and having received merely a $200 to $300 a year increase, they have asked to be put back into the grade they were in and relieved of the supervisory responsibilities because it was not worth it. It was not worth the headaches of accepting these additional duties and responsibilities.

An overall adjustment to close the pay comparability gap is the only feasible and equitable solution. It is essential to good government, and long overdue in order to reverse the dangerous decline of morale and quality among professionals and managers in the Federal service. Such quality as the Government still retains is due to severe personal sacrifice by dedicated employees which should long have been unnecessary.

Mr. Chairman, Members of the Congress have publicly and repeatedly expressed their concern about *not* hearing from professional and managerial employees in the Federal service, and have publicly assumed that we must be satisfied with the status quo. We want you and these Members to know that The Federal Professional Association represents and speaks for its dues-paying members.

We are honored, also, to speak for the 1,000 members of the FPA's first affiliate, the National Association of Naval Technical Supervisors. In addition, we must assume that we speak for many managers and other professionals who have not yet become FPA dues-paying members or affiliates, mainly because we do not have the resources to bring them knowledge of FPA's mission—or even of its existence. We are doing all that we can to bring the FPA to the attention of prospective members, and to educate them as to the importance of uniting and communicating regularly with their Congressional representatives. We believe we are making progress in this effort. However, it is an uphill, difficult task. The problems inherent in the situation are monumental. But they do not mean that our members and potential members are indifferent to their employment environment and emoluments. We may be unsophisticated in the area of political bargaining, but we are daily profiting from the example of our more aggressive, better organized colleagues in the unionized occupations.

One modest FPA project that was started just a few weeks ago was an attempt, for the first time, to obtain the views of Federal managers and professionals on the issue of Federal pay comparability with private enterprise. This was done through the distribution of a petition form to FPA members and friends. I am happy, at this time, through your Committee, to present to the Congress the signed petitions of over 6,000 Federal employees and other taxpayers and registered voters who urge this Session of the Congress to enact Federal pay legislation that will assure a graduated-percentage pay increase designed to close the pay comparability gap between Federal and private enterprise salaries.

These petitions are being held and will be presented to the Congress at an appropriate date.

We had intended to present them to your Committee this morning but they are still coming in in considerable numbers and we still have time, we feel, before the Senate and House act on pay, and we would like to continue to accumulate these signatures.

Mr. Udall. The Committee will be happy to receive them when they are available, Mr. Jay.

Mr. Jay. Thank you.

Mr. Chairman and Committee Members, we have reviewed various pay bills which are now before you. We favor the immediate enactment of HR 4134 or HR 4321, identical bills introduced by Representatives Olsen of Montana and Cunningham of Nebraska, respectively. These bills recognize the need for, and would provide, a graduated-percentage pay increase. We strongly oppose another across-the-board pay increase, for it is this kind of pay action in the past that has repeatedly and inevitably caused the compounding of salary inequities and anomalies and have consistently led to the difficulty in which we find ourselves today.

In a recent letter addressed to President Johnson, I stated FPA's great disappointment in the Administration's Federal pay proposal. Because it is an across-the-board pay proposal, it does further violence to the Federal pay structure and it further compounds existing pay comparability mis-alignments and the pay inequities created by the Civil Service Commission's attempts to adjust salaries for "shortage category" professionals.

Mr. Chairman, the FPA prays and hopes that you and your colleagues on this vital Committee will reject another across-the-board Federal pay increase. We urge and solicit your support for a desperately needed graduated-percentage pay increase to be made effective as soon as possible. Further, we urge that you make definite provisions in whatever pay legislation you enact for specific dates and percentage figures to achieve full pay comparability for all Federal employees with private enterprise by no later than 1969.

This can be done by providing an immediate graduated-percentage pay increase ranging from about 2 to 8 percent, and including provisions for two more graduated-percentage pay increases, one in 1968 and one in 1969. These latter provisions should be written into current pay legislation to assure the attainment of full pay comparability promised in the Pay Reform Act of 1962, when the Administration then in office planned to achieve full pay comparability over a three-year period in order to "lessen the budgetary impact of the move." If the plan had been carried out as promised, full pay comparability would have been achieved two years ago, whereas we are still hearing about the budgetary impact of fair pay for the public's most patient employees.

I received word from the Chairman of the Civil Service Commission that it would be difficult to include in any legislation provisions of the sort that I have just stated.

For the record I would like to refer to a contract which was recently enacted with the New York Daily News employees. This was reported in the Wall Street Journal of Monday, May 1.

This is a three-year contract which guaranteed the employees of this newspaper a 21 percent pay increase, guaranteeing them a 7 percent pay increase each year over a three-year period.

In addition it provided a cost of living adjustment clause, shorter working hours, and improved fringe benefits.

I am suggesting that this session of the Congress could enact in pay legislation figures and dates so that a definite figure could be included which would be subject to any adjustment or fluctuation which may be reported by the Bureau of Labor Statistics at the end of the year.

I feel strongly, and the FPA urges strongly, that these kinds of figures be put into legislation so that there is a guarantee for the attainment of full comparability at least by 1969.

Finally, a word about fringe benefits. A number of bills designed to increase certain fringe benefits have been introduced for your consideration. We all know that these fringe benefits cost money and we know also that there is only so much money to go around. Mr. Chairman, we urge you and your colleagues on the Committee to use all available resources first to establish a sound Federal pay structure, comparable to those in private enterprise. Although certain fringe benefits do need overhaul, we feel strongly that the most critical need right now is pay comparability that will allow vital Government programs to attract and retain competent professionals and managers. Once a sound salary structure is established and provisions are made for its maintenance, then and only then should limited resources be used to improve Federal employee fringe benefits.

To sum up, Mr. Chairman, the members of the FPA and the National Association of Naval Technical Supervisors, and thousands of other professionals, managers, and friends of the Federal service, petition you and your colleagues in the Congress to enact an immediate graduated-percentage pay increase that will at least indicate a first step toward full pay comparability with private enterprise, along with provisions for specific dates and percentage figures for the attainment of full pay comparability by 1969. This is vital to the progress and success of essential Government programs that the Congress has authorized and established. We are grateful for your frequent acknowledgment and appreciation of the contributions being made by professionals and managers in the Federal service and really seek a very small practical reinforcement of your kind words.

We greatly appreciate the opportunity to present the views of Federal professionals and managers to you and we will be happy to answer any questions.

First of all, Mr. Chairman, I would like to ask your indulgence that we might have Dr. Renne comment on various aspects of the statement, and then Mr. Ramspeck to say a few words if it is satisfactory with you.

Mr. Udall. Yes. We have two organizations scheduled but we are running about on time. We shall be happy to hear briefly from Dr. Renne and Mr. Ramspeck.

STATEMENT OF DR. ROLAND R. RENNE, PRESIDENT-ELECT, THE FEDERAL PROFESSIONAL ASSOCIATION

Dr. Renne. Thank you, Mr. Chairman. I will take just a moment.

I just want to say that I agree fully with the statement that has just been read by our President, Mr. Jay. After many years as a university president, and in my current work in the Federal Government in which we deal with about 100 universities all over the Nation, I am very much aware of the substantial increases in salaries that have been made in the universities, both public and private, and the substantial salary adjustments that have been made in private enterprise in the last three or four years. I am aware of this, particularly, in undertaking to increase their effectiveness as research and training agencies, in the research field particularly since it is a multidiscipline approach covering many departments and divisions of universities. The competition is extremely keen because private enterprise, as you know, is also doing work in these fields. We find, in our work in the Federal Government, an extremely difficult situation in meeting competition for top-flight scientists, engineers, and top professional people. We feel it is vital to the Federal Government to maintain a high level of performance, and we think we can do this only if we have full pay comparability, particularly for the scientists, professionals, and engineers who have very important cooperative positions in working with the universities and the private enterprise agencies, foundations, and other groups that are concerned with research and scientific training.

Thank you very much.

Mr. Udall. Thank you, Dr. Renne.

Mr. Ramspeck, we will be glad to hear from you.

Statement of Hon. Robert Ramspeck, Consultant, the Federal Professional Association

Mr. Ramspeck. Mr. Chairman, I have now joined the ranks of what we call, for lack of a better designation, Senior Citizens, having been retired from business several years ago.

My experience in government, Mr. Chairman and members of the committee, goes back 60 years. Last Saturday was the 60th anniversary of my leaving high school and going to work in the office of the clerk of the Superior Court in my home county. That officer at that time not only kept the records of the court proceedings and dockets filed, but he was somewhat of what was called the Register of Deeds, mortgages and that sort of thing.

After about four years, a new Congressman coming to Washington asked if I would like to have a job here, so in April of 1911 I became Chief Clerk in the House Post Office, right in this building in the office which faces the lobby as you come in the building. I stayed there about a year and a half and decided I had better go back home and prepare myself better for life. During that time I was Deputy United States Marshal for the northern district of Georgia for a couple years and then Chief Deputy United States Marshal, and I was part owner of a business engaged in real estate, insurance, building supplies and so forth. I was elected to the Georgia Legislature in 1928 after having served as prosecuting attorney for four years in my home county and as city attorney of the City of Decatur. In July 1929, while serving in the Georgia Legislature, the Congressman representing that district passed away and we had a special election in October at which I was elected. I served in the House here until the end of 1945 when I resigned because I could not save any money on that job. You gentlemen, I am sure, still are having that problem. The salary at the time I resigned was $12,500 a year. I kept an accurate account in the last year of my service and I spent $8,000 of that salary for things which any private employer would reimburse you for. Having received an offer of a job paying twice as much as I was making, and with an expense account, I retired from Congress and became Executive Vice President of the Air Transport Association. In 1951, after five years with the Trade Association, Mr. Truman, then President of the United States, asked me to become Chairman of the Civil Service Commission, which I did for about two years. I then became Vice President for Washington Affairs of Eastern Air Lines and retired from that position on January 1, 1962.

I mention these things for the record because I have had government service at the city, county, State and Federal levels and I have had business experience, and I think all of those are valuable in forming an opinion about the problem which faces you here today.

One of my good friends in Atlanta who established a nationwide business that was very successful wrote me in 1943, while I was Chairman of the House Civil Service Committee and was investigating civilian personnel during the war period, that the refuge of a poor administrator was to hire more people, and I have found that was true not only in the government but in private business. I think the great weakness in our Federal Government personnel system is in the supervision, lack of leadership, and lack of the extra ability we need in our supervisory people. And it is partly due to the fact that in recent years pay increases have gone to the lower grades primarily, or there have been across-the-board dollar increases that left the upper grades at a disadvantage.

The business and trade associations are constantly siphoning off the better people in our government, not only in the Executive Branch, but also up here on the Hill. They find a good, aggressive, capable man who is working up here and they offer him more money and he goes out of the government service.

I have also served, since I left the Congress, first on the Advisory Panel for Senator Carlson, who was then Chairman of the Senate Committee on Post Office and Civil Service in 1953; and in 1962 I was on the late President Kennedy's Committee on Salary Studies, and on that committee I was able to persuade them to recommend to the Congress a salary of $35,000 for Members of Congress. In fact, I was put on that committee to represent the point of view of the Congress. A member of the Supreme Court was put on the committee to represent the judicial problem. The recommendation of that committee was that you gentlemen pay yourselves $35,000 in salary and $5,000 expense account which would be charged off against income taxes if spent. I still think you made a mistake not going that high. How anybody could get along, with all the traveling and so forth, on what you gentlemen are paid, I cannot understand. I could not make money as a Member of Congress and I do not see how anybody could.

I also served on the Hoover Commission Task Force on personnel and on civil service. That was valuable experience.

So that nobody will think I am anti-union or anti-labor, I would like to call attention to the fact that during my service in Congress I was on the House Committee on Labor for 16 years. During that time the Wagner labor bill was passed and the Bacon-Davis Act. I supported the Walsh-Healey Act and the Social Security Act, and helped to write and pass the Fair Labor Standards Act which is generally known as the Wage and Hour Act. It took us a year to get it out of the Rules Committee and we had to get it out then by petition. My labor record is as good as that of any man who served in the House during the 16 years I was here, so I am not anti-union, but I realize you gentlemen are under terrific pressure from the unions in the Federal Government and most of them, such as the postal unions, are not primarily interested, in the supervisory and higher grades in the Federal service. I do not say that in criticism of them. They are representing their members and doing the best they can for them and they have done a splendid job, although I sometimes recoil at some of the tactics used. I just read there will be 2,000 postal employees here this week to greet you with 2,000 whistles. To my mind, that is a tactic that should not be engaged in.

About 6 percent of the postal employees are in level 4, and I prophesied to my associates a year ago that they were going to drop the comparability fight and move to upgrade level 4 people, which they are doing and doing very effectively. They are putting on quite a campaign. But I think the trouble with the postal pay scale is that it lumps too many in level 4 without any regard to the difference in duties. I recently had a talk with a clerk in the Kensington, Maryland, post office where I get my mail at the present time. He has charge of the stamp stock and C.O.D. problems and other duties which I think exceed the responsibility of other level 4 clerks, but he has been unable to get his level raised to 5. It seems to me that perhaps what Congress should do is to look at that problem and see which of these people have responsibilities that warrant a higher grade, instead of increasing everything from level 1 through 6 in one step, as they advocate.

The last year I served in Congress, I sponsored (and the bill was passed in the House) providing increases in pay for the employees under the Classification Act. The next day Senator Mead, then Chairman of the Senate Committee on the Post Office, which at that time was separate from the Civil Service Committee, got up a bill for the postal employees. One of the Members of the House who had made a speech against the bill for the classified employees got up the next day and made a speech for a raise for the postal employees. I went to him and asked why he did not vote for an increase in pay for the classified employees but favored an increase in pay for the postal employees. He said, "I know, but I like the postal employees and I do not like the people you represent." There is some of that feeling, gentlemen. There was that feeling in Congress at that time, which is unfortunate, but it is true. The postal employees have many contacts with the public, they are well organized and well led, and they do bring a considerable amount of pressure to bear on the Congress.

But I would like to cite two illustrations, Mr. Chairman, on the point that the unions cannot control politics in this country. In 1950 the late Senator Taft was reelected by over 400,000 votes after he sponsored the Taft-Hartley Labor Act, and every labor union was working against him. He had been elected in 1944, six years previously, by only 16,000 votes. And just last year, a very distinguished member of this committee, the Honorable James Morrison, was defeated in the primary in Louisiana, notwithstanding his support of the employees of the Federal Government. And I had a personal experience in 1942, the last contested election I had when seeking election to the Congress. Some of the postal clerks and carriers, although a minority of them, opposed me in that primary because I had refused their request that I make the Postmaster in Atlanta fire the Superintendent of Mails. I told them that was not my job, that it was up to the Postmaster General.

I mention these things to point out that, notwithstanding all the hullabaloo by the postal unions—and I do not criticize them, they do their job—they do not control politics and they cannot elect or defeat a Member of Congress.

I urge you, gentlemen, to consider the plight of the Federal Government as it relates to the people in the professional and scientific ranks and supervisory ranks of our Federal system. No Federal Government employment situation and no civilian employment situation is effective and efficient unless it has good leadership, and I think something that has cost billions of dollars to the taxpayers is that we have neglected to a certain extent keeping up a level of pay for people in these supervisory, managerial, professional, and scientific positions so they would stay in government. I think Congress would do a great thing for this country if they would pass a bill which takes care of that situation, rather than concentrate all these funds on the rank and file.

Now, I do not say that maybe the people in the rank and file do not need some increases in pay. I find the cost of living goes up every day and I am not making much money to pay that increase these days, so I have some appreciation of it. But I am thinking, gentlemen, of the welfare of the country and the efficiency and effectiveness of this great government of ours which has gotten to be so complex and which affects so many aspects of life, not only here but all around the world, and in my opinion we cannot afford to continue the policy of concentrating the funds available on the rank and file and neglecting the managerial, scientific, and professional jobs that are so important in the complex world we live in today.

Thank you for listening to me.

Mr. Udall. Thank you, Mr. Ramspeck. I think the point you and your associates have made this morning is well taken. It has always seemed apparent to me that, when we deny comparability to the managerial people, that we are not simply doing an injustice to them, but to the people of the country who are denied the leadership and the management which this great government needs. The kind of people we want to keep will not be hurt if we deny them comparability, because they will be siphoned off to private enterprise, local governments, foundations and everything else.

I was also interested in Mr. Ramspeck's observation about the recommendation of the committee on which he served on salaries of Members of Congress. I introduced a bill providing the $35,000 salary his committee recommended. The other comment Mr. Ramspeck made that hit hard with me was that this Congress has never provided for its members so many of the basic things private enterprise takes for granted. One newspaper on a dull day exposed the benefits Congressmen get, such as typewriters and a secretary and a telephone, things anyone in private enterprise would take for granted, but to have them supplied to Members of Congress, the newspaper would make it appear were some lush things just discovered.

The gentleman from California.

Mr. Waldie. I suppose I have always known it, but you brought it out clearer than I realized before: Do I gather your view is that in a limited budget situation the government people would be best served by having more equity in the higher grade employees than by bringing the lower level employees up to equity?

Mr. Ramspeck. Is that question directed to me, Mr. Congressman?

Mr. Waldie. Yes.

Mr. Ramspeck. Yes, my answer to that is not necessarily government people would be better served, but the country would be better served.

Mr. Waldie. I am talking about the country.

Mr. Ramspeck. Yes, sir.

Mr. Waldie. Do I gather from that conclusion two things: First, you think the higher level employees are in a more inequitable situation relative to the ability of the government to retain them than are the lower level employees?

Mr. Ramspeck. I think that is unquestionably true.

Mr. Waldie. And that our ability to perform the governmental function would not be materially interfered with, despite the lower morale, if we increased the salaries of the higher level employees rather than the salaries of those working for them?

Mr. Ramspeck. I think that is true. With better management we would need fewer employees to begin with. That has been demonstrated time after time in private enterprise. Where you have a good man at the top he can make a success of a business where a less qualified man would lose money.

Mr. Waldie. I do not think I am ready to venture an opinion on that myself, although at this time I am not willing to agree to what you have said.

Mr. Udall. The previous witness testified, I believe before you came in, that 90 percent of the salary bill is in the first six levels. In the postal service, if you take $25 million and use it to bring up the salaries of the upper grades, you could bring all the 13, 14 and upper grades to full comparability. They are 20 or 22 percent behind. If, on the other hand, you take that $25 million and give it all to level 4, that would be about 60 cents a week to the average clerk or carrier, and it would not make a great deal of difference to him, but it may be the difference between keeping or losing to private industry the kind of people we want to make this department work.

Mr. Waldie. On the other hand, if I were a carrier and saw my superior get comparability and I did not even get the 60 cents, I would be disturbed by that.

Mr. Udall. This is the traditional problem.

Mr. Waldie. The other question I wanted to ask: Mr. Jay, you believe comparability cannot as a practical matter be attained in this session of Congress, is that correct?

Mr. Jay. From the reports coming in from the Civil Service Commission and the White House insisting that the pay increase be kept to an average of 4.5 percent or thereabouts, I guess I have been conditioned to the point where I fear that full comparability cannot be achieved in this session.

Mr. Waldie. Do I gather that your recommendation that it be achieved in 1969 is not based on your belief that it should not properly be achieved in this session of Congress, but is based on your belief that as a practical matter it cannot be achieved in this session of Congress?

Mr. Jay. This is suggested as an alternative, if it is not possible to achieve it in this session without imposing an unreasonable demand on the budgetary situation.

Mr. Waldie. I have not been able, again, to clarify in my mind in the brief time I have been exposed to this problem, why comparability, if it was promised in 1962, must be continually delayed on the basis it might have an adverse effect on the economic situation of the Nation. I asked the Budget Director where in the Act of comparability there was a criterion set forth that comparability could only be attained if it did not have an adverse effect on the economy of the Nation, and he said it was not in the Act but was a consideration in any government expenditure. I would wonder, if your proposal were to be adopted, whether you would have the comfort of believing that comparability would be attained in 1969 if it was promised in 1967, in view of the fact you were promised comparability in 1962 and it was not attained?

Mr. Jay. In no instance in the past has there been incorporated in any pay legislation specific dates for the attainment of full comparability.

Mr. Waldie. Perhaps I should address this question to the Chairman or to counsel: Could this committee pass any legislation that would bind the 91st Congress?

Mr. Udall. Not only could it, but in my opinion it should. In 1965 a bill which I authored and which was passed provided for a definite graduated pay raise next year without further enactment. We could have as many steps as we want and provide in 1975 the pay shall be so much, and if the President signs it, it becomes effective.

Mr. Waldie. Except that the 91st Congress might pass a law repealing it.

Mr. Udall. Of course, I would not be optimistic about passing a pay bill that would be repealed.

Mr. Jay. I do want to make it clear that we favor full comparability now. As I testified in my statement, the two bills I referred to provide for full comparability now in a graduated percentage increase. However, if this is not possible then we suggest the alternative of phasing it over the two years, 1968 and 1969.

Mr. Waldie. Thank you.

Mr. Udall. The gentleman from Michigan.

Mr. Ruppe. I would like to thank you for your statement, Mr. Ramspeck. I think you make a very fine observation in that it is the duty of the committee and the Congress to give comparability to the entire service and not just to the ones who have the loudest whistle, so to speak.

Mr. Waldie. Excuse me. I did not understand that was the import of his testimony. I gathered the import of his testimony was, if we could not give full comparability to everybody, we should give it to the group you represent first?

Mr. Ramspeck. My argument was we should give a proportionate amount to the upper grades and not simply an across-the-board increase; that we should try to get the upper grades nearer comparability, which has not been done recently. They are lagging much further behind comparability than the postal employees who are making the noise. I realize the squeaking wheel usually gets the grease, but it is a dangerous situation we are getting into where the good people we need in government do not stay there, and I think this is an area where the Congress has a responsibility to the country. The last Hoover Commission Task Force on Personnel had figures showing, for instance, that the Assistant Secretary in government departments had an average length of service of only 18 months. I submit to you, gentlemen, no man, I do not care how capable he is, can learn very much about a great department or agency of government in 18 months.

Mr. Waldie. I thank the gentleman for yielding.

Mr. Ruppe. Dr. Renne, you commented on the fringe benefits—sick and annual leave, health benefits, retirement benefits and so on—on college campuses as compared to government service. Do you know in general how the Federal Government compares in fringe benefits with the academic groups and civilian business groups and local government groups?

Dr. Renne. I do not think I mentioned anything about that specifically. I was thinking of the total remuneration. In general the universities now are very comparable in their retirement plans in most of the States. There are some States that are not, but in most of the States the retirement and related fringe benefits, plus the salaries that are paid for the ten-month contract, make the university position for the scientist or engineer or professional person in general more enticing than a similar position level in the Federal Government.

Mr. Ruppe. If you combine the pay and the fringe benefits?

Dr. Renne. It is a combination of things, yes. Part of it is the environment, but most of it is the combination of the salary and other benefits, such as the leave time and the help which is available for publishing, and the encouragement for publishing, and what we call the sabbatical year, where every eighth year you do not teach, but you travel or go to school to improve yourself. This type of fringe benefit which the professional finds particularly attractive these days, I think, are where the universities have made faster gains in the last five years.

Mr. Ruppe. Would you feel the unfavorable comparison from the Federal Government point of view would also hold true in comparison with private industry?

Dr. Renne. I think the universities are more competitive for scientists with the Federal Government than they are with private enterprise, but I think the managerial positions in private enterprise are much more apt to appeal to the executive than the university, thus you get a combination of competition which the Federal Government faces with private enterprise and with the universities—a three-way competition that is very difficult to meet at the present time.

Mr. Jay. In addition, you have the situation where the Federal Government itself encourages the establishment of nonprofit corporations where there is no limit on salaries and then these corporations compete with Federal departments and agencies for personnel. They may strip an agency of its best managers and professionals.

Mr. Ruppe. Is the most unfavorable comparison in the area of salary or in the area of fringe benefits? Is it mostly higher pay that takes them out of the Federal service?

Mr. JAY. I would say it is. Those that tend to stay in Federal Government service are those who have been in government 20 or 25 years and see no point in starting, even at a considerable increase in salary, in another career.

Mr. RUPPE. They are hooked in by the fringe benefits.

You indicate you would like a graduated percentage increase in pay from 2 to 8 percent. How would you decide how the percentage increase would be applied from 2 to 8 percent?

Mr. JAY. I would rely on the schedule developed by the Civil Service Commission and the Bureau of the Budget from statistics of the Bureau of Labor Statistics on comparable salaries in private enterprise.

Mr. RUPPE. You would have to go from 2 to 8 percent depending on the statistics of the Bureau of Labor Statistics covering private enterpise?

Mr. JAY. That is right.

Mr. RUPPE. Thank you very much.

Mr. UDALL. Thank you, gentlemen.

Mr. JAY. Thank you, Mr. Chairman.

PROBLEMS OF QUANTITATIVE MEASUREMENT OF RADIATION ENVIRONMENT IN URANIUM MINES

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. OLSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. OLSEN. Mr. Speaker, it is one of the ironies of our industrial progress that the pioneers in a new area of activity often face dangers that are not recognized until many have died. This is the case in the mining of uranium where nearly 100 men have already died from lung cancer and another 1,000 are expected to die of this disease by 1985.

It is a shame that it has taken us so long to recognize the dangers in the mining of uranium and to realize that these dangers can be minimized if not entirely eliminated.

But it is important to note that once recognized the Federal Government has taken direct measures to put an end to this needless waste of human life.

There can be no doubt that the standards issued by the Secretary of Labor for uranium mining are needed. It is also right and just that the Secretary made these standards effective at the earliest possible date.

Many will argue that the standards are too restrictive and others will say that they do not go far enough but none, I am sure, will debate the need for standards of this nature. That is why the Secretary has taken advantage of the provisions in the law permitting him to establish standards before having full public participation in this development.

The benefit of public participation in the formulation of the rules will not be lost since the rules and standards can be changed if they are found to need revision, by the procedure the Secretary has chosen to follow, but neither will needless delays be caused in providing needed protection for uranium miners.

The Secretary's action in this most serious matter is most wise and I can only do what any thinking, civilized man would do in supporting him to the fullest.

PRESIDENT JOHNSON CHOOSES THE RIGHT MAN FOR THE SUPREME COURT

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. OLSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. OLSEN. Mr. Speaker. The appointment by President Johnson of Thurgood Marshall to the Supreme Court is receiving widespread approval throughout the country.

It is fitting that President Johnson should have selected Mr. Marshall.

Mr. Marshall is qualified as an advocate and a jurist.

Even in the midst of emotional cases, he has shown a balanced and even temper joined with a deep love of the law.

He is not only a fine lawyer and dedicated public servant—he is a living testament to American opportunity.

Thurgood Marshall came up the hard way, and set his sights on a responsible public career. He arrived at his present position through hard, diligent work, and he has gained the respect of both friend and foe.

President Johnson's selection of him to move to the highest court of the Nation is a reflection on both Marshall and his country.

I insert into the RECORD an editorial from the Baltimore News American which strongly supports the President's choice:

DISTINGUISHED CHOICE

President Johnson's nomination of Thurgood Marshall to be the first Negro Justice of the Supreme Court is an altogether commendable act of justice in itself. It is a well-earned reward to one of the nation's most distinguished legal talents. And it is coincidentally a fitting recognition of the important role played in our society by the more than 10 percent of citizens who are Negroes.

Thurgood Marshall, whatever his race, is more than eminently qualified to serve as a member of America's highest tribunal. His long record of outstanding public service as a member of the bar, culminating in his 1965 appointment as U.S. Solicitor General, is virtually unparalleled for its wealth of experience. The new honor which has come to the Baltimore native crowns a brilliant, progressively responsible career which began when he graduated at the top of his class at Howard Law School in 1933.

It thus becomes a fortuitous circumstance that Mr. Marshall happens to be a Negro—fortuitous that he happens to be the great-grandson of a slave, and fortuitous that much of his legal fame was won while battling civil rights causes in the courts. To others of his race he now becomes a shining proof that the heights to which any talented American may aspire are without limit. And to all the citizens of the land he henceforth will symbolize the determination of our government legally to guarantee the rights to which one and all are entitled.

President Johnson has made a fine selection.

BILL TO CUT IN HALF RELICENSING BURDENS OF RADIO AND TELEVISION

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. OLSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. OLSEN. Mr. Speaker, I am today introducing a bill which would cut in half the relicensing burdens of the broadcasting industry both in radio and in television.

At the present time, broadcasters must seek a license extension every 3 years. My bill would change that requirement to a 6-year period.

I have a strong feeling that the relicensing procedure is so much formalistic nonsense. After all the broadcasting industry is well established and there is nothing to prevent the Federal Communications Commission from investigating complaints or checking broadcasting operations at any time. The relicensing period idea is really used as a "tickler file system" to remind the FCC that they have work to do. What is really a burden is the fact that most applications are delayed because of paperwork problems and criticisms by the agency of the way applications are filled out.

The broadcasting industry in many of our communities is "small business." In our State of Montana, this is certainly true. So on behalf of an industry that is now mature and no longer needs to be babied I have introduced a bill which will cut in half the Government paperwork that they must fill out. What is more the membership of the Federal Communications Commission itself is divided five to four as whether to extend the licensing period from 3 to 5 years.

Thank you.

REGULATING IMPORTS OF MILK AND DAIRY PRODUCTS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. TUNNEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. TUNNEY. Mr. Speaker, I am introducing legislation today to regulate imports of milk and dairy products.

Dairy product imports have increased sevenfold since 1953 and have increased 433 percent in 1966 alone. Such rapid increases cannot be tolerated if our dairy industry is to survive. Quotas established to curb dairy products imports have been effectively evaded. The U.S. Department of Agriculture has said that 1967 imports of milk will be about 3.5 billion pounds or 12 times the total authorized by import quotas.

The passage of the dairy import legislation is necessary to eliminate the loopholes under the present import controls and to establish a predictable import base upon which our farmers may rely for sound market planning.

EDITORIALS ON THE FOOD STAMP PROGRAM AND THE USE OF THE BANKING SYSTEM IN THE DISTRIBUTION OF LOTTERY TICKETS ON THURSDAY, JUNE 15, 1967

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. St Germain] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ST GERMAIN. Mr. Speaker, there are two editorials which appeared in the June 12 edition of the Providence Journal pertaining to the food stamp program and the use of our banking system for the distribution of lottery tickets that I would like to bring to the attention of my colleagues.

Therefore, at this time I would like to insert these articles into the Record:

Worthwhile Program

Senate action on the federal food stamp program, providing an annual increase in funds over a three-year period, is welcome recognition for a plan that has worked well to help to alleviate the plight of low-income families.

Unfortunately, the House version leaves much to be desired. It would extend the program only one year and authorize five million dollars less in fiscal 1968 than the Senate bill.

A key to the future of this program, which enables qualified families to purchase stamps worth more than their price, is the House defeat of a federal-state cost-sharing proposal. By February of this year, nine states still were not participating. Presumably, the administrative costs, which for the most part the states must assume, is the reason they have not applied. If an additional burden had been imposed, the prospects of bringing more low-income Americans under the program would have dimmed and the chances of regression would have increased significantly.

Beyond the question of funding, efforts should be directed toward removing the indignities to which food stamp users often are subjected when exchanging stamps at approved retail food outlets. This problem has discouraged some qualified families from purchasing the stamps to which they are entitled.

The thought that hunger afflicts any citizen of the richest nation on earth should be sufficient recommendation for expanding this program. Hunger does exist, as a Senate subcommittee learned recently on a tour of the Southern states. The aim must be to extend the program to all the states, not just a majority of them. The House bill would not achieve this end. The Senate bill at least would offer hope.

Banks Selling Chances

In the light of a congressional proposal, a significant question arises over government policy barring federal agency participation in the distribution or sale of state lottery tickets even though the lottery be legal as in New Hampshire and New York.

A proposal before the House Banking and Currency Committee provides that any private bank whose operations are under federal regulations shall be prohibited from selling lottery tickets. Plainly, the proposal is aimed at New York's lottery which has had voter approval and which relies on bank ticket sales for about 50 percent of the lottery income destined for public school aid.

State lottery champions have invoked the states' rights issue, contending that the House committee proposal, backed strongly by Chairman Wright Patman of Texas, is an "unwarranted intrusion by the federal government into the rights of states." The banks' lottery role is defended further by lottery proponents claiming that participation by banks lends an atmosphere of integrity to the lottery operation.

In our view, the enlisting of the banking system of any state in the sale of lottery tickets cannot be justified under principles of sound government or sound banking. If the House committee proposal is enacted, as it should be, and if the New York state lottery should flop, this shabby device for supporting public education will have received deserved treatment.

EXTENSION OF TEMPORARY INTEREST RATE CONTROLS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Patman] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. PATMAN. Mr. Speaker, the Treasury Department has requested a 2-year extension of Public Law 89–597. This legislation, approved September 21, 1966, provides, for a 1-year period, additional regulation of interest rates and required reserves with respect to deposits in federally insured banks and savings institutions. The main thrust of the law is to stop excessive interest rate competition for deposits among financial institutions.

It also authorizes the Federal Reserve to purchase obligations guaranteed by any agency of the United States. The purpose of this latter provision is to permit Federal Reserve open-market purchase of obligations of Federal Home Loan Banks and the Federal National Mortgage Association in order to avoid having the housing industry and the mortgage market bear the brunt of the Federal Reserve's tight money policies.

The statute also directs the Treasury Department, the Federal Reserve Board, the Federal Home Loan Bank Board, and the Federal Deposit Insurance Corporation to take all possible steps to reduce interest rates.

While I am not prepared to argue that last year's rate control bill is a complete failure, our hopes of preventing devastation in homebuilding and runaway interest rates were obviously not realized. I respectfully disagree with the contention in Secretary Fowler's letter of transmittal that this law has "substantially improved the mortgage market," and homebuilding faces another disastrous year. The Federal Reserve's tight money policies are still with us, interest rates are still near their record highs, and commercial banks are still aggressively promoting consumer certificates of deposit often by misleading newspaper ads. Clearly the Federal Reserve Board's refusal to cooperate with the Congress has frustrated the success of Public Law 89–597 and there is little to be achieved by extending this law without that cooperation.

However, Mr. Speaker, I am today introducing a bill which would extend the law for 2 additional years as recommended by the Treasury Department. I assure my colleagues that this measure will receive full and careful consideration by your Committee on Banking and Currency. I am sure I speak for the vast majority of our Members that we are determined not to permit extension of this law to be a mere exercise in futility.

I am including a copy of the Secretary of the Treasury's transmitted letter on this legislation with these remarks, as follows:

The Secretary of the Treasury,
Washington, June 12, 1967.

Hon. John W. McCormack,
Speaker of the House of Representatives,
Washington, D.C.

Dear Mr. Speaker: There is transmitted herewith a draft of a proposed bill "To extend for two years the authority for more flexible regulation of maximum rates of interest or dividends, higher reserve requirements, and open market operations in agency issues."

The Act of September 21, 1966 (80 Stat. 823) gave the financial regulatory agencies flexible authority to set interest rate ceilings on savings accounts, authorized higher reserve requirements for member banks, and permitted open market operations in direct or fully guaranteed obligations of any agency of the United States. However, the legislation is temporary and will expire on September 21 of this year. The Department believes that the authority should be extended temporarily and the enclosed draft bill would provide a two-year extension.

The flexible interest rate authority provided by the above Act enabled the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board, to take action last September that has contributed significantly to a moderation in the excessive competition for consumer savings, has facilitated an increased flow of funds into thrift institutions, and has substantially improved the mortgage market. It is difficult to forecast the conditions that will prevail in financial markets this September, or subsequently, or predict whether the expiration of the interest rate authority would permit a recurrence of the forces that pushed up interest rates and diverted funds from the mortgage market last year. This possibility certainly cannot be dismissed and, given the uncertainty about the future, it seems clearly desirable to extend the authority of the financial supervisory agencies to regulate time and savings deposit interest rates in a coordinated manner.

The extension of the interest rate authority would permit the banking agencies over the two-year period to act in a timely fashion to avert potentially dangerous developments in the financial market. It would not stifle a reasonable degree of healthy competition in the market for savings, nor would it require interest rate ceilings to be in force at all times. Rather, the banking agencies would be provided with flexible authority to prescribe interest rate ceilings at times when such action is deemed to be in the public interest. Our experience last year strongly testifies to the desirability of an extension of the interest rate authority.

In regard to reserve requirements, the Act of September 21, 1966 authorized an increase in the maximum reserve requirement on time and savings deposits from 6 to 10 percent, while keeping the minimum at 3 percent. This provision broadened the Federal Reserve Board's potential control over time and savings deposits of member banks should that become necessary. While this broadened authority has not yet been used, it is of significant potential value and should be extended.

With respect to Federal Reserve open market purchases, the Act of September 21, 1966 clarified the authority to make such purchases to include specifically any direct obligation of, or any obligation guaranteed as to principal and interest by, any agency of the United States. The hearings before the Banking and Currency Committees last year pointed up the need for legislative clarification in this area. The Federal Reserve has already made some use of this clarified authority and it should be extended to help achieve continued improvement in the market for securities of Federal agencies.

It would be appreciated if you would lay the proposed bill before the House of Representatives. A similar bill has been transmitted to the President of the Senate.

The Department has been advised by the Bureau of the Budget that there would be no objection to the presentation of this legislation to the Congress and that its enactment would be consistent with the Administration's objectives.

Sincerely yours,

HENRY H. FOWLER.

REMOVAL OF INEQUITIES OF PAY FOR SELECTIVE SERVICE SYSTEM BOARD CLERKS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. HENDERSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HENDERSON. Mr. Speaker, on June 8, 1967, I introduced a bill, H.R. 10718, which would bring the more than 7,500 positions and employees of the local boards and appeal boards of the Selective Service System under the Classification Act of 1949, as amended.

Now that the House has voted to continue the basic organizational entity of the Selective Service System; namely, the local boards, I consider it most timely and necessary to recognize now and to remove the inequities of the pay of the clerks of these boards.

As of October 1966, there were apparently 7,800 local board employees working under 56 different State systems. The salaries of local and appeal board personnel are fixed administratively by the 56 State directors. In some instances local commercial prevailing rates were used as a basis for fixing salaries, in others comparison was made with local government rates and in a few instances general schedule rates contributed a reference point. About a third of the State directors reported no use of local prevailing rates in fixing local board clerk salaries. However, with respect to other aspects of their employment, such as: retirement, annual and sick leave, and competitive status, local and appeal board clerks are treated in the same manner as other Federal employees.

In response to my request, a joint survey was made last December by the Civil Service Commission and the Selective Service System. It was revealed in the survey that these State directors were given broad areas of discretion in setting the annual rates of pay of the local board employees. Here are some typical examples, based on statewide averages for 1966: the average pay for Selective Service System local board clerks for New York was $4,184, yet in neighboring Vermont it was $5,001. In the District of Columbia the average clerk pay was $6,162 and in nearby Virginia, $4,739. The average annual clerk's compensation in Indiana last year was $4,296, but in Illinois it was $4,786. Out on the west coast the average salary of a Selective Service System clerk in Arizona was $5,764, but in California it was $4,902.

This joint survey by the two Federal agencies pointed up the fact that the job of a local board clerk in the Selective Service was at the GS-4 level—$4,776 to $6,216. However, in eight States the pay of a Selective Service clerk averaged near or below the beginning rate of a GS-2 level—$3,925.

In another comparison, the report shows that postal clerks are at the PFS-4 level and in several States exceed the pay of comparable Selective Service clerks by as much as $1,541 a year.

H.R. 10718 will remove these inequities by bringing all employees of the Selective Service System under the Classification Act. Selective Service personnel in the National and State offices are now enjoying these benefits. I believe the local and appeal board clerical personnel should likewise receive the same treatment.

THE SENSE OF CONGRESS WITH RESPECT TO PERMANENT PEACE IN THE MIDDLE EAST

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. BYRNE] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BYRNE of Pennsylvania. Mr. Speaker, I submit a copy of a resolution for printing in the RECORD:

H. RES. —

Resolution expressing the sense of Congress with respect to the establishment of permanent peace in the Middle East

Whereas an internal Middle East conflict inherently endangers the peace and well-being of the world community of nations; and

Whereas an open door in the Middle East is vital to the flow of world commerce; and

Whereas by United Nations declaration Israel legally deserves the status and rights of a sovereign nation and the territorial integrity which such status entails; and

Whereas many thousands lost their lives in the recent Middle East conflict: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that permanent peace in the Middle East can be achieved only if:

1. The existence and sovereignty of Israel is acknowledged by the Arab nations;
2. Freedom of passage in the Suez Canal and the Gulf of Aqaba is guaranteed not only to Israel but to all nations;
3. Final settlement of the boundaries of the State of Israel is made and such boundaries are acknowledged by the Arab nations;
4. Effective restrictions are imposed upon the flow of arms into the Middle East from other members of the world community;
5. All nations address themselves to a final and equitable solution of the refugee problem in the Middle East; and be it further

Resolved, That the House of Representatives, in order that lasting peace may be established in the Middle East, urges the President of the United States:

1. To use all diplomatic resources at his command, including our membership in the United Nations, to work for the accomplishment of the five aforementioned objectives, and
2. To avoid repeating the mistake of 1956 which led to resumption of hostilities eleven years later, by opposing, as a precondition to the discussion and negotiation of the aforementioned five objectives, the relinquishment by Israel of territories possessed at the time the cease-fire was effectuated.

DR. L. P. (JACK) BATJER

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. FOLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. FOLEY. Mr. Speaker, not long ago the Department of Agriculture held special ceremonies here in Washington to present awards to outstanding Department employees from around the Nation—men who have made noteworthy contributions to our Nation. A highest award, the Superior Service Award, was to be presented to Dr. L. P. (Jack) Batjer, of Wenatchee, Wash., a man known and respected around the world for his contributions to agricultural science.

But Dr. Batjer was not present for the ceremonies. He had been stricken by a heart ailment a short time before and, to the very deep sorrow of many, many friends and admirers, Dr. Batjer succumbed to the attack on May 28.

I feel inadequate to pay proper tribute to Dr. Batjer, because his achievements and accomplishments over a distinguished 31-year career with the U.S. Department of Agriculture are too many to enumerate.

Dr. Batjer made contributions of knowledge which literally brought multimillion-dollar benefits to the horticulture industry of our Nation and to farmers around the world.

Dr. Batjer pioneered in developing materials which allow fruit growers to apply sprays to trees and thus accomplish a chemical thinning of the fruit. The practice, by eliminating costly, imperfect hand thinning of the fruit, has had a dramatic impact on the apple industry and in other tree fruits. But that was but one example of his contributions.

Other work he performed has had dramatic effect on improving the quality and keepability of apples and other fruits, to the benefit of farmers and to millions of consumers.

Dr. Batjer was the author of scores of research articles which have become honored documents among scientists. Moreover, he was known and beloved by hundreds of farmers who knew him personally and who deeply feel his loss.

Mr. Speaker, the esteem in which Dr. Jack Batjer was held is illustrated in the following paragraphs of a news story which appeared in the Wenatchee, Wash., Daily World:

> Dr. Robert Lindner, head of the Tree Fruit Research Center and a long-time friend and colleague of Batjer, said the Department of Agriculture research leader's work was known world-wide.
>
> His death is a loss to the entire industry and especially to that of North Central Washington, Lindner said.
>
> Frank Hough, Skookum sales manager said: "He was a man of wonderful character. He was devoted to the industry. I can't think of anyone who would be missed more."
>
> Agreeing was Leo Lowe, manager of the Washington Growers Clearing House Association. He said: "I feel sincerely that he is irreplaceable. His death was a loss not only to our community but to the entire nation's fruit industry for which he did so much."
>
> Phillip L. Isaminger, manager of Wenoka Sales, added: "The contributions which Dr. Jack Batjer made to the fruit industry are many and great. History will set him apart as one of the truly outstanding leaders in horticultural research and fruit production."
>
> "Jack's contributions to the fruit industry go far beyond his scientific accomplishments. His practical approach to complex matters and his ability to communicate with the best researchers and scientists of the world, or with an inexperienced grower on a five-acre ranch set him apart from the average man. His ready humor made him sought as an after dinner speaker."
>
> Batjer was a plant physiologist at the USDA research station at Beltsville, Maryland, from 1936 to 1945, when he came to Washington State and to the USDA and Washington State University tree fruit research here.
>
> Batjer was a member of the American Society for Horticultural Science, was president of its western branch in 1949, and belonged to the Northwest Association of Horticulture, Entomology and Plant Pathology.

THE SPIRIT OF LITHUANIA PERSISTS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Green] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. GREEN of Pennsylvania. Mr. Speaker, we of the United States are dedicated to the right of all men to live in freedom, under a government of their own choosing and by principles for which they maintain a firm belief. In history, time and time again, outrageous events have occurred which are to us so deplorable as to shake our very faith in the decency of the human character. One such event happened 26 years ago this month, and we must recall it now as a lasting and irreparable scar on the history of civilization.

On the night of June 14, 1941, 30,455 innocent Lithuanian citizens were seized by the Soviet army occupying their nation and deported to slave camps in Siberia. Among them were many of the Lithuanian intelligentsia national leaders and hard-core defenders of nationalism for their country. The "crime" that these people had committed was their persistent belief that mankind should be free. The "treason" for which they were punished was their love of nation and their devotion to the idea that they and their countrymen possessed the right to be Lithuanians.

Throughout the long history of Lithuania, the Russians have maintained a singular purpose, that of annexing their small neighbor and annihilating its existence as an independent country. Having failed to convince the Lithuanian people of the "merits" of submerging their identity, prostituting their beliefs and abdicating their birthright in favor of joining the Soviet state, the leaders of the U.S.S.R. decided that the next best move was to exterminate them, and with them, the spirit of a free Lithuania. Exterminate, they did, by the thousands, through mass deportations, coldblooded murders, and mass executions. In the space of a few short weeks, prior to the Nazi takeover of Lithuania, the Russians had succeeded in eliminating over 45,000 Lithuanian citizens. Those who were deported and enslaved in Siberia were subjected to horribly inhuman conditions, brutality, starvation, unbearable cold, and exhaustion.

Following the Nazi occupation during World War II, the U.S.S.R. again moved on the Lithuanian nation and renewed their program of "Russification" before the citizens of the war-torn land had a chance to reassert their identity as an independent government. Thousands fled and thousands were rounded up and sent to Siberia.

Today, Lithuanians continue to struggle under Communist oppression. But, Mr. Speaker, Lithuanian history does not end here, for the Soviets have made a fatal misjudgment of the character and heart of this great people. They have failed to realize that a valiant spirit cannot be murdered even though many men who guard that spirit have been viciously put to death. The Soviets deported the leaders of Lithuania and thousands of strong-minded citizens who bore the dream of Lithuanian freedom, but they did not, they could not kill the spirit of the people. Throughout all these years of Soviet subjugation, brainwashing, and strong-armed persuasion, the Lithuanians today remain a people. They do not call themselves Russian, nor will they ever. They have not forgotten the enslavement of their patriots 26 years ago, and this very deed, calculated to eradicate the existence of a nation, will one day aid in its rebirth. Inspired by the spirit of freedom, that same spirit which dwelt in the many thousands of their countrymen who suffered in Siberia, the Lithuanian people will throw off their Russian captors, reestablish their sovereign nation, and regain their inherent rights as citizens of an independent land.

Today, Mr. Speaker, we share Lithuania's sorrow for her lost compatriots and it is our intense hope that in the very near future, the spirit for which they died will triumph.

A BILL TO SAVE INTEREST COSTS BY REQUIRING ALL FEDERAL BORROWING TO GO THROUGH THE TREASURY

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. Reuss] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. REUSS. Mr. Speaker, I introduce today H.R. 10909, a bill to save interest costs by requiring all Federal borrowing to go through the Treasury.

Mythmaking, I have become convinced, is an almost inevitable byproduct of our Federal bureaucracy. No agency or department—and no administration, Democratic or Republican—seems able to escape this highly contagious malady.

Fortunately mythmaking—while frustrating to the world outside of Washington—is for the most part a harmless and costless diversion.

The classic example of Potomac mysticism is wrapped around all of the operations normally associated with Federal budgetmaking, debt management, and monetary affairs. Here, we have built up a set of rituals and myths that would put a carnival mystic to shame.

At the moment, the Congress is going through its annual ritual on the debt ceiling. In fact, so enamored has the Congress become of this particular ritual that we sometimes perform it several times a year.

Last year we built up quite a bit of excitement concerning something that became known as participation sales. This was just one more extension of the myths around budgets, deficits, and debt management that must leave the average voter in thorough confusion about our fiscal operations.

Of course, the 10-pound budget—with all of its special analyses and explanatory material is a mythmaker all its own. In all fairness to the Budget Bureau and the Treasury Department, let me say that most of these myths have been forced on them by those who, through the years, have concluded that a Federal budget deficit was the original sin. Therefore, to tidy the package, we go through all types of fiscal gymnastics.

This hocus-pocus is not peculiar to any political party or to any administration. The Republicans and the Democrats always find it necessary to engage in a certain amount of it whenever they are in power.

But myths can go too far. They go too far when they obscure poor management and when they add unnecessary costs to the management of the Federal Government's finances.

Mr. Speaker, we have reached the point where the Congress and the administration must face up to their responsibility and replace some of this mystical operation with some cold hard realistic practices.

We need to replace monetary mysticism with commonsense.

Our debt management policies and practices need to be brought up to date—in keeping with the needs of the world's richest country dealing with the facts of life in the last third of the 20th century. We need to throw away the old cliches about debt management. Our present system is costly, wasteful, and unnecessarily cumbersome. Debt management is scattered throughout the Government and at least half a dozen major departments and agencies have grabbed part of the function.

Today, the Department of Agriculture, the Department of Health, Education, and Welfare, the Department of Housing and Urban Development, the Veterans' Administration, the Export-Import Bank, and the Small Business Administration all have authority to go directly into the money markets. They have this authority, notwithstanding the Treasury Department's role as the basic repository for debt management.

Mr. Speaker, such a scheme makes a mockery of the phrase "debt management."

No corporation would engage in such a disjointed scheme. Surely, the Dallas branch of the Ford Motor Co. would not be allowed to go into the money markets for funds independent of the parent company in Detroit. The Ford Motor Co. puts its full companywide credit on the line in seeking loan funds. It would be unthinkable for each of its branches to go into the market willy-nilly without consideration for the total needs of the company. This is so basic that it scarcely merits discussion.

Yet, our Federal Government persists in its hodgepodge approach to debt management. Debt management—if it is to earn that title—must have a single manager. And that manager should be, without question, the U.S. Treasury Department, representing the full weight and force of our Federal Government.

It is basic economic textbook knowledge that tells us what the phrase "the full faith and credit of the U.S. Government" means. This phrase is recognized worldwide. Whatever instrument bears this phrase carries with it the full strength of this great Nation.

Translated in terms of the domestic money market, this means that the U.S. Government can command the lowest interest rates. No instrument, no mortgage paper, no obligation carries a better credit rating than a note or bond marked "full faith and credit of the U.S. Government."

During our consideration of the participation sales bill in May 1966, in the Banking and Currency Committee, I asked Under Secretary of the Treasury Joseph Barr about the meaning of direct Treasury borrowing. Here is the way the exchange went:

> Mr. Reuss: "Secretary Barr, outside of myths about national debt, why do we not get the money for the Federal Government's needs in the cheapest possible way, one that will yield the lowest possible cost to the taxpayers? We now have seasoned Treasury securities ranging from 30-day bills to 20-year bonds. If we can borrow money more cheaply through those, why do we not do it? If this has the result in a further education of Congress and the public on the national debt, we can save millions of dollars by such education. Why not do it?"
>
> Secretary Barr: "Mr. Reuss, no question your route is the cheapest route for the taxpayer and the Government. It is not even debatable."

As Secretary Barr says, the advantages of borrowing through the Treasury—with the full faith and credit of the Nation—are not even debatable.

While I do not agree that the Participation Sales Act was an "evil" as my Republican colleagues believe, this particular device is an unfortunate extension of some of our debt management myths. It is one which the Eisenhower administration toyed with throughout the 1950's, but this fact makes it no more palatable in a Democratic administration. It sacrifices the advantages of direct Treasury borrowing on the altar of the budget deficit.

There is much debate about just how much participation sales will cost the Federal Government in excess interest charges. However, from the testimony of Charles Schultze, the Budget Bureau Director, it appears that the additional costs—above and beyond the cost of direct Treasury borrowing—will be about $55 million on participation sales in the next fiscal year.

Whatever the final figure may be, it is obvious that the Treasury could have obtained the money more cheaply by direct borrowing. Commonsense and good debt management dictates that all the funds that we need to operate the Federal Government should be obtained in the cheapest manner possible.

The actions of the Appropriations and the Ways and Means Committees in this Congress may well make the argument about participation sales moot. But I hope we have benefited in an educational sense. And I hope that this experience can lead us toward a more sensible and coordinated management of all of our debt.

The proliferation of Government loan programs has heightened the problems of our debt managers in recent years. This undoubtedly was one of the reasons why the participation sales route was tried. I have supported consistently the great majority of these loan programs and I think that they have done wonders for our country. I want to see them strengthened and not weakened. Better debt management will provide a firmer footing for all of these programs.

I am most concerned about areas in which individual credit programs are able to go directly into the money market without regard to other debt management activities of our Federal Government. There is a degree of coordination with the Treasury, but for the most part it is loose and carries only the vaguest statutory guidelines.

It is possible for the Farmers Home Administration or the Export-Import Bank to go into the market on any morning without regard to what the Treasury might be planning. It is possible for one of these agencies to be in the market within hours of a major sale of U.S. Treasury securities.

Such a situation represents poor management. But this poor management can turn into chaos if a series of uncoordinated borrowings are made at a time when the money markets are either unprepared or unable to properly handle the offerings. The consideration of when the Treasury should borrow in the money markets should be a full-time job of the debt managers within the Treasury Department. They should handle all borrowings for the U.S. Government.

The agencies needing funds should be required to go directly to the Treasury and not to the money markets. This can be accomplished without affecting any of these Federal credit programs. The loan-making ability of these agencies would not be touched in any manner. They would still be governed by whatever authorizations and appropriations were given them by the Congress.

The difference would be that the individual agencies would obtain their funds from only one source—the U.S. Treasury.

In this manner, the U.S. Treasury could fully coordinate and properly manage the borrowings of the U.S. Government. The Treasury could then move into the market when conditions were right and when they could obtain money at the lowest rate. They could also borrow with the full faith and credit of the U.S. Government behind each transaction. There would be no concern over the shadings of legal opinions about paper issued by individual agencies. All borrowings would then be made at the cheapest possible rate of interest.

Mr. Speaker, under my proposal, an agency needing funds—funds that had been authorized and appropriated—would notify the Treasury. Within 60 days, the Treasury would be required to furnish the funds. The Treasury would be authorized to raise the funds in any manner which its debt managers felt were the most advantageous at any given moment. At times—when the money markets are tight—this might come from existing surpluses on hand at the Treasury. At other times, the Treasury would find it best to go into the market and borrow the funds requested by Fannie Mae or some other agency.

My bill would authorize the Treasury to pay whatever interest rate was necessary to meet the requests of the agency. This authority would extend only to the sums properly authorized for the Federal credit agencies by the U.S. Congress.

Coordination would be an obvious plus in this plan. But my proposal would also mean a substantial savings in dollars and cents. Last year, paper issued by the Farm Credit Administration was going for as high as 6 percent, while at the same time, the Treasury was borrowing—at least on 91-day bills—for more than a percentage point less. Yesterday FNMA participations were announced at 5.25–5.5 percent, at a time when Treasury bills are being sold at less than 4 percent.

So it is obvious that the U.S. Treasury can borrow directly at a substantially lower interest rate than can be attracted by any single agency of the Government. It is not unusual for this saving to represent a full percentage point. At times, it is possible that the spread would be even greater.

In the current budget—for fiscal 1968—the administration is asking for $5,275,000,000 in authorizations for direct sales and participation sales of loans by major Federal credit programs. As the country grows, the needs of these and new Federal credit programs will undoubtedly multiply. This five billion dollars in the 1968 budget is a substantial sum. It should be raised in the cheapest and the most coordinated manner possible. And once again, Mr. Speaker, I submit that this can be done only through direct Treasury borrowing.

Under the proposal that I am introducing today, the control of the Congress over these credit programs would not be changed in any manner. The Congress right to determine the objective, form, content, and the total funds for all programs would remain.

What would be changed—what would prevail—under my bill would be a rational approach to financing the various programs of the Federal Government which now in whole or in part rely on the private market for funds.

Under my legislation, the Congress could see these programs placed in the budget in one place and quickly ascertain their impact on the rest of the budget. One could easily determine what appropriate debt and monetary policy should be provided in light of the impact of these programs on the rest of the budget and the borrowing at large.

In conclusion, Mr. Speaker, my bill would provide the following:

First. Administration costs would be reduced.

Second. Interest costs will be reduced.

Third. Debt management and monetary policy would be facilitated, leading to lower costs and greater efficiency.

Fourth. The ability to measure the impact of Federal lending, insured and guaranteed loan programs on the Federal budget and the economy would be greatly improved.

Fifth. The Congress would finally be able to determine the real needs of the credit section of our Federal budget, both as regards the individual components and in the aggregate the relationship to the other parts of the budget.

The text of H.R. 10909 follows:

H.R. 10909

A bill to amend the Federal National Mortgage Association Charter Act to provide that the Secretary of the Treasury shall have responsibility and authority for Federal debt management

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. This Act may be cited as the "Debt Management Act of 1967".

Sec. 2. Section 302 of the Federal National Mortgage Association Charter Act is amended by adding at the end thereof:

"(d)(1) Notwithstanding the provisions of subsections (a), (b), and (c) of this section, after the date of enactment of this subsection, no department or agency of the United States may issue any obligation which yields interest or other return to the holder, unless such obligation is issued to or by the Secretary of the Treasury.

"(2) Any such department or agency which, prior to the enactment of this subsection, was authorized to issue any such obligation (otherwise than to the Secretary of the Treasury) is authorized, subject to paragraph (3) of this subsection and to all other requirements imposed or authorized by law, to issue the same to the Secretary of the Treasury, and the Secretary of the Treasury shall, as expeditiously as may be consistent with sound debt management but in no event more than 60 days after written request by the issuer, buy any such obligation from the issuer.

"(3) The investment yield of any obligations issued pursuant to paragraph (2) shall be fixed by the Secretary of the Treasury at a level which he estimates would be sufficient to recover the interest and administrative costs to the Treasury of raising a like amount of funds by issuing obligations of comparable maturity under paragraph (4) of this subsection.

"(4) The Secretary of the Treasury, with the approval of the President, is authorized to borrow on the credit of the United States such sums as may in his judgment be needed to buy obligations under paragraph (2) of this subsection, and for this purpose he may issue and deal in bonds, notes, bills, and similar obligations in such form and on such terms as he may determine, but the total amount of his borrowings under this paragraph outstanding at any time shall not exceed the total amount of obligations bought under paragraph (2) and held by him at such time.

"(5) Nothing in this subsection shall abrogate any authority of the Secretary of the Treasury otherwise conferred by law."

INLAND WATERWAY SYSTEM AN ECONOMIC BOON TO THE NATION

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. Fulton] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. FULTON of Tennessee, Mr. Speaker, the development of our inland waterway system has been an economic boon to this Nation.

The continued development of our inland waterway system, therefore, is a practical economic must for this Nation.

Such projects are undertaken only after painstaking study and evaluation to insure their economic feasibility and justification.

Nonetheless, a concerted and continuing effort is maintained to hinder, halt, and harass the program.

An example of this campaign is the recent article which appeared in a national publication which not only attacked a specific program, but the personal integrity of one of the staunchest promoters of waterway development in the Congress.

The article was cleverly contrived but fortunately its fabric and intent were very transparent to those who know the facts.

Of those who do know the facts no one is more eminently qualified to speak than Col. Gilbert M. Dorland, a retired officer of the U.S. Army Corps of Engineers, who is now president of the Nashville Bridge Co. of Nashville, Tenn.

Colonel Dorland is an expert in the waterway development and as such has analyzed the attack on this particular article, bringing into perspective its full intent.

This study appeared in the Sunday June 11, 1967, edition of the Nashville Tennessean under the title of "Tennessee Tom Is Under Fire."

Mr. Speaker, under unanimous consent I include the article in the Record at this point and commend it to my colleagues for their consideration:

Tennessee Tom Is Under Fire!

(By Col. Gilbert M. Dorland)

Billions of dollars in new plant investment since World War II have transformed from a hopeful slogan to a formula for economic development the words of the late Sen. Robert Kerr: "Where waterways go, there industries grow."

Tennesseans well understand the full meaning of the phrase coined by the late senator 30 years ago when he began his campaign for the Arkansas River waterways system.

A BATTLE FOR JOBS

The problem is that people in other areas, less exposed to navigable waterway development, and less aware of what it does for a region, often are persuaded by one-sided arguments of the opposition, which on their face may be convincing.

Few realize that the continuing motivation for most of these arguments is a desire to freeze concentrations of industrial jobs in their present geographical locations.

In a generation when mobility of highly skilled work forces is great and the universal desire of those who produce is to escape the mounting headaches of existing urban society, the temptation upon even the heaviest investment industry is to migrate. Every technological break-through, every transportation or other cost shaving adds to the temptation.

Such a rational examination of motives helps us to understand the attack on the proposed Lake Erie-Ohio River Waterway carried in the June issue of Readers Digest Magazine.

It is cunningly written; and, as so often happens, attacks the project through its sponsor. Much of what is said is reminiscent of similar earlier articles in the same magazine, or of statements that have appeared on water resource development in other parts of the country.

I can recall similar indictments of the Arkansas River development; the Tennessee River development, the Cross Florida Barge Canal—even to a certain degree, the construction of the Barkley project on the Cumberland River.

I was the Nashville district engineer of the U.S. Army Corps of Engineers when the attack on Barkley was near the peak of its intensity. A little book attacking Barkley and literally filled with clever distortions of economic facts was prepared and printed. Foes of river transportation bought from the publisher in lots of 1,000 copies and distributed the book free across the country.

SMEAR JOB

The volume bristled with statements like these from Readers Digest's official press release on its June article:

"Don't ever tell Mike Kirwan that money can't buy happiness. He knows better.

"America's taxpayers—that's you and me, fella—are about to spend just over a billion dollars to purchase a rather large chunk of happiness from 80-year-old Mike, who besides being a charming guy is also one of the most powerful men in the United States Congress.

". . . Mike is about to shove down our throats a 120-mile ditch that almost nobody wants—nobody except Mike and a few vested-interest types. . . ."

In his reply to the article, Representative Kirwan, a great friend of the Tennessee-Tombigbee, Waterway—by the way—made clear that he visualizes no immediate construction of the proposed Great Lakes-Ohio River connecting link. He simply is asking Congress for a continuation of survey funds so that the Corps of Engineers can continue refining its economic data.

If the Readers Digest piece proves to be the opening gun for a grand assault on river transportation, designed to side-track a particular waterway, what region and what project is likely to get it in the neck?

My guess is that the intended victim is Tennessee-Tom.

The states of Tennessee, Kentucky, Mississippi, and Alabama that are sponsoring the drive for Tennessee-Tom have planned to seek initial construction funds next year. Appeals to the Budget Bureau, the President, and the Congress for funds to start this project now are undergoing the thorough documentation of costs and benefits that is necessary before final funding ever is a possibility. The fancy will be squeezed out of the financial facts. The presentation will be a bare bones one.

Most of us who are familiar with the deceptive tactics of the powerful anti-waterways lobby long have suspected that eventually our own waterway would be elevated to top target position. No other region's plans call for starting construction of a great regional waterway in 1968.

Thus it is much more likely that our 235-mile water route from Pickwick Lake to Demopolis, Ala., the present head of navigation on the Tombigbee River, is the true target of this newest broadside.

The people of this region, due to some precedent shattering development of the Tennessee, the Cumberland, the Green, the Ohio, and Tombigbee-Warrior, don't need to have re-emphasized for their benefit the improvements Tennessee Tom will bring for their economies.

NEW INDUSTRIES

An additional commerce of 12.5 to 15 million tons of freight carried at an annual savings of $13 to $15 million over existing transport alternatives is a base large enough to serve as foundation for dozens of new major industries.

Let us take some of our time, if we please, to defend Mr. Kirwan from the calumnies of this particular assault.

Fortunately, however, his reputation and his stature is sufficient that most informed Americans who are interested in such issues already know him. They appreciate his great services to the development of the natural resources of this country. Readers Digest, to the contrary notwithstanding, Mr. Kirwan is well and favorably known far beyond the confines of his Youngstown, Ohio, district.

Even those foes of river development who supplied the magazine with the set of distortions masking as fact, know Mr. Kirwan. They have learned to fear as well as respect him, as honest and able men usually are feared and respected by some.

BETTER SPENT

The time we might spend defending Mr. Kirwan, for these reasons, might be better spent educating ourselves on the full merits of Tennessee Tom, sharpening our presentations, and broadening our support.

It could very well be that the Readers Digest article has made us aware of these facts:

That it won't be an easy job to get our big waterway under construction next year.

That sharpies are out to gut our requests for appropriations. If the magazine has made us aware—and alert—to these dangers, we might even say "thank you" to its editors.

VIOLENCE IN OUR CITIES

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. Fulton] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. FULTON of Tennessee. Mr. Speaker, the need for effective legislation to curb the organized wave of terror that has erupted into violence in cities across our Nation becomes more critical each day.

Riots have reduced entire sections of our cities into what in effect are war zones. Burning and looting has resulted in the destruction of millions of dollars of property. Lives have been lost. Small businessmen in these riot areas have suffered tremendous losses, and insurance companies will no longer write policies.

I am convinced that these riots have been deliberately planned.

They have followed a distinct pattern. Almost invariably an individual well known for his call to violence, or one of his followers, has arrived on the scene and shortly afterwards, another community has been torn by rioting mobs.

My own city of Nashville, Tenn., has been the victim of such an invasion by mob leaders and has experienced the nightmare of burning and looting.

In Nashville's case, the catlyst was the hate-venom espoused by Stokely Carmichael.

In recent correspondence with the Department of Justice, I have been advised that the legal definitions of "treason" and "sedition" are so narrow and restrictive that it would be virtually impossible to convict these professional rabblerousers on such charges.

The Justice Department stated that incitement to riot is generally a violation of State, county, or municipal law, regulation or ordinance, and is customarily handled by the appropriate local authorities.

If this is the case, then the duty and responsibility of the Congress is clear. There is an urgent need that the Congress enact Federal legislation that will provide effective protection to our cities against individuals and groups who are now moving from State to State in a planned and organized pattern of violence.

I have therefore, joined with a number of my colleagues in the House of Representatives and am introducing legislation that would amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance.

Such Federal legislation will be a major step in putting an end to these roving bands of agitators who are making a mockery of our constitutional guarantees of freedom of speech and movement.

There can and should be no difficulty in distinguishing these acts from peaceful demonstrations or marches of protest for redress of legitimate grievance. This is a basic valid expression of protest in this Nation and is protected by our Constitution. I favor such action as a legitimate vehicle of free expression.

IMPROVED RETIREMENT FINANCING

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Daniels] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. DANIELS. Mr. Speaker, during my years as a Member of this body, and particularly during my tenure on the Committee on Post Office and Civil Service, whereby I am privileged to serve as chairman of the Subcommittee on Retirement, Insurance, and Health Benefits, I have become increasingly concerned with the financial condition of the civil service retirement and disability fund.

My serious concern is shared by any number of my colleagues in both Houses of Congress, by the members of the Appropriations Committee, by the Civil Service Commission, its Board of Actuaries, the Bureau of the Budget, and by the General Accounting Office.

It is now estimated that, under existing funding practices, the unfunded liability of the civil service retirement system approaches the astounding sum of $50 billion; that the deficiency will continue to grow by more than $1½ billion yearly; the outgo will exceed income within the next 7 years; and that the fund's $17 billion balance will be entirely exhausted within 20 years.

Now, Mr. Speaker, I believe we are all aware that this problem has not developed overnight. It is, most certainly, the result of 47 years of inadequate financing. Federal employees have been required by law to contribute their full share. However, while the Government has appropriated considerable sums to the fund, it has not been required by law to regularly and systematically contribute amounts necessary to meet that part of accruing costs not covered by its employees' contributions.

The obligation of the Government is quite clear. Recognizing the problem is, indeed, easy. Finding solutions that will be in the best interests of the Government, the employees, and the public will, however, not be so easy. It is imperative, nevertheless, that we face this obligation, promptly and realistically.

Mr. Speaker, I have introduced, upon the request of the Chairman of the U.S. Civil Service Commission, a bill incorporating a financing proposal recommended to the President by his Cabinet Committee on Federal Staff Retirement Systems, and endorsed by him last year.

Any answers the Committee on Post Office and Civil Service may find to resolve this serious problem will surely have a substantial impact upon the administrative budget, but we have solemn commitments that we are deeply obliged to honor. I am confident every Member of the House will support a common effort toward initiating a definite program to improve the financing of a system wherein the rights and welfare of millions of Federal employees and their families are involved.

CONGRESSMAN CLAUDE PEPPER INTRODUCES H.R. 10644, A BILL TO REVISE THE QUOTA-CONTROL SYSTEM ON THE IMPORTATION OF CERTAIN MEAT AND MEAT PRODUCTS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. PEPPER. Mr. Speaker, U.S. imports of meat in 1966 totaled 1,267 million pound—product weight—compared with 1,006 million pounds in 1965, an increase of about 26 percent.

Meat subject to import quotas under Public Law 88-482, enacted in August 1964, limits the volume of imports of certain meats, primarily beef and veal. The limits are related to domestic production of these meats. In 1966, imports of these meat products totaled 823.4 million pounds—product weight—compared with 614.2 million pounds in 1965, an increase of 34 percent. Current estimates indicate that imports of these meats will exceed 900 million pounds during 1967.

The current quota law provides that if yearly imports of these meats are estimated by the Secretary of Agriculture to equal or exceed 110 percent of the adjusted base quota for the year, the President must proclaim a quota on imports. The adjusted quota for 1967 is 904.6 million pounds. Under our present law, therefore, these imports will have to reach 995 million pounds before the quota can become effective.

The proposed legislation, H.R. 10644, introduced June 7, 1967, provides for changing the current meat import quota law in at least three major respects:

First. It wipes out the extra 10 percent of imports now permitted before quotas are legally applicable.

Second. It changes the period on which the total quota is based. The base quota in the present law, for total imports of fresh, chilled, and frozen beef, veal, and mutton, is set at 725,400,000 pounds which was approximately the average importation of those products during the 5-year period 1959-63. In H.R. 10644 the base is set at 585,500,000 pounds, the average annual volume of imports during the period 1958-62, a much more representative period. However, this may be increased or decreased for any year by the same percentage that estimated annual domestic commercial production of these products increases or decreases in comparison with the base period 1958-62.

Third. It would give authority to the executive branch to impose quotas on importation of other meat products, including processed meats, if necessary to prevent an excessive flood of those products into the United States.

It is important that effective import quotas are provided with respect to meat imports to protect our domestic producers from the constantly increasing imports of cheaper meats produced in low-wage and low-cost areas.

Early enactment of H.R. 10644 will be an important step in protecting the income of our domestic livestock producers.

THE WORKMEN'S BENEFIT FUND CELEBRATES 26TH ANNIVERSARY

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. ADDABBO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ADDABBO. Mr. Speaker, this month, the Workmen's Benefit Fund of the United States of America celebrated its 26th quadrennial convention in New York City.

Since its founding in 1884, the Workmen's Benefit Fund has demonstrated the kind of humanitarian ideals and progressive thinking that are attributed to great individuals or organizations which history records as ahead of their time. When a few German immigrants banded together in those early years to provide each other with security in times of illness or death, the concepts of health insurance and death benefits for the workingman and his family had not taken root in American society. Today it is unthinkable that these benefits—and many more, endowed both by Government and business—should not exist.

What this organization has accomplished in the last 83 years is nothing less than revolutionary. By marshaling together the funds of workingmen to aid in times of family crisis, they helped destroy a laissez faire atmosphere in this country which was always more of an escape-hatch through which Government and business avoided its responsibilities to the worker than it was the moral prerogative of an age. I am sure that pension funds and numerous other employee benefits are in no small way the result of the Workmen's Benefit Fund and a few other organizations like it.

VIETNAM CASUALTIES: LOYALTY AND SACRIFICE

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BROWN] may extend his remarks at this point in the RECORD and include tables.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BROWN of California. Mr. Speaker, much has been said in this great Chamber about loyalty. Loyalty of our troops, loyalty of our people, loyalty of our allies, and so forth. But what about sacrifice? Who sacrifices to carry on the open-ended, bloody war in Southeast Asia? I realize it is not easy, of course, to pinpoint sacrifice or, if you prefer, contribution to the war effort. And, in a real sense, we all—like it or not—make a contribution. In any event, I have with me a few statistics and comments on this subject which I wish to share with the Members of this House.

The casualties among our young men in Vietnam continue to mount. Hardly a week passes with less than a hundred American deaths. The casualties these past few weeks have been the highest of the war. And, the sad thing is that most knowledgeable observers expect the war to go on and on for years. The extent of our involvement in Vietnam, as well as the weekly sacrifices which we are making there, are reflected in this recent clipping from the Washington Post:

GI DEATHS TOP 10,000; NEW FIGHTING IN DMZ: 337 IN WEEK SETS RECORD

(By George C. Wilson)

A record high of 337 U.S. troops were killed in Vietnam last week, pushing the total for the war over the 10,000 mark. This is about a third of U.S. fatalities in the Korean War.

The latest figures were released by the U.S. Military Command in Saigon at a time when the Johnson Administration in Washington was pondering where to go next in the war.

Although the unusually heavy fighting last week resulted in the high casualties, the 1967 total of battle deaths threatens to approach 10,000—or double the 1966 figure.

The exact figure of the total U.S. servicemen killed from the beginning of the Vietnam War through May 20 is 10,253. This compares to 33,629 American troops killed during the Korean War.

The United States now has 453,000 troops in Vietnam.

The Marines' heavy casualties in attacking Hill 881 plus such other intensive actions as the sweep through the Demilitarized Zone are obviously taking their toll of lives.

Heavy casualties have even set off a debate at lower levels of the Pentagon on whether the leadership at the top is following the best strategy on the ground in South Vietnam.

Some elements of this debate figure in current discussions on future troop levels in Vietnam. The planned ceiling is 470,000, with some military leaders arguing that the war could be won faster with less casualties if they had more troops.

The Marine Corps leadership contends it needs more men to continue its pacification program on the one hand and keep the enemy off balance on the other. But there are some Johnson Administration officials who argue that the Marines have overcommitted themselves; tried to do too much with too little in the I Corps at the northern end of South Vietnam.

The growing casualty lists are more likely to strengthen the hand of those in the Government trying to hold the line against further escalation.

Besides the 10,253 battle deaths, thus far, another 2058 men died in Vietnam from accidents and other non-combat causes. This brings the U.S. death toll of the war to 12,311.

The figures for the South Vietnamese and enemy troops are even bloodier.

Pentagon figures show that from 1960 through May 20, 1967, South Vietnamese battle deaths totalled 48,700 troops.

In that same period, the Pentagon estimates show a total of 203,200 enemy soldiers killed.

Adding the American, South Vietnamese

> and enemy battle deaths together gives a total of 262,153. This death toll approaches the 291,557 U.S. servicemen killed in World War II.
>
> Wounded statistics also tell a grim story. The latest Pentagon figures show 61,425 U.S. servicemen wounded so far in the war.
>
> The total of U.S. wounded was 30,093 for all of 1966 compared to 23,687 for the first five months of 1967. If the wounded rate continues at its present level, the U.S. total for 1967 alone could approach 50,000.
>
> Last week the wounded toll was 2282 Americans, according to the military command in Saigon. Another 31 U.S. servicemen were missing.
>
> Adding last week's death toll of 337 to the 2282 wounded gives an overall casualty total of 2619. The previous record for Americans killed in a single week was 274 for the periods ending March 25 and May 6. The previous record loss in killed and wounded was the week of May 6 when 1748 were wounded for a total of 2022 casualties.
>
> The U.S. military command in Saigon said last week's fighting also exacted a heavy toll on the enemy, with 2464 North Vietnamese and Vietcong claimed as killed. The record claim of enemy killed was 2774 for the week ending March 25.
>
> There have been congressional challenges that the Pentagon is overstating enemy casualty figures, Rep. Joseph McDade (R.-Pa.) said on Wednesday that his own tally of Pentagon figures show that there were 200,000 more enemy casualties claimed than there were troops reported doing the fighting. He challenged Defense Secretary Robert S. McNamara to explain what the Congressman saw as a discrepancy.
>
> Enemy casualties are at best an estimate, since both the North Vietnamese and Vietcong usually try to drag their wounded and dead off the battlefield.
>
> The reports on U.S. casualties have not been seriously challenged, however.
>
> Back in January, Henry Cabot Lodge, then U.S. Ambassador to South Vietnam, predicted U.S. war casualties would decline in 1967 because of the "sensational" military gains. But if last week is any indication, the total of U.S. killed and wounded could well top 100,000 for 1967.

WAR TOLL SINCE 1960

> The Defense Department figures below compare the U.S., South Vietnamese and enemy forces killed in action in the Vietnam war since 1960 (the 1967 figures are estimates reached by projecting losses to date for the full year):

	United States	South Vietnam	Enemy
1960	0	2,200	5,700
1961	11	4,000	12,000
1962	31	4,400	21,000
1963	78	5,700	21,000
1964	147	7,500	17,000
1965	1,369	11,000	35,500
1966	5,008	9,500	55,500
1967	8,600	11,000	87,000

Equally as elucidating is this excerpt from a speech given last week in the Senate by the able Senator from Virginia, the Honorable HARRY BYRD, JR. The Senator cited the tragic losses of 1966 and projected the possible further tragedy for 1967:

> Yet Ambassador Goldberg has consistently refused to demand economic sanctions against North Vietnam, a country which is at war with the United States; a country at whose hands the United States suffered 35,000 casualties in 1966; a country at whose hands the casualty rate, if it continues as it has for the first 4 months—let us pray to God that it will not—will mean 65,000 casualties for the year 1967.
>
> Mr. GORE. Mr. President, will the Senator from Virginia yield?
>
> Mr. BYRD of Virginia. I yield to the Senator from Tennessee.

I also direct the attention of my colleagues, Mr. Speaker, to the following statistics which were released last month by the Department of Defense. The Defense Department's statistics now enumerate the home States, ranks, and ages of the 7,826 servicement killed by the enemy up to March 1, 1967:

> For the first time in more than six years of U.S. involvement in Viet Nam, the Defense Department last week issued a detailed tabulation of American war dead. The breakdown enumerated the home states, ranks and ages of the 7,826 servicemen killed by the enemy up to March 1, 1967. Items:
>
> California, the nation's most populous state, took the heaviest losses: 683 dead. New York, second most populous, had the second highest toll; 530. Next were Pennsylvania, 484; Texas, 442; Ohio, 388 and Illinois, 378.
>
> Southern states—a point not made by the Pentagon—suffered proportionately higher losses than other regions: *e.g.*, Alabama, 196; Georgia, 200 and North Carolina, 228.
>
> Among the total combat dead were 6,878 enlisted men, 868 officers and 80 warrant officers, which corresponds closely to overall numbers by rank in the armed services.
>
> Of all age groups, the greatest number of servicemen who died were 20 years old (1,340), followed by 19-year-olds (1,178), and 21-year-olds (1,076).
>
> Though the proportion of Negroes to whites in Viet Nam is higher than the domestic civilian ratio (23% *v.* 11%), the Pentagon issued no comparative figures on their casualties. Because a great number of Negroes volunteer for the riskier assignments, their losses presumably are relatively higher.

Following last month's insult by Time magazine on the Spanish-speaking community of Los Angeles, I chastised that publication for allowing such a gross distortion of the true character and meaningful contribution of these citizens to our Nation. Contrary to the base article entitled "Pocho's Progress" in the April 28 issue of the nationally circulated magazine, the contributions of the Mexican-American community are many. There is one special contribution which I feel that our entire public should be more aware of, the sacrifice which has been made in the past, and that which is presently being made 6,000 miles away in Southeast Asia by Americans of Mexican descent.

I have with me, a few statistics compiled with the assistance of the office of the adjutant general from the State of California, which will strengthen and clarify the points I will make in my remarks today. These figures show that during 1966 there were 125 casualties as a result of the hostilities in Vietnam from the county of Los Angeles, Calif. Twenty-two of them were of Mexican descent. The U.S. census of population shows that Spanish-surnamed persons comprise roughly 9½ percent of the population of Los Angeles County. This means, then, that a group comprising 9½ percent of the Los Angeles County population is suffering 17.6 percent of the deaths in Vietnam, based on this analysis of those who listed an address in Los Angeles as their place of residence. In all fairness, I should point out to you that I was cautioned that a small number of those both Mexican-American and non-Mexican-American who listed their place of residence as Los Angeles County, may, for all practical purposes, be citizens of another State.

What do these statistics mean? What can we deduce from them? Obviously, many things. In the first instance, one is tempted to wonder about the inequities of the Selective Service System or, perhaps, the socioeconomic conditions in this country which very much determine who will be inducted into the military service and who will not. And, more positively, there is the question of patriotism on the part of those who volunteer.

It is common knowledge that Negroes, Mexican-Americans, and those persons generally in the less affluent sector of our society, bear a heavier burden than most, simply because they do not qualify for or cannot afford the methods of obtaining deferment status—primarily attendance at an institution of higher learning. This point is hardly debatable.

Another inequity is immediately evident upon viewing the makeup of local draft boards across the country. The President has, in fact, instructed the Director of the Selective Service to insure that local boards are more representative of the communities they service and to submit periodic reports of the progress of this effort. This move is particularly significant for the Mexican-American community, since its participation in local boards is quite limited. The chart shown below, which was taken from a recent report of the National Advisory Commission on Selective Service, reflects such an inequity. Although the category which includes Spanish-speaking Americans, also includes Orientals and Indians, the figures are quite meaningful and tragic, since in all of the five States listed one discovers that Spanish-speaking Americans comprise the vast majority of this category:

State	Percent of Spanish-Americans, Indians, orientals on local draft boards	Percent of Spanish-Americans, Indians, orientals in the population	Percent of Spanish-Americans (1960 census)
Arizona	4.8	21.8	14.9
California	4.4	11.5	9.1
Colorado	2.0	9.7	9.0
New Mexico	31.4	34.4	28.3
Texas	5.3	15.0	14.8

Last year, I reported to you that in one of the areas in Los Angeles County where there is a heavy concentration of Mexican-American citizens, there are three selective service boards in operation. I also indicated at that time that only one member from these boards was of Mexican-American descent. That, in all of Los Angeles County, with more than 600,000 Mexican-American citizens, there seemed to be only three draft board members from this ethnic background.

A concerted and cooperative effort carried out by local citizens, the State of California Director of Selective Service, and my offices, has rectified this imbalance somewhat. A few appointments have been made, and I believe there is a sincere desire by Selective Service to place more Americans of Mexican descent on local draft boards in California. But, I hasten to add, there are still less than a dozen sitting on the local draft boards of Los Angeles County, and we have a long way to go before we arrive at an equal and just representation.

We know that the whole concept of selective service itself has been the target of much criticism lately. However, that is an entirely different subject, which I expect to discuss at a later date. Rather, let us take a close and hard look at the statistics I presented earlier.

I submit to you that from any angle that we analyze these statistics—and let us not forget that each one of these figures stands for a human being—the one fact that stands out clearly is that deaths of Spanish-surnamed persons from Los Angeles County account for twice their ratio of the total county population. The truth is, that a large number of Americans of Mexican descent are drafted into military service, and a large number of those killed last year were draftees. But my statistics also reflect that a larger number of these young men were volunteers, men who voluntarily chose to serve their country.

These men sought no special recognition for serving their country, they sought only to do their share. But notwithstanding this selfless demeanor, this Government has recognized them for their outstanding contribution to our war efforts. They have proven themselves to be among the most gallant and courageous Americans. The proof is plain and incontestible. Eighteen Americans of Mexican descent have been awarded the Congressional Medal of Honor, the highest medal for valor that this Nation can bestow upon one of its fighting men. I seriously doubt that any ethnic group in this country can boast of such a magnificent achievement.

A great wealth of information on this subject is contained in an excellent book entitled "Among the Valiant," written, I am proud to say, by one of my former constituents, the late Mr. Raul Morin, a highly respected and admired American of Mexican descent from Los Angeles County.

At this point, Mr. Speaker, as an example of the gallantry I am citing, I offer for insertion in the CONGRESSIONAL RECORD, the Medal of Honor commendation awarded posthumously to Sp4c. Daniel Fernandez at a recent White House ceremony which I had the great privilege of attending:

> The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor, posthumously, to Specialist Four Daniel Fernandez, United States Army, for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty:
>
> Specialist Four Daniel Fernandez distinguished himself by gallantry and intrepidity at the risk of his life above and beyond the call of duty on February 18, 1966 while serving as a member of an eighteen-man patrol engaged in a vicious battle with the Viet Cong in the vicinity of Cu Chi, Hau Nhgia Province, Republic of Vietnam. Specialist Fernandez demonstrated indomitable courage when the small patrol was ambushed by a Viet Cong rifle company and driven back by the intense enemy automatic weapons fire before it could evacuate an American soldier who was struck down in the initial attack. Special Fernandez and three comrades immediately fought their way through devastating gun fire and exploding grenades to reach the fallen soldier. After the volunteers reached their fallen comrade and attempted to return to their defensive positions, a United States Army sergeant was struck in the knee by .50 caliber machine gun fire. Specialist Fernandez rallied the left flank of his patrol, went to assist in the recovery of the wounded sergeant and, while first aid was being administered to the wounded man, an enemy rifle grenade landed in the midst of their group. Realizing there was no time for the wounded sergeant or the other men to gain protection from the grenade blast, Specialist Fernandez threw himself on the grenade as it exploded, saving the lives of the four men at the sacrfice of his own. Specialist Fernandez' profound concern for his fellow soldiers, his conspicuous gallantry, and his intrepidity at the risk of his life above and beyond the call of duty are in the highest traditions of the United States Army and reflect great credit upon himself and the armed forces of his country.

That a disproportionate number of these young men are in combat units in Vietnam should not come as a surprise to anyone. They have in large part volunteered for such duty, and I believe we can expect that they will continue to volunteer for this hazardous action as the war drags on.

I want to point out, Mr. Speaker, that my study is not unique. One can find the same results in a survey conducted by my esteemed colleague, the gentleman from Texas, Congressman HENRY B. GONZALEZ. For 1966, Congressman GONZALEZ had the Vietnam casualty figures analyzed for San Antonio—a city in which 41 percent of the population is of Spanish surname—and discovered that Mexican-Americans comprised 15 of the 24 deaths from that city or 62.5 percent of the total. It was found that most of those men had been drafted.

I sincerely believe that an analysis on this subject in any area where there is a concentration of Spanish-speaking people, would bear out the same message—that Americans of Mexican descent are doing more than their share in our military efforts. We should recognize this fact, and not forget it.

Mr. Speaker, I come now to a topic which I had initially decided to leave out of this speech, but I prefer that it be said. It will not come easy, and I realize it will cause some uneasiness for a few persons, both within and outside this great Chamber. But, in a real and fundamental sense, it is a topic of the greatest significance to our young men who are on the firing line in Vietnam, and I feel compelled to speak out in their interest.

I hope that those who continue to extoll the virtues, loyalty, and patriotism of our first-class fighting men in Vietnam, accept them, if and when they return, as first-class citizens. There are those who will fail to do this. And it is a sad prospect indeed. This hushed hypocrisy has disturbed me for some time. Everyone accepts a first-class fighting man who puts his life on the line for his country and may mourn as the casualties pour in, but who can truthfully say that those men who will return to their neighborhoods across this land, will be welcomed home and accorded the treatment of first-class citizenship? The overwhelming percentage undoubtedly will, others will not.

However, those facts notwithstanding, I believe there is one thing of which we can be certain. As a consequence of this bloody war in Southeast Asia—which is supposedly to guarantee the freedom and independence of the Vietnamese people—our servicemen returning from implementing these noble goals in Southeast Asia, will not be in a mood to accept a lesser goal in America. Can we blame them? I think not.

Equally as important, Mr. Speaker, is our commitment to freedom and progress in our own Nation. As we ponder and vacillate before we act in carrying on our own domestic war on poverty, we ought to remember all of our fighting men around the world who rightfully expect that we continue our efforts to make this a better country for them and their families.

We must also do our share.

FISCAL NAIVETE OF MAYOR LINDSAY OF NEW YORK CITY

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MURPHY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MURPHY of New York. Mr. Speaker, yesterday we saw another example of the fiscal naivete of Mayor Lindsay, of New York City. The mayor was given a record budget of over $5 billion to spend for the next fiscal year. The budget, however, was $5.9 million short of what he had requested, so he vetoed the entire package.

Surely the mayor of New York City has more to worry about than a cut representing less than one-half of 1 percent of the total budget. Considering the deteriorating fiscal situation in New York City, I would say that he has a great deal more to worry about. According to Moody's, the city "recently has dramatized its plight by resorting to the avails of eight of the monthly State-run lotteries."

At the same time the city began playing the lotteries, the bond rating of New York City dropped one-fourth of 1 percent, and it was no coincidence. According to Moody's, bond investors "prefer a situation founded on stability, progressive fiscal conservatism." The lottery can hardly be considered stable or conservative. Although the drop seems small, according to Roy M. Goodman, city finance administrator, it represents almost $50,000,000 which the taxpayer will have to pay. Lotteries can be an expensive proposition.

In a recent article in the May 22 issue of Moody's bond survey concerning New York City's sad financial plight, it was pointed out, and I quote:

> While complex, New York City's problems are not as black as the lottery device sug-

gests, for the city does have unexploited revenue sources which could be utilized to effect near-term appreciation in bond quality.

I would suggest to Mr. Lindsay that he read the rest of Moody's article on his next trip to the lottery.

WIDESPREAD PRAISE FOR PRESIDENT JOHNSON'S APPOINTMENT OF THURGOOD MARSHALL TO THE SUPREME COURT

Mr. **PRYOR**. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Nix] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. **NIX**. Mr. Speaker, President Johnson has made a great and historic decision in appointing Thurgood Marshall to the Supreme Court.

Mr. Marshall is a dedicated, brilliant, and wise jurist, with a record of outstanding performance on the bench and as Solicitor General.

Hs is worthy of the honor of being the first of his race to occupy a seat on the highest court in the land. And to President Johnson falls the unique honor of being the first President to appoint a Negro to the Court.

I am delighted to report that this appointment enjoys widespread public approval, reflected in scores of commendable editorials from most of our major newspapers.

President Johnson has earned the congratulations and gratitude of the Nation for this excellent appointment. Mr. Marshall, by dint of his brilliant accomplishments, has earned the appointment on merit alone.

I am inserting into the Record a sampling of editorial opinion concerning the President's appointment of Mr. Marshall.

[From the New York Times, June 14, 1967]

Marshall to the Court . . .

The appointment of Thurgood Marshall to the Supreme Court is rich in symbolism. Since he will be the first Negro to serve on the nation's highest tribunal this twentieth-century Mr. Justice Marshall will be an historic figure before he ever casts a vote or drafts an opinion. It is regrettable that his appointment is historic in that special sense; but it cannot be otherwise until the United States achieves its ultimate ideal as a fully civilized, multiracial society in which race no longer matters.

There are judges in the state and Federal courts whose judicial work has been far more outstanding than Mr. Marshall's record during his brief service on the Second Circuit. Nor as Solicitor General did he demonstrate the intellectual mastery of Archibald Cox, his predecessor. But, apart from the symbolism, Mr. Marshall brings to the court a wealth of practical experience as a brilliant, forceful advocate.

In a professional lifetime of service to the battle for human equality Mr. Marshall has developed steady judgment and deep compassion. In a well-balanced court these qualities are necessary.

[From the Philadelphia (Pa.) Evening Bulletin, June 14, 1967]

A Worthy Nominee

President Johnson, in nominating Solicitor General Thurgood Marshall as a justice of the United States Supreme Court, made two observations.

With a seeming reference to that fact that Mr. Marshall will be the high court's first Negro member the President described the appointment as "the right thing to do," then said that "it is the right time."

To those familiar with Mr. Marshall's legal career and his dedication to the law and especially to the federal constitution, however, there was far greater impact in President Johnson's added statement that "he is the right man in the right place."

Mr. Marshall is indeed a worthy nominee to the Supreme Court. It is difficult, in fact, to suggest anyone who as a practicing attorney, judge of a U.S. Court of Appeals or as Solicitor General, has so made of himself a selfless servant to the word and spirit of the law.

The fact that Mr. Johnson has been desirous of naming a Negro to the Supreme Court was well known. It has been expected, too, that Mr. Marshall would be his choice. Neither circumstance, however, takes away any of the gratification that those who know and respect Mr. Marshall—and know and respect the court—feel at the President's action.

It is to be hoped that all members of the U.S. Senate, when considering Mr. Marshall's nomination, will base their judgments solely on merit and not permit regional mores to interfere.

COMMENCEMENT CEREMONIES AT THOMAS JEFFERSON HIGH SCHOOL, ANNANDALE, VA.

Mr. **ROONEY** of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. **ROONEY** of Pennsylvania. Mr. Speaker, it is my pleasure to bring to the attention of my colleagues a recent event which was a very proud occasion for one of our colleagues, the distinguished gentleman from California and my very good friend, Charles Wilson.

The occasion to which I refer, Mr. Speaker, was the recent commencement ceremonies at Thomas Jefferson High School in Annandale, Va. Among the members of the graduating class of 1967 is a son of Congressman Wilson, of California, Donald H. Wilson.

It was a particularly proud moment for our colleague because Donald Wilson was one of two members of his class chosen to be graduation speakers. His selection was based on his excellent record of academic achievement.

Quite naturally, Donald, the second oldest of the four Wilson boys, takes after his father. A popular and personable young man, Donald was active in a variety of student affairs including the student government of Thomas Jefferson High. It seems apparent that he expects to follow in his father's footsteps. He will attend Georgetown University this fall as a government major.

Seated in the audience on June 7, and sharing our colleague's pride, were Donald's mother, three brothers, and grandmother. Having read Donald's remarks, I can fully understand that this was a very memorable occasion for his family because he delivered a convincing appeal to his generation to exert constructive and responsible efforts to remedy the faults or shortcomings of our society.

I respectfully request that his remarks be incorporated in the Record.

Speech of Donald H. Wilson, Graduation Ceremonies at Thomas Jefferson High School, June 7, 1967, Annandale, Va.

Mr. Jordan, Faculty, Parents, Friends, and Graduates: Nearly everything that comes from the mouths of young people today is negative. Whether we like it or not, *our* generation has been marked as one which is *never* satisfied and continuously finds something to complain about. We suffer from an attitude of cynical fatalism and we wish to change everything around us. We have altered the proverb so it now reads "within every silver lining, there is a dark cloud." Many young people are under the impression that they have been subjected to problems which are *unique* in history. Although their objections are sometimes vociferous, it is evident that more often than not, they talk without sufficient knowledge of the subject. Three examples of youth's criticism will illustrate my point.

There is no more controversial issue among young people today than the Vietnam conflict. Typical complaints go as follows: "It's a dirty war." "It's morally wrong." "Those fools in Washington must be out of their minds!" It is *not* my purpose this evening to give a sales talk on the position of the Johnson Administration but I have two points one should think about before making such statements. First, what war has not been dirty, and what war has ever been considered morally right? Within the last few days, a new war has exploded in the Middle East, thousands of miles from Vietnam. Whether a jungle or a desert is at stake, we must realize that war is not a clean game. It is a struggle which can only end in destruction and misery for both sides. My second point is that, regardless of our individual opinion of Vietnam, we must recognize the fact that American men are engaged in combat and that they need, and deserve, our moral support at home. A youthful skeptic might say to that, "But how can I give my support when I get such a lousy deal with the draft? Why, it's getting hard for a guy to even get a deferment these days. The whole system is unjust. I'm being taken advantage of." What this young man fails, or refuses, to realize is that his father put up with the same system during World War II and Korea, and it never seemed to brother him, or anyone else. Then he goes on, "Look, there have been over 10,000 men killed in Vietnam and over 60,000 wounded." Do you suppose he ever bothered to read that in World War I we lost over 115,000 men, in World War II we lost over 300,000 men, and in Korea 25,000 American soldiers were killed?

Another area in which young voices are often heard concerns the question of morals and ethical values. Adults supposedly force their moral codes on youth, then fail to live up to them themselves. Our junior critic would say, "Adults don't understand younger people, so how can their morals be of any use to us?" He then singles out Congressman Adam Clayton Powell, Senator Dodd, and Bobby Baker as examples of how even the United States government is run by corrupt individuals who preach the right way to act, then perform in exactly the opposite way. What he fails to see is that the Powells and Dodds are in the small minority who, unfortunately, receive all the press coverage. He never thinks of the thousands of other men and women who are working to improve our country and give it the best government ever known to man.

A third point which is used as a springboard for criticism is religion. For many young people the church has little value because it offers no material gains. They possess agnostic beliefs and refuse to let them go. Possibly one of the reasons for this attitude is the natural tendency to require physical proof before accepting something—the "I'll believe it when I see it" point of view. I admit that having faith in something you can't see is extremely difficult. But preaching without an example is sometimes pointless. Speaking now from personal experience, at the beginning of this school year, I was an agnostic. I could not for the life of me understand why so many people could get so excited about this thing called God. So I decided to do some investigating to find out what exactly it was all about. I read and listened for some time and slowly began to feel that, although I could find no visible proof of a God, the world, and the universe, would be immensely empty and void of purpose without a god. With this start, the world of religion blossomed before me, and every day it grows more beautiful. I suggest that any who feel as I did at the start of the year should at least take a look and see what is behind the facade of the church. Chances are that you'll have one less point to complain about.

George Washington said in his Farewell Address, "The basis of our political system is the right of the people to make and to alter their constitutions of government." This statement can also be applied to society. Young people are occasionally disenchanted with the structure and mores of their environment, but instead of trying to take constructive action, they denounce and condemn what exists, and as a result, often accomplish the exact opposite of what they intended. This problem could be alleviated if we as a group would act positively, with a sense of responsibility toward ourselves and our country. Without such behavior, there is little hope of conditions improving.

I may have used extremes as examples. Perhaps I have painted too rosy a picture of life. As Father Scannell said at our Baccalaureate exercises, young people tend to view the world as hypocritical and lacking in honesty. We have good reason to. But the one point I want to make, the message I wish to convey to my fellow graduates, is this: Before speaking out, study both sides of the situation. Then if criticism is necessary, be prepared to offer an alternative. Having acquired a proud heritage, we have also been given education, freedom of religion, and a strong, stable government which insures our freedoms. We know more about chemistry than did Lavoisier, more about literature than did Shakespeare, and more about government than did Thomas Jefferson. This knowledge has given us an advantage which few people have ever enjoyed—our generation possesses more potential than any in the history of man. Lets use this potential to make a better world, not merely to maintain the present one.

Thank you.

THE PROPOSED DICKEY-LINCOLN SCHOOL FEDERAL POWER PROJECT IN MAINE

Mr. CLARK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CLARK. Mr. Speaker, in the last session of the Congress there was a persistent demand for a close examination of the proposed Dickey-Lincoln School Federal power project in Maine. The insistence on the part of the House for this examination grew out of the debate on the House floor in 1965.

As the Members will remember, in that year the House rejected the request for an appropriation for this project and later, through a curious process of legislation, the funds were restored to the bill. Along with other Members last year, I agreed to a provisional planning appropriation with the stipulation that a thorough study be done on the feasibility of the project.

That study has now been completed and is part of the record of our Appropriations Committee hearings. According to a recent report of the Associated Press, it demonstrates that the project is not feasible. The Interior Department has said that the AP story does not accurately reflect the report. From my reading of the report, however, it does accurately reflect the entire content of the report.

So in this project, with which the Members of the House have been so long troubled, we must once again launch a search for the facts. As in the 2 previous years, it is my intention to get those wherever and whenever I can and present them to the House.

To begin this search for the facts I insert the most recent statements of the Electric Coordinating Council of New England, and I invite any of my colleagues to join this search, for there will be many things said before this money is ever voted by the House:

STATEMENT BY THE ELECTRIC COORDINATING COUNCIL OF NEW ENGLAND, JUNE 15, 1967

(Re Corps of Engineers requested additional appropriation of $1,676,000 for the Dickey-Lincoln school project in Maine.)

ECONOMICALLY ABSURD

Dickey-Lincoln means higher rates and higher taxes (careful study of the "no recommendation" House Appropriations staff committee report points the way to both of these results).

HERE'S WHY

I. Taxpayers can't get their money back on this deal. Interior Department says:

Annual income expected from sale of power (at rates higher than Northeast utilities will produce comparable power)	$13,823,100
Annual income needed to repay cost in 50 years	13,822,250
Net margin (for safety?) (1/6000th of 1% return)	850
Interior Department cannot sell the power at this price because the Northeast utilities will deliver the equivalent power at market at annual savings of	2,200,000
And in addition will pay taxes of	5,200,000
Total annual savings to rate payers and taxpayers if Dickey-Lincoln is not built	7,400,000

II. Staff committee does not question Northeast utilities figures for cost of alternative power—but just "adjusts" them for arbitrary and unsound reasons, viz:

Adjustment No. 1—Penalty for building pumped storage development where multiple use of existing lower storage reservoir can be made

Adjustments to cost of alternate power:	
Dollars per kilowatt-year	$2.93
Mills per kilowatt-hour	------

Adjustment No. 2—Penalty for building power plants closer to loads and transmission grid

Adjustments to cost of alternate power:	
Dollars per kilowatt-year	$2.98
Mills per kilowatt-hour	------
Total "adjustment" to peaking power alternative costs:	
Dollars per kilowatt-year	$5.91
Mills per kilowatt-hour	6.8
Northeast utilities estimated market costs (before "adjustments"):	
Dollars per kilowatt-year	$13.53
Mills per kilowatt-hour	15.4
Northeast costs after "adjustments":	
Dollars per kilowatt-year	$19.44
Mills per kilowatt-hour	22.2
Interior Department market prices:	
Dollars per kilowatt-year	$17.63
Mills per kilowatt-hour	20.1
(So, you see how it's done.) But let's make a "taxes forgone adjustment" to Interior's market price reflecting total taxes forgone of $5,200,000 annually:	
Dollars per kilowatt-year	$7.25
Mills per kilowatt-hour	5.6
The result (after adjusting Interior):	
Dollars per kilowatt-year	$24.88
Mills per kilowatt-hour	25.7
The result (after adjusting Northeast utilities):	
Dollars per kilowatt-year	$19.44
Mills per kilowatt-hour	22.2
Actual Northeast utilities market costs:	
Dollars per kilowatt-year	$13.53
Mills per kilowatt-hour	15.4

STATEMENT BY THE ELECTRIC COORDINATING COUNCIL OF NEW ENGLAND, MAY 17, 1967

Facts you should know before voting on the Dickey-Lincoln school project (based on excerpts from the statement of Albert A. Cree, Chairman of the Electric Coordinating Council of New England before the Public Works Subcommittees of the House and Senate Appropriations Committees in May, 1967).

Fact one: The proposed Federal hydroelectric project in Maine will cost at least $284,000,000, without the transmission facilities and interest during construction, rather than the $218,700,000 estimate of the Corps of Engineers.

Fact two: If you add the cost escalation of labor and materials at the annual, modest rate of 4% it would add another $55,000,000 to the total cost over a six-and-a-half year period of construction—or a total of $339,000,000. (Subsequent to his Senate testimony, Mr. Cree pointed out publicly that if you add in the $80,000,000 for transmission line work, plus the 4% escalation of this construction, plus interest during construction the total will probably reach nearly a half billion dollars.

Fact three: Irrespective of the final total cost, *even if the entire output of Dickey-Lincoln were given to New England customers for nothing, it would have no significant effect on the cost of electricity in the region.*

Fact four: Dickey-Lincoln remains a power plant located far distant (more than 400 miles) from the areas where power is needed. The major portion of the plant will operate only ten hours a week.

Fact five: There is *still* no adequate marketing plan for the output of the project. The leading New England power companies will not purchase Dickey power in 1975, when it would first become available, because it will be too expensive in comparison with power from modern generating facilities already under construction in New England.

Fact six: The municipal electric departments, most of them some 400 miles away from the project have said they will buy the output. But how do they get it to Boston? Who will build the transmission line which is not included in the Corps of Engineers' estimate? Who will pay the $80,000,000 plus for this line? And if that line is built, how will they get the power from Boston to a number of widely-scattered communities having municipal electric departments?

Fact seven: The investor-owned electric companies of New England are now well along with the development of the "Big Eleven Powerloop"—the largest construction program ever undertaken in the region, involving the investment of more than a billion-and-a-half dollars of private capital to produce low-cost electric power. These eleven major plants dwarf Dickey-Lincoln in size and in sources of economical electric power. The first two plants will go on the line this year.

Fact eight: The total annual savings to the electric consumers of New England and the taxpayers, if their electrical supply is provided by the investor-owned, tax-paying utilities of New England, instead of by this far-away, tax-eating Federal power project would amount to almost $7,500,000.

Fact nine: In plain and simple terms Dickey-Lincoln would cost too much and do too little. It would be a waste of the taxpayers' money and no further taxpayers' money should be appropriated to advance it.

BUILDING AMERICA UNDER PRESIDENT JOHNSON

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. NESNICK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. RESNICK. Mr. Speaker, President Johnson this week spoke to the members of the Building and Construction Trades Department, AFL–CIO, about the building of America.

He was, of course, speaking about the physical reconstruction of our cities and towns, our schools and public places, our highways and hospitals.

And he gave proper thanks to the men of labor whose "brain and brawn," as Gompers said, have been responsible for literally remaking the face of the Nation.

But the President was also talking about the building of a new human being in America.

He asserted we must build a new educational system, not just new school buildings.

We must build new jobs for people.

We must build now opportunity for the elderly, and the young, and the deprived.

And we must build all these things in a world free of war, terror, hunger, and fear.

After every war there has always been the task of renewal and rebuilding. The war in Vietnam will end. We will then have the challenge of constructing a new Vietnam, with a new set of peaceful relationships to its neighbors and to the rest of the world.

The President's call for building a free and peaceful America and world has a lesson for all of us in the Congress.

Let us support the great series of opportunity programs which the President has sent to us.

Let us join him in renewing our cities; creating opportunity for the poor and deprived; expanding the dimensions of education; strengthening the hand of international cooperation and peace and friendship.

I insert in the RECORD the remarks of the President made to the AFL–CIO Building and Construction Trades Department on June 12, in the Nation's Capital:

REMARKS OF THE PRESIDENT TO THE NATIONAL LEGISLATIVE CONFERENCE OF THE BUILDING AND CONSTRUCTION TRADES, WASHINGTON HILTON HOTEL

Mr. Haggerty, Presidents of the Internationals, Delegates to the Building and Construction Trades Legislative Conference, my friends in the labor movement, as President of the United States, this is the third time I have had the chance to come and speak to you. Because I so deeply appreciate your invitation, I will not take much of your time this morning—because I am very mindful of the old saying:

"Blessed are the brief, for they shall be invited again."

As most of you know, the Vice President, Hubert Humphrey had planned to speak to you today, but he went into the hospital for some minor surgery Friday night. I spoke to him on the telephone just before I left the White House this morning and he is feeling as fine and as chipper as ever, and expects to be back on the job the day after tomorrow. He asked me to extend to each of you his warmest, best wishes and his regrets that he could not be with you today.

He does plan to see you later—in the days ahead.

I don't think I have to tell this audience that Hubert has had a life-long dedication to the cause of organized labor. I think you might be interested, though, in some of the reports that have come out of Bethesda since he went there for this operation.

The first thing the Vice President wanted to know was if the surgeon had a union card.

Then he inquired if the operating room was an open shop or a closed shop.

He constantly referred to the head nurse as the job steward.

He, finally, checked carefully to see that his hospital room number was not 14–B.

The Vice President is such a firm believer in organized labor that about a month ago I asked him to lend me a hand in trying to organize the Congress. Unfortunately, as of this morning, I must report that so far we have not recruited even one member for the International Brotherhood of Congressmen.

It is good to be back here before the Conference of the Building and Construction Trades Department. I have always felt much in common with this group and with this membership. You are engaged in doing the thing that I think speaks best for America—you are builders. You are building up America.

Recently, I realized that we even had more in common than that. As I have looked out my White House window onto Pennsylvania Avenue these last few months, and as I have traveled about America—and I have seen an occasional demonstrator here and there—I realized that I could assure you this afternoon, with very deep personal feeling, that you are not the only ones concerned with on-site picketing.

Seriously, now, I said a moment ago that you were the builders of America. I don't think that I exaggerate that. Each year more than 80 percent of all the building in America is built through the labor of your 18 international unions. What is perhaps even more significant is that in the 22 years since World War II, America has been built once over again. The value of our post-war structures in America exceeds that of all the construction accrued through to 1945.

In other words, we have built more since the war ended than we had in 1945. So you not only do most of the building of a nation, but you do it in a nation that is one of the buildingest nations in the history of all mankind.

I am not here to just pat you on the back, for the future is even more exciting than the past. If it took two decades to build America over again once, it will take much less time—probably closer to one decade—to do that much more building again.

So your job, my job, and the job of all Americans interested in the future of their country is really, literally, just beginning.

America will be built over again in the years to come—and again, and again. And if she is to retain her vitality and her life, we are going to have to watch this building and do it constructively.

Each time this nation rebuilds itself, it must be better. It must improve itself; it must correct the errors and the omissions of the previous generations.

On the federal level, we have already begun:

We are encouraging the building of highways. We are doing almost twice as much as we were in 1961.

We are encouraging the building of hospitals. We are constantly expanding that program.

This year, in the field of health, our program will be about three times as large as it was three years ago. This year we will allocate, on the federal level, to health expenditures, about $12 billion. It was $4 billion three years ago when I became President.

We are encouraging the building of schools. This year, we will spend about $12 billion in the field of education in the United States. Three years ago, we were spending about $4 billion. So in three years, we are spending three times as much to educate your child and to bring health to your body than we were three years ago.

We are encouraging the building and the rebuilding of our central city areas; first, through urban renewal and now through the model cities program.

We have tried rent supplements. We have tried to expand our housing efforts every way in the world that we can.

What it adds up to is a group of men here, working with their government, are the builders of America. That is why I wanted to come and be with you.

You know the old story—you don't have to be organized; you don't have to have any leadership; you don't have to be constructive to kick a barn down—any donkey can do that. But it takes a mighty skilled carpenter to build one.

When you see the building that is taking place in America, you will find the complainers will find it too hot or too cold, too wet or too dry, too big or too little, too small or too large, and there will be mistakes.

Show me a man who never made a mistake and I will show you a man who never did anything.

It is pretty difficult for a man—even at home—to get to his front gate without somebody barking at him.

But you builders will have monuments that stand to your memory long after the complainers have been laid away. We may have to call on you from time to time to help us deal with these complainers.

I think you know as well as I do that a nation is not rebuilt better and stronger only with bricks and mortar or wire and pipe. A new school building with old books, and under-paid teachers and over-crowded classes and old ideas—is an old school in a new shell.

A new housing development in a ghetto does little good—for anyone—if the people in it are unemployed.

So we must rebuild America—not just the government—in human ways as well as physical ways.

Our schools and our education must not only be newer, but must be better.

Our people must be trained for the jobs of the future, not the jobs of the past.

Our elderly must have the wherewithal, not only for subsistence, but for dignity.

Americans of all racial and ethnic backgrounds must receive the equality that other Americans have taken for granted for centuries. I know that within your unions, there has been great progress—great progress—over recent years, but I know, as you know, that more—more remains to be done.

And even all that will not be enough. A rebuilt America—fairer, stronger, more prosperous, better educated, with better health—will only be a hollow echo of itself if it exists in a world of chaos and tyranny and cruelty. So we strive for a better world all over the world.

When we met two years ago, we faced a grim and difficult situation in the Dominican Republic and in Vietnam. At that time, this great organization sent a message of support to me—it was the very first organizational message that supported our commitment in Vietnam, and it was followed by many others from all over America. I have never forgotten that.

Today, thanks to your support and the support of most of our fellow Americans, the Dominican Republic flourishes under a free and democratically chosen government—where there has been self-determination and the people, themselves, could select their leaders from the inside instead of having them selected for them from the outside.

In Vietnam, again thanks to your support and the support of most of our fellow Americans, the military situation has been reversed—has turned around totally since that time when you met two years ago.

So as I speak here today, we persevere militarily in Vietnam, always hoping and working for a negotiated settlement that will bring peace to that troubled country.

Last week, at another time of deep world crisis, we saw again that the peace of the entire world can hang precariously upon events occurring in very small and very far away nations.

Today, in the Middle East—as in Vietnam and in America—we are faced with a task of rebuilding—of putting together a human equation, where men can live together in peace and harmony—where men can live as the Prophet Micah said, "Every man under his vine and fig tree, and none shall make them afraid."

That is America's goal in the world at large, as well as our goal at home: We covet no territory. We seek no dominion. We want not an acre of any one else's land.

But we do want to give men the opportunity to stand straight—to stand free, to grow to the outer limits of their own ability and to be able to do this growing without fear.

If we are real builders—as you are—as all of us should be—that is what we will build for our sons and for our grandsons.

As I said to your International Presidents, we have not achieved everything we wanted to domestically. We have been engaged in some fights; we have had our reverses from time to time.

But we have moved ahead. We are making progress. There is not a nation in the world that wouldn't like to emulate our growth, our prosperity, our strength, and our advantages.

During the four years that I have attempted to lead this country, we have had an unparalleled record of constructive statesmanlike cooperation between the leaders of the labor movement in this country and the leaders of the business movement in this country and the leaders of the Government in this country.

Whether you are tall or short, whether you are fat or lean, whether you are a Republican or Democrat, whether your are a southerner or a northerner, easterner or westerner, I can truthfully say to each of you this afternoon that in my associations with you—under the leadership of that grand American, George Meany, you have always put your country first. You have been a source of strength and comfort to your President.

I came here to tell you that—and to say to you that I am not only grateful, but I think free men everywhere ought to be thankful for the job of building that you have done for America and other free nations.

I—on behalf of all the American people—want you to know that we do appreciate what you have done. Thank you.

RIGHT TO WORK LAWS

The SPEAKER. Under a previous order of the House, the gentleman from Michigan [Mr. DIGGS] is recognized for 30 minutes.

Mr. DIGGS. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

RIGHT-TO-WORK LAWS—A TRAP FOR AMERICA'S MINORITIES

(By Bayard Rustin)

(NOTE.—Bayard Rustin is Executive Director of the A. Philip Randolph Institute. The subject of this pamphlet was originally delivered as a speech on the so-called Right to Work Laws on February 18, 1967. It was made in rebuttal to Reed Larson, Executive Vice-President of the National Right to Work Committee, in a debate at the annual meeting of the California Negro Leadership Conference in San Francisco.)

INTRODUCTION

We in the civil rights movement have been traditionally opposed to right-to-work laws. *We believe that Section 14(b) of the Taft Hartley Act should be repealed.* We have stood against these laws on the grounds not only that they destroy the unity and impair the effectiveness of labor unions, but also that they constitute an obstacle to the progress of colored Americans and are inimical to the interest of all of America's underprivileged. We recommend this pamphlet as one that sets forth clearly and, we hope, persuasively arguments against right-to-work laws.

DOROTHY HEIGHT,
President, National Council of Negro Women.
MARTIN LUTHER KING, Jr.,
President, Southern Christian Leadership Conference.
CLARENCE MITCHELL,
Director, Washington Bureau, NAACP.
A. PHILIP RANDOLPH,
President Emeritus, Negro American Labor Council.
ROY WILKINS,
Executive Director, National Association for the Advancement of Colored People.

THE RIGHT-TO-WORK LAWS

America is a country born in libertarianism. Its basic philosophical and constitutional documents guarantee and affirm democratic values. Yet so many millions of our people have been forced to spend their entire lives in the struggle to obtain social, political and economic justice. The Declaration of Independence, the Constitution itself, the Bill of Rights, a whole series of Federal Statutes—they articulate a course for the democratic conduct of our affairs, yet so many of us have been doomed to fight as though we are creating a democracy, instead of, in fact, inheriting a historic birthright.

Though this paradox touches in one way or another upon the lives of millions of Americans, black and white, it has been most dramatically evidenced in the lives of Negroes, Puerto Ricans, Mexican Americans and other minority groups, and in the life of the American labor movement. Nobody knows so much about American freedom as Negroes who have never really had it, whose entire journey across the stage of American history has been a long, bitter, heartbreaking journey in search of an elusive birthright. And no other social movement in America has been forced to walk as doggedly as the labor movement has, the bloody road to labor dignity and industrial democracy. Labor and minority groups have been where the real action is—the bullets, the dogs, the lynch-ropes, the billy clubs, blood dripping down through the leaves of the trees, and blood running out of the open shop. This makes us brothers not only under the skin, but also brothers in blood, in sweat, and in tears, all shed in the service of making America safe for democracy. It is to the credit of the American labor movement, and a challenge to its treatment of the Negro in the future, that I cannot make that statement about any other institution in America.

When the racists, bigots, and monopolists were not shedding our blood, they were blocking our way with all kinds of stratagems. We have heard them all—"Property Rights," "States Rights," "Right to Work." All of these slogans, as you will have noticed, and as you will still notice, have been uttered in ringing tones of idealism and individual freedom. But that is the special genius of those who would deny the right of others and hoard the fruits of democracy for themselves: They evade the problems and complex challenges of equal justice by reducing them to primitive oversimplifications that plead for nothing else but the perpetuation of their own special, exploitative interests.

The present battle being fought by some of the most powerful interests in this country to retain the so-called right-to-work laws falls squarely within the tradition of these primitive self-serving strategies. This slogan—Right to Work—developed out of the license granted by Section 14(b) of the Taft Hartley Act, is deceptive and insidious. On the face of it, what working man would not be interested in his inalienable right to work? It is only when we look more closely that we see it does not mean that at all.

It does not mean that every worker has the right to a job and to receive work at fair wages, reasonable hours, and under decent labor standards.

It does not mean that every worker has a right to secure employment with proper provisions for paid vacations and insurance safeguards against sickness and old age.

It does not mean that every worker is protected against arbitrary discharge.

It does not mean to strengthen the individual worker's bargaining position through a union of his choice.

What it means is the opposite of all these things. And what it does mean is weakening the workers' bargaining power by keeping unions out of the factory or office.

It does mean creating the open shop.

It does mean destroying the institution of collective bargaining, and thus keeping Negroes and other minority members at the bottom of the economic ladder.

It does mean wrecking the whole structure of labor union democracy and effective labor-management relations. In short, "Right to Work" is the same as Open Shop and industrial Jim Crow, and no matter how you dress it up it is the same weapon that was used to kill trade union organization in the early part of the twentieth century, the same weapon used to deny minorities their economic rights.

Therefore, Right to Work—as it becomes incumbent on Negroes and other minorities to see—beyond being aimed at wrecking the traditional labor-management apparatus, constitutes just another instrument to perpetuate the informal system of racism in the United States. That being so, I am opposed to it as a Negro; I am opposed to it as someone who sees that from this point on the problems of minorities are intimately connected with the problems of the labor movement; I am opposed to it as someone who has spent the greater part of his life in the struggle for human rights; and I am opposed to it as an American who understands that the cause of equality for all of our people and justice for all of our people cannot triumph without a strong, unified effective movement of all the workers in our society regardless of color, race and creed.

But what, in more detail, is the nature of our case against Section 14(b)? I will bring at least five charges.

1. "Right to Work" laws are a violation of the letter and spirit of the Constitution.

Anyone who examines the history and development of the Constitution will find that federal jurisdiction over national labor-management relations is vested in the "commerce clause," which argues, in effect, for a uniform regulation of commerce. The Constitutional Convention of 1787 voted unanimously to delegate to the federal government the power to regulate commerce. This is further buttressed by the provision that federal law is supreme to state law in areas delegated to the federal government. As recently as 1935, the Congress in the Wagner Act preempted for the federal government jurisdiction over labor management relations for several years, during which the Supreme Court consistently ruled that States may exercise their traditional police powers to protect public safety and order, but may not adopt their own codes of labor relations, since this was the exclusive prerogative of the federal government. The doctrine is clear, and still stands as one of the chief arbiters in relations between the federal government and the States. Significantly, there is just one exception: the authority that Section 14(b) has given the States since 1947 to exercise jurisdiction in matters affecting the local union security. There could be no more flagrant breach of one of the hallowed traditions of the Constitution, and Negroes and other ethnic minorities who have suffered most from the frustration of American constitutional guarantees cannot be happy over yet another blow to their aspirations for social and economic liberation.

President Truman, as many of us recall, had no interest in being an accomplice to this disastrous precedent. He attempted to veto the Taft Hartley Bill, sending it back to Congress with these words: "The bill is contrary to the national policy of economic freedom . . . would limit the freedom of employers and labor organizations to agree on methods of developing responsibility on the part of unions by establishing union security . . ." But, as so often happens, Congress saw the issue differently. And so it overrode Truman's veto and destroyed the integrity of labor's hard-won bargaining strength.

2. "Right to Work" laws are undemocratic.

In the 1930's, slowly groping its way out of a disastrous Depression, the country made a momentous democratic political decision: We decided that henceforth free collective bargaining was to be the policy of the nation. We opted to apply democratic principles to the regulation of industrial life, and in doing so, we were also opting for "exclusive jurisdiction" in labor matters. The union that won a free and fair election among the workers in a plant was to be empowered by law to represent all the workers of that plant. The union was to become the exclusive bargaining agent that could exclude or ignore no one. This became the pattern of labor-management relationships, and it helped open the economic doors to hundreds of thousands of Negroes and other minorities. But comes 1947, and with its Section 14(b) of the Taft Hartley Act. And what does it do? It refuses to acknowledge the binding nature of the majority decision of a union membership, guarantees the right of non-union membership among workers in a plant, imposes the will of a minority of members upon the majority, and thus destroys the collective bargaining arrangement, and sets back the progress of Negroes and other minorities. But the implication of this so-called right to work law goes beyond the destruction of nationwide trade union democracy; in effect it has also given certain States a minority veto over the federal government, for it permits individual States to walk out on the national labor policy. This is a most unwise and undemocratic turn of events, with grave dangers for the enforcement of federal civil rights legislation. What would we do if individual States were permitted to disaffiliate with our national food and drugs standards? What would happen if in the United States, after every election, all the losers stopped paying taxes because they didn't like the government that was elected? What do we do when Alabama opts out of Title 6 of the Civil Rights Act? The result, needless to say, would be utter chaos and a destruction of our democracy.

3. "Right to Work" laws exploit and perpetuate American poverty.

And who, may I ask, are more concerned about poverty in the United States than Negroes and other ethnic minorities? As we have seen, most of the States that have retained these laws are the poor, segregationist, reactionary States with weak labor movements and disenfranchised Negroes, and who use the laws as an inducement to those industries with low capital and low labor incentives. In other words, they attract the kind of companies that can make money off a large, defenseless pool of unskilled labor and that can profit from the perpetuation of this backwardness. It is no accident that among these States we find Alabama, Arkansas, Mississippi, Texas, North Carolina, South Carolina, Georgia, Tennessee, Virginia, and Florida.

Let's look at the situation in these States:

The percentage of families living in poverty in right-to-work States is much higher than in the other States.

None of the right-to-work States matches the federal minimum wage of $1.40 an hour.

In most of these States right-to-work laws make it literally impossible for Negroes to join unions.

Negroes are barred from enjoying an expanded minimum wage in these States.

Eleven of the States have no minimum wage standard at all.

Only three of them have equal pay for women.

Only one of these States has fair employment laws.

By contrast, it is significant that none of these problems exist in States with democratically organized union structures. Twenty-three of the States without "Right to Work" laws do have enforceable minimum wage laws. Fourteen of them cover men as well as women. Twenty-one provide at least $1.00 an hour minimum wage. And twelve of them equal or exceed the federal minimum wage of $1.40 an hour. And in all of them Negroes are organized in the union shop structure.

So, as the evidence shows, contrary to guaranteeing the right to work, what these laws do is to guarantee the right to work long hours; the right to bar Negroes; the right to underpay women who do equal work with men; the right to pay substandard wages; the right to pay substandard unemployment and compensation benefits; and the right to destroy organized unionism.

4. "Right to Work" laws are anti-Negro and anti-Civil Rights.

It does not require an extraordinary amount of wisdom to see that behind the insistence of certain States to maintain "Right to Work" laws is a desire to preserve their right to discriminate. In the same way that many of them have run out on the national labor policy, they want to make it easy for Mississippi and Alabama, say, to contract out of the national Civil Rights Acts of 1964 and 1965. Therefore, it is not an accident that we find the plight of Negroes worst in States that have "Right to Work" laws. In a study conducted by Dr. Vivian Henderson, President of Clark College, Atlanta, Georgia, of Negro employment and income between 1950 and 1960, the author found that in only one of the Southern "Right to Work" States "have the earnings of the Negro male workers gained in relation to those of white male workers. In each of the other ten States, not only did the dollar gap increase, but Negroes also lost percentage ground, ranging from 6% in Virginia to 25% in Arkansas for all male workers." In short, between 1950 and 1960, everyone in these Southern States was doing better, while Negroes were falling farther and farther behind.

Therefore A. Philip Randolph is right when he says that right-to-work supporters are pushing these laws "in the hope of driving a wedge between Negroes and the labor movement." And Martin Luther King is right when he charges that the "Right to Work" laws are laws to "rob us of our civil rights and job rights." And Roy Wilkins, Clarence Mitchell, and James Farmer were absolutely right in their testimony before the Special House Subcommittee in support of the repeal of Section 14(b). As they went on to point out, it is significant that these efforts to deny our civil rights and job rights are being pushed by some of the country's staunchest segregationists.

5. "Right to Work" laws are "Rightist" and racist. Who are some of the leading figures behind the drive to retain "Right to Work" laws? You will find their names on every right-wing letterhead across the nation, all of which organizations, let us not forget, are anti-Negro, anti-Mexican American, and anti-Puerto Rican, and anti-civil rights. These men and organizations who are representatives on the Right to Work Committee are well-known right-wingers.

What could it be that has suddenly united racists, rightists and segregationists behind the right to work? I wonder why it is that these laws were being passed in Alabama, Mississippi, Arkansas, North Carolina, South Carolina and Texas during the late forties and early fifties, precisely the times when Negroes were effectively denied the right to vote? Isn't it rather cheerful and hopeful for the future of our democracy that members of the John Birch Society have suddenly developed a tender love and sympathy for the common man? If questions like these bring sneers instead of smiles to our faces, then we know we cannot take them seriously, that we are in fact being had.

In raising these questions and in relating them to the political interests and tastes of rightists and segregationists, I am not supporting the notion of guilt by association. I am against lists that would bar a man from a job on the grounds of assumptions about past membership in an organization rather than on the facts of his present competence. But in politics, it is necessary to test a man's word by what he does. And the advocates of the "Right to Work" laws have, by and large, been opposed to every social and economic reform that would benefit Negroes and workers, the very groups they sometimes profess so much concern about. It is also necessary, in politics, to judge movements by the major trends within them. And I am suspicious of any campaign in behalf of the right to work which claims to be for Negro rights, but is in fact supported by practically every racist in the country; which says it is in favor of workers' rights, yet only succeeds in States where workers are a small minority.

Though all the foregoing do not exhaust the possible objections to "Right to Work" laws, or the reason why 14(b) ought to be repealed, they represent the fundamental grounds of protest on which the labor and Negro movement stand united.

Having said all this, let me make it clear that I remain in favor of our working out a genuine right to work situation. But it is impossible to come to what such a situation would be without stating that a genuine right to work will not be achieved until the Negro and the trade union movement succeed in eliminating some of the urgent problems that remain between them. I mean by this that we all have to recognize that there is still discrimination in a minority segment of the American labor movement. This is a scandal, however, that is being vigorously fought by every unionist, black or white, who is worthy of the name. I myself am, in my own capacity, committed to end the vestiges of discrimination in the trade union movement, but I absolutely refuse to conduct the battle along lines that will ultimately injure the labor movement. I could not do this and still remain convinced that Negroes have a need and a responsibility to make that movement stronger and more effective.

After all, we must recognize that a great measure of the Negroes' economic progress is the result of their membership in the labor movement. We all know of the post World War I emigration of Southern Negroes to Northern industrial centers in search of jobs and dignity. We all know what they discovered when they came; that the economy was systematically arranged to keep them more unemployed, more menially employed, less paid, most slowly hired, and most quickly fired. We all know how that terrible disillusionment found expression in the back-to-Africa movement led by Marcus Garvey, in much the same way that their contemporary despair is finding outlet in the cries for Black Power. And we all know how the Depression that brought down millions of white Amricans in poverty ironically raised the economic standards of the majority of poor Negroes who found that their relief payments added up to more than they were able to earn as workers.

It was in this period—the great Depression—that Negroes in large numbers really became involved in the labor movement. The AFL and CIO unions organized Negroes in many industrial areas, making the labor movement one of the most integrated institutions of our society. There are many problems that remain to be solved between labor and Negro; however, we are pressing a vigorous attack upon these problems. I myself am engaged in an effort to get Negro and Puerto Rican youngsters admitted to the building trades. And we have succeeded in placing 250 youngsters in those trades in the New York area. When I urge an alliance between the labor movement and other minority groups, I am not encouraging complacency nor losing sight of the unfinished business. I simply want to place the relation of the black worker to the white worker in proper perspective. More than that, it is to help us to confront together a new injustice: What are the millions of impoverished Negroes and the millions of impoverished whites going to do in an age of automation? How can we, in the new developing circumstances, guarantee full employment, and therefore guarantee a genuine right to work? The only way to guarantee this kind of right to work is for Negroes and the unions to work together. We cannot do it by ourselves, and the economy cannot do it without us. We both have got to weld a great coalition to solve the problems of jobs, education, housing. We have got to make our movement come to represent the majority will of the American society and help it move on to massive and planned social investments to end slums, inferior schools, and depression rates of employment.

It is only when we have achieved all this that we will have achieved the genuine right to work. In closing, then, I am in favor of the right to work in the sense that Franklin Roosevelt was: namely, that this society should guarantee every worker a job at decent wages with security and dignity; and if the private sector does not fulfill this task, then it must be the automatic, legal obligation of the public sector to do so.

The A. Philip Randolph Institute has:

Submitted and published testimony on behalf of the $2.00 minimum wage, Extended Unemployment Benefits and Repeal of the "Right to Work" Laws.

Conducted workshops for students going into the South to work on voter registration, community organization, and political education.

Provided background papers for the La Farge Institute Conference for Religious Leaders and the White House Conference, "To Fulfill These Rights."

Convened informal discussions between members of the press and civil rights leaders, educationists and fighters for school integration, labor leaders and Southern activists, and directors of poverty projects and indigenous leaders.

Interpreted the meaning of the Negro-Labor alliance to State AFL–CIO conventions, student bodies, civic organizations and religious groups.

Participated in the Leadership Conference on Civil Rights and the Citizens Crusade Against Poverty.

Prepared and published the "Freedom Budget for All Americans" and launched a major campaign on its behalf.

THE PLIGHT OF THE BALTIC STATES

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts [Mr. BURKE] is recognized for 20 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, on June 21, 1965, I supported House Concurrent Resolution 416 calling for freedom for Lithuania, Latvia, and Estonia. The U.S. Senate adopted this resolution on October 22, 1966. Under unanimous consent I include this resolution immediately following my remarks.

It is our moral responsibility to draw the attention of the world once more to the continuing plight of the Baltic States.

The history of the Baltic nations has been one long tragic struggle against czarist and Soviet imperialist designs to secure outlets on the Baltic Sea.

The small countries of Latvia, Estonia, and Lithuania, proud of their rich ethnic and cultural heritage, fell victims to Russian expansion in the 18th and early 19th centuries. Denied basic freedoms as well as legitimate national aspirations, the Baltic peoples partook in many courageous but unsuccessful uprisings, which were suppressed with great cruelty. It was not until the close of World War I that their determination and sacrifices were rewarded with independence. In the peace treaties signed with Estonia, Latvia, and Lithuania in 1919 and 1920, the Soviet Union formally agreed to respect the territorial integrity of these nations, and later renewed these guarantees in nonaggression pacts.

We all know that these treaties were callously violated and that the independence of the Baltic States was shortlived. It lasted only two decades and during this time was constantly threatened by Nazi Germany in the West and Soviet Russia in the East. But during these precarious 20 years the world witnessed the vitality of these nations' democratic ideals; constitutional governments were established, agrarian reforms enacted, industry grew, the economy prospered, art and literature flourished.

These promising achievements, attained by intelligent and industrious peoples against great odds, were destroyed when the Red army invaded Latvia, Lithuania, and Estonia on June 15, 16, and 17, 1940.

The sufferings inflicted on the Baltic countries by the Soviet occupant surpass in magnitude anything they had been subjected to before. Hundreds of thousands of Lithuanians, Estonians, and Latvians were systematically exterminated, tortured, deported to slave-labor camps and prisons in Russia. A policy of colonization succeeded terror and genocide, in an effort to destroy the identity of these peoples and submerge them in the Union of Soviet Socialist Republics. Thousands of Russians have been moved to the Baltic States while even more Balts have been resettled in remote areas of Russia. The industry of these nations has been made completely dependent on Russian raw materials. Their languages and culture are jeopardized. And yet the Baltic peoples still find the will to resist and remain loyal to their national integrity.

The United States, as the moral leader of the free world, cannot remain silent. Despite great misfortunes, the Baltic national spirit has survived for more than 700 years. Surely these countries have proven that they are entitled to national self-determination as fully as any state in Asia or Africa, whose independence from colonialism we have championed.

On the 27th anniversary of Soviet aggression against the Baltic States I propose a bill to recognize June 12 to June 16 as Baltic States Week, as a tribute to the endurance and fortitude of the Baltic peoples, where hopes for freedom and faith in the dignity of man, thwarted so many times, have nevertheless remained undaunted throughout the centuries, and have been an inspiration to us all.

The resolution (H. Con. Res. 416) follows:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Mr. BYRNE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BYRNE of Pennsylvania. Mr. Speaker, today in Congress we pause to remember one of the most treacherous deeds ever performed by man against man. The night of June 14, 1941, exists for all time as a tragic example of the inhumaneness of unrestrained power.

At the beginning of World War II, while Joseph Stalin was assuring the Lithuanian people that his government was disposed to defend the territorial integrity of the Lithuanian nation, a massive Russian Army was moving onto the free soil of Lithuania. According to Stalin:

> The army was the most precious element in the service of Lithuanian security. . . . If Lithuania had fallen under German rule, she would without a doubt have become a German protectorate, whereas we respect the independence of the Lithuanian state.

This Russian concept of "territorial integrity" for its neighbor was a sham. Once on Lithuanian territory, the Soviets immediately began an all-out effort to stamp out the nationalist spirit of the people. Yet, so strong was their resistance to Communist domination, the Russian Government chose to resort to more strenuous means to "convince" the Lithuanians that now they were to be Russians. Thus, on the night of June 14–15, 1941, 30,455 innocent Lithuanian citizens were taken from their homes and sent to slave labor camps in Siberia. The exiled people were leaders of the nation; writers, thinkers, and professors, and patriots dedicated to the belief that their nation should be free to determine its own destiny. All anti-Communist and anti-Russian elements were eliminated. Most of those who suffered never lived to return to their beloved land.

Even today, Mr. Speaker, this outrageous slavery of a once sovereign people continues. Through a program which the Soviets term "voluntary resettlement," numbers of Lithuanian citizens are forcibly put to work for the Soviet power state, far away from their homes. Many of the youth are taken, together with experts in technology, men of science and learned men in all fields of human endeavor. And no man dares speak of freedom for his nation, else he condemn himself to deportation as well.

Yet, though these innocent people suffer tremendous abuses, though they are suffocated by Soviet propaganda and coerced by Russian strong-arm pressure techniques, the flame of liberty burns deep within them. For over 20 years, Lithuania was a sovereign nation on the world scene and her people lived in peace and freedom. A soul that has known liberty does not perish, though it suffer all forms of human injustice aimed at breaking its spirit.

Today, we pause in sorrowful remembrance of those many thousands who met a tragic fate on the night of June 14, 1941. Also today, we salute a great people who keep alive the nationalist spirit for their homeland. We know that Lithuanian independence will be won again and that those whom today we remember did not die in vain.

Mrs. GRIFFITHS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. GRIFFITHS. Mr. Speaker, in a troubled world, we commemorate with special significance this week, the anniversary of the seizure of the Baltic States. The struggle for freedom in Lithuania, Latvia, and Estonia has been incessant. For 27 years, the brave peoples of these lands have resisted the shackle of Communist domination and have persisted in their determination to secure national independence. Their spirit and sacrifice are a lesson for all mankind.

Freedom of the Baltic States is of deep concern to the free world and this Congress. In the 89th Congress, we unanimously adopted House Concurrent Resolution 416, urging the President of the United States first to direct the attention of world opinion at the United Nations and at other appropriate international forums to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and, second, to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples. On this anniversary of the Baltic States seizure, I feel it is fitting for the 90th Congress to reaffirm our dedication to the principles expressed in this resolution.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Moore (at the request of Mr. Gerald R. Ford), for the balance of the week, on account of official business.

Mr. Roush, for the period of June 16, 1967, through June 30, 1967, on account of official business.

Mr. Young (at the request of Mr. Steed), for Wednesday, June 14, and Thursday, June 15, on account of official business.

Mr. O'Hara of Michigan, for the period of June 16 through June 30, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Dellenback) and to revise and extend their remarks and include extraneous matter:)

Mr. Goodell, for 30 minutes, today.

Mr. Halpern, for 15 minutes, on June 20.

Mr. Diggs (at the request of Mr. Pryor), for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. Burke of Massachusetts (at the request of Mr. Pryor), for 20 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Jones of Missouri and to include extraneous matter.

Mr. Hanna.

Mr. Cunningham.

(The following Members (at the request of Mr. Dellenback) and to include extraneous matter:)

Mr. Price of Texas.

Mr. Berry.

Mr. O'Konski.

Mr. Schweiker.

Mr. Blackburn.

(The following Members (at the request of Mr. Pryor) and to include extraneous matter:)

Mr. Long of Maryland.

Mr. McFall.

Mr. Eilberg.

Mr. St. Onge.

Mr. Roybal in two instances.

Mr. Zablocki.

Mr. Moorhead.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 990. An act to establish a U.S. Committee on Human Rights to prepare for participation by the United States in the observance of the year 1968 as International Human Rights Year, and for other purposes; to the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that the committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 834. An act to amend section 5 of the act of February 11, 1929, to remove the dollar limit on the authority of the Board of Commissioners of the District of Columbia to settle claims of the District of Columbia in escheat cases;

H.R. 1526. An act for the relief of Cecil A. Rhodes;

H.R. 2046. An act for the relief of William John Masterton and Louis Vincent Nanne; and

H.R. 4445. An act for the relief of Aurex Corp.

ADJOURNMENT

Mr. PRYOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 28 minutes p.m.) the House adjourned until tomorrow, Friday, June 16, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

834. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to authorize the Commissioners of the District of Columbia to enter into contracts for the inspection, maintenance, and repair of fixed equipment in District-owned buildings for periods not to exceed 3 years; to the Committee on the District of Columbia.

835. A letter from the Commissioner, Indian Claims Commission, transmitting a report that proceedings have been finally concluded with respect to docket No. 7, the *Minnesota Chippewa Tribe, for and on behalf of White Earth, Cass Lake, Winnebigoshish, Leech Lake, Ball Club, White Oak Point and Mille Lac Bands, composing the Minnesota Bands of Chippewa Indians, Plaintiffs*, v. *The United States of America, Defendant*, pursuant to the provisions of 60 Stat. 1055; 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

836. A letter from the Commissioner, Indian Claims Commission, transmitting a report that proceedings have been finally concluded with respect to docket No. 75, *Emigrant New York Indians ex. rel., Julius Danforth, Oscar Archiquette, Sherman Skenandore, Mamie Smith and Arvid E. Miller, Petitioners*, v. *The United States of America, Defendant*, pursuant to the provisions of 60 Stat. 1055; 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

837. A letter from the Commissioner, Indian Claims Commission, transmitting a report that proceedings have been finally concluded with respect to docket No. 8, *The Fon du Lac, Boise Forte and Grand Portage Bands of Chippewa Indians*, v. *The United States of America, Defendant*, pursuant to the provisions of 60 Stat. 1055; 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

838. A letter from the Executive Director, Federal Communications Commission, transmitting a report on backlog of pending applications and hearing cases as of April 30, 1967, pursuant to the provisions of Public Law 82-554; to the Committee on Interstate and Foreign Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS:

H.R. 10867. A bill to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes; to the Committee on Ways and Means.

By Mr. ASHBROOK:

H.R. 10868. A bill to provide direct aid to the States and territories for educational purposes only for the benefit of the taxpayers and local governments; to the Committee on Ways and Means.

H.R. 10869. A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for tuition expenses of the taxpayer or his spouse or a dependent at an institution of higher education, and an additional credit for gifts or contributions made to any institution of higher education; to the Committee on Ways and Means.

By Mr. BARING:

H.R. 10870. A bill to require an act of Congress for public land withdrawals in excess of 5,000 acres in the aggregate for any project or facility of any department or agency of the Government; to the Committee on Interior and Insular Affairs.

By Mr. BERRY:

H.R. 10871. A bill to amend title 39, United States Code, with respect to reciprocal mailing privileges of the United States and certain countries from which foreign assistance is withheld; to the Committee on Post Office and Civil Service.

By Mr. COWGER:

H.R. 10872. A bill to provide that American foreign aid shall be suspended with respect to any country which has severed diplomatic relations with the United States on or after January 1, 1967, and for other purposes; to the Committee on Foreign Affairs.

By Mr. DIGGS:

H.R. 10873. A bill granting the consent of Congress to a Great Lakes Basin compact, and for other purposes; to the Committee on Foreign Affairs.

H.R. 10874. A bill to abolish the death penalty under all laws of the United States, and authorize the imposition of life imprisonment in lieu thereof, and for other purposes; to the Committee on the Judiciary.

H.R. 10875. A bill to amend title 18, United States Code, to provide penalties for the use of certain devices upon individuals in the exercise of their rights under the Constitution of the United States, and for other purposes; to the Committee on the Judiciary.

H.R. 10876. A bill to protect civil rights by providing criminal and civil remedies for unlawful official violence, and for other purposes; to the Committee on the Judiciary.

H.R. 10877. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 10878. A bill to amend title II of Public Law 874, 81st Congress, to provide that payments received thereunder shall be disregarded for certain public assistance purposes; to the Committee on Ways and Means.

H.R. 10879. A bill to amend title II of the Social Security Act to provide that a survivor beneficiary shall not lose his or her entitlement to benefits by reason of a marriage or remarriage which occurs after he or she attains age 62; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 10880. A bill to amend the Flammable Fabrics Act to increase the protection afforded consumers against injurious flammable fabrics; to the Committee on Interstate and Foreign Commerce.

By Mr. GOODLING:

H.R. 10881. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. HARSHA:

H.R. 10882. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. KUYKENDALL:

H.R. 10883. A bill to provide that American foreign aid shall be suspended with respect to any country which has severed diplomatic relations with the United States on or after January 1, 1967, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland:

H.R. 10884. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record, to eliminate certain special requirements for entitlement to husband's or widower's benefits, to provide for the payment of benefits to widowed fathers with minor children, to equalize the criteria for determining dependency of a child on his father or mother, and to make the retirement test inapplicable to individuals with minor children who are entitled to mother's or father's benefits; to the Committee on Ways and Means.

By Mr. PATTEN:

H.R. 10885. A bill to amend the Federal Power Act to facilitate the provision of reliable, abundant, and economical electric power supply by strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the proper conservation of scenic and other natural resources; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 10886. A bill to amend the authorizing legislation of the Small Business Administration, and for other purposes; to the Committee on Banking and Currency.

H.R. 10887. A bill to provide assistance to students pursuing programs of higher education in the fields of law enforcement and of correctional treatment of law violators; to the Committee on Education and Labor.

By Mr. PRICE of Texas:

H.R. 10888. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. REID of New York:

H.R. 10889. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 10890. A bill to foster high standards of architectural excellence in the design and decoration of Federal public buildings and post offices outside the District of Columbia, and to provide a program for the acquisition and preservation of works of art for such buildings, and for other purposes, to be known as the Federal Fine Arts and Architecture Act; to the Committee on Public Works.

By Mr. ROONEY of Pennsylvania:

H.R. 10891. A bill to amend the act of August 4, 1950 (64 Stat. 411), to provide salary increases for certain members of the police force of the Library of Congress; to the Committee on House Administration.

By Mr. ST GERMAIN:

H.R. 10892. A bill creating a commission to be known as the Commission on Noxious and Obscene Matters and Materials; to the Committee on Education and Labor.

By Mr. SCHEUER:

H.R. 10893. A bill to foster high standards of architectural excellence in the design and decoration of Federal public buildings and post offices outside the District of Columbia, and to provide a program for the acquisition and preservation of works of art for such buildings, and for other purposes, to be known as the Federal Fine Arts and Architecture Act; to the Committee on Public Works.

By Mr. SCHWEIKER:

H.R. 10894. A bill to provide for improved employee-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SLACK:

H.R. 10895. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. TUNNEY:

H.R. 10896. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 10897. A bill to amend section 404(d) of title 37, United States Code, by increasing the maximum rates of per diem allowance and reimbursement authorized, under certain circumstances, to meet the actual expenses of travel; to the Committee on Armed Services.

By Mr. BUSH:

H.R. 10898. A bill to rename the Houston Veterans' Administration cemetery as the Albert Thomas Veterans' Memorial Cemetery; to the Committee on Veterans' Affairs.

By Mr. COWGER:

H.R. 10899. A bill to repeal the joint resolution of April 1, 1967, relating to emergency food assistance to India; to the Committee on Agriculture.

By Mr. DIGGS:

H.R. 10900. A bill to amend the Economic Opportunity Act of 1964 to provide for family planning programs; to the Committee on Education and Labor.

By Mr. DUNCAN:

H.R. 10901. A bill to provide that American foreign aid shall be suspended with respect to any country which has severed diplomatic relations with the United States on or after January 1, 1967, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FOLEY:

H.R. 10902. A bill to determine the respective rights and interest of the Confederated Tribes of the Colville Reservation and the Yakima Tribe of Indians of the Yakima Reservation and their constituent tribal groups in and to a judgment fund on deposit in the Treasury of the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 10903. A bill to strengthen the Federal Cigarette Labeling and Advertising Act; to the Committee on Interstate and Foreign Commerce.

H.R. 10904. A bill to assist in the protection of the consumer by enabling him, under certain conditions, to rescind the retail sale of goods or services when the sale is entered into at a place other than the address of the seller; to the Committee on Interstate and Foreign Commerce.

By Mr. GIBBONS (for himself and Mr. Ottinger):

H.R. 10905. A bill to amend the Economic Opportunity Act of 1964 to provide day care for children of low-income families in order to enable their parents or relatives to undertake vocational training, basic education, or employment; to the Committee on Education and Labor.

By Mr. HAYS:

H.R. 10906. A bill to amend the Foreign Service Act Amendments of 1960 to permit certain participants in the Foreign Service retirement and disability system to exclude amounts received as disability annuities from gross income for certain past taxable years; to the Committee on Foreign Affairs.

By Mr. OLSEN:

H.R. 10907. A bill to amend the Communications Act of 1934 to abolish the renewal requirement for licenses in the safety and special radio services, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN:

H.R. 10908. A bill to extend for 2 years the authority for more flexible regulations of maximum rates of interest or dividends, higher reserve requirements, and open market operations in agency issues; to the Committee on Banking and Currency.

By Mr. REUSS:

H.R. 10909. A bill to amend the Federal National Mortgage Association Charter Act to provide that the Secretary of the Treasury shall have responsibility and authority for Federal debt management; to the Committee on Banking and Currency.

By Mr. SCHADEBERG:

H.R. 10910. A bill to amend the Internal Revenue Code of 1954 to allow an individual an income tax deduction for the expenses of transportation to and from work; to the Committee on Ways and Means.

By Mr. SISK:

H.R. 10911. A bill to provide for preparation of a roll of persons of California Indian descent who are eligible to share in the distribution of certain judgment funds and for a referendum on the compromise settlement in consolidated docket Nos. 31, 37, 80, 80–D and 347, Indian Claims Commission; to the Committee on Interior and Insular Affairs.

By Mr. DANIELS (by request):

H.R. 10912. A bill to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement; to the Committee on Post Office and Civil Service.

By Mr. FRASER:

H.R. 10913. A bill relating to the construction, modification, alteration, repair, painting, or decoration of buildings leased for public purposes; to the Committee on Public Works.

By Mr. KEITH:

H.R. 10914. A bill to amend the act of August 7, 1961, providing for the establishment of Cape Cod National Seashore; to the Committee on Interior and Insular Affairs.

By Mr. POAGE (for himself, Mr. Morris, Mr. Price of Texas, Mr. Teague of Texas, Mr. de la Garza, Mr. Mahon, Mr. Sisk, Mr. Roberts, Mr. Abbitt, Mr. Belcher, Mr. Cabell, Mr. Steiger of Arizona, Mr. White, Mr. Walker, Mr. Quie, Mr. Andrews of Alabama, Mr. Jones of Missouri, Mr. Jones of North Carolina, Mr. Brasco, Mr. Udall, Mr. Rhodes of Arizona, Mr. Don H. Clausen, Mr. Reinecke, Mr. Teague of California, and Mr. Burleson):

H.R. 10915. A bill to amend section 202 of the Agricultural Act of 1956; to the Committee on Agriculture.

By Mr. QUILLEN:

H.R. 10916. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. EILBERG:

H.R. 10917. A bill to amend title XVIII of the Social Security Act to permit payment thereunder, in the case of an individual otherwise eligible for home health services of the type which may be provided away from his home, for the costs of transportation to and from the place where such services are provided; to the Committee on Ways and Means.

By Mr. HOLIFIELD:

H.R. 10918. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. KING of New York:

H.R. 10919. A bill to provide that American foreign aid shall be suspended with respect to any country which has severed diplomatic relations with the United States on or after January 1, 1967, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MEEDS:

H.R. 10920. A bill to amend the tariff schedules of the United States with respect to the rate of duty on whole skins of mink, whether or not dressed; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 10921. A bill to establish the National Park Foundation; to the Committee on Interior and Insular Affairs.

By Mr. DIGGS:

H.J. Res. 632. Joint resolution proposing an amendment to the Constitution of the United States relating to the right of citizens of the United States 18 years of age or older to vote; to the Committee on the Judiciary.

H.J. Res. 633. Joint resolution proposing an amendment to the Constitution of the United States to prohibit States from imposing the death penalty; to the Committee on the Judiciary.

By Mr. MURPHY of Illinois:

H.J. Res. 634. Joint resolution to authorize the President to issue annually a proclamation designating the 7-day period beginning October 2 and ending October 8 of each year as Spring Garden Planting Week; to the Committee on the Judiciary.

By Mr. MEEDS:

H.J. Res. 635. Joint resolution to authorize the President to issue a proclamation designating the first full week of October as Spring Garden Planting Week; to the Committee on the Judiciary.

By Mr. ABBITT:

H. Res. 544. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. ANDREWS of Alabama:

H. Res. 545. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. BENNETT:

H. Res. 546. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. BROYHILL of North Carolina:

H. Res. 547. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. CLANCY:

H. Res. 548. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. DEVINE:

H. Res. 549. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. FINO:

H. Res. 550. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By M. HULL:

H. Res. 551. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. KLEPPE.

H. Res. 552. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. NICHOLS:

H. Res. 553. Resolution for the consideration of H.R. 421; to the Committee on Rules.

Mr. O'NEAL of Georgia:

H. Res. 554. Resolution for the consideration of H.R. 421; to the Committee on Rules.

Mr. SMITH of New York:

H. Res. 555. Resolution for the consideration of H.R. 421; to the Committee on Rules.

Mr. SMITH of Oklahoma:

H. Res. 556. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. TAFT:

H. Res. 557. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. THOMPSON of Georgia.

H. Res. 558. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. WAGGONNER.

H. Res. 559. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. ZION.

H. Res. 560. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. BROYHILL of Virginia.:

H. Res. 561. Resolution providing for the consideration of H.R. 421; to the Committee on Rules.

By Mr. FINDLEY:

H. Res. 562. Resolution providing for the consideration of H.R. 421; to the Committee on Rules.

By Mr. HAMMERSCHMIDT:

H. Res. 563. Resolution providing for the consideration of H.R. 421; to the Committee on Rules.

By Mr. HARRISON.

H. Res. 564. Resolution providing for the consideration of H. R. 421; to the Committee on Rules.

By Mr. HARSHA:

H. Res. 565. Resolution providing for the consideration of H.R. 421; to the Committee on Rules.

By Mr. HUTCHINSON:

H. Res. 566. Resolution providing for the consideration of H.R. 421; to the Committee on Rules.

By Mr. McEWEN:

H. Res. 567. Resolution providing for the consideration of H.R. 421; to the Committee on Rules.

By Mr. PRICE of Texas:

H. Res. 568. Resolution providing for the consideration of H.R. 421; to the Committee on Rules.

By Mr. ROTH:

H. Res. 569. Resolution providing for the consideration of H.R. 421; to the Committee on Rules.

By Mr. SCHADEBERG:

H. Res. 570. Resolution providing for the consideration of H.R. 421; to the Committee on Rules.

By Mr. SNYDER:

H. Res. 571. Resolution providing for the consideration of H.R. 421; to the Committee on Rules.

By Mr. STANTON:

H. Res. 572. Resolution providing for the consideration of H.R. 421; to the Committee on Rules.

By Mr. PHILBIN:

H.Res. 573. Resolution extending greetings and felicitations of the House of Representatives to the people of Mendon, Mass., on the occasion of the 300th anniversary of their community; to the Committee on the Judiciary.

By Mr. ANDREWS of North Dakota:

H. Res. 574. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. BUCHANAN:

H. Res. 575. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. O'HARA of Illinois:

H. Res. 576. Resolution expressing the sense of the House with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. OLSEN:

H. Res. 577. Resolution to establish a select committee to investigate and study the acquisition of small investor-financed and REA-financed telephone companies by the Continental Telephone Corp., a telephone holding company; to the Committee on Rules.

By Mr. SCHWENGEL:

H. Res. 578. Resolution amending the Rules of the House of Representatives to set aside a portion of the gallery for the use of scholars engaged in studies of the House of Representatives; to the Committee on Rules.

By Mr. SIKES:

H. Res. 579. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. CLEVELAND:

H. Res. 580. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. DERWINSKI:

H. Res. 581. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. GIBBONS:

H. Res. 582. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. MacGREGOR:

H. Res. 583. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. REINECKE:

H. Res. 584. Resolution for the consideration of H.R. 421; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 10922. A bill for the relief of Filiberto DiBartolo-Fonte; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H.R. 10923. A bill to authorize the Secretary of the Interior to convey the Argos National Fish Hatchery in Indiana to the Izaak Walton League; to the Committee on Merchant Marine and Fisheries.

By Mr. BRASCO:

H.R. 10924. A bill for the relief of Antonio Cafarelli; to the Committee on the Judiciary.

H.R. 10925. A bill for the relief of Stefano Lombardo; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.R. 10926. A bill for the relief of Jose de Jesus de la Garza-Martinez, Piedad Aguirre-Gonzalez, Victor Manuel de la Garza-Aguirre, Martha Aida de la Garza-Aguirre, Jose de Jesus de la Garza-Aguirre, Irma Amalia de la Graza-Aguirre, Noemi de la Garza-Aguirre, Emilio de la Garza-Aguirre, and Maria Salud de la Garza-Aguirre; to the Committee on the Judiciary.

By Mr. GIAIMO:

H.R. 10927. A bill for the relief of Mrs. Jean Emiline Wright; to the Committee on the Judiciary.

By Mr. MULTER:

H.R. 10928. A bill for the relief of Giuseppe Ganci (also known as Giuseppe Gangi); to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H.R. 10929. A bill for the relief of Mrs. Nevenka Opacic; to the Committee on the Judiciary.

By Mr. REUSS:

H.R. 10930. A bill for the relief of the estates of Charles and Caroline Durkee; to the Committee on the Judiciary.

By Mr. SCHWEIKER:

H.R. 10931. A bill to permit the vessel *Clar-Lo* to be documented for use in the coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Mr. SIKES:

H.R. 10932. A bill for the relief of Gilmour C. MacDonald, colonel, U.S. Air Force (retired); to the Committee on the Judiciary.

By Mr. STRATTON:

H.R. 10933. A bill for the relief of the Seneca Foods Corp.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

105. By the SPEAKER: Petition of Naha City Assembly, Naha City, Okinawa, relative to the return of Okinawa to Japan; to the Committee on Foreign Affairs.

106. Also, petition of Tamagusuku Village Assembly, Tamagusuku, Okinawa, relative to the return of Okinawa to Japan; to the Committee on Foreign Affairs.

SENATE

THURSDAY, JUNE 15, 1967

(Legislative day of Monday, June 12, 1967)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, hushing our thoughts to quietness, we would still our spirits in sincerity and truth as we wait before Thee, who knowest the secrets of our hearts. We turn to Thee, driven by our tension for the present, anxiety about the future, deep concern about ourselves, our Nation, and our world. As we play our part in days of destiny, with all mankind standing in the valley of decision, we seek the sanctuary of prayer.

In a world so uncertain about many things, we are sure of no light but Thine, no refuge but in Thee.

In these hallowed Halls may Thy servants in the ministry of public affairs serve with integrity and fidelity the cause of our country, and of our common humanity and so help to build the city of God on the ruined wastes of this divided and disordered world.

Through the sincere expression of differing appraisals in this Chamber may the final wisdom that charts the Nation's course in these perilous days be higher than our own.

We ask it through riches of grace in Christ Jesus our Lord. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 2508) to require the establishment, on the basis of the 18th and subsequent decennial censuses, of congressional districts composed of contiguous and compact territory for the election of Representatives, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CELLER, Mr. TENZER, Mr. CONYERS, Mr. McCULLOCH, and Mr. MACGREGOR were appointed managers on the part of the House at the conference.

The message also announced that the House had concurred in the amendment of the Senate numbered 1 to the bill (H.R. 5424) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and that the House had concurred in the amendment of the Senate numbered 2 to the bill with an amendment, in which it requested the concurrence of the Senate.

THE DODD CENSURE RESOLUTION

The Senate resumed the consideration of the resolution (S. Res. 112) relative to censure of Senator THOMAS J. DODD.

The PRESIDENT pro tempore. Under the order previously entered, the Senator from Mississippi [Mr. STENNIS] is recognized.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. As I understand, I am recognized and have the floor.

The PRESIDENT pro tempore. The Senator is correct.

Mr. STENNIS. I ask unanimous consent that I may yield to the Senator from Montana, without losing my right to the floor, for such purposes as he may see fit.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS TO 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 o'clock tomorrow morning.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 142 Leg.]

Aiken
Allott
Anderson
Baker
Bartlett
Bennett
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Griffin
Gruening
Hansen
Harris
Hart
Hartke
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hollings
Hruska
Jackson
Javits
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Murphy
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Scott
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. BYRD of West Virginia. I announce that the Senator from Indiana [Mr. BAYH] is necessarily absent.

I also announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from North Carolina [Mr. JORDAN] are absent because of illness.

Mr. KUCHEL. I announce that the Senator from South Dakota [Mr. MUNDT] is necessarily absent.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). A quorum is present.

ORDER FOR RECESS FROM TOMORROW UNTIL SATURDAY

Mr. MANSFIELD. Mr. President, after consultation with the distinguished minority leader, if consideration of the pending resolution is not completed by Friday night—and it does not appear it will be—we feel that the Senate should be in session on Saturday; therefore, I ask unanimous consent that when the Senate recesses tomorrow, it recess until 10 o'clock Saturday morning next.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MANSFIELD. Mr. President, for the information of the Senate an order has already been entered under which the Senate will meet at 11 o'clock tomorrow morning.

The PRESIDING OFFICER. The Senator is correct.

The Senator from Mississippi [Mr. STENNIS] has the floor.

The Senate will be in order. Senators will take their seats.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, I have already been recognized. After conferring with the Senator from Connecticut, who desires time to make a statement, or take the floor to make a statement in response to the Senator from Kansas [Mr. PEARSON] who spoke on yesterday afternoon, I am delighted to yield to the Senator from Connecticut.

I therefore ask unanimous consent that I may yield to the Senator from Connecticut for that purpose, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. The Senator from Connecticut and I have had an understanding that it will be for his presentation and will not involve others at this point.

REPLY TO SENATOR PEARSON

Mr. DODD. Mr. President, I thank the distinguished Senator from Mississippi for his kindness. I do not want to delay the Senate, but near the close of the session yesterday, the distinguished Senator from Kansas [Mr. PEARSON] raised some questions which I did not understand clearly at the time. Thus, for reasons of clearing up the record, I felt it would be helpful if I clarified for him, and for other Senators, the questions which were raised.

MAXIMUM DOUBLE BILLING OPPORTUNITIES

Mr. President, the Senator from Kansas [Mr. PEARSON] stated that the Senator from Ohio [Mr. LAUSCHE] and the Senator from Tennessee [Mr. GORE] had asked questions that went to the heart of the double billing problem. The questions asked by the distinguished Senators from Ohio and Tennessee related to the number of opportunities that I had to double bill the Senate—had I chosen to do so.

From what I read in the RECORD, the Senator from Kansas, in response to this point, stated that the maximum number of possible double billings was 10, and since there were seven double billings out of these 10 this indicated a course of conduct. This is how I read the Senator's remarks. He contrasted that with seven out of 80 cases that I had referred to in responding to the Senators from Ohio and Tennessee.

I must repeat my position, that the maximum number of opportunities was 80, not 10. I want to explain why.

It seems to me that the Senator from Kansas—and I assume the committee—arrived at 10 as the maximum number of opportunities by what I would describe as narrowly circumscribing the definition of such an opportunity to those cases in which I received both Government reimbursement and payment from some private group in connection with a private appearance, or speech of some sort.

My point is, this is entirely unrealistic, and I want to tell the Senate why.

During the period in question, there were some 80-odd trips from which I received reimbursement either from a private organization or from the Senate. Now, of those 80 reimbursed trips, the travel expenses for 26 were paid for by the Senate and for 54 by private organizations.

My additional point is, on this score, that if I were out to "trim" the Government, there is no reason to believe that I would have stopped at seven isolated double billings over a period of years.

On the contrary, the course of conduct here would indicate that I should have, in furtherance of that assumed course of conduct, if I were a "trimmer" that is, either invented a governmental purpose with respect to the 54 trips for which I received reimbursement from a private organization, or developed lecture engagements in connection with the 26 trips on official Senate business for which I received reimbursement from the Senate, or more likely, both, if that was my intent.

May I further suggest that if one is to rely on a course of conduct as evidence of a critical fact such as intent in the matter before us, it seems to me that extensive care is required in defining the limits of that course of conduct in order to determine whether there has been conformity to it or not.

I respectfully say that it seems to me the committee's error here was in erroneously limiting the definition of the asserted course of conduct and, more importantly, in reaching such a profound conclusion on the basis of such tenuous presentation. I think I am right about that.

The important point I want to repeat and to stress, is that the number of maximum possible double billing occasions was not 10; it was 80. It is a matter of arithmetic—54 and 26.

TRAVEL VOUCHERS

Also, the distinguished Senator from Kansas referred to the fact that until yesterday the committee had labored under the misapprehension that I had signed some of the travel vouchers and that this was part of the chain of evidence upon which the committee relied.

I should explain that, had I known, either from the report or from any source, that the committee considered this such a significant item, I would have looked into it sooner. I would have obtained the assistance of Mr. Appel, the handwriting expert, sooner, and would have delivered to the committee at an earlier date the affidavit of Mr. Appel, which is now part of the record in these proceedings.

But nowhere in the report, and I reread it last night, can I find any indication that the committee relied upon this consideration, and I had no way of determining that they did. How would I know?

CORRECTIONS

The third point I should like to make is that another item of evidence relied upon by the committee, as I understood the distinguished Senator from Kansas, is the fact that on several of my trips the wrong credit card was used and then it was corrected. As I read the record, this apparently leads the committee to believe that failure to make correction in the other cases is further evidence of this much referred to "course of conduct."

This is an assumption which apparently formed the basis, in part, for the committee's conclusions. But, it is unfounded. I do not find any foundation for it.

On two occasions, I directed O'Hare to transfer an air travel charge from a Senate subcommittee account to my personal account, which appears in the RECORD. I determined on those occasions that an error had been made. I think the way I found it was I happened to look at my airplane ticket. It shows the number of the credit card, and if there is a Senate committee card it shows that, in addition. That was the way I caught those two instances. I determined that an error had been made, simply by looking at the ticket. I knew I was on a personal trip and I knew the credit card number appearing on these tickets was not mine. When I got back I said, "Correct that," and it was corrected.

I know my air travel card number—I have had it for years. It is AAQ 1331-WAA. Also, subcommittee credit cards reflect the name of the subcommittee. Thus, by looking at the ticket in the course of the trip I was able to determine that the ticket had been erroneously purchased on a subcommittee air travel card.

I thus directed that a transfer should be made and it apparently was made.

Although I have no present recollection of the other instances in which transfers were made, either from one subcommittee account to another or, on one occasion, from my personal account to a subcommittee account, I assume that the same process of identification was involved.

The crucial thing to recognize here is that in each one of the corrected cases upon which the committee relied in order to draw its inference, there had been an error made in the purchase of the plane ticket in that the wrong air travel card had been used.

That is the important point in this case. In the six double-billing cases involving the use of the air travel cards, no mistake in the use of an air travel card was made. This is quite a different thing. The tickets were purchased with the card of the correct subcommittee of the Senate. In these six cases I could not and did not determine that an error in billing had been made by looking at the ticket. In fact, no error had been made in billing. Each trip was made for official Senate business. The ticket was correctly charged to the Senate subcommittee charged with that official travel. The error or mistake in double billing resulted from the failure of the bookkeeper to transfer the air travel charge to my personal account, or to reimburse the Senate for the amount of the air travel charge once he had received payment of the same air travel expense from the private organization involved, or else returned the travel expense check to the private organization involved. That is what ought to have been done.

I think the Senate should know that I did not deal with these private organizations in determining whether or not there would be travel reimbursement, nor did I receive from them checks in payment of the air travel expense. This was all done by O'Hare, since it was his job to keep my personal books of account and checkbook, as well as handle all my travel matters.

I want to make sure I made that clear. He was the one who handled my books and my personal accounts for my income tax. I never prepared them myself. I assume if he had found any erroneous billings, he would have told me. He never did.

In short, this assumption—I hope I am making it crystal clear—by the committee that the correction of some air travel mistakes reflect, adversely on me in the double billing issue is completely wrong. Just the reverse is the case.

These corrections do not disclose the "course of conduct" which the committee thought it discovered. The only thing they disclosed, particularly the transfer of charges from a Senate account to my personal account, is the absence of any intention on my part to erroneously bill the Government. I emphasize that.

In this connection, I should note that the corrections referred to by the distinguished Senator from Kansas as forming part of the committee's deliberations were, so far as I can tell, not contained in the record of the hearings before the committee. I have not been able to find them in the record of the hearing.

I offered documentary proof of these corrections to the committee on several occasions, but they were not accepted.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DODD. May I finish this sentence first? They were not accepted. I am, therefore, somewhat baffled as to why the committee considered these corrections.

Now I am pleased to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. With reference to the 1961 double charge to Philadelphia, of $24.50——

Mr. STENNIS. Mr. President, may I interrupt the Senator from Louisiana? May I inform him that the Senator from Mississippi had the floor and had an understanding that the Senator from Connecticut would be permitted to make a statement, and the Senator from Mississippi yielded, by unanimous consent, for that purpose.

Mr. LONG of Louisiana. I had one question——

Mr. STENNIS. May I complete my statement?

To answer the Senator from Kansas on a matter he brought up yesterday. The Senator from Mississippi yielded for the Senator from Connecticut to briefly respond to that statement. May I ask the Senator from Louisiana, if he has questions, to withhold them at this time?

Mr. DODD. I will be only a few minutes. I wanted to make clear, as best I could, what was my understanding.

The Senator from Kansas stated he failed to see the importance of which was billed first, the Senate or the private organization. I could not agree more. I made that point yesterday. With respect to this point, it does not make sense to me. The only reason I brought it up is that I read an account in the papers that this had something to do with what brought about the judgment of the committee, that it showed a pattern which is presumably crucial to this course of conduct on which the committee based its recommendation.

The Senator from Kansas is right that it does not mean much. The important point here, however, is not timing. It is that the course of conduct which apparently formed the basis for the profound conjecture—if I may use that term—concerning my guilt was obviously not the same course of conduct to the Senator from Kansas and to the Senator from Utah.

To sum up, I now know for the first time what facts entered into the committee's judgment on double billing, and I can see how this error in judgment was made.

For instance, I can see how the committee assumed I signed the travel voucher. They were wrong.

The committee limited their consideration of double billing opportunities to 10. That is a mistake. There were 80.

I think the committee deduced from the correction of several erroneous billings that I should have discovered the seven double billings and, therefore, the failure to correct the seven double billings established a course of conduct.

This is a mistake.

It does not follow.

They were wrong.

Some members of the committee divined a pattern from the timing of the double billing, which I gather the Senator from Kansas does not agree with.

I do not, either.

Finally, most of the difficulties, most of these mistakes, I call them, could have been avoided and the recommendation of the Ethics Committee on double billing could have been avoided if I had been told about them at the time. I was always here. I never found it out. If someone had said, "DODD, how about this?" I could have made an answer. But I was not asked. That is why I was perplexed about this from the beginning.

Had I been confronted with their thinking and their reflections upon the evidence offered at the hearings, I would have been able to present them with additional facts which could have only assisted them in their deliberations and would have, in my opinion, prevented their findings against me.

This is why our courts demand specific and detailed facts in accusations. I do not think we should do less in a matter of such gravity as the one presented here. This is the only way a man can determine an issue with accuracy.

I feel strongly that if the Ethics Committee had informed me of such things as the weight that it placed upon the corrections which had been made by my office with respect to some travel charges and the pattern argument recently advanced by Senator BENNETT, I could have demonstrated to the committee, as I feel I have to this body, that there was no such pattern and that the inferences were erroneously drawn.

May I say respectfully I could not hear the Senator too well yesterday, but I read the Record——

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. DODD. When I saw the Record and was able to read it carefully, then I was able to more clearly understand.

Mr. LAUSCHE. Mr. President, will the Senator from Mississippi consent to the Senator from Ohio putting questions on this subject which grew out of two questions asked, one by the Senator from Tennessee [Mr. Gore] and one by myself, yesterday?

Mr. STENNIS. I respond to the Senator from Ohio, Mr. President, by saying that, of course, I would yield to him as quickly as to anyone, but there are 98 others, and if I yield to one under those conditions, I would have to yield to all. The Senator from Connecticut and I had this understanding.

Mr. DODD. Yes, I had asked the Senator from Mississippi to give me this time, which he generously did.

Mr. STENNIS. I told the Senator he may have whatever time he needs.

Mr. PEARSON. Mr. President, will the Senator from Mississippi yield to me on the same basis?

Mr. STENNIS. Yes. Under the same circumstances, Mr. President, I ask unanimous consent that I may yield now to the Senator from Kansas on the same subject matter.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PEARSON. Mr. President, I think the Senator from Connecticut and I are in agreement on the facts and in disagreement on the interpretation of those facts. The statement that I made last night was made at the time stated. I appreciate the fact that the Senator could not hear me; he said so later.

Mr. DODD. I heard some of it, but I could not hear it as clearly as I would have liked.

Mr. PEARSON. The Senator from Tennessee and the Senator from Ohio had heard the figure of 80 trips. It was stated in the report on page 11, under the description of the method of investigation, as the number of trips he made. We also heard, in the course of the debate, that there were seven occasions upon which the committee considered that there were the so-called double billings.

In their consideration, the question in their minds, I am sure, when they raised the issue, was the difference between 80 trips and seven trips, over a period from July 1960 to December 1965, which raised a question in their minds as to whether the committee had nit-picked, so to speak.

Mr. DODD. Had what?

Mr. PEARSON. Nit-picked. It raised a question in their minds, I thought, as to whether the committee had nit-picked on the question of double billings. That thought was inherent, I felt, in the questions they asked; and they were good questions. For that reason I said they went to the heart of the matter.

Mr. DODD. Yes.

Mr. PEARSON. Yesterday, to repeat, I outlined what I have considered the process of decisionmaking by the committee, in saying that 80 trips were investigated during that time, and the next step was to determine that 26 had been charged against the Senate, or vouchers submitted, as the Senator said in his statement, for payment by the Senate or by the Government.

So the total of 80 is now reduced to 26, considered in the confines of whether or not there could have been double billing.

So the next step was to determine how many of those 26 trips involved a double performance, so to speak—involved not only a trip in pursuance of Senate business—and we raised no question about those—but also involved an incident where the Senator had an occasion to make a personal appearance, and to receive travel pay and honorariums. Our investigation indicated such occasions to have been 10 in number.

So the point I sought to develop last night was that the number involved—and here is where the Senator from Connecticut and I disagree, and the committee and the Senator disagree—is not a relationship between seven and 80, but a relationship between seven and 10.

Mr. DODD. Mr. President, will the Senator yield? Why should the relationship——

Mr. PEARSON. I will be glad to yield, if the Senator from Mississippi will agree that I may.

Mr. DODD. Mr. President, will the Senator from Mississippi permit me to ask the Senator from Kansas a question?

Mr. STENNIS. I gladly yield to the Senator for that purpose.

Mr. DODD. Mr. President, I am trying to follow the Senator's mathematics. We both agree there were 80 trips, 54 for private reasons and 26 on behalf of the Senate.

My point is, I think the Senator from Ohio and the Senator from Tennessee were asking how many opportunities there were, and that is why I said 80. But in any event, take the figure of 26; it certainly is not 10. There were 26 trips that I made for the Senate.

Mr. PEARSON. In response to the Senator's question, I say that there were not 26 times when the Senator went out on Senate business and also made a personal appearance, but 10.

Mr. DODD. Yes, but as a course of conduct with intent to do some trimming, I had 26 opportunities. That is my point. Indeed, I had more; I had the total of 80 when the Government-reimbursed trips are combined with the 54 privately reimbursed trips. It would have been a simple matter to rig up a hearing somewhere, if I were out to trim on travel, and say to the committee, "Better arrange an appearance out there."

That is my point. Was it really a bookkeeping mistake, or was this fellow Dodd scheming to get some money out of the Government?

I say it is unrealistic to say it was seven out of 10. There were 80 trips; 54 of them did involve private affairs, 26 of them did involve the Government. That is my whole position. I do not mean to argue the matter.

Mr. PEARSON. In response, I would say to the Senator from Connecticut that saying there were 26 opportunities is not the position the committee assumed. It never assumed that the Senator was not on official business when he went. We never assumed that the Senator contrived a Senate business trip in order to take care of a personal appearance.

So I think, in differing with the Senator on that point, we differ in his favor.

Mr. DODD. We differ in what?

Mr. PEARSON. I simply said, the committee never assumed that the Senator contrived a Senate business trip in order to take care of a personal appearance. So, in differing with the Senator on this point, I think we differ in his favor.

Mr. DODD. I appreciate the Senator's statement. I do not know how it favors me, when I find myself in this posture. But in any event, I appreciate the opportunity to clear up what I thought about it.

Mr. PEARSON. Let me make one other point, and that is to make reference to the Senator's position that there were 80 opportunities. The record indicates, by the stipulations—as I remember, by the so-called "supplemental stipulation" found at pages 1015 to 1019 of the hearings—that there were six occasions on which there were payments by private organizations and also payments from the campaign funds. Those were not considered as Senate business, but they were made reference to in the report, because there was another instance or clarification; two or three of the 10 trips were placed over in that category, because of inability on the part of the committee to make a decision as to whether or not this was Government or private.

Mr. DODD. I trust that the Senator remembers I raised that matter myself, yesterday.

Mr. PEARSON. Yes, the Senator did.

Mr. DODD. I believe I illustrated how that came about, and how nonsensical it was for this bookkeeper to be using my campaign funds, when money was so hard to raise in a campaign; that it did not make any sense whatever.

Mr. PEARSON. I thank the Senator.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. STENNIS. Has the Senator from Connecticut finished?

Mr. DODD. Oh, yes; I had.

STATEMENT BY THE CHAIRMAN

Mr. STENNIS. Mr. President, and fellow Senators: I have before me today a chart that was not completed when I addressed the Senate on Tuesday—not completed, at least, to the extent that I could use it.

I want now to go through these complicated figures, with each Senator being guided by the chart. Each Senator will have before him a copy of the chart so that he can follow me. However, before the chart is distributed, I remind the Senate that the Senator from Mississippi said in the beginning that these figures are long and complicated. There are many bank accounts. It is only with difficulty that any Senator, even one who has been serving on the committee—and

I include myself in that statement—can follow all of them rapidly and every time they are used.

I do believe that this chart will be useful, particularly as it applies now to item (a) in the resolution, which pertains to obtaining and using for his personal benefit, the funds obtained from the political testimonials or the political campaign funds. That is the basis of the overall charge with reference to these campaign funds. The charge is not that he held a testimonial dinner or that one dinner or that many dinners were held, and not that he had a special campaign fund in Connecticut. Nothing is based on that.

The basis of the charge is that the money was taken in on an express or implied representation to the people and the general public that these funds were political funds and were connected with a campaign, past or future, and they were thereafter wrongfully, in our view, converted to what was essentially a personal use. That was a conversion, not as the term is used in the old criminal law of England, but a conversion in fact based upon the use of the money.

That is the basis of the charge, the personal use of the money. And that is what I am going to direct my thoughts and your thoughts to, if I may, this morning in the consideration of this charge.

Almost all of these figures are either covered in the stipulations or covered by the testimony of the Senator from Connecticut as he gave his testimony to us in these hearings. Where it does not rest solely on that, I will point it out to the Senate.

I am going to give briefly, some of the representations, even though there is some repetition in this, that the public had been given with reference to these public meetings.

The programs are all contained in the record. That is why they are here—to delineate in great particularity what the tone of these meetings was, what the representation was. Even though some friends knew or said that this money was going to be put to a personal use, and some of them might have known, but the whole framework of this matter goes back to political meetings. I mentioned here that featured speakers were always men of respectability and from high office. They were political leaders of the Nation.

That is why I make reference to the then Vice President Johnson and reference to the present Vice President, Vice President HUMPHREY.

We know of their acting in absolute good faith and without knowledge of anything of this kind.

I am not going to dwell on this at length, but there is a letter printed on page 969, part II of the printed record. Mr. Barbieri sent this letter out on December 30, 1964.

The letter states:

> DEAR FRIEND: I am writing to you as the political leader in your area.

That is a letter that refers to the victory dinner that was going to be held in 1965.

On the next page, page 970, there is reference to the vigorous campaign that Senator DODD had made and the statement:

> The result justified the efforts and expense but a considerable deficit was incurred and must now be met.

That letter was dated February 3, 1965.

I will refer to this again, but the next paragraph states:

> A testimonial dinner will be held at the Statler-Hilton Hotel in Hartford, Connecticut, on Saturday, March 6th. This affair will celebrate his record-breaking majority and assist in meeting the campaign deficit.

There is another illustration on page 911 of the same representation, given in a letter dated October 15, 1963. This letter is signed by Mr. McNamara. I mentioned him the other day. He was one of the organizers and planners and promoters of the 1963 Bridgeport dinner.

Mr. McNamara wrote on October 15, 1963:

> I will be calling you in a few days about whether or not you are willing to make a contribution to Tom Dodd's campaign.

He then refers to the "kickoff" for fundraising activities.

Those things illustrate from top to bottom, all the way through, that these matters were planned, and properly planned, as a political undertaking.

There is another letter from Mr. McNamara on page 912 of the hearings, under date of October 16, 1963. It reads in part:

> In 1964, our friend, Senator Thomas J. Dodd, will campaign for re-election to the U.S. Senate.

It also states:

> For this reason, it is necessary for those of us who respect and admire Senator Dodd to lend whatever aid we can to assist him in presenting a vigorous campaign.

Those are very proper words. The letter is signed "Paul." That was Paul McNamara.

All of those matters are contained in the hearing record, as I have said.

There were written invitations and newspaper items.

I would not base anything merely on the newspaper items and the current news of the day alone. Of course not. But, consistent with what was happening there, nearly all of the newspaper items refer in one way or another to the forthcoming campaign costs or the deficit incurred in past campaigns.

When Vice President HUMPHREY was coming up to Connecticut, it will be noticed on page 990 that the newspaper article headline reads: "HUMPHREY Due Tonight; Lodge for Delegate?"

That was political talk. That was the title of a newspaper article.

It is so overwhelmingly established on that basis that I will not dwell on that again, except to say that this was the basis of the beginning of the inquiry by the committee.

The same article on page 990 to which I have just referred makes the statement:

> Proceeds of the dinner will be used to pay off Senator Dodd's 1964 re-election campaign deficit.

That article was published under date of March 6, 1965.

Mr. DODD. Mr. President, will the Senator yield? I want to ask a question. Would it be acceptable to the Senator, if after he covers a specific point, I ask him to yield so that I may make my answer?

Mr. STENNIS. Senator, if I may respond in this way, this is a rather long and complicated set of figures.

If the Senator will permit me to go through them, I will be glad to yield to the Senator at that point for as long as he wishes. Perhaps he could make a memorandum or have someone make a memorandum of those points. Otherwise, I am afraid the continuity would be broken so often that I could not handle it.

Mr. DODD. That is all right. I understand the position of the Senator. But the reason for my inquiry was the reason that the Senator suggested: That it is so complicated and long that it is almost impossible for one in my position at the end of the presentation to take up everything and explain it.

It seems to me that if I could have an opportunity to do so after each point has been made, it would be better.

Mr. STENNIS. As the Senator knows, I want to accommodate him with everything that I can consistent with my limited ability to put over an idea.

I believe that with these charts before us, and with the assistance of his aides, the Senator could keep up with what I am about to say, which will be largely a repetition of what I have already said, except that we have the benefit of these charts.

If Members of the Senate will consult the chart, they will see that we start with the 1961 dinner.

On the left-hand side of the paper, "Gross receipts, $64,000"; to the left, "Dinner expenses, $8,135"; "Net proceeds, $56,110."

Following that line down, we see where the money went.

This chart is based upon the testimony, the stipulations, the record before you, and it can be verified page by page, although I shall not do that now, because the chart serves that purpose. The chart was prepared by the staff members who had been working on this matter all the time—the chief counsel; the assistant chief counsel; and Mr. Clare Rohrer, who is an accountant from the General Accounting Office, and who has been with us since this matter commenced.

Dropping down on the left-hand column, we found from the bank records that $56,110 was mingled in the personal account at the Riggs National Bank, 1961. We found that there were repaid what we denominate a personal-political loan to the Federation Bank, $23,000. That is one loan of the $120,000 in loans which have been referred to, and it is listed on page 854 of the record. The $23,000 was for a loan, a personal-political loan, as termed by the committee.

Then there is shown the item "Personal expenses, $33,110." That is the bank account where it was impossible to trace the funds minutely or in particular any further, because the Riggs Bank, in Washington, did not keep these records. Mr. O'Hare, the bookkeeper, testified that the $33,110 was used for miscellaneous expenses, including household items and related items. That testimony was not contradicted in any way in our hearings, and it stands that way in the record now—that that was the disposition of those funds. We regret that we were not able to obtain the bank records with respect to that matter.

When we refer to the second item, the matter becomes more involved. This is the 1963 District of Columbia reception. This indicates gross receipts, $13,770; reception expenses, $965; net proceeds, $12,805. An offshoot shows $100 remaining in that account when we examined it. A $6,000 item shows up there—"Loan to Sen. DODD for income tax payment." That was used to pay, as it states, Senator DODD's personal income tax.

That is the item that his auditor found in checking the books. That is the instance in which the testimony shows that Senator DODD was told, in effect, "If you use this to pay that tax, then you will have to report it as income." So thereafter it showed up as a loan.

There has been talk about what was in the minds of the committee in trying to solve these knotty matters and looking for a way in which they might be solved in Senator DODD's favor. But if this money was his to use as he saw fit, as a gift, why would this be done, why would it be put in the form of a loan? That matter will show up again on the right-hand side of the sheet, where the loan is shown as having been paid back to a political campaign fund. We will develop that when we get to it.

If we follow the next line down from the District of Columbia reception, we see "Repaid Bomstein political loan in part, $750."

That is determined to be political by the committee.

I should like to advert for a moment to the $33,110 item. It is covered in the stipulation, I believe, as being in the personal bank account. That is my recollection. The $33,110 item shows up in the special review of this entire matter made by the Senator from Utah [Mr. BENNETT] and the Senator from Minnesota [Mr. McCARTHY], and they can give another full report on that item, if desired.

Mr. Bomstein was a friend of Senator DODD, who had helped in arranging the District of Columbia reception, and that money was used to pay off the loan that we considered a political loan.

The next item with respect to the District of Columbia reception is "Paid expenses, $4,387." The three figures under that amount are composite figures and make up the $4,387. The first item is designated "Political, $2,879"; the next item, "Personal-political, $883"—that means the committee did not charge him with it; the last item is $625, and that shows up as a purely personal matter, and is in the list given by the committee, first originated by the two-man committee to which I have referred.

This matter is listed in itemized form on page 897 of part 2 of the committee hearings, and is one of the stipulations. I referred to that matter the other day. Those are the detailed items of the entire amount—$4,387. I repeat that only $625 of that amount was charged by the committee as personal.

Another item shoots off to the right, as one faces the chart—the sum of $1,567, which was the balance finally transferred to the larger testimonial bank account fund which is almost in the center of the chart.

The table then skips over and Senators will see the line break just below the word "Transferred." We go to another important account. There were four functions held in Connecticut on the same day in 1963, but there were two accounts kept, so we listed those separately, of course: The first account was for the 1963 Fairfield reception and Bridgeport dinner, gross receipts $15,705; reception and dinner expenses $4,886; net proceeds $10,069. All of that amount is the second source of money for this mingled testimonial bank account. It was paid into this mingled testimonial bank account, which is shown by a line to the right of the center of the page, and comes in from the first two items in the Connecticut Day.

Moving forward to the right on the page, 1963 Hartford breakfast and Woodbridge luncheon, gross receipts $31,040, all of that amount was paid into this mingled account. That is the third source of income of this mingled testimonial account.

Moving forward and straight up from this mingled account, and skipping, for the time being, funds that came into it from the campaign fund of 1964, we found gross receipts of $79,223 from the 1965 dinner, and leading down into this mingled testimonial account, all of that money being the fourth source of the money for the mingled testimonial account. That is the one that was after the election, of course. That is the one concerning which I read from the letter from Mr. Barbieri. At that time we were able to reconstruct the figures.

I shall digress here for just a moment. We were able to reconstruct the figures as to what the balance was in this account at that time. The Barbieri letter, which was the real invitation saying that the purpose of the 1965 dinner was to make up the 1964 campaign deficit, was dated the 3d of February. On the 1st of February of that year, 1965, immediately before the receipt of the contributions of the March 1965 testimonial, there was already on hand $55,766. The deficit, as reported, was $6,660.

The deficit was testified to by three or four witnesses who were speaking from their personal knowledge. Mr. Barbieri was one witness, I think, and Mr. McNamara was another. They all placed it between $6,000 and $7,000. From February 1, 1965, when this letter went out, $55,766 was in the bank. It is possible there could have been more bills outstanding. We were not able to develop anything; I mean, campaign bills of 1964. There could have been some other bills outstanding connected with that campaign. We were not able to develop anything on that and there was no proof brought in.

Anyway, from this 1965 dinner those gross receipts of $79,223 were paid into this mingled account. That is the fourth source of revenue for that account.

Going back on the calendar for a moment, but to the right and forward in the chart, I refer now to the 1964 political contributions. That was the campaign in Connecticut in the fall of 1964. Until about the middle of October of that year the money that was coming in for that campaign was going into this mingled fund. As to that $85,000, Senator DODD covered that yesterday. He said he stopped that, as I recall. One of his counsel—I cannot recall his name—had called it to his attention and advised him to that effect. I believe it was Mr. O'Conner. They then opened up another account. Up to that time there had been paid for money that came in for that 1964 campaign $85,818 that went into this mingled account. That is the fifth source of revenue that went into that account.

I wish to repeat in part what the 1963 receipts were: part was from the Fairfield and Bridgeport breakfast and dinner and part was from the Hartford and Bridgeport luncheon; the 1965 dinner went in and $85,000 from the campaign fund went in.

I mention here this $6,000 item because it shows up here as the next item coming down from this 1964 campaign and it is really another source of income, which makes that figure $240,290 appear in some places in the record as $246,000.

At any rate, that $6,000 item was repayment of the District of Columbia committee loan from the personal account of Senator DODD at the Riggs Bank. It was some 12 to 14 months later, as I remember, that this loan was repaid. We thought if there was any mistake about it that that was a long time to find out about the mistake and to reconsider the matter, but it was repaid. Therefore, there are facts that are entirely inconsistent, with the idea that the money over here, $6,000, belonged to Senator DODD from the beginning as a gift.

Dropping down, where it states "Repaid District of Columbia committee loan" a group of transfers come in here. The net transfer figure of $22,593 went over into this mingled account. The item there of $152,472 represents money that was spent in the Connecticut campaign. There is another item that goes with that which was spent in the Connecticut campaign, that was deposited in the campaign account.

That is a rather complicated matter, but we developed all we could on the Connecticut campaign and definitely traced that $85,000 over into this mingled account.

Over here, on the extreme right, is the item which went into the campaign account or into the dinner account. That was the cash contribution, from International Latex and we will show disposition of that in a few minutes.

Dropping back to the slot they fell into, down at the bottom of the page, I believe we covered the expenditures from the District of Columbia reception gross receipts, which leads over here, now, to the Fairfield reception and Bridgeport dinner. Seven hundred and fifty dollars of that was used to pay Mr. McNamara a political loan. We adjudged it political, at least. I do not think there is any doubt about that. Thus, that falls out of the picture, then, to that extent.

Now we come to where the money went in the mingled testimonial bank account. The first item, coming down there, "transferred, $94,870" and on down here, "Deposited in personal account of Federation Bank, $94,870."

That is about one-fifth of the total money involved—all of it is right there in that spot.

That was split up, as can be seen on the chart and it went in two ways.

That new account, by the way, which I just mentioned, was opened and closed within a period of 2 months. That is covered here in the stipulation.

Dropping down there, under the $94,870 of the mingled account, "Repaid loans, $80,490," of the composite figures that go to make that up, $6,750, was adjudged to be political.

Dropping down one more, to the $18-500, that was adjudged by the committee to be personal-political. The remainder, "Personal, $55,240," is another item, and a major item, in the compilation of the two-man subcommittee which was presented to the full committee and gone over and approved.

Of that $55,240, $28,000 was to pay income taxes.

Another item from the $94,870 is on the "chute" that goes down in the other direction. That is what the committee found to be "paid personal expenses, $14,380." That is where the home expenditures showed up, the $9,400 for repair and improvements to the home, and $4,900 which was paid to the son of the Senator.

This makes a total of $14,380 and all of that was found by the subcommittee of two and the committee of six with reference to "Personal matters."

Now on the line coming straight down from the testimonial bank account, paid expenses, a total of $135,440, the first item was "Political, $127,925." That was spent in the campaign in Connecticut. The next item is marked "Personal-Political, $1,763."

Now those items show up in the $116,000. But that last item of "Personal, $5,752," was denominated "Personal" by the committee as part of the $116,000. Itemization of that is included in the schedule on page 993 of part II of the committee hearings, appendix No. 35 of the stipulation.

The items considered by the committee to be "Personal" are now in the Congressional Record at page 15683. Some of the personal items that are covered there are in the stipulation, and some are from the testimony. That subject was addressed by the Senator from Utah [Mr. Bennett] and other Senators.

Returning to the bottom line, in the next group of figures we come to "paid expenses $129,509." That came out of funds shown directly above, the expenditure of campaign funds. These amounts have been traced by competent men and have been tied in one with the other. These "paid expenses" are itemized below: "Political $124,446"; "Personal-political $1,087"; and then "Personal" so classified by the committee, "$3,976." The itemization of most of these items begins on page 951 of part 2 of the record of the hearings held by the committee.

There remains to be explained what became of the $8,000. Of that amount, $3,500 was used to repay the McNamara-Bomstein political loan balance. Expense items of $4,500 were paid, broken down as $1,500 political and $3,000 personal. I recall that Senator Dodd testified about that. Anyway, that shows up in the listings that have already been included in the Congressional Record at page 15683.

Mr. President, does the Senator from Connecticut desire to be yielded to now or later? I have some other remarks to make about the figures.

Mr. DODD. My suggestion was to take up the items after they had been discussed.

Mr. STENNIS. That about completes my remarks on the figures themselves. I might add this: We set out to get as complete information on this subject as we possibly could. We traced the records in the way I have stated.

The attorney for Senator Dodd took the position—and I think it was a sound position for him to take, from his point of view, but we decided it was erroneous so far as our jurisdiction was concerned—that we did not have jurisdiction of this matter nor authority under our resolution to go into it. So we developed the information from bank records, in every instance that we possibly could, or from other records.

Mr. YOUNG of North Dakota. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I will yield on the subject of the figures.

Mr. YOUNG of North Dakota. Who was paid by check; and, if so, drawn by whom?

Mr. STENNIS. Nearly all of them were paid by check. All checks were drawn by Mr. Sullivan, who was an active member of Senator Dodd's staff, in Connecticut. He testified in this case. We thought Senator Dodd would put Sullivan on the stand, but he did not. The committee thought that the committee, as well as the Senate, ought to have the benefit of Mr. Sullivan's testimony, so we decided to have him come and explain the matter for the committee. He had a doctor's certificate that he was not able to come. So his testimony was taken by way of deposition, with Senator Dodd, of course, represented, and his deposition is in the printed hearings before the Senate.

Mr. DODD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. DODD. I know the Senator wants to be fair, but I am afraid a connotation may be given to what the Senator said about my not putting him on the stand that is not fair. The Senator knows how ill this man is. It is no fake. He has a doctor's certificate.

Mr. STENNIS. We accepted the doctor's certificate.

Mr. DODD. It is more than a doctor's certificate. He is a dreadfully ill man.

Mr. STENNIS. He was not able to come. I was not making a point of that. We did want to have his testimony. When he could not come to us, we went to him, with Senator Dodd represented at that deposition, just as court depositions are conducted.

The substance of his testimony about the mingled bank account was that, yes, it was all the same money, and he paid the bills, regardless of what they were. The evidence shows he drew the checks on all these political accounts. He was the head man. His testimony is contained in volume 2 of the hearings. He was under oath and cross-examined.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. BENNETT. I wanted to announce to the chairman of the committee and Members of the Senate that I have just caused to be distributed a detail of the breakdown of each of these accounts, with the total at the bottom. So we have not only the total but the detailed amounts that make up the total.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. STENNIS. In just a second.

We have the checks that Mr. Sullivan signed. We have photostatic copies from the banks in our files. I noted the exception where we do not have them because of a different bank policy.

I am glad to yield to the Senator from Wyoming.

Mr. McGEE. Over at the far right side of the chart is an item. I was not able to follow fully what the chairman said about the International Latex item. I did not hear exactly why the rest of the witnesses were not called.

Mr. STENNIS. It was paid after the campaign was over; $8,000 was paid in cash to Senator Dodd. His testimony covered that. He used $3,500 of it to repay the McNamara-Bomstein political loan; $4,500 of it went for expenses; $1,500 of it was political. That was to pay some of the expenses of the 1965 dinner. That $1,500 went, as we traced it, for the expenses of the dinner, which was held in March 1965; $3,000 of it went for personal use, as determined by the committee that went over that phase of it.

Mr. McGEE. As I read the hearings I did not find that. There were several references to a gentleman by the name of Martin involved in the payment of this money. I may have missed his testimony in the record. I did not happen to find it.

Mr. STENNIS. I assume the Senator is referring to a gentleman named Martin who is on Senator Dodd's staff. He testified in the Julius Klein part of the hearings, but he did not testify in part 2 of the hearings. He is still on Senator Dodd's staff.

Mr. McGEE. He was not involved in the money part?

Mr. STENNIS. Yes, he was involved. In tracing this transaction, as we think, it originated in Connecticut during the campaign. He was one of those who had contact with Mr. Ferman, but that did not mature during the campaign, and when the actual payment was made, it was directly to the Senator in Washington. I am not certain where it was, but Senator Dodd testified to it. Mr. Martin did not.

Mr. DODD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. DODD. I think we ought to make clear for the Record that Mr. Ferman testified this was for the testimonial dinner in Hartford in 1965, whatever the date was, and he so testified.

Mr. McGEE. That matter was not clear.

Mr. STENNIS. With reference to the Martin part of it, the contribution originated during the campaign in Connecticut. That is where Mr. Martin was connected with it.

Mr. DODD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. DODD. I would like to make clear that the only person who did so was Boyd, the fellow who stole my records.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. BROOKE. Senator Dodd spoke of a campaign deficit. In fact, a letter of invitation from Mr. Barbieri referred to a campaign deficit. Did the committee establish the fact that there did exist a campaign deficit in 1965?

Mr. STENNIS. We established the fact from the witnesses, Mr. Barbieri and the account filed in Connecticut about the 1964 campaign. There was another witness that gave this figure, too. One of those, however, was connected with the dinner or testimonial in some way. I can supply his name in just a minute. I have seen it in the testimony, but I could not give all the names readily.

Mr. BROOKE. But there is no evidence in the committee report that there was in existence a campaign deficit in 1965, nor does this fact appear in the transcript.

Mr. STENNIS. Well, if we did not state it, it was just an oversight, because page 950 of part 2 of the committee hearings shows this matter as a deficit of $6,661.77. That is page 950, near the bottom. That was certified to by Mr. Matthew M. Moriarty, who was one of the witnesses; and that, itself, is the official report to the State of Connecticut concerning the 1964 campaign.

Mr. BROOKE. That is the total amount that Senator Dodd owed as a campaign deficit in 1965?

Mr. STENNIS. Yes, for the 1964 campaign. And that was sworn to on the 30th day of November.

Mr. BROOKE. Was that amount cumulative over a period of years, from 1959, when Senator Dodd said he owed $150,000?

Mr. STENNIS. That is not my understanding. My understanding is that that was a deficit from that campaign itself.

Mr. BROOKE. The 1964 campaign?

Mr. STENNIS. The 1964 campaign; that is right.

Mr. BROOKE. But the Senator does not know whether there was any cumulative deficit outstanding at that time?

Mr. STENNIS. There is no indication, no record or testimony, no claim that there was any deficit above this figure I have named for the 1964 campaign.

As I say, we examined several of Senator Dodd's associates on the matter, and he testified himself; but he did not mention anything about a deficit.

Mr. DODD. Mr. President, will the Senator yield to me?

Mr. STENNIS. Yes, I yield to the Senator from Connecticut.

Mr. DODD. I believe that in the stipulations it was agreed that these debts went back to 1956. Is that not correct?

Mr. STENNIS. Well, we were talking about the actual 1964 campaign itself, was what the Senator's question was directed to; is that not correct?

Mr. BROOKE. Mr. Barbieri's letter of solicitation said they were soliciting the money to pay the campaign deficit of Senator Dodd. My question was whether a campaign deficit existed at the time the letter was written by Mr. Barbieri.

Mr. STENNIS. Yes, as far as we know there was one but it was only $6,661; and on a day right near the date of that letter, they had $55,766 on deposit in this mingled account. That was the cash balance.

The committee does not undertake to say that there were no other bills outstanding.

Mr. BROOKE. Was it an unencumbered cash balance? That is the question.

Mr. STENNIS. There is no proof here that it was encumbered in any way, insofar as the 1964 campaign was concerned.

Mr. BROOKE. Perhaps Senator Dodd can shed some light on that point.

Mr. DODD. Mr. President, I think one of our basic difficulties here is that the committee of which the Senator from Mississippi is chairman just takes these receipts from testimonial affairs and says they are all campaign funds. I say that is not so; but if you take that view of them, you can make any picture you want out of it.

The $55,000 that was in the testimonial account was not in the campaign account. Those funds had been separated when the matter was called to my attention in October, which was, as I said yesterday, the first I heard of it. Those funds had been separated at that time, so they were not the same.

Mr. BROOKE. The Senator's answer, then, is that these funds were not the same? I did not understand the Senator.

Mr. DODD. Yes. That account contained the proceeds of the testimonial affairs. Do I make myself clear?

Mr. BROOKE. Do I understand the Senator intends to say that the $55,000 that was in that testimonial fund was not to be used for the payment of campaign deficits?

Mr. DODD. That is what it was used for, to pay back old debts accruing from 1956.

Mr. BROOKE. But not the 1964 campaign deficit?

Mr. STENNIS. Pardon me; may I interrupt, and ask the Senator from Connecticut to repeat that last statement? That is the first time I have ever heard that, if I heard it correctly.

Mr. DODD. I said these testimonial funds were used to pay back debts that had accrued from 1956, 1957, 1958, and thereafter, some of it coming up as out of pocket expenses, some of it for debts owing because of the campaign.

I do not think that is the first time I have ever said that. I thought I stated that at my first appearance before the committee.

Mr. STENNIS. I thought the Senator said they were exclusively used for that, and I was going to ask why he put $85,819 of his 1964 campaign funds into this testimonial bank account.

Mr. DODD. I told the Senator I did not know that had happened. Mr. Sullivan mingled those accounts, which I had never accepted as being the right thing to do. It should not have happened. When I found out about it, I immediately had them separated.

Mr. STENNIS. Mr. Sullivan was paying from this mingled account personal bills, campaign bills, and old debts, too, is that right?

Mr. DODD. Yes. Let me state why. He was paying those personal bills because they were sent up by O'Hare, never indicating to him in any instance that they were personal. He had no way of knowing. For example, on the airline tickets, all O'Hare would do was send up a general bill. He would not go to the trouble of delineating, and say, "This was a personal trip of Senator Dodd's." No, he said, he was too busy to do that; when he testified I believe he said something like that.

At any rate, that is what happened with respect to these items. They should not have been in there. They should have been separate. But certainly I did not know about it, and that is how it came about.

Mr. STENNIS. All right. I further answer the Senator from Massachusetts in this way: This $55,766 was the cash in hand on February 1 in these bank accounts. We ran a tabulation on that, from the records we had. There might have been two or there might have been three of these accounts, but they are the accounts that we have been dealing with.

My point is, there was money on hand then with which to pay this deficit, small as it was—$6,660—instead of writing these letters for a victory dinner, expressly for the purpose to pay off the deficit. He talked about the overwhelming victory in 1964, and that was very fine. "Now," he said, "we have got to rally and pay off the deficit."

That is what the letter says, and that is why the committee so considered it. I thank the Senator.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Iowa.

Mr. MILLER. Mr. President, I wonder if the Senator from Mississippi would yield so that I might ask the Senator from Connecticut a question.

Mr. STENNIS. I would not mind doing that, but I do not want to keep the floor too long. There are other Senators who want to get the floor.

Mr. MILLER. It is on the point that was just covered. I was waiting for the Senator from Massachusetts to get through. It is a simple question and is on the last point that the Senator from Connecticut brought up.

Mr. STENNIS. If we do that for the Senator from Iowa, we will have to do it for all other Senators.

Mr. DODD. I do not object.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield for that purpose. It is agreeable with the Senator from Connecticut.

Mr. DODD. Entirely.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. Mr. President, the Senator from Connecticut said in the colloquy with the Senator from Mississippi that these items for which O'Hare billed the bank account should not have been in there.

Mr. DODD. Some of them.

Mr. MILLER. Some of them.

Mr. DODD. Some of them were actually political expenses, but he jumbled them all together. He did not separate them when he sent the bills up to Hartford. That is particularly true on travel items.

Mr. MILLER. What difference would it make whether they were political? What difference did it really make?

Mr. DODD. It would make this difference: Matters which were personal to me would not have been paid out of the campaign funds.

Mr. MILLER. They would have been paid out of what money?

Mr. DODD. They would have been paid out of my own personal bank account, out of the testimonials.

Mr. STENNIS. Mr. President, I am going to yield the floor in a few minutes. I want briefly to present these figures, after long and careful analysis, in their proper perspective. And we believe they are right.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. TYDINGS. Will the Senator from Mississippi tell the Senate how much money was in the testimonial bank account at the time the letters were circularized in Connecticut?

Mr. STENNIS. Frankly, I was under the impression that I had that figure here as to how much was in the testimonial account. However, I find that the $55,000 represents the total that was on hand on February 1, 1965, in all of the accounts that were still active.

I will have to get the breakdown, if I can, from our records, and I think we can do so, and I will answer your question later.

Mr. TYDINGS. Is the total of $55,000 the proceeds from testimonial dinners?

Mr. STENNIS. It is either proceeds of testimonial dinners or it is from the 1964 campaign, because there was $85,000 that went into the commingled account from the 1964 election campaign, and then a new account was set up around October 15.

We can get the figure as to what that breakdown was.

My point is that there was money on hand according to Sullivan's testimony and the whole trend of the testimony.

The bills were being paid, and I had the definite idea that the large sum of money from the victory dinner was not at all necessary so far as the 1964 campaign was concerned. It is a question of how far we are going to go on the other points.

I referred on Tuesday to certain loans. We wanted to know from Senator Dodd, who was the man who had the information, more about these loans.

When he did not put anyone on the stand in the course of the hearings to testify about them and, with all due deference to him, he did not bring with him a memorandum or any kind of a ledger or an accounting of any kind or testimony about it, I brought up the matter myself, as one of the representatives of the Senate in those hearings.

I brought up the matter and referred the Senator expressly to the matter of these loans. He did explain a few of them in his testimony. He referred to them by name.

I do not want to go all over it again.

On page 834 of the record I started to take up the matter with him. I said at the top of page 835:

> Now, frankly, that is all of the information that we have been able to get, as the chairman understands, with reference to these items.

That means these items listed in the appendix on page 1030.

I pause here to say that we had agreed that these loans were outstanding at that time. They were part of the stipulation, and we wanted some explanation of it from the best possible source, either from the Senator or from those who kept his figures for him and knew his business and had knowledge of these transactions.

As I say, the Senator explained a few of them. However, I called it to his express attention and said that I believed it would be helpful to him to give some explanation. That is at the top of page 835. I said:

> Now I think if you possibly can, it would certainly be relevant, and perhaps helpful to you to give more definite information than the date and the amount and the name of the lender.

I was not trying to tell him how to testify, of course. I was not trying to urge him to go into something that he did not want to go into. However, I went as far as I thought a presiding officer ought to go in telling him that it would be helpful to him if he would perhaps give more definite information than the date and the amount and the name of the lender.

I further said:

> That is, we were not able to get anything definite on most of these loans as to what the purpose was and as far as they knew what the money was used for.
>
> I raise the whole issue as to them as a background for what happened in 1963 and 1964 and 1965.

I had the list of loans in my hand at the time. I was going back into all of these bank accounts and everything that had happened with reference to the money.

The Senator, with all due deference to him, did not give us any more information than merely saying that they were personal-political.

I hate to read this again but the Senator from Connecticut said, in the middle of page 835:

> That is what that was for. The others all had to do with matters that I have described heretofore in my appearance here this morning. They were all mixed up with what I call personal-political obligations, and the details I cannot reconstruct for you. I can ask these people, and I will, what their best recollection is.

I have discussed that part and, with all the greatest deference to the Senator, it seems to me that was the clear-cut issue and that was the time to testify, when the committee invited him to present this proof by means of witnesses under oath and subject to a cross-examination. We hoped that the Senate would have a chance to have this evidence.

I am not critical of one statement that the Senator made yesterday, not one, but the time was at the hearings. That is when the issue was raised. That is when the determining testimony before the committee was to be had. It had to be so.

The committee had to act on testimony that met the dignity of the American custom of testimony before an investigating group.

We could not come in here and present a lot of things to you on hearsay. And we did not do so.

That was the crucial and critical time. That is why I said I was disappointed, and deeply disappointed. I still have that feeling of the most intense disappointment that more testimony was not given.

There was no request later for anything that went to the heart of this matter. On the other hand, the figure of $120,000 has been brought up here. I asked where they got that figure. They said it was political. I think that was the Senator from Louisiana. I hope he is present in the Chamber.

I asked him where he got those figures and he said from the stipulation, and talked right on. I knew that we had not agreed that there was that much money here in political loans. So I looked it up, and what we had agreed to was that these were indebtednesses that existed. That left the matter of purpose open to proof by the committee, if it could prove, or by the Senator, if he could prove, to show that they were political. That door was slammed in our face. He did not give us the proof.

Referring to the stipulation on page 853, we stipulated that at the end of 1959, his personal indebtedness was about $150,000—personal indebtedness. That is the stipulation. Now Senator Dodd claims to take that figure and use it against the committee as a stipulation for political indebtedness. The stipulation does not say that. It does not mean that. At that stage we were hungry for proof that these were really political obligations, as that might have helped explain away much of the money that went for political use.

I do not wish to dwell on that aspect too long, but that is the crux of the entire matter, right there, about these loans.

We all are interested in the Senator from Connecticut—but I do not see how any impartial Senator, with his obligation to the Chair, can find his way through this morass of money and, I say with all deference, mismanagement and lack of management and lack of explanation at the right time, and come to the conclusion that a grievous wrong has not been done to the Senate. We are trying to protect the Senate.

There has been talk about the degree of proof that is required; there has been talk about the burden of proceeding. This is the second time I have been through such a matter. I have never reached a conclusion with reference to the censure of any Senator until I was strongly convinced, firmly convinced, from the evidence, that there was wrongdoing to the institution.

I mentioned the late Joe McCarthy. I sat by him on the Committee on Appropriations, and I had to serve on the select committee which considered his case. I would not come forth with a resolution in that case until I was convinced. He has passed on—and I mention his name with reverence—I would not do it until I was convinced that his conduct reflected on the Senate and something had to be done.

Now, in a great spirit of generosity, suppose the Senator from Connecticut did owe all that money for political purposes. Suppose he did. Let us be generous with him. Suppose he did owe a great deal of money. In keeping with the standards of this body, is that the way to get friends, those who are interested in political affairs, to help one pay those debts?

Consider all the proof about the lack of notice, the lack of understanding, the lack of any announcement before or after or at any time that this was anything but money to be used in connection with carrying out public office, for the people, for the little people. What were they told?

I am not sophisticated enough to put a "high-falutin" meaning on what the average fellow does who pays $10 or $25 or $100 to go to a testimonial. But I believe I know what he believes in his heart and mind. He wants that person to take the money for the ticket, with a promise to use it in trust for the strengthening of the office that the person is holding for that fellow, whoever he may be; that it will be used that way in connection with carrying out that office. Certainly, that does not include—I speak with the greatest deference—repairs to a house or alterations to a private home or payments of thousands of dollars to a son, however fine the son may be. Is that what it means? If it does, we should come out and tell the people that is what it means and that it is all right. We cannot avoid or sidestep the real issue here.

I get nothing but grief from seeing a colleague or anyone else—particularly a colleague—confronted with a situation of this type. As I have said, I believe it it is up to the Members of the Senate to set the standard or say the word. Many men talk about a written rule. Many men in this body voted for such a resolution the last time we were confronted with one. There was no written rule then. There is no written rule now. But with all deference to the situation then and now, the thing itself spoke, and that is what we are dealing with. These facts have already spoken.

I thank the Senate for its indulgence. I shall be glad to answer any questions.

Mr. DODD. I shall not be able to finish before the luncheon recess, but I should like to make some comments. I do not know whether to commence with the end or the beginning of the Senator's remarks.

I believe I made perfectly clear in what I said yesterday and in what I said at the hearings that not one penny of this money has enriched me.

The Senator from Mississippi has said that he thinks he knows what a man who buys a ticket has in his mind. I believe I know, also. I have attended my share of these dinners. I do not know how many are held in the Senator's State.

But all of those who attended these dinners, more than 50 percent of them said they intended me to have that money to use in any way I wanted. Not one of them said he intended me to use it the way the Senator from Mississippi has suggested.

There was plenty of time to find those people. The committee had people from the staff in Connecticut criss-crossing the State, to my great humiliation and embarrassment. But not one person was found who said so.

I am not disrespectful to the Senator. He has said that he is deferential to me, and I want him to understand that I am deferential to him. But it is something to say that because the Senator does not have this type of thinking in his mind, the people in my State have not, and that therefore I have done something wrong.

I think the Senator is making a value judgment of his own, saying this must be what the people of Connecticut thought; but there is not one shred of evidence in this record to establish it, not one.

With respect to this chart, I understood that I was charged with having diverted $116,000. The first thing I point out to the Senator with respect to this chart is the language which appears at the top of the chart: "Source and Disposition of Political Funds Raised for Senator DODD."

I have said repeatedly, and I think it is known by others—and I think the chart itself demonstrates it if one looks at it carefully that there were a series of testimonial affairs, besides the raising of campaign funds. Testimonial affairs, where I live, are not considered campaign affairs. It is a mistake to refer to all of these funds as political funds. These were testimonial affairs.

The Senator referred to two or three letters that were written. I never saw those letters. It was not testified to by Mr. McNamara, Mr. Barbieri, nor by anyone else. I was not writing letters for the committee. They wrote them all. I would have written them differently if I had been doing so.

Take the testimonial dinner of 1961. I was not running in 1961. I was not running for anything. I had been elected in 1958 and I did not have to run again until 1964. Take the one, for example, in 1965. According to the figures on the chart, I received in 1961 $56,110 and in 1965, $62,000. This comes out to $118,110. How in the world can you charge me with diverting $116,000?

While I am on this subject, I know the Senator labors under a misunderstanding about these affairs. I tried to make that clear yesterday.

We had a great mayor in Hartford, a great Republican mayor.

He is one of the finest men we ever had in that city. He submitted an affidavit to this committee. It is in the CONGRESSIONAL RECORD. I would like to read it aloud. He is not a Democrat. He does not pretend to be; he is an active Republican. He happens to be a personal friend of mine, but that is all. We have no political relationship at all of any kind. I am sure he thinks I vote wrong on just about everything I vote on. But he is my friend and he wanted me to stay in public life. He said in his affidavit:

STATEMENT

I, William H. Mortensen, 22 Wampanoag Drive, West Hartford, Connecticut, do voluntarily make the following statement to the Select Committee on Standards and Conduct of the United States Senate. I realize that I am not required to make this statement and do so willingly without duress or promise of reward.

I attended a dinner in Hartford, Connecticut in November, 1961 for the purpose of honoring Senator Thomas J. Dodd. The dinner was held in the Statler Hotel. I received an invitation to the dinner in the form of a letter I think was signed by Matthew Moriarty or a Mr. Powers of Berlin but I no longer have a copy of that letter. I don't believe that the letter mentioned the purpose for which the funds were being raised, but I personally did not regard the dinner as a political gathering and I did not care what use was made of my $100 contribution. As far as I know all tickets were sold for $100 per person. I recall that there were approximately 900 to 1,000 persons present at the dinner. Most of the persons in attendance were Democrats, but there were also some well-known Republicans present—for instance Edward N. Allen, former Lieutenant Governor, as I recall.

I had no discussions concerning the proceeds of the dinner with Senator Dodd or any of his staff. It is my opinion that the dinner was intended to be a personal testimonial for Senator Dodd. Testimonial dinners have been fairly common in Connecticut and I believe they are generally held as personal tributes rather than political or campaign purposes. As a Republican I would have felt out of place at a dinner which was solely a Democratic fund raising affair.

I also attended a $100 plate dinner for Senator Dodd in March, 1965 at the Statler Hotel in Hartford. I was given a ticket to the dinner by someone, whom I honestly do not recall and so did not contribute $100 myself. I recall receiving a letter from Matthew Moriarty, Treasurer or perhaps Arthur Barbieri of New Haven, inviting me to the dinner in 1965 and I believe that the letter emphasized the testimonial aspect of the dinner and did not mention any fund raising aspects as I recall. The letter did not specify any particular use for the proceeds of the dinner to my recollection. I would estimate that the proceeds from the 1965 dinner would have reached $80,000 based on the number of persons present.

In particular, I recall seeing Henry Nielsen, office—122 Washington Street, Hartford, home—Ridge Road, Wethersfield; Herman Wolfe, office and home, 20 Turkey Hill Circle, Greens Farms, Connecticut; Mervyn Lenz and Samuel Lenz (Brescomb Distributors) 230 Locust Street, Hartford, at the 1965 dinner; the latter three at my table.

I do not have any letters, programs, correspondence or other documents relating to

either the 1961 or the 1965 dinner in my possession.

(At this point, Mr. NELSON assumed the chair.)

Mr. DODD. Mr. President, I think it is fair to say that I never knew that the committee had this affidavit, or that members of its staff had procured it from former Mayor Mortensen, of Hartford. It was never produced, to my knowledge, until we placed it in the CONGRESSIONAL RECORD the other day. But this is an exact example of what people who went to these affairs in Connecticut thought. Affidavits could have been obtained by the bale, if a concerted effort had been made by the committee or its staff to do so. I tried to do it and got about half of them, and I had nothing to work with. I was down here every day and night by myself. Yet more than 50 percent of the persons concerned went to the trouble of signing affidavits, and having them notarized and mailed in. I submitted all of them, as I have said.

What I particularly take issue with is the statement that the little fellow—or the big fellow, I do not care—thought, or was misled into thinking, by me or by anyone associated with me, that he was buying a ticket to this dinner for one purpose, when actually there was another.

There was no testimony to that effect in the record, I say to the Senator from Mississippi. I think that to be fair to me the Senator will have to say that this is his own thinking about it. It is not the thinking of anyone who testified or of anyone who submitted an affidavit.

This is an important matter to me.

Someone might point to the record and say, "This is what John Jones, of Hartford, said. He thought he was contributing money to a campaign fund, but actually it was to a testimonial fund."

Then I would say, "All right; you have something." But not a single person said that except one fellow who gave a motel address. He said he paid $25 to that 1961 dinner. I sent him my check.

From the beginning, when this issue was first raised, I do not know what more I could have done than what I did. That was to state publicly—and the statement appeared on the front page of every newspaper in my State—that if anybody who had attended any of these affairs had been misled, and if he would tell me, I would return his money to him. Senators may say that that was a pretty big statement.

How would I pay all that money back? A friend of mine, who has that kind of money, called me and said, "Tom, if you want to make that statement, I will give you the money on a loan, so that you can pay them all back." That is how I was able to make that statement, and I did make it. But no one asked for a refund except the one person to whom I have referred.

I think this has some bearing on the entire issue. These were not all political funds. There is such a thing in our area as a testimonial affair. It is held with the intention of permitting a recipient to do what he wants to with the money.

As I said to the Senate yesterday, I imposed on myself a restriction with respect to that. I said that in the absence of any rules or regulations—and I do not know of any—I nevertheless would feel that one should not be entitled to enrich himself personally.

I never did.

The accountant's figures will show that I came out $50,000 in the red, out of all this money.

There are so many things to be added. I wish the Senator from Mississippi would think about them. I have referred to other testimonial affairs that were held. There have been a good many of them. They are not so uncommon, by any means, as I fear the Senator from Mississippi believes them to be.

I remember reading—I do not know now where—of different ones held lately. We have had them in my own State as recently as—I do not know exactly—I think, though, even this past week. But I would like to explain this one thing: What did I do with this $120,000 to clear political debts?

I cannot explain it dollar for dollar. A lot of it was 11 years ago. I do not even have those bankbooks. I did not have them, as the Senator knows, and the banks did not have them. I cannot trace through every dollar, but I can tell you the facts as I did tell you at the hearing.

Between 1956 and 1959, I borrowed a total of $211,000. That is in the stipulation. At the end of 1959, I owed $120,000, and the stipulation says, "In personal loans." It was personal, to show that I owed it and not someone else. The loans were not personal in purpose, but I assumed those debts and I paid them off. One was to a printing company which did my printing in 1956. There were other companies, and I did not think it was right to walk away and say, "It is too bad, but the campaign is over. I lost. There is no money to pay you."

So, I went out and borrowed money and I paid off as fast as I could and as well as I could, all the debts which were generated by the two campaigns.

Prior to that time, as I believe I told you, Senator, I was getting along all right. I did not owe that amount of money, not by a mile. By that I mean when I tried to explain, when I said "personal-political," I meant it was political as opposed to a campaign debt, although some little of the money was used in my campaign.

In 1958, Senator, and I think this is in the record, I am not sure, when I was campaigning, my income for that year—and I say this in this hour of humiliation, that everything is known about me—my God, if a man's life has ever been known as mine has for the last 18 months, I would like to hear about it—was $23,000, when I was running for the Senate and I had to borrow $90,000. In 1959, when I came to the Senate, I had to borrow another $70,500, most of that going for mortgages on the house. As I said before, in 1959, I borrowed $90,000. I repaid two of these loans in 1961.

Here is something I do not know whether the Senator recalls, but I made it clear in the record, that I received a $50,000 legal fee. I had brought a lawsuit against the Teamsters International which was tried in Washington. I appeared for the plaintiffs, and a very distinguished lawyer, Mr. Edward Bennett Williams, from my own State and the city of Hartford, appeared for the defense.

When I received that money, I used it to pay off debts, money out of my own pocket on which I had to pay taxes. Out of that money I paid off on those loans.

The other amount of $23,000 I paid from the proceeds of the 1961 testimonial. That is in the stipulation. When you say they are from personal funds, I paid most of them out of my personal funds. Once you get into debt, it is a revolving kind of thing. I borrow from A. I want to pay him back but I have not earned that amount of money so I borrow from B in order to pay back A.

Now it can be said that was not politically connected. But it was politically connected because it was borrowed for the purpose of paying back a loan on money that was given to me for a political purpose. That is the fact of the matter. And the Senator says to me to trace every dollar. I cannot do that. By that I mean that I do not have the records to do it with.

Who says, by the way, that all the proceeds of the 1961 testimonial, $33,110, were paid in personal expenses?

Who says it? O'Hare. He is the only person who said so.

I stated here yesterday that if the Senate wishes to condemn me on the testimony of a character like O'Hare, then I guess I am condemned. But, I will hope and pray for any of you that you are never in the same position.

O'Hare, an acknowledged thief, deceiver, forger, fraudulent person—he is the only person who said so. No one else.

I also want to make the point—I tried to do so yesterday, and I shall try before we have concluded these proceedings—that so far as I can learn, and I have made every best effort to learn, funds given to a person at a testimonial dinner are his.

I think it was in Texas that Representative Thomas was retiring and they gave him a Cadillac. It was well advertised in the newspapers.

What is the difference in receiving a Cadillac which is worth $6,000 to $7,000 and a friend giving you $6,000 or $7,000?

I do not see much difference in the principle of the thing at all. I think it is identical.

Therefore, if it is perfectly all right, what are the limitations? Is it a certain sum of money? Must it be in currency? Can it be in automobiles, airplanes, clothing—we could go on and on. I do not know any rules about this. I do not think any have ever been written. If they have been, I have certainly never been able to find them. That is what troubles me so deeply that you call all these funds political when they are in fact not political and were never understood to be such by anyone else.

I hope the Senator understands I am not quarreling with him personally, but I think he has a mistaken notion, and I think this committee has had a mistaken notion, of what goes on where I come from, on many occasions, and with many people.

The final thing I come back to—and I do not think you can escape it—is, what did I get out of it?

What did I get out of it after all these years?

I got in the hole over $50,000.

Mr. STENNIS. The Senator from Mississippi will point to the testimony with reference to the nature of this matter. The committee's conclusion was based on testimony, based on commonsense, based on inescapable inferences and uncontradicted testimony and lack of explanation, and other matters. As I said the other day, the thing itself spoke. I know the Senator knows there is nothing willful about it.

Mr. DODD. Of course. I understand. That does not make the pain in my back any lighter.

I point out what was said on the floor. I think the Senator from Mississippi said it: I think every Senator has to be his own judge. I think this has to do with affairs like this. Senator BENNETT said it is necessary to make a more or less arbitrary decision.

Well, I do not think a U.S. Senator ought to be condemned on such a basis—on an arbitrary basis. There ought to be a rule, regulation, or law, so a man knows whether he is doing right or wrong, and he should not be held to some arbitrary decision or the thinking of one man, or six, or 10, or 20, with respect to an issue like this.

I think each one of us is entitled to know what the rules are, what the law is, so we can abide strictly by it. I have tried to do that all my lifetime.

Now I find myself caught in a morass, in this gray area which is sometimes referred to, because there were no rules; and there are not any that I know about.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. STENNIS. I will yield to the Senator from Illinois in just a moment.

Reference has been made to this bank account figure of $55,766. I point this out because of the special emphasis put on it by the Senator from Massachusetts. The bank accounts on February 1, 1965, prior to the victory dinner of March 1965, showed the testimonial account had a balance of $36,371. The "Dodd for Senator Committee" account—and that was a campaign committee for 1964—had a balance of $19,174. There was another, "Campaign Dollars for Dodd Committee," $216. That gives the total of $55,766, to which I previously referred. All those accounts were in charge of Mr. Sullivan, who was on the Senator's staff, and whose testimony was taken.

Does the Senator want to respond?

Mr. DODD. It is not a matter of responding. I want the record clear. I do not know whether the Senator is aware of it or not, but all these records, when we get through with these campaigns, have to be filed with the secretary of state. There were a lot of bills that came in after the campaign. I think there was $55,000 worth of bills that came in afterward. This ought to be said. They had to be paid.

Mr. STENNIS. I raised that point this morning.

Mr. DODD. I am not sure everybody understood it, because, as I listened—and I know the Senator does not intend to hurt me in any way—but if I had heard it and did not know anything else, I would think I was cheating. That is not the fact. These bills come in. They were paid.

Mr. BROOKE. I asked the question to obviously determine whether, at the time the money was solicited from the public at this testimonial dinner in Hartford, Conn., as I recall, there was in existence a campaign deficit, as was stated in the letter of solicitation; for if in fact the committee had asked for money to pay off that campaign deficit and there was not in fact a campaign deficit, that would be a misrepresentation and a fraud on the public.

My question is to determine whether or not at that time Senator DODD did have a campaign deficit. If he says the campaign deficit for the campaign of 1964 was $6,000-some-odd and the Senator from Mississippi has said that there were in various accounts at that time the sum of $55,000-odd, the next question I wanted to ask was whether those sums of $55,000-odd were encumbered at that time.

I take it Senator DODD has said additional campaign deficits came in after the statement was filed with the State of Connecticut. After the $6,000 campaign deficit was declared, will the Senator enlighten us how much money had to be paid over and above the $6,000 which was declared to the State of Connecticut that was actually paid out of the $55,000 fund?

Mr. STENNIS. Is that question addressed to——

Mr. BROOKE. To Senator DODD, yes.

Mr. DODD. Forgive me. I thought the Senator was addressing the question to the Senator from Mississippi.

Mr. BROOKE. I am not, only because I do not think the Senator from Mississippi would have those facts.

Mr. DODD. I did not hear everything the Senator said. I will move closer to him.

Mr. BROOKE. I understood the Senator from Connecticut to say he had filed a report with the secretary of state of Connecticut.

Mr. DODD. That is correct.

Mr. BROOKE. In 1964.

Mr. DODD. After the campaign.

Mr. BROOKE. Which stated there was an outstanding campaign deficit of the sum of $6,000-odd.

Mr. DODD. Yes. That is what it appeared to be as of that time.

Mr. BROOKE. Will the Senator yield? The Senator from Mississippi has said that at the time this statement was filed there was evidence before his committee that there was the sum of $55,000 in the political campaign accounts.

Mr. BENNETT. Later.

Mr. BROOKE. Or later.

Mr. DODD. That is a very important difference. There was not any $55,000 I heard of in 1964.

Mr. BROOKE. Was there $55,000 in the account at the time the Senator filed a statement with the secretary of state of Connecticut that there was a campaign deficit of $6,000?

Mr. DODD. No.

Mr. BROOKE. There was not?

Mr. DODD. No.

Mr. BROOKE. So at the time the Senator filed the campaign statement showing a deficit of $6,000 in fact there were no funds in the campaign account with which the Senator could have paid off the $6,000?

Mr. DODD. That is correct.

Mr. BROOKE. Do I understand that thereafter, in addition to that, the Senator had some $55,000 in bills?

Mr. DODD. Yes; and I received some political contributions as well.

Mr. BROOKE. Did the Senator file an amended statement with the secretary of state of Connecticut listing these additional political expenditures?

Mr. DODD. I do not think so. I am not sure about it. It would appear in the record of the committee.

Mr. BROOKE. Does the committee have evidence to this effect?

Mr. STENNIS. We have no such evidence beyond the file showing the balance. We have no information, except what was given by Senator DODD and his statement, beyond the report filed by the campaign committee in 1964 in Connecticut and the testimony of Mr. Barbieri and others who were called. They said between $6,000 and $7,000 was the deficit. They testified to that figure.

Mr. BROOKE. There was no evidence given before the committee that there were additional expenditures involved in the 1964 campaign of the Senator from Connecticut?

Mr. STENNIS. No; but the point was raised. I remember seeing it in the record on two or three occasions.

Mr. DODD. If the Senator will permit me, I think there is evidence in that record that the bills were still coming in and piling up.

Mr. STENNIS. I will be glad to see that. I do not say it is not there, Senator.

Mr. DODD. I have a clear recollection of that testimony.

Mr. STENNIS. I remember their testimony about what they said the balance was. I left my representations to the Senate completely open this morning. We said there might have been additional bills that we did not know about, that had never been brought to us, and we had not been able to find any. There could have been, and that is open to proof. I am sorry we do not have it.

I yield now to the Senator from Illinois.

Mr. PERCY. Mr. President, I think the junior Senator from Massachusetts yesterday very wisely brought up a number of expenses that had been incurred and paid out of these funds that were undoubtedly subject to question, as to whether they were personal or political.

The Senator from Connecticut said it was not his intention to profit, nor has he ever profited personally nor enriched himself, as a result of these political dinners.

It would be very helpful to me, I know, if we could take one or two of these expense items that would be subject to considerably more doubt as to whether they could be construed at all as political, and trace them from the time they were received at the March 6, 1965, Hartford, Conn., dinner, mingled in the testimonial bank account, transferred, and deposited in a personal account at the Federation Bank, and then the withdrawals, starting in April: April and May 1965, $4,900, transferred by Senator Dodd to his son, Jeremy, and the next month and the next month after that; in June and July of 1965, $9,479.40 paid from the Federation account for certain improvements to Senator Dodd's home in North Stonington, Conn.

Was the committee given any explanation as to whether there was any political tie on these funds, or are these purely personal? Can the Senator from Connecticut indicate in any way that he was not personally benefited by the expenditures out of such funds?

Mr. DODD. Does the Senator want me to answer?

Mr. STENNIS. Yes; go ahead.

Mr. DODD. Yes, I can give an answer to that. I think I did at the hearing.

I have to have a home. It is a place I check in when I go to Connecticut. It is quite a distance from Hartford; it is about a 2-hour drive.

I have always felt, as I have explained here, that this money was money given to me by my friends to be used as I needed it, and could appropriately be used to keep that place up. A small amount of it went for that purpose.

I am more interested in pointing out that the money that appeared to have been turned over to my son was turned over to my son to pay bills for me, because I had to be away at that time. That is the fact about that matter.

I do not know whether it is right or wrong for a man to use these funds to keep his home up, so that he can see his constituents when he goes up there. That is what I have to do, unless I am going to ride all over the State in the short span of a weekend every time I go home, which I am not able to do. That seems to me to be a legitimate way to use these funds. If I had bought myself a mansion, completely refurnished my home, or bought a Cadillac or two, or a yacht, then it might be different. I think the rule of reason applies.

The matter the Senator from Mississippi was talking about, I think that would not be right to do; but I did not engage in any such practice, in any such sordid self-enrichment, at any time. I drive an automobile that is nearly 3 years old. I wish I had a new one. But I never used any of these funds to get one. So it has been throughout our lives. Mrs. Dodd and I have raised and educated six children. It has not been easy to do. But I have never used any of that money to pay their tuition, not a penny of it. I have paid it out of my own pocket. I have bought their clothes, and provided them the things all of us have to provide for our children. If the Senator could point to $1 of that money and say it was used for that purpose, he would have something. But there is not any of it there. He will not find it.

Mr. STENNIS. Mr. President, I shall be ready to conclude in just a minute; but in further answer to the Senator from Massachusetts, I find here in the stipulations that were agreed to—the one I am referring to appears at page 861—the statement, under stipulation No. 70(a), that the amount of $36,376.54 was transferred on or about March 16, 1965, from this testimonial account that we have been talking about to the account known in the record as Grace M. Dodd or Thomas J. Dodd—hereinafter called the Federation account—at the Federation Bank & Trust Co. in New York.

So evidently that was the balance that was then in the testimonial account, because those figures almost identically coincide.

Mr. DODD. Mr. President, will the Senator yield?

Mr. STENNIS. Yes.

Mr. DODD. That was sometime after the dinner took place.

Mr. STENNIS. Yes.

Mr. DODD. After it had all been concluded.

Mr. STENNIS. Yes.

Mr. DODD. And this money had been given to me by the committee, and they said, "This is what we have got for you; you clean up your affairs so you can do a better job down there in the Senate." That was their whole intention.

Mr. STENNIS. We gave that——

Mr. DODD. I wanted to add that I failed, I think, to conclude what I started to say about that $50,000 fee. I have the impression that the committee has confused that item. That was a law fee I earned for winning that case.

Mr. STENNIS. Let me doubly assure the Senator that we never did consider that fee, not one iota.

Mr. DODD. Well, Pearson wrote the column.

Mr. STENNIS. Pearson was not running our business. Not at all.

Mr. DODD. I am not saying that. But he wrote in that column that I got $50,000 from Jimmy Hoffa.

Mr. STENNIS. Yes.

Mr. DODD. And it went all over this land, and I am sure that thousands of people believed it, when the fact of the matter—and he knew it as well as I know it—was that I had brought a legal action, and that Judge Letts had awarded me that fee. It was not paid by any client, but after the case was tried, he said, "This is what I think Dodd and his firm are entitled to."

That is where that money came from. Those pernicious rascals spread that lie all across this land, and I think must have had a great effect on my constituents, my friends, and even on my fellow Senators, who were kind to me, and did not turn their faces away when I walked in that morning. But how else could I expect you to have felt, when you read in that paper that I received a $50,000 fee—or he did not call it a fee; he called it a payment, I think he said—from Jimmy Hoffa? How does a man answer that kind of lie?

All this was building up on me while the committee was considering this matter. I am not saying that it was affecting the Senator from Mississippi. I do not mean to be fulsome; I think the Senator knows how I feel about him.

Mr. STENNIS. I think I do.

Mr. DODD. I feel more warmly toward the Senator from Mississippi than I feel toward any other Member of this body. I respect no Senator more. There is no man's approval I would rather have than his.

Mr. STENNIS. I thank the Senator.

Mr. DODD. But I was trying to explain here what psychology I think set in against me, with lies like that being told and spread across the land. I had the feeling, as I have had it consistently, that there was confusion about that item. I used it to pay off some of those political loans.

Mr. STENNIS. There is absolutely no confusion on that. There are things that happened to the Senator from Connecticut that we totally disapproved, which made us all the more zealous that we not contribute any wrong to the Senator, and add to the wrongs he had already suffered.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. LAUSCHE. Mr. President, with reference to the $50,000 item, the Senator from Mississippi said that there has been no confusion.

My inquiry is directed toward learning whether there was confusion in the minds of the public between what the facts were as accepted by the committee and the report made to the public by the newspapers.

Mr. STENNIS. The Senator is referring to the fee from Latin America?

Mr. LAUSCHE. The Senator is correct.

Mr. STENNIS. I could not control that or answer that any more fully than could the Senator from Ohio.

I assure the Senator that it did not enter into our deliberations. I do not even remember it being mentioned in a committee meeting. I remember mentioning it to a Senator or a Senator mentioning it to me, and we said that it did not figure into it at all. That was another matter.

Mr. LAUSCHE. Was the conclusion of the committee different than the conclusion of the newspaper report that went out throughout the country?

Mr. STENNIS. I do not know about those things. The Senator knows that in our form of government, we have the free press. However, I am speaking for the committee, and I know that I am right on this one item.

Mr. DODD. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I yield.

Mr. DODD. Concerning the confusion that I think has occurred, I will try to state the facts as accurately as I can. I may not be able to do it until later. But referring to that 1961 matter, it was out of that money that I paid off a good deal of those political loans.

I am trying to check my facts here. Now I recall. I will tell the Senator why I thought there was confusion. It was out of that legal fee that I paid off a good deal of these political loans. However, I do not think the committee ever gave me credit for that. I think that was an inadvertence in the computation. It appears nowhere. However, it is nevertheless a fact.

Mr. STENNIS. Senator, you testified that you had paid off a good number of the loans. I remember that. Certainly there was not anything held against you on that account.

We tried to stay out of your personal business as much as we could, but we did try to locate as much information as we could about those loans.

Mr. DODD. I know that, and I wanted you to. I wanted to help you in every way that I could. However, I cannot look back 11 years and tell you what I did with that money. The only one that could do that was O'Hare. He has that kind of mind. I do not, and I do not believe that most other people do.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Kansas.

Mr. PEARSON. Mr. President, added to all of the complexities of the money from so many sources, is the fact that we run into voids of information and in some instances charges have been put that cannot be answered specifically. There is the added problem which came up in the particular investigative hearing, referring to page 9, where it said:

> Before a decision was made to hold hearings, the committee gave Senator Dodd the opportunity to submit a statement of fact and legal construction of the apparent financial improprieties that had been disclosed by the committee staff investigation.

Reading further:

> After Senator Dodd's refusal to provide such a statement, the committee unanimously decided on June 9, 1966, that it had no alternative except to conduct hearings.

I hasten to add that this was on the basis that the jurisdiction of the committee had been questioned on May 25, and from that date on repeatedly from day to day, and even after the hearings had been concluded, the jurisdictional question was still with us.

I say this not in criticism of the Senator, nor his counsel. They had a perfect right to raise the jurisdictional point and should have done so. However, the fact is that we did not have the information, some of which is coming out here today.

Mr. STENNIS. I yield the floor.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess for 1 hour.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

At 12 o'clock and 55 minutes p.m., the Senate took a recess until 1:55 p.m., the same day.

At 1:55 p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. NELSON in the chair).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 143 Leg.]

Aiken
Allott
Anderson
Baker
Bartlett
Bayh
Bennett
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Griffin
Gruening
Hansen
Harris
Hart
Hartke
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hollings
Hruska
Jackson
Javits
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Murphy
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Scott
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). A quorum is present.

Mr. MANSFIELD. Mr. President, I would express the hope that in view of the fact that the Senate will not convene until 11 o'clock tomorrow morning, those committees which find it possible to do so would try to attend to some of the business now lying dormant in those committees; but not beyond 11 o'clock.

Mr. President, it is my understanding that the distinguished Senator from Connecticut would like to have the floor for 10 or 15 minutes, to answer some allegations made during the course of the morning.

It is my further understanding that he will be followed by the distinguished Senator from Louisiana [Mr. LONG], and I would hope that the Chair would keep that in mind in the process of recognition.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. MANSFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will be seated.

PRIVILEGE OF THE FLOOR

Mr. DODD. Mr. President, I ask unanimous consent that my administrative assistant, Mr. James Gartland, may be permitted to be present in the Chamber this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I have only one other matter. I shall not take very long. I am very concerned. Lest I bore my colleagues, this is a matter of grave concern to me. If I overdo the matter a little here or there it is not intentional but rather it is because I am so concerned about this issue.

I have referred so much to the $120,000 of politically connected debts which I brought with me to the Senate that I want to say something about that again. I am particularly anxious that Senator STENNIS hear me. Apparently he is not in the Chamber now. However, I am just as anxious that Senators hear me, and particularly members of the committee.

I made these notes during the noon recess.

One of the stipulations reflects the fact that as of January 1, 1960, I owed $150,000. Of this amount, $30,000 represents a purchase money mortgage on my home in Washington. The balance is the $120,000 that I have referred to.

The question is: Was it political?

I testified at the hearings that prior to 1956, when I first ran for the Senate, I had no substantial indebtedness, and that is a fact. But after running unsuccessfully in 1956, and running successfully for the nomination and for the election in 1958, I ended up with this net indebtedness of $120,000 that we talk about. Here is a place again where that postulate of the Senator from Mississippi is applicable: the thing speaks for itself. It is completely applicable here.

Since I entered the Senate in 1959—I remind Senators of what I have said before, as it is pertinent to this issue—I have incurred unreimbursed costs of office in the amount of $101,000. This is not only my statement. It is reflected in a letter to me by my certified public accountant.

Mr. President, I ask unanimous consent that this letter may be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THOMPSON & BELLOFF,
CERTIFIED PUBLIC ACCOUNTANTS,
Silver Spring, Md., May 17, 1967.

Hon. THOMAS J. DODD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DODD: You have asked us to review the records maintained by your Washington, D.C. office staff for the years 1959 through 1966 and prepare a summary of the expenditures considered by you to be incidental to your employment as a U.S. Senator, including certain expenditures made in maintaining a residence in Washington, D.C. In this regard, we submit the following:

Expenditures incidental to the office of U.S. Senator:	
Travel and entertainment (including estimated expenses of $9,171.62[1])	$51,090.67
Less reimbursements	14,340.91
Subtotal	36,749.76
Dues and subscriptions	3,979.33
Photographs, news clipping service, radio and television	10,160.61
Telephone and telegraph	9,327.69
Less reimbursements	1,140.00
Subtotal	8,187.69
Office supplies and other expenses	11,825.14
Less reimbursements	5,712.13
Subtotal	6,113.01
Total	65,190.40

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[1] The amount of $9,171.62 represents your estimate of the portion of checks drawn payable to cash totaling $31,007.00 used by you as out-of-pocket expenses for travel and entertainment purposes for the years 1959 through 1966.

Expenditures in maintaining a second residence in Washington, D.C.:	
Utilities	5, 021. 78
Telephone	2, 285. 04
Repairs and maintenance	8, 364. 65
Real estate taxes	5, 390. 81
Interest expense	10, 297. 09
Insurance	1, 389. 08
Rent (1959)	2, 147. 60
Moving expenses (1959)	1, 266. 76
Total	36, 162. 81
Grand total	101, 353. 21

It is understood that the items included in the caption "Expenditures made in maintaining a residence in Washington, D.C." do not include the cost of residence, including improvements, furnishings, maid service and principal curtailments on the mortgage.

This summary was prepared from your records and from information furnished to us but without independent verification, at this time, of the supporting data.

Very truly yours,

THOMPSON & BELLOFF.

Mr. DODD. Mr. President, from the testimonial funds I paid off some $49,000 of these politically connected debts of $120,000. The balance of these politically connected debts, which have now all been paid, were paid out of my personal funds. That is the point I am trying hard to get across here in this great jungle of figures, numbers, and statistics.

The fact is that between 1960 and 1966 I had to pay a total of $70,000 out of my pocket. It did not come out of any testimonial fund. I had to pay that amount out of my pocket in order to retire politically connected debts. Furthermore, between 1959 and 1966 I did incur these unreimbursed costs of office of about $101,000.

I ask: Is there any wonder, having paid a large amount of political expenses from personal funds, I was required to borrow in order to meet other obligations, such as personal income taxes, which has been raised here? What does that have to do with it? That is how it happened. I had been paying out of my pocket to pay off those political debts. When income tax time came around the money I earned and would have had in my pocket to pay those taxes, I had to borrow. That is how it happened. That is the fact. I would have otherwise paid them out of my pocket.

The effect, then, was that when I paid off these personal loans, such as loans to pay taxes, I was in every real sense of the word, repaying politically connected debts.

If the committee wishes to do it by one step you come to another conclusion but it was not a one-step situation. There were several steps and it is true, unless that approach is adopted which I call the tracing, one-step approach.

Perhaps I can best emphasize the fallacy of it in a couple of ways. I have been thinking about this all of the time: How do I make this clear?

The net effect to me—as Senators have heard me say before, and I want Senators to remember—of all these funds which Senators have heard about is that it has been and is, in fact, a personal deficit of about $50,000. That is a fact. We cannot get away from it. It is not a matter of anybody's opinion, but I fear the committee completely ignores it. The committee does not talk about it at all, but it exists and it is as real as you are or I am. It is there.

The second point is that the committee appears to treat some $33,110 of the proceeds of the 1961 testimonial dinner as having been used for personal purposes, which appears on the chart with which we were presented this morning. What is the fact? In fact, in 1961, and prior to the 1961 testimonial dinner, I repaid, first, one of the political loans. That forms a part of the $120,000 which has been referred to. I repaid it in the amount of $25,000, and that was out of that fee I earned, which I neglected to say this morning was for a case I tried in 1957. It was not since I came to the Senate or while I was a Member of Congress. I paid taxes on it and took what was left and paid off what were altogether political loans, money loaned me to fight for the election in 1958. That is the fact about that.

This was paid out of my personal fund; my own pocket; my income on which I pay taxes. Therefore, I was entitled, I believe, and I think my friends felt so, too, to reimburse myself out of the gifts which they made. That is the fact of that matter.

Because the committee could not or was not able to trace the testimonial funds directly to the payment of that politically connected loan, the chart the committee put before the Senate, I fear or I guess, in the judgment of the committee or some of its members, gives me no credit at all for the repayment of this politically connected loan. But it is a fact and it is there and cannot be escaped. Thus, the chart reflects a personal loan of $33,110 of the proceeds of the 1961 testimonial dinner. It ignores entirely what I paid out of my pocket to retire that political loan. This is overstated, obviously, by at least $35,000. That is simple arithmetic. I do not know any better way to explain it myself, but it is a fact and I wanted to place it before the Senate the best way I could and as soon as I could.

I also want to add or reemphasize this one step approach. It is not a matter of one step. It is a matter of several steps. But because we have to take more than one does not mean that they are unconnected with political loans. That, I think, is one of my difficulties in making my case clearer to Members of the Senate.

Now I ask that Senators look at the chart on my left. It is a truthful chart. It shows what I have been talking about, particularly the politically connected debts between 1956 and 1958 of $120,000. That chart is right. The final figure is right.

I do not know how we all got lost in this thing. Until I had a chance to explain it, I tried as best I could with what was available to me at the time. There are some things I cannot go back and find which happened 11 years ago, if one does not have the records. I do not know of anyone else that does except one person who says he does; but he has lied about me so much, I do not expect that he will change his mind or attitude in any respect.

I believe and I suggest to my colleagues in the Senate that that chart is the complete, truthful, and final answer.

Mr. President, I ask unanimous consent that the chart and the documentation thereon be printed in the RECORD.

There being no objection, the table and documentation thereon were ordered to be printed in the RECORD, as follows:

Dodd's political expenses exceeded his contributions

Expenses:	
Unreimbursed costs of office	[1] $101, 353
Campaign and political expenses	[2] 247, 937
Politically connected debts, 1956 and 1958 campaigns	[3] 120, 000
Total	469, 290
Receipts:	
Testimonials	[4] 167, 330
Campaign contributions	[5] 246, 290
Total	413, 620
Out of pocket deficit	55, 670

[1] Senator Dodd spent $101,353 from his *personal* bank account for political purposes. This information and the computation of the amount is contained in Senator Dodd's memorandum regarding testimonial funds circulated to the Senate on May 17, 1967, at pages 10 and 11.

This information was available to the Select Committee but was not considered.

[2] The figure $247,937, which represents Senator Dodd's total political expenses (not including political debts as computed below in footnote 3) from *campaign* and *testimonial* funds is computed as follows:

From campaign funds:	
Total campaign funds as found by the Select Committee. (See report, par. E, page 25)	$246, 290
Less:	
Total personal expenses paid from campaign funds as set forth in schedule 1 of appendix C to Senator Dodd's memorandum of June 9, 1967, regarding constitutional issues involved	3, 109
Subtotal for campaign and political expenses paid from campaign funds	243, 181
From testimonial funds:	
Total political expenses paid from the testimonial account as set forth in schedule 3 of appendix C to Senator Dodd's memorandum of June 9, 1967, referred to above	110, 663
Less:	
Total deposits of campaign funds in testimonial account. See pages 2–3 of appendix C to Senator Dodd's June 9, 1967, memorandum	105, 906
Subtotal for political expenses paid for with testimonial funds	4, 756
Grand total of campaign and political expenses	247, 937

[3] Politically-connected debts derived from the 1956–1958 period when Senator Dodd ran first unsuccessfully and then successfully for U.S. Senator were repaid in the amount of at least $120,000. That figure is based on the $150,000 debt acknowledged by the Select Committee in paragraph 1 of the stipulation

between the Committee and Senator Dodd (Hearings, Part 11, page 853), less the $30,000 mortgage on his Washington home included in the $150,000 total. (See hearings, Part 11, page 1031.)

[4] The amount $167,330 represents a deduction of the expenses associated with the various testimonial affairs from the Committee's figure of $203,983 (Report, para. D, pg. 25) which is a gross figure. The *net* figure was computed by deducting the following expenses from the Committee's figure of $203,983 gross:

Expenses of 1961 testimonial (Par. 9 of the stipulation and hearings, pt. 11, p. 854)	$8,134.61
Expenses of District of Columbia reception (Par. 20 of the stipulation, hearings, pt. 11, p. 855)	965.44
Expenses of 1963 Connecticut events (Par. 30 of the stipulation, hearings, pt. 11, p. 857)	4,885.94
Expenses of 1963 and 1965 testimonial (Schedule 2 of Appendix C to Senator Dodd's memorandum of June 9, 1967)	22,667.65
Subtotal for testimonial costs	36,653.64
Gross	203,983.00
Expenses	36,653.00
Net testimonial receipts	167,330.00

[5] The figure $246,290 for campaign contributions was taken directly from the Select Committee's Report (Paragraph E, page 25).

Expenditures incidental to the office of U.S. Senator:	
Travel and entertainment (including estimated expenses of $9,171.62)	$51,090.67
Less reimbursements	14,340.91
Subtotal	36,749.76
Dues and subscriptions	3,979.33
Photographs, news clipping service, radio and television	10,160.61
Telephone and telegraph	9,327.69
Less reimbursements	1,140.00
Subtotal	8,187.69
Office supplies and other expenses	11,825.14
Less reimbursements	5,712.13
Subtotal	6,113.01
Total	65,190.40
Expenditures in maintaining a second residence in Washington, D.C.:	
Utilities	5,021.78
Telephone	2,285.04
Repairs and maintenance	8,364.65
Real estate taxes	5,390.81
Interest expense	10,297.09
Insurance	1,389.08
Rent (1959)	2,147.60
Moving expenses (1959)	1,266.76
Total	36,162.81
Grand total	101,353.21

Mr. HOLLAND. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. There has been reference in this debate several times to a fee of $50,000 which the Senator earned.

Mr. DODD. Yes, sir.

Mr. HOLLAND. But I have not heard any statement concerning the year in which that fee was earned and collected. I wonder whether the Senator could supply that.

Mr. DODD. Yes. I neglected to state the year this morning. I earned that fee in 1957. I was not a Member of the Senate then. I was not in public office. I was in private life. I was retained by the plaintiffs in that case. It ended in a settlement. I was paid my share of that fee in 1961. We did not get paid for 4 years.

That is the $50,000 which Drew Pearson, as I said, put in his column as "DODD took $50,000 from Hoffa." [Laughter.] Well, I know that we may laugh at that, but if you had to live with it, it would be pretty hard to smile about.

Mr. HOLLAND. Mr. President, will the Senator from Connecticut yield for one further question?

Mr. DODD. I yield.

Mr. HOLLAND. The Senator said that he collected it all, or his portion of it, in 1961; is that not correct?

Mr. DODD. Yes.

Mr. HOLLAND. In fairness to the Senator from Connecticut, I believe that the RECORD should indicate whether there was any reduction from the total fee paid to the distinguished Senator due to sharing the fee with others?

Mr. DODD. Yes, there was. I do not have the exact figure but I think I got about half of the total fee. The rest of it went to my partners who were associated with me on the case.

Mr. LONG of Louisiana. Mr. President, will the Senator from Connecticut yield for a question at that point?

Mr. DODD. I want to be sure, first, to clear this one point up.

Mr. HOLLAND. One of my friends sitting nearby asked another question; namely, because of the fact that this service was rendered over a period of years, was the fee for tax purposes spread over those years, or was it credited as having been earned in only 1 year?

Mr. DODD. I am not sure, but I think it was spread. I believe it was spread. Under the law, it could be. I do not have that right at hand. Yes, I am told, it was spread over those years.

Mr. HOLLAND. I thank the Senator from Connecticut.

Mr. DODD. I thank the Senator from Florida.

Mr. President, the Senator from Louisiana had asked me to yield to him for a question.

Mr. MUSKIE. Mr. President, will the Senator from Connecticut yield for a question?

Mr. DODD. I am glad to yield to the Senator from Maine.

Mr. MUSKIE. I take it from the Senator's comments this morning, and from this chart, that the Senator regards some of these dinners or receptions as testimonials and others as being political?

Mr. DODD. No. I do not regard testimonial affairs as political.

Mr. MUSKIE. I wonder if the Senator would identify the dinners represented by the figure of $167,330?

Mr. DODD. That is all of them. That is all of them.

Mr. MUSKIE. Which ones? Could the Senator specify?

Mr. DODD. The years 1961, 1963, and 1965.

Mr. MUSKIE. Which ones does the Senator regard as political?

Mr. DODD. I do not regard any of those political.

Mr. MUSKIE. I mean as covered on the chart.

Mr. DODD. None of them.

Mr. MUSKIE. I am referring to the chart that the committee printed and which the committee presented to the Senate this morning.

Mr. DODD. Yes.

Mr. MUSKIE. On which seven dinners and receptions are referred to.

Mr. KUCHEL. Mr. President, will the Senator from Maine please speak a little louder so that we can hear on this side of the aisle?

Mr. MUSKIE. I am wondering whether any of those are regarded by the Senator as political—as political affairs?

Mr. DODD. No. I do not now nor have I ever regarded them as such.

Mention was made here this morning of a $6,000 item. It has been said, "Why did he take that as a loan and then pay it back if it was a testimonial? It was his money. He surely did not have to do that."

Well, Mr. President, that sounds convincing until it is understood that I am not a tax expert or an accountant. When the accountant told me—I later learned that he got it from O'Hare—I was confused and I said, "Whatever you say—all right—I will do." Later on, my associates and friends in Connecticut said, "What in the world did you do that for? That was your money. You didn't have to handle it that way."

That is exactly what happened. Nevertheless, I let it stand. I paid that money into the campaign fund. That is where it wound up. I never sought to take it out. The fact is, that is where it rested all the time.

Mr. JACKSON. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I am happy to yield to the Senator from Washington.

Mr. JACKSON. In an effort to clarify the record in connection with the questions propounded by the Senator from Florida, I should like to call the Senator's attention to page 1045 of the hearings, part 2, in which the Senator's return for 1961 is included, in part. I note there that the $50,000 fee is allocated on the basis of services peformed in 1957, 1958, 1959, 1960, and 1961.

Mr. DODD. Yes.

Mr. JACKSON. I thought that the Senator would want the record——

Mr. DODD. That is right.

Mr. JACKSON. To be clear on that point, because I had understood the Senator to say that the fee was earned prior to coming to the Senate.

Mr. DODD. It was.

Mr. JACKSON. The return seems to indicate that the fee was apportioned over those years, which would indicate that services were performed during those 5 years. It is just a matter of making the record clear.

Mr. DODD. Yes. I understand that was

in accordance with the carryback provisions of tax laws.

Mr. JACKSON. I thought that the Senator would want the record made clear in that regard because the return indicates that the fee had been apportioned over a 5-year period. That was all.

Mr. DODD. Yes. I thank the Senator from Washington. I think the Senator is accurate. I think it was for compliance with tax laws that it was done in that fashion.

Mr. HRUSKA. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I am happy to yield to the Senator from Nebraska.

Mr. HRUSKA. A little bit ago, the Senator did get unanimous consent to have printed in the RECORD the text of what is on that bulletin board.

Mr. DODD. Yes.

Mr. HRUSKA. The first item there is the one for "unreimbursed costs of office, $101,353"—under the heading "DODD's Political Expenses Exceeded His Contributions."

In the memorandum of May 17, 1967, which Senator DODD circulated to his colleagues, there is a breakdown on pages 10 and 11 of that $101,000 figure of unreimbursed costs of office.

Would the Senator consider asking unanimous consent to insert that breakdown right after the chart appears in the CONGRESSIONAL RECORD, so that there will be, for purpose of convenience, reference to it at that point?

Mr. DODD. Yes. I think it is already in the RECORD. If the Senator wants it in again, I am willing.

Mr. HRUSKA. It would be convenient to have it there.

Mr. DODD. Very well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, may I ask the Senator, so the RECORD will clearly reflect the facts with reference to the $50,000 fee he received, did he sue Hoffa or the other side?

Mr. DODD. I was on the other side.

Mr. LONG of Louisiana. Was that Hoffa?

Mr. DODD. It was the International Brotherhood.

Mr. LONG of Louisiana. Which?

Mr. DODD. The Teamsters Union. I have forgotten the technical name, in the exact form, but that is what it was. I represented the local Teamster Union. I tried a suit against the International.

Mr. LONG of Louisiana. If I understand correctly, Senator, you represented the local union which brought suit against the International Union, which was suing Hoffa, in other words?

Mr. DODD. Yes.

Mr. LONG of Louisiana. So, having sued Mr. Hoffa, the case was decided several years later, after the Senator had become a U.S. Senator?

Mr. DODD. No. What actually happened was that after we had been in the plaintiff's case, we reached an agreement for a settlement. That is what was done. It was dragged around quite a while. It was in the time the board of monitors was set up.

Mr. LONG of Louisiana. Can the Senator state what was the final settlement of the case?

Mr. DODD. At that time a board of monitors was established to oversee the affairs of the union. In effect, I recall now, that was substantially what the result was.

Mr. LONG of Louisiana. Who received judgment in this case? Did the local union have to pay the international union, or did the international union have to pay the local union?

Mr. DODD. I do not know whether payments were made to the local union, or whether a court order to pay was entered in the case.

Mr. LONG of Louisiana. So are we to understand there was a court order for Hoffa's union to pay the Senator's law firm a fee in a case it had filed, with some success, against the international union?

Mr. DODD. That is correct.

Mr. LONG of Louisiana. So while it was Hoffa's union that paid the Senator a fee, it was because the Senator had filed a suit against Hoffa's union, and with considerable success?

Mr. DODD. Well, I expect we came out well.

Mr. LONG of Louisiana. The court fixed the fee?

Mr. DODD. Yes. The court fixed the fee. Judge Letts presided at that trial and he established the fee.

Mr. LONG of Louisiana. Is that the order about which I read in the press? Pearson said that Hoffa had paid DODD $50,000 and DODD got it all himself and would not even split it with his law partners?

Mr. DODD. I said that this morning. The Senator did not hear it. [Laughter.] I was greatly distressed about that. I said it went clear across this land. It went clear across the water.

Mr. LONG of Louisiana. Mr. President, may I ask that the RECORD show that there was laughter when the Senator said "The Senator did not hear me"?

Mr. DODD. I do not know what——

Mr. LONG of Louisiana. May the RECORD show that? The RECORD will now show that. That is all right.

Mr. DODD. I hope the Senator was not offended. I was not laughing. I do not want to lose any friends.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. McCLELLAN. In line with the information sought by the distinguished Senator from Maine a few minutes ago, when he questioned the Senator about the testimonial dinners, which were testimonial and which were dinners, according to the chart, a copy of which was laid on the desks of all of us this morning by the committee, it shows that a dinner in 1961 grossed $64,245; a reception in 1963 grossed $13,770; another in 1963, the Fairfield reception and Bridgeport dinner, grossed $15,705; another in 1963, the Hartford breakfast and Woodbridge luncheon, grossed $31,040; a dinner in 1965 grossed $79,223.

I believe those are the only dinners or testimonial dinners involved.

Mr. DODD. I believe that is correct.

Mr. McCLELLAN. Is it the Senator's contention that none of these were political, for the purpose of raising campaign funds?

Mr. DODD. Absolutely.

Mr. McCLELLAN. But they were simply for the purpose of making contributions to the Senator for personal use or for any purposes for which he might choose to use the proceeds thereof?

Mr. DODD. That is exactly right.

Mr. McCLELLAN. The Senator's contention is that whatever these dinners and receptions produced in effect became the Senator's to do with what he pleased, irrespective of whether it was for political purposes or not?

Mr. DODD. Yes.

Mr. McCLELLAN. Can the Senator then give an answer as to why the purposes recited in the language of the invitations to these dinners designated them as political, to raise campaign funds?

Mr. DODD. I tried to answer that this morning. I never saw those letters. One of them, written by Mr. McNamara, was the only such letter he wrote. I believe he so testified. He wrote it to some personal friends. I never saw that letter or any other letter. I was not in that position with respect to the people who organized them and were running these dinners.

Mr. McCLELLAN. One other question: Were not some of your staff directly identified with each of these fundraising occasions and participating in the organization and management of them?

Mr. DODD. At a later date, they were; but at the time those letters were written, they were not.

Mr. McCLELLAN. Is the only letter that you did not see, to which you make reference now, the letter from Mr. McNamara?

Mr. DODD. I think there were two from Mr. McNamara that I did not see, and there were two, or perhaps one, from Mr. Barbieri.

Mr. McCLELLAN. Are we to understand that had you seen the letters and observed that they were making solicitations and extending invitations on the basis of political fundraising, you would have objected to that?

Mr. DODD. Yes; I would have. I certainly would have—in every instance—because I was not trying to raise political funds in 1961, and certainly not in 1965 or 1963, at any of those affairs. Had I seen them, I would have said, "That is wrong." But I never saw them, as a matter of fact, and the men who wrote them so testified. But I never saw them and did not know about them.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. DODD. I am glad to yield to the Senator from Colorado.

Mr. ALLOTT. I listened with interest to the questions of the distinguished Senator from Florida and the distinguished Senator from Washington. I am referring to page 1045 of part II of the hearings, relative to the employment, which is recorded at that particular point. As I understand, the Senator said that this employment was in 1957.

Mr. DODD. That was when the case was tried.

Mr. ALLOTT. How long did the trial extend? Over what period?

Mr. DODD. My recollection is that it was about a month, as far as I can remember.

Mr. ALLOTT. Was that the Teamster case?

Mr. DODD. Yes.

Mr. ALLOTT. What I cannot understand is how the Senator is able to allocate the income over a period of 3 years—actually, it is over a period of 5 years, according to what he shows here.

Mr. DODD. I think the answer to that is, first, that the matter continued. There were numerous investigations going on, back and forth. The case was finally resolved when we got paid in 1961.

Mr. ALLOTT. Was it 1961 when the case was billed? Was that the actual termination?

Mr. DODD. No; I think it was billed in early 1961, although I do not have that data right at my disposal. But I think my recollection is correct that I was not paid because the matter was hanging on and there were several matters in connection with it. It seems to me, as I recall, that there was an appeal matter concerning the case. But anyway, under the tax law at that time, as I understand, one could spread the fee from the date it was paid until the date the matter commenced or was undertaken, whether or not it continued during the interim period. I believe that was the law.

Mr. ALLOTT. The reason I ask these questions of the distinguished Senator is that section 1301, title 26, United States Code, provides criteria by which compensation for employment can be spread back; and I understood the Senator to say that the work was accomplished in 1957, but this section provides that the work has to have covered a period of 36 months or more. I am referring to subsections (a), (b), and (c)—subsection (c) dealing with partners—which set up the criteria for such employment period.

What I could not understand, from the Senator's remarks—and there has been a lot of confusion here in the Chamber—was how he could spread the compensation for such employment back to 1957 from 1961, or from 1957 forward to 1961, if the work was all accomplished in 1957.

Mr. DODD. The case was tried that year. There were several complications ensuing during an extensive period thereafter. But in any event, I can best answer the Senator by saying that was the way I was informed the law applied in that situation.

Mr. ALLOTT. Actually, the Senator's employment was not completely terminated in 1957, then?

Mr. DODD. As far as I was concerned, it was. The firm was still involved to some extent. I was not involved personally.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. METCALF. I note that beginning on page 1105 of the hearings, there is a digest of the election laws of Connecticut. It says that:

> The payments, expenditures, promises and liabilities which any candidate for senator of the United States may make or incur, directly or indirectly, in aid of his nomination or election, or both, shall not exceed one-third of the salary of said office for one year.

That would be, at the most, $10,000?

Mr. DODD. Yes.

Mr. METCALF. I note that on the chart the Senator has on display in the back of the room, it shows that the out-of-pocket deficit for DODD's political expenses exceeded contributions by more than $55,000. So that is in violation of the laws of Connecticut?

Mr. DODD. Yes, unless you remember that there are a lot of committees involved in these campaigns. I think the Senator will find that that is the fact.

Mr. METCALF. I am talking about the State law, not the Federal law.

Mr. DODD. I understand that. But I think that is the answer. The committees were active, and I believe that is the answer to the Senator's question.

Mr. METCALF. That the Senator had no knowledge and no opportunity to find out how much the committees were spending?

Mr. DODD. No, not exactly. I do not recall, certainly, at this hour, what the costs were in that year. But I am sure that is the answer.

Mr. METCALF. I thank the Senator.

Mr. YARBOROUGH. Mr. President, will the Senator from Connecticut yield to me for a question?

Mr. DODD. I yield.

Mr. YARBOROUGH. In this income tax return reproduced at pages 1045, 1046, and 1047, it shows the $50,000 fee, and it shows the tax on that computed as, I believe, $24,000.

I understood the Senator to say that he paid half of that fee to members of his firm.

Mr. DODD. No; the Senator misunderstood me.

Mr. YARBOROUGH. The Senator did not take advantage of that, in this tax return, evidently. The tax is spread over 5 years, on $50,000.

Mr. DODD. Yes; but I think the difficulty is that the fee was larger than $50,000. I may not have made that clear.

Mr. YARBOROUGH. This was the Senator's share of the fee?

Mr. DODD. That is right.

Mr. YARBOROUGH. I did not understand that.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. DODD. Yes.

Mr. BENNETT. The Senator has made the point that these testimonial dinners were all personal testimonials, and not political.

Mr. DODD. That is right.

Mr. BENNETT. On page 993 of the hearings, about 10 lines up from the bottom, is the note that the Democratic National Committee was paid $7,500 for providing the Vice President as the speaker. Does not the Senator think this represents some political connection?

Mr. DODD. I think it is always helpful, at a dinner, in order to attract people, to get the Vice President of the United States.

Mr. BENNETT. I would think if the Vice President was coming up to help his friend, TOM DODD, with no political connotations, that the Democratic National Committee, whose chairman lives in TOM DODD's State, would not exact $7,500 for the privilege.

Mr. DODD. He did not exact it. The committee volunteered it.

Mr. BENNETT. My next question is, was the Vice President's speech that night political?

Mr. DODD. I am sure it was. I do not have it before me, of course, but as I remember, it was typical of him; it was an engaging, humorous personal speech, much of it about me. He said some other things in his prepared text, about mass transportation, as the Senator will note from the newspaper clipping on page 992.

Actually, as I recall it, he departed from or did not follow closely his text which was released to the press.

Mr. BENNETT. I thought perhaps the reference to the Senator might possibly have been in the introduction, the kind of thing a guest would say under the circumstances, and that his prepared text had to do with programs of the Senator's party and the Vice President's party, such as mass transportation and the Great Society.

Quoting from the article in the Hartford Times of March 8, 1965, as reproduced at page 992 of the hearings:

> He said the Great Society is a "recognition that a second car, power mowers and dry martinis are not enough.
>
> It is the recognition that we stand for something not seen before in the world—we stand for the dignity for, and fulfillment of, individual man and woman.

That sounds to me like a very good Great Society political speech.

Mr. DODD. The Senator can interpret it any way he wants. The Vice President of the United States, to whichever party he belongs, if he goes to make an address, he takes up in that address something that he feels is important and of interest to the audience. And there is nothing more interesting to people in the southern New England States than the mass transportation problem. We have great problems concerning mass transportation, as other Senators from that area know.

While I am on that subject, the Senator asked me why the Vice President was invited. I am in politics and public life. If I were a teacher, I would probably have suggested the president of some university. It seems perfectly normal to me that I or the committee would like to have a prominent person from public life. And I think that was the reason.

Mr. BENNETT. The thing that disturbs the Senator from Utah is that the Senator from Connecticut has a good friend who is the Vice President of the United States, and he is having a testimonial dinner to help him pay his debts. For some reason, I said the Democratic National Committee exacted $7,500. For some reason, out of that money that he needs so badly to pay his debts, $7,500 was paid to the Democratic National Committee.

It seems to me as though that was the price you had to pay to get the Vice

President there. And that, to me, stamps this meeting very largely as political.

Mr. DODD. I hope I can convince the Senator that he has an erroneous impression. I was not running for office that year, and it was exactly what I have described it to be and what other people who attended the meeting took it to mean.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. PERCY. I think it is quite an important question as to what was in the minds of contributors on the basis of the letters sent to them and the representations made to them for the purpose of these fundraising affairs.

I think it is also very important to determine what was in the mind of the Senator from Connecticut in inviting the then Vice President of the United States and what representations were made to him in order to induce him to come to Connecticut to be the principal speaker.

For that reason, I would like to read from an article which was published in the New York Times on May 28, 1967, a letter from the Senator from Connecticut to Lyndon Johnson, Vice President of the United States, under date of August 5, 1963.

It reads:

> DEAR LYNDON: First of all allow me to thank you again for your generous offer to come to Connecticut to assist me in my forthcoming campaign. Since receiving definite word from your office that you will be available on October 26 for the entire day, I have scheduled a variety of activities that will cover the principal centers of the State.
>
> I wish I could convey to you how enthusiastic everyone is about your visit and how much it will assist us in getting my campaign drive under way.
>
> Our schedule of activities for October 26 is as follows: 9 a.m., breakfast in Hartford. Noon-luncheon in New Haven. 4 or 5 p.m.—dedication of the new Municipal Stadium in Bridgeport. 7 p.m. dinner in Bridgeport.
>
> Your visit will come a week before the municipal elections in most of the large cities of Connecticut. There are some hotly contested elections and while, of course, no one expects you to become involved in any of them, your presence in the State at that time will be a great boost to the Democratic cause.
>
> Everywhere I go to make arrangements for your visit, people express the hope that your gracious wife, Lady Bird, will be with you when you come to Connecticut. We are counting on her, too, and are planning some entertainment for her.
>
> Your visit means more to me than I can say, Lyndon, and I shall never forget it.
>
> Sincerely yours,
>
> THOMAS J. DODD.

In looking to see what comments were made by the Senator from Connecticut during the course of the fundraising affairs, I find the statement in the committee hearings on page 921, part II, from an article published in the Hartford Courant of October 27, 1963——

Mr. LONG of Louisiana. Mr. President, I must insist on the regular order. If the Senator wants to make a speech, he can have the floor.

Mr. PERCY. I have one paragraph, if I may finish. I think it is germane.

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. PERCY. This article is from the Hartford Courant of October 27, 1963.

The PRESIDING OFFICER. The regular order has been called for.

The Senator from Connecticut has the floor and can yield only for a question except by unanimous consent.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the junior Senator from Illinois be permitted to proceed.

The PRESIDING OFFICER. Is there objection?

Mr. LONG of Louisiana. I object. I objected before, and I object now.

Mr. PERCY. Mr. President, may I ask it in the form of a question?

Mr. DIRKSEN. We have been very generous. If you are going to play that kind of pool, two of us can play, and you will make no speeches on anybody else's time. It will be on a question and answer basis or it will not happen, because there will be objection.

We have been very generous with the Senator from Connecticut this morning.

Mr. LONG of Louisiana. I insist on the regular order.

Mr. DIRKSEN. Very well; you will have it that way.

The PRESIDING OFFICER. Regular order has been called for. The Senator from Connecticut has the floor.

Mr. PERCY. Mr. President, will the Senator yield for a question?

Mr. DODD. Yes. I will yield. I do not want to appear to refuse to answer a question.

I get caught in the crossfire all the time here, and I wish it were not so. If you ask me a question, I shall try to answer the best I can.

Mr. PERCY. I should simply like to ask the Senator from Connecticut whether this account contained in an article published by the Hartford Courant on October 27, 1963, following the political events that were discussed is correct.

The statement reads:

> Throughout the trip, Sen. Dodd expressed his "gratitude" to Vice President and Mrs. Johnson for coming to the State to help him build up a campaign warchest for 1964.
>
> "It is difficult to adequately thank you for doing so," Sen. Dodd said.

Is that a true account?

Mr. DODD. No. That is not true. I do not think that anybody who was along that day would say anything different.

This is one reporter's version, obviously. It certainly was not mine, and I never heard anybody else say that.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. McCLELLAN. Mr. President, did these articles come to your attention? You say you did not know it before and that you did not see it. Did these come to your attention immediately?

Mr. DODD. I am sure I saw it at the time.

Mr. McCLELLAN. Was it after that that you made this disbursement of funds in the way in which you have?

Mr. DODD. Yes.

Mr. McCLELLAN. It was after these articles and the letters; you knew about the letters later, did you not?

Mr. DODD. No. I did not.

Mr. McCLELLAN. With all of this political atmosphere about the letters going out for invitation, and the Vice President being invited for political purposes, you knew nothing about it?

Mr. DODD. I knew the Vice President was going to be there.

Mr. McCLELLAN. You did not know it was going to be for political purposes?

Mr. DODD. No. It was not for political purposes.

Mr. McCLELLAN. Okay.

Mr. DODD. Everything of this character has a political tone. How can it have anything else? I happen to be in politics. And to that extent, it has a political tone and connotation. But that does not change the central character of it. It may appear differently to others. But I tell the Senator from Arkansas that was not in my mind or in the minds of the people who organized the affairs, or in the minds of the people who attended.

Mr. HOLLAND. Mr. President, will the distinguished Senator yield for a parliamentary inquiry to the Chair?

Mr. DODD. I yield.

Mr. HOLLAND. Mr. President, to comment on it precisely, I am disturbed by the difference between the charges made on line 8 of the resolution, on the first page, and on line 11. They are so different in character and quality—one charging what amounts to criminal acts and the other not being so at all.

It seems to me that the Senate should be allowed the opportunity to vote separately on these questions on their merits.

Therefore, I address this parliamentary inquiry to the Chair. Would it be proper for me to ask for a division on this question, so that the Senate might then vote separately on the charges, the charge entitled charge (A) and the charge entitled charge (B)?

The PRESIDING OFFICER. In response to the parliamentary inquiry, the Chair will state that under rule 18, if a question in debate contains several propositions, any Senator may have the same divided.

While it is not in order to divide the question of the passage of bills into several parts, the Senate, in 1942 set the precedent to permit a division of the question on the adoption of a resolution, which contained two separate provisions.

The Chair would like to add, however, that it would appear that the more appropriate way to divide the two separate questions of this resolution would be to make a motion to strike out A or B, because of the way the resolution is drafted. The precedent cited by the Chair was a resolution which contained two separate and distinct provisos.

If a Senator should demand a division of the pending resolution, the first question could come on the adoption of lines 1 through 10 down to and including the word "campaign" on page 1, and lines 3 through 6, inclusive, on page 2. The second question, if the first should be defeated, would be on lines 1 through 7 on page 1 and lines 11 beginning on page 1 down through and including line 6 on page 2. If the first question should be adopted, the second question would be on lines 11 on page 1 down through and including line 2 on page 2.

Mr. HOLLAND. Mr. President, I appreciate the ruling of the Chair, which I thought would be his ruling. Because

I believe it is in the interest of the entire Senate, and certainly in the interest of the Senator from Connecticut—in fact, in the interest of the public—to have these two questions considered separately by the Senate, in separate votes, I now ask for a division of the question in the method suggested by the ruling of the Presiding Officer.

Mr. LONG of Louisiana. Mr. President, reserving the right to object, did the Senator yield for that purpose, and does that require unanimous consent?

The PRESIDING OFFICER. The Senator from Connecticut has the floor. Will the Senator yield for the purpose on that point?

Mr. DODD. I yielded the floor.

The PRESIDING OFFICER. It would not require unanimous consent.

Mr. HOLLAND. Mr. President, if there is any objection, so far as the Senator from Florida is concerned, he is ready to await a later hour. But it seems to the Senator from Florida, because we are still talking about both of these matters and they are so separate in their quality and in their character and in their treatment in the debate, that it would be appropriate at this stage in the debate to ask for the division.

Mr. LONG of Louisiana. May I address a question to the Senator from Florida? Will the Senator yield for a question?

Mr. HOLLAND. I yield.

Mr. LONG of Louisiana. I do not anticipate objecting to the Senator's suggestion, or resisting it at all, in due course. May I say further that I am only trying to protect the procedural rights of the Senator from Connecticut in not agreeing to anything we had not thought about before we agreed to it.

Mr. HOLLAND. Mr. President, I certainly wish to cooperate in every way. I believe I have shown that already.

I am perfectly willing to withhold my request for the division, now that the division has been declared appropriate, until the Senator from Connecticut and the Senator from Louisiana have had the time to consider it.

If it makes any difference to anyone, I would be willing to reverse the order of the submission of the two questions from the order suggested by the very accurate ruling, as I understand it, of the Presiding Officer. I believe it would be quite appropriate to reverse that order, if anyone desires it to be reversed, and I would have no objection to that.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HOLLAND. At this time I withhold my request.

The PRESIDING OFFICER. The request is withheld.

Mr. HOLLAND. I yield to the Senator from Montana.

Mr. MANSFIELD. We wish to express our appreciation for the action just taken, because it does not preclude the right to offer that request later; but it does give the Senator from Louisiana an opportunity to make his speech prior to that time.

Mr. HOLLAND. I am very happy to withdraw the request.

I might add that I did not bring up this question until I had advised the majority leader that I proposed to do so. I did not want it to be a surprise to the leadership.

I believe I have shown by everything that has happened up to now in this case, not just during the debate but also heretofore, that I want to observe a complete fairness, without a showing of commitment of any kind, and I am not committed to anybody in this matter. I want to hold an open mind.

I have been in the Chamber for every minute of the debate, except for a few minutes when I was called to the phone a short time ago, when the Senator from Illinois [Mr. Percy] was addressing a question to the Senator from Connecticut. I expect to remain in the Chamber, because I believe this is a highly important matter to the Senate, and of course it is a matter of extreme importance to the Senator from Connecticut.

I believe that since I can be here, I should be here. I leave it to every other Senator to decide what the priority of his own duties may be.

I withhold my request for a division at this time, Mr. President, and I appreciate the Presiding Officer's ruling.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG of Louisiana. I thank the Senator.

Mr. President, if other Senators desire to make speeches for the case in chief against Thomas J. Dodd, I will defer my speech until after they have made theirs. It is my feeling that mine will be the closing speech for the case in chief on the defense. I believe that the defense is entitled to hear the entire case for the prosecution before it is required to make its closing presentation in chief for the defense. If other Senators desire to add to what is a prima facie case against Senator Dodd, I would certainly want to yield to them for that purpose. If they have perhaps made that case, and if they are satisfied that they have made it, I will proceed. But if they believe that some additional statements should be made in support of the case against Tom Dodd, I would hope that they would proceed to make them, and I will make mine after I have heard the entire case for the prosecution.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. COOPER. I should like to speak for about 10 minutes.

Mr. LONG of Louisiana. Mr. President, permit me to say that I shall yield so that the Senator from Kentucky may make his statement.

I wish to explain to Senators, and even to the people in the gallery—and for the benefit of those who have not read yesterday's Record—what I had in mind when I insisted that the Record reflect that there was laughter when the Senator from Connecticut referred to the fact that I was not in the Chamber when one of the particular items involved in this case was adequately discussed, and therefore I was unaware that it had been fully covered.

The printed Record will show tomorrow, of course, that the Senator from Mississippi [Mr. Stennis] made reference to the fact that I was not in the Chamber, and it will also show that there was laughter. The reason why the Record should so reflect is that I had been preparing my speech. I could make the speech from notes. I could do it off the cuff. It would not be fair and just to the Record, because the Record would not read the same as if the speech were presented. I had not had an opportunity to dictate the speech prior to that time.

I hope the Senator will forgive me. It is not that I do not desire to hear the speech of the Senator, but because I must check my own speech and continue to dictate it before I make it. I hope the Senator will forgive me if I should temporarily leave the floor to prepare and edit the speech I propose to make immediately after the Senator has concluded. I am doing this as an accommodation to the Senate.

I am familiar with the evidence against Tom Dodd, and I will be informed of the argument made against Tom Dodd. But if I am to do justice to the speech which I hope to make thereafter, I believe I will need a little more time. I am not asking for it. I am simply asking forgiveness if I must leave the floor for a few minutes.

Mr. STENNIS. Mr. President, will the Senator yield on that point?

Mr. LONG of Louisiana. I yield.

Mr. STENNIS. Mr. President, I fully appreciate the generosity and the spirit of the Senator from Louisiana, but I understand that whenever a Senator wishes, he can get the floor, that there is no limitation of any type on any Senator, in any way.

So far as the charges are concerned, I believe that those speaking for the committee have already covered the field, and that part of the proceeding has certainly passed. But as to the order of speaking, I do not agree. I am sure the Senator from Louisiana does not wish to cut off any Member, but it is up to any Member of the Senate to speak if he wishes.

Mr. LONG of Louisiana. The Senator is correct. All I am saying is that it would by my preference—I would much prefer—that those who wish to make a case, as I believe the committee had a burden to do, should proceed to do so, and when they have concluded, I would hope to address myself to this matter.

I simply would like to make it clear because the Senator had suggested that he wished I had been here to hear something that he said previously. I heard about it. I shall read it in the Record and respond to it in due course.

Mr. STENNIS. I merely mentioned the Senator's name and then realized that perhaps the Senator from Louisiana was not here. Therefore I said, as I would have said with regard to any Senator whose name I was going to mention, I wished that the Senator had been here, as I have said with respect to others so many times. That was the extent of my remark. I do not know that I ever occasioned any laughter in the speech.

Mr. LONG of Louisiana. It was perfectly appropriate for the Senator to mention it. I was not here. I have been standing here and complaining about other Senators not being here. From the point of view of the Senator from Louisiana, when Tom Dodd made that magnanimous and moving speech as the principal witness for the defense it was proper not only for me but also for those who believe him innocent and others to hear him defend himself. I am a lawyer by trade and it would have been criminal for me to leave him standing there and not tell Senators I believe they should be here to hear him. Reading the Record does not help one to decide. If a man is innocent, one has to hear the speech itself.

I had preferred not to proceed this afternoon. I have consulted with the majority leader. I wanted to explain why I felt it might be necessary for me to leave while the Senator was proceeding. I thank the Senator very much.

The PRESIDING OFFICER. Does the Senator from Louisiana wish to retain the floor?

Mr. LONG of Louisiana. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, I shall be very brief in my remarks at this time, although I expect to speak later on the question before the Senate.

My purpose in speaking now, before the distinguished Senator from Louisiana speaks, is to see if I can summarize the total amount of money collected; the amount of the proceeds used for strictly political purposes, and the amount of money which the committee believed was used for personal purposes by the distinguished Senator from Connecticut. I am not now attempting to discuss the issue of whether there was a right to the use of these funds for any purpose for which the Senator from Connecticut thought he had a right to use them.

Mr. COTTON. Mr. President, may we have silence in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

Mr. COOPER. Mr. President, I am now directing my attention to the reasons for the committee's decision and particularly its decision as to which part of these funds were used personally by the Senator from Connecticut. I know the Senate desires to make a fair judgment, not only on the issues involved in our recommendations, but always in justice to the Senator from Connecticut.

Therefore, what I say shall be limited, if I can do so, to those facts which were actually agreed upon by stipulation. I shall differentiate to the Senate those facts which are not agreed upon by the committee and the Senator from Connecticut.

First, I hope the Senate will follow me. I know that the Senator from Mississippi has spoken on part of the subject, and with greater skill than I can. However, I hope the Senate will follow me as I cite the agreed facts from the report and from the stipulations.

First, on page 25, paragraph F reads as follows—and this paragraph is based on the stipulation:

> From the proceeds of the seven fundraising events from 1961 through 1965, and the contributions to the 1964 political campaign, Senator Dodd or his representatives received funds totaling at least $450,273.

I do not believe it will be questioned that this figure is derived from the stipulation.

Then, if Senators will turn to section 2 of the hearings, on page 950, there appears a summary of the report filed by Mr. Moriarty, the treasurer of Senator Dodd's 1964 campaign.

This is the only political campaign in which he engaged in the period from 1961 to 1964 and it acknowledges that when the report was filed a deficit existed of $6,661.77, and the total expenditures including the deficit were $174,159.44. A rough calculation, deducting that sum which was reported as expenditures in the only campaign in which he engaged, from the $450,273, which was the total proceeds of the seven testimonials or fundraising dinners and the funds collected for the 1964 political campaign, there would be left for the personal use of Senator Dodd or to pay off campaign expenditures, roughly something like $276,000.

If Senators will look at the first stipulation in part 2 of the hearings, at page 853, it is agreed that at the end of 1959 Senator Dodd's personal indebtedness was about $150,000. It is also stipulated between 1956 and 1959 Senator Dodd had borrowed a total of $211,000 including the $150,000. I mention this stipulation at this time because Senator Dodd has said it was to retire a part of this past indebtedness, or to reimburse himself for payments he had made on the indebtedness from his own funds that the funds derived from the testimonials were used.

The committee found that $116,000 of the rough balance I have just mentioned of $276,000 above the cost of the 1964 campaign had gone to his personal use. I will point out a part of this sum of $116,000 was based upon the stipulations.

Senators can note down the figures because they appear in the Record. The full compilation can be found in the Congressional Record of June 13 at page 15683 and which is based upon the evidence and stipulations. I call attention first, to the amounts which were not only stipulated as to amount, but also as to use. There is a difference between "amount" and "use." First you will find the totals, which go directly to the payment of his income taxes—a total of $28,588.31. Senators will find in the stipulations on pages 862 and 863 that it is agreed that this total of $28,588.31—was in repayment of loans, the proceeds of which were used to pay his personal income taxes—is correct not only as to amount but as to personal use.

So, prima facie, that sum of money went to the personal use of the Senator from Connecticut.

On page 862, in paragraph 72 of the stipulation, Senators will find the following agreement:

> In June and July 1965, $9,479.40 was paid from the Federation account for certain improvements to Senator Dodd's home in North Stonington, Connecticut; in April and May 1965, $4,900 was transferred by Senator Dodd to his son Jeremy.

Again I point out that this stipulation not only admits the truth of the amounts but also as to their use. Thus, the committee found those two items as going to his personal use.

Mr. CURTIS. Mr. President, will the Senator from Kentucky yield for a question?

Mr. COOPER. I am trying to give the basis for the committee's judgment. I yield to the Senator from Nebraska.

Mr. CURTIS. Is there anything in the record to indicate whether funds other than testimonial or campaign funds were deposited in the so-called federation account?

Mr. COOPER. In the two speeches made by the Senator from Mississippi [Mr. Stennis], he has pointed out that a much larger sum than the $116,000 was deposited in accounts which were under the control of Senator Dodd. I do not have those exact figures. I want to direct myself chiefly, if I can, to the expenditures which the committee found used for personal purposes, and to give our reasons for our finding. I should like to continue on this point.

Mr. STENNIS. We will answer the question of the Senator from Nebraska later. We will give him those facts later.

Mr. CURTIS. I thank the Senator from Mississippi.

Mr. COOPER. Mr. President, this is the one phase, at this time, to which I should like to direct my attention. It is repetitious, but the stipulations agreed, both as to amount and use, on the above three items; namely, $28,558.31 for income taxes—$9,479.40 for repairs on the home—and $4,900, transferred to Senator Dodd's son. Total, $42,967.71.

There is another item of $3,000 for International Latex which I believe it was agreed was considered to be a contribution to the testimonial fund.

The two main items other than the three which I have mentioned—and upon which there is agreement both as to amount and use, the committee considered to be for personal expenses, are the following, and I will now discuss them.

On the chart which the distinguished Senator from Mississippi [Mr. Stennis] had in his hand this morning describing the disposition of funds, Senators will note at the extreme right, at the bottom——

Mr. KUCHEL. On the left.

Mr. COOPER. On the left of the page yes, but I was about to refer to the lower right line on the first diagram—there is an item entitled, "Paid personal expenses, $33,110." The committee considered that this item was for personal use. I will explain our reasoning.

This morning, the distinguished Senator from Connecticut [Mr. Dodd] questioned this item, and said that the only proof the committee had for finding this sum was used for personal expenditures, was that Mr. O'Hare, his former bookkeeper, had so designated it, and that he, Senator Dodd, questioned his credibility—which of course he has a right to do. Therefore, I point out a distinction between this item and the three items I have mentioned above.

With respect to the $33,110, it is agreed that it is the proper amount that was deposited in his personal account. But there is disagreement between the Senator from Connecticut and the committee, as to whether it was used personally.

The reason I considered at least, and made my judgment, and in agreement with other members of the committee, that it was for personal use, was that this amount had finally been deposited and had come to rest in the account of Senator and Mrs. Dodd and was subject only to withdrawal by their personal signature. Its was deposited in the Riggs National Bank. There was no way to secure the canceled checks.

We were not able to secure copies of these checks. So a chief element of evidence before the committee was that the $33,110 of money derived from a fundraising event, had finally been deposited in the account of Senator and Mrs. Dodd, and was subject only to their check.

Upon that proof we had to rest. There was no proof to the contrary that it had been spent for any political purposes or of any other character. In fact, out of the gross proceeds derived from the 1961 fundraising event Senators will note the sum of $23,000 was discovered to have been paid on a political debt. Thus, we reasoned, if any of the amount of $33,110 had been so used, proof would be forthcoming.

One final point. The other large item in question that has been discussed by the Senator from Minnesota [Mr. McCarthy] and the Senator from Utah [Mr. Bennett] is the sum of $26,652. That is the sum of the items, in addition to the ones I have discussed, out of the total of about $116,000 found by the committee to have been directed to personal uses, which the Senator from Minnesota and the Senator from Utah submitted to the committee. The committee went over them, one by one, and made its judgment, in all the circumstances, that they were items which should properly be considered as personal expenditures. It is a matter, of course, which is in the judgment of any Senator. Any Senator can make a decision. They are detailed on page 15683 in the Congressional Record of June 13, 1967.

In all the scope of the material, before us, giving the benefit of the doubt, as I know we did to every item that was in question, we determined the last category, to be personal expenditures.

I hope that these remarks might be helpful. I simply point out that the $116,000 considered to be personal expenditures—eliminating even those expenditures that may be questioned in the minds of Senators, if this sum is added to the $211,000, or $150,000, which indebtedness was incurred before 1960; that $211,000 or $150,000, plus the cost of the 1964 campaign—would still be within the scope of, and could be paid from the $450,000 which the committee found, without question, was the net proceeds of the seven fundraising events, and the 1964 campaign fund reported.

This is my analysis of the facts. I believe it reflects the judgment of the committee. I have pointed out those items which are agreed to, and those which I think can be questioned. But taking them all into account, and giving the benefit of the doubt always, there was still ample money to pay the campaign bills, to pay the personal expenses, and to pay off the indebtedness.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. COTTON. Both the distinguished Senator from Kentucky and the distinguished Senator from Mississippi [Mr. Stennis]—perhaps other members of the committee, as well; I do not know—have referred several times to the fact that the committee did not have access to certain records or checks in the Riggs National Bank. I do not wish to ask any questions that would be prejudicial to the Senator from Connecticut, but I wondered if the committee attempted to get those items. If so, why were they not available?

Mr. COOPER. I think I can answer the question correctly. If I am mistaken, the chairman will answer. It is not prejudicial to the Senator from Connecticut. The reason why we could not get the checks from the bank was—and it was quite a surprise to find this to be so—that they do not keep reproductions of checks, at least after a period of time. That was the reason why we could not get the checks.

Every Member of the Senate is not a lawyer, although most persons think we are, even if we have practiced only 1 day. But a question has been asked to what is a stipulation? Simply, a stipulation is an agreement between all parties concerned that the facts are correct. That does not mean agreement upon the judgment or conclusions to be drawn from the facts. It is an agreement upon facts. That is why I have pointed out the difference between a stipulation as to the amount and a stipulation as to use of the amount.

Mr. COTTON. Pardon me. I had not quite finished on that one subject.

I now understand why the committee could not obtain the canceled checks from the Riggs National Bank, but was not there any record in the Riggs National Bank of the payees to whom the checks were made in that account?

Mr. COOPER. I would like the Senator from Mississippi to respond. As I understand, there was no trouble getting the totals deposited or the amounts expended item by item. I will refer to my chairman.

Mr. STENNIS. If the Senator will yield on this point, this bank kept its records only 6 months. The 6 months had expired, and they had been destroyed, in the usual course of business. The only thing the bank had was the list of the deposits made and the total of the withdrawals.

Mr. COTTON. In other words, there was no bank record which indicated whether a certain amount of money had been paid by the Senator from Connecticut or Mrs. Dodd to a gas company for household gas, to a grocery company, or to pay some political obligation? There was no record of the payee?

Mr. STENNIS. That is correct. There was no record left of who the payee was, just the monthly deposits and the monthly withdrawals in the bank.

Mr. MILLER. Mr. President, will the Senator permit me to ask a question of the Senator from Mississippi on that point?

Mr. COOPER. I ask unanimous consent that I may do so without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. Carrying this one step further, I understand there were not even microfilmed records of canceled checks.

Mr. STENNIS. That is correct. That is the policy of the bank. It applies to others as well as this account.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. COOPER. I yield to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, I have listened very attentively to the debate. It appears that the two charges against Senator Dodd are very clear. One involves double billing. It would appear that in arriving at our decision, we should be looking for whether the Senator inadvertently or by negligence double billed. There is no question that there has been double billing, as I understand it. The Senator has admitted there was double billing. But we would want to know whether there had been negligence in the double billing, or inadvertence in the double billing, or whether there was any intention on the part of the Senator from Connecticut to double bill. Did he direct that there be double billing; or did some of his employees double bill without his knowledge?

These are the questions that we must resolve.

On the second charge, the charge of the misuse of funds, it is important to note that at no time during his presentation did Senator Dodd direct himself to the question of whether the money was used for political or personal purposes. I presumed, therefore, that Senator Dodd had not gotten past the first question, and he assumed the moneys had been contributed to be used for personal purposes. Therefore, he did not get into such questions as income taxes or repairs upon his home.

Reasonable men could not disagree that these would be personal matters. Obviously, income tax money or money used for the repair of a person's home is personal usage of money.

I take it Senator Dodd has not denied it. I, therefore, assume that Senator Dodd's position, so far as the personal use of funds is concerned, is based upon his contention that they were contributed to him to be used as he saw fit, and not purely for political purposes.

The committee has devoted itself—and it has done a yeoman task—to try to distinguish what was political, what was personal, and what was mixed, or a combination of political and personal.

My distinguished colleague from Illinois has suggested that at least the dinner in 1964, I believe, at which the Vice President of the United States spoke, must have been a political dinner, because of the invitation that was extended to the speaker.

The question still comes back to: What was in the minds of the persons who contributed to any or all of these dinners? Did they contribute their money to be used for political purposes, or did they contribute their money to Senator Dodd to use as he saw fit?

If we arrive at that decision, and we find the money was contributed solely for political purposes, then we do not have to go further, because Senator Dodd has already admitted he used that money for personal purposes.

We could argue for weeks over what is personal and what is political.

We need not do that. We already have an admission, as I understand it, of the use of some of that money for personal purposes and the use of some of that money for political purposes.

The question that the Senate must resolve, as I see it, is, What was the money contributed for? We can get at that question only by getting at what was in the minds of the contributors, and, a related factor, what were the circumstances at the time the money was contributed?

I would agree that some of the evidence has indicated that the money was contributed for political purposes. First, the letter from Mr. Barbieri indicated that at least he—Mr. Barbieri—considered the money was to be contributed—in his own language—"to assist with the campaign deficit." This was Mr. Barbieri's language, as I recall it. Second, there was at least one invitation which was sent out specifically asking for money for political purposes.

These are the only two letters I have been able to find—correct me if I am wrong—which would indicate how the money was solicited.

In addition, we have newspaper reports and letters from persons who have said they contributed money to Senator Dodd for his own personal use.

Now we must get to the weight of the evidence, and the original question I asked of the distinguished chairman was as to what weight we should apply.

We did not get into the matter of procedural rules, but I still maintain that we must determine the proper procedure in order to properly evaluate the evidence that is before us.

We do have evidence before us. We have contradictory evidence before us. On the one hand, we have the evidence of O'Hare on the first issue, and the denial of Senator Dodd, as to the explanation for the double billing. That issue can be more easily resolved, of course, than can the second question.

The second question gives us serious trouble, because we must determine what was in the minds of those who made the contributions to Senator Dodd's one, two, or more committees.

Mr. HRUSKA. Will the Senator yield for a question?

Mr. BROOKE. I yield.

Mr. HRUSKA. In addition to that factor of the state of mind of the contributor, does the Senator believe the Senate should also be concerned with the propriety of any Member of this body soliciting, or accepting, or both, funds for his personal uses, which would, in actuality, supplement his salary?

The PRESIDING OFFICER. Has the Senator from Kentucky yielded the floor? I wish to make it clear that I recognized the Senator from Massachusetts so that he could ask a question.

Mr. COOPER. I think if the question has been answered, we had better go back to the regular order.

Mr. BROOKE. May I have the floor?

Mr. COOPER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. BROOKE. I take it the question is as to the propriety of a U.S. Senator accepting money for personal use which would augment his salary.

Mr. HRUSKA. Under these circumstances, and in the fashion in which it was done.

Mr. BROOKE. Now the Senator has added much more. Under the circumstances and in the fashion in which it was done presupposes certain standards which the Senator had not given to me.

If the question is whether it is proper for a U.S. Senator to use money for personal uses which was given to him for political purposes, my answer would obviously be "No." But if he were given money for personal use, and he used it for personal purpose, even though it was above and beyond that which he received as compensation from the U.S. Senate, my answer would be, unquestionably, "Yes."

Mr. GORE. Mr. President, will the Senator yield at that point?

Mr. BROOKE. I yield.

Mr. GORE. I should like to call the Senator's attention to the language of the resolution. The principal thrust of this resolution is that the Senator from Connecticut engaged in a course of conduct, over a period of 5 years, of exercising the influence and power of his office as a U.S. Senator to obtain and use funds for personal benefit.

That is the thrust of the resolution.

Mr. BROOKE. I certainly understand that. But the evidence upon which the Senate is asked to make a judgment on this resolution is evidence which goes to the facts that the committee has set forth in its report: One, the double billings, and two, the improper use of funds.

Mr. GORE. Will the Senator yield further?

Mr. BROOKE. Certainly.

Mr. GORE. Casting aside for the moment the question of double billing, as I understand the proceedings here, if one should give it a court procedure interpretation—which it is not—the nearest legal description that one could give of the position taken by the Senator from Connecticut, as shown by his statements and the agreed positions between himself and the committee, really, is that of a plea of confession and avoidance. The Senator accepted the facts; the principal facts are stipulated.

Therefore, it seems to me that the crux of the question here is that the committee holds it is improper conduct unbecoming a Senator, subject to censure, to use the office of U.S. Senator, its prestige and its staff, to solicit and obtain funds which were thereafter used, admittedly, for personal purposes.

Mr. BROOKE. Will the Senator yield at that point?

Mr. GORE. Yes.

Mr. BROOKE. The committee goes further than that. The committee says also that it finds that funds were contributed to the Senator for political purposes, which he used for personal reasons.

Mr. GORE. I would disagree with the able Senator from Massachusetts that the purposes for which the funds were contributed are the key here. The key is the use of the office for the solicitation, for the obtaining of the funds used for personal purposes.

The Senator from Connecticut says this was intended by the contributors, and I take it intended by himself. So the question here really is, it seems to me, one of what is propriety.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. GORE. If the Senator will permit me to finish——

Mr. BROOKE. May I ask just one question? Is the Senator saying it is improper for a U.S. Senator to receive a gift of money under any circumstances?

Mr. GORE. I am not saying that. We are jurors, just now, so to speak, voicing our views, refining and examining the issue. So far as I am concerned, I have reached a tacit conclusion with respect to the so-called double billing.

Mr. BROOKE. I have also.

Mr. GORE. I am trying to satisfy my mind on the other matter.

Mr. COOPER. Will the Senator yield?

Mr. GORE. It seems to me that the Senator from Connecticut has stipulated, agreed to a stipulation that the funds were solicited repeatedly, that they were used by him for personal purposes and political purposes, as he saw fit. The committee says that is wrong. It says that this conduct——

Mr. COOPER. Will the Senator yield so that I may respond to the Senator from Tennessee?

Mr. BROOKE. Yes.

Mr. COOPER. I believe that the Senator from Tennessee has arrived at the very crux of the question. If a Senator collected funds for himself under the guise that they were collected for campaign purposes, or if he collected campaign funds and appropriated them to his use, I think we would all have to agree that it would be improper.

But the committee did go farther, and that is shown by the language of its recommendation, at least in my view. We said that to use the office of a Senator to collect funds for his use for personal benefit through testimonials is improper.

I thank the Senator.

Mr. BROOKE. Is that what the committee is basing its charge upon, that the use of the office to collect funds for your own personal use is improper?

Mr. COOPER. This is what the resolution says:

> *Resolved*, That it is the judgment of the Senate that the Senator from Connecticut, Thomas J. Dodd, for having engaged in a course of conduct over a period of five years from 1961 to 1965 of exercising the influence and power of his office as a United States Senator, as shown by the conclusions in the Investigation by the Select Committee on Standards and Conduct,

(a) to obtain, and use for his personal benefit—

Mr. BROOKE. But the resolution has to be read in its entirety—

funds from the public through political testimonials and a political campaign,

It says:

(a) to obtain, and use for his personal benefit, funds from the public through political testimonials and a political campaign, and

(b) to request and accept reimbursements for expenses from both the Senate and private organizations for the same travel.

My point is that you cannot read the resolution without reading it in its entirety, and you cannot divorce it.

In order for us to come to a conclusion, and to pass favorably upon the resolution, we have to find, one, that the Senator received moneys from the public through political testimonials, and used them for his personal benefit; or two, requested and accepted reimbursements for expenses from both the Senate and private organizations for the same travel.

We are not here called upon just to censure the Senator from Connecticut because of impropriety. We are called upon to censure him for some specific acts of wrongdoing that he has committed, and they are set forth in the resolution. I do not see how we can say we are simply called upon to censure him because of impropriety.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. BROOKE. Yes.

Mr. LONG of Louisiana. Let us assume, for the moment, that the Senator is 3 years away from an election, but let us assume that his friends find that this Senator is not maintaining adequate public relations. Let us assume further that they are concerned, because other Senators have little television shows weekly to report to the people what they are doing up here, and still others have little radio shows, and send out tapes to the TV stations.

Others are making more trips back and forth home. Others are sending out newsletters, the amount of which exceeds their stationery allowance. However, this Senator cannot afford any of that sort of expenditure, with the result that he is going to be in trouble when the election occurs. He will probably have very serious opposition because he has not been able to do these things.

Would the Senator deem it permissible for those people to hold a dinner to raise some campaign money, and for this Senator to use that money to do these things which will do him a lot more good on a dollar-by-dollar basis at that time than if he were to wait for 2 years?

Mr. BROOKE. There would be nothing wrong with that. However, let me say that, as the distinguished Senator from Tennessee said, I find very little difficulty with issue No. 1. However, I think issue No. 2 gives great difficulty.

Mr. BENNETT. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HARTKE in the chair). Does the Senator from Massachusetts yield to the Senator from Utah?

Mr. BROOKE. I yield.

Mr. BENNETT. Mr. President, issue No. 1 concerns the expenditure of the political campaign funds.

Mr. BROOKE. I am sorry. I stand corrected. It should be issue No. 2 and not issue No. 1.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. HOLLAND. Mr. President, I say to the Senator from Massachusetts that he evidently feels some of the difficulty I feel as to the difference between these two charges, section A and section B, which is the reason why I asked a while ago for a division of the question. I withheld that upon request. However, I intend to renew that request because I think the issues are so different and involve different sorts of proof and a different burden of proof. I expect to renew that request at the appropriate time.

Mr. BROOKE. I thank the Senator.

Mr. CASE. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. CASE. I think we all owe great thanks to the Senator from Massachusetts for helping to analyze the issues and sharpen the question.

I am not sure that I agree yet with the suggestion which he has tentatively offered. If I misstate his position, I am sure that he will correct me. I understood that he said it is necessary to find wrongdoing in the sense of a violation of the criminal law or a violation of any of the old common law rules concerning conduct or even of the principles of trust. But I believe the thing he has referred to as impropriety may be so gross—or it may not be—as to have consequences justifying consideration for censure of a Senator by his peers.

That is really the basis, as I understand it, upon which the committee has brought in the first part of the resolution, that all of these things taken together—the obtaining and use for his personal benefit of funds from the public through political testimonials and a political campaign—in the circumstances here involved were so improper as to justify censure.

That is my understanding of the committee's intention in this part of the resolution.

I appreciate the action of the Senator from Massachusetts in requiring that this be brought out and looked at and understood by us as we consider the matter.

Mr. BROOKE. I thank the Senator from New Jersey.

I think the distinguished chairman of the committee, the Senator from Mississippi [Mr. STENNIS], very clearly stated in the beginning of the proceedings that this was not a criminal proceeding and that criminal charges were not being preferred.

I was merely stating that impropriety is not in the air. It must be tied up to some specific action alleged to have been committed by the Senator from Connecticut.

We must find whether the specific acts have been committed by the Senator from Connecticut. However, I do not wish to imply that we are arbitrarily trying to charge the Senator from Connecticut with any criminal violations of the law.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. BENNETT. Mr. President, in discussing the two areas represented by paragraphs A and B in the resolution, it seems to me that the Senator from Massachusetts has failed to give the same weight to some of the words that the committee gives them. Those are the words of the resolution from the second to the fourth line reading: "for having engaged in a course of conduct over a period of five years."

We consider that to be just as important in the pattern as the two things that are set out specifically in A and B.

Mr. BROOKE. Mr. President, in response to the senior Senator from Utah, I would merely say that the course of conduct must apply to specific acts which have been set forth in the committee's report and have been substantiated by the evidence contained in the committee's report.

The course of conduct is not something that we know anything about. It must be something that has been merely set forth to the best ability of the committee in its report.

Mr. BENNETT. The committee is emphasizing the fact here that these were repetitive. These were not single events, but these were repeated often enough to establish a pattern or course of conduct which we consider to be of serious weight.

Mr. BROOKE. That is the issue to be resolved. Are there specific patterns of conduct? Are there specific acts of which the Senator from Connecticut has been guilty?

Mr. MORSE. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. MORSE. Mr. President, I want to be sure that I understand the Senator from Massachusetts, and he can correct me if I am wrong.

Mr. STENNIS. Mr. President, will the Senator from Oregon speak louder so that we can hear him?

Mr. MORSE. Mr. President, I want to be sure that I understand the Senator from Massachusetts, and I want to assure him that in the questions I ask him I seek only to get clarification of what his position is on the questions.

Is it the position of the Senator from Massachusetts that he thinks it is a proper use of a Senator's office to encourage or go along with or authorize a testimonial dinner at which funds will be raised, and the Senator will then use those funds to pay for personal debts and use them only for his personal expenditures, and they will not be used in connection with the campaign that is forthcoming or in the payment of political deficits that have arisen from a past campaign?

Mr. BROOKE. Only so long as the nature of the fundraising event is clearly defined and clearly understood by those who made the contributions.

I cannot see why an individual cannot give money as a personal gift to a U.S. Senator so long as it is not used to influence his opinion or have him act in any form inconsistent with his duties and responsibilities to the United States and to his constituents.

Mr. MORSE. Speaking about a hypothetical case, the Senator thinks that it would be perfectly ethical conduct on the part of a U.S. Senator to encourage the calling of a testimonial dinner to raise funds to pay off "*x*" thousands of dollars of his personal debts which may involve a mortgage on his home or the purchase for his personal use of a whole variety of tangible goods, and that such a course of action would not put the office of U.S. Senator on the public auction block.

Mr. BROOKE. The Senator is asking me whether I would have such a testimonial dinner?

Mr. MORSE. No. I ask the Senator whether he thinks that would be proper senatorial conduct, for a Senator to encourage that kind of a fundraising program.

Mr. BROOKE. I would not have such a testimonial dinner. But if the Senator is asking whether it is proper for a U.S. Senator to have a testimonial dinner, the purpose of which is clearly stated and clearly understood—that purpose being to use the income therefrom to pay off his personal debts—my answer is that I know of no law which prohibits it and I know of no rules or regulations of the U.S. Senate which prohibit it. And I do not know of any impropriety involved in holding such a function.

I think it is a question which is left entirely to the individual U.S. Senator to determine whether this is the way in which he wants to raise his money.

I see no difference between this and an individual gift that someone may contribute to a Senator for his own personal use.

Mr. MORSE. The Senator does not think my hypothetical raises any question of ethical standards?

Mr. BROOKE. Is the Senator saying that the mere fact that he is a U.S. Senator and has a testimonial dinner means he is using his influence as a U.S. Senator to bring people to that dinner to contribute money for his personal use?

Mr. MORSE. I do not think there is any doubt about it. We can take judicial notice that that is exactly the result, and in the opinion of the senior Senator from Oregon, it is unethical.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. BROOKE. I yield to the Senator from Texas.

Mr. TOWER. If I understand the Senator from Massachusetts, the principal thrust of his argument is that in specification (a) the question that is raised is whether or not deception was used in the soliciation of these funds, and not the propriety of the solicitation itself.

Mr. BROOKE. The Senator is correct. I am referring to the Senate resolution itself.

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BROOKE. Yes, that is what is in the Senate resolution and that is what is in the report.

Mr. TOWER. Assuming that we accept this charge, we are not necessarily saying it is improper to solicit funds publicly, but we are saying it is improper to solicit funds with the plain implication that they will be used simply for political purposes.

Mr. BROOKE. It is misrepresentation and fraud upon the public. If you go to the public and say, "Contribute money for my political campaign," or, "Contribute money to pay off political expenses which I have incurred," and the public makes a contribution, and then you take that money and use it for your personal use, you have perpetrated fraud upon the public, and it is wrong. It is illegal, frankly. It is a criminal action.

Mr. TOWER. So in the opinion of the distinguished former attorney general of the great Commonwealth of Massachusetts, the issue we are called upon to resolve is whether or not there was, in fact, deception in the soliciation of these funds.

Mr. BROOKE. The Senator is correct. I interpret that from the report.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. BAKER. Returning, first, to the very successful effort at clarification of the issue which is before the Senate——

Mr. PASTORE. Mr. President, we cannot hear a word. I wish the speakers would talk louder, so that we can hear them.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BAKER. The question I put to my colleague, the Senator from Massachusetts, is this, to return to the original question that he put on our frame of reference and the status of the procedure before this body: I wonder if the Senator would agree, somewhat at variance with the proposition put by my colleague, the senior Senator from Tennessee, and by the Senator from Massachusetts, that the real question before this body is whether or not the Senator from Connecticut should or should not be censured for conduct which is contrary to accepted morals, which is in derogation of the public trust expected of a Senator, and tends to bring the Senate into disrepute; and that the specification of the conduct which would or would not be deserving of censure was spelled out in paragraphs (a) and (b) of Senate Resolution 112, which in turn then deal with the method of solicitation, which deal with the allegations of double payment and the like. The question I put to the Senator from Massachusetts is this: Does the Senator agree that we find ourselves in the unique situation of serving both in a legislative capacity, to determine whether or not such conduct deserves censure, and in a judicial or factfinding concept, to determine whether these two allegations support the charge of this alleged misconduct?

Mr. BROOKE. I am saying, in answer to the question of the Senator from Tennessee, that a finding that Senator THOMAS DODD engaged in a course of conduct over a period of 5 years, from 1961 to 1965, and so forth, must be based upon a finding of (a) and (b) of the Senate resolution. Without a finding of (a) and (b), there can be no finding of an improper course of conduct.

Senator DODD, and any other Senator, or any other person who has been charged in the United States, is certainly entitled to know what the charges are against him. You cannot merely say that a man is guilty of impropriety, without specifying the improper action he has taken. We have forms of interrogatories and bills of particular in this Nation which protect a defendant at all times, so that he may know with what he is being charged.

You cannot simply say a man is guilty of wrongdoing, without saying what the wrongdoing is. You cannot ask the Senate to sit in judgment on this man and make a finding that he is guilty of improper conduct, without defining what that improper conduct it. The committee has well set its charges forth in (a) and (b). So it is incumbent upon us to find that we have sufficient evidence before us to support a finding of (a) or a finding of (b). I believe that is what the distinguished Senator from Florida [Mr. HOLLAND] was trying to do when he wanted to divide the two. It should be possible, if the Senate so desires, to find that the Senator from Connnecticut was not guilty of (a) and that he was guilty of (b). Then the question would be, What would be the penalty?

Mr. BAKER. Will the Senator yield for one more question, for the purpose of clarifying my understanding of the nature of this proceeding?

Mr. BROOKE. I yield.

Mr. BAKER. As the Senator has alluded to the question of guilt or innocence and to proceedings in the criminal and civil courts of this country, he is speaking necessarily of the law in the sense that he speaks of the statute law or of precedent. The Senate, according to my understanding, has neither statute law nor precedent against which it may act, with respect to the two allegations and charges contained in subparagraphs (a) and (b).

Therefore, I put the question again: Is our determination not in three parts: First, whether part one and part two—that is, paragraphs (a) and (b) of the charge are true; and then the third and final determination—does this, without the benefit of precedent or statute law, consist of and does it amount to a breach of accepted morals or conduct which brings the Senate into disrepute?

The reason for the question is that I propose that we sit in a dual function—that is, formulating the standard of conduct on the one hand, and then testing and judging the facts against that standard of conduct at the same time—and that each of us, 100 of us, must make that double determination in the course of casting our vote.

Mr. GORE. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. GORE. I should like to add one item to what my distinguished colleague, the junior Senator from Tennessee, has said. One thing he omitted is the exercise of the influence and power of the office of U.S. Senator to bring about circumstances and events stipulated in paragraphs (a) and (b).

Mr. BAKER. If I may ask consent to respond directly to my colleague, the Senator from Tennessee, I agree, except that I would say, in the broad view, that using the office itself to accomplish these purposes is another factual determination that either supports or does not support the general allegation of the moral standards of this body.

Mr. GORE. And it must be taken into consideration, as well as the facts which this use of the office is alleged to have brought about.

Mr. BAKER. It is part and parcel of the allegations.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. CURTIS. The distinguished Senator from Massachusetts has been very enlightening upon this subject. As I understand, he has said that in order to find a course of conduct, it is necessary that we find our accused colleague guilty of specific acts. Is my understanding correct?

Mr. BROOKE. It is necessary to find him guilty of the acts as set forth in the charge of the committee.

Mr. CURTIS. Or some of them?

Mr. BROOKE. Or some of them.

Mr. CURTIS. My next question is this: Upon whom does the burden of proof rest?

Mr. BROOKE. I tried to get this answer at the beginning of the proceedings. My answer is that the burden of proof is upon the persons bringing the charges.

In our system of jurisprudence there is always a presumption of innocence on the part of the person charged. He need not prove himself innocent. He must be proved guilty.

I keep using this criminal law language, as the distinguished Senator from Tennessee has said. I liken this proceeding to the nature of a disbarment procedure, which our Supreme Court has called civil action, but the penalty is so severe that it is practically a criminal action.

I hope the Senator will bear with me when I say guilt and innocence. But there must be a presumption of innocence on the part of Senator DODD in this case or anyone else charged, and the burden of proof is on those making the charge, the committee.

I am trying to find an answer, and I say it respectfully to the committee because it is a distinguished committee and I have high regard for its members, as we all do. My comments are meant to imply no criticism of what they have done. But by taking the responsibility to serve on this committee they were the ones to hear and sift the evidence and ultimately to determine whether there was sufficient evidence to bring about charges. They found unanimously that there was sufficient evidence to bring about charges.

I say that the burden of proof is on the committee, and I think the committee has been trying the best that it can to sustain that burden of proof.

Mr. CURTIS. Mr. President, will the Senator yield for one more question in that regard?

Mr. BROOKE. I yield.

Mr. CURTIS. As Senators, do we have the right or responsibility to consider as evidence the failure to explain on the part of the accused?

Mr. BROOKE. I think that in considering the question of the weight of evidence, it is almost like that of a man who does not take the witness stand in defense of himself. One is not supposed to say anything about that under our criminal law proceedings, but if a man fails to explain when he gets the opportunity, that is something one cannot help but take into consideration, if given the opportunity.

In this case, we do not have that, because the Senator from Connecticut has made a presentation before the Senate and did appear before the committee.

The committee said he did not give all the evidence at that time because he raised the question of jurisdiction, as I understand it. He had rested his case on the question of jurisdiction, until subsequently when he did come forth with additional information.

Mr. STENNIS and **Mr. BENNETT** addressed the Chair.

Mr. BROOKE. I yield to the Senator from Mississippi.

Mr. STENNIS. The committee never did say nor did it intend to leave any inference that Senator DODD's failure to go further in his presentation before the committee was based in any way on the jurisdiction question. To the contrary, the committee ruled over and over and over again that it did have jurisdiction. The only question tied in with the proof there was, as I said, Mr. Sonnett, the attorney, chief counsel, did not supply the records to the committee prior to the hearings because he thought to do so would waive jurisdiction. But after the hearings were set, and testimony taken, and certainly any other proceedings, it is up to the person that is charged to bring in such evidence as he sees fit.

There is a total lack of connection between the word "jurisdiction" and my criticism of the Senator's lack of testimony.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. TOWER. Did not the committee say it felt it was bound to follow procedures consonant with the due process of law? Did not the committee bind itself to this procedure?

Mr. BROOKE. I remember the Senator from Mississippi saying that in his opening statement; yes.

Mr. TOWER. Would it not necessarily follow, even though we are operating in something of a void, that we do have an obligation to follow what is consonant with the Constitution, what is consonant with basic Anglo-Saxon law, and what is consonant with and based upon legal precedents?

Mr. BROOKE. It is inconceivable to me that the Senate would not act in consonance with the due process of law. I believe the Senator from Mississippi said so in his opening statement.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. PEARSON. Actually, the authority for the Senate to act comes from the first article of the Constitution and Senate Resolution 338, passed in the 88th Congress. From there, we pass on to Supreme Court decisions which have held that the Senate has the power to ascertain the facts and to apply the appropriate rules of law. Other cases have held as the Senator from Texas said.

There are two matters. First, that the proceeding is judicial in nature, not that it is judicial, but in nature; and secondly, there must be adherence to due process under the fifth amendment of the Constitution. These are the ground rules we have. They are pretty good.

I have a statement I shall deliver. I do not intend to give it at this time. It sets out step by step what we did all the way through the proceedings, and that applies to the work of the committee and, in my judgment, to what we do on the floor of the Senate.

Mr. CASE. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. CASE. In an effort, for my benefit, to try to sharpen the issue as the Senator is developing it, I would like to approach the matter, if I may, in two parts. The first question I have is: Does the Senator feel that in order to establish reliance upon part (a) of the resolution, it is necessary for the committee to establish that the people who bought tickets to the dinner or made payments to the fund raised by the dinner did so under misapprehension, either deliberate, or by default, in any event, of the people responsible for organizing the dinner, including the Senator from Connecticut? Is this an essential element in his judgment in order to ground the charge the committee has brought under subsection (a)?

Mr. BROOKE. I think it is evidence which would assist the committee in making the determination as to whether this was a political testimonial dinner, or whether this was a testimonial dinner given solely for the purpose of Senator DODD's personal use.

Mr. CASE. I wish to further sharpen the issue by this inquiry. Let us suppose you were approached by the committee and quite well understood the proceeds of this dinner might be used for Senator DODD's personal obligations, for his personal benefit, and not part of his political expenses.

In view of the other factors, that is to say, that this was a part of a repeated series of dinners over a number of years, having in mind that he is a Senator of the United States, that this dinner was given to him, not just as TOM DODD, the fellow down the street, but TOM DODD, U.S. Senator, would this still, in your judgment, be not that sort of impropriety which would justify a resolution of censure by the Senate? You knew this was intended to raise money for his personal expense, and suppose everybody else felt the same way about it.

If someone came to me and asked me to make a contribution for a dinner to be given to Senator Dodd, and I was told at the time that the purpose of the fundraising event was to raise funds for Senator Dodd's personal use, your question is, "Do you think that that would be an impropriety on his part?"

If it is put in the context of being a part of a course of conduct over a number of years, in which a number of events of this sort had occurred, and a total of perhaps half a million dollars was raised——

Mr. BROOKE. I do not know that. The Senator is adding a great many factors.

Mr. CASE. I am adding only what I understand to be, roughly, the factual background as a part of the context.

Mr. BROOKE. But are not those conclusions? Are not those the very things we are trying to find out? Are we not trying to determine whether they actually happened?

Mr. CASE. I am not assuming that they happened. My question is a hypothetical one. If the Senator, as one individual, contributed to one dinner and had the understanding that he was making, possibly, a personal contribution to Senator Dodd through his purchase of tickets or advertising, or what not, in connection with the dinner, might there not be grounds for censure, after it had been proved that there had been a number of dinners involving large expenditures of money for a U.S. Senator over a number of years?

Mr. BROOKE. It seems to me that the Senator from New Jersey is going back to the question raised by the distinguished senior Senator from Oregon [Mr. Morse] as to whether it is an impropriety for a U.S. Senator to have testimonial dinners, the income from which is to be for his personal use. This all very well may be wrong. But the United States Senate, to the best of my knowledge, at no time has ever said it is wrong, and there are no rules or guidelines by which a U.S. Senator can be bound. So far as that is concerned, and as I responded to the distinguished Senator from Oregon, this is a matter of a man's own individual conscience and decision. I do not think that in this case we can apply such a rule, because there are no such rules that we can work by.

We get, then, into an ex post facto part of the case: whether there are such rules that we can use to govern this case. I know of no such rules, unless the Senator from New Jersey can cite them.

Mr. CASE. This brings me to the second part, toward which the Senator from Massachusetts has moved. Let us try again to analyze a situation in which—and I do not suggest that such a proposition applies here at all, but just for purpose of analysis—a member of a legislative body goes to a constituent and says, "For $5,000 I will vote this way on a particular bill." In most States, there are specific statutes governing that kind of conduct.

Mr. BROOKE. There should be such laws in all States.

Mr. CASE. Let us suppose there is no such statute anywhere.

Mr. BROOKE. Very well.

Mr. CASE. Would not the Senator from Massachusetts feel, as I am sure he would, that that kind of conduct by a member of a legislative body, in the absence of any criminal statute or any prohibition of law, would still justify censure and expulsion?

Mr. BROOKE. There is no question in my mind; I am certainly not trying to suggest to this body that we have no power or authority to censure Senator Dodd because of the absence of rules or regulations. I am merely trying to suggest to this body that we have no authority to censure him unless there is at least a preponderance of evidence that he did that with which he stands charged.

That is all I am saying to you.

Mr. CASE. I want to make clear that there is no difference between us on this point.

Mr. BROOKE. None at all.

Mr. CASE. Because much has been said in argument along the lines of the analogy of criminal law, ex post facto provisions, and what not. The Senator and I are, then, in agreement that the question is whether this is so contrary to accepted standards, to the general idea of morality, apart from specific rules, criminal statutes, or anything of that sort, that it may or may not be, depending upon our judgment, ground for censure.

Mr. BROOKE. Let me assure the Senator that I am sympathetic to the problems of the committee and the problems of the Senate in this most sensitive case. None of us enjoys this unhappy experience. As I have said before, I am not trying to bring in legal terms such as ex post facto, burden of proof, all that sort of thing; what I am trying to say to the Senator, and to all the Members of this body, is that we are to pass judgment as to whether the Senator from Connecticut should be censured for the specific acts with which he has been charged. I am merely saying that it appears to me this is certainly due process of law which is given to everyone in this country—not just to a U.S. Senator. It is open to everyone. Certainly we will have to weigh the evidence that is presented to us, in order to ascertain whether there is sufficient evidence upon which to find that the Senator from Connecticut is guilty, or has committed those acts with which he has been charged. I ask no more than that.

Several Senators addressed the Chair.

Mr. BROOKE. I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I appreciate the Senator's reference to my earlier remarks with reference to the necessity for dividing this question. I think it should be divided, and must be, because, as I see it, the burden of proof is quite different under one of these charges than under the other. The essence of the act or acts is much more serious under one than it is under the other.

I am not troubled about the wording of the resolution, or the pleading in this case. I think that our lay friend, the Senator from Utah, has clearly pointed out the facts which appeal to me as making the resolution perfectly clear and perfectly comprehensible. The order issued by the Acting President of the Senate made it clear that in the event of a division, there would be, in effect, two resolutions, one of which would contain all of the first paragraph and all of the last paragraph and would contain subsection (a), and the other containing all of the first paragraph and all the last one and would cointain section (b).

Words appear in the first paragraph of the resolution which clearly refer to the conclusions of the special committee in such a way as to give clear notice of the findings of the committee, which are not set forth extensively in the resolution, but are, nevertheless, clearly referred to.

I read, in part, the resolution:

> *Resolved*, That it is the judgment of the Senate that the Senator from Connecticut, Thomas J. Dodd, for having engaged in a course of conduct over a period of five years from 1961 to 1965 of exercising the influence and power of his office as a United States Senator, as shown by the conclusions in the investigation by the Select Committee on Standards and Conduct,

Then follows the rest of the resolution.

Mr. President, the conclusions of the select committee are found at the bottom of page 24, and all of page 25 of the committee report, which is on the desk of each Senator.

Without attempting to read it in extenso, it is clear upon reading only section (j), which is the last paragraph at the bottom of page 25, the committee has clearly called attention to what it complains of. Whether the Senate finds that these complaints and conclusions are well founded is quite a different thing.

The Senator from Florida is not ready to act upon this matter—and he hopes his friends are not—until debate has been concluded, and we have heard the matter out.

Here is what paragraph (j) of the committee report on page 25 states:

> J. Senator Dodd exercised the influence and power of his office as a United States Senator to directly or indirectly obtain funds from the public through testimonials which were political in character, over a period of five years from 1961 to 1965. The notices of these fund-raising events received by the public either stated that the funds were for campaign expenses or deficits or failed to state for what purposes the funds were to be used. Not one solicitation letter, invitation, ticket, program, or other written communication informed the public that the funds were to be used for personal purposes. Senator Dodd used part of the proceeds from these political testimonials and part of the contributions from his political campaign of 1964 for his personal benefit. These acts, together with his requesting and accepting reimbursements from 1961 through 1965 for expenses from both the Senate and private organizations for the same travel, comprise a course of conduct which deserves the censure of the Senate, is contrary to accepted morals, derogates from the public trust expected of a Senator, and tends to bring the Senate into dishonor and disrepute.

Mr. President, I completely agree with the Senator from Massachusetts that the degree of proof required is something which the Senate certainly should consider. In my own humble judgment, that degree of proof differs as between these two charges, one of which—the second—relates to an act which would be criminal, if committed. I am not at all concerned about the adequacy of the charges. It seems to me that the committee, by its conclusions, very carefully laid the predicate upon which the Senate is waiting to discover whether the facts heard in evidence, shown by the record and report, and heard in debate, do prove, or fail to prove, either of these complaints.

So far as the Senator from Florida is concerned, he is going to ask for this division not in the effort to complicate the matter, but to allow the Senate to vote simply and clearly on the merits of each of the facts as recited in the charges by the Senate committee in its report and also as found in the resolution. The Senator from Florida thinks he will simplify the action of the Senate by allowing the Senate to vote separately on these two different—and they are quite different—charges contained in subsections (a) and (b) of the resolution; but he finds no trouble at all, in reading the resolution in combination with the conclusions of the committee before us, along with the written report, in finding that there are adequate charges which will be either approved or disapproved in the judgment of every Senator by the evidence in this case and the arguments on each.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. BROOKE. I yield to the Senator from Texas.

Mr. TOWER. If I may pursue this point further, actually it appears to me that what is in question here is not the propriety of soliciting funds from public dinners, but the question is whether deception was involved. Therefore, if we are to censure our brother, we must find that he knowingly deceived the public into believing that the purpose of these dinners was not for private purposes, but wholly for political purposes. Does the Senator agree?

Mr. BROOKE. That is my opinion.

Mr. TOWER. The Senator has raised a fundamental question. If we are operating under due process of law and consonant with all its safeguards, the burden of proof falls on the accuser. If we are operating consonant with due process, it occurs to me there can be no due process unless there is a code, a law, a statute, something to which we can repair.

The Senate has been in existence almost 200 years, and our failure to adopt any code or standards of conduct must be construed as an intent not to do so. Then, by what standards do we judge a Senator?

I personally do not believe it is proper for a U.S. Senator to solicit funds publicly for private purposes. I disapprove of what the Senator from Connecticut did, if indeed he did it; but that does not mean we should give our efforts to deciding an issue involving a Senator by flying in the teeth of the Anglo-Saxon theory of the law.

If there is no code in existence, how can we condemn a man? If there is no code in existence, there is no precedent.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. BROOKE. I yield to the Senator from Illinois.

Mr. PERCY. If a fundraising dinner were held for a purpose that was clearly stated by those soliciting the funds to those contributing the funds, and then the funds were used for an entirely different purpose, I think there is no question that that clearly would be wrongdoing.

Mr. BROOKE. Yes.

Mr. PERCY. Then I think it is up to us to establish that the implication was strongly made or the statement was made that the purpose of those testimonials was for campaign political purposes, and that should be clearly established by the evidence in order to establish wrongdoing.

It was my understanding, from the earlier comments this afternoon, that the purpose of the testimonials in 1963—the four events—was for the purpose of raising funds to be used in the sole discretion of the Senator from Connecticut, and not just for campaign funds. That is the implication. Then it is up to us to see whether we can determine, in weighing that question, whether strong implications were given contrary to that purpose to the public.

In looking at that evidence, I think we have to go to several sources, the Senator and what he said, and to the authorized fund raisers on his behalf to see what was stated. I think we have one such piece of evidence on page 911, part 2 of the hearings, first of all in a letter from Paul McNamara, who goes into the matter of the purpose of soliciting funds. He states it is a "kickoff for fundraising activities." It is one of a series of fundraising events that were being held.

Also, I think it is quite germane to determine what was the tone of the proceedings and what were the implications given to the public, whether it was a political affair, whether it was to be attended by leading citizens and political leaders, and what was stated in the purposes set forth in the solicitation letter.

I think it is quite important for us to determine exactly what representations were made by the Senator from Connecticut to the principal speaker being offered for these fundraising affairs which set the tone for it, and whether it gave the implication to the public that it was for official, not personal reasons, or whether it was for political and not for any other reasons.

I therefore turn to the New York Times article which relates to a letter dated August 5, 1963. Purportedly, as stated in that article, the Senator from Connecticut wrote a letter to the then Vice President, Mr. Johnson, in which he stated that the purpose was to "assist me in my forthcoming campaign." He stated how much it will "assist us in getting my campaign drive underway."

I think it is germane to put the question to the Senator from Connecticut as to whether he did write such a letter as an inducement to get the Vice President to come to his State for fundraising affairs.

Mr. BROOKE. I certainly agree with the Senator from Illinois that the article to which he refers is evidence to which weight must be given. It certainly is germane. This is evidence which would help us arrive at our conclusion. The committee has had evidence which directs itself to this very question which must be resolved by the Senate. There is no question about that.

Is the Senator from Illinois asking the Senator from Connecticut at this time to answer the question of whether he wrote the letter?

Mr. PERCY. I would like the Senator to yield for that purpose.

Mr. BROOKE. I would have to ask unanimous consent.

Mr. LONG of Louisiana. Mr. President, what is the request?

Mr. BROOKE. The request is that the Senator from Connecticut be permitted to confirm or deny writing the letter from which the Senator from Illinois read a portion.

Mr. DODD. Sure, I wrote the letter. I testified to it at the hearing. I think it is in the record. I do not recall the specific page. It is in the record.

Mr. BROOKE. Does that answer the question?

Mr. PERCY. Could I ask one other question for clarification? Germane also is the question whether or not after these dinners—and I have attended hundreds of them—it is quite appropriate for the person being honored, or for whom the funds are being raised, to express his appreciation.

I would like to turn to the Hartford Courant of October 27, 1963, in which it is reported, in part, that:

> Throughout the trip, Senator Dodd expressed his gratitude to Vice President and Mrs. Johnson for coming to the state to help him build up a campaign warchest for 1964.

I would like once again to ask for clarification as to whether the Senator did express at those dinners—at each or any of the events—his gratitude for contributions to the campaign fund, leaving a clear implication to those people that they had contributed to his political campaign.

Mr. DODD. I answered earlier. The answer is "No."

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. ERVIN. I think the junior Senator from Massachusetts and the senior Senator from Florida have clarified very much some of the things that were troubling me. I was somewhat troubled about specifications (a) and (b).

They are necessarily rather short. I agree with the Senator from Massachusetts that the Senator from Connecticut must be presumed to be innocent, and that he cannot be adjudged guilty of either of the charges unless a majority of the Senate reach the conclusion that the evidence shows that he did the things charged.

If the Senator from Massachusetts will permit me to do so, I should like to put a question to the chairman of the committee, with the understanding that the Senator from Massachusetts will not lose his right to the floor by so doing.

Mr. BROOKE. Is the chairman of the committee agreeable to that procedure?

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. ERVIN. I wish to clarify the nature of the charges. We have the specification in section (a) of the resolution which charges in effect that the Senator from Connecticut used his influence and power as a U.S. Senator "to obtain, and use for his personal benefit, funds from the public through political testimonials and a political campaign." As I construe it, this specification must be read in conjunction with lines 5, 6, and 7 of page 1 of the resolution, which state "as shown by the conclusions in the investigation by the Select Committee on Standards and Conduct."

As I understand it, the conclusions of the Select Committee on Standards and Conduct with respect to specification (a) of the resolution are set out on pages 24 and 25 of the report of the committee.

I ask the Senator from Mississippi this question: Is it not true that the conclusions with respect to specification (a) of the resolution are set forth in sections A, B, and C on page 24 of the committee report, and sections D, E, F, G, and J on page 25 of the committee report?

Mr. STENNIS. I beg the Senator's pardon. What was the last part of the question? These are the conclusions to which we refer; yes.

Mr. ERVIN. What I wish to ascertain is whether I am correct in my understanding that specifications (a) and (b) in the resolution refer, by way of particularity, to the conclusions of the Select Committee on Standards and Conduct, as set forth on pages 24 and 25 of the committee report?

Mr. STENNIS. In a very broad and general way, that is true. In other words, this is a way of nailing down the facts which we found as a background of his activities. During the period in question, the Senator was a Member of the Senate, engaging in certain fundraising activities, and then used that money for certain purposes. Instead of a long allegation like a charge at common law, we incorporated this general background of activities by reference.

Mr. ERVIN. And, in substance, these conclusions operate as what we lawyers call a bill of particulars?

Mr. STENNIS. That is correct; yes. But they would all have to be proved as a part of the real modus operandi of the charge. It is the background of facts.

Mr. ERVIN. What I am trying to make plain, if I may, is that specification (a), of the resolution, is elaborated in detail in the conclusions of the select committee in sections A, B, C, D, E, F, G, and J on pages 24 and 25 of the report. These sections refer, do they not, to the first specification?

Mr. STENNIS. Yes.

Mr. ERVIN. The second specification charges that the Senator from Connecticut used his influence and power as a U.S. Senator "To request and accept reimbursements for expenses from both the Senate and private organizations for the same travel." Does not section H of the conclusions of the select committee, which appears on page 25 of the committee report, explain with precision what is involved in specification (b) of the resolution?

I am speaking of section H. I invite the Senator's attention to section H.

Mr. STENNIS. Yes, section H refers to item (b); correct.

Mr. ERVIN. In other words, these specified sections of the conclusions of the select committee, which appear on pages 24 and 25 of the committee report, elaborate and make clear the charges embraced in specifications (a) and (b) of the resolution?

Mr. STENNIS. The Senator is correct; yes.

Mr. ERVIN. I thank the Senator from Mississippi for his elucidation. Moreover, I thank the Senator from Massachusetts not only for yielding to me, but also for making very clear some of our problems with respect to both the burden of proof and the charges themselves.

Mr. BROOKE. I thank the Senator.

Mr. STENNIS. To add one clause to my conclusion there, these conclusions were a substitute, in a way, for the mass of evidence that is in these two volumes of hearings. For instance, paragraph F refers to the total amount of $450,273 involved; $116,083 of that amount was found to be for personal expenses, which illustrates that it is background for the bill of particulars.

Mr. BROOKE. Mr. President, I yield now to the Senator from Kansas.

Mr. PEARSON. I thank the Senator. I have two minor points, but I think they should be made, because we are making a record here which we will have to live with a long time.

First, there has been a great deal of talk about who carries the burden of proof, who is the prosecutor, and who moves forward.

The committee accepted the responsibility, in its deliberations, of bringing forth the evidence; but I would refer Senators to Senate Resolution 338, setting up the select committee, where, in section 2 of subparagraph (a), it is stated:

> It shall be the duty of the Select Committee to—
>
> (1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate.

Then, in the second paragraph:

> (2) recommend to the Senate by report or resolution by a majority vote of the full committee disciplinary action to be taken—

By the Senate itself.

I have not felt, and I do not think the committee does, that it acts in the role of the prosecution here.

We act on the rules, make a report, and seek to explain that report.

It is in the Senate itself that all of these determinations and due process and burden of proof is going to have to be decided by each individual Senator in his heart and mind and conscience.

The second point is minor, but it has been raised two or three times. The Senator from Texas [Mr. Tower] made a comment a moment ago about the absence of any rules and regulations and the absence, as I understood his comment, of measuring back against a known regulation or standard as being inconsistent with the Anglo-Saxon jurisprudence.

This has been referred to also as an ex post facto proceeding.

I say that if we are wrong today, we have been wrong for over a century in the five previous censure cases.

In the censure case in 1844, the charge involved the release of confidential information. In 1902, there were two cases. Two Senators from the State of South Carolina got in a fight on the Senate floor. They were censured.

In 1929 a Senator used a lobbyist as a tax adviser.

In 1954 the case involved the abuse of the committee.

None of those cases was referred back to any known standard or rule or regulation.

I think the Senate has the power and the duty, indeed, to make a judgment and a determination of the conduct of an individual Member in regard to ethics or standards or conduct.

Mr. BROOKE. Mr. President, may I say to the Senator that nothing that the committee has been authorized to do has not been done by his distinguished committee. No one is criticizing what has been done by the committee.

The Senator has referred to U.S. Senators who were censured for fighting on the floor of the U.S. Senate. At least the Senate had to find out that they were fighting on the floor of the U.S. Senate before they censured them.

All we are trying to say is that in order to censure Senator Dodd in accordance with this resolution, we must at least find that, what he has been charged with, he actually did.

In addition to that, we must also remember that the committee questioned the witnesses, looked into their eyes, and were in the position to determine the credibility of the witnesses.

Mr. O'Hare has never appeared before the Senate. I have never seen Mr. O'Hare. I cannot judge the credibility of Mr. O'Hare.

I have to take it upon the basis of the committee's findings as to the credibility of Mr. O'Hare.

When the statement is made that the Senate would act as a trial court, that statement is not accurate because the Senate does not have the opportunity to cross-examine the witnesses who appeared before the committee.

The Senate did not have, as a body, the responsibility to go out and get affidavits and support the charges made against Senator Dodd.

We had to rely upon the Ethics Committee which, as I said before, did a good job.

No one is criticizing what has been done by the committee.

The committee has had its investigation and questioned the witnesses and, as I said, looked into their eyes and made a determination as to whether it believed or disbelieved the witnesses.

Credibility is an essential element here. We might have a situation in which all of the witnesses are disbelieved. The Supreme Court said there is still a burden.

The Senator from North Carolina [Mr. Ervin] may correct me, but I believe that the Supreme Court's position is that you still have to put in a prima facie case even if you do not believe any of the defense witnesses. You still have to put in sufficient evidence to make out a case.

We need to have before the Senate sufficient evidence, and it must be directed toward the specific charges listed in (a) and (b) of the Senate resolution.

Mr. TOWER. Mr. President, will the Senator yield so that I might reply to the Senator from Kansas?

Mr. BROOKE. I yield.

Mr. TOWER. I do not think I can take issue with anything the Senator from Kansas said relative to section (b).

Here, I think you can make your case, if indeed you can establish a pattern of deception and fraud, because that is an abuse of the committee.

Mr. PEARSON. It is not for us to make a case. It is for you to make the decision.

Mr. TOWER. Right. And I think that any time a man uses his position to abuse the instrumentality of the Senate for his own benefit, that is one thing.

I was addressing my remarks to specification A. I still think we are not really sure in our own minds what we are trying to do and whether what we are trying to decide here is improper.

Mr. BROOKE. The committee has made its report. The Senator from Louisiana has said he will not make his statement until he is convinced that the entire Senate has had an opportunity to ask questions.

Certain evidence has come to light. Some evidence came out in response to a question from the distinguished senior Senator from Arkansas [Mr. McClellan] when he asked about the dinners and what their purpose was and how the money was used.

Some evidence has come out from the questions asked by the distinguished Senator from Illinois [Mr. Percy].

I think at this time that we ought to exhaust all of our questions because I take it that the distinguished Senator from Louisiana [Mr. Long], counsel for Senator Dodd in this case, wants to be sure prior to making his remarks that Senators have exhausted every opportunity to ask questions.

They presumably will not call witnesses before us. The only person that we can really question is Senator Dodd himself.

We are therefore directing our questions to him. On one of the questions which I raised, I was not satisfied with the answer I received from either Senator Dodd or the committee.

I had hoped that Senator Dodd's staff or the committee staff in the interim period might get some information to clarify the situation.

That question concerns the deficit, if there was a deficit, in 1965. And the reason this disturbs me is that if someone is going to send out letters for a dinner to pay off a deficit, it should first be established whether there was a deficit.

I know there was a deficit in 1959 because Senator Dodd has testified that there was a deficit of $150,000 in 1959. However, we are talking about 1965 when these dinners were held and the letters were sent out, specifically a letter by Mr. Barbieri, showing that there was an existing deficit.

Senator Dodd said he filed a report with the secretary of state listing a deficit of 6,000-and-some-odd dollars as the result of the 1964 campaign.

He further testified that subsequent thereto there were additional debts of some $50,000.

My question concerns whether he filed a subsequent report.

I do not think he knew whether he did.

The distinguished chairman said that no information pertaining to this matter came before the committee. Am I correct in this statement?

Mr. STENNIS. What year was the Senator referring to?

Mr. BROOKE. I am talking about 1965 when the Barbieri letter was sent out.

Mr. STENNIS. About the deficit for 1964?

Mr. BROOKE. The Senator is correct.

Mr. STENNIS. Yes. We did have evidence and it has never been denied.

The evidence from the report filed by Senator Dodd with the State of Connecticut after the 1964 election shows that the deficit was 6,000-and-some-odd dollars.

Two of the witnesses in the open hearings, friends of Senator Dodd, estimated the deficit to be between $6,000 and $7,000.

Senator Dodd did not dispute that. There has been no additional proof offered.

I mentioned this morning when I was talking about the bank accounts that there might be some more bills. There are none that we know about.

If the Senator will yield further, there is some error somewhere in his mind about the deficit in prior years. On page 1032 of part 2 of the printed hearings, exhibit No. 87, is a copy of an article published in the Hartford Times of November 23, 1956. The headline reads: "$136,492 Dodd Campaign Ends in $25,542 Deficit."

We obtained the 1958 deficit figures through the Hartford Times item of December 3, 1958. "Report Shows Victory Costs $92,186" and "Deficit of $19,366." That was referring to Senator Dodd's 1958 campaign deficit. There has never been any evidence of a deficit in a campaign fund, in any way, of anything like $165,000.

Mr. BROOKE. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I yield.

Mr. BROOKE. Was the committee bound or compelled to rely upon newspaper editorials?

Mr. STENNIS. We were not bound. Of course we were not.

Mr. BROOKE. Were there not records of Senator Dodd that could have been introduced before the committee?

Mr. STENNIS. Under the best evidence rule, newspaper accounts were placed in the record. That was the best evidence we could get. The reports that had been filed with the State of Connecticut, had been destroyed. According to law, they are kept for a certain period of time and then destroyed.

Mr. BROOKE. Senator Dodd had no records to give to the committee?

Mr. STENNIS. He did not give us any. I do not say he did not have any. You will have to ask Senator Dodd about that. The staff assistant advises me that the committee staff did request them, and Senator Dodd did not have those reports available.

Mr. President, will the Senator from Massachusetts yield to permit me to make a brief statement about the matter of due process of law?

Mr. LONG of Louisiana. Mr. President, reserving the right to object, and I do not plan to object——

Mr. STENNIS. If the Senator wants the floor——

Mr. LONG of Louisiana. I have been trying to ask the Senator from Massachusetts a question for some time. I shall be happy to defer it. However, I do want to ask the Senator from Massachusetts a few questions before he yields the floor. I am willing to yield to the Senator from Mississippi, but not if the Senator from Massachusetts is going to yield his right to the floor.

Mr. BROOKE. I did not understand that the Senator from Mississippi was asking the Senator from Massachusetts to yield his right to the floor; I understood he was merely asking for an opportunity to make a brief statement.

Mr. LONG of Louisiana. I just do not want the Senator from Massachusetts to leave the Chamber without letting me ask him a question I have in mind.

Mr. STENNIS. I thank the Senator. Will the Senator from Massachusetts yield to permit me to make a brief statement to the Senate?

I make this statement to the Senate because I thought the silence of the chairman under these circumstances might result in some inference.

I have been surprised at the great furor raised about the so-called ex post facto question and due process of law.

Of course, the committee has some kind of burden of proceeding here, but it was not our concept that we came in here as prosecutors, carrying the burden of a district attorney. I said in my opening statement that the burden of proceeding is upon us and that we are going to see that this matter is presented to the Senate.

When I began my service in the Senate, I was told that a Senator is a Senator from the time he is sworn in, that he has duties and obligations as a Senator, that he can ask questions and can ask other Senators question, and that he can make speeches. So I believe a great deal of responsibility rests upon the individual Senators, because they are all Members of this constitutional branch of our Government.

I do not believe that I have a role here of a prosecutor, but certainly the burden of bringing to the Senate everything we could, in an impartial way, is required. But, according to the resolution under which we are operating, the "shall" clauses do not include any concept that we will be prosecutors and bring in a report and prosecute.

Now I should like to say a word about the degree of proof. That is another matter. Of course, it requires substantial evidence, as I said this morning, in one's mind; but I was not trying to tell any Senator how much, nor was I trying to give an interpretation such as we give jurors with respect to "beyond a reasonable doubt." Certainly, the amount of proof required is more than a suspicion. It requires substantial evidence. As I said this morning, I have never voted for a censure resolution until convinced, fully convinced, not only that some matter that has been wrongfully done but also fully convinced to the extent that it inflicts damaged on this body. That is the test I have.

We gave all kinds of notice to Senator Dodd. Senator Dodd has no complaint about the notice. That is one of the features of due process of law. You must give notice, and in a criminal charge that notice is made through indictment. We did not have an indictment form, but last October we laid down the ground rules and an outline of the matters about which we were proposing to have hearings, and delivered it to Senator Dodd in the form of a letter to his attorney. We told him that we had already decided to hold hearings, "but intend to give you sufficient time to prepare." Following that we had other meetings with Senator Dodd and heard his arguments on jurisdiction.

Now, a word about jurisdiction—if there is any doubt about the Senate having jurisdiction to hear a matter concerning a Member. The only question raised by Mr. Sonnett was with respect to whether the Senate had given the committee authority to consider a matter such as this. That question has been gone over and has been argued. It was decided the other way, and the hearings proceeded.

Of course, there is a presumption of innocence. That is so obvious and expected, that it never occurred to me to mention it. The right of confrontation was given.

Another element of due process of law that was provided in every way possible to Senator Dodd was the right of cross-examination. He had the right to summon witnesses of his own, to have them under oath, and to use the subpena processes of this body to bring those witnesses here. That right was freely used on request of Senator Dodd, and the witnesses were produced.

Now I refer to the matter of what is the rule or what is the guide or what has been established for conduct of any kind. The Senate has functioned for almost 200 years, and we have never had anything in writing with respect to that matter. If that were the test, all Senators would be untouchable.

I see many Senators in the Chamber who voted in favor of the last censure resolution, in 1954. There were no Senate rules then, that I recall. Yes, Senators voted—no written rules, no rules of any kind, nothing.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. STENNIS. There was nothing in that proceeding except the resolution and the facts presented.

I yield.

Mr. LONG of Louisiana. Does the Senator recall the only statement I made in that debate, when I stood where my desk was at that time, that if Joe McCarthy would take his feet and do one of two things—either apologize or do some act to indicate that he was somewhat contrite, by indicating that he had perhaps gone too far in his zeal to protect this country from the Communist conspiracy, or, in the alternative, if he would offer some evidence, enough to convince me at least, that he sincerely thought that Tom Hennings was a crook—I would vote against censure?

Mr. STENNIS. I do not believe that has anything to do—with all respect to the Senator—with the point I made, the fact that I voted and the Senator voted and many others voted in favor of the resolution. There was not a scintilla of a written rule or a precedent or anything else of that kind.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. In an effort to show the relevance, may I suggest to the Senator that what I believed we were doing—at least, so far as I was concerned, and so far as others were concerned—was that the committee of which the Senator was a member had found that a Senator was contemptuous of the Senate itself, and particularly of one of its Members, and we had a duty to censure him. So far as I was concerned, I was not going to vote to censure if the fellow would just apologize. In view of the fact that he offered us no other choice, we had to vote for censure.

Mr. STENNIS. That is the very point. We are not attempting to retry that case—neither the Senator from Louisiana nor I. We speak of him with great deference. He has passed on.

My point is that whenever there was a case, the Senate has never failed to move forward because there was no written rule.

If you believe there is not enough evidence and that wrongdoing has not been committed or that the proof is not sufficient, or anything of that kind, in your individual capacity as a Senator, you should not cast an affirmative vote. But let us not get lost on the idea that we cannot vote simply because there is not a written rule.

If I may anticipate, I notice that in the brief submitted by the Senator from Louisiana, there is mention of hearings having been held without Senator Dodd having been present. I believe I mentioned this matter the other day, but I wish to mention it now for emphasis.

It is unthinkable that that would have been done. Whoever prepared the original text of the Senator's brief did not know the facts, and they added an addendum pointing out that on those 2 days of closed hearings, Senator Dodd was present.

Mr. LONG of Louisiana. Will the Senator yield?

Mr. STENNIS. I desire to state affirmatively what happened, and then I will yield.

Senator Dodd was present with his attorney all the time the testimony was being taken against him.

Now, with respect to the preliminary hearings of some of the witnesses: You get letters; you get information of all kinds. Tom, Dick, and Harry write and say that so and so knows this and knows that. You put them under oath and you attempt to get the information.

A subcommittee of two Senators is authorized to have preliminary hearings to judge the credibility of the witnesses and whether they had any knowledge about matters in question, and if they did, to check on it before we thought about them as real witnesses.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. STENNIS. Of all those type hearings, Senator Dodd was not present. Not one scintilla of those proceedings were used in any way except through regular open hearings. As I understand, that is the pattern and custom, and, as I see it, the duty to go through a preliminary process with that type witness. May I refer to our friend from Arkansas. I understand that is his pattern and his custom.

Mr. President, I yield.

Mr. LONG of Louisiana. Did the subcommittee take testimony during closed sessions?

Mr. STENNIS. It took some testimony, yes. There was examination there, just to find out matters as I said. I sat on a few of them. I do not think I sat on over two. It did not amount to a hill of beans. I do not know how many of the witnesses were used later, if they were used at all.

Mr. LONG of Louisiana. Can the Senator assure us that he and others who sat in that hearing were successful in completely cleansing their minds of what they heard?

Mr. STENNIS. Totally so. I did not hear a thing worth a continental. I am sure others would say that. There was no wrong done to this man, not by the committee.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. I wish to say to the Senator that I have not said and never will say that the Senator from Mississippi would ever intentionally do anything wrong to anybody on earth.

I did want to ask about one matter. I suppose it would be just as well to defer it.

I thank the Senator for yielding to me.

Mr. BROOKE. Mr. President, I yield to the Senator from Louisiana.

Mr. MANSFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator will suspend until there is order in the Chamber.

Mr. LONG of Louisiana. Mr. President, as a preface to some of the questions I shall ask the Senator from Massachusetts, I shall ask first: Has the Senator ever discussed with me or have I ever discussed with the Senator from Massachusetts the merits of this case before us, even the technical aspects of it?

Mr. BROOKE. Never.

Mr. LONG of Louisiana. We never discussed this case, other than, perhaps, to say, "How do you feel," or "Are you going to be here today," or something of that sort?

Mr. BROOKE. The Senator sent a book over here to me but nothing else.

Mr. LONG of Louisiana. Yes, and I told the Senator that in due course I wanted to ask a question.

Mr. BROOKE. But I did not have time to read it.

Mr. LONG of Louisiana. We did not have a chance to discuss the case. With reference to what the Senator said, could we, perhaps, clear up the idea of the ex post facto problem?

Is it not true that while the Senate has a right to censure a Senator for anything that happened in the past, even for picking up the wrong dinner fork, we do impose upon ourselves the limitations dictated by our consciences and by the precedents of the Senate to the extent that we are not likely to censure anyone for something which is not against the law or the rules unless it is a flagrant thing that screams out against good conscience?

Mr. BROOKE. I think the Senate has the power and authority to censure a Member of the Senate. I think it is a question of individual concern as to what reasons are sufficient and what constitutes sufficient grounds.

Mr. LONG of Louisiana. Is the Senator aware that with regard to the testimonial dinner held after Senator DODD's last campaign the total expenses of that 1964 campaign were about $247,000, as the chart would indicate?

Mr. BROOKE. From what page is the Senator reading?

Mr. LONG of Louisiana. The chart behind me says, "DODD's political expenses exceeded contributions" and the second column, campaign and political expenses, $247,000.

Mr. BROOKE. The Senator is correct.

Mr. LONG of Louisiana. That is taken from the committee files and is agreed upon.

Is the Senator further aware of the fact that the campaign expenses reported to the secretary of state of Connecticut as of November 30, 1964, were $174,000 as indicated on page 950 of the record, which is a major difference?

Mr. BROOKE. The Senator is correct.

Mr. LONG of Louisiana. Would that not make a difference of about $73,000 which was spent after November 4, 1964? I can tell the Senator that it does.

Mr. BROOKE. The Senator from Louisiana has the arithmetic. I do not.

Mr. LONG of Louisiana. May I suggest to the Senator when it was said that the man had a deficit of $6,000, that was based on the $174,000 figure; it was not based on the $247,000 figure, which makes a great deal of difference—a difference of $73,000.

Mr. BROOKE. The Senator from Louisiana is making the statement, not I.

Mr. LONG of Louisiana. I said: "May I say it." The answer is "Yes," I may say it. [Laughter.] I hope the Senator realizes the enormous significance of what he is doing here at the moment. He is reflecting great credit on the Senate. Is the Senator aware of the fact that ADAM CLAYTON POWELL was denied his seat in the House of Representatives?

Mr. BROOKE. I do not think that is pertinent.

Mr. LONG of Louisiana. I did not ask the Senator whether it is pertinent. I asked the Senator whether he is aware of it.

Mr. BROOKE. I take notice of that, yes.

Mr. LONG of Louisiana. Is the Senator aware that many people felt prejudice entered into the denial of his seat to ADAM CLAYTON POWELL?

Mr. BROOKE. I am not aware of that. I would like not to believe that is true.

Mr. LONG of Louisiana. Can the Senator tell me whether or not he is occupying the term that would have been the term of Senator Daniel Webster of Massachusetts?

Mr. BROOKE. I do not know that.

Mr. LONG of Louisiana. Had the terms been continuous that might be so. I know that the Senator holds the seat that would have been in the class of Leverett Saltonstall, had he continued.

Does the Senator from Massachusetts hold the term which would have been the term of Daniel Webster, had Daniel Webster continued?

Mr. BROOKE. I really have not gone that far back. I was more concerned with getting here than with Mr. Webster.

Mr. LONG of Louisiana. May I urge the Senator to check the records and determine whether he is on the Daniel Webster track or some other track.

Mr. BROOKE. Does the Senator mean line or track?

Mr. LONG of Louisiana. I urge the Senator to determine whether he is the Daniel Webster man or whether he is the other fellow.

Mr. BROOKE. No, I am EDWARD BROOKE, Senator. [Laughter.]

Mr. LONG of Louisiana. May I say to the Senator that he is not aware of why I am asking the question.

Is the Senator aware of the fact that there was a previous Senator from the State of Massachusetts who served here some time ago with honor and distinction named John F. Kennedy?

Mr. BROOKE. Yes; I am aware of that.

Mr. LONG of Louisiana. Is the Senator aware of the fact that John F. Kennedy was appointed to be a member of a committee to select five names of Senators whose pictures were to adorn the reception room of the Senate as five of the greatest Senators of all times?

Mr. BROOKE. Yes.

Mr. LONG of Louisiana. Is the Senator familiar with the names of the five men who were selected?

Mr. BROOKE. Senators Calhoun, Webster, La Follette, Taft, and Clay.

Mr. LONG of Louisiana. The Senator is a good listener, may I say.

Mr. BROOKE. Let me say to the Senator that I hear very well. [Laughter.] I say that in complement with my fellow Senators around me.

Mr. LONG of Louisiana. Is the Senator aware of the fact that John F. Kennedy was not only a member but was the chairman of the committee to select those five Senators who would be regarded as the greatest Senators of all time?

Mr. BROOKE. Yes. I understand that.

Mr. LONG of Louisiana. Is the Senator aware of the fact that of those five men selected—just a moment while I confer with the Senator from North Carolina [Mr. ERVIN]. [Laughter.]

Mr. BROOKE. May I respectfully ask the Senator from Louisiana, how long I might anticipate this interrogation to last?

Mr. LONG of Louisiana. It will not take very long, let me say. It will not take very long. Is the Senator aware of the fact that Daniel Webster served in the Senate, first as a Representative from New Hampshire, from 1823 until 1827, and then he served as a Senator from Massachusetts from 1827 until 1841, when he retired, and was subsequently returned to the Senate from 1845 until 1850; that he was the only Senator from New England who was selected as one of the five great Senators of all time by a committee headed by the Senator from Massachusetts, John F. Kennedy?

Mr. PASTORE. So what?

Mr. BROOKE. I will accept those figures.

Mr. LONG of Louisiana. Is the Senator aware of the fact that Senator John F. Kennedy wrote a book entitled "Profiles in Courage," and selected Daniel Webster for one of the profiles.

Mr. BROOKE. Yes, I am aware of that.

Mr. LONG of Louisiana. Would the Senator be so kind as to read the marked portion of the book in which John F. Kennedy referred to what Daniel Webster found it necessary to do to meet his financial plight.

Mr. BROOKE. Senator, with all due respect, I think since you have read it and I have not, I am going to be generous and give you the opportunity to read it.

Mr. LONG of Louisiana. If the Senator from Massachusetts will give me the book, I shall be glad to read it.

Mr. BROOKE. Yes. Here it is.

Mr. LONG of Louisiana. Mr. President, it reads as follows, speaking of Daniel Webster—this is John F. Kennedy writing:

> He could see nothing improper in writing to the President of the Bank of the United States—at the very time when the Senate was engaged in debate over a renewal of the Bank's charter—noting that "my retainer has not been received or refreshed as usual." But Webster accepted favors not as gifts but as services which he believed were rightly due him. When he tried to resign from the Senate in 1836 to recoup speculative losses through his law practice, his Massachusetts businessmen friends joined to pay his debts to retain him in office. Even at his deathbed, legend tells us, there was a knock at his door, and a large roll of bills was thrust in by an old gentleman, who said that "At such a time as this, there should be no shortage of money in the house."

Mr. President, this is what I would ask the Senator from Massachusetts: Assuming that there is a Senator who spends a great deal of money and cannot live within his income, but who his people think is such a great Senator—as was Daniel Webster—that they are willing to help pay his personal expenses in order that he will be able to serve this great country, is anything necessarily wrong with this?

If that man did nothing to change his position, or his views, or even make any greater effort than he would have made otherwise with respect to his own conscience and convictions, is there necessarily anything wrong about the people of his State helping him to get out of debt, as the people of Massachusetts did by their concerted money-raising efforts on behalf of Daniel Webster?

Mr. BROOKE. I cannot draw such conclusions; but let me, in all due respect to the Senator, yield the floor.

Mr. LONG of Louisiana. May I ask the Senator from Massachusetts one more question; then I shall permit the Senator to do that.

Is the Senator aware of the fact that he is not Daniel Webster's successor, but is the successor of a man named Strong?

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. BROOKE. I yield the floor.

ORDER FOR RECOGNITION OF SENATOR LONG OF LOUISIANA TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the quorum call tomorrow morning the distinguished Senator from Louisiana [Mr. Long] be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. COTTON. Mr. President, reserving the right to object—and perhaps I shall object—I did not understand the unanimous-consent request.

Mr. MANSFIELD. That the Senator from Louisiana [Mr. Long] be recognized at the conclusion of the quorum call tomorrow morning.

Mr. COTTON. Reserving the right to object, may I make an inquiry? A short time ago, the distinguished Senator from Louisiana announced that he intended to wait and would close the debate. Does the unanimous-consent request that the Senator from Louisiana be recognized tomorrow morning—and certainly the Senator from New Hampshire would not think of objecting to that—carry with it any implication that the floor will not be open to all of us who have statements we may wish to make?

Mr. MANSFIELD. Most certainly not.

Mr. COTTON. In that case, I do not object.

The PRESIDING OFFICER. Without objection, the request of the Senator from Montana is agreed to.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent, now that the Senate has concluded its consideration of Senate Resolution 112 for the day, that there be a brief period for the transaction of routine business under the usual limitation.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MONRONEY (for himself and Mr. Harris):

S. 1946. A bill to amend the repayment contract with the Foss Reservoir Master Conservancy District, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Monroney when he introduced the above bill, which appear under a separate heading.)

By Mr. McCARTHY (for himself, Mr. Bennett, Mr. Bible, Mr. Cannon, Mr. Carlson, Mr. Case, Mr. Curtis, Mr. Dirksen, Mr. Hart, Mr. Javits, Mr. Morton, Mr. Moss, Mr. Mundt, Mr. Pearson, Mr. Ribicoff, Mr. Tower, Mr. Tydings, Mr. Williams of New Jersey, and Mr. Young of North Dakota):

S. 1947. A bill to expand the definition of deductible moving expenses incurred by an employee; to the Committee on Finance.

(See the remarks of Mr. McCarthy when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS (for himself, Mr. Nelson, Mr. Kennedy of New York, Mr. Pell, and Mr. Prouty):

S. 1948. A bill to amend the Economic Opportunity Act of 1964 to provide day care for children of low-income families in order to enable their parents or relatives to choose to undertake vocational training, basic education, or employment; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Javits when he introduced the above bill, which appear under a separate heading.)

By Mr. HARTKE:

S. 1949. A bill to encourage the needy blind to enroll in rehabilitation programs by prohibiting any durational State residence requirement in assistance to the blind;

S. 1950. A bill to amend titles X and XVI of the Social Security Act to improve the programs of aid to the blind so that they will more effectively encourage and assist blind individuals in achieving rehabilitation and restoration to a normal, full, and fruitful life;

S. 1951. A bill to provide that individuals entitled to disability insurance benefits (or child's benefits based on disability) under title II of the Social Security Act, and individuals entitled to permanent disability annuities (or child's annuities based on disability) under the Railroad Retirement Act of 1937, shall be eligible for health insurance benefits under title XVIII of the Social Security Act; and

S. 1952. A bill to amend titles X and XVI of the Social Security Act to provide that, in determining eligibility for or the amount of assistance to be provided to any individual applying for aid to the blind under programs established pursuant to such titles, there shall be disregarded the ability of such individual's family or relatives to provide for his support; to the Committee on Finance.

S. 1953. A bill relating to rates of postage on certain matter for blind and other handicapped persons, and for other purposes; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. Hartke when he introduced the above bills, which appear under separate headings.)

By Mr. SCOTT (for himself, Mr. Bennett, Mr. Brooke, Mr. Cotton, Mr. Dirksen, Mr. Fong, Mr. Griffin, Mr. Hruska, Mr. Jordan of Idaho, Mr. Miller, Mr. Pearson, Mr. Percy, Mr. Thurmond, and Mr. Tower):

S. 1954. A bill to amend title II of the Social Security Act to provide for the establishment of special procedures designed to avoid undue delay in the payment of monthly insurance benefits to which individuals are entitled thereunder; to the Committee on Finance.

(See the remarks of Mr. Scott when he introduced the above bill, which appear under a separate heading.)

By Mr. SPARKMAN (by request):

S. 1955. A bill to authorize the establishment of a coordinated, modernized system of Federal savings associations and to expedite the conversion of State-chartered savings banks thereto by the amendment of the Home Owners' Loan Act of 1933, title IV of the National Housing Act, and the Federal Home Loan Bank Act, as amended; and

S. 1956. A bill to extend for 2 years the authority for more flexible regulation of maximum rates of interest or dividends, higher reserve requirements, and open market operations in agency issues; to the Committee on Banking and Currency.

(See the remarks of Mr. Sparkman when he introduced the above bills, which appear under separate headings.)

By Mr. YARBOROUGH:

S. 1957. A bill to amend title 28 of the United States Code so as to provide for the appointment of one additional district judge for the eastern district of Texas; to the Committee on the Judiciary.

S. 1958. A bill relating to the Tiwa Indians of Texas; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Yarborough when he introduced the last above-mentioned bill, which appear under a separate heading.)

By Mr. MONDALE:

S. 1959. A bill for the relief of Victoriano Cerda-Vega and Maria Estefana Gonzales Moralez Cerda, his wife, and his four minor children, Joan Paulo, Rodolfo, Cruz, Fernando Cerda; to the Committee on the Judiciary.

By Mr. MORSE:

S.J. Res. 91. Joint resolution to designate the last calendar week entirely in October in each year as "National Vocational Guidance Week"; to the Committee on the Judiciary.

(See the remarks of Mr. Morse when he introduced the above joint resolution, which appear under a separate heading.)

AMENDMENT OF REPAYMENT CONTRACT WITH FOSS RESERVOIR MASTER CONSERVANCY DISTRICT

Mr. MONRONEY. Mr. President, on April 27 I introduced, on behalf of myself and my distinguished colleague, Senator Harris, a bill to meet a critical water quality problem that has developed at one of the major reclamation projects in Oklahoma. Since that time further studies of this matter have been made that lead us to offer at this time an amended bill.

This legislation is urgently needed to protect a sizable Federal investment at the Foss Reservoir project, where unexpected high mineral content of the water has made normal treatment facilities impracticable. The bill which we submit today in lieu of the earlier measure would broaden the authority of the Secretary of Interior to take measures required to protect the Federal investment, and at the same time fulfill the Government's pledge to make this water available to an area of more than 50,000 population.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1946) to amend the repayment contract with the Foss Reservoir Master Conservancy District, and for other purposes, introduced by Mr. Monroney (for himself and Mr. Harris), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

EXPANSION OF DEFINITION OF DEDUCTIBLE MOVING EXPENSES INCURRED BY AN EMPLOYEE

Mr. McCARTHY. Mr. President, I introduce, for appropriate reference, a bill to expand the definition of deductible moving expenses incurred by an employee. Joining me as sponsors of this measure are Senators Bennett, Bible, Cannon, Carlson, Case, Curtis, Dirksen, Hart, Javits, Morton, Moss, Mundt, Pearson, Ribicoff, Tower, Tydings, Williams of New Jersey, and Young of North Dakota.

Under existing law moving expenses are permitted as a deduction for the taxpayer and his family for the transportation and costs of meals and lodging en route to the new location and for the expense of moving household goods and personal effects.

This bill adds four new types of moving expenses, subject to an overall limitation. The new categories are:

First, the "househunting" expenses of the taxpayer in searching for a new residence at his new place of work;

Second, the temporary living expenses at the new location for the employee and his family at the new location before they have found permanent living quarters, but not for a period beyond 30 days;

Third, expenses of selling the former residence or settlement of an unexpired lease on the former residence; and,

Fourth, expenses such as attorney fees incident to the purchase of the new residence.

Under the bill the deduction for the expenses for the four new categories may not exceed $2,500 for the taxpayer who owned his own home at the old business location or $1,000 if he did not own his home. These deductions will be allowed whether or not the taxpayer is reimbursed by his employer and they would be available in 1968 and subsequent years.

These additions are reasonable and realistic provisions in a nation where the efficient operation of the economy requires considerable mobility of employees. They also bring the law into line with legislation which we adopted last year with regard Federal employees. That legislation provided reimbursement for a number of moving expenses of Federal employees when transferred from one official station to another. In reporting this measure the Senate Government Operations Committee noted that:

> The basic philosophy behind this legislation would indicate that this is not compensation, this is not additional income. This is reimbursement, and therefore, should not be taxable.

Enactment of the bill we are introducing today would on the whole provide tax deduction for amounts that Federal employees are now reimbursed for certain moving expenses.

In this session I have previously introduced two bills dealing with the problem of moving expenses: S. 1012 and S. 1857. The first was designed to meet the special situation in which employees are reimbursed by their employers and the second provided similar deductibility for any employee who moves to accept employment, whether or not he is reimbursed. This bill combines features of both previous bills.

The difficulties and confusion in this area come from the amendment we adopted in 1964. At that time we extended the right to make deductions—for transportation of household goods and for en route expenses of the taxpayer and his family—to nonreimbursed employees and to new employees. However, as the report of Finance Committee stated:

> No inference should be drawn . . . that moving expense exclusions under existing law are necessarily limited to these 3 categories of expenses. . . . The question of whether the exclusion for existing employees extends beyond these three categories is left for judicial interpretation.

The legal aspects and court cases related to trying to determine which, if any, additional expenses are deductible have resulted in great confusion and many unresolved problems. In addition, we have a question of principle as to whether reimbursement for expenses of moving to a new place of work should be treated as income.

The measure I am introducing provides for all employees, whether they are reimursed or not, and it clarifies the law and makes definite which moving costs are deductible. I believe that it should be approved.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1947) to expand the definition of deductible moving expenses incurred by an employee, introduced by Mr. McCarthy (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

DAY CARE ACT OF 1967

Mr. JAVITS. Mr. President, on behalf of myself and Senators Pell of Rhode Island, Nelson of Wisconsin, Kennedy of New York, and Prouty of Vermont, I introduce, for appropriate reference, a bill to amend the Economic Opportunity Act of 1964 to provide day care for children of low-income families in order to enable their parents or relative to choose to undertake vocational training, basic education, or employment. A companion measure is being introduced today in the other body by Representatives Gibbons of Florida and Goodell of New York, acting as principal sponsors in that body.

Mr. President, this bill does far more than simply provide for added day care slots; rather, it aims at a very specific problem and a specific target population. This bill was born of a need felt by me and by cosponsors to attack the problem of constantly growing welfare costs and relief rolls. These increases have been and will continue to be staggering. In New York City alone, the monthly average of recipients rose from 531,000 in 1965 to 621,000 in 1966; nationwide, some 7.5 million individuals now receive assistance under the four federally assisted welfare programs.

In dollar terms, the combined Federal-State-local cost has risen from $4.2 billion in 1962 to $6.1 billion in fiscal year 1966. And the end is not in sight, for less than one-half of those eligible in this country are, in fact, receiving public assistance. There is no simple solution to this problem, and the country will be faced with sizable public assistance caseloads for the foreseeable future. But, some things can be done right now to begin transferring some of those on the relief rolls to the employment rolls.

While a recent report issued by the White House would seem to question that possibility, since it stated that there were only about 50,000 men among the 7.5 million persons on welfare capable of being given job skills and training that would make them self-sufficient. There is, however, strong evidence that a large number of the 900,000 mothers receiving assistance under the aid to families with dependent children program are able and anxious to undertake vocational education, training, and employment if they can place their children in day care facilities.

These mothers feel that it would be better for them and better for their children if they worked. They do not want their children to grow up on welfare, deprived of the opportunity of seeing their parents as working, contributing members of the community and thereby themselves learning from their home environments about the world of work.

There is a second key way in which the creation of added day care facilities can break the cycle of dependency and cut down on the welfare rolls. Substantial numbers of persons would be needed to operate these new centers, and many if not most, of these new positions could be occupied by ADC mothers themselves who had received training as subprofessional aides. There are existing manpower training programs which can provide the necessary training. This use of parents and neighborhood people has been a proven success in the Headstart program.

The bill has, I feel, several particularly noteworthy features:

First. In order to zero in on the goal of increased employability, it requires that a preference be given to children whose parents or relatives choose to enter job training or employment;

Second. It seeks to encourage maximum use of welfare recipients as subprofessional employees in the centers;

Third. It has a self-liquidating feature whereby the Secretary of Health, Education, and Welfare—whose Department would administer this program—may require at least partial payments for the services rendered, where a family's financial condition, through employment or otherwise, becomes such as to make that payment feasible;

Fourth. It mandates coordination at the Federal, State, and local levels among programs providing day care services, and requires that coordination shall actually take place by specifying certain mechanisms of program administration; and

Fifth. It carries a built-in evaluation requirement designed to facilitate subsequent congressional oversight. I wish to point out that I have received important assistance in designing this bill from the department of welfare of the city of New York and from its very able commissioner, Mitchell Ginsberg.

The bill calls for a 1-year authorization of $60,000,000 within title V of the Economic Opportunity Act, an amount which would provide for about 50,000 new day care slots. This is far less than the need. In 1965, there were over 500,000 children from families with incomes under $3,000 where the mother was already working who needed day care and were not getting it; to this number must be added the number of children—probably at least as large—from low-income families where the mother is not working but would choose to enter training or employment if day care were available. Total figures are hard to come by, but one estimate by the Children's Bureau of the Department of Health, Education, and Welfare states that "some 2.7 million children who need day care services are not getting them." The estimated annual cost of providing day care for all those children is $1.6 billion.

Despite this clear pattern of need for added day care services of this type, the Federal Government is doing almost nothing in the field. Federal assistance to day care under the Social Security Act has been authorized since 1962, but no earmarked appropriations have been made; only about $7 million of Federal funds under the child welfare services program were used for day care in 1966.

Nor does the Headstart program under the Economic Opportunity Act or the preschool program under the Elementary and Secondary Education Act fill the need. If mothers are to be freed for training and employment, day care must be provided which reaches more than 3- to 5-year-old age group, and it must be provided on a full-day basis. Neither of these programs fits that description.

Indeed, the OEO has eliminated its day care program which in the past functioned independently of Headstart; in the future, all programs will be required to meet the standards prescribed for Headstart.

It is interesting to note that the people themselves recognize the tremendous benefit of day care. In a very careful survey of attitudes on the antipoverty program, involving over 1,000 in-depth interviews in nine communities, the research firm of Daniel Yankelovich, Inc., reported that 87 percent of those interviewed felt that day care was unqualifiedly beneficial; this was, by far, the highest percent achieved by any of the 12 antipoverty program areas studied. Headstart, it is interesting to note, received only a 71-percent rating.

I hope very much that this bill will meet with the approval of my colleagues in the Congress. It is crucial if we are to break the tragic growth in dependency, with its huge cost in tax dollars and in blighted lives. It is, in very many cases, the key to getting a family back on the track of self-sufficiency and self-confidence. It will pay for itself in terms of the added tax revenues alone it will generate from those now on ADC, to say nothing of the costs of rising welfare, rehabilitation, crime, and decay which it can help to avoid. I hope, in fact, that this will be the opening effort in a series of new proposals designed to reform and remake our faltering welfare system; I hope to be introducing, myself, further such proposals in the weeks and months ahead.

Mr. President, I ask unanimous consent that the text of this bill be printed in the Record.

The **PRESIDING OFFICER**. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 1948) to amend the Economic Opportunity Act of 1964 to provide day care for children of low-income families in order to enable their parents or relatives to choose to undertake vocational training, basic education, or employment, introduced by Mr. Javits (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 1948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Day Care Act of 1967".

Sec. 2. Title V of the Economic Opportunity Act of 1964 is amended by adding the following new part at the end thereof:

"Part B—Day Care Projects

"STATEMENT OF PURPOSE

"Sec. 506. The purpose of this part is to provide day care for children from low-income families or from areas having large concentrations of low-income persons in order to reduce the number of persons receiving public assistance and to enable the parents or relatives of such children to choose to undertake or to continue vocational training, basic education, or gainful employment.

"GRANTS FOR DAY CARE PROJECTS

"Sec. 507. (a) The Secretary of Health, Education, and Welfare is authorized to make grants to any State public welfare agency and, with the consent of such agency, to an appropriate agency of any political subdivision of the State, to pay not to exceed 80 per centum of the cost of projects under which children from low-income families or from areas with large concentrations of low-income persons may receive day care. Such day care projects shall provide health, education, social and such other supportive services as may be needed. Project costs payable under this part may include costs of renovation and alteration of physical facilities.

"(b) The Secretary of Health, Education, and Welfare may require a family to make payment, in whole or in part, for the day care services provided under this program where the family's financial condition, through employment or otherwise, improves so as to make such payment feasible.

"(c) In carrying out the provisions of this part, the Secretary of Health, Education, and Welfare shall give preference to projects providing day care for children from low-income families or from areas with large concentrations of low-income persons whose parents or relatives desire to accept employment or to undertake vocational training or basic education.

"(d) The Secretary of Health, Education, and Welfare and the Director shall take all necessary steps to coordinate programs under their jurisdictions which provide day care, with a view to establishing, insofar as possible, a common set of program standards and regulations, and mechanisms for coordination at the State and local levels. The Secretary shall give preference to applicants which show evidence of coordination and cooperation between their projects and other day care programs in the areas which they will serve.

"(e) Each project to which payments are made hereunder shall provide for a thorough evaluation. This evaluation shall be conducted by such agency or independent public or private organization as the Secretary of Health, Education, and Welfare shall designate, with a view to determining, among other things, the extent to which the day care provided may have increased the employment of parents and relatives of the children served, the extent to which such day care may have reduced the costs of aid and services to such children, the extent to which such children have received health and educational benefits, and the extent to which the project has been coordinated with other day care activities in the area served. Up to 100 per centum of the costs of evaluation may be paid by the Secretary from funds appropriated for the purposes of carrying out this part. Such evaluations, together with a report on the program described in this part, shall be transmitted by the Secretary to the appropriate committees of the Congress on an annual basis.

"TRAINING AND EMPLOYMENT OF PUBLIC ASSISTANCE RECIPIENTS IN DAY CARE PROJECTS

"Sec. 508. (a) The Director, the Secretary of Labor, and the Secretary of Health, Education, and Welfare shall take all necessary steps in the operation of vocational training, work experience and basic education programs under their jurisdictions to train for employment in day care projects assisted under this part individuals receiving or eligible to receive assistance under titles I, IV, X, XIV, or XVI of the Social Security Act.

"(b) In carrying out the provisions of this part, the Secretary of Health, Education, and Welfare shall give preference to projects in which individuals receiving or eligible to receive assistance under titles I, IV, X, XIV, or XVI of the Social Security Act are to be employed.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 509. The Secretary of Health, Education, and Welfare shall carry out the programs provided for in this part during the fiscal year ending June 30, 1968, and the three succeeding fiscal years. For the purpose of carrying out this part, there is hereby authorized to be appropriated the sum of $60,000,000 for the fiscal year ending June 30, 1968, and for the three succeeding fiscal years only such sums may be appropriated as the Congress may hereafter authorize by law."

Sec. 3. (a) The heading of title V of the Economic Opportunity Act of 1964 is amended to read as follows:

"TITLE V—WORK EXPERIENCE, TRAINING, AND DAY CARE PROGRAMS"

(b) Title V of such Act is further amended by inserting after the heading thereof the following:

"Part A—Work Experience and Training Programs"

(c) Sections 501, 502, 503, and 505 of such Act are amended by striking out "this title" wherever it appears therein and inserting in lieu thereof "this part".

(d) The first sentence of section 504 of such Act is amended to read as follows: "The Director shall carry out the programs for which he is responsible under this title during the fiscal year ending June 30, 1967, and the three succeeding fiscal years.

Mr. JAVITS. Mr. President, I have recently advanced several proposals for the reform of the welfare system which, as I suggested in my introductory remarks on this bill, was badly needed. I ask unanimous consent that this speech be printed in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

PUBLIC WELFARE, U.S.A.

(Remarks of Senator JACOB K. JAVITS at the spring open meeting of the Community Council of Greater New York, New York City, June 9, 1967)

The public welfare system, a creation of the New Deal in the early 30's, has become a highly questionable deal by the mid-1960's. These days, hardly anybody likes it, but everyone agrees that we can't do without it. With commendable impartiality, public welfare receives attack from both liberals and conservatives, and from both political parties.

Some critics focus primarily upon the growth of the welfare rolls and of welfare costs. In New York City, for example, the monthly average of recipients rose from 531,000 in 1965 to 621,000 in 1966. State-wide, one out of 17 New Yorkers receives public assistance, for a total cost of $1.2 billion annually.

The steady increase in the price tag has been staggering: the combined Federal-state-local cost has risen from $4.2 billion in 1962 to $6.1 billion in fiscal year 1966. Moreover, these increases are very far from complete, for it is estimated that less than one half of those eligible in this country are in fact receiving public assistance.

These immense and increasing costs quite naturally cause some commentators and politicians to react against the system and to seek simple solutions to cut it back. Hence we see proposals designed to transfer large numbers of persons from the welfare rolls to the employment rolls by increasing job training programs, or by making the Government an employer of last resort. Similarly, there are those who would reduce the cost of the system by cutting off aid to families where there are more than a certain number of illegitimate children, or by imposing restrictive residency requirements at the state level.

On the other hand, though the system is costly and its cost is growing rapidly, it is far from adequate in either the size of benefit levels or in the scope of coverage. The states are responsible for determining payment levels, and these levels vary widely from state to state. In March of 1966 they ranged from a low of $8.71 a month to a high of $52.28 for a dependent child, under the Aid to Dependent Children program. Under the Old Age Assistance program, benefits vary from a low of $40.92 to a high of $126.16 per month. And 27 states do not even meet their own minimum standards for welfare payments. The disenchantment with these benefit levels and eligibility tests has helped to stimulate various proposals—such as the guaranteed annual income—which would vastly expand the scope of coverage and do away with individually applied means tests.

The system badly needs reform, but the reformers are far from agreed. Demosthenes, a Greek with some experience in public speaking, put it nicely when he said: "Like the diet prescribed by doctors, which neither restores the strength of the patient nor allows him to succumb, so these doles that you are now distributing neither suffice to ensure you your safety nor allow you to renounce them and try something else."

But while we can be agreed, at least, on the need for change, I am concerned by the course which the debate on the welfare program seems to be following. *The very inadequacy of the system has tended to thrust far-reaching proposals in the area of income maintenance to the forefront, to the exclusion of a systematic examination of practical proposals for the improvement of the present system.*

Some of the more academically minded critics hope to see the slate wiped clean and the creation of an entirely new system of income support, along the lines of a guaranteed annual income, a negative income tax, children's allowances, or the like. Under these proposals, some form of income maintenance would be the implemented to replace the present crazy quilt pattern of welfare categories and in-kind doles.

But national reorganization or replacement of the present system is, simply, not very likely to happen. For one thing, very few of my colleagues on Capitol Hill are ready—or think the country is ready—for a new monetary subsidy system which might tend to undercut the traditional connection between work and income. To be sure, some of this reaction against the guaranteed annual income concept is irrational, for we do have a network of subsidies in this country which do already guarantee some form of minimum income which is work-related. In fact, about 34% of all Federal spending in the United States—$43 billion in 1966—is allocated to social insurance and public assistance payments to support the incomes of people who do not earn an adequate amount through their own efforts.

I should add that Congressmen are not the only ones who are uneasy about guaranteed annual income proposals. In our hearings throughout the country on the poverty program this year, we have found that most poor people do not like that concept and prefer instead the kind of self-help training and education programs the Government is now pursuing.

But it is more than simply psychological resistance that would now prevent the enactment of a guaranteed income scheme in place of our present myriad of subsidies and services. In large part, the problem traces to the fragmented responsibility for Great Society-type programs in both the Congress and the Executive Branch. In the Senate, for example, the poverty program is handled by the Labor and Public Welfare Committee, the Social Security and Welfare programs are handled by the Finance Committee, rent supplements by the Banking and Currency Committee, and food stamps by the Agriculture Committee. Quite frankly, no one of these Committees is likely to abandon its program, its entrée into the poverty field, in favor of some single unitary piece of legislation handled in all likelihood by a different group of legislators. But if Congressional committees don't think together on common problems, neither do the departments in the Executive Branch. Public assistance, manpower training, economic development, the war on poverty, rent supplements—all of these related efforts are handled by different administrative agencies, supported by different and powerful interest groups, with tragically little joint planning and coordination.

So what I am saying is this—the crazy quilt pattern is probably here to stay. While it is important to talk about new income maintenance schemes, they are unlikely to arrive on the scene in the near future. We must not let the fashionable debate on guaranteed annual income proposals distract us from the hard legislative work that needs to be done right now. There is a great deal that we can do immediately to amend and improve the existing welfare system, and the rest of my remarks this afternoon are directed toward that goal. In my view, the most effective legislator is the expert in the art of the possible—the man who is ready with the specific amendments that constantly keep government programs pushing up against the limits of what political and economic realities will allow. We are today a long way from achieving that conformity between the actual and the possible in the case of the public welfare system.

The problems with the present welfare system are so well known and so constantly repeated as to be almost axiomatic. First, the system is degrading, to both clients and caseworkers alike, largely because it is based upon an individual determination of resources and needs. Recipients are subjected to home visits and to the ministrations of a caseworker whether they want it or not, including the particularly repugnant "midnight raids" still conducted by some welfare departments to see if recipients are earning any income by moonlighting, or to see if there is a man in the house whose presence would disqualify the family from receiving benefits. The degrading nature of this system was poignantly stated in a recent letter to me by a woman from Brooklyn who is receiving assistance under the Aid to the Disabled program. She described home visits by welfare workers as follows:

"On each visit we must present rent and utility receipts since we cannot be trusted to tell the truth about whether or not we have paid them. I protested "that I am, by law, a liar and a thief," and the reply was, "Yes, but that is the way the Department of Welfare is." I do not, however, lack "good advice" from the Department of Welfare—at the end of each visit I am told "Don't lie to the Department of Welfare, don't steal, and don't take up with a man unless he can support you." I resent this, I resent it to the depth of my being. If I have lived this long without doing these things, I do not need the advice of some young squirt, who is just starting to live. I can settle some things quite easily for myself. My troubles are kidney and lungs, not intelligence and character!"

This system of individual determinations of need and of expenditure has enmeshed the social welfare mechanism in incredible and tragic red tape. For example, until very recently one of the very largest welfare agencies required the collection of some 400 different facts about an applicant before eligibility and the amount of payment could be determined. This leads inevitably to a vast waste of skilled manpower. This kind of preoccupation with details has a lot to do with the fact that the turnover rate among welfare caseworkers is so shockingly large—in New York City, for example, the turnover is 34% annually. Furthermore, the Aid to Dependent Children (ADC) program as presently constituted presents definite barriers to those who would become self sufficient by requiring every dollar of income to be deducted from the size of the relief check. This 100% tax upon earnings effectively undermines any incentive to work. And, finally, there is the infamous man-in-the-house rule, still in effect in a majority of our states, whereby a family cannot receive assistance under the Aid to Dependent Children program if there is a man living with the family who might potentially support its members. There is ample evidence that the man-in-the-house rule has actually stimulated the breaking up of families by forcing men who cannot support their dependents out of the home so that the family can receive public assistance.

To cope with these inequities in the present system, I propose a seven point legislative package upon which work can begin immediately.

First, effort must be made to increase the employability of those on the welfare rolls who can work and to place them into meaningful jobs. While there are only about 50,000 men among the 7.5 million persons on welfare who are capable of being made self sufficient through employment, there is strong evidence that a large number of the 900,000 mothers who are receiving assistance under ADC are able and anxious to undertake vocational training and employment *if* they can place their children in proper day care facilities. These mothers feel that it would be better for them and better for their children if they worked. They do not want their children to grow up on welfare, deprived of the opportunity of seeing their parents as working, contributing members of the community and thereby themselves learning from their home environments about the world of work.

The provision of added day care centers is the key to giving these women the opportunity to work. Moreover, many of these mothers can be employed at the centers themselves. But despite the obvious utility and need for added day care facilities—some 2.7 million children in the nation need day care yet the capacity of the licensed facilities is only 350,000 children—the Federal Government is doing almost nothing in the field. Funds are authorized for this purpose under the Social Security Act, but there have been no earmarked appropriations and the result is that only about $7 million of Federal funds under the Child Welfare Services program were spent for day care in 1966. Nor does the Headstart program under the Economic Opportunity Act or the preschool program under the Elementary and Secondary Education Act fill the need. If mothers are to be freed for training and employment, day care must be provided which reaches more than the three to five year old age group, and it must be provided on a full day basis. Neither of these programs fit that description.

To meet this need, I have drafted, with the valuable assistance of the Department of Welfare in the City of New York, a bill to provide $60 million for added day care facilities. This bill has been distributed to certain of my colleagues in the Congress, and will be introduced next week. I am pleased to say that my colleague Senator Kennedy will join me as a cosponsor of this important measure.

Second, we must move immediately to amend the welfare laws to provide a significant incentive to work by preventing the deduction of some portion of earnings from the payment under the ADC program. The President has moved in this direction in the proposed 1967 amendments to the ADC program, but in my view he has not moved far enough. He is suggesting only a $50 per month exemption per wage earner in the family—up to a maximum of $150 per family—and that exemption would not be mandatory upon the states until 1969. Such a $50 per month exemption, totaling only $600 on an annual basis, is not to my mind a significant incentive. And since this program largely reaches families with only a single potential wage earner—the mother—there seems little likelihood that the annual exemption would be more than $600. Accordingly, *I would propose that we increase the proposed exemption under Aid to Dependent Children to at least $100 per month and that this exemption be made mandatory at the earliest possible date before 1969.*

Third, we must move to exorcise the man-in-the-house rule. The Congress in 1962 gave the states the option of ignoring the presence of a man in the house in determining eligibility for welfare. But because such a change is expensive, and because of a deeply rooted feeling in some quarters that where there is a man in the house he should be able to support the family, only 22 states have taken up this option. 28 states and the District of Columbia still extend no benefits where there is a father or other able-bodied male living with the family. The destructive effect of this provision has been clearly demonstrated, and I will shortly offer an amendment to do away with it. I cannot imagine why, despite the recommendations of the American Public Welfare Association, the U.S. Commission on Civil Rights, and many other groups, the President has not moved to strike this limitation.

Fourth, a simple affidavit or Declaration of Need by the recipient should replace the elaborate system of police-like investigations now used to determine eligibility. If necessary, a random sample of the affidavits could be investigated to provide spot checks, as in the internal revenue system. Such a declaration system is now being tried on an experimental basis in two of New York City's 32 welfare centers and in Baltimore County, Maryland. It has long been the approach used by the Veterans Administration in handling its pension plan benefits.

Fifth, it is crucial to separate the provision of services from the payment of cash relief. Payments should not be made conditional upon the recipient's agreement to be subjected to the ministrations of a caseworker. Administratively, this separation of payment and services should be carried out by a transfer of the payment function under aid to blind, disabled and aged to the Social Security Administration, which now dispenses far more money than does the Welfare Administration and a fraction of the administrative expense. It is estimated that in New York City alone the salary savings in the Welfare Department resulting from such a transfer would be $15 million annually.

I would not at this time suggest the transfer of the ADC program to the Social Security Administration since I believe that the unemployability of recipients under this program is not so clear and to include them in the transfer would delay, if not kill, the entire transfer scheme.

Sixth, we should increase the participation of welfare recipients themselves in the conduct of the welfare program, somewhat along the lines of participation of the poor in the community action program organized by the Office of Economic Opportunity. Opening up channels of communication between program administrators and program clients should go a long way toward alleviating some of the onerous mechanical defects of the program. We should also realize, I think, that we have created under the poverty program an entirely new service delivery system which now coexists alongside the older system implemented by the welfare caseworkers, and we should look ultimately toward some amalgamation of these two efforts. This might be accomplished by the stationing of welfare caseworkers in the neighborhood centers established by the antipoverty program, or by teaming them up with the neighborhood aides employed by that program.

Seventh, we must move toward a Federal minimum level for public assistance payments, putting a floor under the present widely varying benefit rates set by the individual states. I believe the American people feel that our society, with its tremendous productive power, can maintain a minimum standard floor under public assistance to give to all a minimum standard of decent living. Perhaps this can be achieved by increasing the per cent of Federal matching below this minimum benefit level, leaving amounts above that minimum to be paid largely from state and local contributions. This move toward standardization and rationalization of payment levels is an important first step toward serious consideration of the various income maintenance proposals.

This seven point package contains hard proposals which I hope can be thoroughly debated, and even acted upon, this year. The debate upon the new income maintenance proposals should certainly continue—and I, for one, am still awaiting the appointment by the President of the special committee which he promised in January he would name to conduct a two-year study of the subject—but in the meantime we have much to do to put our present house in order. The patience of the poor is much heralded, but it is not a reserve upon which we should draw too often.

A BETTER LIFE FOR BLIND PERSONS—REMOVING RESIDENCE REQUIREMENTS FOR ASSISTANCE TO THE BLIND

Mr. HARTKE. Mr. President, I have long associated myself in the Senate with the development and introduction of measures for the alleviation of the problems faced by those afflicted with blindness. Earlier this year I again introduced a bill, S. 1681, to define the nature of blindness and make the definition an inherent part of the test of disability under the social security law, to broaden the opportunities of the blind. It has been most gratifying to have the support on this bill of 56 other Senators as cosponsors.

Today I am offering further legislation in the same general area. One of the bills I am presenting would remove a hardship which often results from the removal of a blind person from one State to another. To receive Federal funds for aid to the blind, States must submit plans meeting certain requirements. Under present law, they are permitted to impose residence requirements as a condition of eligibility. These may be no more than 1 year of State residence or 5 years of residence out of the preceding 9. Some States set the full allowable restriction, but there are several which have already voluntarily and in good judgment eliminated in their plans any residence requirement whatsoever for eligibility.

The bill I am offering would eliminate that permission to set such requirements, so that no residence requirement would be allowed in any State to hamper eligibility of the blind for federally assisted payments.

The reason for such an amendment is to remove unnecessary hardship for those blind persons who find it necessary or desirable to move from one State to another. For example, a blind person may be living with members of his family and receiving the State benefits provided for him when the family moves to another State. If his new State requires that he live there for a year before he becomes eligible, there is a burden upon him and his family during that time which is unwarranted. His blindness, for which Federal law provides the States with funds, has not changed. His need has not changed. All that has changed is his opportunity for support under the law.

Or the blind person may have employment or rehabilitation and training opportunities open to him elsewhere. But if he is tied to his residence by the necessity of forfeiting his assistance payments, he is discouraged from accepting such opportunities.

Mr. President, I sincerely hope that we may make this change so that all States will, as some now do, remove the hampering residence requirement as a test of eligibility.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1949) to encourage the needy blind to enroll in rehabilitation programs by prohibiting any durational State residence requirement in assistance to the blind, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

IMPROVEMENT OF AID TO THE BLIND

Mr. HARTKE. Mr. President, in addition to the other bills which I am offering today, I present one which combines a number of changes in titles X and XVI of the Social Security Act, dealing with programs for the blind. I want to comment on two features of this bill.

One of the changes I propose would add a new requirement to those which form the framework within which State plans of aid to the blind must be formulated. This change requires that "no individual claiming aid to the blind shall be required as a condition of such aid to subject any property to a lien or to transfer to the State or to any of its political subdivisions title to or any interest in any property."

Mr. President, there is here involved a practice which wreaks hardship upon persons who are forced to divest themselves of their property, to completely pauperize themselves, in order to receive the public welfare assistance to the blind for which we have provided a mechanism and Federal assistance as a dignified means of keeping them from a degrading kind of charity.

As things stand, Mr. President, there are situations allowed under the present law—and fortunately not all States are so harsh—in which the State, or the county, or the city has the right to take a man's home, to make him spend his savings, to compel him to dispose of what may be the only property which prevents him from becoming literally a pauper, before it will allow him to receive assistance to the blind under the Federal-State program of title X. This is not the kind of situation which can aid in the rehabilitation of a handicapped person or in providing him an existence compatible with human dignity. Blindness is a condition which no blind person can help. What help the Federal-State program is intended to bring is, where these practices exist, being nullified by the harsh requirements of provisions within the States which are approvable in the State plans under Federal law.

Here again is an outmoded middle-ages, poor-law concept, rather than an enlightened approach to the needs for humane living conditions in consonance with our modern approach to the welfare of those in need. It is a change which is overdue, and one which we should have.

The second more significant change provided in this bill relates to those recipients of aid who are undertaking rehabilitation and training programs under an approved plan for becoming self-supporting. At present the law requires that in determining need for aid to the blind earned income of $85 per month shall be disregarded, plus one half of earned income in excess of $85. But for those persons in an approved rehabilitation program, there is also required a disregard for whatever additional sums are needed by him for its accomplishment for a period of 12 months, which may be extended to 36 months. But if the program extends beyond 36 months, these continuing costs of rehabilitation—which may last as much as 5 or 6 years in some cases, such as studying for the law or another profession—the figure must be cut back at the end of 36 months. The bill would remove the time restriction. There are relatively few persons involved, and therefore the sums are small—but of great consequence to the individual and to his striving for qualification as a part of our working society.

While there are other proposals for change, some of which are the same as or similar to separate bills I am introducing today, these are the more distinctive features.

Mr. President, we must continually review and update such laws as those dealing with the welfare of those who have no powerful lobby to speak for them, who are disadvantaged through no fault of their own. I hope this bill, and the others I am offering, will bring about that result.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1950) to amend titles X and XVI of the Social Security Act to improve the programs of aid to the blind so that they will more effectively encourage and assist blind individuals in achieving rehabilitation and restoration to a normal, full, and fruitful life, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

HEALTH INSURANCE BENEFITS FOR THE DISABLED

Mr. HARTKE. Mr. President, a bill I am offering today is for the benefit of those who are entitled to disability insurance benefits by giving them the same eligibility for health insurance as is provided for the aged under title XVIII of the Social Security Act. It would cover those who receive disability benefits under title II of the Social Security Act, including child's benefits based on disability, and also those entitled to permanent disability annuities or child's annuities based on disability under the Railroad Retirement Act.

Mr. President, when we approved the hospitalization and medical care benefits of last year's bill, a major consideration was the fact that those benefited were so very often those least able to pay for hospital and medical services. They are persons who no longer have earning power. The disabled are in that same situation. Cut off from their opportunities for gainful employment by reason of their disability, that same disability creates for them very often a greater need for medical care and treatment. Here is a logical and desirable extension of the principles already in operation. Let us give this added measure of assistance to the Nation's disabled.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1951) to provide that individuals entitled to disability insurance benefits (or child's benefits based on disability) under title II of the Social Security Act, and individuals entitled to permanent disability annuities (or child's annuities based on disability) under the Railroad Retirement Act of 1937, shall be eligible for health insurance benefits under title XVIII of the Social Security Act, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

REMOVING RELATIVE RESPONSIBILITY FROM AID TO THE BLIND

Mr. HARTKE. Mr. President, in preparing an approvable State plan for aid to the blind under which Federal funds are provided to the States, the State agency may, in the language of the law, "take into consideration any other income and resources of the individual claiming aid to the blind."

In many States this includes the application of laws requiring relatives to take responsibility before the assistance to the blind person is approved. Only when the relatives show inability to provide resources does the blind person secure approval for his benefits.

Mr. President, it has been the stated purpose of the Social Security Act to "promote the well-being of the Nation by encouraging the States to place greater emphasis on helping to strengthen family life and helping needy families and individuals attain the maximum economic and personal independence of which they are capable." To allow the continuation or relative responsibility laws, requiring the blind person to depend on their charity rather than extending assistance as a right, is to vitiate this policy goal.

Relative responsibility laws are a holdover concept from the "poor laws" of medieval ages. They humiliate and demoralize recipients of aid to the blind. They badger and harass their families. They often work injustice and hardship upon aging parents whose income is reduced but who still have resources which have not been entirely exhausted. They may result in court action, or the threat of court action, against children of blind parents, perhaps depriving them of funds intended and needed for the education of their own children, as they are forced under these laws to maintain charity support of a sightless father or mother. Rather than fighting the poverty of the blind, they increase the poverty of those held as responsible relatives. Resentments and antagonisms toward unfortunate family members achieve the opposite of "helping to strengthen family life."

My bill would simply require that State plans, to be approved for Federal funds for blind aid programs, must disregard the ability of the individual's family or relatives to provide for his support. Those whose disability otherwise makes them eligible for the program should have the opportunity universally to benefit from it. That is why I offer this bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1952) to amend titles X and XVI of the Social Security Act to provide that, in determining eligibility for or the amount of assistance to be provided to any individual applying for aid to the blind under programs established pursuant to such titles, there shall be disregarded the ability of such individual's family or relatives to provide for his support, introduced by Mr. Hartke, was received, read twice by its title, and referred to the Committee on Finance.

POSTAL RATES FOR BLIND AND HANDICAPPED

Mr. HARTKE. Mr. President, I offer today a bill to aid in the distribution of matter specifically produced for the use of the blind or visually impaired.

Under existing law braille and recorded books, musical scores, and sound reproductions provided for the blind through the books-for-the-blind program of the Library of Congress may be mailed to blind patrons postage free. The 89th Congress expanded the program to include physically handicapped persons unable to read or use regular printed matter, including very large type printings. But the free mailing privilege was not extended to this class of matter also. At regular postage rates, this oversize postal cost for oversize print is a deterrent to the growth of the expanded program.

The whole purpose of special postal regulations for material suited for use of the blind is to help encourage their use of such materials. To me, there is no difference in purpose between the Library program and that of other agencies who prepare books in braille or other forms usable for these persons on a nonprofit basis. This bill would extend the free mailing privilege to braille, sound reproductions, music scores, records, tapes, and the like. Included also is a provision for free mailing by a blind person himself of unsealed letters in raised character or sight-saving type, or in the form of sound recordings.

This bill, introduced in the House by Congressman Robert J. Corbett, was the subject of testimony before the House Subcommittee on Postal Rates in May. At that time John F. Nagle, Washington representative of the National Federation of the Blind, had this to say:

> A one-cent-a-pound rate is presently charged on braille, recorded, and large-type printed matter sold to blind persons or to agencies and organizations for the use of blind persons, or available on a rental basis, or for magazines for which a subscription price is charged.
>
> Under the bill, such reading matter, not only for the blind but for physically handicapped persons as well, who are unable to read or use regular printed matter because of the restrictions of their impairment, could be mailed postage free, so long as the price charged, whether sale price, rental, subscription, or similar fee, is not greater than the production cost of the reading matter. . . .

On the matter of the mailings by the blind themselves, he noted:

> Since taped letters have increasingly become the accustomed method of correspondence employed by blind persons, and a reel of tape is considerably more costly to mail than a typed or handwritten letter, this provision would be particularly beneficial to blind persons, for it would allow them to mail taped letters without postage.

Provisions of this bill would also be of great assistance to agencies and organizations working for the blind through the production of reading matter and special devices for their use. Departmental control by the Post Office is assured to prevent possible abuses by the provision for opening and inspecting packages sent under the free mailing privilege.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1953) relating to rates of postage on certain matter for blind and other handicapped persons, and for other purposes, introduced by Mr. Hartke, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

NONRECEIPT OF CHECKS BY SOCIAL SECURITY BENEFICIARIES

Mr. SCOTT. Mr. President, I am concerned about the many social security beneficiaries who are not receiving their checks, sometimes for no other reason than a clerical error or a bureaucratic bungle. Therefore, on behalf of myself and Senators Bennett, Brooke, Cotton, Dirksen, Fong, Griffin, Hruska, Jordan of Idaho, Miller, Pearson, Percy, Thurmond, and Tower, I introduce, for appropriate reference, a bill to authorize an immediate temporary payment of those benefits which have been terminated or delayed through administrative technicalities.

Both persons making their initial applications and those who have previously been receiving benefits would be covered.

Early last month I called the attention of the Senate to the problems of many unnecessary delays in the payment of social security benefits. A number of Pennsylvanians who often have no other source of income have been forced to wait for periods of 6 months to 1 year for social security checks. Since then, many other Senators have expressed concern over similar problems in their States.

Under the present law, the local social security office is powerless to act. Working files are maintained in any one of six regional offices located throughout the United States. Often these files are misplaced or set aside for long periods of time. Whatever the reasons, the fact remains that people must wait for money which is due them while some remote Government agency makes adjustments.

In my bill, the Administrator of Social Security would be directed to name for each local office a supervisor who would be authorized to determine the merit of claims when evidence is presented to him by the beneficiary. If a claim of delayed payment is considered valid, the local supervisor could authorize immediate payment for up to 60 days while the case is under process in the regional office.

Claims for the immediate payment of temporary benefits could be filed if established benefits were more than 30 days late. New claimants, failing to receive their checks within 90 days, also could apply.

No other approval for these payments would be required. When the final sum is determined, subsequent payments to the beneficiary would be appropriately adjusted. My bill gives Government the time to act, but also assures that the social security recipient, meanwhile, will not go without money benefits to which he is rightfully entitled.

I intend to call for action on this measure as an amendment to the administration's social security bill when it is before the Senate.

I ask unanimous consent that the text of my bill be printed in the Record.

I ask also that the bill may lie at the desk for 1 week to permit cosponsorship by other Senators.

Mr. CARLSON. Mr. President, reserving the right to object, I have been asked to object to the request of the Senator from Pennsylvania, and I do object.

Mr. SCOTT. I withdraw the request that the bill remain at the desk to permit other Senators to cosponsor it; but I hope the Record will show that I welcome additional cosponsors.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 1954) to amend title II of the Social Security Act to provide for the establishment of special procedures designed to avoid undue delay in the payment of monthly insurance benefits to which individuals are entitled thereunder, introduced by Mr. Scott (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 1954

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 205 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"SPECIAL PROCEDURES TO AVOID UNDUE DELAY IN PAYMENT OF MONTHLY BENEFITS

"(q) (1) The Secretary and the Managing Trustee shall establish and put into effect, not later than 60 days after the date of enactment of this subsection, procedures under which expedited payment of monthly insurance benefits under this title will be made to any individual, who files an application for such expedited payment at the local social security office serving the area in which such individual resides, and who is found, by the person in charge of such office, to be eligible for such expedited payment.

"(2) An application for expedited payment of monthly insurance benefits under this subsection shall be accepted only—

"(A) if, in the case of an application filed by an individual who has previously received a monthly payment of the particular insurance benefit for which expedited payment is requested, a period of at least 30 days has elapsed between the date the last monthly payment of such benefit was received and the date such application is filed, and

"(B) if, in the case of an application filed by an individual who has not previously received a monthly payment of the particular insurance benefit for which expedited payment is requested, a period of at least 90 days has elapsed between the date such individual completed application for such benefit and the date such application is filed.

For purposes of clause (B) of the preceding sentence, a person shall be deemed to have completed application for a monthly insurance benefit on the date of filing of the basic application for such benefit and any and all other information and data which have been requested by the Secretary in connection with such application.

"(3) An expedited payment to an individual shall be made, on the basis of any particular application for such payment, with respect to the month in which application therefor is filed and with respect to the succeeding month, but in no event for any month with respect to which the regular payment of such benefit has been made.

"(4) An application for expedited payment under this subsection of a monthly insurance benefit shall be designed by the Secretary so as to reveal (to the maximum extent practicable) all pertinent information necessary to enable the person in charge of the local social security office receiving such application to determine whether the individual submitting such application is entitled to receive the monthly insurance benefit with respect to which expedited payment is requested and whether, if such individual is entitled to such benefit, such benefit is subject to suspension, deductions or reductions under this title and the amount of any deductions or reductions to which such benefit is so subject.

"(5) The procedures devised by the Secretary and the Managing Trustee for expedited payment under this subsection shall be designed to insure that—

"(A) any application under this subsection for expedited payment of a monthly insurance benefit will be acted upon within 5 days after such application is filed in the local office serving the area in which the applicant resides, and

"(B) any individual who is eligible for expedited payment of a monthly insurance benefit will be paid such benefit not later than 10 days after he files application therefor.

"(6) In determining the amount of any monthly benefit for which expedited payment is requested under this subsection, such expedited payment shall—

"(A) in case the applicant has, for any month in the 6-month period immediately preceding the month in which application is filed, received regular payment of such benefit, be equal to the amount of the last regular payment of such benefit, or

"(B) in case the applicant has not, within such 6-month period received regular payment of the monthly benefit for which expedited payment is requested, be in an amount equal to the amount provided under section 228, or if such section is not applicable, equal to the amount to which the applicant would have been entitled if the primary insurance amount of the insured individual on the basis of whose wages and self-employment income claim for benefits is based were equal to the first figure appearing in column IV of the table set forth in section 215 (a).

"(7) In the absence of compelling evidence to the contrary, the person determining the eligibility of an individual for expedited payment of a monthly insurance benefit under this subsection shall regard as true and accurate the data and information supplied by the applicant for such benefit.

"(8) For purposes of this subsection, benefits payable under section 228 shall be treated as monthly insurance benefits payable under this title.

"(9) Expedited payment of monthly insurance benefits under this subsection shall, except as is otherwise provided in this subsection, be made under the same conditions and from the same Trust Fund as are regular payments of such monthly insurance benefits."

Mr. HRUSKA. Mr. President, delayed payment of social security benefits is a problem throughout the country. I have received letters from many constituents seeking assistance and wondering how the Government can withhold money that is rightfully theirs. They point out, most appropriately, that the social security check, which may trickle down through the labyrinth of bureaucracy, past the typographical errors and piles of paper in 6 months, does not satisfy the creditor today. I have corresponded with a Nebraskan who in January was notified he shortly would receive a check covering monthly payments from July through November. This is money which the Social Security Administration acknowledges was due him under the laws of the United States in monthly payments in July, August, September, October, and November. To the man who has had no income since July, a check in January is too late. Another Nebraskan who applied for benefits was less than satisfied when he was notified 7 months later that he was entitled to the benefits, retroactive, of course.

People, many of them since the inception of the social security system, have promptly and diligently met their obligation under the law and parted with a portion of their paycheck to insure income in their retirement years. We must meet our obligation to see that money is returned to them promptly and diligently. When the Government is the payee on a check, the Government insures payments are made on time, as I am sure the Internal Revenue Service will agree. When the individual is the payee, this Government owes him equal effort to insure timely payment.

Senator SCOTT has introduced S. 1954, which I am privileged to cosponsor, to require prompt payment of social security benefits. The provisions of this bill are completely reasonable. Expedited payments, authorized by the local Social Security office, will be made when delays occur in the normal payment process. A person who has been receiving benefits which have stopped may request an expedited payment 30 days after he has filed his application. A new applicant may request expedited payment if he has received no satisfaction after 90 days. The expedited payment will be made 10 days after the request. We all realize that the administration of the social security system and the processing of applications take time. S. 1954 seeks to reduce that time from 6 months or more to a minimum of 40 days in the case of established payments which have been interrupted, and 100 days in the case of new applications. This burden on the Social Security Administration is one which it is fair to expect them to meet. It is a requirement which is necessary if we are to satisfy our obligation to social security recipients.

The legislation introduced today to provide expedited payments will do much to remedy the deplorable situation which exists. However, there are causes for the delays which now plague the social security system and I sincerely hope that in working with administration officials on this bill we may find and eliminate those causes. I hope for an improved system of administration that will insure prompt payments of social security benefits as the normal course of business, without reliance on expedited payments. Until such improvements are made, S. 1954 remains a necessary process to get payments to recipients when they are needed.

FEDERAL SAVINGS ASSOCIATION ACT OF 1967

Mr. SPARKMAN. Mr. President, I introduce, by request and for appropriate reference, a bill to authorize the establishment of Federal savings associations and for other purposes.

I ask unanimous consent that a copy of the bill, along with a synopsis of it, appear in the RECORD along with my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred and, without objection, the bill and synopsis will be printed in the RECORD.

The bill (S. 1955) to authorize the establishment of a coordinated, modernized system of Federal savings associations and to expedite the conversion of State-chartered savings banks thereto by the amendment of the Home Owners' Loan Act of 1933, title IV of the National Housing Act, and the Federal Home Loan Bank Act, as amended, introduced by Mr. SPARKMAN, by request, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 1955

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Home Owners' Loan Act of 1933, as amended, be and the same is hereby amended to read as herein provided and that this Act, divided into titles and sections according to the following table of contents, may be cited hereafter as the "Federal Savings Association Act of 1967."

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DECLARATION OF POLICY

SEC. 2. (a) The Congress declares that in order to carry out more effectively the responsibility for promoting maximum employment production, and purchasing power in the national economy, an increased flow of real savings to finance new housing and other capital formation on a sustainable noninflationary basis must be encouraged and facilitated. The Congress declares further that the increased savings necessary to the security and welfare of the individual, as well as of the Nation, is best provided within the private institutional framework of our competitive economy and within the dual system of State and Federal chartering of thrift and residential financing institutions, and that these objectives will be advanced substantially by providing for a coordinated, modernized system of federally chartered and supervised mutual savings associations having greater flexibility than existing institutions in adapting to the changing demands and needs of the savings and borrowing public. Consistent with these objectives, the Congress also recognizes the continuing need for maintaining and strengthening the vitality of the Nation's State-chartered banking and thrift and residential financing systems under the supervision of the various State departments for financial institutions. Federal savings associations as provided for by this Act, together with State-chartered savings institutions, will bring to individuals in every State the opportunity of having available to them convenient, flexible savings facilities which are dedicated to encouraging the practice of thrift, thereby increasing the total flow of voluntary savings in the economy. The Congress further recognizes that the least disruption to existing thrift and home financing institutions will occur and that consequently the public interest will be best served if the aforesaid objectives are accomplished through the unification of the existing systems of thrift and residential financing institutions. The record of savings institutions over nearly a century and a half of providing safety, ready availability of savings funds and attractive earnings on these funds indicates that a modernized system of Federal savings associations with the added flexibility in meeting the demands of the public provided for in this Act, will stimulate additional savings in the areas in which they are located. The record further indicates that these institutions will invest their accumulated savings primarily in the sound, economical financing of residential housing, and that additional funds will be developed to support business enterprise, urban redevelopment, and governmental capital outlays.

The Congress further declares that efficiency and desired uniformity of standards requires that all Federal savings associations in the new system be chartered and supervised by a single agency of the Government, and that the savings accounts and deposits of all such institutions be insured by a single Federal agency. At the present time savings accounts in qualified savings and loan associations may be insured by the Federal Savings and Loan Insurance Corporation. Savings accounts and deposits in qualified mutual savings banks may be insured by the Federal Deposit Insurance Corporation, which also may insure deposits in commercial banks. This Act is intended to provide for a single Federal agency, to be designated as the Federal Savings Insurance Corporation, for insuring savings accounts, deposits and other accounts of Federal savings institutions, mutual savings banks, savings and loan associations and similar thrift and residential financing institutions. Federal savings associations shall be required to have their savings accounts and deposits insured by the Federal Savings Insurance Corporation. State-chartered mutual savings banks will be given the option to apply for deposit insurance either by the Federal Savings Insurance Corporation or the Federal Deposit Insurance Corporation.

(b) The provision for Federal savings associations made herein will assist the Government in carrying out its constitutional duty to regulate the value of money.

(c) This Act is intended to provide the Secretary of the Treasury with an additional depositary of public money as provided in Title I hereof.

TITLE I

SEC. 101. DEFINITIONS.—When used in this Act, the following words and phrases shall have the following meanings, except to the extent that any such word or phrase specifically is qualified by its context:

(a) "Association" shall mean a Federal savings association chartered by the Federal Home Loan Bank Board;

(b) "Board" shall mean the Federal Home Loan Bank Board and its legal successor;

(c) "Direct-reduction loan" shall mean a loan or other obligation repayable in consecutive monthly installments, equal or unequal, beginning not later than ninety days after the date of the advance, sufficient to retire the debt, interest, and principal within thirty years, the initial contract of which shall not provide for any subsequent monthly installment of interest and principal of an amount larger than any previous monthly installment, except that provisions may be contained in such contract which specify that one or more consecutive monthly installments may be lapsed to the extent that monthly installments have been made ahead of schedule or, in the event of an emergency to the borrower affecting his ability to pay, to the extent of no more than six monthly installments but that nevertheless the full amount of principal and interest shall be paid within the scheduled term of the loan: *Provided*, That in the case of construction loans the first installment under said contract shall be payable not later than eighteen months after the date of the first advance. Any such loan or obligation is an amortized loan;

(d) "Dwelling unit" shall mean a single, unified combination of rooms designed for residential use by one family in a multiple dwelling unit structure, and which is not "home property";

(e) "Earnings" shall mean that part of the sources available for payment of earnings of an association which is declared payable on savings accounts from time to time by the board of directors, and is the cost of savings money to the association. Earnings also may be called "interest" or "dividends";

(f) "Financial institution" shall mean a thrift institution, commercial bank, trust company, or an insurance company;

(g) "Home property" shall mean real estate on which there is located, or will be located pursuant to a real estate loan, either a structure designed for residential use by one family or a single condominium unit, including common elements pertinent thereto, designed for residential use by one family in a multiple dwelling unit structure or complex, and shall include fixtures, and homefurnishings and equipment;

(h) "Liquid assets" shall mean cash on hand; cash on deposit in Federal home loan banks, State banks performing similar reserve functions, or in commercial banks, which is withdrawable upon not more than thirty days' notice and which is not pledged as security for indebtedness, except that any deposits in a bank under the control or in the possession of any supervisory authority shall not be considered as liquid assets; and obligations of, or obligations which are fully guaranteed as to principal and interest by, the United States, any agency of the United States, or any State;

(i) "Primarily residential property" shall mean real estate on which there is located or will be located pursuant to a real estate loan, any of the following: a structure or structures designed or used primarily for residential rather than nonresidential purposes and consisting of more than one dwelling unit; a structure or structures designed or used primarily for residential rather than nonresidential purposes for students, residents and persons under care, employees or members of the staff of an educational, health or welfare institution or facility; and a structure or structures which are used in part for residential purposes for not more than one family and in part for business purposes, provided that the residential use of such structure or structures must be substantial and permanent, not merely transitory;

(j) "Primary lending area" shall mean all territory located within a radius of one-hundred miles of the principal office of an association;

(k) "Real estate loan" shall mean any loan or other obligation secured by a first lien on real estate in any State held in fee or in a leasehold extending or renewable automatically for a period of at least fifteen years beyond the date scheduled for the final principal payment of such loan or obligation, or any transaction out of which a first lien or claim is created against such real estate, including inter alia the purchase of such real estate in fee by an association and the concurrent or immediate sale thereof on installment contract;

(l) "Savings account" shall mean that part of the savings liability of the association which is credited to the account of the holder thereof. Savings accounts also may be called savings deposits;

(m) "Savings liability" shall mean the aggregate amount of savings accounts of members, including earnings credited to such accounts, less redemptions and withdrawals;

(n) "Service organization" shall mean an organization substantially all the activities of which consist of originating, purchasing, selling, and servicing loans upon real estate and participating interests therein, or clerical, bookkeeping, accounting, statistical, or similar functions performed primarily for financial institutions, plus such other activities as the Board may approve, or an organization, all of the activities of which are authorized and defined by the Board by regulation;

(o) "State" shall mean any State, the District of Columbia, the Commonwealth of Puerto Rico, and any territories and possessions of the United States;

(p) "Thrift institution" shall mean an association, a mutual savings bank, a guaranty savings bank, a cooperative bank, a homestead association, a savings and loan association, a building and loan association, a Federal savings and loan association, and a supervised thrift and residential financing institution of a substantially similar nature.

SEC. 102. ORGANIZATION OF FEDERAL SAVINGS ASSOCIATIONS—(a) in order to provide for a coordinated, modernized system of federally chartered mutual thrift institutions in which people may save or invest their funds, and in order to provide a dependable source of funds for the primary purpose of economical financing of homes, the Board is authorized, under such rules and regulations as it may prescribe, to provide for the organization, incorporation, private management, examination, operation, and regulation of associations to be known as "Federal Savings Associations" and to issue charters therefor, giving primary consideration to the best practices of mutual thrift and residential financing institutions in the United States. A charter may be issued for a Federal savings association upon the written application, in such form as the Board may prescribe, of not less than five applicants. The Board shall not take action to issue such charter unless it determines, on the record after opportunity for hearing, that—

(1) the association will serve a useful purpose in the community in which it is proposed to be established,

(2) there is a reasonable expectation of its financial success,

(3) its operation may foster competition among but will not cause undue injury to existing thrift institutions that accept funds from savers in the form of savings deposits, savings accounts or similar accounts,

(4) the applicants are persons of good character and responsibility,

(5) there has been placed in trust or in escrow such amounts in cash or securities approved by the Board as the Board may require, not less than $100,000, to be transferred to the association for an initial reserve upon the issuance of its charter, in consideration of transferrable certificates to be issued by the association in such form, upon such terms, and bearing such interest or other return as the Board may approve.

(b) No charter shall be granted by the Board which shall permit operations of a Federal savings association to commence prior to qualification and acceptance of such association as:

(1) a member of the Federal Home Loan Bank of the district in which it is located or, if convenience shall require and the Board approves, a member of the Federal Home Loan Bank of an adjoining district. Savings associations shall qualify for such membership in the manner provided in the Federal Home Loan Bank Act with respect to other members.

(2) an insured institution within the meaning of Section 401 of the National Housing Act as amended. Each association, whether a new association or one formed by conversion, shall be required to carry insurance with the Federal Savings Insurance Corporation at all times, and shall qualify and pay premiums as do other insured institutions.

(c) Any Federal association holding a charter issued by the Board prior to the effective date of this Act may continue to operate under such charter, but shall have the option of converting to any charter issued by the Board subsequent to such date: *Provided*, That if the Board shall find that any such conversion is in accordance with the requirements of the charter of such association and of Section 113 of this Act, approval of such conversion shall not be withheld by the Board nor by the Federal Savings Insurance Corporation.

(d) Associations shall accumulate and maintain reserves in accordance with regulations prescribed by the Board. Associations may retain additional amounts which may be used for any proper corporate purpose.

SEC. 103. MEMBERS.—Federal savings associations shall be organized with members, and all holders of the association's savings accounts and all obligors of the association shall be members. In the consideration of all questions requiring action by the members of such association, each member shall be entitled to cast one vote, plus an additional vote for each $100 or fraction thereof of the withdrawal value of savings accounts, if any, held by such member. No member, however, shall cast more than fifty votes.

At any meeting of the members, voting may be in person or by proxy, provided that no proxy shall be eligible to be voted at any meeting unless such proxy shall have been filed with the secretary of the association, for verification, at least five days prior to the date of such meeting. Every proxy shall be in writing and signed by the member or his duly authorized attorney-in-fact and, when filed with the secretary, shall, unless otherwise specified in the proxy, continue in force from year to year until revoked by a writing duly delivered to the secretary or until superseded by subsequent proxies. At an annual meeting or at any special meeting of the members, any number of members present in person or by proxy eligible to be voted constitutes a quorum. A majority of all votes cast at any meeting of members shall determine any question unless this Act specifically provides otherwise. The members who shall be entitled to vote at any meeting of the members shall be those holding accounts and obligor members of record on the books of the association at the end of the calendar month next preceding the date of such meeting. The number of votes which each member shall be entitled to cast at any meeting of the members shall be determined from the books of the association as of the end of the calendar month next preceding the date of such meeting. Those who were members at the end of the calendar month next preceding the date of a meeting of members but who shall have ceased to be members prior to such meeting shall not be entitled to vote at such meeting. The members of an association shall not be responsible for any losses which its savings liability shall not be sufficient to satisfy, and savings accounts shall not be subject to assessment, nor shall the holders thereof be liable for any unpaid installments on their accounts.

SEC. 104. ACCESS TO BOOKS AND RECORDS; COMMUNICATION WITH MEMBERS.—(a) Every member shall have the right to inspect such books and records of an association as pertain to his loan or savings account. Otherwise, the right of inspection and examination of the books and records of any association shall be limited (1) to the Board or its authorized representatives, (2) to persons duly authorized to act for the association, and (3) to any federal instrumentality or agency authorized to inspect or examine the books and records of an association. The books and records pertaining to savings accounts and loans of members shall be kept confidential by the association, its directors, officers and employees, and by the Board, its examiners and representatives, except where the disclosure thereof shall be compelled by a court of competent jurisdiction, and no member or any other person shall have access to the books and records or shall be furnished or shall possess a partial or complete list of the members except upon express action and authority of the board of directors.

(b) In the event, however, that any member or members of an association desire to communicate with the other members of the association with reference to any question pending or to be presented for consideration at a meeting of the members, the association shall furnish upon request a statement of the approximate number of members of the association at the time of such request, and estimate of the cost of forwarding such communication. The requesting member or members shall then submit the communication, together with a sworn statement that the proposed communication is not for any reason other than the business welfare of the association, to the Board which, if it finds it to be appropriate, truthful and in the best interests of the association and its members, shall execute a certificate setting out such findings, forward the certificate together with the communication to the association, and direct that the communication be prepared and mailed by the association to the members upon the requesting member's or members' payment to it of the expenses of such preparation and mailing.

SEC. 105. DIRECTORS.—(a) The business of the association shall be directed by a board of directors of not less than five nor more than fifteen as determined by, and elected by ballot from among, the members by a plurality of the votes of the members present. If authorized by vote of the members the directors may elect all directors. At all times at least two-thirds of the directors shall be bona fide residents of the State in which the principal office of the association is located. The members shall, by majority vote at their organizational meeting, elect a board of directors in three classes in the following manner; one-third for a term of one year; one-third for a term of two years; and one-third for a term of three years. At each annual meeting thereafter directors shall be chosen for a full term of three years to succeed those whose terms expire. The requirements of this section shall be satisfied if the number of directors in any one class does not exceed by more than one the number of directors in any other class. The office of any director shall become vacant if he shall cease for any reason to be a member.

(b) The direction and control of the affairs of an association shall be vested in the directors. The directors may by a majority of a quorum adopt, amend, and rescind bylaws governing the affairs of the association, subject to the approval of the Board.

(c) The office of a director shall become vacant whenever he shall have failed to attend regular meetings of the directors for a period of six months, unless excused prior to or during such period by a resolution duly adopted by the directors. Any director may resign at any time by sending a written notice of such resignation to the principal office of the association addressed to the secretary. Unless otherwise specified therein such resignation shall take effect upon receipt thereof by the secretary. Any director may be removed either with or without cause at any time by a two-thirds majority of all votes cast at any meeting of members called for such purpose. Any director, after an opportunity afforded him for being heard, may be removed for cause by a two-thirds vote of the total number of directors authorized, at any regular meeting or at any special meeting called for such purpose.

(d) Directors and officers occupy a fiduciary relationship to the association of which they are directors or officers, and no director or officer shall engage or participate, directly or indirectly, in any business or transaction conducted on behalf of or involving the association, which would result in a conflict of his own personal interests with those of the association which he serves, unless such business or transactions or conducted in good faith and are honest, fair and reasonable to the association; a full disclosure of such business or transactions and the nature of the director's or officer's interest is made to the board of directors; such business or transactions are approved in good faith by the board of directors, any interested director abstaining, and such approval is recorded in the minutes; any profits inuring to the officer or director are not at the expense of the association and do not prejudice the best interests of the association in any way; and such business or transactions do not represent a breach of the officer's or director's fiduciary duty and are not fraudulent, illegal or ultra vires; and without limitation by any of the specific provisions of any of the subsections hereof, the Board may require the disclosure by directors, officers, and employees of their personal interest, directly or indirectly, in any business or transactions on behalf of or involving the association and of their control of or active participation in enterprises having activities related to the business of the association. The following restrictions governing the conduct of directors and officers expressly are specified, but such specification is not to be construed in any manner as excusing such persons from the observance of any other aspect of the general fiduciary duty owed by them to the association which they serve:

(1) Dual status.—No officer or director of an association shall hold office or status as a member, director or officer of another thrift institution the principal office of which is located in the association's primary lending area.

(2) Remuneration.—No director shall receive remuneration as director except reasonable fees for service as a director or for service as a member of a committee of directors, except that nothing herein contained shall be deemed to prohibit or in any way to limit any right of a director who is also an officer or employee of or attorney for the association to receive compensation for service as an officer, employee or attorney.

(3) Loans.—No director or officer shall have any interest, directly or indirectly, in the proceeds of a loan or investment or of a purchase or sale made by the association, unless such loan, investment, purchase or sale is authorized expressly by resolution of the board of directors, and unless such resolution is approved by vote of at least two-thirds of the directors authorized of the association, any interested director taking no part in such vote.

(4) Savings.—No director or officer shall have any interest, direct or indirect, in the purchase at less than its face value of any evidence of a savings account, deposit or other indebtedness issued by the association.

(5) Coercion.—No director, association, or officer thereof shall require, as a condition to the granting of any loan or the extension of any other service by the association, that the borrower or any other person undertake a contract of insurance or any other agreement, or understanding with respect to the furnishing of any other goods or services, with any specific company, agency or individual.

(6) Voting Rights Office.—No officer or director acting as proxy for a member of an association shall exercise, transfer or delegate such vote or votes in any consideration of a private benefit or advantage, direct or indirect, accruing to himself, nor shall he surrender control or pass his office to any other for any consideration of a private benefit or advantage, direct or indirect. The voting rights of members and directors shall not be the subject of sale, barter, exchange or similar transaction, either directly or indirectly. Any officer or director who violates the provisions of this section shall be held accountable to the association for any increment.

(7) Inducements.—No director or officer shall solicit, accept or agree to accept, directly or indirectly, from any person other than the association any gratuity, compensation or other personal benefit for any action taken by the association or for endeavoring to procure any such action.

Any violation of the provisions of this subsection shall be punishable as a misdemeanor.

(e) Any person shall be indemnified or reimbursed by the association for reasonable expenses, including but not limited to attorney fees, actually incurred by him in connection with any action, suit or proceeding, instituted or threatened, judicial or administrative, civil or criminal, to which he is made a party by reason of his being or having been a director, officer or employee of an association: provided, however, that no person shall be so indemnified or reimbursed, nor shall he retain any advancement or allowance for indemnification which may have been made by the association in advance of final disposition, in relation to such action, suit or proceeding in which and to the extent that he finally shall be adjudicated to have been guilty of a breach of good faith, to have been negligent in the performance of his duties or to have committed an action or failed to perform a duty for which there is a common law or a statutory liability: and provided further, that a person may, with the approval of the Board, be so indemnified or reimbursed for (1) amounts paid in compromise or settlement of any action, suit or proceedings, including reasonable expenses incurred in connection therewith, or (2) reasonable expenses incurred in connection with a criminal or civil action, suit or proceeding in which such person has been adjudicated guilty, negligent or liable if it shall be determined by the board of directors and by the Board that such person was acting in good faith and in what he believed to be the best interest of the association and without knowledge that the action was illegal, and if such indemnification or reimbursement is approved at an annual or special meeting of the members by a majority of the votes eligible to be cast. Amounts paid either in judgment or settlement to the association by any person within the meaning of this subsection shall not be indemnified or reimbursed in any case.

Sec. 106. General Powers.—(a) For the purpose of carrying out its functions under this Act, an association shall have the following powers: to have perpetual succession; to adopt and use a corporate seal; to sue and be sued, complain and defend in any court of law or equity; to acquire, hold, sell, dispose of and convey real and personal estate consistent with its objects and powers; to mortgage, pledge, or lease any real or personal estate; to borrow money from sources, individual, or corporate, and to issue notes, bonds, debentures or other obligations therefor, up to a maximum of 50 per centum of its savings liability, and such additional amounts as the Board may authorize, provided that borrowing from sources other than financial institutions or Federal Home Loan Banks shall require written approval of the Board in advance of any offering; to take property by gift, devise, or bequest; to appoint officers, agents, and employees as its business shall require and to allow them suitable compensation; to provide for life, health and casualty insurance for officers and employees, and to adopt and operate reasonable bonus plans and retirement benefits for such officers and employees; to provide for indemnification of its officers, employees, and directors as prescribed or permitted in this Act whether by insurance or otherwise; to become a member of, own stock in, deal with, or make payments or contributions to any organization or service corporation to the extent that such organization assists in furthering or facilitating the association's purposes, powers or community responsibilities, and to comply with reasonable conditions of eligibility; to maintain and let safes, boxes or other receptacles for the safekeeping of personal property; to sell money orders, travel checks and similar instruments drawn by it on its bank accounts or as agent for any organization empowered to sell such instruments through agents within the State of domicile; to acquire savings and lend or invest its funds as provided in this Act; to sell loans and investments; to service loans and investments for others; to act as agent for others in any transaction incidental to the operation of its business; to act as trustee or fiduciary as herein provided; when designated for that purpose by the Secretary of the Treasury, to be a depositary of public money, except receipts from customs, under such regulations as may be prescribed by said Secretary; to be employed as a fiscal agent of the Government; and to perform all such reasonable duties as depositary of public money and as fiscal agent of the Government as may be required of it.

(b) In addition to the powers expressly enumerated or defined in this Act, an association shall have power to do all things incidental to or reasonably necessary or appropriate to the exercise of the aforementioned powers and other powers as authorized by this Act.

Sec. 107. Savings Accounts.—(a) A Federal savings association shall acquire its capital in the form of savings accounts and as authorized or permitted by the Board, and may issue a passbook, certificate or other evidence of its obligations to repay. Each holder of a savings account shall execute a savings account contract setting forth any special terms and provisions applicable to such savings account and the ownership thereof and the conditions upon which withdrawals may be made not inconsistent with the provisions of this Act.

(b) Subject to regulation by the Board, an association may classify its savings accounts according to the character, amount, or duration thereof, or regularity of additions thereto, except that no savings account may be so classified for earnings purposes on the basis of ownership, and may agree in advance to pay a stated rate of earnings on accounts within each such classification, and shall regulate such earnings in such manner that each savings account in the same classification shall receive the same ratable portion of earnings.

(c) Except as otherwise provided in this Act, an association may pay earnings on its accounts from net earnings and undivided profits at such rate and at such times as shall be determined by resolution of its directors.

(d) Withdrawals shall be paid in the order of actual receipt of applications, except as provided in this subsection. Upon receipt of a withdrawal request signed by the person or persons authorized to withdraw by the savings account contract or by operation of law, an association shall pay such amount in the form of cash, one or more checks or similar instruments payable to the order of such person or persons or to the order of others as directed, or transfer of credits to the account or accounts of others in the institution as directed, but not in excess of the withdrawal value of such savings account or accounts, together with any earnings which may have been declared and may have accrued thereon for the current period. An association may at any time by resolution of its directors require that up to thirty days' advance notice be given by each saver before the withdrawal of any savings or portion thereof; and whenever the directors shall adopt such resolution, no savings need be paid until the expiration of the stated notice period. An association shall notify the Board in writing on the day of adoption of such resolution by the directors. Notwithstanding adoption of such resolution by the directors, an association may, in its discretion, permit withdrawal on a uniform basis of all or any part of all accounts prior to the expiration of the notice period prescribed by such resolution. Any such resolution may be rescinded at any time. No association shall pay any application in full unless it pays every application on file in full, except by paying all applications according to an equitable plan of withdrawals which the Board shall prescribe either in the charter of the association or by regulation, whereunder applications shall be paid from receipts in the order received up to a specified amount, and if any balance then remains unpaid thereon, the application shall be renumbered and placed at the bottom of the list of applications and handled as though it had been received at that time. Notwithstanding the preceding sentence, the board of directors shall have an absolute right to pay upon any application not exceeding $200 to any one savings account member in any one month in any order. Savings account holders who have filed written applications for withdrawal shall remain savings account members so long as their applications remain on file. No earnings shall be declared upon that portion of an account which has been noticed for withdrawal, which for earnings purposes is required to be deducted from the latest previous additions to such account, so long as such application is on file. In no event shall an association voluntarily or involuntarily delay or postpone the whole or partial payment of the value of any savings account pursuant to a written withdrawal application by a savings account member for a period exceeding thirty days following the receipt of such application without first meeting the terms and conditions of the equitable plan of withdrawals prescribed by the Board. An association which, without meeting such terms and conditions, has failed for thirty days after a withdrawal application has been filed with it to pay such withdrawal application in full, shall be deemed to be in an unsound condition to transact business within the meaning of section 116 of this Act.

(e) In order to prevent the closing of an association determined by the Federal Savings Insurance Corporation to be in danger of closing, or in order to reopen a closed association, the Board may authorize the Federal Savings Insurance Corporation to take such action as may be necessary to put such association in a sound and solvent condition.

(f) Except as provided in section 117 and subsections (b), (d), and (g) of this section, no association shall prefer one of its savings accounts over any other savings account as to the right to participate in earnings and no preference between savings account members shall be created with respect to the distribution of assets upon voluntary or involuntary liquidation, dissolution, or winding up of an association. No association shall issue, sell, negotiate, or advertise for issuance of sale to members any type of savings or investment media other than savings accounts, nor shall it contract with respect to the savings liability in a manner inconsistent with the provisions of this Act.

(g) The savings accounts of Federal savings associations shall be lawful investments, and may be accepted as security, for all public funds of the United States, fiduciary and trust funds under the authority or control of the United States or officers or employees thereof, and for the funds of all corporations organized under the laws of the United States, notwithstanding any limitation of law upon the investment of any such funds or upon the acceptance of security for the investment or deposit of any such funds. An association shall have power to pledge any of its assets as security for savings acquired under this subsection, or for savings acquired by the deposit of public funds of any State or political subdivision thereof, or authorized agency thereof, provided that in the aggregate no more than five percent of its assets shall be so pledged at any one time.

SEC. 108. INVESTMENT IN SECURITIES.—Federal savings associations shall have power to invest in securities as follows:

(a) Without limit, in obligations of, or guaranteed as to principal and interest by, the United States or any State; in stock or obligations of any Federal Home Loan Bank or Banks; in stock or obligations of the Federal Savings Insurance Corporation; in stock or obligations of a national mortgage association or any successor or successors thereto; in obligations of, or guaranteed as to principal and interest by, the Dominion of Canada or any Province thereof, provided that the principal and interest of any such obligations are payable in United States funds; in obligations issued or guaranteed by the International Bank for Reconstruction and Development or by the Inter-American Development Bank; in demand, time, or savings deposits, shares or accounts, or other obligations of any financial institution the accounts of which are insured by a Federal agency; in bankers' acceptances which are eligible for purchase by Federal Reserve banks;

(b) Not in excess of 25 per centum of its assets in (1) bonds, notes or other evidences of indebtedness which are a general obligation of, or guaranteed as to principal and interest by, any agency or instrumentality of the United States not specified in subparagraph (a) or of any State, or any city, town, village, county, district, or other municipal corporation or political subdivision of any State, or of any public instrumentality or public authority of any one or more of the foregoing; (2) capital stock, obligations or other securities of service organizations, provided that the aggregate of such investments shall not thereupon exceed 1 per centum of its assets; and (3) other stocks, securities and obligations which the Board shall approve and place on a list to be contained in the published regulations, subject to such limitations and restrictions of general applicability as may be prescribed in said regulations, and the Board is directed to publish such a list. An association holding investments which are so listed by the Board shall not be required to dispose of the same if at a later time the Board shall remove such investments from the list;

(c) Unless the Board shall have issued written approval, no association shall invest in any security, other than in liquid assets, or in any loan or other investment at anytime when its unpledged liquid assets are less than the amount prescribed by regulation of the Board. The Board shall prescribe an amount which shall be not less than 5 per centum nor more than 10 per centum of an association's savings liability.

SEC. 109. INVESTMENT IN LOANS.—A Federal savings association shall have power to invest in loans and other investments as follows:

(a) SAVINGS ACCOUNT LOANS.—Loans secured by its savings accounts to the extent of the withdrawal value thereof;

(b) REAL ESTATE LOANS.—Real estate loans in any amount not exceeding the value of the security, subject to the following conditions:

(1) No association shall make a real estate loan to one borrower, as such term is defined by the Board, if the sum of (i) the amount of such loan and (ii) the total balances of all outstanding real estate loans owed to such association by such borrower exceeds an amount equal to 10 per centum of such association's savings liability or an amount equal to the sum of such association's reserves for losses and undivided profits, whichever amount is less, except that any such loan may be made if the sum of (i) and (ii) does not exceed $100,000;

(2) An association may (i) participate with one or more financial institutions, or entities having a tax exemption under Section 501(a) of the Internal Revenue Code, in any real estate loan of the type in which such association is authorized to invest on its own account, provided that the participating interest of such association is not subordinated or inferior to any other participating interest; and (ii) participate in such real estate loans with other than financial institutions or those entities described, provided that the participating interest of such association is superior to the participating interests of such other participants;

(3) The aggregate balances outstanding of real estate loans on real estate located outside the primary lending area of an association shall at no time exceed 10 per centum of the assets of the association, except that (i) loans insured or guaranteed in whole or in part by the United States, the President or a federal agency and (ii) loans in which an association owns or has purchased no more than a 75 per centum participation interest shall not be subject to this restriction; and

(4) Direct-reduction real estate loans on home property not in excess of $50,000 and not in excess of 90 per centum of the value of the security, and direct-reduction real estate loans on primarily residential property not in excess of 80 per centum of the value of the security, including participating interests in such loans, shall average annually, based on monthly computations, at least 60 per centum of assets, other than liquid assets, held by the association;

(c) LOANS SECURED BY LOANS.—Loans secured by the pledge of loans or investments, the assignment of which need not be recorded, of a type in which the association is authorized to invest, provided that the loans and investments so pledged shall be subject to all restrictions and requirements which would be applicable were the association to invest directly in such loans or investments;

(d) INSURANCE POLICY LOANS.—Loans secured by the pledge of policies of life insurance, the assignment of which is properly acknowledged by the insurer, but not exceeding the cash value of such policies;

(e) IMPROVEMENT LOANS.—Property improvement loans made pursuant to the provisions of any title of the National Housing Act, and, subject to any limitation as to maximum loan amount which may be prescribed by the Board for all associations, other loans, secured or unsecured, to home owners and other property owners for the maintenance, repair, alteration, modernization, landscaping, improvement (which term shall be deemed to include new construction), furnishing or equipment of their properties;

(f) GENERAL PURPOSE LOANS.—An amount not exceeding 15 per centum of the assets of the association in notes, with or without security, for any purpose; provided that no such note shall represent indebtedness in excess of $5,000 or, if the indebtedness is incurred for the purposes of mobile home financing or education, excess of a greater amount within limits prescribed by the Board and in prescribing such limits the Board shall give consideration to whether or not such loans are secured, and to the nature and amount of security, if any;

(g) BUSINESS PROPERTY.—Such real property or interests therein as the directors may deem necessary or convenient for the conduct of the business of the association, which for the purposes of this Act shall be deemed to include the ownership of stock of a wholly owned subsidiary corporation having as its exclusive activity the ownership and management of such property or interests, but the amount so invested shall not exceed the sum of the reserves and undivided profits of the association, provided that the Board may authorize a greater amount to be so invested;

(h) PURCHASE OF REAL ESTATE.—An amount not exceeding the lesser of (i) the sum of its reserves and undivided profits or (ii) 5 per centum of its assets, in the purchase of real estate within its primary lending area for the purpose of producing income or for inventory and sale or for improvement including the erection of buildings thereon, for sale or rental purposes, and such an association may hold, sell, lease, operate or otherwise exercise the rights of an owner of any such property. Merchantable title to all real estate acquired under this paragraph shall be taken and held in the name of the association and such title immediately shall be recorded in accordance with the law of the State where the property is located.

Nothing in this Act shall be construed as denying to an association the right to invest its funds, operate a business, manage or deal in property, or take any other action over whatever period of time may reasonably be necessary to avoid loss on a loan or investment theretofore made or an obligation created in good faith.

SEC. 110. BRANCH OFFICES AND AGENCIES.—(a) An association, with the approval of the Board, may establish and operate one or more branch offices or agencies, stationary or mobile, in the State in which its principal office is located, but in the case of branch offices, only if one or more financial institutions accepting funds from savers in the form of deposits, savings accounts or share accounts are authorized to establish and operate an office in a separate location from that of its principal office.

(b) Before approving the establishment and operation of a branch office by an association, the Board shall make with respect thereto those findings required prior to the granting of a charter to an association which it may deem to be applicable to branch offices.

(c) Notwithstanding any provision of this Act, an association resulting from conversion, consolidation, or merger may retain and operate any one or more branch offices in operation on the date of such conversion, consolidation, or merger, and, in addition, may retain any and all unexercised branch rights or privileges enjoyed prior to such date, but only if such branch office is situated, or such branch right or privilege was exercisable, within the State in which the principal office of the association is located.

(d) No association may establish or maintain an agency without the prior approval of the Board, except that temporary and incidental agencies may be created for individual transactions and for special temporary purposes without such approval.

SEC. 111. LIMITED TRUST POWERS.—An association is authorized, upon application to and approval by the Board, to act as trustee or custodian within the contemplation of the federal Self-Employed Individuals Tax Retirement Act of 1962, as amended, and as trustee, custodian or manager of any investment fund the authorized investments of which include but need not be limited to savings accounts or real estate loans, and the beneficial interests in which may be represented by transferable shares or certificates. Associations exercising the powers authorized by this section shall segregate all funds held in such fiduciary capacities from the general assets of the association and shall keep a separate set of books and records, showing in detail all transactions made under authority of this subsection. Provided individual records are kept for each self-employed individual's retirement plan and each investment fund, all funds held in such fiduciary capacities by an association may be commingled for appropriate purposes of investment. No funds held in such fiduciary capacities shall be used by an association in the conduct of its business, although such funds may be invested in savings accounts of the association in the event that the trust, custodial or other plan does not prohibit such investment. In passing upon applications, the Board shall take into consideration the investment policies, amount, type and adequacy of reserves, fidelity bonds and any legally required deposits of the applicant, and other pertinent facts and circumstances, and may grant or refuse the application accordingly.

SEC. 112. TAXATION.—(a) No State, county, municipal, or local taxing authority shall impose or permit to be imposed any tax on Federal savings associations or their franchise, capital, savings accounts or deposits, assets, reserve funds, loans, or income greater than the least onerous imposed or permitted to be imposed by such authority on any other local financial institution. No State other than a State of domicile shall impose or permit to be imposed any fee, tax or penalty on franchises, capital, savings accounts or deposits, assets, reserve funds, loans, or income of Federal savings associations whose transactions within such State do not constitute "doing business", except that nothing herein contained shall exempt foreclosed properties from ad valorem taxes or taxes based on the income on receipts from foreclosed properties. For the purposes of this section, the term "doing business" shall not include any of the following activities when engaged in by a Federal savings association: the purchase, acquisition, holding, sale, assignment, transfer, modification, negotiation, inspection, collecting and enforcement of obligations or any interest therein secured by real estate mortgages or other instruments in the nature of a mortgage, covering real property located in the State; or the foreclosure of such instruments, or the acquisition of title to such property by foreclosure or otherwise, as a result of default under such instruments; or the maintenance or defense of any action or suit or any administrative or arbitration proceeding as a result of such loans; or the holding, protection, rental, maintenance and operation of said property so acquired, or the disposition thereof, *Provided,* That such association shall not hold, own or operate property so acquired pending liquidation of its investment therein for a period exceeding five years or such longer period as may be permitted by State authority.

(b) For the purpose of section 7701 of title 12 of the United States Code, Federal savings associations chartered under the provisions of this Act, as amended, shall be deemed to be "domestic building and loan associations."

SEC. 113. CONVERSION TO AND FROM FEDERAL CHARTER.—(a) With the approval of the Board, and subject to all other provisions of this Act applicable to the chartering of a newly organized association, unless specifically excepted herein, and thrift institution may convert itself into a Federal savings association upon affirmative vote of not less than a majority of the total number of votes eligible to be cast by those entitled to vote upon the affairs of such thrift institution at a meeting duly called and held for that purpose, and shall thereupon possess the powers of and be subject to the duties imposed upon associations under the provisions of this Act: *Provided,* That any such conversion shall not be in contravention of the laws under which the converting thrift institution is organized. Approval of conversion of a thrift institution to an association in accordance with this section shall automatically terminate the voting powers of those having voting powers prior to such conversion and shall vest in those members and directors named and approved in accordance with this subsection any and all powers granted by this Act to members and directors respectively. Before approving any such conversion, the Board shall find that the thrift institution seeking conversion has the ability to discharge its duties in the public interest and conform to the restrictions upon Federal savings associations and shall conform to the requirements of this Act within a reasonable time. However, such institution may retain and service all accounts and assets lawfully held by it on the date of its conversion.

(b) Any conversion pursuant to this Act shall require prior written consent by the Federal Savings Insurance Corporation. Such approval shall not be unreasonably withheld. In the event a State-chartered savings banks having deposits insured by the Federal Deposit Insurance Corporation shall qualify to be insured by the Federal Savings Insurance Corporation or shall convert into a Federal savings association, the Federal Deposit Insurance Corporation shall calculate the amount in its capital account attributable to such savings bank in accordance with a formula to be agreed upon by the Federal Deposit Insurance Corporation and the Federal Savings Insurance Corporation and published in the regulations. On the date such savings bank qualifies as an insured institution in the Federal Savings Insurance Corporation, the Federal Deposit Insurance Corporation shall transfer to the Federal Savings Insurance Corporation the attributable amount so calculated, and the Federal Savings Insurance Corporation shall place all amounts so received in the primary reserve fund. On the date of such transfer, the savings bank involved shall cease to be an insured bank insofar as the Federal Deposit Insurance Corporation is concerned: *Provided,* That the obligation to and rights of the Federal Deposit Insurance Corporation, depositors of the insured bank, the insured bank itself, and other persons arising out of any claim made prior to that date shall remain unimpaired. All claims not made prior to the date of such transfer but which would have been properly payable by the Federal Deposit Insurance Corporation if made prior to that date, shall be assumed by the Federal Savings Insurance Corporation.

(c) Upon the written application of a Federal savings association, the Board is authorized to permit such association to convert into any type of mutual thrift institution organized pursuant to the laws of the State in which the principal office of such Federal association is located: *Provided,* (1) That the State permits the conversion of any mutual savings association type of institution of such State into a Federal savings association; (2) that such conversion of a Federal savings association into such a State institution is determined upon the vote in favor of such conversion cast in person or by proxy at a special meeting of members called to consider such action, specified by the law of the State in which the home office of the Federal association is located as required by such law for a State-chartered thrift institution to convert itself into a Federal association, but in no event upon a vote of less than 51 per centum of the total number of votes of the members eligible to be cast at such meeting, and upon compliance with other requirements reciprocally equivalent to the requirements of such State law for the conversion of a State-chartered mutual thrift institution into a Federal savings association; (3) that notice of the meeting to vote on conversion shall be given as herein provided and no other notice thereof shall be necessary, such notice to state expressly the time and place of such meeting and that the purpose thereof is to vote on conversion. Such notice shall be mailed, postage prepaid, at least twenty and not more than thirty days prior to the date of the meeting, to each member of record of the Federal association at his last address as shown on the books of the association and to the Federal Savings Insurance Corporation; (4) that, in the event of dissolution after conversion, the member savings account holders of the association in exact proportion to their relative account credits; (5) that such conversion shall be effective upon the date that all the provisions of this Act shall have been fully complied with and upon the issuance of a new charter by the State in which the principal office of the association is located; it being provided that the act of converting into a State-chartered institution shall constitute an agreement by the association to be bound by all requirements that the Federal Savings Insurance Corporation legally may impose under section 403 of title IV of the National Housing Act, as now or hereafter amended, and the association shall upon conversion and thereafter be authorized to issue securities in any form currently approved at the time of issue by the Federal Savings Insurance Corporation for issuance by similar insured institutions in such State, District, or Territory.

(d) In addition to the foregoing provision for conversion, any association chartered as a Federal savings association may convert itself into a State-chartered thrift institution upon an equitable basis, subject to approval, by regulations or otherwise, by the Federal Home Loan Bank Board, and by the Federal Savings Insurance Corporation: *Provided,* That if the insurance of accounts is terminated in connection with such conversion, the notice and other action shall be taken as provided by law and regulations for the termination of insurance of accounts.

SEC. 114. MERGER AND CONSOLIDATION.—(a) An association and one or more thrift institutions having their principal offices in the same State may merge in the manner hereinafter set forth: *Provided*, That any merging institution which is not a Federal association shall first (1) either be or become a member of a Federal Home Loan Bank; (2) comply with all the requirements of law of the jurisdiction of its creation; and (3) obtain an affirmative vote to convert of not less than two-thirds of its members or others entitled to vote.

(b) Each association, by a majority vote of its board of directors, shall approve a plan of merger evidenced by a merger agreement. The merger agreement shall state that it shall not be effective unless and until approved by the Board and shall specify (1) which of the institutions is to be the resulting institution; (2) the name to be used by the resulting institution; (3) the location of the home office of the resulting institution; (4) the basis upon which the savings accounts of the resulting institution shall be issued; (5) the form of charter of the resulting institution; and (6) the number of directors, and the names and residence addresses of all persons chosen to serve as directors of the resulting institution, together with the term for which each such director shall serve. Application for approval by the Board of the merger as provided by the said merger agreement shall be made by filing with the Federal Home Loan Bank of which at least one of the institutions is a member, two copies of the merger agreement, properly executed in the name of the respective associations, and two certified copies of the minutes of all of the meetings of the respective boards of directors at which the plan of merger was considered and approved; and, if any of the merging institutions is not a Federal savings association, it shall submit a preliminary application for conversion as provided in Section 113 of this Act. Upon receipt of such application, the Board will (1) disapprove the merger; (2) approve the merger; or (3) recommend modifications of the plan of merger as submitted; if the modifications recommended by the Board are accepted by the directors of each of the institutions, they shall thereupon amend such merger agreement accordingly and shall submit the amended merger agreement in the same manner as hereinabove provided.

(c) For the purposes of this section, the approval of a merger involving a merging institution which is not a Federal association shall, without the issuance of a charter, constitute the approval of the Board of the conversion of such merging association into a Federal savings association. In the event that any plan of merger provides for a change of name or change of location of the home office of the resulting institution, the charter of such resulting institution shall be amended accordingly. The charters of all merging Federal savings associations shall be surrendered to the Board for cancellation. The effective date of a merger shall be the date on which the merger is approved by the Board, unless otherwise stated in such approval; approval of the merger automatically cancels the Federal charter of each of the merging institutions as of the effective date of the merger.

(d) Upon the effective date of the merger, all of the assets and property of every kind and character, real, personal and mixed, tangible and intangible, chooses in action, rights, and credits then owned by the merging institutions, or which would inure to any of them, shall immediately by operation of law and without any conveyance or transfer and without any further act or deed, be vested in and become the property of the resulting institution which shall have, hold, and enjoy the same in its own right as fully and to the same extent as if the same were possessed, held, and enjoyed by the merging institutions prior to such merger; and the resulting institution shall be deemed to be and shall be a continuation of the entity and identity of the Federal savings association, which absorbed the merging institutions; and all of the rights and obligations of the merging institutions shall remain unimpaired, and the resulting institution, on the effective date of such merger, shall succeed to all of such rights and obligations and the duties and liabilities connected therewith.

(e) No association, directly or indirectly, shall convert or reorganize, or merge, consolidate, assume liability to pay savings accounts or other liabilities of, transfer assets in consideration of the assumption of liabilities for any portion of the savings accounts, deposits made in, or other liabilities of such association to, or acquire the assets of or assume liability to pay any liabilities, of, any financial institution or any other organization, person or entity, except as specifically authorized by this Act and unless the Board, acting in its discretion has issued its written approval. No association may voluntarily go into liquidation or otherwise wind up its affairs except in accordance with a plan of liquidation prescribed by regulation of the Board.

Sec. 115. Examination.—The Board shall conduct an examination at least once in each calendar year into the affairs and management of each association for the purpose of determining whether such association is being operated in conformity with the provisions of this Act, any rules and regulations promulgated hereunder, and sound banking practice, but the Board, in the exercise of its discretion, may cause such examinations to be made more frequently if considered necessary. The expenses of the Board examination herein provided for shall be assessed by the Board upon associations in a manner calculated to pay the actual cost of examination. The assessments may be made more frequently than annually at the discretion of the Board. Associations examined more frequently than twice in one calendar year shall be assessed the expenses of the additional examinations.

Sec. 116. Regulatory Authority; Supervisory Enforcement Procedures; Conservatorship.—(a) The Board shall have power to make and publish, as provided by chapter 5, title 5, United States Code, general rules and regulations applicable to all associations implementing this Act and not in conflict with it. The Board shall have power to supervise associations and service organizations and to require conformity to law and regulations.

(b)(1) The Board shall have power to enforce this section and rules and regulations made hereunder. In the enforcement of any provision of this section or rules and regulations made hereunder, or any other law or regulation, or in any other action, suit, or proceeding to which it is a party or in which it is interested, and in the administration of conservatorships and receiverships, the Board is authorized to act in its own name and through its own attorneys. Except as otherwise provided herein, the Board shall be subject to suit (other than suits on claims for money damages) by any Federal savings association or director or officer thereof with respect to any matter under this section or any other applicable law, or rules or regulations thereunder, in the United States district court for the judicial district in which the home office of the association is located, or in the United States District Court for the District of Columbia, and the Board may be served with process in the manner prescribed by the Federal Rules of Civil Procedure.

(2)(A) If, in the opinion of the Board, an association is violating or has violated, or the Board has reasonable cause to believe that the association is about to violate, a law, rule, regulation, or charter or other condition imposed in writing by the Board in connection with the granting of any application or other request by the association, or written agreement entered into with the Board, or is engaging or has engaged, or the Board has reasonable cause to believe that the association is about to engage, in an unsafe or unsound practice, the Board may issue and serve upon the association a notice of charges in respect thereof. The notice shall contain a statement of the facts constituting the alleged violation or violations or the unsafe or unsound practice or practices, and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist therefrom should issue against the association. Such hearing shall be fixed for a date not earlier than thirty days nor later than sixty days after service of such notice unless an earlier or a later date is set by the Board at the request of the association. Unless the associations shall appear at the hearing by a duly authorized representative, it shall be deemed to have consented to the issuance of the cease-and-desist order. In the event of such consent, or if upon the record made at any such hearing the Board shall find that any violation or unsafe or unsound practice specified in the notice of charges has been established, the Board may issue and serve upon the association an order to cease and desist from any such violation or practice. Such order may, by provisions which may be mandatory or otherwise, require the association and its directors, officers, employees, and agents to cease and desist from the same, and, further, to take affirmative action to correct the conditions resulting from any such violation or practice.

(B) A cease-and-desist order shall become effective at the expiration of thirty days after service of such order upon the association concerned (except in the case of a cease-and-desist order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable, except to such extent as it is stayed, modified, terminated, or set aside by action of the Board or a reviewing court.

(3)(A) Whenever the Board shall determine that the violation or threatened violation or the unsafe or unsound practice or practices, specified in the notice of the charges served upon the association pursuant to paragraph (2)(A) of this subsection, or the continuation thereof, is likely to cause insolvency (as defined in paragraph (6)(A)(1) of this subsection) or substantial dissipation of assets or earnings of the association, or is likely to otherwise seriously prejudice the interests of its savings account holders, the Board may issue a temporary order requiring the association to cease and desist from any such violation or practice. Such order shall become effective upon service upon the association and, unless set aside, limited, or suspended by a court in proceedings authorized by subparagraph (B) of this paragraph, shall remain effective and enforceable pending the completion of the administrative proceedings pursuant to such notice and until such time as the Board shall dismiss the charges specified in such notice or, if a cease-and-desist order is issued against the association, until the effective date of any such order.

(B) Within ten days after the association concerned has been served with a temporary cease-and-desist order, the association may apply to the United States district court for the judicial district in which the home office of the association is located, or the United States District Court for the District of Columbia, for an injunction setting aside, limiting, or suspending the enforcement, operation, or effectiveness of such order pending the completion of the administrative proceedings pursuant to the notice of charges served upon the association under paragraph (2)(A) of this subsection, and such court shall have jurisdiction to issue such injunction.

(C) In the case of violation or threatened violation of, or failure to obey, a temporary cease-and-desist order, the Board may apply to the United States district court, or the United States court of any territory, within the jurisdiction of which the home office of the association is located, for an injunction to enforce such order, and, if the court shall determine that there has been such violation or threatened violation or failure to obey, it shall be the duty of the court to issue such injunction.

(4) (A) Whenever, in the opinion of the Board, any director or officer of an association has committed any violation of law, rule, or regulation, or of a cease-and-desist order which has become final, or has engaged or participated in any unsafe or unsound practice in connection with the association, or has committed or engaged in any act, omission, or practice which constitutes a breach of his fiduciary duty as such director or officer, and the Board determines that the association has suffered or will probably suffer substantial financial loss or other damage or that the interests of its savings account holders could be seriously prejudiced by reason of such violation or practice or breach of fiduciary duty, and that such violation or practice or breach of fiduciary duty is one involving personal dishonesty on the part of such director or officer, the Board may serve upon such director or officer a written notice of its intention to remove him from office.

(B) Whenever, in the opinion of the Board, any director or officer of an association, by conduct or practice with respect to another savings and loan association or other business institution which resulted in substantial financial loss or other damage, has evidenced his personal dishonesty and unfitness to continue as a director or officer, and, whenever, in the opinion of the Board, any other person participating in the conduct of the affairs of an association, by conduct or practice with respect to such association or other savings and loan association or other business institution which resulted in substantial financial loss or other damage, has evidenced his personal dishonesty and unfitness to participate in the conduct of the affairs of such association, the Board may serve upon such director, officer, or other person a written notice of its intention to remove him from office and/or to prohibit his further participation in any manner in the conduct of the affairs of such association.

(C) in respect to any director or officer of an association or any other person referred to in subparagraph (A) or (B) of this paragraph, the Board may, if it deems it necessary for the protection of the association or the interests of its savings account holders, by written notice to such effect served upon such director, officer, or other person, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the association. Such suspension and/or prohibition shall become effective upon services of such notice and, unless stayed by a court in proceedings authorized by subparagraph (E) of this paragraph, shall remain in effect pending the completion of the administrative proceedings pursuant to the notice served under subparagraph (A) or (B) of this paragraph and until such time as the Board shall dismiss the charges specified in such notice, or, if an order of removal and/or prohibition is issued against the director or officer or other person, until the effective date of any such order. Copies of any such notice shall also be served upon the association of which he is a director or officer or in the conduct of whose affairs he has participated.

(D) A notice of intention to remove a director, officer, or other person from office and/or to prohibit his participation in the conduct of the affairs of an association, shall contain a statement of the facts constituting grounds therefor, and shall fix a time and place at which a hearing will be held thereon. Such hearing shall be fixed for a date not eariler than thirty days nor later than sixty days after the date of service of such notice, unless an earlier or a later date is set by the Board at the request of (i) such director, officer, or other person, and for good cause shown, or (ii) the Attorney General of the United States. Unless such director, officer, or other person shall appear at the hearing in person or by a duly authorized representative, he shall be deemed to have consented to the issuance of an order of such removal and/or prohibition. In the event of such consent, or if upon the record made at any such hearing the Board shall find that any of the grounds specified in such notice has been established, the Board may issue such orders of suspension or removal from office, and/or prohibition from participation in the conduct of the affairs of the association, as it may be deemed appropriate. Any such order shall become effective at the expiration of thirty days after service upon such association and the director, officer, or other person concerned (except in the case of an order issued upon consent, which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Board or a reviewing court.

(E) Within ten days after any director, officer, or other person has been suspended from office and/or prohibited from participation in the conduct of the affairs of an association under subparagraph (C) of this paragraph, such director, officer, or other person may apply to the United States district court for the judicial district in which the home office of the association is located, or the United States District Court for the District of Columbia, for a stay of such suspension and/or prohibition pending the completion of the administrative proceedings pursuant to the notice served upon such director, officer, or other person under subparagraph (A) or (B) of this paragraph, and such court shall have jurisdiction to stay such suspension and/or prohibition.

(5) (A) Whenever any director or officer of an association, or other person participating in the conduct of the affairs of such association, is charged in any information, indictment, or complaint authorized by a United States attorney, with the commission of or participation in a felony involving dishonesty or breach of trust, the Board may, by written notice served upon such director, officer, or other person, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the association. A copy of such notice shall also be served upon the association. Such suspension and/or prohibition shall remain in effect until such information, indictment, or complaint is finally disposed of or until terminated by the Board. In the event that a judgment of conviction with respect to such offense is entered against such director, officer, or other person, and at such time as such judgment is not subject to further appellate review, the Board may issue and serve upon such director, officer, or other person an order removing him from office and/or prohibiting him from further participation in any manner in the conduct of the affairs of the association except with the consent of the Board. A copy of such order shall be served upon such association, whereupon such director or officer shall cease to be a director or officer of such association. A finding of not guilty or other disposition of the charge shall not preclude the Board from thereafter instituting proceedings to remove such director, officer, or other person from office and/or to prohibit further participation in association affairs, pursuant to subparagraph (A) or (B) of paragraph (4) of this subsection.

(B) If at any time, because of the suspension of one or more directors pursuant to this subsection (b), there shall be on the board of directors of an association less than a quorum of directors not so suspended all powers and functions vested in or exercisable by such board shall vest in and be exercisable by the director of directors on the board and not so suspended, until such time as there shall be a quorum of the board of directors. In the event all of the directors of an association are suspended pursuant to this subsection (b), the Board shall appoint persons to serve temporarily as directors in their place and stead pending the termination of such suspensions, or until such time as those who have been suspended cease to be directors of the association and their respective successors take office.

(6) (A) The grounds for the appointment of a conservator or receiver for an association shall be one or more of the following: (i) insolvency in that the assets of the association are less than its obligations to its creditors and others, including its members; (ii) substantial dissipation of assets or earnings due to any violation or violations of law, rules, or regulations, or to any unsafe or unsound practice or practices; (iii) an unsafe or unsound condition to transact business; (iv) willful violation of a cease-and-desist order which has become final; (v) concealment of books, papers, records, or assets of the association or refusal to submit books, papers, records, or affairs of the association for inspection to any examiner or to any lawful agent of the Board. The Board shall have exclusive power and jurisdiction to appoint a conservator or receiver. If, in the opinion of the Board, a ground for the appointment of a conservator or receiver as herein provided exists, the Board is authorized to appoint ex parte and without notice a conservator or receiver for the association. In the event of such appointment, the association may, within thirty days thereafter, bring an action in the United States district court for the judicial district in which the home office of such association is located, or in the United States District Court for the District of Columbia, for an order requiring the Board to remove such conservator or receiver, and the court shall upon the merits dismiss such action or direct the Board to remove such conservator or receiver. Such proceedings shall be given precedence over other cases pending in such courts, and shall be in every way expedited. Upon the commencement of such an action, the court having jurisdiction of any other action or proceeding authorized under this subsection to which the association is a party shall stay such action or proceeding during the pendency of the action for removal of the conservator or receiver.

(B) In addition to the foregoing provisions, the Board may, without any requirement of notice, hearing, or other action, appoint a conservator or receiver for an association in the event that (i) the association, by resolution of its board of directors or of its members, consents to such appointment, or (ii) the association is removed from membership in any Federal home loan bank, or its status as an institution the accounts of which are insured by the Federal Savings Insurance Corporation is terminated.

(C) Except as otherwise provided in this subsection, no court may take any action for or toward the removal of any conservator or receiver, or except at the instance of the Board, restrain or affect the exercise of powers or functions of a conservator or receiver.

(D) A conservator shall have all the powers of the members, the directors, and the officers of the association and shall be authorized to operate the association in its own name or to conserve its assets in the manner and to the extent authorized by the Board. The Board shall appoint only the Federal Savings Insurance Corporation as receiver for an association, and said Corporation shall have power to buy at its own sale as receiver, subject to approval by the Board. The Board may, without any requirement of notice, hearing, or other action, replace a conservator with another conservator or with a receiver, but any such replacement shall not affect any right which the association may have to obtain judicial review of the original appointment, except that any removal under this paragraph (6) shall be removal of the conservator or receiver in office at the time of such removal.

(7)(A) Any hearing provided for in this subsection (b) shall be held in the Federal judicial district, or in the territory in which the home office of the association is located unless the party afforded the hearing consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5 of the United States Code. Such hearing shall be private, unless the Board, in its discretion, after fully considering the views of the party afforded the hearing, determines that a public hearing is necessary to protect the public interest. After such hearing, and within ninety days after the Board has notified the parties that the case has been submitted to it for final decision, the Board shall render its decision (which shall include findings of fact upon which its decision is predicated) and shall issue and cause to be served upon each party to the proceeding an order or orders consistent with the provisions of this subsection. Judicial review of any such order shall be exclusively as provided in this paragraph (7). Unless a petition for review is timely filed in a court of appeals of the United States, as hereinafter provided in subparagraph (B) of this paragraph, and thereafter until the record in the proceeding has been filed as so provided, the Board may at any time, upon such notice and in such manner as it shall deem proper, modify, terminate, or set aside any such order. Upon such filing of the record, the Board may modify, terminate, or set aside any such order with permission of the court.

(B) Any party to the proceeding, or any person required by an order issued under this subsection to cease and desist from any of the violations or practices stated therein, may obtain a review of any order served pursuant to subparagraph (A) of this paragraph (other than an order issued with the consent of the association or the director or officer or other person concerned, or an order issued under paragraph (5)(A) of this subsection), by filing in the court of appeals of the United States for the circuit in which the home office of the association is located, or in the United State Court of Appeals for the District of Columbia Circuit within thirty days after the date of service of such order, a written petition praying that the order of the Board be modified, terminated, or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Board, and thereupon the Board shall file in the court the record in the proceeding, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall except as provided in the last sentence of said subparagraph (A) be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Board. Review of such proceedings shall be had as provided in chapter 7 of title 5 of the United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari as provided in section 1254 of title 28 of the United States Code.

(C) The commencement of proceedings for judicial review under subparagraph (B) of this paragraph shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Board.

(8) The Board may in its discretion apply to the United States district court, or the United States court of any territory, within the jurisdiction of which the home office of the association is located, for the enforcement of any effective and outstanding notice or order issued by the Board under this subsection (b), and such courts shall have jurisdiction and power to order and require compliance therewith, but except as otherwise provided in this subsection no court shall have jurisdiction to affect by injunction or otherwise the issuance or enforcement of any notice or order under this subsection, or to review, modify, suspend, terminate, or set aside any such notice or order. Any court having jurisdiction of any proceeding instituted under this subsection by an association or a director or officer thereof, may allow to any such party such reasonable expenses and attorney's fees as it deems just and proper, and such expenses and fees shall be paid by the association or from its assets.

(9) In the course of or in connection with any proceeding under this subsection, the Board or any member thereof or a designated representative of the Board, including any person designated to conduct any hearing under this subsection, shall have power to administer oaths and affirmations, to take or cause to be taken depositions, and to issue, revoke, quash, or modify subpenas and subpenas duces tecum; and the Board is empowered to make rules and regulations with respect to any such proceedings. The attendance of witnesses and the production of documents provided for in this paragraph may be required from any place in any State or in any territory at any designated place where such proceeding is being conducted. Any party to proceedings under this subsection may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district or the United States court in any territory in which such proceeding is being conducted or where the witness resides or carries on business, for enforcement of any subpena or subpena duces tecum issued pursuant to this paragraph, and such courts shall have jurisdiction and power to order and require compliance therewith. Witnesses subpenaed under this paragraph shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States. All expenses of the Board or of the Federal Savings Insurance Corporation in connection with this subsection shall be considered as nonadministrative expenses.

(10) Any service required or authorized to be made by the Board under this subsection may be made by registered mail, or in such other manner reasonably calculated to give actual notice as the Board may by regulation or otherwise provide.

(11) The Board shall have power to make rules and regulations for the reorganization, consolidation, liquidation, and dissolution of associations, for the merger of associations with other institutions the accounts of which are insured by the Federal Savings Insurance Corporation, for associations in conservatorship and receivership, and for the conduct of conservatorships and receiverships; and the Board may, by regulation or otherwise, provide for the exercise of functions by members, directors, or officers of an association during conservatorship and receivership.

(12)(A) Any director or officer, or former director or officer, of an association, or any other person, against whom there is outstanding and effective any notice or order (which is an order which has become final) served upon such director, officer, or other person under paragraphs (4)(C), (4)(D), or (5)(A) of this subsection, and who (i) participates in any manner in the conduct of the affairs of such association, or directly or indirectly solicits or procures, or transfers or attempts to transfer, or votes or attempts to vote any proxies, consents, or authorizations in respect of any voting rights in such association, or (ii) without the prior written approval of the Board, votes for a director or serves or acts as a director, officer, or employee of any institution the accounts of which are insured by the Federal Savings Insurance Corporation, shall upon conviction be fined not more than $5,000 or imprisoned for not more than one year, or both.

(B) Except with the prior written consent of the Board, no person shall serve as a director, officer, or employee of an association who has been convicted, or who is hereafter convicted, of a criminal offense involving dishonesty or a breach of trust. For each willful violation of this prohibition, the association involved shall be subject to a penalty of not more than $100 for each day this prohibition is violated, which the Board may recover by suit or otherwise for its own use.

(C) Whenever a conservator or receiver appointed by the Board demands possession of the property, business, and assets of any association, or of any part thereof, the refusal by any director, officer, employee, or agent of such association to comply with the demand shall be punishable by a fine of not more than $5,000 or imprisonment for not more than one year, or both.

(13)(A) As used in this subsection—

(1) The terms "cease-and-desist order which has become final" and "order which has become final" mean a cease-and-desist order, or an order, issued by the Board with the consent of the association or the director or officer or other person concerned, or with respect to which no petition for review of the action of the Board has been filed and perfected in a court of appeals as specified in paragraph (7)(B) of this subsection, or with respect to which the action of the court in which said petition is so filed is not subject to further review by the Supreme Court of the United States in proceedings provided for in said paragraph, or an order issued, under paragraph (5)(A) of this subsection.

(2) The term "State" includes the Commonwealth of Puerto Rico.

(3) The term "territory" includes any possession of the United States and any place subject to the jurisdiction of the United States.

(4) The terms "district", "district court", "district court of the United States", and "judicial district" shall have the meanings defined in section 451 of title 28 of the United States Code.

(B) As used in paragraph (4) of this subsection, the term "violation" includes without limitation any action (alone or with another or others) for or toward causing, bringing about, participating in, counseling, or aiding or abetting a violation.

(14) As used in this subsection, the terms "Federal savings association" and "association" shall include any institution with respect to which the Federal Home Loan Bank Board now or hereafter has any statutory power of examination or supervision under any Act or joint resolution of Congress other than this Act, the Federal Home Loan Bank Act, and the National Housing Act. For the purposes of this paragraph (14), references in this subsection to directors, officers, employees, and agents, or to former directors or officers, of associations shall be deemed to be references respectively to directors, officers, employees, and agents, or to former directors or officers, of such institutions, references therein to savings account holders and to members of associations shall be deemed to be references to holders of withdrawable accounts in such institutions, and references therein to boards of directors of associations shall be deemed to be references to boards of directors or other governing boards of such institutions. Said Board shall have power by regulation to define, for the purposes of this paragraph (14), terms used or referred to

in the sentence next preceding and other terms used in this subsection.

SEC. 117. SUBSCRIPTION TO SAVINGS ACCOUNTS BY UNITED STATES; RETIREMENT.—The Secretary of the Treasury is authorized on behalf of the United States to subscribe for preferred savings accounts in such associations which shall be preferred as to the assets of the association and which shall be entitled to a dividend, if earned, after payment of expenses and provision for reasonable reserves, to the same extent as other savings account holders. It shall be the duty of the Secretary of the Treasury to subscribe for such preferred savings accounts upon the request of the Board; but the subscription by him to the savings accounts of any one association shall not exceed $100,000, and no such subscription shall be called for unless in the judgment of the Board the funds are necessary for the encouragement of local residential financing in the community to be served and for the reasonable financing of home and primarily residential property in such community. Payment on such savings accounts may be called from time to time by the association, subject to the approval of the Board and the Secretary of the Treasury; but the amount paid in by the Secretary of the Treasury shall at no time exceed the amount paid in by all other savings account holders, and the aggregate amount of savings accounts held by the Secretary of the Treasury shall not exceed at any time the aggregate amount of savings accounts held by all other savings account holders. To enable the Secretary of the Treasury to make such subscriptions when called there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $100,000,000, to be immediately available and to remain available until expended. Each such association shall issue receipts for such payments by the Secretary of the Treasury in such form as may be approved by the Board, and such receipts shall be evidence of the interest of the United States in such preferred savings accounts to the extent of the amounts so paid. Each such association shall make provision for the retirement of its preferred savings accounts held by the Secretary of the Treasury, and beginning at the expiration of 5 years from the time of the investment in such savings accounts, the association shall set aside one-third of the receipts from its investment and borrowing members to be used for the purpose of such retirement. In case of the liquidation of any such association the savings accounts held by the Secretary of the Treasury shall be retired at par before any payments are made to other savings account holders.

TITLE II

SEC. 201. AMENDMENT OF OTHER ACTS.—(a) Sections 401, 402, 403, 406, 407, and 408 of title IV of the National Housing Act, as amended, and sections 8a and 17 of the Federal Home Loan Bank Act, as amended, are amended by deleting the words "and loan" wherever such words follow in immediate sequence the two words "Federal savings," so that the name of the Corporation shall read "Federal Savings Insurance Corporation," and Federal savings and loan association shall read "Federal savings association" or the plurals thereof respectively, as the case may be.

(b) Subsection (d) of section 403 of title IV of the National Housing Act, as amended, is amended by adding at the end thereof the following sentence:

"In the event the applicant is a savings bank the amount of the admission fee may be determined by the Corporation in accordance with section 113 of the Federal Savings Association Act of 1967, as amended, or measured by 1 per centum of withdrawable accounts, at the discretion of the Corporation."

(c) Section 403 of title IV of the National Housing Act, as amended, is amended by the insertion in the first sentence thereof the words "and savings banks" immediately following the words "cooperative banks."

(d) Wherever in the United States Code the words "Federal savings and loan association" and "Federal Savings and Loan Insurance Corporation" shall appear, they shall be conformed in accordance with the intents and purposes of this Act to read "Federal savings association" and "Federal Savings Insurance Corporation," respectively.

(e) Section 5a of the Federal Home Loan Bank Act, as amended, is amended by striking therefrom the figure "8", and substituting therefor the figure "10."

(f) Section 1009 of title 18 of the United States Code is amended by adding at the end thereof the following sentence:

"Whoever willfully and knowingly makes, issues, circulates, transmits or causes or knowingly permits to be made, issued, circulated or transmitted, any statement or rumor, written, printed, reproduced in any manner, or by word of mouth, which is untrue in fact and is directly or by inference false, malicious in that it is calculated to injure reputation or business, or derogatory to the reputation, financial condition or standing of any Federal savings association, insured institution, Federal home loan bank, the Federal Home Loan Bank Board, or the Federal Savings Insurance Corporation, shall be fined not more than $1,000 or imprisoned for not more than one year, or both."

SEC. 202. ACT CONTROLLING.—Insofar as the provisions of this Act are inconsistent with the provisions of any other Federal law affecting Federal savings associations, the provisions of this Act shall control.

SEC. 203. SEPARABILITY.—If any provision, clause, or phrase of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be separable.

SEC. 204. RIGHT TO AMEND RESERVED.—The right to alter, amend or repeal this Act hereby is expressly reserved.

The synopsis, presented by Mr. SPARKMAN, is as follows:

THE FEDERAL SAVINGS ASSOCIATION ACT OF 1967—SYNOPSIS

The draft is designed to establish a coordinated, modernized and unified system of federal savings associations and to provide for the conversion of savings banks into federal savings associations. Under the new system, associations would operate as mutual deposit-type institutions with more flexible savings facilities and with expanded, but greatly simplified loan and investment powers. While the design of earlier drafts was geared to amending existing sections of federal savings and loan association law, this draft represents a comprehensive revision and recodification of the entire law, rather than a piecemeal amendment thereof. The following general outline of what the proposed draft accomplishes contrasts the new provisions with what the law is at the present time.

The preamble declares the policy of Congress to modernize the federal savings system to provide facilities having greater flexibility in meeting the changing savings and borrowing demands of the public. It declares the need for a unified system of insured federal savings institutions.

The Federal Savings and Loan Insurance Corporation is renamed the Federal Savings Insurance Corporation.

It is provided that all federally chartered associations shall be known as *federal savings associations.*

All federal savings associations must be FSIC-insured, and hold membership in the FHLB System.

A new form of federal charter (in addition to existing charters) would be issued by the Board providing for organization similar to the present pattern with members which in turn would elect the directors.

Existing federal associations specifically are given the option of retaining their present charters or adopting the new charter, Board approval of the latter being made automatic.

The definition of "member" tallies closely with the present charter provision. Members would not have the right of access to the books and records of the association, except those of their own accounts. Provision, however, is made for appropriate communication among the members.

The fiduciary relationship of directors and officers re conflicts of interest is stated generally, plus certain specific prohibitions such as holding office in another thrift institution, receiving certain fees, benefitting from certain loans, purchases or sales, or other activities.

Directors, officers or employees are given certain absolute rights to be indemnified or reimbursed in connection with reasonable expenses incurred in connection with any type of action to which they are made a party, by reason of their status as a director, officer or employee. While the section prohibits indemnification where such person finally has been adjudged guilty, negligent or liable, the association is permitted with the Board's approval, to indemnify for settlements or for the expenses of an action in which such person has been adjudicated guilty, negligent or liable if the person's action is determined by the directors and by the Board to have been made in good faith and in what he believed to be the best interests of the association and without knowledge that the action was illegal, if such indemnification is approved by a majority of members.

A comprehensive "general powers" section is provided which, inter alia, provides associations with power to borrow money up to 50% of their deposits, or more with Board approval, such borrowing power including the power to issue notes and debentures, issue travelers' checks, etc., let safe deposit boxes, own stock in service organizations, service loans and investments, and others.

Terminologically as well as factually, all federal savings associations may accept savings deposits and pay interest. "Savings account, earnings and dividends" continue to be correct terms.

Variable earnings rates, based on account classification according to character, amount, duration, and regularity of additions, are authorized. Great flexibility also is permitted in the declaration, computation and payment of earnings.

The savings withdrawal section expressly authorizes the payment of withdrawals by one or a number of checks at the saver's option. Associations may require up to 30 days notice for withdrawals. The rotation system of withdrawals is retained because it is believed to be a fairer, more orderly and dependable plan to the saver than the moratorium plan in use by commercial banks. Provision is made also for the implementation of a credit card program.

Savings deposits of federal savings associations are made lawful investments for all public funds of the United States and for funds within its control, and an association is authorized to pledge a limited percentage of assets as security for these and certain similar deposits.

Investment may be made without limit in federal and state obligations, including Canadian, in stock or obligations of named federal agencies and certain international banks, in accounts of insured banks and other financial institutions, and in bankers' acceptances. In addition, up to 25% of assets may be invested in obligations of other U.S. or state agencies, including municipal obligations, plus any other stock, securities and obligations which the Board shall place on a list.

The draft reflects a new concept in the granting of statutory investment and lending powers. Instead of the familiar statutory pattern of granting limited powers which then are expanded by exceptions to the limitations, the draft authorizes associations to invest in specified loans and other investments without limit as to geographical area and subject only to the relatively few restrictions specified for each type of loan. Restrictions as to aggregate amounts which may be invested in each type of investment category are imposed only in that associations are *required to maintain at least 60% of their assets, other than liquid assets, in direct-reduction real estate loans on home and "primarily residential" property* within the percentage of loan-to-value limits specified for such loans. This requirement is designed to assure that savings associations will retain their character of being primarily residential financial institutions, but gives associations the needed flexibility they have lacked with respect to making other specified types of loans and investments. Under the new concept, a Federal savings association truly could act as a modern financial institution, but one which concentrates and specializes in the traditional fields of thrift and residential financing.

The "60% of non-liquid assets investment requirement" means in effect that 35% of a typical association's total assets may be invested, subject to relatively few restrictions, in other real estate loans, real estate loans on home property and on primarily residential property (without reference to the specified percentage of value limitations), loans secured by loans, insurance policy loans, improvement loans, $5,000 general purpose loans (more within Board-prescribed limits where loan is for mobile home, or education financing), in business property, and in the purchase of real estate. Under this "35%-of-assets authority," the only loan-to-value limit on any authorized real estate loan is that which provides that such a loan cannot exceed the "value" of the security. Loans on property outside the primary lending area, other than participations and insured or guaranteed loans, are limited to 10% of assets. Other provisions in the Act pertaining to supervisory enforcement powers and stricter standards of eligibility and conduct for officers and directors have been tightened and are designed to prevent any abuse of the more flexible lending powers.

The "doing business" problem is avoided for all federal associations by authorizing them to lend anywhere, but providing that, aside from participations, no more than 10% of assets may be lent outside the *"primary* lending area"—an area within a radius of 100 miles of the association.

Provisions with respect to state taxes have been tightened, the *least onerous* tax on *local financial institutions* being specified as the maximum.

States (other than a state of domicile) are prohibited from imposing any tax on a federal savings association for transactions in the state which are not deemed to constitute "doing business." "Doing business" is defined to mean purchasing, holding and foreclosure of loans.

Branch offices, stationary or mobile, subject to Board approval, are authorized in the state of domicile, provided the state branching laws do not prohibit branches for *all* types of financial institutions defined in the Act. Agencies are authorized regardless of state pattern.

Express power is given to associations to act as trustee or custodian within the contemplation of the Federal Self-Employed Individuals Tax Retirement Act of 1962 (the Keogh bill), as amended, and power also is granted permitting the association to act as trustee, custodian or manager for investment funds operating similarly to mutual funds.

The chartering, regulation, supervision and examination powers of the Board are specified. The new enforcement provisions of the Financial Institutions Supervisory Act of 1966 are retained without change, although the section numbering has been conformed.

Converting to and from a federal charter is given detailed treatment, all subject to Board approval. Conversion of a savings bank to a federal savings association is given specific reference. In the case of an existing federal association converting to the new form of charter, Board approval shall be automatic.

Any FDIC-insured savings bank converting to a federal savings association must bring with it (and provision for such is made) reserves accumulated in the FDIC.

Merger and consolidation procedures, both direct and indirect, are detailed, again subject to approval by the Board as to form and substance.

Specific authority for state-chartered savings banks to insure their accounts with the FSIC is provided.

The Board is given authority to set liquidity requirements as high as 10% of deposits, instead of the 8% limit as at present, since the new charter contemplates what in essence is a demand institution.

A new provision is added to the Criminal Code making it unlawful to defame Federal associations and insured institutions.

In order to avoid the cumbersome Internal Revenue Code definition of a "domestic building and loan association," Federal savings associations chartered under the Act as amended would be deemed to be "domestic building and loan associations" for the purposes of applying federal income tax provisions.

Conformance of terminology throughout the United States Code is provided.

EXTENSION OF AUTHORITY FOR MORE FLEXIBLE REGULATIONS OF MAXIMUM RATES OF INTEREST OR DIVIDENDS, HIGHER RESERVE REQUIREMENTS, AND OPEN MARKET OPERATIONS IN AGENCY ISSUES

Mr. SPARKMAN. Mr. President, I introduce, at the request of the Department of the Treasury, a bill to extend for 2 years the authority for more flexible regulation of maximum rates of interest or dividends, higher reserve requirements, and open market operations in agency issues.

I ask unanimous consent that the bill be printed in the Record at this point along with Secretary Fowler's letter of transmittal.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the Record.

The bill (S. 1956) to extend for 2 years the authority for more flexible regulation of maximum rates of interest or dividends, higher reserve requirements, and open market operations in agency issues, introduced by Mr. Sparkman, by request, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S. 1956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of September 21, 1966 (80 Stat. 823) is hereby amended by striking "one-year" and inserting in lieu thereof "three-year".

The letter, presented by Mr. Sparkman, is as follows:

THE SECRETARY OF THE TREASURY,
Washington.

Hon. Hubert H. Humphrey,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is transmitted herewith a draft of a proposed bill "To extend for two years the authority for more flexible regulation of maximum rates of interest or dividends, higher reserve requirements, and open market operations in agency issues."

The Act of September 21, 1966 (80 Stat. 823) gave the financial regulatory agencies flexible authority to set interest rate ceilings on savings accounts, authorized higher reserve requirements for member banks, and permitted open market operations in direct or fully guaranteed obligations of any agency of the United States. However, the legislation is temporary and will expire on September 21 of this year. The Department believes that the authority should be extended temporarily and the enclosed draft bill would provide a two-year extension.

The flexible interest rate authority provided by the above Act enabled the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board, to take action last September that has contributed significantly to a moderation in the excessive competition for consumer savings, has facilitated an increased flow of funds into thrift institutions, and has substantially improved the mortgage market. It is difficult to forecast the conditions that will prevail in financial markets this September, or subsequently, or predict whether the expiration of the interest rate authority would permit a recurrence of the forces that pushed up interest rates and diverted funds from the mortgage market last year. This possibility certainly cannot be dismissed and, given the uncertainty about the future, it seems clearly desirable to extend the authority of the financial supervisory agencies to regulate time and savings deposit interest rates in a coordinated manner.

The extension of the interest rate authority would permit the banking agencies over the two-year period to act in a timely fashion to avert potentially dangerous developments in the financial market. It would not stifle a reasonable degree of healthy competition in the market for savings, nor would it require interest rate ceilings to be in force at all times. Rather, the banking agencies would be provided with flexible authority to prescribe interest rate ceilings at times when such action is deemed to be in the public interest. Our experience last year strongly testifies to the desirability of an extension of the interest rate authority.

In regard to reserve requirements, the Act of September 21, 1966 authorized an increase in the maximum reserve requirement on time and savings deposits from 6 to 10 percent, while keeping the minimum at 3 percent. This provision broadened the Federal Reserve Board's potential control over time and savings deposits of member banks should that become necessary. While this broadened authority has not yet been used, it is of significant potential value and should be extended.

With respect to Federal Reserve open market purchases, the Act of September 21, 1966 clarified the authority to make such purchases to include specifically any direct obligation of, or any obligation guaranteed as to principal and interest by, any agency of the United States. The hearings before the Banking and Currency Committees last year pointed up the need for legislative clarification in this area. The Federal Reserve has already made some use of this clarified authority and it should be extended to help achieve continued improvement in the market for securities of Federal agencies.

It would be appreciated if you would lay the proposed bill before the Senate. A similar bill has been transmitted to the Speaker of the House of Representatives.

The Department has been advised by the Bureau of the Budget that there would be no objection to the presentation of this legislation to the Congress and that its enactment would be consistent with the Administration's objectives.

Sincerely yours,

Henry H. Fowler.

A BILL TO DESIGNATE THE TIWA, OR TIGUA INDIANS OF YSLETA, EL PASO COUNTY, TEX., AN INDIAN TRIBE

Mr. YARBOROUGH. Mr. President, I introduce a bill to make the Tiwa or Tigua Indians of Ysleta, El Paso County, Tex., a designated Indian tribe. At its recent session the Texas Legislature confirmed the status of the Tiwas as an Indian tribe, and accepted responsibility for providing them all appropriate benefits resulting from such status under the laws of Texas. This bill confirms this designation, but also transfers all responsibility for the tribe from the Federal Government to the State.

This bill is a companion to H.R. 10599 sponsored by Congressman Richard White, of El Paso.

The preamble to the bill cites the fact that the Tiwas are the descendants of the Tiwa Indians of Ysleta del Sur Pueblo, a branch separated in 1682 from the Tiwa speaking Isleta Pueblo of central New Mexico, and that they founded the first permanent settlement in Texas at Ysleta in 1682 where the tribe still lives today.

Mr. President, I request unanimous consent that the bill be printed in full at this point in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 1958) relating to the Tiwa Indians of Texas, introduced by Mr. Yarborough, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 1958

Whereas Indians now living in El Paso County, Texas, are descendants of the Tiwa Indians of the Ysleta (Isleta) del Sur Pueblo, a branch separated in 1682 from the Tiwa-speaking Isleta Pueblo of central New Mexico; and

Whereas the Ysleta del Sur Pueblo founded the first permanent Tiwa settlement in Texas at Ysleta in 1682, where the tribe still lives today; and

Whereas the Tiwa Indians of Ysleta del Sur today, known as the Tigua Indians, have a distinctive speech, appearance, and culture and a well-organized tribal civil organization, all of which can be traced to the original Tiwa Indians of the Ysleta del Sur Pueblo; and

Whereas these people are naturally and understandably proud of their heritage and desirous of establishing their social status and preserving their racial history: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Indians now living in El Paso County, Texas, who are descendants of the Tiwa Indians of the Ysleta (Isleta) del Sur Pueblo settling in Texas at Ysleta in 1682 shall, from and after the ratification of this Act, be known and designated as Tiwa Indians of Ysleta, Texas, and shall continue to enjoy all rights, privileges, and immunities enjoyed by them as citizens of the State of Texas and of the United States as they enjoyed before the enactment of this Act, and shall continue to be subject to all the obligations and duties of such citizens under the laws of the State of Texas and the United States.

Sec. 2. Responsibility, if any, for the Tiwa Indians of Ysleta del Sur is herewith transferred to the State of Texas. Nothing in this Act shall make such tribe or its members eligible for any services performed by the United States for Indians because of their status as Indians nor subject the United States to any responsibility, liability, claim, or demand of any nature to or by such tribe or its members arising out of their status as Indians, and none of the statutes of the United States which affect Indians because of their status as Indians, shall be applicable to the Tiwa Indians of Ysleta del Sur. Nothing herein shall preclude the application to the people of the Tiwa Indians of any program arising under the Office of Economic Opportunity.

NATIONAL VOCATIONAL GUIDANCE WEEK

Mr. MORSE. Mr. President, one of the most important segments of educational endeavor is a relatively new component in the educational enterprise. Guidance and counseling activities which have always been woven into the operations of good school systems, were originally solely the province of the classroom teacher.

In the last 20 years, however, and certainly since 1958 when title V of the National Defense Education Act gave strong Federal support to guidance and counseling activities, more and more specialized professional services are being made available to our young people.

If we look ahead in the two decades and we note the rapid pace of technical change affecting sector after sector of our society, in my judgment it is obvious that the young people we are today preparing to take their places in our economy and in our society have need of the best advice they can receive from those dedicated men and women who are professional trained and able to assist the student in his choice of an occupational career.

It is for that reason, Mr. President, that in order to bring appropriate visibility to the important work being carried on by those engaged in vocational guidance that I now send to the desk a Senate joint resolution to designate the last calendar week in October in each year as National Vocational Guidance Week. I ask that the joint resolution be accepted and appropriately referred.

Mr. President, may I take this opportunity to express to Dr. S. Norman Feingold, national director of the B'nai B'rith Vocational Service, my deep appreciation for his work and that of his association in bringing this matter to my attention.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 91) to designate the last calendar week entirely in October in each year as "National Vocational Guidance Week," introduced by Mr. Morse, was received, read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO THE INSURED LOAN PROGRAM OF THE HIGHER EDUCATION ACT OF 1965—AMENDMENTS

AMENDMENT NO. 210

Mr. MORSE. Mr. President, the administration recently sent to the Congress certain amendments to the insured loan provisions of title IV of the Higher Education Act of 1965.

Since the Education Subcommittee of the Senate Committee on Labor and Public Welfare will in this session of the Congress be considering S. 1126, the Higher Education Amendments of 1967 and any companion measure which may have passed the other body, it is appropriate that the additional proposals be formally presented and printed for the information of the Senate.

I, therefore, ask unanimous consent that the text of the draft amendments be printed at this point in my remarks and that there appear at this point the text of the letter of transmittal which accompanied them, together with an explanation of the amendments.

Mr. President, I now send to the desk, for appropriate reference, the amendments to S. 1126.

The PRESIDING OFFICER. The amendments will be received and appropriately referred; and, without objection, the amendments, letter, and explanation will be printed in the Record.

The amendments (amendment No. 210) were referred to the Committee on Labor and Public Welfare, as follows:

S. 1126

On page 14, lines 7-12, amend "INSTITUTION OF HIGHER EDUCATION" to read "ELIGIBLE INSTITUTION", and delete so much of the caption as follows the semicolon on line 9 and includes the semicolon on line 12.

On page 14, lines 16 and 17, delete "and section 9 of the National Vocational Student Loan Insurance Act of 1965 are" and insert "is" in lieu thereof.

On page 14, line 18 delete "each".

On page 15, lines 2 and 3, amend "institution of higher education" to read "eligible institution".

On page 15, lines 18 through 21, delete "and subparagraph (C)(ii) of paragraph (1) of section 9(b) of the National Vocational Student Loan Insurance Act of 1965 are each" and insert "is" in lieu thereof.

On page 15, line 24, delete "each".

On page 16 delete all of subsection (b) and insert in lieu thereof the following new subsection (b):

"(b) Clause (i) of subparagraph (C) of section 427(a)(2) of such Act is amended by striking out 'institution of higher education' and inserting in lieu thereof 'eligible institution'."

On page 16, lines 11 through 13, delete ", and the first sentence of paragraph (2) of section 9(a) of the National Vocational Student Loan Insurance Act of 1965, are each" and insert "is" in lieu thereof.

Beginning on page 16, line 24, delete ", or of subparagraph (B) or (C) of section 9(a) (1) of the National Vocational Student Loan Insurance Act of 1965,"; insert between "on" and "the" on line 2 of page 17 "the 60th day after"; and delete the remainder of that sentence after "such" on line 4 and insert in lieu thereof "60th day."

On page 17, lines 9 and 10, the words "attendance or", the deletion of which were proposed by the Department's recommendation of March 9, are reinstated and "or service" on line 10 is deleted.

On page 17, line 12, insert "60th day after the" after "on the"; and on line 13 delete everything after "Act" and before the period.

On page 17 insert ", ISSUANCE OF INSTALLMENT OBLIGATIONS," between "INSURED" and "AND" on line 16.

On page 17, line 19, delete that part of the section heading following "$7,500".

Beginning on page 18, line 16, delete section 422(b) and its caption, and insert the following new subsection (b):

"Issuance of Installment Obligations

"(b) Subparagraph (D) of section 428(b) (1) is amended (1) by amending 'subparagraph (C)' to read 'subparagraphs (C) and (K)', and (2) by striking out ', where the total of the insured loans to any student which are held by any one person exceeds $2000, repayment of such', and inserting in lieu thereof 'repayment of'."

On page 19, lines 12 and 13, delete "for Higher and Vocational Education".

On page 19, lines 15 through 17, delete "and paragraph (1) of section 9(b) of the National Vocational Student Loan Insurance Act of 1965 are each" and insert "is" in lieu thereof.

On page 19, line 24, delete "the program" and insert in lieu thereof "this part".

On page 19, redesignate subsection (c) of section 422 as subsection (c)(1), and add at the end of that subsection on page 20 the following new paragraph:

"(2) Subsection (c) of section 427 of such Act is amended by striking out 'by the Commissioner'."

On page 20, redesignate paragraph (2) on line 12 as paragraph (3), and delete "Paragraph (1) of this subsection" and insert in lieu thereof "This subsection".

On page 20, after paragraph (1) of subsection (d) insert the following new paragraph:

"(2) The Commissioner of Education shall undertake to obtain necessary modifications of agreements entered into by him pursuant to section 428(b)(1) of the Higher Education Act of 1965 and in force upon the date of enactment of this Act so as to conform the provisions of such agreements to the requirements of such section 428(b)(1) as amended by this section. If, however, such modification cannot be obtained because a party to such an agreement is subject to a statute of a State that prevents such party from complying with the terms of such modification, the Commissioner shall not, before the fourth month after the adjournment of such State's first regular legislative session which adjourns more than 60 days after enactment of this Act, exercise his authority to terminate, or to refuse to extend, such agreement."

On page 20, lines 18 through 20, delete "or section 9(b) of the National Vocational Student Loan Insurance Act of 1965".

On page 21, line 5, amend "$1,400,000,000" to read "$1,475,000,000".

On page 21, delete subsection (b) of section 423 and on page 20 redesignate section 423(a) as section 423; amend "Subsection" in line 22 of page 20 to read "Effective on the sixtieth day after the date of enactment of this Act, subsection".

In new section 424 as proposed in the Department's letter of March 9, 1967, to be interpolated between lines 16 and 17 on page 21, delete "and paragraph (4) of section 9(a) of the National Vocational Student Loan Insurance Act of 1965 are each" and insert "is" in lieu thereof.

Beginning on page 21 delete all of subsection (a) of section 424 (redesignated as section 425 in the Department's letter of March 9) and insert the following new subsection (a):

"(a) The caption of section 427 of the Higher Education Act of 1965 is amended by inserting 'FEDERALLY INSURED' before 'STUDENT LOANS'."

On page 23, between lines 3 and 4, insert the following new material:

"FEES CHARGEABLE BY ELIGIBLE LENDERS

"SEC. 426. (a) Clause (G) of section 427 (a)(2) of the Higher Education Act of 1965 is amended by inserting the following after 'if agreed upon,': 'provisions for the payment of such application fees and consolidation or other conversion fees, within such maximum amounts and with respect to such transactions connected with such loan, as may be authorized pursuant to subsection (b)(2), and'.

"(b) Subsection (b) of section 427 of such Act is amended by inserting '(1)' after '(b)' and by adding at the end of that subsection the following new paragraph:

"'(2) The Secretary shall from time to time establish appropriate schedules of maximum application fees and consolidation or other conversion fees (as defined by the Secretary) that, subject to the limitations of this paragraph and subject to such other requirements and conditions as the Secretary may prescribe, may be charged by eligible lenders with respect to loans made by them and insured under this part by the Commissioner or under a program of a State or of a nonprofit private institution or organization. No such application fee and no such other fee shall exceed $35. No more than one such application fee may be charged by any such lender with respect to all loans to the same student borrower for the same academic year (or its equivalent) of study and no more than one such consolidation or other conversion fee may be charged by any such lender in respect of the total insured indebtedness of a student incurred for the pursuit of his entire study program (as defined by the Secretary). In establishing such schedules, the Secretary may take into account among other factors the reasonable and necessary administrative costs (not adequately compensated for by allowable interest charges) to eligible lenders of making and servicing loans to be insured under this part.'

"(c)(1) The first sentence of paragraph (1) of section 428(a) of such Act is amended by inserting before the period at the end of such sentence the following: ', and, when due, such authorized application fees and consolidation or other conversion fees as may be incurred with respect to loans to such student insured under this part (but not in excess of those pursuant to paragraph (2) of section 427(b))'.

"(2) The second sentence of such paragraph (1) is amended by inserting before the period at the end thereof the following: ': *Provided*, That in the case of a consolidation or other conversion of two or more loan instruments relating to loans made for the pursuit of the same study program of the student (as defined by the Secretary pursuant to paragraph (2) of section 427(b)), where not all of such instruments were executed when the student's adjusted family income was less than $15,000, the consolidation or other conversion fee referred to in the preceding sentence shall be payable pursuant to this subsection only if the final loan to such student by the holder of such instruments for the pursuit of such study program is evidenced by an instrument (whether or not included in such consolidation or other conversion) that was executed when such income was less than $15,000'.

"(3) The fourth sentence of such paragraph (1) is amended by inserting before the period at the end thereof the following: 'or to pay fees with respect to such loan'.

"(4) The second sentence of paragraph (2) of such subsection (a) is amended by inserting 'and the fees payable under this subsection' after 'determined'.

"(5) Paragraph (3) of such section is amended by inserting 'or fees' after 'interest'.

"(d) Clause (E) of section 427(a)(2) of such Act is amended by inserting ', or the amount of any fees in respect of the loan evidenced by such note,' after 'on the note'.

"(e) Clause (G) of section 428(b)(1) of such Act is amended by inserting '(i)' after '(G)', and by adding at the end of that clause the following new subclause:

"'(ii) authorizes (in addition to permissible interest and passing on of premiums) fees that are authorized by the Secretary pursuant to paragraph (2) of section 427(b), which fees shall be limited in amount to such maximum fees prescribed by the Secretary as would be applicable if such loan had been insured by the Commissioner under this part, and shall be subject to the other limitations imposed by or pursuant to that paragraph;'.

"(f) Clause (2) of section 421(b) of such Act is amended by inserting 'and fees' after 'interest'.

"(g)(1) The amendments made by this section shall be effective (1) with respect to any loan on which interest is payable by the United States pursuant to section 428 (a)(1) of the Higher Education Act of 1965, if the note or other agreement evidencing such loan was executed on or after June 1, 1967; and (2) with respect to such other loans as may be insured pursuant to this part and made on or after the date of publication in the Federal Register of applicable schedules of fees established by the Secretary pursuant to paragraph (2) of section 427(b) of the Higher Education Act of 1965 as enacted by this Act. The Secretary shall publish such schedules within sixty days after the date of enactment of this Act. The note or other agreement evidencing any loan meeting the requirements of clause (1) of the preceding sentence and insured by the Commissioner of Education, or insured under a program of a State or a nonprofit private institution or organization, shall, solely for the purpose of creating a contractual right as against the United States within the meaning of section 428(a) of such Act as amended by this Act, be deemed to contain a provision for the payment of such fees as may be authorized pursuant to section 427(b)(2) of such Act.

"(2) The Commissioner of Education shall undertake to obtain necessary modifications of agreements entered into by him pursuant to section 428(b)(1) of the Higher Education Act of 1965 and in force upon the date of enactment of this Act so as to conform the provisions of such agreements to the requirements of such section 428(b)(1) as amended by this section. If, however, such modifications cannot be obtained because a party to such an agreement is subject to a statute of a State that prevents such party from complying with the terms of such modification, the Commissioner shall not, before the fourth month after the adjournment of such State's first regular legislative session which adjourns more than sixty days after enactment of this Act, exercise his authority to terminate, or to refuse to extend, such agreement.

"ACCRUAL OF FEDERAL INTEREST PAYMENT

"SEC. 427. (a) Paragraph (2) of section 428(a) of the Higher Education Act of 1965 is amended by adding at the end thereof the following new sentence: 'Such regulations shall provide that upon the election of the holder of the loan, exercised in accordance with such terms and conditions as may be prescribed, the Commissioner shall defer payment of such interest as may accrue subsequent to such election, which interest shall then itself bear interest compounded semiannually at a per annum rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining terms to maturity of five years, adjusted to the nearest one-eighth of 1 per centum. Such deferred interest (including the interest thereon) shall be paid to the holder in accordance with such regulations in a single payment to be made on or about the date upon which the loan or the final installment thereon is due or paid, whichever first occurs.'

"(b) The amendment made by this section shall be effective on the sixtieth day following the date of the enactment of this Act, and shall be applicable to all loans, outstanding upon such sixtieth day, with respect to which a portion of the interest thereon is payable by the United States pursuant to an entitlement under section 428(a)(1).

"INCREASE OF MAXIMUM FEDERAL INSURANCE PREMIUM

"SEC. 428. (a) Subsection (c) of section 429 of the Higher Education Act of 1965 is amended by striking out 'one-fourth of 1 per centum' and inserting in lieu thereof 'one-half of 1 per centum'.

"(b) The amendment made by this section shall be effective with respect to certificates of Federal loan insurance issued on or after the effective date of this Act with respect to loans made pursuant to any loan agreement or line of credit entered into after such effective date.

"FEDERAL SAVINGS AND LOAN ASSOCIATIONS AUTHORIZED TO INVEST IN LOANS FOR VOCATIONAL EDUCATION

"SEC. 429. Subsection (c) of section 5 of the Home Owners' Loan Act of 1933 is amended by striking out 'expenses of college or university education' and inserting in lieu thereof 'expenses of college, university, or vocational education'.

"MERGER OF NATIONAL VOCATIONAL STUDENT LOAN INSURANCE ACT OF 1965 WITH LOW-INTEREST INSURED LOAN PROGRAM OF HIGHER EDUCATION ACT OF 1965

"SEC. 430. (a)(1) Paragraph (a) of section 435 of the Higher Education Act of 1965, as amended by this Act, is further amended (A) by striking out '"eligible institution" means an educational institution' in the first sentence and inserting in lieu thereof '"institution of higher education" means an educational institution'; (B) by redesignating the paragraph as subparagraph (2) of paragraph (a), and clauses (1), (2), (3), (4), and (5), and subclauses (A) and (B), and references thereto wherever they may appear, as clauses (A), (B), (C), (D), and (E), and subclauses (i) and (ii), respectively; and (C) by inserting before the so redesignated subparagraph (2) the following new paragraph (1):

"'(1) The term "eligible institution" means an institution of higher education or a vocational school as defined by this section.'

"(2) Paragraph (a) of such section 435 is further amended by adding, as a new paragraph (3), the text of paragraph (a) of section 17 of the National Vocational Student Loan Insurance Act of 1965, as amended in the first sentence thereof (A) by striking out 'eligible institution' and inserting in lieu thereof 'vocational school'; (B) by amending the word 'Act' in clause (4)(C) to read 'part'; and (C) by redesignating clauses (1), (2), (3), and (4), and subclauses (A), (B), and (C), and references thereto wherever they may appear, as clauses (A), (B), (C), and (D), and subclauses (i), (ii), and (iii), respectively; and by adding after such final sentence the following new sentence: "Such term also includes, with respect to students who are nationals of the United States, any vocational school outside the States which is comparable to a vocational school described in the preceding sentence and which has been approved by the Commissioner for the purposes of this title.'.

"(b)(1) Subsection (a) of section 421 of such Act is amended by striking out 'and' before '(3)', and by adding before the period at the end of that subsection the following: ', and (4) to authorize direct loans to students attending vocational schools who are unable to obtain insured loans at interest rates that do not exceed rates prescribed by the Secretary for Federally insured loans'.

"(2) Subsection (b) of such section is amended by striking out '$1,000,000' in paragraph (1) and inserting in lieu thereof '$1,250,000'; and by striking out '$17,500,000' in paragraph (3) and inserting in lieu thereof '$19,375,000'.

"(c) Subsection (b) of section 422 of such Act is amended by striking out '$700,000,000' in the first sentence of such subsection and inserting in lieu thereof '$775,000,000'; and by striking out '$25,000' each time it appears in the second sentence and substituting in lieu thereof '$35,000'.

"(d) Paragraph (6) of section 428(a) is repealed.

"(e) In lieu of section 433 of such Act (repealed by section 481(b) of this Act) there is inserted a new section 433 which shall contain the section heading and subsection designations and text of section 10 of the National Vocational Student Loan Insurance Act of 1965, amended as follows: (1) Subsection (a) of such text is amended by striking out 'student who would be eligible for an insured loan under this Act' and inserting in lieu thereof 'student who would be eligible for an insured loan for study at a vocational school under this part'; and (2) subsections (a) and (b) of such text are amended by striking out 'section 8(a)(2)(D)' each time it appears and inserting in lieu thereof 'section 427(a)(2)(D)'.

"(f)(1) The National Vocational Student Loan Insurance Act of 1965 is repealed.

"(2) All assets and liabilities of the vocational student loan insurance fund established by section 13 of the National Vocational Student Loan Insurance Act of 1965, matured or contingent, shall be transferred to, and become assets and liabilities of, the student loan insurance fund established by section 431 of the Higher Education Act of 1965.

"(g)(1) The amendments and repealers effected by this section shall apply to loans made on or after the 60th day after the date of enactment of this Act. In computing the maximum amounts which may be borrowed by a student and the minimum amounts of repayment allowable with respect to sums borrowed by a student, there shall be included after such 60th day all loans, whenever made, insured pursuant to the insurance program under which the computation is made.

"(2) Clause (iv) (VISTA service) and clause (i) as amended by this Act (attendance at eligible institution), of section 427 (a)(2)(C) of the Higher Education Act of 1965, shall be effective with respect to loans made by the Commissioner and, with the consent of the lender, loans insured by the Commissioner, to students for study at vocational schools, which are outstanding on the 60th day after the enactment of this Act, but only with respect to periods of service occurring on or after such 60th day.

"(3) This section shall not apply so as to require violation of any commitment for insurance made to an eligible lender, or of any line of credit granted to a student, prior to the 60th day after enactment of this Act, under the Higher Education Act of 1965 or the National Vocational Student Loan Insurance Act of 1965, or, except with the consent of the State or nonprofit private agency concerned, impair the obligation of any agreement made pursuant to section 428(b) of the Higher Education Act of 1965 or section 9(b) of the National Vocational Student Loan Insurance Act of 1965. The Commissioner of Education shall undertake to obtain necessary modifications of agreements entered into by him pursuant to section 428(b)(1) of the Higher Education Act of 1965 or section 9(b) of the National Vocational Student Loan Insurance Act of 1965 and in force upon the date of enactment of this Act so as to conform the provisions of such agreements to the requirements of such section 428(b)(1) as amended by this section. If, however, such modifications cannot be obtained because a party to such an agreement is subject to a statute of a State that prevents such party from complying with the terms of such modification, the Commissioner shall not, before the fourth month after the adjournment of such State's first regular legislative session which adjourns more than 60 days after enactment of this Act, exercise his authority to terminate, or to refuse to extend, such agreement.

"(4) An application for a certificate of insurance or of comprehensive insurance coverage pursuant to section 11 of the National Vocational Student Loan Insurance Act of 1965 shall be issued or shall be effective on or after the 60th day after the date of enactment of this Act with respect to loans made prior to such 60th day without regard to the amendments or repealers of this section."

On page 45, lines 13 and 14, delete ", in the National Vocational Student Loan Insurance Act of 1965,".

On page 46 delete the present subsection (b) and insert in lieu thereof the following new subsection (b):

(b) Section 433 of such Act, providing for establishment of an Advisory Council on Insured Loans to Students is repealed.

The letter and explanation presented by Mr. MORSE, is as follows:

THE SECRETARY OF
HEALTH, EDUCATION, AND WELFARE,
Washington.

Hon. HUBERT H. HUMPHREY,
The President,
The Senate of the United States,
Washington, D.C.

DEAR MR. PRESIDENT: We are transmitting herewith for appropriate consideration proposed amendments to strengthen and improve the programs of insured loans to students, now embodied in the Higher Education Act of 1965 and in the National Vocational Student Loan Insurance Act of 1965.

These programs were designed to promote loans by private lenders to aid undergraduate, graduate, and vocational students in meeting the costs of their education. States and private institutions and organizations are encouraged under the programs to undertake the insurance of these loans, the Federal Government to pay the full interest charges on the loans to students from lower and middle-income families accruing prior to the period during which the loan is to be repaid, and 3 percent of the principal annually during the repayment period. The Commissioner of Education is also authorized to insure loans in the absence of State or private loan insurance programs reasonably accessible to institutions attended by student borrowers.

The programs are not limited to a single income group within our population. Instead, they are designed to help all families meet the rising costs of education. They are also tailored to the interests of the parents as taxpayers. By relying on the cooperation of States, private financial institutions and the academic community, the programs provide maximum financial assistance at minimum cost.

Although the programs began during a time of tight credit, a promising start has been made. By the end of June, we expect that insured loans totaling $400 million will have been made to nearly 480,000 students.

But convinced that more must be done, the President asked the Secretary of the Treasury, the Director of the Budget, the Chairman of the Council of Economic Advisers, and me to review the operation of the programs in consultation with appropriate State officials and interested private organizations.

That study has now been completed. It has confirmed that the insured student loan programs are sound in conception and can make a major contribution to the financing of vocational and higher education. However, certain obstacles to full realization of the programs' potential have been identified.

Some of these obstacles can be remedied within the framework of existing law, and appropriate administrative measures are now being instituted. These measures will simplify the forms and procedures used in the administration of the programs.

The remaining problems, however, can be met only by legislation.

Under present law, the interest charged on a student loan may not exceed 6 percent, except that in the case of Federally insured loans the maximum rate may be increased to not exceeding 7 percent if necessitated by market conditions. When the cost of money and of handling these loans rises, these limitations make it difficult for participating financial institutions to meet the costs of administering the program. We recommend, therefore, that the law be amended to permit payments to lenders of not to exceed $35 for processing each student loan application approved, and not to exceed $35 for the lender's work connected with the scheduling, consolidation, or conversion of a student's total insured indebtedness when the repayment period begins, to compensate lenders for those costs involved that are not covered by interest revenues.

To simplify the servicing of these loans, the proposed amendments would also entitle lenders to elect to have the Federal Government retain and accumulate Federal interest payments on the loans until the end of the repayment period.

Under existing law, separate programs exist for insured loans to vocational and college students, and the statutory terms for such loans differ, thus creating unnecessary administrative burdens, excessive paperwork, and confusion for financial institutions participating in the programs and inequities as between the two programs. To remedy these deficiencies, the proposed amendments would merge the two programs into a single loan insurance program under the Higher Education Act of 1965, and would, insofar as practicable, eliminate the differences between them.

These proposals, and a number of minor amendments suggested in order to simplify and clarify the recommended single student loan insurance program, are appended. Inasmuch as the proposed Higher Education Amendments of 1967, H.R. 6232 and H.R. 6265, include amendments to the student loan insurance provisions, we have cast our recommendations in the form of amendments to these bills. We also enclose a summary explanation of our recommendations, and a comparative print showing the effect of the proposed changes on the pending measure.

We urge enactment of these proposals. As the President has stated in his Message on Education and Health in America:

"Which of our pursuits is most worthy of our devotion? If we were required to choose, I believe we would place one item at the top of the list: fulfillment of the individual."

This Nation has committed itself to that pursuit. Of the many examples of progress which can be cited, none is more important than the steps which have been taken to assure that no young American will be deprived of an education for want of financial resources. Today, more than one million college students who might not otherwise be in college are being helped by Federal grant, loan, and work-study programs.

The insured student loan programs are one of the key elements of student aid. With the administrative changes that we are instituting and the statutory amendments that we have proposed, the full potential of these programs can be realized. By 1972, more than two million students should be benefiting each year from loans made under this program—helping to relieve the financial burden that education imposes upon so many American families and helping to insure that no young American lacks the financial resources to get all the education he wants and needs.

We are advised by the Bureau of the Budget that enactment of these proposals would be in accord with the program of the President.

Sincerely,

John W. Gardner,
Secretary.

Enclosure.

Explanation of Amendments to Low-Interest Insured Loan Programs To Effectuate the Recommendations of the Administration

The following are the principal changes proposed in the low-interest insured loan programs:

1. Each eligible lender would be entitled to charge certain fees, to be set on an appropriate basis by the Secretary, i.e.,

(a) an application fee of not to exceed $35 for the processing of each application for a student loan (but not more than one to any student per academic year) which is approved by the lender; and

(b) a conversion fee not to exceed a total of $35, to cover administrative cost incurred by the lender in connection with arranging the repayment schedule for a student's total insured indebtedness (including any incidental consolidation of notes, etc.) at the end of the student's study program when the repayment obligation begins.

The fees would in both cases be paid by the Federal Government on behalf of students on behalf of whom the Government is required to pay interest, i.e., those whose adjusted family income is less than $15,000.

2. Each eligible lender entitled to have the Federal Government pay interest on behalf of student borrowers could elect to have the Federal Government retain and accumulate the Federal interest payments on student loans, and to pay over such accumulation (with interest at a rate determined by the Treasury in the light of the average yield of U.S. obligations of 5-year maturity) when the final payment of principal falls due.

3. The National Vocational Student Loan Insurance Act of 1965 would be merged into the Higher Education Act insured loan program. The principal substantive effect of the merger would be to make vocational students eligible for the more generous insured loans now available only to students pursuing postsecondary education and to merge program ceilings, authorizations for advances, etc. However, authorization for direct Federal loans to vocational students and the eligibility of students in proprietary institutions, now contained in the Vocational Loan Insurance Act, would be retained only for such students.

4. The non-Federal insurance program would be brought into correspondence with the Federal one with respect to the student's right to pay off the loans in installments. (Under existing law, a State or private insurance program may now authorize lenders to require lump-sum repayment except when the total of the student's loans exceed $2,000. The Federal one entitles the student to pay off in installments over a 5-year period in all cases, subject to a minimum annual repayment of $360.)

5. The maximum premium that may be charged by the Federal Government for its insurance of student loans would be raised from ¼ to ½ of one percent per annum.

6. The Home Owners' Loan Act of 1933 would be amended to permit Federal Savings and Loan Associations to invest in loans for vocational education. These associations are now empowered to invest in loans for education at colleges or universities.

ADDITIONAL COSPONSORS OF BILL AND JOINT RESOLUTION

Mr. CARLSON. Mr. President, I ask unanimous consent that the name of the Senator from Texas [Mr. Tower] may be added as a cosponsor of S. 227, a bill to provide that certain highways extending from Laredo, Tex., to the point where U.S. Highway 81 crosses the border between North Dakota and Canada shall be known collectively as the "Pan American Highway," at its next printing.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that at the next printing of Senate Joint Resolution 90, extending for 4 months the emergency provisions of the urban mass transportation program, the name of the Senator from New Jersey [Mr. Williams] may be added as a cosponsor.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

NOTICE OF HEARINGS TO BE HELD ON THE POTOMAC INTERCEPTOR SEWER BILL

Mr. SPONG. Mr. President, the Fiscal Affairs Subcommittee of the Senate District Committee will hold public hearings June 27 and June 28 on S. 1633, which would reduce the cost to users of the Potomac interceptor sewer system. Hearings will begin at 10 a.m. in room 6226, New Senate Office Building.

Under the 1960 legislation, which authorized construction of the interceptor from Dulles International Airport to the Blue Plains water pollution control plant in the District of Columbia, adjacent areas in Maryland and Virginia were permitted to connect onto the interceptor on a user-cost basis in order that the initial construction loan of $25 million could be paid off. Subsequent water pollution control legislation, however, provided more generous Federal aid for general sewer and waste treatment projects. The subcommittee hearings, consequently, will focus on means of bringing the cost for use of the interceptor more in line with the cost paid by localities receiving Federal assistance for projects under the water pollution control legislation.

Anyone wishing to testify on this matter should contact Mr. Chester H. Smith, staff director of the Senate Committee on the District of Columbia, in room 6222, New Senate Office Building.

CRISIS IN THE COURTS

Mr. KUCHEL. Mr. President, early in May, the first four articles of a series entitled "Crisis in the Courts," written by Howard James, and published in the Christian Science Monitor, were brought to the attention of the Senate by the distinguished minority leader [Mr. DIRKSEN]. On behalf of our Republican leader, I ask unanimous consent to have printed in the RECORD correspondent James' articles Nos. 5 and 6.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, May 10, 1967]

JUVENILE JUSTICE: "THE WORST OF BOTH WORLDS"

(By Howard James)

A petite 16-year-old with brownish blond hair and blue eyes, very bright and alert, she was also decidedly pregnant. And very much alone.

Police had picked her up after she had tried to kill herself.

Now, as she looked hopefully around the courtroom, Judge Joseph Sprankle had little choice. He had to explain that her mother had phoned to say she was "too busy" to come down to the Los Angeles Juvenile Court for the hearing.

The girl's case was not decided that day. I will never know what happened to her. Nor will the public ever find out. For in most states juvenile hearings—for better or worse—are not open to the public. With special permission, newspaper reporters sometimes can sit in, but few do.

In fact, children's courts around the nation are even debating whether lawyers should be allowed into the courtroom, and if so, what their function should be. (Many courts are beginning to let them in.) And if defense attorneys are allowed in, must there also be a prosecutor?

Answers will come shortly. The Supreme Court of the United States is preparing a decision on this and other critical questions in a case entitled: Gault v. Arizona. Again the high court will be acting to resolve huge problems largely because state and local governments have not solved them.

BASIC QUESTION

In the Gault case, 15-year-old Gerald Gault, who earlier had been before the juvenile court, was alleged to have made an obscene telephone call to a Mrs. Cook. The juvenile court disposed of the case without telling Gerald or his parents of charges against him, without advising of his right to remain silent, without the presence of a lawyer, without granting him the right to confront witnesses against him, without having a transcript made of the hearing, and without apprising him of his right to appeal.

Basically what is being asked: Does a juvenile have constitutional rights?

(Two independent studies under Ford Foundation grants are under way to get at this question. In 1963 it was found that in only 5 percent of all delinquency proceedings did children have counsel.)

The Supreme Court's decision may alter the long-standing theory that the juvenile court is a substitute parent when the natural parent fails in the eyes of society.

But it was the young girl crying in the courtroom in Los Angeles who helped me understand why more thoughtful judges told me that the problems which come before the nation's courts—juvenile and adult—are bigger than the courts.

No legislative or Supreme Court formula can resolve the deep-seated problems of this girl. No robed judge has all the answers in his lawbooks.

Yet this is the inadequate judicial framework within which the United States tries to handle problems of those who refuse to conform or fail to fit into the "norm" of society. This is a major reason why the conflict is so huge in the juvenile field.

QUESTIONABLE QUALIFICATIONS

As I toured the nation I found:

Few juvenile-court judges are sufficiently qualified to handle juvenile cases. Many are simply lawyers—sometimes former prosecutors—with little understanding of the specialized problems of children. Many work part time. It is estimated that a quarter of all juvenile-court judges are not even lawyers. Most I talked to admitted they really didn't know if they were doing a "good" job.

"We get a lot more credit than we deserve," says Walter P. Dahl, one of Chicago's better judges and head of the juvenile courts there. "I don't know how many kids we help. We just pray we don't hurt any."

In many juvenile courts, judges handle only a small percentage of the cases. Many children appear only before a social worker or court-appointed referee.

Even the better-qualified judges face criticism for "coddling kids" if they follow the dictates of their training and experience.

Too often the system of justice for young people is subject to a judge's whim.

While Los Angeles' Judge Sprankle agrees that every judge looks at each case in the light of his own background, he argues that "we don't sentence youngsters in juvenile court. Everything we do is—in theory, at least—considered rehabilitation."

Yet in the Gault case the youth lost his liberty "for duration of his minority or until released." This could have been six years (it wasn't) for an offense that would net an adult two months in jail at most.

Some juvenile-court critics complain that it is far too easy in most states for employees of the juvenile courts to take a child from his parents. This may be simply on the say-so of neighbors or others who complain.

Judges lack facts in juvenile cases often because of the volume of business and the time available for hearings. One Milwaukee lawyer points out that at best a judge has perhaps one-eighth of the facts, "yet we expect him to rule with the wisdom of a Solomon."

There is also a growing debate over whether young traffic offenders profit most from adult courts or by having their cases channeled into juvenile court.

Court after court processes children for acts that never would have brought them into court a generation ago: The parents would have settled such cases.

DEFIANCE OF COURT

In Chicago one youngster had simply been with another boy who smashed a neighbor's window in anger. Under Illinois law he was "aiding and abetting" because he neither ran away when he saw what was going to happen nor did he turn the other boy in.

While the judge made the youngster's mother pay for the window, he also commented that the case should never have come into court.

The other boy and his parents, defying the court, never showed up. A bench warrant was issued. I never heard the outcome.

In several cities school officials could reasonably be described as vindictive in truancy cases.

One bright 14-year-old (who had been allowed to skip the fourth grade earlier) was in Chicago's Juvenile Court because he had just run away from a school for troublesome pupils. He had been "sentenced" to that institution because he sometimes sulked and sometimes "exploded" in the classroom. During the hearing, the judge learned that the boy's problems stemmed from a father who constantly beat and cursed the youth. Now the boy wanted to return to his mother and his old school because the father was no longer in the home and a divorce was pending.

The school official seemed little interested in what was best for the boy. Instead he testified that the boy "ran away," and if "he gets away with it others will try it." The judge ignored this argument and ordered an investigation by a social worker, noting the child's future was at stake.

Police and judges find themselves in conflict, usually with the police wanting to get tough with youngsters.

In Anderson, S.C., Sheriff James H. Williams threw a 7-year-old and 10-year-old in the county jail overnight without notifying juvenile authorities. The children were charged with "desecrating a church." They had used the floor of the church as a toilet.

UNWITTING OFFENSES

The day I was in Denver, court officials were complaining about how police had picked up several youngsters for "riding in a stolen motor vehicle." A boy had stolen a motorcycle and had given rides to several unwitting youngsters. Court officials saw the pickup of these youngsters as harassment that could undermine respect for the police and perhaps push youngsters into crime instead of preventing it.

"We found in 21 states police hold kids without any kind of petition or judicial review," says Milton G. Rector, executive director of the National Council on Crime and Delinquency. "In one city six kids had been held three weeks. They were arrested for fighting."

To iron out police and court differences in Massachusetts a special workshop—one of the first of its kind—will be held later this spring. The National Council of Juvenile Court Judges will help conduct the session as an experiment that could be helpful nationally.

With the exception of Hawaii, where a new system is in operation, there seems to be very little coordination between juvenile, family, civil, and criminal courts. Thus a youngster may be in juvenile court as a result of strife at home, while in another corner of town his parents are getting a divorce, with little thought of the needs or problems of the children.

"One of the great scandals of our country is the easy divorce," says Eugene Wright, retired Seattle judge. "That, and the lack of judicial understanding of the effect of divorce on juvenile crime."

There is an appalling lack of places to send children—other than the local jail. This is compounded by a severe lack of imagination on the part of judges in coping with the problem.

A Louisville, Ky., juvenile Court official says that in some parts of his state, some youngsters are held "in the basement of the sheriff's home." Even in progressive states like Ohio many cities hold children in jail because there are no other facilities.

NOT ELIGIBLE FOR TREATMENT

In Carlsbad, N.M., a boy who ran away from home was held in the county jail. The juvenile probation officer, who does not have a college degree, and is considered qualified for the job because he has experience in the personnel department of a corporation and a police department, wrote in his report:

"Since spending two weeks in detention — — is ready to go home." But home problems—apparently an unbalanced mother—made that an unwise choice. A psychological examination indicated that the boy was not retarded. So the officer wrote:

"It is unfortunate he is not eligible for treatment at Los Lunas institution [for the mentally retarded]. The [New Mexico] Boys'

School [for delinquents] is not the place for this boy. I am sure there is a problem in the home that is not conducive to this boy's welfare. Quite frankly, a placement for this boy has me as puzzled as I have been with any youngster for a long time."

What did the judge do?

Committed the youngster to the New Mexico Boys' School at Springer, N.M.

Yet John F. X. Irving, executive director of the National Council of Juvenile Court Judges, told me in an interview in Chicago that one study shows these correctional facilities may do little for the child. Two groups were studied. One group spent 18 months or more in an institution. Another group had never been committed after violations. There was "no real difference" in the two groups, Mr. Irving said.

SUBSTANDARD CONDITIONS

The day I visited the Los Angeles Juvenile Court, I found more than 200 children had no beds in the juvenile home. They were sleeping on mats on the floor.

Mr. Irving estimates that "100,000 children wind up in police lockups or jails every year—jails that are substandard for adults."

In South Carolina a corrections official estimates 30 percent of those held in institutions (for adults and children) are mentally retarded and should be in special facilities.

If you wonder why these dilemmas exist, consider the following typical cases I observed and consider how you would resolve them, keeping in mind that the law requires the court to do what is best for the child:

Miami: A 15-year-old Spanish-speaking youngster is sentenced to 10 days in jail for driving without a valid license. Sheriff's officials admit they have no place to put him, except with teen-agers charged with crimes like robbery, murder, and rape.

Later, accompanied by the public defender, I questioned Judge Robert M. Deehl. Judge Deehl said he processed the case without knowing much about it because of a large volume of court business. He also partly excused his actions by explaining that the boy was "only" a migrant worker's son.

The following day, after an investigation of the case, Judge Deehl let the boy go, for he had a valid beginner's permit (though he should have had an adult along) and was driving the family pick-up to the scene of an emergency.

There had been no plan to let the youth go early until I asked the judge about the case.

Chicago: A 14-year-old girl breaks into violent sobs and hugs a social worker when her mother and stepfather tell the judge they don't want her any more. She was drunk when police found her. The social worker indicates the girl turned to alcohol to blur dreadful home conditions and to dull her craving for parental love and understanding.

She was returned to the juvenile home pending further study of the case.

NARCOTICS CHARGE

New York City: A 19-year-old boy sits next to me awaiting sentencing in a Brooklyn court. He has been charged with possession of narcotics equipment, to which he pleads guilty. A burglary charge is then dropped after the property owner cannot be found. I ask him how long a sentence would be fair and he says six months. We continue to talk and he admits he has had a "fix" that morning because he expects to be in jail for several months. He also admits stealing to support his habit.

The judge, who is unaware that the youth is in court under the influence of narcotics, lectures to him about using dope and lets him go.

Cincinnati: A mother collapses into unconsciousness on the courtroom floor when the judge announces he is sending her son to the industrial school for breaking rules of probation. The boy, who is 16 and husky, has ignored a court-ordered 10 p.m. curfew, and was found rough-housing with a 12-year-old girl who was baby sitting. The girl, apparently mature for her age, had been egging him on. No sexual misconduct took place, but the boy did "playfully" choke the girl with a towel after she snapped him with it.

Portland, Ore.: A pretty redhead and stocky stepfather ask the court to return their four-year-old boy. The child was taken from the home after the stepfather slapped him on the face as punishment, and neighbors complained. Because the boy bruises easily the case was thought worse than it actually was. The stepfather says he has learned his lesson. The child has been in a foster home several months.

The judge increases visitation rights and tells the parents they will get their child back in a few months if they continue to show a proper attitude.

Chicago: An attractive young blonde stands before the Juvenile Court judge and asks him for the return of her child. Beside her stands an older man who says he is the father of the child and wants to help rear it. But the couple cannot marry because the blonde is still married to another man.

She is vague about two other children whose custody she has lost, but she says one was through adoption. She is an admitted narcotics addict and worked as a part-time prostitute to support the drug habit. But she tells the judge she has reformed and needs the child to give her something to do and help her keep away from drugs.

The judge asks a social worker to check on the home and gives the woman visitation rights at the foster home. He then asks her to bare her arm so he can see if there are recent needle marks. There are bruises, but she insists they came from playing with her dog.

Los Angeles: Young girls are brought before the judge without parents to stand beside them. One, 14, ran away from home and lived with a girl friend in an abandoned car for three weeks. She was drunk when picked up.

The judge has her held in the juvenile home for another hearing.

Los Angeles: A 15-year-old boy who hasn't seen his father in years was arrested driving a stolen car. He says two friends stole the auto and invited him for a ride. He says he took over the driving after they had trouble controlling the car. He knew it was stolen. He had been picked up previously for a curfew violation.

The judge—actually a woman social worker who was a court-appointed referee—tells the youth he must remain in Juvenile Hall until an investigation is completed. Hearing set for two weeks later.

EAGER TO MAKE AMENDS

Denver: Two little boys from a broken home appear with their mother. All are well dressed. They boys are charged with breaking off 50 auto antennas to use in playing "swords."

The mother and her boys appear eager to make amends. They agree that the boys will pay for the damage from their paper routes. The court, impressed with the evidence of sincerity, will mail out checks so the children will not get a bad reputation in their neighborhood.

Cincinnati: A little girl accused of being constantly truant by school officials breaks down and cries and tells the judge she feels dreadfully uncomfortable at school and around other children. Now her younger brother and sister are skipping school for the same reason.

The judge tells the girl she will be "the death of your mother, and you will have that on your conscience the rest of your life." Then he orders a psychiatric exam to see "if you are faking."

Philadelphia: A 17-year-old boy, teased by a 16-year-old girl, gets angry and hits her on the head with a broken bottle. At the hospital she needs 15 stitches. Now she testifies that "he really didn't mean it." The boy has been kicked out of school, has a long record of minor offenses. But he is holding down a job now. Both parents are in court.

The judge says that sending the boy to reform school or prison could do more harm than good. The judge, contending that the youth would lose his job and might even turn to a life of crime, gives him "one more chance: keep on a straight line, son."

CHILD SENTENCED

Denver: A little fellow about eight tells the judge he has no father, has trouble with his mother but likes her, and sometimes just feels like leaving home. On Sunday night he "stayed out late" and then was "scared to come home," so he slept on street corners and walked around. The mother wants the boy committed.

As the child hangs his head and cries, the judge sentences the youth to "the home for 30 days."

The problems are roughly the same in Atlanta, Battle Creek, Durango, Eugene, Flagstaff, Gainesville, Helena, Indianapolis, and on through Zanesville.

Statistics are not yet available for last year. But in 1965 the Children's Bureau of the Department of Health, Education, and Welfare (HEW) estimates that more than a million youngsters under 17 moved through the courts.

While hard figures are not available, HEW estimates that of these million there were: 697,000 juvenile-delinquency cases; 460,000 youngsters charged with traffic offenses; and 157,000 children neglected, battered, abandoned, or orphaned.

The President's Commission on Law Enforcement and Administration of Justice reports: "Almost all youths commit acts for which they could be arrested and taken to court. But it is a much smaller group that ends up being defined officially as delinquent."

No one knows how many million youngsters had police contact without court action. But juvenile-court officials know the number is high. Nor do these figures include the tens of thousands of young people over 17 who are in trouble.

Prison officials interviewed indicate that adults in trouble usually had their first collision with society's standards when they were young, graduating from probation to reform school to jail to prison.

EDUCATION IN CRIME

The more candid among juvenile-court and corrections officials admit that the present police-court-corrections approach to solving problems of children may even help create criminals.

At least several assert that throwing boys in jail with experienced hoodlums becomes an education in crime for the youngster. This is being done in almost every state.

It is not uncommon for a police officer to throw a child in jail for the same offense that nets a lecture from another policeman.

The very fact that police often are inconsistent adds to the problem. A common question from those arrested (also heard in adult traffic cases): "Why me?"

And as the President's commission reports, skin color and the economic status of the parents may often affect what happens to the child who comes in contact with the police.

"Slum offenders are more likely than suburban offenders to be arrested and referred to juvenile court," the report asserts. "In fact, recent self-report studies reveal suburban and middle-class delinquency to be a more significant problem than was once assumed."

In Denver, for example, half of the children in Juvenile Hall come from families with incomes of more than $7,200, says one spokesman.

At the same time, I found that middle-class people somehow forget that slum children are not growing up in a horrible environment by choice. Slums exist because they are tolerated by the "good people" of a community. To slum children middle-class rules don't make sense.

DEPRIVED OF EDUCATION

In Gary, Ind., one 16-year-old boy who has grown up in a neighborhood of filth, prostitution, crime, and gambling—all only three blocks from the Gary police station—was recently expelled from school. While the citizens tolerate the other corruption, school officials tossed him out because he was caught smoking on the playground.

Without pocket money, adult supervision, or the education to get a job, this boy now stands on street corners with other youngsters in the same fix. Yet one school official has told me that the youth received one of the highest IQ test scores in the city when he was in the eighth grade.

"Our great dilemma is that in this field we know so very little about causes of delinquency," says Mr. Irving of the juvenile court judges organization. "A judge can find statements on both sides of every theory. And he is so overburdened he does not have the opportunity to make a study in his own town.

"My personal observation, after sitting in on many cases, is that most of the children in our courts come from an environment where they do not feel wanted and loved."

This writer seldom—if ever—saw a child in court from a happy, healthy home. Dozens of parents simply didn't show up in court. Others showed personality faults—often the inability or unwillingness to control the child.

The majority of delinquents are those Milwaukee Family Court Judge Robert W. Hansen calls "half-orphans"—the thousands of children growing up in broken homes. Families in which one parent has passed on do not have the same problem, he adds, because these children have not faced the hatred and turmoil that accompany divorce.

Chicago's Judge Dahl told me "only 15 percent of the kids we get come from a home with two natural parents where only the father is working."

DOMESTIC BATTLEGROUNDS

Lawyers in divorce courts know the problems.

They tell of the hatred in homes of battling parents—how a child is torn between his mother and father, mentally jerked from one side to the other in a dispute. Many children have trouble both concentrating and getting along with others at school. Older lawyers report that many children of divorced parents come to them in later years for divorces.

"The discipline in the home breaks down," says Leonard L. Loeb, of Milwaukee, one of several lawyers interviewed in family court. "The children are set adrift. They cannot accept basic social values, even religious values. Because of the feuding their parental images are all fouled up.

"And children in divorced families generally don't have the [material] things they need because few men can support two households."

Says Judge George B. Richter of Waukon, Iowa: "Children are most affected and least protected in divorce proceedings, and many wind up on ADC [aid to dependent children]."

To help ease the problem for children Judge Hansen has established a policy of hiring lawyers for the children in cases where custody is at issue, or other problems develop. Here is a case I saw:

The husband was a stocky man in a dark suit. She was a small woman with glasses, wearing a black raincoat and blue chiffon headscarf.

They sat properly apart. Already their home had been sold. The furniture divided. The $160 bank account spent.

The husband was accused of drinking too much, making statements about his lack of love for the wife, "running around," and not properly supporting the children. As I frequently observed in other cases, the wife's contribution to the problem was not discussed.

Both had come before the court's conciliation service (which was criticized by some lawyers as being too ready to say a divorce was the only answer). There one brief interview had indicated that the marriage probably could not be saved. But the divorce was held up.

For, during proceedings, Judge Hansen found that the turmoil in the home was having a serious effect on Jimmy, the oldest boy. His grades were dropping. And he was fighting with other youngsters. School officials indicated they might send the youth to a psychiatrist.

RESPONSIBILITIES RECOGNIZED

At this point (last fall) Judge Hansen appointed a lawyer-guardian for the children and asked court social workers to investigate. it was found the father had not visited the youngsters in more than a year. Jimmy felt his father disliked him and the boy was deeply hurt.

With the help of the father's own lawyer, the appointed guardian, and the social worker, the father began to recognize he had more than his own selfish interests to think about.

Since then he has been visiting the children regularly, giving them the attention they wanted. And Jimmy's problem has eased: Teachers say his marks are up and he is getting along better.

A social worker testified that the three children now had no greater problems than "most children with this kind of domestic turmoil in the home." In this case the divorce was granted—but free of the parental hatred I saw in other courts.

Unfortunately, most states pay little attention to the rights of children. As one lawyer told me:

"The courts simply act as a butcher, whacking the marriage into pieces."

REMEDIES SUGGESTED

I found many juvenile-court judges conscientious and sincere, doing the best they could with the tools society has provided. But what I saw in the nation's juvenile courts can only be described as shocking. Remedies are needed.

Americans need to learn a lot more about the cause of delinquency and its cures. More effective classification of delinquents is vital. Should the runaway be handled the same as the purse snatcher?

Courts should be established that treat the family as a unit, for the child's problems are usually the family's problems.

Juvenile-court judges should be selected for their skill and knowledge in handling young people. They should be backed up with a competent staff of social workers and other professionals.

For the first time, 32 new judges—out of 200 applicants—will attend a month-long summer school at the University of Colorado this year. But this is only a drop of water in an arid desert.

Citizen committees should work with the courts, oversee procedures, and encourage the community to provide funds for staff and for new and better facilities—foster homes, halfway houses, probation staffs, diagnostic centers. Some progressive courts—but too few—rely heavily on relative and foster homes instead of rooms with bars on the window.

The problems the juvenile courts face are huge. They are supposed to give children special rehabilitative treatment. It appears that most do not. Too often the delinquent child is buffeted between his own and the adult's world.

As Associate Justice Abe Fortas of the Supreme Court wrote recently:

"There is evidence . . . that there may be grounds for concern that the child receives the worst of both worlds; that he gets neither the protection accorded to adults nor the solicitous care and regenerative treatment postulated for children."

[From the Christian Science Monitor, May 17, 1967]

WHEN WHIM TIPS JUSTICE

(By Howard A. James)

It was after 1 a.m. in a darkened tire store when Chicago police pointed their revolvers at Leo W. and told him to come out quietly.

Court records describe him as 30, white, a skilled tradesman, and three-time "loser"—always for burglary.

In 1955 he was put on probation with no jail time. In 1961 he got probation again. Two years later he was sentenced to the county jail for a year.

On trial for the fourth time while I visited the Cook County Criminal Court, he admitted his guilt and was sentenced to five years' probation with the first six months in the county jail. (The law says he could have been sent up for from 1 year to life.)

About the same time Leo W. was caught in the tire store, another young man, Archie S., 26, a Negro, was picked up by Chicago police in a stolen car.

Also a three-time "loser," always for auto theft, he too was given straight probation on his first two trips to court. The third time he "borrowed" a car he was sentenced to 1 to 4 years in prison. (The law says he could have been sent up for a maximum of 10 years.)

On this, his fourth time in court, Archie S. was sent to prison for a 2- to 4-year stretch—four to eight times longer than Leo W. will serve for burglary, an offense usually considered more serious than auto theft.

The same judge handed down both sentences.

Not too many blocks away other men accused of burglary—and equally guilty—had charges reduced by a deputy state's attorney to petty theft or criminal damage to property—offenses classified in Illinois as less serious crimes.

In rural Illinois counties judges were sentencing burglars with less criminal experience than Leo W. to 5, 10, or more years in prison.

TRIAL OFTEN SHUNNED

While the United States Constitution guarantees a man the right to a trial by jury, experienced Chicago defense lawyers warn their clients that demanding a trial can be foolhardy.

Says Stanton Bloom of the Cook County Public Defender's office:

"A man may be offered a 1- to 3-year term [by the prosecutor with the judge's approval] if he pleads guilty.

"If he demands a trial before the bench [the judge] and is found guilty, he can expect a 2- to 5-year sentence. If a jury finds him guilty the prison term will probably be 4 to 8 years.

"That's the penalty imposed for taking up the court's time."

Sentences vary widely.

"It depends upon how a judge feels about a crime," explains Robert D. Boyle, deputy chief of the criminal division of the Cook County state's attorney's office. "Some judges are hard on those charged with serious crimes against the person, like rape and robbery. Another judge—he would be in the minority—may be incensed when property rights are violated. So he may be tough on men charged with burglary and auto theft and lenient on those accused of rape and robbery."

REACTIONS WIDELY VARIABLE

Mr. Boyle might have added that decisions are sometimes also based on the judge's reaction to the way a man is dressed, his age, the length of his hair, the color of his skin, his nationality, or even his religion.

Paul W. Keve, Minnesota's new Commissioner of Corrections, points out that knowing a policeman can often help a defendant.

"I have seen policemen come into court and complain on one day that the court is too easy on criminals," he says. "A few days later, when someone the officer knows is in trouble, he will be back in court asking the judge to give the fellow a break because he has problems at home."

The public reaction to crime is often the same—outrage when a stranger commits an act but understanding when it is a son or neighbor who has stolen the car or broken into the building. Knowing the judge or prosecutor can help. And where judges owe their jobs to political leaders, a telephone call can change things.

CHICAGO HARDLY UNIQUE

While these questionable pracitces may be more in the open in Chicago, the nation's second city is little worse than many cities large and small.

Nationally I found the arrest-jail-bail-trial - sentencing - probation - or - prison - parole system to be a grim wonderland. And it can make justice seem a sorry joke.

Across the nation I asked prison officials what they considered the most pressing court-related problem at the prison. "Disparity in sentencing," they replied. I asked them for examples—cases which involved roughly comparable circumstances. They offered several.

Take Dave ———, a young man from northern Wyoming. Dave is serving from 10 to 12 years in the Wyoming State Penitentiary at Rawlings for a $7.50 armed robbery.

John ———, who committed the same crime and got $124 in the southern part of the state, was sentenced to 2 to 3 years in the prison.

"A crime like robbery shocks the people in northern Wyoming," says Warden Leonard Meacham. "Those who live along U.S. 30 in southern Wyoming are a lot more blasé about it."

PRISONERS UNDER 19

At the Georgia Industrial Institute at Alto, I found prisoners between 14 and 19 years old. Many were first offenders.

James W. was sentenced to life from a court in Taylor County, after being charged with rape. Harvey J. is serving three years for the same offense from Spaulding County. Dave J. was accused of *attempted* rape in Bibb County and is in for three years. Elmer E., from Baldwin County, is also serving time for attempted rape—17 years.

Yet about 100 miles east, in Greenville, S.C., almost nobody is charged with rape, according to B. O. Thomason Jr., the county solicitor. He asserts that very few grown girls or women are really raped, and that in most cases the act is the result of the girl's leading the man on and then becoming disturbed later.

In the Georgia institute John B. is serving six years for auto theft in Richmond County. Kenneth B., sentenced for stealing two cars, in Dougherty County, is in for a third of that—two years.

Don B. of Fulton County is serving two years for stealing a car. And Arthur W. is serving six years for stealing a car in Muskogee County.

ONE YEAR—OR 15

Melvin M., also from Muskogee County, was sentenced to 15 years for burglary. John B., of Glenn County, is serving 10 years. And a Wayne County judge sent Jackie C. to prison for 1 year for the same offense.

But Melvin B. is a real "winner" among the "losers." Found guilty of two robberies, one rape, and one auto theft, he was sentenced to only three years in prison.

Says Georgia's State Corrections Director, Asa D. Kelley Jr.:

"One of our great needs is uniform sentencing. It varies from judge to judge and from rural to urban communities."

SOLUTION BARELY TOUCHED

Sitting in courtrooms across the nation and checking jail and prison records, and interviewing judges, lawyers, police officials, and prisoners, I found:

The United States has merely graduated from the hanging tree, whipping post, and town-square stocks to ugly prisons. There society hides its problem children behind thick granite walls.

This has done little to solve the crime problem.

"We put a boy in a training school and hope something nice will happen to him," complains Minnesota's Corrections Commissioner Keve. "We hope that by some magic he will be transformed into a better person. Then we turn him loose a year later and he gets in trouble again, and everyone wants to know why the institution has failed."

Too many prisons and so-called training schools usually provide a system of rewards, punishment, and regimentation that tends to dehumanize the inmate. It is hardly designed to rehabilitate him.

Criminal justice often involves more retribution than rehabilitation (although it is rehabilitation that society likes to talk about). Many judges, prosecutors, and other court officials interviewed agree with Chicago's Mr. Boyle, who says:

"We believe we should take from the defendant what he owes society."

No one, not even the best judge, really knows how long to sentence a man to prison or whether probation is the best answer.

Judge Elvin J. Brown of Norman, Okla., one of the nation's leading state trial judges, told me:

"I never feel so inadequate as when I'm passing sentence.

I don't think the courts and judges should have anything to do with sentencing. I don't have any way of knowing how long [the man who stands before me] should go to the penitentiary."

PRISON VISITS PLANNED

As I toured the country, I was told that when judges pass sentence, they often do not realize what a prison sentence means to the man convicted.

In several states judges are becoming aware of this shortcoming. This summer, reports New York State Commissioner of Correction Paul D. McGinnis, judges in his state will visit prisons.

Unfortunately, there are too many judges who pass sentence according to how the wind is blowing from a press or public angered by a crime.

Justice William Grimes, recently elevated from the trial bench to the New Hampshire Supreme Court, points out that the founding fathers said the American system of justice should, among other things, protect the minority from the aroused majority. It should bring reason and balance to impassioned, emotional situations.

"The citizens have no idea what a sentence should be," adds Chicago's Mr. Boyle. "There are no guidelines to sentencing, other than statutory limitations. So we try to figure out the sentence based on our experience."

But lack of information, inadequate guidelines, and public emotion are not the only factors that make for faulty sentencing. In several states, especially in the Midwest and Southwest, I found too many judges following the prosecutor's recommendation on sentencing without question. This is a dangerous practice, especially when some prosecutors want to build a record of convictions.

Other judges lean too heavily on overworked probation officers, who usually lack the time to make proper evaluation—even when they are qualified.

While presentence investigation has merit, one study shows that it is used in only a dozen states for all defendants. And this paper's survey raises questions about the reliability of the reports, other than providing information, about the man's prior police record.

The solution probably lies elsewhere. Perhaps in a sentencing commission separate from the courts.

BOARD USED IN TWO STATES

In two states, California and Washington, a board fixes the sentence of any man who has been convicted in the courts—after a series of tests are given and the man's background checked. The length of time a convict spends in prison is tied to his "needs" and to progress made while there.

Both prosecutors and defense lawyers can influence the outcome of a trial, the sentence, and other court business by "getting next to a judge."

Influence can be so subtle that sometimes the judge is unaware of it.

Judge Brown notes, for example, that now and then a lawyer will casually mention that he (Judge Brown) would make a good prospect for the federal bench.

"I feel kind of unclean when that happens," he says.

In Los Angeles County all one-judge courts are being phased out. But in two areas, San Fernando and Glendale, I found members of the bar fighting to prevent that from happening.

"The local lawyers love to have a one-judge court," says Andrew L. Schultz, executive assistant administrator of the Los Angeles Superior Court. "They set the judge up on a pedestal. They invite him to all the functions. They honor him and bow to him. They know this personal relationship or friendship gives them an edge over outside lawyers, and they get continuances when they want them and other advantages."

INFLUENCE WORKS BOTH WAYS

Influence works the other way, too. Nearly all of the lawyers I interviewed asked me not to use their names "because it would hurt my clients before the judge." The point is clear. Lawyers felt if they made honest criticisms of a judge or court they could not get a fair trial. One New York City lawyer summed it up when he said:

"Look, I can tell you a lot, but you want me to let you use my name. You're asking me to crucify myself and my clients."

Unfairness on the part of judges, the inequities caused by police and prosecutors in selection of who is charged with a crime and who goes free, and disparity in sentencing all hinder rehabilitation.

Several corrections officials interviewed agree with Warden Meacham of Wyoming, who told me:

"We have men in our prison who shouldn't be here. They could be better handled by local community resources—mental health clinics and welfare departments, for example.

"Once a man leaves a community for prison, rehabilitation becomes increasingly difficult," Warden Meacham says. "Disparity in sentencing causes bitterness and makes it harder to work with these fellows.

"When he gets out, the community will shun him. I'm an ex-policeman, and I know that he will become a regular target for police investigations when he gets out. You don't check on the mayor or minister when a crime is committed.

"So he gets discouraged and says 'I've got the name so I might as well have the game,' and winds up back in the institution."

The recidivism rate (number of men who go back to prison) is high, although I found it as difficult to get reliable figures from prisons as to get them from police, prosecutors, and judges.

There are estimates that 70 percent of those who are jailed as young men will spend more time in jail or prison. I found that usually the prisons report between 40 and 60 percent recidivism. But variations in record keeping, sometimes to obscure the truth, make most statistics questionable.

Whatever the figure, it is clear that the present court system isn't doing its job when even competent judges admit it.

The cost of this faulty system of justice is unbelievably high, considering what the citizen gets for his money.

"On any given day [the nation's corrections system] is responsible for approximately 1.3 million offenders," reports the President's Commission on Law Enforcement and Administration of Justice.

"In the course of a year [this system] handles nearly 2.5 million [men, women and children] and spends over a billion dollars doing so."

No one knows how much is paid out in welfare benefits to the families of these prisoners. How much is lost in income taxes, local sales taxes, property taxes, or in man-hours. But the figure is undoubtedly staggering.

IMPACT OF ARREST

Arrest by local police or sheriff can have the same effect on a man and his family as conviction in court: this constitutes another "sentencing" inequity.

Take the case of a man in northwestern South Carolina.

He was arrested in connection with handling stolen goods. Though he was arrested on Monday, he swore he was not told of the charges against him until Tuesday. The warrant for his arrest was not signed till 4 p.m. Wednesday.

When he got out on bond (set at $5,000), he had to agree to pay the bondsman $400 at $25 a week. Even if acquitted, he will never get the $400 back.

The company for which he worked fired him. At last check he was unable to get a court hearing. Yet no one will hire him until his name is cleared. Friends have stopped talking to him, he says, and he is in tight financial straits, for the state unemployment office refuses to pay him because of the criminal charges pending against him.

POLICE GIVEN GREAT POWER

There are similar men in the United States in jail or on bail and out of work. Even if they are eventually freed, future employers may well turn them down because of the arrest record.

The power society gives police is huge. How it is used has a direct effect on taxes, both in welfare and jail costs, and on the crime problem.

Too often the men selected to enforce the laws are of low caliber. The average small-town policeman is paid $5,000 a year. Yet he is often called upon to make decisions that would cause the highest-paid lawyers to spend sleepless nights.

And far too little is spent on the nation's 4,000-plus county and city jails. Many are dank and filthy.

In Miami, I found the new jail overcrowded. In a number of cities people sleep on the floors for lack of beds.

In Loving, N.M., the two men in jail get three meals a day, instead of two, by volunteering to work on the city garbage truck.

Some Southern states still have highway chain gangs, although most have eliminated the chain. In Northern states, inmates work prison farms and forestry camps, punch out license plates, and make furniture and other articles for parks and state institutions.

While some of the men may be engaged in useful activities, too often they are not learning skills relevant to modern industry.

INNOCENT SOMETIMES JAILED

And there are always the reports of innocent men going to jail. Sam P. McKinzie of Atlanta, considered by many to be one of the nation's leading trial judges, had a Negro youth released after he had served almost a year in prison. (Another judge had sentenced him there.)

A white boy had accused the youth of committing an indecent act. A court-appointed lawyer, William Jessee, fought for months to get him free. The young Negro was working after school in a grocery store to save money to go to college and had never been in trouble.

Judge McKinzie says it was subsequently discovered that it was a case of mistaken identity.

Every year newspapers print accounts of men who have served time in prison for crimes others have committed.

Innocent men have gone to prison because someone lied on the witness stand. The Presidents Commission on Law Enforcement and Administration of Justice asserts that perjury is widespread. It also asserts that the requirements to prove perjury are so complicated that perjury convictions are hard to obtain.

It is significant to note that the commission urges abolition of the rigid two-witness and direct-evidence rules of common law that must be followed in order to prove a statement false.

Thoughtful judges point out that policemen, prosecutors, and judges too often do not see those ensnared in the system of justice as fellow men and women. As in prison, they become mere numbers, or as one law professor put it, "simply blanks."

LAWS ALSO FLAWED

The laws themselves also are badly flawed.

"We must redefine sections of the criminal law," says Hans W. Mattick, associate director of the Center for Studies in Criminal Justice at the University of Chicago Law School.

"A whole series of offenses that presently clog the machinery of criminal justice from police through parole can be handled by alternative means.

"I'm talking about drunkenness, traffic offenders, narcotics addicts, vagrancy, gambling, and private sexual conduct between consenting adults.

"These may well be better handled by such agencies as the department of welfare, department of public health, and the bureau of streets and highways. And this would free the police to deal with serious crime."

"We have too many old laws that don't mean a thing," says Judge J. Edward Lumbard, of the United States Circuit Court of Appeals in New York. "Legislatures keep passing laws on top of laws."

This, too, leads to inequities.

A report by the Colorado Research Council points out that in that state:

"A person convicted of murder in the first degree, if the sentence of death is not imposed, becomes eligible for parole after serving 10 years; but a person convicted of second-degree murder, a lesser grade of murder, may have to serve 15, 20, or more years before becoming so eligible. The maximum penalty for destroying a house with fire is 20 years; with explosives, 10 years. The maximum sentence for stealing a dog is 10 years; and for killing the dog, six months and a $500 fine."

A system known as plea bargaining is common in many larger cities. Too often it involves the kind of haggling that goes on in a used-car lot. It takes place in secret in the judge's chambers with the prosecutor and defense attorney bidding against each other.

In Chicago when a judge hears the defense lawyer ask for a "conference," he can assume that the lawyer means a plea-bargaining session. It happens every day.

In a typical case it worked this way:

The prosecutor recommended a 1- to 3-year prison term for a man involved in a laundry-company swindle. The defense lawyer said it was too high. After wheeling and dealing the man was given 5 years' probation with 90 days in the county jail. And that was delayed so that the man could take part in his daughter's wedding a few weeks later.

EMPTY WARNING GIVEN

The judge lectured the man and warned him that he could be sentenced to 10 years for the crime. But it was all cut and dried—decided behind the closed doors. The lecture and warning were simply for appearance's sake and to fulfill the law.

States with better court systems frown on plea bargaining. Superior Court Judge James L. Reid of Portland, Maine, says he is certain there is "no case in Maine where this is done." One reason the practice can be avoided, he added, is that "we have no appreciable backlog of unfinished business."

Sentencing is a controversial area. It has been suggested that sentencing boards, as found in California and Washington, may be one solution.

Some states use a system of review by higher courts. Yet Sol Rubin, of the National Council on Crime and Delinquency, asserts that "it at best achieves a small reduction of the most excessive sentences, but in no jurisdiction does it appear to have substantially altered sentencing patterns."

Other areas call judges together from time to time to discuss sentences, but Mr. Rubin contends they seldom "alter attitudes of judges, and they do not change sentencing systems at all."

"Requiring the judge to give the reason for his sentence is a device used in some jurisdictions," he adds. But he finds that this may simply lead to rationalization, rather than change.

He sees, as does the President's commission, a plan used by federal judges in eastern Michigan and also used by two other federal court districts as useful. There judges meet in the morning before getting involved in other court business, and discuss presentence reports.

But single-judge courts and those in large cities with many judges would find the system impractical, Mr. Rubin adds.

So he presents an interesting suggestion: He would have the Supreme Court of the United States act as it did in the case of school segregation and order the states—under the 14th Amendment to the Constitution—to end sentencing inequities.

While it is clear there are no easy solutions to problems involved in sentencing, the following recommendations of the President's commission would at least be first steps toward meaningful answers:

Simplify the grading of offenses.

Remove mandatory prison terms.

Establish probation services for all courts.

Set up liaison between judges and correctional authorities.

Draft sentencing codes that would permit judges to exercise discretion in line with clearly set forth standards.

SUPREME COURT'S OPINION IN MARTIN LUTHER KING CONTEMPT-OF-COURT CASE

Mr. THURMOND. Mr. President, the Washington Evening Star of yesterday, Wednesday, June 14, contains a lead editorial entitled "Dr. King's Conviction."

This editorial deals with the recent Supreme Court 5-to-4 decision upholding the contempt-of-court citation which was issued against Martin Luther King and seven other individuals for deliberately violating an injunction issued by a judge in Birmingham, Ala. In this editorial the Evening Star applauds the decision and states that it rests upon a sound legal doctrine. I agree thoroughly with this observation.

The portion of the editorial to which I want to call particular attention is the observation contained in the closing paragraph of the editorial. Noting that the contempt-of-court citation was upheld by only a one-vote margin, the Evening Star theorizes that the outcome of a similar case in the future would be decided differently, also by a 5-to-4 decision, if Thurgood Marshall is confirmed for a seat on the Court. Considering Mr. Marshall's past record, I would have to agree with this observation. Although this particular decision was a sound decision, many recent Supreme Court decisions have gone the other way by a 5-to-4 margin. More often than not, the man who Mr. Marshall has been nominated to succeed on the Court, Associate Justice Tom C. Clark, has been found voting with the four rather than with the majority. In those cases which are of the utmost importance, as they bear upon basic constitutional issues, the addition of Mr. Marshall to the Court will result in a 6-to-3 rather than a 5-to-4 decision. This means that it will require the appointment of two additional conservative justices in order to change the tenor of future Supreme Court decisions. This is the basic reason why I intend to vote against Senate confirmation of Mr. Marshall for the position of Associate Justice of the Supreme Court.

I ask unanimous consent that the editorial to which I have referred, from the Evening Star of Wednesday, June 14, 1967, be printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Dr. King's Conviction

The Supreme Court's majority opinion affirming the conviction of Dr. Martin Luther King, Jr. and seven other ministers for contempt of court after they had deliberately violated an injunction issued by a Birmingham judge in 1963 rests upon what strikes us as a sound legal doctrine.

Speaking for the court Justice Stewart said: "The rule of law that Alabama followed in this case reflects a belief that in the fair administration of justice no man can be judge in his own case, however exalted his station, however righteous his motives and irrespective of his race, color, politics or religion. This court cannot hold that (Dr. King and the others) were constitutionally free to ignore all the procedures of the law and carry their battle to the streets. . . . Respect for judicial process is a small price to pay for the civilizing hand of law which alone can give abiding meaning to constitutional freedom."

Justice Stewart was joined in this by Justice Black, Harlan, White and Clark, who has now stepped down from the bench. The dissenters were Chief Justice Warren and Justices Brennan, Douglas and Fortas.

In three opinions they bitterly attacked the majority holding. The details cannot be spelled out in this space. But the essence of the dissents was that the majority by affirming the convictions for violating the injunction, had in effect closed the door to a challenge of a "patently" unconstitutional Birmingham ordinance regulating parades and street demonstrations. The majority, of course, thought otherwise. They said the defendants should have challenged the legality of the injunction before willfully defying it.

We would like to think that the principle announced by the majority would be controlling in the future. But this would be a very dubious assumption in view of the President's nomination of Thurgood Marshall to replace Justice Clark. When a suitable case comes along after the Solicitor General takes his seat on the court, there is a high probability that the holding in the case of Dr. King will be overruled by a new 5 to 4 decision.

PROF. CLAUDE McLEOD, OF SAM HOUSTON STATE UNIVERSITY PUBLISHES DEFINITIVE STUDY OF THE BIG THICKET (S. 4)

Mr. YARBOROUGH. Mr. President, after 20 years of research, Prof. Claude McLeod of the biology department of Sam Houston State University at Huntsville, Tex., has published a comprehensive study of the Big Thicket, mapping its one and a half million acres of east Texas landscape in splendid detail.

Professor McLeod's study will furnish important information for Congress deliberations on creating a Big Thicket National Park, as provided for in my bill S. 4.

For the information of Members of Congress, I ask unanimous consent to have printed at this point in the Record an account of Professor McLeod's study appearing in the June 8 Diboll, Tex., Free Press, under the title, "Professor McLeod Sheds Light on the Big Thicket."

There being no objection, the article was ordered to be printed in the Record, as follows:

Splendid Forest—Professor McLeod Sheds Light On the Big Thicket

Huntsville.—The what and the where of the East Texas Big Thicket have been answered by Claude McLeod, biology professor at Sam Houston State College.

McLeod said the area has long been "ill defined, poorly bounded and questionably named." Considerable legend, popular writing and sometimes prejudicial loyalty have led to generalized as well as localized concepts regarding this interesting region of Texas, he said.

Research on the area has been made by McLeod on a parttime basis during the past 20 years. His findings are being published by the Sam Houston State College Press.

The Big Thicket name is really a misnomer, McLeod concludes.

"The area is not an impenetrable thicket of bogs and bayous. It is not an area one approaches, traverses and leaves behind. It is a splendid forest, extending over an area exceeding one and a half million acres of East Texas landscape."

McLeod mapped the thicket area using key indicator plants.

In mapping the thicket area, McLeod's evaluation was in terms of concepts using key indicator plant species of both the forest overstory and understory. Towering loblolly pines, beech, magnolia and white oak served as overstory indicators while witch hazel, cherry laurel, silverbell and other species of woody vines and small trees served as reliable understory indicators.

Hardin, Liberty, San Jacinto, Polk, Montgomery and Tyler Counties contain parts of the Big Thicket.

It is divided into an "upper" and "lower" forest type in McLeod's study. The beech served as the basis of division. It is the dominant overstory specie found in the "upper" thicket forest. The swamp chestnut oak is found in the flatter, more poorly drained soils of the "lower" thicket forest.

Use was made of McLeod's study by a team from the National Park Service. The team evaluated the hitsorical and biological resources of the thicket to recommend the best course of action for preserving and developing representative samples of it as a public park.

The parks service team said of McLeod's study: "Literally the key to comprehending the Big Thicket entity is the analysis that has been made of it, after years of research, by Professor McLeod.

"By generously giving his time in direct field participation with the team, as well as placing the results of his work at their disposal, McLeod was responsible in a very large measure for the success of the study."

"Several thousand years were required to develop the Big Thicket forest type. It would probably require the same time to return such a forest stand," McLeod said. "Indeed, it is very unlikey that such a forest stand could be developed again."

He said more obvious changes in the thicket forest are noted in the rapid reduction of the total forest area. Every year, thousands of acres are permanently altered or removed from the original forest by agriculture, industrial, housing or recreational developments. This development trend may be expected to accelerate.

The unnatural cutting of the principal forest trees has changed much of the open forest into a veritable jungle.

"Too few people are aware of the already altered forest structure and still fewer people share the knowledge that this alteration can be peramnent," he said. "Actually, only a few stands of even relatively undisturbed thicket forest remain; that is, stands still retaining sufficient balance in floral composition to enable a return to the original community type."

Parts of Hardin, Tyler and Polk Counties probably offer the larger choice of these remaining stands, according to McLeod.

He said sections of forest units for preservation should not necessarily be contingent upon sites suitable for water impoundment for recreational purposes. Rather, these areas should be selected on the basis of their natural or wilderness aspect.

"The entire reserve area, or areas, should be as little altered as possible in order that the forest habitat might remain naturally balanced for both plant and animal population native to the thicket forest," McLeod said.

BILINGUALISM IS A NECESSITY, NOT A LUXURY

Mr. YARBOROUGH. Mr. President, the Senate Subcommittee on Bilingual Education has held hearings in Washington and in Texas in the last few weeks to hear from writers on the problems from local school administrators and teachers, and from those who have participated in a bilingual culture, or one that could have been. Because of the many witnesses at both these hearings, I did not speak at length on the bill, but I would like the Members who are interested in the bill to have access to an address I made October 30, 1966, in Tucson, Ariz., on the problems of bilingualism.

In these Senate hearings we have heard primarily from those who have studied or worked in the field of bilingualism, or, have been disadvantaged by the lack of bilingual education, and those who have been advantaged by a bilingual training because it has enabled them to cope with an English-speaking society. It is my firm belief, however, that just as great an advantage is available to the English-speaking participant in such a program, and it is this aspect which I brought out in the speech given at Tucson. The essence of that address is that our society has advanced to such a sophisticated state that knowledge of more than one language is no longer considered a privilege for the elite. It is now a necessity if one is to have a broad understanding of the world around him.

The occasion for the speech was a symposium on the Spanish-speaking child in the schools of the Southwest, held in Tucson, Ariz., on October 30 to 31, 1966. Sponsored by the National Education Association, the meeting brought together, teachers, school administrators, scholars, and public officials from Texas, New Mexico, Arizona, California, Colorado, and Washington, D.C. to exchange and develop ideas and proposals for action relating to providing equality of educational opportunity for Spanish-speaking children of the Southwest who must learn to live in an English-speaking society.

As a result of that conference, I introduced S. 428, the first bill ever introduced, in either House of the Congress of the United States to further bilingual education in our schools. The hearings being held by the Senate's Special Committee on Bilingual Education are the first hearings ever held by the U.S. Congress on the problem of bilingual education.

Mr. President, I ask unanimous consent to print at this point on the RECORD, my Tucson speech of October 30, 1966.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

WHAT BILINGUALISM CAN MEAN

(Excerpts from remarks of Senator RALPH YARBOROUGH, at the symposium on the Spanish-speaking child in the schools of the Southwest, at the University of Arizona, Tucson, Ariz., October 30, 1966)

Mr. Chairman; fellow educators, it is a special privilege for me to be here in Tucson visiting with you at this symposium.

As one who taught for three years in the rural schools of Texas, has served on the Senate Education Subcommittee for nine years, was a co-author of the National Defense Education Act of 1958 with its teacher institute provisions, and as the author of The cold war GI bill, I visit with you as one whose chief legislative concern is and has been education.

Since we are dealing tonight with belingualism as an educational problem, I am reminded of bilingualism as a political problem. Some years ago, as a candidate for Governor of Texas, I was waiting my turn to speak in English to a Spanish-speaking throng, largely bilingual, at Laredo, Texas. My campaign manager, the late Thomas Rodriguez, rising to introduce me, said:

"My English is so limited that I cannot introduce our distinguished guest in the strong language of Shakespeare, but must rely on my poor limitations only with the language of Cervantes."

And I responded:

"My education is so deficient that I cannot speak in the musical and moving sound of Cervantes but must rely upon the blunter words of Shakespeare."

Politics and government have taught me, in America and in the six inhabited continents, the value and the job of a bilingual capability.

When I accepted your gracious invitation to speak before your symposium tonight, I realized that the issues which confront us in this discussion are difficult ones to solve. There is no certain or easy answer to be found when one is dealing with the education of a child, for this education is expected to equip a child for life and none of us here would be foolish enough to believe that living a productive and creative life is an easy task. It is a most rewarding task, however, and each child, regardless of differences in background, has a right to expect the public schools of this country to offer him the very best education possible in preparing him to assume the duties, responsibilities, and privileges of an adult in a country that is blessed with abundances beyond the dreams of all men who ever inhabited this earth.

This is a subject of the utmost importance, for it is the essence of the process of education. Unless a child possesses facility of language, freedom of speech is more of a liability than an asset. Language begins when man feels a need to share his thoughts. For this reason language is a most personal part of an individual and one that must be cultivated and protected. We live in a world of great developments in science and we are surrounded by machines, but we have not yet been able to develop a machine that can alleviate the loneliness of man when he is denied the right of communication with his fellow man.

History teaches us that as man became aware of himself and of his own thought, he also became aware of his need to express this thought. In realizing the possibility of expressing his emotions and desires through language, man developed a personality rather than remaining merely a composite of nerves, blood, tissues, and bone. He was capable of sharing his deepest reflections of the world around him with his fellow man and thus he was capable of expressing joy, excitement, sympathy, and love for every feeling of life which he encountered.

In the past we have too often forced the Spanish-speaking child too early into a language that did not fit his thought pattern. We seem to have forgotten that a person's dignity and value as an individual are not dependent on the language which he speaks. When the Spanish-speaking child turns to the expressions of "la raza", he should not be penalized, for he is turning to the expressions which are most basic to his nature.

The language of a people develops in response to a felt need to communicate with one another due to the particular environment in which they live. As they learn to live in this geographical environment and to share the struggles and the beauties of the land which is theirs, they develop their language in proportion to the thoughts which are stimulated by their surroundings. Thus the language becomes a part of life rather than a set of symbols and syllables. It is for this reason that we dare not risk denying a child the right of expressing himself in his native tongue, for who among us would be willing to take the responsibility of denying the child this integral part of himself?

I do not suggest that we can afford to have students in our public schools who do not speak or understand the English language. Bilingualism should not stress one language to the detriment of another. It is essential in a pluralistic land such as ours that we have a common language and means of expression in order to work together and to live together as we must do. This does not necessitate, however, the downgrading of other languages. Rather than forcing the Spanish-speaking child to feel alienated from the educational system, we should find means of stimulating him and incorporating him into the educational structure. By offering a means of approaching school which is of interest to the Spanish-speaking child, we can look forward to seeing him develop into a well-educated, concerned, and dedicated citizen, rather than watching him drop out of school before he is prepared to earn a decent living and to live a life that will be meaningful to himself and to others.

I am encouraged by the progress that has been made in bilingual education methods through such experimental projects as the one conducted here in Tucson at Pueblo high school in cooperation with the National Education Association and other successful programs such as those in Laredo and El Paso in my own State of Texas.

Thus I suggest to you tonight that bilingualism is no longer a luxury in the world in which we live; it is a necessity. Our world is far too close together for its citizens not to speak the language of their neighbors. The Anglo-American student is as much in need of this stress on bilingualism as is the Mexican-American student. Just as we study the history of other countries and their own peculiar traditions in order to appreciate and understand that country, we should realize that language is the greatest key to understanding. The art of each country is respected and admired as a reflection of the nature and intellect of the people. The same should be true of its language, for language is one of the oldest and most honored forms of artistic expression. Each language carries a wealth of beauty and knowledge about a people which no other language has the right or ability to encroach upon. Samuel Johnson, one of the greatest scholars of language once wrote that—

"We would not be at the trouble to learn a language, if we could have all that is written in it just as well in a translation."

America is a strong country, but I look forward to the day when our strength will be great enough to embrace the diversity which exists in our land. Bilingualism can mean a truly bicultural approach to national and international affairs. It can offer a broader base for understanding among all people. It can allow for a free flow of expression both among individuals and among nations.

The National Defense Education Act with its electronic language laboratories for the study of other languages, with its teacher institutes, with its beginnings with TV and other innovative teaching methods, promises to make learning a second language twice as fast and twice as easy.

The whole task which you have undertaken is not an easy one. It is one which will call for both devotion and integrity on your part. It is not a task which will reach fruition in a year, two years or even five years. But it is a task which must be undertaken, for our country will never be strong enough to allow one of its citizens to fail to achieve all that he is capable of achieving due to an inadequate education.

I commend you for having chosen the difficult, but exciting field of education for your vocation. I am encouraged by meetings such as this that we are now attending, for I see that the scope of teaching is constantly being enlarged and the place of the child in our educational system is becoming the primary concern of all educators. You have my deepest admiration for the work you are doing not only here at this symposium, but each day that you face your class and give them the best of yourself in helping to prepare them to lead full, productive and creative lives.

RESOLUTION ON MIDDLE EAST BY KANSAS CONFERENCE OF METHODIST CHURCH

Mr. CARLSON. Mr. President, at a meeting of the Kansas Conference of the

Methodist Church at Baldwin, Kans., on June 9, a resolution on the Middle East was adopted by the conference.

I ask unanimous consent that the resolution be made a part of these remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ON THE MIDDLE EAST

The Kansas Conference of The Methodist Church expresses its concern and sorrow over conflicts, in the Middle East and Far East, which are resulting in so tragic a loss of the human, material, and moral resources of the family of God, and threaten to engulf the entire world in war.

We view with grave apprehension any contemplation of unilateral military intervention in the Middle East by this nation, or any nation, and urge all nations to exert effort and influence to bring warring nations to the conference table. At the moment of this crisis, we remember with unavoidable clarity the inevitable consequences of the arming of nations, thus putting it within their power to attempt military solutions to their problems.

We reaffirm confidence in the United Nations as "a working center of international cooperation which provides the most hopeful avenue leading to peace and world order" (The Social Creed); and we commend its peacekeeping efforts in the current crises.

We express appreciation to the Congress and Administration of the United States for their full support of the United Nations, with the good will and resources of this nation.

"THE ROLE OF A DIPLOMAT"—ADDRESS BY DR. BENERJEE, MINISTER, EMBASSY OF INDIA

Mr. CARLSON. Mr. President, the Honorable Dr. Purnendu Kumar Benerjee, Minister, Embassy of India, delivered an excellent commencement address at Kansas Wesleyan University on June 5, 1967, entitled "The Role of a Diplomat."

In his address Dr. Benerjee stressed the importance of the role of a diplomat in promoting good will among nations.

I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

I consider it a privilege to be invited to join the new graduates and to participate on this auspicious occasion—the commencement ceremony of this great institution. I am greatly honoured to receive the Honorary Degree of Doctor of Humane Letters and I am proud to call myself an alumnus.

I feel especially happy to be here as the guest of Wesleyan University because I remember with gratitude the many valuable humanitarian and educational services rendered to my country by the missionaries, particularly by members of the Methodist Church. India, like many other developing countries, was denied by the Western countries the benefit of the Industrial Revolution; but it was the Western missionaries and educationists who helped India, in large measure, to regain her place in the mainstream of modern education and technology even before she became independent. I also recall with warm gratitude the contribution made by Rev. Zook, father of President Zook, in the field of education and social service, to Bengal, my home State in India. In fact President Zook was born in Calcutta, which is also the city of my birth, and he spent his early years in Bengal.

I wish to speak today about the role of a diplomat. I have selected this subject because the diplomat's principal aim is and must be the achievement of international stability and cooperation. As graduates of this great institution, you are entering today not only your own society, but also the international community where you, as American nationals, are representing a great and leading nation which is playing an important and constructive role in the world.

The reader of fiction, dealing with stories of ancient civilizations or the histories of modern states, may easily confuse the stress on "cloak and dagger" methods with the art of diplomacy. It is not long ago that diplomacy used to be described as the art of "lying and spying". This confusion is not helped, and is indeed compounded, by modern day happenings, fortunately rare in occurrence, when one "diplomat" or the other is expelled from a country for espionage or spying activities of a varied nature. The question that ultimately arises, therefore, is: What is diplomacy? Is it a secret art that conceals unsavoury acts like disseminating suspicion or distributing bribes? Is it the action of forging alliances, of waging wars, or the mysterious hatching of sinister plots to overthrow governments? Or is it simply a world of colourful figures whose glamorous lives we find are incessantly splashed in the society columns?

In attempting to answer this question, I would say that diplomacy is none of these and yet it may, in some degree, be comprised of all of these and more when the situation so demands. The celebrated British authority on Diplomatic Practice, Sir Ernest Satow, described diplomacy as "the application of intelligence and tact to the conduct of official relations between the Governments of independent States." In brief, it is the conduct of business between independent States, preferably by peaceful means.

The origin of diplomacy can be traced, like most human relations, to the dawn of history. Imagine the world five thousand years ago when man had just organised himself into tribes and was faced with the problem of safeguarding the "territorial integrity" of his hunting land. Each tribe must have realised that the overlapping of their respective hunting territories may some day cause unnecessary bloodshed. Therefore, it would be advisable to delineate their respective territories to prevent poaching by outsiders. But to negotiate such boundary agreements, representatives of one tribe must necessarily go to the land of the other tribe. It must have been realised soon that unless these emissaries were given immunity from molestation of any kind, the negotiations could not reach a satisfactory conclusion. Diplomatic immunity, therefore, must have been one of the first principles to be evolved in the now bulky collection of conventions and rules of diplomatic practice. The principle of immunity is followed in the diplomatic practice of today so that members of foreign embassies are not subject to harassment from local officials. What I am concerned with today is the role of a diplomat, in implementing his country's policies, in helping to formulate them, and in generally working towards world peace. As you probably know, the diplomat is so called after the official document, originally termed "diplomas", emanating from sovereign authority conferring a privilege or granting the right of representation. A diplomat is generally known as a representative of a country when doing business in a foreign country or, more simply, a member of the diplomatic mission. However, the word "diplomat" today is meant to cover a far wider variety of government officials. In fact, all public servants employed in diplomatic affairs or in the affairs of nations, whether serving at home in the Department of Foreign Affairs or abroad, in the Embassies or other diplomatic international agencies, can be termed "diplomats". In strict terminology, so also is the Foreign Minister or the Secretary of State in a country a diplomat insofar as he functions as a responsible statesman conducting the relations of his country with other nations.

In India, we have a long diplomatic tradition. The diplomatic history of India dates back to the third century B.C. It was Kautilya, a Minister in the court of Emperor Chandragupta Maurya—a contemporary of Alexander the Great—who wrote a scientific study on state craft and diplomacy called *Artha Sashtra*. Artha Sashtra described the art of administration and prescribed definite rules of relations between State and State, nation and nation, in war and in peace. His *Mandala* theory described modalities to be employed by an ambitious king to conquer and consolidate new territories. But it was Emperor Ashoka, grandson of Chandragupta, who was the first in India to employ the technique of persuasion in international relations. He was a great champion and patron of Buddhism who sent his daughter, Sanghamittra, as India's Ambassador to the Court of the King of Ceylon.

The practice of diplomacy, which in a broad sense, covers the main functions of a diplomat, is a constantly evolving process that has changed beyond recognition over the last five hundred years. While it would be futile to identify the exact date of change at every stage of its evolution, it could be said that the transition from the old diplomacy to the new began in the 19th century and culminated in the 20th. By "old diplomacy" is meant a body of convention and practices that was built up and followed during the Middle Ages. Some of the main ingredients of the old diplomacy were the conception that Europe was the centre of gravity in international affairs; the establishment in each country of a professional diplomatic service on a more or less identical model; the axiom that negotiation "must always be a process rather than an episode and that at every stage it must remain confidential." There was also the assumption that great powers were more important and more responsible than the small powers, which led to the generally accepted principle of joint intervention by the "Concert of Europe in a dispute between the Small Powers". Old diplomacy, therefore, was an unobtrusive and unpublicised process; without hindrance from legislative advice or consent; unimpeded by public curiosity; and unaffected by the press or television. It was in the 19th century that the new diplomacy really took roots with the expansion of colonial administration, commercial competition among great powers, and improvement in the media of mass communication. The two World Wars brought about the end of this period of transition and the new diplomacy of the nuclear age was evolved. The colonial bonds were being threatened; new and independent States were taking their rightful places in the course of world events; regional groupings were loosening the hold of big powers; and rapid developments in technological fields had brought about an unprecedented expansion in the mass media of communication. These dramatic changes completely transformed the practice of diplomacy and necessitated a further readjustment of the role of diplomats to changing conditions.

Take negotiations for instance. In days gone by it took months for instructions to be received and an envoy abroad was expected to use his own initiative and judgment in carrying out the policies outlined to him by his Government when he left home months before. In effect, then, the envoy or ambassador on many occasions became the country's policymaker. Some profited by this latitude in order to pursue their personal policies. As Lord Malnesbury wrote, "I never received an instruction that was worth reading". Today, the situation is entirely different. On any question of great importance, an envoy can get in touch with his home Government in a matter of minutes to seek instructions before taking a course of action that would commit his country. While change may have altered the concept of practising diplomacy, it has by no means reduced its necessity. For the basic function of the envoy or ambassador to execute, explain, and clarify his country's policies is as valid today as ever. As M. Jules Cambon wrote, "Expressions such as old diplomacy and new diplomacy bear no relation to reality. It is the outward form—if you like, the adornments—of diplomacy that are undergoing a change. The substance must remain the same, since human nature is unalterable; since there exists no other method of regulating international differences; and since the best instrument at the disposal of a government wishing to persuade another government will always remain the spoken words of a decent man". In inter-State relations consent, and not command, remains the tool of governments.

The envoy in a foreign capital must always be the main source of information and above all, the interpreter of political trends and opinions in the country to which he is accredited. In a country with a democratic set-up (like yours or mine) the formulation of policy is generally in the hands of the executive branch of Government at home, and the suggestions and opinions of the envoy, based on a first-hand knowledge of the affairs of the country to which he is accredited, are of invaluable help in the final outcome of the policy deliberations. In every democracy, there are a few individuals who are powerful and influential and who control, in a large sense, the formulation of the country's policies. It is only the resident envoy who would be able to assess the interplay of opinions of this influential group of individuals and who could, therefore, conceivably influence their thinking. In order to arrive at a policy that is most practicable at the moment, the Government must base its decision upon the reports it receives from its envoy. This in itself is the most important function and responsibility of the diplomat. Nevertheless, it is not the only function. The envoy also functions as the most effective channel of communication between his government and the government to which he is accredited. He alone can decide at what moment and in what terms his instructions can best be executed. As Demosthenes remarked, "it is he who is in control of occasions and to a large extent, of events. Moreover, he remains the intermediary who alone can explain the purposes and motives of one Government to another. If he be foolish, ignorant, vain, or intemperate, great misunderstandings may arise and damaging indiscretions be perpetrated." Thus, while the primary function of a diplomat is to translate and implement the policies of his own government and thereby to effectively safeguard the interests of his country, it is no less important for him to constantly acquaint the home government with the policies, thinking, and attitudes of the country in which he is in residence. He cannot arrogate the power to formulate the policies of his country, but by performing this latter function efficiently he contributes to the decision-making process of the deliberative bodies of his government.

It is obvious, then, that over the last five hundred years there has been a perceptible curtailment in the initiative of freedom of a diplomat in carrying out his country's policies. His job, nevertheless, continues to be an important and delicate one. He can either improve or imperil the relations of the two countries by his actions. To perform his formidable job efficiently, therefore, he must possess qualities and attributes that would normally not be essential for other professions. Demosthenes had said, "Ambassadors or Envoys have no battleships at their disposal or heavy infantry or fortresses. Their weapons are words and opportunities. In important transactions, opportunities are fleeting; once they are missed they cannot be recovered." Sound judgment and discretion are pre-requisites for a successful diplomat. Recently, Ambassador Goldberg complained that modern diplomats approached every problem with an open mouth. In my opinion, what the modern diplomat should have is an open mind and a disciplined mouth! About 250 years ago, the author of a great manual in diplomacy, de Callieres wrote: "The good diplomatist must have an observant mind, a gift of application which rejects being diverted by pleasures of frivolous amusements, a sound judgment which takes the measure of things as they are, and which goes straight to the goal by the shortest and most natural paths without wandering into meaningless refinements and subtleties. The diplomatist must be quick, resourceful, a good listener, courteous and agreeable. . . . Above all, the good negotiator must possess enough self-control to resist the longing to speak before he has thought out what he intends to say. . . . He must have a calm nature, be able to suffer fools gladly, and should not be given to drink, gambling, women, irritability or any other wayward humours and fantasies. . . . He should also have some knowledge of literature, science, mathematics and law." Fellow Graduates, I may add he must have knowledge of economics and languages.

These qualities do not exhaust the list of fields with which a diplomat should familiarise himself. Another look at them would probably lead you to conclude that a diplomat has to be a superman. But it must be remembered that all these qualities cannot be learned or acquired in one stroke. While some of his education must necessarily be of a formal kind, a lot of his education is a continuing, evolving process acquired through experience and example, rather than from schools or colleges. His span of diplomatic service should be a period of continuous growth, his knowledge expanding as his responsibilities increase. For these qualities have to be acquired through hard work and adaptability. Yet, many years of useful experience thus acquired may result, if care is not taken, in intellectual stagnation and the stifling of initiative. There are many who may wrongly deduce that time is the best answer to most problems and thereby get into a habit of unproductive procrastination. A diplomat may have the aptitude and the necessary skill, but unless these natural gifts are developed in the midst of daily labour, he may tend to develop into a "routine man," impairing his imagination and reducing his usefulness.

In these times of non-silent diplomacy, public relations in the country of accreditation has become an important weapon in the armoury of a diplomat. Often, in democratic societies, influencing or appealing to the people who are potential voters is an useful adjunct to the functions of a diplomat in safeguarding and promoting the interests of his country. While an envoy would certainly find it physically impossible to reach every individual, his sociability, his relations with leaders of the community, and his handling of the press and other media of communication (whose influence in the formulation of ideas and policies is most significant) will go a long way in achieving his purpose.

At the same time, in order to be able to execute his government's policies abroad, he should command the full confidence of his government. Without such confidence, his advice would carry little weight with his home government and in turn he will be unaware of the precise thinking in his own country. He should also keep himself informed of the political trends at home and the mood of the people at any given time on a given issue.

Sometimes an envoy fails to do his job objectively because he associates himself emotionally with the country of his accreditation or because he is afraid to report to his home Government the real facts and his interpretation of them. His reports to the home government may be tailored as to what his own government would like to be true, rather than what is really the case. This happens in a democratic society as well as in a totalitarian society, but may occur more often in the totalitarian society.

Diplomacy today has acquired new dimensions. The technological revolution has affected the conduct of diplomacy. Today a diplomat can receive instructions from his home government in a matter of minutes. This has reduced his decision-making burdens. But there are new problems and new procedures resulting from improved communications. Diplomacy has scaled the wall of sovereignty to cultivate public opinion in the host country. In this the envoy is assisted by a retinue of diplomats. Every Embassy has a political section which is its main. The political section deals with the host government in political matters of both bilateral and multilateral importance. The Consular section is responsible for issuing visas, passports, care of nationals etc. Then there is a cultural section which projects the culture of the country. Diplomats go around the country and speak to audiences to explain the viewpoint of their government. Every embassy, all over the world, maintains an information department to influence, to educate and to enlighten the people. It tries to have itself photographed from the right angle and put the best foot forward. This is an art and involves hundreds of trivialities which, though in themselves unimportant, assist the cause it seeks to serve. The information wing of the Embassy answers hundreds of letters from students, teachers and prospective tourists. It publicizes the viewpoint of the home government by distributing books, official documents, film strips and posters. The Service Attaches—Army, Navy and Air—also form an important section of an Embassy. These Service Attaches have two functions: the collection of military information and intelligence, and arrangement for procurement and/or supply of military hardware. In a large Embassy, the administrative section employs a sizable staff to look after such needs as housing, medical attention, staffing and day to day operational activities.

Another important activity of an embassy today is in the economic sphere. Economics is playing an increasingly important role in both bilateral and multilateral relations. Foreign aid and foreign trade are in the mainstream of international relations. Ideally, foreign aid should emphasize the concept that poverty anywhere threatens prosperity everywhere, but we must realise that political motivations may sometimes be a factor. In fact it is often difficult, in a given situation, to say where politics ends and economics begins and vice versa. Politics tends to mingle with economics. It is no longer considered inappropriate for an Embassy to directly promote the commercial or economic interests of its country and its people. On the other hand, economic activity lies in the centre of diplomatic work. Governments have increasingly expanded their activity in economic and commercial spheres. A seventeenth century diplomat would have been shocked to see the gamut of work of a modern diplomat.

In the political sphere, there are new techniques in vogue. Summit diplomacy and parliamentary diplomacy are among them. Summit diplomacy played an important role during the last decade and converted diplomats to technocrats. Heads of State and Governments met directly and negotiated the terms of their relationship. The glare of publicity proved to be a double-edged sword. The diplomat continues to play his role in the silent, but not secret diplomacy of today.

The United Nations is the best example of parliamentary diplomacy. The open diplomacy of the U.N. General Assembly does not provide a particularly congenial atmosphere for traditional tasks of private diplomacy. The debates serve as a useful "barometer" of the diplomatic climate of opinion, though they sometimes easily generate into exercises in forensic propaganda. There is a well-known tale of one delegate's speech which was annotated in the margin: "Weak point. Shout!"

But parliamentary diplomacy has its advantages too. The U.N. General Assembly provides a forum for personal contacts, private meetings, and casual discussions; exchanging viewpoints and exploratory soundings. The resolutions generally represent "open agreements privately agreed upon!" This has given a new dimension to modern diplomacy. Diplomacy has two facets today—multilateral and bilateral. Many of the Afro-Asian States, for example, take a position in the United Nations General Assembly which, if considered bilaterally, is perhaps not in their national interest. The group psychology is at variance with the individual psychology. Many diplomats in the United Nations may support a position, but they dare not do it publicly for it may clash with the declared positions of the groups of which they are members. The problem of "saving face" is still an important factor in diplomacy.

In the nuclear age the heavy burden and responsibility of the diplomat is the pursuit of peace and the saving of the world from nuclear holocaust. War, in the ultimate analysis, is a failure of diplomacy. Diplomats must not only look after the national interests, but also the welfare of the international community. The diplomat's dedicated vigilance is not only our hope for survival but also the promise of a better world.

KANSAS STATE BAR ASSOCIATION RESOLUTION URGES ESTABLISHMENT OF PERMANENT FOURTH FEDERAL DISTRICT JUDGESHIP IN KANSAS

Mr. CARLSON. Mr. President, the Kansas State Bar Association at its recent convention at Kansas City on the 6th of May adopted a resolution urging the establishment of a permanent Fourth Federal District judgeship in Kansas.

Those who are familiar with the caseload in our State realize the importance of this additional judgeship, and I would urge that the Senate Judiciary Committee give early consideration to this request.

I ask unanimous consent that the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution

Whereas, Section 5(a) of Public Law 89-372 (28 U.S.C.A. Section 133, 1966 Pocketpart at page 117 under "Kansas") authorizes the appointment of a fourth judge of the United States District Court for the District of Kansas and provides that "(t)he first vacancy occurring in the office of district judge in said district shall not be filled," and

Whereas, in the normal course of events, the first vacancy on the Bench of the United States District Court of Kansas will occur by reason of the retirement of Chief Judge Arthur J. Stanley, Jr., and he has announced the probability of his retirement on or about March 21, 1971, thus leaving only three judges for the District of Kansas, and

Whereas, terminating the additional judgeship upon the occurrence of the first vacancy as now provided by the above law is not justified by the heavy work-load in the District of Kansas;

Now, therefore, be it resolved by the Bar Association of the State of Kansas in Convention duly assembled, in Kansas City, on this 6th day of May, 1967, that there should be at least four *permanent* judges of the United States District Court in this State and the above law should be amended to so provide, and

Be it further resolved that copies of this resolution be promptly forwarded to Chief Judge Alfred P. Murrah of the Tenth Judicial Circuit of the United States Courts of Appeal, and also to the United States Department of Justice and to each member of the Kansas Congressional Delegation in Washington, D.C.

Respectfully submitted.

The Resolutions Committee,
Rod Weltmer,
Richard Liebert,
Ernest A. Warden,
Paul Aylward,
C. W. Brenneisen, Jr., *Chairman.*

VIENNA CONVENTION ON DIPLOMATIC RELATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 334, S. 1577.

The PRESIDING OFFICER. The bill will be stated by title.

The Assistant Legislative Clerk. A bill (S. 1577) to complement the Vienna Convention on Diplomatic Relations.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with amendments on page 2, line 18, after the word "authorized", to insert "upon a basis of reciprocity and", and, on page 3, line 11, after the word "the", where it appears the second time, to strike out "mission;" and insert "mission."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Diplomatic Relations Act of 1967".

STATEMENT OF PURPOSE

Sec. 2. The purpose of this Act is to promote the conduct of the foreign relations of the United States by specifying the privileges and immunities to which foreign diplomatic missions and the personnel thereof are entitled and by authorizing the President to regulate, consistent with treaties and other international agreements of the United States, customary international law and practice, and this Act, the granting of such privileges and immunities.

DEFINITIONS

Sec. 3. As used in this Act, the phrase "foreign diplomatic mission and the personnel thereof" includes—

(a) any permanent or special diplomatic mission of a sending state accredited to the United States, including special envoys, and the members of the staff of the mission, the members of the families of such members of the staff, the private servants of the members of the mission, and diplomatic couriers.

(b) the head of a foreign state or the head of the government of a foreign state, and, when they are on an official visit to or in transit through the United States the foreign minister of a foreign government, and those members of the official party accompanying such officials.

AUTHORITY OF THE PRESIDENT

Sec. 4. (a) The President is authorized, upon a basis of reciprocity and under such terms and conditions as he may from time to time determine—

(1) to apply the treatment prescribed by the Vienna Convention on Diplomatic Relations, or any part or parts thereof, to those foreign diplomatic missions and the personnel thereof not otherwise entitled to such treatment;

(2) to extend more favorable treatment than is provided in the Vienna Convention on Diplomatic Relations to foreign diplomatic missions and the personnel thereof with respect to—

(A) exemption from Federal taxes; and

(B) immunity from civil and criminal jurisdiction of the United States or of any State, territory, or possession thereof for those persons defined in the Vienna Convention on Diplomatic Relations as the members of the administrative and technical staff and the service staff of the mission.

(b) The determination of the President as to the entitlement of a foreign diplomatic mission and the personnel thereof to diplomatic privileges and immunities under the Vienna Convention on Diplomatic Relations or under this Act, shall be conclusive and binding on all Federal, State, and local authorities.

(c) The President shall from time to time publish in the Federal Register of the United States a list of the permanent foreign diplomatic missions and the personnel thereof entitled to diplomatic privileges and immunities pursuant to the Vienna Convention on Diplomatic Relations or this Act.

JUDICIAL MATTER

Sec. 5. (a) Whenever any writ or process is sued out or prosecuted in any court, quasi-judicial body, or administrative tribunal of the United States, or at any State, territory, or possession thereof, against a person or the property of any person entitled to immunity from such suit or process under the Vienna Convention on Diplomatic Relations or pursuant to this Act, such writ or process shall be deemed void.

(b) Whoever knowingly obtains, prosecutes, or assists in the execution of such writ or process shall be fined not more than $5,000 or imprisoned not more than one year, or both: *Provided*, That this paragraph shall not apply unless the name of the person against whom the writ or process is issued has, before the issuance of such writ or process, been published in the Federal Register.

EXERCISE OF FUNCTIONS

Sec. 6. The President may exercise any functions conferred upon him by this Act through such agency or officer of the United States Government as he shall direct. The head of any such agency or such officer may from time to time promulgate such rules and regulations as may be necessary to carry out such functions, and may delegate authority to perform any such functions, including, if he shall so specify, the authority successively to redelegate any of such functions to any of his subordinates.

EFFECTIVE DATE AND REPEALS

Sec. 7. (a) This Act shall be effective upon the entry into force of the Vienna Convention on Diplomatic Relations with respect to the United States.

(b) Sections 4063, 4064, 4065, and 4066 of the Revised Statutes (22 U.S.C. 252-254) are repealed upon the effective date of this Act.

(c) The repeal of the several statutes or parts of statutes accomplished by this Act shall not affect any act done or right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before such repeal, but all rights and liabilities under the statutes or parts thereof so repealed shall continue, and may be enforced in the same manner as if such repeal had not been made, subject only to the applicable immunities heretofore flowing from customary international law and practice.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that an extract from the report on the bill be printed in the RECORD.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

MAIN PURPOSE OF THE BILL

In brief, the bill will (1) authorize the President upon a basis of reciprocity and at his discretion to accord the privileges and immunities specified in the Vienna Convention on Diplomatic Relations to diplomatic missions and the personnel thereof states no parties to the convention; (2) authorize according more favorable treatment to foreign diplomatic missions in the United States and their personnel, depending, inter alia, on reciprocal treatment of U.S. diplomatic missions and their personnel in the territory of the sending states concerned; (3) clarify the status in the United States for foreign heads of state and of government and special envoys; and (4) repeal Revised Statutes sections 4063–4066 (22 U.S.C. 252–254), which are based on a 1790 act of Congress and are inconsistent with the Vienna Convention.

BACKGROUND

The Vienna Convention, which S. 1577 would complement, was approved by the Senate on September 14, 1965, by a vote of 85 to 0. The convention itself is based largely on diplomatic practices as they developed over the years, and sets forth the rights, privileges, and duties of all members of a diplomatic mission and of their families and private servants and the rights and obligations of the state on whose territory they perform their functions. As a partial codification of these practices, it covers a variety of subjects, such as the functions, size, and location of missions, diplomatic privileges and immunities—including the treatment of mission premises and archives, freedom of movement, personal privileges and immunities such as immunity from jurisdiction, tax exemptions, and customs privileges—the obligations of a mission and its members toward the state in which they serve, and termination of missions. As the committee noted in its report on the Vienna Convention (Ex. Rept. 6, 89th Cong., 1st sess.)—

"In general, this convention is more restrictive in its provisions on diplomatic privileges and immunities than current U.S. practices."

The key in the title of S. 1577 is the word "complement." The Vienna Convention itself is self-executing and does not require the more familiar "implementing" legislation. However, at the time the Vienna Convention was before the Committee on Foreign Relations, the State Department informed the committee that it would recommend to the President that ratification be withheld until the complementing legislation is enacted. As a result, the treaty awaits ratification by the United States pending the enactment of S. 1577. If the treaty were to be ratified by the President before the bill is enacted the United States would be in the position of having to apply two sets of immunity standards to the foreign diplomatic community within the United States—the Vienna Convention standards to diplomats from those countries which have likewise ratified the convention, and the present statutory standards (proposed to be repealed) to diplomats from countries which are not a party to the Vienna Convention. The main difference between these immunity standards according to the Legal Adviser of the Department of State, who was the committee's principal witness, is that the standards of the Vienna Convention are minimum standards and, on balance, a little less liberal than current international law and practice.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

There being no objection, the Senate proceeded to consider executive business.

ATOMIC ENERGY COMMISSION

The assistant legislative clerk read the nomination of Wilfrid E. Johnson, of Washington, to be a member of the Atomic Energy Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask that the President be notified immediately of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislation session.

There being no objection, the Senate resumed the consideration of legislative business.

BALTIC STATES FREEDOM DAY

Mr. LAUSCHE. Mr. President, the people of the three Baltic States, the Estonians, Latvians, and Lithuanians, had regained their freedom in 1918 and lived happily for two decades during the interwar years in their homelands on the eastern shore of the Baltic Sea. There they lived in peace, and more than any other ethnic group, they wanted to keep the peace. For a decade or more their wishes were gratified, and during that time they succeeded in rebuilding their homelands, making them model democracies in northeastern Europe. They enjoyed some prosperity and registered remarkable advances on the political, social, cultural, and economic fronts. Their governments were recognized by other sovereign states and admitted into the family of nations. In short they were content with their lot and happy, but the outbreak of the last war ushered in a new era of enslavement for them.

Early in 1940 the Red army invaded and overran them, and then these countries were annexed to the Soviet Union, thus robbing these helpless peoples of their freedom and of their homelands. Heartless Communists did more in their policy of enslavement. They arrested, imprisoned, and then deported the leaders of these peoples to distant parts of the Soviet Union. In these wholesale arrests and deportations more than 100,000 able-bodied men suffered in Soviet prison labor camps. Many of them lost their lives in exile while their families were enslaved by Communist regimes imposed upon them by the Kremlin. Today these peoples still suffer under totalitarian Communist tyranny.

On the observance of the anniversary of their enslavement and the incorporation of their homelands into the Soviet Union, we all hope and pray for their deliverance from Communist tyranny.

VIRGIN ISLANDS ELECTED GOVERNOR BILL

Mr. BURDICK. Mr. President, an editorial from the San Juan Star dated May 26, 1967, which said some uncomplimentary things about the Paiewonsky administration, has been previously inserted into the CONGRESSIONAL RECORD, and later referred to during the consideration of S. 450. It is interesting and gratifying to note that the same San Juan Star, in a subsequent editorial, makes its position perfectly clear, and favors the passage of S. 450, the bill to provide for the election of the Governor of the Virgin Islands.

The Star takes a sensible and sound view when it states in the editorial:

> There would seem to be time to look into the allegations raised against Governor Paiewonsky and still allow Congress to act on the elected governor bill. At any rate, it seems an unfair penalty for the people of the Virgin Islands to be denied a long overdue right just because there is some suspicion their appointed governor hasn't administered their affairs efficiently and economically.

Mr. President, I ask unanimous consent that the editorial entitled "Unfair Penalty," appearing in the San Juan Star on May 26, 1967, be included at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

UNFAIR PENALTY

Sen. Gordon Allott, R.-Colo., made his promised "strong statement" yesterday on the growing furor over the administration of Virgin Islands Gov. Ralph Paiewonsky. It was expected that Sen. Allott would renew demands for a thorough investigation of fiscal affairs in the islands. However, Sen. Allott went even further and vowed he would attempt to block Senate action on the elected governor bill for the Virgin Islands because of the "flagrant political abuse" of the Paiewonsky administration. This seems to be a matter of prejudging the evidence and declaring the administration guilty.

There would seem to be time to look into the allegations raised against Gov. Paiewonsky and still allow Congress to act on the elected governor bill. At any rate, it seems an unfair penalty for the people of the Virgin Islands to be denied a long overdue right because there is some suspicion their appointed governor hasn't administered their affairs efficiently and economically.

To continue the administration of the Virgin Islands under an appointed governor for any reason is to allow the spectre of colonialism to linger in the United States. The bill should be considered without any roadblocks being thrown up impulsively in the manner of Sen. Allott who wants to judge first and investigate later.

SERTOMA ESSAY CONTEST WINNERS FROM UTAH

Mr. BENNETT. Mr. President, our youth are being taught the principles upon which our Nation was founded. The annual Sertoma freedom program encourages essay entries from our schoolchildren on these principles upon whose foundation the United States was built.

I would like to submit for the RECORD the two winning essays in a recent Salt Lake Sertoma freedom essay contest. These essays will illustrate the concept our youth has of one of our greatest American ideals, law: "The Law: Servant and Master," by Shauna Gay Barnard, and "The Law: Servant and Master," by William Mark Lewis.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

THE LAW: SERVANT AND MASTER

(By Shauna Gay Barnard)

Years ago our Pilgrim ancestors came to America in search of freedom. Because of the disagreement over British laws, the Revolutionary War was born. It is sometimes said that the war was fought because the Americans wanted back the freedom they had once had as Englishmen in early times.

The first actual American Law was the English common law. Lawyers had to learn the common law by reading what judges had said in deciding various cases. The desire to have the law written down became increasingly strong following the signing of Magna Charta. Today the unwritten Law is supplemented by comprehensive statutes called codes. Laws have been built up through the years. For Americans, the greatest and most helpful of these laws is the Constitution of the United States.

The American Constitution had to fit the fierce sense of individual freedom into a balance with the national strength. Laws were formulated by law making bodies and were then either ratified or vetoed. During this time of developing our laws, our nation grew stronger.

The laws of the land can be our friend, but, may at times rule our lives if we don't abide by them.

In the Bill of Rights we are given many freedoms, but many more times than not, these laws are ignored and taken advantage of, therefore they are broken. For instance, you study in the Bill of Rights the freedom of speech, then you read in the newspaper, "New York Man Slanders President". What kind of freedom of speech is this?

In the early colonial times criminals were often severely punished in public. Those who were caught criticizing the government would most likely have their ears cut off. Those who were drunkards had a large "D" burned on their foreheads. They would carry these markings for the rest of their lives. This is even so today although no one is branded nor are their ears cut off. No matter how well you act till the day you die, you will always carry the scar of a police record.

Not all men want to commit a crime in life. After all we're entitled to one mistake in life. (Or are we?) The statement "Once a crook always a crook" is not necessarily true. But, many people feel it is. Many a man has heard the statement "Sorry but it's against the principles of the business to have ex-convicts as employees", or "We don't hire men with a police record, too big a risk." Even if a man wants to "go straight" and tries very hard to receive a job . . . any kind of honest pay . . . after all fails, he may feel compelled to turn back to crime to live. Even if he did get a job, something may be stolen and then the finger of suspicion would point right at him first. If he were innocent, he would probably be fired and be called just another one of those "ex-convicts". Or perhaps, one may have to fill out an application blank and come to the question, "Do you have a police record"? If yes, one would probably not receive the job.

The criminal is not the only one who suffers. His family suffers right along with him. His children would be laughed at by their friends, and his wife would be rejected.

The crime may take only a moment. But, this small moment of weakness must be lived for a life time!

Let's call our friend Junior. When he was fourteen, one day his father came home with a big grin on his face. He told his family, "Got a ticket today, but Jake up at City Hall fixed it up."

When Junior was fifteen, he and his mother had gone shopping. On their way out of the parking lot she backed her car into a tree. The damage would be easily around $100.00. His mother told him, "We'll just say someone rammed into us, then the insurance company will pay for it, and, after all that's what they are for."

When Junior was eighteen, his parents did everything in their power to get him into a high class academy. They even went so far as to lie about the family income. They made it seem like Junior was in need of financial aid. Finally, they got him into the right academy. Junior began "messing around." Time after time he would do things with the gang just for kicks. He thought he really had it made, a real big shot. He never got caught until one night he and a few of his friends decided to borrow the Professor's car to go "joy-riding." After a while they heard sirens. It was real wild driving 90 miles an hour with a cop chasing you.

Junior and his friends weren't put in jail, but were put out on parole. Before the judge let them go he said, "Boys you may never see the inside walls of a penitentiary or a jail, but you will never be able to escape the penalties of the crime you have committed. The record of your conviction will exist as long as the courthouses do. No amount of goodness of conduct will ever erase it. You boys may have an opportunity to earn good pay in some foreign country. You apply for a passport. You may get one, but then again, you may not. You go to Canada for a fishing or hunting trip, but you will not be allowed to stay very long. No country will let you become a resident. Your world will become much smaller than it once was. You will soon reach a voting age. People your own age are voting, but you cannot. You will be a citizen, but unable to vote on public affairs.

Mr. and Mrs. Jones and family were spending a quiet evening at home. The children were playing games while Mom and Dad read. All at once a sudden shatter sounded through the house as if something had gone through the picture window. Mr. Jones jumped up and ran to the living room just in time to see a small piece of lead whiz by him. He looked at the walls, directly to his left he saw two bullet marks. He ran to the phone and less than ten minutes later they could hear sirens. The police searched the entire neighborhood and found nothing. All cars in the direct vicinity were alerted. In little more than an hour the culprit was caught. Because of the preparedness of the police, no one will ever know how many lives were saved.

If we respect our laws and obey them, we shall have happiness and satisfaction. When a child is young, he should be taught to respect the law and to use it wisely. If the parents fail to teach this and the child turns to a delinquent, the responsibility is upon the shoulders of the parents.

Our liberties have a vibrant life. They are not provided only to meet the tyrannies of the distant past, but they are, also, with us to meet the challenges of today, ready to block injustice wherever it threatens!

THE LAW—SERVANT AND MASTER

(By William Mark Lewis)

In order for a country to grow and progress, it must have laws. These laws work in two different ways, as servant and as master.

When a person breaks in to a house in your neighborhood, the law is your servant. It tracks down the criminal and punishes him. Because the law does this, your home is protected. When the positions are reversed and you break the law, you are hunted and can never live in peace until you have been apprehended and punished. Even then, your criminal record pursues you through the rest of your life. When you are trying to get a job, most companies check to see if you have a criminal record. In most cases, the jobs you want are taken from you and given to men who have obeyed the law. The law has mastered you to the extent that it has kept you from a job.

In sports you can either be served by, or serve the law. When playing basketball, if your team plays strictly by the rules and makes no fouls, the rules are on your side. No one can knock you down and snatch the ball away without penalty. When you break the rules, the other team is given all the advantages. Because you foul a man on the opposing team, he will receive free shots which he would not have taken if he had not been fouled.

In primitive societies laws were made for the protection of the people. Criminals were punished very severely for crimes which are of lesser consequence today. If a man stole another man's cattle, he could be punished by being sentenced to serve him until the owner considered the thief's debt repaid.

"As society became more developed, more laws needed to be made. As trade grew, there had to be certain laws of weight, value of money, and terms of credit." [1] Since that time, laws have continued to progress in giving services required by the people.

After America's ties with England were broken, a system of laws had to be made. Many tries at law making were made before, at last, the Constitution was written. "After the revolution, because of the people's wish for written laws, the Continental Congress, in 1777, drew up the Articles of Confederation which lasted until the writing of the Constitution in 1787." [2] Since then laws have had to be changed and new ones created as the people have required new services.

Women's voting was unheard of when our country was founded, but with their demands for equal rights, a new law had to be made and an old one changed. Before the invention of the automobile, traffic laws were very few, but now many laws have had to be made for the protection of both drivers and pedestrians.

Today, keeping the people in mind, almost all of the laws are fair and just. The ideas of government designed long ago to give all men freedom, justice, and equality before the law, have been preserved so that today the United States is the largest center of freedom in the world.

Our laws are made to insure the four basic freedoms: freedom of speech, freedom of worship, freedom of peaceable assembly, and freedom of the press. We take these freedoms for granted. In our country today we are free to complain about the government if we think it is being run incorrectly. In the January 30, 1967, issue of *The Salt Lake Tribune*, our policy was criticized in a letter to the editor which said, "From all I can find out about this war in Viet Nam, it doesn't make sense. This nonsensical war has developed into a face-saving operation more than anything else."

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[1] Frank Denman, *Law: It's on Your Side* (New York: Macmillan Co., 1952), p. 8.

[2] "United States," *Encyclopedia Americana*, XXVII, 1966 pp. 549–551.

In many countries, if common people criticized the government, they would be done away with. In 1917, at the end of the Russian revolution, there was a purge where anyone who spoke against the government was taken out and shot. "More than 500 persons were shot in Petrograd alone as a reprisal for a previous attack on Lenin."[3] Today in Red China, the Red Guard patrol the country, destroying any people whom they think are against the present government. When we read things like this in the paper, we should be very grateful to live in this free country, and we should uphold the law to the best of our ability. If we all obey the law, it will be our servant, and the four cornerstones of freedom: freedom of speech, freedom of peaceable assembly, freedom of worship, and freedom of the press, can never be chipped away.

PUBLIC COMMENT ON PUBLIC TELEVISION

Mr. BARTLETT. Mr. President, two columns have recently appeared in the New York Times which outline the need for the swift establishment of public—noncommercial—television and radio broadcasting facilities. Jack Gould, radio and television critic, outlines in a June 4 article the efforts of the newly formed National Committee for Public Television under the chairmanship of Thomas P. F. Hoving, director of the Metropolitan Museum of Art, to coordinate public interest in the project. The need for definite action by the Congress to formalize general public approval is pointed out by Associate Editor Lester Market in his June 5 commentary.

Mr. President, I ask unanimous consent that the articles be printed in full in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, June 4, 1967]

A HEADSTART FOR ETV

(By Jack Gould)

Formation of the National Committee for Public Television, under the chairmanship of the lively Thomas P. F. Hoving, director of the Metropolitan Museum of Art, is one much needed step in advancing the cause of noncommercial video. The purpose of the committee will be public relations in the better sense of the phrase: To develop a broader base of interest in the destiny of public TV, notably among practitioners of the arts and civic leaders who, one hopes, can carry weight in both Congress and in the private sector of society. Their participation does not come any too soon.

Time is not altogether on the side of public TV. President Johnson's bill creating a Corporation of Public Broadcasting swept through the Senate largely as a personal testament to the political skill and stature of Senator John O. Pastore, Democrat of Rhode Island. Delay and controversy may await the measure in the Commerce and Appropriations Committees of the House of Representatives.

Even if the bill is adopted it will constitute primarily a victory for the establishment of a principle: The creation of a Corporation for Public Broadcasting to supplement the available wares on commercial TV. But the actual amount of money involved at the moment, approximately $9-million, is small. The truly thorny problem is not scheduled to come up for another year when there will have to be a decision on the raising of hundreds of millions of dollars. At that time, it's virtually certain Congress will address itself to the real nuts and bolts of non-commercial broadcasting—what it proposes to do, who will do it and how the costs will be met.

But setting up a permanent economic structure for public television could well take a year or two and the interim period could prove crucial. Moreover, the publicity attendant upon the Ford Fund's experiments and Congressional consideration of legislation have not stimulated contributions by viewers to their local stations. But what is notably distressing in all the enthusiasm over public television's future is the lack of searching study over what the medium should do. And it is in this area that the national citizens committee for public television could be helpful.

Mr. Hoving, for one, is dead right in stressing that non-commercial TV should not be judged within electronic boundaries, but should be a gateway to a larger awareness and understanding of cultural resources that already exist. The ranks of non-commercial TV are over-populated by veterans of TV; it needs new minds to refresh thinking toward the medium and chart a pattern which would give non-commercial video the character and identity that it has been so long in trying to acquire. If public television expects to persuade Congress that it is deserving of hundreds of millions of dollars annually, it's not too early to begin articulating precisely what the taxpaying set owner would be getting for his money.

Opposition to a viable and exciting form of non-commercial TV may be more widespread among commercial broadcasters than is generally understood and the effectiveness of their lobby in the House of Representatives could be formidable indeed when the cost of ETV reaches the floor a year hence, particularly if President Johnson does not apply maximum White House influence.

The supporters of ETV have only a few months to put their house in order and offer a persuasive united front. The newly formed citizens committee may learn that coordinating public interest is but one phase of its undertaking; coordinating the elements within non-commercial TV might be even more important.

On a nationwide basis, there is apprehension over the coming turn of events. Many station operators look askance at NET struggling along on a $6-million annual budget to do five hours of programming for 52 weeks a year while the Laboratory probably will have $6-million, less networking costs, to do two hours for 25 weeks.

The desire to surmount the first hurdle—getting the Corporation for Public Broadcasting into being—has resulted in a strategic decision by supporters of non-commercial TV not to rock the boat. Many of the overriding problems confronting ETV, it is believed, will lend themselves to easier resolution when the Corporation has a leader, a board of directors and a staff.

On all sides there is universal agreement that public television's main problem is lack of funds, as exemplified in Channel 13's scheduled cancellation for the summer of its last live program, "Newsfront." Yet, even though ETV can ill afford the luxury of competition at this stage, there are signs of proliferating rivalry and duplication of effort that could prove perilous.

Up to now, on the national scale, it has been the function of National Educational Television, the oldest program service for non-commercial TV, to provide the main coverage in news and public affairs. Now the Public Broadcast Laboratory, financed by the Ford Foundation, is creating an entirely separate structure to cover the same area in a series of fall specials on Sunday nights. That the PBL is nominally under the wing of NET is not fooling anyone; the relationship between the two groups is fraught with uneasiness.

The PBL is leasing separate offices and NET has its own headquarters. Production centers, needless to say, are extremely expensive. Yet, along with the two national centers, there is Channel 13 with its production studio, not to mention New York City's non-commercial outlet, Channel 31, going it alone at the Municipal Building.

The Public Broadcast Laboratory has followed the policy that non-commercial TV should meet the salaries of commercial TV in order to obtain top personnel, but the inevitable consequence is one more escalation of wages at NET—or resentment if raises are not forthcoming—and the prospect of higher fee demands at Channel 13. NET and the Public Broadcast Laboratory plan a degree of cooperation on the matters of economic overhead and program content, but in plain language, there is the prospect of a tussle for survival and prestige between the two units.

[From the New York Times, June 5, 1967]

PUBLIC TELEVISION: A "NATIONAL RESOURCE"

(By Lester Markel)

The bill for Public (educational or noncommercial) Television has been passed by the Senate with dispatch and emphatic endorsement. In the House the going is likely to be much rougher. Now is the time for all good men to come to the aid of the parties that are deeply concerned—the educational broadcasters, the devoted listeners, the public at large. For this is, as Senator Percy put it, "milestone legislation" representing "a strong national commitment to the development of a vital national resource."

The case for Public Television is simply stated. Television can be a potent force in achieving a better-informed public opinion and in advancing the cultural state of the nation. Commercial television has not done the job and it is not likely to do so, for the very reason that it is commercial.

GAPS IN COMMERCIAL TV

The news broadcasts comprise, for the most part, a headline service; often they supply drama, but they lack depth. The cultural contributions are sporadic, even though at times they are of high order. But the most telling count in the indictment is that of timing; the evening, the important hours, for the most part, add up to a desert area with few oases.

In all three areas—information, culture and program time—Public Television can fill the gaps.

In the information area, Public Television can perform the urgent assignment of presenting the news in an understandable way, providing news in perspective, news in the broadest sense, including significant trends as well as the spot events. In addition, it can present well-ordered and well moderated debates on the pressing issues of the day.

OPEN NEW VISTAS

In the cultural area, Public Television can open new vistas; it can provide programs on a consistent basis, supplying more theater, more music, more art, more discussion on books—more philosophy if you will. None of these proposals rules out entertainment; the suggestion is only that entertainment be provided on a higher level.

The effort should be local as well as national. It is, of course, highly desirable to present great drama, grand opera, grander art; but it is also highly useful to tap the resources of communities and universities, to explain the newest show at the art center, and to cooperate with the local libraries in indicating the joys of reading.

Above all, Public Television can provide prime stuff in prime time—programs that have high quality without being "highbrow"

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[3] "Union of Soviet Socialist Republics," *Encyclopedia Americana* (1966), Volume XXVII, p. 418.

—good entertainment as well as good talk; footnotes as well as headlines.

But these arguments will not prevail unless two handicaps are overcome: public apathy and Congressional doubt.

The approach to the public has been vague and confused. There has been no convincing demonstration that Public Television can do a genuine job both of enlightenment and of entertainment. Most of the talk has been of techniques rather than content. Admittedly, conduits are essential, but the nature of the flow through the conduits is of prime importance. Thoreau's warning of the past still applies: "We are in great haste to construct a magnetic telegraph from Maine to Texas. But Maine and Texas may have nothing to communicate."

FACING UP TO DOUBTS

The Congress must be educated to the importance of Public Television and to the vital need of assuring its independence. At the moment Congress pays lip service to the concept, but it has a basic fear that a Government-supported medium of communication will be used for propaganda purposes. These are deep fears, but they are unfounded; B.B.C. is a prime example of how the task can be independently performed. Such doubts cannot be ducked (it has been proposed, for example, that public funds shall not be used for news); they must be squarely faced.

Public Television in the true sense requires an annual expenditure of more than a quarter billion dollars. Private funds are surely desirable, but the greater part of the moneys will have to come from the Federal Government. This is a small price to pay for so large an achievement.

THE BIG STEP UP

There is a potent argument for appropriating public funds for these purposes. The Federal Government has long recognized the need for education in the schools and colleges; the principle applies equally to adult education, which Public Television virtually is. A Public Broadcasting Act can be compared with the Land Grant Act of 1862; both can be considered momentous steps toward mass higher education.

There is, in sum, much goodwill toward the idea of Public Television; there is the conviction that something should be done; there are many brave and vague pronouncements. But more than goodwill, acquiescence and kind words are needed. There must be agreement on objectives, harmony of action and cold cash.

For through Public Television we shall be able to achieve, possibly not an enlightened majority, but surely a much larger enlightened minority—and thus will the state of the Union be notably advanced.

THE PRESIDENTIAL SCHOLARS OF 1967

Mr. FULBRIGHT. Mr. President, if the Senate detected on Tuesday of this week a heightened intellectuality in this chamber—and indeed in the general atmosphere of Washington—I believe the phenomenon can be attributed to the presence here that day of 121 of the brightest and most accomplished young students in America—the Presidential Scholars of 1967.

This program, now in its fourth year, serves the intellectual community well by providing appropriate recognition and encouragement of these young recruits to its ranks. And, it serves the Nation well by publicly demonstrating the value the American people place on intellectual achievement.

I congratulate the 1967 Presidential Scholars and herewith ask unanimous consent that there be printed in the Record a list of their names and home States. I know my colleagues take as I do a deep and justified pride in numbering these fine young men and women among our constituents.

There being no objection, the list was ordered to be printed in the Record, as follows:

Presidential Scholars, 1967

ALABAMA

(James) Phillip Jordan, 518 Rosemont Drive, Dothan, Alabama.

Marilyn Florence King, 705 5th Avenue, East Cullman, Alabama.

ALASKA

Don Nelson Page, New Stuyahok, Alaska.

Susan Joyce Salo, Box 180, Mt. Edgecumbe, Alaska.

ARIZONA

Christopher Duffield, 4125 North Camino Encerrado, Tucson, Arizona.

Beverly Rose Voloshin, 6155 North 18th Avenue, Phoenix, Arizona.

ARKANSAS

Beth Ann Hildbold, 611 East North Street, Fayetteville, Arkansas.

David Willard Royce, 8212 Louwanda Drive, Little Rock, Arkansas.

Edward Leroy Whitfield, 2114 Ringo Street, Little Rock, Arkansas.

CALIFORNIA

Hal Michael Mickelson, 1351 West Tenth Street, San Pedro, California.

Louise Madeline Pescetta, 4230 Terrace Street, Oakland, California.

Nicholas Dwight Smith, 5724 Elk Street, San Diego, California.

COLORADO

Michelle Nina Fluckey, 1875 South Vrain Street, Denver, Colorado.

Jeremy Elliott Stone, 3400 East Dartmouth Avenue, Denver, Colorado.

CONNECTICUT

Wesley Casimir Gryk, 50 Forest Street, Manchester, Connecticut.

Karin Olds Sundquist, 41 Lorraine Street, Hartford, Connecticut.

DELAWARE

Nancy Jane Snyder, 207 Whitekirk Drive, Wilmington, Delaware.

Kelly Bryant Sullivan, 8 Mahaffy Drive, Wilmington, Delaware.

DISTRICT OF COLUMBIA

Bunyan Leo Byrant, 118 36th Street, NE, Washington, D.C.

Wilhelmina Delores Jenkins, 1325 Emerson Street, NW., No. 102, Washington, D.C.

Michael Stephan Larmer, 2808 Naylor Road, SE, Washington, D.C.

FLORIDA

Teresa Lynn Powell, 700 Nida Drive, Eau Gallie, Florida.

Michel Leon Stone, 6024 South Lagoon Drive, Panama City, Florida.

GEORGIA

Daniel Luther King, Route 5, Marietta, Georgia.

Peter Wallace Lert, 3642 Roxboro Circle, Atlanta, Georgia.

Virginia Elizabeth Smith, 1210 Curtis Drive, NE, Atlanta, Georgia.

HAWAII

Margaret Kiyoko Nakamura, 3330 Monsarrat Avenue, Honolulu, Hawaii.

Kenneth Lee Terry, 938 Onaha Street, Honolulu, Hawaii.

IDAHO

David Mitchell McFarland, Carmen, Idaho.

Alice Faye Smith, 706 Linden, Lewiston, Idaho.

ILLINOIS

Ellen Patricia Aprill, 4639 Brummel, Skokie, Illinois.

Paul Duncan Fairbank, 145 East Pomeroy Street, West Chicago, Illinois.

Howard D. Spence, 838 South Franklin Street, Decatur, Illinois.

INDIANA

Mitchell Elias Daniels, Jr., 7361 Hawthorne Lane, Indianapolis, Indiana.

Suzanne Elizabeth Pearson, 1239 Lakewood, South Bend, Indiana.

IOWA

Marilyn E. Bohlen, 1767 Fairlane, Keokuk, Iowa.

Charles William Nordin, 1524 41st Place, Des Moines, Iowa.

Martin Terrell Smith, 905 8th Avenue, SE, Cedar Rapids, Iowa.

KANSAS

Charles Harrison Clanton, III, 8000 Juniper Drive, Prairie Village, Kansas.

KENTUCKY

Jennifer Helen Richards, 3257 Lansdowne Drive, Lexington, Kentucky.

Peggy Jean Ward, 1171 Russell Street, Ashland, Kentucky.

William Alexandre Webb, 2401 Merriwood Drive, Jeffersontown, Kentucky.

LOUISIANA

John Edward Clark, 3832 Paris Avenue, New Orleans, Louisiana.

Burke Dorn Grandjean, 3475 Belmont Avenue, Baton Rouge, Louisiana.

Susan Elizabeth Martin, 217 Country Club Road, Monroe, Louisiana.

MAINE

Martha Jean Huard, 23 Columbia Road, Waterville, Maine.

Paul Eugene Tebbets, Eden Lane, Bethel, Maine.

MARYLAND

Beverly Ann Sauer, 1317 Walters Avenue, Baltimore, Maryland.

Charles Louis Wisseman, III, 40 Cedar Knoll Road, Cockeysville, Maryland.

MASSACHUSETTS

Joanne Barbara Grossman, 70 Judith Road, Newton Centre, Massachusetts.

Neal Lewis Rosen, 97 Betts Road, Belmont, Massachusetts.

Andrew Szekely, 84 Neponset Street, Canton, Massachusetts.

MICHIGAN

William James Davey, 901 Sheridan Court, Albion, Michigan.

Karen Rhea Fonde, 2618 Manchester, Ann Arbor, Michigan.

MINNESOTA

Joseph Marius Bloedoorn, 301 North Chatsworth, St. Paul, Minnesota.

Mary Catherine Turck, Route 3, Litchfield, Minnesota.

Mark Alan Turnquist, 1981 Oak Street, Hastings, Minnesota.

MISSISSIPPI

Peter James Benvenutti, Jr., 116 Felicity Street, Bay St. Louis, Mississippi.

Patricia Kirk Taylor, 1328 Belvoir Circle, Jackson, Mississippi.

MISSOURI

Robert Staley Cartwright, Jr., 605 Hulen Drive, Columbia, Missouri.

Margaret Elizabeth Wolf, 649 Norton Avenue, Kirkwood, Missouri.

MONTANA

Kathy Ann Temple, 602 North Kendrick Avenue, Glendive, Montana.

James Thomas Walter, 1711 Willow Way, Bozeman, Montana.

NEBRASKA

Amy Catherine Brodkey, 1001 South 55th Street, Omaha, Nebraska.

Karl Erland Byleen, 710 N. 58th Street, Lincoln, Nebraska.

NEVADA

(Jesse) William Campbell, II, 5225 Evergreen Avenue, Las Vegas, Nevada.

Lynn Valerie Tsouras, 2012 Santa Rita, Las Vegas, Nevada.

NEW HAMPSHIRE

Daniel W. Nickerson, 277 Aldrich Road, Portsmouth, New Hampshire.

Jane Anne Schmidtchen, P.O. Box 197, Londonderry, New Hampshire.

NEW JERSEY

Roslyn Linda Goodman, 60 Glendale Avenue, Livingston, New Jersey.

Paul James Superak, 34 U.S. Highway 22, Green Brook, New Jersey.

NEW MEXICO

Ellen Patricia Coy, 2070 Rosedale, Las Cruces. New Mexico.

(William) Murray Ryan, 1709 W. 6th Street, Silver City, New Mexico.

NEW YORK

Monica Anne Carsky, 26 Otsego Street, Canajoharie, New York.

Geraldine Susan Hraban, 2 Spencer Lane, Stony Brook, New York.

Sanford Louis Weiner, 122 Sixth Avenue, Gloversville, New York.

NORTH CAROLINA

Rickie Eugene Carlisle, 2011 Gay Street, Charlotte, North Carolina.

(James) Austin Lybrand, IV, 615 Catalina Drive, Greensboro, North Carolina.

Lucie Evelyn White, 3701 Starhill Court, Greensboro, North Carolina.

NORTH DAKOTA

Phyllis Elaine Lanes, 602 N. 19th Street, Grand Forks, North Dakota.

Donald Anders Fuller Nelson, Rural Route 2, Flaxton, North Dakota.

OHIO

Sandra Lee Michalek, 1787 E. Parkhaven Drive, Seven Hills, Ohio.

Warren Allen Ticknor, 149 E. Mulberry Street, Lancaster, Ohio.

OKLAHOMA

Rand Roger Guffey, 1822 Westminster Place, Oklahoma City, Oklahoma.

Beth Anne Vande Mheen, 405 South First Place, Broken Arrow, Oklahoma.

OREGON

Nancy Louise Capps, 510 S. E. 65th Avenue, Portland, Oregon.

Charles Robert Swenson, 8235 S. W. Ernst Road, Portland, Oregon.

PENNSYLVANIA

Ray Alexander Hammond, 5854 Spruce Street, Philadelphia, Pennsylvania.

Cathy Ann Kadane, 204 Logan Boulevard, Altoona, Pennsylvania.

Michael Douglas Mathers, 401 East Chocolate Avenue, Hershey, Pennsylvania.

RHODE ISLAND

Michael William Dolan, 65 Whittier Road, Pawtucket, Rhode Island.

Marna Rena Sternbach, 61 Gallatin Street, Providence, Rhode Island.

SOUTH CAROLINA

William Henry Blackwell, 1837 India Hook Road, Rock Hill, South Carolina.

Katherine Charlotte Eggers, 404 Penn Street, Edgefield, South Carolina.

June Sheralyn Manning, Claflin College, Box 49, Orangeburg, South Carolina.

SOUTH DAKOTA

Mary Louise Heen, 100 South Sherman Avenue, Sioux Falls, South Dakota.

David Michael Olinger, 730 Holcomb Avenue, Rapid City, South Dakota.

TENNESSEE

Terry Ellen Eschen, 403 Meadowcrest Circle, Memphis, Tennessee.

Stephen Kyle Tapp, 1655 Carr Avenue, Memphis, Tennessee.

Wendy Le Wintermute, 136 Sunrise Cove, Selmer, Tennessee.

TEXAS

Mary Ann Anthony, 1624 56th Street, Lubbock, Texas.

Jay Marion Spears, 7204 Bellrose Drive, El Paso, Texas.

UTAH

Nelson Avard Burton, 780 East 500 South, Bountiful, Utah.

Claire Gabriel, 4650 Westview Drive, Salt Lake City, Utah.

VERMONT

Patricia Hazel Albee, 7 Stetson Terrace, St. Johnsbury Center, Vermont.

Alan Kingsley Long, 1720 Spear Street, South Burlington, Vermont.

VIRGINIA

Linda Allen Burcher, 71 Shenandoah Road, Hampton, Virginia.

Edward Augustus Rejuney, 2157 N. Brandywine Street, Arlington, Virginia.

WASHINGTON

Clydia Jean Cuykendall, 1904 S. Steele Street, Olympia, Washington.

Louis David Peterson, 115 N.W. 73rd Street, Seattle, Washington.

WEST VIRGINIA

(Dorcas) Joanne Harley, Route 4, Box 19, Morgantown, West Virginia.

Thomas George Larson, 685 Gordon Drive, Charleston, West Virginia.

WISCONSIN

Frank Russel Beaton, 3617 N. Main Street, Racine, Wisconsin.

Molly Rachel Schwenn, 1908 Arlington Place, Madison, Wisconsin.

WYOMING

John Harris Beck, 1020 Rumsey Avenue, Cody, Wyoming.

Sharon Lee Foster, 3248 Monte Vista Drive, Casper, Wyoming.

Mark Lewis Graber, 313 West 7th Avenue, Cheyenne, Wyoming.

PUERTO RICO

Jose Alberto Axtmayer, #J-10 R. Arellano Street, Garden Hills, Bayamón, Puerto Rico.

Felicita Solá, 31 Betances, Caguas, Puerto Rico.

ABROAD

Shirley Jean Frogge, 40 Tactical Group, Box 962, APO New York, New York.

Guinn Eugene Unger, Jr., Hq 4th Bn 64th Armor, APO New York.

UNITED STATES HAS DROPPED THE TORCH OF LEADERSHIP IN HUMAN RIGHTS FIGHT—LXXXIX

Mr. PROXMIRE. Mr. President, in his historic American University speech in June of 1963, President John F. Kennedy gave emphasis to that which is the profound truth of our age—the indivisibility of peace and human rights. The furnaces of war were and are stoked by those who are driven by the ideology of hate and violence, by those that hold man and his God-given dignity in utter contempt. From Nuremberg to the ovens of Auschwitz and to the holocaust of World War II were only short steps.

For men of good will everywhere the world that was to come into being from these agonizing experiences would be one in which the rule of law on an international scale would be established; and that law was to be instilled with a profound respect for the rights of man. At the United Nations and in its various specialized agencies, there were painstakingly hammered out legally binding conventions that aimed at erecting a sturdy edifice to the dignity of man. Acts committed with an intent to destroy in whole or in part an ethnic, racial, or religious group were branded an international crime—the crime of genocide; forced labor was outlawed, as were various forms of labor akin to slavery; the political rights of women were secured; the freedom to associate and organize with whomever one desired was guaranteed.

It was hardly surprising that the United States would, in the immediate postwar years, champion the efforts to create a new legal order, dedicated to the advancement of human rights. With Mrs. Eleanor Roosevelt acting as its representative and chairing the Commission on Human Rights, the United States had an eloquent and forceful exponent of the ideas so endemic to our culturally pluralistic society and to the traditions upon which it was nourished.

Yet during the 18 years since President Truman transmitted the Genocide Convention to this body, nothing has been done to give effect to this new orientation. We have not yet ratified a single one of these treaties as adopted by the United Nations and the International Labor Organization. We in the Senate have not fulfilled our obligation to the international community.

THE FUTURE POLITICAL STATUS OF MICRONESIA

Mr. FONG. Mr. President, the political future of the Trust Territory of the Pacific—Micronesia—was discussed recently in a highly informative address by Congressman JONATHAN B. BINGHAM, of New York, a former president of the United Nations Trusteeship Council.

Congressman BINGHAM spoke from firsthand knowledge of these remote but strategically important islands in the Western Pacific, administered by the United States under trusteeship agreement with the Security Council of the United Nations.

He has visited Micronesia and has participated in Trusteeship Council discusions of the trust territory. His great grandfather, the Reverend Hiram Bingham, and his wife were in the first company of missionaries from New England to arrive in the Hawaiian kingdom in 1820, via Cape Horn in the brig *Thaddeus*.

Congressman BINGHAM brings to the question of the political future of the Pacific Trust Territory the expertise and sympathetic understanding so necessary in dealing with "a question of substantial importance, not only to the inhabitants of the islands, but also to the peoples of the Pacific as a whole, including the peoples of the Americas."

As an expression of his concern in this matter, Congressman BINGHAM introduced House Joint Resolution 594, on May 24, 1967, to establish a Commission, including members of the Senate and the House, to study the future political status of the trust territory, and make recommendations to the President and Congress.

This is a timely and constructive proposal, and I welcome it. For it seeks to focus attention on a political situation which deserves increasing consideration in the immediate period ahead.

Congressman BINGHAM's proposal parallels my own proposal, Senate Concurrent Resolution 24, introduced in the Senate on April 27, 1967. Senate Concurrent Resolution 24 proposes the establishment of a bipartisan congressional committee to study the relationship with the United States of overseas insular areas under U.S. administration, including the Trust Territory of the Pacific Islands.

It is an outgrowth of an earlier proposal, Senate Concurrent Resolution 50, which I introduced in 1965, to incorporate the trust territory into the State of Hawaii if the people of Hawaii and the trust territory are in favor of such inclusion.

Congressman BINGHAM endorses the proposal of making the trust territory a part of the State of Hawaii. In an address on May 29, 1967, at a meeting of the U.N.-affiliated nongovernmental organizations in New York City, the Congressman said:

> It would seem to me that by far the most satisfactory solution, if the practical difficulties could be worked out, would be for the Micronesians to be given the opportunity to become part of the State of Hawaii, with all the privileges attendant thereto. Such a solution has been proposed from time to time by the Governor of Hawaii and by Senator Hiram Fong.
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> Obviously some special arrangement would have to be worked out so that the Federal Government, and not the State of Hawaii, would carry the major part of the financial burden involved in providing for the needs and the future development of the Micronesian people. The Appalachia program is a precedent for this. Also, a special arrangement would probably have to be made so that the Micronesians could continue through their political institutions the measure of self-government and autonomy they have already attained. (Presumably, the present form of county government in the State of Hawaii would not be adequate for this purpose.)

Mr. President, I ask unanimous consent to have the text of Congressman BINGHAM's address printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY JONATHAN B. BINGHAM AT A MEETING OF THE U.N. AFFILIATED NON-GOVERNMENTAL ORGANIZATIONS, CARNEGIE ENDOWMENT BUILDING, NEW YORK CITY, MAY 29, 1967

It is a pleasure to meet once again with the NGO's. You are not only devoted to the United Nations, but you realize that there are many areas in the world which demand our attention but which are too often overlooked because of our preoccupation with crisis areas such as Vietnam or the Middle East.

I want to talk with you this morning about the Trust Territory of the Pacific Islands, which we now can call Micronesia. A few days from now the Trusteeship Council of the United Nations will once again be considering Micronesia. A U.N. visiting mission has recently spent several weeks in the islands, and its report will be before the Council for consideration.

All of you here of course know that the Trust Territory of the Pacific Islands consists of the Caroline and Marshall Islands and all of the Marianas except Guam, that it comprises some 2,100 islands scattered over three million square miles of ocean, that it has 90,000 inhabitants, and that it is administered by the United States under a trusteeship agreement with the Security Council of the U.N. approved by the President under authority granted by the Congress in July, 1947. As citizens who are familiar with these facts, you are members of an elite minority composed of probably less than 1 per cent of the population. Although articles about the Trust Territory have appeared from time to time in popular magazines—most recently a beautifully illustrated article in the National Geographic—the fact that the United States has this responsibility for a huge section of the Pacific is something that most Americans are quite unaware of. Island names such as Saipan (where many Americans lost their lives in World War II) and Tinian (from which the B-29s took off to bomb Hiroshima and Nagasaki) and Bikini (where much more powerful nuclear weapons were tested) are familiar to American ears. But for the most part Americans know nothing of the people who live on the Islands of Micronesia or of the fact that one of these days those people are going to have to decide their political future.

Yet this very question of the political future of Micronesia is a question of substantial importance, not only to the inhabitants of the Islands, but also to the peoples of the Pacific as a whole, including the peoples of the Americas.

In the winter and early spring of 1945, as American forces rolled toward victory in the western Pacific, the question of the political future of the Islands of Micronesia was being debated within the U.S. Government. The Navy, having in mind the strategic character of the area and the fact that the Japanese had set up naval bases in the Islands in defiance of their obligation under the League of Nations Mandate system, argued strenuously that the U.S. should simply take over the Islands and make them American territory.

The State Department, mindful of broader considerations, and particularly of the often reiterated commitment by President Roosevelt that our war aims did not include the acquisition of any additional territory, argued that the U.S. should administer the Islands under the Trusteeship System of the UN then in the process of being worked out. The two Departments were unable to resolve their differences and the question was submitted to President Roosevelt at Warm Springs. As one of the last acts of his life, FDR approved the State Department position.

In the UN Charter as drawn up and adopted later that year, Chapter XII provided for an "International Trusteeship System" and Chapter XIII set up the Trusteeship Council. Pursuant to Articles 82, 83, and 84, Micronesia was designated a "strategic area" and the United States entered into a trusteeship agreement for the Pacific Islands Territory, which permitted the U.S., in the interest of "the maintenance of international peace and security," to establish bases in the Territory and station armed forces there. As previously noted, this agreement was entered into by the President under authority granted by the Congress and was duly approved by the Security Council. Under it, the United States promised, not only to promote the economic, social and educational advancement of the inhabitants of the Territory, but also to "foster the development of such political institutions as are suited to the Trust Territory and * * * promote the development of the inhabitants of the Trust Territory towards self-government or independence."

During the early years under the Trusteeship Agreement, the U.S. responsibility was carried out by the Navy; later it was in large part, and then wholly, transferred to the Department of the Interior. Until about 1960, the U.S. policy was that not too much should be done to change the traditional way of life of the Islanders. During the 1960's, however, under constant prodding from the Trusteeship Council, the U.S. has greatly stepped up its efforts to promote political, economic, social, and educational advancement. Just this year, the Congress has, in response to Administration requests, authorized a 100 per cent increase in the annual appropriation for the Territory from $17,500,000 to $35,000,000 to further political development. The United States Administration in the Territory, headed by a High Commissioner, has encouraged the establishment first of municipal governments, then of District legislatures, and finally of a territorial legislature, the Congress of Micronesia. More and more, Micronesians have been brought into the executive and judicial branches of the Territorial Government: one Micronesian is now a District Administrator and several are Assistant District Administrators. No steps have yet been taken, however, to begin the process of ascertaining the desires of the Micronesian people with regard to their political future, as contemplated by the UN Charter and in the Trusteeship Agreement.

During these same years, at the United Nations itself and in other parts of the world, the process of dependent territories becoming independent has moved ahead with great speed. In 1960 the United Nations General Assembly by an overwhelming vote adopted the now famous "Declaration on the Granting of Independence to Colonial Countries and Peoples" (Res. 1514), which called for "immediate steps" to be taken to give all dependent territories a free choice as to their future. Dozens of new nations have emerged from colonial or trusteeship status and have become members of the United Nations. All but three of the original eleven Trust Territories achieved independence. The world's greatest colonial powers, Britain and France, moved rapidly, if somewhat reluctantly, to liquidate their empires. The United States, having been the first British colony to achieve independence, having long resisted the temptation to become a colonial power itself, and having led the way in the post-war decolonization process by giving independence to the Philippines, found itself in danger of being one of the world's last colonial powers.

Under United Nations doctrine, as enumerated in another General Assembly resolution adopted in 1960 (Res. 1541), a dependent territory can "achieve independence or self-government in one of three ways: (1) by becoming a separate independent nation, (2) by becoming a full-fledged part of an independent nation (as Alaska and Hawaii did when they achieved statehood) and (3) by choosing a status of "free association" with an independent nation. Puerto Rico, for example, acquired this last status when it became a Commonwealth in 1952 and the U.N. General Assembly decided shortly thereafter (Res. 748) that Puerto Rico had emerged from its status as a "non-self-governing territory" so that the United States no longer was required to submit reports to the United Nations with respect to it under Article 73 of the Charter. More recently, the U.N. approved a status of free association with New Zealand for the Cook Islands, after a U.N. supervised referendum; the arrangement in this case is that the Cook Islands can at any time opt for separate independence. A similar arrangement has been worked out between the U.K. and several small West Indian islands, but in this case the U.N. was not involved in the process and did not approve the arrangement.

Until recently, the inhabitants of Micronesia seemed to be in no hurry to try to decide their ultimate political future. However, the winds of a changing political climate are now blowing world-wide. Micronesian representatives have attended the sessions of the Trusteeship Council in New York each year and have sensed the deeply anticolonialist atmosphere at the United Nations; young Micronesians in increasing numbers have attended the University of Hawaii. In accordance with U.N. decisions, the famous Resolution 1514 has been widely circulated in the Territory. All of these things have inevitably had their effect.

Last year, at its second regular session, the Congress of Micronesia adopted a Joint Resolution recognizing that the Micronesians should "freely exercise their sovereign right of self-determination," and stating the belief of the Congress "that this generation of Micronesians should have an early opportunity to determine the ultimate constitutional and political status of Micronesia." The Resolution asked the High Commissioner and the Secretary of the Interior "to use their good offices to petition the President of the United States of America to establish a commission to consult the people of Micronesia to ascertain their wishes and views, and to study and critically assess the political alternatives open to Micronesia."

I hope that the President will respond affirmatively to the request of the Congress of Micronesia, and I believe that we should move rapidly forward to the time when the Micronesian people will decide their political future by plebiscite. I believe they are fully capable of doing so.

There is no question that we are obliged to give the Micronesian people this choice. As a nation we have solemnly promised to do this, and in the long run any reneging on this commitment would turn the Micronesians against us and would not serve our national interest.

Under the Trusteeship Agreement, we are of course not obligated to conduct a plebiscite at any particular time, and some might argue that we should delay it. Even this year's U.N. Visiting Mission in its report just filed has implied that the choice should not be made so long as Micronesia is not economically self-sufficient, but that would mean a delay for the indefinite future. I doubt that the General Assembly would support that view.

My own conviction is, and I believe this conviction to be shared by most Americans who have worked on or visited the Islands in recent years (more recently than I) that unnecessary delay would not be in our interest and that the sooner the political future of Micronesia can be settled the better for all concerned.

Of course, the Micronesians will have to be consulted as to the timing of any plebiscite and as to the alternatives which will be presented to the Micronesians. Such consultation would be the primary task of a Commission such as the Congress of Micronesia has requested. Since the Congress of the United States will ultimately have to authorize whatever action is taken with regard to Micronesia, it would certainly be wise for Members of the Congress, and particularly Members of the Senate and House Committees on Interior and Insular Affairs, to be included in the membership of any such commission. While I believe such a commission might be established by executive order, there would be some advantages to having it established by statute. Last week I introduced a joint resolution which would establish such a commission. I understand that the Chairman and Members of the House Subcommittee on Territorial Affairs plan to visit Micronesia later this year and they will no doubt be reviewing the various possibilities also.

The conduct of a plebiscite in Micronesia would present no unusual difficulties. Presumably, the campaigning and balloting would be carried on under the supervision of a United Nations team. Such U.N. supervised plebiscites have taken place in various Trust Territories, including the British Cameroons and Western Samoa, as well as in some non-self-governing territories, for example the Cook Islands, where conditions are much the same as in the Trust Territory.

The greater difficulty will come in the framing of the questions to be submitted. In my own view, the Micronesians will have to be given the opportunity of choosing complete independence as a separate nation. I expect that some of our military men may object to giving the Islands any such option; they may point to the fact that Micronesia occupies a large area of the Pacific, which should not be allowed to fall under the domination of any hostile power; they may point to the importance of our installations on Kwajalein Island which are used for the testing of anti-ballistic missiles.

Nevertheless, I trust that the principle of civilian supremacy will prevail in this instance and that broader considerations will govern the decision. For one thing, observers are agreed that it is highly unlikely that the Micronesians would opt for complete and separate independence. Their educated people and elected leaders are fully aware that economically Micronesia is far from a viable entity. At present more than one-half of the total goods and services available for use in the Trust Territory comes from the U.S. Government, and that proportion will increase next year and the year after as U.S. expenditures are doubled. Moreover, although some parts of the Territory still look back to the Japanese occupation as years of prosperity, Micronesians generally have over the last two decades been naturally "gravitating toward the U.S.A.," in the words of David S. Boyer, a staff writer for the National Geographic who recently spent four months in the Islands.

Nevertheless, no one can guarantee that in a plebiscite the Islanders would reject separate independence and indeed the United States Administration would have to be meticulous in refraining from seeking to influence the outcome of a plebiscite. Whatever slight risk is presented is one that we must accept in the light of our solemn commitment and in the light of the fact that in today's world neither the Micronesians themselves nor the international community will accept a plebiscite as representing true self-determination unless the option of separate independence is included.

Other questions remain: what other option or options should be offered? Should there be more than two? And should the entire Territory be treated as a unit, or should the six separate districts be allowed to choose for themselves?

To answer the last question first, the feeling among members of the United Nations involved in trusteeship matters has generally been a strong one that trust territories should be considered as entities, not to be broken up. On the other hand, in the case of British Cameroons the northern half of the territory was allowed to elect to join Nigeria, while the southern half chose to join the former French territory of Cameroun. There is reason to believe that the people of the Marianas, and especially of Saipan, might want to join the Territory of Guam, but the UN would probably not approve such a solution and indeed further fragmentation of the Micronesian Islands would seem likely to produce only confusion and reduce the chances of viability. Accordingly, in my view, the decision ought to be that the carefully nurtured entity that is now Micronesia should not be broken up.

I also feel that, if at all possible, the choices presented to the people of Micronesia should be reduced to two. This may be difficult to do since there are at least three major possibilities, in addition to separate independence. One would be for Micronesia to join the United States as part of a state (I am ruling out the possibility of Micronesia joining as a full-fledged state, since that seems wholly out of the question.) The second would be for Micronesia to elect a "free association" relationship with the United States, similar to that of Puerto Rico. Finally, it would be theoretically possible for the Micronesians to elect to continue for the time being in the present trusteeship status.

Taking these in reverse order, there may be considerable sentiment among the islanders themselves to have the status quo presented in the referendum as one of the choices. This, however, would be strongly resisted at the United Nations and it would seem that it ought to be avoided if possible. For the Micronesians to choose a continuation of the trusteeship status would only prolong the period of uncertainty about their political future and would not be in their interest or in the interest of the United States.

Some form of free association status is certainly a real possibility, perhaps the most practical and easiest to accomplish. Yet I believe it would lead in time to dissatisfaction among the Micronesians themselves, to the feeling that they were second class citizens in the American community, and might well not lead to a settlement of the problem so far as the United Nations is concerned.

It would seem to me that by far the most satisfactory solution, if the practical difficulties could be worked out, would be for the Micronesians to be given the opportunity to become part of the State of Hawaii, with all the privileges attendant thereto. Such a solution has been proposed from time to time by the Governor of Hawaii and by Senator Hiram Fong. Obviously some special arrangement would have to be worked out so that the federal government, and not the State of Hawaii, would carry the major part of the financial burden involved in providing for the needs and the future development of the Micronesian people. The Appalachia program is a precedent for this. Also, a special arrangement would probably have to be made so that the Micronesians could continue through their political institutions the measure of self-government and autonomy they have already attained. (Presumably, the present form of county government in the State of Hawaii would not be adequate for this purpose.) The great advantage of this solution, of course, would be that the Micronesians would be equal participants in the government of the United States, with the right to help elect their representatives to the Senate and the House of Representatives, as well as to vote for the President and Vice-President of the United States. The feasibility of such a course, and the manner in which the legal and constitutional problems might be overcome, would be one of the principal subjects for study by the Presidential Commission I have suggested (A related question that would have to be considered, if Micronesia were given the option of joining Hawaii, is whether Guam and American Samoa, which have been territories of the United States since the turn of the century, should be given the same option. From several points of view, this might be a very desirable result.)

As I have said, the Trusteeship Council will be meeting in a few days, and I hope the representatives of the United States will respond affirmatively to the predictable urgings of the other members of the Council to speed the day of decision for the Micronesians. If sufficient priority is given to the matter both in the Administration and in the Congress, it should be possible to present at the 1968 session of the Council a completed plan to achieve self-determination for the Micronesians. We should be able to anticipate that the Trusteeship Council would approve any reasonable plan, particularly if the option of complete and separate independence is offered. Presumably, the approval of the Security Council would also have to be obtained, and this may present difficulties, even the possibility of a veto by the Soviet Union. But then at least the onus would be upon the Soviets for preventing the Micronesians from achieving the goal of independence or self-government. And doubtless they would not want to carry that onus for very long.

By next year our trusteeship will have lasted twenty-one years. In a symbolic sense, the Micronesian people will have reached adulthood, ready to take their full place in the world. The opportunity and the obligation is upon us to give them the freedom of choice which is their due.

MAINE COMMUNITIES ESTABLISH EFFECTIVE WASTE DISPOSAL PLAN

Mr. MUSKIE. Mr. President, the scenic St. John Valley area of Maine has long been a mecca for sportsmen and campers as well as valuable farmland. Unfortunately, unsightly waste-disposal areas too often have marred the landscape and have contributed to soil and water pollution in this rural region. An article in the June 1967 issue of Soil Conservation, the publication of the Soil Conservation Service of the Department of Agriculture, shows how noteworthy progress toward alleviation of these conditions can be made through effective intergovernmental cooperation under the Department's programs.

In the article "Conservationists Take a Hand in Sanitary Waste Disposal," the Service notes how the St. John-Aroostook resource conservation and development project has involved a dozen towns in the area in using Federal technical assistance and financial support to relocate the waste-disposal sites.

I think that we can all benefit from the example the citizens of these northern Maine communities have in preserving the area's unique beauty and its water and soil resources. I wish to commend their initiative in the institution of this locally organized and operated program.

Therefore, Mr. President, I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Cleaning Up the Town Dump—Conservationists Take a Hand in Sanitary Waste Disposal

Town dumping grounds may never become tourist attractions, exactly, but there's proof that they can be changed into centers of conservation interest.

This has happened in northern Maine where waste-disposal areas concern local sponsors of the St. John-Aroostook Resource Conservation and Development Project. Leaders of more than 30 townships within the project boundaries plan to use modern land and water science in relocating old dumps and locating new ones on suitable soils.

A dozen towns have secured on-site soil, engineering, and plant material information to help insure that future dumping will avoid unsightliness and pollution of water supplies. The assistance is a part of broadened aid being offered to town planning bodies by the Soil Conservation Service at Presque Isle, Fort Kent, and Houlton in the RC&D area.

Dump improvement is 1 target of 50 measures designed to protect and capitalize the beauty and economic potential displayed by nearly 3 million acres in U.S.A.'s northernmost farming, timber, and vacation country.

Signs that dumps respond to conservation management are visible at communities such as Allagash, Eagle Lake, Sinclair, Frenchville, and Van Buren—amid scenery long popular with hunters, fishermen, and campers in Upper Aroostook County.

Until recently, a local practice was to dump refuse into sand and gravel pits and on streambanks. The porous soils too readily released contamination affecting nearby streams, lakes, and ground water. Many homes in the project area use driven wells and springs. Health, as well as sport-fishing and scenic values, were endangered.

Taking a fresh approach, SCS soil conservationists have outlined alternative areas of soils more suitable for town dumps. Newer installations are located on recommended loamy soils and on side roads where they do not offend the eye. The loams filter out most of the obnoxious pollutants as waste water drains slowly through the soils.

Other conservation techniques applied to the modernized dumps include the time-tested practice of contouring. Trenches to receive wastes are dug along contour levels laid out by SCS technicians. Trash materials are later covered by soil borrowed from additional trenching dug at the next contour elevation uphill. The result is a terraced effect making it easier to establish screening and beautification plantings of grass, shrubs, and trees.

Diversion channels and water-spreading devices are installed as needed, to keep dumps from eroding, flooding, and otherwise threatening community health and safety. Dikes are sometimes built to retain all dump water on site. However, all conservation-assisted disposal areas are now planned so that their drainage should not adversely affect other watershed resources.

Northern Maine, like other attractive rural areas, feels the impact of commerce and industry, along with attendant homesite and tourist developments. Waste of all kinds is a growing problem. Costs of disposal creep upwards. Current surveys show good dump soils are often found on good farmland worth up to $200 an acre.

As a Van Buren civic leader described the situation, "We can face the costs; but we couldn't go on facing the puzzle of not knowing what to do next. We're many steps ahead of the game, now. With our dumpsites inventoried we can plan 25—maybe 50—years ahead. That's a lot better than shopping around for a new dump just about every time a town meeting rolled around!"

BALTIC STATES FREEDOM DAY

Mr. PROXMIRE. Mr. President, the tragic period in the recent history of the Baltic peoples began 27 years ago. By mid-June of 1940, the Estonians, Latvians, and Lithuanians—the sturdiest and bravest upholders of democracy and Christianity on the eastern shore of the Baltic Sea—were robbed of their freedom and enslaved by the Soviet Government. Though their national independence was one of numerous such casualties of the last war, yet these peoples were among the most innocent and helpless victims of that war.

The modern history of these peoples is marked by many changes of fortune. From the late 18th century until the end of the First World War they lived in their homeland under the oppressive regimes of Russian czars. Even under their alien rulers they clung steadfastly to certain noble ideals, such as their national traditions, their Christian faith, and the spirit of freedom and independence. Under the czars they were the most progressive, the most enlightened, and the most democratic ethnic group in Russia's heterogeneous empire. Their sound sense of economy, their zeal for advancement, and their superior educational institutions were envied by the Russians themselves, and these countries were Russia's show windows in the West.

At the end of World War I all three peoples regained their independence, set up their own democratic governments, and in a relatively short time they became enrolled into the family of sovereign nations as respected members. Their loyal and industrious citizens began rebuilding their wartorn countries, and in the course of two decades, these three Baltic republics, together became a real force for progress and peace in Europe, particularly in northeastern Europe. Though on the east there was the new giant of aggressive communism, and on the south saber-rattling Nazism, yet for two decades the leaders of these countries managed to stave off impending dangers, and kept their independent status, even when they were almost completely isolated from the democracies in Western Europe. By the late 1930's it became evident that by themselves they could not cope with the dangers threatening their independence as free nations. It was obvious that neither Communist totalitarianism nor German Nazism would tolerate the presence of democratic institutions on their borders as represented in these three small countries. Early in 1940 Stalin decided to move into these countries. Soon his Red army invaded, overran, and then all three were made part of the Soviet Union.

This forced annexation was accompanied with treachery and terror. When the Red army swooped over these countries, Communist agents rounded up hundreds of thousands of innocent people, placed them in freight cars and shipped them off to desolate parts of the Soviet Union. The rest of the peoples were regimented into the Communist system, and were doomed to a miserable life. A year later, when war broke out between Nazi Germany and the Soviet Union, the Communists were evicted, their place being taken by the Nazis.

On the eve of this German-Soviet war, however, in mid-June of 1941 Soviet authorities did their worst in arresting and deporting as many Estonians, Latvians, and Lithuanians as they could. It was during this terrible middle week of June that tens of thousands of peoples were deported to the Asiatic Soviet Union. The fate of some of these innocent peoples may never be known. Some of them, more fortunate than the rest, survived the ordeal and the war, and were allowed to return to their Communist "liberated" homelands, but many died in some distant corner of the Soviet prison-land.

The tragedy of the Baltic peoples began 27 years ago, and unfortunately their tragic existence has not changed yet. On the observance of Baltic Peoples Freedom Day we all fervently hope and ardently pray that in their struggle for freedom from tyranny, they will attain their goal and live in peace.

THE 25TH ANNIVERSARY OF THE UKRAINIAN PARTISAN ARMY

Mr. YOUNG of North Dakota. Mr. President, on June 17 a banquet will be held here in Washington, D.C., to commemorate the 25th anniversary of the Ukrainian Partisan Army. This dedicated group of freedom fighters so well typifies the basic freedoms that we, as Americans hold dear, that I think it is well for all of us to pause briefly and reflect on the sacrifices they have made and the goals they sought.

As you are aware, the Ukrainian people are individualistic and freedom loving. Though often suppressed and oppressed, they have never failed to keep alive the desire and will to be free and independent. Nowhere was this more apparent than in the actions of the partisan army forces during and after World War II. This fight for liberation was a continuation of the civil war begun by the Ukrainian people in 1918 and simply exemplifies their everlasing desire for independence.

On October 14, 1942, small detachments of guerrilla fighters in the Ukraine were organized to resist, not only the German invaders, but at the same time, the oppressing heels of the Communist regime. Throughout the remaining years of World War II these units distinguished themselves in the defense of their homeland. Though ill-equipped and lacking the support needed against the well-trained and organized German foe, they were responsible for repeated Nazi defeats and setbacks, and made great contributions to the final Allied victory.

These contributions, Mr. President, have never been adequately recognized in the free world and behind the Iron Curtain they are actually suppressed.

Even while these brave men were seeking to rid their land of the Nazi foe, they were being harassed and hunted by the forces of imperialist communism. Red guerrilla units attempted to force their way into the heartland of the Ukraine, but village militia and regular units of the partisan army resisted them and inflicted such heavy losses on the Communists that only a small portion of the invading force was able to escape.

Following the withdrawal of the German armies in 1944, the partisan army forces concentrated their efforts on the long-sought goal of true Ukrainian freedom. Shielded from the eyes of the world, these efforts were met with the crudest sort of heavy-handed oppression on the part of the Red rulers in Moscow. Finally, on March 5, 1950, the commander of the UPA, Gen. Roman Shukhevych, was killed in action.

With their forces dwindling, the partisan army then shifted its emphasis to concentrate on psychological warfare—they went underground. These efforts continued and still continue. Their effectiveness has been great. Just how great can be judged from the fact that the Communist rulers have found it necessary to repeatedly devote substantial resources to suppressing this movement.

Mr. President, at a time when there is such unrest in the world and the United States is beset on almost every hand with such tremendous problems, I think it is well to look at the basic source of our own strengths—the freedoms assured us by our Constitution; our government under this, the greatest Constitution yet authored by man; and our respect for the dignity of every individual. These are the same guiding principles that have led Ukrainians to make such great sacrifices.

I think it is safe to say there are few, if any, groups in the world today who are so dedicated to the cause of freedom. I wish to join my fellow Americans in a tribute to the memory of those brave men of the Ukrainian partisan army who have made the supreme sacrifice to the cause of freedom which we all serve, and to salue the dedicated Ukrainian men who continue to find the strength and devotion to carry on this work.

HOW WE CAN STOP THE BRAIN DRAIN

Mr. MUSKIE. Mr. President, one of the most difficult problems facing small States is the continuing loss of educated and talented young men and women. Over the years, they have been attracted to higher paying jobs in metropolitan centers. Without the intelligence and initiative of these young people, States struggling to advance are severely handicapped.

This is by no means a problem confined to Maine. However, our new Governor, Kenneth M. Curtis, has focused his attention and imagination on this issue. He has not only described the precise nature of the problem, but has suggested ways of doing something about it. Governor Curtis has placed renewed emphasis on the need for an intelligent, well-planned effort to encourage industrial development. In addition, he has pointed out the close link between educational improvement and the future of Maine.

I ask unanimous consent that an article by Governor Curtis, outlining the dimensions of this complex problem, which appeared in the spring 1967 issue of the Maine Digest be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW WE CAN STOP THE BRAIN DRAIN

(By Gov. Kenneth M. Curtis)

The day Albion Jones graduated from a large New England college everyone in his small Maine town was proud.

Al had been the most promising student in his high school class in years. He won several top scholarships; he was a star basketball player for the school team; and in college had been a sports standout as well as a Dean's List student.

One of the local stores in his town (there are three drug stores in addition to a general store and some service stores and shops) had a bulletin board history of Al's scholastic career as seen through news clippings about him in the weekly paper.

Of course, everyone who went into the store had to read them . . . the store belonged to his father Seth Jones, third generation of Jones to operate that corner store beside the post office.

Yes, it was a happy day in town when Al graduated from college because everyone wanted to see him again, wanted him to settle down in the town and get things back to normal. After all, for several years now Al was about the only thing to talk about after complaints about the weather were aired and the reports about farm prices were discussed.

But things didn't turn out that way.

Seth and his wife heard about Al's new job first. He was excited about it and his new diploma and talked about the job all the way back to Maine.

"In three weeks I leave for New York, attend a school for six weeks and then I'll be on the payroll at $11,000 a year to start. In five years I could be making as much as $20,000. . . ."

Al was going to work in a large electronics firm as a research analyst. He had been selected from 38 boys who applied for the job through the college employment service. He was bright, and he was going to make his brains pay off in a section of the country where brainpower and money are happy partners.

But in Maine, in that small town where Al had grown and developed there was mixed emotion. His parents were upset. Phil Boggs, who runs the only big plant in the area, was concerned because he had planned to hire Al at a $6,500 salary to start. He felt sure he could pay him more in five years . . . maybe $10,000.

What you've just read isn't a true story . . . it's a typical story. It happens in Maine all too often. In fact, it has occurred here so often, and left such a serious scar on our economy, that I've called it "The Brain Drain."

Every time we lose a potentially brilliant business man because there isn't any place for him in Maine we lose all that he represents in contributing to the economy, the community in the form of public service, and to the cultural aspects of the State in the form of some extra-curricular talents, if he has any.

Of course, this migration from Maine isn't a product of the last administration or the several before that. Instead it's a product of the past, but I believe that Maine will soon halt this "Brain Drain" and relegate the term to the history books.

The nation is expanding in every direction, and part of that growth is being felt here today as nationally oriented firms seek new places to set up satellite plants.

But in the past 12 to 14 years Maine has lost more than 100,000 young people who chose to leave their native state because they could find more lucrative employment in other sections of the nation. This trend has to stop because without our young people Maine cannot grow—cannot meet the demands of today and tomorrow.

We have to be willing to press every effort to bring new industry here so that it will bring job opportunities for many of our young people who now feel they have to look over the horizon to another place in order to compete in today's society.

We have seen recent examples of this effort . . . and they have been successful ones.

In Easton there is a sugar beet processing plant because some businessmen and farmers felt they could add a new product to the Maine crop yield. That industry may become the source of one of the State's most important agricultural products in the next few years.

In the marine and fishing industry we are watching developments in private industry and public agencies that may mark the dawn of a new and challenging field—oceanography. Maine has the resources for this growth and the people willing to use them. I'm certain that this, too, will be a plug to stop that "Brain Drain."

The electronics industry is expanding its operations here in Maine with the Fairchild Camera and Instrument Company plant in South Portland and is adding hundreds of workers. The RCA plant in Lewiston is seeking more help and the Sylvania Corporation is about to open a plant in Bangor to hire up to 1,400 workers. I feel we can start thinking of Maine as a place to go to, instead of a place to be from.

This administration is making the development of our resources, both human and natural, a first order of business. We have formed a cabinet of state department heads to work collectively toward this common goal.

At the same time we are pressing hard for the permanent establishment of an Office of State Planning to outline our areas of strength and set our goals for the future.

We are planning new ways to bring more of the expansion of this nation's industries to Maine through a requested reorganization of the Department of Economic Development and the establishment of new programs.

Most of all, however, it is my belief we must gear ourselves for giant strides in the field of education. It is my hope that we will in the next few months consolidate many of our state institutes and develop a master plan for higher education designed to develop our high school graduates to their greatest capabilities.

The greatest resource of all is education. With planning and coordination we will be able to provide this resource.

We have said that there is a serious shortage of young, bright people in Maine because many have left to work elsewhere, but we are turning a corner and I'm certain that in the next few years we can reverse this trend and see an influx of youth.

Truly, the last third of this century will be one of the most important in Maine's long and proud history.

LOSS OF FREEDOM BY THE BALTIC STATES

Mr. SCOTT. Mr. President, today marks the 27th anniversary of the forceful annexation of the Baltic States by the Soviet Union.

The Soviet Government, following its occupation of the Baltic States in 1940, carried out a mass deportation program which continued for about a decade. This was the beginning of a calculated policy to destroy Estonia, Latvia, and Lithuania as nations.

The widespread and courageous underground resistance movement which was formed by the heroic Baltic people was no match for the ruthless and methodical suppression carried out by the Soviet giant.

Today, despite the protests of freedom-loving people everywhere, the Soviet yoke hangs heavier than ever over the Baltic States.

The 89th Congress of the United States unanimously passed a resolution (H. Con. Res. 416) calling on the President to direct the attention of world opinion through the United Nations and other appropriate international forums to the denial of national independence for the Baltic States. I urge the President and all Americans to continue efforts to bring world opinion to bear on behalf of the restoration of the rights of self-determination.

The denial of freedom to the Baltic people is intolerable and a blow to the rights of all mankind.

THEY SAID IT COULDN'T BE DONE

Mr. MUSKIE. Mr. President, despite imposing obstacles, a new agricultural industry has been established in Aroostook County, Maine, that of sugar beet processing. This has all been accomplished within the short span of 3 years.

The new refinery at Easton stands as a tribute to the imagination and hard work of the many Maine people who contributed to the success of this project. The refinery also symbolizes what can be accomplished when local, State, and Federal Governments work together toward one common goal.

I ask unanimous consent that an interesting report on the impact of this project on Maine's economy be included at this point in the Record. The article originally appeared in the March–April issue of Maine Line, the excellent Bangor & Aroostook Railroad publication, and is entitled "A Dream Is for Real."

There being no objection, the article was ordered to be printed in the Record, as follows:

A Dream Is for Real

The first crop of Aroostook sugar beets—some 21,000 tons—was processed in the area's own refinery early in 1967. The achievement came after five years of agonizing effort. The plant will soon begin processing raw sugar cane, partially processed sugar cane, that will be shipped into Searsport by water, then railed to the Easton refinery.

The first modest production of sugar was, for the handful of men who have kept the dream of an Aroostook beet sugar industry alive over five rocky years, a moral victory of Herculean proportions. As a buffer to Aroostook's unruly one-crop economy, growers have long sought a secondary cash crop to relieve the aura of feast or famine. Among the more improbable efforts in this direction was the production of hops in the 70's. Others, while modestly successful, have never quite made the grade as a No. 2 cash crop. As a consequence, the fortunes of this richly-endowed area rise and fall with the capricious price of potatoes. And that, as any grower will attest, is a tenuous link with fortune.

BEETS A SECOND CASH CROP

In 1962, following several years of disastrously low potato prices, sugar beets received serious consideration as a secondary cash crop by the Maine Potato Council and it formed a committee to procure a sugar beet allotment. Testimony was presented before the USDA Sugar Division in 1962. It became obvious that there was not nearly enough information on the feasibility of Maine beets.

Other groups offered help and in 1963, 32 fields of test plots were planted. An engineering firm was hired to make a complete economic feasibility study using the results of the test and the work done by Maine Agricultural Experiment Station and the University of Maine.

The second presentation before the Sugar Division was thoroughly professional and a 33,000 acre allotment was announced in 1964. The stage seemed set for a healthy sugar beet industry. But a bombshell fell in 1965 when the company that had agreed to build and operate the factory withdrew from the project.

Frantic efforts to find another sugar company were ineffective and it began to look as though all the effort and money invested in the project would go for nothing. It was at this bleak point that Fred H. Vahlsing, Jr., executive vice president of Vahlsing, Inc., a nationally-known produce company that owns a potato processing plant at Easton, announced that he would form a new company, Maine Sugar Industries, Inc., to build a refinery in time to process the 1966 crop.

It was no task for a cautious man. Vahlsing, who delights in challenge and drama, plowed into the project, and probably no one except Vahlsing, himself, believed that it would be done. The phenomenal task of financing and building the $19.5 million project was accomplished between April, 1965, and the closing days of 1966.

Vahlsing breathed life back into the project at a time when the patient appeared about to expire. MSI contracted for the first beets—3,431 acres—in 1966. It was within the time limits set by the USDA for the sugar allocation.

Because the full allocation of 33,000 acres of sugar beets would only require 130 processing days, Vahlsing designed his plant to process raw imported cane for the balance of the year. At peak operation, the plant will employ 410 persons. The movement will begin through Searsport within a few weeks.

The industry has had some very real growing pains which is not remarkable. What is amazing, however, is that the sugar beet industry is alive at all, after the traumatic experience of winning an allotment and losing the refinery at the eleventh hour.

Between the time of loss of the original sugar company and Vahlsing's dramatic entry, however, there were several good potato years and many who had been eager to plant beets suddenly remembered the taste of five dollar potatoes. The first season was light, but there are indications that the acreage this year will at least triple last year's acreage, and double again next year.

Maine Sugar Industries has offered sweetening ranging from long-term lease purchasing of necessary sugar beet machinery with no down payment to higher payments for potatoes at Vahlsing's potato processing plant for those who grow sugar beets to specifications. For nearly two months, Stanley Greaves, manager for the Maine Sugar Beet Growers Association, and fieldmen for Vahlsing have been holding meetings throughout Aroostook to stir grower interest.

"This isn't a crop that's meant to take the place of potatoes," Greaves emphasizes. "It's a cash crop that's meant to be used in rotation with potatoes. And, surely, if we can grow 49,000 acres of oats we can grow 33,000 acres of sugar beets."

The investment in machinery, a big question mark for prospective growers, is an estimated $12,000 that includes a planter, blocker, disc and knives, harvester and truck conversion. MSI offers a lease-purchase arrangement with payments extending up to seven years.

BEETS CAN BE GROWN

There is no longer any doubt that sugar beets can be successfully grown in Aroostook County. University of Maine studies and Vahlsing's own test plots prove that Aroostook yields and sugar content are high. The sugar beet requires substantially the same environment as the potato. The warm days and cool nights so typical of the area are ideal for producing high suger content in beets.

MSI and the Sugar Beet Association feel that, with experience, yields of from 15 to 20 tons an acre can be realized. The percentage of sugar ranges from 16.32 to 19.45 with an average of 17.94. At this yield, the net return per acre would be $150 an acre. During one test year, 1963, the net return per acre for potato production was $68 and for sugar beets $76, according to a University of Maine study. Anyone familiar with the Aroostook grower's ability to produce high yields of good quality potatoes from the country's rich Caribou loam can hardly have any doubt about his ability to do the same with sugar beets.

After 75 years of continuous potato culture, the fields of the Aroostook farm have a high degree of fertility. Sugar beets, grown in rotation with potatoes, produce a highly-beneficial side benefit leaving rich deposits of organic material in the soil. The sugar beet has a truly spectacular root system whose main artery is a tap root that reaches a depth of from six to seven feet.

Smaller roots project from the tap root creating a mass of plant matter that remains in the soil when the beet is harvested. The extensive root network and its movement also aerates the soil for the next rotational crops. Sugar beet growers report substantially increased yields for crops that are grown in rotation with the beets.

Some 782,542 acres of land is cleared for agricultural crops in Aroostook County and approximately 405,190 acres is presently utilized for actual production. About three-quarters of this acreage, or 299,900, according to studies, is suitable for growing sugar beets. This includes all the acreage now used for spring oats, clover and sod and cover crops.

What sugar beets could do for the Aroostook potato grower is provide a measure of economic stability. Just how extreme the fluctuation has been can be seen by a look at the value of the potato crop between 1946 and 1963. It ranged from $110 million in 1948, $23 million in 1954, $40 million in 1959 and $70 million the next year. On the other hand, there is little guesswork in beet prices; they are negotiated by the Sugar Beet Growers Association and MSI under the eye of the USDA.

A grower takes the traditional risks with nature in sugar beets, as with any other crop, but a crop failure in Aroostook County is nearly unheard of. The uncertainties of marketing and storing the crop are eliminated. And the grower finishes the year with a profit that should be in the area of $150 an acre. This does not take the place of his potato crop, but only of a rotation crop.

A thriving sugar beet industry will benefit the entire northern Maine community, from the grower who can pocket over $3 million under the full allotment, to the 400 people who will be actually engaged in refining the crop.

The railroad will also enjoy the fruits of a strong, secondary cash crop and has invested heavily in hopper cars to handle beets and raw cane, new tracks and in the plant itself. After 75 years of boom and bust with a one crop economy, sugar beets hold the promise of stability for the traditionally turbulent economy.

Historically, there's a precedent to today's fledgling sugar beet industry in northern Maine. Just 89 years ago this summer, Aroostook County farmers planted their first crop of commercial sugar beets. The year before Governor Selden Connor had recommended and the legislature had enacted a law providing a bounty "not exceeding one cent a pound for all beet sugar manufactured in the state from beets raised in the state."

The law, and the interest in sugar beets, was inspired by the success of the blossoming sugar beet industry in Illinois and California. A refinery was built at Portland and a drying kiln at Presque Isle. The Aroostook beets were dried at the Presque Isle kiln and the pulp shipped to the Portland refinery by rail.

Clarence W. Day's authoritative book, "Farming in Maine," called the results encouraging. Aroostook farmers delivered 500 tons of beets to the kiln at Presque Isle, but the operation of the kiln and the freight to Portland was so expensive that the project was abandoned after one year. Yields were satisfactory.

Growers in the western part of the state continued, however, and grew 1,000 acres for $5.00 a ton delivered to the railroad or $6.00 a ton delivered to the factory. The factory produced 900 tons of sugar that year, an amount below break-even cost, and the project was abandoned.

The early effort with sugar beets proved that the crop could be grown successfully in Aroostook County. Transportation costs and the separation of the refinery from the growing area were largely responsible for its demise.

IS THE RACE PROBLEM INSOLUBLE?

Mr. PERCY. Mr. President, the June 27 issue of Look magazine now on the stands contains a splendid article by Senior Editor T. George Harris entitled "Is the Race Problem Insoluble?" which I commend to the attention of the Senate.

George Harris has toured the Negro ghettos of America to get his answer to that question, and his findings are principally two: the civil rights movement, for a decade a major force in American life, is waning in impact; and in its place is rising a dynamic and exciting new force exhibiting "the raw will to transform the slum from within in a way that can never be done from without."

Central to this new theme, he reports, is the rising desire of the Negro in America to own and control the forces that shape his life—forces hitherto almost exclusively under the control of the white "power structure."

> America has got to help the black man become a capitalist—

Floyd McKissick, of CORE, is quoted as saying—

> and do it damn quick.

Homeownership is an integral part of this theme, Harris reports:

> We (whites) are subsidized to own homes. Most Negroes, by contrast, have been forced into rental buildings. Each bleeds a pint of pay every month. Worse, he never builds up capital in mortgage installments so that he will have the down payment—freedom—to move his family on to a better home. Public housing, for which he is taught to be grateful, has expanded the evil of absentee landlordism.

And again, Detroit's Frank Joyce is quoted as saying:

> Owning your home is a kind of power, and (it) leads to other powers.
>
> We don't want public housing—

Echoes Ted Watkins of Watts—

> we want low interest money so we can buy homes.

The article also describes one of the finest self-help programs in the country today, the Opportunities Industrialization Center, founded and inspired by a giant of a man who is rapidly becoming a giant in American life—Rev. Leon H. Sullivan of Philadelphia. I have toured OIC wtih Leon Sullivan on two occasions, and am proud that the company I once headed was among the first to donate equipment to help get OIC moving in its early days.

Perhaps the key question asked by George Harris—and many others—is this one: "Can the ghetto turn from self-destruction to self-renewal?" To answer that, Harris offers a number of "modest proposals." The first one is one I strongly advocated in my campaigning in Illinois last year: sell public housing to tenants as cooperatives or condominiums, with low-interest loans and technical guidance. The Senator from Maryland [Mr. TYDINGS] and the Senator from New York [Mr. KENNEDY] have recently announced their intention to introduce legislation to facilitate this goal, and I would expect to join them in that endeavor. Some time ago, in fact, I called together a group of some 15 of the ablest lawyers, architects, housing experts, and community workers in Chicago to map out a step-by-step plan for converting existing high-rise public housing to cooperative or condominium ownership including preparing whatever legislation may be necessary to that end.

Other proposals for expanded home ownership in the article include an expansion of co-op apartments, and a new effort by neighborhood organizations to buy out absentee landlords and rehabilitate homes on a large-scale basis.

The National Home Ownership Foundation Act, which I am sponsoring along with 38 other Senators of both parties, would speak directly to these needs, Mr. President. It would make available the technical assistance and financing needed by neighborhood organizations to carry out home ownership programs including acquisition of public housing buildings for conversion to condominiums or cooperatives. And, in conjunction with the foundation-aided programs, the Federal Government would help many aspiring poor families to become owners at monthly payments they could afford. Much of the thinking behind the National Home Ownership Foundation Act is akin to that expressed by the Negro leaders quoted in the Look article, which I particularly commend to those Senators who have not yet joined as sponsors.

But while the plight of the urban Negro in America was certainly a major influence on the development of this legislation, Mr. President, I wish to point out that the act is not limited to helping them. It can be used to help lower income families of whatever race, color, or origin, not only in urban areas, but also in the rural parts of America, so often neglected because their poverty is less visible to the conscience of America. I intend to say more about that subject in the future; but at this point I ask unanimous consent that the article referred to be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Look, June 27, 1967]

IS THE RACE PROBLEM INSOLUBLE?—NEGROES HAVE FOUND A JOLTING NEW ANSWER

(By T. George Harris, Look senior editor)

The white-black civil-rights movement has burned itself out. From the ashes of this symbolic crusade, a new movement of black people is rising in thousands of U.S. communities. Its raucous voice scares both races. To well-meaning whites, the Negro minority seems determined to play into the hands of bigots. Traditional leaders have lost their single-minded purpose. Martin Luther King, the one figure many could march behind, has wandered off to the anti-Vietnam war.

Black Power! and white backlash, those reciprocating rages, threaten to turn political progress back upon itself. The KKK, Alabama's George Wallace and the Mississippi (White) Citizens Council boldly recruit in Los Angeles, Cleveland and Boston. Dixie demonology has migrated to the demoralized, baffled North and West.

Thousands of small incidents each day rub racial nerves raw. One night not long ago, a tough, able reporter with whom I have teamed for years suddenly warned me that he was enlisting in an armed underground of black guerrillas. "I'll have to shoot you first, George," he said, smashing his glass upon the floor. "There'll be blood in the streets. It's not that we'll win. But who wants to live when it's like this?"

Gone is the easy confidence of the past 13 years since the school-desegregation decision. The dream based on Federal legislation has given way, after four fat civil-rights laws, to a suspicion that nothing will make much difference. No agency offers a convincing new program. The retreat of the poverty warriors and the despair of the sociological experts leave an impatient nation to glare down an endless road of long hot summers.

Now, as the third riot season rolls over us, earnest people ask the question that was almost forbidden: Can the race problem ever be solved?

Never, many answer, not in this generation or within existing institutions. The most compelling Never comes from France's Amaury de Riencourt the cultural historian who wrote *The Soul of China* and *The Soul of India*. No two-race society, this scholar points out, has ever achieved integration without full-scale intermarriage. So the Melting Pot, which more or less blended Americans of European descent, will never boil for migrants of African descent. The only alternative—the only one that has ever appeared—is a caste system. Our political machinery is set up to produce just that, De Riencourt believes. As big-city Negro colonies become too needy and too unruly for state and local agencies to cope with, the Federal Government assumes more and more direct responsibility, and sets the ghetto further and further apart. Negroes on U.S. reservations in the heart of town, De Riencourt argues, will achieve a kind of separate nationality, in an unadmitted caste. "It is better to help them into a well-planned and humane caste system," he concludes, "than to muddle unwillingly into it through years of bloodshed."

This prospect of a modern caste system, while unthinkable, is the logical extension of today's public policy. But before you join some Never cult, come back with me to a dozen great ghettos. From Harlem on the Hudson to Hunter's Point by Candlestick Park, I found during the calm winter months that they have come alive with ambition—a total contrast with the passive despair of the past. Even rage has a new function: The more hostile and violent a man talks, the higher the odds that he is committed to action based on hope. He will flip into the suicidal panic of a riot only if he wants desperately to change his life but sees no way to do it. Here, for the first time, is the raw will to transform the slum from within in a way that can never be done from without.

The character of black ambition has been misrepresented. Few Negroes have given up on integration, but most have renounced the self-defeating pleas for integration on white terms. They struggle to take the penalty off skin color. Their wants are not revolutionary, but strictly middle-class. The hardcore demands—for a job worth doing, for personal respect, a say-so in your neighborhood, homeownership and community-run schools—would be easily credited, if they came from white people.

"I want a car, a house and a good education for my children," says Cecil Moore, raffish NAACP boss in Philadelphia. "I want what the country's got, within the context of being a man."

But white ears discriminate. The public hears Negroes best when they sound wild ("Burn, Baby, Burn") or beg for welfare. Take a flagrant example. Floyd McKissick, CORE boss, burns with an unexpected conviction: "America has got to help the black man become a capitalist," he argues, "and do it damn quick." But the press pays attention mainly when CORE cries Black Power or aims a "target city" attack at Baltimore or Cleveland. McKissick, in debt from costly protests, hunts business capital to build coops and "develop the economic wing of CORE."

We reward suicide. Stokely Carmichael, ex-chairman of the Student Nonviolent Coordinating Committee, the once-proud Snick, has been pushed into inanities and worse. Each time he tries to define his Black Power motto in terms of economic and political development, he finds himself shouting into deaf ears. But when, pacing like a panther, he twists himself into a trance, snarling terror, he makes the evening TV news for millions of very alert people, both races. Riots follow. A philosophy student impressed by Albert Camus's notion that life is absurd, Carmichael mutters at the invincible stupidity of reporters—but cannot resist performing in their spotlight.

Behind every hostile front, there is now a scheme for economic self-development. Elijah Muhammad, ancient prophet of the Black Muslims, received me in the drawing room of his Chicago mansion. He reaffirmed his pathetic vision of "black rule" over a separate nation. But there has been a basic change in tone since I first exposed him in 1959 as a threat to internal security. In place of constant hints of bloodshed, he is now obsessed by the need "for the poor man to do his best to build up his own neighborhood. . . . Our people have become so indecent that no decent society will accept them." While demanding better jobs from industry, and building Muslim stores and restaurants, Muhammad scouts the country for "a million acres of land" to buy and colonize. "It would not be setting up a beautiful world," he said, "but it would be a demonstration for people."

Behind the self-help drive is the absolute need for self-respect, a slippery thing to grab with dark fingers. Often deliberately rude, like the Populists of old, Negro men and women are asserting pride in self, skin and all. If they sound racist, race is what they must affirm. Intellectuals like Claude Brown exalt *Negritude*. Black, black, black . . . the chant dignifies a distinction once ducked. When a pious white claims to be color-blind, anger erupts against a phony. Does he pretend not to notice the pale beauty of a blue-eyed blonde?

By an old American custom, each aspiring new group fights its way into the middle class across the pomposities of the people already there. LeRoi Jones, black nationalism's poet laureate, makes it his career to deep-fry whites. Students search Negro history for pride items. "You been lying to us, man," one said. "Why, we had a boss civilization going down in Africa while you cannibals was up in the caves of Europe eatin' each other up." Out of self-discovery's agony, dark Americans are emerging with a clearer view of their past and an approach to the future. They were trapped in a widely held illusion of our age—the belief that a political solution is a total solution—and they bet everything on civil-rights decisions and laws. A witty Harlem matron, Mrs. James Booker, recalls how she celebrated the 1957 bill's passage at an expensive restaurant. "I ordered watermelon," she says, "and told the [white] waiter, 'Take the seeds out, please.' "

Because the laws failed to touch the racism that lies below the governmental level, deep in society, many Negroes now consider them a waste of time. But the years of struggle for those laws helped push back "the terror" in Dixie that castrated black men in all the states. Each victory enlisted more of the passive masses in the struggle for themselves—the bus boycott, the Freedom Rides, demonstrations and sit-ins. And each phase engaged a broader segment of U.S. institutions. Though only the paratroops and press went to Little Rock ten years ago, the spreading crisis eventually involved the whole Federal executive, the churches, Congress, industry and city halls.

The civil-rights movement died of success. At its funeral service, the 1963 March on Washington, 210,000 people chanted the Freedom hymns, "black and white together," to commemorate a belated national decision: The Negro, no longer Ralph Ellison's *Invisible Man*, had become, at least in law, a full and visible citizen. "A broad spectrum of America," says A. Philip Randolph, the grand old man of a people, "bore witness to the inherent worth of every human." Only then did dark, 350-year Americans stand where the Irish and other whites had stood the day they landed here. Having at last gained rights, Negroes would have to fight as a body for the full use of them.

The talents of the civil-rights leader turned out to be poorly suited to the new phase. Poet Robert Moses conceived and ran the last mass campaign, the 1964 Mississippi summer project, where white and Negro students lived—and died—together to break Deep South taboos. Moses soon changed his name and withdrew from leadership. He was convinced, when last I saw him, that any outside "leaders," especially white ones, tend to impose their programs upon poor people.

Dr. King tried to make the transition. He took his Southern Christian Leadership Conference north into Chicago. SCLC tested new economic projects. It got FHA loans for nonprofit and co-op housing. It collaborated with labor on a tenants' union idea, hunting the formula for a self-supporting organization among the victims of absentee landlords. King's traditional boycott device, Opperation Breadbasket, opened up 1,407 jobs that pay $9.4 million a year. Breadbasket director Jesse L. Jackson added two significant extra devices: Chain stores in the ghetto had to (1) display prominently the products of Negro companies and provide technical assistance; (2) deposit balances in ghetto banks. "We're setting up a Negro common market," said Jackson. South Side businessmen, long starved for expansion loans, suddenly saw the movement as a lifesaver. Such dollars and cents did not, however, excite most veterans of the Selma march. By last Christmas, the preachers were deeply disappointed. They found Chicago "cold." Only Cicero had been hotheaded enough to give them Dixie-style resistance, and thus a token triumph. Dr. King took time off early this year to explore his distress in a book titled *Where Do We Go From Here?* Lacking the technical insight and desire to concentrate on a broad economic program at the local level, he could find nothing to replace the remembered fervor of the marches. Only the students of the peace movement had the passion. In April, King joined them.

So, the architects of the civil-rights era have been fading away. Adam Clayton Powell was losing his Harlem grip until the congressional attack forced the new generation of Negro leaders to back him. The reason runs deeper than race. Newark's Rev. Nathan Wright, Jr., an Episcopal advocate of Black Power's "creative possibilities," puts the issue simply: "In the Powell fight, black people are claiming the right *not* to act poor and pure."

The fostering father of the black movement has turned out to be a white man, Chicago's acid Saul Alinsky. He has shown the need for militant local organizations and inspired, or provoked, thousands of others to try their hand. His organizers (mainly white) go into slums not as leaders but as servants to Negroes who show promise of leaderhip. "When you talk about Black Power, you are talking about organization," Alinsky says. "The movement has got to get away from a lot of big drama, marches and shows."

Alinsky has perfected a technique he calls "mass jujitsu . . . you make the white power structure use its strength against itself." In the 11 years since I first started to study his strange work, he has run a hundred variations on this one idea. Invited into Rochester, N.Y., after its bloody riot, he knew that to gain the confidence of suspicious Negroes he had to be declared Public Enemy No. 1 by city bigwigs. He managed. Sensing that the city's cultural pride was a pressure point, he sent word through friendly preachers that Negroes might buy 50 seats to a symphony concert and prepare for the long evening by gorging themselves at a pork-and-beans dinner. This rumor, plus his calculated insults, drove civic boosters into such rage that the ghetto signed him up to be its own white knight. The most militant Negroes organized FIGHT, formed a job-training alliance with Xerox Corp., and laid siege at Eastman Kodak for a contract to fill 600 jobs.

Outfits like FIGHT push daily—not just at election rituals—for a say-so in the city's whole decision process, economic and social as well as political. "People in slums are helpless because they have neither power nor money," Alinsky says. "They have to organize their numbers for power." Like the nation's Founding Fathers, this happy hell-raiser believes in constant struggle to diffuse power and money throughout the populace.

In an age that has come to treat black people as targets to shoot programs at, Alinsky has brought back the stiff-necked citizen. If a man is helpless, the society must provide for him, but the only *cure* for helplessness is some capacity to control his own life—power. Alinsky condemns most Washington programmers as "welfare colonialists," a view that Carmichael expands upon. The implications of such thought are slowly getting through. "If a housing project strengthens people, it's good," says one planner, surprised at himself. "If it weakens them, it's bad." A city is tall people, not high-rise concrete.

Violence has made Alinsky, or somebody like him, a national necessity. He replaces the random panic of the riot, "the death wish of frustration," with ruthless drives to rabble-rouse a slum into a proud neighborhood able to demand what it needs and improve itself. His abrasive method, however, usually scares off the Negroes of the middle class just when they, having fled toward whites, are being drawn back. "Alinsky splits off the cream," says Newark's Wright, "and organizes the milk."

What will happen with the whole bottle of milk can best be seen in Memphis. There, A. W. Willis, Jr., is test-running the future course of the black movement. At 42, a small brown man with a quick mind, he has built the first strong, state-sized Negro political machine. He is now experimenting with methods for the Negro community to lay a solid economic foundation. Local critics, remembering Tennessee's late political czar, attack him as "the black Boss Crump."

"We've done pretty well in politics," he says, "but if we don't get where the real power is, in business and finance, we'll always be on somebody's plantation." His audacity is not new. I remember when the Ku Klux Klan burned a cross to scare him out of pioneer civil-rights work. "That's a raggety-tail little thing," he told the Klansmen. "Next time, let me give you money to buy a cross I won't be ashamed of."

Willis has for eight years stiff-armed white politicians who grab hold of Negro votes—the local liberals, AFL–CIO political agents, state governors, even the Democratic National Committee. Only black leaders who can't be bought, he feels, can break the white habit of buying off Negro factions on cautious, "penny-ante promises." With a loyal bloc vote, he has even saved White Supremacists from defeat, in return for major concessions, and thus so compromised the racists that they could not go back to campaign bigotry. Demanding seats on draft boards and public commissions, he aims at the kind of integration not possible among men of unequal resources.

As the first Negro elected to the Tennessee legislature since Reconstruction, and now one of six, Willis has expanded his power statewide through the Tennessee Voters' Council. Whether Republican or Democrat, a candidate for governor or U.S. senator goes hat in hand before the Negro TVC for formal inquiry into his views. Willis scores them on a point system. One of his few losses came when his white gubernatorial candidate went under after the opposition cartooned him in a dog collar with Willis holding the leash. He could teach the Boston Irish of old a few new combinations of political and economic power. Because of him, the Small Business Administration holds management courses at a Memphis college (tuition: $20) for Negro businessmen who need expansion loans.

Negro officials from the Farmers Home Administration now roam west Tennessee inviting people to build new homes and improve old ones. Aware of Government's most powerful and helpful service, Willis is breaking the white monopoly on Federal loans and loan-insurance.

Behind Willis's drive, there's an idea more radical than the poverty program's "maximum participation" of the poor. The slums can be cured, he insists, only if the resources spent on them are controlled by the slum community, not tied to a Washington string. For a start, he is helping a Negro church finance a 265-unit housing development through FHA. He and other Negroes have claimed a block of the Beal Street urban-renewal project and, cheered on by the white Establishment, financed a $5 million bank-motel building.

"The movement might turn out to be the biggest shakedown yet," Willis says, hiding hope beyond cynical words. "But the way the Government's been going, all they'll do is streamline the ghetto and try to tranquilize the people."

You can see the Willis point best in housing. "Negroes are more segregated than they were five years ago," says the Urban League's Whitney Young, Jr., "because of public housing." Here, charity hides vicious discrimination. You have to realize that most whites pay no rent at all. Our houses and co-op apartments are investments, often good for financing our children's education. In the fifties, when FHA loans set off the suburban explosion, whites borrowed money at five percent to buy homes that gained more than five percent a year in value. We pay property taxes and insurance, but we also save $2 billion a year by homeowner deductions from our income tax. We are subsidized to own homes. Most Negroes, by contrast, have been forced into rental buildings. Each bleeds a pint of pay every month. Worse, he never builds up capital in mortgage installments so that he will have the down payment—freedom—to move his family on to a better home. Public housing, for which he is taught to be grateful, has expanded the evil of absentee landlordism. Carmichael points to the probable consequence. Since Negroes own little property, they will try, wherever they gain control, to push taxes to the confiscation point.

Some savvy militants hope to force the issue earlier—by picket-line demands that project residents be allowed to buy their apartments as co-ops. This ambition does not please Robert Weaver, Secretary of Housing and Urban Development. "Who would run them?" he demands, unable to imagine blacks running their own buildings as whites do. But the pressure will build. "Owning your home is a kind of power," says Detroit's Frank Joyce, "and leads to other powers."

"We don't want public housing," says Ted Watkins, the brawny founder of Walter Reuther's Watts Labor Community Action Committee. "We want low-interest money so we can buy homes." He's got proof: Last year, when a decrepit public-housing project was torn down, 58 percent of the families bought homes nearby. Only eight percent went back into public housing.

As in housing, so in other fields. Looking out of the slums, you see two kinds of Government action: One brand traps people (colored) in the welfare cage, and the other lets citizens (mainly white) get hold of the resources to develop themselves. Many of our liberating laws date from the New Deal's drive to lift white farmers from poverty. In those days, thousands of ragged sharecroppers, the *God's Little Acre* set, were offered low-interest capital to buy and operate farms. Soil experts swarmed out (and still do) to test the ground, advise on crops. In the country slum where I grew up, the Rural Electrification Administration urged money on us for a risky business: to start a utility company, and REA co-op.

Here is the real difference from today's urban programs: All levels of government were our servants, not our keepers. The county agent helped us organize production co-ops—part of a national cooperative movement so full of protest that some consumer co-ops advertised their brands under the Red hammer and sickle. This label, like the Black Power motto, was deceptive; co-ops proved to be an instrument of middle-class capitalism. Through the Farm Bureau, then a militant movement, we could command the technical skills of the state university. When we called, professors came running to show us how to grow hybrids, keep books and seal the rats out of our corncrib.

The simple notice of citizen demand has been lost. In the urban slums, I have yet to surprise a university agent in the act of showing people how to seal the rats out of the baby crib. Ted Watkins of Watts, a proud man, begs UCLA for a scientist to design an antiroach weapons system.

Instead, sociologists come to pry into people's sex lives and inspect "the subculture of the poor." Reading piles of such degrading literature, I am awed by the desire of white intellectuals to prove that all those jolly, innocent Negroes will never, never sell out to the affluent rat race or join the Rotary Club. "The poor don't want to be middle class," declares *The New York Times Magazine*. Concepts are self-confirming. Used by urban programmers, public and private, they inspire new plans to claim perpetual customers for welfare, and destroy choice for black people.

The whole black movement has been struggling against the ideological ropes tied on it by its friends of the Left. Untutored Negroes have had to educate young whites—especially the earnest Students for a Democratic Society—who have been living as secular missionaries in the slums. What has emerged is "the New Left," which tends to cuss traditional "liberals," praise "radicals" in Populist terms and oppose bureaucratic manipulators, private or public. To grossly oversimplify, their new Jeffersonian vision is one of an urban community, beautiful and humane, in which people have as much say-so as they once had in town meetings. Shy, gentle Tom Hayden, the New Left's St. Paul, serving in Newark, now knows that poor blacks cannot be used as cannon fodder by middle-class students who want a "revolution" (pet word) against the affluent society's corruption. If dark ladies and gentlemen want affluence, courteous workers like Hayden help them fight for it.

The sincere men and women of the student left know something their elders don't about the future of race relations, including mixed marriages. Black militants, especially women, resent the centuries of illicit miscegenation, the ultimate exploitation. As intermarriage becomes more routine—as it is in suburbs like Milpitas, Calif.—it will be the whites who do the courting. "We've had sex with you in many ways over the generations," says Mrs. Anna Hedgeman, fighting lady of the movement. "Now the young Negro is saying he doesn't want it any more unless it's legitimate."

As thirsty men run for water, so the helpless instinctively lunge for the power to be as other men. In St. Louis, aircraft research technician Percy Green, 31, and other ex-CORE workers have set up ACTION, one of the new, non-Government alphabet agencies. Green's group improvises variations on the sit-in: They chain-in, spray-in, lock-in, tape-in, paint-in, stall-in, clean-in and trap-in. Each "in" is slightly more fiendish than whatever your imagination suggests to you. For instance, Green's "stamp-in" has been aimed at utility companies that send out punch-card bills. After demanding more jobs for Negro men, Green sells freedom stamps, $1 a hundred to be pasted over key-punch holes. Sympathetic customers pay their bills on time, but the company, Green believes, has to process the pasted bills by hand.

This kind of monkey-wrench activity, rather than self-burning street warfare, is gaining favor among those with a technical twist of mind. Some calculate how many phone callers it would take to jam a company switchboard. One well-known leader threatened to cause a run on a bank. "We'll just move out all our accounts in one day," he said. "If somebody else gets worried and starts a run, it won't be us that's breaking the law." A banker who overheard him made $20 million mortgage credit available to Negro customers.

"The country's structure, economic and political and social, is more fragile than it has ever been," says A. Philip Randolph. "America cannot afford to have within its bowels the forces of upheaval that result from humiliation."

Protest forces, harnessed by responsibility, usually turn into work forces. Rev. Leon Sullivan, who invented the "Philadelphia plan" of systematic boycotts, has gone on to design OIC, Opportunities Industrialization Center, a nationwide network of job-training schools. Some of the companies he hit hardest are now OIC's staunchest backers. Sullivan has gone on, with biracial support, to raise equity for a handsome apartment house and a shopping center. The profits, when the debt is paid, pour back into ghetto improvements.

Other ghetto people are designing new structures. More than 1,000 credit unions have sprung up to free the citizenry from loan sharks, and often to lay the foundation for buying-clubs and consumer co-ops. Hundreds of Southern Negro farmers and farm workers, about to be driven off the land like millions before them, are building a co-op movement from Frogmore, S.C., to Sunset, La. In the ashes of Watts, neighborhoods operate their own "vest-pocket playgrounds."

It's too early to be sure, but the Negro movement seems to be gaining the capacity to make its own decisions. If so, it can make claims upon the self-interest of all the society's sectors, not just upon the professional goodwill of welfare agencies. There's a race on. Corporations like United States Gypsum are competing on house-renewal technology. Humble Oil, which already sells through 490 Negro-owned stations, has teamed with CORE militants in Baltimore to train new owners and workers. Foundations and community agencies are pushing beyond research into full-scale experiments in housing, education and slum industry. The National Sharecroppers Fund is fielding technicians to advise farm co-ops. Walter Reuther seems bent on pulling out of the AFL-CIO to build a broader base in community unions. Democrats and Republicans in the U.S. Senate, from Robert Kennedy to Charles Percy, are fighting over who will invent the first successful community corporation to develop the slums.

Amaury de Riencourt argues that we are on the road to an urban caste system. Black Power, white backlash and riots, he believes, will force just about everybody but the Federals to give up on the ghetto. The danger is real, and to some extent already realized. But Negroes who have escaped the cotton shacks are starting to rebel against their welfare shackles, their public-housing slave quarters and the patronizing rationale of their latest overseers. In pride and unity, they are building the political and economic platform on which to stand without shuffling. And in the process, they are pulling more, not less, of the country's institutions into their fight.

"I'm an American Negro, and that's a damn unique kind of personality," says one man, whose pride speaks for millions. The strident spirit of the black movement tests the social sinews of our country and inspires the weaving of rich new social fabric. We just might end up with a unique society where citizens will cherish, not abhor, the varieties of color and culture with which the Creator saw fit to bless us.

A MODEST PROPOSAL TO "BLOW UP" HARLEM

City planners everywhere, armed with bulldozers, have battle orders drawn to go in and flatten the black ghettos, their local versions of Harlem. Most see the ghetto as a target, not as a wasted source of social energy. Can the ghetto turn from self-destruction to self-renewal? Here is a modest proposal, a handful of ideas drawn from scattered experiments, to give black people the power to blow apart their ghetto walls and build communities where anybody will want to live.

Sell present and future public-housing apartments as co-ops or condominia to present residents. Low-interest home loans, plus technical guidance through the transition period, will be much cheaper than maintaining vertical slums.

Encourage private contractors to build on the success of recent co-op apartments in Harlem.

Use "group market" strategy, now being tested in Michigan, to help neighborhoods buy out absentee landlords and bring in contractors to redo several homes at once and at low cost.

Chase out condescending sociologists, bring in pros or volunteers humble enough to help with today's most economical activity: do-it-yourself home improvement, smarter shopping, and development of credit unions, co-ops and business.

Organize the white executives for all-out recruiting and training of the hard-core unemployed. Since the Watts riot, a fat-cat Los Angeles committee has placed 6,000 in jobs; most have stayed or been promoted. In place of Job Corps camps, called "concentration camps" by militants, Government needs some variant of GI on-job subsidy.

Break the control of public schools now held by city school-board bureaucracies, which should be strictly service agencies to help community-run schools teach pupils of all ages.

Abolish the welfare restrictions that turn a legal right into a trap from which few can escape.

Force urban universities to set up economic-development programs, as land-grant colleges have long done for white farmers and poor countries.

Push defense contractors, who now build smalltown plants as a form of political patronage, to do the same for slum voters; or grant fast tax writeoffs for new plants built in slums.

Reinsure loans to Negro businessmen eager to build stores, small plants and franchised outlets of national chains. (Riots and arson have cut off desperately needed funds.) Negro entertainers, stars in WASP nets, could buy their own clubs.

Form militants and gangs into street-policing squads armed not with guns but two-way radios.

Rewrite Medicare rules—which give big (white) hospitals a costly monopoly on elderly black millions—so as to encourage a neighborhood convalescent-care industry.

America, which renews itself from the bottom, owes much to its black citizens. Their civil-rights protest brought the taste of fervor back to lifeless churches. By shedding more than twice their share of the blood, they have kept Vietnam from being a racist war. Now, building power to fight every form of indignity, Negro Americans are putting the whole range of social institutions to a simple test. They are finding out which ones still have the capacity to help a man stand up so he can shake hands with his neighbor.

A COLLEGE IN TRANSITION

Mr. MUSKIE. Mr. President, I would like to call to the attention of my colleagues an article appearing in the May 1967 issue of the Maine Teacher describing the transition of Husson College.

The Husson story of growth illustrates the splendid results which can be obtained through cooperation of Federal and State agencies, local government, and private enterprise.

I am sure that each of my colleagues will be impressed with the achievement of Maine's outstanding business college.

I ask unanimous consent that the article be inserted in the Congressional Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A College in Transition—Husson College Stands on the Threshold of a New Era

The transition of Husson College from a proprietary school to a non-profit, degree-granting college dedicated to educating young people for professional careers in business clearly demonstrates the significant role of the college of business in higher education today. From a faculty of four to a faculty of nearly 60, from a graduating class of four to a graduating class of 210; from two classrooms on the second floor of a building on Columbia Street to a multimillion dollar campus—Husson College has become a recognized leader in business education for the youth of Maine and the nation.

The growth and present posture of Husson College reflects the tireless perseverance of a dedicated staff under the leadership of its president, Chesley H. Husson, Sr. Throughout the past 44 years the efforts of the College administration and faculty have been directed toward improvement and refinement of the curriculum in all programs of professional business education.

In 1953 Husson College was authorized to confer baccalaureate degrees to graduates of its four-year programs, and in 1965 it was authorized to grant associate in business science degrees to graduates of its two-year programs. Husson College is accredited as a senior college of business by the Accrediting Commission for Business Schools which has been designated as a nationally recognized accrediting agency by the United States Office of Education under the provisions of Public Law 550. The administration of the College is exploring other areas of accreditation.

Throughout its history Husson College has endeavored to conduct its total program in an environment permeated by the philosophy that a successful individual is the product of sound and comprehensive academic, social, and spiritual training. To this end, the technical and professional content of its academic degree programs is balanced by equal content in the liberal studies: English, languages, history, mathematics, sociology, biology, speech, and psychology. Its extracurricular program includes competitive sports, both intercollegiate and intramural, social, service and semiprofessional groups, religious organizations, and other activities for the development of social graces and spiritual and ethical maturity. Except for chapters of Pi Rho Zeta and Kappa Delta Phi where membership is by invitation, all extracurricular programs are open to all members of the student body. Participation is voluntary.

Husson College provides a wide range of courses for any qualified student. In the baccalaureate degree programs Husson College offers four areas of study: bachelor of science degree in accounting, bachelor of science degree in business administration, bachelor of science degree in business education, and bachelor of science degree in secretarial science. Within each of these curricula, the broad areas of specialization are balanced by equal hours in the liberal studies.

A bachelor of science degree in accounting affords candidates the opportunity to prepare for careers in private, governmental or public accounting or to pursue advanced study toward graduate degrees or the rating of certified public accountant.

The Department of Business Administration concentrates on finance, insurance, management, and marketing. These programs also are enriched by selected courses in the liberal studies.

In the Department of Business Education one of three major areas of specialization may be elected: accounting, business administration or secretarial science. At least half of the course content for business education is composed of liberal studies. Recipients of the B.S. degree in business education qualify for certification by the State of Maine for teaching business subjects in secondary schools. The Maine State Teachers Professional Business Education Certificate is issued to candidates recommended by the Department Head.

The Department of Secretarial Science program leading to a B.S. degree contains technical and professional courses supplemented by an equal number of hours in liberal studies.

Within the accounting and business administration departments two-year programs provide an opportunity for students to qualify for an Associate in Business Science degree or to continue for a Bachelor of Science degree.

In the Department of Secretarial Science, associate in business degrees are awarded to graduates of the executive secretarial course, legal secretarial course, liberal arts secretarial course, and medical secretarial course, all two-year programs.

Several one-year courses leading to a diploma are included in the curriculum.

Husson College desires at all times to maintain the standards of character and efficiency which are required in the accredited colleges and universities of the United States and which are consistent with the demands of modern society and business. For this reason, the College seeks students who are best qualified by previous training, health, character, and personality to pursue a college course. Among the requirements for admission, therefore, are a recommendation and a satisfactory transcript from the secondary school, a health certificate from the family physician, and evidence of personality and character suitable for college work. In general, the policy is to give every ambitious youth his chance.

The applicant's secondary school program need not have conformed to a rigid pattern. Applicants are invited from secondary school students in the fall of their senior year. Students must apply for admission prior to May 15; applications received after that date, will be considered only insofar as classroom and dormitory facilities permit.

The College requests that the applicant take the Scholastic Aptitude Test of the College Entrance Examination Board. This examination should be taken at the earliest possible date during the student's senior year of high school. Arrangements may be made to take the test by consulting the high school principal or guidance counselor.

After the College has accepted a student, he will be required to report for two days of orientation and testing. Three of these sessions are held each year; in the spring, in early summer, and in August. The purpose of the program is to acquaint the prospective student with the campus and its services, to meet college officials, and to take a battery of tests. The test results are used to determine placement in classes and to aid student service officers in counseling.

The present Husson College complex is made up of four academic buildings, additional classroom space in the former Bangor High School building, two dormitories, YMCA facilities, and motels and private homes for student housing. The administration building, erected in 1940, has offices on the first floor; typewriting laboratories, machine room, duplicating room, and two lecture rooms on the second floor; cafeteria and student lounge on the ground floor.

Dickerman Hall, which is adjacent to the administration building, was completed in 1957. It houses the College library, four lecture rooms and a student lounge. Hart Hall was renovated for occupancy in 1958. It contains the College bookstore, administration offices, electronic data processing equipment, and one classroom. Carlisle Hall was purchased in 1963 and provides 11 classrooms.

The majority of male students live at Husson Hall, the former Penobscot Hotel, which was renovated in 1962. Additions included new furnishings for the rooms and complete remodeling of the kitchen and dining room facilities.

Bell Hall accommodates a limited number of women students. Specialized Management Services, Inc., caters both the men's and women's dormitories as well as the campus cafeteria.

Over the years, many students with limited financial resources have been assisted by the College in finding ways to finance their education. Although scholarship assistance is somewhat limited, Husson College participates in the National Defense Student Loan program which provides financial aid to students who show evidence of need and academic promise. Repayment of National Defense Student Loans begins after graduation and may extend for as long as ten years. A maximum of 50 percent of the loan may be cancelled for recipients who complete five years of full time public school teaching.

Supplementing the federal loan and grant programs are other opportunities to help finance educational costs such as part time employment on campus, part time employment off campus, private loan plans, and bank loans. Students and prospective students are urged to discuss any financial problems with college officials.

Through its counseling and guidance services, Husson College is able to assist students with academic, social or personal problems. Faculty advisers, dean of men, dean of women, chaplain, counselors, and all members of the administrative staff are available to aid students in solving problems with which they may be faced.

The placement office assists students in securing part time employment, and arranges interviews for professional placement after graduation. Nearly 70 representatives from business, industry, and government visit the Husson Campus yearly to recruit both seniors and alumni.

The student body for the Academic Year 1966–67 numbers 1141, of whom 73 percent are Maine residents. Representatives from 14 other states and 11 foreign countries complete the student community. Since 1926 Husson College has awarded a total of 3,007 diplomas and degrees. Among the College's alumni may be found school administrators, superintendents, principals, and guidance directors; business teachers both in secondary schools and collegiate schools of business within and without the state; bank and corporate executives; government personnel; office personnel both in business and the military; controllers and certified public accountants. Husson graduates have taught, or are teaching, in over 50 percent of Maine secondary schools. Many have been accepted and have completed satisfactory graduate study qualifying for M.B.A., M. Ed., M.A., M.S., LL.B., Ph. D. degrees.

The new $10 million Husson College campus is the result of vision and perseverance. Now under construction and due for occupancy in the fall of 1968, the new campus complex of six buildings will be ranged in a circular pattern resembling a "wagon wheel" design. At the center of the "wheel" will be an electronic bell tower, a gift presented by alumnae sorority members of Epsilon Delta Chapter of Pi Rho Zeta International under the leadership of Clara L. Swan, Past International President.

Located approximately three miles north of downtown Bangor, the first-phase development project occupies 32 acres of newly acquired property totaling some 304 acres. Within the complex of modern buildings are three dormitories, a dining hall, academic building, and a physical education training center.

Each of the three dormitories (two men's and one women's) will provide living accommodations for 306 students or a total of 918. Each dormitory will provide double-occupancy rooms, lounges, a house master's suite, and related facilities.

Directly across from the dining hall, which will seat 500, and toward the hub of the "wagon wheel," will be the academic building. It will contain a large library, 38 classrooms, administration and faculty offices. In addition to general classrooms, it will also provide science laboratories, electronic data processing laboratory and other specialized class rooms, a seminar hall seating 100, student and faculty lounges, cafeterias, and departmental conference rooms.

The physical education training center will allow the College to expand its physical education program to include all students. This facility will feature two regulation sized playing courts, separate judo, wrestling, weight, and handball rooms, a rifle range and an Olympic sized swimming pool with one- and three-meter diving boards. The Center will seat 2,400 spectators. Offices and staff rooms, locker, shower, and laundry facilities will be located throughout the building.

Construction of the six new buildings is being financed through federal grants and loans, a participating bank loan from Maine commercial and savings banks, and gifts from business and industry, foundations, friends, alumni, faculty, parents, and students.

Since 1898 it has been the policy of Husson College to provide education of the highest quality to the young people who seek business training. Its history is one of growth and expansion. The College is proud of its heritage and will continue its efforts to maintain a college which is progressive and modern.

INSTANT EDUCATION

Mr. MORSE. Mr. President, Mr. John Sandberg, Deputy Director of the Northwest Regional Educational Laboratory in Portland, has recently brought to my attention an article which appeared in the Portland Oregonian under the byline of Mr. John Guernsey on Sunday, May 21, 1967.

The article describes a new instructional system which is in operation in a small remote school in the Pacific Northwest.

Because, in my judgment, it is an excellent exposition of a program which seems to hold forth much promise for school districts such as that of Anatone, Wash., I feel it will be of interest to my colleagues and I therefore ask unanimous consent that Mr. Sandberg's letter and the text of the article be printed at this point in my remarks.

There being no objection, the letter and article was ordered to be printed in the RECORD, as follows:

NORTHWEST REGIONAL EDUCATIONAL LABORATORY,

May 31, 1967.

HON. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR MR. MORSE: A Laboratory activity which has great potential for improving education in small schools received major attention in the *Portland Oregonian* recently.

Enclosed is a tear sheet of the article which describes the initial use of this new instructional system in the Anatone, Washington school.

As you will note in the closing paragraph of the article, this effective method of instruction can be developed economically for all small schools which cannot afford to hire specialized teachers in various subject areas.

The Northwest Regional Educational Laboratory is proceeding with plans to introduce the system into 25 schools in the Northwest this fall, including five schools in Oregon. The specific schools will be selected during the next two or three months on the basis of interest shown by local school superintendents.

We feel this is an important development for improving the education of thousands of children in Oregon.

Sincerely,

JOHN SANDBERG,
Deputy Direcor.

[From the Sunday Oregonian, May 21, 1967]

"INSTANT EDUCATION" PACKAGES HELP PUPILS IN SMALL SCHOOLS—ANATONE STUDENTS STUDY COURSES WITHOUT MUCH TEACHER HELP

(By John Guernsey)

ANATONE, WASH.—The 37 students at Anatone High School are learning speech and drama fram a home economics teacher, welding from a history teacher, and plastics and electronics from a social studies teacher.

This sounds crazy enough to be just what small and isolated high schools throughout the nation have been seeking for many years. The small schools seldom have enough teachers, and students have a restricted selection of courses from which they can choose.

Education professors from Washington State University are making inroads into the problem, and putting together correspondence-type "instant education" packages for Anatone High students. The school has only four high school teachers.

The self-study education kits have been in operation at Anatone since early April, and permit the students to study speech, electricity, welding, and plastics.

The kits consist of booklets which present the instruction in written form, special projectors, and both silent and sound films. The school furnishes equipment so the students can try their hands at what they have studied and seen on film.

Student Rick Weatherman wants to learn basic welding. He studies a few pages from the specially prepared booklet. Then he slips a film pack into a small picture console in front of him. He sees how the process is done by a professional. Then he goes to the school's electric arc-welding equipment and does it himself.

Then back to the book and film strips to study the next step.

STUDENTS DO WORK

The welding teacher—or adviser—is history and current affairs teacher Ronald Cummings.

"They do nearly all of it themselves," Cummings said. "I read and try out the same materials they study to try and keep a step ahead of them. It seems to be working very well."

Arnold Gallegos, assistant professor of education at WSU, is coordinator of the project. He points out that the system changes the teacher's role from being a source of knowledge, as in the traditional classroom, to that of an instructional manager.

This year's program was launched with a $42,000 federal education grant, and staff and financial assistance from the Northwest Regional Education Laboratory, headquartered in Portland and serving the Northwest states and Alaska.

Gallegos said a $65,000 federal grant is expected to support the program during the coming school year, Anatone students will receive self-education kits in earth science, Spanish and math. Already operating courses will be continued.

He sees no reason why the "learn-it-yourself" education kits cannot be developed for nearly every type of high school course.

SUPPORT OFFERED

A strong supporter, who was instrumental in launching the program at Anatone, is Henry F. Charbonneau, superintendent, principal and teacher of several courses at the school—including girls' physical education and band.

"Look at it this way. Anatone High School students are offered only 27 courses. Most high schools have 60 or more. Yet, Anatone students have to compete with students from larger high schools when they go to the same colleges."

Anatone is unable to offer courses such as speech, journalism, world history, sociology, economics, advanced math, psychology, philosophy, French, Spanish, etc.

Gallegos adds that the self instruction courses will provide the small high schools with more stability, because the loss of a math or language teacher will not paralyze major parts of a school's curricula until the teacher is replaced.

The self-education kits for small and semi-isolated high schools will permit an English teacher, with a basic understanding of math, to help students learn math, physics, chemistry and other courses.

SCHOOL ISOLATED

Anatone High is 23 miles south of Clarkston, the closest larger high school to it. Consolidating and transporting the Anatone students to Clarkston would be next to impossible because of rugged mountain roads and hazardous winter weather.

Washington, Oregon, Idaho and Montana have numerous small high schools in the same boat. Oregon alone has 100 high schools where course offerings are limited because the schools do not have enough students to warrant large teaching staffs.

Charbonneau cites another advantage of the system:

"With a nearby college or university developing the education kits, they get instant feedback from the high school faculty members and students. If the instruction is too lengthy, boring, or not reaching the mark, the kids let them know. Then the instructional material is changed and improved.

Gallegos points out that teachers do not have to be pre-trained in the courses they help students with.

The self instruction courses developed for Anatone will be displayed by the Northwest Regional Education Laboratory for use in other high schools.

It costs about $4,000 to develop a course, but it can be duplicated for other schools for about $800 per course.

ESTHER PETERSON

Mr. MOSS. Mr. President, there is little one can say which will add to the luster of Esther Peterson's name here in Washington. We have watched her for years as she has worked and talked and achieved in the various fields to which she has applied her great talent and drive and commonsense and warm personality.

It may be interesting, however, to some people to know more about her background and experience—about what has gone into the making of Esther Peterson. And it may also be of interest to know how she is regarded in a small college in her home State of Utah in which she once taught years ago.

I ask unanimous consent, therefore, to place in the CONGRESSIONAL RECORD the text of the citation for the honorary doctorate of humanities degree which Mrs. Peterson was recently awarded by the College of Southern Utah in Cedar City, Utah.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

CITATION FOR HONORARY DOCTORATE OF HUMANITIES DEGREE FOR ESTHER PETERSON

Esther Eggertsen Peterson was born in Provo, Utah, December 9, 1906, to Lars and Annie Nielsen Eggertsen. She attended elementary school and high school in Provo, and in 1927 was graduated from Brigham Young University with honors.

In 1927 she was appointed instructor of English and physical education at the Branch Agricultural College where she served with distinction until 1929. In 1929 she went to Teachers College, Columbia University in New York City where she received the master of arts degree in 1930. It was here she met Oliver A. Peterson to whom she was married in 1932.

From 1930 until 1936, Mrs. Peterson taught at the Winsor School for Girls in Boston. During this time she also taught each Thursday night in the industrial department of the Y.W.C.A.

It was during this period of her life that Mrs. Peterson, because of the interest of her husband and because of her own growing concern with improving the working conditions of American laborers, became associated with the labor movement. After her marriage in 1932 until 1948, when she went to Europe with her husband, Mrs. Peterson served in the educational division and in other capacities in the Amalgamated Clothing Workers of America.

While her husband was Labor Attaché at

the American Embassy in Stockholm, she and the rest of the family mastered the Swedish language. She also taught in Swedish labor schools, helped organize and taught at the opening session of the International School for Working Women at La-Breviere, France, and represented the American trade union movement at several international conferences.

When her husband's duties took the family to Brussels in 1952, she worked with the anti-communist International Confederation of Free Trade Unions located there.

In 1957, the Petersons returned to the United States from Europe and shortly thereafter, Mrs. Peterson became legislative representative of the Industrial Union Department of the AFL–CIO until her appointment as Assistant to the Secretary of Labor and Director of the Women's Bureau in 1961. On August 11, 1961, President John F. Kennedy signed a bill creating the new position of Assistant Secretary of Labor for Labor Standards. On August 12, the President nominated Mrs. Peterson to fill that position. She assumed those duties on August 17, 1961, and she still serves in that capacity.

Between 1961 and 1963 Mrs. Peterson served as Executive Vice Chairman, under the chairmanship of Mrs. Eleanor Roosevelt, of the President's Commission on the Status of Women.

From January 1964 through February 1967, Mrs. Peterson served as Special Assistant to the President on Consumer Affairs and Chairwoman of the President's Committee on Consumer Interests.

Mrs. Peterson has received wide recognition for her service. She has been awarded honorary degrees by Smith, Bryant, Montclair, Hood, and Mercyhurst Colleges, and by the Carnegie Institute of Technology.

Only last month the Associated Women Students of her alma mater, Brigham Young University, named her Outstanding Woman of the Year.

When President Kennedy appointed the special Commission on the Status of Women, he said . . . "we have by no means done enough to strengthen family life and at the same time encourage women to make their full contribution as citizens."

Esther Peterson well exemplifies the proper balance between family life and public service. In the report of the Commission on the Status of Women she noted that "In a great society, talents are evoked and realized, creative minds probe the frontiers of knowledge, expectations of excellence are widely shared." She further said that such expectations can be realized in America "because women in their families are transmitters of the central values of the culture."

Her own family—daughter Karen, a scientist; sons, Eric, a Peace Corps veteran and student of architecture; Iver, formerly with the *New York Times* but on his way to Vietnam to serve with the Agency for International Development; Lars, a Junior at Harvard; and her distinguished husband, Oliver—demonstrates her success as a housewife and mother, as well as distinguished public servant. Her prescriptions for success reflect those values which we all associate with Western, pioneer, Mormon virtues. She once said:

"Parents should either leave their children a big inheritance or insist that they learn skills. There will be very little place in the future for the unskilled."

And on another occasion she said:

"My philosophy is that home is the most important institution; it is not a place for drudgery. The home should be a place where there is room for love and affection, where the physical needs are met, and which leaves time for cultural pursuits."

A product of a great family—her grandparents were Danish pioneer immigrants who walked from the end of the railroad line in Omaha to Salt Lake City; her father was the first superintendent of the Provo Schools and her brothers and sisters are distinguished leaders throughout the West—it is not surprising that she has achieved so much.

President Braithwaite, in recognition of her initiative and leadership in government and public affairs, in memory of her activity as a member of the faculty of this College, in honor of her devotion as an exemplary American wife and mother, in acknowledgment of a lifetime of unselfish service to her native state, her country, and to all mankind, in gratitude for her exemplary life as a great humanitarian, I recommend that Esther Eggertsen Peterson be awarded the degree of Doctor of Humanities, *honoris causa*.

ADEQUATE FINANCING FOR EDUCATION IN THE UNITED STATES

Mr. MORSE. Mr. President, recently I had the honor to appear before the 27th annual conference in Portland, Oreg., of the National School Boards Association and to discuss in a general session the need for provision of adequate financing to provide the best possible education that can be given to the boys and girls of these United States.

During the conference there were a number of very perceptive papers presented. Among them was one offered by Dr. Leon P. Minear, Oregon's Superintendent of Public Instruction entitled "Federal Aid to Education—Some of Its Unsolved Problems." It is a presentation which, in my judgment, will be of interest to my colleague and I therefore ask unanimous consent that it be printed at this point in my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

FEDERAL AID TO EDUCATION—SOME OF ITS UNSOLVED PROBLEMS

(Remarks by Leon P. Minear, National School Boards Association Convention, April 24, 1967)

The local school board is an American invention. Since 1647, when the Massachusetts Legislature required all towns to establish and maintain schools, the idea of "selectmen" exercising supervision over the community's schools has appealed to the citizens of this country. It is consistent with their spirit of independence and their desire to manage their own affairs apart from the dictates of a central government authority. It is also a rational answer to the complex problem of administering a broadly diffused and diverse educational system in each of the fifty states. The local school district and the local school board are effective devices for providing educational authorities to attend to the state's responsibility for the education of its children regardless of where they live.

The principle of the partnership of the state and the local community in promoting the welfare and interest of both has been quite clearly established through three hundred years of practice. However, since the passage of the first Morrill Act in 1862, which provided for land grant colleges and categorically for the support of "such branches of learning as are related to agriculture and the mechanic arts," we have been moving into a new era and a new partnership including the Federal Government. The trend can be traced by means of several other significant benchmarks—the Smith-Hughes Act of 1917 for vocational education in secondary schools; the National Defense Education Act of 1958, which provides support in at least ten categories of educational activity; and the most recent and most dramatic legislation—the Elementary and Secondary Education Act of 1965, which authorizes unprecedented amounts of federal funds for work in five specific areas.

The Congress and the U.S. Office of Education are doing a good job under trying circumstances in a relatively new and very difficult role. The Education Commission of the States offers a lot of potential in terms of interpreting local and state educational needs to the Congress. We in Oregon are particularly proud of the leadership of Senator Wayne Morse and Representative Edith Green.

The community, the state, and the nation are not in conflict; the child lives in all three and needs educational experiences which adequately prepare him for living in all three. The complexities of the new federal-state-local relationships for the sharing of responsibilities and resources are soluble—the only real distracting elements that could exist are parochial interests and/or irresponsibility on the part of any of the three partners.

Ideally, each of these governing units should be agreeable partners in the all-out effort to make education strong. Each should recognize its inherent faults and capabilities—and be willing to strengthen the weak points and better utilize the strong.

While we might wish that power could be vested in these three agencies only, I must point out other areas where great influence may also lie:

The courts, where decisions are handed down which directly mandate the directions we have to take

The Compact of States, a new amalgamation for solution of complex issues on a nationwide basis

Private foundations, whose rich coffers are tantalizing incentives for committing money and talent to innovative ideas

Nationally-recognized critics, who, like Conant, have prompted wholesale reassessment of educational policies

National curriculum groups, who demand that their ideas not be taken lightly

The mass media, who seek the out-of-ordinary or senational news if they are to retain of the sagging attention of tired readers and viewers.

Minority groups, whose anguish is capturing more and more of the spotlight

Teacher organizations, whose new militancy makes their voices no longer silent and controllable

The most powerful force and center of control is still the dollar. Money is speaking louder than ever before in education. While it is fundamental to all that is good in our schools, it is also giving dangerous amplification to extreme ideas which divert us from the mainstream of creative American education. Pressure groups with wealthy supporters are slowly making inroads where the significant educational decisions are being made.

At the national level, concerned educators—like my good friend Wayne Reed—see important needs which are not being met: they know it is easy enough to categorically fill some needs by offering generous grants to build strong science programs, vocational education facilities, audio-visual equipment, library resources, etc. And they, too, recognize that they are definitely and purposely shaping educational policy as a way of promoting national welfare. They are forcing us, and rightly so, to confront our responsibilities for the quality and equality of education.

The failure or inability to meet financial problems locally and at the state level is a fundamental concern. We in Oregon are facing these same critical problems: we are becoming too involved in the immediate dollar questions and less analytical about the long-range outcomes. Unfortunately our financial resources are becoming strained—both locally and statewide. Some of our educational needs are being overlooked in the interests of economy. Quality school programs must be solidly rooted in sound, practical economics as well as forward-looking, progressive theory. If we cannot provide solutions to the unique educational difficulties which we have in our communities and in our states, then it is logical that the Federal Government will try to provide them for us. If we do not recognize the traditional responsibility which has been ours, then we will not be taking our school problems to local, county, or state boards of education—but to Washington, D.C.

In October 1965, the National Association of State Boards of Education and the Oregon State Board of Education sponsored a national conference in cooperation with the National School Boards Association to discuss the federal-state-local partnership. Legislators, board members, and chief state school officers from about 45 states participated. Copies of an *Agenda for Action* developed during that conference are available from my office. The Agenda spells out four major tasks for the future:

Build state education agencies into master communication centers

Unite educators and board members as a solid power group

Strengthen state board leadership to improve the recruitment, education, certification, supervision, and in-service training of teachers

Give dynamic leadership to curriculum development, experimentation, and innovation in local schools

In January 1966, I asked local superintendents in Oregon as well as members of the State Board of Education and representatives of the Oregon School Boards Association and the Oregon Education Association to join me in two 3-day conferences. We discussed ways in which we could serve as more effective partners at the local and state levels and ways in which, at least in our view, the Congress and the U.S. Office of Education could improve their contribution to this triadic relationship. We called these meetings "Pandora's Box Conferences" and some of the moths that appeared when we lifted the lid are still flying.

Out of these and many other discussions, and out of our day-to-day experience in helping to administer educational programs, there emerges a list of problems still to be solved that need our individual and collective attention:

1. *The dissipation of energies and premium on "hustle."*

There are between 42 and 56 (depending upon your source) dispersed federal agencies, departments and bureaus which have some education function.

Originally, Washington was conceived as the junior partner in education with certain defined limitations, but the current notion of creative federalism is quite the contrary. President Johnson's Great Society has increased the tempo of activity at all levels of government, but instead of a coordinated effort we are seeing a struggle among various agencies for overlapping and duplicatory programs. There is a premium on hustle to meet application deadlines, yet districts and states never know for sure what they will receive or when, until the school year has already begun.

The major programs of the Federal Government fragmentize education through special grants. Federal authorities have lost faith in local and state authorities charged with the responsibilities for public education. General aid is not popular with the U.S. Office of Education because such financing leaves too much control in local hands. Such control could be used to circumvent the needs of education as seen by Congress. Many people are confused about federal aid channels. Legislators find it hard to understand why extra staff people are needed for the state departments of education and the press cannot keep the projects straight in their news reports. If general aid were parceled to the states, then with persistent and determined effort we could sit down and design meaningful programs which will benefit kids directly—at less cost to the taxpayers—but still within broad congressional guidelines.

2. *The weakening of State and local governments.*

Federal aid programs frequently call for operating outside of state constitutions. Some federal grants require certain modification of local governmental structures and the states are finding it difficult to adjust their patterns on short notice. It has been argued that creative federalism stresses local initiative and local solutions to problems, but according to *U.S. News and World Report* Editor David Lawrence, "the Federal Government now has taken charge and in the role of disciplinarian, has begun to exercise punitive powers. The states and counties and cities must toe the mark or else be denied federal funds for various programs of education and social welfare."

There is evidence, however, that Congress is aware of the need for strengthening state government as it relates to education. Title V, ESEA money is granted for that purpose. One of the brightest lights on the horizon is H.R. 7819. Section 523, Part B., would amend Title V to provide each state, through its state educational agency, funds for long-range planning and evaluation. I urge you to join me in vigorously supporting this bill.

3. *Usurpation of State and local budget control.*

We recognize that resources from the federal level are essential. Tax collection is relatively simple. The states, with few exceptions, simply do not have or do not provide adequate revenues to offer the services that are demanded. A general tax-sharing plan might be one way to relieve the problems and pressures which accompany the mushrooming growth of federal grants-in-aid. Because many of these projects require the states to match federal payments, our budgets have been shaped—and distorted—by what Washington thinks should be done rather than by our own assessments of need. And because some of these projects bypass state and local governments altogether, there is the possibility that the states will become dominated by federal fiscal authority.

Regulations and guidelines have become so rigid that they allow no flexibility. Temporary programs tend to become permanent. Some districts are forced to match one program at the expense of another if they are to share any funds at all. Changes in the state-federal matching ratios regulate directly the emphasis given programs in state and local budgets.

4. *Lack of coordination of fiscal affairs.*

The timing of the appropriation of federal funds is not compatible with the timing of the annual budgeting process in local school districts and the biennial budgeting process of state governments. This causes the effectiveness of programs to be greatly reduced. In the administration of Title I, ESEA, for example, we have had to make payments to districts in two installments this year instead of one and just this spring we have had to alter predictions of amounts of money that will be available to districts, three times. You folks on local boards of education know the dilemmas these procedures create when you are trying to set your budgets for the coming year.

5. *Much national legislation assumes uniform social problems.*

You have heard this argument before, probably, but I think it has a particular bearing on education. The Office of Economic Opportunity and Title I, ESEA, for instance, both assume that poverty conditions and disadvantaged children are the same throughout the country. It is hard to understand why a single criterion commonly called "poverty" would be followed as a guide in setting up educational programs when all of us know, both from training and experience, that the economic factor is only one of many yardsticks which must be applied in conceiving and implementing educational programs to meet the needs of all children.

6. *Systems for improving education need to be shared.*

If Washington really wants to help us, I would propose that they share with us some of the techniques which will help us do our jobs more effectively. I'm thinking particularly about the Program Planning Budgeting System which has revolutionized cost analysis in terms of benefits received for several federal programs, Defense being the most publicized. The U.S. Office should help us identify our state goals for education, then advise us as we choose those most urgent. We need help in searching for the alternative means of reaching those goals most effectively at the least cost. It would be valuable—and our taxpayers deserve it—if we can determine if we're getting $1 of service for each $1 spent. This kind of approach necessitates some real hard thinking on conceptual issues to determine if a particular educational need can best be handled in one way or another. Federal participation should be advisory only. The National Assessment program, and computer-based instruction and communication systems are additional examples of techniques for improving instruction and administration that need to be shared with state and local governments—this would help put education on a partnership basis operationally.

7. *Decentralization without authority.*

Regional offices of the U.S. Office of Education are being established in connection with many of the federal aid programs. The intent is good—to place services closer to the firing line—but these regional offices lack authority and responsibility. Eventual approval or disapproval of programs still has to be given in Washington and the regional office constitutes just one more staff to whom we have to talk.

8. *Bypassing State governments.*

The Tenth Amendment to the United States Constitution made education a function of the states—"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Federal support for education has acknowledged this principle in the main, but recent programs have violated it. State educational authorities have been bypassed by Community Action Programs, Head Start, Upward Bound, Job Corps, Housing-Urban Development-Neighborhood Innovation programs, church-related school programs, and Title III of the Elementary and Secondary Education Act. When state departments of education are finally asked to comment on the educational implications of these projects, it is too late to provide significant leadership for their development. You, as board members, and I, as a superintendent of public instruction, should be dynamic participants in these proposals which will greatly affect our communities and our state. While President Johnson assured us that his "creative federalism" idea meant that the Federal Government would be the "junior" partner, Title III of the Elementary and Secondary Education Act violates that policy. Title III project proposals do pass through our state departments but we have only marginal control over selecting which will be funded. I believe it is important for direction in Title III to come from the state. The state is closer to the schools and understands local conditions. We are in a better position to help develop programs in places where grants will have the strongest impact.

9. *Federal subsidy of private industry in education.*

With the advent of the Great Society, industry has suddenly sensed new profit-making opportunities, first under the Office of Economic Opportunity and then under aid to education through the U.S. Office of Education. Industrial attention was particularly directed to the latter since it was apparent that large-scale funds would become available in amounts unheard of before and which promised to continue in the future. Hardly a week or month goes by now without announcement from some electronics manufacturer or publishing firm that it is entering the "education market" via merger, joint venture, acquisition, or some other working arrangement. Private, profit-making organizations are now being invited to participate in federally-sponsored programs for education research. Now tell me, please, why these rich corporations—with their diversified business interests—do not have adequate funds to conduct the research they need to develop worthwhile hard and software for our classrooms? We already have extensive and valuable education research being conducted by local colleges and universities. The regional labs are just getting off the ground, and trying to delineate their ties with local and state education agencies. Certainly we need to cooperate with industry and utilize their unique capabilities, but I seriously doubt that the Federal Government should engage industry to conduct these kinds of studies. The future of educational planning does not rest in "basic research" by big corporations, but still in the classrooms and school district offices where dedicated educators, inspired with love and zeal, are making things happen with children. Crash programs, heavily funded, with directions provided by the mass manufactures, hold little guarantee that classroom teaching is going to be improved significantly. Instead, let's explore partnership arrangements such as Oregon is demonstrating right now with its Project Springboard. If you want to see creative cooperation, then examine our nine-school pilot program in which the audio-visual industry is providing 50% of the support for the full range of equipment and materials to make learning come alive. Youngsters in these schools are excited about learning as they use extensive collections of films, filmstrips, tapes, slides, transparencies, records on their own classroom equipment. We look to industry for their innovative and original contributions to the educational process, and they, in turn, are happy to have the opportunity to have their products demonstrated and tested in the classrooms for which they were designed. This, my friends, is the kind of teamwork we need.

10. *Secondary education has been neglected.*

Federal aid, as presently provided, does not get at the basic problem of secondary education—the revamping of a large part of the curriculum to meet the needs of a substantial portion of the high school population. Currently, I have the privilege of chairing the Vocational-Technical Education Task Force of the Education Commission of the States. We will report to the Commission next month and call for a program that includes:

A. Involvement of community resources in helping plan and provide academic, occupational, cultural, social, and political experiences for youngsters and adults—both in and out of formal "school."

B. Flexible advancement of individuals to the next step in their learning, earning, and living cycles.

C. The formulation of an "Education Bill of Rights" in each state that protects each individual's interests and serves to involve the people, the Governor, and the legislature in developing educational objectives and helping to achieve them.

It is our hope that through the Commission, and by other means, we may be able to call the attention of Congress and the U.S. Office of Education to the critical need for support in this area.

In closing, let me say that I am not agitating for decreases in federal aid to education; I want to emphasize the prospects for more. But I did want to explore with you some of the problems it creates. I agree with President Johnson's statement that "the solution to present-day education problems doesn't rest on a massive program in Washington, nor does it rely solely on the strained resources of local authority." Congress is doing a better job of attending to the educational needs of the nation's youth than it has ever done before. We at the local and state level have the responsibility of working with the Federal Government to secure the maximum benefit for youngsters from the money and effort expended.

A WARNING AGAINST DEALS AT THE EXPENSE OF ISRAEL

Mr. SCOTT. Mr. President, we may have on our shores in the next few days Soviet Premier Alexei N. Kosygin. The Russian head of State, however, will not be coming to the United States to promote peace. Rather, he will be coming to the United Nations to foment trouble.

Premier Kosygin is expected to attend the meetings of the United Nations General Assembly to put the full weight of the Soviet Union behind a resolution designed to condemn Israel for so-called aggression.

We all know what happened in the past few weeks and we know why the Soviet Union is showing such a deep interest in the Near East.

The 19-year-old State of Israel is surrounded by hostile neighbors. These neighbors were armed, primed, and fomented by the Soviets who are seeking to dominate the whole Near East. Their efforts finally triggered the 1967 war against Israel. When the beleaguered Israelis lashed back in defense of their homeland they succeeded in destroying the military forces of their enemies. In a furious 60 hours of battle, they took all of the city of Jerusalem, the west bank of the Jordan River, the Syrian hills that overlook Israeli border settlements, and all of the Sinai Peninsula to the Suez Canal.

The Soviet Union, disappointed that its cat's-paw states could not destroy Israel with arms, is trying to deprive Israel of its gains by propaganda. At the United Nations General Assembly Israel may get caught in a whipsaw attack from three sides: Arab delegates who are embittered over their military losses, Communist delegates who stand foursquare with the Soviet Union, and some neutralist delegates who often fail to understand their own stake in the preservation of freedom.

I hope that the General Assembly does not condemn Israel for defending itself. But that is not my principal concern, because the United Nations has demonstrated—to the dismay of all of us—that it can neither protect anything nor enforce anything.

I am concerned, however, with the effect of the Soviet Premier's visit on the posture of the United States.

Our Nation has a commitment to freedom and a commitment to peace, and we must not forget that order of priority.

The Israelis want today the same things they have been wanting for 19 years: recognition as a sovereign state, free access through international waterways like the Suez Canal and the Strait of Tiran, and the freedom to live in peace for the mutual advantage of themselves and their neighbors.

I believe those are reasonable aspirations.

Therefore, when the Soviet Premier visits this country, I hope our Government will resist the temptation to "reduce international tensions" at the expense of the little State of Israel.

I urge our Government to stand firm in the defense of freedom, to continue to work for a permanent peace settlement in the Near East, and to bend every effort to have the parties directly involved in the recent conflict face each other at a peace table.

TECHNOLOGY AT THE SCHOOL DOOR

Mr. MORSE. Mr. President, my attention has been called to a perceptive article by Charles E. Silberman which appeared in the August 1966 issue of Fortune magazine under the title, "Technology Is Knocking at the Schoolhouse Door."

The information contained in it can, in my judgment, be of much interest to my colleagues. I therefore ask unanimous consent that it be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TECHNOLOGY IS KNOCKING AT THE SCHOOLHOUSE DOOR

(By Charles E. Silberman)

"Public education is the last great stronghold of the manual trades," John Henry Martin, superintendent of schools in Mount Vernon, New York, recently told a congressional committee. "In education, the industrial revolution has scarcely begun."

But begun it has—slowly, to be sure, but irresistibly, and with the most profound consequences for both education and industry. The past year has seen an explosion of interest in the application of electronic technology to education and training. Hardly a week or month goes by without an announcement from some electronics manufacturer or publishing firm that it is entering the "education market" via merger, acquisition, joint venture, or working arrangement (see page 5). And a number of electronics firms have been building substantial capabilities of their own in the education field.

Business has discovered the schools, and neither is likely to be the same again. It may be a bit premature to suggest, as "Superintendent Martin does, that "the center of gravity for educational change is moving from the teachers' college and the superintendent's office to the corporation executive suite." But there can be no doubt about the long-term significance of business' new interest in the education market. The companies now coming into the market have resources—of manpower and talent as well as of capital—far greater than the education market has ever seen before. They have, in addition, a commitment to innovation and an experience in management that is also new to the field.

The romance between business and the schools began when the federal government took on the role of matchmaker. Indeed, the new business interest in education is a prime example of Lyndon Johnson's "creative federalism" at work. Federal purchasing power is being used to create—indeed, almost to invent—a sizable market for new educational materials and technologies. Until now, the stimulus has come mainly from the Department of Defense and the Office of Economic Opportunity. But the Elementary and Secondary Education Act of 1965 provided large federal grants to the schools for the purchase of textbooks, library books, audio-visual equipment, etc. It also greatly expanded the Office of Education's research-and-development activities and gave it the prerogative, for the first time, to contract with profit-making as well as nonprofit institutions.

The most remarkable characteristic of industry's invasion of the education market is that it has been accompanied by the affiliation of otherwise unrelated businesses. The electronics companies have felt the need for "software," i.e., organized informational and educational material, to put into their equipment and have gone in search of such publishing companies as possessed it. Some of the publishing companies, in turn, particularly textbook publishers, have been apprehensive about the long-range future of their media and willingly joined in such auspicious marriages of convenience. As R.C.A.'s Chairman David Sarnoff explained his company's merger with Random House last May, "They have the software and we have the hardware."

The fact is that, as far as education is concerned, neither side has either—yet. In time, the application of electronic technology can and will substantially improve the quality of instruction. Experiments with the Edison Responsive Environment Talking Typewriter shown on the cover of this issue suggest that it has great potential for teaching children to read. I.B.M. has been working on the development of teaching systems since the late 1950's and is now selling its "IBM 1500 instructional system" to a limited number of educators for research, development, and operational use. But a lot of problems—in hardware as well as software—will have to be solved before the computer finds wide acceptance as a teaching device. No computer manufacturer, for example, has begun to solve the technical problems inherent in building a computer than can respond to spoken orders or correct an essay written in natural language and containing a normal quota of misspellings and grammatical errors—and none has promised it can produce machines at a cost that can compete with conventional modes of instruction.

On the other hand, without the appropriate software, a computerized teaching system results in what computer people call a "GIGO system"—garbage in and garbage out. "The potential value of computer-assisted instruction," as Dr. Launor F. Carter, senior vice president of System Development Corp., flatly states, "depends on the quality of the instructional material" that goes into it. But the software for a computer-assisted instructional system does not yet exist; indeed, no one yet knows how to go about producing it. The new "education technology industry," as Professor J. Sterling Livingston of Harvard Business School pointed out at a Defense Department-Office of Education conference in June, "is not being built on any important technology of its own." On the contrary, it "is being built as a satellite of the Information Technology Industry. It is being built on the technology of information processing, storage, retrieval, transmission, and reduction . . . by firms whose primary objective is that of supplying information processing and reproduction equipment and services." And neither these firms, nor the professional educators, nor the scholars studying the learning process know enough about how people learn or how they can be taught to use the computers effectively.

DISCOVERING THE QUESTIONS TO BE ASKED

That knowledge is now being developed. The attempts at computer application have dramatized the degree of our ignorance, because the computer, in order to be programed, demands a precision of knowledge about the processes of learning and teaching that the human teacher manages to do without. So far, therefore, the main impact of the computer has been to force a great many people from a great many different disciplines to study the teaching process; they are just beginning to discover what questions have to be asked to develop the theories of learning and of instruction they need.

In time, to be sure, both the hardware and the software problems will be solved, and when they are, the payoff may be large. It will come, however, only to those able to stay the course. And the course will be hard and long—five years, under the most optimistic estimate, and more probably ten or fifteen years. Anyone looking for quick or easy profits would be well advised to drop out now. Indeed, the greatest fear firms like I.B.M. and Xerox express is not that someone may beat them to the market, but that some competitor may rush to the market too soon and thereby discredit the whole approach. A number of firms—several with distinguished reputations—did precisely that five years or so ago when they offered shoddy programs to the schools and peddled educationally worthless "teaching machines" and texts door to door.

A lot more is at stake, needless to say, than the fortunes of a few dozen corporations, however large. The new business-government thrust in education, with its apparent commitment to the application of new technologies, is already changing the terms of the debate about the future of American education, creating new options and with them, new priorities. "We have been dealt a new set of cards," Theodore R. Sizer, dean of Harvard's Graduate School of Education, has remarked, "and we must learn how to play with them."

Rarely have U.S. corporations assumed a role so fraught with danger for the society, as well as for themselves, or so filled with responsibility and opportunity. For over the long run, the new business-government thrust is likely to transform both the organization and the content of education, and through it, the character and shape of American society itself. And the timing could not be more propitious. It is already clear that we have barely scratched the surface of man's ability to learn, and there is reason to think that we may be on the verge of a quantum jump in learning and in man's creative use of intellect. Certainly the schools and colleges are caught up in a ferment as great as any experienced since the great experiment of universal education began a century or so ago. Every aspect of education is subject to change: the curriculum, the instruments of education, the techniques and technology of instruction, the organization of the school, the philosophy and goals of education. And every stage and kind of education is bound up in change: nursery schools; elementary and secondary schools, both public and private, secular and parochial; colleges and universities; adult education; vocational training and rehabilitation.

FAILURE IN THE GHETTO AND THE SUBURB

The schools have been in ferment since the postwar era began, with the pace of change accelerating since the early and middle 1950's. Until fairly recently they were so deluged with the sheer problem of quantity—providing enough teachers, classrooms, textbooks to cope with the numbers of students that had to be admitted—that they had little energy for, or interest in, anything else. And now the pressure of numbers is hitting the high schools and colleges.

It is becoming clearer and clearer, however, that dealing with quantity is the least of it: most of the problems and most of the opportunities confronting the schools grow out of the need for a broad overhaul of public education. For more than a decade, a small band of reformers—among them Jerome Bruner, Jerrold Zacharias, Francis Keppel, John Gardner, Lawrence Cremin, Francis Ianni—have been engaged in an heroic effort to lift the quality and change the direction of public education. Their goal has been to create something the world has never seen and previous generations could not even have imagined: a mass educational system successfully dedicated to the pursuit of intellectual excellence. (See "The Remaking of American Education," Fortune, April, 1961.)

This effort at reform has two main roots. The first, and in many ways most important, has been the recognition—largely forced by the civil-rights movement—that the public schools were failing to provide any sort of education worthy of the name to an intolerably large segment of the population. This failure is not diffused evenly throughout the society; it is concentrated in the rural and urban slums and racial ghettos. The failure is not new; as Lawrence Cremin and others have demonstrated, public education has *always* had a strong class bias in the U.S., and it has never been as universal or as successful as we have liked to believe. But in the contemporary world the schools' failure to educate a large proportion of its students has become socially and morally intolerable.

At the same time there has been a growing realization that the schools are failing white middle-class children, too—that all children, white as well as black, "advantaged" as well as "disadvantaged," can and indeed must learn vastly more than they are now being taught. By the early 1950's it had become apparent that even in the most privileged suburbs the schools were not teaching enough, and that they were teaching the wrong things and leaving out the right things. Where the schools fell down most abysmally was in their inability to develop a love for learning and their failure to teach youngsters how to learn, to teach them independence of thought, and to train them in the uses of intuition and imagination.

The remaking of American education has taken a number of forms. The most important, by far, has been the drive to reform the curriculum—in Jerrold Zacharias' metaphor, to supply the schools with "great compositions"—i.e., new courses, complete with texts, films, laboratory equipment, and the like, created by the nation's leading scholars and educators. This has *not* meant a return to *McGuffey's Reader* or "The Great Books," however. Quite the contrary; the "explosion of knowledge," combined with its instant dissemination, has utterly destroyed the old conception of school as the place where a person accumulates most of the knowledge he will need over his lifetime. Much of the knowledge today's students will need hasn't been discovered yet, and much of what is now being taught is (or may soon become) obsolete or irrelevant.

What students need most, therefore, is not more information but greater depth of understanding, and greater ability to apply that understanding to new situations as they arise. "A merely well-informed man," that greatest of modern philosophers, the late Alfred North Whitehead, wrote forty-odd years ago, "is the most useless bore on God's earth." Hence the aim of education must be "the acquisition of the art of the utilization of knowledge."

REFORMING THE TEACHERS

It has become increasingly apparent, however, that reform of the curriculum, crucial as it is, is too small a peg on which to hang the overhaul of the public school. For one thing, the reformers have found that it is a good deal harder to "get the subject right" than they had ever anticipated. And getting it right doesn't necessarily get it adopted or well taught. Five years ago Professor Zacharias was confident that with $100 million a year for new courses, texts, films, and the like he could work a revolution in the quality of U.S. education, Now he's less confident. "It's easier to put a man on the moon," he says, "then to reform the public schools."

Reform is impeded by the professional educators themselves, whose inertia can hardly be imagined by anyone outside the schools, as well as by the anti-intellectualism of a public more interested in athletics than in the cultivation of the mind. The most important bar to change, however, is the fact that the new curricula, and in particular the new teaching methods, demand so much more of teachers than they can deliver. Some teachers are unwilling to adopt the new courses; the majority simply lack the mastery of subject matter and of approach that the new courses require.

It does no good to reform the curriculum, therefore, without reforming the teachers, and, indeed, the whole process of instruction. Under present methods this process is grossly inefficient. One reason is that so few attempts have been made to improve it in any fundamental way. Without question, the schools would be greatly improved if, as James Bryant Conant and others have suggested, they could attract and retain more teachers who know and like their subjects and who also like to teach. A great deal has been accomplished along these lines in recent years, and the experience suggests some kind of reversal of Gresham's Law: raising standards seems to attract abler people into the teaching profession. But something more is needed: teachers have to know how to teach—how to teach hostile or unmotivated children as well as the highly motivated. Until recently, however, most of the creative people concerned with education have been convinced that teaching is an art which a person either has or lacks, and which in any case defies precise description.* Hence their failure to study the process of instruction in any scientific or systematic way. (The collection of banalities, trivialities, and misinformation that make up most of the courses in "method" in most teachers' colleges represents the antithesis of this kind of study.)

ORGANIZED TO PREVENT LEARNING

To be sure, teaching—like the practice of medicine—is very much an art, which is to say, it calls for the exercise of talent and creativity. But like medicine, it is also—or should be—a science, for it involves a repertoire of techniques, procedures, and skills that can be systematically studied and described, and therefore transmitted and improved. The great teacher, like the great doctor, is the one who adds creativity and inspiration to that basic repertoire. In large measure, the new interest in the development of electronic teaching technologies stems from the growing conviction that the process of instruction, no less than the process of learning, is in fact susceptible to systematic study and improvement.

Part of the problem, moreover, is that most of the studies of the teaching process that have been conducted until fairly recently have ignored what goes on in the classroom, excluding as "extraneous" such factors as the way the classroom or the school is organized. Yet it is overwhelmingly clear that one of the principal reasons children do not learn is that the school's are organized to facilitate administration rather than learning—to make it easier for teachers and principals to maintain order rather than to make it easier for children to learn. Indeed, to a degree that we are just beginning to appreciate as the result of the writings of such critics as Edgar Z. Friedenberg, John Holt, and Bel Kaufman, schools and classrooms are organized so as to *prevent* learning or teaching from taking place.

THE NEW CONCEPT OF INTELLIGENCE

The solution, however, is not, as impatient (and essentially anti-intellectual) romanticists like Paul Goodman and John Holt seem to advocate, to abolish schools—i.e., to remove the "artificial" institutions and practices we seem to put between the child and his innate desire to learn. To be sure, the most remarkable feat of learning any human ever performs—learning to speak his native tongue—is accomplished, in the main, without any formal instruction. But while every family talks, *no* family possesses more than a fraction of the knowledge the child must acquire in addition. It would be insane to insist that every child discover that knowledge for himself; the transmission of knowledge—new as well as old—has always been regarded as one of the distinguishing characteristics of human society; and that means, quite simply, that man cannot depend upon a casual process of learning; he must be "educated."

He not only must be educated; he *can* be educated—of this there no longer can be any doubt. The studies of the learning process conducted over the past twenty years have made it abundantly clear that those who are not now learning properly—say, the bottom 30 to 50 percent of the public-school population—can in fact learn, and can learn a great deal, if they are properly taught from the beginning. (These studies make it equally clear that those who *are* learning can learn vastly more.) This proposition grows out of the repudiation of the old concept of fixed or "native" intelligence and its replacement by a new concept of intelligence as something that is itself learned. To be sure, nature does set limits of sorts. But they are very wide limits; precisely what part of his genetic potential an individual uses is determined in good measure by his environment, which is to say, by his experiences.

And the most important experiences are those of early childhood. The richer the experience in these early years, the greater the development of intelligence. As the great Swiss child psychologist Jean Piaget puts it, "the more a child has seen and heard, the more he wants to see and hear." And the less he has seen and heard, the less he wants—and is able—to see and hear and understand. Hence the growing emphasis on preschool education.

The abandonment of the concept of fixed intelligence requires changes all along the line. The most fundamental is a new concern for individual differences, which Professor Patrick Suppes of Stanford calls "the most important principle of learning as yet unaccepted in the working practice of classroom and subject-matter teaching." To be sure, educators have been talking about the need to take account of individual differences in learning for at least forty years—but for forty years they've been doing virtually nothing about it, in large part because they have lacked both the pedagogy and the technology.

Now, however, the technology is becoming available—and at a time when there is a growing insistence that the schools *must* take account of individual differences. Indeed, this quest for ways to individualize instruction is emerging as the most important single force for innovation and reform.

In part, the demand grows out of recent research on learning, which has made it clear, as Professor Susan Meyer Markle of U.C.L.A. has put it, that "individualized instruction is a necessity, not a luxury." In part, too, the demand stems from the conviction, as Lawrence Cremin puts it, that "any system of universal education is ultimately tested at its margins"—by its ability to educate gifted and handicapped as well as "average" youngsters.

The pressure for individualization of instruction is developing even more strongly as a byproduct of the efforts at desegregation of the public schools. Because of the schools'—and society's—past failures, Negro children tend to perform below the level of the white students with whom they are mingled. They need a lot of special attention and help in order to overcome past deficits and fulfill their own potential. Few schools are providing this help; most educators are simply overwhelmed by problems for which their training and experience offer no guide. And so they tend to deal with the problem in one of two ways; by ignoring it (in which case either the Negro or the white students, or both, are shortchanged); or by putting the children into homogeneous "ability groups," in which case they are simply resegregated according to I.Q. or standardized test scores. Neither approach is likely to be acceptable for very long. The need is for a system of instruction in which all students are seen as special students, and in which, in Lyndon Johnson's formulation, each is offered all the education that his or her ambition demands and that his or her ability permits.

CORN FOR THE BEHAVING PIGEON

Enter the computer! What makes it a potentially important—perhaps revolutionary—educational instrument is precisely the fact that it offers a technology by which, for the first time, instruction really *can* be geared to the specific abilities, needs, and progress of each individual.

The problem is how. Most of the experimentation with computer-assisted instruction now going on is based, one way or another, on the technique of "programed instruction" developed in the 1950's by a number of behavioral psychologists, most notably B. F. Skinner of Harvard. Professor Skinner defines learning as a change in behavior, and the essence of his approach is his conviction that any behavior can be produced in any person by "reinforcing," i.e., rewarding closer and closer approximations to it. It is immaterial what reward is used: food (corn for a pigeon, on which most of Skinner's experiments have been conducted, or candy for a child), praise, or simply the satisfaction a human being derives from knowing he is right. What is crucial is simply that the desired behavior be appropriately rewarded—and that it be rewarded right away. By using frequent reinforcement of small steps, the theory holds, one can shape any student's behavior toward any predetermined goal.

To teach a body of material in this way, it is necessary first to define the goal in precise and measurable terms—a task educators normally duck. Then the material must be broken down into a series of small steps—thirty to 100 frames per hour of instruction—and presented in sequence. As a rule, each sequence, or frame, consists of one or more statements, followed by a question the student must answer correctly before proceeding to the next frame. Since the student checks his own answer, the questions necessarily are in a form that can be answered briefly, e.g., by filling in a word, indicating whether a statement is true or false, or by choosing which of, say, four answers is correct. (Most programers have abandoned the use of "teaching machines," which were simply devices for uncovering the answer and advancing to the next frame. Programs are now usually presented in book form, with answers in a separate column in the margin; the student covers the answers with a ruler or similar device, which he slides down the page as needed.) If the material has been programed correctly—so the theory holds—every student will be able to master it, though some will master it faster than others. If anyone fails to learn, it is the fault of the program, not of the student. Programed instruction, in short, is a teaching technology that purports to be able to teach every student, and at his own pace.

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* There is nothing wrong with the American school system, William James declared some sixty-seven years ago, in a view still being echoed in academic circles, that could not be cured by "impregnating it with genius." But genius, by definition, is always in short supply.

But teach him what? That's the rub. Most of the applications of programmed instruction have been in training courses for industry and the armed forces, where it is relatively easy to define the knowledge or skills to be taught in precise behavioral terms, and where the motivation to learn is quite strong. (One survey of industry's use of programed instruction indicated that 69 percent of the programs used were "job-oriented.") It's a lot harder to specify the "behavior" to be produced, say, by a course in Shakespeare or in American history, and a lot more difficult to sustain the interest of a student whose job or rank does not depend directly on how well he learns the material at hand. And the small steps and the rigidity of the form of presentation and the limitation of response make a degree of boredom inevitable, at least for students with some imagination and creativity.

If programing is used too extensively, moreover, it may prevent the development of intuitive and creative thinking or destroy such thinking when it appears. For one thing, programing instruction seems to force a student into a relatively passive role, whereas most learning theorists agree that no one can really master a concept unless he is forced to express it in his own words or actions and to construct his own applications and examples. It is not yet clear, however, whether this defect is inherent in the concept of programing or is simply a function of its present primitive state of development. A number of researchers are trying to develop programs that present material through sound and pictures as well as print, and require students to give an active response in a variety of ways—e.g., drawing pictures or diagrams, writing whole sentences. Donald Cook, manager of the Xerox education division's applied-research department, has experimented with programs to teach students how to listen to a symphony. And Professor Richard Crutchfield of the University of California at Berkeley is using programed instruction techniques to try to teach students how to think creatively—how to construct hypotheses, how to use intelligent guessing to check the relevance of the hypotheses, etc.

TEACHING BY DISCOVERY

More important, perhaps, the rigidity of structure that seems to be inherent in programed instruction may imply to students that there is indeed only one approach, one answer; yet what the students may need to learn most is that some questions may have more than one answer—or no answer at all. Programed instruction would appear to be antithetical to the "discovery method" favored by Bruner, Zacharias, and most of the curriculum reformers. This is a technique of inductive teaching through which students discover the fundamental principles and structures of each subject for themselves. Instead of telling students why the American colonists revolted against George III, for example, a history teacher using "the discovery method" would give them a collection of documents from the period and ask them to find the causes themselves.

The conflict between programed instruction and the discovery method may be more apparent than real. At the heart of both (as well as of the "Montessori method") is a conception of instruction as something teachers do *for* students rather than *to* them, for all three method approach instruction by trying to create an environment that students can manipulate for themselves. The environment may be the step-by-step presentation of information through programed instruction; it may be the source documents on the American revolution that students are asked to read and analyze, but that someone first had to select, arrange, and try out; it may be the assortment of blocks, beads, letters, numbers, etc., of the Montessori kindergarten.

There is general agreement, however, that at the moment, programed instruction can play only a limited role in the schools. Apart from anything else, it is enormously expensive; the cost of constructing a good program runs from $2,000 to $6,000 per student-hour. Because of the costs and the primitive state of the art, Donald Cook believes it inadvisable to try to program an entire school course; programing should be reserved for units of five to fifteen hours of work, teaching specific sets of information or skills that can (or must) be presented in sequence (e.g., multiplication tables or rules of grammar) and whose mastery, as he puts it, offers "a big payoff." In this way teachers can be relieved of much of the drill that occupies so much classroom time; if students can come to class having mastered certain basic information and skill, teachers and students can conduct class discussions on a much higher level.

When the proper limitations are observed, therefore, programmed instruction can be enormously useful, both as a means of individualizing instruction and as a research instrument than can lead to greater understanding of the learning and the teaching processes. It is being used in both these ways at the Oakleaf School in Whitehall, Pennsylvania, just outside Pittsburgh (see the photographs on page 3), where the most elaborate experiment in the development of a system of individualized instruction is being carried out under the direction of Professors Robert Glaser, John Bolvin, and C. M. Lindvall of the University of Pittsburgh's Learning Research and Development Center.

THE USES OF FEEDBACK

Computers and their associated electronic gadgetry offer ways of remedying some of the obvious defects of programed instruction. For example, programs generally involve only one sense—sight—whereas most learning theorists believe that students learn faster and more easily if *several* senses are brought into play. Electronic technology makes it possible to do just that. When a youngster presses one of the keys on the Edison Responsive Environment's Talking Typewriter, the letter appears in print in front of him, while a voice tells him the name of it. When he has learned the alphabet, the machine will tell him—aurally—to type a word; the machine can be programed so that the student can depress only the correct keys, in correct order. And at Patrick Suppes' Computer-Based Mathematics Laboratory at Stanford University (see photographs, page 2), students using earlier versions of I.B.M.'s new 1500 Computer-Assisted Instructional System received instructions or information aurally (through prerecorded sound messages) or visually (through photographs, diagrams, or words and sentences that are either projected on a cathode-ray tube or presented in conventional typewritten form). Students may respond by typing the answer, by writing on the cathode-ray tube with an electronic "light pen," or by pushing one of several multiple-choice buttons.

To be sure, the 1500 system is still experimental—wide commercial application is five years away—and much richer and far more flexible "environments" are necessary to make the computer a useful teaching device. But computer manufacturers are confident that they can come up with wholly new kinds of input and output devices.

What makes the computer so exciting—and potentially so significant—is its most characteristic attribute, feedback, i.e., its ability to modify its own operation on the basis of the information fed into it. It is this that opens up the possibility of responding to each student's performance by modifying the curriculum as he goes along. This couldn't be done now. Programmed instruction currently deals with individual differences in a crude way, chiefly by permitting students to move along as slowly or as rapidly as they can; they still all deal essentially with the same material. But speed of learning is only one relevant dimension of individual differences, and not necessarily the most important. Suppes, among others, is convinced that the best way to improve learning is through "an almost single-minded concentration on individual differences" in the way material is presented to the student.

What this means, in practice, is that a teacher should have a number of different programs at his disposal, since no single strategy of instruction or mode of presentation is likely to work for every student. Second, he should be able to select the most appropriate program for each student on the basis of that student's current knowledge, past performance, and personality. Third and most important, he should be able to modify the program for each student as he goes along in accordance with what the student knows and doesn't know, the kinds of materials he finds difficult and the kinds he learns easily. In time it should be practicable to program a computer to assist in all of these functions.

GAMES STUDENTS PLAY

Computers lend themselves to the "discovery method" as well as to programed instruction. The exercise of simulating situations and playing games on a computer, for example, can help a student gain insight into a problem by making it possible for him to experiment—and to see the consequences of his (or other people's) actions in much shorter time than is possible in real life. The computer also imposes a strong discipline on the student, forcing him to analyze a problem in a logically consistent manner, while freeing him from a good deal of time-consuming computation.

The armed forces have been using computer simulation and computer games to teach military strategy, and the American Management Association to teach business strategy. Now, a number of researchers, among them Professor James Coleman of Johns Hopkins, are trying to adapt the technique to the instruction of high-school students. Preliminary results suggest that it may be particularly effective in teaching the so-called "disadvantaged" and "slow learners," whose motivation to learn in ordinary classroom situations has been destroyed by years of failure.

As with computer-assisted programed instruction, costs will have to come down dramatically, and techniques for addressing the computer in natural language will have to be developed before widespread application is possible. In the meantime the experiments with computer games have led a number of educational researchers to try to develop non-mechanical games of the Monopoly variety for teaching purposes, especially in the social sciences.

Computers are likely to enhance learning in still another way—by increasing both the amount of information students have at their disposal and the speed with which they can get it. In time electronic storage, retrieval, and presentation of information should make it possible for students or scholars working in their local library—ultimately, perhaps, in their own home—to have access to all the books and documents in all the major libraries around the country or the world. A great many technical problems remain to be solved, however, as everyone working on information retrieval knows through hard (and sometimes bitter) experience.

THOUGHTS IN A MARROW BONE

The biggest obstacle to the introduction of computer-assisted instruction is not technological; it is our ignorance about the process of instruction. Significant progress has been made, however, in identifying what needs to be known before a theory of instruction can be developed. It is clear, for example, that any useful theory must explain the role of language in learning and teaching—including its role in *preventing* learning. It is language, more than anything else, that distinguishes human from animal learning; only man can deal with the world symbolically and linguistically. But verbalization is not the only way people learn or know, as Jerome Bruner of Harvard emphasizes. We know things "enactively," which is to say, in our muscles. Children can be very skillful on a seesaw without having any concept of what it is and without being able to represent it by drawing a balance beam (the use of imagery) or by writing Newton's law of moments (symbolic representation). Present teaching methods, Bruner argues, place too much emphasis on the verbal—a fact he likes to illustrate by quoting these magnificent lines from Yeats:

"God guard me from those thoughts men think
In the mind alone;
He that sings a lasting song
Thinks in a marrow-bone"

The result is that youngsters too often display great skill in using words that describe words that describe words, with no real feel for, or image of, the concept phenomenon itself.

Knowing something, moreover, involves at least two distinct processes. The first is memory, the ability to recall the information or concept on demand; and the second is what learning theorists call "transfer," i.e., the ability not only to retrieve the knowledge that is in the memory but to apply it to a problem or situation that differs from the one in which the information was first acquired. We know somewhat more about memory, and recent discoveries in molecular biology hold the promise of vast gains in our understanding of it and our ability to improve it. (See "Inside the Molecules of the Mind," Fortune, July 1, 1966.)

Most learning theorists, however, believe that transfer is more important than memory, and that the degree of transfer a student develops depends on how, as well as what, he was taught. For transfer involves a number of specific and distinct traits or skills. A person must be able to recognize when a problem is present. He must be able to arrange problems in patterns—to see that each problem is not entirely unique but has at least some elements in common with other problems he has solved in the past. He must have sufficient internal motivation to want to solve the problem, and enough self-discipline to persist in the face of error. He must know how to ask questions and generate hypotheses, and how to use guessing and first approximations to home in on the answer. There is reason to think that these skills can be taught. In any case, we must know far more than we do now about both memory and transfer before we can develop the theory of instruction needed to program computers effectively.

Besides that, we need to know more about how the way material is presented—for example, the sequence, size of steps, order of words—affects learning. And we need to understand how to make children—all children—*want* to learn. We need to know how to make children coming from "intellectually advantaged" as well as "disadvantaged" homes regard school learning as desirable and pleasurable. The probem is larger than it may seem, for there is a deep strain of anti-intellectualism running through American life. The notion that intellectual activity is effete and effeminate takes hold among boys around the fifth grade, and becomes both deep and widespread in the junior-high years, when youngsters are most susceptible to pressure from their peers. (Curiously enough, the notion that intellectual activity is *un*feminine sets in among girls at about the same age.) We need to know how to overcome these widespread cultural attitudes, as well as the emotional and neurological "blocks" that prevent some youngsters from learning at all. And we must understand far better than we now do how different kinds of rewards and punishments affect learning.

Interestingly enough, one of the greatest advantages the computer possesses may well be its impersonality—the fact that it can exhibit infinite patience in the face of error without registering disappointment or disapproval—something no human teacher can ever manage. These qualities may make a machine superior to a teacher in dealing with students who have had a record of academic failure, whether through organic retardation, emotional disturbance, or garden-variety learning blocks. The impersonality of the machine may be useful for average or above-average children as well, since it increases the likelihood that a youngster may decide to learn to please himself rather than to please his parents or teachers. And motivation must become "intrinsic" rather than "extrinsic" if children are to develop their full intellectual capacity.

There is reason to think that we may need a number of theories of learning and instruction. For one thing, the process of learning probably differs according to what it is that is being learned. As the Physical Science Study Committe put it in one of its annual reports. "We have all but forgotten, in recent years, that the verb 'to learn' is transitive; there must be some thing or things that the student learns. Unless that thing seems relevant to a student, he will have little interest in learning it (and he will derive little or no reward from its mastery). In any case, different subjects—or different kinds of students—may require different methods of instruction; a method that works wonderfully well in teaching physics may not work in teaching the social sciences.

More important, perhaps, different kinds of students may require different teaching strategies. It is only too evident that methods that work well with brighter-than-average upper-middle-class families fail dismally when used with children, bright or dull, from a city or rural slum. And differences in income and class are not the only variables; a student's age, sex, ethnic group, and cultural background all affect the way his mind operates as well as his attitude toward learning. Differences in "cognitive style" may also have to be taken into account—for example, the fact that some people have to see something to understand it, while others seem to learn more easily if they hear it.

WHAT KNOWLEDGE IS WORTH MOST?

When adequate theories of instruction have been developed, the new educational-system designers will still have to decide what it is that they want to teach. That decision cannot be made apart from the most fundamental decisions about values and purpose—the values of the society as well as the purpose of education. What we teach reflects, consciously or unconsciously, our concept of the good life, the good man, and the good society. Hence "there is no avoiding the question of purpose," as Laurence Cremin insists. And given the limited time children spend in school and the growing influence of other educational agencies, there is no avoiding the question of priorities—deciding what knowledge is of most worth.

The answers will be very much affected by the new electronic technologies. Indeed, the computer will probably force a radical reappraisal of educational content as well as educational method, just as the introduction of the printed book did. When knowledge could be stored in books, the amount of information that had to be stored in the human brain (which is to say, committed to memory) was vastly reduced. The "anti-technologists" of antiquity were convinced that the book, by downgrading memory, could produce only a race of imbeciles. "This discovery of yours," Socrates told the inventor of the alphabet in the *Phaedrus*, "will create forgetfulness in the learners' souls, because they will not use their memories; they will trust to the external written characters and not remember of themselves . . . They will appear to be omniscient and will generally know nothing."

The computer will enormously increase the amount of information that can be stored in readily accessible form, thereby reducing once again the amount that has to be committed to memory. It will also drastically alter the role of the teacher. But it will not replace him; as some teaching-machine advocates put it, any teacher who can be replaced by a machine deserves to be. Indeed, the computer will have considerably *less* effect on teachers than did the book, which destroyed the teacher's monopoly on knowledge, giving students the power, for the first time, to learn in private—and to learn as much as, or more than, their masters. The teaching technologies under development will change the teacher's role and function rather than diminish his importance.

Far from dehumanizing the learning process, in fact, computers and other electronic and mechanical aids are likely to *increase* the contact between students and teachers. By taking over much—perhaps most—of the rote and drill that now occupy teachers' time, the new technological devices will free teachers to do the kinds of things only human beings can do, playing the role of catalyst in group discussions and spending far more time working with students individually or in small groups. In short, the teacher will become a diagnostician, tutor, and Socratic leader rather than a drillmaster—the role he or she is usually forced to play today.

THE DECENTRALIZATION OF KNOWLEDGE

In the long run, moreover, the new information and teaching technologies will greatly accelerate the decentralization of knowledge and of education that began with the book. Because of television and the mass media, not to mention the incredible proliferation of education and training courses conducted by business firms and the armed forces, the schools are already beginning to lose their copyright on the word education. We are, as Cremin demonstrated in *The Genius of American Education*, returning to the classic Platonic and Jeffersonian concepts of education as a process carried on by the citizen's participation in the life of his community. At the very least, the schools will have to take account of the fact that students learn outside school as well as (and perhaps as much as) in school. Schools will, in consequence, have to start concentrating on the things they can teach best.

New pedagogies and new technologies will drastically alter the internal organization of the school as well as its relation to other educational institutions. Present methods of grouping a school population by grade and class, and present methods of organization within the individual classroom, are incompatible with any real emphasis on individual differences in learning. In the short run, this incompatibility may tend to defeat efforts to individualize instruction. But in the long run, the methods of school and classroom organization will have to accommodate themselves to what education will demand.

In the end, what education will demand will depend on what Americans, as a society, demand of it—which is to say, on the value we place on knowledge and its development. The potential seems clear enough. From the standpoint of what people are already capable of learning, we are all "culturally deprived"—and new knowledge about learning and new teaching technologies will expand our capacity to learn by several orders of magnitude. "Our chief want in life," Emerson wrote, "is someone who will make us do what we can."

Mr. MORSE. Mr. President, in this connection, I wish to express my thanks to the Department of Audiovisual Instruction of the National Education Association for making the article available to me.

A TRIBUTE TO L. B. J.'S HANDLING OF THE MIDDLE EAST CRISIS

Mr. BYRD of West Virginia. Mr. President, the Middle East crisis, and America's response to its dangers, has occasioned a warm tribute to President Johnson from the Dallas Times Herald.

This paper, like many others around the country, praises President Johnson and his diplomatic team for "keeping the crisis as nearly in hand as was possible under the circumstances."

Says the Herald:

> It is now apparent that the Administration forces moved swiftly, cooly and sure-footedly on all possible diplomatic fronts to allay the crisis as quickly as possible.

The American people, I believe, echo these sentiments and join with the Dallas Times Herald in the view that—

> In the Middle East conflict, all evidence points to a job very well done both in the best interest of our own nation and that of our foreign friends by President Johnson and his team.

The crisis, of course, is not over, and much remains to be done. The administration needs the prayers of all our people that its future course may be providentially blessed with wisdom, caution, and the courage of conviction in order that justice may prevail and that peace may be preserved in the troubled Middle East.

I ask unanimous consent to insert the Dallas Times Herald editorial in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Dallas Times Herald, June 9, 1967]

Tribute for a Job Well Done

Acceptance of the U.N. cease-fire order by the Arab states is occasion for rejoicing. At the same time, the occasion is ample warrant for paying a much deserved tribute to President Johnson and his diplomatic team for their part—which most certainly has been an essential part—in keeping the crisis as nearly in hand as was possible under the circumstances.

It is now apparent that the Administration forces moved swiftly, cooly and sure-footedly on all possible diplomatic fronts to allay the crisis as quickly as was possible.

There were no public threats, no blustering, no propaganda statements on our part, such as emanated from Russia, for instance. At the same time, at the high level, in fact the very highest level, of discussion and maneuvering between this nation and the Soviets, we evidently made it crystal clear to the Russians that we would brook no intervention by them on the side of the Arab states.

This in large part would explain the softening of the stand by the Russians and their sudden retreat from their former adamant position against U.N. action, as evidenced by passage of the unqualified cease-fire orders in the Security Council. All of this was accomplished by the President and his aids without forcing the Soviets into a position of absolute intransigence from which they could not, or would not, have withdrawn.

Not only is it the inclination but it is the fashion in many quarters immediately to blast away at the President, the State Department and other Administration members for real or imagined mistakes in foreign crisis. This criticism generally, of course, comes from hindsight. The Middle East conflict has been no exception.

We do not contend that criticism is wrong or should not be expressed when justified. But there is always another side to the coin, too often ignored. We should also give due credit and express appreciation to those who serve us in high public office when the job is well done. In the Middle East conflict, all evidence points to a job very well done both in the best interest of our own nation and that of our foreign friends by President Johnson and his team. Now another very big job lies ahead for these men, that of aiding in searching for a solution to the complex problems of the Middle East. We hope these problems can now be solved to bring a new stability and a permanent peace to that part of the world.

LUTHERAN PAPER URGES BOMBING HALT

Mr. HARTKE. Mr. President, the Lutheran Witness Reporter is the official organ of the Lutheran Church-Missouri Synod, which is my own denomination. Last September in a notable editorial, "Escalate for Peace" this church publication urged concerted efforts toward the abandonment of escalation as a policy and an intensified search for peace in Vietnam.

Now the June 4 issue has carried another editorial in the same vein, noting that because a policy of total victory means total war, the prospect is one which "must trouble the consciences of all men of reason and good will."

Mr. President, I ask unanimous consent that this editorial may appear in the Congressional Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Seek the Peace

A peaceful solution to the war in Vietnam apparently is no nearer realization than it was a year ago. There has been a constant avowal of peaceful intentions, but there has also been a marked acceleration of military efforts designed to force North Vietnam to the conference table.

While this tragic conflict produces lengthening casualty lists, the world has broken out in a rash of crises. To mention a few, communist China has incited disturbances in Hong Kong, a military regime has taken control in Greece and has suspended constitutional government, Spain has cast covetous eyes on Gibraltar, Cuban communists have tried to stir up trouble in South America, and Jewish-Arab conflicts threaten to erupt into a major conflagration in the Middle East.

Frustrations born of the failure of escalation have caused many Americans to decide that the only recourse is to annihilate North Vietnam and to stop wondering what communist China or the Soviet Union will do. But, as Republican Senator Thruston Morton of Kentucky pointed out the other day, total victory means total war, a prospect that must trouble the consciences of all men of reason and good will.

A statement prepared by the Missouri Synod Commission on Social Action observes that "modern warfare directs a heavy challenge to the Christian's conscience. The complexities of international existence tend to make the position of neither side clearly right. Recent developments in armaments, mass annihilation through saturation bombing and the hydrogen bomb and the development of intercontinental missiles, are no longer merely tools for keeping order between nations, but they threaten whole continents with death. They climax disregard for life and imperil the continuity of human culture. Thus today's Christian has a new mandate to reflect on God's word: 'Thou shalt not kill.' "

Wouldn't the Johnson administration do well to reassess the aims of U.S. foreign policy in vew of changing conditions in the world?

Rather than peace and security, the present policy, as it has been demonstrated in Vietnam, has given us the second-biggest foreign war in our history, alienated many of our free-world allies, undermined hopeful attempts to improve relations with the Soviet Union, and caused alarming unrest among our own people.

The administration should reckon the costs of the war in terms of money, material, and manpower. Especially, the government leaders ought to consider the human costs—the dead, wounded, and homeless civilians, as well as the dead and wounded combatants.

Luther regarded peace as one of the best blessings of God, and he felt that war was to be only a last resort, and then only when the homeland was endangered by invading forces. In advising the princes of his day about their obligations to defend their subjects, the Reformer said: "It is a poor defense to expose a whole city to danger for the sake of one person, or to risk the entire country for a single village or castle, unless God enjoined this by a special command as He did in former times. If a robber knight robs a citizen of his property and you, my lord, lead your army against him to punish this injustice and, in so doing, lay waste the whole land, who will have done the greater harm, the knight or the lord."

Concerned Christians—and all Christians ought to be concerned about the critical conditions of our time—may well ask Luther's question as they ponder American involvement in the struggle between the Vietnamese people.

"What is the war doing to people?" the Reporter asked in an editorial last September.

"The war in Vietnam is not merely a political or military matter," the editorial said. "Lives and fortunes of human beings made in the image of God and redeemed by the blood of His Son are at stake."

Today the Reporter renews the main plea of that editorial, "Escalate for Peace," and urges readers to join in concerted efforts to persuade our government leaders to abandon military escalation and to seek peace.

Let us urge President Johnson to stop the bombing of North Vietnam and the continuing drift toward World War III. Let us ask the President to reconsider all possible avenues to the conference table, especially the proposals put forth by some members of his own political party. But even more, let us show the President that there are many men and women in this land who are determined to be on God's side in this international struggle.

Our land and all the lands of the world stand under the judgment of the world's Creator. Christians of America need to go down before Him and plead guilty of the countless personal and national sins which provoke Him to just anger. Renewed by His forgiveness in the Christ who "is our peace," they will then address themselves to the tasks of peace making and peace keeping among men and among nations.

ARBOR DAY

Mr. NELSON. Mr. President, one of the most eloquent statements I have ever read on the need for conserving our precious natural resources can be found in an Arbor Day speech written by a fine young man, Gary Okey, of Madison, Wis. Gary, a senior at East High School in Madison, delivered this talk before 1,200 juniors and seniors on April 28, 1967.

Gary's speech needs no introduction. It is a moving and impressive message, and is yet another example of the maturity, intelligence, and public spiritedness of our younger generation. I ask unanimous consent that the entire text be printed in the Congressional Record so that all my colleagues can have the benefit of Gary's viewpoint.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Arbor Day

(By Gary Okey)

At one time or another, many of us have seen or studied what is called time lapse photography, wherein an event such as the blooming of a rose which may take days, is speeded up to where we can watch it unfold and bloom in an instant. Equally familiar to all of us is the fascinating but horrible picture of a raging forest fire. The inferno of a forest fire and the time lapse photography of a rose have more in common than we might think. In time lapse photography, for instance, we see nature's gift of life and growth speeded up before our very eyes; likewise, in a forest fire we see in a few moments man's gift of destruction—the destruction of wildlife, trees, and recreational facilities. A forest fire is like holding the lens of a camera open to the world as hundreds of years of man's neglect flashes by.

Our generation is now beginning to see the results of those centuries of neglect.

When only the American Indian inhabited what we now call America, almost the entire expanse of land from ocean to ocean was covered by forest. Now only a fraction of those forests remain. This situation is also unfortunately true in our own state of Wisconsin. The land not covered by towering trees was once covered by bubbling fresh water streams or deep blue lakes.

Now our lakes and streams are a polluted, muddy brown. And there was no thick black smog in the air when the Pilgrims first set foot on American soil.

Pollution of our air and water is not peculiar to the 20th century, however. With our increasing population, it has only become more highly developed in our time. Even before the spread of civilization, forest fires, dust storms, and volcanic eruptions poured vast quantities of contaminants into the air. And as those of us with allergy problems can attest, plants have contaminated the air with pollen for hundreds of centuries. Untold generations of mankind have dumped trash and wastes into our streams. Smoke and soot have contaminated the air even since Stone Age man first began building fires in unventilated caves.

The industrial revolution, however, and its modern day repercussions have created new problems and hurried the contamination and destruction process. The full extent of America's pollution problem defies accurate measurement and although we are in no immediate danger of being destroyed by our environment, that time of complete contamination may be closer than we think.

Today, our last secured vestages of wilderness and virgin forests are our national and state parks. I would like to give you a brief look at the situation facing our parks, and tell you a little bit of what men are doing in our own state and community to preserve these last remnants of frontier America for succeeding generations.

Twenty years ago, there was a little less than one-sixth of an acre of national park land for every man, woman, and child in the United States. Today, although we have added 4,000 square miles to our national parks, there is now less than one-eighth of an acre of national park land per citizen.

Our population is booming. In 1966 we had a population of just over 195 million; in less than 20 years, when we reach George Orwell's nightmare date of 1984, our population will probably exceed 260 million—a 30% increase. Or, for every 600 seniors graduating from East High today, there will be 780.

With our rapid urbanization and mechanization, there is more leisure time available, thus making overuse and destruction of wilderness areas almost inevitable. From 1953 to 1959 for instance, the U.S. population grew by a sizeable 10%, but visits to outdoor recreation areas increased by a whopping and fantastic 143%.

Stewart Udall, Secretary of the Interior, stated the matter with appalling emphasis when he suggested that by the middle of the next century: ". . . for every person who now hopes to camp in the summertime on the floor of Yosemite Valley, there will be nine. For every present hiker down the Sierras there will be nine. For every tin can and bottle and carton that now litters park and wilderness trails, there will be nine. For every hundred people on the beach at Drakes Bay there will be at least 900 and conceivably several times that many."

William Draper Jr. of National Parks Magazine said it this way:

"Soon we will have to make a reservation five *years* ahead even to drive in a massive traffic jam through the gates of a national park."

Yet all of us use these facilities in one way or another. Whether we swim, boat, fish, water ski, canoe, camp, hike, hunt, picnic, or just enjoy the beauty of nature, the national and state parks are ours to enjoy.

In addition to all the facilities offered by our parks, there is the added economic benefit from the tourists which they attract. It is estimated that tourists to Wisconsin spent over $300 million in our state in 1966 alone. The tourists come to Wisconsin because of the beauty of our state and its recreational offerings. Probably the best example is Wisconsin Dells. Most of us have been to Fort Dells, or taken a boat ride down the scenic Wisconsin River, or seen an Indian ceremonial. Yet everyone of us who has been there has been more than impressed by the grandeur of the natural beauty of its rocks and flowing waters. And all this natural beauty doesn't cost us a penny to look at.

Well, what is being done in Wisconsin to preserve areas like the Dells and other favorites, such as Devil's Lake, for us and for our children? Most notable is probably the proposed Apostle Islands National Park. Only very recently the Park Service introduced a formal proposal for an Apostle National Lakeshore in Wisconsin on the south shore of Lake Superior. Included within the lakeshore would be 21 of the 22 Apostle Islands. They are located just off the north-eastern tip of the Bayfield Penninsula.

The purpose of the proposed lakeshore is to: preserve a splendid remnant of Great Lakes shoreline for public use; to improve the conditions of the Bad River Tribe and Red Cliff Bands of the Chippewa Indians; and to stimulate the local economy as a result of tourism expenditures and Federal investments.

A second major preservation program concerns the Wolf River in Wisconsin. For years, conservationists have prized the Wolf River in Langlade and Menominee counties of northeastern Wisconsin as one of the choicest "wild rivers" in the midwest. Largely unspoiled so far, the Wolf nevertheless has been threatened by all the menaces which have ruined other rivers: sewage disposal, soil erosion, factory wastes, and individual thoughtlessness. In the last session of Congress, the Administration's wild rivers bill included a section on the Wolf—but only for "study" for possible inclusion in the National Wild River System. The bill passed the Senate but died in the House.

Realizing that time was running out, Senator Nelson appealed to the Wisconsin Legislature to lease 29 miles of the Wolf as a temporary measure pending further action. He then appealed directly to Secretary Udall to provide funds to purchase 59 miles of the Wolf and its tributaries. After considering Nelson's proposal, Udall announced on January 6, that he was granting the request. Senator Nelson commented: "This plan will preserve forever almost 90 miles of one of the most outstanding wild rivers in the nation east of the Mississippi. This great recreational resource will be of tremendous benefit to Wisconsin for generations to come."

Even on the local level, people are working to preserve nature's few remaining footholds. Madison *just* recently received a $73,000 grant from the federal government for purchase of land in Cherokee Marsh. The city has purchased about 800 acres of this land to preserve as an open space to protect the health of Lake Mendota.

This is just a brief look at what is now being done for us. Because most certainly these future programs are for succeeding generations—yours and mine. In the "Thoughts At Large" column by Sydney Harris in a Madison newspaper, this statement caught my attention:

"A young child, of necessity, is all take and no give and growing into adulthood means redressing this balance by eventually giving to the world more than you take from it. . . ."

For centuries we have only been taking from nature, but we must change our ways in a hurry, or soon there will be nothing left to take.

And so when we leave here today to plant one more tree; and go out into the sunshine and warm breeze; we are pledging ourselves to help preserve our forests, our wildlife, our lakes and streams, and indeed, a part of our future. Remember, in Spring more than in any other time of the year, we are aware of the natural beauty of our fields and woodlands that exist for our use and enjoyment all year long. And in Spring, we realize that the United States of America, Wisconsin, and Madison are great places in which to live. It's up to you and to me to help keep it that way.

Thank you.

WISCONSIN DEMOCRATS VOICE STRONG SUPPORT FOR L. B. J.

Mr. PROXMIRE. Mr. President, I am proud to report that the Wisconsin

Democratic Convention has given strong support to President Johnson on his handling of the Vietnam situation.

In a resolution, our fine Wisconsin Democrats expressed their support for the President in "his agonizing search for peace and his support of American troops in Vietnam."

I am certain that the President will be gratified to know of this tribute. For as each day passes, it becomes increasingly clear that no other leader on earth is working harder to find a peaceful and honorable settlement of differences in Vietnam.

The American people are realizing the truth of this statement. And it is reflected in the President's rising popularity in all of the polls taken across the country.

Our Wisconsin convention also had some strong words for some of our Republican friends. The convention criticized those Republicans who have shown "a tragic and unconscionable willingness to work on both sides of the Vietnam street for political gain by condemning the American involvement in Vietnam which it has continually recommended and demanded."

I do not think the American people will be fooled by such tactics. And in this regard, let me say that President Johnson expresses the will of the overwhelming majority of our citizens by standing firmly against Communist aggression, while doing all that is humanly possible to find peace.

The Wisconsin Democratic Party is united behind Lyndon B. Johnson.

THE PRESIDENT PROVIDES A SHINING HOUR FOR AMERICAN DEMOCRACY

Mr. McGEE. Mr. President, President Johnson's selection of Thurgood Marshall to the Supreme Court is a shining moment for American democracy. All Americans of good will can rejoice at this news.

President Johnson has often said that he would like to be remembered as a leader who has broadened the horizons of opportunity for all Americans. I would think that his appointment of Mr. Marshall must rank high on the list of his finest moments as President of the United States.

This appointment symbolizes the fact that America has come of age as a democratic nation and as a responsible society. For despite the fact that Mr. Marshall is a brilliant jurist who served with distinction as Solicitor General and as judge of the U.S. Appeals Court, he could probably not have been appointed with public favor even a few years ago.

Mr. Marshall's appointment dramatizes how far we have come in human relations in a relatively short period of time.

President Johnson is the first President to appoint a Negro to his Cabinet and to the Supreme Court. Both of these acts have earned for him a special place in the history of our democratic Nation.

MODERNIZING LOCAL GOVERNMENT

Mr. MUSKIE. Mr. President, inquiries by my Subcommittee on Intergovernmental Relations during the last 4 years have revealed the need for strengthening the quality of public administration in our cities and towns.

The local level is the firing line for nearly all governmental programs. If local governments are not adequately staffed, financed, and organized, programs fail and people suffer.

Mr. Robert F. Steadman, staff director of the Committee for Improvement of Management in Government of the Committee for Economic Development, Washington, D.C., discussed the importance and problems of local government in an April 24 talk to the annual conference of the National School Boards Association in Portland, Oreg.

Mr. Steadman's remarks, entitled "Modernizing Local Government," are timely and informative. Mr. President, I ask unanimous consent that his remarks appear in the RECORD at this time.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

MODERNIZING LOCAL GOVERNMENT

(Comments by Robert F. Steadman at the annual conference of the National School Boards Association, Portland, Oreg., April 24, 1967)

Mr. Chairman, fellow panelists, members of this Association:

Your invitation to meet with you here today, on this subject is much appreciated by me and by the organization I represent. You and I have a common interest in education, as some of my credentials may illustrate. My mother, my five sisters, my wife, and I have all taught in the public schools; and one of my sons and my son-in-law are presently engaged in that occupation. More than half of my working years have been spent in college classrooms, and the depth of our common concern for education must provide some bond between us. And the Committee for Economic Development, which I serve as a staff member, has shown a strong and continuing interest in our public school systems and in the other educational resources of America.

Some of you may be familiar with CED through its publications or otherwise, but since others may not I should spend a moment explaining the unique character of this organization. We are celebrating our twenty-fifth anniversary this year. CED was founded during World War II, by a group of business leaders deeply concerned about the economic and social problems involved in reconversion from the gigantic war effort, then under way, to more peaceful times. These wise and public-spirited citizens devised a most useful approach for this purpose, quite unusual at that time. They sought out the outstanding economists in the United States, in the universities and elsewhere, and met with them in intimate and lengthy give-and-take discussions of ways and means to avoid any recurrence of the great and disastrous depression of the 1930's. This group developed and published proposals for national policies designed to encourage economic growth and a stable, healthy economy. Many of their recommendations were followed, including the formation of local committees in 3,000 communities, pledged to assist in the reconversion.

CED today consists of 200 Trustees, most of them outstanding leaders in our business community but including several university presidents. The basic concept has been continued; each subject is studied by a subcommittee of Trustees and a distinguished group of academic and professional Advisers, sitting together in extended sessions until a reasonable degree of consensus may emerge. At that point, CED publishes a statement of national policy, such as those you may have seen.

In 1958 CED issued a policy statement entitled "Paying for Better Schools," which took an unequivocable position on some of the major issues of that day. CED recommended four kinds of action to overcome financial obstacles. First, it proposed vigorous state action to encourage redistricting, so that no local school system would have fewer than 1,200 pupils. Second, the states were urged to assume a larger share of school financing. Third, federal supplementation of state and local funds was recommended for schools in the poorer states. And, fourth, citizens concerned with improvement of schools were urged to organize and participate in efforts to achieve those ends.

Again, in 1965, CED issued its policy statement on "Raising Low Incomes Through Improved Education." This statement emphasizes the economic advantages derived from expansion and extension and improvement in quality of public educational efforts throughout the country. At the same time, it recognizes the major cultural values implicit in these goals. If I may quote:

"While in this statement we emphasize improvements of education to raise productivity, incomes, and employment, we do not suggest that this is the only, or even the most important, goal of educational improvements in America today. The ultimate goal, the welfare of individuals and the quality of their lives, depends not only on their incomes but also on what they do with their incomes and other capacities, privately and collectively. Our recommendation is that as we extend education in numerous dimensions we should pay attention to the children and adults who might otherwise be left behind the rapidly advancing standard of American education."

Today, CED has under consideration issuance of a new policy statement, on the subject of innovations in education—on the new means available for improvement in the educational process and the advancement of learning.

But we are here to discuss another CED policy statement, on "Modernizing Local Government." I had a motive in describing CED's efforts to advance the cause of public education in the United States. What we seek is your sympathetic understanding and support for CED's recommendations in this vital field, in the same spirit that CED has shown toward the special problems of the public schools.

This policy statement was prepared by a special committee of CED Trustees—the Committee for Improvement of Management in Government—consisting of the 25 members with most experience in government as well as in business or university affairs, assisted by 10 public figures from outside CED and by an Advisory Board of 15 distinguished academicians and professionals. The Chairman of this group is Hon. Marion B. Folsom, former Secretary of HEW. The Vice Chairman is President John A. Perkins, of the University of Delaware. After issuing three policy statements concerned with various improvements in the national government, this Committee turned its attention to government at the local level.

This CED policy statement rests upon two primary propositions. First, there are profoundly important values to be gained through the preservation and strengthening of local self-government in the United States. Second, our past and present failure to adapt local institutions—originally designed to meet the needs of simpler times—to the newer conditions and challenges of our society has deeply endangered their future role. Change, swift change, is all about us—in agriculture, in industry, in transportation, in communication, in commerce and trade, in urbanization, in rural depopulation, and in almost every aspect of our lives. But local governments change very slowly, most reluctantly, or not at all. CED urges their modernization, to cope with the problems in our present situation and with the circumstances facing us in decades to come:

"There are strong reasons for disenchantment. American crime rates in rural, urban, and suburban areas are high. Several countries with less per capita wealth have lower infant mortality rates and longer life expectancies. Public school deficiencies are more noticeable, as the necessity for higher skills and stronger educational qualifications becomes more obvious. The character of public welfare programs and the competence of their administration are under attack. Urban transportation problems outpace attempted solutions. Slum clearance and redevelopment lag behind the processes of decay. Economic development of most communities is frustrated by want of government power. Local units depend too heavily on the property tax, administration of which is generally so inequitable as to be scandalous."

The weaknesses and inadequacies of local governments in most states of the Union, with pleasant exceptions in Hawaii and Alaska, are quite obvious. They have been identified by CED as follows:

"1. Very few local units are large enough—in population, area, or taxable resources—to apply modern methods in solving current and future problems. Less than half contain as many as 1,000 people; less than 10 per cent have more than 10,000 inhabitants; and less than 1 per cent have over 100,000. Even the largest cities find major problems insoluble because of limits on their geographic areas, their taxable resources, or their legal powers.

"2. Overlapping layers of local government—municipalities and townships within counties, and independent school districts and special districts within them—are a source of weakness. These layers, in some cases numbering ten or more local units with power to tax the same parcel of land, compete in a struggle for revenue sources. The competition extends to the division—among layers—of 'home rule powers' granted by the states, often leaving no local government with legal authority adequate to cope with urgent community needs. This impairs overall local freedom to deal with vital public affairs; the whole thus becomes less than the sum of its parts.

"3. Popular control over local governments is ineffective or sporadic, and public interest in local politics is not high. American voters collectively must select over 500,000 local elective officials—often obscure personalities with inconsequential duties. Less than 30 per cent of American adults vote in separately held city elections, while over 60 per cent vote in Presidential contests. County, school, township, and special district elections commonly attract even smaller fractions of voters. Confusion from the many-layered system, profusion of elective offices without policy significance, and increasing mobility of the population all contribute to disinterest.

"4. Policy-making mechanisms in many units are notably weak. The national government has strong executive leadership, supported by competent staff in formulating plans that are then subject to review and modification by a representative legislative body. Comparable arrangements are found in most cities, but seldom elsewhere among local governments. Multiple elective executives and malapportioned or gerrymandered legislative bodies abound. These factors—combined with lack of broad legal authority, financial resources, and geographic jurisdiction—inhibit the kind of long-range planning and decision-making essential to effective *local government.*

"5. Antiquated administrative organizations hamper most local governments. Lack of a single executive authority, either elective or appointive, is a common fault. Functional fragmentation obscures lines of authority. Organizational concepts considered axiomatic in American business firms are unrecognized or disregarded in most local governments. The quality of administration suffers accordingly.

"6. Positions requiring knowledge of modern technology are frequently occupied by unqualified personnel. Except in large cities, most department heads are amateurs. The spoils system still prevailing in parts of the nation has deep roots in many local governments, but is only one source of this difficulty. Pay scales are usually too low to attract competent professional applicants. Further, specialized skills in the public service are too often held in low esteem by influential citizens."

CED has recognized that correction of these weaknesses may be sought in other ways than through modernization and reform of local governments. As a nation, we might conceivably depend upon the national government or on the state governments for basic decisions in solution of major local problems, and for the administrative efforts involved, as well. CED does not favor these alternatives.

But if we propose to depend upon local governments for a significant role in the future, we must face the fact that no government can be expected to serve fundamental purposes well unless it meets at least four minimum qualifications.

Political unity. Each population governed must have enough common interests, problems, and communications to qualify as a political entity able to produce political leadership responsive to active citizen concern.

Size. Each local unit must be sufficiently large—in population, geographic jurisdiction, and financial resources—to make long-range plans, to attract professional staff, and to manage modern services.

Powers. Each government must have legal authority adequate to cope with the problems for which it is responsible, and to enforce its decisions.

Rational structure. Each government must have a representative governing body concerned with policy decisions, and a single chief executive to secure unity in administrative operations.

In order that our local governments may meet these primary requirements, CED has made nine major recommendations. They are:

"1. The number of local governments in the United States, now about 80,000, should be reduced by at least 80 per cent.

"2. The number of overlapping layers of local government found in most states should be severely curtailed.

"3. Popular election should be confined to members of the policy-making body, and to the chief executive in those governments where the 'strong mayor' form is preferred to the 'council-manager' plan.

"4. Each local unit should have a single chief executive, either elected by the people or appointed by the local legislative body, with all administrative agencies and personnel fully responsible to him; election of department heads should be halted.

"5. Personnel practices based on merit and professional competence should replace the personal or partisan 'spoils' systems found in most counties and many other local units.

"6. County modernization should be pressed with special vigor, since counties—everywhere except in New England—have high but undeveloped potential for solving the problems of rural, urban, and most metropolitan communities.

"7. Once modernized, local governments should be entrusted with broad legal powers *permitting them to plan, finance, and execute* programs suited to the special needs, interests, and desires of their citizens.

"8. The 50 state constitutions should be revamped—either by legislative amendment or through constitutional conventions concentrating on local government modernization—to provide for boundary revisions, extensions of legal authority, and elimination of needless overlapping layers.

"9. The terms and conditions of federal—and state—grants-in-aid should be revised to encourage the changes recommended in this statement."

You will have a special interest, of course, in those specific recommendations dealing with public education, and particularly those concerned with the independent school districts. Our Committee hesitated to urge consolidation of public school systems with the kinds of local units now found in most parts of the country, under prevailing conditions. But, to quote:

"This Committee places high priority on the development of an effective system of general purpose government at the local level in every state, managerially competent and politically responsive to the citizenry. Until this condition prevails, public school separatism, where it now exists, may be the lesser of evils. But the national ideal must contemplate strong local governments, so highly respected that they may be entrusted with a function even as vital as education."

There are disadvantages in school separatism, along with the advantages well known to all of us. We need to coordinate such functions as recreation, parks, playgrounds, traffic, fire and police protection, health services, and library resources. We need to extend educational opportunities beyond the strict limits of the "K–12" pattern, upward, downward, and outward, to reach all of our needs more effectively. And we need to overcome the mutual distrust and suspicion between "school people" and the political and professional leadership in other governmental institutions.

In any case, CED has now repeated one of its earlier recommendations, in slightly modified form, in these words:

"The consolidation of school districts should be continued until every unified school system has at least 1,500 students. Preferably, boundaries would be coterminous with those of restructured counties, which might then be empowered to manage the local school systems on the basis of local option."

In our view, the recommendations made apply with equal force and quite directly to conditions in most rural areas of the nation, to smaller and middle-sized communities, and to great metropolitan areas. In large measure, they apply to every section of the nation, and to all the 48 states described as the "Continental U.S." We recognize that the changes sought will take time, and that in many cases they will be accomplished only step by step. But, equally, we regard early and vigorous movement in these directions as imperative. Our policy statement concludes as follows:

"Citizen information and understanding in public affairs, particularly at the local level, are all too low. Blame for this must be widely shared, among all those groups and institutions—including the family—that influence attitudes and modes of conduct in formative years and beyond. The importance of local and other governments in gaining and keeping an economic and cultural climate in which our basic institutions may flourish must be fully understood. Not only in school curricula from primary grades onward but in all community circles, citizen responsibility for policy-making and for service in official posts of trust and honor must be recognized as the foundation sustaining this Republic."

SELF-HELP ACTION IN LATIN AMERICA

Mr. HARRIS. Mr. President, I have previously spoken in the Senate about the Inter-American Center at Loyola

University in New Orleans, and the excellent program being carried on there under the auspices of the U.S. Agency for International Development to train young leaders from Central America, Panama, and the Dominican Republic for self-help action to meet the problems in their own countries.

Recently, I have corresponded with two young men, among others, who have taken part in this highly worthwhile program. Their letters, I believe, will be of interest to Senators, and I ask unanimous consent, Mr. President, that English translations of them be printed at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

[Translation (Spanish)]

Antombrán Huité,
Zacapa, Guatemala, May 20, 1967.

Senator Fred Harris,
McLean, Va.

Dear Senator: It gave me great satisfaction to receive your kind letter, although it arrived after a long delay and I do not know if it had been mislaid on the way.

I sincerely appreciate the idea you have of Guatemala, and from this moment on you have me at your service whenever you come to this country. I will enjoy helping you in any way possible.

The Director of the Inter-American Center sent me a copy of your enthusiastic speech which I hope will be listened to and will serve to accomplish your aims in supporting this kind of training.

I have written several articles about this seminar, but unfortunately, I do not have the clippings; I only have the first which I am sending you gladly, hoping that it can be of some help to you.

I want to inform you that this next month of June we will inaugurate a Rural School for which I have received help from your people through CARE, and I have projects like this construction one in some neighboring communities that I hope to show you when it is possible for you to visit me, since I will be happy to show you my area and my work.

Please give my greetings to your wife whom I also remember.

Sincerely,

J. Israel Pérez P.

[Newspaper clipping; source unidentified]

Talking About the Seminar That Took Place at the University of Loyola

(By José Israel Pérez Posadas)

It is considered a duty for every person to be informed of everything that happens in our communities, departments [states], and on the national and international scene, something that is not possible due to multiple circumstances, but in our area, at times we are aware of some of so many things that happen in our department, in this case thanks to the good people and especially the home formed by the Mendizabal De Paz family, leaders of this province's journalism which carries the drive to surpass and self-denial in its depths. So, in one of the columns in *Fragua*, the opportunity given to five teachers to attend and represent our country in the city of New Orleans was reported, and opportunity made possible through the Agency for International Development which continually offers a scholarship for a period of six weeks at the University already mentioned covering a program entitled: "Program for Preparing Leaders for the Youth of Central America, Panama, and the Dominican Republic," and which is actually very important for all the countries, since it is considered that human relations are indispensable in this life, where we have them at every moment and that is why one should give the necessary effort to half-solve some of the many problems that are destroying our societies. To examine the program, one must report it in parts, but today we will only say that it began on October 18, 1964, and that 15 groups have attended. At the present time, the group consists exclusively of university students and when they finish their six weeks, those from another organization will have the chance to send their members, since the program covers different activities.

I want to make known that I am satisfied in making this report, not wanting it to be thought at any moment that it is made because of an atrophied vanity, but rather just to inform the reader.

The themes that were developed during these six weeks were very varied and interesting, being divided in the following way:

(A) Living Laboratory; this lasted 13 days, covering meetings and group discussions, living laboratories and groups, definition of *projects, analysis and planning of action.*

(B) Academic Program; lasting 17 days during which there were meetings, group discussions, and a question and answer period.

(C) Study Visits and Trips; these included meetings in small groups with educational leaders and administrators from different levels, visits to educational institutions in order to show both public education and that financed by private sources.

(D) Extra-programmatic activities, among which were included visits to homes of American families and meetings with individuals and groups from the New Orleans area.

(E) Teaching of English; in respect to this activity, one can correctly say that it was not sufficiently taken advantage of as much as one would have liked, since on several occasions time did not permit us to finish the 30 hours of laboratory and instruction in conversation classes.

Summed up, these were the activities undertaken in the lands of the America of the north, but it should be said that each one of these activities has its own commentary which we will be presenting on future occasions; with it, one will understand that there was no intention of any kind to study one particular subject, since it is very logical to understand that in a period of six weeks it is impossible to specialize successfully but perhaps it will be understood that these visits help one to realize better the serious situation in which our peasants and in general the so-called live masses are living as well as the necessity there is to fight for their winning out, since at no time should one think that it will deal with adopting, but rather with adapting according to our present situation . . .

[Translation (Spanish)]

San Francisco de Macoris,
May 29, 1967.

Senator Fred R. Harris,
Senator from Oklahoma,
Washington, D.C.

Dear Mr. Senator: I send you and your family my sincere greetings. I had the opportunity of meeting you in your office in that beautiful city of Washington, D.C. in February of this year. I was returning from Loyola University in New Orleans where I had been on a scholarship from AID.

May I take this opportunity to thank the United States Government for having given me the opportunity to enhance my professional training and to know the true characteristics of a cultured people. I can assure you that my vision of progress has strengthened due to my studies there and I have committed myself to do everything possible to obtain the maximum productivity from my work as Regional Supervisor for Adult Education of the Northeast Region of my country. Without doubt I brought new ideas and a great deal of enthusiasm for this job. I have read the speech you gave in the Senate on March 8th of this year several times and I must congratulate you and say I feel very optimistic.

I hope some day you will visit here so you can see the effort we are making to better our country. I hope some day you will honor my home with your presence. I would also hope that during your visit here I could take you on a tour of my region thus giving you first hand knowledge of what I have stated above. I will soon write to the AID representatives in my country and coordinate these possibilities.

I hope this dream will come true for the good of my country and for all of those who expect so much from the progressive minds of the developed countries.

When I look at the photographs that were taken in your office I remember the friendliness of your family (wife and children).

With the hopes that these plans will come true I remain,

Sincerely yours,

Omar Sully Fermin,
Regional Supervisor of Adult Education.

THE MIDDLE EAST AND THE SPREAD OF NUCLEAR WEAPONS

Mr. KENNEDY of New York. Mr. President, the recent conflict in the Near East, and the continuing tension there, are a further reminder—if any was needed—of the dangerous character of the world we live in.

Most dangerous of all is the potential spread of the nuclear weapon. But as Stewart Alsop says in a brilliant and ominous article in the Saturday Evening Post:

> Writers rarely write about this subject any more, and people hardly ever talk about it.

His article is a timely warning. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Neither Will I Again Smite Every Thing Living

(Affairs of State, by Stewart Alsop)

Washington.—There is an oddly frightening passage in the Old Testament. It is in Genesis, in the part where Noah and Noah's family, sole human survivors of the flood, have come to rest in their ark on Mount Ararat. God appears and makes a promise to Noah:

"I will not again curse the ground any more for man's sake; for the imagination of man's heart *is* evil from his youth; neither will I again smite any more every thing living, as I have done. While the earth remaineth, seedtime and harvest, and cold and heat, and summer and winter, and day and night shall not cease."

This is lovely poetry, but as a promise it seems curiously equivocal, especially in view of what God says next: "This is the token of the covenant which I make between me and you and every living creature that *is* with you, for perpetual generations: I do not set my bow in the cloud. . . . And it shall come to pass, when I bring a cloud over the earth, that the bow shall be seen in the cloud: And I will remember my covenant, which *is* between me and you and every living creature of all flesh. . . ."

The rainbow, the token of God's covenant, is a symbol of hope. But when I read these words recently (I am not very religious, but I like to read the Bible), they conjured up an image of a symbol of our times—the atomic cloud that has hovered over the earth for more than 20 years.

If a Washington reporter is to make any sense at all about defense issues, he has to learn the basic facts about nuclear weapons. Ever since I first began learning those facts, it has seemed to me that there was something odd, and eerie, about the way the new weapons have come into being. It is almost as though a ghostly hand had been opening, one after another, doors that had seemed forever closed, crooking a bony, beckoning finger every time. With every door that has been opened, the time has come closer when a few men, pushing a few buttons, can destroy all men.

First there was the bomb itself. The Manhattan District project, which made the bomb, was a gigantic gamble with an unproved theory. Some good scientists—Dr. Merle Tuve, for example—thought it was a bad gamble. But it paid off handsomely. One bomb, called the Thin Man, killed 78,150 people at Hiroshima, and another, called the Fat Man, did almost as well at Nagasaki, killing 73,884 people.

And so the first door was opened. The next doors were the hydrogen bomb and the intercontinental ballistic missile. It is forgotten now, but at the time, both doors seemed firmly and forever closed. In theory, of course, the scientists knew that a hydrogen or fusion bomb—a weapon of "open-ended," or potentially infinite, power—could be made.

But only in theory. To act as the percussion cap on a fusion bomb, a fission bomb of no less than 500 kilotons—the equivalent of 500,000 tons of high explosive—would be required, and the power of the Hiroshima-Nagasaki bombs was less than 20 kilotons. Most of the scientists doubted that the atomic bomb could be made much more powerful.

But the scientists were smart, and they found ways to increase the power of the bomb, first to 30 kilotons, then to 80, then to 400, at last to 500. Then the hydrogen bomb became possible in theory, and Edward Teller and a few others urged President Truman to approve the equivalent of another Manhattan District project to make it.

Truman turned for advice to his scientific advisory committee, star-studded with names like Oppenheimer, Rabi, Conant and DuBridge. No, they unanimously told the President—that door could not and should not be opened. But Teller had his way. The particular kind of bomb he wanted to make never was and no doubt never will be made. But the door was opened all the same, in a way more terrible than Teller and his colleagues had anticipated.

The first hydrogen bomb, tested at Eniwetok on November 1, 1952, was very much more powerful than the scientists had calculated. And it trailed behind it a death-dealing fallout of radioactive particles, a phenomenon that none of the scientists had fully anticipated. With fallout it was possible to kill, not in the tens of thousands, as at Hiroshima and Nagasaki, but in the tens of millions. And so that door was opened, and the bony finger beckoned.

The opening of that door opened another. In the second war, the Germans had invented the first operational ballistic missile—the V-2. In the 1940's some scientists wanted to get to work on a ballistic missile of intercontinental range. They wanted a weapon that could deliver an atomic warhead halfway around the world in 18 minutes or so, replacing the vulnerable manned aircraft, and creating a weapons system against which there could be no effective defense.

Dr. Vannevar Bush, the most respected scientist of the era, dismissed the idea as ridiculous—he was sure that the accuracy-weight-range-power problem was insoluble. Most of his colleagues agreed with him. But the hydrogen bomb, by vastly increasing the kill area, helped to solve the problem. In the 1950's the intercontinental ballistic missile, which Bush had dismissed as an idle dream, became a grim reality. And so that door was opened too.

Other doors have been opened since. The solid-fueled missile, for example, capable of being fired accurately even underwater, has made an effective defense against a nuclear-missile attack impossible, even in theory. Above all, ways have been found to make more and more powerful nuclear warheads more and more cheaply. And so the doors have gone on opening, at first only to the United States and Russia, then to Britain, France, Communist China, with more to come.

The doors open on death. At Hiroshima and Nagasaki, there were just over 150,000 deaths—which is a lot of dead people. According to current estimates, in a full nuclear exchange, deaths in this country alone would be on the order of 150,000,000. As those three added zeros suggest, the death on which the doors open is on so vast a scale as to be almost unimaginable. It is open-ended death.

Curiously, writers rarely write about this subject any more, and people hardly ever talk about it. Perhaps Damocles, after a while, learned to pretend that the sword was not there. It is useless to argue with the inevitable, and it is clear by now that there really is no way to close those doors that have been opened.

There seems to have been something fore-ordained about the whole curious door-opening process, as though it had been dictated by natural forces—or by God. Perhaps it has been fore-ordained. When the balance of nature has been overturned in a biological community, natural forces (or God) always correct it, by epidemics, or starvation, or the introduction of predators, or by some other means.

An atomic scientist, Dr. Ralph Lapp, has calculated that at current birth rates as many people will be born in the next century as in all the previous 20 centuries, thus wholly upsetting the global balance of nature. "It looks to me," Lapp says, "like a race between the pill and the bomb." Perhaps the pill will win. Otherwise, we descendants of Noah can only hope that when God brings that "cloud over the earth." He will remember His promise, and that He will not "smite *every* thing living."

WILLIE GOES TO FANTASY LAND

Mr. NELSON. Mr. President, a remarkable example of the creative potential of our public schools has recently come to my attention. The sixth grade individualized reading class in Elkhart Lake, Wis., has written and published an original story, entitled "Willie Goes to Fantasy Land."

Publication of the book marks the culmination of a 6-year experimental reading program initiated when the children were in the first grade. "Willie Goes to Fantasy Land" was actually written by the children as third-graders in 1963–64.

This year, in the sixth grade, the Elkhart Lake children decided to publish their story and formed their own nonprofit corporation, the E. L. E.—Elkhart Lake Elementary—Book Co., Inc., for this purpose. They undertook the revisions necessary for publication and prepared illustrations to accompany their story.

The finished product is visually attractive and makes for delightful reading. Its youthful message is very inspiring. The children of the Elkhart Lake sixth grade and their imaginative teacher and principal are justifiably proud of the results. In order that my colleagues may have the opportunity to see the fruits of their effort, I ask that the text of "Willie Goes to Fantasy Land" be printed in full in the Congressional Record.

There being no objection, the text was ordered to be printed in the Record, as follows:

Willie Goes to Fantasy Land

(By the Elkhart Lake individualized reading class, grade 3, 1963–64; pictures by the Elkhart Lake individualized reading class, grade 6, 1966–67; the E. L. E. Book Co., Inc., Publishers, Elkhart Lake, Wis.)

To Fantasy Lovers—Everywhere!

With a special thank you to Mrs. Neva Hodge, Elkhart Lake Elementary Supervisor, who guided us as first graders into this wonderful project and continued to help us until as third graders, we wrote the story, and to Mrs. Norma Koene, our sixth grade teacher, who has faithfully directed us as we completed the project.

We are also indebted to Dr. Lura Carrithers, Professor of Elementary Education, University of Wisconsin, Milwaukee; Miss Violet Littlefield, former County Supervising Teacher; and Miss Doris Phipps, Curriculum Coordinator, for their professional help.

Grateful acknowledgement is also made for the assistance and cooperation of F. J. Helwig, District Administrator; the Elkhart Lake-Glenbeulah Elementary Staff, Mrs. Nancy Groth and Mrs. Ruth Schmidt, volunteer teacher-aids; pupils; parents; Sno Glow, Hodge, a toy French poodle from Campbellsport; and all others who assisted in any way to make this long-term project possible.

(Willie Goes To Fantasy Land, copyright 1967 by the E. L. E. Book Co., Inc. Printed in the United States of America. All rights reserved. No part of this book may be used or reproduced in any manner whatsoever without written permission. Printed by The Print Shop, Plymouth, Wisconsin; Bound by The E. and B. Bindery, Manitowoc, Wisconsin; Legal Advisor: James R. Hughes, Attorney at Law, Plymouth, Wisconsin.)

Willie Goes to Fantasy Land

Once upon a time in a village there lived a little colored boy named Willie. He had no mother or father and was poor and very much alone. No one cared to play with him. The only friend he had was nine year old Becky, who felt sorry for him. Becky would often be heard begging the other children to stop teasing and laughing at him.

Willie was indeed very unhappy. As each day passed he became more lonely and confused. He wondered where he might go in search of another land. If only there were fairies and magic now! If only one might "rub a lamp," turn a wishing ring, or speak magic words that would open the door to a palace in Fantasy Land.

Deep in thought, Willie found himself walking slowly down the road. He kept walking until he came to a narrow path which twisted in and out and led to a deep woods. As Willie walked on, the sun was slowly sinking in the west. Willie, realizing that he was alone and that night was approaching, began to feel somewhat frightened. He heard an owl and the sounds of animals as they walked through the underbrush. What was that noise? Possibly if he whistled he wouldn't hear the noises. Willie remembered a tune Becky taught him. Squaring his shoulders, Willie whistled with all his might. He became so engrossed in the tune that he forgot his fears.

With renewed courage Willie continued his search for Fantasy Land. He went up one narrow path and down another. He looked everywhere but could not find the path which would lead him to the palace in Fantasy Land.

It was now very dark and poor Willie was hungry and nearly exhausted. He lay down and began to sob. Realizing that this would not help, he wondered if he might pray. Being so tired and alone, a feeling from within seemed to urge him to kneel, hold his hands, and pray. "Dear Jesus, I am alone; no one likes me for I am different. I seem to be just in the way. I really like the other children, but they don't like me. Please help me, dear Lord."

After finishing his prayer, little Willie yawned and before he knew it he was sleeping.

When the morning sun rose, Willie was awakened by birds singing and small animals prancing about. He sat up, rubbed his eyes, and looked around. For a moment he had forgotten where he was. Then he remembered that he was on his way to find Fantasy Land.

As he looked around he saw a group of friendly-looking children. A small dog came running toward him. The dog was a toy French poodle with soft white hair. She wore a red collar with sparkling rhinestones.

The children were anxious to make friends with Willie so they gathered around him singing and skipping:

"A tripping, a skipping,
We are ready to go;
We will all keep together and
Move just so.
A tripping, a skipping,
Heigh ho, heigh ho,
For we have with us,
Our dear Sno Glow.

Chorus—

"Willie, Willie, here is Sno Glow.
Willie, Willie, she is as white as snow.
Now we go skipping,
And then we go tripping,
Happy to be playing with Willie!

"A tripping, a skipping,
Hello, hello!
Good morning, Willie,
This is our Sno Glow!
A tripping, a skipping,
And jumping so,
Because we have with us,
Our little Sno Glow."

Willie was so surprised and happy to see the children that his face lit up with extreme joy. Getting up quickly, Willie exclaimed, "Oh, children! I am so happy to see you! Where did you get the beautiful dog?" The children together told Willie they liked him and were his friends. Sno Glow would be his friend, too. Willie immediately picked up Sno Glow and hugged her.

"I wish I had a dog like Sno Glow to love," anxiously cried Willie.

"You may have her for your very own. We love you, and we want you to have her," said all the children at once.

Willie could hardly believe his ears. He jumped up in great happiness and exclaimed, "Sno Glow is my dog, my friend."

Together, in great joy, they romped through the woods. Sno Glow seemed especially pleased to have Willie as her new friend. Willie, in his extreme happiness, did not realize that the other children had gone off in another direction. He became interested in the trees, shrubs, flowers, and ferns growing.

As he looked around with Sno Glow by his side, he saw some very beautiful flowers. He thought he would pick a few and give them to his new friends. The minute he picked the flowers, he heard a terrible roar and saw a great beast coming toward him. The beast cried in a loud voice, "Ungrateful child! Your life was filled with happiness and now you steal my flowers. You shall pay for this by giving me your poodle."

The frightened child threw himself on his knees. "Forgive me, my lord," he cried. "I picked only a few flowers to give to my new friends."

"I am not a lord," replied the monster. "I am a beast. I will pardon you only if you give me the dog."

With these words, he grabbed the dog and ran. Poor Willie stood frightened and bewildered. What would he tell his new friends? If only he could have gone in Sno Glow's place. He would rather give his life than go to his friends without Sno Glow.

CHAPTER II

Meanwhile, in the village, Becky felt very miserable. Every minute she was wondering where Willie was and what was happening to him. The thought of a lonely boy wandering endlessly in search of someone to love him, was more than she could stand.

Becky went to bed with a feeling of despair. She was awakened from a restless dream in the middle of the night. She thought she heard someone talking to her about little Willie being in trouble. Could it be that he needed help? She listened—all was still. Wide-eyed she crept out of bed and softly tiptoed to the window. As she saw the moon-lit sky, a feeling of hope came over her, and she prayerfully whispered:

"I see you from my window,
Brilliant moon of the night;
Watching over my dear friend,
Keeping him all right;
Like a faithful beacon,
Guiding him to see,
Oh, dear Jesus, watch over him for me."

Being careful not to wake her parents, Becky went downstairs quietly. She opened the front door. Without knowing what was happening, she was quickly whisked away to Fantasy Land.

The clouds began to turn purple with gold fringes like a king's robe. A rosy glow spread over the sky and a ray of light led to the ground. Right where the ray of light touched the ground stood the most beautiful young lady one could possibly see. She was dressed in white. The only touches of color were the gold of her hair, the brown of her eyes, and the vivid pink of her cheeks—exactly as a fairy should look.

"Did I startle you?" she asked in a low sweet voice.

Becky swallowed hard, "A little. I - I never saw a real fairy before. Did you come down that light ray?"

The young lady smiled enchantingly and replied, "Straight down from my fairy bower up yonder." She looked back over her shoulder.

"Do you know where Willie is?" asked Becky.

"Yes, I know where he is," said the fairy. "I know he is safe."

"Little Willie is safe! Oh, I am grateful to hear that." Becky, heaving a sigh of relief, paused a moment and then asked, "What is your name?"

"My friends call me Fairy Child," said the fairy.

"May I call you that?" inquired Becky.

"Of course," said Fairy Child. "We are friends, aren't we?"

"Oh, yes," said Becky. With the thought of having a real fairy for a friend and knowing that Willie was safe she began to whirl and twirl about.

"Oh, you dance?" asked the fairy. "And your name dear, is Becky, isn't it?"

"Oh, yes, I am Willie's friend and I take ballet lessons. I am a pupil in Madam Remy's class and I'm going to take part in the spring recital. My accompanist is Madam Margaret. It is easy to work with Madame because she understands rhythm and doesn't have to be told what to do all the time."

Fairy Child chuckled, put her hands to her head, and said, "Yes, my dear, tell me more."

"Madam Remy tells me that if I make up some good steps to go with the music, I will be a choreographer."

"May I see some of the steps that you have created to go with the music?" asked Fairy Child.

"Created! Oh, I never thought of creating anything!" exclaimed Becky. "I just thought of dancers as the very breath of spring. I imagined the spring flowers opening their petals in full array. As they gently opened their petals, they whirled and spun about. They leaped through the air and then gracefully floated downward." Then before Becky realized it, there was music and she laughingly started to do the dance steps.

"How perfect!" exclaimed Fairy Child. "But look what we have here," called Fairy Child as two other beautiful fairies came dancing forward.

The two fairies began to whirl about in fantastic rhythm, holding their arms out stiffly. "That's perfect," cried Becky excitedly. "And now, Fairy Child, would you like to dance?"

"Oh yes!" agreed Fairy Child, as she began to create steps, holding her arms limp as veils. The music became almost a lullaby.

"Fairy Child is very gentle," Becky was thinking aloud. "Fairy Child's movements are like feathers floating—Oh! How positively beautiful she looks as the soft rays of light penetrate into the very depth of her body."

CHAPTER III

The good fairy knew that Sno Glow was taken from Willie by the beast. With her magic power she was able to get Sno Glow. Floating gracefully while looking for Willie she found Becky and the children romping through the woods. Together they discovered Willie alone crying his heart out.

Immediately they all gathered around him and sang:

"What is the matter, Willie?
Please stop your crying.
We have found what you have lost,
So try, dear, to stop sighing.
Come! We will wipe your tears away;
We will dry your little nose.
We will give you something soft,
Then you will forget your woes."

Chorus:

"Do not cry, Willie,
Wipe those tears away;
When you cry, your friends cry too,
And friendly animals stop their play.
When you smile, white clouds roll by,
The sun comes out to stay,
So do not cry, Willie dear,
And wipe those tears away.

"Now you are smiling, Willie;
Troubles do not last long.
Every fear soon disappears
As together we sing our song.
Open your arms and close your eyes;
We have something fine here, too.
It is Sno Glow, sure enough,
All safe and sound for you."

You can imagine the joy in Willie's eyes as he saw his beloved poodle; and as he looked around, he also saw Becky, his friend from the village.

"Where did you come from, Becky? What are you doing here?" asked Willie.

"Oh, Willie, I had to leave the village when I didn't see you around. Everyone is wondering what happened to you. They want you to come home. You may come and live with me. My home will be your home," said Becky.

Little Willie rushed over to Becky and

drew her close. Joyously everyone formed a chorus and together sang:

"Dark clouds have rolled away,
Lasting friendship is ours today;
We have no fears with friends so near,
Helping each of us to be dear.
Clasping hands and stretching them out,
To include all round about.
Love and kindness is in our hearts today,
For dark clouds have rolled and rolled
Have rolled—and rolled—away."

RECESS TO 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 39 minutes p.m.), the Senate recessed until tomorrow, Friday, June 16, 1967, at 11 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 15 (legislative day of June 12), 1967:

ATOMIC ENERGY COMMISSION

Wilfrid E. Johnson, of Washington, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1972.

EXTENSIONS OF REMARKS

Days of Infamy; Days of Shame

EXTENSION OF REMARKS

OF

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1967

Mr. ZABLOCKI. Mr. Speaker, this week those who value freedom are observing in sadness two tragic anniversaries in history.

They are the 26th anniversary of the first mass deportations from the Baltic States on June 14, 1941, and the 27th anniversary of the Soviet occupation of Lithuania on June 15, 1942.

Truly, those were days of infamy, days of shame.

They trouble our hearts as historic examples of man's inhumanity to his fellow men. They plague our consciences as a reminder of Soviet perfidy and aggression.

The Baltic States—Lithuania, Latvia, and Estonia—were national republics with a 700-year-old distinguished history before World War II. But geography had made them vulnerable: they were small states neighboring on a giant nation, Russsia.

Joseph Stalin, who must rank with Hitler as the most bloodsoaked dictator of all time, engineered the takeover of these three republics and eventually the mass deportation of the Baltic peoples.

Through the ensuing years it is estimated that Latvia, Lithuania, and Estonia have lost about one-fourth of their populations.

Such treatment of peoples, Mr. Speaker, must be clearly seen as an act of genocide, an effort to snuff out the Baltic cultures and the love of freedom in the hearts of Baltic peoples.

The memory of these heinous acts should spur us to action in concert with other nations to prevent such a thing from ever again happening.

Let us strive to shape a world in which small nations may live in peace and security, protected from larger and expansionist neighbors.

Let us create the climate of international society in which peaceful self-determination will not be just words, but an accomplishment.

Let us establish workable world sanctions against nations that are guilty of genocide.

Finally, on these days of anniversary, let us extend our expressions of sorrow and concern to people of Latvian, Lithuanian, and Estonian ancestry in our own country and around the world. Let them know that though a quarter century has gone by, we have not forgotten.

Balkan States

EXTENSION OF REMARKS

OF

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1967

Mr. SCHWEIKER. Mr. Speaker, 27 years ago today, the Soviet Union, led by Joseph Stalin, initiated the infamous occupation of the free countries of Estonia, Latvia, and Lithuania.

It is altogether fitting that on the anniversary of this disheartening event, we express our deepest sympathy to these enslaved peoples and express our sincere hope that in the near future these Balkan States will regain their self-determination.

This crime of Russian imperialism was not so much an aggressive act between nations, but more an international crime—a crime against humanity. The illegal occupation and reign of terror was directly contrary to treaties between the Soviet Union and the Baltic States. Furthermore, it was completely against the moral and political basis our great country was founded on, and the principles of freedom and sovereignty our Nation is supporting around the globe. If we can urge the nations of Africa to develop as democratic nations, if we can spend millions of dollars to support democracies in South America, if we can actively participate in an armed conflict on the continent of Asia to preserve the sovereignty of countries there, then certainly we must continue to aid and nourish the flame of freedom that still burns among the proud peoples of Estonia, Latvia, and Lithuania.

Even after Stalin's horrible answer to the Baltic problem—the mass deportation and execution of hundreds of thousands of people—the desire for the democratic way of life is very much alive. Although there has not been a free election there since before 1940, although all religious and political leaders thought to be dangerous to the Soviet regime have either mysteriously disappeared or been deported to Siberia, the Balkan peoples, both those in their native countries and those displaced around the world, still fervently cling to the hope of freedom and the promise of democracy for Estonia, Latvia, and Lithuania.

We can do no less than pledge our full support.

Shalom

EXTENSION OF REMARKS

OF

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1967

Mr. MOORHEAD. Mr. Speaker, I salute Israel for her stunning win over Egypt, which reflects what can be accomplished through a combination of competence, ingenuity, and complete unity of spirit and resolve.

I have supported Israel since she was created as an independent Jewish state 19 years ago by the United Nations and I do so today. On May 25 I was among those who joined Congressman CELLER in pledging to take whatever action was necessary to resist aggression against Israel and preserve peace. But the elements of force, speed, and surprise which led to this military victory cannot necessarily insure her long-term future and security in the Mideast.

Israel cannot be expected to return to the status quo, nor should she be expected to; once and for all her territorial sovereignty must be recognized and guaranteed by all of the world, especially by the 14 Arab sister states; her access to international waterways unquestioned. But Israel and Egypt need each other. On her part Israel must be ready to face up to the refugee problem. One way would be to reconsider the recommendations of the United Nations to offer indemnity payments to the Arabs who do not wish to resettle in their homeland under Israeli rule.

I agree with the Near East Report of June 13, when it says, "Let there be peace—the Israelis have defeated the Arab States in military battle three times in the last 20 years. Now comes the hardest, and we hope, the last battle. It is to induce Arab leaders to enter into a peace settlement with Israel."

During the fighting, Marc Chagall, the noted Jewish artist, famed for his inspiring stained-glass windows, remarked, "Let Israel be safe, I will make you lovelier windows."

Let her be safe. Let there be lasting peace in the Mideast. Shalom.

Mr. and Mrs. Andrew Knodel, of Isabel, S. Dak.

EXTENSION OF REMARKS

OF

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1967

Mr. BERRY. Mr. Speaker, today, as the present world conflicts call many young Americans to the service of their country, it is my great pleasure to acknowledge and pay tribute to the family of Mr. and Mrs. Andrew Knodel, of Isabel, S. Dak., for the tremendous contribution they have made to our Nation. As Mr. and Mrs. Knodel celebrate their 50th wedding anniversary in August, they may look back with a sense of pride on the service of 11 of their sons in the armed services of the United States. The spirit and service of these 11 boys comprise an impressive, seldom achieved record, a credit to themselves as individuals, to their family, and to their country.

The oldest son of Mr. and Mrs. Knodel, Edward A. Knodel, entered the Air Force in January of 1942. As a sergeant in the 441st AAF Bu Van., he served in the Marshall Islands during World War II. He was discharged in January of 1946 after 4 years of service for his country.

Ruben Knodel entered the Army in November 1941. He served with the 2d Division as a staff sergeant in Europe, France, and Sicily during World War II, and was discharged in October 1945.

Walter Knodel began his career in the Army on August 7, 1942. Serving in Company M, 3d Battalion, he has been in Europe, Korea, and Vietnam during World War II, the Korean war, and the war in Vietnam. He will retire after 25 years in the service in September of this year.

Floyd A. Knodel served in the Navy from June 1943 to April 1946. A seaman first class in the Coast Guard, his tour of duty was in the South Pacific during World War II.

Raymond H. Knodel entered the Army in September 1944, for 2 years. He served with the 1st California Division in Japan and the Philippine Islands during World War II.

Norbert Knodel began his career in the Air Force, as did his brother in the Army, in May of 1946. A staff sergeant, he served with the 5008th Supply Squadron in Japan, Germany, and twice in Alaska during the Korean war, and the war in Vietnam. He retired after 21 years of service in February of this year.

Erwin C. Knodel served in the U.S. Army for 1 year beginning in January of 1947. In the peacetime of that year he remained in the States with the 2d Infantry Division.

Donald L. Knodel entered the Army shortly afterward, in 1952. Sergeant first class with the 35th Infantry Division, he served in Hawaii, the Wake Islands, Japan, and Korea during the Korean conflict. Sergeant Knodel was cited for meritorious service in connection with military operations in Korea between January of 1953 and February of 1954. His outstanding leadership and courage under fire resulted in his receiving the Bronze Star. He was discharged from the service in 1954.

Dareld L. Knodel entered the Army in January of 1955 for 2 years. He served in Alaska during peacetime with the 37th Artillery.

Earl E. Knodel, still serving in the Air Force with the 683d ACNW Squadron has been in Japan, Korea, and Formosa since 1959. He has served in the Vietnam war and will end his tour of duty in December of this year.

Finally, Herman H. Knodel, currently completing his tour of duty in Vietnam with the 3345th Supply Squadron, will bring to a close his service in the Air Force, which began in August 1963, this coming August 1967.

This outstanding record of one family's unfailing service to their country is worthy of recognition and commendation by the Nation which they have served honorably over a period of 25 years. It is with a deep sense of pride and admiration for my fellow South Dakotans that I call the attention of my colleagues to this outstanding record.

Baltic States Freedom Day

EXTENSION OF REMARKS

OF

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1967

Mr. CUNNINGHAM. Mr. Speaker, Baltic States Freedom Day is a sad and tragic anniversary. It is commemorated by the Estonian, Latvian, and Lithuanian people as the beginning of their enslavement by Soviet authorities in June of 1940. By designating it as their freedom day they aim to keep alive the spirit of freedom among the peoples in these countries and hope to regain their freedom.

These three peace-loving, industrious, and gifted peoples were among the first to lose their freedom early in the last war. Under some absurd pretext that the Governments of these countries were agents of Western democratic imperialists, the Soviet forces treacherously attacked, invaded, and then overwhelmed these three countries early in 1940, and subsequently annexed them to the Soviet Government. Forthwith, Communist regimes were instituted there, and these minions of the Kremlin carried out their design of eliminating all forms of democracy and freedom. Many able-bodied men were arrested and deported, while the populace was terrorized. They all lived in fear of their lives, for none felt that he was safe from instant arrest and long imprisonment. In their once-free homelands they had thus become prisoners, subject to separation from their families and deportation to unknown parts of the Soviet Union. They endured such inhuman treatment in the hands of their overlords throughout the war, always hoping that the end of that war would bring freedom to them. But to this day, 27 years after their enslavement, they still suffer and work under Communist totalitarian tyranny. On the observance of this sad anniversary, let us all hope that they regain their freedom and live in peace in their homelands.

Adult Education Program in Eight Central California Counties

EXTENSION OF REMARKS

OF

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1967

Mr. McFALL. Mr. Speaker, I am glad to call to the attention of the Members of the House that the Office of Economic Opportunity has now approved a $1.5 million grant for an adult education program for migrant and seasonal farmworkers in eight of California's central valley counties.

The rich educational resources of California, the talents and integrity of some of the valley's leading citizens, and the desires of farmworkers themselves have been brought together to initiate the educational program. The project has been built from the experiences of educational agencies and the lessons learned through several pioneering manpower programs for farmworkers.

In order to guide all aspects of the program's operation, a panel of leading citizens and organizations has volunteered its services on the governing board. All those groups which have a vital interest in farmworkers and adult education are represented. Serving as chairman of the board of directors is Sloan P. McCormick, a distinguished member of the board of supervisors of Fresno County. Paul Couture, of Stanislaus County, and Ronald H. Metzler, of Fresno County, two of the valley's most outstanding growers, have agreed to volunteer their services as members of the board. Among the educators to serve are James Ruesswig, superintendent of the Stockton Unified School District, and Albert Molina, a professor at Reedley College. As the program will be of service to many of our Mexican American and Negro farmworkers, it is fitting that the Community Service Organization, the Mexican-American Political Association, and the National Association for the Advancement of Colored People will each designate one representative from among their valley memberships. Organized labor will be represented by Manuel Lopez of the building trades council in Fresno. A representative chosen by the community action agencies of each of the eight valley counties will serve on the board, as will one farmworker from each county, to be selected democratically from among those participating in the program.

The University of California extension system will participate in designing the curriculum and training the teachers who will instruct the migrants.

The program will be conducted by a private nonprofit agency—the Central California Action Associates. It will provide both evening and daytime classes for adult migrant workers. Over 3,000 farmworkers are expected to take advantage of the classes after work, which will offer such subjects as basic education, citizenship, and consumer education. In addition, more than 540 farmworkers (approximately 60 in each of the eight counties) will be given the opportunity to participate during the off-season—November through February—in full-time classes designed primarily to provide literacy in English, a second language for many of our agricultural workers. Students in the full-time program will be reimbursed up to a maximum of $65 per week to enable them to attend classes and support their families at the same time, thereby possibly reducing the county welfare rolls in the winter months. The key financial aspects of the program will be administered by a major financial or public institutions, with the Crocker Citizens National Bank in Fresno having thus far submitted lowest bid for this work.

The community action agencies in the eight valley counties have played a major role in the development of this program. In their capacity as the official coordinating agencies for the war on poverty in their own areas, they will be able to provide a full range of services and referrals to other programs which have the capability of meeting special needs of the participants.

The full-time classes conducted under this program will all be held during periods of the year when little or no agricultural work is available. This feature serves to benefit both the farmworkers, who can earn much more during the work season than the stipend amount which this program can pay, and the agricultural economy which is dependent upon the workers' labor during the critical harvest and preharvest periods. Such class scheduling makes it possible to utilize productively the time when the worker is unemployed and without income to increase his educational achievement.

The need for this program in the San Joaquin Valley has been apparent for some time. The Department of Labor has recently estimated that there are nearly 50,000 migrant and seasonal agricultural workers employed in the eight counties. The experience of similar programs in California and other States indicates that a large number are vitally interested in helping to advance themselves educationally. Programs have repeatedly attracted five to 10 times as many workers as there are openings.

Moreover, the value of education to members of our agricultural work force has been demonstrated repeatedly by detailed studies. Special surveys of the U.S. Department of Commerce show that adult farmworkers who have between 5 and 8 years of formal schooling have incomes 25 percent more than those with less than 5 years of education. Farmworkers with more than a grade school education earn 85 percent more than those with less than 5 years of schooling. It is a fact that, despite tremendous advances in the educational attainment for our Nation's citizens, the average educational attainment for farmworkers remained the same for the 20-year period from 1940 to 1960.

I am particularly pleased to point out that this education program has been designed to complement the many fine public and private efforts already underway to improve the welfare of all our citizens.

Local government, private groups, the State of California, and the Federal Government have entered into constructive partnership to provide temporary housing to California and out-of-State migrant workers needed for peak harvest activity. The San Joaquin County Medical Society recently received a $72,000 grant from the Public Health Service to provide care for the workers in the county. Under the war on poverty and national housing legislation, farmworkers within the San Joaquin Valley have undertaken an experiment in self-help housing. Through our schools, remedial educational programs in Stanislaus and San Joaquin Counties have been launched for migrants' children. Cooperative efforts are now underway with the city of Stockton and San Joaquin County to obtain Federal funds to construct housing for single male migrant farmworkers. Headstart classes are widespread in the two counties.

The new adult education program will complement and strengthen all these efforts by providing needed services to adult members of farmworker families. In this way the many public and private agencies working so hard for the benefit of our disadvantaged citizens now have a new program to expand and intensify the activities in which they are already engaged.

I hope that the imagination and skills of our valley citizens, the wishes of those who harvest our crops, and these new resources made available by the Office of Economic Opportunity may make this a most successful one for all the people in the 15th Congressional District and the others within California's rich San Joaquin Valley.

Lithuania: A Tribute

EXTENSION OF REMARKS

OF

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1967

Mr. EILBERG. Mr. Speaker, 27 years ago this month the independent state of Lithuania was wantonly destroyed by one of the most ruthless powers of modern times, the Soviet Union.

The destruction of Lithuania was swift, as indeed was the destruction of her sister Baltic States, Estonia, and Latvia. The Soviet Army crossed the frontiers and seized control of the country. Forthwith, the Soviets destroyed all opposition, staged a Soviet-style election in an atmosphere of induced terror, and established a regime claiming to represent the will of the Lithuanian people. The final act of annexation came quickly when the new Soviet puppet government, dutifully obeying the desires of its mentors, "requested" that Lithuania be annexed to the U.S.S.R. as a Soviet Republic.

Thus it was that Lithuania which had existed as an independent state for over two decades lost her independence and became a subjugated state within the Soviet Union.

Today we pay tribute to Lithuania and her people. Both deserve a better destiny than that which has been assigned to them. Let us all pray for the day when the principle of self-determination will become a guiding concept for all peoples; for on that day we know that Lithuania will again be free.

June Newsletter

EXTENSION OF REMARKS

OF

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1967

Mr. LONG of Maryland. Mr. Speaker, I would like to include in the RECORD my June newsletter, which contains my views on the Middle East war and other current matters.

The newsletter follows:

JUNE, 1967.

SHALOM

A lasting peace in the Middle East requires that Israel be: (1) recognized once and for all as a nation; (2) guaranteed use of the Gulf of Aqaba and the Suez Canal; and (3) provided strategic points against harassment and surprise attack.

Israel's victory did not come as a complete surprise. Following a visit to Israel last year, I reported: "Israel is outstripping its Arab neighbors. Their chances of catching up with Israel economically, or destroying it militarily, diminish every day."

Despite Israel's strength, it is still weak compared with Russia. We will have to stand firm against the Soviet Government, which has broken relations with Israel, insisted that Israel give up all its territorial gains, and threatened to re-arm the Arabs. Whoever controls the Middle East stands astride the major crossroad of the world and one fourth of its oil reserves.

PEACE UNDER THE NEXT STONE?

Peace in Vietnam! We all want it. But how to get it? Russia should be in a sober mood after having backed the wrong side in the Middle East; some believe it has long been anxious to get out of its expensive backing of North Vietnam and may welcome a face-saving opportunity for doing so. I have suggested to President Johnson a conference with Russia and other powers to seek peace in both Vietnam and the Middle East. My suggestion offers only slight hope, but no stone should be left unturned if the possibility of peace may lie under it.

MEET AMBASSADOR GOLDBERG

Susie and I were guests of Ambassador and Mrs. Goldberg during our visit to the United Nations.

JOBS, NOT JETS

Our military aid should be limited to the frontlines of Communist aggression. American arms contributed to wars in the Middle East and between India and Pakistan, to say nothing of military takeovers in Greece and Argentina. This aid bolsters military elites more interested in preserving privilege than improving the lot of mankind. Jobs, not jets, divert the hungry from Communism.

BRIDGE ANSWERS

Nine out of ten people don't want a parallel Bay bridge. My recent newsletter poll shows: Less than five per cent specifically want a parallel bridge and only four per cent approve Governor Agnew's bill for three bridges and a tunnel, rammed through the Legislature just five months after the people rejected the parallel span. Half voted against any new bridges or tunnels while taxes are rising.

NEW LAB AT EDGEWOOD

Construction of a $2.3 million Quality Assurance Laboratory at the Arsenal begins next month.

SOMETHING WRONG? SEE LONG

Saturday, July 1, at 10 A.M., Towson Post Office. No appointment needed; walk right in!

Soviet Crime Against Baltic Nations

EXTENSION OF REMARKS

OF

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1967

Mr. ST. ONGE. Mr. Speaker, the period of June 12 to 16 marks the 27th anniversary of the Soviet takeover of the Baltic States of Estonia, Latvia, and Lithuania. I believe this is a fitting time to review briefly some of the events connected with this blatant disregard of national sovereignty in order to serve as a reminder that the Soviet Union's seizure of these lands is illegal and amounts to nothing more than a de facto occupation.

In the first 12 months of Soviet occupation, more than 60,000 people of all classes and ages were killed or deported, and more than 10,000 were removed in a mass deportation on the night of June 13-14, 1941. After the German attack on Russia, Estonia was occupied and became part of what was referred to as the "Ostland Province." In 1944, the Russians again invaded and occupied all Estonian territory; however, about 30,000 Estonians escaped by sea to Sweden and some 33,000 fled to Germany. Many thousands perished tragically in the Baltic Sea in their haste to flee the oncoming Russian hordes. After the Soviet takeover, thousands of Estonians were deported, particularly those farmers who resisted collectivization.

All of the Soviet conquests and territorial violations of the Baltic nations from 1939 on were synchronized to within an hour of one another. Latvia and Lithuania suffered essentially the same fate as Estonia, and during the first year of Russian occupation, about 35,000 members of the Latvian intelligentsia were deported to Siberia.

Lithuania, too, was occupied by the Soviet Army in June 1940, and following a trumped-up election it was declared a Constituent Republic of the U.S.S.R. On the night of June 14–15, 1941, over 30,000 members of the Lithuanian intelligentsia were deported to Siberia. Counting other deportees and approximately 5,000 political prisoners executed at the time of the hasty pullback of Soviet troops, the country suffered the loss of about 45,000 people during the first Soviet seizure.

The German Army entered Lithuania in June 1941, and shortly thereafter a German program of colonization began and during their period of occupation the Germans executed almost all of the Lithuanian Jewish population.

This brief recital of the patently illegal acts in opposition to the sovereignty of the Baltic nations should serve as a glowing reminder that we must redouble our efforts to keep alive the dream of eventual freedom which their citizens so dearly cherish. In addition to the outrages already specified, it has been estimated that during the last 27 years the Baltic countries have lost more than one-fourth of their entire populations. Hundreds of thousands of Lithuanians, Latvians, and Estonians were murdered or died in Soviet slave-labor camps and prisons in Siberia and elsewhere in Russia. At least twenty percent of the present population of Soviet-occupied Lithuania, Latvia, and Estonia are Soviet colonists.

In his scholarly biography "Stalin's Russia," Francis B. Randall indicates that the distinguishing feature of Stalin's personality was his paranoia. We may fervently hope that the present leadership of Russia does not suffer from any such disability, and that they will come to realize that no people can long be denied their freedom. By accepting this basic reality, the Soviet Union will contribute greatly to their own stability and prosperity, as well as that of the world community. The time has come for the Soviet Union to correct the crime it committed against the Baltic nations 27 years ago.

Oil Import Legislation: H.R. 10696

EXTENSION OF REMARKS

OF

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1967

Mr. PRICE of Texas. Mr. Speaker, the sentiment being expressed here that the 90th Congress owes it to the American people and to the security of our Nation to write specific guidelines into the law limiting oil imports is greatly encouraging. I join in and support the legislation here under discussion with deep conviction that we have no other choice.

I join in sponsoring this amendment because I do not want this Nation rendered into a "have not" position as to essential energy supplies.

I do not want this Nation ever to have to go cup in hand to anybody for vital oil supplies.

I do not want this Nation ever to be in the position faced by its ally, Great Britain, dependent for its oil on hostiles.

I do not want this Nation ever to be subject to political, or economic, or military blackmail for want of oil.

Fortunately, we have a choice in the matter. If we slough off and sell out our domestic petroleum industry and place ourselves at the mercy of the Arab bloc, or Venezuela, or any foreign power, it will be by choice, not of necessity.

I do not want history to say that the 90th Congress, by failing to make a choice, abandoned our domestic oil industry in the present sea of uncertainty and confusion which will have led to its extinction as a bulwark of our security.

Mr. Speaker, I wish we had oil sands 3,000 feet thick as they have in the Middle East. I wish we had wells that would produce 200,000 barrels daily as they have in the Middle East. But we do not because the Creator did not distribute the oil as we might have.

Now, by Middle East standards, we are "oil poor." Compared to the fantastic reserves there, our domestic petroleum industry can boast of little. But I am going to stick by our oil industry, because it is the best we have. And so far it has been good enough. It has seen us successfully through two World Wars, and it has seen us and our allies through the 1956–57 Suez crisis. It stands ready to do so again, though dwarfed by Arab oil as Israel was dwarfed by Arab armies.

And I am confident that if we do not sell it out the domestic oil industry will come through in the next emergency—and who among us believes there will never be one?—just as the dwarfed Israeli army came through.

It would help, Mr. Speaker, to put into economic perspective why we have no alternative except to protect and encourage our domestic oil industry if we are to protect our position of strength as to energy. I can explain by very few figures which clearly speak for themselves.

In the Middle East and north Africa at the beginning of 1966, there were 288 billion barrels of oil reserves. During 1966, there were drilled in the Middle East and north Africa a grand total of 560 wells. By drilling of these relatively few wells, the Middle East and north Africa increased their total reserves to 268 billion barrels—a jump of 40 billion.

Mr. Speaker, they added total petroleum reserves in the Middle East and north Africa in just 1 year—1966—equivalent to the total proved reserves in the United States.

By the drilling of 560 wells, the Middle East and African oil-producing countries added 70 million barrels of new reserves for each well drilled.

How does this compare with the United States? In 1966, the domestic oil industry drilled almost 38,000 total wells. By the drilling of those total wells we added 3 billion barrels to our proved reserves. In other words, for every well drilled in the United States last year, we found and developed 80,000 barrels of new oil—compared to 70,000,000 barrels per well in the Middle East.

For every well we drilled, we found and developed one-tenth of 1 percent as much oil as was found for every well in the Middle East and Africa.

This illustrates, Mr. Speaker, why we must have effective oil import restrictions. In the jargon of the free trade advocates, we are told that the answer to import competition is to reduce costs and increase efficiency. No amount of cost reduction and efficiency seeking, however, can offset a 1,000-to-1 advantage conferred upon the Middle East by nature in the formation of those vast petroleum deposits.

Since we cannot hope to offset this almost unbelievable economic advantage by "competition," it can only be softened by reasonable and realistic limitations on oil imports. The alternative is clear and simple. They will drown us in foreign oil, extinguish our domestic petroleum industry and place our citizens and our security at the mercy of those whose misguided motives have led them even as we speak here to deny us access to that oil.

Mr. Speaker, we should welcome the denial to us of Middle East oil which we fortunately do not need, and we should say a prayer that we will never need it. But as one of our famous country preachers said, players work best when helped by the hands and the head.

The time is here when we should put our minds and hands and the resolve of this Congress to work to see to it that this Nation never has to submit to anybody's blackmail for lack of oil.

We are a country on wheels, Mr. Speaker. Without oil we would be paralyzed more than any other nation. We have the greatest military machine on earth. Without oil, no tank can roll, no plane can fly, no ship can move. No nation, anywhere, has such a stake in preventing dependence on oil beyond its control.

No nation was ever looked to, Mr. Speaker, for the leadership and strength to which the free world today looks to us. Without oil, that position of strength and leadership would evaporate, we would stand as a Samson with his locks shorn and his strength stolen away.

The Soviet Union would, in that event, remain as the only major world power with adequate oil within its own control. The Soviet Union would surely delight if this country should choose a slipshod course leading to ever-increasing dependence on foreign oil.

While on this point, Mr. Speaker, may I point out that the Soviet imports no oil. It is not going to accommodate anybody by displacing its defense-vital industries. We, on the other hand, find ourselves with import levels of 2.5 million barrels daily of foreign oil. These imports, together with the tanker charges to bring them in, and added to our foreign military oil purchase, constitute a $1.8 billion a year drain on our dollars.

No other country in the world would permit displacement of its most vital defense industry on such a scale and to the undermining of its world monetary position. It is a folly into which we have blundered in the attempt to be the world's "good egg," a role with which we have burdened ourselves, I suppose, out of political motives. It has not been done out of necessity, and we may yet rue the day that we unnecessarily and yet deliberately permitted our country to become an oil importer.

But we have passed that bridge. What we must do now is to see to it that we do not aggravate and compound the folly. We can give ourselves such assurance only by legislative action. I, therefore, urge that we take such action before it is too late—before the present administrators of the oil import program, authorized by Congress to preserve our oil security—fritter away more of that security by use of the import control program to solve all manner of social, economic, foreign policy, and "environmental" problems not related in any way to our security.

The domestic producing industry has lost all confidence that the import program, as it is today constituted, will be resolutely and firmly administered to serve its basic security purposes. The Congress has reason to share that loss of confidence.

I urge that each of us read the handwriting on the wall that has been so apparent in the sound and the fury of the conflagration in the Middle East, and that we act now to see that we are never forced to our knees for oil in any similar crisis. To that end, I urge the honorable chairman of the Committee on Ways and Means to make early business of hearings on and the consideration of this legislation.

Middle East Crisis

EXTENSION OF REMARKS

OF

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1967

Mr. BLACKBURN. Mr. Speaker, because of the concern of so many of my constituents over the recent crisis in the Middle East, I felt constrained to write the President of the United States in their behalf.

The letter which I directed to the President sets out the position of many thousands of Americans; and I insert its content in the RECORD following my remarks:

JUNE 14, 1967.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On behalf of many of my constituents in the Fourth District of Georgia, I am writing you in connection with the recent Middle East crisis.

It is the feeling of these citizens that our Nation, as the leader of the Free World, should consider it her responsibility to seek measures which will prevent a similar occurrence. The success Israel has had in her fight for national survival would be indeed shallow if another crisis is allowed to arise.

The Arab nations' refusal to recognize the inherent rights of other sovereign nations has been a primary cause of the present conflict. If a similar crisis is to be prevented, its cause must be eliminated. To this end, I urge that no further aid from this country to the Arab nations be given, unless and until those nations can grant assurance of their intention to recognize the rights of others.

Your consideration of this appeal is sincerely appreciated.

Respectfully,

BEN B. BLACKBURN,
Member of Congress.

There Must Be Some Action on District Government

EXTENSION OF REMARKS

OF

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1967

Mr. O'KONSKI. Mr. Speaker, I rise to express my support for Reorganization Plan No. 3 which will provide a better government now for the District of Columbia. I would particularly like to join with my colleagues on the District Committee from both sides of the aisle who have already announced their favorable views on the plan. I believe the plan proposes a significant opportunity to improve the effectiveness of the District of Columbia government.

It seems to me perfectly proper that this needed change of government structure is proposed as a reorganization plan. This action is being taken under the authority of the Reorganization Act of 1949, which is, after all, an act passed by the Congress. Indeed, it is an authority which has been extended by the Congress several times since its original passage. This act itself directs the presentation of plans in order to speed up the process of administrative change. The plan does not restrict the prerogatives of the substantive committees of Congress since they are perfectly free to propose separate legislation bearing directly on the substance of the plan. Thus, the District Committee, now knowing the details of the plan, can report legislation affecting any or all sections of it. Under these conditions, I believe an appropriate course of action has been taken.

Turning now to the substance of the plan, I believe that Washington can no longer afford the inefficiency and ineffectiveness inherent in a commission form of government. As a member of the District Committee, I have closely observed the efforts of the District Commissioners to improve the quality of the government offered to its citizens. Recently, the District Committee took a most important step forward in supporting these efforts when it sponsored a bill to significantly increase the amount of Federal funding available to the District. These additional resources are necessary in the battle against urban problems being waged by Washington and other large cities throughout the Nation. To make headway against these obstacles—housing, unemployment, air pollution—

requires marshaling the highest degree of financial resources of which we are capable.

Money alone, however, is not sufficient to achieve our goals. Efficient administration is equally important if funds are not to be wasted and dissipated. It is because of the urgent need for effective administration that I fully support Reorganization Plan No. 3.

As you know, the District Commissioners have divided among themselves responsibility for the District's departments and agencies, with each Commissioner responsible for certain areas. Yet, today's urban problems do not fit into rigid compartments. The crime problem, for example, with which we are all increasingly concerned, reaches out into areas such as employment and recreation, far beyond that of strictly the police department. Yet, in the District no Commissioner can be charged with responsibility for the overall crime reduction program because each Commissioner has only a part of the responsibility. It is inevitable that under these circumstances there will be overlapping, communication problems, and loss of efficiency.

The reorganization plan calls for a single responsible executive. It will be clear to the Congress and the citizens that this top administrative official will be responsible for all aspects of the fight against crime. He will clearly be in a position to make the necessary plans and decisions to carry through this effort.

I believe that there are a host of other areas, particularly those related to recent programs enacted by the Congress, such as model cities, which require much more effective administration than is now the case. The provisions of the plan which establishes a single Commissioner are vitally needed to insure that efficient administration can complement the increased financial resources which will be provided to the District. For this reason I believe plan No. 3 is urgently needed.

I would now like to turn briefly to the other major aspect of the plan, the creation of a nine-member Council. The nine-member Council will be an important move in bringing the views of the residents of the city to bear on key decisions, particularly as expressed in Council's activities in formulating the budget of the District. The three-man Board of Commissioners is obviously too small and too busy in its other duties to be able to adequately obtain the views of the city's residents. The Council, however, which is to be "broadly representative" of the community, offers a new means for the District to make known their needs and views.

The Council not only serves this vital function of citizen representation, it also is an element in bringing about increasingly efficient administration. Now the Commissioners spend a good deal of their time on rulemaking activities. Such time and effort must come at the expense of administrative effectiveness. Under the plan, the Council will be able to concentrate on quasi-judicial activities. The Commissioner will rightly be concerned with administration of the District's programs. The result will be a gain in effectiveness of both of these areas so vital to the residents of the area.

In conclusion, I believe that Reorganization Plan No. 3 offers a real opportunity to improve government in our Nation's Capital. I believe that such action should be taken at once. As I stated at the outset, if particular changes are desired in the plan, Congress should enact legislation to make such changes. In the meantime, however, let us get on with action for better government. I support the plan.

Lasting Peace and Economic Progress in the Middle East

EXTENSION OF REMARKS

OF

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1967

Mr. ROYBAL. Mr. Speaker, time will surely record these past weeks as among the most fateful and momentous in the long history of the Middle East—that ancient and strategic crossroads of civilization.

The world has watched in surprise and amazement at the brilliant and heroic action—and spectacular accomplishments—of the sons and daughters of Israel in asserting the right to full international acceptance as a sovereign equal among the community of nations, in reclaiming the most holy of its sacred religious shrines, and in showing a ready willingness to work with others to establish a firm basis for true, lasting peace and progress in the Middle East.

Both President Johnson and our distinguished U.S. Ambassador to the United Nations, Arthur Goldberg, have already begun the difficult task of initiating discussions aimed at exploring for agreed terms leading to an enduring and workable peace in this volatile area—based, as it must be, on a policy of reconciliation and mutual responsibility for developing a just, effective, and long-range settlement of all outstanding issues.

As Israel's scholarly Foreign Minister, Mr. Abba Eban, recently stated before the U.N. Security Council, we must now look "not backward to belligerency, but forward to peace."

With the cooperation of the freedom-loving nations of the world, we can begin to look beyond the present conflicts and tension toward a new, more hopeful era of greater stability—which can at last permit all the peoples of this vital region to enjoy the fruits of peace and prosperity.

As a member of the U.S. House of Representatives Committee on Foreign Affairs, and as Chairman of the Foreign Affairs Committee Special Study Mission which surveyed the Middle East last November, I have maintained a keen personal interest in American efforts to exercise a stabilizing influence and to provide international leadership to help preserve peace and promote economic, social, and political progress in these historic lands.

Mr. Speaker, I believe the following five points may serve to outline some of the essential requirements of achieving these worthy goals—for which the proud men and women of Israel have again, for the third time in 20 years, fought and risked their lives—

First, immediate attention to: Establishing an effective cease-fire respected by all parties in order to stop the tragic killing and destruction of these past days; providing emergency relief for both civilian and military victims of the fighting; and, assuring humanitarian care for and early exchange of all prisoners of war.

Second, full international recognition and acceptance of the State of Israel's right to exist as a politically independent, sovereign nation, and to live, grow, and prosper without any outside interference or harassment from any source.

Third, ironclad guarantees, backed by the great powers, and enforced by a strong United Nations or other international presence if necessary, of Israel's national security and territorial integrity, so that its borders will be protected from further encroachment and terrorist attack, and so it will have an undisputed right of passage through the Suez Canal, as well as full freedom to use the international waterway of the Gulf of Aqaba, including unchallenged access to its entrance through the narrow Strait of Tiran.

Fourth, final resolution of the twin problems—refugee resettlement and military arms limitation—that have frustrated every attempt since the 1940's to find a permanent and equitable solution to the deep-seated conflicts in the Middle East. This will require active participation, and assumption of a share of responsibility, by each of the great powers, as well as by all the parties to the dispute, and by the United Nations organization on behalf of the world community.

Fifth, a bold, new regional development programs, supported by the United States and the other economically advanced nations, in cooperation with all the Middle Eastern countries, to turn the energies of this entire area, once and for all, away from conflict and war, and toward the work of fashioning a more prosperous region—emphasizing the development of precious water and agricultural resources, the widening of their industrial base, the expansion of trade and commerce, an all-out attack on the abject poverty, disease, ignorance, and human misery which have been the fate of so many for so long, and finally, the creation of conditions of long-range stability and genuine progress toward a better way of life for all of the peoples who live in this area—the historic cradle of Western civilization.

Mr. Speaker, because of my intense personal interest in the situation in the Middle East, and the position we here in America should take toward events in that part of the world, I would like to insert in the CONGRESSIONAL RECORD at this point the text of my earlier remarks on this vital subject, which I made on May 24, 1967—nearly 2 weeks before the armed conflict erupted.

My earlier statement follows:

PEACE AND STABILITY IN THE MIDDLE EAST

Mr. ROYBAL. Mr. Speaker, an extremely dangerous crisis of worldwide proportions has developed in the Middle East—directly threatening the territorial integrity of the State of Israel, as well as its vital and basic right of access through international waters to its only outlet south to the Red Sea and the Indian Ocean.

In addition to jeopardizing the peace and security of both Israel and her neighbors in that troubled part of the globe, this grave and highly explosive situation could escalate at any moment into a general military confrontation involving the major world powers—a catastrophe the full consequences of which are difficult to imagine.

As I stated nearly 4 years ago on June 21, 1963, during an earlier period of mounting tension:

"The vital interests of all Middle Eastern countries, as well as the expressed policy of the United States, demand the maintenance of peace.

"It is essential that existing conflicts and unstable conditions not be allowed to disrupt the tranquility of this important region and risk involvement in the current struggle between East and West.

"Such a development would be an utter disaster for all concerned, and play directly into the hands of the Soviet Union.

"As one of the leaders of the free peoples of the world, the United States has a strong and vital stake in keeping peace among all the nations of the Middle East.

"It is imperative that these nations begin to concentrate their energies and the energies of their people on fashioning a more prosperous region, developing their agriculture, widening their industrial base, and expanding trade and commerce.

"In this way, peace will become a reality, and the Middle East will no longer be the fused powder keg of the world, waiting for a spark to ignite it, and threatening to involve us all in a tragic and unnecessary war."

Today, however, Mr. Speaker, we are again faced—in this strategic crossroads of the world—with a perilous situation that could erupt at any time into armed conflict.

I would like to take this opportunity to commend the President on his firm and forthright statement on the Middle Eastern crisis, and for his strong stand in support of united action by the world community to preserve and protect the peace.

The President also deserves to be commended for his clear and forceful comment regarding the purported closing of the Gulf of Aqaba to Israeli shipping in an effort to seal off the vital southern port of Eilat—Elath—as a key commercial exporting and oil importing center:

"The United States considers the gulf to be an international waterway and feels that a blockade of Israeli shipping is illegal and potentially disastrous to the cause of peace.

"The right of free, innocent passage of the international waterway is a vital interest of the international community."

I am particularly gratified that the President pledged America's wholehearted and vigorous support for a continuing United Nations presence—as a matter of fundamental importance to the peace and stability of the entire area.

There can be no doubt in anyone's mind about the meaning and intent of Mr. Johnson's unequivocal White House restatement of—

"What three Presidents have said before—that the United States is firmly committed to the support of the political independence and territorial integrity of all the nations of the area.

"The United States strongly opposes aggression by anyone in the area, in any form, overt or clandestine. This has been the policy of the United States led by four Presidents—President Truman, President Eisenhower, President Kennedy, and myself—as well as the policy of both of our political parties."

Mr. Speaker, let no one mistake or misjudge this country's firm commitment to oppose aggression and advance the cause of lasting peace in the Middle East.

A Strategy for a Livable Environment

EXTENSION OF REMARKS

OF

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1967

Mr. HANNA. Mr. Speaker, earlier this week HEW released a most enlightening and well-constructed report, "A Strategy for a Livable Environment." This report outlines many recommendations for immediate action to help eliminate the scourges of the physical environment—air, water, and noise pollution; solid wastes; crowding; radiation; traffic safety; and various other ailments. It is gratifying to note that HEW regards these problems as interrelated and urges an ecological approach in attempting to solve them.

Mr. Speaker, this is essentially the type of approach that I suggested last March in speeches before two California organizations which are very much involved with problems of environmental pollution and decay. I applaud the HEW report and will go into a deeper analysis of various specific points contained therein in the next few days.

Right now, however, I wish to summarize the report. Briefly, the primary concern of the report included identification of environmental hazards in need of current action and the creation of a system for the formulation of new goals to help combat polluting forces before they have a chance to become too irksome—like air pollution.

Looking at "total man in his total environment, rather than taking a crisis or piecemeal approach to solving problems" is a most beneficial approach and I wholeheartedly concur with the report in that recommendation. It was a recommendation I outlined earlier in the year. The report also indicates the need for developing a sort of early warning system so that we may attack problems before they become too difficult. And the report outlines items which will require new congressional authority, urging the President to transmit to Congress a "single Environmental Protection Act."

It is my fervent expectation that this HEW report will stimulate the continuing dialog on environmental problems and hope that it serves as a catalyst for farsighted congressional action. Additionally, we must strive for increasing voluntary local and State government as well as private corporation in making our environment more livable. As the report states, these problems are not isolated, but rather are all interrelated and, therefore, require an integrated and combined effort by Federal, State, local, and private interests to successfully overcome these problems.

Our thoughts and actions must not be limited to just a few of the most publicized fields: most notably air and water pollution, but rather must incorporate all the polluting and decaying forces at work in our environment.

Mr. Speaker, it is fine to come out with periodic statements that we are against various forms of pollution, but time is getting short, and action, not words, is needed.

I am very hopeful that HEW's goal of coordinating the various current programs in these areas will be effective, and that Congress will support this effort.

To add to the current congressional debate on pollution problems, I am inserting a copy of the speech I gave in March. As I suggested earlier, the following statement closely parallels the theme of a "strategy for a Living Environment." The point of both papers suggests a "strategy" in dealing with environmental problems that will be more successful than the fragmented and often fractious current approach.

I am including my statement at this point so that it may serve as an introduction to further analysis of the HEW report:

CAN MAN SURVIVE HIS ENVIRONMENT?

(Congressman RICHARD T. HANNA's Statement of March 1967)

AND THE LORD SAID

"The Lord God planted man in a garden of delight, to dress it and to tend it" (Genesis 2:15).

Apparently the Bible suggests that God answered the question "Can man survive his environment?" with a qualified yes. The qualification: if man's environment is to be a "garden of delight" he must "dress it and . . . tend it." The circumstances of our present environment vividly shows that the dictim recorded in Genesis has not been heeded.

The question "Can man survive his environment?" is a most ironical one. At first glance, one would ordinarily think I am talking about the rough and raw environment of nature. Not so. Man has demonstrated through the ages that he is able to survive quite nicely as long as nature balanced what man altered. However, for the past fifty years man, through his technology, has more and more become the master of his own environment. The question, rightly interpreted, reads "Can man survive an environment of his own making?" The answer is not an optimistic one.

The layman as well as the expert can easily detect the deteriorated conditions of the present American physical environment. Air and water pollution, increasingly choking solid wastes, crowded traffic, rising decibels of ear-shattering noise, decayed housing, disappearing open spaces and concrete canyons are some of the symptoms that characterize the advanced civilizations of 1967. Our "garden of delight" is now a weed patch of murk.

HISTORICALLY SPEAKING

Western man's present lackadaisical concern over the deterioration of his environment is historically rooted in the industrial revolution and its philosophical categoricals that have permeated men's minds and dominated men's thinking for the past two hundred years. This does not suggest that the industrial revolution has been a total evil. In fact, it has been a mixed blessing. From it, the valuable gift of technology was delivered. Next to language and social organization, technology is the most valuable attribute civilization possesses.

However, the thinking of the age following the industrial revolution can be characterised by its emphasis on economic motives. Smith, Bentham, Mill and others set the stage for specialization, division of labor, and the imperative that if everyone produced for profit all would balance in the final sum.

Concentrating on producing a product that would return a decent profit is an important aspect of our present wealth. This attitude is one of the elements responsible for our Nation's technological progress. Technological ability can often make the difference in the margin of profit.

Problems, however, resulted from this attitude. The single-minded attention to producing a profit did produce a great technology. It also, however, produced social dislocation and labor problems that have not been fully solved to this day. However, and more important, today the productive ability that our technology allowed us to produce has created over a period of time a tremendous number of environmental problems.

The entrepreneur bent on making a better detergent was not asked, according to the thinking of the era, to concern himself with the pollutants his plant dumped into the water, or his chimneys belched into the sky. He was not asked to concern himself with the quantity of his plant's solid wastes, the noise of his machinery, the esthetic effect of the plant on the neighborhood, or the crowded traffic conditions created because his plant was located next to dozens of other plants. All this he did not have to consider, and until just recently did not.

Western man's approach in the era of the industrial revolution has been to concentrate, to divide his labors. The credo ingrained in us is that the off-shoots and by-products of our work are the problems of another specialist. If no one concerns themselves with the by-product, it is unprofitable and unimportant.

One of the by-products in the pursuit of wealth has been the poisoning and deterioration of our environment. It has been a by-product that we have not concerned ourselves with. By not concerning ourselves with any of the ramifications of our technology other than those meant to produce wealth, we find ourselves in the almost farcical condition of an immensely rich Nation whose environment is a horribly unplanned by-product of the technology that produced its treasure.

THE FOUR HORSEMEN

The Four Horsemen of the Apocalypse have haunted man and provide an appropriate analogy for an examination of our neglected environment. For 70% of the American public whose day-to-day activities are within the confines of an urban megalopolis, the modern Four Horsemen are pollution, crowding, noise and deterioration. These are the modern scourges bleeding the vitality of our environment.

The first modern Horseman, pollution, is taking a number of different forms. Air pollution is presently the most dangerous. Americans choke their atmosphere with 300,000 tons of wastes each day. Thousands of deaths each year are directly attributed to the poisonous materials in the air we breathe. It has been estimated that anyone born and raised in the City of New York since the end of World War II has breathed enough poisonous air to be equivalent to smoking nine cigarettes for each day of his life.

The car is increasingly becoming the major source of air pollution. While virtually every major city has serious problems with industrial air pollution, the emissions from the exhausts of an estimated 100 million cars by 1975 will be the overwhelming source of poisonous air.

In Los Angeles, where industrial air pollution is largely being controlled, 12,500 pounds of noxious emissions in the form of nitrogen dioxide, hydrocarbons, ozone, and peroxyacyl nitrates are daily pumped into the Southern California atmosphere from the exhausts of 3.75 million area cars.

Water pollution, the President's Environmental Pollution Panel recently warned, is becoming acute. In 1965, Americans discharged into their rivers and streams enough effluents to equal the raw sewage of 50 million people. New York City hourly dumps one million pounds of untreated garbage into the Hudson River. On Lake Erie, six of thirty-two recreational swimming areas had to be closed because of pollution. In the Nation's Capitol you rarely find anyone swimming in the historic Potomac.

Each day Americans dispose of 800 million pounds of solid wastes. Some 1,420 pounds of garbage are collected yearly from each urban American. By 1980, the rate of solid waste disposal will be three times the present rate. Solid waste materials are increasingly becoming the Nation's most serious and costly pollutant. During this year the outlay for refuse collection and disposal will be $1.5 billion. However, even with this huge expenditure, less than half our cities with a population of 2,500 or more dispose of refuse by approved sanitary and nuisance-free methods.

Cesspools, industrial dumps, auto junk yards, open garbage dumps, large stockpiles of residue from stockyards, dairies, poultry and other animal farms, and other depositories of solid wastes, including our air, rivers and streams, strongly suggest a civilization that faces the almost unthinkable reality of suffocating itself in its own garbage. The Boston Herald recently printed the feelings of national frustration by saying that "a society so advanced that it can guide a space shot to the outskirts of Venus . . . still cannot find out what to do with the common day-by-day debris of living."

Air and water pollution, solid waste disposal, pesticide destruction and the myriad other forms of pollution to our environment are becoming increasingly acute despite spotty efforts at solution. Nationally, only in the last four years have we begun to concern ourselves about the effects of environmental pollution. Two air pollution control acts have been passed, a clean rivers bill is now law, in 1968 all new autos will be equipped with smog control devices that have not proven very effective, and a smattering of other local and Federal anti-pollution measures are receiving varying degrees of enforcement. We have not been successful at abating the pollution problem anywhere, let alone reducing it. In each succeeding year, despite what finally appears to be an articulate national concern, the problem of pollution becomes more acute. Our rate of spoilation is faster than our rate of solution.

Understanding the dimension and qualities of the enigma of pollution is our primary challenge. Sadly the total issue is being neglected. We have divided the problem into its many elements: air, water solids, pesticides, etc. and while we are gaining an understanding of each of the elements, no one has understanding of the problem in total. No one has an understanding of how the total problem of pollution relates to the other three modern Horsemen: noise, deterioration, and crowding. No one has a total understanding of how all the problems now existant in our environment relate to one another, effect one another, alter one another, produce one another. Until we understand that the Four Horsemen now permeating our environment must be dealt with as a whole, we will not have the success we seek by dealing with each individually. A new approach in dealing with our environmental problems is needed, and will be mentioned later. For the moment, let us continue with the outlining of the nature of the three modern Horsemen not yet discussed.

I have named the second Horseman of the modern Apocalypse, crowding. Our urban centers, a product of our technology, are analogous to a tight corset—virtually impossible to get into and equally difficult to get out of. Some interesting statistics have been developed by the Government giving us a glimpse of the crowding problems the American urbanite will face in the year 2,000.

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By the year 2,000, the population of the United States will be 300 million. This substantially increased population will be concentrated more densely than today's population. We will have the same amount of rainwater then as now, but we will need twice as much water, and one third more food. Roads will have to be constructed for three times as many cars as we now have, and there will have to be housing for an additional hundred million Americans. We will have to dispose of about five times the present 180 million pounds of solid wastes each day.

Two hundred and seventy million of the population will crowd into the cities, and the cities will occupy about 2% of the total land space in the United States. Sixty percent of the Nation's population will be concentrated in only twelve States. The questions of crowding now are critical, and if the above statistical picture is correct, no relief is in sight. Traffic jams of the future will make us long for the good old days of 1967 when during peak rush hours it only took 2½ hours to go from downtown Los Angeles to International Airport, a distance of some 15 miles.

Planning for open spaces will be tremendously more difficult than today. Roads will increasingly take up more land, jamming living and recreation areas into less space. Parking space will be at a premium and for many cities this will be disastrous. In Washington, D.C., there is no longer any room in the central city for parking lots let alone curb parking.

All social institutions, such as schools, libraries and essential public services will have to meet the much greater demand loads. Anyone now familiar with center city schools and hospitals and other public service institutions realize they are already badly overcrowded and understaffed.

No complete study has ever been prepared on what psychic effects crowding has on the individual. I am certain such a study would produce many surprises with what it tells us of the mental impact this environmental factor has.

Crowding in the urban environment has a direct relation and impact on pollution. The cause and effect is so inextricably connected, considering one without the other is an endeavor in futility.

The third modern Horseman is noise. No other by-product of our technological progress is so taken for granted. Noise has become such an integrated factor in our environment that it is the one blight most tolerated. As a result very little is known about the ramifications of or the solutions to the problem.

One certainly becomes more aware of it when a freeway is built adjacent to his back yard, or when his neighborhood becomes part of a landing pattern for DC8's and Boeing 707's. The noise in the urban environment never stops, it just varies in intensity.

The dangers, while subtle, do exist. Studies have indicated noise has an effect on human performance. Loud, distracting noise tends to make activities inefficient. Certain kinds of noise are very destructive. Sonic booms can and often break glass, shatter interior fixtures, and shake the psyche of all who hear them.

Once again, an adequate consideration of noise cannot be understood when isolated from the problem of crowding. As urban areas become more dense, the enigma of noise becomes more acute. And as an area becomes crowded and noisy the level of pollutants rises adding additional misery to an already aggravating environment. To understand the total physical environment in which most Americans now live we must continually gear our thinking to the full picture and the complex interrelationships within it. Three of those relationships have now been discussed. The fourth broad category is deterioration.

Deterioration is the fourth Horseman of the modern Apocalypse. The urban environment is breeding a center city that is now chronically suffering from physical, social and esthetic deterioration.

A casual observer can easily notice the physical decay. Slums are at the core of most cities. Urban renewal most often relocates slums rather than curing them.

In addition to physical decay the center city often suffers more acutely from inadequate educational facilities, recreational facilities, hospitals, and the other social and public services facilities. Social decay usually forces those who can pay for adequate services to the perimeter of the central city, while those unable to afford the services are crowded more densely into an increasingly less desirable environment.

Esthetic blight takes many forms. Sacrificing open spaces to roads, tasteless rows of tract housing built around a faceless suburban shopping center, traffic jams, miles of concrete parking lots, and example after example of auto and other junk yards, as well as undeveloped and ill cared for property are just a few of the esthetic sacrifices being made in order to accommodate our "progress." The idea that our architecture must conform to cold technology is at the root of the blandness and unattractiveness of much of our urban environment.

Washington, D.C. present an excellent example of what can be accomplished when tastes and values prevail over mindless expediency. Part of the Capitol was and is being carefully planned so that it will present a majestic and satisfying picture. All obstacles were overcome in achieving what has now become the famous and imposing Mall area of the City. However, little, if any, consideration was or is being given to esthetic values in the development of the rest of the City.

Few of the fifteen million visitors to Washington each year have little desire to see or spend much time outside the Mall section. With good reason! There is little or nothing to see, there is little or nothing that is appealing. In fact, the reverse is true. With the exception of a few wealthy areas, most of Washington outside the Mall is esthetically appalling.

Understanding the full nature and impact of the various forms of deterioration now evident within our environment is extremely difficult. No other factors is a complex or so directly tied to a combination of other elements in the total environmental backlash.

ECOLOGY: A WORD REDISCOVERED

In briefly reviewing the four modern blights of urban man, I have continually stressed the theme of the total interrelationship of each of these problems to one another and their combined effect upon our present and future environment. I stressed this theme because it so vividly runs so counter to the ideas and thinking that have marked Western man since the industrial revolution. As I pointed out earlier, the approach represented in thinking in components, or parts; having only a singleminded view or pursuit without concerning oneself with its ramifications, is largely responsible for the present environmental conditions.

What apparently is now needed to meet the challenge posed by our spoiled environment is a new kind of thinking. The approach I am suggesting has its roots in the science and philosophy of the Orient. Chinese science and technology originally approached the problems of men in terms of general harmony rather than dividing them into fragmented parts.

Ecology is a word that has long been in our language but has just recently been rediscovered. The word simply means putting living organisms in relation to their total environment. In 1962, before the word was common, I addressed the House of Representatives and asked the Members to put in perspective the environmental legislation that was then just first being considered. At that time, I stressed the ecological considerations.

We have not yet properly concerned ourselves with man's ecology. Granted we have passed some legislation and spent some money on attacking specific problems within the environment. But once again our approach has been divided and has paid little attention to dealing with our environment as a whole. If we can overcome the outdated notion that the problems within our environment do not fester in isolation of one another, as do segregated bacteria in a clinical laboratory, we will have taken a giant intellectual step forward.

Once we understand that pollution is related to crowding is related to noise is related to deterioration is related to pollution, and so on, we can then deal with the issue as it is, and not as we choose to break it down.

Our first step should be to determine the exact extent and nature of the entire interrelated issue. While we have specific knowledge about specific aspects of the problem, we know little about what the total impact the present environment has had on man. Do we know what kind of total environment we want? In our present rush to combat each individual problem in the environment, with little consideration for the ramifications of our solutions, are we actually going to produce the kind of environment we want?

For example, do we want all our water pure enough for drinking, or will it do to have some of it just clean enough for swimming or boating? Are we willing to sacrifice the esthetic values of some of our open spaces to relocate some industry from the central city thereby reducing crowding. There are an infinite variety of questions that can be posed—only the answers are lacking.

Our environment should be the product of our rationality, not the by-product of our technology. Our technology can and must be shaped to meet the conditions we want in our environment. Our technology has given us many tools such as systems analysis, computerization, sophisticated organizing programs and others that can be invaluable in helping determine and then realize a satisfactory physical environment.

We must understand that man must be the center point of his ecology. As natural environmental obstacles were overcome, we must overcome the environmental problems created by us and orient our environment to meet the needs of man rather than destroying him.

Our present environment presents us with a great lesson; a lesson rooted in blind history. Man will survive his environment if we have learned the lesson of considering all the ramifications of our actions before we enter into them. If we approach our present environmental problems in that context we may yet remake this earth into a "garden of delight."

Hope and Promise: Americans of Spanish Surname

EXTENSION OF REMARKS

OF

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1967

Mr. ROYBAL. Mr. Speaker, one of the largest and yet least known groups of people in the United States is made up of those with Spanish surnames. Concentrated in the Southwest, many of them are ill educated, ill housed, and ill fed.

One of the distinguished Members of this House, the Representative from Texas [Henry B. Gonzalez], told the story of these citizens of our Nation in the current issue of the American Federationist, official monthly magazine of the AFL–CIO.

Mr. Speaker, I insert this article at this point in the Record:

HOPE AND PROMISE: AMERICANS OF SPANISH SURNAME

(By Representative Henry B. Gonzalez)

If you are hungry, hope itself is a distant thing; and if you are defeated, promises of better things to come ring empty. If yours is a world of dirt floors and tin roofs, tomorrow holds no promises and your greatest ambition is to live through today. For 5 million Americans of Spanish surname, all too many live in such a world, far removed from the American dream.

Wherever there are people who are poor, there is tragic waste. The poor lead short lives and their hopes and dreams prove illusory. Society has never cared much about the poor because they have always been there, and there has never been much reason to believe that poverty could be or even should be eradicated. Somehow society decided, by and large, that a poor man is poor only because of his own failure and that he deserves his fate.

But in recent years there has been a happy change in this old attitude. We have realized that, in fact, the American dream is not open to everyone; we have been able to understand the terrible waste of poverty and that it can be ended. We have come to realize that some men are poor because society has denied them the chance to be anything else and that the poor should not and need not be despised and forgotten.

We have begun to try to find out why men are poor and what can be done about it. We have started to seek ways and means of giving poor men more in life besides a determination to survive against high odds.

One of the biggest and least known groups of poor people is concentrated in the Southwest. Only one-sixth of the population of this country lives in the five southwestern states, but one-fourth of America's poor live there. In Texas alone, there are 63 counties—a quarter of the state's total—where half the people live on incomes of less than $3,000 a year.

In Bexar County, which I represent in Congress, more than a fourth of the population is classified as poor; 115,000 people there live in substandard housing. The overwhelming number of these ill-housed, ill-clad, ill-fed people are of Spanish surname.

The official rate of unemployment in Bexar County is usually about 4 percent; but for the poor, for the Spanish-surnamed, it is twice that. The average educational attainment of the county population is 11 grades, but for the Spanish-surnamed it is half that.

In the poor areas of the city of San Antonio, where most of the Spanish-surnamed population lives, the Department of Labor estimates that half of the people who are employed earn less than $60 a week. Of those who work and who live in this poor part of the city, 20 percent work part-time only. The pattern in Bexar County is repeated again and again throughout the Southwest.

Seventy percent of the unemployed slum-dwellers of San Antonio in November of 1966 did not have a high school education. Forty-eight percent of them did not even have an eighth grade education. And 6.5 percent of the unemployed in the slums never went to school at all.

These people know all too well what their handicaps are; they know that even when opportunity comes along they do not have the education or the skills to take advantage of it. They need help and they usually want it.

They have not necessarily failed society; society may have failed them.

Despite our knowledge of all this, the schools are still turning out people who lack marketable skills or even a good education. All too often in the Southwest, children of Spanish surname emerge from school illiterate in English as well as Spanish, and whose time and talents have been squandered, whose ambitions have been blunted and shorn away and who see in the future only an unskilled job, a tiny paycheck if any at all, and blessed relief in the neighborhood tavern.

Wherein lies the fault? What must or what can be done to arouse hopes, to build dreams and to bring into the realm of possible achievement the ambitions for tomorrow. Moreover, how are we to attack this problem which, in fact, we can understand only dimly? What should society set as its goals and what goals should the poor set for themselves? What should be the dream of the American of Spanish surname who finds himself trapped by discrimination, by poor education and by a poverty so abject that tomorrow is made too far away to see?

The Spanish-surnamed American has a unique problem and it demands unique action.

In the first place, there is the problem of definition. There is not even a generally accepted name for this minority group. Americans of Spanish surname are called Mexicans, Mexicanos, Latins, Latinos, Latin Americans, Mexican Americans and Hispanic Americans; not one of these labels is accepted everywhere. A name accepted in one place is enough to produce violence elsewhere.

I prefer to think of the group as Americans of Spanish surname because, after all, they are Americans and they all have Spanish surnames. Any other label would be inadequate because this group has such diverse origins. Some were born here and some have immigrated only recently. Some come from families that have lived in the Southwest for more than 200 years and are of Spanish descent. Others have origins in Mexico or parentage ranging from Indian tribes to English gentry. There is no term, perhaps even one so tentlike as Spanish-surnamed American, that adequately describes a group so conglomerate as this.

This group of people is so scattered about the land and so disparate in its origins that it has problems defining itself, just as the government has problems in defining it. No matter what you call this vast number of people, there is no doubt about one thing: they have common problems.

We can understand what the problems are, at least vaguely, by reciting the tragic statistics of poverty, unemployment, sickness and illiteracy, but these are only the tangible aspects of the matter and give us no real understanding of the political and psychic problems of the Spanish-surnamed American.

The Spanish-surnamed American group has problems in setting forth cogent goals, just as it does in finding an all-inclusive label. The group possesses no single program, no national goals and has not so far been able to coalesce into a single, meaningful whole, capable of speaking with a united voice. There is no national organization of Spanish-surnamed Americans that could be considered comparable to the NAACP.

There are organizations that consider themselves national and which, indeed, have members in several states, but not one of these has a full-time paid executive or staff devoted to looking out for its interests, defining problems, setting goals and otherwise acting as an effective national spokesman. There is always the possibility that a truly national and effective organization will come about, but there is no such group now. There have been many attempts to create a national organization, but they have failed for one reason or another: the time has been wrong, the leadership ineffective or a combination of problems has barred the way, preventing effective political organization of this far-flung minority.

I think this situation is both cause and result. There is no national organization because there is no national goal; and there is no goal because there is no agreement on so elemental a thing as what this conglomeration of people should call itself. Lacking cohesiveness, the group cannot establish goals; and lacking goals, it cannot bind itself together.

The Spanish-surnamed American is unique from other minorities in still other ways. His is not a single origin. He has come from different places, at different times and for different reasons. He is different from other immigrant groups because his homeland, his mother country, is not across the sea. There is no ocean between his cultural home of Mexico and America; Mexico is but a short drive away.

There are everywhere Spanish language movies, television stations and radio stations and Spanish is spoken throughout the Southwest. Up until 1957, there was a Spanish language daily newspaper in San Antonio and even today the daily papers carry sections printed in Spanish. In the Southwest, even the dominant Anglo community strives to preserve the culture of Mexico and Spain because it gives the area a certain charm and a cosmopolitan air that cannot be found elsewhere.

The result is that we have in the Southwest a community that is distinctly foreign and yet American; we have a group that is cast aside and discriminated against because it is foreign and different; and yet it is a group whose culture the majority find powerfully attractive. It is a group that the dominant Anglos have taken from and whose culture they would preserve, but which they discriminate against because of its foreign nature.

Here is a minority drawn between the powerful forces of conflict, the one demanding a preservation of its art, music, culture, language, architecture and dress; and the other telling it to get Anglicized or lose out in the race of life.

For if a man stays within his cultural minority and retains its customs, he has little chance to succeed in a world which expects him to adopt its ways. He cannot get a job with only Spanish as a language and he cannot expect anything but animosity if he fails to adopt the ways of the majority. So, caught between the powerful forces demanding assimilation and a tightly-knit and kept-minority status, assailed by demands to Anglicize and appeals for staying "foreign," the Spanish-surnamed American is attempting to find a modus vivendi—a way to live somewhere between the intolerable extremes.

The most crucial issue confronting any minority group is whether it should attempt to preserve itself as a cohesive and well-defined culture, or whether it should disband and its members assimilate into the majority, losing their cultural identity. Either a minority lives together, speaks its own language, maintains its own way of life, or it must break up and be absorbed into the community at large. In the case of the Spanish-surnamed American minority, there has been no decision.

In Africa, there has been considerable experience in decision-making of this kind. When the Europeans colonized Africa, they expected the Africans to adopt European languages and customs. Sometimes force would be used to break up traditional ways of life. For instance, to establish a mining operation in Katanga, the Belgians had to get Africans to change from hunters and farmers into industrial workers, a change which meant moving from a primitive life into the discipline of a complicated industrial order.

Changes like these are jarring and did not come easily, and the process was repeated time and again. New values were imposed on Africa, new languages, new governments and new boundaries. All of this meant hard choices for those who had to abandon their culture and among the Basuto people there is this proverb:

"If a man does away with his traditional way of living and throws away his good customs, he had first better be certain that he has something of value to replace them."

This is the dilemma every minority must face, Eric Hoffer, writing in his work, "The True Believer," put the problem in these words:

"A minority is in a precarious position, however protected it be by law or force. The frustration engendered by the unavoidable sense of insecurity is less intense in a minority intent on preserving its identity than in one bent on assimilating with the majority. A minority which preserves its identity is inevitably a compact whole which shelters the individual, gives him a sense of belonging and immunizes him against frustration. On the other hand, in a minority bent on assimilation, the individual stands alone, pitted against prejudice and discrimination. He is also burdened with a sense of guilt, however vague, of a renegade."

If the man with a Spanish surname elects to stay within his group, he can be sure that he has friends and he can be certain of having a place to go. But if he elects to compete with the majority on its own terms, then he must abandon all of this and he becomes an outsider both to his own group and to the majority. He has abandoned the one and is seeking to invade the other.

The choice facing the Spanish-surnamed American is not an easy one and it is only natural that he is seeking some middle way between maintaining a cultural entity that binds him to remaining outside the pale and rejecting everything in the hope of finding success in a hostile world. It is too much to expect that the group as a whole will make a decision on whether to take one part or the other, because the choices are so painful and radical that few men even care to contemplate them. The decisions must be made by individuals, alone and unaided, and it will take a long time to know the end result of their actions.

So the Spanish-surnamed minority, imbued with special circumstances, endowed with a rich and strong culture, and given a much to be desired and beautiful language, must decide, each and every one: is it best to keep what I have and love, and follow a way of life inherited from my father, or leave it all. It is a cruel choice and not one that many men will make willingly and most men will make no choice at all.

It is the responsibility of the majority to permit the minority to make its own decisions about what it will do. It is cruel and unthinkable to suppress or eradicate a culture in hopes of speedily eradicating the cruel dilemma of the Spanish-surnamed or other "alien" poor.

A culture is too precious a thing to destroy; it must be permitted to make its own contribution to society, especially one like ours. For Americans are many things and that is the secret of our strength. It would be a mistake to think that the diversity which the Spanish-surnamed people offer is anything other than a potential gift to our already rich heritage.

Educators especially must be aware of the problems facing the Spanish-surnamed. For it is the schools which are the first front in the war on poverty. It is the schools which turn out men and women who are either equipped for life or are not.

In the case of the Spanish-surnamed, the schools have been failing. Instead of leaving school well-equipped to face life, the Spanish-surnamed have been leaving school in droves because it offers nothing to meet their needs and these children have been finding that the dubious choice of no education at all is better than one which is meaningless.

Educators, happily, are beginning to understand this and do something about it. They realize that the child who enters school the first day represents a promise and their responsibility as teachers is to turn that promising child into a successful adult.

Up until now, though, the sad fact is that the schools have been losing the promise of the Spanish-surnamed child somewhere between the first grade and high school graduation; and all too many do not stay around long enough to finish high school because of it.

I do not believe that it is the place of the schools to force a choice of cultures on children or suppress their native heritage. Great injury is done whenever this is attempted and we know this all too well. In our history, the schools have ignored the achievements of the Negro and have presented him as a problem and a blight on society while ignoring his considerable achievements and contributions. Belatedly, this is changing. It is a mistake which should not be repeated with the Spanish-surnamed American, for he also has his heroes and he also has played a part in our history that cannot be overlooked. He lives and he exists and he knows it and the textbooks must recognize this fact; nothing left out of the books will eliminate what is real.

I believe the schools must make an effort to capitalize on the special talents and attributes of the Spanish-surnamed American. This will make his education meaningful and will do more than anything else to help him realize his full potential. His special educational problems need to be solved and his assets refined. After all of this is done, he will be ready to decide which way to go and what life to lead.

I believe that, more than anything else, improved educational opportunity will help the Spanish-surnamed American find his place in society and make his best contribution to it. From this will flow hope, ambition and the skill to realize it. Without better education, hopes kindled by the war on poverty will be shortlived and the promises made can never be turned into realities.

Everyone who knows about the Spanish-surnamed community knows that its condition is one of poverty, even abject poverty. They ask why, in the midst of all this misery, is there not more restlessness, more revolt? The answers are at once simple and complex. Simple because poverty and misery do not necessarily breed revolt; complex because this group is complex.

If a man is so poor that he must struggle to earn his daily bread, he probably does not have much time to conjure up visions of better things. His concern is whether he can eat today, not whether he can eat next week. His consuming passion is whether he can scrape up enough to pay the rent next week or the school fees to keep his child enrolled or keep the gas from being cut off.

His horizon is limited by the necessity of staying alive and his dreams, if he has any, will be of a good meal and a new pair of shoes. His future is so far away that he dares not think of it; it may be too grim.

Hoffer has written, "where people toil from sunrise to sunset for a bare living, they nurse no grievances and dream no dreams" and how right he is.

On the other hand, if a man lives in what you might call a state of bearable misery, he is free to see a little longer into the future and he can begin to think about a better way of life.

When a man's condition is improved to the point that he can see the ideal life ahead, he becomes restless with what he has and strives for tomorrow. For him, the present is not a happy time because the future, if he can but grasp it, is what will bring happiness.

Alexis de Tocqueville observed: "A grievance is most poignant just before it is redressed." The taste of better things is what breeds discontent and fires ambition.

The Spanish-surnamed community has, by and large, been so submerged in misery that hope has been too far away to fire many dreams. This may be changing. I believe the campaign against poverty will, in fact, give large numbers of people that essential taste of better things and lead to rising expectations.

I do not view the future as hopeless. It may be that the Spanish-surnamed community today is filled with poor and even some hopeless people but, after all, it was just such people who came to this country and filled it up and just such people who have given our land its strength and wealth. It was not successful people who came to these shores, but people who had failed elsewhere. They were driven here and they made this a mighty land. They had nothing to lose and everything to gain. This is still true. These poor people who today suffer innumerable and complicated problems and ills, and whose burdens we cannot imagine, will one day rise up and build for themselves a new world and, for all of us, a new Southwest.

In numberless southwestern shacks with tin roofs and dirt floors, along forgotten streets without water lines, in a world without comfort, is a people who have hope for tomorrow and one day they will claim it. Then ours will be a new and better world because these folk will have given their splendid best.

Representative W. R. (Bob) Poage Explains Why Fair and Equitable Farm Policies Are Necessary

EXTENSION OF REMARKS

OF

HON. PAUL C. JONES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1967

Mr. JONES of Missouri. Mr. Speaker, I have requested permission to extend my remarks and to include the text of an address given by our colleague, the Honorable W. R. (BOB) POAGE, distinguished chairman of the House Committee on Agriculture, at the annual convention of the National Plant Food Institute, held the past weekend at White Sulphur Springs, W. Va., because I feel that not only every Member of Congress, but as many of our citizens as possible, should have the opportunity to know and to better understand the work, the problems, and the needs of agriculture.

While I may be prejudiced, Mr. Speaker, because of my close association with Chairman POAGE over the past 16 years that I have served with him on the House Committee on Agriculture, it is my honest opinion that BOB POAGE is the best informed person in this Nation when it comes to the consideration of agricultural problems, including the agricultural economics of the world. And, unless one can understand the problem, including specifically its causes, he is in a poor position to prescribe a cure.

When Chairman POAGE calls our attention to the fact that "prices received by farmers have this spring dropped to the lowest level in 33 years," and that the parity ratio now stands at the lowest figure for any month since 1934. I think it is time for the consuming public to understand that "Broke farmers cannot continue to produce our present abundance, much less increase production."

Throughout the length and breadth of this land Chairman POAGE has been carrying his message to the consumers, and I have the same objective in making a part of my remarks, the address given by Congressman POAGE:

REMARKS OF CONGRESSMAN W. R. (BOB) POAGE (D-TEX.), CHAIRMAN, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, BEFORE THE NATIONAL PLANT FOOD INSTITUTE, WHITE SULPHUR SPRINGS, W. VA., JUNE 12, 1967

Some hundreds of years before the birth of Christ, a man named Aesop told a little story about a dog and a bone. The dog with the bone in its mouth was crossing a stream and saw the reflection of the larger bone in the water, and he lost the bone he had, he lost the substance while grasping for a shadow. The lesson of the Aesop fable is just as true today, probably more applicable today, in many aspects of our national life. We seem to doubt and neglect and drop those things that have made us a great people, and to reach for shadows.

But this morning I want to talk about only one aspect of what is going on in this country. This is about our Nation's agriculture. And I cannot do this without talking about you—you people in the plant food industry.

I am grateful to you for the opportunity. Since I became Chairman of the Agriculture Committee of the House of Representatives in Washington a few months ago I have felt that I had a special responsibility to present the farmers' case to the people of our country. I have spoken in New York City, in Houston, in Denver, in Florida, in Arkansas, in Louisville, and in Phoenix, and in other localities, saying about the same thing I'm going to say to you this morning.

But first I want to commend the plant food industry for the contribution you have made to the creation of food and fiber abundance in this great Nation of ours.

Moreover, I want further to praise this industry for the service you have rendered our farmers during years when agriculture generally has been subjected to a vicious cost-price squeeze at times when the remainder of the economy was enjoying unprecedented prosperity.

The country is entitled to know what you have done.

You have held your prices down. You have made a proud record of partnership with the farmer in his trying years.

Last week in gathering my notes for this appearance before you, I telephoned the Department of Agriculture and asked some specific questions. I was told that since 1932 fertilizer prices to farmers have increased only 52 percent. From the farmer's standpoint that is just 52 percent too much, but no other major item used by farmers in producing our food and fiber has increased so little in price. In comparison, during these last 35 years, the cost of farm machinery has jumped 213 percent, the costs of motor vehicles used in agriculture are up 242 percent, and farm building and fencing materials have gone up by 216 percent.

And I was happy, in the Department's response to another question, to learn that by the wise pricing policies you have followed, favoring our farmers, you too have profited. I was told that in 1932 your industry sold only $110 *million* worth of fertilizer to farmers, while last year, in 1966, you sold farmers $1,765,000,000 worth of fertilizer.

You have helped our farmers master the arts of abundance. But in performing his miracles and blessing this country with plenty, and in feeding hungry people over a large part of the world, our farmers have *not* done so well. They now are in desperate circumstances again.

This is where we get back to the dog and the bone. This is what I want to talk to you about.

Many people out to get votes in elections have read the census figures which show a steady increase in our urban population. They have too often decided that the way to get these city votes is to promise lower prices on food and fiber. Conversely, interest in the farmer, who produces the food and the fiber, is diminishing, and every decision of our Supreme Court, and every redistricting act of our State Legislatures forced by the Court tends to reduce the political influence of our farm people.

I, too, am interested in the well-being of consumers. A part of the City of Fort Worth has just been put in the District I represent, and I have long represented the 100,000 people of the City of Waco. But the trend of things raises a question which troubles me. A solid and prosperous agriculture is the substance, it is the bone, of the economy and well-being of this Nation. Are our politicians, since the size of the farmer vote has diminished now, in grasping for shadows of consumer favors and approbation, neglecting the ability of our farm people to continue to produce abundantly? If this is so, then the consumer as well as the farmer will suffer.

Let us consider one or two terribly disturbing facts.

Prices received by farmers have this spring dropped to the lowest level in 33 years, in relation to the rest of the economy.

These prices dropped 10 percent between last August, 1966, and April, 1967. This is the most severe drop in my recollection. The parity ratio dipped in April to 72 percent, and now stands at the lowest figure for any month since 1934.

In other words, the prices farmers received in April, in relation to the prices of things they must buy to produce their crops and livestock and to live on the farm, are right now at the lowest point in 33 years. Meanwhile, during the past 20 years the hourly earnings of industrial workers have increased by 123 percent and corporate dividends are up 232 percent. During the same period the average of farm prices is actually down 11 percent . . . that is, you heard me correctly, actual prices received by farmers in the marketplaces in April were 11 percent lower than the prices for a similar number of pounds, bushels or bales 20 years ago—in 1947.

Wheat, *including* the value of certificates under the wheat program, now returns the farmer $2.14 a bushel, compared with $2.29 a bushel the farmer received in 1947; corn now brings $1.26, compared with $2.16 twenty years ago; and cotton, *including* the government subsidy, has been bringing the farmer about 28 cents a pound, while in 1947 the price was about 32 cents.

I have been using every opportunity I have had since January to get out over the country to tell consumers, to tell everyone who would listen, that we simply cannot afford to let this condition continue. I think it is clear that our country and our world may soon need increased production. My message and my warning is this:

Broke farmers cannot continue to produce our present abundance, much less increase production.

Prices now paid to farmers are not sufficient to bring to and hold in agriculture the resources—people, land, plant foods and chemicals, machinery and other productive aids of science—to support the efficiencies essential to maintain abundant production.

Consumers in this Nation should understand that we might well be short of food at this very moment if our farmers had to depend solely on prices received in the marketplaces and if these prices in terms of parity with other prices had been as low in all the years since 1940 as they are today.

We have the greatest agricultural plant on earth, we have mastered the arts of food and fiber abundance. This did not just happen here. It came about because of the kind of people we have on our farms and because for a few years from 1942 through 1952, we did pay these people parity prices, and our farmer used this parity income to build the farm plant which is now turning out the miracles of plenty.

In December, I visited India, at the request of the President. I found, as we all know, that India suffers both from chronic and from a drought-induced shortage of food. From my firsthand studies in this hungry country, I am convinced that, basically, India cannot feed herself because her peasant farmers are unable to buy the fertilizer, the machinery, the improved seeds, the insecticides, etc., which they should use.

I mentioned earlier that I called the Department of Agriculture to get some facts and figures, as I was putting together my notes for this appearance before you. I got the Department to develop some figures on the use of inorganic fertilizer in the United States and in India, and to relate this to the population. The answer I got might tell the story in the shortest possible way why America is a land of plenty and India is near starvation.

In the United States farmers used in 1966 126 pounds of fertilizer for each person in the United States. In India the use of fertilizer in producing crops was a woeful 3.3 pounds per person.

Indeed, these figures tell the difference between plentiful food here and starvation in other areas of the world. They should tell you people also that yours is probably the most important industry in the world, and it is growing more important every day as exploding populations increase the demand for food and fiber the world over. The opportunities of your industry, its challenge, are tremendous.

The Indian peasants are not as ignorant as many of us suppose them to be. Many know what they could do to increase the productivity of their land, but without substantially higher prices for what they do produce they cannot buy those inputs that they realize are needed to increase productivity.

The policy of the Indian Government has been to hold down the price of cereals, with the thought that this would help their consuming masses.

This policy, which is not unlike the policy of governments in many underdeveloped, undernourished nations, has suppressed the incentive, and the ability, to produce abundantly. Their people go hungry.

I look at India, and I wonder about my own country.

Something occurred last year that frightened me. In mid-1966 when prices farmers receive for some of the food they produce advanced moderately, and prices at the grocery store got higher, a great hue and cry went up from consumers. Boycotts of grocery establishments were organized across the country. Housewives carried placards. Farmers were condemned for high food costs.

All this happened in the Year 1966, when prices farmers were getting for what they produced were substantially below what they got 20 years ago. And all this happened in a year when our people were buying their food for a smaller part of their income than any people anywhere, ever before, in all history.

Have we come to the place where people are unwilling to pay the farmer a fair price for what we eat? Was that the meaning of the housewives' demonstrations last year, and is this reflected in the level of farm prices today?

This concerns me deeply. It should concern those Members of Congress who represent urban constituencies as well as those who represent rural areas. I'm wondering how long we can continue to produce an abundance of food and fiber for our own people, not to mention food for starving populations abroad, if we do not act firmly to establish reasonable rewards for the people in agriculture who grow that food and those fibers—rewards comparable with the rewards of those engaged in other undertakings in our free enterprise economy. If we do not we are certain to see an even greater and continuing movement from the farm to what appears to be the greater security of the public assistance rolls of our cities.

Incentive is the key to abundance. It is the secret of free enterprise. Our people in the cities must know that this is as true on the farm as it is in the factory in the city. When I was in India I could not help but wonder how that underdeveloped nation might flourish if it would import our system of free enterprise. I cannot now but wonder what will happen in our own country if the incentives of potential profit in our free enterprise agriculture should vanish.

A central message I am trying to make clear here is that the productivity of agriculture is not now effectively limited by lack of technical knowledge, but that, unless as a nation we act wisely, this productivity may be severely circumscribed by economics, by the cost of applying this knowledge and the inability of our remaining farmers, with their poor prices, to meet this cost. In the future, low prices definitely will limit the productivity of agriculture.

The farmers' message must be directed to consumers. I think consumers will listen to our appeal on two grounds.

First, Americans are fair. They believe in letting everyone earn a reasonably good living. Look at their attitude toward wages. Most everybody knows that wages are by far the largest single factor in the rising cost of living, but almost all Americans agree that the wage earner should have a fair return for his labor. It took many years, and it took a lot of work, to get this understanding over to the American public. Agricultural producers have not presented their case nearly so effectively as has organized labor. Understanding of the farmers' problems does not, of itself, assure a solution. But I know that no solution is going to be forthcoming until we get this understanding.

Second, I think consumers will listen because it is in their self-interest to keep farmers producing abundantly. Certainly it is much better for consumers to have an assured and continuingly abundant supply of food and to pay fair prices for it than it is to have an over-supply at low prices for a time and then a shortage and skyrocketing prices while we go through readjustment.

So, I repeat, our effort must be to make consumers understand that our whole food supply will be endangered if we do not restore to agriculture prices which will enable our farmers to stay in business and produce abundantly.

The ultimate decisions will be made in the cities.

Ours is a democracy and the masses of our people now live in the cities, and as we seek remedies to insure continued abundance at reasonable prices we must recognize that the political power of our farm and ranch people has diminished. Henceforward, farmers must depend upon Members of Congress and upon administrators representing urban constituencies and populations for approval of farm policies which are fair and equitable.

This is why I am taking advantage of every opportunity to present the picture to city people and to ask their understanding and cooperation. I am here today because I want your help—the help of you people in the plant food industry—in delivering the message. I want you to help me tell the people in the cities that all of us will suffer, if we fail to understand the work, the problems and the needs of agriculture.

I know you will help me tell the country that this is a land of plenty and that we want to keep it that way.

SENATE

Friday, June 16, 1967

(Legislative day of Monday, June 12, 1967)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, who art the hope of all the ends of the earth and the light of all our seeing, help us who grope in the darkness of earth's dim ways to remember that even the shadows themselves are born of light.

Thou hast made us in Thine image and likeness and hast implanted within us desires which the material world can never satisfy. We are conscious that Thou needest no sacrifice our hands can bring nor any offering our lips can frame; but because we live in Thy world and share Thy bounty, because we breathe Thine air and Thy power sustains us, because Thy goodness preserves us and Thy love blesses us continually, we praise and magnify Thy glorious name.

Create within us a clean heart. Renew within us a right spirit. Lead us, in the stress and strain of this new day, to the sources of strength and victory, to the green pastures and still waters of Thine enabling grace.

For Thy name's sake. Amen.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on June 14, 1967, the President had approved and signed the following acts:

S. 65. An act for the relief of Dr. Miguel Alberto Rojas-Machado;

S. 130. An act for the relief of Dr. Maria Yolanda Rafaela Miranda y Monteagudo;

S. 131. An act for the relief of Dr. Julio Valdes-Rodriguez;

S. 133. An act for the relief of Dr. Hector Jesus Sanchez-Hernandez;

S. 134. An act for the relief of Dr. Rafael A. Penalver;

S. 135. An act for the relief of Dr. Hilario Anido-Fragulo;

S. 165. An act for the relief of Dr. Ramon Baez Hernandez;

S. 167. An act for the relief of Dr. Anselmo S. Alvarez-Gomez;

S. 173. An act for the relief of Dr. Luis G. Dediot;

S. 175. An act for the relief of Dr. Sherif Shafey;

S. 439. An act for the relief of Dr. Rafael Jacinto Nobo y Pividal (Rafael Nobo); and

S. 501. An act for the relief of Dr. Fernando O. Garcia-Hernandez.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the joint resolution (S.J. Res. 81) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H.R. 834. An act to amend section 5 of the act of February 11, 1929, to remove the dollar limit on the authority of the Board of Commissioners of the District of Columbia to settle claims of the District of Columbia in escheat cases;

H.R. 1526. An act for the relief of Cecil A. Rhodes;

H.R. 2048. An act for the relief of William John Masterton and Louis Vincent Manne; and

H.R. 4445. An act for the relief of Aurex Corp.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the Journal of the proceedings of Wednesday, June 14, 1967, and Thursday, June 15, 1967, was approved.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 144 Leg.]

Aiken
Allott
Anderson
Baker
Bartlett
Bayh
Bennett
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Griffin
Gruening
Hansen
Hart
Hartke
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hollings
Hruska
Jackson
Javits
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Mundt
Murphy
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Scott
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. BYRD of West Virginia. I announce that the Senator from Hawaii [Mr. Inouye] and the Senator from North Carolina [Mr. Jordan] are absent because of illness.

I also announce that the Senator from Oklahoma [Mr. Harris] and the Senator from Minnesota [Mr. McCarthy], are necessarily absent.

The PRESIDING OFFICER (Mr. Mondale in the chair). A quorum is present.

THE DODD CENSURE RESOLUTION

The Senate resumed the consideration of the resolution (S. Res. 112) relative to censure of Senator Thomas J. Dodd.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Louisiana [Mr. Long] not be recognized at this time but that he be recognized immediately following the remarks to be made by the distinguished Senator from Iowa [Mr. Miller].

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Iowa [Mr. Miller] may be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. Mr. President, without having this request taken from my time, I ask unanimous consent that the Senator from Connecticut [Mr. Dodd] be recognized for a brief statement before I go into my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will be in order.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I wish to direct my remarks to the majority leader and to the minority leader, as well.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order.

Mr. DODD. Mr. President, I had stated to the Presiding Officer that I want particularly to address my remarks to the majority leader and the minority leader. I know that it has been agreed we would meet tomorrow, Saturday. I have been up nearly every night, sometimes almost all night, the last few days. I do not know how far we will get today, but I would appreciate it if I could have some time over the weekend, particularly tomorrow, to prepare myself for what I hope will be my final plea or speech to the Senate.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DODD. I yield.

ORDER FOR RECESS UNTIL MONDAY AT 10 A.M.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Connecticut has broached this question with the joint leadership. We will, of course, abide by the Senator's desire and not meet tomorrow. We understand the difficulties under which the Senator has been laboring. We would hope that the Senate would understand the reason for modifying the previous announcement and for announcing now that there will not be a Saturday session.

Mr. President, I ask unanimous consent at this time that when the Senate completes its business today, it stand in recess until 10 o'clock Monday morning next and that the previous recess order be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. Mr. President, I ask unanimous consent that I may yield to the distinguished minority leader without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DIRKSEN. Mr. President, I am thoroughly sensible of the fact that the distinguished Senator from Connecticut has actually been his own defense counsel here for 3 days, and it is a very considerable chore to keep himself prepared from day to day. It is assumed, of course, that he probably will have some final remarks to address to the Senate and those he cannot take off the top of his head. He has to have time to meditate and make preparation.

I concur in the action of the majority leader in vacating the order, so that there will be time for the Senator from Connecticut to finalize his defense. I am glad to assent to that request.

Mr. MILLER. Mr. President, at this stage of the proceeding, there are certain points which concern me and which, I believe, probably concern a number of my colleagues. In fairness, I think they should be stated now in order to give the Senator from Connecticut and the Senator from Louisiana, and also the members of the Ethics Committee, an opportunity to comment on them.

First, I believe the chairman of the committee has made it clear that we are not deliberating the ethics of testimonial and campaign fund events, as such. Rather, we are deliberating the use of the proceeds or some of the proceeds from these events, taking into account all of the circumstances surrounding them, and the committee's conclusion that in the case before us there was an adverse impact on the public trust and confidence which has cast an unfavorable reflection on the Senate as a whole. In this connection, it appears that this is not a question of shaking the public trust and confidence of the people of Connecticut, but rather of public confidence of the country as a whole.

Mr. LAUSCHE. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). The Senate will be in order.

Mr. MILLER. Mr. President, second, the defense has been raised that the personal use of money raised at these events is commonplace and generally understood in the State of Connecticut. It would seem, however, that, assuming this proposition to be true, such personal use might not be generally understood in all or most of the other States. Accordingly, it would seem that we are faced with a proposition of whether—assuming, as I said, the fact is that such use of money has been generally understood in the State of Connecticut—whether the ethical standards of one State shall be permitted to set the standards for all of the other States. In this connection, a related question would be whether the ethical standards in one congressional district are to set the pattern for all of the other congressional districts of the country.

Third, from what I have said, it would seem that the word of our colleague is not necessarily called into question. He has stated on this floor that he genuinely believed he had a right to use the funds from these fundraising events for his own personal use. But the mere fact that he so believed does not necessarily mean that such use of the money has not reflected unfavorably on the Senate. It seems that we must satisfy ourselves on the proposition whether or not public opinion in each of our States is bound to condone the use of $28,000 for payment of income tax and some $9,400 for extensive repairs on a personal home, for example, just because our colleague genuinely believed this was proper and just because such use is regarded as proper by the general public of the State of Connecticut in general and a large proportion of those who made donations in particular.

Fourth, it has been alleged that the dinner sponsors understood that personal use of the money would be one of the results. However, this does not substantiate the allegation that the general public of the State of Connecticut had such an understanding, especially in light of the press reports covering the events. And by the "general public," I am not referring to those making donations, but to the general voting public. We must ask ourselves whether it is good for the reputation of the Senate to permit the general voting public to believe that there is a campaign fund activity when, in point of fact, there was a substantial use of the funds to pay income taxes and pay for repairs on a personal home. We must ask ourselves whether it is harmful to the Senate's reputation for solicitation letters to be mailed out, referring to a campaign deficit, with the solicitor and the officeholder himself believing that such personal use of some of the proceeds is proper.

Fifth, the indebtedness of $150,000 which our colleague found himself saddled with as a result of the 1956 and 1958 campaigns may explain what was done, but would it necessarily excuse what was done? We must ask ourselves whether, if this should excuse what was done, it would place a stamp of approval on what would appear to be rather flagrant personal fiscal irresponsibility. Would we, in effect, be saying to opposing candidates for political office that winning an election overrides considerations of cost, the bankruptcy of a family, the possibility of being plagued with debts and temptations while serving in office. And, I think it might be recognized that if one of the two opposing candidates refuses to follow such a "Win at any price" philosophy he is likely to lose.

Sixth, as was brought out quite clearly yesterday, this does not seem to be only a question of legality or illegality, nor of rules and regulations or the lack of rules and regulations. Indeed, that is why this case was referred to the Ethics Committee in the first place.

Seventh, a point has been made by the committee that our colleague followed the advice of his accountant in treating $6,000 used for income tax payments on one occasion as a loan from the campaign fund in the face of his contention that he thought he had a right to use the money as he saw fit. However, it would seem that this could be regarded as action resulting from income tax advice on a very technical point of tax law, standing as an isolated transaction, and, therefore, would not necessarily rebut the credibility of our colleague. Moreover, as I have previously pointed out, this is not necessarily a case of credibility.

Finally, what I have been saying relates to the first charge. With respect to the second charge of double billing, I find it difficult to understand why the committee did not appear to take into account as an offset the nonreimbursed trip expenses. I would appreciate a comment on this point. Moreover, the defense has been that this charge seems to rise or fall on whether to believe our colleague or to believe one of his discredited former employees. If this is an erroneous issue, I would appreciate a comment on this point, too.

Mr. President, this is a deeply troublesome and embarrassing situation for each of us. Each of us has no other motivation than to do what is right—not only what is right for the individual concerned, but what is right for the Senate itself. I have stated these concerns with a view to giving anyone here present an opportunity to comment—one way or the other—on the points I have stated, because I believe they are relevant points which will enter into our final deliberation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG of Louisiana. Mr. President, I will be engaged for some time today in discussing the Tom Dodd case. I believe this is my first speech on the subject. I believe that I understand the case of Tom Dodd better than Tom Dodd understands the case of Tom Dodd, because I have had the benefit of some experience, some knowledge, an earlier beginning, and an earlier contact with it. I have watched the whole thing unfold.

Even then, having seen all this happen and read all the columns, most of which I disdained to read in the morning newspapers because they were so very inaccurate and represented such distortions of the actual facts, much of this distortion being to my personal knowledge.

I detected, I would say, within 1 week of the day, that Tom Dodd might have done something for which the Senate would be required at least to forgive him or overlook on some basis, or if we were to find other than a censure, an admonition, or some sort of punishment which would injure this man's chance to continue to serve with us in this body.

As one who knows facts which the committee does not know, who knows more about it than the committee knows, who knows the theory on which the committee proceeded, which is completely different from the facts, I believe the Senate will see the complete relevance of certain evidence which was available to the committee, which the committee, for a very good reason, was not inclined to hear.

I am going to be as charitable as possible about this. I am not going to talk about anything, if I can avoid it, that should not be talked about.

First, Mr. President, I ask unanimous consent to have printed in the Record the brief in support of a substitute for Senate Resolution 112.

There being no objection, the brief was ordered to be printed in the Record, as follows:

Brief in Support of a Substitute for Senate Resolution 112, in the Matter of the Honorable Thomas J. Dodd, U.S. Senator From Connecticut

(Submitted by Russell B. Long, U.S. Senator; Eberhard P. Deutsch, New Orleans, of counsel)

To the Members of the U.S. Senate:

The within brief sets forth the facts and the law in the matter of the investigation of Senator Thomas J. Dodd of Connecticut, by the Select Committee on Standards and Conduct. It is supported largely by verbatim quotations from the sworn testimony in the record of the hearings (with page references) held by the Committee, and also, to some extent, by quotations from applicable opinions of the Supreme Court of the United States.

Its purposes is simply to set forth, concisely and as clearly as possible, in fair perspective, the background of the case for Senator Dodd, and the underlying reasons why he should not be censured by the Senate.

In January 1966, a syndicated series of newspaper columns by Drew Pearson began appearing, reflecting on the character of Senator Thomas J. Dodd of Connecticut, and charging him with the commission of a number of irregularities in his conduct as a United States Senator.

Senator Dodd thereupon requested an investigation by the Senate Select Committee on Standards and Conduct, which resulted, ultimately, in a report, rendered April 27, 1967, recommending censure of Senator Dodd on two of the several grounds on which the charges against him had been based.

USE OF TESTIMONIAL FUNDS

From 1956 to 1958, Senator Dodd had been campaigning for nomination by the Democratic Party as its candidate for, and then for election to, the Senate from Connecticut. Both campaigns were successful.

At the inception of his campaigns, the Senator was a man of very modest means; and after the campaigns, he found himself heavily in debt. Both his personal and his political friends were fully aware of his financial predicament, which grew steadily worse with accumulating charges during his early years in office.

A group of these friends conceived the idea, during 1961, of giving a testimonial dinner for Senator Dodd in Hartford, to raise funds to relieve the pressure of his debts, and to release him from the stresses of his financial problems.

The dinner was given in November 1961, just half-way through his first term in the Senate, with no immediate campaign problem before him.

The Honorary Chairman of the dinner was Governor Dempsey of Connecticut; the General Chairman was Mr. Matthew M. Moriarty, a businessman of Manchester; and the Treasurer was Mr. Arthur B. Powers, another businessman, and the Selectman of Berlin, Connecticut (Hearings *618, 633*).[1]

The dinner was given, as stated expressly in a letter sent out by Treasurer Powers, as "a non-partisan tribute" (*H–635*), and the principal guests of honor were announced as being Vice President Lyndon B. Johnson and Senator Styles Bridges, the Senior Republican member of the Senate (*H–634*).

Selling of the tickets and raising of the funds were handled by Senator Dodd's personal friends and political associates; and the detailed work and arrangements for the dinner were carried out primarly by members of the Senator's staff.

Two years later, in 1963, a fund-raising reception was given, somewhat similarly, in Washington for Senator Dodd. Its Honorary Chairman was former Postmaster General J. Edward Day, and the Treasurer was Sanford Bomstein, a Washington business man (*H–648*). A professional fund-raiser, Robert Shaine, was employed to solicit funds for the reception (*H–667*).

No statement was made as to the purpose for which the funds were being raised, but after the reception a resolution was adopted by the Reception Committee, authorizing payment, in general terms, of Senator Dodd's bills for "printing, travel, food and lodging," as well as for "any activity pertinent to public relations for Senator Dodd, such as radio or television time" (*H–899*).

Mr. Bomstein, who signed this resolution with Judge Gartland, testified that the sense of the resolution was to turn over the funds "to Senator Dodd for any purpose" (*H–656*); and that it was common knowledge that Senator Dodd had a large "previous backlog of debts" (*H–656*), and that it was considered by all concerned that the funds raised at the reception "could be used for most anything" (*H–656*).

During the following month, on October 26, 1963, four more fund-raising events were held. These were a breakfast in Hartford, a luncheon in Woodbridge, a reception in Fairfield and a dinner in Bridgeport.

Vice President Lyndon B. Johnson was the guest of honor at each of these functions (*H–903, 913–927*). Mr. Moriarty was the Treasurer of the breakfast (*H–620*) and the details were arranged by Mr. Edward Sullivan of Senator Dodd's office staff (*H–1120*). No statement was made as to the purpose for which the funds were being raised. The same is true of the Woodbridge luncheon, managed by Judge Gartland (*H–605*) and held at the home of State Senator Gloria Schaeffer (*H–856*).

Mr. Paul McNamara, a prominent Bridgeport attorney who had been Senator Dodd's campaign manager in 1958, managed both the Fairfield reception, held at the home of Mr. Archie Perry, and the Bridgeport dinner, held at the Stratfield Motor Inn (*H–681*).

Two letters of solicitation sent out by Mr. McNamara both stressed the need, and announced the purpose of the events as being, to raise funds for Senator Dodd's 1964 reelection campaign; but Mr. McNamara testified that he "wasn't hesitant about telling the people on the telephone that the Senator had dire financial problems, and was heavily in debt," and that he would like to see him "get out in the clear" (*H–682*).

After Senator Dodd's 1964 successful campaign for re-election, another fund-raising dinner was given for him at the Statler-Hilton Hotel in Hartford. The guest of honor was Vice-President Hubert H. Humphrey. The Chairman of the dinner was Mr. Arthur T. Barbieri, a businessman of New Haven and Democratic Town Chairman of that City. Mr. Moriarty was again the Treasurer of the dinner, and Mr. Sullivan again managed the details of the function.

A first solicitation letter sent out by Mr. Barbieri in connection with the dinner, gave its purpose as being to "assist in meeting the campaign deficit (*H–970*). A second letter, while referring to the first, made no mention of the purpose to which the funds raised at the dinner were to be put (*H–1118*); but Messrs. Barbieri, Moriarty and Sullivan all testified unequivocally that the funds were being raised for Senator Dodd's personal use.

There can be no question that the funds from all of the functions were turned over to Senator Dodd, and that some of them were actually used by him to defray what might ordinarily be considered his personal, as distinguished from his political, debts and expenses.

But Senator Dodd's debts were largely the accumulation of purely political expenses which he expected to recoup from the proceeds of "testimonial" functions, as in the recognized and accepted practice in Connecticut. As explained by the Senator, if he hadn't been "battling for that nomination, I wouldn't have needed that money . . ." (*H–821*).

And there can be no question that there is rarely a clearly defined line between personal and political expenses for persons in political life. As stated by Senator Dodd, "my life for eleven years has been so political that it has been almost nothing else"; and "all my living matters were political . . . with very rare exceptions" (*H–820*). The Senator frequently referred to the use of the funds raised as described, to liquidate his "personal political obligations" (*H–835, 822, 824*), and his "political personal debts" (*H–836*).

In furtherance of Senator Dodd's position as so expressed by him, even Mr. O'Hare, whose treasonous conduct toward the Senator made available to Drew Pearson from the Senator's locked files the material for the columns which detonated the Select Committee's investigation, conceded that at one point Senator Dodd had instructed him "specifically" that the only "types of bills" he was to send to Mr. Sullivan for payment out of the Hartford "Testimonial" fund were such as "could be related in any way to the campaign" (*H–739*); and then, typically, Mr. O'Hare testified that nevertheless, in his "own mind at the time (he did) feel that some of these bills were inappropriate for payment by Mr. Sullivan out of the campaign account."

Mr. O'Hare charged Senator Dodd with having resorted to a number of devious transactions to conceal the fact that he was using the proceeds of the fund-raising affairs to meet his purely personal obligations. Some of these matters are so petty and really silly as to be unworthy of detailed explanation.

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[1] References hereafter preceded by "H" are to pages of the Hearings before the Select Committee. References preceded by "R" are to pages of the Committee Report (No. 193).

For instance, Mr. O'Hare testified that the Senator, who has insisted throughout that these funds were available to him for any purpose, was seeking a means to avoid disclosing their use to pay his bills, and that he accordingly approved Mr. O'Hare's own suggestion that he "purchase money orders" from the Union Trust Company with a check drawn on that bank, "in the amounts of the accounts which were to be paid, and then fill them out later, and the payee would have no knowledge of which account the money was actually drawn" (*H–734*).

Senator Dodd not only denied that he had approved any such transaction, but testified that he had never heard of it until the Committee hearings. He said that nothing "could be more damaging to me than to be paying my bills in money orders. I am embarrassed now to think that people got money orders." (*H–841*). The Select Committee summarized this evidence in its findings (*R–16*).

According to the testimony of Mr. O'Hare, Senator Dodd, being, in October of 1963, "under great pressure from the Internal Revenue Service for payment of his taxes," Mr. O'Hare "volunteered that perhaps I could loan him $6,000 from the D.C. Committee (testimonal fund) . . . and then he could arrange to pay it back. . . . He agreed to this, and this, in effect, was how it came about" (*H–736–737*).

In a stipulation between the Select Committee and Senator Dodd, it is agreed that in October 1963, an amount of $6000 was transferred from the D.C. Committee account to the personal account of the Senator at the Riggs National Bank in Washington, and that "David Nichols, a Certified Public Accountant employed to audit the affairs of Senator Dodd for the purpose of preparing his Federal income tax return, informed Senator Dodd in early 1964 that the $6000 . . . should be treated as a loan from a campaign fund" (*H–856*), and that Senator Dodd then agreed.

The amount was repaid a month later into a different testimonial fund account. Senator Dodd submitted that this repayment "through another testimonial fund . . . in itself does not make much sense" (*H-826*), since he saw no reason for handling the matter as a loan in the first instance. Mr. Sullivan had said to him, "What in the world did you do that for, it's your own money"; but explained Senator Dodd, "generally, when an accountant comes and tells me something, I say all right, that is all right with me. That is what I think happened" (*H-825*).

The Select Committee concluded that "from the circumstances of all of the fund-raising events, including the exclusive control of the funds by members of Senator Dodd's staff, the extensive participation by members of Senator Dodd's staff, the close political relationship between Senator Dodd and the sponsors of the fund-raising events, the preoccupation of the organizers with Senator Dodd's apparently political indebtedness, and the partisan political nature of the printed program," Senator Dodd's knowledge of restriction of the right to use of the funds for political purposes must be presumed (*R–24*).

The entire record of the hearings, in the first place, is replete with evidence that Michael O'Hare, the principal prosecuting witness against Senator Dodd, was the faithless member of his staff who handled all of his personal financial affairs. He insisted throughout that he acted on the Senator's instructions as to payment of his personal bills.

How, then, can it be said in fairness, that despite the fact that a member of Senator Dodd's staff had control of all of his personal funds, "the exclusive control of the funds by members of Senator Dodd's staff" is an indicium of the "political character" of the funds?

While it is true that none of the written invitations to the fund-raising functions stated expressly "that the funds were to be used for personal purposes" (*R–26*), it must be remembered that the first of these affairs, the 1961 dinner, was clearly stated in writing to be "a non-partisan tribute"; that it was held three years after Senator Dodd's election campaign in 1958, and three years before his re-election campaign in 1964; and that, among the invited guests of honor was the Senior Republican member of the Senate—the Honorable Styles Bridges of New Hampshire—despite the Committee's reference to "the close political relationship between Senator Dodd and the sponsors" of the event (*H–885*).

While, as stated, it is true as found by the Select Committee that "not one solicitation letter . . . or other written communication informed the public that the funds were to be used for personal purposes" (*R–26*), Mr. McNamara, who managed the Fairfield reception and the Bridgeport dinner in October 1963, testified as noted above, and he "wasn't hesitant about telling the people on the telephone that the Senator had dire financial problems, and was heavily in debt," and that he would like to see him "get out in the clear" (*H–682*).

All of the gentlemen who were principal participants in the fund-raising functions for Senator Dodd testified unequivocally, that it was generally understood by all concerned, including practically all of the contributors, that the funds being raised were for the purpose of enabling the Senator to relieve himself of his strictly personal financial obligations, as well as the deficits incurred by him in his prior campaigns (*H–619, 635, 656, 682, 691*).

Whatever the written invitations to the various events may have said, or may have failed to say, not a single witness—and there were some ten who testified on the subject (omitting the faithless defectors)—testified that the funds being raised were not to be used for liquidation of Senator Dodd's personal bills.

It would seem to be unnecessary to detail all of the affirmative testimony to this effect, but some of it is given as illustrative, and, to all practical intents and purposes, conclusive.

Mr. Arthur T. Barbieri, chairman of the 1965 dinner, testified that it was conceived by Judge Gartland and himself (*H–689*); that the framing of the original letter of invitation referring to a campaign deficit, was merely drawn as he "thought proper" (*H–695*), although he had "always been aware of the financial straits that the Senator has been in over the years" (*H–695*); that the purpose of the dinner was "to raise money for the Senator so that he could use it to pay his obligations" (*H–695*).

Mr. Barbieri explained frankly that he understood fully that "people in public life have expenses far above and beyond what they can actually take care of out of their salaries" (*H–698*); and that, in the last analysis, it was entirely obvious that with a deficit of only $6,000 from the 1964 campaign, and more than ten times that amount being raised by the 1965 testimonial dinner, there couldn't really be any question as to the purpose of the over-plus, since, as the Chairman of the Select Committee himself said, "you knew all the time this thing was snowballing moneywise and was far beyond anything . . . that the deficit would be" (*H–696*).

And Mr. Barbieri testified further that he had discussed "in detail" with the members of the dinner committee "what would be done with the proceeds of the dinner"; that "the committee was expanded from 20 or 25 up to . . . 75 or 100 or maybe more, and they were all aware of the purpose of the dinner, and they were all in complete agreement that it was to be given to the Senator to do with as he saw fit" (*H–695–697*).

Mr. Sanford Bomstein, treasurer of the "1963 D.C. Reception" (*R–15*), testified that it was started by a "a group of friends of Senator Dodd" (*H–648*), and that "the purpose of the thing was to turn over some funds from a testimonial to Senator Dodd for any purpose that he so desired" since "everybody was cognizant of the fact that Senator Dodd had great debts pertaining to a previous backlog of debts, and we felt that these funds should be used or could be used for most anything" (*H–656*).

Mr. Sullivan testified that the 1961 dinner in Hartford was "inaugurated from different friends (of Senator Dodd) that knew his financial position and wanted to help him out" (*H–1119*); that "at the time the dinner was first conceived", its purpose was "to give to Senator Dodd, personally, financial help to eliminate his debts", including the deficits from the 1956 and 1958 campaigns which, "when the campaigns were over," became "personal debts" (*H–1120*).

As to the "series of fund-raising affairs held in Connecticut on October 26, 1963" (*H–1123*), these were initiated by the same "group of friends still wanting to do something to get the Senator definitely out of the hole if they could" (*H–1124*); and that the purpose of the 1965 dinner was that "we needed the money—the same thing, to get rid of Senator Dodd's personal debts" (*H–1137*).

The testimony of Mr. Arthur B. Powers, the treasurer of the 1961 dinner at Hartford, is generally to the same effect, but it is also quite specific in that he called attention to the fact that the letter which he sent out "asking people to purchase tickets to the dinner" (*H–634*) expressly provided that "it will be a nonpartisan tribute" (*H–635*).

Mr. Powers stated further: "It was my understanding in that it was three years after he had been elected, and certainly about three years before he would have to run again, that it was a dinner in his honor, the funds of which could be given to Senator Dodd for his use as he saw fit. . . . We were concerned over the fact that Senator Dodd had many, many bills hanging over his head; that he had paid many of these out of his own pocket, and I think it was this concern that led many of us to believe that a testimonial dinner in his honor would be appropriate, and that he could use the funds any way he saw fit. There was never any discussion at that time to my knowledge that the money would be used for campaigns."

Mr. Matthew M. Moriarty, who was chairman of the 1961 Hartford dinner, testified that "it was a testimonial for Senator Dodd to give him funds he needed desperately"; that as far as he was concerned, the funds were "for his personal use"; and that this "was the approach that I used at all times in trying to sell tickets verbally. . . . I preached this gospel up and down the State to all of my friends"; that he "was always aware of the fact that he was pressed financially", and that he "assumed" that the indebtedness was (both) personal and political" (*H–620*).

Mr. Moriarty asserted that the purpose of the 1963 breakfast was also "to raise funds as a testimonial for Senator Dodd" (*H–621*), and that the 1963 dinner of which he understood Mr. Barbieri "was the instigator" (*H–624*), was arranged for the same purpose—it was not "to take up any deficit", but "was for Tom Dodd's own use" (*H–631*). It was, he said, "the only way that we can operate . . . to assist these men through testimonials and get moneys through masses of people and leave them unfetered and without obligations to any individual."

Mr. Moriarty's testimony is of especial significance, since he was a successful businessman, had been honored "as the outstanding citizen of (his) community," had been decorated by Pope Paul as a Knight of Saint Gregory, and had never had any "interest in politics" except in his "desire to see good men in office" (*H-625*).

Perhaps the most significant factor of all is the fact that Mr. Moriarty did not even "become a registered Democrat until about" two years after the 1961 Hartford dinner (*H-626*). He testified that he had "received a number of contributions from Republicans who were not supporting . . . the Democratic Party . . . the first time probably in the history of . . . the area that those Republicans made a contribution to a Democrat (*H-627*); that he "told many of them" that "the purpose was personal use"; and that he had heard that there were "some that thought that it was a political contribution," but that these were "isolated cases" (*H-630*).

Senator Pearson, a member of the Select Committee, stated during the course of the hearings, that he understood "what was intended by those persons who testified here, the small group of men who organized these things. But what concerns me is what was understood and intended by the general public, and those people who attended these things, and those people who made the contributions" (*H-842*).

It was obviously impractical to bring personally before the Select Committee, all or any reasonably representative cross-section of the hundreds of persons who attended the seven functions under discussion. But there were introduced into the record, something more than 400 "form affidavits" by persons who contributed to the events, and who declared under oath that "these funds were intended . . . as a personal gift to Senator Dodd" and that it was the contributor's "intention that Senator Dodd use these funds in any way he saw fit. They were not intended as a political contribution" (*H-1153*).

The Select Committee took cognizance of these affidavits, but while noting in its findings the testimony of James Boyd, Senator Dodd's faithless former administrative assistant, that the Senator had told him that the funds were to be used to pay campaign deficits, and while concluding that "contemporary newspaper accounts in Connecticut and New York represented" the events "as being for political campaign purposes" (*R-24*), made no reference whatever, in its "Conclusions," to the hundreds of affidavits to the contrary sworn by the persons who actually contributed the funds in question.

In its report, the Select Committee made a finding (*R-14*), and then reiterated it (*R-88*), that "recently President Johnson stated publicly that he never knew that any dinner he attended was to raise funds for anyone's personal use"; but the Committee did not add, as did the President, in the statement to which the Committee was referring, that while he "understood that they were having an appreciation or testimonial dinner," he did not know whether "it was for personal, or political, or local campaign, or national" (*H-893*).

Finally, on this point, there is an affidavit—not part of the official record—by United States District Judge M. Joseph Blumenfeld, stating that while he was engaged in the private practice of law prior to his appointment to the bench, he was familiar with the manner in which the Hartford dinner was planned and carried out, and that he advised Senator Dodd at that time "that the net proceeds of the dinner should be treated by him as a gift excludable from gross income for federal income tax purposes . . . and that he was free to use these net proceeds in any way he wished and not solely for political purposes."

ASSERTED DUPLICATE EXPENSE BILLINGS

In its findings of fact the Select Committee noted that "on seven occasions from 1961 through 1965, Senator Dodd, while traveling on official Senate business, paid for by the Senate, also received substantially equivalent expense reimbursement for the same transportation from private groups for his appearance as a speaker at various events" (*R-23*).

Two references are given by the Committee in support of the foregoing finding. One (*H-863-865*) is to a stipulation entered into between the Select Committee and Senator Dodd, and speaks for itself. The other reference (*H-746-747*) is to the testimony of Michael O'Hare, Senator Dodd's former bookkeeper who, while still in the Senator's employ, was in league with a newspaper columnist for the theft of Senator Dodd's income-tax returns and thousands of other documents from the Senator's files.

The latter reference contains the following statement by the faithless Mr. O'Hare: "The Senator then told me that he would travel on the subcommittee funds, but (also) to get the money from the National Council of Juvenile Court Judges for all of his expenses, including the travel, and that, when the check arrived to enter it as income, and show it as an honorarium" (*H-747*).

This reference is really especially significant since the Select Committee, in its report, while noting that "Senator Dodd testified that he did not authorize O'Hare nor anyone else to bill twice," nevertheless also noted expressly in its findings that Mr. O'Hare "testified that in doing so he acted at the express direction of Senator Dodd" (*R-23*).

It would seem only fair, at this juncture, to give extracts from Senator Dodd's testimony on this point, and on Mr. O'Hare's connection with the charge, as found by the Select Committee, that the Senator was "requesting and accepting reimbursements from 1961 through 1965 for expenses from both the Senate and private organizations for the same travel" (*R-25*).

In the first place, while conceding that some such bills had gone out in error, Senator Dodd denied that it was done at his direction, "The facts about that," he testified, "are really very simple. I never knew there was any double billing . . . I expected that my books were being properly handled" (*H-832-833*).

The last two of the duplicate billings were sent out by Mr. O'Hare after he "decided to deceive me" (*H-833*), that is, after he had conspired with Messrs. Pearson and Anderson, and had given them Documents from Senator Dodd's locked files, but while he remained in Senator Dodd's employ.

"I remember every day," said Senator Dodd, "he was coming in to me and pretending to be a faithful, reliable, devoted employee. Why . . . someone wrote me an anonymous letter and said some of my files had been stolen, the fellow I called in was O'Hare, and I said, 'Don't you think we ought to check the locks?' He said, 'Yes, sir.' And he was one of the thieves."

"He had the locks changed all right, but he never told me . . . that he had been taking documents (and) that he knew that other people were. He pretended to be as baffled, as mystified as I truly was. I didn't know what was going on, and I continued to trust him. . . . All I did was treat him well, and every day he would come in during this dreadful period, taking care of my books and affairs, and every day he was stealing from me." (*H-833-384*).

Of the seven trips by Senator Dodd on which the Select Committee found that there had been duplicate billing, on at least one the Committee is clearly in error. On a trip to Seattle in mid-1963, the Senator addressed the National Association of Insurance Commissioners, who paid him, in the words of the stipulation between the Committee and Senator Dodd, $500, "an honorarium for his speech." The Senate paid the Senator's airline fare of $378.42 and $24.50 for additional expense and per diem on the trip to Seattle. The record contains not a single shred of evidence of any "double billing" on this trip as expressly found by the Select Committee in its Report (*R-23*).

Each of the other items of duplicate billing is listed in stipulations between Senator Dodd and the Select Committee (*H-863-865*). But some of them are far from clear. For instance, Senator Dodd's air fare of $346.14 for a trip February 26–March 2, 1965, from Washington to El Paso, San Diego, Los Angeles and back to Washington, was paid by the Senate. On February 27, Senator Dodd participated in an Insurance Day conference at the University of Arizona at Tucson, and the University later paid him $295 for travel expenses in that regard. The University conference in Arizona must have been held during the course of the Texas-California trip, but the record fails to show any Government reimbursement whatever for Senator Dodd's expense between El Paso and Tucson (*H-865*).

Similar fallacies can be pointed out in other expense items for other trips, on the basis of which duplication of expense bills was charged and found by the Select Committee. Some were only partial duplications, but the first of the double-billing items is so trivial that it is amusing. It covered a trip made in March 1961, from Washington to Philadelphia and return. For an address delivered on March 6 at Villanova University, Senator Dodd received an honorarium of $50 and a refund of expenses of $28.50. (*H-863*).

Supposedly, the entire item of expense for which the Senator was "reimbursed" by Villanova University, was never actually incurred by him, because his air fare of $24.53 was paid by the Senate. It is, however, extremely difficult to believe that Senator Dodd deliberately "directed" anyone to issue both vouchers for this item as the Committee apparently concluded (*R-25*).

So far as it is possible to reconstruct, from the record, the precise amounts of duplicate billing on the six trips taken by Senator Dodd during the five or six years under consideration, the extent of the duplication could not have exceeded an aggregate of $1289.49; and that figure is subject to substantial reduction for parts of certain trips on which the Senator was apparently not reimbursed.

During the years 1961 through 1966, Senator Dodd took some 80 trips for which he was entitled to reimbursement of expense (*R-11*). On only six of these was there even partial duplication of billing and payment. Each of these duplications was billed by Mr. O'Hare—two of them apparently after he had begun extracting documents from Senator Dodd's files and was turning them over to columnists Drew Pearson and Jack Anderson (*H-752, 865*).

And for an aggregate of 21 of the 80 trips taken by the Senator, on which he was entitled to reimbursement by the Senate, he received no reimbursement at all (*H-866*); and when Mr. O'Hare was asked why he had not made claims for the Senator's account for the amounts due him on these trips, he announced that this oversight on his part was "just a technicality" (*H-748*).

These payments may well have exceeded substantially the amount of any duplicate payments on the six items on which overpayments may have been made.

It is unfortunate that, although the written stipulation between the Select Committee and Senator Dodd states expressly that Senator Dodd "was entitled to be reimbursed" for these twenty-one trips "from the contingent fund of the Senate . . . (but that) he received no reimbursement" therefor (*H–866*), the Committee makes no mention whatever of this extremely significant circumstance in either the findings or conclusions of its Report.

THE LAW

In a narrow sense, there is little point to a discussion of legality of proceedings taken, of findings made, or of conclusions reached by the Senate of the United States because, in the last analysis, while "the Senate is a legislative body . . . it has had conferred upon it by the Constitution certain powers which are not legislative but judicial in character," *Barry vs. United States ex rel. Cunningham,* 279 US 597, 613 (1929).

Among these powers is that of Article I, Sec. 5, Cl. 2, to "punish its Members for disorderly behavior" which, like "the power to judge of the elections, returns and qualifications of its own members", necessarily involves the power "to determine the facts and apply the appropriate rules of law, and, finally, to render a judgment which is beyond the authority of any other tribunal to review." *Ibid.*

On the other hand, when "the question under consideration concerns the exercise by the Senate" of its judicial power, there must be no "such arbitrary and improvident use of the power as will constitute a denial of due process of law". *Id.,* 270 US at p. 620. See also: *Kilbourn vs Thompson,* 103 US 168, 182 (1880).

The Select Committee took cognizance of this judicially sanctioned constitutional mandate and recognized in its Report "that the action of a House of Congress in judging the conduct of one of its Members is 'judicial in nature' . . . and must be carried out in proceedings consistent with the due process of law requirement of the Fifth Amendment of the Constitution" (*R–11*). The Committee stated further that "in complying with the Constitutional requirements of due process of law, the Committee took into account as a general guide the practice and procedure of the Federal courts."

It seems likely that, in the strict judicial sense, the Select Committee transgressed this mandate in only two—albeit fundamental—instances. At the outset of its report, the Committee states frankly that "a Subcommittees took sworn testimony from several witnesses in executive sessions in order to determine whether there was sufficient cause for a formal investigation" (*R–3*).

And the Committee also reported that "the public hearings were preceded by two days of closed hearings to explore preliminary matters which therefore were not made part of the printed hearings upon which the findings and conclusions of the Committee were based."[2]

The Sixth Amendment to the Constitution of the United States provides expressly: "In all criminal prosecutions, the accused shall enjoy the right . . . to be confronted with the witnesses against him. . ."

In *Greene vs McElroy,* 360 US 474 (1959), the Supreme Court, while not deciding the constitutional issue directly, nevertheless used language evidencing its unequivocal disapproval of such a practice in an administrative proceeding. The hearing in that case began with a statement by the Chairman that "the transcript to be made of this hearing will not include . . . reports of investigation conducted by . . . investigative agencies which are confidential." *Id. at p. 486.*

The Court said:

"Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual, and the reasonableness of the action depends on fact findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. While this is important in documentary evidence, it is even more important where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination . . . They find expression in the Sixth Amendment which provides that in all criminal cases the accused shall enjoy the right 'to be confronted with the witnesses against him.' This Court has been zealous to protect these rights from erosion. It has spoken out not only in criminal cases . . . but also in all types of cases where administrative and regulatory actions were under scrutiny." *Id.* at p. 496.

To demonstrate the ancient roots of the foregoing principle imbedded in the Sixth Amendment to the Constitution of the United States, the Supreme Court quoted the following classic example from ancient Rome:

"When Festus more than two thousand years ago reported to King Agrippa that Felix had given him a prisoner named Paul and that the priests and elders desired to have judgment against Paul, Festus is reported to have stated: 'It is not the manner of the Romans to deliver any man to die, before that he which is accused to have the accusers face to face, and have license to answer for himself concerning the crime laid against him.' Acts 25:16." *Ibid.*

Very recently, the Supreme Court held that the guarantee of confrontation contained in the Sixth Amendment is binding on "the States under the Fourteenth Amendment according to the same standards (of due process) that protect those personal rights against federal encroachment". *Pointer vs Texas,* 380 US 400, 406 (1965). It has also been held very recently that the right of confrontation may not even be waived by counsel for an accused without the accused's consent. *Brookhart vs Janis,* 384 US 1 (1966).

In the last case on this point, decided by the Supreme Court only a few months ago, a conviction was reversed on the ground that a bailiff accompanying a retired jury had told a juror in the presence of others that he believed the accused to be guilty. The Court held that this was a denial of the right of confrontation guaranteed by the Sixth Amendment made applicable to the States through the Due Process Clause of the Fourteenth Amendment . . . a right which, by the Court's "undeviating rule," is "among the fundamental requirements of a constitutionally fair trial." *Parker vs. Gladden,* 385 US 363, 364, 365 (December 12, 1966).

Only one other point of law can have application to the instant case. The Select Committee reported that it had itself "decided that it would be improper to use documents taken without consent from a Senator's office and therefore obtained all the facts through its own independent investigation" (*R–12*).

Despite this fact, it cannot be gainsaid that the only road toward any other evidence could not have led from any other source, and must inevitably been marked by the road-signs of the tainted evidence.

The modern doctrine, that independent evidence obtained by following a path indicated by evidence improperly obtained—called "fruit of the poisonous tree" (Frankfurter, J., in *Nardone vs United States,* 308 US 338, 341 (1939)), grows out of the opinion of the Supreme Court in *Boyd vs United States,* 116 US 616 (1886), a case which Mr. Justice Brandeis characterized, in his dissenting opinion in *Olmstead vs United States,* 277 US 438 474 (1928) as one that "will be remembered as long as civil liberty lives in the United States." In the *Boyd* case, the Court said:

"The principles laid down in this opinion (*Entick vs Carrington*) affect the very essence of constitutional liberty and security. They reach farther than the concrete form of the case then before the court, with its adventitious circumstances; they apply to all invasions on the part of the government and its employees of the sanctity of a man's home and the privacies of life. It is not the breaking of his doors, and the rummaging of his drawers, that constitute the essence of the offense; but it is the invasion of his infeasible right of personal security, personal liberty and private property, where that right has never been forfeited by his conviction of some public offense—it is the invasion of this sacred right which underlies and constitutes the essence of Lord Camden's judgment. Breaking into a house and opening boxes and drawers are circumstances of aggravation; but any forcible and compulsory extortion of a man's own testimony or of his private papers to be used as evidence to convict him of crime or to forfeit his goods, is within the condemnation of that judgment. In this regard the Fourth and Fifth Amendments run almost into each other." 116 US at p. 630.

In dissenting in *Lopez vs United States,* 373 US 427, 456 (1963), Mr. Justice Brennan pointed out that "the authority of the *Boyd* decision has never been impeached. Its basic principle, that the Fourth and Fifth Amendments interact to create a comprehensive right of privacy, of individual freedom, has been repeatedly approved in the decisions of this Court."

As stated by Mr. Justice Holmes nearly half a century ago, "the essence of a provision forbidding the acquisition of evidence in a certain way is not merely that evidence so acquired shall not be used before the Court but it shall not be used at all." *Silverthorne Lumber Company vs United States,* 251 US 385, 392 (1920).

Mr. Justice Frankfurter felt that permitting the use of evidence obtained through other, tainted evidence was, in effect, placing a premium on corruption. *On Lee vs United States,* 343 US 747, 759 (1952). He quoted Mr. Justice Brandeis as having said, in his famous opinion in *Olmstead vs United States* (*supra,* 277 US at p. 474): "The progress of science in furnishing the Government with means of espionage is not likely to stop with wire-tapping. Ways may some day be developed by which the Government, without removing papers from secret drawers, can reproduce them in court."

Similarly, in *Irvine vs California,* 347 US 128, 132 (1954), Mr. Justice Jackson, as the principal organ of the Supreme Court, called attention to the provisions of the Fourth Amendment, that "the right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated," and pointed out that "science has perfected amplifying and recording devices to become frightening instruments of surveillance and invasion of privacy, whether by the policeman, the blackmailer or the busybody." See also: Frankfurter, J., in *Abel vs United States,* 362 US 217, 234 (1960); and Brennan, J., dissenting in *Lopez vs United States,* 373 US 427, 463, 464 (1963).

In *Wong Sun vs United States,* 371 US 471, 487–488 (1963), Mr. Justice Brennan, speaking for the Court, held that certain narcotics could not be used in evidence, because they were "fruit of the poisonous tree," since, "granting establishment of the primary illegality, the evidence to which instant objection is made has been come at by exploitation of that illegality. . ." See also *United States vs Blue,* 384 US 251 (1966).

It is submitted that it hardly seems possible for the Select Committee to have had any evidence at all on which to base the findings in its report, except for the leads which it derived from the evidence produced by the perfidy of Senator Dodd's faithless employees. In the last analysis, this can be viewed in no other light than as a classic concept of "fruit of the poisonous tree."

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[2] Senator Dodd and his counsel were present at these latter hearings, but not at any of the preliminary hearings, of whose sessions they were neither notified nor aware.

CONCLUSION

However varied the reactions of the Members of the Senate may be to the recommendation of the Select Committee, there can be no question that the Members of the Committee deserve high commendation for their diligent effort, in the course of their investigation and study of the immediate problem before them, to strive toward a high standard of ethical conduct for Senators of the United States.

It has been suggested in published statements by Members of the Select Committee that it should probably turn, at this time, toward the preparation of a complete Code of Ethics to set up standards of conduct for Members of the Senate, as a "rule and guide" to which they should adhere.

It is submitted that fairness demands that such a guide be approved and adopted promptly, and that present and future complaints be considered thereafter by the Select Committee and the Senate within the framework, and in the light, of such a Code.

It is accordingly my intention to move for a substitute resolution, in place of that recommended by the Select Committee, substantially as follows:

"*Resolved by the Senate of the United States,*

"1—That the Select Committee on Standards and Conduct be, and it is hereby, commended for its diligent efforts, in its investigation into the conduct of Senator Thomas J. Dodd of Connecticut, to promote high standards of ethics on the part of Members of the Senate; and

"2—That, in order further to promote high standards of ethics for Members of the United States Senate, the Select Committee on Standards and Conduct is urged to prepare a Code of Ethics of the Senate of the United States to govern the conduct of the Members of the Senate, and to submit such Code to the Senate for its approval prior to the end of the first session of the Ninetieth Congress."

It is the intention of the undersigned, of course, to address the Senate at its session on June 13, 1967, when the Recommendations of the Select Committee on Standards and Conduct, as embodied in S. Res. 112, are called up for consideration; and this memorandum is submitted in advance of that hearing, so that the Members of the Senate will have an opportunity to be briefed by the information herein contained as a background for the oral presentation which the undersigned will make.

Russell B. Long,
U.S. Senator.

Washington, D.C., *June 12, 1967.*

Eberhard P. Deutsch,
Of Counsel.

New Orleans.

Mr. LONG of Louisiana. Mr. President, I want to clear up a few misimpressions which exist here in this body. I, like other Senators, read the morning newspapers. It has been my impression that if one is getting a bad press in the morning newspapers, it really hurts his case. It hurts our chances. Senators read the columns in the morning. Their wives also read them and discuss them before Senators come to their offices. It is not in the Record, but it hurts. It really hurts if people come in with a preconceived notion about a matter.

So much am I concerned about that kind of thing that on occasion I have tried to persuade Mr. Pearson to write the side of the story that would be correct, hoping it might help to influence Senators and their wives, knowing the influence that wives have on Senators and their children, and knowing that Senators do not read the Record. I never read it.

When I first came here Scott Lucas, the majority leader, discussed this subject with me at the time we were making a magnificent fight against the base point pricing bill. Nobody was there to hear it, but I would speak one day, Paul Douglas would speak one day, Estes Kefauver would speak one day, Warren Magnuson would speak the next day, John Sparkman would speak the next day. We were making the best speeches to empty seats ever made in the history of the Senate. Scott Lucas said to me one day, "When are you going to stop talking and let us get to a vote?" I said, "We are making a magnificent record." I hope Scott Lucas will pardon me for what I say. He is no longer a Senator. Maybe he said it facetiously. He said, "Senator, the only thing Senators ever read in the Record are their own remarks."

That is why I have irritated Senators in these proceedings. The case against Tom Dodd has been made. It has been made. It has been printed and published for 18 months. They have written one side, not the other side. They have written that Tom Dodd did so many things wrong which were not wrong. They have twisted it around so much that black turns out to be white, and white turns out to be black. They have engaged in distortions, in innuendoes, in falsehoods, in—let us use a country boy's term—lies. They have printed them, without answer, in so many places, so many times, that the people of the country have been convinced that this man is a very corrupt person, which means that if we do not punish him, we are corrupt, ourselves.

Why do I say this? I say this because this committee report came in from honorable, high-type Senators—better than the average Senator, far better than the average Senator, the best we could pick. This report came from a committee for whose chairman I have the highest affection. I have a higher affection for the chairman than for anyone else in this body with the possible exception of Dick Russell and the majority leader.

But may I say my duty is one thing, just as the duty of John Stennis, if he feels the Senate is being dishonored—he has the courage, regardless of the Senator—is to ask the Senate to censure the man, or even expell him from this body.

The morning press indicated that I said I planned to engage in some kind of questionable tactics to save Tom Dodd; that I was actually going to go to the extent of so irritating Senators, so angering Senators, so upsetting Senators in the course of this proceeding, that they might even take Tom Dodd's name off the resolution and put Russell Long's name in its place.

The reporter who wrote that story did it in good faith, I am sure, or he might have thought he was doing the right thing. I thought if I could talk to him personally, he would write a story that was correct. But he did not.

Mr. President, I have no control over the press. I have learned, after many years in public affairs, that if people in the press want to hurt one by writing unfairly, they can distort the facts, say anything against that person; and if they want to say any falsehood on earth, there is nothing that Russell Long or anyone else can do.

My counsel helped to put some of those cases on the law books. There is nothing one can do about it. Forget about filing suit. If you become a Member of this body, they can do almost anything they want to you. They can do to anyone what they have been doing to Tom Dodd, and there is nothing you can do about it. So much for our friends in the Press Gallery.

Mr. President, I am reminded in this connection of what former Senator Matthew Neely once said. He said, "I would climb the highest mountain to help my friend. I would swim the deepest ocean to stand by his side. I would travel over the burning sand and the biting snow to be with him. But I cannot vote for his amendment."

So there comes a time when duty requires that a man must vote against his friend. If I really believed Thomas J. Dodd were guilty of the charges contained in the pending resolution, I would vote for censure. But knowing the man as I do, knowing he has done no wrong—I think I can demonstrate this to the Senate—I cannot vote for censure.

It seems to me that from the beginning, the committee has had evidence available concerning the witnesses who testified against Senator Dodd, which would have reenforced the argument that no credibility whatever should be accorded to their testimony. It has seemed to me that this evidence was needed for an additional reason.

The evidence is important, in my judgment, to a full understanding of the reasons why basically good people would engage in such a course of conduct. I believe it had even more to do with their motivation than it did with credibility.

I have discussed this matter with the chairman of the committee, and I believe we understand each other in this matter.

Mr. President, I simply would relate why I felt the evidence was relevant and vital to the case. It would show that James Boyd was fired, and that he had every reason to know that he was going to be fired, for engaging a second time in the kind of conduct for which he had already been warned that dismissal would be prompt and immediate. James Boyd, therefore, had no compelling reason to feel that he had been done a great injustice.

Now, it seems to me that the Senator from Connecticut may have made a mistake—not an intentional mistake, but a mistake, looking at it from hindsight, where we have 20/20 vision—in seeking to discharge a crushing burden of honest debts incurred in seeking public office and, indeed, in discharging the duties of that office. Tom Dodd apparently never adequately explained to his employees—

certainly not to Michael O'Hare—how those debts had been incurred, why they had been incurred, and why it was proper that they should be discharged in the manner in which they eventually were discharged.

That, to me, is the only conceivable reason why Michael O'Hare, without the knowledge of his boss, would be purchasing money orders instead of checks, seeking to conceal information for no logical reason, and engaging in a number of other similar acts which just make no sense whatever, unless he erroneously thought there was something crooked about all this.

And Tom Dodd understandably never thought it necessary to explain to this employee and ostensible friend that his conduct was entirely correct and proper and ethical.

It is necessary to understand some of this in order fully to comprehend what Michael O'Hare did thereafter. Tom Dodd found it necessary to dismiss Terry Golden, to whom O'Hare refers in the record of the hearings as his girl friend, for apparent incompetence. The only other logical explanation would be that Michael O'Hare was using this scheme to steal Tom Dodd's money, or to defraud some of Tom Dodd's creditors, each of which would have been a serious crime.

Now enter Jack Anderson.

It might be important for purposes of the case to know whether it was Jack Anderson who first made contact with the conspirators or whether it was the other way around. It might be helpful in order to determine motivation of the conspirators, whether they were moving from reasons of high purpose and principle, or whether those conspirators were engaged in a very corrupt course of conduct, for which they could spend the rest of their natural lives in prison. It makes a lot of difference.

The committee has additional information available to it if it wanted to seek it. For example, Jack Anderson told about this relationship between himself and the conspirators—how it started and how it proceeded. He even volunterred to discuss the matter, and did, on the "Mark Evans Show" here in Washington and explained it from his point of view to the whole television audience. He was available to the committee and I hardly think he would have claimed the fifth amendment in view of the fact that he voluntarily discussed it over television.

What he said could so easily have been available for the record, and I am certain that the committee is not that timid about calling such a writer, even, as Jack Anderson, before the committee, that the committee undoubtedly did not call him because it felt that his testimony would be immaterial, as it may in fact be. But, on the other hand, it may in fact be material. I hardly see how one could know for sure unless the committee was aware of what the man would testify if he were called and examined under oath, and had concluded that it would not be material at all.

It may be that they did. Maybe this was some of the testimony that was taken in these closed-door sessions of the subcommittee, at which Tom Dodd was not represented. But for some reason, it was left out, and it may be entirely correct that it should have been left out. But how would you know, if you did not know what he would have testified had he been there?

As I understand the story, when James Boyd was fired initially, his wife called Senator Dodd and pleaded with him to continue her husband on the payroll in order that there might be some income to the family while Boyd sought a job somewhere else.

Tom Dodd consented, on the theory that this man, after all, was entitled to some severance pay.

As Tom Dodd stood on his feet and swore on his oath as a Senator that he was telling the truth, I swear that so far as I know, what I am saying is true. But I am not saying that that proves it; I merely am saying that the evidence is available. If the committee believes I am misinformed, it can easily enough get Jack Anderson in here; it can send for James Boyd; it can look into the matter, to see how all this mess started, to see what these people really had in mind.

They tell you they were patriotic Americans, seeking to help their country. Tom Dodd will tell you—and I tell you—they were vengeful people, seeking to destroy an honorable man who had taken the only course he felt was available to him.

If I had understood the facts as Tom Dodd understood the facts, if I had known what he knew and no more, I would have done only one thing differently. I would have dimissed James Boyd the first time I found out about his corrupt course of conduct—fired him right then and there.

Tom Dodd made a mistake. He made a serious mistake. He fell victim to his own good intentions, and he has paid a real price for it. He and his wonderful wife and children have been through an almost unbearable ordeal.

The other actors in the conspiracy were apparently weak, badly motivated people who never really understood what an honorable and fine man their boss, in fact, had been—if, indeed, they were capable of understanding that such honorable people as Tom Dodd do exist.

Mr. President, Tom Dodd has told his story. He has personally urged me to avoid discussing these matters which the committee did not hear. As I agreed to do, I have made no more than passing reference to what may very well be sordid, unseemly conduct.

I would like the Senate to note that Tom Dodd demonstrated—by asking not to have evidence produced in his behalf which could help to exonerate him—that he is a man who would accept disgrace and gross injustice rather than consent to such revelations, even though they could establish beyond doubt the reasons why these people undertook to destroy this fine man.

That illustrates the impeccable character of Tom Dodd. He is a man who would be crucified but, for reasons of decency, would spare his crucifiers from the complete exposure they deserve.

He has permitted the case for his political life to be prejudiced, rather than divulge the moral misconduct of other people.

Mr. President, I have proposed a chart of the double billings, and I ask unanimous consent that the chart be reproduced and printed at this point in the Record.

There being no objection, the tabulation was ordered to be printed in the Record, as follows:

Double billing

In 1961:	
Philadelphia (pre-O'Hare)	$24.53
West Palm Beach (pre-O'Hare)	127.82
San Francisco	376.86
In 1962: Miami	135.95
In 1963: Seattle, no double billing.	
In 1964: None.	
In 1965:	
Tucson	295.00
Los Angeles	329.33
Total	1,289.49

Mr. LONG of Louisiana. Mr. President, two of the alleged double billings—and I say alleged and will refer to that later—occurred before Michael O'Hare took over Tom Dodd's books.

With regard to those two so-called double billings, the previous two bookkeepers were available. They submitted letters stating that any double billing stemmed from their own oversight, not from the Senator's direction.

Are they former employees?

Mr. DODD. The Senator is correct.

Mr. LONG of Louisiana. They are former employees. I do not suppose that a former employee has an obligation to lie for his former boss. I do not know the relationship, but the point is that Tom Dodd swore under oath that he had no knowledge whatever of those two first double billings. The committee had available to it witnesses who would also swear under oath that those two double billings were their fault, entirely their fault, and that Tom Dodd knew nothing about it.

Tom Dodd's signature does not appear anywhere on any papers that have to do with those two double billings. It is not there. It is not his signature.

He offered to produce the witnesses, if the witnesses were available, and one of the best known and most renowned handwriting experts in America who staked his reputation on the contention that neither double billing bore Tom Dodd's signature.

If Tom Dodd saw it, if it was laid on his desk for his approval, it is likely that it would bear his signature. Everyone knows that Senators themselves do not use a name-signing machine. It takes less time to sign something yourself.

Two good, credible witnesses were available to testify with reference to both of these billings. Both of them swore that Tom Dodd did not order it done. Both of them swear that Tom Dodd knew nothing whatever about it.

And it is easy enough to understand how it could have happened because, with regard to those two in particular, the bills came in months apart and the figures were not the same.

The committee listened to Michael O'Hare, and he apparently succeeded in deceiving them as well as he had succeeded in deceiving Tom Dodd himself.

The committee thought that while that young man had done some things that were improper, it was for understandable reasons.

Under the circumstances, they did not realize that this man had a compelling, vengeful desire to destroy Tom Dodd, to convince the Senate and the country that Tom Dodd was a crook, a thief, a man unworthy of serving in high public office.

This vengeful desire prevailed, even though the 4,000 acts of theft that were committed in stealing from Tom Dodd's files by night, the providing of illegal entrance for other thieves to that office, his providing them with the keys and opening the doors and stealing Dodd's income tax information and everything else that he thought could hurt his boss—could have warranted a prison sentence extending for the equivalent of several lifetimes.

O'Hare obviously decided to risk perjury, in the hope of convincing the committee that he was a decent fellow, just as he once had convinced Tom Dodd.

I do not find fault with the committee. They did an honest job, the best they could. In my opinion, the men on this committee are so fine that just as O'Hare could not believe that men as honorable and clean as Tom Dodd exist, these men could not believe that people as corrupt as O'Hare exist.

O'Hare testified that the reason he did all this stealing was to do the Government a favor, to do the American people a favor.

O'Hare was asked under oath, if he were aware of the fact that even if the Senator had instructed him to double-bill, he was not relieved of the moral and legal responsibility of having done such criminal acts.

At that time, Mr. O'Hare was testifying to more criminal action that appears on this chart, by alleging that a second trip to Los Angeles had been double billed.

The trip involved three fares—Senator and Mrs. Dodd, and the Senator's administrative assistant, Judge James Gartland. The Government paid for Tom Dodd's trip, the Junior Chamber of Commerce paid for Mrs. Dodd, and Judge Gartland's fare was paid by the Senator. That is all there was to it—no instance of double billing.

But there was Michael O'Hare, swearing, perjuring himself, to swear himself guilty of a crime that had never been committed, at a time when this fact had already been demonstrated to him; and the information was available that this was not a double billing at all. He still insisted.

The point is that the man is a thief, he is a liar under oath, and he knows he is a liar under oath. I might add that up to now he has been sufficiently successful at that. He has not even been indicted downtown in the district court, even though the evidence is incontrovertible. Pretty good lying, I would call it. Would you not call it pretty good lying?

Mr. President, with further regard to the so-called double billing, the Seattle trip, listed in red, is not a double billing at all. The only evidence that would even suggest it is a double billing is the testimony of Michael O'Hare.

But as evidence of how honorable, how fine, how decent Tom Dodd is, he has conceded that 1963 payment to be a double billing. He said it was a mistake and should not have been done—even though it was not actually a double billing. The stipulations clearly so state, and that is between the committee and Senator Dodd and his lawyers. The stipulations state that the check said on it, "$500 honorarium." It was an honorarium.

Tom Dodd told us he feels he did not have the right to go there at Government expense. But there is no double billing. That point should be made clear.

The billing of transportation costs to the Government was completely justified, because Tom Dodd was a member of a subcommittee reviewing problems connected with the insurance industry.

Tom Dodd had every right to go to that convention of State officials. Those people were State insurance commissioners of the United States. He had a right to go there and talk about disaster insurance, the regulation of insurance, and practical problems. Further, they were liberalizing some requirements of insurance companies with respect to the amount of assets a company should have. He had a right to go there and either talk or listen. If he were asked to make a speech at such a meeting, then it could be justified as a proper expense in the performance of Government business as chairman of a subcommittee having to do with insurance problems. So, Mr. President, we can dispense with that allegation of misconduct.

Now, Mr. President, in connection with the Philadelphia double billing, with respect to the checks from Villanova University, it is said that here is a case against Tom Dodd. The check at Villanova shows "Tom Dodd." The Villanova check shows "$28.50." It noted on the back, "transportation and other expenses."

Tom Dodd did not buy his own airplane ticket there; that was a Government-provided airplane ticket, but he had a right to go there on Government business. If I am correct, he was investigating a matter of some of the strategic war materials, which were in this case machines to manufacture ball bearings to the Soviet Union. He finally won that fight. There was a man in Philadelphia to help him in that connection. Tom Dodd wanted to go there to talk with this man while he was in Philadelphia, and he thought it would be appropriate for the Government to pay for his trip. He went there on a Government ticket for legitimate business, well documented in the Record, and not contested by the committee.

While he was there he went out to Villanova University and made a speech there. They sent him a check when he got back for $28.50, "Transportation and other expenses."

Tom Dodd has taken a sworn oath. I would like to ask him two questions in connection with this matter because the accountants whom I asked to look at this matter have told me that they do not think it is double billing.

I would like to ask the Senator a question if he will stand.

(Mr. DODD rose.)

Mr. LONG of Louisiana. Do you swear that what you are going to say will be the truth, so help you God?

Mr. DODD. Yes.

Mr. LONG of Louisiana. I would like to ask——

Mr. DODD. I took that oath when I came here, by the way.

Mr. LONG of Louisiana. I just want to be sure the Senator is, in effect, testifying.

On the occasion, Senator Dodd, when you went to Villanova, how did you get from the Philadelphia Airport to Villanova University? It is my impression that that is about 6 miles outside of the city limits of Philadelphia and quite distant from the airport.

Mr. DODD. I truthfully do not recall. I do not know whether I was met or whether I went on my own. I do not remember.

Mr. LONG of Louisiana. What would be your best recollection if you had to say one way or the other?

Mr. DODD. It is pretty hard for me to say, when I truthfully do not remember. That was back in 1961. I do not know whether I went out there in a taxi or was met, or how I came back.

Mr. LONG of Louisiana. You do not know?

Mr. DODD. I do not know.

Mr. LONG of Louisiana. In your judgment is it entirely possible that you might have gone both ways in a taxicab?

Mr. DODD. Surely, it is possible, but I cannot say because I really do not remember.

Mr. LONG of Louisiana. The Senator has tested his memory?

Mr. DODD. I cannot remember.

Mr. LONG of Louisiana. Can the Senator recall, perhaps, whether he got back home in the afternoon or the next morning. Can you recall what airport you came in? Was it the Washington National Airport you came into? How did you get back to your home, or office?

Mr. DODD. I think it was late. It was fairly late. I am sure I was in a taxi.

Mr. LONG of Louisiana. On that occasion you took a taxicab?

Mr. DODD. A taxi.

Mr. LONG of Louisiana. Do you have any recollection of how you got to the airport—whether it was Washington National, Friendship, or Dulles?

Mr. DODD. I believe it was National Airport. You are asking me things I find it almost impossible to recall. Maybe a member of my family drove me there. I am sure they did not drive me out because it was too late. But I do not know. I do not have a detailed recollection about that trip. I wish I did.

Mr. LONG of Louisiana. The memorandum also has what must necessarily be an odd figure. If one takes $24.53 and subtracts that from $28.50 one comes up with an odd figure, which might be the change from some kind of sales tax for a meal or some other purchase. Can the Senator tell me whether he bought a meal, or what other expenses there were?

Mr. DODD. I have to say to you again that I may very well, but I have no exact recollection of that. It was a long time ago, and I do not remember.

Mr. LONG of Louisiana. I thank the Senator. That is all I want to know.

Mr. DODD. I just cannot tell you.

Mr. LONG of Louisiana. The reason I asked the Senator those questions is that, generally speaking, the Senator is going so far back in his memory that he cannot tell. So, I have made an effort to try to find out about the trip, the double billing on this one—Philadelphia, $24.53.

Mr. DODD. Will the Senator from Louisiana yield?

Mr. LONG of Louisiana. Of course, I yield.

Mr. DODD. I heard you say that I had interviewed a man about that ball bearing machine. I am not even sure that I did, that time.

Mr. LONG of Louisiana. But it is possible, if you charged the Government for that trip, that you went out there to see that man about that matter.

Mr. DODD. Yes, but I am not sure I did, on that trip. My own theory is that it was a mistake. However, I do not know how it came about.

Mr. LONG of Louisiana. You do not really know how it came about?

Mr. DODD. I do not know. I know from the record that somebody purchased an airline ticket with a committee credit card. I did not know about that. I supposed everything was in good order. I only learned about that in the last few months.

I heard what the Senator said about that, and I just want him to know that I am not sure that that is the occasion on which I went to see that engineer about the ball bearing machine.

Mr. LONG of Louisiana. Can we reaffirm, as you said 2 days ago, that you did not sign the voucher, you did not see the voucher, you did not see the check, and you did not sign the check, in either case?

Mr. DODD. I am sure of that. That would be something else.

Mr. LONG of Louisiana. Mr. President, I bring these points out because it may be that this was not a double billing at all.

It could appear to have been double billing—the $24.53, which is one figure, for an airline ticket, and one for $28.50, which is not entered there, but that was the double billing—the other side of it—for transportation and other expenses. It does not say what kind of transportation.

Now on the West Palm Beach item, that is not precisely a double billing, it is an overlapping. Yet we are told that this is a pattern. The first one, however, is not even double billing. Conceivably, it might be overlapping, but the indications would be that it is not even that.

The charge relating to the West Palm Beach trip is not a double billing but an overlapping. The one for $127.82 appeared to have been included in the larger payments for a trip which the Senator made. The Senator says, in his judgment, that it was an accident, that he did not sign it, he did not see it, knew nothing about it, and he did not instruct anyone about it. The person who did, however, was ready to swear under oath that it resulted from a bookkeeping error. It might be well also to keep in mind that the Government still owes him for 21 trips—21 trips for which the incompetent Michael O'Hare failed to bill the Government as legitimate travel by Tom Dodd to and from Connecticut.

Now let us look into the Michael O'Hare billings. There are two up there, actual double billings by O'Hare, prior to the time he defected or began negotiations for his corrupt scheme which Jack Anderson has talked about.

Exclusive of the Seattle trip, there were five double billings by O'Hare. I might note that one of them occurred in 1962. I believe there was overlapping in the 1962 one.

Mr. LAUSCHE. Mr. President, if the Senator will yield, what does he mean by "overlapping"?

Mr. LONG of Louisiana. I mean that the Senator had other expenses. The way the accountant figures double billing, or overlapping, is that somebody was billed too much.

Keep in mind that an overlap on the part of a bookkeeper is not so serious, because the checks come in at different times. If the check is precisely the same amount, the chance that one will catch the mistake is better than if checks came in for two entirely different amounts.

The testimony of Thomas Dodd is uncontroverted that his employee was a lazy, incompetent, slipshod bookkeeper.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. LAUSCHE. In 1964 there were no double billings?

Mr. LONG of Louisiana. None.

Mr. LAUSCHE. Then in the year 1965, after the plot was set into operation, two double billings were listed. Who was in charge of the books and checks and accounts at the time the two double billings were made in 1965?

Mr. LONG of Louisiana. O'Hare.

Mr. LAUSCHE. Were those, or were they not, made after this difficulty arose in which he was fired, rehired, and so forth?

Mr. LONG of Louisiana. One can quarrel about the exact date. Let us talk about the firing and rehiring——

Mr. LAUSCHE. At least, it was after the trouble arose that these two double billings in 1965 took place, while none was made in 1964 while there was no trouble?

Mr. LONG of Louisiana. That is right. He overlapped in 1961, double billed in 1962. His incompetence does not need any checking for a couple of years, 1963 and 1964, and about half of 1965, until after his close, steady confederate, James Boyd, was fired.

Mr. LAUSCHE. Mr. President, may I ask unanimous consent to put a question to the chairman of the committee?

Mr. LONG of Louisiana. Will the Senator please not do that? I would prefer to speak on my own time.

Mr. LAUSCHE. I will ask the Senator from Louisiana a question. Does the record substantiate the statement that there was no double billing in 1964?

Mr. LONG of Louisiana. Yes. That is the committee's conclusion.

Mr. LAUSCHE. That is the committee's conclusion.

Mr. LONG of Louisiana. So he can accept that as a fact. To make the Record complete, during this time Tom Dodd lost on 21 trips for which he had a right to be reimbursed. But at least, on the double billing and the overlapping, it appears that O'Hare had 2 good years, 1963 and 1964. He did not double bill at all. In that area he had apparently learned to do this job.

After James Boyd, O'Hare's close friend, is dismissed, enter Jack Anderson. Jack Anderson is a part of this thing and may wind up in jail. I hope not, for I like him and think I can call him a friend.

Jack Anderson once explained his role in the scheme to destroy Tom Dodd.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. LONG of Louisiana. I yield.

Mr. LAUSCHE. I engaged in a discussion with the Senator from Connecticut dealing with the number of trips that were made that could have been used for double charging; and I should like to put some questions to the Senator from Louisiana on that subject.

Am I correct in my understanding that the record of the committee shows that 80 trips were made?

Mr. LONG of Louisiana. Yes, sir.

Mr. LAUSCHE. And that of the 80 trips that were capable of being used for double billing in the course of 5 years, the committee says that there were seven in which double billing occurred; am I correct?

Mr. LONG of Louisiana. That is correct.

Mr. LAUSCHE. In other words, in 1965 there was no double billing; in the other 4 years, there are supposed to have been seven trips, covering 4 years, in which 80 trips were made which were capable of having been used in that way; is that correct?

Mr. LONG of Louisiana. Someone has said that. Will the Senator please continue with his question?

Mr. LAUSCHE. I need not ask the Senator's opinion. I am merely asking for factual information. Eighty trips were made?

Mr. LONG of Louisiana. Yes.

Mr. LAUSCHE. Seven of them were alleged to have been double billed?

Mr. LONG of Louisiana. Yes.

Mr. LAUSCHE. Seventy-three others could have been used for double billing, but they were not.

Mr. LONG of Louisiana. Yes.

Mr. LAUSCHE. That is all I wish to ask at the moment.

Mr. LONG of Louisiana. Certainly; but Tom Dodd had to travel. He was chairman of an important subcommittee and a highly regarded member of the Committee on the Judiciary. All he had to do, any time he wanted to go somewhere, if he had wanted to cheat the Government, was merely to say that he was going to some private organization. He could have billed the Government and billed the private organization. As I understand, there were countless opportunities to do that, if that were what he had been bent upon doing. He could just have claimed those for Government purposes—which did not exist—and cheated the Government all those times.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. LAUSCHE. The Senator from Kansas [Mr. Pearson] stated that of the 80 trips, 24 involved a dual service, one personal and one governmental.

Mr. LONG of Louisiana. Will the Senator please restate his question? I am not certain that I correctly understand it.

Mr. LAUSCHE. Does the record show that of the 80 potential trips involved in double billing, 24 of them involved what I call dual functions; the first, to serve the Government, and second in an individual capacity, to deliver a talk at some function, or to do something else?

Mr. LONG of Louisiana. Yes. I very much thank the Senator from Ohio. As he so well knows, whenever Tom Dodd went somewhere to a private affair, such as to speak before a civic club, or to any event of that sort, if he had been a crook, he could have, on every one of those occasions, contrived a governmental reason to bill the Government goodness knows how many times. But no; all there is to show for that are two cases where there is any evidence at all to support them, and that is the evidence of a liar who had a compelling reason to perjure himself.

That involves the trip to San Francisco in 1961 and the trip to Miami in 1962. I do think that there is additional evidence to be had if one wanted it.

I would just as soon forget about the whole thing after we get through voting on this. But I would say if the committee wanted to get Jack Anderson or Drew Pearson, or to get a transcript of Anderson's television comments, we could see that those last two double billings would not be proper to use as part of a pattern.

Talk about a pattern. There is nothing to it. The actual fact is that nothing of that sort happened until this Anderson-Pearson conspiracy started.

A meeting planned would create a lot of unnecessary bother, both in the event the Senator's plans would change, in the event he should decide to spend more time in connection with the ball bearing problem, or indeed arrange a mutually agreeable time when the expert on ball bearings could tell the Senator what he wanted to know about the matter. The point of it is that when you subtract $10 taxicab fare from $28.50, you have a figure less, by $5 than the figure of $24.50 and that is only allowing for two taxicab fares—one from the Washington airport and one from the Philadelphia airport.

Even a subtraction of the $6.50 from the Philadelphia airport direct to Villanova leaves a figure of $22 and that is not enough to cover the actual cost of the Government ticket and that does not explain what the other expenses were about. In other words, if we merely look to the evidence available to us, the first item is not a double billing. The $28.53 necessarily must be for a miscellaneous number of items, including taxicab fare, or even limousine fare, from an airport which we, at this late date, cannot identify for sure. We can identify enough of it to exclude the possibility that the $28.50 includes a double billing for an airplane ticket of $24.53.

So let us now take a look at the chart setting forth the alleged double billings. Michael O'Hare testified under oath that there were at least eight in number. The committee, faced with incontrovertible proof, dropped one—that makes seven. I have proved, I believe, that two were not double billings at all—not even overlapping of billings. These were the trips to Philadelphia and back and to Seattle and back. That leaves five. One of these five occurred prior to Michael O'Hare. We have two credible witnesses available that this was a mere accident—an unintentional error for which Tom Dodd has made repayment in an amount that exceeds any possible claim by the U.S. Government, even assuming that all of this was double billing.

Drop out the two which were done after Michael O'Hare is suspect of having defected from his boss. Without these we have only three double billings over a period of 6 years. One of these double billings was clearly an error and so supported by the persons who made the error. Tom Dodd was not at fault for it in any respect. The other two occurred within 1 month with O'Hare already defected and beginning to engage in criminal conduct to destroy his boss. So how many double billings do we have supported by any evidence at all—perjured or otherwise—which may have happened at a time when Michael O'Hare might have been working for, rather than against, Tom Dodd? There are two in number: A trip to San Francisco in June of 1961 and a trip to Miami in August 1965. These two previous occasions of duplicate billing, made by Michael O'Hare, could easily have been committed by an incompetent such as O'Hare has been shown to be. They could easily have been simple, honest errors because the checks by private organizations are for different amounts of money in that they include honoraria as well as transportation. The double billing at different times with different amounts of money involved is not the kind of thing that would necessarily catch the eye of anyone other than a very competent accountant and even he might miss it.

For example, Tom Dodd's books were regularly audited each year during this whole period and even the auditors—a competent firm of CPA's—did not catch the double billing.

Note that. Here was a man who hired auditors to audit his books regularly. They did not detect the double billings because of O'Hare's form of bookkeeping. If they had, Tom Dodd would have refunded the money as he did when he became convinced that somebody had been double billed.

How can we blame Tom Dodd when he did not know it. He did not see it. He did not sign the vouchers. He did not sign the checks. He did not endorse the checks, and even a competent firm of certified public accountants failed to catch it.

That is back in 1961 and 1962. How on earth could we blame Tom Dodd for not knowing it?

It was only when the traitorous, slovenly, incompetent bookkeeper had made it possible, and whose laziness made it too much bother to even apply and obtain for Senator Dodd reimbursement for 21 trips involved a greater sum of money for which Tom Dodd received no payment because of failure to bill the so-called no billing to which Tom Dodd referred. I say with confidence that Tom Dodd lost more money to the Government than he gained because of O'Hare's incompetence.

This is a small matter but it would be interesting to note a trip in 1963 to Seattle resulted in the $500 honorarium. Had the honorarium not been paid, the trip would have been taken at a different time and the Government would have lost the tax money which it obtained as a result of Tom Dodd's earning the honorarium. Insofar as the insurance commissioners were concerned, all they were concerned about was the cost to them of obtaining an adequate speaker to bring credit and interest to their convention. Tom Dodd was such a speaker.

They were willing to pay whatever they could afford. Strangely enough, had the Government not been involved—and certain other circumstances existed—it would have been to their advantage to call it transportation and pay it as such, rather than to call it an honorarium. It is rather complicated, but actually it does work out that way. It would have been to the organization's advantage to have claimed this as transportation rather than as an honorarium; but it is of no importance.

In my judgment, no case whatever has been established with respect to double billing.

Mr. President, during the afternoon session I shall demonstrate that Tom Dodd did not cheat anybody, did not even think of cheating anybody, not a soul on earth, in any respect whatever, with regard to the money that was raised to help to defray a crushing burden of debt incurred by a decent, honorable man and his wife in his effort to secure a seat in this great body, where I am proud to serve and happy to have Tom Dodd as a colleague. I will discuss the other issue later.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Louisiana be recognized at the conclusion of the quorum call, after the brief recess which I am about to request.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. PASTORE. Mr. President, I have just received some sorrowful news concerning a serious illness in my family. I ask unanimous consent that I may be excused at least for the rest of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. I ask unanimous consent that the Senate stand in recess for 1 hour.

The PRESIDING OFFICER. Is there

objection? The Chair hears none, and it is so ordered.

At 1 o'clock and 2 minutes p.m., the Senate took a recess until 2 o'clock and 2 minutes p.m., the same day.

At 2:02 p.m., the Senate reassembled, and was called to order by the Presiding Officer (Mr. BARTLETT in the chair).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 145 Leg.]

Aiken
Allott
Anderson
Baker
Bartlett
Bayh
Bennett
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Griffin
Gruening
Hansen
Hart
Hartke
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hollings
Hruska
Jackson
Javits
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Mundt
Murphy
Muskie
Nelson
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Scott
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

The Senator from Louisiana has the floor.

Mr. LONG of Louisiana. Mr. President—

Mr. PEARSON. Mr. President, will the Senator yield for a question?

Mr. LONG of Louisiana. Mr. President, first I ask for recognition.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG of Louisiana. Mr. President, I had a request from the Senator from Florida [Mr. HOLLAND], who wanted to make a unanimous consent request.

I have thought about it and am willing to yield in order that he may make the unanimous consent request. It is the one he suggested the other day. I believe that as of now I could agree to that part of it. Hopefully, we could all agree to set a pattern.

I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, let me remind my good friend, because between friends we must be frank—

Mr. LONG of Louisiana. Yes.

Mr. HOLLAND. My right to ask for a division of this question is an unimpaired right and cannot be tied to anything else.

I told the distinguished Senator in my remarks on the floor yesterday if there was any desire to put the second issue first, I would be glad to support that desire. I remind the Senator, before he yields to me, that such would not be a part of my request for division because that is a simple request under the rules which every Senator has a right to make when a matter is subject to division. That is the request I would make.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. LONG of Louisiana. Mr. President, may I make it clear, as far as the junior Senator from Louisiana is concerned, that I have no objection to a division as such.

I believe that as of this moment, the Senate is convinced that there should be no vote of censure on the double billing charge. I would be ready to vote on that.

I would have to tell the Senator that if a division were insisted upon we would have to debate it for a while. I could not possibly be willing to agree on the first issue, as it is, even without amendment, but the second I would be willing to vote on now.

(At this point Mr. BYRD of Virginia assumed the chair.)

Mr. HOLLAND. I have no request for any immediate vote. I have no desire to control the time when a vote is taken. I have no desire to control the distinguished Senator from Louisiana, or anyone else, as to what kind of motion or attack is made upon either of these divided questions. My sole point is that these questions are so unlike, so completely unlike, and dependent upon different facts, that I feel the Senate should be allowed to vote upon the merits of each of them. If the Senate should decide otherwise with reference to either of them on some dilatory matter, that would be up to the conscience of the majority of the Senate. My point is that these two questions are dissimilar and are separate. I will not discuss the matter at length, but I ask the—

Mr. LONG of Louisiana. Will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. LONG of Louisiana. Mr. President, I respect his right to demand and insist upon a division. He does not require any consent for that. I wish the Senator would see if he could gain consent that we vote on the double billing charge first. I believe it has been adequately discussed by both sides. I believe that both sides have had an opportunity to state their views on it.

So far as I am concerned, we can vote right now, or at any time. We rest our case on that. But, with regard to the other, much remains to be said. I would hope therefore that the Senator would perhaps—because we have not presented our case—see if he can obtain unanimous consent to vote on the second part first. The Senator knows, in the absence of his motion, that it would be in order for any one of us to move to strike that second part, which I do not want to do. I want a direct vote on it.

Mr. HOLLAND. Mr. President, I respect very greatly my good friend from Louisiana. I am going to stand upon my own rights, for my own reasons, and without hostility to anyone, again asserting this: I am not committed to anyone on either of these matters, and do not intend to be, until I hear out the full debate on both subjects. But, they are so unlike that I think they should be voted upon separately. I hope they will be voted on ultimately on their merits.

I ask for a division, Mr. President; and I am going to ask that my distinguished friend from Ohio [Mr. LAUSCHE] be joined in that request, which I am happy to do.

Mr. DIRKSEN. Mr. President, will the Senator from Florida withhold his request just a moment because I want to propose—

Mr. HOLLAND. I withhold it simply from the standpoint of asking the Presiding Officer not to rule, but I am going to make that request now.

Mr. DIRKSEN. Yes. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Illinois for that purpose?

Mr. HOLLAND. I will be very happy to do so.

Mr. LONG of Louisiana. Mr. President, do I not have the floor?

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. LONG of Louisiana. I yield to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois will state parliamentary inquiry.

Mr. DIRKSEN. Mr. President, if a simple demand for a division is made, it is my understanding that automatically a vote must come on paragraph A of Resolution S. 112 which is before the Senate?

The PRESIDING OFFICER. The Senator is correct, unless unanimous consent is obtained.

Mr. DIRKSEN. It is my understanding, also, that when this division is demanded, either part is still amendable.

The PRESIDING OFFICER. That is correct.

Mr. HOLLAND. Mr. President, I ask for a division.

Mr. LAUSCHE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Ohio will state it.

Mr. LAUSCHE. If a division is called for, does that mandatorily require that the first part be voted on first and the second count second?

Mr. DIRKSEN. That is right.

Mr. LAUSCHE. Unless unanimous consent is obtained.

Mr. DIRKSEN. That is right.

Mr. HOLLAND. Mr. President, I insist that we have a ruling from the Chair upon the division.

The PRESIDING OFFICER. The Senator has a right to make that request.

Mr. STENNIS. Mr. President, may we have order in the Chamber, at least to the extent that we can hear what the Chair is saying.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. HOLLAND. Mr. President, does the Presiding Officer order a division on these two subjects, in accordance with the request of the Senator from Florida and the Senator from Ohio?

The PRESIDING OFFICER. The Senator from Florida, having made the request, that is the way it will be treated.

Mr. HOLLAND. I thank the Presiding

Officer, Now, Mr. President, if I may be allowed to say this:

I have not the slightest objection to how the Senate proceeds. The Senate can proceed by motion to strike. It can proceed by immediately voting on the merits. It can proceed by substituting action on the second question ahead of the first question. Action on the first question would come automatically, unless action of the Senate ordered otherwise. But the Senate has the right to order otherwise. I have no desire to control the matter in any way. I am completely satisfied now that we know we are going to consider these two parts separately.

Mr. ANDERSON. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I am glad to yield to the Senator from New Mexico.

Mr. LONG of Louisiana. Mr. President, do I not have the floor?

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. LONG of Louisiana. I thought I had yielded to the Senator from——

Mr. ANDERSON. I understand we are going to vote. The Senator from Louisiana says he is ready to vote. This seems to be delaying the vote. If the Senate wants to vote, why does it not vote?

Mr. HOLLAND. If that question is addressed to me, my understanding is that without prior action by the Senate, the first vote would be upon the first question. My understanding has not been that the distinguished Senator from Louisiana has spoken yet upon that question, or is ready to vote upon it.

Mr. STENNIS. Mr. President, will the Senator from Louisiana yield to me?

Mr. LAUSCHE. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. Let me say to the Senator from Mississippi that I had promised to yield first to the Senator from Ohio, and then I will yield to the Senator from Mississippi.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that count No. 2 be voted upon first.

Mr. STENNIS. Mr. President, reserving the right to object——

Mr. BENNETT. Mr. President, reserving the right to object——

Mr. STENNIS. Mr. President, I do object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. STENNIS. Mr. President, will the Senator from Louisiana now yield to me?

Mr. LONG of Louisiana. I yield.

Mr. STENNIS. Mr. President, to be certain we all understand the parliamentary situation. The only thing that has happened here is the order for a division of the vote under the rules, to which the Senator from Connecticut is entitled and the committee is glad for him to have it. That is the only ruling the Chair has made; is that not correct?

The PRESIDING OFFICER. That is correct.

Mr. STENNIS. Further to understand the parliamentary situation clearer, that means that the first A item will be voted on first and B, the next, unless there is unanimous consent to the contrary; is that not correct?

The PRESIDING OFFICER. The Senator from Mississippi is correct.

Mr. STENNIS. But there is no understanding about when the vote will be made, or how much time will be had on it; is that not correct?

The PRESIDING OFFICER. The Senator from Mississippi is correct.

Mr. LONG of Louisiana. Mr. President——

Mr. TOWER. Mr. President, will the Senator from Louisiana yield to me for a parliamentary inquiry?

Mr. LONG of Louisiana. Mr. President, I want to make it clear that so far as I am concerned, and I have discussed this matter with the Senator from Connecticut, it is my feeling that we have had an opportunity to make our case on the double billing matter. I point out to Senators with regard to the double billing matter that this is the Senate trying a man for a crime, for being guilty of——

Mr. McCARTHY. Not a crime.

Mr. LONG of Louisiana. This matter of double billing involves a crime, punishable by 5 years in the penitentiary and a $10,000 fine. I will provide the Federal statute. I have looked it up. Frankly, Michael O'Hare is subject to the same thing. If a man is guilty of that, if he is guilty of what is alleged on that chart there—one, two, three, four, five, six, seven items there—as suggested by the committee, and that man is guilty of that, then he should be prosecuted.

I submit that most of the censure matters in the Senate have occurred on matters about which there is no doubt. We censured Joe McCarthy. I sat here and voted for it. We did it because he became outraged that a committee had recommended censure, and he referred to its members as handmaidens of the Communists.

One of the Senators said he referred to his colleague as a handmaiden of the Communists and he was going to recommend that he be censured. We all heard that here. I guess we had 80 witnesses to that. There was no question about it. But here it is being asked that Senator Dodd be censured for something for which, if he is guilty, he should be prosecuted, but for which he would have all kinds of rights under the Constitution, and which he does not have here under the procedures of the Senate.

In fact, it appears that the committee is asking the Senate to vote this censure upon the man without the committee having to bear any burden of proof or any preponderance of the evidence. We were told that by the chairman of the committee——

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. STENNIS. I beg the Senator's pardon. I did not say anything about not having a burden of proof to prove the matter or prove it beyond a reasonable doubt. I declined to try to tell any Senator what degree of proof is required. I said the burden of procedure is on the committee.

Mr. LONG of Louisiana. I appreciate what the Senator has said. I am glad he made that explanation. But it is a distinction without a difference.

We have the power to do here just what we did in the McCarthy case because he wrote an insulting letter to a man who was called before the committee. We could censure him for it. We could censure him because he got carried away with what he believed to be the righteousness of his cause as he saw it. He said he was a handmaiden of the Communists.

While I have been here in this body, all the censure proceedings have been against Senators for their conduct. What we censure them for is their resentment of the committees investigating their conduct. For example, in the McCarthy case, all that started with a Drew Pearson article. Perhaps it had its genesis in a tax investigation, where it was charged that Joe McCarthy had taken money to fight communism and used that money to speculate in the grain market, and used that money for his personal advantage. So there was an investigation. Tom Hennings brought the matter before the committee. At that time McCarthy took the view, "You are nothing but a bunch of lame ducks. We will have a new Congress. I won't go before the committee." He said, "In my judgment, you are dishonest." When he did that, he was censured. While that was going on, he was charged by General Zwicker. General Zwicker had insulted him, and McCarthy had insulted Zwicker. It was a case of a clash of tempers between two men at a hearing. When McCarthy found out about the censure proceeding, he became incensed, and referred to members of the committee as handmaidens of the Communists.

My recollection is that virtually all the censures have taken place with reference to matters that Senators know happened. Every Senator knew about it. They have happened in the presence of many members of the committee, or on the floor, and there was no doubt about it. We vote censure for that kind of conduct. But here we are asked to try a man for a Federal crime when there is a remedy in the Federal law to protect the Federal Government, and where he has all sorts of rights. We are asked to try him in a procedure where every Senator is privileged to vote and to sit in judgment on a man charged with a Federal crime, when the accusers say that they do not have the same burden that would be required in a criminal case. In a courtroom proceeding, he would be entitled to be heard in the selection of a jury. He would be entitled to challenge the right of a person to serve on that jury who might be prejudiced against him in his judgment, or because he knew something about the facts. He would have those rights. He would have all sorts of rights to keep certain documents out of the record, items that would be unfairly prejudicial to him, such as the columns that Drew Pearson writes every day, urging censure of Senator Dodd. He would have a right to keep out of the record things that appear in the Washington Post that meet people's eyes.

If Senators want to see a Senator censured when he is denied due process, when he is denied cross-examination of witnesses in the subcommittee session—there was an error in Tom Dodd's memorandum; it was indicated it was a full committee—if Senators want to try that man and deny him the right where he has some say on who sits on the jury, deny him the right to be tried in a case where the accusers must prove him guilty beyond a reasonable doubt—if that is what Senators want to do, they can do it. But they will have put a Member of the U.S. Senate on trial for his political life in a proceeding which does not give as much right to a U.S. Senator as exists for a thief who had stolen 50 cents worth of merchandise.

The question is not whether this man can be and will be tried. The question is, Do Senators want to do it? If they want to do it, they have the power to do it and to punish him.

I have discussed this matter with one of our district judges who sat on the court of appeals. He laughed at that case. He is not sitting as a court. He looked at the case. He said that in his judgment there is not a jury in America that would convict or a court of appeals that would sustain the conviction. That is what that judge predicted that man's trial would result in if it were tried in a court of law.

I am willing at any time to have the Senate go to a vote on whether the man committed a Federal crime and double billed the Government. We ought not to try the Senator for that crime, even though it can be and has been clearly demonstrated that he is guilty of no wrongdoing here. We ought to send the record to the Federal Bureau of Investigation to see if they can make a case and then go ahead and bring a case against him.

But on the other charge, that of raising campaign money and spending it for other purposes, that is an entirely different matter. It is something on which the Senate can properly sit in censure. It is something on which the Senate could, with propriety, sit in judgment and censure.

There are a number of other questions, a completely different set of questions involved, that would confront the Senate. It does seem to me that the Senator from Florida had a very strong point when he said we ought to separate these two charges, because we are doing nothing but cluttering up our minds around here when we proceed to listen to evidence on one of these proposed charges or one of these so-called patterns of misconduct for a while, and then turn to the other thing for a while. It just confuses us; we would do better to stay with one of them until it is decided, and then proceed to the other one.

But, Mr. President, I hope the request of the Senator from Ohio will, in due course, be agreed to, because it would seem to me that that would be the ordinary way and the best way to proceed. Tactically, it seems to me that it does not make too much difference how we proceed, whether we are forced to vote on the No. 1 charge or not. But we cannot agree to proceed to a vote on the No. 1 charge right now, because we have hardly commenced our defense on that issue. On the second one, we are ready to vote now, or at any time in the future.

Mr. President, I am aware of the fact that at least one member of the committee has indicated that it might be well for us to sit down and discuss the double billing matter, so that perhaps I can come to see it the way the committee sees it, or they can see it the way I see it, and perhaps we might even agree on an additional stipulation or two. I am perfectly willing to cooperate in any way that I can, now or at any time in the future.

But I must tell Senators—and I hope they will forgive me, considering how few friends this man had on his side—that while everybody has a duty to censure this man, if he is an evil man, and I would vote to do it if I thought so, as much as I may irritate Senators by insisting on the rights of the defendant here, he has only had one man insisting on protecting his rights, and I hope Senators will forgive me if, in my efforts to have them hear the defendant explain his situation, and also to present the case for him, I seem to be overzealous. I am very grateful for the Senate's attention.

Several Senators called for a vote.

Mr. LONG of Louisiana. Mr. President, I would be ready to vote on that second charge. I ask unanimous consent that the Senate proceed to vote on the second charge, of double billing.

Mr. BENNETT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BENNETT. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Louisiana has the floor. Does the Senator from Louisiana yield to the Senator from Utah?

Mr. BENNETT. Mr. President, will the Senator from Louisiana yield to me for a question?

Mr. LONG of Louisiana. Certainly I shall be glad to yield.

Mr. BENNETT. Mr. President, does not the Senator from Louisiana feel that some of the things he said in his statement this morning are of such a nature that the committee should be given an opportunity to examine and respond to that presentation, and does not the Senator feel that the committee would be derelict in its duty if it did not do so? Can he not understand that for that reason, the members of the committee feel that they should have another opportunity to discuss the so-called second charge?

It is on that basis that the objection is made. The committee is not through with the presentation of its material.

Mr. LONG of Louisiana. Mr. President, I am deeply grateful for the explanation given by the distinguished Senator from Utah. He is a fair man. He is an honorable man. He is one of those men who, I believe, would never deliberately nor intentionally do an injustice to anybody, anywhere on earth.

The statement that he has made, may I say, proves it all the more. I am delighted to hear it, because that is the sort of fair-minded man the Senator from Mississippi is, as well as every other member of the Committee on Ethics—the Senator from Kentucky, the Senator from Mississippi, the Senator from Oklahoma, and the Senator from Kansas—every one of them is eminently fair. I am deeply grateful that fair-minded men did hear what I have to say, and take note of it, and wish to consider it and undertake to see whether I am in error or they are in error. That is all that I could ask.

Mr. PEARSON. Mr. President, will the Senator yield for a question on the double-billing aspect?

Mr. LONG of Louisiana. I yield.

Mr. PEARSON. I understand the Senator from Louisiana is now prepared to go ahead and vote on the second charge?

Mr. LONG of Louisiana. Yes, sir.

Mr. PEARSON. Yesterday we heard a great deal of talk about due process, and I know of no element more important in finding the truth or seeing that it is done in an adversary proceeding. The Senator, acting in an adversary capacity, makes, I think, a real contribution to the Senate today.

Do I understand that it is the Senator's position, first, that the double billings did not occur, or second, that if they occurred, it was because of the inefficiency of O'Hare, or, if that is not true, then whatever O'Hare says does not deserve to be received by the committee or by the Senate, because of his complete lack of credibility?

To phrase the question another way——

Mr. LONG of Louisiana. I stand on all the reasons that I gave, and all the reasons Tom Dodd gave. I stand on the fact that the only testimony in the record in support of that double billing is the sworn testimony of Michael O'Hare. There is no other witness, none of the other four former staff members, even, to support the charge that Tom Dodd knew about this, that he ordered it, and there is no evidence whatever to make Tom Dodd responsible for it. The proof is just zero, unless you believe Michael O'Hare.

I rely on the fact that Michael O'Hare is not a credible witness. In addition to not being a credible witness, he had a strong, impelling desire to tell a falsehood about this matter, to perjure himself. I stand on the fact that Michael O'Hare was a very sloppy bookkeeper.

I stand on the fact, as I indicated, that as regards this so-called charge of a pattern, the Seattle trip was not a double billing. Senators might argue the propriety of accepting an honorarium out there, but that was not double billing.

As to the trips to Tucson and Los Angeles, while O'Hare had not double billed previously since 1962, in 1965 he double billed twice in 1 month, after his friend James Boyd was fired, and at a time when evidence available to the committee would show that Jack Anderson had proudly proclaimed that he was in the process of persuading these people to defect and destroy their boss.

Mr. PEARSON. Mr. President, if I may interrupt the Senator.

Mr. LONG of Louisiana. Excuse me for 1 minute. I was asked why the committee charge was no good. Let me tell the Senator.

I submit that in order to find there has been double billing, you have to secure two things. First, you must find that the Government has paid the billing, and then you must find that there was a private organization that also paid it.

If the receipt that we receive comes either directly or indirectly from the thievery of James Boyd, Michael O'Hare, and these others out of TOM DODD's files, if you use that evidence—evidence stolen from the files—that is what is known as making use of the fruit of the poisonous tree.

It is evidence achieved by corrupt methods. It was stolen. It is the fruit of the poisonous tree.

That is information that you receive which, while it is true, was not brought directly to you. You did not acquire it corruptly. However, at the same time it would never have been available to you if it had not been for all of the corrupt activity that was going on. That is what the Supreme Court has chosen to call the fruit of the poisonous tree. The Supreme Court will not look at any such evidence.

So, we have a problem. The doctrine of the fruit of the poisonous tree has not been extended this far. However, before we vote, I want to have a standard set in the Senate that we will not convict a man by the use of the fruit which falls from the poisonous tree, the poisonous tree being documents stolen from a man's files by night, and the fruit of it being the fact that you never would have found a copy of a document if you had not had the document made available to you.

It presents a problem, and the Senate has every right under the sun, legally, if it wants to do so, to use such evidence. But we are talking about morals here. We are talking about standards, and we are talking about conduct.

I am going to be required to ask a question before it is over: "Do we really want to convict a U.S. Senator and destroy a man who has been the victim of the fruit that fell from the poisonous tree?"

That comes to the old story in Genesis of Adam and Eve. We know that Adam was told not to eat the poisonous fruit. He disdained to do so. But there was a serpent on that poisonous tree.

This serpent is Jack Anderson trying to get us to eat the fruit of that poisonous tree.

If I might be permitted to use a metaphor, Drew Pearson is the crocodile and Jack Anderson is the serpent on the poisonous tree. He has a poisonous tree acquired at great effort. He wants us to consume the fruit of that tree and destroy a Senator as a result of a corrupt plot and theft and burglary and stealing and lying and all of the corruption which constitutes the poisonous tree.

He has given us the fruit of it through his columns in 600 newspapers. He now wants us to eat this fruit. If we want to do it, we have every right to do so.

When Adam did, he did not make out too well. Even the serpent did not do too well. He had to crawl around on his belly after that. Eve had some problems, too.

We ourselves are confronted with this problem. Are we going to eat it? Are we going to bite into the fruit of this poisonous tree?

It may very well be that in trying to redeem the honor of the Senate some good man with good motives may say: "I want the people of my State to know that I do not approve of the carryings on that TOM DODD is charged with."

In doing so, we may proceed to vote to convict a man by evidence obtained indirectly from the corruption, theft, burglary, lying, forging, stealing, and the committing of all sorts of crimes that I am not going to discuss by reason of delicacy.

Having done all of that, we proceed to consume the fruit of that tree.

Far from making ourselves look good, we may mark ourselves.

I am not going to do it. I not going to eat that fruit.

If the Senator wants to do so, that is his privilege. I will not.

Mr. PEARSON. In line with the comment of the Senator that we need first to show payment from the Government and then payment from private sources, referring to the record—and I know the Senator is a student of the record—to the stipulations wherein Senator DODD and the committee entered into a statement of fact on pages 863, 864, and 865, we have the information and the facts which the Senate demanded as an essential showing in the making of findings.

Mr. LONG of Louisiana. How did you go about getting that stipulation from those people?

Mr. PEARSON. Getting what stipulation? You mean on the trip?

Mr. LONG of Louisiana. May I say, if you got that stipulation by agreement, you had a right to call upon this fellow to agree that that was the case.

Let us face it. When you called upon that man and agreed with him, you had seen the fruit of this poisonous tree. It had been available to you.

The committee had a right to use it. That is its legal right. The question is: "Do we want to set that standard as a standard for the Senate of the United States, that we will even use the fruit of that poisonous tree and obtain stipulations from a man based upon such information?"

Mr. PEARSON. I do not think a stipulation was entered into or acquired under any duress whatever.

Mr. LONG of Louisiana. Even if you were to do that legally, how did you get the stipulation? The information comes to you from the poisonous tree itself, which the committee says it disdains to use. And the committee said that for a very noble reason.

The committee said: "We just did not think that would be fair." However, the committee then proceeded independently to get that information.

Mr. PEARSON. The Senator is correct.

Mr. LONG of Louisiana. And it will be found, if you want to lay the information out there, so that it will be there for Senators to know, that you wrote to people saying, in effect: "We understand you have a letter from Senator THOMAS J. DODD dated such and such, at a certain place, and the code says that it ought to be such and such. It ought to be filed in such a place, and we want a copy."

Those people wrote Senator DODD. Counsel for the committee did not tell us, but we do know that this evidence was obtained by means of the fruit of the poisonous tree.

The committee had every right to do this. All I am talking about is the moral standard imposed on the Senate when we do it. It sets a precedent.

It is the precedent of allowing corrupt employees to destroy a large number of good Senators. And it is easy enough to prove that he has done nothing wrong. We are talking about the double billings. We will get to the rest of it later on, and I think it can be shown that TOM DODD did not do wrong there, either.

Although it had every legal right to do otherwise, the committee chose not to accept tainted evidence.

I do not think it ever occurred to the committee, however, that there might have been an additional problem involved here and that that might not have been fair, either.

It states on page 12 of the committee report:

> At Senator Dodd's request, in April and May 1966, the Committee obtained copies of several thousand documents taken from Senator Dodd's office by former staff members. (The removal of these documents is discussed in the Supplement to this Report.) Copies of the documents were given to Senator Dodd.
>
> The Committee decided that it would be improper to use documents taken without consent from a Senator's office and therefore obtained all facts through its own independent investigation.

But the committee necessarily used some tainted evidence; indeed, the investigation was begun on the basis of newspaper allegations—which in turn formed their ultimate source in stolen documents.

Mr. PEARSON. Senator, how many year trips in total do you conceive to have been taken by Senator DODD during the period in question? I have stated earlier, in attempting to explain this particular part of the record, that that number was 80. Would the Senator agree that that is so?

Mr. LONG of Louisiana. About 80 trips.

Mr. PEARSON. How many, from the Senator's own investigation and study, were made with a charge against the Senate or the U.S. Government? I made that number to be 26. Would the Senator agree to that figure?

Mr. LONG of Louisiana. Twenty-six?

Mr. PEARSON. Would the Senator agree that that is so?

Mr. LONG of Louisiana. I agree.

Mr. PEARSON. We further determined, and I said so two or three times on the floor of the Senate, that those occasions where there was an opportunity for dual billing acounted to 10—and we never questioned the public business of the Senator on any trip. We made that number to be 10—that is, where he had a personal appearance, and also where he was working for a subcommittee or a committee of the Senate.

Mr. LONG of Louisiana. So, the point is that you charge that as being 10.

Mr. PEARSON. I did not hear the Senator.

Mr. LONG of Louisiana. I have had available to me some of the best accountants, and I believe they are the best accountants on Capitol Hill. I did not need many accountants, just one good one, to look at it. We studied and analyzed it as shown on the chart. The first one really was not a double billing at all. We do not have adequate documentation.

With respect to the Villanova item, in my judgment, the committee erroneously concluded that that transportation was by air, back and forth. But, for instance, if that were transportation by taxicab from the airport to Villanova College, 6 miles outside Philadelphia, and back, and if that were for taxicab fare to and from Washington National Airport alone, that would just about cover the $28.50, not counting the other items, which could have been a tip, a meal, or any one of a number of things.

If Tom Dodd had really enjoyed going first class, he could have hired one of those high-class limousines for $50. Instead of transportation expense of $50, it would have been transportation and expense of perhaps $60.75.

Mr. PEARSON. Would the Senator agree that, really, the amount of money is not of the greatest importance here, nor the amount of times it occurred, but that the real gist of the matter is the intent, whether or not a U.S. Senator intended to double bill? Is that not really what we are trying to find out?

Mr. LONG of Louisiana. The Senator from Kansas understands this, also: Tom Dodd swears he did not know anything about it.

Mr. PEARSON. I understand.

I have approximately four more questions.

Mr. LONG of Louisiana. The person who did it is available to the committee, and unless the committee wishes to call that person, the committee should be willing to stipulate that the person would so swear—that the person did it, that it was an error, that it was all his fault. Tom Dodd did not do anything at all about it. You do not even have Michael O'Hare with respect to this item. That one has to go.

Mr. PEARSON. Will the Senator permit me to ask some questions?

Mr. LONG of Louisiana. Keep this in mind: That was supposed to be, I assume the first of this pattern that developed, and with respect to this I want to refer to the criminal statute, to determine what the penalty would be. This is the criminal statute, of which the man would have been guilty. Listen to this, Senator:

> Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority sells, conveys or disposes of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof; or
>
> Whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted—

A very general statute covering all sorts of things—

> shall be fined not more than $10,000 or imprisoned not more than ten years—

He would not be subject to 35 years in the penitentiary. According to the Senator's theory, he would be subject to 100 years in the penitentiary.

But in the effort to get a few paltry bucks, it is alleged that this man, an honorable man, known to us to be an honorable man, with no evidence to the contrary, would have violated his oath of office and committed a crime for which, "if the value of such property does not exceed the sum of $100, he shall be fined not more than $1,000 or imprisoned not more than 1 year, or both."

Mr. PEARSON. I ask the Senator this question——

Mr. LONG of Louisiana. Senator, I know it is not my privilege to ask the question: Do you really think if the Senator was going to do that, he would have started that pattern for $24.53; that he would engage in this kind of corrupt activity?

Mr. PEARSON. I am not going to give the Senator an answer to that question, except to rely on the report we turned in to the Senate, of which my signature is a part.

But in attempting to determine that intent or the will or the pattern, as the Senator has said, I ask the Senator this question: If a Senator, any Senator, received a payment from a subcommittee or a committee, it would come to him in his name as payee, would it not?

Mr. LONG of Louisiana. I shall check that. He did not see it and did not sign it.

Mr. PEARSON. Is it the position of the Senator that he did not endorse his name, in any event, on the back of checks that came from the subcommittee?

Mr. LONG of Louisiana. None; none of these. He so testified. Actually O'Hare was taking care of the Senator's personal checking account.

Mr. PEARSON. Including the endorsements on checks?

Mr. LONG of Louisiana. There is only one check from the Senate; all of the others were done with air travel cards, and O'Hare used those cards.

Mr. PEARSON. I am not talking about signatures on vouchers or vouchers prepared by the subcommittees. I am talking about checks in payment of vouchers that come to Senators. They do come to a Senator in his name, do they not?

Mr. LONG of Louisiana. The checks did not come to Senator Dodd. The Government pays the allowance and it does not go directly to Senator Dodd.

Mr. PEARSON. It would depend on how the voucher is made out. Six of the nine vouchers were in the name of Senator Dodd.

Mr. LONG of Louisiana. It should be kept in mind that one is a check for travel and the others are for per diem. Senator Dodd's name is on one check.

Mr. PEARSON. They are left together, are they not?

Mr. LONG of Louisiana. If the Senator is going to fault him——

Mr. PEARSON. No, I am not——

Mr. LONG of Louisiana. Let us be fair. If the Senator wishes to fault him on this the Senator has to find out he knew about the other.

Mr. PEARSON. How would the check come from Villanova, Philadelphia, or any other private organization for expenses and honorariums to any U.S. Senator? Would it not come to him in his name?

Mr. LONG of Louisiana. I assume so, but the air travel for Villanova never came—the private organization checks were done with rubber stamps. One can do that anyway he wishes. That was done by O'Hare.

Mr. PEARSON. But they would be received by the U.S. Senator, would they not?

Mr. LONG of Louisiana. They would come to his office and O'Hare would endorse them, stamp them with the rubber stamp.

Mr. PEARSON. Leaving O'Hare out again, the vouchers are prepared by the subcommittee, are they not? We so found and so reported.

Mr. LONG of Louisiana. I assume so.

Mr. PEARSON. How would O'Hare know anything about the vouchers?

Mr. LONG of Louisiana. One can assume there would be a request. One can further assume O'Hare, as bookkeeper, would take the air travel card to the airline office and turn it in.

Mr. PEARSON. I have one final question.

Mr. LONG of Louisiana. He would have the ticket made out. The handwriting expert said that Tom Dodd did not sign any vouchers. So O'Hare took the card, and O'Hare or someone signed the vouchers. Tom Dodd did not.

Mr. PEARSON. My final question.

Mr. LONG of Louisiana. It is rather difficult when one has done nothing wrong, to have to exculpate oneself by saying he can establish who did wrong. It is difficult enough when one has all of these lies told on him, but when one has to prove not only that he did not do it, but also that he knows who did, that is most difficult.

The Senator may ask his other question.

Mr. PEARSON. I have only one question. An invitation from an institution or an organization to come to speak, and the offer of an honorarium and travel, ordinarily would go to the Senator. He would be the one who would know about the arrangement; is that not so?

Mr. LONG of Louisiana. Not necessarily.

Mr. PEARSON. I can understand that someone in the office might know, for instance the secretary.

Mr. LONG of Louisiana. I shall tell the Senator of my office arrangement on such things.

Mr. PEARSON. Of course, a bookkeeper would know.

Mr. LONG of Louisiana. I shall tell the Senator that half of the time I do not know. My office takes care of it.

Mr. PEARSON. But the Senator makes the decision as to where he is going to go to make a speech and as to whether or not he is going to accept an honorarium and travel. Does not the Senator do that?

Mr. LONG of Louisiana. As to a final decision, yes.

I hate to admit it, but my administrative assistant takes care of such things, together with my personal secretary, who is one of the most competent secretaries on the Hill.

In connection with my financial affairs, they have been begging me to get a CPA. I asked them whether they thought I would save more money by hiring someone to look at my books instead of having fine people, such as they are, to do it. They replied that I probably was losing money by not having a CPA take care of my books.

Mr. PEARSON. The Senator has been very patient to answer my questions.

After the question came up a number of times after the deficits in each of the campaigns, and with the help of the staff I have a memorandum with a citation to the record as to that testimony.

Mr. LONG of Louisiana. May I see it?

Mr. PEARSON. I shall have it printed in the Record now, if the Senator wishes me to do that, or I shall wait until the Senator completes his presentation.

Mr. LONG of Louisiana. Would the Senator be so kind as to permit me to look at it?

Mr. PEARSON. I was going to read it into the Record. I can do it now or later.

Mr. LONG of Louisiana. I have no objection at all.

This is what the Senator feels were deficits?

Mr. PEARSON. That is a reference to testimony in the record.

Mr. LONG of Louisiana. I hope the Senator will favor me with a copy after he has it printed in the Record. It might be very relevant.

Mr. PEARSON. Does the Senator have any objection to my having it printed in the Record at this point?

Mr. LONG of Louisiana. None at all.

Mr. PEARSON. Well, Mr. President, I will read it, because I think it is of great importance:

RECORD CITATIONS RELATING TO CAMPAIGN DEFICITS

1. *1956 Campaign.*—Newspaper article (pg. 1032 of hearings)—reports deficit of $25,542.

2. *1958 Campaign.*—Newspaper article (pg. 1033 of hearings)—reports deficit of $19,366.

Boyd testimony.—(pg. 600 of hearings) reports deficit $19,000.

3. *1964 Campaign.*—Campaign report filed with the State of Connecticut (pg. 940–950 of hearings)—shows deficit of $6,661.77.

Sullivan testimony (pg. 1137–1138 of hearings)—"I believe our final figure was receipts of $250,000 and expenditures of $257,000."

"The 1964 campaign was not actually solvent. It was—we still slipped into the hole for about $7,000, to the best of my recollection."

Barbieri testimony (pg. 694 of hearings)—"I understood it (the 1964 campaign deficit) to be somewhere in the neighborhood of $4,000 to $6,000."

Moriarty testimony (pg. 623 of hearings)—"At the time of the filing of the report with the Secretary of State, it was, I thought, approximately a $10,000 deficit."

Mr. LONG of Louisiana. May I ask the Senator, is that a newspaper account, an official report, or what is it?

Mr. PEARSON. I hand the Senator a copy for his own use. It covers documentary evidence in the record.

Mr. LONG of Louisiana. I thank the Senator. We will take a look at it and will certainly be glad to study it and analyze it. Let me say to the Senator from Kansas, for whom I have profound respect, that he is a great Senator, and I am very proud to serve with him in this body. However, I see this thing from a completely different viewpoint than he does. If one looks at it from my point of view, he will agree that Tom Dodd did nothing wrong whatever.

Incidentally, I do not think the Senator from Kansas has been exposed to my point of view even though he has worked on this matter for a very long time.

I should like now to proceed to explain my side but, I regret to say, it is a Friday afternoon, and many Senators are not in the Chamber so that I feel it might be a waste of effort for me to try to get more Senators into the Chamber by means of a live quorum, because even if more came in, some would drift out anyway.

However, let me stress: I hope that every Senator here, and every fair-minded man and woman in the country, realizes what a heavy burden lies upon the Senate at this hour.

Mr. President, I will not insist upon a live quorum at this time, but suggest the absence of a quorum in order that I may get my notes together.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, on yesterday, the Senator from Massachusetts [Mr. Brooke] raised a question which demonstrated his great legal ability and talent. I had not anticipated that he would bring it up. I was rather surprised at the answer we received on that occasion.

He brought out the fact that a person facing censure in the Senate of the United States is entitled to expect that his accusers would not only face him, but that they would carry the burden of proof beyond a reasonable doubt.

Mr. President, that is what any citizen accused of a crime is entitled to expect. It just never occurred to the Senator from Louisiana at all that it could be any other way.

The Senator from Massachusetts [Mr. Brooke] has admirable and distinguished qualifications in this field. He was attorney general of his State, as I recall, before he came here. He knows these matters. He has had responsibilities in connection with them. He assumed, as I did, and as my counsel did, and as Senator Dodd's lawyers did, a censure in the Senate has come to mean a virtual death sentence.

I have seen what it can do to a person. It destroys him politically, and it does something to his health. It is a very severe punishment.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. BROOKE. With all due respect, I think I said yesterday that I would, for myself, consider this to be in the nature of a civil procedure. The test I would apply would be the preponderance of the evidence, rather than proof beyond a reasonable doubt, which is required in a criminal proceeding. I wanted to correct the Senator with respect to what I believe I stated yesterday.

Mr. LONG of Louisiana. I thank the Senator for correcting me on that. I appreciate his fairness.

May I say we are trying this man for violating a Federal law that has a penalty of as much as $10,000 and 10 years for each offense. It seems to me we would be more in the capacity of trying a man in a criminal case.

It might be that in the other matter we are talking about, a Senator engaging in bad conduct, misbehaving himself, conducting himself on the floor unseemly, Senators could let their consciences be their guide and say there should be a preponderance of the evidence. But those who make the charge ought to be able to produce enough credible evidence to at least convince the Senate that a person is guilty. They ought to be able to produce more convincing evidence than the defense.

It seems to me the accused is entitled certainly to a presumption of innocence until proved guilty of doing something wrong.

I did not discuss this matter with counsel for Tom Dodd, but I have thought it through, and it is absolutely correct. Counsel for Tom Dodd have been put in a position where their client was badly prejudiced. Apparently it is suggested that the defense had to exculpate their client and prove he had done no wrong, and even to prove who did it. That is a heavy burden to place on anyone. It has caused the defense attorneys to conduct their defense differently than they would have done otherwise.

For example, when Tom Dodd was first accused about matters in the Julius Klein case, he had no lawyer. He said, "My life is an open book. Take all my records." That is something no lawyer would do if his client was guilty or innocent. He would tell them nothing.

The committee stipulated, in stipulation No. 1, that Tom Dodd borrowed $211,000 over this 2½-year period, and that he was $150,000 in debt when he became a U.S. Senator. The committee took the position that the $150,000 in debt which it agrees existed is rather meaningless because Tom Dodd is not able to produce bills to show how much of that figure was for debts incurred in paying hotel bills, transportation, or expenses of printing, radio, or television; nor is he able to say how much of it occurred because of loss of income which would result from the loss of earnings to the extent of about $250 a day, with a consequent increase in debts because of his inability to pay what would otherwise appear to be personal debts which had accumulated.

Let me explain the difference between my position and the committee's position.

It seems to me we should not confuse a tax question with a moral question. It seems to me the Senate should realize that there are times when it is not wrong for a person to receive money that is campaign oriented which is used to pay off personal debts.

I am not going to discuss the tax problem at this moment. It may be that he owed taxes on that income, and I am not disputing that. The tax problem is one thing. The moral problem is an entirely different thing.

This is something which the committee did not understand as it went into this case. The Senator from Louisiana is familiar with all sorts of instances of that sort. Let me take one example. Let me give one example of an ordinary, run of the mill case that occurs in Louisiana. Let us say our friend was supporting a candidate for Governor. This is one that happened. That is why I know it.

They are supporting a candidate for Governor, and he is being opposed by another candidate for Governor. There is a sheriff in a South Louisiana parish who, if his hands are free, can deliver that parish. If he does not have to worry about his own reelection, if his hands are free, he can just go out there and deliver votes left and right. He can deliver that parish 3 to 1.

Unfortunately, he is not on our side. He is on the other side, and we are worried about that. We need to slow that fellow down, and keep him busy at home getting votes for himself. That way, he will not be able to beat us worse than 2 to 1.

So we undertake to find him an opponent. Now, we are not seeking to find him somebody who does not have a chance; we want to keep him right busy. We want to get him a good one.

So we say, "Let me see, here's the old boy who used to be chief deputy for this man. That fellow was more popular and knows more practical politics and more about how to get things done than the sheriff himself. Let's get that old chief deputy to run."

So we go out to see him. He has retired from the chief deputy's job, and is out on the farm. He says, "Well, gee, I am glad you folks would like to have me run, but I can't think about running for sheriff."

We ask, "Why not?"

He says, "Well, you know, my old buddy, the sheriff, for whom I used to work down there, holds my note for $10,000, and that note is due. Just as sure as I go to file over here at the courthouse, to try to help you folks out—I think I might beat him, but when I go to file, look what's going to happen to me." He says, "That guy is going to call my note in, seize my tractor, and seize my mule out there, and I won't be able to pay expenses, much less win the election. You have got to find you somebody else to run, who can afford it."

So we say, "Look here, we can find some fellows to campaign for you, and raise some money for you. We have friends that will help you."

So the man says, "I am sorry, but that is not enough." He says, "I have to stay out here on this farm and scrabble for a living, to keep whole hide and hair together for the family. We have got to eat. Who is going to feed the wife and kids while I am out there campaigning for office? My income is cut off."

So we say, "That is a real problem. I tell you what we better do here: Let's see if we can find enough people to put up enough money to help you beat that sheriff, raise the $10,000 to pay off your note, raise another $10,000 on top of that to hold the family together, and then, having done that, you go ahead and use $5,000 of it to feed the family and $5,000 to campaign for office, and use the other $10,000 to pay the note."

So the fellow, being an honorable man, does exactly what he agrees to do. We raise the $20,000, and he takes $10,000 of it and pays off his note, and goes out campaigning and beats the sheriff. We did not get beat 2-to-1; he carries the parish along with him.

That is what Uncle Earl would call good, practical use of money in politics. Mr. President, there is no moral problem involved there. We wanted the man to run. He is a good man. He makes a good sheriff. He is the choice of the public. He does not spend half as much as the other fellow getting elected, but he was a candidate who could not have been persuaded to run if we had not gone in there and put up the money to get the thing going.

As a matter of practical policies, my Uncle Earl did things like that many times. He taught me something about that kind of politics, just because I was around when it was going on. If I may be permitted to cite a single example, ALLEN ELLENDER will know who this man was: Here was a good friend of my Uncle Earl's, and ALLEN ELLENDER's, and of all of us. He was always immaculately dressed, had a white linen suit in the summertime, a diamond stickpin, and a panama-type hat, and just looked like a million dollars. He never had any trouble getting reelected, because the sheriff in that parish always took care of him. He was the strong man of the parish, and was always with the right people.

But one year, this man found he was in difficulty, and had a tough race on his hands. They got him into a runoff; and he went to see my Uncle Earl, to see if he could get a little practical advice about what to do in a tough race. And he went to the right man, too. Uncle Earl was the man who could do it.

Uncle Earl looked at him and said, "Man, don't you see you are in prospect of being ruined? Do you want to end your political life in defeat?" He says, "Those country folks out there don't know who you are." He says, "All those fine, spotless clothes of yours, you have got to do something about that. Get a little dirt on you. Get down and roll on the ground."

And Uncle Earl added, "Furthermore, while you are at it, take that rubber band off that big wad of green bills you got there, and spread some dough around among those country folks. Otherwise, you're going to get beat."

Mr. President, that man had legitimate campaign expenses. [Laughter.]

The PRESIDING OFFICER. The Senate will be in order.

Mr. LONG of Louisiana. Hard to document, no doubt. He did not have the receipts from the bartenders that he paid for the drinks when he went into the bar with a bunch of those Frenchmen around down there. He did not have any proof of the fact that he had gone out and given a party to a few little children, and told them, "Go home and tell your folks about your Senator," and one thing and another like that. He hardly had any documentation for any of that green that he spent getting out there and winning that race. But he did have one piece of evidence—he won the race. Without that, he would not have had any evidence at all.

All I am saying is that politically, it is the right of a politician's friends to raise the money to carry the cost of his campaign. From the point of view of the Internal Revenue collector, it is not only their right, it is their duty. From the point of view of the income tax collector, the fellow who shares your income with you, it is not even your right to pay those expenses with your own personal earnings, for a number of reasons.

For one thing, the job does not pay that much. In other words, Senators know that in some races, it is going to cost as much as $450,000 to make a race for the U.S. Senate. What does the job pay? We have finally got the salary up to $30,000 a year; so, projected forward for 6 years, it is $180,000 before taxes—and that is before eating, too. So it is, from the point of view of the revenue collector, a politician's supporters who pay the expenses of his campaign to keep him in office.

I do not mean that the tax collector is really going to hold it against you that you are a rich man, who pays it all himself, and does not ask anybody to help him. He does not hate you for that. He is just not going to let you deduct any of that from the income you earn. He is going to put the rich man on the same basis as that poor man. The rich man has no advantage, and if he wants to fritter his money away on campaigning, he can do it.

But we cannot deduct as a business expense the cost of our running for office. We cannot deduct it. Try it sometime. You will not get away with it.

I ought to know something about it. I have been on the Democratic senatorial campaign committee, and we try to keep up with what they are doing on the other side of the aisle while we stay active on our side. We know that we cannot deduct it. We know you cannot deduct it. That makes us both even.

What happens in TOM DODD's case? Here was a man who was making, let us say, $65,000 a year in law practice. This fellow wanted to be a Senator.

If we study the record, it is just as clear as it can be that this man was willing to make a tremendous sacrifice to be a U.S. Senator. He was not a rich man. He had a very small net worth, although he had a very substantial earning capacity as a lawyer.

He had this ambition, and he did something that I have advised men not to do.

I have advised men, "Don't run for the Senate and don't run for the House, until you have accumulated enough wealth so that you do not have to worry too much about your financial plight whether you win or lose the race."

Men do not take the advice. They get enthused about the fact that they have a chance to win. Some of them have an overwhelming ambition, and they run anyway. Some of them lose and wind up head over heels in debt. Some of them win and wind up head over heels in debt.

From the financial point of view, they would have been better off if they had lost, because if they win they receive a meager salary, all of which is taxable. They have large expenses that they never had before, most of which are not reimbursed, and they have this crushing debt to carry.

Mr. President, it always has been the law as far back as I can remember that any politician—and that is not merely a Senator; he can be a mayor or a constable—running for office is entitled to raise enough money to pay campaign expenses. He is entitled to do that, and he does not have to pay taxes on that income so long as he is using that income to pay the campaign expenses. He does not have to pay taxes on that money, none at all.

There is something else that he can do, and if Tom Dodd had come to me, I could have explained that to him. I have been on the tax-writing committee and I have been on the Democratic senatorial campaign committee. It is my business to worry about the other fellow's troubles as well as my own.

Here is a fellow who runs for office. When he starts out, he is practically debt free. When he gets through, what is his situation?

When he gets through running, he is $150,000 in debt. Actually, at one time he was more deeply in debt than that. He had borrowed a total of $211,000. At the end of the campaign, he had an outstanding debt of $150,000.

Mr. President, Senators will note, in discussing this problem, the difference of the departure I am taking from the committee in every step of the way.

The committee starts from the bottom and works up. My departure is from the top to the bottom.

My debt figure starts with $150,000. The committee was not impressed with that. They were not willing to concede that that $150,000 was debts that the man would not have acquired otherwise had he not run for the U.S. Senate.

The committee does not concede that now.

There is the basic difference between the committee's position and mine.

I think I can prove that I am right and that they are wrong. If I can, I think I win my case, or Tom Dodd wins his case.

Let us look at what happened. This fellow was borrowing money from anybody who would loan him money.

This man really wanted to be a Senator. So he ran in 1956 and he had a considerable debt left.

That was the Eisenhower sweep. I believe Bill Purtell won that time.

Tom Dodd came back and tried again in 1958.

There was not too much chance of getting the nomination in 1956. That was not so in 1958.

There was a fellow named Chester Bowles who was a very popular man. He was a great man in America. He was a millionaire.

Bill Benton was an extremely popular man. He was also a millionaire.

Those fellows were spending a lot of money.

Tom Dodd was elected, but he found himself head over heels in debt. When people run for political office, it can ruin the best of men.

So the man was elected, and he had all these debts. If at that time Tom Dodd had done what any one of us who have been here for a while could have advised him to do, he would not have the trouble he is having today. He could simply have gone to a bank and borrowed the money.

Mr. President, I have placed on the desks of Senators a memorandum to show how that could have been done. I ask unanimous consent that the memorandum be printed in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Example of how paper trail could have been made

Notes receivable (Dodd)			T. J. Dodd campaign account			
1959	(a)	$150,000				
Add interest	(b)	9,000				
Total	(c)	159,000				
1960	(d)	159,954				
1961	(e)	169,551	Testimonial proceeds		(f)	$56,111
1962	(g)	179,724				
1963	(h)	190,507	Testimonial proceeds		(i)	54,664
1964	(j)	201,938	Less 1964 campaign deficit:			
			Expenses	$247,937		
				246,290		
			Deficit		(k)	1,647
			Balance		(l)	109,128
			Less unreimbursed cost of office		(m)	101,353
			Balance			7,775
1965	(n)	214,053	Testimonial proceeds		(o)	56,555
			Balance			64,330
Less repayment	(p)	64,330	Less payments to help retire campaign debt		(p)	64,330
Total debt outstanding as a result of 1956–58 campaign		149,723	Balance			0

EXPLANATION OF EXAMPLE AS TO HOW AN ADEQUATE PAPER TRAIL COULD HAVE BEEN MADE

If Senator Dodd would have known that the Committee might have disapproved of the manner in which he kept his records, he could have left an adequate paper trail which would have kept his expenditures beyond question even if he made the identical expenditures that he has made in the case before us.

(a) The first step in constructing an adequate paper trail would have been the opening of a Thomas J. Dodd Campaign Account and the securing of a note from a bank for the amount of his indebtedness resulting from his 1956–58 campaigns. Then he would have used the proceeds of this loan to pay all of his campaign bills and indebtedness. At this stage it would have been clear that the repayment of the note would have been the obligation of the campaign account and that any funds received as a result of testimonials, etc., could be used for this purpose.

(b) At the end of the first year the total amount owing on the note would have increased as a result of interest charges. In this example, it is 6 per cent of $150,000, or $9,000.

(c) This figures represents the total of interest charges and principal at the end of 1959. In subsequent steps the chart figures will show the increased outstanding obligation, but the interest computation will not be shown.

(d) This figure represents the total amount outstanding at the end of 1960.

(e) This figure represents the total amount outstanding at the end of 1961.

(f) This figure shows that the net proceeds of the 1961 testimonial affair would have been deposited in the campaign account.

(g) This figure represents the total amount outstanding at the end of 1962.

(h) This figure represents the total amount outstanding at the end of 1963.

(i) This entry shows that the net proceeds of the 1963 testimonial affairs would also have been deposited in the campaign account.

(j) This figure represents the total amount outstanding at the end of 1964.

(k) This entry reflects the result of the 1964 campaign. Since campaign expenditures exceeded campaign contributions, there was a campaign deficit. The deficit has the effect of reducing the total amount of funds deposited in the campaign account.

(l) This figure is the total amount of funds remaining in the account after the 1964 campaign. It is computed by adding the deposits of testimonial funds and subtracting from that total the net expense of the campaign.

(m) This computation reflects the payment of unreimbursed costs of office—such as telephone expenses over those reimbursed by the Senate, television film clips, and the like—from the campaign account. There can be little doubt that such politically connected expenditures are properly reimbursed from this source. Such payments could be made frequently, but for ease of illustration this chart shows them lumped together.

(n) This figure represents the total amount outstanding at the end of 1965 but prior to the reduction of the debt by the payment from the campaign fund as shown in (p).

(o) This entry shows that the 1965 testimonial proceeds would be deposited into the campaign account.

(p) This computation shows the partial payment of the note which Senator Dodd would have negotiated as described in (a) above. Since the note proceeds would have gone to the payment of political debts, the note is a political obligation and there can be no objection to payments from the campaign fund to help pay the amounts owing on it.

The above computations serve to show that if the loan device had been utilized Senator Dodd could have made the exact and same expenditures as he actually did, and would be completely protected from any allegations of wrongdoing. He did not avail himself of this device, probably because he was unaware of it. He thus spared himself of a rather large interest charge, but on the other hand, he has exposed himself to the charge of censure by those who fail to understand that the mere tracing of funds from testimonial or campaign accounts to expenditures which are personal does not mean that he has diverted such funds for his personal benefit.

Mr. LONG of Louisiana. Mr. President, TOM DODD simply could have gone to a bank, borrowed money, and paid the debts off, documenting, as best he could, to show two things: First, that he had incurred numerous extra expenses by campaigning for office, and second, that those expenses of campaigning for office had helped him to go into debt. He could have done something else: He could have undertaken to determine on a per diem basis or on a yearly basis what his loss of salary as a result of campaigning was and count it as a campaign expense.

So with regard to the debts he owed, he could have found enough reduction of income, on the one hand, or have increased expenses, on the other, to prove and justify the $150,000 he borrowed, and could have paid himself back first, and then paid all the debtors.

Then he could have an understanding with that bank that as he had campaign and testimonial dinners, any kind of fundraising activities, he would deposit the money in the bank.

There are two ways you could do it. If you are trying to keep it down as close as you can, you would keep transferring the largest amount you could from the testimonial account against the note. That would keep down the interest charges. But if you were afraid that somebody up there might misunderstand this, you could put all the testimonial matters in the testimonial account or the campaign account, as the case may be, and let that build up, and tell the bank it can flag that amount, that it is not to honor checks against that campaign account until you have paid down this note to a certain point.

Senators could then see what many businessmen call a paper trail. I believe that term applies to a game played by fox hunters. They ride through the woods—this is what I am told; I have never been fox hunting—and they throw little pieces of paper here and there. When somebody goes riding along behind, they follow the other person by the paper they see.

In business, a paper trail is a series of documents and contracts which prove what has been happening in the past and tend to show what will happen in the future. It is a paper trail. Any insurance company executive knows what a paper trail is. I do not believe I would have any difficulty in explaining to any successful businessman what a paper trail is, although some people here may not understand it.

This is very important, for this purpose: If TOM DODD had put together his paper trail, borrowed the money from the bank, and paid off all these debts, this $150,000, at that point he would have put the bank in the position of this multitude of creditors; and instead of having all these people to contend with and trying to explain his problems to all these folks, and asking for more time on these personal notes, he would have been in a position to have paid down the obligation gradually, orderly and with a plan, and to have handled it in an orderly fashion. I do not know if that ever occurred to TOM DODD. I doubt that it did. But if he had done it that way, he would not be experiencing any difficulty with the Ethics Committee, and not have to pay 5 cents of taxes on all the money he received from the testimonial and campaign dinners, and would owe nothing.

Under the law, both morally and ethically, and with the approval of the tax collector, any time he wanted to do so, he could reach over here and pay any part of the money in that testimonial account to reduce the note at the bank. The bank is not going to worry about whether you pay the note off, if you have enough money in the account—if they have your money locked in and they have your named signed on a slip of paper indicating that you will leave it there until you take care of this obligation. The bank looks upon that money as theirs, unless and until you pay it off.

That is what is called a paper trail.

I submit, Mr. President, that any proper paper trail of TOM DODD's affairs, to see whether he did right or wrong, would have to be one that started from the beginning, in 1956, and worked forward to 1967, rather than the other way around.

Here, right before you, is how that could have happened.

Now, what actually did happen? This is how it happened. This man and his loving wife tried to carry all these tremendous debts. Here was a man on a salary of $22,500, with a little something dribbling in from his former law practice, and he and his wife were trying to carry this tremendous burden of debt that they had incurred, with the little salary of $22,500 at that time, plus such little income as would come in from time to time for legal services he had rendered in days gone by, as his earlier cases would be settled.

And they were doing something else. Mind you, they were borrowing from Peter to pay Paul. They were doing what I believe most working folks do, little folks, ordinary everyday folks, do. We do it in my family. If you cannot pay off the debts, you at least see if you can turn them over. In other words, you owe some fellow money for 3 years. He is threatening to sue. Well, you pay him. Meanwhile, here is the old boy at the butcher shop. You have given him much business in years gone by. He understands you are deeply in debt. Perhaps he would be willing to wait a while.

Then there is a man threatening to sue for his note, so you find another friend and get him to see if he will advance you a little money for a while. He knows you are in hard times. You see if you can hold hide and hair together for some time until you can make a plan to handle all these problems. Now see what happens when you turn that debt over. The money that you would have used to pay the butcher was used to pay the sound-truck driver. Money that you would have used to pay off the note over here, which appeared to be a personal debt, was used to pay a political debt. So, having turned the debt over, you had a debt structure which was incurred for political purposes in its inception.

But by the time Senator DODD and his wife had tried to carry this big burden out of their personal account and their meager personal earnings for 3 years, they did not owe the money to the same people on the same notes. They did not have the same set of creditors at all, because they had turned it over. In other words, it is exactly the same as if you take all your bills that have come to you, and every time you get a little money, you pay one, and you say, "I'll tell you what I'll do. We have the bills piled up this high. Every new bill we'll put on the bottom, and it will starting working its way up. When it gets to the top, we'll pay it, and then we'll put another one on the bottom, and when it gets to the top, we'll pay that one."

That is not really the way you do it. What you really do is grease the wheel that squeaks the loudest.

I think that one of TOM DODD's printers even wrote off a printing bill of $15,000 as a bad debt. That does not help you get elected to office. The word gets around, and they say, "Don't let that man have any credit."

Mr. President, the legitimacy of raising money by friends to pay off debts is fully recognized. I am talking about the moral problem. I am not talking about the tax part, which is an entirely different matter. I shall be glad to discuss it. However, I wish to speak about the moral phase. That phase is fully recognized and has been a practice throughout the history of the United States. It started even before Daniel Webster and it is still going on. It is a well-recognized fact that if people think it is to their advantage to hire a fellow who cannot live within his income, that is their privilege. That is what the people of Massachusetts did when they elected Daniel Webster. In Daniel Webster they had one of the most powerful and effective advocates who ever served in the Senate. He was a magnificent lawyer, as well. When he was practicing law he was making a fortune. When he was in the Senate he was losing a fortune. So the people of Massachusetts concluded that they had better keep Daniel Webster in the Senate.

The other day I read an excerpt from a quotation and I do not think that Senators got the full significance. I tried to bring it out in colloquy with the Senator from Massachusetts [Mr. BROOKE], who I think is a magnificent Member of this body, although he serves on the other side of the aisle. I think he is a tremendous credit to the Senate by his every act here and everything that he has done has caused my admiration for him to heighten.

It is difficult to bring out what I was trying to bring out by only asking questions. However, what I was trying to demonstrate was that the people of Massachusetts knew that Daniel Webster was used to high living. They knew that Daniel Webster had made a lot of money in the practice of law and they knew that he was, in some respects, I assume, a big spender. One might say he was a spendthrift, which I might add is not the case with Tom Dodd. Daniel Webster could not live on the salary of a Senator and he was not about to do it.

However, the people thought they had to have him here. After he retired they raised the money to send him back to the Senate. They went out and raised $100,000 for Daniel Webster. That was back in 1840. That amount of money would be like $1 million today. They said, "We've got to have old Dan'l back in the Senate. The country is about to go straight to you-know-what. Got to get him back in the Senate." So, Mr. President, they raised all of that money.

One can say all he wishes to say about it. During the course of his campaign some people would sneer at him, "I know why you took that money. I know they paid you all that money." But that did not keep him from being one of the most effective advocates in the Senate and nobody punished him.

If Daniel Webster were here today and if he occupied the chair which is presently occupied by the Senator from California, and which is usually occupied by one who reminds me somewhat of Daniel Webster, in some respects, Everett Dirksen, or, rhetorically, his successor, I know what the people of that State would say. They would say, "We know about Daniel's spending and his proclivity for spending; we know he spends a lot of dough, but he gets things done. We are not going to ask the people of Louisiana to pay for it. We know he is against Louisiana seceding from the Union. We are going to pay for it in Massachusetts."

I believe Daniel Webster started out by representing New Hampshire and later on he seemed to like Massachusetts and he shifted over. If they wanted to do that with their eyes wide open, knowing what they were doing, that was their privilege.

I wish to tell Senators the significant thing in that respect. Daniel Webster has been honored in our time, during my service in the Senate, as no other Senator has been honored. Why do I say that? Well, a while back, and it was within my memory, when John F. Kennedy was a sick man, he wrote a book entitled "Profiles in Courage." In that book he had a chapter that dealt with Daniel Webster.

The late John F. Kennedy was the chairman of a little committee whose task it was to pick five Senators, hopefully the five greatest Senators of all time. Reproductions of those five Senators were to adorn the Senate reception room where we meet our guests. They met and they picked five great Senators.

Daniel Webster, a Senator from Massachusetts, was included in that group, the only Senator from New England. Daniel Webster had, for a short time, served as a Representative from New Hampshire, but he earned most of his fame as a Senator from Massachusetts.

Mr. President, that committee also selected Robert A. Taft, of Ohio. Recall, if you will, that Richard Nixon had some difficulties which he considered a smear attack in his campaign which some have referred to as the Checkers affair.

Well, Robert Taft stood firmly when it was suggested by some Republicans that no Senator such as Mr. Nixon could run for Vice President if he found it necessary to accept outside help to pay for expenses which he could not afford on his meager salary. I am told Senator Taft threatened to denounce General Eisenhower if Eisenhower backed off from Nixon. Nixon had been Taft's choice and Eisenhower needed Taft more than Nixon at that point. I am told that Taft stood stanchly by Nixon and said he had done no wrong.

Here is what John F. Kennedy, great President and great historian, had to say about Daniel Webster whom he, John Kennedy, placed in the reception room:

> And Daniel Webster was not as great as he looked. The flaw in the granite was the failure of his moral senses to develop as acutely as his other faculties.

Listen to this—this is John F. Kennedy faulting Webster whom he still proclaimed as one of the greatest Senators of all times.

> He could see nothing improper in writing to the President of the Bank of the United States—at the very time when the Senate was engaged in debate over a renewal of the Bank's charter—noting that "my retainer has not been received or refreshed as usual."

That sounds pretty bad, does it not?

> But Webster accepted *favors not as gifts* but as services which he believed were rightly due him. When he tried to resign from the Senate in 1836 to recoup speculative losses through his law practice, his Massachusetts businessmen friends joined to pay his debts to retain him in office. Even at his deathbed, legend tells us, there was a knock at his door, and a large roll of bills was thrust in by an old gentleman, who said that "At such a time as this, there should be no shortage of money in the house."

I hasten to say that I do not think Daniel Webster should have written that letter to the Bank of the United States *asking it to refresh his retainer if it* expected him to be as interested in its problems as he would be otherwise. I fault him for that, and so did President Kennedy.

But it has been, and it is now, the right of the people, if they choose to elect a man and place him in public office, to proceed to raise money from time to time and make some contributions to his cause, hopefully in small, rather than large contributions.

Mr. President, it seems to me that the thought never occurred to the committee to look into the obvious possibility that Tom Dodd and his wife, unable to retire a $150,000 debt structure, did their best to keep it current by paying the older bills first. Therefore, when the Dodds anywhere from 3 to 6 years later, were finally able to pay themselves out of debt with income earned for prior years' legal services for the payment of which eventually came through, with money from contributions to testimonial dinners, breakfasts, and cocktail parties—it may never have occurred to the committee that Tom Dodd was merely turning over his debts. If you please, he was paying the oldest bills first, trying to stay one step ahead of the debt collector and in doing so placing the airline, the country club, even the butcher and the grocer, in the shoes of those political creditors whom he had paid out of personal money in an effort to keep his debts current.

Mr. President, I am confident that it has never occurred to the committee to this very day that Tom Dodd, having devoted his personal income by the tens of thousands of dollars and even having incurred personal debts in order to retire his politically incurred debts, eventually found it necessary to use politically oriented money to retire the personal debts.

Imagine that. A man with a debt structure of $150,000 trying to live on a salary of $22,500, support a wife, educate six children, provide them a chance to succeed in life, maintain a home in Washington and a home in Connecticut, and pay taxes on the salary all at the same time. That is what the committee would have expected of the Senator.

Now how much of what is left of $22,500 after taxes does this committee think Tom Dodd would have had available to retire that $150,000 of honestly incurred indebtedness. The interest on this item at 6 percent if you could get it that cheaply, would be $9,000 a year. Now keep in mind, Mr. President, that while the interest would be a deductible item, not a penny of that debt is deductible.

The ruling of the Internal Revenue Service clearly recognizes that a man in politics can obtain campaign contributions to pay every cent of his cost—direct or indirect—of running for public office—past, present, and future and the money so obtained and used is not to be taxed. The candidate is permitted to use a surplus obtained in one campaign to pay for another campaign. It appears that the Internal Revenue Service will permit money contributed in a subsequent campaign to be used to retire deficits incurred in a previous campaign and that the Internal Revenue Service will permit money raised in a campaign to be spent to pay unreimbursable expenses of the public servant's job.

Not one penny of that money received by the public official is taxable—not if it is received under those conditions and for those purposes. But the tax collector does not permit a politician to use his campaign fund to pay for his personal expenses unless he is prepared to pay taxes on that money to the same extent he would pay taxes on personal earnings.

There is absolutely no doubt whatever that with a proper paper trail to support it, the tax collector would permit a Senator, a Governor, or practically any other person who holds elective public office to devote politically oriented money, raised at testimonials or in campaign contributions, to the retirement of debts incurred in earlier campaigns, even though the bank now stands in the shoes of the original creditors, or, for that matter, even though the butcher now stands in the position of an original creditor, so long as the paper trail is good enough to identify the original creditor and relate that creditor to the subsequent creditor.

In other words, the tax collector will not collect taxes on the money which is used to discharge a crushing burden of politically oriented indebtedness, even though the debt had been turned over in an effort to keep it current, or in an effort to put it on a better organized or more businesslike basis.

Why is it that the tax collector, by means of a ruling, will decline to tax gifts and the use of those gifts for which the Senate Committee on Standards and Conduct would censure a Senator? If the tax collector thinks it is all right, why did the Senate committee think it was wrong? The answer is very simple. The tax collector has had experience with thousands of poor devils who ran for office and found themselves hopelessly in debt. The tax collector has been confronted with the Tom Dodd case in one way or another, sometimes involving hundreds and sometimes involving thousands of dollars, not one time, but hundreds of times. The tax collector has been compelled to think this matter through and to treat all taxpayers alike.

The Senate Committee on Standards and Conduct is confronted with this problem in a very complicated form for the first time.

The Senate committee has given us its own paper trail. What is the paper trail the Senate committee gives us? This paper trail relates to certain obligations and certain payments to certain funds. Even now, I have no reason to assume that the committee yet understands the relevance of the paper trail which I have placed in the Record here today. Therefore, I hope I can be forgiven by members of the committee for failing to see the relevance of their paper trail.

Mr. President, the committee's paper trail is a diagram, a chart; therefore, the law does not permit it to be reproduced in the Congressional Record. I insist that it be reproduced somewhere so that historians and students of the Senate can compare the committee's paper trail to mine and see who is right—who has the better paper trail and whose is more relevant.

The committee's paper trail simply starts with the first testimonial dinner and shows what debts the money went to retire, but it does not show how those debts were incurred in their incipiency. Their paper trail starts in 1961. Mine starts in 1956. I would say theirs would not be helpful to me in proving what I think is a proper paper trail.

So I ask unanimous consent that my proposed paper trail be printed in the Record at this point to show how I think it ought to be.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Example of how paper trail could have been made

Notes receivable (Dodd)		T. J. Dodd campaign account		
1959	(a) $150,000			
Add interest	(b) 9,000			
Total	(c) 159,000			
1960	(d) 159,954			
1961	(e) 169,551	Testimonial proceeds		(f) $56,111
1962	(g) 179,724			
1963	(h) 190,507	Testimonial proceeds		(i) 54,664
1964	(j) 201,938	Less 1964 campaign deficit:		
		Expenses	$247,937	
			246,290	
		Deficit		(k) 1,647
		Balance		(l) 109,128
		Less unreimbursed costs of office		(m) 101,353
		Balance		7,775
1965	(n) 214,053	Testimonial proceeds		(o) 56,555
		Balance		64,330
Less repayment	(p) 64,330	Less payments to help retire campaign debt		(p) 64,330
Total debt outstanding as a result of 1956–58 campaign	149,723	Balance		0

EXPLANATION OF EXAMPLES AS TO HOW AN ADEQUATE PAPER TRAIL COULD HAVE BEEN MADE

If Senator Dodd would have known that the Committee might have disapproved of the manner in which he kept his records, he could have left an adequate paper trail which would have kept his expenditures beyond question even if he made the identical expenditures that he has made in the case before us.

(a) The first step in constructing an adequate paper trail would have been the opening of a Thomas J. Dodd Campaign Account and the securing of a note from a bank for the amount of his indebtedness resulting from his 1956–58 campaigns. Then he would have used the proceeds of this loan to pay all of his campaign bills and indebtedness. At this stage it would have been clear that the repayment of the note would have been the obligation of the campaign account and that any funds received as a result of testimonials, etc., could be used for this purpose.

(b) At the end of the first year the total amount owing on the note would have increased as a result of interest charges. In this example, it is 6 per cent of $150,000, or $9,000.

(c) This figure represents the total of interest charges and principal at the end of 1959. In subsequent steps the chart figures will show the increased outstanding obligation, but the interest computation will not be shown.

(d) This figure represents the total amount outstanding at the end of 1960.

(e) This figure represents the total amount outstanding at the end of 1961.

(f) This figure shows that the net proceeds of the 1961 testimonial affair would have been deposited in the campaign account.

(g) This figure represents the total amount outstanding at the end of 1962.

(h) This figure represents the total amount outstanding at the end of 1963.

(i) This entry shows that the net proceeds of the 1963 testimonial affairs would also have been deposited in the campaign account.

(j) This figure represents the total amount outstanding at the end of 1964.

(k) This entry reflects the result of the 1964 campaign. Since campaign expenditures exceeded campaign contributions, there was a campaign deficit. The deficit has the effect of reducing the total amount of funds deposited in the campaign account.

(l) This figure is the total amount of funds remaining in the account after the 1964 campaign. It is computed by adding the deposits of testimonial funds and subtracting from that total the net expense of the campaign.

(m) This computation reflects the payment of unreimbursed costs of office—such as telephone expenses over those reimbursed by the Senate, television film clips, and the like—from the campaign account. There can be little doubt that such politically connected expenditures are properly reimbursed from this source. Such payments could be made frequently, but for ease of illustration this chart shows them lumped together.

(n) This figure represents the total amount outstanding at the end of 1965 but prior to the reduction of the debt by the payment from the campaign fund as shown in (p).

(o) This entry shows that the 1965 testimonial proceeds would be deposited into the campaign account.

(p) This computation shows the partial payment of the note which Senator Dodd would have negotiated as described in (a) above. Since the note proceeds would have gone to the payment of political debts, the note is a political obligation and there can be no objection to payments from the campaign fund to help pay the amounts owing on it.

The above computations serve to show that if the loan device had been utilized Senator Dodd could have made the exact and same expenditures as he actually did, and would be completely protected from any allegations of wrongdoing. He did not avail himself of this device, probably because he was unaware of it. He thus spared himself a rather large interest charge, but on the other hand, he has exposed himself to the charge of censure by those who fail to understand that the mere tracing of funds from testimonial or campaign accounts to expenditures which are personal does not mean that he has diverted such funds for his personal benefit.

Mr. LONG of Louisiana. For example, in Tom Dodd's case, with the problem he had, the best evidence that he spent the $150,000 in politics, that they were politically incurred debts, was that he was not in debt when he first ran for public office and by the time he became a Senator, he had suffered a tremendous reduction in his income and in his earnings. True, some money from his law practice was dribbling in, but he was not earning much. As I say, it could be presumed that he had been earning $250 a day in his law office. Every day he was away, he was losing that amount.

Mr. STENNIS. Mr. President, will the Senator yield now or at some time on this point?

Mr. LONG of Louisiana. I yield.

Mr. STENNIS. Do I understand now the figures the Senator presents, from which he has been speaking, represent a story that actually did happen in the payment of these notes and obligations?

Mr. LONG of Louisiana. That is right.

Mr. STENNIS. That is the way the matter has been liquidated? These figures represent the way it has been liquidated? Is that correct?

Mr. LONG of Louisiana. No. That is how I would have advised Tom Dodd to do it if he had come to me and said, "Look, now, I am going to have some trouble with all these debts. I am going to have not only this trouble but also trouble with the Ethics Committee." If he did so, I would set it up so that I would have him borrow $150,000 to pay off his debts. I would get a note or a series of notes from the bank and have friends of his endorse the notes.

Mr. STENNIS. So, to identify the figures the Senator has presented for the Record, this represents a plan, and the carrying out of the plan, as the Senator thinks it should have been done?

Mr. LONG of Louisiana. Yes.

Mr. STENNIS. It is not in the realm of reality; it is just imagination, or a representation in here of a machine way, of a plan as the Senator would have handled it?

Mr. LONG of Louisiana. That would have been a good businesslike way to go about paying off these debts with campaign money and to have the evidence we would want, a paper trail he would have to show what happened and to show that he was not using that money for private purposes. This would be so even if he made the exact and same expenditures as he did in the case before us. In the absence of that, it is almost an impossibility to construct a paper trail.

The best evidence that that man spent $150,000 running for office was, No. 1, that he did go into debt, and, No. 2, that he won when he was running against some high-class people.

Mr. STENNIS. The Senator was just identifying the plan. The Senator referred to figures and representations that the Senator from Mississippi and other Senators spoke from yesterday. The Senator understands those figures were taken from the actual records and those figures came from bank accounts and other related records?

Mr. LONG of Louisiana. I know that.

Mr. STENNIS. The Senator understands that?

Mr. LONG of Louisiana. Yes.

Mr. STENNIS. To that extent, they are entirely different in concept and reality.

Mr. LONG of Louisiana. Yes. For example, what the committee does on the committee print starts in 1961. The whole problem started, so far as I can see, in 1956, when Tom Dodd first ran for the Senate. He ran in 1956 and lost, and he kept running. He really must have wanted to be a Senator. He must have had a tremendous desire to hold that job.

Mr. STENNIS. I thank the Senator. I thank the Senator for yielding to me, and I think he has made very clear the nature of his plan. I have no objection to it being placed in the Record.

Mr. LONG of Louisiana. What I am saying is that the kind of figures which I have in my so-called paper trail could have been translated into the kind of figures, the actual numbers, the Senator has in his chart, because the figures I am using are the amount of the original indebtedness of $150,000 and the actual amounts received from these testimonial dinners.

In other words, it could have been set up that way. That would have been a good, logical, businesslike way; then you would have had a bank sitting in the position of all these individual creditors, and you would not have the problem of turning all those debts over, paying off the oldest ones, and then trying to keep up with those you were paying if you had not paid that other one; in other words, if you had done it the way this would suggest, and this was a good way of doing business—completely ethical and moral.

I say to the Senator from Mississippi that some Senator in the future might find this useful, and a good way of doing business. Or you might have done what Tom Dodd did—had a bank holding several sets of notes with different endorsers on them.

The left-hand column of the chart shows that $150,000 is advanced by the annual interest, and in the right-hand column is the testimonial money deposited in the campaign account. The chart shows what would have happened if Tom Dodd had set his up, his finances, in the way I have indicated, had taken in this testimonial money, and had spent it for the items which he did spend it for. At the time of these campaign expenses in 1964, he would have wound up with a note receivable at 6-percent interest, of $149,000, and a zero left in his campaign account. He would not have a problem to explain to anybody. In other words, he could show all the money he got in he put in the campaign account, on the one hand, and then he could show, on the other hand, "Here is what it cost to carry all these burdens down at the bank, and so, when my friends do go down to the bank to sign a note to borrow money for the campaign, here is the money we took in. Going down the right-hand column, we see that. One testimonial brings in $56,111, the next one brings in $54,664, and then you have some expenses, which result in a balance of $109,000, and after the 1964 campaign, you can reduce that note. You can reduce it by $64,000, the amount which remains in the campaign account.

Here is the important point. Assuming he is paying a good, businesslike 6-percent interest on all this, by the time the man gets through, here is where he would be. He would be, right now, $149,000 behind, instead of $55,000 behind, as shown on that chart over there. Why the big difference? Because he had been paying a lot of his personal income to carry these debts; many of these good people who loaned him money were not charging him interest; and by going through all this turmoil of trying to juggle all these debts and trying to keep them as current as he could, he winds up with a lesser deficit than he would if he had just gone down to the bank and borrowed the $150,000 to begin with.

He could have done a little better than that. He could have kept the interest expense down by constantly transferring from his campaign account money to pay on the note. If he had done that, he would have been less in debt, perhaps only about $100,000 in debt.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. LONG of Louisiana. I yield.

Mr. MILLER. Did I understand the Senator to say that as far as the Internal Revenue Service is concerned, there would be no tax liability if the testimonial proceeds in the right-hand column were used to apply against the indebtedness in the left-hand column? I believe I understood the Senator to make that statement.

Mr. LONG of Louisiana. There would be none.

Mr. MILLER. There would be no tax liability?

Mr. LONG of Louisiana. No.

Mr. MILLER. Did I understand the Senator to make the assumption that the left-hand column represents all politically oriented indebtedness?

Mr. LONG of Louisiana. Yes.

Mr. MILLER. If that is so, then I am sure that this has nothing to do with the matter of paying of income taxes.

Mr. LONG of Louisiana. No; this does not get into the income tax problem, but I will be glad to discuss that with the Senator if he wishes. I am on the committee and we have studied it, and I think I understand it. If the Senator wishes to discuss it, I will be glad to discuss it with him.

Mr. MILLER. May I just ask the question: would it not be the Senator's position that if, let us say, $10,000 of income tax were reflected in this left-hand column, that when the testimonial proceeds were used to liquidate that item, that would be a taxable item?

Mr. LONG of Louisiana. I did the Senator an injustice. My lawyer was talking to me while the Senator put his question, and I regret that I will have to ask the Senator to repeat the question. I appreciate his indulgence.

Mr. MILLER. My question is—and this, again, is hypothetical—if the $150,000 indebtedness represented in the left-hand column consisted of $140,000 of politically oriented indebtedness, and $10,000 used to pay individual income taxes, if the testimonial proceeds in the right-hand column were used to liquidate that indebtedness, the $10,000 which went to pay the income tax indebtedness would be taxable income, as far as the tax law is concerned; would the Senator not agree with that?

Mr. LONG of Louisiana. I believe that all depends. In other words, here is what I am saying—and you must keep in mind this idea of carrying your debts over, because if you do not, you will not understand my argument at all.

Mr. MILLER. I understand the debt carryover.

Mr. LONG of Louisiana. You can do that with any debt, including the income tax.

Here is what I am talking about: Say, here is a bill that I owed for the campaign. I have two bills; this one is about 3 years old, it is beginning to smell, I had better do something about this one in a hurry; these folks are threatening to sue.

So I go and pay that one off.

Unfortunately, that was a political one. And it would appear that the whole theory of the Internal Revenue Code is that I am not supposed to pay those campaign expenses out of my personal income, perhaps on the theory that to have it that way would mean that the rich man has too much advantage over the poor one.

So I say to myself, "This fellow is going to sue; this other old boy has been a good friend, and he is in good shape financially, so I am going to write down here on this bill—a butcher bill—that it is a bill I would have paid had it not been for my having to pay this soundtruck driver over here, because he was demanding his money. That poor fellow needed it the worst kind of way."

As it now stands, this butcher stands in the position of my soundtruck driver, and if I ever get ahead and get out of debt, I am entitled to take some campaign money on which no taxes have to be paid and apply that money to pay off the butcher.

I am satisfied we can do that.

Mr. MILLER. Mr. President, I understand that. However, let me try to give an example which will point up my original question.

Let us say that the $150,000 which is the first item in the left column was originally made up of all of these bills.

The Senator said we are going to take all of these bills and consolidate them into one $150,000 debt at the bank. That is the sensible way to handle it.

My point is, out of all of these bills, here is one represented by a note.

Let us say I am the person involved and I have given to my colleague, the Senator from Kentucky [Mr. COOPER], a note for $10,000 which he has loaned me to pay my income tax.

I later say I am going to consolidate all of these bills into one $150,000 debt and get JOHN COOPER and all of the other people off my back.

That is what the Senator said.

When the day comes to pay off the $10,000 which is attributable to indebtedness to Senator COOPER for the loan of $10,000 with which to pay my own income tax, I suggest to the Senator from Louisiana that at that time, even though these are testimonial proceeds, I am subject to income tax on that money as distinguished from the liquidation of an indebtedness that was politically oriented.

That is the point I am trying to bring out.

Mr. LONG of Louisiana. There are nothing but political debts in the $150,000 which is listed on the chart I have as the Senator can see. That is all there is, just political debts.

Mr. MILLER. I understood the Senator. That is why I said that I assumed that when the Senator said the testimonials on the right were not going to be taxable if they were used to liquidate the indebtedness on the left, it was because all of the indebtedness on the left is a politically oriented indebtedness.

That is why I said I assume that he would not include any individual income tax related indebtedness.

Mr. LONG of Louisiana. May I say that here is where I think the committee is confused, if I am right, and I think I am.

I do not care what he did, including the income tax. When a man starts out, he is debt free. He does nothing but run for office, and finally after 3 years of nonstop running he gets the job and is $150,000 in debt.

We have been using the doctrine of res ipsa loquitur around here. It is obvious to me that the thing speaks for itself.

The man is $150,000 in debt because the money the man spent in paying political debts or personal debts, as the case may be——

Mr. MILLER. I point out that that is the very point. Political debts involve no problem. However, personal debts, as the case may be—to use the Senator's words—is the crux of the matter.

If the personal debt represents individual income tax, that is something else.

I know that the Senator is very knowledgeable in this field. However, let me invite his attention to the fact that we in tax work know there are net worth cases. I am sure the Senator knows that there are such cases.

In a net worth case, when at the beginning of the tax period an individual's net worth is actually more than his net worth at the end of the taxable period, the average layman might say: "I am worth less than I was 5 years ago. How can I possibly owe any income tax?"

The Senator knows that in the net worth system there are many things that enter into it. There is income, personal living expenses, and income tax payments

I think that this is very important. I am ready to accept this assumption on the politically oriented base, but it does not satisfy the question I raised this morning concerning the income tax.

Mr. LONG of Louisiana. Let me see if I can cover this. They are two different things, and I will be glad to talk about either one of them.

I think we need to understand each other.

I contend that a man, and this man in particular, had the money he needed to pay his income tax when it came due.

He used that money to pay for political expenses. So then when the income tax people began to bear down on him and said: "We want this money now. We have let you ride as long as we can," he went around and borrowed money to pay the income tax people. He took political money to pay that income tax.

Why? I contend there is nothing ethically or morally wrong about that at all. And I am not talking only about the tax part at the moment. I am just saying that he had put the butcher, barber, baker, and the candlestickmaker in the position, by turning his debts over, of the soundtruck driver, the fellow who agreed to loan him some money on his personal note.

So in trying to keep his debts current, he had put all these different people, including the Federal tax collector, in the position of those to whom he had previously owed the political moneys. He spent that money, so the money which he would have used to pay the income tax was not there. That being the case, he had to borrow it from the bank. If he had gone to the bank and borrowed all the money in the first place, as I set up in my paper trail, he would not have had that trouble.

Mind you, we are not talking about a tax problem. That is an entirely different matter. There may be taxes owed. You owe money on personal income. You do not owe money on political income so long as you use that political money to pay off political obligations. I do not believe he even owes taxes on it. But where you turn it over—the debts are getting old—you take money that you would have paid somebody else and use it to pay the political debt in order to keep your debt structure as fresh as you can. Then you are in the unfortunate position of having used political money to pay your personal debts.

This man started out by using his personal income for political purposes. Everything he could earn and borrow he used to pay for political debts. If he ever is going to get out of the hole, he will have to do it the other way around. He will have to use political money sometime, somewhere, to pay what appears to be a personal debt. But it is a politically incurred debt in its incipiency.

He should say, "When I paid my old buddy Paul this $30,000, I borrowed that from Peter. This is the money I used to pay off Peter for the money he loaned me back in that campaign. The note began to get kind of old and began to smell, and it was about time to pay that one, and I'll see if I can find another friend to lend me money to keep things going."

If he had had one creditor, the bank, owed it all to one, there would be absolutely no problem. Frankly, if he had realized that he was going to be before the Ethics Committee, he would have been in a position to beat the Ethics Committee. He would at least have some kind of paper trail.

Mr. MILLER. I understand. But I believe that the essence of what the Senator is saying is the phrase "politically oriented debt."

For example, I go back to my original proposition. Here are $150,000 worth of bills or notes that are going to be consolidated into a $150,000 note at the bank, if we are going to pay them all off. Let us say they only amount to $140,000.

Then the individual has some private income, perhaps a part of a carryover of a law fee, and he decides that he will pay off a politically oriented debt which he owes. Then someone may call him up and say, "Say, you forgot that you owe $10,000 in income tax."

Then he will have to go out and borrow money to pay the income tax. Now his debt is $150,000. If he had only held on to the original income, so as to be able to pay the income tax, instead of paying the political debt, he would not have had to worry about borrowing money to pay the income tax.

But if I correctly understand the Senator's approach, he had actually taken his individual income to liquidate the political debt. Then he found himself with a $10,000 tax liability, and now has to consolidate not $140,000 but $150,000.

Mr. LONG of Louisiana. Please understand that of the money I show on the chart, not a dime is taxable. In fact, the interest expense is deductible.

Mr. MILLER. I understand. I am not satisfied with the fact that he had some other income, perhaps from a carryover of a legal fee, to liquidate some political indebtedness, as a result of which he left himself open to pay a $10,000 note on which he had borrowed to pay his Federal income tax. That makes the $10,000 note politically oriented, because I suggest, respectfully, that when the testimonial proceeds are used to liquidate the $10,000 note, covering the income tax, income tax will have to be paid on it.

So instead of $140,000 being consolidated, he now has $150,000 to be consolidated, $10,000 of which represents Federal income tax.

Mr. LONG of Louisiana. What he should have done, and what I have advocated, as the Senator from Iowa can so well see, is this: I would have advocated his consolidating all those debts into one. He would have had all these debts consolidated, if he could get a bank or a group of banks to help him to consolidate. Say he owed some fellow $30,000. If need be, he could try to get that fellow to bring his note to the bank. If he owed a proliferation of creditors, it would be better to get them all to be endorsers of the note for the same amount at the bank which lent the money to him. Then they would get out of the picture.

When the debts were all set up in the bank, in one place, people could look at them and see how he incurred them.

Then when he set his testimonial money up, as shown in that chart, he would have no problem. He would never have any problem with the Senate Ethics Committee or the tax collector. He would have no problem.

Every time he got some political money, he would put it in the campaign fund. If he wanted to hold down the interest cost, he could transfer some of the money and reduce the amount of the note. He would have no problem, and he would have a perfect paper trail.

But there are other ways to leave a paper trail. He could make it the way a housewife leaves a paper trail. He could pile his bills up and put the oldest bill on top and the newest bill on the bottom. He could say, "Now, look here. Here is a bill we ought to pay. It is a political debt." He could write, "This month we couldn't pay the doctor's bill. We took that money to pay off the soundtruck driver. That is one we took care of."

Then he could say, "If we ever get enough political money in, we will pay off the doctor. That will be the money we would have used to pay the soundtruck driver, if we had not had all that trouble."

So he would proceed with the bills, one by one. He would take one off the top and keep the newest one on the bottom.

In the meantime, some fellow might be raising all sorts of stink, and his note might be right in the middle of the pile. So it would be necessary to change the system and pull that bill out.

Then, it is said, "Gee, that is too bad. This month we should have paid the grocery bill, so you mark on the grocery bill." If you keep these bills, you mark on them, turn them in and keep your records, and turn them over. Then there is a paper trail, anyway. It would cut down the interest expense. Most people who loan money for politics are not charging interest, or the interest might be compromised. That is the only interest, anyway. They would tend to be charitable. If you kept your paper trail you would be in good shape.

Mr. President, the situation did not start with Daniel Webster and it did not end with Daniel Webster. If your people want to help you, that is all right. They have their privilege and you can accept and have a dinner and not be doing something improper or corrupt. They are only expressing gratitude for what a fine Senator you have been.

We had that situation with Richard Nixon. He won the nomination as Vice President and his people thought so well of him that the Republican Party nominated him for President. If he had not made the mistake of going into the debate with John Kennedy, or if he had brought Eisenhower out a month earlier, he would have been the President, with the complete support of everybody—on the Republican side of the aisle, that is. He is an honored and respected man who at one time had expenses with which his people were anxious to help him. At that time, the Democrats were trying to needle him about $18,000. I have been told they might have been able to dig up more than that, but they said, "What's the use," after he went on the radio and talked about his dog Checkers, and had everybody wiping tears away. The Democrats said, "Let's get on to other issues."

I cannot understand how someone would accept the word of this man in Connecticut, who wrote in and said, "I did not know that TOM DODD was raising that money for himself; I thought he was raising that money to pay for a campaign." Keep in mind the tax collector knows it is right and so right he will not charge you taxes on the money. You take the money you have for one campaign and you use it to pay the deficit in previous campaigns, or vice versa, and so you can take campaign money and actually use that to pay unreimbursed office expenses if you want to.

That is within your privilege. I can understand this. It may be that the fellow thought he could advertise as Jack Anderson had been advertising that TOM DODD was gypping the folks out of money; so he wrote the Senator from some motel address and said, "I want my 25 bucks back," and he was given the money back. TOM DODD could never figure out where that man came from, or where he went to. I can understand that he might complain there.

Let me ask the Senate this: Does it think that these sophisticated lobbyists that go to cocktail parties in Washington, D.C., were upset if that man was paid back his $25? But if we used some of the money put up by these sophisticated people, let us not kid ourselves.

Why do they feel that way? If they are going to put the money up, they are going to put it up for a good Senator who is going to be reelected, and they have clients who pay them fees and who work with them and who are business associates and who represent the State, men who think it will be very good for their industry. When those people come up and want to put money up, let us not kid ourselves, they will not tell you how you are going to spend that money.

Someone said, "You should advertise your intentions, tell people what this is all about." Well, how does one advertise? I have never had a fundraising dinner in my honor in my life, but I have helped to put some on for someone else. I did not ask one question. The question is, "Do I like old John Doe? Is he a good fellow? OK, I will buy a ticket." I tried to help one candidate, and after it was all over, and with all the money he raised, and the fundraising testimonial dinners, he lost the race anyway and almost bankrupted all his friends in so doing.

We would not hear the end of it, trying to raise some money for John Doe or some for TOM DODD—I do not care who the fellow is who is deeply in debt. We are worried about that because he owes $150,000. People who worried about this situation said, "If you are going to be reelected you have to get some of these debts paid off. You have to start getting out of debt. If you start that campaign $150,000 in the red, having importuned everyone in your State, you have to try to bring in some money to pay them off."

As in the case of the sheriff, the first thing you have to do is to pick up a note down at the bank so that the friend of the old sheriff will not call in the note. The first thing you had better do is see if you can raise some money and get this fellow out of debt.

So I guess what you have to do is to send out an invitation to a testimonial dinner and say, "You are invited to come to a nonpartisan testimonial dinner honoring that great Senator from Connecticut."

Some folks will then say, "I don't get it. Why is DODD trying to get money? He is not up for reelection for 3 years. TOM DODD isn't running this time." So you say, confidentially, that the fellow is in debt, that he has got a hundred and fifty thousand dollars in debts to pay off which have been left over from the previous campaign, and if we are going to reelect TOM DODD, we have to get him out of debt.

But suppose you did it like this—"Please help this guy. He cannot live within his income. He owes everyone from the butcher to the drugstore. He has borrowed from everyone who would like to help him. Many have proposed that he write them off as bad debts.

He owns nothing but his home because the wife has the right of homestead. There is a mortgage on it. The fellow is behind on his payments on that, too, because he is trying to pay off some debts.

Suppose you put that in your invitation, how much money do you think you would bring in?

People would say, "A guy like that should not be in Congress. If he cannot manage his affairs better than that, he shouldn't be there."

So you say, "Tell the folks that we have got to help get our man out of debt."

These are good people. They were not doing anything wrong. They were proud to do what they were doing, and were ready to do it again. They wanted to get their friend out of debt once and for all. They did not want the Senator to leave his wife with no home, because the home was so deeply mortgaged that they could not pay it off. That is why we must get our man out of debt. We must help our friend. That man is $50,000 in the red, which does not include the interest on that money, but it is $45,000 of personal money that he has had to spend.

Here this man is, having paid out $55,000 of $70,000, out of his own pocket—which he cannot afford—to carry the burden of all these debts, and is being accused of being a crook when as a practical matter he should be applauded because he tried to turn those debts over and tried his best to pay them off. He did the best he could and he should be applauded, yet the fact that the man said, "Look here, my wife has made enough sacrifices. I am going to get out of debt. I am not going to leave my wife and children with all those debts. I am not going to ask for living expenses. All I am going to ask for is help to find enough money to pay off these debts. So, after having paid $55,000 out of my own money, I will pay those debts. But, by golly, I say, hooray now. My wife owns her own home. Hooray." What is wrong about that? Do you not think a wife is entitled to something after she puts up with a politician for a lifetime, with the unreasonable demands of some of his supporters in his State? Here is a man who tries to help do what he should have done. How do we know, if she had not married this fellow, she might have married a millionaire and never had to worry about money.

There she is, with the prospect that the good Lord may call him home any day, with the prospect that she will never be able to pay the debt off. A proud, wonderful person, who expected something better from life than have her husband saddle her with that kind of sacrifice.

So the man does the honest, decent thing, and he gets into trouble. How does he get into trouble? In the first place, he hires Michael O'Hare, a complete crook. He is a crook, so he thinks everybody else is a crook. He writes money orders to pay TOM DODD's debts to keep people from tracing where the money came from. It takes money to buy money orders and send them out. Mr. President, what do you think a sophisticated businessman who has contributed his money to a politician, as most of them have, is going to say if TOM DODD paid him back with a money order? He would say, "Did you see how TOM DODD paid me? By money order. He has money tucked away somewhere, and he digs out some of it, and buys postal money orders." What would people think when they saw that?

So the result of the whole thing is that here is a situation where nothing was wrong in the first place. Nothing wrong was done. A fantastic, determined effort was made to try to make it appear that something was wrong.

Mr. President, if you want to escape Daniel Webster, you had better leave by the rear door, because if you go out that door, there is another picture of Daniel Webster big as life near the Senate steps. Everybody knew what his problem was. People were willing to help him.

Mr. President, the committee has 400 sworn affidavits of people who contributed more than half of that money. Those people are sticking their necks out. They were sworn before notaries public. The committee has 400 sworn affidavits that the people who put up more than 50 percent have said, "As far as we are concerned, we put that money up for TOM DODD. We want him to use it any way he wants."

As a matter of fact, Mr. President, counsel for the committee went to the mayor of a large city in Connecticut and tried to get an affidavit from that mayor that he was disappointed to learn that TOM DODD used the money to pay a personal debt. They went to that Republican mayor up there and said, "I bet you are disappointed that TOM DODD did that. Will you sign an affidavit to that?"

The committee makes reference to the fact that these were form affidavits. They were sworn to. But the committee counsel asked a Republican mayor of a big city if he was disappointed about this matter and if he would sign an affidavit to that effect. He said, "No; I am not going to sign that. I won't sign at all. I will give you an affidavit."

So he wrote out an affidavit saying, "I gave money to TOM DODD. I knew he was in debt. I am a Republican. He is a Democrat. He is a fine man. I know the fellow needs help, and I am glad he got it."

That is one of the affidavits the committee council got.

Incidentally, I put that affidavit in the RECORD. I do not know if it had been shown to the committee, but it did not refer to it in its report. I hope that its failure to do so does not suggest a feeling on its part that if one is prosecuting, he does not have a duty to present evidence that shows a man's innocence.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. COOPER. As far as I know, I did not know that the committee ever sent anyone to Connecticut to attempt to get any affidavits from anyone who claimed they did not understand the purpose of the meeting, or any effort to hold back any evidence which would have been either favorable or unfavorable to Senator DODD. I would just like to make that statement.

Mr. LONG of Louisiana. I thank the Senator. I am sure he would not do that. I do think, however, it might be well for the Senator to know that committee counsel undertook to get affidavits in Connecticut, with no success whatever.

Mr. STENNIS. Mr. President, will the Senator yield to me on that point?

Mr. LONG of Louisiana. Yes.

Mr. STENNIS. I know the Senator believes he is fully correct in the statement he has made.

Mr. LONG of Louisiana. I will take the Senator's word for it.

Mr. STENNIS. Here is what happened. In going into Connecticut, the counsel and his assistant did take some affidavits regarding some of the facts in the matter, but not any with reference to the diners, the people who went to the dinners, as to whether or not it was a campaign contribution. No affidavits were taken along that line. We had a lot of different facts to look into in Connecticut. To nail something down, to have something as a starting point, they did take some affidavits, quite a few, in the midst of the work, but that was merely for the purpose that I have outlined.

Mr. Fern tells me that some were given voluntarily in the course of his visits up there on the matter of what the diners, the guests at the dinner, thought, but we did not solicit them along that line, but on other matters that were presented. None of those reports were used or put into the record.

Mr. LONG of Louisiana. Mr. President, may I say I find no fault with the committee. All I wanted to do and all I was getting around to do—and I am afraid I gave a poor impression of the committee; I do not want to; I insist that I not do it—all I am saying is that the committee did send up a man to investigate in Connecticut. It was the view of TOM DODD's lawyers, in view of the information that came back to them, that that man was getting a lot of information up there that was favorable to TOM DODD. TOM DODD never got that information from the committee. Feeling that the committee was getting information that was helpful to them, but was not giving it to them, they felt they were getting by all right. Apparently there was some effort being made to get affidavits against TOM DODD.

I was told also, may I say to the Senator from Mississippi—and I do not wish to mislead anybody——

Mr. STENNIS. I am sure the Senator does not.

Mr. LONG of Louisiana. But I do know that the affidavit was from a Republican, and a very fine man.

Mr. STENNIS. These gentlemen did talk to some of the officials of these breakfasts or dinners, or whatever they were, about their versions of the purpose and all. But there was no suggested affidavit, or no going around looking for person after person after person, trying to obtain an affidavit, no form or anything of that kind ever used. There were many matters about which inquiries were made in Connecticut, some of witnesses who were not expected to be friendly with the purposes, but naturally, you see what a fellow says, and you go on, then, and do not blame him; and we were treated mighty nice by the people of Connecticut.

Mr. LONG of Louisiana. Mr. President, I would just like to say this, because I do not think anyone sees the purpose of what I am trying to say here, and it is very important to me: The committee was not anxious to use these affidavits. They were not anxious to use either the ones Tom Dodd raised or the ones they raised.

This affidavit put into the Record yesterday was from the mayor of Hartford. That was given a year before the Dodd lawyers knew about it. It appears at page 15689 of the Record.

The committee apparently felt that these affidavits had not been subject to cross-examination, and therefore should not be admitted. My only reaction to all that is that, in view of the fact that it would be very difficult for the committee to go and see all these people personally, it probably was a good idea for the committee counsel to go up there and talk to as many people as possible, and maybe even hire some assistants and obtain a number of affidavits, and find out what the people thought, and then bring a representative number of those people down here to testify about what they generally thought about the situation.

It is very important to this case, at least from my point of view, that affidavits from 50 percent of the people, over 400, who attended the dinners stated, subject to prosecution for perjury, that they put this money up with the idea that it was all right for Tom Dodd to use it however he wanted to.

Mr. STENNIS. Mr. President, will the Senator yield to me briefly before he leaves that point?

Mr. LONG of Louisiana. I yield.

Mr. STENNIS. About these affidavits, the rule of the committee was that this case was to be developed, not by affidavits at all, from either Senator Dodd or those who were on the committee, none whatever, but that it would have to be by sworn testimony, taken in the presence of the Senator with the right of cross-examination, and so forth.

We rigidly adhered to that rule all the way through, unless there was some minor exeception, to accommodate a witness, when the exception was made by agreement. Then these affidavits were brought in, to which the Senator has just referred, from Connecticut.

They were proved to have been inspired by those working for Senator Dodd, and to have been form affidavits all the way through. The wording was not the wording of the affiants, but they were there, and they were offered in good faith, and we decided to accept them for whatever value they might have, as an exception to the plan of the committee as to how to develop this case.

We did weigh them, for such weight as we thought they were entitled to under all the circumstances, as compared to the proof that we developed as to what happened at the time, what the people said, what their letters said, what the invitations said, who the speakers were, what the letter of thanks was to those who had contributed as speakers, the fact that the Vice President of the United States, in some instances, attended; and we tried to reproduce the facts, circumstances, the atmosphere, and all that existed at that time, as best we could.

We thought that was the best proof available, although we did open the door to ex parte affidavits without any right of cross-examination for the reason that I have stated, wanting to be on the liberal side rather than restrictive.

That is the story, as I remember it.

Mr. LONG of Louisiana. Mr. President, let me say in my view it does not make the least bit of difference whether you call all of these dinners campaign dinners, or not; I am perfectly willing to call them all campaign dinners.

Everett Dirksen, the outstanding witness in the Stratton case, said that it was the donative intent that counted, and if people wanted to put some money up to help a fellow in public life, that that was his money and he could do what he wanted to do with it. The Internal Revenue people are going to want some tax money if you use political money to pay personal expenses; they are going to tell you, as far as they are concerned—and they have no law on it, only a ruling which they have made stand up—that if you use political money for your personal expenses, you must pay taxes on it. They are going to fight you until they get their taxes.

But if people want to get together and help you, I certainly would not denounce them. There is no law against it; there is no rule against it.

We are told that we ought to regard ourselves as though we were the executive branch. Nothing could be more wrong. The executive branch represents the whole United States. One man makes a decision, and that is it. If you give a Cadillac automobile to that one man, naturally, for that one Cadillac automobile, that one man might sign a contract to give General Motors something, or might do a big favor for somebody.

I would say it would be entirely different and would call for a different set of standards if somebody would give a new car to a man who was going to decide who got a cost-plus-a-fixed-fee contract with the donor.

I recall very well that my father once went to my mother and asked her to sign a wife's waiver of homestead on the house so that he could mortgage the house to the hilt to put the money in the campaign. My mother refused.

I recall very well that there was a time when my father wanted to sell the house and put the money in the campaign. On that occasion, I believe it was my plea that turned the tide to save our home.

Men in politics, the political animals, impose sacrifices upon their families that are not quite fair. They do it not because they love their family less, but because they love public service more. They love the Senate, and they seek to be here and to serve.

They find they cannot make ends meet and cannot carry on any longer. They have done the best they can. They are deeply in debt.

Their friends come to their aid and want to help them out. What is wrong with that? How did they ever get here if they did not have friends who loved and supported them and would get out and make sacrifices to help them?

How did they get here?

Here is a fellow who is head over heels in a politically oriented debt structure, political at its inception.

The man makes an effort to get things current, and perhaps not having tried to paper the trail as one would like to have done, he is up for censure before the Senate and he is criticized.

All of this could have been no problem and there would have been no criticism had it not been for the corrupt activity of four people—I should say five—who stole the man's documents and engaged in a conspiracy to put him in a bad light and picture him as a horrible man when he is not. There have been all of these distortions over a period of 18 months with regard to which the man faces a charge of censure by the Senate because he tried to do what any honest man ought to do for his family—get out of debt.

It was going to be necessary, if he were ever to get out of debt, for somebody, some friends, to get together and raise some politically oriented money to help get him out of debt.

How indeed could a fellow ever have made another campaign in the future if he did nothing about those debts that were 6 years old? They would say he was the biggest deadbeat in New England, and he could not get elected.

Mr. STENNIS. If the Senator is at a proper stopping place, will he yield to me once more concerning the affidavits? The Senator has been very kind. I have not gotten around to saying anything about the affidavits myself.

Mr. LONG of Louisiana. I yield.

Mr. STENNIS. If I may, I will give these figures as to the way in which the committee tabulated the affidavits.

If, in the blank space on the affidavit, the affiant certified that he went to two of these functions, then he was counted as having been at two. If he said that he was at three, we counted him as being at three. And of course, if he said he was only at one, he would be counted as being at one.

Under those tabulations for the 1961 debt, the best figure we could get was 700 who attended, and there were 123 affidavits, counting as I said, the duplicates when it was proper to do so.

At the District of Columbia reception, there were 10 out of 150. In the 1963 Connecticut events—there were four on the same day—there were 117 out of an estimated 600.

At the 1965 dinner, there were 300 out of an estimated 1,000 who attended.

I thank the Senator for yielding.

Mr. LONG of Louisiana. Let me say that when that information is available to the Senate, people can take whatever view they want, but my attitude is that if I am defending a case—and after all we have some obligation to a Senator to assume that the man is honest and cooperate and help him to prove it—if a man brings me 400 sworn statements of people who swear that as far as they were concerned the money they gave could be used for any purpose, I do not care if it is a form statement.

The oath that we take is a form statement. It does not make us any less sincere about upholding the laws of the country. That is our affirmation.

I understand that Jack Anderson was up there trying to tell people that if they signed the affidavits, they would be prosecuted for perjury. He was doing this over the radio.

I would think that you ought to either stipulate that that is what those people would have testified to if they had been here, or else call them and find out.

After all, we have the honor of a Senator involved and we have a political life involved here.

I have here a Times Picayune report that I hope the Senator from Illinois [Mr. DIRKSEN] will not mind my referring to.

I will read from the article. This refers to EVERETT DIRKSEN testifying for the former Governor of Illinois in a criminal tax case. It reads:

> Dirksen, the minority leader of the Senate, was a telling factor for the defense when he asserted his opinion on the nature of political contributions: "I think it is a matter of donative intent," he asserted. "If he—the donor—places no restrictions on them, then the recipient is free to use them as he sees fit. It's a matter of individual judgment."

"It's a matter of individual judgment." That is EVERETT DIRKSEN speaking and saying that a politician can use such gifts as he sees fit. That is what EVERETT DIRKSEN apparently said to the court in the Stratton case.

EVERETT DIRKSEN would be a good witness. He is a member of the Finance Committee. He is the minority leader of the U.S. Senate. He is an outstanding Senator in his own right. He has been in government all his life. He understands the problem.

He said it would be a matter of the donor's intent and that if the donor gave you this money and placed no restriction on it, you could use it for whatever purpose you desired.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I will yield in a moment. I want to read one more paragraph.

Mr. MILLER. I would like to ask a question while the Senator from Mississippi is present in the Chamber.

I believe I am right when I say that this matter of the Stratton case is a matter involving a question of willfulness.

It involves the question of whether there was a willful intent. My recollection is that it was decided that there was not.

I may be wrong, but I do not understand that this case has been developed by the Ethics Committee on a question or basis of willfulness.

I ask if that understanding is correct.

Mr. STENNIS. Just what does the Senator mean by willfulness?

Mr. MILLER. By willfulness, I take it in the accepted legal term of a bad intent, knowingly, willfully bad intent, doing something that the actor knows to be wrong.

As I understand it, that is not charged by the committee. Rather, it is charged by the committee that there were certain actions, regardless of the intentions behind them, which caused a problem and caused a loss of reputation as far as the Senate itself is concerned.

Mr. STENNIS. The committee certainly had no feeling of larceny having been involved, or anything of that nature. The best way I can describe it is to say that we felt that, taken as a whole, there was a course of conduct that converted these funds over from the general purpose for which they were taken in, which was political and toward campaigning, and used them for a personal debt or personal benefit or personal use. That is the best way I can describe it.

Mr. MILLER. I understand from what the Senator has just said that he has very carefully not said anything about maliciousness.

Mr. STENNIS. No.

Mr. MILLER. Nor the willfulness nor the intention to do wrong on the part of the actor. But it is a course of conduct the result of which the committee suggests has caused disrepute to the Senate.

Mr. STENNIS. I believe that is correct. I said in my opening statement that conversion was used in the old common law of England, under certain circumstances, as a crime, but that I was not using it in the sense of a crime. It was a conversion that, everything considered, we considered wrongful in the context of the political collection and the use on a personal basis.

Mr. LONG of Louisiana. I should like to read into the RECORD a portion of the newspaper account of the Stratton case, in which Senator DIRKSEN testified:

> The government produced evidence of spending by Stratton for oil portraits of himself and his second wife, Shirley; for a European trip for one of Stratton's daughters; for household furniture, for his wife's and daughter's clothing, including evening gowns, for purchase of a riding horse for a daughter, Christmas gifts, construction of a commodious lodge at Cantrall, Ill.; on keeping up a houseboat, and remodeling of his mother's Morris, Ill., home.
>
> And though the senator said he had never spent political funds on housing or clothes for himself, "I believe if one wanted to use contributions for that, he could easily sustain a case for himself."

In other words, I contend that until we set forth a standard of ethics on this matter which we should do, we have no business having one code of ethics for one man and a different code of ethics for another. The same code should be in effect for everyone.

We have no business putting the picture of Daniel Webster in a place of honor in the reception room, as one of the great Senators of all time and putting his picture twice the size of life on the way out of the Senate Chamber, when he had to accept a great deal of money with the people well understanding that he could not live on his salary and he would have to have help. They were glad to put up whatever was necessary, because they thought he was a great Senator, and indeed he was.

We had a parallel when people thought it necessary to elect Richard Nixon, and he was by no means the only Senator or Member of Congress who at one time or another people have helped. I do not care whether it is a television set, an automobile, or anything they want to do to help him. They want to get together and help some fellow who cannot stay in office unless some money is raised for him.

There is no such standard of conduct at present and never has been. When did it start? When did the requirement start that you cannot have a dinner to raise some money to help a devoted public servant, who is making a great sacrifice to stay in government and who cannot meet expenses? When did we make that rule? If you want to make it, all right; but let us try people under it prospectively.

We need not rely on the Daniel Webster case. We need not rely on the Stratton case. We need not rely on the Richard Nixon case. All we need rely on is the fact that a man is entitled to pay political debts with political money and that we do not have much of a paper trail. The Senate has never had the problem before and this is the first Senator to be so betrayed by his office staff.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. THURMOND. Mr. President, I should like to inquire of the Senator if he and the committee are together on the exact issue in this matter. Is that issue this: that the Senator from Connecticut used for his personal benefit funds collected from testimonials, and that this was per se wrong and brings the Senate into disrepute; or did the Senator from Connecticut use for personal benefit funds collected at testimonials when people contributed those funds for campaign purposes, and therefore deceived and defrauded the donors?

I should like to know whether the distinguished Senator from Louisiana and the distinguished chairman of the committee are in accord on which is the issue. Does the committee take the position that if the funds were contributed for testimonials, they could not be used for personal use; or does the committee take the position that the funds collected at the testimonials deceived the donors?

Mr. STENNIS. The Senator's last question was addressed to me. If the Senator from Louisiana will yield the floor, I will answer.

Mr. LONG of Louisiana. I yield.

Mr. STENNIS. In the choice of words, over and over there may be some variation in what one says each time. The committee believes that, as a whole, considering the atmosphere of all these meetings—the invitations sent out, the notices given, the press writeups, those who were on the programs, and the letters in some instances that expressly said "We must get money for the campaign deficit," and others that said, "We must raise a chest for the forthcoming election"—all those things coupled together, the atmosphere and the time, gave a special trust to this money, that it was in trust for political purposes.

To me, the word "testimonial" does not have an exact meaning. It does not have a legal meaning—testimonial dinner. But we believe that all these funds were wrapped up with a trusteeship to the Senator, to be used only in connection with his campaigns and matters related thereto. That is proved by the way the committee tried to classify some of these individual items. That is the way we tried to prove our viewpoint and what we meant—classifying political or political-personal, and where they were not charged to it. We believe that under that trusteeship the money was diverted or converted, not with criminal intent, but nevertheless, as a fact, to purely personal uses; that, as a sitting Senator, that tended to bring the entire Senate, as an institution, into disrepute.

(At this point, Mr. Hart assumed the chair.)

Mr. DODD and Mr. LONG of Louisiana addressed the Chair.

Mr. THURMOND. Mr. President, as I understand the distinguished chairman's position, it is that these testimonials were held, in reality, to raise funds for campaign purposes and, therefore, when the Senator from Connecticut used those funds for his personal benefit he was using trust funds and because he did that he brings the Senate in disrepute. Is that correct?

Mr. STENNIS. I stated it the best I could, and I have on two or three occasions.

Mr. THURMOND. I would like to follow that up with this question:

If the record were clear, if there were no contradictions and no evidence to the contrary that the testimonials had been held but strictly for the benefit of the Senator from Connecticut, and nothing had been said about campaign by anyone, strictly for his benefit, would the committee have brought charges similar to these?

Mr. STENNIS. I must ask the Senator to excuse me from answering that question. We had such a different case on all of this proof and stipulations that we passed on, I do not think I am authorized to say what the committee would have done under different circumstances.

Mr. THURMOND. What I am trying to get at is whether the committee is basing its case, if you wish to call it a case, on the theory that the Senator from Connecticut misled and deceived donors and, therefore, was guilty of fraud in obtaining the money, or whether it was improper per se to hold dinners called testimonial dinners and to use the money for anything but campaign purposes.

Mr. STENNIS. I am not trying to avoid the Senator's question, but I believe, in my way, I have already expressed it to the Senator as well as I can, if I can stand on those words and other remarks I have made, with great deference to the Senator.

Mr. LONG of Louisiana. Mr. President, will the Senator yield to me?

Mr. THURMOND. I would be pleased to hear what the Senator from Louisiana has to say. I have been listening to this testimony for several days and I think the issue should be clarified by the committee.

Are they going to try to hold Senator Dodd responsible because of misleading people and deceiving them and defrauding them in contributing for one purpose, when he used the money for another, or whether it was improper for him to hold testimonials and use the money for anything except campaign purposes?

Mr. LONG of Louisiana. This whole thing is a case of blindman's buff. I regret to say this, but the committee does not begin to know how the play started or what it is all about, even to the extent of what is shown in the paper trail. Here is the chart. What is their starting point for the paper trail? Their starting point is the 1961 dinner, and they show what this paid for. This paid for a loan in the personal account at the Riggs Bank of $56,000.

They still have not gotten the job done, because they have not gone back to 1956.

I have a correct paper trail. This is how Tom Dodd should have done it, and this is to some extent how he did do it. They never did get back to 1956 and 1958 when all of these debts began. They came in in the middle when the man and his wife were trying to carry all of this horrible burden out of meager personal earnings, and their friends said, "Something has to be done about this. Tom will never get reelected if we have to face the public from a starting point of $175,000 in the red."

I do not know about South Carolina, but I do know about Louisiana. If I were $150,000 in the red at the start, I would be in bad shape.

This is what I would suggest a Senator do in the future. When the campaign is over, admit it is over, consolidate all of your debts, get them all in one or two banks, and get a note to pay them off; and pay yourself off, too, Mr. Senator, because if you do not, you will not get your money back.

Mr. THURMOND. Will the Senator answer the questions I have propounded to the Senator from Mississippi? Is it the contention of Senator Dodd, as I understood him to say in his statement, that the testimonial dinners were held for him; that he could use the money for campaign purposes; that he could use the money for personal purposes, or any other purpose, because the dinners were held for him; that it was a custom in the great State of Connecticut for dinners of this kind to be held and there was nothing wrong with that procedure; and that some of the moneys were used for personal use—I believe, as evidence has shown—but he said that even if it was, "I have a right to do it; the money was raised for me."

Is that the position that Senator Dodd takes?

Mr. LONG of Louisiana. Yes; that is his position.

Mr. THURMOND. Or does the Senator take the position that there was no fraud and nobody was deceived?

Mr. LONG of Louisiana. That is Senator Dodd's position. Let me give the Senator my position.

Mr. THURMOND. I want to be frank with the Senator from Mississippi. I did not get clear from the delineation of the committee viewpoint on that matter.

I would like to know the committee position, whether I agree with it or not, if these dinners were held as testimonials, to raise money for the Senator from Connecticut, and nobody was deceived, then was it wrong for him to do that, even if we have several of them? If it is the custom in the State of Connecticut to do that would the committee have brought charges against Dodd if that had been the case, admitting nobody was deceived? I think that is a fair question to have an answer from somebody on the committee. I believe it is and I am wondering if the Senator from Louisiana had any comment on the question.

Mr. LONG of Louisiana. Let us assume that you have not been quite as successful as Senator Strom Thurmond of South Carolina, and you had a tough time of it; you run for the Senate before you are able to create a financial stake in life; you do not have anything to start with, and by the time you get in there you are deeply in debt; and those debts are personal debts and you want to get a lot of money to pay them off.

Mr. THURMOND. Senator, there is no use going into all of that. I am trying to get the position of the Senator. I am trying to get the position of the committee.

Is it right for testimonial dinners to be held, and nobody is deceived?

Mr. LONG. of Louisiana. There is nothing wrong about it.

Mr. THURMOND. I understood Senator Dodd to say that is his position.

Mr. LONG of Louisiana. There is nothing wrong about that. Let me go a step further.

Mr. THURMOND. Would the committee agree with that? Are they accusing here of bringing dishonor to the Senate and bringing the Senate into disrepute because he deceived the people or because it was embarrassing for him to hold dinners and use the money for anything he wanted to use it for? I would like to know the answer to that.

Mr. LONG of Louisiana. I do not know the committee's answer to it.

Mr. THURMOND. If any member of the committee would care to answer that, I would be glad to hear from him.

Mr. LONG of Louisiana. May I say to the Senator that there is one thing that should be made clear for the Record.

Why did Tom Dodd's tax expert and former law partner advise him that this should be a testimonial dinner, that he should call it a testimonial dinner account? Well now, he did that because he feared that Tom Dodd was going to be in the position of having to use personal income to pay off politically incurred debts in their incipiency. He wanted to find a way so that he would not owe taxes on it. So, looking on this as though it were a private debt, a lot of private expenses that Tom Dodd was faced with, it would seem to me that his tax lawyer friend advised him to hold a testimonial dinner, and not political, because if you hold it as a testimonial, these are gifts that are given to help you in whatever way you need to be assisted. Then it is purely a gift. There is no tax owed, if you use it to pay off your personal debts to the butcher, the baker, the candlestick maker.

On the other hand, we do not need to rely upon that to win Tom Dodd's case, because all we really need to show is that this debt was incurred politically initially, and that political nature of the debt at the beginning carries through with it and prevents it from being tainted later as a personal debt for which political funds cannot be used without suffering a tax.

In Senator Dodd's case, it may appear that the debt was a private debt, because instead of having one bank standing in the place of the creditor, a multitude of people—the butcher, the baker, and barber, the man who sold Mrs. Dodd some clothes, even the tax collector—stood in the place of the people who originally loaned Tom Dodd money for his campaigns. For example, he was unable to pay his tax bill, so he borrowed from the testimonial account to pay his tax bill.

Mr. THURMOND. Mr. President, I think the Senator is going around the world. I think he has talked much more than necessary. I think this is a very simple issue, in this way, in order to crystallize it. As I understand it, the Senator from Connecticut says it was customary to hold testimonial dinners in Connecticut. There is nothing wrong with it. They were held. He got the money. He used it for what he pleased. Some of it went in the campaigns and some went into other things. Is that the Senator's position?

Mr. LONG of Louisiana. Well, I think that, so far as I am concerned, is fine. It satisfies me.

Mr. THURMOND. I have tried to ask the committee and I have not gotten an answer. If this is true, then does that bring——

Mr. COOPER. I will answer it.

Mr. THURMOND (continuing). The Senator from Connecticut into disrepute and dishonor? That is one question.

The other question was, and the Senator from Mississippi I believe answered this one, If the testimonial dinners were held, were the donors deceived in believing that they were contributing to a campaign when they were actually contributing to a fund that would be used for the personal benefit of the Senator from Connecticut?

So I think the committee's answer to one question might narrow it down to one issue. As they say, there was nothing wrong with the testimonial dinner, so long as the people were not deceived. But the only issue is, Were the donors deceived?

If the committee takes the broader stance, that the donors were deceived, but even if they were not deceived, it was still wrong and brings the Senate into disrepute to hold personal dinners in order to raise money for a man to use as he pleases. In that case, you have got two issues.

Mr. COOPER. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield.

Mr. COOPER. As one member of the committee, I will give my opinion to the senior Senator from South Carolina.

I believe it is correct that Senator Dodd has stated that when funds were collected at such dinners, whether they were called political testimonial dinners or testimonial dinners, when it was announced that the testimonials were held for him, that he had the right to use such funds for any purpose he saw fit, whether for the payment of political expenditures or personal expenditures. I believe I am correct—if I am not correct in my statement, I would appreciate a response.

Mr. BYRD of West Virginia. Mr. President——

Mr. COOPER. May I finish my remarks?

What I say now does not go to the intention of the Senator from Connecticut, whether he purposely or wrongfully pretended to persons who might have attended those events that the funds were to be used only for political purposes and not for any other purpose. I believe it was the opinion of the committee—at least it was my opinion—that when, over a period of years, seven fundraising events were held, with the proceeds amounting to very large sums of money, without any notice to the people who were attending the events, that the funds which would be derived would be considered by Senator Dodd to be used as he saw fit, that such a practice, over a period of years, and applied at least to seven events, was not a proper practice and reflected upon the Senate.

Mr. THURMOND. Mr. President, will the Senator yield on that point?

Mr. COOPER. Yes.

Mr. THURMOND. That it was not a proper practice for the testimonial dinners to be held at all?

Mr. COOPER. The Senator is going beyond my statement.

Mr. THURMOND. Or it had to be held that the people were deceived?

Mr. COOPER. Leaving out the question of any purposeful intent toward those who came, when over a period of over 4 years seven events were held and the people attended and contributed large sums of money, and they were never told that the proceeds were to be directed to and used for his personal benefit; and that, on the other hand, there was affirmative evidence it was not so intended whether or not Senator Dodd himself so represented; that such a practice particularly inuring to the benefit of a Senator with his power and authority, was a practice which reflected on the Senate.

I will go to the second question of the Senator. As I understand it, the committee did not go so far as to say that testimonials, announced as such, to be a source of funds for a Member of the Senate, would be improper. I do not think the exact language of the recommendation goes that far because under the facts it was unnecessary—we were dealing with a different situation.

But if the Senator asks for my opinion, I would say if a Member of the Senate presented himself to his constituents and asked for funds for personal use—through testimonials—would not say if some tragic circumstance made it necessary, at one time—I would not say in every case it might not be all right—but I do say that if a Member of the Senate presented himself to his constituents and asked for funds for his personal use, I think it would reflect upon the dignity of the Senate, and be improper.

Mr. LONG of Louisiana. Mr. President, I hope the Senator from Kentucky will understand what I am contending now. In the first place, the reason that these dinners were undertaken to be called testimonial dinners, and the reason this was set up as a testimonial account, was on the advice of a now Federal judge, Tom Dodd's former law partner, who had been a tax man. Here is why that judge, that former tax man, wanted Tom Dodd to set it up as a testimonial dinner: He wanted it that way because Tom Dodd had spent a great deal of personal money for political expenses. The only way Tom Dodd was ever going to get out of debt eventually was to find some way to pay off the debt structure. It started out that he owed money to the sound-truck driver and the hotel man, and he owed money to a man who held a note. The man who held the note wanted that note paid off. He would have to find some other man to lend him money. If that person does not have a paper trail to show where these transactions were made and where the money came from and where it was spent——

Mr. BENNETT. Mr. President, if the Senator will yield, we have a family sign in the Bennett family that goes like this [indicating]. That means, "How many times?"

May I respectfully suggest that the Senator has told his story. I think he is really weakening it by repetition to the faithful people who have stayed here and heard it so many times. I would hope the Senator, unless he has something very new to say, besides the constantly repeated paper-trail story and the accumulated-debt story, will come to an end so that weary Senators may leave and come back Monday morning.

Mr. LONG of Louisiana. If I have not convinced the Senator, I am going to try again. The Senator is an intelligent man. He is one of the best tax men on the committee. Here is how it works——

Mr. BENNETT. I am going to leave the floor, in order to save the time of my colleagues, because, as a member of the committee, I have been through these things and I think I have an understanding which seems to be different from that of the Senator from Louisiana. So if my presence is an excuse to continue the discussion, I am going to leave the floor.

Mr. LONG of Louisiana. If that is what the Senator wants to do, very well.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. BYRD of West Virginia. Mr. President, the hour is late. It is now 27 minutes of 7 o'clock. We have morning business that needs to be transacted. Several Senators have dinner engagements. I note that the Senator from Connecticut [Mr. Dodd] is getting tired. I wonder if the Senator from Louisiana would object to going over until Monday morning to continue his speech, with the understanding that he will be the first one recognized after the quorum call.

Mr. LONG of Louisiana. I appreciate that. I know it is late on Friday afternoon. I hope Senators will make themselves available to hear the other side of the case. They may be somewhat tired, but, Senators, I would point out that the committee came here with a record of 1,164 pages. My judgment is that it started out with the wrong assumption and has been proceeding in the wrong direction since that time, and it is hard to disabuse someone of what he has in his mind when he is convinced he is right.

I think we will see, sooner or later, that, from an ethical viewpoint, it never did make any difference whether it was a campaign dinner or a testimonial dinner. It never made a difference from the ethical point of view. Maybe it did from the tax point of view, but from the ethical point of view, it was set up as a testimonial dinner because that was more advantageous, taxwise, for the beneficiary. But call it campaign—there is nothing wrong about raising campaign money to help pay off debts incurred in an old campaign, to help carry debts of a new campaign, or even to help keep the office going and be a good Senator until the next campaign, or, for that matter, to spend the money to feed his family because he paid off prior debts. There is nothing wrong in using campaign money to do that until at some future date this family can raise enough money to pay the debt off.

So all we are saying is nobody can fault TOM DODD for what he was doing. He was simply calling on his friends to help him get out of debt incurred because he had run for public office and to find enough money to help run the next campaign. To do that, he was going to have to pay off a great deal of campaign obligations, a tremendous debt structure which occurred in the campaign. But now that debt structure looks like private obligations, because he had borrowed money to help pay off the debt structure.

ORDER FOR RECOGNITION OF SENATOR LONG OF LOUISIANA ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the quorum call on Monday next the distinguished Senator from Louisiana [Mr. LONG] be recognized.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MONRONEY ON MONDAY FOLLOWING SENATOR LONG OF LOUISIANA

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the completion of the speech of the Senator from Louisiana on Monday next, the senior Senator from Oklahoma [Mr. MONRONEY] be recognized.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

TRANSACTION OF ROUTINE BUSINESS

Mr. BYRD of West Virginia. Mr. President, now that the Senate has completed consideration of Senate Resolution 112 for today, I ask unanimous consent that there be a brief period for the transaction of routine business, under the usual limitation.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated.

REPORTS ON NUMBER OF OFFICERS ON DUTY WITH HEADQUARTERS, DEPARTMENT OF THE ARMY AND ARMY GENERAL STAFF

A letter from the Secretary of the Army, transmitting, pursuant to law, reports on the number of officers on duty with Headquarters Department of the Army and the Army General Staff, as of March 31, 1967 (with accompanying reports); to the Committee on Armed Services.

PROPOSED LEGISLATION RELATING TO THE DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to authorize the Commissioners of the District of Columbia to enter into contracts for the inspection, maintenance, and repair of fixed equipment in District-owned buildings for periods not to exceed 3 years (with accompanying papers); to the Committee on the District of Columbia.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of policies and procedures for collecting judgments, fines, penalties, and forfeitures, Department of Justice, dated June 1967 (with an accompanying report); to the Committee on Government Operations.

REPORTS ON SETTLEMENT OF CLAIMS OF CERTAIN INDIANS

A letter from the Commissioner, Indian Claims Commission, Washington, D.C., reporting, pursuant to law, that proceedings have been finally concluded with respect to the claim of The Fond Du Lac, Bois Forte and Grand Portage Bands of Chippewa Indians, against The United States of America, Docket No. 8 (with an accompanying paper); to the Committee on Interior and Insular Affairs.

A letter from the Commissioner, Indian Claims Commission, Washington, D.C., reporting, pursuant to law, that proceedings have been finally concluded with respect to the claim of The Minnesota Chippewa Tribe, for and on behalf of White Earth, Case Lake, Winnebigoshish, Leech Lake, Ball Club, White Oak Point and Mille Lac Bands, composing the Minnesota Bands of Chippewa Indians against The United States of America, Docket No. 7 (with an accompanying paper); to the Committee on Interior and Insular Affairs.

STATEMENT OF LAND CLAIMS OF ALASKA NATIVES

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to settle the land claims of Alaska Natives, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

RESOLUTION FROM THE MASSACHUSETTS GENERAL COURT

Mr. KENNEDY of Massachusetts. Mr. President, on behalf of the junior Senator from Massachusetts [Mr. BROOKE] and myself, I send to the desk a certified copy of a resolution from the Massachusetts General Court memorializing Congress to take steps as are necessary, through Federal and international means to preserve peace in the Middle East.

I ask that this resolution be appropriately referred.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, under the rule, the resolution will be printed in the RECORD.

The resolution was referred to the Committee on Foreign Relations, as follows:

A RESOLUTION FROM THE COMMONWEALTH OF MASSACHUSETTS

A resolution memorializing Congress to take steps as are necessary, through federal and international means to preserve peace in the Middle East

Whereas, The peace and security in the Middle East is of great concern not only to the people who live there, but to the entire world; and

Whereas, Recent events which include the withdrawal of the United Nations Observers and the apparent military buildup appears calculated to bring that area closer to open and armed hostility; therefore be it

Resolved, That the Massachusetts House of Representatives respectfully requests the Congress of the United States to take such steps as are necessary through Federal and International Means to preserve peace in the Middle East; and be it further

Resolved, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, Secretary of State, to the presiding officer of each branch of Congress and to each member thereof from this Commonwealth.

House of Representatives, adopted, May 22, 1967.

WILLIAM C. MAIERS,
Clerk.

Attest:
KEVIN H. WHITE,
Secretary of the Commonwealth.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency, without amendment:

S.J. Res. 90. Joint resolution extending for 4 months the emergency provisions of the urban mass transportation program (Rept. No. 347).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CARLSON:

S. 1960. A bill for the relief of Dr. Alfredo Aucar; to the Committee on the Judiciary.

By Mr. BREWSTER:

S. 1961. A bill for the relief of Dimitrios Roros; to the Committee on the Judiciary.

By Mr. NELSON:

S. 1962. A bill to assure the purity and quality of all imported dairy products for the purpose of promoting the dairy industry and protecting the public health; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. NELSON when he introduced the above bill, which appear under a separate heading.)

By Mr. PASTORE:

S. 1963. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. GRUENING (by request):

S. 1964. A bill to settle the land claims of Alaska natives, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. GRUENING when he introduced the above bill, which appear under a separate heading.)

By Mr. HARTKE:

S. 1965. A bill to amend titles, I, IV, X, XIV, and XVI of the Social Security Act to prevent recipients of assistance under programs established pursuant to such titles from having the amount of such assistance reduced because of increases in the monthly insurance benefits payable to them under title II of such act; to the Committee on Finance.

(See the remarks of Mr. HARTKE when he introduced the above bill, which appear under a separate heading.)

NATION'S HEALTH THREATENED BY UNSANITARY DAIRY IMPORTS

Mr. NELSON. Mr. President, for far too long, our American dairy farmers and processors have been on the short end of a double standard regarding the sanitary requirements that they must meet.

They must invest thousands of dollars in new pipeline milkers, bulk tanks, coolers, and milk houses, almost as clean as hospitals, to meet local, State, and Federal health regulations. But we have no assurance that foreign dairy farms and plants, whose products are imported to and consumed in the United States, operate under comparable sanitary requirements.

At this time, I introduce, for appropriate reference, the Foreign Dairy Inspection Act, which would require foreign dairy farms and plants producing dairy products for importation to the United States to meet sanitary standards established by the U.S. Government.

These quality controls on dairy imports are needed to correct this gross injustice to our American dairymen and to protect our consumers from this potential health hazard.

Rising production costs are a major factor leading to the dairy farmer's low return on his investment of capital and labor. Much of these present production expenses are directly related to the necessity of meeting and maintaining the high sanitary standards required by various government agencies.

A Wisconsin dairy farmer with a 40-cow herd pays out around $1,000 for a basic milking system. A new pipeline milker can run well over $3,000. The current trend to the utilization of a bulk tank for every other day milk pickups costs the farmer $4,000. An adequate milk house, which must be constructed away from the barn, can easily run $1,500 to $2,500. Other required pieces of equipment and material in many cases add up to several more thousand dollars.

This all indicates that compliance with domestic sanitary requirements means a tremendous production expense to our Nation's dairymen. To impose this burden upon them without any comparable requirements on the producers of foreign products which directly compete with American products is totally unfair and discriminatory.

With regard to that point I believe that it is important to document the threat to the health of our Nation's families from unsanitary dairy imports. I have selected a number of examples from recent Food and Drug Administration reports on import detentions to demonstrate that thousands of foreign dairy products are prepared for importation to the United States with little apparent concern for maintaining the very minimum of sanitary standards.

In addition, our Government maintains a stringent quality control program for all domestic facilities that produce dairy products exported to foreign countries under U.S.-sponsored export programs. In effect, we are protecting the health of citizens of foreign countries that receive our dairy products through the food-for-peace program and various AID projects but we are not presently applying the same safeguards to dairy imports from those foreign countries.

I ask unanimous consent that this Food and Drug Administration report be printed in the Congressional Record at this time.

Without objection, the report was ordered to be printed in the Record.

Department of Health, Education, and Welfare—Food and Drug Administration

Report of import detentions—Dairy products

Product and amount	Country of origin	Manufacturer or shipper	Reason for detention	Port of entry	Date
Cheese, 1,151 lbs	Switzerland	Geska	Contains poisonous substances, pesticides	New York, N.Y	Jan. 13, 1965
Cheddar cheese, 4,050 lbs	Canada	Black Diamond Cheese, Ltd., Belleville, Ontario.	Contains live mites	Buffalo, N.Y	Jan. 8, 1965
Cheddar cheese, 3,420 lbs	do	do	Mite infested	do	Apr. 7, 1965
Colby cheese, 56,899 lbs	Australia	David Lavery & Son Proprietary, Ltd., Melbourne.	Contains poisonous substances, DDT and related compounds.	Philadelphia, Pa	Apr. 15, 1965
Graddost cheese, 510 lbs	Sweden	Svensha Mijeviennas Riksforening, Stockholm	Mandatory labeling omitted	New York, N.Y	Apr. 9, 1965
Pecorino Romano cheese, 5,752 lbs	Italy	Pirtro Ansetmi Compagnano, Roma	Insect filth	do	Apr. 14, 1965
Cheese, 2,310 lbs	England	Cow & Gate, Ltd., Guidford, Surrey	Moldy	do	Apr. 28, 1965
Cheese, 28,448 lbs	Argentina	Polaris Jose M. Delle Donney Cia., Buenos Aires.	Insect filth	do	Apr. 16, 1965
Colby cheese, 27,563 lbs	Australia	David-Lavery & Son Proprietary, Ltd., Melbourne.	Contains poisonous substance, DDT and related compounds.	Philadelphia, Pa	Apr. 19, 1965
Neufchatel cheese et al., 17 cases	France	Baudotu & Co., Paris	Short weight, deviates from standard; contains less than 50 percent fat; mandatory labeling omitted.	New York, N.Y	Apr. 22, 1965
Ricotta cheese, 3,021 lbs	Italy	Ditta M. DiTrani, Macomer	False labeling, mandatory labeling omitted	do	Apr. 22, 1965
Stilton cheese, 12 cartons	United Kingdom	Cow & Gate, Ltd., Surrey, England	Moldy and decomposed	do	May 10, 1965
Grana cheese, 8,489 lbs	Italy	Figli Di Virginio Canterelli and C. S. Iliario D'Enza, Emelia.	Contains poisonous substances, pesticides	do	June 10, 1965
Cheese, Kashkoval Kasseri, 5,891 lbs	Yugoslavia	Agroexport Export-Import, Beograd	Contains insect fragments and manure	do	Oct. 29, 1965
Cheese spread, Gruyere, 35 packages	France	Entremont, Switzerland	Deviates from standard, contains nonpermitted ingredients.	Los Angeles, Calif	Oct. 22, 1965
Calpis, 50 cartons	Japan	The Calpis Food Industry Co., Ltd., Shimizu	Mandatory labeling omitted	San Francisco, Calif	Aug. 31, 1965
Kashkoval cheese, 9,530 lbs	Yugoslavia	Agroexport Export-Import, Beograd	Insect filth and manure fragments	New York, N.Y	Sept. 14, 1965
St. George cheese, 4,603 lbs	Portugal	Luis Da Mata, St. Michael's, Azores	Insect filth	do	Aug. 31, 1965
Colby cheese, 2,720 cartons	Australia	David Lavery & Son Proprietary, Ltd., Melbourne.	Contains poisonous substances, DDT, DDE, and TDE.	Philadelphia, Pa	Jan. 10, 1966
Sap Sago cheese, grated, 480 cartons	West Germany	Julius Von Engelbrechten, Hamburg	Short weight	San Francisco, Calif	Mar. 10, 1966
Cheese, 50 cartons	Argentina	Casanto Sociedad Responsabilidat Ltda., Buenos Aires.	Contains benzene hexachloride	New York, N.Y	Apr. 14, 1966
Cheese, 92 lbs	Canada	Canada Packers, Ltd., Toronto, Ontario	Mite infested	Buflalo, N.Y	Apr. 19, 1966
Cheese, 300 lbs	Denmark	J. Hansen Co., Aarhus	Contains dieldrin	Minneapolis, Minn	Mar. 28, 1966
Cream, frozen, 3,465 cartons	New Zealand	New Zealand Dairy Production & Marketing Board, Wellington.	Contains rodent hairs	Galveston, Tex	Dec. 16, 1965
Cheese, 200 cartons	Italy	Eill Mannoni fu Paolo, Thiesi	Contains fly eggs and maggots	Boston, Mass	Mar. 28, 1966
Do	do	do	do	do	Do.
Sardo cheese, 14,339 lbs	Argentina	River Plate Dairy Co. S.A., Buenos Aires	Contains an unsafe food additive, benzene hexachloride.	New York, N.Y	May 16, 1966
Edam cheese, 5,861 cartons	Netherlands	Bernard Schulisch, Hamburg, West Germany	Insect infested	do	June 23, 1966
Grapex, 330,680 lbs	Belgium	Ecoral, Dilbeek	Contains an unsafe food additive, pesticide residues.	Chicago, Ill	July 5, 1966
Junex, 14,980 cartons	do	Nicolas Falise, Antwerp	Contains unsafe food additives; benzene hexachloride, DDT, DDE, dieldrin and TDE; contains nondescript dirt and was held under insanitary conditions during shipment.	Atlanta, Ga	July 14, 1966
Pecorino cheese, 2,302 lbs	Italy	Ropconi, Naples	Filthy, unfit for food	Chicago, Ill	Aug. 8, 1966
Sap Sago cheese, 1,800 boxes	West Germany	Julius von Engelbrechten, Hamburg	Deviates from standard, contains excessive moisture.	San Francisco, Calif	July 13, 1966
Cremex, 228,346 lbs	Belgium	Ecoval, Antwerp	Contains unsafe food additives	Los Angeles, Calif	Aug. 16, 1966
Butter-sugar mixture, 36 cases	France	Union Export Co., Paris	Contains a deleterious substance, benzene hexachloride.	San Francisco, Calif	Sept. 21, 1966
Kasseri cheese, 22,004 lbs	Bulgaria	Rodopa, Associated State Enterprise, Sofia	Contains an unsafe food additive and animal dung.	New York, N.Y	Sept. 26, 1966
Cheese spread, with smoked herring (pasteurized), 2 cases.	Norway	O. Kavli, A. S., Bergen	Contains a poisonous substance, pesticide chemicals.	Minneapolis, Minn	Oct. 20, 1966
Edam cheese, baby, 180 packages	Netherlands	De Producent, Gouda	Insect infested	Miami, Fla	Oct. 21, 1966
Colby cheese, 220,460 lbs	Bulgaria	Rodopa, Associated State Enterprise, Sofia	Contains an unsafe food additive, benzene hexachloride.	New York, N.Y	Nov. 23, 1966
Colby cheese, 8,333 cartons	New Zealand	New Zealand Dairy Board, Wellington	Contains pesticide residue	Houston, Tex	Dec. 21, 1966
Colby cheese, 10,316 lbs	do	Maori Chief, Patua & Tapanaki, Auckland	Contains an unsafe pesticide chemical	Galveston, Tex	Jan. 18, 1967
Swiss cheese and Gruyee processed cheese, 6,490 lbs.	Switzerland	Weitifurrer International, Zurich	Unfit for food, dimethyl anilene present in product and containers.	New York, N.Y	Feb. 17, 1967
Ementhaler cheese, 1,500 packages	West Germany	Alpen-Silber-Kaswek Kemplen, Allgun, Hamberg.	Deviates from standard of identity, mandatory labeling omitted.	San Francisco, Calif	Mar. 7, 1967

Mr. NELSON. Mr. President, this is only a partial listing of the thousands of foreign dairy products that have been found to be contaminated and unsanitary. It is disastrous and disgraceful to have these products, which are earmarked for our families' dinner tables, coming to our shores in such an unhealthy form.

Some 4,050 pounds of Cheddar cheese from Canada contained live mites; 5,752 pounds of Pecorino Romano cheese from Italy contained insect filth; 5,891 pounds of Kashkaval Kasseri cheese from Yugoslavia contained insect fragments and manure; 3,465 cartons of frozen cream from New Zealand contained rodent hairs; 200 cartons of cheese from Italy contained fly eggs and maggots; 14,339 pounds of Sardo cheese from Argentina contained an unsafe food additive, benzene hexachloride. Two cases of cheese spread from Norway contained a poisonous substance and pesticide chemicals.

These foreign dairy products are produced under conditions on farms and in plants of which we have no knowledge. If we are going to provide even the most fundamental of safeguards against such an invasion of unsanitary food products, we must require those foreign farms and plants that wish to import dairy products to the United States to meet the minimum sanitary standards established by our Government.

The Foreign Dairy Inspection Act will provide this safeguard and make sure that the health of our Nation is not jeopardized by substandard conditions in other countries.

I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD at this time.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and report will be printed in the RECORD.

The bill (S. 1962) to assure the purity and quality of all imported dairy products for the purpose of promoting the dairy industry and protecting the public health, introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 1962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Dairy Inspection Act of 1967".

SEC. 2. The Act entitled "An act to regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry of the United States and protecting the public health", approved February 15, 1927 (44 Stat. 1101; 21 U.S.C. 141–149) is amended as follows:

(1) The first section is amended by striking out "milk and cream" and inserting in lieu thereof "milk, cream, butter, cheese, or other dairy products"; and by striking out "milk or cream" and inserting in lieu thereof "milk, cream, butter, cheese, or other dairy product".

(2) Section 2 is amended by inserting "(a)" immediately after "SEC. 2."; and by adding at the end thereof a new subsection as follows:

"(b) Butter, cheese, and other dairy products, except such milk or cream as is designated in subsection (a) hereof shall be deemed unfit for importation—

"(1) when all cows or other animals producing the milk going into such products are not healthy and a physical examination of all such milk producing animals has not been made within one year previous to the utilization of such milk in products being offered for importation;

"(2) when the milk being used in such product has not been pasteurized, or the product in the course of manufacture has not been subjected to a time and temperature of processing at least equivalent to pasteurization, except in the case of cheeses which are permitted under the standards of identity promulgated under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.) to be produced from raw milk, in which case the cheeses shall be aged under proper conditions for the time specified in any such standard of identity, before it shall be permitted entry into the United States;

"(3) when the milk being received in the plant in which it is to be processed into butter, cheese, or other dairy product and the sanitary conditions of such plant fail to meet the minimum sanitation standards prescribed in regulations promulgated by the Secretary of Health, Education, and Welfare and applicable to plants in the United States engaged in the processing of milk or cream into butter, cheese, or other dairy products;

"(4) when the butter, cheese, or other dairy product offered for entry into the United States fails to conform to such objective criteria as the Secretary shall prescribe by regulation in the manner aforesaid."

(3) Section 3 is amended by—

(A) striking out "milk and cream" each time it appears and inserting in lieu thereof "milk, cream, butter, cheese, and other dairy products";

(B) striking out "milk and/or cream" each time it appears, except in the second paragraph thereof, and inserting in lieu thereof "milk, cream, butter, cheese, and/or other dairy product";

(C) striking out "milk or cream" each time it appears and inserting in lieu thereof "milk, cream, butter, cheese, or other dairy product";

(D) striking out "produced and handled" each time it appears and inserting in lieu thereof "produced, processed, and handled"; and striking out in the fourth paragraph "production and handling" and inserting in lieu thereof "production, processing, and handling";

(E) striking out "clauses 1, 2, and 3 of section 2" each time it appears in the first paragraph and where it appears in the fourth paragraph, and inserting in lieu thereof "clauses (1), (2) and (3) of subsections (a) and (b) of section 2";

(F) striking out "section 2, paragraph 4," in the second paragraph and inserting in lieu thereof "clause (4) of section 2(a)".

(G) striking out "paragraphs 2 and 5 of section 2" in the third paragraph and inserting in lieu thereof "clauses (2) and (5) of section 2(a)"; and

(H) striking out the word "cows" and inserting the words "cows or other milk producing animals".

(4) Section 3 is further amended by adding at the end thereof a new paragraph as follows:

"The Secretary is authorized, in his discretion, to waive any requirement of this Act whenever he determines that the waiver of such requirement will facilitate the administration of this Act and will not result in lowering the standards of sanitation and wholesomeness of imported milk, cream, butter, cheese, or other dairy products, but in no event shall any requirement be waived if such action would adversely affect the public health."

(5) Section 4 is amended by striking out "milk or cream" and inserting in lieu thereof "milk, cream, butter, cheese or other dairy products".

(6) Section 6 is amended by striking out "the sum of $50,000 per annum," and inserting in lieu thereof "such sum as may be necessary".

(7) Section 7 is amended by changing the period at the end thereof to a colon and adding the following: "*Provided, however,* That this Act shall in no way be construed as affecting, modifying, repealing, or superseding the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq., as amended) or any rule or regulation promulgated thereunder.

(8) Section 8 is amended by—

(A) striking out "milk or cream" each time it appears and inserting in lieu thereof "milk, cream, butter, cheese or other dairy product"; and

(B) striking out "milk and/or cream" and inserting in lieu thereof "milk, cream, butter, cheese and/or other dairy product".

(9) (a) Section 9(b) is amended to read as follows:

"(b) The term 'United States' means the fifty States, the District of Columbia, and the Commonwealth of Puerto Rico.".

(b) Section 9 of such Act is further amended by adding at the end thereof a new paragraph as follows:

"(c) The term 'dairy products' includes all forms of milk and dairy products, butterfat, and nonfat milk solids, and any combination or mixture thereof, and also any article, compound, or mixture containing 5 per centum or more of butterfat, nonfat milk solids, or any combination of the two.".

SEC. 3. The amendments made by this Act shall take effect upon enactment, but no penalty shall be enforced for any violation of the Act of February 15, 1927 (44 Stat. 1101; 21 U.S.C. 141–149), except with respect to milk or cream, if the violation occurs within one year after the date of enactment of this Act.

A BILL TO SETTLE THE LAND CLAIMS OF ALASKA NATIVES

Mr. GRUENING. Mr. President, I introduce, for appropriate reference, a bill "to settle the land claims of Alaska natives, and for other purposes." This is a bill drafted in the Interior Department and represents, in its present form, what the Interior Department considers the proper approach to a long overdue problem.

The Organic Act of 1884, Alaska's first Organic Act, provided:

> The Indians or other persons . . . shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them.

The act continued, saying:

> The terms under which such persons [the Indians or other persons] may acquire title to such lands are reserved for future legislation by Congress.

Eighty-eight years have passed without action to carry out these provisions.

A later section of the act, section 12, provided that the Secretary of the Interior constitute a commission composed of the Governor and two other officers appointed under the act "to examine into and report upon the condition of the Indians residing in said territory, what lands, if any, should be reserved for their use—what rights of occupation of settlers should be recognized, and all other facts that may be necessary to enable Congress to determine what limitations or conditions should be imposed when the land laws of the United States shall be extended to said district." Two thousand dollars was appropriated to defray the commission's expenses.

Actually this mandate was not carried out. A study was made of native claims in southeastern Alaska only, and the recommendation was made that the natives there—Tlingits and Haidas—be allowed to retain the sites of their homes and gardens. But the rest of Alaska was ignored, the reason given being that the Governor had no form of transportation or means to enable him to visit the rest of the district, as Alaska was then called.

Through the years successive Secretaries of the Interior have failed to carry out the provisions of the act of 1884—except as heretofore noted to a very limited degree in southeastern Alaska only. Although the Interior Secretaries' responsibility included supervision and care of Alaska native affairs, they failed to carry out the provisions on the subject of lands as specifically ordered by the Congress in 1884.

For several years—indeed shortly after coming to the Senate—I have been urging the present Secretary to submit legislation which would enable us to proceed toward a solution of this vital and, because of the long delay, increasingly pressing and complex problem. I have particularly urged during the past year that legislation be drafted and presented as early as possible in this session of Congress.

In its present form it is a draft representing the Interior Department's views and will have administration backing. The Secretary of the Interior recommends its enactment.

Needless to say, hearings must be held, as some of the provisions in this bill are controversial, the views of all Alaskans must be secured since all in varying degrees will be affected by it, and the pros and cons of this proposed legislation thoroughly discussed before the appropriate recommendations may be made to the Congress. The legislation to dispose of this 88-year-old problem should have been introduced long ago, but at least it is now available for hearings and thorough analysis.

Because some of the provisions are vague and ambiguous, a careful study and interpretation of its intent and language will be necessary before definite judgments may be rendered on them. The hearings, which I hope will be held in Alaska as soon as possible, should, hopefully, clarify the wishes of the people of Alaska and enable the Congress to enact legislation which will dispose of the issues involved with as much justice to all concerned as may be possible.

At the request of the chairman of the Senate Committee on Interior and Insular Affairs, the Honorable HENRY M. JACKSON, of Washington, I am introducing this legislation "by request." In part this is because there are some provisions in the present draft with which I do not agree. But I am glad to introduce it nevertheless because much in it is good and at long last it makes possible for us to move in the direction of settling these long ignored claims and to enable the State of Alaska to develop its human and material resources, as it has hitherto to a degree been estopped from doing.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1964) to settle the land claims of Alaska natives, and for other purposes, introduced by Mr. GRUENING, by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

SAFEGUARDING SOCIAL SECURITY INCREASES FOR THOSE ON WELFARE

Mr. HARTKE. Mr. President, today I am offering a bill to amend the Social Security Act in such a way as to prevent recipients of assistance under titles I, IV, X, XIV, and XVI from having their assistance reduced if and when they become entitled to an increase in social security payments.

Briefly, unless this is done, we are in danger of failing to secure effective increases in income for the people most in need of it. The reason is that without such a change, States may very well offset the social security increase by reductions in assistance payments. For example, a person with no other resources may be receiving $50 per month social security, supplemented by $35 per month for a minimum of $85, the supplement coming from one of the programs under these titles. Now suppose the entitlement to social security benefits rises for this person to $70. The State may very well decrease its assistance payments from $35 to $15, leaving the total still only $85. Thus we would, unless the States are required to disregard the additional sum, simply harvest a windfall in reduced State welfare payments with no benefit to the individuals.

Today, as I introduce this bill, I merely call attention to its purpose and effect. It is my intention to present more fully, in a statement I shall make within the next few days, the case for this action.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1965) to amend titles I, IV, X, XIV, and XVI of the Social Security Act to prevent recipients of assistance under programs established pursuant to such titles from having the amount of such assistance reduced because of increases in the monthly insurance benefits payable to them under title II of such act; introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

ADDITIONAL COSPONSORS OF BILLS

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin [Mr. NELSON], I ask unanimous consent that the name of the Senator from Minnesota [Mr. MONDALE] be added as a cosponsor of the bill (S. 1642), the Rural Recreation and Industrial Development Loan Act of 1967, at its next printing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from South Carolina [Mr. HOLLINGS], I ask unanimous consent that, at the next printing of the bill (S. 1796) to impose quotas on the importation of certain textiles, the name of the distinguished Senator from Maine [Mrs. SMITH] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF RESCHEDULING OF HEARINGS ON S. 1659, INVESTMENT COMPANY AMENDMENTS ACT OF 1967

Mr. SPARKMAN. I should like to announce that the Committee on Banking and Currency has rescheduled its hearings on S. 1659, the Investment Company Amendments Act of 1967.

The hearings, which were originally scheduled for the week of June 19 through 23, have now been rescheduled for Wednesday, June 21, through Friday, June 23.

NOTICE OF NEW HEARING DATE

Mr. SMATHERS. Mr. President, on June 7, I announced to the Senate that the Subcommittee on Health of the Special Committee on Aging would hold hearings June 19–20 on costs and delivery of health services to older Americans.

However, because the Senate is occupied with the debate over Senate Resolution 112, it has become necessary to postpone the scheduled hearings to June 22–23. I therefore want to take the opportunity to advise the Senate that the hearings will begin at 10 a.m., June 22, in room 3110, New Senate Office Building.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD as follows:

Newsletter by him, dated June 1967, to Michigan constituents.

AUTHORIZATION OF APPROPRIATIONS FOR PROCUREMENT OF VESSELS AND AIRCRAFT AND CONSTRUCTION OF SHORE AND OFFSHORE ESTABLISHMENTS FOR THE COAST GUARD

Mr. BARTLETT. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 5424.

The PRESIDING OFFICER (Mr. HART in the chair) laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 5424, which was read, as follows:

Resolved, That the House concur in the amendment of the Senate numbered 1 to the bill (H.R. 5424) entitled "An Act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard."

Resolved, That the House concur in the amendment of the Senate numbered 2 to aforesaid bill with an amendment, as follows: In lieu of "$37,663,000", insert "$37,963,000".

Mr. BARTLETT. Mr. President, I move that the Senate concur in the House amendment to Senate amendment No. 2.

The motion was agreed to.

NOMINATION OF THURGOOD MARSHALL TO THE U.S. SUPREME COURT

Mr. THURMOND. Mr. President, the Washington Evening Star of yesterday, Thursday, June 15, 1967, contains an outstanding editorial entitled "Mr. Marshall's Nomination."

This editorial contains considerable food for thought which every citizen and every Senator should take under advisement in considering this nomination to the U.S. Supreme Court.

As the editorial states, it is difficult to predict in advance the judgments which will be reached by any man who has been appointed to the Supreme Court. In my view, however, it is necessary for us to hazard a guess as to the inclinations of Mr. Marshall on the overriding constitutional issues with which he will be faced. If history can serve as a guide, then I think it is obvious that Mr. Marshall will join what the Evening Star calls the " 'liberal' wing consisting of the Chief Justice and Justices Douglas, Brennan, and Fortas."

The closing observation of the Evening Star is particularly pertinent. Assuming a pairing off of members of the Court in the way that both the Evening Star and I believe will occur, the Star says:

> The "liberals" will be in firm control, and this is considerably less than reassuring with respect to many of the vital areas of public interest that are affected by the Court's rulings.

I ask unanimous consent that the editorial to which I have referred be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Mr. Marshall's Nomination

A few years ago, the appointment of a Negro to the Supreme Court would have been a sensational, not to say controversial, development. President Johnson's nomination of Thurgood Marshall, however, has produced scarcely a ripple of excitement. This is a measure of our national progress toward maturity, and cause for modest gratification.

The merit of this particular appointment is another question.

There had been some hope, though not much, that the President, in choosing a successor to Justice Clark, would try to bring the Court into better balance. His nomination of the Solicitor General, however, suggests that this hope can be filed and forgotten.

No Supreme Court Justice can be fitted neatly into any category. Occasionally the most liberal or the most conservative, using this term in its relative sense, will jump the tracks. On the whole, however, Tom Clark was a "swing man," sometimes siding with one bloc, sometimes with the other. If any descriptive term is applicable to his service on the bench, it is that he has been a moderate.

We do not think this can be said of Thurgood Marshall, although few things in this life are more hazardous than trying to predict what positions a man will take after he joints the court. Our guess is, however, that Marshall generally will join the "liberal" wing consisting of the Chief Justice and Justices Douglas, Brennan and Fortas. If so, the "liberals" will be in firm control, and this is considerably less than reassuring with respect to many of the vital areas of public interest that are affected by the court's rulings.

CHANGE IN NAME OF CERTAIN WATER RESOURCE PROJECTS UNDER JURISDICTION OF THE DEPARTMENT OF THE ARMY

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the Senate the message from the House on S. 1649.

The PRESIDING OFFICER (Mr. Hart in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 1649) authorizing the change in name of certain water resource projects under jurisdiction of the Department of the Army, which were:

> On page 4, line 7, strike out "and".
>
> And, on page 4, line 10, strike out "Sakakawea.", and insert "Sakakawea";
>
> "the Dam B and Reservoir on Neches River, Texas, authorized by the River and Harbor Act of 1945, to the 'Town Bluff Dam' and the 'B. A. Steinhagen Lake', respectively;
>
> "the Blanchard Dam on Bald Eagle Creek, Pennsylvania, authorized by the Flood Control Act of 1954, to the 'Foster Joseph Sayers Dam';
>
> "the Port Hueneme Small Craft Harbor, California, authorized by the River and Harbor Act of 1954, to the 'Channel Islands Harbor';
>
> "the Buck Creek Dam and Reservoir, Springfield, Ohio, authorized by the Flood Control Act of 1962, to the 'Clarence J. Brown Dam and Reservoir'; and
>
> "the Lock and Dam 14, Arkansas River, Oklahoma, authorized by the River and Harbor Act of 1946, to the 'W. D. Mayo Lock and Dam'."

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

Mr. HOLLAND. Mr. President, I observe in the Chamber the distinguished chairman of the Committee on Public Works [Mr. Randolph] who had charge of the bill and who has handled this matter in the negotiations with the House. He now feels that it is unnecessary for the bill to go to conference. I wish to thank him and the Senate warmly for acting on the bill this afternoon.

One person in my State for whom one of the structures in the bill is to be named is an elderly gentleman, either 95 or 96 years of age. I am not sure when his birthday occurred. He is an invalid and has nursing care around the clock, but his mind is still clear. He genuinely merits this honor. I do want him to know that he has received it prior to his passing. I hope that that will be the case. I have had no information in the last day or two.

I wish to express my deep appreciation and the appreciation of the Fort Myers area of Florida for this kindly act taken by the Senate Committee on Public Works in conjunction with the House committee, for which I am deeply grateful.

Mr. RANDOLPH. Mr. President, I do not wish to delay the Senate, but I feel that with the distinguished Senator from Florida [Mr. Holland] present, I should like to have the Record reflect that it has been the policy of the Senate Committee on Public Works and the policy of the House Committee on Public Works to screen carefully the proposals to name dams and reservoirs. We have encountered, from time to time, the understandable desire of Members of both bodies to name a particular public works project after a former Member of Congress who had contributed much to the project in question, but who was still living. So also we have had the problem of a person who is not or has not been a Member of Congress but is still living. We have felt that we could well honor such a person.

It so happens that in this measure a public works project has been suitably named in honor of the late Representative Clarence Brown, of Ohio.

As to a person who was not a Member of Congress or in public life, but who fell within the category of the devoted individual who has been mentioned by the Senator from Florida, we have, in a sense, violated the general agreement because it seemed appropriate to do so. This seems to be an honorable act on the part of Congress.

So in this instance, as in other rare instances, we have done exactly what the Senator from Florida wished us to do.

In this measure, as my distinguished colleague from West Virginia [Mr. Byrd] well knows, we are also changing the terminology of a project in our State, which is a dam and reservoir in intent, and which is the language of the U.S. Army Corps of Engineers, to the category of a lake. We feel that West Virginia is a State in which there is developing tourism. If a person who is not familiar with West Virginia were to look upon a map and see that at Summersville there are a dam and a reservoir, he might not have the desire to think in terms of that area as a place for recreation and rest. But if he were to see upon the map "Summersville Lake," he might send an inquiry to our State agency. Therefore, as my colleague and I both know, we look upon this change as conducive to attracting a large segment of the population of America, particularly from the cities. They will find in West Virginia waters which not only aid in the control of floods, but also give quantity and quality flow to the areas below the mountains, where the lakes are formed.

With these purposes which we have always thought of in terms of such projects, there does come fishing and boating and swimming and water skiing.

So, it is very natural that, built into the cost-benefit ratio of these projects, particularly in West Virginia, we are under this measure renaming the dams and reservoirs as lakes.

I proposed this in legislation because I believe that our beautiful bodies of water, nestled in the grandeur of the hill country, could provide sports and recreational facilities the equal of any in the Nation.

I recognized, however, that we must literally let the world know of our sports and recreational facilities which are so inviting to those seeking refreshment of mind and body. The redesignation will help to focus attention on the facilities we possess.

On both of these points, the point of naming the particular project in Florida for a living person, and the point of designating our West Virginia dams and reservoirs as lakes, I though the RECORD might reflect the thinking of the membership of the two Committees of Public Works and also of the Congress.

We have been appropriately responsive to Senator HOLLAND's request in which he was joined by Senator SMATHERS. We know the request comes in the very best interests of the State of Florida through the naming of this particular project for a very truly wonderful man who is now in his sunset years, and who perhaps may have a few additional hours of added happiness because, after a life devoted to the conservation of natural resources, he has this added honor of having his name imprinted upon an area in that State.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. HOLLAND. Mr. President, I am deeply grateful for the understanding of the Senator and hope that this action will bring real pleasure, as I know it will if Mr. Franklin still lives, as I believe he does. Even though the rule may have been broken for, let us say, a few months, or perhaps a year or two at the most, I think it was well worth while to do so.

I think the fact that he has worked so diligently and over so many years, particularly upon projects upon the Caloosahatchee River, upon which this structure named for him is located, makes it a wonderful thing to do.

I am grateful to the Senator and to his committee. I speak for both Senators from Florida and for Representative ROGERS who represents that particular district.

Mr. RANDOLPH. I thank the Senator.

TRIBUTE TO ELMER L. KOONS

Mr. MANSFIELD. Mr. President, on June 18, 1917, Elmer L. Koons, assistant to the Official Reporter of Debates, began his long period of faithful service to the Senate.

At present, he is recuperating from an illness. On this 50th anniversary, we wish him a speedy recovery, so that he may soon resume the duties he has so efficiently performed for half a century.

Mrs. SMITH. Mr. President, I want to join in the sentiments expressed by the distinguished majority leader.

I share his great respect and feeling for Mr. Elmer Koons.

CIGARETTE ADVERTISING

Mr. BYRD of Virginia. Mr. President, I invite the attention of the Senate to a recent FCC ruling on cigarette advertising which clearly flouts the intent of Congress as expressed in the Federal Cigarette Labeling and Advertising Act of 1965—Public Law 89-92.

In section 5, paragraph (b) of that law, Congress specifically provided that—

> No statement relating to smoking and health shall be required in the advertising of any cigarette the packages of which are labeled in conformity with the provisions of this Act.

The Committee on Commerce report on this bill—Report No. 195 of May 19, 1965—noted:

> Considering the combined impact of voluntary limitations on advertising under the Cigarette Advertising Code, the extensive smoking education campaigns now underway, and the compulsory warning on the package which will be required under the provisions of this bill, it was the committee's unanimous judgment that no warning in cigarette advertising should be required pending the showing that these vigorous, but less drastic, steps have not adequately alerted the public to the potential hazard from smoking.

Despite this clear expression of congressional will, the FCC on June 2 ruled that stations which present cigarette commercials are required to provide "significant amounts of time" to groups which oppose smoking as a health hazard. If the stations are unable to find sponsors for these opponents of smoking they must provide that time at their own expense.

In making this ruling, the FCC noted that Congress had appropriated funds for a public education campaign on smoking and health.

The Commission apparently felt that what Congress could do, it could do better. So it arbitrarily extended the educational campaign and forced broadcasters to pay for it.

Congress decided to give this education program a 3-year trial, after which time, the Secretary of Health, Education, and Welfare was asked to report on its effectiveness.

What the FCC has done is to make its own arbitrary judgment of the effectiveness of the campaign based merely on the number of hours which are devoted to antismoking programs.

This ruling can have only one result, and that is force cigarette advertisers to turn to other media where they would be under no such restrictions.

It is manifestly unfair to broadcasters to require them to finance a Government education program. And it is economic discrimination to force them to provide free time to groups who wish to criticize products which other groups have paid to advertise.

The FCC has stretched the meaning of the fairness doctrine beyond any recognition of its true purpose by including under it advertisements of commercial products and has opened the door for any group to demand time to point out the defects of products it dislikes.

THE 23D ANNIVERSARY OF ICELANDIC INDEPENDENCE

Mr. BURDICK. Mr. President, tomorrow, June 17, is the 23d anniversary of the first full independence the Icelandic nation has known since the 13th century. I believe it is an appropriate moment for the Senate to pause and reflect on the contributions which Icelandic people have made to the United States, and upon the traditions of independence and personal strength demonstrated by the citizens of Iceland.

Louis Barron, in the "Worldmark Encyclopedia of the Nations," recalls the steps that led to the June 17 declaration by the Icelandic people:

> Iceland's first settler, Ingolfur Arnarson, sailed from his native Norway to Iceland and settled at what is now Reykjavik in 874. During the late 9th and early 10th centuries the island was settled by other Norwegians fleeing from the oppressive rule of their king and by smaller groups of Scottish and Irish emigrants. In 930 a central legislative and judicial assembly, the Althing, was established, and a uniform code of laws for the entire country was compiled. Christianity was introduced in 1000, but the memory of the old pagan religion was preserved in 12th-century and 13th-century Icelandic literature. Many of the early settlers were great seafarers and continued their westward voyages of discovery and exploration from Iceland. Most famous of these were Eric the Red (Erikur Thorvaldsson), who in 982 discovered and settled in Greenland, and his son Leif Ericsson (Leifur Eiriksson) who in 1000 discovered the North American continent, which he called Vinland (the Good Land). Icelanders acknowledged the sovereignty of Haakon IV of Norway in a treaty of 1262, which established a purely personal union, ending the independent republic or commonwealth. When all the Scandinavian countries came under the rule of Denmark in 1381, Iceland became a Danish dominion. Lutheranism was introduced in the 1540's. Exclusive trading rights with Iceland were given in 1602 to a private Danish trading company, and Danes had a complete monopoly of trade with Iceland until 1786, when it was opened to all subjects of the king of Denmark and thus to Icelanders.
>
> The ensuing economic ruin for Iceland, compounded by poor harvests, epidemics, and volcanic eruptions (notably that of 1783, the worst in Iceland's history) reduced the population to 38,000 by 1800, less than half the number in the period of independence. In that year the king abolished the Althing, long before reduced in power. About 1830, a nationalist movement for independence attained considerable strength and won the reestablishment of the Althing (but only as an advisory body) in 1843, followed by the opening of trade with Iceland to all countries in 1854. After a long constitutional struggle (led by a national hero, Jón Sigurosson, who was both statesman and scholar), limited home rule was granted in 1874 and almost complete home rule in 1903. By agreement with Denmark in 1918, Iceland was declared a free and independence state, but personal union was retained, with the Danish king continuing to function as king of Iceland and Denmark conducting Iceland's foreign affairs. Iceland also had the right to terminate this union after 25 years. In World War II, cut off from Denmark by the German occupation of that country, Iceland established diplomatic relations with the UK and the US. British forces took over the protection of the island in 1940, and in the following year were replaced by US troops, who remained until early 1947. In a referendum held in May 1944, over 97% of those participating voted to end the union with the king of Denmark, and on 17 June 1944 Iceland became an independent republic. In 1946 it was admitted to UN membership.

The history of Iceland shows a vigor and independence which the citizens brought with them when they immigrated to the United States, many of them to the northeastern part of North Dakota. While they found conditions of climate and soil much different than in their native Iceland, their spirit permitted them to adapt their agricultural practices to the requirements of North Dakota, and they were successful in making the earth productive.

Stefan Einarsson cites some of the accomplishments of Icelandic Americans in this country:

> It was more or less an accident that guided the steps of the first Icelandic immigrant, in 1856, to the valley of the Latter-day Saints in Utah. A few others followed and the Icelanders founded a small settlement in Spanish Fork, while some went to Salt Lake City, where their descendants still live.
>
> Otherwise immigration to the United States can hardly be said to have begun until 1870, when some 200 Icelanders settled in the midwestern States, mostly in Wisconsin and North Dakota. The influx was strongest in the period 1880–1890, subsiding in the period 1890–1900, after which immigration practically ceased. In the whole period some 25,000 Icelanders, approximately 25 per cent, left their homeland for Canada or the United States; only about one-third settling on this side of the border.
>
> Later there have only been two periods of slight immigration. The Icelandic trawler fishermen in Gloucester, Massachusetts, came immediately after World War I, and several hundred wives of American soldiers came in during and after World War II.
>
> In 1874 the Icelanders at home celebrated the millenary of the colonization of their island. This was also occasion for festivities among the Icelandic immigrants in Milwaukee, who there founded a society to foster intellectual pursuits and discussed the church that later was to become a mainstay of their religious and national life. They wanted to find a place where they could all live in the same community and found a "New Iceland" in the free western world. A plan to settle them in Alaska found favor with the United States government, but came to naught.
>
> Havoc caused by volcanic eruption in the eastern part of Iceland in the spring of 1875 and a series of hard years (1880–1888) sent the Icelanders flocking to America. Most of them went to "New Iceland" on the western shore of Lake Winnipeg, which proved disastrously inhospitable; others came directly to the United States. Thus Icelanders settled in Lyon county in Minnesota in 1875 and have remained in several Minnesota communities ever since. In 1878 the Icelanders, led by Rev. Pall Thorlaksson, took land in Pembina county in northeastern North Dakota. The colony was settled both by disillusioned settlers from Canada and by fresh immigrants from Iceland. After ten years it had become the most prosperous settlement in America, and it still is by far the largest and most well-to-do Icelandic settlement within the borders of the United States. Here one still finds several place names of Icelandic origin, such as Svold, Akra, Eyford, Hallson, Gardar, though others such as Pembina, Langdon, and Mountain do not reveal the Icelandic origins of their population. To the west, Bottineau, Upham, and Bantry are Icelandic settlements; to the south Grand Forks counts several Icelanders, among them Richard Beck, Professor of Scandinavian Languages and Literatures at the University of North Dakota and the most active publicist of Icelandic culture now living.
>
> The Icelandic immigrants of 1870–1900 had nothing to prepare them for farming on the great midwestern plains except the habits of hard work and austere living in their homeland. They were all Lutherans and among their first tasks were forming congregations and building churches. Several of these united into an Icelandic Lutheran Synod, sponsored by Rev. Hans B. Thorgrimsen at a meeting at Mountain, North Dakota, and headed by the brilliant patriot and churchman, Jon Bjarnsason, of Winnipeg. This Icelandic church was liberal in comparison with some fundamentalist churches of Norwegian and German extraction, but it was orthodox compared with the "New Theology" Church of Iceland or the Unitarian church of Boston. A grim tug of war developed between these forces for the custody of the immigrants' souls. But if the churches sowed the dragon's seed of dissent, they also gave the immigrants something to live and fight for and lifted them intellectually out of the dust. And the church was not only a guardian of the immigrants' religion, but also, as long as possible, of their nationality.
>
> The Icelanders had another national heritage; a strong literary tradition, going back to their Eddas and Sagas, and their love of learning. The literary tradition came to a brilliant flowering in the poet-farmer Stephan G. Stephansson (1853–1927) who settled three times, first in Wisconsin, then in North Dakota, finally in Canada, where he raised a large family and wrote six volumes of poetry. With the Norwegian Rolvaag and his own countryman, Vilhjalmur Stefansson, he was one of the giants stalking the Dakota prairie. Appreciated by few but his countrymen, he has, nevertheless, been pronounced the greatest poet in Canada by Professor Watson Kirkconnell. Stefansson was, to be sure, the greatest, but there were many others, among them the shrewd punster and humorist, the North Dakota cowherd poet Kainn (1860–1936).
>
> The Icelanders were quick to learn English and lost no time in sending their children to school. It was not long before North Dakota had learned Icelanders as lawyers and as representatives in the state legislature. Of the lawyers, Sveinbjorn Johnson (1883–1946) first became Attorney General, then Justice of the Supreme Court of North Dakota, and, later, legal counsel and Professor of Law at the University of Illinois. Another, Gudmundur S. Grimsson won international acclaim for his prosecution of the Tabert case in 1923.
>
> A schoolmate of these at the University of North Dakota was Vilhjalmur Stefansson, probably the greatest arctic explorer now living and a revolutionary thinker about the importance of the far North. Born in Canada (1879), he was two years old when his parents migrated to the Dakota prairie. A first-rate scientist and writer, he has written a shelf of books and is now preparing an Encyclopedia of the Arctic that will fill many volumes.
>
> Nothing would seem farther removed from Icelandic conditions than the mechanized industry of the United States. Yet Hjortur Thordarson (1867–1945), coming as a poor boy of six to North Dakota, grew up to become an inventor and an industrialist. He founded the Thordarson Electric Company in Chicago, and at his death he had, in true Icelandic fashion, amassed a large library, which was bought by the University of Wisconsin.

It is fitting once each year to pay tribute to the accomplishments of the vigorous, progressive Icelandic people, who have become an integral part of the fabric of our Nation.

PRESIDENT JOHNSON AND THE SUCCESS OF U.S. LATIN AMERICAN POLICY

Mr. MONTOYA. Mr. President, former Vice President Nixon returned a few weeks ago from a tour of Latin America which contrasted sharply with a similar tour he made 9 years ago.

Nine years ago Mr. Nixon came perilously close to physical harm when Communist-inspired mobs surrounded his car in one country, and when enraged students spat on him in another capital.

But on his recent tour he was received warmly nearly everywhere he went and, occasionally, enthusiastically.

Why the profound difference in reception to a well-known political figure almost a decade later? Why was he praised in 1967, but almost assaulted in 1958?

The answer, in my opinion, springs from the maturity and effectiveness of President Johnson's farseeing Latin American policies and leadership embodied in the new phase of the Alliance for Progress.

President Johnson, and those in this body who share his hopes and dreams for a new hemispheric partnership, has wisely fashioned a Latin American policy which encourages self-help projects by Latin Americans themselves.

The President has sought effective and intelligent American financial support not only for an expanded Alliance for Progress, but also for self-help projects in agriculture, road building, education, and health. Just recently—in May—he asked the Congress to utilize $400 million in contingency funds to aid such projects through the Inter-American Development Bank and the Alliance.

It is worth while to note the observations of a thoughtful American journalist on the changed political and economic climate in Latin America. Writing in the Baltimore Sun of May 15, Mr. Arnold R. Isaacs noted:

> It would be far too simple to say that the Alliance for Progress has produced the change in climate that made it possible for Nixon to travel through four South American countries last year without serious incident.
>
> But the atmosphere on this tour cannot be credited entirely to Nixon's status as a private citizen, which makes him a less obvious target for hostile demonstrations, or even to improved security.
>
> The Alliance years have blunted, if not erased, the bitter Latin American feeling that Washington was blind to the deep social problems of the hemisphere. There are still sharp resentments, but there is also a counterweight from those who have seen the United States commitments put into practice.

Indeed, there is a growing consensus among Latin American leaders that the United States is not blind to the deep social problems of the hemisphere.

Indeed, the concept of the Alliance for Progress has stimulated thinking and action, both in Latin America and in the United States, which goes far beyond the original idea of the Alliance.

What began as a unilateral aid program has now matured into a hemispheric partnership.

What began as our program has now become the hemisphere's program—common market, self-help programs in rural development, multinational projects in education, technology, and science.

President Johnson deserves the people's support for his magnificent vision of what this hemisphere can become through multinational self-help projects and under a broadened Alliance for Progress.

In his formal address at the summit meeting in Punta del Este, the President said, in no uncertain terms, that the United States is prepared to help accelerate activity in every one of these key areas. And Congress has been asked to—and I know will want to—join with the President in his plans for our hemisphere.

Today, the United States has a clear policy and a clear program to help our Latin American friends lift themselves to the level of prosperity and stability which they so ardently desire. A new day has arrived for the United States in its relations with its sister republics to the south. An Alliance for Progress is maturing into an alliance for the future. It will be a better future for the United States. It will be a brighter future for the 200 million people of Latin America.

That is the real meaning of Mr. Nixon's warm reception in that part of the world.

OPPOSITION TO CONTINUED ESCALATION OF THE WAR IN VIETNAM

Mr. FULBRIGHT. Mr. President, along with several other Senators, I have made numerous speeches in opposition to the continued escalation of the war in Vietnam. I have tried to be as persuasive as I could; but after I read the letters which I shall ask unanimous consent to have printed in the Record as a part of my remarks, I confess that my arguments have lacked a depth of feeling and understanding which can come only from those who have actually participated in the fighting in Vietnam.

These letters are by no means all of the letters of this character which I have received, but they are typical, and they carry a conviction and a concern which seems to me to be unanswerable. The young men who wrote these letters make one proud of our young men. Obviously, they are courageous and devoted to their country; but beyond that, they demonstrate a humanity and a concern for other human beings which is all too often submerged and obliterated in a period of violence and bloodshed.

There is nothing I can possibly say as poignantly persuasive against the continued escalation of the slaughter of the people of Vietnam, and, of course, the loss of our own soldiers. Surely, we have had enough of the killing of men, women, and children, and can now search more diligently for a way to the conference table and an honorable peace in that ravaged land.

I have deleted the names of the authors of these letters for their protection. I ask unanimous consent that the letters be printed at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Forces, Republic of Vietnam

Dear Senator: I have been meaning to write this letter to you for a long while. This evening the pressures are too great to be ignored, even though they are the result of several small occurrences rather than one large disaster. Although, in one sense, the large disaster surrounds me, adding fresh dimensions of madness daily.

Last evening I listened to a VOA broadcast on "Viet Nam War Dissent in the United States." The essential theme was that those who protest the war were either Communists or cranks. And coupled with this was a sly reminder that we have our share of lunatics who wish a wider war, and that they also dissent from present policy. Not one word about responsible, reasoned objections to this war by men of principle—no, we couldn't admit that.

Following the VOA broadcast I turned to Radio Peking. The usual inanities about the "glorious thought of Chairman Mao" sounded somehow different—because I realized how close the two distortions were, in their joint disregard of truth while pursuing doctrine. I am horrified that my government is unable to admit to the world that there is any possibility of "error" in its thought. How can we expect other peoples to believe us on any subject when we tell lies about ourselves?

But this is really a small point, which only assuages a deeper discontent—this evening it is fairly quiet, but Monday, while at the province chief's house the large party enjoyed good food and loud music, in the next valley over the ridge the 500-pounders fell steadily. The villagers get a different sort of music, B–52 style.

I wondered then if we can ever put these people back together as fast as we are blowing them apart. But the PC's party didn't seem worried. No one, after all, is bombing them.

It is just that, in the past few months as an adviser to the VN Coastal Force, I have seen too often the real casualties of this conflict—the farmers and their families in the Delta mangled by air strikes, and the villagers here killed and burned out by our friendly Korean mercenaries. Even ignoring for a moment the massive presence of Americans (a thing in practice impossible), is there any moral distinction between the infiltrating of North Vietnamese units and the importation of Koreans? Except that the Communists are at least Vietnamese, and cannot possibly behave towards other Vietnamese as the Koreans do.

Of course, I do my share in the lunatic ward. I have even been reprimanded for over-enthusiastic pursuit of VC. Part of it is just compensation—it is refreshing, after seeing so many innocent people suffer, to meet real, live hostile forces capable of striking back.

This evening they showed the JFK documentary film here in the MACV compound. I could not help but feel a great sense of loss as I listened to the richly rolling phrases—whatever has become of our dream? Where is that America that opposed tyrannies at every turn, without enquiring first whether some particular forms of tyranny might be of use to us? Of the three rights which men have, the first, as I recall, was the right to life. How then have we come to be killing so many in such a dubious cause?

I wish I had more answers. But the obligation to oppose evil is pretty absolute—it doesn't necessarily depend on having an exact blueprint for entering the Promised Land.

As you are probably aware, I am possibly violating seventeen thousand directives in writing to you. But it is not possible to keep silent, as you so amply demonstrate. You remind me of Kent, in *Lear,* who in the face of dire threats from his king replied: "Whilst my tongue can yet give vent to clamour, I'll tell thee thou doest evil." I pray that you fare far better than Kent. And as a certain comedian less than half-jokingly pleads: "I want my country back." Good-night sir.

——— ———.

Senator William Fulbright,
U.S. Senate,
Washington, D.C.

Dear Mr. Fulbright: Since returning from Vietnam ten months ago I have been following your public statements concerning Vietnam with considerable interest. I went to Vietnam, a hard charging Marine 2nd Lieutenant, sure that I had answered the plea of a victimized people in their struggle against communist aggression. That belief lasted about two weeks. Instead of fighting communist aggressors I found that 90% of the time our military actions were directed against the people of South Vietnam. These people had little sympathy or for that matter knowledge of the Saigon government. They are fighting for their nationalistic independence and whether they are communist or not does not detract from the fact that they are fighting for a cause that they believe in not because, as our government and newspapers would lead us to believe, because they are terrorized into fighting by the viet cong. People fighting against their will could not fight against such tremendous odds and bear up under continued hardship and privation. It might be interesting to note that the South Vietnamese has a miserable fighting record despite weapons and logistics superiority. We are engaged in a war in South Vietnam to pound a people into submission to a government that has little or no popular support among the real people of South Vietnam. By real people I mean all those Vietnamese people who aren't war profiteers or who have sold out to their government or the United States because it was the easy and/or profitable thing to do.

Much has been written about the terror tactics used by the Viet Cong in South Vietnam. May I suggest to you, Mr. Fulbright, that the real terrorists in Vietnam are the Americans and their allies rather than the Viet Cong! Of course I don't deny that some of the accusations levied against the Viet Cong are true but *from my own experiences the terror and havoc that we spread across Vietnam makes the Viet Cong look like a girl scout picnic.* Can you imagine what an isolated village looks like after it has been hit by over 500–750 pound bombs in a matter of seconds. Women, children, old men, cattle and every living thing is struck down without ever knowing from where their destruction originated. This particular village ceased to exist because it was in a Viet Cong dominated area and intelligence reports said it might have been used as a North Vietnamese regiment headquarters. *We never found any dead soldiers but,* as is the custom in Viet Cong controlled area, *all the dead found in the area were listed as Viet Cong killed in action in the official battle reports.* From time to time a story breaks about civilians getting killed in bombing accidents etc. but this represents a minute fraction of the total number of civilians that are actually killed. They forfeit their lives by living in Viet Cong controlled areas and resisting a government that has never done a thing for them. During my tour in South Vietnam I personally saw several hundreds of dead and wounded civilians; all had been wounded by U.S. personnel or South Vietnamese soldiers. So who are the real terrorists in Vietnam?

I also saw thousands of pounds of rice dumped in rivers and otherwise destroyed simply because some small unit commander decided that there was too much rice in this particular village for the number of people living there and therefore the surplus must be going to the Viet Cong. Here is some 2nd Lieutenant with a degree in Literature from Joe Dokes teachers college suddenly making himself an expert on Asian agriculture and family consumption patterns. These people had worked for months to bring in a rice harvest and their "defenders" had come along and destroyed it in a matter of minutes simply because they lived in a hostile area. Can anyone doubt who those little Vietnamese boys will be shooting at when they grow up. When they get good and hungry and it's months before the next harvest they certainly aren't going to be thinking of us as saviors. This scene was repeated dozens of times during my tour and I'm sure it is still going on but on a much larger scale.

I would like to know why we are really fighting in Vietnam. The official views expounded by our government can't seriously be considered by any one familiar with Vietnamese history or who has viewed the situation first hand with an open mind. We are not defending a free people. Who can honestly say that the South Vietnamese people were ever really free under Diem or Ky? We have taken sides in a civil war and the only possible reason I can think of is that we have this paranoid fear of communism, no matter what shape, size, or form it comes in and we are rallying to support any government that opposes communism no matter how unpopular that government is among its own people. Certainly I am not a pro-communist. But if that is what the people of Vietnam want who are we to deny them their choice?

So far in Vietnam over 9,000 Americans have given their lives. Magnify that number by a factor of ten or twenty and we might come close to the number of Vietnamese, both North and South, that have died. If this were truly a noble struggle to defend a free people then the loss of American lives and the casualties we are causing in both Vietnams could be accepted. But this is not the case and every American who dies in Vietnam has died in vain.

The truth about this terrible tragedy and horrible war must be told to the American public. Someone must speak up in the face of the lies and deliberate fabrications currently coming forth from our government. This brings me around to the real purpose of this letter; I'm sure that none of what I have told you about my own experiences is new to you. But I wanted to tell you that there are many, many of us in the military who oppose this war and appreciate your efforts to bring out the truth and get this thing stopped. We are not very vocal in our support because, as you know, it is perfectly alright for a military man to speak out in support of the war but to speak out in opposition would subject us to very serious repercussions. As I said there are many of us who are against our intervention in Vietnam—at the present scale; all three of my friends who went to Vietnam with me came away sharing my feelings.

At one time I thought I would make the military my career. But I could not live with myself if I stayed in the service of my own free will and was sent to Vietnam again to brutalize those poor people. I went voluntarily the first time; I could never go there again. The high number of resignations among junior officers, I think, could be a reflection of this widespread feeling.

I had intended not to sign this letter because of the possible repercussions but I will sign it and request that you keep this letter confidential. Actually you may do what you want with the letter as long as my name is not made public.

Keep up your opposition to our present policy in Vietnam with the assurance that many people share your views, even though you don't hear from all of us. Perhaps some meaningful and just solution can yet come from this whole affair.

——— ———.

P.S.—and now General Westmoreland has requested an undisclosed number of additional troops. What shall I do if I am extended on active duty and receive orders to Vietnam? I love my country but I have a higher love for justice and my fellow man. How could I live with my conscience if I went to Vietnam and killed again. It would take less courage for me to face the Viet Cong bullets and mortar fire again than to take a public stand against the war madness and the war mania spreading across the country. I pray to God some solution will be found before I am forced to make such a decision.

DEAR SENATOR FULBRIGHT: I was a Phi Beta Kappa History Graduate of ——— University in 1965. Later I served seven months in Vietnam with the U.S. Army. I was injured in a mine explosion March 28 and am now convalescing in ——— Army Hospital.

I have always admired your courage in protesting President Johnson's Vietnam policies. Abraham Lincoln risked his political career by protesting the Mexican-American War. John F. Kennedy's greatest act of courage may have been his speech in the Senate defending Algeria during the Franco-Algerian War. Your speeches have been in the same great tradition.

Don't let Gen. Westmoreland and President Johnson erode your will to dissent with their argument that all the soldiers "over there" staunchly support the War. They don't. Most of them are apathetic and I am by no means the only one who is vehemently opposed to it.

Two years ago McNamara and most of our Generals predicted a quick victory in Vietnam. Now General Westmoreland admits there is "no end in sight and wants 600,000 U.S. troops in Vietnam. Every American troop escalation has been matched by similar escalations on the other side, and our bombing of North Vietnam has only increased Hanoi's grim determination to continue fighting.

General Ky's government has virtually no popular support; most of his top aides sport French decorations on their uniforms. The Vietnamese people identify us with the hated French Imperialists because we support the Ky regime. By occupying and devastating South Vietnam we have gained few friends.

We are already spending nearly 3 billion dollars a month on this War; our domestic programs are losing momentum. A tax increase would further reduce President Johnson's already shaky popularity among the American people.

The President insists that he wants peace more than any man on earth. Yet few Americans and almost no foreigners believe him. Why? Perhaps because his present policy seems to be: no risk unthinkable for war; any risk unthinkable for peace.

The President must know that it was the United States who cheated Ho Chi Minh out of ruling over all Vietnam by encouraging Diem to scuttle the 1956 elections; that the "Viet Cong" are a largely indigenous group who have had legitimate gripes against the many "miracle-working" governments of South Vietnam; and that in our bombings of North Vietnam we have committed outrages for which we once condemned the Nazis during World War II. Yet he continues to escalate the War, risking confrontations with either Russia or China, as well as further alienation of world opinion, and all the time he proclaims he wants peace more than any man on earth!

As a senior Senator, and Chairman of the Senate Foreign Relations Committee, perhaps you could persuade the President to take a significant risk for peace. Since he has already staked his personal prestige and our national honor on this war, I suppose it would be impossible to convince him to withdraw our troops from South Vietnam (even though France pulled out of Algeria when she was winning, and didn't "lose face"). But if he would at least announce an unconditional cessation of the bombing of North Vietnam, he might draw Hanoi to the conference table. The generals admit that ending the bombing wouldn't impair our war effort very much (if at all), and it might very well end this monstrous war.

He should also recognize the Viet Cong (National Liberation Front) as an independent party at any peace negotiations, and should do his utmost to involve the other nations of the world, particularly the Asian nations, in his peace efforts, so that our war efforts no longer appear to be unilateral and imperialistic. By doing these things President Johnson would probably gain U.N. support, world opinion would shift radically against Hanoi if it failed to negotiate, and the Democratic Party would be immeasurably stronger at election time in November, 1968.

I know you have many more ideas of your own, and that you've probably heard my arguments many times. But at least you now know that you have some strong supporters among the soldiers who have been "over there."

With admiration,

——— ———.

Mr. FULBRIGHT. In addition, Mr. President, I ask unanimous consent to have printed in the RECORD a column written by the distinguished editor of the Miami News, William C. Baggs, who has recently visited Hanoi, and a letter written by James C. Thomson, Jr., of Cambridge, Mass., to the editor of the New York Times. Both of these messages warn of the danger of further escalating the war in Vietnam and of bringing on a war with China.

There being no objection, the article and letter were ordered to be printed in the RECORD, as follows:

DIPLOMATS BELIEVE CHINESE VOLUNTEERS IN VIETNAM LIKELY

(By William C. Baggs)

Various diplomats from Europe and Asia are convinced that we are on the eve of a much larger war in Vietnam . . . a war involving "volunteers" from China.

They are of the opinion that some form of Chinese intervention in the Vietnam conflict is perhaps only a few weeks away.

These are diplomats with the reputation of measuring their thoughts with care. They expressed the fear of Chinese armies in Vietnam in several private conversations in Geneva last week during a convocation to examine the requirements for peace.

One of them said: "I have learned the leaders in Peking sent word to Hanoi last month that China was prepared right now to supply troops, or 'volunteers', to fight the Americans in Vietnam.

It really is not news that China, all along, has been willing to dispatch soldiers for battle in the country to the south. However, every piece of information a reporter has been able to pick up has indicated that Ho Chi Minh, President of North Vietnam, has rejected each Chinese invitation to send in troops.

Ho and his ministers have been of the view, apparently, that Chinese troops in Vietnam could mean the end to the governing of affairs in the country by the Vietnamese. This view would explain the North Viet reluctance.

The history of Vietnam, since 40 A.D., is largely a story of Chinese domination of the smaller country. Indeed, the Vietnamese battled off and on for a thousand years to free their country from Chinese rule or domination.

In a visit to Hanoi last January, this reporter was told by various ministers of the government that North Vietnam would not accept any "volunteer" soldiers from other countries at the time, because no extra soldiers were needed then.

However, the war has greatly intensified since January, and this is the argument which these diplomats use in saying that Chinese intervention is quite near.

"How long can the North Viets maintain the war at the present level without new help?" a diplomat asked.

He then answered his own question: "Not very much longer. Then the Chinese are going to come in. It is certainly no secret that the Chinese have told many persons that they would never permit the surrender of the North Viet government to the Americans or anyone else."

There was much talk in Geneva that the Chinese already have begun to move troops into places from which they easily could be dispatched to the south.

The private conversations in Geneva also included an examination of what the Soviet Union might do if the Chinese move into Vietnam. A person very well informed on Soviet thinking at the highest levels said:

"I believe the Soviets would like to stay out of it. But can they? Undoubtedly the Chinese would use their influence to keep Soviet troops out, because the Chinese have quite sufficient troops and they would like to have control of the affair to themselves.

"But the Soviets would increase their export of aircraft and other war materiel to North Vietnam. I think we can be sure of that."

The fear of Chinese intervention has been more evident since the war in Vietnam has become so intense. Some persons remember the sudden Chinese move across the Yalu river in the Korean war when it appeared the North Koreans could not much longer survive American military and air power.

[From the New York Times, June 4, 1967]

WIDER ASIAN CONFLICT FEARED

NOTE.—*The writer, Assistant Professor of History at Harvard, was formerly a staff member of the National Security Council.*

To the EDITOR:

As a student of Asian history and, until last autumn, an official of the Kennedy and Johnson Administrations in the field of Far Eastern policy, I write to express my alarm at the Administration's course of action in Vietnam. U Thant has warned that we may well be near the threshold of World War III. I reluctantly agree.

Two forces are at work which, if unchecked, can cause incalculable harm:

The first is the inherent dynamic of the quest for a military solution, a quest whose ultimate consequence can only be war with China and perhaps the Soviet Union. My layman's impression is that the Administration, despairing of a negotiated settlement, will give our military the step-by-step escalatory authority for which they have long pressed.

The second force is the inherent dynamic of the political process at home: the Administration's sensed need of a "solution," one way or the other, by the autumn of 1968. For all the talk of a long-protracted conflict, the facts of recent escalations belie such talk.

Add to these two forces the polarization between an apparent majority at home that sees the issue increasingly as "support for our boys" and a dissenting minority that sees few ways to influence policy except through civil disobedience and even violence.

The result is a nation, divided and distrought, that may trigger a much wider conflict with only the vaguest awareness of the issues, the stakes or the alternatives.

ALTERNATIVES REJECTED

My six years in the Federal Government revealed a melancholy truth that seems pertinent today: that at each stage of the Vietnam conflict, from 1961 onward, "constructive alternatives" have, in fact, been available and proposed, both within the Government, and outside it; that at each stage such alternatives have been rejected as unpalatable; but that all such alternatives have become progressively more palatable in retrospect, once the opportunity to choose them has passed us by.

There are things we could and should have done a year ago, two, three and five years ago, that are infinitely harder to do today. I can attest that they were in fact proposed at the time, and that they were rejected at each stage because the short-term price of doing them seemed infinitely higher than the short-term price of not doing them and continuing, instead, on the same course. But the long-term price of not doing them turns out to be compounded daily and hourly. It is a price that bears no relation to the stakes.

Can we still learn from the bureaucratic record and, for once, call a halt before we have passed the point of no return? Or will the price of nonescalation—of de-escalation—be once more calculated as unsupportably high, as we plow on toward calamity?

The Vietnam conflict is a needless war—one that could and should have been avoided. Its resolution today certainly lies with men in Hanoi and elsewhere as well as men in Washington. But the men in Washington bear the paramount obligation.

For the greatest power on earth has the power denied to others: the power to take unilateral steps, and to keep taking them; the power to be as ingenious and relentless in the pursuit of peace as we are in the infliction of pain; the power to lose face; the power to admit error, and the power to act with magnanimity.

JAMES C. THOMSON, Jr.

CAMBRIDGE, MASS., *May 23, 1967*.

Mr. FULBRIGHT. Further, Mr. President, I ask unanimous consent to have printed in the RECORD a dispatch by Richard Harwood, published in the Washington Post of June 15, 1967, calling attention to the tight censorship of news existing in Saigon. It is important that all of us realize how distorted the reports from Saigon are likely to be under such conditions of censorship.

There being no objection, the dispatch was ordered to be printed in the RECORD, as follows:

SOUTH VIETNAMESE CENSORS KEEP A TIGHT REIN ON PRESS

(By Richard Harwood)

SAIGON.—On May 9, Nguyen Ky Nam, the most professional of Saigon's publishers, was ordered by the government of General Ky to shut down his newspaper for 30 days.

His offense is unclear. An American official noted in his reports at the time that Nam's newspaper, The Sacred Bell, had been warned earlier in the year "to stop propaganda for the Vietcong" and that he had finally been punished for "smearing the ARVN"—meaning the armed forces of General Ky.

Nam has another explanation. The action was taken, he says, because he published a series of articles urging an indefinite ceasefire in the war to permit peasant refugees in the cities to return to their villages and reestablish themselves on the land.

The specific words or articles that gave offense are less important than the incident itself and what it represents: an attempt by the Ky government to direct and control all channels of communication in South Vietnam.

There is only one radio network in the country (except for the clandestine station of the National Liberation Front) and it is operated by the government. There are two television outlets—one of them government-owned and the other a facility of the U.S. armed forces which represents no threat to the policy of controlled information.

There is a single centralized press agency comparable to the Associated Press or United Press International—the Vietnam Press Agency—which is governed by a board appointed by the government and is managed by Director General Nguyen Ngoc Linh, who is at the same time the chief public relations adviser to General Ky.

There are many newspapers—27 dailies in Saigon alone—but they are very tightly controlled, as the experience of The Sacred Bell suggests.

The first control is the censorship mechanism. Every day at 10 a.m. each newspaper in South Vietnam submits to the commissioner general for information and open arms page proofs of everything it intends to publish that day.

Whatever is unacceptable to the commissioner general's staff of censors is stricken by the simple device of removing the offensive type from the printing presses. The result is a number of blank spaces in the papers each day where sentences, paragraphs or entire articles were meant to appear.

The second control mechanism is money and paper. The newspapers of South Vietnam are given newsprint quotas by the government. In the free market, which in this case means the black market, newsprint sells at about $4 for 500 sheets.

The government, however, makes it available to newspapers at $3 for 500 sheets, a subsidy that amounts to about $120,000 a year in Saigon alone. Without the quota a newspaper cannot publish. Without the subsidy they would make less money.

U.S. ATTITUDE

The American attitude toward the censorship and propaganda policies of the Ky Government is not negative. U.S. officials note with obvious disapproval in their reports that certain Saigon newspapers fail to take the "correct" attitude toward certain happenings. The Saigon daily, Aurora, was recently described in an official U.S. report as a paper that had once "played up war-weariness" in South Vietnam and that now "plays up VC (Vietcong) prestige and scorns U.S. presence."

Other papers are praised in the reports for printing publicity handouts and pictures from the American propaganda headquarters here, the joint U.S. public affairs office.

The case of Nguyen Ky Nam and The Sacred Bell, is, in one sense, special. Nam, according to the Americans, is "pro-French, pro-VC". His newspaper, with a circulation of 40,000 daily, is taken seriously by both the Ky government and its American advisers. "His paper," an American analysis says, "has great impact on the working and middle classes."

AMONG LARGEST

One explanation for that impact is that The Sacred Bell is, by all standards, the best paper in Saigon in terms of appearance and style. It is also one of the largest of the Saigon dailies.

It is, furthermore, one of the few dailies in Saigon which rejects the conventional wisdom here that the war will be won with guns, troops and bombers.

Its publisher, Nam, is an old man in Vietnamese terms—about 65 years of age. He was very close to the French government in the 1930s and 1940s. His editor in the early 1950s was Nguyen Van Hieu, a brilliant propagandist who is now the deputy chairman of the National Liberation Front, which is nicknamed the Vietcong.

Nam's position, as he describes it, is that the war is senseless, that the NLF desires peace, that all South Vietnamese desire peace after years of war.

NOT ANTI-AMERICAN

He says that he is passionately anti-Communist, that he is not anti-American because two of his daughters live in Hanover, New Hampshire, and that South Vietnam *will never go Communist even if a coalition* government is formed with the NLF.

But he is suspect because he is what would be called a "peacenik" in the United States. "All members of the NLF," says Nam, "want peace and a cease-fire. Everybody in Vietnam wants peace after 22 years of war. They want peace now following a cease-fire; following a peaceful settlement, the Americans can give us assistance, and we can become a prosperous nation like West Germany. Even Ho Chi Minh (the president of North Vietnam) has said that South Vietnam cannot be communized."

This point of view, of course, is totally at odds with the point of view of the Ky government, and with the point of view of many American officials here.

What the government expects of the newspapers of South Vietnam was stated unequivocally in a "communique" which all Saigon newspapers were required to publish a few days ago.

In exchange for newsprint subsidies, the communique said, the newspapers of South Vietnam should mesh their private interests with "the national interest." In practical terms that meant that the press should carry out four tasks assigned by the Ky government. The first was to "develop the anti-Communist spirit among the masses." The others demanded accuracy in the news, "constructive editorials," "sound recreation," and cultural uplift.

The newspapers in Saigon are not only profitable but also important instruments of political thought, from all indications. The National Liberation Front, for example, is said to prohibit the circulation of all but two Saigon newspapers in areas under its control. One of the papers acceptable to the VC is said to be the paper published by Nam, The Sacred Bell. The other is a popular, nonpolitical daily that carries serialized stories of love and adventure.

The Ky government's assessment of the power of the press is reflected in its reaction to The Sacred Bell.

The Americans who profess a distaste for censorship says that Ambassador Ellsworth Bunker has urged Ky to let the newspapers report the election campaign freely and to comment without fear of reprisal on the issues and candidates, Ky included.

Ky has yet to decide whether this will be done.

CRISIS IN THE COURTS

Mr. DIRKSEN. Mr. President, I have been putting in the Record the series of articles entitled "Crisis in the Courts" by Howard James and published in the Christian Science Monitor. I now ask unanimous consent to have printed in the Record articles seven and eight.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Christian Science Monitor, May 24, 1967]

Bail Abuses

(By Howard James)

It was a mild evening in January when I visited a night session of Pittsburgh's municipal court.

Because the new night court had been lauded as an important improvement in Pittsburgh's system, I was poorly prepared for what I found there.

Business was slow, so the judge was indulging in horseplay, rollicking around the courtroom. This went on for about a half hour before he finally took the bench. A handful of people, waiting for a hearing, watched silently while he wisecracked with a bystander.

Equally casual were the comings and goings of a man who from time to time walked to the bull pen where prisoners were kept. Sometimes he disappeared into another room. When I walked into the room, he was standing near the safe, chatting with the two policemen assigned to the court. Occasionally he would go into the restricted area where the judge's chambers are found.

The man was a bail bondsman, and from all appearances he was using the courtroom to conduct his business—hardly in keeping with accepted court practices.

My immediate impression was that the judge was setting high bails for the profit of this bail bondsman. When I questioned the judge, he denied it. But he did admit that he set one bail high to help detectives extract a "voluntary" confession from a man accused of burglary.

DEFENDANT THREATENED

Police told the defendant the judge would set a high bail unless the man admitted to the crime. When he did, the judge said:

"That's how it's supposed to work."

Despite the questions raised by the conduct in that Pittsburgh courtroom, the idea of having a judge on duty after hours is considered by some court officials as a step forward in expediting justice.

In many cities defendants arrested in the afternoon or evening (and most are) sit in jail at least until the following morning. Sometimes days pass before they get a hearing or make bail. Men lose their jobs and their families go on welfare because of this.

Even though the defendant is later released on bail, freed for lack of evidence, or even acquitted, the damage has been done.

New York and Philadelphia now have 24-hour courts. Pittsburgh's is open until about 2 a.m.

BAIL BOND OFTEN MISUSED

Many thoughtful lawyers and judges interviewed are concerned over bail-bond practices. Few Americans realize how involved and costly getting out on bail can be. (The professional criminal knows: He retains a standing bail bondsman and writes off the bondsman's fee and the bail as a "business expense.")

It has been estimated that there are more than 3,000 bail bondsmen across the United States. Most of these operate out of shabby little offices and are backed by little more than 10 of the nation's surety firms.

"A central fault of the existing system is that it detains too many people, with serious consequences for defendants, the criminal process, and the community," asserts the President's Commission on Law Enforcement and Administration of Justice. "The first step of reform is to introduce fact-finding procedures which will furnish immediately after arrest verified information about the accused and his community ties.

"With this information a rational assessment of the risks can be made, and where there is no significant risk the defendant can be released without bail."

I was appalled to find, as I traveled the nation, how easy it is for a citizen (or policeman) to have someone thrown in jail. Either can swear out a warrant and have a person arrested on a grudge. The charge may be totally unfounded and ultimately dismissed. But the arrest takes place. And the law provides little practical recourse for the arrested person.

A problem involving police-initiated arrests arises from the difficulty of getting the arresting officer to appear in court to testify. There are at least two reasons for this:

Usually a policeman must testify on his own time—taking the morning or afternoon off from work and making it up later or simply spending part or all of his day off in court. Obviously such a system does not encourage the officer to appear.

But sometimes an officer is vindictive and wants to see the defendant punished. So the officer deliberately fails to show up in court. (This is especially true when the policeman knows he is short on evidence.) The result is that the defendant must keep coming back to court until his accuser shows up. Such police-caused delays can cost a man money in time off from work. He may even be held in jail if unable to make bail. The taxpayer foots the bill for his "room and board."

SYSTEM ABUSED

The abuse of the arrest-jail-bail system by police to usurp the authority of the court and punish those arrested remains widespread. I found evidence of the practice in every section of the nation.

In Des Moines, policemen used to be under orders to arrest men for OMVI—operating a motor vehicle while intoxicated. Under this order officers would arrest for OMVI even when they knew they lacked evidence to obtain a conviction.

"The boys figured the defendant would at least be rapped for the bond [defendants pay a bail bondsman $25 to write a $300 bond for OMVI] and also spend a night in jail," said Capt. Wendell Nichols. The OMVI charge was probably valid in 9 out of 10 cases, he added.

In effect the police were using some arrests as punishment, knowing they wouldn't stick.

It was the penalty imposed on "that 10th fellow," plus a recent upgrading of the police department, that finally brought about a change in the Des Moines arrest philosophy.

Many agree with Pittsburgh's noted Common Pleas Judge, Ruggero J. Aldisert, when he says bail bondsmen are "vultures." In some states bondsmen demand payment of up to 10 or 20 percent of the bail. The defendant loses this money—even if charges are later found false.

On a good night an unethical bondsman, with the cooperation of a judge, police, or lawyers can pocket a sizable sum—all in the name of "service to humanity." And this type of judge, policeman, or lawyer often gets "gifts" or outright kickbacks for services rendered.

OTHER JUDGES QUESTIONED

On that night in Pittsburgh the judge was setting bail of between $500 and $5,000. Bail bondsmen in Pennsylvania are supposed to receive a 6 percent fee. But as Judge Aldisert said: "Who knows what a poor devil may pay? These fellows collect whatever the traffic will bear."

During the evening I also found some men unable to make bond.

The next day I asked other Pittsburgh judges about what I observed in the night court.

One of them, Ernest C. Jones, who had been promoted to chief magistrate by the Mayor a few days earlier to clean up the city courts, said he was disturbed by what I had found.

Immediately after our conversation he ordered a crackdown.

He banned bail bondsmen from the courtroom. Now prisoners select a bondsman's name from a printed list and make the contact by telephone. Mr. Jones said that the amounts of bail have been reduced: Those charged with misdemeanors (less serious crimes) now get out on $500 bail, instead of $1,000 as in the past.

Among other security measures, Mr. Jones has also installed a lock system with a master push-button that controls the doors to the courtroom. (Shortly before my visit, a policeman was shot with his own revolver in a corner of the courtroom complex.)

Mr. Jones pointed out he also is currently cracking down on delays in bringing defendants from outlying areas into court—delays apparently caused by the ties that exist between policemen and certain bail bondsmen.

SURPRISED IN PHILADELPHIA

The effect of the changes—and the need for them—were immediately made apparent.

The night I left Pittsburgh I flew to Philadelphia. When I walked into the night court in that city I had expected to quietly blend into the crowd unnoticed.

To my surprise an assistant district attorney, Ned Wolf, walked over and shook my hand, saying, "You must be the reporter from The Christian Science Monitor."

When I asked him how he knew, he said someone from the Pittsburgh court had called (without Mr. Jones's knowledge or permission) to tell them to watch for me. The Pittsburgh informant even gave out a description. The Pittsburgh court shake-up had already begun, even though I had not as yet written a word.

Some of the shortcomings of the Philadelphia court system have already been covered in this series. There, as in other cities, abuse of the bail-bond system is reported to be widespread.

The new 24-hour court had difficulties almost before it started. There were reports that bail bondsmen put pressure on lower-court magistrates to stay off the job. Whether or not there was such pressure, some of the magistrates refused to sit. They were subsequently ordered to by Chief Administrative Judge Vincent A. Carroll.

According to Edward J. Blake, court administrator, there has been significant improvement. All bail transactions have been ordered out of the courtroom and must now take place in the office of the clerk of courts. Fines are no longer paid directly to the magistrate.

As Mr. Blake put it: "The time had come for the money changers to get out of the temple of justice."

BONDSMEN DEFEND SELVES

District Attorney Arlen Spector, who supported the new court, had said earlier that it would help eliminate the "opportunity for bail bondsmen to profiteer."

Bondsmen assert that their greatest service is going after the man who jumps bail. This to avoid paying the forfeiture.

"The person on bail actually belongs to us," said an Indianapolis bondsman I interviewed at length. "We don't have to go through all that legal stuff like extradition.

"One fellow drove to Florida. He was on $5,000 bail. We picked up the man, put handcuffs on him, and brought him back. The law says we can use whatever force it takes to bring him back."

A sharp bail bondsman can, without too much effort, make "at least $10,000 to $15,000 a year," he added.

In Indiana he must "have a clean record, pass a test, and put up collateral of $2,500 up." The actual risk is usually taken by a surety company—although in several states visited I found that cash in the bank, property, or even thin air are used by bail bondsmen to back up their bonds. Some write more bonds than they can cover.

COLLUSION PLAINLY IMPLIED

In Indianapolis I found that some bondsmen and lawyers may work hand and glove, referring business to each other.

"What court are you going to be in?" one bail bondsman asked a client as I listened. (The man named the judge.) "Then call Frank, " he said. "He can take care of you."

As the discussion continued, the implication was clear that the lawyer had the judge "in his pocket."

In Oklahoma City the law was changed after it was found lawyers and shady characters were in the bond business. As one court official put it:

"A bondsman might own a lot that wasn't worth $100, yet he would list the lot in a $100,000 bond. We had over a million dollars in forfeitures on fake paper. The bonds weren't worth the paper they were written on."

A former bootlegger was writing bail bonds on real estate actually owned by the Roman Catholic Church of Tulsa and Oklahoma City diocese.

This resulted in bail reform there. Bail bondsmen are now registered with the state insurance commissioner. They work through surety companies, and post cash or securities to back up their business.

Yet on one of the days I visited Oklahoma City a former bondsman was in court for getting a defendant released on phoney papers.

The picture is grim. The problems nationwide.

INEQUITY STRESSED

In calling for changes, President Johnson has said:

"The defendant with means can afford to pay bail. He can afford to buy his freedom. But the poorer defendant cannot pay the price. He languishes in jail weeks, months, and perhaps even years before trial."

The President's Commission on Law Enforcement and the Administration of Justice cited these examples of the problem:

"A man was jailed on a serious charge brought last Christmas Eve. He could not afford bail and spent 101 days in jail until a hearing. Then the complainant admitted the charge was false.

"Another man spent two months in jail before being acquitted. In that period he lost his job and his car and his family was split up. He did not find another job for four months."

Sometimes, too, if there is a great public hue and cry about a particular crime, bail may be set so high as to become meaningless as a protection to the defendant.

Despite the dark picture, much of the court-related reform that has taken place has nevertheless been in the area of bail bond.

Much of the credit goes to Louis Schweitzer, a New York City industrialist and engineer. Learning that a man could sit in jail for a year or more in New York because he lacked money to pay a bail bondsman, Mr. Schweitzer formed the Vera Foundation (named for his wife) in 1961.

Foundation employees began screening defendants for the courts to see how many could qualify for release on their own recognizance—or signature—without paying cash.

The plan was so successful that now more than 100 cities use it to some degree.

Yet I found none that begin to measure up to the New York plan.

In 1964 the Vera Foundation (now the Vera Institute of Justice) turned its release-on-recognizance (ROR) research project over to the Probation Department of the City of New York.

Last year that department, with 40-plus employees, screened 64,458 defendants and found 35,458 qualified for interviews. Of these, 20,937 received favorable recommendations. And 9,938 were actually released. Another 3,226 were released by judges on information provided by the ROR staff without the favorable recommendation.

NEW YORK INCREASED STAFF

New York City budgeted $298,000 for the program in this fiscal year, which ends June 30. With the 24-hour court now in operation the staff has jumped from 40 to 83.

New York officials estimate that millions of dollars have already been saved in New York by this system—both in taxpayers' money and in money that might be paid to professional bail bondsmen. For it costs $7 a day to hold a man in jail, and it is estimated each man is held an average of 15 days.

"Under ROR he is allowed to go back to his job," says Henry H. Smith, chief of the ROR program in New York. "Before, his family probably had to go on welfare to eat. And it has helped solve a very serious housing problem in the Corrections Department, where there is a great shortage of space."

He also asserts that perhaps up to 65 percent of those who are involved in the program have charges dismissed or are found not guilty when they have their day in court.

How many fail to show up in court?

A 1965 study shows about 1.8 percent, an average that approximates or betters that of professional bondsmen.

STATISTICS MISLEADING

Yet a more recent report shows that the figure may be closer to 4 percent in New York City. This may reflect flaws in the court system rather than in the ROR program.

Mr. Smith gives this example:

A young man was arrested for possession of burglary tools. Living at home with his parents and working full time, he was released under the ROR program.

This young man showed up in court 15 times on the charge. Each time the arresting policeman failed to show up in court.

On the 16th court date the young man failed to appear. He was fed up with the whole thing, Mr. Smith says. Then the man was arrested on a bench warrant. The ROR program chalked up a "failure." Yet the officer still did not appear in court.

Finally, with the help of ROR people, the judge dismissed the charges against the young man.

OTHER SOLUTIONS SOUGHT

It is hoped that in New York City the 24-hour court will resolve some of the police failure-to-show problems.

Des Moines has a program called pretrial release. In a metropolitan area of more than 200,000 persons it operates on a budget of $15,000 by using six students from Drake University Law School. Each works part time.

It was launched by the Hawley Welfare Foundation in 1964. Since then 3,116 interviews were held and 2,595 (83 percent) were found qualified for release. Of these, 2,269 (73 percent) were released, with a no-show rate of 1.3 percent.

Figures on the total number arrested in the period are not really meaningful. For although city police arrest roughly 9,000 persons a year, 4,612 were charged with being drunk last year, and 1,709 were picked up for moving traffic violations. Add to this the number of those charged with disorderly conduct and vagrancy and those with out-of-town addresses (thus not eligible for ROR) and it indicates that a high percentage of those who might spend several days or weeks in jail are being released.

There is a side benefit, says Captain Nichols: Letting a man out on his own signature helps reduce bitterness toward the police.

ABUSES DESCRIBED

Los Angeles officials also tell how bail bondsmen abuse their position to take advantage of an inexperienced public:

New York relatives of a man charged with a felony (serious crime) called a bail bondsman to ask how they could get the relative out of jail. He told them to send him (the bondsman) a check for $1,650, although he knew full well that the bail was set at $1,100. (Normally this would require surrending only $100 to the bail bondsman).

After sending the court its $1,100, "the bondsman ran up over $400 in expenses" before the defendant realized what had happened, a court spokesman asserted.

Since 1963 Los Angeles has had an OR (own recognizance) program. It is headed by Bill Box, who has a staff of five investigators and one clerical assistant.

All defendants are now given an OR application when they are arraigned in municipal court, he says. The following morning those who make application are interviewed.

"All we do is evaluate a person's character," Mr. Box says. "We look at his past record and check with schools, neighbors, employers, and other references he may give out."

But the tiny staff means that "we don't have time to get to everybody." To solve that problem "we put those with the best possibility of getting OR'ed on top of the pile and those with the least possibility on the bottom."

The office handles only about "a dozen a day—favorable and unfavorable."

JAIL STAY UNCERTAIN

And a man may remain in jail two or three days or more before he is released under the system. Others are able to post cash bond. And others get out when charges are dropped.

"Many defendants are never brought to arraignment," Mr. Box says. "They are held 48 hours, and they find something is wrong (lack of evidence, for example) or the complaining witness changes his mind."

Only felonies are covered.

"This program was offered to Municipal Court, but it was turned down," Mr. Box explains. "Each judge makes his own decision there."

Other advantages? In January, taxpayers of Los Angeles County were saved at least $43,000 in jail costs, according to Mr. Box's records. This saving was in addition to welfare payments to a defendant's family, income taxes he pays on earnings the defendant would otherwise lose, and other side benefits.

VOLUNTEERS NOW INVOLVED

Perhaps the most liberal program I saw was in San Francisco.

John Ballestrasse, a bail bondsman, complained that "hippies" are being OR'ed left and right. He said 95 percent of them are arrested for narcotics violations. Those who peddle narcotics always have plenty of money and can well afford bail, he said, yet they are OR'ed.

I was in the office with Mr. Ballestrasse when he returned from jail with a young Negro he had bailed. The Negro had been "arrested for loitering," said Mr. Ballestrasse. "All he was doing was watching the hippies."

Incidentally, Mr. Ballestrasse's office was not the sleezy type of office out of which most bail bondsmen operate. It was well appointed and presided over by an attractive blonde.

The OR program has put some bail bondsmen out of business. It is operated by 12 VISTA workers under the federal antipoverty program, 25 law student volunteers, plus youngsters working in the Neighborhood Youth Corps.

Between Aug. 26, 1964, and Feb. 28, 1967, a total of 18,731 prisoners have talked to staff members. Of these, 13,475 have been processed, and favorable recommendations presented in 4,226 cases. And 3,196 were OR'ed.

This can be compared with Los Angeles, a far larger city, where between January, 1965, and January, 1967, only 4,954 applications have been processed and 1,228 prisoners released.

TWO-YEAR EXPERIENCE CITED

Yet San Francisco's "failure to show" record is better than that of Los Angeles. For San Francisco's program shows 2 percent of those released did not come to court. In Los Angeles the rate was 2.9 percent.

And a spokesman for the San Francisco OR project asserts that bail bondsmen have a failure-to-show rate of 6 percent.

Cuyahoga County (Cleveland) with a population more than double that of San Francisco County, launched its bail-reform project in April, 1965.

In two years a total of 716 persons have been released, with a failure-to-show rate of 1.9 percent. Of those released, 88 were charged with carrying concealed weapons, 76 for burglary, 65 for auto theft, 64 for forgery, 49 for poor relief (welfare) fraud, and 43 for grand larceny.

No recent study has been made of expansion of the Vera Institute's Manhattan Bail Project, which has successfully extended OR to the "little guy," Vera officials say. The best estimate is "over 100 cities."

It has also been found that those released on bail are more often acquitted or put on probation by judges than are those who stay in jail pending trial. This is partly because a free defendant can build a better defense. In jail he cannot help his lawyer find witnesses, and his ability to confer with his lawyer is limited.

Also, a judge may be more inclined to rule against a man who cannot raise bail or secure release under the new recognizance programs.

ILLINOIS PLAN PRAISED

I found widespread national interest in the plan, but bail bondsmen and others who oppose it have successfully blocked it in hundreds of other communities.

Illinois is credited with coming up with one of the best systems. A recently passed state law permits a defendant to post 10 percent of the bail in cash with the court—the amount once paid to the bondsman. Under the new law the defendant will get back 90 percent of the money posted if he appears as required.

He may also post 100 percent in cash (also acceptable in most other states) or in securities. Or he may pledge double the bond in local real estate holdings.

While it has curbed abuses by bail bondsmen, problems are still popping up.

A Chicago judge, Louis W. Kizas, has been suspended by Chief Judge John S. Boyle. Judge Boyle said Judge Kizas may have written 688 bail bonds in a 17-month period. (Since the initial statement, the investigation hints that the figure could top 1,000.) Judge Boyle said Judge Kizas' assignment to the small-claims civil court would not normally involve setting bail in even a dozen cases.

PATTERN SUGGESTED

Judge Boyle also said these bail bonds were set at odd hours, sometimes when Judge Kizas should have been in his own courtroom, and often during the night or early morning hours. (Judge Kizas' courtroom was one of those frequently found empty as reported earlier in this series.)

A Chicago police investigation shows a pattern developing. Bonds were set low in some cases. In others, no cash was required. Most were for defendants accused of serious crimes.

An impeachment hearing is being held this week before a special commission called by the Illinois Supreme Court.

One investigation has charged that a "tight little group" of policemen and lawyers may also be involved. A second judge is being investigated, although no charges have been leveled. Officials hint that the investigation may be expanded as they seek to determine whether money was exchanged.

The investigations indicate the need for more supervision and control in the system.

In other cities aggressive newspapers have uncovered other bond scandals. Yet, too often abuses continue unchecked.

Meanwhile, many bail bondsmen make huge profits. They justify the old bonding system as "the American way" or the "free enterprise way."

TRAFFIC SYSTEM CRITICIZED

I found other bail problems.

In some states motorists are permitted to post "bail" for traffic offenses, then forfeit the pay instead of appearing in court or paying the fine.

"This all-too-common procedure smacks of enforcement for revenue—a sad commentary on the integrity of our judicial system," one official of the Traffic Institute at Northwestern University writes.

As I found disparity in sentencing, so also I noted widespread inequities in bail—both in traffic and in criminal cases.

A study released in March by the judicial council in the State of Washington shows, for example:

In Yakima County a motorist charged with a hit-and-run death must raise $1,100, while on Mercer Island the bail is $150, and in White Salmon $250.

Following too close requires a $44 payment in Yakima County and $10 in Union Gap.

Disregarding a flagman has a bail requirement of $104 in Clallam County and $10 on Mercer Island.

Efforts are being made to bring about more uniformity in Washington.

Bail reform is slowly gaining headway. More progress can be found here than in other court problems. Yet most courts still operate under the old system.

[From the Christian Science Monitor, May 31, 1967]

LAWYER TROUBLES

(By Howard James)

At last leading lawyers are talking openly—at least within their own ranks—about the bitter complaints aimed at their profession.

Despite hopes that changes will soon be made, the complaints—both unjustified and legitimate—can be heard in nearly every city in the United States, much to the chagrin of thousands of lawyers.

"Every president of the American Bar Association receives a considerable volume of mail complaining of conduct of lawyers, and of the unwillingness of lawyers to discipline their fellow lawyers," says Lewis F. Powell Jr., of Richmond, Va., a former ABA president, in a speech released at that group's midwinter meeting in Houston.

"There is no greater frustration than that of a layman who has a complaint against a lawyer either for neglect of duty or lack of fidelity," Mr. Powell explains. "He knows that only in the rarest case can he recover damages in court—even if he can persuade another lawyer to represent him. In the exceptional case of obvious criminal conduct there may be recourse through the prosecutor's office.

"But in the typical case of a grievance by a client against a lawyer, the only feasible recourse is through channels within the profession. This means, in too many instances, no recourse at all."

MANY COMPLAINTS VALID

Part of the problem: Citizens don't know where to turn when they have lawyer troubles. And even when they find out, it may be hard to get the local bar association's grievance committee to do anything about it, Mr. Powell adds.

How many complaints are valid?

"A high percentage of these are no doubt without foundation," Mr. Powell says. "Many result from misunderstanding or ignorance. Others reflect the understandable resentment of disappointed litigants. And some originate from the 'nuts' who complain about everything.

"But many complaints against our brothers are not groundless, and despite diligent and dedicated work by grievance committees and the available staffs of state and local bars, many complaints are never adequately investigated or pressed to formal action. A certain number of lawyers guilty of misconduct, which discredit the entire profession, are never disciplined."

As I traveled the nation, sitting in courtrooms and talking with lawyers, judges, prosecutors, policemen, law professors, and citizens, I was surprised to find there is little agreement on what is and is not ethical.

This includes handling of clients, fees charged, use of chicanery—deception or trickery—in the courtroom, taking advantage of "loopholes" in the law to free guilty clients or break contracts, and hiding facts that would harm a client.

"I'm known as a lawyer who can find loopholes in air-tight cases," says Valdahe Pitman, a well-known Oklahoma City trial lawyer. And he adds that he is proud of this reputation.

It is quite evident that corporate lawyers have different standards from criminal lawyers. An expert in trusts, real estate, or in other specialty areas also operates on different moral principles—depending upon, among other things, his background, personal philosophy, and the client he is handling.

CONFLICT MULTIFACETED

Geoffrey C. Hazard, executive director of the American Bar Foundation in Chicago, sees the conflict over ethics as caused by several interrelated problems:

Lawyers have established for themselves a professed level of ethical aspirations that is quite high—so high that it is extremely hard to live by them.

Few individuals in society are so exposed to huge temptation as are lawyers. Thus the opportunity for unethical practice is increased manyfold.

What lawyers do, how they work, and how they think of themselves and their professions varies a great deal. This is directly related to their background, attitudes about work, and other attitudes.

Lawyers' ideals are embodied in canons of ethics that are based upon a profession living in the 19th century. These canons suppose a lawyer is in a single-lawyer office, skilled in all things he takes on, judged by his reputation, and bound by very personal ties of honor.

It is assumed every lawyer in the United States lives in a town of 25,000 or less and that every lawyer relies on the canons of ethics as his guide.

In fact "the lawyer and his work is very much transformed from that," Mr. Hazard asserts. A very high percent work in large cities, in "group settings," in large firms, or in government. Yet the "canons are based on the old model" of the lawyer.

The apparatus for enforcing the ethical conduct of lawyers is exceedingly feeble. It is, in most cases, loosely organized, poorly staffed, and not particularly aggressive.

With lawyers coming from varied backgrounds, doing many unrelated things in their work, governed by outdated rules and a weak system of enforcing rules, and exposed to great temptations, problems arise.

"This is true of everybody in a position to exploit someone," Mr. Hazard adds. "It is as true for accountants and newspaper reporters as lawyers."

Part of the problem centers on who runs the local bar associations—those private groups presently charged with the huge, and often neglected, responsibility for policing their own ranks.

GROUPINGS DIVERSIFIED

In some states, the lawyers are divided into groups related to the kinds of things they do. Corporate lawyers band together. Trial lawyers form another group. In other states all operate under the same umbrella. There may be little understanding of each others' problems. And one group—as a whole—may be more ethical than the other.

The corporate lawyer almost never enters the criminal courts. He has had little or no training in law school to help him understand criminal court, since law schools generally teach how to look up the law, not how to practice it. And when a corporate lawyer finds himself in criminal court with a client—perhaps a case of income-tax evasion or price fixing, he may want the courts to have two standards:

A tough one for the run-of-the-mill law breaker, who steals hubcaps and tires or a fur coat;

And lenient standards for the corporate executive who may take millions, but is "a solid member of the community"—a "prominent citizen."

It becomes clear that lawyers, while condemning other lawyers, may have "blind spots" in their own areas of interest where they rationalize unethical behavior.

Part of the problem is lack of information about the profession.

The American Bar Association, which forms one big tent over all kinds of lawyers (although far from all lawyers belong to the ABA) finds it difficult to even define what a lawyer is and does, says Barlow Christensen, an ABA research attorney assigned to look at these big questions.

LAY FIELDS OVERLAPPED

Many jobs a lawyer performs are also handled by laymen, he points out. Real-estate brokers make property transactions and do it quite legally—although lawyers consider this within their province and warn people that not having a lawyer present is a big risk.

Accountants, bookkeepers, and everyday citizens fill out tax reports. Some lawyers make tax reports a specialty.

Someone other than a lawyer can appear before many of the semijudicial governmental boards and regulatory agencies, yet today a number of lawyers specialize in this.

It may even be more meaningful to list what a layman cannot do—like take a case for a client before the Supreme Court—to get at what a lawyer does in our society.

Thus specialization and ethics are both problem areas, and are found to be interrelated—especially when ethics must be considered in the framework of "the lawyer's work."

300,000 LAWYERS IN COUNTRY

There are roughly 300,000 lawyers in the United States. No one really knows how many appear in court, however, I found that in large cities the civil and criminal trial bar may consist of 1 or 2 percent or less of all lawyers in that city.

Yet in rural areas almost all lawyers spend a third or more of their time in court.

In Spencer, Ind., for example, a community of about 2,600, there are six practicing lawyers, a part-time prosecutor, and a full-time judge. One father-and-son firm does a limited amount of trial work, while the other four lawyers spend much of their time in the trial field.

Use of lawyers' services vary widely. Of the 300,000 lawyers, it is estimated by the ABA that 10 percent, or 30,000, are on corporate payrolls—about 26,500 in private industry, over 2,000 working for educational institutions, and another 1,000 working for "other" private employers.

Another 10 percent work for the executive and legislative branches of government. Of these nearly 8,000 work for cities and counties. Roughly twice that number are on the federal payroll, while about 6,500 are on the state level—many of them working in the state attorney-general offices.

Some 9,000 are employed full time by the courts—federal, state, and local. An undetermined number, but several thousand, are part-time judges.

This accounts for only about a quarter of all lawyers. Another 12,000 are reported to be retired or inactive. But there is no clear explanation of what the 200,000 in the "private practice" of law do. Some are specialists, handling only defendants or only plaintiffs in auto accident cases. Others enter a courtroom a dozen times a year, or less. And a few spend most of their working time in court.

SPECIALTIES HARD TO MEASURE

Some specialize in divorce. Others handle only one or two divorces a year, if any. A number work in the field of real estate. How many no one knows.

In the field of auto-accident litigation specialization increases the confusion.

Take Al J. Cone of West Palm Beach. He heads a firm of 19 trial lawyers and only works in the personal-injury field.

A number of Florida lawyers accept injury cases and try to settle them out of court. When that fails (out-of-court settlements can run as high as 90 or 95 percent of all injury cases filed), these lawyers may turn the case over to Mr. Cone for trial because their field of specialization is not in the courtroom.

"I paid one West Palm Beach lawyer $38,000 in referral fees last year," Mr. Cone told me. "I'm satisfied that if he tried the same cases he wouldn't have made $6,000 or $7,000. And the clients would have been hurt far worse."

SMALL-TOWN PRESSURE

"There are dozens of other practices [fields] I don't know anything about," he adds. "I would be almost guilty of malpractice if I tried to handle a will-contest case, real-estate titles, or a patent case, for example."

Yet thousands of lawyers who may be less qualified than Mr. Cone in these specialized areas do take these cases every year.

This is especially true in a small town. Says a leading Iowa judge:

"In smaller communities the lawyer has to take all of a client's business, or the client will take his business elsewhere. This probably means handling tax matters, for example, although the lawyer may not really want to."

In large cities the large firms—some with 40, 50, or 100 lawyers—have teams of specialists. One team may prepare cases, then turn them over to the "persuaders"—lawyers who know how to be convincing with a jury or can skillfully handle a judge. And many of these firms deal largely with corporations.

Of the 200,000 lawyers in private practice, roughly 114,000 are in one-man firms. Many accept all the business that walks in the door, and they do it gratefully. Practicing law can be feast or famine, lawyers report.

But a one-man firm may have nobody to help look up law—unless he has a skilled secretary. If it is a case involving a trial, he may handle the investigation, interview witnesses, take care of the paperwork, put the pleadings in the proper form, help pick a jury, and argue the case by himself. Some do it well.

Yet too many lawyers are poorly prepared for this by the law schools.

CORPORATION WORK ACCENTED

"A typical American law-school curriculum is designed primarily for turning out associates for large city law firms, and corporate work is undoubtedly a substantial part of that firm's work," says Prof. B. J. George of the University of Michigan.

One of his colleagues, Prof. Yale Kamisar, adds: "The young lawyer is much more qualified to argue a case before the Supreme Court of the United States than in the lowest police court."

A New Jersey civil trial lawyer admits that "when I was starting out in the practice of law I simply took my clients for a ride. I used them to gain experience, and they suffered horribly in the process."

When pinned down, the more candid lawyers in small firms admit this to be true.

This, then, is the backdrop for the great confusion over professional ethics and what can be expected of a lawyer. It is behind much of the great frustration a layman feels when he deals with the law and the courts.

It is coupled with what is called "the public turmoil over morality" in the United States. It involves a lack of practical enforcement of ethical standards for the lawyer in an era when the lawyer's role is changing. According to Professor George, it also includes a widely prevalent law-school philosophy of many years' standing that ethics cannot or should not be taught.

FORMAL COURSES SCANTY

"In most schools a senior gets three or four lectures on the canons of ethics," says Professor George. "That's all he gets."

Yet lawyers deal with human problems and are confronted with difficult judgments every day. Ways of handling them vary widely. Lawyers, judges, professors cite many examples:

One of the most difficult: A corporate lawyer finds, while looking over a client's books, that the firm is cheating on its taxes or hears that certain executives are engaged in price fixing. Should he confront the company president—probably to be fired? Should he find ways to cover up for the firm? Tell the Internal Revenue Service or Justice Department?

Some lawyers and most laymen find it equally difficult to know what to do in criminal cases where the client is obviously guilty. For our system says a man is innocent until proven guilty, thus giving guilty men the same right to a fair trial as those who are innocent. Hence, many criminal lawyers will do everything possible to get their man off, even when he has—in a confidential interview—admitted his guilt.

To do anything else is "childishness," says a University of Chicago law professor.

REPUTATIONS OFTEN RISKED

Or take the case of a young man who admits to his lawyer that he raped a minister's daughter who is engaged to the son of a bank president. The town knows what has happened. The youth can testify he used to go steady with the girl and she voluntarily submitted to him on many other occasions. The young man faces a long prison term because the judge is tough on rape cases. Should the lawyer put the young man on the stand and ruin the girl's reputation?

Lawyers find this harder to answer, usually prefer not to put the boy on the stand. But there is some division on this, too.

More thought is being given to these problems than in the past. Monroe H. Freedman, a law professor at George Washington University, is one of those stimulating the thinking in the criminal field—although he is often criticized for it.

He asks, among other things:

Is it proper, when a witness is telling the truth, to discredit him by aggressive cross examination? Is it proper to put a witness on the stand when you know he will commit perjury? Is it proper to give your client legal advice when you have reason to believe that the knowledge you give him will tempt him to commit perjury?

He points out that Canon 15 of the American Bar Association's canons of professional ethics tells lawyers they should give their "entire devotion to the interest of the client, warm zeal in the maintenance and defense of his rights and the exertion of his utmost learning and ability. . . ." The canons also admonish lawyers from violating the law and require candor toward the court.

On the question of discrediting a truthful witness, Professor Freedman contends that if it serves justice and the lawyer's client is innocent, the "attorney is obligated to attack, if he can, the reliability or credibility of an opposing witness whom he knows to be truthful." But Professor Freedman carefully qualifies the circumstances.

On the question of expected perjury, he contends that lawyers soothe their consciences with phrases like "legal fiction" instead of lying. Legal fiction begins when the lawyer pleads a guilty man innocent.

Other lawyers, he says, choose to remain "selectively ignorant." This is done by insisting "in his first interview with his client that, if his client is guilty, he simply does not want to know.

A LAWYER MAY WITHDRAW

"Perhaps the most common method of avoiding the ethical problem is for the lawyer to withdraw from the case, at least if there is sufficient time before trial for the client to retain another attorney."

This, however, merely passes the buck to another lawyer.

Others may tell the judge of the problem, which could result in a mistrial, says Professor Freedman. Or, he points out, a lawyer may let the client take the stand, turn his back, take no part in the story telling, and then make no reference in his closing arguments to the lies his client told.

Professor Freedman contends an attorney has no other choice than to put the defendant on the stand and let him commit perjury if the lawyer is to honor the canon of confidentiality.

On the question of giving the client legal knowledge that might tempt him to commit perjury, Professor Freedman argues that the client should know the laws that are involved in a case—even if informing the man about the law may tempt him to lie.

He contends, as do most other trial lawyers interviewed, that under the adversary system of justice "the most effective means of determining truth is to present to a judge and jury a clash between proponents of conflicting views." Anything less than a full-fledged defense effort, he says, causes this system to break down.

ABA COMMITTEE AT WORK

Because of these knotty problems the American Bar Association has a committee, headed by Edward L. Wright, of Little Rock. Ark., rewriting the canons of ethics.

The present canons were framed in 1908, Mr. Wright points out, and hardly apply to the present age. Further, they are long-winded, although often in beautiful language.

He hopes that by 1968 a terse list of "thou shalt nots" will be ready, followed by commentary of greater length.

Already the ABA has formed a committee on evaluation of disciplinary enforcement.

Associate Justice Tom C. Clark of the Supreme Court, who heads the committee, said in an interview that little is known about the number of violations or the methods of disciplining lawyers who violate the canons.

"We may go around the country and hold informal regional hearings to gather information," he says. "The committee was formed to see what the states are doing—if anything, how they are doing it, and what effect it is having."

GROUP ONLY ADVISORY

The committee will not have enforcement powers, he adds. At most it will be able to point up "horrible examples" and then offer a model system for states to adopt if they care to.

When ethics are discussed, two studies are usually mentioned.

One is "A Study of Segments of the Legal Profession in Manhattan and the Bronx," by Jerome Carlan. It is both condemned and praised.

Mr. Carlan points out that of a group of 20,500 lawyers, 22 percent, or 4,500, committed some serious violations during the year of his study. Yet fewer than 2 percent of lawyers who violate the canons go through disciplinary machinery, and only about .02 percent are disbarred, suspended, or censured.

In a Missouri public-relations survey in 1962–1963 it is pointed out that 22 percent of the lawyers surveyed believe that half of the Missouri lawyers break the code of ethics and 5 percent of the lawyers believe "few lawyers" observe the code.

COURT PRESSURES HEAVY

Sometimes lawyers harm the interests of clients because of pressures and problems related to the courts. This is especially true in the criminal field.

One nationally known New York attorney complains that judges induce lawyers to plead clients guilty because "they don't take cases in the order they appear on the docket."

"I got to court at 9:34 this morning and my case wasn't called until 3:21," the lawyer explains. "In criminal court the client isn't like a fat, rich corporation and can't afford to pay a lawyer for the waiting time. And the criminal lawyer isn't making enough to spend all that time standing in the corridor.

"With the poor calendar control here we might have our witnesses assembled and be ready to go to trial and they don't get to my case at all. It's easier to plead guilty and get out of there."

Dean Erwin N. Griswold of the Harvard Law School has often said there are too many lawyers in the United States, but not enough good lawyers.

This has long been true in the criminal field, although that is starting to change. The brightest young lawyers from the prestige schools are usually snapped up by the nation's big law firms.

Criminal fees lawyers charge can vary, too. Says one Washington lawyer: "Here they vary from $10 to $100,000. Often a criminal lawyer—unless he is a "name" lawyer like F. Lee Bailey—takes what he can get. And in advance. Many of these problems have been covered in earlier reports in this series.

But little mention has been made of recent Supreme Court rulings that bring the right of legal counsel to those who need it most—the poor. This will be discussed in the next article in this series.

Meanwhile, calls for self-policing by the legal profession continue to mount.

As Orison S. Marden, president of the American Bar Association, says:

"I am convinced most lawyers want a vigorous disciplinary program. We can have it only if the profession at large supports the effort. I earnestly solicit that support.

"Let us get rid of the bad apples—who bring undeserved discredit upon the great body of ethical practitioners—and let us curb certain dangerous tendencies among fringe elements in the profession.

"Let us always remember that we are members of an honorable profession—dedicated to service of the public. There should be no room in our ranks for those who practice law as a business, rather than as a profession—with morals no higher than those tolerated in the marketplace."

SECURITY COUNCIL AND THE HUMAN RIGHTS CONVENTIONS—XC

Mr. PROXMIRE. Mr. President, today, as the United Nations Security Council is so very much in the headlines, I think it would be wise to examine the history of that great power forum and its recent comments about international human rights.

During the drafting of the Charter of the United Nations, the United States and the other four major powers insisted upon some way in which the inherent inequality of nation-states could be institutionalized. They recognized that it would be unrealistic not to permit the United States, the U.S.S.R., Britain, France, and China to have the power to say "No" on important peacekeeping functions.

Mr. President, I have come before this body during every session of the 90th Congress to stress as forcefully as I can that without worldwide protection of human rights, there can be no peace.

In Vietnam and the Middle East we are not only spectators but hostages to the aggression of those who refuse to recognize the inherent dignity of either their own citizens or of the citizens of other nations.

I cannot overemphasize the inescapable fact that human rights must be recognized by all men and by all governments before a state of peace and tranquillity can descend upon the earth.

In April of 1966 the Security Council adopted a resolution proposed by the United Kingdom and joined by the United States which called the situation resulting from the threatened landing of oil in Mozambique for transmittal to Rhodesia a "threat to the peace."

Yes, Mr. President, the Security Council officially determined that a human rights problem within the borders of one geographical area was a threat to the peace. The resolution concluded: "Needless to say, a threat to the peace is a most urgent matter of international concern."

I call the attention of the Senate to the five international human rights conventions that are presently before the Foreign Relations Committee. There is a Convention To Protect Freedom of Association. And there is one designed to prevent and punish the crime of genocide. A Convention on the Political Rights of Woman, one on slavery, and one on forced labor have recently been studied by an ad hoc subcommittee and reported favorably to the full committee.

Mr. President, I think the crises throughout the world compel us to accept the fact that the rights of all men everywhere must be protected, if world peace is to become a world reality. Let us all bring about one significant step on the road to world peace. Let us ratify these human rights conventions.

COMMENCEMENT ADDRESS BY SENATOR MONDALE

Mr. MUSKIE. Mr. President, last week at the commencement exercises of the Kansas State College of Pittsburg, Kans., the junior Senator from Minnesota [Mr. Mondale] had the honor to address the 1,200 graduates, their families, and friends.

Senator Mondale's speech was scholarly and stimulating—and of special moment to us in the Senate. His subject was "Education and Public Responsibility"—a topic high in my own concern.

In the course of the address he had praised for our colleague, the senior Senator from Rhode Island [Mr. Pastore] for his brilliant leadership in advancing the Public Broadcasting Act of 1967.

The address of Senator Mondale has such merit and meaning as to deserve a permanent place in the records of Congress where so much of this public responsibility resides.

I, therefore, ask unanimous consent for the insertion of Senator Mondale's commencement address in the Record at this point in my remarks.

There being no objection, the address was ordered to be printed in the Record, as follows:

Education and the Public Responsibility

President Budd, distinguished members of the faculty, graduates, students, and friends of Kansas State College of Pittsburg. I know this is a wonderful school, because it is headed by an old friend of mine from Minnesota, President Budd.

It's always a pleasure to be allowed to speak at a commencement, especially a college commencement. Somehow it is a sign of dreams and promises that have come true, and it is truly so in our Great Middle West. Graduates and families are to be congratulated.

The 1,200 or so of you who are receiving degrees today represent a tremendous investment, and not only in terms of your money and your effort and the material and nonmaterial resources that have been gathered together on this campus to make this day possible for all of you.

Somewhere back there, in the founding of this college and the many others like it that mark the landscape of this region, there was an investment of faith.

I like to think that some of your leaders of the past had at least an inkling that what they were starting would turn into what Kansas State College of Pittsburg has become. I admit it is hard to believe that they foresaw that thousands of people would be gathered here today as witnesses to this annual ceremony of graduation.

But whatever the size of their conception, there was one. And it was based on faith—faith in the future of people, faith in a system that demands education for its business, for its government, and for its quality of life.

It is impossible to overestimate the magnitude of the vision and its accomplishment that is Kansas State College of Pittsburg. For their investment has brought a huge profit.

And education itself has become almost an organic being itself, feeding on the knowledge of the past, giving birth to new knowledge at an astonishing rate, increasing itself in almost geometric proportions, and giving unbelievable benefits to the human beings who nurture it and are nurtured by it in its never-ending life.

And this being exists not only at Pittsburg, Kansas, but at St. Cloud, Minnesota, and Slippery Rock, Pennsylvania, and Berkeley, California, everywhere that the investment has been made and continues to be made.

New colleges and new kinds of colleges spring up everywhere alongside the old ones, and the old ones continue to grow. They also change, as the needs of the nation require more of its people and new things of its people.

And the colleges contribute to the conception of the nation as the nation contributes to the conception of the colleges, in a continuous interaction between the people and those who would change them.

For change is what education is all about. It is a cliché to mention it, but it is easy to forget.

I remember a controversy not very long ago in my home state of Minnesota, when claims were being made that its great university should be investigated because it was subversive. The fears of many, I believe, were made eloquent by the mother of a University sophomore. "I sent my daughter away to the University," she lamented, "and when she came back she just wasn't the same anymore." We are bound to be worried by change, but it is the price of growth.

Like the pioneers of this great region who made a great experiment with state support of public higher education, we are pioneering today on the national level. Some of the experiments being undertaken today may one day be judged as bold and visionary and magnificent as we now judge the great attempts of the past.

We have learned to think of education as a national resource rather than a purely private one or local one. And along with that change in our conception has come a parallel change in our method of support.

Among the graduates here today are many with bachelor's degrees, a good proportion with master's degrees, and some with specialist's certificates beyond that level of attainment. Every single one of you has been directly affected by the new federal involvement in higher education.

Many of you have had federal loans, and look forward with more or less enthusiasm to repaying all or part of them. Many have contributed to your own educations and to the college as well through the college work-study program, where 90 per cent of the money you have earned has come through federal grants.

Many have used library materials which federal support made possible. Federal support has contributed to particular programs in which students and faculty have been involved, and the list goes on, and it will grow longer.

And more than half of the graduates at this commencement will teach in schools where the federal involvement continues to grow. Many of the buildings were constructed with Federal assistance. More than $4 billion in programs were administered by the U.S. Office of Education during the current fiscal year, and contributions came from many other agencies as well.

Public funds have always gone to education, of course. But we are beginning to see a growing federal involvement as we continue to see education as a part of the Public Responsibility. Education is now fully established as a public, national effort.

And the Public Responsibility for education is taking other forms as well. As a nation we are coming to realize that powerful educational forces exist outside the classroom and outside the formal educational institution.

We have always known that experience was a teacher of sorts, whether the best or something less than that. Now we are beginning to consider seriously the quality of the experiences that make up education outside the classroom.

One of these experiences, and my principal topic today, is the experience of television. It always comes as a shock to me to realize that most of you who are graduating today have lived virtually all of your lives with television.

That is a benchmark that separates us as generations, and it is also a sign of the growth and change that has characterized our lives. The founders of this college may have had a vision of 1,200 graduates in a single year of Kansas State College of Pittsburg, but I cannot imagine that they saw how pervasive a part of your lives television would be.

Because television has always been a part of your lives, you may view it somewhat differently from the way those of my generation do. The fact that the average American spends about 3½ hours a day watching television may not be a matter of concern or importance to you.

It may seem perfectly normal and acceptable to you that one and one-half billion man hours per week are spent in this country watching television. You may not be at all surprised by the phenomenal growth of television as a medium of communication and entertainment within the span of your lifetime, nor troubled by television's impact on this country's citizens.

Indeed, you may simply view television as one of the great advances in civilization which your predecessors are proudly passing on to you.

To some considerable extent such a reaction would be quite understandable and would have some basis in fact. The technology which has made television possible is truly indicative of the means now available to weld together the people of this nation and the people of the world—to bridge areas of misunderstanding and make possible direct communication among cultures of various types. The technological capability, however, is clearly not being used entirely for these objectives.

Of the billion and a half man hours a week spent with television in this country, only the smallest fraction is devoted to enlightening the human mind or bettering the human condition. This magnificent medium has been used in this country primarily to titillate rather than teach, to entertain rather than educate.

Our failure to exploit the full potentiality of television provides the background for what may turn out to be one of the most important federal ventures in education of our time—the Public Broadcasting Act of 1967.

In his State of the Union message to the current Congress, the President declared that "we should develop educational television into a vital public resource." The Public Broadcasting Act of 1967 has now passed the Senate, in a measure to provide for continued development of educational broadcasting to serve the needs of our people more completely.

This proposal is a clear recognition by the President and the Senate that television should be as much a part of our public concern as the highways upon which we drive, the lakes upon which we fish and in which we swim, the forests in which we hunt and hike, the air—hopefully pure—which we breathe.

We are concerned about our safety on the highways, our happiness in the outdoors, our health in our atmosphere. We also have—and are now recognizing—a public responsibility to assure the wisest and most beneficial use of the broadcast frequencies over which radio and television programs are disseminated.

The Radio Act of 1927 and the Communications Act of 1934 clearly established that the airwaves over which radio and television programs are transmitted into our homes belong to the people.

Stations which broadcast on assigned frequencies—or airwaves—do so by the consent of the people. Only so long as they fulfill their obligations and maintain their operations in the public interest are they eligible to continue such transmissions.

The very basis upon which radio and television broadcasting exist—the airwaves over which the programs are transmitted—are a public resource belonging to all the citizens of this country. It is indeed time to more fully develop that resource to meet the highest aspirations of the citizenry.

Important progress can be made in that direction by developing educational television into a vital, dynamic force in our society—by helping it become a service truly alternative to the dulling diversions to which we have for the most part been submitted.

We have a well laid foundation upon which to build a growing and dynamic educational television service in this country. In 1951, 242 channels were reserved by the Federal Communications Commission for such educational television stations. By May of 1962, 82 ETV stations were on the air broadcasting on these assigned frequencies.

In 1962 the Congress enacted the Educational Television Facilities Program and for the first time support was available from the Federal Government to assist in the construction of new ETV stations.

That program is due to expire in July of this year, and so it is possible at this point to assess its success. When the program expires there will be 183 ETV stations on the air or under construction, more than doubling the number of such stations since the program was initiated.

The number of people served by these educational television stations will have increased from 105 to 155 million people. However, to achieve our goal of serving 95% of the people of each state with educational television, at least 200 more stations will be required.

At the same time that this growth in broadcast facilities has been taking place, ETV's impact on the society at large has also been increasing.

In 1962 for example, approximately 2½ million viewed an ETV station at least once a week. By 1966 that figure had more than doubled; ETV today is reaching more than 6 million American homes once a week.

It is possible to estimate that during any given week-day evening hour ETV is being viewed by 700,000 to 1 million people in this country. In addition, about 6½ million students from kindergarten to the 12th grade during the 1965–66 school year received some of their classroom instruction by way of those same educational television stations.

The quality of the programs presented on ETV has also shown some improvement. National Educational Television has perhaps dramatized this improvement of quality most.

The President's State of the Union message last January, for example, marked the first time that a live interconnection was established on a nationwide basis among educational television stations. Wide critical acclaim accrued to NET for the quality of its coverage of that speech and the commentary that preceded and follow it. This program and the discernible increase in regular program quality present clear evidence of ETV's potential.

Despite this progress, however, it is still accurate to say that ETV is merely on the threshold of the development needed to provide the service the nation requires.

Individual ETV stations suffer from a condition close to poverty as they attempt to meet the needs of their communities. NET's resources for programs of national significance and importance are in no way equal to the needs that are apparent. It has become quite clear that additional support is required for ETV to assure the growth required.

The Senate has already passed, under the brilliant leadership of Senator John O. Pastore of Rhode Island, The Public Broadcasting Act. It is currently under consideration by the House of Representatives.

The Act will continue the educational television facilities program which was enacted in 1962 to assist in the construction of new educational broadcasting state.

It will establish a Corporation for Public Broadcasting along lines generally proposed by the Carnegie Commission. And it will authorize the Secretary of Health, Education, and Welfare to conduct a study of instructional television to recommend the support and organization required to utilize television most effectively in formal instruction.

It can indeed be said that this has been and continues to be educational broadcasting's year. Public awareness of the potential of educational broadcasting has probably never been higher.

But the public's expectations of educational broadcasting also have increased. The challenge to make significant progress, therefore, is that much greater.

The significance of television to the growth and change—to the education—of young people cannot be overemphasized. Research indicates that children begin school with greater vocabulary, greater reading skills, greater awareness of the world as a result of television. They can, for example, read with ease most of the billboards advertising beer and soap.

In schools, of course, a strengthened television effort would have vast potential to improve the effectiveness of instruction. Given proper support for the development of excellence in quality, television can be used to demonstrate, to present specific learning experiences, to motivate independent performance, and, of course, to bring the events of the world into the classroom for analysis and discussion.

Really good television can help schools keep up with the rapidly changing face of our society, the rapidly changing skills and knowledge which we require, and the urgently changing requirements of peaceful and productive relationships with the variety of cultures and countries with which we share this planet.

To meet needs of these dimensions we need to enlist every resource at our disposal, not the least of which are the newest and most comprehensive means of communication.

But public television as envisioned in the Public Broadcasting Act of 1967 has potentialities far beyond classroom applications.

In a letter to the Carnegie Commission on Educational Television, E. B. White spoke of the opportunity of noncommercial television in these words:

"Noncommercial television should address itself to the ideal of excellence, not the idea of acceptability—which is what keeps commercial television from climbing the staircase. I think television should be the visual counterpart of the literary essay, should arouse our dreams, satisfy our hunger for beauty, take us on journeys, enable us to participate in events, present great drama and music, explore the sea and the sky and the woods and the hills. It should be our Lyceum, our Chautauqua, our Minsky's, and our Camelot. It should restate and clarify the social dilemma and the political pickle. Once in a while it does, and you get a quick glimpse of its potential."

Imagine public service broadcasting unconfined by the need to sell products, by the need to reach the largest total audience with commercial messages that all too often emphasize quantity of sales and not quality of product.

Imagine programming which could base its judgments about content on esthetic grounds or service to the citizen, enthusiastically rather than grudgingly.

Imagine television offerings which could be directed to special audiences without the necessity of considering whether such audiences are massive, without worrying about whether only 16.3 million watch the program compared to the 17.2 million watching another station.

Imagine, in short, a powerful communicative tool which is perceived as a means of enriching the lives of the American people rather than the bank accounts of American corporations.

Imagine having a real choice.

That is what may be in our future under the Public Broadcasting Act of 1967.

The Act and its authorization of $9 million is only a first step toward these goals. But James Reston has hailed it as possibly "one of the transforming occasions of American life," comparing it to the Morrill Act which established land-grant universities in 1862, and quietly transformed American public higher education. It is a recognition on the part of the Congress and the President that this powerful medium of education is also a part of the Public Responsibility.

As public television develops, the investment will be large. Both the instructional aspects of television and the general educational aspects will require many times this year's proposed appropriation.

Public television will never be self-supporting, just as Kansas State College at Pittsburg will never be self-supporting and was never intended to be. It will require a continuing commitment of common treasures in the interest of growth and change—in the interest of education, which today may be the single great requirement for the preservation of our way of life.

This is a world of international and domestic tension. This is a world of technology which is outstripping our capacity to deal with it as human beings. This is a world which requires sensitivity and powers of judgment among its citizens in proportions unmatched in any place or time.

This is a world which requires the marshalling of all of our resources of education. The power of television is one of those resources, and it must be used so that the spirit of the individual is not suppressed but is allowed to flourish and grow.

Our goal is simply stated: we want to achieve the betterment of man through the proper application of man's knowledge. It will tax our wisdom, our strength, our purpose, our resources, to achieve that goal. It is the goal of education, in and out of institutions of learning.

That is the Public Responsibility.

RUSSIA AND THE MIDDLE EAST

Mr. MURPHY. Mr. President, there has, I feel, been some confusion and misunderstanding concerning the position of the Soviet Union in the Middle East crisis.

A provocative and intelligent column by Roscoe Drummond in the June 15 Washington Post cuts through the confusion and I believe gets to the truth about the dangerous game Russia has played in the Middle East as in other parts of the world.

I ask unanimous consent that Mr. Drummond's column be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RUSSIA AND MIDEAST: EFFORTS FOR PEACE OR WAR?

(By Roscoe Drummond)

There is this theory on the Middle East crisis: the Soviets certainly helped avoid war at this time.

This, I am convinced, is dangerous and wishful fiction that will get us in trouble if we don't watch out.

The premise on which this wishful idea is being built is that the Soviets deliberately decided that they would rather work with the United States to contain the conflict than to help Nasser win.

The hope behind this view of Moscow's role in the Middle East crisis is that the Soviet government will join with the West in encouraging the Arabs to adopt a policy of peaceful coexistence with Israel.

It seems to me that what has happened thus far does not bear out this premise or give much substance to this hope.

I believe that the controlling facts are these:

1—By every device at its command, massive military aid, substantial economic assistance, plus total diplomatic support for the Arabs and total hostility to Israel—Moscow gave Nasser the go-ahead in his announced plan to destroy Israel. Was this detente? Was this Moscow's way of cutting back the cold war? Hardly. It was the most dangerous cold war venture since Khrushchev tried to secrete missiles in Cuba.

2—Was the Soviet Union holding any checkrein on Nasser and on what he would do with the help he was getting from Moscow? Was the Soviet Union thinking all along on how well it could cooperate with the United States to avert war or to contain it if it broke out? There is no such evidence. The evidence, as reported by Robert H. Estabrook, United Nations correspondent of The Washington Post, is that Soviet military equipment, especially spare parts, was being poured into Cairo on the very eve of the war, thus seeking to make sure that the Arabs would not run out of supplies as the fighting progressed.

3—Numerous news stories suggest that because Premier Kosygin told President Johnson over the Hot Line on the day the fighting started that he wanted to cooperate with the United States in restraining the belligerents, this meant that the Soviets put the highest premium on keeping the peace.

It is wiser to judge Soviet policy on the basis of its actions rather than on its words. The Soviets did not restrain the Arabs; only Israel restrained the Arabs.

Some suggest that because Moscow finally supported a U.N. call for a cease-fire without any Israeli pullback, this meant that the Soviets were acting with great prudence and eagerness to avert a spreading conflict.

This conclusion is unproved because the Soviets opposed the U.N. call for a cease-fire in the earliest stages of the war when it appeared that Nasser could win and accepted it only when it became clear that Nasser was losing.

The conclusion that Moscow was ready to work with the United States to contain the fighting is unproved because the necessity for doing so never arose. Israel won the war so quickly that the danger of the United States and the U.S.S.R. being drawn into it never developed and therefore the events of the past week cast little light on how prudently Moscow would have acted under different circumstances.

Obviously the Soviet Union wants no direct military confrontation with the United States and most certainly does not want world war. But the truth is that it helped start a war between Egypt and Israel, did nothing to contain it until Egypt was at the point of collapse, and therein showed that it was prepared to take the most perilous risk of starting a conflict it could not stop.

It would be a welcome dividend if Moscow decided to work for peace instead of conflict in the Middle East. But the record shows we had better not count on it.

THE 50TH ANNIVERSARY OF THE FEDERAL LAND BANK OF NEW ORLEANS—ADDRESS BY SENATOR ELLENDER

Mr. ELLENDER. Mr. President, on June 6 I had occasion to address the officials, membership, and staff of the Federal Land Bank of New Orleans as the bank celebrated its 50th anniversary. Chartered by the Congress on March 8, 1917, the bank made its first loan early in June, 50 years ago.

I was very happy to take part in this golden anniversary celebration. The Federal land bank system is one of the most successful creations of the Federal Government, and has served our farmers and the Nation well over the years.

Under the changing agricultural conditions of the country, I sincerely believe that the land banks and allied agriculture credit agencies are destined to fill an even more important role in the production of our food and fiber. The demand for agricultural credit will increase materially in the future, and the records indicate that our agricultural production will become increasingly dependent on the continued availability of credit assistance. To fill this need such institutions as our Federal land banks will continue to be absolutely essential.

We have already seen a rapid increase in the amount of farm mortgages and debts. I am proud that the record also shows that our farmers have the ability to manage their increasing credit requirements safely and wisely. Farm debt delinquencies are insignificant, foreclosures are practically nonexistent and the record of repayment is very good.

In an address delivered at the golden anniversary meeting, I went into the history of our farm credit system and the role which the system will be called upon to fill in the future. Mr. President, I ask unanimous consent that my remarks at the 50th anniversary celebration of the Federal Land Bank of New Orleans be inserted in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR ALLEN J. ELLENDER BEFORE THE FEDERAL LAND BANK OF NEW ORLEANS, NEW ORLEANS, LA., JUNE 6, 1967

I wish to congratulate the Federal Land Bank of New Orleans and its officials and workers on your 50th anniversary. You were chartered on March 8th, 1917 and your first loan was made in the first week of June, fifty years ago.

Our unsurpassed agricultural production is one of the marvels of the world. Many factors are responsible. Research is one. Ingenuity and intelligence of farmers in adapting to changes have also made substantial contributions. Most important, however, has been the contribution made by a steady, adequate and understanding source of credit. Without adequate capital little progress could have been achieved.

The creation by Congress in 1916 of the Federal Land Bank was a legislative landmark in the history of our nation's agriculture. From this modest beginning there has developed a source of dependable, responsive and sympathetic credit for our farmers, unmatched in any other country of the world. This first step took great vision, but I doubt that those responsible for the original Act of 1916 actually envisioned the efficient and progressive system that has evolved through the years.

The Farm Credit Administration as we know it today developed rather slowly. It was about six years after the Federal Land Banks and National Farm Loan Associations began operations that the Federal Intermediate Credit Bank was established. Production Credit Corporations and Associations and Banks for Cooperatives were not authorized until 1933. And in 1933 the various farm credit institutions and associations in operation were transferred by an Executive Order of the President to the newly created Farm Credit Administration. Additional changes were made and today we have in action an efficient and effective line of credit for farmers.

I think it is important to emphasize that the effectiveness of the Farm Credit Administration and the lack of real controversy over its operation can be traced directly to the sound principle of securing loan funds in the open market, at market rates. Originally backed with Federal capital, the Farm Credit system today is almost wholly farmer-owned. And all of you can be proud of the fact that the Federal Land Banks *are* wholly farmer-owned.

Splendid leadership and sound business management at every level must be credited with a considerable share for this achievement. This is especially so since agriculture is not static, but rather a dynamic, ever-growing, ever-changing institution of many parts and of great complexity. It is beset with unpredictable weather, wide variations in prices and ever-changing demands. This is well illustrated by the situation we have witnessed in the past ten months. Early in 1966 there began a gradual price rise for agriculture generally. All commodities did not share alike but the price trend was up. There were high hopes among our farmers across the country that good days were ahead. Since August of last year, however, farm prices have decreased by almost ten percent.

While this set-back is temporary, the fact remains that the lack of stability in the production and marketing of agricultural commodities weighs heavily upon the ability of farmers to plan and finance their operations. It also makes the task of the lending institutions more difficult.

Congress has recognized this, and as a result we have price support and other farm programs which provide a degree of stability not otherwise attainable, and yet permit market forces to operate.

The present programs, developed over a long period of time, will form a base for agriculture to move into an era of even greater efficiency than at present and a degree of prosperity which in the years ahead will provide farmers with the parity of income so long fought for.

Existing programs now enable farmers to sell competitively both domestically and abroad.

They use production payments to maintain farm income, and acreage diversion when necessary for supply management.

They encompass government buying programs that will step up sharply when a bumper crop produces an oversupply, whether that commodity is price supported or not.

They call for a minimum of government participation, and give farmers more discretion in making their own farm plans than they have had at any time since the early 1930's.

And finally, they provide the stability absolutely necessary for orderly progress.

The programs which have been in effect for the past few years have contributed substantially to an improved agriculture.

This is amply illustrated when we consider that in the six years since 1960, farm net income has *risen* by *$4.6 billion—a gain* of 40 percent, and gross farm income by 31 percent.

Net income per farm between 1952 and 1960 rose about nine percent. Since 1960, net income per farm is up 70 percent.

In 1952 farm people per capita had 59 percent as much income as nonfarm people. In 1960 this had fallen to 55 percent. Last year, the percentage was up to 66.

Today the surpluses of wheat, corn, vegetable oil, rice, and milk are gone. We have reduced the tobacco surplus. We also expect the cotton carryover this summer to be down to about 12 million bales—nearly five million below last year.

The disappearance of the surpluses is clearly evidenced in the declining government investment in farm commodities. The Commodity Credit Corporation investment in farm commodities is now down to about $4 billion—compared with about $8 billion in the peak years of 1956 and 1959.

Farm exports today are higher than ever before. Six years ago U.S. agricultural exports had climbed to the then all-time high of about $4.8 billion.

Last year our exports totaled $6.9 billion—up 44 percent—and this year they should be above $7 billion.

Commercial exports—dollar sales—have had a particularly rapid growth. Dollar exports rose from $3.3 billion in 1960 to $5.3 billion in 1966—a gain of nearly 60 percent. We are headed for a new dollar record of $5.4 billion this year—more than our total shipments amounted to in any prior year to 1963. We now have some 37 percent of the world wheat trade—almost half the world feed grain trade—and over 90 percent of the world soybean trade.

Since 1961 we also have made a concerted effort to make rural America a better place to live. The revitalization of rural America which is now going on finds more rural people enjoying pure water, better housing, better community facilities, improved schools, medical services, and an increasing number and variety of off-farm jobs.

Our progress in serving rural America is clear-cut. For example, in 1961 the Government helped finance 33 rural water systems. Since then, we have doubled the number of systems financed each year, until last year alone the Federal Government helped about 1,000 communities install water or disposal systems. Further, last year and this the Senate has passed a bill sponsored by me which would encourage rural community development by providing Federal grants for planning purposes.

My reason in bringing these aspects of farm life into this meeting are threefold. First, I think that agriculture has reached a point today from which it will move into a more prosperous era. Perhaps I am overly optimistic about this but the fact remains that I see only better years ahead. Of course, we can expect year-to-year variations but the trend will be upward.

Second, it should be clearly understood that the combined wisdom of Congress, the Administration, farm leaders and others interested in agriculture have produced the best environment for a progressive agriculture which their capabilities permit.

The laws enacted are not perfect. The many changes that have taken place since the original enactment of the Agricultural Adjustment Act of 1937 have all been directed toward the development of a better life for farmers. Programs are designed in light of what is known today and they are expected to change in light of what tomorrow will bring. For example, the very farm credit laws under which you operate have been amended on a number of occasions. In my opinion, each change has been for the better and has permitted you more wisely to provide the type of assistance to farmers most needed under the existing type of operation. As agriculture changes, so must you change.

My third purpose in pointing out the benefits of the existing farm program and some of the anticipated changes has to do with credit needs of the future. As our agriculture grows on a solid basis of market price and an expanding demand, the credit needs of agriculture will be more acute and difficult.

To get an idea of what may happen to farm debt and credit requirements in years ahead look a moment at what has been happening in recent years. Farm debt in this nation has risen much more rapidly in the last ten years than during any other ten-year period of history. Yet, while this sharp growth in debt has been occurring, farmers in this country have been reorganizing, enlarging and improving their farms and their productive efficiencies with great speed.

Studies and appraisals of the changing farm economy lead us to conclude that the growth of debt has been one of the most important means by which farmers have been able to obtain the land and other capital resources they need to increase their output, their efficiency and their incomes. Since further large improvements in farm production, and in per capita farm income, are anticipated, no doubt we likewise can expect a further growth in farm indebtedness. The ability of farmers to manage large amounts of borrowed funds will become increasingly essential to their progress in farming.

When, for the first time the national farm debt grew by nearly $3 billion or ten percent in a single year—in 1962—many of us were alarmed. Most of us had been taught that debts should be avoided just as much as possible; you borrow only if you get in a real tight spot, and you repay just as soon as you possibly can. So the large jump in farm debt in 1962 frightened many people.

But since 1962, the annual increase in farm debt has never been less than $3 billion, and last year, when money was so tight, farm debt rose $4½ billion, or 12 percent, the largest increase ever.

Although there is still some uneasiness about the rapid rise in farm indebtedness, loan repayment rates indicate that farmers are managing their debts wisely. Farm debt delinquencies are insignificant, foreclosures are practically nonexistent, and repayments are very good—all of which is very reassuring.

No doubt most of those farmers who were borrowing were able to earn larger incomes partly because they were borrowing—they were borrowing to buy more land or better machinery and equipment, or otherwise to buy the things they needed to farm better. Their increased earnings gave them the revenues to repay their loans. Of course, there always are some farmers who must borrow because of emergencies, crop failures, poor incomes, or for similar reasons, but this is not the rule.

Because of the growth of the farm debt in recent years the Department of Agriculture has undertaken studies of the uses farmers make of credit, and the characteristics of farmers who borrow heavily. These studies substantiate the view that the overwhelming majority of farmers use credit wisely. One of these studies pointed out that the farmers with the heaviest debts operated much larger farms than they could have operated on a fully-owned, debt-free basis.

Farmers with the heaviest debts owned 3½ times as much land, and operated six times as much as they could have owned and operated without borrowing or leasing. Leasing of land has also become an important method farmers use to gain resources. With their incomes increased by renting and borrowing, these heavily indebted farmers were better able to meet their payments when due.

As long as change continues to occur in agriculture at the pace of recent years, farm credit needs will remain large and farm debt will continue to rise. Most farmers who are in the process of acquiring or developing well equipped farms of efficient size cannot save at a rate sufficient to meet their needs for additional capital.

If farm debt in the next ten years were to increase at about the same rate as in the last ten, the total farm debt—now about $46 billion—would reach almost $100 billion by 1977. This seems like a stupendous figure—just as $25 billion seemed like a huge figure not many years ago. But significant increases in debt are ahead if our agricultural economy is to continue to make substantial progress.

The value of the farm plant will rise greatly also, though less rapidly than debt. As the per-farm capital requirements increase, it will be less possible for the farm operator to own the entire enterprise. And many farmers will own smaller portions of the total enterprise than has been customary in the past. They will need to borrow more and rent more. With the large expansion in credit requirements facing individual farm operators in the future, current farm mortgage lending practices will have to change. It seems logical, and the result may well be that an increasing proportion of the farm real estate debt will be of the perpetual type, without amortization. In other words, farms will tend to be financed like many of our large industrial corporations.

Another implication of the expanded capital requirements of the individual farm is the likelihood that farms will increasingly be operated as family corporations. The need for maintaining a highly capitalized farm unit intact upon the decease of its chief operator seems to favor the family corporate-type of organization.

As a matter of fact, I personally know of a number of farms that are today family corporations. These are not necessarily huge farms. In looking down the road, it may not be unrealistic to envision the formation of investment trusts or mutual funds that would deal exclusively in the minority stock holdings of these large corporate family farms.

Lenders will need to become increasingly astute at their trade. Farm management will become more complex, sizes of individual loans will continue to rise rapidly. Even though lenders must seek continually to economize on operating costs, they must be certain to continue to collect and analyze the information they need to adequately appraise their loan requests, and the progress their borrowers are making. Lenders will increasingly need personnel on their staffs with up-to-date technical knowledge of modern agriculture and its financing.

Much of the success in agriculture in the future will depend upon the adaptability and flexibility of the present farm credit agencies—the farm credit system, the banks and insurance companies—in meeting the needs of agriculture. Will the credit agencies be able to offer all farmers financing in a so-called one-package deal rather than require him to go to different agencies for different type loans? Will credit agencies explore and experiment in earnest in such innovations as semi-permanent financing, low equity financing and leasing of farm equipment and machinery?

Will the credit agencies for farmers develop related services, such as record keeping and even the use of computers for management analysis and decisions as will be necessary in the future?

Although the Federal Land Bank and the Farm Credit system as a whole have faced and surmounted sizable obstacles in the past it seems to me that the future promises a continuous flow of far greater challenges of greater complexity.

And yet these challenges will have to be met and the complexities overcome if credit needs are to be fulfilled. I feel it can be done and I know that you will use your best efforts to see that it is done.

COMPREHENSIVE PLANNING AND COORDINATION ACT OF 1967

Mr. SCOTT. Mr. President, several Governors have been kind enough to respond to my request for their comments on S. 799, the Comprehensive Planning and Coordination Act of 1967, which I introduced on February 2. I ask unanimous consent that their letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF FLORIDA,
Tallahasse, February 27, 1967.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: With reference to your letter of February 21, 1967, relating to Senate 799, Comprehensive Planning and Coordinating Act of 1967, I am greatly interested in this type of legislation.

Senate 799 would have the effect of encouraging the centralization of the planning functions now being performed by the many and varied State agencies in the State of Florida. However, of even greater importance is the effect that your proposed legislation would have on the efforts that I am making here in the State of Florida to centralize and to coordinate the great number of programs that we have involving Federal monies. Your legislation, to use your own words, would be helpful in this coordination on an "Inter-program, Interagency and Intergovernmental basis".

The biggest criticism that I have would lie in the possibility that after enlarging the function of the Office of Emergency Planning to include "Comprehensive Development", you may have just simply created another enlarged governmental agency that is ineffective in execution. In other words, this idea looks good on paper, but will it work.

Should you desire any information relating to our plans here in the State of Florida, please let me know.

CLAUDE R. KIRK, Jr., *Governor.*

STATE OF WEST VIRGINIA,
Charleston, March 6, 1967.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: I appreciate your sending me the information on your Comprehensive Planning and Coordination Act of 1967 and the opportunity of reviewing and evaluating a most complex and important problem facing our government—the need for improved management and coordination of Federal Aid programs and better cooperation between Federal, State, and local governments in joint program and planning.

The functions of establishing State, regional or local goals, developing comprehensive plans, and determining priorities among grant proposals in terms of these goals and their relationship to comprehensive plans and financial restraints is and should remain State and local, not a Federal, responsibility. I am convinced that if this job is performed well at the State level, it will contribute more to the effective coordination of programs at the Federal level than any other action that could be taken. I am aware of the enormous obstacles which confront State and local governments in performing this responsibility. Many of our communities have no mechanism for collecting current information about the flow of Federal grant funds into their local agencies, much less for coordinating such programs. Also, Federal laws and regulations often complicate the problems, or conflict with State or local statutes, rendering programs inoperable.

The technical problems associated with the State's responsibilities are considerable. We are very much encouraged by the Department of Health, Education, and Welfare announcement of strengthening ties with State and local governments by establishing an Intergovernmental Relations staff under its Director of Field Coordination to maintain direct and continuing contact with Governors and local executives and their national organizations. We would like to encourage other departments to establish a similar concept in order to develop closer ties with the states and their political subdivisions.

As you know, coordination of Federal grant-in-aid programs is a complex and continuing process involving communications among and between Federal agencies and their counterparts in State and local government. I am in complete agreement with the sections of your bill that stress State and local development of expertise, because I believe the role of State and local governments in this process is crucial. Federal laws set the objectives and establish the ground rules, but the Federal Government cannot make a grant until a local agency initiates action either by providing matching funds or applying for Federal project funds.

As we become more deeply involved in planning for Public Investment Expenditures, the need for extensive information about the on-going investment programs of Federal, State, and local agencies operating within our region becomes more apparent. Currently, such comprehensive information about the nature and location of government investment expenditures is unavailable.

A "Public Investment Data System" designed by the Federal government and implemented in cooperation with the States to assemble data on Federal, State, and local Public Investment Expenditures would be of tremendous benefit to both the Federal government and the states.

We can no longer afford to establish matching formulas on a case-by-case basis without regard to any general standards or criteria. We need greater consistency in the organizational and administrative requirements imposed by Federal law and regulations, and should make certain that differences genuinely reflect special program needs, not merely historical preferences and administrative biases. A coordinated planning and programming system would be an invaluable tool for effective public administration.

We agree that the functions of the Office of Emergency Planning in the Executive Office of the President should be expanded, or its function altered, to include a wider range of planning, programming, and coordination functions, and that a complementary coordinating staff be established in each Governor's office. Your bill could do much to establish the Governor's office as the catalyst for coordinating planning activities; encouraging project development by facilitating grant funds; providing for regional cooperation; and establishing a genuine role for the governors and mayors of major metropolitan areas in policy development and direction.

I am enclosing a copy of my testimony before the Senate Sub-committee on Intergovernmental Relations for your information.

Sincerely,

HULETT C. SMITH,
Governor.

STATE OF NEBRASKA,
Lincoln, March 6, 1967.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: After looking over your Comprehensive Planning and Coordination Act of 1967, it is my studied judgment that this Bill will render a specific contribution to the States. As Governor of Nebraska, I am becoming increasingly aware of the difficult areas in federal and state relationships. Your Bill from all indications will go a long way in helping to clarify these relationships on a more positive basis.

Might I inject that in the area which deals with Annual Development Programs, Section 10(a)(1), the words, "upon request", be removed and that Governors should be notified of all federal grant in aid programs in their respective states as a matter of policy. Other than this item, I am in full accord with S. 799.

Respectfully,

NORBERT T. TIEMANN,
Governor.

STATE OF MAINE,
Augusta, Maine, March 6, 1967.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: I have received your letter with the accompanying explanation of your bill S. 799.

Essentially, I share your views concerning the need to improve comprehensive planning and coordination within the states and between the Federal and the State levels of Government.

As I am in frequent touch with Senator Edmund S. Muskie of Maine, I will watch the progress of this bill with a good deal of interest.

Sincerely,

KENNETH M. CURTIS,
Governor of Maine.

VIRGIN ISLANDS OF THE UNITED STATES,
Charlotte Amalie, St. Thomas,
March 8, 1967.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: I was extremely happy to receive your letter of February 21, 1967 and a copy of S799 on *Comprehensive Planning* and *Coordination, Act of 1967*.

I wholeheartedly concur with you on the need for closer coordination of Federal-State activities in view of the tremendous amount of programs on both levels of government.

The Virgin Islands participates in numerous Federal programs in the fields of Health, Education and Welfare and the experiences in various areas have exemplified the usefulness of S799.

President Johnson has called a White House conference for March 18, 1967, for all Governors to discuss Federal-State relations, and I believe that much of the conference will focus on the contents of S799.

I am delighted to know that legislation of this nature is introduced, and best wishes for quick passage in the 90th Congress.

Sincerely yours,

RALPH M. PAIEWONSKY,
Governor.

PHOENIX, ARIZ.,
March 9, 1967.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: Thank you for your letter of February 21, in which you forward information concerning the Comprehensive Planning and Coordination Act of 1967. In your letter your request my comments or criticisms.

I would certainly agree with your concern about the trend towards centralizing in Washington decisions concerning a wide range of domestic programs. As you state, planning, programming and coordination belong at the State, regional and local levels as close as possible to where the action is, and as close as possible to where need are. Certainly, the myriad of Federal grant-in-aid programs require a consolidation of gains made and a requirement to speed up administrative processes. It is difficult to eliminate the overlap and confusion.

I feel that any practical program or Federal assistance to the states in these areas is certainly a worthwhile effort. You are to be congratulated for your concern and efforts to alleviate the many existing problems.

Sincerely yours,

JACK WILLIAMS,
Governor.

SALEM, OREG.,
March 25, 1967.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR HUGH: The growing urbanization of our society has created many problems which require cooperative action to solve. It appears to be essential that the federal government be included in seeking such solutions. With that in mind I believe that your S. 799, calling for cooperative planning efforts, is a good approach. I hope you will keep me informed of the progress of your efforts.

Sincerely,

TOM MCCALL,
Governor.

COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, March 28, 1967.

Hon. HUGH SCOTT,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR HUGH: I have had the opportunity to review the Comprehensive Planning and Coordination Act of 1967 which you sent to me recently. As you know, I have long advocated measures which would provide for closer cooperation between State and Federal Governments. This is especially essential in areas where Federal grants and Federal programs tend to minimize or entirely eliminate State participation.

Therefore, I welcome any legislation which seeks to coordinate planning responsibilities for Federal programs at the executive level of State and local governments. In addition, I think it is essential that the Governors of our States be given ample opportunity to participate in the coordination of programs which are federally related. For these reasons and others which you have so adequately set forth I share your enthusiasm for Senate Bill 799 and wholeheartedly offer my support.

Kindest personal regards.

Sincerely,

RAYMOND P. SHAFER,
Governor.

HONOLULU, HAWAII,
March 30, 1967.

Hon. HUGH SCOTT,
U.S. Senate, Washington, D.C.

DEAR SENATOR SCOTT: Your letter of February 21, 1967, regarding S. 799, The Comprehensive Planning and Coordination Act of 1967, and an invitation for comments or criticism is deeply appreciated.

I have very carefully and thoughtfully examined the legislation and your comments in the Congressional Record. I could not better articulate our own concerns and in such specific details as well as you have already done.

You may know that I did send a personal representative from our State Comprehensive Planning Agency, Department of Planning and Economic Development, to attend the AIP conference in Washington, D.C., who did hear and report on your keynote address as well as on the draft form of the Comprehensive Planning and Coordination Act of 1967. It may be of interest to you that our State's posture on planning was being developed in many ways that are similar to your legislation, which was in fact considered. We are presently revising Hawaii's State General Plan under a Federal grant program. You may also know that Hawaii produced the first State general plan in the nation as well as the only State zoning law.

Our State is also endeavoring to cope with and clarify State problems of coordination and policy-direction. Our efforts, of course, would be less effective without the parallel course of action on the Federal level suggested by the Comprehensive Planning and Coordination Act of 1967. The influence of the Federal grant program is too overwhelming to cope with, otherwise.

We have pledged our support to the City and County of Honolulu, our major urban center, in its efforts to participate under Title I of the Demonstration Cities and Metropolitan Development Act of 1966. We note, however, that the proposed Demonstration City program here, perhaps more than in any other State, encompasses a considerable variety of State responsibilities and programs. Furthermore, I fully agree with the concept of Section 2(a)(4) of S. 799 which declares that the coordinative functions and responsibilities should be located in the office of the chief executive rather than in departments more concerned with "functional aspects of development planning." We are naturally concerned that an overly rigid interpretation of Titles I and II of the Demonstration Cities and Metropolitan Act of 1966 may weaken, rather than strengthen, "the coordinative and policy-direction role of our State Governors" as indicated in your letter. The approach taken by S. 799, as you state and we agree, is a more logical as well as "constructive attempt to strengthen the position of the States in our Federal system and to enhance their abiliy to deal effectively with the many problems associated with the growing urbanization of our society."

On one other specific point, we are now attempting to clarify and more strongly relate the budgeting process with the planning process. On this basis, we strongly endorse Section 10 of S. 799 which provides the State the opportunity to participate in the national planning, programming, budgeting system (PPBS).

In conclusion, I fully support S. 799 as being in the best interest of the nation as well as of the people of this State. Accordingly, I will also seek support from our Congressional delegation.

Warmest personal regards. May the Almighty be with you and yours always.

Sincerely,

JOHN A. BURNS,
Governor.

OLYMPIA, WASH.,
April 6, 1967.

Hon. HUGH SCOTT,
Senate Office Building, Washington, D.C.

DEAR HUGH: I was happy to receive a copy of your proposed Comphehensive Planning and Coordination Act of 1967. It is interesting to note that a bill was recently passed in the State of Washington establishing a Planning and Community Affairs Agency in the Office of the Governor which closely parallels the intent of your bill.

For some time, I have been concerned with the lack of coordination between the many federal aid programs and comprehensive planning at the state and regional levels.

Although I have not had time to consider all implications of S. 799, it appears to be a direct augmentation of the concepts of comprehensive planning and programming enacted in our Substitute House Bill 78.

Sincerely,

DANIEL J. EVANS,
Governor.

TOPEKA, KANS.,
April 14, 1967.

Hon. HUGH SCOTT,
U.S. Senate, Washington, D.C.

DEAR SENATOR SCOTT: This will acknowledge receipt of your recent letter concerning the Comprehensive Planning and Coordinating Act of 1967 which you have introduced in the Senate.

The whole subject of comprehensive planning and coordinating, as it relates to state government, has received considerable discussion by my staff since legislation was proposed in the current session in Kansas, which paralleled your bill and, in fact, was written in preparation for the possible passage of S-799.

We believe that S-799 will do much to correct what has become a serious weakness in government generally in that planning and programming activities by many federal agencies, and through their programs the states, are almost completely uncoordinated. Planning and programming at any level must be centralized in an overview location if it is to accomplish its purpose.

While there may be improvements in details of S-799 which will be thoroughly discussed in committee hearings, it is our opinion that this is a good piece of legislation which, if passed, will greatly improve the efficiency and coordination of governmental planning and programming generally.

I appreciate your referring the bill and accompanying documents to us for our review.

With every good wish.

Yours sincerely,

ROBERT DOCKING,
Governor of Kansas.

ANNAPOLIS, MD.,
April 18, 1967.

Hon. HUGH SCOTT,
Senate Office Building,
Washington, D.C.

DEAR HUGH: In compliance with your recent request, I have had my staff review the proposed Comprehensive Planning and Coordination Act of 1967 which you introduced in the Senate. I myself am always in favor of legislation which would strengthen and coordinate the policy direction role of state governors. And generally I feel that your bill is a very good one.

My staff has had the following observations to make on the text of the bill. I am passing these on for your reference.

The word "comprehensive" in the bill title is somewhat confusing. Many local and State agencies are already developing "Comprehensive" plans. It is suggested that the title of the act be changed to "General Development Planning and Coordination Act of 1967."

It is somewhat difficult to identify the proposed organizational plan by which the objectives of the bill would be effectively carried out at the Federal level. The question arises as to whether a cabinet-level department would be created to guarantee sufficient powers and stability. Of course, there is also the possibility of creating within the Executive Offices of the President an office which would have these advantages.

There is great concern here in Maryland with the problems and confusion arising from so many avenues of Federal grants, loans, and technical assistance programs—especially as they are currently being administered. The preamble and Section 2 of the bill reflect a strong recognition of the need for improved comprehensive development planning, programming, and coordination, but beyond these statements, it cannot be determined clearly who will be specifically responsible for putting the Federal office in order. Section 5 of the bill—and particularly Section 7—could well be interpreted as an attempt to require the states to carry this burden. It is therefore felt that the bill clearly indicate that the new office will be responsible for (a) continually evaluating and coordinating all Federal aid programs at their level of origin and for (b) maintaining a constant review of administrative procedures and regulations to make them as simple and efficient as possible.

The bill gives proper credit to the flexible approaches that planning must develop for encouraging general development (or comprehensive) planning at the state, regional and local levels. However, it does not appear to provide an adequate mechanism for ensuring complementary planning activities at these several levels. Nor does it appear to make proper allowances for testing and ensuring the consistency of regional and local planning with the objectives of state planning.

Section 6 of the bill does not require development district, or metropolitan plans to be submitted to the State. Unless the State is given responsibility for overseeing and reviewing all planning within its jurisdiction, the possibility of "strong development planning" on the State level becomes remote. In fact, the bill appears to sanction legally a fragmented approach which involves both duplication of activities and variable planning standards. Section 9 presents this same problem in that it does not clearly provide that planning grants made under Paragraph (3) be made only after State review and approval.

There is some question that the bill is impaired by its extreme length. Section 5 and 6, for example, could be combined in a single clear statement applicable to State, district, and metropolitan area planning, programming and coordination.

I hope these comments will be helpful for your purposes. I am extremely interested in this bill, and wish it every success in the Senate and the House.

Sincerely,

Spiro T. Agnew,
Governor.

State of California,
Sacramento, May 12, 1967.

Hon. Hugh Scott,
Senate Office Building,
Washington, D.C.

Dear Senator Scott: Thank you for your letter, received earlier this spring, regarding your introduction of the Comprehensive Planning and Coordination Act of 1967.

In the main your bill, S. 799, is of considerable interest to us here in the State of California, principally because it would establish a framework for national-state-local program budgeting systems and would provide incentives for participation, thus permitting a more complete view of state and local needs.

Although there are several areas that my Department of Finance feels could be modified to make the act more beneficial, I appreciate your interest and motivation in introducing this legislation, for certainly a better mechanism is needed in order to improve coordination among federal, state, and local interests.

Sincerely,

Ronald Reagan,
Governor.

State of New York,
Albany, May 15, 1967.

Hon. Hugh Scott,
Senate Office Building,
Washington, D.C.

Dear Hugh: As I indicated to you in a letter, I requested Charles Lanigan, the Director of the State Office of Planning Coordination, and his staff to review your proposed legislation, S. 799, "The Comprehensive Planning and Coordination Act of 1967." I am attaching Mr. Lanigan's comments to this letter for your consideration.

My own particular comment is that this proposed legislation, in spite of our concerns with some specific provisions, is certainly a creative approach in that it recognizes that comprehensive planning is directly related to the improvement of intergovernmental relationships.

Sincerely,

Nelson A. Rockefeller,
Governor.

Memorandum, May 15, 1967.

To: The Governor.
From: Charles T. Lanigan.
Subject: Office of Planning Coordination Comments on S. 799—The Comprehensive Planning and Coordination Act of 1967.

1. The general objectives of this bill are consistent with the concepts and approach to State and metropolitan planning followed by your Administration.

2. The bill emphasizes the need to advance and strengthen comprehensive, policy planning processes such as those we have established jointly with the Division of the Budget in the integrated Planning, Programming, Budgeting System (PPBS).

3. The bill expands the functions of the Office of Emergency Planning in the Executive Office of the President to include the planning, programming and coordination functions contemplated by this Act. While we admit to the existence of similar scopes of concern between "emergency" planning and long-term "peacetime" planning, we question the desirability of housing these two functions in the same agency.

4. The proposed bill has some laudable provisions for correlating area-wide or metropolitan planning with State efforts but, in some cases, the State involvement is after the fact. We believe that the States should have the opportunity to review all applications for federal grants-in-aid by area-wide or metropolitan agencies before they are submitted to the federal government.

THE BALTIC STATES: A TRIBUTE

Mr. GRIFFIN. Mr. President, today marks the anniversary of the death of three Baltic States: Lithuania, Latvia, and Estonia.

Twenty-seven years ago the world witnessed the destruction of these states as free and independent countries.

The destruction was carried out swiftly: the Soviet Army simply marched in and took over. Within a matter of weeks, opposition was eliminated in a reign of terror; Soviet-style "elections" were held, and the three Baltic States were forcefully appended to the U.S.S.R.

At that time, the United States raised its voice in protest against this inhuman act. Now, on the occasion of this anniversary, our Nation should again voice its protest.

The Baltic peoples are particularly well qualified for self-government, and the opportunity to exercise that God-given natural right should be restored. To support this goal, the House of Representatives passed House Concurrent Resolution 416, on October 22, 1966, calling for equal rights for the peoples of Lithuania, Latvia, and Estonia.

I urge the President of the United States and our ambassador to the United Nations to bring the matter of the Baltic States before the United Nations, in order that world public opinion can be focused upon it.

On this anniversary of the destruction of the Baltic States, I join with others in the Congress who pay tribute to the gallant Baltic peoples, and who express the hope that the day will soon come when they shall exercise again their right of self-determination.

WHAT WE CANNOT AFFORD

Mr. McGOVERN. Mr. President, Vice President Humphrey recently addressed the annual commencement ceremony at Boys Town, Nebr.—an institution that has demonstrated in countless instances that if young people are given adequate opportunity they will meet the challenge of constructive citizenship. In that appropriate setting the Vice President commented on some things this Nation cannot afford.

We cannot afford to give up the effort to provide equal opportunity to our citizens, he told the graduating class of fine young men before him.

I ask unanimous consent, Mr. President, that Vice President Humphrey's eloquent remarks at Boys Town on May 28, 1967, be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks of Vice President Hubert H. Humphrey, Boys Town, Nebr., May 28, 1967

I am honored—and I mean honored in the full sense of that word—to be with you at Boys Town today.

Before going further, I want to give recognition to Harold Crawford, the superintendent of schools here. Harold was born a block away from Mrs. Humphrey's home in Huron, South Dakota, where they were graduated from high school. I've known Harold since those days in Huron and we've kept in contact over the years.

I also want to give proper recognition to your director, Monsignor Wegner. When I heard that he was born in Humphrey, Nebraska, I knew that all the good reports I had heard were true.

Boys Town has a special meaning for most Americans. For Boys Town is the symbol of what our country is all about. It tells our story: That America is a land of opportunity where every single child—if he has the talent and ambition—may have the chance to one day be President of the United States.

I have heard it said many times—and it disturbs me—that this is no longer true. I have heard it said that our society has become so big and so complex that future positions of leadership in our country will by necessity fall to representatives of a small percentage of our population.

I have heard it said, over and over, that we have seen our last log-cabin President . . . or Vice President . . . or Governor of a large state.

I hope that this is not so. It *should* not be so.

For if our America ever changes to the point where national responsibility and leadership are reserved to the few—rather than opened to the many—it will no longer be America. It will no longer be the country which stands in the world, before all others, as the one where opportunity is real.

The graduates of Boys Town are living proof that this is a land of opportunity.

Earlier this month Lt. Commander Lloyd Bucher, class of '47 took command of the U.S.S. Pueblo at commissioning ceremonies at Puget Sound Naval Shipyard.

A 1956 graduate, Captain Lowell Bittrich, was recently awarded the Silver Star for gallantry in Vietnam.

This country is filled with Boys Town men who are leaders in their businesses, their professions, and their communities.

And, although no one from Boys Town has yet become President, I hope that this, too, may someday be so.

At least we must continue to build the kind of society where it *can* be so.

I remember being inspired, as a boy, by the Horatio Alger stories. In those stories, the young boy always rose to success from the humblest beginnings. Those young boys worked hard . . . they worked earnestly . . . and they succeeded.

But, if you read the stories closely, you also found that—on the way to success—they met a friendly millionaire, or just happened across a gold nugget in the street.

I learned very early in life that not many gold nuggets were to be found in the streets. In fact, I spent a good deal of my younger years watching hardworking, honest people lose their homes . . . their hopes . . . and their lives to the blowing, cruel winds of dust storm and depression.

I saw it in rural South Dakota.

Carl Sandburg saw it in the streets of our great cities:

"The man in the street," he wrote, "may live now just around the corner from you trying to sell the only thing he has to sell, the power of his hand and brain to labor for wages, for pay, for cash of the realm. And there are no takers, he can't connect."

"Maybe he says, 'Some pretty good men are on the street.'

"Maybe he says, 'I'm just a palooka . . . all washed up.'

"Maybe he's a wild kid ready for his first stickup.

"Maybe he's bummed a thousand miles and has a diploma . . .

"Here and there a man in the street is young, hard as nails, cold with questions he asks from his burning insides.

"Bred in a motorized world of trial and error, he measures by millionths of an inch, knows ball bearings from spiral gearings, chain transmission, heat treatment of steel, speeds and feeds of automatic screw machines, having handled electric tools with pistol grip and trigger switch."

"Yet he can't connect and he can name thousands like himself idle. . . . He studies the matter of what is justice . . . He asks: 'Who owns the earth and why?"

And it was in those years that the men who led our country determined that this should not happen again.

We made it our business in those years to start to build an America where people might have some measure of economic and social security—where they would not become helpless victims of larger forces beyond their control.

And, in those years, we began to see that it was not enough to say to young men: "There is opportunity; seize it." For those words were empty if they were spoken to the boy without education . . . to the boy without health . . . to the boy who lived in a town or city or rural area without jobs or hope.

We saw that opportunity meant something *only* if everyone had an equal chance to share in it. And we saw that the equal chance would never be created unless all of us became as concerned for those at the bottom of the ladder as we were for ourselves.

Franklin Roosevelt put it into words in his Inaugural Address 30 years ago. Looking out on a nation as he described it, one-third "ill-housed, ill-clad, ill-nourished," he said:

"The test of our progress is not whether we add to the abundance of those who have much; it is whether we provide enough for those who have too little."

How far have we come?

We have come a long way. We need only look around us. Our senses tell us what the world knows—that this is the richest and the strongest society yet created by man. And this in 30 years.

Yet we still are a long way from creating the equal chance every boy and girl in this country deserves.

I have walked through the streets of our big cities, and I have met and talked with hundreds of the hard young men Carl Sandburg wrote about. They still exist. They still can't connect. They are still asking what is justice, and who owns the earth and why.

Why is this so?

Maybe their skin is black.

Maybe they got into trouble early.

Maybe they have been raised, literally, on that street.

Maybe they had to leave school to fight out a living with their hands.

Maybe they've been to Vietnam, and they are back, and nothing's changed.

They are there. And we cannot ignore them. For they are just as much a part of America as is the country club dance on Saturday night.

These are our people. And they need that equal chance.

I am privileged to chair the President's Council on Youth Opportunity. We are trying to find that equal chance for them.

We have in this country a war against poverty. It ought to be called the war *for* opportunity. We have manpower training programs. We have massive new programs for the better health and education of our people.

We have Job Corps camps . . . and VISTA volunteers . . . and new techniques to provide low-cost housing. We have new laws to help break down discrimination and to help break up the hate and doubt that still lives in too many minds.

We have these things. Yet we know they are still not enough . . . we know they are only one more step in that fight we began for the equal chance a long, long time ago.

And now, let me get to the heart of it:

Some people say: Stop. Some people say: Wait a minute. Some people say: Not now, later. Some people say: What more do they want? Some people say: We can't afford it.

I say they are wrong. I say the only thing we *cannot* afford is to halt now on that long hard course. We cannot afford the waste in human talent.

We cannot afford the cost of turmoil and disorder. Most of all, we cannot afford to turn away from the kind of America we believe in.

I say we have to stick with it. We have to keep moving. We have to keep working.

If we do, some day everyone shall has his equal chance. And one day in the future it can be true not only that a poor boy may be President of the United States, but that *any* boy—no matter what his name, his religion, or his color—may become President, if he has the inspiration and the talent.

That day, my young friends, will be the day that America has met its promise.

VIETNAM AND THE NATION'S ECONOMY

Mr. SYMINGTON. Mr. President, despite a great deal of uncertainty about the actual cost of the war in Vietnam, there is little doubt that it is having a major impact on the economy. And the impact on employment and business is not distributed evenly throughout the country. Certain regions and industries have been affected by the buildup in military expenditures more than others.

If we are to avoid a recession and serious dislocation in various areas of the country following a cessation of hostilities in Vietnam, we must begin our planning now.

Senator Proxmire, the chairman of the Joint Economic Committee, has shown great foresight in bringing the importance of contingency planning to the public attention. As he has stated, "It would be a crime if the ending of the Vietnam war caused a recession."

The recent hearings held by the committee on the economic effect of Vietnam spending produced a wealth of factual and analytical material on this subject, and raised many important public policy questions. It is not too soon for the Congress to give thoughtful consideration to these issues.

An excellent article on the hearings and the problems of postwar adjustment appeared in the June issue of Dun's Review. The article, written by Gerald Rosen, is entitled "After Vietnam—What?" I ask unanimous consent that it be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

After Vietnam—What?

(By Gerald R. Rosen)

Room 1202 of the New Senate Office Building was so packed with spectators that two extra press tables had to be brought in to handle the crush. While TV lights bathed the room in their harsh glare, Assistant Defense Secretary Robert Anthony strode in with a uniformed naval aide, a civilian expert, two bulging briefcases and a small filing cabinet.

Often considered the whizziest of Defense Secretary Robert McNamara's famed Whiz Kids, the ex-Harvard Business School professor was the lead-off witness in the Joint Economic Committee's intensive investigation of one of the nation's most disturbing economic questions: Are we *prepared* for peace?

"It would be a crime," says Senator William Proxmire, the balding, hard-driving Wisconsin Democrat who chaired the hearings, "if the ending of the Vietnam war caused a recession." History has proven that such a danger may be very real. Within six months after the signing of the Korean Armistice in July 1953, 2 million jobs had disappeared from the labor market. Proxmire's fear: "If Vietnam hostilities should stop tonight, the Administration has no contingency plan to put into effect."

Nor is that all. As things stand now, it is virtually impossible to know just how much money is being pumped into the economy by expenditures for Vietnam. This point was raised at the hearings by Missouri's Senator Stuart Symington, a former Secretary of the Air Force, to an apparently unruffled Robert Anthony. "You tell us the war is costing $19.1 billion," sharply commented Symington, "Secretary McNamara estimates it is costing $24 billion, and the staff of the Senate Appropriations Committee came up with a figure of $30 billion." Anthony lamely answered that the discrepancies in figuring the costs stemmed from the fact that the government accounting system has no category specifically labeled "Vietnam."

When hard-pressed recently by Republican Senator Karl Mundt of South Dakota, even McNamara could not answer. "I can tell you how much we are spending in total for defense, of course," the Defense Secretary replied, "but splitting that into Vietnam and non-Vietnam is honestly almost impossible."

As Proxmire and his colleagues grilled witness after witness—Budget Director Charles Schultze, Senator John Stennis, business and labor economist—one comforting fact did emerge: The nation now has the tools to avert a sharp recession *if* it is given the facts and the Administration and Congress act fast enough to do what has to be done." There is wide room for argument as to the form of the additional spending to replace Vietnam," says Budget Director Schultze, "but there is no doubt that appropriate policies can assure an adequate level of demand."

Despite this seemingly happy situation, three things still bother Proxmire:

1) Will we have the facts?

2) Will we act fast enough?

3) Even if the answer to both questions is "yes," what happens in the transition to regions and industries heavily dependent on Vietnam expenditures?

It is not only the obvious problems of Southern California with its huge aircraft plants (Lockheed, Douglas, North American); Massachusetts with its sophisticated Route 128 electronics complex (Raytheon, Itek, Transition); Seattle, Washington's heavy dependence on one company (Boeing); or even such an extreme example as New London, Connecticut where 75% of the civilian jobs are dependent on defense contracts. It is also the less obvious—and far more pervasive—problem of Vietnam-oriented sectors that are not generally considered part of the "military-industrial complex."

This includes the railroads shipping war goods to the West Coast (Santa Fe, Southern Pacific), the international airlines moving men and supplies (Pan American, TWA) and the small, nonscheduled lines (World Airways) that have grown fat on the transportation shortage. Then there are the uniform manufacturers, food processors, canneries and makers of everything from flashlights and canteens to tent pegs and boots, and the industries that benefit from the spending power of workers employed in defense-oriented industries.

Why then have some businessmen shrugged off the post-Vietnam economy? As many economic observers see it, business may have become so used to living in a managed economy that it does not realize the Administration has no national policy for peace.

Thus at its recent annual meeting, General Electric Co. seemed not the least bit concerned about the fact that it is the nation's second largest defense contractor, including an estimated $100 million–$150 million a year in direct Vietnam orders. Yet GE has not been particularly prescient in recent years. The company was slow in getting in on the big movement into foreign markets, and it was a quarter ahead of the profits turndown that hit U.S. industry early this year.

Perhaps an observer should not be too hard on GE, however. On the following pages, five of the nation's top economists gauge the post-Vietnam economy and what might be done about it. As Senator Proxmire might have expected, their answers are disturbingly different:

Paul A. Samuelson has taught economics at the Massachusetts Institute of Technology since 1940. In 1947 he was cited by the American Economics Association as the living economist under 40 who had made the most distinguished contribution to the main body of economic thought. Since then he has written *Economics: An Introductory Analysis*, the best-selling economics textbook of all time (which reportedly has made its author a millionaire). Samuelson, who was a key behind-the-scenes adviser to President John F. Kennedy, places himself "in the right wing of the Democratic New Deal economists." He says:

"Now that I have the benefit of hindsight, I believe that we should have had a tax cut when the Korean conflict ended. If peace were to break out in Vietnam, I think this would be the ideal medicine to get the economy over the hump. Not only would a tax cut stimulate the domestic economy, it would help take the pressure off the balance of payments that, in the absence of a tax cut, would come from an over-reliance on monetary policy.

"Of course, what economists advocate is not always politically possible. There will always be pressures for additional spending programs. While such programs might be very desirable from a social point of view, from the strictly economic vantage point they would not arrest a downturn as rapidly as a tax cut. The 1964 tax cut is a case in point.

"One bright aspect of the political problem, however, is that we are now sophisticated enough not to fret about the budget deficit that might result from a tax cut. Our main concern should be the economy, not the budget.

"As for planning for peace, I really don't see that much can be done. The President has appointed a committee headed by Gardner Ackley [Chairman of the Council of Economic Advisers] to examine the problem. While I am curious to see what they come up with. I still think that a tax cut is the best answer.

"In the same context, there isn't that much that individual businessmen can do to plan for such a contingency. Of course, if I were running Lockheed, Boeing or Raytheon, I would certainly keep it in the back of my head."

Robert Lekachman, a fast-rising star among American economists, is department chairman at the State University of New York in Stony Brook. His recent book, *The Age of Keynes*, was widely acclaimed for its clarity in explaining the great economist's ideas and how they took root in the United States. Lekachman's next book will examine the impact of the emerging market for social welfare—hospitals, schools, and so forth—on our private-enterprise economy. His comments:

"There will be a major economic problem when the war ends. We certainly have the knowledge to avoid a recession if the electorate is prepared to do what has to be done. The answer is a combination of tax reduction and the immediate implementation of deferred Great Society programs. This may involve a $25-billion to $30-billion budgetary deficit, but it may be necessary to stave off a sharp downturn.

"In addition to these worthy Great Society programs—urban renewal, antipoverty, the fight against pollution, to name a few—this would be an ideal time to try some new approaches to the problems that confront this nation. The idea of sharing federal revenues with the states and the negative income tax are good examples.

"Since so many regions are heavily dependent on defense expenditures, a cessation of hostilities would have an uneven impact across the country. This problem might be solved through the revenue-sharing program by giving additional money to the areas most affected. We might also use some of the engineering and technical skills that have gone into the military effort for the inevitable rebuilding of the areas that we have recently destroyed.

"If we have the good sense to do all of this, it should bring in an era of great opportunity and challenge for American business. Many alert and farsighted companies have already begun to develop facilities and skills to be employed in future government programs of health, education and welfare."

Raymond J. Saulnier became a member of President Eisenhower's Council of Economic Advisers in 1955 and was Chairman from 1957–61. He has been on the faculty of Columbia University since 1934, and is the author of *The Strategy of Economic Policy*. Saulnier has been dubious about the New Economics from its inception. He says:

"Since the Vietnam war was never actually declared to be on, I am not so sure that it will ever be declared to be off. But even if it is, I am afraid that the United States will be confronted with other Vietnams for many years to come. One could come in Thailand, Malaysia, Burma or just about any place on the periphery of the Chinese empire. In short, our problem is not what to do when we no longer have the need for a large defense effort, but how to handle intelligently an almost permanent defense effort without disrupting the economy.

"There is little doubt that our domestic economy can easily support whatever military effort is necessary. But we must always bear in mind that these overseas commitments are a serious drain on our balance of payments.

"Then, of course, there is the ever-present problem of inflation. The party in power must make a concerted effort to allocate our resources in a manner that will contain the price spiral. Just a few years back it was alleged that the New Economics would solve all our problems, including inflation. But it has hardly worked out that way.

"What can business do to plan for eventualities such as changing defense needs? American business' answer to this problem in recent years has been diversification. The businessman's desire not to put all his eggs in one basket—not only defense—has given birth to the recent wave of conglomerate mergers. Business has come to realize that size alone is not sufficient protection against changing markets."

Leon H. Keyserling, a South Carolinian who came to Washington during the early New Deal, spent twenty years in the Executive and Legislative branches as a lawyer and economist. Appointed a member of the first Council of Economic Advisers by President Truman in 1946, Keyserling was its Chairman from 1950–53. He is now an economic consultant in Washington. A long-time advocate of an expanded public sector and increased federal assistance to those living below the poverty line, he has criticized the New Economics for its emphasis on tax reductions. Says Keyserling:

"Since the Vietnam effort only involves something like 3% of our Gross National Product, the end of hostilities would not in itself create a major economic problem. But on top of our already stagnant economy, it could prove serious indeed.

"I hope that we won't try to remedy the situation through ill-considered tax cuts. We have gone too far on tax cuts already, and they haven't worked. The 1964 tax cut stimulated the economy in the short run, but in the longer run they created the present stagnation.

"We gave such incentives to investment that new-capacity increases outran the GNP rise by about two and one-half times. This has led to the current situation in which we do not have enough customers for the goods we can produce.

"If we simply threw money into the streets, it could have temporarily stimulated the economy; but like a tax cut, it would not have come to grips with our primary problems. We have ignored our polluted air and our deteriorating cities, not to mention the millions of Americans who live below the poverty line. Giving a tax cut to a man whose income is so low that he doesn't pay any taxes is hardly progress from his point of view.

"I have little patience with the notion that tax cuts are a much faster way of pulling the economy out of a slump than public expenditures. As we have seen, when the immediate impact of a tax cut is to create inflationary pressures, we are then told we must postpone the programs the nation needs most because they will create still more inflation.

"There is also the question of values. Why is an X-plus-2 increase in the GNP, which enables us to buy more gadgets through tax-cutting, better than an X-plus-1 increase that would renew our cities? What is so wonderful about having a slightly higher GNP that allows us to buy a few more things that we don't need at the expense of our cities, our educational system and the poor."

Milton Friedman is widely recognized among his fellow economists as the leading academic spokesman for an unfettered free-enterprise system. Among his proposals: private ownership of the post office and, to the dismay of many conservatives, the negative income tax. The N.I.T., which would substitute direct government payments to low-income people for the present welfare system, would save a fortune in bureaucratic costs, according to Friedman. A University of Chicago professor since 1946, Friedman was Barry Goldwater's top economic seer in the Arizonan's 1964 race for the White House. He says:

"Undoubtedly, the post-Vietnam adjustment will be a problem, but it will be a relatively minor one. After all, our entire defense effort, regardless of how you measure the precise portion of it going to Vietnam, is only a little more than 8% of the GNP. The Korean defense effort accounted for about 13% of a far smaller economy.

"Let me add, however, that I have seen no conclusive evidence that the 1953-54 recession was directly attributable to the end of the Korean conflict. If it was, how do you explain the 1957-58 and 1960-61 recessions?

"But to be on the safe side, there are some measures that the Administration should be taking with a view toward a Vietnam settlement. For the most part, it should be holding down civilian expenditures to make way for our current defense needs. While the Administration claims that it is making every effort to do so, a look at the budget indicates that this is not the case. Let me add that if we do have a post-Vietnam adjustment problem, the best answer is an immediate tax cut.

"What should businessmen do to plan for such a situation? The intelligent businessman has a plan for every possible contingency that might affect the future of his enterprise."

THE RESIGNATION OF CYRUS VANCE

Mr. KENNEDY of New York. Mr. President, the Nation receives with deep regret the news that Cyrus Vance has resigned as Deputy Secretary of Defense. Cy Vance has typified excellence in Government service—a concentration on achievement for the exclusive benefit of his country. In the most difficult of situations, most noticeably in his emergency service in the Dominican Republic, he personified "grace under pressure"—a classic definition of courage.

He leaves after a job well done, with the thanks of all of us, and the confidence of a nation. I ask unanimous consent that an editorial from the New York Times be placed in the RECORD as further testament to our high esteem for Cyrus Vance.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DEFENSE'S DEPUTY SECRETARY

"Cy" Vance—as he is universally known in Washington—is a man to whom public service is part of life. His resignation, after three and a half years as Deputy Secretary of Defense, robs the Pentagon of a warm and honest human being who served without fanfare or undue aspiration for personal advantage.

Power has exhilarated, but it has never corrupted, him; he has remained always conscious of his obligations. His last months in office were marred by a back injury that caused him constant pain—a pain he bore with stoicism and good humor. He will be missed; but when he has rested and recovered we trust he will return to Government service.

Mr. Vance's successor, Paul H. Nitze, a man of quick mind and intellectual vitality, has many years of experience in Washington to commend him—most recently as Secretary of the Navy in the midst of the undeclared war in Vietnam. He, like John T. McNaughton, who succeeds Mr. Nitze, as Navy Secretary, knows his way around the Pentagon.

GOVERNMENT AGENCIES AGREE ON NECESSITY OF NUCLEAR MERCHANT FLEET

Mr. MAGNUSON. Mr. President, there has been considerable talk for a considerable time about the deplorable state of the U.S. merchant fleet. And, Mr. President, I assure you that in my opinion this extensive concern about the unhealthy merchant marine is absolutely warranted and justified.

But we must do more than lament about this unhealthy situation—we must correct and improve our maritime posture.

As many of my colleagues are aware, I have for a number of years been interested in, and advocated, an expanding development program in the field of nuclear-propelled merchant vessels. I strongly believe that nuclear vessels will be the ships of the future, that such vessels would be more productive than comparable fossil-fueled vessels and that nuclear propulsion provides a new era in the art of shipbuilding—an era that offers the United States an opportunity to surpass the rest of the world in this new technology. This could be vitally important, not only to our maritime capability but as well to create vastly improved ships for the maritime nations that could be built by Americans.

Because of my strong feelings about the importance of applying nuclear propulsion to the maritime field, I by identical letters dated February 10, 1966, requested the Department of Defense, the Atomic Energy Commission, and the Maritime Administration to prepare a joint study and report for the Senate Committee on Commerce reviewing all aspects and issues involved in the application of nuclear propulsion to merchant vessels.

Mr. President, I report to the Senate at this time that this most important document—a study report concurred in by the Department of Defense, Atomic Energy Commission, and Maritime Administration—has been completed. Only very recently I obtained the report and its impact upon the course of maritime development in this Nation cannot be overestimated. Mr. President, this joint study of the three departments of our Government which have the greatest expertise and knowledge in this area, agree, conclude, and recommend that this Nation should immediately implement a nuclear ship program calling for the construction of at least two to four large high-speed, nuclear-powered ships in operation by 1972. That means we should be building them this very day if we are to be in accord with this very strong recommendation of these three departments.

Mr. President, the specific recommendations of the Atomic Energy Commission, Department of Defense and Maritime Administration embodied in this report to the Senate Committee on Commerce are as follows:

1. The Federal Government should take an active role in a development program leading to economically competitive nuclear-powered merchant ships.

2. The Department of Commerce and the Atomic Energy Commission assisted by the Department of Defense and the President's Scientific Adviser, should cooperate in the establishment of a construction and research and development program to implement the following policy:

(a) The Department of Commerce and industry, with Atomic Energy Commission support, should proceed immediately with the construction of two to four large, high-speed (27-30 knots) fast turnaround nuclear-powered ships utilizing commercially available nuclear power plant technology in an integrated transportation system to be privately owned and in operation by 1972.

(b) The Department of Commerce and the Atomic Energy Commission should proceed in an orderly fashion with a research and development program including a Government-owned land-based test facility for an advanced reactor for nuclear powered merchant ships.

3. For the recommended nuclear fleet, legislation should be provided to permit the Federal Government to pay the excess design, development, construction and operating costs due to this initial application of nuclear reactor propulsion plants.

The study further concludes that the immediate construction of two to four nuclear ships "should be undertaken promptly for three basic reasons":

(a) To provide operating ship experience which will provide an incentive for clearing the legal, institutional, and labor problems which stand in the way of large-scale routine use of economically competitive nuclear-powered ships in worldwide international trade,

(b) To provide further concrete experience in nuclear-powered ship construction and operation; now limited to the N.S. *Savannah*, and

(c) To create industry interest in the development of more economical nuclear reactors.

Mr. President, it is of great importance that this study has developed a projection into the future which portends nuclear-powered civilian maritime ships economically equal to, or superior to, oil-fired ships. In short what we are talking about are nuclear-powered merchant vessels of far greater productivity and ability than our present ships, but which will be as economical to operate as our present ships.

It is difficult for me to summarize adequately the essence of this exhaustive study which offers such a challenge and exciting recommendation. However, the extremely well-documented basic data supporting these conclusions can be gained by careful study and reading of the entire report. But I assure you that this study is one that is as carefully and conservatively undertaken as any I have read. And yet, the facts unmistakably point to the immediate necessity for building nuclear merchant vessels.

There is no question in my mind that the Department of Defense, the Atomic Energy Commission and the Maritime Administration have fully undertaken the task I requested of them last year and have performed admirably in preparing this exhaustive study. I would like to emphasize again that the report is a joint recommendation of these three instrumentalities of the Federal Government. Each of these three agencies agrees upon and supports the recommendations and conclusions of the study.

Mr. President, there has been much criticism of the Department of Defense in conjunction with the maritime problems we face. I would like to point out that the Department of Defense specifically states in this report that, and I quote:

> The Department of Defense encourages development of an economical nuclear-powered plant for merchant ships because higher speed and longer endurance will improve the the military value of cargo ships, and it further encourages the full utilization of high speed cargo gear to reduce handling time and over-all sea lift costs.

The Department of Defense supports the recommendations made in the report.

Mr. President, I have already explained that this joint study and report was undertaken in response to a letter of request, last February 10, 1966, from me as chairman of the Senate Commerce Committee to the three agencies. I have also told the Senate today that the study has been completed and that I recently obtained that study. I feel that it is important that I comment in greater detail as to this aspect.

When I requested the three agencies to undertake this study I further requested that the completed report be transmitted to the Committee on Commerce no later than June 14, 1966, as the report was to serve as background for committee hearings to be held in the month of June of that year. It has come to my attention that on March 18, 1966, the Director of the Bureau of the Budget wrote the Secretary of Commerce, the Secretary of Defense, and the Chairman of the Atomic Energy Commission stating:

> In view of the budget and legislative implications of such a report, I would appreciate an opportunity to review the report before it is transmitted to the Committee.

Mr. President, although the report was completed prior to June 14, 1966—the date I had requested its submission to the Committee on Commerce—it was not received by me at that time. However, I learned that by letter dated July 7, 1966, the then Acting Secretary of Commerce advised the Deputy Secretary of Defense that the report had been completed and submitted to the Director of the Bureau of the Budget "for his information and comment" but that the Bureau of the Budget "does not agree with the recommendations in the proposed report." That quote is from the letter of July 7, 1966, of the Acting Secretary of Commerce to the Deputy Secretary of Defense.

On July 8, 1966, the following day, the Acting Secretary of Commerce transmitted the report compiled at the request of the Senate Committee on Commerce to the President of the United States with an accompanying letter strongly urging that the recommended program be approved. At this time there still has been no communication with the Committee on Commerce as to the whereabouts of its requested report. That remained the case throughout the year of 1966.

On February 21, 1967, I wrote the three departments again requesting the status of the report I had requested a year previously for submission no later than June 14, 1966, and I asked when I might expect to receive the report. Shortly thereafter I received from each of the three a short acknowledgment letter promising a substantive or informative reply as soon as possible. To date I have received no such reply.

On March 13, 1967, apparently in response to my letters of inquiry, the assistant to the Secretary of Defense in the field of atomic energy, wrote a memorandum to the Secretary of Defense stating therein that the Bureau of the Budget has requested that the three departments involved—Defense, Atomic Energy, and Commerce—in responding to my inquiries about the location, status, and possible date of receipt of the report I had requested "take no action, not even interim replies, until receipt of guidance from them." That is the instruction from the Bureau of the Budget as stated by the assistant to the Secretary of Defense in a memorandum dated March 13, 1967, to the Secretary of Defense.

Mr. President, apparently the Bureau of the Budget has been very successful in compelling adherence to its advice to take no action until receipt of guidance from them. For to this date, I have not received a reply or an explanation of the status of this report.

I suppose it is logical and relevant to inquire then as to how I happen to have this report, how I happen to have read this report and am able to report to the Senate today on the vital importance of the conclusions and recommendations contained therein. I would explain it this way.

I have not obtained this most important study by official transmittal from the agencies involved. The report has come to me in a most unorthodox manner. I am concerned that the report states that it is essential we have a nuclear merchant fleet in the water and operating by 1972, yet this report has not even been released until the time has passed when it is possible to comply with that recommendation. I cannot understand any justification for such action.

While I can appreciate the interest of the Bureau of the Budget in requesting in their letter of March 18, 1966, to the three agencies for "an opportunity to review the report before it is transmitted to the committee," I can see absolutely no justification whatever, following that review, for the report to be bottled up for a year. Not when our merchant marine is in such a deplorable condition, not when the economy of this entire Nation may be expanded by this great new challenge of nuclear energy, and surely not when the three agencies of our Government which know the most about the issues involved all agree on a program of this complexity and magnitude.

I believe so strongly in the importance of this report, Mr. President, and the importance of it being read and appreciated and understood by the people of this Nation, that I shall recommend that it be published as a committee print by the Senate Committee on Commerce so that it may receive as wide as distribution as possible.

The important matter today, however, is not the way in which I have obtained this report, but the substance of that report. Its message is clear and unmistakable. We are behind the times—the opportunity is well upon us—we must start building nuclear merchant vessels immediately. The Senate Committee on Commerce will attempt to assist legislatively in this matter as soon as we can hold hearings. I would point out that already this session the distinguished ranking minority member of the committee, Senator COTTON, Senator WILLIAMS of New Jersey, and myself have cosponsored a bill which would provide for the construction of up to six nuclear-powered merchant vessels. The bill is of the type suggested in the report in that it would allow the Government to pay the additional capital costs involved in acquiring nuclear-powered merchant vessels that would be privately owned and operated.

Other nations, even though they are operating with budgets tighter than ours, are not hesitant to enter the nuclear merchant vessel field. The Soviet Union, Japan, Germany, Italy, Communist China, and others are engaged in the building of nuclear merchant vessels this very day. This points up a most important factor: one vital resource of the United States is that it has more money available at a lower cost than any nation in the world. This is a distinct advantage to us in developing any type of program which involves a higher capital expenditure in order to achieve a lower operating cost. In short, we are more capable of undertaking a program of this type than any other nation. We should take advantage of this resource—we would implement our greater financial ability—and start building what surely will be the ships of the future.

There is another obvious and important impact upon the maritime industry from the development of nuclear technology in addition to propulsion. That is the creation of a new type of ocean traffic based upon the transportation of nuclear cargoes. The big supplier of nuclear fuel has, of course, been the United States. We have leased considerable material for use in foreign reactors, and once the fuel is irradiated, it is returned to the United States for reprocessing. It is true that nuclear materials move in rather small quantities—even taking into consideration the protective casks in which they travel—but it is to be anticipated that not only the frequency of such cargo will increase, but that there will be as well important changes in its nature. For example, some American-supplied nuclear cores for reactors in European powerplants will be coming back to the United States in the near future and this will surely be a larger and more attractive cargo source.

The United States now has its first commercially operated plant for reprocessing nuclear fuel at West Valley, N.Y. If this plant, or others like it, becomes able to compete on a straight commercial basis for business around the world, then there will be important consequences for our merchant marine. Of course, the ability of our merchant marine to transport such cargoes in an efficient and economical manner and with personnel that are trained and capable of handling nuclear materials will in turn affect the ability of the private sector of our economy to compete with other nations of the world for such business.

Mr. President, the joint study of the Atomic Energy, Department of Defense, and Maritime Administration conclusively proves that the nuclear age is well upon us as far as its application to the maritime field. To delay or to avoid this challenge would be to invite defeat in any effort to maintain a viable, strong, and effective maritime posture. The time to meet this challenge has already come upon us—the time for action has as well.

TRIBUTE TO DR. WALTER BRATTAIN

Mr. JACKSON. Mr. President, one of the most distinguished citizens of the State of Washington is Dr. Walter Brattain, a professor at Whitman College in Walla Walla.

Dr. Brattain is a research physicist. A longtime member of the Bell Laboratories staff, Dr. Brattain's career was highlighted on December 10, 1956, when he received the Nobel Prize. This native of my State, along with William Shockley and John Bardeen, also of the Bell Laboratories, devised the transistor which has revolutionized the radio industry.

A recent edition of the Reporter, the Bell Telephone Laboratories publication, includes a cover story on Dr. Brattain entitled "Return of a Native." Retiring from Bell Laboratories February 3, this famous scientist elected to return to his hometown of Walla Walla, Wash., and join the faculty of his school, Whitman College.

As a member of the board of overseers of Whitman, I must say that all of us of Washington were extremely pleased by Dr. Brattain's decision. We are proud to have him back. And the youngsters who attend this highly regarded liberal arts institution can only benefit greatly by his presence. Just as Dr. Benjamin H. Brown, a Whitman professor in 1923, directed Dr. Brattain to a career of eminence, Dr. Brattain is now devoting his efforts toward producing new scientists of national and world stature.

Mr. President, the story of Dr. Brattain, his beginning, his success, and his return to his home State, is well told in the article in the Reporter. It is the story of an outstanding man whose career has been full and continues to be meaningful.

I submit for the RECORD the article, "Return of a Native."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE RETURN OF A NATIVE

Walter Brattain was a reedy, gangling farm boy who took girls and tennis almost as seriously as physics when he marched into the office of Whitman College Professor Benjamin H. Brown one day in late 1923. With all the seriousness a senior could muster, Brattain asked earnestly, "Do I have what it takes to make a really good physicist?"

Brown, who would one day be memorialized by a chair of physics at Whitman, looked at the raw-boned farm boy and replied softly, "Yes, Walter, I think you do."

The two then sat down and began talking about Brattain's hopes. Forty-four years later, Brown would be lionized by a brace of grateful scientists who were once his students, and Brattain, a Nobel Prize winning physicist, would be back at his *alma mater* trying to fill his mentor's shoes after his retirement February 3.

Whitman College (enrollment: 1,000) is one of those small, surprisingly good liberal arts colleges that you find in places like Walla Walla, Wash. The town and its college lie on a high wheat-growing plateau in lonely eastern Washington. Brattain's ancestors helped settle this area a century ago and his father, successively a broker, homesteader, rancher and miller, helped plant his roots deeply in the Pacific Northwest. In going to Whitman, Brattain followed in his parent's footsteps.

But it was Professor Brown and Whitman College that gave Brattain what he calls the "inspiration and motivation to do what little I have done." And so it was a desire to repay in some way a self-confessed obligation that led Brattain back to Walla Walla and Whitman as a part-time professor three years ago. There his contemporaries did not describe him as big man on campus in his student days. One classmate remembers him only as a shy youth dashing in and out of the science building. Editors of Whitman's yearbook wrote that he wasn't happy "unless he has a transit in one hand and 14 drawing pencils in the other."

From Whitman, Brattain went on to the University of Oregon for his master's degree, and the University of Minnesota for his doctorate. His welcome at Minnesota couldn't have been less spectacular. To reach campus, he had to work his way across country by sheep train. In Minneapolis as the train rolled slowly past the University, "I just jumped off and walked over to the physics department smelling to high heaven of sheep."

Ever since Brown whetted his intellectual curiosity, Brattain had dreamed of working either for the U.S. Bureau of Standards or the Bell System. Armed with a new doctorate in 1929, Brattain sent out only two job applications. The Bureau of Standards offered him a job; Bell Labs apparently never replied. But less than a year later, a chance meeting with Bell Labs' J. A. Becker did result in a job as a research physicist at West Street. Becker, like Brown and a few other professors, had a galvanizing effect on Brattain: "I was a young Ph.D., not even dry behind the ears, when I went to Bell Labs. Becker dried my ears off."

Another supervisor in his early career here was C. J. Davisson who, on the occasion of his winning a Nobel Prize in 1937, told Brattain, "don't worry, Walter, you'll win one some day." Brattain did not at the time take the prophecy seriously.

The rest is history.

"I tried to say, 'Thank you, Your Majesty,' but maybe only my lips moved," recalls Walter Brattain of the moment when Swedish King Gustav VI awarded him the Nobel Prize. Preceding him to the floor were William Shockley and John Bardeen, the Bell Labs men who shared his Nobel Prize for Physics.

Stockholm's Concert Hall was a splendid sight at the ceremonies held December 10, 1956. Tier after tier of bejewelled Swedes in formal dress filled the hall to watch their king award the famed prize to a distinguished roster of world figures. From that night on, each laureate would live in the limelight of lasting fame; Brattain would bask uneasily in the glare of publicity.

The journey to Stockholm began almost nine years before in Brattain's laboratory in Murray Hill. Two days before Christmas, 1947, Brattain with Shockley, Bardeen and five colleagues gathered to watch a tiny piece of treated germanium (with two gold contacts attached) serve as the amplifier in place of an electron tube in a communications circuit. Brattain wrote in his notebook, ". . . a distinct gain in speech level could be heard . . . with no noticeable change in quality." That was the genesis of a new electronics industry.

A name for the milestone breakthrough came several months later in an impromptu caucus with John R. Pierce. Pierce, now Executive Director, Research, Communications Sciences, coined the historic word. Brattain remembers, "I presented the problem to Pierce. After some thought, Pierce mentioned the important parameter of a vacuum tube—transconductance—then a moment later its electrical dual—transresistance. Then he said, 'transistor' and I said, 'Pierce, that is it.' "

Today, Brattain admits the thing that pleases him most is that small transistor radios are inexpensive enough to bring the world to people who cannot even read.

"What Walter Brattain does is really quite astounding," suggests Whitman College's veteran Vice President Fredric F. Santler. "He is more dedicated to teaching than many so-called 'professionals'."

Brattain has spurned many tempting offers since his Nobel Prize. Instead, he chose to continue his distinguished work at Murray Hill until retirement. Retirement confronted him with uncharacteristic idleness, so Brattain took a characteristic step—to look for where the action was. That was Walla Walla and Whitman College where Professor Brown fed his love of physics.

At Whitman, he teaches an 8 o'clock science course designed for liberal arts students and an afternoon senior level physics lab. He likes teaching and his students, flattered by his attention, like him. One pretty English major said, "He's a very dynamic man. You can't ignore him."

One fellow professor said candidly, "He has a peculiar quality, a rather astounding honesty. He is extremely frank and outspoken and doesn't care terribly much whether he wins or loses an argument. But he is concerned about being right in an honorable sense."

Brattain is convinced it was right to return to Walla Walla. This is man's country, bigger than life size, and Brattain makes the most of golf and fishing. As a professor he says, "If I can motivate or inspire one or two of these youngsters in the next 15 years to go on and do something important, I will consider I've accomplished what I set out to do. I will have done something my professors did for me."

COLORADO RIVER LEGISLATION

Mr. MOSS. Mr. President, with both the House and the Senate Interior Committees considering the controversial central Arizona bill, I feel that a Salt Lake Tribune editorial, entitled, "The Hard Facts of the Colorado River," is particularly worthy of attention.

It becomes more evident each day that there is simply not enough water in the Colorado River to meet the compact apportionments to the Upper and Lower Basin States, and that we cannot authorize the central Arizona project, or any other large project until we can find new sources of water.

We must either desalinize water from the sea, or import water from other river basins which have a surplus if the cities and towns in the Colorado River Basin are to continue to grow and prosper.

I ask unanimous consent that the editorial which appeared in the Tribune on May 7 be carried in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Hard Facts of Colorado River

One set of facts stands out above all the others in considering further development of the Colorado River.

It was enunciated last week by Jay R. Bingham, executive director of the Utah Water and Power Board, to a Senate subcommittee considering preliminary legislation for the proposed Central Arizona Reclamation Project.

There is not enough water in the river, he said, that is available in compact apportionments for all potential users in either the upper or lower basin.

Felix R. Sparks, executive director of the Colorado State Water Conservation Board, has put it this way:

". . . We feel it is futile to argue about the little unused water left in the (Colorado) river. No matter how it is parceled out everyone will come up short."

It is becoming increasingly evident that estimates were unduly optimistic when both the 1922 and 1948 compacts, dividing up the waters of the Colorado River, were drawn up and signed. In other words, unless some unexpectedly heavy wet seasons occur soon, more water has been committed by compact and court decrees than is available in the river system. If Central Arizona is authorized, it would require "borrowing" water from Upper Colorado Basin. And history of Western water rights teaches us that promises to make water available at some future date are meaningless if in the meantime that water is put to beneficial use elsewhere.

Rancher Joe Budd, Wyoming member of the Colorado River Commission, touched the crux of the matter when he said: "These bills, without authorization of water importation, are giving away water that is not theirs, or yours, to give."

Hence, since the Colorado River is already over appropriated, it would be the height of insanity to authorize an enormously expensive and complicated project like the Central Arizona without absolute assurance that more water for the basin is obtainable.

There are possibly two outside sources of additional water, both of which might be required to meet demands of the seven Colorado River states.

One is the Columbia River Basin, where the annual flow is around 160 million-acre feet, more than ten times that of the Colorado. The other is sea water conversion, still in the research stage. Nuclear-fueled desalting plants on the Pacific Coast undoubtedly could eventually go far in serving major needs of the Los Angeles and San Diego communities, though the cost factor remains a question mark. Pilot studies are under way, supported by federal, California and local agencies.

It is unlikely that water will be diverted from the Columbia basin to the Colorado during the tenure of Senator Jackson do in the foreseeable future because of vigorous opposition to the proposal in water-rich Washington and Oregon and those sections directly affected.

Actually, however, the concept of inter-basin diversion is not new. The Colorado Big Thompson project in Colorado takes Colorado River waters through the Continental Divide into the Missouri River Basin, and a large project is under construction to channel water from the Colorado River basin into the Gunnison-Arkansas basin near Pueblo. Smaller inter-basin diversions are under way in the Duchesne, Joe's Valley and Deer Creek reclamation projects in Utah, to mention a few.

In the large sense, water resources are vital not merely to the states in which they rise and through which they flow but to the nation as a whole as the courts have enunciated with respect to navigation. The national welfare requires them no less for other purposes. Interstate commerce, productivity, employment, and income all suffer when an area of the country allows wastage to the sea of waters that are gravely needed in others areas. The time could come, for example, when the security and welfare of the country will require development of the vast oil-shale resources of Wyoming, Colorado and Utah, a program which would require large amounts of water.

Inter-basin diversion of water and-or conversion of sea water must be definitely in sight before congressional representatives of the Upper Basin states consent to "borrowing" of their water by Arizona or any other state.

THE TAX-EXEMPT MUNICIPAL BOND LOOPHOLE

Mr. NELSON. Mr. President, almost every week witnesses new, giant-size municipal bond issues by small communities. The investment world was recently jarred by an announcement in Oregon of the financing of a $140 million plant for Bell Intercontinental and the Yawata Iron & Steel Co. of Japan.

Wickliffe, Ky.'s 917 citizens will stand behind an $80 million issue for West Virginia Pulp & Paper Co. This amounts to a public debt for private purposes of $80,000 per person.

This loophole in our tax laws is working primarily for the benefit of the large corporations who are able to find financing almost anywhere else in the marketplace of money. In a time of national emergency when we are witnessing drastic cuts in the programs of domestic improvement, and when Congress will probably soon be asked to pass another tax raise for individuals, the U.S. Treasury is being raided. Thirty million dollars in taxes a year is lost through municipal tax-free bonds which the large corporations should be paying.

I think it is time for Congress to face the issue head on and curb this flagrant abuse.

I recommend that Senators take a moment or two to read the letters and articles, which I ask unanimous consent to have printed in the Record, concerning the misuse of tax-free bonds.

There being no objection, the letters and articles were ordered to be printed in the Record, as follows:

Statements by Various Members of the Administration on Municipal Industrial Financing

Vice President Humphrey on June 15, 1966 at a White House Conference for State Legislative Leaders stated:

"I think you should take another look at the question of industrial development bonds which are issued by state and local government for the purpose of constructing factory buildings, as a means of enticing industry to your state or locality.

"I detect an increasing nervousness on Capitol Hill about the use of federal income tax exemptions for this purpose."

Secretary Fowler stated on June 16, 1966 at the same meeting:

"One example of a cooperative effort which has turned into a disadvantage for both the Federal government and at least some of the States is of particular interest to me. For some time I have shared with many others, some in the Administration, some in the Congress, and some in responsible financial position in State and local governments, a growing concern about certain uses of the tax exemption privilege which is accorded to State and municipal bonds."

"One area that has raised doubts and discussion over the years has been the use of industrial development bonds. This practice has been defended on the ground that it helps to bring industry to low-income labor-surplus areas. Thoughtful critics, however, have prophesied that the practice would eventually become self-defeating. Recent experience appears to support their view, since the use of this type of bonding is growing and the advantage to any State or municipality decreases as more States and localities enter the field. This practice merits careful attention and is currently under study."

Speech by Stanley S. Surrey, Assistant Secretary of the Treasury For Taxation, before the Federal Bar Association—Bureau of National Affairs Conference on Taxation of Affiliated Corporate Groups, Mayflower Hotel, February 23, 1967:

"As to the financial assistance aspects, I would like first to mention the tax-exempt industrial development bonds issued generally by local governments or agencies. These are rapidly growing in number and amount—in 1960, $41 million were issued while in 1966 the issues appear to top a half billion. Since 1963 the total outstanding has more than doubled. Since the prime security, indeed usually the only security, behind these bonds are revenues derived by the issuing local agency from the sale or lease by it of a plant or other industrial facility to a private corporation, the bonds are sold on the credit of that corporation. The rents for the plant or the yearly installments of the sales prices are fixed to meet interest payments by the issuing agency and amortization of the principal of the bonds. The corporation is thus borrowing from the public but the red seal of the local issuing agency stamped upon the bonds imparts to it a tax exemption for the interest. As a result, the interest rate obtained by the corporation will be below the market rate that would otherwise apply. More and more this practice is being used by financially strong corporations that are fully able to obtain funds through normal channels. Their turning, however, to these industrial development bonds makes them accomplices with the local issuing agencies in an arrangement that distorts the tax-exemption privilege and forces the Federal tax system improperly to support their financing. Indeed, the position of accomplice is often forced upon the local agency under the threat of locating the plant elsewhere. This is a far cry from the original use of these bonds for corporations willing to enter areas of high unemployment but lacking capital of their own, a situation close to those in which financial assistance is now granted by the Economic Development Administration.

"As the 1967 Report of the President's Council of Economic Advisers states: 'Through the use of these (industrial developments) bonds, localities have passed to private industries the benefit of the exemption of their interest from Federal tax, in many cases without assuming any real obligation for repayment of the bonds. This questionable practice is becoming increasingly widespread, and the lack of any obligation by the locality authorizing the bonds permits proliferation without limit. The use of the Federal tax code in this fashion is inefficient and inappropriate.'

"One wonders at the lack of self-restraint on the part of the corporations and localities here involved. Clearly, the rapid spread of this practice as other States and localities must unwillingly adopt it in self-defense can only end in a chaotic situation that will hamper the financing of the genuine needs of State and local governments. If all localities were to use these bonds they would both weaken the market for their traditional tax-exempt issues and also fail in their original purpose to influence plant location. Indeed, a lower interest cost for their financing will simply become a fringe benefit for corporations no matter where they locate."

Speech by Manuel F. Cohen, Chairman of the Securities and Exchange Commission, before the National Industrial Conference Board, February 16, 1967:

"For example, there is an increasing controversy concernnig 'industrial revenue bonds'—obligations nominally issued by governmental units to finance plant construction which provide for the payment of principal and interest exclusively out of the rental paid by a private company for the use of the plant. These arrangements have raised questions under the federal tax and securities laws—laws which were drafted on the assumption that there was a good reason for distinguishing government from business securities and that there were workable criteria for making the distinction."

Investment Bankers Association Present Policy Position With Respect to Preserving Tax Exemption of State and Local Government Bonds

The preservation of the ability of state and local governments to finance needed municipal improvements independently of the Federal Government is of primary concern to members of the Investment Bankers Association. We think it is in the best interest of the citizens of the United States to whose direct benefit these municipal improvements flow, to retain control at the state and local level as to the timing, desirability and need of these projects. Our interest in protecting the tax exemption of interest on state and local debt obligations—on which local control is largely dependent—has not changed and will not change; however, because certain abuses of tax exemption have expanded to alarming proportions, we felt it desirable at our recent Spring Meeting to make a realistic adjustment of the policy of our Association regarding solutions for these abuses.

In the past our Association has publicly denounced practices developing in the issuance of municipal bonds which jeopardize the continued benefits of tax exemption for normal municipal projects. The members of our Association are becoming increasingly alarmed over the volume of municipal bonds being issued to build plants for private corporations and the adverse effect that this has on the market for bonds issued for the usual public benefit purposes such as schools, sewer and water, etc. Many market observers are convinced that tax exempt borrowings for industrial or commercial use by private corporations are now of such significant volume as to substantially increase the interest rates municipalities must pay for their normal purpose borrowings.

Reluctant to invite further Federal incursion into state affairs, the Association for many years vainly sought corrective action through the states. Since 1951 the IBA has engaged in various informational programs aimed at specific groups in both government and business, as well as the general public, warning of the dangers to state sovereignty and to the private enterprise system which are inherent in various perverse uses of tax exempt bonds.

Our public opposition has been steadfastly maintained even though an increasing number of security firms, including many of our members, have actively engaged in negotiating, underwriting, and distributing municipal industrial issues. The Association's stand, reaffirmed and strengthened by repeated studies, has been taken as a matter of principle.

Because we firmly believe that tax exemption for proper purposes will survive only if abuses are curtailed, in alliance with other responsible organizations we have pushed for Federal legislation to discourage municipal industrial financing. Our preferred solution has been and still is to deny deductible expense status for lease rental payments, depreciation, interest and investment credits now allowed to private purpose plants and equipment financed with the proceeds of tax exempt bonds. However, this problem has become entwined with the Internal Revenue Service-Treasury Department's concern over the practice of arbitrage and some advance refundings. An application to the Internal Revenue Service for a tax ruling exempting the bonds of an authority created by the State of Ohio, which would have issued tax exempt securities, invested the proceeds in Government bonds, and thus would have realized an immediate profit, forced the Treasury to take a position on the matter. In our opinion the Treasury reaction to this proposal is the key element in the present situation.

Shortly after Secretary Fowler's speech on June 16, 1966 in which he discussed the above matters, representatives of the IBA were informed that the Treasury was preparing legislation to eliminate these practices. We have met with the Treasury Department on numerous occasions, in an attempt to agree upon an approach which in our opinion would assure continuance of tax exemption for the usual pubilc purposes while eliminating these undesirable practices. To this date we have been unable to suggest a workable formula for the elimination of arbitrage and certain undesirable advance refundings which does not involve the denial of tax exemption on these securities. The August (1966) Technical Information Release of IRS on arbitrage and advance refunding was intended as a short-run solution, pending a study of the situation. It now appears probable that the Treasury Department in any event will seek legislation to stop arbitrage and some advance refundings by making the interest taxable on securities issued for these purposes. The likelihood of passage of any legislation dealing with municipal industrial financing may be greatly enhanced if it is presented as part of an overall reform package dealing with abuses of tax exemption.

There are unquestionably many in high positions both within and without government circles who would like to remove tax exemption altogether. As abuses continue to grow, it becomes easier for these opponents to find sympathy and support for legislation to eliminate all tax exemption. In our opinion, the deterrent that keeps these opponents from seeking ultimate elimination of tax exemption is the united conviction of citizens, public administrators and legislators that tax exemption is essential to preserve the independence of state and local Governments. It has been determined by the Association that the best line of defense for tax exemption is the elimination of current abuses which, in our opinion, bring the whole tax exempt concept under attack. Undoubtedly, some will still contend that the best line of protection for tax exemption is the defeat of any legislation which exposes the principle of reciprocal tax immunity to adjudication. We thoroughly understand this position and we have held to it in our efforts to secure the passage of legislation that would eliminate municipal industrial financing, but our efforts have been unavailing and the situation is rapidly deteriorating.

For more than a year consultations and studies have been conducted by cognizant committees of the members and by our staff in Washington. Outside expert opinions have been solicited and secured. After considering all opinions, as well as past and current developments, the Municipal Securities and the Municipal Industrial Financing Committees recommended new action by the Board of Governors. Accordingly, the Board of Governors of the Investment Bankers Association May 12, 1967 adopted the following resolution:

"The Board of Governors of the Investment Bankers Association of America reaffirms its conviction that the preservation of the ability of state and local governments to issue securities whose interest is exempt from Federal taxation is both necessary and desirable to maintain our dual sovereign system of government.

"We recognize that certain abuses of the right to issue tax exempt bonds have developed which threaten this right and we have proposed correction of these abuses as follows:

"(1) Our Association since 1951 has discouraged the issuance of tax exempt securities to build industrial or commercial facilities for private corporations, a position we have subsequently reaffirmed many times; and

"(2) In 1966 our Association passed a resolution opposing the issuance of tax exempt securities for the primary purpose of investing the proceeds in taxable securities to yield a profit, a practice generally referred to as arbitrage.

"Believing that these abuses continue to jeopardize tax exemption for state and local government bonds issued for normal municipal improvements such as schools, sewage and water systems, etc., we reaffirm our position that these abuses should be eliminated.

"Therefore be it resolved that:

"(1) The Board of Governors of the Investment Bankers Association reaffirms its concern over the growth of municipal industrial financing and other abuses of the right to issue tax exempt municipal bonds.

"(2) The Investment Bankers Association will support Federal legislation *which in the opinion of the Association is properly drawn*[1] to exclude from Federal income tax exemption interest on bonds which are issued primarily for the purpose of supplying funds for private corporations and arbitrage, which includes certain types of advance refundings."

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[1] Among various considerations which would be included within the term *properly drawn* are:

a. unequivocal protection for general obligation and revenue bonds for normal public benefit purposes, free from Federal Government control, and

b. that any new legislation would be prospective, applying only to future issues.

INVESTMENT BANKERS
ASSOCIATION OF AMERICA,
Washington, D.C., May 17, 1967.

Hon. GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: The members of the Investment Bankers Association greatly appreciated your past interest and concern on the subject of municipal industrial financing. For your information we have taken a new position on this subject and have informed the Treasury that if they will send their bill on municipal industrial financing, arbitrage and advance refunding, which would make the interest taxable on municipal bonds sold for that purpose, to the Congress that our Association will testify in support of this legislation.

It is our belief that these abuses continue to jeopardize the benefits of tax exemption for state and local government bonds for normal municipal improvements such as schools, sewage and water systems, etc. and, therefore, believe it is in the best interest of maintaining a dual sovereign system of government to eliminate these abuses.

If the Treasury's reason for not doing anything in this area has been our opposition to the removal of tax exemption on any municipal bonds, we have removed this excuse for delay provided the legislation is technically correct. If the Treasury's indecision and delay on this matter is motivated by a desire to allow these abuses to continue and multiply so as to provide an excuse for the elimination of tax exemption on bona fide municipal improvements, we want the record kept clear that we have done everything in our power to eliminate these undesirable practices and will strongly oppose any across-the-board elimination of tax exemption.

Our members derive their profit from the buying and selling of municipal bonds and therefore whether the bonds' interest is tax exempt or taxable will only indirectly affect them. However, without the tax exempt feature on many of these bonds the ability to provide a market would be next to impossible regardless of the interest rate, and the resulting charge to the community without some sort of a Federal subsidy or guaranty may be exorbitant. Accordingly, we think it is in the best interests of the citizens of the United States to whose direct benefit many of these municipal improvements flow to have the direct control free from the Federal government as to the timing, desirability, and need of many of these projects.

If our Association can provide you with any background material, statistical information or over-all support on the elimination of these abuses, please don't hesitate to contact me at the Washington office. Enclosed for your information is a copy of an article that appeared in today's Bond Buyer on this subject.

Sincerely,

ALVIN V. SHOEMAKER.

INVESTMENT BANKERS
ASSOCIATION OF AMERICA,
Washington, D.C., April 21, 1967.

Hon. GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: During the last Session of the 89th Congress, the Investment Bankers Association of America on two separate occasions wrote to each Member of Congress expressing its concern over the practice of issuing tax-exempt municipal bonds to build private plants for private profits—so-called "Municipal Industrial Financing".

In just over a decade, the amount of this type of finance has grown from $1.5 million in 1956 to $500 million in 1966 with projections for this year running close to $1 billion. The sale of a single tax-exempt issue this year ($82.5 million) to finance machinery and plant facilities for ARMCO steel accounted for over 50 times the National amount for 1956.

We have opposed the improper use of tax-exempt borrowing since 1951 and have continually pressed for Federal legislation to remedy this problem. We urge that legislation be supported to amend the Internal Revenue Code so as to deny deductions for any amount paid to a governmental unit by a private company for occupancy of (or as interest on a mortgage on) an industrial facility financed by the profits of tax-exempt Municipal Industrial Bonds. We also believe that deductions should be eliminated for depreciation and investment credit where applicable for plants financed by tax-exempt bonds.

Several bills have already been introduced this Session which would accomplish this purpose: S. 1282 by Senator Gaylord Nelson, H.R. 5485 by Rep. Henry Reuss and H.R. 5519 by Rep. Clement Zablocki. In addition, you will be interested to know that Secretary of the Treasury Fowler on April 10, 1967 in a speech before the Kentucky Chamber of Commerce made the following statement:

"Similarly, changing patterns have occurred with tax exempt industrial development bonds, rapidly growing in numbers and amounts, and being sold, in effect, on the credit of a private corporation which has bought or leased a facility from the issuing local agency. The rents, or sales installments, which the corporation pays to the local agency, are fixed to meet the issuing agency's interest payments and the amortization of the principal of the bonds. In other words, the corporation is in effect borrowing from the public, but obtaining a tax exemption for the interest. This means that the interest rate which the corporation obtains will be below the market rate which it would otherwise have to pay.

"Now, more and more, this device is being used by corporations which are financially strong and quite capable of obtaining their funds through normal market channels. When they turn to the local issuing agency for these funds they—and the local agency—are getting into an arrangement which distorts the tax-exemption privilege and which, in the long run, simply forces the Federal tax system to support their financing. This is indeed a far cry from the original intent of the exemptions—which was to encourage corporations which lacked capital of their own to set up businesses in areas of high unemployment, generally in rural areas."

The Investment Bankers Association of America urges you to support and sponsor legislation similar to that cited above.

If we can be of any service, furnish any information, provide any background on this matter; please call upon us. We have enclosed for your information an article from the current issue of Forbes Magazine discussing Municipal Industrial Financing.

Respectfully,

MARSOM B. PRATT.

[News release of Investment Bankers Association of America]

A $140 MILLION TAX-FREE BOND ISSUE TO BUILD JAPANESE-AMERICAN PLANT IN OREGON

The investment world was jarred today by the announcement that Port of Astoria will issue $140 million in tax-free municipal industrial bonds to finance the construction of an aluminum plant in Warrenton, Oregon. This is the largest industrial revenue bond issue ever.

The plant will be built for Northwest Aluminum Company, a newly formed, wholly owned subsidiary of Bell Intercontinental. Plant leases will be guaranteed by Bell Intercontinental and Yawata Iron and Steel Company—the largest iron and steel company in Japan. (The only other foreign corporation known to have benefited from tax-free municipal industrial bonds was MacMillan, Bloedel and Powell River, Ltd. of Vancouver, Canada. That was a $70 million venture at Camden, Alabama entered into with United Fruit Company in 1966).

The startling development came on the heels of an announcement by the Investment Bankers Association that it will support a Treasury Department bill to exclude from Federal income tax exemption the interest on municipal bonds which are issued primarily for the purpose of supplying funds for private corporations. The IBA has become increasingly alarmed by the volume of municipal industrial bonds being issued. A position paper on the subject released by IBA this week warns that this type of financing is substantially raising the interest rates municipalities must pay for their borrowings for authorized public purposes and places the entire tax-exempt system in jeopardy.

In the face of an already record high volume of tax-free bonds issued since the first of the year, municipal industrial revenue bonds this year threaten to top the $1 billion mark. Industrial revenue bonds sold so far total some $165 million as opposed to $80 million sold this time last year. Since 1966 totals exceeded $500 million, if the present trend continues, the amount will be double at the end of fiscal year 1967. Among the largest municipal industrial bond offerings either sold or announced are Middleton, Ohio's $82,500,000 issue for Armco Steel, a $90 million issue by Hancock County, Kentucky for Southwire Company and an $80 million issue for the West Virginia Pulp and Paper Company. The most recent issue announced and sold was the Fort Madison, Iowa's $60 million at 4½% for Sinclair Petro-Chemicals, Inc. (a wholly owned subsidiary of Sinclair Oil Corporation).

Originally, the purpose of allowing municipalities to underwrite the construction of corporate plants through the tax-free municipal bond route was to help small companies locate in depressed areas, but IBA charges that this entire concept has been disproved in recent years.

While reiterating its traditional stand on the need for direct control of municipal bonds at the State and local level, the IBA in its position paper, said that it believes it desirable to curb certain abuses—primarily municipal industrial financing, arbitrage and advanced refunding. For this reason they are now supporting the Treasury's bill providing it is so drawn as to protect normal municipal borrowings.

The IBA adopted this position by a unanimous vote of their Board of Governors during their Spring Meeting at White Sulphur Springs, West Virginia.

The Association voices a concern that if some action is not taken soon, critics of the present tax-exempt system will attempt to eliminate the exemption on municipal bonds altogether. Two members of the Federal Reserve Board and several Congressmen have already suggested this possibility.

The formal resolution adopted by the Board of Governors and made public in the IBA position paper just released broadly outlines the Association's traditional concern for the preservation of tax-exempt municipal bonds and its policy respecting municipal industrial financing, arbitrage and advanced refunding and concludes—

"Therefore be it resolved that:

"(1) The Board of Governors of the Investment Bankers Association reaffirms its concern over the growth of municipal industrial financing and other abuses of the right to issue tax exempt municipal bonds.

"(2) The Investment Bankers Association will support Federal legislation *which in the opinion of the Association is properly drawn*[1] to exclude from Federal income tax exemption interest on bonds which are issued primarily for the purpose of supplying funds for private corporations and arbitrage, which includes certain types of advance refundings."

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[1] A complete text of the "Investment Bankers Association Present Policy Position with Respect to Preserving Tax Exemption" is attached.

[From the Daily Bond Buyer, May 23, 1967]

CAROLINA LAWMAKERS AUTHORIZE, DENOUNCE INDUSTRIAL AID BONDS

RALEIGH, N.C.—The North Carolina Legislature, in almost the same breath, has both authorized and denounced the issuance of tax-exempt industrial aid bonds.

With admitted "reluctance" the State Assembly last week passed a law authorizing the farming out of tax-privileged public credit to private business enterprises on terms calling for the public financing of industrial plants for leasing to private enterprises.

In a companion resolution, the North Carolina lawmakers called on the President of the United States and the governors of the other states of the United States to ask the Congress to repeal the tax-exempt status of certain industrial revenue bonds.

The North Carolina resolution (HR 1044) requests that the interest received by owners of industrial revenue bonds be subject to all applicable future income taxes. Copies of the resolution were ordered sent to President Johnson and to the governors of the other states.

Supporters of the bill authorizing the issuance of North Carolina industrial aid bonds characterized the legislation as "defensive." They pointed out that 34 states are now using such bond issues to attract industry.

Legislators voting for the bill made the point that if the tax-exempt status of such bonds were removed, the special attractiveness of such financing to industry would be removed as well, and the practice would come to an end.

A court test of the constitutionality of the North Carolina law is expected soon. Dan Stewart, director of the North Carolina Board of Conservation and Development is planning to bring a friendly suit before the State Supreme Court to test the legality of such bonds in advance of any sale.

[From the Washington (D.C.) Post, June 7, 1967]

ON TAX-EXEMPT BONDS

The bipartisan sponsorship of legislation that would lift the Federal tax exemption from the "industrial development" bonds, issued by state and local governments to finance private enterprises, raises a broader and more controversial question. Should the Federal Government be granting subsidies to states and cities by exempting their general bond issues—the so-called "municipals"—from income taxes?

It is charged that the use of industrial development bonds results in unfair competition and the migration of industry to disadvantageous locations. These objections may be substantive. But even if they are without merit, the tax exemption on industrial development bonds should be withdrawn because it is a subsidy to private industry which Congress would never be willing to grant through annual appropriations.

The larger issues of lifting the tax exemption from municipals has for long involved a question of constitutionality. Although the 16th Amendment empowers the Government to levy a tax on income "from whatever source derived," municipals were specifically exempted in the first Income Tax Act. Indeed, it is doubtful that the 16th Amendment could have been passed without prior congressional assurance that the exemption would be inviolate. But since then the precedent has been weakened, notably by the Supreme Court decisions that empowered the Federal Government to tax the income of state employes and conferred the same right on state and local governments to tax Federal employes. As a consequence, the Attorney General's office has long inclined toward the view that the Supreme Court would not strike down an effort to eliminate the tax exemption on municipals.

But the substantive case against tax exemption is economic. It is true that the exemption of municipals permits the financing of socially desirable projects—such as schools, waterworks and hospitals—at a lower interest cost to the borrowers. What is overlooked is that such exemptions entail the granting of Federal subsidies in a most inefficient manner.

David J. Ott and Allan H. Meltzer, in a brilliant analysis prepared for The Brookings Institution—*Federal Tax Treatment of States and Local Securities,* conclude that the loss of revenues by the Treasury exceeds the savings that state and local governments realize by virtue of tax exemption. Moreover, this method of granting Federal subsidies favors governments with high credit ratings and at the same time implicitly penalizes those which prefer higher taxes to larger debts. It would be far better, both from the vantage point of equity and efficiency, if equivalent benefits were conferred upon state and local governments by Federal grants.

The other objections to exemption are that it violates the principle of equity in personal taxation and leads to the misallocation of capital. Persons with equal incomes should bear equal tax liabilities. By purchasing municipals, very wealthy persons are relieved of tax liability. And because of the attractiveness of the tax shelter, capital is diverted from riskier enterprises where it would earn higher returns and in the process create much more income and employment.

Six efforts have been made to convince Congress that exemption ought to be abolished in the interests of economic efficiency and equity in taxation. All foundered because of the obvious political opposition which is still formidable. Nevertheless Congress, which is about to grapple with other issues in intergovernmental finance, should take a new look at this old problem.

LARGEST MUNICIPAL INDUSTRIAL BOND ISSUES

IN 1961

(March) $25,000,000, Cherokee, Ala. (population 1,400) to build a chemical plant for Armour & Co.

IN 1962

(December) $21,000,000, Opelika, Ala. (population 15,678) for U.S. Rubber.

IN 1963

(October) $50,000,000, Lewisport, Ky. (population 750—employs 1,000) to build an aluminum plant for Harvey Aluminum Co.

IN 1964

(June) $23,000,000, Helena, Ark. (population 11,500) to build a fertilizer complex for Arkla Chemical Corporation, a subsidiary of Arkansas-Louisiana Gas Co.

(September) $22,500,000, Maricopa County, Ariz. (population 663,510) for American Sugar Refining Company.

(October) $20,000,000, Blytheville, Ark. (population 20,797) to build an anhydrous ammonia plant for Continental Oil Co.

(December) $45,000,000, Prattville, Ala. (population 6,616) to build a plant for Union Bag-Camp Paper Corporation.

IN 1965

(March) $25,500,000, Selma, Ala. (population 28,385) for Hammermill Paper Corporation.

(March) $45,000,000, Phenix City, Ala. (population 27,630) for Mead Corp. and Inland Container Corp.

(August) $55,000,000, Scottsboro, Ala. (population 6,449) Revere Copper and Brass Company plant.

IN 1966

(February) $60,000,000, Clinton, Iowa (population 33,589) for construction of a plastics and petro-chemical plant for Chemplex Co., a venture sponsored jointly by Skelly Oil Co. and American Can Co.

(April) $70,000,000, Camden, Ala., to finance construction of lumber, plywood and paperboard facilities for United Fruit Co., Boston, and MacMillan, Bloedel & Powell River, Ltd., Vancouver, Canada.

(April) $35,000,000, issued by Northern Delaware Industrial Development Corporation, an agency of the State of Delaware to finance acquisition and modernization of steel plant from the Phoenix Steel Corporation for that corporation.

(April) $34,400,000, Ashland, Ky. (population 31,283) to build a steel plant for Armco Steel Corporation.

(June) $36,000,000, Winchester, Ky. (population 10,187) for Rockwell Standard.

(May) $46,000,000, Nekoosa-Edwards Co. of Wisconsin for plant in Arkansas.

(June) $24,000,000, West Virginia Air Reduction.

IN 1967

(February) $82,500,000, Middletown, Ohio (population 43,000) Armco Steel Corporation.

Nevada, Missouri (population 3,416) $20,000,000, Minnesota Mining and Manufacturing Co.[1]

Hancock County, Ky. (population 5,330) $90,000,000, Southwire Company.[1]

(April) $30,000,000, Warren County, Ky. (population 45,491) Firestone Tire & Rubber Company.[1]

(May) $80,000,000, Wickliffe, Ky. (population 917) West Virginia Pulp and Paper Company.[1]

(May) $60,000,000, Lake Charles, La. (population 67,000) Hercules, Inc.[1]

(May) $60,000,000, Fort Madison, Iowa (population 15,247) Sinclair Petro-chemicals, Inc., subsidiary of Sinclair Oil Corporation.

(May) $140,000,000, Warrenton, Oregon (population 1,717) Northwest Aluminum Company, a wholly owned subsidiary of Bell Intercontinental. Plant leases will be guaranteed by Bell Intercontinental and Yawata Iron and Steel Company of Japan. Bonds to be issued by the Port of Astoria.[1]

[From the New Republic, May 6, 1967]

BOND DOGGLE

(By Paula Sterns)

Last spring the 50 residents of Champ, Missouri, (14 qualified voters) voted a $12.5 million industrial development bond issue. The proceeds from the sale of this bond will go toward the construction of three plants to lure industries to Champ. In exchange, three corporations have prearranged to rent the plants from the town in order to cover the villages payments on the huge interest-bearing certificate.

Apparently such a transaction is profitable for all concerned (approximately 37 states have passed enabling acts for municipal industrial financing). New industry perks up a town's payroll, and corporations save money in the following ways: (1) Since municipal bonds are tax-free, capital to finance plant construction is acquired at a rate appreciably lower than "prime" bank rates; this saving is then passed on to industry in the form of low rent. (2) The corporation pays no property tax, since the plant legally belongs to the city (sometimes companies pay a fee to the town in lieu of property taxes). In addition, the existence of anti-union "right to work" laws means lower operating costs for industries locating in the South, the leader in the industrial development bond field.

The sale of tax-exempt industrial development bonds was originally intended to aid small companies which were willing to enter regions suffering from chronic unemployment but which were unable to raise capital at a reasonable cost. Today, however, the beneficiaries of this subsidy have changed substantially. Municipal industrial financing is no longer directed to underdeveloped areas. And the small company struggling in a poverty-stricken area has been replaced by a thriving giant corporation. US Rubber and United Fruit Company are only two good examples of multimillion-dollar industrial corporations taking advantage of this loophole in the tax laws. The largest single bond issue—$82.5 million for the Armco Steel Corporation in Middletown, Ohio—dwarfs Champ's venture.

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[1] Announced but not sold.

Municipal industrial financing has grown geometrically in the past few years to a billion-dollar business. It represents a loss to the federal Treasury of $20 to $30 million of net revenue each year. In effect, the federal government, at the expense of the taxpayer, is subsidizing industries profiting from this tax dodge.

And towns only seem to profit from the sale of bonds to finance plant construction for new industry. The rapid spread of this practice pinches the market for traditional, tax-exempt, public issues—for schools, roads and the like—and it means the town will fail in its original purpose, to influence plant location.

"Plant piracy" is so rampant that Flint Steel Corporation left Memphis, Tenn., for greener pastures—West Memphis, Ark. If and when a corporation relocates, it abandons a town full of unemployed workers, which the city must support, and an empty plant.

Congressman Henry Reuss' district, Milwaukee, Wis., was hit hard by the effects of industrial aid financing when the Cutler-Hammer Corporation moved part of its operation to Bowling Green, Ky. Since then, he and Congressman Clement Zablocki have spearheaded efforts to eradicate the practice. However, once their bills reach the Ways and Means Committee, action stops. Wilbur Mills of Arkansas, which is one of the three leading states issuing such bonds, is chairman of the committee and has resisted reform in this area. Likewise, the Treasury Department has so far done nothing but state its "concern."

President Johnson will submit a package of tax reforms this year. The question is whether the issue of industrial bond financing will be included. If so, will the Administration hold fast to its position when it encounters opposition in the Ways and Means Committee?

Reuss Against Tax-Exempt State and Local Financing of Industrial Facilities

(Note.—This statement was prepared for Banking by Congressman Henry S. Reuss (D. Wis.) member of the Joint Economic Committee and the House Banking and Currency Committee.)

Today, as a weapon in the fierce competition for job-providing and revenue-producing industrial development, increasing numbers of cities and towns across the nation are building manufacturing plants for private corporations at bargain prices.

Municipalities provide this subsidy to business at no apparent cost to themselves by issuing low-interest-rate tax-exempt municipal bonds, commonly known as municipal industrial development bonds, to finance construction costs. The business facilities are then sold or leased to corporations.

As a result, private profit-making corporations receive the benefit of lower tax-exempt interest rates intended to finance public facilities and services—like schools, hospitals, roads, and sewers.

Sales of municipal industrial development bonds have skyrocketed from $12,000,000 in 1955 to $200,000,000 in 1965. Already in the first six months of 1966, $324,000,000 of these bond issues have been announced or issued.

This mounting abuse of the Federal tax exemption privilege is costly and self-defeating for the communities and the nation.

(1) *It encourages plant pirating.* Major corporations are lured away from their present locations by the reduced costs of new plants financed by lower-interest-rate municipal bonds. When this happens, unemployment, reduced purchasing power, higher welfare costs, and a smaller tax base are the lot of the communities losing plants.

(2) *It promotes uneconomic plant location.* The powerful incentives of tax-exempt financing cause businesses to pass up better-suited plant locations in favor of subsidized facilities.

(3) *It undermines fair competition.* The windfall gain of tax-exempt financing given to some competitors provides an unfair advantage over others which finance business expansion in conventional money markets.

(4) *It encourages costly, self-defeating bidding for plants.* As predicted, the beggar-thy-neighbor competition among states and localities has resulted in established industrial and commercial areas paying out subsidies to defend their economic position. Until recently, tax-exempt municipals for industrial development were exploited vigorously mainly by Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee. Today, some 38 states have or are preparing legislation to use tax-exemption privileges for industrial purposes. New York City recently announced that it would issue industrial development bonds in self-defense against plant pirating. The stage is set for nationwide warfare among localities for industrial development.

(5) *This ultimately futile competition bites deeply into the public purse.* Federal revenues are diminished by the increase in tax-exempt interest income; the local tax base is eroded by the loss of public-owned property from the tax rolls; and the cost of municipal financing for legitimate public purposes and services is increased by the higher interest rates which prevail in a glutted municipal-bond market.

Eighteen months ago I introduced alternative bills to end this wasteful financing. One, H.R. 5586, would deny the income tax deduction for rental payments to businesses occupying facilities financed by municipal industrial development bonds. The second, H.R. 5587, would straightforwardly remove the Federal tax exemption on municipal industrial development bonds.

We are now at a critical stage. If allowed to continue much longer, so many cities and towns, corporations, bond dealers, and others will have a stake in the self-defeating practice that it may be impossible to halt it.

Fortunately, the outlook for Congressional action has improved greatly in recent months. In mid-June Treasury Secretary Henry H. Fowler indicated that the Treasury may soon ask for legislative action to curb this practice. I have hopes that by the time this is printed, a Treasury bill will have been introduced; and that Congress will act on the measure before adjournment.

[From Forbes, Apr. 15, 1967]

Come to My Town

"Maybe not in this session of Congress," said Representative Martha W. Griffiths, a Detroit Democrat, "but in the next session, certainly." Mrs. Griffiths was talking about Congressional passage of a bill that has been drafted by fellow Representative John W. Byrnes of Wisconsin, commonly known as "the new Byrnes bill." The bill is aimed at a tax loophole that has enabled small communities to pirate billions of dollars worth of industry from other parts of the country. It involves the use by small communities of their tax-exempt borrowing power—but for the benefit of private industry.

There are basically two sorts of municipal bonds on issue today—general obligation bonds and revenue bonds. Over the years the legislatures of most states have set limits on the amount that local municipalities can borrow on general obligation bonds, in order to keep the local governments from going broke trying to pay for grandiose schemes of public works. No such limit has been set on revenue bonds simply because their redemption is tied to future revenues. Some communities have been using them to subsidize private industry to locate in their areas. They build a plant with tax-exempt and therefore cheap money and they lease it cheaply to some company that is willing to use the plant.

The "new Byrnes bill" would simply require that the same limits that now apply to general obligation bonds would in the future apply to revenue bonds. (The limits vary among the states according to the size of the community.) Why is this of such overwhelming importance to both industry and local governments? Because, in simple fact, the issuance of these municipal revenue bonds used for industrial purposes is expected to hit $1 billion this year compared with a mere $7 million as recently as 1950, according to the Investment Bankers Association.

HOW IT STARTED

Back in the Depression-bound days of the 1930s, the states began to pass statutes enabling local communities to issue bonds to provide capital for constructing industrial plants that could be rented to private companies.

But as everyone who can read knows, over the last 15 years the competition among individual communities—and among the states—to attract new industry by means of these tax-free municipal bonds has increased enormously. Not only does new industry increase a town's tax lists, it also increases jobs, retail trade, and the value of property owned by the community's leading citizens.

A total of 34 states now have legalized the use of these tax-free municipals to pay the way for companies that want to relocate. The advantages to the company are obvious. A community with a good bond rating for its tax exempts can usually borrow money from 1% to 2% cheaper than the company, and can use this cheap money to build the most modern of plant facilities. The company can charge off rent as a business deduction, and has the choice of either paying relatively low rent—due to the cheap money—or very high rent over a short period to take advantage of a tax benefit similar to accelerated depreciation.

And, as if that weren't enough of having your cake and eating it, some local governments have sold the municipal bonds to the actual company occupying the plant that the bonds paid for—enabling the company to enjoy the tax-free status of those same bonds.

BIG COMPANIES INVOLVED

The time was when all this was small potatoes. Only a few years ago, one industry-wooing deal that made the newspapers was when the city of Champ, Mo., with a total of 14 registered voters, used a bond issue to build a $1.3-million marcaroni plant for the American Beauty Macaroni Co.

Now Litton Industries is making ready to move into a $100-million facility built for it via a bond issue by Jacksonville, Fla., and General Dynamics is to move into a similar-cost facility built at Quincy, Mass. A list of U.S. corporations taking advantage of these bond issues reads like a Who's Who of American industry—Uniroyal into Opelika, Ala.; Revere Copper into Scottsboro, Ala.; Union-Camp into Prattville, Ala.

In the last few years, however, as this practice was skyrocketing, its opponents began to become more and more worried by this thinly disguised, uncontrolled subsidy with the taxpayer's money.

Said Alcoa Director Frank L. Magee: "I think it an abuse of the right of municipalities or states to issue tax-free bonds when they are issued primarily for private benefit. . . . It is unfair to industrial neighbors and to other companies in competitive industry. . . . If more and more states adopt this enabling legislation, it could result in a substantial portion of industrial facilities being owned by government, and the game getting very costly."

WARNING

The Federal Reserve Bank of Boston predicted that if the practice continued it would end with the states making "outright capital gifts" to industry; ex-Treasury Secretary C. Douglas Dillon and present Secretary Henry H. Fowler have warned that the states were cutting off their noses to spite their faces. The Investment Bankers Association itself is deeply split over the whole issue.

The reason that Congress has taken no substantive action in this field up to now is that any piece of legislation on the matter would have to go through the Ways & Means Committee headed by the almost-all-powerful Wilbur D. Mills, Arkansas Democrat. And Arkansas is the third-largest user in the nation of such tax-free bonds. The Byrnes bill won't end the practice but it will prevent towns like Champ, Mo. from building huge plants. It won't lock the barn door but will close it a bit.

In addition to the Byrnes bill, Representatives Henry S. Reuss and Clement J. Zablocki, both Wisconsin Democrats, have proposed legislation that would eliminate the tax-free status of interest from municipal industrial bonds. But the Byrnes bill seems to have the best chance.

"The beautiful thing that Byrnes has done with his new bill," said one well-informed Congressman, "and the reason it is almost certain to pass in the next session, is that he has phrased it and timed it in such a way that it won't hurt Arkansas."

[From the Daily Bond Buyer, May 17, 1967]

NEW MOVE WOULD ABOLISH TAX-EXEMPT INDUSTRIAL BONDS—IBA GOING ALONG WITH TREASURY

(By John Gerrity)

WASHINGTON.—A new legislative attack on the issuance of local government bonds to aid private industry—a move that would disqualify such bonds from the right to claim immunity from Federal income taxation—is being prepared by the Treasury Department with the backing of the Investment Bankers Association of America.

The tentative approval given by the IBA to the Treasury's new move represents a major reversal of the longstanding policy of the trade association to resist any action by the Federal Government that might be regarded as an infringement on the so-called constitutional immunity of all local government debt securities from income taxation by the Federal State.

FORMER POSITION

Until now, the position of the IBA has been that "abuses" of tax-exempt financing in the industrial aid area should be dealt with not by abolishing the tax-immunity of the bonds, but by disallowing the right of the benefited industrial companies to deduct lease payments for tax purposes.

AIMED AT ARBITRAGE, TOO

The IBA's partial retreat from its traditional defense of the tax-exempt privilege relates not only to industrial aid financing but to unwarranted arbitrage profits and certain advance refundings.

While agreeing tentatively to go along with Treasury plans to introduce restrictive tax reform legislation this year to curtail these abuses, the IBA has informed the Treasury that its endorsement of remedial legislation is conditional—dependent entirely upon its approval of proposed Administration legislation, now in preliminary draft form.

The proposed bill, which the IBA has conditionally approved, will provide for the total elimination of the tax exempt privilege from state and local government securities sold to promote industrial development.

The measure will also limit but not abolish entirely the tax emept privilege—in respect to local government bond offerings made either for arbitrage profits or advance refundings.

The IBA's conditional agreement to go along with the Treasury's efforts to curtail abuses in the tax exempt field was reached last week at the spring meeting of Association governors at White Sulphur Springs, West Virginia.

The decision to support the Federal government in its corrective efforts was endorsed by the IBA's Municipal Securities Committee, the Municipal Industrial Finance Committee and the Board of Governors.

WANT PLEDGE REAFFIRMED

Before any IBA approval is official, efforts will be made to have Secretary of the Treasury Henry H. Fowler reaffirm his public commitment of last June 16 to a group of state legislative leaders that "no one will be misled into thinking that we are launching an attack on the basic interest exemptions for state and local borrowings."

The IBA will also insist that its tax specialists review the proposed legislation before it is submitted to Congress.

Treasury tax officials have indicated a willingness to go along with the IBA conditions.

However, Government officials said that the entire program of corrective legislation is still in the early stages. None of the top policy-makers in the administration, including Mr. Fowler, have as yet approved any of the legislative drafts.

IN FORMATIVE STAGE

Moreover, the Treasury's legislative strategy is still in the formative stage. No decision has yet been reached as to introducing the tax-exempt reform bill as an independent measure, or to include it in the tax reform package which President Johnson promised to send to Congress in his January budget message.

The IBA's decision to reverse its long standing position was characterized by officials as "a course that entails the least dangerous of many risks."

While the investment dealers' organization has been steadfast for the past 16 years in its opposition to "abuses" of the tax exempt privilege, it has been inhibited in its corrective efforts, fearful that willingness to go along with statutory remedies might be, in effect, "a foot in the door to the total end of the tax-exempt concept."

Industry and Association leaders meeting at the Green Brier last week—and these include the senior executives of the more prominent commercial banks and investment houses, nationally—were unanimous in this conviction:

"ACCORD—OR ELSE"

Unless the investment banking industry and security issuers soon reach a sensible accord on an issue that most have consistently decried for years, the way will be opened to statutory restraints beyond any tolerable limits.

In short, IBA leaders and their constituents recognized the paradoxical box that now confines them. It was described as a clear case of "put up or shut up."

Either there is agreement to join forces with the Federal Government in its efforts to curtail alleged "abuses," or else repudiate all the critical preachments of the past 16 years—and thus take whatever consequences might result.

In its present draft form, the Treasury's restraining bill, while generally concise in its denial of the tax-exempt privilege to industrial aid bonds, is vague on the other two areas of alleged abuse—arbitrage and advance refundings.

Treasury officials say present provisions in the bill would deny advance refundings offered more than two years before the maturity date of the outstanding bond issue to be refunded.

NOVEL APPROACH

In respect to the arbitrage question, the Treasury has suggested a novel approach, which would work in this way:

Should a city or town decide to issue bonds for the purpose of profiting through the reinvestment of proceeds in higher yielding Government securities, the Treasury would cooperate by offering the refunding governmental body a "special Treasury issue," bearing an interest rate identical to the rate carried by the securities to be refunded.

This device, if adopted in statute, would have the effect of eliminating unjustified profits. It might tend to dissuade localities from refunding solely to enjoy arbitrage profits.

A formal resolution by the IBA Board of Governors of the Treasury's legislative plans will be withheld until all preliminary requirements have been satisfied.

These include approval of the final bill to be sent to Congress as well as public affirmation of Treasury intent not to intrude further on the concept of tax free financing by local governments.

IBA officials recognize that a Treasury commitment could conceivably be short-lived, enduring perhaps no longer than the present Secretary's tenure of office. Nonetheless, industry leaders are convinced that this concession to Treasury demands, as detailed last summer explicitly by Secretary Fowler, constitutes a "cure that will not be suicidal."

[From the Daily Bond Buyer, June 7, 1967]

STATUTORY IMMUNITY SPARKS MFOA CONTROVERSY—CAN STATES TAX INTEREST ON U.S. BONDS?

(By Paul Heffernan)

CHICAGO, June 6.—The issue of tax-free industrial aid financing touched off a night debate of unprecedented professional scope at the annual conference of the Municipal Finance Officers Association of the United States and Canada here this week.

As a result, the Association membership will be called on tomorrow to pass on a series of policy statements that in part reflect disagreement with the recent decision of the governors of the Investment Bankers Association of America to go along with Treasury-sponsored legislation that would disallow tax exemption on such bonds by classifying them as non-government bonds.

SCHANCK IN DEBATE

The night debate pitted Frank Schanck, the Bacon Whipple and Co. partner who is slated to be the next president of the IBA, against a battery of some of the nation's most prominent lawyers specializing in the accreditation of local government debt securities.

While expressing agreement in general with Mr. Schenck's position that the issuance of tax-free local government bonds by industry is an occasion for financial abuse the lawyers were as one in insisting that once the issuance of such securities has been authorized by state law or constitutional warrant and upheld in the courts of the issuing state "it is not the function of the lawyer to say—we disapprove."

The debate unfolded at a meeting of MFOA's Liaison committee to the IBA. The American Bar Association and The Municipal Forum of New York. Moderated by E. Lynn Crossley, city auditor of Dallas, Texas, the meeting disposed of the issue finally by approving a four-point statement of policy proposed by George N. Shaw vice-president of Wainwright and Ramsey, Inc.

FOUR POLICY STATEMENTS

The Shaw proposals were formalized into four separate policy statements that are to be presented to the MFOA membership for a vote.

One proposal represents a formal dissent from the recent "broadening" of the IBA stand against the recent IBA endorsement of the Treasury's move to regard bonds issued by local governments to aid private industry or to earn market arbitrage profits as non-public securities and therefore non-tax-exempt.

Instead the MFOA membership will be asked to oppose "any incursion on the immunity from Federal taxation of state and local government obligations issued for any lawful purpose."

The other points of policy reaffirm the MFOA's opposition to the issuance of tax-free industrial aid bonds to aid private manufacturing businesses as well as opposition to local government financing operations intended to make market profits or carry out advance refundings for reasons other than disposing of unduly restrictive bond indentures.

DISSENT FROM IBA STAND

The attorneys who dissented from the IBA's recent acquiescence to the Treasury's newest position on industrial aid and arbitrage profit financing were Lorens F. Logan of Wood, King, Dawson and Logan; Frank E. Curley of Hawkins, Delafield and Wood, John T. Trimble of Nixon Mudge Rose Guthrie Alexander and Mitchell; A Bryce Huguenin of Dumas, Huguenin and Boothman; Robie L. Mitchell of Mitchell, Pershing, Shetterly and Mitchell; Leo A. McCarthy of Reed, Hoyt, Washburn and McCarthy; Daniel B. Goldberg, associate counsel, Port of New York Authority, and Edward Edelman, finance officer, Department of Health Education and Welfare, Washington, D.C.

The debate took a startling—if only momentary—twist when the question came up as to what might happen to the concept of the reciprocal tax immunity of the state and Federal governments if the Treasury should succeed in its present effort to disallow tax exemption to certain kinds of local government bonds.

Mr. Schanck insisted that "every new $100 million of industrial bonds sold is another nail in the coffin" of tax exemption for local government bonds.

STATES COULD RECIPROCATE

But Mr. Logan pointed out that if the reciprocal tax immunity betwen the state and Federal governments were to break down, local government would be a gainer as well as a loser. He pointed out that if the Federal Government could tax the bonds of the states and their subdivisions, the states in turn could tax the bonds of the Federal Government.

The states, Mr. Logan said, could call on the U.S. Government to give up its immunity through a constitutional amendment, "Once the states could tax the income on Federal Bonds," Mr. Logan said "they wouldn't have to go to Washington for financial handouts or be told how to use them."

An effort was made by Mr. Goldberg to have the liaison conference approve a policy statement endorsing the stand of the Advisory Commission on Intergovernmental Relations that tax-free industrial aid financing be restricted to proposals aimed at relieving unemployment or other special situations fraught with economic distress or other distressful local, economic problems.

TRIBUTE TO GENERAL WESTMORELAND

Mr. CANNON. Mr. President, recently the Nevada State Aerie, Fraternal Order of Eagles, forwarded to me a resolution, passed in a recent State convention, conveying the congratulations of their membership to Gen. William C. Westmoreland for the valiant efforts which he, his officers, and men are performing for all Americans in their very difficult position in Southeast Asia.

This venerable fraternal organization has called on all Americans to note the patriotic efforts of their countrymen, and to condemn the excesses and acts of violent exhibitionism expressed by a minority of Americans who seek to convey to the world that our efforts in Southeast Asia are beyond the pale of sound American foreign policy.

I ask unanimous consent that the resolution adopted recently in Lovelock, Nev., by the Fraternal Order of Eagles and forwarded to me by State Secretary Edwin Johnson, be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION 8

Congratulations to General William C. Westmoreland, his staff and men under his command from the Nevada State Aerie of the Fraternal Order of Eagles.

Whereas: General W. C. Westmoreland has most effectively made clear his feelings concerning some of the unpatriotic acts, which have been taking place in our country.

Whereas: Let it be known to all parties concerned that these acts of violence against the symbols and the principles which made this country the strongest compassionate power in history, are in no way condoned by the Fraternal Order of Eagles or any true American.

Be it resolved: it is very comforting indeed to know that you are being backed up by the people you are defending. So this vote of confidence and support will be ended by saying "Continue with the same vigor over there and We Americans shall defeat the cancerous enemy at Home.

Be it further resolved: That the State Aerie Secretary send a copy of this resolution to General William C. Westmoreland, and to the Grand Secretary of the Fraternal Order of Eagles, to be presented at the Grand Aerie Session.

This resolution was accepted May 5, 1967, Lovelock, Nev.

HAROLD B. MILLER,
Chairman.
CHARLES C. STANLEY,
RAY O. JOHNSON.

CONCERN OVER THE DOMESTIC SILVER SITUATION

Mr. CANNON. Mr. President, the dramatic events affecting the silver price on the domestic and world markets have been much in the news of late.

Our Treasury Department is making a desperate, last-minute attempt to bring a sense of calm to the situation, but, unfortunately, the silver traders sense that we are in a buyers' market and faced with a diminishing supply and rising consumption, the speculators are making the most out of this long-awaited and predictable opportunity for profit.

I am not concerned with the daily fluctuations of the price of silver, but I am concerned with the future as it affects the position of the United States relative to this highly important and strategic metal.

It seems frighteningly clear to me that within a year we will be sorely pressed to meet our national defense needs for silver in this country. Already my colleagues have reported to the Senate that silver produced in this country is bringing a price not of $1.29 per ounce, but $1.71½ on the foreign market. Canada has viewed this situation seriously enough to restrict the amount of silver leaving that country, and requires that export permits be issued for the outgoing flow.

I have waited in vain for some realistic program that might be advanced by our Treasury Department. Unfortunately, the administration seems not yet ready to take steps to conserve our diminishing supply and provide for the needs of the future through industry incentives and other inducements which would encourage producers.

We face a ludicrous position in which the have-not nations of the world will not even expend their hoarded silver for desperately needed foodstuffs. They will trade on credit but will not relinquish an ounce of their silver. All the while our policy proceeds along blindly, geared to the bygone era when the silver supply was inexhaustible.

So, I take this opportunity to remind my colleagues, and the Treasury Department, that time is running out for any and all corrective measures. Steps must be taken now to build a strategic silver stockpile in this country to meet our defense needs and to provide for our future requirements.

INCREASED SOCIAL SECURITY BENEFITS

Mr. BROOKE. Mr. President, it is an honor for me to present, on behalf of myself and the senior Senator from Massachusetts [Mr. KENNEDY], a resolution adopted by the Massachusetts House of Representatives.

I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS RESOLUTIONS

Resolutions memorializing Congress to enact legislation increasing social security benefits

Whereas, In the United States of America, a land of plenty, our Nation owes a debt of gratitude to our senior citizens, who have labored in the vineyard and are now enjoying a well deserved retirement; and

Whereas, Because of the high cost of living many of our elderly, living on social security benefits, are denied many of the necessities of life; and

Whereas, President Lyndon B. Johnson recognizing this problem has recommended an amendment to the social security law, providing for an increase in benefits, which increase would help to alleviate the cost of living burden of our elderly depending on such benefits; therefore be it

Resolved, That the Massachusetts House of Representatives respectfully requests the Congress of the United States to enact legislation as proposed by President Johnson providing for an increase in social security benefits; and be it further

Resolved, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the presiding officer of each branch of Congress and to each member thereof from this Commonwealth.

House of Representatives, adopted, June 1, 1967.

WILLIAM C. MAIERS,
Clerk.

GENERAL HESTER ON THE WAR IN VIETNAM

Mr. HARTKE. Mr. President, a great deal of attention has been given in various quarters to the speech by Gen. David Shoup, the retired Commandant of our Marine Corps, in which he expressed himself most vigorously on our Vietnam policy—a speech which appeared in the CONGRESSIONAL RECORD at my request on February 20, 1967.

General Shoup is not the only military man who questions our involvement there. Another is Brig. Gen. Hugh B. Hester, U.S. Army, retired, whose service goes back to World War I, in which he was decorated for gallantry in action by both the French and United States Governments. He was also decorated in World War II with the Distinguished Service Medal and the French Legion of Honor, retiring in 1951. Since that time he has devoted his efforts primarily to lecturing and teaching in the field of international relations.

The Eagle's Eye is a small monthly publication which for the last 4 years has been produced in Noblesville, Ind., by the Aquola Press, and for which General Hester, as a friend of the editor, Melford Pearson, has written on various occasions. The April 1967 issue contains an article in which General Hester discusses his dissenting view on our Vietnam policy in very positive terms, warning that if the war is not halted we face the "supreme disaster of world war III" if our actions lead to drawing China into military effort against what he viewed as U.S. "aggression."

Mr. President, I ask unanimous consent that this article may appear in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STOP JOHNSON'S WAR OF AGGRESSION NOW OR FACE SUPREME DISASTER OF WW III

(By Hugh B. Hester)

Contrary to official propaganda and that of the traditionally conservative U.S. mass information media, Mr. Johnson failed, in his recent Ho Chi Minh letter to offer suitable terms for peace negotiations. For example, the President did not propose a cease-fire for all of Vietnam, he did not offer to stop U.S. military aid and that of his foreign satellites to the Saigon quislings, or promise to remove U.S. and foreign satellite bases and forces from southeast Asia. Instead, he merely promised to stop bombing North Vietnam if and when he felt assured that the North Vietnamese had ceased all aid to the National Liberation Front (Viet Cong).

Naturally, Ho Chi Minh and his colleagues could not accept these terms. To have done so would have meant the unconditional surrender of the Vietnamese struggle for freedom and independence from foreign rule which has been going on for more than a 100 years: First, against Colonial France, then against Imperialist Japan, Colonial France again and now Imperial Washington. Furthermore, acceptance of Mr. Johnson's terms would have meant the betrayal of the Vietnamese, living and dead, who have fought for freedom and independence over the past century.

In refusing to report truthfully the above deficiencies in the Johnson letter to Ho Chi Minh, the mass information media signally failed to properly inform the people on this vital subject. Accurate and adequate reporting of vital information to the people in a *free society* is the *first responsibility* of the mass information media. Another example of mass information media failure to properly inform the people of the U.S. was and is its refusal to identify those responsible for the war in Vietnam.

The *Johnson administration,* not the *North Vietnamese government,* is the *aggressor* in Vietnam. According to Senator Gruening and Morse and many other distinguished statesmen and scholars, the Eisenhower administration, under the direction of the late John Foster Dulles and through its appointed puppet, Ngo Dinh Diem, invited itself to intervene in Vietnam. Even before this, however, the Truman administration had involved the U.S. Government in Vietnam by financing 80% of the cost of the French colonial war against the French Indo-Chinese people, 1945–1954. And this clearly makes a mockery of Mr. Johnson's claim that his administration is fighting for the freedom and independence of the Vietnamese people.

No group representative of the Vietnamese people, north or south, has ever asked any U.S. administration to intervene in Vietnam despite the massive propaganda to the contrary. Robert Scheer and Walter Hinckle make this quite clear in a scholarly and thoroughly documented article, *The Vietnam Lobby, July, 1965* issue Ramparts magazine. And the Johnson claim that the Eisenhower administration made a *bona fide* military commitment to the Saigon quislings is also apparently false. According to the NEW YORK TIMES, August 18th, 1965, the General denied he was even talking about military aid.

Nevertheless and most unfortunately, successive U.S. administrations since WW II, through manipulation, intrigue and deception, have succeeded in involving the people of the United States in a bitter, cruel and disastrous war against the Vietnamese people (See Senator J. W. Fulbright's recent book, *The Arrogance of Power,* a Random House publication). The net result of these machinations, carefully concealed from the American people, is that the Johnson administration must, if it really wants to make peace, repudiate the Hitler-loving General Ky and Co. (Really a fig-leaf to hide its own nakedness.) It must agree to a cease-fire for all of Vietnam; it must arrange, preferably through an international conference, to withdraw its military forces, those of its foreign satellites; and abandon all foreign bases in the area. And it must do these things soon, or fight China and probably the other socialist states, including the Soviet Union.

President Johnson must not, under any circumstances, be permitted to repeat the errors of General MacArthur in Korea. Yet, the propaganda attempt of his administration, the War Hawks and the generally pliant mass information media to prove that China is currently involved in a disastrous civil war suggests that he may be planning to follow the General's course. Information from China and other reliable sources convinces me that the Chinese Cultural Revolution is not even remotely related to civil wars typical of the West. There has been little physical violence and Mao Tse-tung's popularity and prestige have increased.

The Chinese Cultural Revolution, according to my research, has two immediate and primary purposes. The first is to remove from positions of power and influence all known or suspected quislings. The second is to raise to the highest possible pitch the revolutionary spirit of the masses in order to withstand the staggering personnel and material losses if and when the war escalates into China. There is in addition, of course, the widely announced long-term purpose of preventing a return to capitalism.

The Cultural Revolution in China, according to this analysis, is not a weakening process, as U.S. propaganda claims, but a cleansing, revitalizing and strengthening process. The above are, I am convinced, the real purposes of the cultural revolution. And my studies indicate that these purposes are already being achieved. China's 700 million people will therefore fight, as Walter Lippmann has repeatedly pointed out, before they will permit North Vietnam, a core interest of China, to be destroyed. They fought when much weaker to defend China's core interest in North Korea, 1950–53. And they will, I believe, fight even harder to defend North Vietnam.

The tragedy of war with China can, I believe, be avoided along with the even greater probable tragedy of WW III. To avoid this war, however, the war in Vietnam must be ended promptly and without a U.S. military victory. The United States Congress can, and should, end it by refusing to appropriate additional funds, by revoking those already appropriated and by abolishing military conscription now. But the Congress will not do these necessary things unless a massive and thoroughly aroused public, actively and militantly, demand them. And the public will not actively and militantly demand an end to the illegal, immoral and genocidal war of the Johnson Administration unless the mass information media accurately and adequately report the facts.

I am under no illusion that these things will be easy to achieve, but there is, I am convinced, no shortage of real patriots in the United States. Unfortunately, they have too long permitted what Senator Fulbright calls the "Patrioteers" to push them aside. As a result the former world image of the United States as a decent, moral and peaceful nation has been largely destroyed by the continuous efforts of the U.S. power elite since WW II to rule the world (See Gar Alperovitz's book, *Atomic Diplomacy: Hiroshima and Potsdam,* a Simon and Schuster publication.)

The Johnson aggression in Vietnam is merely the latest, the most cruel and cowardly manifestation of this global grab for power It is therefore at least as important, it seems to me, that the Johnson aggression in Vietnam fail as it was that the Hitler aggression in Europe fail. For a successful Fascist America—and certainly a series of successful aggressions such as the recent one in the Dominican Republic will make her a Fascist state—will have the power to destroy the world and therefore pose a greater threat to man's survival than a successful Nazi Germany, which did not possess this dreadful power, would have proved.

This is why I believe it is imperative that the people of the United States stop the Johnson war of aggression in Vietnam now, before a military victory in Vietnam can become fixed Johnson policy.

RECESS TO 10 A.M. MONDAY

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 o'clock Monday morning next.

The motion was agreed to; and (at 6 o'clock and 53 minutes p.m.) the Senate recessed until Monday, June 19, 1967, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 16 (legislative day of June 12), 1967:

DEPARTMENT OF JUSTICE

Warren M. Christopher, of California, to be Deputy Attorney General, vice Ramsey Clark.

U.S. MARSHAL

Frank Udoff, of Maryland, to be U.S. marshal for the district of Maryland for the term of 4 years (reappointment).

HOUSE OF REPRESENTATIVES

FRIDAY, JUNE 16, 1967

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Hear, O Lord, when I cry with my voice: have mercy upon me and answer me.—Psalm 27: 7.

O God, our Father, who art from everlasting to everlasting, strengthen us and steady us in this shaken world. Though circumstances change, help us to keep our hands in Thine, and our faith in Thee firm with a deepening trust and a growing confidence.

Deliver us from small concerns about ourselves, from majoring in minors, from being torn by trifles, and help us to think great thoughts, to act from great motives, and to live by great deeds. Thus may we continue to keep our Nation great in might and in spirit.

We wait upon Thee for the benediction of Thy grace to free us from fear and futility, to quicken our spiritual life, to exalt our hopes for our country, and to deepen our faith in righteousness, good will, and peace.

In all things keep us close to Thee. In the name of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1577. An act to complement the Vienna Convention on Diplomatic Relations.

PERSONAL ANNOUNCEMENT

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. JONES of Missouri. Mr. Speaker, since the Members of the House were denied the opportunity of having their votes recorded when final action was taken on House Joint Resolution 559 yesterday, I am taking this opportunity to announce and to have it appear in the RECORD, so that there will be no question about what my position was on this legislation, that I voted against the Pepper amendment, because I thought it was a dilatory act, avoiding responsibility, and designed to postpone a responsibility we should be facing up to. I voted in favor of recommitting the bill. Then I voted against the final passage of the joint resolution. Of course, these were all voice votes, and unfortunately the RECORD does not show even the number who stood, indicating their support for a recorded vote. Just another instance where the RECORD fails to reflect the true record of what transpires on the floor of the House.

May I also add it is difficult for me to understand why so many Members appear so anxious to avoid being recorded on legislation involving principles which were so vigorously debated for 2 days and yet appear to be anxious to be recorded on noncontroversial issues, such as the Defense Department appropriation bill, also passed this week, with only one dissenting vote.

NASA AND THE MILITARY

Mr. RYAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, I have been greatly concerned about a proper definition of programs and benefits by the space agency so that intelligent decisions may be made concerning national space objectives. Of particular interest is the issue of military considerations and possible application of NASA's efforts and expenditures to the national defense. This issue has been raised by NASA on several occasions.

On April 19, for example, while making a case for the immediate production of flight hardware for the Nerva nuclear rocket engine, Dr. Adams told the Advanced Research and Technology Subcommittee:

> In addition, of course, this rocket will have other applications as well. We do know something about what the Soviets are doing and it is unfortunate we can't discuss that part of it here . . . because of the classified nature.

On April 5, James Webb said in a nationwide TV interview:

> We wanted a complex that included Huntsville, the assembly plant at New Orleans, the Mississippi test, the Houston spacecraft and the Cape for the launching site. We wanted this complex so that if we ever had to fly big military payloads on these big boosters here was an integrated system and the industrial system in the country could flow the materials toward this system.

In line with my concern, I directed a letter to the Secretary of Defense on May 18 asking for a statement of his Department's position on the military significance of NASA's space program. I received a reply of May 31.

Regarding the Nerva nuclear rocket engine, the Defense Department letter, signed by the Director of Defense Research and Engineering said:

> The Department of Defense has no identifiable requirement currently or in the foreseeable future for such a nuclear rocket engine.

The letter later said:

> The majority of industrial facilities and government installations which support the Department of Defense space activities also support the NASA space program. I do not believe that any special network of NASA space installations is necessary to assure that industrial input will flow with ease from all portions of the country into such plants in the event of large scale military operations.

Again the Department of Defense offered:

> I feel that the main contribution of NASA's space program to Defense is in the technology being developed rather than in major items of hardware.

And finally:

> The DOD ballistic systems and technology programs, which have contributed heavily to NASA's space effort in the past, are expected to provide technology advancements of value to NASA in the future, particularly in such areas as guidance and control, upper stage propulsion, and reentry materials.

In the event that various Members of Congress may be considering NASA's potential military significance as relevant to their evaluation of NASA's budget requests, I thought it appropriate that I release both the text of the letter I received from the Department of Defense and my own letter of inquiry.

The full texts of both letters follow:

MAY 18, 1967.

Hon. ROBERT S. MCNAMARA,
Secretary, Department of Defense,
The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: There have been several recent references to the possible military significance of NASA's space program.

Two points are most prominently mentioned: (1) That military (classified) considerations lend urgency to the immediate production of NERVA engine flight hardware for testing, and (2) that it is desirable to have a network of space installation across the country so that in the event of large scale military operations, industrial input could flow with ease from all portions of the country into NASA's plants.

I specify these points, but I am also interested in the Department of Defense position toward the entire concept of NASA's military importance, if any. It would be useful to consider separately such questions as surveillance and weaponry, as well as to have an overall view of NASA's actual impact on our defenses.

I will be most grateful for your assistance in spelling out your Department's position on these matters at the earliest possible time.

With best regards,
Sincerely,

WILLIAM F. RYAN,
Member of Congress.

DIRECTOR OF DEFENSE
RESEARCH AND ENGINEERING,
Washington, D.C., May 31, 1967.

Hon. WILLIAM F. RYAN,
House of Representatives,
Washington, D.C.

DEAR MR. RYAN: The Secretary of Defense has asked that I reply to your letter dated May 18, 1967, in which you request the Department of Defense position relative to certain aspects of NASA's space program.

The first point you mention relates to the need for the NERVA engine for military purposes. The Department of Defense has no identifiable requirement currently or in the foreseeable future for such a nuclear rocket engine. We will, of course, continue to examine the technology developed under NASA's nuclear engine program for possible military application.

In regard to your second point, we do of course have a substantial industrial base which currently supports our Defense efforts. Our military space systems are an integral part of our national defense posture. The majority of industrial facilities and government installations which support the Department of Defense space activities also support the NASA space program. I do not believe that any special network of NASA space installations is necessary to assure that industrial input will flow with ease from all portions of the country into such plants in event of large scale military operations. Should the need arise, the flow you suggest can readily occur within our present industrial structure.

I feel that the main contribution of NASA's space program to Defense is in the technology being developed rather than in major items of hardware. I believe that NASA's research and technology programs contribute substantially to the nation's industrial capability. The Department of Defense of course draws on this capability to provide more effective space systems to enhance our military capability. Technology contributions from NASA programs in areas such as spacecraft power supply, life support, and attitude reference and control subsystems, for example, have been utilized in DOD space systems.

Questions of surveillance and weaponry are military in nature. While much of the basic spacecraft technology developed by NASA could contribute to a space surveillance system, the contribution to a ballistic missile capability would be substantially less. In fact, the DOD ballistic systems and technology programs, which have contributed heavily to NASA's space effort in the past, are expected to provide technology advancements of value to NASA in the future, particularly in such areas as guidance and control, upper stage propulsion, and reentry materials.

I sincerely hope that these comments will be of assistance to you.

Sincerely yours,

John S. Foster, Jr.

LEGISLATIVE PROGRAM

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority whip as to the program for the rest of this week and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, it is my intention after announcing the program and after 1-minute speeches and the other unanimous-consent requests, to ask unanimous consent that the Speaker be allowed to declare a recess today pending the action of the other body with respect to the joint resolution which we adopted on yesterday. That is the balance of the program for this week. There is nothing else scheduled.

For next week, Monday we will have the Consent Calendar. Also we will have five suspensions. They are:

H.R. 611, to establish a Federal Judicial Center;

H.R. 10730, Older Americans Act Amendments of 1967;

House Joint Resolution 601, temporary extension of emergency provisions of urban mass transportation program;

H.R. 480, extending the act relating to the acquisition of wet lands for conservation of migratory waterfowl; and

H.R. 482, authorizing an increase in fee for migratory bird hunting stamp.

On Tuesday we will have the Private Calendar, which is to be followed by the conference report on the draft bill, S. 1432, extension of Universal Military Training and Service Act. This will be followed by H.R. 10480, to prohibit desecration of the flag, which will be heard under an open rule with 2 hours of debate. This will be followed by H.R. 2082, to authorize travel, transportation, and education allowances to members of Armed Forces for dependent schooling, with 1 hour of debate and an open rule.

On Wednesday we have the increase in the public debt limit. This is subject to a rule being granted and a report being filed.

On Thursday we have H.R. 10340, the NASA Authorization Act of 1968, which is also subject to a rule being granted.

The gentleman from Maryland [Mr. Friedel] tells me that there are several resolutions from the Committee on House Administration of a noncontroversial nature which he hopes to bring up on Monday or Tuesday.

Also, this announcement is made with the usual reservation that conference reports may be brought up at any time and any further program will be announced later.

Mr. GERALD R. FORD. Can the gentleman from Louisiana inform the Members what the situation may be as far as a session tomorrow is concerned?

Mr. BOGGS. I can only speculate. My guess is that there will not be a session tomorrow, but as of now we are unaware as to whether or not the other body will request a conference on the resolution we passed only yesterday. Of course, it is conceivable that they could request a conference and conferees could be appointed and the conferees could meet and the conference report might be available by tomorrow. My own guess is that will not be the case.

Mr. GERALD R. FORD. I thank the gentleman.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

MAKING IT IN ORDER FOR THE SPEAKER TO DECLARE A RECESS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess, subject to the call of the Chair, at any time today.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ANTIRIOT LEGISLATION

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Gurney] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GURNEY. Mr. Speaker, today I am joining with several of my colleagues in introducing a resolution calling for action on the antiriot bill. This legislation was passed in the form of an amendment to the civil rights bill last year by a vote of 389 to 25 in this body. Yet the Judiciary Committee has not acted upon the legislation.

Warnings of "a long hot summer" spread across the land, and already we have seen violence in three of our cities. While the antiriot legislation does not pretend to be the cure for all violence in our streets, it does outlaw professional agitators who move from place to place inciting riots and disturbances.

The people of this country want and desire relief from the fear that lives in the streets of our cities, both North and South. They want and desire agitators like Stokely Carmichael, to be dealt with promptly and firmly.

Through the antiriot legislation, investigative authority would cross State lines, and the power to prevent violence and destruction would not be confined to State and local authorities. Most essential, it would allow the Nation to deal with what is a national problem, not just the affair of one State or city. The actions of the professional riot inciters threaten the life and property and rights of every American, whether he lives in the largest city or the quietest small town. None of us is safe.

I feel, Mr. Speaker, that this House has a responsibility here and that we have been prevented from fulfilling it. We should now have the opportunity to consider this legislation on its own merits, which are many, and show the Nation that we are not afraid to stand up to the people who advocate and work for the destruction of our homes, businesses, and lives through violence in our streets.

I urge the adoption of the resolution calling for House action on the antiriot bill.

GALLANT ISRAEL

The SPEAKER. Under previous order of the House the gentleman from New York [Mr. Ryan] is recognized for 15 minutes.

Mr. RYAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, today there is a frail and tenuous armistice in the Middle East. Having achieved a spectacular military victory, Israel has good cause to fear that she may lose the peace.

The recent hostilities against Israel were the latest in the past 20 years during which the Arab nations have considered themselves in a state of permanent war against Israel. Three times since her difficult birth in 1948, Israel has shown the ability in such circumstances to repulse aggressive incursions, as she did so heroically last week.

Israel has neither the means nor the will to destroy her Arab neighbors. One need only speculate in horror about what might have occurred had the military balance tilted the other way. Israel's strength and determination saved the situation. Now an enduring peace must be constructed.

The Arab States believe that the longer they delay meaningful negotiations, the greater will become the pressure for Israel to accept something close to the status quo ante. In 1956 Israel bowed to diplomatic pressure in exchange for promised diplomatic guarantees and returned to her 1949 frontiers, only to have the use of the Suez Canal denied to her, border harassment continue, and finally, when Nasser felt strong enough, the Gulf of Aqaba blocked and the call of "holy war" raised against her.

The gallant nation of Israel must never be so threatened again.

The United States, as a world power and as a friend of Israel, has a historic opportunity to use its influence toward achieving a permanent settlement. We had this chance in 1949; we had it in 1957; if we pass it up in 1967, in all likelihood we shall be confronted with another Middle Eastern war in 1977, when resentments are deeper and weapons stronger.

In this era of cold war there have been too many armistice agreements and too few settlements.

Mr. Speaker, the proceedings of the United Nations during the past weeks were cause for grave disappointment. The U.N. emergency force was withdrawn from the Gaza strip and Sharm el-Sheikh without consultation and with most serious consequences. The Security Council debates consisted of the hurling of charges and countercharges, the venting of anger, with little cooperative diplomacy.

Nevertheless, let us not forget that the existence of the United Nations provided the vehicle for an early cease-fire, that Syrian and Israel commanders came to agreement in United Nations headquarters in Quineitera, and that in this atmosphere of mutual hostility and suspicion the United Nations aegis still offers a hope for the initiation of direct negotiations.

This crisis has again demonstrated that the United Nations cannot play a useful role unless it is supported by the great powers.

Mr. Speaker, the Soviet Union must be made to realize that a settlement in the Middle East is in the Soviet interest as well as in the interest of world peace. The Soviets made a grave tactical and diplomatic blunder when they encouraged Nasser's designs. It is deplorable that the Soviets have continued on a dangerous course, risking a wider war. They must cease to supply arms to the Arab nations.

If a stable and peaceful Middle East is in the interest of ourselves and the Soviet Union, it is certainly in the interest of the principals. Political hatreds have obstructed the peaceful development of the waters of the Jordan. A million Arabs are in a state of semipermanent homelessness and hopelessness because of political hatreds. Poor countries have had to devote a burdensome portion of their resources to armaments, and each spiral of armaments has generated a new cycle of hatreds.

Mr. Speaker, since the partition agreement of 1947, Israel has been encircled by hostile neighbors.

Her fighting spirit has been forged through 20 years of a continuing struggle for survival as she has been subjected to a steady campaign against her very existence. The Arab States have done everything in their power militarily, politically, and diplomatically to destroy Israel. In defiance of international treaty obligations and of the Security Council resolution of 1951, Israel shipping has been denied the use of the Suez Canal; Arab States boycott companies which do business with Israel and ships which call at Israel ports. For 20 years Israel has lived with commando raids and terrorists acts knowing that only her strength prevented her destruction.

The Arab States are so bent on destroying Israel that they have even undertaken acts contrary to their own self-interest.

One and three-tenths million refugees are deliberately kept in a state of degradation and agitation because of the promise that they will one day return to Palestine. To the half million who have never seen Israel, home is the refugee camp; and resettlement is not accomplished. Refugee commando groups, such as the "Palestine Liberation Army," have been created.

In 1955 a plan to develop cooperatively the waters of the Jordan, which was agreed to by Israel and Arab technicians, was rejected by the Arab governments, only to spite Israel. In 1964 an Arab summit meeting sought to divert the Jordan, which would have retarded both Israeli and Arab development.

Mr. Speaker, if the hatreds, resentments, terrorism, and acts of both economic and military warfare of the past 20 years are to cease once and for all, then there must be direct negotiations between the Arab States and Israel. The details of a settlement are the responsibility of the parties, but the United States would be abdicating its responsibility if it did not use its influence to encouraging negotiations to begin.

As long as Israel feels that maintenance of her present positions is essential to her security, it is not reasonable to expect Israel to relinquish whatever territory she occupied at the time of the cease-fire until a peace settlement is achieved.

In order to achieve a just and enduring peace in the Middle East, there are certain objectives which must be met.

The most fundamental, and the key to any settlement, is the acceptance by the Arab nations of the reality of the existence of Israel. As Abba Eban said before the United Nations on June 6:

> The first of these principles surely must be the acceptance of Israel's Statehood and the total elimination of the fiction of its nonexistence. It would seem to me that after 3,000 years the time has arrived to accept Israel's nationhood as a fact. Here is the only State in the international community which has the same territory, speaks the same language and upholds the same faith as it did 3,000 years ago.
>
> A much more conscious and uninhibited acceptance of Israel's Statehood is an axiom requiring no demonstration. There will never be a Middle East without an independent and sovereign State of Israel in its midst.

Second, Israel must have access to international waterways. The closing of the Gulf of Aqaba was the act of aggression which precipitated the recent conflict. The right of innocent passage through the Strait of Tiran must be maintained. Also Israel must not be denied free transit through the Suez Canal. The right to use the Suez was guaranteed to Israel long ago, yet the promises have not been carried out. There must be an end to blockades and boycotts which interfere with peaceful commerce.

A peace settlement must guarantee the borders of Israel so that Israel will no longer be confronted with the infiltration of commandos, the shelling of settlements and the massing of invasion forces. The United States, the Soviet Union, and other nations must help both within and without the United Nations to guarantee the territorial integrity of Israel.

The Arab refugee question has persisted for years. Now is the time to resolve it. In the past Israel has offered compensation, but the Arab States have preferred to keep the refugee camps as a political issue rather than absorbing the refugees into the local economy. The United States, which has contributed the most to UNRRA, should insist that an effective plan be formulated for resettlement and compensation.

Mr. Speaker, the opportunity is at hand to resolve the problems which have festered for so long and to achieve lasting stability in the Middle East. This will require an end to the arms race and the concomitant tensions to which the Soviets have constantly contributed. It will require the cooperation of the great powers. It will require a long-range economic development concept for the entire region. In the final analysis, it will require a willingness on the part of the Arab States to live in peace—and that is all that Israel has ever asked—the right to live in peace. If the severe suffering and deprivation of the past 20 years is to be overcome, then this historic opportunity for a lasting peace must not be allowed to escape us.

APPOINTMENT OF CONFEREES TO S. 953, AMENDING FOOD STAMP ACT OF 1964

Mr. POAGE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 953), an act to amend the Food Stamp Act of 1964, with amendments of the House thereto, insist on the House amendments and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none and appoints the following conferees: Messrs. POAGE, GATHINGS, STUBBLEFIELD, BELCHER, and TEAGUE of California.

FEDERAL WATER POLLUTION CONTROL ADMINISTRATION: AN AWARD FOR THE WORST ADMINISTERED FEDERAL AGENCY OF FISCAL YEAR 1967?

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to extend his remarks in the body of the RECORD and include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CRAMER. Mr. Speaker, on April 25 and 26 of this year, the Subcommittee on Rivers and Harbors of the House Committee on Public Works, the committee on which I have the privilege of serving as the ranking minority member, held hearings on the progress of the Federal water pollution control program and its administration or lack thereof by the Federal Water Pollution Control Administration—FWPCA—an agency established in the Water Quality Act of 1965 within the Department of Health, Education, and Welfare—HEW—which agency was then abruptly transferred to the Department of the Interior by the President's Reorganization Plan No. 2 of 1966.

The Federal water pollution control program, those who favored the reorganization argued, had been plagued for some time by the lack of priority given to it within the Public Health Service. The 1965 act established the FWPCA as a separate agency within the Department of Health, Education, and Welfare to give it the organizational status which the committee and the Congress felt were required to effectively carry out the important Federal water pollution control effort.

But without even consulting the members of the committee which has legislative jurisdiction over this all-important program, the President of the United States shot up to Congress a reorganization plan, Reorganization Plan No. 2 of 1966, which, when effectuated, transferred the FWPCA from HEW to Interior.

During consideration in Congress of that reorganization plan, I and many other Members of Congress expressed serious concern over the possible effects this transfer could have on the overall administration of the program. We had thought, in setting up the FWPCA in the 1965 act, that everything was all right and that the program could then be administered smoothly and with adequate organizational status. Yet the President was determined to have still another agency-shaking transfer, and the reorganization plan was put into effect. This was done despite our cries that the FWPCA was going to lose competent personnel in this field where competent personnel is hard to come by. But "Oh, no!", said the administration spokesmen. We were assured by them in testimony before a subcommittee of the House Committee on Government Operations that everything was going to be rosy with the transfer, and that no one in FWPCA was discontent with the transfer, that the program would suffer absolutely no loss in effectiveness or efficiency.

Mr. Speaker, the testimony presented by the administration witnesses before the Subcommittee on Rivers and Harbors several weeks ago in response to inquiries by the subcommittee members surely reveals that the administration of this program is suffering—and suffering very badly. Some 60 percent of the PHS personnel are no longer with the agency.

In my seven terms in Congress and on the Committee on Public Works, I have never known of a Federal program of such importance as this one, and in which the administration has pushed so hard for "emergency" congressional increased authorization, being so badly administered. Perhaps it is not so much that the FWPCA heirarchy is badly administering the program as it is that they just are not administering period. It goes far beyond the shakeup which can naturally be expected by transferring an agency from one department to another. It is something much more than this.

Mr. Speaker, I say to the Congress that has acted decisively on Federal water pollution control legislation on many occasions that something is very, very wrong with the administration of this program, and I am not alone in this opinion. I believe I am joined in it by many of my colleagues on the committee and in the Congress, by countless State and local administrators, by engineering consultants in this complex field, and even by publications which concern themselves with water resources management.

On April 27, I inserted in the RECORD, on pages 11107–11108 thereof, an article from the December 8, 1966, issue of the Engineering News-Record, a most respected professional publication. That article showed the gross inefficiency in the administration of the program, in the area of construction of sewage treatment works.

Mr. Speaker, May 10 marked the anniversary of the effectuation of the transfer required by Reorganization Plan No. 2 of 1966. There were not any celebrations in the Nation that day on the effectiveness of FWPCA's first year under Interior. In my opinion, the progress of the program under FWPCA is little further along today than it was when reorganized last year. The agency itself is more poorly staffed and more organized than it was on May 10, 1966.

The hearings before the Subcommittee on Rivers and Harbors bear out everything that I am saying here today.

To further point out my contentions here today, Mr. Speaker, under unanimous consent, I include in my remarks at this point, an article from the Engineering News-Record of Thursday, May 4, entitled "Congress Ordered Fast Action, But—Pollution Agency Trickles Along." This article well points out the sorry state of affairs down at FWPCA.

As the article's opening paragraph points out:

> The Federal Water Pollution Control Administration (FWPCA) marks its first year in the Department of Interior next week, But in the words of one bitter official "there probably won't be a party because I doubt if we could organize one."

No one could have said it better than that, Mr. Speaker.

After asking for a $450 million authorization in fiscal year 1968 the President only required $2 million, giving it low priority, while increasing highway beautification from $80 million to $160 million, demonstration cities requested from about $100 to $615 million and OEO poverty by 25 percent.

This shows lack of reality in setting priorities.

This proves a downgrading of water pollution control.

This proves a downgrading of ongoing, proven, and necessary programs in order to finance new.

The article follows:

CONGRESS ORDERED FAST ACTION, BUT—POLLUTION AGENCY TRICKLES ALONG

The Federal Water Pollution Control Administration (FWPCA) marks its first year in the Department of Interior next week. But in the words of one bitter official "there probably won't be a party because I doubt if we could organize one."

Organization is a dirty word in the federal government's newest dirty water agency. Established by Congress 16 months ago as an arm of the U.S. Public Health Service in the Department of Health, Education and Welfare, FWPCA no sooner got its feet on the ground than it was shifted to Interior on May 10, 1966, under a presidential organization plan.

Secretary of Interior Stewart Udall predicted great things: "1966 will be the year of action in water pollution control."

But most of the action during the past year has centered on getting organized and helping the states get their water quality standards ready before the July 1 deadline. Many of the agency's other activities have suffered as a result.

Personnel is still one of the agency's biggest headaches. Of 326 commissioned PHS officers asked to make the transfer to Interior, 165 decided they'd rather fight than switch. The gap they left is not yet entirely filled.

The job of assistant commissioner for facilities, which carries the responsibility of the construction grants part of the program, is vacant. Mrs. Aleda Evans, former administrative assistant to FWPCA Commissioner Jame M. Quigley, is temporarily serving as legislative liaison officer.

About 22 of the 29 top men in FWPCA are still listed as acting assistant commissioner or division chief, because their jobs were reviewed and changed after the shift and, according to Quigley: "It took forever for us to write up the jobs and submit the new job descriptions to the Civil Service for approval."

With or without full job titles, many of the top officials may need a road map to find their way to work. The agency is perched in two buildings on Indiana Ave. and will probably need space in a third soon. The main building (called a fleatrap by one staff member and a firetrap by another) is a rented beehive of activity; maintenance men plane door bottoms so they clear the rugs; telephone men roam about to keep phones and moving staff members together.

The construction grants division is at full staff, but acting division chief Thomas Ferry wishes it wasn't. His section was slated to have a roster of 195, but that was when the agency expected to have a total staff of 2,800. When Interior ordered a freeze at 2,100, he was told to level off at 165. Earl J. Anderson, acting assistant commissioner for technical programs admits his staff isn't organized and says he expects to replace lost PHS people "in about a year."

And FWPCA still hasn't cut the silver cord. HEW still handles money matters for FWPCA, on a contract basis.

THE VIEW FROM CAPITOL HILL

Meanwhile, member of Congress chafe at the delays in the program. Rep. John A. Blatnik (D., Minn.), the key figure in guiding federal pollution control bills through the House, gets a steady stream of letters from his constituents complaining about FWPCA's lack of action in controlling pollution.

"I thought it might take them a year to organize, but they should be doing something while they organize," says Blatnik. "It seems to me that the work is cut out for all of us and I don't think we're getting the job done. I don't feel that all systems are going. Despite unanimous congressional action, a mandate if there ever was one, we seem to be at a standstill."

Blatnik's major concern right now is FWPCA's construction grant budget. The Clean Waters Restoration Act of 1966 calls for $3.9 billion in construction grants for sewage treatment plants spread over a five-year period starting with $450 million in fiscal 1968 (beginning July 1). The President's 1968 budget asks for only $200 million for construction grants. This is an increase of $50 million over 1967, but less than half of what Congress authorized. Blatnik called hearings of the rivers and harbors subcommittee of the House Public Works Committee last week to find out why FWPCA is willing to settle for less money.

Under intense questioning, Udall, Quigley and Interior Assistant Secretary for Water Pollution Control Frank C. DiLuzio testified that the effect of the cut will be more psychological than real. The entire 1966 appropriation has not been spent yet (and will carry over into 1967), they said, and there has been a slowdown in sewage treatment plant construction in the last year.

DiLuzio said that he expects the slowdown to continue during the first half of fiscal 1968. Then the grant awards should increase during the last half "perhaps at a rate equivalent to an annual rate of $300 million to $350 million."

Blatnik says he will probably ask Congress to appropriate that amount for the program, instead of the $200 million the White House requested.

Quigley, in the unusual position of fighting for a budget cut for his agency, has "serious doubts and misgivings that if they give us an increase over $200 million, we can spend it."

SLOWING DOWN

Most FWPCA officials admit that there has been a slow-down in federally aided sewage treatment plant construction during the past year.

"I would be surprised if there was not a slowdown," says Quigley who blames local greediness. "Suppose a community wants to build a $10-million treatment plant. If they apply now and get the grant, the most they will get is the top limit provided by the Water Quality Act of 1965, $1.2 million. But if they wait until after July 1, they can get $3 million or 30% for the same plant."

Others, particularly state and local officials say the slowdown can be traced directly to the water quality standards every state has to submit before July 1.

The problem is twofold. First, some states had trouble staffing their own water pollution control agencies with persons qualified to write the standards. While the federal government complains that some PHS officers were lured away from FWPCA by their state and local counterparts, the states complain that there aren't enough high-caliber men to lure.

Many state and local officials also complain that they cannot get the FWPCA to answer their questions. A major cause of fuzziness is the standards the states must establish for streams after the streams have been classified according to use. The states have no idea what amounts of dissolved oxygen, what coliform counts, etc., FWPCA will accept for each classification of water use.

New York Gov. Nelson A. Rockefeller, appearing before the rivers and harbors subcommittee last week, cited his state's problems in communicating with FWPCA. Last November, New York submitted a proposed classification, standards and implementation plan for the state's portion of the Delaware River.

According to Rockefeller, the plan was submitted only to get some sort of reaction from FWPCA. "We just wanted to know if it was good or bad so we could take their comments and apply them to the rest of the interstate waters in New York," he said. "As of today, we have had no comments from them whatsoever on whether our criteria were good or bad."

Difficult standards—The problem of scientific standards is a big one and one that FWPCA was late starting on. According to Allan Hirsch, assistant commissioner for program plans and development, five national technical advisory committees, comprising 85 men, were organized last February. The committees will recommend appropriate scientific requirements for the various water classifications by July.

"It would have been great to have these committees organized and working a year ago," says Hirsch. "But getting 85 men together, setting up the committees and organizing the problem took time. In addition, our staff had to prepare something for the committees to work on. We couldn't have them sitting around a table staring at each other."

In the meantime, the states and regional FWPCA officials can make educated guesses, but until the committees report, no one really knows what standards are going to be acceptable.

Another problem contributing to the delay in standards-setting is the fact that all the water being classified is interstate. As Quigley says: "We can't pass judgment on one state's portion of a stream. We must know what other states up and downstream plan for the same water before we can approve or disapprove any plan. We are hard at work getting these states together."

FWPCA fully expects every state to have some sort of plan in the hopper by July 1, but that doesn't mean that work ends then. The standards still must be reviewed, and sent back to the states for more work if they are not approved.

With organizational problems and the standards to contend with, some of FWPCA's other activities have taken a beating:

Enforcement: A little over a year ago, Murray Stein (acting assistant commissioner for enforcement) and company were whipping around the country pouncing on local officials for allowing dirty water to exist in their rivers and lakes.

Since the shift to Interior, all has been relatively quiet on the enforcement front. Stein presided over four new enforcement hearings in the past year, but none involved a major stream or a large amount of cleanup money.

Officials admit that the enforcement team isn't making quite the splash it once did. Quigley says the agency is reluctant to be inconsistent by "on one hand urging states to set standards and on the other hand bringing in an enforcement team because they aren't living up to standards. We can't have it both ways."

Construction grants: The Construction Grants Handbook of Procedures, which will explain the new ins and outs of getting a grant from FWPCA, has not been completed. Construction grants chief Ferry says it will be finished in about a "month or so." Meanwhile, the HEW grants manual is still used, with some changes issued by phone and letter to update it.

When not working on the new handbook, Ferry worries about his staff. With only 165 men, he says his department has "lost some efficiency, is putting in some overtime without pay" and is "having problems keeping up with the inspections we make on construction projects financed by FWPCA."

He says the average 1.2 inspections per project per year has already caused trouble in at least one plant. (All plants must have a final inspection before FWPCA makes its final payment.) "This plant isn't operating properly," he says. "The effluent is not meeting standards. If we had inspected it sooner, perhaps we could have done something."

Many state officials, meanwhile, are losing some of the enthusiasm they felt when FWPCA was created and moved "out from under PHS." Says one disgruntled state man: "If we had not expected so much, we wouldn't be so disappointed now." Says another: "There was confusion before, and it's just as bad, or worse, now."

HIGHWAY BEAUTIFICATION

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CRAMER. Mr. Speaker, I take this time for the purpose of making certain the record is clear on highway beautification.

There has been some suggestion in the press and otherwise that differences relating to the problems of highway beautification have been resolved so far as the administration is concerned and so far as some of the members of the other party are concerned.

There has been a lot of back-door maneuvering and a lot of conferences—and, of course, the minority have not been included in on those recent conferences between Secretary Boyd, of Transportation, and Mr. Bridwell, Highway Administrator, and others.

We held hearings before the Public Works Committee at which there appeared over 100 witnesses and almost 97 percent of them opposed the act or the manner in which this act was being administered today.

This matter has not been resolved so far as the minority is concerned. We negotiated on the staff level for some 6 weeks before the hearings but found the administration adamant in opposing any change in the act to make it either reasonable or workable. No change in the act is still its position.

Second. There has been too little attention given to the fact that this is a new program, not yet tooled up and not necessarily a high priority item of spending as compared to other needs in ongoing programs and when we now know that next year's deficit could be as high as $29 billion—something has to be put on the shelf.

I suggest maybe that this is candidate No. 1.

Third. Little has been said with regard to title III which is nearly 65 percent of the cost of the total program which permits the purchase of all types of "beautification" off or outside the right-of-way. The underestimated cost of the minimal 10-year total program is $2.3 billion and the largest alternative program $4 billion. This $4 billion is exclusive of the "scenic roads and parkways" recommendations of the President's Council on Recreation and Natural Beauty dated December 3, 1966. Sixty-five percent of this is for title III.

I place in the RECORD, of recent date, a definition of what they intend to or what is qualified for purchase under title III. I repeat that definition as continued in the Bureau of Public Roads instruction manual to the States in estimating the cost of title III. That manual includes the following identification of such strips:

> Normally, any such strip would be expected to include or be outlined by some natural feature that would contribute to the general appearance of the highway or to the interest and natural scenic view of road users. Obvious cases would be a strip of sizeable timber or interesting natural shrubs, vines, etc., along the highway, a rockoutcropping, a lake, a valley or mountain of size and type to attract attention, a stream bed providing the attraction of flowing water in nearby view, or a pastoral scene looking out over a wide expanse of open land, likely in agricultural use, or a narrow land area between a highway and a water course or shore.

I would suggest to all Members that they should take a good look at this and see where 65 percent of this beautification money—$160 million in fiscal year 1968 and $220 million in fiscal year 1969—is likely to be spent: buying up beautiful lakes, mountains, pastoral scenes, sizable forest strips, rocky formations that look pretty, hillsides, and other "natural scenic views" off the right-of-way of any Federal-aid highway and see whether or not this is where the taxpayers money should be spent at this time. This is a necessary question when we are being asked to increase the national debt limit by $29 billion to $365 billion and when even highway construction was cut back by $1.3 billion under 1967 funded authorizations by Presidential order and when $575 million of that is still "frozen."

Spending "sanity," priority setting, even in time of war, where art thou?

RECESS

The SPEAKER. The House will stand in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 24 minutes p.m.) the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 15 minutes p.m.

ADJOURNMENT UNTIL MONDAY

The SPEAKER. The Chair recognizes the gentleman from California.

Mr. MOSS. Mr. Speaker, I would like to announce to the Members that the Speaker has been informed that no action will be taken in the other body, at least on tomorrow or over the weekend, and accordingly I would ask unanimous consent that when the House adjourn today it adjourn to meet again at noon on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. DELLENBACK. Reserving the right to object, Mr. Speaker, I do so for the purpose of asking the gentleman to tell us about what is contemplated as to when we will adjourn and when we will reconvene.

Mr. MOSS. I would say to the gentleman we would adjourn today, to reconvene again on Monday at noon.

Mr. DELLENBACK. Is there any information the gentleman has as to any change in procedure from what the majority leadership indicated to us as to the program for next week?

Mr. MOSS. None whatsoever.

Mr. DELLENBACK. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. JOELSON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from California if there is definite assurance that there will be no railroad strike commencing at midnight Sunday?

Mr. MOSS. The gentleman can only give the gentleman the assurance which was read on the floor of this Chamber yesterday by the distinguished chairman of the Committee on Interstate and Foreign Commerce.

Mr. JOELSON. To the effect that so long as the matter is in conference there will be no strike?

Mr. MOSS. That is correct.

Mr. JOELSON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. JONES of Missouri. Mr. Speaker, reserving the right to object, since the chairman of the Committee on Interstate and Foreign Commerce is here in the Chamber, I wonder if he would give the House what information he has that there will not be a strike? I would like to know what that assurance is if he could give it.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. JONES of Missouri. I yield to the gentleman.

Mr. STAGGERS. All I can say to the gentleman is that it is the assurance I gave the gentleman yesterday.

Mr. JONES of Missouri. I would say to the gentleman I am sorry that I did not hear that assurance. Who was the letter from that the gentleman read?

Mr. STAGGERS. It was from the Railway Labor Executives' Association, and it is contained in the RECORD of yesterday, saying that so long as there is a conference between the two Houses there would be no strike.

Mr. JONES of Missouri. Does the gentleman consider that we have a conference now?

Mr. STAGGERS. Do I consider that we have one now?

Mr. JONES of Missouri. Yes.

Mr. STAGGERS. There has not even been a request for one.

Mr. MOSS. Mr. Speaker, if I might reply in response to that question, we do not have a conference because the other body has not acted to request one.

Mr. JONES of Missouri. I understand that, and that is why I am asking if the leadership can give assurance there will be a conference? I want to know what other assurance the gentleman can give, and what authority does the person who wrote and signed the letter have?

We were led to believe that unless we acted on this resolution, there was going to be a strike, and now we find that there is something else going on.

Mr. STAGGERS. I believe the gentleman is perturbed unnecessarily. I do not believe there is any responsible body in this Nation—especially labor—that would make the assurance there would be no strike, and then go back on that assurance on Monday.

Mr. JONES of Missouri. I want to know who made it.

Mr. STAGGERS. As I told the gentleman, it was a letter from the Railway Labor Executives' Association, and signed by Mr. Don Beattie, the executive secretary of that association.

Mr. JONES of Missouri. In other words, the administration—the leadership here in the House—were misinformed yesterday when we were told that we had to have this legislation?

Mr. STAGGERS. No. They were not. They were not because this letter was produced and introduced into the RECORD late yesterday evening.

Mr. JONES of Missouri. What I am saying is, in other words, since this letter came, somebody changed their mind?

Mr. STAGGERS. No, I would not say that the situation was such that the unions were free to strike at 12:01 on Monday morning—or, that is, Sunday night. But they gave us the assurance, which they did here, that there would be no strike if the resolution should be amended as long as the conferees were in session and the leadership acted in good faith.

Mr. JONES of Missouri. But the conferees are not in conference and that is why I am asking these questions. In other words, the thing is that we may have a situation where conferees will never be appointed and we may go on indefinitely, or until the unions forced the Government to seize the railroads.

I would like to know who is running this country—whether it is the railroads or the labor unions or whether it is the administration or the leadership in this House? I, for one, do not like the idea of labor leaders in this country telling the Congress of the United States and the President what they can or cannot do. I withdraw my reservation.

Mr. LENNON. Mr. Speaker, further reserving the right to object, I would be grateful to the distinguished chairman of the Committee on Interstate and Foreign Commerce if he would answer this question. He read a letter here yesterday in which he gave assurance to the Congress that if the bill was amended, as it was, and if it went to conference, as long as it was in conference they would protect—well, the transportation system you might say, and the integrity of the Congress you might say, by not striking.

Is the gentleman telling us now that he is broadening the terms and the language of that letter to assure the Congress, in spite of the specific language of the letter—is he assuring us that there will be no strike—if conferees are actually not appointed and in being—is he telling us now that we can be assured through his connection with the organized labor movement in this particular fight with the management of the railroads that there will be no strike, although there is no conference, and we do not know whether this matter will ever go to conference?

Mr. STAGGERS. I would like to answer that statement.

If the gentleman is reading that letter now, let him make his own decision what it says.

I am not going to make any statement as to what labor is going to do for 1 minute—or that I am their representative any more than I am a management representative.

I do not want anyone to read into my words anything except what is in this letter. I will read the letter and then the gentleman can make his own decision.

Mr. LENNON. That is very helpful and I thank the gentleman.

Mr. STAGGERS. I will tell the gentleman where it is.

It is on page 15906 of the CONGRESSIONAL RECORD and the gentleman can read this if he wishes to—because I am sorry, I cannot read it without my glasses.

Mr. MOSS. Mr. Speaker, will the gentleman yield to me and I will be pleased to read the letter to the Members of the House.

Mr. LENNON. I yield and I thank the gentleman very much.

Mr. MOSS. As the gentleman stated, this letter is to be found on page 15906 of the RECORD of Thursday, June 15, 1967, and it is addressed to the Honorable HARLEY STAGGERS and is as follows:

RAILWAY LABOR EXECUTIVES'
ASSOCIATION,
Washington, D.C., June 15, 1967.

Hon. HARLEY STAGGERS,
Chairman, Interstate and Foreign Commerce Committee, U.S. House of Representatives, Washington, D.C.

DEAR CHAIRMAN STAGGERS: A valid question has been raised by a number of the members with respect to the possibility of a railroad strike occurring before conferees could complete their work in the event S.J. Res. 559 should be amended.

I wish to advise you on behalf of the six shop-craft unions involved in this dispute that no strike action would be taken during the period of time required for the conferees to compose the differences between the measures adopted by the two Chambers.

We would be most appreciative if you would advise your colleagues to this effect.

Sincerely yours,
DONALD S. BEATTIE,
Executive Secretary.

If the gentleman will yield further, I would certainly say that it is my judgment that the letter would certainly comprehend and include the time that is necessary to effect the appointment of conferees, as long as that is a reasonable period of time.

Mr. LENNON. I thank the gentleman, and I ask my distinguished friend, the chairman of the committee, if his view of this is in accord with the views expressed by the gentleman from California?

Mr. STAGGERS. I will leave that up to the gentleman from North Carolina to make his own deduction. I read the letter and put it in the RECORD to let the Congress make its own judgment.

I did not interpret anything, and I am not trying to interpret anything. I said I had the letter, and I read it, and the gentleman can read it.

Mr. LENNON. Then the gentleman is not willing to give us his personal judgment on this just as the gentleman from California has?

Mr. STAGGERS. I would agree with my colleague, the gentleman from California, if you want my personal opinion.

Mr. LENNON. That is what I asked for, and I thank my colleague very much.

Mr. DELLENBACK. Mr. Speaker, reserving the right to object, will the gentleman from California yield for the purpose of an inquiry in this respect?

Mr. MOSS. The gentleman will be pleased to respond. The gentleman from Oregon has the time.

Mr. DELLENBACK. Mr. Speaker, do we interpret the position—that is, the position of the leadership of the majority party, not just the individual interpretation of the esteemed gentleman from California—to be that under the assurances which have been given to this Congress, if we now go into recess with the intention of meeting again Monday next, there will be no strike on the railroads prior to the time we come next into session?

Mr. MOSS. That would be a most inappropriate interpretation. I have not consulted with the leadership in an effort to arrive at their interpretation.

I have given the gentleman my interpretation. I think that the letter will fully support the interpretation I have placed, but I would not presume to give the assurances the gentleman seeks without appropriate opportunity for consulting. I think the letter must be read and construed by each Member as his own wisdom dictates.

Mr. DELLENBACK. Mr. Speaker, further reserving the right to object, is the gentleman or any other representative of the majority party in this House in a position to assure the Members of this House that it is the official position of the majority party that if we now concur in an adjournment at this time, there will be no strike between now and when we next come back into session?

Mr. MOSS. I think the gentleman, if he yields for purposes of response, asks in a more oblique manner what he asked before, and my answer would be the same.

Mr. DELLENBACK. Mr. Speaker, reserving further the right to object, is there any Member who is in a position to speak on behalf of the majority party for the information of those of us in the minority and for the information of the Members of the House, to give us further assurances or further interpretations of whatever communications have been received by the majority party that our action would be well advised, that is, to go into recess at this time or to adjourn?

Mr. MOSS. Will the gentleman yield for a further response?

Mr. DELLENBACK. I yield to the gentleman from California.

Mr. MOSS. I point out, Mr. Speaker, that the assurance that was given here does not come from the majority party. Rather, it comes from an organization known as the Railway Labor Executives' Association. It is under the signature of the executive secretary of that association.

The situation confronting the House at this moment arises because of the information conveyed to the Speaker of this House by the other body that it does not intend to act today, tomorrow, or on Sunday. In other words, no action will be taken until Monday. Therefore, the assurance we have is not from within this Chamber, but from an organization deeply involved. I think it was given in good faith. I would expect them, if they want me to accept their assurances in good faith, to meet the test of whether or not it is in good faith by having it cover the situation presently existing.

Mr. DELLENBACK. Reserving further the right to object, Mr. Speaker, I do not mean to engage in semantic quibbles on this, but I interpreted the gentleman from California as making it explicit in his remarks a few minutes ago that he was talking merely as one individual Member of this Congress, that it was his interpretation of the letter that it said certain things.

The inquiry that I direct to the majority is this: Is this also the interpretation of the leadership of the majority party that under the circumstances before us, in the light of the language of the letter which is in the RECORD, which has been received by the esteemed chairman of the Interstate Commerce Committee, it is now in accord with the interpretation of the gentleman from California?

Mr. MOSS. Mr. Speaker, will the gentleman yield further for a response?

Mr. DELLENBACK. Yes, I yield to the gentleman from California.

Mr. MOSS. The gentleman acting now as majority leader is in no more of a position to convey a precise statement on behalf of the entire majority party than the gentleman who is now acting as minority leader is in a position to convey any such commitment binding upon the minority party.

Mr. DELLENBACK. Reserving further the right to object, Mr. Speaker, is there any representative of the majority party who is in a position to add to the statement of the gentleman from California?

Mr. MOSS. There is none. I am assuming that the gentleman will yield at this point.

Mr. DELLENBACK. I yield to the gentleman from California.

Mr. MOSS. The gentleman acting in the role of the majority party spokesman in this House has given to the best of his ability and in good faith answers which he feels are responsive to the question.

They are the only answers that can be given.

Mr. DELLENBACK. Further reserving the right to object. Mr. Speaker, certainly I do not question the good faith of the gentleman from California.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield?

Mr. DELLENBACK. I yield to the gentleman from California [Mr. TEAGUE].

Mr. TEAGUE of California. I want to take advantage of this opportunity, when we have a little more time, if I may have the attention of the gentleman from California [Mr. Moss] to state that yesterday, when we had a few seconds per Member on an amendment, which was rejected—and this is really water over the dam—perhaps the gentleman from California [Mr. Moss] misunderstood my point. I merely wish to elaborate a bit, briefly.

I raised the objection to the then pending amendment, that it was totally impracticable and unworkable to try to work out freight trains consisting of perishable crops like strawberries, lemons, and oranges, and nonperishable commodities like roofing materials and other such products of my congressional district.

I believe the gentleman from California [Mr. Moss] misunderstood me. I well understand he is as much concerned about getting perishable crops to market as I.

My point at that time was that this was a very difficult, if not impossible, practical way to handle the makeup of the freight trains.

I just wanted to take a few moments to make that clear.

Mr. MOSS. Mr. Speaker, will the gentleman yield to me, so that I may respond?

Mr. DELLENBACK. I yield to the gentleman from California.

Mr. MOSS. I say to my good friend and colleague from California, I recognize fully the extremely difficult nature of the problem which has confronted us, the many dilemmas which have confronted us in the past few days. I had no feeling that the gentleman would attribute to me any conviction that he was attempting to obfuscate, or place upon me the onus of not having as much sympathy for agriculture in our State as he has.

Mr. TEAGUE of California. I thank the gentleman. My point is just to be sure that we understood what I was trying to get across yesterday.

Mr. MOSS. I fully understand.

Mr. DELLENBACK. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. HERLONG. Mr. Speaker, reserving the right to object, in connection with the interpretation of this letter, I seem to sense some equivocation today as to the meaning of the letter, in that no one wants to take responsibility. Yesterday in the debate I did not sense that equivocation at all. Everyone was determined there would not be a strike if the amendment was agreed to, so far as this measure is concerned.

I wonder if this is not some devious method where they are going around to try to maneuver the President into having to seize the railroads during this period of time.

Mr. MOSS. Mr. Speaker, will the gentleman yield for a response?

Mr. HERLONG. I am happy to yield to the gentleman from California.

Mr. MOSS. First I should like to ask the gentleman if he could give me the authority of the President to seize, absent congressional action.

Second I should like to read with emphasis the language of the letter and, as I have stated previously, give my own interpretation:

> I wish to advise you on behalf of the six shop-craft unions involved in this dispute that no strike action would be taken during the period of time required for the conferees to compose the differences between the measures adopted by the two Chambers.

It is my interpretation—an individual interpretation—that that clearly comprehends the time required to effect the appointment of conferees.

Mr. HERLONG. I thank the gentleman. That answers my question.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. FOUNTAIN. Mr. Speaker, reserving the right to object, I should like to ask the gentleman a further question.

The letter is clear to me. It is inconceivable to me that the unions in question would authorize a strike after having written that letter.

The only other question I will ask is, can the gentleman or someone connected with this legislation tell this body whether or not the author of that letter is a person who speaks with authority?

Mr. MOSS. It is signed by Donald S. Beattie, executive secretary. I would assume, therefore, that in this corporate structure he speaks with full authority for the members, or at least for the board of directors, that is, the directors or the top executives of the crafts involved in the dispute.

Mr. FOUNTAIN. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

AID FOR ABANDONED ARABIAN SOLDIERS

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. GERALD R. FORD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, our great country has always been dedicated to humanitarian principles. All Americans must have been profoundly moved, as I was, by recent news accounts and photographs of helpless Arab soldiers abandoned by their governments and wandering in the broiling desert sun. These men, surely, are not responsible for the folly of their leaders nor deserving of slow and horrible death after defeat in battle.

Therefore I applaud and support the step just announced by the White House, offering American aircraft to airdrop water to these unfortunate castaways. Let us hope that the Israel and Egyptian Governments will give their cooperation promptly, before the grim desert sun makes our mission of mercy moot. Personally, I would think emergency food and medical supplies as well as water should be provided.

While I remain adamantly opposed to the use of American aid to prop up such demagogic and discredited governments as Mr. Nasser's, I notified President Johnson by telegram today of my warm endorsement of this humanitarian step which accords with our highest religious teachings. Because it is moral and right, it is also good international politics for the United States at this critical juncture in Middle East and East-West relationships.

The text of my telegram follows:

> DEAR MR. PRESIDENT: I commend and support our government's offer of American aircraft to try and save the stranded Arab soldiers in the Sinai desert. It accords with our country's humanitarian and religious traditions and effectively answers President Nasser's big lie on the role of American planes in the recent war. My stated opposition to the use of American aid to prop up Mr. Nasser's demagogic and discredited regime does not preclude emergency measures to save soldiers it has abandoned in defeat. If they live, they might prove a leaven of realism among the Egyptian population to restrain future follies and threats to world peace.
>
> Respectfully,
>
> GERALD R. FORD,
> *Minority Leader.*

CHAIN OF EVENTS IN ISRAEL

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, I am extending my remarks to include the following articles from the June 1967 number of Jewish Frontier:

> BREATHING SPELL OR NOOSE?
>
> The U.N. calls for a "breathing spell" in the present crisis in the Middle East should not serve to obscure the essentials of the situation. There is no point in a breathing spell

which provides air and ease for all except the one aggrieved. If Egypt is to maintain her blockade and the Arab armies continue to encircle Israel while the United Nations debates and negotiations drag on, Israel may find herself choking during the supposed respite. The mobilization of her people's army to meet the Arab threat means the cessation or serious impediment of her economic life. Israel has to marshal every able-bodied citizen from the age of 18 to 45—boy and girl, man and woman. Denial of access to the Gulf of Aqaba further throttles the small country. Unless Arab aggression is halted quickly Israel will find the breathing spell a noose.

The declaration of President Nasser of Egypt that he will not permit Israel ships to go through the Straits of Tiran is an act of aggression against the rights of Israel and represents a violation of international law as affirmed by the United Nations Conference on the Law of the Sea in 1958. The Egyptian dictator's demand for the withdrawal of the United Nation's Emergency Force from Gaza and Sinai, and the massing of Arab forces on every border of the Jewish state are further indications that the Arab rulers may have decided that the hour is ripe for the "war of annihilation" they have so long threatened. Since Israel cannot be expected to accede passively to the tightening of what the Arabs themselves have described as a "death noose"—military and economic—about her, the danger to peace in the Middle East and consequently to world peace is grave. The best hope for curbing the warlike designs of the Arab powers and for preventing a tragic conflagration lies in the implementation of American policy as announced in the Tri-Partite Declaration of 1950 and subsequently re-affirmed by every American president. The American commitment is unequivocal. It applies both to the territorial integrity and independence of Israel and to free access to the Gulf of Aqaba. A review of the chain of events leading to the present situation makes clear the blatant immorality of tactics of delay.

On March 1, 1957, Mrs. Golda Meir, then Foreign Minister of Israel, stated to the General Assembly on what assumptions Israeli forces were withdrawn from the Gaza Strip and the region of the Gulf of Aqaba. These assumptions were: that free and innocent passage for international and Israeli shipping in the Gulf of Aqaba and through the Strait of Tiran would continue to be fully maintained after Israel's withdrawal; that the take-over of Gaza from the military and civilian control of Israel would be exclusively by the United Nations Emergency Force; and, finally, that the United Nations administration of Gaza would be maintained till there was a peace settlement or a definite agreement on the future of the Gaza Strip.

On the basis of these assurances Israel ordered the evacuation of points vital to her security. The Gaza Strip, occupied by Egypt in 1948, had been transformed into a hostile base from which Nasser unleashed his *fedayeen* terrorists in a mounting campaign of arson and murder. Sharm el Sheikh in the south-eastern corner of the Sinai overlooked the Straits of Tiran; control of this point was essential to lifting the illegal Egyptian blockade of the Gulf of Aqaba. The Sinai Campaign, precipitated by the heavy massing of Egyptian troops and Russian armor in the Sinai desert, as well as by the documented imminence of a "second round" was undertaken to liberate Israel from the *fedayeen* outrages and the stranglehold of the Egyptian blockade. In the interests of international peace Israel surrendered the fruits of its victory. It accepted the assurances of the Great Powers, particularly those of the United States, that incursions from the Gaza Strip would be curbed, and that free passage through the Straits of Tiran would not be impeded.

THE ASSURANCES

In a memorandum of February 11, 1957, the Secretary of State, the late John Foster Dulles, with the approval of President Eisenhower, said:

"The United States believes that the Gulf comprehends international waters and that no nation has the right to prevent free and innocent passage in the Gulf and through the Straits giving access thereto. We have in mind not only commercial usage, but the passage of pilgrims on religious missions, which should be fully respected."

On February 20, 1957, President Eisenhower stated:

"With reference to the passage into and through the Gulf of Aqaba, we expressed the conviction that the Gulf constitutes international waters and that no nation has the right to prevent free and innocent passage in the Gulf. We announced that the United States was prepared to exercise this right itself and to join with others to secure general recognition of this right. Egypt, by accepting the six principles adopted by the Security Council last October in relation to the Suez Canal, bound itself to free and open transit through the Canal without discrimination, and to the principle that the operation of the Canal should be insulated from the politics of any country. We should not assume that, if Israel withdraws, Egypt will prevent Israeli shipping from using the Suez Canal or the Gulf of Aqaba. If, unhappily, Egypt does hereafter violate the Armistice Agreement or other international obligations, then this should be dealt with firmly by the society of nations."

The U.S. Representative to the United Nations, Henry Cabot Lodge, stated on March 1, 1957:

"It is essential that units of the United Nations Emergency Force be stationed at the Straits of Tiran in order to achieve there the separation of Egyptian and Israel land and sea forces. This separation is essential until it is clear that the non-exercise of any claim to belligerent rights has established in practice the peaceful conditions which must govern navigation in waters having such an international interest."

On the basis of these assurances, Israel Foreign Minister Golda Meir on March 1, 1957, declared:

"Israel is now prepared to withdraw its forces from the region of the Gulf of Aqaba and the Straits of Tiran in the confidence that there will be continued freedom of navigation for international and Israel shipping in the Gulf of Aqaba and through the Straits of Tiran."

As additional re-assurance, President Eisenhower wrote personally to Prime Minister Ben-Gurion on March 2, 1957:

"I know that this decision was not an easy one. I believe, however, that Israel will have no cause to regret having thus conformed to the strong sentiment of the world community as expressed in the various United Nations resolutions relating to withdrawal.

"It has always been the view of this Government that after the withdrawal there should be a united effort by all of the nations to bring about conditions in the area more stable, more tranquil and more conducive to the general welfare than those which existed heretofore. Already the United Nations General Assembly has adopted resolutions which presage such a better future. Hopes and expectations based thereon were voiced by your Foreign Minister and others. I believe that it is reasonable to entertain such hopes and expectations and I want you to know that the United States, as a friend of all the countries of the area and as a loyal member of the United Nations will seek that such hopes prove not to be in vain."

The United Nations Conference on the Law of the Sea on April 27, 1958, reaffirmed international law regarding passage through straits in these terms:

"There should be no suspension of the innocent passage of foreign ships through straits which are used for international navigation between one part of the high seas and another part of the high seas or territorial sea of a foreign state."

THE UNITED NATIONS EMERGENCY FORCE

The United Nations Emergency Force, established by virtue of a General Assembly resolution of November 5, 1956 had been deployed in the Gaza Strip and the Sinai for over ten years. Its function was to act as a buffer and contribute to the peace of the regions. Its sudden withdrawal by Secretary-General U Thant upon the unilateral demand of the Egyptian dictator has been viewed by the Secretary-General himself as ill-timed. In his statement to the Security Council (May 19, 1967) U Thant said: "It can be said that the timing of the withdrawal of the U.N.E.F. leaves much to be desired because of the prevailing tensions and dangers throughout the area."

Why in view of this situation did U Thant acquiesce so promptly in carrying out Nasser's demand? The Secretary-General has stated that the U.N.E.F. could not remain against the will of Egypt. The possibility of an Egyptian request for the evacuation of the peace-keeping force had been foreseen at the time of its establishment. The then Secretary-General Dag Hammarskjold reached an agreement with President Nasser in regard to the conditions under which the force might be withdrawn. On November 20, 1956 Hammarskjold reported to the General Assembly on this matter, and noted that the General Assembly "understanding this to correspond to the wishes of the Government of Egypt, reaffirms its willingness to maintain U.N.E.F. *until its task is completed*."

In other words the U.N.E.F. was to stay till its peace-keeping purpose was achieved. In addition, on February 26, 1957, Hammarskjold outlined the procedure to be followed in case a demand for withdrawal of the force was made: the Secretary-General should inform the Advisory Committee of the U.N.E.F. which should then decide whether to bring the matter to the attention of the General Assembly.

Why were the peace-keeping forces not placed in Israeli territory? In the crucial question of the Gulf of Aqaba there is no such geographic possibility. Israel has no border which overlooks the Straits of Tiran, the point at which Egypt seeks to bar access to Israeli shipping through the Gulf. As far as the Gaza Strip is concerned, there is no function for the U.N.E.F. on the Israeli side of the border. It must be borne in mind that the U.N. soldiers may not use force. They are observers who act as checks on proposed violence. Since military infiltrators and terrorists come from Gaza into Israel and not from Israel into Gaza, a United Nations presence is helpful in Gaza; it is meaningless in Israel. Shukairy's fire-eating "Palestine Liberation Army" is now stationed in Gaza and threatening to send guerrillas into Israel. No Israelis are trying to infiltrate Gaza.

THE PRESENT CRISIS

President Nasser has explained his massing of troops in the Sinai and his mining of the Gulf of Aqaba as measures to forestall an Israeli attack on Syria. The Soviet Union has echoed this explanation, suggesting further that Israel is involved in an "imperialist plot" to topple the "progressive" government of Syria. The nonsensical nature of these charges is disproven by the sequence of events as described in Prime Minister's Eshkol's report to the Knesset on May 22, 1967:

"During the night of May 15, 1967, news of the movement of Egyptian military forces into Sinai reached us from various sources. Military forces had been openly and demonstratively transferred, in broad daylight. Cairo explained that this step was taken in response to Israel's alleged preparations to attack Syria, and concentration of military forces on the northern frontier.

"Upon learning of the Egyptian troop movements and the pretext offered to explain them, and before Egyptian forces had crossed the Suez Canal, we informed the U.N. that the allegations of Israeli troop concentrations in northern Israel were baseless. This statement was transmitted by the U.N. to Middle Eastern capitals, including Cairo. In his report to the Security Council on May 19, 1967, the U.N. Secretary-General states that U.N. observers verified the absence of Israeli troop concentrations and Israeli military movements on the northern frontier.

"Nevertheless, Egyptian troop movements continued in the direction of Sinai, while mendacious propaganda continued to proceed from Cairo and Damascus concerning Israeli concentrations which had never taken place.

"During the first days of Egyptian troop movements towards Sinai, authoritative political circles in the world capitals expressed the view that this was merely a propaganda move, devoid of any particular military significance.

"The movement of Egyptian forces into Sinai gathered strength during the second half of last week, and today they are almost fully deployed in eastern Sinai and various positions throughout the peninsula.

"Before May 14, the Egyptian force in Sinai consisted of less than two divisions, based mainly on infantry and some armour. Today, after reinforcements, Egyptian forces there are of a strength close to four divisions of infantry with armour. Furthermore, numerous artillery units have been brought up, and the Palestinian forces in the Gaza Strip have been strengthened. Moreover, the Egyptian Air Force in the Sinai peninsula has also been reinforced."

While it is true that the Israeli government had warned Syria to stop terrorist attacks on agricultural settlements near the Syrian border, U Thant as late as May 19 confirmed the absence of troop concentrations in Israel, whereas the Egyptian massing of troops in Sinai began on May 15, four days earlier. Whatever the reasons, it is apparent that Nasser, whether confident of Russian military support, or piqued by Arab charges that he was insufficiently bellicose and eager to re-establish his pre-eminence in the Arab world, appears to have decided that the moment for the "third round," the war of final "annihilation" of Israel, had come. In this he is, of course, supported by the various Arab states, none of whom can afford to appear less bellicose than the other. Israel may well have to fight once more for the right to live, against enormous odds. Though the plaudits to Israel valor and competence are fully merited, arithmetic should not be ignored. The small democracy, created as an act of historic justice by the United Nations less than twenty years ago, encircled by a hostile ring of Arab states, is vastly outnumbered. It is essential that the "third round," already initiated by the blockade of the Gulf of Aqaba, be stopped by the international community in their interests of world peace.

Israel is eager for peace. Prime Minister Eshkol has offered to draw back Israeli forces from the borders if the Egyptians will do likewise. In his address to the Knesset (May 22) he declared:

"I would like to say again to the Arab countries from this rostrum, particularly to Egypt and Syria, that we harbour no aggressive designs. We have no possible interest in violating either their security, their territory or their legitimate rights. Nor shall we interfere in any way in their internal affairs, their regimes, or their regional or international relations. We expect of them, according to the principles of reciprocity, the application of the same principles toward us."

THE AMERICAN COMMITMENT

Declaration by Britain, France and the United States, May 25, 1950:

"The three governments take this opportunity of declaring their desire to promote the establishment and maintenance of peace and stability in the area and their unalterable opposition to the use of force or threat of force between any of the states in that area.

"The three governments, should they find that any of these states was preparing to violate frontiers or armistice lines, would, consistently with their obligations as members of the United Nations, immediately take action, both within and outside of the United Nations to prevent such violation."

On June 1, 1953, Secretary of State John Foster Dulles, reaffirmed the declaration in a radio address and said:

"The present U.S. Administration stands fully behind that declaration."

President Eisenhower, State of the Union Message, January 5, 1957:

"We have shown, so that none can doubt, our dedication to the principle that force shall not be used internationally for any aggressive purposes and that the integrity and independence of the nations of the Middle East should be inviolate."

President Kennedy, May 8, 1963:

"In the event of aggression or preparation for aggression (in the Middle East), whether direct or indirect, we would support appropriate measures in the United Nations, adopt other courses of action on our own to prevent or to put a stop to such aggression; which, of course, has been the policy which the United States has followed for some time."

President Johnson, on May 23, 1967, stated:

"To the leaders of all the nations of the Near East, I wish to say what three Presidents have said before—that the United States is firmly committed to the support of the political independence and territorial integrity of all the nations of the area. The United States strongly opposes aggression by anyone in the area, in any form, overt or clandestine. This has been the policy of the United States led by four Presidents—President Truman, President Eisenhower, President Kennedy, and myself—as well as the policy of both of our political parties. The record of the actions of the United States over the past twenty years, within and outside the United Nations, is very clear on this point."

THE RIGHT TO SELF-DEFENSE

(NOTE.—This article is part of an address delivered at the United Nations, December 5, 1956, by Mrs. Golda Meir, then Foreign Minister of Israel, in regard to the Sinai Campaign. We reprint it because of its pertinence to the present crisis.)

(By Golda Meir)

For eight years Israel has been subjected to the unremitting violence of physical assault and to an equally unremitting intent to destroy the country economically through blockade, through boycott and through lawless interference with the development of its natural resources. Since Israel's efforts to repulse the concerted Arab onslaught in 1948, it has had no respite from hostile acts and loudly proclaimed threats of destruction.

It would be idle to pretend that the present situation can be discussed without regard to this background, or that the causes that precipitated Israel's recent security action can be ignored. If this Assembly is genuinely determined to restore peace to the Middle East it must first determine from what source aggressive policies derive. It will serve little purpose to isolate one link in the chain of circumstances, to thrust the weight of resolutions upon one incident without considering the total effects. Unless the United Nations is prepared to use its influence to prevail upon the countries of the Middle East to negotiate a fundamental solution, the Middle Eastern cauldron will continue to seethe and the region will be a powder-keg for others anxious to exploit its inflammable possibilities. Not only the well-being of Israel, but perhaps the peace of mankind, demand that the question of responsibility for unrest in this part of the world be squarely faced and the causes of tension removed.

Israel is ringed by hostile states which invoke the terms of the 1949 Armistice Agreement when they find it convenient, and which flout those agreements when they find them oppressive. They refuse to sign peace treaties, clinging desperately to the discredited theory of a "belligerent status" against Israel, while at the same time piously demanding the protections of peace for themselves. As long ago as June 12, 1951, an official Egyptian representative defended his country's obstruction of Israel shipping through the Suez Canal with the following extraordinary words:

"We are exercising a right of war. We are still legally at war with Israel. An armistice does not put an end to a state of war. It does not prohibit a country from exercising certain rights of war."

We know from agonizing experience what these "certain rights of war" are. They include indiscriminate terror, arson and economic attack. At the same time any Israeli effort to stop murder and pillage, to make existence tolerable for its beleaguered population, is met with an outcry about the violation of peace, a peace which exists only in so far as it accords with the convenience of those who have broken it. A comfortable division has been made: the Arab states unilaterally enjoy the "rights of war"; Israel has the unilateral responsibility of keeping the peace. But belligerency is not a one-way street. Is it surprising if a people laboring under this monstrous distinction should finally become restive and at last seek a way of rescuing its life from the perils of a regulated war conducted against it from all sides?

For the people of Israel this paradox is not merely a question of logic or semantics. Among the "rights of war" exercised against Israel has been the fedayeen campaign unleashed by Colonel Nasser in the summer of 1955. These fedayeen are gunmen, trained by Egyptian army officers and recruited chiefly from among the Arab population in the Gaza strip, which was captured by the Egyptian army when it invaded Israel in 1948. Fedayeen gangs have been planted in Jordan, Lebanon and Syria. Very heavy concentrations of these fedayeen units were stationed in the Sinai desert. Israel's narrow borders and long frontiers make it particularly vulnerable to terror squads who cross the border at night with the sole objective of indiscriminately shooting or bombing any Israeli house, or any man, woman or child. The murders committed by the fedayeen were hailed by the Cairo radio on August 31, 1955, with words which left no doubt as to the identity of the organizers of these outrages:

"Weep, O Israel, because Egypt's Arabs have already found their way to Tel-Aviv. The day of extermination draws near. There shall be no more complaints or protests to the United Nations or the Armistice Commission. There will be no peace on the borders because we demand the death of Israel."

The slaughter of six children and their teacher in the agricultural school of Shafrir, the bombing of a wedding in the Negev village of Patish—these are examples, familiar to the world, of the kind of heroic exploits so lustily applauded by Colonel Nasser when he addressed a fedayeen unit in the Gaza strip in the following terms:

"You have proven by your deeds that you are heroes upon whom our entire country can depend. The spirit with which you entered the land of the enemy must spread."

The list of daily murders, of acts of robbery and sabotage, can be indefinitely extended. But let me only remind this Assembly of the events of September 23rd of this year on another front, when a group of archaeologists was fired upon in Ramat Rachel from the Jordanian border. Five Israelis were killed and 16 wounded. The next day two more Israelis, a man and a woman, working in their fields in different parts of the country, were killed by Jordanian units. When in response, on September 25, deterrent action was taken at Husan by an Israel army unit, this action was officially described as "unprovoked."

May I say that the people of Israel cannot emulate, nor do they understand, this legalistic detachment. When their peaceable fellow-citizens are murdered in cold blood, in the course of their daily occupation, they *are* provoked and they demand that their government reflect that sense of provocation by affording them the protection which ever state owes its citizens and which international bodies are apparently unable to provide. If moral distinctions are to be made, then let me suggest that controlled military actions—with limited and well defined military or police objectives—are less abhorrent, even to the most sensitive conscience, than wanton and indiscriminate murder which strikes not at military targets, but solely at civilians.

The campaign of terror unleashed against Israel was not stopped by the intervention of the United Nations. The cease-fire secured by the Secretary-General last April was not honored. Instead, despite exemplary restraint practiced by Israel immediately after the cease-fire agreement, violence increased on every border. Every sign pointed to the fact that the Egyptian dictator was about to realize his cherished and fully publicized ambition of a second round aimed at destroying Israel. He had amassed huge stocks of heavy armaments, secured largely from the Soviet Union and affiliated countries. He had concluded treaties with Jordan and Syria according to which the military forces of these countries were placed under the Egyptian High Command. We knew of large concentrations of armor and fedayeen in the Egyptian bases in the Sinai desert and the Gaza strip directly along the borders of Israel. There was a minimum of reticence about the proposed "extermination" of the small neighboring state. We recognized the symptoms. Within the lifetime of nearly every person here present a dictator arose who, like this disciple of his, informed the world in advance of his bloodthirsty plans. The ashes of the crematoria, the carnage of millions, a world in ruin, testified to the fidelity with which he kept his purposes.

Such a lesson should not be forgotten. Certainly the people of Israel are not likely to forget what the threat of total extermination means.

It is not my intention to enter into a description of the acts of hostility of the Egyptian government in many other fields. But the Assembly cannot remain indifferent, above all, to the fact that ever since the Resolution of the Security Council of September 1, 1951, and indeed, before that, the Government of Israel has patiently striven to solve the grave international problem of a double sea-blockade imposed against Israel by Egypt in the Suez Canal and in the Straits of Aqaba. The Security Council confirmed the illegality of this blockade and rejected the Egyptian argument of a "state of war" by which it sought to justify it. The Council ordered Egypt to terminate these practices. In October, 1956, the Security Council repeated its call for free passage without discrimination, "overt or covert."

Their decisions have been flouted. At the same time Egypt and the other Arab countries have sought by every means, direct and indirect, by organized boycott and by indiscriminate threats against Israel and attempted blackmail of countries friendly to Israel, to cripple Israel's commerce and to strangle her economic life. They have extended that boycott of Israel even to the agencies of the United Nations.

We are a small people in a small barren land which we revived with our labor and our love. The odds against us are heavy; the disparity of forces is great, but we have no alternative but to defend our lives and freedom and the right to security. We desire nothing more than peace, but we cannot equate peace merely with an apathetic readiness to be destroyed. If hostile forces gather for our proposed destruction they must not demand that we provide them with ideal conditions for the realization of their plans. Nor should the sincere desire for peace, shared by so many, be used as the shelter for such preparations.

The action of the Israel army in the unpopulated Sinai desert served to disrupt well-laid Egyptian plans and to liquidate new bases of active hostility against us. The texts of captured Egyptian military documents which Israel presented to the Security Council on November 15th indicate how imminent was the attack. I shall not repeat the long and detailed directives to the Egyptian commanders. But it would be salutary for all of us not to forget the introduction, which read:

"Every commander is to prepare himself and his subordinates for the inevitable campaign with Israel for the purpose of fulfilling our exalted aim which is the annihilation of Israel and her destruction in the shortest possible time in the most brutal and savage battles."

Is it conceivable that this Assembly should view the situation in Israel preceding October 29, 1956 as one of peace? Why should acts of cowardly murder of unarmed men, women and children, carried out for years, evoke less resentment than open military operation against nests of fedayeen and bases of hostile forces?

The practical problems which, it is claimed, divide the Arabs and Israel are not beyond solution. The world has, for instance, known and still knows refugee problems of far wider scope than those of the Arab refugees. In Korea, in India and Pakistan, in Greece and Turkey, in Europe after World War II, these numerically far larger problems have or are being successfully handled. Who more than the Jewish people has endured the tragic fate of the refugee? If to-day there is no bitter Jewish refugee problem in the world, it is because Israel supported by the solidarity of the Jewish people everywhere and with the aid of friendly governments has largely solved it. There need never have been a Palestine Arab refugee problem at all, had it not been created by the action of the Arab states. Given the cooperation of those same Arab states this distressing human problem could readily have been solved and can be solved to-day. In its solution Israel, as has been previously stated on behalf of my government, is prepared to play its part. But while Israel was absorbing Jewish refugees to a number exceeding that of all the Arab refugees—and hundreds of thousands of those whom we absorbed came from these same Arab lands—the Arab states for their part, with the exception of Jordan, were erecting an iron wall between themselves and these kinsmen of theirs. Since then they have lost no opportunity for exploiting these people as a political weapon in their war against Israel.

The fundamental problem in the whole situation is the systematically organized Arab hostility against Israel. Arab enmity towards Israel is not a natural phenomenon. It is artificially fostered and nurtured. It is not, as has been here alleged, Israel which is an instrument of colonialism. It is the *Israel-Arab conflict* which keeps the area at the mercy of dangerously contending outside forces. Only by the liquidation of that conflict will the people of the region be able to work out their own destinies in independence and hope. Only in that prospect lies hope for a brighter future of equality and progress for all the peoples concerned. If hatred is abandoned as a principle of Arab policies everything becomes possible.

Over and over again the Israel government has held out its hand in peace to its neighbors. But to no avail. At the Ninth Session of the General Assembly the Israel representative suggested that if the Arab countries were not yet ready for peace, it would at least be useful as a preliminary or transitory stage to conclude agreements committing the parties to policies of non-aggression and pacific settlement. The reply was outright rejection. Our offer to meet the representatives of all or any Arab country still stands. No answer from across our borders has come to our call for peace.

The concept of annihilating Israel is a legacy of Hitler's war against the Jewish people: it is no mere coincidence that the soldiers of Nasser had an Arabic translation of *Mein Kampf* in their knapsacks. We are convinced that these dangerous seeds have not yet succeeded in corrupting the Arab peoples, but this fatal game is one which the Arab political leaders should halt in the interests of the Arab peoples themselves.

I wish at this point to renew an appeal already heard from this rostrum to Egypt to desist from the shameful and disastrous policy recently initiated of wholesale persecution of its Jewish population. I shall not elaborate on the mass of detailed information now reaching us in this connection, some of which has been incorporated in a memorandum which it was my honor to transmit to you last Saturday afternoon—the sordid and disgraceful story of deportations and concentration camps, of indignity and spoliation, the holding of hostages to ensure silence on the part of those expelled, and of callous brutality. I can only hope that the shocked conscience of the world will have its effect on the rulers of Egypt and that they will yet desist, and desist at once, from the measures on which they have embarked.

What ought to be done now? Are we, in our relations with Egypt, to go back to an armistice regime which has brought anything but peace and which Egypt has derisively flouted? Shall the Sinai desert again breed nests of fedayeen and of aggressive armies poised for the assault? Will certain countries rearm Egypt for the renewed pursuit of its announced aims? Must the tragedy be re-enacted in the tinderbox of the Middle East? The peace of our region and perhaps of more than our region hangs on the answers which will be given to these questions.

In a letter to the Secretary-General of the United Nations of October 30, 1956, we put the following questions:

(a) "Does Egypt still adhere to the position declared and maintained by her over years that she is in a state of war with Israel?

(b) "Is Egypt prepared to enter into immediate negotiations with Israel with a view to the establishment of peace between the two countries as indicated in paragraph 3 of the aide-memoire of the Government of Israel of November 4, 1956 to the Secretary-General of the United Nations?

(c) "Does Egypt agree to cease the economic boycott against Israel and lift the blockade of Israel shipping in the Suez Canal?

(d) "Does Egypt undertake to recall the fedayeen gangs under her control in other Arab countries?"

Is it too much to expect clear, simple, binding answers? Are we, and not only we but the fellow members of the United Nations, to take as an answer the announcement on Radio Cairo, on December 2, 1956, repeated again later in the day, that: "The Fedayeen Command has decided to launch a fierce campaign within Israel during the coming winter season"? Can the United Nations make itself responsible for the restoration, once again, on our southern borders of murder and sabotage units pursuing a one-sided belligerency? The blockade in the Gulf of Aqaba is now terminated. The battery of guns installed a few years ago by the Egyptian government on the desolate shore at the southern tip of the Sinai peninsula for the sole and illegal purpose of preventing the passage into the Gulf of Israel shipping no longer exists. Would it not be grotesque for an international body to permit the creation anew of the conditions which made that blockade possible; or to permit Egypt to perpetuate unhindered its parallel blockade in Suez? We cannot believe that that is the case. To do so would constitute a distortion of the very meaning and essence of the Charter.

My Government has undertaken an obligation to withdraw its forces from Egyptian territory and we are implementing it. But we must know what will be the role of the United Nations Force after the Israel forces are withdrawn. We are certain that it is not the intention of the Assembly to recreate the conditions laden with the identical dangers which produced the explosion of October 29th.

May I remind the representative of the Soviet Union that there was a time, not so long ago, when they understood Israel's right to self-defense and appreciated the true disposition of forces in the Middle East?

Ambassador Jacob Malik declared in the Security Council in 1948 in words which are as apt today as the day they were uttered: "Since its birth the State of Israel has declared that it will live in peace and entertain peaceful relations with all its neighbors. Israel is not to blame for the fact that this appeal did not meet with response from its neighbors."

The truth is that since 1948, when the words of the USSR delegate that I have quoted were uttered, nothing has changed in Israel's desire or intentions. We seek, as before, to fulfill our historic mission of rebuilding our land for our harried people and to live in peace with our neighbors. But I say again again that neither peace nor war can be unilateral. A boundary must be respected by two sides; it cannot be open to fedayeen and closed to Israeli soldiers.

What does Israel want? Its requirements are simple. We wish to be secure against threats to our territorial integrity and national independence. We wish to be left alone to pursue the work of developing our country and building a new society founded on social justice and individual liberty. We wish to cooperate with our neighbors for the common good of all the peoples of the region.

WEST VIRGINIA REGIONAL AIRPORT

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER of West Virginia. Mr. Speaker, there follows a transcript of the June 16 radio-television interview in which Chester G. Bowers, Director of Airport Service of the Federal Aviation Administration, describes the significance of the May 15 FAA decision to support a regional airport for southern West Virginia at the Midway site. This constitutes an official, objective view which sheds light rather than heat on the West Virginia airport problem.

The transcript follows:

Announcer. Here today is Chester Bowers, Director of Airports Service of the Federal Aviation Administration, who will outline the background and significance for West Virginia of the FAA decision to support a large regional airport serving West Virginia at the Midway site.

Mr. Bowers. Last month the Federal Aviation Administration made a decision to construct a new airport to provide improved air service to that part of the state. The FAA decision and recommendation was based on a long study of the airport needs of West Virginia. The citizens of Kanawha County and the city of Charleston have recognized for several years that they would need improved airport facilities to accommodate the newer and larger aircraft that would be serving that community. Several years ago, Kanawha County undertook a planning study to decide whether it was feasible to improve the existing airport or whether a new replacement facility should be developed. The Federal Aviation Administration assisted with a small grant in that planning study.

GUTHRIE PROPOSAL

Our agency also administers a construction grant program under which we provide funds, frequently as much as 50%, in the construction of airports. In our grant-in-aid program for last year, we received a request from Kanawha County for some $8 million of Federal funds to assist in development of a new airport at the Guthrie site. This request was based on the planning study undertaken which concluded that it was more feasible to provide improved air service for the long term future at a new site rather than improve the Kanawha County Airport.

TRI-STATE AIRPORT EXPANSION

In that same grant-in-aid program last year, our agency also received a request for improvement of the Tri-State Airport to provide a 7000 foot runway and the request asked for some $3.60 million of Federal funds. Naturally, when an investment decision is of the magnitude called for here, it's prudent to examine all the alternatives. The FAA normally would examine the possibility of one airport to serve adjacent communities when it's faced with the magnitude of the requests that were received from Tri-State and from Kanawha County.

FAA LOCATES SITE AT MIDWAY

At the same time, the citizens of Huntington approached the agency about the feasibility of an airport midway between Charleston and Huntington to serve both communities. The FAA located a site that was suitable for airport development and consequently deferred action on the requests for aid from both Kanawha County and Tri-State. At the same time, we urged the state and affected public agencies to study their long-range airport needs and to unify a proposal or proposals to satisfy those needs.

When no unified proposal was evident, the FAA accelerated its studies and after a rather intensive study of some five months, we have concluded that it is in the most public interest to develop a single airport.

In the course of those studies we examined three principal alternatives. We examined first of all and in some depth the possibility of improving the present airports. Tri-State and Huntington can be improved to provide long range needs by extension of the runway. We estimate that Tri-State could be improved to provide a 7000 foot runway for approximately $4.9 million.

WHY EXPANSION OF KANAWHA AIRPORT IS NOT FEASIBLE

Kanawha County Airport at Charleston is another matter. It has some distinct advantage in being a close in airport. Our studies show that a 7000 foot runway can be constructed on the existing site. This would be a new runway. Such construction, however, would require a relocation of the National Guard area, and we concluded that a new runway would cost approximately $9.4 million. Even with this cost, we looked very carefully at whether or not the existing airport, improved with a new 7000 foot runway, could meet the future needs of the Charleston area. We thought very definitely that the possibility of improving Kanawha should either be ruled in or ruled out before we examined a new site. Our studies have led us to conclude after consultation with the airlines, after consideration of many factors, and after making our own forecasts, that a 7000 foot runway at the Kanawha Airport would be a stop-gap measure, that 7000 feet, while meeting today's needs, would not meet needs as far ahead as 1975. Therefore, if we supported the development of a new runway at Kanawha County we would again be in the same situation we are today, come 1975. So, we concluded, as did Kanawha County several years ago, that a new site was needed.

ANALYSIS OF GUTHRIE ALTERNATIVE

The alternative sites were the Guthrie site, located some 12 miles from Charleston and a Midway site, located between Charleston and Huntington, some 27 miles from downtown Charlestown and 33 miles from downtown Huntington. The Guthrie site has the advantage of being closer to the majority of the air travelers. At the present time, the Kanawha County Airport boards about three times as many domestic scheduled passengers as does Tri-State. The Guthrie site is suitable for development of a 7300 foot runway that will serve the short-range needs. The site has capability of runway expansion of 10,000 feet. There are no smog or fog problems as there are at Kanawha. But the cost of development of a runway at the Guthrie site we estimate to be slightly over $22 million. If Guthrie is developed to serve Charleston, Tri-State would need also to be further improved to serve the Huntington-Ironton-Ashland area, and here you have an additional cost of approximately $4.9 million.

ADVANTAGES OF MIDWAY SITE

We then looked very carefully at the Midway site. This site is also suitable for runway development in the first stage of 7300 feet and ultimately to 10,000 or longer.

The weather conditions at Midway are approximately the same as those at Guthrie. The distance, as I mentioned, is greater. The cost of development of an airport at the Midway site would be approximately $19 million. The Midway site has an additional advantage in that you would not need improvement of Tri-State at the same time. In other words, development of an airport at Midway would serve the common carrier needs of the entire area.

On total balance, therefore, FAA came to the conclusion that the convenience to passengers in some degree at a Guthrie site was more than offset by lower total cost of airport development at the Midway site, and an opportunity to share that cost among a wider population base. And Midway has the additional advantage of providing the opportunity for improved service by having one airport to serve the entire area. Of course, the more passengers you have at a particular airport the better prospects you have of long-haul, non-stop flights.

COST ESTIMATES FOR MIDWAY

Announcer. Mr. Bowers, would you please break down for us the Midway figure of $19 million. Does this include navigation aids, access roads and the terminal building?

Mr. Bowers. Included in our costs for Midway was a terminal building, the access road, the navigation aids that would be provided by FAA, the site preparation, grading, earth moving and paving of facilities. As a matter of fact, the difference in costs between the Midway site and the Guthrie site is almost entirely the earth-moving costs of providing a level platform for the airport. We used the same cost figures in our estimates for both sites. For instance, we used a figure of 80 cents per cubic yard for earth moving, and the cost we used for terminal building and navigational aid, access road were identical at both sites. We also used the same costs of paving the 7300 foot runway at both sites.

MIDWAY COST INCLUDES NAVIGATION AIDS, 100 PERCENT FEDERALLY FINANCED

Announcer. Mr. Bowers, may I ask how much of the $19 million is strictly for the airport itself and should be raised by the local communities?

Mr. Bowers. Our cost estimates for the Midway site include the following: The earth moving and preparation of the site amounts to $7.7 million. Our estimate for paving and lighting of the facilities and land acquisition of the site amount to $4.4 million. Together this comes to $12.1 million which is the amount which requires local matching funds to obtain. In addition to this, our estimate includes $2,800,000 for navigation aids that would be provided by FAA; $1.2 million for a terminal building; $1.5 million for an access road and then approximately $1.3 million for cargo parking area and other miscellaneous facilities. The total estimate for Midway as I see it is $18.9 million. Of this amount, $2.8 million would be provided by FAA for navigational aids. There is approximately $6 million for the development that would be eligible for Federal assistance from FAA under its grant program.

The FAA decision in this matter is first of all an investment decision for the agency in the use of its grant funds. In addition, our decision is a notification to the state, to the local political agencies, and to the general public that we believe public interest is best served by development of a single airport to serve the long-range air transportation needs of the entire area.

FAA DECISION ON MIDWAY CANNOT BE REVERSED

Announcer. Mr. Bowers, could this decision be reversed?

Mr. Bowers. This is an FAA investment decision in the first place, a decision by the agency where it would use its limited resources to assist the state and the communities in West Virginia. As far as we're concerned this is a final decision for the FAA in the investment of its funds. I recognize, of course, that if the state and the communities choose to go some other way on their own, this is a decision they may properly make.

NEED FOR AGREEMENT AMONG LOCALITIES

Announcer. Mr. Bowers, now that the FAA has officially decided on the location, what is the next step to get the project moving?

Mr. Bowers. We believe that the next step must be agreement among the population centers, financial centers and major political agencies in the area. In other words, you go forward with development only when there's agreement reached, and we believe there must be agreement and a unified position developed among this group.

Announcer. Do you mean by key population centers and economic centers Cabell, Kanawha and Putnam Counties?

Mr. Bowers. Yes, generally, the major population areas are Huntington and Charleston in Kanawha and Cabell Counties. The airport itself is to be located in Putnam County, so as a minimum certainly you need the representatives of these three areas in full support of the airport.

Announcer. Mr. Bowers, how long will it take to build the airport?

NEED FOR SPEED TO START CONSTRUCTION

Mr. Bowers. The construction of a new airport is a major undertaking. Obviously, the expenditure of the kind of funds that we're talking about is a long-range proposition. A key, of course, is how soon you start and how fast you progress after the start. If the planning and land acquisition for an airport were undertaken without delay during this summer, you would still expect a construction period of approximately three years before an airport of this magnitude were open for public use.

Announcer. As Director of Airports Service of the FAA, could you please tell us what sort of planning and engineering funds may be provided by the FAA?

Mr. Bowers. Well, the FAA administers a grant program, as I mentioned. Under that program we do make modest grants for the preparation of plans for the lay-out of the site and the preparation of plans for construction. We made such a grant several years ago to Kanawha County. The demand for Federal funds is many times the available funds so until there is a unified proposal, unified backing and an organization with which we can deal, the FAA is not in a position to talk about grants for airport improvements or airport construction.

FAA GRANT OF 50 PERCENT FOR PLANNING

Announcer. Can FAA contribute for planning grants?

Mr. Bowers. Yes.

Announcer. In other words, 50% of the planning and engineering funds are available and the sooner a valid application is made the sooner we can get underway. Is that correct?

Mr. Bowers. That is correct.

Announcer. And what do you mean by a valid application?

Mr. Bowers. Under our law we look to an application from a public agency which has the legal authority and the financial resources to construct and operate a public airport. So we're looking for a public agency or several public agencies to meet that legal and financial requirement. We would expect as I mentioned that the major political agencies in the area would be in support of the airport.

NEED FOR KANAWHA COUNTY PARTICIPATION

Announcer. Mr. Bowers, Putnam and Cabell Counties and the City of Huntington have already indicated their willingness to join the authority. Will the FAA recognize an airport authority as legal if Kanawha County is not a member?

Mr. Bowers. Perhaps the FAA would recognize an airport authority as legal if it was composed of Cabell and Putnam Counties, but the FAA would not deal with an airport authority composed of only those two counties without also the backing of Kanawha County.

Announcer. What happens, Mr. Bowers, if the counties cannot put aside their differences and cooperate in forming an authority and developing the Midway site?

Mr. Bowers. This is largely up to them. If they choose to go it alone, this is a decision for them to make. If the state should represent the entire group, this would be a possibility.

STATE OF WEST VIRGINIA AS APPLICANT

Announcer. Would it be possible for the State of West Virginia to submit an application for engineering and planning funds and possibly for the entire airport itself?

Mr. Bowers. It would indeed. A number of states actually own and operate airports. Rhode Island for instance owns all the public airports in that small state, but many other states own one or more airports. However, I want to make it clear that we would not be disposed to deal with the state if a local controversy rages among its people who would be served by that airport.

OHIO AND KENTUCKY DID NOT INFLUENCE FAA DECISION

Announcer. Here is a question which is being raised in Charleston: "How much did the pressure of Ohio and Kentucky have to do in influencing the FAA at arriving at their May 15 decision on the location of the airport?"

Mr. Bowers. The pressure, if there was any, from Ohio and Kentucky as well as pressure from any other sources didn't have any part in the FAA decision. The FAA made what it believed was a careful, comprehensive, objective study and came to a decision that it believes is the best decision in the public interest, and pressure from any source played no part in that decision.

FAA IS MAKING UNPRECEDENTED ADVANCE COMMITMENT TO FUND MIDWAY

Announcer. Mr. Bowers, would you please elaborate on your statement recently made at a public meeting in Charleston when you said, FAA has taken an extremely unusual step concerning whether it will commit itself to funding an airport in Putnam County. Normally, FAA never makes funding promises in advance.

Mr. Bowers. The FAA funds available from a grant-in-aid program are only a small part of the total funds that are needed nationwide for eligible airport development. The traditional position of FAA, therefore, has been to wait until a public agency came forward with a definite proposal seeking Federal aid and having accomplished the basic planning for the airport. In this particular case, the FAA has made an investment decision before it received a definite proposal from the communities and this is an unusual thing. The agency has actually made a public statement that it would support its decision on a Midway airport to the extent that it can make funds available to assist in this effort.

HEARING PROCEDURES FOR CONSCIENTIOUS OBJECTORS SHOULD BE RESTORED

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Brown] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of California. Mr. Speaker, we will have before us shortly the conference report on the draft bill. While I am disappointed with many features of the bill, I wish to comment particularly on only one feature.

I believe the Senate and House conferees on the military draft bill have made a grave mistake in removing the possibility of a hearing by the Department of Justice in conscientious objector cases. This provision has been in the law since 1940.

The committee appears to have taken this step in order to try to streamline and speed up handling of conscientious objector cases. But instead the result may well compound administrative and legal problems and stretch out the time required to settle conscientious objector cases.

The courts have relied on the Department of Justice procedure as a fair and impartial method of evaluating conscientious objector claims. The removal of this procedure raises serious questions of due process of law. Since administrative safeguards are lessened, the courts may feel constrained to provide an alternative review within the judicial process. This would put a large additional burden on the already clogged judicial system and actually lengthen the amount of time required to decide conscientious objector cases.

Here, for example, is the way the court in *United States* v. *Gearey*, 368 F. 2d 144—2d Cir. 1966—saw the value of the procedure which has now been eliminated.

> The obvious purpose of the statutory scheme which provides for intervention by the Justice Department into the Selective Service appeal procedure, is to furnish a fount of information concerning an appellant's conscientious objection claim to the Appeal Board, so that a careful and enlightened decision can be reached. The Department's recommendation is based not only on the hearing which it conducts, but also on the report it receives from the FBI concerning the accuracy and sincerity of the applicant's claim. The Justice Department's role in the appeal procedure serves another purpose. It introduces into the inquiry a government agency less intimately associated with the armed forces than the Selective Service System, and not as concerned with meeting fixed quota calls. As a result a more objective and disinterested approach to granting exemptions can be expected.

The Department of Justice review has been very important in providing a fair hearing for conscientious objectors. In two-thirds of the cases considered, the local board and the appeal board were reversed, and the conscientious objector's claim was sustained. While the Department of Justice recommendation was only advisory, the appeal board almost always accepted the Department's finding. Now this important review of local decisions will disappear.

It might still be possible by regulation to set up a comparable procedure within the Selective Service System, and we urge that this be done. A comparable procedure would provide the conscientious objector claimant with an opportunity for a face-to-face discussion and hearing before a distinguished hearing examiner, the right to have an attorney present, and supporting witnesses. The Department of Justice relied on hearing examiners who volunteered their services. A system of compensation would seem fairer and more likely to speed up the handling of cases.

Mr. Speaker, I repeat that the bill before us, without the Department of Justice hearing procedure, has moved a step backward in the handling of conscientious objector cases. I urge that Selective Service make every effort to correct this situation as soon as possible by regulation.

FORMER COMPTROLLER OF CURRENCY, MR. SAXON, CONDEMNS FEDERAL RESERVE IN RECENT EXCELLENT SPEECH

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Patman] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PATMAN. Mr. Speaker, while Mr. Saxon was Comptroller of the Currency, I found it necessary to criticize his activities strongly from time to time. However, I think he is to be commended for his excellent speech delivered in Chicago at the annual forecasting conference of the University of Illinois. He stressed the view which I have expressed many times—that more political control is needed over the Federal Reserve Board. He correctly pointed out that the Fed's claim to independence has no merit at a time when its actions affect vital social and economic choices; and that in its role as a central planning board it must be brought under the control of elected representatives of the people.

He stated further:

> In a democratic society there are particular dangers in lodging broad regulatory powers with the central bank.

And he charged the central bankers with having cultivated the view that monetary affairs have a mystique and an obscurity which call for blind faith.

These are points I have been making for years. In bringing them to the public attention, Mr. Saxon is performing a great service. Under unanimous consent, I place the account of his speech, which appeared in today's Wall Street Journal, in the Record at this point:

[From the Wall Street Journal,
June 16, 1967]

More Political Control Over Reserve Board Is Urged by Saxon, Citing Its Planning Role

Chicago.—James J. Saxon, who used to feud with the Federal Reserve Board on specific cases, scathingly attacked it on broad philosophic grounds as a menace to a democratic society.

Formerly the chief supervisor of national banks as Currency Comptroller in the Kennedy and Johnson administrations, Mr. Saxon is co-chairman of the American Fletcher National Bank in Indianapolis. As a national bank, American Fletcher is automatically a Federal Reserve System member.

Arguing that the board should be brought under closer political control, Mr. Saxon said its "claim to independence may have had some merit in the days in which the Federal Reserve sought no deliberate role in the making of vital social and economic choices." But, he said, "if it seeks to become a central planning board instead of a central bank, it is time that it should be brought under the purview of the elected representatives of the people" so its proposals and reasoning can be exposed to public view before it takes actions.

Mr. Saxon's remarks were made at the annual forecasting conference of the University of Illinois at Chicago.

A Federal Reserve Board spokesman said the board wouldn't have any comment on Mr. Saxon's speech.

"In a democratic society there are particular dangers in lodging broad regulatory powers with the central bank," Mr. Saxon said, accusing central bankers throughout the world of having "for centuries sedulously cultivated the view that monetary affairs have a mystique and an obscurity that calls almost for blind faith." Because of their "guise of benevolent conservatism," he said, "many a destructive policy may long escape notice or criticism."

Particularly with its present members, Mr. Saxon said, the seven-man Federal Reserve Board has got away from the original idea of simply providing enough money to permit economic growth and has "embarked on programs designed to promote or restrict the flow of credit to particular uses in the economy." It temporarily made an "ill-conceived and hazardous excursion" into trying to pressure banks into limiting their loans to business customers last year, he said, and "still persists in its manipulation of the interest rate structure for the purpose of improving the competitive position of the savings and loan associations and stimulating the housing industry.

The board's ambitions aren't solely domestic, Mr. Saxon contended, saying that "merely because it has to deal with other central banks," the board "seems to regard itself as the ultimate arbiter of all our international financial affairs, both private and governmental."

The "most disturbing aspect" of these developments, Mr. Saxon charged, is "the insistence of the Federal Reserve that it should be allowed to exercise these powers independently, and in secret—powers which may be used, or abused, to favor or penalize one or another industry or segment of the economy, and thus seriously jeopardize the effective functioning of private enterprise in the public interest." The country must not allow the values of private enterprise, Mr. Saxon concluded, "to be subverted or compromised through incursions of Government sheltered from the cleansing effects of the democratic process."

American Statistical Association, one of the co-sponsors of the forecasting conference, released results of a poll of 100 Chicago-area statisticians, market researchers and economists who gave their economic forecasts for next year.

The consensus was that gross national product in 1968 would rise to $822 billion, or a gain of 5.5% from the $779 billion (5.3% increase) forecast for this year. The consensus also was that corporate profits would recover to $48 billion in 1968 after an expected decline of 5% to $46 billion this year.

ADDRESS BY CONGRESSMAN JOHN BRADEMAS AT COMMENCEMENT EXERCISES, SPELMAN COLLEGE, ATLANTA, GA., MAY 29, 1967

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. Brademas] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, on May 29, I had the privilege of delivering the commencement address at Spelman College, Atlanta, Ga., and I ask unanimous consent to insert my remarks on that occasion at this point in the Record.

Address by Congressman John Brademas at Commencement Exercises, Spelman College, Atlanta, Ga., May 29, 1967

President Manley, President Mays, President Clement and members of the class of 1967, faculty, and friends, I am delighted to be with you at Spelman College today.

During my nearly nine years as a Member of Congress, I have visited Buenos Aires and Berlin, Bangkok and Belgrade, Warsaw and Moscow, Santo Domingo and Djarkarta. Last week I even ventured into California, land of smoking bananas, endless summers, topless waitresses, and Ronald Reagan and his cast of thousands. So I am pleased today to be in Atlanta, heart of the New South and now, thanks to Governor Maddox, drumstick capital of the nation!

I am honored today to join the long list of public figures who have addressed you during your years at Spelman—men like Harry Gideonse, the distinguished former president of Brooklyn College, and my good friend and former colleague in the House of Representatives, Charles L. Weltner. I know that you in Atlanta share my deep respect for Mr. Weltner's high courage and great ability. It is my firm hope, as it must be yours, that as day follows night, Charles Weltner will return shortly to a position of great public trust. Men of his stamp are too few, by far, and we cannot spare them.

May I also say how pleased I am to be in Atlanta with such distinguished leaders in American education as Dr. Benjamin Mays, President of Morehouse College, Dr. Rufus Clement, President of Atlanta University, and your own Dr. Albert E. Manley, the President of Spelman College. All three have made outstanding contributions to the cause of higher education in the United States.

I am also glad to be here because I find this happy academic setting a welcome relief from the jungle warfare of the House of Representatives. I spent the first three days of last week standing before my combative colleagues in the House in a partly successful defense of my bill to extend the historic Elementary and Secondary Education Act. After running that gauntlet I welcome the chance to stand before you today, not only because you are far prettier than my esteemed colleagues, but also because—for today at least—no matter how strongly you may disagree with my remarks, you can't talk back!

I have not come to Spelman, however, to burden you with the professional boosterism that so many commencement speakers try to foist off on their listeners, for my own days as a student and professor are still recent enough to steer me clear of that reef. Nor have I come to remind you of Bob Hope's classic advice to a group of graduating seniors about to go out into the world: "Don't!"

LEADERSHIP

I have come rather to talk about *leadership*—the personal leadership that you as graduating seniors, and the educational leadership that Spelman College, must exert.

My thesis is twofold: It is first, that as Negro Americans who have had the advantages of a first-class education, you have a special responsibility to insure that the drive for equal rights and equal opportunities for all Americans moves ahead firmly and constructively.

Second, I believe that Spelman College, together with the other predominantly Negro colleges in the South, must also help spur that drive by persisting in new and courageous ways in their uphill battle to provide first-class education for their students.

Let me confess at this point that I share the deep concern which John W. Gardner, the Secretary of Health, Education, and Welfare, has expressed in his perceptive essay, "The Anti-Leadership Vaccine."

Mr. Gardner declares that the educated man has defaulted, that he has failed to embrace the role of leadership which society expects of him. Moreover, charges Mr. Gardner, we are "immunizing" many of our most talented young people against any desire to be leaders.

Part of the difficulty, he says, is the kind of world we live in:

"The conditions of life in a modern, complex society are not conducive to the emergence of leaders. The young person today is acutely aware of the fact that he is an anonymous member of a mass society, an individual lost among millions of others. The processes by which leadership is exercised are not visible to him, and he is bound to think that they are exceedingly intricate."

But there is a still more disturbing reason that explains the retreat from responsibility for leadership that many young people have made. They find the exercise of leadership, the work of the "power structure", more than mysterious and far removed; they find it distasteful and corrupt.

Here, as Mr. Gardner points out, is the view of leadership often found in the academic community:

"The image of the corporation president, politician, or college president that is current among intellectuals and professionals today has some decidedly unattractive features. It is said that such men compromise their convictions almost daily, if not hourly. It is said that they have tasted the corrupting experience of power."

Given these attitudes it comes as no surprise that many young people have adopted views of social change which stress personal relationships rather than organizational activities, which emphasize the politics of protest rather than the politics of party.

Indeed this is the kind of response one might logically expect from sensitive and intelligent young people who see their lives determined far more by powers and principalities—corporations, governments, unions—than by their next door neighbors or the family down the street.

RETREAT FROM RESPONSIBILITY

But the fact is that the most urgent issue that we now face as a nation—the drive to guarantee to all our citizens the rights and opportunities that are theirs as Americans—is at root not corporate, not impersonal, but direct and immediate. Bob Dylan poses the question as it should be posed: "How many times can a man turn his head and pretend that he just doesn't see?"

Since the Supreme Court handed down the Brown decision in 1954, millions of Americans, both white and black, have chosen not to retreat from responsibility on the civil rights question but to seek it out. I believe that today, at a time when the civil rights movement is encountering new resistance and new obstacles, you members of the Class of 1967, as some of the finest of our young people, must assume responsibility to help insure that firm and constructive leadership in the movement will prevail.

Let me make it clear that I am not asking you to become a professional demonstrator or a full-time civil rights worker. It is not for me to insist that you place yourself in harm's way. But I am telling you that as the best of our young people today, you simply cannot take a trip and escape the real world by injecting yourselves with "the anti-leadership vaccine," or whatever else is high on today's hip parade!

For you know as well as I do that the drive to guarantee equal rights and equal opportunities to all Americans has entered a time of bitter testing. In recent months we have witnessed a distressing hardening of attitudes on the civil rights question. Increasingly caustic rhetoric from both intolerant whites and militant Negroes, violence on the campuses of Negro colleges, threats of a long hot summer—all are signs of the growing menace to the slow but solid gains we have made in our efforts to make real for all Americans the promise of the Constitution.

I have seen this growing polarization of attitudes reflected to a certain extent in Congress as well. Anti-riot, anti-bussing, anti-school desegration amendments now pass the House of Representatives with ease. Both House and Senate last year passed an anti-crime bill for the District of Columbia that President Johnson correctly vetoed because it was, in several glaring respects, unconstitutional. And it has for some time been obvious that Congress will enact no new civil rights legislation this year. The reasons for this impasse are many—I would certainly include the pressures on national unity and resources imposed by the Vietnam war—but the fact remains that in Washington as across the country, the forward movement of the drive for equal rights and opportunities is in jeopardy.

I am therefore convinced that to safeguard the gains we have made, and to extend them, will require leadership of a high order. And *you* must become part of that leadership. For if *you* do not, then the advocates both of black power and of white supremacy will be able to plead their cases unopposed. They will succeed in straining to the breaking point the already taut relations between Negroes and whites.

What we now require is the courage patiently but firmly to persist. We must place the remarks of former Republican Presidential candidate Barry Goldwater in reverse. To any who would counsel violence let us say: Extremism in the defense of liberty is no virtue. And moderation in the pursuit of justice is no vice.

I said that my thesis today was two-fold: *personal* leadership on the part of you graduating seniors and *educational* leadership on the part of this college.

It is to the second part of my thesis that I wish now to turn, for I believe that Spelman and other institutions of higher learning in the South, both white and Negro, also have a crucial set of responsibilities to assume in their drive to provide a first-class education for all their students.

COOPERATION AMONG COLLEGES AND UNIVERSITIES

One of the most powerful tools for improving the equality of higher education in the South, and indeed throughout the country, is the educational *consortium* in which colleges and universities share their strongest resources with one another. Many institutions will do well to follow, where possible, the pattern set by the university complex here in Atlanta, where for more than a generation Spelman, Morehouse, Clark, and Morris Brown Colleges and Atlanta University have worked together for their mutual improvement.

This pattern of shared resources has been greatly strengthened by new programs made possible by the Higher Education Act of 1965. Title III of this measure provides funds to help so-called developing institutions improve the quality of their programs through cooperative arrangements with similar institutions, with established colleges and universities, or with business organizations.

Already Spelman and the other institutions in this university complex have received more than $650,000 in Federal Title II funds to undertake cooperative programs for improvement in such fields as medical technology, business administration, food production management, and career placement. As a co-sponsor in the House of Representatives of the Higher Education Act, I am greatly encouraged by the high standard of performance that the Atlanta group has demonstrated in carrying out this key program.

Indeed, it was only last week that Spelman College was awarded a Federal grant of $75,000 for ten National Teaching Fellowships—and I notice also that Spelman will be participating with other members of the Atlanta group in two other programs to be financed by the Higher Education Act and totaling $67,500.

I should also note here that under other provisions of the Higher Education Act—including the Educational Opportunity grant and work-study programs as well as the instructional materials and equipment title—Spelman has already received more than $80,000. And last year the College received nearly $62,000 under the student loan program of the National Defense Education Act.

INTERNATIONAL EDUCATION

The successful consortium arrangements that you in Atlanta have developed to date may well prove of great advantage as you begin to strengthen your programs in another critical field—international studies. Last year I was the chief sponsor in Congress of the International Education Act, a measure designed to strengthen the capacity of American colleges and universities in international affairs. I introduced the International Education Act in the knowledge that our colleges and universities are today graduating too many students who believe the world is flat and the sun turns around the earth—at least in terms of their knowledge of other countries of the world. Despite considerable progress made by a few institutions during the past decade, there remain glaring gaps in the capacity and commitment of our colleges and universities in international studies and research.

It is these gaps that the International Education Act is designed to bridge. The Act authorizes a domestic program of $140 million in grants over the next three years for graduate centers of research and training in international affairs and for undergraduate programs. It represents the first time that the Federal government has made a long-range commitment to support the international dimensions of our colleges and universities as educational institutions, not merely as resources for the overseas operations of the government.

I regret to say that initial planning and operations under the Act have so far been hampered by the failure of the Appropriations Committees in Congress to vote the necessary funds. But I am confident that significant funds will become available at some point, and as you plan ahead for that day I would urge you to build upon your experience as an educational consortium.

For it seems to me that in the field of international education, the small liberal arts colleges, if they are to make real impact, must look to a cooperative developmental effort. I am sure that you at Spelman recognize the enormous cost of providing first-rate international education, and that you would agree with me that duplication of facilities—such as expensive library materials—and unwarranted competition for scarce faculty would weaken, not strengthen, your capacity for leadership in international studies.

COOPERATION IN INTERNATIONAL EDUCATION

I believe that together with other small liberal arts colleges in the South—and I mean colleges outside Atlanta as well—you should take stock of your library, faculty, administrative, and student resources in international studies. You should then, wherever feasible, attempt to pool these resources so that all your students have the widest possible opportunity for exposure to courses and other academic experiences with foreign cultures and other nations.

But beyond combining your own strengths with those of other small institutions, I strongly believe that you should begin actively to explore ways of entering into further cooperative ventures with major universities in the South, and in other parts of the country as well, that have already developed considerable expertise in international studies and research. I am thinking, for example, of the commitment of the University of Notre Dame in my own Congressional district in the field of Latin American affairs, or of the strength of Boston University in African studies. I believe that you at Spelman, as at other smaller institutions, can and must find ways to combine your assets in the international field with the strengths of major universities without threatening your own autonomy and independence. At any rate, as sponsor of the International Education Act, I would urge that you follow some such pattern in planning for programs under the Act.

What I am suggesting to you is that in your quest for excellence, in international education and, indeed, in every other field, you must enter into new consortiums that extend beyond Atlanta. You must work to establish strong ties with first-rate colleges and universities, especially in the South, for both you and they will profit from and be enriched by such an exchange. But to create these consortiums, you must first face squarely the fact that higher education in the South is, to a remarkably high degree, segregated.

SEGREGATION IN HIGHER EDUCATION

While the attention of Congress has for good reason been riveted on the slow pace of desegregating elementary and secondary schools in the South, we have almost forgotten that progress in desegregating higher education, too, remains distressingly slow.

Georgia Tech has only 30 Negroes among its 20,000 students, and the University of Virginia has no Negro undergraduates at all. With few exceptions the major white universities in the South have only limited ties to the Negro colleges. On the other hand most Negro colleges, including Spelman, remain confined largely to Negroes.

I recognize that these patterns of segregation in both Negro and white colleges will not end next year. Indeed, I am confident that defenders of the present system can adduce a thousand reasons for the extension of these patterns until time immemorial. But it must be clear that their continuation will in the long run retard the drive for both first-rate education and equal opportunity. Clearly the responsibility to break down segregation in American higher education falls on both Negro institutions and white.

In the development of new and integrated educational consortiums you can employ not only the new programs and funds made available through measures enacted by the 89th Congress, but also private efforts to help strengthen Negro colleges. The decision of such distinguished economists as Walter Heller and Henry Wallich to teach next fall in Negro colleges, and the seven-year program just undertaken by the Council of Southern Universities to provide graduate fellowships to faculty members of these institutions, are promising examples of the new private resources of which you must avail yourselves.

I am convinced that difficult as these new consortiums may be to establish, they will return handsome dividends in a host of fields. Consider, for example, teacher education. At present both Negro and white colleges and universities in the South are lagging badly behind in the development of improved programs to prepare their students to be more effective teachers of culturally deprived children. According to an extensive survey just completed by the Southern Education Reporting Service, not even one Southern institution in six has made any substantive changes in the past five years to improve the preparation of teachers for work in urban and rural slum schools.

For many Negroes, and for many whites as well, this failure to revamp teacher training, and other failures like it, only strengthen a vicious cycle: attendance at substandard schools, then attendance at substandard colleges, and finally a return to the schools as substandard teachers.

Through the landmark education measures that Congress has enacted and through a host of private efforts, we have started to break that cycle. But we must move much faster, for we have far to go and not a moment to lose. And I suggest to you that you will accelerate your progress and save essential time by entering into the new educational consortiums—integrated consortiums in teacher training and other key areas—that I have described.

I have spoken to you today of two closely related kinds of leadership: the personal leadership that you as graduating seniors of Spelman College must assume to help insure that the drive for equal rights and equal opportunities for all our citizens moves ahead firmly and constructively, and the educational leadership that Spelman College and other institutions of higher learning throughout the South, both Negro and white, must now exert if they are in fact to provide the first-class education that will promote the cause of first-class citizenship.

Indeed, another way to state my thesis is to repeat the first words of the beautiful spiritual which we heard sung this morning: "Guide my feet while I run this race, for I don't want to run this race in vain". I am confident that the efforts which both you as individuals and the institutions of higher learning in the South are making will not be in vain.

As I close, let me remind you of the words that John F. Kennedy delivered to the student body of the University of North Dakota just two months before his death.

"What we seek to advance, what we seek to develop in all of our colleges and universities are educated men and women who can bear the burdens of responsible citizenship, who can make judgments about life as it is, and as it must be . . ."

I look to you who have enjoyed the privileges of a first-class education to make judgments about life as it is, and as it must be, and to act upon them.

THE HONORABLE JOHN A. BLATNIK

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Howard] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOWARD. Mr. Speaker, for some Members of this House the outstanding accomplishments they perform continue along at a rapid pace with no end in sight. Such a man is the distinguished gentleman from Minnesota, our friend and colleague, John A. Blatnik.

Representative Blatnik has won deserved worldwide recognition for his outstanding role in leading the fight against water pollution problems in the United States. The legislation passed in 1965 and again in 1966 are great accomplishments. The tremendous sense of satisfaction at the attainment of these goals would be sufficient to make even the most distinguished members of this Chamber take a brief pause from the continuing legislative battles. But not John Blatnik.

Shortly after the 90th Congress convened, the special Subcommittee on the Federal Aid Highway Program, under the chairmanship of John Blatnik, began an exhaustive investigation into highway safety.

The public hearings have begun and the testimony is now being received. Last night, Joseph McCaffery, of ABC News, read a television editorial which commends Congressman Blatnik for his fine work. I now include that editorial in the Record:

ABC Television Editorial by Joseph McCaffery Praising Congressman John Blatnik on Efforts To Improve Nation's Highways

When Congressman John Blatnik runs for re-election next year no one would be surprised if he ended up with 99 and forty-four one hundredths of the total vote, because he has been working for purity; purity in water, purity in air, and now he is trying to help purify the nation's highways.

As head of the special highway subcommittee in the House, Blatnik is seeking to cut down traffic fatalities. His committee brings home the fact that 60 per cent of accidents on freeways are single car crashes. The cars run off the road, smashing into abutments, deep ditches and other obstructions, all of which have been deliberately placed there by helpful highway designers, and some of them, placed there in the name of safety.

Blatnik has proven that you don't have to be an expert to see the road hazards such as street light poles imbedded in concrete right by the shoulder of the road. The dangers of the Capitol Beltway were laid out on the committee table during the recent hearings.

Blatnik even produced a safety star, Joseph Linko, who brought before the committe hundreds of pictures of road hazards. Linko's testimony, because it was so down to earth, had as much impact as a car striking one of those monstrous guardrails.

After reviewing the testimony Blatnik has had entered on the record, the wonder is that something hasn't been done about all of this before. The hope is that something will be done about it now. That anything be done now will be due, in no small part, to the fact that John Blatnik was patient enough to devote time to the problem, and build the presentation before his committee. We leave too many things to experts. We never question them. John Blatnik has proved once again that the experts aren't always right.

THE TIME HAS COME TO ENACT THE PUBLIC BROADCAST ACT OF 1967

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Pepper] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PEPPER. Mr. Speaker, the need for public television is a vital and pressing matter, for it can be a potent force in creating a better informed public and in advancing the dispersion of culture throughout the Nation.

I have been in favor of instituting the measures required to create public television, and have spoken out many times in favor of the Public Television Act which the Senate has amended and is now called Public Broadcasting Act.

On April 11 of this year I testified before the Committee on Commerce in the other body, on the grave need for public television, and was gratified to learn that the Senate gave emphatic endorsement to and subsequently passed S. 1160, the Public Broadcasting Act, which is a new dynamic step forward for a more far-reaching program of public television.

It is with the national interest of the American people in mind that I have introduced H.R. 6845 which would create a more efficient program of public television and it is my burning desire that a system of public television like the excellent public television network in my home State of Florida, could be given to the American people as a whole. President Johnson has said that public television is a vital national resource, it has the potentiality of being a great instrument and it should be wielded as such. It is an essential part of the national service; on it rests the cultural viewpoints which are the hallmarks of true democracy.

Mr. Speaker, at this time I insert into the Congressional Record an article by Lester Markel, the associate editor of the New York Times. It states well the views of one of the Nation's outstanding journalists, one who has had more than usual contact with educational broadcasting and knows the potential of it. The article is tough minded and calls a spade a spade.

I should add that Mr. Markel did testify in the Senate in support of S. 1160, and did an excellent job. He pointed out in his testimony, for example, that public television is needed because private TV does not provide the interpretation of the news or the perspective on it and I say in these days of complex affairs, presentations of facts without exposition of the meaning of those facts has little significance. As in the public affairs area greater efforts and new approaches are required in the cultural area. It is obvious that one of our great problems of the future—it may be our greatest problem—is the use of nonworking time which as a result of automation is likely to increase sharply. Television can provide programs for leisure time and it can supply guideposts for other leisure activities.

Mr. Speaker, I insert this article at this point in the Record:

Public Television: A "National Resource"

(By Lestor Markel)

The bill for Public (educational or noncommercial) Television has been passed by the Senate with dispatch and emphatic endorsement. In the House the going is likely to be much rougher. Now is the time for all good men to come to the aid of the parties that are deeply concerned—the educational broadcasters, the devoted listeners, the public at large. For this is, as Senator Percy put it, "milestone legislation" representing "a strong national commitment to the development of a vital national resource."

The case for Public Television is simply stated. Television can be a potent force in achieving a better-informed public opinion and in advancing the cultural state of the nation. Commercial television has not done the job and it is not likely to do so, for the very reason that it is commercial.

GAPS IN COMMERCIAL TV

The news broadcasts comprise, for the most part, a headline service; often they supply drama, but they lack depth. The cultural contributions are sporadic, even though at times they are of high order. But the most telling count in the indictment is that of timing; the evening, the important hours, for the most part, add up to a desert area with few oases.

In all three areas—information, culture and program time—Public Television can fill the gaps.

In the information area, Public Television can perform the urgent assignment of presenting the news in an understandable way, providing news in perspective, news in the broadest sense, including significant trends as well as the spot events. In addition, it can present well-ordered and well-moderated debates on the pressing issues of the day.

OPENING NEW VISTAS

In the cultural area, Public Television can open new vistas; it can provide programs on a consistent basis, supplying more theater, more music, more art, more discussion on books—more philosophy if you will. None of these proposals rules out entertainment; the suggestion is only that entertainment be provided on a higher level.

The effort should be local as well as national. It is, of course, highly desirable to present great drama, grand opera, grander art; but it is also highly useful to tap the resources of communities and universities, to explain the newest show at the art center, and to cooperate with the local libraries in indicating the joys of reading.

Above all, Public Television can provide prime stuff in prime time—programs that have high quality without being "highbrow"—good entertainment as well as good talk; footnotes as well as headlines.

But these arguments will not prevail unless two handicaps are overcome: public apathy and Congressional doubt.

The approach to the public has been vague and confused. There has been no convincing demonstration that Public Television can do a genuine job both of enlightenment and of entertainment. Most of the talk has been of techniques rather than content. Admittedly, conduits are essential, but the nature of the flow through the conduits is of prime importance. Thoreau's warning of the past still applies: "We are in great haste to construct a magnetic telegraph from Maine to Texas. But Maine and Texas may have nothing to communicate."

FACING UP TO DOUBTS

The Congress must be educated to the importance of Public Television and to the vital need of assuring its independence. At the moment Congress pays lip service to the concept, but it has a basic fear that a Government-supported medium of communication will be used for propaganda purposes. This is a deep fear, but it is unfounded; B.B.C. is a prime example of how the task can be independently performed. Such doubts cannot be ducked (it has been proposed, for example, that public funds shall not be used for news); they must be squarely faced.

Public Television in the true sense requires an annual expenditure of more than a quarter-billion dollars. Private funds are surely desirable, but the greater part of the moneys will have to come from the Federal Government. This is a small price to pay for so large an achievement.

THE BIG STEP UP

There is a potent argument for appropriating public funds for these purposes. The Federal Government has long recognized the need for education in the schools and colleges; the principle applies equally to adult education, which Public Television virtually is. A Public Broadcasting Act can be compared with the Land Grant Act of 1862; both can be considered momentous steps toward mass higher education.

There is, in sum, much goodwill toward the idea of Public Television; there is the conviction that something should be done; there are many brave and vague pronouncements. But more than goodwill, acquiescence and kind words are needed. There must be agreement on objectives, harmony of action and cold cash.

For through Public Television we shall be able to achieve, possibly not an enlightened majority, but surely a much larger enlightened minority—and thus will the state of the Union be notably advanced.

PEPPER SUPPORTS ANTIRIOT PROPOSAL

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Pepper] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PEPPER. Mr. Speaker, I would like to take this opportunity to voice my complete accord with my distinguished colleagues, the gentlemen from Florida [Mr. CRAMER and Mr. GIBBONS], on the dire need for effective antiriot legislation.

At the same time that I do not condone riots of any nature, I feel very strongly that some effective sanctions are required to deal particularly with outside agitators, whose sole aim is to cause arch violence.

I voted for and cosponsored Mr. CRAMER's antiriot bill which he tried to make a part of the 1966 Civil Rights Act, that would have prohibited interstate travel of persons attempting to incite riots and violent civil disturbances. Unfortunately, this extremely important measure died when the Senate failed to take action on the Civil Rights Act.

This year I again cointroduced and wholeheartedly support a bill to prevent interstate travel of persons attempting to incite riots and violent civil disturbances.

I support any action which would bring such a bill to the immediate attention of this House, and would like to commend my colleagues for their unstinting efforts. I was especially gratified to learn that through my efforts in the Rules Committee and those of my colleagues, the Chairman of the Rules Committee has taken the pending measures for the implementation of an antiriot bill, so desperately needed by this Nation, under consideration.

Meetings, marches and demonstrations are an integral part of the American way of life, and when the life of any American is endangered through professional agitation for violence, we must institute immediate action to stamp out the roots of this potential danger.

A TRIBUTE TO THE LATE GRENVILLE CLARK

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. CONYERS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CONYERS. Mr. Speaker, this winter our country suffered the loss of a great and noble gentleman who to the end sought a workable strategy for attaining world peace. The death of Grenville Clark at a time when nations are in such turmoil leaves a shadow over hopes for world peace.

The eulogy which follows was written by Walter J. Leonard, a student at the Howard University School of Law and Chairman of the Student Forum on International Order and World Peace. The Student Forum was founded as a result of Mr. Clark's belief and devotion to the concept that world order can be achieved through world peace. Mr. Leonard is a third year law student from Atlanta, Ga., and serves as Justice of the Langston Chapter of Phi Alpha Delta Legal Fraternity. He is a long associate of the Clark family and delivered the following tribute to Mr. Clark at the funeral:

> The death of Grenville Clark has left the world considerably poorer. His unceasing devotion to the study of world problems and the proliferation of disputes and conflicts attendant to these problems does not admit of an equal in the foreseeable future.
>
> While Grenville Clark was a resident and domicile of Dublin, New Hampshire, and the United States, he was a citizen of the World. His thought and concern were global in breadth. The degree and extent of his interest were bounded only by the outer reaches of man's desire to live in a world of peace and plenty, a world absent unrest and instability.
>
> Mr. Clark advocated the establishment of a world disarmament and development organization to supplement the United Nations. It was his belief that an article by article revision of the United Nations' Charter was necessary if that body were to become an effective instrument, capable of promoting a general and complete disarmament under an enforceable system of World Law.
>
> The extent and degree to which the mind and manner of Grenville Clark will be manifest in the future of world order depends, it seems to me, on how sincere the world's leaders, and to a great degree the people of the world, are in their announced hopes and purposes toward mandating an existence for mankind absent the scourge of war. Mr. Clark, jointly with Professor Louis B. Sohn of the Harvard University Law School, authored "World Peace Through World Law." This important volume was and is meant to operate as a blueprint in the strengthening of the United Nations by drastically revising its Charter, thereby empowering it to deal effectively with a world beset with international, transnational and multinational questions, most of which are pregnant with issues capable of catapulting the terrestrial globe into a nuclear holocaust.
>
> As Chairman of the Student Forum on International Order and World Peace, I salute the man and the memory that was and is Grenville Clark in the name of our members and supporters everywhere, commending to everyone in whose presence this may come, the words of the man, himself, in their clear, cogent and convincing argument for the effectuation of a system of law, on a world scale, enforceable against international violence:
>
> "Mankind has never devised any method to maintain stability and order within local community, province, state or nation save effective law against violence, with necessary institutions to this end, including a legislative body, tribunals to interpret and apply the laws and police to deter or apprehend violators.
>
> "Until the simple truth is grasped by more people everywhere that a corresponding system on a world scale is indispensable, it is normal and inevitable that the arms race with its vast waste of human resources and energy will continue with consequent recurrent conflicts."
>
> Mr. Clark believed that in a "civilized world" war and international lawlessness are both intolerable and inexcusable.

CARDINAL RITTER, ARCHBISHOP OF ST. LOUIS

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. ICHORD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ICHORD. Mr. Speaker, the death of Cardinal Ritter, archbishop of St. Louis, has brought shock and sorrow, not only to the archdiocese of St. Louis, but also to all who shared his deep devotion to the causes of religious liberty and equality and justice for all and his dedication to duty and religious principles.

Cardinal Ritter, born in Indiana, became the first archbishop of Indianapolis in 1944, and was appointed archbishop of St. Louis in 1946, succeeding the late John Cardinal Glennon. He was made cardinal by Pope John XXIII in January 1961. During Joseph Ritter's score of years as archbishop of St. Louis, he identified and distinguished himself as a quietly effective leader in the renewal of the Catholic church and in its involvement in the world. The influence which he lent to civic, State, and national affairs and issues became hallmark contributions reflecting an expertise in matters even far afield from his position in the clergy. His enthusiastic leadership was evident in ecumenical activities and lay involvement in archdiocesan planning. As a member of the Second Vatican Council, he evinced strong American influence into the deliberations.

The character of Cardinal Ritter, composed of constructive but contradictory elements, was nevertheless a balanced and rounded character. He has been described as "at once firm and tough," as warmly human and as a man of flashing temper, as a man of unyielding holiness but one firmly determined to achieve idealistic goals in a realistic manner. He was, in fact, a man whose consistent devotion to peace and justice led him to speak softly, but in decisive terms and tones, and to act, in every way that lay within his power, in behalf of the well-being and dignity of all men. Truly, God has been well served by such a priest, and bishop, and his memory will be blessed for generations to come.

MEAT INSPECTION ACT AMENDMENTS ARE DESIRABLE

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. EVERETT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. EVERETT. Mr. Speaker, I wish to state that I have been greatly encouraged by the administration's proposal to amend the Meat Inspection Act, through which the inspection of our meat supply would be greatly strengthened and the consumer better protected.

Assuring the wholesomeness and truthful labeling of all meat and meat products is basic to the health and welfare of this Nation. It is a vast responsibility which cannot be taken lightly, for it touches the lives of nearly 200 million Americans every day.

The high standard of living which Americans enjoy, the prosperity and potential for the American food industry, the availability of present and future markets for the products of American farmers, all are greatly dependent on the integrity of our meat supply.

The present Meat Inspection Act was enacted over 60 years ago, at a time when the wholesomeness of this Nation's meat supply was questioned both here and abroad. At that time, not only was the health of the Nation in jeopardy, but so were the foreign markets for our meat products.

Today, our federal system of meat inspection serves as a model for the world. American consumers bask in the enjoyment of the highest standard of protection we can provide concurrent with present authority. We can take pride in this system, for it is a good one that has met the needs of the Nation up to the present time. The administrators of this program are dedicated men, who continually seek improvements within the boundaries of the present act.

Nevertheless, the present Meat Inspection Act has been amended only once since it was enacted six decades ago. We have seen massive technological advancements in the meatpacking industry since then—advancements which have created problems not conceived of by the drafters of the original act.

The whole structure of the industry has undergone considefable change just in the past decade or two. The slaughtering plants which were once centralized around key metropolitan centers like Chicago have dispersed their operations into livestock feeding areas.

On the other hand, those plants which process and manufacture meat products tend to locate away from the farm areas closer to large population centers. In addition, these plants have become highly specialized so as to reap the rewards of automation and high volume operation.

A whole new segment of the industry has been born, for the sole purpose of buying carcasses, boning them out, and supplying frozen boneless meat to the processing plants. With the development of new, high-speed equipment, these frozen blocks of meat can be processed more efficiently than fresh meat, cutting labor and processing time to a minimum.

Compounding the problems created by these structural changes is the fact that the number of so-called convenience foods has greatly increased. To minimize costs and maximize volume, processors have developed numerous chemical and other "fast" curing processes, artificial tenderizing and smoking, preservatives, coloring agents, and other additives that enhance consumer acceptance and prolong shelf life. But, they may also be deceptive or dangerous to one's health when their use is not regulated.

These structural and technological changes in the industry have greatly complicated the inspection of meat and meat products. More and more inspectors are required to adequately supervise the greater number of plants to insure wholesome products and sanitary operations. More sophisticated inspection procedures, including greater use of laboratory tests, are necessary to insure safety, freedom from adulteration, and truthful labeling of processed products.

The present Meat Inspection Act does not provide the framework under which the modern meat processing industry can be supervised to adequately protect the consumer. Changes are needed in this 60-year-old statute if the consumer is to receive the same high standard of protection which she has enjoyed over the past years.

State and local governments have found it increasingly difficult to marshal support for stronger meat inspection laws. Likewise, they have not obtained the increased manpower and financial resources necessary to provide continuous inspection of products not covered by the Federal Meat Inspection Act.

What is needed is a coordinated program under revised statutory authority wherein Federal and State governments can work together with modern laws to meet the challenges of the future.

The administration's proposal to amend the Meat Inspection Act is designed to fill the void that time and change have created. I commend this legislation to you for favorable consideration.

A DIATRIBE DELIVERED BY INDIAN PRIME MINISTER INDIRA GANDHI

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. RESNICK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RESNICK. Mr. Speaker, speaking as one American, I am tired of being kicked in the pants every time I bend over to load another sack of food to ship to a hungry nation.

I am referring to the diatribe delivered earlier this week by Indian Prime Minister Indira Gandhi. Addressing an Indian audience, Mrs. Gandhi said that she was sure that more abundant aid would be forthcoming from the United States if India agreed to set up a capitalist system. She also said that India is not getting aid without pressure.

I have heard many attacks leveled against the United States and our foreign policy. But, I have never heard one that is less deserved than Mrs. Gandhi's.

Mr. Speaker, I would like to express my condolences to the people of India, for, according to their Prime Minister, we are forcing them to take our food, medicine, money, machinery, and trained, talented personnel. Her recent statements made it sound as if, against their will, and only at our insistence, India has been accepting our treasure and our talent.

Of course, you realize, this is a paltry sum—merely $3,566,700,000, in the last 5 years alone. This is not counting the cost of over 400 Peace Corps volunteers, or the many private agencies such as the Ford Foundation, that have been enjoying India's delightful climate, fascinating social scene, and exquisite living conditions.

I really think, Mr. Speaker, the time has come for us to stop inflicting upon India the fruits and abundance of our miserable capitalist system. Of course, I understand our Indian friends consider their socialist system superior to our decadent capitalism, and I am sure it must be more satisfying morally, spiritually, and theoretically. Unfortunately, however, even the Indians realize that you cannot feed starving children with morals or cure sick mothers with theories.

Has there been the pressure on India that Mrs. Gandhi alleges? As a member of the House Committee on Agricuture, I can state with authority that the only pressure ever exerted on India was to ask her to modernize her agricultural economy, to get fertilizer plants built so that the Indian people could be fed wheat and rice, not theories and doctrines. I recall vividly the day in April 1966, when we were summoned to the White House and President Johnson requested that our committee report out a resolution which would make available immediately to India an additional 8.2 million tons of wheat, plus rice, milk, and other foodstuffs in order to keep 25 to 40 million Indians from dying of starvation. If there was ever a time when one country had another country over a barrel—and in a position to apply pressure—it was then. We asked for nothing, and we received even less—for we never even got a thank you from anyone in the Indian Government.

In her message attacking us, Prime Minister Gandhi professed a great admiration for Egypt as a "force for progress." What kind of progress is it when a poor and starving nation such as Egypt invests $2 billion in the machines of war instead of the tools of peace—water, fertilizer, tractors, factories, and education. Perhaps one of the reasons India cannot feed herself is that she looks up to Egypt as a progressive country. This is a fine example, for next to India, Egypt produces less food per capita than any other country in the world.

Mrs. Gandhi has apparently forgotten that when India once again turned to us in desperation during her hour of most pressing need earlier this year, once again it was the United States that quickly and generously responded with as much assistance as we could possibly give. When this body passed a resolution on March 10, 1967, which provided 172,000 tons of additional assistance to India, it was in addition to the 2.2 million tons we have made available to that hunger-ravaged nation during this year alone.

How much aid did India receive from her dear friend, Russia, during this moment of need when thousands of human beings were dying of starvation? Absolutely zero, Mr. Speaker—no wheat, no medical supplies, no concern for the deaths of thousands. What kind of unfair pressure is it, I would like to know, to ask other nations of the world to match our grants to India. No one could seriously contend that we have done as much as is humanly possible. Is it so strange to ask others in the community of nations to share this responsibility? I fail to see how this constitutes unfair pressure on India.

It would do Mrs. Gandhi well to reexamine her sense of values. Her current values lead her to glorify Egypt as progressive and Russia as a true and trusted friend. It is tragically ironic that this country, which has suffered so much, has not yet learned who her true friends are. Neither has it learned that the patience and generosity of even the United States can be exhausted.

Speaking as one American, my patience is quickly becoming exhausted. I am tired of being kicked in the pants every time I bend over to load another sack of food to ship to a hungry nation.

Maybe the time has come for the United States to seek a new vehicle, a new policy for helping the starving and diseased millions of India and the rest of the world. It seems that their leaders are more interested in following the siren song of world politics and power than in listening to the cries of hunger and despair from their starving masses.

If I were prime minister of a country that has the terrible and tragic problems of India, I would concern myself with methods of pouring food into my country rather than in ways of pouring rhetoric out of it.

If Mrs. Gandhi spent more time finding ways to feed those millions of Indians who are dying for lack of food and spent less time criticizing her one true friend, there would be many Indians alive today who are now dead for lack of food and medicine.

If Mrs. Gandhi is happier in her ivory tower shooting arrows at the United States rather than answering the cries of hunger from her starving people, I think it would be most inconsiderate of us, Mr. Speaker, to deny her her pleasures. However, we all know the tragedy of Nero who fiddled as Rome burned. It seems to me that we are seeing Mrs. Gandhi preach while India starves.

THE PEACE PALACE

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. Rarick] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RARICK. Mr. Speaker, with the breakdown of world confidence toward peace through the U.N., other peace mechanisms are now being examined.

Mr. Speaker, I insert in the Record varied comments on the Truman Center for Peace in Jerusalem and the JFK Memorial from the Israel Information Service and compilation of Presidential Documents:

[From News From Israel, Jan. 31, 1966]

L.B.J. at Dedication of Truman Center for Peace in Jerusalem

The establishment of a Harry S. Truman Center for the Advancement of Peace, a multi-million-dollar project dedicated to applying scientific methods to the isolation and removal of the causes of war, was announced in Independence, Mo., on January 20. Present at the dedication were President Johnson, former President Truman, Chief Justice Warren, Mr. Arthur Lourie, Deputy Director-General of the Israel Foreign Ministry, Mr. Eliahu Elath, President of the Hebrew University and other distinguished guests. The Center will be situated on the campus of the Hebrew University of Jerusalem in Israel.

A VISION RECALLED

Referring to Mr. Truman as "one of the world's most persistent seekers for peace," President Johnson cited the words of the former Chief Executive:

"And so, Mr. President, as we dedicate in your honor the Harry S. Truman Center for the Advancement of Peace, we recall the vision that you gave us to follow in your farewell address.

" 'I have a deep and abiding faith in the destiny of free men,' you said. 'With patience and courage we shall some day move on to a new era—a wonderful golden age—an age when we can use the peaceful tools that science has forged for us to do away with poverty and human misery everywhere on earth.'

"That is still our goal, Mr. President, and now we are redoubling our efforts to achieve it."

PARALLEL CEREMONY IN JERUSALEM

Simultaneously, the event was marked in Jerusalem at a ceremony at which tribute was paid to former President Truman by the President of Israel, Mr. Zalman Shazar, Foreign Minister Abba Eban, U.S. Ambassador Walworth Barbour, Prof. Nathan Rotenstreich, Rector of the Hebrew University, Israel Supreme Court Justice Haim Cohn and others.

In a cable to Mr. Truman, President Shazar said:

"In setting up this Center, so fittingly bearing your name, the people of Israel see an opportunity once more to express our deep gratitude for your historic role in the birth of the State of Israel and of the warm friendship we feel for you and Mrs. Truman. May the Truman Center advance the study and teaching of those immortal ideals which saw the light of day in Israel long ago, and which you have done so much to preserve and further in our own time."

A $10 MILLION STRUCTURE

The Truman Center will be housed in a $10 million structure whose design will be selected in an international architecture competition. It will be governed by an international committee of trustees.

Thirty-seven donors who contributed $100,000 each, through the American Friends of Hebrew University of Jerusalem, were introduced as Founders of the Truman Center. It was also announced that the Center will award an annual $50,000 Truman Center Peace Prize as part of its comprehensive anti-war program.

In a university setting at the crossroads of the modern and ancient worlds, peace will become a teaching discipline and the framework for investigations in depth. For the first time, subjects ranging from the physical sciences to metaphysics will be studied along guidelines seeking to alleviate sources of friction.

In the words of Hebrew University President Eliahu Elath, the Center "will carry on studies and research in subjects relating to international relations such as international law, comparative religion, Asian and African studies, political theory and philosophy, with emphasis on problems of education. Special projects will draw on Israel's experience in social and cultural integration of plural communities from widely varying backgrounds."

The Center will also house the Martin Buber Library, the official United Nations Library in Israel, the library of the university's Institute of African and Asian Studies and parts of Albert Einstein's personal library.

[From the Israel Digest, Vol. IX, No. 14]

Truman Peace Center Opened

A message from ex-President Harry S. Truman was read at the cornerstone-laying ceremony of the Harry S. Truman Center for the Advancement of Peace on 11 July. The ceremony was held on the campus of the Hebrew University of Jerusalem, of which the Center will be a part, in the presence of Acting President Kaddish Luz, under the chairmanship of Mr. Eliahu Elath, President of the University.

Addresses were delivered by Prime Minister Levi Eshkol, Mr. Thurgood Marshall, Solicitor General of the United States, Prof. Nathan Rotenstreich, Rector of the University, Mr. Samuel Rothberg, Chairman of the Board of the American Friends of the University, and Mr. Teddy Kollek, Mayor of Jerusalem. Mr. Truman's message was read by Mr. David Noyes, his personal representative.

The following are extracts from the message and the addresses:

PRESIDENT TRUMAN'S MESSAGE

We come here to rededicate our means, our skills, our moral and intellectual resources, to a cause that has priority on the minds and hearts of the leaders of all nations.

It is unthinkable that, with the huge stockpiles of nuclear arsenals, and with missiles with nuclear warheads poised on their pads for instant assault, that there could be a valid reason why any Government would refuse to come to terms with its neighbors.

We meet here to try to make a fresh start. Here at the Center for the Advancement of Peace we will give serious consideration to any new practical approach that could help to advance the cause of peace.

All will be welcome here, who desire to join in our common search for the ways of peace. There are no restrictions as to national origin, ideological commitment or religious differences.

I continue to have a deep faith in man's nobler side and his rightful destiny; all he needs is to be given a fair chance. This I believe to be the essence of the great American dream.

A dream of a world without war, without want, without misery.

The Center for the Advancement of Peace is now part of that dream.

PRIME MINISTER ESHKOL

It is difficult for our people to express the depth of its feelings for Harry Truman. Harry Truman, like Cyrus in his day, has not only earned honorable mention in the history of Jewry; he has become an inseparable part of our people's deepest inner consciousness.

At the dawn of our redemption, as we stood, few against the many who were seeking to throttle Israel's independence in its infancy, Harry Truman announced the United States' recognition of the independent State of Israel—a step which was the climax of his activities in favor of its establishment.

We here in this country count ourselves fortunate in that Israel has been associated by Harry Truman with his aspiration for peace. We welcomed his idea that in Jerusalem, the city of prophecy and peace, an international center for the advancement of peace should be established.

I hope that this great project will fulfill its aims and make a notable contribution to peace in our area and in the world as a whole. In the words of the prophet: "How beautiful upon the mountains are the feet of the messenger of good tidings, that announceth peace, the harbinger of good tidings, that announceth salvation." (Isaiah 52:7)

MR. THURGOOD MARSHALL

This ground-breaking is an occasion so unprecedented, so pregnant with hope for man, so charged with possibilities for the future, that I count this among the inspiring moments of a lifetime. To be a witness and a participant here today is truly to be among the chosen people.

If the Center represents an act of faith in the capacity of the human spirit to quell its ancient foes, I for one take heart and hope from the fact that such acts of faith seem to thrive on this soil.

It was here, after all, on this soil, amidst this people, that men first began to turn their backs on the gods of war and lust and discovered a God of law and love.

It was here, too on this soil, that men first found the abiding principles of a social order worthy of man. It was here that we first perceived the uniqueness and integrity of every human being.

MR. ELIAHU ELATH

It is doubtful whether there is any city in the world more fitting as the home of an institution aimed at advancing the cause of world peace than Jerusalem, the Holy City.

It was here, in Jerusalem, that the Prophet Isaiah conceived his vision of the time when the peoples of the world would beat their swords into ploughshares and their spears into pruninghooks, when "nation shall not lift up sword against nation, neither shall they learn war any more."

It was in Jerusalem, the Eternal City, that the Hebrew University was established. Situated in this unique site, the Hebrew University regards it as its sacred duty to ensure that the Truman Center, which is an integral part of itself, will justify its existence by measuring up to the tasks and the ideals which brought it into being.

MR. SAMUEL ROTHBERG

It is we who are honored today, for Harry Truman has deemed us worthy to be his partners, to help realize his vision, which is the hope of mankind from time immemorial—the vision of universal peace.

The founders who made this Center a reality, and who had the privilege of participating in the inauguration of the Truman Center in Independence, Missouri, this January in the presence of President Johnson, were deeply moved by President Truman's closing remarks. He said:

"When the day comes—when it is time to close the book of my life—I will be comforted by the hope that this Center for the Advancement of Peace will become a major source of light and reason towards the achievement of eternal peace."

TEXT OF SCROLL—RECORDING THE CORNERSTONE-LAYING OF THE HARRY S TRUMAN CENTER FOR THE ADVANCEMENT OF PEACE

On the twenty-third day of Tammuz, 5725, eleventh of July, 1966, in the nineteenth year of the State of Israel, the cornerstone was laid of the Harry S Truman Center for the Advancement of Peace on the Givat Ram campus of the Hebrew University of Jerusalem.

The building to arise on this site will become a center for studies dedicated to the pursuit of peace, which, it is hoped, will make a significant contribution to the fostering of international harmony and the advancement of cooperation between the peoples of the world.

Situated as it is at the Hebrew University, in the City of Jerusalem, from which the ancient Jewish prophets sent forth their message of universal brotherhood, it will symbolize the lofty ideals towards which mankind has aspired throughout the ages.

The Center is appropriately named for Mr. Harry S Truman, who has been deeply concerned with the cause of peace throughout his life and whose unshakable belief in a world-wide rule of reason has been the inspiration of many nations.

The Center is being built as an expression of the profound gratitude and appreciation which the Jewish people feel for the thirty-third President of the United States, who was responsible for his country's support of Israel before its establishment and for the historic fact that his Government was the first of any to grant the State of Israel recognition after the proclamation of independence.

The funds for the establishment of the Harry S Truman Center have been generously provided by Friends of the Hebrew University in the United States and in other parts of the world.

This cornerstone is laid in a spirit of profound faith that war is not inevitable, that knowledge and understanding are basic prerequisites for the attainment of peace, and that the Harry S Truman Center will make a measureable contribution towards the realization of an aim of vital concern to humanity as a whole.

[From News From Israel, July 29, 1966]

TRUMAN PEACE CENTER IN JERUSALEM

A message from ex-President Harry S. Truman was read at the cornerstone-laying ceremony of the Harry S. Truman Center for the Advancement of Peace on July 11. The ceremony was held on the campus of the Hebrew University of Jerusalem, of which the Center will be a part, under the chairmanship of University President Eliahu Elath and in the presence of the Acting President of Israel, Mr. Kaddish Luz, and other dignitaries.

Addresses were delivered by Prime Minister Levi Eshkol, Mr. Thurgood Marshall, Solicitor General of the United States, Prof. Nathan Rotenstreich, Rector of the University, Mr. Samuel Rothberg, Chairman of the Board of the American Friends of the University, and Mr. Teddy Kollek, Mayor of Jerusalem. Mr. Truman's message was read by Mr. David Noyes, his personal representative.

The following are extracts from President Truman's message and from Prime Minister Eshkol's address:

PRESIDENT TRUMAN

"We come here to rededicate our means, our skills, our moral and intellectual resources, to a cause that has priority on the minds and hearts of the leaders of all nations.

"It is unthinkable that, with the huge stockpiles of nuclear arsenals, and with missiles with nuclear warheads poised on their pads for instant assault, there could be a valid reason why any Government would refuse to come to terms with its neighbors.

"We meet here to try to make a fresh start. Here at the Center for the Advancement of Peace we will give serious consideration to any new practical approach that could help to advance the cause of peace.

"All will be welcome here who desire to join in our common search for the ways of peace. There are no restrictions as to national origin, ideological commitment or religious differences.

"I continue to have a deep faith in man's nobler side and his rightful destiny; all he needs is to be given a fair chance. This I believe to be the essence of the great American dream: a dream of a world without war, without want, without misery.

"The Center for the Advancement of Peace is now part of that dream."

PRIME MINISTER ESHKOL

"It is difficult for our people to express the depth of its feelings for Harry Truman. Harry Truman, like Cyrus in his day, has not only earned honorable mention in the history of Jewry; he has become an inseparable part of our people's deepest inner consciousness.

"At the dawn of our redemption, as we stood, few against the many who were seeking to throttle Israel's independence in its infancy, Harry Truman announced the United States' recognition of the independent State of Israel—a step which was the climax of his activities in favor of its establishment.

"We here in this country count ourselves fortunate in that Israel has been associated by Harry Truman with his aspiration for peace. We welcomed his idea that in Jerusalem, the city of prophecy and peace, an international center for the advancement of peace should be established.

"I hope that this great project will fulfill its aims and make a notable contribution to peace in our area and in the world as a whole. In the words of the prophet (Isaiah 52:7): *'How beautiful upon the mountains are the feet of the messenger of good tidings, that announceth peace, the harbinger of good tidings, that announceth salvation.'*"

The founders of the Truman Center have thus defined its basic mission: "to supply scientific methods to seek out for the world's troubled citizenry the means to achieve peace for which all men hunger."

The educational structure of the Truman Center will have, as its base, teaching and research units which deal with varying aspects of international relations. These will include, among others, African and Asian studies, Comparative Religion, International Law, International Relations and Sociology.

An international committee of trustees is being organized for the Center. This group of distinguished personalities from various countries will include statesmen, scholars, clergy, United Nations officials, writers and men of the people who have made significant contributions in international peace efforts.

The ultimate symbol of the Truman Center, its founders say, will be young people from contending nations, seated side by side, learning how to replace mutual distrust with understanding based on knowledge.

DEDICATION OF J. F. K. MEMORIAL

An impressive memorial to the late President John F. Kennedy was dedicated on July 4 in the Jerusalem hills, not far from Israel's capital, in the presence of Mr. Earl Warren, Chief Justice of the U.S. Supreme Court, the Acting President of Israel, Mr. Kaddish Luz, Prime Minister Levi Eshkol, and other public figures, as well as many hundreds of Israelis and Americans now in Israel.

The circular, 65-foot-high edifice, constructed by the Jewish National Fund with the support of the American Jewish community, takes the form of a giant tree-trunk, severed like the tragically ended life of the young President, while the 51 concrete pylons that make up the walls represent the States of the Union and the District of Columbia. A single shaft of light from an opening in the saw-tooth roof falls upon a bust of Kennedy by the Israeli sculptor Dov Preigin.

ON A CLEAR DAY

Standing on a hilltop more than 2,700 feet above sea-level, the memorial affords a majestic view, through the glass windows between the pylons, of Biblical Judea for many miles all around. On a clear day there is an unobstructed view, to the west, right down to the Mediterranean coast.

A huge forest is being planted by the J.N.F. on these barren hills, called the John F. Kennedy Peace Forest and bordering on the America-Israel Freedom Forest.

Dedicated to the concept of world peace and to the bonds of friendship between the people of Israel and the U.S.A., the millions of trees of the forest will be contributed by Jews and non-Jews.

WARREN BRINGS L. B. J. GREETINGS

In his address to the gathering, Justice Warren described the combination of the Memorial Monument and the Peace Forest as "the impressive living memorial to our late President," and recalled that President Kennedy "had a very special feeling for the nation (of Israel) and an unwavering confidence in its future."

Justice Warren brought "cordial good wishes" from President Johnson "to the people of Israel and to all those Americans who have made this Memorial possible."

[From Weekly Compilation of Presidential Documents, Jan. 24, 1966]

THE HARRY S. TRUMAN CENTER FOR THE ADVANCEMENT OF PEACE

(The President's remarks in Independence, Mo., at the ceremony announcing the establishment of the center, January 20, 1966)

President Truman, Mrs. Truman, Mr. Chief Justice, Senator Symington, Senator Long, Members of the Missouri delegation in the Congress of the United States, Senator Anderson, Congressman Boggs, ladies and gentlemen: I come back to Independence to be with one of the world's most persistent searchers for peace in the world. It is quite fitting that this day is set aside for the announcement of the Harry S. Truman Center for the Advancement of Peace in the world.

I first want to congratulate the men here today whose generous public spirit is making this Center possible.

I take my text from the words which President Truman spoke just 17 years ago in his inaugural address of January 20, 1949.

"We must embark," he said, "on a bold new program for making the benefits of our scientific advances and industrial progress available for the improvement and the growth of underdeveloped areas in the world."

This was, as we know now, point 4. It was a bold and vital idea then, and it is just as bold and just as much alive as we meet here this afternoon.

The initial point 4 program of technical assistance was enacted in 1949 and has continued from that day to this. Congress after Congress has continued to appropriate to that program—with growing confidence—sums which now, I believe, add up to more than $3 billion. American experts have traveled the globe to every continent, bringing their skills to the worldwide war against ignorance and against hunger and against disease.

And to measure the success of this effort we have only to ask: What would the world be like today if President Truman had not launched this program?

In this year 1966, I am proposing, on behalf of our Nation, a major new effort in this same field that he began so long ago, and I am proud to add to the point 4 of President Truman, the fourth principle of this year's State of the Union speech: "to help improve the life of man."

How will we help improve the life of man?

First, we propose a radical increase in our response to the needs of international education. There can be no decent life for any man or any people without education.

The International Education Act of 1966 will help build partnerships between American and foreign schools.

It will recruit teachers for overseas work.

It will make possible long-term commitments by American universities toward solving the problems of international education.

It will launch a series of projects to attack illiteracy and to find new ways to teach basic skills. It will begin to provide for an Exchange Peace Corps to bring able young people from other countries to live and work here with us.

Second, we are going to enlarge our work for world health. And the twin of the International Education Act will be the International Health Act of 1966.

And with that act we will strike at disease by establishing an international medical mission in our Public Health Service.

We plan to triple our effort to train medical manpower in the developing countries.

We plan to double the size of our nutrition program for mothers and for children. We plan to increase by 80 million those who will receive adequate diets.

We plan to set targets and to develop programs so in the next decade we can completely wipe out smallpox in the entire world. We can eliminate malaria in this hemisphere and large parts of Africa and Asia. We can end yellow fever in this hemisphere, and we can find new controls for cholera, rabies, and other epidemic diseases.

Third, we will launch a major new attack on worldwide hunger. We will present this year a new food aid program, designed around the principle of intense cooperation with those in all hungry countries who are ready to help themselves. We will direct our assistance program toward a cooperative effort to increase agricultural production. We will ask the countries which we help to make the necessary land reforms—to modernize marketing and distribution—to invest greater energy and resources in their own food production.

And in return, we will triple our assistance to investments in the powerful weapons of modern agriculture—from fertilizer to machinery we will direct the efforts of our agricultural scientists to the special problems of the developing countries—to the development of new foods and concentrates. We will call for an international effort, including institutions like the World Bank, to expand the world supply of fertilizer.

Fourth, we will increase our efforts in the great field of human population. The hungry world cannot be fed until and unless the growth in its resources and the growth in its population come into balance. Each man and woman—and each nation—must make decisions of conscience and policy in the face of this great problem. But the position of the United States of America is clear. We will give our help and our support to nations which make their own decision to insure an effective balance between the numbers of their people and the food they have to eat. And we will push forward the frontiers of research in this important field.

Fifth, the underlying principle of all of our work with other nations will always be the principle of cooperation. We will work with those who are willing to work with us for their own progress, in the spirit of peace and in the spirit of understanding.

And while we work for peaceful progress, we will maintain our strength against aggression. Nothing is more false than the timid complaint that we cannot defend ourselves against the aggressor and at the same time make progress in the works of peace. A celebration which unites the United States is a fit time to reaffirm that energy in the defense of freedom—and energy and progress in the building of a free society—should be the common objectives of any free people, large or small.

Now this is the central necessity today of the brave people with whom we are associated in South Viet-Nam. Just this week, the Prime Minister of Viet-Nam has pledged his country to this necessity. He has spoken for progress in rural education, in housing, in land reform, and above all, of the need for progress in social revolution and in the building of democracy—by constitutional process and by free elections. All this he has said in the shadow of continuing aggression from the North. In all this he will have the full support of the United States of America.

And so, President Truman, as we dedicate today in your honor the Harry S. Truman Center for the Advancement of Peace, we recall the vision that you gave us to follow when you gave your farewell address, and I quote:

"I have a deep and abiding faith in the destiny of free men. With patience and courage we shall some day move on to a new era—a wonderful golden age—an age when we can use the peaceful tools that science has forged for us to do away with poverty and human misery everywhere on earth."

That is still our goal, President Truman. And now we are today redoubling our efforts to achieve it.

Today I informed President Truman of our worldwide efforts to move the violence of Southeast Asia to the table of peaceful discussions. I received a report this morning before I left Washington from Secretary Rusk and Ambassador Harriman on their recent travels. I shall be meeting with the Secretary and the Ambassador again later this afternoon. Both the Secretary and the Ambassador told me that in all the capitals they visited—and Ambassador Harriman went to almost a dozen—government leaders recognized the United States' genuine desire for peace in the world.

And of this one thing I am sure, the door of peace must be kept wide open for all who wish to avoid the scourge of war. But the door of aggression must be closed and bolted if man himself is to survive.

It is tragic that in the 1960's there are still those who would engulf their neighbors by force, still those who require that vast resources be used to guard the peace rather than to bring all the people in the world the wonders that are really within their grasp.

The central purpose of the American people is a peace which permits all men to remain free. But we must do more. We must work, and we must build upon the solid foundations, as the Chief Justice said, of law among nations. And this is America's determination, and this is America's commitment.

Now let me leave this one last thought with you. I think every schoolboy knows that peace is not unilateral—it takes more than one to sign an agreement. And it seems clear to all that what is holding up peace in the world today is not the United States of America. What is holding back the peace is the mistaken view on the part of the aggressors that we are going to give up our principles, that we may yield to pressure, or abandon our allies, or finally get tired and get out. On the day that others decide to substitute reason for terror, when they will use the pen instead of the hand grenade, when they will replace rational logic for inflammatory invective, then on that very day, the journey toward peace can really begin.

If the aggressors are ready for peace, if they are ready for a return to a decent respect for their neighbors, ready to understand where their hopeful future really lies, let them come to the meeting place and we will meet them there.

Here in the presence today of the great man who was the 33d President of the United States, who labored so long and so valiantly to bring serenity to a troubled world, the 36th President of the United States speaks with a voice of 190 million Americans: We want a peace with honor and with justice that will endure!

Now, President Truman, there is one more bit of business that I would like to take care of so long as I have come out here to Independence. I was here not long ago in connection with a little project that you inaugurated 2 decades ago, but when the fellows last night in the Social Security office learned that I was coming out here again to see you and Mrs. Truman today, they asked me to bring along your new medicare card.

And it is now my great pleasure to present here, in the presence of these distinguished friends of yours, and many of the young men of yesteryear who fought these battles with you, to bring you Card No. 1 for you, and Card No. 2 for Mrs. Truman.

They told me, President Truman, that if you wished to get the voluntary medical insurance you will have to sign this application form, and they asked me to sign as your witness. So you are getting special treatment since cards won't go out to the other folks until the end of this month. But we wanted you to know, and we wanted the entire world to know that we haven't forgotten who is the real daddy of medicare. And because of the fight that you started many years ago, 19 million Americans will be eligible to receive new hope and new security when the program begins on July 1, and 19 million Americans have another reason, another cause to bless Harry S. Truman.

Again, I want to thank all of you who made this great day possible.

(NOTE. The President spoke at 11:15 a.m., c.s.t., at the Harry S. Truman Library at Independence, Mo. The Center will be established at Hebrew University in Jerusalem.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence (at the request of Mr. GERALD R. FORD) was granted to the following:

Mr. MORTON, beginning June 16 through June 19, 1967, on account of official business for the House Committee on Interior and Insular Affairs.

Mr. STEIGER of Arizona, beginning June 16 through June 19, 1967, on account of official business for the House Committee on Interior and Insular Affairs.

Mr. BURTON of Utah, beginning June 16 through June 19, 1967, on account of official business for the House Committee on Interior and Insular Affairs.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RYAN, for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. HANSEN of Idaho (at the request of Mr. DUNCAN), for 60 minutes, on June 21; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. TEAGUE of Texas.

(The following Member (at the request of Mr. Moss) and to include extraneous matter:)

Mrs. SULLIVAN.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1577. An act to complement the Vienna Convention on Diplomatic Relations; to the Committee on Foreign Affairs.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 834. An act to amend section 5 of the act of February 11, 1929, to remove the dollar limit on the authority of the Board of Commissioners of the District of Columbia to settle claims of the District of Columbia in escheat cases;

H.R. 1526. An act for the relief of Cecil A. Rhodes;

H.R. 2048. An act for the relief of William John Masterton and Louis Vincent Nanne; and

H.R. 4445. An act for the relief of Aurex Corp.

ADJOURNMENT

Mr. MOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 38 minutes), under its previous order, the House adjourned until Monday, June 19, 1967, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

839. A letter from the Secretary of the Army, transmitting reports of the number of officers on duty with Headquarters, Department of the Army and the Army General Staff on March 31, 1967, pursuant to the provisions of 10 U.S.C. 3031(c); to the Committee on Armed Services.

840. A letter from the Comptroller General of the United States, transmitting a report of review of policies and procedures for collecting judgments, fines, penalties, and forfeitures, Department of Justice; to the Committee on Government Operations.

841. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to settle the land claims of Alaska natives, and for other purposes; to the Committee on Interior and Insular Affairs.

842. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports of visa petitions approved, according certain beneficiaries third preference and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. H.R. 10730. A bill to amend the Older Americans Act of 1965 so as to extend its provisions (Rept. No. 367). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 10867. A bill to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes (Rept. No. 368). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY:

H.R. 10934. A bill to promote the general welfare, foreign policy, and national security of the United States; to the Committee on Ways and Means.

By Mrs. DWYER:

H.R. 10935. A bill to amend the Federal Power Act to facilitate the provision of reliable, abundant and economical electric power supply, by strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the proper conservation of scenic and other natural resources; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAY:

H.R. 10936. A bill to provide Federal assistance to improve the educational services in public and private nonprofit child day care centers; to the Committee on Education and Labor.

By Mr. FISHER:

H.R. 10937. A bill to amend title 23 of the United States Code to add 1,726 miles to the National System of Interstate and Defense Highways, and to designate such additional mileage as the route for a highway on such Interstate System from Brownsville, Tex., to the North Dakota-Canadian border; to the Committee on Public Works.

By Mr. HANSEN of Idaho:

H.R. 10938. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink, whether or not dressed; to the Committee on Ways and Means.

By Mr. KYL:

H.R. 10939. A bill to amend the act of June 6, 1924, establishing the National Capital Planning Commission in order to provide for the preservation of the remaining historic landmarks in the District of Columbia; to the Committee on the District of Columbia.

By Mr. PATTEN:

H.R. 10940. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PEPPER:

H.R. 10941. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance and for other purposes; to the Committee on the Judiciary.

By Mr. PERKINS (for himself, Mrs. GREEN of Oregon, Mr. DENT, Mr. HOLLAND, Mr. BRADEMAS, Mr. CAREY, Mr. GIBBONS, Mr. HATHAWAY, Mrs. MINK, Mr. SCHEUER, and Mr. MEEDS):

H.R. 10942. A bill to amend and extend title V of the Higher Education Act of 1965; to the Committee on Education and Labor.

By Mr. PERKINS (for himself, Mrs. GREEN of Oregon, Mr. BRADEMAS, Mr. QUIE, and Mr. AYRES):

H.R. 10943. A bill to amend and extend title V of the Higher Education Act of 1965; to the Committee on Education and Labor.

By Mr. PIRNIE:

H.R. 10944. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. RIEGLE:

H.R. 10945. A bill to amend title 39, United States Code, to revise the rates of postage on third-class mail; to the Committee on Post Office and Civil Service.

By Mr. ROSENTHAL:

H.R. 10946. A bill to reclassify certain key positions and increase salaries in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 10947. A bill to expand the definition of deductible moving expenses incurred by an employee; to the Committee on Ways and Means.

By Mr. BELL:

H.J. Res. 636. Joint resolution creating a

Joint Committee To Investigate Crime; to the Committee on Rules.

By Mr. **DIGGS**:

H.J. Res. 637. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. **FULTON** of Pennsylvania:

H.J. Res. 638. Joint resolution to authorize the President to issue annually a proclamation designating the 7-day period comprising the first full week in October of each year as Spring Garden Planting Week; to the Committee on the Judiciary.

By Mr. **SIKES**:

H.J. Res. 639. Joint resolution creating a Joint Committee To Investigate Crime; to the Committee on Rules.

By Mr. **BOW**:

H. Con. Res. 373. Concurrent resolution relative to Citizens Radio Service; to the Committee on Interstate and Foreign Commerce.

By Mr. **ABERNETHY**:

H. Res. 585. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. **GURNEY**:

H. Res. 586. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. **PIRNIE**:

H. Res. 587. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. **WYLIE**:

H. Res. 588. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. **WYMAN**:

H. Res. 589. Resolution for the consideration of H.R. 421; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

239. The **SPEAKER** presented a memorial of the Legislature of the State of Connecticut, relative to taxation of social security benefits, which was referred to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. **REINECKE** introduced a bill (H.R. 10948), for the relief of Gerardo B. Barbero, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

107. The **SPEAKER** presented a petition of the United Presbyterian Church, Philadelphia, Pa., relative to war and world order, which was referred to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

How Many Physicians Charge the Patient for Telephoning a Change in Prescription to a Pharmacist?

EXTENSION OF REMARKS

OF

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1967

Mrs. SULLIVAN. Mr. Speaker, I am wondering how many physicians charge the patient a fee for making a telephone call to a drugstore in order to change a prescription when the patient has suffered an adverse reaction from the medicine previously prescribed.

Strange as it may seem, this has become a matter of some controversy in the Federal Government.

According to the professional medical consultant group advising the Social Security Administration in connection with the operations of medicare, the general practice among physicians throughout the country is not to charge for telephone advice; in addition, the major private health insurance companies and Blue Shield apparently exclude charges for telephone advice from coverage. I would be inclined to think that a physician treating a patient would not be inclined to charge for such a thing as a change in a prescription he had already written out when the patient began to react to the medicine. However, I am raising the question now in this fashion in the hopes of calling it to the attention of the profession and the public for discussion purposes.

My interest grew out of a case involving a constituent who has had a series of very high medical bills, running into thousands of dollars. Unfortunately, many of his medical costs were disallowed under medicare on technicalities and in trying to help my constituent to get clarification on some of the points involving very large bills, I learned from him that one of the fees disallowed was for $4 for a telephone call the physician made to a drugstore. The patient had been taking a medicine to relieve pain and when this medicine caused nausea his wife called the physician at home at night to ask for help and the physician called the drugstore to substitute a different medicine. He then billed the patient $4 which was disallowed on the grounds that the service had not been provided in an office, home, or hospital visit. The medicare handbook, however, lists as a covered item "medical and surgical services by a physician wherever they are furnished."

As the patient wrote to me:

> This service was furnished to me at home by the quickest method known today, by telephone. I could not make an office call after hours and he (the physician) will not make a house call if the telephone will suffice.

I took this up with the Social Security Administration because it seemed to me that this was a legitimate complaint which might involve millions of persons participating in medicare. It certainly is not the most important problem we have in connection with medicare, but I felt that unless there were a uniform policy, matters of this kind would confront us continually and cause extra work for every Member of Congress and great annoyance for participants in the medicare program.

TELEPHONE CONSULTATIONS NOT COVERED

Mr. Speaker, I have now received a report from Commissioner Robert M. Ball, of the Social Security Administration, on the specific case I called to his attention which sets forth a general policy which has now been adopted covering telephone consultations. I think there will be widespread interest among the Members in this policy statement which I submit herewith as part of my remarks, deleting the individual's name, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, SOCIAL SECURITY ADMINISTRATION,
Baltimore, Md., June 13, 1967.

Hon. LEONOR K. SULLIVAN,
House of Representatives,
Washington, D.C.

DEAR MRS. SULLIVAN: In your previous correspondence with us on behalf of Mr. ——— one remaining question was left open which we have reexamined. In your last letter you mentioned that you would like an explanation of the policy that caused the denial of reimbursement of his $4 claim for payment of the physician's services rendered by telephone.

As you know, physicians' services rendered to a beneficiary are covered under the supplementary medical insurance part of the medicare program. The term "physicians' services" is defined in section 1861(q) of the Social Security Act as the professional services performed by a physician, including surgery, consultation, and home, office and institutional calls. ("Consultation" is the professional service rendered by a second physician at the request of the attending physician and includes the consultant's examination of the patient, his recordation of the patient's medical history, and his written report to the attending physician.) However, neither the statute itself nor the committee reports make any reference to the coverage (as a physician's service) of telephone conversations for any purpose between a physician and his patient.

We believe there are sound professional, as well as program reasons for not including telephone conversations between physicians and patients, including those in which the physician provides advice or instruction to or on behalf of a patient, as covered "physicians' services" under the medical insurance program. We have, for example, been advised by our professional medical consultant group that there is no uniform practice among physicians with regard to charging for medical advice furnished in the course of a telephone conversation. While our consultants did indicate that some individual physicians in some localities charge patients for telephone advice, it is clear that the general practice among physicians throughout the country is not to charge for telephone advice. In addition, examination of the practices of some of the major private health insurance companies and the Blue Shield Plans reveals that the practice among private health insurance organizations is to exclude charges for telephone advice from coverage under these private plans. Accordingly, both physicians and patients could generally be expected to understand the distinction between covered physicians' services and the noncoverage of telephone charges.

We regret that there was a misunderstanding about the statement on page 18 of the booklet, *Your Medicare Handbook,* to which Mr. ——— referred. The statement "wherever furnished" is intended to point out that the physical setting in which the physician furnishes his professional services in person would have no effect upon the coverage of his services. It states in pertinent part as follows: "Benefits may be paid for the medical services you receive from a physician wherever they are furnished—in a hospital, in an extended care facility or nursing home, in his office, in your home, or in a clinic." When the Handbook is revised, an appropriate clarification of this statement will be considered.

Sincerely yours,

ROBERT M. BALL,
Commissioner of Social Security.

PATIENTS MAY WISH TO DISCUSS SUCH CHARGES WITH THEIR DOCTORS

Mr. Speaker, in view of the fact that it is somewhat rare, according to this report, for physicians to charge their patients for telephone advice, and in view of the fact that it is the general practice not to make such charges, and in view of the fact that they are disallowed by the major private health insurance companies, by Blue Shield, and now by Social Security under medicare, it would seem to me that when such a charge is made, the patient might mention these facts to the doctor.

At least I hope there will be some attention paid in the medical press as well as in the general press, to the facts in the report I have received from the Social Security Administration.

An individual who has had thousands of dollars in medical fees and hospital bills following major surgery is not going to find a $4 fee for a telephone consultation to change a prescription the difference between solvency and bankruptcy, but this $4 added to other items disallowed for one reason or another in a large bill is exactly the kind of thing which infuriates people. Under the circumstances, physicians making such charges might consider waiving them except in cases of real abuse or, if they feel the charges are justified, they should certainly work through their professional organizations to have the policy changed on the treatment of such charges by all of the various health insurance programs.

Report From Washington

EXTENSION OF REMARKS
OF
HON. ROBERT P. GRIFFIN
OF MICHIGAN
IN THE SENATE OF THE UNITED STATES
Friday, June 16, 1967

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the text of a June 1967 newsletter which is being mailed to constituents in Michigan.

There being no objection, the newsletter was ordered to be printed in the RECORD, as follows:

U.S. SENATOR BOB GRIFFIN REPORTS FROM WASHINGTON

OUR FIGHT FOR CLEAN AIR

There is "overwhelming evidence" that air pollution is linked to lung cancer, emphysema and other respiratory infections, according to a report by the Surgeon General's office.

Some startling statistics gathered by the U.S. Public Health Service indicate the scope of this growing peril:

135 million tons of airborne "garbage" scattered into the nation's atmosphere yearly.

$11 billion in property damage annually as pollutants corrode metals and machinery, deface buildings and spoil crops.

In the next 14 years, the nation is expected to burn as much gas and oil as it has consumed in the previous 107 years.

It's no wonder Congress is searching hard for better answers to the pollution problem. But the battle is so big that vigorous efforts are urgently needed on the part of private citizens as well as public agencies at all levels.

On the Federal level, I believe Congress should give antipollution forces much needed strength and incentive by passing a bill, which I have co-sponsored, to provide a 20-percent tax credit to those industries which install effective pollution control equipment.

Another method for cutting air pollution is receiving widespread attention. I refer to the growing demand for a practical electric car. I believe our recent Senate hearings on this subject have spurred auto and battery manufacturers to new heights in the efforts to make the modern-age electric car a reality.

In addition, there is encouraging news that private industry is now working harder than ever to develop a gasoline-powered engine that will be pollution free.

VIET NAM AND VANDENBERG

Michigan's Senator Arthur Vandenberg, Republican architect of non-partisan foreign policy, stood behind a Democratic President and declared, "Politics stops at the water's edge."

When I was in Vietnam a year ago, 260,000 U.S. troops were committed to battle. Now there are 500,000, and the number of Americans killed has passed the 10,000 mark.

The conflict in Viet Nam is a confused, bloody, expensive and unpopular labyrinth. Casualities have continued to mount—and so have criticisms of the Administration and its policies.

Of course, any American can dissent from Administration policy. The right to disagree is what America is all about.

However, I believe that in time of war Republicans have a high responsibility to leave politics at the water's edge. For the most part, the Viet Nam debate in Congress has served the national interest because it has been non-partisan.

When Governor Romney spoke on Viet Nam at Hartford, Connecticut, leaders in both parties hailed his words. In saying—

"Let us pursue with strength the just peace in South Viet Nam that our prayers should so earnestly seek, and that may yet be within our grasp.

"So doing, we can fulfill our role as the 'last best hope on earth. . . .' "

—Romney spoke in the Vandenberg tradition: not as a politician, but as a dedicated American.

IS VICTIM "FORGOTTEN MAN"?—CONGRESS ZEROES IN ON CRIME PROBLEM

At long last Congress is giving the problem of crime the national attention it so sorely demands. A comprehensive Crime Commission report issued in February has documented these shocking statistics:

In 1965, there was 9,850 intentional killings, 22,467 forcible rapes, 118,916 robberies, 206,661 aggravated assaults and 1,173,201 burglaries in the United States.

In addition, 762,352 larcenies and 486,568 motor vehicle thefts were committed.

Michigan has not been spared. Last year, in Detroit alone, 131,777 known offenses were committed—40 percent more than in 1965.

The Commission/s report proclaims the great need to combat not only "crime in the streets" but also the intricacies of organized crime and the spreading disease of narcotics.

Following publication of the report, a flurry of anticrime legislation has been introduced in Congress. Included are such bills as:

The President's Safe Streets and Crime Control Act.

Measures to modify recent Supreme Court rulings on the use of confessions.

Bills to outlaw wiretapping.

Legislation to provide more assistance for state and local law enforcement agencies, such as for the education of officers and the purchase of modern equipment.

These measures are receiving Congressional study. However, I have also been concerned about the forgotten man in the crime picture. I refer to the crime victim.

I have introduced legislation to permit an income tax deduction for all medical expenses incurred as a result of a criminal act and for theft losses. In addition, my bill would allow a tax deduction of up to $300 for amounts invested by an individual for certain crime prevention devices, such as locks and burglar alarms.

Incidentally, although the Administration has not yet indicated support for my bill, the President's Commission said in its report that "the general principle of victim compensation . . . is sound."

TAX FAX

The average American taxpayer spends two hours and 25 minutes out of each eight-hour working day just earning enough money to pay his taxes, according to the Tax Foundation.

Or, to put it another way, if he has worked steadily all year, the average taxpayer finally began working for himself about April 21. All the money he earned until then goes to pay his taxes.

Incidentally, if you paid as much as $4,281 in Federal income tax last year, you may be interested to know that your "contribution" was just enough to keep the government running for . . . one second.

Government statisticians say it takes $4,281 to fuel the federal machine every second of every day in the year, based on a $135 billion budget for fiscal 1968.

HELP FOR HOME OWNERSHIP

I have joined Sen. Charles Percy of Illinois and 35 other Senators in sponsoring revolutionary new legislation designed to ease the housing crisis in our big cities.

The proposed National Home Ownership Foundation Act has been developed as a way to help lower income families who want to help themselves.

Under the plan:

Prospective home owners would be called upon to make a down payment in one of two ways, either by a modest financial outlay or in the form of personal labor.

The Federal Government would set up a foundation, guarantee debentures, provide seed money, make technical assistance available and help carry out training and education programs.

The local community and private enterprise would be working partners on the team.

The concept of home ownership is basic to the American way of life. In my view, realistic policies which encourage home ownership (such as FHA) have done more to combat communism in America than the FBI, the CIA and the Un-American Activities Committee, all rolled together.

SOCIAL SECURITY RED TAPE

"Surely eight months is too long to wait."

Such a comment is all too familiar in the flood of mail I have been receiving about slow processing of Social Security and medicare claims.

A student who applied for dependents' benefits complained that she had received no payments from the time of her filing, in September, 1966, until April, 1967.

One Michigan resident was not only eight months behind in receiving reimbursement under medicare—but in the confusion, his Social Security retirement benefits were cut off and his wife started receiving widow's benefits.

Social Security is the major source of income for about one-half of the beneficiaries over 65. A delay of a month—or even a week—is a serious blow to those who have nowhere else to turn.

I have joined with several other Senators in calling for a Senate investigation to dig out the causes of such delays and to find ways for improving the administration of Social Security and medicare programs.

WHY TAX SOCIAL SECURITY BENEFITS?

When the Administration submitted its Social Security program to Congress, it included a proposal to tax Social Security and railroad retirement benefits. Such a move would penalize retirees by imposing double taxation on their efforts to build a retirement income. For this reason, I have joined Senator Everett Dirksen and others in sponsoring a resolution to declare that "Social Security and railroad retirement benefits shall not be made subject to Federal income taxes."

Irene Parsons Honored

EXTENSION OF REMARKS

OF

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 1967

Mr. TEAGUE of Texas. Mr. Speaker, we are very familiar with the phrase that "actions speak louder than words," and, regardless of how many words are issued on the equality of the sexes in employment, it takes firm action to see that these are implemented. Under the present administration these words have been transformed into actions, and we now have many high-ranking positions in the executive branch being administered successfully by women.

One of the most outstanding examples of women in Government is Miss Irene Parsons, the Assistant Administrator for Personnel of the Veterans' Administration. She has become a living example that efficiency and achievement are not limited to men.

Much recognition has been given to Miss Parsons for her outstanding Government work, but the old adage that a "prophet is not without honor save in his own country" went by the wayside on June 4 when Miss Parsons' alma mater extended outstanding recognition of her contributions by presenting her with an honorary doctor of laws degree.

In presenting the doctorate, Chancellor James S. Ferguson, of the university, had this to say:

> Irene Parsons, the recognition of your administrative abilities, your superior achievements, and your outstanding service to the government of the United States has brought honor to North Carolina, your native state, and to the University of Greensboro, your Alma Mater. Your appointment by President Johnson in 1965 to the position of Assistant Administrator of the Veterans Administration—the highest personnel post in federal government held by a woman—acknowledged a unique record of accomplishment during an eighteen-year-long association with the federal government's third largest agency. Your consciousness of the equal rights of women and minority groups in matters of employment opportunity has been influential and has brought honor to you and to your agency. For distinction in government service, for a career accomplishment which is unique among women, and for an influential belief in equality of job opportunity, Miss Parsons, by vote of the Faculty and that of the Trustees of the University of North Carolina, I confer upon you the honorary degree of Doctor of Laws with all its rights and privileges.

Miss Parsons' contributions to Government serve as an incentive to all women throughout this country, proving that devotion to duty and preparation for service through study and experience are the prime prerequisites for accomplishment and success.

Miss Parsons has achieved many "firsts" in her career. She was the first woman to receive such a high personnel appointment directly from the President. On August 5, 1965, in a White House ceremony, President Johnson appointed Miss Parsons to her present position. It was the highest position ever held by a woman in the Veterans' Administration and the highest personnel position held by a woman in Government. The Veterans' Administration is the third largest Government agency, having 170,000 employes, 60,000 of which are women.

This appointment became a challenge to Miss Parsons. She attacked the problems of this high office with vigor and determination. The results of her administrative abilities, recognized prior to her appointment, verified the confidence exhibited by the President in her appointment. She has implemented procedures and has made the VA personnel operation one of the most successful in Government.

Her subsequent successes have served as the basis for proof that accomplishment is not restricted to any one sex. Her list of activities and accomplishments are numerous, proving that for those who aspire to success the door is open in America.

Miss Parson's appointment came about when the Administrator of Veterans' Affairs William J. Driver submitted her name to the President following a request for the names of outstanding career employees for consideration in the staffing of Presidential appointments.

Miss Parsons is a native of North Wilkesboro, N.C., and graduated from the University of North Carolina. She received a master of science degree in public administration from George Washington University in Washington, D.C. During World War II, she served with the Coast Guard, attaining the rank of lieutenant. She was employed by the Veterans' Administration in 1946, and progressively was given increasingly responsible positions. She has received many awards and commendations for the outstanding quality and effectiveness of her work, including the Federal Woman's Award as one of the outstanding women in Government in 1966. She is recognized as a strong influence for efficiency and economy in Government. Her personal efforts to advance equal employment opportunity have been cited as contributing greatly to the Veterans' Administration's exceptional accomplishments in these programs.

Miss Parsons is a member of the executive committee of the President's Study Group on Careers for Women, which was established by President Johnson on February 28, 1966.

It gives me great pleasure to commend this outstanding American woman for her achievements, and to congratulate her on receiving the doctor of laws degree of which she is so deserving from the University of North Carolina.

HOUSE OF REPRESENTATIVES

MONDAY, JUNE 19, 1967

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Bear ye one another's burdens and so fulfill the law of Christ.—Galatians 6: 2.

Eternal God, our Father, before the work of a new day begins we would be still in Thy presence and receive the benediction of Thy spirit. May the words of our mouths and the meditation of our hearts be acceptable in Thy sight O Lord—our strength and our Redeemer. Cleansed by Thy forgiving love, made stronger by Thy spirit, and becoming wise with Thy wisdom we would face the unfinished tasks committed to our care this day.

These are times which call for greater courage, higher wisdom, broader sympathy, and deeper faith. May they increasingly become ours as we wait upon Thee. In all our decisions and in all our doing may we keep our hearts confident, our spirits courageous, our minds clear, and our hands clean.

Together may we move forward to a greater day when men shall live together in good will and each one be ready to bear another's burden. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, June 16, 1967, was read and approved.

MESSAGE FROM THE SENATE

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

> S. 1649. An act authorizing the change in name of certain water resource projects under jurisdiction of the Department of the Army.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 2, to the bill H.R. 5424 entitled "An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard."

REMARKS OF PRESIDENT JOHNSON TODAY ON THE MIDDLE EAST CRISIS

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BINGHAM. Mr. Speaker, I believe that all of us here in this House should applaud the President's statement this morning on the Middle East. While many of us, if speaking for ourselves, would have expressed the same points more bluntly, we must recognize the nature of the task which a President confronts in making such a speech. President Johnson's tone was restrained, and his words were carefully chosen in the highest tradition of diplomacy and statesmanship. Premier Kosygin's speech, by contrast, was straight propaganda and invective, with no balance whatsoever. At the same time, President Johnson made unmistakably clear a series of basic and important points. I hope that his words will be weighed most carefully, as they deserve to be, by the delegates assembled at the special session of the United Nations General Assembly.

In particular, I hope the General Assembly will perceive the logic of the President's statement that the best way to achieve a permanent settlement is through direct negotiations among the parties immediately involved. In article 33 of the United Nations Charter, "negotiation" is the very first method mentioned by which the parties to a dispute endangering international peace and security are obligated to seek a solution. In earlier resolutions dealing with the Arab-Israel dispute, both the Security Council and the General Assembly urged the governments concerned through negotiations to reach a settlement of their differences. I have in mind, for example, resolutions of the Security Council on November 17, 1948, and August 11, 1949, and of the General Assembly on January 26, 1952.

The underlying problem lies in the stubborn refusal of the Arab States to accept Israel's existence and right to exist, a refusal which carries with it the implication of the Arabs' oft-stated determination to destroy Israel by force. For the U.N. to fail to insist on direct negotiations would be tacitly to accept the validity of the Arabs' position, even though that position is contrary to the U.N. Charter itself and more specifically to many prior decisions of the General Assembly itself.

BRITISH MORALITY

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, for a demonstration of unadulterated gall it would be hard to equal the party that was given at the British Embassy in Washington on Saturday afternoon, June 17, for wounded American veterans of the war in Vietnam.

Scores of ships, flying the British flag, have delivered thousands of tons of supplies to the Communists of North Vietnam to help keep them in the business of killing and wounding Americans. With one hand in Southeast Asia the British rake in blood-money profits and with the other, in Washington, they dish out tea and crumpets to some of the victims of their betrayal.

Mr. Speaker, is there no morality left in this world?

FBI UNIFORM CRIME REPORTS

Mr. POFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. POFF. Mr. Speaker, some say that crime is not really higher but only seems so because crime reporting is better. Perhaps crime reporting is better today than it was a generation ago. But surely crime reporting is not measurably better today than it was a year ago. Accordingly, a comparison of crime statistics within that time frame is a reasonably reliable indicator of the growth in crime.

The latest FBI Uniform Crime Reports compare crime in the first 3 months of 1966 with that in the first 3 months in 1967. That comparison shows an increase of 20 percent in the seven major crimes. These seven include four crimes of violence against the person and three property crimes. Personal crimes increased more than property crime. The largest increase, 42 percent, was in the crime of robbery as reported in cities with populations ranging between 250,000 and 500,000.

With respect to all seven crimes, cities with a population of 100,000 or more registered a total increase of 20 percent. However, it is a mistake to assume that crime growth is only a city problem. Rural areas reported an increase of only four percentage points less, and the crime growth rate of 22 percent in suburban communities was even higher than that in cities.

Neither is there any remarkable difference in the reports by geographical region. The northeast, north-central, southern, and western regions ranged between 18 and 21 percent. But the District of Columbia sustained its inglorious record. Crime in the Nation's Capital jumped nearly 42 percent, or more than twice the national rate. In the first 3 months of this year 8,957 major crimes were committed here. That amounts to more than 99 crimes per day, four each hour, one every 15 minutes.

Mr. Speaker, these figures and the facts they dramatize are disgraceful. The good name of America is at stake. Society needs new laws, better laws, stronger laws, laws which make crime unattractive and unprofitable. Congress must act.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

MASTERS' LIENS

The Clerk called the bill (H.R. 162) to grant the masters of certain U.S. vessels a lien on those vessels for their wages and for certain disbursements.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, am I to understand that the opposition of the Department of Commerce, as printed in the committee report, which would thereby make consideration of this measure not within the rules of the House adopted at the beginning of this year, for the Consent Calendar, has been obviated by an amendment of the committee?

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to my colleague, chairman of the official objectors on this side.

Mr. PELLY. Mr. Speaker, in response to the gentleman, the Commerce Department expressed their opposition that any master covered by this bill should be one who had an interest directly or indirectly in a vessel. To meet this objection, the committee included an amendment in the bill to provide that except a person who has a financial interest valued at 5 percent or more of the corporation, they would not be classified as a master of a vessel. In other words, we would not hold it against any master of a vessel if he had a very minor interest as an incentive to operate a vessel. Otherwise he would be an owner.

Mr. HALL. I appreciate, Mr. Speaker, the opinion of my distinguished colleague, who is also a ranking minority member on the Committee on Merchant Marine and Fisheries. I understand this does establish a system of priorities, so to speak, for liens involving, first the seamen's wages, and then tort liens, and then contracts, including preferred mortgages, and then we come down to this area; and if I understand the response of the gentleman from Washington, this is not like something which is exposed to a disease and having a "touch of the infection" may blossom into a full-blown case, if it is under 5 percent it therefore does come within the requirements and the House's adopted rules.

But can the gentleman tell me that if in this circumstance and with the committee amendment, the Department of Commerce has in fact withdrawn its objection?

Mr. PELLY. Mr. Speaker, if the gentleman will yield further, I do not think the Commerce Department sent over any additional views based upon the amendment which the committee adopted in order to satisfy the objections of the Department. However, I am sure while the amendment does not meet the objection 100 percent, it goes 95 percent in that direction.

Mr. HALL. Mr. Speaker, I appreciate the further response. I do understand that it is common practice for the masters of some of the fishing vessels, or our own trawlers, or other coastal freighters, or other types sailing out of ports such as that in the gentleman's district or that of the distinguished chairman of the committee, to own a partial interest in a vessel and receive a percentage, in addition to their salary as supported in this lien for the particular cargo transported, in addition to their percentage of the stock held in the vessel. Is that correct?

Mr. PELLY. Mr. Speaker, if the gentleman will yield further, I would say traditionally masters of vessels have enjoyed a certain percentage of profits of a voyage, going back through the long years of operating ships on the sea.

I believe now that is probably less and less common, but as an incentive we think probably it would be a very wholesome thing to have masters have an interest in the profits of a voyage or in the profits of a fishing venture of some kind. Therefore, we wanted to encourage that, so we did allow that under-5-percent interest, to allow a master to have a lien for his wages along with the other members of the crew.

Mr. HALL. Mr. Speaker, being a great believer in incentive, and after this explanation, and having absolutely no desire to damage partial ownership or participation incentive, I will withdraw my reservation of objection, unless the distinguished chairman wishes me to yield to him.

Mr GARMATZ. Mr. Speaker, I thank the gentleman for yielding. The bill would merely give to the master of the ship the same rights of the seaman to put a lien against the ship.

Mr. HALL. Mr. Speaker, I thank the chairman and withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the master of a vessel documented, registered, enrolled, or licensed under the laws of the United States shall have the same lien for his wages against such vessel and the same priority as any other seaman serving on such vessel.

(b) Sections 4546 and 4547 of the Revised Statutes of the United States (46 U.S.C. 603 and 604) shall not apply in any proceeding brought by a master for the enforcement of the lien granted by this section.

(c) Section 4535 of the Revised Statutes of the United States (46 U.S.C. 600) is amended by striking out "seaman" each place it appears and inserting in lieu thereof at each such place "master or seaman".

(d) Section 12 of the Act of March 4, 1915, as amended (38 Stat. 1164; 46 U.S.C. 601), is amended (1) by striking out "seaman or apprentice" each place it appears and inserting in lieu thereof at each such place "master, seaman, or apprentice", and (2) by striking out in the first proviso thereof "any seaman" and inserting in lieu thereof "any master or seaman".

(e) A master shall have the same lien and the same priority for disbursements or liabilities properly made or incurred by him for or on account of the vessel as he has, under the provisions of this section, for his wages.

With the following committee amendment:

On page 2, following line 15, insert the following new section:

"Sec. 2. For the purposes of this Act, section 4535 of the Revised Statutes of the United States and section 12 of the Act of March 4, 1915, as amended (38 Stat. 1164; 46 U.S.C. 601), the term 'master' shall include every person having command of any vessel documented, registered, enrolled, or licensed under the laws of the United States, except a person who has a financial interest valued at 5 per centum or more either of the corporation, partnership, or association which owns the vessel against which the lien is claimed, or of the market value of the vessel against which the lien is claimed."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LOWERING THE RETIREMENT AGE FOR FORMER LIGHTHOUSE SERVICE EMPLOYEES

The Clerk called the bill (H.R. 168) to amend the act of June 20, 1918, relating to the retirement age requirements of certain personnel of the Coast Guard.

The **SPEAKER.** Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, we are entering on consideration of a series of three or four bills that have to with retiring personnel of the Lighthouse Service or their beneficiaries, a subject that is dear to this Congress and to the Committee on Merchant Marine and Fisheries. As I understand it, these bills are for the purpose of reducing age requirements for these people who have no other social security benefits or income, whose spouses, or who, themselves, in many instances, have served our Nation well. They are a decreasing number and they need these benefits. They are dependent entirely upon the "Robin Hoodism" of Congress to recirculate the taxpayers' money. Is that about a correct analysis of these next bills that are coming up?

Mr. GARMATZ. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Maryland.

Mr. GARMATZ. Mr. Speaker, I would think so; this would apply to approximately 400 people.

Mr. HALL. Mr. Speaker, although I am not sure we should always use the taxpayers' funds thusly, in the interest of equity and justice to those who served so well, I withdraw my reservation of objection.

Mr. GROSS. Mr. Speaker, further reserving the right to object, I have a couple of questions to ask. These are noncontributory annuitants, are they not?

Mr. GARMATZ. The gentleman from Iowa is correct.

Mr. GROSS. Are we here setting some kind of precedent in dealing with noncontributory annuitants?

Mr. GARMATZ. No; we are not setting any kind of precedent with this legislation.

Mr. GROSS. What other noncontributory annuitants are retired on this basis?

Mr. GARMATZ. The Panama Canal employees.

Mr. GROSS. All Panama Canal employees?

Mr. GARMATZ. Only the construction workers on the Panama Canal are retired on this basis.

Mr. GROSS. When did this become an issue? I mean, they have been going into the Lighthouse Service through the Coast Guard since 1939. We have had this situation since 1939. Why has this issue not been brought up before, if they are entitled to more favorable retirement?

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Washington.

Mr. PELLY. I should like to inform the gentleman that this matter has come up before. In the past the House has increased the amount of the pensions for these few people remaining from the original Lighthouse Service. At the time they were employed their salaries were extremely low and the amounts of their pensions are very low. Congress in its wisdom in the past has seen that, due to inflation and other increases in the cost of living, some adjustment has been made in their very modest pensions.

Mr. GROSS. I say to my friend from Washington, the fact that they were low-paid employees is something they knew when they entered the Service. And they knew it was a noncontributory retirement they would have. These things they knew when they went into the Service. I do not believe that is a good argument in behalf of this bill.

Mr. PELLY. If the gentleman will yield further, Mr. Speaker, I believe it is true that the entire pension system is based on knowledge that individuals have when they go in. They know they are going to receive certain payments of annuities. On the other hand, they do not know that, often due to unwise policies of spending, the Government itself causes inflation, which in turn is something beyond their control. This is a way to rectify that, the same as we probably will try to rectify the situation for the social security recipients later this year, resulting from cost of living increases, something for which they are not to blame.

Mr. GROSS. Fortunately, there are only comparatively few, some 480, in comparison with the total throughout the Government.

I wish to be very sure that in this bill, as well as the two bills which are to come, dealing with this same general subject, we are not in some way opening a Pandora's box.

Mr. PELLY. Mr. Speaker, I should like to tell the gentleman he can be assured that this will phase out in 10 years. There are only a very few of these people left. It does require 30 years of service.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 168

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Act entitled "An Act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes", approved June 20, 1918, as amended (33 U.S.C. 763), is amended by striking out: "(1) shall have reached the age of sixty years," and inserting in lieu thereof: "(1) shall have reached the age of fifty-five years,".

SEC. 2. The amendment made by this Act shall take effect on the first day of the second month which begins after the date of enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INCREASING AMOUNT OF BENEFITS PAYABLE TO WIDOWS OF CERTAIN FORMER EMPLOYEES OF THE LIGHTHOUSE SERVICE

The Clerk called the bill (H.R. 169) to increase the amount of benefits payable to widows of certain former employees of the Lighthouse Service, and thereafter to provide for cost-of-living increases in benefits payable to such widows and to such former employees.

There being no objection, the Clerk read the bill, as follows:

H.R. 169

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective as of October 1, 1966, the first section and section 2 of the Act entitled "An Act to provide benefits for widows of certain persons who were retired or are eligible for retirement under section 6 of the Act entitled 'An Act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes', approved June 20, 1918, as amended", approved August 19, 1950 (33 U.S.C. 771, and 772), are each amended by striking out "$75 per month" and inserting in lieu thereof "$100 per month".

SEC. 2. Each annuity payable under the Act entitled "An Act to provide benefits for widows of certain persons who were retired or are eligible for retirement under section 6 of the Act entitled 'An Act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes', approved June 20, 1918, as amended", approved August 19, 1950 (33 U.S.C. 771–775), and each annuity payable under section 6 of the Act entitled "An Act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes", approved June 20, 1918 (33 U.S.C. 763), shall be increased by the same percentage, adjusted to the nearest dollar, and on the same effective date, as each increase hereafter allowed under the cost-of-living annuity adjustment provisions of section 18(b) of the Civil Service Retirement Act (5 U.S.C. 2268(a)).

With the following committee amendments:

On page 1, line 3, strike out "as of October 1, 1966,", and insert in lieu thereof the following: "on the first day of the month following enactment of this bill,".

On page 2, lines 17 and 18 strike out "18(b) of the Civil Service Retirement Act (5 U.S.C. 2268(b)).", and insert in lieu thereof the following: "8340(b) of title 5, United States Code."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING ANNUITY BENEFITS TO WIDOWS OF EMPLOYEES OF THE LIGHTHOUSE SERVICE

The Clerk called the bill (H.R. 3351) to amend the act of August 19, 1950, to provide annuity benefits for an additional number of widows of employees of the Lighthouse Service.

There being no objection, the Clerk read the bill, as follows:

H.R. 3351

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first section of the Act of August 19, 1950, as amended (33 U.S.C. 771), is amended by striking out "(other than a former employee whose position was classified in one of the grades of the professional and scientific service of the Classification Act of 1923, as amended, or a comparable grade of the Classification Act of 1949, or who performed duties of a position comparable to a position so classified after the enactment of law requiring the classification of such positions)".

(b) Section 2 of such Act, as amended (33 U.S.C. 772), is amended by striking out "(other than an employee whose position was classified in one of the grades of the professional and scientific service of the Classification Act of 1923, as amended, or a comparable grade of the Classification Act of 1949, or who performed duties of a position comparable to a position so classified after the enactment of law requiring the classification of such positions)".

SEC. 2. No payment shall be made by reason of the amendments made by this Act for any period prior to the first day of the first month following the month in which this Act is enacted.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INCREASING RETIRED PAY OF CERTAIN MEMBERS OF THE FORMER LIGHTHOUSE SERVICE

The Clerk called the bill (H.R. 1006) to provide an increase in the retired pay of certain members of the former Lighthouse Service.

There being no objection, the Clerk read the bill, as follows:

H.R. 1006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the annual rate of retired pay of each person retired prior to January 1, 1965, under section 6 of the Act of June 20, 1918, as amended and supplemented, shall be increased, effective on the first day of the first calendar month following the date of enactment of this Act, by 10 per centum, or $150 per annum, whichever is the greater. No increase in retired pay under this section shall exceed $500 per annum.

With the following committee amendment:

Strike all after the enacting clause and insert the following:

"That effective on the first day of the first month which begins after the date of enactment of this Act, the annual rate of retired pay of a person retired under section 6 of the Act of June 20, 1918 (33 U.S.C. 763), shall be increased by 11.3 per centum if such person retired prior to January 1, 1966, or by 4.1 per centum if such person retired after December 31, 1965, but before January 1, 1967."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE ACT OF AUGUST 9, 1955, TO AUTHORIZE LONGER TERM LEASES OF INDIAN LANDS ON THE SAN CARLOS APACHE RESERVATION IN ARIZONA

The Clerk called the bill (H.R. 4920) to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the San Carlos Apache Reservation in Arizona.

There being no objection, the Clerk read the bill, as follows:

H.R. 4920

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is hereby further amended by inserting the words "the San Carlos Apache Reservation," after the words, "the Fort Mojave Reservation,".

With the following committee amendment:

On page 1, line 4, strike out "amend" and insert "amended".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING USE OF INCOME FROM CERTAIN LANDS

The Clerk called the bill (H.R. 8372) to authorize the States of North Dakota, South Dakota, Montana, and Washington to use the income from certain lands for the construction of facilities for State charitable, education, penal, and reformatory institutions.

There being no objection, the Clerk read the bill, as follows:

H.R. 8372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of the fourth paragraph of section 11 of the Act entitled "An Act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States", approved February 22, 1889 (25 Stat. 676), as amended, is amended to read as follows:

"Rentals on leased land, proceeds from the sale of timber and other crops, interest on deferred payments on land sold, interest on funds arising from these lands, and all other actual income, shall be available for the acquisition and construction of facilities, including the retirement of bonds authorized by law for such purposes, and for the maintenance and support of such schools and institutions."

Mr. PELLY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, H.R. 8372 which we are considering today is similar to my bill, H.R. 4898. On April 11, the Subcommittee on Lands of the House Committee on Interior and Insular Affairs held hearings on my bill and at which time I stated that the proposed amendment to the enabling act creating Washington as a State is twofold. First, it makes clear that moneys derived from the proceeds of the sale of timber and other crops from granted lands may be used by the State for the same purposes that the State may presently use rentals, interest, and other actual income derived from the lands. Second, it makes clear that timber proceeds, rentals, interest, and other actual income may be used for the acquisition and construction of facilities, including the retirement of bonds authorized by State law for such purposes, for these State schools and institutions which are the beneficiaries of the enabling act land grants.

Mr. Speaker, the State of Washington seeks this amendment to section 11 of our State's enabling act because its new State constitutional provision which was approved by the voters last November creates a common school construction fund under which the proceeds from the sale of timber and other crops, rentals, interest, and all other actual income derived from its common school land grant will be used to finance the acquisition and construction of common school facilities, in addition to being expended for current support of its common schools. While the Department of Interior believes that the proposed amendment is unnecessary, Mr. Speaker, the fact remains that without it the State of Washington cannot sell its bonds because the financial houses state that the bonds might be illegal. The bill we are considering will resolve any doubts about the legality of school construction bonds. I urge passage of H.R. 8372.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 617) to authorize the States of North Dakota, South Dakota, Montana, and Washington to use the income from certain lands for the construction of facilities for State charitable, educational, penal, and reformatory institutions, an identical bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the Senate bill, as follows:

S. 617

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of the fourth paragraph of section 11 of the Act entitled "An Act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States", approved February 22, 1889 (25 Stat. 676), as amended, is amended to read as follows: "Rentals on leased land, proceeds from the sale of timber and other crops, interest on deferred payments on land sold, interest on funds arising from these lands, and all other actual income, shall be available for the acquisition and construction of facilities, including the retirement of bonds authorized by law for such purposes, and for the maintenance and support of such schools and institutions."

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 8372) was laid on the table.

DISPOSITION OF FUNDS OF THE OTTAWA TRIBE OF OKLAHOMA

The Clerk called the bill (H.R. 2532) to provide for the disposition of funds appropriated to pay a judgment in favor of the Ottawa Tribe of Oklahoma in docket No. 303 of the Indian Claims Commission, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 2532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the United States Treasury to the credit of the Ottawa Tribe of Oklahoma that were appropriated by the Act of April 30, 1965, to pay a judgment of the Indian Claims Commission in docket numbered 303, and the interest thereon, after deduction of litigation expenses and estimated costs of distribution, shall be distributed per capita to all persons whose names appear on the final roll of the Ottawa Tribe prepared pursuant to the Act of August 3, 1956 (70 Stat. 963).

SEC. 2. The Secretary of the Interior shall distribute a share payable to a living enrollee directly to such enrollee, or in such manner as is deemed by the Secretary to be in the enrollee's best interest. The Secretary shall distribute the per capita share of a deceased enrollee to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary whose findings upon such proof shall be final and conclusive. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid to the persons whom the Secretary determines will best protect their interests. In the event that the sum of money reserved by the Secretary to pay the costs of distributing the individual shares exceeds the amount actually necessary to accomplish this purpose, such funds shall remain to the credit of the Ottawa Tribe of Oklahoma to be disposed of for the benefit of the members of the tribe at the direction of the Secretary.

SEC. 3. The funds distributed under the provisions of this Act shall not be subject to Federal or State income taxes.

SEC. 4. The Secretary is authorized to prescribe rules and regulations to carry out the provisions of this Act.

With the following committee amendments:

On page 2, line 11, after "heirs", strike out "of" and insert "or".

On page 2, line 14, after "interests,", insert the following sentence: "Any per capita shares unclaimed for a period of two years from the date of the administrative directive to make the payment shall be turned over to The Ottawa Indian Tribe of Oklahoma, incorporated under the laws of the State of Oklahoma, to be used for purposes set forth in its Articles of Incorporation, filed July 14, 1959."

On page 2, lines 18, 19, and 20, after "Oklahoma", strike out "to be disposed of for the benefit of the members of the tribe at the discretion of the Secretary." and insert: "until all claims filed against the United States by the tribe have been settled and the last judgment distributed per capita, at which time any sums remaining shall be turned over to The Ottawa Indian Tribe of Oklahoma."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMISSION ON POLITICAL ACTIVITY OF GOVERNMENT PERSONNEL

The Clerk called the bill (S. 853) to extend the life of the Commission on Political Activity of Government Personnel.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to know what progress has been made by this Commission and have a little more information than is given in the report before we allow it to pass by unanimous consent. For that purpose I yield to the distinguished chairman of a subcommittee of the Committee on the Judiciary, the gentleman from South Carolina [Mr. ASHMORE].

Mr. ASHMORE. Mr. Speaker, I am not a member of the Commission and therefore I am not too familiar with just what has been done in the past, but I know when the bill came to us from the Senate it was stated—and I think the record so shows—that the Commission was set up during the last session of Congress, in 1966, and it was given 1 year to make a study and report back to the Congress with recommendations by the Commission. However, the Commission did not begin functioning, I believe, until late January or sometime in January of this year, 1967. Therefore, of course, it was delayed for a full 3 months. It needs additional time to complete the year's study which the original act gave it authority to operate in. This bill just extends it for 3 additional months, which will still be within the 1 year that the original act provided for.

Mr. HALL. Mr. Speaker, I appreciate the response of the gentleman. Of course, the reason why it did not begin to work on time is that only six of the 12 Commissioners were appointed in the first 3 months.

Mr. ASHMORE. I believe that is correct.

Mr. HALL. Does the gentleman know the appointing authority for these Commissioners?

Mr. ASHMORE. I know the Speaker of the House had the authority to appoint some of them and the President of the Senate and maybe the President. I believe that was the procedure, but I am not certain of it.

Mr. HALL. Will the gentleman respond further and advise the House as to whether or not there is any urgency, that is, this week versus 2 weeks from now, for the passage of this legislation?

Mr. ASHMORE. So far as I know, there would not be.

Mr. HALL. Mr. Speaker, until such time as the sponsor of the bill is available, or more information can be obtained by the official family of objectors, I am constrained to ask unanimous consent that this be put over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. This concludes the call of the Consent Calendar.

CONGRESSIONAL REDISTRICTING—APPOINTMENT OF TWO ADDITIONAL CONFEREES

Mr. CELLER. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to appoint two additional conferees to attend the conference on the bill (H.R. 2508) to require the establishment, on the basis of the 18th and subsequent decennial censuses, of congressional districts composed of contiguous and compact territory for the election of Representatives, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. GROSS. Mr. Speaker, reserving the right to object, what is the bill?

Mr. CELLER. Mr. Speaker, if the distinguished gentleman from Iowa will yield, the bill is on redistricting—congressional redistricting.

Mr. GROSS. Congressional what?

Mr. CELLER. Redistricting.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

The Chair hears none, and appoints the following additional conferees: Messrs. ROGERS of Colorado and MATHIAS of Maryland.

The Clerk will notify the Senate of this action on the part of the House.

FEDERAL JUDICIAL CENTER

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6111) *to provide for the establishment of a Federal Judicial Center*, as amended.

The Clerk read as follows:

H.R. 6111

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 28, United States Code, is amended by inserting, immediately following chapter 41, a new chapter as follows:

"CHAPTER 42.—FEDERAL JUDICIAL CENTER

"Sec.
"620. Federal Judicial Center.
"621. Board.
"622. Duties and powers of the Board.
"623. Administrator and staff.
"624. Compensation of the Administrator.
"625. Retirement of the Administrator.
"626. Survivorship benefits of the widow and dependent children of the Administrator of the Federal Judicial Center.
"627. Appropriations and Accounting.

"§ 620. Federal Judicial Center

"There is established in the Administrative Office of the United States Courts a Federal Judicial Center for the purpose of seeking knowledge of the best methods of judicial administration through scientific study so that it may be possible to administer justice in the Federal courts with maximum effectiveness and minimum waste. The Center shall have the following functions:

"(1) To stimulate, coordinate, and conduct research and studies in all areas of Federal judicial administration.

"(2) To stimulate, develop, and conduct programs of continuing education and training for personnel in the judicial branch of Government, including but not limited to, judges, referees, court clerks, probation officers, and United States commissioners.

"(3) To provide staff, research, and planning assistance to the Judicial Conference of the United States and its committees.

"§621. Board

"The activities of the Center shall be supervised by a Board to be composed of the Chief Justice of the United States, two judges of the United States courts of appeals, three judges of the United States district courts, and the Director of the Administrative Office of the United States Courts.

"Each of the judges of the United States courts of appeals and the United States district courts shall be elected as members of the Board by a vote of the members of the Judicial Conference of the United States.

"The judges of the courts of appeals first named to the Board shall continue in office for terms of two and four years, respectively, from the date of the enactment of this chapter, the term of each to be designated by the Chief Justice following election by the Judicial Conference.

"The judges of the United States district courts first named to the Board shall continue in office for terms of two, three, and four years, respectively, from the date of the enactment of this chapter, the term of each to be designated by the Chief Justice following election by the Judicial Conference.

"Each successor of the first judge-members of the Board shall be elected for a term of four years from the date of the expiration of the term for which his predecessor was elected, except that any judge elected to fill a vacancy occurring prior to the expiration of the term for which his predecessor was elected shall be elected only for the unexpired term of such predecessor. No judge-member shall be eligible to reelection as a member of the Board.

"Members of the Board shall serve without additional compensation.

"The Chief Justice of the United States shall be the Chairman of the Board.

"*Regular meetings of the Board shall be* held quarterly. Special meetings of the Board may be held from time to time upon the call of the Chairman or upon the request of any three members.

"§ 622. Duties and powers of the Board

"(a) The Board shall take all necessary and appropriate steps to accomplish the purposes and perform the functions stated in this chapter, including but not limited to the following. The Board shall:

"(1) develop programs of research, training, continuing education, and administration in all areas of Federal judicial administration;

"(2) make recommendations to the Judicial Conference of the United States and to other appropriate agencies and officials for improvements in all such areas;

"(3) study and determine ways in which automatic data processing and systems procedures may be used in Federal judicial administration;

"(4) consider and recommend measures for the improvement of judicial administration and shall suggest appropriate studies for this purpose to be undertaken by both public and private agencies;

"(5) submit to the annual meeting of the Judicial Conference of the United States, at least two weeks prior thereto, a report of the activities of the Center along with the Administrator's recommendations, which report, data and recommendations shall be public documents;

"(6) submit to Congress copies of the report and the recommendations submitted to the Judicial Conference of the United States;

"(7) submit to the Congress reports of the results of the studies and determinations made by the Board under subsection (3) of this section. The first report shall cover the Board's activities during the first eighteen months following the date of the enactment of this chapter and each succeeding report shall cover such activities during each succeeding twelve-month period thereafter. Each report shall be submitted no later than thirty days following the close of the period for which the report is submitted.

"(b) For the purpose of carrying out any function of the Board authorized by this chapter, the Board may accept donated funds and services, both public and private, and the use of such funds to pay the salaries of the officers or employees of the Center shall not be subject to the provisions of section 209 of title 18, United States Code.

"(c) The Board is authorized to request from any department, agency, or independent instrumentality of the Government any information it deems necessary to carry out its functions under this Act; and each such department, agency, and instrumentality is authorized to cooperate with the Board and, to the extent permitted by law, to furnish such information to the Board, upon request made by the Chairman. The Board shall utilize insofar as possible the services or facilities of any agency of the Federal Government, and, without regard to section 10 of the Act of March 2, 1861, as amended (41 U.S.C. 5), of any appropriate State or other public agency. The Board may, without regard to section 10 of the Act of March 2, 1861, as amended (41 U.S.C. 5), utilize the services or facilities of any private agency, organization, group, or individual, in accordance with agreements between the head of such agency, organization, or group, or such individual, and the Board. Payment, if any, for such services or facilities shall be made in such amounts as may be provided in such agreement.

"§ 623. Administrator and staff

"(a) The Board shall appoint and affix the duties of an Administrator of the Center who shall serve at the pleasure of the Board.

"(b) The Administrator shall supervise the activities of persons employed in the Center and shall perform such other duties assigned to him by the Board.

"(c) The Board shall appoint and fix the compensation of such additional personnel as it deems advisable, subject to the provisions of title 5 governing appointments in competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(d) The Board may procure personal services as is authorized by section 15 of the Act of August 2, 1946, as amended (5 U.S.C. 3109), at rates not to exceed $100 per diem for individuals.

"(e) The Administrator is authorized to incur travel and other miscellaneous expenses incident to the operation of the Center.

"(f) The Board may contract with governmental private agencies for research projects and for other purposes, and to that end may delegate such authority to the Administrator of the Federal Judicial Center as the Board deems necessary or appropriate in the negotiation for or the execution of such contracts.

"§ 624. Compensation of the Administrator of the Federal Judicial Center

"The compensation of any Administrator of the Federal Judicial Center shall be the same as that of a judge of a United States District Court, and his appointment and salary shall not be subject to the civil service laws or Classification Act of 1949, as amended; *Provided*, however, That any Administrator of the Federal Judicial Center who is a justice or judge of the United States who has not attained the age of seventy years but who has retired from regular active service pursuant to section 371(b) of this title shall serve without additional compensation.

"§ 625. Retirement of the Administrator of the Federal Judicial Center

"(a) Any Administrator of the Federal Judicial Center who elects to be subject to the provisions of this section thereby waives his right to coverage under the Civil Service Retirement Act. Such election shall be made by filing a written notice with the Administrative Office of the United States Courts within six months after the date on which the Administrator of the Federal Judicial Center takes office.

"(b) Any Administrator of the Federal Judicial Center who attains the age of seventy years shall be retired from that office.

"(c) Any Administrator of the Federal Judicial Center who retires, after having served at least fifteen years and after having attained the age of sixty-five years, shall receive an annuity for life equal to 80 per centum of the salary of the office.

"(d) Any Administrator of the Federal Judicial Center who has served at least ten years, but who is not eligible to receive an annuity under subsection (c), may elect to retire and receive an annuity for life equal to that proportion of 80 per centum of the salary of the office which the number of years of his service bears to fifteen, reduced by one-quarter of 1 per centum for each full month, if any, he is under the age of sixty-five at the time of separation from service.

"(e) Any Administrator of the Federal Judicial Center who becomes permanently disabled from performing the duties of his office shall be retired and shall receive an annuity for life equal to 80 per centum of the salary of the office if he has served at least fifteen years, or equal to that proportion of 80 per centum of such salary which the aggregate number of years of his service bears to fifteen if he has served less than fifteen years, but in no event less than 50 per centum of such salary.

"(f) For the purpose of this section, 'service' means service, whether or not continuous, as Administrator of the Federal Judicial Center, and any service not to exceed five years as a judge of the United States, a Senator or Representative in Congress, or a civilian official appointed by the President by and with the advice and consent of the Senate.

"(g) The annuities provided by this section of this title shall be paid by the Administrative Office of the United States Courts.

"§ 626. Survivorship benefits of the widow and dependent children of the Administrator of the Federal Judicial Center

"The provisions of section 376 of this title are hereby extended to include the Administrator of the Federal Judicial Center. Each reference therein to a judge of the United States or to judicial service shall be deemed to include the Administrator of the Federal Judicial Center.

"Subsections (b), (c), (g), (i), and (n) of section 376 of this title are amended to insert after the phrase 'retirement from office by resignation on salary under section 371(a) of this title' the words 'or under section 625 of this title'.

"§ 627. Appropriations and accounting

"There is hereby authorized to be appropriated to carry out the provisions of this Act such sums as may be necessary to supplement funds and services accepted by the Board. The Administrative Office of the United States Courts shall provide accounting, disbursing, auditing, and other fiscal services for the Federal Judicial Center."

SEC. 2. The table of contents to "Part III.—COURT OFFICERS AND EMPLOYEES" of title 28, United States Code, is amended by inserting after

"41. Administrative Office of United States Courts ________________________________ 601"

a new chapter reference as follows:

"42. Federal Judicial Center________ 620".

The SPEAKER. Is a second demanded?

Mr. McCULLOCH. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. CELLER. Mr. Speaker, this bill, if adopted, will establish within the Administrative Office of the U.S. Courts a Federal Judicial Center for the improvement of the administration of justice.

PURPOSE OF THE BILL

H.R. 6111 will establish in the Administrative Office of the U.S. Courts a Federal Judicial Center to foster improvements in the administration of justice. The Center will, first, stimulate, coordinate, and conduct research and studies in all areas of Federal judicial administration; second, stimulate, develop, and conduct programs of continuing education and training for personnel in the judicial system; and third, provide staff, research, and planning assistance to the Judicial Conference of the United States and its committees.

STATEMENT

The President, in his February 6, 1967, message to the Congress on the National Crime Commission report, recommended that a Federal Judicial Center be established to assist in the development of solutions to administrative problems of the judiciary and to bring about more efficient administration of justice.

The President said:

> The mere addition of judges to the courts will not bring about the efficient administration of justice that simple justice demands. Better judicial administration requires better research, better training, and continuing education programs.

The President's recommendation had its origin in the experience of the Judicial Conference over the last 10 years with the practical administrative problems that confront Federal judges.

In an effort to find solutions for these problems, the Judicial Conference, on an ad hoc basis, has established some 15 committees concerned with programs of research, continuing education or training. None of these committees, however, has been adequately staffed or supported, and solutions have not been found to the administrative problems of the judiciary.

In September 1966, a Special Committee on Continuing Education, Research, Training, and Administration, was formed by the Judicial Conference to review and evaluate all 24 of the research programs then in existence. In the course of its studies, the Special Committee developed the concept of a Federal Judicial Center for the purpose of seeking knowledge of the best methods of judicial administration.

The Attorney General on March 16, 1967, testified in support of legislation to create a Federal Judicial Center for the purposes set forth in H.R. 5385. In his testimony, the Attorney General stated:

> We must learn why the delay and docket congestion in our Federal courts is getting worse each day and what we can do to reverse this trend. We must establish and maintain programs for continuing education and for training for the personnel in the judicial system and insure that such education and training is made available in a timely and meaningful way. Thirty to thirty-five new judges are appointed every year—70 last year—in the Federal judiciary and numerous commissioners, referees, court clerks, and probation officers. All need training and an opportunity to participate in a continuing education program.

The Special Committee of the Judicial Conference submitted its final report at the March 30–31, 1967, meeting. The Special Committee reported the following conclusions:

> (1) The establishment of a Federal Judicial Center in the judicial branch of the Government is desirable to attain the dispensation of justice in the Federal courts with maximum effectiveness and minimum waste;
>
> (2) The attainment of this objective will be aided by a thorough scientific study of the methods of judicial administration and by programs of continuing education of judges and training of court personnel; and
>
> (3) The activities of the Federal Judicial Center should be under the direction and control of an autonomous board composed of the Chief Justice, the Director of the Administrative Office and five judges (two circuit judges and three district judges) elected by the Judicial Conference. The Chief of the Federal Judicial Center must be responsible to the board and not to the Director of the Administrative Office.

The Special Committee attached to its report its estimate of the operating costs of the proposed Federal Judicial Center. A total cost of $537,923 per annum is estimated, of which a total of $137,923 is for personnel and related support costs.

The bill is endorsed by the American Bar Association, the Federal Bar Association, and the Federal Probation Officers Association.

COMMITTEE AMENDMENT

The Judiciary Committee amended the bill by substituting entirely new language. The committee's amendment contains a number of revisions which are designed to accomplish the following objectives:

First. Incorporate wherever practicable the revisions and language improvements that had been recommended by the Special Committee on Continuing Education, Research, Training, and Administration, and approved by the Judicial Conference of the United States at its March 30, 1967, meeting.

Second. Authorize the Board of the Federal Judicial Center specifically to study and determine ways in which automatic data processing and systems procedures may be used in Federal judicial administration.

Third. Improve the administrative procedures of the Federal Judicial Center by requiring the Board to appoint, and fix the compensation of, all personnel employed in the Center.

Fourth. Provide survivorship benefits for the widow and dependent children of the Administrator of the Federal Judicial Center by amendment of the provisions of section 376, "Annuities to widows and surviving dependent children of judges," of title 28, United States Code.

Mr. Speaker, the bill is noncontroversial. It was unanimously reported by the Committee on the Judiciary.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, would it also be of great comfort to bondsmen along with the others the gentleman named?

Mr. CELLER. Oh, no, there is nothing in the bill that would help or give any comfort to a bondsman. There is no mention of bondsman in the bill.

Mr. GROSS. Mr. Speaker, if the gentleman would yield further, I imagine those who will derive the greatest amount of comfort from this new-fangled judicial center will be the Director, at $30,000 a year, an assistant, at $20,000 a year, and another assistant at $20,000 a year.

I imagine they will get the most comfort out of this, will they not?

Mr. CELLER. No; I do not like to use the word "comfort" in that sense. I believe the laborer is worthy of his hire. The director of an establishment of this sort would have to exhibit considerable expertise, and we would need a man of considerable judicial knowledge.

If we want a good man we have to pay for him. This man would receive the same salary as the U.S. district judges do.

Also, to be sure the establishment would be free from political influence, the Board makes the appointment.

As I mentioned, that Board is composed mainly of judges. The Chief Justice of the U.S. Supreme Court, two judges of the courts of appeal, and three district judges, and the Director of the Administration Office. So that I do not believe there would be any—shall I say—political contamination, as far as the appointee is concerned. His job would be an important job, highly important. If we want to have our court calendars freed from being clogged as they are now, and if we want justice to be fairly swift, we shall have to have up-to-date methods.

Mr. GROSS. If the gentleman will yield further, I would say it would seem to me the Federal courts ought to soon be completely cleared with all of the judges that have been appointed, some 150 of them in the last 2 or 3 years.

What has happened to the Federal judges who have been added to the courts?

Mr. CELLER. The gentleman may not have heard it, but I did indicate that the President of the United States said that the mere addition of judges to the courts will not bring about the more efficient administration of justice that justice demands. Better judicial administration requires better research, better training, and continued educational progress. It is for the purpose of giving this training and to give this spurt, as it were, to progress in the administration of justice, that the American Bar Association and the Judicial Conference, Federal Bar Association, and the Attorney General made recommendations for the passage of this bill.

The Attorney General, it might be interesting for the gentleman from Iowa to hear this, said:

> In essence, improvements in the administration of justice require better research, more training and continuing education programs covering all aspects of the judicial functions.
>
> The Judicial Conference is well aware of their growing problems and has taken firm steps in the right direction. It has, at one time or another, recommended or established on an ad hoc basis numerous programs of research and education. These programs have not, however, been sufficiently staffed or supported to accomplish the awesome tasks they have faced. They have lacked the permanence and resources which are needed to provide the continuity of effort and the coordination of endeavor to master the complex demands which are now being made upon our judicial system.
>
> We must learn why the delay and docket congestion in our Federal courts is getting worse each day and what we can do to reverse this trend. We must establish and maintain programs for continuing education and for training for the personnel in the judicial system and insure that such education and training is made available in a timely and meaningful way. Thirty to thirty-five new judges are appointed every year—70 last year—in the Federal judiciary and numerous commissioners, referees, court clerks, and probation officers. All need training and an opportunity to participate in a continuing education program.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. GROSS. Which Attorney General was this? Not that it makes a whole lot of difference because both of the last two were real liberal with the taxpayers' money, and neither of them seemed to recognize the critical crime situation in this country—but which Attorney General does this happen to be?

Mr. CELLER. I do not agree with the characterization the gentleman has attributed to the Attorney General. But this one happens to be a very good and distinguished Attorney General—the present occupant of this Office—and I doff my hat to him.

Mr. GROSS. I am glad the gentleman does. I have never met him on the street so I have not had the opportunity to doff my hat and I do not know whether I would so salute him, if I did. I can cross that bridge when I get to it.

But did the gentleman say that the Chief Justice of the Supreme Court will appoint these $30,000 and $20,000 payrollers?

Mr. CELLER. Yes, he participates.

Mr. GROSS. Will he be in charge?

Mr. CELLER. He participates with the rest of the Board that is established and there are five judges, three district judges, and two appellate judges.

Mr. GROSS. I assume the Chief Justice could be counted on to do so, if he were not off on a taxpayers' junket to South America or to Europe—would that be somewhere near correct?

Mr. CELLER. I cannot answer adequately questions that involve language of that sort. I do not agree with the gentleman so far as the use of these terms "junkets" and other similar epithets are concerned.

Mr. Speaker, I reserve the balance of my time.

Mr. McCULLOCH. Mr. Speaker, I rise in support of the bill H.R. 6111.

The chairman of the Committee on the Judiciary has briefly yet accurately described the terms and the purpose of this legislation.

Mr. Speaker, this bill was reported by the subcommittee of the Committee on the Judiciary by unanimous vote and was reported out of the full Committee on the Judiciary by unanimous vote.

Mr. Speaker, one of the most pressing problems confronting the American legal system is the phenomenal growth of caseloads in the courts throughout the land.

From 1941 to 1966 civil cases filed in our U.S. district courts increased 84 percent—from 50,500 to 71,000—and pending civil cases have increased a staggering 169 percent—from 29,000 to 79,000.

During this time Congress has responded to this astounding increase in caseload by providing an additional 144 Federal district judges—from 197 to 341—an increase of 73 percent.

In addition to the overwhelming caseload burden on the courts, we have seen, in recent years, the new phenomenon of the complex, protracted case. Some of these cases extend over periods up to 9 months in trial, take years to resolve appeals and reach upward of 70,000 pages of record.

Also complicating the problem is the development of multidistrict litigation, such as we saw in the electrical equipment antitrust litigation. In that case there were over 25,000 separate claims in 35 different judicial districts. This emergency situation was handled only through setting up a special staff in the Administrative Office of U.S. Courts and temporarily convening a special coordinating committee of judges.

Up to the present such proliferatingly burdensome problems are handled by temporary, hastily improvised ad hoc solutions. The necessity for some permanent machinery just to deal with these problems, not to mention many other urgent needs, to assist the Federal judiciary, is crystal clear.

Solution of these problems is not easy and will not occur overnight. But we must begin. The Federal Judicial Center, to be established by the legislation now before us is such a beginning.

In addition to the problems I have just mentioned, the Judicial Center will also concern itself with information gathering and coordination. A major deficiency in the present judicial administration is the lack of digested and interpreted statistics and studies of the various problems facing different judges. Our judicial manpower is inefficiently used in numerous individual courtrooms where effort is often duplicated if no common lesson or experience can be drawn from the system, and made available to other judges who may be struggling with similar problems.

The Center would also provide permanet staffing and other resources to assist the Judicial Conference and its committees. The programs of continuing education and scientific research in judicial administration need permanent status.

The Federal Judicial Center, an agency of the judicial branch of Government, will be directed by an autonomous board of judges. This concept of judicial administration is uniquely designed and constructed to solve some of the most pressing problems facing the American legal system.

Mr. Speaker, I earnestly recommend passage of H.R. 6111, a bill to create a Federal Judicial Center.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Iowa for a question.

Mr. GROSS. I am not clear as to how this Judicial Center would overcome the things that the gentleman has just mentioned.

Mr. McCULLOCH. Of course, this new Judicial Center, when authorized by law and properly manned, and with electrical data processing equipment which I hope it will have, will be able to search out the delays in some of the courts, will be able to balance the caseload, and will see that our Federal judicial system operates as efficiently as many of the State and local judicial systems operate.

Mr. GROSS. Would the gentleman think the creation of this expensive Judicial Center would cure the situation in Oklahoma, where the work of the Federal courts has been sadly held up by the fact that three Federal judges are fighting, calling each other names? Would the Judicial Center be able to do something about that situation?

Mr. McCULLOCH. It would be my opinion that they would immediately become interested in the situation down there, which is not good, and would see either that the judges of those courts took over and completed a caseload, or that there would be judges assigned there from other districts to carry the ever-increasing caseload in that part of the country.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. McCULLOCH. I yield to the gentleman from Iowa for one more question.

Mr. GROSS. Since the Chief Justice of the Supreme Court is going to appoint these Judicial Center payrollers—and well paid, incidentally—do you suppose that they could prevail upon this same Chief Justice Warren to dispose of the writ that has laid before the Supreme Court for months and months and months in connection with the Oklahoma situation?

Mr. McCULLOCH. Mr. Speaker, it would be my hope and my expectation that the Chief Justice of the United States would appoint the caliber of men to this council that would be able to and would do that which could properly and necessarily be done.

The SPEAKER pro tempore (Mr. Albert). The gentleman from Ohio has consumed 6 minutes.

Mr. McCULLOCH. Mr. Speaker, I yield such time as he may require to the gentleman from Illinois [Mr. McClory] who did yeoman's service in preparing this bill for introduction and the work thereon thereafter.

The SPEAKER pro tempore. The gentleman from Illinois is recognized.

Mr. McCLORY. Mr. Speaker, I wish to express my appreciation to my colleague from Ohio [Mr. McCulloch] for his very generous remarks and for this opportunity to express my unqualified support for this legislation. I think we should point out that the bill does not emanate from the Office of the Attorney General but it emanates from the courts themselves, where they are experiencing the problems of court congestion. Court congestion cannot be cured merely by appointing more judges. We have determined that.

Some time ago we provided for the Administrative Office of the Courts, and it was hoped that that office would serve to provide for better utilization of judicial time and talent, and for clearing up congested dockets.

However, that legislation, which was enacted, I believe, about 20 years ago, is certainly inadequate for today's problems that we are encountering in the Federal courts.

A great many State courts have already undertaken to utilize automatic data processing and other modern systems and techniques for helping to fully utilize their judicial talent and to expedite the administration of justice. It seems to me only appropriate that the Federal court system should also utilize such modern devices and techniques.

It is not just a question of more judges, but of more fully utilizing the time and talent of the judges we already have. Therefore, it seems to me a judicial center, which would provide information, which would provide research, and which would provide an opportunity for the comprehensive studies by the board which is created in this legislation, would certainly provide for a better balance, a better division of the work and the caseload among the various judges of the court. It would provide information from which the Congress could determine for itself just what the extent of the problem is and how it can be solved.

May I say that this legislation provides that a report be filed with the Congress. More specifically, 18 months after the enactment of this legislation, the Congress for the first time be given statistics and facts with respect to the potential uses of automatic data processing in our courts and every 12 months thereafter, the Center will be required to provide all additional information to the Congress.

For the first time this legislation will repose responsibility in a board composed of judges of the courts, responsibility for determining how the business of the courts is being conducted, the manner in which the administration of justice is being carried out in the Federal court system.

This is vital legislation, it seems to me, if we are going to improve the administration of justice in the Federal court system. Certainly it is something we need desperately, particularly in the large metropolitan centers where we have this great backlog of cases and congestion in the courts. What we are doing here is recommending for our Federal court system some business administration practices which have been found so useful in private industry and in the private economy, and which have been demonstrated in many of the other court systems around the land. So that we are here adopting something that has been tried and tested, the efficacy of which has already been demonstrated.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Iowa for a question.

Mr. GROSS. Mr. Speaker, the gentleman speaks of data processing and the use of computers. If this Judicial Center is going into data processing and computers, the cost is far more than this bill indicates. Is this what might be called a foot in the door?

Another question: Does the gentleman propose to staff a center in some building or to construct a building? Where is this center to be located?

Mr. McCLORY. I would not call this a foot in the door. I would call this a demonstration on the part of the Congress of its concern for the case backlog or court congestion in the Federal judicial system. For the first time we would authorize a study of this subject and authorize the courts to utilize this material.

May I say the United States Code has been put on computer tapes. This has been done through private funds, through private sources, in a private university. This bill would authorize receipts of private funds to help in such a project. There is merely a general authorization to study and consider the possible utilization of these systems.

I am confident that when we review the number of cases and the types of cases that tend to clog our courts, the administrative practices with regard to selection of juries, the material with regard to the time which is consumed in trial of cases and such other court administrative data, then this Judicial Center will be in a position to recommend efficient and modern-day procedures and practices with regard to administering the courts.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. McCLORY. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, the gentleman still has not answered my question as to where this Judicial Center is going to be located. Is it going to be over there among the lovelorn in that palace across the Capitol Grounds.

Mr. McCLORY. If the gentleman will terminate his question, the Judicial Center will be located in the Administrative Office of the U.S. Courts, which already is established, I believe, in the Supreme Court Building. This Judicial Center will be located in the same Office. This supplements what was done, I believe, about 20 years ago. I am not sure when the Administrative Office of the Court was established, but it was a long time ago, and this brings the whole system up to date.

Mr. GROSS. Mr. Speaker, this bill, in the creation of a so-called Judicial Center, simply provides another layer of administrative and spending fat on the Judicial Conference and other functionaries who are now hired to wet-nurse the Federal judiciary. It appears that the deeper this country plunges into debt, and the higher the pay of officials of this Government, the more personnel it takes to tell the hierarchy what to do and how to do it.

Mr. Speaker, time after time in recent weeks we have heard certain Members of the House of Representatives tell us that the effective way to stop spending and increasing the debt is to refuse to authorize new programs and projects, especially where no emergency is involved.

The establishment of this new Judicial Center is not, by any stretch of the imagination, called for as an emergency and it will be interesting to read the roll of those who support it.

Mr. DOLE. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Kansas.

Mr. DOLE. I note on page 8 of the report the reference to the fact that we have gone from 197 judges in 1941 to 341 in 1966. Is it the gentleman's understanding that perhaps the passage of this bill will reduce the number of judges, or at least slow down the increase in the number of Federal judges hereafter?

Mr. McCLORY. I would say very definitely, in answer to the gentleman's question, it would slow down the increase of appointments and would provide much better utilization and more efficient utilization of the time and talents and services of existing Federal judges.

Mr. DOLE. Also, there is some comment made about the Federal Judicial Center getting into the problem of jury selection. Do I correctly understand that they would set down guidelines for jury selection around the country?

Mr. McCLORY. No, I would not say that. I would say it would serve to provide information with regard to jury selection and with regard to the number of juries and perhaps other detailed information with regard to the administration of Federal juries.

Mr. DOLE. I thank the gentleman.

Mr. McCLORY. Mr. Speaker, in joining the committee chairman, the gentleman from New York [Mr. CELLER], and the distinguished ranking minority member of the Judiciary Committee, the gentleman from Ohio [Mr. McCULLOCH], in urging the passage of this important legislation, I should like to focus the attention of my colleagues on sections 622 (a) (3) and (7) of H.R. 6111. In brief, these provisions require that the newly created Federal Judicial Center specifically include within its studies of the means and methods of accomplishing judicial improvement the following:

A review and determination of the ways in which automatic data processing and systems procedures may be used in the Federal court system; and

Submit an initial report in 18 months and annual reports thereafter on the findings derived from this study.

To date we have not found the solution to the administrative problems of the judiciary. Nor have we yet employed modern scientific methods of management to the problem of judicial administration in the Federal court system. I believe we can all find hope for solving many of these problems in the potentials which automatic data processing and systems procedures hold for Federal judicial administration.

Mr. Speaker, the potentials of automatic data processing for the Federal court system are documented in a very recent study undertaken for the President's Crime Commission. This study catalogs some of the areas in which the Federal courts can effectively employ these time-saving and cost-saving systems. I quote the following from that study:

> Most courts could benefit substantially from the introduction of more modern methods and machinery into their court clerk's offices. Many tasks of the courts can be helpfully mechanized and even computerized. Computers and improved manual and mechanical techniques can schedule proceedings to obtain better use of judge and courtroom time and to prevent attorney conflicts and fruitless appearances. They can prepare court docket records, indexes, notices, and reports. They can be used to monitor criminal prosecutions, check on procedural delay, review pretrial detention, and to assign counsel. They can monitor arrest warrant status to ensure that when persons come to police or court attention, it is known whether other warrants are outstanding against them, and if so, whether these warrants are currently in force. Computers can help with the selection, time accounting, and compensation of jurors.

These provisions of H.R. 6111 will result in the Federal Judicial Center commencing this important aspect of its study immediately. If the Federal courts need new tools, the Federal Judicial Center must develop them and the Congress must authorize them.

Mr. Speaker, effective and efficient judicial administration is at the foundation of justice. H.R. 6111, in its totality, is a necessary and timely step toward improving the Federal system of criminal and civil justice. Again, I join my colleagues of the committee in urging its enactment.

Mr. CELLER. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. CORMAN].

Mr. CORMAN. Mr. Speaker, this legislative proposal was recommended by the President in his crime message of February 6, 1967, to assist in the development of solutions to administrative problems of the judiciary and to bring about the kind of self-analysis, research, and planning necessary for a more effective judicial system.

H.R. 6111 is a nonpartisan piece of legislation with bipartisan support, because it represents a reasonable, necessary approach to an ever-present problem.

Although the Congress has increased the number of judgeships in the U.S. district courts from 197 in 1941 to 341 in 1966, an increase of 73 percent, delay and docket congestion is greater than ever before.

Those who have studied the problem in the Congress, in the courts, and among the members of the bar, now realize that the mere addition of judges will not do the job. It is essential that we have better judicial administration, and to obtain this we must have research, training, and continuing education.

H.R. 6111 is directed to this essential objective. It will establish in the Administrative Office of the U.S. Courts a Federal Judicial Center which will first stimulate, coordinate, and conduct research and studies in all areas of Federal judicial administration; second, stimulate, develop, and conduct programs of continuing education and training for personnel in the judicial system; and third, provide staff, research, and planning assistance to the Judicial Conference of the United States and its committees.

Over the years, the Judicial Conference has attacked the problems of judicial administration on a piecemeal basis. As a problem arose, it was the subject of consideration by a special committee. Continuity was lacking and staffing and financial support were inadequate. In short, the system, as it has operated, has not been able to meet the problem.

The activities of the Center will be supervised by a board consisting of the Chief Justice of the United States, two court of appeals judges, three district court judges, and the Director of the Administrative Office of the U.S. Courts. The Board will make periodic reports to the Judicial Conference of the United States and the Congress.

Day-to-day operations of the Center will be supervised by an Administrator, who will hire the staff and direct its activities.

The legislation has the support of the Judicial Conference of the United States, the American Bar Association, the Federal Bar Association, the Federal Probation Officers Association, and experts in the field of judicial administration. It was extremely well received by the Committee on the Judiciary.

I recommend the prompt passage of H.R. 6111.

Mr. CELLER. Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion of the gentleman from New York [Mr. CELLER] that the House suspend the rules and pass the bill H.R. 6111, as amended.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 230, pays 97, not voting 106, as follows:

[Roll No. 139]

YEAS—230

Adair
Adams
Addabbo
Albert
Anderson Ill.
Anderson, Tenn.
Annunzio
Arends
Ashley
Ashmore
Aspinall
Ayres
Barrett
Bates
Battin
Bell
Berry
Betts
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bolton
Brademas
Brock
Broomfield
Brotzman
Broyhill, N.C.
Broyhill, Va.
Burke, Mass.
Burton, Calif.
Bush
Button
Byrne, Pa.
Casey
Celler
Chamberlain
Clawson, Del
Cleveland
Cohelan
Collier
Conable
Conte
Corman
Cramer
Culver
Cunningham
Daddario
Daniels
Dawson
Dellenback
Dingell
Donohue
Dow
Downing
Dwyer
Eckhardt
Edmondson
Ewards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Flood
Ford, Gerald R.
Friedel
Garmatz
Gibbons
Gilbert
Gonzalez
Goodell
Gray
Griffiths
Grover
Gubser
Gude
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harsha
Harvey
Hathaway
Hays
Hechler, W. Va.
Helstoski
Hicks
Holifield
Holland
Horton
Hosmer
Howard
Hungate
Hutchinson
Jacobs
Jarman
Joelson
Johnson, Calif.
Jones, Ala.
Karsten
Kastenmeier
Kazen
Kee
Keith
Kelly
King, Calif.
Kirwan
Kupferman
Kyros
Laird
Landrum
Lipscomb
Lloyd
Long, Md.
Lukens
McCarthy
McClory
McCulloch
McDade
McDonald, Mich.
McFall
MacGregor
Machen
Mailliard
Martin
Mathias, Calif.
Matsunaga
Mayne
Meeds
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Monagan
Morgan
Mosher
Moss
Multer
Murphy, Ill.
Myers
Natcher
Nedzi
O'Hara, Ill.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Poff
Pollock
Price, Ill.
Pryor
Pucinski
Quie
Railsback
Randall
Rees
Reid, N.Y.
Reifel
Reinecke
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Robison
Rodino
Rogers, Colo.
Rosenthal
Roth
Rumsfeld
Ryan
Schneebeli
Schweiker
Schwengel
Scott
Shipley
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Sullivan
Talcott
Teague, Calif.
Tenzer
Thompson, Ga.
Tuck
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Watts
Whalen
Whitener
Widnall
Wiggins
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Young

NAYS—97

Abernethy
Andrews, Ala.
Baring
Bennett
Bevill
Bow
Bray
Brinkley
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Fla.
Burleson
Carter
Clancy
Colmer
Davis, Ga.
Davis, Wis.
de la Garza
Derwinski
Dickinson
Dole
Dorn
Dowdy
Duncan
Edwards, La.
Eshleman
Everett
Fisher
Flynt
Fountain
Fuqua
Galifianakis
Gardner
Gathings
Goodling
Gross
Gurney
Hagan
Haley
Hall
Hardy
Harrison
Hébert
Henderson
Hull
Hunt
Ichord
Jonas
Jones, Mo.
Jones, N.C.
King, N.Y.
Kornegay
Kyl
Langen
Latta
Lennon
Long, La.
McClure
McMillan
Mahon
Marsh
Michel
Mize
Montgomery
Morris, N. Mex.
Nichols
O'Neal, Ga.
Passman
Poage
Price, Tex.
Quillen
Rarick
Reid, Ill.
Rivers
Roberts
Rogers, Fla.
Roudebush
Satterfield
Saylor
Schadeberg
Scherle
Selden
Shriver
Sikes
Skubitz
Snyder
Taft
Taylor
Thomson, Wis.
Waggonner
Walker
Watson
Whitten
Williams, Pa.
Winn
Zion

NOT VOTING—106

Abbitt
Andrews, N. Dak.
Ashbrook
Belcher
Blanton
Brasco
Brooks
Brown, Calif.
Burton, Utah
Byrnes, Wis.
Cabell
Cahill
Carey
Cederberg
Clark
Clausen, Don H.
Conyers
Corbett
Cowger
Curtis
Delaney
Denney
Dent
Devine
Diggs
Dulski
Esch
Fino
Foley
Ford, William D.
Fraser
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Gallagher
Gettys
Giaimo
Green, Oreg.
Green, Pa.
Halleck
Halpern
Hanna
Hansen, Wash.
Hawkins
Heckler, Mass.
Herlong
Irwin
Johnson, Pa.
Karth
Kleppe
Kluczynski
Kuykendall
Leggett
McEwen
Macdonald, Mass.
Madden
Mathias, Md.
May
Meskill
Minshall
Moore
Moorhead
Morse, Mass.
Morton
Murphy, N.Y.
Nelsen
Nix
O'Hara, Mich.
O'Konski
Olsen
O'Neill, Mass.
Pirnie
Pool
Purcell
Resnick
Reuss
Ronan
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Roybal
Ruppe
Sandman
St Germain
St. Onge
Scheuer
Smith, Okla.
Steed
Steiger, Ariz.
Stephens
Teague, Tex.
Thompson, N.J.
Tiernan
Utt
Watkins
Whalley
White
Williams, Miss.
Willis
Wilson, Bob
Wilson, Charles H.
Yates
Younger
Zablocki
Zwach

So (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended was passed.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Corbett.

Mr. Kluczynski with Mr. Cederberg.

Mr. Brasco with Mr. Meskill.

Mr. Teague of Texas with Mr. Burton of Utah.

Mr. Zablocki with Mr. Halleck.

Mr. Dent with Mrs. May.

Mr. Giaimo with Mr. Esch.

Mr. Gettys with Mr. Belcher.

Mr. Rooney of New York with Mr. Cahill.

Mr. Reuss with Mr. Zwach.

Mr. St. Onge with Mr. Mathias of Maryland.

Mr. Green of Pennsylvania with Mr. Sandman.

Mr. Moorhead with Mr. Pirnie.

Mr. Delaney with Mr. Frelinghuysen.

Mr. Carey with Mr. Bob Wilson.

Mr. Thompson of New Jersey with Mr. Fulton of Pennsylvania.

Mr. Leggett with Mr. Andrews of North Dakota.

Mr. Madden with Mr. Moore.

Mr. Clark with Mr. Johnson of Pennsylvania.

Mr. Gallagher with Mr. Halpern.

Mr. Rostenkowski with Mr. Minshall.

Mr. Roush with Mr. Smith of Oklahoma.

Mr. Steed with Mr. Kuykendall.

Mr. Charles H. Wilson with Mr. Ruppe.

Mr. Tiernan with Mrs. Heckler of Massachusetts.

Mr. St Germain with Mr. Don H. Clausen.

Mr. Dulski with Mr. McEwen.

Mr. Brooks with Mr. Cowger.

Mr. Blanton with Mr. Curtis.

Mr. Macdonald of Massachusetts with Mr. Morse of Massachusetts.

Mr. Murphy of New York with Mr. Diggs.

Mr. Fulton of Tennessee with Mr. Morton.

Mr. Stephens with Mr. Ashbrook.

Mr. Resnick with Mr. Conyers.

Mr. Scheuer with Mr. Hawkins.

Mr. Abbitt with Mr. Devine.

Mr. Cabell with Mr. Denny.

Mr. White with Mr. Younger.

Mr. Foley with Mr. Morton.

Mrs. Green of Oregon with Mr. Watkins.

Mr. Ronan with Mr. Nelsen.

Mr. Rooney of Pennsylvania with Mr. Steiger of Arizona.

Mr. O'Hara of Michigan with Mr. O'Konski.

Mr. Karth with Mr. Kleppe.

Mr. Pool with Mr. Utt.

Mr. Nix with Mr. Yates.

Mr. Purcell with Mrs. Hansen of Washington.

Mr. Roybal with Mr. Willis.

Mr. Irwin with Mr. Olsen.

Mr. Herlong with Mr. Hanna.

Mr. Williams of Mississippi with Mr. Fraser.

Mr. Brown of California with Mr. William D. Ford.

Mr. BEVILL, Mr. BURKE of Florida, Mr. MIZE, and Mr. CLANCY changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

OLDER AMERICANS ACT AMENDMENTS OF 1967

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10730) to amend the Older Americans Act of 1965 so as to extend its provisions.

The Clerk read as follows:

H.R. 10730

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Act Amendments of 1967".

COMMUNITY PLANNING, SERVICES, AND TRAINING

SEC. 2. (a) (1) The first sentence of section 301 of the Older Americans Act of 1965 (42 U.S.C. 3021) is amended by striking out "four" and inserting in lieu thereof "six".

(2) The second sentence of such section is amended (1) by striking out "and" before "$8,000,000" and (2) by striking "and for the fiscal year ending June 30, 1968, and each of the two succeeding years, such sums may be appropriated as the Congress may hereafter authorize by law," and inserting in lieu thereof "$10,550,000 for the fiscal year ending June 30, 1968, and for the fiscal year ending June 30, 1969, and the three succeeding fiscal years, such sums may be appropriated as the Congress may hereafter authorize by law".

(b) Section 302(c) is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1974".

COST OF STATE PLAN ADMINISTRATION

SEC. 3. Section 304 of the Older Americans Act of 1965 (42 U.S.C. 3023) is amended by striking out "10 per centum or $15,000" and inserting in lieu thereof "15 per centum or $25,000".

RESEARCH AND DEVELOPMENT PROJECTS AND TRAINING PROJECTS

SEC. 4. Section 603 of the Older Americans Act of 1965 (42 U.S.C. 3053) is amended (1) in the first sentence by striking out "four" and inserting in lieu thereof "six", and (2) in the second sentence by striking out "and" before "$3,000,000" and by striking out "and for the fiscal year ending June 30, 1968, and each of the two succeeding fiscal years, such sums may be appropriated as the Congress may hereafter authorize by law" and inserting in lieu thereof "$6,400,000 for the fiscal year ending June 30, 1968, and for the fiscal year ending June 30, 1969, and the three succeeding fiscal years, such sums may be appropriated as the Congress may hereafter authorize by law".

TECHNICAL AMENDMENTS

SEC. 5. (a)(1) Paragraph (2) of section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended by inserting, "unless the context otherwise requires," after "means".

(2) Paragraph (4) of such section 102 is amended by striking out "The term 'nonprofit institution or organization' means an institution or organization which is owned and operated by" and inserting in lieu thereof "The term 'nonprofit' as applied to any agency, institution, or organization means an agency, institution, or organization which is, or is owned and operated by,".

(b) Clause (b) of section 401 of such Act (42 U.S.C. 3031) is amended by striking out "activity".

(c) Section 601 of such Act (42 U.S.C. 3051) is amended (1) by inserting "regular full-time" before "employ" in subsection (a)(1); (2) by striking out "who appointed them" in subsection (c); and (3) by striking out "$75" in such subsection and inserting in lieu thereof "$100".

(d) Section 601 of such Act (42 U.S.C. 3051) is amended by adding at the end thereof the following:

"(d) The Commissioner is authorized to furnish to the Advisory Committee such technical assistance, and to make available to it such secretarial, clerical, and other assistance and such pertinent data available to him, as the Committee may require to carry out its functions."

(e) Section 602(a) of such Act (42 U.S.C. 3052) is amended by inserting before the period at the end thereof the following: "and to provide staff and other technical assistance to the President's Council on Aging".

(f) Section 602 of such Act (42 U.S.C. 3052) is amended by striking out "Secretary of Health, Education, and Welfare" in subsections (a) and (b) and inserting in lieu thereof "Secretary"; by striking out "Secretary concerned" in subsection (b) and inserting in lieu thereof "Secretary", and by striking out "their respective functions" in subsection (b) and inserting in lieu thereof "his functions".

The **SPEAKER** pro tempore. Is a second demanded?

Mr. **REID** of New York. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER** pro tempore. The gentleman from Kentucky [Mr. PERKINS] is recognized for 20 minutes.

Mr. PERKINS. Mr. Speaker, as one of the sponsors of the original legislation extending the Older Americans Act of 1965 through introduction of my bill H.R. 4261 last January 31, I urge favorable consideration of the bill brought before the House today by the gentleman from New Jersey [Mr. DANIELS], chairman of the Select Subcommittee on Education.

I commend the subcommittee for its work on the bill now before us, H.R. 10730, the first it has reported and brought to the floor.

The gentleman from New Jersey, Judge DANIELS, has done an outstanding job and the bill should be supported by every Member of the House. He has conducted his hearings with dispatch and thoroughness.

It is always gratifying to be able to bring to the floor a measure as important as this one, yet at the same time so noncontroversial that we can do it under suspension of the rules. I know of no opposition.

We all recall that for several years the late John Fogarty sponsored a bill known as the Older Americans Act. It was not until 1965 that he, with help on the opposite side of the aisle from the gentleman from Wisconsin [Mr. LAIRD], and others, brought this legislation to the floor with bipartisan support.

At that time, the Committee on Education and Labor authorized funds for only a 2-year period.

The bill which is before us today calls for an extension of the provisions. The program has been amended slightly. There is to be an authorization for $10,550,000 for title III and $6,450,000 for titles IV and V.

I believe we all know that very little has been done until the last few years for our older Americans.

It was the purpose of the act to stress the need for assistance to the older citizens of this country.

The bill set up an Administration on Aging in the Department of Health, Education, and Welfare, headed by a Commissioner, to be appointed by the President, and confirmed by the Senate. The Commissioner has coequal status with the other Commissioners in the Department of Health, Education, and Welfare, such as the Commissioner of Social Security.

For the first time emphasis was placed on coordinating the work of the various departments of Government which were trying to solve some of the problems of our older Americans.

Those problems are numerous, whether they be a lack of income, health, housing, education, or whatever else the problems may be.

It is most interesting that we take note of the fact that there are some 18 million Americans over 65 years of age in this country today. More than 12 million of these have at least one chronic condition, such as high blood pressure, arthritis, diabetes, heart disease or mental disorder. More than half of those with a chronic ailment have some limitation on their activities. More than 800,000 older people are in institutions. About 1,250,000 elderly people are invalids.

My home State of Kentucky is one of the States taking advantage of the Older Americans Act of 1965.

Fourteen project grants have been made for senior centers. These are located in Taylor County, McLean County, in Boston, Ky., at Hazard, in Washington County, Daviess County, at Lexington, and in Caldwell, Ohio, and Franklin Counties. Four projects are in Louisville.

We have need for others, and I am hopeful that in the coming months we can have centers established in Prestonsburg, Pikeville, Ashland, Morehead, Flemingsburg, and other points in my congressional district, where there is considerable need to bring older people into touch with available services.

I have pointed out the great need for health alone. I shall not undertake to discuss the bill, because the gentleman from New Jersey has done such an outstanding job, and I shall be glad to yield to the gentleman from New Jersey.

Mr. LAIRD. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Wisconsin.

Mr. LAIRD. I should just like to say to the gentleman presenting this bill that this is a continuation of legislation which the gentleman from Rhode Island and I sponsored in 1965.

There is a question in my mind regarding the emphasis which is given to this bill as far as the State committees are concerned. Many of these State committees have done an excellent job. Others have been merely paper organizations and have not followed through with a perfecting program in their States. What kind of an incentive is there here for those States that have had merely paper organizations to go forward in the next year?

Mr. PERKINS. Let me say to the distinguished gentleman from Wisconsin that there is an incentive. Forty-three out of the 50 States are taking advantage of the program at the present time. The bulk of the funds, the $10,550,000, is allocated to the States on the basis of a formula that takes into consideration the ratio of the State's population of 65 and over to the 65 and over population of the entire Nation.

The States are coming up with worthwhile programs such as senior citizen centers which provide for recreation, counseling, and referral, some health services, adult education, training, and many other programs. The plan is very broad.

Mr. LAIRD. As the gentleman from Kentucky knows, the American Association of Retired Persons has been very interested in this legislation.

Mr. PERKINS. They are.

Mr. LAIRD. They have interested me and other Congressmen in this matter. This association has perhaps done more than any other association in the United States to face up to and understand these problems.

Mr. PERKINS. I agree with the gentleman.

Mr. LAIRD. They have gone further in the area of jobs. Their whole job index is something that I think should be called to the attention of many people, because employers all over the United

States now can go directly to the American Association for Retired Persons and get some of the best personnel for short periods of time that they could get from any employment agency in the United States. All of this has been supported by private funds and contributions of retired persons. There have been no Government funds contributed to this program. As this bill is being considered here I think we should call the attention of as many people as possible to the great work that the American Association for Retired Persons has done.

Mr. PERKINS. I agree with the gentleman from Wisconsin on the contribution that the American Association of Retired Persons has done for elderly people. It has been a great job.

Mr. Speaker, I now yield to the gentleman from New Jersey [Mr. DANIELS] as much time as he desires.

Mr. DANIELS. Mr. Speaker, I rise to urge all my colleagues to support H.R. 10730, a bill to amend the Older Americans Act of 1965 so as to extend its provisions. This bill received the unanimous approval of the full Committee on Education and Labor.

The proposed amendments will give new impetus and strength to the work of the Administration on Aging and the programs authorized by Congress in 1965. When Congress enacted the Older Americans Act of 1965, it found and declared that it was the joint and several responsibility of the Government of the United States and of the several States and their political subdivisions to assist our older people to achieve the full and free enjoyment of life in retirement and the later years.

In America today, there are some 19 million persons age 65 or more—a number equal to the combined population of 20 States. By 1975, those 65 and over will number about 21 million, approximately 27 percent more than were in this age group at the time of the 1960 census.

Medical and scientific advances have contributed to a longer life expectancy. The American born in 1900 could expect to reach his 47th birthday and the American born today can expect to reach 70 years of age. These figures present a national challenge.

The problems of our older citizens are many and varied and it is proposed through this legislation, to meet and resolve these problems, to provide new and meaningful opportunities and services for older people and to train needed personnel in the field.

On July 14, 1965, the Older Americans Act established the Administration on Aging in the Department of Health, Education, and Welfare, to give a central focus to coordination, planning, development, demonstration, and research regarding the needs and interests of our older population.

The Administration on Aging became operational on October 1, 1965. It is headed by a Commissioner on Aging, appointed by the President and directly responsible to the Secretary. During these first 20 months of the agency's operation, major attention has been devoted to setting up, organizing, and staffing the new Administration on Aging, and to defining goals and objectives on behalf of older Americans. Substantial effort has also been devoted to implementing the three grant programs established by the Older Americans Act.

Under the title III grant program, appropriations of $5 million in 1966 and $6 million in 1967, were made available to the States for carrying out State and community programs. To date, 43 States, the District of Columbia, and Puerto Rico are actively implementing the program. Some 432 community programs have been started, another 150 are pending, and others are under active development. The kinds of activities supported include community planning, programs for older people in senior centers, services in senior housing projects, and employment and health referral services. These grants to the States for community projects support the States in their responsibilities to meet and stimulate community action.

Title IV of the Older Americans Act, authorizes direct financial support through grants and contracts to private and public nonprofit organizations for demonstration and research projects in the field. The projects currently funded represent the development of a range of new and improved services and information which identify new ways of involving older people in community services, employment, and leisure time activities in both urban and rural areas of the Nation.

Under title V, grants are provided to persons engaged in or preparing for employment in the field of aging. These grants are expanding and encouraging programs for both long- and short-term training for persons in the field of aging to meet the manpower shortages in this field.

The Select Subcommittee on Education conducted 4 days of hearings on the proposed Older Americans Act Amendments of 1967.

Among those providing expert testimony were the Secretary of Health, Education, and Welfare, John W. Gardner; Commissioner William D. Bechill, of the Administration on Aging; and representatives of such major organizations as the National Association of State Units on Aging, the National Council on the Aging, the National Council of Senior Citizens, the American Association of Retired Persons, the National Farmers Union, and the United Steelworkers of America. All testified in support of the general purposes of the legislation and the substantial progress that had been made during the initial period of implementation of the act.

Several key issues brought out in the testimony were of major concern to the committee and provisions to deal with some of them are included in H.R. 10730.

The first of these was the amount of money available for State plan administration to State commissions on aging, and other State agencies administering the title III grant program for community planning, services, and training.

Based on testimony received from representatives of the State agencies administering title III, an amendment is provided to strengthen State planning and administration. Under its provisions, the maximum amount available to the State for administration of its State plan from its total allotment is increased to 15 percent or $25,000—whichever is greater.

We believe this provision will enable the States to improve their overall administration to, first, provide additional consultation and technical assistance to community project grantees receiving title III funds; and, second, to carry out more effectively their responsibility for coordination and stimulation of more comprehensive programs for their older citizens on the State and local levels.

The second provision would strengthen the work of the statutory Advisory Committee on Older Americans by authorizing the Commissioner to furnish the committee such technical assistance, and to make available to it such secretarial, clerical, and other assistance and such pertinent data available to him, as the committee may require to carry out its functions.

Still another provision added by the committee authorizes the Secretary of Health, Education, and Welfare to provide staff and other technical assistance to the President's Council on Aging. The Administration on Aging uses this Council as a mechanism through which to carry out coordination activities. Since it is composed of the heads of various Federal agencies which have programs affecting older people, it provides a forum for the exchange of information and ideas about aging and aging programs.

This provision is designed to assist the Commissioner in expediting the very complex and important task of coordinating the agency with other agencies.

The committee while supporting the extension of the program through June 30, 1972, deemed it advisable to have future authorization amounts subject to such sums as the Congress would authorize by law in 1969, 1970, 1971, and 1972, on an annual basis. This represents a significant change from the original bill which would have provided an "open end" authorization for the period covering the fiscal years 1969 through 1972.

The proposed 1967 amendments to the Older Americans Act would extend the grant provisions authorized under titles III, IV, and V, of the act through fiscal year 1972.

The amendments would authorize appropriations for the State grants program—title III—of $10,550,000 for fiscal year 1968. This authorization will enable the continued support of the projects that will have been funded by the close of fiscal year 1967, and will permit the States to fund about 240 to 300 additional community projects in fiscal year 1968.

The amendments would also authorize $6,400,000 for fiscal year 1968 for the research, demonstration, and training grant programs—titles IV and V. This authorization will provide for the continuation of about 49 projects. It will also fund some 70 to 80 new projects, including a major new demonstration program of food and nutritional services in senior citizen centers.

Such sums as the Congress may hereafter authorize by law would be appropriated for fiscal year 1969 and the 3 succeeding years.

The past 20 months have been a period of tooling up and initial implementation of vital new legislation. Many plans have been developed and much action has been generated. Yet, a great deal remains to be done. We must move forward in needed programs to enable our older citizens to achieve both a better standard of life and a more active, useful, and meaningful role in our society. The proposed amendments will assure the continuation of worthwhile programs and will permit net programs and activities to be developed.

I urge all the Members of the House to support this bill, H.R. 10730. The unanimous approval of this bill will be a tribute to two late and distinguished Members of Congress, Congressman John E. Fogarty, of Rhode Island, and Senator Pat McNamara, of Michigan, under whose leadership the Older Americans Act was passed.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. DANIELS. I yield to the gentleman.

Mr. HALL. Mr. Speaker, I want to make some legislative record, and I understood the distinguished chairman of the subcommittee to say that there will be annually a line-item type of authorization, as well as an appropriation, after the increased sums for the current fiscal year 1968 in consideration are in effect. This on page 5 of the committee's report is a little vague, whereas on page 4 in the next to the ultimate paragraph it says they will make authorizations on each of the 3 succeeding fiscal years.

Mr. DANIELS. As this bill was originally introduced, it sought an appropriation of $10,550,000 for fiscal year 1968, and such sums as may be necessary to carry on the programs for the fiscal year 1969 through fiscal year 1972. The committee deemed it advisable to make this a 1-year authorization, and to request the Commissioner to come back before the select subcommittee with a report of its activities and also to request, if you will, sums of money to carry on the program.

Mr. HALL. Mr. Speaker, if the gentleman will yield further?

Mr. DANIELS. I yield to the gentleman.

Mr. HALL. Mr. Speaker, I certainly appreciate the response of the gentleman, and I interpret it as requiring as stated, "whatever the Congress may hereinafter authorize by law," that this means on an annual basis, and I compliment the committee in this respect.

Mr. DANIELS. That is correct.

Mr. BINGHAM. Mr. Speaker, will the gentleman yield?

Mr. DANIELS. I yield to the gentleman.

Mr. BINGHAM. Mr. Speaker, I thank the gentleman for yielding.

Mr. BINGHAM. Mr. Speaker, I rise in support of H.R. 10730. Passage of this bill will assure that we will be able to continue through 1972 the very specific work for and with older people which has been started under the Older Americans Act. This program was a lifelong goal of our late colleague John A. Fogarty. Those of us who shared his vision and worked with him for the passage of the Older Americans Act are gratified at the progress made in the first 20 months of its operation.

Through the Federal allotments under title III, 45 States and jurisdictions are now actively engaged in stimulating and developing projects for older people in the communities where they live. Because of this act, many communities now have comprehensive plans of action and services for their older citizens. Because of this act, older people are finding part-time and full-time employment; are contributing their skills and talents to various community services and have greater opportunity to participate in the life of their communities.

I am impressed, Mr. Speaker, by the scope of the research and demonstration projects started to date under title IV of the act. When completed, these projects will tell us a great deal about the best ways to meet some of the needs of older people. They are already showing the extent to which older people themselves can develop and operate services. They are already demonstrating that activities and services can be provided for older people who are homebound or socially isolated. They are beginning to show us how those older people living in isolation can be brought back into the mainstream of community life.

The funds appropriated under title V have been wisely allotted to projects aimed at educating personnel for many kinds of positions. Some of those trained will meet the serious shortage of adequately trained people in the important field of retirement housing. Others will be administrators of senior centers, and homes for the aged. Still others will be trained in planning and organizing community programs.

I am convinced that the creation of an Administration on Aging, concerned solely with the needs of older people, has given a visibility to the needs and problems of this age group which was never before possible. Its role as a clearinghouse for information on problems of older people and as a source of technical assistance and consultation is firmly established. I am sure its effectiveness will be strengthened by the provisions of the bill we are discussing today, which improves the 1965 act in several ways.

Mr. Speaker, now that we are completing action on this important measure to extend the basic legislative authority of the Administration on Aging, I am hopeful that the Congress can proceed to consider H.R. 2596—my bill to create an older Americans community service program. To be administered by AOA, and to make use of all the State agencies on aging, such legislation is a logical extension of the measure we are considering today.

Creation of a nationwide Senior Service Corps would enable our senior citizens to give of their still largely untapped talents to vital services in their communities. The possibilities are unlimited. Older people have much to contribute as companions to children and to other older people, as helpers in libraries, nursing homes, or hospitals, and in many other capacities. Their contribution to the community will be equaled only by the benefit of the service to the individual volunteer. Experience such as that already so ably demonstrated by the foster grandparent program has shown that participation in worthwhile work can restore meaning to the life of a retired person and bring to him the satisfaction of again being an active member of his community.

Forty of my distinguished colleagues on both sides of the aisle have joined me in introducing bills identical or similar to H.R. 2596. I hope this body will plan serious consideration of these bills before the end of the 90th Congress.

Meanwhile, I am proud to support this legislation before the Congress today. Congressman DOMINICK DANIELS, the able chairman of the Select Subcommittee on Education which considered this bill, has effectively and efficiently steered these amendments through committee, and to the floor, and I want to commend him on a job well done. The legislation we pass today is another step toward giving wider opportunity and attention to the needs of our older citizens and building the resources by which such opportunities can be furthered in our local communities.

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. DANIELS. I yield to the gentleman.

Mr. COHELAN. Mr. Speaker, I rise in support of this bill.

Mr. Speaker, for many of the more than 18 million persons who are 65 and over, meeting the problems of daily existence can present some seemingly insurmountable problems. Health, so vital to a rewarding life, is now more expensive to maintain. Senior citizens go to the hospital more frequently and stay longer than their younger neighbors. Income is reduced. More than half of our older couples have incomes under $3,000 and 3 out of 5 older persons living alone or with nonrelatives have incomes under $1,500. There is ample evidence of discrimination in employment on the basis of age. The opportunities for companionship are reduced, as many of our citizens are isolated at home because of poor health and lack of money. Cut off, also, is the wide opportunity for the older individual to contribute to the community and to use the skills developed over a lifetime.

These problems are of concern not only to the approximately one in every 11 who is currently in the 65-and-over age bracket but also to the many younger people with aged parents to support; to the middle aged who find employment opportunities closing to them, and to those who are about to step over the threshold into the new and often uneasy world of retirement.

The Older Americans Act of 1965 offered our Nation the tools with which to begin the attack on these problems. As the President stated when signing this act:

> It clearly affirms our Nation's high sense of responsibility toward the well-being of older citizens.

Our States and local governments and individual citizens have accepted this responsibility.

In my own district, for example, the

Berkeley Multipurpose Senior Center was established under a grant made by the California State Commission on Aging to the city of Berkeley.

The center is centrally located and readily accessible to those who wish to drop in to take part in its recreational activities or who are in need of counseling on how to meet a problem of health or where to go to obtain help in solving a home problem. It offers a chance for service to the community to those whose skills and knowledge otherwise might have gone unused. And it offers a chance of "reengagements" in the life of Berkeley.

Centers, such as this, and other programs of research and aid have been started through the passage of the Older Americans Act.

Mr. Speaker, the legislation before us today places before us the responsibility of again affirming the Nation's concern for our older citizens. I urge the adoption of this bill so that this work may continue.

Mrs. MINK. Mr. Speaker, will the gentleman yield?

Mr. DANIELS. I yield to my colleague, the gentlewoman from Hawaii.

Mrs. MINK. Mr. Speaker, I too would like to join in support of this measure, and commend the gentleman from New Jersey for his leadership on bringing this matter before the House.

Mr. Speaker, I rise to urge my colleagues to give unanimous approval today to an important piece of legislation, H.R. 10730, the Older Americans Amendments of 1967, which deserves our unreserved support if we are to meet our commitments to the Nation's elderly citizens pledged with passage of the Older Americans Act of 1965 in the 89th Congress.

The urgency of this legislation, which continues and expands the 1965 act, is underscored by the accelerating numbers of elderly in our society. By 1970 there will be 20 million Americans over 65, and by 1975 an anticipated 25 million. This, of course, is a direct result of medical advances which have pushed our average life expectancy to 70 years of age, a 50-percent increase since the turn of the century.

But there can be no doubt that as the elderly increase proportionately in our population, their social and material well-being does not keep pace, and it could be truly said in 1965 when we passed Public Law 89–73 that the aged were the forgotten element of our national life. President Johnson revealed in his January 23 message to the Congress that there are still 5.3 million older Americans with yearly incomes below the poverty level and that only one out of five has any job at all. Over 2 million senior citizens are on welfare, and nearly 40 percent of the single people have total assets of less than $1,000.

In our attempts to meet the pressing needs of our aged, we have enacted housing programs, provided sweeping medical assistance, and are now contemplating extension of social security benefits as well as tax reform for the elderly. And so in many ways we are looking to the material and physical well-being of our citizens.

But the older Americans legislation is aimed at the real heart of the plight of these people, many of whom live alone, neglected, feeling cast out from the main currents of our society at the height of its affluence. The 1965 act was designed with the broadest scope to make retirement years ones in which health, honor, and dignity would predominate. We had in mind civic and cultural and recreational opportunities for the elderly, the expansion of local community social services, the application of research knowledge for the sustenance of health and happiness, and the greatest freedom, independence, and initiative that could be extended to the elderly in planning and organizing their own lives. We looked to providing full restorative services for those in institutional care, the elimination of discrimination because of age in employment, and the opportunity for the best physical and mental health possible for retired citizens.

With the Older Americans Act we established a new Administration on Aging to focus on the social welfare of the aged, with a view to integrating them once again into the community so that their retirement years could be richer, more meaningful. The Administration on Aging is charged with conducting research and demonstration programs, providing a clearinghouse for information, administering grants under the Act, providing technical assistance and consultation to local governments in their efforts to assist the aged, stimulating more effective use of existing resources for the elderly, and preparing, publishing, and disseminating educational materials on the welfare of the aged.

The act was aimed at establishing effective coordination between the Federal Government, State, and local governments, and participating public and nonprofit private agencies. Each State had to submit a plan outlining its program for the elderly, which was then to be administered through a single agency designated by the Governor of each State. It is gratifying to note that 45 State plans have been approved in 2 short years in 43 States and the District of Columbia and Puerto Rico, while another six jurisdictions have designated administering agencies.

Mr. Speaker, I am further proud to report that my State of Hawaii, under the vigorous leadership of Gov. John A. Burns, was one of the first groups of five States to have its plan approved under this act. The Hawaii Commission on Aging, ably directed by Mr. Charles W. Amor, has taken over responsibility for the support of community projects important to health, income, employment, education, and housing of older persons. Each of the four major islands of Hawaii has its own Committee on Aging to help communities develop local programs, such as senior centers to provide social, educational, and recreational services for older people and to give older people the opportunity to serve others, surely one of the most rewarding roles available to Americans of any age in this decade.

In February of this year the Honolulu Committee on Aging announced the initiation of an Information and Referral Service that exemplifies the highest goals of the Older Americans Act. Under this plan the committee, aided by district aides in their sixties and seventies and consultants from the University of Hawaii, is making an effort to determine the needs and problems by interviewing older persons themselves, with future plans to develop a comprehensive program of activities for older persons based on the gathered data. The project is jointly funded by the Federal, State, and county governments, in a demonstration of concerted coordinated action at the level where the needs of the elderly can be most accurately uncovered, and I regard it as a fine example of the results to be gained through the impetus given to the welfare of the elderly by our enactment of the 1965 legislation.

The amendments we are considering today, H.R. 10730, will extend and broaden the promising beginnings made over the past 2 years by increasing the authorization for title III to $10,550,000 in fiscal 1968 and such sums as Congress may authorize for the succeeding 4 years.

Title III of the Older Americans Act provided grants for community planning, services, and training, with $5 million authorized in fiscal 1966 and $8 million in 1967 for first, community planning and coordination of programs; second, demonstration programs and activities; third, training of special personnel to work with the elderly; and fourth, establishment of programs in recreational and other leisure time activities; establishment of informational, health, welfare, counseling, and referral service for older persons; and assistance to such persons in providing volunteer community or civic services.

Further, Mr. Speaker, H.R. 10730 will boost the authorization for titles IV and V of the Older Americans Act to $6.4 million in fiscal 1968 and such sums as Congress may authorize for 4 subsequent years.

Title IV of the act encompasses research and development projects. Under this title grants are made to public or nonprofit agencies to study and identify factors which are beneficial or detrimental to wholesome lives for the elderly, to develop or demonstrate new approaches or techniques which can contribute to meaningful lives, and to develop or demonstrate methods for coordination of community services for older persons. Title V provides grants or contracts for training of individuals to be employed in the programs brought into existence by the act. In 1966 there were $1.5 million authorized for titles IV and V, and $3 million in 1967.

It is hoped that the increased funding will not only enable the continuation of existing programs in full force but will also permit the approval of up to 300 new worthy programs, many of which have been rejected recently because of inadequacy of appropriations. One of the important new emphases of the total program will be the establishment of pilot nutrition projects to meet the often-neglected dietary needs of the elderly. Dining provisions in senior centers are envisioned, home-delivered meals for those unable to go out, and also cooperative cafeterias established and operated by and for senior citizens in a social agency or nonprofit institution. This would mount a frontal approach not only on the discovered nutritional deficiencies of these people, but also may well provide meaningful activity on their part in the management of the projects and provide social occasions for the elderly to meet in senior centers and share their meals.

Here again, the Hawaii Commission on Aging has demonstrated its alertness in a status report forwarded to me by Director Charles Amor on June 5, 1967. I quote from Mr. Amor's letter:

> The Makua Alii, a federally financed public housing for the elderly, is now under construction and is scheduled for completion in June, 1968. A senior center funded in part by the City and County of Honolulu will be built on the first floor to house recreational, social and educational activities. It will cater to the needs of the residents of the 210 units at the facility as well as the elderly in the surrounding community.
>
> Space has been made available to provide at least one nutritious meal for the participants of the center. It is envisioned that a consumer education program or the provision of informational programs about balanced diet, maintaining well-being and other related activities will accompany the meal. Hopefully, more than a meal will be provided to meet the psychological and social needs of elderly persons. It is anticipated that a non-profit sponsor will operate the food service under a Title IV grant if such funds are made available by this session of Congress.

Mr. Speaker, this is the type of progressive activity we hoped for when we passed the Older Americans Act of 1965. Commissioner William Bechill of the Administration on Aging revealed other areas in which the 1967 amendments will allow for more intensive exploration, including mobility and transportation, provision and utilization of social services, communication and counseling, including information and referral services, new roles in employment and voluntary services which utilize the skills and energies of older people, living arrangements and housing, and leisure time activities and recreation. Many additional professional and subprofessional personnel are needed, and the Administration has a comprehensive approach for the education of needed specialists to implement this and other legislation aimed at improving the overall welfare of the elderly.

The program is before us, and the outlook for our senior citizens has at last been lifted above the horizon of despair, negelect and loneliness which has too long been their lot. I urge the immediate passage of H.R. 10730 to continue to enlarge the vistas of the elderly and to demonstrate that their presence and active participation in the life of their communities is still warmly desired by us all.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. DANIELS. I yield to the gentleman from Flordia.

Mr. GIBBONS. Mr. Speaker, I would like to commend the gentleman in the well for the leadership he has provided in developing this legislation.

Mr. Speaker, I rise today in support of H.R. 10730, which is the same as my bill designed to strengthen and extend the Older Americans Act of 1965. This bill is a further step in meeting our responsibility to improve the lives of our Nation's older people. We have a commitment to these individuals. Older Americans must be able to enjoy the same opportunity for security, dignity, and satisfactions that is enjoyed by other Americans. The bill which we have before us today is an essential instrument in providing this opportunity.

The Older Americans Act of 1965 represented a significant new hope that every older American would be able to live out the later years in dignity and honor. Since the passage of this act just a little less than 2 years ago, considerable progress has been made in providing practical programs of action for our older citizens at the community level. This progress has only begun. It must be continued and reinforced. H.R. 10730 makes this possible.

The Older Americans Act established the Administration on Aging as an operating agency in the Department of Health, Education, and Welfare to give a central focus for planning, development, demonstration, and research regarding the needs and interests of our older population. The act also authorized grants to the States to help them establish and expand programs for the elderly in the communities. It authorized funds for research, demonstration, and training, and established an Advisory Committee on Older Americans to bring the expertise of private citizens to bear on the problems of aging.

The bill we are considering today would extend the grant provisions of the Older Americans Act through 1972. It would strengthen the grant programs even further by authorizing appropriation levels for fiscal year 1968, of $10,550,000 for grants to the States and $6,400,000 for research, demonstration, and training direct project grants.

The bill would also raise the amount of a State's allotment under title III of the Older Americans Act available for administrative costs to 15 percent or $25,000. This would greatly strengthen the ability of the State agencies to administer and supervise effective programs on the community level. Other provisions would strengthen the positions of the Advisory Committee on Older Americans and the President's Council on Aging.

Extending the provisions of the act and increasing the funding levels will provide for the continuation of already existing projects; permit the States to fund about 250 new community projects in 1968; and permit many new research, demonstration, and training projects to be launched.

The new funding levels for the research and demonstration grant program would permit a major new demonstration program in the area of nutritional services.

Under the proposed program, pilot demonstration projects would seek to find new ways of providing nutritious meals and companionship for older people.

In conclusion, Mr. Speaker, I would like to reemphasize my conviction that the Older Americans Act of 1965 was a major step forward in meeting our national obligation to give greater purpose and meaning to the lives of our older citizens. I therefore lend my support to this legislation which ensures the continuation of the efforts which were begun in 1965.

The SPEAKER pro tempore (Mr. ALBERT). The time of gentleman from New Jersey [Mr. DANIELS] has expired.

The time of the gentleman from Kentucky [Mr. PERKINS] has expired.

The Chair recognizes the gentleman from New York [Mr. REID].

GENERAL LEAVE TO EXTEND

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks in the RECORD at this point.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. REID of New York. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of the bill, H.R. 10730, the Older Americans Act Amendments of 1967, of which I am one of the original cosponsors.

Americans born today, Mr. Speaker, can expect to reach 70 years of age compared to those born in 1900 who had a life expectancy of 47 years.

The number of Americans over 65 today, some 19 million, is equal to the combined populations of 20 States, and it is clear that by 1975 their numbers will increase to 21.2 million.

The special needs of our senior citizens represent a national challenge.

The Congress first recognized this clear need in 1965 with the unanimous passage of the Older Americans Act which declared that it is the responsibility of government at all levels to assist these citizens to achieve full and free enjoyment of their later years.

The act focused on three basic areas. First, it created the Administration on Aging to serve as a coordinating unit within the Federal Government in all matters of concern to senior citizens.

More needs to be done, Mr. Speaker, to coordinate the proliferation of Federal programs serving senior citizens. Some 18 or 19 agencies affect senior citizens through a variety of concerns, including the foster grandparents program of the Office of Economic Opportunity, the job training programs available through the Vocational Rehabilitation Administration, and the many forms of assistance offered by the Departments of Labor, Health, Education, and Welfare, Housing and Urban Development, and the Social Security Administration.

Second, among its other responsibilities, the Administration on Aging carries out three grant programs authorized by the act.

The most important of these is title III which provides funds to the States for community planning, services, and training in accordance with a State plan that is administered by a State agency whose sole responsibility is to administer this plan and whose concern is improving the lives of senior citizens.

Some 51 States and territories now have such agencies and some 43 State plans have been approved, with 432 community programs now underway and an additional 150 pending. It is expected that community programs under this title will total between 800 and 1,000 by the end of this fiscal year.

The third major concern of the Older Americans Act are the grant programs authorized by title IV—to provide direct grants to conduct research into problems of the aged and to develop new techniques for meeting those problems—and title V—to support specialized training programs for persons working with the aged.

By the end of 1966, 39 grants had been made to institutions in 25 States under these titles.

The bill before us today would extend the grant provisions of this act through 1972.

Further, authorizations for fiscal year 1968 are made in the amounts of $10,550,000 for grants to States and $6,400,000 for research, demonstration, and training direct project grants as well as such sums as may be necessary for the next 4 fiscal years. The increased funding is expected to support 240 to 300 new programs by the States and an additional 70 to 80 new research and training projects. One such research program that is contemplated by the Administration on Aging is the development of nutritional services that meet the needs of senior citizens.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. REID of New York. I am happy to yield to the gentleman.

Mr. DENT. Mr. Speaker, I rise to reaffirm my support of this legislation.

The story behind this legislation is that it was first introduced by our late, departed friend, our former colleague, John Fogarty, of Rhode Island.

The legislation languished in committee for 5 or 6 years. Then I was fortunate enough to become chairman of the subcommittee that is now handling this bill—from which position I have moved—and we were able to overcome the opposition—which was an internal opposition within the departments and not within the committee.

I want to commend the gentleman who is now addressing us as being one of those who worked hard with us in 1964, 1965, and 1966 in order to get this legislation through.

This has truly been a bipartisan effort and there has never been any opposition on the part of the minority or by any member of the majority.

I am happy to see our colleague, the gentleman from New Jersey [Mr. Daniels], again devoting his time and energy to see to it that our older folks in this country get some kind of legislation which will help to guarantee them some peace of mind in their later years.

Mr. REID of New York. I thank the gentleman for his comments and for his support of this vital legislation, which is clearly bipartisan in character.

Mr. Speaker, in addition, the legislation would raise State plan administration funds under title III from 10 percent or $15,000 to 15 percent or $25,000, whichever is greater. We believe this will substantially improve, coordinate, and strengthen State administration.

In the 2 years this legislation has been in force considerable progress has been made in reaching senior citizens who can benefit most from these programs in their home communities. There is one area, however, that I believe needs to be pinpointed today. One of the 10 objectives of title I of the Older Americans Act is to provide the "opportunity for employment with no discriminatory personnel practices because of age."

Secretary Gardner said, in response to a question I asked of him in committee—

> I believe that we are just seeing in this program the bare beginning of the thinking about revising the role of the older person in our society so that they are not forced into dependence and into forced isolation.

In clear testimony before the committee, in which the point and the thrust of the legislation in this area—in its broadest sense—was stressed, Secretary Gardner further said:

> You asked whether we are doing everything possible. The answer is absolutely no. The fact is, we are barely beginning, in my opinion. I share Mr. Scherle's feeling about arbitrary retirement because of age, about our whole national approach of putting people on the shelf in innumerable ways when they reach a certain chronological age.
>
> To get beyond that, we are going to have to take such a range of measures that one hardly knows where to start . . . I feel very strongly that this has to get into retirement practices, educational programs, and a whole range of other things.

I feel that it is basic that the implementation of this legislation makes it clear to the senior citizens of America that we are interested in making it possible for the full range of their talents and abilities to be utilized. This is important, and I hope that "the Administration on Aging will give greater leadership and priority to this vital objective of the act," as we stated in the report accompanying this bill. Many of our ablest citizens are in their senior years, and they have yet to make some of their most valuable contributions in meaningful jobs and in service to their country.

In my judgment, we must—and we are not now fully—doing everything possible as a nation to forget the word "aged," to recognize that chronological age has very little to do with the capacity to make a useful, indeed frequently a more important, contribution in many areas.

To cite one example, a group in my district, called the Senior Personnel Employment Committee, has, in the last 10 years, placed 1,155 persons over 60 in satisfying employment, and they have interviewed a total of 3,000 people who would be interested in obtaining such employment. The administrator of a convalescent home that hired a matron for the home through SPEC said of her employee:

> No one, not even Grace, takes time to ponder the fact that she will soon be 72, for we have never had a more capable employee.

The manager of a hardware store said of his accountant, hired through SPEC:

> He is entering his third year of service with us and we hope he will stay on and on.

I would hope that we will see more efforts of this type in other communities and, as well, on a national level through the leadership and coordination that the Administration on Aging is able to provide under this objective of the act, in concert with localities, States, and private enterprise.

Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. Scherle].

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. SCHERLE. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I would like to associate myself with the remarks of the previous speaker, and I certainly support this legislation. I agree that too many people have become in many instances too obsessed with so many other problems in this country that they forget the problems of the aged are still with us and need a great deal of attention. This Nation cannot fulfill its obligations to those who built this America without recognizing that now in their older years, they need assistance. The program before us today would go a long way toward helping some of the problems of our senior citizens.

Mr. SCHERLE. I appreciate the remarks of the gentleman.

Mr. Speaker, I rise in support of the continuation and extension of the Older Americans Act. In doing so, I wish to point out that my State of Iowa has the largest percentage of older people in its population of any State in the Union; 12.6 percent of Iowa's citizens are 65 years of age or older.

May I begin by saying that the Older Americans Act established in the 89th Congress was a fine project. It seems to me that over the last several years, going back at least as far as the Eisenhower administration, there has been a growing awareness that one of the most significant byproducts of our medical research, science, and technology has become an ever-increasing group of older Americans or senior citizens. It seems only fitting that a society which works so hard at extending lifespans and improving life's quality, should also accept the responsibility of seeing that this "new life" can be a meaningful and fulfilling period.

Gentlemen, I call your attention to the stated purposes of the older Americans Act of 1967. They set forth the Government's commitment to the aged, with respect to such areas as income, physical and mental health, housing, institutional care, employment, recreational activity, community services, and so forth.

First, with respect to these goals may I say—how I wish this work did not require a Government program. We should, as individuals, churches and community service organizations, businesses, et cetera, have been able to ward off the need for a Federal statute in this area. However, we have failed to do just that. In our places stands the Federal Government. The Older Americans Act has much potential. For example, in my home district, we have two neighborhood centers underway with title III support. The center in Council Bluffs, Iowa, will provide information on social security and other income maintenance programs, will work to increase employment opportunities for older people, will provide social and psychiatric consultation, and develop recreation, education, and activity programs.

This program and the many others in my State and throughout America will do much to make more meaningful the lives of our elder Americans.

While I personally feel that some of the stated goals of the Older Americans Act will be illusive, if not unobtainable, there is no reason that they should not be pursued. For this reason I stand before you today and urge the adoption of H.R. 10730, to strengthen and extend this act.

My colleagues, our approach to the problems of the aged must be two-pronged. On the one hand we launch programs to do things for older Americans. So we have the Older Americans Act of 1965. We cannot, however, stop here, with high-sounding purpose or we shall surely have failed our elderly. We must take prompt action to eliminate the anti-elderly policies presently on the statute books. The solution to this aspect of the problem is very much within our power. It seems to me that we would be remiss if we were to end the day today without reference to some of these points.

First, let us remember that many of our elderly do not need a Federal program at all. They are perfectly capable of taking care of themselves, and would prefer to continue doing so. In our eagerness to help, let us be careful not to extend our protective influence to places where it is not wanted.

Second, there are many who would and could go it alone, if the Government would remove some of what appear to be unjustifiable shackles imposed by existing policy. In this regard:

Let us curtail Government activity which unleashes a merciless inflation, thus destroying the life savings of our elderly. From 1958 through 1964, inflation cost social security recipients roughly $1.4 billion in purchasing power.

Let us provide for an automatic upward adjustment in social security benefits so that our conduct does not take food out of these people's mouths.

Let us increase the minimum social security benefits so that fewer people will find it necessary to look toward the Government for additional assistance.

Let us drastically increase or do away with the earnings limitation in the social security program. How can we as policymakers justify any program which has as its principal effect that of discouraging our citizens from working and earning to the maximum of their abilities. It is said that to eliminate the earnings limitation would cost the Government $2 billion annually. Well, we will soon be, if we are not already, paying out a lot more than this to counter the effects of programs which have the effect of squeezing our elderly out of the work force.

Let us remove our mandatory retirement clauses, wherever this is feasible, and encourage every man who wants to continue working, to do just that.

Let us give recognition to the fact that those who reach 65 and want to continue working, should be able to defer receipt of their social security payments, and on the basis of continued contributions, receive an increased payment when they finally do retire.

Let us cease this talk of making social security income subject to Federal tax and of repealing the present double personal income tax exemption.

Let us liberalize the tax treatment of expenditures made by children on behalf of their dependent parents. After all, if there is one policy in this area which the Government should promote, should not it be care of the elderly by their own kin?

And, finally, may I say that if the Older Americans Act is going to be successful, it should be permitted to stand on its own two feet, free from the taint it might acquire from close association with certain other Federal programs whose origins were not quite so noble and whose successes to date have been less than laudatory. Let us not have the older Americans program consumed by the war on poverty.

In conclusion, my colleagues, in speaking for this act and voting for it, I do not feel my job is done, and I sincerely hope that none of you feel that yours is either. Thank you.

Mr. REID of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. STEIGER], who has made important contributions to this legislation.

Mr. STEIGER of Wisconsin. Mr. Speaker, I am happy to rise from this side of the aisle to pay tribute to the chairman of the subcommittee, the gentleman from New Jersey [Mr. DANIELS], who did such an outstanding job, and to the gentleman from Rhode Island, the late Mr. Fogarty, and to the distinguished gentleman from my State [Mr. LAIRD], for their initial leadership on this bill.

I urge passage of H.R. 10730 to amend and extend the Older Americans Act. This act was originally passed with strong bipartisan support. I am proud to join with my colleagues from New York and Iowa in urging all Members of this House to join in passing this legislation.

Mr. Speaker, the Older Americans Act, in the short 20 months of its operation, has touched the lives of thousands of older people throughout this country. Because of it, they have found social contacts to ease their loneliness; opportunity for service to restore their sense of usefulness; and creative pursuits which add meaning to their lives.

I would like to tell this body just a few of the ways the Older Americans Act has benefited the older people in the State of Wisconsin. In the Sixth District, the cities of Plymouth and Fond du Lac, Campbellsport, and Rosendale, have established senior activity centers. North Fond du Lac will soon open a drop-in center funded by this act. These centers not only provide recreational and educational programs, but they refer and help older people to find the many other health, welfare, and employment services available to them. Similar centers have been established in five or six other cities and towns in my State.

In the city of Milwaukee, funds from the Older Americans Act are assisting the public library in an unusual project. This project will provide library services to older people in housing projects, homes for the aging, retirement hotels, and other such places. A bookmobile will be used. Shut-ins will receive book collections and volunteers and part-time assistants will give personal attention and service to those older people who visit the library. Mr. Speaker, this project illustrates how the Older Americans Act serves to coordinate the resources of existing programs and to focus them on the specific needs of older people.

Title III funds under the act have helped to establish homemaker services in one Wisconsin city, and in Ladysmith, Wis., a market outlet for handicraft items has been established and older people are being employed to give information to tourists and to take part in the management and direction of historical society displays.

The need for the Older Americans Act is great. Statistics from the Department of Health, Education, and Welfare indicate that in America today there are some 19 million persons age 65 or over—a number equal to the combined population of 20 States. By 1975, those 65 and over will number about 21.2 million, about 27 percent more than in 1960.

This legislation will continue the type of aid that is necessary if we are to deal effectively with the problems of the aged. Those problems are many and varied: low income; poor housing; inadequate access to medical, health, and other community facilities; and a separation from the rest of our mobile, work-oriented, youth-centered society.

The Older Americans Act amendments we are acting on today will take another important step toward creating a more equitable situation for our older citizens. It allows the individual States to set their own priorities and determine their own needs for programs under this act.

While I rise as the youngest Member of the minority side in support of the Older Americans Act, I do so in the belief that this legislation has made meaningful gains in our efforts to help those older Americans who most need our help.

One of the most significant factors which the gentleman from Wisconsin [Mr. LAIRD] hit upon in questioning the gentleman from Kentucky [Mr. PERKINS] was one of the weaknesses uncovered during the testimony in regard to this program.

This legislation was strengthened by increasing the amount which is available for administration to the States. The gentleman from Wisconsin [Mr. LAIRD] is correct that some States have not done as effective a job in handling their program and the increase in the amount of money for administration, I hope, will work to encourage better State programs. I might add, Mr. Speaker, that the Wisconsin Commission on Aging is doing an effective job and has developed an excellent State plan for utilizing the Older Americans Act.

In addition, another point we discovered in the committee testimony on this legislation was the fact that, as is true with regard to so many of our problems in the Federal Government, one of the things which is most likely to be necessary is coordination among all of the agencies involved with the aged.

The Secretary of Health, Education, and Welfare, Mr. Gardner—as I recall the testimony—named about nine or 10 agencies which he could quickly recall which were involved in programs for the aged, but when he was asked as to whether this was all he admitted there were perhaps 17 or 18 agencies which were involved in programs which related to the aged.

This kind of multifaceted approach does lead in my judgment, to a weakness in terms of effectively coordinating our efforts.

Under an amendment which I offered to the bill in the committee, the legislation will provide sufficient staff and other assistance for the President's Council on Aging. The Council was established by Executive order to try to coordinate the work of all the agencies at the Federal level which are involved in this effort and I am hopeful this amendment will be helpful to the Council to do a better job as well as giving statutory direction to the Commission on Aging to do what they have been doing only by agreement.

The work done under the Older Americans Act has made a significant contribution. We must, I feel, continue this program if we are to continue to work toward solving the problems of our senior citizens.

Mr. Speaker, the benefits of the Older Americans Act to the older people of Wisconsin are being duplicated in the 44 other States and jurisdictions where allotted funds have been put to work. I urge the passage of the amendments to the act which will increase the effectiveness of these programs for our older citizens.

Mr. REID of New York. Mr. Speaker, in urging support of this bill I would particularly like to thank the chairman of the subcommittee [Mr. DANIELS] for his leadership and his bipartisan spirit at all times, and equally to pay particular tribute to the gentleman from Iowa [Mr. SCHERLE], and the gentleman from Wisconsin [Mr. STEIGER] who have worked diligently and effectively to bring out a meaningful bill.

Mr. Speaker, I believe that this legislation will complement the efforts of many Republicans to move forward in terms of liberalizing and improving social security benefits. It will help to highlight our concern for our senior citizens. It will underscore our commitment to do much more in terms of community opportunities for these Americans who too often are faced either with discrimination in hiring or with retirement problems which do not recognize their major potential for important contributions in business, in the community, and in many other areas of service.

Therefore, Mr. Speaker, I urge the strongest bipartisan support of this bill, which is in the clear interest of some 20 million senior Americans.

Mr. CRAMER. Mr. Speaker, will the gentleman yield?

Mr. REID of New York. I am glad to yield to the gentleman from Florida.

Mr. CRAMER. Mr. Speaker, I am glad to hear the gentleman's comments, because I am in support of this legislation, with regard to job discrimination. I also testified at the last session relating to this bill, as many of us did, and I pointed out that the Federal Government itself is one of the worst perpetrators of job discrimination that there is. Someone over the age of 45 might as well not make application for a job, because being over 45 years of age they are traditionally turned down.

If we are going to start somewhere trying to do something about job discrimination, the starting point is with the Federal Government itself and should be followed up through the Older Americans Act.

Mr. PEPPER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PEPPER. Mr. Speaker, I rise in support of H.R. 10730—Older Americans Act amendments. As a cosponsor of this legislation as well as the original bill which created this program, I am pleased to have the privilege to urge adoption of these amendments.

This legislation has been of great benefit to our older citizens in the year and a half that it has been in effect. By passage of these amendments we can make an even more meaningful contribution to aiding our senior citizens. The opportunities which this bill will provide to our local citizens have brought great changes in the lives of many formerly lonely and neglected people.

This act represents a significant commitment by the Congress to assist States and local communities to provide comprehensive programs for our Nation's nearly 19 million older people.

As the Members of this House know, I had for many years sponsored legislation which was designed to provide new opportunities for older Americans. In 1963, I introduced several measures which would have established programs of education, recruiting, and training for community service, counseling, and a variety of other programs to enrich the lives of our elderly citizens. I also introduced legislation to provide for the construction and operation of senior citizen centers to serve as a focal point within the community for programs on behalf of the aged. In the 89th Congress, I continued to support and sponsor programs of expanded opportunities for all older people. I am happy to say that many of the ideas contained in my bills were later incorporated into a bill sponsored by our late colleague from Rhode Island, John Fogarty, the bill which subsequently became the Older Americans Act on July 14, 1965.

We in Florida have for many years been deeply interested in programs for older people. Since 1960, the older population of Florida has increased by 34.4 percent to an estimated 743,000 persons aged 65 and over in July of 1966. This tremendous rate of growth of the older population in the State is next to the highest rate of growth found anywhere in the United States. Older people comprise 12.5 percent of Florida's total population. Only Iowa has a larger percentage of its population aged 65 and above. However, because our older population is growing nearly seven times the rate of growth of that State's older population—Iowa—Florida expects to have, by the next census, the largest concentration of older Americans in the United States. Part of the reason for the phenomenal growth rate of older people in Florida has been that we have undertaken for many years to develop the services and programs older Americans need and want in their retired years. The immigration of large numbers of older people into the State continues, in part, because we believe that older Americans can continue to make a substantial contribution to our neighborhoods and communities.

This positive philosophy about aging, as I like to call it, is the central theme of the Older Americans Act of 1965. In States and communities across the Nation, where programs for older people were just beginning, the Older Americans Act has provided new resources to enable community leaders to assess the needs of their older population and to develop new services aimed at meeting these needs. In other States and communities, such as in Florida, where many programs for the elderly were already underway, the Older Americans Act has made possible the expansion of these programs to reach thousands of new people.

Mr. Speaker, these funds are needed to continue the efforts of communities across the country to develop new and meaningful programs for older Americans. The programs authorized by the Older Americans Act are producing useful and practical results, and most important, these programs are reaching older people in the neighborhoods in which they live and where these programs can do the most good.

The Older Americans Act has also pointed up the need to develop other new programs to provide new opportunities for the elderly. I believe that we must go beyond these grant programs already authorized in the act to provide additional resources to strengthen our commitment to those who have helped to build our country and could be a positive resource to the future greatness of our American Nation.

Mr. BELL. Mr. Speaker, I rise in support of H.R. 10730, the Older Americans Act Amendments of 1967. I have supported this legislation from its inception.

In 1965, Congress enacted legislation designed to better the lives of the then 18 million older people living in our Nation.

Those aged 65 or over now number 19 million.

This will rise to 21.2 million by 1975.

But life in America passes them by.

There has been justified criticism that ours is too much a youth-oriented, fast-paced society.

Today's dynamism has brought tragic irony.

Older Americans who contributed to the very dynamism by which we live today, who contributed to our progress, are, simply by virtue of having lived longer than those who dominate society, denied the advantages of the world they may have helped create.

Regardless of their economic status—and many of them are poor—they have very particularized needs.

Age often brings physical disability, a certain isolation—and loneliness.

Older Americans need employment, for if given the chance they can be productive.

They need meaningful activity and continued variety.

They need housing geared to their age requirements.

They need special services to help overcome difficulties imposed by curtailed incomes and restrictive physical problems.

They need community services to provide social assistance.

They need independence, self-assurance, and dignity.

H.R. 10730, with its amendments to the Older Americans Act, and its authorizations of $16,950,000, can help. The time has come to review the act of 1965, to extend authorizations, and to make any changes needed in order best to fulfill our responsibility to this segment of our constituencies.

Here, I would like to mention the fine and dedicated performance of my esteemed colleague, DOMINICK DANIELS, in perfecting H.R. 10730.

Once more, I recommend passage of this legislation now before us.

Mr. CULVER. Mr. Speaker, I urge the enactment of the legislation under consideration by the House to extend the provisions of the 1965 Older Americans Act until 1972. The present law establishes the Administration on Aging to coordinate Federal activities in this vital area. Since its inauguration, the agency has proved its usefulness by providing local communities with grants for personnel training, research activity, and demonstration projects in order to improve their services to the elderly.

In my own State of Iowa, four grants have been made for county programs and multipurpose centers under title III. In addition, Drake University has been awarded a $96,000 grant for retirement planning under title IV.

This bill is of special concern to me because Iowa has a larger percentage of senior citizens than any other in the Nation. One out of eight Iowans is over 65—over 52,000 residents in the Second District alone. But the entire Nation is challenged by the magnitude and gravity of the problem. A tenth of our population belongs to this age group and shoulders a heavy financial burden. The median income for older families is less than half that of families with a younger head. At the same time, the elderly bear health costs 2½ times as great as those of younger persons and spend twice as much time in the hospital. Certainly the social security amendments known as medicare represent a significant advance and the bill before us now continues the effort to ease the difficulties of our senior citizens.

Mr. Speaker, this legislation promises a dignified and responsible way of life to Americans of retirement age. It provides for efficient community services to assist older people in managing and planning their own lives. By offering a high standard of health care, we can encourage the continuation of productive activity and meaningful contributions by the elderly.

It is the particular advantage of the Older Americans Act that it recognizes the value of local initiative in community planning and developing projects. State agencies administer and supervise the appropriations.

The 1967 amendments will strengthen the Administration on Aging by extending its authority and increasing its appropriations. With adequate funding, we will enable the agency to fulfill the expectations that it has already aroused by its energetic and impressive beginnings.

This act is a proud example of the creative partnership of Federal and State Government working together on a critical problem. I urge the Congress to extend its provisions until 1972 so that the Administration on Aging can continue its important and urgent programs.

Mr. JOHNSON of California. Mr. Speaker, I am very pleased to add my support to H.R. 10730—the Older Americans Act Amendments of 1967.

Today, there are over 1,600,000 men and women over 65 living in California. These people have contributed throughout their lifetimes to building the present greatness of California and our Nation. The Older Americans Act is important to them as it is to all the older people of America.

One of the important purposes of the act is to promote services for our older citizens in their home communities. Only services available where the older person lives have any practical value for him. We have a good example of this type of program in one of the communities in my district.

Under a title III grant made by the California Commission on Aging, the Paradise Recreation and Park Department, the Paradise Senior Citizens Association, and other community groups—by working together—have been able to establish a multipurpse senior center for Paradise's older residents who comprise a very high proportion of that community's total population. Forty-five percent of Paradise's total population is age 55 and over.

Some of the services included at the center are information and referral services, volunteer leadership training, nutritional services, and a wide variety of constructive educational and social activities. For example, courses in preretirement and postretirement activities are being given in cooperation with the local adult education program. A course for the older driver has been offered since the automobile is the main type of transportation available in the community. A community committee on aging has been started as part of the project. The long-range aim of the program is for community leaders and older citizens to work together in building a well-coordinated program in Paradise.

Mr. Speaker, this is a great program, with its roots in the community, providing opportunities and services where they do the most good—on a person's own home grounds.

Mr. KYROS. Mr. Speaker, I rise in support of H.R. 10730—to continue and extend the Older Americans Act.

This program has been underway less than a year in my State, but significant programs are underway and more are planned. It has had real meaning for our older citizens. Strengthening and extending the act will mean continued progress in serving older people, and in helping them to continue to use their skills and wisdom which have contributed so much to the progress of America.

In Maine, this program has emphasized the establishment and expansion of multipurpose activity centers for older people—facilities where opportunities exist for recreation, education, counseling, and referral. Seven new center programs are functioning. A project in Augusta, which made unique use of educational television, provided much-needed information to older people and will be used as the basis for further development of future programs to assist retired people.

Another title III program in Alfred will make use of older volunteers trained under title V to involve older people in creating programs at the local community level.

Maine's program for our older citizens includes—

Training older people for jobs, and providing employment referral services.

Setting up workshops where older people can make, exhibit, and sell arts and crafts items.

Developing services for the homebound, and setting up central information and referral centers where older people can find help or offer it to others.

In Maine, we are emphasizing use of the abilities and experience of older people in order to bring them—in President Johnson's words—into "the mainstream of community life."

We are a State of independent people. And the desire for independence continues and grows with the years. We are anxious to make it possible for older people to continue living in their own homes even though they may need some help with the tasks of daily living. To do this, Maine is supporting a battery of services including homemaker and home health care, friendly visitor programs, and meals-on-wheels.

A great strength of the Older Americans Act is that it permits these kinds of services—that it is flexible enough to fit the practical needs of individuals and individual communities.

In York County in my district, for example, we have an innovative training program under title V of the Older Americans Act. With this Administration on Aging grant, the York County Council on Aging will train older adult volunteers to organize and conduct programs in four senior centers to be established in the county.

York is a rural county and its older people need an opportunity to serve their communities and at the same time to find self-fulfillment in retirement years. This program will permit 40 retired people to receive training and supervised experience in surveying the needs and interests of older people, and in organizing senior activity centers with a variety of programs to fit these needs and interests.

The Administration on Aging is looking to this program for guidelines for developing similar programs elsewhere.

After training, the trainees—all senior citizens—will go into four communities in the county—Biddleford, Hollis, Kennebunk, and Saco—to interview older people, to open centers, and to begin programs. Funds for operation of the centers will be provided by the Maine Council on Aging out of title III Older Americans Act funds. Space for the centers is being contributed by local agencies.

I am happy to have the opportunity to vote in favor of continuation and expansion of a Federal program that is working out such an effective partnership with States and local communities, and one that has so much meaning for the older citizens of the Nation.

Mr. FULTON of Tennessee. Mr. Speaker, I rise in support of H.R. 10730. The programs made possible by the Older Americans Act of 1965 have demonstrated conclusively in the Fifth District of Tennessee that new dimensions in living are being provided to older people.

Prior to the enactment of this vital legislation, Nashville had pioneered in the area of creating opportunities for older persons to enrich their living. Since 1965, the Nashville Senior Citizens, Incorporated, backed by community enthusiasm and support, from small beginnings has grown tremendously in size and scope of activities. Nashville, in fact, has attracted national attention. The resources made available through the Older Americans Act have been a major factor in the success of our efforts.

Under title III of the Older Americans Act, funds were provided through the Tennessee Commission on Aging, which administers the Older Americans Act in Tennessee, for a highly successful training institute for adult leaders. Persons over 50 years of age were trained to serve as aides to professional personnel in working with other older people. At the same time, this project has had a larger significance. It has enabled us to expand our horizons by assisting other senior centers and clubs improve and extend their programs in other communities of Tennessee.

Nashville is also the site of one of the 17 pilot projects in the United States to train older persons to serve as home health aides. This vital program, designed to provide necessary health services under medicare, has won the unanimous approval of community leaders in Nashville. The program is cosponsored by the Administration on Aging, the Public Health Service, and the Office of Economic Opportunity.

I believe the results which we have experienced have been accurately stated by two of our community leaders, Mayor Beverly Briley, and Mr. Edward J. Shea, the executive vice president of the Metropolitan Nashville Chamber of Commerce. In the words of Mayor Briley:

> The programs of the Older Americans Act in Metropolitan Nashville have created a new dimension of living for older people in our community.

Mr. Shea has this to say:

> The impact of the programs under the Older Americans Act has been nothing short of phenomenal. Older people have found a new self—a more vibrant expression—in today's living.

Mr. Speaker, I submit that the Nashville story is one which has been told in many other communities whose older citizens have benefited directly through the Older Americans Act. I feel strongly that this legislation can and will implement the determination of the American people to assure that the later years are rich and meaningful.

Let us meet the challenge of the later years. Let us support the passage of H.R. 10730.

Mr. RYAN. Mr. Speaker, a little less than 2 years ago, the Older Americans Act of 1965 was signed into law by President Johnson who said at that time:

> The Older Americans Act clearly affirms our nation's responsibility toward the well-being of older citizens.

Since then, the act has benefited many of our senior citizens. It has generated new interest in the problems of aging and facilitated new achievements and progress in this field. Through its emphasis on joint Federal, State, and local efforts, the act has created new opportunities and services for older persons at all levels. There is much yet to be done.

To insure the continuation of the projects already underway and to give impetus to a wider series of programs, extension of the provisions of the Older Americans Act is a necessity, I strongly support the adoption of H.R. 10730, the proposed Older Americans Act Amendments of 1967. I introduced similar legislation, H.R. 2607, on January 7.

This program is one of the great legacies left to us by Congressman Fogarty. It was through his initiative and drive that the bill was originally enacted, and it stands as a monument to his interest and concern with the problems of the elderly American.

The amendments contained in H.R. 10730 and in my bill, H.R. 2607, would extend the grant provisions of the Older Americans Act and would increase the funds authorized to $10,550,000 for grants to States under title III of the act and to $6,400,000 for research, demonstration, and training grants under titles IV and V of the act. It would authorize "such sums as may be necessary" for the 4 succeeding years. The increased sums for titles IV and V will provide for the support of many new projects and the continuation of some existing ones. The increased funds under title III will mean that each State will be able to expand its programs and support more activities. Under the new amendments New York will receive in fiscal year 1968, $601,350—an amount nearly equal to the total it has received to date. In addition, section 3 of the amendments would increase the amount expendable for administration by 5 percent, so that under a grant of $601,350, $90,202 would be available for the support of administration. New York should be able to increase the scope of her activities in the field of aging. Other States would receive similar increases, and their aged population would benefit accordingly.

Today there are more than 19 million men and women age 65 and over. New medical discoveries and improved living conditions have dramatically increased the size of our older population in the last decade; and a longer lifespan, and a shortened worklife have created many problems for the older person; housing, health care, income, use of leisure time and employment for those desiring to continue work, all are increasingly frequent dilemmas confronting the elderly. In addition, the older individual is increasingly separated from a youth-oriented society—for example, although evidence indicates that the problems of the elderly poor are as great as those of any other disadvantaged group, they have received far less attention than other, more noticeable elements of our society. Through the provisions of the Older Americans Act a major effort is being made to bridge this gap.

The Administration on Aging, created by the Older Americans Act, is the newest agency of the Department of Health, Education, and Welfare, and the first Government agency to be created to deal exclusively with the problems of the older citizen. Its functions are varied, but perhaps the most important of all is its role as a clearinghouse for information concerning the aged. It supplies information and advice to the State and local agencies concerned with the aged; it compiles and disseminates information about older persons to newspapers, magazines, and other communications media. Its specialists are available for consultation to public and nonprofit agencies, organizations, and individuals, as well as to the President's Council on Aging.

In addition to its information activities, the Administration on Aging is responsible for the grant programs under titles III, IV, and V of the Older Americans Act.

In order to participate under title III, each State must designate an agency to administer its program. Each State also submits a plan outlining a broad program for action for older persons, and after the plan has been approved by the Secretary, States may make grants available for projects to local agencies and institutions. The programs which have been instituted in New York under this title are many and varied. One program, Operation Triple R—reach, retiree, and referral—is operated by the International Ladies' Garment Workers Union and trains retirees as "friendly visitors" to visit their fellow retirees in the Greater New York City area. Another program in the city, sponsored by the Hudson Guild, provides consumer education programs for the aging. These are but two of the many programs which have already been implemented under title III of the act in New York.

Equally important as its impact on individuals through the many programs which it has funded is the impact which title III has had on the ability of the individual State to deal with the problems of aging. Before the enactment and implementation of the Older Americans Act, many States did not even have a State agency concerned with aging. State responsibility has been strengthened through title III, and coordination between government and private groups is likewise strengthened.

Titles IV and V of the act provide grants for research, development, and training. Far too little is known about many of the problems of the aged—for example, early retirement is creating a new leisure class, many of whom are unprepared for the long hours of free time which they now possess. We need to know much more about the constructive use of leisure time for the elderly or the possibilities of substituting a shorter workweek, longer vacations, or yearly retraining periods for early retirement. Another problem about which little is known is the plight of the elderly widow—her social outlets, her income, her living arrangements—all these areas need further study and planning if the needs of our ever-increasing population of single elderly are to be resolved. Grants under titles IV and V are being expended to solve these and similar problems. One of the title IV projects which has been initiated in New York is sponsored by the Community Service Society of New York City and attempts to demonstrate that a group approach to recruitment, placement, and training of older volunteers for community service will increase their retention time and satisfaction which they find in the job. Other of the State's title IV projects are concerned with education for community leadership, study of the problems of the older blind, and staffing senior centers with competent personnel.

One of the problems to which the extended grants under the Older Amercians Act Amendments of 1967 would be applied is that of the nutritional needs of the elderly. Commissioner Bechill of the Administration on Aging, in testimony before the Senate Labor and Public Welfare Committee on June 12, 1967, stated that the existence of many serious nutritional problems for older persons which lead to poor health and personal dependency is well known. The Administration hopes to extend the several programs it is now operating in this area to determine an efficient means of providing low-cost hot meals to older persons in senior centers, and government and private cafeterias at off-peak hours.

Title V grants provide much needed support for the training of professional personnel in aging. The need for competent and enthusiastic people in this area has greatly increased in recent years, and until the need can be met effectively, much of what is being accomplished must necessarily be done at a slower rate than is desirable. One of the program grants which is underway at present is under the sponsorship of the Jewish Home for the Aged in New York City, which is offering training on a short-term basis to persons employed in homes for the aged. Secretary Gardner pointed out in his remarks before the House Select Committee on Education that many additional useful research, demonstration, and training project grants could be supported under titles IV and V of the act, and that the increased authorization requested under the 1967 amendments to the act would enable the support of 70 to 80 new research projects, and the continuation of 49 projects now underway.

Mr. Speaker, it is evident that progress has been made in the implementation of the Older Americans Act in the past 20 months, but it is also evident that effectiveness depends upon continued and increased action. We have just begun on the road to a full life for every older individual. This is a real challenge which the Older Americans Act is designed to help meet. I urge its adoption.

Mr. PELLY. Mr. Speaker, I rise in support of H.R. 10730, which would extend the great programs authorized under the Older Americans Act of 1965 through 1972. Mr. Speaker, as a Member of the House, I know this Older Americans Act created an Administration on Aging to serve as a central authority of the Government on all matters of concern to older people. This commission will administer the grants provided by this act and prepare and disseminate educational material having to do with welfare of older persons. Also it will gather statistics in the field of aging which other Federal agencies do not collect and in general will stimulate more effective use of existing resources.

Mr. Speaker, I think it is especially important that aging Americans not be forced into retirement or dependence on others. This is the result of provisions of the social security program where outside earnings must be limited to receive benefits.

Also it seems to me we fail to recognize the great contributions that are and can be made by senior citizens. They can add much to our society if encouraged to do so. I have in mind in my district, Seattle and King County, a council for the aging composed of leaders in the community who are aware of the needs and interests of the senior citizens.

Mr. Speaker, in Seattle there are 100,000 persons 65 or older, and only 11,000, or 11 percent of them are financially independent. Six percent still work; 30,000 or 30 percent live on less than $1,500 a year; and the median income of the balance, or 53,000 persons, is $3,130.

Mr. Speaker, there is a need for Government to develop more assistance and encouragement to this great segment of our population.

I strongly support H.R. 10730.

Mr. DONOHUE. Mr. Speaker, as an advocator and supporter of the enactment of the original Older Americans Act of 1965 I most earnestly urge this House to expedite approval of this measure, H.R. 10730, principally designed to extend and amplify the provisions of the 1965 act.

Mr. Speaker, in the remarkably short time, comparatively speaking, of some 50 years the anticipated longevity of Americans has been increased, through scientific research and development in the medical fields, from 47 to 70. Consequently an increasing number of our population joins the ranks of the senior citizen each year. The Congress recognized this national development and its obligation, together with State and local governments, to be concerned with the growing problems of the aged, by the adoption of the 1965 Older Americans Act. Through this act the Congress declared the conviction that the older people of our Nation are entitled to reasonable Government help and encouragement in seeking and attaining the full and free enjoyment of these basic objectives:

First. An adequate income in retirement in accordance with the American standard of living.

Second. The best possible physical and mental health which science can make available and without regard to economic status.

Third. Suitable housing—independently selected—designed and located with reference to special needs and available at costs which older citizens can afford.

Fourth. Full restorative services for those who require institutional care.

Fifth. Opportunity for employment with no discriminatory personnel practices because of age.

Sixth. Retirement in health, honor, dignity—after years of contribution to the economy.

Seventh. Pursuit of meaningful activity within the widest range of civic, cultural, and recreational opportunities.

Eighth. Efficient community services which provide social assistance in a coordinated manner and which are readily available when needed.

Ninth. Immediate benefit from proven research knowledge which can sustain and improve health and happiness.

Tenth. Freedom, independence, and the free exercise of individual initiative in planning and managing their own lives.

Mr. Speaker, these are the wholesome objectives this bill, under discussion, proposes to extend. Also the bill projects a more efficient, coordinated, economical, and strengthened operational program, drawn from the lessons of the experience of these past 2 years, for the Administration on Aging to carry out.

The essential need for the services and programs extended by this bill is obvious; the provisions of the bill are substantially and entirely in accord with the established American concept and tradition of promoting the inherent dignity of the individual in our vaunted democratic society; and the objectives of the bill are undoubtedly in the best national interest. Let us therefore approve this measure without any unnecessarily prolonged delay.

Mr. BENNETT. Mr. Speaker, too often older Americans spend their time in lonely sadness, when for many there should exist the opportunity of enriching their lives and our society through a second career. The House has before it today a measure to help make this possible, H.R. 10730, a bill to extend the provisions of the Older Americans Act of 1965, and I urge the House to adopt these amendments.

The 1965 act is now making major breakthroughs in helping senior citizens live full and constructive lives, while keeping them in the mainstream of American life. We have a tendency to push aside people because they are too old, too young or disabled in some way, when what we should be doing is helping to develop the abilities of the old, the young, and the disabled to the fullest extent possible.

Those individual projects now underway afford excellent examples of what can be accomplished under the Older Americans Act, but they but scratch the surface of existing need.

The proposed amendments to the act in H.R. 10730 are vital and will help fill this need, but they do not go far enough. I believe a National Community Senior Service Corps—as proposed in my bill H.R. 247—is needed to help channel the energies and talents of older citizens into useful community projects where they would be welcomed. For most Americans, the most enriching moments of life are those spent helping their fellow man. The National Community Senior Service Corps can mean new opportunities for older Americans for community service, developing new interests, and acquiring new knowledge.

I was proud and pleased to be one of the sponsors of the Older Americans Act of 1965, and I am enthusiastic about the program and what it has accomplished. I urge the House to today pass H.R. 10730, and to establish in this Congress a National Community Senior Services Corps.

Mr. BRADEMAS. Mr. Speaker, I am pleased to give my support to H.R. 10730, the Older Americans Act Amendments of 1967, and I am glad to be among the cosponsors of an identical bill, H.R. 10809. This measure would assure that the promising work begun under the Older Americans Act will be continued and expanded.

Mr. Speaker, I wish also to congratulate the distinguished gentleman from New Jersey [Mr. DANIELS] on his outstanding leadership as chairman of the subcommittee which considered this significant measure.

Two years ago when the original act was passed, we in Congress set as a national objective the provision of opportunities and services for America's older people that would add dignity and meaning to later years of life. Today, that goal is beginning to be achieved in over 500 community programs that have been started or strengthened, and hundreds of thousands of our older citizens are now benefiting from and participating in these efforts. Significant research and demonstration projects have been launched, and badly needed personnel in this increasingly important field of human endeavor are being trained.

Mr. Speaker, we must keep in mind the great positive focus of the Older Americans Act. For example, a senior center such as those supported in 180 communities under title III of the act, must not simply be thought of as a convenience for a community's older citizens. Instead, it is a way by which older people themselves can contribute to community life.

As the President pointed out in his message on older Americans:

> We should look upon the growing number of older citizens, not as a problem or a burden for our democracy, but as an opportunity to enrich their lives and, through them, the lives of all of us.

Mr. Speaker, the President's message recommended to Congress a comprehensive package of legislation that gives major attention to the needs of older Americans in relation to income, health, continued job opportunities, housing, and meaningful use of their skills and capacities. The legislation before us today is a major part of that program.

The recommendations made by the President include a much-needed 20-percent overall increase in social security benefits; national legislation to outlaw the serious problem of age discrimination in employment confronting many of our older workers; additional improvements in medicare, and many other proposals designed to meet this Nation's responsibilities to assure a life of decency, honor, and independence to its older citizens.

The President stressed in his message:

> Our goal is not merely to prolong our citizens' lives, but to enrich them.

In many respects, the challenge of the later years is the same as the challenge of youth—of any age: to live meaningfully, to contribute to society, to feel alive.

To meet the challenge of making the later years meaningful, the President made several recommendations.

One of his principal recommendations was the legislation we consider today, an extension of the Older Americans Act.

The Older Americans Act created the Administration on Aging as an independent agency of the Department of Health, Education, and Welfare, to serve as a focal point for information and programs on the older American, a clearinghouse, coordinating and evaluating and planning programs for using the resources of all Federal agencies.

Mr. Speaker, an essential part of the Older Americans Act is its program of grants to the States for community planning. The State agency becomes a mechanism for statewide planning and action to meet the total range of interests of older people. The State agencies make Federal funds available for community planning and development of services for older people in their home community. Thus, the Older Americans Act provides the direction for a strong partnership among all levels of government—Federal, State, and local.

The Administration on Aging also makes direct grants for research and training programs.

Mr. Speaker, in my home community of South Bend, Ind., we have a vivid example of the contributions that older people can make. Under a title IV demonstration grant made by the Administration on Aging, the United Community Services of St. Joseph County has developed a model information, counseling, and referral program. The project began last January, and by February, older men and women had been recruited, trained, and were making a house-to-house survey of the needs of older people in South Bend and determining what resources were available to those who needed help. Despite severe snowstorms, this survey was completed in February and even during the survey, more than 200 senior citizens were given assistance in matters of health, welfare, legal aid, housing, and home care services.

By the end of March, the entire citywide survey was completed. Since then, the first directory of health, welfare, and recreation services for St. Joseph's County older citizens was completed. I have in my hand a copy of that directory. It lists the real and actual services that are available to older people in our area. It lists a single phone number which older people can call and be sure to get adequate information and assistance.

I want to emphasize that this demonstration project has the full support of community leadership in South Bend and St. Joseph County. Leading representatives from business, civic, labor, and religious organizations are assisting in this project. All of our major health and social agencies are involved.

Mr. Speaker, much to my regret, Indiana is one of the few States that have yet to implement the title III provisions of the act. H.R. 10730 would authorize $10,550,000 to the States for community programs. Under the allotment formula, Indiana's share would be $229,990. I submit from the experience of the South Bend demonstration that many communities in Indiana, both large and small, could benefit from a similar program. It is my hope that early action will be taken in Indiana to see that this goal is accomplished.

Under H.R. 10730, these grant programs would be extended and expanded, and the continuance of numerous worthwhile projects launched through the Older Americans Act would be assured.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of H.R. 10730, the Older Americans Act Amendments of 1967. I introduced a similar bill, H.R. 9784, on May 9, 1967.

The enactment of the Older Americans Act, almost 2 years ago, marked a legislative milestone of considerable significance. It provided hope and self-respect to a rapidly growing segment of our population—Americans of advanced age. Its provisions were designed to make useful and productive citizens of Americans who, deprecatingly, were often said to be in the "twilight" period of their lives. That piece of legislation, one of the most outstanding to emerge from the 89th Congress, created the Administration on Aging in the Department of Health, Education, and Welfare for the development of programs at Federal and State levels related to the needs of older Americans.

The programs and activities of the Administration on Aging have already produced beneficial and far-reaching results. However, it is vital that the Older American Act, born and nurtured in 1965, be strengthened and expanded in the years ahead to promote the welfare and meet the problems of our senior citizens. This the Older Americans Act Amendments of 1967 will do.

The bill we are now considering would extend the grant programs authorized under the Older Americans Act of 1965 through fiscal year 1972 and authorize appropriations for fiscal year 1968. The Congress would appropriate, for each fiscal year from 1969 through 1972, such sums as may hereafter be authorized by law. The measure would provide the continuity and stability which are so important in carrying out the purposes of the original legislation.

Mr. Speaker, support for the measure on the floor would help us not only to meet our "responsibility toward the well-being of older citizens," as stated by the President when he signed the 1965 act into law, but it would also bring enrichment and fulfillment to their lives.

I urge a unanimous vote for H.R. 10730.

Mr. RODINO. Mr. Speaker, I am happy to join in support of this essential legislation to extend and improve the Older Americans Act. It was my pleasure to cosponsor it, as well as the original legislation in 1965 which established the Administration on Aging and the programs of grants administered by it.

Since its enactment, some 432 community projects have been initiated under the title III grant program, and under the authorization in the bill before us they could be continued and some 240 to 300 new projects could be funded. Under the title IV and V demonstration *and training programs, existing projects* could be continued and provision is made for 70 to 80 new projects, including a major one to develop food and nutritional services in senior service centers.

There are now over 19 million Americans 65 years of age or older. In New Jersey, every 10th resident is over 65, and this segment of our population is increasing at a greater rate than the rest of the populace.

Our older citizens thus represent a rich potential of wisdom and experience for the Nation to draw upon. All levels of government should work together to provide the opportunities by which this potential can be effectively utilized for the benefit of the entire Nation.

We have seen many fine examples of useful programs to which our senior citizens have contributed their talents and enthusiasm. The Foster Grandparents, to single out just one, is in its infancy but is proving a most successful and valuable one. Under this program senior citizens can give neglected or lonely children the attention and affection which may mean the difference between maladjusted or delinquent youths and productive, responsible young people.

As Cicero long ago stated in his classic essay on old age, "De Senectute"—

> What is more charming than an old age surrounded by the enthusiasm of youth? Shall we not concede old age even strength to teach the young, to train and equip them for the duties of life? What can be nobler?

Mr. Speaker, I strongly urge approval of H.R. 10730. The Nation will benefit, and will be the better from the compassion and respect for our elders which it represents.

The SPEAKER. The question is on the motion of the gentleman from Kentucky [Mr. PERKINS] that the House suspend the rules and pass the bill H.R. 10730.

The question was taken.

Mr. REID of New York. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 333, nays 0, not voting 100, as follows:

[Roll No. 140]

YEAS—331

Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Andrews, Ala.
Annunzio
Arends
Ashley
Ashmore
Aspinall
Ayres
Baring
Barrett
Bates
Battin
Belcher
Bell
Bennett
Berry
Betts
Bevill
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bolton
Bow
Brademas
Bray
Brinkley
Brock
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson
Burton, Calif.
Bush
Button
Byrne, Pa.
Carter
Casey
Cederberg
Chamberlain
Clancy
Clawson, Del
Cleveland
Cohelan
Collier
Conable
Conte
Corman
Cramer
Culver
Cunningham
Daniels
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dellenback
Dent
Derwinski
Dickinson
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Everett
Fallon
Farbstein
Fascell
Feighan
Findley
Fisher
Flood
Flynt
Ford, Gerald R.
Fountain
Friedel
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gardner
Garmatz
Gathings
Giaimo
Gibbons
Gilbert
Gonzalez
Goodell
Goodling
Gray
Green, Oreg.
Griffiths
Gross
Grover
Gubser
Gude
Gurney
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hardy
Harrison
Harsha
Harvey
Hathaway
Hays
Hébert
Hechler, W. Va.
Helstoski
Henderson
Herlong
Hicks
Holifield
Holland
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Joelson
Johnson, Calif.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karsten
Kastenmeier
Kazen
Kee
Keith
Kelly
King, Calif.
King, N.Y.
Kirwan
Kornegay
Kupferman
Kyl
Kyros
Laird
Landrum
Langen
Latta
Lennon
Lipscomb
Lloyd
Long, La.
Long, Md.
Lukens
McCarthy
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McFall
McMillan
MacGregor
Machen
Madden
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
Mathias, Md.
Matsunaga
Mayne
Michel
Miller, Ohio
Mills
Minish
Mink
Mize
Monagan
Montgomery
Morgan
Morris, N. Mex.
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
O'Hara, Ill.
O'Neal, Ga.
Ottinger
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Poage
Poff
Pollock
Pool
Price, Ill.
Price, Tex.
Pryor
Pucinski
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rosenthal
Roth
Roudebush
Roybal
Rumsfeld
Ryan
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schweiker
Schwengel
Scott
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Tenzer
Thompson, Ga.
Thomson, Wis.
Tuck
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Walker
Wampler
Watson
Watts
Whalen
Whitener
Whitten
Widnall
Wiggins
Williams, Pa.
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Young

NAYS—0

NOT VOTING—102

Abbitt
Anderson, Tenn.
Andrews, N. Dak.
Ashbrook
Blanton
Brasco
Brooks
Broyhill, Va.
Burton, Utah
Byrnes, Wis.
Cabell
Cahill
Carey
Celler
Clark
Clausen, Don H.
Colmer
Conyers
Corbett
Cowger
Curtis
Daddario
Denney
Devine
Diggs
Dulski
Esch
Evins, Tenn.
Fino
Foley
Ford, William D.
Fraser
Frelinghuysen
Fulton, Pa.
Gettys
Green, Pa.
Halleck
Halpern
Hanna
Hansen, Wash.
Hawkins
Heckler, Mass.
Irwin
Johnson, Pa.
Karth
Kleppe
Kluczynski
Kuykendall
Leggett
McEwen
Macdonald, Mass.
May
Meeds
Meskill
Miller, Calif.
Minshall
Moore
Moorhead
Morse, Mass.
Morton
Nelsen
Nichols
Nix
O'Hara, Mich.
O'Konski
Olsen
O'Neill, Mass.
Patman
Pirnie
Purcell
Resnick
Reuss
Ronan
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Ruppe
Sandman
St Germain
St. Onge
Scheuer
Selden
Steiger, Ariz.
Stephens
Teague, Tex.
Thompson, *N.J.*
Tiernan
Utt
Watkins
Whalley
White
Williams, Miss.
Willis
Wilson, Charles H.
Yates
Younger
Zablocki
Zion
Zwach

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Byrnes of Wisconsin.

Mr. Evins of Tennessee with Mr. Burton of Utah.

Mr. Daddario with Mr. Fulton of Pennsylvania.

Mr. Rooney of New York with Mr. Cahill.

Mr. St. Onge with Mr. Don H. Clausen.

Mr. Zablocki with Mr. Corbett.

Mr. Teague of Texas with Mr. McEwen.

Mr. Brasco with Mr. Nix.

Mr. Celler with Mr. Diggs.

Mr. Gettys with Mr. Kleppe.

Mr. Green of Pennsylvania with Mr. Hawkins.

Mr. Charles H. Wilson with Mr. Sandman.

Mr. Thompson of New Jersey with Mr. Pirnie.

Mr. Kluczynski with Mr. O'Konski.

Mr. Miller of California with Mrs. Heckler of Massachusetts.

Mr. Ronan with Mr. Nelsen.

Mr. Rostenkowski with Mr. Minshall.

Mr. St Germain with Mr. Morton.

Mr. Tiernan with Mr. Morse of Massachusetts.

Mr. Blanton with Mr. Meskill.

Mr. Leggett with Mr. Halpern.

Mr. Brooks with Mr. Kuykendall.

Mr. Karth with Mr. Curtis.

Mr. Dulski with Mrs. May.

Mr. O'Hara of Illinois with Mr. Andrews of North Dakota.

Mr. Hanna with Mr. Johnson of Pennsylvania.

Mr. Selden with Mr. Cowger.

Mr. Macdonald of Massachusetts with Mr. Frelinghuysen.

Mr. Carey with Mr. Moore.

Mr. Rooney of Pennsylvania with Mr. Pino.

Mr. Moorhead with Mr. Devine.

Mr. Meeds with Mr. Esch.

Mr. Yates with Mr. Conyers.

Mr. Williams of Mississippi with Mr. Utt.

Mr. Willis with Mr. Halleck.

Mr. Patman with Mr. Watkins.

Mr. Reuss with Mr. Denney.

Mr. Foley with Mr. Ruppe.

Mr. Cabell with Mr. Steiger of Arizona.

Mr. Abbitt with Mr. Broyhill of Virginia.

Mr. Resnick with Mr. Whalley.

Mr. Roush with Mr. Ashbrook.

Mr. Scheuer with Mr. Zion.

Mr. Stephens with Mr. Zwach.

Mrs. Hansen of Washington with Mr. Younger.

Mr. Anderson of Tennessee with Mr. Irwin.

Mr. Purcell with Mr. Fraser.

Mr. Olsen with Mr. William D. Ford.

Mr. Nichols with Mr. White.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PERMISSION TO JOINT COMMITTEE ON ATOMIC ENERGY TO FILE REPORT ON H.R. 10918

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that the Joint Committee on Atomic Energy may have until midnight tonight to file a report on the bill H.R. 10918, to authorize appropriations to the Atomic Energy Commission for the fiscal year 1968.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

TEMPORARY EXTENSION OF EMERGENCY PROVISIONS OF URBAN MASS TRANSPORTATION PROGRAM

Mr. BARRETT. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 601), extending for 4 months the emergency provisions of the urban mass transportation program.

The Clerk read as follows:

H.J. Res. 601

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Urban Mass Transportation Act of 1964 is amended by striking out "July 1, 1967" and inserting in lieu thereof "November 1, 1967".

The SPEAKER pro tempore (Mr. BOGGS). Is there a second demanded?

Mr. WIDNALL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BARRETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of House Joint Resolution 601 is to make a short-term extension in the emergency provisions of the urban mass transportation program which would otherwise expire on June 30 of this year.

Under this program, grants can be made to States and public bodies and agencies for the acquisition, construction, and improvement of mass transportation facilities and equipment even though the planning requirements of the regular mass transportation grant program have not been fully met, if there is an urgent need for the facilities and equipment. However, the program for the development of a coordinated mass transportation system must be under active preparation. The Federal grant under the emergency program is for one-half rather than two-thirds of net project cost.

Mr. Speaker, this resolution was referred unanimously to the Committee on Banking and Currency by our Housing Subcommittee and was unanimously adopted by the full committee. It has the full support of the administration.

Unless we speed this short-term extending resolution to the other body, many areas will be cut off from receiving any mass transportation assistance after June 30. In some metropolitan areas, areawide planning is very complex and time consuming. Many smaller cities and towns have only recently begun the required planning to qualify for the regular two-thirds grant program.

Mr. Speaker, I believe this resolution is virtually without controversy and hope that the House will pass it forthwith.

Mr. WIDNALL. Mr. Speaker, I wish to associate myself with the remarks of the distinguished gentleman from Pennsylvania. We are providing for the emergency provisions of the mass transportation legislation and this has been the most used section of the bill despite the greater Federal contributions available under other provisions of the bill.

It is important to all communities that this legislation be extended in order that a much needed program continue.

As the gentleman from Pennsylvania has indicated this bill received unanimous support from both the Housing Subcommittee and the full Banking and Currency Committee. There was not a dissenting vote. The legislation is not controversial. I believe it deserving of immediate consideration by the House and urge its passage.

Mr. Speaker, at this time I yield 5 minutes to the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Speaker, I take this time—and I believe this is appropriate legislation on which to do so—to point up again what the effect of section 204 of title II of the demonstration or model cities program would be on this program, as well as on many others despite this extension. Section 204 could nullify this action contained in this bill.

I have stated on the floor before—and I did so when I offered an amendment to the appropriation bill for the Department of Housing and Urban Development recently which was adopted—what the effect would be on a number of programs, based upon section 204.

However, this extension of the date by 4 months from July 1, 1967, relating to urban transportation-mass transit is running counter to, or has a different effect than, the June 30 date relating to the demonstration cities program. Let me show you what I am talking about. My point here is action on the part of the House, on the bill before us. Assuming it will pass, which I assume it will, is it a nullity and are we doing something for nothing here? In my opinion, we are, if, in fact, section 204 is permitted to stand and to remain in effect and if it continues to give the Secretary of the Department of Housing and Urban Development unlimited power to cut off all grant money in this and other programs. I mean by that this power would be given not only to override this section for this but all grant money as it relates to mass transit and highways, hospitals, libraries and any one of numerous other programs.

To bring this into focus it was my intention, had this matter not come up under a suspension of the rules, to offer an amendment to make certain that section 204 of the demonstration cities program would not apply to mass transit. As I understand it, this 4-month extension would permit these communities to get this 50-50 matching money under this program of mass transit until November 1. However, what will happen if the other body does not include language such as this and it comes back from conference in the appropriation bill for the Department of Housing and Urban Development and model cities with that language of my amendment preventing implementation of section 204 stricken? You will have, despite this bill starting July 1, under section 204, a cutoff date of July 1 unless these communities participate in areawide planning on a metropolitan planning basis and conform to federally dictated metro government.

Mr. Speaker, I urge, using this as an example, and if I had the opportunity, I would offer an amendment to make certain it did not happen, we demonstrate to the Banking and Currency Committee the hope that they will at the first opportunity reconsider section 204 and, I hope, repeal it.

I say this because the right hand does not know what the left hand is doing. If the Department of Housing and Urban Development decides it feels section 204 is a mandate of the Congress and as long as it is on the books it must be followed, then this extension of 4 months' time would mean nothing, because the Depart of Housing and Urban Development could cut off the money unless they are satisfied with the statistical metropolitan areawide planning.

I hope that this great committee will give consideration to this matter as soon as possible and that the conferees will stand firmly by the House position relating to my amendment to the appropriation act.

To restate the case, this joint resolution would extend for 4 months—until November 1, 1967—the expiration date for the emergency grant program authorized by section 5 of the Urban Mass Transportation Act of 1964. Federal grants under the emergency program are for one-half of the net project cost—that portion of the cost of a project that cannot be financed from fare box revenues—rather than the regular two-thirds grant.

Section 4(a) of the Urban Mass Transportation Act requires, among other things, that to be eligible for a two-thirds grant the facilities and equipment be "needed for carrying out a program for a unified or officially coordinated transportation system as a part of the 'comprehensive planned development of the urban area.' "

Section 5 of the Urban Mass Transportation Act provides that prior to July 1, 1967, Federal assistance may be provided on a 50–50 basis where, among other things, "the program for the development of a unified or officially coordinated urban transportation system is under active preparation although not yet completed." According to the report of the Committee on Banking and Currency on House Joint Resolution 601, as of June 1, 1967, emergency 50–50 grants, where comprehensive urban planning has not been completed, have been approved for 36 projects, for a total of about $128 million. This is 58 percent of all capital grant projects, and 61 percent of the amount of such grants. Thus, a majority of the grants made under the Urban Mass Transportation Act since its enactment on July 9, 1964, have been in urban areas that do not have acceptable comprehensive urban plans.

The Department of Housing and Urban Development, according to the committee report on House Joint Resolution 601, is requesting a 2-year extension of this emergency program authorization, and the proposed amendment appears as section 211 of H.R. 8068, the 1967 Housing Act, which is presently under consideration by the Committee on Banking and Currency.

This emergency 4-month extension, as well as HUD's requested 2-year extension of the emergency program, seems to clearly demonstrate that section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 is premature and should be repealed. It will serve little purpose to enact House Joint Resolution 601 if section 204 is to be enforced commencing July 1, 1967, which is less than 2 weeks away.

Section 204 would require that all applications after June 30, 1967, for many types of Federal loan and grant programs, including mass transportation grants, be reviewed by an areawide agency designated to perform metropolitan or regional planning in each standard metropolitan statistical area, and that the application be accompanied by comments and recommendations by such agency and a statement by the applicant that such comments and recommendations have been considered. If section 204 is enforced, it would appear that the temporary 4-month extension of the mass transportation emergency grant program would be a nullity. If section 204 is not enforced, or if it is enforced in some areas and not in others, then clearly section 204 should be repealed or substantially amended.

This bill would accomplish in the limited area of emergency mass transportation grants what I have been attempting to do on a broader scale, and that is to get around the onerous and unreasonable provisions of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966. The attention of the House is particularly invited to the following paragraph contained in the committee report on House Joint Resolution 601, which supports the position you have been taking relative to section 204:

> Many urban areas are not yet able to meet the regular planning and programing requirements. Only a few of the major metropolitan areas have qualified, and the work involved in meeting the requirements in these areas is particularly complex and time consuming. Also, in many smaller areas, the problem is further complicated by the national shortage of experienced and trained planning personnel.

My amendment to the HUD appropriation bill to eliminate funds for administering section 204 was adopted by the House to prevent the cutoff of funds in mass transit and other programs for failure to conform to federally dictated metro planning. I hope the House conferees on appropriations for HUD will stand firm on this and that the Banking and Currency Committee repeal section 204 of model cities as soon as possible.

Mr. BARRETT. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Missouri [Mrs. SULLIVAN].

Mrs. SULLIVAN. Mr. Speaker, I join wholeheartedly with my colleagues, the distinguished gentleman from Philadelphia who is chairman of our Housing Subcommittee and the distinguished minority leader on our committee, the gentleman from New Jersey [Mr. WIDNALL], in supporting this absolutely essential short-term extension of the emergency provisions of the urban mass transportation program. It has no opposition that I know of. By continuing the program, at least until November 1, the Congress can consider, in later legislation, what the appropriate long-term extension in the program should be. I urge its immediate adoption.

Mr. WIDNALL. Mr. Speaker, I have no further requests for time.

Mr. BARRETT. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. PUCINSKI].

(By unanimous consent, Mr. PUCINSKI was allowed to speak out of order.)

CONTRAST IN APPEALS MADE BY PRESIDENT JOHNSON AND PREMIER KOSYGIN TO THE UNITED NATIONS

Mr. PUCINSKI. Mr. Speaker, I wish to thank the gentleman from Pennsylvania [Mr. BARRETT] for yielding to me this time in order to call attention to the fact that today President Johnson offered a five-point program designed to bring peace to the Middle East.

Mr. Speaker, President Johnson's sincere and compassionate appeal for peace in the Middle East is in sharp contrast to the arrogant demand by Soviet Premier Kosygin before the General Assembly of the United Nations to the effect that Israel be branded as an aggressor and be ordered to pull back her troops.

Mr. Speaker, the President of the United States acknowledged the need for the withdrawal of troops, but said such a withdrawal should be linked to negotiation of a general peace settlement in the Middle East.

Mr. Speaker, President Johnson very wisely stated the fact that a simple withdrawal of Israel troops from conquered territories would not be a prescription for peace, but for renewal of hostilities unless such a withdrawal of troops is part of a general negotiation for peace in the Middle East.

Mr. Johnson has shown the world how a fair formula can be approached for lasting peace in the Middle East. This formula must have as it very basis the recognition of Israel as a sovereign state with all the rights afforded such a state.

Contrast Mr. Johnson's statesmanshiplike approach to the totally irresponsible conduct of Premier Kosygin. It is a fundamental rule of law that one must come into court with clean hands.

Mr. Speaker, let us see how clean are the hands of Premier Kosygin as he appeared before the General Assembly of the United Nations today demanding the withdrawal of Israel troops.

A simple study of recent history shows that the Soviet Union has captured by force and through occupation by her troops, more than 478,000 square miles of land involving 10 nations which include a population of more than 180 million people.

Here is the timetable of Soviet aggression that Premier Kosygin would like to ignore:

East Poland. In 1939, Russia annexed 65,610 square miles of Polish territory with a population of 10,315,000 after an agreement with Nazi Germany dividing the country.

Southern Finland. In 1940, Russia occupied 17,173 square miles of that country, and in 1944 as part of the armistice terms exacted additional lands to the north with an estimated Finnish population of 54,000 after resettlement.

Bessarabia. In 1940, Russia occupied 19,247 square miles of Bessarabia and North Bukovina—North Rumania—with a population of 3.7 million.

Estonia. In 1940, Russia annexed that nation of 18,357 square miles with a population of 1,134,000.

Latvia. In 1940, Russia annexed that nation consisting of 25,395 square miles with a population of 1,944,000.

Lithuania. In 1940, Russia annexed this nation with an area of 25,174 square miles, with a population of over 3 million people; and Lithuania, Latvia, and Estonia became Soviet socialist republics after the Second World War, against all rules of international diplomacy and in violation of every international law upon the books of this world.

Germany. In 1945 Russia, by decision of the Potsdam Conference, annexed 5,360 square miles of East Prussia, with a population of 1,187,000 people.

Czechoslovakia. In 1945, Russia annexed the Carpatho-Ukraine, a part of Czechoslovakia, with an area of 4,866 square miles and with a population of 850,000 people.

Japan. In 1945, by the terms of the

Yalta Agreement, Russia annexed Southern Sakhalin and the Kurile Islands, representing an area of 13,935 miles and a population of 415,000.

Tuva People's Republic. In 1944, Russia took that Asiatic nation located near Mongolia, with an area of 66,139 square miles and with a population of 95,000 people.

Mr. Speaker, it is my opinion that the world ought to know of the hypocrisy in which Mr. Kosygin is engaging in the United Nations today and should know that he is not fooling anyone in the free world.

We must also not forget the nations the Soviet Union has illegally captured and imposed on them Communist governments against their will. These nations are:

Rumania. In 1945, Rumania was occupied by Soviet troops. In 1947 a People's Republic was proclaimed and King Michael forced to abdicate. The area is 91,699 square miles, and population in 1966 was 19,150,056.

Hungary. In 1947, Communists forced president of Republic out, and in 1949 a Soviet-type constitution was adopted. In 1956 an uprising attempt to restore free government was crushed by an estimated 200,000 Soviet troops with thousands of freedom fighters deported and killed. Area is 35,918 square miles, with population of 10,148,000.

Bulgaria. In 1947 a constitution modeled after that of the U.S.S.R. was adopted, following abolition of the monarchy and formation of a people's republic headed by the Communist Party leader as Premier. Land area is 42,796 square miles, with 1965 population of 8,226,564.

Poland. In 1947, Communists won an election which they completely dominated after Stalin rejected international supervision of balloting. Antigovernment riots were put down in 1956. Land area is 120,359, with population of 31,496,000.

Czechoslovakia. In 1948, Communists won complete control of the government they had already dominated. Land area is 49,367 and 1965 population was 14,159,000.

East Germany. In 1949, the German Democratic Republic—East Germany—was declared in areas of Germany occupied by the Soviets since the Second World War. Thousands of Germans fled to the West before a fortified wall was built dividing East from West Berlin and a prohibited zone was declared along the 600-mile border with West Germany. Land area is 41,645 square miles, with a 1965 population of 17,028,000.

It is my sincere hope that the General Assembly of the United Nations will repudiate and renounce this hypocrisy as just another Communist effort to create confusion to gain domination of the world.

Mr. Speaker, it is my sincere hope that the wise words as expressed by our President, President Johnson, will lead the way toward the settlement of a troubled peace in the Middle East.

The General Assembly should study the record of Soviet treachery before any of these nations are foolish enough to vote with the Soviets against Israel.

I hope the newly emerging nations in particular will join Israel in her call for a lasting peace based on justice in the Middle East.

The United States should lead the way toward world order by endorsing the program outlined today by President Johnson.

Israel—a free and sovereign Israel—is an established fact and I hope the General Assembly rejects overwhelmingly the Soviet Union's despicable attempt to obscure this fact.

Mr. RYAN. Mr. Speaker, I wish to add my strong support to the bill, House Joint Resolution 601, which would extend for 4 months, from July 1 to November 1, 1967, the emergency provision of the Urban Mass Transportation Act of 1964. This provision is to be found in section 5 of the act, which reads as follows:

> Prior to July 1, 1967, Federal financial assistance may be provided pursuant to section 3 [which provides for grants and loans to assist States and local bodies in financing the acquisition and improvement of mass transportation service in urban areas] where (1) the program for the development of a unified or officially coordinated urban transportation system, referred to in section 4(a), [which sets forth the requirements of the long-range program] is under active preparation although not yet completed, (2) the facilities and equipment for which the assistance is sought can reasonably be expected to be required for such a system, and (3) there is an urgent need for their preservation or provision. The Federal grant for such a project shall not exceed one-half of the net project cost: *Provided*, That where a Federal grant is made on such a one-half basis, and the planning requirements specified in section 4(a) are fully met within a three-year period after the execution of the grant agreement, an additional grant may then be made to the applicant equal to one-sixth of the net project cost. The remainder of the net project cost shall be provided, in cash, from sources other than Federal funds, and no refund or reduction of that portion so provided shall be made at any time unless there is at the same time a refund of a proportional amount of the Federal grant.

For the grants and other financial assistance provided by the Urban Mass Transportation Act in general, the Department of Housing and Urban Development must determine that the facilities or equipment for which financial assistance is sought are needed to carry out a program for a unified or officially coordinated urban transportation system, and that such system must be a part of the comprehensively planned development of the urban area. However, this emergency provision, in effect, permits loans and grants to be made, even though all the regular planning requirements have not been met.

Actually, it is somewhat of a misnomer to call this provision an emergency provision. In point of fact, very few communities have been able to complete the comprehensive planning required for the long-range grants. It has become apparent that nearly all of the $123,500,000 scheduled for mass transit capital improvements in fiscal year 1968 under this act will go unused, unless this emergency provision is extended. Less than a half dozen of the 39 large metropolitan areas which have applied for transit aid could receive these funds if the Congress fails to act to extend section 5 of this act.

Let me point out that New York State and the New York metropolitan area have already benefited substantially from grants made under the "emergency" provisions of Section 5 of the Urban Mass Transportation Act of 1964. The Metropolitan Commuter Transportation Authority, which operates the Long Island Railroad, has received a grant of $22.7 million and will receive an additional $7.6 million if it meets planning requirements within 3 years. The City of New York Transit Authority received a grant of $23.4 million as 50 percent of the net project cost of a transit project. The city of Utica received a $383,000 grant with an additional deferred payment of $127,000 if it meets planning requirements within 3 years. Similarly, Jamestown received $157,000 and will receive an additional $52,000 upon meeting the planning requirements.

The merits of these projects make all the more vivid the loss which New York State and the New York metropolitan area would sustain if this emergency program is not extended.

At this moment the Department of Housing and Urban Development has on hand three applications totaling over $71 million for transit projects which cannot be authorized if this bill, House Joint Resolution 601, is not passed. A total of $53-and-a-third million has been requested by the Connecticut Transportation Authority and the Metropolitan Commuter Transportation Authority for an $80 million project for modernization of commuter service of the New Haven Railroad, one of the most vital of the commuter services leading to New York City. The Port Authority Trans Hudson Corp. has requested $16,700,000 to modernize and improve interchange facilities at Jersey City. And the New York City Transit Authority has requested over $1 million to modernize its 49th Street Station. An application has also been received from Ithaca, N.Y., for a grant.

I am sure that the representatives of every major metropolitan area of the country could cite similar examples.

This is not a measure which is designed to circumvent the long-range planning requirement. As I have already indicated, the full amount of the grant for which communities are eligible cannot in fact be authorized unless the planning requirements are met within 3 years. But where it is already clear that certain facilities and equipment are going to be needed for a transit system, and where there is urgent need for the preservation or acquisition of these needed facilities and equipment, this law provides a way in which grants can be made without stalling the entire program.

Fortunately, it appears that the momentum created by passage of the Urban Mass Transportation Act, modest as its authorizations have been, is accelerating. We must find practical and economically sound solutions to our urgent metropolitan transportation problems.

It would be tragic to lose this momentum through failure to extend this emergency provision. The transportation problems of our cities are too critical to tolerate any delay. I, therefore, urge prompt passage of this resolution which will permit the Department of Housing and Urban Development to proceed with needed grants for another 4 months, while the metropolitan areas and their transportation authorities formulate the required plans.

GENERAL LEAVE TO EXTEND

Mr. BARRETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 601.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania [Mr. BARRETT], that the House suspend the rules and pass the joint resolution, House Joint Resolution 601.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

EXTENDING FOR AN ADDITIONAL 8 YEARS THE ACT OF OCTOBER 4, 1961, RELATING TO THE ACQUISITION OF WET LANDS

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 480) to amend the act of October 4, 1961, relating to the acquisition of wet lands for conservation of migratory waterfowl, to extend for an additional 8 years the period during which funds may be appropriated under that act, and for other purposes.

The Clerk read as follows:

H.R. 480

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first section of the Act entitled "An Act to promote the conservation of migratory waterfowl by the acquisition of wetlands and other essential waterfowl habitat, and for other purposes", approved October 4, 1961 (16 U.S.C. 715k-3), is amended by striking out "seven-year period" and inserting in lieu thereof "fifteen-year period".

(b) Section 3 of such Act of October 4, 1961 (16 U.S.C. 715k-5), is amended to read as follows:

"SEC. 3. Funds appropriated pursuant to this Act shall be treated as an advance, without interest, to the migratory bird conservation fund. Such appropriated funds, beginning with fiscal year 1977, shall be repaid to the Treasury out of the migratory bird conservation fund, such repayment shall be made in annual amounts comprising 75 per centum of the moneys accruing annually to such fund. In the event the full amount authorized by the first section of this Act is appropriated prior to the end of the aforesaid fifteen-year period, the repayment of such funds pursuant to this section shall begin with the next full fiscal year."

The SPEAKER pro tempore. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Mr. Speaker, are we considering H.R. 480 or H.R. 482?

The SPEAKER pro tempore. H.R. 480.

Mr. GROSS. I thank the Speaker.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, originally in the 48 States there were 127 million acres of wet lands. By 1955 this total acreage had been reduced to approximately 74 million acres. Of this amount only 22.5 million acres were of significant value for migratory waterfowl use. It was anticipated that 10 million acres would remain in private ownership leaving 12½ million acres to be acquired for public control. Of this amount it was indicated that about 5 million acres would be secured by the States, leaving 7½ million acres to be purchased by the Secretary of the Interior from the migratory bird conservation fund. By 1961, 2.5 million acres remained to be acquired under the original goal. Since 1961 only 750,000 additional acres have been acquired in fee and easement leaving 1¾ million acres still to be acquired.

Present law requires the proceeds from the sale of duck stamps to be set aside into a special fund known as the migratory bird conservation fund. To provide additional funds in order to expedite the purchase of such lands, in 1961 the Congress enacted the Wetlands Acquisition Act which authorized an advance appropriation without interest to the migratory bird conservation fund of up to $105 million over a 7-year period beginning in fiscal year 1962. Beginning with fiscal year 1969 such appropriated funds are to be repaid annually to the Treasury out of duck stamp sales, the repayment being 75 percent of the net receipts from such sales.

The purpose of this legislation is to extend this program for an additional 8 years, without increasing the authorization appropriation, and to defer for an additional 8 years the date when the advance appropriations must be repaid to the Treasury.

Mr. Speaker, since the enactment of the 1961 act $38.5 million have been appropriated. Awaiting to be signed by the President is a bill that would appropriate $7½ million for fiscal year 1968. This would bring the total amount appropriated to $46 million, leaving $59 million available for appropriation under the original $105 million program.

Mr. Speaker, no opposition was expressed by any Government agency to this legislation and all witnesses testifying at the hearings enthusiastically supported its objectives.

In fact, all correspondence received by the Committee on Merchant Marine and Fisheries has been in support of this legislation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, what would happen if we pass H.R. 480, and do not pass H.R. 482; would this program then become inoperative?

Mr. DINGELL. No. The committee in its wisdom separated the two bills, but if the House fails to adopt H.R. 482 what will happen will be that the migratory bird conservation fund at the end of 8 years will be about $16 million short of what the committee feels it should be, and this will reduce the acquisition of land for refuge purposes and fail to provide opportunities for duck hunters by a very large amount since land is now costing about $60 an acre.

Mr. GROSS. If the gentleman will yield further, what was the wisdom in separating the two bills?

Mr. DINGELL. I must confess this was an exercise on the part of myself on this piece of legislation in that I chose to see to it that matters which were sufficiently divergent, at least, should be considered separately by the committee.

Mr. GROSS. They are closely related?

Mr. DINGELL. They are indeed most closely related.

Mr. Speaker, valuable habitat for migratory waterfowl is rapidly disappearing. The completion of the original goal is even more urgent than it was when initiated.

Finally, I would like to stress that the success of this program is based on the need for a balance of fee and easement acquisitions. It was originally estimated—and this was the understanding of the membership of the Committee on Merchant Marine and Fisheries—that this balance should be 1 acre of fee for each 2 easement acres. Mr. Speaker, undue emphasis on easement acquisition would materially reduce the effectiveness of this program. Therefore, I urge that we act now while there is still time to acquire these areas and that every effort be made to accomplish the goal originally established by the Secretary of the Interior of acquiring 1 acre in fee for each 2 easement acres.

Mr. Speaker, I move the passage of H.R. 480.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I am glad to yield to my friend.

Mr. HALL. I appreciate the gentleman yielding to me and I am appreciative of what the gentleman has said.

I have read the report and the two bills carefully.

Just why is it necessary to extend the time of the payback for an additional 8 years to make it a total of 15 years, of these moneys, loaned in advance without interest, to the tune of $105 million for reclaiming these wetlands?

Mr. DINGELL. Probably because it is the only hope for meeting the problems in this country and having multiple resources for the benefit of duck hunters.

This program is a part of the balanced program which came forth from the Committee on Merchant Marine and Fisheries a number of years ago, first of all, of acquiring a sufficient amount of wetlands for resources and, second, to get wise managing of the expenditures by the Departments downtown and assuring, for example, the goal of some 12½ million acres for the preservation of the ducks which should have been achieved in a feasible amount of time.

When this committee and subcommittee first began working on this matter some dozen years ago, it would have taken something like 330 years to achieve the goals.

We have reduced it today to a period of less than 30 years and if this legislation goes through, it is conceivable that it may be achieved in a total of 15 years from 1961 which was the date of the original enactment of the legislation.

Mr. HALL. Is the recoupment of money into the Federal Treasury progressing on time and as planned, from 75 percent of the moneys accrued annually into this special fund from duck stamps?

Mr. DINGELL. That has to do with the statutory conclusion of the termination date of the legislation because the 75-percent payment will not go into effect until such time as the program is completed.

I would point out to my good friend, the gentleman from Missouri, if he will turn to page 5 of the report, he will see some comments indicating what was expected.

At the top there is a table which indicates the funds appropriated thus far under the $105 million advance appropriation authorization and then under that, the amounts that have been appropriated on an annual basis.

It was the expectation of the committee and the Bureau of the Budget and the House of Representatives and the other body when this legislation was originally enacted that we would be expending funds somewhere around $15 million a year.

I would point out to my friend that we have not achieved the goal as planned. Only once did the appropriations committee appropriate $10 million and that was in 1964 and that was about $2 million less than had been expected per year. Through fiscal year 1968, $46 million will have been appropriated, leaving a net deficit in the program according to the original expectations of the Congress of some $59 million.

This legislation is necessary, I would tell my friend, to assure that the original goal of Congress is carried out fully as the Congress expected.

Mr. HALL. The gentleman has answered my questions, perhaps the first in answer to the second question—my next question is, are we not falling far short of what we expected to raise in revenues and, secondly, if we do not have to make the payback until the land acquisition is complete?

Mr. DINGELL. Or until the expiration date fixed in the act for repayment.

Mr. HALL. Of course, I have no doubt that we would continue to extend the date, if necessary, in order to obtain the lands that need to be acquired for duck hunters in the name of conservation—all the wetlands, the potholes and the places where these flyaway critters breed. I will say to the gentleman that I am a huntsman and fisherman myself. This does apply to geese as well as ducks, does it not?

Mr. DINGELL. All migratory waterfowl, including ducks and geese.

Mr. HALL. Can the gentleman tell me why it was felt important by the committee that the provision relating to the veto by the Governors of the States in whose jurisdiction this land was being acquired should be removed? I recall the debate back in 1961. At that time the gentleman from Wisconsin [Mr. REUSS] and others felt that we should have the rights of the various States of the Union incorporated in the legislation.

Mr. DINGELL. I am happy to respond to that. The language in the report on page 4, about four lines from the top, spells out clearly why the committee took that action. There are requirements in the law now which impose upon the Interior Department the responsibility of meeting fully the wishes of the States.

For example, when the Migratory Bird Conservation Commission sits to consider a refuge involving an area in a particular State, the representative of the Governor of that State is required under the constitution of the Migratory Bird Conservation Commission to sit also during consideration of the matter and to have his views considered fully.

Mr. HALL. He could still be outvoted, could he not?

Mr. DINGELL. Conceivably he could, but I would point out to my friend from Missouri that there is a further safeguard which I believe provides full protection, and that is it is already necessary for the Federal Government to have the approval of the legislature and the Governor of the State in which the refuge program is going to be conducted before it is possible for the Federal Government to go in and conduct any refuge operations in that State at all. It was the feeling of the committee that this requirement for the Governor's veto is no longer needed, particularly in the light of the enactment of the Congress during the past session, which earmarked three-quarters of 1 percent of the assessed valuation of the refuge for payments to the States, in lieu of taxes, which is used for the purposes of constructing schools and roads.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's making this legislative record. I shall ask one further question. Under existing law or this amendment would the provisions of law relative to condemnation and eminent domain be made applicable to this method of land acquisition?

Mr. DINGELL. I would say that the bill H.R. 480 has nothing to do with that. The existing law remains precisely as it was. I would point out to the gentleman that the right of eminent domain and condemnation does reside in the Department of the Interior and the Federal Government under existing migratory bird law. But I would point out to my friend that it is rarely used because it has been the experience of the Federal Government that negotiated sales are much better. They involve less cost and less time.

I would also point out to my good friend that the House of Representatives and the Senate have two members each on the Migratory Bird Conservation Commission, and they are very careful to adhere to the views of the Member of the Congress in whose area the refuge would be established, and I know of no instance in history in which a refuge has been established in the district of a Member who did not want it there.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's response. With reference to his comments on the right of eminent domain in other agencies of the Government, I would like to point out that we are getting back in the Federal Government's control, more land than we originally gave away under the homestead law. I appreciate the gentleman's responses.

Mr. DINGELL. I thank the gentleman.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I thank the gentleman. I wish to pursue one step further the colloquy having to do with the removal of the veto authority of the several States. Is it not simply because the revenue-sharing legislation of 1964 made it mandatory that each State legislature pass an enabling act to participate in this revenue-sharing legislation?

Mr. DINGELL. No; the enabling legislation was required back in the days when the first duck stamp legislation was passed. That was not in the 1964 amendments at all. For that reason this measure would merely restore the law to the form in which it was previous to the enactment of the original Wetlands Act program passed in 1961.

Mr. WAGGONNER. But it is felt that the veto authority is no longer needed in view of having reinstated this enabling act?

Mr. DINGELL. The legislature's assent in several States was in effect at all times during this period.

The principal reason for the Governor's veto being inserted was the fact that the Governors in several States—and people in the counties particularly—felt these refuges might well wind up in a situation where lands were going off the tax rolls without any additional moneys coming in to meet the needs. We have passed legislation funding on a legitimate basis the legitimate needs of counties for schools and roads, so that the Governor's veto I do not believe is any longer necessary. And this was the opinion of the committee.

Mr. PELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to join my distinguished colleague on our Committee on Merchant Marine and Fisheries, the gentlemen from Michigan, the Honorable JOHN D. DINGELL, in urging favorable consideration of the bill, H.R. 480.

In October 1961, there was enacted Public Law 87-383—the so-called Wetlands Loan Act—which initiated what was to be an accelerated land acquisition program over a 7-year period beginning in fiscal year 1962. The purpose of that earlier act was to preserve valuable and needed waterfowl habitat, and for that purpose $105 million was authorized to be appropriated over the 7-year period.

Unfortunately, the acquisition of needed wetlands has not proceeded as rapidly as originally intended. Yet the need for this program is as great, if not greater, than when the legislation was enacted almost 6 years ago. In fact, the need is perhaps even more urgent now, since the remaining acreage of waterfowl habitat continues to shrink as our population grows with increasing pressure to convert wetlands to other than wildlife conservation.

The bill, H.R. 480, now under consideration recognizes this growing national need to preserve sufficient acreage for essential breeding, feeding, resting, and wintering, so as to accommodate the needs of migratory waterfowl. The bill accomplishes this by extending the wetlands acquisition program for an additional 8 years but without increasing the original appropriation authorization of $105 million, of which less than one-half has thus far been appropriated.

The objective of this legislation is a praiseworthy one and one which has received enthusiastic support. On March 6 of this year, Mr. John A. Biggs, director, State of Washington Department of Game, wrote to the distinguished chairman of our Subcommittee on Fish and Wildlife Conservation, as follows:

> The Washington State Game Commission, the Washington State Department of Game, and I am most confident, the many thousands of sportsmen and persons interested in wildlife in the State of Washington, without qualification endorse and support your proposal . . . to extend the term of the Wetlands Loan Act of 1961.
>
> We have several major waterfowl refuges in the State of Washington, where land acquisition has not as yet been completed for the reason that monies, in sufficient quantities to do this, have not been available. The extension of the Wetlands Loan Act would do much to assure completion of these refuges.

Accordingly, I earnestly urge that the bill, H.R. 480, be favorably considered and that it do pass.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. CASEY. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Texas.

Mr. CASEY. Mr. Speaker, I wish to commend the gentleman from Michigan and the ranking minority member for bringing this bill before the House, because I, too, observe the need to extend the time, because due to the delay in getting underway, the Department has not had an opportunity to acquire the wetlands which had been envisioned.

I noticed the observation by the gentleman from Iowa a while ago as to what would happen if the bill scheduled immediately to follow consideration of this one should fail to pass. Of course, when we first envisioned this $105 million authorization, there was no contemplation at that time of raising the cost of the migratory bird stamp. I cannot comment any further in that regard, because I cannot agree that the two must go hand in hand.

I do support this bill for the extension of the time, so that we can acquire the additional 1¾ million acres of land, approximately, needed for the wetlands program.

I thank the gentleman for yielding.

Mr. PELLY. I might say to the gentleman that it was because members of the committee, including myself, recognized other members might wish to take different positions on these respective bills, we decided to separate them.

However, I do believe that those of us who are vitally interested in conservation will recognize that the sportsmen themselves in many cases desire to increase their contribution toward the acquisition of lands for migratory waterfowl to which the proceeds from the duck stamp program go. Therefore, they do support the increase provided for in the duck stamp cost under the legislation which will follow.

Mr. CASEY. Mr. Speaker, if the gentleman will yield further, I agree with him that many of us do contribute additionally, through Ducks Unlimited, and many of us would have no objection to the additional charge.

I do wish to point out what was shown in the hearings. Each time the duck stamp cost has been raised fewer stamps have been sold. They are not selling as many stamps now as they were selling 6 years ago.

Mr. PELLY. The gentleman is absolutely correct.

Mr. CASEY. I am thinking about the little fellow. I am not thinking about myself, but thinking about the little fellow, who gradually is being squeezed out.

Mr. PELLY. The committee also was thinking about that little fellow. That is why the committee authorized the Department to increase the stamps by degrees, so that it would not work too great a hardship.

Mr. CASEY. We will discuss that later.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. First I should like to commend the committee for bringing out this piece of legislation.

In a sense I am disappointed. I am disappointed because the bill does not increase the original authorization. Unless the original authorization is increased, this bill will not accomplish what Congress intended when we passed the original act in 1961.

In the initial period for which the act was to be in effect, instead of $105 million there has been appropriated only $46 million, or less than one-half of the amount Congress authorized.

This indicates either one of two things to me. Either the Department downtown has been negligent in its duty or the Appropriations Committee has decided that it has more interest in this matter and wants to save money, which Congress has indicated should be spent.

I do not care what the reason is for the failure to provide $105 million in 7 years. Either one is no excuse for not having gone forward with the program which has been approved by the Congress.

I sincerely hope that if the bill is passed and the period is extended to 15 years the Merchant Marine and Fisheries Committee which reported this bill will see to it that the Department of Interior proceeds promptly with the direction of Congress in this bill and does acquire the land.

Second, I hope they will make sufficient demands, which will be approved by the Bureau of the Budget, the Appropriations Committee, and the Chief Executive, to see to it that the will of Congress is carried out in this matter.

I hope we will be back in the not too distant future, indicating the $105 million has been spent in less than the 15-year period, and that there is still a need. I am sure when that need is shown the Congress will authorize the expenditure of additional funds.

Mr. PELLY. Mr. Speaker, I believe everyone in the House realizes that the gentleman from Pennsylvania has been outstanding in his interest in conservation. I say to the gentleman that there are members on our committee, including the distinguished chairman of the subcommittee, the gentleman from Michigan, who are equally dedicated. The gentleman can be assured that those of us who share his feelings with regard to the need for increasing the authorization will work toward that end.

We will hope to have legislation looking toward that objective in some near future session of this Congress.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to my chairman, the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I certainly want to thank my good friend from Washington for his comments. Having served many years as chairman of the subcommittee, I found my good friend from Washington [Mr. PELLY] has been a great tower of strength, wisdom, and courage on behalf of conservation. I am certainly deeply indebted to him for his help to me and his very devoted and dedicated service on behalf of the conservation of our national resources.

I would like to pay the same tribute to my good friend from Pennsylvania [Mr. SAYLOR] whose work on behalf of conservation is well known to everybody. I thank him for his work, also.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Speaker, I seek some clarification of the matter which was brought up by the gentleman from Texas [Mr. CASEY]. To what extent is this measure tied to the one which will be coming to us next dealing with the increase in the duck stamps?

Mr. DINGELL. Mr. Speaker, will the gentleman yield to me for an answer to that?

Mr. PELLY. I yield to the gentleman from Michigan.

Mr. DINGELL. First let me say there is no tie. Also, in the mind of the chairman of the subcommittee and I am sure in the mind of any Member it was suggested by the Department of the Interior and at the suggestion of the Bureau of the

Budget that the two bills be put together. However, it was my judgment and the judgment of the committee that this was not the best thing to do in order to bring this legislation before the Congress. We would like to see the two bills separately, based on their own merits. I very strongly believe that the two bills are good enough to stand on the basis of their own merits and of their needs, and further, each of them has value for conservation which is enormous I say to my good friend from Iowa.

Mr. KYL. Mr. Speaker, will the gentleman yield further?

Mr. PELLY. I yield to the gentleman from Iowa.

Mr. KYL. Is the gentleman then telling me it would not be inconsistent whatsoever to vote in favor of this bill and against the increase in the cost of duck stamps?

Mr. PELLY. I would respond to the gentleman by saying probably some Members will vote in different ways on the two bills. However, as far as I am concerned and as far as the committee is concerned, we are strongly urging all Members to support both bills as being in the best interests of conservation of waterfowl. The bills provide funds to acquire refuges for the protection of our migratory birds.

Mr. CRAMER. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Florida.

Mr. CRAMER. I am in support of this effort. However, I wish to ask both the distinguished gentlemen from Michigan [Mr. Dingell], and the gentleman from Washington [Mr. Pelly], this question: This does not set a precedent, does it, for acquisition by the Federal Government of Estuarine Areas as provided for in H.R. 25? There is this bill H.R. 25 now in to accomplish that, and this subcommittee, this same subcommittee, will shortly consider this bill dealing with estuarine lands in many areas of this country, particularly coastal areas, which include a good portion of the coastal areas of the respective States. Do you suggest that that entire area, where you have fresh and salt water commingling, should be acquired by the Federal Government or regulated by the Federal Government and that the Federal Government should be getting into this area of water as it relates to Federal control over what is now under State control?

How far are we going and how much money will be spent, I would like to ask the gentleman? I hope that the attitude of the subcommittee and the committee in supporting this bill on wetlands does not set a precedent for next stepping into all estuarine lands and have them controlled by the Federal Government and some of them eventually acquired by the Federal Government. I would like to ask the opinion of the gentleman from Washington on that.

Mr. PELLY. Mr. Speaker, I might say that estuarine areas are those where tidal waters meet fresh waters and as a result there is a great abundance of fisheries there. Also, of course, these include some waterfowl resources. We have an interest as a committee in trying to conserve all types of wildlife. As such we hope one of these days to bring some satisfactory legislation to the floor of this House which will look toward the preservation of these estuarine areas.

Mr. CRAMER. Well, Mr. Speaker, it seems to me H.R. 25 deals with an area concerning wildlife conservation and this bill does deal with birdlife. However, it seems to me that somewhere along the line there should be some authority reserved to the various States involved.

Mr. Speaker, I am not willing to concede to the gentleman from Michigan [Mr. Dingell] that the State of Florida is not doing a job in this estuarine field or is unwilling to do a job in this area and therefore there is required Federal intervention in order to do it.

Mr. Speaker, I would like to ask the gentleman from Michigan if that is the situation.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, that particular legislation has not yet been considered by the subcommittee, as I understand the question which has been propounded by the gentleman from Florida. However, I shall be very happy to discuss that legislation with the gentleman briefly on the floor of the House now or at anytime at his leisure.

Mr. CRAMER. It was up for consideration of the House at the last session of the Congress.

Mr. DINGELL. Mr. Speaker, if the gentleman from Florida will yield further, we have a great deal of time, I will say to the gentleman from Florida, during which to discuss this subject and I shall be happy to discuss it at great length with the gentleman if the gentleman so chooses.

Mr. CRAMER. Mr. Speaker, however it is true I know it was up for consideration on the floor of the House at the last session of the Congress.

Mr. DINGELL. The gentleman from Florida is correct, and it is my hope that we can eliminate the objections which were manifested to the legislation at that time.

Mr. CRAMER. And, it is my understanding that the estimated cost of that program is unknown and H.R. 25 has an open-end authorization and that it could be far in excess of $100 million when there are more and larger estuarine areas than wetlands and this wetlands bill calls for $105 million.

Mr. DINGELL. Mr. Speaker, if the gentleman from Florida will yield further, the gentleman from Florida is entirely in error on that point, because the legislation to which the gentleman from Florida refers is not pending before the House at this time, but it carries a strict limitation upon the funding thereof.

Mr. Speaker, a copy of the hearings on that legislation is available to the gentleman from Florida, and I would point out to my friend, the gentleman from Florida, that if he wishes to discuss that legislation, I shall be very happy to do so either at this time, or I shall be very happy to discuss it at length with the gentleman either in his office or in my office in order to ascertain the real facts as contained in that legislation.

Mr. Speaker, I am not in a position at this time to prophecy to the gentleman from Florida what will happen to this legislation or to prophecy the ultimate outcome of any amendments offered with respect thereto.

Mr. CRAMER. Mr. Speaker, this is a matter which also falls within the interest and jurisdiction of the Committee on Public Works and I hope time and an opportunity to discuss it before it becomes a fait accompli is provided.

Mr. DINGELL. Mr. Speaker, if the gentleman will yield further, my telephone extension is 4071, I will say to my good friend, and I will be more than pleased to meet with the gentleman either in my office or in his office at his pleasure.

Mr. CRAMER. I thank the gentleman and I appreciate that expression. I am glad that the gentleman does not consider this as precedent in any way.

Mr. PELLY. The gentleman from Florida has my assurance that the present Migratory Bird Act does include the provision that no deed or instrument of conveyance shall be accepted by the Secretary of the Department of the Interior under the various sections of that title, unless the State in which the area lies shall consent to such action based upon separate action in each case.

Mr. Speaker, it is my opinion that this should give to the gentleman from Florida full assurance with reference to his question.

Mr. CRAMER. I thank the gentleman for his assurance on that matter. That was just another point raised previously. I am concerned about repealing the power of the Governor of the individual States to act in this matter on a project-by-project basis and to determine whether it is in the best interest of the State, as well as the Federal Government to acquire these bird sanctuary areas as they arise individually.

I am very sorry to see this very constant effort to write out the State Governor in making these decisions. We wrote them into the law in 1961, and yet when you come in for an amendment or extension, you write them out.

This bill has come up for the consideration of the House under a suspension of the rules and one cannot offer amendments designed to write the Governor's power back into the legislation.

I want the Governor to have an opportunity to make these decisions, and I will say to the gentleman that I am aware that it requires further State legislative action in order to give that authority to the Federal Government, in effect, or to authorize it. But this amendment takes away the right of the State government, the right to judge these matters by project, when certain problems come up.

Mr. DINGELL. I would point out to the gentleman from Florida that this matter has been under consideration by the subcommittee and the subcommittee is aware of the fact that each of the States is concerned about this legislation. However, there has not been a word of opposition to the legislation as it is drawn. I would point out that most of the States are in support of the legislation and that there has been no opposition to it from the State of Florida from which the gentleman [Mr. CRAMER] comes.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Texas.

Mr. PICKLE. I have some difficulty in recognizing the separation of these two measures.

I note in the report accompanying H.R. 482 that it clearly states the Treasury Department—and I am sure this is also true of the Department of the Interior—states that if you vote for one, then you should vote for the other.

It clearly says on page 2 of the report accompanying H.R. 482 that consideration should then be given to an increase in the price of the migratory bird hunting stamps.

It seems to me that both departments fit into the pattern of the consideration of this legislation.

Mr. DINGELL. I would point out the fact that the gentleman is now pointing out language from the Department of the Interior, which is included in the rules of the House, in the report of the committee.

I would point out to my friend, the gentleman from Texas [Mr. PICKLE], that I shall be delighted to discuss the other legislation to which he refers at an appropriate time when the gentleman from Texas is free to discuss it or shall be happy to discuss it with him before this body.

So that as soon as it comes to the floor I will be delighted to discuss it, but I do not view one of these pieces of legislation as prerequisite for the other. I am satisfied the subcommittee does not view it that way either, and the committee does not. That is why the two pieces of legislation came before the House of Representatives separated, as they are.

Mr. PICKLE. Mr. Speaker, if the gentleman will yield further, I would like to have the gentleman explain what would happen in the event that we do not pass——

Mr. PELLY. Mr. Speaker, I cannot yield any more time to the gentleman. I believe the gentleman from Michigan [Mr. DINGELL] possibly has time that he could yield, but my time has expired.

The SPEAKER. The gentleman has consumed 19 minutes.

Mr. PELLY. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks at this point in the RECORD).

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. CONTE. Mr. Speaker, as a member of the Migratory Bird Conservation Commission, I am singularly aware of the importance of completing the wetlands acquisition program established on an accelerated basis in the original act of 1961. The need was apparent then and is even more obvious now. Creeping urbanization, exploding populations, highway construction and the corollary increments in land values should provide additional impetus to the attainment of goals established 6 years ago.

At that time, Congress authorized $105 million for the acquisition of 2.5 million acres of wetlands. For a number of reasons the goals cannot be achieved by the time the authorization expires at the end of fiscal 1968. As a result less than half of the total authorization—approximately $46 million—will have been expended and only 1,135,000 acres acquired.

If we are to fulfill our original goals, much less establish new objectives, it is important that additional time be made available through the extension of the period in which the Migratory Bird Conservation Commission can negotiate for wetland acquisitions. The passage of H.R. 480 will provide an additional 8 years in which to attain the desired acreage, all within the original $105 million authorization of the 1961 act. If our goals are reached in less time than that requested, the bill provides commencement of the repayment period with the next fiscal year.

The need for accelerated acquisition has not diminished in ensuing years since the enactment of the 1961 legislation. If anything the need has become more urgent. Attaining only half of our goals in no way reduces the importance of the program.

I therefore respectfully and emphatically urge my colleagues to give favorable consideration to H.R. 480 and that the bill be approved. Without it, our society faces a critical possibility of extinction for a great many varieties and species of migratory wildfowl. Without the sanctuaries which this authorization will provide, they will surely perish for lack of food, shelter, and a protected natural habitat.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to my good friend from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Speaker, I thank the gentleman for yielding.

My question is what will take place if the bill, H.R. 480, were to become law, and not the bill H.R. 482?

Mr. DINGELL. I would say to the gentleman that I have already answered that question, and that is that there will be $16 million less available for the migratory bird conservation fund to buy hunting lands for duck hunters.

Mr. PICKLE. In other words, there would not be any acquisition of land?

Mr. DINGELL. There would be $16 million less than would be available for such purposes. In other words, that is the difference between the $4 and the $5 duck stamp.

As I have mentioned before, the two pieces of legislation are entirely separate. They are not at all related in any way, and one is not contingent upon the other, but if H.R. 482 is not passed there would be $16 million less available, that is, at the rate of about $2 million a year less available for the acquisition of such land.

Mr. PICKLE. Do I understand that if the House does not pass the bill H.R. 482, there will be no further acquisition of such lands?

Mr. DINGELL. No. The gentleman completely misunderstood me. If we are going to get into a discussion of the migratory bird stamp, this amounts to about $4.8 million. If the duck stamp goes to $5, the amount of money increased will be about 40 percent, or about $16 million over the next 8 years.

The SPEAKER. The question is on the motion of the gentleman from Michigan that the House suspend the rules and pass the bill H.R. 480.

The question was taken.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 328, nays 8, not voting 96, as follows:

[Roll No. 141]

YEAS—328

Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Arends
Ashley
Aspinall
Ayres
Baring
Barrett
Bates
Battin
Belcher
Bell
Bennett
Berry
Betts
Bevill
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brinkley
Brock
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson
Burton, Calif.
Bush
Button
Byrne, Pa.
Carter
Casey
Cederberg
Chamberlain
Clancy
Clawson, Del
Cleveland
Cohelan
Collier
Colmer
Conable
Corman
Cramer
Culver
Cunningham
Curtis
Daddario
Daniels
Davis, Ga.
Dawson
de la Garza
Delaney
Dellenback
Dent
Derwinski
Dickinson
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fisher
Flood
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Friedel
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gardner
Garmatz
Gathings
Giaimo
Gibbons
Gilbert
Gonzalez
Goodell
Goodling
Green, Oreg.
Griffiths
Gross
Grover
Gubser
Gude
Gurney
Hagan
Haley
Halleck
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hardy
Harrison
Harsha
Harvey
Hathaway
Hays
Hébert
Hechler, W. Va.
Helstoski
Henderson
Herlong
Hicks
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karsten
Kastenmeier
Kazen
Kee
Keith
Kelly
King, Calif.
Kornegay
Kupferman
Kyl
Kyros
Laird
Landrum
Latta
Lennon
Lipscomb
Lloyd
Long, La.
Long, Md.
Lukens
McCarthy
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McFall
McMillan
MacGregor
Machen
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
Mathias, Md.

Matsunaga
Mayne
Meeds
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Mize
Monagan
Montgomery
Morgan
Morris, N. Mex.
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
O'Hara, Ill.
O'Neal, Ga.
Ottinger
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Poage
Poff
Pollock
Pool
Price, Ill.
Pryor
Pucinski
Quie
Quilen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rosenthal
Roth
Roudebush
Rumsfeld
Ryan
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schweiker
Schwengel
Scott
Selden
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Tenzer
Thompson, Ga.
Thomson, Wis.
Tuck
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Walker
Wampler
Watson
Watts
Whalen
Whitener
Whitten
Widnall
Wiggins
Williams, Pa.
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Young
Zion

NAYS—8

Ashmore
Davis, Wis.
Devine
Duncan
Hall
Ichord
Langen
Price, Tex.

NOT VOTING—96

Abbitt
Andrews, N. Dak.
Ashbrook
Blanton
Bolton
Brasco
Brooks
Broyhill, Va.
Burton, Utah
Byrnes, Wis.
Cabell
Cahill
Carey
Celler
Clark
Clausen, Don H.
Conte
Conyers
Corbett
Cowger
Denney
Diggs
Dulski
Esch
Fino
Foley
Ford, William D.
Fraser
Fulton, Pa.
Gettys
Gray
Green, Pa.
Halpern
Hanna
Hansen, Wash.
Hawkins
Heckler, Mass.
Holland
Johnson, Pa.
Karth
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kuykendall
Leggett
McEwen
Macdonald, Mass.
Madden
May
Meskill
Michel
Minshall
Moore
Moorhead
Morse, Mass.
Morton
Nelsen
Nix
O'Hara, Mich.
O'Konski
Olsen
O'Neill, Mass.
Patman
Pirnie
Purcell
Resnick
Reuss
Ronan
Rooney, Pa.
Rostenkowski
Roush
Roybal
Ruppe
Sandman
St Germain
St. Onge
Scheuer
Smith, Iowa
Steiger, Ariz.
Stephens
Teague, Tex.
Thompson, N.J.
Tiernan
Utt
Watkins
Whalley
White
Williams, Miss.
Willis
Wilson, Charles H.
Wyman
Yates
Younger
Zablocki
Zwach

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mrs. Heckler of Massachusetts.

Mr. Kirwan with Mr. Morse of Massachusetts.

Mr. Green of Pennsylvania with Mr. Cahill.

Mr. Tiernan with Mr. Andrews of North Dakota.

Mr. Blanton with Mr. Denney.

Mr. Brasco with Mr. Ashbrook.

Mr. Madden with Mr. Byrnes of Wisconsin.

Mr. Ronan with Mr. Nelsen.

Mr. St. Onge with Mr. Sandman.

Mr. Gray with Mr. Broyhill of Virginia.

Mr. Gettys with Mr. O'Konski.

Mr. Zablocki with Mr. Pirnie.

Mr. Leggett with Mr. Michel.

Mr. Thompson of New Jersey with Mr. Meskill.

Mr. Brooks with Mr. Burton of Utah.

Mr. Teague of Texas with Mr. McEwen.

Mr. Charles H. Wilson with Mr. Conte.

Mr. Dulski with Mr. Wyman.

Mr. St Germain with Mrs. May.

Mr. Roybal with Mr. Halpern.

Mr. Patman with Mr. Minshall.

Mr. Celler with Mr. Fino.

Mr. Carey with Mr. Conyers.

Mr. Resnick with Mr. Nix.

Mr. Kluczynski with Mr. Johnson of Pennsylvania.

Mr. Karth with Mr. Morton.

Mr. Cabell with Mr. Utt.

Mr. Reuss with Mr. Esch.

Mr. Purcell with Mr. Kleppe.

Mr. Roush with Mr. Kuykendall.

Mr. Scheuer with Mr. Hawkins.

Mr. Williams of Mississippi with Mr. Whalley.

Mr. Yates with Mr. Diggs.

Mr. Macdonald of Massachusetts with Mr. King of New York.

Mr. Clark with Mr. Moore.

Mr. Foley with Mr. Don H. Clausen.

Mrs. Hansen of Washington with Mrs. Bolton.

Mr. Moorhead with Mr. Fulton of Pennsylvania.

Mr. Rostenkowski with Mr. Corbett.

Mr. Rooney of Pennsylvania with Mr. Cowger.

Mr. O'Hara of Michigan with Mr. Ruppe.

Mr. Smith of Iowa with Mr. Steiger of Arizona.

Mr. Abbitt with Mr. Younger.

Mr. White of Texas with Mr. Zwach.

Mr. Willis with Mr. Watkins.

Mr. Olsen with Mr. William D. Ford.

Mr. Holland with Mr. Fraser.

Mr. Hanna with Mr. Stephens.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

AUTHORIZING AN INCREASE IN FEE FOR MIGRATORY BIRD HUNTING STAMP

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 482) to amend the act of March 16, 1954, relating to hunting stamps for the taking of migratory waterfowl, to require a hunting stamp for the taking of any other migratory bird, and for other purposes, as amended.

The Clerk read as follows:

H.R. 482

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 2 of the Migratory Bird Hunting Stamp Act (48 Stat. 451), as amended (16 U.S.C. 718b), is amended to read as follows: "For each such stamp sold under the provisions of this section there should be collected by the Post Office Department a sum of not less than $3 and not more than $5 as determined by the Secretary of the Interior after taking into consideration, among other matters, the increased cost of lands needed for the conservation of migratory birds."

The SPEAKER. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 482 is to provide means for producing greatly needed additional funds for acquisition of additional habitat for migratory birds, especially waterfowl.

Mr. Speaker, the original Duck Stamp Act was passed in 1934. The price of the duck stamp at that time was set at $1. Over the past 33 years the price of a duck stamp has been increased only twice; once in 1949, to $2, and, again, in 1958 to $3.

Mr. Speaker, the legislation now pending before us today proposes to authorize the Secretary of the Department of the Interior to increase the price of the duck stamp from a minimum price of $3 and to a maximum price of $5.

It was the expectation of the Committee on Merchant Marine and Fisheries that we would not have to raise the duck stamp but to the extent of $1 more than it is at the present time at the time we took such action.

This legislation means, Mr. Speaker, that over the next 8 years—the period of the legislation just passed—the Federal Government will increase the revenue from the migratory bird conservation fund by very close to $2 million a year and that this increase in revenue—all of which will be earmarked for acquisition of refuge habitat for migratory birds, will be financed in large part as a result of this program and it will enable the Secretary to purchase about 200,000 acres more of migratory bird habitat for the purpose of preserving the migratory bird population of this country.

I would point out to my colleagues that the legislation now pending before us was referred to every one of the State fish and game agencies, to all of the conservation organizations, to all of the duck hunter associations or organizations and that the committee received no correspondence in opposition from any of the conservation organizations involved.

The only opposition which it received came from six States, two of which objected only to a provision which would have established a special stamp for the hunting of doves and migratory birds other than waterfowl. This provision has been stricken out.

Mr. Speaker, there was no opposition of any vigor to the legislation. It was the feeling of the committee that this is good legislation. The subcommittee reported this legislation unanimously to the full committee and it has now been reported by the full committee to the House of Representatives.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. Now, the increased revenue about which the gentleman from Michigan spoke, is that based upon the increase to $4 per duck stamp or the increase to $5 per duck stamp?

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. DINGELL. Well, this is assuming an increase of $2; that is, from $3 to $5—which would mean that on an annual basis it will increase the revenue to the migratory bird conservation fund from about $4.8 million, which is the present level of income, to about $6.8 million each year thereafter.

If the increase went from $3 to $4, it would mean an increase in terms of revenue to the fund of just about $1 million, according to the best estimate the committee was able to obtain.

Mr. GROSS. Surely the gentleman will agree that an increase to $5 will result in a decrease in the revenues.

Mr. DINGELL. No, that is not so. The information was submitted to the committee, I will say to my friend, that obviously sales would fall off slightly but it was the opinion of the Department of the Interior that in the first year there would be somewhat of a falling off and then based on the experience in the cases of other increases and studies that have been made by the Department of the Interior that this factor would diminish almost to zero and so the sales falloff in the long run would not occur.

This is one of the reasons that the subcommittee and the full committee have indicated they expect wide discretion in the exercise of this legislation and there would be only a $1 raise initially and then a second $1 raise either next year or at some later time to ease the burden on the small duck hunters.

The gentleman well remembers from his days on the subcommittee when he served there as a very useful member, that we raised the cost of the duck stamp from $2 to $3 and earmarked all of that money for refuge and habitat acquisition.

The gentleman well remembers that there was a slight falling off at that time but after a few years it picked back up. It was approximately 10 years ago that increase took place.

It is the feeling of the committee that the standard equipment of a duck hunter like a box of shells or a pint of whisky to keep warm in the blind would by far exceed the cost of increasing the duck stamp to even a $4 level or a $5 level.

Mr. GROSS. I will say to the gentleman, I think that if you are going to increase the duck stamp to $5, as prospectively you propose to do, that that is going to make it pretty rich for the blood of the ordinary, common garden variety of citizen, and I for one am not going to support a provision for $5 for a duck stamp.

Mr. DINGELL. I am sorry to hear that that is the position the gentleman takes on this. He expressed no opposition to this legislation when we had it before us last year when the bill was passed under suspension of the rules and I do not believe that there was even a rollcall vote on it.

Mr. GROSS. I regret to say I was gone at the time.

Mr. DINGELL. I am sorry to hear that as I thought the gentleman was here at the time.

Mr. HUTCHINSON. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman.

Mr. HUTCHINSON. Since this bill in its present form is not subject to further amendment since it is being considered under suspension of the rules, I want to ask for purposes of clarification as to the use of the word "should" on page 5, line 3, and I would like to call your attention to this.

The language reads on page 5:

> For each such stamp sold under the provisions of this section there should be collected by the Post Office Department a sum of not less than $3 and not more than $5 * * *.

And so on.

The use of the word "should" seems to me to be rather—shall I describe it as "recommendatory" shall we say and not at all directive in tone.

I am wondering if the word should not have been "shall" and since the matter is not now subject to amendment, I would like to have the gentleman state as a matter of legislative history what the intent of that word is.

Mr. DINGELL. I thank my friend for asking that question.

I will say that the opinion of the gentleman from Michigan, speaking as the author of the bill, is that this requires the Department of the Interior to fix the price of the migratory bird stamp at not less than $3 and not more than $5.

It affords wide discretion within that area, but it was the expectation of the committee that the level should be fixed on the basis of probably a $4 amount for the first year, and ultimately there would be a second increase of $1 more. In other words, there would be an increase to $4 in the first year, and then the stamp would ultimately be increased to $5.

Mr. HUTCHINSON. This also says that the Post Office Department shall collect whatever the amount is.

Mr. DINGELL. That is correct. This is done because the Post Office Department is the agency which actually sells the duck stamps to the public.

Mr. HUTCHINSON. I thank the gentleman.

Mr. WYDLER. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to my friend from New York.

Mr. WYDLER. Mr. Speaker, I do not know much about duck hunting or duck hunters, but I could not help overhear some of the colloquy that took place about the great burden that this increase of $1 would be to the duck hunters if we were to raise the stamp by $1, and also if we were to raise it to a total of $5.

I was just wondering if the gentleman's committee had taken any testimony at all that would give us an idea of what the average duck hunter might spend in the way of equipment, such things as guns, ammunition, clothes, and equipment, things of that nature, because it does not sound to me as if this is an overwhelming amount of money to pay for the privilege of duck hunting.

Mr. DINGELL. The gentleman is correct. I thank him for his comments. But as far as answering him as to the average, I am unable to do that. I would mention that a great many duck hunters have from $1,000 to $2,000 or $3,000 or $4,000 tied up in their equipment. So that in terms of the total amount, a dollar increase in the fee is a small amount.

I thank the gentleman for his comment.

Mr. CASEY. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield 3 minutes to the gentleman from Texas.

Mr. CASEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I have been very interested in the colloquy that has been going on here, and I do want to commend the gentleman for his efforts because I know his objectives are good, but I do not agree with the manner in which he proposes to achieve them.

I do want to call the attention of the House to the fact that we are selling less duck stamps now than we did 6 years ago, and by the testimony before this committee by the time we increase it to $5 there will be a quarter of a million less people buying the duck stamps.

Mr. DINGELL. If the gentleman will pause for just 1 moment, I would like to correct the gentleman.

I would say to the gentleman that we are now selling more duck stamps than we have sold in any year since 1961. In 1967, the fiscal year, or the 1966 duck-hunting year, we sold $4.8 million worth of duck stamps. The last year when we sold more than that was in 1961.

Mr. CASEY. I am glad the gentleman is making that statement.

Mr. DINGELL. One of the reasons that we have not sold as many is due to the fact that we have had some very bad years in terms of waterfowl population. And I would say to the gentleman that this subcommittee is trying to buy more land so that we can have more migratory waterfowl for the gentleman's constituents to hunt.

Mr. CASEY. I would say do not let the gentleman mislead you, because we are still going to buy the wetlands even if we do not raise this duck stamp. The legislation has already been authorized for doing it.

But the testimony before the committee by the expert, Mr. Gottschalk, is that he estimated that they would sell 1.6 million stamps, and it is his estimate that after we raise the cost of the stamps to $5 that it would drop to an average of 1.36 million annually, and there would be a reduction of a quarter of a million or thereabouts of hunters who would not buy the stamps.

Mr. Speaker, I am not one of those hunters who has $1,000 worth of equipment. I have a gun, one that I have had for a long time. I have to look after it. I use the same waders over and over again—you know, you can patch those plastic waders up pretty good—and I do not, for one, think that duck hunting should be something that is only for the exclusive use of those who have the money to spend.

I do not know who those quarter million people are who are going to be cut out when they raise the price of the stamps. But I wish to point this out; that in 1950 they were selling 2.127 million stamps, and now they are selling only 1.6 million.

There is no necessity to increase this price at all. When we first authorized the acquisition of the wetlands and provided an authorization to spend $105 million out of the Treasury without interest—we advanced it, rather—there was no talk of raising the stamp price and, mind you, at the present rate it is increasing at the rate of $100,000 a year. Let us leave it as it is.

Mr. PELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will insert in the RECORD a statement which I had prepared on this particular bill. It would be largely repetitive of what the distinguished gentleman from Michigan has already said. However, I wish to add one thought concerning the price of the duck stamp as it affects the duck hunters.

If the Members will refer to page 58 of the printed hearings on this bill, they will see that experience from two previous price increases in the duck stamps indicates that the opportunity for successful hunting has a much greater bearing on the number of stamps sold than the price of the stamp itself. In other words, if there are no ducks or only a few, then you are going to sell proportionately fewer duck stamps. I think that basically sportsmen who spend a great deal of money on duck hunting are anxious, willing, and ready to contribute more if they can conserve our wildlife.

There is a way in which to conserve our wildlife and that is to provide more refuges and to accelerate the acquisition of such refuges. The bill, H.R. 482, increasing the cost of the duck stamp would permit this necessary acceleration in the acquisition of refuges for migratory waterfowl.

I, therefore, urge Members who can consistently do so to support this program, which would make it permissive for the Secretary of the Interior to raise the price of the duck stamp to a maximum of $5.

I would like to also point out that we recommend in the report raising the duck stamp fee from $3 to $4 in the first year and from $4 to $5 in the second year so as to minimize the impact of the increase.

In summary, H.R. 482 would amend the Migratory Bird Hunting Stamp Act of March 1934, by vesting in the Secretary of the Interior discretionary authority to increase by $2 the fee for such stamps. This is accomplished by establishing a minimum and maximum fee for the so-called duck stamp at $3 and $5, respectively.

Currently, valuable habitat for migratory birds, and particularly migratory waterfowl, is being diverted rapidly to other uses. It is the purpose of this legislation, H.R. 482, to provide additional funds for the acquisition of such lands so as to preserve them for purposes of conservation.

At a time of generally increasing costs, our committee was extremely reluctant to entertain placing any further financial burden upon the sportsmen of this country, but the facts of the case dictate the necessity for this discretionary increase in fee. The last increase in the duck stamp fee was almost 10 years ago in 1958, when it was increased to the present level of $3. Yet, since fiscal year 1962, the average price per acre for waterfowl production areas has doubled from almost $31 to almost $62 per acre. Accordingly, additional funds for the acquisition of needed lands for migratory birds must be made available if such lands are to be preserved for migratory fowl.

It was because of your committee's sincere concern over the possible effect of this increase upon sportsmen that the following was specifically noted in the committee's report:

> It may well be that such an increase in a single action would impose some degree of hardship on less affluent sportsmen. While the bill grants discretion to the Secretary in scheduling the increase, the committee hopes that he will consider the interests of both the acquisition program and the sportsmen and possibly make the increase in two installments, for example, $1 for the coming year and, if this appears to be working satisfactorily, the remaining $1 the following year.

Accordingly, in view of the demonstrated need to acquire and preserve sufficient acreage to accommodate the needs of migratory waterfowl and in view of the increasing costs of land, I earnestly urge the favorable consideration of the bill H.R. 482.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I am glad to yield to the gentleman from New Jersey.

Mr. HUNT. First, I wish to compliment the gentleman from Texas, who echoed my sentiments. I am a duck hunter. I belong to numerous sportsmen's clubs. I can find no reason now to begin to soak the duck hunter an extra $2 in conjunction with all the State licenses he must buy. He must obtain, first, a license in the State, then the license for the duck, and then the license for deer, and a license for woodcock. Then they will have others for migratory birds. All they are trying to do is to perpetuate themselves in a fantastic idea that ducks do not rest unless they have certain specified resting ground with the huge words "U.S. Sanctuary" on them. I would like to remind the Members of this body that ducks cannot read. They simply fly, and when they get tired, they sit down.

There are numerous places in this country that are now being replenished and refurbished by Ducks Unlimited, for the purpose of nesting. Anyone who has been in the duck hunting business and who has followed this very closely knows this, and for that reason I am going to oppose the measure.

Mr. PELLY. Mr. Speaker, I recognize that there are Members who have different views on this subject. However, I would point out that the duck population to a great extent depends on wetlands and nesting grounds. The continual human population sprawl and the greater utilization of land in other ways has resulted in the draining off of these wetlands. If we are going to continue having a duck population and duck hunting, then in turn we must provide refuges so that migratory waterfowl can nest and increase in population.

Again I say that if there are no ducks to hunt, then there are going to be no sales of stamps. This legislation provides an opportunity now to conserve our wildlife population so as to provide duck hunting for this and future generations of Americans. While it is regrettable that we have to increase the price of the duck stamp to accomplish this goal—and I regret it as much as anyone—I think it is absolutely essential to accelerate the acquisition of refuges for migratory waterfowl, else this wildlife will certainly suffer.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Missouri.

Mr. HALL. I simply want to observe that to me it seems H.R. 482 now has definitely been proved to be related to H.R. 480. Indeed, the gentleman from Missouri feels they have come in in reverse order.

Be that as it may, I rise to a point of inquiry as a member of the Joint Committee on the Organization of the Congress. This is a question for information and without any casting of aspersion or even with a lifting of the eyebrow. I note there are treaties involved, and therefore the Department of State is involved. I also note that one of the reasons for the existence of this legislation is that our population explosion is requiring more housing and we are moving into these areas, and our farmlands are being put out of production, and we are gradually draining and using up the potholes and nesting grounds and breeding places and flyways. The Postal Department also collects the fees, and Treasury has an interest in the bill.

We all know the Department of Interior has jurisdiction over fish and wildlife. How does it happen that the Committee on Merchant Marine and Fisheries brings this legislation on the floor? Do they have jurisdiction over any part of it, including the funds?

Mr. PELLY. Mr. Speaker, I yield to the gentleman from Michigan to respond to that question.

Mr. DINGELL. If the gentleman will refer to the Rules of the House of Representatives, he will see the Committee on Merchant Marine and Fisheries has jurisdiction over conservation and has traditionally had jurisdiction over fish and wildlife and has had special jurisdiction over the matter of migratory birds, fish and wildlife refuges, and so on. Legislation dealing with duck hunting stamps have always been handled by that committee, and legislation has originated from the committee.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I remember this refrain from last fall when the same question came up. There was some discussion at that time about jurisdiction in this area, and I wanted to get it clear in my mind. I thank the gentleman for yielding.

Mr. PELLY. Mr. Speaker, I assure the gentleman that due to the wisdom of our predecessors the committee has jurisdiction over fish and wildlife. It has always been for me a great pleasure as one who is interested in it, to serve on this subcommittee and to try to bring to the floor legislation that truly will conserve our wildlife resources.

Mr. HALL. Mr. Speaker, I appreciate the dedication of the gentleman and his additional response. How is it that the Department for Fish and Wildlife downtown is not under the administration and jurisdiction of the distinguished committee on which the gentleman from Washington serves?

Mr. PELLY. This is a matter which I know has come up before. Historically, our committee does have jurisdiction over this subject matter, as has been so ably pointed out by the distinguished chairman of our Subcommittee on Fisheries and Wildlife Conservation.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, it seems to me this is rather an unusual approach in setting a fee range, when we give the Department of Interior the discretion of setting a fee at either $3 or $5. I wonder why the committee did not set a sum specific. I do not know any other case where in this field we have set an optional range, for the Secretary to set a fee.

Mr. PELLY. Mr. Speaker, it was based on the fact that we have no way of definitely ascertaining either the future duck population or the effect of increased cost of lands. It was thought best to allow discretion on the part of the Department of the Interior and to recognize that if there are plenty of ducks, there will be a comparable increase in the sale of duck stamps, so that a fee of $5 may be appropriate. On the other hand, the committee wrote into the report of this bill language which strongly recommends that the increase for the first year be only $1 and then another dollar the second year. In other words the allowed $2 increase would be accomplished in two steps to ease its impact.

Mr. PICKLE. Mr. Speaker, it seems to me the raise ranges between $1 and $4, because we are getting into the field where the little man is going to be hurt by this increased range. I thought it was interesting when the gentleman from Michigan said a few minutes ago the average duck hunter would have $200 or $300 invested before he went forth to hunt ducks.

I should like to ask what kind of equipment they use and what kind of armament they go forth with to hunt the ducks and the geese.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Michigan.

Mr. DINGELL. They have several hundred decoys, a boat, tender, boots, and other hunting equipment.

I pointed out that it is possible a duck hunter might have a good deal less.

A good boat, to get an individual out to lines in the offshore waters of the United States, will cost several thousand dollars, when one adds the cost of the motor to it.

Mr. PICKLE. I am sure the gentleman would not say that this is average. I am in complete sympathy with what the gentleman from Texas [Mr. CASEY] said. The average person has a gun, some shells, some boots and a few other refinements.

If a person goes out in the territory of $2,000 or $3,000, he would be outdoing the rich Texan when he did that.

Mr. PELLY. I believe there are a great many duck hunters in this country who inherited an old scatter gun from their fathers. They go out during the season, perhaps once or twice. To them, whether they pay $3 or $4 or $5 may make a lot of difference.

However, the main interest of the committee is insuring the availability of a duck population level so that we can continue to get out the double-barreled shotgun and continue to find ducks to shoot at.

Mr. Speaker, I yield further to the gentleman from Texas.

Mr. PICKLE. It would seem to me that raising the figure from $3 to $5 is trying to make this almost solely the little fellow, the man who hunts the ducks, who will pay for the land and for the right to hunt.

It may be well that there be a principle that he pay the major portion. We passed a bill just before this providing for the acquisition of lands. I do not see why some of that cost cannot come from some other source, rather than from the little fellow who has difficulty not only in paying for the stamp but also in paying for the hunting license.

The hunting license in our State costs in the neighborhood of $6 or more. This is in addition. We are about to price the little man out of the business.

Mr. PELLY. I hope we are not, because I believe it is vital that we accellerate this program, if possible, so as to conserve the duck population while we can still do so.

Mr. CASEY. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Texas.

Mr. CASEY. Is it not true that the International Association of Game, Fish, and Conservation Commissioners is opposed to this increase, by resolution of last September?

Mr. PELLY. I see that the gentleman is reading the printed hearings of the subcommittee.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Michigan.

Mr. DINGELL. The committee has received no correspondence from that institution, the International Association of Game, Fish, and Conservation Commissioners.

Mr. CASEY. This was furnished to them in the statement of Mr. Gottschalk, from the Department of Interior. Would that not be true?

Mr. DINGELL. I point out to the gentleman that if the International Association of Game, Fish, and Conservation Commissioners is opposed to this legislation they are sufficiently vigorous to communicate their feelings directly to the committee.

I would assume, if they had felt strongly about it, they would have done so.

I happen to be on a first-name basis with most of the membership of that particular organization. My office is well known. We circularized the membership, to afford them an opportunity to fully know what was in this proposed legislation.

Mr. CASEY. Does the gentleman mean we cannot depend upon Mr. Gottschalk?

Mr. DINGELL. They may have told Mr. Gottschalk, but they did not communicate to the committee. This means to me they do not oppose it very strongly.

Mr. PELLY. Mr. Speaker, I believe it might be well to point out that the original bill covered stamps for other migratory birds, in addition to migratory waterfowl. The committee deleted those provisions so as to cover only migratory waterfowl. Therefore, they might have been opposed to the original bill because of its proposed increased scope which is not now an issue because of the committee's deletion.

Mr. CASEY. Is it not true that the revenues are now increasing about $100,000 a year at the present rate of $3?

Mr. PELLY. That is the figure which has been cited here today.

Mr. CASEY. And at the end of 8 years, if this increased proportionately, they would be getting almost half of what is trying to be obtained by an increase in the cost of the stamp. Why not keep it within reason, rather than cut off a quarter of a million people who, it is estimated, will not be able to pay for a $5 stamp?

Mr. PELLY. I will say to the gentleman I think this bill will provide an additional $16 million for the acquisition of the wetlands over the term authorized.

Mr. CASEY. The point I am making is you will get it anyway and get more people participating and buying it for you leave it at this price.

Mr. PELLY. The testimony received by our subcommittee was to the effect that the duck population was the more significant factor and that unless the hunters have something to shoot at the amount of the stamps sold would not increase. You can take anybody's opinion on it. You can have your opinion and I can have mine. But I come back to the fact that more money will go into this fund for lands to be set aside owing to the increase in cost of the duck stamp than if we leave it at $3.

Mr. CASEY. But if we fail to pass this measure, you will still buy the wetlands you contemplated buying, will you not?

Mr. PELLY. We will continue as we have.

Mr. DINGELL. Mr. Speaker, I yield myself such time as is necessary in order to answer the questions of the gentleman from Texas and the gentleman from Washington.

Let me point out to my friend from Texas that this legislation means an increase, according to the testimony of the Department of the Interior, of about $2 million a year which will go for the acquisition of refuges for the duck hunters.

If you want to save these lands for the one gallus duck hunter who has a minimum of equipment, a minimum of opportunity, and a minimum of places to hunt and who cannot go to a fancy club, then you will support this bill, because in the next 8 years it will buy about 200,000 acres of additional land that will be open to that kind of hunter and be available to preserve migratory waterfowl. That is the issue which is involved in this piece of legislation.

Let me point out one other thing. Not a single communication in opposition to this legislation was received by me as chairman of this subcommittee and author of this bill except for the six States previously mentioned. Not a single communication was received in opposition to this legislation from a conservation or from duck hunters or fishermen or outdoorsmen. That is how little opposition there is to it.

Let me point out one other thing to my friend from Texas. Last year the House of Representatives considered this exact bill which is precisely as the committee amended it and presented it to the House. This legislation passed the House overwhelmingly last year.

The future in this country of duck hunting is pretty well at stake in this particular legislation. I hope my friend will have enough trust in me and in my subcommittee that worked so hard to assure that this would be so and to assure the future of migratory waterfowl hunting in this country. I hope he will support this bill and not oppose it because it will slightly increase the cost of the duck stamps.

Mr. CASEY. Mr. Speaker, will the gentleman yield further?

Mr. DINGELL. Yes. I yield to the gentleman.

Mr. CASEY. It it not that I have any mistrust of my friend from Michigan, but I do not think that this legislation is necessary. Is it not true that even with an increase you will not repay the amount you are going to borrow?

Mr. DINGELL. No. The gentleman is entirely in error. The answer to the whole business is simply that over the next 8 years every nickel of this $1 or $2 increase or whatever it will be will be earmarked for refuge acquisition purposes and for the purposes of acquiring additional wetlands for migratory waterfowl. I point out to my good friend from Texas, for whom I have very high regard, that if my calculations are correct, it means more than 200,000 acres of additional hunting lands and refuge habitat for migratory birds will be available for hunters of the kind that my friend from Texas is talking about. That is what this legislation is all about.

Mr. CASEY. The reason why the bill passed last time is that I did not ask for a vote on it; but this time I am going to insist on a vote.

Mr. PELLY. Mr. Speaker, I rise in support of the bill, H.R. 482, which would amend the Migratory Bird Hunting Stamp Act of March 1934, by vesting in the Secretary of the Interior discretionary authority to increase by $2 the fee for such stamps. This is accomplished by establishing a minimum and maximum fee for the so-called "duck stamp" at $3 and $5, respectively.

Currently, valuable habitat for migratory birds, and particularly migratory waterfowl, is being diverted rapidly to other uses. It is the purpose of this legislation, H.R. 482, to provide additional funds for the acquisition of such lands so as to preserve them for purposes of conservation.

At a time of generally increasing costs, our committee was extremely reluctant to entertain placing any further financial burden upon the sportsmen of this country, but the facts of the case dictate the necessity for this discretionary increase in fee. The last increase in the duck stamp fee was almost 10 years ago in 1958, when it was increased to the present level of $3. Yet, since fiscal year 1962, the average price per acre for waterfowl production areas has doubled from almost $31 to almost $62 per acre. Accordingly, additional funds for the acquisition of needed lands for migratory birds must be made available if such lands are to be preserved for migratory fowl.

It was because of your committee's sincere concern over the possible effect of this increase upon sportsmen that the following was specifically noted in the committee's report:

> It may well be that such an increase in a single action would impose some degree of hardship on less affluent sportsmen. While the bill grants discretion to the Secretary in scheduling the increase, the committee hopes that he will consider the interests of both the acquisition program and the sportsmen and possibly make the increase in two installments, for example, $1 for the coming year and, if this appears to be working satisfactorily, the remaining $1 the following year.

Accordingly, in view of the demonstrated need to acquire and preserve sufficient acreage to accommodate the needs of migratory waterfowl and in view of the increasing costs of land, I earnestly urge the favorable consideration of the bill H.R. 482.

Mr. LONG of Louisiana. Mr. Speaker, an increase in the fee for the migratory bird hunting stamp, commonly called the duck stamp, is in my opinion a severe penalty to exact against the citizen of modest means who seeks recreation in outdoor sports. The bill, H.R. 482, will increase the cost of the duck stamp by two-thirds. This is a tremendous increase, and it will serve to deny a wholesome sporting outlet to many thousands of our people who simply cannot afford the expense.

Already, the outdoor sportsman pays much more than his share of the costs of preserving these great outdoor resources. And yet we all enjoy them. In our modern society, recreation and relaxation are requisites of a balanced life. They can no longer be considered mere luxuries. In our haste to secure revenue, let us not create of such hunting a luxury sport, a hobby merely for the wealthy.

A very cursory glance at the Interior Department's statistics will reveal that while revenue from hunting fees have increased over the past year, the number of participants has decreased. It is questionable whether an increase in the cost of the duck stamp will materially improve revenues, but it is certain that the number of duck hunters will decrease.

I am a duck hunter myself, and I know the adverse effect this increase will have upon the number and caliber of sportsmen who will shoot for ducks. The most unfortunate aspect of this situation is the effect the added fees will have upon the young and inexperienced hunters and sportsmen. It seems to me that our wildlife resources can be so managed as to operate as an alternative for the young people, as opposed to far less wholesome pursuits.

We should not remove this great pastime from the reach of our young people or our citizens of modest means. We should not create a luxury sport of our great outdoors. I urge the House to defeat this thoughtless legislation.

The SPEAKER pro tempore (Mr. HAYS). The question is on the motion of the gentleman from Michigan [Mr. DINGELL] that the House suspend the rules and pass the bill H.R. 482, as amended.

The question was taken.

Mr. CASEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 238, nays 97, not voting 98, as follows:

[Roll No. 142]

YEAS—238

Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Arends
Ashley
Aspinall
Ayres
Barrett
Bates
Battin
Belcher
Bell
Bennett
Betts
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brock
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson
Bush
Button
Byrne, Pa.
Carter
Cederberg
Celler
Chamberlain
Clancy
Clawson, Del
Cleveland
Cohelan
Collier
Conable
Corman
Cramer
Culver
Cunningham
Curtis
Daddario
Daniels
Davis, Ga.
Dawson
Delaney
Denney
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Downing
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Everett
Evins, Tenn.
Farbstein
Fascell
Feighan
Fisher
Flood
Ford, Gerald R.
Friedel
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Gathings
Giaimo
Gibbons
Gilbert
Goodell
Goodling
Green, Oreg.
Griffiths
Grover
Gubser
Gude
Gurney
Halleck
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harvey
Hathaway
Hays
Hechler, W. Va.
Helstoski
Herlong
Holifield
Horton
Hosmer
Hull
Hungate
Irwin
Joelson
Jonas
Jones, Ala.
Karsten
Kee
Keith
Kelly
King, Calif.
King, N.Y.
Kirwan
Kluczynski
Kornegay
Kupferman
Kyros
Laird
Landrum
Latta
Lennon
Lipscomb
Long, Md.
McCarthy
McClory
McCulloch
McDade
McDonald, Mich.
McFall
MacGregor
Machen

Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
Mathias, Md.
Matsunaga
Meeds
Miller, Calif.
Miller, Ohio
Minish
Mink
Mize
Monagan
Montgomery
Morgan
Morris, N. Mex.
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
O'Hara, Ill.
Ottinger
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Poff
Price, Ill.
Pucinski
Quie
Rees
Reid, Ill.
Reinecke
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Rivers
Robison
Rodino
Rogers, Fla.
Rooney, N.Y.
Rosenthal
Roth
Roudebush
Ryan
Satterfield
Saylor
Schadeberg
Schneebeli
Schweiker
Schwengel
Scott
Selden
Sikes
Sisk
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Stubblefield
Sullivan
Taft
Taylor
Teague, Calif.
Tenzer
Thompson, Ga.
Thomson, Wis.
Tunney
Udall
Van Deerlin
Vanik
Vigorito
Walker
Wampler
Watts
Whalen
Wiggins
Williams, Pa.
Wolff
Wydler
Wylie
Zion

NAYS—97

Abernethy
Ashmore
Baring
Berry
Bevill
Brinkley
Brotzman
Brown, Mich.
Burton, Calif.
Casey
Colmer
Davis, Wis.
de la Garza
Dole
Dowdy
Duncan
Dwyer
Edmondson
Edwards, La.
Evans, Colo.
Findley
Flynt
Fountain
Frelinghuysen
Fuqua
Gardner
Gonzalez
Gross
Hagan
Haley
Hall
Hardy
Harrison
Harsha
Hébert
Henderson
Hicks
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Jones, Mo.
Jones, N.C.
Kastenmeier
Kazen
Kyl
Langen
Lloyd
Long, La.
Lukens
McClure
McMillan
Mayne
Mills
O'Neal, Ga.
Passman
Pickle
Pike
Poage
Pollock
Pool
Price, Tex.
Pryor
Quillen
Railsback
Randall
Rarick
Reifel
Roberts
Rogers. Colo.
Rumsfeld
Ruppe
Scherle
Shipley
Shriver
Skubitz
Smith, Okla.
Steed
Steiger, Wis.
Stratton
Stuckey
Talcott
Teague, Tex.
Tuck
Vander Jagt
Waggoner
Waldie
Watson
Whitener
Whitten
Widnall
Winn
Wright
Wyatt
Young

NOT VOTING—98

Abbitt
Andrews, N. Dak.
Ashbrook
Blanton
Blatnik
Bolton
Brasco
Brooks
Broomfield
Brown, Calif.
Broyhill, Va.
Burton, Utah
Byrnes, Wis.
Cabell
Cahill
Carey
Clark
Clausen, Don H.
Conte
Conyers
Corbett
Cowger
Dellenback
Diggs
Dulski
Esch
Fallon
Fino
Foley
Ford, William D.
Fraser
Fulton, Pa.
Gettys
Gray
Green, Pa.
Halpern
Hanna
Hansen, Wash.
Hawkins
Heckler, Mass.
Holland
Howard
Johnson, Pa.
Karth
Kleppe
Kuykendall
Leggett
McEwen
Macdonald, Mass.
Madden
May
Meskill
Michel
Minshall
Moore
Moorhead
Morse, Mass.
Morton
Nelsen
Nix
O'Hara, Mch.
O'Konski
Olsen
O'Neill, Mass.
Patman
Pirnie
Purcell
Reid, N.Y.
Resnick
Reuss
Ronan
Rooney, Pa.
Rostenkowski
Roush
Roybal
Sandman
St Germain
St. Onge
Scheuer
Smith, Iowa
Steiger, Ariz.
Stephens
Thompson, N.J.
Tiernan
Ullman
Utt
Watkins
Whalley
White
Williams, Miss.
Willis
Wilson, Bob
Wilson, Charles H.
Wyman
Yates
Younger
Zablocki
Zwach

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs.

On this vote:

Mr. O'Neill of Massachusetts and Mr. Brasco for, with Mr. Willis against.

Until further notice:

Mr. Fallon with Mrs. Heckler of Massachusetts.

Mr. Gray with Mr. Michel.

Mr. Green of Pennsylvania with Mr. Cahill.

Mr. Tiernan with Mr. Andrews of North Dakota.

Mr. Blanton with Mr. Broyhill.

Mr. Brown of California with Mr. Ashbrook.

Mr. Madden with Mr. Byrnes of Wisconsin.

Mr. Ronan with Mr. Nelsen.

Mr. St. Onge with Mr. Sandman.

Mr. Smith of Iowa with Mr. Zwach.

Mr. Gettys with Mr. O'Konski.

Mr. Zablocki with Mr. Pirnie.

Mr. Leggett with Mr. Conte.

Mr. Thompson of New Jersey with Mr. Meskill.

Mr. Brooks with Mr. Burton of Utah.

Mr. Ullman with Mr. McEwen.

Mr. Charles H. Wilson with Mr. Reid of New York.

Mr. Dulski with Mr. Corbett.

Mr. St Germain with Mrs. May.

Mr. Roybal with Mr. Halpern.

Mr. Patman with Mr. Minshall.

Mr. Blatnik with Mr. Morse of Massachusetts.

Mr. Carey with Mr. Conyers.

Mr. Resnick with Mr. Nix.

Mr. Howard with Mr. Johnson of Pennsylvania.

Mr. Karth with Mr. Morton.

Mr. Cabell with Mr. Utt.

Mr. Reuss with Mr. Esch.

Mr. Purcell with Mr. Kleppe.

Mr. Roush with Mr. Kuykendall.

Mr. Scheuer with Mr. Hawkins.

Mr. Williams of Mississippi with Mr. Whalley.

Mr. Yates with Mr. Diggs.

Mr. Macdonald of Massachusetts with Mr. Broomfield.

Mr. Clark with Mr. Moore.

Mr. Foley with Mr. Don H. Clausen.

Mrs. Hansen of Washington with Mrs. Bolton.

Mr. Moorhead with Mr. Fulton of Pennsylvania.

Mr. Rostenkowski with Mr. Fino.

Mr. Rooney of Pennsylvania with Mr. Wyman.

Mr. O'Hara of Michigan with Mr. Bob Wilson.

Mr. William D. Ford with Mr. Cowger.

Mr. Abbitt with Mr. Dellenback.

Mr. White with Mr. Younger.

Mr. Fraser with Mr. Watkins.

Mr. Olsen with Mr. Steiger of Arizona.

Mr. Holland with Mr. Stephens.

Mr. MATHIAS of Maryland changed his vote from "nay" to "yea."

Mr. WIDNALL and Mr. LLOYD changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The title was amended so as to read: "A bill to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, to increase by $2 the fee for such stamp."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that on H.R. 480 and H.R. 482, the two bills just passed, all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD.

The SPEAKER pro tempore (Mr. HAYS). Is there objection to the request of the gentleman from Michigan?

There was no objection.

BETTS SEEKS CENSUS QUESTION LIMITATIONS

Mr. BETTS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BETTS. Mr. Speaker, I bring before the House today a matter of much importance—the upcoming decennial census of population and housing. I call attention to the census because the questions which will be asked can be of great significance to the Congress and all Americans. There are many reasons for concern about the types of questions which may be put to the 200 million people living in the United States, but perhaps the most persuasive argument to me comes from the people who are required by law to record their personal histories and detailed housing information on census forms. This subject has not been one of much concern to the Congress recently, in fact few, if any bills have been introduced in the 90th Congress concerning the questions which may be presented in the 1970 census.

Our Constitution provides that every 10 years there shall be a census of population as directed by Congress for the purpose of determining the apportionment of the House of Representatives. I think everyone agrees that this is a proper requirement to be placed by the National Government on its citizens.

These should be simple, direct questions about each person but what has evolved in recent years is a complicated questionnaire on population, housing, education, and employment. Under penalties of $100 fine or 60 days in jail Americans are required to list the number of walk-in closets, number of times married, and number of weeks worked in the previous year. In 1966 the Director of the Bureau of the Census came before a committee of Congress suggesting that questions asking the respondent's social security number, religious preference, and voting participation should be required. I think these questions are extraneous and have no bearing on the intent of the census of population. Even if someone could justify their being asked, I feel it is outrageous that the citizens should be threatened by imprisonment for failure to comply. Have we no concern for the rights of our citizens?

The rights of privacy of the individual are threatened by this gradually increasing number of prying questions asked by the Bureau of the Census. Such intrusions have been sanctioned by the Congress due to its failure to act positively. By granting the Bureau of the

Census a relatively free hand to formulate its own questionnaires, the number and personal nature of such inquiries have increased, almost unnoticed and unobstructed. Congress has retained only an advisory role giving great discretion to the Director of the Bureau of the Census. It is time Congress asserted its power, and in so doing, assert the rights of the people of the United States.

Mr. Speaker, in order to focus attention on the overextension of the Bureau of the Census into the lives of our citizens and the need for Congress to take a positive role in the formulation of the 1970 census of population, I have introduced a bill restricting the questions which may be asked under penalty of law. My bill would render all inquiries optional except for those on population as deemed essential to the constitutional intent of the census. The privacy of the individual will be retained and the final decision on what questions may be asked will be returned to Congress. I would not restrict the Bureau of the Census from undertaking a periodic census of housing, employment, or other assignments deemed desirable. However, compliance by individual citizens would be voluntary.

I anticipate a great hue and cry that all of the questions posed in every census questionnaire are vital to one facet or another of government or the social order in the United States. Let me reply to this concern in two ways. It has been reported in the press that some 5 million persons were missed by enumerators in the 1960 census of population. A new and more thorough method of coverage is planned for 1970; a mail-out/mail-in census. If we want to obtain maximum participation by all the citizens, the number of questions should be limited and stated in the simplest language possible.

Many people will be overwhelmed by the proposed 20-page questionnaire with 50 or more separate inquiries. I cannot see how there will be any different results from the experience of 1960 if this approach is followed.

It is clear that much of the information sought is designed for use by private industry, educational institutions, social agencies and local governments. There are many market research firms in this country with sophisticated techniques for gathering data. Why has such private enterprise been left out of the concept of information gathering such as is undertaken by the Bureau of the Census? The skill and accuracy of these research firms refutes the argument that compulsion is the only way to secure such data. Why abandon volunteerism when it has been tested so little in recent years?

Mr. Speaker, the need for legislation determining the scope and authority of the Bureau of the Census is more imminent every day. With the proposed Federal data bank coming closer to reality, it is essential that private rights be protected from possible misuse through government information centers. My bill is not a total solution to the problem by any means, yet it serves as a vehicle for consideration of this subject by Congress. My constituents and I am sure each Member of the House will be grateful if positive action is taken by Congress in asserting its role in the direction of the 1970 decennial census. If we are going to recognize and work on this problem, we must begin now.

THE AMERICAN LEGION

Mr. ADAIR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ADAIR. Mr. Speaker, we have again witnessed a striking example of the American Legion in action. The recent efforts to clear the name of Maj. Marcus Reno, a U.S. Army officer in General Custer's command, of the stain of a court martial has captured the attention of the Nation. Justice for this brave officer was delayed for 88 years.

It is doubtful that the question of his guilt or innocence would have been raised had it not been for the efforts of the American Legion in assembling and providing the Army Board of Corrections with the data needed to permit it to render its decision. This is but another example of the dedicated service given by the American Legion to our Nation's veterans.

The American Legion will soon be celebrating the 50th anniversary of its founding. Many projects and programs are planned by the Legion to celebrate its founding. These include the striking of a commemorative medal, for which bills have recently been introduced in the Congress, as well as the issuance of a commemorative stamp. The issuance of a commemorative stamp by the Post Office Department is a high and justly deserved honor for the 50 years of service given to the veteran and the country by the American Legion.

An excellent summation of the Major Reno case and the American Legion's part in it recently appeared in the Washington Post as follows:

Army Beats Retreat, Clears Custer's Aide

(By Phil Casey)

Just 78 years and two months too late, the Army ruled yesterday that Maj. Marcus A. Reno, who fought with Custer in the Battle of Little Big Horn, deserved an honorable discharge, instead of the apparently raw deal he got.

Reno, who died just that long ago to the day, was discharged dishonorably in 1880, an action the Army now feels was unjust.

The decision of the Army Board for Correction of Military Records was announced at a news conference in American Legion headquarters, 1608 K st. nw., by John J. Corcoran, director of the Legion's National Rehabilitation division.

It was the Legion that went to bat for the dead man and represented his grandnephew, Charles Reno, a New York City bartender, in his petition for a change in the discharge.

Reno, a native of Illinois and a graduate of the U.S. Military Academy, had been cited for gallantry and had an outstanding record in the Civil War and afterwards. He took part in the Battle of Little Big Horn, "Custer's Last Stand," and accusations of cowardice in that battle made him a notorious and controversial figure. Though a military board of inquiry found him blameless the rumors were unquieted.

He had led three companies that were supposed to join with Custer's forces but were repulsed by Indian warriors that vastly outnumbered them. Custer and the companies under his direct command were annihilated, while Reno's forces suffered severe casualties, with most of them killed or wounded. General of the Army William T. Sherman praised Reno's conduct in the battle in a report to the Secretary of War.

A few years later, Reno was court-martialed and discharged dishonorably on charges of drinking, brawling and peering through a window at a lady he liked. She was fully-clothed, but she was a colonel's daughter.

It was Reno's conviction and the contention of the American Legion nearly a century later that he was the victim of the unfounded rumors and allegations of cowardice at Little Big Horn. His drinking and fighting and generally defensive attitude stemmed from the difficulties caused by the rumors, the Legion contended.

Sam Borzilleri, the Legion's legal consultant, and Gene Fattig, supervisor of the Legion's review and corrections boards, argued in Reno's behalf that the sentence was excessive and unjust, that Reno had not been properly defended and that the court-martial board itself had been confused in its findings.

The Army Board of Correction's decision stated in part: ". . . the recent loss of his wife, his state of bachelorhood in a desolate frontier fort and in the field, and the attendant primitive conditions, were not conducive to producing 'plaster saints'."

Reno, who lived the last decade of his life in Washington and died in Providence Hospital April 1, 1889, at 54, was buried in an unmarked grave at Glenwood Cemetery, a private cemetery at 2219 Lincoln rd. ne. He died a bitter and frustrated man, still trying to clear his name and receive an honorable discharge from the Army he seems to have served bravely and brilliantly.

The Army Board's decision will make it possible for his grandnephew and the Legion to remove his remains for reburial in the Custer Battlefield Cemetery in Montana, near monuments to the officers and men who served with him in the disastrous and impetuous attack led by Custer on June 25, 1876.

There's a certain irony seen in the fact that barrooms hastened Reno's downfall and then brought his somewhat belated rehabilitation. Ret. Army Col. George Walton, who formerly served in the Washington area, had long wanted to clear Reno's name but could find no descendant to file the petition.

He dropped into the Skyline Restaurant on Tenth Avenue, Manhattan, one day last fall and met Charles Reno, 52, serving drinks behind the bar. When Reno learned he could file such a request with the Army, he and Walton enlisted the aid of the American Legion. The petition was filed last October.

Corcoran, the Legion official, told reporters he didn't know whether any benefits would accrue to Reno as a result of the Board's decision.

A FULL-SCALE INVESTIGATION IS NEEDED IN AIR SAFETY TECHNIQUES AND PRACTICES

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, the

Members of this body have heard much in recent weeks of the need to reduce Federal expenditures. I have become aware of yet another sphere where tax dollars are being spent needlessly, in this case because conditions exist that allow claims against our Government in the millions of dollars.

Because I have had the feeling for quite some time that problems and developments in the field of air safety warrant the attention of Congress, I have endeavored to explore all possible areas of potential consideration by the House and its committees.

Members may remember that after the terrible airplane crashes at Urbana, Ohio, and at New Orleans, the Interstate and Foreign Commerce Committee conducted two mornings of hearings during which the general scope of air safety was discussed by various representatives of Federal and private organizations. The Federal Aviation Agency, the Air Transport Association, the Air Line Pilots Association, and the Aircraft Owners & Pilots Association were among those who testified.

Following that, the Administrator of the FAA, Gen. William F. McKee, called for an additional 600 employees to staff air traffic control stations. These are the men who man the "eye in the sky" aircraft tracking facilities for our Nation's airways. This is certainly a step in the direction of increased safety.

But it is just one step.

I recently requested information regarding the cost to the Federal Government of claims arising out of aviation accidents. I was amazed to learn that, since 1959, the U.S. Government has paid, either through compromise settlements or judgments, nearly $16 million to claimants.

What is more serious, not only under present economic circumstances but under any circumstances, is that over $203 million in claims are still pending.

I have in the past called for comprehensive, searching hearings into the many aspects of air safety. In view of the potential cost in dollars and cents as well as the mounting cost in terms of human life of air accidents, I wish once more to call to the attention of the Congress the pressing need for a full-scale investigation of the entire field of air safety techniques and practices.

I include at this point a copy of the letter, containing the figures I have quoted, in the Record:

Department of Justice,
Washington, D.C., May 20, 1967.

Hon. Clarence J. Brown, Jr.,
House of Representatives,
Washington, D.C.

Dear Mr. Brown: Reference is made to your letter of April 18, 1967, addressed to General William F. McKee, Administrator of the Federal Aviation Administration, concerning negligence claims against the Government arising out of aircraft accidents. As General McKee advised you, your letter was forwarded in this Department for reply.

You have requested information as to the total dollar amount of claims that have been paid by the Government. This, of course, encompasses all Federal Tort Claims Act suits asserted against the United States arising out of aviation accidents. Some of these cases have been litigated to judgment whereas many have been settled out of court by means of compromise with the claimants. Our statistical records, which begin with Fiscal Year 1959, indicate that from July 1, 1959, through April 30, 1967, there was a total exposure or potential liability in such aviation cases of $372,331,621.98 and that the Government actually paid through compromise settlement or judgment a total of $15,694,066.69. A breakdown for each fiscal year is attached for your convenience.

You have also requested information as to the total dollar amount of claims pending against the Government. As of April 30, 1967, there were 433 Federal Tort Claims Act suits pending against the Government arising out of aviation accidents. The total dollar figure of the amount claimed in these suits is $203,004,731.00.

Sincerely,
Barefoot Sanders,
Assistant Attorney General.

Claims arising out of aviation accidents and asserted against the Government pursuant to the Federal Tort Claims Act

	Amount claimed	Amount paid
Fiscal year 1959	$23, 153, 960. 03	$185, 960. 57
Fiscal year 1960	15, 301, 838. 42	911, 879. 65
Fiscal year 1961	7, 754, 449. 53	715, 582. 47
Fiscal year 1962	66, 135, 226. 00	471, 170. 00
Fiscal year 1963	66, 535, 196. 00	2, 015, 789. 00
Fiscal year 1964	44, 049, 923. 00	4, 234, 147. 00
Fiscal year 1965	47, 612, 801. 00	2, 808, 487. 00
Fiscal year 1966	70, 571, 396. 00	808, 759. 00
July 1, 1966, through Apr. 30, 1967	31, 216, 832. 00	3, 542, 292. 00
Total	372, 331, 621. 98	15, 694, 066. 69

TOO FEW HOUSES

Mr. HARVEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HARVEY. Mr. Speaker, I read with interest a June 9, 1967, editorial in the Washington Post entitled "Too Few Houses." This editorial expressed regret that the House had seen fit to kill the rent supplement program, but then it went on to urge the administration "to turn the other cheek," seek Republican support, and pass the Percy bill to help families buy homes.

In a letter to the editor dated Sunday, June 18, 1967, Secretary Weaver commented on the Post's charge that the administration was "not a willing partner in low-cost subsidized housing" by citing the work done under section 221(d) (3), a program of providing housing by subsidized interest rates.

Like Secretary Weaver and the Washington Post, I regretted that the House recently defeated the rent supplement appropriation. Those who served in the 89th Congress will recall that although I first opposed the rent supplement program on the ground that its regulations permitted its funds to go to persons earning as much as $8,100 and with assets up to $25,000, I changed my position and have supported the program since these regulations were revised and the program directed toward low-income groups.

The present 221(d) (3) program, however, is a poor illustration of how the administration serves as a "willing partner in low-cost subsidized housing." The income limits under the 221(d) (3) program are just as bad, and perhaps worse, as the original rent supplement program in that they permit families in city after city across America to live in subsidized housing, although such families' income frequently exceed $8,000, and even $10,000, for that matter.

Mr. Speaker, the National Home Ownership Foundation Act, introduced by Senator Percy is not a cureall for our housing problems. Senator Percy admits it does not "reach down to the bottom of the barrel" and, therefore, is no substitute for the rent supplement program. However, it is a means of giving incentive to families in low-income groups to own their own homes, and it will, as the Washington Post suggests, "channel construction funds and purchase subsidies into the slums." It is far superior, in my judgment, to the present program under section 221(d) (3) cited by Secretary Weaver. More important, the Percy bill has widespread support in Congress. The administration would do well to follow the Post's advice and "turn the other cheek," rather than continuing to oppose new housing ideas such as this one.

I include below the Post editorial and Secretary Weaver's letter to the editor for the benefit of my colleagues:

[From the Washington Post, June 12, 1967]

Too Few Houses

While the country's population has been growing, its housing production has been declining. The number of new houses reached 1.6 million in 1963 and even at that rate, as President Johnson said, the improvement in the housing market failed to reach a great many among the poor, the elderly and the minorities. "By 1970," the President observed three years ago, "we shall have to build at least two million new homes a year to keep up with the growth of our population."

But instead of rising, housing production has fallen each succeeding year until, in 1966, it sank to 1.2 million. With this general tightening of the real estate market, and the general failure of the housing industry to keep up with demand, the Administration's attempts to rehabilitate the city slums become increasingly difficult. The Federal Government's traditional program for providing homes to the poor is public housing, but most American cities now believe that they cannot absorb many more large public housing projects.

Congress has only compounded the confusion. Last month the Republicans in the House voted in very large numbers to defeat the appropriation for rent supplements. It is sad when one thinks of the people who need the supplements; but it is comic when one thinks that most of the Republicans were simultaneously supporting Senator Percy's home ownership bill. Rent supplements mean Federal funds to help families pay rent. The Percy plan means Federal funds to help families buy homes. Both require Federal subsidies, and both encourage private construction. The Republicans insist on damning one as the prelude to socialism and praising the other as an historic vindication of the free enterprise system.

If the Administration is wise, it will turn the other cheek, leave this doctrinaire rhetoric undisturbed, and help Senator Percy pass his bill. Its defects are not small; most serious of all, it follows the Administration's own error of relying on nonprofit corporations. And the Percy plan can never reach the really poor families who most desperately need help.

But the Percy bill has notable advantages of its own. It would set up a new, specialized Federal mortgage bank (judiciously termed a "home ownership foundation") to channel construction funds and purchase subsidies into the slums. The Federal Housing Administration has not proved a willing partner in low-cost subsidized housing, and the Percy bill offers an alternative method of financing. It cannot take the place of rent supplements in the structure of Federal aid to housing. But it can bring building money into neighborhoods that commercial banks and the FHA are equally reluctant to enter.

Perhaps the most important fact for Congress to keep in mind is the narrow scale of these endeavors. Both the Percy plan and rent supplements can be very useful, but both are highly specialized. Neither can begin to counterbalance the unwholesome social effects of the low rates of housing construction in recent years throughout the Nation.

[From the Washington Post, June 18, 1967]

ACTIVE PARTNER

I read with interest your June 9 editorial entitled, "Too Few Houses." Its analysis of the parallels between the rent supplement program and the Percy plan was both accurate and timely. I also was gratified that you recognize that the Percy plan has limitations and defects.

I must, however, take exception to the statement that the Federal Housing Administration is not "a willing partner in low-cost subsidized housing" and is reluctant to function in blighted and slum areas. Historically there is a valid basis for such assertions. But today, as a part of the Department of Housing and Urban Development, the FHA is an active partner in subsidized housing and is helping to bring money into blighted slum neighborhoods.

In 1961 Section 221(d)(3) was added to the National Housing Act. This new section provided FHA mortgage insurance for a new moderate-income housing program, and authorized special assistance funds from the Federal National Mortgage Association for its financing. This is a subsidized housing program, providing both new and rehabilitated housing.

All of the funds available for this program will be allocated by the close of this fiscal year. As of April 30, 1967, allocations for 143,000 units had been made. Commitments were issued for 72,400 of these units, and in excess of 40,000 units were occupied.

The rent supplement program, funded initially only a year ago, has moved more rapidly, thanks in large part to our experience with the 221(d)(3) program. By mid-May of this year, the FHA had allocated all of the available appropriation for rent supplements, aside from a contingency fund that must be preserved. These allocations will provide some 35,000 units of housing for low-income families.

These two programs are the most active of all FHA multifamily housing programs and make up most of its multifamily activity. Thus today FHA is not only willingly but successfully playing a prominent role in supplying low- and moderate-income housing.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

WASHINGTON.

FOREIGN AID IN OUR NATIONAL POSTURE

Mr. HICKS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HICKS. Mr. Speaker, in this morning's mail, I received a letter from a constituent who seems to sum up quite clearly the attitude of many thoughtful people of the Sixth Congressional District of Washington State regarding the Middle East situation as it exists today.

You will note, Mr. Speaker, that the writer, Mr. Frank D. Weeks, Jr., displays a rare understanding of the place of foreign aid in our national posture. He realizes that it plays an important part in our foreign policy, useful as a stabilizing influence in the world.

It is not a complete answer, surely, as both Mr. Weeks and we in this body are well aware; but remains part of the answer, a workable and flexible tool of our foreign policy—infinitely more humanitarian and economically cheaper than bombs. I only wish that more Americans had as firm and intelligent a grasp of the uses of foreign aid as Mr. Weeks, and hope that as time goes on this may be the case.

I commend Mr. Weeks' letter to the attention of my colleagues, as follows:

TACOMA, WASH.,
June 14, 1967.

HON. FLOYD V. HICKS,
House of Representatives,
Washington, D.C.

DEAR MR. HICKS: I am deeply concerned with impending events in the Near East and U.S. policy in that area.

It appears that Soviet Russia will attempt to salvage whatever prestige she might, by obtaining a censure from the United Nations against Israel and a return to the status quo through collective UN action. Such a course could result in legions of "Volunteers" pouring into Palestine under communist military leadership which would require our forceful opposition or complete withdrawal from the area. Russia must not be permitted to achieve the objectives so violently and conclusively denied the United Arab Republic in the recent war. The Israelis and the Arabs must work out the solution among themselves, which can be done despite seemingly implacable hatred on the part of the Arabs. (A review of history indicates that the two people lived side by side in peace for almost a thousand years.)

As far as the United Arab Republic is concerned, I feel as most Americans do. Reacting to falsehood and insults slammed against us, my first emotion is defensive hostility. In analysis, however, I can see that it is not to our best interest to retaliate in anger against the UAR but it is also not to our best interest to give them aid and comfort at this time. Denial of aid will force the burden of support on the Russians or Chinese, or both—at a time when neither can adequately do the job. Should they attempt to raise economic conditions above starvation level in the Arab countries, it would require far greater expenditures of risk capital than they can afford—or would be willing to gamble, if they could afford it. By our refusal to participate—we have sufficient justification in the eyes of the world to refuse—we would certainly support conditions which would strengthen Israel's position and force a change in leadership and national philosophy in the Arab nations.

As I see it, should we supply massive aid to the Arabs before September, we may stay a revolution which will certainly occur as starvation conditions approach. It is to our best interest to cooperate with Great Britain in achieving a new Government among the Arabs which will agree to co-existence with the Israelis and accept the fact that a better life for their people will begin with education and hard work, not with the false dream that conquest of Palestine will fulfill Mohammed's promise.

I am aware that foreign policy is the domain of the President, but Congress can be very influential—especially in deciding who gets foreign aid and in what amounts. We must not be trapped into supporting conditions which will permit a shooting war to erupt at any time—as has been the case during the past twenty years.

Sincerely yours,

FRANK D. WEEKS, JR.

FOREIGN IMPORTS STILL PLAGUE TEXTILE INDUSTRY

Mr. KORNEGAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. KORNEGAY. Mr. Speaker, the mainstay of the economy of North Carolina—the textile industry—continues to be sorely plagued and damaged by a flood of imported products from low-wage countries.

A recent survey of 310 North Carolina textile plants which employ over half of the State's total of 250,000 textile workers revealed that only 15 plants—employing 7,200—are now working full time, with the remainder continuing on a curtailed workweek running as low as 2 days per week.

This is a serious situation, one that grows worse almost daily. Not only does this condition have an impact that bodes ill for the industry and its workers, but also adversely affects the many industries and businesses which depend upon a flourishing textile industry.

When labor turnover exceeds 50 percent and prices drop 15 percent as they have in the textile industry, its future is dim indeed.

I wanted to bring this situation to the attention of the Congress for the economic outlook in my home State of North Carolina is dark unless some action is taken in the immediate future to alleviate the conditions now existing. I might point out that one in every two manufacturing employees in North Carolina is employed in a textile plant and many of the workers depend to a large degree upon the circumstances of the textile industry.

Mr. Speaker, recently I received a letter from a friend and one of North Carolina's leading bankers, Mr. Addison H. Reese, of Charlotte, chairman of the board of North Carolina National Bank, is well known and respected throughout the Nation's banking industry. His recent letter to me is an excellent summary of the problems and the progress of the American textile industry.

Mr. Reese has cogently pointed to some of the continuing problems facing the textile industry, problems which are beyond the control of this vital segment of our economy.

So that all may benefit from Mr.

Reese's presentation of the current problems, I include his letter in the RECORD at this point:

NORTH CAROLINA NATIONAL BANK,
Charlotte, N.C., June 9, 1967.

Hon. HORACE R. KORNEGAY,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. KORNEGAY: Speaking as a banker and a citizen, I am gravely concerned at the apathy that allows an increasing flood of imports to endanger our vital textile industry.

The general public does not realize that other industries are involved. Anything that hurts the textile industry hurts trucking, chemicals, paper, oil, metalworking, and corn growers in the Midwest, to name a few other interests.

For years textile spokesmen have called attention to cheap foreign imports, and justly so. Even in strong textile areas such as the Carolinas, people have grown deaf to their complaints.

Some people in government seem to have the erroneous idea that the textile industry is antiquated. They think that to the extent textile mills can't compete with cheap foreign imports they should be abandoned, their people trained for other jobs, and their plants converted to more productive use. This is certainly not sound thinking.

Textile technology has forged ahead rapidly in the past few years. The industry has spent $5.5 billion on new plants, equipment and modernization since 1960. For example, H. W. Close, president of Springs Mills, Inc., reports that his company's newest plant will cost $63,000 per employee. This compares to about $30,000 per employee for plants built since 1963, and $10,000 for older plants.

Other industries depend on textiles for significant portions of their business. Just three of the nation's better-known textile companies, all operating in the Carolinas, spent approximately $242.7 million for supplies, repair parts, power, fuel and water in 1966. One firm alone—and it is not the largest—stocks 90,000 different items in inventory and deals with 7,000 suppliers. America's textile machinery manufacturers lead the world. In 1967 their output is expected to be about $796 million, 80% of it in domestic sales.

The trucking industry transports 87.8% of the textiles moved in this country (1963 figures), and derives over $100 million in revenue from the industry.

Textiles are a substantial customer of the $17-billion paper industry, buying paper, cartons and countless packaging materials. Petroleum and chemical industries are deeply involved, the latter at about $2.5 billion a year. DuPont gets about a third of its annual volume from sale of man-made fibers. Textiles are the nation's second largest industrial user of cornstarch, buying 315 million pounds annually.

Investors have a huge stake in textiles. In North Carolina alone, textile plants (excluding hosiery and garments) are capitalized at $1.18 billion. Textile properties in this state have an assessed valuation of $963 million, and pay more than $36 million in state taxes. More than 250,000 Tar Heels work in textiles, earning over $1 billion of the state's total manufacturing payroll of $2.5 billion a year. Nationally, some 950,000 people earn $4.6 billion in textile wages.

The suggestion has been made that we increase textile imports from developing nations, and compensate American textiles for their loss. It would be easy to go into developing nations, install subsidized textile machinery, and train their abundance of cheap labor to produce cloth for export to this country. This would make the American textile industry a sacrificial goat. It may help build up other countries, but it would be a heavy blow to the American economy.

Furthermore, the theorists who made that suggestion haven't said what would happen if these countries were to renounce their economic ties with the United States. If we had become dependent in years past on Viet Nam, Cuba or China for our textiles, we'd be spending millions to expand the industry in America right now.

Thank you for your past efforts on behalf of our textile industry. I hope you can convince your colleagues from other states that they, too, have a stake in textiles.

Cordially yours,

ADDISON H. REESE,
Chairman of the Board.

LT. GEN. LEW WALT, U.S. MARINE CORPS

Mr. WHITENER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Speaker, Time magazine, on June 9, 1967, contained a very fine comment on Lt. Gen. Lew Walt, U.S. Marine Corps. This article gave some evaluation of the splendid record of service which General Walt has established as he has led our Marine Corps men in Vietnam.

I have had the privilege of witnessing the performance of General Walt on two visits to his area of operations. This has given me a privilege which I shall always value. I have never been more impressed with any military leader than I have been with General Walt. America can be proud of him and the men who have so courageously served under his command.

The Time magazine article is appended hereto as a part of my remarks:

LEADER FOR ALL REASONS

Soon after landing in South Viet Nam with a new second star on his shoulders, Marine General Lewis Walt recognized that the U.S. role there called for qualities of heart and mind that are not defined in military manuals. "In this war," he said, "a soldier has to be much more than a man with a rifle or a man whose only objective is to kill. He has to be part diplomat, part technician, part politician—and 100% a human being." As the top Marine in Viet Nam, facing an array of challenges matched by no other corps commander in the war, Old Pro Lew Walt, 54, proved himself a leader for all reasons. Last week, after two years of unremitting war, Walt headed home to a hero's welcome and a new job as the Marines' deputy chief of staff for manpower.

With a command that embraces 10,440 sq. mi.—all five of the northernmost provinces that comprise I Corps—Walt had the task of stabilizing South Viet Nam's queasiest territory. The region was plagued by the country's most aggressive guerrillas, threatened with the massive cutting edge of well-armed North Vietnamese divisions and abroil with political dissidence. From the outset, Walt gave priority to winning over the civilians and holding the villages.

Hamlet by Hamlet. His humanitarianism made good military sense. "When we realized that 180,000 people lived within 82-mm. mortar range of the Danang Airbase, and when we realized that there would be no way to police every house," said Walt, "we decided that the only way to solve it was to make sure that we had friendlies living around the airfield." The number of Vietnamese now living in secure areas has doubled, to 1,000,000, during Walt's tour.

The husky Kansan, winner of two World War II Navy crosses, was so committed to pacification that the Marines became known as "Walt's Peace Corps." While assault units like the 1st Airmobile Cavalry rode their helicopters to major set-piece battles against big Communist forces in unpopulated areas, Walt's outnumbered Marines, for the most part, had to fight mile by mile, hamlet by hamlet.

The switch in tactics from the gung-ho role in World War II and Korea made Walt a frequent target of criticism. The controversy also pointed up a split between Marine and Army commanders. Army men, pointing to such bloody engagements as Ia Drang, argued that the way to win was to kill the V.C. first and pacify the population later. The Marines replied that search-and-destroy tactics suitable for the wastes of the Central Highlands could not be employed in the populous seacoast of "Eye" corps. Moreover, they pointed out, wherever Army troops pulled out, the Viet Cong flowed back in.

Unfailingly Considerate but . . . Burdened with defense of the major jet bases at Danang and Chu Lao, committed to winning over a skeptical population and handicapped by having only 230 helicopters (v. 430 in one Army airmobile division), Walt fought the kind of war that the terrain demanded and his experience dictated. As popular with his troops as with the Vietnamese urchins he daily fed candy, Walt was known to enlisted men as "our squad leader in the sky" because of his tireless helicopter visits to combat areas. His blue eyes often misted over the sight of wounded Marines; yet they could freeze like an arctic night at the sight of an officer derelict in duty. A general and more than one full colonel were booted out of Viet Nam under the assault of Walt's sharp temper. Yet to those who did their job, he was unfailingly considerate.

General William Westmoreland, who was quick to appreciate Walt's achievements—as was the Pentagon, which awarded him his third star after just nine months in Viet Nam—asked the Marine in the spring of 1966 to extend his one-year tour for six months. Then, after Walt's smashing defeat of a North Vietnamese division last summer, Westy asked him to stay another six months.

Soldier's Soldier. Six weeks ago, with 76,000 Marines and 19,000 soldiers under his command, Walt finally closed with major elements of 71,000 guerrillas and regulars threatening I Corps. Though the Marines pulverized the Communist forces, they took high casualties. Walt's critics cited the U.S. losses as the reason for his surrendering command to Lieut. General Robert E. Cushman Jr. Actually, it was known long before the DMZ battles that Walt, bone-weary from endless rounds of 15-hour days, was leaving Viet Nam at the end of his second year.

Westmoreland, in an unusually warm tribute at change-of-command ceremonies last week in Danang, pinned the Distinguished Service Medal on Walt's barrel chest and said: "My admiration for this man is without bounds. General Walt is a Marine's Marine and a soldier's soldier. He's not only big physically but big morally, a man of almost unique professional abilities, an officer of great courage and outstanding leadership attributes."

Characteristically, Walt's thoughts were not with himself but with his Marines and fallen comrades. "I have a deep feeling of sadness as I recall those young men who have given their lives," he said, "but there is no higher cause than that of freedom."

THE MIDDLE EAST SITUATION

Mr. POLLOCK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. **POLLOCK**. Mr. Speaker, the recent events in the Middle East have left most of the participants doubtful and startled about recent past actions and uncertain over the future course of events. Indeed in this crisis the only ones who appear confident of themselves, their institutions, and their actions are the Israelis. The people of that small but incredibly brave nation have taught the world a lesson with its skill and determination to survive. Unfortunately, it is not at all certain that the opposing parties concerned have learned this lesson. The Soviet Union, the Arabs, the United Nations and our own leaders seem to believe in the same old myths that created and fed the bitterness of the Middle East that lead to the virtual annihilation of three armies at the hands of an amazing Israel.

Some hard thinking is now in order. I was pleased yesterday to find that some is being done in this country. In the Seattle Post-Intelligencer of June 18, 1967, Mr. William Randolph Hearst, Jr., published an editorial entitled "War of Words." I wholeheartedly agree with Mr. Hearst's sentiments and I believe it should be brought to the attention of every Member of Congress. Under unanimous consent I place this fine editorial in the RECORD:

WAR OF WORDS

(By William Randolph Hearst, Jr.)

With almost startling abruptness, the central spotlight of world attention swept during the week from the west bank of the Jordan River in the Mideast to the west bank of the East River in New York. For—thanks to the Soviet Union—the sensational battle of bullets between Israel and the Arab world was followed instantly with the opening of an all-out war of words in the United Nations.

You can bet the war of words will be relatively as long and indecisive as the battle of bullets was short and decisive. The Russians, true to form, have deliberately set out to foul up any chances of achieving early solutions to the many pressing problems left by the recent military showdown.

Despite a lifetime of watching the communists and their dirty work, I find myself literally astonished on occasion by their incredible gall and utter cynicism. There is no moral limit whatever to the Machiavellian maneuvering of which they are capable. What is now going on in the glass and marble home of the Great East River Debating Society is another classic example of their diabolic mischief-making.

As always, the Russians claim they are working for peace and security in the world. Yet, as always, their actions are coldly calculated to disrupt such aims wherever and whenever they think the resultant mess will benefit them. This is precisely what they have been doing in their present drive to have the U.N. brand Israel as an aggressor and to pass a resolution calling on Israel to give back all the Arab territory seized in the war.

What the Soviets are trying to do in the U.N., primarily, is to score a recoup through words the prestige they lost when they failed to come to the rescue of their Arab stooges with military intervention in the war. And in so doing they are encouraging the hate-filled Arabs to hope their war wasn't lost after all—that they can somehow return to the original provocative positions they held before the Israeli blitzkrieg.

I submit it is self-evident that any nation that would do what Russia is doing in the U.N. is a nation whose primary concern is not peace at all. Moscow knows full well that Israel was not the aggressor and that Israel was simply compelled to strike out to save herself from imminent total national destruction. Moscow knows equally well that the U.N. will never be able to force Israel to give up any of the territory she claims as essential to her future self-defense, which indeed much of it is.

The last fact is a good yardstick for showing the utter cynicism of the Russians. They failed to get the 15-member U.N. Security Council to pass the censure resolution they seek against Israel. So now they are trying to get them passed by the 122-member General Assembly, although they have repeatedly in the past insisted that such an action would be illegal. And they have a good chance of success, too, since the Afro-Asian bloc of nations has a controlling balance in the General Assembly—where the vote cast by the representative of 336,000 Gambians is as important as that of the United States.

But—and this is the payoff—the Russians know that the adoption of their resolution by the Assembly will mean just exactly nothing in itself. It would be merely an expression of opinion. Any implementation of such an opinion would have to be made by the Security Council, whose position already has been made clear.

Israel has said that peace terms must be hammered out in face-to-face talks with the Arabs. The Arabs, for their part, have vowed never to participate in such talks with the Israelis although eventually this position will be untenable. The point here is that it will continue to be tenable so long as the Russians encourage the Arabs.

All this once again underscores the limited usefulness of the U.N. in a real crisis. Its fundamental flaw springs from the fact that the great powers never have been willing to arm the so-called peacekeeping organization with the authority of a superstate whose sovereignty would top their own. In the present situation it was further weakened by the incredibly weak secretary general, U Thant, who pulled U.N. forces out of Egypt at the first real sign of trouble. The U.N., in fact, was not even useful in helping our nationals get out of the Arab world when they were ordered to vamoose.

Incidentally, this last point reminds me to give well-earned credit here to Pan American Airways for the superlative but little-known emergency airlift they operated on June 6 and 7—the second and third days of the war. At the request of the State Department, Pan Am evacuated 2,208 Americans, mostly wives and children of diplomatic personnel, in 18 flights out of Beirut. Other emergency airlifts were successfully undertaken by Pan Am from Lagos, in Nigeria, and from fields in Southern Spain. It was a tough job done in superlative fashion. All Americans can be proud of this great American flag airline.

The positive and speedy action taken by the State Department in this matter, unfortunately, is in sorry contrast to the ineffectiveness of our diplomacy throughout the whole Mideast showdown—and since. Before the war broke out, we proclaimed ourselves officially neutral although our national interests would have been vitally and tragically affected by an Arab victory. In effect we were neutral on the side of Israel but even so—thanks to our chicken allies—we were unable to do anything to help Israel break Nasser's illegal blockade of the Gulf of Aqaba.

Now that Israel won the war single-handed, thus relieving us of a tremendous potential responsibility, what have we done? Merely mumbled something about continuing our Mideast policy which calls for honoring the original territorial integrity of ALL the states involved in the conflict.

To me this is all wrong, and even worse than that. In a world of naked power politics, the policies of any nation in its right mind have got to reflect its own selfish interests. When situations are drastically changed, policies must be revised accordingly. This is understood by all of the really hardheaded nations of the world. Unfortunately we too often play politics as if it were a game and expect everybody to play fair and abide by their word and some imaginary rules. The only rule that anybody pays any attention to in diplomacy is the law of self-interest.

Israel has proven herself in sensational and heroic action to be our strong good bastion of Democracy in the Middle East. The Arab land she captured with her blood is all territory whose only use to her will be to prevent easy new attacks on her people—legitimate spoils of war by any definition. On the other hand, and with no cause whatever, seven Arab states have spit in our eye by severing diplomatic relations and encouraging outrages on American property in their midst.

Under these circumstances there is no moral or practical reason whatever for our clinging to a pre-war policy which held that Mideast boundaries should be sacrosanct. It is all well and good to have a policy of neutrality where our interests are not directly threatened. But in the present situation—where the issues of right and wrong are so clear, where our friends and enemies have emerged so unmistakably—it is foolish and meaningless to pretend neutrality any longer.

Now is as good a time as any for the United States to reassert the leadership she has failed to exert in the Mideast crisis.

We can do it by making it crystal clear in a declaration to the world that we believe justice lies with the Israeli cause.

If we don't, we will be helping along the confusion and delay being created deliberately by the communist-inspired war of words on the East River.

ADDRESS OF VICE PRESIDENT HUBERT H. HUMPHREY AT THE U.S. NAVAL ACADEMY

Mr. **MACHEN**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. **MACHEN**. Mr. Speaker, as a Member of Congress, as a member of the Board of Visitors to the U.S. Naval Academy, and as an American I am honored to call to the attention of my colleagues a recent speech by the Vice President of the United States.

Addressing the 1967 commencement at the Naval Academy on June 7, 1967, the Vice President offered a bill of rights and responsibilities for the 21st century to the graduating midshipmen, who will soon be among the leaders of our country. This is a bill of rights and responsibilities that has more far-reaching application than to a single graduating class: It is a set of goals and ideals that every American, looking to the future, should memorize and take to heart.

Mr. Speaker, we all know and respect the Vice President as a man of vision and integrity. It is national leaders such as he who keep us looking ahead, toward the longer needs and goals of our country, and who help us put in the proper perspective the temporary national objectives in order that they may build on one another toward a better way of life. At this point I insert in the RECORD Vice President HUMPHREY's excellent and challenging speech to the Naval Academy graduating class:

Remarks of Vice President Hubert H. Humphrey at the U.S. Naval Academy, Annapolis, Md., June 7, 1967

Gentlemen, I am honored to bring you today this message from the President:

"It is a pleasure for me to extend my best wishes as you complete your college education.

"You are graduating into a society in which you will be warmly welcomed. Our country has never had so great a need for highly educated men and women. Never have young Americans moved from the college campus into a world offering so broad a range of opportunities for individual fulfillment and contribution to the welfare of humanity.

"Your generation of students has been distinguished by its fresh and vigorous concern for the quality of American life and its commitment to American democracy. Perhaps the greatest opportunity awaiting you is the challenge to make this a lifelong commitment.

"Today, Americans from every walk of life are striving together to shape a society that can offer a meaningful and rewarding life to all its members. Never have so many of our countrymen been so deeply dedicated to eradicating the old evils of ignorance, poverty, and bigotry from every corner of the land.

"Through your years of study, you have prepared yourselves for positions of leadership in this quest for a better America.

"I congratulate you, and urge you to take full advantage of that opportunity.

"LYNDON B. JOHNSON."

Gentlemen, in the spirit of that message, I call your attention to the future.

In your generation, only 33 years from now, our familiar 20th century will end and a new century will begin.

There are those who predict that we'll never make it alive through *this* century, much less the next . . . that nuclear Armageddon is bound to come.

But there are others, and I am among them, who believe that the year 2000 can bring not only a new century, but the beginning of a new millennium of human hope and happiness.

It will in large part depend on what we Americans do with our time.

There seems to be general agreement that we in America can be living in streamlined, chromeplated, airconditioned, automated, solid-state, all-electronic comfort in the year 2000.

Discussion of present and future progress almost always seems to be in terms of scientific and technological wonder or horror . . . comfort or cataclysm.

It is also largely in terms of the quantitative: How much? How many? How far? How fast?

For instance, in quantitative terms, we know today that we have a Gross National Product of three-quarters of a trillion dollars . . . the ability to produce a plane which will fly at 2 thousand miles per hour . . . a national inventory of 60 million TV sets . . . more than a half-million scientific papers published each year.

All these facts indicate economic prosperity and growth . . . a greater scientific and technological capacity . . . a wider ownership of material goods.

And we are told that these trends will surely continue.

Yet, if we look more closely we see other things too: That, for instance, in the shading of high-income areas on census maps, the shading never falls on neighborhoods where Negroes live; that, in a time of prosperity in the rich nations, per capita income is going *down* in the poor nations of the world.

And we increasingly feel—I know I do—that it is imperative to apply critical, *qualitative* measures to what we see—that it is necessary to see how change is affecting people and their lives.

We have over 2 thousand institutions of higher education in our country. The question is: What proportion of their students are receiving both a solid technical grounding and the ability to think for themselves?

We have, in our cities, billions of dollars of new investment in office buildings and luxury apartments. The question is: Are the families who live in the shadow of these buildings—that is, the majority of the people who live in our central cities—better-housed or worse-housed today than they were yesterday.

When he visited America a century ago, Thomas Huxley wrote: "I cannot say that I am in the slightest degree impressed by your bigness, or your material resources, as such. Size is not grandeur, and territory does not make a nation. The great issue, about which hangs the terror of overhanging fate, is *What are you going to do with all these things.*"

Today more and more Americans are asking Huxley's question of themselves: With our power, our resources, and our innovative capacity magnified a thousand times, what *are* we going to do with all these things?

I think the answer is clear.

Our goals are not and must not be confined to improvement in physical conditions and creature comforts. If the achievements of America are to be no more than the hardware of science, the machinery of technology, and the extension of material abundance, we will have made only a minor contribution to mankind.

We must not lose sight of this:

More important than the machines, and the wealth they produce, are the people who inhabit this earth and the rights they possess.

If a future historian set out to trace the preservation and realization of the rights of man in *this* millennium, he would be able to describe a pattern of progress.

He would, of course, note that in the Middle Ages only the ruling sovereign firmly possessed rights to own land.

He would dwell on the significance of the Magna Carta, issued by King John of England in 1215, defining the rights and duties of barons, and becoming a symbol of the rule of law for succeeding kings.

He would note the enactment by Parliament, in 1689, of what the British called the "Bill of Rights," which declared the rights and liberties of British subjects under the Crown.

He would, possibly, give a full page or chapter to the American Constitution adopted in 1789, the amendments added by our first Congress in 1791, and how they became known throughout the country and the world as the American Bill of Rights. They would have to be spelled out on our historian's pages: The right of free exercise of religion, of free speech and press; the right to assemble and petition the government; the right to be secure against unreasonable searches; the right of trial by jury; and more.

That historian of the future would relate two patterns of development which followed: How America itself, through action of Congress and the courts, refined and extended those rights to *all* its citizens, and how other peoples learned of and fought for the same rights.

And what then? What would our future historian report of the role of America in extending the rights of man as this millennium raced to a close?

Permit me to suggest a hopeful, hypothetical paragraph for that future historian. In the bland, detached prose of the scholar, he might write the following words about the United States in the year 1967:

"It was a time of crisis and challenge for the United States. While seeking to improve its own standards and redefine its own rights at home, that nation was tested as never before in its pronouncements and policies to help extend human rights to other areas of the world."

And then, in conclusion, we would hope that the historian would set down this paragraph:

"America met the test."

There are those who say history cannot be made; it must be accepted.

But we Americans have never looked upon human history with fatalism or a sense of despair. We have never written off the future to the winds of chance and the whims of nature.

It is good to know history. It is even better to make it.

But before the act must come the vision.

What are the rights—and what are the corresponding responsibilities—which man may envision in the century ahead, and which he may work toward today?

Man's past rights, as previously defined, have most largely protected him against coercion by his government.

But in a world where destruction is only a half-hour away, as the intercontinental missile flies, we all know that man's rights are affected by forces far beyond those possessed by his own immediate government.

None of us needs to be reminded of that fact this week.

We know that every major event—or trend—taking place on this earth sends ripples outward to all other places.

All this is a way of saying that this truly is one world, and will become even more so.

It is thus clear that, if we wish man's rights to be nourished and not to wither, we must move beyond the goal of merely helping him resist the incursions of his immediate government.

We must, too, move beyond the business of the protection of rights to a more positive doctrine—toward their assertion.

In short, we must help man become not just protected, but liberated.

Does this seem to be new and revolutionary doctrine?

It is revolutionary.

But it is hardly new. It is, in fact, the doctrine of Thomas Jefferson—doctrine that proclaims "life, liberty, and the pursuit of happiness" as the inalienable rights of all men.

Life that is more than mere existence.

Liberty that is not only proclaimed, but practiced.

Happiness that is found in only the full and rich life of men who are both secure *and* free.

We know through our own experience that the rights of man are never real unless they are constantly reasserted. We have seen what happens to them when they are left to fend for themselves.

We know in our hearts that the rights of man are a never-ending unfinished business, just as America, is a nation never-finished, a destination never quite reached.

The quest for the rights of man can never end at our own doorway. Nor can it be pursued in any narrow, protective sense.

Therefore, I hope you will not consider me presumptuous if I say that, here and now, we as Americans must dedicate ourselves to a new Bill of Rights and Responsibilities for the 21st Century—rights and responsibilities which fit new times and circumstances.

Let us raise our sights beyond the past and present. Let us declare ourselves for the future rights which one day all men share:

The right to peace—so that man may live and hope free from the threat of those who would march to power.

The right to justice—so that man may

stand before his peers and his society on truly just and equal basis with his neighbor.

The right to free expression—so that man may speak and be heard, despite the decisions and beliefs of any temporary compact majority.

The right to the search for knowledge—so that no man may remain another's slave through the denial of skill or education.

The right to public accountability—so that man may remain the master of the state, rather than the state become the master of man.

The right to a meaningful role in society—so that man may follow his own cadence and live with self-respect and dignity among his fellow citizens.

The right to full opportunity—so that man may lift himself to the limit of his ability, no matter what the color of his skin, the tenets of his religion, or his so-called social class.

The right to public compassion—so that man may live with the knowledge that his health, his well-being, his old-age and loneliness are the concern of his society.

The right to movement and free association—so that man may freely move and choose his friends without coercive restraints.

The right to privacy—so that man may be free of the heavy hand of the watchers and listeners.

The right to rest and recreation—so that the necessity of labor not be permitted to cripple human development.

These are the rights we seek—and must continue to seek—to make alive and real in our own nation. These are the rights, I believe, which we can do no less than seek for our brothers in mankind.

These rights will not be achieved at home, or in the world, without the exercise of consonant responsibility by men who would possess them.

Then what are the responsibilities of modern man?

The responsibility to participate—lest critical initiatives and decisions be left to those who would bend them to their own use.

The responsibility to participate—lest silence in the face of injustice be interpreted as its acceptance.

The responsibility of public service—lest service be to self rather than fellow man.

The responsibility to support the rule of law—lest the law of the jungle become the law of human behavior.

The responsibility to protect ideals in the face of force—lest ideals be lost and violence be spread.

The responsibility to respect and defend the rights of others—lest freedom become license, and opportunity become coercion.

And these latter responsibilities, I might add, are nowhere more clearly spelled out than in two remarkable documents for the future: The Charter of the United Nations and the recent Encyclical of his Holiness, Pope Paul VI.

Both of these documents point the way to the future responsibilities in this world of the United States and other free nations. They point the way to the creative, constructive work that will be necessary if peace with freedom is ever to be achieved—the work of nation-building, of peace-keeping, of self-sacrifice in the cause of fellow man.

I know there are certain "realists" who believe both the United Nations Charter and the Pope's Encyclical to be the documents of dreamers. That they may be. But they are also realistic.

For I believe it is most unrealistic to expect man to survive through the years ahead if these documents are not heeded, and in the specific.

It is clear: The rights of each man must by necessity be limited by the rights of others and by the just-demands of the general welfare. Yet, within those limits, the possibilities of making men truly free are today but barely touched.

The first step is to have a vision of the rights we seek. The second step is to resourcefully find the means to their attainment. The third step is to have the courage to use those means to their attainment. The third step is to have the courage to use those means until the vision is achieved.

I have faith that America has within itself vision . . . and resourcefulness . . . and courage.

I give you the words of Woodrow Wilson:

"This is not America because it is rich. This is not America because it has set up for a great population great opportunities for material prosperity. America is a name which sounds in the ears of men everywhere as a synonym with individual opportunity because it is a synonym of individual liberty."

I have faith that we shall not be diverted, at home or in the world, by the temporary crises and distractions which tempt men to infringe on the rights of others or to abandon their responsibilities.

And I have faith that the year 2000 will dawn on a world not of emptiness and devastation . . . not of oppression and conformity . . . not of self-indulgence and materialism . . . but a world in which each man stands free and equal in his search for the happier, better life that can be his.

That is the promise of the 21st century. And that is the promise of America.

AMERICAN BUSINESS CAN HELP WIN THE COLD WAR

Mr. BIESTER. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HOSMER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HOSMER. Mr. Speaker, the American Security Council recently conducted national competition for essays on the role of business in the cold war. Amongst the winning essays was a particularly forceful presentation by Dr. Richard V. Allen, a senior staff member of the Hoover Institution on War, Revolution, and Peace. Dr. Allen has long enjoyed an international reputation for scholastic excellence and vital perception of the relationship between East and West. His valuable views on the role of American business in this relationship follow:

ON WINNING THE COLD WAR: THE ROLE OF THE AMERICAN BUSINESS COMPANY

(By Richard V. Allen)

Of all the characteristics of the American people, perhaps the most striking is their inexhaustible optimism in the belief that the country can "get the job done." This optimism is adequately justified by the history of the Republic; it abounds with examples of challenges to which we have responded successfully. Our experience in cooperative efforts in overcoming domestic difficulties, repulsing internal and external threats, and clearing the way for the pursuit of happiness and securing the general welfare are positive proof that our political and economic systems work, and work well.

The fruits of the American experience are not merely those of material well-being. Prosperity alone is meaningless without liberty, and it is precisely because we are both prosperous and free that we have survived and flourished. The unique heritage of political democracy and individual enterprise has produced the most powerful, and at the same time, the most benevolent nation known to history.

In the past, the United States has been pragmatic in all its domestic and external affairs. Unfettered by ideology, utopianism, or clichés, we have sought to apply the rules of common sense in our dealings, and have come off fairly well. The logic of everyday affairs, applied automatically by force of habit, has been the product of our pragmatism and our optimism.

Today, the American character is on trial. Ideological clichés have become a dominant feature of the public dialogue; no longer do the rules of common sense apply universally in our dealings with the world; simple logic, often yielding uncomfortable and threatening answers, has become "unrealistic" and "outdated." And nowhere does the trial of the American character stand out more vividly than the conduct of the Cold War.

The Cold War has been the central feature of our lives for twenty years. It has been uncomfortable, expensive, and exhausting. It has also been a very real war, the nature of which we have thus far been either unwilling or unable to identify. Why?

In the past century, the major wars which the United States has fought were conventional in every sense of the word. Two or more nations opposed one another on a battlefield, and one side won a victory. Wars, which are always fought for political goals, were sufficiently convincing to defeated nations, and the limited aims for which they were fought often were accomplished on the strength of the victory alone.

In the three major wars of this century which the United States has fought—World Wars I, and II, and the Korean War—their political aims were improperly perceived, and in each case reliance upon military strength alone, and disregard for the long-term political consequences, yielded either stalemate or, eventually, conditions leading to another war. Thus viewed, the war in Vietnam is the product of our failure to secure both the political military victories which should have been ours in Korea; and should the war in Vietnam be inconclusively terminated, it is virtually certain that in the future we will become embroiled in other wars, similar in kind, at times and places not of our own choosing.

But it is in the uncertain arena of the Cold War that we perform most poorly. There are reasons for the poor performance, many of which stem from a contemporary unwillingness to acknowledge that we are faced with an implacable and self-declared enemy whose aims are unlimited, with an enemy who seeks the destruction of the American way of life.

For years there has been a substantial body of opinion which has held that, with the passage of time, the reasons for the fundamental conflict issues between East and West will gradually disappear. Of late, that body of opinion has grown to include some of the nation's policymakers and many of those in the academic community whose opinions influence our official policy. Those who believe that conflict will "whither away" hold one essential point in common, whatever their differences on specific policies may be, and that is that as the Soviet Union increases its industrial capability, and as it gradually acquires a better standard of living, it will inevitably relinquish the revolutionary demands it has made for the reorganization of the world along Marxist-Leninist lines. Since Marxism-Leninism has largely been "disproved" as a functioning political and economic system, they argue, it is in our own national interest to demonstrate that American capitalism and the techniques of individual enterprise are best suited to the interests of industrialized nations. Once the acceptance of capitalism has become inevitable, it is held that the Soviet union will at last enter the family of nations, and will abide by the rules governing the relations of civilized and peaceful countries.

Thus, it is argued, as the United States and the Soviet Union gradually recognize the important interests they hold in common, the causes of conflict will disappear as the two nations "converge." Once having reached a common footing, the senselessness of conflict and hostility will become sufficiently clear to force both countries to act together to preserve world peace.

That Communists everywhere scoff at and repudiate the theory of convergence is alleged to be of no consequence. On the contrary, the proponents of the theory claim that Communist hostility to it stems basically from their anger in being "trapped by the inevitable" and unable to do anything about it.

We have described this influential attitude at length for a specific purpose: because it is so unrepresentative of the American character. Yet its appeal is obvious, for it offers an apparently logical and quite painless "way out" of our present difficulties. Nor does this attitude reflect faithfully the traditional business-like way in which we have viewed our own affairs.

That business-like realism is a missing ingredient in our conduct of the Cold War is both surprising and dangerous. It has been the genius of American business that has made the United States a powerful nation, and ultimately it will be American capitalism upon which we shall have to rely if we wish to preserve our way of life, our strength, and our honor.

It is frequently said that the techniques of business are inapplicable in the world of international affairs, where there are never "black and white," but only "shades of grey." On this basis, businessmen are said to be incapable of comprehending the complexities of international affairs, because they invariably suffer from "black-and-white" attitudes and from the "profit-loss syndromes." Thus, businessmen are said to be better off running their enterprises than mixing in the affairs of state.

There is no "natural inferiority" of the American capitalist; on the contrary, his training and his inclinations provide him with an ability to ask basic questions, and his concern about profits and losses may be precisely the missing ingredient of our Cold War policy-making.

The businessman is one who must make decisions and then face the consequences of those decisions. He cannot procrastinate, he cannot argue that conditions are momentarily too complex to come to a conclusion. On the contrary, he must devise policies and execute them, because indecision can mean disaster or ruin. Even when faced with multiple options, he must discard the unprofitable, uncertain, and unrealistic ones in favor of the practical ones. He must be willing to take risks, for risk is inherent in every venture. And, most importantly, he must be prepared to change his policies if current ones are unworkable and unprofitable. Clearly, the businessman must be practical and alert to change, while at the same time bending his every effort to the attainment of conclusive and positive results. These are qualities which can secure for us a meaningful victory in the Cold War if given the opportunity and the responsibility to make a positive contribution. The time for ideological clichés is past; the ideologues have had their turn at trying to end the Cold War and have brought us no closer to victory. In fact, they have stated clearly that to speak of Cold War victory is "irresponsible" and "unrealistic." Meanwhile, the Communists continue to affirm daily that their objective is a complete "victory of socialism on a worldwide basis."

It is not argued here that one need only turn over the reins of government to businessmen in order to solve the world's problems, for in the business community itself there are gaps which must be filled. The most important of these gaps is the fact that not all business leaders have made the effort to acquaint themselves with the issues of the Cold War, its causes, and its peculiar battle plan. Another is the dearth of information and the profusion of misinformation about the responsibility of business in protecting the nation's strategic and security interests.

While it is the responsibility of business to interact with government and not stand aloof from it, business has a higher and more ultimate responsibility to enhance our national security. Opinions differ as to what actions enhance our national security, and governmental declarations of what contributes to the national security are not necessarily the final word on the subject.

The case in point is the expansion of East-West trade, which the Government considers a policy designed to reduce Cold War tensions. In many respects, the promotion of East-West trade is but a component part of the policy based upon the convergence theory.

While influential opinion may hold that the Cold War is diminishing and even dying out, the evidence clearly indicates the contrary. Apart from the war in Vietnam, itself a burning issue, Communist aggression and subversion are being intensified in all parts of the world. The Communists, who change tactics as conditions dictate, have frankly stated that the key to future success in expanding the domain of their control is in the vigorous and multi-faceted support of "wars of national liberation." As Nikita Khrushchev put it in his famous speech of January 6, 1961, "Liberation wars will continue to exist as long as imperialism exists . . . Communists fully support such just wars and march in the front rank with the peoples waging liberation struggles."

For those who read the Communist press and official Communist statements on a regular basis, there can be no doubt about the importance of "wars of national liberation" and the threat they pose to free world security, as well as the expanded role they are being assigned by Communist strategists.

Thus, if wars of national liberation are to be a major vehicle for the Communist offensive, is it in the best security and strategic interests of the United States to trade with Communist nations, all of which have openly declared their moral and material support for such wars? Will not expanded East-West trade only serve to put in jeopardy the unstable and volatile political administrations in the weaker under-developed countries? The answers to such questions do indeed produce uncomfortable answers.

It is certainly reasonable to assume, on the basis of our historical experience in dealing with the Communists, that whatever such totalitarian and expansion-minded countries need and want is of strategic and long-range importance in their over-all planning. Hence, as long as that planning has as its number one item of business the defeat of the United States and the Free World, any decisions to support long-range Communist economic potential will enhance Communist capabilities to achieve their goals. The dilemma in which American business finds itself in this instance is substantial, but is made even more serious by a shorter term, and even more dangerous development—the new developments in Soviet defense capabilities.

By now it is abundantly clear that the Soviet Union, convinced of its inability to attain strategic offensive superiority over the United States, has for the past three years committed enormous sums of money for research and development for, and initial deployment of, an antiballistic missile system. If this defensive system, which is now being installed in key areas of the Soviet Union, is in fact effective, then it takes on a vitally important strategic significance, one that may even serve to alter fundamentally the existing power relationship between the United States and the Soviet Union.

It is a fact that the Soviet Union has found it possible to utilize the *détente*, or relaxation of tensions, which has developed since the Cuban Missile Crisis of October 1962. The expansion of East-West trade during the *détente* has allowed the Soviet Union to divert otherwise scarce resources for military purposes, since other industrial and consumer needs were being met by the importation of Western technology, financed largely by long-term credits.

Trade of any kind with the Soviet Union, viewed from this perspective, has enormous short-range importance. American businessmen, perhaps unaware of this strategic relationship, may take comfort from the official assurances they receive that the trade in which they are engaging is purely "peaceful," but a vigorous effort is urgently required to inform them of the true meaning of this trade.

Recently, for example, a Southern chemical company with a patented and unique catalytic process was approached by Soviet representatives with an offer of $1 million in cash for just the technical information on the process. A decision was to be made at a meeting of the Board of Directors, comprised entirely of dedicated and patriotic men. When the matter was tabled, all but one of the Directors agreed to the sale. The lone Director, a relatively young man who had only recently had a discussion on East-West trade with an expert on the subject, was then given an opportunity to present his views. When he inquired of his colleagues how many had sons fighting in Vietnam, he found that there were four. Within ten minutes he was able to demonstrate what the sale of the catalytic process could mean to the Soviet ability to continue its support of the war in Vietnam, and how the continuation and intensification of the war could affect the personal lives of each of the four Directors. Astonished by his own failure to relate the sale of their process to the war, one of the Directors said quite simply, "I just never thought of it that way, and I change my vote to 'no.'" Subsequently, the Directors voted unanimously against the sale. A single knowledgeable and perceptive Director, armed with recent and unmistakable evidence, had managed to reverse a majority decision, and thereby made a personal contribution to his country's security.

In the matter of East-West trade, then, businessmen seem unable to cope with the dilemma in which they are criticized if they do, and criticized if they do not. On the one hand, strong and influential spokesmen for expanded trade attack businessmen for "undercutting" official policy if they refuse to trade with the Communist bloc, and equally vigorous opponents of trade attack businessmen for weakening our strategic and security interests by engaging in trade.

That such a dilemma should exist is a reflection of one of the more serious "business gaps" in Cold War education and indicative of the need for a concentrated cooperative effort to expose the American business community to the accumulated evidence.

How, then, are the "business gaps" to be overcome? Can a systematic and comprehensive program to educate and motivate the business community be devised, and can it be implemented effectively with existing resources? What sectors of the American public other than the business community itself should be included in this effort?

In formulating answers to such questions, several important points must be kept in mind. First, the nucleus for a broad-based cooperative effort must consist at the outset of those who are convinced that there is a Cold War, that it presents a grave danger to the American way of life, that it must be fought with a clear purpose, and that it can either be won meaningfully or that, as a minimum goal, the initiative can be returned to the United States. The process of convincing others will be the main task of the effort itself. Second, those who participate in the cooperative effort must be fully cognizant of the fact that no single program, no particular set of ideas, no rigid and simplified plan of action can accomplish the ultimate objective. In utilizing the unique talents of business for a far-reaching educational venture, one must realize that the results will not be measurable for a long period of time. By the same token, flexibility and variety must be permanent characteristics of the implementation of the cooperative effort: at times the approach will be cold and factual, at times subtle and persuasive. Strategy and tactics must be kept constantly under review. Third, those segments of the business community which participate must appreciate fully the consequences of their efforts, for those who will oppose an effort to overcome the "business gaps" will deliver a steady and relentless attack, and will almost certainly try to injure the reputations of those who participate. Charges of "crusading," preserving personal interests, and others far more damaging will be commonplace, and it is well that cooperating businessmen be warned that they will earn the disfavor of certain segments of opinion.

The first and most important task is to identify *all* potential participants from the business community and to establish a National Business Council on the Cold War. This could be accomplished by utilizing an existing body of motivated individuals, perhaps based upon members of the various advisory boards and committees of the American Security Council. Since these bodies are composed for the most part of busy executives who may not have sufficient time to devote to the initial stages of organizing a representative National Business Council, much of the organizing work would devolve upon a full-time staff of professionals drawn not only from business, but from academic life, the mass media, advertising and public relations. Such a full-time staff would number approximately five to eight persons, and would be apart in its activities from the regular administration staff of the American Security Council.

Once an exhaustive survey of all potential corporate and business cooperators has been completed, the professional staff could be reduced if desired (on the basis of a one-year commitment, which would be the period of time required to complete the organization of a conference of the National Business Council on the Cold War, educators and others would then be able to return to their regular employment).

Having prepared the basic information within a specified time, the temporary steering committee drawn from the group mentioned above would convene the first Congress or meeting of the National Business Council on the Cold War, and would seek to do this with the benefit of maximum publicity (it is at this point that the staff members from the mass media, advertising, and public relations fields, would perform at peak capacity). The format of the first conference would be determined by the temporary steering committee, but would in any case include a select roster of business leaders, lawyers, academicians, and persons with extensive military experience as speakers. In order to avoid the impression that distinguished and busy executives are merely the audience in a massive seminar, extensive preparatory work would be done to assure maximum participation by the invitees, and to this end all addresses would be concise and to the point. In addition, smaller sessions would be held to provide greater in-depth analysis and examination of the issues raised.

From the first congress, certain resolutions would emerge, achieving the broadest possible bipartisan consensus. In addition, empowering resolutions would be passed, authorizing a Standing Committee to proceed with a specified number of educational activities. Ideally, these would include:

a. an effort to bring about organic cooperation with college and university officials, and with state and local educational authorities, to include widespread corporate assistance to the growing number of teacher training institutes designed to equip secondary school teachers with the knowledge and skills required to teach courses about the Communist challenge to the Free World.

b. a long-range program designed to broaden the education of future corporate executives by insuring that adequate attention to world affairs and the issues of the Cold War become a basic part of the "curriculum of business success."

c. specific efforts to assist internal media of communications, such as "house organs," in presenting regular features dealing with foreign affairs and national security. Critical in this effort would be the availability of expert writers with an ability to present complex issues in an easy-to-read and interesting fashion (an example of such presentations would be The Reader's Digest).

d. laying the groundwork for an effective information program designed to demonstrate to the American public the role which private enterprise plays in promoting the national security and foreign policy interests of the United States. In this connection, high priority must be given to a continuing program of counterattack against Communist propaganda which depicts American enterprise abroad as neo-imperialistic and neo-colonialistic. For many years such Communist charges, which are almost exclusively without foundation, have stood unchallenged because only a small number of American companies operating abroad have actually attempted to refute them. Such a program of counterattack must demonstrate clearly that the presence of American enterprise abroad is a factor of stability, progress, and well-being in the economies of other countries. Specific attention must be given to intellectual and university groups in this country and abroad, for these are groups at which Communist propaganda is already aimed, and in which considerable gains have been recorded.

e. encouraging individual corporations to support genuinely informative radio and television programs designed to promote in a positive and stimulating manner the American way of life and the Communist challenge to it. In the author's opinion, the most effective example of the enormous possibilities offered by such programming was the "Up With People" program sponsored by the Schick Safety Razor Company in 1966. Aired at prime times in many cities throughout the country, and in some cases appearing more than once in the same city, this program attracted wide attention and great praise. The success of "Up With People" is in many respects a standard of achievement and excellence in the public interest which can and must be matched by other corporations.

f. give maximum encouragement for increased corporate financial support of existing quality efforts to provide effective Cold War education. Specific attention would be given to both academic and non-academic organizations which provide factual and informative studies dealing with Cold War issues. A more broadly based means of communication with colleges and universities should be supported, perhaps best achieved by a radical expansion in the circulation of short and well-written news-letters, such as the American Security Council Washington Report. Advertisements, offering the Washington Report and other worthy printed matter free of charge, should be taken out in campus magazines and newspapers, and time should be purchased from college radio stations. Consideration should be given to convening a meeting of college and university newspaper and magazine editors to seek more effective ways of communicating with students. In addition, corporations should be encouraged to review carefully the present pattern of their grants and donations, with a view to reducing or eliminating support for educational activities and institutions which excel only in their criticism of the American way of life, and which hold views which by objective standards are inimical to the security and strategic interests of the United States and the Free World.

g. call for the drafting of a basic textbook on free enterprise, to be released under the joint sponsorship of all cooperating corporations and businesses. Such a text would be written by leading economists such as Milton Friedman of the University of Chicago,[*] David McCord Wright of the University of Georgia, Gottfried Haberler of Harvard, G. Warren Nutter of the University of Virginia, Henry W. Briefs of Georgetown University, and others whom they may designate. Once a basic draft has been presented, it would then be completely rewritten by professional writers in order to reduce the language used to the "lowest common denominator." Once completed and published, the text should be made available at greatly reduced rates (or even free of charge, if possible) to high schools and colleges by means of direct letter to teachers and professors (utilizing existing directories which give specific information on such persons). It should then be translated initially into Spanish and French, and made available at a nominal charge to organizations and institutions abroad, as well as to the United States Information Agency for placement abroad (an example of the success of this technique are the "Student Editions" of classic works on economics and political science published by the Henry Regnery Company and offered at five cents or the equivalent).

h. in the realm of cooperation with government, substantial support should be generated for the establishment of meaningful guarantees for American investment abroad in order to reduce the risks to domestic capital. To this end, government must be motivated to protect with the appropriate means American foreign investments. At the same time, legislative proposals providing tax credits for private foreign aid should be submitted to the Congress. If such efforts were to be successful, the inefficiency of government-to-government aid could be put to a meaningful test.

This list of specific recommendations is by no means exhaustive; numerous other recommendations would be forthcoming from the National Business Council on the Cold War and from other organizations sympathetic to its purposes. But what has been proposed here could be a beginning, on a modest basis, of a vast effort of continuing support for constructive and sound proposals, all of which would have as their central purpose the winning of the Cold War.

Faced with a determined and united counterattack led by the crucial elements of United States strength and power comprised of the American business community, the Communist offensive could be halted and eventually reversed. Our greatest weapon in the Cold War—our economic genius and the power which it has created—has thus far been untried. Now is the time to call it into action on behalf of the cause of freedom and democracy. To hesitate could be a profoundly dangerous, perhaps fatal, mistake.

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[*] All names for illustrative purposes only.

SYMPOSIUM IN CONNECTION WITH H.R. 2512, THE REVISION OF COPYRIGHT BILL

Mr. BIESTER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Kupferman] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, my colleagues will remember the lengthy debate and discussion on April 6 and 11 in connection with H.R. 2512, the revision of the copyright bill.

The Federal Bar Association in cooperation with the Bureau of National Affairs on June 1 and 2 conducted a symposium on the subject with experts in the field.

I had the honor of participating as the speaker at the luncheon session on Friday, June 2. I was introduced by Samuel W Tannenbaum, the dean of the New York Copyright Bar, whose late law partner helped to draft the 1909 copyright law presently in existence.

There follows Mr. Tannenbaum's talk as well as the program of the briefing conference so that my colleagues will see that what they wrought cn April 11 is of great interest to a substantial segment of society:

Introduction by Samuel W. Tannenbaum, of Congressman Theodore R. Kupferman at Briefing Conference on Copyright Law Revision of the Federal Bar Association and the Foundation of the Federal Bar Association in Cooperation With the Bureau of National Affairs, Inc., June 2, 1967

You undoubtedly share with me the disappointment that we are, as yet, unable to celebrate the enactment of a new copyright law, despite the untiring efforts of Abraham L. Kamenstein, our Register of Copyrights, and the efficient members of his staff, many of whom are with us—George Cary, the Deputy Register, Barbara Ringer, the Assistant Register, Abraham A. Goldman, General Counsel, and many members of our copyright bar who have contributed so generously their time and energy.

In retrospect, have we been mindful of the Elizabethan bard's observation "What is past is prologue"?

It is trite that history repeats itself. Have we profited from the disappointing experiences which plagued Thorvald Solberg, the eminent Register of Copyrights and his loyal supporters, who contributed their expert knowledge and untiring efforts in directing the program which resulted in the passage of the 1909 Copyright Law?

Let us briefly refer to some of the events which preceded the enactment of the 1909 Copyright Act.

Twenty-five official prints of the proposed bill were presented to Congress, which remained dormant in the House Committee on Patents, Trademark and Copyright, of which Currier was chairman.

After prodding by President Theodore Roosevelt, himself a prolific author of works on history, biography, wild life and politics, and the President's threat to oppose Currier's reelection to Congress if he did not report the bill out of his committee, Chairman Currier in the short period prior to adjournment did have his committee report on the fused bill.

The dilatory practices of Currier irked the late Isidor Witmark, a member of the established music publishing firm, who complained "No sooner would they get out a copyright bill with some changes in it when along would come Currier with the same changes, plus a joker. Then they would have to get out another bill to take care of that bill, until there was no end of copyright bills floating around."

The leading trade paper the Publishers Weekly, of July 3, 1909 commented on the Copyright Bill:

"It was in some respects unfortunate that in his (Chairman Currier of the House Committee on Patents) desire to assure the passage of the bill without jeopardy, he carried compromise with insistent interests such as the pirates and the representatives of the Typographical Unions, almost to the point of surrender of private rights."

In the same vein, Register of Copyrights Solberg, in Copyright Law Reform, Yale Law Review, Nov. 1925 on page 65 stated:

"It is unquestionable because of this surrender in 1909 to the urgency of the special interests benefited by the compromises then made that now in 1925 Congress has to face again the same problems."

Justice Oliver Wendell Holmes cautioned us:

"The life of the law has not been logic; it has been experience. . . .

"We must alternately consult history and existing theories of legislation."

Difficult as it may be, there comes a time when we lawyers of that most learned branch of the law, should exert every effort to effect reasonable compromises to produce a copyright bill upon which so much effort has already been expended.

When George Cary, The Deputy Register of Copyrights invited me to act as Toastmaster and to introduce Congressman Theodore Roosevelt Kupferman, I accepted the honor.

When Teddy's parents named him after the 26th President of the United States, they had the premonition that Teddy would emulate the noble qualities of that great President, who preached and practiced the "strenuous life."

Judging from the public press, Teddy has already given us some incidents of his strenuous life.

In the brief period allotted to me, I will endeavor to present, as succinctly as possible, some facets of his busy career.

I met Teddy, when he, as attorney for Warner Bros. Pictures, he appeared before me when I was an Arbitrator under the Federal Consent Decree which had jurisdiction of the practice of clearance of motion pictures at that time.

This is not a campaign speech in support of Teddy's reelection to Congress, even though we are fairly close to election. However, I can't resist referring to Teddy's strenuous career as a student, professor of law, and his activities in copyright and his public career.

Teddy was a Kent Scholar at the Columbia University Law School and Editor of the Columbia Law Review, Secretary to Presiding Justice David W. Peck of the Appellate Division of the New York Supreme Court, General Counsel of Cinerama, a member of the legal staff of the National Broadcasting Co., and President of the City Club, the oldest civic organization in New York City, and President of the Federal Bar Association of New York, New Jersey and Connecticut.

Through Teddy's efforts, under the sponsorship of the Federal Bar Association of N.Y., N.J. & Conn., the lectures on Copyright delivered by seven recognized authorities of the law of copyright, were published as "Seven Copyright Problems Analyzed", which contributions have been favorably cited by the U.S. Supreme Court, and are still being favorably cited in the Federal Courts and in law reviews and copyright treatises.

In the landmark copyright case of Ballentine v. DeSylva, the United States Supreme Court referred to Teddy as a "qualified commentator" in the law of copyright.

I believe that Teddy is the first Congressman who was an active practicing copyright lawyer, whose lectures and extensive articles have demonstrated his profound knowledge in the highly specialized field of copyright and in the law of the entertainment field.

As the Copyright bar now has a friend in Congress in Teddy, let us hope that through his efforts the new Copyright Law will have early passage and that we may soon experience the fulfillment of the hope of President Theodore Roosevelt, as expressed in his message to Congress in 1905 in commenting upon the inadequate proposed copyright acts, when he stated; "Attempts to improve them (i.e. our copyright laws) by amendment have been frequent; no less than twelve acts for the purpose having been passed since the Revised Statutes. To perfect them by further amendment seems impracticable, a complete revision of them is essential."

It gives me great pleasure to present the Hon. Theodore Roosevelt Kupferman—member of Congress.

Briefing Conference on Copyright Law Revision

(Sponsored by the Federal Bar Association and the Foundation of the Federal Bar Association, in cooperation with the Bureau of National Affairs, Inc.)

Conference LXXXIX On April 11, 1967, the House of Representatives by an overwhelming vote, passed H.R. 2512, the first general revision of the copyright law in over half a century. The bill, which was the result of meticulous preparation over a prolonged period of years and thus is generally noncontroversial in nature, faces a careful scrutiny by the Senate with respect to several important issues.

It is the purpose of this conference to review briefly the bill in its entirety and to articulate the various aspects of the most controversial of the remaining few issues of educational television, community antenna television, and information systems by providing some of the outstanding experts from the field of government, industry, private practice and the academic world, to illuminate both sides of such issues. The availability of these spokesmen offers an unsurpassed opportunity for obtaining a first hand answer to pressing inquiries by registrants.

Copies of H.R. 2512 which is the pending business of the Senate, will be supplied to all registrants.

PROGRAM

Thursday, June 1, 1967

8:00 a.m. Registration.

8:45 a.m. Welcome.

Vincent A. Doyle, Attorney, Legislative Reference Service, Library of Congress; for the Federal Bar Association.

Mollie E. Strum, Empire State Chapter; District Vice President, the Federal Bar Association.

9:00 a.m. Opening remarks.

George D. Cary, Chairman, Subcommittee on Copyrights, Committee on Patents, Trademarks and Copyrights, Federal Bar Association.

9:15 a.m. Brief summary of H.R. 2512.

Subject matter and scope of copyright; ownership, transfer and duration; notice, registration, infringement remedies; manufacturing requirements, and Copyright Office procedures.

Walter J. Derenberg, Moderator, Professor of Law, New York University; von Maltitz, Derenberg, Kunin & Janssen, New York, New York.

A. A. Goldman, General Counsel, U. S. Copyright Office, Washington, D. C.

Waldo H. Moore, Chief, Reference Division, U. S. Copyright Office, Washington, D. C.

Arthur Levine, Assistant Chief, Examining

Division, U. S. Copyright Office, Washington, D. C.

10:45 a.m. The revision bill and educational television.

John B. Farmakides, Moderator, Office of General Counsel, National Aeronautics and Space Administration, Washington, D. C.

Eugene Aleinikoff, General Counsel, National Educational Television, New York, New York.

August W. Steinhilber, Office of Legislation, U. S. Office of Education, Department of Health, Education and Welfare, Washington, D. C.

Lee Deighton, Chairman of the Board, The Macmillan Company, New York, New York.

Stuart Feldstein, Attorney, Federal Communications Commission, Washington, D. C.

12:30 p. m. Luncheon.

John Schulman, Toastmaster, New York, New York.

William Jovanovich, Speaker, President, Harcourt, Brace & World Publishing Co., New York, New York.

2:15 p.m. The revision bill and community antenna television.

Morton D. Goldberg, Moderator, Ginsberg, Schwab & Goldberg, New York, New York.

Louis Nizer, Phillips, Nizer, Benjamin, Krim & Ballon, New York, New York.

E. Stratford Smith, Smith & Pepper, Washington, D. C.

Richard Jencks, Deputy General Counsel, Columbia Broadcasting System, New York, New York.

4:30 p.m. Pay-as-you-go-reception.

Friday, June 2, 1967

9:00 a.m. Information storage and retrieval. The impact of an exploding technology upon copyright principles.

Alan Latman, Moderator, Cowan, Liebowitz & Latman, New York, New York.

Dr. J. C. R. Licklider, Special Consultant to IBM; Visiting Professor, Massachusetts Institute of Technology, Cambridge, Massachusetts.

Julius Marke, Professor of Law and Law Librarian, New York University, New York, New York.

W. Brown Morton, McLean, Morton & Boustead, Washington, D.C.

Bella L. Linden, Linden & Deutsch, New York, New York.

William M. Passano, President, and Lyle Lodwick, Director of Marketing, the Williams & Wilkins Co., Baltimore, Maryland.

12:30 p.m. Luncheon.

Samuel W. Tannenbaum, Toastmaster, Johnson & Tannenbaum, New York, New York.

Hon. Theodore R. Kupferman, Speaker, Member of Congress, 17th District, New York.

2:15 p.m. Information storage and retrieval (Continued).

George Eltgroth, Information Systems Division, General Electric Company, Charlottesville, Virginia.

Andrew A. Aines, Acting Chairman, Committee on Scientific and Technical Information, Federal Council on Science and Technology, Washington, D.C.

Irwin Karp, Hays, St. John, Abramson & Heilbron, New York, New York.

Gerald J. Sophar, Executive Secretary, Committee to Investigate Copyright Problems, Inc., Washington, D.C.

WE MUST REDEDICATE TO STRESS AND SUPPORT THE CASE FOR BALTIC FREEDOM

Mr. BIESTER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. ROBISON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ROBISON. Mr. Speaker, this month marks the 27th sad anniversary of the massive deportations and executions of citizens of the Baltic States at the hands of the Soviet authorities. In June 1940, the army of the Soviet Union invaded the Baltic States of Lithuania, Latvia, and Estonia. The Soviets have since been bent on the systematic destruction of the national identity of the Baltic peoples. Tens of thousands of innocent and helpless citizens have been deported to live in exile in the remote areas of Siberia. And yet, throughout all this physical terrorization, the Baltic peoples have persistently retained their will to resist communism. The United States has never recognized the seizure and occupation of the Baltic States and has continuously restated this position.

In 1966, House Concurrent Resolution 416 was unanimously adopted by both the House and Senate. This resolution called on the President of the United States to bring up the Baltic States question for consideration before the United Nations, that these people might be freed from Soviet domination to shape their own destinies once again. The President has not followed this course.

There are many Americans in the United States who work diligently on behalf of their brothers in the Baltic States. We must continue to support these people in their unceasing efforts to free their homeland. At this time we must rededicate ourselves to this cause and continue to stress and support the case for Baltic freedom by urging the President to carry out House Concurrent Resolution 416.

Mr. Speaker, I so urge.

EQUAL BENEFITS FOR WOMEN UNDER SOCIAL SECURITY

Mr. BIESTER. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. BOLTON] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mrs. BOLTON. Mr. Speaker, today I am introducing a bill to amend many of the provisions of the Social Security Act which now discriminate against wives and widows who work. My bill is similar to the legislation introduced earlier by our colleague, Hon. MARTHA W. GRIFFITHS, a member of the Committee on Ways and Means.

Existing law requires that a retired working wife or widow draw social security benefits either as a wife—or widow—or as a worker—whichever is greater. In application, this provision of the law operates so that couples in which both husband and wife have worked can, and often do, draw lower social security benefits than couples with identical earnings in which only the husband has worked. The present law also functions so that a widow with two minor children who draws the highest amount of social security loses $1,296 in benefits if she works and earns the mean average wage for women in covered employment—$3,600. When this is added to the social security and income taxes she must pay, she is left with less than $2,000 a year before transportation costs, lunches, and clothes. In addition, current law denies the families of workingwomen many benefits which the families of men workers can now receive. This distinction exists even though the man and woman paid the same amount in social security taxes. My bill would correct these injustices. It provides:

First, that working couples be permitted to pool their social security credits and draw higher benefits on the basis of these combined credits, if they choose to do so.

Second, that widows with minor children who draw social security benefits be permitted to earn income without reducing their monthly benefits—a separate bill which I have introduced, H.R. 297, would permit unlimited earnings for all under social security.

Third, that the husbands, widowers, and children of workingwomen be entitled to the same benefits which the wives, widows, and children of men workers can now receive.

It is my hope that the Committee on Ways and Means will give this matter early and favorable consideration.

THE 60TH ANNIVERSARY OF THE AMERICAN HUNGARIAN FEDERATION

Mr. BIESTER. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, today when Communist-inspired demonstrations want to denigrate our traditional American values of freedom and the defense of the victims of totalitarian aggression, and when a small minority of our students themselves believe the Communist and anarchist agitators, it is heartwarming to see the devotion of the national leadership of one of our ethnic groups to the principles of our Constitution and the American way of life and to the old-fashioned virtue of patriotism.

I am talking about the American Hungarian Federation which is now celebrating the 60th anniversary of its charter, which was registered in the State of Ohio.

In the past I had opportunity to work with some of the leaders of this organization, including its secretary for foreign relations, Prof. Z. Michael Szaz, of the Department of Political Science of Seton Hall University. Their devotion to the cause of freedom was always unequivocal, and often they appear as Casandras when they warn that without a solution of the problems of foreign occupation and totalitarian oppression by armed minorities who call themselves "governments," we will never know peace and the observance of human rights in Europe or, indeed, in the world. But history and even recent political events, show that their position, not extreme, but firm and well-reasoned on the basis of the aims and tactics of international communism, are more realistic than those of the eternal dupes who see a silver lining in any Communist action.

Recently the federation also made a statement for the hearings before the House Judiciary Committee on my bill and the bill of my colleague from New York [Mrs. EDNA F. KELLY] pointing out the seditious intent of the flagburners and supporting legislations as submitted by us. They are actively expressing their views of problems of American policy toward Hungary, but never forgetting that while their sympathies may lie with the oppressed Hungarians in Hungary and Rumania, they are representing the United States and its interests.

It is indeed with pleasure that I am joining my colleagues in commemorating this anniversary, and hope that the federation will continue to grow not only in numbers, but in effectiveness as far as their recommendations to the administration are concerned, for they are standing foursquare behind the true interests of our country and of the oppressed people in the world.

FAIRPLAY FOR OTEPKA

Mr. BIESTER. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, a number of remarks and insertions in the CONGRESSIONAL RECORD within the last 2 weeks by various Members of the House have called attention to the case of Otto Otepka, the chief of the Division of Evaluations of the State Department's Office of Security, whose case is now being tried behind closed doors at the State Department. Described were such underhanded and undiplomatic practices as wiretapping, ransacking of files, mutilation of documents, and testifying falsely before a congressional subcommittee on the part of employees of State in an effort to discredit Otepka. Recently, 10 of the 13 charges against Otepka were dropped, some of which charged him with the mutilation of documents, thereby violating a Federal statute. The mutilation charges were dropped, according to the Government Employees' Exchange, for fear that Otepka knew the names of the actual mutilators, would divulge their names at the hearing, and these persons, in turn, have indicated that they would give the names of "top" persons who had ordered the mutilation and planting of documents in Otepka's burn bag.

To complicate matters, the historic battle between the executive branch and Congress over "executive privilege" militates against Otepka. At times it has been like pulling teeth for Congress to get pertinent information from the various agencies of the executive branch, especially on matters which might prove embarrassing to the agency involved. Considering the above list of malpractices, one would hardly nominate the State Department for the Department-of-the-Year Award for honest and fair treatment of its employees.

The National Observer of June 12, 1967, carried an article by Gary G. Gerlach on the Otepka case. I insert this article, entitled "Man in the Middle," in the RECORD at this point.

THIS WEEK IN WASHINGTON: MAN IN THE MIDDLE

(By Gary G. Gerlach)

Any schoolboy can tell you that the Federal Government consists of three independent branches, namely the judicial, the legislative, and the executive. Any of Uncle Sam's employes—and especially bureaucrat Otto F. Otepka—can tell you that the three branches harbor intense institutional jealousies. Mr. Otepka is a husky, 52-year-old career civil servant in the State Department, and he knows about the intense jealousy, because for the past 3½ years he has been a near-helpless pawn in a seemingly endless bureaucratic battle between Congress and the Administration.

Last week a little daylight finally appeared at the end of the long tunnel of the Otepka case. The State Department hearing on why Mr. Otepka was fired in 1963 finally began, behind closed doors. The only public development so far: State quietly dropped 10 charges, minor ones, of the 13 pending against Mr. Otepka.

For a decade prior to September 1963, Mr. Otepka was State's chief security evaluator. His job was to sift the backgrounds of hundreds of employes in search of breaches of loyalty. Then he was fired. Secretary of State Dean Rusk is charging him with conduct "unbecoming an officer" of State for having made classified documents available to the Senate's Internal Security subcommittee without his superior's authorization. Mr. Otepka was formally dismissed from his post Nov. 5, 1963.

Behind the firing is the historic squabble between Congress and the executive branch of Government over the doctrine of "executive privilege." From George Washington's day until now, the issue has never been resolved. The doctrine includes the concept that no Administration official shall give information about his department to any other agency or branch of Government—even Congress—without his superior's permission. And that, in a nutshell, is precisely what Mr. Otepka did.

Congress, on the other hand, jealously guards what it calls the basic right of the people's representatives to know what's going on in a democracy. And when the Senate subcommittee began to investigate communism in the Administration, Mr. Otepka readily supplied the committee with information on some highly placed Americans.

Some contend, in fact, that this is the real heart of the dispute: That Communist influences in Government marked Mr. Otepka for removal because he was a zealous patriot trying to do his duty by exposing Reds.

Anyway, the battle was on. Secretary Rusk, fired Mr. Otepka specifically for violating a 1948 executive-privilege directive by President Truman ordering that the files of the Government's loyalty programs be kept confidential. A howl went through Congress over the Otepka dismissal—a howl so loud that Foggy Bottom backed down a bit. Mr. Otepka was allowed to stay on at State pending a hearing. Still, he was stripped of all important duties. Today he remains in bureaucratic limbo at a make-work job in which he earns $20,400 a year clipping the Congressional Record in his State cubbyhole.

The brunt of Mr. Otepka's defense is there is a "higher loyalty" in Government service to the "highest moral principles, which rise above loyalty to persons, party, or Government departments."

Secretary Rusk counters that no one can run State effectively without sole control of security. Actions like those of Mr. Otepka, he says, cause "an erosion of confidence among people who work at adjoining desks." He paints a vivid word picture of frightened hordes of nameless bureaucrats going about even the most insignificant tasks in a cold sweat plotting to protect themselves and incriminate their associates.

Since 1963 hundreds of headlines, 20 volumes of congressional testimony, and thousands of taxpayers' dollars have failed to resolve the case. Even the current hearing isn't likely to resolve it; Secretary Rusk will make the final decision arising out of the hearing, but Mr. Otepka's attorney, Roger Robb, says he may try to take the case into a Federal court on grounds he has yet to disclose.

All along, the quietly firm Mr. Otepka has continued to live at his Wheaton, Md., home in suburban Washington, holding his tedious make-work job and bowling in the State employees' league, where occasionally he meets Secretary Rusk on the alleys. For all his determination Mr. Otepka remains a mostly helpless victim of one of the republic's basic principles—the strict, jealously guarded division of powers among the Government's three branches.

PROUD OF TEENAGE SERVICEMEN

Mr. BIESTER. Mr. Speaker, I ask unanimous consent that the gentleman from Wyoming [Mr. HARRISON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HARRISON. Mr. Speaker, I have received two letters from teenage servicemen which make me proud to be an American.

These men, one from Wyoming and the other a Texan, already are serving overseas, but they want combat duty. They both wrote that they would extend their tours of duty if they could have combat assignments.

This is positive proof, Mr. Speaker, that not all young Americans condone the actions of the draft card burners and others who would have this country abandon our commitments.

The 19-year-old Wyoming man now is working as a mechanic. He wrote to me that he feels "that if I get into the infantry I might save a married man with children" from combat duty. The Texan indicated a similar sentiment. The Wyoming man said he does not want to "go home feeling that what I did on my tour over here did not help the United States to win the war."

I do not know, Mr. Speaker, whether these young men will be granted their requests, but I do know that their genuine desire to serve our country in a more significant way makes me very proud of both of them.

ANTIRIOT BILL

Mr. BIESTER. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. LANGEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. LANGEN. Mr. Speaker, today I am introducing a bill which would make it a Federal offense to travel in or use a facility of interstate commerce with the intent of inciting a riot or other violent civil disturbance.

This bill would make the instigation of riots a Federal crime punishable by a fine up to $10,000 or imprisonment for a period up to 5 years, or both.

The recent violent civil disturbances in numerous locations throughout the Nation attest to the urgent need for this legislation.

Our law enforcement officials need a legal weapon such as this to more effectively cope with and deter those who would incite riots such as these. A government under law cannot afford to tolerate violence of this kind.

PRESIDENT JOHNSON'S SOUND BLUEPRINT FOR MIDDLE EAST PEACE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, President Johnson has provided a sound blueprint for peace in the Middle East in his speech this morning. I believe that if the nations of the Middle East would focus their attention on the five fundamental points outlined by the President, peace in the region would be assured.

The President rightly noted that peace rests on the recognized right of national life; on justice for Palestinian refugees; on the right of free maritime passage; on limiting the arms race; and on political independence and territorial integrity for all.

I commend the President for both his statesmanship and his deft analysis for easing the tensions and dangers of this troubled area of the world.

I hope that all of the member nations of the United Nations will endorse President Johnson's call for U.N. reports on all shipments of military arms to the Middle East area. This is a vitally important proposal—one that can help to provide necessary safeguards until political solutions can be found to reduce the hostile, explosive atmosphere in the area.

I believe that all Americans will stand firmly with the President on the policies he outlined this morning. For our people know that there must be a settlement of differences in the Middle East that is based on equity, humanitarianism, and mutual respect, if the world is to avoid future and even more dangerous confrontations in the region.

I insert into the RECORD President Johnson's remarks to the Foreign Policy Conference for Educators, at the State Department, today:

TEXT OF REMARKS BY THE PRESIDENT AT THE FOREIGN POLICY CONFERENCE FOR EDUCATORS—STATE DEPARTMENT

I welcome the chance to share with you this morning a few reflections on American foreign policy, as I have shared my thoughts in recent weeks with representatives of business and labor, and with other leaders of our free society.

During this past weekend at Camp David—where I met and talked with America's good friend, Prime Minister Holt of Australia, I thought of the General Assembly debate on the Middle East, that opens today in New York.

But I thought also of the events of the past year in other continents. I thought of the future—both in the Middle East, and in other areas of American interest and world concern.

This morning I want to give you my estimate of the prospects for peace, and the hopes for progress, in several regions of the world.

I shall speak first of our own hemisphere, then of Europe, the Soviet Union, Africa and Asia, and lastly of the two areas that concern us most at this hour—Vietnam and the Middle East.

Let me begin with the Americas.

Last April I met with my fellow American Presidents in Punta del Este. It was an encouraging experience for me, as I believe it was for the leaders of Latin America. For they made the historic decision to move toward the economic integration of Latin America.

In my judgment their decision is as important as any they have taken since they became independent more than a century and a half ago.

The men I met with know that the needs of their two hundred and twenty million people require them to modernize their economies and expand their trade. I promised that I would ask our people to cooperate in those efforts, and in giving new force to our great common enterprise—the Alliance for Progress.

One meeting of chiefs of state cannot transform a continent. But where leaders are willing to face their problems candidly, and where they are ready to join in meeting them responsibly, there can only be hope for the future.

The nations of the developed world—and I am speaking principally of the Atlantic Alliance and Japan—have in this past year made good progress in meeting their common problems and responsibilities.

I have met with a number of statesmen—Prime Minister Lester Pearson in Canada only a few days ago, and the leaders of Europe shortly before that. We discussed many of the great issues that we face together.

We are consulting to good effect on how to limit the spread of nuclear weapons.

We have completed the Kennedy Round of tariff negotiations, in a healthy spirit of partnership, and we are examining together the vital question of monetary reform.

We have reorganized the integrated NATO defense, with its headquarters in Belgium.

We have reached agreement on the crucial question of maintaining allied military strength in Germany.

Finally, we have worked together—although not yet with sufficient resources—to help the less developed countries deal with hunger and overpopulation.

We have not, by any means, settled all the issues that face us, either among ourselves or with other nations. But there is less cause to lament what has not been done, than to take heart from what has.

You know of my personal interest in improving relations between the Western world and the nations of Eastern Europe.

I believe the patient course we are pursuing toward those nations is vital to the security of our country.

Through cultural exchanges and civil air agreements; through consular and outer space treaties; through what we hope will soon become a treaty for the nonproliferation of nuclear weapons, and also, if they will join us, an agreement on anti-ballistic missiles.

We have tried to enlarge, and have made great progress in enlarging, the arena of common action with the Soviet Union.

Our purpose is to narrow our differences where they can be narrowed, and thus to help to secure peace in the world for future generations. It will be a long slow task, with many setbacks and discouragements. But it is the only rational policy for them and for us.

In Africa, as in Asia, we have encouraged the nations of the region in their efforts to join in cooperative attacks on the problems each of them faces: economic stagnation, poverty, hunger, disease and ignorance. Under Secretary Katzenbach reported to me last week on his recent trip through Africa. He described the many problems and opportunities in that continent.

Africa is moving rapidly from the colonial past toward freedom and dignity. She is in the long and difficult travail of building nations. Her proud people are determined to make a new Africa, according to their own lights.

They are creating institutions for political and economic cooperation. They have set great tasks for themselves—whose accomplishment will require years of struggle and sacrifice.

We want that struggle to succeed, and we want to be responsive to the efforts they are making on their own behalf.

I can give personal testimony to the new spirit that is abroad throughout Asia. It is a spirit of confidence, born of growing security. Everywhere I travelled last Autumn—from the conference in Manila to five other countries of the region—I found the conviction that Asians can work with Asians to create better conditions of life in every country. fear has given way to hope in millions of hearts.

Asia's immense human problems remain, of course. Not all countries have moved ahead as rapidly as Thailand, Korea, and the Republic of China. But most of them are on a promising track, and Japan is taking a welcome role in helping her fellow Asians toward more rapid development.

A free Indonesia—the world's fifth largest nation, a land of more than one hundred million people—is struggling to rebuild, to reconstruct and reform its national life. This will require the understanding and support of the international community.

We maintain our dialogue with the authorities in Peking, in preparation for the day when they will be ready to live at peace with the rest of the world.

I regret that I cannot report any major progress toward peace in Vietnam

I can promise you that we have tried every possible way to bring about either discussions between the opposing sides, or a practical de-escalation of the violence itself.

Thus far there has been no serious response from the other side.

We are ready—and we have long been ready—to engage in a mutual de-escalation of the fighting. But we cannot stop only half the war, nor can we abandon our commitment to the people of South Vietnam. And so long as North Vietnam attempts to seize South Vietnam by force, we must, and we will, block its efforts—so that the people of South Vietnam can determine their future in peace.

We would like to see the day come—and soon—when we can cooperate with all the nations of the region, including North Vietnam, in healing the wounds of a war that has continued for too long. When the aggression ends, that day will follow.

Now, finally, let me turn to the Middle East—and to the tumultuous events of the past months.

Those events have proved the wisdom of five great principles of peace in the region.

The first and greatest principle is that every nation in the area has a fundamental right to live, and to have this right respected by its neighbors.

For the people of the Middle East, the path to hope does not lie in threats to end the life of any other nation. Such threats have become a burden to the peace not only of the region, but of the world.

In the same way, no nation would be true to the U.N. Charter, or to its own true interests, if it should permit military success to blind it to the fact that its neighbors have rights and interests of their own. Each nation must accept the right of others to life.

Second, this last month shows us another basic requirement for settlement. It is a human requirement: justice for the refugees.

A new conflict has brought new homelessness. The nations of the Middle East must at last address themselves to the plight of those who have been displaced by wars. In the past both sides have resisted the best efforts of outside mediators to restore the victims of conflict to their homes, or to find them other proper places to live and work. There will be no peace for any party in the Middle East unless this problem is attacked with new energy by all, and primarily by those immediately concerned.

A third lesson from this last month is that maritime rights must be respected. Our nation has long been committed to free maritime passage through international waterways, and we, along with other nations, were taking the necessary steps to implement this principle when hostilities exploded. If a single act of folly was more responsible for this explosion than any other, it was the arbitrary and dangerous announced decision that the Straits of Tiran would be closed. The right of innocent maritime passage must be preserved for all nations.

Fourth, this last conflict has demonstrated the danger of the Middle Eastern arms race of the last twelve years. Here the responsibility must rest not only on those in the area—but upon the larger states outside it. We believe that scarce resources are better used for technical and economic development. We have always opposed this arms race, and our own military shipments to the area have been severely limited.

Now the waste and futility of the arms race are apparent to all. And now there is another moment of choice. The United States, for its part, will use every resource of diplomacy, and every counsel of reason and prudence, to find a better course.

As a beginning, we propose that the United Nations should call upon its members to report all shipments of military arms to the area.

Fifth, the crisis underlines the critical importance of respect for the political independence and territorial integrity of all the states in the area. We reaffirmed that principle at the height of the crisis. We reaffirm it today, on behalf of all.

This principle can be effective in the Middle East only on the basis of peace between the parties. The nations of the region have had only fragile and violated truce lines for twenty years. What they now need are recognized boundaries and other arrangements that will give security against terror, destruction, and war. Further, there must be adequate recognition of the special interest of three great religions in the Holy Places of Jerusalem.

These five principles are not new, but they are fundamental. Taken together they point the way from uncertain armistice to durable peace. We believe there must be progress toward all of them if there is to be progress toward any.

There are some who have urged, as a single, simple solution, an immediate return to the situation as it was on June 4. As our distinguished Ambassador Goldberg has already said, this is not a prescription for peace, but for renewed hostilities.

Certainly troops must be withdrawn, but there must also be recognized rights of national life—progress in solving the refugee problem—freedom of innocent maritime passage—limitation of the arms race—and respect for political independence and territorial integrity.

But who will make this peace where all have failed for twenty years?

Clearly the parties to the conflict must be the parties to the peace. Sooner or later it is they who must make a settlement in the area. It is hard to see how it is possible for nations to live together in peace if they cannot learn to reason together.

But we must still ask, who can help them? Some say, it should be the U.N., and some call for the use of other parties. We have been first in our support of effective peacekeeping in the U.N., and we also recognize the values of mediation.

We are ready to see any method tried, and we believe that none should be excluded altogether. Perhaps all will be needed.

I appeal to all to adopt no rigid view on these matters. I offer assurance to all that the Government of the United States will do its part for peace in every forum, and at every level, and at every hour.

Yet there is no escape from this fact: the main responsibility for the peace of the region depends upon its own peoples and leaders. What will be truly decisive in the Middle East will be what is said and done by those who live there.

They can seek another arms race if they want. But they will seek it at a terrible cost to their own people—and to their long-neglected human needs. They can live on a diet of hate—though only at the cost of hatred in return. Or they can move toward peace with one another.

The world is watching, for the peace of the world is at stake. It will look for patience and justice—humility—and moral courage. It will look for signs of movement from prejudice and the emotional choas of conflict—to the gradual shaping of peace.

The Middle East is rich in history, in people, and in resources. It has no need to live in permanent civil war. It has the power to build its own life, as one of the prosperous regions of the world.

If the nations of the Middle East turn toward the works of peace, they can count with confidence upon the friendship, and the help, of the people of the United States.

In a climate of peace, we will do our full share to help with a solution for the refugees. We will do our share in support of regional cooperation. We will do our share, and more, to see that the peaceful promise of nuclear energy is applied to the critical problem of desalting water.

Our country is committed—and we reiterate that commitment today—to a peace based on five principles: first, the recognized right of national life; second, justice for the refugees; third, innocent maritime passage; fourth, limits on the wasteful and destructive arms race; and fifth, political independence and territorial integrity for all.

This is not a time for malice, but for magnanimity: not for propaganda, but for patience: not for vituperation, but for vision.

On the basis of peace, we offer our help to the people of the Middle East. That land, known to everyone of us since childhood as the birthplace of great religions and learning for all mankind, can flourish once again in our time. We shall do all in our power to help make it so.

THE PRESIDENT'S WISE WORDS FOR A MIDDLE EAST SOLUTION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. MORGAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MORGAN. Mr. Speaker, President Johnson has strongly urged the nations of the Middle East to come together and work out a settlement of differences that is based on justice and mutual regard for political rights.

I think the American people will strongly support the President. And I fervently hope that the nations involved will realize the wisdom of the President's words.

The President made clear that the policy of the United States is based on the recognition of the rights of all Middle Eastern nations. He also made it clear that there should be no immediate return to the boundary lines that existed in the area on June 4. But he urged a return to reason and reality that can produce a political settlement that is fair to all.

I warmly support the President's call for limiting the arms race in the area. I congratulate him for his recognition of the plight of the refugees. The nations of the world must cooperate in both of these vital matters.

In articulating a five-point plan for peace, President Johnson came to grips with the difficult, stubborn, and complex problems that beset the nations of the Middle East.

We must hope that ways can be found to act on all of these five points—each of which is indispensable to a real and lasting peace.

I hope also that those participating in the United Nations General Assembly debate on the Middle East will heed the President's words that—

> This is not a time for malice, but for magnanimity; not for propaganda, but for patience; not for vituperation, but for vision.

If these words are heeded, then a real beginning to a Middle East settlement will be underway.

WISE WORDS FROM PRESIDENT JOHNSON ON THE MIDDLE EAST SITUATION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PICKLE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. PICKLE. Mr. Speaker, President Johnson has injected a healthy dose of wisdom and reason into the emotional, hate-filled atmosphere surrounding the problems of the Middle East.

The President's speech, in direct contrast to Premier Kosygin's, proposes just and honorable principles upon which a lasting peace can be achieved in this troubled area of the world.

I strongly support the President's plea for an end to an arms race in the Middle East. I hope that the members of the United Nations will quickly endorse the President's proposal for U.N. reports on all arms shipments into the area.

Most important, I believe that the American people stand solidly with the President's five points necessary to achieve a just settlement between Israel and her Arab neighbors.

But, as the President rightly noted, any progress in the search for peace in the Middle East must come about through direct negotiations between the nations involved. This point is at the heart of any true and meaningful settlement of differences.

I endorse the President's enunciation of American policy in the Middle East. It is a policy that would lead to a new era of understanding and progress for all nations concerned.

We can only hope that the nations involved will heed the wisdom of the President's words.

CRISIS IN OUR MERCHANT MARINE FLEET

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from Alaska [Mr. POLLOCK] is recognized for 60 minutes.

Mr. POLLOCK. Mr. Speaker, it is imperative that the United States begin to immediately assert itself in the commercial development of the international waters of the world on a scale that will restore this country to its traditional first-rank maritime importance. It is time we dramatize the declining position of the U.S. maritime industry and the U.S. fishing industry in relation to that of other nations, that we call attention to our embarrassing lack of an aggressive, comprehensive national policy on the oceans, and emphasize the neglect of the ocean potential in general and the fisheries and living resources of the oceans and our merchant marine in particular at the highest levels of Government. The Nation's oldest industries concerning the merchant marine and fisheries are in their hour of crisis.

Last Tuesday, this House passed a measure designed to give a small boost to our sorely depressed shipbuilding industry. An amendment to the Department of Defense appropriation bill which provides that seven of our 16 new minesweepers will be built in this country serves to accentuate a grave problem that this Nation is long overdue in solving. I speak, of the Nation's decline to disaster levels in its fishery and merchant marine areas.

As you are all aware, there has recently been proposed a new maritime program by the new Secretary of Transportation. While the Secretary insists that this is in reality not an official administration program, it nevertheless is represented as the thinking of the Secretary and his staff on the maritime problems which now face the Nation. There are many facets of this program which need to be explained more fully before they can hope to obtain industrywide support.

There is one portion of the program that seems to me to be particularly shortsighted. This is the recommendation to upgrade and to pour huge sums of money into the reconstruction of hundreds of national defense reserve vessels. As you know we have broken out 172 of these ships for the present Vietnam conflict at astronomical costs. Each one of these vessels has cost the Government an average of $550,000 to be fitted back into service. After they have been placed into service many of them have been plagued with mechanical failures which have resulted in the loss of valuable sailing days.

The average age of our reserve fleet vessels is around 23 years. How much longer can these obsolete rust buckets be used for defense purposes without damaging our military efforts? Vessels from the reserve fleet have been used on several occasions. They were used during the Korean conflict and in the Suez incident. However, at the beginning of the Korean conflict in 1950 the average age of the vessels was only 7 years and during the Suez crisis only 10 years. In 1950 only 5 to 7 days were required to reactivate a vessel and the cost was approximately $156,000. Today, reactivation of one national defense reserve fleet vessels costs about three times as much and requires 40 days, or eight times longer to reactivate. Thus, the use of vessels in the reserve fleet for future military and commercial emergencies is becoming less and less feasible from a cost and time standpoint.

It seems the need for new construction was made painfully clear by the recent testimony of the Assistant Secretary of Defense, Paul Ignatius, before the Merchant Marine and Fisheries Subcommittee of the Senate Commerce Committee in April. While not pleading the case for new construction, Mr. Ignatius presented testimony which can only bear evidence to the precarious position we would find ourselves in should another conflict develop at the same time as we are fighting in Vietnam. The very recent Near East war would have made our inadequacy painfully clear had the United States been compelled to provide any substantial maritime shipping capacity. Secretary Ignatius indicated that around 35 percent of our total potential carrying capacity was being utilized in the Vietnam conflict. This 35 percent includes 100 percent of the MSTS nucleus fleet and 40 percent of our privately owned fleet. How then can we hope to have enough shipping capacity to meet another crisis without completely abdicating our commercial trades posture or placing ourselves in the precarious position of depending upon foreign-flag vessels to meet our military needs. Indeed, it would appear to me that we have reached the breaking point, and if more new vessels are not constructed we will be faced with the dilemma of giving up our valuable commercial carriage or relying on foreign-flag interests. I might add that these interests have on several occasions declined to carry our military cargoes to Vietnam.

We have been told that the desire to pour millions of dollars into the upgrading of the reserve fleet is a Defense Department decision—the same Defense Department that seeks to build fast deployment logistic ships as a panacea to our shipbuilding problems. I do not believe that the vast appropriation of money should be made toward supporting an obsolete and antiquated reserve fleet without careful examination of our defense needs, and a full discussion of the merits of reserve fleet conversion as opposed to new construction. If the Defense Department is convinced that their proposal is in the best interests of the country, then they should not hesitate in making available to us the cost-effectiveness studies which have gone into the making of this decision.

A low-level domestic ship construction program, coupled with building abroad, is loaded with danger. It poses the threat of an ever-increasing flight of American capital abroad, adversely affecting our balance of payments. It could leave our own shipbuilding industry with a limited number of vessels to build and hold forth no hope whatsoever of reducing unit cost through multiple production. Yet, this same opportunity denied to our own industry would be offered to foreign yards so as to possibly widen—not close—the price gap between domestic and foreign construction. The ultimate effect could be further pressure to increase our ship construction-differential subsidy rate. We already are encountering congressional opposition to further extension of the present temporary ceiling of 55 percent. An increase above 55 percent might be wholly unacceptable and could jeopardize the entire subsidy program.

A very basic issue is being swept under the rug by improvising such a program—whether or not it is essential for us to maintain in a state of readiness the facilities and the skilled labor to build merchant ships in this country. If it is essential, as I believe it to be, then to propose the construction of only 15 ships a year, or even 30, coupled with the modernization of some old "crocks," is to mock and to insult the intelligence of both the industry and the Congress.

Before we embark upon any decisions involving our national defense reserve fleet, I hope that we will take a long hard look at the total effect this will have on our merchant marine and upon our defense capabilities. The prime area of concentration today must be upon the redevelopment of a strong, privately owned merchant marine. Only when this is accomplished will we be able to have a vital nucleus upon which to base our future commercial and defense needs.

And the problems do not only lie with our merchant marine program but also with our commercial fishing fleet.

While the exploitation of the world's ocean resources is being aggressively pursued by other nations, the Johnson administration either does not understand what is happening or ignores the situation as unimportant.

It is my belief that it will be necessary for the United States to make a heavy Government commitment if this country is to attain a standing of first-rank importance in international ocean development, and this commitment should be in the form of a partnership with industry, as is done in Japan. Japanese fishing operations are not Government owned, but the Government works very closely with the fishing industry, backing it up with education, research, and diplomatic efforts on a far greater scale than ours. As a result, the Japanese take almost a fifth of all the marine food landed in the world. The United States must encourage private investment in the utilization of the food resources of the sea.

The United States emerged from World War II with a large and relatively efficient fishing fleet, but now it has fallen into obsolescence, and nothing has been done to keep the American fishing fleet modern, efficient, and competitive. The average age of the documented fleet exceeds 20 years, and many of the vessels in the commercial fishing fleet exceed 50 years of age. We must candidly admit that there exists an overall obsolescence of the U.S. commercial fishing fleet, then decide immediately what must be done about it, and, thereafter implement a workable plan for modernization.

The 1965 world catch of seafoods of all kinds was 115 billion pounds. If per capita consumption remains the same as in 1965, more than 215 billion pounds will be required by the turn of the century. The current rate of increase in consumption, however, is almost double the rate of world population growth. With better preservation of flavor and more attractive processing, it is likely that the per capita consumption of fish products will increase so that by the year 2000, the total could approach 350 billion pounds—three times what it is today. It should be our stated national objective to achieve a greater percentage of this increasing world catch. To do so we obviously must reverse our present trend; that is, we must increase our production and increase the U.S. share of the world fishery catch.

The United States—by far the world's largest market for fish and seafood products—has slipped in the last 10 years from second to fifth place among world fishing nations in production, falling behind Red China, the U.S.S.R., and Peru. The United States also remains behind Japan, whose production is up 40 percent during the past 10 years, while that of the United States is down about 10 percent. The U.S. share of the world fishery catch had dropped from 12.4 percent in 1948 to 5.2 in 1965. While U.S. demand increased from 6 billion pounds in 1949 to 12 billion pounds in 1965. The fact is that this country's relative position has worsened as other nations have continued to accelerate their drive for exploitation of the world's ocean resources.

These nations, Russia, Japan, Red China, Peru, and many others have mounted a massive ocean offensive since World War II, while the fishing industry in the United States continues to decline. They great paradox is that despite unused fisheries resources in our own waters, we do not catch the fish we eat in this country, and today over 63 percent of the American fisheries seafood market is being met by imports. Ten years ago, we imported one-third of our consumption, now we import two-thirds. We are now spending about $600 million a year for fishery product imports, a substantial part of our dollar drain.

A realistic appraisal of the international fisheries situation and the United States in relation to it leads to the inescapable conclusion that our miscellaneous, uncoordinated aid programs will not move us ahead fast enough to significantly improve our position vis-a-vis the leading fishery nations. They are already far ahead, and they are continuing to accelerate their efforts at a much greater rate than we are, and they are consequently expanding their lead. If we really wish to expand the scope of our fleet rebuilding and other activities, we had best wake up and get on with the job.

A recent survey of 14,000 documented U.S. fishing boats reflected the following startling and very disturbing facts: 38 percent have electric plants, 62 percent have not; 16 percent have hydraulic winches, 84 percent have not; 5 percent have hydraulic steering, 95 percent have not; 8 percent have refrigeration, 92 percent have not; 31 percent have automatic pilots, 69 percent have not; 52 percent have radio telephones, 48 percent have not; 23 percent have direction finders, 77 percent have not; —1 percent have salt water evaporators, +99 percent have not; and 16 percent have not had their engines overhauled in the last 8 years.

The new Federal fishing vessel differential subsidy legislation was a commendable step in the right direction, but got off to a slow start because of the complications of getting actual determination of a foreign cost for building the same kind of vessel. Accordingly, it has been recommended that the fishing vessel subsidy program should be modified to allow a fixed subsidy of 50 percent of the cost of the vessel, rather than the present practice of attempting to determine foreign costs on each individual vessel. We need a workable, speedy, efficient procedure. The subsidy program, inadequate in the first place to accommodate fleet modernization rapidly enough to catch up with the other nations, is at least a beginning. But the budget cut by the administration in this area dealt it a heavy blow. An entirely new program should be established to rebuild our commerical fishing fleet, incorporating the vessel subsidy program. The magazine the Fish Boat, has suggested a three-part fleet replacement program well worthy of mention:

> 1. Vessel trade-in allowances.—Under which the Government would take over existing documented vessels as trade-ins on new vessels, and would dispose of the old vessels taken in trade either by selling them to operators in other countries or by including them in our aid programs to these countries—instead of cash for building new vessels. This procedure would assure the removal of obsolete vessels from the U.S. fisheries, and benefit the commercial fishermen who need the assistance.
>
> 2. Construction differential subsidies.—Incorporating a fixed subsidy of 50% of the vessel cost.
>
> 3. Low-interest Government loans.—On the balance of the cost of the vessels to be built, to be repaid by the operators on the basis of a percentage of the value of their catches. Under this proposal, processors would agree to withhold and remit to the U.S. Bureau of Commercial Fisheries the correct percentage of the value of the fisherman's catches in payment on his loan, in return for which the processors would be getting the increased production of up-to-date vessels.

The subsidy program would have to have adequate safeguards for preventing inflated prices for the American manufacture of the commercial fishing vessels. Cost-plus-percentage-of-costs contracts should be outlawed, and incentive benefits for reducing contract costs or substantially reducing production time should be inaugurated to enhance the reasonable cost and speedy production of the vessels.

In order to rebuild the documented fleet in 15 or 20 years, the program would have to allow for construction of 300 to 500 vessels per year. The total cost of a comprehensive fleet replacement program would amount to about $60 million per year.

With further regard to our status and responsibility in the field of commercial fisheries, it is my view that we are now compelled to peer seriously into the future and contemplate the development of international fisheries regulations as a necessity for resource preservation. Intensive exploitation of certain high seas resources without regard for future productivity is endangering their existence. To cope with this situation, a body of world fishing regulations must be formulated. Sooner or later, man must come to grips with the problem posed by the common-properties nature of high seas resources. At present any nation is free to exploit these resources as it chooses without regard to future productivity, except to the extent the nation is limited by participation in international agreements. Seventy percent of the ocean's surface belongs to everybody—or to nobody, whichever way you wish to view it. This means that no individual nation, except by force of arms, can exercise control over the exploitation of high seas resources. It is only possible to do this through international institutions. Sooner or later all of the owners of the oceans—everybody—must take a long hard look at the entire fabric of international law as it applies to exploitation of marine resources, and then get together to set up regulations on national management and sustained-yield utilization of high seas resources. This is a matter of immediate and pressing concern to the U.S. fishing industry, which should be recognized by officials here in Washington but apparently is not. The U.S. Government right now should be working on its posture with regard to high seas resources. And, obviously before the complex problems arising from international resources exploitation can be faced and before we can propose and support catch limit regulations for any given species of marine life this Nation must develop its own clearly stated, candidly proposed, unified concept or posture.

Those of us concerned must provide the energetic, imaginative, aggressive leadership so desperately needed in so many areas, and especially in the maritime area and that of commercial fishing. We can no longer tolerate the continuing decline of the U.S. maritime and fishing industries among the world's great nations, nor longer accept the complacence and indifference of the Johnson administration to the peril which confronts our maritime and fishing industries in their hour of crisis.

I have touched, then, on some of the problems of our merchant marine and fishing industries. If we are to ever again have a fleet worthy to fly the U.S. flag, we must begin now a crash building program to insure our needs for the future. We must encourage a technological updating of our shipyards, including the introduction of graving, or drydock-type shipyards. These extremely efficient yards are a primary cause of our inability to compete with European shipbuilders.

We must give Government encouragement to the building of new fishing vessels and make the existing ones available to the underprivileged nations, while subsidizing the construction of modern vessels for our own commercial fleets.

But these solutions do not go to the heart of our problem. The fact is, by any means of comparison, our merchant marine and fisheries situations are bad, and getting steadily worse. Nothing short of a full-fledged overhaul of our whole maritime and fisheries program is in order.

Perhaps an imaginative, aggressive approach would be to establish an entirely new Cabinet-level department: a Department of Maritime and Marine Resources. This Department would include all of the farflung agencies and departments, now in existence, such as the Maritime Administration, Federal Maritime Commission, Bureau of Commercial Fisheries, Merchant Marine Academy, State maritime academies, the Panama Canal, the Atlantic-Pacific Interoceanic Canal Study Commission, the St. Lawrence Seaway, the Water Resources Council, Great Lakes Pilotage Administration, Inter-American Tropical Tuna Commission, International Pacific Halibut Commission, International Pacific Salmon Fisheries Commission, International Boundary and Water Commission—United States and Mexico—Office of Merchant Marine Safety, National Fisheries Center and Aquarium Advisory Board, the 20-odd agencies working on oceanography, and many others.

Today there is no overall national ocean policy, no definitive national program, no entity capable of implementing such a policy or program, and no national budget for ocean development, particularly pertaining to utilization of the living resources of the sea. There is no comprehensive plan to revitalize the U.S. maritime industry or the U.S. fishing industry, no significant drive to increase fishing exports, no real Government fishing industry understanding or partnership. There is an immediate and vital need for one unified national policy for ocean and fishery development and for the merchant marine. Today in the U.S. Goverment there are some 22 separate agencies engaged in various ocean activities, and each of them must be separately funded. Under the present intense competition for the budget dollar, this situation cannot but hinder our ocean development programs. Thus far I am afraid we must candidly admit that the administration and the Congress have been somewhat indifferent to the present piecemeal, uncoordinated approach.

The effect of such a department would be obvious.

First, all our interests with the sea would be brought together, and coordinated. Currently, these agencies are strewn throughout the Department of Commerce, Department of the Interior, Department of Defense, Department of the Treasury, and a host or independent agencies. Many hours and millions of dollars are spent duplicating research and programs. Goals are defined by different department heads, and thus conflict with each other. For instance, much criticism has been voiced recently about Robert McNamara's apparent decision that the merchant marine exists solely for the Department of Defense. The waste in dollars and manpower is enormous.

Second, creating a Cabinet-level Department would insure that our past mistakes in an ailing area will receive top-level attention. Also, hopefully, with the administration more directly concerned at the Cabinet level, we will avoid neglect of our maritime interests in the future.

Mr. Speaker, if we had had such a department 20 years ago we would not be in the trouble we are in today. This kind of department would insure that we are not in the same trouble 20 years from now.

Mr. Speaker, our country needs a new, technologically updated shipbuilding industry capable of greatly increased production.

It needs a program that will get our fishing industry started again. It needs a Cabinet-level department to solve these needs.

Our country needs it now.

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. POLLOCK. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Speaker, I thank the gentleman for yielding so that I may discuss the plight of the American fisheries and the maritime industry. It is a pleasure, of course, for me to serve on the House Merchant Marine and Fisheries Committee with the gentleman, where we are working diligently to correct the situation in which we find the country today. Administration indecision, however, has left the United States 13th in the merchant marine fleet status of the world, and 14th in shipbuilding. This is a situation we had better correct or face serious consequences of an utter inability to compete, among others, with the Soviet Union, for the merchant marine transportation of world goods. In Vietnam, 80 percent of the war needs are delivered by the merchant marine. However, today, the United States has fewer privately owned merchant ships than in 1936, and 70 percent of our ships are 20 years old or older, and will be due for layup within the next 5 years. Mr. Speaker, this is a national disgrace, and I would like to see the fulfillment of the President's promise of more than 2 years ago, when in the state of the Union message he called for "a new policy for our merchant marine." Mr. Speaker, I have not heard his recommendation for that policy, and the 2 ensuing years have produced nothing but indecision with a devastating result.

As for the American fishermen, like the members of our merchant marine, they suffer because of unwise policies of the Government. Foreign fishing industries have been built up by U.S. foreign aid. Foreign fishing fleets deplete our fishing resources. Foreign nations illegally seize our American fishing vessels on the high seas. Meanwhile, foreign imports produced by low-wage labor are allowed to flood the American market with little or no protection for American products.

I hope in the future to join with the gentleman from Alaska to get needed new policies to correct this situation.

Meanwhile, I believe it is fortunate that the State of Alaska has a Representative in Congress who recognizes what water transportation, shipbuilding, and fisheries mean to the economy of his State and who speaks out so forthrightly on the subject as the gentleman has tonight.

I thank the gentleman for yielding.

Mr. POLLOCK. I thank the gentleman from the State of Washington. He has been a distinguished member of the committee.

I should like at this point to say that while I am sure there are Members of Congress on both sides of the aisle in support of the position I have taken today, candidly I must state that the present administration does not seem to be very friendly to the merchant marine or to the commercial fishing industry.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. POLLOCK. I yield to the distinguished gentleman from Alabama.

Mr. EDWARDS of Alabama. I thank the gentleman.

The gentleman from Alaska shows remarkable insight into a very difficult problem, in the short time he has been here. I want to commend the gentleman for getting into the subject, for understanding the subject, and for coming here today and clearly expressing to us the real problem which confronts this Nation so far as the merchant marine and fisheries industries are concerned.

Mr. Speaker, it is always a problem when we start comparing our situation in the merchant marine and fisheries industries with that of Russia, for example, a Communist or socialist country where the state owns and constructs the vessels.

I am sure the gentleman in the well agrees with me when I say I still have great faith in the old American ingenuity, in the free enterprise system. I am convinced that our free enterprise system can, if we will but put our minds to it, find the answers to these problems without having to follow in the footsteps of our Socialist friends across the sea in solving the problems.

Mr. POLLOCK. I believe the problem in the area of the merchant marine is that we are not talking about small investments but are talking about rather massive investments.

This is an area where I believe the U.S. Government can effectively work in partnership with private industry, such as we see in Japan. The Government there does not own the industry in Japan, but it does provide research facilities and does provide excellent financing. It has incentives for those people in private industry. Together they have a very workable partnership.

I believe our Government thus far has not been sufficiently interested to make this a very satisfactory arrangement so far as industry is concerned.

Mr. EDWARDS of Alabama. The gentleman is correct. The big problem is, I believe, that our maritime industry desperately needs a sense of direction. We have been floundering around in the maritime field because there has been no national policy to give us a direction.

As the gentleman from Washington stated a moment ago, we were promised, some 2 years ago or a year and a half ago, that we would receive such a policy or such a direction from the administration, and it has not been forthcoming. We find ourselves today with the Maritime Administration in the Commerce Department, but all the so-called policy and main decisions are being made in the Department of Transportation by the Secretary of Transportation. Obviously this is because the administration wants the Maritime Administration in that Department.

I hope we will find the Maritime Administration eventually an independent agency, where it can do the job that needs to be done.

The gentleman has done a real service to the House, I think, and to the Nation. He serves his State well, and I think he is serving the Nation well in bringing this present problem to the floor here today. I want to commend him for it.

Mr. POLLOCK. I thank the distinguished and very capable gentleman from Alabama and the gentleman from the State of Washington. I enjoyed having them participate in this colloquy on the floor today. I think it is time that this information should be brought forth so that all of the Congress and indeed all of America might take a new and fresh look at the problem we have and perhaps consider the possibility of this new approach.

THE MERCHANT MARINE

Mr. POLLOCK. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. TIERNAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. TIERNAN. Mr. Speaker, because I am a Rhode Islander and because the State which I represent has a heritage which has been strongly shaped by the sea, I have a deep and abiding interest in effecting a resurgence of the U.S. merchant marine.

The complex economy of this country demands that the markets and resources of the world be tied to us in a mutually beneficial world trade program. A main link in the chain of this international commercial interdependence is the U.S. merchant marine, and we have allowed this vital link to atrophy.

Since the termination of World War II the United States has fallen from first to fifth in the ranks of the world maritime nations. Our flag fleet has shrunk from 5,500 ships to 900 privately owned active vessels and a similar number of mothballed ships. More alarming still is the fact that 80 percent of these ships are 20 or more years old. The sad truth is that although the United States is the world's leading trading nation, 92 percent of our exports and imports are now carried in foreign bottoms. This fact is indicative of the alarming decline in our merchant marine.

The situation in shipbuilding is no brighter. America has dropped to 14th among the world shipbuilding nations. Guaranteed contracts with inadequate volume have acutely discouraged the modernization of shipbuilding facilities. The consequent lack of capital investment has meant that the necessary living wage paid to shipyard employees has not been compensated for by increased productivity. The lack of profitability and the clouded future of the industry makes it difficult if not impossible for shipbuilders who wish to modernize and automate to obtain the necessary financial support. Each year American shipyards produce fewer ships.

In fiscal 1966, the United States will have built only 13 new deep-sea vessels. This figure is especially disturbing in view of the already mentioned obsolescence of the bulk of our flag fleet.

A combination of obsolete vessels and antiquated cargo handling methods results in American ships spending more time in port loading and disgorging cargo than they spend at sea in transport.

The precarious situation of our merchant marine has been revealed clearly by our Vietnam involvement. Despite a massive increase in air transport, two-thirds of our men and well in excess of 90 percent of our equipment goes to Vietnam by sea. This pipeline to Southeast Asia has forced the most powerful nation in the world to rely on 160 obsolete and breakdown-prone ships demothballed for this emergency. Underscoring the sick state of our merchant marine after 20 years of neglect is the fact that the pool of experienced American merchant seamen has sunk to such an extent that some ships waited weeks after being demothballed before crews could be found to man them, and many were even then forced to sail undermanned. The Vietnam conflict has lain to rest the argument that American-owned ships which are operated under foreign flags are subject to effective American control.

Foreign neutrality laws have prohibited the use of some of these ships to supply our forces in Vietnam. Alien and unreliable crews, often members of foreign-dominated foreign unions, have refused to handle supplies bound to Vietnam. Shockingly enough, there is evidence to suggest that some American-owned foreign-flag ships have actually been used in such a manner as to release Soviet shipping for use in supplying North Vietnam.

While we have closed our eyes to the plight of our merchant marine, the Soviet Union has bent every effort to gain supremacy of the high seas.

The modern Soviet fishing fleet with which we New Englanders have become so familiar is only one aspect of this Soviet drive for maritime supremacy.

While our seagoing flag fleet flounders, Russia is in the process of adding 464 new modern vessels to her seagoing merchant marine. While we abandon sea routes to underdeveloped and emerging nations with their treasure troves of natural resources, the Soviet Union is opening such routes. The warning is plain that if present conditions continue, Russia will dominate the world's sealanes within the coming decade.

Clearly, the time grows late for the American merchant marine; yet hope still remains. America possesses the technology to build modern competitive shipyards and automated vessels, but do we possess the desire?

Maritime unions have had the courage and foresight to encourage modernization and expansion of our fleet, but will we support them? I believe we must; and I offer the following proposals to achieve this end:

First. The "total package contract awards" so successful in our aerospace program should be utilized for naval purchasing. Some promising steps in this area have already been taken by the Navy, and we should support and encourage these steps wherever feasible.

Second. We should explore the possibility of requiring the Maritime Administration to grant a single shipbuilding contract for ships of one design to provide a longer production run and an incentive to automation.

Third. We should encourage Government support in the forms of tax relief, low interest loans, and investment tax credits to shipbuilders and operators seeking to update their facilities.

Fourth. We should work toward the gradual elimination of the existing prohibition against the entrance of foreign-built ships into the American-flag fleet to force our shipbuilders to become competitive.

Fifth. We should investigate the entire subsidy system now used by the Maritime Administration, and suggest changes in this system which will encourage the purchase of modern ships, reward efficiency, and provide American seamen with an acceptable standard of living without penalizing ship operators.

I believe a successful future is possible for the American merchant marine if we have the courage to face its current problems realistically and the willingness and intelligence to devise correct solutions. I am convinced that Rhode Island with our most valuable natural resource, Narragansett Bay, our experienced and willing work force, our close ties to the U.S. Navy and our historic maritime tradition, can profit greatly from a revitalized merchant marine industry, and what is of greater importance, the economy and the security of our Nation will be enhanced and strengthened by the restoration of the U.S. merchant marine to its once powerful and honored position.

CONFERENCE OF FRIENDS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from North Carolina [Mr. KORNEGAY] is recognized for 30 minutes.

Mr. KORNEGAY. Mr. Speaker, in 1665—more than a century prior to the founding of this Republic—the first family of Friends arrived in the Carolinas.

Although the early colonists migrated to the Carolinas to seek religious as well as economic freedom in the New World, and although the proprietors and their official representatives in the colony reflected the traditional views of the established Church of England, Quakerism was the first organized religion in the Carolinas.

Quakerism flourished in those early years of this emerging new land and in 1698 was begun the North Carolina yearly meeting of Friends, which has continued to this day.

Next month, more than 1,300 Quakers from 36 countries all over the world will assemble in North Carolina for the Fourth World Conference of Friends. It pleases me that my home community of Greensboro and my neighboring and contiguous community of Guilford College will be host to this international meeting of Friends.

So, from July 24 to August 3, the eyes and ears of world Quakerdom will be on the community which I am proud to represent here in the Congress. And, it pleases me to bring this fact to the attention of the Congress.

It is also noteworthy that the international conclave of Friends will have an ecumenical aspect, for observers from many other religious faiths will participate as delegates to the Friends World Conference. Long noted for their attention to their religious concepts and devotion to peace and brotherhood, the Friends have adopted for their conference theme: "Seek, Find, Share: The Time Is This Present"—a call for individual appraisal and assessment of duty to God and to fellow men.

In the upcoming world conference, which I understand is the first international religious meeting to be held in the State of North Carolina, it is interesting to note that the delegates from throughout the world will be given an opportunity to personally observe family life here in the United States. For, during the weekend of July 29–30, the international delegates will spend the weekend visiting in the homes of Friends across the length and breadth of North Carolina, in a true Friend-to-Friend program of fellowship.

In keeping with their devotion to world peace, the highlight of the conference will come in an interfaith meeting to be attended by a gathering of 8,500 persons the night of July 30. Mr. U Thant, Secretary General of the United Nations, will be the visiting speaker for that occasion.

As all of you are aware, an undertaking of the magnitude of the forthcoming World Conference of Friends is a difficult one. Although many Friends and friends of Friends have been working diligently now for a period of a year in preparing for this international gathering, I want to personally commend a friend of mine for his dedicated and untiring efforts. He is J. Floyd Moore, a young energetic professor of Biblical literature and religion at Guilford College, one of our finest institutions of higher learning and the scene of most of the program for the week-long conference.

As Dr. Moore and his associates continue to prepare for the ingathering of Friends from throughout the world, I should like to call the attention of my colleagues to the thought contained in a publication Dr. Moore prepared recently in connection with the upcoming event.

Dr. Moore pointed out that the Friends had encountered difficulties in the past 300 years in this country, then added:

> As a part of the world community, confronted with problems in new and more complicated dimensions, the difficulties ahead will not be less. It is not a time to retire and relax. It is a time to read again the Good News that God loves the world, that He has sent His Son into the world to make that love incarnate. This is still our greatest hope, to make that love incarnate.

Mr. BRAY. Mr. Speaker, will the gentleman yield?

Mr. KORNEGAY. I am very happy to yield to my distinguished friend, the gentleman from Indiana [Mr. BRAY].

Mr. BRAY. Mr. Speaker, I wish to thank my good friend, the distinguished gentleman from North Carolina [Mr. KORNEGAY] for bringing this matter to the attention of the Members of the House today.

Mr. Speaker, it just so happens that my great, great grandfather, Henry Bray, married my great, great grandmother at the New Garden Friends monthly meeting at the Guilford, N.C., courthouse in 1778. They were among the ancestors of many Friends who now reside in Indiana, who led them in the very early 1800's—back in 1804—into northern Indiana.

Incidentally, Mr. Speaker, my great grandfather belonged to the Deep River monthly meeting of North Carolina, but who came over into Indiana.

My great grandfather, John H. Bray, was the first trustee of the New River Quaker trans-monthly meeting in Washington County, Ind. He was the first trustee of the White Lick monthly meeting to which I still belong. He was the first trustee of the church which was founded in 1823 that is now located in Mooresville, Ind. In fact there are many Friends living in Indiana; in fact, I believe there are more living in the State of Indiana than in any State in the Union with the possible exception of the State of North Carolina, and in the home State of Quakerism, the State of Pennsylvania. But I am proud, and very proud, of the record that they have made in fine citizenship and in projecting the spirit of freedom and dignity of man living in peace and yet with a great loyalty to their government and to their respective parishes.

Mr. Speaker, it is very fine indeed that my friend, the gentleman from North Carolina [Mr. KORNEGAY], has brought this matter before this body, because it means a great deal to America due to the heritage that these pioneers have left to those of us who are their descendants and who are still lending their best efforts toward the betterment of the society of our country.

Mr. KORNEGAY. Mr. Speaker, I thank the distinguished gentleman from Indiana very much for his splendid contribution on this occasion. I am certainly pleased to know that his ancestors came from the area which I have the honor to represent. In fact, the New Garden Friends meeting is just about 3 miles from my home. The Deep River Friends meeting is perhaps 10 miles from my home and is between the cities of Greensboro and High Point, N.C.

I am very appreciative of the fact that the gentleman from Indiana has placed in the RECORD these historical facts with reference to his family, because I believe the Fourth World Conference of Friends will indeed be a historic occasion, and I welcome his contribution to the discussion.

Mr. BIESTER. Mr. Speaker, will the gentleman yield?

Mr. KORNEGAY. I am happy to yield to the gentleman from Pennsylvania.

Mr. BIESTER. Mr. Speaker, it is by the merest coincidence that I am in the Chamber at this moment during this special order. I was not aware of the special order which the gentleman from North Carolina has previously obtained. But, after listening to the remarks of my colleagues, I feel it is well and proper to point out the fact that I represent the district to which William Penn came when he came to this country, and that his home of Pennsburg is located in Bucks County, Pa., which it is my honor to represent.

While Quakerism may not flourish as extensively in Pennsylvania as once it did in my county, there are meetings in virtually every town and village, and it is and has been a strong source of religious strength and moral strength in our area.

I commend the gentleman for taking this time to bring this to our attention.

Mr. KORNEGAY. I thank the gentleman very much, and I appreciate so much the contribution of the gentleman from Pennsylvania.

SOME OBSERVATIONS ABOUT STEEL AND STEEL IMPORTS: RESULTS OF SPECIAL SURVEY OF IMPORTS BY AMERICAN IRON & STEEL INSTITUTE—COMMENTS AND CRITICISMS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Missouri [Mr. CURTIS] is recognized for 30 minutes.

Mr. CURTIS. Mr. Speaker, in a comprehensive speech on the problems of the world steel industry and the steel sector of the Kennedy round, on May 1, 1967, CONGRESSIONAL RECORD pages 11320 to

11335, I referred, in the context of a much broader discussion, to the fact that in 1965–66 American steel companies themselves were to some degree importing foreign steel in order to maintain balance in their own steel production, and to continue to supply their customers with finished steel products. I felt that the factor of imports needed further study, analysis, and interpretation, to understand just what the larger foreign competition problems were, what they were not, and what, if anything, needed to be done by the U.S. Government. I did not make the speech just to rebut the claim that steel imports into the United States were creating problems for the domestic steel industry. Above all, at that date, May 1, I wanted to explore the problems that should be emphasized in the Kennedy round negotiations then reaching their final stage in Geneva.

That speech and the suggestion that American steel companies were also importers was hotly denied in press statements by representatives of the steel industry. But, notably, the substantive issues I raised in my May 1 speech were disregarded by the steel industry. I still await their critique, indicating where they agree and where they disagree with the arguments and analysis in that speech.

Willing to continue this discussion, in a speech to the American Importers Association annual meeting in New York on May 12, I backed up my statements on imports as well as other points set forth in the basic paper of May 1. I identified one series of imports by a certain steel company, the name of which I did not mention, by specific references to place, where and times when large tonnages had been imported, and the roundabout methods that had been employed.

The American Iron & Steel Institute and its members have responded to both these points with data of their own. First, the Iron & Steel Institute has supplied me with the results of a questionnaire on imports which was sent to its members and other steel firms on May 2, the day following my speech. Second, the president of the firm alleged to have imported large tonnages by the means I mentioned in the May 12 speech, has shown me data—including computer runs—on his firm's steel purchases during 1965 and 1966, from both domestic and foreign steel mills.

I was pleased to have these responses. They are a beginning of the public discussion of these important problems, a discussion I have waited anxiously to have developed to further the public interest. I encourage its continuation on all aspects of this issue, not just steel companies' imports. This is an important discussion; it directly affects the interests of shareholders of the large companies who have an interest in continued growth in the total use of steel against its competing products; it is of interest to steel users, who must make the decision whether to pay a higher price for steel or shift to a competing material such as plastic, aluminum, or cement; and it is of interest to steel employees, the most productive in the world.

This is a big problem with many aspects, all in need of study. But I am also anxious to pursue this public discussion even for the relatively narrow area of imports in question here. By dealing in specific data on this one point, perhaps we might begin to explore specifics on the other, equally important, points.

My presentation and analysis of the data supplied me by the steel industry follow, in two parts.

First, comment regarding the Iron & Steel Institute questionnaire on steel imports.

The data supplied to me by the institute on Thursday, June 8, may be questioned in several aspects. The Iron & Steel Institute questionnaire and the tabulation of results is as follows: It will be immediately seen that the tabulation of results does not include data on all questions asked by the questionnaire.

AMERICAN IRON & STEEL INSTITUTE SPECIAL SURVEY—STEEL IMPORTS

Special survey on receipts of foreign steel mill products as compiled from replies by 85 companies accounting for 98.5 percent of raw steel production in 1966

I. SURVEY BACKGROUND

	Number
a. Companies asked to participate	124
b. Replies received:	
Integrated and semi-integrated companies	50
Nonintegrated companies	35
Total	85
c. Companies reporting receipts of foreign steel	29

II. SUMMARY OF RESULTS

a. Receipts of foreign-produced steel mill products in 1966 for conversion or processing into further finished products, mill resale shipment, or for own maintenance, repair, operating or construction use...net tons	425, 787
b. Amount of tonnage included in item 1 above which was received for conversion or further finishing and for reexport to country of origin...net tons	63, 323
c. Net balance for consumption in United States...net tons	362, 464
d. Ratio to total U.S. imports of steel mill products in 1966 (10,753,000 n.t.) ...Percent	3. 4

Special survey on receipts of foreign steel mill products and pig iron by institute reporting companies in 1966

(Please report the following: Estimate if exact tonnage is not known)

	Net tons
1. Receipts by your U.S. mill operations of foreign-produced steel mill products in 1966 for conversion or processing into further finished products, mill resale shipment, or for own maintenance, repair, operation or construction use	------
2. Amount of tonnage included in item 1 above which was received for conversion or further finishing and for re-export to country of origin	------
3. Receipts of foreign-produced pig iron in 1966	------
4. The foreign-produced steel products were in the form of: (Please identify product form, i.e. wire rods, billets, slabs, hot rolled sheets, etc.)	------

Man-hours required to complete this questionnaire ------

Name of company------------------------------

Name of officer reporting------------------------------

Date mailed------------------------------

STEEL IMPORTS

I have questioned the Iron & Steel Institute on the several points which I discuss, with their responses, below. In summary, my criticisms relate to the questionnaire's coverage of types of imports, the coverage of firms asked to report, and the Institute's comparison of imports by steel mills with total imports.

A. COVERAGE OF PRODUCTS

The tabulation of results is for imports of steel mill products alone. Imports of "pig" iron, which is the basic material for steel, is not presented. Yet the Institute questionnaire—question 3—asked for data on receipts—imports—of foreign-produced pig iron. Nor are finished steel items like nails, wire rope, structural shapes, sashes, frames, signposts, bolts, nuts, rivets, pipe and tube fittings, and so forth.

PIG IRON IMPORTS

The response of the Iron & Steel Institute is that the answers to the question on pig iron imports were too incomplete to allow results to be published.

Pig iron imports of about 1.2 million tons in 1966 were likely to have been imported both by independent American foundries for conversion to cast products, and also by semi-integrated American steel mills. But the amount of the imports by the latter is unknown until the Institute can obtain more complete data.

B. COVERAGE OF REPORTING FIRMS' SUBSIDIARIES

The Institute asked for receipts of foreign steel only by "your U.S. mill operations." That is, the question would seem to have eliminated reporting of imports by steel firms' wholly owned warehousing, servicing, and converting subsidiaries, which may have imported large quantities.

The Institute assures that in fact the results of its questionnaire include the purchases of imports by their warehousing and service subsidiaries, and by subsidiaries that convert or fabricate steel. I would raise the further question, however, whether the questionnarie's 85 respondents could have known that by asking for data on imports by "your U.S. mill operations" the Institute intended them to report imports by service and converting subsidiaries as well.

C. COMPARISON OF MILLS' IMPORTS TO TOTAL IMPORTS

The tabulation of the answers to the questionnaire showed that 425,787 net tons of foreign steel mill products were imported by U.S. mill operations. The tabulation then deducts a sum of 63,323 net tons in order to adjust for reexports. The resulting net amount of 362,464 net tons is then compared with total 1966 imports of all steel mill products to arrive at a ratio of 3.4 percent in 1966.

This is like comparing apples and pears. For a more accurate comparison, the total of steel mills' imports should be compared with total U.S. imports, to arrive at a ratio of about 4.3 percent. For an accurate comparison that is adjusted for reexports, steel mills' adjusted imports should, it seems to me, be compared with the Nation's adjusted imports. The Institute agrees with this analysis, and will adjust its data accordingly.

Second, in regard to imports of substantial quantities of steel by a single U.S. firm, a purchase I described in the speech at the American Importers' Association New York meeting on May 12, I have now received additional substantiating data.

This additional data indicates that the president of the company in question did not present to me, or was not aware of, these large imports. If my data are correct, as they seem certain to be, the accuracy of the Iron & Steel Institute's questionnaire is also in doubt. And, if other companies besides the one in question have used equally mysterious methods of importing, then the Steel Institute's questionnaire cannot be considered at all accurate. I intend to pursue this matter with the company in question.

THE PURPOSE OF THE INQUIRY

Now I would like to try again to put this question of steel imports in proper context, the context I sought to establish in my May 1 paper.

The steel industry supported the Trade Expansion Act in 1962 and the Kennedy round negotiations that began in 1963. Then, in 1966, steel industry representatives came to certain Members of Congress urging extensive revamping of our antidumping law. I was greatly concerned about this because I believed I saw that in our negotiations in Geneva we were going to be able to develop a meaningful and useful international antidumping code which would be of great advantage to the United States, in part because other countries imposed antidumping restrictions on U.S. imports through secretive bureaucratic devices rather than by law, which is the U.S. method. Having the agreement of other countries to regulate their antidumping operations by law rather than by bureaucratic decisions, which are frequently arbitrary and irrational, seemed to me to be a great achievement. As a congressional delegate for trade negotiations, I was pleased that the steel industry seemed to accept this judgment, and to withdraw its efforts stringently to change our antidumping law, which would only have led, I thought, to sharp retaliation by other countries.

Then on February 8, 1967, the steel industry, through a special speech delivered by Leslie B. Worthington of United States Steel as spokesman, demanded of the U.S. Congress, at a congressional breakfast a special type of governmental protection against foreign imports. This demand could have seriously undermined the trade negotiations in Geneva, which after 3 years were then in their final stages. Certainly the steel industry should have had its facts and analyses well in hand before it undertook this serious reversal of position, a reversal which affected all U.S. economic interests, as well as steel, which were involved in the Kennedy round. In light of this February speech one would have expected the industry to have its complete data on its foreign trade problems—problems that have deep ramifications—readily available to support its position.

Thus the lack of a point-by-point substantive steel industry response to my May 1 paper, other than to challenge one item which was understandably emphasized by the press, the purchase of foreign steel by the seel industry itself, is an incongruity that requires explanation. I was supplied on June 14 with copies of speeches, and data, some of which I already had. But a systematic response is not forthcoming, particularly responses to the fundamental problems of pricing and sales policy. Indeed, I have been led to wonder how much study and homework the steel industry had done before it took the drastic step it did in the February 8 congressional breakfast at which the Worthington speech was given.

NEED FOR DISCUSSION BASED ON THE ISSUES

I still await the steel industry's critique of my May 1 paper. I do not regard personal and political attacks on me as a substitute for a response based on a substantive argument. I say this as one who is sympathetic to the domestic steel industry and feel that it probably does have many justified complaints about unfair trade practices of foreign competitors. Furthermore, I might say I believe wage rates are a legitimate cost factor to consider in establishing the rules of international trade on bases of fair economic competition.

In order to make proper judgments in this or in any area, however, I believe that data and analysis that is timely, complete, documented, and public, is necessary.

When the steel industry, or any industry, comes to government, and in this instance the Federal Government, for assistance it should be prepared to discuss the data and analyses fully and openly.

As I said in my May 1 paper, and in my May 12 speech, I will be pleased to give the same public attention to the steel industry's response to my data and analyses, so that the constructive discussion we have begun on this problem can develop on its proper footing.

MONTCLAIR LIONS CLUB

Mr. KORNEGAY. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Rodino] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. RODINO. Mr. Speaker, we are all aware of the contributions to our individual communities which are made by various civic organizations, but I would like to call to the particular attention of my colleagues the following editorial from the Montclair Times regarding the Montclair Lions Club.

From personal experience, I know only too well how valuable is our sight, and I want to take this opportunity to commend the Montclair Lions for their fine efforts over the years in aiding the blind and in promoting sight conservation, and to congratulate them on the wonderful gift they made possible for Mrs. Akbar.

Lions Club Aided in a Medical Miracle

The Montclair Lions' Club, which has a long list of accomplishments in aiding the blind and in sight conservation work in Montclair during more than three decades, is to be congratulated for its latest effort in helping a Montclair woman, Mrs. Miriam Haidar-Akbar, regain vision in one eye through a unique and outstanding piece of ocular surgery after a number of years of almost total blindness. The Lions would remind Montclair residents that its work among the blind and in sight conservation is made possible chiefly through its annual townwide sale of electric light bulbs and brooms.

The operation was made possible through the Montclair Lions Club, along with assistance from Lions International, as well as the Eye Bank and Research Foundation of Washington, D.C. Dr. John F. Farinella, chairman of the local Lions Sight Conservation Committee, who has termed the operation a "modern miracle," explained that Lions Club President Donald Theobold drove Mrs. Akbar and her daughter to the Washington University Hospital in early April, and the successful operation was completed a day later. The Lions were advised that the operation—a simultaneous cataract removal and corneal transplant, was unique in ocular surgery and an outstanding surgical accomplishment, thanks to Dr. John McTigue of the Washington University Hospital.

Mrs. Akbar's gratitude is beyond description for the wonderful gift of vision, which is now hers, and the Lions are happy over this almost Cinderellalike outcome of a situation which at first appeared to be out of reach and hopeless.

THE PROPOSED FEDERAL JUDICIAL CENTER

Mr. KORNEGAY. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Rodino] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. RODINO. Mr. Speaker, I am very pleased to speak in support of H.R. 6611, the bill to establish a Federal Judicial Center which I cosponsored and which was developed by the Judiciary Subcommittee, of which I am a member.

This is one of the measures recommended by President Johnson in his message to Congress on crime, and it stems from long concern and study of the problem of administering justice by the Judicial Conference of the United States.

Despite additional judges, we continue to be plagued with serious delays in completing court action. Judicial filings are growing, as is the complexity of many of the issues subject to Federal litigation. And in this scientific era, when work in so many fields of endeavor has been radically improved through use of technological developments, it is appalling to realize that the situation in our Federal courts is now the worst in our history.

With establishment of a Federal Judicial Center we will at last begin to attack the problem through essential programs of research and education and training for judges and the many other categories of officials in the Federal judicial system. The urgent need for efforts in these areas has long been recognized, and the Judicial Conference has endeavored to meet these needs through committee activity. However, it is evident that what is required is an organization set up specifically to work on the problem of developing more efficient and expeditious procedures.

I believe creation of a Federal Judicial Center such as is proposed in H.R. 6111 will be a most valuable contribution to the administration of justice. I applaud its approval, for while justice is delayed wrong prevails, and it is a capacity for justice which makes democracy possible. A Federal Judicial Center should greatly enhance our efforts to achieve the vital purpose of justice, which the Attorney General has so aptly described as "action, not abstraction."

FULL OPPORTUNITY AND SOCIAL ACCOUNTING ACT

Mr. **KORNEGAY**. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Fraser] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. **FRASER**. Mr. Speaker, today I am introducing a bill, H.R. 10959, the Full Opportunity and Social Accounting Act. An identical bill is being introduced by the Congressman from New York [Mr. Farbstein]. These proposals are in turn identical to S. 843, introduced on February 6 by my colleague from Minnesota, Senator Walter F. Mondale, and 10 other Senators.

As Senator Mondale stated in the remarks that accompanied his bill's introduction:

> I think it is clear . . . that we need new tools to assess our efforts and progress in the area of social reform, and for better understanding of these efforts and the state of our social health as a nation.

This legislation is designed to accomplish these goals in three ways:

First, creation, in the Executive Office of the President, of a three-member Council of Social Advisers. The council's duties would include compilation and analysis of social indicators; development of program priorities; evaluation of the effectiveness of programs; and advice to the President in establishing national social policies.

Second, an annual report by the President to Congress on the state of the Nation's social health.

Third, creation of a joint congressional committee to review the President's annual report.

While we have made great social progress in recent years, Mr. Speaker, we still have scattered and incomplete means of charting that progress. A comprehensive and cohesive system of keeping track of where we stand is essential to the effective charting of future social progress.

This legislation has attracted considerable national attention since its introduction. Several favorable articles and editorials have appeared in some of our leading newspapers and magazines. One of the latest evaluations of the Mondale bill—and several other pieces of legislation related to the social sciences—appeared in the May issue of Trans-Action magazine. This article follows:

SOCIAL ACCOUNTING FOR THE NATION

We are now witnessing an ever increasing reliance upon a whole range of social sciences as the American style demands constant assessment of national goals. As public officials become increasingly self-conscious about the quality of American life and cloyingly dedicated to spelling out the national purpose, they are adding the use of other social sciences to the already institutionalized use of economics in determining where we are and where we should go. This inclination, tentative as it still remains, is being matched by the escalating interest of even the most academic of social scientists in the possibilities of their work for creating as well as describing society.

The most significant of several recent moves in the direction of institutionalizing social science as a part of the federal government's efforts to assess the state of the nation and our government activity is Senator Walter F. Mondale's Social Accounting Bill. Senator Mondale (D., Minn.) has introduced legislation aimed at reaching three goals:

—establishing a Council of Social Advisors to devise a system of social indicators to advise the President on and to evaluate national social policies;

—requiring the President to transmit to Congress an annual social report on the nation, specifying progress made listing goals for the future, and outlining policies for achieving these objectives;

—and establishing a joint committee of Congress to review the presidential report, just as the joint economic committee exercises supervision and responsibility in economic matters.

On first sight such legislation might appear to simply make more paper work and reports for the government, but if the long experience with the establishment of the Council of Economic Advisors is any guide, Senator Mondale's bill can have a most profound impact both on government operation and on the social state of the nation generally. The bill, if passed, can institutionalize a much more systematic assessment of the social implications of various government actions and of the introduction into the policy-making process of the kind of social considerations that now tend to be either ignored or dealt with in a cavalier manner. Over time the government will begin to face some of the now unrecognized consequences of its actions and will be forced to address as policy issues various social problems which factual ignorance now clouds and conceals.

Although there are strong elitist overtones in establishing yet another group of experts crucial to the policy-making process, Senator Mondale's proposal should eventually result in an extension of democratic policy-making. The most important effect of the bill, as of the increasing importance of the program-planning budget system, will be to compel a clear statement of national goals. Just as in the economic area, this public statement of goals should allow for debate and action, both on the extent to which the goals are being achieved and on the adequacy of the goals framed. For example, the Council of Economic Advisors has taken the lead sometimes shakily in stating that the risk of inflation is a concern that overrides the goal of full employment, making it possible to debate the issue. Were these inclinations only vaguely implied in the economic planning of the nation, it would be much more difficult to formulate a debate on the relative importance of full employment, inflation, and a favorable balance of payments.

The long-range effects of the Mondale legislation on the social sciences themselves would be great. The social sciences are called upon to "put up or shut up" by a program directly calling upon social advisors to work out a social report. Social scientists might experience great internal pressure to move in the direction of more precise and clearly formulated statements about society and about the effects of various kinds of intervention on society. There is certainly no current equivalent of Keynesian programming in the other social sciences. In that sense the establishment of national social policy to some extent precedes and presumes the development of theory adequate to the task. The call for a wider use of social indicators should have the effect of making the development of such theory, along with a spelling out of the indicators themselves, an item of first priority for the social sciences.

In this connection, in order to establish a meaningful set of priorities, we urge that the Council of Social Advisors be enlarged from the present proposed three-member committee to a larger committee. In this way a larger network of advisors from the social science community can be involved. The quantity of information which will be required can be used to expand the type of theoretical horizons that will be needed. The purpose of the Mondale legislation is clearly not to build bigger and better mousetraps—for example, bigger and better mental institutions—but rather to show how the use of social indicators can lead first to political policies which might lead to a reduction and finally to an elimination of the need for institutions of this sort.

The legislative career of the act will help make clear that the Senate expects the Council of Economic Advisors and the Council of Social Advisors to cooperate closely and to mutually influence each other. Otherwise, it is likely that one will get two sets of perspectives: an economic advisor's perspective that orients itself mainly to the general health of the economy and a social advisor's perspective that orients itself mainly to all the kinds of troubles that are left over. In the long run, it would probably be desirable to merge the two councils. However, in the beginning, the social advisors probably need the protection of an autonomous agency until they have demonstrated their worth to carry real weight in any kind of combined council.

Much of the data that a council would use are currently collected in the various departments (HEW, OEO, Labor, and Commerce). However, this information is invariably tailored to the particular mission and policy commitments of the department concerned. Over time, the council should be in a position to offer guidance on developing information series which are less biased in terms of particular departmental perspectives. Only a group outside the given interests of each agency will be in a position to gain flexibility in developing and assessing methods for achieving national goals that cross departmental aims.

It is encouraging to find Congress taking leadership in the effort to make the social sciences policy relevant in the broadest possible way. Senator Mondale's bill, along with the proposal by Senator Abraham A. Ribicoff (D., Conn.) for an Office of Legislative Evaluation to determine the extent to which Congress' legislation accomplishes its intended goals, can provide crucial elements in developing a more rational, humane society.

Nor can Senator Mondale's proposed legislation on social accounting be isolated from companion legislation being introduced by Senator Fred R. Harris (D., Okla.) on the estalishment of a National Social Science Foundation. For the emerging recognition of the worth of social science information comes at a time when there is a corresponding legislative concern over the moral behavior of social scientists. Therefore, the allocation of funds for the kinds of non-policy-oriented research that in the past (and present) have never received much government support or even encouragement is a necessary correlate to the social-indicators approach. For without free and imaginative research, the constructive role of a continuing evaluation of social indicators would be seriously impaired from the outset.

What these social science bills must help ensure is the growth of a wider network of politically relevant groups whose interests can be articulated and represented in federal planning councils. In the absence of this representation, there exists a danger that the planning agencies can become spokesmen for special interests masquerading as the voice of the total society. Experience with this process can serve as a means for educating otherwise inarticulate publics within American society, and for helping them to translate their passions into programs.

Mr. Speaker, I include the text of H.R. 10959:

H.R. 10959

A bill to create a council of social advisers, to require the President to submit an annual social report, to create a joint committee on the social report, and to promote the general welfare

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Full Opportunity and Social Accounting Act".

DECLARATION OF POLICY

SEC. 2. In order to promote the general welfare, the Congress declares that it is the continuing policy and responsibility of the Federal Government, consistent with the primary responsibilities of State and local governments and the private sector, to promote and encourage such conditions as will give every American the opportunity to live in decency and dignity, and to provide a clear and precise picture of whether such conditions are promoted and encouraged in such areas as health, education, and training, rehabilitation, housing, vocational opportunities, the arts and humanities, and special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal, and by measuring progress in meeting such needs.

SOCIAL REPORT OF THE PRESIDENT

SEC. 3. (a) The President shall transmit to the Congress not later than March 20 of each year a report to be known as the "social report," setting forth (1) the overall progress and effectiveness of Federal efforts designed to carry out the policy declared in section 2 with particular emphasis upon the manner in which such efforts serve to meet national social needs in such areas as health, education and training, rehabilitation, housing, vocational opportunities, the arts and humanities, and special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal; (2) a review of State, local, and private efforts designed to create the conditions specified in section 2; (3) current and foreseeable needs in the areas served by such efforts and the progress of development of plans to meet such needs; and (4) programs and policies for carrying out the policy declared in section 2, together with such recommendations for legislation as he may deem necessary or desirable.

(b) The President may transmit from time to time to the Congress reports and supplementary to the social report, each of which shall include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the policy declared in section 2.

(c) The social report, and all supplementary reports transmitted under subsection (b) of this section, shall, when transmitted to Congress, be referred to the joint committee created by section 5.

COUNCIL OF SOCIAL ADVISERS TO THE PRESIDENT

SEC. 4. (a) There is created in the Executive Office of the President a Council of Social Advisers (hereinafter called the Council). The Council shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate, and each of whom shall be a person who, as a result of his training, experience, and attainments, is exceptionally qualified to appraise programs and activities of the Government in the light of the policy declared in section 2, and to formulate and recommend programs to carry out such policy. Each member of the Council, other than the Chairman, shall receive compensation at the rate prescribed for level IV of the Executive Schedule by section 5315 of title 5 of the United States Code. The President shall designate one of the members of the Council as Chairman who shall receive compensation at the rate prescribed for level II of such Schedule.

(b) The Chairman of the Council is authorized to employ, and fix the compensation of, such specialists and other experts as may be necessary for the carrying out of its functions under this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, and is authorized, subject to such provisions, to employ such other officers and employees as may be necessary for carrying out its functions under this Act, and fix their compensation in accordance with the provisions of such chapter 51 and subchapter III of chapter 53.

(c) It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the social report;

(2) to gather timely and authoritative information and statistical data concerning developments and programs designed to carry out the policy declared in section 2, both current and prospective, to analyze and interpret such information and data in the light of the policy declared in section 2 and to compile and submit to the President studies relating to such developments and programs;

(3) to appraise the various programs and activities of the Federal Government in the light of the policy declared in section 2 of this Act for the purpose of determining the extent to which such programs and activities contribute to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop priorities for programs designed to carry out the policy declared in section 2 and recommend to the President the most efficient way to allocate Federal resources and the level of government—Federal, State, or local—best suited to carry out such programs; and

(5) to make and furnish such studies, reports thereon, and recommendations with respect to programs, activities, and legislation to carry out the policy declared in section 2 as the President may request.

(d) Whenever the President determines that information or data developed by the Council pursuant to subsection (c) of this section should be made available to the States and localities he shall provide for the timely dissemination of such information and data to such States and localities.

(e) The Council shall make an annual report to the President in February of each year.

(f) In exercising its powers, functions, and duties under this Act—

(1) the Council may constitute such advisory committees and may consult with such representatives of industry, agriculture, labor consumers, State and local governments, and other groups, organizations, and individuals as it deems advisable;

(2) the Council shall, to the fullest extent possible, use the services, facilities, and information (including statistical information) of other Government agencies as well as of private research agencies, in order that duplication of effort and expense may be avoided.

(g) To enable the Council to exercise its powers, functions, and duties under this Act, there are authorized to be appropriated (except for the salaries of the members and officers and employees of the Council) such sums as may be necessary. For the salaries of the members and salaries of officers and employees of the Council, there is authorized to be appropriated not exceeding $ in the aggregate for each fiscal year.

JOINT COMMITTEE ON THE SOCIAL REPORT

SEC. 5. (a) There is established a Joint Committee on the Social Report, to be composed of eight Members of the Senate, to be appointed by the President of the Senate and eight Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. In each case, the majority party shall be represented by five Members and the minority party shall be represented by three Members.

(b) It shall be the function of the joint committee—

(1) to make a continuing study of all matters relating to the social report; and

(2) as a guide to the several committees of the Congress dealing with legislation relating to the social report, not later than June 1 of each year to file a report with the Senate and the House of Representatives containing its findings and recommendations with respect to each of the main recommendations made by the President in the social report, and from time to time make such other reports and recommendations to the Senate and House of Representatives as it deems advisable.

(c) Vacancies in the membership of the joint committee shall not affect the power of remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection. The joint committee shall select a chairman and a vice chairman from among its members.

(d) The joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings as it deems advisable, and, within the limitations of its appropriations, the joint committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistants, to procure such printing and binding, and to make such expenditures, as it deems necessary and advisable. The cost of stenographic services to report hearings of the joint committee, or any subcommittee thereof, shall not exceed 25 cents per hundred words. The joint committee is authorized to utilize the services, information, and facilities of the departments and agencies of the Government, and private research agencies.

(e) There is hereby authorized to be appropriated for each fiscal year the sum of $, or so much thereof as may be necessary, to carry out the provisions of this section to be disbursed by the Secretary of the Senate on vouchers signed by the chairman or vice chairman.

DISTRICT OF COLUMBIA OFFICIAL QUITS WITH BLAST AT SYSTEM

Mr. KORNEGAY. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. FRASER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. FRASER. Mr. Speaker, in recent months there have been many reports of the drift and indecision in the government of the District of Columbia. Much of this weakness is due to deficiencies in the present District government which the President's reorganization plan is designed to correct.

The latest resignation is Mr. George W. Grier, Director of Washington's Office of Program Coordination, who left the District government last week. In his letter of resignation, Mr. Grier said that the District of Columbia government, "this most unworkable of governmental structures," is in "imminent danger of disintegration."

He further wrote:

> My experiences in preparation of the Model Cities planning grant application convinced me that the present structure of District government is sorely inadequate to permit the decisive and coordinated action which the Model Cities program requires.

I place the newspaper articles on Mr. Grier's resignation in the RECORD at this point:

DISTRICT OF COLUMBIA OFFICIAL QUITS WITH BLAST AT SYSTEM—GRIER CALLS SETUP UNWORKABLE

(By Robert G. Kaiser)

George W. Grier, director of Washington's office of program coordination and a man responsible for many recent innovations in city policy, announced his resignation yesterday with a fierce critique of the city's administration.

In his letter of resignation, Grier said he feared that Washington's government is in "imminent danger of disintegration."

Grier wrote that he regretted leaving "this most unworkable of governmental structures,"as he described the city government, but that he saw no real purpose in staying on.

Grier's office has been responsible for coordinating city programs with the United Planning Organization's war on poverty. It has also been the key city agency in planning summer recreation programs. Grier spent much of the last six months writing the city's application for Model Cities aid.

Since arriving at the District Building in January, 1965, Grier has been outspoken in his views on city government.

Grier's outspoken ways apparently prompted Gen. Robert E. Mathe, the Engineer Commissioner, to suggest a new rule for District employes prohibiting any discussion of sensitive topics with the press or public before consulting with a superior. The Board of Commissioners rejected this idea in a closed-door meeting Wednesday.

Mathe and his assistants had been among Grier's principal frustrations in recent months. Much of his work was parallel to and in obvious competition with the work of the Community Renewal staff, which is under Mathe.

Regarding perhaps his most important job, an overseer of the city's young Model Cities program, Grier wrote in his four-page resignation letter: "My experiences in preparation of the Model Cities planning grant application convinced me that the present structure of District government is sorely inadequate to permit the decisive and coordinated action which the Model Cities program requires."

OFFICIAL QUITS, BLAMES STATE OF DISTRICT OF COLUMBIA RULE

(By Betty James)

George W. Grier, director of the District's office of Program Coordination, resigned yesterday because "the District government is in a state of complete disorganization and I think it's going to remain that way for months to come."

Grier was the architect of the District's proposal for a model cities planning grant, and his office is responsible for many other efforts.

They included summer programs with the cooperation of the Washington Council for Children and Youth, development of neighborhood planning councils, coordination between the District government and poverty programs in the city, and work with government departments and community organizations on a variety of activities in social welfare and higher education.

In a four-page letter of resignation submitted to Kenneth Back, acting director of the Department of General Administration, Grier stressed that President Johnson's proposed reorganization of the District government under a single strong executive would eliminate many problems. He noted that, should Congress approve reorganization, implementation would still be months away.

"Quite frankly, I also feel that without home rule, which now seems out of the question for years to come, the potential of even the most sweeping reorganization to achieve responsive government is severely limited," he said.

ACTION SEEN IMMINENT

Action on the model cities planning request by the federal Department of Housing and Urban Development is believed to be imminent. The present three-man Board of Commissioners adopted a restructuring within the present governmental framework for the purpose of applying for planning funds. Grier has deep reservations about this restructuring, which the commissioners presumably would put into effect when model cities planning money is assured.

The three-man board is itself a "three-headed creature," Grier said in an interview. "Each separately is attractive. But when you put it together it's a monster."

The restructuring outlined in the model cities proposal would make matters even worse, Grier believes. In a letter to Back, he said "a government with three heads is bad enough; one which has two bodies as well is in even more imminent danger of distintegration."

The "two bodies" to which Grier referred would be the Office of Program Development and the present Department of General Administration. The latter has responsibility now for planning, budgeting and administration, but in the future all planning would be under the Office of Program Development.

OFFICE SHIFT

Grier's office would be removed from the Department of General Administration and placed with others, including one for model cities, under the Office of Program Development.

He told Back "it is my belief that this administrative reorganization will largely destroy the effectiveness of this office by removing it from the mainstream of administrative and financial control. It will relegate the office, like most 'planning' agencies, to a position of ostensibly high stature but virtual impotence."

Grier also expressed concern about the model cities program being in the new office, away from the department that controls the budget.

"VALID ROLE" SOUGHT

"I wouldn't want to give the impression I'm saying if I don't get to run the model cities program I want out," Grier said, adding that it would be enough to have a "valid role" in the effort. But under the proposed restructuring, model cities would be one division and his office another, even though both affect every facet of city life. "I just don't understand how it fits."

Grier believes a single strong commissioner might be able to make the restructuring mesh. He would have been willing to stay, with the thought that the commissioner would decide that the program coordination office was valuable to him—if it were not for uncertainty that the reorganization plan will become a reality and the time it will take to implement it if it does. "It will be a miracle if it is ready by the end of the year," he said.

The internal reorganization plan approved by the commissioners was one of two that they considered.

OTHER REJECTED

The other, proposed by Schuyler Lowe, former director of the Department of General Administration, was rejected. Lowe has since resigned.

Lowe was Grier's boss. A clash developed between Lowe and Grier and the engineer commissioner, Brig. Gen. Robert E. Mathe, over control of model cities, a fight Mathe appears to have won.

Grier said yesterday of Mathe, "I have great admiration for Gen. Mathe. He is a very able and dynamic man. But he happens also to be a general in the Army, and I don't think a general should be in charge of civilian programs."

Grier stressed that he wasn't going away mad at anyone but instead has thrown up his hands at the system.

Grier is returning to the Washington Center for Metropolitan Studies, where, he wrote Back, "I expect to be involved in a number of activities of direct relevance to the problems of governing the District." His resignation is effective June 30, or earlier if Back feels he can be released.

Grier, who lives in the District, is moving to Maryland next month. He said he and his wife "made a decision a few weeks ago we lived in a non-democracy. I want to get back where I can have a vote."

BILL FOR CARE AND CONTROL OF ALCOHOLISM

Mr. KORNEGAY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. FARBSTEIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, I rise today to introduce a bill, to provide for a comprehensive program for the care and control of alcoholism.

Alcoholism has become a national problem, affecting citizens in all regions of the United States. An effective nationwide program of treatment for this disease is needed.

To assure that the program is reaching those afflicted, it is necessary that we have adequate and up-to-date information on care and control. Thus, a major provision of this bill would establish a Bureau of Alcoholism Care and Control within the office of the Surgeon General.

Among the principal duties of this new Bureau would be to serve as an information clearinghouse and, further, to direct basic research on cause, prevention, and treatment. Such duties are of limited value, however, unless coordinated with other Federal efforts and in turn passed along to State and local governments. This Bureau will be responsible for these communicative duties.

In addition, this Bureau would be authorized to make grants to public and private nonprofit agencies for demonstration projects such as treatment and rehabilitation centers, and programs for postinstitutional services. Projects having the greatest promise of contributing to combating the problems of alcoholism would be accorded grant preferences.

To assure widespread citizen participation in this program, the bill provides for a National Advisory Committee on Alcoholism Care and Control. This committee will be comprised of members knowledgeable in the varied problems of alcoholism. It will be their function to advise and consult with the Director of the Bureau previously cited.

Mr. Speaker, alcoholism is a national plague which requires much hard work and understanding if we are to effectively combat it. I believe this measure offers us the means through which to carry out this work.

FULL OPPORTUNITY AND SOCIAL ACCOUNTING ACT

Mr. KORNEGAY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Farbstein] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, I join with my colleague, Representative Donald Fraser today, in introducing the Full Opportunity and Social Accounting Act. The purpose of this far-reaching legislation is to establish a system of social account in an effort to improve public decisionmaking. More specifically, it creates a Council of Social Advisers to the President, and calls upon the Chief Executive to make an annual "social report" to the Congress. In addition, it creates a Joint Committee on the Social Report within the Congress to act in conjunction with and as sort of a devil's advocate to the Council of Economic Advisers.

Mr. Speaker, the last decade has found our society becoming more committed to solving the social problems of our time. Poverty, education, elder citizens, urban blight, and civil rights are just a few of the areas in which social legislation has been adopted. Yet, we have no system through which to measure the direction and results of these social changes. As a nation, we have begun to perfect our economic reporting system and to establish economic indicators that measure national performance, but gross national product and economic data are limited as instruments for measuring social change.

Economic and census statistics tell us little about pockets of poverty, depressed communities, and disadvantaged social groups. It is hoped that a system of social accounts would give us a broader, more balanced assessment of social needs and progress.

Mr. Speaker, this legislation is not meant as an end in itself, for our experience with and understanding of a system of social accounts is in its very infancy. However, I do believe that this proposal is a concrete step in the right direction.

There is one area though, in which this legislation is deficient, and I would like to briefly comment on it without admittedly offering any real solution. Social problems are often national in scope and require national involvement, but solutions to these social ills must be attained on the local level where the need exists. I firmly believe that an effective system of social relations between the Federal, State, and local communities must be evolved in order to assure a system which is responsive to local needs and social change.

Mr. Speaker, I wish to bring this legislation to the attention of my colleagues in the House. I ask that they give serious consideration to this proposal and encourage their participation in this debate.

PRESIDENT JOHNSON—A MAN OF BOLDNESS AND COURAGE

Mr. KORNEGAY. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Annunzio] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, those who are quick to criticize the decisions of our outstanding President, Lyndon B. Johnson, are amazingly slow when it comes to considering the awesome responsibilities which rest on his shoulders as leader of the greatest nation in the world.

They are equally slow at crediting our distinguished and hard-working President for his boldness, his courage, his determination, and his imaginative solutions to the great economic, social, educational, and political issues which confront our society.

I was delighted, therefore, to read Carl T. Rowan's forthright column, "Johnson as a Man of Boldness and Courage," which appeared in the Washington Star.

In his column, Mr. Rowan examines our President's impressive accomplishments, and concludes that when all is said and done, historians will regard President Lyndon B. Johnson as a man of boldness and courage who accomplished some of the greatest political feats of all time.

It is a pleasure to insert Mr. Rowan's article in the Record. The article follows:

[From the Washington (D.C.) Star, Mar. 12,1967]

JOHNSON AS A MAN OF BOLDNESS AND COURAGE

Whatever the historians say about Lyndon Baines Johnson, they will not conclude that he was a lazy, or unimaginative, or gutless President.

Never, even in those feverish early days of the Franklin D. Roosevelt administration, has a President flooded the Congress with so many messages and bills that affected the well-being of so many people.

Whatever his contemporaries think of Johnson's "style" or "grace" or "personality," the record is going to show that no President ever defied so many taboos, challenged so many prejudices, corralled so many sacred cows or sought to abridge so many special privileges.

His recent proposals to alter our Selective Service System, so as to wipe out injustices that have been nurtured by the privileged for 104 years, is but the latest of an endless stream of such proposals.

Maybe our country isn't really much more egalitarian than it was in 1863 when Congress enacted a conscription program under which a man could buy his way out of the draft by paying the government $300. Maybe a majority of our people still believes that a nation must preserve its elite (meaning those fortunate enough to be born to parents who value and can afford college) and use its "lesser" mortals as cannon fodder. So perhaps the lottery draft that the President has called for will be blocked by Congress. But the President has had the courage to put the challenge before the nation.

Just as he had the courage, in his message on Children and Youth, to ask that states be compelled to pay to dependent children on welfare the amount of money that the states themselves have said is the minimum needed.

Just as he had the fortitude to go back to a stubborn, "blacklashish" Congress with far-reaching civil rights proposals in the fields of racial discrimination in housing, and in the selection of juries.

Just as he fought publicly, and apparently with success, for a consular treaty with the Soviet Union at a time when some congressmen preferred the emotional cliches that give the illusion of advanced anti-Communism and a higher patriotism.

Just as he courted the enmity of the food and other industries by pressing for "truth in packaging," and "truth in lending" laws and other measures to protect the consumer from myriad merchandising tricks.

Just as he aroused the ire of the automobile industry with his auto safety proposals; and is antagonizing for a wider spectrum of industry by asking nationwide standards to combat air pollution; and has irritated the textile industry by seeking restraints on flammable materials; and the natural gas industry by attacking the pipelines that move gas at dangerously high pressures; and the medical industry by seeking Food and Drug Agency safeguards against such devices as X-ray equipment that gives overdoses of radiation, or defective screws that are used to hook up hips, or artificial eyes that are improperly made.

And Mr. Johnson had the forthrightness to tell Americans how much they would have to surrender in money and old prejudices if they want to reduce crime and make their streets safe—even though the public might have preferred a promise of a "cheaper" panacea, such as "tougher police action."

With newspapers, television and the car radio constantly reminding us of Vietnam and other things that arouse tempers and fears, it is hard to maintain a perspective where this man Johnson is concerned.

But it may be reckoned as one of the great political feats of all time that he moved so boldly against custom and vested interest in areas of business, race, public welfare and social philosophy without producing an embittered army of Johnson-haters comparable to the Roosevelt-haters of the 1930s.

CONGRESSMAN ANNUNZIO WELCOMES ITALIAN AMBASSADOR EGIDIO ORTONA TO WASHINGTON

Mr. KORNEGAY. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Annunzio] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, on May 19, Egidio Ortona, Secretary General of the Italian Foreign Ministry, was named as Italian Ambassador to the United States, and last week, the new Ambassador and Mrs. Ortona arrived in Washington.

As Ambassador Ortona assumes his new responsibilities in Washington, I want to congratulate him on his appointment and officially welcome him and his charming wife to the Nation's Capital.

Ambassador Ortona's impressive background has equipped him admirably for his new position. He is 56 years old and already well known in American diplomatic circles. He served as counselor and Minister of the Italian Embassy from 1945 to 1958, when he was appointed Italy's Permanent Representative at the United Nations. He left that position to become Director General of Economic Affairs in the Foreign Ministry in 1961.

Signor Ortona, who was born at Casale Monferrato, in the Piedmont, was educated in northern Italy and abroad. He took a degree of doctor of laws at the University of Turin in 1931 and studied at the London School of Economics.

Shortly thereafter, he began his career in the Italian Foreign Service, and among the posts he has held have been first secretary of the Embassy in London, head of the Office of the Under Secretary for Foreign Affairs in Rome, head of an economic mission to the United States, Minister of the Italian Embassy in Washington, and Italy's Permanent Representative at the United Nations.

It is evident from the foregoing that Ambassador Ortona brings to his new position a wealth of experience which I know will help to further enhance the friendly and productive relationship that the people of America and the people of Italy are enjoying. This wonderful relationship, I know, will continue to serve as a common basis from which our two nations will move resolutely forward toward advancing the cause of world peace.

Mr. Speaker, as he joins the diplomatic corps in Washington, I extend to the distinguished Ambassador Ortona a hearty welcome and my best wishes for his abundant good health and ever-increasing success in his career.

PRESIDENT JOHNSON PROPOSES A NEW START FOR DISTRICT OF COLUMBIA GOVERNMENT

Mr. KORNEGAY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. MULTER. Mr. Speaker, President Johnson is to be commended and applauded for asking the Congress to share the honor of bringing 20th-century government to the District of Columbia.

Our Nation's Capital has too long labored under archaic forms of government.

Its millions of metropolitan residents have seen the city go backwards in health, economic development, and education for many years. The major cause is the lack of a government organization able to respond quickly and efficiently to the pressing needs of a modern community.

We now have President Johnson's reorganization plan to remedy this situation. Hardly anyone can disagree with it. It provides for a unified executive to administer programs, balanced by the powers of a council. It would eliminate conflicting assignments. And it would provide for efficient day-to-day operation of District government.

In short, it is just what the District has needed for a hundred years.

Yet, we find voices opposed to it. I am afraid the opposition is not to the plan or to its provisions, but rather to it being accomplished as the President's plan rather than as a District Committee proposal.

Washington, D.C., awaits the President's plan for action.

It is a plan which begins a new day for our Capital City.

We ought to disavow the disapproval resolution introduced by those more interested in protocol than progress.

The Congress should permit President Johnson's reorganization plan to take effect. We must share with him the challenge and responsibility of making Washington the best managed, most progressive city in the country.

This plan has the support of the people. Many organizations have spoken out in favor of it. Typical of such support is a recent letter to the President from the Jewish War Veterans. Under unanimous consent I include it in the RECORD, as follows:

JEWISH WAR VETERANS OF THE
UNITED STATES OF AMERICA,
Washington, D.C., June 5, 1967.

HON. LYNDON B. JOHNSON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Jewish War Veterans of the United States of America pledges its support for the reorganization plan for the Government of the District of Columbia as submitted to the Congress on June 1, 1967.

Your plan is especially noteworthy for the greater involvement it will bring individual citizens in the activities of municipal government.

We are convinced that major problems flowing from the need for more effective law enforcement in the fight on crime require the most effective local government procedures before necessary progress can be made. We believe that your recommendations will in the long run provide the most effective tools in this effort.

As an organization of war veterans, we are also impressed by the effect of your recommendation in freeing the United States Army from its present superfluous obligation of performing a civil function in the person of the present Engineer Commissioner. Indeed, there are surely many important military functions that take priority for the services of a trained military man.

While there are many facets of your message that are of great importance to D.C. citizens as well as the country at large, we have limited ourselves to those above of manifest interest to a veterans organization. Mr. President, please be assured of our enthusiastic commitment to your reorganization plan.

Respectfully,
MALCOLM A. TARLOV,
National Commander.

DEPARTMENT OF JUSTICE GUIDELINES ON FREEDOM OF INFORMATION ACT

Mr. KORNEGAY. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. MOSS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. MOSS. Mr. Speaker, over the weekend the Department of Justice issued a comprehensive set of guidelines to Federal departments and agencies on the new Freedom of Information Act which goes into effect on Independence Day. In my opinion, the guidelines are positive and workable, and they convey to the officials of the executive branch the basic objective of the law—which is to define the right of access to official records of the Government, and to broaden the availability of all Government information to the public.

It is not by chance that the guidelines give impetus and a meaning to the law as intended by Congress. They were carefully worked out by the office of the Legal Office of the Justice Department in close consultation with the Foreign Operations and Government Information Subcommittee, of which I am chairman, over a period of many months. Assistant Attorney General Frank M. Wozencraft and his assistants, Mr. Anthony L. Mondello and Mr. Webster P. Maxon, were especially helpful in developing the guidelines in harmony with congressional intent.

The affirmative approach toward implementing the act is emphasized by the tone of the guideline's foreword by Attorney General Ramsey Clark which reads as follows:

> If government is to be truly of, by, and for the people, the people must know in detail the activities of government. Nothing so diminishes democracy as secrecy. Self government, the maximum participation of the citizenry in affairs of state, is meaningful only with an informed public. How can we govern ourselves if we know not how we govern? Never was it more important than in our times of mass society, when government affects each individual in so many ways, that the right of the people to know the actions of their government be secure.
>
> Beginning July 4, a most appropriate day, every executive agency, by direction of the Congress, shall meet in spirit as well as practice the obligations of the Public Information Act of 1966. President Johnson has instructed every official of the executive branch to cooperate fully in achieving the public's right to know.
>
> Public Law 89–487 is the product of prolonged deliberation. It reflects the balancing of competing principles within our democratic order. It is not a mere recodification of existing practices in records management and in providing individual access to Government documents. Nor is it a mere statement of objectives or an expression of intent.
>
> Rather this statute imposes on the execu-

tive branch an affirmative obligation to adopt new standards and practices for publication and availability of information. It leaves no doubt that disclosure is a transcendent goal, yielding only to such compelling considerations as those provided for in the exemptions of the act.

This memorandum is intended to assist every agency to fulfill this obligation, and to develop common and constructive methods of implementation.

No review of an area as diverse and intricate as this one can anticipate all possible points of strain or difficulty. This is particularly true when vital and deeply held commitments in our democratic system, such as privacy and the right to know, inevitably impinge one against another. Law is not wholly self-explanatory or self-executing. Its efficacy is heavily dependent on the sound judgment and faithful execution of those who direct and administer our agencies of Government.

It is the President's conviction, shared by those who participated in its formulation and passage, that this act is not an unreasonable encumbrance. If intelligent and purposeful action is taken, it can serve the highest ideals of a free society as well as the goals of a well-administered government.

This law was initiated by Congress and signed by the President with several key concerns:

—that disclosure be the general rule not the exception;

—that all individuals have equal rights of access;

—that the burden be on the Government to justify the withholding of a document, not on the person who requests it;

—that individuals improperly denied access to documents have a right to seek injunctive relief in the courts;

—that there be a change in Government policy and attitude.

It is important therefore that each agency of Government use this opportunity for critical self-analysis and close review. Indeed this law can have positive and beneficial influence on administration itself—in better records management; in seeking the adoption of better methods of search, retrieval, and copying; and in making sure that documentary classification is not stretched beyond the limits of demonstrable need.

At the same time, this law gives assurance to the individual citizen that his private rights will not be violated. The individual deals with the Government in a number of protected relationships which could be destroyed if the right know were not modulated by principles of confidentiality and privacy. Such materials as tax reports, medical and personnel files, and trade secrets must remain outside the zone of accessibility.

This memorandum represents a conscientious effort to correlate the text of the act with its relevant legislative history. Some of the statutory provisions allow room for more than one interpretation, and definitive answers may have to await court rulings. However, the Department of Justice believes this memorandum provides a sound working basis for all agencies and is thoroughly consonant with the intent of Congress. Each agency, of course, must determine for itself the applicability of the general principles expressed in this memorandum to the particular records in its custody.

This law can demonstrate anew the ability of our branches of Government, working together, to vitalize the basic principles of our democracy. It is a balanced approach to one of those principles. As the President stressed in signing the law:

"* * * a democracy works best when the people have all the information that the security of the Nation permits. No one should be able to pull curtains of secrecy around decisions which can be revealed without injury to the public interest * * *. I signed this measure with a deep sense of pride that the United States is an open society in which the people's right to know is cherished and guarded."

This memorandum is offered in the hope that it will assist the agencies in developing a uniform and constructive implementation of Public Law 89-487 in line with its spirit and purpose and the President's instructions.

Mr. Speaker, I hope the officials of Government read the Attorney General's message with care and take it to heart.

The guidelines are a fine step forward, but the real test of the effectiveness of the act will depend on the implementing regulations issued by the departments and agencies within the framework of the guidelines.

The subcommittee will monitor these regulations with care, and whenever they appear not to measure up to the spirit or the intent of the law, appropriate remedial steps will be taken including public hearings, if that seems desirable.

THE CATHOLIC SUN

Mr. KORNEGAY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HANLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HANLEY. Mr. Speaker, I would like to take these few moments to share with you and with our distinguished colleagues some observations relating to the nature of the Catholic press in America, with specific regard to the Catholic Sun, a weekly newspaper published in the diocese of Syracuse, part of which diocese comprises my constituency.

It is noteworthy indeed that this particular newspaper is soon to celebrate the 75th year of its publication as the only Catholic journal published in central New York, and the only officially recognized member of the Catholic press in America which is owned and operated completely by laymen.

Begun just before the turn of the century—June 24, 1892—amid a burst of expansion in the Catholic diocese of Syracuse, the Catholic Sun has served as the chronicler of the church's life and growth and as the public repository and disseminator of church news and views.

However, in that dreary wilderness which was central New York 200 years ago, "when nothing was heard but the roar of wild beasts and the war cries of Indians," the French Jesuit missionaries who erected the first Christian chapel in New York State, at Indian Hill in 1655, had no need for written communication with their converted congregations.

Even with the restoration of the church in the Syracuse area around 1836, there was no real need felt by the Catholic community for its own sectarian press to serve the relatively small parish populations which resided in fairly close proximity.

It was only after the formal creation of the diocese of Syracuse by Pope Leo XIII in November 20, 1886, after the appointment of the Right Reverend Patrick A. Ludden in December of that year, that any real consideration was given to the establishment of a Catholic newspaper.

Although the last of seven dioceses into which the State was divided, this diocese included the vast territory first proselytized by men such as the Jesuit Fathers le Moyne, Chaumonot, Dablon, le Mercier, the de Lambervilles, and de l'Huc. In this vast historical setting and faced with the logistical problem of coordinating the works of widely separated parishes and with the ever-burgeoning congregations of Catholic immigrants, the diocese soon sanctioned the formation of the Catholic Sun.

Thus, James K. McGuire, president of the Syracuse Printing and Publishing Co., and Harvey B. Cassidy, secretary-treasurer and manager of that same firm, began in June 1892 to publish the Sun for the nearly 40,000 parishioners of the diocese.

From the first days of that 2-penny paper published in the small pressroom at 117 Market Street in Syracuse, the church in central New York has had its history and growth recorded and reported by the Sun. And what has become so welcome a feature of Sunday mornings began its still continuing struggle of financial security and took its first steps toward active participation in the life of the church.

This editorial excerpt from the July 9, 1911, issue of the Sun bears eloquent testimony to the intent of the paper's first publishers and gives us a glimpse into the early optimism and spirit which has enabled the paper to persevere.

WE ARE PROUD

We feel certain we shall be forgiven if we blow our own horn just a little bit. The Catholic Sun was started with a purpose. To found a Catholic paper is not an easy undertaking. It requires careful management and the most rigid economy. It calls for an endless amount of sticktoativeness, and, even under most favorable conditions, frequently success does not come, so far as the latter is concerned, we are free to admit that this paper has been a success. To be sure, it encountered all the infantile diseases of the newspaper world, but by careful nursing it has survived them all and is now a pretty healthy member of the newspaper family, and, please God, will so remain. . . .

It has always been our aim . . . to put out a paper Catholic to the core; a paper of high moral tone; one that is not afraid to criticize wrong whether it is found in our own ranks or outside; a paper first of all Catholic.

Mr. Speaker, in congratulating the Catholic Sun and its owner-manager, Lawrence Vieu, on the attainment of this landmark in the paper's history, may I express the hope for its continued success as an integral and meaningful segment of the church's "life of grace" in the world and in our homes.

DEBT LIMIT

Mr. KORNEGAY. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. ALBERT] may extend his remarks at this point in the RECORD and include tables.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ALBERT. Mr. Speaker, under leave to extend my remarks, I include letters and enclosures which I have received today from the Secretary of the Treasury and the Director of the Bureau of the Budget on the relationship of Federal expenditures to the national economy and on some of the major benefits which have been forthcoming from Federal programs.

I would recommend to the Members of the House that they carefully study these documents and weigh the facts which they contain before casting their votes on the bill to increase the debt limit on Wednesday next.

The documents to which I refer follow:

THE SECRETARY OF THE TREASURY,
Washington, D.C., June 19, 1967.

Hon. CARL ALBERT,
House of Representatives,
Washington, D.C.

DEAR MR. ALBERT: On the day after tomorrow the House of Representatives has an important responsibility to discharge. On June 30 the present authority of the Treasury to borrow money will expire. The House will be called upon to vote up or down a bill dealing with the debt limit. That bill has the following purposes, and those purposes only: It is designed to enable the Treasury to pay the government's bills, meet its debt obligations in an orderly and economical way, and avoid a damaging and wholly unnecessary and unprecedented disruption of all government activities, including a vital and expensive armed conflict.

The Treasury cannot spend one red cent that the Congress does not *previously* authorize. The Congress controls the purse. It authorizes programs; it appropriates specific amounts to be spent on these programs.

The debt limit cannot regulate spending. It can paralyze the Treasury's ability to meet the obligations Congress itself creates. If Congress wants to influence the course and amount of spending by the government, it can do so by its action on appropriations or recissions of specific spending authority—and that is the proper way for Congress to regulate spending.

The debt limit bill which the Congress will be asked to approve is recommended *unanimously* by the fifteen Democratic members of the House Ways and Means Committee, under the Chairmanship of Congressman Wilbur Mills. Their record for fiscal responsibility will stand favorable comparison with any group of legislators anywhere. That is why they are chosen by their colleagues to serve on this distinguished Committee.

They, as would the Secretary of the Treasury, greatly prefer surpluses to deficits, dislike paying large outlays for interest on the national debt, and would enjoy reducing the debt.

But, as responsible legislators, they do not see the sense in withholding adequate authority to borrow money to pay the bills that Congress itself prescribes.

They believe, for reasons spelled out in the report of the Democratic majority, that the debt limit action incorporated in the bill they recommend is the course of fiscal responsibility. They believe it is the most effective way to extend borrowing authority so as to permit orderly and economical financing and, at the same time, encourage prudence and restraint in budget making by the Executive Department and the authorization and appropriating processes by the Congress.

Nearly two weeks ago a majority of the House, including every Republican member voting, defeated a previous proposal to extend the Treasury borrowing authority. From the debate, it would seem that the underlying factor was an erroneous impression that increases in nondefense expenditures are the root cause of deficits in President Johnson's budgets, resulting in an increase in the national debt dangerous to the economy.

Given my departmental and personal bias, customarily I welcome the emphasis on priorities and fiscal responsibility that any in the Congress and the public choose to give. In the past, I have applauded and solicited the support of leaders of the minority for these policies.

But I cannot stand silently by when potentially constructive criticism fails to reflect all the facts, creating an erroneous impression that, if left unanswered and incomplete, might provide the basis for legislative action on the debt limit that would shake confidence in the economy and imperil the essential processes of government.

I invite all those who voted against the provision of additional Treasury borrowing authority week before last, all those who may have believed sincerely that it is necessary to deprive the government of the means of orderly and economical financial management in order to get at Federal spending, and all those who may have done so out of party loyalty but against their real convictions, to consider the facts about Federal spending that follow.

Let us go over the factual record:

The *first and foremost* fact, that the record will support fully, is that, far from being out of control, Federal spending under President Johnson has been subjected to tight, effective and sustained control—even under the stress of war and even in the face of huge increases in revenues—*that were it not for the special costs of resisting Communist aggression in Southeast Asia, the administrative budgets would provide surpluses—not deficits—in fiscal 1966, 1967 and 1968.*

The *second* general fact worth noting is that our deficits in 1965 and 1966 declined to insignificant fractions of gross national product, that even in this fiscal year, when Vietnam spending more than tripled, the deficit will be less than one and a half percent of GNP, and that the best currently available estimate for the coming fiscal year is that the deficit will remain far below the 2.7 percent of GNP figure reached in fiscal 1959 when there was no armed conflict.

The *third* general fact I want to bring out is that during the years in the 1950s when the Republicans were in office, Federal spending was substantially larger in relation to the size of our economy than it has been since, and that in the Johnson years Federal spending has continued to decline as a percent of GNP, *despite and including the addition of Vietnam costs.* The argument that the Budget is a danger to our free enterprise system is, like the notion that our deficits are increasing in real terms, altogether untrue, for *Federal spending was a bigger proportion of the economy in the 1950s than it has been since.*

Finally, since the debt limit is the matter at stake here—however wrongly—let me note that far from increasing, *the Federal debt is continuing to decline* in real per capita terms.

As a real per capita debt, it stood at $1,823 per man, woman and child in 1951, held about steady during the Korean War and has declined steadily since, even into the years of the conflict in Vietnam.

Having made these general observations, I want to go over the record with you.

I challenge those who assert that the Johnson Administration has let spending get out of hand, to answer the following questions, on the basis of the factual record, not of political fantasy:

1. Do those who assert that Federal spending is not under effective control mean that too much is being spent for the defense against communist aggression in Southeast Asia?

2. Or, do they claim that during the four fiscal years for which President Johnson has been fully responsible non-Vietnam spending has gotten out of control?

I want them to face up to these two questions on the basis of these administrative budget facts for fiscal years already complete or nearly complete—Fiscal 1965, 1966 and 1967.

Let me say immediately that by looking at the budget results without the special Vietnam revenues and costs, I emphatically am not trying to wave those costs aside. They are facts of life. What I am getting at is the following: *In the portion of the budget where there is some freedom of choice the President has exercised very strict and effective control of Federal spending.* This can only be seen when the special budget effects of Vietnam are taken into account. Thus, it is necessary to consider the Budget without the Vietnam costs and revenues to get an undistorted view of what has really transpired in the budget in President Johnson's Administration.

During the three complete or nearly complete fiscal years covered by budgets originally prepared and executed by President Johnson (fiscal years 1965, 1966 and 1967) the administrative budget expenditures have increased from $97.7 billion in fiscal 1964 to approximately $127.5 billion. But of that increase in Federal outlays of $29.8 billion, somewhat over $20 billion results from the special costs of resisting aggression in Southeast Asia.

In other words, all non-Vietnam expenditures have increased by some $9.5 billion in three years. That is an increase of a little over $3 billion—or only 3¼ percent—a year. This should be compared to the 7½ percent a year growth of the national economy, and of state and local expenditures averaging 8 percent a year, in this period.

Now let me note these further points, to put the Federal Budget into true perspective:

Of the nearly $9½ billion increase in non-Vietnam expenditures in the three fiscal years for which President Johnson has budgeted, and which are complete or nearly complete, $5 billion is accounted for by three items where increases were beyond Presidential control: interest in the public debt, increased civilian pay, and veterans benefits.

All the other programs of the Federal Government taken together have risen in these years by only 4½ billion, or about $1½ billion per year.

When the Budget for Fiscal Year 1968, which has not yet started, is added, non-Vietnam expenditures are projected to rise $15.5 billion over the four fiscal years.

Of this, the three items not within Presidential control account for $6 billion. That means that all other non-Vietnam programs rise by $9.5 billion. That is less than 3 percent a year. Even if the effect on the budget of sales of financial assets is discounted, the increase is well under 4 percent a year.

Excluding the costs of Vietnam, Federal expenditures in the administrative budget were 16 percent of Gross National Product in 1964. This will drop to 14 percent in the fiscal year about to end.

This compares to an average of 16.3 percent during the last six years of the last Republican Administration—*after* Korean War outlays were ended.

You will receive from the Director of the Budget an account of some of the benefits achieved by these modest and careful increases in non-Vietnam outlays under President Johnson.

In order that you and your colleagues may have the budgetary facts on income and outgo, the deficits, the impact of special costs of the armed conflict in Southeast Asia, and the debt burden, for the years in which President Johnson has had full budgetary responsibility, there is attached a more detailed analysis of these years, with pertinent tables.

Sincerely yours,

Henry H. Fowler.

The Johnson Budget Record

In order to understand fully the picture of budgets, income and outgo, deficits and debt burden, it is necessary to examine the record of the years of the Johnson Administration under those headings.

For this purpose several tables are provided. They contain the principal budget facts as they appear in all three types of the Budgets in use—administrative, cash and national income accounts. But for simplicity of discussion reference will be made only to the administrative budget, with 1967 and 1968 estimates revised according to our latest information. Generally similar results are to be seen in the cash or the national income account budget.

The record for fiscal years 1965 through 1968 that is under examination is not only that of the Johnson Presidency. It is also the record of the Government's income and outgo in the four fiscal years since the passage of the Revenue Act of 1964. This record shows how the potentials of the 1964 Revenue Act for economic growth, economic stability and control of Federal spending have been handled by the Johnson Administration.

Stepped up outlays in Vietnam began in Fiscal 1966. Thus only one of the fiscal years under discussion—1965—is not influenced in a major way by the special costs of the Vietnam conflict. Where the uncertainties of war make comparisons of current estimates for Fiscal 1968 with other years inappropriate, only 1965 through 1967 will be considered.

Section 1—the opening words—of the Revenue Act of 1964 laid a commitment to fiscal responsibility upon both the Executive and the Congress. The Johnson Administration sponsored and heartily agreed to that responsibility, in advance. Section 1 reads:

"It is the sense of Congress that the tax reduction provided by this Act through stimulation of the economy, will, after a brief transitional period, raise (rather than lower) revenues and that *such revenue increases should first be used to eliminate the deficits in the administrative budgets and then to reduce the public debt*. To further the objective of obtaining balanced budgets in the near future, Congress, by this action, recognizes the importance of taking all reasonable means to restrain Government spending and urges the President to declare his accord with this objective. (Emphasis supplied.)

Furthermore, this Act gave a new direction to the uses of fiscal policy that has been described by Chairman Mills of the House Ways and Means Committee:

"There are two roads the Government could follow toward a larger, more prosperous economy—the tax reduction road or the Government expenditure increase road . . . The increase in Government expenditure road gets us to a higher level of economic activity with larger and larger shares of that activity initiating in Government . . . The tax reduction road, on the other hand, gets us to a higher level of economic activity with a larger and larger share of that enlarged activity initiating in the private sector . . .

"Section I of the bill is a firm, positive assertion of the preference of the United States for the tax reduction road to a bigger, more progressive economy."

In his signing statement, President Johnson embraced the objective of stimulating the economy by lightening its tax load and simultaneously controlling increased spending.

Here is the spending and income record that shows how faithfully and effectively he has put that principle into practice. It is summarized in Table 1.

THE INCOME AND OUTGO RECORD

Before Vietnam

Fiscal 1965

The economy responded so quickly to the tax reductions for individuals and businesses that went into effect five months before this fiscal year began that *revenues rose* by $3.6 billion over the year before, to $93.1 billion.

But Federal *spending declined,* by $1.2 billion, to $96.5 billion.

The Vietnam years

Fiscal 1966

Due chiefly to the continued quickening of the economy following the 1964 tax cut *revenues climbed* in Fiscal 1966 by no less than $11.6 billion.

Even in the face of such a bounty, *the President continued to hold spending below* the rise in the government's income, and it was due only to the inclusion of $6.1 billion of special Vietnam outlays that in Fiscal 1966 spending increased by as much as $10.5 billion.

In Fiscal 1966 revenues raised especially to pay the costs of Vietnam came to $1.2 billion. The special costs of Vietnam that year came to $6.1 billion. Thus, without Vietnam, the record would have been about as follows—give or take a little for indirect effects that can only be guessed—as seen in Table 2:

Non-Vietnam revenues up by $10.4 billion, but *non-Vietnam spending up by less than half as much,* or some $4.4 billion.

Fiscal 1967

In this fiscal year the costs of Vietnam rose so swiftly that total Federal spending rose much faster than revenues.

It is the only year in which this is so. While the original Budget was planned to keep these expenditure increases roughly in line with revenues, the accelerated pace of the war, special expenditures made necessary because of tight money and high interest rates, and outlays voted by this Congress over and above the levels of the President's Budget all contributed to a spending total well over $15 billion in excess of that planned. Here is the 1967 record, as it is estimated at this time:

Total revenues will be up by some $11.8 billion, but total spending will rise by $20.5 billion.

If special Vietnam revenues and outlays are set aside, the comparison with non-Vietnam income and outgo of the year before is:

Non-Vietnam revenues up in Fiscal 1967 by $8.4 billion,

But, again, non-Vietnam expenditures up by substantially less than revenues, at about $6 billion.

Fiscal 1968

Here, of course, only estimates are available, for a year of more than the usual uncertainties, that begins a month from now. Both Budget Director Schultze and the Secretary of the Treasury emphasized in testimony to the House Ways and Means Committee on May 15 the fact that Fiscal 1968 estimates, although they are based on the best current information, are vulnerable to the incalculable uncertainties of war. These estimates, nevertheless, are the best that can currently be made.

Total revenues in Fiscal 1968 are expected to increase some $9.0 billion.

Total spending, on the basis of the best current information, are expected also to increase $9.0.

With Vietnam revenues and outlays set aside, however, the changes from the comparable 1967 totals would be:

Non-Vietnam revenues up $8.6 billion, but—

Non-Vietnam spending up by approximately $7 billion, once again well under the rise of revenues.

Now one further and very important fact that is never mentioned by critics of the Administration's Budgets:

During the final six fiscal years of the last Republican Administration—*which were not burdened by any special defense costs*—the Administrative Budget averaged 16.3 percent of Gross National Product.

But, in the seven complete or nearly complete Democratic fiscal years that have followed, *including* the $20 billion rise in Vietnam costs of fiscal 1966 and 1967, the Budget has averaged only 15.6 percent of GNP.

And, in the three Johnson fiscal years 1965, 1966 and 1967, *in which the Vietnam costs are concentrated, the average is nevertheless still lower:* 15.5 percent:

THE DEFICIT RECORD

This control of Federal expenditures has had an effect upon our deficits that is not reflected in many comments about the Administration's fiscal record. Once again, let us look at the administrative budget record. Tables 1, 3 and 4 are of interest here.

Including the effect of Vietnam on both spending and revenues, the control over spending exercised by the President has reduced the deficit in two out of the three fiscal years for which he has had full budgetary responsibility and that are nearly completed.

Excluding Vietnam revenues and outlays, there has been but one deficit, and there would have been two surpluses, in the Fiscal Years 1965 through 1967. Without Vietnam, the Fiscal 1968 estimates would show a third surplus, out of four years, for the Johnson Administration, and the size of the surpluses would be growing.

Here are the figures, *with* Vietnam:

In Fiscal Year 1965, the deficit declined by more than half, to $3.4 billion.

In Fiscal 1966, the deficit shrank further to $2.3 billion despite an addition to spending due to Vietnam—net of special revenues raised to defray the costs of Vietnam—amounting to $4.9 billion.

In Fiscal 1967 the deficit rose to $11 billion as now estimated. This results from an increase in spending due to Vietnam of some $15½ billion, net of special Vietnam revenues.

And in the Fiscal 1968 Budget, information currently available indicates a substantially unchanged deficit, despite a further net addition to expenditures, due to Vietnam, of more than $17 billion.

THE DEBT BURDEN RECORD

Another result of the fiscal control exercised by President Johnson is a national debt that—despite the costs of Vietnam—is continuing to move downward in relation to the economy of which it is a part. Here, again, is the record, which can be seen in Table 4, and, for Fiscal Years 1964 to 1967, in Table 1.

During the three complete or nearly complete fiscal years—Fiscal 1965, 1966 and 1967—the public debt has grown from $312.5 billion at the end of Fiscal 1964 to the estimate of $327.2 billion for the end of Fiscal 1967.

That is a growth of $14.7 billion, or approximately 4.7 percent, in the public debt.

In the same three years, the gross national product will rise according to current estimates by approximately 25 percent—or, five times as much as the public debt.

Or, to put it another way, when Fiscal 1964 ended, the national debt was 51 percent of the gross national product.

But by the end Fiscal 1967, the national debt is expected to be down to 43 percent of the gross national product. That is a very big drop in only three years.

TABLE 1.—*The spending and income record, fiscal years 1964–68*

[Dollars in billions]

Budget	Fiscal years	Revenues	Revenues (+) or (−)	Spending	Spending (+) or (−)	Deficit	Deficit (+) or (−)	Public debt,[1] end of year	Percent of GNP
Administrative budget	1964	$89.5	+$3.1	$97.7	+$5.0	$8.2	+$2.0	$312.5	51
	1965	93.1	+3.6	96.5	−1.2	3.4	−4.8	317.9	49
	1966	104.7	+11.6	107.0	+10.5	2.3	−1.2	320.4	45
	1967 [2]	116.5	+11.8	127.5	+20.5	11.0	+8.8	327.2	43
	1968 [2]	125.5	+9.0	136.5	+9.0	11.0	=NC		
	1966–68 [2]		+32.4		+40.0				
Cash budget	1964	115.5	+5.8	120.3	+6.6	4.8	+.8		
	1965	119.7	+4.2	122.4	+2.1	2.7	−2.1		
	1966	134.5	+14.8	137.8	+15.4	3.3	+.6		
	1967	154.7	+20.2	160.9	+23.1	6.2	+2.9		
	1968	168.1	+13.4	172.4	+11.5	4.2	−1.9		
	1966–68		+48.4		+50.0				
NIA budget	1964	115.5	+5.3	116.9	+5.5	1.4	+.2		
	1965	120.6	+5.1	118.3	+1.4	[3] 2.3	−3.7		
	1966	132.6	+12.0	132.3	+14.0	[3] .3	+([4])		
	1967	149.8	+17.2	153.6	+21.3	3.8	[5] +4.1		
	1968	167.1	+17.3	169.2	+15.6	2.1	−1.7		
	1966–68		+46.5		+50.9				

[1] Includes Government enterprise debt guaranteed by U.S. Treasury.

[2] Gives effect to revisions by Treasury Secretary Fowler and Budget Director Schultze to House Ways and Means Committee, May 15, 1967.

[3] Surplus.

[4] Reduction of surplus.

[5] Surplus of 0.3 to deficit of 3.8.

TABLE 2.—*Administrative budget results, fiscal years 1964 through 1968 with and without special Vietnam costs and revenues*

[Dollars in billions]

Administrative budget	Fiscal years										
	1964	1965	1966	1967 [1]	1968 [1]	Change, 1965–67 (Johnson administration years, complete or nearly complete)		Change, 1965–68 (Johnson administration budgets)		Change, 1966–67 (Vietnam years, complete or nearly complete)	
						Amount [1]	Percent	Amount [1]	Percent	Amount [1]	Percent
Total outlays	$97.7	$96.5	$107.0	$127.5	$136.5						
Total revenues	89.5	93.1	104.7	116.5	125.5						
Deficit (−)	−8.2	−3.4	−2.3	−11.0	−11.0						
Total outlays	97.7	96.5	107.0	127.5	136.5	$29.8	30	$38.8	40	$31.0	32
Vietnam outlays			6.1	20.0+	22.0+	20.0+		22.0+		20.0+	
Non-Vietnam outlays	97.7	96.5	100.9	107.0+	114.0+	9.0+	10	16.0+	17	10.0+	11
Revenues	89.5	93.1	104.7	116.5	125.5	27.0	30	36.0	40	23.4	25
Vietnam revenues			1.2	4.6	5.0	4.6		5.0		4.6	
Non-Vietnam revenues	89.5	93.1	103.5	111.9	120.5	22.4	25	31.0	35	18.8	20
Non-Vietnam outlays	97.7	96.5	100.9	107.0+	114.0+						
Non-Vietnam revenues	89.5	93.1	103.5	112.0	120.5						
Surpluses (+) or deficits (−)	−8.2	−3.4	+2.6	[2] +5.0	[2] +6.0						

[1] Gives effect to budget revisions estimated May 15 by Secretary of the Treasury Fowler and Budget Director Schultze in testimony before the House Ways and Means Committee.

[2] Estimated.

TABLE 3.—*Summary*

Budget	Years in which deficit declined or there was a surplus	Years when there was no change	Years when deficit increased
Administrative [1]	1965, 1966	1968	1967.
Cash	1965, 1968		1966, 1967.
NIA	1965,[2] 1966,[2] 1968		1967.

Budget	Rise of revenues (billions)	Rise of outlays (billions)
Administrative: [1]		
1965	+$3.6	−$1.2
1966–68	+32.4	+40.0
1965–68	+36.0	+38.8
Cash:		
1965	+4.2	+2.1
1966–68	48.4	50.0
1965–68	52.6	+52.1
NIA:		
1965	5.1	1.4
1966–68	46.5	50.9
1965–58	51.6	52.3

[1] Gives effect to revisions in fiscal year 1967 and 1968 budgets in testimony of Secretary of the Treasury Fowler and Budget Director Schultze to House Ways and Means Committee, May 15, 1967.

[2] Surplus.

TABLE 4.—*Public debt, deficits, and surpluses*

End of fiscal year	Public debt (billions)	Public debt as percent of GNP	Real per capita public debt	Surplus (+) or deficit (−) (billions)	Surplus (+) or deficit (−) as percent of GNP	Real economic growth rates after Korea and before Vietnam (percent)
World War II:						
1940	$48.5	51.1	$783	−$3.9		
1946	269.9	133.9	2,544	−20.7		
1950	257.4	97.7	1,946	−3.1	1.2	
Korea:						
1951	255.3	82.2	1,823	+3.5	+1.1	
1952	259.2	76.8	1,824	−4.0	1.2	
1953	266.1	74.1	1,826	−9.5	2.6	
1954	271.3	74.9	1,821	−3.1	.9	
Peacetime:						
1955	274.4	72.5	1,802	−4.2	1.1	2.2
1956	272.8	66.6	1,706	+1.6	+.4	
1957	270.6	62.7	1,611	+1.6	+.4	
1958	276.4	62.8	1,598	−2.8	.7	
1959	284.8	60.7	1,593	−12.4	2.7	
1960	286.5	57.8	1,540	+1.2	+.2	4.7
1961	289.2	57.1	1,532	−3.9	.8	
1962	298.6	55.1	1,528	−6.4	1.2	
1963	306.5	53.4	1,515	−6.3	1.1	
1964	312.5	51.5	1,518	−8.2	1.3	
1965	317.9	48.8	1,478	−3.4	.5	5.9
Vietnam:						
1966	320.4	45.0	1,452	−2.2	.3	
1967	328.6	43.2		−11.0	1.4	

EXECUTIVE OFFICE OF
THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., June 19, 1967.

Hon. CARL ALBERT,
Majority Leader,
House of Representatives,
Washington, D.C.

DEAR MR. ALBERT: In his letter to you of June 19, Secretary Fowler states that the Director of the Bureau of the Budget will provide you with additional information about the relationship of Federal expenditures to the national economy and about some of the major benefits which have been forthcoming from Federal programs.

I am enclosing a statement which covers both of these matters.

Sincerely,

CHARLES L. SCHULTZE,
Director.

(Enclosure.)

WHAT'S HAPPENED TO THE FEDERAL BUDGET SINCE 1964

In explaining the 1964 tax cut, House Ways and Means Chairman Wilbur Mills stated:

"There are two roads the Government could follow toward a larger, more prosperous economy—the tax reduction road or the Government expenditure increase road . . . The increase in Government expenditure road gets us to a higher level of economic activity with larger and larger shares of that activity initiating in Government . . . The tax reduction road, on the other hand, gets us to a higher level of economic activity with a larger and larger share of that enlarged activity initiating in the private sector . . ."

Expenditure data clearly show that the Government has followed the road outlined by Chairman Mills—*Federal activity is not taking a larger share of economic activity—indeed quite to the contrary.*

1. *Excluding the costs of Vietnam,* Federal expenditures in the administrative budget were 16% of gross national product in 1964—they will be 14% in fiscal 1967 and 1968. Taking all four years of the Johnson Administration together, Federal non-Vietnam expenditures averaged 14.2% of the gross national product, compared to 16.3% for the last six years of President Eisenhower's Administration, the period after the end of the Korean War.

2. *Even including the costs of Vietnam*—which are running in excess of $20 billion—the ratio of Federal expenditures to GNP, in both fiscal 1967 and 1968, will be 16.8%, less than in 1955 and 1959 (years in which there were no war expenditures), and far below the 21% reached during the Korean War. Finally, taking all four years of the Johnson Administration together, Federal expenditures, *including the costs of Vietnam,* averaged 15.8% of GNP—compared to the 16.3% ratio for the last six Eisenhower years.

3. In absolute amounts, non-Vietnam expenditures will have risen by some $9½ billion *between fiscal 1964 and 1967.* This is an increase of only 3⅓% per year—compared to increases in the national economy averaging about 7½% a year and in State and local expenditures, averaging 8% a year. If we add 1968, the rise in non-Vietnam expenditures over the past four years equals about $15½ billion, or still less than 4% per year.

4. Of the $9½ billion increase in non-Vietnam expenditures between 1964 and 1967, $5 billion is accounted for by three uncontrollable items: interest on the public debt, increased civilian pay, and veterans' benefits. *All other programs of the Federal Government taken together, have risen by only $4½ billion—about $1½ billion per year.*

5. *Taking 1968 into account,* we find non-Vietnam expenditures rising $15½ billion, of which interest, civilian pay raises, and veterans account for $6 billion. All other programs rise by $9½ billion—*less than 3% per year.* Even if we discount the effect on the budget of sales of financial assets, the increase is well under 4% per year.

6. If we use *the more comprehensive national income accounts budget, non-Vietnam expenditures fall from 19.1% of GNP in 1964 to 17.6% in 1967.* The ratio increases to about 18% in 1968. The NIA budget (as a percentage of GNP) declines less than the administrative budget primarily because of the rapidly rising expenditures of the self-financed *trust funds.* But these funds are running a substantial surplus—revenues have risen faster than expenditures.

7. In the past four years sound fiscal and economic policies have produced an unparalleled economic growth. Because of this we have been able to launch an attack on some of the Nation's most urgent social problems *without* enlarging the share of the Federal Government in the Nation's economy. In fiscal 1968 our gross national product will be $190 to $200 billion higher than in 1964. The expansion of the Federal Government's major social programs will have taken some 6% of this increase. Put another way, the major advances being made to meet pressing national needs—in education, health, welfare, regional economic development, pollution control, housing and community development, and the war on poverty—*all of these will absorb only one-sixteenth of the increase in our national output.*

On any measure, non-Vietnam expenditures have risen less rapidly than the national economy. They account for a smaller—not a larger share of our national income. We have kept to the path chosen at the time the 1964 tax reduction was adopted. Charges have been made that Federal spending is out of control and is taking an even larger share of the Nation's income. The facts I have recited clearly show these charges to be incorrect in fact and misleading in implication.

All this is not to deny the obvious fact that Federal spending, outside of Vietnam, has risen; but

—the gross national product is on the rise

—the population is on the rise

—the standard of living of the American people is on the rise

—the services demanded of the Federal Government are on the rise.

What does this mean?

Let me quote former President Eisenhower: "We must not forget that a rapidly growing population creates virtually automatic increases in many Federal responsibilities."

Between July 1964 and July 1968, our population increase is estimated at more than 9½ million. This *increase alone,* is equal to the entire population of Portugal or Belgium, and of Denmark and Finland combined. National income and output have risen even faster than population. In fact, the mere *increase* in U.S. gross national product between 1964 and 1968, in dollars of constant purchasing power, is half again as large as the entire output of Canada and Mexico combined.

This rise in population and income has naturally had an impact on the Federal budget but its impact has been even larger on the budgets of State and local governments and on the budgets of our corporations, businesses and consumers.

There is a companion story that should always be published directly opposite the column of budget figures . . . it is the output of the budget—what we have bought with our budget outlays.

As I indicated earlier, outside of civilian pay increases, interest on the debt, and veterans' benefits, non-Vietnam expenditures will have risen by less than 3% per year between 1964 and 1968.

If you want to account for the less than 3% per year rise since 1964, here are some of the reasons:

Visitors to our national parks and forests will have increased by more than 50%.

The number of aircraft landings and takeoffs monitored and controlled by FAA will have increased nearly 70%.

The volume of mail will have risen by nearly 20%.

Most important, however, the 1968 budget includes funds for major new efforts in the fields of health, education, community development, the war on poverty, and pollution control. For instance, by 1968—

8,500,000 children and 20,000 school districts will be aided by grants under Title I of the Elementary and Secondary Education Act.

More than 330 *community mental health centers* will be established through direct Federal aid.

The number of *medical and nursing students* aided will rise by over 40,000.

The number of Federally assisted *public housing units* will have grown by nearly 30 percent.

More than 1.9 million additional grants and loans will be made to *undergraduate and college students.*

The number of *rehabilitations* under the Vocational Rehabilitation Program will increase over 80%.

The number of active *urban renewal projects* will have risen by nearly 45%.

Over 1,000,000 persons will have been approved for *training* under the Manpower Development and Training Act of 1962.

32 *medical schools* will be constructed or improved by direct Federal aid.

This is what the Federal budget is all about—people, productivity, and progress. *Yet, with all this, administrative budget expenditures, excluding Vietnam, have been declining during the past four years as a percent of the gross national product—from 16 percent in 1964 to 14 percent in 1968.*

JOHN E. FOGARTY PUBLIC PERSONNEL AWARD

Mr. KORNEGAY. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. ALBERT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ALBERT. Mr. Speaker, I am pleased to note the announcement that Mr. Morris Leonhard, director of the Oklahoma Employment Security Commission, will receive the John E. Fogarty Public Personnel Award from the President's Committee on Employment of the Handicapped. Mr. Leonhard is a distinguished public servant. I have had many dealings with him over the years and have always been impressed by his work and his concern for handicapped persons.

I think it is particularly fitting that this annual award has been renamed in honor of our late colleague, John E. Fogarty, and there could be no more deserving recipient than Morris Leonhard.

Oklahomans have long been aware of Mr. Leonhard's great contributions, and I am glad that he has now been so recognized by the President's Committee on Employment of the Handicapped.

The announcement follows:

MORRIS LEONHARD TO RECEIVE JOHN E. FOGARTY PUBLIC PERSONNEL AWARD

Morris Leonhard, Director of the Oklahoma Employment Security Commission, has been selected to receive the "John E. Fogarty Public Personnel Award," it was announced today by the President's Committee on Employment of the Handicapped. Presentation of the award will be by Harold Russell, Chairman of the President's Committee, at an appropriate meeting to be decided later.

The award, a Distinguished Service Plaque with a plate bearing the words "John E. Fogarty Public Personnel Award" and the signature of the President of the United States, is given annually to a personnel official in a Federal, State, or municipal public agency who makes an outstanding contribution to employment of the handicapped in the agency in which he is employed. The selection was made by a group of judges under the direction of Patrick Healy, Executive Director, National League of Cities, and Chairman of the Public Service Committee of the President's Committee.

Mr. Leonhard has set a personal example in his agency by promulgation of policies concerning handicapped employees. Not only have these policies provided for hiring the qualified handicapped persons, they have also provided for continuing employment of personnel who became handicapped during their tenure of employment. He has retained and reassigned employees disabled by injury or disease to other jobs commensurate with their ability, and has re-evaluated or re-designed jobs to compensate for disabilities so that the employee's abilities could be fully utilized without loss of self-respect.

At the time of his nomination, 65.6 percent, or 417 of the total agency staff of 635 have some type of disability and perform their jobs satisfactorily.

In addition, Mr. Leonhard has initiated special agency programs to assist the handicapped in becoming employed, such as assigning special representatives for the handicapped in each of the 31 offices located in 24 cities. The success of Mr. Leonhard's efforts in behalf of the handicapped worker is evidenced by the fact that Oklahoma, in 1965, although 27th in population, ranked fifth in the Nation in total number of handicapped applicants placed in jobs.

Mr. Leonhard began his public service career in the employment field with the National Re-employment Service Office at Anadarko, Oklahoma. In January 1937, when the Oklahoma State Employment Service was created, he became a member of the administrative staff and served as Assistant to the State Director. In 1946 he was named Director of the Agency, which is now known as the Oklahoma Employment Security Commission.

Mr. Leonhard earlier received the Public Personnel Award from the Oklahoma City Mayor's Committee on Employment of the Handicapped and the 1966 State Public Personnel Award from the Governor's Committee on Employment of the Handicapped. He was nominated for the President's Committee Award by the Oklahoma Governor's Committee.

Although the Public Personnel Award has been presented annually by the President's Committee since 1954, this year it was renamed the John E. Fogarty Public Personnel Award as a tribute to the late Congressman Fogarty of Rhode Island. As Chairman of the United States House of Representatives Appropriations Subcommittee in charge of health, education, welfare and labor appropriations bills, Congressman Fogarty was one of the strongest champions of handicapped people, giving them hope and encouragement and inspiring others to do more in easing their load.

EXTEND AND IMPROVE MEDICARE

Mr. KORNEGAY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. ROSENTHAL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ROSENTHAL. Mr. Speaker, the social security medicare program has now been in operation for nearly a year. It is, without doubt, an unqualified success. But, as with any new program, medicare can be strengthened and improved. It is in this spirit, therefore, that I am today introducing five bills to extend and improve medicare coverage for the Nation's older citizens.

One of these bills would go far to remedy what I consider to be one of the most inexcusable situations confronting the ill: their inability to meet the excessively high costs of drugs. Millions of our older citizens, living on fixed incomes, cannot afford the fruits of our scientific progress. This is inexcusable. The recent disclosures of vast price spreads between brand name drugs and drugs sold by generic name attests to the crying need for remedial legislation.

The bill I am introducing will enable persons enrolled in part B of medicare to receive, beginning January 1969, benefit allowances toward the cost of drugs requiring a prescription, after they have first paid an initial $25 toward their cost. The schedule of allowances will be so drawn up as to encourage doctors to prescribe by generic name rather than by brand name. This, I feel, will be to the advantage of all.

My second bill, more modest in scope, also addresses itself to the financial difficulties of medicare beneficiaries. Under existing law, patients of doctors who refuse to accept medicare assignments must pay their doctor's bills in their entirety before they can claim reimbursement from medicare. This places an intolerable financial burden on many patients and, in some cases, forces them to seek care from doctors not of their first choice. To correct that situation, the bill would allow a patient to file for his claim with an unpaid bill, thus allowing him to defer payment to the doctor until he can pay the entire amount.

The third bill provides for the reimbursement of medicare patients for their transportation to a hospital or rehabilitation center to receive the care of a physical therapist. Quite simply, the bill would strike out language in the Medicare Act—title XVIII, section 1861, m. 7—which states that expenses can be paid "but not including transportation of the individual in connection with any such item or service."

Because of the statute's present wording, therapists must travel to patients' homes or to distant extended care facilities, thus dissipating their time and reducing their availability to other patients. We should eliminate this difficulty by providing reimbursement for travel to the patients themselves.

My fourth bill is designed to remedy some of the inadequacies which have become apparent in the Nation's nursing home program. Sixty percent of all patients in nursing homes across the country are recipients of Federal assistance—some $280 million a year. Yet, we have little assurance that this money is efficiently and well spent.

Federal medical assistance programs have clearly overemphasized institutional medical services. The bill calls on the States to provide home health services where these will fit the patient's needs. Not only will this free much-needed space in the nursing homes, but it will be more economical and more responsive to the individual needs of our citizens.

In those cases where patients do require nursing home care, the bill assures them the kind of professional care they need. At this moment, almost half of the nursing homes in the United States have no registered nurse associated with the institution, and only a few have rehabilitative or restorative services for their patients. The bill would correct these deficiencies.

This legislation also requires that the States conduct periodic reviews of nursing home care to assure that facilities are used to the optimum and that patients are provided with the most appropriate services. Also, it requires them to keep accurate and easily verifiable records of medical services rendered to assure that patients receiving Federal assistance get what they pay for. Finally, the bill provides that payments to nursing homes and home health agencies fully reflect the reasonable cost of services rendered.

The fifth bill would extend medicare coverage to the 2.6 million State and local employees who are not eligible under existing law. Many of them would like to be covered, but cannot be as long as the law also requires them to be under the social security retirement system, of which most State and local governments are not a part.

Quite simply, this bill would permit State and local government employees to obtain medical insurance without also having to participate in the retirement system. Since these two insurance programs are administered separately anyway, this should not be difficult to accomplish. State and local governments and their employees would pay for their medicare coverage according to the schedule now set out in the law—that is, 0.5 percent of salary up to $6,600 per employee and employer, rising to 0.85 percent in 1987. In short, these new participants would fully pay their share of insurance coverage. I see every reason that they should be included.

Each of the five bills I introduce here today sets out to fill gaps in existing medicare legislation. The original law was, indeed, precedent breaking and effectively responsive to a desperate social need. But the work of Congress is never done. We have a continuing responsibility to insure that medicare meets the needs of all our elderly citizens, that it is well administered, and that it remains open to essential improvements. In fulfilling that responsibility, let us give these bills the favorable attention they deserve.

LOUIS AZRAEL TELLS HOW TO TALK ABOUT MARYLAND

Mr. KORNEGAY. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. FRIEDEL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. FRIEDEL. Mr. Speaker, all Americans are justly proud of our beautiful city of Washington, the Capital of our great Nation. Yet many people do not know that the District of Columbia was a gift of my State of Maryland to the United States as a seat of the Federal Government.

Therefore, it would appear to be obvious that more people should know something about the Free State, which is the first State south of the Mason-Dixon line. Maryland has been a political entity for over three centuries and its capitol—the State House—which is still in use, was built in 1772, and is where Gen. George Washington resigned his commission.

From the days when it was first a British colony in 1634, to the present, the State of Maryland has always played an important role in American history, in science, culture, education, commerce, and industry. How then shall we talk of this place that has produced many truly great men? What shall we say of its amazing growth and its vitality? I call my colleagues' attention to an excellently written article by Louis Azrael entitled "How To Talk About Maryland," which appeared in the News American of Baltimore on Sunday, June 18, 1967.

Mr. Azrael, a regular columnist for that important newspaper, is not only a gifted writer with a fluent pen, but he also possesses a keen intellect and incisive mind as evidenced in his daily column. What he says is always of interest. Under unanimous consent I include his article about Maryland—America in miniature—at this point in the RECORD:

HOW TO TALK ABOUT MARYLAND

(By Louis Azrael)

Before summer ends you'll probably go somewhere outside Maryland, or you'll talk with people who visit Maryland, and you'll be asked questions.

What's your state like, they will ask. Tell me about it.

The usual response to such questions is to talk about Maryland's variety, ("America in Miniature") and the Chesapeake Bay, about fish and crabs, and sailboats, about Fort McHenry, and Johns Hopkins, about Western Maryland's mountains and the Eastern Shore's traditions—whatever they may be.

But maybe, at this point, you'll need some help.

What you tell about your state should depend, of course, on whom you're talking to; on what interests your hearer.

Is he interested in vital statistics? You can tell him that Maryland has about 3,700,000 inhabitants and gets 228 more each average day. And that the state has 6.3 million acres of land, one-half of which is used for 20,670 farms.

You can say that over 800 islands, not counting the hundreds which are less than ten acres large, lie within Maryland waters. (Some have amusing names: Pone, Tizzard, Shelldrake, Tippity-Witchy, etc.)

And you can sadly add that over 300 acres of Maryland soil disappear every year, washed into the waters by erosion which proper management could greatly reduce.

Is your hearer interested in business? You can boast that 38 corporations, chartered in Maryland, are listed on the New York Stock Exchange. Only eight states have more (Delaware leads with 443) though Maryland ranks twenty-first in population. And add that there are 172 banks, which have 516 branches, in the state.

Do you like to use big figures? Tell the folks that Maryland's state roads cover land which, at book values, is worth almost two billion dollars. Or say the state's 5,000 dairy farms produce 178 million gallons of milk per year.

You might be able to surprise some persons by dropping the remark that one-fourth of all Marylanders are involved in the school system, either as pupils, faculty members or service employees . . . And that the biggest transportation system in the state is the school bus system, which operates almost 5,000 buses and two boats.

Is your hearer impressed by "firsts" and "onlys"? Tell him the oldest railroad station in the world, which still serves trains, is on the B. and O. main line at Ellicott City . . . And that the biggest water wheel in the world is near Chesapeake City at the Chesapeake and Delaware Canal. Unused now, it was equipped with huge buckets that scooped water out of Back Creek and dumped it into the canal to retain its water level.

You can tell him about the oldest grist mill in operation in the United States. It is the Linchester Mill near Preston in Caroline County . . . and about the oldest Protestant Church in the United States, which is Trinity Church near Cambridge . . . and about the first National Cathedral Shrine, a replica of the shrine at the Grotto of Lourdes, which is on a mountain side near Emmitsburg in Frederick County.

And speaking of "only," you can tell him that Maryland is the only state in the country which still has a Motion Picture Censor Board. (Though it has been shorn of almost all its power.)

You can talk about strange places. For instance, the Craneville Swamp in Garrett County. It is freakish because much of its vegetation and some of its animals are the kind that should be several hundred miles north, even as far as Canada.

Somehow, as the Ice Age passed, this swamp's elevation and drainage facilities created a "frost pocket." In that pocket, such far-north plants as the tamarack, such animals as the Snowshoe Hare, such birds as the slate-colored Snowbird, remain and reproduce.

You can talk of the wildlife refuge at Blackwater Park in Dorchester County which teems, in season, with thousands of ducks and geese and rare song birds.

SECURE EXISTENCE

Mr. KORNEGAY. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. FRIEDEL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. FRIEDEL. Mr. Speaker, the eyes of the world are focused today on the United Nations General Assembly as it starts its emergency session to discuss recent events in the Middle East, at the request of Soviet Russia.

It is strange indeed for Communist Russia to charge the small State of Israel with "aggression" against its Arab neighbors when it is a well-known fact that Russia has backed Nasser for years in her ambition to destroy Israel. One need only to review the lineup of forces on both sides to realize that in numbers, geography and resources, the Arabs have a huge advantage over Israel. It is unrealistic to believe that Israel, with her population of 2.7 million, would commit aggression against the Arab countries with a population of 54 million.

It is also a fact that the Arabs have been belligerent for decades and that the attitude of Russia has been one of hostility toward Israel; that the entire history of Russia has been one of terror and aggression.

In the treaty that will eventually be signed to bring peace to the Middle East, I submit that Israel must be permitted to use the Suez Canal, which the United Nations and the great powers promised as a condition of the 1957 armistice, but which the Arabs never allowed.

Israel must also be able to use the Gulf of Aqaba—an international waterway, without hindrance. And, in all justice and fairness, that ancient land which was reborn 19 years ago should not be required to withdraw from the territory which is rightly hers.

Because of the timeliness and importance to the peace of the world in solving the Middle East situation, I invite my colleagues' attention to an editorial in the influential Baltimore Sun entitled "Secure Existence," which appeared on Sunday, June 18, 1967. It is as follows:

"SECURE EXISTENCE"

President Johnson's statement at Austin—"The first and greatest requirement is that each nation must accept the right of its neighbors to stable and secure existence"—starts the United States in the right direction in the discussion of the Middle East which now has moved to the United Nations General Assembly. This is the relevant point. If it were accepted by Egypt and the other Arab states, plus the Soviet Union, progress could be made towards solutions of such matters as passage through the Gulf of Aqaba and the Suez Canal, the possible internationalizing of Jerusalem and the resettlement of the Arab refugees.

Israel cannot be expected to pull back its troops from their present positions—and least of all to return to the conditions which prevailed as of June 4—without solid assurances that it will not henceforth be compelled to fight almost continuously for its existence against states pledged to its destruction. Assurances of this kind must come from its Arab state neighbors, but the two big powers, the United States and the Soviet Union, can do much to help guide developments in that direction.

President Johnson's point should be followed up, and amplified, in the General Assembly on Monday. A restrained, forward-looking position by the United States would put us on the right side in the United Nations debate. Moreover, it would help to expose the weakness of the Soviet Union's position if, as thus far indicated, the big Russian delegation came to this country primarily to put on a propaganda show against Israel and the United States.

ELEMENTS OF CONFLICT BETWEEN THE SEC PROPOSALS AND THE GOVERNMENT'S SOCIAL PHILOSOPHY

Mr. KORNEGAY. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. HÉBERT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HÉBERT. Mr. Speaker, at the request of Mr. Philip F. Hack, of New Orleans, La., I am calling to your attention the following article by one of his associates, Mr. Robert B. Lacoste:

ELEMENTS OF CONFLICT BETWEEN THE SEC PROPOSALS AND THE GOVERNMENT'S SOCIAL PHILOSOPHY

Analysis of the NASD Study undertaken by Booz-Allen Applied Research, Inc., covering the probable effect of implementing proposals of the SEC in its report to the Congress, entitled *Public Policy Implications of Investment Company Growth*, calling for legislative and other action, reveals that the proposals would bring about effects directly opposed to the main thrust of the Government's intervention in American Business and industry over the past several decades.

A juxtaposition of the elements in this pattern of cross-currents will serve to bring out this contradiction:

1. Bigness, tending toward monopoly, has been fought by the Government under antitrust laws for many years; the SEC proposals, in going far toward making it impossible for small securities firms to survive, would concentrate the securities business in the hands of a few big houses.

2. One of the capital sins in the SEC decalog is the churning of investments; the development of the mutual fund investment is the greatest anti-churning device ever invented. The SEC would nevertheless not hesitate to cripple its expansion by eliminating the small dealer and representative (through non-profitability growing out of the proposed restrictions) who are the grass roots of its distribution.

3. Government programs and subsidies in support of small business have long been the order of the day and are currently being pushed with dizzying fervor; the SEC proposals would tend to eliminate small business in the securities field.

4. The trend of Government over the years has been toward an increased democratization of society in all of its institutions; the SEC proposals tend toward a return to plutocracy in the investment field, both as to the seller of securities and as to the investor in that, legislated, these proposals would eliminate the contact between little representative and little investor, a confrontation which, in the past, has contributed heavily to the growth of mutual fund investment to $37 Billion.

5. Beginning with Social Security and continuing down through the years to Medicare legislation, the Government has deplored the lot of the indigent old and put expensive programs into being to mitigate their condition; it is a proven fact that the mass of the people can provide for their own old age *only* by a systematic, long range program of salvaging small sums from current spending and investing it in a medium which accepts small sums; the availability of investment in American industry to the little man through the medium of Mutual Funds, sold by little men as a vehicle for accumulating adequate retirement funds, is in the very spirit of the Government's concern. But the SEC proposals, in curtailing the sale of Mutual Funds for reasons clearly delineated in the NASD study, strikes at the Government's own objectives.

6. The Government has spent vast sums of money over the years in an effort to persuade the American people to work together toward the realization of a Great Society with a feeling of pride and oneness of purpose—what other philosophical basis could there be to labor laws, management-labor arbitration, adoption of standards of quality, social legislation, government regulation in the utilities and transportation fields etc.?—and the ownership in common of American industry through Mutual Fund investment (no other vehicle makes this common ownership possible for the mass of the people) is one sure means of giving everybody a stake in America's future and motivating the desired National esprit-de-corps; viewed in this light, the SEC proposals are deplorably anti-American and anti-democratic.

No doubt many additional cross-currents could be invoked but these few are sufficient to show that the SEC proposals are out of step with the times.

One cannot help feeling that at the very bottom of this contradiction lies a deep-seated antagonism to the operation of the profit motive which has been the catalyst in the development of America's gigantic economic position. Only people who are bemused by this bias can be blind to the fact that Mutual Funds, like Life Insurance, are not bought but sold, that they will not be sold if the representatives and dealers cannot make a living selling them and the small investor will be deprived of the many advantages they hold for him. It is as simple as the scriptural injunction "Muzzle not the ox that grindeth out the corn."

In the effect that they would have on the distribution of Mutual Funds, these SEC proposals are anti-people measures, and anti-little people at that. The big security houses and the big investors will continue to handle big deals in an atmosphere of expensive cigar smoke but the dream of the little man that he too can grow along with American industry *as an owner* will be shattered. This is not Democracy at work.

The poor man's Wall Street must be saved.

RECOMMENDATIONS TO PUBLIC LAND LAW REVIEW COMMISSION RELATING TO PRIVATE AND FEDERAL LANDS

Mr. KORNEGAY. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. JOHNSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, as many of our colleagues here know, the Second Congressional District of California contains more than 12½ million acres of national forest lands. In many instances the U.S. Government, through the Forest Service, owns and controls up to 75 percent of the total land area in some of my counties.

Developed communities, while located on private lands, are completely surrounded by Federal lands and in many cases have no opportunity to expand because they are completely boxed in by public lands.

You can, therefore, appreciate the very critical problems which local government face. A short time ago Mr. Arch G. Mahan, a supervisor from Mono County, who is extremely knowledgeable and highly respected throughout the State as the chairman of the resources committee of the County Supervisors Association of California, testified before the Public Land Law Review Commission at hearings held in Fresno, Calif.

Mr. Mahan's testimony and the resolution of the National Association of Counties describe the problems and proposed a realistic solution which I certainly would like to see considered by the Federal Government. So that all of my colleagues could benefit from Mr. Mahan's remarks, I would like to have submitted at this point in the Record his remarks and the resolution. They are as follows:

Remarks by Mr. Mahan

My name is A. G. Mahan. I am a Supervisor of Mono County and Chairman of the Resources Committee of the County Supervisors Association of California.

In February 1966, the Resources Committee adopted a resolution requesting the County Supervisors Association of California to recommend to the Public Land Law Review Commission that it in turn recommend to Congress the enactment of appropriate legislation that would permit counties and local governments to acquire at nominal prices, and utilize certain Forest Service lands, for health, education, and recreation purposes, only after comprehensive local governmental plans and zoning have been adopted and placed into effect.

This resolution was ratified by the Board of Directors of the County Supervisors Association of California in February 1966.

On July 20, 1966, the 2900 assembled county officials of the National Association of Counties, meeting at the annual conference in New Orleans, adopted this resolution.

I will not read the resolution, but it is attached to this prepared statement.

We find that the Forest Service is most willing to cooperate with local governments in leasing lands needed for local purposes, but their policy requires that the annual rental fee be a percentage of the appraised value of such Forest Service lands.

In counties of large federal ownership, private property is limited and therefore appraisal of both private and federal lands results in such high annual rental fees that it creates a heavy tax burden on the property tax payer who owns property in a community surrounded by Forest Service lands, where the community must rely on Forest Service lands for sewage disposal sites, water works sites, school playgrounds, community parks and playgrounds and other health, education and recreation purposes.

While we, in all levels of government are cognizant of the need to give every relief possible to the over-burdened and overtaxed property owner, and while we in local government recognize that the obligation of the Forest Service is to show that they receive full value for the use of public lands, we feel that their policy on fees charged to local governments and communities, is creating an unnecessary excessive tax-burden on a rural segment of the public.

As a representative of the County Supervisors Association of California, and on behalf of the National Association of Counties, we strongly recommend to your Honorable Commission, that it study and recommend to the Congress the enactment of appropriate legislation which would allow the sale, lease or transfer of Forest Service lands to states, counties and municipalities for the development of said lands for health, education and recreation purposes, at nominal prices and terms which will stimulate, encourage and facilitate the accomplishment of the public purposes involved, with the provision that the use of such lands be restricted to the public purposes enumerated, otherwise, title to such lands shall revert to the United States.

And finally, we earnestly urge that you request the Forest Service to give the local communities and districts immediate relief from the excessive high rental of Forest Service lands now being used for local governmental purposes, pending your study of this proposal.

Resolution by National Association of Counties on Sale and/or Leasing of Forest Service Lands

Whereas, the Public Land Sale Act (Public Law 88-608) provides temporary authority for the sale of certain public lands which are administered by the Bureau of Land Management, and

Whereas, the Recreation and Public Purposes Act of June 14, 1926 (as amended) authorizes the acquisition or use of public lands by states, counties, or municipalities for $2.50 an acre or under lease arrangements for 25 cents an acre per year, and

Whereas, one of the objectives of these Acts, both of which pertain to lands under the jurisdiction of the Bureau of Land Management of the Department of the Interior, is to make public lands which are either required for the orderly growth and development of a county or community or are required by states, counties, and municipalities for recreation, education, health, and any other valid public purpose, and

Whereas, the sale of such lands under the Public Land Sales Act must be deferred until the local government concerned has adopted and placed into effect comprehensive plans and zoning regulations, and

Whereas, these Acts do not apply to the lands administered by the United States Forest Service, of the Departmnt of Agriculture, although the said Forest Service can exchange lands with private persons under certain definite conditions, and

Whereas, nowhere is there appropriate legislation whereby a county or its political equivalent in other states, is able to purchase or acquire title to Forest Service lands for valid and mutually agreeable local governmental public purposes, and

Whereas, leasing of Forest Service lands is prohibitive because of Forest Service policies which require that the annual rental be a percentage of the appraised value of such Forest Service lands, and

Whereas, in counties of large federal ownership, private property is limited and therefore appraisal of both private and federal lands results in such high annual rental fees that states, counties, and municipalities are thereby effective prohibited from leasing such lands for valid local governmental public purposes, and

Whereas, these current policies discriminate against state and local governments by forcing them to adhere to the same prices and terms as profit-making private operations, thereby effectively frustrating the achievement of the creative federalism relationship which is sought by all levels of government.

Now, therefore, be it resolved that the National Association of Counties does hereby strongly recommend to the Public Land Law Review Commission that it study and recommend to the Congress the enactment of appropriate legislation which would allow the sale, lease or transfer of Forest Service lands to states, counties and municipalities for the development of said lands for health, education, and recreation purposes at nominal prices and terms which will stimulate, encourage and facilitate the accomplishment of the public purposes involved and that such disposal of these Forest Service lands be deferred until comprehensive local governmental plans and enforceable zoning regulations have been adopted by the appropriate county or municipal jurisdiction, and provided further that the use of such lands be restricted to the public purposes enumerated in the legislation, otherwise title to such lands shall revert to the United States.

A certified true copy of this resolution as adopted by the 2,000 assembled delegates on Wednesday morning, July 20, 1966, during the National Association of Counties' 31st Annual Conference in New Orleans, Louisiana.

Paul N. Carlin,
Assistant Director for Federal Ownership Problems.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Foley (at the request of Mr. Hicks), for June 19 and June 20, on account of official business.

Mr. Moore (at the request of Mr. Gerald R. Ford), for the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Kornegay, for 30 minutes, today.

(The following Members (at the request of Mr. Biester) to revise and extend their remarks and include extraneous matter:)

Mr. Curtis, for 30 minutes, today.

Mr. Goodell, for 60 minutes, on June 21.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. Hall and to include a quotation from the Flag Code.

Mr. Bingham.

(The following Members (at the request of Mr. Biester) and to include extraneous matter:)

Mr. Hosmer in two instances and to include a table.

Mr. Fino.

Mr. Lipscomb.

Mr. Collier.

(The following Members (at the request of Mr. Kornegay) and to include extraneous matter:)

Mr. Jones of Alabama.

Mr. Joelson.

Mr. Waldie.

ADJOURNMENT

Mr. KORNEGAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 56 minutes p.m.) the House adjourned until tomorrow, Tuesday, June 20, 1967, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

843. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting the text of ILO Recommendation 127 concerning the role of cooperatives in the economic and social development of developing countries, adopted by the International Labor Conference at its 50th session, at Geneva, on June 21, 1966 (H. Doc.

No. 135); to the Committee on Foreign Affairs and ordered to be printed.

844. A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting a notification of the location, nature, and estimated cost of six facilities projects proposed to be undertaken for the Army Reserve, pursuant to the provisions of 10 U.S.C. 2233(a)(1), and to the authority delegated to me by the Secretary of Defense; to the Committee on Armed Services.

845. A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting a notification of the location, nature, and estimated cost of two additional facilities projects proposed to be undertaken for the Army National Guard, pursuant to the provisions of 10 U.S.C. 2233(a)(1) and to the authority delegated to me by the Secretary of Defense; to the Committee on Armed Services.

846. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms for July 1966–April 1967, pursuant to the provisions of section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

847. A letter from the Director, U.S. Information Agency, transmitting a draft of proposed legislation to promote the foreign policy of the United States by strengthening and improving the Foreign Service personnel system of the U.S. Information Agency through establishment of a Foreign Service Information Officer Corps; to the Committee on Foreign Affairs.

848. A letter from the Archivist of the United States, transmitting a report on records proposed for disposal, pursuant to the provisions of 63 Stat. 377; to the Committee on House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOLIFIELD: Joint Committee on Atomic Energy. H.R. 10918. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 369). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHMORE:

H.R. 10949. A bill to enable citizens of the United States who change their residences to vote in presidential elections, and for other purposes; to the Committee on House Administration.

H.R. 10950. A bill to amend the tariff schedules of the United States with respect to the rates of duty on certain densified wood; to the Committee on Ways and Means.

By Mr. ASPINALL (by request):

H.R. 10951. A bill to authorize the establishment of the Redwood National Park in the State of California, to provide economic assistance to local governmental bodies affected thereby, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BETTS:

H.R. 10952. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

By Mrs. BOLTON:

H.R. 10953. A bill to prohibit desecration of the flag; to the Committee on the Judiciary.

H.R. 10954. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record, to eliminate certain special requirements for entitlement to husband's or widower's benefits, to provide for the payment of benefits to widowed fathers with minor children, to equalize the criteria for determining dependency of a child on his father or mother, and to make the retirement test inapplicable to individuals with minor children who are entitled to mother's or father's benefits; to the Committee on Ways and Means.

By Mr. BUTTON:

H.R. 10955. A bill to guarantee freedom of speech, assembly, and petition, and for other purposes; to the Committee on the Judiciary.

By Mr. ERLENBORN:

H.R. 10956. A bill to to prohibit electronic surveillance by persons other than duly authorized law enforcement officers engaged in the investigation or prevention of specified categories of offenses, and for other purposes; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 10957. A bill to provide for a comprehensive program for the care and control of alcoholism; to the Committee on Interstate and Foreign Commerce.

H.R. 10958. A bill to create a council of social advisers, to require the President to submit an annual social report, to create a joint committee on the social report, and to promote the general welfare; to the Committee on Rules.

By Mr. FRASER:

H.R. 10959. A bill to create a council of social advisers, to require the President to submit an annual social report, to create a joint committee on the social report, and to promote the general welfare; to the Committee on Rules.

By Mr. FRIEDEL:

H.R. 10960. A bill to amend the Railroad Retirement Act of 1937 to provide that a retired annuitant may elect to be subject to a system of deductions from his annuity on account of outside earnings instead of being subject to the prohibition against returning to the service of his last employer; to the Committee on Interstate and Foreign Commerce.

By Mr. GUBSER:

H.R. 10961. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. HALEY:

H.R. 10962. A bill to amend title 38 of the United States Code to provide that the Administrator of Veterans' Affairs shall operate at least 18,000 beds in its domiciliary facilities; to the Committee on Veterans' Affairs.

By Mr. LENNON:

H.R. 10963. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to authorize the transfer of flue-cured tobacco acreage allotments and acreage-poundage quotas; to the Committee on Agriculture.

By Mr. McMILLAN (by request):

H.R. 10964. A bill to enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes; to the Committee on the District of Columbia.

By Mr. MOSS:

H.R. 10965. A bill to amend the act of July 19, 1940, to vest the administration of that act in the Secretary of Transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 10966. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

By Mr. ROBISON:

H.R. 10967. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work, and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is physically or mentally incapable of caring for himself; to the Committee on Ways and Means.

By Mr. ROSENTHAL:

H.R. 10968. A bill to amend title XVIII of the Social Security Act to permit payment to an individual for the charges made by physicians and other persons providing services covered by the supplementary medical insurance program prior to such individual's own payment of the bill for the services involved; to the Committee on Ways and Means.

H.R. 10969. A bill to amend title XVIII of the Social Security Act to provide coverage, under the program of supplementary medical insurance benefits established by part B thereof, of certain expenses incurred by an insured individual in obtaining certain drugs; to the Committee on Ways and Means.

H.R. 10970. A bill to amend title XVIII of the Social Security Act to permit payment thereunder, in the case of an individual otherwise eligible for home health services of the type which may be provided away from his home, for the costs of transportation to and from the place where such services are provided; to the Committee on Ways and Means.

H.R. 10971. A bill to amend title XIX of the Social Security Act to assist in assuring the availability of both nursing home and alternative noninstitutional services for recipients of assistance thereunder, to encourage the use whenever professionally determined to be appropriate of noninstitutional services for such recipients, to establish basic standards of quality for nursing home and home health services provided to such recipients, and to provide for fair and equitable reimbursement for those providing health care services to such recipients; to the Committee on Ways and Means.

H.R. 10972. A bill to amend title II of the Social Security Act to permit States, under Federal-State agreements, to provide for coverage for hospital insurance benefits for the aged for certain State and local employees whose services are not otherwise covered by the insurance system established by such title; to the Committee on Ways and Means.

By Mr. ST. ONGE:

H.R. 10973. A bill to amend the tariff schedules of the United States with respect to the rates of duty on certain densified wood; to the Committee on Ways and Means.

By Mr. BATES:

H.R. 10974. A bill to amend the tariff schedules of the United States with respect to the rate of duty of whole skins of mink, whether or not dressed; to the Committee on Ways and Means.

By Mr. GALLAGHER:

H.R. 10975. A bill to amend the Federal Power Act to facilitate the provision of reliable, abundant, and economical electric power supply, by strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the proper conservation of scenic and other natural resources; to the Committee on Interstate and Foreign Commerce.

By Mr. LANGEN:

H.R. 10976. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. MULTER:

H.R. 10977. A bill to amend title II of the Social Security Act to provide that Federal service otherwise excluded from coverage shall be taken into account in determining whether an individual is insured for disability insurance benefits or satisfies the disability "freeze" requirements; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 10978. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. POOL:

H.R. 10979. A bill to authorize the Postmaster General to negotiate and enter onto rental agreement with postmasters at fourth-class offices; to the Committee on Post Office and Civil Service.

H.R. 10980. A bill to promote the general welfare, foreign policy, and national security of the United States; to the Committee on Ways and Means.

By Mr. CONTE:

H.J. Res. 640. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mrs. DWYER:

H.J. Res. 641. Joint resolution requesting the President to proclaim the last week in October of every year as National Student Council Week; to the Committee on the Judiciary.

By Mr. HANLEY:

H.J. Res. 642. Joint resolution creating a Joint Committee To Investigate Crime; to the Committee on Rules.

By Mr. HELSTOSKI:

H.J. Res. 643. Joint resolution authorizing the President to issue a proclamation designating the first full week of October as Spring Garden Planting Week; to the Committee on the Judiciary.

By Mr. MOSS:

H.J. Res. 644. Joint resolution creating a Joint Committee to Investigate Crime; to the Committee on Rules.

By Mr. GALLAGHER:

H.J. Res. 645. Joint resolution to consent to and enter into the mid-Atlantic States air pollution compact, creating the Mid-Atlantic States Air Pollution Control Commission as an intergovernmental, Federal-State agency; to the Committee on the Judiciary.

By Mr. TAFT:

H.J. Res. 646. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BERRY:

H. Res. 590. Resolution providing for the consideration of H.R. 421; to the Committee on Rules.

By Mr. CRAMER:

H. Res. 591. Resolution requesting the President to submit to the House of Representatives recommendations for budget reductions; to the Committee on Appropriations.

By Mr. HALL:

H. Res. 592. Resolution providing for the consideration of H.R. 421; to the Committee on Rules.

By Mr. KING of New York:

H. Res. 593. Resolution directing the U.S. Tariff Commission to make an investigation of competition between domestic and imported leather and leather goods; to the Committee on Way and Means.

By Mr. MONTGOMERY:

H. Res. 594. Resolution providing for the consideration of H.R. 421; to the Committee on Rules.

By Mr. POAGE:

H. Res. 595. Resolution authorizing travel for certain members of the Committee on Agriculture; to the Committee on Rules.

By Mr. COLMER (for himself, Mr. Waggonner, Mr. Baring, Mr. Haley, Mr. Tuck, Mr. Morris, Mr. Lennon, Mr. Long of Louisiana, Mr. Flynt, Mr. Dorn, Mr. Downing, Mr. Davis of Georgia, Mr. Brinkley, Mr. Montgomery, Mr. Hébert, Mr. Herlong, Mr. Stephens, Mr. Henderson, Mr. Abbitt, Mr. Fallon, Mr. Jones of North Carolina, Mr. Ichord, Mr. Burleson, Mr. Abernethy, and Mr. Satterfield):

H. Res. 596. A resolution providing for the consideration of H.R. 421; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

240. By the SPEAKER: Memorial of the Legislature of the State of Oregon, relative to a study of practices and policies of Federal agencies regulating the allowable harvest of timber on Federal lands; to the Committee on Agriculture.

241. Also, memorial of the Legislature of the State of Oregon, relative to the widening and deepening of the ship channels in the Columbia and Willamette Rivers; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 10981. A bill for the relief of Alfredo Licatini; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.R. 10982. A bill for the relief of George Gonzalez; to the Committee on the Judiciary.

By Mr. BOGGS:

H.R. 10983. A bill for the relief of Mr. and Mrs. Alexis Joseph Cole; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 10984. A bill for the relief of Eustace A. Walters, Jr.; to the Committee on the Judiciary.

By Mr. DOWDY:

H.R. 10985. A bill for the relief of Dr. Lorenzo Galatas; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 10986. A bill for the relief of Bong Hee Kim; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 10987. A bill for the relief of Emilio Porco; to the Committee on the Judiciary.

By Mr. HUNGATE:

H.R. 10988. A bill for the relief of Eileen Hannevig; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 10989. A bill for the relief of Maria de Conceicao Botelho; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.R. 10990. A bill for the relief of Miss Bernardita Barrientos Bollozos; to the Committee on the Judiciary.

H.R. 10991. A bill for the relief of Miss Filomena del Rosario Lazaro; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 10992. A bill for the relief of Aurelio Micco; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 10993. A bill for the relief of Jock Min Woo; to the Committee on the Judiciary.

By Mr. RIEGLE:

H.R. 10994. A bill for the relief of Oscar C. Pineda; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 10995. A bill for the relief of Judy Conching Tan; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

108. By the SPEAKER: Petition of People's Republican Committee of the District of Columbia, Washington, D.C., relative to voting representation by the citizens of the District of Columbia; to the Committee on the District of Columbia.

109. Petition of Henry Stoner, Portland, Oreg., relative to unconstitutional State laws; to the Committee on Rules.

SENATE

Monday, June 19, 1967

(Legislative day of Monday, June 12, 1967)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Dear God and Father of us all, in the miracle of another dawning, our grateful hearts rejoice that, fairer than morning, lovelier than daybreak, steals upon us the sustaining consciousness that we are with Thee. Go with us into this strange new day.

We pause in the midst of thronging duties and confused issues to commune with Thee, unseen source of goodness, that the light which is the light of the world may shine upon us and illumine our path of action.

We thank Thee for the stirrings of discontent within us with things as they are, for visions of a glory still to transfigure the earth, for the hope of brotherhood and justice and abiding peace. Keep us true to our highest and to Thy unceasing challenge to our best.

Make us honest and honorable enough to bear the vision of the truth, wherever it may lead; to cast aside all pretense; and expediency which warps the soul.

Above all other acclaim or reward, we crave the assurance of Thy approving voice: "Blessed are the peacemakers, for they shall be called the children of God."

In the name of the Prince of Peace. Amen.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on June 16, 1967, the President had approved and signed the joint resolution (S.J. Res. 58) to provide for the reappointment of Jerome C. Hunsaker as citizen regent of the Board of Regents of the Smithsonian Institution.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawing the nomination of Donald H. Langley to be postmaster at South Easton, Mass., which nominating messages were referred to the Committee on Foreign Relations.

(For nominations this day received, see the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 953) to amend the Food Stamp Act of 1964 for the purpose of authorizing appropriations for fiscal years subsequent to the fiscal year ending June 30, 1967, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Poage, Mr. Gathings, Mr. Stubblefield, Mr. Belcher, and Mr. Teague of California were appointed managers on the part of the House at the conference.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the Journal of the proceedings of Friday, June 16, 1967, was approved.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Harris in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 146 Leg.]

Aiken
Allott
Anderson
Baker
Bartlett
Bayh
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Griffin
Gruening
Hansen
Harris
Hart
Hartke
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hollings
Hruska
Jackson
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Mundt
Murphy
Muskie
Nelson
Pearson
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Scott
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. BYRD of West Virginia. I announce that the Senator from Missouri [Mr. Long], the Senator from Georgia [Mr. Talmadge], the Senator from Maryland [Mr. Brewster], the Senator from Tennessee [Mr. Gore], and the Senator from Rhode Island [Mr. Pell] are necessarily absent.

I also announce that the Senator from Hawaii [Mr. Inouye] and the Senator from North Carolina [Mr. Jordan] are absent because of illness.

I further announce that the Senator from Rhode Island [Mr. Pastore] is absent because of the death of his mother.

Mr. KUCHEL. I announce that the Senator from New Jersey [Mr. Case], and the Senator from New York [Mr. Javits] are necessarily absent.

The PRESIDING OFFICER (Mr. Clark in the chair). A quorum is present.

THE DODD CENSURE RESOLUTION

The Senate resumed the consideration of the resolution (S. Res. 112) relative to censure of Senator Thomas J. Dodd.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished senior Senator from Oklahoma [Mr. Monroney] be recognized at this time, to be followed by the distinguished Senator from Louisiana [Mr. Long].

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MONRONEY. Mr. President, the Senate must perform a hard and unpleasant task. It must judge the conduct of one of its members. This is not the first time the Senate has been compelled to exercise this responsibility. In fact, many of the Senators present today during their tenure in the Senate have had to counsel with their consciences about the conduct of a colleague.

Serious allegations of misconduct were made against the senior Senator from Connecticut in the early part of 1966. These charges were brought to the attention of the Senate Select Committee on Standards and Conduct, which was authorized by the Senate in 1964 to investigate allegations of improper conduct by Members and employees of the Senate. The senior Senator from Connecticut himself requested the select committee to look into certain of the charges and allegations made against him.

The select committee members have investigated these charges thoroughly, have considered and weighed them carefully, and, as a member of the committee I can say, have searched their souls to arrive at a decision that was fair to their colleague and in accord with the duty imposed upon them by the Senate.

Of the several allegations made against the senior Senator from Connecticut, the committee concluded that two were well founded and that the senior Senator from Connecticut deserved the censure of the Senate, because of conduct contrary to accepted morals, which derogates from the public trust expected of a Senator, and which tends to bring the Senate into dishonor and disrepute.

I believe the select committee has acted with fairness. It certainly did not act with malice, because the senior Senator from Connecticut is an old and popular colleague of every member of the committee. The committee offered the senior Senator from Connecticut every opportunity to be heard and to present his position with respect to the allegations made against him. It afforded him the right to counsel and, I believe, granted him adequate notice and time to prepare for the investigation made by the committee.

The committee acted pursuant to the powers conferred upon it by Senate Resolution 338 of the 88th Congress and in accordance with the requirements of article I of the Constitution.

The committee has recommended censure only on those allegations for which there was direct proof or admitted fact. Allegations regarding possible violations of law have been referred to proper authority for consideration. Allegations with no basis in cold, hard fact were disregarded.

The select committee has performed its function and has met its responsibility to the Senate. It has investigated the charges; it has provided a record of personal testimony and admitted fact for the Senate to review; it has drawn its conclusions and made its recommendations, all as required by Senate Resolution 338. The burden of judgment resides now in the Senate, in each member individually and this body collectively.

I do not believe, therefore, that the committee or its members should now act as prosecutors, in any sense, of the senior Senator from Connecticut. I do believe the members of the committee have an obligation to explain their reasons for arriving at their decision and to tell the Senators who now must exercise judgment why they believe the senior Senator from Connecticut deserves censure.

That is the purpose of my addressing the Senate today. The decision I made as a member of the committee and the remarks I make today are difficult and painful actions for each of us.

The consideration by the Senate of the alleged misconduct of a Senator is, in a sense, extralegal in nature, although it is based on the Constitution. In the case of the senior Senator from Connecticut we are not considering the violation of any law, nor the breach of any written code of conduct. We are considering something far more difficult than that, more nebulous and elusive; yet of supreme importance to a society such as ours, whose government is representative and whose fundamental strength lies in the trust and confidence its citizens must have in their elected officials.

It is a signal tribute to the wisdom of our citizenry and the ethics of those whom they have elected that this type of proceeding is rare. But when an occasion does arise that requires us to examine our values and decide what our standards shall be, we should not hesitate to do so; because our whole system of government is in jeopardy, if the public trust and confidence in the institutions which govern them should ever waver.

We must reflect not only on our own conscience and ideals, but on that of the people whom we represent and serve. We must consider a Senator's responsibility and duty to himself, to his constituents and to the Senate, as one of the coequal branches of Government under our tripartite system.

I believe the Senate has a clear responsibility to act when the conduct of one of its Members has been brought into question to the degree it has in the case of the senior Senator from Connecticut. For if the Senate does not act on matters such as this, who shall? And if acts of impropriety are permitted to go unchallenged and unpunished, the Senate as a whole deserves whatever distrust or lack of confidence that may arise in the minds of the public. At a time in our history when many believe the Congress is in need of strengthening, so that it may fulfill more effectively the duties prescribed by the Constitution, the public trust and confidence in the integrity of its Members is paramount.

Are there special standards of conduct which Senators must meet? A Senator must, of course, obey the laws of the land and abide by the rules and regulations of the Senate. Beyond this there are now no specific, written standards that have been adopted by the Senate which would apply to the charges made against the senior Senator from Connecticut.

But I firmly believe there is a higher standard of conduct which must guide us as individuals, as well as in our role as Senators—a standard accepted and expected by our society. It exists and, nebulous though it may be, we must pay the price when we breach it.

The select committee is considering the establishment of a code of conduct for Members of the Senate. It will, I am confident, recommend such a code as soon as possible. Any code the committee recommends and the Senate adopts will necessarily be general in nature.

The senior Senator from Connecticut has charged that he has not been afforded due process of law and that the committee's action amounts to the application of an ex post facto law against him. It is true there is no Senate rule which states that a Senator cannot convert political campaign funds to his personal use. The absence of a written rule does not, in my opinion, mean that such a practice is proper.

The code of conduct which the select committee will recommend will try to establish broad principles of conduct to govern the Members of the Senate and, insofar as possible, state the "shall nots" for which a Senator would be subject to censure. But whatever code is approved by the Senate cannot cover all situations which may arise in the future for which punishment would be deserved. None of us can predict what specific actions may be taken by an individual Senator 25 years from now which may be considered improper.

The lack of a specific, written rule in no way justifies or excuses improper conduct, especially in this body. We are not talking about criminal sanctions against Senators. Although censure is a punishment, it is not the type of punishment intended to be covered by constitutional provisions relied upon by the senior Senator from Connecticut.

The Senate is called upon to express its opinion with respect to the conduct of the senior Senator from Connecticut. If the Senate decides to censure him, none of his senatorial prerogatives and privileges will be withdrawn. He will remain the senior Senator from Connecticut. He will continue to draw his salary and be entitled to all the allowances of his office. He will retain his seniority and his position on all committees. The censure action merely expresses the Senate's condemnation of the course of conduct in which the senior Senator from Connecticut engaged. It is, therefore, hard for me to equate constitutional guarantees with respect to ex post facto laws and due process with the recommendations made by the committee.

It is impossible to anticipate all possible types of conduct and to prescribe detailed rules with respect to every aspect of the performance of our public duties. Any code of conduct is necessarily subject to change, because our mores and standards refine as our society evolves. What was not considered censurable conduct 100 years ago, may be so today. And the same holds true with whatever decision the Senate makes with respect to the senior Senator from Connecticut and with respect to any specific code it may later adopt.

Our ethical standards have, I believe, risen, certainly when compared to 100 years ago or even 25. This is good, because it means we are making progress toward attaining the high ideals set forth in the documents establishing this Nation.

Does the lack of any specific, written standard covering the conduct of the senior Senator from Connecticut mean that the Senate should take no action? I think clearly not. For an affirmative answer to that question would mean that the very persons responsible for writing a code of conduct could evade punishment for clearly unethical actions merely by failing or refusing to adopt rules of ethical conduct. If that were the case, we would be a law unto ourselves. As the lawmakers in our society, we would be above any law, above any mores, above any reproach for our actions. We cannot adopt such an attitude.

The Senate recognized when it passed Senate Resolution 338 in 1964 that there can be conduct deserving investigation and punishment even though it constituted no violation of law or of Senate rules and regulations. The language of the resolution is unequivocal. Section 2(a) says:

> It shall be the duty of the select committee to—
>
> (1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, and violations of rules and regulations of the Senate . . .

The Senate has made a clear distinction and it placed investigation of improper conduct reflecting on the Senate as the first duty of the select committee. To what was the Senate referring, if not to that unwritten and unchanging code which governs us all and which imposes upon us a higher duty and a deeper trust than any written law can ever do?

We are each guided by our conscience and our personal ethics. But as Members of this body, our actions cannot be controlled solely by our personal beliefs. The public trust and confidence in the institution of the Senate depends upon the actions of each of its Members. There is a minimum standard of conduct expected by the public to which the personal beliefs of all 100 Members must conform.

It is not easy to define that minimum standard, but it does exist. It requires the Senate, as an institution, to develop a collective conscience and, in addition to the constitutional responsibility of the Senate to judge the conduct of its Members, it requires us to pass upon the charges made against the senior Senator from Connecticut.

It is true that, as Senators, we are responsible to the citizens who elect us. They can express their disapproval of our conduct by refusing to reelect us. But the Senate is a national institution. Its reputation and its esteem in the minds of the citizens of this Nation and, in our era, the citizens of the world rest on more than election of one Member in any one State. This was recognized by the writers of our Constitution. The power to punish or expel a Member would not have been granted, if the responsibility for judging a Member's conduct was thought to reside only in his constituents.

By virtue of their election to office, Senators are given great power and great prestige. Their office in return imposes upon them grave responsibilities. There is no sterner duty or higher trust than that imposed upon the lawmaker under our system of government.

When a lawmaker's actions exceed the bounds of proper conduct, his actions reflect upon the body in which he serves and upon the system itself. If the improper conduct is of such degree it brings the reputation of the institution itself into question, there is serious doubt the institution can remain effective and influential in the affairs of governments. If such conduct is permitted to go unnoticed and unpunished, no other conclusion can be drawn, but that the institution condones improper conduct.

The specific issue before the Senate is the conduct of the senior Senator from Connecticut. Was his conduct improper to such a degree it has reflected upon the Senate and, if so, does it deserve the censure of the Senate?

The committee concluded unanimously that the senior Senator from Connecticut used the influence and power of his office to obtain funds from the public through political testimonials and a political campaign, which were used for his personal benefit. The use of these funds for private and personal purposes was admitted in testimony and by stipulation.

The character of the testimonial dinners and receptions and the purposes for which the funds were to be used are in dispute. But the committee concluded, and I believe rightly, from all the circumstances and publicity surrounding the fundraising events, that they were political in character and that Senator DODD's knowledge of their political nature must be presumed.

The solicitation letters sent out to the public, the newspaper publicity about the events, the exclusive control by members of the Senator's staff of the events and the money raised, the close political relationship between the Senator and the sponsors of the events, the concern over the Senator's political debts, and the partisan political nature of the printed programs leave no other conclusion in my mind but that the money was being raised ostensibly to help the senior Senator from Connecticut pay off past campaign debts and finance future campaigns. There was a holding out to the public that these were political events, no matter what the private intent of the senior Senator from Connecticut and his close private associates might have been.

I believe it is improper to solicit and accept funds for political purposes and then convert those funds to personal use to the extent and with the consistency practiced by the senior Senator from Connecticut. If funds are to be used for personal benefit, I believe the persons solicited and the public in general are entitled to know. There was no such notice given by the senior Senator from Connecticut or by his staff or his political associates.

In the heat of a campaign or in the course of a Senator's busy schedule, mistakes can be made and things can transpire about which a Senator may not be aware. But in the case of the senior Senator from Connecticut, there was a consistent course of conduct over a period of 5 years of holding events, ostensibly for political purposes, and the funds which were raised were used in large part for personal purposes.

A pattern developed, which the Senator either knew or should have known, of raising money which for all outward purposes was to help him in his campaign for office, but which he intended to spend for personal benefit. Much of the money raised was indeed used for political purposes. A great amount—at least $116,000 out of a total of $450,000—was converted to private and personal use. At least another $45,000 was used for purposes which were neither clearly personal nor political.

We are not talking about an occasional or accidental conversion of campaign funds for personal use. We are judging a deliberate and consistent conversion over a number of years of large amounts of what were outwardly campaign funds to personal use. If a Senator desires to engage in that kind of activity to supplement his salary, I think, at a minimum, there is an obligation to give notice to the people whose money is being used to maintain a Senator's standard of living.

A Senator must apprise himself of the activities and the motives of his staff, as well as his close personal and political associates. For he must bear the consequences of actions they take in his name. It would be a wonderful thing if we could be unfettered from any concern about financial obligations and not have to worry about the details of our campaigns. But we are not. This is not the nature of our system of government. It was not intended that political and public life be easy and all the Members of this body know that it is not.

The committee believed that the general public and the persons from whom funds are solicited by a public official are entitled to know the purposes for which the funds are to be used and that if those funds are to be used for personal benefit, the public should be given clear notice. We cannot presume that persons who contribute money to an affair which is political in nature are giving money to us freely for us to use in any manner we see fit. A person may not be willing to contribute money to help us maintain what we think our standard of living should be, although they might be willing to contribute money to help us win an election.

The senior Senator from Connecticut characterized the use of much of the money as being political—personal in nature. He stated in testimony that during his tenure as a U.S. Senator he was unable to distinguish between his personal and his political life. I think we all understand what he meant, because we are all politicians. Almost all our waking hours are devoted to the performance of the duties required by our office.

We cannot fail to distinguish, however, between our personal and political lives, between our personal and political obligations, between our personal and political needs. This is particularly true with respect to our finances. We cannot equate a personal, financial need with a political need, because who is to decide what the standard of personal need shall be? And who is to distinguish a personal, financial need from a personal desire or want?

Of course, most of us need more money than we have authorized ourselves as salary. We certainly cannot finance campaigns on our salary. Yet, we cannot presume that the expenses and burdens of our office entitle us to a sum of money, either in salary or raised from contributions, sufficient to permit us to live a politician's life. If we need more money for private purposes, we should work to persuade our constituents to pay us more money as salary or in the form of other allowances.

It has been strongly argued that in addition to regular political fundraising banquets, there is the testimonial dinner which is different in that moneys raised under this banner can be used for needs as determined by the honoree. The personal needs as well as the political needs of the candidate, we are told, can be thus taken care of out of funds if the dinner is a testimonial affair.

We are told that there is a double standard and that the testimonial benefits can be used legally to help a candidate or a Member maintain higher standards of living.

I am sure you all realize that the Government does have a duty to pay us enough to keep us fed—but it does not owe us an obligation to keep us housed as we might wish to be housed. Or to entertain as we wish to entertain, or to travel or to drive the kind of car we might wish.

But I fear if we embark on the approval of a system of funds for the personal betterment of the Members' living standards, we will be setting dangerous precedents.

Like many other Members, I do not like the system we have to use to conduct our campaigns. I wish the cost could be so low we could finance them ourselves. I deplore and regret the necessity of accepting help from friends, business, or commercial interests to finance an election. But elections are necessary and certain expenditures are indispensable.

Because of dangers from conflict of interest, we have for scores of years had legislation of one kind or another requiring identification and disclosure of the financial help given directly to a Senator to help secure election so as to limit the impact on a Senator's responsibility to his office. There are both State and Federal laws. Both need strengthening.

If we accept the theory of the distinguished senior Senator from Connecticut, advanced on the floor and in the hearings and in his written briefs, we must accept another system that would entail dangers and evils which go far beyond any we now experience under our system of campaign donations and election financing.

We are asked to accept—and because of the vital importance of the debate on this motion of censure and its impact upon future Senators and their supporters—to adopt a new standard, one that can lead us into grave dangers and invite contamination in the not too distant future of the well of democracy itself.

The senior Senator from Connecticut has repeated time and time again the doctrine that there is not and should not be any requirements that funds made as "gifts" at testimonial dinners honoring men in high political office necessarily be spent for political uses.

Time and time again it has been repeated on the floor by the senior Senator from Connecticut and advocated in written briefs that funds so given under the banquet title of "testimonial" are funds for the use of the Senator for any purpose he might choose to make of them.

While the committee has calculated that $116,000 over the 1961, 1963, 1965 period was used for personal purposes, it is not that figure which is challenged by the Senator. It is his right to fully decide to what use they are to be put and for what personal purposes they are to be spent. You have heard this matter ably presented by our distinguished chairman, Senator STENNIS, and I will not dwell further on the accounting in the case.

It is the precedent which may be set in this case—rather than the money involved—that to me appears to be of gravest importance.

If we accept the right of Senators to sponsor their own testimonial dinners, if we accept the accompanying right to spend as he chooses so strongly insisted upon by the senior Senator from Connecticut and his counsel and our distinguished majority whip and his counsel we will have embarked down a road that will plague this body and all other free legislative bodies for scores of years.

Remember these funds were raised with some fair understanding that they were for political purpose and for paying political campaign expenses either past or future.

Our sanction of this system of fund-raising occasions—whether they are called deficit lifting banquets, campaign expense banquets or testimonial dinners—where the funds in whole or in part are eligible for personal expenses of the honoree—to be spent as he chooses—leads us down a dangerous path for democracy.

The dangers of giant corporations with special interests corrupting State legislatures—and even some few in the Congress as happened in the earlier days of our Nation—would again be possible under this system, if we adopt an ethical standard that sanctions the raising of any amount of funds, from any source, at any time, for any purpose the honoree of a testimonial wants to use them for.

Such testimonial funds would be unreportable in the regular accounting of campaign expenditures—particularly if they were used for the betterment of the candidate's personal living. They would, I believe, be nontaxable as income on the basis that such subscriptions are "gifts." They would be legal and thus their receipt in any amount, high or low, would put their acceptance by a sitting Member or a candidate beyond the reach of the Corrupt Practices Act.

If we approve the acceptance of testimonial funds as gifts to be used at the personal discretion and for the personal purposes of the recipient, the future implications should be considered carefully now. What is to prevent these present modest donations of $25 or $100 by the party faithful from growing into outright attempts to use vast sums of money to influence votes in this or other legislative bodies by staging testimonials—the income from which, as gifts, would be outside the reach of present statutes. What would the ante be and how rapidly would it grow into a major scandal of attempted vote buying in legislative bodies.

If the future testimonial gifts of cash in extremely large amounts, as well as in small amounts, is legal, nontaxable, what are the limits—if any? If cash is acceptable, what about something nicer such as gilt-edge stocks or bonds or real estate or buildings or mineral properties.

We must act with the full knowledge of the dangers that can come from an unwise policy—a dangerous policy that could snowball. We have had cases in our history of gigantic efforts at corruption of our political system by despoilers. Our laws against bribery were passed to prevent the use of money or other things of value from securing special favors from the Congress. It was the danger of personal use of funds by Members that led to their passage.

We must not open for the future another avenue where men of no principle can corrupt for their special interests any Member of this body. We dare not open such an avenue which would establish this local Connecticut testimonial affair of friends as a precedent that could plague us and our traditions for years to come.

The committee also concluded that the senior Senator from Connecticut acted improperly in connection with the payment of travel allowances to him by the Senate. There is no dispute that the senior Senator from Connecticut did accept money from the Senate and from private organizations for the same travel.

There is great dispute as to how this came about and who was at fault. There can be no disagreement though, about whose responsibility it was to see that such things did not happen. At the least, the senior Senator from Connecticut did not maintain close enough surveillance over the activities of his employees to assure that they were not perpetrating a fraud against the Senate.

We cannot handle all the details and paperwork which run through our offices on a day-to-day basis. We must rely on staff work to a great degree and it is shocking when our faith in the ability and loyalty of our staff is abused, as it was in the case of the senior Senator from Connecticut.

The supervision of our staffs and the financial affairs of our offices is the individual responsibility of a Senator. When our staffs commit acts of wrongdoing we must bear the consequences. This is a risk which all men in positions of importance and power must assume, especially those in public life.

It would be understandable, again, for an occasional, careless mistake to be made in the billing of the Senate for travel. But in the case of the senior Senator from Connecticut the acts occurred frequently enough to constitute a practice which clearly cannot be condoned. If we expect the public to trust us in the expenditure of billions of dollars of the Nation's wealth, we have to demonstrate that we can control the relatively minor expenditures of our office. In my opinion, the senior Senator from Connecticut did not meet the degree of care required in the accounting of his official expenditures.

It is sad and tragic when circumstances require this body to examine the conduct of a Senator, especially one with as distinguished a record of loyal and devoted service to the Senate and the Nation as that possessed by the senior Senator from Connecticut. I want to make clear that I have the highest regard for the senior Senator from Connecticut as a legislator and have great admiration for his many accomplishments. He has been a vigilant watchman of the Nation's security and has on many occasions pointed out the danger to this country, at home and abroad, of permitting communism to go unchecked and unrestrained. The Nation's youth owe him a debt of gratitude for his endeavors to combat juvenile delinquency. He has served our country with distinction in the field of foreign relations. The senior Senator from Connecticut's distinguished record entitles him to the fullest and fairest consideration the Senate can give. But it does not make him immune from punishment for the improper conduct with which he has been charged.

The Senate must, I believe, consider the stresses and strains under which we all operate. It must take into account the pressures which are brought to bear upon us all. There never seems to be enough time to do all that we wish. We are pushed and pulled from all directions and, perhaps, too much is expected of us. At times the burdens seem too heavy and the temptations to ease them too great.

We must remember, however, that we willingly and knowingly sought our office with a full awareness of the burdens, responsibilities, and difficulties inherent in it. Certainly a Senator who has served in this body and runs for reelection knows what he is letting himself in for. He does not have to run and he does not have to serve if he believes the burdens are overwhelming.

Our system may require too much of us. It may be in need of revision. Clearer rules of conduct may need to be devised, and I believe they will. But until the system is revised, we must take it as it is. As Senators, we must meet the standards of conduct, written or unwritten, expected of a Senator by the public and we have a duty to punish those who do not.

I sincerely believe the senior Senator from Connecticut did not meet those standards of conduct required by our representative form of government and expected by the public. As a consequence his acts have derogated from the public trust expected of a Senator and have tended to bring dishonor and disrepute on the Senate.

Having examined all the evidence and testimony as thoroughly as I can, I cannot condone the conduct of the senior Senator from Connecticut. Unless the Senate is prepared to condone the specific acts of the senior Senator from Connecticut as proper conduct—conduct befitting and becoming the office of a U.S. Senator—it must, in my opinion, censure the senior Senator from Connecticut. I believe censure is deserved and I will vote accordingly.

That is my decision, Mr. President. I have tried to explain to my colleagues my reasons for arriving at it and believing it just and fair. Each Senator must now decide for himself and I do not envy you the agony it will cause.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MONRONEY. I am glad to yield to the distinguished majority whip.

Mr. LONG of Louisiana. Mr. President, I agree with the logic of the Senator's argument that the committee should not regard itself as a prosecutor. We should not feel that the honor of the committee is at stake in any event with regard to this matter. We should, however, feel that it is the duty of each Senator to look into his own conscience and hear the facts and decide for himself what he thinks about the matter.

I applaud the Senator for that view, because I think he is entirely right about the matter.

I ask the Senator if he read the argument that I made in taking the contrary point of view concerning the fundraising dinners. It appears on pages 16119 through 16134 of the RECORD on Friday.

Mr. MONRONEY. I heard all the remarks of the Senator except those which he made after 6:35 on Friday evening. Will the Senator identify the matter to which he refers? I do not wish to delay the Senate while I am reading it.

Mr. LONG of Louisiana. Is the Senator familiar with the illustration I gave about the sheriff and the help we gave to assist him in getting elected?

Mr. MONRONEY. Yes. That concerned taking the rubberband off the wad of bills.

Mr. LONG of Louisiana. That is not the case I have in mind.

I referred to an election in which we helped to raise the man's personal and political expenses. We helped to pick up some of his debts in order that he might be able to run for sheriff.

Mr. MONRONEY. I am familiar with that.

Mr. LONG of Louisiana. Did the Senator hear or read the illustration I gave concerning the knowledge of John F. Kennedy of the circumstances under which Senator Webster had been necessarily subsidized by the people of Massachusetts in an amount that would constitute millions of dollars of purchasing power today in order that he might be able to afford to be in the U.S. Senate? Notwithstanding those circumstances, he was placed in a position of honor and was honored by the United States.

Mr. MONRONEY. I do not understand that the amount was given by the late President Kennedy, or that there was anything other than the reference to a letter from Daniel Webster that had been found in the papers. That letter asked that his stipend which he had exacted from the Bank of the United States be more prompt in its arrival.

I mentioned in my speech that matters that applied 100 years ago do not necessarily apply today in the ethical conduct of Congress.

I recall the salary of Members of the Senate and the House of Representatives in those days was so very low that Congressmen lived in boarding houses and many of them did not have enough funds to support themselves unless they happened to be men of great wealth and had come here with that wealth.

I can remember when Members of Congress were raised from, I believe, a $7,000 salary to $10,000.

I had a part in helping to increase the salary in the first Reorganization Act to a more realistic figure.

I feel that the other increases that have been voted were quite proper in view of the accelerating cost of living that, as all know, has occurred.

Mr. LONG of Louisiana. I agree with the Senator on that part of it.

I applaud the Senator for his courageous effort to get salaries increased to an amount that is more nearly what they should be.

As a matter of fact, is it not correct that 30 years ago a Senator making $12,000 a year was being paid a lot better in terms of purchasing power, especially when we consider that one session consisted of 90 days and the other session consisted of about 5 months. He was, therefore, doing less than 1 year's work in the period of 2 years.

Did the Senator hear or read the concluding portions of my speech?

Mr. MONRONEY. I left at 6:35 on Friday evening. I missed the concluding portion. However, I stayed as long as I possibly could. I had some people waiting for me.

Will the Senator describe the particular point that he raised?

Mr. LONG of Louisiana. I will outline it later. However, I wanted to know if the Senator had read it.

Mr. MONRONEY. I think I missed about 35 minutes during the entire proceedings.

Mr. LONG of Louisiana. I thank the Senator.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. MONRONEY. Mr. President, I yield to the distinguished Senator from Utah.

Mr. BENNETT. Mr. President, I have listened to the Senator's explanation of the explanations which were given for the testimonial dinners.

I wonder if the Senator emphasized enough the fact that, on the other side, there has been no indication in any printed material or newspaper reports that the actual purpose was to raise money for the Senator to use as he pleased.

Mr. MONRONEY. I think the Senator raises a very important point.

I have studied, as he has, all of the newspaper publicity that was made available to the committee. While there are a number of references to campaigns and the raising of campaign funds to pay a campaign deficit, I could not find one single line in any of the publicity either before or after, that indicated in any way, shape, form, or manner that the funds being raised were to be used for the personal uses of the distinguished senior Senator from Connecticut.

This fact was not mentioned even in the mailings which went to a confidential list of longtime, loyal, dedicated supporters.

Mr. BENNETT. Was there any reference to it in the printed material and the programs?

Mr. MONRONEY. I saw no mention of anything in the program that would indicate it.

We do have evidence that not many people knew what the funds would be used for. That was the impression I believe that has been made on every reader of the material, and none of the publicity indicates in any way a correction of this situation, had it been desired to have that made public.

So I see no way to identify this as a banquet from which the funds would be used personally.

If there are no other questions, Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. MONRONEY. I am happy to yield.

Mr. THURMOND. I should like to put to the Senator an inquiry I made of the chairman of the committee on last Friday evening, about 6 o'clock. It was rather late, and not many Senators were in the Chamber. I also directed the inquiry to any other member of the committee.

Did the committee conclude that testimonial dinners are wrong per se and that Senator DODD was acting improperly and would bring the Senate into disrepute if such dinners were held?

The second question is this: If such testimonial dinners were held, and he did not affirmatively state that the money was for his personal use, did that bring the Senate into disrepute?

Then, the third category: If the dinners were held and announcements were made that they were for campaign purposes, although some of the funds were used for personal purposes, with possibly an intermingling, did the committee base its finding on that category?

In other words, what is the position of the committee with regard to testimonial dinners? Where is the line of demarcation? Just how far can one go? I have heard of dinners being held when people retired, and they were given automobiles. I have heard of dinners being held when people have retired, and they have been given homes. No announcements were made to that effect, just the announcement that it was to be a testimonial dinner.

Did the Senator from Connecticut have an obligation to inform the public that the funds from this dinner were to be used for personal purposes, or was it only necessary that an announcement be made that a testimonial dinner would be held? I am wondering what was in the minds of the committee as to the standard, as to the criteria, as to the line of demarcation with respect to these matters. I believe it is important that we know. If the Senator from Connecticut announced—or if it was announced for him—that dinners were to be held for campaign purposes and he used the money for personal purposes, not reimbursing political expenses, and the donors were deceived, that is one situation. But if the only announcement was that dinners were to be held for Senator DODD, and the people who attended knew that the money would go to him and they were not particular about what he used it for—I presume they would feel it would be chiefly for campaign purposes, since he is in public life; but if that were not announced, that is another category.

Would the Senator care to elaborate on those matters?

Mr. MONRONEY. I can only say what my impression was in serving for many weeks on the committee. The committee's decision to censure on this point was based upon the fact that the dinners and other affairs were consistently held, some seven in number in which the ostensible purpose was, so far as the public knowledge or information were concerned—not unanimously in all publicity or all letters, but a sufficient amount to leave the public impression—that these were fundraising dinners for which the money was to be used for paying old campaign debts or to take care of, prepare, and carry on an existing campaign.

This, I believe, is the case today before the Senate. These were the affairs that we studied and investigated, and we based the first count in the motion to censure on the facts as they were presented to us, and largely stipulated, and the existing publicity that we have accumulated and examined, and the letters that went out.

I do not believe the committee is prepared to go further than the facts before it. If we presume to write in this case a standard of ethics, we would be going beyond the matter laid before us in the investigation. We could consider only this one case, and this is what the committee has done.

For myself, if the Senator from South Carolina wishes my ideas, I believe that we certainly should prohibit the use of testimonial dinners as personal fund-raising events in our political system, about which I spoke at some length, and I gave the reasons in my speech a few moments ago: that it can lead to opening a door, with no control, for the personal enrichment of a Member of the Senate or other political body, without proper accounting, which would put it beyond the bounds of the present Corrupt Practices Act, and other acts of that nature. That is my personal belief.

Other members of the committee might be willing, in writing a code of ethics—to which I hope we can get—to say that a testimonial dinner may be held with respect to which it is announced that all the funds or half of the funds or one-fourth of the funds will be used for the personal use of the honoree; and if that is the decision of a majority of the Committee on Standards and Ethics, that will be brought to the Senate.

I believe that this would not be good public policy, as I stated earlier, because it would open an avenue which, when expanded to its ultimate limits, could be very dangerous to our political system and could be detrimental to the prestige, dignity, and standing that the Senate and other legislative bodies must have.

We have before us for consideration the facts in the case, which have been so ably discussed by the distinguished chairman and the distinguished vice chairman of the committee, the stipulations which are before the Senate, and the evidentiary matters that are contained in all the publicity accounts of these banquets, not one of which mentioned that the funds were for personal use of the honoree. This is the question that I believe we have before us today.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. MONRONEY. I am happy to yield.

Mr. GRIFFIN. My inquiry concerns the charge in the censure resolution relating to the so-called double billing.

As I recall the statement made by the senior Senator from Connecticut, he said there were some 21 times when he would have been entitled to reimbursement, under Senate rules, for the cost of travel to and from his State. I am aware that on page 866 of the hearings, No. 108 of the stipulations, the committee counsel and the counsel for the senior Senator from Connecticut stipulated that this is the fact—that there were 21 trips to and from Connecticut to which the senior Senator from Connecticut would have been entitled to reimbursement; and, according to his statement, he did not seek or request reimbursement.

In seeking to evaluate the seriousness of the charge of double billing on seven occasions, it is difficult, I believe, not to consider the fact that the senior Senator from Connecticut apparently did not claim reimbursement on 21 different occasions.

My question is, Did the committee check into this claim before the stipulation was made; and, if so, how does the committee account for the fact that, as I understand the rules of the Senate, having made some inquiries, up until last year each Senator was entitled to be paid for only two trips to his State and, as I understand, last year it was increased to six?

If the arithmetic is correct, it would seem to me that he would have been entitled to reimbursement for 16 trips. Can the Senator give us some enlightenment on that matter?

Mr. MONRONEY. I believe that up until a year ago or 2 years ago, we were entitled to two trips a year, which come up rather fast, and then it was increased to six, as I recall, in the present lineup. The reimbursement was allowed to Members who made those trips and who filed through the disbursing office, a voucher and the ticket receipt that you get on an airline ticket. I understand that Senator BENNETT will discuss this matter rather minutely.

However, the 21 trips—we do not question that he was entitled to reimbursement—have nothing to do with the charge of double billing that is made with respect to the seven trips which were connected with the speeches that were made for private organizations, for which a fee was usually accepted.

The only place this matter might be considered in the case was that the office or the Senator himself did not bill his entitlement and return the carbon copy of his tickets for those 21 trips for which he was entitled. We are compelled to be on a use-it-or-lose-it basis. I have lost trips in the past because I failed to file in due time. I have not always kept track of them.

Certainly, it was within the Senator's responsibility to file for those and not let them expire. I do not see what this has to do with the case except that it would be evidentiary on the fact that there was a very careless pattern of handling travel in the office, which the Senator claimed. But as to the Senator losing his 21 trips or having a double billing on the seven, that is his responsibility. That is our duty. I have to make out my income tax. If I found a considerable amount in my income tax return as receipts I think I would recognize it in due checking of the account. We all have that to do, no matter how busy we are.

It would be a matter presented to the committee in which the committee rightfully recommended the matter be laid before the Senate and if they feel this is the case, a motion to censure would lie in connection with charge 1 in the resolution before us.

Mr. GRIFFIN. As I understand the response of the Senator from Oklahoma there were 2 years in which he was entitled to six trips, apparently; and that increased the total to 21.

Mr. MONRONEY. We do not question that. What we say does not have a strict bearing on this.

Mr. GRIFFIN. I assume it must have been of some relevance. It was included in the stipulations. While I recognize it is not directly related to the matter of the truth or inaccuracy of the seven so-called instances of double billing, I would imagine that there would be a more serious charge before the Senate if the senior Senator from Connecticut were accused of deliberately and intentionally defrauding the U.S. Treasury. To the extent we are called upon to make that kind of judgment and to evaluate the seriousness of the charge of double billing, it seems to me it would be appropriate to take this into account, if, as the Senator from Oklahoma indicated there is no question that the committee looked into it and there were 21 trips to which he was entitled and did not seek reimbursement.

Mr. MONRONEY. A Senator is entitled to it if he submits a voucher.

Mr. GRIFFIN. I understand.

Mr. MONRONEY. I think that Senator BENNETT is waiting to speak on that subject.

I think it is a matter of interest. The committee observed there were 21 instances. We were interested in double billing which was the pattern for 7 out of 10 instances which could be made that the double billing was practiced.

Mr. GRIFFIN. The question which haunts the junior Senator from Michigan, and I am sure others, is: Was this negligence and oversight or was it intentional and deliberate, to get money to which the senior Senator from Connecticut was not entitled? To the extent it relates to that issue is the point.

Mr. BENNETT. Mr. President, I ask unanimous consent that I may ask the senior Senator from Oklahoma to yield to me.

Mr. MONRONEY. I yield the floor.

Mr. STENNIS. Mr. President, before the Senator yields——

Mr. LAUSCHE. Mr. President——

The PRESIDING OFFICER. The Senator from Oklahoma has the floor. Does the Senator from Oklahoma yield?

Mr. LAUSCHE. Mr. President, will the Senator yield to me.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor. To whom does the Senator from Oklahoma yield.

Mr. MONRONEY. Mr. President, I yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I direct the attention of the Senator to page 971 of the hearings, which contains exhibit appendix 30, identified as "Reservation Form for 1965 Dinner." It reads:

[Appendix 30. Reservation Form for 1965 Dinner]

TESTIMONIAL DINNER FOR HON. THOMAS J. DODD

SATURDAY, MARCH 6TH, 1965—STATLER HILTON HOTEL, HARTFORD

Matthew M. Moriarty, Treasurer:

I desire to subscribe to this dinner as a sponsor.

Enclosed is check in the amount of $———, for which send me ——— sponsors' tickets at $100.00 each.

Name (please print) ------------------------

Address ------------------------------------

I also direct the Senator's attention to the exhibit identified as appendix 32 on page 973. It reads:

[Appendix 32. Ticket for 1965 Dinner]

TESTIMONIAL DINNER FOR HON. THOMAS J. DODD

UNITED STATES SENATOR

Saturday, March 6th, 1965—7:00 p.m., Statler Hotel, Hartford, Connecticut, Table No.——

No. 2250.

[Ticket stub]

Table No. ——

SEN. THOMAS J. DODD

Guest --

No. 2250

Testimonial Dinner, March 6th, 1965

It seems that there is a stub to the ticket which is set forth in appendix 32.

Appendix 33 on page 974 is a picture of Senator DODD, with the following statement below the picture:

> Testimonial dinner for Honorable Thomas J. Dodd, United States Senator.

With that prefatory matter, I ask the Senator whether the committee attempted to define the term "testimonial dinner," and I ask him to assume that there is no collateral evidence of any character whatsoever, and that the only testimony upon which the decision is to be made is the information provided on these several exhibits I have identified to try to define the term "testimonial" in approaching the problem.

Mr. MONRONEY. I would refer the Senator to page 970, the letter sent out by the general chairman for that dinner, and particularly paragraph 2 in which they announce the dinner. I quote from the letter:

[Appendix 29. Barbieri Letter Dated Feb. 3, 1965—1965 Dinner]

TESTIMONIAL DINNER FOR HON. THOMAS J. DODD, U.S. SENATOR

Arthur T. Barbieri, *General Chairman.*
Gene Tunney, *Honorary Chairman.*
Matthew M. Moriarty, *Treasurer.*

FEBRUARY 3, 1965.

DEAR FRIEND: Tom Dodd was re-elected to the Senate of the United States by an overwhelming majority last November.

His vigorous campaign made a significant contribution to the unparalleled landslide in Connecticut. He spared himself no personal efforts and sacrifice, and undertook every financial expense necessary to bring to the people his record and platform.

The result justified the efforts and expense but a considerable deficit was incurred and must now be met.

A testimonial dinner will be held at the Statler-Hilton Hotel in Hartford, Connecticut on Saturday, March 6th. This affair will celebrate his record-breaking majority and assist in meeting the campaign deficit.

There is enclosed for your use a reservation card and a business reply envelope.

We hope you can participate in this most deserving event for a great Senator.

I think that answers the question.

Mr. LAUSCHE. Yes.

Mr. MONRONEY. It illustrates that nothing in the ticket part would describe that it was strictly for the benefit of the Senator.

Mr. LAUSCHE. I am familiar with the letter. I have it marginalized in my book.

My question was: Did the committee try to ascertain the meaning of "testimonial" considering all other circumstances and the material contained in the letter?

Mr. MONRONEY. I can only speak for this member of the committee. In our examination of all of these preponderances of publicity that came out describing these events, they say that it was to pay off past deficits or to get a war chest ready for the next campaign, but not one single line of publicity anywhere we found mentioned it was for personal use or that the funds were to be used for the personal use of the senior Senator from Connecticut.

Mr. LAUSCHE. I understand.

Mr. MONRONEY. However, we found a very large number——

Mr. LAUSCHE. I understand.

Mr. MONRONEY. Also referring to the existing campaign debts or future needs for campaign funds. This was not universal because the papers, generally, apparently accepted the testimonial as being synonymous with a campaign dinner. But in the Senate, we are now told that the word "testimonial" is given a new connotation that we do not realize. It might be interesting to the distinguished Senator from Ohio to recognize that in the State of Connecticut both houses of the legislature, I now understand, have refined and defined the giving of testimonial dinners, providing that no part of any of such funds provided therein can inure to the individual.

Mr. LAUSCHE. If I understand the Senator correctly, then he recognizes that the word "testimonial" in and of itself has a different connotation than the conclusion the committee reached, which conclusion of the committee is based upon matters in addition to the word "testimonial"?

Mr. MONRONEY. Call it by any other name we wish, a rose is still a rose. Call it a money-raising political dinner with all the political trappings of a political dinner; then, unless there is great evidence to the contrary that it is to be used for the personal benefit of the honoree, certainly the word "testimonial" does not meet this above and beyond the customary efforts that go into normal fundraising dinners which are political in nature.

Mr. LAUSCHE. The word "testimonial" taken in and of itself would not have justified the conclusion reached by the committee; but the committee, according to what the Senator from Oklahoma has just said, has taken into considerable circumstances the collateral matters having relationship to the general statements made on the ticket, the invitation, and otherwise.

Mr. MONRONEY. If the invitation says that the testimonial dinner is to raise funds to meet a campaign deficit, then such a testimonial dinner is to raise funds to meet a campaign deficit. If it is to raise funds for the individual Senator, then it should so state. Thus, we will not have any confusion. We cannot justify these things by calling them "appreciation dinners" or "testimonial dinners," or call them what we will. It is a matter of whether we have the right to have our own people go out and raise money for our own personal use, or we do not have that right.

Mr. LAUSCHE. I understand that thoroughly. I am only trying to find out to what extent the committee attempted to distinguish the implication and express statement contained in the invitation and on the ticket, and then compare it with the language contained in the letter of February 3.

Mr. MONRONEY. We think, in these fundraising things, particularly where it is specified that a testimonial dinner, a fundraising dinner, a campaign dinner, a Jefferson-Jackson Day dinner, call it what we will, is still for the purpose of raising funds for a political campaign. I doubt seriously whether any of these would have been so successful. I am practically certain that the Vice President, who came up to address the testimonial dinner, would not have done so had he thought or felt that it was going to be a personal benefit, or a personal testimonial, or a personal appreciation, and that the funds they were helping to raise would be used to meet the personal expenditures of a Member of the Senate.

Mr. LAUSCHE. I understand.

I understand the thinking of the committee and why it reached its conclusions. All I have been asking for is, Did the Senator, by the word itself "testimonial," try to find out the definition during the deliberations? That is my only question.

Mr. MONRONEY. We certainly did.

Mr. LAUSCHE. Then that answers my question.

Mr. MONRONEY. It is in the RECORD, on the definition. The use to which the money shall be put is the important and controlling item.

There is no identification in any of the literature that calls for the personal enrichment of an individual Member.

Mr. BENNETT. Mr. President, I have before me a list of the entitlements by years, supplied by the disbursing office. I also remind Senators that Mr. O'Hare became the Senator's bookkeeper in 1961. His employment ceased in 1965. During those years, the Senator was entitled to only 10 reimbursable trips. During the first year, fiscal year 1961, he received—what?—10, two reimbursable trips in each of the 5 years.

During the first year, he received reimbursement for one trip, leaving one unreimbursed.

During the remaining 4 years, he received reimbursement for none.

The 12 additional trips necessary to add up to 21 became available in fiscal years 1966 and 1967, after Mr. O'Hare had left the Senator's employ.

Mr. President, when I get the floor in my own right, I want to discuss the whole question again of the seven so-called double billings.

In that discussion, I want to discuss the relationship between the double billings and the fact that reimbursement was not supplied to the Senator on the trips back home, but this will require a great deal of preliminary explanation.

At this point, I just want to make clear to the Senate that if we are talking about the failure of Mr. O'Hare to protect the Senator's interests, we cannot talk about 21 trips. The limit is, at the most, 10. I think, on the record, the limit is nine.

I will go into the reasons why the Senator from Connecticut did not claim those reimbursement when I take the floor in my own right.

Mr. PERCY. Mr. President, will the Senator from Oklahoma yield?

Mr. MONRONEY. I am happy to yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I asked the Senator from Connecticut a number of questions the other day. I did so, certainly not enjoying having to ask those questions. Like every other Senator, I find this whole proceeding exceedingly painful and distressing. However, I could think of nothing more unfair to the Senator from Connecticut than to allow doubts to linger in our minds without giving him every chance to clear up those doubts. I raise questions very much like the questions raised by the Senator from Ohio just now, in an effort to try to determine truly whether the precedent in Connecticut, whether the impressions left in the minds of contributors, was something other than funds contributed for campaign purposes.

I looked very carefully at the memorandum of the Senator from Connecticut, dated May 17, entitled "Ethics Committee Resolution on Testimonial Funds," wherein he stated, on page 4:

> In my home state of Connecticut testimonials are exceedingly commonplace affairs, and it is universally known by those who are in the habit of attending political functions that the proceeds of testimonials are intended as personal gifts.

I think, therefore, it is very important that if this is customary, we look to see whether the press, who should be conversant with what is customary in a State, looked upon these as anything other than political dinners.

And in looking through the press commentary, I think it would be important to see what they said on that one point.

The October 20, 1963, edition of the Hartford Courant stated:

> The various fund-raising events could yield the Dodd campaign treasury up to $65,000 or $75,000.

Two days later, the October 22, 1963, edition of the Hartford Times stated:

> More than 400 persons are expected here Saturday at the $100-a-plate breakfast to hear Vice President Lyndon Johnson kick off the fund raising drive for the reelection of U.S. Senator Thomas J. Dodd.

The same day the Hartford Courant of October 22, 1963, stated:

> The breakfast is one of a series of fund-raising events for the renomination and reelection of U.S. Senator Thomas J. Dodd that will be held throughout the state that day.

On the same day, October 22, 1963, the Associated Press reported in the New Haven Journal-Courier:

> The breakfast is one of a series of fund-raising events for the renomination and reelection of U.S. Senator Thomas J. Dodd that will be held throughout the state that day.

Three days later, the October 25, 1963, edition of the Hartford Times stated:

> Vice President Lyndon B. Johnson and "Lady Bird" will be in Connecticut all day Saturday to help bolster the campaign war chest of U.S. Senator Thomas J. Dodd who will be seeking reelection next year.

The October 26, 1963, edition of the Hartford Courant stated:

> With little more ado, LBJ and Ladybird got into a maroon Cadillac and purred off to the Statler Hilton Hotel, where this morning he'll pay $100 for eggs—a contribution to Sen. Dodd's campaign barrel.

The same day, October 26, 1963, the Hartford Times stated:

> The Vice President and his wife, Ladybird, are in Connecticut today to help bolster Senator Dodd's campaign fund for reelection to his Senate seat in 1964.

The same day, the October 26, 1963, edition of the New Haven Register-Journal-Courier stated:

> Vice President Lyndon B. Johnson takes his Texas drawl on a tour of Connecticut today aimed at drumming up some dollars for the 1964 re-election campaign of U.S. Senator Thomas J. Dodd. . . Indications were that the Johnson visit will raise a sizeable sum of cash for the Dodd 1964 electioneering. . . The Vice President and his wife fly back to Washington late tonight. Dodd supporters hope that behind him he will have left a path that raised $40,000 or more for the senator's campaign.

The October 28, 1963, edition of the Willimantic stated:

> Senator Thomas J. Dodd's campaign war chest for next year's election was fortified considerably by Saturday's fund-raising tour by Vice President Lyndon B. Johnson . . . The money raised during Johnson's visit is earmarked for battle with a Republican candidate, not a Democratic insurgent. The unusual feature was that the war chest was raised so early—a full year before the campaign.

Then I would like to repeat a story which has been denied in veracity and its correctness by Senator Dodd after I gave it the other day. I quote it again:

The October 27, 1963, edition of the Hartford Courant stated:

> Vice President Lyndon Johnson, campaigning as if he were running for first selectman or constable, barnstormed through Connecticut Saturday in behalf of U.S. Senator Thomas J. Dodd. The Vice President's fund-raising efforts raised $75,000 for Sen. Dodd's 1964 renomination and reelection campaign.

This is the particular section that I was interested in:

> Throughout the trip, Senator Dodd expressed his "gratitude" to Vice President and Mrs. Johnson for coming to the state to help him build up a campaign war chest for 1964.

When Senator Dodd indicated that he had not said that and that this was not a true account, I telephoned the political editor, who is a highly respected political editor, to ask him, in fairness to Senator Dodd, to look at the story again to see whether or not it was an accurate story. Certainly we were only seeking the truth in this case. He replied the next day as follows:

> In response to your inquiry about the story I wrote in 1963 during a visit by President Johnson to help Senator Dodd raise campaign funds, which appears on page 920 and 921 of the committee report, I stand by the story and the quotation I attributed to Senator Dodd. This quotation has never, up to this moment, been questioned by anyone, including Senator Dodd, nor has any other story I wrote about Senator Dodd's campaign dinners either before, during or after the dinners. I attended the Johnson breakfast for Senator Dodd in Hartford, I took notes on what was said and, as I recall, the meal was excellent, the crowd was big and enthusiastic, and I wrote a story that, until this day, has never been challenged.

I think that it would be exceedingly helpful if sometime during the remarks of the Senator from Connecticut today, he could comment further on these articles, whether or not that was the impression of the donor and everything in the mind of the donor as given out by all the press reports, by the letters that were sent out by those soliciting funds, by his own letter, which was reprinted in the New York Times, to the Vice President, urging that he attend in order to raise campaign funds; whether or not, in fairness, the conclusions drawn by the committee have not been based on the most thoroughgoing analysis and study of what any reasonable man would be assuming, that these were not personal contributions, but they were for campaign purposes.

I would respectfully like to ask the Senator why he believes the Connecticut press so consistently interpreted the testimonials as campaign fundraising events if, as he says, it is "universally known" that "the proceeds of testimonials are intended as personal gifts."

Mr. DODD. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield to the Senator from Connecticut.

Mr. DODD. I intend to go into this subject in greater detail in answer to the questions raised by the Senator from Illinois. I do not want to do it at this moment. This was really to the Senator from Oklahoma, but I may say to the Senator from Illinois, who posed the question, that I noted with interest the questions of the Senator from Ohio [Mr. Lausche]——

Mr. COTTON. Mr. President, will the Senator speak a little louder? We cannot hear him.

Mr. DODD. I will try to speak a little louder. I will do my best to do so. I looked up the meaning of the word "testimonial" in Webster's New International Dictionary, Unabridged, Second Edition, in which, on page 1886, the definition of "testimonials" is given as follows:

> A gift raised by subscription in acknowledgement of an individual's services or as a token or respect for his worth, presented to him in the form of a sum of money, piece of plate, his portrait, or the like.

I think that is the accepted definition of the word "testimonial." I had the idea that is what the Senator from Ohio may have been inquiring about. In any event, I will answer the newspaper publicity later, except to add this at this time. The testimony of the treasurer, I think it was, of the 1961 dinner was that he never made any such statement as the newspaper articles read into the Record stated. Then we have the sworn testimony of the chairman of the 1965 dinner in which he said he made no such statement to the press.

That is a matter of record, in both instances.

Also, I point out at this point, without going into detail, that I know of no publicity committee—I do not believe there was any—that ever put out any publicity. This was the opinion of a newspaper reporter who wrote what he says he thought he heard.

But I shall address myself more thoroughly to that matter at a time more convenient.

Several Senators addressed the Chair.

Mr. MONRONEY. I yield first to the distinguished chairman of the committee.

Mr. STENNIS. Mr. President, I yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, my questions a moment ago were intended to exercise my purpose to point out for the information of the Senate all sides of the argument. I am not here to form an impulsive judgment. I wish to accord to Senator Dodd every consideration that justice demands. When I asked whether the committee considered the connotation of the word "testimonial," separate and apart from the circumstances and other statements, I wanted to make certain that all aspects of the problem were considered.

As I say, I do not intend to form an impulsive judgment on this floor. I will neither favor nor be prejudiced against Senator Dodd. I will try to decide this issue on the testimony analyzed by myself, with the purpose of doing justice to the Senate, to the people of the United States, to myself, and to Senator Dodd.

When I put the questions, they were interpreted to mean that I was engaging in an argument with the Senator from Oklahoma. I asked the simple question: "Separate and apart from documents and collateral testimony, and circumstances, did you try to ascertain what the word 'testimonial' meant?"

I think that sort of inquiry is completely proper, because it reveals the various facets of the problem: the tickets themselves, the letters, the newspapers, the letters written by the Senator. All of them have to be considered in attempting to reach a judgment.

I was on the bench for 10 years, and I tried consistently to develop all that was good in a cause and all that was bad for a litigant, and then reach a final judgment. I do not intend to do anything less as a U.S. Senator, acting as a judge or a juror on this case of Senator Dodd's now pending before the Senate.

Mr. MONRONEY. Mr. President, I yield to the distinguished chairman of the committee.

Mr. STENNIS. Mr. President and fellow Senators: I shall be quite brief. There are two points that I wish to refer to just briefly.

I say to the Senator from Ohio, I thought his inquiry was completely justified. I did not hear anybody question it in any way, as I understood the response of the Senate.

These tickets, invitations and solicitation letter are part of the record and were put in to help show the representations to the public. They do not say anything one way or the other. To the extent that they favor Senator Dodd, he is certainly entitled to have them in the Record. Here is the solicitation letter, though, that goes along with it.

If I may point out to the Senate, on this testimonial dinner proposition and what it means, in the resolution we use the words "through political testimonial," meaning that whatever a testimonial dinner may mean generally, we were convinced by the proof—overwhelmingly, I might say—that these testimonials were wrapped up in the political formula, the political brand, and the political meanings from top to bottom. That is why we limit our language here to "political testimonials."

But the main reason I rose, Mr. President, was that I wish to address myself now to the Senator from South Carolina, if I may have his attention, and others who have raised the same issue.

Late Friday afternoon, the Senator from South Carolina asked me to state the committee's position with reference to whether or not testimonials were wrong per se or bad per se; and I responded to him then extemporaneously, as best I could. I did not have available the statement that I had made on that very point in the early part of my opening remarks the first time I appeared. With the indulgence of the Senate, and for the benefit of those who were not present, I read from my remarks in the Record of June 13, 1967, at page 15663.

> Let me state this with emphasis as to the overall nature of this charge. I shall not go into the sadness in anyone's heart in the situation with which we are confronted. I am sure that is shared by all Senators.
>
> But the overall nature of this charge in the resolution is not a general condemnation of testimonial dinner as such. It does not base any charge against the Senator from Connecticut because of a testimonial dinner or any other kind of dinner—just the fact that it was held. The basis of the charge is on the use of the money collected. That is the sole basis of the charge.
>
> There is no attempt to convict him of violating Federal law, Connecticut law, or any other law, or failing to pay income tax or failing to file a report. This goes solely to the use of the money. This is money collected under all the banners and trappings of campaign expenses, past or future, especially so far as the public was concerned, and then a great part of it was spent indiscriminately for personal use and personal debt. That is the basis of the charge.

Mr. President, I shall speak as briefly as I can. On Friday, the Senator from Louisiana [Mr. Long] quoted from the book "Profiles in Courage," written by the late, lamented John F. Kennedy, at page 84, regarding Daniel Webster. He read from the paragraph that begins:

> And Daniel Webster was not as great as he looked.

To avoid repetition, I ask unanimous consent that the entire paragraph be printed at this point in the Record.

There being no objection, the paragraph was ordered to be printed in the Record, as follows:

> And Daniel Webster was not as great as he looked. The flaw in the granite was the failure of his moral senses to develop as acutely as his other faculties. He could see nothing improper in writing to the President of the Bank of the United States—at the very time when the Senate was engaged in debate over a renewal of the Bank's charter—noting that "my retainer has not been received or refreshed as usual." But Webster accepted favors not as gifts but as services which he believed were rightly due him. When he tried to resign from the Senate in 1836 to recoup speculative losses through his law practice, his Massachusetts businessmen friends joined to pay his debts to retain him in office. Even at his deathbed, legend tells us, there was a knock at his door, and a large roll of bills was thrust in by an old gentleman, who said that "At such time as this, there should be no shortage of money in the house."

Mr. STENNIS. Mr. President, I now read the next paragraph, to continue with the thought of the late President. He wrote:

> Webster took it all and more. What is difficult to comprehend is that he saw no wrong in it—morally or otherwise. He probably believed that he was greatly underpaid, and it never occurred to him that by his own free choice he had sold his services and his talents, however extraordinary they might have been, to the people of the United States, and no one else, when he drew his salary as United States Senator. But Webster's support of the business interests of New England was not the result of the money he obtained, but of his personal convictions. Money meant little to him except as a means to gratify his peculiar tastes. He never accumulated a fortune. He never was out of debt. And he never was troubled by his debtor status. Sometimes he paid, and he always did so when it was convenient, but as Gerald W. Johnson says, "Unfortunately he sometimes paid in the wrong coin—not in legal tender—but in the confidence that the people reposed in him."

I have read that paragraph, not because I am impressed by the illustration given of Mr. Webster, although others may be, but I include that paragraph in deference to the memory of the late President Kennedy. I thought that the continuation of his thought should be reflected in the record. I am sure that the Senator from Louisiana had in mind no purpose except one of fairness, even though he omitted it.

I thank the Senator from Oklahoma for yielding. I commend him for the clarity of his thought and the logic of his reasoning concerning something that is a difficult part of the whole picture.

Mr. MONRONEY. I thank the Senator from Mississippi.

Mr. COTTON. Mr. President, will the Senator from Oklahoma yield?

Mr. MONRONEY. I am happy to yield to the Senator from New Hampshire.

Mr. COTTON. I shall take but a few moments of the Senator's time.

It has become increasingly puzzling to me why in the midst of this debate there should be a discussion of the case of Daniel Webster. Daniel Webster is not on trial before the Senate. He is a son of the State that I represent. His name is revered there. The desk behind which I sit is the desk he used in the Senate of the United States. His picture hangs here, as the distinguished Senator from Louisiana [Mr. Long] has correctly said. There was much logic and cogency in the Senator's illustrative argument.

However, Daniel Webster lived in a time far different from today.

As a matter of fact, in the day in which he lived and in the relatively poverty-stricken communities in which he was born and reared—and I know them because I was born and reared there—it was very rare that a son of a poor family showed the talent and ability that justified his being sent to college.

When a son of such a family was sent to college, the father, mother, brothers, and sisters, the whole family, contributed to the cost. They were proud of a brilliant son, and they willingly contributed to his education. This happened in the case of Daniel Webster.

A person so educated begins to think that he is entitled to certain support by his family and friends.

For example, Daniel Webster's brother contributed to the payment of the bills of Daniel Webster when his distinguished brother was in the Senate, almost to the last day of his life.

Such a man takes almost as a matter of course the fact that because of his genius and ability he has received from childhood, and continues to receive, certain emoluments to enable him to pursue his brilliant career. It is engraved in him, whether it be right or wrong.

We do not take that into consideration, nor do we take into consideration the fact that in Daniel Webster's day, the Senate was probably in session only a month or 2 or 3 months at the most during the period of a year. The pay was very small, but all the Members of the Senate, or probably most of them, pursued their vocations and professions during the time of their service and received retainers and fees.

I merely mention this for the record. I know that I am taking time away from the debate in the Senate, but I do not want to sit here silent while the name of Daniel Webster is derogated and he is referred to as being venal. While reference is made to him in the book "Profiles in Courage," by the late President Kennedy, it was so explained by him that it was fair. I do not think the late President Kennedy intended to cast aspersions on this great American.

Daniel Webster is a part of the tradition of the Senate.

I appreciate having two minutes in which to remind the Senate of what the Senator from Oklahoma has so well said, that the standards and conditions existing 100 years ago cannot be applied today and there can be no real analogy drawn between Daniel Webster and the modern Senator.

As a representative of New Hampshire, that still glories in his fearlessness, in his genius, in his eloquence, and in his contributions to the growth of America in its infancy, on behalf of my State I do not want to see this debate result in any diminution of the glory which I believe is justly due Daniel Webster.

Mr. MONRONEY. I thank my distinguished colleague and friend for his mention of Daniel Webster.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. HOLLAND. I fully support the remarks of my distinguished friend, the Senator from New Hampshire.

I have on the wall in my office, where any Senator can see it, a picture of the historic debate in which Senator Webster took the position for which John F. Kennedy placed him among the ones whom he recognized in his book, "Profiles in Courage."

Mr. President, in order that the Record may show rather clearly just what it was that was involved in this recognition, I ask the Senator if he will give me permission to read two paragraphs which appear on page 91 of the book "Profiles in Courage."

Mr. MONRONEY. Mr. President, I ask unanimous consent that I may yield to the distinguished senior Senator from Florida for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. Mr. President, these are the words of John F. Kennedy in seeking out Daniel Webster for inclusion in this remarkable book.

I read from page 91:

> In his moments of magnificent inspiration, as Emerson once described him, Webster was truly "the great cannon loaded to the lips." Summoning for the last time that spellbinding oratorical ability, he abandoned his previous opposition to slavery in the territories, abandoned his constituents' abhorrence of the Fugitive Slave Law, abandoned his own place in the history and hearts of his countrymen and abandoned his last chance for the goal that had eluded him for over twenty years—the Presidency, Daniel Webster preferred to risk his career and his reputation rather than risk the Union.
>
> "Mr. President," he began, "I wish to speak today, not as a Massachusetts man, nor as a Northern man, but as an American and a Member of the Senate of the United States. . . . I speak today for the preservation of the Union. Hear me for my cause."

Mr. President, regardless of what many of us may think about the issues that preceded the Civil War and regardless of what we may think of other positions taken by Daniel Webster on other occasions, or by any other Senator for that matter, the position which Daniel Webster took in that great California resolution debate in 1850 was clearly for the purpose that he announced—for the preservation of the Union. And I wanted this debate to show that at this time.

I thank the Senator for yielding.

Mr. MONRONEY. Mr. President, I yield to the distinguished senior Senator from New Hampshire.

Mr. COTTON. Mr. President, I thank the distinguished senior Senator from Florida for his contribution.

Words that I have never forgotten ring in my memory today when, after that deed of sacrifice by Daniel Webster, John Greenleaf Whittier, the great abolitionist poet in New England, voiced the fury that swept over Daniel Webster's State of Massachusetts and all of New England when he condemned him in the poem Ichabod, and said:

> So fallen! so lost! the light withdrawn
> Which once he wore!
> The glory from his gray hairs gone
> Forevermore!

Daniel Webster was attacked and hated by his own people for a period of years with a hatred and venom that has rarely been equaled.

I simply want to leave with the Senate today this recollection of Daniel Webster so that people who read the Congressional Record and hear the reverberations of this debate will realize that no man capable of that kind of sacrifice and patriotism can be accused of being really corrupt. Whatever his faults were—and he had them, of course—they were typical of the age in which he lived.

Mr. MONRONEY. I thank the Senator. I yield the floor, Mr. President.

The PRESIDING OFFICER. Pursuant to the unanimous-consent request heretofore entered, the Senator from Louisiana is entitled to the floor.

Mr. LONG of Louisiana. Mr. President, I shall speak briefly at this time, not more than 10 or 15 minutes. I would not speak now if we had had a full attendance of the Senate on late Friday afternoon, when Senators had to depart to fulfill commitments.

I am not complaining about the absence of a number of Senators, but, in the hope that a few additional Senators might be attracted, I will suggest the absence of a quorum in due course. I will ask that the clerk read the roll as rapidly as possible, and I will add to the Record the names of the Senators who subsequently appear. But I ask that the clerk proceed with the call of the roll as rapidly as possible.

I now suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Spong in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 147 Leg.]

Aiken
Anderson
Baker
Bartlett
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Ellender
Fannin
Fong
Griffin
Hansen
Harris
Hart
Hatfield
Hickenlooper
Hill
Holland
Hollings
Hruska
Jackson
Jordan, Idaho
Kuchel
Lausche
Long, La.
Mansfield
Miller
Mondale
Monroney
Morse
Morton
Moss
Mundt
Murphy
Muskie
Pearson
Prouty
Proxmire
Randolph
Ribicoff
Russell
Scott
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Tower
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that a list of Senators who arrived in the Senate Chamber immediately after the last quorum call, which took 7 minutes, be printed in the Record at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

Allott
Bayh
Church
Eastland
Ervin
Fulbright
Gruening
Hartke
Hayden
Kennedy, Mass.
Kennedy, N.Y.
Magnuson
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Montoya
Nelson
Percy
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Yarborough

Mr. LONG of Louisiana. Mr. President, I will speak briefly, and then we will adjourn for lunch.

I tried to get the clerk to call the roll as rapidly as possible, for fear that we might have the result which in fact occurred. Fewer Senators are present now than when I suggested the absence of a quorum. That is why I wanted the clerk to call the roll with great rapidity, to call it with machinegun staccato, but perhaps by tradition he could not call it that fast. I wanted to have a quick listing of names made and I would have added the names of Senators who came in after the quorum call was made.

Mr. President, my insistence and my determination that Senators should hear rather than read the speech made by Senator Dodd does not apply to my speech. I do not insist that Senators hear my speech or my argument, as long as they will read it, but not out of the press.

Unfortunately many times what most Senators read, and certainly what their wives read—and their wives discuss it with the Senators—and constituents read and discuss with Senators, is what appears in the newspapers. I must say that many newspaper accounts which most people read, and particularly the Washington Post, are somewhat distorted.

I must say that was a good picture of me in the Washington Post this morning. I think it get my nose in the proper perspective. It has an oil well for a dunce cap and a bag of gold—I assume that would be gold in the bag. I would say that it all is a very complimentary picture. I thank the editors and publishers of the Washington Post for that generous consideration in this beautiful drawing by David Levine. If fortune favored me, perhaps I could have the original of it for my wall.

Mr. ERVIN. Mr. President, will the Senator from Louisiana yield to me without losing his right to the floor?

Mr. LONG of Louisiana. I yield to the Senator for a question.

Mr. ERVIN. I would like to say that in my considered judgment the Senator from Louisiana is much more handsome than that picture.

Mr. LONG of Louisiana. I do not claim that. I think it is a beautiful picture, absolutely lovely. I would not claim that. I would not want to hurt their feelings by saying that it does not do me justice. It is a beautiful picture, in my judgment.

The press accounts, particularly in the morning press—and we have only one morning paper in Washington—have been badly distorted, and I do not know for what purpose. Either the writers are badly prejudiced or they are being told to do that. I doubt that the latter is true.

In any event, I would urge that if Senators cannot hear what is said in the Chamber, they at least read it in the Congressional Record.

In my judgment, the Pearson articles have been badly distorted. Mr. Pearson has favored me with attention since I started speaking for Senator Dodd. I appreciate it, but some of the things he has said are in error. I may some day correct some of them.

I do not mind if he twists and distorts his stories. I do not mind, knowing what he is. What I object to is people pretending to be something they are not. But Mr. Pearson does not fly under false colors. I have noticed that the Washington Post does not print his articles on the front page; they print his articles in the back of the paper on the comics page. I ask people to judge his column for what it is. That being the case, we can forget him and have no hard feelings about it. He is a lovable crocodile.

I believe I should also explain something for those who do not understand why this Senator does some of the things he does. These things seem to have some people so upset that they think there will be a Long censure instead of a Dodd censure.

In the first place, they ask: Why does he sit on the Republican side of the Chamber? If one wants to hear what a Republican is saying while he is talking to some fellow on that side of the aisle, rather than getting up and shouting, "Speak louder" and interrupting, I feel that he should go over and sit between those two fellows and then you will hear what they are saying.

They say that Long walks away from his seat and walks down the aisle, and they ask: Why does he do that? As a boy, I used to sit in the gallery and watch the proceedings in the Senate. It always frustrated me that I could not see the man who was speaking. It seemed unfortunate to me that when people spend a lot of money to come to Washington, and come to see the Senate, that they are unable to see the Senator who is speaking. This morning the Senator from Oklahoma [Mr. Monroney] made a lovely speech. I am sure that no one in the Diplomatic Gallery or in the Visitors Gallery could see him.

The rules do not prescribe that a Senator must speak from his desk.

Mr. ANDERSON. Yes; they do.

Mr. LONG of Louisiana. That Senator is in error about that. The rules do not so provide. We tried to have Mr. Hill speak from his desk at one time when the filibuster against the tidelands bill was before the Senate and we found that the rules do not so require. A Senator can be anywhere he wishes.

This Senator, over a period of time, has learned a few things about how to conduct himself by watching people that he thought were effective. One thing that I have noticed is that if you think the views of a particular person are in doubt, and that is the only man in doubt, direct your conversation to him as if he is the only Senator who is going to vote.

Senators do things like that for reasons. Sometimes, when one is a junior Senator and he has a fight for his life on his hands, he get advice, or he might get a suggestion or two from his seniors, just as I might say the Senator from Georgia [Mr. Russell] has favored me from time to time, with advice, as have others. The Senator from Mississippi has also told me how I should conduct myself and what I should do under certain circumstances. I exonerate them for any responsibility for my conduct at this moment, however.

The statement was made quite correctly on the floor today that this committee should not be prosecutors. That is entirely correct. Nor should this fine committee be lobbyists.

The chairman stated that the committee has no burden of proof; it had merely a burden to proceed. If that be the case, the committee has taken itself from the role of prosecutor and I think from the role of lobbyist, and does not say, "You must redeem our honor here."

The committee is not on trial. If it is, I want to take it off trial. I want to vote for the committee, and I think that others do. The members of this committee are six of the finest men we could have selected. We pleaded for them to serve. They are six of the finest men we have. By the same token, we do not want an injustice done to other Senators.

When the Watkins committee, of which the Senator from Mississippi was a member, brought the McCarthy resolution in, the Senator from Utah, Mr. Watkins, stood before this body and said: This is what we thought after we looked at the evidence. But he did say: If you think we are in error I invite you to vote against our recommendation; we merely bring this before you, saying this is how it appears to us; here is the testimony and the evidence.

There is a very unfortunate misunderstanding among some Senators who think that Tom Dodd stipulated himself guilty on the advice of counsel. Nothing could be further from the truth. The men who serve as his counsel are good lawyers. They have pleaded many, many criminal lawsuits and they have done so very effectively. I am well advised by counsel, by a lawyer whom I admire.

We say with confidence that Senator Dodd has not been stipulated guilty. Certain facts have been stipulated here but one would have to find Senator Dodd had a wrongful motive; that he intended to do something wrong, or deliberately failed to do what he should have done; that he committed a culpable omission, in order to find him deserving of censure. He has not stipulated himself guilty. He has only stipulated certain facts.

I wish to address a question to the junior Senator from Illinois, who is not paying attention to me at this moment.

Mr. President, I ask unanimous consent that I may address a question to the junior Senator from Illinois, or perhaps two questions, and that he might respond to them without my losing my right to the floor.

The PRESIDING OFFICER (Mr. Griffin in the chair). Without objection, it is so ordered.

Mr. LONG of Louisiana. I may say to the Senator that I have discovered the Senator from Connecticut [Mr. Dodd] was in error when he testified with regard to the Lyndon B. Johnson letter that was read in the Record by the Senator from Illinois, and that there had been no prior testimony in the Record about that letter.

How did the Senator from Illinois come into possession of that letter?

Mr. PERCY. It was in the New York Times. I have forgotten the date. I saw it in the New York Times the day it occurred.

Mr. LONG of Louisiana. Does the Senator have any information as to how the New York Times came into possession of that letter?

Mr. PERCY. I have no information whatsoever. I saw it in the New York Times and I was actually surprised it is not a part of the hearing either.

Mr. LONG of Louisiana. I ask the Senator if he knows whether that letter originally was stolen from Senator DODD's files originally?

Mr. PERCY. I have no personal knowledge of any of that.

Mr. LONG of Louisiana. I thank the Senator, and that satisfies my desire to ascertain what the Senator knows. I will check from that point forward to determine just where that did come from. I thank the Senator.

Mr. PERCY. May I also ask the Senator if I could just insert this one comment. I have also been asked the name of the political editor. Apparently, I omitted his name when I read the telegram. I should like to have permission to show in the RECORD the name of Jack Zaiman, political writer for the Hartford Courant.

Mr. LONG of Louisiana. Does the Senator have available the name of the writer of the New York Times article pertaining to the alleged letter from Senator DODD to then Vice President Lyndon B. Johnson?

Mr. PERCY. I may have it among my papers here.

Mr. LONG of Louisiana. That is fine. I thank the Senator.

Mr. PERCY. Yes, I have it right here: E. W. Kenworthy. That was written on May 28, 1967.

Mr. LONG of Louisiana. I thank the Senator.

Mr. President it is not the purpose of Senator DODD's supporters to contend that certain facts did not happen. Senator DODD stipulated certain things, and we think he should have, for they are true. We do not quarrel about that.

In due course, we will show, however, that even if the dinners in question were political dinners every step of the way, there is still no moral problem. Assuming that the committee is correct in saying that these were campaign fund-raising dinners, a strong argument still can be made that Senator DODD was free to use such proceeds in any way he saw fit.

Without going into great detail, there is one point I would like to reiterate in connection with the 1961 Hartford dinner. I fail to understand how anyone could brand that affair a partisan dinner, when the Honorable Styles Bridges, at that time the ranking Republican in the Senate, had agreed to be a guest of honor and was mentioned in the letter of solicitation as such.

Unfortunately, Senator Bridges became ill and was forced to cancel his appearance at the dinner. But what matters is the fact that he planned to attend, and his intentions were widely publicized.

Everyone knows that Senator Styles Bridges was a responsible Republican statesman. He was a man who was willing to rise above partisan politics, but no one ever accused him of being disloyal to the Republican Party. He was the kind of Senator who exhorted great personal efforts for the success of his party.

Particularly in view of this last fact, which no Member on either side of the aisle will contest, it is patently absurd to contend that Styles Bridges would have lent his good name to a "partisan" dinner given for a member of the rival party.

He was the kind of man who would not be willing to attend a dinner to raise money to elect Democratic candidates, yet he would be willing to help a friend, even one on the other side of the aisle, who had financial problems.

What I am thinking at this moment is that the case against TOM DODD has been tried in the press. It has been tried in the Drew Pearson column appearing in some 600 newspapers. It has been tried by newspapers who felt that they had a responsibility to print this story since it was in the public interest, and which relayed and reprinted some of the statements initially found in Pearson's column.

This man was convicted in the eyes of the people. He was convicted in the eyes of the press, long before this case ever came to the Ethics Committee. In fact, the Senate itself was faced with what could be suggested as a parallel to a lynch mob situation where the public demanded that something be done about a circumstance, and the Senator from Connecticut himself took the case to the committee—which I think he was correct in doing, and which I certainly advised him to do.

But, Mr. President, a man who stands in the way of the kind of lynch mob that was being drawn together nationwide against Senator DODD is likely to get hurt himself, perhaps even be lynched along with the intended victim. This is so because the mob had convinced itself that the man is guilty and wanted what it calls "justice" done, regardless of who else got hurt. The mob had made up its mind.

I have been asked by responsible people in the press, in the Senate, by the wives of Senators, and other good friends, "Why would you defend this man?" "Are you crazy?" "What is the matter with you that you would do this?"

My answer to that is that I am positive this man is innocent, that he is not a villain, but that he is a victim. I am convinced that this man never for a moment had the benefit of the presumption of innocence or even the assumption of innocence which, I believe, will be made clear later on.

I am convinced that the press has convicted this innocent man in the public mind by reliance upon half-truths, distortions, falsehoods, erroneous statements, of documents stolen from the man's files, and the quotation of those documents out of context.

Mr. President, when I say "the press," I am not referring to the responsible elements of the press who would never do a thing like that. I am referring to those who did. I have in mind a particular column which had this man's files made exclusively available to it; namely, the Pearson-Anderson column.

But the web of falsehoods, the morass of distortions and unfounded allegations now covers so much territory that it will take a very courageous Senate composed of great Senators, to do justice to the man on trial here.

Certain elements of the press have printed so many misleading and untrue stories that they have the victim on the gallows. They would hang him in a hurry, and injure or destroy anyone who would would dare interfere with what they are seeking to do here, or even anyone who would tell the truthful story of what happened after it happened.

Now, Mr. President, in spite of my best efforts to compel the attendance of Senators in this Chamber, last Friday I was compelled on occasions to speak to a more or less empty Chamber—with perhaps a dozen Senators present. I will not insist on compelling attendance again today.

One Senator felt that I had used a phrase so many times that, in irritation, about 6 o'clock on Friday afternoon I believe it was, after most people had gone home, that loyal Senator suggested that I move on to another subject.

I am not going to insist on reading or repeating what I had been saying. If Senators can assure me that they have read it—it is only 14 pages—I could have no complaint. The part I have in mind starts on the bottom of page 16120 and continues over to page 16134 of the RECORD.

As far as I am concerned, this portion is the refutation of the charge that TOM DODD did something improper with regard to these testimonial dinners.

Mr. President, we who are standing beside Senator DODD are ready to go to bat and vote today as far as the double billing charge is concerned. That is an alleged criminal act. If Senator DODD is guilty of that, he deserves worse than censure; he should be prosecuted. We think he is as innocent as a lamb. We think we can prove it. We think it would be unfair to Senator DODD to have the unproven charge hanging over him while he is facing the other charge, which is of an entirely different nature.

Actually, however, in my judgment, he is charged with one thing. He is charged with not having a good bookkeeper. That is what he is really charged with in both counts, because a good bookkeeper would have prevented either one of those from having occurred.

Mr. President, we are ready to go to a judgment on the second charge first, if the committee sees fit to agree with that suggestion. After we vote on it, I do not see why we should take more than another day to decide on the other.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. BENNETT. Is the Senator aware, from our recent conversation, that I am prepared to speak on that subject right after lunch?

Mr. LONG of Louisiana. Yes. Let me make it clear, as far as I am concerned, those of us who speak for Senator DODD on the double-billing charge are ready to go to a vote at any time the committee wants to go to a vote on it, allowing time for both sides to make brief statements—something like a half hour for both sides, or however the Senate wants to do it. We are willing to do that. We are willing to make a request that after the Senator finishes his speech that we proceed first to direct our attention exclusively to one count, and then, having decided that one, direct our attention to the other.

May I say that the vote on the double billing, if it goes against Senator DODD, will automatically indicate the decision on the other.

Therefore, the time spent on that charge would be very little. On the other hand, if Senator DODD is voted innocent with regard to the double-billing charge, then it is entirely likely that the Senate may vote him innocent on the other charge. Those of us who think him innocent on both charges would be justified in taking a little more time to make sure the Senate understands the charge regarding the testimonial funds. But we are willing to go to a vote on double billing today.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. LAUSCHE. That is, the Senator believes the second count should be put to a vote, with some limitation to be put on the time used in argument?

Mr. LONG of Louisiana. Yes.

Mr. LAUSCHE. Is he willing to go a step further and say, if the second count shall be voted on first, that there shall be a limitation on count No. 1 in debate?

Mr. LONG of Louisiana. Yes; I would be willing to do so.

Mr. LAUSCHE. The argument has been made that there will be a filibuster, and I would like to know if the Senator from Louisiana, speaking for himself, is willing to put a limitation on the time on count No. 1 if we first vote on count No. 2.

Mr. LONG of Louisiana. Surely. I am willing to agree to a limitation on both of them, provided we take count No. 2 first. I think it would be extremely unfair to vote first on count No. 1. I think the Senator from Connecticut would be done an injustice if we did so. But I do think that those Senators who feel their case is stronger on double billing then we think it is have a right to complete their case in chief before we ask for a time limit. Perhaps we might want to respond to their arguments. But I see no reason why we cannot vote on the double billing charge today. I am willing to cooperate, with the understanding that count No. 2 is the first one we take up.

Frankly, speaking for the defense, I do not think that charge will stand up. It is our thought that it should be brushed aside, and then we should turn to the one that has a stronger chance of being adopted, and we should devote our attention to that one and vote on it as soon as the record is amply clear.

Mr. LAUSCHE. How much time does the Senator think should be allowed on the second vote if a consent agreement is reached?

Mr. LONG of Louisiana. My thought is that we should allow a reasonable amount of time. In fairness to everyone, we probably would need 1 day to debate it, and then a division of time of perhaps 1 or 2 hours for each side.

This talk about filibuster is some figment of the imagination of the press. It springs perhaps from the fact that I have participated in filibusters on occasion. I have been on both sides of them. I have been in them and I have been against them. It is more fun to be in one than outside, but I have been on both sides.

I would say to the Senator, in all deference, we have never had any intention whatsoever of denying the Senate the right to vote on this matter. All we want is the right for Senator Dodd and those Senators who speak for him to be heard and understood. We accord the same privilege to others. That being the case, we are ready to vote and dispose of it.

Mr. LAUSCHE. May I put one more question?

Mr. LONG of Louisiana. Yes.

Mr. LAUSCHE. Was it ever the intention on the part of the Senator from Louisiana to engage in a filibuster?

Mr. LONG of Louisiana. Never once; never ever. The only way the press ever got that impression—and I do not know that many of them did—was that Friday afternoon, against the advice of counsel, I thought it was well, even though only a dozen Senators were present, to go ahead and make my case for Senator DODD against the first censure count. I did so. The fact that I did so kept the session until well after 6 o'clock Friday afternoon, when Senators had commitments to keep. Some of them had committed themselves to make graduation speeches. Some had to be somewhere for Father's Day. With those commitments hanging fire, Senators had to leave.

I did not ask to be permitted to finish my speech today. The Senator from West Virginia [Mr. BYRD] did. I guess someone got the impression I intended to filibuster. I did not so intend.

Incidentally, for Mr. Drew Pearson's information, my counsel's name is Mr. Eberhard Deutsch, not Albert Deutsch as he reported in his column. Moreover, he did not meet with Gen. David Sarnoff. He does not know General Sarnoff. He was not at the luncheon when General Sarnoff allegedly persuaded Albert Deutsch to come from New York down here to help Mr. DODD. Mr. Deutsch was persuaded by RUSSELL LONG to come from New Orleans to Washington, not from New York to Washington, to help in this case. I hope Mr. Pearson will get his story straight. Maybe he can even embellish the fact that it was Eberhard Deutsch, and not Albert Deutsch. I think it would straighten out the story if he stated that my counsel is Eberhard Deutsch of New Orleans.

Mr. Fern advised Mr. Deutsch, who in turn advised me, that I should explain the difference between a Governor and a Senator insofar as campaign money is concerned, and the reason for it. The reason why that was pertinent was that the Senator from Illinois [Mr. DIRKSEN] made reference to this matter. I thought the Senator from Illinois was going to be present. I believe I see him in the cloakroom. I think we will persuade him to come here in a moment or two. May I say I have the highest regard for him. I always have and always will. I made reference on Friday to the fact that the Senator from Illinois [Mr. DIRKSEN], who in my judgment is a very great Member of this body, who will be remembered and revered long after he has departed from here, no matter how long he serves here, was a witness in the Stratton case.

In the Stratton case, he made the statement that in his judgment, the question was whether Governor Stratton had the right to use money that was raised in campaigns for political purposes and other fund-raising events, perhaps, for such things as buying a summer home, buying a horse for his daughter, or buying expensive clothes for his wife, with politically oriented money.

Senator DIRKSEN testified—I put it in the RECORD here—that it was the donative intent—I like to accent that word on the second syllable, to stress the "donate"—that counted here, and that those people meant to give that money with no strings attached; even though they did anticipate that it was to be used for political purposes, Governor Stratton had the right to use that money however he wanted, and that it was a gift, it was not earned income, to Governor Stratton, which would be taxable.

Governor Stratton was cleared by the jury. The courts have upheld the theory that taxability of money such as this depends on the donative intent.

Counsel Fern asked the counsel for this Senator to have me explain the difference between the job of Governor and the job of Senator, the idea being that the Governor's job is a ceremonial job, and presumably the Senator's job is not.

Mr. President, I think I am qualified to discuss the matter. My father was a Governor. I lived in the Governor's mansion from age 10 until age 14. My uncle was Governor three times. For about 60 days, I was on the State payroll as his lawyer, before I resigned to run for the U.S. Senate. Several good friends of mine have been Governor, and I have been in their homes. From time to time, I have thought about running for Governor myself.

As far as knowing about the Senator's job, I have been here 18 years. My mother was a Senator; so was my father, and I have had the privilege of knowing how Senators live.

Mr. President, a Senator also has ceremonial responsibilities. He is invited to attend White House receptions; and the kind of dress he has to buy his wife to go to one of those receptions is no less expensive than if he were Governor, putting on a reception for the folks around town. He has to attend the inauguration of a President; he is not putting it on, but he has to be there, and it is important that he dress properly. He must go out in white tie and tails on occasion. I never had a full dress suit in my life until I came to Washington, and remember, my father had been the Governor of a State.

Mr. President, as a Senator, I deduct money for entertainment expenses. So, Mr. President, as to the question of what is the difference between a Senator's job and that of a Governor, my reaction is that there is practically none, although the Governor does have more expenses along that line than does a Senator for which the Governor usually receives a larger allowance.

There is really no difference whatever in the principle, however. The Governor oftentimes receives an allowance, and also free help to go along with it.

Mr. President, that is all I care to say about the subject at the moment. If the Senator from Illinois has a question he may state it.

Mr. DIRKSEN. Mr. President, I have no questions, but I should like to explain a thing or two for the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, I yield the floor.

Mr. DIRKSEN. I ask for recognition.

The PRESIDING OFFICER. (Mr. GRIFFIN in the chair). The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, I shall not detain the Senate very long, but I am afraid that the distinguished Senator from Louisiana probably read about that criminal trial in Chicago in the newspapers, and that he has probably not had the advantage of a certified copy of the record of the trial. Has the Senator seen the record or not?

Mr. LONG of Louisiana. I have not seen a certified record of the trial, the Senator is correct.

Mr. DIRKSEN. It is not easy to capsulize testimony that went all day. Actually, I was probably the only witness for the defense. The former Governor of Illinois, whom I esteemed as a friend, wanted me to come and testify. I said I would.

Mr. STENNIS. Mr. President, will the Senator yield? Will he speak just a little bit louder? And let us have quiet, please, Mr. President.

The PRESIDING OFFICER. The Senate will be in order.

Mr. DIRKSEN. So I spent the day on the witness stand.

First, Senators should know what the Stratton trial was about. The Governor carried a single account. In the account, he placed his salary, the expense allowance that the State made available to him by statute, and then those contributions that came to him from time to time from friends. There were no testimonial dinners; none whatsoever. These were merely individual contributions to the Governor. A person would walk into the mansion, or would send him a check and say, "Well, I suppose you have a lot of expense, and it is rather hard to accommodate yourself to your salary and the expense allowance provided by the State. I would like to help you a little; so what about giving you a hundred dollar bill?"

That is the way the account was carried. It was a commingled account.

Out of it, the Governor spent for those things that he thought he had a right to spend for. I point out, now, the difference between a Governor and a Senator.

In the first place, Mr. President, the Governor is the ambassador of the State; and that places upon him responsibilities that a Senator does not particularly have. He is the No. 1 man in the State, and if he feels that he can do his State some good, industrywise, by going to some other State, in the hope of bringing an industry back, or doing anything that subserves the interests and the wellbeing of his State, it is in the nature of a duty upon the Governor to do so. So he may go off to California and attend some kind of convention, in the hope of bringing those people back to the city of Chicago next year. One regards those as extracurricular duties, but nonetheless realistic, pragmatic duties of a Governor. So he is an ambassador.

No 2, he is a greeter.

I served as a greeter here, once upon a time, when I became the unofficial mayor of Washington in, I think, 1947, by virtue of the fact that I was chairman of the House District Committee. That made me, in a sense, the No. 1 greeter of the District of Columbia. Did the nurses have a convention here? Well, get the chairman of the District Committee to come down and lay out the welcome mat in great big letters, and make them a nice, fancy speech, tell them a story or two, and tell them how glad we are they are here. Did the doctors come for a convention? You go down to the Mayflower, and you make a speech, "Welcome to the Nation's Capital." Do the teamsters come to Washington? You go down and make them a speech, and tell them we love every one of them, because their coming here helps the revenues, along with everything else; and the District was always commiserating itself that there were never revenues enough to go around.

So come one, come all, to the District of Columbia.

So, you see, he is an ambassador, and he is a greeter. Then he is a Governor. He is the No. 1 man in the State. He goes on the theory that when time is short, he can go to all manner of meetings in order to expose himself for political purposes as much as possible. But in his capacity as Governor, do not forget that there will be invitational affairs and noninvitational affairs. As an example, when the Governors' conference met during his administration in Chicago, obviously the Governor felt that each visiting Governor ought to have some kind of a table favor, perhaps something more impressive.

I think in 1 year he gave every Governor a bowling ball. I got one of them, too. I did not know what they cost, but I know you do not buy them for 20 cents down at the five and dime.

Does he pay that out of his pocket, or is it a chargeable item? I thought it was a chargeable item. The Governors on their own decided to come out there. What do you want him to do? Do you want him to loaf in the basement of the mansion and not showup and not act like a civilized Governor? That was his business.

Chicago has conventions and meetings constantly. So does the State. It is a big State and has well over 10 million people. They are coming all the time from near and far.

Sometimes these are people who come from foreign lands in order to hold that kind of convention.

This was not campaigning as such. He was doing his duty as the Governor of the State. At the same time, he was getting an excellent political exposure.

Can you imagine anything better than going to the auditorium on the lake front, that burned recently, and seeing 25,000 people who came to attend a shoe retailers' convention. What better exposure would you want than that?

The Governor is No. 1 on the list. And that costs money. He has to dress for it. He has to spend accordingly.

However, more than that, the Govnor's wife is the No. 1 lady in the State. We cannot expect her to wear for lunch the same frock that she wore for breakfast when she was entertaining a group of people. We would not expect her to wear the same frock at dinner that she wore at luncheon. It is not being done.

That is why I gave a lot of attention to the six ladies on the jury, and I tell you they listened very earnestly.

Here were these expenditures out of his fund. They even made a point of a girdle that was bought. There was one item of $35 for a girdle for Shirley Stratton.

Government counsel asked me: "Do you think that is a proper expenditure?"

I said, "I do. The Governor's wife has a most attractive figure. I hope she keeps it, and if that girdle helps a little, why I am all for it, because we want her to look nice. I want my Governor's wife to look nice under any circumstances."

Here was a $35 item for the most advertised girdle that I have ever heard of anywhere in the world.

Government counsel then said to me: "Would you do it?"

I said: " No, I would not do it. I am not the No. 1 man in my State, and my wife is not the No. 1 lady in the State. I am not the State's ambassador. It makes all the difference in the world."

So, it was not a question of testimonial dinners. It was a case of the income tax people going out there and looking at the checks. And that is where they started.

They started looking at the expenditures out of the fund. They said, "Well, here is a girdle. She should not have bought that girdle."

That raises a great big question mark. "Did she buy a fancy dress at Marshall Field?"

It did not take very much for the income tax people to come up with the idea that there were expenditures which may have totaled as much as $100,000. I think the assessment, including penalties and interest, was about $150,000. That is the basis on which he was indicted.

I did not think the Government had a case, and I put my political life on the table in a crowded courtroom and said: This, I believe.

And I am glad I went. I would do so again.

There are all these distinctions between the Stratton case and the case we are considering.

While I am on my feet, I shall detain you a few minutes longer, and then I shall not weary you any more.

I have a personal interest in this matter, even as does the majority leader. For, when the Cooper resolution was enacted, and the vote was 50 to 33, with 17 not voting, it became the duty of the distinguished majority leader and myself to select the members of this committee.

We did not do so in a hurry. We took our time.

We selected, as you well know, the distinguished Senator from Mississippi, who has had an enviable record.

He is a Phi Beta Kappa, if I remember. He served as county judge. He served as a circuit judge.

Honors in great numbers have come to him. Everybody knows JOHN STENNIS.

We selected MIKE MONRONEY.

MIKE MONRONEY and I served on the Joint Committee of Legislative Reorganization in 1945 and 1946. That was known as the LaFollette-Monroney committee. For 2 long years six Senators and six Representatives served on that committee.

That is where we got our congressional retirement system. That is where we got the first increment in the congressional increase in pay.

We brought in that measure, and I think he has authored every pay increase since that time.

But when you sit with a fellow on a joint committee day after day, you get to know something about him. He has a degree from the University of Oklahoma. He was a newspaperman. We served long in the House together; now we serve in the Senate together.

Then there is the distinguished senior Senator from Minnesota [Mr. MCCARTHY]. He is one of the most delightful, durable persons I ever knew. He has charm and a sense of humor. He is a scholarly person, if I ever saw one. He was a longtime teacher, instructor, and professor, among other things, in economics and in sociology. I know some of the colleges where GENE MCCARTHY taught. One of them was the College of St. Thomas, at St. Paul. I used to go there occasionally to listen to some interesting debates when I was a student at the University of Minnesota.

So could anyone find three Senators on the Democratic side of the aisle who could have served better in this instance?

Now I turn to my own side of the aisle. I selected JOHN COOPER first, because he was the author of the resolution. Second, he had been a judge and a circuit judge. He was a practicing lawyer. President Eisenhower honored him by making him our Ambassador to India. He is a scholarly, restrained, slow-spoken person, whom everybody loves. There is only one whimsical thing I can say about him. He is the most elected man in the Senate, because JOHN had the misfortune to be elected to several short terms. He was sore of in and out, but he always came back with renewed vitality, rectitude, and great vision.

Then I selected the distinguished senior Senator from Utah [Mr. BENNETT], who is active in the Mormon Church. He teaches Sunday school even today in the Church of Jesus Christ of Latter Day Saints, out on 16th Street. He has a large family and many grandchildren. It is almost a platoon when the Bennett family get together, I can tell you. His wife is the daughter of Heber Grant, who was president of the Mormon Church. WALLACE BENNETT is one of the most successful businessmen in the country. Some years back, he was honored by being elected a president of the National Association of Manufacturers. He has been in the paint business in a big way, selling not only in the domestic market, but even in the export market. He had one of the largest car dealerships in Salt Lake City, employing more than 150 persons. He is a man of superb talent and great restraint and has a judicial outlook.

Finally, I picked JIM PEARSON, of Kansas, for whom I have durable affection. JIM started out in Tennessee. That is where my grandchildren live and where my son-in-law lives. That is where Estes used to live—the late Senator Kefauver, of Tennessee. But JIM did his law work at the University of Virginia, and then, at long last, went out to Kansas. He has been a practicing lawyer and also a prosecutor. He was State chairman for his Party, and he brings a fine restraint to his responsibility. I was glad to appoint him.

There, then, are the six Senators. When we talk about trying a Senator, do not forget that for 14 months this committee has been on trial. They found cynics here, there, and everywhere. They heard it said: "Do not hold your breath until they come in with something. You know what is going to happen. It is a club. They will whitewash members of the club. They will find a way around it."

We could read it in just about every newspaper in the land, and we do yet.

But the six members of this committee, without complaint and without weeping on the shoulder of any other Senator, without coming to Senators for compassion and sympathy, fought it out among themselves and worked hard and long examining the documents.

So do not forget that for 14 months, from the time Jack Anderson's letter hit that committee and they had the documents, that committee has steadily been on trial. And all six of them came in here with a judgment that is embodied in the resolution that is before us.

I do not tell you how to vote. I just tell you that is one thing.

Second, do not forget that the Senate of the United States is on trial, too. I am proud of this institution, and I want nothing to happen to it, nothing to impair its credibility with people.

I used to think that the Republic was going to be saved at the other end of the Capitol. I am not so sure. I think that when the chips are down, it will be saved in this body and no other place, because here the restraints have got to be exercised; and along with it, we have the time to impose those restraints and also to discuss them. So this institution will be on trial.

Now, I lament the fact that documents were stolen and that, somehow, nothing seems to be done about it. Something ought to be done.

Mr. Drew Pearson is no stranger to me. When I left because of eye trouble, I went to Florida, in the hope that in 2 weeks I could assemble a fresh idea about Abraham Lincoln. This was back in 1948. I could not. The thought of blindness was on me so bad that I could not reconstruct a single fresh note. I came back.

I was in the Mayflower Hotel lobby. We lived there a long time. A fellow came up to me and said, "You have a car?"

I said, "Yes. It's a Buick Roadmaster."

"Do you want to sell it?"

I said, "I sell anything I have."

He said, "Without seeing it, I'll give you $2,600."

I said, "Mister, you just bought a car."

Two nights later, Mr. Pearson called me. He said, "Ev, do you think I'm a Communist?"

"No. I think you're a lot of things, but I don't think you're a Communist."

He said, "I'm in trouble, and I need help."

"What kind of help?"

Then I found out what it was about. He had gone to Charles Town, W. Va., to make a speech to the Regional Womens Club, and there he called the son of Winston Churchill "the bastard son." Technically, he was correct, because I think the books will show that there was the taint of illegitimacy there, so in calling him the bastard son, he could make it stick.

But it did not stick with Funkhauser, the editor of the Charles Town paper; because that night he sat in the sanctorum and burned the midnight oil and dashed off an editorial, the title of which was "The Salmon-Bellied Commie from Washington." That was Drew Pearson.

Drew Pearson called me as a witness. I said, "I'll be a witness. I have to hire a limousine to get out there." The next morning, snow fell; but I went to Charles Town.

There was the President of the American Bar Association. I walked into the court room, and he said, "EVERETT, what are you doing here?"

I said, "I came to testify for Pearson."

He said, "Wait 'til I tell the leadership on you back in Washington."

There were 11 lawyers in that case, and they had topflight lawyers flown in. I testified all day—sometimes in the chamber, sometimes out, sometimes stipulating. The jury was so close I could touch them. And about 5 o'clock the judge directed a verdict for Drew Pearson.

I do not believe Drew Pearson even paid me for the limousine. I went there on my own. Now, he hacks at me from time to time. He made a remark in Alabama and also in Chicago that EVERETT DIRKSEN is next on his list. Well, we want to see. I am more than ready.

I know he wanted to raise a question about my making the Government of Haiti pay its bills to American citizens. I went before an open meeting of the Committee on Foreign Relations with an amendment. You can ask BILL FULBRIGHT or any other member of the committee. I brought that amendment in here. There was a little modification on it. But it said no aid unless they pay their bills, if the bill is ascertained.

Well, an architect friend out home went down and built 300 homes. The Government took them away, rented every one of them, was drawing the rents, and then refused to pay him. I am not going to let any country do that to us or our citizens, if I can help it. I said, "We'll see."

I dragged the Haitian Ambassador to

my office. I said, "Mister, you better get ready to do some business. You better pay responsible American citizens their bills."

And I made him pay, including the interest on the money that had to be borrowed.

Now, Mr. Pearson had part of the story. I met him on the street one day, and he said, "Wait 'til I take after you on that one." Let us see when he takes after me on that one. He has said in his column, from time to time, that I am in a law partnership out in Peoria. He does not know the half of it. I have not been a partner in that firm for 17 years.

I had ignored all this business in his column until we got a chap confirmed from Peoria for U.S. District Court judge. Even the Chicago Tribune made a mistake—"Dirksen's law partner nominated to be Federal judge." He was not my law partner. He was not even around when I was in that firm.

I went in that firm when I thought I was going blind; and I got elected to the Senate, and I said, "The partnership is off." Now they have my name on the door as of counsel. You will find that all over the United States. There are three names on that door—of counsel. If they want to counsel with me, I am glad to do it for free; and if there is anything Federal involved, there will be no emoluments from that law firm, I can tell you.

I keep a pretty careful set of books, and I do not have a sloppy bookkeeper, if you want to put it on that basis, because I keep them in part myself, and Mrs. Dirksen, who was a professional auditor, does the rest. So, you see, I know where I stand and what I am doing. You ought to read the record. I do not take that sort of business lying down.

So, you see, Drew Pearson is no stranger to me, and neither is Jack Anderson, who used to rib me and rifle me from cellar to breakfast when I was holding the Kefauver hearings on the drug bills. Senator Hruska was at my elbow almost constantly. He could tell you that story, if he wanted to.

That is the kind of irresponsible reporting you can get when the whole truth is not known.

But I say, notwithstanding all this and all the threats about whether I am on the list, let it come. There is still enough fight left in this old carcass, even though I had my 71st birthday last January, to enjoy a good fight.

As a result, we will see where we go. I did not think I would have a chance to speak on this matter; I did not want to speak. But I did want to remind Senators that I picked the three Senators on this side of the aisle who serve on that committee, and I have a deep sense of gratitude to them for what they have done. I know that they have been on trial and, in a sense are still on trial; and I know that the Senate, as an institution is on trial, and I want to be sure its name is not sullied and tarnished. That would not be much of a legacy to leave to a pair of precious grandchildren who I hope will have the same kind of country their grandpappy had.

This country was set up under a Constitution, under all of its safeguards, and so carefully worked out with checks and balances, to always keep this Government on the high road. I trust it will always be that way.

I remind Senators again: Yes, Tom Dodd is on trial, but so is this committee, and so is the Senate, as an institution. Do not be insensible of those verities when the time comes for you to consult your own heart and conscience before coming to a conclusion.

Mr. LONG of Louisiana. Mr. President, I wish to second all the fine things the Senator said about the members of the committee. They are everything he said about them; they are some of the finest men it has been my privilege to know.

I have before me the testimony of the Senator in the Stratton case. I find that the Senator from Illinois did take the view that he felt the Governor was entitled to claim deductions for tax purposes and to use funds that had been given to him without paying taxes on those funds to a greater extent than would a Senator. This testimony also indicates that counsel for Governor Stratton did not see the difference between the position of a Governor and the position of a Senator, and reflects how the Senator felt, with regard to the deductibility of the expenses of a Senator.

The Senator from Illinois inferred that it was a matter of individual judgment whether he could deduct the cost of buying the same kind of clothes for his wife that Mrs. Stratton would need for a function, such as for a White House reception. He would not propose to deduct such costs.

Mr. President, I ask unanimous consent that after the Senator from Illinois has seen the excerpts I propose to mark, I have permission to place in the Record those parts of the testimony of the Senator from Illinois that are relevant. I think it was a courageous thing when the Senator from Illinois testified as he did in that case. It was not only courageous, it was right.

The PRESIDING OFFICER. Has the Senator from Louisiana asked permission to insert material in the Record?

Mr. LONG of Louisiana. After the Senator from Illinois has seen it.

Mr. DIRKSEN. I do not have to see it. It is a public record.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent to have printed the material which I shall mark.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. Barnett:

Q. Have you had occasion to confer with the Governor by telephone at odd hours of the day or night?

A. Many times.

Q. As a legislator and a political campaigner, are you familiar with federal laws regulating the soliciting of political contributions by candidates for state office and federal laws pertaining to the taxability of such political contributions?

Mr. John Crowley: Your Honor, I will object to that question. I think——

The Court: He just asked whether he was familiar. Overruled.

Are you familiar, Senator, with these various laws that have been enumerated?

By the witness:

A. I am quite familiar, of course, with the federal laws because I have been filing under the Federal Corrupt Practices Act, and the forms required under that Act, ever since I took the Oath of Office as a member of the Congress.

Now, of course, it applies only to members of the United States Senate, representatives in Congress, delegates from the territories, and so forth. It has no immediate application to any state official as such.

By Mr. Barnett:

Q. Do you know whether there are any laws in the State of Illinois regulating contributions to officers or candidates for state office for the State of Illinois?

A. Insofar as I know, no.

By Mr. Barnett:

Q. Senator, do you consider yourself an expert as to whether or not political contributions are taxable?

Mr. John Crowley: I will object.

The Court: No. I think that is a more restricted question. Overruled.

Mr. John Crowley: I will withdraw the objection to that.

The Court: All right.

By the witness:

A. I think so, because I have had occasion to examine into it more than casually over a long period of years.

By Mr. Barnett:

Q. Has Congress passed any legislation taxing political contributions?

Mr. John Crowley: Objection, your Honor.

The Court: Overruled. That is a specific question.

By the witness:

A. As such, no.

By Mr. Barnett:

Q. Senator, where a candidate for office has received political contributions personally himself, in your opinion does he have any obligation to include such contributions in income on his federal tax returns?

A. If they are contributions and the Federal Corrupt Practices Act specifically uses the word contribution, the answer is no, they are not included.

Q. Now, in your opinion would this be true regardless of what use to which he put those contributions? . . .

By the witness:

A. Well, I think it is a matter of the donative intent of the contributor and if he places no restriction on it, then, of course, the donee or the recipient of the contribution is free to use it as he sees fit, and that, of course, is a matter of individual judgment.

By Mr. Barnett:

Q. Where a candidate receives a contribution from a supporter, is there any requirement with respect to how he uses that money?

A. By requirement I would assume you mean a ruling or a regulation or an interpretation of existing law.

There could be such rulings, of course, by the Internal Revenue Service, but I know of nothing in existing law with respect to an interpretation that very specifically puts a restriction on him as to how he uses it once the contribution or the gift has been made for that purpose . . .

By Mr. Barnett:

Q. Senator, you referred to requests prior to this time. Is the salary of a public official sufficient to meet the demands financially made upon a man in the position of governor or senator?

Mr. John Crowley: Same objection, your Honor.

The Court: Same ruling.

By Mr. Barnett:

Q. Senator, with respect to the demands that are made upon a man in public office, how does he normally meet those demands?

Mr. John Crowley: Object to that, your Honor.

The Court: Overruled.

Mr. John Crowley: The phraseology, how he meets it.

The Court: If there is a norm the Senator can state it. If there isn't, he can state to the contrary.

Overruled.

By the witness:

A It is wholly a matter of judgment and capacity, and if counsel will permit, I can only say that I got rather curious about the demands on myself over a period of time, and we clocked them for a period of about six months, and generally speaking they ran at the rate of roughly a hundred dollars a day. Those are all forms of demands, for political purposes, for non-political purposes. contributions where a church burned down or where a church wanted a new pige organ or where they wanted to send a girls' basketball game to a league performance out east somewhere, and they are as varied as human activity.

So we just lumped them all together and they ran at the rate of a hundred dollars a day.

Well, manifestly that would exceed your entire salary, and how would you meet it unless you had sustaining funds out of which you could take care of it?

So you have to become very selective about meeting demands of that kind.

Q And from where are such funds obtained?

A Well, there are helpful contributions from those who recognize the difficulty that public service interposes for you, and you undertake to use such funds, if you can, for that purpose.

Q Now, these funds that are given to you from helpful supporters, do you consider those to be taxable or non-taxable?

A Perhaps I ought to make one distinction, and that is it is a matter of individual judgment in every case, I suppose, as to how they are used and whether they are used unequivocally, but human judgment, being what it is, you can segregate it one way or another or you can put it in a lump sum and use it freely for all the purposes that come along, seeking, of course, to identify them as something that advances your political cause, your political ambitions and your political future.

Q Incidentally, Senator, is the campaign of an officeholder limited to the period of time between his announcement and his election?

Mr. John Crowley: Your Honor, I am going to object. Mr. Barnett is constantly leading the witness. I think this is a leading question.

Mr. Barnett: I will rephrase it, your Honor.

The Court: All right.

By Mr. Barnett:

Q. What is the period of campaign with respect to a politician?

A. If I may venture the speculation, the federal government, I think, recognizes that once you are in public office there is something of a presumption that you are always a candidate, and as Thomas Jefferson once described, "In office few die and none resign."

Q. Now, Senator, there has been testimony in this trial that while Governor Stratton was in office as Governor, in addition to residing, as required by the Constitution, in the Mansion House at Springfield, he maintained a home in Morris, Illinois, and voted from that residence, and there is testimony that he prepared rooms in that house for his security guard when traveling in that area, and that his mother maintained open house at this residence to receive callers at least part of every day, and that he maintained an office in that home and that he used it as—that he used the home as an election night headquarters.

Would you regard the rehabilitation and——

Mr. John Crowley: I am going to object to this question. I don't think there is any basis for it.

The Witness: Where is the waterboy?

The Court: Would you get the Senator some water?

Mr. John Crowley: I have some for him right here.

The Witness: Thank you.

The Court: You are not asking for a tax opinion from the Senator; you are asking for a political opinion?

Mr. Barnett: That is right.

The Court: Overruled.

By the Witness:

A. Your home becomes a political center, whether you like it or not, and mine has been so long that I haven't known anything differently for over 30 years, except for that period when added responsibilities as Minority Leader of the Senate has virtually immobilized me in Washington, but when there was opportunity for me to be back here, your home was a scene of constant conferences and delegations day after day and night after night . . .

By Mr. Barnett:

Q. Are you acquainted, Senator, with a houseboat that Governor Stratton owned during the years that he was in office as governor?

A. I know as of conversation.

Q. And have you been invited there?

A. Yes, sir.

Q. And do you know the use to which he put it?

Mr. John Crowley: Objection.

The Court: Same ruling. Sustained.

By Mr. Barnett:

Q. Senator, there has been testimony in this trial that Governor Stratton from time to time had meetings at the lodge with persons of official or political nature, that he had entertainments for people of that nature at the lodge, from time to time, and that he entertained officials—or members of the State Supreme Court on his houseboat, and that he entertained other state officials, political leaders, and out of state people on his houseboat.

A. I so understand from reports.

Q. How, Senator, with respect to expenditures to keep up and maintain such a place as the lodge, or to buy and maintain such a commodity as a houseboat, would you consider those to be political in nature, or personal? . . .

By the witness:

A. To make sure that the record is clear, assuming the existence of such a houseboat, and assuming the existence of such a lodge, they can very well be centers of political activity, and can have an extraordinary usefulness for purposes of political conferences, as well as official conferences involving the business of the state . . .

By Mr. Barnett:

Q. Now, Senator, do you know the Governor's wife, Shirley Stratton?

A. Quite well.

Q. And are you acquainted with her activities while the Governor was in office?

A. Reasonably so.

Q. Will you tell us what you know of her activities?

A. She performed all the duties and functions and responsibilities that one would normally expect of the First Lady of the state. She toured with the Governor on so many, many occasions, which could involve, for instance, the dedication of a bridge, it might involve the dedication of a new state building, it might be in attendance on the Governors' conference, it could be a political mass meeting, it could be a financial rally, it could be any one of a hundred different kinds of affairs.

And Mrs. Stratton was so very, very frequently in attendance at those. And I might add, as a P.S., that she was an excellent campaigner.

Q. An excellent campaigner?

A. Excellent campaigner?

Q. Would you consider the apparel of a person in that position to be of a political expense?

Mr. John Crowley: I am going to object to that, your Honor.

The Court: The wearing apparel of the wife of the Governor be a political expense? Overruled. I am going to let the Senator answer that.

By the witness:

A. Well, if counsel don't mind, let me amplify the answer in this respect. I have said a thousand times that Mrs. Dirksen is the most important unsalaried member of my staff. And that was true of my daughter when she worked for me as a receptionist, but was never on the public payroll.

Now, when they render service of that kind, then what is your obligation and your responsibility? To make sure that they fit into the scheme of things, and that in their public appearances when they attend you, that they look the part, let us say, and that's notably true where you have these ceremonial occasions. In consequence, expenditures of that kind, I think, are a reasonable request for political character, for how else would you do it?

And if I may go a little further, let's assume that the Governors' Conference meets in Chicago and they are here for a week. The Governor's wife attends every luncheon and every dinner. Well, she is there in her official capacity, as well as in a social capacity. You know how it is with the ladies. If they appear at two functions in the same dress, then the next time around there ought to be a new gown.

And you can well go on the theory that that is a very proper expense, and, therefore, could be deductible.

Q. Senator, do you consider your wife's clothing to be a deductible item?

A. Let me put it in this frame: I think it is a matter of personal judgment in every case. In——

Q. Senator, do you deduct your wife's clothing?

Mr. Barnett: Your Honor, I object to interrupting the Senator's response.

The Witness: If counsel——

Mr. John Crowley: I am sorry. I didn't realize you had not finished your answer.

The Witness: If counsel would permit me——

Mr. John Crowley: Certainly, Senator.

By the witness:

A. (Continuing). Let me lay a little foundation for the answer. I am a legislator, and I always have been. I have never regarded myself as a ceremonial officer except once, and that was when I was the Chairman of the District of Columbia Committee in the House of Representatives. Since, of course, they have no government of their own, that makes you automatically the mayor, the unofficial mayor of Washington.

In that capacity I had to preside over a good many meetings and functions that came there. Now, the Governor is pretty much in the same position. I have always said that the mayor of a large city like Chicago and the Governor of the State are in cubicles that you have to set apart from probably any other public official. They have to be aboard. There comes a nurses' convention or a governors' convention, there comes a dedication of a building—it is just as numerous as the imagination will permit—and he is expected to be there. His First Lady is expected to be there. That is not true of me, and for that reason I do make that ceremonial distinction, and it would occur to me that under those circumstances that you, the people of the state who have a pride in their governor and a pride in the first lady, would expect her to make the best kind of an appearance, and so as a matter of personal judgment that may be the judgment as to whether it is a deductible expense or whether it can be taken out of a common fund.

By Mr. John Crowley:

Q. Senator, in your function as a legislator and as Minority Leader of the United States Senate, you are called upon to be present at many public ceremonies, are you not?

A. Yes.

Q. Do you consider your own clothing to be a deductible expense?

Mr. Barnett: Object to that, your Honor.

The Court: Overruled.

Mr. Barnett: There is no testimony in this case that any deductions for clothing were taken against a return.

The Court: Overruled.

By the witness:

A. I would assume you would have to particularize that question a little if I was to give you a responsive answer. If, for some reason, I was on a committee or a delegation that was in charge of a function, I would appear there in a ceremonial capacity. That might be one thing. But if I appear in just the normal capacity as a member of the United States Senate, regardless of whether I am the Minority Leader or not, the answer might well be no.

By Mr. John Crowley:

Q. Well, Senator, then when you say you appear in a formal capacity or ceremonial capacity, do you mean in a full dress tuxedo, white tie and tails, as distinguished from the ordinary business suit which you wear every day as United States Senator?

A. I am afraid I can give you no generalized answer to that, and for a reason, because functions at the White House are white tie affairs. They are not necessarily ceremonial. They are given only because of a visiting potentate. You are not exhibited to public view in the presence of large crowds. You have no particular interest in projecting an image or furthering a political ambition of some kind. And so a generalized answer, may I respectfully submit, is just a little difficult.

Q. Senator, you have a home in Pekin, Illinois?

A. Yes, sir.

Q. And is that your ancestral home?

A. No, it is not.

Q. And did you build that home, sir?

A. No, sir.

Q. Did you purchase it while you were a Congressman or a United State Senator?

A. No, sir.

Q. It was there before then?

A. Yes, sir.

Q. And——

A. But you ought to follow up with your question, may I respectfully submit.

Q. Fine, Senator. It is your home?

A. Yes and no. The home actually belongs to my mother-in-law. But it is our home no less, because she has been a widow for a long, long time.

Q. And, Senator, there was a program on television a few weeks ago, a tribute to you, and you were photographed at a home in Florida. Is that your property, Senator?

A. May I respectfully submit, counsel, that belongs to Mrs. Dirksen.

Q. And, Senator, where do you live when you are in Washington, in performing your duties?

A. We have a home in Virginia roughly thirty miles from the Capitol, better designated as Broad Run Farms, Virginia.

Q. And is that yours, Senator?

A. That is a joint venture between Mrs. Dirksen and myself.

Q. And, Senator, the home in Virginia or the home in Florida, you didn't pay for either of those homes with campaign funds, did you?

A. No, sir . . .

Mr. John Crowley: I have no further questions of Senator Dirksen.

By Mr. Barnett:

Q. With respect to clothing which you buy or wear during a campaign, or even after a campaign, do you consider whether that is deductible or not on your return, that that would be a proper expenditure politically?

Mr. John Crowley: Objection. Leading.

By Mr. Barnett:

Q. Do you consider that to be a political or a personal expenditure?

Mr. John Crowley: Objection, leading. It is the same——

By Mr. Barnett:

Q. What type of expenditure do you consider that to be?

The Court: You may answer that. That is not leading, although it has certainly been led up to.

By the witness:

A. It would appear to me that in every case it is a matter of personal judgment. One person may do it, another person may not. I think it depends somewhat on the type of office you hold or the type of office to which you aspire . . .

By Mr. Barnett:

Q. Senator, as a political expert, do you consider the purchase of clothing by a man that is frequently and constantly campaigning to be a personal or political expense?

A. It could well be a political expense.

Q. Very good.

A. And I make, of course, this qualification: I try always to put the Governor in a rather unique position because of his relationship to the people of the state and his ceremonial capacity as distinguished from my capacity as a legislator.

It makes quite a lot of difference, I think.

Mr. Barnett: Thank you, Senator.

Mr. John Crowley: Senator, just one further question:

RECROSS EXAMINATION

By Mr. John Crowley:

Q. When you were, as it were, Mayor of the District of Columbia did you deduct the cost of your wife's and your daughter's clothing?

A. No.

By the court:

Q. I have a question or two, Senator:

You discussed earlier two types of contributions which I understood you recognized as typically received by candidates or political leaders, politicians, one, campaign contribution and, two, general gifts, if I understood you correctly.

Is that right?

A. Yes.

Q. In your experience do you have contributions received which are of two different types?

A. Yes, I think so, and may it please the Court, let me illustrate for example: There are such committees as the National Senatorial Campaign Committee, which both parties maintain. A man may send a contribution to that committee that may be earmarked for me or for any other Senator. There is no interdiction on it, no indication as to how it shall be spent.

So if that contribution does reach me I would feel free to spend it in any way that my personal judgment dictated.

Now in addition to that you get contributions that come directly to you, intended, of course, for the campaign that happens to be at hand, so there is a little bit of distinction there, I am quite sure. However, I don't know that there is any particular prohibition on how you should spend either one of these contributions.

Q. Well, you are aware, I am sure, of the Internal Revenue ruling—I think it is 54-80—which provides that a campaign contribution or political contribution which is applied to a personal use, and the example given is the payment of a portion of an indebtedness on a mortgage on a residence, a personal residence, constitutes the receipt of taxable income.

You are familiar with that?

A. Yes.

Q. Now, that would indicate that if something is received as a campaign contribution it is received with something of a restriction upon its use.

Is it your experience that you receive contributions which are properly classified as campaign contributions as distinguished from general gifts or unrestricted contributions?

A. Generally speaking they would come to you, of course—if they come in check form—written out to your order or to your campaign committee or as a campaign expenditure or to the campaign fund. They can sometimes be made out just to you as an individual, with an accompanying letter to indicate the intention of the contribution.

Now, I think I should point out, and probably importantly so, because of the possibilities that this particular case may have on the future, that in 1944 I was confronted with that very problem because there were forty-one members of the House of Representatives who thought that I ought to be a candidate for the national ticket of my party.

Well, I was a bit of a tyro in that respect and I wanted to be sure that I wasn't getting on false ground.

I actually went to see the general counsel of the Internal Revenue Service and also the general counsel of the Treasury Department to ascertain exactly what would happen if contributions came to me as a candidate for the vice presidency of the United States, and then I wanted to know particularly if any funds were left over what the disposition of these funds would be.

At that time I did secure in letter form a ruling to the effect that I could spend these funds any way I saw fit, and even if I appropriated them unto myself and then disposed them to various charities, they might be regarded as income; however, they would regard them as contributions and therefore they would not be taxable as such.

Now, that, mind you, was in 1944 and antedates 54-80 by at least ten years.

The Bureau has spoken on that subject on a number of occasions and particularly when I was a chairman of the senatorial campaign committee I had to give a good deal of attention to it and I had some consultations, not only with the Secretary of the Treasurer and the Commissioner of Internal Revenue, but with the general counsel, both of the Treasury and the Bureau at the time.

It did develop a ruling which I have pasted in the campaign ledger. I made copies of it to make sure that it would go to everybody in the Senate on our side of the aisle who would be a candidate, and as I remember now the import of that ruling was that when contributions came there would be no interdiction on their expenditure.

Now, it could well be that there has been a modification since that time, but my own judgment impels me to the belief, and I think to the conviction, that when these contributions come the candidate, of course, has to follow his best judgment as to what constitutes a political expenditure, and that could very well be membership in a lodge on the ground that he is going to meet people, it could very well be an expenditure for a piece of artistry, which in my case was done, I think, by the committee itself.

I have scrawled thousands of inscribed photographs that have gone to every section of the country. I didn't have to pay for it, but I used it. The committee did.

If I am not out of character and I am not offensive in what I say, when this matter of the so-called houseboat came up, I don't know how many hundreds of times I have been on one of at least four different Government vessels on the Potomac, where the Secretary of State, the Secretary of the Army, the Secretary of the Navy, the President of the United States, would ask you to meet him at the dock at five o'clock along with other people. You would go down the Potomac. You would have some food, but you would be discussing official matters.

Now, you could well be discussing political matters, and so who shall make the judgment as to whether it is a political expenditure fully justified and deductible or whether it isn't deductible?

Q. There are government vessels?

A. That is right. The government owns

them. The Navy supplies the personnel for them and the whole thing is paid for out of the taxpayers' treasury.

Q. Let me ask you, Senator, have you ever used campaign contributions for the purpose of clothing or other personal expenditures?

A. If it pleases the Court, and if my answer is not offensive in that it is too long, I came so close to it on one occasion and it might have been a very substantial sum, but I went to Washington without a long-tailed coat and a white tie, and the first White House reception I attended, I had no such equipment.

I made inquiry. Some thought a black tie and tuxedo was sufficient. Others thought I should have a white tie and long-tailed coat. The result was I was photographed and it went all over the country that I appeared at the first Roosevelt reception in a rented dress suit.

It was a matter of frightful embarrassment, I must say, to the court, and promptly they took up a collection in Peoria. As I recall, they raised $2,700, and then I was in difficulty, because I finally had to say to them, divide the funds and give part of it to the Salvation Army, part to the Red Cross, part to the American Legion, part to other charities, and so I was left finally to buy my own formal wear.

I came that close to making a deduction, but at long last I didn't. However, I felt that I might have been justified in so doing in view of the harassment and the embarrassment that I suffered.

Q. All right. That must have been some years ago because public acceptance of rental formal wear has risen since those days.

A. May I say to the Court it happened in 1933.

Q. If I understand your answer to my question, it is that you have not used campaign funds for personal expenditures.

A. There could have been occasions.

Q. Yes.

A. When it might have been identified as a personal matter. I have obviously tried to be careful about it, but it is a matter of judgment, finally, depending on your duties, your responsibilities, your ceremonial character, and what you think you have to do as a representative abroad and among other states, administratively and ceremonially, ten and one-half million people, and it does make a lot of difference in my judgment.

The Court: Any further questions?

Mr. John Crowley: No, your Honor.

The Court: All right, Senator. Thank you. You may be excused.

The Witness: Thank you.

(Witness excused.)

The Court: We will recess until two.

The Witness: Thank you, sir.

(Whereupon a recess was taken herein until 2:00 p.m. of the same day.)

Mr. LONG of Louisiana. Mr. President, a Senator, under the old Articles of Confederation, was in fact the ambassador from a State and did have the responsibility of representing his State here. As the Senator said, a Senator may not be required to entertain as much as a Governor must and to do the various things which a Governor must do, but there is a parallel here.

In my case, I have gone to New York many times with business groups from Louisiana seeking to bring industries to my State. I assume that other Senators have done the same thing. I have greeted doctors and labor people who have come to Washington from Louisiana. While the Governor is the No. 1 greeter in his State, the Senator is the No. 1 greeter for his State in Washington. He gives gifts. For example, Senators give graduation gifts, and things of that sort. Long ago I determined it was better to send a $1 book containing a certain philosophy of idealism to friends and constituents who were graduating. A Senator's wife has to have good clothes for certain occasions for which it would be unnecessary if he were not a Senator. I think there is something to the argument.

Counsel for Governor Stratton asked the Senator, and Senator DIRKSEN testified that this was a matter for individual judgment. It is fair to state—and I would not propose to say that Senator EVERETT DIRKSEN would agree with my view—that there is little difference between the kinds of expenses of a Senator's office and of a Governor's office. I had been informed that Senator DIRKSEN did not agree with what I was going to say. That being the case, I wanted him in the Chamber to hear what I was going to say. If he disagreed, I did not want to use the testimony of EVERETT DIRKSEN out of order, without his knowing about it.

Mr. DIRKSEN. I thank the Senator for the courtesy. It is in the best tradition of Louisiana.

Mr. LONG of Louisiana. I thank the Senator very much.

One of the functions the Senator from Illinois was forced to attend over and above the call of duty which, perhaps, imposed some additional burden on the household budget of the Senator was when he brought Mrs. Dirksen to the Louisiana Mardi Gras. The people of Louisiana will be forever grateful, because we felt Senator and Mrs. Dirksen dignified the occasion. Their presence was noted by all, and the entire State of Louisiana was proud that they would come to the Mardi Gras. My daughter was the queen, which makes me all the more grateful.

Mr. DIRKSEN. I never did enjoy anything so much.

Mr. LONG of Louisiana. I thank the Senator.

ORDER OF BUSINESS

Mr. MANSFIELD. I ask unanimous consent that at the conclusion of the recess which I am about to ask for, the distinguished Senator from Utah [Mr. BENNETT] be recognized and have the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess for 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

At 1:17 p.m., the Senate took a recess until 2:17 p.m., the same day.

At 2:17 p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. BYRD of West Virginia in the chair).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

[No. 148 Leg.]

Aiken
Allott
Anderson
Baker
Bartlett
Bayh
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Griffin
Gruening
Hansen
Harris
Hart
Hartke
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hollings
Hruska
Jackson
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Mundt
Murphy
Muskie
Nelson
Pearson
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Scott
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER (Mr. BURDICK in the chair). A quorum is present.

CLARIFICATION OF DOUBLE BILLING SECTION

Mr. BENNETT. Mr. President, I think we have come to the point now at which the committee's position on the second reason for censure should be restated and developed in depth. Both Senator DODD and Senator LONG have given us their reasons for opposing it, in some of which they have contradicted each other. But up to this time the committee's position has only been presented during comparatively brief interruptions while Senators DODD and LONG have held the floor. Senator PEARSON, for the committee, very ably presented the basic answers to some of the opposition's arguments, but did so before their whole case was in. We can assume that by now they have presented all their arguments and interpretations, and so, with the floor in my own right, I am prepared to build upon Senator PEARSON's excellent foundation—and will try to examine the whole problem in much greater depth than his opportunities permitted.

I should say I am using a prepared text. A copy of that text has been placed on every Senator's desk.

First, let me review and try to analyze the essentials of the combined defense against this charge as presented by Senators DODD and LONG. It seems to me they based their cases on these seven arguments:

First. That the whole thing is frivolous and inconsequential—and could be called "penny ante" since it only involved seven examples and only $1,763 compared with the more than $116,000 involved in the first charge.

Second. That it had really nothing to do with Senator DODD because it grew out of a bad O'Hare bookkeeping practice, called "double billing," in which Senator DODD obviously was not involved.

Third. Anyway there really was no intended wrongdoing. All we are dealing with are undesirable errors caused by sloppy, careless, and unskilled bookkeeping.

Fourth. While the charge that O'Hare

was careless may have been bad enough in itself, it was also hinted we might actually be dealing here with forgery—because the double billing might have been made possible by O'Hare's forging of Senator Dodd's signature.

Fifth. As evidence of O'Hare's complete inefficiency and carelessness, we were told that he even failed to secure for Senator Dodd the proper number of Senate allowances for 21 trips to Connecticut to which the Senator was entitled.

Sixth. By no stretch of the imagination can it be called "a course of conduct," they say, since the regrettable error was only made in seven cases out of a possible 80.

Seventh. Anyway, bad as the error may have been, it has been corrected. Senator Dodd, in his own definition of himself as "the captain of the ship," has assumed the responsibility and returned the money. So why not forget the whole thing?

Mr. President, I shall try to challenge all seven of what are to me deceptively attractive assumptions and I shall try to explode every one of them.

First, is this charge frivolous and inconsequential? I do not think so. On the contrary, it could be the more serious of the two, because apparently it involves a studied practice, repeated at every available opportunity, to take money out of the Senate funds improperly; yes, one might even say by fraud, and put it into the Senator's own personal bank account. And to me the fact that these actions yielded only $1,763 is beside the point. One or even two such happenings might qualify as mistakes, but not seven or 10 or 13—not every possible one. All this will be flushed out with detail as I proceed.

At this point may I say that it is not necessary for me to prove that seven of these double reimbursements involving the Senate actually happened. Nor is it necessary for me to prove the amounts involved in each. These facts are contained in Senator Dodd's stipulation from pages 863 to 866 in part 2 of the hearings.

There were six double billings which did not involve Senate funds, and these are set forth in the later stipulations on pages 1015 to 1018 of the hearings.

Mr. LONG of Louisiana. Mr. President, will the Senator yield at that point?

Mr. BENNETT. I am trying to develop a carefully reasoned presentation, and I realize the ability of my friend from Louisiana to pull any presentation off the track. So, recognizing my own weakness as compared with his ability, I prefer to continue to develop my case and yield for questions afterward. I think the Senator from Louisiana can understand why, as I go along.

Now, let us turn to the second assumption.

The second assumption is that all this had nothing to do with Senator Dodd, but grew out of a bad bookkeeping practice called "double billing" in which he obviously was not involved.

In answer to this, it should be pointed out that obviously Senator Dodd had to be involved, essentially and inescapably. This will become crystal clear as I go along, but let me point out first that it was he—not O'Hare—who was enriched by the scheme. It was into his bank account that the improper double reimbursement went. Not only has he never denied this, but by paying it back only 10 days ago he has acknowledged it.

One of the reasons so many of my colleagues have been confused and deceived lies in the connotations of the phrase "double billing." This is Senator Dodd's phrase, not the committee's, and to me it gives a completely false picture of what we must assume really happened. I do not know what picture the phrase "double billing" creates in your mind, but the picture it causes me to see in my mind's eye is O'Hare at his desk writing out two identical bills—or vouchers—for the same amount, one of which he sends to the private organization to which Senator Dodd spoke, for an honorarium, and the other to the Senator's Judiciary Subcommittee. Every imaginary bill would state the amount which the Senator spent on travel and related expenses on the particular trip from which he had just returned so that when both responded, the Senator will have been reimbursed for his actual expenses plus a similar amount which he is free to add to his bank balance—or as he has said so frequently during the last week, to do with as he pleased. If this were really what were done, it could, by a great stretch of the imagination, be considered an error by a bookkeeper ignorant of committee procedures. But I cannot conceive of anyone handling a Senator's books or capable of balancing a ledger being that ignorant. You cannot balance one charge with two identical credits.

That conception of how this kind of problem must be handled is as erroneous as the explanation given to defend the practice. If you will draw on your memory of how the problem of securing reimbursement is handled in your own office, you will see just why the explanation thus given just does not fit the facts.

To begin with, I make the flat statement that O'Hare never had a chance to make a double billing. The very process prevented it, because the two charges had to be handled in completely different ways, and in one of these processes he could have had no essential part.

Let us look first at the process in which O'Hare could, and probably did, participate. This was the process of securing reimbursement from the private source. After the Senator had made the trip and returned, he could have asked O'Hare to notify the people before whom he spoke what the Senator's actual expenses were, and bill them for the amount. This he probably did.

Parenthetically, as a Senator who has made such trips and similar arrangements for reimbursement, it seems to me that the word "bill" is a little bit commercial and somewhat hard to describe the relationship between the Senator and the organization for which he spoke. I think a better word would be to "remind" them or "inform" them of the amount of his expenses.

But we have now reached a second point in which Senator Dodd was involved, one which required him to have knowledge. In fact his knowledge was the indispensable ingredient because only he could tell O'Hare directly or through another staff man the name and address and the organization to be billed and particularly the amount to be charged. This is of vital importance. Let me repeat it. Only Senator Dodd could tell O'Hare how much to claim for reimbursement.

Senator Dodd's position has been stated to mean that O'Hare billed the private organizations for the honoraria and the expenses without his—Senator Dodd's—knowledge. Obviously this is impossible because since Senator Dodd made the original arrangements and since Senator Dodd incurred the actual incidental expenses on the trip in addition to those represented by an airplane ticket purchased in advance either with a credit card or cash, or a check, he had to supply those figures to O'Hare in order that O'Hare could properly notify the organization what it was expected to pay.

Of course, and as a matter of fact, O'Hare's participation was not actually necessary even to this step. Senator Dodd could have written the people himself, as I do, and I think most of you do. But no matter how it was handled he had to know that this claim for reimbursement was being made.

When you examine the other or official half of the process of securing double reimbursement, the problem becomes more complicated, and Senator Dodd's participation really indispensable.

There are two ways in which the original charge for expenses on official travel can be incurred—and I shall discuss each separately.

The first way involves the use, by the Senator, or the committee staff—not O'Hare—of a committee airline credit card. In this case the debt is incurred by the committee—not Senator Dodd—before he ever leaves on his trip. The only money Senator Dodd spends is for incidental expenses while traveling—and if it is on official committee business, he is usually reimbursed on the basis of per diem.

When Senator Dodd returns he must fill out a standard committee voucher form—which must be signed by the committee chairman and must also contain three other signatures, one to show who authorized it, the second to show the name of the payee, and the third, the chairman of the Committee on Rules and Administration. These four signatures must appear on the vouchers. I repeat, there is the chairman of the full committee, the chairman of the Committee on Rules and Administration, the person within the subcommittee who authorized the travel, and the name of the payee. There are four lines to be filled in.

When Senator Dodd traveled as vice chairman of his own subcommittee he has been in a position to authorize his own expenses. In other cases as shown in the stipulations there were various other signatures. But of course the voucher always shows the name of the Senator who traveled. When a committee credit card is used, the airline used becomes the payee. In such a case the Senator never puts up any money, so a bookkeeper has nothing to record in his books and no one to bill.

How does double reimbursement occur when costs are handled in this way? Since the Senator never put out any personal money for official travel he is not reimbursed by the committee. But he can still bill the private source which has no knowledge that he did not spend any money of his own for travel, and that any money he may receive from that private source for travel, is in fact, over and above his cost for travel, which was zero. This involves the cost of transportation only, because even though the committee provided him with an airplane ticket charged on the committee's credit card, but he may put out some private funds for incidental expenses which will be reimbursed by the committee, as I have said, usually on a per diem allowance. And so far as this amount is concerned, he will be paid by the committee, and this gives him a double cash receipt, but a much more limited one. In this situation he does actually receive two checks, one from the private source and one from the committee, and his bookkeeper could deposit both of them.

If he uses any method of payment for transportation other than a committee credit card, such as his own credit card or his own check, the staff of the committee usually arranges the transportation anyway on official travel. In this situation, when the Senator returns, he submits a voucher to the committee—not to his own bookkeeper—and in that case his name appears on the voucher as payee, and when the voucher has been processed by the committee, not his own bookkeeper, and he receives a check. In such a case, the bookkeeper does not send out what might be called a bill.

An example of this is the much discussed Villanova case of 1961. The stipulation shows that Senator Dodd received from Villanova $28.50 for "transportation and miscellaneous expenses" in connection with his speech to the Villanova law forum. The stipulation shows that American Airlines was paid $24.53, so I think it is logical to assume that the difference between these two figures, $2.97, is represented by the phrase, "miscellaneous expenses," and this could only have been supplied to Senator Dodd from the committee voucher.

This interpretation I have been making of the process by which double reimbursement was secured, was not spelled out in the hearing record, but it is based on what must be usual Senate practice, and the application of commonsense.

One very significant feature of the handling of the committee side of this sort of double dealing is that it is the Senator himself who must make all the arrangements, report the expenses, and sign the vouchers. His bookkeeper has no proper part to play, no function to perform. The necessary detail in preparing the vouchers is or should be done by the staff of the committee. The only way the Senator's bookkeeper can get into the act is as a messenger.

I have gone into this at great lengths and in great detail in order to demonstrate clearly:

First. That while the bookkeeper can participate in part of the double billing involving the private source, he can have no essential part in the committee side. In fact, if the Senator will write his own letters to the private source, the bookkeeper is completely unnecessary. On the other hand, neither attempt to get reimbursement can be carried out without the Senator's full knowledge and his active participation.

During this debate the point has been made that during the period involving the late part of 1963 and the year 1964, there was no example of double billing involving the funds of the Senate.

This may seem to be strange until we realize the process of double billing really did not stop during the 1-year period.

What really happened was that there were six cases in which the Senator's campaign funds, rather than the Senate funds, were the source of duplicate reimbursement.

These cases appear on page 23 of the report, and they fall between the Senator's trip to Seattle in June 1963, and his trip to Tucson in March 1965.

This brings us to the collateral charge that this whole process of "double billing" might have been carried on without the Senator's knowledge because O'Hare forged his signature. I suppose this may be the explanation for the spectacular and dramatic introduction of the handwriting expert at the end of the hearings and for the display of handwriting samples in this Chamber—together with Senator Long's interpretation of them. It is true that the committee, surprised by Mr. Appel's appearance at the end of the hearings, did not cross-examine him there and that his testimony in the record stands uncontroverted. But is it really significant or relevant? Let us take the time to measure its value in relation to the "double billing" charge.

In the first place, it obviously has neither significance nor relevance so far as the notification or billing of the private sources is concerned. Senator Dodd himself had made his arrangements with them in advance, and all these people needed was information after the fact, which only he could supply, and which was supplied by a letter from his office. As I have already pointed out, Senator Dodd could have signed that letter himself, O'Hare could have signed it in his own name, or he could have imitated Senator Dodd's signature—the result would have been the same. And if he had imitated Senator Dodd's signature I doubt that this would have constituted criminal forgery. I am not a lawyer, of course, and perhaps I am treading on dangerous ground here. But I know that it would not have enriched O'Hare by damaging Dodd. Quite the contrary—it enriched Dodd, and if it were really forgery O'Hare would run the risk of conviction for a crime committed without hope of personal gain.

That leaves then the question of the signatures on the official committee vouchers. No matter who executed those signatures, they were not the only signatures on the vouchers, and when Senator Dodd's name appeared as one of the four signatures required and actually present on each voucher, it was accepted as valid by the Senate disbursing office without question, because apparently the disbursing office was willing also to accept the other three signatures as valid. There are 12 vouchers involved, and they appear on pages 1003 to 1014 of the hearings.

I hope my colleagues will go through these pages and examine them with me as I discuss them.

Pages 1003 and 1004 represent two parts of the same voucher. For some reason the voucher was cut in half, and the signatures were cut off the bottom part of what appears on page 1003. I assume the signatures on page 1004 represent the same voucher.

On this voucher and the voucher on page 1012, Senator Dodd's signature does not appear at all.

In the first instance American Airlines was shown as the payee and the records manager of the committee authorized the voucher.

In the second instance, American Airlines is again shown as the payee and Senator Hart as the chairman of the Antitrust and Monopoly Subcommittee authorized the voucher. Senator Dodd's name appeared on the voucher as the one who is entitled to receive reimbursement.

On five vouchers, 1006, 1008, 1009, 1013, 1014, his signature appears as chairman of the subcommittee, but not as payee. To complete the examination of the vouchers, we should note that Senator Dodd's name is signed as payee on only four vouchers—pages 1005, 1006, 1010, 1012. You will notice the vouchers on page 1007 appear in both lists because on that particular voucher Senator Dodd's name appears both as chairman of the subcommittee and as a payee.

One signature as the chairman—the signature that appears on page 1013—I regard as a good imitation of Senator Dodd's signature. However, this is accompanied by the initials C. L. P. These are the initials of Carl L. Perian, whom I believe is staff director of the subcommittee. This indicates that Senator Dodd was willing, if not accustomed to let others sign his name on vouchers, and the close resemblance of this imitation to the real Dodd signature leaves every other signature on the vouchers in doubt.

This doubt is increased by the fact that there are two obviously different forms of signatures on this set of vouchers. If you look again at page 1013, you will see that the high part of the "H" in Thomas is connected to the downstroke of the "T" which has no cross bar, so that the "T" and the "H" together form a kind of "W."

This pattern of signature appears on pages 1005, 1010, 1013, and 1014—four times signed as chairman, and on page 1007 signed both as chairman and payee.

In contrast, we see on pages 1006, 1008, 1009, and 1011 an "H" made with a definite loop. In other words, out of nine signatures, there are four without the loop—including the one identified as having been written by Mr. Perian. These seem to be most like the Senator's own.

And there are five written without the loop, which least resemble the Senator's own style.

What does all this mean to me?

First. That Senator Dodd permitted at least two members of the committee staff to sign his name on committee vouchers.

Second. It would have been difficult for O'Hare to have been one of those, because one would expect the vouchers to have been prepared and processed in the committee offices by the committee staff, and the staff would have had no reason to make it possible for O'Hare to sign Senator Dodd's name to the vouchers since they apparently had that privilege within the committee, and used it.

In any event, I believe it is safe to assume that O'Hare did not execute all of Senator Dodd's signatures that appeared on the vouchers. So he could not, in my opinion, have carried on this skillful method of forging the Senator's name for the Senator's benefit.

Third. If the Senator was that free with his signature in the committee, and since he had a signature machine in his office, might we not expect him to be just as free in his office?

And finally, though Mr. Appel, the highly touted handwriting expert, claimed that certain purported Dodd signatures were not genuine, he did not claim or testify that he knew what person, including a signature machine, had imitated them, even though in the context of Senator Long's remarks we were supposed to believe that Mr. O'Hare had executed all these signatures.

I shall leave this matter and move on to the charge that O'Hare was a careless, sloppy bookkeeper.

On the other hand, there is evidence in the record that O'Hare's performance of duty for Senator Dodd received the latter's considerable approval and commendation. For example, on page 1094 of the printed hearings is shown the Senate service record of O'Hare.

I believe it will be well if we pause long enough so that Senators can take a look at it. It is on page 1094.

As you look at the record, you will find that O'Hare commenced working for Senator Dodd in May 1961, as a college student, at a salary of $953.95. That was his annual salary. That is the annual rate, and not the amount paid up to the date of the report. Thereafter, until the termination of his employment in January 1966, he received numerous and substantial increases in salary. He received the same automatic statutory increases as everyone else, but in addition he received four major increases at Senator Dodd's order.

The first salary jump ordered by the Senator was from $953.95 to $6,475, and with three other jumps similarly ordered by Senator Dodd, he was raised to $10,334.10. Thus, within 5 years he had been raised from $1,000 to $10,000, an increase of 1,100 percent, which is a pretty good increase for a careless, sloppy bookkeeper.

The committee also received evidence in the form of uncontradicted testimony from O'Hare that he was commended for his skill as a bookkeeper. Senator Dodd's accountant, David Nichols, a CPA of Hartford, Conn., indicated that he was extremely well pleased with O'Hare's bookkeeping. At one point, when Senator Dodd was contemplating assigning O'Hare to more responsible duties, Nichols became very concerned and asked for the opportunity to talk to Senator Dodd before such a move was made. Whether or not Nichols was persuasive, the fact remains that O'Hare continued as bookkeeper. Senator Dodd himself indicated his pleasure with O'Hare's bookkeeping; and, according to the testimony, Senator Dodd took a great personal interest in his own finances and financial records. Senator Dodd confirmed this in his presentation on the floor of the Senate. This testimony is found on pages 729 and 730 of the printed hearings. Senator Dodd never gave O'Hare any reason to believe that O'Hare was not keeping the books in good order. In the hearings, Senator Dodd was present with his attorney, and both heard this testimony on pages 729 and 730 and did not controvert it.

Although not in the record, it might be noted that the committee obtained an affidavit from Senator Dodd's accountant, David Nichols, stating that O'Hare's performance of bookkeeping was quite satisfactory for a layman. It is not in the record because of the committee's policy not to put any affidavits in the record. This policy has been violated since these discussions began, and I suppose if someone insists, we can dig up this affidavit.

In the same context, it might be fair to ask whether or not Senator Dodd "is a careless, sloppy bookkeeper watcher." There is interesting testimony on this point.

As shown on page 730 of the printed hearings, O'Hare testified in response to the question of whether Senator Dodd took personal interest in his own books:

> He took a great personal interest in his personal finances. As far as the books as such goes, why, occasionally, he would ask to see them or inquire of me as to whether or not they were up to date, and was I keeping them in good order.

This testimony lends support to the conclusion that Senator Dodd must have noticed and approved the entries in his books of travel expense reimbursement.

Moreover, since the checks received from the private organizations for Senator Dodd's honoraria and expenses were deposited in Senator Dodd's personal bank account, it is hard to believe that such deposits as substantial as $831 in one instance, could have gone unnoticed by Senator Dodd—particularly since Senator Dodd and Senator Long have tried to make it abundantly clear on the floor of the Senate, in the last few days, that Senator Dodd was particularly hard-pressed financially, and required the extra funds that came to him through the testimonial dinners. It must also be true for those cases in which reimbursement on official travel came to Senator Dodd as payee. These are represented on pages 1005, 1010, and 1011.

It might be interesting for me to stop and read the testimony on pages 746 and 747 which bear on this matter. Mr. Fern was questioning Mr. O'Hare:

> Mr. Fern. Were you acting under Senator Dodd's instructions at the time in billing these honorarium organizations for Senator Dodd's travel expenses?
>
> Mr. O'Hare. Yes, sir; I was.
>
> Mr. Fern. Did you discuss any of these trips specifically with Senator Dodd?
>
> Mr. O'Hare. The San Francisco trip I recall discussing with him. The Seattle trip I recall discussing with him.
>
> Mr. Fern. And did you inform him that you were billing the honorarium organizations?
>
> Mr. O'Hare. On the San Francisco trip, the actual invitation I believe was arranged through the Subcommittee to Investigate Juvenile Delinquency. In a letter they—

I assume he means the National Council of Juvenile Court Judges—

> stated that they would only be able, to the best of my knowledge, that they would only be able to provide a small honorarium for his appearance. He asked me to speak to the staff director of the subcommittee and find out if the National Council of Juvenile Court Judges——
>
> Mr. Fern. Excuse me, Mr. O'Hare. You are referring to the payment in paragraph 98; is that correct?
>
> Mr. O'Hare. Yes, sir.
>
> Mr. Fern. Continue.
>
> Mr. O'Hare. He asked me to have the staff director of the Subcommittee to Investigate Juvenile Delinquency contact the National Council of Juvenile Court Judges to find out if they also expected to cover his expenses for his travel out there, and the staff director did make a call and come back and said that if necessary, although the organization was a poor one and they had limited funds, if it meant Senator Dodd's presence, they would be willing to cover the cost of his travel.
>
> Mr. Fern. Continue.
>
> Mr. O'Hare. The Senator then told me that he would travel on the subcommittee funds, but to get the money from the National Council of Juvenile Court Judges for all his expenses, including the travel, and that, when that check arrived to enter it as income, and show it as an honorarium.

As a matter of fact, the record shows that only one check came back. It was a check for $500, which was slightly in excess, by $100 or so, of the cost of travel, but it was all entered as an honorarium. Note that in this case the arrangement was made through the staff of the subcommittee. This is represented by the voucher which is signed by Senator Hart as chairman of the committee.

I think we are ready now to explode the related proposition that O'Hare's sloppy carelessness can be further shown because he failed to get those claimed entitlements for reimbursement for the Senator's trips home.

As I brought out in my colloquy with the junior Senator from Michigan [Mr. Griffin] earlier, only 10 of these were available to Senator Dodd at the time O'Hare served as his bookkeeper. He secured reimbursement for one, leaving nine. For each 21, there must be added 12, and these 12 are represented by the change that took place in 1965 under which our entitlements were raised from two a year to six a year. Except for a few days, as I shall explain later, the opportunity to claim these 12 came after Mr. O'Hare left the employment of the Senator.

The real reason for this is available to every one of us from our own letter files. These contain a series of form letters which every Senator has received from the disbursing office explaining the development of this particular program. I have here a set of the blank or basic letters furnished to me by the disbursing office. They hold the key to the puzzle.

The program was authorized in 1958 to begin with the new fiscal year, July 1, 1959. The letter announcing it was dated July 24, 1958—Senator Dodd did not receive this letter because he was not in the Senate.

The letter said, in part:

> In addition, you may now be reimbursed for actual transportation costs incurred in making two round trips in each fiscal year between Washington, D.C. and your residence city. This reimbursement is restricted to round trip transportation to your residence city originating and terminating in Washington, D.C. The reimbursement will be paid upon completion of a voucher (available in this office) on your return to Washington. . .

Then follows instructions for completing vouchers to receive reimbursement.

Senator Dodd was elected on November 4, 1958, and on the next day, November 5, the disbursing office sent him a three-page letter as it did to all new Senators, listing his various entitlements as a new Senator. This letter said on this subject:

> In addition to the statutory mileage payment referred to in the second paragraph, you may be reimbursed the actual transportation expenses incurred by you in making two round trips in each fiscal year between Washington, D.C., and your residence city in Your State. These trips must originate and terminate in Washington.

This is essentially the language of the earlier letter.

The Legislative Appropriations Act for 1960 broadened this privilege to permit two round trips from Washington to any point in his State. This was announced to Senators in a letter dated June 19, 1959:

> The Legislative Branch Appropriation Act for 1960 (H.R. 7453), when enacted into law, amends the authorization governing the reimbursement of actual transportation expenses incurred by you in making two trips in each fiscal year from Washington, D.C. to your home State and return.
>
> On travel performed from and after July 1, 1959, these reimbursements will no longer be restricted to trips from Washington, D.C. to your residence city and return. Reimbursements will be allowed for round trip travel from any one point in your State (to be designated by you) to Washington D.C. and return to that point, or from Washington, D.C. to any one point in your State and return to Washington, D.C.

All these letters, like all other correspondence from the disbursing office, are addressed to the Senator and marked "Personal—Confidential." They do not come to his bookkeeper. Of course, these letters could not have meant anything to O'Hare—they all came before he was first employed.

The language to which I have referred would not have meant anything to O'Hare. The letters all came before he was employed. There was no other letter on this subject until a short time before he left Senator Dodd's employment on July 12, 1965.

One other observation on this subject of nonreimbursed trips to Connecticut: There is no reason in law or logic to support the assumption that a Senator who accepted, if he did not seek, an overpayment for reimbursement of his expenses on official trips outside the State, has the right to offset or balance these by claiming that, after all, the money is due him because he was receiving an amount approximately equal to that to which he was entitled for trips to his State on which he failed to seek reimbursement.

My point is that a Senator has no right to offset his overcollection on one hand with the fact that he failed to take advantage of an opportunity he had on the other. To put it in a truism, the fact that a man owes you money does not give you the right to get that money by any means, by even theft or fraud. It is not my purpose to defend O'Hare, but I think before we finally leave this area of his ability and skill as a bookkeeper, which I think it important to us, I have another comment to make.

That concerns how O'Hare got started in his job as bookkeeper. By his own admission, O'Hare revealed that he did not have much training or experience as a bookkeeper at the time he began working for Senator Dodd.

In fact, he had worked at a number of other jobs first. Therefore, Senator Dodd's accountant was specially called down from Hartford, Conn., and spent several days training O'Hare—see pages 728 and 729. This training should have included instructions as to how to handle the Senator's entitlement to home-State travel. But O'Hare testified that he was never told of such entitlement, and neither Senator Dodd nor the accountant offered evidence otherwise.

The point has been made that O'Hare knew how to get reimbursement for staff members, but how come he did not know how to get it for the Senator himself?

I turn to the hearings on page 749, about halfway down and I begin to read, as follows:

> Mr. Fern. Mr. O'Hare, isn't it a fact that during part of this period between 1961 and 1966 you claimed reimbursement for some Senator Dodd's personal staff members for home State entitlement?
>
> Mr. O'Hare. Yes, sir; I did.
>
> Mr. Fern. How do you explain that you claimed for the staff but not for the Senator?
>
> Mr. O'Hare. The only answer I can give and the honest answer is that the problem came up.

I stop here to say it is fair to assume the Senator had forgotten that he was entitled to these claims for reimbursement for home-State travel and he had not had a letter since 1959.

Continuing reading:

> We had a staff member, I forget which one it was, I believe it was James Boyd, who had an occasion to have to travel to Connecticut on official business. Someone had mentioned to me that they thought that the office was entitled to a certain number of trips for the staff members each year.
>
> At this point I made an inquiry to the Senate Disbursing Office as to whether or not there was a provision for trips for members of Senate staffs to the home State. I was given the information concerning the number of trips that were available. I have no recollection of being told about trips for which the Senator could be reimbursed.
>
> Mr. Fern. When you made inquiry of the Senate Disbursing Office about the staff entitlement, weren't you also told about the Senator's entitlement?
>
> Mr. O'Hare. No, sir; not to my recollection, I wasn't.
>
> Mr. Fern. Mr. O'Hare, do you know at this point whether the Senate Disbursing Office provides instruction to Senators, new Senators and perhaps otherwise, as to their various entitlements?
>
> Mr. O'Hare. Most all of us are aware the Senator made a statement on the floor of the Senate in which the accusation was leveled against me that I had indeed failed to gain reimbursement for trips for which he was due payment. On my own initiative early this week, I called Mr. Brenkworth and got what little information Mr. Brenkworth will impart to a layman concerning what a Senator is entitled to. However, he did tell me that when a Senator is elected, a letter is sent to him informing him of all of his privileges. It is marked personal and confidential, and he refused to reveal to me the contents of the letter. He said that each time there is a change in the law, that this information is also relayed to the Senator in the form of a letter, which is also marked personal and confidential.

Mr. Brenkworth, I think, was acting with complete propriety in refusing to reveal to a staff man the benefits available to a Senator.

There is another sentence that belongs there, which comes ahead of the material from which I have just read. It is on page 748 of the hearings, O'Hare testifying, just below the middle of the page, as follows:

> Just an aside here. I left the Senator's office in December of 1965, so that as far as the accounting of particular trips goes, I think that there should be some adjustment made over the time that I was actually in office.
>
> Mr. Fern. This paragraph doesn't refer to you. It refers to the Senator's entitlement.

After a lapse of 6 years, the Senate acted again with respect to home-travel entitlement and on July 12, 1965, the Senate disbursing office sent a personal and confidential letter to all Senators saying, among other things, that transportation expense reimbursement for round trips between Washington and our home States would be increased from two to six per fiscal year.

Let us go back and fit that into the pattern. The last letter Senator Dodd had received was now 2 years old, when O'Hare was first employed, and Senator Dodd had had two bookkeepers between them and the time O'Hara took over his books. The one immediately before O'Hare had been fired for incompetence after 2 months, and had probably left before O'Hare took over, so there was no chance for him to pass the information on, if in fact, he had it. And, the Hartford accountant had no special reason to know anything about it.

It was the arrival of the 1965 letter which, in my opinion, touched the whole thing off and accounted for this charge. It was the letter that announced the increase of the allowable trips—and it was dated July 12, 1965—the letter from which I have just read.

O'Hare's explanation, as indicated by the testimony that I have just read, shows that there was simply not enough time for him to make the detailed review necessary. It is of interest to the Senate to note here that since then the firm of professional accountants hired by Senator Dodd has been studying the question of entitlement for months to determine Senator Dodd's home State entitlement, and have not yet come up with an answer, according to Senator Dodd's own statement. It is not because the books are out of balance, in my opinion, but because of the difficulty of finding and identifying trips that qualify for reimbursement as "official" and that had not been previously paid for by other people or by campaign funds. It seems reasonable to accept O'Hare's explanation if these professional accountants, with more than one man available, could not do any better than they have done.

Mr. CURTIS. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I have declined to yield until I finish my presentation. I hope that my colleague will bear with me.

Mr. CURTIS. I have to leave the Chamber shortly and I would like to ask something about——

Mr. BENNETT. On the ground that it will not set a precedent, I am happy to yield to the Senator from Nebraska.

Mr. CURTIS. I thank the distinguished Senator.

In preface to my question, I will say this: I know something about the origin of the Committee on Standards and Conduct. It arose at the time we were spending long months on the Bobby Baker case. The Senator from Kentucky offered the motion here to establish the committee. I spoke for it. It carried on rollcall. I urged the leadership to activate it. I think the committee has been engaged in something absolutely necessary. I am making no defense for the actions that have been taken here. I think the committee has had a most difficult and trying job.

I am disturbed about one factor in this trip billing aspect. I would like to ask the Senator a question. In addition to the stipulation, is there any sworn testimony concerning the Senator's being paid twice for the same trip other than that of O'Hare?

Mr. BENNETT. We have no other testimony, but the stipulation is perfectly clear.

Mr. CURTIS. I have read the stipulation. The stipulation shows what happened. The stipulation does not show intent. It does not show intent to defraud.

Here is what I am disturbed about—and I am openminded. If Senators will turn to the testimony of Michael V. O'Hare as he resumed his testimony on page 751, the hearings show he was called back and he recited certain things from his previous testimony. Then, he was asked, as shown on page 752, if he would like to change any part of it, and he changed part of it.

I appreciate the Senator's yielding to me at this time, and I am not going to read all of that testimony, but I ask Senators to read it. I would like to read from page 752, at which Mr. O'Hare is shown as saying this:

> My decision to help Mr. Anderson and Mr. Pearson was made neither lightly nor maliciously. I engaged completely. I would have preferred that I had been able to separate myself from the office at the time that I agreed to cooperate with them.

This statement shows that he engaged completely with Pearson and Anderson beginning in July—he was not separated until December.

> At their request—

Meaning Pearson and Anderson—

> I didn't leave the office. They said that they would like me to remain on for as long as I could.

Then, dropping down to the next paragraph, he said this:

> So that for the period from mid-July until the time that I was off the payroll, I was cooperating entirely, committed in every way to assist Drew Pearson and Jack Anderson.

Mr. President, I do not defend what the Senator from Connecticut has done, but I find it difficult to have the Senate take any action on anything that is based in any substantial way upon an agent of Drew Pearson and Jack Anderson. I regard them scoundrels of such a degree that to do so would reflect upon the good name of the U.S. Senate, and that is what troubles me.

I do not take stock in a lot of the excuses that have been given, or the allegation of sloppy bookkeeping, but I find it most difficult. That is the reason why I wanted to ask the question as to whether or not there was any sworn testimony in the hearings other than the stipulations—which do not go to the question of intent at all—except O'Hare's.

Then, my other question is this: What was the date of the last one or two of the offenses alleged in reference to these bills?

Mr. BENNETT. The Senator has anticipated me. In order to accommodate him, I will jump ahead in my prepared talk.

I think, in answer to his observation, we are entitled to believe that, until O'Hare joined Boyd and Carpenter—until he made the decision to join them—he was doing his work loyally and effectively on behalf of his employer. We have no reason to believe otherwise. But this time question is very significant. The last two trips were made and over with, so far as double billing is concerned, before the July date which is set as the date O'Hare decided to join them.

Mr. CURTIS. What were the dates?

Mr. BENNETT. The first was the trip to Tucson, from February 26 to March 2, 1965. The University of Arizona paid $295 of the expenses on March 16. The Senate voucher was not dated until October 26, but I submit O'Hare's opportunity to have anything to do with the Senate voucher was so low as to be almost zero. In that case the debt had already been created, because he traveled on a ticket bought with a committee airline credit card.

Mr. CURTIS. When was the receipt of the last funds? Was it after mid-July?

Mr. BENNETT. Let me go back again. On this trip the University of Arizona paid on March 16, and the Senate Judiciary Committee incurred the debt on something earlier than February 26, when it used its credit card. So the amount of time it took to process the voucher through the committee is not significant, because here we have a case where Senator Dodd was using the ticket to travel, and he received $295 from the University of Arizona, when he had nothing against it to balance at all.

The other trip was to Los Angeles. This occurred between March 23 and March 24. This is another case where he traveled on a ticket purchased by the committee's credit card.

Mr. CURTIS. My question is, Did the money from any source for either of those two trips come in after mid-July?

Mr. BENNETT. Let me say, he went to Los Angeles for the Reader's Digest, which paid him $280 on April 26. The Senate vouchers in these cases were finally cleared after July, but these were not of any consequence, because Senator Dodd was not getting money from the vouchers. The credit card simply was used to pay the airlines, whose ticket the purchaser paid for, and the double reimbursement came from private payments.

The answer is that in both cases the double billing came on March 26 from the University of Arizona and from the Reader's Digest on April 26.

Mr. CURTIS. I appreciate the Senator's yielding to me for these questions. I want my position made clear. I think the work the committee has done had to be done. My sympathy has been with it all through these months. I am not critical of it. I am not accepting the excuses which have been made. I do not know what motivated O'Hare. I do not know whether he is not smart or what to think about it. But I am convinced that when anybody would act as an agent for two of the biggest scoundrels in the country on this, we need something more than sworn testimony on it. I say that not in criticism of the committee, but I say it in defense of the U.S. Senate.

Mr. BENNETT. The Senator from Utah and the Senator from Nebraska, I think, have the same point of view; but the Senator from Utah and the committee feel that the information they obtained without O'Hare's assistance represents the solid foundation on which they stand, and O'Hare's testimony was simply a device to bring the information into the hearing record.

It was corroborative but not conclusive.

Mr. CURTIS. I thank the Senator. I regret that I am disturbed about this point, because I have such a high regard for the committee. But I also believe the U.S. Senate must be careful when evil forces attempt to shape its conduct; and that is what we have here.

Mr. BENNETT. I am sure the Senator does not imply that evil forces have attempted to shape the conduct of the committee.

Mr. CURTIS. Evil O'Hare forces dominated it.

Mr. BENNETT. Not during the period when this actual record was being made.

Mr. CURTIS. That may be.

Mr. BENNETT. That is vital.

Mr. CURTIS. The man who gave the testimony said:

> I engaged completely. I would have preferred that I had been able to separate myself from the office at the time that I agreed to cooperate with them. At their request I

> didn't leave the office. They said that they would like me to remain on for as long as I could.

I do not know whether blackmail was used. I do not know what was used by these evil forces upon an employee of the U.S. Senate. I am very disturbed about this point.

I do not want my remarks to be construed as condoning any bad practice that has taken place. I am disturbed about the sworn testimony that we are asked to rely upon, because of the influence that these forces had over him, to hold him on the job when he wanted relief. Why?

Mr. BENNETT. This is all after the fact. This is all after the problems and information involved in these double billings.

Mr. CURTIS. I understand that.

Mr. BENNETT. All right.

Mr. CURTIS. But I also understand that there is nothing in the record, aside from O'Hare, going to the question of intent to defraud. The stipulations showed that it happened.

Mr. BENNETT. That is right; and I have tried to show how it happened, and that it could not have happened without Senator Dodd's personal activity, and could not have been carried out by O'Hare.

Mr. CURTIS. I do not dispute that.

Mr. BENNETT. All right.

Mr. CURTIS. And I thank the distinguished Senator.

Mr. BENNETT. Mr. President, to return again to the point, I repeat that I have not gone to all this length merely to uphold O'Hare's ability as a bookkeeper, nor, by inference, to excuse him for his later participation in the betrayal of Senator Dodd's confidence. But I felt I had to sweep away the last vestige of possible belief that O'Hare's skill, or lack of it, was in any sense the cause or reason for the so-called double billing.

This brings us finally to the big question involved in the phrase "course of conduct" and the necessity to review again the relation of the seven trips to the 80. At the risk of being tedious, but in the hope that by filtering these figures one more time through one more mind, they may become clearer, begging the Senate's patient indulgence, I shall go through them again.

The committee report reveals that there were approximately 80 trips made by Senator Dodd during the period from July 1960 through December 1965, for which reimbursement was received from the Senate or some other organizations, or both. All these trips were reviewed by the committee to determine whether there were any instances of multiple reimbursement from more than one source.

Of these approximately 80 trips, 70 were made for a single purpose, such as responding to an invitation to speak, or conducting some Senate committee business. That left 10 trips, and these were the only ones on which Senator Dodd conducted both private business and public business on the same trip. Therefore it is vital to an understanding of the committee's position, that these 10 represented his only opportunities for double reimbursement. Last week Senator Dodd made great point of the fact that if he had wanted to cheat on the other 70 trips he could have done it by inventing spurious business as a basis for double billing. Let us look at that claim for a minute. Actually, he could not invent a private appearance which would provide expenses in addition to an honorarium for those trips which he had taken purely for Senate business, so the only opportunity he would have had to invent a basis for double billing was to invent Senate business on trips where he went primarily to address a public group.

Of the 80 trips, there were 54 trips for private purposes only, and Senator Dodd, in his statement on the floor, suggested that if this were directly a "course of conduct" he could have invented Government business in order to create the opportunity for double billing. Actually, a course of conduct, to my mind, necessarily relates to something that actually happened, not what might have happened. The word "conduct" itself implies this.

If there were 54 trips out of 80 on private business only, this leaves 26 trips on which he went on Government business, and among those, as I have said, were 10 on which he did both private and Government business. It is the committee's contention that these 10 provided him with his only available opportunities for double billing involving the Senate funds.

The committee has tried to make clear that it found elements of double billing in all of these 10 trips—all of them—but with respect to three of them, the committee did not consider the available facts to be conclusive, and, therefore, these three were not adduced in the hearings. This leaves the seven, and the facts including double reimbursement of these are admitted by Senator Dodd in his stipulation. This is the information which Senator Pearson has already presented so clearly to the Senate, and any mention of them here is only for the purpose of reinforcing his argument.

The printed hearing records, pages 1015 through 1023, also show that Senator Dodd also received payment from both political funds and from private organizations for his transportation expenses on six additional trips.

When I say "both political funds," if any Senator believes that I am referring to two political funds, I will say that they were received both from private sources and from political funds.

Of course, in these six cases, no claim for reimbursement was made to the Federal Government, since no Senate money or credit was used. The facts of these duplications are shown in the stipulation which is reproduced on pages 1015 through 1023 of the printed hearings and in the schedules of payments from political funds that were incorporated into the stipulations and are shown on pages 938, 954, 996, and 997 of the printed hearings.

This is a little complicated. I shall not pause so that Senators may find them and read them, but they are in the printed hearings.

The addition of these trips makes 13 instances of admitted double reimbursements—and nearly doubles the range of activities that can be called the "course of conduct."

Just last week, the Senator repaid to the Treasury the amount of money involved in the double reimbursement which came to him from Senate funds. The extra reimbursement that came to him from his campaign accounts was deposited to his personal income just as directly as that income was increased by other transfers from campaign and testimonial revenues.

Senator Long has made much of his contention that O'Hare misled the committee on the issue of double billing. The facts are otherwise. The committee, by its independent investigation, determined that there were a total of 16 possible double billing situations—10 and six as heretofore explained. Accordingly, the committee corresponded with and received affidavits from the payers in each one of these trips. So far as the Government side of the story is concerned, of course, they had access to and received the vouchers from the Senator's committee.

Mr. LONG of Louisiana. Mr. President, will the Senator tell what page he is on? He mentioned my name, and I would like to know the page number.

Mr. BENNETT. I have a slightly different text than the Senator has. Those who are following the text tell me that it is on page 22.

Mr. LONG of Louisiana. I thank the Senator.

Mr. BENNETT. Mr. President, from the facts provided in these affidavits, the committee had the basis for the stipulations which were voluntarily agreed to by Senator Dodd.

It has also been alleged that the double billing on the last two trips in 1965 took place after O'Hare decided to defect.

I have already covered this in my colloquy with the Senator from Nebraska [Mr. Curtis].

The two trips in question were to Tucson and to Los Angeles. The Tucson trip was from February 26 to March 2. The Los Angeles trip was on March 23 and March 24. Testimony received by the committee in its hearings disclosed that O'Hare did not enter into the arrangements to participate in the removal of records until at least June of that year. The Government expenses for these trips were incurred by credit card at the time that Senator Dodd made the trip. The reimbursements from the private sources were in March and April, respectively. Thus, all arrangements for double reimbursement on these two 1965 trips were completed at least 2 months before O'Hare's first knowledge that the other former employees, Boyd and Mrs. Carpenter, were engaged in removing documents from Senator Dodd's file.

This is the committee's case. There remains only the task of a final summary. For that purpose let us go back and briefly review the seven Dodd-Long defenses against the second charge in the resolution which reads:

> (b) to request and accept reimbursements for expenses from both the Senate and private organizations for the same travel.

First. Are either the process or results by which Senator Dodd double reimbursed frivolous or inconsequential? Not to me. In every possible situation, 10 in all, as far as the Senator is concerned, where he traveled for a dual purpose, the Senator secured some elements of double reimbursement. In three of these cases the committee's evidence was either not clear or not conclusive, but in the other seven, the committee feels that it was.

The committee feels that the second charge equals the first charge in seriousness, because it drew money directly out of the funds of the Senate for the Senator's personal and private enrichment.

Second. Its critics have said that its sole cause was sloppy and careless bookkeeping on the part of O'Hare and have implied that it was somehow related to his later defection.

They also insist that Senator Dodd had no knowledge of what was going on and was not involved in it in any way.

Our answer is that in the first place the Senator did not need O'Hare—he could have written his own letters to the private sources. On the other hand without the information the Senator alone could furnish—the name and address of the firm to be billed and the amount—O'Hare could have done nothing. And in the second place the Senator was the key to the completion of the vouchers submitted to the committee. Only he could set them in motion, and his name or signature had to appear on all of them. In this move for reimbursement O'Hare had no part to play.

Presumably O'Hare received the duplicate checks. Some of them came months apart. I am not sure, but I assume that he must have recognized their relationship. It is hard to believe he never discussed this with the Senator, of whom he said, "he took a great, personal interest in his personal finances." If these finances were in as bad a shape as Senator Dodd and his friends claim, I am sure the Senator had every reason to keep a close watch on his balance and could scarcely have failed to note the appearance in his bank statements of these duplicate deposits—one of which was for as much as $831.

Commonsense tells us that the assumption that all these were the result of error and not intent cannot stand up. The first claim for double reimbursement could have been an error, the second was less likely, but in my opinion the seventh could not possibly have been accidental. There is no logical basis for the claim.

Fourth. Though the direct charge was never voiced, great effort was expended to plant the inference that O'Hare resorted to the forgery of Senator Dodd's signature in order to accomplish his double billing. I think I have shown that was impossible with respect to private reimbursement, and improbable and meaningless with respect to official vouchers. Moreover, he had no reason or motive for such a stupid plan.

Fifth. That O'Hare's failure to secure for the Senator his properly entitled home trip reimbursements can somehow explain the double billing.

To me, this is a complete "nonsequitur," and besides there is at least good circumstantial evidence that he might not have been told anything about it. He came into Senator Dodd's employ about 2 years after the letter of June 19, 1959, and left soon after the letter of July 12, 1965. There were no letters in between.

Finally, we come face to face with the claim that even if there were only seven instances of double reimbursement, there were 80 trips, all of which represented opportunities which Senator Dodd did not take. So the whole thing is "de minimus" and cannot be described as "course of conduct."

Senator Long even tried to convince the Senate that the committee was completely wrong in identifying even these seven instances as double reimbursement involving Senate funds and tried to explain them away on other bases.

I think this error grew out of another failure of communications between himself and Senator Dodd, of which there have apparently been several during this debate. Had he checked first with his client-colleague, he would have learned that the existence of the seven instances had been stipulated before the hearings first began on March 11 and that the truth of this stipulation had been nailed down tight. When after 3 months Senator Dodd had on June 8, less than 2 weeks ago, refunded to the Treasury all the money involved—a total of $1,763.

Remember—Senator Dodd had also stipulated to six more that, while they did not involve Senate funds, did transfer campaign funds to his private account in the same manner.

To say it for the last time and in another way, the hearings began with an admission that Senator Dodd had been improperly enriched by double reimbursement to the tune of $1,763 of Senate money, and that admission was confirmed by his action in refunding the money to the Senate. He and his defenders say this was all a mistake in which he had no part and for which he bears no responsibility. I think the record shows that it could not have happened except with his full knowledge, under his personal directions, and through his actual participation. And to me that demonstrates to a certain extent a willful course of conduct. For all of this, the committee considers Senator Dodd wholly and solely responsible for the double billing, and for that reason the committee believes that its second charge warrants censure as much as, and maybe more than, the first.

I have one final postscript. We have heard much for the last week and a half to the effect that the first charge in the committee's resolution involves an application of an ex post facto principle.

This cannot be claimed with respect to the second charge which, if true, necessarily constitutes the perpetration of a fraud on the Senate.

Indeed, Senator Dodd himself recognizes this as shown by a statement he made in his first speech on the floor. He said:

> Let me be frank. If I should come to the conclusion that some Senator were guilty of a deliberate attempt to defraud the government of his country, I would not urge that he be censured. I would urge that he be expelled.

That is Senator Dodd speaking, not the committee. However, the committee believes that it has proved that Senator Dodd himself not only knew of but was also involved in the process that produced the double billing.

For that reason, the second charge is as important as the first in the recommendations for censure.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. MILLER. Mr. President, I have been trying to follow the argument of the able Senator from Utah very carefully.

I am not yet clear on one matter, and I would appreciate it if the Senator from Utah would give us a very brief answer to this question, which I raised the other day: Why did not the committee treat as an offset all or any part of the 21 trips alleged to have been eligible for reimbursement and not reimbursed?

Mr. BENNETT. Because there is no relation between the two. We have no charge against Senator Dodd that he somehow brought the Senate into disrepute by failing to collect for all or part of 21 trips. Therefore, this was outside our consideration. It is his suggestion that he is entitled to it as an offset. We are not concerned with whether or not he gets it as an offset. Our concern is, Did he in fact get double reimbursement for these seven trips? We are not concerned with the money.

Mr. MILLER. Will the Senator yield further?

Mr. BENNETT. I yield.

Mr. MILLER. I will grant that we are concerned with whether or not he received double reimbursement. But it seems to me that we must be concerned with another aspect, and that is whether there was an intention to do this and, further, whether there was an intention which we might call a malicious intention or an intention to enrich one's self.

For this reason, I suggested the other day that the offset or the failure to obtain reimbursement where it is authorized really goes to the intention. I am quite concerned about the intention. I believe it has been stipulated that there was double reimbursement. I do not believe we must argue about whether there was double reimbursement. I believe it is in the stipulation.

It seems to me that the heart of the question is, Was there an intention, and was it the kind of intention which was a bad thing? If there was a bad intention, that is one thing. If there was an intention without any malice behind it, and we can find that because there was a failure to ask for reimbursement that was legitimate, then I suggest that this bears on the intention.

Mr. BENNETT. I am afraid that I cannot quite follow that argument, because in one case we have money which came to the Senator as a result of deliberate action on his part. Let us leave the intention out for a moment. In the other case, we have money that did not come to him because he forgot to ask for it.

Now, can one say, "Look, I asked for too much over here," and that was deliberate action? He had the will or intent to create that situation. But over here he did not have to intend anything. He just forgot it; he ignored it.

Mr. MILLER. Mr. President, will the Senator answer this question: Do I correctly understand that the Senator is in effect saying that the committee rationalized this matter along the lines he has just indicated? Did the committee rationalize this matter that way?

Mr. BENNETT. I hope I do not leave that inference. The aspect that the unclaimed entitlement should be used as an offset never came up during the hearings. The Senator from Connecticut did not bring it up. The committee had no interest in it. It was developed in the Senator's defense on the floor. So the committee just did not rationalize anything.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. MURPHY. I have listened to most of the debate, and I did not get the impression that the rationalization of pluses and minuses was between the two columns we are talking about—the ones that were not charged, which could have been properly charged, as against the ones that were charged improperly. I got the impression that this was made by the defense in order to create the condition of mind within the Senate that there had been sloppy, unfortunate bookkeeping. That is one.

Now, may I ask the Senator a question: In the matter of double billing, we talk about trips that were made by the Senator from Connecticut in connection with Government business, for which he was paid. Was he ever paid twice by the Government for these trips?

Mr. BENNETT. No.

Mr. MURPHY. Then, is it not possible that on some of the trips when he had completed his Government business—he had gone for the Government, was transported by the Government, and had fulfilled his obligation to the Government—in addition, later in the evening, after the hearings had recessed, he had gone someplace to make a speech?

Mr. BENNETT. That is right.

Mr. MURPHY. And they might have said to him, "We could give you an honorarium." This is perfectly proper, is it not?

Mr. BENNETT. It is.

Mr. MURPHY. But they said—this is a hypothetical case—"We cannot give you an honorarium because in our committee, when we invited you, we said the secretary of the committee was empowered to pay your expenses. So in lieu of the honorarium, we give you a ticket."

My point is this: Was there ever a time when the Government was charged for a trip that he did not perform, or was there a time when the Government was charged twice for a trip on which he only performed once?

Mr. BENNETT. There was no time when the Government was charged twice for a trip—the answer is "No" in both cases. But in those cases which the Senator from California has described, in which the Senator from Connecticut completed his business and went downtown and made a speech, he was in that city with his expenses paid. He had no more expenses, except possibly a return of odds and ends that he had spent for a newspaper or a taxi. But he permitted the private organization in every case but one, as I remember it, to give him two checks—one as an honorarium for making his speech, and another to pay his expenses, which had already been paid. So the second check represented a double payment or a double reimbursement for his expenses. And the Government was involved in that.

Mr. MURPHY. In what way, may I ask?

Mr. BENNETT. He made one trip. The Government paid him for his expenses; the private agency, or a private organization, paid him for the same expenses.

If you are keeping books, you would set up a debit for the cost of the trip, and now you have two credits. The cost of the expense was reimbursed twice. Since Federal funds are involved in the double reimbursement in seven cases, we consider that that is an improper transfer of Federal funds to his own pocket.

Mr. MURPHY. May I ask a question?

Mr. BENNETT. The Senator may.

Mr. MURPHY. In other words, if I go to Chicago on committee work——

Mr. BENNETT. On official work?

Mr. MURPHY. On official work for the Government. My transportation is paid?

Mr. BENNETT. That is correct.

Mr. MURPHY. While I am in Chicago, if someone said, "You come and make a speech or tell some jokes or do a dance," I may not do that?

Mr. BENNETT. Why not do it? You do it, and you get paid for it. Nobody raises a question.

Mr. MURPHY. My point is this: Was the Government at any time charged expenses for his presence anywhere in connection with Government work in an instance in which he did not fully perform his duties to that committee?

Mr. BENNETT. The answer, again, is no. But in that situation the problem is that he accepted double payment for one set of expenses.

Mr. MURPHY. Will the Senator yield for a question?

Mr. BENNETT. I yield.

Mr. MURPHY. In this case, should he have returned part of the money to the Government? What would he do? How much?

Mr. BENNETT. In my opinion, there are two ways it could have been handled. He could have said, "My total expenses were $200. I will ask the Government to pay half, and I will ask the private firm to pay half, but all I get back is $200."

Mr. MURPHY. May I suggest that that would not be possible. The Government would pay all or it would not pay.

Mr. BENNETT. The Senator would have no difficulty in taking an amount equal to half and writing a letter to the Treasury and saying, "I was overpaid this much, because I charged half of my trip to the Beer Bottlers' Association. Here is the half back."

Mr. MURPHY. I see.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. MILLER. The Senator from California has raised another question in my mind.

The Senator from Utah has said, in effect, that inasmuch as there were double reimbursements, this represented sort of an enrichment at the Government's expense. Am I correct?

Mr. BENNETT. That is the interpretation we have to make.

Mr. MILLER. Now, that is the question. Might it not be argued with equal validity that this was an enrichment at the expense of the private organization?

Mr. BENNETT. All right, but remember——

Mr. MILLER (continuing). Whereas, and I am not saying that this makes it proper, of course, it seems to me if one interprets it the second way, that this is enrichment at private-organization expense, then we are in an area of ethical conduct affecting the public at large, as distinguished from a course of conduct affecting the Federal Treasury. If the committee went into this area, I would appreciate it if the Senator would let us know.

Mr. BENNETT. The Senate is a part of the Government. We assume that when a man swears or executes a voucher and says that he has not been reimbursed for the cost of his trip, when in fact he has been paid by a private organization, that is a fraud against the Government.

Is the position of the Senator from Iowa that when he travels on a Government airplane ticket, bought by the Government, the offense really is against the private organization?

Mr. MILLER. I am not saying that is my position. I say that it could be argued that way with equal validity.

Mr. BENNETT. Let us return to the basic problem the committee faces. Is this a course of conduct which brings the Senate into disrepute? I think there is no difference in the way it is applied.

Mr. ALLOTT. Mr. President, I agree with the Senator's last statement in its entirety, but I think the distinguished Senator from California and the distinguished Senator from Iowa have both raised questions that should be cleared up here.

I do not have a list of the committee assignments on the Committee on the Judiciary, but I understand the Senator's position is that he has the power to set hearings or authorize his own travel expense.

Mr. BENNETT. On the Subcommittee on Juvenile Delinquency.

Mr. ALLOTT. All right. In these instances and every instance where he did this the committee has found he was there legitimately on committee business. Is this correct?

Mr. BENNETT. The committee did not go behind the fact that the Senator had the right to be there, so we assume he was there on legitimate committee business.

Mr. ALLOTT. So the authorized trip was made by him and the Government immediately became liable for his expenses within the limitations of the legislative authorization and appropriation act.

Mr. BENNETT. The Senator is correct.

Mr. ALLOTT. And to that extent, I think the Senator from Iowa has raised a very grave question, because once he went there and performed this business the Government was obligated. I do not know who was defrauded but, at least, the Government was obligated to pay him this particular amount.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. ALLOTT. Yes. I should not be making a speech anyway. The Senator from Utah has the floor.

Mr. BENNETT. The Senator pointed out that Senator DODD clarified that question for us because he refunded the overcharges to the Government and not to the private organizations which heard him speak.

Mr. ALLOTT. Yes; but that was very recently.

Mr. President, I ask unanimous consent that I may make a few brief remarks.

Mr. BENNETT. I yield to the Senator from Colorado, so long as I do not lose my right to the floor.

Mr. LONG of Louisiana. Mr. President, reserving the right to object, I wish to ask the Senator a few questions before he loses the floor.

Mr. BENNETT. I intend to retain the floor.

Mr. ALLOTT. Mr. President, I have asked that I be briefly recognized because I cannot include all of my remarks in one question, and I do not want to be removed from the floor. First of all, I have not participated in this debate except for one or two questions addressed to the Senator from Connecticut last week in the Chamber, so I feel I am not imposing too much on anyone's time.

I have great respect for the committee. I do not think that there is a Senator in the Chamber who is not on the committee who would have traded places with them. I do want the committee to know that this statement is genuine and not only for the RECORD. All of the members of the committee deserve the thanks of the Senate as a whole for the work, anxiety, and more, the anguish, that I am sure each member of the committee has gone through in the course of this matter.

I would like to point out to the Senator that here was a mistake I think he has made. My distinguished colleague from Kansas took this same point of view the other day, and I admire him not only as a lawyer, but also I respect him in every other way.

On pages 20 and 20A, where the Senator was discussing these trips, I think he made one basic mistake. The Senator has said:

> There were 54 trips for private purposes only, and Senator Dodd, in his statement on the floor, suggested that if this were directly a "course of conduct" he could have invented government business in order to create the opportunity for double billing. Actually, a course of conduct necessarily relates to something that actually happened, not what might have happened. The word "conduct" itself implies this.

Again, as a lawyer, even though my friend from Kansas feels differently, I cannot accept this point of view flat out because conduct is what a person is doing during a certain time. It is true he had seven double billings during this course of 5 or 6 years, whichever period it is, from 1961 to 1965, but his conduct also during that time is in accord with his own statement to which the Senator from Utah refers. I am bringing this matter up simply because no one else seems to be saying it, and as a lawyer, I think I must say it. His conduct during these 6 years was also that he did not create phony Senate business in London, or Zanzibar, or some place else on juvenile delinquency and go there, when he was in fact going there to make a speech with an honorarium attached.

While the Senator has said that his conduct related to these 10 or 11 opportunities for double billing, where he had business there and also the right to make a speech, his conduct was actually his whole course of conduct during the time these seven instances took place.

In a courtroom, when the judge charges the jury, he says: You are the judge of the credibility of the witnesses, and you can determine this credibility—and I am not quoting our stock instruction exactly—from the demeanor of the witness on the witness stand and his conduct. This does not mean his demeanor only while he is talking. It means his demeanor on the witness stand, it means his conduct on the witness stand, all the time he is on the witness stand.

While I do not want this statement to indicate how I feel about this matter, and I recognize the very brilliant argument which the Senator from Kansas [Mr. PEARSON] made last week, and certainly I have all respect for the Senator, so much as TOM DODD said last week that he did not create artificial Government business, Senate business, to go to a place where he was going to collect an honorarium and expenses, this is also a part of the conduct. I do not think we can exclude that conduct any more than we can include the seven times he did it.

No person will ever shake my views about this. His conduct was during the entire affair, and you have to take his whole conduct, it seems to me, in not dreaming up phony Senate business, as much as his conduct after the fact about these things on which the Senator made such a brilliant and forceful argument this afternoon, as part of his conduct; but his whole life, everything he did during these 5 or 6 years was also a part of his conduct and should be considered by the Senate. To the extent we want to take into consideration this negative aspect, it is certainly a part of the conduct.

Mr. BENNETT. The Senator from Utah is not a lawyer. I have never charged a jury or been charged before a jury. But I am going to make a comment from a layman's point of view, and then I am going to ask unanimous consent that my friend, the Senator from Kansas, may argue with his fellow lawyer. It seems to me, if we are going back that far, then we have to pass on whether he made only 80 trips when he could have made 200 trips in which he set up mythical operations to create the double billing. But he did not make more than 80, and this is part of his course of conduct. I come back to the layman's understanding that conduct refers to what man does and not what he might have done.

Mr. ALLOTT. And one of the things he did was not to dream up phony Senate trips, so it is a part of conduct.

Mr. BENNETT. Another of the things he did was not to dance on the Senate floor or climb the Matterhorn or all the rest.

Mr. ALLOTT. That is correct. That is part of his conduct during this time.

Mr. BENNETT. Mr. President, I ask unanimous consent that I may yield to the Senator from Kansas [Mr. PEARSON].

The PRESIDING OFFICER (Mr. MCINTYRE in the chair). Without objection, it is so ordered.

Mr. ALLOTT. If I may just finish my comment here. I would say this: That probably the closest this thing touches is upon the intent or the willfulness of the items the Senator discussed. I did not want to engage him in this, but as I read his statement, which is very well done and most forceful, I did feel that his treatment of this one aspect was really not in accordance with the law as I have understood it.

Mr. BENNETT. The Senator from Colorado is not impressed by the fact that in every instance where he had a chance for double billing there were certain elements for double billing.

Mr. ALLOTT. Do not put words in my mouth. I did not say that.

Mr. BENNETT. I know that the Senator did not.

Mr. ALLOTT. I recognize this. I have been in this Chamber all the time during these proceedings. I listened to my good friend from Kansas [Mr. PEARSON] make his statement the other day, which was very excellent. I do not want the Senator to put words in my mouth. I have just said simply what I have said, that conduct is not just what he did while he was on these seven jobs. It was what he was doing during these past 6 years, and to that extent, the position taken by him has some merit even though it is negative and is not so positive as what he actually did.

Mr. BENNETT. I thank the Senator. Now, Mr. President, I ask unanimous consent that I may yield to the Senator from Kansas if he wishes to engage in this legal discussion.

The PRESIDING OFFICER. Without objection, it is so ordered; and the Senator from Kansas is recognized.

Mr. PEARSON. Mr. President, I thought I would merely respond to the Senator from Colorado by saying that, of course, we could accept the position put forth by him, which has been put forth most forcefully by the Senator from Connecticut. We could say that there were 80 trips. We could say that because there were 80 trips, and because this was conduct involving travel, that the Senator from Connecticut could connive to have business on an official basis and charge the Senate. We could say further that within the 26 trips that were taken and charged against the Government he could also have gotten in another invitation or another opportunity to make a private appearance. We simply did not make that assumption. In every case we said that business the Senator is on in which he charges the Government is a proper thing for him to do. We did not assume, as I do not think we had any right to do in any of the cases of the 80 trips, he took to the idea that here was an opportunity for fraud and that fraud was not exercised. I do not think it gives rise to the implication. These are my words and I am not putting them in anyone's mouth. The idea that there is also an opportunity for fraud and fraud is not exercised cannot in any way, in my judgment, mitigate against the hard examples which the committee found.

We speak of seven out of 10 trips, and I suppose that is a small number, that $1,700 in a given amount is a small amount of money; but we were not thinking about that. We were giving the Senator the benefit of every doubt that we could find. That is why we reached the conclusion that we did.

Mr. ALLOTT. I understand his position very well, let me say to the Senator, and I think the argument he made, together with the one matter by the Senator from Utah, is very, very strong. The thing that really caused me to take the floor at this time was this matter of conduct. I suppose, and I know as a matter of fact that the negative, the failure to commit fraud on every occasion is not very strong evidence. There is some evidence. How much the Senator would put on it, how much a juror would put on it, or how much I would put on it, depends on the individual. My only point is that the conduct of Tom Dodd during these 6 years was not confined to those few moments when he made these double billings.

Mr. PEARSON. Let me say, that is so. That is the reason why the committee looked into all 80 trips.

Mr. ALLOTT. If the Senator is in agreement on that, then my point is made. I thank the Senator.

Mr. DOMINICK. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I yield.

Mr. DOMINICK. I want to continue along the lines of the questions asked by the Senator from California [Mr. Murphy] and the Senator from Iowa [Mr. Miller]. Did the committee look into and did it find that the reimbursement which was received by Senator Dodd on the double billing cases was included by him as honoraria on his income tax as a whole, or included as expenses plus honoraria?

Mr. BENNETT. For what seemed to it to be a very good reason, the committee did not inquire into the income tax aspects of any of these transactions, because we do not have that jurisdiction. The Internal Revenue has given some public indication that it is investigating the income tax aspects of this situation so we——

Mr. DOMINICK. They are in the process of——

Mr. BENNETT. Did not go into that.

Mr. DOMINICK. They are in the process of going into that. On any others, did you look into his ledgers or the books in the office, or whatever it may be, to determine whether he included this as income?

Mr. BENNETT. At one point early in the committee's investigation, we had reason to believe that Senator Dodd would give us access to his books. But when we got to the point of requiring that access, it was refused. Thus, we had to build our financial case out of subpenas to banks, people who had loaned him money, and organizations that had the other half of the records. But we have never seen Senator Dodd's books.

Mr. DOMINICK. Could the Senator tell me this: I have a recollection, and I may be in error on it, that the Senator referred to, I believe it was, the California trip where there was double billing. I thought the Senator said that the total amount he received was considered as an honorarium which he received from a private organization.

Mr. BENNETT. We got that information by inquiring of the private organization.

Mr. DOMINICK. It was treated as an honorarium by them?

Mr. BENNETT. By them.

Mr. DOMINICK. Did the Senator find out any other information along those lines from other organizations?

Mr. BENNETT. No, because in the other cases, the amount of the honorarium and the amount for expenses were stated separately. But in this case, this organization of juvenile court judges gave Senator Dodd a flat amount and said, "Take your expenses out of it."

Mr. DOMINICK. The question I have brought up was along the line the Senator from California [Mr. Murphy] was talking about. If Senator Dodd went out there, did the job for the subcommittee he had planned on doing, and then went out to make a speech and received an honorarium on that trip, I presume it would not be considered as double billing.

Mr. BENNETT. I am sorry. I was trying to listen with one ear and I am afraid I did not hear the Senator. Would he repeat it?

Mr. DOMINICK. Yes. If on that trip Senator Dodd had gone to California, done the committee work which was the job of the subcommittee, had been reimbursed for that under the rules of the Senate, and then proceeded to make a speech and received an honorarium, I would presume there was nothing wrong with that; and this is what I believe happened on that occasion. Is that correct?

Mr. BENNETT. No. In that case the company said, "This money includes both your expenses and the honorarium." In other words, "Here is $500." Let us say it was Seattle, and not California. "Take your expenses out. The rest is your honorarium."

Mr. DOMINICK. The Senator does not know how Senator Dodd showed that on his own books?

Mr. BENNETT. No.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. BENNETT. I yield to the Senator from Ohio.

Mr. LAUSCHE. I wish to elicit information only, and I do not wish to say anything about guilt or innocence at this time.

My first question is, When were Mr. Boyd and Mrs. Carpenter separated from actual, open work in the office of Senator Dodd?

Mr. BENNETT. After the election of 1964.

Mr. LAUSCHE. It was about December?

Mr. BENNETT. Mrs. Carpenter was separated promptly at that time, but Mr. Boyd remained on the payroll for a number of months thereafter, I will get those two dates. I do not have them at the moment.

Mr. LAUSCHE. It was in 1964, after the election, and though Mr. Boyd was officially separated from his work, he was kept on the payroll?

Mr. BENNETT. That is correct.

Mr. LAUSCHE. Through the charity of Mr. Dodd.

When did these stories that were carried in the newspapers begin?

Mr. BENNETT. January 24, 1966.

Mr. LAUSCHE. In 1966?

Mr. BENNETT. Yes, The first line in the report shows that—January 24, 1966.

Mr. LAUSCHE. When did Boyd and this lady first enter Senator Dodd's office in secrecy to take papers?

I have page 123 of the hearings, where it is shown that Mr. Sonnett said:

> When was Mrs. Carpenter's employment terminated by the Senator?
>
> Mr. Boyd. On December 7, 1964.
>
> Mr. Sonnett. And following December 7, 1964, you and Mrs. Carpenter had occasion to see one another often, and you had much discussion of this project, did you not?
>
> Mr. Boyd. Before and after December 7, 1964, yes, sir.

That is, they were discussing this project in December 1964.

> But it was not until January, I think you told us, that you planned the procedure of entering the office to obtain documents?
>
> Mr. Boyd. I think, yes, sir, that is correct. I have tried to stress in my testimony that the development of this whole project was fitful in starts and halts, and I think the word "plan" denotes a little more skill and consistency in the idea that I think should be given to it.

But at least it was in January that they began planning.

The Senator from Utah stated that it was, I believe, in March and April that the two trips which have been in dispute here took place.

Mr. BENNETT. No; it was in February.

Mr. LAUSCHE. The Tucson trip was from February 26 to March 2.

Mr. BENNETT. Yes.

Mr. LAUSCHE. And the Los Angeles trip was March 23 and March 24.

Mr. BENNETT. That is right.

Mr. LAUSCHE. They were definitely after Boyd and Marjorie Carpenter were let go.

Mr. BENNETT. Boyd and Marjorie Carpenter have no place in the consideration of the financial problems.

Mr. LAUSCHE. That is not my question. It was after they were let go.

Mr. BENNETT. That is right.

Mr. LAUSCHE. That was in December of 1964.

When did O'Hare defect?

Mr. BENNETT. Mid-July.

Mr. LAUSCHE. Mid-July?

Mr. BENNETT. Of 1965.

Mr. LAUSCHE. And was he in contact with Marjorie Carpenter and James Boyd between December and July?

Mr. BENNETT. We have no way of knowing that.

Mr. LAUSCHE. Then, the record does not show whether O'Hare and Carpenter and Boyd were in contact with each other between December 1964, and July when Boyd defected?

Mr. BENNETT. I think the Senator can assume they had some contact immediately before the defection, because they persuaded him to defect; but I do not know over how long a period it extended.

Mr. LAUSCHE. Those were the only questions I had on that subject.

Now I would like to ask this question with respect to the seven billings. It is the view of the Senator from Utah that we must charge those, on the basis of the proof, to an evil purpose on the part of Mr. Boyd and on the part of Mr. Dodd?

Mr. BENNETT. The Senator never used the word "evil."

Mr. LAUSCHE. Well, wrongful purpose.

Mr. BENNETT. I think the record shows Mr. Dodd permitted these extra funds to come into his account, and that in getting them into his account he had to have had knowledge they were going to get there.

Mr. LAUSCHE. And then, having knowledge, it was wrong that he did not stop it?

Mr. BENNETT. I think it was wrong that he participated in the process that brought the money there.

Mr. LAUSCHE. My next question is, How many trips could he have charged to the Government under the automatic right given of two return trips a year, up to a certain period, and then six return trips? What would have been the maximum number he could have charged if the trips had been made to his home and back to Washington?

Mr. BENNETT. The stipulation shows that between January 1, 1961, and December 1966, he could have charged 21 round trips.

Mr. LAUSCHE. And how many did he charge?

Mr. BENNETT. He charged one, I think. No. I am looking for another schedule.

Mr. LAUSCHE. It is the view of the Senator from Utah that he charged none, because the circumstances did not make it possible for him to charge?

Mr. BENNETT. No; that is not the view of the Senator from Utah.

Mr. LAUSCHE. What is it?

Mr. BENNETT. The view of the Senator from Utah is that, first, Senator Dodd accuses O'Hare of carelessness because none was charged. There was an opportunity to charge 10 during O'Hare's period of tenure. The record shows one was charged. If I could get my hands on a list, I could tell the Senator. That one was prior to O'Hare's employment, but it was during that period.

So there were nine that could have been charged while O'Hare was bookkeeper, and the remaining 12 to make up the 21 became available after O'Hare left.

Mr. LAUSCHE. My question on this subject is, Does not this indicate that Senator Dodd did not have what one would call detailed knowledge of what his rights were, and what was being done? Because it is admitted that there were 21 trips that he could have charged, through the several years, and he charged only one; and of those 21, there were 10 trips that could have been charged while O'Hare was working for him.

Mr. BENNETT. I respond to that question by saying that Senator Dodd had the same letter all the rest of us had, and it is hard for me to believe that it was necessary for him to rely on his bookkeeper.

Mr. LAUSCHE. But why would he not charge?

Mr. BENNETT. Do not ask me. He has not testified as to why he did not charge.

Mr. LAUSCHE. Does not that indicate a sort of nonknowledge of what was actually going on with the books? It would seem to me he would definitely have charged it otherwise.

Mr. BENNETT. I do not think it has to do with the books. It has to do with his lack of knowledge of his rights as a Senator.

Mr. STENNIS. Mr. President, will the Senator yield to me at that point?

Mr. BENNETT. I yield to the Senator from Mississippi, so that he may comment on the question asked by the Senator from Ohio.

Mr. STENNIS. Mr. President, as I recall the evidence as to the 20 or 21 trips involved in this matter, there has been no proof that those trips were actually taken and the money paid out by Senator Dodd for the plane fare, or whatever the fare was, and he did not file for reimbursement.

As I remember, the facts are that there were just 21 times when he was eligible to have been reimbursed for a trip if he made the trip, and paid the money out of his pocket for his plane fare or train fare.

Mr. BENNETT. I thank the Senator from Mississippi.

Mr. STENNIS. So as I recall the facts, if the Senator will yield one moment further, there has not yet been established by Senator Dodd and his accountants the identification of these 21 trips.

The question was asked a minute ago why we did not give him credit for those 21 trips, for the amounts. The Senator from Utah stated that in his view it was irrelevant, and I think he was correct. That is not any of our business. I do not know whether the Senator ever made the trips or not. There is no proof before us, as I recall, that the trips were ever made. He was just eligible to make those trips, and then, if the trips were made, would have been eligible for reimbursement if he had paid out his money. But until proof is made that he made the trips and paid for them out of his pocket, he is not eligible for any reimbursement.

By the way, such claims are not outdated yet. The statute of limitations on that is 10 years. I am advised that even though the appropriation has lapsed, he is still eligible for reimbursement if he can prove that he made trips to Connecticut, Colorado, or anywhere. They can pay it out of a later appropriation.

That is my best recollection of the facts now.

Mr. DODD. Mr. President, will the Senator yield, so that I may clear up the point of the Senator from Mississippi?

Mr. BENNETT. I yield.

Mr. DODD. Stipulation No. 108 reads as follows:

> For the period commencing January 1, 1961, through December 31, 1966, Senator Dodd made 21 round trips between Washington, D.C., and Connecticut for which he was entitled to be reimbursed from the contingent fund of the Senate under the provisions of 2 U.S.C. 43b, but for which he received no reimbursement.

I stated here on the floor of the Senate the other day, as to the 21 trips in 6 years, I go home about every week.

Mr. STENNIS. Mr. President, the Senator was reading from page 866, agreement No. 108.

Mr. DODD. Yes. It is part of the stipulation entered into as of March 11.

Mr. STENNIS. I have read it now. It says Senator Dodd did make 21 round trips between Washington, D.C., and Connecticut.

Mr. DODD. For which he received no money.

Mr. STENNIS. I read now from the stipulation: "For which he was entitled to be reimbursed from the contingent fund of the Senate." They used the past tense; the Senator is correct on that. I thought the stipulation merely said he was eligible, and regret my misstatement of the terms of the stipulation.

Mr. DODD. I am sure it was not the Senator's intention to mislead.

Mr. STENNIS. I thank the Senator.

The irrelevance as to crediting Senator Dodd with the amount involved is still pertinent, because the Senator is still entitled to file for reimbursement of the money, if he wishes, since the statute of limitations has not run. So we had no right to charge or credit him, one way or the other.

Several Senators addressed the Chair.

Mr. BENNETT. I yield first to the Senator from Ohio, then I shall be happy to yield to the Senator from Massachusetts.

Mr. LAUSCHE. Mr. President, I said I would not engage in discussion about the Senator's guilt or innocence, but I am obliged to say now, in the face of the argument that was made, we cannot dismiss the claim of nonknowledge on the part of Mr. Dodd when nonknowledge will be of help to him, and charge him with knowledge when it will be hurtful to him. That is what I think the Senator is doing when he says we must cast aside the argument that he did not bill for 21 trips for which he could have billed.

That shows a course of conduct that he did not know, or deliberately failed to bill, while things were going on in his office that would have brought money to him.

Senators cannot have both sides of this argument. We must be consistent in the matter, and if it is to be argued that he should have known about the double billing, then it must be said that he should have known that he was not billing for trips that he made, for which he is entitled to reimbursement.

Mr. BENNETT. I can say that because he received the same official notification from the disbursing office that we did, and those of us who have billed for those trips have done it on the basis of that information.

Mr. LAUSCHE. Why did he not bill?

Mr. BENNETT. I do not know.

Mr. LAUSCHE. Did he have too much money? Was he wanting to cheat in one instance, and in the instance where he was entitled to the money, he did nothing about it?

Mr. BENNETT. It seems to me that, having had the knowledge because he had had the notice, he will have to tell you why he did not bill.

Mr. LAUSCHE. I think that concludes my questioning.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. BENNETT. I promised to yield to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, the question that the distinguished Senator from Ohio has raised has been raised by many other Senators here today. The Senator from Michigan asked the question of the Senator from Oklahoma; the Senator from Iowa asked it of the Senator from Utah. Obviously, many Senators are disturbed by this question, and the committee constantly gives the answer that it is irrelevant, when it gets to the question of the claim for funds which Senator DODD did not make, but to which he was entitled.

I ask the Senator this question: If the committee had found that the double billing by Senator DODD—and there is no dispute that there was double billing—was due to negligence and negligence alone, would the committee have made a recommendation for censure?

Mr. BENNETT. I think the committee would not have made such a recommendation.

Mr. BROOKE. If the committee had not made a recommendation for censure on a finding of negligence for double billing, then the committee would have had to find more evidence, in order to support its recommendation for censure; is that correct?

Mr. BENNETT. Mr. President, I have tried today to indicate the additional knowledge that Senator DODD must have had.

Mr. BROOKE. The committee must then have been looking for an additional factor on which to base its findings and recommendations.

In order to have censure, the committee must have been looking for design or intent on the part of Senator DODD to perform some act which is inconsistent with the standard of ethics.

Mr. BENNETT. The Senator is correct.

Mr. BROOKE. Then the committee was looking for intent.

Mr. BENNETT. The Senator is correct.

Mr. BROOKE. Is it not relevant and is it not essential, under the circumstances, that the committee give weight to the fact that Senator DODD did have an opportunity to bill the Senate on several occasions—be they 21 or 54, it does not matter—but he did not do so?

Mr. BENNETT. No. It is the committee position that he had an opportunity on 10 occasions and that he would have had to invent the opportunity in the other cases. We do not charge him with having invented the opportunity.

We assume that the 10 cases represented bona fide Senate business.

Mr. BROOKE. The stipulation which is found on page 866 of part 2 of the record clearly indicates that Senator DODD made 21 round trips from Washington, D.C., to Connecticut, for which he was entitled to reimbursement and for which he received no reimbursement.

Mr. BENNETT. The Senator is now talking about something else.

Mr. BROOKE. I am getting to the other point. I want to get it on a clearer basis.

The Senator agrees that Senator DODD had a clear opportunity to bill the Senate for 21 trips for which he was entitled to reimbursement but for which he did not bill the Senate?

Mr. BENNETT. We stipulated that on the theory that Senator DODD must have traveled back and forth to Connecticut over these years at least 21 times. But we had no listing of the trips, the dates, or the places. And apparently Senator DODD still has none, because his own statement on the floor of the Senate was that his accountants are still hunting for the trips which he can justify as being reimbursable.

Mr. BROOKE. Certainly the Senate is entitled to accept a stipulation.

Mr. BENNETT. The Senator is correct.

Mr. BROOKE. We are entitled to accept the stipulation without going behind the stipulation. If we go behind this stipulation, we will go behind all other stipulations.

Mr. BENNETT. We agreed that there were 21 occasions.

Mr. BROOKE. That is correct. And that is a stipulation that the committee and Senator DODD agreed on.

Mr. BENNETT. The Senator is correct.

Mr. BROOKE. Is it not relevant to the committee in making its findings and recommendations that it consider the fact that here was a U.S. Senator who did not claim reimbursement for 21 trips to which he was entitled, when the committee was looking for intent on the part of this man to get as much money as he possibly could out of the U.S. Government?

Mr. BENNETT. It has been suggested to me by committee counsel that this is relevant to his knowledge of the law, but that it is not relevant to his knowledge of his books of account.

Mr. BROOKE. Is it not relevant to the committee when the committee is trying to find intent? That is the only question we have been trying to get answered by the committee.

When the committee is looking for intent, does it not look for every bit of evidence it can in order to arrive at that intent? And is it not relevant that here is a man who had 21 opportunities to collect about $1,700 by merely asking for it and he did not do it?

Is that not relevant to the question of intent?

That is the only question I am asking.

Mr. BENNETT. To me—and again, I am not a lawyer——

Mr. BROOKE. I will use no more legal language, I assure the Senator. I am merely asking in plain layman's language, as a matter of commonsense, Is this not evidence that would help you to arrive at intent?

Mr. BENNETT. I think, however, it was most relevant to the committee on the question of O'Hare's responsibilities.

The position of the Senator from Connecticut is that O'Hare was responsible for the double billing, that O'Hare was responsible for the failure to collect for these trips.

Mr. BROOKE. However, the Senator has rejected that contention. He has said it was not O'Hare who was responsible, but Senator DODD who was responsible and was involved.

If Senator DODD is being held accountable for the double billing on these occasions, should we not also hold him accountable for not billing on the other occasions?

Mr. BENNETT. Again, I am not a lawyer, but it seems to me that it required positive action to acquire the double billing. And the failure to get reimbursement on these trips to and from Massachusetts involved, most probably, merely the fact that he had forgotten it.

Mr. BROOKE. The Senator means Connecticut.

Mr. BENNETT. I am sorry. It costs more to get to Massachusetts.

Mr. BROOKE. The Senator is correct.

Mr. BENNETT. The Senator had completely forgotten it. He had not had a letter telling him about it since 1959.

Mr. BROOKE. If this man were so hungry for money, would he be likely to forget that he is entitled to a reimbursement of $1,700?

Mr. BENNETT. It is hard for me to believe that he would, but he did.

Mr. BROOKE. Whether he did or not involves the question of whether we have sufficient evidence to prove that he did. And some of that evidence includes the fact that he did not claim reimbursement for the $1,700.

Mr. BENNETT. Again, going to the question of intent, it is obvious that he intended to get double reimbursement, because I think it is impossible for him to have achieved it without personal involvement. And it is obvious now, from the discussion since this debate began on the floor, that he intends to collect the money and be reimbursed. He told us that his counsel had been working on the matter for months and they have not yet been able to come up with the justification on which he expects to get the reimbursement.

Mr. BROOKE. This goes back to January 1, 1961.

Mr. BENNETT. The Senator is correct.

Mr. BROOKE. And the Senator was entitled to reimbursement which he did not claim.

Mr. BENNETT. The Senator is correct.

Mr. BROOKE. We are now in 1967, and the Senator says he is about to claim it. And during that same period, he allegedly double billed and received money from two sources, one from the Government and one from private organizations.

Mr. BENNETT. That is stipulated.

Mr. BROOKE. That is stipulated.

Mr. BENNETT. The Senator is correct.

Mr. BROOKE. Does it not seem that if you are to give weight to the stipulation on double billing, you must also give weight to the failure of the Senator to claim reimbursement.

I think that is all Senator GRIFFIN was asking. It is all Senator MILLER was asking. It is all Senator Murphy was asking. And it is all that I am asking.

Every time the members of the committee stand up, they say that it is not important and is not relevant. However, it is relevant.

Mr. COOPER. I have not said that.

Mr. BROOKE. The Senator is correct. I apologize for that statement.

Mr. BENNETT. Mr. President, before I give the Senator from Kentucky a chance to answer, I think it is fair to say that the committee gave some weight to the matter, but since this was negative, the weight in our opinion was much less than the weight to be given to positive action.

Mr. BROOKE. I do not recognize the Senator's authority to give weight to a matter and divide that weight as you see fit.

There is no question involved as to whether you give a question superior weight.

We on the floor are not clear whether the committee gave weight to it or whether it was relevant to the committee.

Mr. BENNETT. I think I had better let the lawyers take over.

Mr. COOPER. Mr. President, may I be permitted to respond to the Senator from Massachusetts without the Senator from Utah losing his right to the floor?

Mr. BYRD of Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. Let there be order in the Senate.

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senator from Kentucky [Mr. Cooper] may respond to the question of the Senator from Massachusetts without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. COOPER. Mr. President, I will not speak on this matter solely as a lawyer, or as a former judge. I want to speak in terms of a layman.

First, it is correct that the committee had to determine the intention of the Senator from Connecticut with respect to the double billings, as a basis for its findings.

In the Senate, the committee must face the question directly because questions are being asked the members of the committee what we determined was the intention of the distinguished Senator from Connecticut.

It is a rather difficult question to answer. We are dealing with a state of mind at the time the billings were made. The state of mind can be determined in many ways. Sometimes the best evidence is what the actor says at the time he performs the questioned act. In this case, of course, we do not have that kind of evidence to produce. It follows that the committee had to examine the circumstances surrounding the acts of the Senator from Connecticut at the time of the double billings.

These are some of the circumstances which the committee believed indicated intent: One, and important, is the fact that in the seven billings, as stipulated, when expenses were collected from both a private organization and the Senate, collections for expenses were first made from the private organization and then later, the Senator from Connecticut or his representative filed vouchers with the appropriate officials to secure a second payment for expenses for the same trip.

In such circumstances—and that is what we had to go by—we considered that having been paid once by a private organization and then filing claims for a second payment from the United States, the Senator knew or should have known that it was a second payment. I believe it was a reasonable judgment we could make about his intention. I must say that we were influenced to a degree by the facts of the entire case—as has been stated, the pattern or conduct to secure funds. This was the determination that the committee made with respect to the intent of the Senator.

I must say, however, in all fairness to the Senator from Connecticut—because our committee's duty is to deal fairly with the Senate and also to deal fairly with the Senator from Connecticut—such evidence as he could present to bear upon his intention had to be weighed by the committee, and it must also be weighed by the Senate.

The Senator from Ohio [Mr. Lausche], the Senator from Massachusetts [Mr. Brooke], the Senator from Iowa [Mr. Miller], the Senator from Colorado [Mr. Allott], and others have referred to circumstances and facts bearing on his intent. Stipulation 108 on page 866 has been cited. We do not go behind that stipulation. It is a stipulation—an agreement—just as other stipulations in this case. The committee agreed to the fact that Senator Dodd made 21 round trips between Washington, D.C., and Connecticut, for which he was entitled to be reimbursed.

It is an element bearing on intention which we had to consider, that is, if he did not ask to be reimbursed for this, it has weight upon what his intentions were with respect to double billing. But there is a fact connected with this stipulation which has not been mentioned. If I am wrong, I hope that I will be corrected by members of the committee or by the Senator from Connecticut.

With respect to that stipulation, I believe that Senator Dodd said he did not know that Mr. O'Hare or the Senator's staff had failed to bill the Senate for these trips until this entire question arose. So, you see, his intention later does not have the same bearing upon his intention at the time he could have filed.

I know that lawyers will understand the points I have made. It is for these reasons we made our judgment. Upon these facts we found intent. It was a difficult determination to make and it is now for the Senate.

Have I responded to the Senator from Massachusetts?

Mr. BROOKE. Yes, the Senator has.

Mr. PEARSON. Mr. President, will the Senator yield? I should like to respond to the Senator from Massachusetts.

Mr. BENNETT. Before I yield, may I say, Mr. President, that I understand that the Senator from Minnesota [Mr. McCarthy] wishes an opportunity to make a statement before the Senate adjourns this afternoon.

Have I been misinformed?

Mr. McCARTHY. That was the proper information when the Senator from Utah received it. As of now, the Senator from Minnesota would just as soon wait to make his remarks tomorrow—at the request of several Members of the Senate. Everyone who has asked me about it, has asked me to wait until tomorrow. On that basis, that is my request, if it meets with the approval of the majority leader and of everyone else.

I believe my office did put out a press release which did not say very much. It was an excerpt of what I had hoped to say today, but I believe we can pick that up tomorrow morning and make a somewhat fuller record.

I should like to make a point with reference to the wire service——

Mr. BENNETT. I yield to the Senator for this purpose, with the understanding that I shall not lose my right to the floor.

Mr. McCARTHY. With reference to a wire service story carried on Sunday. I find that the wire service reporters are generally good, if you talk to them. They do not read very well. They write reasonably well.

This story was taken from a written report published in the St. Paul, Minn., paper, and it said that I would give consideration to resignation from the committee if what we reported here was substantially rejected.

I did not mean to have this statement interpreted as a matter of pique or a kind of threat to the Senate. I am sure that after what the Senator from Illinois [Mr. Dirksen] said about me today, no one would think it was a threat, anyway, but rather as an indication of what I thought the committee had tried to do by way of interpreting the intention of the Senate when this committee was set up. My conclusion then was that if our recommendations were rejected, I would have to conclude that I, as a member of the committee, had not properly read the intent of the Senate with reference to what it wanted from the Ethics Committee, or that, having read it correctly, we should not have responded as we have. Taking those two points into consideration, I made that statement to the Minnesota paper.

I have not urged anyone to vote for the censure resolution; I do not intend to. But I do hope, tomorrow, to give what at least was my interpretation of what the Senate expected of us and to present for the Senate, not as prosecutors and not even as presenting something to a jury, but simply to lay before the Senate, so far as I can, the facts and the interpretation of the facts and the basis upon which I was moved to sign the unanimous committee report, which did recommend the censure.

I thank the Senator from Utah for yielding.

Mr. BROOKE. Mr. President, will the Senator yield for a question?

Mr. BENNETT. I yield.

Mr. BROOKE. The defense has attempted to reduce the double-billing allegation, or count, to a question of credibility—whether the Senate believes Mr. O'Hare or whether it believes Senator Dodd. The committee took testimony of Mr. O'Hare, yet the committee's report refers to Mr. O'Hare's reprehensible action, and to some degree discredits its own witness.

Upon what does the committee rely as proof of the allegations of double billing, other than the testimony of Mr. O'Hare and the stipulations which are contained in the committee's report?

Mr. BENNETT. The committee relies upon the vouchers it has obtained, upon affidavits it has obtained from the private sources that paid money to reimburse expenses to the Senator; and I believe the record is firm and safe without Mr. O'Hare's testimony.

Mr. BROOKE. Is it the committee's contention that without O'Hare's testimony there is sufficient evidence which has been given to the Senate to support a finding on the allegation of double billing?

Mr. BENNETT. That is the committee's position.

Mr. BROOKE. I thank the Senator.

Mr. LONG of Louisiana. Mr. President, will the Senator yield to me for a question?

Mr. BENNETT. Mr. President, I yield, but before I yield to the Senator from Louisiana I wish to say to him that I have been on my feet for 3 hours and I hope that he does not have a long list of questions which will keep the Senate in session.

Mr. LONG of Louisiana. I could ask a long list of questions but I shall not. If the Senator wishes, he might be seated for a moment or two so that he might rest his feet, while I ask the question, and then rise and respond. I have but one question that I want to ask at this time.

Would the Senator refer to paragraph 101 through 103 of the stipulations, at page 865?

Mr. BENNETT. I have found it.

Mr. LONG of Louisiana. There we have a case, in paragraph 101 of the stipulation, in which the U.S. Government paid American Airlines $378.42 for a trip from New York to Seattle and from Seattle to Washington, D.C., but in paragraph No. 103 it is stated:

> Senator Dodd received $500 from the National Association of Insurance Commissioners on or about June 26, 1963, as an honorarium for his speech on the morning of June 18, 1963, to the convention of the National Association of Insurance Commissioners in Seattle, Wash.

Lawyers know what a stipulation is. It is something agreed to by both parties to a controversy. Neither party can contest whatever is stipulated.

How could the committee stipulate that that was a $500 honorarium and then in effect conclude that it was an honorarium, not of $500, but an honorarium of $121.58, with the remainder of the $500 being a double billing of transportation expenses? The committee did in fact stipulate that Senator Dodd received $500 for a speech and that that $500 was an honorarium, not transportation expenses. How can the committee now contend that that payment was of transportation expenses?

Mr. BENNETT. Will the Senator give me a minute or two to check?

Mr. LONG of Louisiana. My question is: How can you stipulate that all of the $500 is an honorarium and then conclude in effect that only part of it was an honorarium and the rest was for transportation expenses?

Mr. BENNETT. The Senator from Utah—the only answer I can give is that the committee has no basis, no firm basis, for saying that this $500 was in fact divisible between expenses and an honorarium and very probably should not have been in the listing of 7, and the list should have been——

Mr. LONG of Louisiana. I thank the Senator.

Mr. BENNETT. With great satisfaction, I yield the floor.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the quorum call tomorrow morning the distinguished senior Senator from Minnesota [Mr. McCarthy] be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, will the assistant majority leader yield so that I might ask him a question?

Mr. BYRD of West Virginia. I yield.

Mr. DODD. I want to be sure that I heard correctly. The Senator requested that at the conclusion of the quorum call tomorrow morning the Senator from Minnesota be recognized?

Mr. BYRD of West Virginia. The Senator is correct. I asked that at the conclusion of the quorum call tomorrow morning the distinguished Senator from Minnesota [Mr. McCarthy] be recognized.

Mr. DODD. I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE BUSINESS

Mr. BYRD of West Virginia. Mr. President, now that the Senate has concluded its consideration of Senate Resolution 112 for today, I ask unanimous consent that there be a brief period for the transaction of routine business, under the usual time limitation.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. RUSSELL. Mr. President, I ask unanimous consent that I may be excused from attendance on the sessions of the Senate on Thursday, Friday, and Saturday of this week.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

DELEGATES TO THE SPECIAL SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS

Mr. MANSFIELD. Mr. President, I submit a list of nominations of delegates who are now serving in the special session of the General Assembly of the United Nations, and who, I understand, are members of the permanent U.S. delegation, which were received today from the President.

I ask for the immediate consideration of these nominations.

The PRESIDING OFFICER. The nominations will be stated.

The assistant legislative clerk read the nominations of Arthur J. Goldberg, of Illinois; Joseph John Sisco, of Maryland; William B. Buffum, of Maryland; and Richard F. Pedersen, of California, to be delegates to the special session of the General Assembly of the United Nations.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

Mr. MANSFIELD. Mr. President, I move that the President be immediately notified of the confirmation of the nominations.

The motion was agreed to.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

VIENNA CONVENTION ON DIPLOMATIC RELATIONS

Mr. MANSFIELD. Mr. President, on Thursday of last week the Senate passed S. 1577, which was reported unanimously by the Committee on Foreign Relations. The bill was cleared for passage by the leadership on both sides of the aisle. A motion to reconsider was not made at that time.

At the request of the distinguished senior Senator from South Carolina [Mr. Thurmond], I now enter a motion to reconsider the vote by which the bill was passed.

The PRESIDING OFFICER. The Senator from Montana enters the motion for reconsideration of S. 1577, which will be duly recorded.

Mr. MANSFIELD. Mr. President, I move that the Secretary of the Senate be authorized to request the House of Representatives to return the papers on S. 1577 to the Senate.

Mr. HOLLAND. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. I did not hear the number or title of the bill.

Mr. MANSFIELD. It is S. 1577, having to do with diplomatic immunities attached to the Vienna Convention on Diplomatic Relations.

Mr. HICKENLOOPER. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. HICKENLOOPER. Has the Senator taken this up with the chairman of the Committee on Foreign Relations?

Mr. MANSFIELD. No.

Mr. HICKENLOOPER. A matter of this importance——

Mr. MANSFIELD. This was the report which was passed last week and asked now to be reconsidered and have the papers returned.

Mr. HICKENLOOPER. I did not know whether an objection was eligible here and whether the chairman might want to object.

Mr. MANSFIELD. This is a courtesy which we usually accord.

Mr. HICKENLOOPER. I do not wish to be discourteous, but that is not the point.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

THE FARM PROGRAM AND SUBSIDY PAYMENTS

Mr. WILLIAMS of Delaware. Mr. President, for the past several years the administration has been giving lipservice to a revision of our farm program whereby it would curtail the large subsidy payments which are being made to the corporate type of farmers.

Notwithstanding these fine phrases, however, each time that the proposal has been before the Congress to limit these subsidy payments not only was the administration silent but it actually opposed the amendment which would place a limitation on the amount which could be paid to any one individual and which would therefore limit these programs to the benefit of the bona fide farmers.

As a result the size of the cash payments for land diversion has continuously expanded.

These subsidy payments to which we are referring represent payments under the soil bank and acreage diversion programs, and so forth; that is, they are direct cash payments and are in addition to and not a part of any subsidy which the Government may be making under the price-support program to these same individuals.

In 1966 there were five farming operations which received a direct Government subsidy in excess of $1 million each.

In 1966 there were 11 farming operations which received direct cash subsidies in excess of $500,000 but less than $1 million.

In 1966 there were 258 individuals or corporations operating as farmers who received direct cash payments of between $100,000 and $500,000.

In 1966 there were 936 so-called farming operations which received direct cash subsidies of between $50,000 and $100,000.

In 1966 there were 3,939 individuals who received between $25,000 and $50,000 each.

A complete listing of all those who received in excess of $50,000 will be incorporated in the RECORD as a part of my remarks; however, I call attention to just a few of the more interesting situations.

The Department of Agriculture has classified two State penitentiaries as farmers, thereby making them eligible for direct subsidy payments. The Louisiana State Penitentiary collected a cash subsidy of $92,135 while the Arkansas State Penitentiary collected $122,090 as incentives to curtail their farming operations.

The State of Montana is classified as a farmer, and it collected $337,345 to curtail its farming operations.

The Texas Department of Correction is classified as a farmer needing Government assistance, and it was declared eligible for direct cash payments totaling $288,911.

The State of Washington is another "western farmer" which collected $125,552 to curtail its farming operations.

Based upon these large payments it is obvious that the small family-type farmer is not the real beneficiary of our present farm program, but rather the Government through these large payments is in reality subsidizing an expansion of the corporate type of farming operation.

The time is long past due when this program should be curtailed and these payments restricted to an amount not to exceed $10,000 for any one farming operation.

I ask unanimous consent to have incorporated in the RECORD a list of the 1966 payments of $50,000 and over under the various farm programs.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Payments of $1,000,000 and over under ASCS programs, 1966 (excluding price-support loans)

CALIFORNIA

Griffen, Inc., Huron (Fresno County)	$2,397,073
South Lake Farms, Five Points (Fresno County)	1,468,696
J. G. Boswell Co., Corcoran (Kings County)	2,807,633
Salyer Land Co., Corcoran (Kings County)	1,014,860

HAWAII

Hawaiian Commercial & Sugar Co., Honolulu (State office)	1,236,355

Payments of $500,000 to $999,999 under ASCS programs, 1966 (excluding price-support loans)

ARIZONA

Farmers Investment Co., Aguila (Maricopa County)	$747,547
Youngker Farms, Buckeye (Maricopa County)	508,988

CALIFORNIA

Vista Del Lland, Firebaugh (Fresno County)	622,840
Boston Ranch Co., Lemoore (Fresno County)	506,061
Kern County Land Co., Bakersfield (Kern County)	652,057
Westlake Farms, Stratford (Kings County)	622,569

Payments of $500,000 to $999,999 under ASCS programs, 1966 (excluding price-support loans)—Continued

FLORIDA

South Puerto Rico Sugar Co., South Bay (Palm Beach County)	$576,433

HAWAII

Lihue Plantation Co., Ltd., Honolulu (State office)	577,426
Oahu Sugar Co., Honolulu (State office)	526,171
Waialua Agricultural Co., Ltd., Honolulu (State office)	516,520

PUERTO RICO

Luce & Co., Aguirre (Mayaguez County)	518,224

Payments of $100,000 to $499,999 under ASCS programs, 1966 (excluding price-support loans)

ALABAMA

E. F. Mauldin, Town Creek (Lawrence County)	$101,398

ARIZONA

O. L. Hilburn, Bowie (Cochise County)	116,000
Goodyear Farms, Litchfield Park (Maricopa County)	275,056
Bogle Farms, Chandler (Maricopa County)	268,584
D. R. Hiett, Mesa (Maricopa County)	180,887
Waddell Ranch Co., Waddell (Maricopa County)	139,187
Fridenmaker Farms, Phoenix (Maricopa County)	130,396
Abel Bros., Tolleson (Maricopa County)	129,358
F. C. Layton, Tolleson (Maricopa County)	126,358
Ben Riggs & Son, Chandler (Maricopa County)	115,602
Ed Ambrose, Buckeye (Maricopa County)	114,975
J. L. Hodges Farming Co., Buckeye (Maricopa County)	114,619
Bkw Farms, Inc., Marana (Pima County)	285,508
John Kai, Marana (Pima County)	200,411
John J. and Ola V. Lord, Tucson (Pima County)	118,667
Kirby Hughes, Marana (Pima County)	112,017
C & V Sheep & Cattle Co., Inc., Maricopa (Pinal County)	453,326
Red River Land Co., Stanfield (Pinal County)	362,138
Hamilton Farms, Eloy (Pinal County)	347,810
John D. Singh, Casa Grande, (Pinal County)	317,742
Ak Chin Enterprises, Maricopa (Pinal County)	278,422
Pima Community Farms, Sacaton (Pinal County)	273,303
Arizona Farming Co., Eloy (Pinal County)	218,523
L–4 Ranches, Inc., Queen Creek (Pinal County)	213,861
Coury Bros., Queen Creek (Pinal County)	193,437
W. T. Golston Farms, Stanfield (Pinal County)	188,873
Kirby Hughes, Tucson (Pinal County)	185,163
Thunderbird Farms, Phoenix (Pinal County)	158,880
J. A. Roberts, Casa Grande (Pinal County)	155,276
Imperial Valley Cattle Co., Arizona City (Pinal County)	154,243
Rancho Tierra Prieta, Eloy (Pinal County)	148,291
Talla Farms, Inc., Stanfield (Pinal County)	142,695
Ray Farms Co., Litchfield Park (Pinal County)	134,239
Isom & Isom, Casa Grande (Pinal County)	132,166

Payments of $100,000 to $499,999 under ASCS programs, 1966 (excluding price-support loans)—Continued

ARIZONA—continued	
Milton P. Smith, Jr., Maricopa (Pinal County)	$125,962
Santa Cruz Farms, Inc., Eloy (Pinal County)	109,875
Paul Brophy, Casa Grande (Pinal County)	109,256
McCarthy Hilderbrand Farms, Eloy (Pinal County)	108,315
McFarland & Hanson Ranches, Coolidge (Pinal County)	107,453
Anderson Bros., Casa Grande (Pinal County)	105,266
Glenn Lane, Coolidge (Pinal County)	102,095
Barkley Co. of Arizona, Somerton (Yuma County)	324,588
Bruce Church, Inc., Yuma (Yuma County)	260,911
J. W. Olberg, Yuma (Yuma County)	207,588
Colorado River Trading Co., Parker (Yuma County)	166,030
Jones Ranches, Eloy (Yuma County)	151,858
Texas Hill Farms, Yuma (Yuma County)	138,920
Ben Simmons, Parker (Yuma) (County	128,941
Sherrill Lafollette, Phoenix (Yuma County)	102,512
ARKANSAS	
M. K. Kuhn & B. K. Happell & VKC, (Crittenden County)	215,525
Bond Pltg. Co., Clarkedale (Crittenden County)	107,674
Arkansas State Penitentiary, Grady (Lincoln County)	122,090
George Yarbrough, England (Lonoke County)	126,351
Howe Lumber Co., Inc., Wabash (Phillips County)	255,822
Brooks Griffin, Elaine (Phillips County)	158,405
Keiser Supply Co., Keiser (southern Mississippi County)	444,654
Wesson Farms, Inc., Victoria (southern Mississippi County)	177,083
Rufus C. Branch, Joiner (southern Mississippi County)	118,024
Armorel Planting Co., Armorel (southern Mississippi County)	102,405
J. G. Adams and Son, Hughes (St. Francis County)	136,021
CALIFORNIA	
Five Points Ranch, Inc., Five Points (Fresno County)	471,583
Airway Farms, Inc., Fresno (Fresno County)	364,177
Jack Harris, Inc., Five Points (Fresno County)	344,672
Sullivan & Gragnani, Tranquility (Fresno County)	290,914
McCarthy & Hildebrand, Burrel (Fresno County)	282,946
Schramm Ranches, Inc., San Joaquin (Fresno County)	270,600
Timco, Mendota (Fresno County)	250,005
Redfern Ranches, Inc., Dos Palos (Fresno County)	203,061
Coit Ranch, Inc., Mendota (Fresno County)	184,625
W'm H. Noble, Kerman (Fresno County)	166,794
Frank C. Diener Ranch, Five Points (Fresno County)	161,522
W. J. Deal, Mendota (Fresno County)	153,560
Raymond Thomas, Inc., Madera (Fresno County)	153,279
M. J. & R. S. Allen, Coalinga (Fresno County)	153,037
Hugh Bennett, Firebaugh, (Fresno County)	149,917
Pilibos Bros., Inc., Fresno (Fresno County)	140,079
V. C. Britton, Firebaugh (Fresno County)	122,216
J. E. O'Neill, Inc., Fresno (Fresno County)	$116,564
Linneman Ranches, Inc., Dos Palos (Fresno County)	113,742
Harnish Five Points, Five Points (Fresno County)	113,291
Ryan Bros., Mendota (Fresno County)	110,198
Telles Ranch, Inc., Firebaugh (Fresno County)	108,398
Wood Ranches, Lemoore (Fresno County)	104,213
H. B. Murphy Co., Brawley (Imperial County)	358,079
Elmore Co., Brawley (Imperial County)	287,026
Jack Elmore, Brawley (Imperial County)	197,219
Russell Bros. Rches, Inc., Calipatria (Imperial County)	189,608
W. E. Young & W. E. Young, Jr., Calipatria (Imperial County)	181,182
Irvine Co., El Centro (Imperial County)	179,737
C. T. Dearborn, Calipatria (Imperial County)	150,859
Sinclair Rches, Calipatria (Imperial County)	141,045
J. H. Benson Est., Brawley (Imperial County)	140,576
Antone Borchard Co., Brawley (Imperial County)	133,201
Salton Sea Farms, Calipatria (Imperial County)	128,762
Stephen H. Elmore, Brawley (Imperial County)	126,243
Donald H. Cox, Brawley (Imperial County)	110,196
Neil Fifield Co., Brawley (Imperial County)	107,892
Wynne & Elmore, Calipatria (Imperial County)	104,585
Stafford Hannon, Brawley (Imperial County)	101,387
Adamek & Dessert, Seeley (Imperial County)	100,184
S. A. Camp Farms Co., Shafter (Kern County)	426,922
Miller & Lux, Bakersfield (Kern County)	299,051
M & R Sheep Co., Oildale (Kern County)	286,949
Giumarra Vineyard Corp., Bakersfield (Kern County)	246,882
Houchin Bros. Farming Buttonwillow (Kern County)	245,313
W. B. Camp & Sons, Bakersfield (Kern County)	192,080
O. M. Bryant, Jr., Pond (Kern County)	180,443
Mazzie Farms, Arvin (Kern County)	173,014
C. J. Vignolo, Shafter (Kern County)	169,677
Reynold M. Mettler, Bakersfield (Kern County)	129,743
Tejon Ranch Co., Bakersfield (Kern County)	121,096
Em. H. Mettler & Sons, Shafter (Kern County)	111,918
Bidart Bros., Bakersfield (Kern County)	109,615
McKittrick Ranch, Bakersfield (Kern County)	107,247
Cattani Bros., Bakersfield (Kern County)	105,318
Wheeler Farms, Bakersfield (Kern County)	100,259
West Haven Farming Co., Tulare (Kings County)	289,841
Vernon L. Thomas, Inc., Huron (Kings County)	285,953
J. G. Stone Land Co., Stratford (Kings County)	232,851
Gilkey Farms, Inc., Corcoran (Kings County)	189,048
Borba Bros., Riverdale (Kings County)	154,573
Kern River Delta Farms, Wasco (Kern County)	$153,323
Boyett Farming, Corcoran (Kings County)	117,265
Nichols Farms, Inc., Hanford (Kings County)	112,677
R. A. Rowan Co., Los Angeles (Kings County)	100,778
Red Top Ranch, Red Top (Madera County)	133,555
Bowles Farming Co., Los Banos (Merced County)	141,375
Wilco Produce, Blythe (Riverside County)	296,484
Riverview Farm & Cattle Co., Blythe (Riverside County)	266,654
Clarence Robinson, Blythe (Riverside County)	130,745
John Norton Farms, Blythe (Riverside County)	128,735
Kennedy Brothers, Indio (Riverside County)	107,466
C. J. Shannon & Sons, Tulare (Tulare County)	230,572
E. L. Wallace, Woodland (Yola County)	149,636
E. L. Wallace & Sons, Woodland (Yola County)	105,443
Heidrick Farms, Inc., Woodland (Yola County)	103,722
COLORADO	
Olive W. Garvey, Garvey Farms Management Co., Colby, Kans. (Kiowa County)	107,110
Baughman Farms, Inc., Liberal, Kans. (Kit Carson County)	286,358
FLORIDA	
Talisman Sugar Corp. Belle Glade (Palm Beach County)	362,477
Florida Sugar Corp., Belle Glade (Palm Beach County)	151,146
A. Duda Sons, Inc., Oviedo (Palm Beach County)	130,064
715 Farms, Ltd., Pahokee (Palm Beach County)	113,336
Closter Farms, Inc., Belle Glade (Palm Beach County)	100,475
HAWAII	
Pioneer Mill Co., Honolulu (State office)	489,369
Ewa Plantation Co., Honolulu (State office)	458,220
Kekaha Sugar Co., Ltd., Honolulu (State office)	422,001
Kohala Sugar Co., Honolulu (State office)	420,019
Grove Farm Co., Inc., Lihue (State office)	376,678
Laupahoehoe Sugar Co., Honolulu (State office)	359,639
Honokaa Sugar Co., Honolulu (State office)	358,627
Hamakua Mill Co., Honolulu (State office)	335,885
McBryde Sugar Co., Ltd., Honolulu (State office)	317,639
Hutchinson Sugar Co., Ltd., Honolulu (State office)	312,986
Puna Sugar Co., Ltd., Honolulu (State office)	302,336
Kahuku Plantation Co., Honolulu (State office)	208,135
Gayaud Robinson, Makaweli (State office)	183,761
INDIANA	
William Gehring, Inc., Rensselaer (Jasper County)	103,540
IOWA	
Francis Wisor Gooselake (Clinton County)	100,189
Amana Society, Middle-Amana (Iowa County)	155,006
KANSAS	
The Garden City Co., Garden City (Kearny County)	100,032

Payments of $100,000 to $499,999 under ASCS programs, 1966 (excluding price-support loans)—Continued

LOUISIANA

Scopena Plantation, Bossier City (Bossier Parish)	$118,608
J. P. Brown, Lake Providence (East Carroll Parish)	162,051
Epps Plantation, Epps (East Carroll Parish)	103,962
South Coast Corp., Mathews (Lafourche Parish)	281,823
Southdown, Inc., Thibodaux (Lafourche Parish)	163,868
J. H. Williams, Natchitoches (Natchitoches Parish)	132,285
Sterling Sugars, Inc., Franklin (St. Mary Parish)	116,530

MISSISSIPPI

Delta and Pine Land Co., Scott (Bolivar County)	468,529
Robbins and Long, Rosedale (Bolivar County)	132,609
Dan Seligman, Shaw (Bolivar County)	124,515
Kline Planting Co., Alligator (Coahoma County)	118,618
Roundaway Planting Co., Alligator (Coahoma County)	116,592
Fred Tavoleti & Sons, Clarksdale (Coahoma County)	104,210
John B. & F. B. McKee, Friar Point (Coahoma County)	108,950
Oakhurst Co., Clarksdale (Coahoma County)	103,561
J. H. Sherard & Son, Sherard (Coahoma County)	103,184
Pal Sanders, Walls (De Soto County)	154,390
Topanco Caine Farm, Lake Cormorant (De Soto County)	106,773
B. W. Smith Planting Co., Louise (Humphreys County)	124,954
Blanche R. Slough, in care of T. L. Reed III, Belzoni (Humphreys County)	124,354
Buckhorn Planting Co., R.R. 2, Greenwood (Leflore County)	161,595
Four Fifths Plantation, R.R. 3, Greenwood (Leflore County)	124,124
West, Inc., R.R. 1, Sidon (Leflore County)	121,014
Wildwood Plantation, R.R. 3, Greenwood (Leflore County)	117,042
The Branw Farm, Schlater (Leflore County)	102,206
Harrison Evans, Shuqualak (Noxubee County)	189,729
Yandell Bros., Vance (Quitman County)	127,923
Pantherburn Co., Panther Burn (Sharkey County)	112,884
Cameta Plantation, Inc., Anguilla (Sharkey County)	105,164
Mrs. E. C. Eastland, Doddsville (Sunflower County)	129,997
Duncan Farms, Inc., No. 2, Inverness (Sunflower County)	115,419
Roy Flowers, Mattson (Tallahatchie County)	162,647
M. T. Hardy, Webb (Tallahatchie County)	110,625
Mike P. Sturdivant, Glendora (Tallahatchie County)	106,533
H. R. Watson & Sons, Tunica (Tunica County)	109,801
Live Oak Plantation, Arcola (Washington County)	188,455
Potter Bros., Inc., Arcola (Washington County)	154,232
Husbandville Plantation, care of W. T. Robertson, Holly Ridge (Washington County)	123,522
Torrey Wood & Son, Hollandale (Washington County)	118,143
Trail Lake Plantation, Tralake (Washington County)	115,179
W. T. Touchberry, care of Peru Plantation, Glen Allan (Washington County)	114,349

Payments of $100,000 to $499,999 under ASCS programs, 1966 (excluding price-support loans)—Continued

MISSISSIPPI—continued

Dean & Co., Tribbett (Washington County)	$110,646
R. A. Ingram, Leland (Washington County)	110,181

MONTANA

Campbell Farming, Hardin (Big Horn County)	164,351
State of Montana, Helena (Sheridan County)	337,345

NEW MEXICO

John Garrett & Sons, Clovis (Curry County)	143,608
Emma Lawrence, Hobbs (Lea County)	158,261

NORTH CAROLINA

McNair Farms, Inc., T. J. Harris, Red Springs (Hoke County)	195,053

OHIO

Ward Walton & Associates Inc., Upper Sandusky (Marion County)	127,850

OREGON

Cunningham Sheep Co., Pendleton (Umatilla County)	107,647

PUERTO RICO

A. Roig Sucrs., Humacao (Mayaguez County)	349,095
C. Brewer P. R. Co., Fajardo (Mayaguez County)	308,294
Sucn J. Serralles, Mercedita (Mayaguez County)	274,403
A. Martinez, Jr., trust, Aguadilla (Mayaguez County)	131,385
C. Oppengeimir Admini, Guayanilla (Mayaguez County)	117,900

SOUTH CAROLINA

W. R. Mayes, Mayesville (Sumter County)	167,083

TEXAS

Three Way Land Co., De Kalb (Bowie County)	192,958
H. H. Moore & Sons, Navosta (Brazos County)	274,902
Tom J. Moore, Navasota (Brazos County)	274,719
Est. Geo. C. Chance, Bryan (Burleson County)	112,592
Martha M. Russell, San Benito (Cameron County)	103,134
Edwin P. Carroll, Panhandle (Carson County)	130,093
Hill Farms, Hart (Castro County)	142,119
Ware Farms Co., Dimmitt (Castro County)	107,180
Carl Easterwood, Dimmitt (Castro County)	103,461
Jimmie Cluck, Hart (Castro County)	101,778
J. K. Griffith, Morton (Cochran County)	275,921
John A. Wheeler, Lorenzo (Cochran County)	167,922
Bill Weaver, Lamesa (Dawson County)	111,136
Taft McGee, Hereford (Deaf Smith County)	129,080
Perrin Bros., Hereford (Deaf Smith County)	109,488
R. C. Goodwin, Hereford (Deaf Smith County)	109,212
Lee Moor Farms, Clint (El Paso County)	101,494
Texas Department of Corrections, Central Farm 520, Sugarland (Fort Bend County)	288,911
Ercell Givens, Abernathy (Hale County)	152,727
Lloyd M. Bentsen, Jr., Houston 2 (Hidalgo County)	152,352
Sebastian Cotton & Grain Corp., Sebastian (Hidalgo County)	133,190
Helen Engelman Stegle, Elsa (Hidalgo County)	121,889
Krenmueller Farms, San Juan (Hidalgo County)	102,879

Payments of $100,000 to $499,999 under ASCS programs, 1966 (excluding price-support loans)—Continued

TEXAS—continued

Rio Farms, Inc., Edcouch (Hidalgo County)	$101,801
R. T. Hoover Farms, Fabens (Hudspeth County)	240,518
C. L. Ranch, Dell City (Hudspeth County)	119,233
Halsell Estate, Kansas City (Lamb County)	134,586
Busby Farms, Olton (Lamb County)	100,733
Pendell and Roseta Farms, Eagle Pass (Maverick County)	135,048
Sun Valley Farms, Inc., Fort Stockton (Pecos County)	159,810
Clark & Roberts, Pecos (Red River County)	173,407
Worsham Bros., Pecos (Reeves County)	217,126
U-Bar Land and Cattle Co., Pecos (Reeves County)	178,822
Kesey Bros., Pecos (Reeves County)	165,622
Kenneth Lindemann, Pecos (Reeves County)	146,773
Mi Vida Farms, Inc., Pecos (Reeves County)	113,701
John W. Nigliazzo, Hearne (Robertson County)	110,526
F. H. Vahlsing, Inc., Mathis (San Patricio County)	138,880
Fowler E. McDaniel, Tulia (Swisher County)	141,236
W. T. Waggoner trust estate, Vernon (Wilbarger County)	128,007

WASHINGTON

Broughton Land Co., Dayton (Columbia County)	103,545
State of Washington, Department of Natural Resources, Ephrata (Lincoln County)	125,552

Payments of $50,000 to $99,999 under ASCS programs, 1966 (excluding price-support loans)

ALABAMA

W. L. Corcoran, Eufaula (Barbour County)	54,666
Ben F. Bowden, Eufaula (Barbour County)	51,227
Joe I. McHugh, Orrville (Dallas County)	90,554
G. T. Hamilton, Hillsboro (Lawrence County)	65,449
Grady Windle Parker, Courtland (Lawrence County)	55,974
T. J. Jones, Sprott (Perry County)	55,330

ARIZONA

Luckett Farms, Bowie (Cochise County)	88,884
M. H. Barnes, San Simon (Cochise County)	70,660
Eaton Fruit Co., Inc., Willcox (Cochise County)	63,152
Gus Arzberger, Willcox (Cochise County)	50,372
H. L. Anderson, Peoria (Maricopa County)	96,915
Southmountain Farms, Inc., Laveen (Maricopa County)	94,381
A. J. Lewis, Scottsdale (Maricopa County)	92,852
Hardesty Bros., Buckeye (Maricopa County)	92,520
Morrison Bros., Higley (Maricopa County)	92,072
Wallace Bales, Buckeye (Maricopa County)	85,210
Harris Cattle Co., Chandler (Maricopa County)	84,639
Sutton Bros., Phoenix (Maricopa County)	82,705
Woodrow Lewis, Chandler (Maricopa County)	79,080
Henry L. Voss, Phoenix (Maricopa County)	77,989
H. C. McGarity, Buckeye (Maricopa County)	77,053

Payments of $50,000 to $99,999 under ASCS programs, 1966 (excluding price-support loans)—Continued

ARIZONA—continued

King Farms, Buckeye (Maricopa County)	$73,116
Power Ranches, Inc., Higley (Maricopa County)	72,627
James A. Wilson, Phoenix (Maricopa County)	71,568
S. L. Narramore, Phoenix (Maricopa County)	71,039
Vantex Land & Development (Maricopa County)	68,938
Don H. Bennett, Buckeye (Maricopa County)	68,775
Robert B. Coplen, Laveen (Maricopa County)	65,698
Leyton Woolf, Glendale (Maricopa County)	64,888
Raymond D. Schnepf, Queen Creek (Maricopa County)	63,971
Dougherty Ranch, Phoenix (Maricopa County)	63,287
Gilbert Turner, Buckeye (Maricopa County)	63,128
Phelps & Palmer, Mesa (Maricopa County)	62,501
James M. Hamilton, Chandler (Maricopa County)	60,852
Arena Co. of Arizona, Glendale (Maricopa County)	60,437
S & P Farms, Inc., Gila Bend (Maricopa County)	59,122
W. H. Haggard, Jr., Buckeye (Maricopa County)	58,686
D. L. Hadley, Chandler (Maricopa County)	58,654
Jacob S. Stephens, Buckeye (Maricopa County)	58,127
Barney-Mecham, Queen Creek (Maricopa County)	57,470
M. I. Vance & J. A. Mortensen, Jr., Tempe (Maricopa County)	57,359
R. D. Beebe & Sons, Mesa (Maricopa County)	56,920
F. M. Gorrell, Buckeye (Maricopa County)	56,854
J. S. Hoopes, Chandler (Maricopa County)	55,592
Chico Farms, Peoria (Maricopa County)	55,306
Enterprise Ranch, Buckeye (Maricopa County)	53,835
Dobson & Patterson, Mesa (Maricopa County)	53,098
Arthur E. Price, Chandler (Maricopa County)	52,570
Bob Stump, Phoenix (Maricopa County)	52,361
Salt River Farms, Mesa (Maricopa County)	51,646
Kempton & Snedigar, Tempe (Maricopa County)	51,512
Ted Siek, Glendale (Maricopa County)	50,966
Eldon K. Parish, Phoenix (Mohave County)	74,885
Argee Farms, Inc., Tucson (Pima County)	92,541
C. & W. Ranches, Inc., Marana (Pima County)	86,358
Avra Lnd & Catle, Tucson (Pima County)	75,268
Luckett Farms, Cortaro, Tucson (Pima County)	65,813
Claude Hughes, Marana (Pima County)	53,147
Watson Farms, Marana (Pima County)	50,023
Fred Enke, Casa Grande (Pinal County)	95,536
Diwan Ranches, Inc., Casa Grande (Pinal County)	93,281
L Z Farms, Inc., Casa Grande (Pinal County)	92,119
Sunset Ranches, Inc., Eloy (Pinal County)	91,171
Empire Farms, Eloy (Pinal County)	90,905
Bud Antl, Inc., Red Rock (Pinal County)	88,205
Edward Pretzer, Eloy (Pinal County)	84,779

Payments of $50,000 to $99,999 under ASCS programs, 1966 (excluding price-support loans)—Continued

ARIZONA—continued

P. S. Thompson, Eloy (Pinal County)	$84,599
H. L. Holland, Coolidge (Pinal County)	83,572
Combs & Clegg Ranches, Inc., Queen Creek (Pinal County)	82,019
McFaddin Ranches, Inc., Casa Grande (Pinal County)	80,943
Wilbur Wuertz, Casa Grande (Pinal County)	80,866
Anderson-Palmisand Fms, Maricopa (Pinal County)	80,137
Grant E. Petrson, Coolidge (Pinal County)	78,998
Jack Ralson, Maricopa (Pinal County)	78,618
M. M. Alexander, Eloy (Pinal County)	78,030
C. Ray Robinson, Eloy (Pinal County)	75,902
Chas. Urrea & Sons, Mesa (Pinal County)	74,709
Rex Neely, Chandler (Pinal County)	74,655
Pinal Farms, Inc., Stanfield (Pinal County)	74,077
K. K. Skousen, Chandler (Pinal County)	73,507
Duane Ellsworth, Queen Creek (Pinal County)	72,612
C. J. & L. Farms, Inc., Casa Grande (Pinal County)	71,355
Emmett Jobe, Queen Creek (Pinal County)	70,814
Independent Gin Co., Casa Grande Pinal County)	69,815
Saguaro Farms, Florence (Pinal County)	69,635
Dunn Farms, Maricopa (Pinal County)	67,587
Crouch Bros., Maricopa (Pinal County)	65,637
N. S. Cooper, Casa Grande (Pinal County)	64,653
Alex & Norman Pretzer, Eloy (Pinal County)	64,162
Finley Bros., Gilbert (Pinal County)	63,453
Marathon Farms, Casa Grande (Pinal County)	61,768
J. H. Farms, Coolidge (Pinal County)	60,772
M. H. Montgomery, Casa Grande (Pinal County)	60,711
Telles Ranch, Inc., Eloy (Pinal County)	60,288
Robert D. Bechtel, Coolidge (Pinal County)	59,613
Bud Blum, Casa Grande (Pinal County)	59,428
J. B. Johnston, Phoenix (Pinal County)	56,210
Kortsen & Kortsen, Stanfield, (Pinal County)	55,057
Buckshot Farms, Inc., Stanfield (Pinal County)	55,048
Roy Wales, Queen Creek (Pinal County)	54,786
Gilbert Bros., Casa Grande (Pinal County)	54,391
John Smith, Maricopa (Pinal County)	54,118
R. P. Anderson, Coolidge (Pinal County)	53,665
Attaway Ranches Trust, Collidge (Pinal County)	52,971
Otice Self, Stanfield (Pinal County)	52,770
R. W. Neely, Florence (Pinal County)	52,534
Sunshine Valley Ranches, Eloy (Pinal County)	51,342
C. V. Hanna, Collidge (Pinal County)	50,640
Hamilton Farms, Inc., Florence (Pinal County)	50,279
Earl Hughes, Gadsden (Yuma County)	99,410

Payments of $50,000 to $99,999 under ASCS programs, 1966 (excluding price-support loans)—Continued

ARIZONA—continued

Woods Co., Yuma (Yuma County)	$81,953
James A. Wilson, Phoenix (Yuma County)	76,929
C and V Growers, Inc., Maricopa (Yuma County)	75,526
Wm. M. Harrison, Yuma (Yuma County)	70,132
M and V Farms, Ehrenberg (Yuma County)	65,509
Glen Holt, Parker (Yuma County)	64,849
Clayton Farms, Ehrenberg (Yuma County)	53,613

ARKANSAS

Alpe Bros., Crawfordsville (Crittenden County)	90,621
J. F. Twist Plantation, Twist (Crittenden County)	89,412
Allen Helms, Clarkedale (Crittenden County)	88,385
Carlson Bros., Marion (Crittenden County)	80,109
N. S. Garrott & Sons, Proctor (Crittenden County)	74,174
Mallory Farms, Chatfield (Crittenden County)	73,489
Pacco, Inc., Turrell (Crittenden County)	73,000
Pirani & Sons, Turrell (Crittenden County)	72,129
Bruins Plng Co., Hughes (Crittenden County)	71,569
J O E Beck Trust, Hughes (Crittenden County)	71,341
Carter Planting Co., Clarkedale (Crittenden County)	67,581
Richland Plan, Inc., Hughes (Crittenden County)	63,720
O. W. Rodgers, West Memphis (Crittenden County)	63,324
Lake Plantation, care of L. Taylor, Jr., Hughes (Crittenden County)	62,879
H. E. Cupples, Hughes (Crittenden County)	55,999
Bloodworth Co., Crawfordsville (Crittenden County)	54,887
E. H. Clarke & Co., Hughes (Crittenden County)	51,492
William B. Rhodes Co., Marion (Crittenden County)	51,181
James W. Young, Jr., Crawfordsville (Crittenden County)	51,134
Ragland Plant, Inc., care of C. G. Morgan, Hughes (Crittenden County)	50,558
D & J, Inc., Crawfordsville (Crittenden County)	50,532
O'Neal & Son, Inc., Crawfordsville (Crittenden County)	50,343
Nickey-Eason Plantation, Hughes (Crittenden County)	50,025
E. D. McKnight, Parkin (Cross County)	83,353
H. P. Sisk, Parkin (Cross County)	60,729
J. H. Johnston, Jr., Birdeye (Cross County)	51,717
Elms Planting Corporation, Altheimer (Jefferson County)	90,538
Cornerstone Farm & Gin Co., Pine Bluff (Jefferson County)	74,833
B. N. Word Co., Inc., Wabbaseka (Jefferson County)	56,431
Lawrence E. Taylor, Bradley (Lafayette County)	52,651
Sweet Bros., Widener (Lee County)	80,404
H. T. Dillahunty & Sons, Hughes (Lee County)	78,384
C. E. Yancey & Sons, Marianna (Lee County)	75,488
Miller Farms, Inc., Marrianna (Lee County)	52,437
Holthoff Bros., Gould (Lincoln County)	60,802
H. R. Wood & Son, Inc., Grady (Lincoln County)	53,614
Price Plantation, Inc., Garland (Miller County)	51,993

Payments of $50,000 to $99,999 under ASCS programs, 1966 (excluding price-support loans)—Continued

ARKANSAS—continued	
Ralph Abramson, Holly Grove (Monroe County)	$54, 758
Highland Lake Farm, 46 Waverly Wood, Helena (Phillips County)	88, 748
Alexander Farms, Inc., 46 Waverly Wood, Helena (Phillips County)	81, 758
Wood-Sanderlin Farm, Crumrod (Phillips County)	69, 647
Buron Griffin, Box 571, Helena (Phillips County)	61, 868
Tunney Stinnett, Elaine (Phillips County)	55, 699
A. R. Keesee, 326 Walnut, Helena (Phillips County)	51, 057
Riverside Farm, R. 1, Box 330D, Helena (Phillips County)	50, 561
Semmes Farm Corp., Box 205, Joiner (South Mississippi County)	73, 368
Lowrance Bros. & Co., Driver, (South Mississippi County)	72, 864
R. D. Hughes, Box 67, Blytheville (South Mississippi County)	70, 915
H. T. Bonds Sons, Inc., R. R. 1, Lepanto (South Mississippi County)	59, 439
Leonard Ellison, Luxora (South Mississippi County)	58, 868
M. J. Koehler, Dell (South Mississippi County)	58, 282
Wesley Stallings, R.R. 2, Box 47, Blytheville (South Mississippi County)	57, 288
J. A. Crosthwait, Box 351, Osceola (South Mississippi County)	55, 689
Midway Farms, Inc., R.R. 1, Joiner (South Mississippi County)	55, 673
Henry Battle, Box 157, Joiner (South Mississippi County)	51, 622
Larry Woodard Farms, Inc., Lepanto (South Mississippi County)	50, 867
Miller Lumber Co., Marianna (St. Francis County)	97, 174
W. W. Draper, Jr., 402 Mockinbird Lane, Forrest City (St. Francis County)	89, 380
Shannon Bros. Enterprises, Box 2863 Desota Sta., Memphis, Tenn. (St. Francis County)	64, 841
M. E. Johnson, Widener (St. Francis County)	59, 810
Chappell & Moore, Box 166, Forrest City (St. Francis County)	55, 649
John T. Higgins & Son, Forrest City (St. Francis County)	55, 340
L. E. Burch, Jr., Hughes (St. Francis County)	52, 866
CALIFORNIA	
M & T, Inc., P.O. Box 308, Chico (Butte County)	57, 793
Giusti Farms, Suite 904, 2220 Tulare, Fresno (Fresno County)	95, 712
Weeth Ranches, Inc., Box 924, Coalinga (Fresno County)	90, 078
O'Neill Farms, Inc., P.O. Box 5, Huron (Fresno County)	86, 938
Wolfsen Bros., P.O. Box 311, Los Banos (Fresno County)	86, 606
Pappas & Co., Inc., P.O. Box 477, Mendota (Fresno County)	84, 070
M. L. Dudley & Co., 515 N. Harrison, Fresno (Fresno County)	83, 871
Rabb Bros., Box 736, San Joaquin (Fresno County)	83, 095
S. E. Lowrance Ranch, Box 36, Tranquillity (Fresno County)	78, 887
Gordon Bros., P.O. Box 366, Tranquillity (Fresno County)	74, 821
Deavenport Ranches, Inc., 910 E. Swift, Fresno (Fresno County)	73, 882
J & J Ranch, P. O. Box 155, Firebaugh (Fresno County)	73, 091
Hogue Produce Co., Box 66, Firebaugh (Fresno County)	71, 796
Sam & D. M. Biancucci, P.O. Box 337, Firebaugh (Fresno County)	71, 184
J. C. Andresen, 10610 W. Whitesbridge, Fresno (Fresno County)	70, 973

Payments of $50,000 to $99,999 under ASCS programs, 1966 (excluding price-support loans)—Continued

CALIFORNIA—continued	
Poso Dairy Farms, Inc., 38282 W. Silaxo, Firebaugh (Fresno County)	$70, 834
Goodman Traction Ranch, Box 427 Tranquillity (Fresno County)	66, 635
Sierra Dawn Farms, 45949 W. Shields, Firebaugh (Fresno County)	64, 127
Drew Farms, Inc., 50660 W. Herndon, Firebaugh (Fresno County)	62, 680
S & S Ranch, Inc., Box 22, Mendota (Fresno County)	62, 595
Wood & Gragnani, P.O. Box 333, Tranquillity (Fresno County)	61, 821
J. B. Hawkins, P.O. Box 566, Fresno (Fresno County)	61, 768
Starkey & Erwin, P.O. Box 669, Avenal (Fresno County)	61, 453
Vincent Kovacevich, 8580 W. Whitesbridge, Fresno (Fresno County)	60, 341
Willson Farms, Inc., Fresno (Fresno County)	59, 589
Kriesant Operating Co., Inc., Mendota (Fresno County)	58, 854
Griffin & Griffin, Coalinga (Fresno County)	57, 882
Pucheu Ranch, Mendota (Fresno County)	57, 356
Robert Cardwell, Fresno (Fresno County)	56, 436
Marchini Bros., Tranquility (Fresno County)	56, 032
Aladdin Ranch, Fresno (Fresno County)	52, 805
W. A. Klepper & Son, Caruthers (Fresno County)	52, 749
Ed Wilkins, Tranquility (Fresno County)	52, 096
Davis Drier & Elevator, Inc., Firebaugh (Fresno County)	51, 464
Claremont Farms, Huron (Fresno County)	51, 374
Vierhus Farms, Coalinga (Fresno County)	51, 312
BTV Farms, Tranquility (Fresno County)	51, 216
Rusconi Farms, San Joaquin (Fresno County)	51, 203
W. F. McFarlane, Clovis (Fresno County)	51, 106
Coelho Farms, Riverdale (Fresno County)	50, 939
Frank Ayerza, Tranquility (Fresno County)	50, 186
Williams & Quick, Calipatria (Imperial County)	95, 063
Chas. Vonderahe, San Diego (Imperial County)	87, 698
Griset Bros., Santa Ana (Imperial County)	87, 319
George B. Willoughby, El Centro (Imperial Valley)	86, 156
Jack Bros. & McBurney, Inc., Brawley (Imperial County)	85, 059
Reese & Krepla, Westmorland (Imperial County)	79, 701
Johnson & Drysdale, Brawley (Imperial County)	78, 824
Fifield Farms, Brawley (Imperial County)	76, 062
California Sturges Ginning Co., Arizona (Imperial County)	75, 451
Ed Wiest, Brawley (Imperial County)	75, 120
Hugh Hudson Ranches, Calipatria (Imperial County)	74, 331
Hawk & Sperber, Holtville (Imperial County)	72, 926
John Baretta, Calipatria (Imperial County)	68, 578
Abatti Bros., El Centro (Imperial County)	68, 279
Harry Schmidt Farms, Brawley (Imperial County)	66, 426
Dessert Seed Co., Inc., El Centro (Imperial Valley)	65, 784

Payments of $50,000 to $99,999 under ASCS programs, 1966 (excluding price-support loans)—Continued

CALIFORNIA—continued	
J. N. Osterkamp Rches, Brawley (Imperial County)	$62, 719
J. M. Bryant, Calipatria (Imperial County)	61, 173
House & Haskell, El Centro (Imperial County)	59, 690
Kenneth Reynolds, Calipatria (Imperial County)	59, 621
Dearborn & Maraccini, Calipatria (Imperial County)	56, 892
Davis Beauchamp, Calipatria (Imperial County)	56, 589
Robert C. Brown, Brawley (Imperial County)	56, 564
Correll Farms, Inc., Calipatria (Imperial County)	54, 784
Jake Brown, Brawley (Imperial County)	54, 112
Jeankins Farms, El Centro (Imperial County)	51, 616
Opal Fry & Son, Bakersfield (Kern County)	99, 114
L. I. Rhodes & Sons, Wasco (Kern County)	90, 280
M & I Farms, Delano (Kern County)	96, 830
Coberly West Co., Bakersfield (Kern County)	95, 766
Twin Farms, Buttonwillow (Kern County)	92, 168
Kern Valley Farms, Arvin (Kern County)	91, 566
Sanders & Sanders, Bakersfield (Kern County)	88, 696
The Mirasol Co., Buttonwillow (Kern County)	87, 817
Willis & Kurtz, Bakersfield (Kern County)	87, 542
Rossi Bros., Bakersfield (Kern County)	87, 149
G. Mendiburu & Son, Oildale (Kern County)	85, 347
Tracy Fanch, Inc., Buttonwillow (Kern County)	85, 034
Milham Farms, Bakersfield (Kern County)	83, 234
Campco Farming Co., Shafter (Kern County)	79, 744
Paul Pilgrim, Shafter (Kern County)	78, 869
Sill Prop, Inc., Bakersfield (Kern County)	78, 427
E. O. Mitchell, Inc., Arvin (Kern County)	78, 096
W. A. Banks, Bakersfield (Kern County)	73, 442
L. A. Robertson Farms, Inc., Shafter (Kern County)	73, 281
John Kovacevich, Arvin (Kern County)	71, 794
C. Mettler, Bakersfield (Kern County)	70, 569
Ridgeside Farms, Arvin (Kern County)	70, 169
Kennedy & Stephens, Bakersfield (Kern County)	68, 605
Sanders Farms, Bakersfield (Kern County)	68, 580
Voth Farms, Inc., Wasco (Kern County)	68, 549
Cerro Bros., Bakersfield (Kern County)	66, 960
Barnard Bros., Bakersfield (Kern County)	66, 796
South Lake Ranch, Bakersfield (Kern County)	64, 185
Porter Land Co., Bakersfield (Kern County)	63, 191
B. S. Baldwin, Bakersfield (Kern County)	62, 512
C. R. Wedel Estate, Wasco (Kern County)	62, 008
Marvin Lane, Shafter (Kern County)	61, 881
Garone Bros., Bakersfield (Kern County)	61, 833
Henson & Sons, Bakersfield (Kern County)	60, 288

Payments of $50,000 to $99,999 under ASCS programs, 1966 (excluding price-support loans)—Continued

CALIFORNIA—continued

Robert T. Johnson, Bakersfield (Kern County)	$60,208
Jimmie Icardo, Bakersfield (Kern County)	59,990
Joe G. Fanucchi & Sons, Bakersfield (Kern County)	59,630
S. K. Farms, Buttonwillow (Kern County)	59,233
W. B. Camp, Jr., Inc., Bakersfield (Kern County)	59,187
S. Chernabaeff, Wasco (Kern County)	55,736
Antongiovanni Bros., Bakersfield (Kern County)	55,615
John Valpredo, Bakersfield (Kern County)	54,858
Bloemhof May Co., Buttonwillow (Kern County)	53,816
Parsons Ranch, Buttonwillow (Kern County)	53,175
I & M Sheep Co., Oildale (Kern County)	52,795
Little & Hanes, Wasco (Kern County)	52,473
H. Buller Farms, Bakersfield (Kern County)	51,718
J. Kroeker Sons, Shafter (Kern County)	51,366
Barling Bros., Wasco (Kern County)	50,888
Schwartz Farms, Inc., Stratford (Kings County)	93,510
Wedderburn Bros., Lemoore (Kings County)	91,675
Harp & Hansen, Corcoran (Kings County)	83,444
Newton Bros., Stratford (Kings County)	80,963
Loan Oak Ranch, Corcoran (Kings County)	77,151
Jones Farms, Stratford (Kings County)	71,605
F. Hansen Ranch, Corcoran (Kings County)	66,561
Peterson Farms, Corcoran (Kings County)	62,582
Inco Farms, Inc., Bonsall (Kings County)	58,274
W. W. Boswell, Jr., Corcoran (Kings County)	58,188
R. S. Barlow, Lemoore (Kings County)	54,110
John Fuson, Lebec (Los Angeles County)	88,755
Godde & Ritter, Lancaster (Los Angeles County)	58,083
Schuh Bros., Chowchilla (Madera County)	95,365
Dave Mendrin & Sons, Madera (Madera County)	93,740
Hooper Farms, Inc., Chowchilla (Madera County)	62,759
A. K. Baker, Madera (Madera County)	62,587
San Juan Ranching Co., Dos Palos (Merced County)	86,286
Wolfsen Land & Cattle, Los Banos (Merced County)	74,745
Mesa Farms, Inc., King City (Monterey County)	68,028
Rummonds Bros. Ranches, Thermal (Riverside County)	68,356
George Arakelian, Blythe (Riverside County)	67,250
George T. Scott, Blythe (Riverside County)	63,692
Delta Ranches, Inc., Blythe (Riverside County)	52,335
Pi-Land & Cattle Co., Blythe (Riverside County)	51,185
Rey Brothers, Paicines (San Benito County)	55,116
Salyer Victoria, Inc., Hanford (San Joaquin County)	67,347
Jackson & Reinert, Paso Robles (San Luis Obispo County)	51,493

Payments of $50,000 to $99,999 under ASCS programs, 1966 (excluding price-support loans)—Continued

CALIFORNIA—continued

R. L. Calhoun, Taft (Santa Barbara County)	$58,613
Arnold Collier, Dixon (Salano County)	51,038
Newhall Land & Farming, El Nido (Sutter County)	74,418
F. J. McCarthy & Sons, Tulare (Tulare County)	95,890
G. L. Pratt, Visalia (Tulare County)	88,783
Roy D. Murray, Earlimart (Tulare County)	86,809
Lesley W. Smith, Pixley (Tulare County)	76,011
Jack Phillips, Delano (Tulare County)	70,132
Porter Estate Co., San Francisco (Tulare County)	65,550
Correia Bros., Visalia (Tulare County)	62,928
E. W. Merrrit Est., Porterville (Tulare County)	58,825
Roberts Farms, Inc., Porterville (Tulare County)	58,120
J & J Farms, Tulare (Tulare County)	57,630
Di Giorgio Fruit Corp., Delano (Tulare County)	56,100
Baker Bros., Earlimart (Tulare County)	54,844
Mitchellinda Ranches, Alpaugh (Tulare County)	52,303
A.T. & J.R. Villard, Delano (Tulare County)	51,138
McCallister Bros., Visalia (Tulare County)	50,472
Doe Cattle & Land Co., Visalia (Tulare County)	50,464
C. Bruce Mace Ranch, Inc., Davis (Yola County)	88,017
Layton Knaggs, Woodland (Yola County)	64,940
Chew Bros., Sacramento (Yola County)	52,772
Heidrick Bros., Woodland (Yola County)	51,763

COLORADO

Monaghan Farms Co., Commerce City (Adams County)	51,427
Spady Bros., Las Animas (Bent County)	51,626
Jake Broyles, Lamar (Bent County)	50,084
John Kriss, Kansas (Cheyenne County)	64,214
Profit Sharing TR 3–D, Inc., Denver (Crowley County)	86,575
Delmer Zweygardt, Burlington (Kit Carson County)	90,154
Penny Ranch, Burlington (Kit Carson County)	58,333
Hinkhouse Bros., Burlington (Kit Carson County)	51,826
X Y Ranch Co., in care of Ray Jameson, Granada (Prowers County)	87,884
C. H. Fletcher, Lycan (Prowers County)	50,909
Jean Eichheim, Nunn (Weld County)	50,815

FLORIDA

John Tiedtke, Clewiston (Glades County)	79,230
Sugarcane Farms, Palm Beach (Palm Beach County)	98,065
S. N. Knight Sons, Inc. Belle Glade (Palm Beach County)	95,699
S. D. Sugar Corp., Belle Glade (Palm Beach County)	80,999
Wedgworth Farms, Inc., Belle Glade (Palm Beach County)	73,772
Vinegar Bend Farms, Inc., Belle Glade (Palm Beach County)	71,022
New Hope Sugar Co., Palm Beach (Palm Beach County)	68,564
Sam Senter Farms, Inc., Belle Glade (Palm Beach County)	65,890
Billy Rogers Farms, South Bay (Palm Beach County)	64,839

Payments of $50,000 to $99,999 under ASCS programs, 1966 (excluding price-support loans)—Continued

FLORIDA—continued

Hatton Brothers, Inc., Pahokee (Palm Beach County)	$62,984
J. Allen Baker Farms, Belle Glade (Palm Beach County)	58,441
South Bay Growers, Inc., South Bay (Palm Beach County)	55,463
Eastgate Farms, Inc., Orlando (Palm Beach County)	51,880

GEORGIA

Quinton Rogers, Waynesboro (Burke County)	60,213
Roy Barefield, Alexander (Burke County)	55,300
Singletary Farms, Blakely (Early County)	63,994
Hubert Cheek, Jr., Bowersville (Hart County)	53,091
W. A. Rountree, Dublin (Laurens County)	54,866
W. J. Estes, Haralson (Meriwether County)	51,670
D. W. Malcom, Bostwick (Morgan County)	64,594
Rufus Peede, Ellaville (Schley County)	60,249
Millhaven Co., J. K. Boddiford, Mgr., Millhaven (Screven County)	51,555
W. K. Jones, Dawson (Terrell County)	53,530
Guy H. Shivers, Sr., Norwood (Warren County)	62,529
Fred C. Evans, Bartow (Washington County)	54,496

HAWAII

Waimea Sugar Mill Co., Ltd., Honolulu (State office)	54,731

IDAHO

J. Walt Vanderford, Aberdeen (Bingham County)	52,166
Heclar Ranch, Inc., Burley (Cassia County)	80,329
Vernon B. Clinton, Rupert (Minidoka County)	61,897
Ruby Co. Farms, Inc., Burley (Minidoka County)	57,568
Morgan Shillington Farms Co., Rupert (Minidoka County)	55,570
Wagner Brothers, Inc., Lewiston (Nez Perce County)	65,500
Ira McIntosh and Sons, Lewiston (Nez Perce County)	59,205

ILLINOIS

C. H. Moore Trust Est., Clinton (De Witt County)	65,447
Meadowlark Farms, I. H. Reiss, Fisher Building, Sullivan (Fulton County)	60,915
Edward C. Sumner, Jr., Milford (Iroquois County)	56,818
Midlane Farm Ct. Club, Dennis Gent, Wadsworth (Lake County)	70,177
Martin Bros. Implement Co., Roanoke (Woodford County)	77,965

INDIANA

Pinelands N A, Fort Wayne (Allen County)	9,794
Dale Armbruster, Woodburn (Allen County)	5,084
Interstate Industrial Pk., Fort Wayne (Allen County)	1,516
Savich Farms, Rensselaer (Jasper County)	56,895
Robert A. Churchill, Lake Village (Newton County)	65,247
Mary Jo Hegarty, Newport (Parke County)	42,649
Overmyer Farms, care of Lee Overmyer, Francesville (Pulaski County)	74,364
Arthur P. Gumz, North Judson (Pulaski County)	66,118
E. Gumz, Inc., North Liberty (St. Joseph County)	57,320
Richard Gumz, North Judson (Starke County)	85,802

Payments of $50,000 to $99,999 under ASCS programs, 1966 (excluding price-support loans)—Continued

IOWA

Garst Co., Coon Rapids (Carroll County)	$70, 923

KANSAS

First National Bank Trust, M. Lewis, First National Bank, Kansas City (Comanche County)	64, 873
Andrew E. Larson, Garden City (Finney County)	53, 813
A. Sell Estate, Aurora, Colo. (Greeley County)	65, 250
O. Steele, Ford (Greeley County)	59, 807
Kleymann Bros., care of F. J. Kleymann, Tribune (Greeley County)	50, 038
Vernon G. Kropp, Winfield (Kearney County)	67, 553
W. R. Cottrell, Meade (Meade County)	56, 263
J. Edmond Ely, Garden City (Scott County)	65, 885
Lloyd Kontny, Goodland (Sherman County)	50, 962
G H J Farms, Ltd., Johnson (Stanton County)	75, 285
Paul E. Plummer & Sons, Johnson (Stanton County)	68, 183
Clarence Winger, Johnson (Stanton County)	58, 192
Walter Herrick, Johnson (Stanton County)	51, 121
James S. Garvey, Colby (Thomas County)	97, 267
Willard W. Garvey, Colby (Thomas County)	59, 846
Herman Bott, Palmer (Washington County)	50, 508

KENTUCKY

Lambert Scott, Ledbetter (Livingston County)	94, 331

LOUISIANA

Churchill & Thibaut, Inc., Donaldsonville (Ascension County)	51, 062
Rosedale Planting Co., Inc., Benton (Bossier County)	50, 214
Clyde Clements, Clements Bros., Ida (Caddo County)	78, 790
Stinson & Stinson, Gilliam (Caddo County)	59, 660
R. G. Smitherman, Jr., Shreveport (Caddo County)	58, 906
Cecilia L. Ellerbe, Shreveport (Caddo County)	54, 795
L. R. Kirby, Jr., Belcher (Caddo County)	53, 159
G. A. Frierson, Shreveport (Caddo County)	50, 273
Carrol Rice, Sicily Island (Catahoula County)	55, 437
Hollybrook Land Co., Inc., Lake Providence (E. Carroll County)	86, 949
Russel Fleeman, Lake Providence (E. Carroll County)	53, 803
Shepherd & Shepherd, Lake Providence (E. Carroll County)	51, 610
A. Wilberts Sons L/S Co., Plaquemine (Iberville County)	74, 559
Ashly Plantation, Tallulah (Madison County)	64, 148
Barham, Inc., care of Joe Barham, Oak Ridge (Morehouse County)	96, 902
James U. Yeldell, Jr., Mer Rouge (Morehouse County)	61, 567
Mason & Godwin, Monroe (Ouachita County)	77, 098
W. A. Calloway, Boxco (Ouachita County)	65, 587
L. H. Woodruff, McDade (Red River County)	57, 257
R. R. Rhymes Farm, Rayville (Richland County)	54, 211
C. L. Morris, Rayville (Richland County)	54, 134
Rodrigue Planting Co., Vacherie (St. Charles County)	72, 235
E. R. McDonald & Sons, Newellton (Tensas County)	73, 466
Milliken & Farwell, Inc., Port Allen (West Baton Rouge County)	$75, 904
Harry L. Laws Co., Inc., Brusly (West Baton Rouge County)	53, 129
Louisiana State Penitentiary, Angola (West Feliciana County)	92, 135

MISSISSIPPI

J. A. Howarth, Jr., Cleveland (Bolivar County)	98, 744
Allen Gray Estate, Benoit (Bolivar County)	97, 955
Brooks Cotton Co., Shelby (Bolivar County)	90, 090
McMurchy Farms, Duncan (Bolivar County)	77, 193
Lewis Barksdale, Jr., Deeson (Bolivar County)	67, 200
Carr Planting Co., D. C. Carr, Jr., Clarksdale (Bolivar County)	65, 818
H. B. Hood, Duncan (Bolivar County)	64, 440
J. R. Smith, Merigold (Bolivar County)	62, 296
W. L. Smith, Cleveland (Bolivar County)	60, 906
Dossett Plantation, Inc., Beulah (Bolivar County)	59, 923
H. H. Lawler, Rosedale (Bolivar County)	53, 927
Warfield Bros., Gunnison (Bolivar County)	52, 630
J. E. Bobo, Gunnison (Bolivar County)	51, 969
Charles A. Russell, Beulah (Bolivar County)	51, 007
Cloverdale Planting Co., Alligator (Bolivar County)	50, 505
W. H. Howarth, Skene (Bolivar County)	50, 389
W. J. Linn, Houston (Chickasaw County)	51, 974
King & Anderson, Inc., Clarksdale (Coahoma County)	96, 525
J. & M. McKee, Friars Point (Coahoma County)	82, 112
Garrett & Son, Clarksdale (Coahoma County)	81, 225
H. H. Twiford, Alligator (Coahoma County)	71, 579
Fox Bros., Clarksdale (Coahoma County)	71, 573
Mohead Planting Co., Lula (Coahoma County)	70, 455
W. S. Heaton, Jr., Lyon (Coahoma County)	68, 399
J. R. Weeks, Clarksdale (Coahoma County)	65, 504
P. F. Williams & Son, Clarksdale (Coahoma County)	63, 605
Leon C. Bramlett, Clarksdale (Coahoma County)	62, 974
Graydon Flowers, Matson (Coahoma County)	62, 068
Connell & Co., Clarksdale (Coahoma County)	58, 805
Johnson Bros., Friars Point (Coahoma County)	56, 562
Wheeler-Graham, Coahoma (Coahoma County)	55, 868
Carr-Mascot Planting, Inc., Clarksdale (Coahoma County)	55, 812
J. H. Pruett, Lyon (Coahoma County)	54, 832
Simmons Planting Co., Clarksdale (Coahoma County)	54, 390
W. E. Young, Bobo (Coahoma County)	53, 232
Maryland Planting Co., Clarksdale (Coahoma County)	52, 843
Allen & Ritch, Lyon (Coahoma County)	51, 237
C. E. Rhett, Lyon (Coahoma County)	50, 069
Banks & Co., Hernando (De Soto County)	96, 124
Howard & Blythe Plant, Lake Cormorant (De Soto County)	86, 780
R. L. Sullivan, Walls (De Soto County)	$64, 127
R. S. Jarratt, Walls (De Soto County)	53, 157
Gaddis Farms, Inc., Raymond (Hinds County)	57, 361
C. D. Noble, Edwards (Hinds County)	51, 289
Egypt Planting Co., Cruger (Holmes County)	92, 444
Stonewall Planting Co., Thornton (Holmes County)	62, 616
Wayne Watkins, Cruger (Holmes County)	59, 669
Lynchfield Planting Co., Tchula (Holmes County)	54, 525
Pluto Planting Co., Thornton (Holmes County)	51, 703
James E. Colman, Yazoo City (Humphreys County)	88, 769
C. B. Box Co., Midnight (Humphreys County)	79, 403
Nerren Brothers, Isola (Humphreys County)	75, 306
Spencer H. Barret, Belzoni (Humphreys County)	73, 164
Cordon & Partridge, Louise (Humphreys County)	68, 975
R. D. Hines, Yazoo City (Humphreys County)	52, 718
A. B. Jones, Jr., Belzoni (Humphreys County)	52, 551
Hagan and Bruton, Hollandale (Issaquena County)	87, 220
Loyd M. Heigle, Mayersville (Issaquena County)	63, 692
Johnson Brithers, Valley Park (Issaquena County)	51, 221
Twenty Miles Planting, Inc., Tupelo (Lee County)	82, 462
Race Track Plantation, Greenwood (Leflore County)	96, 755
O. F. Bledsoe Plantation, Greenwood (Leflore County)	83, 570
Roebuck Plantation, Sidon (Leflore County)	81, 024
L. W. Wade Farms, Inc., Greenwood (Leflore County)	79, 133
New Hope Plantation, Greenwood (Leflore County)	77, 605
H. C. McShan, Schlater (Leflore County)	70, 239
Joe Pugh, Itta Bena (Leflore County)	66, 899
Reynolds Planning Co., Glendora (Leflore County)	63, 575
Ruby Planting Co., In care of J. F. Shaw, Money (Leflore County)	63, 426
Ed Hunter Steele, Morgan City (Leflore County)	62, 809
Runnymede Plantation, Itta Bena (Leflore County)	60, 778
Maloney Farms, Itta Bena (Leflore County)	60, 667
T. J. Carter, Money (Leflore County)	58, 652
Hobson Gary, Schlater (Leflore County)	56, 656
Elmwood Plantation, Greenwood (Leflore County)	55, 903
Sturdivant & Bishop, Minter City (Leflore County)	54, 119
W. L. Craig, Greenwood (Leflore County)	51, 771
Roberson Plantation, Minter City Leflore County)	50, 541
B. G. McGeary, Sidon (Leflore County)	50, 141
George H. Moore, Canton (Madison County)	51, 056
Hays Bros. & Hall, Sardis (Panola County)	63, 297
J. H. Magee, Batesville, (Panola County)	59, 647
W. S. Taylor, Jr., Como (Panola County)	51, 803

Payments of $50,000 to $99,999 under ASCS programs, 1966 (excluding price-support loans)—Continued

MISSISSIPPI—continued	
F. R. Wright, Jr., Lambert (Quitman County)	$79,533
Dalmar Plantation, Marks (Quitman County)	65,173
Roger Davidson, Marks (Quitman County)	63,404
Wise Bros., Jonestown (Quitman County)	54,502
J. W. Patrick, Jr., Brandon (Rankin County)	57,819
Murphy Jones, Nitta Yuma (Sharkey County)	89,967
H. G. Carpenter, Rolling Fork (Sharkey County)	84,126
Raymond Brown & J. M. Brown, Anguilla (Sharkey County)	83,419
Moore Planting Co., Inc., Cary (Sharkey County)	65,381
Realty Plantation, Inc., Rolling Fork (Sharkey County)	60,722
Powers Company, Inc., Cary (Sharkey County)	59,404
Evanna Plantation, Inc., Cary (Sharkey County)	59,086
Baconia Plantation, Inc., Cary (Sharkey County)	57,557
Little Panther Plantation, Leland (Sharkey County)	52,346
S. M. Montgomery, Rolling Fork (Sharkey County)	51,023
J. B. Dunaway & Sons, Anguilla (Sharkey County)	50,009
Brooks Farms, Drew (Sunflower County)	96,784
W. D. Patterson, Rome (Sunflower County)	93,751
Bridwell Farms, care of Grady Todd, Shelby (Sunflower County)	79,652
Millups Pltn, Inc., Indianola (Sunflower County)	58,894
Allen & Brashier Planting Co., Indianola (Sunflower County)	69,511
V. A. Johnson, Indianola (Sunflower County)	69,245
William M. Pitts, Indianola (Sunflower County)	67,600
Mateele M. Brewer, Inverness (Sunflower County)	66,760
W. P. Scruggs, Doddsville (Sunflower County)	66,325
M. W. Jefcoat, Sunflower (Sunflower County)	65,077
Mrs. Virginia Polk, care of J. G. Prichard, Inverness (Sunflower County)	64,436
Douglas Mallette, Indianola (Sunflower County)	63,690
Shurden and Owens, Drew (Sunflower County)	62,762
Philip Fratesi, Indianola (Sunflower County)	62,687
J. Levingston Estate, Ruleville (Sunflower County)	56,665
C. S. Simmons, Jr., Inverness (Sunflower County)	56,665
W. O. Shurden, Drew (Sunflower County)	56,034
George Lipe, Indianola (Sunflower County)	55,903
Brewer Morgan Sunflower (Sunflower County)	55,887
Mateele M. Brewer, Inverness (Sunflower County)	51,920
J. B. Baird, Inverness (Sunflower County)	51,376
J. L. Hill, Jr., Webb (Tallahatchie County)	71,185
Annapeg, Inc., Minter City (Tallahatchie County)	75,842
T .C. Buford, Glendora (Tallahatchie County)	74,600
Jerry Falls, Webb (Tallahatchie County)	71,079
Equen Plantation, care of W. F. Darnell, Minter City (Tallahatchie County)	67,092
Twilight Plantation, Swan Lake (Tallahatchie County)	65,239
Rainbow Planting Co., care of W. W. Pearson, Webb (Tallahatchie County)	$61,075
E. C. Fedric, Glendora (Tallahatchie County)	59,706
Ralph T. Hand, Jr., Glendora (Tallahatchie County)	59,549
Hoparka Plantation, care of F. M. Mitchener, Sumner (Tallahatchie County)	58,499
J. A. Townes, Minter City (Tallahatchie County)	57,584
E. D. Graham, Sumner (Tallahatchie County)	56,573
T. B. Abbey, Jr., Webb (Tallahatchie County)	53,207
Triple M. Planting Co., Sumner (Tallahatchie County)	52,526
J. R. Flautt & Sons, Swan Lake (Tallahatchie County)	52,423
Cotton Dixie, Inc., care of J. B. Baker, Webb (Tallahatchie County)	52,380
Frank Sayle, Charleston (Tallahatchie County)	52,273
S. M. Fewell & Co., Vance (Tallahatchie County)	50,238
B. F. Harbert Co., Robinsonville (Tunica County)	99,294
Parker Farms, Tunica (Tunica County)	91,143
U. O. Bibb, Jr., Tunica (Tunica County)	88,804
M. L. Earnheart Co., Tunica (Tunica County)	85,812
S. C. Wilson & Son, care of Shelby T. Wilson, Dundee (Tunica County)	84,869
Owen Brothers, Tunica (Tunica County)	84,477
Abbay and Leatherman, Inc., Robinsonville (Tunica County)	82,509
Hood Farms, Inc., Tunica (Tunica County)	77,078
Paul Battle, Tunica (Tunica County)	76,176
Arnold Farms, Inc., Tunica (Tunica County)	75,662
Clinton P. Owen, Robinsonville (Tunica County)	73,363
R. W. Owen, Inc., Tunica (Tunica County)	71,030
S. A. Arnold, Jr., Tunica (Tunica County)	65,594
M. P. Moore, Senatobia (Tunica County)	63,655
Oaklawn Plantation, Inc., Dundee (Tunica County)	61,320
T. O. Earnheart Co., Tunica (Tunica County)	60,550
Carl C. May, West Helena, Ark. (Tunica County)	60,375
A. S. Perry & Sons, Tunica (Tunica County)	60,065
Withers & Seabrook, Tunica (Tunica County)	50,504
Hugh Stephens, New Albany (Union County)	81,328
Aden Brothers, Inc., Valley Park (Warren County)	77,035
H. K. Hammett & Sons, Greenville (Washington County)	95,858
I. D. Nunnery, Arcola (Washington County)	92,361
Walker Farms, Inc., Care of George R. Walker, Stoneville (Washington County)	92,117
Clyde V. Gault, Leland (Washington County)	82,520
Gilnockie Planting Co., Leland (Washington County)	77,013
Baker Plant Co., Leland (Washington County)	75,308
Fairfax Plantation, Ben Walker, Tribett (Washington County)	72,606
Hiram W. Hill, Indianola (Washington County)	70,477
Alex Curtis, Leland (Washington County)	$63,414
Dogwood Plantation, W. E. Taylor, Greenville (Washington County)	59,378
Refuge Plantation, Inc., Greenville (Washington County)	58,770
J. C. Reed, Leland (Washington County)	57,896
Lakeland Farms, Hollandale (Washington County)	57,383
Montgomery & Grissom, Leland (Washington County)	57,139
John T. Dillard, Leland (Washington County)	56,742
E. J. Ganier, Percy (Washington County)	55,784
Andrews Bros., A. L. Andrews, Leland (Washington County)	54,872
Dan L. Smythe, Leland (Washington County)	53,715
Billy Joe & Franklin Trotter, Hollandale (Washington County)	50,167
J. C. Sides, Sr., Coffeeville (Yalobusha County)	86,349
Lakeview Planting Co., Yazoo City (Yazoo County)	95,442
H. S. Swayze, Benton (Yazoo County)	92,241
E. T. Jordan & Sons, Yazoo City (Yazoo County)	87,514
Roby Walker, Bentonia (Yazoo County)	65,730
D. H. Dew, Eden (Yazoo County)	61,003
Johnson & Simmons, Bentonia (Yazoo County)	59,975
E. T. Schaefer, Yazoo City (Yazoo County)	51,874
Seward & Harris, Midnight (Yazoo County)	50,622
S. C. Coleman, Yazoo City (Yazoo County)	50,431
MISSOURI	
J. F. Ward, Gilman City (Daviess County)	69,029
Donald E. Morris, Fortescue (Holt County)	52,574
Rlds Church, care of Don Elefson Rlds Audit, Independence (Jackson County)	69,430
East Fork Ranch, care of Tony Lolli, Macon (Macon County)	69,316
Wolf Island Farms, Wolf Island (Mississippi County)	85,857
Marshall Lands, Inc., Charleston (Mississippi County)	81,913
Harland Maxwell, East Prairie (Mississippi County)	54,243
W. C. Bryant, East Prairie (Mississippi County)	51,194
A. C. Riley, New Madrid (New Madrid County)	56,101
Acom Farms, Inc., Wardell (New Madrid County)	52,509
Swiney & Sons, Morehouse (New Madrid County)	51,391
Green Top Farms, Inc., Richmond (Ray County)	52,986
E. P. Coleman, Jr., Sikeston, (Scott County)	53,068
W. P. Hunter, care of Blair Dalton, Bell City (Stoddard County)	73,162
Taylor Bros., Essex (Stoddard County)	59,345
MONTANA	
V. R. Crazier & Sons, Toston (Broadwater County)	56,465
Nash Brothers, Redstone (Sheridan County)	65,806
S. A. Adaskavich, Shelby (Toole County)	61,727
NEBRASKA	
Hundahl Farms, care of Ernest Hundahl, Tekamah (Burt County)	68,614
Fred Horne, Jr. Atkinson (Holt County)	58,043

Payments of $50,000 to $99,999 under ASCS programs, 1966 (excluding price-support loans)—Continued

NEW MEXICO

A. W. Langenegger, Hagerman (Chaves County)	$73, 140
H. C. Berry, Dexter (Chaves County)	51, 590
C. Elton Green, Clovis (Curry County)	99, 702
Garrett Corporation, Clovis (Curry County)	96, 334
Verney Towns, Muleshoe, Tex. (Curry County)	85, 983
Bert Williams, Farwell, Tex. (Curry County)	85, 952
James E. & Garrett, Clovis (Curry County)	82, 495
Leon Marks, Clovis (Curry County)	81, 979
Lockmiller and Son, Clovis (Curry County)	81, 771
L. R. Talley, Texico (Curry County)	78, 000
Dale Elliot, Clovis (Curry County)	74, 751
F. L. Ashley Estate, Melrose, (Curry County)	70, 473
O. H. Pattison, Clovis (Curry County)	58, 996
John H. Spearman, Clovis (Curry County)	57, 243
Dave Thompson, Friona, Tex. (Curry County)	53, 873
Albert Matlock, Clovis (Curry County)	53, 799
John Garrett, Jr., Clovis (Curry Couny)	50, 283
Snodgrass & Carlisle, Roswell (Eddy County)	72, 420
Moutray Bros., Carlsbad (Eddy County)	53, 201
M. R. Jones, Lovington (Lea County)	87, 617
John K. Burns, Lovington (Lea County)	65, 209

NORTH CAROLINA

A. D. Swindell, Pantego (Beaufort County)	60, 413
M. C. Braswell Farms, Battleboro (Nash County)	74, 813
R. E. Parnell, Parkton (Robeson County)	56, 206
D. D. McColl, St. Pauls (Robeson County)	55, 833
McNair Investment Co., Laurinburg (Scotland County)	86, 802
Sou. Natl. Bank Agt., Annie V. J. Watkins, Laurinburg (Scotland County)	72, 886
Z. V. Pate, Inc., Gibson (Scotland County)	65, 108

NORTH DAKOTA

Bert Olson and Sons, Glasston (Pembina County)	59, 019
Otto Engen, Minot (Ward County)	55, 461

OKLAHOMA

Wm. J. Schulte, El Reno (Canadian County)	62, 233
F. E. Motley, Hollis (Harmon County)	78, 776
Wayne Q. Winsett, Altus (Jackson County)	69, 515
Murray R. Williams, Altus (Jackson County)	50, 422

OREGON

Tulana Farms, Klamath Falls (Klamath County)	69, 070
Tucker Ottmar Farms, Inc., Echo (Morrow County)	54, 030
Joe Heater, Mord (Sherman County)	83, 160
H. A. Main, Pilot Rock (Umatilla County)	70, 270
Key Bros., Milton Freewater (Umatilla County)	52, 576

PUERTO RICO

R. Gonzalez Hernandez, Aguirre (Mayaguez County)	94, 395
Carlos F. Quiles Trust, Hormigueros (Mayaguez County)	91, 707
Mario Mercado E. Hijos, Guayanilla (Mayaguez County)	85, 841

Payments of $50,000 to $99,999 under ASCS programs, 1966 (excluding price-support loans)—Continued

PUERTO RICO—continued

M. H. Soldervilla, executor, Ponce (Mayaguez County)	$79, 134
W. Bravo Monagas, Mayaguez (Mayaguez County)	79, 045
Coop Azucarera Los Canos, Arecibo (Mayaguez County)	73, 940
Agric Del Monte, Cayey (Mayaguez County)	70,540
E. Quinones Sambolin, San German (Mayaguez County)	63, 477
R. Sefton Wallace, Ensenada (Mayaguez County)	60, 492
H. L. Brund, Guayama (Mayaguez County)	60, 486
Wirshing & Co., Mercedita (Mayaguez County)	58, 098

SOUTH CAROLINA

Kirkland & Best, Ulmers (Allendale County)	58, 981
C. P. Polston, Jr., Blenheim, (Dillon County)	69, 862
Lawrence E. Pence, McColl (Marlboro County)	78, 675
Charles E. Lynch, Bville (Marlboro County)	64, 164
J. A. McDonald, Bville (Marlboro County)	51, 275
J. F. Bland, Jr., Mayesville (Sumter County)	83, 014

SOUTH DAKOTA

Stanley Asmussen, Agar (Sully County)	52,166

TENNESSEE

Cowan Bros., La Grange (Fayette County)	65, 932
W. T. Jamison, Jr., Tiptonville (Lake County)	56, 248
Jim Fullen, Ashport (Lauderdale County)	66, 542
H. S. Mitchell, Millington, (Shelby County)	57, 897
E. F. Crenshaw, Memphis (Shelby County)	51, 688

TEXAS

Carl C. Bamert, Muleshoe (Bailey County)	67, 342
Horace Hutton, Muleshoe (Bailey County)	65, 018
W. B. Little, Muleshoe (Bailey County)	59, 098
W. T. Millen, Muleshoe (Bailey County)	56, 442
J. G. Arnn, Muleshoe (Bailey County)	50, 557
Bentley Johnston, De Kalb (Bowie County)	75, 524
William H. Farris, De Kalb (Bowie County)	55, 039
J. P. Terrell & Son, Navasota (Brazos County)	72, 999
Brazos A. Varisco, Bryan (Brazos County)	68, 275
Joe Varisco, Bryan (Brazos County)	50, 427
Porter Bros., Caldwell (Burleson County)	85, 737
Holland Porter, Caldwell (Burleson County)	78, 692
H. H. & Edgar Baker, Somerville (Burleson County)	77, 058
Roy Smith, Corpus Christi (Calhoun County)	54, 278
Oscar Mayfield & Sons, Taft (Cameron County)	90, 587
Elijah B. Adams, Harlingen (Cameron County)	67, 883
Henry V. Macomb, Los Fresnos (Cameron County)	63, 235
John A. Abbott, Harlingen (Cameron County)	59, 862
Texas Technological Research F. R. M., Pantex (Carson County)	64, 984
Frank Robinson, Panhandle (Carson County)	60, 283
G. L. Willis, Jr., Dimmitt (Castro County)	94, 213

Payments of $50,000 to $99,999 under ASCS programs, 1966 (excluding price-support loans)—Continued

TEXAS—continued

Homer Hill, Hart (Castro County)	$90, 211
Milton Bagwell, Dimmitt (Castro County)	87, 361
F. O. Masten, Sudan (Castro County)	83, 733
Chas. E. Armstrong, Dimmitt (Castro County)	64, 389
Dulaney Brothers, Dimmitt (Castro County)	64, 381
Clements Corp., Plainview (Castro County)	58, 140
Homer A. Hill, Hart (Castro County)	54, 167
Jerry Cluck, Hart (Castro County)	53, 573
Truvis Campbell, Dimmitt (Castro County)	51, 979
C. C. Slaughter Farms, Morton (Cochran County)	99, 647
R. L. Polvado, Morton (Cochran County)	79, 477
D. E. Benham, Morton (Cochran County)	77, 751
J. E. Polvado, Morton (Cochran County)	67, 021
Slaughter Hill Co., Levelland (Cochran County)	58, 707
Erma Griffith, Morton (Cochran County)	58, 507
T. Cattle Co., care of B. B. Wegenhoft, Eagle Lake (Colorado County)	54, 856
Leslie Mitchell, Crosbyton (Crosby County)	97, 640
The McLaughlins, Ralls (Crosby County)	74, 472
Luis Garcia/Sons, Inc., Spur (Crosby County)	61, 590
J. P. Beck, Ralls (Crosby County)	59, 926
G. J. Parkhill, Jr., Crosbyton (Crosby County)	53, 761
Delton Caddell, Ralls (Crosby County)	50, 925
Carl Archer, Spearman (Dallam County)	58, 505
E Bar S Ranch, care of Jas. Ratcliff, R.R. 2, Mesquite (Dallas County)	55, 081
Sam C. Jenkins, Lamesa (Dawson County)	90, 561
R. M. Middleton, O'Donnell (Dawson County)	56, 693
Woodward Farms, Inc., Lamesa (Dawson County)	55, 351
Carson Echols, Lamesa (Dawson County)	53, 993
Gordon V. Waldrop, Lamesa (Dawson County)	51, 147
W. H. Gentry, Hereford (Deaf Smith County)	76, 624
Virgil F. Marsh, Hereford (Deaf Smith County)	74, 008
White Farms & Cattle Co., Canyon (Deaf Smith County)	69, 002
B. T. Spear, Wildorado (Deaf Smith County)	68, 623
Delmar R. Durrett, Amarillo (Deaf Smith County)	66, 733
A. R. Dillard, Hereford (Deaf Smith County)	62, 740
R. K. Brooks, Tulia (Deaf Smith County)	59, 351
Clarence D. Carnahan, Hereford (Deaf Smith County)	57, 085
O. D. Bingham, Fridna (Deaf Smith County)	55, 322
James Overstreet, Hereford (Deaf Smith County)	55, 136
Cruce G. Richardson, Vega (Deaf Smith County)	51, 147
Billy Wayne Sisson, Hereford (Deaf Smith County)	50, 524
Don Kimball, Wildorado (Deaf Smith County)	50, 285
G. B. Morris, Crosbyton (Dickens County)	50, 265
L. R. Allison Co., Tornillo (El Paso County)	54, 834
Basil Abate, Bremond (Falls County)	58, 764

Payments of $50,000 to $99,999 under ASCS programs, 1966 (excluding price-support loans)—continued

TEXAS—continued

R. A. Harling AG, Telephone (Fannin County)	$69, 847
Marble Brothers, South Plains (Floyd County)	92, 974
J. E. Franklin, Lubbock (Floyd County)	92, 249
John C. Alford, Petersburg (Floyd County)	72, 607
William S. Poole, Dougherty (Floyd County)	68, 919
R. I. Bennett, Lockney (Floyd County)	66, 773
Dorris Jones, Floydada (Floyd County)	58, 197
Thomas Bros., Lockney (Floyd County)	55, 957
J. S. Hale, Jr., Floydada (Floyd County)	55, 145
Vernon Goodwin, Seagraves (Gaines County)	79, 709
John Henry Jones, Welch (Gaines County)	69, 051
Fred Barrett, Jr., Seminole (Gaines County)	58, 997
Verlon Hilburn, Lovington, N. Mex. (Gaines County)	58, 333
Nix & Norman, Lamesa (Gaines County)	56, 577
Wheeler Robertson, Idalou (Gaines County)	56, 224
Earl Layman, Loop (Gaines County)	53, 487
C. E. Hilburn, Lovington, N.M. (Gaines County)	51, 668
Marion C. Bowers, Brownfield (Gaines County)	50, 917
J. C. Miller, Abernathy (Hale County)	94, 008
Elmo Stephens, Plainview (Hale County)	84, 721
James Cannon, Plainview (Hale County)	71, 836
Grady Shepard, Hale Center, (Hale County)	65, 221
Frank Moore, Plainview (Hale County)	65, 093
H. D. Smith, Hart (Hale County)	64, 317
Jason H. Allen, Lubbock (Hale County)	61, 214
Raymond Akin, Plainview (Hale County)	55, 738
I. F. Lee, Hale Center (Hale County)	54, 599
Swann Pettit, Hale Center (Hale County)	54, 063
Ballard and Hurt, Plainview (Hale County)	53, 328
John Trimmier, Jr., Hale Center (Hale County)	52, 864
Ralph Wheeler, Edmonson (Hale County)	52, 656
A. J. Givens, Plainview (Hale County)	52, 391
E. A. Houston, Abernathy (Hale County)	52, 008
J. H. Kirby and Sons, Hale Center (Hale County)	50, 685
R. L. Porter Est., Spearman (Hansford County)	87, 218
Jack Hart, Gruver (Hansford County)	68, 372
R. E. and Rue Sanders, Spearman (Hansford County)	52, 009
Texas Farming Corporation, Hartley (Hartley County)	78, 801
Shary Farms, Inc., Mission (Hidalgo County)	94, 889
Bryon Campbell, Raymondsville (Hidalgo County)	87, 096
Bill Burns, Raymondsville (Hidalgo County)	77, 211
Sam Sparks, Santa Rosa (Hidalgo County)	62, 408
Guerra Bros., Linn (Hidalgo County)	57, 777
Beckwith Farms, Progreso (Hidalgo County)	55, 347
J. B. Pollock, Hargill (Hidalgo County)	51, 763

Payments of $50,000 to $99,999 under ASCS programs, 1966 (excluding price-support loans)—Continued

TEXAS—continued

White Face Farms, Inc., Levelland (Hockley County)	$94, 533
Post Montgomery, Levelland (Hockley County)	82, 667
Cobleland Farms, Levelland (Hockley County)	61, 646
J. Walter Hobgood, Anton (Hockley County)	61, 436
Spade Farms, Inc., Lubbock (Hockley County)	50, 825
B. E. Walker, Fort Hancock (Hudspeth County)	53, 120
Grady E. Miller, Jr., Fort Hancock (Hudspeth County)	52, 248
Claude Higley, Stinnett (Hutchinson County)	67, 803
E. K. Angeley, Muleshoe (Lamb County)	83, 958
W. C. Stout, Muleshoe (Lamb County)	75, 066
K. B. Parish, Springlake (Lamb County)	70, 743
Clayton Farms, Springlake (Lamb County)	70, 754
J. D. Smith, Littlefield (Lamb County)	61, 274
T. V. Murrell, Earth (Lamb County)	53, 304
J. B. James, Olton (Lamb County)	52, 667
William E. Armstrong, Lubbock (Lubbock County)	99, 369
Smith Brothers, Slaton (Lubbock County)	73, 076
Standefer-Gray, Inc., Lubbock (Lubbock County)	73, 020
A. L. Cone, Lubbock (Lubbock County)	70, 426
Lubbock Irrigation Co., Lubbock (Lubbock County)	68, 636
Carson Farms Pts., care of A. L. Cone, Lubbock (Lubbock County)	63, 992
J. Carter Caldwell, Slaton (Lubbock County)	58, 499
Annette O. Martin, Lubbock (Lubbock County)	54, 556
Wendell D. Vardeman, Slaton (Lubbock County)	52, 670
L. L. Lawson, Lubbock (Lubbock County)	52, 202
Davis-Son, care of Don E. Davis, Ropesville (Lubbock County)	52, 067
W. C. Huffaker Jr., Tahoka (Lynn County)	97, 360
John Saleh, O'Donnell (Lynn County)	62, 400
Wm. G. Lumsden, Wilson (Lynn County)	59, 496
J. W. Gardenhire, O'Donnell (Lynn County)	58, 053
Cecil Dorman, O'Donnell (Lynn County)	55, 235
Glen Cox, Lenorah (Martin County)	74, 776
James M. Warner, Waco (McLennan County)	53, 127
Bob Evans, Midland (Midland County)	58, 789
Louie Koonce, Midland (Midland County)	53, 275
James Brooks, Midland (Midland County)	50, 435
E. Martin Gossett, Jr., Dumas (Moore County)	62, 099
Lloyd Beauchamp, Dumas (Moore County)	56, 659
Marshall Cator, Sunray (Moore County)	54, 493
James Fortson, Corsicana (Navarro County)	72, 000
Herbert L. Williams, Roscoe (Nolan County)	55, 388
Clarence Martin, Friona (Parmer County)	77, 081
J. C. Mills, Abernathy (Parmer County)	63, 693
Ralph W. Shelton, Friona (Parmer County)	60, 037

Payments of $50,000 to $99,999 under ASCS programs, 1966 (excluding price-support loans)—Continued

TEXAS—continued

Fangman Farms, Inc., Friona (Parmer County)	58, 501
Mike Allen, Friona (Parmer County)	57, 016
Bill St. Clair, Muleshoe (Parmer County)	50, 991
J. D. Kirkpatrick, Bovina (Parmer County)	50, 434
A. B. Foster, Pecos (Pecos County)	87, 634
Lakeside Farms, Fort Stockton (Pecos County)	62, 159
Harral and Marable, Fort Stockton (Pecos County)	50, 734
W. T. Lattner and Son, Pecos (Reeves County)	99, 967
W. W. Hill, Pecos (Reeves County)	98, 906
Walter B. Shaw, Pecos (Reeves County)	88, 624
Reetex Farms, Pecos (Reeves County)	87, 295
Dingler Farms, Pecos (Reeves County)	78, 479
J. F. Crews, Pecos (Reeves County)	71, 167
Davidson Bros., Pecos (Reeves County)	78, 784
Rowe and Turnbough, Toyahvale (Reeves County)	63, 669
Broyles Pecos Farm, Fort Stockton (Reeves County)	62, 248
W. R. Sage, Lubbock (Reeves County)	60, 474
G. G. Passmore, Pecos (Reeves County)	57, 527
J. W. Bryan, Pecos (Reeves County)	56, 949
Virgil M. Glenn, Pecos (Reeves County)	54, 864
Coy Fraley, Pecos (Reeves County)	53, 998
H. R. Hudson, Jr., Pecos (Reeves County)	51, 576
J. B. Hopkins, Pecos (Reeves County)	51, 474
Tom Passmore, Pecos (Reeves County)	50, 426
Goodland Farms, Inc., Hearne (Robertson County)	77, 773
Lee Fazzino, Bryan (Robertson County)	64, 129
Joe Reistino, Hearne (Robertson County)	61, 015
John C. Reistino, Hearne (Robertson County)	59, 876
James H. Jones, Hearne (Robertson County)	52, 115
Sam Degelia, Sr., Hearne (Robertson County)	51, 809
Heirs of Jos. F. Green, Taft (San Patricio County)	59, 995
Starr Produce Farm Acct., Rio Grande City (Starr County)	54, 611
M. T. Glenn, Tulia (Swisher County)	90, 682
Warner Reid, Tulia (Swisher County)	87, 822
B. Raymond Evans, Tulia (Swisher County)	86, 152
Miller Farms Co., Tulia (Swisher County)	65, 464
Alvis Hefley, Tulia (Swisher County)	56, 045
J. L. Francis, Kress, (Swisher County)	55, 142
S. A. Barrett, Kress (Swisher County)	53, 187
H. O. Thompson, Plainview (Swisher County)	51, 185
Howard Hurd, Brownfield (Terry County)	79, 862
Charlie Caswell, Meadow (Terry County)	62, 059
Texas Department of Corrections, Byron W. Frerson, Sugarland (Walker County)	62, 434
Alazan Farms, Harlingen (Willacy County)	73, 069
K. L. Morrow, Lyford (Willacy County)	62, 325
S. R. & C. D. Stone TST, Aransas Pass (Willacy County)	51, 465

Payments of $50,000 to $99,999 under ASCS programs, 1966 (excluding price-support loans)—Continued

TEXAS—continued	
Norment Foley, Uvalde (Zavala County)	$56,022
Ritchie Bros., Crystal City (Zavala County)	51,360
WASHINGTON	
D. E. Phillips, Lind (Adams County)	72,629
Leonard & Henry Franz, Lind (Adams County)	57,528
Hutterian Brethren, Inc., Espanola (Adams County)	53,304
Bi County Farms, Prosser (Benton County)	63,526
Vollmer-Bayne, Prosser (Benton County)	55,367
Neil Rasor, Royal City (Grant County)	71,141
Lonneker Farms, Inc., Walla Walla (Walla Walla County)	77,390
Grote Farms, Inc., care of Ben Grote, Prescott (Walla Walla County)	54,189
Cecil R. Anderson, Prescott (Walla Walla County)	50,773
Glen Miller, Colfax (Whitman County)	92,905
McGregor Land & Livestock Co., Hooper (Whitman County)	74,526
WISCONSIN	
Robert O. Link, Cambria (Columbia County)	79,706
WYOMING	
Covey & Dayton, care of John Dayton, Cokeville (Lincoln County)	51,890

Mr. YARBOROUGH. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. YARBOROUGH. I should like to ask the Senator regarding those payments, for the most part they are crop loans, are they not?

Mr. WILLIAMS of Delaware. No.

Mr. YARBOROUGH. Crops put in loans and paid out.

Mr. WILLIAMS of Delaware. They are payments that do not include crop loans. These are payments alone.

Mr. YARBOROUGH. If the Senator will pardon me, someone handed me a report which purported to be a copy of what the Senator has, about 5 minutes ago, and the captain read "Loans and Payments."

Mr. WILLIAMS of Delaware. These are payments alone. They do not include price-support loans. These figures were furnished by the Department of Agriculture.

Mr. YARBOROUGH. The Senator does not contend that these sums of money were grants, but loans, repayable loans?

Mr. WILLIAMS of Delaware. The title says, "1966 payments of $1 million and over under the ASCS program," and shows parentheses here, "excluding price-support loans," and then the parentheses end. That is from the Department of Agriculture. These are exclusive of loans and payments. That is what I asked from the Department. These are payments for acreage diversion, or disaster payments, and so forth—figures furnished by the Department of Agriculture.

I have this report, if any Senator wishes to examine it.

Mr. YARBOROUGH. It will be printed in the RECORD tomorrow?

Mr. WILLIAMS of Delaware. Yes.

Mr. YARBOROUGH. Then I will read it in the morning. I thank the Senator.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment the bill (S. 617) to authorize the States of North Dakota, South Dakota, Montana, and Washington to use the income from certain lands for the construction of facilities for State charitable, educational, penal, and reformatory institutions.

The message also announced that the House had passed a joint resolution (H.J. Res. 601) extending for 4 months the emergency provisions of the urban mass transportation program, in which it requested the concurrence of the Senate.

The message informed the Senate that the Speaker had appointed Mr. ROGERS of Colorado, and Mr. MATHIAS of Maryland as additional managers on the part of the House at the conference asked by the Senate on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2508) to require the establishment, on the basis of the 18th and subsequent decennial censuses, of congressional districts composed of contiguous and compact territory for the election of Representatives, and for other purposes.

EXTENSION OF THE EMERGENCY PROVISIONS OF THE URBAN MASS TRANSPORTATION PROGRAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the message from the House on Joint Resolution 601 be laid before the Senate.

Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution (H.J. Res. 601) which was read twice by its title.

The resolution (H.J. Res. 601) was ordered to be read a third time, was read the third time, and passed, as follows:

H.J. RES. 601

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Urban Mass Transportation Act of 1964 is amended by striking out "July 1, 1967" and inserting in lieu thereof "November 1, 1967".

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 335, Senate Joint Resolution 90, a joint resolution extending for 4 months the emergency provisions of the urban mass transportation program, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communication and letters, which were referred as indicated:

PROPOSED AMENDMENT TO THE BUDGET, 1968, FOR CIVIL SERVICE COMMISSION (S. DOC. NO. 36)

A communication from the President of the United States, transmitting an amendment to the budget for the fiscal year 1968, in the amount of $13,950,000, for the Civil Service Commission (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

REPORT ON DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense Procurement from small and other business firms, for the period July 1966 to April 1967 (with an accompanying report); to the Committee on Banking and Currency.

IMPROVEMENT OF U.S. INFORMATION AGENCY THROUGH ESTABLISHMENT OF A FOREIGN INFORMATION OFFICER CORPS

A letter from the Director, U.S. Information Agency, Washington, D.C. transmitting a draft of proposed legislation to promote the foreign policy of the United States by strengthening and improving the Foreign Service personnel system of the U.S. Information Agency through establishment of a Foreign Service Information Officer Corps (with accompanying papers); to the Committee on Foreign Relations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of charges for accessorial services on overseas household goods shipments, Department of Defense, dated June 1967 (with an accompanying report); to the Committee on Government Operations.

THIRD PREFERENCE AND SIXTH PREFERENCE FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference for certain aliens (with accompanying papers); to the Committee on the Judiciary.

INTERNATIONAL LABOR ORGANIZATION RECOMMENDATION

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting, for the information of the Senate, International Labor Organization 127, concerning the role of cooperatives in the economic and social development of developing countries (with accompanying papers); to the Committee on Labor and Public Welfare.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. MONRONEY and Mr. CARLSON members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the **PRESIDENT** pro tempore:

A resolution adopted by the Greenwich Grange, Greenwich, Ohio, remonstrating against the enactment of House bill 1400, relating to the Rural Electrification Administration; to the Committee on Agriculture and Forestry.

A resolution adopted by the Greenwich Grange, Greenwich, Ohio, remonstrating against the proposed Lake Erie-Ohio River Canal; to the Committee on Public Works.

JOINT ECONOMIC COMMITTEE RELEASES STUDY ON ECONOMY OF MAINLAND CHINA—REPORT OF A COMMITTEE — SUPPLEMENTAL VIEWS (S. REPT. NO. 348)

Mr. PROXMIRE. Mr. President, the performance of a nation's economy, it can be argued, is ultimately the decisive determinant in shaping its political posture in the world.

But important as it is, we have tended to neglect the economic side in assessing the role of mainland China in world politics today. While there is an enormous thirst for more information about China, this interest has been focused largely on the political side.

For this reason, the Joint Economic Committee, at the suggestion of the distinguished senior Senator from New York [Mr. Javits], who is the ranking Senate Republican on the committee, undertook a study of China's involvement as an entity in the economic world.

I am pleased to announce that I have today filed with the clerk of the Senate the committee's report on its study, "Mainland China in the World Economy." The report grows out of 4 days of public hearings in April during which the committee heard testimony from 10 China specialists. The committee's study was in two phases. The first phase involved the preparation of a two-volume compendium of detailed studies by a score of invited specialists recognized as authorities on specific aspects of the Chinese economy. That compendium, entitled "Economic Profile of Mainland China," was released in March.

The committee's aim was to throw light on the ups and downs of the Chinese economy since the Communist regime came to power in 1949. We heard witnesses discuss how agricultural and industrial resources are allocated in an economy wavering between economic pragmatism and revolutionary dogmatism and to what degree China's economic performance enables her to play a role in international trade and politics.

I would like to highlight some of the conclusions reached by the committee's study:

First. China emerges from these hearings as a confused giant, with little understanding of the outside world and viewing herself as threatened by hostile powers.

Second. Despite uneven economic performance under Communist leadership, ideological repercussions have given China a more manageable labor force and economy than that of many of her Asian neighbors.

Third. Despite agricultural crises, there were no authentic reports of famine and an ample food situation is reported.

Fourth. Remarkable gains have been made in education, medicine, public health, and scientific research.

Fifth. Her growing economy can allow for major nuclear weapon development.

Sixth. It is not likely she will increase her military posture in North Vietnam because of a fear of a United States-Sino confrontation in a conventional war.

Seventh. Since three-fourths of her foreign trade is with our allies, the American embargo on nonstrategic trade with China has had little economic effect upon China since alternative trade with our allies has been available.

Eighth. As long as there is U.S. military presence in Vietnam, the political justification for our present trade embargo would not be questioned by economic realities.

I ask unanimous consent that a summary of the Joint Economic Committee report be printed in the Record at this point.

The **PRESIDING OFFICER.** The report will be received and printed, as requested by the Senator from Wisconsin.

Summary of Joint Economic Committee's Report on Mainland Chinese Economy

GATHERING STATISTICAL DATA

Any serious study of the Chinese economy must first be footnoted with a word of caution about the difficulty in gathering accurate data. This is not a problem unique to China, for we have the same difficulty with other "lesser-developed countries." However, the problem is compounded in China by the fact that the Chinese State Statistical Bureau ceased publishing official data in 1961. In 1961, when she was in economic depression and the "Great Leap Forward" created incredible economic confusion, it was thought that they withheld information to "save face." However, most witnesses agreed that the policy has been continued regardless of the prevailing economic condition.

There is a problem in measuring population, translating this uncertain population figure into an estimate of per capita daily caloric consumption, (in estimating food production) and calculating agricultural and industrial output. In spite of these difficulties in making satisfying and reliable estimates, and granting the frequent discrepancies in the estimates made by various China experts, both at home and abroad, it is still fair to conclude that we do know quite a bit about Communist China.

DOMESTIC ECONOMY

One of the most striking features about the performance of the Chinese economy has been its unevenness. Leaving aside the period from 1949–52, devoted largely to bringing economic law and order to the wartorn mainland, most experts estimated that the average growth rate for the period of 1952–66 was approximately 4–5 percent. Yet the deviations from the average were enormous. The 1952–57 period was marked by strong economic rationality and relatively little ideological interference; in 1958 the regime undertook a new push for greater ideological purity—"the Great Leap Forward" which resulted in economic disaster; by 1962 the regime returned to a more rational approach to economic planning. In recent months we have seen another possible swing to stricter orthodoxy. Although official Chinese reports state that the economy has not been seriously disrupted, it is still too early to tell.

Agriculture

Agricultural production and per capita food consumption statistics are sometimes conflicting, but combining estimates with eyewitness reports, the image projected over the last two or three years is one of both amply supply and distribution of food with no widespread hunger. When comparing famines during pre-Communist regimes, for example in 1926 when 20 million people died, with the 1959–61 famine, we find there has been some malnutrition but no authentic reports of starvation.

However, there is no doubt that agriculture, which accounts for 81 percent of China's economic activity, has been and continues to be the weak spot in her economy. She has only 7.8 percent of the world's cultivated land to feed nearly 25 percent of the world's population. Her biggest frustration is her "brown thumb," for almost everywhere Communists have managed either to reduce agricultural production or at least to keep it from growing as it might reasonably have been expected. In spite of the tolerable food situation, agricultural failures have affected the entire economy, thus accounting in large part for China's inability to increase imports of industrial machinery.

The Committee was told that the Chinese have attempted to maintain a level of approximately 2,000 calories per day per capita. Just how well they have met this target is one of the points on which the statistical information is contradictory. Calories are, of course, not the ultimate criteria of nutrition. Whereas these estimates, relying on a common denominator for food sufficiency, concentrate on per capita grain supplies, there are said to have been very large gains in the supplies of eggs, vegetables, fruit, poultry and meat.

Chinese economic planners have been confronted by two alternatives in their drive to expand agricultural production: 1) extend the cultivated areas or 2) seek to increase the yield of the acreage now in use by application of modern intensive farm methods. Faced with this dilemma, the government has chosen the second alternative, and in particular has favored the most productive and stable areas. This policy may simply be good economics, but it was also suggested as a consequence of the growth in provincial autonomy.

In addition to agricultural problems, China has been plagued by medical and educational problems. However, the Committee was told that no meaningful survey of recent economic performance in China dare neglect reference to the remarkable gains she has made in education, medicine, public health and scientific research.

Education and medical

The number of children and young adults in full-time educational institutions today is 5 to 7 times the school enrollment in 1949. The enrollment of over 10 million children in secondary schools is 10 times that of the 1 million in 1949. College age students number about 1 million. Statistics on the numbers involved in the educational process do not tell us very much, of course, without some evaluation of the quality and substances of the educational activity. Certainly it stands to reason that an authoritarian regime, engaged in a "great cultural revolution," must have some strong ideas about what is, or is not, "culture." Scientific and non-ideological education may be presented accurately, but we do know what neither Chinese industries nor schools are viewed as purely economic or efficiently oriented units.

China's gain in medical and related public health fields has also been attested by many recent visitors to China. The Committee was told that the infant mortality rate has dropped until it is now comparable to Canada's rate! Cholera, small pox, typhoid, typhus have almost been eliminated. A member of the U.S. Public Health Service stated a few years ago that the "prevention and control of many infections which had ravaged China for generations was a most startling accomplishment." It was also reported that because China had been plagued by large and frequent epidemics, the government had gone to great lengths to enlighten the entire population on health and sanitation consciousness through intensive radio propaganda.

Industry

China has made great strides in improving the industrial sector of her economy. The Committee was told that industrial production rose on the average by 11 percent between 1949–65 and by 20 percent in 1966. If the 1966 claim is at all accurate, the industrial production index is at least 350 right now, a record few impoverished countries can claim. And in order to support industrial and agricultural gains, Chinese capital investment in electrical power, chemical fertilizers and textiles has amounted to 20–25 percent of her GNP, an unusually high investment rate for an underdeveloped country.

The Committee was told that increased investment in electrical power has enabled China to modernize industries by equipping them with more electric-driven machinery. The nuclear energy program is a good example. The Chinese Communist newspapers also have frequently disclosed that in the steel industry more and more electric converters are being used to produce quality steel and alloys.

Another example is the rapidly expanding chemical fertilizer industry, in which synthetic ammonia is produced by the electrolysis method. It was estimated that Chinese production combined with Japanese imports of chemical fertilizers has enabled the central government to supply the agricultural sector with 3 times the 1957 amount of chemical fertilizers.

The textile industry was the largest branch in the whole industrial sector during the 1950's and perhaps still is now. Increased investment in textiles, particularly cotton, has enabled the Chinese to export to Malaysia, Singapore and Hong Kong.

As one witness put it, China is a "muscle-bound giant", with unleashed potential. She is one of the four top producers in the world of coal, iron ore, mercury, tin, tungsten, magnetite, salt and antimony. She is self-sufficient in oil, as a result of discoveries at the Tach-ing oil field and she has offered to export oil to Japan; her coal resources are good for at least a century. She has also made progress in warding off natural disasters in irrigation, flood control and water conservation.

DOMESTIC POLICY

Ideological effects on industry and agriculture

Ideological shifts have been among the most significant variables in both industrial and agricultural performance in China. They have affected industrial management in four main ways:

1. The question of who makes the decision in a factory: the "Reds-versus-experts" dilemma.

2. The method for motivating workers: morall stimuli versus material incentives, such as piece rate systems, bonuses and significant pay scale differentials.

3. The method for eliminating class distinctions: forcing management personnel to spend one or two days per week in physical labor and promoting the worker to participation in management decisions.

4. The amount of time spent on the job in political education and ideological indoctrination.

Agriculture has also been affected by ideological shifts. At first, agricultural production was spurred largely by stimulating peasant productivity through traditional material incentives—peasants maintaining their own private plots and rural markets operataing freely. During the "Great Leap Forward" plots and markets were eliminated and commune movements were undertaken. This tremendous dislocation brought disastrous results, and so material incentives and private plots were quickly reintroduced. Agricultural prices were allowed to rise and peasants received more income from the commune and their private plots. There is reason to believe, now, that the central government may have considerable difficulty in convincing the provincial leaders that another try at revolution in agriculture is desirable. However, interference by the Red Guards and central government is clearly meeting with local and regional resistance.

It is significant to point out the degree of autonomy the provinces have in determining economic performance; this has brought into question the central regime's ability to effectuate major changes in policy. However, several witnesses cautioned against concluding that all political interference and ideological indoctrination has been detrimental. Used in moderation, Maoist-Marxist ideological teaching, working through a more equal distribution of income, the absence of a distinct privileged class and a strong emphasis on moral incentives have tended to give China a more manageable labor force and more manageable economy than that of some of its Asian neighbors.

FOREIGN TRADE

Foreign trade has played a significant role in China's economic growth, as a highway for the transmittal of new technology, new goods, and new methods of production.

During the early 1950's, the pattern of China's trade closely resembled that of most other underdeveloped countries, consisting mainly of the export of domestic agricultural and mineral products, supplemented by some finished textiles. These were, in turn, exchanged for machinery and specific types of raw materials, unavailable at home, and required for processing by domestic industrial plants. China's principal trading partner in the early 1950's was determined by ideology preference: the U.S.S.R. who accounted for over 70% of China's external trade. Imports of machinery from the U.S.S.R. ran as high as $500–600 million per year.

During the present decade, the pattern of China's trade has changed dramatically. This is attributable to two main factors: the collapse of the "Great Leap Forward" in 1958–60, and the Sino-Soviet split in 1956.

Dislocations caused by the "Great Leap Forward" reduced the dometsic food supply, so that industrial goods imports were compressed sharply while food imports, constituting 30–40% of total imports, were increased. However, rice, vegetables, processed foodc and meat products continued to be exported to balance the grain import costs. Textiles also remained a dependable earner of foreign exchange. The principal contribution of imports in the early '60s was maintenance of economic and political stability, during the agricultural disasters and during the political splinterings that occurred between the U.S.S.R. and China.

By 1965 China was able to repay the U.S.S.R. over $500 million in total outstanding debts, and thus, she became a net capital exporter, with approximately $400 million in foreign exchange reserves, a situation quite unique for an "underdeveloped" country.

By 1965 we find that the orientation of China's foreign trade has been reversed completely with the result that non-Communist countries now account for over 70% of her $4.16 billion foreign trade. Except for the U.S.S.R., which ranks third, China's chief trading partners, in descending order, are: Japan, Britain (through Hong Kong), West Germany, France, Canada, Australia and Italy. Most conspicuous at present are China's growing imports of advanced types of production equipment from our allies, including complete "turn-key" plants embodying new technologies. The industries for which such plants have recently been purchased include: oil refining, synthetic ammonia, urea, industrial alcohol, synthetic fibres, acetylene, wire-drawing, tubes and pipes, glass, and a cold strip steel rolling mill. The importation of these plants is often accompanied by the arrival of technicians who help with the installation and testing of the purchased equipment. It was thought that if the Chinese continue their current agricultural investments in chemical fertilizers they should be able to continue the approximately 3 percent annual increase in agricultural production—and grain imports from the West should decline sharply in 1967.

Let us now look briefly at the structure of China's trade—with whom she trades:

1. Japan. Sino-Japanese trade is based on barter-not foreign exchange. Chinese exports consist of inputs for Japanese industrial production—iron ore, pig iron, coal and soybeans. Trade between the two has increased by more than 35% in the first six months of 1966.

2. Western Europe. (including Great Britain). Trade has not increased as rapidly here as it has with Japan; however, the statistics are still quite significant. In 1964, 1965 and the first half of 1966, China's exports to Western Europe increased by approximately 30 percent annually, but China's imports of chemical fertilizers and industrial plants increased even more rapidly. In order to finance the approximately $50 million import surplus in trade with Western Europe and the large scale grain imports from Canada, Australia and Argentina, China has earned sterling in trade with Hong Kong, Malaysia and Singapore.

3. Hong Kong, Malaysia and Singapore. It is by exporting to these three countries that China has been able to build up its sterling reserve, which in 1965, reached almost $500 million.

China has earned an excellent credit rating during the last 17 years and many firms in the non-Communist countries desire to increase their exports, including complete industrial plants, to China on long-term credit. China has not yet sought long-term credit but should be able to obtain it, if and when it is desired. For if her needs for extensive modernization in such areas as metallurgy, chemical production, machine-building, and transportation continue at their present rate, the Chinese market for production equipment and technical know-how from the West will continue to expand.

The hopeful outcome of this situation may be the basis of a possible change in political attitudes of the Chinese leaders toward the Western world. Despite the fact that the Chinese government's attitude toward a foreign country is based on ideology and not trade or commercial benefits, it is hoped that: Trade with the outside world is probably the most promising way by which the Chinese will in time come to realize the actualities of the world around them and accept the inevitability of peaceful coexistence with the rest of us on a live and let-live basis.

VIETNAM

When examining China's military posture in light of her ability to actively engage in the Vietnam War, the witnesses concluded that her present, limited aid to North Vietnam can continue indefinitely without seriously disrupting her economy. Moreover, a *build-up of aid would be economically* feasible for China.

In contrast to the first Joint Economic Committee study on Chinese military potential, the testimonies given at the hearings lead to the conclusion that the problem in maintaining a steady domestic rate of growth and expanding a mighty military force does not lie in such a delicate balance. Her impressive economic achievements have enabled her to modernize military equipment, advance her nuclear capability and perhaps now equal the Soviet Union's military posture of the 1950's. China's military budget in 1965 was placed at $8 billion or about 10 percent of her $90–100 billion GNP. With a population of over 700 million, China has an army of more than 2 million, of which she could mobilize from 70 to 100 divisions, costing her about $2 billion per year.

There is little doubt that, assuming no chaotic internal breakdown, China can support a major involvement in a border war. However, this is not to say that she can fight a guerrilla-type war serving as proxy for, say, the guerrilla forces in Vietnam. She can supply them, as she has already done by sending in engineering troops to assist in building and repair of roads, but, should she elect to send in a large number of troops, the entire character of the war would be changed from a guerrilla conflict to a more conventional war, in which United States firepower would be infinitely more effective than her own.

It was concluded that China's aid to North Vietnam is based on a defensive military posture, not an offensive one. Her immediate aim is to secure North Vietnam as a buffer state, similar to the Russian theory in Europe of having as many buffer states around her as possible and proselytizing whenever possible to convert them to Communism.

When asked whether or not the rice surpluses in Southeast Asia would justify Chinese military expansion, the general conclusion was that China could get rice far more effectively by trade than by invasion. One witness suggested that the Chinese have had plenty of problems with their own peasantry and these problems would be a million times compounded with a conquered peasantry.

EMBARGO

The United States has maintained a unilateral embargo on trade with Mainland China since the Korean War. As we have already noted, despite this embargo, 70 percent of China's trade today is with our allies. Under these circumstances, our refusal to trade with China has been ineffective, since alternative trade relations with our allies have been readily available.

An overwhelming consensus among experts heard pointed to the conclusions that:

1. The American embargo on nonstrategic trade with China has accomplished very little in terms of retarding growth of the Chinese economy.

2. The embargo may have been detrimental to the longrun interests of the United States in its relations with its allies.

3. It would be a mistake, however, to assume that any relaxation of the embargo would result in a significant expansion of bilateral trade with the United States, so long as the United States has a large military presence in Asia, especially in Vietnam.

4. Hopefully, closer trade relations between China, the United States and the major non-Communist industrial nations could significantly contribute to integrating China into the world international system through eroding many of the simpler ideological components with which an isolated China must view world trade and politics.

5. Since the embargo policy is not warranted on economic grounds, its continuation must be weighed as a part of our international political policy.

Since the economic case for an embargo appears on the evidence of these experts rather unpersuasive, the American people and policymakers might consider re-evaluation of our total embargo policy, which the rest of the world regards as a "symbol of our policy to isolate China." Except for keeping Peking out of the United Nations and other international bodies, it has certainly not isolated it, as the economic record shows only too clearly.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DOMINICK:

S. 1966. A bill for the relief of Sgt. Walter Spillman, U.S. Army; and

S. 1967. A bill for the relief of Katherine E. Baab; to the Committee on the Judiciary.

By Mr. HOLLAND:

S. 1968. A bill for the relief of Dr. Jose Ernesto Garcia y Tojar; to the Committee on the Judiciary.

By Mr. HART:

S. 1969. A bill for the relief of Dr. Oscar Calimag Tumacder and his wife, Dr. Thelma Tumacder; and

S. 1970. A bill for the relief of Dr. Sudarsan Misra; to the Committee on the Judiciary.

By Mr. MOSS:

S. 1971. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans to certain cooperatives serving farmers and rural residents, and for other purposes; to the Committee on Banking and Currency.

(See the remarks of Mr. Moss when he introduced the above bill, which appear under a separate heading.)

By Mr. NELSON:

S. 1972. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Emigrant New York Indians in Indian Claims Commission Docket No. 75, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. NELSON when he introduced the above bill, which appear under a separate heading.)

FHA LOANS FOR FARM COOPERATIVES

Mr. MOSS. Mr. President, there is a credit gap in the present loan authority of the Farmers Home Administration which I feel should be closed. It is keeping many worthy farm cooperatives from borrowing the money they need to expand and improve.

As we all know, the Farmers Home Administration has full authority to make or insure loans to rural nonprofit groups. These loans can be used to improve or establish grazing associations, to establish recreation associations, or to undertake water or sewer projects.

But a rural cooperative—that is a cooperative organized to provide processing, organized purchasing, or marketing service—is not eligible for such a loan unless it is in the so-called poverty class—unless two-thirds of its families are living on incomes of less than $3,000 a year. Then the cooperative is eligible under certain loan authorizations of the Economic Opportunity Act which the FHA administers.

There are undoubtedly many rural cooperatives in the country which have sufficient equity, experience, and access to capital so that they do not need to apply to FHA for economic opportunity loans.

But there are other cooperatives which fall below this level of affluence, yet cannot qualify under the poverty category. They exist in a credit gap and it is primarily to close this gap that I am introducing a bill today.

This is, however, a general bill. Under it the Secretary of Agriculture may make or insure loans to all local cooperative associations which furnish to farmers and rural residents services and facilities for harvesting, storing, processing and transporting or marketing agricultural products, or consumer-purchasing services, or who process and market products for farmers or rural residents.

The loans may be used to organize and establish an association, to acquire necessary land, buildings or equipment, or to repair, expand or enlarge such services and facilities. In establishing a cooperative, the applicant must be able to certify, of course, that there is a need for the services and facilities in the community which is not now being met.

During the years the Farm Security Administration was in existence a large number of farm cooperatives were financed and inaugurated throughout the country. A number were established in Utah, and early in the 1940's the Utah Cooperative Association which has a $4.5 million annual volume of business and nearly 40 employees, was granted a lifesaving loan by the FSA.

These loans were made at a time when no other financing was available. There is no question that they not only launched many cooperatives, but kept others afloat.

But the successor agency to FSA, the Farmers Home Administration, has no authority to make loans to farm cooperatives, short of the authority in the poverty program. Only one loan has been made in recent years to a Utah cooperative—the Castle Valley Cooperative at Huntington. This was a $40,000 FHA loan, repayable over a 30-year term at 4½ percent interest. The loan is considered financially sound, and is backed by excellent collateral and a fine 5-year period of consistent sales growth with good net earnings.

Other cooperatives who have sought loans have had to get them elsewhere and they are paying high rates of interest. Eight percent simple interest is common and on the low side. Some cooperatives, I am told, are paying 10 percent simple interest, and a few are paying as high as 12 percent simple interest for short-term operating loans, fully secured by inventories, receivables, and real estate.

The only way an agricultural business enterprise can succeed when paying interest of this type is to have superior management, abounding good luck, and the guiding hand of providence. Only time will tell whether cooperatives in question possess all three.

However, there is no doubt that if these cooperatives could have borrowed funds at FHA interest rate levels, their chances of survival would be much greater. And it is certain that their net income would be higher. It has been estimated that the agricultural cooperatives within the Utah Cooperative Association alone would earn between $75,000 to $100,000 more annually under FHA interest rates than under the higher interest rates they are now having to pay.

Agriculture is becoming more and more marginal in Utah every year, and more and more of our farmers are leaving the land. Our water scarcity, and the high cost of water which is available, together with the high freight rates which plague all of the West, make our operations more difficult than they are in some other areas. I am sure this is also true in many other Western and Southwestern States.

In my opinion, Mr. President, we should be doing everything we can to keep our farm cooperatives healthy and afloat. They are a sound instrument through which farmers can help themselves and gain a greater measure of independence from the Federal Government.

It is the announced policy of the Department of Agriculture, as stated by Secretary Freeman, that the Federal Government shall sponsor, support and aid in the development of agricultural cooperatives. This policy received an interesting interpretation in the Kiplinger Agricultural Letter of March 24, 1967:

> Government is in the process of disconnecting itself from agriculture—commercial agriculture—gradually trying to ease out of its commitments. Farmers must do more for themselves—without so much government help.
>
> Cooperatives are to be built up, in a way, to replace government as the biggest single influence in farm affairs—gradually but surely. Co-ops and farm trade associations are to take over government price functions.
>
> It (government) will make a point of encouraging farmers to support the co-ops or form news ones or farm trade associations to perform many of the functions now handled by the USDA—involving both production goals and marketing.

Whether every nuance in this prediction is true or not, it is certainly clear that the farm cooperatives do offer the many American farmers who seek to lessen the influence of the Federal Government in their affairs a way of so doing without losing many of the benefits they now have.

And, I think it follows logically that we should do everything possible to strengthen the farm cooperatives we already have, and ease the way for new ones to be formed. One of the best ways is to assure low-cost financing.

Mr. W. B. Robins, president of the Utah Council of Farmers Co-ops, says frankly:

> I believe without question that Utah farmers will be in the toughest spot in history unless we find ways to strengthen the genuine cooperatives now operating in the State, including UCA and its member cooperatives. And we must organize new ones. I believe if we do this, primarily through making available low cost, sound loans, that we can move a long way toward keeping Utah farmers on the land.

This same situation prevails, I am confident, in many other sections of the country.

Mr. President, I send to the desk a bill to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans to certain cooperatives serving farmers and rural residents, and for other purposes, and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1971) to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans to certain cooperatives serving farmers and rural residents, and for other purposes, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Banking and Currency.

DISPOSITION OF FUNDS APPROPRIATED IN FAVOR OF THE EMIGRANT NEW YORK INDIANS

Mr. NELSON. Mr. President, I am today introducing legislation to provide for the disposition of funds appropriated by Congress to pay a judgment in favor of the Emigrant New York Indians in Indian Claims Commission docket No. 75, and for other purposes.

On October 14, 1966, the U.S. Court of Claims upheld the award by the Indian Claims Commission of $1,313,473 to the Emigrant New York Indians in compensation for Wisconsin lands of which they were unjustly deprived in 1832. The Indians in question are members of various New York Iroquois tribes which in 1822, with the full encouragement, assistance, and approval of the U.S. Government, concluded a treaty with the Menominee Tribe of Wisconsin for one-half interest in approximately 4 million acres of land in the vicinity of Green Bay. The New York Indians subsequently sold their eastern holdings and settled on their new Wisconsin lands.

In 1831 and 1832 the Menominee Tribe ceded to the United States a large portion of their lands, including the 4 million acres sold to the Emigrant New York Indians. The latter were not a party to this treaty and protested strongly. Under threats that they would be deprived of all their lands, they were forced to accept a reserve of 569,120 acres for their exclusive use. The $1,313,473 final judgment awarded the Emigrant New York Indians represents the value of their one-half interest in the 4 million acres less certain offsets, including the value of the lands received in exchange. The Emigrant New York Indians today include the Oneida Tribe of Indians of Wisconsin, members of the Stockbridge-Munsee Indian Community of Wisconsin, and Brotherton Indians of Wisconsin of at least one-fourth degree Emigrant New York Indian blood.

The funds for this judgment have already been approved by title XIII of Public Law 90-21, the Second Supplemental Appropriation Act for 1967. My bill simply provides, according to standard and equitable practice, for the disposition of these funds to the Emigrant Indian tribes. It is thus only a routine measure, the necessary final step toward righting an old injustice. I urge the bill's immediate adoption.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1972) to provide for the disposition of funds appropriated to pay a judgment in favor of the Emigrant New York Indians in Indian Claims Commission docket No. 75, and for other purposes, introduced by Mr. NELSON, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

NOTICE OF HEARINGS ON BILL TO CREATE A NATIONAL SCIENCE FOUNDATION

Mr. HARRIS. Mr. President, I wish to announce that the Subcommittee on Government Research of the Senate Committee on Government Operations will hold hearings tomorrow, Tuesday, June 20, 1967, at 8 a.m. in room 1318 of the New Senate Office Building in the further consideration of the bill to create a National Social Science Foundation.

NOTICE OF HEARINGS ON FEDERAL JURY SELECTION BILLS—S. 383, S. 384, S. 385, S. 386, S. 387, S. 989, AND S. 1319

Mr. SMATHERS. Mr. President, on behalf of Senator TYDINGS, the chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, who is ill today, I wish to announce a second set of hearings for the consideration of S. 383, S. 384, S. 385, S. 386, S. 387, S. 989, and S. 1319. These bills would provide improved judicial machinery for the selection of Federal juries.

The hearings will be held at 9:30 a.m., on Wednesday, June 28, 1967, in the District of Columbia Committee hearing room, room 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building.

NOTICE OF HEARING ON THE FEDERAL JUDICIAL CENTER—S. 915

Mr. TYDINGS. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce a hearing for the consideration of S. 915. This bill would provide for the establishment of a Federal Judicial Center.

The hearing will be held at 10:30 a.m., on June 22, 1967, in the District of Columbia Committee hearing room, room 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building.

NOTICE OF RESCHEDULING OF HEARING ON THE REVOLVING CREDIT ASPECTS OF S. 5, THE TRUTH-IN-LENDING BILL

Mr. SPARKMAN. Mr. President, I should like to announce that the Committee on Banking and Currency has rescheduled its hearing on the revolving credit aspects of the truth-in-lending bill, S. 5.

The hearing, which was originally scheduled for 3 p.m. on Tuesday, June 20, has now been rescheduled for Friday, June 23, 1967, at 10 a.m.

NOTICE OF CANCELLATION OF HEARINGS ON S. 1299, MARGIN REQUIREMENTS FOR SECURITIES TRANSACTIONS

Mr. SPARKMAN. Mr. President, I should like to announce that the Committee on Banking and Currency has canceled the hearing to be held on Thursday, July 13, on the bill S. 1299, to amend the Securities Exchange Act of 1934 to permit regulation of the amount of credit that may be extended and maintained with respect to securities that are not registered on a national securities exchange.

This hearing will be rescheduled at a later date at which time notice will be given.

NOTICE OF RESCHEDULING OF HEARINGS ON S. 1659, INVESTMENT COMPANY AMENDMENTS ACT OF 1967

Mr. SPARKMAN. Mr. President, I should like to announce that the Committee on Banking and Currency has rescheduled its hearings on S. 1659, the Investment Company Amendment Act of 1967.

These hearings, which were to be held on June 21 through June 23, have now been scheduled to begin on Monday, July 31, 1967.

NOTICE OF CANCELLATION OF HEARINGS ON SENATE JOINT RESOLUTION 75, RESTRICTIVE TRADE PRACTICES OF BOYCOTTS

Mr. MUSKIE. Mr. President, I should like to announce that the Subcommittee on International Finance of the Committee on Banking and Currency has canceled the hearings to begin July 6, 1967, on Senate Joint Resolution 75 which would authorize the Banking and Currency Committee to study the effectiveness of present law in protecting the U.S. trade and businesses against adverse effects from restrictive trade practices or boycotts imposed by foreign countries against other countries friendly to the United States.

These hearings will be rescheduled at a later date at which time notice will be given.

THE PRESIDENT AND FOREIGN POLICY

Mr. MANSFIELD. Mr. President, President Johnson made a most important foreign policy speech this morning. It was a statement which was reasonable in tone and which placed the initiative on the Middle East states themselves to act to bring the situation into peaceful focus. In this speech, the President has made clear that he maintains a flexible position designed to be of assistance in any way by which a peaceful settlement might be achieved in that area.

In effect, what he did was to outline possibilities for the United Nations to discuss and consider; and, if I interpret correctly, it indicated to me that he is willing to meet with Premier Kosygin while he is in this country if Mr. Kosygin desires such a meeting.

Mr. President, I ask unanimous consent that the President's speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Remarks of the President at the Foreign Policy Conference for Educators, State Department

Secretary Rusk, Ladies and Gentlemen:

I welcome the chance to share with you this morning a few reflections of American foreign policy, as I have shared my thoughts in recent weeks with representatives of labor and business, and with other leaders of our society.

During the past weekend at Camp David—where I met and talked with America's good friend, Prime Minister Holt of Australia, I thought of the General Assembly debate on the Middle East that opens today in New York.

But I thought also of the events of the past year in other continents in the world. I thought of the future—both in the Middle East, and in other areas of American interest in the world and in places that concern all of us.

So this morning I want to give you my estimate of the prospects for peace, and the hopes for progress, in these various regions of the world.

I shall speak first of our own hemisphere, then of Europe, the Soviet Union, Africa and Asia, and lastly of the two areas that concern us most at this hour—Vietnam and the Middle East.

Let me begin with the Americas.

Last April I met with my fellow American Presidents in Punta del Este. It was an encouraging experience for me, as I believe it was for the other leaders of Latin America. For they made, there at Punta del Este, the historic decision to move toward the economic integration of Latin America.

In my judgment, their decision is as important as any that they have taken since they became independent more than a century and a half ago.

The men I met with know that the needs of their 220 million people require them to modernize their economies and expand their trade. I promised that I would ask our people to cooperate in those efforts, and in giving new force to our great common enterprise, which we take great pride in, the Alliance for Progress.

One meeting of chiefs of state, of course, cannot transform a continent. But where leaders are willing to face their problems candidly, and where they are ready to join in meeting them responsibly, there can be only hope for the future.

The nations of the developed world—and I am speaking now principally of the Atlantic Alliance and Japan—have in this past year, I think, made good progress in meeting their common problems and their common responsibilities.

I have met with a number of statesmen—Prime Minister Lester Pearson in Canada just a few days ago, and the leaders of Europe shortly before that. We discussed many of the issues that we face together.

We are consulting to good effect on how to limit the spread of nuclear weapons.

We have completed the Kennedy Round of tariff negotiations, in a healthy spirit of partnership, and we are examining together the vital question of monetary reform.

We have reorganized the integrated NATO defense, with its new headquarters in Belgium.

We have reached agreement on the crucial question of maintaining allied military strength in Germany.

Finally, we have worked together—although not yet with sufficient resources—to help the less developed countries deal with their problems of hunger and over population.

We have not, by any means, settled all the issues that face us, either among ourselves or with other nations. But there is less cause to lament what has not been done, than to take heart from what has been done.

You know of my personal interest in improving relations with the Western world and the nations of Eastern Europe.

I believe the patient course we are pursuing toward those nations is vital to the security of our nation.

Through cultural exchanges and civil air agreements, through consular and outer space treaties, through what we hope will soon become a treaty for the nonproliferation of nuclear weapons, and also, if they will join us, an agreement on anti-ballistic missiles.

We have tried to enlarge, and have made great progress in enlarging, the arena of common action with the Soviet Union.

Our purpose is to narrow our differences where they can be narrowed, and thus to help secure peace in the world for the future generations. It will be a long slow task, we realize. There will be setbacks and discouragements. But it is, we think, the only rational policy for them and for us.

In Africa, as in Asia, we have encouraged the nations of the region in their efforts to join in cooperative attacks on the problems that each of them faces: economic stagnation, poverty, hunger, disease, and ignorance. Under Secretary Nicholas Katzenbach just reported to me last week on his recent extended trip throughout Africa. He described to me the many problems and the many opportunities that exist in that continent.

Africa is moving rapidly from the colonial past toward freedom and dignity. She is in the long and difficult travail of building nations. Her proud people are determined to make a new Africa, according to their own lights.

They are now creating institutions for political and economic cooperation. They have set great tasks for themselves—whose accomplishments will require years of struglge and sacrifice.

We very much want that struggle to succeed, and we want to be responsive to the efforts that they are making on their own behalf.

I can give personal testimony to the new spirit that is abroad in Africa, from Under Secretary Katzenbach's report, and from Asia, from my own travels and experience there. In Asia my experience demonstrated to me a new spirit of confidence in that area of the world. Everywhere I traveled last autumn, from the conference in Manila to other countries of the region, I found the conviction that Asians can work with Asians to create better conditions of life in every country. Fear has now given way to hope in millions of hearts.

Asia's immense human problems remain, of course. Not all countries have moved ahead as rapidly as Thailand, Korea, and the Republic of China. But most of them are now on a promising track, and Japan is taking a welcome role in helping her fellow Asians toward much more rapid development.

A free Indonesia—the world's fifth largest nation, a land of more than 100 million people—is now struggling to rebuild, to reconstruct and reform its national life. This will require the understanding and the support of the entire international community.

We maintain our dialogue with the authorities in Peking, in preparation for the day when they will be ready to live at peace with the rest of the world.

I regret that this morning I cannot report any major progress toward peace in Vietnam.

I can promise you that we have tried every possible way to bring about either discussions between the opposing sides, or a practical de-escalation of the violence itself.

Thus far there has been no serious response from the other side.

We are ready—and we have long been ready—to engage in a mutual de-escalation of the fighting. But we cannot stop only half the war, nor can we abandon our commitment to the people of South Vietnam as long as the enemy attacks and fights on. And so long as North Vietnam attempts to seize South Vietnam by force, we must, and we will, block its efforts—so that the people of South Vietnam can determine their own future in peace.

We would very much like to see the day come—and come soon—when we can cooperate with all the nations of the region, including North Vietnam, in healing the wounds of a war that has continued, we think, for far too long. When the aggression ends, then that day will follow.

Now, finally, let me turn to the Middle East—and to the tumultuous events of the past months.

Those events have proved the wisdom of five great principles of peace in the region.

The first and greatest principle is that every nation in the area has a fundamental right to live, and to have this right respected by its neighbors.

For the people of the Middle East, the path to hope does not lie in threats to end the life of any nation. Such threats have become a burden to the peace, not only of that region but a burden to the peace of the entire world.

In the same way, no nation would be true to the United Nations Charter, or to its own true interests, if it should permit military success to blind it to the facts that its neighbors have rights and its neighbors have interests of their own. Each nation, therefore, must accept the right of others to live.

This last month, I think, shows us another basic requirement for settlement. It is a human requirement: Justice for the refugees.

A new conflict has brought new homelessness. The nations of the Middle East must at last address themselves to the plight of those who have been displaced by wars. In the past, both sides have resisted the best efforts of outside mediators to restore the victims of conflict to their homes, or to find them other proper places to live and work. There will be no peace for any party in the Middle East unless this problem is attacked with new energy by all, and, certainly, primarily by those who are immediately concerned.

A third lesson from this last month is that maritime rights must be respected. Our Nation has long been committed to free maritime passage through international waterways, and we, along with other nations, were taking the necessary steps to implement this principle when hostilities exploded. If a single act of folly was more responsibile for this explosion than any other, I think it was the arbitrary and dangerous announced decision that the Straits of Tiran would be closed. The right of innocent maritime passage must be preserved for all nations.

Fourth, this last conflict has demonstrated the danger of the Middle Eastern arms race of the last 12 years. Here the responsibility must rest not only on those in the area—but upon the larger states outside the area. We believe that scarce resources could be used much better for technical and economic development. We have always opposed this arms race, and our own military shipments to the area have consequently been severely limited.

Now the waste and futility of the arms race must be apparent to all the peoples of the world. And now there is another moment of choice. The United States of America, for its part, will use every resource of diplomacy, and every counsel of reason and prudence, to try to find a better course.

As a beginning, I should like to propose that the United Nations immediately call upon all of its members to report all shipments of all military arms into this area, and to keep those shipments on file for all the peoples of the world to observe.

Fifth, the crisis underlines the importance of respect for political independence and territorial integrity of all the states of the area. We reaffirmed that principle at the height of this crisis. We reaffirm it again today on behalf of all. This principle can be effective in the Middle East only on the basis of peace between the parties. The nations of the region have had only fragile and violated truce lines for 20 years. What they now need are recognized boundaries and other arrangements that will give them security against terror, destruction and war. Further, there just must be adequate recognition of the special interest of three great religions in the holy places of Jerusalem.

These five principles are not new, but we do think they are fundamental. Taken together, they point the way from uncertain armistice to durable peace. We believe there must be progress toward all of them if there is to be progress toward any.

There are some who have urged, as a single, simple solution, an immediate return to the situation as it was on June 4. As our distinguished and able Ambassador, Mr. Arthur Goldberg, has already said, this is not a prescription for peace, but for renewed hostilities.

Certainly troops must be withdrawn, but there must also be recognized rights of national life—progress in solving the refugee problem—freedom of innocent maritime passage—limitation of the arms race—and respect for political independence and territorial integrity.

But who will make this peace where all others have failed for 20 years or more?

Clearly the parties to the conflict must be the parties to the peace. Sooner or later it is they who must make a settlement in the area. It is hard to see how it is possible for nations to live together in peace if they cannot learn to reason together.

But we must still ask, who can help them? Some say, it should be the United Nations, some call for the use of other parties. We have been first in our support of effective peace-keeping in the United Nations, and we also recognize the great values to come from mediation.

We are ready this morning to see any method tried, and we believe that none should be excluded altogether. Perhaps all of them will be useful and all will be needed.

I issue an appeal to all to adopt no rigid view on these matters. I offer assurance to all that this Government of ours, the Government of the United States, will do its part for peace in every forum, at every level, at every hour.

Yet there is no escape from this fact: the main responsibility for the peace of the region depends upon its own peoples and its own leaders of that region. What will be truly decisive in the Middle East will be what is said and what is done by those who live in the Middle East.

They can seek another arms race, if they have not profited from the experience of this one, if they want to. But they will seek it at a terrible cost to their own people—and to their very long-neglected human needs. They can live on a diet of hate—though only at the cost of hatred in return. Or they can move toward peace with one another.

The world this morning is watching, watching for the peace of the world, because that is really what is at stake. It will look for patience and justice—it will look for humility—and moral courage. It will look for signs of movement from prejudice and the emotional chaos of conflict—to the gradual, slow shaping steps that lead to learning to live together and learning to help mold and shape peace in the area and in the world.

The Middle East is rich in history, rich in its people and in its resources. It has no need to live in permanent civil war. It has the power to build its own life, as one of the prosperous regions of the world in which we live.

If the nations of the Middle East will turn toward the works of peace, they can count with confidence upon the friendship, and the help, of all the people of the United States of America.

In a climate of peace, we here will do our full share to help with a solution for the refugees. We here will do our full share in support of regional cooperation. We here will do our share, and do more, to see that the peaceful promise of nuclear energy is applied to the critical problem of desalting water and helping to make the deserts bloom.

Our country is committed—and we here reiterate that commitment today—to a peace that is based on five principles: first, the recognized right of national life; second, justice for the refugees; third, innocent maritime passage; fourth, limits on the wasteful and destructive arms race; and fifth, political independence and territorial integrity for all.

This is not a time for malice, but for magnanimity: not for propaganda, but for patience: not for vituperation, but for vision.

On the basis of peace, we offer our help to the people of the Middle East. That land, known to everyone of us since childhood as the birthplace of great religions and learning, can flourish once again in our time. We here in the United States shall do all in our power to help make it so.

Thank you.

FREEDOM OF BALANCED OPEN STUDENT FORUMS

Mr. MORSE. Mr. President, at this time, I would like to insert in the Record an excellent speech by the Honorable Frank P. Graham which he gave at the University of North Carolina on June 6, 1966. The speech is on the subject of the freedom of balanced open forums at the university and the State colleges of North Carolina.

Dr. Graham is one of the great Americans of our time. He is a former president of the University of North Carolina and a former U.S. Senator from the State of North Carolina. Since leaving the Senate, he has performed distinguished and dedicated work at the United Nations.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Some Observations on Representative Episodes in the History of the University of North Carolina at Chapel Hill in Her First and Basic Century as Background for Considering the Issue Now in the Courts Regarding the Freedom of Balanced Open Student Forums in the Past Spring Semester and the Search for a Common Ground in the Clarifying Decision by the Courts in Their Independent Discretion and Wisdom

(Address at the University of North Carolina by Frank P. Graham)

THE CONTENT OF THE DIPLOMA

The diplomas you receive this day hold many things of substance and spirit. Contained therein are your mothers, fathers and families, here tonight and at home, who sacrificed that you might be here; the teachers and schoolmates of earlier years, who spurred you on your way here; the friendships of your college years precious beyond price; the spacious libraries which opened for you the cultural treasures gathered from all ages and all lands; modern laboratories for testing old theories and finding new truths; discussions in dormitories, fraternities and in the shops and homes of the friendly folk of Chapel Hill; vigorous interchange in the student legislature and in the lively columns of the *Daily Tar Heel;* dialogues in classrooms with fellow students under the stimulus of professors distinguised in the world of scholarship, teaching and research; spiritual renewals at high levels in the comradeship of religious associations, ministers, priests and rabbis, as you reach upward with the towers and steeples of Chapel Hill toward the life of the spirit; sixteen years of your own hard scholastic work; your struggles and your deams; and not least of all, the people who founded, builded, endowed and supported this university for your years of all-round development here—all these are packed in the meaning of the diploma you receive tonight. May you ever be worthy of the noble name it bears as your *alma mater* for all time to come.

DEEPLY MINDFUL OF THE GREAT HISTORIES AND VALUES OF ALL COLLEGES AND UNIVERSITIES

Commencement day marks not only the real commencement of life's tests of the higher education of youth, but also the annual rebirth of America in the legions of youth who graduate from all the colleges and universities these June days in this land of hope and in this world of peril. We are deeply mindful of the great histories, struggles and values of all our sister colleges and universities, publicly supported, church related and privately endowed. On this night, as appropriate to this occaston, we confine ourselves to the heritage and hopes of this University in Chapel Hill.

This commencement occasion moves me to say to the Class of 1966, as you leave this place, that however far you may go on life's ways, *alma mater* will ever reach out across all the miles and years to hold you close in her great spirit. As on the playing field, so ever in the venturesome game of life she would have you play the game so hard and clean that if you lose, you will win something bigger than the game, and if you win, you will not lose something greater than the victory.

HER HERITAGE AND HOPES ARE PART OF YOUR HERITAGE AND HOPES

Since the heritage and hopes of this place have become a part of your own life, we will recall for you some bits of its early history and present hopes. To be unaware of the depth of our heritage is to impair the foundations of the height of our hopes.

In this American institution in North Carolina, in the forest of Orange, in Chapel Hill, voted by American universities for several decades to be at the front in the South, have been blended for you here traditions as old as the American Revolution, whose veterans founded this university, and hopes as young as the youth gathered here. In Chapel Hill are rock walls more ancient than the moss which covers them and historic halls more classic than the ivy which keeps them ever fresh with nature's own renewing life. In these surroundings of history and beauty, light and liberty, you have been challenged to stretch the mind to the height of your individual ability and to the depth of the inner person for nobler creations of the human spirit. It has become your responsibility to test thoroughly, to organize logically, to think and write clearly, and to judge fairly, and, with the opportunity, on your own initiative, to evaluate what is sound in your learning, honorable in your citizenship, true in your heritage, and best in our American hopes. Your college life has thus become not only the place for the joyous development of the whole personality and the wholesome life, but also the training ground for continuing your general learning, for increasing your special skills, and for participation in the civic affairs of your generation. The campus democracy will now deepen for you in the larger commonwealth as a more hopefully creative part in the adventurous business of making a nobler nation in the wider world, in need of the best which youth has to give to all mankind.

Foretold at Halifax in the revolutionary Constitution of 1776, chartered in Fayetteville in 1789, its cornerstone laid here by General William R. Davie on October 12th, 1793, and opened as the University of the people, January 15, 1795, six years before the next State University chartered in 1785, actually opened in 1801. The life of this university has been an embattled struggle from the last decade of the 18th century to the 6th decade of the 20th century. In each of the 43 generations of students, there have ever been loyal people, who, in the midst of the battles, have become sincerely concerned about the impact of the struggles upon the image of this university, reflected in the mirror of the times, as the university sought to prepare youth and the people for a freer and fairer life.

In the limits of this occasion we will take random glimpses of a few persons and episodes representative of the struggle in her now dimmer but not to be forgotten basic first century and her now latest more vivid year.

We catch a view of the first President, Joseph Caldwell, buried under the oaks on this campus, who, in the days of a highly valid but too exclusive emphasis on the classics, struggled to emphasize the no less valid meaning of science and to open for youthful minds glimpses of the then largely unexplored universe, when he brought from England and established in Chapel Hill the first astronomical observatory in any American University. He thus dimly foreshadowed the age of outer space, over whose explorations an alumnus of this University, James Webb, now presides in the leadership of venturesome pioneers, who, after glimpses in the Morehead Planetarium, blaze the hazardous trails in the infinite reaches of the expanding universe.

PRESIDENT CALDWELL AND TWO OF HIS STUDENTS, ARCHIBALD DE BOW MURPHEY AND JOHN MOTLEY MOREHEAD

During Caldwell's influential years at Chapel Hill there were at various times many most remarkable young men. One was Archibald de Bow Murphey, who drafted a plan for public education and state development, which, if the plan, on the grounds of its alleged radicalism, had not been rejected by privilege and reaction, would have placed North Carolina at the forefront of the American States, instead of for decades being called the "Rip Van Winkle of the States".

Another was John Motley Morehead, the first, who favored the gradual emancipation of the slaves, the right of free Negroes to vote, founded a college for women, and, as Governor, championed the establishment of a school for the blind and the building of the first railroad in North Carolina to connect the sharply divided east and west.

In vision and progress he was the forerunner of his grandson, John Motley Morehead, who was the builder of an industrial enterprise, which reaches across the world in this generation, and the founder of an endowment for excellence in scholarship at his *alma mater* which will reach across all the generations to come.

In the decades after Morehead's student days, when spending public funds for public elementary schools was considered a form of dangerous radicalism, it was on the groundwork of ideas laid by Murphey that sons of the University, Yancey, Hill and Cherry, led the fight for founding the first public schools in our State. When, under the pressures of the Civil War, it was proposed that the money for public schools be used in the war effort, another son, our first State Superintendent of Public Instruction, Calvin H. Wiley, successfully cried out against using up the seed corn of the State's future hopes.

UNDER PRESIDENT SWAIN THE LARGEST STUDENT BODY NEXT TO THAT OF YALE

In pre-Civil War years, under President Swain, attracted by her fame, there came to Chapel Hill from the wide region from Virginia to Texas, more students than were in any American college or university except Yale.

THE DISMISSAL OF PROFESSOR HEDRICK OF SALISBURY

It must be confessed that in the tense times of the approach toward the Civil War, a courageous University professor of chemistry, Ben Hedrick from Salisbury, favored the election of John C. Freemont, the first Republican candidate for President. He was wrongfully dismissed by the Trustees. Hinton Rowan Helper, a resident of Salisbury, had written "The Impending Crisis in the South", which, despite satistical fallacies, emphasized that slavery was a block to Southern progress and a heavy load on the back of the vast majority of the Southern people. Because of widespread demands, joined in by some University alumni, he left the State under the intolerance of the law to ban the book.

THE VOTE AGAINST SECESSION AND THE LATER STAND AGAINST INVASION OF THE SOUTH

After the States in the lower South had seceded, many sons of this university led the people of North Carolina in voting against secession. However, when the call came for the invasion of the Southern States by Federal armies, North Carolina joined the Confederacy and provided more soldiers than any other state. The sons of this university provided more volunteers and suffered more casualties than any college or university on either side of that titanic conflict. The spirit of these sons and our people was revealed, when, on a high ridge of valor at Gettysburg, Isaac Erwin Avery of Morganton, as he lay dying, wrote on the back of a blood stained envelope, "Tell my father that I fell with my face to the foe."

The historic and personal relationship of the people and their university, through the generations, is exemplified in such facts as follows: The grandfather of that soldier was Waightstill Avery, who inserted in the North Carolina Constitution of 1776 the provision for one or more universities. He was named "Waightstill because his parents of many sons were waiting still on the Lord for the daughter who did not come. Yet, a great granddaughter of Waightstill Avery, later did come, Gladys Avery Tillett of Charlotte, a graduate of the Woman's College and of this University. With her face forward to the foes of equal rights of women, she has, by valorous persistence, wrought a revolution on the foreign policy of the United States from an established policy of abstaining from voting to the new policy of voting for conventions on human rights in the United Nations.

MRS. SPENCER AND THE REOPENING OF THE UNIVERSITY

Nine decades earlier it was an indomitable woman, Mrs. Cornelia Phillips Spencer, who, when the University was closed in the period of "Reconstruction" stayed on in Chapel Hill amid the desolation which followed the Civil War and amid the weeds which had taken over the campus. She persistently wrote to "her boys", long leaders in the State, to reopen the University. They gathered on a hopeful mission in Raleigh in 1875. She waited with high hopes in Chapel Hill. From them came to her the simple message that it was voted that day to reopen the University. With filial joy, this valiant woman climbed the stairs of the Old South

Building into the belfry. With the end of a broken rope she rang the bell which has not rung for five years in Chapel Hill. As the old bell rang out clear and true in tones of the spirit which carried across the State, the people of North Carolina were on the march again with faces forward to this day.

THE GREAT EDUCATIONAL CRUSADE AND ITS HIGH PEAK UNDER AYCOCK

As Mrs. Spencer was the mother of the reopening, President Kemp P. Battle was the father. He gathered funds, selected a strong faculty, and won the first annual State appropriation. Under him gathered in Chapel Hill in the early 1880's, one of the most remarkable group of young idealists ever to gather in the same student community on any campus: Note well the names: Charles B. Aycock, Edwin A. Alderman, Charles D. McIver, James Y. Joyner, M.C.S. Noble, Horace Williams, Robert Pell, A. W. McAllister, A. A. F. Seawell, Josephus Daniels in the summer Law School, and their fellow student peers.

Without a Marshall Plan for recovery from the ruins of war, with the handicaps of discriminatory freight rates against Southern agriculture and industry, with the responsibility of the Southern people for providing for the disabled Confederate veterans and for helping to provide for the disabled Union veterans, these young men, challenged by it all, highly resolved that they would rebuild a broken society, then heavy-laden with poverty and illiteracy. Two of them, Alderman and McIver, on their graduating evening, talked the long night through as to how they would use their lives to that purpose. As Alderman later said, they decided toward sunrise by a light that was never seen on land or sea, to give their lives to education. They carried on their great crusade that the way out and up from poverty and ignorance was through the schoolhouse door. School houses, and soon teachers colleges, began rising across the State from the sand dunes to the mountain coves. As a part of the educational crusade, the Southern industrial revolution, the agricultural depression, and the farmers' revolt, and in response to the militant leadership of Colonel Leonidas Polk, and the Wautauga Club, there was founded at Raleigh the North Carolina State College, well on the way to becoming another M.I.T. in the nation, as a part of the land grant college movement which worked a democratic revolution in higher education, whose impact was felt across the State, the nation, and is being felt around the world today. Also as a part of the same educational crusade, the awakening of the people, the woman's movement, and in response to the dynamic eloquence of Charles D. McIver, there was founded in Greensboro, the Woman's College, whose graduates, under his successors, have creatively helped through the churches, the homes, the schools, the farms, offices and civic enterprises, to make North Carolina a more productive, wholesome and beautiful place in which to live and serve the needs of the people in all the succeeding generations. This fairest daughter of the Old North State, on the way for some time to becoming another Bryn Mawr in the nation, is now on the eve of a new efflorescence as the University of North Carolina in Greensboro, under an able and gallant leadership in the four-fold University of the people in Chapel Hill, Raleigh, Greensboro and Charlotte.

THE ANSWER OF CHARLES B. AYCOCK TO UNFAIR PROPOSALS

The educational crusade reached a high peak at the turn of the century in the administration of Charles B. Aycock, North Carolina's great Educational Governor. While speaking for the public schools in Birmingham, Alabama, he fell dead on the platform immediately after saying those prophetic words which he had said many times in North Carolina, and I quote: "For the equal right of every child to burgeon out all that is in him."

On one occasion he was heavily advised on the grounds of political expediency to lead his party (1) for the indefinite postponement of the year 1908 as the termination date for ending the exclusion of voters on account of race and (2) that funds for the separate public schools be apportioned in proportion to the taxes paid by the respective races. As much in sorrow as in indignation, he replied that, if such measures were adopted by his party for the sake of political power, that they would break his campaign pledge given all over North Carolina and that he would resign as Governor in protest at what would have been his broken word, the dishonor of his party and the shame of his State, which he loved too much to betray. The bi-racial structure which he championed at that stage, is now equitably passing away, but the keeping of his word that education not color should be the qualification for voting—though later misused—and that public funds for schools should not be apportioned according to racial sources but according to the number of children, will live in the grateful remembrance of the people, who loved him and honor him to this day.

Those who today look down on the work of Charles B. Aycock and Booker T. Washington, as they grappled with the issues of their day, should acknowledge that while they are looking down they are standing on the shoulders of the men upon whom they are looking down, and should rather be looking up to achieve correspondingly in our day what such leaders as Aycock and Washington achieved in their day.

A LEAP FROM PRESIDENT BATTLE TO 1966

Time does not permit me to follow the observations just made on the administrations of Presidents Caldwell, Swain and Battle with observations on the administrations of Presidents Winston, Alderman, Venable, Edward K. Graham, Harry W. Chase, and their successors, with their distinctive contributions to the life growth, freedom, eminence and service of this University. We now leave them for other times.

Accordingly, I take a long leap from the Battle administration, when Aycock and his fellow college mates went forth to war on poverty and ignorance, to the year 1966 to make a few, and, I trust, helpful observations on the issue of open student forums in our State-supported colleges and universities. My own personal position on the basic issues was set forth in talks made at the invitation of students at the North Carolina State University in Raleigh, the Administration of the University of North Carolina in Greensboro, and the Model Student Legislature. This position, of course, still stands.

While freshly resourced in some representative bits of the University's first and basic century, I pray your patience and understanding while I take the minimum time necessary to make, I trust, a balanced and fair analysis in seeking to find a common ground for our whole University family.

In the situation, which has developed from forces and trends in the State and from the resulting circumstances, the Chancellor was the only person with the delegated authority to make the decision now in issue; and the representative student leaders, it seems, were, in practical terms, the only persons who could test the constitutional principles involved in this case.

Many on both sides have long been known to me. On the basis of that knowledge I am sure that the positions, which they respectively hold, are honestly held by the leaders on both sides.

ONE OF THE BASIC ISSUES

In cutting through a tangle of many complex facts, a basic issue is found to have arisen from the fact that Mr. Herbert Aptheker, a communist theoretician, and Mr. Frank Wilkinson, a pleader of the fifth amendment against self-incrimination in an alleged security situation, both of whom have spoken this past spring semester without untoward incidents, on many college campuses, when invited by a group of responsible university student leaders, were denied the right to speak during the last spring semester on the campus at Chapel Hill.

THE ACTING CHANCELLOR, DR. J. CARLYLE SITTERSON, IN REACHING HIS DECISION FOLLOWED THE PROCEDURES PRESCRIBED BY THE BOARD OF TRUSTEES.

In reaching his decision, the Acting Chancellor followed procedures adopted by the Board of Trustees, as he understood them, and made his decision under the responsibility which had been delegated to him by the Trustees. He appointed and consulted a well balanced faculty-student committee for advice in the matter. He also consulted the Faculty Advisory Committee, who are regularly elected by the faculty for advice on vitally important matters. These two committee make up two of the University's honor rolls.

Also, I am moved to say that the Governor, the members of the Board of Trustees, the President, many members of the faculty, the former Editor-in-Chief of the *Daily Tar Heel*, many members of the student body, and a very large body of citizens of the State, in their support of Chancellor Sitterson and his decision in the case, are all sincere in their concern and their support.

CHANCELLOR SITTERSON

Since Chancellor Sitterson is the focus of this situation, I am moved, as a citizen and an alumnus, a twin status which even an ex-President does not lose in matters of statewide public policy, to speak out of my knowledge of him. There is no need for this on his part but it is appropriate on the part of an alumnus and citizen.

I have known Chancellor Carlyle Sitterson and his wife since they were children. They both come from homes of religion and learning, light and liberty, and loyalty and devotion to this University. Those homes have been strongholds of freedom, and, with other such families all over the State, they have long been a source of freedom, strength and support of this University. His integrity, high scholarship, campus leadership, teaching experience and administrative ability, provided the background for his recommendations by President Friday and unanimous election by the Trustees as Chancellor of the University of North Carolina at Chapel Hill.

THE STUDENT LEADERS IN THIS CASE

Since the student leaders, on their own initiative, are the source of the action now pending in the courts, I am also moved to make the following observations.

The group of student leaders in this case is composed of the former and present Presidents of the Student Body, elected in campus-wide elections, the Presidents of the Y.M.C.A., the Y.W.C.A., the Di-Phi Literary Society, the Carolina Political Union, and the Carolina Forum, all elected by their respective associations, and the present Editor-in-Chief of *The Daily Tar Heel*—all these represent long established student organizations on the campus of the University at Chapel Hill. The two members of the Steering Committee of the Students for a Democratic Society represent a recent organization established at Chapel Hill and in colleges in many parts of the country. All these student leaders are, I believe, responsible and sincere in their concern and in their action in this case.

The Student Body, in electing their present President, who made one of the main planks in his campaign for election the right of having student-sponsored, responsible, balanced and free open forums, were aware of his vigorous position on this matter and were sincere in their support of him.

The student leaders, instead of resorting to sit-ins, resorted to sittings on the highest court, in accordance with due process of law and their faith in the courts.

THE POSITION OF THE NORTH CAROLINA CHAPTERS OF THE AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS IN THE UNIVERSITIES AND COLLEGES OF NORTH CAROLINA

The North Carolina Chapter of the American Association of University Professors, whose membership includes institutions in all sections of the State, and whose President is Dr. C. E. Boulware of North Carolina College in Durham, joined in the action of the students. The main concern of this Association in colleges all over the United States, is the preservation of academic freedom. They have long held and supported in the leading universities and colleges of the country the position that student-sponsored, responsible, balanced, free and open student forums are one of the basic principles of academic freedom in America and serve an important educational purpose. They are concerned, I understand, that while spokesmen for the extreme right, the conservative and the liberal views were permitted to speak this past spring semester on the campus at Chapel Hill, two spokesmen for the extreme left were prohibited from speaking this last spring semester on the campus at Chapel Hill. Furthermore, they are concerned that, while spokesmen for the extreme left were allowed to speak to classes and special groups on the initiative of a Political Science Fraternity of students, and on the invitation of professors, that the two speakers in question in this case were not allowed to speak upon the invitation of elected student leaders, representing the whole student body and long established student associations, with their traditional freedom for responsible, balanced and free open forums.

THE POSITION OF THE NORTH CAROLINA CHAPTER OF THE CIVIL LIBERTIES UNION

The North Carolina Chapter of the Civil Liberties Union has joined in the action of the students. Their concern, as is also the original concern of the student leaders and the Chapters of the Association of University Professors, is with civil liberties, in accordance with the American Bill of Rights. The Civil Liberties Union has a membership that includes highly respected citizens as far east as Wilmington and Wagram, and as far west as Boone, and includes specialists on civil liberties in North Carolina colleges and universities. Their Chairman is Charles F. Lambeth, Jr. of Thomasville, whose father was a leading Methodist, a graduate and long time trustee of Duke University, and whose mother was of a family of ministers, professors, editors and historians, who were devoted alumni and alumnae of Wake Forest and Meredith Colleges.

The concern of members of this North Carolina Chapter of Civil Liberties in this case is with the questions as to possible violations of the Constitution of the United States, which guarantees to its citizens: (1) in the First Amendment, freedom of speech and assembly; (2) the right to plead the Fifth Amendment in certain circumstances; (3) the right to equal protection of the laws in the Fourteenth Amendment; and (4) the right not to be attainted by a discriminatory classification, as provided in Article 1, Section 9 of the Constitution.

Since these questions and these issues are now in the hands of the court, it is well that the case for the State and the University is in the hands of such distinguished and able lawyers as the State Attorney-General, the Honorable Wade Bruton; and William T. Joyner. William T. Joyner is both a loyal son of the University and of James Y. Joyner, who went forth from Chapel Hill in the 1880's with Alderman, McIver, Daniels, and Aycock, whose strong right arm he became in the great educational crusade for a freer and fairer society in North Carolina.

It is also well that the case for the Association of University Professors, the Civil Liberties Union and the Student Leaders, is in the respectively able hands of Professor William Van Alstine of Duke University, a constitutional specialist in academic freedom; Professor Dan Pollitt, a constitutional specialist in civil liberties in the Law School at Chapel Hill; and McNeill Smith, long a champion of equal justice under the Constitution. He, like other members of the Civil Liberties Union, such as R. Mayne Albright and Charles F. Lambeth, were promoters of traditionally responsible and balanced free and open student forums at Chapel Hill, which provided the ways for the exercise of individual initiative in their educational growth and knowledge of the world in which they were to play their self-reliant and responsible parts.

The list of student leaders; the members of the Association of University Professors; and the members of the North Carolina Chapter of Civil Liberties, are also among the honor rolls of our State.

IN A SITUATION IN WHICH LEADERS ON BOTH SIDES ARE BELIEVERS IN AND COMMITTED TO THE AMERICAN BILL OF RIGHTS, THE NEED NOW IS NOT FOR TAKING HOSTILE SIDES BUT RATHER THE NEED IS FOR A CLARIFICATION BY THE HIGHEST COURTS OF THE RELEVANCY OF THE PRINCIPLES OF THE BILL OF RIGHTS, TO WHOSE SIDE ALL SIDES MAY RALLY ON A RECONCILING COMMON GROUND

It appears that there was a carryover of influence in the fact that before a decision made by the Trustees prohibiting the two speakers in question from speaking (a decision made pending the establishment of regulations regarding far left wing speakers) the then Dean Sitterson supported Chancellor Sharp who was in favor of allowing them to speak. It was after action by the Trustees, which delegated authority to him as Acting Chancellor, that he made his decision in deference to the previous action of the Trustees, and also in his interpretation, under the circumstances, of the meaning "of serving an educational advantage".

Since the leaders of the two sides believe in and are committed to the American Bill of Rights, the need now is not for hostile lineup of sides. Rather the need is for the determination and clarification by the highest courts of the relevancy of the American Bill of Rights, to the side of which all sides may rally on a reconciling common ground.

Rising above any question of the sincere zeal of youth in their democratic faith in the educational values of balanced open student forums; rising above any lack of clarity regarding the carry-over of the influence of the speaker ban law, its modification, the action of the Trustees under the law, and the decision of the Chancellor in his interpretation of, and in his deference to, the action of the Trustees; and rising above any proposals for a State-wide campaign for the revival of the original speaker ban law—rising above them all is the grandeur of the American Bill of Rights and the majesty of the courts in their responsible clarification, application and determination of the relevancy of the American Bill of Rights.

This clarification and determination of any relevancy of the issues in this case to the Bill of Rights by the court will in the long run, be a real service of information to Governors, Legislators, Trustees, Presidents, Chancellors, Professors and Students of all our State institutions and, by implication, to all colleges and universities in the State and the Nation. This clarification and determination will be of service also to professors who may hereafter be considering becoming members of our four-fold University and State colleges, and not least important of all, for the information and understanding of the people of the State.

WITH THE ISSUE DECIDED BY THE HIGHEST COURT, A RECONCILING COMMON GROUND IS FOUND FOR A RENDEZVOUS OF THE PEOPLE WITH BOTH OUR GREAT HERITAGE OF FREEDOM AND THEIR HIGHER DESTINY OF SERVICE TO TRUTH, YOUTH AND THE COMMONWEALTH

With any lingering or indirect influences of the speaker ban law and its modification eliminated, insofar as found in violation of the American Bill of Rights by the highest court in their free discretion and independent wisdom, what a present and future prospect calls to be reunited people for a rendezvous with both their heritage of freedom and their higher destiny of service in this land!

In this land, once so heavy laden with poverty and illiteracy, now renewing its productive life with the growing cooperation of the races on the rising basis of equal justice and opportunity, the people of the South, against heavy odds, have increasingly made their recovery and are rising to the opportunity of this hour. Here in the old South, whose people played a decisive part in the creation of this Republic, where human slavery made one of the last stands in the modern world, and where industrialism made fresh beginnings on productive soil, we have the lessons in the tragedies of one and the opportunities in the power of the other to help build a nobler civilization that has yet characterized the relations of the religious communions, labor and management, the races and all the nations. As the school houses open wider with equal opportunity, the mills move into the waste places, and the rivers come rushing from the hillsides with the power for the electrification of our homes, towns, farms and factories, we will place in the center of it all the children of today, upon whose hopes will move forward the civilization of tomorrow in the spirit of Him who said, "suffer the little children to come unto me and forbid them not for such is the Kingdom of God."

Here in North Carolina, under a gracious and invigorating Southern sun, in this pleasant land from the mountains to the sea, through the cooperation of the fourfold University of North Carolina, Duke University, the Research Triangle, all of the colleges, publicly supported, church-related and privately endowed, community colleges, technical institutes, industrial education centers, the public and private elementary and secondary schools, the North Carolina Fund, the Center for the Performing Arts, and all the humane institutions and the productive agencies of the people's life and welfare, the opportunities are as boundless as the aptitudes, imagination and high resolve of the people. The opportunity is nothing less than building by the people in this blessed land through this manifold free cooperation under able and devoted leaders, trustees, administrators, professors and students, one of the great educational, agricultural, industrial, medical, humane and spiritual centers of the modern world.

THE NEED FOR A NONPARTISAN PEOPLES' MUSTER OF UNDERSTANDING TO THE SIDE OF OUR EMBATTLED UNIVERSITIES AND COLLEGES

Against such a development, some special interests will possibly seek again to trade on the popular fears and resentments growing out of students' and professors' active interest in, and lawful petitions for, equal opportunities of all Americans. As in other crises, such as the depression; the threats to the schools, colleges and universities; the need of roads, medical education and statewide hospital care, there must be organized again at the grass roots in all the counties a non-partisan people's movement for the people's understanding of the necessity of the freedom and support of the universities, so basic to the freedom and welfare of the people. Free and responsible student open forums are necessary for their understanding of the kind of a world in which youth has to live, work, vote and play their responsible parts. Freedom is necessary for industrial and agricultural research and extension, and for the equal rights of collective cooperation between labor and management, which together have produced an economic abundance in America unprecedented in human history. Freedom is necessary for the widening of the base of the general health and social welfare in order to lift the level of human liberty. All these interrelated freedoms are necessary for the noblest creations of the human spirit in building that great civilization in North Carolina for which voices are calling from generations gone, from the generation living, and from generations yet unborn. Since all basic freedoms are interrelated, the people, when informed and aroused, will rally to the side of the embattled universities and colleges against the false charges that they are breeding grounds of atheism and communism.

For meeting head on these charges made against the historic freedom and present hopes of our universities and colleges, you, your excellency, as Chairman of the Board of Trustees, out of your own ancestral inheritance and your personal knowledge, you, Mr. President, and you, Mr. Chancellor, and all those who constructively share your heavy responsibilities, need the understanding and help of the legions of people of good will in our State. As we all now rally to the side of the President, the Chancellor, the whole university, the Chairman of the Board of Trustees, the professors, and the students, the people, in the long run, not by cutting and tearing down, but rather by building up with adequate investments in youth, will create the way out and up for a more productive, freer and fairer North Carolina.

THE MISDIRECTED CHARGES OF ATHEISM AND OF COMMUNISM AGAINST THE FREEDOM OF THE COLLEGES AND UNIVERSITIES, WHOSE FREEDOM IS THE OPPOSITE OF ALL FORMS OF TOTALITARIANISM

Regarding the charge of atheism, let us recall that many honest young minds in the colleges have in times past effectively grappled with (1) the Copernican dethronement of the earth as the center of the universe, (2) the Darwinian evolutionary identification of man with animals, (3) the alleged overriding of spiritual power by Marxist economic determinism, (4) the Freudian subjection of the conscious mind to primitive drives and subconscious forces, and (5) the modification of absolute theories by the theory of relativity. It has come to pass that youthful minds in the colleges are grappling with the idea of the death of God, as now honestly put forward by some theologians.

With full freedom of thought and dissent, some of the most distinguished scientists in our universities, such as Einstein, found that a universe without God would be more inconceivable and the subject of more skepticism than a universe with God.

At the very time that some theologians are proclaiming that God is dead, many preeminent scientists and professors in the universities, as citizens of the general community or as members of religious communions, are finding God alternatively, or in combination, in (1) the design, order and majesty of the universe; (2) the fact, in spite of the cruelties of nature and man and the incomprehensibility of the suffering of the innocent and the power of the ruthless, that there is a moral sovereignty which undergirds the nature of man and nations, whose moral laws cannot be ultimately defied without damage to human beings and to nations; (3) the intimations and revelations of the spiritual power of the great seers of history, East and West; (4) the spiritual lightning of the great Hebrew prophets which flashes from the inner presence of God, and their moral thunder, which resounds across the centuries, to help in the struggles of individuals over human frailties for the good life and social justice; or in (5) the supreme revelation of both the humanity and divinity in Him who preached the gospel to the poor, ministered to the sick and hungry, redeemed the fallen with forgiveness, selected a member of a despised people as the example of brotherhood, said, "I and the Father are one and ye are my brethren". "As I am in this world so are ye", "the Sabbath was made for man and not man for the Sabbath", "know the truth and the truth will make you free", made merry at the wedding feast, ate with publicans and sinners, drove the money changers from the temple, and against all counsel of expediency set His face steadfast to take the Jerusalem road, was crucified, suffered and died, and made the Cross a symbol of love and sacrifice with its call to heroism and compassion in the sharing and giving of life, and rose in spiritual power for all persons as children of one God and brothers of all people in one world neighborhood of human brotherhood.

Resourced in such a spiritual heritage, a mother, when suddenly told of the death of her son, while serving with the Peace Corps in the high Andes, was asked in the midst of her overwhelming grief, what she had to say. She said simply, "I am glad that he was happy in being where he wanted to be in the service of others." Something more than materialism and something higher than an accidental collocation of atoms spoke in the love of that mother and the service of that son.

THE CHARGE THAT THE UNIVERSITY IS SOFT ON COMMUNISM

The charge that the university is soft on Communism is no more justified than that the university is a center of atheism. The fact that the students wish to hear communists speak in their responsible and fairly balanced open forums along with speakers who represent the extreme right, the conservative and the liberal points of views, does not mean that they are soft on communism, but simply means they wish to understand the nature of the world of their generation. In overwhelming numbers they have faith not only in responsible student open forums but also they have faith in themselves, the values of freedom and the robustness of our American democracy. This charge is made by some, because, in the conception of universities' responsible teachers and interpreters, people include, rightfully, not only the financially affluent, the socially privileged and the politically powerful, but also the minority religious groups, the small business men, the small farm families, industrial, agricultural and migrant workers, colored people, and the disinherited of the earth. This charge, made in the very midst of the universities' struggle in behalf of the freedom of the mind, the equal dignity of the individual human person, civil liberties, the freedom of assembly, speech, publications and responsible student open forums, is a charge made in historical reverse. Civil liberties, academic freedom and open forums are prohibited in Communist societies and are promoted in free societies. When both Hitler and Stalin were on their road to totalitarian tyranny, they found across their road to power autonomous organizations which were the creations of successive chapters of almost 2000 years of the history of the rise of liberty in the Western world. The institutions which blocked their way were churches, parliaments, universities, corporations, labor unions, voluntary associations of the people, and open forums. In order to rise to totalitarian power, both Communism and Fascism had to crush, subjugate or restrict the freedom of all these historic autonomous institutions of the people.

THE RESPONSIBLE FREEDOM OF UNIVERSITIES, A SACRED TRUST

One of the most precious of these autonomous institutions was born in the Middle Ages. With the fall and disintegration of the Roman Empire, as the transmitter of the classical legacies to the West, it was then that the classical intellectual heritage of the academy of Plato, the lyceum of Aristotle, the libraries, museums and institutes of Alexandria, and the colleges of rhetoric of Quintillian of Rome, were largely lost in the Western world. During the Dark Ages the flickering light of learning was kept burning in the monasteries, and the vigorous minds of the conquering barbarians at a necessarily lower level were tutored by the church.

With the papal reintegration and the slow recovery of Europe, the rise of trade, towns and the middle class, and the rise of scholasticism in response to the spreading intellectual ferment of the times, given impetus by the great Islamic intellectual revival, universities were founded in the later Middle Ages. Great universities were founded and conducted by professors. Great universities were founded and conducted by students. Professors and students together became the most essential parts of our medieval and modern universities. Administrators represent not only the authority of trustees but also embody the academic freedom of professors and the self-government of students in the free community of scholars, long established in the tradition of the University world. The universities, along with the parliaments and the cathedrals, still tower across the centuries as among the noblest creations of the human spirit. The academic freedom of the community of scholars became the sacred trust of the trustees, the administrators, the faculty, the students and the people.

Their freedom may be temporarily impaired at times by ecclesiastical and state authorities, but not without heavy damage to the universities, the churches, the state and the people. Thus we observe that almost 2,000 years of the history of the rise of autonomous institutions of the people, and 750 years of medieval and modern universities were reversed in the rise of totalitarian tyranny and in the rise of movements to impair the responsible freedom of professors and the responsible open forums of the students. The fact that there have been since the inflexible iron tyranny of Stalin, some real advances in the common life of the great Russian people, the midst of the moral imperative of an honorable peaceful coexistence, in no way lessens, our continuing need for emphasis on the values of autonomous organizations, civil liberties, and the American Bill of Rights, especially in view of the continuation of much of the substance of totalitarianism in the Soviet Union today, which still prohibits the freedom of these institutions.

Not only so, but also North Carolina, which was the first State to authorize its delegates to vote for a Declaration of Independence at Philadelphia, became involved in struggles for the very principles for which the American Revolution was fought, such as the freedom of religion, the press, speech, assembly and open forums. Thus also there became involved in North Carolina the validity of the American Bill of Rights. Yet it was North Carolina which refused to ratify the Constitution of the United States until her leaders were assured that the Bill of Rights would at the first feasible opportunity be made a valid and vital part of the Constitution of the United States. It is not in the heritage and hope of the people of North Carolina to turn to totalitarian ways and thereby turn their backs on (1) our Judaic-Christian-Greco, Roman-European-British-American heritage, (2) the principles of the

American Revolution, and (3) the American Bill of Rights. They are all the very antithesis of Communism and Fascism. It is therefore contrary to our heritage to charge that the universities are the breeding ground of atheism and communism. The real objection held by some interests to this university community is not that it is a center of atheism and communism, but that its people take seriously our Judaic-Christian heritage and our revolutionary historic Americanism. Our advancing democracy at its humane best seeks to help make the world free for differences so that freedom of difference may become the source of progress and that progress means not the exploitation or annihilation of people but the cooperation of nations for freedom, justice, compassion and peace in the world.

It is wholesome from time to time to recur to the fundamental principle of human freedom, for which the American Revolution was fought, the Constitution framed, the Bill of Rights formulated, and this University founded, as a child of the Revolution to help fulfill.

We must make clear to ourselves and the world that the great autonomous organizations of the people, the historic freedom of universities, and the guarantees of our Constitution, are not only the past and historic, but the present and living source of America's faith in herself, the world's faith in America and America's moral influence and power in the world in this time of hazard and hope for all mankind.

CRISIS IN THE COURTS

Mr. DIRKSEN. Mr. President, in the past few weeks I have been placing in the Record the series of articles by Howard James published in the Christian Science Monitor under the title "Crisis in the Courts." Because of the timeliness of these articles, I ask unanimous consent that two more of the series, Nos. 9 and 10, be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Christian Science Monitor, June 7, 1967]

Defendants Without Funds and Their Right to Legal Counsel

(By Howard James)

On an average working day William P. Gibson sits in his corner office on the 11th floor of the Texaco building in Houston. From his window he can look out on the city. The Astrodome gleams in the hot Texas sunshine.

Mr. Gibson's job is to ponder the thorny legal problems that confront a large corporation leasing land, drilling wells, and selling oil and natural gas.

Like many big city lawyers, he had never had a reason to enter a criminal courtroom. That is, not until the day I met him at a preliminary hearing in a justice of the peace court. Mr. Gibson was there to defend a young man charged with the armed robbery. Neither he nor his company had heard of the youth until a few days before. Yet, as a court-appointed defense attorney, Mr. Gibson was in court on company time. And the young man was charged with, of all things, holding up a rival firm's gas station.

STARTED WITH SUPREME COURT

How did this come about?

The story begins with the Supreme Court of the United States and its often criticized recent decisions on criminal law.

What the high court has done, among other things, is to make it clear to the nation's state courts that "equal justice under law" is more than a nice slogan to chisel over the courthouse door. It is now a mandate.

In 1963 the court held (Gideon v. Wainwright) that a man is entitled to legal representation whether he can afford a lawyer or not. The high court reasoned that "any person haled into court, who is too poor to hire a lawyer cannot be assured a fair trial unless counsel is provided for him. This seems an obvious truth."

It explained that states spend millions of dollars to "establish machinery to try defendants accused of crime." Every man who can afford to hires the best lawyer he can get when charged with a crime. "The government hires lawyers to prosecute. . . ." Thus lawyers must be considered "necessities, not luxuries" in the United States.

Yet this position, I found, is still opposed by some police, prosecutors, and those unfamiliar with the field of criminal law, who see it as another way to raise taxes, take business from private law firms, or move toward socialism or worse.

CONSTITUTION CITED

Those who defend providing lawyers to the poor point out that the Sixth Amendment to the United States Constitution states: "In all criminal prosecutions, the accused shall enjoy the right to . . . have the assistance of counsel for his defense."

Too often when judges comply with the Supreme Court mandate, methods of compliance circumvent the court's intent.

A few months ago a Negro in New York City was arrested in a neighbor's apartment in the building where he lived. He entered the apartment through a window from a fire escape. Police charged him with burglary. On the surface it looked like an open-and-shut case.

When he got his day in court, the judge asked him if he had a lawyer. The youth said no, so a member of the public defender's staff was assigned. The defender took the youth aside and in a brief conference told the young man, "I can get you off on a misdemeanor [less serious crime], and the judge will probably give you a break if you plead guilty." The lawyer made almost no effort to find out the facts.

The next thing the young man knew he was pronounced guilty. While he sat in jail for three weeks for a presentence investigation, his mother entered the office of Henry B. Rothblatt, widely known Bronx lawyer, and asked for help.

Mr. Rothblatt checked the record and found that the judge had not advised the youth he had a right to hire his own lawyer. Nor had he been told he could have a postponement to hire that lawyer. Mr. Rothblatt also contended that the youth was not in the apartment to commit burglary. Rather, he said, he was on a secret visit to his girl friend, who was afraid to tell her mother or the police the truth.

COURTS HELD RESPONSIBLE

"The judge," said Mr. Rothblatt, "had no choice but to set the conviction aside. The young man was obviously denied effective counsel. It cannot be just nominal: Counsel must be effective. It is clear that the courts are responsible for the competency of the counsel they assign."

There long has been a shortage of competent criminal lawyers. And as I traveled I found that the recent Supreme Court rulings have made this shortage even more acute by increasing the need for lawyers at least tenfold.

To many the work remains "unclean" compared with corporate law, and the pay is low. Only attorneys retained by professional criminals and a few name lawyers like F. Lee Bailey of Boston, who are hired by the wealthy when accused of murder or some other serious crime, find the field really profitable.

Further, the criminal process is exceedingly complicated. A man caught up in it—whether guilty or not—feels bewildered and alone.

He faces investigation; arrest; police questioning; possible publicity in the press, financial chaos at home, and loss of his job; jail unless he can raise bail; a preliminary hearing before a minor-court judge; the grand jury (in some states); arraignment before another judge; strong prosecution accusations and arguments couched in unfamiliar legal jargon, along with the strange and seemingly stilted formalism of the court procedure; sometimes an indifference or disdain toward him as a human being, witnesses who swear to his guilt—sometimes falsely; and a skeptical judge or jury.

APPEAL DEPENDS ON MONEY

If he enters a guilty plea, it may be the result of a plea-bargaining session which merely served expediency—saving the court's time. Or he may be found guilty by a jury—in rare cases unjustly.

In either case, he then faces a sentence that too often does not rehabilitate him. Or else he can appeal to a series of higher state and federal courts—if he has the money or can convince a judge that he is entitled to free counsel for the appeal.

Without a lawyer that defendant may have little hope of justice, especially in such a complex system.

The system could, of course, be simplified. But at present this seems unlikely.

Under the Supreme Court rulings, free counsel to the indigent is the only solution. It is provided in several ways.

In urban areas I found that the public defender system, which can best be described as a parallel system to the prosecutor's office, is growing in popularity. At last count 272 agencies are operating in the nation's 3,100 counties.

VARIOUSLY FINANCED

Many are tax-supported. Others operate as charitable agencies known as legal-aid societies (usually the name for the 398 agencies that handle civil cases for the poor).

These charitable agencies are often criticized. Ellery E. Cuff, when public defender of Los Angeles County, put it this way:

"While it is true that a legal aid organization may have one or two highly capable and experienced men at the top, the individual destined to carry the brunt of the workload are young attorneys who are starting out and who will be affiliated with the organization for only a short period of time. A new lawyer is hardly qualified to meet career men steeped in the art of criminal trial work such as are found in [some large city] prosecutor's offices.

"Experience aside, most legal aid organizations suffer from a chronic lack of funds; certainly few such organizations can afford to maintain a staff of skilled investigators—a growing practice of defender offices."

Ironically, this reporter heard similar complaints about many of the public defenders' offices around the nation.

In Philadelphia, for example, I watched several public defenders at work in night court. All were pleasant, conscientious young men. In a few years they will undoubtedly become skilled trial lawyers. But they were obviously doing their clients more harm than good.

LAWYER BULLIED

One was shy, inarticulate, and badly bullied by the magistrate. Every three or four minutes he had a new client assigned to him. After hurried, whispered conferences with them, he would stand before the magistrate and argue their case.

Some were charged with felonies (serious offenses) and would have another chance in a higher court. For them this was the preliminary-hearing step in the judicial process.

But many others were accused of only

misdemeanors. The magistrate would hear the argument and then, if they were found guilty, fine them or send them to jail, and enter their names on the criminal record.

In each case the young defender held a law book and leafed through it—like a weekend handyman trying to find out how to repair a faulty air conditioner or television set.

Later, when I interviewed the young lawyer, he told me he was just five months out of school. I found a similar pattern across the country, with many a defender's office simply a do-it-yourself training ground for would-be trial lawyers.

Assigning inexperienced men is supposed to satisfy the "law" and make the client believe he is getting "justice."

These beginners are often assigned to lower courts because they "can't do too much harm there," I was told.

ANTIPOVERTY MONEY USED

The federal antipoverty program is providing some funds for legal defense of the poor in criminal cases, although these lawyers normally deal in civil matters.

In some 2,700 of the nation's 3,100 counties, judges simply appoint a local lawyer when a defendant cannot afford one.

I have watched this system in operation. Some appointed lawyers are both skilled and conscientious. But all too often the judge, knowing he must appoint an attorney to satisfy the higher courts in case of later appeal, points his finger at the nearest available lawyer.

This may either be a young and inexperienced man hoping for such an assignment or a skilled attorney who figures his time is worth $35 or $40 an hour and wonders why the judge is picking on him.

Often as not, the competent lawyer spends five minutes whispering in a corner of the courtroom with his "client," then—without any investigation in the man's behalf—offers to plead him guilty.

Judge Temple Driver, a noted judge from Wichita Falls, Texas, sums it up for much of the nation when he says:

"Appointed counsel can be about the same as no counsel at all."

Some cities operate with a combination of these systems. They may depend upon public defenders or legal aid for run-of-the-court cases. They select name lawyers from the trial bar for cases that catch the attention of the press and public.

But of all the defender systems in the United States, that in Houston is more and more often cited as the one with the greatest promise.

The criminal bar, until this was launched a little more than a year ago, was made up of between 100 and 150 lawyers of varying skill. Too many drifted into criminal practice because they couldn't make it elsewhere.

Now, under the supervision of the Houston Legal Foundation, all lawyers under 50—and this means roughly 2,800 of the 4,000 lawyers in Harris county—are appointed as counsel in criminal court. This regardless of their normal practice: auto-accident cases, real estate, corporate law, patents, tax matters, or a dozen other specialties.

The foundation is headed by Judge Sam Johnson. The Ford Foundation splits the $250,000 annual costs with five local groups.

Among other things, it supplies lawyers with an investigative staff—something most volunteer systems lack. And for the lawyer inexperienced in criminal court, experts in criminal law provide instructions or even a cram course in criminal-court procedure.

Equally important, most Legal Foundation lawyers work in pairs.

Mr. Gibson's partner (in the case mentioned at the beginning of this report) is Louis J. Andrews, an experienced civil trial lawyer. This is Mr. Andrew's second case since the program was launched.

The youth is scheduled to be tried in Houston's criminal district court next week.

PROGRAM PRAISED

Because lawyers in other cities who had heard about the Houston plan expressed skepticism, I told no one in Houston that I planned to watch foundation lawyers in action. I even picked the courtroom at random, and found Mr. Andrews and Mr. Gibson at work.

They were as skilled as any public defender I have seen, and probably better than the average trial lawyer hired by a client.

Later I asked them about the program and their role in it. Mr. Gibson's corporation supports it. So does Mr. Andrews's. Their enthusiasm was obvious.

"I want to give [the young man] the same representation he would get if he were a paying client," asserts Mr. Andrews.

The young man gets better-than-average help from Mr. Gibson because this corporate-lawyer-turned-defense-attorney is determined to prove to his company that he can handle cases not normally in his area of law.

But benefits go far beyond helping the poor find justice in the criminal courts of Houston. Judge Johnson puts it this way:

"This program has helped lawyers understand their basic obligation as lawyers. Originally there were three professions—the ministry, medicine, and the law. A person called to one of these professions expected to make sacrifices.

"This has been largely put aside, until now. Most attorneys have looked on the law as a profitmaking enterprise. As a business. Our plan has helped bring about a reawakening. Lawyers are beginning to understand they have a basic obligation to mankind.

"And attorneys are taking pride in what they are doing. For many who practice corporate law, this is the first time they have had clients with eyes and arms and legs—alive and breathing. This has been a real awakening for them."

It has also resulted in better performances on the part of judges and prosecutors—a total upgrading of the Houston system of justice.

Now the word gets around quickly if judges or prosecutors are lazy or incompetent. For they must face a cross section of the entire bar—including some of the highest-paid corporate lawyers in the Southwest. This keeps them alert and busy, Judge Johnson asserts.

This growing involvement of all lawyers in criminal law has also helped stimulate interest among members of the bar in crime legislation for the first time, he says.

WIDER UNDERSTANDING SEEN

He adds that for the first time many lawyers begin to understand that the people who end up in criminal court are fellow human beings.

This new view may help improve jails, the state corrections system, and other court-related agencies and institutions, he says.

"It has already resulted in the awakening of the law schools here and elsewhere to the need to look at criminal law and the whole problem of legal ethics," he adds.

The Houston plan is one solution. What of the others?

Many lawyers and judges interviewed feel the public-defender system is the best solution to the right-to-counsel problem. Yet they also raise questions.

"What kind of lawyer can you hire for $7,000 or $8,000 a year?" is a complaint often heard around the nation.

"Our county can't afford a defender's office," is another common argument.

Which may be a strong reason for adopting the Houston plan.

Judge Johnson estimates that an adequate public defender system in Houston could easily cost $1 million a year or more, since it would parallel the Harris County prosecutor's office in staff.

The Legal Foundation operates on $250,000 a year. In addition to this, as in many sections of the nation, lawyers are paid a token amount from county funds when they appear in court. In Houston this amounts to $25 a day.

The real savings, he quickly adds, comes from the thousands of dollars in free time donated by the high-priced lawyers who serve under the plan.

There is little question that a public defender system is costly—although in almost no cities does it have a staff comparable to that of the prosecutor's office.

Los Angeles County is credited with the first defender's office (operating as it is known today) in the United States. That office was created in 1914.

A half century later (the 1964–65 fiscal year), the county budgeted $1,180,992 for the public defender. And that was before the full impact of the federal Supreme Court rulings was felt.

This year more than twice that amount—$2.5 million—has been budgeted. And the staff has jumped from 66 to 166 lawyers in a four-year period. It includes 15 investigators and 32 clerical workers, plus an executive assistant with business experience, pushing the total to 214.

To make sure first-class lawyers are signed on, the pay has been improved. The beginning lawyer (there are 47 young lawyers) is paid $10,000 a year. As quickly as possible he is jumped to the rating of Deputy Public Defender II, which pays $14,800. There are 54 men in this Category. Twenty-nine others have advanced to Category III, which pays $18,500. And 27 are in Category IV, earning $20,500 a year.

This is more than judges make in many of the states surveyed by this newspaper. It means young men can sign on without feeling they will shortchange their families. And it helps assure the office of finding young men like Peter Paul Gamer, a recent graduate of Harvard Law School.

I watched him handle three lengthy preliminary hearings before Judge David J. Aisenson. He won two out of three for his clients.

FIRST EXPERIENCE IN BOSTON

Later, when I interviewed Mr. Gamer, I learned he had gained some courtroom experience while a student at Harvard under a new program in the municipal courts of Boston.

Los Angeles is also pioneering in selecting clients who do not usually fall under the classification of hard-core poor. For example, a man earning $10,000 a year but who has 10 children and stacks of unpaid bills may be as much in need of a free attorney, in the eyes of the Los Angeles public defender's office, as a Watts Negro.

Miami (Dade County) also has a public defender's office. With a population of one-sixth that of Los Angeles, Dade County has only nine assistant public defenders—one-sixteenth the number found in the West Coast city. And with a top salary of $8,800 a year, Miami defenders may maintain a private law practice on the side.

Because of a lack of funds, Miami's defender has no investigators, says Robert L. Koeppel, who has held the elective office 10 years.

Despite the existence of a public defender's office, the court still appoints the defense attorney in a capital case. I interviewed one of these, Irwin Block, who says an appointed lawyer is paid up to $500. He was defending a young Negro in a rape case.

"I've already spent $350 of that for the investigation," he said. "And the trial hasn't even started."

This is the kind of problem that bothers men like F. Lee Bailey, who gained national recognition in his defense of Dr. Sam Sheppard in the second trial in Cleveland. Mr. Bailey places great emphasis on investigation. When a man's life is at stake, he contends, $50,000 isn't too much to spend on that part of the case alone.

CHICAGO STAFF SMALLER

In Cook County, Ill., where the population is roughly five-sixths that of Los Angeles, the defender's office operates with only a quarter of the attorneys—39. On Aug. 1 that figure will climb, but only to 42, says Defender Gerald W. Getty, who handled the Speck murder case. He is also short on other staff, operating with four investigators and seven clerical workers.

Lawyers in the Chicago defender's office start at $7,200 a year and can work up to $15,600, he says—depending upon turnover at the top. Most are young men with limited trial experience.

Only 30 percent of defendants facing felony charges go to trial. The rest plead guilty under the plea-bargaining process described in an earlier article in this series.

"Of the 30 percent we contest, we win about half," Mr. Getty says.

Oklahoma County, with a population of 545,000, has three full-time lawyers on the defender's staff. Don Anderson, who has a Phi Beta Kappa key, is paid $10,200 a year. Each of his two assistants earns $9,000.

The prosecutor's salary is over $15,000 a year, with 14 assistants receiving salaries up to $12,000, plus "three or four investigators," says Mr. Anderson. In what must be an understatement, he asserts his office could use "at least three more" defenders.

NEW JERSEY PIONEERS

New Jersey's new public-defender system goes into effect July 1. The office has Cabinet-level status and is appointed by the governor with advice and consent of the Senate for a five-year term. No one has been appointed yet.

The public defender will have a deputy, assistant deputy, and office staff. He will set up regional offices in major urban areas.

The public defender may use his own legal staff or farm out work under contract to private law firms. In such cases, he retains supervision of cases. Up to the present, lawyers have volunteered for public-defender work. They may continue to do so, giving the public defender a pool of talent to draw on.

The public defender will determine who is eligible for such defense aid. Presently, the judge on the case makes that determination. If a defendant cannot pay costs now but later becomes able to do so, the state can collect the value of services rendered.

There are no official estimates of the cost to the state, but expectation is it may run around $2 million for the first year. Cost of the system will be financed out of general state revenues.

Many of the recently opened defenders' offices operate, or had their start, through Ford Foundation grants and the formation of National Defender Project of the National Legal Aid and Defender Association. The Ford Foundation's grants to the national defender projects have totaled $6.1 million.

In the past five years, the number of defender offices has increased from roughly 100 to the present 272. Most have local matching funds.

One of the most recent is starting up in Clarke County (Athens) Ga.—the first in the state. A full-time defender attorney is assisted by law students at the University of Georgia.

Similar programs have been under way for some time at other schools, and some have expired. The Wyoming Defender Aid Program was launched in 1965 in cooperation with the Wyoming bar and the University of Wyoming. Other cooperating schools include Boston University, the University of Chicago, University of Missouri, Stetson University, University of Virginia. In each the schools agreed to expand instruction in criminal defense.

Public defenders should be more skilled than those who represent the paying clients, says Junius L. Allison, executive director of the National Legal Aid and Defender Association. He points out:

"These clients will always be poor, often confused, many times frightened by the 'law,' and inarticulate in telling their stories. A higher degree of interviewing skill and a greater amount of patience will be needed than usually required for private clients."

MANY AREAS LAGGING

And many areas are slow to adopt a system of legal aid for the poor. Dean Russell N. Sullivan of the University of Illinois Law School notes that in his state there still are "many counties in which there is no public defender and no formalized method of securing counsel."

Seattle, Wash., remains one of the largest urban areas without a public-defender system.

Last year 322 indigent defendents—carefully screened as to need by King County (Seattle) Superior Court judges—received appointed counsel.

These appointed lawyers are paid $75 for each day of trial as long as the total cost is less than $325. In first-degree murder trials and other serious or complicated cases the fee may be fixed higher by the court. Total cost last year, including 15 juvenile cases, reached $39,295.76, says Robert C. Wetherholt, the court administrator.

In Seattle there is interest but also some opposition—perhaps widespread—to a public-defender system, because it would increase city costs considerably. A defender would need a full-time staff, office space, furniture, and clerical help, it is pointed out.

Other states continue to back the old system of appointing lawyers to defend the poor.

Maine has "many former county prosecutors who are out of office and willing to accept the assignment" of defending indigents, says Superior Court Judge Thomas E. Delahanty of Auburn.

He adds that if there is a shortcoming, it is that "counsel for the indigent feel they have an unusually heavy burden . . . and are deeply concerned with the complete protection of the individual rights of the accused as well as protecting themselves from a charge [after the case is tried] of incompetency."

RULING OFTEN CIRCUMVENTED

This may result, he contends, in the appointed lawyer's going to trial even when he might advise a paying client to plead guilty because the evidence is strong against him.

Regardless of the system, the Supreme Court ruling is being circumvented in some areas—this through the defendant's waiving his right to a lawyer.

Some officials, like Judge J. Skelly Wright of the Federal Court of Appeals in Washington, D.C., wonder if the same kind of pressure used on defendants to confess may not be used to get the defendant to waive his right to an attorney.

The system also falters when less serious crimes are involved. Even the best defender systems are unable to staff every case in every courtroom—although I found some cities (San Francisco for example) providing counsel for minors in traffic court.

And too often defenders and appointed counsel enter the case too late—after the defendant has been in jail for days or weeks, and has had a preliminary hearing. By then the defendant may have lost his job, and his family is probably on welfare. The defense lawyer has missed the "discovery" opportunity of the pretrial hearing, where the prosecution attempts to convince the judge that it has enough evidence to put the man on trial. It is at this point that the defense lawyer should be able to find out how strong the case against his client is.

While interest has been growing in the criminal field, the civil area is not being neglected either.

It is easy for the poor to find a lawyer who will take a case that will yield a large judgment. This is usually in the auto-accident field, where the lawyer takes the case on a contingency basis—if he wins he gets a third or more of any settlement or judgment.

But what does the newcomer to Chicago do when he finds himself trapped into paying three times the going rate of interest under a contract with a Shylock used-car dealer—and the car probably ready to fall apart?

There are many lawyers who say they will take a case without charge when an indigent defendant walks in the door. Interviews indicate that lawyers today take few free cases voluntarily. But there is great variation from region to region and lawyer to lawyer.

Traditional legal aid societies in large cities often have been located inconveniently for those they are designed to help. The trend now—especially under the antipoverty program—has changed to put these offices in the neighborhoods where the poor live.

OFTEN VERY SELECTIVE

These traditional legal-aid societies have also been very selective in choosing their cases to avoid being overrun by indigent applicants. These societies are also selective for fear of treading on the toes of private lawyers, who complain that the legal-aid people are taking business away from them.

Antipoverty legal offices have moved into areas of law—such as divorces and other family problems—which have been avoided by the traditional legal-aid groups.

Wisconsin has one of the more interesting programs. In the 26 sparsely populated northern counties where a half million people live a "judicare" program has been launched. There 37,000 families with annual incomes of less than $3,000 a year have had no formal legal aid available to them. They either went without legal help or asked lawyers to take their cases without pay.

Now they can hire the lawyer of their choice and have the fee paid by the government upon presentation of a wallet-sized card. The fee is computed on the basis of $16 an hour, or 80 percent of the minimum local bar fee schedule, whichever is lower. Without special permission, lawyers must charge less than $300. Most have kept the figure under $100. And no attorney is allowed to bill more than $3,000 in any one year.

The advantages, according to those who support the program, include allowing the person using the service to feel he is not signed out and getting less than the best possible legal help.

CIVIL FIELD EXPANDING

The civil-law field really began blossoming with the arrival of the Office of Economic Opportunity's antipoverty program. Currently its budget is $47 million, says Earl Johnson, who heads the legal-services program.

The need is so great, however (it is estimated that there are between 14,000,000 and 20,000,000 potential legal cases a year throughout the United States), that the OEO is concentrating on changing laws—local, state, and national—that affect the poor.

This may come as a shock to some citizens, for it is not a widely publicized fact. The law, explains Mr. Johnson, has been on the side of slum landlords, greedy money lenders, and others who exploit the indigent. So the OEO hopes to push the balance back toward the middle of the scale.

And new legal areas keep cropping up as a result. In New York, for example, a federal judge has held that a student being disciplined by a public school has the right to counsel.

And the government now is supporting suits against itself in the field of welfare. Public aid recipients are gaining new legal rights.

In Philadelphia the occupants of one apartment building scheduled for urban renewal demolition found that there were no plans to replace their old building with low-income housing. So they went to court, had the building declared a historic monument, and continue to live there while urban renewal goes on around them.

Extending legal aid to the poor—both civil and criminal—is a growing field. But many assert it is in keeping with the philosophy of individual rights.

It was Judge Learned Hand who said:

"If we are to keep our democracy, there must be one commandment: Thou shall not ration justice."

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[From the Christian Science Monitor, June 14, 1967]

WHY JUDGES GO BACK TO SCHOOL

(By Howard James)

It was in San Francisco that I watched a municipal-court judge try to hold a preliminary hearing in an auto-theft case without a defendant present. The defense attorney had to remind the judge that this was illegal.

Earlier, the same judge had been stumped by a legal question in another preliminary hearing on the same charge involving a different man. The defense attorney contended police engaged in illegal search and seizure, a common argument raised today in the nation's criminal courts. This is a point most judges can rule on quickly.

This man called both the prosecutor and the defense lawyer to the bench for a whispered conference—although a jury was not involved. The three talked for several minutes, rifled through a lawbook, then took their places again.

The judge told both to file written arguments within three weeks. He said he would decide after studying the briefs whether to bind the defendant over to a higher court for trial or let him go.

MANY CHANGES NOTED

In an interview he explained that criminal law has been changing rapidly and it is difficult to keep up.

Further probing disclosed that he was a recent lame-duck appointee of defeated Gov. Edmund G. Brown. This man's experience in court—especially criminal court—was nearly nil. Like a majority of the nation's judges, his background was political—eight years in the California Legislature.

Most court reformers like Glenn R. Winters, executive director of the American Judicature Society, see the need for a better system of selecting judges.

Until this comes about, however, most call for a pragmatic and relatively new answer: reeducation and retraining.

"As recently as 15 years ago the thought of judges' going back to school would have seemed ludicrous to most members of the legal profession," says Prof. Delmar Karlen, director of the Institute of Judicial Administration at New York University.

"Ten years ago the only training available to American judges was on-the-job training. A man was a lawyer one day and a full-fledged judge the next. Everyone seemed content that donning of judicial robes made a man competent to perform all duties of office."

POOR PREPARATION SEEN

Mr. Karlen asserts this is not so, and a tour of the nation's courts clearly confirms it: Most lawyers are poorly prepared to take the bench.

Why?

The reasons are many, and Mr. Karlen touches on several of them.

"We have no career judiciary, as in continental Europe, where a man enters the judiciary at an early age and then, under the supervision of experienced judges, works his way up in the judicial hierarchy from one court to another.

"Under our system, a man becomes a judge at a fairly advanced age—usually in his 50's—and then, without any supervision from senior judges and without any systematic progression from one court to another, assumes full responsibility in a court in which he may have had no previous experience."

"Our system," Mr. Karlen adds, "also lacks the safeguards that exist in England, where the judges are chosen on a non-political basis from a small select group of experienced trial lawyers—the barristers. American judges are not chosen from any such small group; they come from office practice and academic circles [or legislative bodies] as well as from the litigating bar."

Laurance M. Hyde, who gave up a lifetime job on the circuit court bench in St. Louis to become dean of the three-year-old National College of State Trial Judges based in Reno, Nev., recalls his own experience:

"When I went on the bench in 1962 in St. Louis, I went to an experienced judge, and he showed me where to park my car and how to get into the courthouse on Sundays. I had no more orientation than that."

This is his recollection of taking the bench as one of the youngest judges in the United States at the time.

ENTHUSIASM BASED ON EXPERIENCE

Judge Hyde's early experience on the bench helps explain his enthusiasm for programs to educate judges. It also indicates why judges should come from the ranks of the nation's best trial lawyers.

"I was pretty well qualified for civil jury trials," Judge Hyde continues, "because that was my practice as a lawyer." (At the time of his elevation to the bench, he was considered one of the most brilliant young lawyers in the Midwest.) In probate, equity, and appeals, his experience and training as a law student and practicing lawyer were also of value.

"Yet," he points out, "as a judge I was faced with problems of child custody and other family problems—things that are tremendously important to both the individuals and to the community. Wrong decisions can create great problems.

"I had no guidelines given to me and no information on agencies available to help with family problems."

Judge Hyde was next assigned to the juvenile court and had exactly the same problem—although his predecessor did give him a little more background information.

"Then I was assigned to the criminal courts for a year, and handled all kinds of cases, including murder and robbery. My preparation for this was one freshman course at law school and handling a few criminal cases for indigent defendants in my 10 years as a lawyer.

"I had no information on the correctional system or facilities for rehabilitation of these defendants that were appearing before me.

"I brought my own prejudices and theories to court and made judicial decisions without anyone to question them or point my prejudices out to me."

He adds: "Except for those who have been prosecutors, my experience is fairly typical of state trial judges," he adds.

AN EMBARRASSED JUDGE

Contact with courtrooms across the country bears this out.

The transition from lawyer to judge is more difficult than most lawyers realize, judges interviewed disclosed. Sometimes, even the little things can trip a man up.

Judge Hyde recalls the appointment to the bench of a competent, experienced trial lawyer:

"He knew his job well but had paid little attention to courtroom procedure. On his first day, he took the bench and waited for the lawyers—and the lawyers waited for him. Much to his embarrassment, he simply did not know how to get a trial under way."

As the law changes and grows more complex, it is clear that legal education must move out of the days of the family farm and of the horse-drawn plow. Judges are not alone in their need of help. In more than 100 interviews with lawyers across the nation, I was told that lawyers, too, are sadly prepared for court work by the law schools.

"Law schools do not teach you to be a trial lawyer," says Samuel Langerman, a Phoenix, Ariz., attorney and national vice-president of the American Trial Lawyers Association.

COMPLEXITIES IMMENSE

The law has become so complex, he says, that it is impossible for all lawyers to know all areas of the law. Courts across the nation keep changing the rules of law. There is new legislation, and the attitudes of the courts change as society changes.

"Take products liability," says Mr. Langerman. "The whole concept has changed from 'buyer beware' to 'seller, stand behind your product.' This affects the clothing you wear, the airplane you fly in, food, and nearly everything else you come in contact with. How does the older lawyer find out about this? If a New Jersey court hands down a significant decision, how do lawyers in Minnesota and California find out about it?"

Seminars for lawyers and judges are the answer, he said. His organization has conducted more than 41 in the past year.

"The legal profession is undergoing, belatedly, a great increase in self-education."

Perhaps the greatest shortcoming of American judges is that too often they were mediocre or even poor lawyers. Too few of the nation's state trial judges in courts of general jurisdiction may be classed as having been really "successful" in the practice of law.

And the really brilliant lawyers—with a few exceptions—refuse to sit on the minor courts, where, in fact, many judges have had no law-school training, or even a college education. Yet it is in the minor courts that 90 percent of all Americans appear.

"A judge need not be vicious, corrupt, or witless to be a menace in office," says Maurice Rosenberg, professor of law at Columbia University. "Mediocrity can be in the long run as bad a pollutant as venality, for it dampens opposition and is more likely to be tolerated."

MEDIOCRITY CHALLENGED

Others go further and ask why mediocre men are even permitted to become lawyers—a profession that is ranked high by most Americans.

The state bar examinations—the tests that must be passed before a lawyer can hang up his shingle—have also been criticized as relatively easy and hardly evidence that a man is capable of arguing a case in court.

The nation's lawyers and judges are beginning to see the need for education and training beyond law school.

It is not a rapid awakening, to be sure. Thousands of lawyers refuse to attend the seminars and special courses now being held around the United States. Lower-court judges—those who need help the most—often are overlooked. This is especially true for the 10,000 or more nonlawyer judges in the United States, although some states have made inroads in this area as well as in the higher-level state trial courts.

SPEECHES OFTEN CRITICIZED

Most seminars for lawyers or judges (and there are some notable exceptions) are too short to make an impact—three or four days at most. But for many lawyers, who contend time is money, this is too long to be away from the office. And judges complain that with a backlog of cases they really don't have time either.

At several seminars I attended lawyers and judges complained that speeches are too often shallow. Many of the experts who addressed the seminars spent much of their allotted time bragging about their own brilliance, past victories, and the amount of money they make.

"When is he going to say something?" asked one attorney impatiently at a seminar in Chicago after a nationally known lawyer rambled on for half an hour about his exploits. Several others in the paying audience walked out and didn't return until the speaker had finished.

Even when speakers have something to say, they aren't always listened to. At a traffic-court seminar I attended in New England, many of the "student" judges and lawyers grumbled and in low tones disputed statements by the speakers. Several men around me contended that they weren't going to change their ways simply because the American Bar Association (which was sponsoring the seminar) said they should. Clearly they were not there to learn.

In spite of these and other shortcomings, the very fact that the number of seminars has grown from nearly none 10 years ago to two or three a year in many sections of the country is heartening for those trying to upgrade the system of justice.

Little more than a century ago most lawyers were trained in law offices as clerks or apprentices. While the aspiring lawyer might gain plenty of practical knowledge, he was short on more formal education. This was acceptable in a society where for most citizens an eighth-grade education was considered sufficient.

SCHOOLS SUPPLY ATTORNEYS

Now most attorneys are law-school graduates.

"But law schools are still teaching students where to look for the law instead of how to practice it," says Mr. Langerman. "Fortunately they are trying to remedy this. In addition, our organization [the American Trial Lawyers Association] started a program of student-advocacy programs. Last year we appeared at 11 law schools. This is a meager beginning. This year we will expand and use films showing students how to handle a case from initial interview with a client to the jury verdict."

But this isn't enough, he adds. Practicing lawyers and judges need help through continuing education.

In the past six or seven years steps have been taken in this direction. Reformers standing on the drought-stricken land tend to see this as a cloudburst. Actually it is more like a light, welcome shower that hopefully foreshadows a steady downpour.

HOW TO "SELL" REFORM

Some reformers appear to be using a kind of sales psychology by saying "everybody's doing it." The theory is that if the idea—court reform—is reasonable, if you say it long enough and loud enough, enough people will eventually decide they are out of step with "everybody else" and will make the claim "everybody's doing it" valid.

Seminars for judges started way back in 1947. They were pioneered through the American Bar Association's traffic-court program, headed by James P. Economos. In June, 1947, Mr. Economos put on the first five-day traffic-court school for judges and prosecutors at the New York University Law School.

Since then hundreds have taken part, with the 96th session opening June 12 at Fordham University in New York.

Sessions begin at 9 a.m. and run until 5 p.m., with both classroom lectures and an interchange of ideas included. Jointly sponsored with the Northwestern University Traffic Institute and the host law school, emphasis is on helping the participants better understand the traffic problem and their role in solving it.

In addition to this, more than 200 three-day regional seminars have been held. Twenty-one have been slated for this year from Alaska and Hawaii to Montana, Illinois, Texas, and Florida.

NEW HAMPSHIRE CONFERENCE RECALLED

This reporter visited a three-state conference in Concord, N.H., earlier this spring. Presided over by the chief justices of the supreme courts, it was an eye-opener for some—especially those from cities where traffic fines are used to bolster the local budget rather than promote traffic safety.

Despite the success of this program, thousands of minor-court judges—many of them laymen without legal background—still have not been reached.

And other groups have been slow to follow the lead of Mr. Economos.

It was eight years after the traffic seminars began that Frederick G. Hamley, then Chief Justice of the Supreme Court of the State of Washington, suggested in a speech to the section of judicial administration of the American Bar Association that a seminar for appellate judges would be of value.

Russell D. Niles, dean of the New York University Law School, said that "with some trepidation" he was willing to join in this bold experiment.

CRITICAL REACTIONS OBSERVED

Robert C. Finley, now Chief Justice of the Washington State Supreme Court, who attended the first session in 1956, recalls some of the reactions of judges sitting on the highest state courts.

"There were some strong misgivings and strong criticism of the whole affair," he says. "Justices wanted to know what the whole thing was about.

"Some members of that first group said, 'This is sort of an effort on the part of these law professors to brainwash us, and we're not going to be brainwashed by some bigdome professors from all over the country.' "

Since that first session, the "quizzical, wary attitude toward judicial reeducation has gradually disappeared," he adds. All Washington State Supreme Court judges—except the newest appointee—have attended.

"Our Washington judges are most enthusiastic about the seminar," Judge Finley adds. "We think it has benefited individual members of our court, as well as the Washington Court system as a whole."

Rather than a classroom setting, "everyone sits around one large table and discussion is free and uninhibited," says Professor Karlen, of the Institute of Judicial Administration.

This year 21 justices will attend, including one from Ontario and another from Puerto Rico. The session will be held from July 17 to July 28.

Two seminars for intermediate appellate court judges will also be held this summer. One is scheduled for July 5–13 in New York, and a second will be held in Reno, Nevada, Aug. 14–25.

These sessions are supported by funds from private foundations.

While it was 1956 before the pioneer traffic seminars caught on with appellate judges, it took even longer for state trial judges to get the idea.

Associate Justice Tom C. Clark of the Supreme Court of the United States, who retired this week, is credited with breaking down some of the barriers.

First he helped from the national Conference of State Trial Judges. Then he headed the Joint Committee for the Effective Administration of Justice (made up of 15 professional legal groups). A series of seminars for state trial judges was held beginning in 1961. These were similar to seminars held earlier around the country for federal district judges.

COLLEGE ESTABLISHED

By 1964 the National College of State Trial Judges was established. In 1964 and 1965 two sessions were held at the University of Colorado at Boulder, and were financed—like the earlier seminars—by the W. K. Kellogg Fountain.

One hundred students were accepted each year—new men on the bench. Hundreds were turned down.

In September 1965, with a 10-year grant of $2,390,000 from the Nevada-based Max C. Fleischmann Fountain, the college was moved to the University of Nevada at Reno.

Last summer, two sessions were held—one for 100 judges at Reno; the second at Boulder, for 105 judges. Both were supported by the founding grant from the Kellogg Foundation.

But only 400 of the 3,700 state trial judges—roughly one-tenth—have been through the school.

Two sessions will convene this year, each with 150 judges. The first is scheduled for July 3 to July 28 at the University of Pennsylvania. The second will be held from Aug. 7 to Sept. 1 at Reno.

INTERCHANGE HELD VALUABLE

Dean Hyde points out: "There is no other professional group in the United States that does not hold seminars—that does not become involved in continuing education."

He believes the interchange of ideas between judges from across the nation resulting from seminars is especially valuable.

The primary goal, says Dean Hyde, "is to somehow reach the judge before he takes the bench." Many states have now developed their own seminars for judges, and a few have actually reached the judge before he gets to the bench.

Chicago, long beset with more than its share of political hacks on the bench, now has a regular training program, pioneered by Chief Judge John S. Boyle.

On the Thursday after each November election, new judges go through a five-day indoctrination session. Five days won't turn a lawyer-politician into a judge, but they will help a new man understand his assignment and give him confidence.

Other judges from downstate have voluntarily taken part, but attendance for Cook County judges has been mandatory.

The old system of judges holding semisocial annual conferences has been replaced in Illinois—as well as in a number of other states—with educational seminars.

AT LAST SESSION, 218

Last December, 218 magistrates (the lowest-level judge in the new Illinois circuit-court structure) from across the state discussed the civil procedures, motions, evidence, the handling or traffic cases, criminal procedures, and other basics. The first indoctrination session was held by Judge Boyle in the fall of 1964 when the magistrates attended 10 Monday-night classes two hours in length.

Many states are working hard at upgrading their courts. California municipal judges were holding a weekend session while I toured that state.

June 15–17, minor court judges in the western part of the State of Washington are meeting in Spokane. A second session will be held the last of the month, in Seattle.

Both are being sponsored by the Washington School of Law in cooperation with the University of Washington State Magistrates Association—considered by legal experts to be one of the best associations in the nation.

Again subject matter will be basic; pretrial, trial process, post trial, public image of judges, canons of judicial ethics, law of evidence, law of property, commercial law, law of torts, current constitutional development in criminal law, and relationships of courts and law-enforcement agencies.

BETTER SELECTION URGED

While the seminars help, they are no substitute for better selection of judges at the outset. A number of men who work in the Cook County criminal courts—prosecutors, defense lawyers, and public defenders—complain that the new judges are assigned there and that many, if not most, are incompetent.

"By the time they understand their job they have some seniority and ask to be transferred," one official complained.

Removing the judiciary from politics is one step that is often recommended, but seldom followed. It is difficult to do this in a political system that believes in rewarding legislators, precinct captains, ward leaders, and those who make sizable financial contributions to the party with judgeships.

As has been pointed out, judges often are simply mediocre lawyers in robes.

LAWYER PROBLEM CITED

The quality of the bench is obviously tied to the quality of the bar. Even well-meaning politicians, determined to appoint or slate only the best possible men, find it difficult to get top lawyers to agree to accept the appointment or run for office.

And already there is a critical shortage of competent trial lawyers.

In the past few years a number of organizations have tried to resolve this dilemma through continuing education. It has been a struggle.

"Lawyers are so impressed with themselves—convinced that they are intellectuals—that some run around with closed minds refusing to learn or even listen," says one of the Midwest's outstanding trial lawyers.

A number of groups are trying to resolve the "lawyer problem."

The American Bar Association was once considered, by many lawyers, to be only a fraternal organization. Now emphasis has been on education and improving the profession and the law, as well.

Local and state bar associations are also changing in character.

The American Trial Lawyers Association—only a dozen years old—is quickly overcoming its rag-tag, second-rate reputation. Those who had opposed it have seen it change and grow. Emphasis is on education of lawyers—initially those who were involved in auto-accident litigation, and in the past year criminal defense lawyers.

CHALLENGE PICKED UP

Its members like to say they represent the "people," for the organization has crusaded to improve auto safety, worked to protect consumer rights, and has been among other things, challenging the drug industry.

Seminars have been held across the nation, with some of the biggest names in the profession lecturing.

Two weeks ago most lawyers found an association seminar in Chicago well worth the time—especially with so many rapid changes in criminal law taking place as the federal Supreme Court and other appellate courts hand down new rulings. About 500 lawyers from a dozen states signed up for the session.

A few schools have been offering educational programs for practicing attorneys for years. The University of Michigan's Advocacy Institute, which helps lawyers polish trial techniques, is 18 years old.

In 1960 the Institute of Continuing Legal Education (ICLE) took that over as the University of Michigan and Wayne State University Law Schools joined hands with the Michigan Bar Association.

The shock waves of interest that followed recent high court rulings in criminal law helped the ICLE go national some 18 months ago.

IN THE BOOK BUSINESS

It has also entered the book business—publishing more than 20 a year on the law. And for four years it has conducted conferences for Michigan trial judges under the sponsorship of the Michigan State Supreme Court.

Now some law-school professors and practicing lawyers are suggesting internships for green law-school graduates. The idea is that backstopping these new lawyers with continuing education programs will greatly improve both the profession and the bench in the next decade.

"More than the teacher, the engineer, or lawyer, the judge acts directly upon property, liberty, even the life of his fellows," says Columbia Professor Rosenberg. "His human frailties are perilously magnified by the nature of his day-to-day work.

"Judicial office today demands the best possible men—not those of merely average ability who were gray and undistinguished as lawyers and who will be just as drab as judges."

Lacking any other solution, education appears to be the answer.

SYLVANIA TRACT OPEN TO PUBLIC

Mr. HART. Mr. President, it is with great pleasure that I ask to have placed in the Record the article entitled "Sylvania Tract Open to Public," appearing in the Washington Post on May 26, 1967.

As the story points out, this 18,000-acre tract of lakes and forests in the Upper Peninsula of Michigan has been largely untouched for decades. Since its purchase last fall by the U.S. Forest Service it will be open to the public for the first time.

What the story does not point out is the concerted effort that has gone on for a number of years to bring this about. It would not have been possible without the cooperation of officials of Watersmeet Township, Gogebic County, the U.S. Forest Service, the trustees of the estate, and the chairman of the Senate Appropriations Committee.

The public acquisition of Sylvania, which I sponsored, was a cause of concern to local officials because of the immediate impact it would have on the county tax base. However, they recognized that development for public recreation would minimize the tax loss if it would proceed at a reasonably rapid rate. I shared this belief and, as my Senate colleagues know, have worked to see that initial funds were appropriated in the recently passed appropriation for the U.S. Forest Service.

The opening to the public of the Sylvania tract is something I am sure many Members of Congress will wish to share with their constituents. I recommend this article most highly for the information it provides for all lovers of fishing, hunting, and untouched scenic beauty.

There being no objection, the article was ordered to be printed in the Record, as follows:

Sylvania Tract Open to Public

What for years was one of the world's great private fishing and hunting clubs opened recently to public fishing. It is the 18,000-acre Sylvania tract, on the upper peninsula of Michigan near the town of Watersmeet not far from the Michigan-Wisconsin line.

Formerly owned by the United States Steel Corp. and maintained as an exclusive club with nearly virgin fishing and hunting, Sylvania was purchased last fall by the United States Forest Service for $5,740,000.

The Sylvania property has been incorporated into Ottawa National Forest, in which the tract lies, and it is now open for public fishing and hunting—for the first time in 66 years.

No camp sites are available this first season of public use of the Sylvania lands, since the Forest Service has not had time to prepare for camping. This season, however, campers can utilize existing sites in Ottawa National Forest which nearly surrounds the old Sylvania property.

The fishing will be in accordance with Michigan's normal angling regulations, although special restrictions will apply for certain lakes. No special fishing licenses other than regular Michigan resident or nonresident licenses are needed for angling within the borders of Sylvania.

Last September Alfred Ames, a Chicago Tribune editorial writer, toured the Sylvania reserve and described it as "a substantial area of the heavily exploited upper peninsula of Michigan existing in the present as a mature forest, untouched for decades by either tree-cutters or resort operators. At this late date Sylvania has wooded shore lines looking as they did when this was still Indian country."

"Nearly everywhere we toured (in Sylvania lands)," said Ames, "was unscarred forest, unpolluted water. We did not see a single beer can. As we touched in succession on Katherine, Clark, Loon, Deer Island, Mountain, Crooked, and Helen lakes we looked out over clear water at unbroken forests."

While Sylvania's lakes offer good fishing now, this could change rapidly under the onslaught of public fishing pressure. Moreover, many of the lakes are not especially fertile, producing fish in limited size and numbers.

For these reasons, many special regulations will be in effect at Sylvania and will be strongly enforced by the Forest Service and Michigan Department of Conservation.

Mark J. Boesch of the Forest Service explained:

"The Sylvania lakes still have a good population of fish; but, because they have no good feeder streams (for spawning, etc.) and few nutrients, heavy fishing pressure could easily change the picture. This calls for intensive fishery management and carefully planned angling regulations."

For this season basic regulations will designate most of the Sylvania lakes, including Clark (the largest) as "Trophy" lakes. In them largemouth and smallmouth bass must be 18 inches, lake trout 30, walleyes 20, and northern pike 30 to qualify as "keepers." Six lakes—Deer Island, Helen, Johnston Springs, Liluis, Lois, and Mountain will be "fish-for-fun" lakes where everything caught must be released uninjured.

Three lakes—Crooked (Sylvania's second largest), Long, and Big Bateau will have no special regulations. Outboard motors will be permitted only on those three lakes. Cub, Marsh and Katherine lakes will be "research lakes" and closed to fishing until 1970.

Only artificial lures will be permitted on Sylvania lakes.

"Our hope is to manage Sylvania so that we may keep it as much of a near-natural (wilderness) area as possible," said Boesch. "At the same time, people are being encouraged to make good, legitimate use of the area. That is why it was purchased by the Federal Government. The land and water conservation fund provided the money."

Maps of Sylvania with the fishing regulations for the various lakes are being prepared by the Forest Service. Copies may be obtained at no charge by writing Regional Forester, United States Forest Service, 633 W.

Wisconsin av., Milwaukee 53203; or the Forest Supervisor, Ottawa National Forest, Ironwood, Mich. 49938.

STOP, LOOK, REVIEW

Mr. MUNDT. Mr. President, on June 14, 1967, before the National Association of Manufacturers, an excellent address dealing with the development of our water resources was delivered by E. Michael Cassidy, executive vice president of the Mississippi Valley Association.

In his address, Mr. Cassady warned that if we are to preserve sound Federal-State relations in the development of our water resources we should take a long look at what has been done to date.

Mr. Cassady especially pointed out that we should go slow in forming more river basin commissions until such time as we have observed and studied the operations of those now formed, so as to determine whether they are the right vehicle to preserve our sound relations between the State and Federal governments or whether some new procedure should be followed.

Mr. Cassady has set forth excellent advice for Congress and the administration in his remarks. I ask unanimous consent that they be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

REMARKS OF E. MICHAEL CASSADY, EXECUTIVE VICE PRESIDENT, MISSISSIPPI VALLEY ASSOCIATION, BEFORE THE NATIONAL ASSOCIATION OF MANUFACTURERS, NEW YORK, N.Y., JUNE 14, 1967

This opportunity to participate in a meeting of the National Association of Manufacturers is indeed appreciated. It is also very encouraging to me that you should hold such a meeting because I believe it is imperative that business and industry provide increasing leadership in all phases of the development of this Nation's natural resources.

I am most honored to be sharing this platform with the Executive Director of the water Resources Council, Henry Caulfield, because he has a long record of distinguished service in the field of natural resources development. Too often, I believe, those of us who spend considerable time chopping our way through the ribbons of red tape which envelop our massive Federal establishment tend to hang the tag "Bureaucrat" on every Federal employee in sight and the connotation we place upon this word is not particularly complimentary. I want to say at the outset that I have been, and am, particularly impressed with Mr. Caulfield's ability and dedication to his job. I know from personal experience that he has thrown the clock and the calendar out the window and I doubt the Federal Government could afford to pay him on the basis of an hourly wage with overtime. I would feel far better about the Water Resources Council and the prospect of River Basin Commissions if I could believe that someone of Henry Caulfield's integrity would be in his position 100 years from now.

The Mississippi Valley Association was one of the few organizations in the Country to oppose or to express reservations about the Water Resources Planning Act which created the Water Resources Council and permitted the formation of River Basin Commissions. Another organization in this camp was the National Association of Manufacturers. I have recently reread the testimony of our two Associations before the Congress in 1964, and one basic concern was consistantly evident throughout—the overemphasis on the Federal role. This is still the basic concern of the Mississippi Valley Association, and this is why Mr. Caulfield and I may have differing view on River Basin Commissions. He is most persuasive on this point but I am still concerned because I have watched Federal encroachment on virtually every facet of our lives. I think your own Dan Cannon expressed this same concern very well in his 1964 Cngressional testimony when he pointed out that "Federal control follows Federal money."

I know you are well aware of the Federal water pollution control legislation which Congress passed in 1965. I attended a meeting of industrial and business leaders in the fall of that year and heard a number of valid objections to the legislation and some excellent suggestions which would have permitted industry to play a responsible and realistic role in, if you will, "cleaning up its own house." The only trouble was that this was too little and much too late because the legislation had already been enacted into law.

I believe we need to put the subject at hand in its proper perspective because the Water Resources Planning Act of 1965 created the Water Resources Council and made River Basin Commissions a fact of life. It is too late for theory and we must deal with the situation as it exists today.

The Mississippi Valley Association recognized this at our Annual Meeting last February and appointed a special committee to completely research the subject and develop a statement of policy. This committee has just completed its draft. It is only one paragraph long and I would like to read it to you. It states: "We favor careful observation and detailed study of river basin commissions already created or presently being created to determine whether the fear of Federal domination of such commissions is well founded or if such commissions are truly an effective vehicle to enable the states and the Federal Government to act as equal partners in planning the development of a basin's water resources."

The Committee and the Valley's Association's staff spent many hours with Mr. Caulfield and his staff discussing the various ramifications of the law and the rules and regulations which were subsequently issued. We found items of great concern if not of disagreement. We felt also that a temporary plateau had been reached in the creation of any new River Basin Commissions which would thus afford an opportunity to watch the already created Commissions in action and perhaps to suggest changes in the law if such should prove desirable. As our Committee draft points out, we expect to conduct a "careful observation and detailed study."

When the Mississippi Valley Association opposed the passage of the Water Resources Planning Act, we were opposing not the goals of the bill but the proposed means of accomplishing them. We believe that coordination between Federal and state governments is vital insofar as comprehensive resource planning on a regional basis is concerned and we feel that this same coordination between the various Federal agencies involved is also vital. It should be noted, however, that greater coordination between all agencies was readily apparent and constantly increasing in the years before the Act was proposed. We believed this voluntary coordination should have been encouraged rather than stifled within the rigid confines of this legislation. Our fear was that tampering with the independence of the various Federal agencies would be a forerunner to the birth of a super agency such as the proposed Department of Natural Resources which would in turn lead to a further abrogation of state and local rights and a loss of many of the traditional prerogatives of the Congress. Nothing has yet occurred to allay that fear. On the contrary, we seem closer to it today than we were in 1964.

There are several excellent examples of voluntary cooperation now in existance such as the Southeast River Basins Interagency Commission. This group has a representative of the states serving as its chairman and we have every reason to believe that their work will be just as effective as a Basin Commission and with no fear of Federal domination. The framework for other comparable basin groups already exists and this could provide a suitable alternative to a Federally established Basin Commission. We said this during the Congressional hearings on the legislation and it is still possible.

Assuming you are all reasonably familiar with the manner in which River Basin Commissions are constituted, and in view of the question period to follow, I will avoid a technical discussion and deal with the possibility of Federal domination which is our principal concern.

We feared that the Federal role inherent in the Act would prove to be too succulent a political plum to escape the spoils system of patronage. Mr. Caulfield's appointment to his important position seemed to belie that fear because he is eminently well qualified. The appointments of the Chairmen of the new River Basin Commissions should answer the patronage question but, on the basis of one appointment which comes to mind, I am not at all sure any of us are going to like the answer we get. I think we have very right to expect the President to appoint the best qualified man available as Chairman of a River Basin Commission and not to use this important position as a reward for partisan political activity or as a repository for defeated political candidates.

Recognizing the political truth that those who control the funds inevitably control the program, one cannot help but see some ghosts in the structuring of River Basin Commissions. The Commission Chairman, a Presidential appointee could change with the political winds. State representatives, including the Vice Chairman, who are appointed by the several Governors, could be blown away in these same winds. The only continuity might be provided by the Federal employees controlling the Federal funds. The local voice would be but a breath in this hurricane.

Most of those who oppose change are today automatically damned for a complete lack of vision and are relegated to the Middle Ages. Today's self-styled visionaries are all-knowing and all-seeing and those who read or mention history are accused of living in it. That famous quotation "What is past is prolog" has been twisted to mean whatever appears to be advantageous to the user at the moment. We are constantly being bombarded on every side with that great and unassailable truth that "the end justifies the means." Well I, for one, am not about to buy it.

I suppose I could be accused of being a 1776 Colonial for referring to our Constitution but it seems to me the fathers of our great Country were trying to say, as they created the greatest form of government the world has ever known, that this government was formed to do for the people those things they could not do for themselves—just that and no more.

To me, the phrase "of the people, by the people and for the people" does not automatically mean womb to the tomb care on the part of a Gargantuan government which does all of the thinking and all the doing for the people. Some of the pot-boiling and distilling process of recent years seems to have produced a compound which might be called "if we think its for the people, then the end justifies the means." I do not question the sincerity of those in our Federal establishment who expound this philosophy but I certainly do question the wisdom of the philosophy. It was the people who made this Nation great and the inspiration, foresight, enterprise and impetus went from the people up and not from Washington, D.C. down.

The Honorable Tom Adams, Secretary of

the State of Florida, is one of the Country's outstanding leaders in the field of water resources development. He is also one of the leading figures in state government. We asked Secretary Adams to address himself to the same subject we are discussing today and he appeared on our last Annual Meeting program with Mr. Caulfield. I would like to tell you a little bit of what he said, and I quote—"The choice is still ours . . . . to decide whether we are willing to permit the destruction of the traditional division of authority within our federal system . . . . or whether we will build a new federal relationship . . . . a system in which the national government is a partner . . . . not the master over local affairs.

"Although this involves the entire spectrum of the governmental process, it nevertheless points emphatically to the concept of water resources planning and development . . . . to the concept of determination by those who are responsive to the citizens of our states and Nation . . . . not by those who are insulated and hidden from public opinion and valid public desires.

"Thus, if we expect to retain our role as leaders in water resources development, we must be ever mindful of the need to shoulder the responsibilities that are rightfully ours. Indeed, we must join together in an even stronger bond and show our willingness, our desire, and our ability to plan for and develop these resources through collaboration at all levels of government. But let us make certain that we secure collaboration with—not control by—the federal establishment."

Earlier I mentioned the problem of Federal encroachment but I believe we need to remember that encroachment is only a part of the problem. Much of the problem of Federal domination has resulted, not so much from encroachment, but rather from a forfeiture of responsibility by local and state governments who either failed to recognize it or chose to abandon it. This has been true in many fields and it behooves organizations such as ours to see to it, while there is still time, that this does not happen to our water resources. I believe that the business community is the only group left which can provide the necessary leadership and it must do so if we are to avoid total Federal domination in all fields.

I hesitate to use the terms "Black" and "White" but they are necessary to produce the several shades of gray with which we now find ourselves enveloped. River Basin Commissions, in my view, are neither all good nor all bad and not all Federal Bureaucrats wear black hats. Hopefully, we will have an opportunity to see to which basic color the several shades of gray revert before we find ourselves committed to a course from which there is no return. Regretfully, the hour is much later than most of us care to admit.

We have seen many of the Federal government's innocent infant programs grow to become a colossus with which we are now barely able to cope. Too often, this has been the rule rather than the exception and the list grows longer year by year. One cannot help but wonder if there is any end this side of totalitarianism?

Up to this point in our history, the full development and proper use of the Nation's soil and water resources has been an enlightened and non-partisan program which has proved to be the best capital investment our government has ever made. This has been true because this program was the will of the people and was reflected through their elected representatives in the Congress. This development program has never been an easy fight but it has always been a "good" fight.

We believe that the best things our great Country has achieved have come about as a result of the will of the people and we further believe that this will is best expressed by our elected representatives in the Congress and not by the Executive branch. We look with a jaundiced eye at any proposal which would seem to dilute the powers and prerogatives of Congress and place them in the hands of a branch of government far removed from the will of the people. If we always remember that this is a government of the people, and by the people as well as for the people and act accordingly by accepting our responsibilities and fulfilling our obligations as individual citizens, then our Nation, as we know and love it, truly "Shall not perish from the earth."

THE EFFECT OF MERGERS ON CORPORATIONS

Mr. HART. Mr. President, somewhat belatedly, I would like to call my colleagues' attention to a speech on antitrust and mergers which I think will be informative to all. The speaker was Federal Trade Commissioner John R. Reilly. The subject, "Myths and Merger Policy," is one that would have suffered in less capable hands. However, Commissioner Reilly analyzed the effect of mergers on corporations, competition, and consumers in a manner as enjoyable as enlightening.

The speech is worth the few minutes it would take to read it and I do commend it to all Members of Congress.

Mr. President, I ask unanimous consent that the speech referred to be printed in full at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

MYTHS AND MERGER POLICY

(Remarks of John R. Reilly, Commissioner, Federal Trade Commission, before Antitrust Section, District of Columbia Bar Association, Washington, D.C., February 23, 1967)

I am pleased to be here. I intend to exercise the prerogatives of a speaker today, and I will depart, to some extent, from my assigned topic. This departure is stimulated somewhat by the heavy-handed jabs at the Federal Trade Commission and the Antitrust Division which recently appeared in a leading financial newspaper. The article theorized that "Antitrust is a national disaster" and that "At Justice and the Federal Trade Commission these days the whole purpose of the game is to keep their heads down". The Antitrust Division is considered by the author "brawnier and brainer than the Federal Trade Commission". I'm sure that had the reporter chosen to visit with me prior to writing the article, he would have had to change his conclusions, at least as to brawn.

I am also sure that those of you who saw it noted that there was very little new in the article. Critics of antitrust policy change little—they are still as heavy-footed and their criticisms are as ponderous as ever.

But, since criticism seems to be a popular party game today, as always; I thought that I would use this forum today to put forth a pet theory of mine—that while much of the criticism is based on myth—nevertheless from an examination of the myths, one can discover a few truths—which, if one has anything resembling an open mind, will lead to criticism which may be constructive.

I would like to talk today about some common myths which have grown up concerning merger policy and its relation to broad economic objectives.

Certainly one of the weirdest of the current crop is that, in some unspecified manner, recent court decisions upholding the government's position in key merger cases are inhibiting the growth of the American economy.[1] How this belief has gained currency in the face of recent economic developments, is a triumph of illogic which warrants a look at the record.

There was a period in the post-war years when growth rates in the American economy lagged behind those of other developed countries. This was true in the latter half of the 1950's, but the situation has changed radically since that time. Let me cite some figures from the just issued report of the Counsel of Economic Advisers. During the years 1955–60, the growth in our Gross National Product, in real terms, amounted to only 2.2 percent. During the first half of the 1960's, however, the growth rate jumped to an average of 4.7 percent.[2] In 1966, the nation registered a resounding advance in real output of 5½ percent.[3]

Now our recent growth rate is nothing short of spectacular when it is realized that we have long enjoyed the highest standard of living of any nation of the world, and that the other so-called developed countries have been making every effort to catch up with us. Even more to the point, think of the enormous resources that are being employed when our country is on the move: the United States accounts for well over half of the real output of all the OECD (Organization for Economic Cooperation and Development) countries combined and our GNP is over six times that of the second largest of these countries.[4]

Now, let's consider the timing of merger decisions in relation to these phenomenal U.S. growth rates. Actually, the earliest merger cases were working their way through the Commission and the courts during the late fifties and we were well into the sixties before the Supreme Court had its first opportunity to discuss the scope and thrust of Celler-Kefauver. For example, *Brown Shoe* was decided on June 25, 1962, and the economy, far from shaken by this and subsequent decisions, was pushing to new heights.

As a matter of fact, last May, when the Supreme Court decided the much criticized Von's case, the economy was straining at the leash. Indeed the preoccupation of national policy was to slow down the economy because, to quote the Counsel of Economic Advisers, "output continued to rise faster than productive capacity"[5] and price stability was therefore threatened.

Obviously, the record cannot support the myth that court interpretations of the merger law, or the enforcement activities of the government have dampened the growth potential of the American economy.

If these critics would think about the growth process they would recognize that it is fundamentally a matter of building new plants and the equipment to turn out more goods and services. This is what we refer to as internal growth.

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[1] For example, M. A. Wright, chairman of Humble Oil & Refining Company and president of the Chamber of Commerce of the U.S., recently charged that antitrust policies threaten America's economic growth and urged businessmen to support a study of present merger policies so that new legislation "to improve the nation's antitrust policy" could be proposed. See *Advertising Age*, Sept. 12, 1966 (Vol. 37, No. 37), p. 1.

According to Mr. Wright, "the Supreme Court has adopted a very narrow interpretation of our antitrust statutes . . . In this way, the purpose of our antitrust legislation is being misdirected with possible detrimental long-run consequences to the nation's economic growth and efficiency." (See "The Trouble With Antitrust," by M. A. Wright, Dun's Review, November 1966, p. 50.)

[2] *Economic Report of the President*, January 1967, p. 171.

[3] *Ibid.*, p. 45.

[4] *Ibid.*, p. 171.

[5] *Ibid.*, p. 45.

Mergers do not produce growth in the economic sense. The combining of two firms does not in and of itself produce economic growth unless by some process the combination itself gives a spurt to expansive activity in the creation of new goods and services.

Of course, the individual corporation, as a firm, can become bigger through mergers. But even corporate growth, at times when merger activity is most prominent, is generally more a function of internal building than external merging. Certainly, over the long run, this is the case.

So, when we consider growth in its proper perspective, we realize that the merger laws and merger policy influence only one, and a relatively minor, facet of *corporate* growth—one that has only a very negligible influence over growth of the economy at large.

Having said this, it is also important to recall that Congress considered carefully the two sources of corporate growth—the internal method and the external, or merger method—and limited its concern entirely to competitive problems associated with the second. Congress was well aware of the fact that internal growth, since it entails the creation of more productive facilities for the economy, is a competition-creating force in its own right. Mergers, on the other hand, may reduce competition in various ways.

One of the authors of the merger act, Congressman Celler, recently commented on this distinction between the internal and external growth process as follows:

> Too few people realize that this utilization of corporate funds [for mergers and acquisitions] frustrates government efforts to stimulate investment activity and economic growth in two ways. First, it diverts corporate resources into mergers instead of the building of new plants and the development of new technical resources. Secondly, through the merger movement, economic concentration and oligopoly are increased, making our economic system less competitive and flexible. Indeed, the more monopoly or quasi-monopoly there is in America the more rigid are prices and the less incentive there is for business to reduce prices to stimulate consumer demand and business activity.[6]

I suppose it is to be expected that most large corporations, if given an option, would prefer to merge rather than build into a new line of business. In the first place, they buy a going concern—management, plant and equipment, know-how and the rest. They don't have to go through the painful process of what the economists refer to as the "Market Test".[7]

Even more important, most large corporations prefer, or even insist on entering the new market in a big way, on a large scale. A moment's reflection reveals that if a large corporation builds into a new line in a big way, it will increase the capacity of the industry. Say it has been weighing the alternatives. Should we buy company X, which enjoys 10 percent of the market, or should we build the equivalent amount of capacity by entering the industry by the internal growth process?

The obvious result of building in such proportions is that the competitive balance of the industry would be upset by creating a 10 percent increase in industry capacity. Such an increase in capacity would create a lot of competition for the firms already in the industry. If the industry were oligopolistically structured, such an intervention from the outside might upset the "tight little island" of "contented competition." This is what the economists refer to as the "percentage effect" created by internal entry.[8]

From the point of view of the public interest which is best preserved by maintaining or stimulating competition, it is clear that internal expansion will usually be a spur to competition, while mergers may well lessen it.

Even in conglomerate mergers competition is deprived of this benefit flowing from the creation of productive facilities.

Consequently, from the point of view of maintaining competition, I think we should take a hard look at any merger involving the take-over of a dominant or leading firm in one industry by a dominant or leading firm in another industry, whether the two industries are functionally related or not. In the long run the best protection for the consumer is to hold the avenues open for potential entrants who by coming into or even threatening to come into the market with new capacity would hold prices near competitive levels and prevent the garnering of undue profits in oligopoly industries.

A second myth that should be dispelled is that the antitrust laws are, in some way, so massive in their power potential that they could halt the merger movement in is tracks. Such a myth is broad enough to shelter both our critics who feel we are doing too much and those who argue that we are doing too little.

Quite obviously, there is something very fundamental at work in the economy feeding the current merger movement which taxes the ability of the antitrust laws to cope with. For those of us who feel that the merger law should hold this movement under a certain amount of constraint, it may be disturbing to watch merger activity soar into higher ground with almost every year that passes. It also may be a cause for concern that the upward thrust in the merger movement occurred just after the passage of the 1950 Celler-Kefauver Amendment, and that merger activity has been on a high plateau for more than a full decade.

Maybe we haven't been doing enough. However, I don't believe the facts I cite, standing alone, are conclusive. On the other hand, as I noted a minute ago, recent experience conclusively demolishes the converse argument—that business has been hamstrung by merger enforcement.

One prominent news magazine, looking at the record, concludes that there has been no "crackdown on business mergers". It goes on to say:

> "Federal trustbusters have made headlines with a rash of lawsuits attacking mergers of business firms. Still, the great majority of mergers go through without challenge, as shown by the following figures for the last six years:

	Percent
"Important mergers in U.S.	9,905
Mergers attacked by Government	114
Percentage of mergers attacked	[9] 1.2"

What is the significance of these figures? I suggest that at least three observations may be made. In the first place, the common complaint that merger policy places a barrier to the exit of the closely-held family firm simply cannot hold up. Thousands of mergers involving this type of transfer of ownership are not even investigated in depth, much less challenged, by the antitrust agencies.

Second, the merger path to corporate growth is not closed, when less than 2 percent of the mergers are challenged.

Third, merger enforcement does not materially alter the broad course of the merger movement.

This latter conclusion is reinforced by history. Some of you may remember, or at least have studied, the earlier merger movements in American industry. In the late 1920's, for example, the momentum of merger activity was accelerated and "merger talk" reached tremendous heights.[10] Not many months passed, however, before the whole movement collapsed along with everything else in the 1929 stock market debacle. Certainly public policy had no discernible influence on the course of the merger movement of the 1920's. The loopholes in Section 7 had been discovered and antitrust action against mergers was a virtual nullity.

By similar token, if the current merger movement which has been under way for many years were to collapse tomorrow, we would have to look beyond antitrust for the causes.[11]

Another myth, recently uncorked by a well-known economist in a series of lectures delivered abroad, is that antimerger enforcement is just a "slick charade." This criticism comes from the sophisticates who think that antitrust in general is just concerned with trivia and that we are merely playing games. I need hardly add that such critics have little faith in competition as a self-regulating force in our economy, or if they do, they take a complacent view toward questions of concentration of economic power.

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[6] Hon. Emanuel Celler, "Federal Trade Commission Decision on Procter & Gamble-Clorox Merger Is a Major Breakthrough in the Application of the Celler-Kefauver Act," daily CONGRESSIONAL RECORD, March 23, 1964, p. A1493.

[7] Heflebower points out that:

> Expansion by building involves a more clear-cut market test not only of expected private advantage but also of social gain than does expansion by merger. Addition by building, whether to enter a new market or to add a new vertical step (but less clearly to expand in an old market) involves use of liquid assets in an untried operation. Merger means acquiring a going operation (acquisition of failing firms are exempt from Section 7.) Often the increment of expansion by building is small compared with that by merger and each step toward enlarging the size of the corporation, vertically or horizontally, is subject to appraisal before the next is taken. At each step, the firm cases the "percentage effect" of capacity added proportional to the size of the market. (R. B. Heflebower, "Corporate Mergers: Policy and Economic Analysis," Quarterly Journal of Economics, p. 556.

Heflebower is also categorical as to the contrast between merger and internal entry, stating:

> Expansion by merger does not, of itself, augment competition. No capacity is added and for that reason, where the move is made into another market, horizontally or vertically, it is not entry and appeal cannot be made to the generally accepted competitive benefits from entry. Only if the firm later adds capacity relative to the size of the market, or if its rivalry were to disturb an ineffectively competitive market—an outcome very difficult to predict—could an entry-like effect be claimed. (*Ibid.*, p. 555.)

[8] Joe S. Bain, *Barriers to New Competition*, Harvard University Press, 1965, p. 55.

[9] *U.S. News and World Report*, July 25, 1966, p. 46.

[10] Willard L. Thorpe, "The Merger Movement," in *The Structure of Industry*, Monograph No. 27, Temporary National Economic Committee, 76th Cong., 2d Sess., p. 233.

[11] It is beyond the scope of this paper to discuss the underlying causes for the merger movement. However, most scholars seem to feel that general business activity, and stock market activity as a proxy thereof, is the basic causal factor. See Ralph L. Nelson, *Merger Movements in American Industry*, 1895–1965 (Princeton U. Press, 1959) pp. 106–126; testimony of Dr. Willard F. Mueller, in Economic Concentration: Part 2, Mergers and Other Factors Affecting Industry Concentration, Hearings before Antitrust and Monopoly Subcommittee, U.S. Senate, 88th Cong., 2d Sess., pp. 501–537.

It seems to me that such comments reveal a detachment from what has been going on in the real world of antitrust, particularly in recent years. Most commentators are agreed on the point that not only a substantial number of significant merger cases has been brought and carried through the courts, but that the application of the new merger law has been quite well delineated by the key court decisions. Certainly, the legal guidelines are mucn more fully developed in respect to the Celler-Kefauver Act than was the case with the Sherman Act in a comparable period of time after its enactment. The charge of dealing in "trivial" mergers simply does not stand up.

Let me briefly describe [12] the way the staff of the Commission approaches its merger enforcement responsibilities. In the first place, it maintains close surveillance over the merger movement as a whole and in particular industries. For example, in figures recently released by the Commission it was noted that total merger activity for the year as a whole was off slightly from the previous peak. Large mergers, however, rose to a new high in 1966, despite a slide-off in activity during the last half of the year. I also understand that an unusual number of large mergers was pending at the end of the year.

In addition to watching general trends in merger activity, the staff takes a close look at particular mergers and how they affect the structure of various industries and markets. Special scrutiny is given trends that might suggest developing industry-wide waves of mergers. The staff attempts to assess the effect of the merger movement in broad terms on industrial concentration, but particularly studies the probable effects of the so-called large mergers, that is, those involving manufacturing and mining companies with assets of, say, over $10 million. Mergers of this magnitude are scrutinized carefully not because we are interested in size as such, but because size is inevitably a general yardstick of economic impact.

We are always mindful, of course, of the fact that for a given merger to be challenged, it must be demonstrated that the merger may substantially lessen competition or tend toward monopoly within a particular market context. If the question of market effects cannot be resolved, the legislative test of effect on competition is not met.

Just to check out our recent merger enforcement activity, I have reviewed the acquisitions challenged by the Commission and the Antitrust Division during the past two years. It came as no surprise to find that the blue ribbon corporations listed among Fortune's top 500 were well represented. In 1965 and 1966, the Federal Trade Commission issued some 23 merger complaints. Approximately two-thirds of these cases challenged acquisitions made by firms ranking among Fortune's 500 largest industrials or its 50 largest merchandising companies. The average size of acquiring companies challenged amounted to about one-half billion dollars in annual sales. Acquisitions challenged involved the sales of the acquired companies ranging in the aggregate anywhere from $4 million up to $800 million.

I am sure that this audience of antitrust practitioners does not believe that merger enforcement is a charade or that it involves mere trivia, and I imagine that each of you would recommend that your clients take very seriously the question of whether a contemplated merger might run afoul of the antitrust laws. Thus, the truth of the matter is that we in the antitrust agencies take our responsibilities very seriously indeed. We are engaged in a sincere effort to shape public policy in this area with a view to preserving the competitive economy. We are advocates of competition. We deplore regulation and hope to avoid the necessity of permitting the economy to become so distorted structurally that some sort of direct government intervention becomes inevitable.[13]

Another widespread myth is that the merger laws are so uncertain that business cannot plan with any degree of certainty. The plea for "certainty" is as old as the antitrust laws and has been applied with equal vigor at one time or another to every act and every section of the various statutes.

I am sure this audience is too sophisticated to believe that absolute certainty in antitrust is either possible or desirable. The broad constitutional characteristics [14] of these laws are their great virtue, in fact. Their basic flexibility permits them to adapt to the changing character of our economy and enables those having enforcement responsibilities to fulfill their primary function of protecting the public interest.

The price of absolute certainty in the antitrust laws would be a rigid codification of the rules, and this, in my view, would lead to outright regulation. This is not to say that the agencies should not and do not take affirmative steps to bring clarity to the laws. They do. The Commission does in a number of ways.

We endeavor to assist business in prescreening questionable mergers through our advisory opinions. Also, we have recently set forth, in three industries, guidelines for merger enforcement in order that the Commission's broad policy objectives might be better understood.

We have approached this development of guidelines for merger enforcement in somewhat various ways, each tailored to best fit the problem at hand. The first method involves the case-by-case approach, culminating in a key Commission opinion which sets forth guidelines. This was done in the Commission's *Beatrice Foods* decision.[15] *Beatrice* was the last of a series of merger actions taken by the Commission in the dairy industry [16] and hence provided the opportunity to set forth for the dairy industry the guidelines for future enforcement. The Commission explained: "Thousands of mergers have taken place in the dairy industry in the last 50 years. In an industry so prone to extensive merger activity, the need to develop standards which will be clearly understood by the industry, and which will prevent unlawful mergers without deterring lawful ones, is especially urgent." [17] The purpose of Commission enforcement policy in this area has not been to prevent all mergers, nor has this been its effect. The Commission recognized that various economic and technological factors made inevitable a certain amount of merger activity. It concluded, however, that "Congressional policy as expressed in Section 7 will be best served in this [dairy] industry if merger activity is channeled toward smaller firms." [18]

In the retail grocery field, on the other hand, the Commission used a different approach in formulating its enforcement guidelines. Over the past several years it has issued a series of five complaints challenging the mergers of leading grocery store chains, as well as several staff studies of food retailing. In view of this background, and "the probability that market forces will continue to create an environment conducive to mergers in the industry" the Commission felt that it should "spell out as clearly as possible those mergers which the Commission's experience and knowledge suggest are most likely to have anticompetitive consequences." [19]

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[12] A more complete discussion is contained in "Conglomerate Mergers—An Argument for Action," John R. Reilly, *Northwestern University Law Review*, Vol. 61, No. 4, pp. 522-537.

[13] Compare the charge, unfounded in my view, by the chairman of Tatham-Laird & Kudner, Chicago, that "men like Donald Turner, U.S. antitrust chief, are so willing to overturn the whole concept of our free competitive economy as to approve publicly the proposal in Great Britain that detergent manufacturers be forced to cut back their promotional expenditures by 40%." *Advertising Age, op. cit.*, p. 1. In contrast, see statement of Chairman Paul Rand Dixon, "Antitrust for Export?" delivered before the Los Angeles World Affairs Council on September 13, 1966, where he states:

The American theory has been that we should challenge not only those mergers which create positions of monopoly or dominance, but also those that are incipiently monopolistic. Our policy rests on the two-fold presumption, well supported by the facts of industrial experience, that (1) mergers of market leaders usually do not result in social efficiencies, and (2) competition is a regulating force to be preserved in its own right.

In Europe, in contrast, antitrust policy is one of passive acquiescence in merger, the theory being that once a firm reaches a dominant position in the market it may then be subject to regulation. In other words, they generally do not interfere with structural changes tending toward monopoly, preferring instead to regulate performance once monopoly power is achieved. Some European antitrust officials take the position that mergers are imperative in order to achieve increased efficiencies, and that competition may well be sacrificed on the altar of such alleged gains in efficiency. But then they may take a harsh view of dominant firms."

* * * * *

Chairman Dixon then discussed the recent actions of the British Monopolies Commission in regard to Kodak's dominant position in color film in the British market and the dominance of Procter & Gamble and Unilever in the soap and detergent market. Referring to the British Monopolies Commission's recommendation that the latter companies reduce their marketing expenses by 40 percent and their wholesale prices by 20 percent, Chairman Dixon commented:

"I think these examples bring into sharp focus our differences in approach. We challenge abuse of market power and act to prevent the undue accumulation of market power through merger. The British—and I think this is generally true of most European antitrust groups—in the last analysis probably would regulate the activities of dominant firms."

[14] See Reilly, *op cit.*, p. 524, *et. seq.*

[15] *In the Matter of Beatrice Foods*, Docket No. 6653, Opinion of the Commission, April 26, 1965. This decision is currently on appeal before the U.S. Court of Appeals for the 9th Circuit.

[16] In 1956 the Commission issued complaints against the country's four largest dairies, charging that certain mergers had violated Section 7 of the Clayton Act, as amended: *Foremost Dairies*, Docket No. 6495; *National Dairy Products*, Docket No. 6651; *Borden Co.*, Docket No. 6652; and *Beatrice Foods*, Docket No. 6653. The Commission rendered its decision in *Foremost* April 3, 1962. March 5, 1965, the Commission issued a Modified Order in this matter. The *Borden* and *National Dairy* complaints were settled by consent orders issued April 15, 1964, and January 30, 1963, respectively.

[17] *Id.*, 43.

[18] *Id.*, 46.

[19] Federal Trade Commission, "Enforcement Policy with Respect to Mergers in the Food Distribution Industries," January 3, 1967, p. 4. The Commission added: "This is not to imply that the Commission has sufficient knowledge or foresight to draw with precision the legal boundaries around every

In the cement industry the Commission used still another approach. Over a period of about five years a vertical merger movement swept across the cement industry as cement companies acquired 40 ready-mix concrete companies. In spite of initiating a series of complaints, the merger movement continued. Because the case-by-case approach necessarily is a time consuming one, the Commission decided to consider "the problem on an industry-wide basis to determine whether its current approach to vertical mergers in these industries was correct and effective . . ."[20] It therefore directed the Commission's economic staff to investigate this matter and report its views. The staff report was made public,[21] and the Commission announced a public hearing at which members of the industry and others were invited to comment. Based on this public record the Commission set forth the criteria which it would use in its future enforcement policy in this area. It emphasized, however, that "the issues in any proceeding instituted by the Commission will be decided on the merits of that case."[22]

In short, the Commission has taken a pragmatic approach to the question of reducing business uncertainty. It has established merger enforcement guidelines for particular industries only after having gained sufficient knowledge to do so.

However, while the Commission has done much to provide guidance concerning the application of Section 7, it, concededly, can and should do more. I have particularly in mind the problem of conglomerate mergers.

Recently I had cause to state that "to continue to emphasize action against horizontal mergers would be like mounting a vast hunting expedition for stalking the dinosaur."[23] In the six-year period, 1960–65, large horizontal mergers declined not only proportionately, but also in absolute number. However, during the same interval, conglomerate mergers increased from 17 percent to 71 percent of the total of all large mergers.

Accordingly, the Commission is devoting considerable attention to conglomerate mergers. In respect to the product-extension form of conglomerate, it has challenged acquisitions by some of the country's largest corporations. The Procter & Gamble/Clorox matter, possibly the most important of the conglomerate mergers considered to date, was argued before the Supreme Court last week.

However, this week the Commission chose not to litigate an important product-extension merger. By a three/two vote, it approved a consent settlement that permits Procter & Gamble to retain its acquired control of a significant company in the coffee industry.

In my opinion, the settlement drives home the point that guidelines indicating what mergers will be challenged are of minimal value if remedial action is unexplained or weak.

The Section 7 consent order, perhaps more than any other form of litigative settlement, is studied by nonparties and used as a guide to future action. Time after time, I have sat at meetings, read briefs or heard appeals in which respondent's counsel have contended that the Commission required such and such a remedy in a particular consent matter and, therefore, should require the same remedy in the matter under review.

Is the recent Procter & Gamble settlement meant to serve as a guide? Does the Commission now advocate a "one-large-bite-at-the-apple" approach concerning product extension conglomerates? I hope not. Perhaps, in view of today's merger movement and the recognition by the responsible agencies of their obligation to reduce the uncertainty of the application of Section 7, we should reconsider the urgings of a number of scholars and make known the "whys" and "wherefores" of settlement actions.[24]

At this stage of the conglomerate merger movement, cases should be litigated. The Commission's views should be derived from comprehensive trial records and then evaluated by the courts. In accepting consent settlements, the Commission, at this point in time, decrees remedy *ad hoc* on bases which are vague, obscure and idiosyncratic.

In conclusion, it is time that we concerned with antitrust face up to realities. Myths, in the abstract, are acceptable. Some have charm. Most have romance and all have entertainment value. But the fact is they do spring from the darker recesses of the mind and they hardly represent man's intellect at its best. They are a product of fear of the unknown, and while the antitrust laws get pretty abstruse at times, I would not expect the more knowledgeable practitioners to substitute myth for hard study and thought.

THE HERBERT HOOVER BOYS CLUB OF ST. LOUIS—DEDICATORY ADDRESS BY HON. JAMES A. FARLEY

Mr. SYMINGTON. Mr. President, in St. Louis yesterday it was my privilege to attend the dedication of the Herbert Hoover Boys Club, named in honor of the 31st President of the United States, that able and patriotic humanitarian, Herbert Hoover.

In addition to his high office of President, Mr. Hoover was chairman of the Boys Club of America from 1936 to 1964.

The Herbert Hoover Boys Club of St. Louis was conceived and carried out by its president, Richard H. Amberg, publisher of the St. Louis Globe-Democrat, and was also made possible through the civic understanding and support of Col. August A. Busch, Jr., former owner of the baseball stadium on which the boys club is being built.

The dedication service, attended by both of President Hoover's sons and their wives, Mr. and Mrs. Herbert Hoover, Jr., and Mr. and Mrs. Allan Hoover, was honored by a message from the President of the United States, the Honorable Lyndon B. Johnson; and also from a former President, the Honorable Harry S. Truman, to Mr. Amberg.

The dedication address was made by one of the leading citizens of the United States, former Postmaster General James A. Farley, who for many years worked with Mr. Hoover as a member of the Hoover Commission.

I ask unanimous consent that the messages from President Johnson and former President Truman, along with the superb address by General Farley, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 18, 1967.

MR. RICHARD H. AMBERG,
President, Herbert Hoover Boys Club, St. Louis, Mo.:

Herbert Hoover's service to his country spanned nearly half a century. His memory and example continue to inspire living generations.

Although he was the 31st President of the United States, he belongs not merely to us, but to all mankind. He was known as the great humanitarian. His concern for the well being of millions of human beings around the world knew neither partisanship nor nationality.

He was a wise, gentle, and tolerant man whose faith in the ultimate perfectibility of man never wavered, and who struggled all his life for the cause of peace and justice.

It is my hope and belief that the Herbert Hoover Boys Club will encourage thousands of young men of future generations to follow his footsteps.

Sincerely,

LYNDON B. JOHNSON.

MR. RICHARD H. AMBERG,
President, Herbert Hoover Boys Club, St. Louis, Mo.:

Thank you for informing me the Herbert Hoover Boys Club in St. Louis will be formally dedicated on June 18th.

I know of nothing that could have brought deeper satisfaction to my good and respected friend Herbert Hoover than to have this project come into being in his name.

President Hoover's devotion and interest to the causes of boyhood is historic as was his humanitarian concern about the plight of the hungry and suffering of all nations.

Sincerely yours,

HARRY S. TRUMAN.

DEDICATORY ADDRESS BY HON. JAMES A. FARLEY, HERBERT HOOVER BOYS CLUB OF ST. LOUIS, JUNE 18, 1967

It was extremely kind of you to invite me here today. There is no citizen in our broad land who would not be honored by an invitation from its most distinguished citizens.

But, in a larger sense, I regard your invitation as a summons, a summons to be of possible assistance in a cause which no man of conscience can ignore.

I know you will agree with me when I say that the youth of our country is more important than we are; and, by the same token, I cannot refrain from extending my warm congratulations and my heartfelt thanks—as an American citizen—for what you are doing for them.

I find it particularly fitting that this gathering is in honor of the late President Herbert Hoover, who gave so much of himself to this cause. And I particularly welcome this day because it gives me an opportunity to say something I have wished to say for a long time.

President Herbert Hoover and I belonged to two different political parties. President

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prospective merger in food retailing. Conditions inevitably change with time and circumstances. On the other hand, businessmen contemplating mergers have a right to know whether particular mergers are likely to be challenged by the Commission and, perhaps, be forcibly undone after years of expensive litigation. This is not to say that what is set forth below in any way respresents prejudgment by the Commission concerning the way in which it will rule in particular litigated cases. On the contrary, the following expressions of the Commission's characterization of particular organizational developments in the industry, and their probable competitive consequences, represent the Commission's current knowledge of these matters as revealed by its own experience in various litigated cases, information received from a recent survey of leading food distributors, and on authoritative studies of others, particularly those of the National Commission on Food Marketing."

[20] Federal Trade Commission, "Commission Enforcement Policy with Respect to Mergers in the Cement Industry," January 3, 1967, p. 2.

[21] Federal Trade Commission, Staff Economic Report on "Mergers and Vertical Integration in the Cement Industry," April 26, 1966.

[22] *Id.*, p. 9.

[23] Reilly, *op. cit.*

[24] See, e.g., Phillips, *The Consent Decree in Antitrust Enforcement*, 18 Wash. and Lee L. Rev. 39, 54 (1961); Goldberg, *The Consent Decree: Its Formulation and Use*, 70 (Mich. State University Press 1962).

Hoover and I, I believe, subscribed to two different approaches to the theory of government. The political scientists have bestowed much effort in recording and analyzing these differences. But they have, it seems to me, overlooked the most important factor, and that is the things which they have in common.

I hate to disturb the learned fraternity but I do hope that it will be mentioned if only as a footnote that President Hoover and I were fellow Americans, very good friends and regarded any differences between us as insignificant as measured against our common heritage as Americans.

The late Chief Justice Vinson declared that Americans might well have many loyalties, but the single, supreme loyalty, above all others, must be to these United States of America. I subscribe to this. I believe this single, supreme loyalty to be the best of Americanism. If this be the test, President Herbert Hoover was one of the greatest Americans in our history, for no man loved his country more and no man made greater effort to serve it.

It was my very great privilege to serve with him on the historic Committee to reorganize the Government—by appointment of President Eisenhower. His magnificent mind was its guiding light. His prodigious effort was its example, but it was his noble heart which was its inspiration. I was most gratified that you asked me here today because I wanted to pay tribute to the great qualities of this great man. But, again, in a larger sense, mere words can only note them; it is you people, and particularly Mr. August Busch, who have done so much to make it possible and Mr. Richard Amberg who conceived and energized this great living tribute.

President Hoover and I became warm friends. I am confident that nothing would have pleased him more than the naming of this St. Louis Boys' Club in his honor. For so dedicating it, I thank you deeply as an American and as his friend.

There are two axioms which make a great impression on me. One is that a cynic is a man who knows the price of everything and the value of nothing. The other is by Goethe, the German poet, who said, "Pray tell me of your convictions for I have doubts enough of my own". So, If I may, I should like to tell you of one of my fundamental convictions. This is not easy for there are those who mock both sentiment and feeling. I take that risk to tell you what this Herbert Hoover Boys' Club means to me. Soaring over this great city is a vast and beautiful arch of St. Louis, Gateway to the West. You, Mr. Busch, Mr. Amberg and your associates have built a great spiritual arch which might well be called the Gateway to the Heart.

It cannot fail for it is well said that what comes from the heart goes to the heart. Thousands of little boys, for generations to come, will enjoy these magnificent facilities. That will be very good for their bodies. But what is far more important is that they will know that you people loved them enough to make this possible and that is indispensable to the soul. I know you will not think I demean this magnificent building when I say that in a time of great cynicism the most hard-headed, successful and effective men of a great city stand up in unison and declare that you have no more important business than a little boy. Sir Winston Churchill, certainly a conservative, declared, "I can conceive of no better instrument for a nation than to put a bottle of milk in a baby". I think the Busch-Amberg formula is superior. That is, to put the same love in a little boy's heart.

I am just old-fashioned enough to believe that our Gross National Product means nothing if it is at the cost of the Gross National Neglect of our children.

It is only two short years ago that the idea for the establishment of the Herbert Hoover Boys' Club was conceived by our friend Dick Amberg, and a few of his close associates.

It all came about because of their great concern for the thousands of youngsters who live in this area of your city. These youngsters literally had little or nothing to do in their spare time and no place to go where they could find wholesome recreation and stimulation.

Knowing of the great contribution Boys' Clubs have made and are making today in many communities across this land and in developing the skills, attitudes and aptitudes of thousands of youngsters so they grow up into productive citizens, it was natural that this group of outstanding citizens should think in terms of starting a Boys' Club like this that historically has concerned itself with meeting the needs of less privileged boys.

It was less than a year ago, too, that your and my good friend, August Busch, conceived the idea of establishing the Boys' Club on the grounds of Sportsman's Park. What finer place could there be to locate this Boys' Club, here, where youngsters for years to come will be associating themselves with the fine characteristics and ability of former Cardinals as they play ball or take part in other activities on the field used for years by so many of your baseball immortals.

There is no doubt that this great Boy's Club will be one of the outstanding Clubs in the country as it joins the national family of some 725 such Boys' Clubs that are members of the Boys' Clubs of America, from coast to coast, all of them providing wholesome and stimulating activity to over 800,000 boys.

It is most appropriate that the Club should be named the Herbert Hoover Boys' Club as Mr. Hoover, Chairman of the Board of Boys' Clubs of America for some 29 years guided the national organization to a position of prominence and usefulness throughout the country. All of us who worked with him were inspired by his leadership. The many things he did for Boys' Clubs will ever remain in the annals of Boys' Clubs' history.

Mr. Hoover had a great belief in Boys' Clubs, which is well illustrated by his favorite saying that "outside the church, the school and the family Boys' Clubs are the greatest character building organizations in our country today".

Many times he said that the Boys' Clubs build "juvenile decency". In the many communities where there are Boys' Clubs there is ample proof to bear this out. Wherever a Boys' Club is established juvenile delinquency drops markedly.

As you look around today, you see not only a fine, beautiful building but one which has been well planned for economical operation. It will provide the working tools your staff will need to help these youngsters to a better life.

I congratulate you, all of you, who have taken part in making this building possible. I congratulate your President and the Board of Directors on the vision they have had in planning this building so that it will serve so many boys in this part of St. Louis.

And, I congratulate you, too, on the fine staff of men who are already preparing to give of themselves to these youngsters as soon as your doors are open. With all of these tools to work with I am sure they will be in a position to help these boys to the fullest.

A great deal of the future success of this Boys' Club here will continue to depend on you as volunteers, as it will also on the generous support your United Fund is already planning to give it as one of its member agencies to the total spectrum of the social welfare picture of your great city.

This building we are dedicating today will shortly be completed and will be in full operation. This, in fact, is just the beginning of an exciting adventure which you are launching into, to help several generations of young Americans grow into loyal, dependable citizens who, while at the Boys' Club, will have learned to believe in some of our old-fashioned virtues of hard work, fair play and respect for the rights of others. They will learn about our heritage and develop a loyalty to the institutions that have made this country great.

I have been reminded that boys will undoubtedly be inspired by the fact that great ball players trod this field. Just think of the boys who will be playing here on the same field as Dizzy and Paul Dean, Jim Bottomley, Frankie Frisch, Joe Medwick, Pepper Martin, Stan Musial, Joe Garigiola, Lou Brock, Curt Flood, Mike Shannon and Orlando Cepeda, their present Manager, Schoendienst, and many others too numerous to mention. Think of how much inspiration and encouragement this will give them.

I also know it isn't necessary to remind this gathering that Yogi Berra is a product of St. Louis baseball lots. During his many years as a member of the Yankee teams he made a great contribution to the success of that organization during its greatest years. He broke many records and was one of the greatest catchers and competitors baseball has ever known. Like Babe Ruth, who has passed on, and your own Stan Musial, Yogi Berra is a legendary figure in his own time—which comes to few men in America in any field of effort. There has never been a more popular player in baseball—with the fans and with the sports writers than Yogi Berra—and he has earned it because of his playing and the manner in which he conducted himself on and off the field.

The stories about baseball have never ended and never will while there are men of heart, like Mr. Busch and Mr. Amberg and their associates.

You have seen fit to honor President Herbert Hoover today. But you also honor another man who said suffer little children to come unto me.

You will or have caused a magnificent building to be erected but far more important and as an American citizen—on behalf of my country—I wish to thank you for casting—out of the kindness of your hearts—bread upon the waters—for generations to come; and may God in His Infinite Wisdom and Goodness of His Heart return it to you, to yours and our country—a thousandfold.

Your challenge is great and I predict that soon you will be reaching out in other areas of St. Louis to extend your services to many more needy boys.

As you move forward, I wish you godspeed and good luck in your endeavors.

ASU, COLLEGE WORLD CHAMPIONS

Mr. FANNIN. Mr. President, I want to take this opportunity to offer my congratulations to the Arizona State University baseball team, which last night won its second NCAA baseball crown in 3 years. The Sun Devils, who represented the Western Athletic Conference—WAC—in the world series in Omaha, defeated Houston 11 to 2 in the final game.

The victory was an outstanding achievement for a gifted, highly successful coach, Bobby Winkles, who repeatedly brought his team back from the verge of defeat during the regular season. But as Coach Winkles would be the first to acknowledge, the championship is less important as a personal accomplishment than as a team effort—a tribute to a group of young men who literally refused to accept defeat. And they deserved to win. Twice during the series they defeated Stanford, the Nation's top-rated college baseball team going into the tournament.

Of late, it has become fashionable in some sport circles to bemoan the downfall of minor league baseball and to predict an equally dismal future for the major leagues, which, the argument goes, will have nowhere to turn for talented players: The Ruths, the Fellers, the Deans, the Robinsons, and the Mays who have made baseball America's No. 1 spectator sport. I personally reject this argument. If it is true that the minor league system is less vibrant now than it once was, and the Phoenix, Ariz., Giants do not support that conclusion, it is likewise true that collegiate baseball is far better than ever before, and will produce many if not most of the future all-stars.

We live in an age when most athletes, like most other high school graduates, go on to college before beginning their chosen career. And while it obviously will not cancel the need for a good minor league system, college baseball can be counted on to make an increasingly greater contribution, quantitatively and qualitatively, to the professional ranks.

The young men who represented Arizona State University at Omaha, in fact, all the young men who took part in the 21st College World Series, are the stars of tomorrow. And because they are, the future of major league baseball remains bright.

I congratulate them.

VIETNAM—ULTIMATE SOLUTION

Mr. SYMINGTON. Mr. President, there is no secret about the fact some of us are becoming increasingly interested in the purposes, progress, and possible ultimate solution incident to the war in Vietnam.

In this connection, I ask unanimous consent that excerpts from a thought-provoking article entitled "Letter from South Vietnam," written by Robert Shaplen, and published in the New Yorker magazine of June 17 be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

> The war here is now in its most crucial stage since the spring and summer of 1965, when an American counter-offensive averted military disaster and, very probably, a quick Communist takeover.
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> While there are Americans who believe that we cannot give up the fight and that we still have a good chance of winning it, others, including some who have been here the longest, feel that even as we get more tied up in large-scale fighting, in shoring up the country economically, and in the intricacies of administering the pacification—or, as it is now known, Revolutionary Development—program in the countryside, our chances of permanently redressing the situation are declining.
>
> Many of these same Americans, whose identification with Vietnam has been a passionate one and who have on many previous occasions advocated a more thorough and thoughtful involvement on our part, are now beginning to think it is too late, that too many earlier political opportunities have been irrevocably lost, and that the whole effort has become too big, too preponderantly military, and too costly.
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> What is undeniably taking place under the massive impact of the American military and economic effort is a kind of denationalization process. A number of my oldest Vietnamese friends have repeatedly mentioned this to me in worried tones, and have lamented the fact that the "real nationalist"—those who have been neither pro-Communist nor pro-government—are being steadily demoralized, and that increasing numbers of them are cynically involving themselves in corruption, withdrawing into private spheres, or, more seriously, are wittingly or unwittingly coming under Vietcong influence.
>
> Behind this predominantly negative mood is the realization that the war, which has now cost eleven thousand American lives, is far from being won militarily—if it ever can be—while the rate of progress in Revolutionary Development is still much too slow.
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> Under (Ambassador) Bunker's reorganization, the functions of O.C.O. will be taken over by a new division of Civil Operations and Revolutionary Development Support. In each corps area, there will soon be a brigadier general who will be specifically responsible for pacification, and the former O.C.O. people will report through him to Deputy Ambassador Robert Komer, who is assigned to Westmoreland's headquarters. Undoubtedly, from a managerial standpoint, this setup will make things simpler, but the new system, its critics maintain, seems equally likely to make Revolutionary Development more mechanistic—another sign of the enveloping bigness of a war in which the individual villager, the man everyone presumably wants to help, is increasingly lost in the shuffle.
>
> It seems hard to believe that after so many years and so many experiments in this vital field of reform, from the old strategic-hamlet program of the Ngo Dinh Diem regime to the present scheme, the problem of simultaneously providing the villagers with economic help and proper protection, as well as that elusive factor, revolutionary motivation—should still be so far from solved. The nub of the Revolutionary Development program, and its greatest weakness so far, has been security, and a big reason for turning the program over to the Army was the hope that this aspect might be improved.
>
> Primarily, security means furnishing protection for the fifty-nine-man Revolutionary Development teams and for the people of the hamlets in which the teams are working. Until now, the force responsible for providing security has been the regular Vietnamese Army (ARVN—Army of the Republic of Vietnam), sixty of whose battalions, or about half its total strength of three hundred and thirty thousand, are specifically assigned to this task. Actually, many of the six hundred R. D. teams now out working in the countryside are down to forty members or less because of the failure of the Vietnamese troops to protect them satisfactorily. In addition to team members who have been killed or kidnapped by the Vietcong, there have been many who have deserted.
>
> The Revolutionary Development teams, while they still lack experienced cadremen and what one expert calls "intellectual guidance," have been far ahead of ARVN in point of training and esprit de corps, but though the members of the teams are all armed—thirty-six of the fifty-nine men are specifically assigned to paramilitary duties—there are obviously not enough to defend the hamlets and at the same time develop them socially and economically.
>
> Many observers doubt that ARVN can ever perform the security job satisfactorily, partly because it doesn't really want to, considering it a demeaning and secondary function, and partly because the villagers have little faith in the good will of the troops, with their record of frequent misbehavior, including mistreatment of women and stealing.
>
> At present, some seventy mobile teams of Americans and Vietnamese are giving the ARVN battalions assigned to the task of R. D. protection a two-week training course, designed to each them the rudiments of their responsibilities. It seems unlikely, though, that in a contest against a ruthless and subtle enemy who has devoted years to agitation and propaganda two weeks will be sufficient to indoctrinate troops to provide care and protection for people who are strangers to them anyway; ARVN troops usually serve in areas far from their own homes, and though, if they are married, their families travel with them, they are naturally, more interested in feeding and protecting their own wives and children than others. The Americans have not, over the thirteen-year period since the French withdrawal in 1954, been able to remold ARVN into an efficient fighting force with a proper attitude toward what is generically called civic action, so there is no reason to suppose that the job can be accomplished now. Furthermore, the calibre of American advisers, which was excellent in 1962, is not as good today, chiefly because our primary function now is to fight, not advise—though General Westmoreland and his new deputy, General Creighton Abrams, a former Vice Chief of Staff of the Army, intend to strengthen the advisory echelon and perhaps bring back some of the best of the 1962 group, if they can be reassigned.

AMERICAN CITIZENS FAVOR RATIFICATION OF U.N. HUMAN RIGHTS CONVENTION—XCI

Mr. PROXMIRE. Mr. President, polls have shown that nearly six out of 10 Americans think that the United Nations has averted a third world war. In one recent opinion sampling 82 percent said that the U.N. effectively promotes peace; and 93 percent favored continuing U.S. support of the world organization.

Community observances of the United Nations 20th anniversary in 1965 were supported by the proclamations of 48 Governors and 1,800 mayors. The same year more than 90 national voluntary organizations sponsored United Nations Day observances and educational programs about the United Nations. More than 900,000 Americans visit the United Nations headquarters each year.

From these few statistics, it seems obvious that the American people are concerned about the U.S. involvement in the United Nations. There is strong reason to assume that the American people are vitally concerned about this body's failure to ratify the human rights conventions. For peace, in the last analysis, is most assuredly a matter of human rights.

The general public and such interested groups as the 51 distinguished national organizations which comprise the Ad Hoc Committee on the Human Rights and Genocide Treaties, have let themselves be heard. I myself have received literally scores of letters from concerned Americans in over 30 States, affirming the writers' support for my efforts to win Senate ratification of the human rights conventions.

I reaffirm that message today. The time is right, and the citizens of the United States have made known their concern. We should ratify the Conventions on Slavery, Forced Labor, Political Rights of Women, Freedom of Association, and Genocide now.

BUNDESBANK GOVERNOR HOPES FOR MONETARY REFORM PRINCIPLES IN SEPTEMBER

Mr. HARTKE. Mr. President, Otmar Emminger is governor of Germany's Bundesbank, the equivalent of our Federal Reserve. He is also chairman of the so-called Group of Ten, the world body actively working with the problem of international monetary reform.

In September at Rio de Janeiro there will be held a meeting of the IMF governors to explore these problems further. In a recent interview with the economist and columnist, Eliot Janeway, Mr. Emminger set forth reasons for hope that "the principles for a new international reserve system can be submitted" at this meeting.

I ask unanimous consent that this interview, containing the opinions of this eminent German leader in international monetary consultations may appear in the Congressional Record.

There being no objection, the interview was ordered to be printed in the Record, as follows:

(By Eliot Janeway)

New York, May 24.—The workability of international monetary arrangements is second only to Viet Nam on the list of priorities challenging the responsibilities of world statesmen. And the more Viet Nam costs America, and the greater the resultant strain on the dollar [which the world is still counting on to do double duty not only as America's currency, but as its principal means of settlement for international transactions], the more urgent the question of monetary modernization is bound to become.

Of all eminent students of the subject, none commands more respectful attention at the level of decision-making than Germany's bundesbank [federal reserve] governor, Otmar Emminger, chairman of the "Group of Ten" now actively working on the problem. An interview with him follows:

"Janeway. What is the current state of the German economy?

"Emminger. The German economy has been in a recession since the autumn of 1966—a recession which, in absolute terms, is really quite mild. It is the first post-war recession, however, in which expansion has actually come to a stand-still. Although the statistical time lag makes evaluation difficult, it is my opinion that we probably passed through the trough in April. So far, at any rate, the unemployment peak, seasonally adjusted, has been only 1.9 per cent.

"Recently some people, including trade union spokesmen, criticized the bundesbank for doing too little to deal with the situation. But the bundesbank does not believe that the situation warrants the alarm that was expressed in some quarters.

"Janeway. What has been the major consideration in the formulation of German monetary policy over the last six months?

"Emminger. The monetary policy of the bundesbank has been geared to the domestic economic situation—the recession—but was helpful also to the outside world, especially to the United Kingdom. Since December, 1966, we have moved to make money easier every few weeks, lowering the discount rate four times to its present level of 3 per cent and increasing the liquidity base of the economy.

"Janeway. What is your view of Germany's economic prospects?

"Emminger. The downturn should not continue much further; but I don't look for a very vigorous upturn in the immediate future. First, as a result of the long investment boom, we have overcapacity in a number of industries. Second, in some key sectors—notably coal and steel—there are structural difficulties which have existed for some years and cannot be expected to vanish overnight.

"Third, we have reached a temporary saturation point in some areas of construction, especially residential housing; the German population is now stagnant.

"Fourth, Germany no longer has a net inflow of labor. At most, therefore, the real rate of growth of the German economy will be 3½ to 4¼ per cent.

"Janeway. What is the role of the French in the current discussions on monetary reform?

"Emminger. It is in all countries' interest to keep the French involved. This is, of course, of special importance for the other member countries of the Common Market. And, while some commentators have speculated that the Germans went over to the French side during the recent Munich meeting of finance ministers of the Six, we have yielded only on the form of a future new reserve instrument while the French have made important concessions; these give us hope that the principles for a new international reserve system can be submitted to the September meeting of the IMF governors.

"Janeway. What do you think of recent statements by two leading American banks on United States gold policy?

"Emminger. I consider the idea that the United States should stop selling gold to be harmful to the international monetary system and hence also to themselves. These statements have caused some astonishment in Europe. We are confident, however, that neither the federal reserve nor the treasury would go along with them."

ADDRESS BY HON. HAROLD E. STASSEN TO UNITED NATIONS ASSOCIATION

Mr. COOPER. Mr. President, on Friday, May 26, the Honorable Harold E. Stassen spoke in Washington to the United Nations Association of the United States of America.

In his notable speech, he called attention to the many problems which affects our country. One of the most interesting and timely was his comment on the divided countries of the world and their influence against the establishment of peace. He speaks of the strengthening of the U.N. decisions to quiet down the areas which threaten war, and the priority of humanitarian actions.

It is a very stimulating and inspiring speech, and I know that the Members of the Congress and the people of our country will read it with great interest.

I ask unanimous consent that it be inserted in the Congressional Record.

I also ask for inclusion of an article which appeared in the Christian Science Monitor on Thursday, June 1, entitled "Stassen Proposes U.N. Pathway to Peace in Vietnam."

There being no objection, the speech and article were ordered to be printed in the Record, as follows:

Address of Harold E. Stassen to the United Nations Association of the United States of America at the World Health Organization Headquarters, Washington, D.C., May 26, 1967

In responding to your invitation to speak to you today, may I begin with a word of appreciation and commendation for the constructive and persistent work which you and your associates in other cities have performed in supporting the United Nations. Your organized volunteer efforts have been of significant service to the cause of peace. Your devotion and contribution have been in the best tradition of a free citizenry engaged in vital issues.

But let me turn to speaking forthrightly of my deepest concerns at this hour.

There is an urgent need to modernize and strengthen the United Nations, if it is to serve its prime objective "to save succeeding generations from the scourge of war".

And there is an urgent need to end the Vietnam War in an honorable and just manner.

I am convinced that these two urgent needs can be met together through an intelligent and desirable course of action. Furthermore, these two urgent needs cannot be fulfilled separately. They are intertwined.

We must together break out of the stubborn deep ruts of current thinking and lift to a new clear analysis of the path of peace in Vietnam and in the world.

This is not an easy process. As an example, for many years our country was in the dark groove of isolationism. Lifting out of isolationism and establishing the beginning of the United Nations and the opening of expanding worldwide trade was a difficult move. But almost everyone can now see how essential was this change.

Now we are caught in a notion of world segregationism, world segregationism toward the divided countries of North Vietnam, Mainland China, East Germany, and North Korea. We are harboring the costly illusion that American military might should maintain this unsound world segregationism. As a consequence, we are engaged in a bitter bloody unending War in Vietnam. As a consequence, we see the beginning of neo-Fascism in Germany. As a consequence, we delay and handicap the evolution of these peoples toward their own freedom. As a consequence, we continually intensify the danger of a future world war of indescribable horror for ourselves and for all humanity.

We must think anew of the world as it is in this modern space-nuclear age. We must recognize that this is verily one world with one humanity. We must realize that if the United Nations is to have a real chance to build for peace it must become truly worldwide, with eligibility for all peoples, whatsoever may be their contemporary form of government, so long as the governments take the obligations of a revised and strengthened Charter. This means specifically that two Vietnams, two Chinas, two Germanys, and two Koreas would be eligible for membership in the United Nations. This means the differences of systems and governments would be moved to competition and controversy within the United Nations for the current period of history, rather than to war.

There is neither historic nor logical bar to such a step. Even as there are currently two Irelands; three Scandinavian countries named Sweden, Denmark and Norway; two North American former British colonies, Canada and the United States; and numerous separate African states which were former colonies; so there are now in fact and can continue to be formally, for the contemporary period, two Vietnams, two Chinas, two Germanys and two Koreas.

A United States initiative, open, creative and sustained, toward such a truly worldwide United Nations is one of the crucial elements for peace in Vietnam. The method of fulfillment will be through a convention to rewrite the United Nations Charter, but the beneficial effects can be immediate upon taking the initiative.

Each passing month will make it more and more evident that the American War drive in Vietnam will not lead to a solution. Such escalation of war will only add to the tragedy and sharpen the peril.

May I make it clear that I do not speak as a dove or as a hawk. In fact, I believe we *need less of doves and less of hawks and more of peacebuilders and more of peacemakers!*

I do not speak in a partisan sense. I am well aware that there are very divergent views within both of our political parties.

I speak with respect for those with different views and with recognition of their sincerity.

But I do speak earnestly and emphatically. I do speak out of extensive experience and long and continuing study.

I am confident that I know the path of peace in Vietnam.

It is not the road on which our country is now travelling and has travelled in the past 27 months in Vietnam.

It is not the way of withdrawal or of weakness or of surrender or of appeasement.

The path of peace in Vietnam will be made up of four essential inseparable parallel courses of action.

1. An open major United States initiative to modernize and strengthen the United Nations through rewriting the Charter so that all peoples are eligible for membership whose governments will take the obligations of the New Charter, and thus including two Vietnams, two Chinas, two Germanys, and two Koreas within the United Nations, and also to improve the United Nations in a comprehensive manner as the peacebuilder and peacemaker.

2. Deescalate and quiet down the Vietnam War; end the hunter-killer drives through the jungles; stop the bombing except in defense against attack; deliberately aim at the minimum of casualties for ourselves and for the Vietnamese; maintain a powerful military presence in Vietnam; and do each of these through unconditional decisions of the United States.

3. Give top priority to an extensive program in the educational, economic, and social fields for the future wellbeing of the Vietnamese people, and especially of the youth and the children of Vietnam, using the major resources which will be saved through quieting down the War.

4. Keep the United States very powerful and very alert, ready for any threat of War, and hold that military strength under firm moral restraint.

It may be constructive to try to place very short labels on each of the four. I would suggest:

1. A call for a truly worldwide United Nations.

2. A decision to unconditionally quiet down the War.

3. A priority for humanitarian action.

4. A maintenance of a very powerful alert United States of America acting with moral restraint.

It is my view that these four really involve the direct extension of the policies of restraint with strength for peace followed by both President Kennedy and President Eisenhower.

It seems quite clear that in the initial decision by President Johnson in February 1965 to begin American bombing throughout Vietnam, and to order the American ground combat in extensive hunter-killer drives through the jungles and over the mountains, the justification was that this process would bring about negotiations with the North Vietnamese for the ending of the Vietnamese problem.

Now that it has become very clear that this course of action was mistaken; that this Americanizing of the Vietnamese struggle and this escalation of the War brought a response of escalation and did not bring about negotiations; the Administration has advanced a new explanation for their failure to obtain the results which they had predicted.

The new claim now is that the dissent in the United States has been misinterpreted by the Government at Hanoi and has caused them to hold back from negotiations which otherwise they might have been brought about to conduct.

This again is an erroneous analysis of the situation. It is my view, based on long experience and thorough study, that *there are three basic reasons why the North Vietnamese Government has not engaged in negotiations with the Johnson Administration.*

First and foremost is the fact that they know that no country, not even the United States, can conquer and hold the vast dense jungles of Vietnam, and these jungles are their home and their haven.

Second, the Government at Hanoi has never been made a proposal which could be acceptable to them, since they have never been made a proposal which would include within it the recognition of their own sovereign entity with full rights for participation within the United Nations.

Third, no proposal has ever been made which takes realistic and intelligent account of the position of the Communist Government of Mainland China.

Thus, I reemphasize the key approach that the United Nations must be modernized and strengthened so that it becomes truly worldwide in universal eligibility for representation of all peoples, whatsoever may be their current form of government. This is one of the four indispensable elements of the path of peace.

I am engaged in an extensive endeavor to move the President and his Administration in this direction; to also move my political party toward these policies; to focus the interreligious and interfaith leadership upon these measures; and to convince and mobilize public opinion.

I am encouraged that we are beginning to make progress.

I invite your assistance, individually and as an organization, in setting our nation on this path of peace in Vietnam and in the world.

I am hopeful that we can make a significant contribution to peace with justice in the years ahead for all humanity on this earth under God!

[From the Christian Science Monitor, June 1, 1967]

Stassen Proposes U.N. Pathway to Peace

(By Godfrey Sperling, Jr.)

Washington.—A former presidential candidate and close associate of President Eisenhower, Harold E. Stassen, says he is convinced that if Mr. Eisenhower were president today "the country would not be involved in the war in Vietnam."

Mr. Stassen says that "from working closely with Eisenhower" he is certain the former President possessed a rare decision-making quality particularly evident in making foreign policy.

"Historians are already upgrading Eisenhower," said Mr. Stassen, "in light of the great problems in foreign policy that have come up since he was President."

"There was a tendency to depreciate those eight years of the Eisenhower presidency," the former three-time Governor of Minnesota said in an interview here. "But now this attitude is changing."

"John Foster Dulles also looks better all the time," he continued. "But I feel that historians will see that this was Eisenhower's policy—not Dulles's. The crucial decisions were made by Eisenhower, usually after an important discussion with the Security Council.

"As I was able to observe it his judgment factor was awfully good."

U.N. STRESSED

Mr. Stassen helped lay the groundwork for the nuclear-test-ban treaty; (he was President Eisenhower's disarmament adviser and negotiator from 1955–58). Earlier, he had played a role in setting up the United Nations (he is the last living member of the seven-member group that signed the original UN Charter for the United States).

He had this to say about the Vietnam conflict:

The only way to "reverse the tragic course" is to use the UN as a means of bringing Hanoi to the conference table.

"The path to peace in Vietnam, as I see it," he said, "lies in four essential, inseparable, parallel courses of action.

"First, there should be an open, major United States initiative to modernize and strengthen the United Nations through rewriting the Charter so that all peoples are eligible for membership whose governments will take the obligations of the new charter, and thus including two Vietnams, two Chinas, two Germanys, and two Koreas within the United Nations, and also to improve the UN in a comprehensive manner as the peacebuilder and peacemaker."

INIATIATIVE URGED

Here Mr. Stassen added that he didn't anticipate acceptance of this proposal from the nations involved. "Not at first," he said. "But you have to work on these things. Remember Trieste. And there are lots of other examples. But there must be a beginning, and the United States would gain a diplomatic initiative by making this proposal."

Continuing:

"Second, deescalate and quiet down the Vietnam war; end the hunter-killer drives through the jungles; stop the bombing except in defense against attack; deliberately aim at the minimum of casualties for ourselves and for the Vietnamese; maintain a powerful military presence in Vietnam; and do each of these through unconditional decisions of the United States.

"Third," he said, "give top priority to an extensive program in the educational, economic, and social fields for the future wellbeing of the Vietnamese people, and especially of the youth and the children of Vietnam, using the major resources which will be saved through quieting down the war.

"And finally," he said, "keep the United States very powerful and very alert, ready for any threat of war, and hold that military strength under firm moral restraint."

STRATEGY CRITICIZED

"It is my view," he said, "that these four proposals really involved the direct extension of the policies of restraint with strength for peace followed by both President Kennedy and President Eisenhower."

Mr. Stassen said, "it seems quite clear" that in the initial decision by President Johnson in February, 1965, to begin American bombing throughout Vietnam and to order the American ground combat in extensive hunter-killer drives throught the jungles and over the mountains, "the justification was that this process would bring about negotiations with the North Vietnamese for the ending of the Vietnamese problem.

"Now," said Mr. Stassen, "that it has become very clear that this course of action was mistaken—that this Americanizing of the Vietnamese struggle and this escalation of the war brought a response of escalation and did not bring about negotiations—the administration has advanced a new explanation for their failure to obtain the results which they had predicted.

"The new claim now is that the dissent in the United States has been misinterpreted by the government at Hanoi and has caused them to hold back from negotiations which otherwise they might have been brought to conduct. This again is an erroneous analysis of the situation."

HANOI STAND PROBED

Mr. Stassen said he thinks there are three basic reasons the North Vietnamese have not engaged in negotiations:

"First and foremost is the fact that they know that no country, not even the United

States, can conquer and hold the vast dense jungles of Vietnam, and these jungles are their home and their haven.

"Second, the government at Hanoi has never been made a proposal which could be acceptable to them, since they have never been made a proposal which would include within it the recognition of their own sovereign entity with full rights for participation within the United Nations.

"Third, no proposal has ever been made which takes realistic and intelligent account of this situation.

A BILL TO SETTLE THE CLAIMS OF ALASKA NATIVES

Mr. GRUENING. Mr. President, last Friday I introduced in the Congressional Record a bill entitled "To settle the land claims of Alaska natives, and for other purposes," and made some comments on the bill which has been submitted by the Department of the Interior. I ask unanimous consent that the text of the bill (S. 1964) be printed at this point of my remarks.

There being no objection, the text was ordered to be printed in the Record, as follows:

S. 1964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 355(c)), is amended to read as follows:

"Sec. 3. (a) The Secretary of the Interior is authorized to grant in trust, subject to valid existing rights, to each tribe, band, clan, village, community, or group of natives in Alaska, hereinafter referred to as a group of natives, upon his own initiative and without application, title to the village site or sites now occupied by such group of natives if not otherwise patented and if not withdrawn for purposes unrelated to native use or the administration of native affairs. The Secretary is further authorized, subject to valid existing rights, to grant title to such additional lands within the environs of such site or sites as would contribute significantly, in the judgment of the Secretary, to the livelihood of the community, taking into account such factors as population, economic resources of the group, traditional way of life, and the nature and value of the land proposed to be granted. Such grant may include a grant of title, subject to valid existing rights, to noncontiguous lands being used and occupied by such natives for burial grounds, airfields, water supply, hunting and fishing camps, and dock or boat-launching sites that are not withdrawn for other purposes: *Provided,* That the provisions of this sentence and the provisions of subsection (b) of this section shall not apply to groups of natives who are beneficiaries of the judgment recovered by the Tlinglit and Haida Indians in Court of Claims docket numbered 47,900. The Secretary is authorized to make any grant subject to easements for public use or benefit. In no case may the grants of land to a single grantee under this section exceed fifty thousand acres.

"(b) In the case of native villages within whose environs there are not sufficient additional lands in Federal ownership to permit the Secretary to make the grant of additional lands contemplated by subsection (a), the Secretary may convey other lands in lieu thereof but subject to the same conditions and limitations that apply to conveyances of land within the environs of a village.

"(c) For the purposes of this Act the term 'native' means an Alaskan Indian, Eskimo, or Aleut of at least one-fourth degree Indian, Eskimo, or Aleut blood.

"(d) Beneficiaries of the grants made pursuant to subsection (a) shall be the natives who comprised the members of the grantee upon the date of the grant, as determined by the Secretary of the Interior, together with any descendants of such members of one-fourth degree of native blood. The interest of a beneficiary shall not be transferable in any manner, either during his lifetime or upon his death. Whenever a distribution of capital or income of the trust is made to the beneficiaries, the finding of the Secretary as to the qualified recipients shall be final and conclusive.

"(e) Title to land granted pursuant to subsection (a) may be held by the United States in trust, acting through the Secretary of the Interior as trustee, or it may be conveyed by the Secretary of the Interior to a trustee selected by a group of natives by a majority vote of the members nineteen years of age and older who reside in or near the village. Any trustee selected by the natives shall be subject to approval by the Secretary. In the event a group of natives does not select a trustee approved by the Secretary within one year from the date the Secretary notifies said group of his readiness to convey title, the Secretary may convey title to the State of Alaska, with its consent, as trustee, or to any other trustee selected by the Secretary. The term of a trust established pursuant to this section shall not exceed twenty-five years, and when the trust expires it shall be liquidated in accordance with the terms of the trust instrument, or as prescribed by the Secretary of the Interior if there is no trust instrument. Prior to conveyance of a site to a trustee the Secretary shall have its exterior boundaries surveyed. This requirement for survey shall be satisfied without continuous marking of the line, but by establishment of monuments along all the boundaries, except meander courses, by electronic measurement or other means, at intervals of not more than six thousand feet, or by extension of the rectangular system of surveys over the areas claimed. Claims or selections of surveyed lands shall be in accordance with the plats of survey and those for unsurveyed lands shall, following survey, be so conformed. Land granted pursuant to subsection (a) shall be subject to the applicable laws of the State of Alaska, except that during the period of the trusteeship such land shall not be subject to State or local taxes upon real estate.

"(f) A trustee who receives a conveyance under this section shall be subject to the laws of the State of Alaska governing the execution of trusts, and shall have the powers and duties set forth in the deed of trust, including without limitation subdivision, management, and disposal of the lands, investment and reinvestment of the proceeds, and distribution of income or capital of the trust to the members of the beneficiary. In the disposal of any tract of land the trustee shall give a right of first refusal to the occupant thereof. The title to land conveyed by a trustee to a native shall be subject to the provisions of section 1 of of this Act with respect to lands conveyed to Indians or Eskimos in townsites established under section 11 of the Act of March 3, 1891 (26 Stat. 1099; 48 U.S.C. 355), as supplemented by the Act of February 26, 1948 (62 Stat. 35; 48 U.S.C. 355(e)).

"(g) So long as the lands are held by the United States in trust, the Secretary of the Interior shall have all the powers to administer the trust which he could confer upon another trustee, but he shall not be subject to the laws of Alaska governing the execution of trusts.

"(h) The Secretary of the Interior or a trustee who receives a conveyance under this section may convey without compensation to private religious, charitable, or educational institutions or organizations the land occupied by buildings or facilities owned by them on the date the trust is established, where such buildings or facilities are situated within the boundaries of the land to be granted pursuant to subsection (a).

"(i) In order to assist him in the administration of this section, the Secretary of the Interior may appoint a commission of not to exceed five members, one of whom shall be appointed from nominations submitted by the Governor of Alaska, and one of whom shall be appointed from nominations submitted by Alaska natives in accordance with procedures prescribed by the Secretary. The Secretary shall prescribe the duties and powers of the commission, the compensation to be paid to its members, provide for payment of commission expenses, including employment of necessary personnel, and provide such other assistance, within existing authorizations, as he deems desirable. The commission's duties may include the preparation of a roster of groups of natives eligible to receive grants under section 1(a) hereof, rolls of natives eligible to receive distributions of trust property under section 1(d) hereof, rolls of natives eligible to be granted a townsite lot under section 1(f) hereof, and rolls of natives eligible to vote in any election held pursuant to this Act. Before any such roster or roll is finally approved by the Secretary, it shall be published in such manner as he shall find to be practicable and effective, and opportunity shall be given to lodge protests thereto.

"(j) There are authorized to be appropriated not more than $12,000,000, to be available until expended, to defray costs of the planning, subdivision, survey, management, and disposal of lands under the provisions of this section, either directly by the Secretary of the Interior or through contract with the appropriate trustee, and to pay the expenses of the commission established under subsection (i).

"(k) At the beginning of each session of Congress the Secretary of the Interior shall report to the chairmen of the House and Senate Committees on Interior and Insular Affairs the grants made under this section and an estimate of the time needed to complete the grants. The reports may be discontinued when the grants are substantially completed."

INTERIM ADMINISTRATION UNDER PUBLIC LAND LAWS

Sec. 2. (a) The Secretary of the Interior may, subject to valid existing rights, withdraw from all forms of appropriation under any of the public land laws, including without limitation selection by the State of Alaska under the Statehood Act of July 7, 1958 (72 Stat. 339), any lands that are subject to conveyance to a group of natives pursuant to section 3 of the Act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 355(c)), as amended by section 1 of this Act. A State selection of lands that are withdrawn shall not be approved, regardless of whether the selection was initiated before or after the withdrawal.

(b) A native claim based on use and occupancy of unwithdrawn land shall not be the basis for the rejection of State selections or other applications or claims under the public land laws.

(c) Either before withdrawing lands under this section or before granting a patent pursuant to section 3 of the Act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 355(c)), as amended by section 1 of this Act, the Secretary of the Interior shall consult the Secretary of Defense with respect to the effect of the withdrawal or grant on the security of the United States.

RESERVATIONS AND RESERVES

Sec. 3. (a) The areas of lands and waters heretofore reserved and set aside for the use of the native inhabitants of Akutan, Diomede, Karluk, Unalakleet, Venetie, and Wales shall be held in trust by the United States for the benefit of the native inhabitants thereof for twenty-five years after the date of this Act, at which time the trust shall be liquidated in the manner provided for the liquidation of trusts under section 3 of the Act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 355(c)), as amended by section 1 of this Act. During the term of the trust the Secretary of the Interior shall have all of the powers granted to a trustee under section 3 of said 1926 Act, as amended. To the extent such areas are smaller than the areas that could be conveyed to them under the terms of section 3 of said 1926 Act, as amended, and lands in that immediate vicinity are available for grants under such Act, additional lands may be granted by the Secretary of the Interior under that section, but only if warranted by the economic needs of the native inhabitants. Criteria applicable to these situations shall be developed by the commission authorized by section 3(i) of said 1926 Act, as amended, and shall be made available to the Secretary as advisory recommendations.

(b) Lands held in trust pursuant to this section shall be subject to the applicable laws of the State of Alaska, except that during the period of trusteeship such land shall not be subject to State or local taxes on real estate.

(c) The various reserves set aside by Executive order or Secretarial order for native use or for administration of native affairs, including those created under authority of the Act of May 31, 1938 (52 Stat. 593), shall be revoked pro tanto by the grant of title pursuant to section 3 of the Act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 355(c)), as amended by section 1 of this Act.

(d) The trusts created by this section shall be subject to the right of the Secretary of the Interior to issue and enforce such regulations as he deems desirable for the protection of migratory birds that are protected by treaty to which the United States is a party.

(e) The Secretary of the Interior may, with the concurrence of the agency administering the land, issue to natives exclusive or nonexclusive permits, for twenty-five years or less, to use for hunting, fishing, and trapping purposes any lands in Alaska that are owned by the United States without thereby acquiring any privilege other than those stated in the permits. Such permits may contain conditions deemed desirable by the Secretary, and shall be subject to applicable State game and fish laws. Any patents or leases hereafter issued in such areas pursuant to the Alaska Statehood Act, or the public land, mining, and mineral leasing laws, may contain a reservation to the United States of the right to issue such permits and to renew them for an additional term of not to exceed twenty-five years in the discretion of the Secretary.

JURISDICTION OF THE UNITED STATES COURT OF CLAIMS

SEC. 4 (a) The United States Court of Claims shall have jurisdiction to hear and adjudicate a single claim filed within six years from the date of this Act by the Attorney General of the State of Alaska on behalf of all natives of Alaska based on the taking by the United States of any lands to which any group of such natives claims aboriginal title by reason of use or occupancy, other than lands subject to grant under section 3 of the Act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 335 (c)), as amended by section 1 of this Act. If the court determines that as of March 30, 1867, any group of natives had aboriginal title through use or occupancy of any such lands, the aboriginal title shall be regarded as taken as of that date, and the court shall enter judgment for a sum equal to the market value of such lands upon that date without interest, and less offsets, counterclaims and demands that would be allowable under section 2 of the Indian Claims Commission Act of August 13, 1946 (60 Stat. 1050; 25 U.S.C. 70(a)). The judgment shall be in favor of the natives of Alaska without regard to group affiliations. A claim of aboriginal title to a particular area shall not be defeated because the land may have been occupied or used by more than one identifiable group of natives of Alaska, but the claimants must show that there were living upon the date of this Act natives of Alaska who are descendants of the identifiable group through whom aboriginal title to any area is sought to be established. The provisions of this section shall not apply to any lands in southeastern Alaska for which a money judgment has been or may hereafter be awarded by the Court of Claims in the case of The Tlingit and Haida Indians against The United States, numbered 47,900; or to any lands that are set aside and administered for the benefit of natives; or to any lands that are subject to an aboriginal title claim adjudicated by the Indian Claims Commission, or pending before the Indian Claims Commission six months after the date of this Act. Prior to the expiration of such six months the plaintiffs may cause their claim to be dismissed by the Indian Claims Commission and the lands involved may then be included in the claim filed pursuant to this section.

(b) As used in this section, the term "natives of Alaska" means all Alaskan Indians, Eskimos, or Aleuts of at least one-fourth degree Indian, Eskimo, or Aleut blood living upon the date of this Act but the distribution of any judgment or award under this section shall be limited to natives of Alaska living upon the date the Congress appropriates funds to pay any judgment that may be entered against the United States. It shall not include natives who have shared or will share in any award in the Tlingit claim or other claims adjudicated by the Indian Claims Commission, or the Metlakahtla Indians of the Annette Island Reservation.

(c) The court shall award to the State of Alaska the reasonable costs and expenses, including counsel fees, incurred in the preparation of claims authorized to be filed by this section.

SEC. 5. Nothing in this Act shall affect the right of natives as citizens to acquire public lands of the United States under the Native Allotment Act of May 17, 1906 (34 Stat. 197), as amended (48 U.S.C. 357), or the provisions of other applicable statutes.

SEC. 6. The enactment of this legislation shall be in full and complete satisfaction of all claims of tribes, bands, clans, villages, communities, and groups of natives against the United States based upon alleged aboriginal right, title, use, or occupancy, excepting only claims now pending in the Indian Claims Commission or the Court of Claims by previous authorization of the Congress.

SEC. 7. Lands granted pursuant to section 3 of the Act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 355(c)), as amended by section 1 of this Act, shall, so long as they remain not subject to State or local taxes on real estate, continue to be regarded as public lands for the purpose of computing the Federal share of any highway project pursuant to title 23 of the United States Code, as amended and supplemented.

CRITICISM OF THE ARCHITECT OF THE CAPITOL

Mr. LAUSCHE. Mr. President, patiently I have watched the management of the Architect's Office of the United States by Mr. J. George Stewart through the 11 years that I have been in the Senate. Others have spoken about what seems to be unbroken process of stumbling, fumbling, and extravagance with taxpayers' money in the management of the Architect's Office.

The multitude of inexplainable and indefensible unjustified spending of tax money in the building of the Rayburn Building in itself should have brought about the dismissal of Mr. Stewart as the Architect of the United States. However, he goes on blundering and fumbling. It seems that his only concern is to vie with former architects of the United States in the development of a reputation as a Capitol Architect regardless of what fiscal extractions he might make on the broken back of the taxpayer.

Everywhere I look I can see perpetrated by this U.S. Architect actions that are not in accord with good architectural work but, moreover, in complete defiance with the needs for economy of the taxpayers of the United States.

I am not given to statements of the following character but I feel obliged to make it.

Mr. J. George Stewart, the Capitol Architect, should resign and if he does not resign he ought to be fired.

Mr. President, I ask unanimous consent that an editorial carried in the Sunday, June 4, issue of the Cleveland Plain Dealer be printed in the RECORD verbatim.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CAPITOL ARCHITECT ERRS AGAIN

J. George Stewart rides again.

The bumbling non-architect, who holds the rich architectural heritage of Washington, D.C., in his unskilled hands, has sponsored preliminary designs for a new $75 million Library of Congress building—and has been criticized sharply by an advisory committee of the American Institute of Architects.

"Functionally inadequate."

"Inhuman and overpowering."

"Visually unsatisfying."

Those were the comments of the committee which also noted that the Stewart-favored designers of the James Madison Memorial Library, a branch of the Library of Congress, clearly disregarded congressional instructions.

Stewart's merry men did not place the building in a park-like setting nor did they include interior courtyards.

In other words, once more Stewart has told Congress to mind its own business. He, not they, will decide what's done with the public's money in Washington.

This is a slur which Congress cannot afford to ignore.

Already Stewart has been severely criticized by the public and by architects for the mammoth, ugly Rayburn Building. As Architect of the Capitol, Stewart rammed through this monstrosity which cost far more than desired. His handpicked architects then remodeled the Capitol's East Front in a way that irritated many people and now their contract for shoring up the West Front of the building has been held up because of Stewart's arbitrary design that would—in the opinion of many qualified architects—ruin the symmetry of the famous structure.

It is incredible that an elderly engineer such as Stewart, appointed by President Eisenhower 13 years ago, should remain almost unchallenged in a position which requires both a knowledge of the science of architecture as well as an appreciation for the traditional role of the nation's capitol as a structural model.

It is incredible that a man such as Stewart flagrantly can disregard the orders, not just the wishes, of Congress.

After the Rayburn Building debacle and the furor over the proposed remodeling of the Capitol's West Front, Congress directed Stewart to "consult with" a committee of the American Institute of Architects over all phases of the Madison Memorial Library.

"Consultation" to Stewart, apparently means showning the architects' committee, along with various congressional groups, sketches and models already completed. Apparently there were no preliminary discussions, or else the committee's advice simply went unheeded.

This whole mess constitutes a national outrage.

Stewart missed with the Rayburn Building and the West Front of the Capitol. The Madison Library is a third swing and miss.

Three strikes are out in any league.

How many is Stewart going to get?

TAX-EXEMPT MUNICIPAL BOND FINANCING

Mr. NELSON. Mr. President, since last week when I spoke on the dangers of the increasing use of tax-free municipal bonds to finance private businesses, an investment counselor in New York has spoken out supporting my position.

He indicates that the continual large addition of municipal bonds to the already-deluged market will only work to the eventual disruption of the entire bond market. Only so much money is available to absorb the bond issues for sale. What happens then is obvious to all of us.

I suggest that my colleagues would be interested in reading the letter and news release regarding it from John F. Thompson to the Municipal Forum of New York City, and I ask unanimous consent that they be printed in the Record.

There being no objection, the letter and release were ordered to be printed in the Record, as follows:

Scudder, Stevens & Clark,
New York, N.Y., June 6, 1967.

Mr. L. E. Crowley,
President,
Municipal Forum of New York,
New York, N.Y.

Dear Gene: I am returning the ballot on the Proposed Resolution marked disapprove, and my disapproval is so strong that I would be remiss if I failed to elaborate the reasons for it. The resolution follows a pattern of reflex response to the Treasury proposal which might have been appropriate a few years ago but which has been thoroughly outdated by recent developments in our market. In my opinion if we persist in this approach, we will find ourselves sitting by wringing our hands while the tax-exempt proceeds to its own self destruction.

The basic problem of industrial revenue financing has completely changed in the past two years. As long as industrial revenue bond issuance was largely confined to small issues for small or modest sized companies in States with economic resources well below average, it could be tolerated in our market because the volume was inconsequential in relation to total tax-exempt issues. With extension of its use to the financing of manufacturing plants for strong companies like Armco Steel in the strongest States like Ohio, the total volume has jumped sharply from $200 million in 1965 to an estimated $1 billion in 1967. Projecting this rate of increase, the total could reach several billion in two or three years. In view of steps in this direction currently being taken in such States as Pennsylvania, New York, Massachusetts, Oregon, Iowa and Kansas, such a projection is not out of reason.

In weighing the impact of this on our market, it should be related more to the net increase in total tax-exempts outstanding, which has been running around $6.5 billion annually, than of the total gross new issues. Thus we can be faced very shortly with an increase of one-third or one-half in the net amount to be absorbed.

The flow of investment funds available to absorb additional tax-exempt financing is far from unlimited. It does not include the major institutionalized flows of savings funds, namely, life insurance companies, pension funds, savings & loans and savings banks. In some years commercial banks have added $5 billion to their portfolios and last year the figure was only $1.8 billion. Fire and casualty insurance companies may add $1 billion in good years, for several years the figure has been nearer $.5 billion. Individuals including trust funds may generally add $1 to $1.5 billion; last year with yields at a historic high they added more than $3 billion. There can be some growth in these sources, probably enough to absorb the growth in state and local financing for generally accepted public purposes. But a sudden large addition as is threatening in the industrial revenue field (and is potential in the area of arbitrage) can only be absorbed if there is a relative drop in tax-exempt prices to a level making them attractive to the major life companies with tax brackets around one-third of the 48% corporate rate. This can mean a 15% loss in market value of long tax-exempts, assuming no market change in the other departments of the bond market. Herein lies the real threat to our market, and in turn to the independent ability of states and localities to do their own financing.

When rates moved sharply higher in a disorderly market, the Federal government would no doubt feel impelled to assist state and local financing programs. This assistance could take the form of a subsidy interest payment to those issuers who sold taxable securities or, more likely, a direct loan program at nominal interest rates that could be financed with other sales of "participations in government assets." In either case the private market involvement with state and local financing would be seriously curtailed, as would the independence of that financing from federal control.

It would of course be more desirable to end industrial revenue financing by denying tax deductibility to the lease rental. (Unfortunately there is no similar workable approach to cover the pressing problem of arbitrage.) This would avoid risking litigation which may well threaten the continued image of tax-exemption as "constitutional reciprocal immunity." This image is desirable but not vital. Most of us have known since the salary cases twenty-five years ago that the Congress is the real bulwark we have to depend upon for continuation of tax-exemption.

At this point I submit it is much better to risk the image than to risk the relative value position of the tax-exempt market. I believe this states the choice in more realistic terms than does your letter. There is a real threat to the tax-exempt market, but its source is prospective massive industrial revenue and arbitrage financing, not the Treasury. If the Treasury really wanted to conspire to eliminate tax-exemption they would let these abuses continue until the market value of tax-exemption deteriorated. Then the rest would be easy as there would be little for anyone to defend.

In all fairness I think the membership of the Forum should receive the case against the Resolution and if you wish to use the text of this letter for that purpose, you have my permission.

Very truly yours,
John F. Thompson.

[News release of the Investment Bankers Association of America]

Prominent Investment Counselor Raps Municipal Forum of New York Resolution on Federal Taxation of Local Government Obligations

A prominent investment counselor today termed a resolution of the Municipal Forum of New York concerning Federal taxation of interest income on municipal bonds "outdated." The resolution which was submitted to Municipal Forum of New York members for approval or disapproval opposes *any* incursion on the immunity from Federal taxation of State and local obligations. The Treasury Department has recently announced that it plans to submit a bill that would deny tax-exemption on the interest derived from the so-called municipal industrial revenue bonds.

In a sharply worded letter to the President of Municipal Forum of New York, John F. Thompson of Scudder, Stevens and Clark (New York), said that the resolution "follows a pattern of reflex response to the Treasury proposal which might have been appropriate a few years ago which has been thoroughly outdated by recent developments in our market."

He said that the threatened large addition of municipal industrial revenue bonds could make it impossible for investors to absorb the growth in State and local financing even for generally accepted public purposes. If this happens, according to Thompson, the value of the tax-exempt market could be seriously impaired.

Thompson was in effect supporting the position taken recently by the Board of Governors of the Investment Bankers Association of America. The IBA Governors passed a resolution at their Spring Meeting in White Sulphur Springs in support of the Treasury bill.

Thompson discounted the Constitutional question saying that the "Constitutional reciprocal immunity" image is desirable but not vital. "At this point" he said, "it is much better to risk the image than to risk the relative value position of the tax-exempt market."

He concluded that the real threat to the tax-exempt market is "massive industrial revenue and arbitrage financing and not the Treasury Department."

CIVILIZE OUR STRIKE PROCEDURES

Mr. SMATHERS. Mr. President, for several years I have been actively urging the adoption of legislation which would deal effectively with the problem of paralyzing national strikes, yet would preserve the rights of labor and management to the fullest degree. To that end, I have introduced S. 176, a bill to create a U.S. Court of Labor-Management Relations.

The current impasse over legislation on the railroad strike is but another illustration of trying to use stop-gap techniques, with the result that we bounce from crisis to crisis without any real plan.

Under our system, we use the courts to resolve all sorts of disputes which cannot otherwise be concluded. And it is my firm belief that the civilizing hand of court review is the best means of providing for equitable solution of labor-management disputes.

The Washington Sunday Star, in its lead editorial of June 18, 1967, has some excellent thoughts on the problem and I commend its philosophy to my colleagues.

Mr. President, I ask unanimous consent that the editorial from the Sunday Star, "Why Not Civilize Our Strike Procedures?" be inserted in the body of the CONGRESSIONAL RECORD:

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHY NOT CIVILIZE OUR STRIKE PROCEDURES?

If the disgraceful performance in the House on Thursday did nothing else, it provided a powerful argument for permanent legislation which, when collective bargaining has broken down, would require some form of compulsory arbitration of major industrial disputes.

Senator Morse described the House retreat on the railroad strike bill as a "legislative mockery," which indeed it was. But the fault does not lie entirely with the House Members.

In his state of the union message in January, 1966, President Johnson said: "And I also intend to ask Congress to consider measures which, without improperly invading state and local authority, will enable us effectively to deal with strikes which threaten irreparable damage to the national interest." That was a year and a half ago. But nothing has come of it. The promise was not even repeated in the January, 1967, message.

What this means is that the President has defaulted on his obligation to take a strong lead in providing the public with continuing legal protection against crippling strikes. He has preferred instead to pass the buck to Congress on an emergency basis, and the Members resent it. Furthermore, and the Congressmen know it, there is almost no chance of getting effective legislation through unless the President gets behind a meaningful bill and really pushes it.

There was some indication last week that the administration has decided to take a harder line against recalcitrant union leaders. Dismayed by the prospect of a nationwide rail strike, Alan S. Boyd, Secretary of Transportation, denounced Roy Siemiller, president of the International Association of Machinists, the source from which the strike threat comes. Boyd said that Siemiller typifies "a group of individuals extremely small in number, who apparently have no concern for the public welfare, but only for their own selfish interests."

This was quite a switch for an administration whose timid spokesmen hertofore have insisted on describing compulsory arbitration of the railroad dispute as "mediation to finality."

Resentment in the House over the President's tactics surfaced on several occasions, notably in remarks by Representative Anderson, an Illinois Republican.

While applauding the Boyd remarks as a welcome though belated show of courage on the part of the administration, Anderson went on to say: "I am tired of hearing about a 'crisis' every year in this chamber and that I've got to pass this bill this afternoon in precisely this form without amendments because the administration has said this is the only way the job can be done. Why has not the presidential task force reported to the nation and to the Congress on emergency strike legislation? Because a consensus cannot be reached. Somebody's feelings may be hurt. Somebody's toes might have to be stepped on."

It was not resentment alone, of course, which led the House to kill the compulsory arbitration, or mediation to finality, section of the administration's railroad bill. A more potent factor undoubtedly was the pressure applied by the union lobbyists and the fear of political reprisal against members voting contrary to their demands. But the element of resentment was there, and if the administration continues to dodge the basic issue—effective permanent legislation—it is going to discover one of these days that the House will refuse to go along with any kind of last-minute improvisation to deal with a particular strike threat.

As matters stand there will be no railroad strike after tonight's deadline. The House and Senate versions of the bill, both of which bar a strike for 90 days, presumably will be sent to conference this week. And the union leaders have said there will be no strike while the conferees are considering the measures.

In the best of circumstances, however, one central fact remains: The nation's lawmakers in the House, whose primary obligation should be to their constituents, have proved themselves unequal to the task of meeting their responsibility to protect the public interest. And if a strike should come, those members who voted to cut the heart out of the bill should be held strictly to account by the voters.

There is only one valid basis for opposing this bill. In and of itself, the measure is eminently fair to both the railroads and the six shop unions involved in the dispute.

These six unions represent 137,000 railroad workers—journeymen mechanics, their helpers, apprentices, powerhouse employees and railway shop laborers. The remaining 750,000 railroad employees, 72 percent of the total, successfully negotiated new contracts. There have been two recommendations for settlement. One, by an emergency board appointed under the Railway Labor Act, was accepted in its entirety by the carriers and rejected down the line by the unions. Then a second board, headed by Judge Fahy, who retired recently from the U.S. Court of Appeals here, was set up. It returned recommendations somewhat more favorable to the unions. The carriers agreed to some proposals and rejected others. The unions rejected all of them. And there the matter stands. For while the House action leaves in the bill machinery for a third recommended settlement, it knocks out the essential provision which would have compelled both parties to accept it.

What then, is the valid basis for opposing this bill? In our opinion, simply this: It is an ad hoc measure—a bill which even in the form in which it passed the Senate would deal effectively with this case only. It would have no bearing whatever on other ominous strike threats looming on the horizon. It would leave Congress, which is woefully unequipped for the task, in the business of having to devise some patchwork settlement on a case by case basis for each new strike threat as it arises. To sum it up, it is a bill which would not adequately protect the public interest—and any legislation which would provide less simply will not do.

In no other area of our society are the parties to a dispute left to fight it out between themselves, and most certainly not if the consequences of their private fight would cut across the public interest. We have courts of law for the settlement of these controversies. We should have labor courts, or whatever one may choose to call them, in which labor-management disputes, other means failing, would have to be settled.

Ours is a complex industrial society, not a jungle in which the party with the biggest club wins. And this is especially true when it is the public, not the parties, which really gets clubbed on the head.

There are those who say that compulsory arbitration won't work in a free society. We think it will work—if the law is carefully drawn to provide fair procedures, if the judges are impartial, if the penalties for a refusal to comply are severe enough and if the will to impose them exists. If anything is clear, it is that the United States of the twentieth century will have to move in this direction.

KODIAK'S RISE AND SUCCESS

Mr. GRUENING. Mr. President, progress—beneficial progress, which spells an improvement in the community's economy and also a wise use of its natural resources—is always gratifying and worth hailing.

Pertinent to this salute is an article from a recent issue of the "Kodiak Mirror"—which revealed another aspect of that community's progress by its transformation from a weekly into a daily—headed "Kodiak Jumps to Third Most Important Fishery Port in United States."

Behind this story are some multiple and praiseworthy achievements. They are:

First. The completely transformed and improved conservation practices in the management of Alaska's fisheries which have taken place since Alaskan statehood. Tragic and unchecked depletion of Alaska's fishery resources under the Federal agency which had been in charge of them for the two decades prior to statehood—namely, the Fish and Wildlife Service of the Department of the Interior—ceased when a far more knowledgeable State agency, the Alaska Department of Fish and Game, took its place. As a result Alaska's sorely depleted fisheries—depleted in the case of salmon almost to the vanishing point—are gradually being restored, with resulting economic benefits to Alaska's numerous coastal communities dependent on the fisheries for their livelihood.

Second. The great advances that have been made in developing a long unknown resource—the Alaska king crab. That mammoth crustacean which rivals Maine lobster as a delicacy was virtually unheard of 15 years ago. In large degree its recognition, wide distribution and acceptance are due to the pioneering, both in vision and in action, of an Alaskan named Lowell Wakefield, who has developed this product to the extent that it has become known and appreciated throughout the Nation, and beyond, and has successfully been marketed.

Third. The active support of the Small Business Administration in processing disaster loans to mitigate the tragic effects of the disaster which struck Kodiak and other Alaskan communities on March 27, 1964, and has enabled these stricken areas to go far in recovery.

Fourth. The militant guidance and activity of the mayor of Kodiak, Peter Deveau, whose unceasing course of conduct has demonstrated one of the basic truths of our time—namely, that the democratic process to be successful requires leadership. Pete Deveau has furnished it to an extraordinary degree, as the progress of his city in the slightly over 3 years since the earthquake demonstrates.

It is extremely satisfying to be able to report such an outstanding example of community progress in which individual leadership on the municipal level, knowhow and policy on the State level, and Federal cooperation have combined to bring about so gratifying a result. The community itself deserves a large share of credit.

This success should and will be further enhanced by the local newspaper, which now becomes Alaska's seventh member of the press to appear daily, joining Ketchikan, Sitka, Juneau, the two papers in Anchorage, and one in Fairbanks in serving news and comment to its readers every 24 hours. As a former newspaperman I cheer this event. A good newspaper goes to make a good town.

I ask unanimous consent that the article from the Kodiak Mirror showing Kodiak's rise be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Kodiak Jumps to Third Most Important Fishery Port in United States

Would you believe Kodiak is now the number one fishing port of the entire nation?—No?—Well, would you believe Kodiak is the third most important in the Nation?—It is!

According to statistics released by the federal Bureau of Commercial Fisheries this week, Kodiak ranks as the nation's third most important fishery port with landings worth $13 million dollars to the fisherman in 1966—$3 million more than Boston, Mass.

Alaska remains the number one fishery state with landings valued at $74 million and the products worth about $200 million—some 25 percent greater than for California, the number two state in fisheries, says, BCF's Jim Branson and C. E. Nickerson. Branson is stationed in Kodiak and is high seas surveillance and enforcement agent for the bureau. Nickerson is loan agent stationed in Juneau.

They point out that San Pedro, Calif., remains the nation's number one port in landings with Biloxi, Miss., by Kodiak in number three spot and Boston, Mass., in number four spot.

One new Alaska product barely several years old productionwise—fish eggs—in 1966 jumped to a wholesale value worth approximately $4 million—about 25 percent of the value of the total U.S. halibut landings in the Pacific!

Salmon roe was produced to the tune of three million dollars worth in Alaska in 1966.

Herring roe's value was $350,000 with an additional $600,000 worth of cured kelp with eggs produced—twice the value of the hake fishery of Oregon!

Kodiak's importance as one of the major *fishery ports of the United States is* again reflected by the figures of the BCF's loan case summary, which shows that out of $2,733,553 total value of loans approved in Alaska, Kodiak fishermen received $1,161,487. The fact that the loans were in larger amounts for larger type vessels than elsewhere is indicated by the fact that of the 243 loans approved in *Alaska, only 45 of them were from* Kodiak and represent the $1,161,487.

Nickerson pointed out that these figures do not include loans for several large vessels now under construction for Kodiak fishermen. He also points out that the figures do not include loans for village fishermen around the *island. For instance, seven* applications were received from Old Harbor, six of which were approved for a total of $15,100. Two applications were received from Ouzinkie and approved for a total of $6,100.

Twenty-six of the loans approved for Kodiak were Disaster Loans with a total of $594,306.

Although the catch of king crab during the current season has dropped in the Kodiak area and the area salmon predictions are not encouraging for this season, there is reason to believe that Kodiak will rack up another record year by Dec. 31, because of the greatly increased interest in the other fishery products available in area waters, particularly shrimp.

Overshadowed in past years by the king crab fishery, little notice had been given to the local shrimp processing industry despite the fact that the three plants in shrimp operations here already made Kodiak the number one shrimp port of the entire Pacific Coast. Now other plants are entering the shrimp fishery here and a sizeable increase in the catch is anticipated. Some observers believe Kodiak will become the major shrimp port of the nation within a very short time.

Area fishermen and processors have also begun exploratory and experimental operations into other fishery products available in Kodiak area waters. Though they are still in the experimental and exploratory stages, it is considered very possible and probable that the Tanner crab ("Snow" crab), Dungeness crab, razor clam, scallop, and bottomfish will each develop into substantial fisheries.

SPENCER TRACY

Mr. KENNEDY of New York. Mr. President, when Spencer Tracy died last week, millions of Americans felt a keen sense of loss. For Spencer Tracy was a part of our households, a part of our growing up, a part of our lives. His roles were as disparate as the many faces of America—yet in all of them, and in his private life as well, he conveyed qualities of individuality and self-reliance with which we all identified. He was a product of Hollywood's golden years, and at the same time he was a man apart, a star who always managed to remain independent of the system which employed his talents.

Bosley Crowther of the New York Times put it very well the other day.

They aren't writing many stories these days about Mr. Tracy's kind of man—

He wrote—

And even if they were, there aren't many actors who could play them.

Spencer Tracy was highly regarded by millions—by moviegoers and colleagues alike. I considered him a friend, and was one of those who greatly admired him. He brought pleasure—humor and excitement and adventure—to Americans of all ages. The sympathy of all of us goes now to all of those who were close *to him.*

Mr. President, I ask unanimous consent that Mr. Crowther's article be placed in the Record at this point of my remarks.

There being no objection, the article was ordered to be printed in the Record, *as follows:*

A Captain Courageous

(By Bosley Crowther)

It is natural for a long-time moviegoer to wax sentimental and sad over the death of a favorite actor whose intense and distin*guished career has paralleled one's own* growing older and provided many memorable joys. We all tend to weave into the fabric of our own experiences the self-identifications and emotional associations we have inevitably made with the actors and actresses whose characterizations we have especially enjoyed, so that their simulations of experience become, in a way, a part of ours.

This is a simple phenomenon that regularly occurs as a consequence of exposure to the device of theater, and it needs no further exploration or extenuation here. We have our personal attachments to our favorite stars, and we feel a deep sense of general sadness and personal loss when they die.

But the death of Spencer Tracy, whose passing a week ago came as no surprise to those aware of the pathetic erosion of his health, is sadly significant of something more than the departure of a personal favorite. It breaks one more strong and vibrant cable in the slowly crumbling bridge between motion pictures of this generation and the great ones of the past.

ROBUST AND POPULAR

Mr. Tracy was of that order of robust and popular male stars brought into prominence and distinction in the first decade of talking films. They included Clark Gable, Gary Cooper, Humphrey Bogart, Wallace Beery and Erroll Flynn, who have all been gathered to their maker, and James Cagney, Edward G. Robinson and Fredric March, who are fortunately still with us, but not as active as they used to be. Mr. Tracy was one of those stalwart actors who were nurtured and spiraled to the top in the old star system the major studios promoted when they needed full ranks of contract players to perform and adorn their many films.

Whatever the faults of that system—and there were many, including the fact that contract players were often forced to do pictures for which they had no qualifications or taste—it did provide plenty of work for actors and give them plenty of chance to develop their skills and project the personalities they possessed.

PILLAR OF STRENGTH

How well we remember Mr. Tracy's surprising emergence in the role of the tough-quarter priest in "San Francisco" after a succession of unimpressive roles as gangsters and various other low-lifes, and his simultaneous appearance as the innocent man who was arrested as a kidnaping suspect in "Fury" and was almost lynched by an agitated mob. He was forceful, honest and impressive in these two dissimilar roles, and proved beyond any question that he was an actor to watch. But, of course, it was his brilliant performance as the Gloucester Portuguese fisherman in the film of Rudyard Kipling's "Captains Courageous" that won for him the renown (and his first Oscar) that he so ably shouldered in a great variety of roles through 30 years.

I would guess that these years of application and devotion to a job that he was *able to do by virtue of the system* and his own intense desire—21 of those years were spent as a contract player with Metro-Goldwyn-Mayer—provided him with the continuity, security and associates that brought forth the fundamental and consistent image that Mr. Tracy presented to the world.

It was that of a strong, self-reliant, insistently just and moral man whose basic sense of rectitude towards others was matched by his sense of humor towards himself. Whether his role was the title character in "Edison the Man" or the rugged Father Flanagan in "Boy's Town" or Clarence Darrow in "Inherit the Wind" or the crippled war veteran in "Bad Day at Black Rock" or the American jurist in "Judgment at Nuremberg," Mr. Tracy was forever the image of that architectural pride, a pillar of strength.

AFTERNOON PERIOD

Even in the several delightful comedy roles *he played in what might be gracefully* described as his afternoon period—such films as "Woman of the Year," "State of the Union," "Pat and Mike" and "Adam's Rib" with his favorite partner, Katharine Hepburn, or the indelible "Father of the Bride" with Elizabeth Taylor—he was invariably the sort of American guy you could depend on to help pull a woman or a picture out of a jam.

They aren't writing many stories these days about Mr. Tracy's kind of man. And even if they were, there aren't many actors who could play them. The training and maturity required to project the subdued, commanding image are not being accumulated to any degree. Actors are too busy being producers and figuring out ways to keep their income taxes down.

I am glad that Mr. Tracy's last picture, which he completed a week or so before he died—a serio-comedy called "Guess Who's Coming to Dinner"—has Miss Hepburn and Sidney Poitier as co-stars and is about an upper-middle-class couple whose daughter becomes engaged to a Negro. Produced and directed by Stanley Kramer, who has made Mr. Tracy's last three films, it should be bold and honest, modern yet reflective of the past.

PRESIDENT PROCLAIMS NATIONAL COAL WEEK

Mr. BYRD of West Virginia. Mr. President, this week of June 18 through June 24 has been designated as National Coal Week by Presidential proclamation.

Acting in recognition of congressional passage of Concurrent Resolution 20, the President on June 15 signed the proclamation, and in doing so, he directed the attention of the Nation to the vital place which coal has occupied and continues to occupy in our national economy.

I am proud to have served as the sponsor in the Senate of the concurrent resolution laying the foundation for the declaration of this week as National Coal Week, honoring the coal industry and the National Coal Association for its enlightened leadership.

I wish to take the opportunity to bring this proclamation to the attention of the Senate so that note may be taken of the many challenges which lie ahead for coal as a major element in our Nation's fuel industry. Research on coal today holds promise of providing a commercially successful process for conversion of coal to gasoline; it is exploring the potentials for development of an industry for coal gassification with gas to be shipped through existing pipelines to industrial centers; and it is opening exciting possibilities with regard to additional usage by electric utilities.

Coal has a wide horizon—a horizon open to new usages and new opportunities to serve the citizens of our Nation.

I ask unanimous consent that a copy of the President's Proclamation of National Coal Week be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

NATIONAL COAL WEEK—A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Nearly a thousand years ago, Indians in what is now Arizona began to mine coal as a fuel for baking pottery. From that remote beginning grew a great industry that contributed mightily to our development as a Nation.

Coal fed the steam engines that conquered our rivers and pushed our frontiers westward. It smelted the iron that built cities and railroads and automobiles. It warmed our homes and provided the current to light them.

It fired—and is still firing—the furnaces of freedom.

Today, our expanding technology imposes new demands on the coal industry to assure its future service as a source of energy, and as a continued source of livelihood for thousands of our citizens.

All Americans look to the leaders of this great industry—management and labor alike—to continue their efforts toward further technological advancement. It is essential to our national well-being that this great natural resource, which has meant much to our history, continue to play a significant role in the development of America's tomorrow.

The Congress, by Senate Concurrent Resolution 20, has asked me to direct attention to this abundant resource. It is my pleasure to do so.

Now, therefore, I, Lyndon B. Johnson, President of the United States of America, do hereby designate the week of June 18–24, 1967, as National Coal Week. I call upon citizens throughout the Nation to participate in observance of that week, in honor of the National Coal Association.

I invite the Governors of the various States to issue proclamations for this purpose. I encourage the various agencies and departments to join in suitable observances of National Coal Week, including public meetings, exhibits, and news-media features.

In witness whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington this fifteenth day of June in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and nintey-first.

LYNDON B. JOHNSON.

By the President:

DEAN RUSK,
Secretary of State.

RECESS UNTIL TOMORROW AT 10 O'CLOCK A.M.

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate stand in recess until 10 o'clock tomorrow.

The motion was agreed to; and (at 5 o'clock and 27 minutes p.m.) the Senate took a recess until tomorrow, June 20, 1967, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate June 19 (legislative day of June 12), 1967:

UNITED NATIONS

The following-named persons to be Representatives of the United States of America to the fifth emergency special session of the General Assembly of the United Nations:

Arthur J. Goldberg, of Illinois.
Joseph John Sisco, of Maryland.
William B. Buffum, of Maryland.
Richard F. Pedersen, of California.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 19 (legislative day of June 12), 1967:

UNITED NATIONS

The following-named persons to be Representatives of the United States of America to the fifth emergency special session of the General Assembly of the United Nations:

Arthur J. Goldberg, of Illinois.
Joseph John Sisco, of Maryland.
William B. Buffum, of Maryland.
Richard F. Pedersen, of California.

WITHDRAWAL

Executive nomination withdrawn from the Senate June 19 (legislative day of June 12), 1967:

POSTMASTER

The nomination sent to the Senate on February 21, 1967, of Donald H. Langley to be postmaster at South Easton, in the State of Massachusetts.

EXTENSIONS OF REMARKS

Reactor Grade Extruded Zircaloy Tubing

EXTENSION OF REMARKS
OF
HON. CRAIG HOSMER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, June 19, 1967

Mr. HOSMER. Mr. Speaker, I am making these remarks because I know that various United States and foreign interests in the nuclear reactor field usually monitor what is said in Congress.

A new method to manufacture zircaloy tubing by the extrusion process has been developed by one of my constituents. He claims the tubing produced by this process has a crystalline structure reorientation which results in a slower corrosive and deterioration rate; also that the process produces a thinner wall tube. The former quality would permit longer life reactor fuel elements and the latter quality would work toward neutron economy. Both qualities would tend to improve reactor economics.

The difficulty with the process is that a large investment is required for suitable extrusion machinery. I am told that, although test reports by the Du Pont Co. under contract with the AEC in part support the above claimed advantages, the patent holder has been unable to interest tubing manufacturers because of these costs.

Perhaps some company who scans these pages might be looking for just such a process. If so it may contact Vernon R. Powell, 35 59th Place, Long Beach, Calif. 90803. Frankly, this is about the only way I can think of to help him with his problem.

Clifton, N.J., Celebrates 50th Anniversary

EXTENSION OF REMARKS
OF
HON. CHARLES S. JOELSON
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Monday, June 19, 1967

Mr. JOELSON. Mr. Speaker, the city of Clifton, N.J., is celebrating this year the 50th anniversary of its chartering.

Clifton was incorporated as a city on April 26, 1917, although it had existed as part of the township of Acquackanonk since 1693. The area in northern New Jersey had been settled by the Dutch in 1684. The Clifton section of Acquackanonk Township was concerned primarily with farming and saw and grist milling in its early days. The magazine, Ladies' Home Journal, was founded here.

Since April 1917, the city has had a period of uninterrupted progress. There is a remarkable diversification of industry in the community and there is virtually no slum problem. The family income from 1960 was the highest of any large municipality in the State and the per capita cost for municipal services is the lowest in the State.

I am happy to wish Clifton and its mayor, Joseph Vanecek, and its city manager, William Holster, another 50 years of continued progress in this, its golden jubilee year.

GOP Committee on Nuclear Affairs Statement re Red China H-Bomb

EXTENSION OF REMARKS

OF

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1967

Mr. HOSMER. Mr. Speaker, for the information of all Members of Congress, the following is today's special report of the chairman, GOP Committee on Nuclear Affairs, regarding the Red China H-bomb:

RED CHINA NUCLEAR PROGRESS

From: Rep. Craig Hosmer, Chairman, GOP Committee on Nuclear Affairs.
To: House GOP Conference.

CONCLUSIONS

1.—Red China spends about $1½ billion annually on its nuclear weapons program and possibly an equal amount on development of delivery systems. This totals some 4% of GNP. The two efforts require at least 7½% of available scientific and technical personnel and seem not to have been interrupted or delayed by current disturbances within the country.

2.—Red China is anxious to achieve a flexable nuclear weapons capability, including solid fuel rockets. It has tested aircraft and intermediate range nuclear deliveries and is known to be able to fire medium-range missiles from submarines. Undoubtedly it will test successfully an ICBM prior to 1975, the date predicted by Defense Secretary McNamara. It can be expected to launch a satellite as soon as possible to prove its missile capabilities. This can be expected within 12–18 months.

3.—Red China may have an existing arsenal of around 30 A-bombs in yields of 200 KT and below—still small compared to US and USSR arsenals. Thus it can be expected to continue Mao Tse-tung's line that "atom bombs are paper tigers" until its capabilities enlarge.

4.—Red China's haste to develop nuclear capability reflects its need for a "deterrent" against the US and USSR as well as a desire for greater influence in international affairs. It also wants to make military developments a springboard for general industrial and technological development, as did the USSR. It believes huge resources and sacrifices are justified on both military and industrial grounds.

5.—Red China's swiftly evolving nuclear capability constitutes a major threat to other nations. Many Kremlinologists believe it underlies deployment of the USSR anti-missile system to a greater extent than US power. Despite Secretary McNamara's obstinacy, it will dictate deployment of a US system. Already it is causing India to think in terms of a nuclear weapons arsenal and undoubtedly Japan soon must re-evaluate its non-nuclear defense posture.

6.—Some feel that, over the long term, Red Chinese technological and industrial progress stimulated by the nuclear effort may create a need for expanded foreign trade and thus a more relaxed attitude toward the world at large. However, the more likely result is that the Chinese concept of the "Middle Kingdom or Celestial Empire"—the idea that China is superior to any other nation and always is right—will inspire an increasingly blatant aggressiveness based on naked nuclear blackmail.

7.—It is clear that Red China aims at the same "nuclear superpower" status enjoyed by the US and USSR. It can be expected rather quickly to overtake and surpass British and French capabilities. Saturday's H-bomb demonstration can be expected to cause nations who "can be" nuclear powers to take a dimmer view of signing any treaty which would pledge them not to become so. On the other hand, the "can't be" powers—those without the scientific and other resources to go nuclear—may now regard such a treaty more favorably if it is accompanied by US guarantees against aggression.

TESTS CONDUCTED

Test No.	Date	Yield	Delivery	Remarks
1	Oct. 16, 1964	20 kt	Test tower	U^{235} rather than Pu indicated greater sophistication than predicted.
2	May 14, 1965	"Around 40 kt."	Air drop	Signaled good yield-to-weight ratio (device small enough to be airborne).
3	May 9, 1966	"Over 200 kt."	Test tower	1st thermonuclear ingredients detected (H-bomb objective indicated).
4	Oct. 27, 1966	None announced	400- to 500-mile missile	Excellent improvement in yield-to-weight ratio in U^{235} bomb.
5	Dec. 27, 1966	"A few hundred kilotons"	Test tower	2d evidence of TM ingredients (probably proof test of H-bomb "trigger").
6	June 17, 1967	2 to 7 mt.[1]	do	H-bomb proof test.

[1] U.S. Minuteman warhead popularly tabbed at 1 mt. yield.

Tribute to the U.S.S. "Grayling" and Its Heroic Personnel

EXTENSION OF REMARKS

OF

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1967

Mr. COLLIER. Mr. Speaker, I would like to call special attention to the recent christening of the submarine, U.S.S. *Grayling* at Portsmouth, N.H.

The event has special and sentimental significance for my district, particularly to residents of Park Ridge, Ill.

The original *Grayling* operated with efficiency and heroism in waters of the South Pacific during World War II. Its skipper then was Lt. Comdr. Robert M. Brinker, a native of Park Ridge and a graduate of Maine Township High School in my district.

Christening the new *Grayling* was Mrs. Lorna Brinker Cullen, daughter of Lieutenant Commander Brinker. I want to cite the Navy Department for its thoughtfulness in remembering the *Grayling's* and her skipper's valorous service by naming Mrs. Brinker as the sponsor of the new submarine.

The original *Grayling* went to a watery grave off the Philippines almost 25 years ago. In addition to Brinker, others from my district who served on the old *Grayling*, and who were with her when it was sunk, include Manson E. North and Vice Adm. I. J. "Pete" Galantin, now Chief of Naval Material.

I wish to commend Galantin as one of our true naval heroes. He is a veteran of 38 years of Navy service; holder of the Navy Cross and three Silver Stars. Before rising to his present position, he served with distinction as projects officer of the Navy Polaris program.

The Nation owes much to such Navy men—past and present. May the luck of the ocean ride with the new *Grayling* and its crew.

Flag Protocol

EXTENSION OF REMARKS

OF

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1967

Mr. HALL. Mr. Speaker, I believe all Members of the House were justly proud to take part in the Flag Day ceremonies in these Chambers last week. However, in looking at some of the pictures taken in the House Chamber during the presentation of the colors, I notice that some Members were uncertain as to the proper response when the flag is passing by. I rather suspect that this uncertainty about whether to stand at attention or place the hand over the heart is not limited merely to Members of Congress. Therefore, I believe it might be helpful to list at this point in the RECORD an excerpt from Public Law 829—77th Congress, popularly known as "The Flag Code." It is the only Federal law dealing with the display and use of the flag of the United States by civilians and civilian groups. As the excerpt shows, civilians, not wearing any headdress, should place their right hand over their heart when the flag is passing in a parade or in a review.

SECTION 5—PUBLIC LAW 77–829

That during the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in a review, all persons present should face the flag, stand at attention, and salute. Those present in uniform should render the military salute. When not in uniform, men should remove the headdress with the right hand holding it at the left shoulder, the hand being over the heart. Men without hats should salute in the same manner. Aliens should stand at attention. Women should salute by placing the right hand over the heart. The salute to the flag in the moving column should be rendered at the moment the flag passes.

Riots Must Be Stopped

EXTENSION OF REMARKS

OF

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1967

Mr. JONES of Alabama. Mr. Speaker, the distressing reports of violence, riots, and disrespect for the law are flaring again in widely scattered parts of the country. The same groups of agitators, however, appear to be connected with these terrible outbreaks of chaos, confusion, and outright criminal activity.

We have condemned foreign dictators who seek advantage with threats to disrupt peace among nations and subject neighboring peoples to harassment and subjugation. To avoid open warfare, our Nation has properly sought to settle these problems within the framework of international law and justice. On occasion, this Nation finds it necessary to assert authority and enforce the law in terms of power which can be understood by the lawless.

In our own communities, we must not condone that which we condemn abroad. Just as we seek to bring the force of world opinion to bear against aggressors who would flaunt the rule of law among nations, responsible citizens at home must demonstrate beyond any doubt that public order and law will prevail. To do less is to erode the very foundation of our civilization.

Regardless of the participants, there is absolutely no reason for the strife to which so many communities are being subjected. There is no contention by the rioters which could merit the destruction resulting from this lawless activity.

The loss of life, injury, and damage resulting from riots are tragic enough, but it is far worse that the rioters ignore and disavow the most basic principles of our civilization. Clearest among these is that law and order must prevail for the fulfillment of freedom, and that responsibility is the handmaiden of liberty. And when you consider that means exist for lawful protest and redress of grievances, the riots seem even more futile.

When the disorder is ended, the dead are buried, the fires extinguished, and the rubble removed from the streets, the original contention or problem remains. This lawless action builds no playgrounds; provides no job training; alters to no degree our Nation's commitments; enlarges in no way academic freedom; erases not a single word from the law of the land. Moreover, as the damage is counted, those who incited the mobs will have moved elsewhere to new violence, in many cases.

Thoughtful and responsible citizens must still seek to resolve the problems and contentions through lawful process and hard work.

Within the family of nations it has long been clear that the appeasement of aggressors is a self-defeating road which leads to greater deterioration of law and international order. Within our communities responsible citizens must make clear to the lawless that threats and disorder will not be rewarded by concessions. Appeasement gives sanction to unlawful action, leads to greater demands, and strengthens the hand of lawless elements in the community.

To capitulate to the rioting mobs weakens the very foundations of our system of government by law. It demonstrates to the lawless that violence has a reward. It intimidates the weak and uncommitted. It attracts to future lawlessness those who want to be on the winning side. It creates more problems than it solves in the present or future.

The time to suppress riots and disorders is before they start. This requires a considerable show of solidarity on the part of the responsible elements of each community—a solidarity for law, order, and progress. It must be clear to all that peace will prevail.

When lawless elements do gain control of a community or an area, outbreaks must be brought promptly under control. No civilization can tolerate violence and mass crime.

Both prevention and control of these outbreaks require improved support for police forces—support stronger than embrace of a slogan. As the very guardians of peace within a community the police merit greatly increased moral support as well as improvements in number, financial incentive, and equipment.

Ironically, the moral support for the police seems weakest in many areas which have the most to gain from a stable, orderly community. The abuse to which policemen have been subjected in many areas is appalling. In far too many cases, the policeman, the most convenient symbol of the community in a complex society, has been used as a scapegoat for personal, social, or economic failures. To these malcontents, it is easier to blame their problems on someone else than to engage in constructive activity to better their plight.

Although the destruction of the lawless is appalling, we must remember that a relatively small portion of the total community is engaged in this activity at this time. An even smaller number is involved in the promotion of this discord. For every individual who throws a brick, many thousands in like circumstances do not become involved in this lawless action.

Those who are preaching anarchy and violence, who advocate violation of certain laws, are out of step with the majority of the community and any substantial segment of it. Their annointment to leadership is not from the people but rather from their own hand. It is enhanced by the exposure they receive in framing their appeals in terms which irritate, shock, or upset.

It is hard to believe that they are sincerely interested in the causes they avow. Their very method of operation through violence, division, and destruction so alienates a vast majority of the people as to be counterproductive.

Those who foster mass crime do nothing to eliminate the deplorable conditions of poverty and ignorance to which they link their calls to violence. That even the link is false is indicated by the vast number of the poor and unschooled who are still good citizens.

Because the violence and mob action and threats is more serious than would be indicated by the total of dead and injured and the value of property destroyed, it is imperative that every responsible citizen make his position clear in support of law and order. Failure to do so gives encouragement to the lawless elements.

Respect for the law is the very heart of our civilization and freedoms. This respect must be demonstrated in more than words and slogans. It must be backed up by action which includes a strong personal commitment to respect and obey the laws, proper support for law enforcement agencies, and full acceptance of a citizen's responsibility to cooperate with the police in maintaining peace in the community.

It cannot be stressed too strongly that each individual is the first line of defense against lawlessness and criminal acts.

Other segments of the community—schools, churches, organizations, and governments—have direct obligations in building greater respect for the law. But in the final analysis the individual is the most important factor in preserving law and order.

The support for law and order must be unequivocal. Selective compliance with the law, whether by individual or community, weakens the entire fabric of our civilization because every man's selection for compliance will differ.

Likewise, the total support for law and order is undermined with appeasement of lawless elements. Appeasement abridges the lawful process for change and gives evidence of society's willingness to deviate from full support of law and order. It enhances the position of those who would bring total chaos to our civilization in an effort to have their will prevail.

The end result is that no law survives save the law of the jungle—the will of the strongest or largest group prevails.

Israel

EXTENSION OF REMARKS

OF

HON. PAUL A. FINO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1967

Mr. FINO. Mr. Speaker, I would like to make a few brief observations on the situation in the Middle East. First, I hope that the administration will make up its mind where it stands. I believe that administration indecision helped to bring on the recent conflict, and I feel that the administration should state the U.S. position clearly.

I believe that the recent hostilities must be terminated by a peace treaty in which the Arab States recognize at least the existing territorial boundaries of Israel. Provision should be made for the internationalization of Jerusalem, which is sacred to all faiths. Israel should be given the right of ship passage through the Suez Canal, and right of passage through the Straits of Tiran into the Gulf of Aqaba. In return, I believe Israel has an obligation to the Arabs uprooted from their former Palestinian homes. Israel's compliance with these obligations, also a prerequisite of Middle East peace, should likewise be written into any peace treaty.

Last year, I urged the President to stop the Middle East arms buildup and bring U.S. influence to bear on behalf of the creation of a Middle East Development Bank. The President did not do so. In the last week, others have echoed my request—the New York Times, for one. Now, more than ever, the Middle East needs a development bank to sow peace and not war—to help beat swords into plowshares. I hope the President will listen.

The Queen of Angels Story

EXTENSION OF REMARKS

OF

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1967

Mr. LIPSCOMB. Mr. Speaker, one of the outstanding institutions in Los Angeles, Calif., is the Queen of Angels Hospital.

In the 40 years this hospital has been in existence it has provided care to many thousands of people in the area. The hospital was founded in 1926 by the Franciscan Sisters of the Sacred Heart.

In commemoration of the 40th anniversary of its founding a book has just been published about the hospital entitled "At 40: The Queen of Angels Story."

The book contains a most interesting and informative account of the hospital's founding and growth. It tells an inspiring story of years of dedication, work, and the hopes and dreams of many—from the first efforts of the devoted Franciscan Sisters to the present-day staff.

A dictionary definition of a hospital is: "An institution where the sick or injured are given medical or surgical care." With regard to the Queen of Angels Hospital such a definition is woefully inadequate. It must be expanded to cover the love, tenderness, and devoted care provided to the many patients to whom it has opened its doors during its 40 years.

To Dr. Robert L. Blackmun, president of the hospital, and his capable and devoted associates, including Mr. Dan M. Gann, of the hospital staff who authored the book, and all those whose work has gone into founding and operating Queen of Angels Hospital over the years I want to express my sincerest congratulations and gratitude.

Questionnaire

EXTENSION OF REMARKS

OF

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 1967

Mr. WALDIE. Mr. Speaker, I have completed the tabulation of a questionnaire that I mailed to the registered voters of my congressional district in Contra Costa County, Calif.

We mailed 140,000 questionnaires and received 20,000 returns, or a substantial sampling of approximately 14.3 percent.

There are many interesting and confusing conclusions that might be drawn from these results, Mr. Speaker, but the result that gives me greatest concern is the indication that the public has overwhelmingly lost confidence in the Congress as a body of responsible men of integrity. I do not know whether this public attitude is a reflection of a too-common American tendency to distrust "politicians" in general, or is a reflection of a deeper, more ominous loss of confidence in our basic institutions of government. Whatever the reason, Mr. Speaker, it is a matter to which we should address ourselves with increasing diligence.

The tabulated results of this questionnaire follows:

1. The President has asked for a 6% surtax on both corporate and individual income taxes. If this tax is enacted, an individual would pay 6% of his total income tax in addition to his usual tax. The President justifies this tax because of increased Vietnam war expenditures. Opponents argue it is really an anti-inflationary measure and since the inflationary aspects of the economy are subsiding, might cause the reverse to occur—a recession. They also argue a balanced budget is not required when the Nation is at war. The increased tax would raise $4.5 billion toward an anticipated deficit of $8.1 billion. Do you favor the proposed 6% surtax?

Yes	20%
No	74%
Undecided	6%

2. The President has proposed an increase in Social Security benefits including specific increases of minimum benefits from $44.00 a month to $70.00 a month, plus a monthly payment of $100.00 to workers with 25 years coverage. These benefit increases would be financed by increasing employer and employee payroll deductions.

Those favoring the proposal allege that Social Security recipients are hard-hit by price increases when their income remains minimal and constant. They further claim that this portion of our population, the elderly and the widowed and orphaned are generally found to be the least privileged of our society.

Those opposing claim that the productive, wage-earning portion of our population is becoming more and more hardpressed with the Governmental demands on their limited resources to finance programs for persons other than themselves. They further contend that during their employable years they will contribute far more than they will ever draw in retirement.

Do you support the proposed increase in Social Security benefits and the necessary increase in withholding required to pay for these benefits?

Yes	54%
No	39%
Undecided	7%

3. The deficit in this year's Budget amounts to $8.1 billion. By far the largest portion of the Budget of $136 billion goes for payment of past and present wars as well as keeping our defense system throughout the world intact. For these purposes, we spend $81.6 billion. In addition, we spend $14.1 billion in interest on money the Nation has borrowed over the years, and finally the remainder of the Budget, $39.3 billion, is allocated to programs such as agriculture and natural resources, health, education, conservation, FBI, public works, etc.

Do you believe we should cut back on our Defense Budget?

Yes	41%
No	53%
Undecided	6%

4. Of the Defense Budget of $81.6 billion, $22 billion is proposed for the Vietnam war. Do you believe we should reduce expenditures in Vietnam?

Yes	36%
No	56%
Undecided	8%

5. A controversial domestic program involves the effort to restore the deteriorating resources, both physical and human, of our Nation's huge cities. This program is commonly known as the "War on Poverty." Its critics maintain it is wasteful and its resources do not get to those in poverty, but are wasted on inefficient programs. Its supporters maintain that programs such as Operation Head Start, Job-Upgrading, Neighborhood Youth Corps and VISTA represent a needed change in welfare-oriented assistance programs by requiring some effort to improve their capabilities from the recipients rather than simply doling out support money to the impoverished.

This year's Budget proposes to spend $1.9 billion on this program—about the cost of 3 weeks of the Vietnam War. Do you believe:

(a) We should abolish the entire "War on Poverty"?

Yes	36%
No	56%
Undecided	8%

(b) We should transfer proven programs from the Office of Economic Opportunity to regular Federal Agencies, e.g., Operation Headstart to Dept. of Education, not thereby reducing expenditures, but perhaps increasing efficiency.

Yes	79%
No	9%
Undecided	12%

(c) Do you believe we should materially reduce the "War on Poverty" program?

Yes	49%
No	41%
Undecided	10%

6. A major portion of the Budget involved investment in public works and recreational area—for example, the purchase of a California Redwood National Park and the construction of the Kellogg Project in Contra Costa County designed to provide supplemental fresh water to our area. Do you believe these projects, and similar investments in developing and preserving our natural resources, should be postponed until the Vietnam war is concluded?

Yes	25%
No	69%
Undecided	6%

7. $1.2 billion of the deficit stems from the fact that present postal rates do not produce sufficient revenues to pay for the operations of the Post Office. First-class mail not only pays its own way, but produces a surplus. Second-class mail—magazines, newspapers and educational material, does not pay its own way, nor does Third-class mail, commonly known as "junk mail." Some have argued that the mail service should not be required to "pay its way"—that it is a Governmental service such as education, police protection, and defense, and should be a general Governmental expense.

Do you believe:

(a) We should not expect users of the mail service to entirely "pay their own way" by postal rate increases:

Yes	36%
No	58%
Undecided	6%

(b) We should increase rates sufficient to balance the "postal deficit" on:

First-class mail	5%
Second-class mail	64%
Third-class mail	87%

8. Senator Mansfield, Majority Leader of the Senate, has said the 90th Congress should not enact new and extensive programs, but should primarily concern itself with a review of the mass of legislation enacted the past two years and determine if those programs are effective or worthwhile. The President's State of the Union Message generally hewed to this philosophy. Do you agree?

Yes	84%
No	9%
Undecided	7%

9. Do you generally concur the Nation's interest demands we continue the war in Vietnam?

Yes	64%
No	26%
Undecided	10%

10. Do you believe we should escalate that war militarily?

Yes	56%
No	32%
Undecided	12%

11. Do you believe we should intensify our efforts to bring about a peace conference?

Yes	81%
No	13%
Undecided	6%

12. The President has urged that our Nation should encourage a better relationship with Russia. It is the belief of many that Russia has a greater interest in a peaceable relationship with America now, than at any time in recent history, partially because of the militaristic attitudes of China and partially because the Russian people are now becoming more and more consumer conscious. Others maintain Russia is as militant in her desire to defeat America as she ever has been, and that we should make no effort to improve relations between that country and our Nation.

The President has urged adoption of a Consular Treaty with Russia as one step in improving relations. This will mean an additional 15 Russians in our Country over the 452 presently staffing Russian consulates. In addition, it would mean an equally greater number of Americans in Russia. Opponents allege this will increase opportunity for subversion. Supporters allege the 15 additional Russians present no major increase in this critical area and the additional Americans will permit better service to those 18,000 citizens of our Nation travelling in Russia yearly. Do you believe the Senate should ratify the Consular Treaty?

Yes	69%
No	22%
Undecided	9%

13. The Powell case in the House of Representatives, the Dodd case in the Senate, and the Bobby Baker case, have all reflected greatly on the integrity of the Congress. Do you believe these cases indicate only a "surface" problem, and that, in reality, the problem of ethics is far greater than these cases indicate?

Yes	80%
No	12%
Undecided	8%

Far Right and Reds Agree

EXTENSION OF REMARKS
OF
HON. JONATHAN B. BINGHAM
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, June 19, 1967

Mr. BINGHAM. Mr. Speaker, many of us have long recognized that the far right and the Communists frequently take the same position on national and international affairs. The Middle East crisis is another example of their shared hatred for democracies.

The Soviet Union has seen its allies, the Arab States, suffer a disastrous military defeat at the hands of Israel. Russia's response has been a tirade of vituperation which included the absurd allegation that Israel wants to commit genocide against the Arabs. Obviously, no honest person could accept this charge in the face of Israel's consistent attempts to establish a peaceful relationship with her Arab neighbors and the fact that there are Moslem Arabs serving in Israel's Parliament, the Knesset.

Nonetheless, the June 1967 edition of The Cross and the Flag, the magazine produced by the notorious anti-Semite, Gerald L. K. Smith, asserts that "if they [the Jews] had their way a million Arabs and a million Germans would be slaughtered tomorrow."

SENATE

TUESDAY, JUNE 20, 1967

(Legislative day of Monday, June 12, 1967)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by Hon. FRED R. HARRIS, a Senator from the State of Oklahoma.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Almighty God, in whose keeping are the destinies of men and nations, endue with Thy wisdom our fallible minds as we face decisions with the background of fearful forces of nature which, if not harnessed by mutual good will, may destroy us utterly.

Give us greatness of soul that the keys of new power may be used to open doors, not of peril, but of plenty, for the whole earth.

Deliver us from fretfulness and self-pity; make us sure of the goal we cannot see, and of the hidden good in the world.

In a universe of suspicion and turmoil, breathe now in this quiet moment Thy peace on hearts that pray—the peace that comes only when our jarring discords are tuned to the music of Thy will.

Undergird us with Thy might to exercise the potent ministry to all the world to which, in Thy providence, we believe Thou hast called us in this age on ages telling.

We ask it in that Name which is above every name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 20, 1967.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. FRED R. HARRIS, a Senator from the State of Oklahoma, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. HARRIS thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 162. An act to grant the masters of certain U.S. vessels a lien on those vessels for their wages and for certain disbursements;

H.R. 168. An act to amend the act of June 20, 1918, relating to the retirement age requirements of certain personnel of the Coast Guard;

H.R. 169. An act to increase the amount of benefits payable to widows of certain former employees of the Lighthouse Service, and thereafter to provide for cost-of-living increases in benefits payable to such widows and to such former employees;

H.R. 480. An act to amend the act of October 4, 1961, relating to the acquisition of wet lands for conservation of migratory waterfowl, to extend for an additional 8 years the period during which funds may be appropriated under that act, and for other purposes;

H.R. 482. An act to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, to increase by $2 the fee for such stamp;

H.R. 1006. An act to provide an increase in the retired pay of certain members of the former Lighthouse Service;

H.R. 2532. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Ottawa Tribe of Oklahoma in docket No. 303 of the Indian Claims Commission, and for other purposes;

H.R. 3351. An act to amend the act of August 19, 1950, to provide annuity benefits for an additional number of widows of employees of the Lighthouse Service;

H.R. 4920. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the San Carlos Apache Reservation in Arizona;

H.R. 6111. An act to provide for the establishment of a Federal Judicial Center; and

H.R. 10730. An act to amend the Older Americans Act of 1965, so as to extend its provisions.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 162. An act to grant the masters of certain U.S. vessels a lien on those vessels for their wages and for certain disbursements;

H.R. 168. An act to amend the act of June 20, 1918, relating to the retirement age requirements of certain personnel of the Coast Guard;

H.R. 169. An act to increase the amount of benefits payable to widows of certain former employees of the Lighthouse Service, and thereafter to provide for cost-of-living increases in benefits payable to such widows and to such former employees;

H.R. 480. An act to amend the act of October 4, 1961, relating to the acquisition of wet lands for conservation of migratory waterfowl, to extend for an additional 8 years the period during which funds may be appropriated under that act, and for other purposes;

H.R. 482. An act to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, to increase by $2 the fee for such stamp;

H.R. 1006. An act to provide an increase in the retired pay of certain members of the former Lighthouse Service; and

H.R. 3351. An act to amend the act of August 19, 1950, to provide annuity benefits for an additional number of widows of employees of the Lighthouse Service; to the Committee on Commerce.

H.R. 2532. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Ottawa Tribe of Oklahoma in docket No. 303 of the Indian Claims Commission, and for other purposes; and

H.R. 4920. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the San Carlos Apache Reservation in Arizona; to the Committee on Interior and Insular Affairs.

H.R. 6111. An act to provide for the establishment of a Federal Judicial Center; to the Committee on the Judiciary.

H.R. 10730. An act to amend the Older Americans Act of 1965, so as to extend its provisions; to the Committee on Labor and Public Welfare.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the Journal of the proceedings of Monday, June 19, 1967, was approved.

THE DODD CENSURE RESOLUTION

The Senate resumed the consideration of the resolution (S. Res. 112) relative to censure of Senator THOMAS J. DODD.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 149 Leg.]

Aiken
Allott
Anderson
Baker
Bartlett
Bayh
Bennett
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Griffin
Gruening
Hansen
Harris
Hart
Hartke
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hollings
Hruska
Jackson
Javits
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Mundt
Murphy
Muskie
Nelson
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Scott
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. BYRD of West Virginia. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from North Carolina [Mr. JORDAN] are absent because of illness.

I also announce that the Senator from Rhode Island [Mr. PASTORE] is absent because of the death of his mother.

I further announce that the Senator from Wyoming [Mr. MCGEE] and the Senator from South Dakota [Mr. MCGOVERN] are necessarily absent.

The ACTING PRESIDENT pro tempore. A quorum is present.

Under the previous order, the Senator from Minnesota [Mr. MCCARTHY] is recognized.

Mr. McCARTHY. I am glad to yield to the Senator from Oregon, with the understanding that I retain the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

VISIT TO THE SENATE BY A DELEGATION FROM THE BOLIVIAN PARLIAMENT

Mr. MORSE. Mr. President, the Senate is honored this morning by a visit of five Members of the Bolivian Parliament, one Senator and four Deputies.

I have the honor to present them to the Senate; but before presenting them I shall ask for a 3-minute recess, at which time Senators will have the privilege and pleasure of welcoming our Bolivian friends personally.

Mr. President, as chairman of the Subcommittee on American Republics Affairs, we are pleased within the Committee on Foreign Relations by the mutual understanding which has developed between the United States and Bolivia under the leadership of President Rene Barrientos, of Bolivia. It augurs well, I think, for a strengthening of even further future relationships between our two countries.

It is a great pleasure and honor for me to present these visiting parliamentarians from Bolivia.

They are:

Senator Manfredo Kempff.
Deputy Rene Delgadillo.
Deputy Jose Ortiz.
Deputy Edwin Tapia.
Deputy and Dr. Walter Rios.

On behalf of the Foreign Relations Committee, I extend a cordial welcome to these parliamentarians. We are delighted to have them with us.

Now I ask unanimous consent that the Senate stand in recess so that Senators may welcome them personally. [Applause, Senators rising.]

RECESS

Thereupon (at 10 o'clock and 22 minutes a.m.), the Senate took a recess for 3 minutes.

At 10 o'clock and 25 minutes a.m. the Senate reassembled, when called to order by the Acting President pro tempore (Mr. HARRIS in the chair).

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess for an additional 2 minutes.

The motion was agreed to; and (at 10 o'clock and 26 minutes a.m.) the Senate took a recess until 10 o'clock and 28 minutes a.m., the same day.

At 10 o'clock and 28 minutes a.m., on the expiration of the recess, the Senate reconvened, when called to order by the Acting President pro tempore (Mr. HARRIS in the chair).

THE DODD CENSURE RESOLUTION

The Senate resumed the consideration of the resolution (S. Res. 112) relative to censure of Senator THOMAS J. DODD.

The ACTING PRESIDENT pro tempore. Pursuant to the previous order, the

Senator from Minnesota [Mr. McCarthy] is recognized.

Mr. McCARTHY. Mr. President, in opening my remarks, I would make reference to a newspaper story to which I referred last night regarding a statement on my part that I would resign if the Senate did not substantially support the recommendations of the Committee on Standards and Conduct.

This was not an accurate representation of my position. I said I would consider resigning if the committee's recommendations were substantially to be rejected by the Senate.

I assume that this is probably the position of most members of the committee, since it would indicate we had misread the minds of Senators with reference to what they expected from the Ethics Committee or, having read that line properly, that we had failed to perform as we should have; that after 14 months of carrying the burden of this inquiry and the general responsibility imposed upon us under the resolution which set up the committee, we should yield that responsibility to other Members of the Senate.

I have not urged anyone to vote for the censure resolution which we have presented. I do not think that was our responsibility, although it has been repeatedly charged here that we are prosecutors, a position which has been denied in the opening remarks of the chairman of the committee, the Senator from Mississippi [Mr. Stennis], and which was denied, I think, by every member of the committee who has spoken—and yesterday made very clear in the statement by the Senator from Oklahoma [Mr. Monroney].

I hope, in the course of my remarks, to indicate at least what I thought was our role in this whole matter and what I think was the general approach of all members of the committee. I may be somewhat repetitive, but I do not think one needs to apologize at this stage of the debate for repeating things.

The committee accepted, not the burden of proof, but it did accept, under the instructions of the Senate, a burden of justifying our procedures. I think once we have presented our position of trying to explain and justify why we recommended the particular censure resolution, we can proceed from there.

I said, at the time the report was issued, that I thought every member of the committee was in disagreement with some of the language, not just of the report, but of the resolution itself. Certainly I was.

The alternative to our presenting a kind of unanimous report and resolution was, I thought, to have every member of the committee file separate reports, giving his individualized and personalized views, and possibly presenting even his own form of resolution.

In my judgment, this was not expected of us because of the particular nature of the Committee on Standards and Conduct. This resolution was to be given priority. The committee was not placed in the position of adopting a code of ethics first and then moving to impose that code upon any question that might come before us. If there was a priority, it would have to have been indicated by the order of the recommendations made to us in the resolution setting up the committee. That was an accident of drafting, rather than a reflection of the intent of the Senate. We were directed to receive complaints and carry on an investigation and, in general, to deal with the whole matter of standards and conduct of the Senate.

The committee proceeded to try to develop what its jurisdiction was and what action it should take under the instructions of the Senate. We raised immediately, when the case of Senator Dodd was presented to us, and even before that, when we were talking abstractly and impersonally about our duties, what our jurisdiction was and what the measure of our responsibility was. We sought outside advice. We sought legal counsel. This perhaps was a mistake. We had, beyond that, the advice of the author of the resolution who presented it, who explained what it meant when it was adopted by the Senate, Senator Cooper. We consulted with leaders of the Senate, Democrat and Republican, because in part it is the function of the leadership as well as the Senate, in order to have their advice as to how we should proceed.

We were confronted with what has been called tainted evidence, that the burden of the case before the Senate is based on such evidence. This charge is quite irrelevant to the Senate's consideration of this question. It seems to indicate somehow that the Senate Ethics Committee had solicited or that some Government agency had sent people out to get evidence.

I may say that the lawyers have not been helpful to us in this problem. They have confused the language and have tried to make this proceeding into some kind of court case. It is not. It is not a prosecution. It is not a court proceeding. It does not involve a conviction. We are not conducting a proceeding to deal with any violation of law. We are attempting to act within the broad limits of certain standards and conduct on the part of Members of the Senate which we think have been accepted and which we think ought to be applied in this particular instance.

I think we must anticipate—and certainly we did as our committee worked—that nearly all the cases that come before the committee will be based on complaints which are likely to be somewhat tainted. I do not anticipate there are going to be many Senators in the future who say, "I want to make a public confession of what I did that was wrong," and then ask the committee proceed on that basis; but I rather think that we or whoever will be on that committee will have to act on the basis of newspaper or hearsay reports or on information which comes from sources not necessarily illegal but are questionable.

Despite that fact, the chairman of the committee was careful to follow judicial processes in the handling of evidence, testimony, and information which was given to us.

While it was the consideration of the committee that the Senate should be restricted to the report and resolution which we have presented to the Senate, there was no denial on the part of the committee, or lack of awareness on the part of the committee, of the fact that Senator Dodd had serious financial difficulty. There was no suggestion that what he did was by way of accumulating personal wealth or fortune in any measure. There was no suggestion of that at all.

There was no denial of particular and perhaps special circumstances and traditions in the State of Connecticut which bore upon his conduct. We took recognition of the fact that he was involved in a series of elections, primaries and general elections, in most cases against men of great wealth, and also, in some cases, against his own party organization.

But these questions do not bear upon the judgment and recommendation which the committee is making. We proceeded to try to determine what are accepted standards, realizing that these would fall somewhere between the counsels of perfection and the criminal law. We did not feel it was our responsibility to develop and set up regional standards; not to approve the standards of Daniel Webster or of New England, not those, may I say with respect to the Senator from Louisiana, of his Uncle Earl; not one set of standards for the South, one for the Southeast, one for the Middle West, one for the West, and one for the Northeast; but the best judgment of the committee of what we considered to be generally accepted standards to which most Members should be expected to conform and to which in fact we think they do conform.

We had very little in the record by way of precedents to guide us. The chairman of the committee gave the Senate a history of censure and condemnation proceedings in the Senate. I think what was shown in that regard is a reflection of what the Senate is. The theory is that we are all equal in intelligence and moral character, and the only distinction is how many years one serves in this body. It is a kind of primitive distinction. I suppose we are the last primitive society, which means we start anew and every case is a new case. This is a continuing body. We are not sure about its beginning, but substantially it has no ending and no interruption in its makeup. So it is difficult to step aside and say this is a critical point in the history of the Senate.

This is the code and this is the general atmosphere in which the committee was called upon to act. And I think we acted responsibly and with restraint.

We did not raise any questions which we thought involved existing law, either the Internal Revenue law or the Corrupt Practices Act, or any other law that might be brought to bear on this case. There is no doubt that some of the issues raised are related to existing law, but when the committee reached the point where we thought we were impinging on existing law, we refrained from going into the question of illegality with reference to any actions attributed to the Senator from Connecticut.

We have raised no questions, really, about some of the charges that were made relating to legal fees, referral fees, and finder's fees, since we were not convinced that the Senate generally had accepted certain standards with reference to such practices. If we adopt a code of ethics, I assume we will have something to say about fees of that kind. If we had, in this case, attempted to impose such standards, I think the charge that has been repeatedly made here about this being an ex post facto proceeding would have had substance. But since we did not do it, I think we are quite clear and free of that criticism.

We made no recommendations or judgment with reference to several other items in cases in which the contributors, or the people who gave the money, whatever their intention was, might have been at fault. We attributed no fault in such instances to the Senator from Connecticut.

We made no charge with reference to the Klein case, which was the subject of rather prolonged hearings by the committee. We might perhaps be criticized on the ground that we should have recommended some kind of action on that matter, or at least presented the case to the Senate and said, "If you want to act on it, act on it." The committee may have been at fault in not making a stronger recommendation in this area, or at least not opening up by our report more than we have of the debate. The committee report passed the judgment that there had been some "indiscretion." That was one of the words I found some fault with. I think we should have said nothing about it, or perhaps should have made a fuller presentation of the evidence presented to the committee by both sides. But in any case, the committee was trying to present as tight and as limited a case as we thought we could present. To have gone much further than we have gone, I think, would have been clearly unfair to Senator DODD; and if we had done any less than we have done, we would not, in my judgment, have been acting in keeping with what we thought were the instructions of the Senate when this committee was set up.

We did not censure or condemn testimonial dinners to raise money for personal use. It may be, if we develop a code of ethics, that this is one of the matters we will want to deal with. There is not only the question of having a testimonial dinner for personal purposes, but perhaps we ought to make some recommendations with reference to the income tax treatment of such money, for this is an area of great uncertainty and lack of clarity. In any case, to have moved on that issue in this instance would, I think, have exposed us again to the charge of imposing an ex post facto rule, and one not generally accepted, as far as we could determine, by the Senate.

We did not raise the issue of all of what have been called the double billings—some involving private sources altogether, some involving private organizations and campaign committees—because we thought that was a matter which was really outside of our responsibility and our jurisdiction.

We restricted our action to two considerations on which we have made recommendations to the Senate: First, the so-called double billing; and second, the general matter of raising money, whether for personal purposes or political purposes, and the questions of transfer, conversion, and the other language we have used to try to explain what happened or may have happened.

I think it is a mistake for us to talk about a course of conduct or a pattern of behavior in this case, because I think we are talking about a series of events, whereas, if I understand the proper use of either of these two terms, they have to do with a sequence of events which are part of a single act, rather than with a series of acts. Consequently we should attempt, if we are to pass judgment, to do it in terms of particular acts on which we have made particular judgments, or are asking the Senate to make them.

Let me state again, the committee has made no charge of any illegal act on the part of Senator DODD with reference to double billing. This case is solely within the area of ethics and conduct. The report shows, each time he billed a Senate committee for a trip, that he did some official business on that trip, and also did some private business and billed the private source. If there had been no private engagement, the billing of the committee would have been entirely legal. The question is not really one of legality or illegality, but whether or not we think, as a standard of conduct for the Senate, that this practice is desirable, and whether it should be continued.

This, of course, is not the only question which Senators must ask nor the only answer which they must seek, because there is the additional consideration of the case made by the Senator from Connecticut and the Senator from Louisiana that Senator DODD did not know the double billings were occurring. But the committee's report is designed to show the general conditions as we discovered them, and as we interpret them, and to leave the decision to each Member of the Senate.

There were some suggestions of conspiracy, which I do not think the evidence we were able to develop has very well sustained. Assuming a satisfactory answer to this question, I think the Senate then must answer the question as to whether or not the Senator from Connecticut should not have known about the double billings. It is not just a question of commission, but rather of omission, because, as the Senator from Oklahoma said so well yesterday, this is not really a private holding we have here. There is not only an obligation to your own constituency and to the office, but also an obligation to the Senate itself, and to the Nation as a whole, involved in the conduct of the Members of this body.

There were, I think, at least four points in the process of double billing at which we might have expected the Senator to have made note of what was happening. I do not say he could not have failed to do so, but at least there were four points, in passing at which the possibility of double billing might have come to his attention, and might have been noted:

First. When he was agreeing to make the speech to the private organization, the question of whether or not they were paying transportation might well have been brought up.

Second. At the time of the purchase of tickets with committee credit cards, when that purchase was made or when the committee was billed, if that process was followed.

Third. At the time that he was making deposits in his own bank account of the receipts in the way of an honorarium or repayment from private sources of transportation costs or if he was being repaid by the committee.

Fourth. The possibility that it might have been checked when subcommittee expenditures were being checked.

In two or three instances, the billing was to his own subcommittee within the Committee on the Judiciary. I do not say he should necessarily have detected what was happening at any of these points, but at least there was the possibility of four checkpoints at which this process might have been detected and stopped.

The question of retroactivity and of ex post facto proceeding here I do not think is quite applicable, unless Senators believe that billings of this kind are accepted or acceptable standards of conduct for the Senate. It leaves the ultimate and final question as to whether, since Senate funds and Senate business were involved, the Senator might not have been expected to be more careful, more considerate, and more thorough.

The second point of our censure has to do with personal testimonial dinners and political testimonial dinners. I make the point, first of all, that we have not censured him for what we consider to be purely personal dinners. The critical question was whether money was raised for what appeared to be or may have been in fact a political objective, which was then transferred or used to meet personal expenses.

It has been acknowledged that personal expenditures were made. I do not think the committee is prepared to make a great point of just how much of the $116,000 really involved personal use.

The standard we tried to apply was, when we got down to the difficulty of sorting everything out, the standard that the Internal Revenue Service uses with respect to Members of Congress. This may be a wholly inadequate standard. I think that in many ways it is defective, but it is a standard, and it was the only one that we had available. It was the one which we used for the most part.

How are we to judge whether these testimonial dinners were personal or political? The Senator from Connecticut has said that had he known that political appeals were made by some of his supporters, he would have ordered them to desist. We cannot challenge that statement.

All we can look at are some of the circumstances surrounding the dinners, and these have been stated in letters from Mr. NcNamara and Mr. Barbieri, and also in the letter of appreciation to the Vice President.

There were references to deficits and possible campaign expenditures in the future. There was the presence of political figures at most of the dinners.

In one case in 1963, some of the money raised was used to pay income tax. However, on the advice of counsel or certified public accountants it was then decided that the money should not be used for this purpose because it would be subject to income tax, since it would have been political money being transferred to personal uses. Yet, we are told that the dinner was for personal purposes. Here, because of a kind of internal criticism, we have a judgment being made that since it was money raised for political purposes, it should not be used for personal purposes.

There was a contribution made to the Democratic Committee from the proceeds of at least one dinner.

We do not see that all of this could have been done without the knowledge of the Senator from Connecticut. We do not make the charge that he willfully and knowingly approved and permitted these things to be done, especially since he has denied it.

We have the possibility of misunderstanding on the part of those who contributed. I do not think that it is altogether significant. Affidavits have been submitted. But what the affidavits really say is that the signer was willing to give money for whatever purpose it might be used. The affidavit does not say that the signer understood that this particular appeal was a personal appeal and not a political appeal.

I think this is of some significance. It is really not a question of what the men who handled all the financial activities thought or what the contributors thought. I think we must be concerned about what the public judgment was as to the purposes of these fundraising dinners. In this case, we must raise the question as to whether in a number of instances these dinners were personal and not political. We must consider whether this has been made clear enough so that the general public, not just in Connecticut, but also wherever the report might be made, might clearly understand that these were personal appeals and had no shadow or condition or possibility of being used for political purposes.

So, after this extended deliberation and a thorough search to determine what our role and function really was, this committee recommended censure on two counts. I do not think that we would have to assume any intentional deception.

I raise the question simply to point out the residual responsibility of a Senator over his office and over those who raise money for him and over his own subcommittee.

I raise the question as to whether whatever happened, either by omission or commission, measures up to the public trust which is expected of a Senator or whether all of this taken together tends to bring the Senate into some measure of dishonor and disrepute.

I think this is the most limited, restricted, and confined case that could be made to the Senate.

It is within these very narrow limits that the Senate ought to decide whether to support this censure resolution or not.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. LONG of Louisiana. The Senator has said in his statement, as I understand it, that this is not really a judicial process at all.

Mr. McCARTHY. Not in the terms that the Senator from Louisiana has described.

Mr. LONG of Louisiana. I refer the Senator to page 11 of the committee report under the heading, "Organization and Procedure of Hearings."

It reads:

> PROCEDURE
>
> *Establishing hearing procedure*
>
> The Constitution provides express authority for Congress to punish or to expel members for disorderly behavior, but it does not set forth procedural guidelines for conducting misconduct proceedings. Court decisions have established that the action of a House of Congress in judging the conduct of one of its Members is "judicial in nature," *Kilbourn* v. *Thompson*, 103 U.S. 168 (1880), and must be carried out in proceedings consistent with the due process of law requirement of the Fifth Amendment of the Constitution. *Barry* v. *U.S. ex rel Cunningham*, 279 U.S. at 620.
>
> On February 2, 1966, the Committee adopted rules of procedure which were supplemented when the Committee held its first hearings. In complying with Constitutional requirements of due process of law, the Committee took into account as a general guide the practice and procedures of the Federal courts.

Does not that statement by the committee say that the Senate is proceeding in its judicial capacity?

Mr. McCARTHY. It is quite different from what the Senator from Louisiana has been saying.

The Senator has been saying that this was a prosecution, that we were prosecutors, and that the man might be convicted and sent to jail for 10 or 15 years and punished by a fine—I have forgotten the amount of the fine—if the Senate were to censure him.

Mr. LONG of Louisiana. It seems to me that if the Senate should find Senator DODD guilty of misconduct on charge B, it would be the burden of any district attorney to submit that case to the grand jury and ask for an indictment and take that case before the court and seek a conviction.

If we were to find the Senator guilty, it would amount to the Senate saying that in its judgment he has violated the law on seven occasions, most of these occasions involving crimes which can be punished by imprisonment in the penitentiary for a term of 10 years or a fine of $10,000, or both. That is my interpretation.

Mr. McCARTHY. That is the interpretation of the Senator, but it is not the interpretation of the committee which made it clear that he had official business on each of these trips.

So far as we know, there is no case involving double billing against him in which this is not true, whether it be six, five, four, three, two, or one. I do not think any one of them would involve the kind of legal punishment the Senator has described.

Mr. LONG of Louisiana. If the Senate censures this man on double billing charges, would that not in effect mean that this man had, either by device or contrivance, taken money from the Government?

As I interpret the Federal statute, it means that Senator DODD would be subject to a term of 10 years in the penitentiary and a fine of $10,000 if found guilty of double billing involving the Government on any one of these occasions where more than $100 is involved.

Mr. McCARTHY. If that is the case, they would have to proceed whether we find him guilty and censure him or not. However, the fact is that our finding is that he was on official business.

We do not even raise the question that there is any illegality involved here. It is purely a question of the standards of conduct of a Senator which we think ought to run somewhat ahead of the law, a little short of perfection, and somewhere ahead of the law.

The Ethics Committee had nothing to do but make its recommendation. Otherwise, there would be no reason to have the committee, and if we are not to move into the in-between area, there is no reason to have the committee. We have not moved very far.

Mr. KENNEDY of Massachusetts. Mr. President. will the Senator yield?

Mr. McCARTHY. I yield.

Mr. KENNEDY of Massachusetts. Can the Senator give some idea as to what went into the discussions concerning whether the Ethics Committee was going to recommend expulsion or reprimand for conduct unbecoming a Senator?

Mr. McCARTHY. There was no weight given to expulsion.

Mr. KENNEDY of Massachusetts. What factors went into the consideration of the case which had to do with the recommendations of the committee?

Mr. McCARTHY. We considered that there was no basis for expulsion because of the conduct of the Senator from Connecticut.

I do not think the question was even seriously raised with reference to any of the charges on which we made recommendation.

There were all kinds of charges made. If some of those charges had been substantiated, then the recommendation might have been different.

On the basis of our findings, the question of expulsion was not raised. We moved into the area of censure and reprimand. In one case the word "abrogation" was mentioned. I thought it was a good word. It had never been used in the Senate before. I thought that perhaps we ought to get a new word. The committee thought of using the words "condemnation" and "censure."

Our feeling is that if we developed a word like "reprimand," where would we stop? We could reprimand almost everybody here once or twice a year. If you had a word that was any weaker than "censureship" it would be like the free gift of liquor about which the Senator from North Carolina [Mr. Ervin] has spoken. If it had been any worse, he could not have drunk it, and if it had been any better, it would not have been given to him. We had to get a word that you could drink, but one that you would not reject. If it were any better, you would not have been given it, and if it were any worse, you would not have taken it. We thought that perhaps we should get a definition of censure that we wanted to use. There are six or eight definitions. We thought we would leave this to the Senate. Anyone who wanted to take the weakest definition could take it, and if anybody wanted to take the strongest one, he could take that.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. ERVIN. I desire to make it clear, so that I will not be investigated, that I was not the one who received the free gift of liquor.

Mr. McCARTHY. Did the Senator make the gift?

Mr. ERVIN. No, I did not make it, either. But a constituent of mine, who never held a public office, bought some moonshine liquor down in North Carolina during the prohibition days, and he gave it to one of his friends, who was less affluent than he. Some time thereafter, my constituent asked his friend whether he had drunk the liquor, and his friend said yes, he had.

My constituent asked, "Well, what did you think of it?"

He said, "Well, it was just right, just right."

So the donor asked the donee, "What do you mean by that statement, that the liquor was just right"?

He said, "I mean that if it had been any better, you wouldn't have given it to me; and if it had been any worse, I couldn't have drunk it."

Mr. McCARTHY. That is correct.

Mr. ERVIN. Neither the donor nor the donee was a Senator, and neither held a public office. Besides, the statute of limitations has run.

Mr. McCARTHY. That is the story I had reference to, and I believe that is the manner in which the word "censure" is being used on the floor of the Senate.

Mr. LONG of Louisiana. I refer to page 11 of the report, just below the paragraph to which I have referred, the paragraph headed "Burden of proceeding":

> The Committee assumed the burden of proceeding with the evidence and instructed its counsel to present all facts pertinent to the matter under investigation.

Now, I can understand what the Senator is saying—that the committee does not have a burden of proof; it merely has a burden to proceed. But would the Senator not agree with me that somebody must bear the burden of proving that this man is guilty of misconduct, or at least that somebody in this body must present enough evidence to offset the evidence offered by the defense, so that the result would be at least what we have in a civil case—a preponderance of the evidence that the man is guilty of some sort of sin or misconduct?

Perhaps, as the Senator states, that burden is not on the committee; their only burden being to present the evidence to the Senate, leaving it to the Senate to decide. But would the Senator not agree that somebody in the Senate, or the entire Senate, must carry the burden of proving at least by a preponderance of the evidence, that this man had done something wrong?

In other words, it seems to me that someone, somewhere, must present enough evidence to offset the defense. If the defense has three times as much evidence—credible evidence—or 10 times as much credible evidence as is contained in the case against Senator Dodd, censure should not be voted. Someone has a burden of proof.

Mr. McCARTHY. I can give my judgment as to how we proceed.

The Ethics Committee was set up at the instruction of the Senate and told to hear cases in the name of the Senate, as every other committee does. The case of Senator Dodd was brought before us. There were several points at which jurisdiction could have been challenged on the floor of the Senate. As a matter of fact, we talked in the committee about coming back to the Senate and saying, "Do you want us to take this case up or not?" We decided against it, on two grounds: one, it would be a kind of cowardly approach; two, we believed the instructions in the resolution were clear enough to indicate that we should take it up.

The committee was called upon to take the charges which were made. These were charges to which the entire Senate was answerable. The responsibility was upon the Senate because of its support of the resolution. And we were the agents to hold the hearings, gather the evidence, and submit a recommendation.

But every Senator has a responsibility to look beyond what we have recommended. The burden of proof or disproof is on every Senator. It is not upon the committee against the field; I do not accept that.

We could have had you sit down and read these hearings to you. This might have some effect on what the Senate would do. If you feel that we have not read them correctly or have not interpreted them properly, this is a judgment each Senator can make. If he does not like what we recommend, he can go through the hearings. It is all there. I believe the burden is on each Senator. The burden on the committee is to show how we interpret what we believe is significant.

You can get up and say that this committee had no right to make a recommendation regarding the Klein case. We did not really make any recommendation. We mentioned it in the hearing because if we did not, we thought somebody might. We make no judgment about the Klein case or about the automobile or about the Spanel case. We make no judgment except to say in passing that we have looked at these and made no judgment.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. LONG of Louisiana. I was present when we voted on the censure of Joseph McCarthy, of Wisconsin. At that time, if I recall correctly, when Senator Watkins, the senior Republican on the committee, presented the case for the committee, he said, in effect:

> This is what the case looked like to us, but I offer every Senator the opportunity to look at this evidence and to decide for yourself what you think you ought to do about it. I'm not telling you what to do. I'm just telling you this is how it looks to us.

That was assuming a burden to proceed, and no more. But in the course of that presentation there were Senators—one of whom I am looking at now, the Senator from North Carolina [Mr. Ervin]—who assumed the burden of proof on the floor of the Senate when Senator McCarthy said:

> I am not guilty of doing anything wrong, and you don't have any right to do what you're doing.

The Senator from North Carolina said, in effect:

> Senator, if you think there's any doubt about our right to censure you, you understand there is no doubt about our right to expel you from this body. You understand that, don't you?

I recall Senator McCarthy saying that he understood that the Senator from North Carolina [Mr. Ervin] had said, "If I had my way, I would be voting to expel you." There is no doubt about that. The Senator from North Carolina was willing to assume the burden of proof.

On that occasion, I gained the impression that the Senator from Arkansas [Mr. Fulbright] was willing to assume the burden of proof; in fact, he started out assuming it.

The Senator from Mississippi [Mr. Stennis] was willing to assume the burden of proof, saying that he proposed to prove that this man should be censured.

So some Senators carried that burden. It seems to me that some Senator now, or else the Senate itself, must sustain the burden of proof, even if only to prove by a preponderance of the evidence. Some Senator, or the Senate itself, must eventually say that the burden of proof has been sustained.

Mr. STENNIS. Mr. President, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield.

Mr. STENNIS. I shall speak quite briefly. I do not think it is necessary to go over this subject again. I heard the reference of the Senator from Louisiana to my name. Frankly, I was looking at a memorandum at the moment. The Senator did not say, did he, that the Senator from Mississippi said that there was no burden of proof or that he would not assume a burden of proof? What did the Senator from Louisiana say?

Mr. LONG of Louisiana. I should like the Record itself to reflect what I said. What I said was that the committee can quite correctly take the view it does as it appears in the report on page 11:

> The committee assumed the burden of proceeding with the evidence and instructed its counsel to present all facts pertinent to the matter under investigation.

So the committee can quite correctly take the view that it is not the burden of the committee to be the prosecutor or accuser.

Mr. STENNIS. What does the Senator think the committee members have been doing since the debate started, if they have not been trying to convince this group of Senators of what the facts and circumstances are?

Mr. LONG of Louisiana. I think the committee has been trying to assume the burden of proof; but I merely wanted it agreed that some Senator or the Senate itself will assume the burden of proof before this question is finally decided. Unless the burden of proof is sustained, the Senator from Connecticut should not be censured.

Mr. McCARTHY. What the members of the committee are doing is presenting the grounds upon which we recommend censure. We do not have to prove the case. We present the case to the Senate. We have done our best to present it. If we do not give reasons for judgment, the Senate can make its own. It can make its own study by saying, "We are going to look into the case further."

What does the Senator expect us to do by way of assuming the burden of proof? Knock Senators down onto the floor and have them say, "Yes"?

Mr. ERVIN. Mr. President, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield.

Mr. ERVIN. I sit here in the capacity, partly, of a juror considering the facts. Anything I might say should not be construed as an expression of any opinion on my part as a juror. I wish to ask the Senator from Minnesota if it is not his understanding that in referring this case to the Committee on Standards and Conduct, the Senate was acting under the provision of section 5, article I, of the Constitution, which I shall read, omitting, in reading it, some nongermane words:

> Each House may * * * punish its Members for disorderly behavior, and, with the concurrence of two thirds, expel a Member.

Is it not the position of the Senator from Minnesota that when the Senate referred this matter to the Select Committee on Standards and Conduct it was acting under that provision of the Constitution?

Mr. McCARTHY. Yes, we so interpreted it.

Mr. ERVIN. Is it not the understanding of the Senator from Minnesota that the words "disorderly behavior" used in that section mean irregular behavior; that is, behavior which is irregular for a Senator to engage in or be a party to?

Mr. McCARTHY. Yes, it is a little vague, as I said. We tried to determine what would be accepted standards. We did not try to impose standards which are not accepted or rejected by the Senate. If this is our starting point, conduct contrary to that, intentional or not, would be irregular, out of order, or disorderly.

Mr. ERVIN. Is it not the understanding of the Senator from Minnesota that when the Senate referred this matter to the select committee the Senate was in effect making the select committee an arm or agency of the Senate to conduct investigations?

Mr. McCARTHY. The Senator is correct.

Mr. ERVIN. And not in the capacity of prosecutor?

Mr. McCARTHY. The Senator is correct.

Mr. ERVIN. And not in the capacity of counsel to defend; but to take evidence, study that evidence, and report that evidence, together with recommendations on that evidence, for Senate consideration?

Mr. McCARTHY. The Senator is correct. That is our interpretation of our role.

Mr. ERVIN. Is it not the understanding of the Senator from Minnesota that the select committee was not assuming the burden either of convicting the distinguished Senator from Connecticut or the burden of acquitting the distinguished Senator from Connecticut?

Mr. McCARTHY. The Senator is quite right.

Mr. ERVIN. Is it not the understanding of the Senator from Minnesota that the function of the members of the committee, in giving or explaining their report, and analyzing the evidence taken by them, is merely to give light to the Senate so that each Senator may reach his own conclusion in respect to these matters?

Mr. McCARTHY. The Senator is correct.

Mr. ERVIN. These things being true, is it not also true that there is no burden resting upon the members of the select committee, but the burden in this case rests upon each individual Senator to determine for himself, on the basis of the testimony presented and taken by the select committee, whether or not the Senator from Connecticut has been guilty of conduct which justifies the Senate censuring him on either of the counts in the resolution?

Mr. McCARTHY. That is my view of the whole proceeding.

Mr. ERVIN. In other words, this is not a criminal prosecution or a civil case. It is an investigation by the Senate to determine whether or not the able and distinguished senior Senator from Connecticut should or should not be censured for conduct, in essence, unbecoming a U.S. Senator.

Mr. McCARTHY. The Senator is correct. As I said in my remarks, I think the Senate should consider whether or not he knew what was happening, and if he did not know it was happening, whether he should have known.

Mr. ERVIN. And so far as the burden rests on anyone, the burden in this case rests on each individual Senator to make that determination for himself on the basis of the evidence reported to the Senate and which has been presented on the floor of the Senate.

Mr. McCARTHY. That is my conclusion; and, of course, it is the manner in which I would like to have the Senate proceed.

(At this point, Mr. TYDINGS assumed the chair.)

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. LAUSCHE. I subscribe fully to the implications contained in the questions of the Senator from North Carolina and the express answers given by the Senator from Minnesota. However, I wish to propound this question.

If it is responsibility of each Senator to determine for himself whether he will convict, what should a Senator do if he finds his mind in a state equally divided, one side for conviction, and one side for acquittal, and he honestly says to himself, "I can go to either side, acquittal or conviction, and feel thoroughly at ease in my own conscience." That is, in his mind the evidence is evenly divided.

Is it his responsibility to acquit or convict?

Mr. McCARTHY. I think if it is evenly divided his responsibility would be not to vote and make a statement comparable to the statement of the Senator from Ohio. I do not think we insist that Senators vote.

Mr. LAUSCHE. That is, if his mind is evenly divided he should not vote?

Mr. McCARTHY. That would be my judgment—unless he wants—perhaps you can develop something called a "dead pair" here for Members equally divided——

Mr. LAUSCHE. I would like to give my view on that subject. This need not be described as a judicial proceeding; it can be accepted as a responsibility of deciding an issue. In deciding it, if you vote for the affirmative, it ought to be only in the instance where you feel there is a greater weight of the evidence in favor of the affirmative rather than in favor of the negative. Second, if the evidence is evenly divided, then the responsibility is to acquit. I submit that view as sound on the basis of judicial proceedings, and private proceedings in which you are trying to determine an issue, or any other controversy that is sought to be decided.

Mr. McCARTHY. I might say to the Senator——

Mr. LAUSCHE. I wish to go one step further. In judicial proceedings normally there are three rules dealing with evidence. First, in ordinary contract cases and negligence cases the degree of responsibility in proving the case is that you must prove your case by a preponderance of the evidence. Second, in cases involving fraud the evidence must be clear and convincing. Third, in cases involving crimes, the evidence must establish the guilt beyond a reasonable doubt. On each one of us there rests the responsibility of saying, "The burden in my mind has shown that there is a greater weight of evidence in favor of conviction than acquittal and, therefore, I vote for conviction." If your answer is that the evidence is evenly divided you must vote for acquittal. If the answer is that there is a greater weight of evidence for innocence than guilt, then we also must vote for acquittal.

Mr. McCARTHY. If I can respond to the Senator from Ohio, my advice would be that if a man is in that frame of mind, he should give the benefit of the doubt to the Senator from Connecticut.

Mr. LAUSCHE. Yes.

Mr. McCARTHY. I do not say you should do it on my recommendation. Perhaps the Senator will listen to the Senator from North Carolina in regard to it. Several attempts have been made to challenge this approach by the committee but we of the committee have said: let us give the benefit of the doubt in procedural matters to the Senator from Connecticut, and I think that whatever procedure is approved—should be to the benefit of the Senator from Connecticut. I would say that the position recommended by the Senator from Ohio is one to which I would subscribe.

Mr. ERVIN. Mr. President, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield.

Mr. ERVIN. Since the Senator from Ohio was induced to make his observations by reason of the colloquy between the Senator from Minnesota and myself, I should like to make my position clear. I think it is in harmony with the position of the Senator from Minnesota and the Senator from Ohio.

Mr. McCARTHY. Let me say that I am glad we have gotten out of the hands of the lawyers into the hands of the judges. [Laughter.]

Mr. ERVIN. My position with respect to this matter is this: Based upon the issues presented by the resolution, each Senator is confronted with the necessity of answering for himself two questions. The first question is, is the specification—whether it be specification 1 or specification 2—as set forth in the resolution, established by the testimony? Second, if so, do the facts stated in the specification as established in the mind of the Senator by the testimony, justify or require him to vote for censure?

Mr. McCARTHY. Correct.

Mr. ERVIN. Of course, as the Senator from Ohio has suggested, and as the Senator from Minnesota has agreed, a Senator cannot be satisfied on those points unless he is satisfied in his own mind, in the first place, of the truth of the facts set out in the specification, and in the second place, that the facts set out in the specification are of such magnitude that they require or justify censure.

Mr. McCARTHY. That is correct.

Mr. ERVIN. That gets the procedural questions out of the way. We have no prosecutor in this case. The select committee certainly is not a prosecutor. The select committee has been performing an obligation resting upon the Senate in taking and reporting the testimony. It was doing this as a matter of convenience because it would have been very difficult, indeed impossible, for the Senate itself to have taken the time from its manifold duties to hear the witnesses give the testimony. The select committee's recommendations are not binding on the Senate. They are merely intended to assist Senators in analyzing the testimony for themselves.

Mr. McCARTHY. The Senator has described the usual procedure here. We assign things in committee. We may have confidence in it or we may know some of its members whose judgment we trust. If we do not have any confidence in the committee, then the responsibility is to find out for ourselves, which is the very same procedure which applies here. This is the first test of this committee. It may well be that the Senate should pass harsh judgment. This is the first time out for us. The committee has not had much experience. As to whether Senators can rely on it, they should read the hearings.

Mr. PEARSON. Mr. President, will the Senator from Minnesota yield by unanimous consent, without losing his right to the floor, for a short statement by me?

Mr. McCARTHY. I am happy to yield to the Senator for that purpose.

Mr. PEARSON. Mr. President, the question once again of the judicial nature of the hearings, due process, and burden of proof, has come forward, properly so, I assume; but at this point, I should like—and it will not take me long—to review from the beginning to the end the procedures, and what the attitude of the committee was. It is legalistic. But I think this is the first time we have proceeded for some time now to make a record here on that particular subject matter.

I begin by saying that much of this is in the report actually, but to summarize: It was on January 24, 1966, that the newspaper articles first appeared.

Later, on February 2, the committee took note, but no formal investigation was authorized. The accumulation of material was gathered at that time.

On February 8, when the staff made a preliminary report—and, I might say, our staff then consisted of two attorneys, one secretary, and one part-time accountant—the staff made a preliminary report to the chairman of the committee.

A week later, Senator Dodd asked that the committee look into the Klein matter. The committee then authorized a further investigation—not formal yet.

The chairman and the vice chairman met with Senator Dodd and cooperated completely with him, and he with us, concerning the Klein matter.

Subcommittees took sworn statements in executive session of some witnesses to determine whether there was sufficient cause to proceed—I think this is a very vital matter—to take testimony in this matter to determine in executive session whether there was legitimate reason to proceed forward—this is on the Klein matter.

Then the allegations concerning the financial misconduct came up and Senator Dodd quite properly and completely in his own right, questioned the jurisdiction of the committee and indicated it might be a proper matter to go to the Rules Committee—or perhaps might not be within the jurisdiction of either committee.

In accordance with the language in the resolution, the committee went forward to seek to find information from an independent source and proceeded with this matter to authorize a formal investigation, in 4 months, with some 17 interviews—I am talking about the Klein matter now—the accumulation of great numbers of documents furnished, I must say, by Senator Dodd's office.

Authority, as I have stated before, is under article I of the Constitution, Senate Resolution 338 of the 88th Congress—and the Supreme Court decision in 1929 Barry against United States, which indicated that these proceedings by Congress should ask for every power in ascertaining the facts and the application of appropriate rules of law.

I have indicated the extent of counsel and the extremely able and dedicated people on the investigation we conducted, which was held through the years 1961 through 1965. We were able to trace 75 percent of the disbursements in Senator Dodd's bank accounts. These were independently verified. They were traced from 36 loans from 22 lenders, also checking on some 80 trips, 105 interviews, 116 subpenas duces tecum, and documents and statements in the number of 174 were gathered from organizations and individuals.

Our investigations took place in Washington, D.C., Connecticut, Los Angeles, and New York.

The procedure we followed in the Supreme Court decisions was that the proceedings were judicial in nature and must follow those concepts of due process.

The committee, on the 2d of February, as I recall now, put together some rules of procedure. As a general guide, it followed the practices of procedure in the Federal court. As a general guide it followed the rules of evidence in the Federal court.

The committee assumed the burden of proceeding with the evidence, both good and bad. I recall that the chairman on any number of occasions, in his quiet sort of way, would tell counsel, "Go get the facts. Bring them in here, whether good or bad. We want the whole story."

The question of jurisdiction was first raised on May 25. Again on June 9, several days thereafter, it was raised.

During the special hearings Senator Dodd and his counsel went into the jurisdictional question and the taking of stipulations. None of the jurisdictional questions were waived at any time, even after the hearings were over and we were through. We went back on March 21 and considered the jurisdictional question.

On June 9, when we made the decision to go into the hearings on financial matters, we sent a letter detailing every charge to Senator Dodd in a letter dated June 15, 1966.

On October 26 we wrote another letter reaffirming the decision to have a hearing, and at that time we listed additional subject matters which would be brought forth.

The notice involved the nature of the allegations themselves and also the time for preparation.

With reference to the hearings in the Klein matter, we first had closed hearings and then open hearings. On the financial part, or part 2 of the hearings, we had open hearings.

Before the decision to have these hearings, opportunity was submitted to Senator Dodd to file a statement of facts. He refused. He had a perfect right to do so.

Senator Dodd had the right to attend all the hearings and the right to be represented and accompanied by counsel. Prior to the hearings he was given the names of the witnesses and a summary of their expected testimony. He and his counsel had the right to cross-examine and to call any witness. The committee did not call Senator Dodd as a witness, although he had the right to appear. When he did so he was given the courtesy to be interrogated only by members of the committee.

He had the opportunity to raise jurisdictional and procedural questions at all times.

Regarding the testimony, all the testimony from the witnesses was taken under oath. Affidavits in lieu of personal appearances were admitted only when it was impossible to have the witnesses present. We took only one deposition. That was Mr. Sullivan in Connecticut, only after we had a medical certificate that he would be unable to appear. At that time his deposition was taken in accordance with Federal rules.

I recall, as a matter of fact, the chairman of the committee and I had a long discussion as to whether or not there was a privilege as between a member of the staff and the Senate, and whether or not he would have the right to go up there and take the testimony. There was agreement that we take that one deposition.

The stipulations were in legal form.

There has been much talk about the 400 affidavits. This is repetitious, but there were 400 affidavits and they were given on forms with blanks for the name and date of the event. The gist of the affidavits was that these gifts were made out of respect and affection for Senator Dodd. I quote from page 13 of the report in that connection, in which it is stated:

> The Committee did accept the documents for the record and did review and consider the documents in reaching its conclusions.

Also, the witnesses who were there under oath were given the right to appear with counsel. They were given the right to examine their testimony after all the hearings. It was also the policy of the committee that if anyone's name was mentioned in the public hearings, he was afforded the opportunity, at his request, to appear as a witness, or to file a sworn affidavit concerning any allegation made against him.

I repeat, there is no statute or rule to guide the committee. The Supreme Court decisions hold that they are legislative in nature, not judicial. I do not think that means that article I, section 5 of the Constitution, deprives the Senate of proceeding in this matter.

I think it is important, even though we went through it once, that I recite this now again, not so much for Senators who are here today, but for Senators who may be sitting here 5 or 10 years from now. Even after this was done, it is important to bear in mind that what the committee did in its investigation or hearings or recommendations constituted no action. What the committee did was to fulfill the office of any committee of the Senate. So the final judgment and verdict rests here in the Senate Chamber. The burden of proof is that burden of proof which the Senator from Louisiana selects, for example, or the burden of proof which the Senator from Washington selects, or the burden of proof which the Senator from Ohio selects in his own mind, in his own judgment, and in his own heart.

I think this is, for one man, a recitation of what we did. I think it is important to state it for the record. It is one explanation concerning it.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McCARTHY. I promised to yield to the Senator from Montana [Mr. Metcalf] first.

Mr. METCALF. Mr. President, in my thinking on this, I want to say to the Senator from Minnesota that I have appreciated his description of how the committee has functioned. I was one of those Senators who voted for the original resolution introduced by the Senator from Kentucky [Mr. Cooper]. As I read the resolution under the constitutional provision suggested by the Senator from North Carolina, the Senate admonished that Select Committee on Standards and Conduct to do certain things. We said that this committee should receive complaints and investigate allegations of improper conduct which may reflect upon the Senate; violations of law; violations of the rules and regulations of the Senate.

It would seem to me that when we said the committee should investigate such violations and improper conduct which may reflect upon the Senate, we said: Investigate those problems other than violations of law or other than standards of conduct which may have been established. Is that not correct?

Mr. McCARTHY. Yes.

Mr. METCALF. Therefore, it would appear that the committee by this resolution is impowered to act, even though no standards have been set and even though there is no allegation, as to violation of law, even though the Senator from Louisiana says this man can be put in jail because of these allegations. We are not trying to convict him. I have deplored, in behalf of my good friend, the use of the word "convict." He is not being convicted of anything. Ever since Lincoln Steffens wrote his autobiography it has been recognized that there are standards in public life that are above and beyond standards of conduct in one's private business.

So the jurisdiction of this committee to make investigations is recorded as long as it involves improper conduct which may reflect upon the Senate, which may differ from a violation of law, which may differ even from violations of any rules or regulations or standards that may have been established or that may be established.

I am troubled a little about the discussion of the burden of proof.

It would seem to me, as I read the two volumes of hearings which have been published, the committee has done the thing which it was required to do. It has investigated alleged instances of improper conduct, and it has made recommendations by way of a resolution. The committee's recommendations are before us as a result of that resolution. It was the duty of the committee to conduct the hearings. As I read its hearings, we can take the admitted case the Senator from Connecticut has made and throw out all the other evidence, and not go into the question of evidence that is contradictory, but merely go into the stipulation and resolve for ourselves whether or not we should vote to support the recommendations.

In the record, the Senator from Connecticut and his attorneys have admitted many allegations that are not controverted, that are not the subject of dispute as to facts. The facts are admitted. All we have to do is draw the conclusion, from those facts, as to whether or not we should vote in support of the recommendation of the committee on the admonition which the Senate has put upon the committee; the vote on their acceptance of the duty to bring to the Senate a report as to whether or not our fellow Senator should be censured for improper conduct.

Mr. President, I believe that the Senator from Minnesota, in outlining the proceedings, has clarified many of the points about which we have been disturbed, and has demonstrated that this is not a strictly judicial procedure, and that the committee did not have to go into establishing rules and regulations before it could proceed on a matter referred to it under the resolution.

I believe that we need never go into this matter of disputed facts as to burden of proof or other legalisms. We may take the admitted evidence of the Senator from Connecticut and make a decision as to whether or not, as the Senator from Ohio has said, its weight is evenly balanced or preponderates in favor of or against our fellow Senator. If the weight of the evidence is evenly balanced, of course, it should be decided in the Senator's favor.

Mr. McCARTHY. I thank the Senator from Montana.

I yield now to the Senator from Florida.

Mr. HOLLAND. Mr. President, I am very grateful to the Senator from Minnesota, to the Senator from Kansas, and to all other Senators who have participated in this colloquy. I think the Senate should be grateful to them, because several things have been clearly shown.

First, it has been demonstrated that this committee has regarded itself simply as an agent of the Senate, to explore the facts and make the most careful compilation of the facts possible, along with its own recommendations, and submit the matter to the conscience of the Senate. That is what I think they were supposed to do.

If the committee were regarded as prosecutors, we would never get anybody to serve on the committee. If the committee were regarded as prosecutors, its members would not be permitted to vote on the question when the time comes for decision.

I think it has been made completely clear what function has been performed by the committee. My own opinion is that it has been performed very ably and very conscientiously, and I think that the committee is entitled to the expression of gratitude of the Senate.

As my second point, I say to the Senate that the question of burden of proof does not bother me at all. The Senator who heads the committee stated in the beginning that the burden of proceeding was the only thing that was assumed by the committee, to make clear what had transpired, and how it went about the job—it has done that, particularly in this last colloquy—and to lay the matter in the laps and upon the consciences of the Senate. It has done that.

Mr. President, the matter of burden of proof is something that is very personal to each Senator, just as it is to every juror who sits in the jury box in the trial of any case, regardless of what kind of case the trial involved. I happen to have had the responsibility of presiding as judge of a modest trial court for 8 years, and I know that jurors ultimately had to decide whether, in their judgment, the proof was adequate, under the type of case as recited by the court that particular case was, whether the proof was adequate, in their judgment, to require them to find a verdict for or against the case made.

That is exactly the position each of us is in now, as to each of these charges. That is the way I think it should be. No privilege has been taken away from the distinguished Senator from Connecticut. He is still a U.S. Senator. He is still permitted to hear this evidence, and he will still be permitted to vote in the final analysis.

This matter has been so handled that I think the Senate will continue to have available to it Senators of the very highest character to serve on this committee. If it had been handled the other way, whereby they would have become prosecutors, I do not think we would have found Senators willing to serve on the committee from this time forward; and I do not think the committee's members would have expected to vote, if they had regarded themselves as prosecuting officials.

They have functioned, I think, as nearly perfectly, in accordance with the pattern laid down by the Senate, as it was possible for them to function. I think that the question of what the burden of proof is, or whether or not that burden has been sustained in the one case and in the other case, is a completely personal matter resting upon the conscience of each Senator; and I believe it will be so regarded by each Senator. I have no trouble about any procedural question in this case, and I do thank the Senator from Minnesota, the Senator from Kansas, the Senator from Ohio, the Senator from North Carolina, the Senator from Montana, and all the other Senators—I cannot recall them all—who have participated in this colloquy, because I think they have cleared the air entirely, and that there is no procedural matter which need disturb us any further.

Mr. McCARTHY. I thank the Senator. I think if we had attempted to give instructions to the rest of the Senate as to the conditions under which they must pass judgment, like lawyers speaking to a jury, it would have been most offensive. We have no right to tell other Senators the terms and conditions under which they should pass judgment.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. YARBOROUGH. I wish to state certain facts as a predicate for my question.

First, paragraph (a) of the resolution recommends censure of the Senator from Connecticut by stating that he obtained and used for his personal benefit funds from the public through political testimonials and a political campaign, and on page 2, it refers to the Senator's conduct as "contrary to accepted morals."

I ask the Senator from Minnesota, did he not say, in summing up, that this was not a condemnation of testimonial dinners as such? I recall, some years ago, a testimonial dinner in the home city of one of the Justices of the United States Supreme Court, where he was given a fine automobile.

On the 21st of November 1963 I attended, in Houston, Tex., a great testimonial dinner to the late Representative Albert Thomas of Texas, where they gave him the keys to a large car—a Cadillac, I think.

The people who attended these testimonial dinners all knew that they were giving large automobiles to the Representative from Texas and the Justice of the Supreme Court.

I take it that the genesis of the complaint is not that a testimonial dinner was given to the Senator from Connecticut, but that these were political testimonial dinners, and that the moneys were raised for political purposes but were used for the Senator's own benefit, and not for political action or political use in defraying the costs of campaigns.

Mr. McCARTHY. The Senator is quite right. He states the position of the committee on testimonial dinners purely and simply.

We may, as a committee, make recommendations or have something to say about testimonial dinners, but we made no condemnation of testimonial dinners as such. The question is whether or not the dinners were called personal, or whether the testimonial dinners might, in some way, have been judged to be political dinners.

Mr. YARBOROUGH. Up to this point in American political life, a testimonial dinner as such has not been condemned, publicly or privately, that I know of, as contrary to accepted morals. As I understand, the committee is not attempting to censure a Senator because a testimonial dinner was held.

Mr. McCARTHY. Or pass judgment upon it.

Mr. YARBOROUGH. Or even pass judgment upon it.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. I say to the Senator from Minnesota that as a member of this committee, he has, in my judgment, performed in conformity to the highest standards of the Senate, in doing what he thought his duty required, as the good Lord gave him the light to see it; and that is all that can be expected of any of us.

I am proud of the Senator, and my admiration for him is not diminished in any respect because we might not agree on the final recommendations.

Mr. McCARTHY. I thank the Senator.

Mr. LONG of Louisiana. The same statement in general applies to every member of the committee, particularly to the Senator from Minnesota, for whom I have the very highest of admiration and with whom I am very proud to serve on the Committee on Finance.

With respect to the same paragraph on page 11 of the committee report, to which I referred before, the committee sets forth that the judicial nature of this procedure must be carried out consistent with the due process of law requirement of the fifth amendment to the Constitution.

I ask the Senator if due process of law does not include a presumption that the accused is innocent until proved guilty.

Mr. McCARTHY. I think my answer to the Senator from Ohio supports the proposition that the Senator is making, that if a Senator were in doubt, I would assume that he would vote against censure, which is the application of the same principle in this regard.

Mr. LONG of Louisiana. Does it not include the right to be present when testimony, and, particularly, adverse testimony, is taken and does it not include the right to confront or to cross-examine the witness?

Mr. McCARTHY. I think the chairman replied to that particular point that the information gathered at these hearings, if it was used in the case, was presented to the Senator from Connecticut and he was fully informed and free to rebut it in any way.

Some of the preliminary hearings were simply to decide whether these people ought to be included as witnesses in the proceedings. However, there is nothing that was incorporated in our report or as part of our judgment that is being presented to the Senate which the Senator from Connecticut did not have an opportunity to rebut.

Mr. LONG of Louisiana. I understand that. However, I ask if it is not true that a subcommittee of this committee did hold at least one closed meeting at which testimony was taken and at which Senator DODD was not accorded the opportunity to be present or to hear the testimony or to cross-examine the witness or witnesses?

Mr. McCARTHY. Either the matter was presented to the full committee subsequent to such hearings or it was considered to be completely irrelevant and of no bearing upon the proceedings.

Mr. LONG of Louisiana. Was not testimony taken at a subcommittee meeting which the Senator describes as a preliminary meeting?

Mr. McCARTHY. It was not submitted as testimony against Senator DODD. We listened to testimony, but there was never a full committee meeting at which any witnesses were heard, and there was no submission or inclusion of any such testimony as a part of the official proceedings whatsoever.

We may have talked to somebody out in the hall without the Senator being present.

Mr. LONG of Louisiana. I understand that. However, I would like to ask the question again.

Mr. McCARTHY. I think the answer

to that question is, "Yes," not the full committee.

Mr. LONG of Louisiana. So there was a subcommittee meeting which the committee regarded as preliminary in nature, at which testimony was taken and at which Senator DODD was not invited to be present.

Mr. McCARTHY. The Senator is correct. I participated in one, and of the three witnesses, two, I think, then appeared in public, and the testimony of one was considered to be completely irrelevant. We did not, therefore, have that testimony presented in public.

Mr. LONG of Louisiana. Has Senator DODD been provided a copy of the testimony taken at that subcommittee hearing?

Mr. McCARTHY. I do not know whether he has been or not. If it was presented in open hearing, he did receive it. However, whatever information was developed that had any bearing upon the committee's decision and recommendation, that information has been publicly known to the Senator from Connecticut and counsel.

Mr. LONG of Louisiana. Counsel for the committee is sitting alongside of the Senator. I would like to know if Senator DODD has been provided a copy of the testimony taken at this particular preliminary hearing in question.

Mr. McCARTHY. The answer is "No."

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. McINTYRE. There is one point that bothers me.

If the committee in its deliberation and hearings had concluded that the Senator from Connecticut had no actual knowledge of the double billings, and if it had been the opinion of the committee that he should have known of it, would the committee have recommended censure, as it has in this case?

Mr. McCARTHY. I cannot tell the Senator what the committee would have done, if these conditions had been present and known by all members; it might have and it might not have.

It is possible that the committee would have recommended censure on the grounds that he should have been aware of these operations.

A Senator is charged with a certain responsibility for his staff and fundraising and the conduct of his committee and his official travel. Whether they would have recommended censure or not, I cannot tell the Senator at this point.

Mr. McINTYRE. It seems clear to me that the committee in making its recommendations had concluded not only that he should have known of this, but also that he did have actual knowledge.

Mr. McCARTHY. I think some Members seem to be clearer in their minds on that point than others.

There is the question of whether he had knowledge and approved or permitted it to happen. There is the question of whether he should have had knowledge and did not have.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. LONG of Louisiana. When I spoke of a subcommittee hearing at which testimony was taken, I believe I was in error. There was more than one such hearing.

Could we agree that there were several subcommittee hearings which the committee regarded as preliminary meetings in nature at which testimony was taken in the absence of Senator DODD?

Mr. McCARTHY. The Senator is correct.

Mr. LONG of Louisiana. I thank the Senator.

Mr. McCARTHY. Mr. President, I would like to make this final observation as we proceed to a decision. I think it is important that the report says nothing about the image of the Senate.

We do say what bears upon the Senate itself.

That means that the committee itself—speaking for myself—has no notion that the Senate is some kind of an idealized body.

I think we ought to understand that the standards of conduct applying to Members of the Senate or the holder of any public office are somewhat higher than those standards that prevail in private life or even in the case of a profession or business in which entirely different standards of ethics may apply. These may fall far short of what may be expected of a Senator.

I recall some 10 or 12 years ago when there was a scandal in the administration. A man was brought in and he said: "I haven't done anything but what my mother would have approved of."

That is a pretty liberal standard, but he thought it was objective. He was Irish, and that seemed to be the final answer.

What kind of rules of standards is the Senate trying to develop or to apply?

The rules should reflect our concern to have the whole of the Senate be greater than the sum of its parts. This cannot be achieved in physics, but can be in politics.

On the other hand, we should not push too far in attempting to determine standards nor be too harsh in applying them.

The Senate in these proceedings and efforts should keep in mind the words of a contemporary poet from Kansas who has written these words. "And if we purify the pond, the lilies die."

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to; and (at 12 o'clock and 14 minutes p.m.) the Senate took a recess subject to the call of the Chair.

At 12 o'clock and 26 minutes p.m., the Senate reassembled, when called to order by the Acting President pro tempore (Mr. METCALF in the chair).

ORDER FOR RECOGNITION OF SENATOR DODD

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate returns from its recess at 1:45 p.m., the Senator from Connecticut [Mr. DODD] be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS TO 1:45 P.M.; RECESS TO 12:45 P.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that beginning at 12:45 p.m., the Senate stand in recess for 1 hour, with the proviso that nothing will be done in the meantime, and that the Senate stand in recess until 12:45 p.m.

At 12 o'clock and 27 minutes p.m., the Senate took a recess until 12:45 p.m. of the same day.

At 12:45 p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. BYRD of West Virginia in the chair).

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess for 1 hour.

At 12:45 p.m., the Senate took a recess until 1:45 p.m. the same day.

At 1:45 p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. MONDALE in the chair).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 150 Leg.]

Aiken
Allott
Anderson
Baker
Bartlett
Bayh
Bennett
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Griffin
Gruening
Hansen
Harris
Hart
Hartke
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hollings
Hruska
Jackson
Javits
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Mundt
Murphy
Muskie
Nelson
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Scott
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The ACTING PRESIDENT pro tempore (Mr. METCALF in the chair). A quorum is present. The Senate will be in order.

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Connecticut yield to me with the understanding that he will not lose his rights to the floor?

Mr. DODD. Mr. President, I am happy to do so.

Mr. MANSFIELD. Mr. President, may I have the attention of the Senate?

The ACTING PRESIDENT pro tempore. Will the Senator suspend?

The Senate will be in order.

The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, the joint leadership on its own initiative has been seeking ways——

Mr. DODD. Mr. President, I cannot hear the Senator.

Mr. MANSFIELD. The joint leadership, on its own initiative, has been seeking ways and means to find out what the possibilities would be for bringing the debate on the pending resolution to a close in the reasonably near future.

I ask the Senator from Connecticut [Mr. Dodd] whether it is a true statement of fact that on yesterday the Senator indicated that he would like a vote on part (b) and then on part (a) of the resolution?

Mr. DODD. Yes. I told that to the majority leader and the minority leader.

Mr. MANSFIELD. And the Senator still is of the same opinion?

Mr. DODD. Yes, I am, sir.

Mr. MANSFIELD. I was wondering whether the distinguished chairman of the committee, who has been carrying, together with the members of that committee, the burden on this resolution, in presenting the case for the committee, would be of a mind at this time to consider the possibility of bringing the debate to a close, based on a time limitation or based on a transposition of (a) and (b), or any other factors which he and his committee might have had under consideration in this respect. The initiative, we believe, should come from the chairman of the committee, and it is on that basis that the joint leadership raises this question.

Mr. STENNIS. Mr. President, if the Senator from Connecticut will yield to me——

Mr. DODD. I yield.

Mr. STENNIS. I appreciate the majority leader's remarks, and the initiative comes from the committee. No group has shared work and responsibility more evenly than has this committee. I speak for them on this matter.

Mr. President, I have reduced part of my remarks to writing, in memorandum form, as to just how the committee feels at this stage of the proceeding.

The Senate is now in its sixth day of debate on the matter of censure of the Senator from Connecticut [Mr. Dodd]. The hearings and report of the committee are before the Senate, of course.

During these 6 days, the members of the committee have discussed at length its findings, conclusions, the procedures of the committee, and its reasoning for recommending censure. During these 6 days, the Senator from Connecticut has presented his case at some length, both in his formal speeches and by his responses to questions, and others have spoken in his behalf.

Never has there been any disposition on the part of the committee—and there is none now—to limit the consideration of this important matter by the Senate or to limit in any way the right and opportunity of Senator Dodd or any other Senator to fully present his views.

However, in fairness to Senator Dodd and in fairness to the Senate—in fairness to everyone—we believe that the Senate should come to a vote now on any amendments, if it is the intention to offer any, and then the Senate should vote on the resolution itself.

I ask the Senator from Connecticut—if I may ask him, and I shall withdraw the question if the Senator is not free to answer—does the Senator intend to offer any amendments?

Mr. DODD. To the original——

Mr. STENNIS. To the original resolution.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DODD. I have none.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. STENNIS. I intend to address the Senator from Louisiana next. I just wanted to be sure about this.

Permit me to add this reason for the question about the amendments, and then I shall yield to the Senator from Louisiana.

In a few minutes, I shall ask whether any other Senator wishes to offer amendments or plans to offer any amendments.

I state again my view and that of the members of the committee: I believe it is the view of the Members of the Senate that the Senator from Connecticut and the Senate itself should have full time for consideration of the matters which vex so seriously one Member of the Senate and the standing of the Senate itself, and this includes consideration of any amendments that might be offered. So I believe that the time has come now in this presentation for the offering of amendments, if there are to be any amendments.

I point out, too, that the parliamentary situation is different. There is no third reading, so to speak, of a resolution of this kind. The only way that the committee and the Senator from Connecticut will have of getting at the substance of the amendments is for them to be offered in time for study or preparation or whatever may be necessary, and then to have proper discussion. This is not a matter that can just jump up, to be followed by an argument made to this great body with only a few minutes preparation. There must be full analysis.

In view of these remarks, I am glad to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. May I say to the distinguished Senator that either I would have offered or I would have urged someone else to offer an amendment to strike line 11 on page 1 through line 2 on page 2. Unfortunately, I am foreclosed from offering that amendment because the Senator from Florida, not intending to deny me that right, wanted to have a direct yea-and-nay vote, in which yea would mean that you are for this part of the censure charge, and nay would mean that you are against it. It would be on that basis. He insisted on that division.

I am sure we could come up with a motion which would have the effect of allowing the Senate to vote on part (b) first. In other words, we want to go to trial on the double billing charge now, and vote on it today. We can find the proper manner in which to do it.

The most simple way would be to agree with what the Senator from Florida said in the beginning—that he would have no objection at all to voting on the second charge first. But we are prejudiced by a parliamentary situation that does not permit it, unless we can gain unanimous consent.

If we could gain unanimous consent to a vote on the merits of line 11 on page 1 through line 2 on page 2, then, from our point of view, we would like to vote on it, and give the Senator from Florida the vote exactly the way he wants it. If we cannot get unanimous consent, we have to find some other method.

Mr. STENNIS. The matter of unanimous consent is totally beyond the power of the committee to control, as is obvious. But we feel an obligation to the Senate to get the amendments in time to study them and then present to the Senate whatever our position might be. If the Senator from Louisiana could cooperate in that way, it would certainly bring us a step further.

We are not saying that we will not agree to time limitations on amendments, to time to vote on the resolution in its two parts. We are not closing the door on that at all. But we insist that our duty compels us to take this position with reference to knowledge and understanding of the amendments.

Mr. LONG of Louisiana. Mr. President, the amendment would be to strike subsection (b), commencing with line 11 on page 1 and ending with line 2 on page 2. That would be the amendment. That does not mean a direct vote which means a "yea" vote for censure or a "nay" vote against it. That would be the amendment I am seeking to offer. I understand there are ways to do it.

We would hope that we could vote directly on the language which appears in subsection (b) because that is what the Senator from Florida said he wanted. I am willing to agree to it if we can get unanimous consent.

Mr. HOLLAND. Mr. President, will the Senator yield to me?

Mr. STENNIS. I do not have the floor.

Mr. DODD. Mr. President, who does have the floor?

Mr. MANSFIELD. I believe the Senator from Connecticut has the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut has the floor.

Mr. DODD. I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, since there has been some misunderstanding as to what I would prefer to have done, I think I should state it again.

I prefer to have the Senate—I am only one Senator but I think that there are are a great many others who feel the same way—given the opportunity to vote on the merits of each proposal separately, because they are separate charges supported by separate evidence, and they ought not be voted upon in one yea or nay vote. The Senate has, under the rules, granted my request to that effect.

I must say to the Senator from Louisiana that my request would not be fully met if his suggestion is met, because to vote fully upon charge (b), the second charge, would require all the earlier part of the resolution, the omission of charge (a) and then the inclusion of charge (b), and all of the latter part of the resolution, because we are now passing on two separate proposals.

I am completely in accord that we vote on the merits and not just on a few words, as a part of a resolution. I think that every Senator is entitled to vote yea or nay upon the full statement of each of these serious charges.

I am quite agreeable to giving unanimous consent, but it would have to be given to a proposal to vote on all of the second charge, which, as already recited, would cover the whole of the resolution except charge (a).

Mr. STENNIS. Mr. President, will the Senator yield to me on that point?

Mr. HOLLAND. I shall yield in a moment.

There are other ways to arrive at that. I believe the Senator realizes that that is the case.

I do not like to have a vote on a motion to strike part (a) or part (b) of either one of the charges, because that is much less than voting on the merits of either charge. The seriousness of the matter is such that we should have the right to vote in full on the merits of each charge.

Mr. MANSFIELD. Mr. President, will the Senator yield to me?

Mr. DODD. I yield.

Mr. MANSFIELD. Mr. President, I raised the question to see what could be worked out on a procedural basis. The Senator from Louisiana indicated he has one amendment, which the Senate is well aware of.

Could the Senator from Louisiana, with the permission of the Senator from Connecticut, inform the Senate if he has other amendments?

Mr. LONG of Louisiana. I have other amendments.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. MANSFIELD. I yield.

Mr. STENNIS. I have asked the Senator to yield so that I may complete my statement. With reference to amendments, the same inquiry and request by the committee applies to substitutions, modifications, motions, or anything of that kind because this is a special situation. I hope the leader's question will cover not only amendments but also motions, modifications, and substitutions.

Mr. YARBOROUGH. Mr. President, will the Senator yield to me for a suggestion on the point he is discussing?

Mr. DODD. I yield.

Mr. YARBOROUGH. Mr. President, I do not intend to make a motion or offer an amendment. I offer to the committee a suggestion for logical procedure.

It seems to me that in logical procedure we should vote separately on each of the two specifications. Then, if either are sustained, we should then vote on censure or reprimand or whatever the Senate should indicate, on the same specifications. That seems to me to be the most logical procedure.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. DODD. I am happy to yield.

Mr. BENNETT. I wish to address myself to the Senator from Louisiana.

As a member of the committee, I shall feel constrained to continue to object with respect to the reversal of propositions (a) or (b) until we know what amendments the Senator intends to offer to proposition (a).

Mr. DODD. I do not have any.

Mr. BENNETT. I understand, but the Senator from Louisiana indicated he has other amendments and the purpose of the committee is to find out what lies ahead between now and the time we come to vote on the two separate parts of the resolution.

If the Senator from Louisiana has amendments to either section (a) or (b), I think the time has come for him to present those amendments to both sections so that the committee can study them.

The committee is not disposed, I think, to delay action on them beyond the time definitely necessary to find out what they mean.

If the Senator would like to make his offer, and the majority leader would like to offer his unanimous consent when we have the amendments before us, I think he would find a more receptive attitude.

Mr. MANSFIELD. Mr. President, would the Senator yield to me?

Mr. DODD. I yield.

Mr. MANSFIELD. The Senator from Louisiana indicated he will have one amendment to section (b). Could the Senator inform the Senate how many, if any, amendments he will have to section (a)?

Mr. LONG of Louisiana. Mr. President, will the Senator yield to me?

Mr. DODD. I yield.

Mr. LONG of Louisiana. Mr. President, I have been a committee chairman for some time, and my impression is that the way to get on with the business is that if someone insists on a vote on some part of a bill, you go ahead and let him have a vote on it, however he wants it—perhaps, straight up and down. If you cannot get it that way, you may be forced to table. Usually you let the people who do not agree with you have their way about having a vote on the matter on which they want a vote. We do not have a closed rule in the Senate as does the House of Representatives. If you do not do that, you waste a lot of time. If this Senator has the votes, he usually lets them have their way, and then we can get on with the business. Time and time again I have agreed to let opponents of revenue bills bring up amendments and vote whenever they wanted, at any time I could get it to a vote, if I thought the votes were with me. It is not a new experience with me to have them say, "We want to see how things go on this vote before we decide what we want to do about the remainder."

As far as I am concerned, if the vote is unfavorable to Senator Dodd on the double billing charge, which I believe involves six criminal acts, if true, I do not know whether I would want to offer any other amendments. If the vote is favorable to Senator Dodd on that charge, it is a different case.

After the vote on part (b) is taken, those of us on Senator Dodd's side would like to consult with him and then see what we want to do, what amendments we want to offer, and how soon we might proceed to a vote.

I have said to the majority leader what I say now. As far as I am concerned, if the Senate will let us vote on the motion to strike on the three lines in subsection (b), we will agree that we will come to a vote on the remainder of this resolution, including any and all amendments, not later than the close of business tomorrow. We will enter into a reasonable time limitation on the resolution itself and on the amendments that we do not think prejudice the rights of the Senator after we have voted on that amendment.

But it seems to us that it would prejudice the Senator's case to agree not to offer amendments until we see where we stand. I am willing to agree to vote at the close of business on Thursday. I am not trying to delay matters.

I am willing to agree to a final vote on Thursday on this resolution; but I do ask that we be permitted to vote first—and I hope today—on the (b) part which involves criminal conduct.

Mr. MANSFIELD. Would the Senator from Mississippi have anything to add to that?

Mr. STENNIS. If the Senator from Connecticut will yield to me——

Mr. DODD. I yield.

Mr. STENNIS. I respond in exactly the same way as before with reference to our problem. It is our duty to analyze the amendments and be prepared to advise the Senate how the part they are offering affects the whole situation. We think that the only orderly way now to get all this matter before the Senate is for the amendments to be disclosed and, in return, if that is done, then there will certainly be a strong disposition on the part of the committee to agree with reference to the time to vote on the two major points, with divided time control on the amendments, with divided time and consideration by the committee, but without any promise whatsoever, though, to the order of the two major parts of the resolution.

That is a matter which is beyond control of the committee. It requires unanimous consent.

Mr. MANSFIELD. Will the Senator from Mississippi yield there?

Mr. STENNIS. We have thoroughly considered this matter. That is our position. We believe it is one of cooperation.

Mr. MANSFIELD. Mr. President, will the Senator from Connecticut yield there?

Mr. DODD. I yield.

Mr. MANSFIELD. The Senator has indicated that he might or might not agree to a transposition of (a) and (b) in view of the fact that a request has been made on the floor of the Senate by the distinguished Senator from Connecticut asking that (b) be considered first. Would it be possible for the chairman and his committee to agree to something on that order, provided that a reasonable time limitation was allowed on the consideration of (a) and any amendments, substitutes, modifications, or whatnots which might be brought up in the meantime, with the proviso that we could possibly finish this resolution say by midafternoon on Thursday.

Mr. STENNIS. I say, with great emphasis, as to the order of these two major parts of the resolution, that the committee would certainly have to reserve judgment on that. But it certainly would consider it most seriously. The Senate is in a situation where it would take unanimous consent with reference to a change in position. Thus, we could not begin to cover that part of it, but we will consider the other possibility.

Several Senators addressed the Chair.

Mr. LAUSCHE. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I yield.

Mr. LAUSCHE. Is the chairman of the committee able to speak for the committee in saying that if no amendments or no motions were offered against either count (a) or count (b), the committee would consent to taking up (b) first and (a) second?

Mr. STENNIS. I quickly respond that we have not fully considered that. We will fully consider it. So far as we can make a recommendation, we will fully consider it, but the amendments now are the threshold and the roadblock on this whole matter.

Mr. LAUSCHE. Before I conclude I, want to commend the Senator from Connecticut for his direct statement that he is not offering any amendments and is prepared to have the Senate vote on these counts with great expedition.

Mr. LONG of Louisiana. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I yield.

Mr. LONG of Louisiana. I do not believe I have ever heard a suggestion such as that of the distinguished Senator from Mississippi before. I admire him as much as any Member of this body—more than practically all of them—but I have never heard this kind of suggestion before, that those who seek to bring the resolution to a vote, would insist that no one can vote on any one part of it unless he agrees to foreclose himself from offering amendments.

In the event the second series of charges is dropped from the bill—the double billing charges—then I feel sure that there are certain other Senators who would have amendments in order—a number of them. I would be glad to show the various amendments we have been considering to the Senator from Mississippi, and all those who think as he does, when we have voted on double billing, which I believe has been pretty well discussed and understood.

Not knowing whether the second charge will be defeated or not, we cannot yet even draft our amendments properly. Furthermore, may I say that a different degree of punishment would be in order, if we are only going to talk about an act of impropriety, rather than that and a criminal act. I have never asked anyone, ever, to foreclose himself from offering amendments on measures I have handled in this body. I do not know of anyone else who has done so. Let me say that I think debate on behalf of the Senator from Connecticut on the matter of this subsection (a) has only been half heard. The Senator from Connecticut did not dwell on it in his opening statement.

I have spoken on it mainly to an empty Chamber, against the advice of counsel, in order to make a complete record. So I just say, let us vote on this second charge of double billing. Do not ask the Senator from Connecticut to be under the onus of being accused of a whole series of criminal acts that, by my lights, could put him in the penitentiary for 60 years, while the Senate is voting on whether he has committed an act of impropriety.

Let us have a vote on this part; then we will proceed to the other part, and we will have no trouble on that. If it had not been that one of our colleagues, in all good conscience, thought that we should vote on the two parts separately, which puts us in the position of having point (a) come first, we could have proceeded. But there are other ways to vote. We could move to recommit the resolution and have the committee report back immediately. We would like to respect Senators' wishes. The Senator from Florida [Mr. HOLLAND] would like to have a direct up or down vote on part (b). That is the best way to have it.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. HOLLAND. The Senator from Louisiana is overlooking the fact that he is not suggesting that we get a full opportunity to vote on part (b), because part (b), to become a full charge, has to involve all the earlier parts of the resolution and all the later parts of the resolution without merely striking a few words.

What I hope we shall do—and I have tried to make this clear—is to vote upon the merits of each of these charges. They are very serious charges. They are fully covered by evidence bordering along lines which have been argued with sufficiency on the floor of the Senate. I think Senators would best acquit themselves by voting up or down the merits of the charges one at a time. The suggestion of the Senator from Louisiana does not permit that.

Mr. LONG of Louisiana. If some Senator will find a way—any way—in which we can vote on subsection (b) first, I will agree to unanimous consent to vote, or anything else. To do other than that would prejudice the rights of the Senator from Connecticut.

Mr. STENNIS. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I yield.

Mr. STENNIS. Will the Senator from Louisiana give to the committee now the substance of any amendments, substitutes, or motions that he has in mind making? He would not be obliged to make them, but would he tell us what actions he might take and an indication of the subject matter? That is a very simple request.

Mr. LONG of Louisiana. I should like to speak with my adviser; but I think it would be prejudicial to do what the Senator requests. I think we ought to go ahead and vote on section (b). We would like to vote on the charge involved therein. We are ready to proceed on that charge.

Mr. STENNIS. Without any committal at all on the subject, the request of the Senator from Connecticut for that certainly has some weight with us.

Mr. DODD. Mr. President, I find technicalities burdensome and unimportant to me. My reason for wanting to vote first on section (b) is that I have devoted myself to it. Perhaps I am in error. It pains me greatly. Maybe that is why I took it up first. I have not had much chance to develop section (a).

Mr. LAUSCHE. Mr. President, may we have order?

The **PRESIDING OFFICER.** The Senator from Connecticut will suspend his remarks.

The Senate will be in order.

The Senator from Connecticut may proceed.

Mr. DODD. It seems to me that we have pretty well debated section (b). In the natural order of things, I thought it would be well if I could hear the will of the Senate on that section.

I do not know of any advantage there is—there may be a disadvantage—but it would at least be some indication of what the will of the Senate is with respect not only to (b) but with respect to the whole resolution. I cannot conceive of why I would be taking advantage of the Senate if that privilege were given.

Mr. STENNIS. Mr. President, if the Senator will yield, no one has suggested that the Senator from Connecticut would take advantage of the Senate or the committee. He never has. I do think the Senator would see the logic, however, in the request of the committee—I am not asking him to pass upon it—before we proceed into these agreements, to inform us as to the substance of what is now known to be substitutes or amendments.

Mr. DODD. I have none.

Mr. STENNIS. The Senator has discharged completely that duty, and that point was fully resolved by the Senator from Connecticut when he said he had none. So that "clears the decks" so far as the Senator is concerned. But we have this problem. I say, in all sincerity, we cannot discharge our obligation until we know more about this.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. LONG of Louisiana. We have no objection to voting on everything in the resolution except page 1, lines 8 through 10. We have no objection to proceeding to limit the time and vote on everything in this resolution except for those words that appear on page 1, lines 8 to 10. We will be ready to proceed to debate, in a limited fashion, everything in the resolution subject to that, and then we will be willing to consider everything in the resolution minus line 11 on page 1 through line 2 on page 2. That is what the Senator from Florida [Mr. HOLLAND] wanted, as I understand it. He wanted to vote first on one set of charges, and then on the second set of charges.

Mr. HOLLAND. On the full merits of each case.

Mr. LONG of Louisiana. We have no objection to voting, and I would hope we would have unanimous consent to vote on everything in the resolution, except lines 8 through 10 on page 1. That would be our current unanimous-consent request.

Mr. STENNIS. Mr. President, if the Senator will yield, that is another way of stating that they wish to put up charge (b), so to speak, and to vote upon that without any indication to the committee as to where we would be with reference to the amendments. I go back again to what I said, that this is essential to us, in the discharge of our duty. Then we would be free and liberal in considering a definite time to have, with a definite amount of controlled time, whatever the Senator from Connecticut, the Senator from Louisiana, or Senators might want, and also to consider the matter of voting on (b), as requested by the Senator from Connecticut, first. But we are not making a judgment on that yet, except the promise I made. Also, that is a matter of unanimous consent request. So, if the Senator would give us those amendments or the substance of them——

Mr. LONG of Louisiana. May I say that in the judgment of the Senator from Louisiana we are not in a position to do it. I think it would prejudice our case. The course of conduct in one event would be entirely different from that in the other. I have never insisted or asked that a Senator do that. I do not think the Senator should ask that kind of advantage against the Senator from Connecticut when at least one friend, and perhaps there are others, want a right to argue the case on the first course of conduct, the testimonial funds, which has not been adequately discussed. Senators should have an opportunity to make up their minds as to what they want to do, or even offer amendments, if they want to, to the testimonial fund charge.

May I say I see positive benefits in getting on with this business—and I have had this problem many times, as has the Senator from Mississippi, as chairman of a committee I would hope he will let us vote on this resolution, on everything except those three lines referring to charge 1; and then, having done that, we could vote on everything else in the resolution with the exception of the three lines relating to charge 2.

Several Senators addressed the Chair.

Mr. DODD. Mr. President, I do not know who asked me first.

Mr. BENNETT. Mr. President, will the Senator yield to me first, because mine goes right to the point? [Laughter.]

Mr. DODD. I did not mean by my yielding to make any judgment.

Mr. MORSE. I am not so sure the Senator is not right.

Mr. BENNETT. I wonder if the Senator from Louisiana realizes what he is asking the Senate to do. If the Senate voted on everything except lines 8, 9, and 10, and defeated it, there would be no censure resolution, and lines 8, 9, and 10 would be hanging in the air without any reason.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. LONG of Louisiana. I will give the Senator any kind of unanimous consent to protect him that he wants. All I want is a unanimous consent to protect the Senator from Connecticut. All we are asking is to vote on two separate counts, the (b) charge first and the (a) charge second.

Mr. BENNETT. If the Senator had his way and the Senate voted to defeat it, then the following language:

> *Resolved,* That it is the judgment of the Senate that the Senator from Connecticut, THOMAS J. DODD, for having engaged in a course of conduct over a period of five years from 1961 to 1965 of exercising the influence and power of his office as a United States Senator, as shown by the conclusions in the investigation by the Select Committee on Standards and Conduct—

Would be dead. So we would have no censure resolution before us.

Mr. LONG of Louisiana. Mr. President, if the Senator would direct himself to the Parliamentarian, he would find that the question has been divided and the Senator will be able to vote on the complete text of the resolution with regard to one charge and then the complete text of the resolution with regard to the other charge.

I ask unanimous consent to address the Chair for a parliamentary inquiry.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LONG of Louisiana. Is it not a fact that, under the division, we are required to vote on the censure resolution first on the charges involved in lines 8 through 10 and then on the charges involved in line 11 on page 1 through line 2 on page 2?

The PRESIDING OFFICER (Mr. HART in the chair). The Parliamentarian advises the Chair that the first question, the question having been divided, would come on the adoption of lines 1 through 10, down through and including the word "campaign," on the first page, and lines 3 through 6, inclusive, on page 2; and the second question, if the first should be defeated, would be on lines 1 through 7 on page 1, and beginning on line 11 on page 1, down through and including line 6 on page 2.

Mr. DODD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DODD. That makes it two separate resolutions?

The PRESIDING OFFICER. It has that effect, yes.

Mr. MORSE. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I yield.

Mr. MORSE. Mr. President, I ask unanimous consent that I may make a brief statement on the procedural questions as I see them, without the Senator from Connecticut losing his right to the floor, and I shall not speak at any great length.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from Oregon.

Mr. MORSE. Mr. President, this morning we heard what I think was a brilliant and very able analysis of the committee's position set forth here on the floor of the Senate by the speech of the Senator from Minnesota [Mr. MCCARTHY].

I think that speech should leave no room for doubt as to the unimpeachable motivation and the responsible course of action of the committee. The Senator from Minnesota made very clear that they were not a trial committee, and that the Senator from Connecticut was not on trial before the committee for any criminal conduct or for any course of action that was subject to indictment. The Senator from Minnesota made perfectly clear that they limited themselves to the terms of reference of the resolution that they have submitted to the Senate on the basis of their assignment by the Senate, submitting the so-called Dodd case to them for investigation.

As I understood the Senator from Minnesota—and I think I understood him accurately—he pointed out that what they have brought to the Senate is the results of an investigation, as set forth in the hearings, a copy of which has been placed on each Senator's desk, respecting the question of whether or not the Senator has engaged in a course of conduct, over a period of 5 years from 1961 to 1965, exercising the influence and power of his office as a U.S. Senator, as shown by the conclusions in the investigation by the Select Committee on Standards and Conduct. They close their submission of a resolution with the words that the Senator from Connecticut, on the basis of that investigation, "deserves the censure of the Senate; and he is so censured for his conduct, which is contrary to accepted morals, derogates from the public trust expected of a Senator, and tends to bring the Senate into dishonor and disrepute."

That is the conclusion of the committee as a result of the investigation, a copy of the report of which is on the desk of each Senator.

In submitting its findings, the committee brings out so-called charges in points (a) and (b). That is what we must pass on.

Mr. President, I think it would be a great mistake for us to vary in the slightest degree from following an orderly procedure under that resolution. This means that we should proceed to vote either on the resolution in its entirety as to charges (a) and (b), or that we agree to a division of the charges (a) and (b) and not on them separately. The Senate should take action by way of appropriate parliamentary procedure. A division of the charges (a) and (b) might be sought by unanimous consent or by motion. Let me say here and now I shall not give unanimous consent to vote on charge (b) before we vote on charge (a) because in my judgment it is very important that we protect the orderly procedures of the Senate in coming to the final determination of our position on the charges brought before us by the work of this select committee. To divide the question by voting on charge (b) before we vote on charge (a) would not be orderly procedure and in my judgment would not be fair to the committee which the Senate appointed to hear the charges against Senator DODD.

Mr. President, in the law we sometimes talk about bargaining on the part of defense counsel to have a case set for trial before one particular judge rather than other possible judges. Sometimes defense counsel attempts another strategy of bargaining with the prosecutor's office in an attempt to get a charge reduced to a lesser charge. Sometimes the bargaining ends in agreement with the prosecutor to drop one charge and then agree to accept a lesser charge on another count in the indictment.

In my judgment, what we have here is not on all fours an analogous situation, but to a degree there is an element of bargaining inherent in the defense proposal to obtain consent to vote on (b) before we vote on (a). I cannot agree with what my friend from Louisiana in the argument he has continuously repeated during this debate, that we are sitting here with multiple duties as judicial officers, prosecutors, jurors all rolled into duly authorized mixed obligation.

We are not judicial officers. We are not jurors. We are not prosecutors. This Senate is not a court. It remains throughout our consideration of Senate Resolution 112, a parliamentary body known as the Senate, under one obligation empowered by the Constitution and that is to pass judgment on the qualifications of a fellow Member who is charged with conduct which is contrary to accepted morals, derogates from the public trust expected of a Senator; and tends to bring the Senate into dishonor and disrepute.

We are sitting here as U.S. Senators, having the very unpleasant duty of passing judgment upon a fellow Senator for whom many of us, I wish to say, have a very high regard based upon years of personal friendship even though we may have differences of opinion in regard to the ethics or lack of ethics of his course of conduct as a U.S. Senator.

But the obligation of naming that judgment is our responsibility. That is our trust, and we cannot escape it; nor should we try to escape it and turn the procedure for considering the resolution of the committee into a mishmash, either. I think we ought to go down the line procedurally in accordance with the language of the resolution. We should pass judgment on the findings of our committee in the exact order in which they present them in the resolution. We appointed the committee; as is true of all Senate committees it is our agent. We have the responsibility to reverse that committee if we find that its findings are erroneous. But we also have the responsibility of supporting the committee, if we are satisfied that its findings are justified. The final judgment is for the heart and the conscience of each Senator to judge for himself. Here is one Senator who will not be a party, may I say, to any form of unanimous consent, or vote for any motion, which seeks to vary by one iota from the orderly procedure which I submit the language of the resolution calls for. It is my personal opinion that the best favor and service we could render the Senator from Connecticut would be to vote on sections (a) and (b) of the resolution in the order in which they are slated in Senate Resolution 112. I think the Senator from Connecticut is entitled to have the judgment of the Senate rendered here in accordance with the orderly procedure set forth under the very language of the resolution itself.

It may be that a case could be made—I have not heard it yet—for a division calling for voting on paragraph (a) and then voting on paragraph (b). I understand that the Chair has already ruled on a point raised by the Senator from Florida [Mr. HOLLAND] that any Senator has the parliamentary right to obtain separate votes on charges (a) and (b). Senator HOLLAND has asked for such a separation. I support him in his exercise of that right. But, Mr. President, I shall not support our abandoning orderly procedure by voting on charge (b) first and then voting on charge (a). As to a unanimous-consent agreement, I think it is unthinkable that we should agree to vote on (b) first and then (a). We do not know, in a case such as this, when the interests of a Senator are at stake—and the interests of the Senator from Connecticut are at stake—what may come up in the last hour of debate or the last 5 minutes of debate. We cannot tell what new turn the case may take. I shall not bind myself to any unanimous-consent agreement, because I do not think it would be fair or in keeping with orderly procedure under the facts and circumstances of this case.

Therefore, as far as I am concerned, I say to the Senate I think the most orderly procedure to follow is to follow the resolution as it is printed, and each Senator come to a judgment as to whether or not the findings of the committee in respect to paragraph (a) are sound, and therefore deserve a vote of censure, or whether they deserve a vote against censure. Likewise each Senator should decide whether or not the findings of the committee in respect to paragraph (b) are sound or unsound, and therefore deserve a vote of censure or a vote against censure.

I think that is the most orderly and proper parliamentary procedure for the Senate to follow, and to the extent that it is within whatever parliamentary rights I have, I shall do what I can to hold the Senate to that procedure.

Earlier I spoke about the strategy of bargaining. I fear it is inherent in the suggestion that we consider by unanimous consent to vote on charge (b) first and then on charge (a). However, I am not blind to the possibility that after charge (b) is disposed of one way or another we will not be confronted with a deluge of amendments to water it down as a matter of defense strategy. I should not give unanimous consent to taking the charges out of order because I think we are entitled to pass judgment on the amendments which may be offered to charge (a) before we vote on charge (b).

Mr. LONG of Louisiana. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I yield.

Mr. LONG of Louisiana. Mr. President, in response to the inquiry of the distinguished Senator from Mississippi, may I say, I do feel it might prejudice those who favor Senator DODD if Senators are denied the right to offer amendments if, after hearing the case, they feel that some lesser punishment might be more appropriate than censure.

In good faith, therefore, I hand to the distinguished chairman of the committee the amendment that I think it would be appropriate for someone to offer. If someone does not do so, I might offer it myself.

That is all I have. The Senator has that statement in writing for his information.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. McCLELLAN. Do I understand that no other Senator is to know the contents of the proposed amendment?

Mr. LONG of Louisiana. I am telling the Senator from Mississippi that this is what I have in mind. The Senator wants to know. I am willing to tell the Senator.

I am willing for the Senator from Arkansas to see it if he insists.

Mr. McCLELLAN. I would not want to agree to anything that I am not informed about.

I might ordinarily go along with the Senator from Mississippi on many things. I might disagree with him about the contents of the proposed amendments. I want to know the contents.

Mr. LONG of Louisiana. Does the Senator want to know what I have in mind in the way of amendment?

Mr. McCLELLAN. I think the Senate should know.

Mr. LONG of Louisiana. As far as the Senator from Mississippi is concerned, may I say that in some respects it might prejudice the defense if that information were known to others. However, I have no objection to the Senator from Mississippi knowing that information.

Mr. DODD. It might be helpful to me if I could also have a peep at it.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. STENNIS. I do not think it is necessary to restate the committee's desire—after a reasonable amount of debate—to dispose of these matters.

This is a package amendment that was suitable to the Senate, of course. But we had an obligation to go into the amendments to see how much preparation they would require and their effect on the resolution. It is strictly a policy matter as to what the committee will recommend.

The Senator from Louisiana handed me this paper. I told him I could not take it in confidence to the exclusion of the other members of the committee. I have not looked at it. I do not know what is on the paper.

The Senator from Louisiana said he might decide not to offer it, and he wanted freedom to act in that way and for that reason he did not want the information to be released.

I think frankly that on matters of

policy concerning what the committee will recommend to the Senate, it has a bearing and a place. Of course, it is not a matter that we could agree to or disagree to.

We are not going to pass on the amendment as such. However, it is in line with our desire to know the substance of what the Senator will propose or has in mind now.

I do not think it is sound parliamentarywise to try to cut off the Senator from Louisiana or any other Senator from offering amendments that might come to their minds if they think they should offer them. That would certainly not be sound.

Our majority leader merely asked if anyone had any amendments that they now knew of. That was the substance of his request.

I think, as I see it, this is nothing more than a memorandum from the Senator from Louisiana, and I cannot take it unless it is agreeable to show it to the other members of the committee.

Mr. LONG of Louisiana. I thought merely that the other members of the committee would trust the Senator from Mississippi to decide what the procedure would be.

The Senator wanted to know what I had in mind, and he will know what I have in mind if he will look at the memorandum which I have given to him.

Mr. STENNIS. I was speaking for the whole committee. I could not accept any information to their exclusion.

Mr. LONG of Louisiana. Unless they agree to it. I do not want to prejudice the defense, and I do not think the Senator would want me to do so. He is too fair a man.

Mr. STENNIS. We do not want to do so either.

If I may state to the Senator from Connecticut, last Friday afternoon we met here and the Senator from Connecticut said to me: "Let's get this thing finished." Does the Senator remember that?

Mr. DODD. I certainly do.

Mr. STENNIS. I said yes. I heartily agreed. And I meant every word of it. We should do it consistent with our duties and obligations. And that is the way the committee feels now.

Mr. DODD. I am not interested in a minute's delay.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. COTTON. Mr. President, I have not engaged in this debate. However, I find myself very much in sympathy with the remarks of both the senior Senator from Oregon [Mr. MORSE] and the Senator from Arkansas [Mr. MCCLELLAN].

I have tremendous respect and confidence in the committee, but this has passed beyond the control of the committee.

Speaking as one Senator, each of us has our own individual obligations not only to our constituents but also to the people of the United States.

I think that if there is any information or knowledge concerning how this resolution is proposed to be whittled down or transformed or changed, the proceedings have now reached a point, after the days and days that have been consumed, when every Senator on the floor should have that information.

Mr. STENNIS. Mr. President, will the Senator yield briefly?

Mr. COTTON. I will yield in a moment.

This is no reflection whatsoever on the chairman of the committee or on the committee. I know they have high responsibility.

The Senate has an obligation and every Member of the Senate has an obligation to meet this issue in a forthright manner.

It may well be that some Senators feel there is merit in one of the grounds proposed by the committee and there is no merit in another ground. If so, that can be handled by basing whatever is done on one ground only.

It may be that Senators feel that there is not enough merit in either allegation to justify censure. Others might feel that both grounds justify censure. However, there is one thing of which the Senator from New Hampshire is certain.

In justice to the Senator from Connecticut—for whom I have a very high personal regard and have known most closely and pleasantly as a friend—but more in justice to the Senate, when we meet this issue there should be either censureship or exoneration.

We all know what purpose of the present proceeding is. There is no need of being mealymouthed about it.

It is the idea of the Senator from Louisiana—who is able and resourceful—to get rid of one of the issues. After that is done, he will start whittling away on the terms of the resolution in regard to the other allegations. And when we get through, if we follow that course, there will be no justice done to the Senate, to the Senator from Connecticut, or to the people of the country.

The people of the country, after the Senate has spent a week or 2 weeks time in examining the contentions of a Senator as to how he has used the powers vested in him as a U.S. Senator, expect some affirmative action from the Senate. And they are entitled to some affirmative action.

So, I simply rise to suggest that we had better know exactly what we are up to. I have no objection to one of these grounds being voted on ahead of the other and being voted up or voted down. However, if that procedure is going to be used, and should it be voted down, and if that is going to be used as a reason, an argument, and an excuse to start watering down this resolution until it neither exonerates the Senator nor satisfies those who are deeply concerned and believe that the honor of the Senate is involved, it would be very unfortunate if we were to proceed in this matter.

I will just interpolate this one statement and then yield.

Personally, I cannot see this vast difference between the two allegations. It may well be that the second one named is not sustainable and the first one is.

But as for the moral turpitude involved, the difference whether a Senator has handled, in accordance with his trust—his public trust as a Senator—$1,700 or $450,000 indicates to me that there is just as much to be considered in the first allegation as the second, although I might well vote differently on the two allegations.

Therefore, Mr. President, I simply wish to say, in justice to the Senator from Connecticut, that I think we should all know where we stand. I join the Senator from Oregon [Mr. MORSE] in saying that I would be compelled to object to any unanimous-consent agreement, to buying a pig in a poke. And I do not mean by that that the Senator from Mississippi [Mr. STENNIS] is party to such a proceeding.

Let us know exactly where we stand, and let us meet this issue forthrightly. Let us vote the censure question on one or two grounds or no grounds at all; and let us either clean the slate for the Senator from Connecticut, who is our esteemed colleague, or let us let it go out to the country that the Senate has acted in accordance with its conscience. But let us not start whittling away until we have some milk and water result that is disgusting to everybody.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. STENNIS. Let me say to the Senator from New Hampshire and to every other Senator that I am sure he and they all understand there has been no suggestion here that the committee was going to consider adopting any amendment or recommending its adoption. Nothing was further from our minds.

The committee stands unanimously behind the two provisions in the resolution—(a) and (b)—and until further substantial facts are brought in, I am sure they will continue to stand behind those provisions. All reference here to the possibility of looking at amendments was in an effort to get a better view of the agreement, if any might be had, with reference to time of voting and limitations on the vote which might be agreeable to the Senate.

Mr. COTTON. I am sure the Senator from Mississippi knows that the Senator from New Hampshire would not even intimate such a thing.

Mr. STENNIS. It gave me an opportunity to make it doubly clear.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DODD. I have been yielding for approximately an hour. I should like to say something for myself.

Mr. LONG of Louisiana. Will the Senator yield?

Mr. DODD. I yield.

Mr. LONG of Louisiana. With respect to the course of conduct of the Senator from Connecticut, what we propose to do about part (a) would be different if part (b) were not in there. That is why we need to know whether this man is to be found guilty of part (b). I have in mind a number of amendments that should be offered, particularly if part (b) is not there.

One item is this: It would be well, in line with the point raised by the Senator from South Carolina [Mr. THURMOND], that the Senator from Connecticut be given a more specific charge against which to defend himself so that he would know precisely with what he is being charged. The Senator from South Carolina has this week brought that out in a way that did not occur to me when he said it on Friday afternoon. After I thought about it and read the RECORD, I realized that he had made a very important, telling point. That is one amendment that should be considered; and I hope the Senator from South Carolina will offer it, because he thought of it. We have not had an opportunity to discuss it with anyone, but that is one of the amendments I have in mind.

I do not mind divulging to the Senator from Mississippi what I have in mind, but I have never asked such an advantage of anybody when I was managing a bill. If someone wanted to offer an amendment or to vote on something, I have always found that if I wanted to get on with the business, I had to agree to let him have a vote, anyhow. I hope the committee in due course will do that.

I hope we can get an agreement to vote on point (b) first, for if we can get that agreement, it will be very helpful in getting on with the business. Then we can pinpoint the charges involved in point (b), and then pinpoint the charges involved in point (a), and then vote on any amendments and vote on the resolution.

Mr. LAUSCHE. When would we go ahead?

Mr. LONG of Louisiana. Immediately after we get through with this impasse. Otherwise, we will go ahead, anyway.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. ANDERSON. The Senator from Louisiana should realize that there have been announcements by the Senator from New Hampshire [Mr. COTTON] and the Senator from Oregon [Mr. MORSE] that they would object to the unanimous-consent request. Why talk hour after hour on this matter?

Mr. LONG of Louisiana. Because it can be moved. What I have been suggesting by unanimous consent can be moved.

Mr. ANDERSON. Why does the Senator not propose the amendment?

Mr. LONG of Louisiana. I do not wish to do so now.

Mr. DODD. Mr. President, perhaps I can be heard.

What is the reason for asking for a vote on (b) before (a)? It is not a technical matter at all, so far as I am concerned. It is a substantive matter. What have we been talking about for the last several days? I believe that at least 90 percent of the debate has had to do with that matter. I took it up first myself.

The only reason I asked that it come first is that I believe we all understand it, and we have been debating it. We know what it is all about.

You want to be fair with me? You know it is a fact that this is what we have been talking about and we do understand. In order to understand the second part of it, which is the first in the resolution, it will take more time. It is always getting crisscrossed. Since we started out with (b), I thought it would be intelligent and fair to ask that we take it up and dispose of it.

You can argue that this is contrary to some technicality, some parliamentary situation. I am not much concerned with that. I am concerned with my life. We have been talking mostly about (b), not (a). I have been a lawyer long enough to know how these technical things can be thrown around. I never cared that much for any of them, anyway, except to give an orderliness to procedures with respect to litigation. This is something else. That is the only reason why I have asked for this.

You are always telling me, "We want to be very fair to you," and I believe you do. "We don't want to prejudice you in any way." And I do not believe you do.

I am not asking for very much. I am asking that we get to a vote on what we have been talking about. You can cite 150 rules and 150 technical reasons why not, but if you really want to do what is substantively correct and fair, you will go ahead and give me an opportunity to be heard on this. How will it help me, except to dispose of it? I do not know how it will come out. It is almost impossible for me to work day and night, with the two things I have to handle. I thought this subject was pretty well wrung out. Almost everything that can be said about it has been said. I want to see it over. Nobody wants to see it over any more than I, with perhaps the exception of my wife and family. Certainly, I want it over, and I thought we were ready on this item, or could be ready within an hour or so. That is my only reason for asking this. I do not want any advantage.

Did you read in the newspaper that somebody said they had a political or parliamentary advantage over me, and therefore they would not agree to this? I never said any of you wanted any advantage over me. I do not want any over you. All I want is a fair shake. We know what this is about now, and we are not through with the other question. I thought this was one way to move ahead intelligently and without undue haste. If you do not want to do it for me, that is all right.

Let history make its judgment. I will go ahead and do what I have to do. I am not asking you to do very much for me, but I ask you to give me a chance to have the Senate vote on this matter. If you do not want to do that for me, then there is nothing I can do about it. I will do the best I can with the rest of it.

I do not know anything about any amendments. I have never seen any amendments that the Senator from Louisiana prepared, which I am sure he will affirm. I prefer that there be none. I do not want any amendments.

I just want to get this over with so that every night when I go back to my office and work until 3 o'clock or 5 o'clock in the morning I do not have to worry about this matter and say to myself, "Well, they murdered me on that one today" or "They absolved me on that one." I want to get down to the second part and get it done. You can throw parliamentary roadblocks in my way, and I am sure there are a million of them from a procedural or technical standpoint.

I am asking for a basic and fundamental thing—I am asking for decency. We have debated the matter. I do not think there is anyone in this Chamber who does not understand it. If you do not want to give me that, that is all right. I shall do the best I can under the circumstances. But I have asked what I think is only fair. I would like to have a fair chance. If my friends feel otherwise, that is all right, too.

Mr. President, I shall go ahead with a few remarks I wanted to make. I shall be brief. First, I wish to say something with respect to the Senator from Oregon [Mr. MORSE]. I talked to him this morning. I like him. I think he is one of the brightest lawyers I know.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DODD. Yes; I am getting awful weary of this yielding.

Mr. LONG of Louisiana. Mr. President, it would seem to this Senator that if we could speak with the members of the committee, we could agree on procedure. I would hope that we could have a brief recess to talk to the members of the committee about this matter.

I would like to ask that the Senate stand in recess for 10 minutes.

Mr. DODD. The Senator had better make the request for 15 minutes. We can hardly get out of the Chamber in 10 minutes.

Mr. KUCHEL. Mr. President, is the request for 10 minutes?

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. DODD. Mr. President, I yielded, but I did not know the purpose.

Mr. LONG of Louisiana. Mr. President, I ask that the Senate stand in recess for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. I have a prepared speech and I would like to get a chance to deliver it. It is not long and it clears up a few technical matters; but if the Senator wants a recess, I am agreeable.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection. The Senate will stand in recess for 15 minutes.

Thereupon (at 3 o'clock and 13 minutes p.m.) the Senate took a recess until 3:28 o'clock p.m. the same day.

At 3 o'clock and 28 minutes p.m., the Senate reassembled, and was called to order by the Presiding Officer (Mr. HART in the chair).

The PRESIDING OFFICER. The Senate will come to order. The Senator from Connecticut has the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Connecticut yield briefly to me without losing his right to the floor?

Mr. DODD. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask

unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HART in the chair). Without objection, it is so ordered.

Mr. MANSFIELD. If the Senator from Connecticut will yield to me without losing his right to the floor, may I say that the distinguished Senator from Connecticut, who has more of an interest in the pending resolution than anyone else, has been most cooperative in yielding to his colleagues for questions, comments, and speeches.

It appears that the attempts made this afternoon to work out a different order on voting on the parts of the resolution have proven to be an abysmal failure. The Senate is now on notice that, if there is an attempt to reverse section (a) with section (b) by unanimous consent, it will be objected to.

With that fact in mind, it appears at this time that the only way we will be able to face up to this resolution is to consider it as a whole and in the order presented by the resolution; the Senate should now allow the distinguished Senator from Connecticut to proceed without interruption, so that he may make the remarks which are of the greatest interest to him and to the Senate.

Mr. DODD. Mr. President, I started to say earlier that I wanted to be brief. I believe we have discussed this aspect of the situation rather thoroughly. I would not be speaking again at all on this subject, but I thought yesterday there were some points raised that I should answer.

That is the only reason why I have sought the floor today. My purpose is to make an answer before the Senate in response to the charge that I deliberately defrauded the Government on seven occasions—or six rather, which, I understand it is now—by billing it for travel for which I was also reimbursed by private organizations.

Following the conclusion of my remarks, I am still hopeful that the distinguished Senator from Mississippi will consent to having the double billing part brought to a vote first, in fairness to me and in the interest of reducing the censure resolution to the essential ethical issue of the testimonials.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. LONG of Louisiana. The Senator from Connecticut understands that the Senator from Mississippi [Mr. STENNIS] is not on the floor, although I am sure he will be here shortly; is that correct?

Mr. DODD. I am sure he will read my remarks. What I was saying was that I hoped the distinguished Senator from Mississippi will consent to have this matter brought to a vote, in fairness to me and in the interest of reducing the censure resolution to the essential ethical issue of the testimonials.

My assumption has been that there is not much dispute about the ethics of the conduct charged in (b). We do not need to debate that. Everybody knows it is wrong to take money that one is not entitled to. For that reason, I devoted myself to that question first. I thought it was easier to handle it, and that I could explain it to the satisfaction of the Senate. That is why I took it up first. I was not thinking of a lot of parliamentary maneuvers or technicalities. If I had been a better parliamentarian, I guess I would have done this. But I did not.

There has been speculation in certain newspaper articles that the Ethics Committee might not consent to have the question of double billings brought to a vote first, because to do so would be to surrender a parliamentary advantage. I find it difficult to believe that this is so. I find it difficult to believe that the members of the Ethics Committee would want this issue decided on the basis of anything else than justice and commonsense.

In my opening statement a week ago, I set forth in detail my defense against the charge that I had engaged in deliberate double billing.

In that statement I pointed out that the stipulations confirmed that the seven trips—now reduced to six trips—all involved legitimate Senate business.

I said that the issue boiled down to whether the seven double billings—now reduced to six—were the result of a conscious deliberate attempt on my part to defraud the Government or the result of careless bookkeeping.

I drew attention among other things to the sheer implausibility of the charge that on one of these trips I sought to cheat the Senate out of a sum as small as $24.53.

I heard all the talk yesterday about how one establishes a course of conduct. I do not want to argue it here again. I know how I always tried to establish it when I was a district attorney and an assistant district attorney. I took a whole look at the man, at his whole life and how he conducted himself, and I did particularly in those cases where there was only one witness who testified against him.

I do not know of any other way to approach a problem like this.

It has been suggested that in my case the examination of my so-called pattern of conduct, be restricted to just these 6 trips, and that everything else I have done, the record of my life over a period of 60 years, be disregarded. I do not think such an approach is very good sense or that it shows much decency or charity or understanding.

In my opening presentation, I referred to the fact that there were 80 opportunities for double billing on my part as against the seven instances—now reduced to six instances—that were charged against me.

I pointed out that it was O'Hare, my worthless and faithless bookkeeper, who picked up the tickets at the Capitol ticket office and billed them to my credit cards, and who wrote to the organizations involved requesting payment. I further pointed out that I had never signed any of the travel vouchers filled out in connection with my official billings; and, by way of establishing the truth, I inserted into the RECORD the affidavit of Mr. Charles Appel, probably the leading handwriting expert in the United States.

I discussed in detail the question of O'Hare's credibility, pointing out that he had deceived me and the entire office for 6 months after he joined the Pearson-Anderson, Boyd-Carpenter conspiracy, pretending to be a friend and trusted employee during the day while he stole documents at night. I also referred my colleagues to the testimony of Mr. Charles Appel that O'Hare had lied when he said that I had signed some 36 checks in his presence and that all the signatures on these checks, including 16 checks for cash, were forged.

I also discussed in detail the record of O'Hare's sloppy bookkeeping—the bills he double paid; the bills on which he delayed payment for a year or more; the bills he overpaid and so on ad infinitum. I pointed out that there were 21 trips to Connecticut for which I was entitled to reimbursement, but for which O'Hare never billed in 15 instances and his successor never billed in another six instances because O'Hare had failed to instruct her.

I discussed in detail the question of my credibility versus O'Hare's.

You have lived with me, as I stated the other day. How I have acted before you and with you, ought to have something to do with your judgment of me—not merely these six trips that happened over a period of 6 or 7 years.

How do you come to know about a man? How do you know what kind of person he is? There are only 100 of us here. Senators know a good deal about me. In fact, everybody knows everything about me now.

I said that, in fairness to me, I thought that the picture of my entire life ought to be taken into consideration, and I still think so. I would say this about any of you, if I were defending you on the floor of the Senate or in any other forum.

Do not tell me that you are going to judge a man on the basis of these six alleged double billings alone and forget all about the rest of his life.

That is not the way we do things.

I am gratified that during the first days of this debate so many Members of the Senate have joined me in stating that the charge that I deliberately double billed has not been proved, or else have expressed doubts about this matter.

I am confident that the majority of the membership of this body agrees that a man of the caliber of O'Hare, who succeeded in perpetrating a monstrous deception over a period of 6 months, and who had no hesitation in engaging in criminal conduct, is simply not to be believed.

But if that is so, how could it have happened that the committee unanimously recommended my censure for engaging in, what is to me, the contemptible practice of double billing?

As I see it, their error in judgment was due to a series of misunderstandings.

The committee apparently believed that there were only 10 occasions on which I might have double billed, and that the fact that there were seven—now six—double billings demonstrated a consistent course of conduct.

On this point, they were mistaken in several respects. First of all, we are now down to six double billings. And if you knock off the $24.53 double billing because of its sheer implausibility, we are down to five. And if you knocked off the first two double billings—pre-O'Hare—because of the lack of any testimony that they were deliberate, we are down to three.

Had I really wanted to cheat the Government, however, the total opportunities for cheating was 80. Several of the continuing investigations in which I have been engaged required hearings in metropolitan centers around the country for the purpose of creating as complete a national picture as possible. Had I really been intent on cheating the Government, it would have been a relatively simple matter to arrange for hearings in those cities I visited on the 54 trips I made in connection with speaking engagements.

And if I were the incorrigible scrounger the committee apparently believes me to be, I could, with a little effort, have contrived speaking engagements in the cities I visited in connection with the 26 trips I made on Government business.

I only regret that in making their determination that I was a cheat and a scrounger, the members of the Ethics Committee did not take the trouble to examine more closely into the record of my billing for travel and per diem. They would have discovered that there were occasions when I waived per diem and that on certain dual-purpose trips I was careful to charge per diem only for that portion of the time actually devoted to committee business.

Mr. LONG of Louisiana. Define Government business.

Mr. DODD. This was Government business; these 26 trips.

Mr. LONG of Louisiana. What about the ones on private, but not for a Government purpose?

Mr. DODD. I said that. The Senator from Louisiana tells me I could have done it on 54 trips. I said that. Of course I could have, on any of these 80.

I only regret that in making their determination, the members of the Ethics Committee did not examine more closely into the record of my billing for travel and per diem, because they would have discovered what I have just told the Senate, and that on several dual-purpose trips I waived per diem—did not ask for it at all—and on several other dual-purpose trips I was careful to charge per diem only for that portion of time actually devoted to committee business. It is in the record. I had the rest of the time taken out.

They would also have discovered that on a number of occasions I turned back honorariums to institutes and organizations under whose auspices I had agreed to speak. In 1965 alone I turned back a $500 honorarium to Keuka College in New York during the first part of the year; and I turned back another $500 honorarium to the Committee on Cold War Education of the National Governors' Conference under whose auspices I spoke in Miami. I asked that the honorarium be converted, instead, into a prize for the Governor's aide who wrote the best essay on what to do about the cold war.

Surely this is not the pattern of the trimmer, the chiseler, the petty cheat.

The second fallacy that bemused the committee was the belief that I had signed the travel vouchers in connection with the seven—now six—committee trips. The committee apparently felt that this was a significant fact. Here I want to point out that the committee did not ask me whether I had signed the travel vouchers in question—they simply assumed that I had signed them, and this assumption was weighed in the balance against me. I find this assumption all the more difficult to understand because of O'Hare's testimony that he and other people in the office sometimes forged my signature.

The fact is, of course, that the signatures on these travel vouchers were not mine, as Charles Appel, a ranking handwriting expert, confirmed in the affidavit which I inserted in the RECORD.

Finally, the committee seemed to be laboring under the illusion that there was a pattern to my double billings, and that this pattern established intent. As they saw the situation, I invariably billed the private organization first and then I billed the Government. As I pointed out in my Senate speech of last Wednesday, even if there were such a pattern it would prove absolutely nothing. But the fact was that, with the exception of one trip, the pattern was precisely the reverse of what the committee thought it was; the Government was billed first and not the private organization.

The committee was apparently confused by the fact that vouchers for official trips were generally filled out at a later date—not realizing that the process of billing the Government really begins when your staff purchases a ticket for you on a committee credit card.

The committee apparently gave consideration to some other total irrelevancies. For example, the distinguished Senator from Kansas last week asked whether I had not endorsed the checks I had received for Government travel before depositing them in my bank account. The answer, of course, is that when a ticket is purchased for you on a committee credit card, you do not get any check from the Government—it is the airline that gets the check.

I heard the distinguished Senator from Illinois [Mr. DIRKSEN] express his high opinion of the committee members. I could have said the same thing. Perhaps I should have said it first, and I wish I had.

The distinguished Senator from Kentucky, in a statement yesterday, agreed that the fact that I failed to receive reimbursement for 21 round trips between Washington, D.C., and Connecticut had some bearing on what my intentions were with respect to double billing. But then he went on to argue—I quote his words at S. 8410:

> I believe that Senator Dodd said he did not know that Mr. O'Hare of the Senator's staff had failed to bill the Senate for these trips until this entire question arose. So you see, his intention later does not have the same bearing upon his intention at the time he could have filed.

I confess that I do not understand his line of argument. I agree with him that the question of the 21 trips to Connecticut for which I failed to receive reimbursement has a direct bearing on the question of intent in the case of the double billings. It has a direct bearing in the sense that, had it been my intention to milk the Government of every penny to which I could lay claim, by fair means or foul in line with such an intention, I would certainly have instructed O'Hare to make sure that he put in claims for every penny's worth of travel to which I was legitimately entitled.

The fact that I failed to give him any such instruction, completely nullifies the charge that I was some kind of an obsessional money grabber who would not hesitate to stoop to fraud to get his hands on $24.53 worth of travel expenses.

Moreover, I think the 21 trips have another bearing on the question. If O'Hare was careless enough to fail to collect many hundreds of dollars of travel money to which I was legitimately entitled, is there anything implausible about the argument that he was just about as consistently careless in submitting travel claims?

The distinguished Senator from Utah yesterday delivered a lengthy address in which he attempted to clarify and justify the double billing section of the committee's censure motion.

I listened to his remarks carefully. I have reread it three times. But I must confess that I still find myself utterly baffled by his presentation and his logic.

It seems to me that the distinguished Senator has a penchant for finding patterns where there are no patterns; for ignoring patterns where patterns do exist; and for building up vast structures of assumptions to support conclusions that he arrived at without troubling to examine the facts.

It seems to me, too, that the distinguished Senator has succeeded in selling himself so completely on the credibility and integrity of my ex-bookkeeper, O'Hare, that facts and logic become helpless against the armor of hypercertainty.

The Senator from Utah starts off his presentation by setting up several straw men, which he then proceeds to knock down demonstratively.

His first straw man is the misstatement of my position that "the whole thing is frivolous and inconsequential." In my speech before this body last Tuesday I said that I regarded double billing as "a crime as mean and wicked and contemptible as any that a public servant could commit"; and I said further that if some Senator were found guilty of a deliberate attempt to defraud the Government in this manner, "I would not urge that he be censured—I would urge that he be expelled."

How anyone can read into this statement the meaning that I regard the whole thing as frivolous and inconsequential, I simply cannot understand.

I never said anything like that. Nothing has gnawed at my heart more than this double billing. Nothing has so galled me as this double-billing charge. And everybody who knows me, knows why. I never did anything like that in my entire life—not six times and not one time.

That is why I took the matter up first—because it bothered me so much.

Do I want my children and my grandchildren to believe that I was this kind of a conniver? You can be sure I do not.

Second, Senator BENNETT attributed to me the argument that I was "not involved." This representation of my position is equally incredible. Of course I was involved. The six mistakes that were made, were made by people in my office. These mistakes benefited me financially—but they were just about exactly offset, as I have pointed out, by O'Hare's mistakes in the opposite direction.

The question is not whether I was "involved," as indeed I was, but rather whether these were negligent acts by a bookkeeper or several bookkeepers, or intentional acts constituting a course of conduct by me.

The Senator suggests that it is my position that the double billings might have been caused by O'Hare's forgery of my signature. This has never been my position, nor is it my position today. The only point of Mr. Appel's affidavit was to establish that the signatures on the vouchers were not mine. So far as I know, they may have been affixed by several people in my office or on committee staff.

The Senator from Utah said that he could not conceive of anyone handling the Senator's books or capable of balancing a ledger being ignorant enough not to catch a double billing. "You can't balance one charge with two identical credits," he said.

I am told by my accountant that the matter is not so simple. The fact that a ticket to Los Angeles, for example, was originally purchased on a committee credit card would not show in my books. This, he said, would make it exceedingly difficult to catch double billings without an exhaustive audit.

At another point, the Senator from Utah said the following:

> But stop! We have now reached a second point in which Senator Dodd was involved, one which required him to have knowledge. In fact, his knowledge was the indispensable ingredient because only *he* could tell O'Hare directly or through another staff man the name and address and the organization to be billed and the amount to be charged. This is of vital importance. Let me repeat it. Only Senator Dodd could tell O'Hare how much to claim for reimbursement.

This is a prime example of the Senator's gargantuan capacity for assumption. Because the fact is that it is an assumption from beginning to end.

Perhaps I do not do things the way the Senator from Utah does them. Perhaps his ways are better than mine. But when the Senator says that only I could have told O'Hare the name and address and the organization to be billed and the amount to be charged, he is converting an assumption into a categorical statement of fact.

Let me, therefore, enlighten the Senator from Utah as to the procedures that actually were followed in my office.

When letters came into my office inviting me to speak in various parts of the country, I would go over them with my secretary and decide which engagements to accept and which ones to turn down. The "acceptances" were turned over to O'Hare, who was responsible for making all arrangements with them and for all correspondence with them—both before and after the engagement.

I had absolutely nothing to do with the arrangements apart from deciding whether or not to speak. After that decision was made, all the arrangements were handled by O'Hare.

The Senator is just as abysmally wrong when he says I quote:

> One very significant feature of the handling of the Committee side of this sort of double dealing is that it is the Senator himself who must make all the arrangements, report the expenses, and sign the vouchers. His bookkeeper has no proper part to play, no function to perform.

Perhaps this is the way matters are handled in the office of the distinguished Senator from Utah. But mortals are not all made in the same mold, nor do they handle bookkeeping and office routines in the same way. In my own case, I admit frankly to an intense dislike for such routines. Because of this, I have in the past left them all to my bookkeeper. As Mr. Appel's affidavit establishes I did not sign my own travel vouchers.

What appalls me most, however, about the presentation made by the Senator from Utah is his completely defensive attitude on the question of O'Hare.

He is not prepared to concede that O'Hare was a slovenly bookkeeper, despite the numerous details I recounted to the Senate. His argument is that O'Hare must have been a competent bookkeeper because he obtained a number of salary increases.

Now in the course of Senator McCarthy's remarks this morning it was suggested that, at least in his opinion, the proposed censure regarding double billing is based not on intentional misconduct on my part, rather on negligence in that I failed to supervise the activities of my bookkeeper. If that is the charge, I submit that the censure must fail since innocent bookkeeping errors have never been thought to constitute morally reprehensible conduct.

Furthermore, I believe that the record sustains the proposition that I took due care regarding the activities of my bookkeeper, and I want to read portions of the record to you now that sustain that. It is in the record, on pages 728 and 729. Mr. Fern, counsel for the committee, was examining O'Hare.

> Mr. Fern. Now when you were hired, what instructions did you get in general as to the nature of your duties for Senator Dodd?
>
> Mr. O'Hare. I was told that I was to maintain his personal checkbook, look after all of his personal expenses; to maintain a system which was to be set up to record his financial activities.
>
> Mr. Fern. And who told you that?
>
> Mr. O'Hare. The Senator told me that.
>
> Mr. Fern. Did the Senator have an accountant at the time?
>
> Mr. O'Hare. Yes, sir, he did.
>
> Mr. Fern. Who was the accountant?
>
> Mr. O'Hare. His name was David Nichols, of Hartford, Conn.
>
> Mr. Fern. Did David Nichols come down here to help you break in to your new job?
>
> Mr. O'Hare. Yes, sir, he did. At the time of my interview with Senator Dodd I was informed by the Senator that he would be bringing Mr. Nichols from Hartford to Washington to set up this system, and I was to spend the time that he was here with him, and learn the system and familiarize myself with it so that I could maintain it after he left.
>
> * * * * *
>
> Mr. Fern. How long did you remain as the Senator's bookkeeper?
>
> Mr. O'Hare. I remained as bookkeeper, along with other duties, for the entire duration of my employment with the U.S. Senate, which was until January 31, 1966.
>
> Mr. Fern. And how often did the Senator's accountant come down to audit the books?
>
> Mr. O'Hare. He came down every year to prepare the Senator's tax return. At the time of preparation of the tax return, he did a complete audit of the books.
>
> Mr. Fern. And did he provide you any additional instructions incidental to such audit each time?
>
> Mr. O'Hare. If in the review of his books he noted some entry that he had some question about, or which he thought was improper, he called it to my attention and corrected it for me.

Mr. President, on page 730 of the hearings Mr. Fern asked:

> Mr. Fern. Now, did Senator Dodd ever comment on the quality of your bookkeeping during your employment?
>
> Mr. O'Hare. Yes, sir. Occasionally he reviewed the books and he always found them satisfactory. At least, he never criticized me for anything that he saw.
>
> Mr. Fern. Did Senator Dodd take personal interest in his own books?
>
> Mr. O'Hare. He took a great personal interest in his personal finances. As far as the books as such goes, why, occasionally, he would ask to see them or inquire of me as to whether or not they were up to date, and was I keeping them in good order.
>
> Mr. Fern. And at any time did he give you reason to believe that you were not keeping them in good order?
>
> Mr. O'Hare. No, sir. On the contrary.

Further on, the following occurred:

> Mr. Fern. Now over the years of your employment for Senator Dodd, how did he express his satisfaction with your work?
>
> Mr. O'Hare. He often praised my work. In addition, he increased my salary regularly. I have a copy of my pay record, and if the committee has no objection, I would like to have it entered into the record.

On the next page:

> Mr. Fern. And what were the additional duties that Senator Dodd assigned to you beside bookkeeping?
>
> Mr. O'Hare. I became office manager of a sort over the course of time. Actually, I was not designated office manager until January of 1962 while I was still in college. However, occasionally, from May 1961 until January of 1962, the Senator would occasionally call me in and he would say, "Well, I want you to start taking over the stationery account and watch that account for me and see what we are paying out and see that all the charges are legitimate. Start watching the telephone account for me and make sure that it is being maintained in good order."

Mr. President, these are not my words. This is the testimony of O'Hare. This is the testimony of the man who now wants you to believe that I was a crook while all the time I was saying, "Be careful about the books; be sure they are in good order; keep your eye on them."

It is true that I once thought O'Hare a competent bookkeeper and a devoted employee. I was wrong on both scores.

How wrong I was in my estimate of his character I learned only after the facts about the conspiracy and the theft of documents from my office came out.

How wrong I was in my estimate of his bookkeeping ability—I learned only when my lawyers and my new accountant subjected my books and records to an exhaustive examination.

O'Hare failed to bill for a single trip to Connecticut because O'Hare says he was not aware of the fact that I was entitled to such reimbursement until mid-1965—and that it would have been too arduous a job for him to do the necessary bookkeeping in order to claim reimbursement.

Let me make a few points in response to this.

First of all, if O'Hare had any competence at all as a bookkeeper, he should have made it his task to find out shortly after joining my staff what credits I was entitled to. And it was fairly common knowledge that Senators were at that time entitled to two trips a year to their home State.

Second, I find it impossible to believe that O'Hare was unaware of the procedure or of my entitlements, since the record shows that he was aware that I could also bill for a certain number of staff trips to Connecticut each year, and that he did in fact bill for a number of trips taken by Boyd and Carpenter and himself in 1964.

Finally, it was nonsense to suggest that it would have been an arduous task. As I have already stated, there is not a year since I entered the Senate that I have not traveled to Connecticut at my own expense in excess of 30 times. It would have required no effort at all for a competent bookkeeper to pick several trips off the top of the pile each year and fill out vouchers for them.

Mr. President, I come back to the point that the charge against me is that I have deliberately and willfully defrauded the Government.

The evidence against me—the only evidence against me—is the testimony of a sick and characterless young man who admitted that he was acting out of vengeance.

I am confident the Senate will acquit me of this charge—and again I ask that the vote be taken now.

But before the vote is taken I want to say as emphatically as I can that if the Senate acquits me of this charge, it would not constitute a repudiation of the Senate Ethics Committee, nor would it in any way reflect adversely on the members of the committee.

The members of the Ethics Committee are big enough and wise enough to accept human fallibility as a fact of life. They are big enough, I am certain and the Senate is big enough to give voice under new circumstances to the statement made by Senator Watkins in reporting to the Senate on the McCarthy investigation. He said:

> The Committee claims no infinite wisdom. All human individual judgments are, at best, fallible. We therefore make no pretense that our collective decision is infallible.

The issue before you is whether I am guilty or innocent of the charge of defrauding the Government.

If you believe that it has been established that I knowingly defrauded the Government, you will vote for my censure on this charge.

But if you believe that this has not been established, then you must vote for my acquittal.

As I said in my opening statement—I do not ask for mercy. I ask for justice.

I started out a week ago by saying I did not for a minute think there was any malice in the committee or its members. How could I? I know them too well. I respect them too much.

But mistakes are made by the best of men. And I am the victim of a terrible mistake—with no way of disproving the lie of one individual against my own word.

You have known me for some time, most of you; and you know about him, O'Hare. I think that is the only standard of measurement that can be applied.

It is a terrible situation in which to find oneself.

How does one disprove that kind of lie: "Dodd told me to do it." That is all there is. There is not one other thing.

I suppose innocent men have been hurt before in this kind of situation. Indeed, there have been books written about such cases. But I believe that Members of the Senate do not want that to happen. It would bother me as I know it bothers your conscience.

I have not asked for preferential treatment. I have not asked that, because I am a Member of the Senate, you do any more for me than you would for any other preson. All I am asking is that you be honest and fair about it.

Do these facts justify your saying I am lying and a man like O'Hare is telling the truth?

How can you come to such a conclusion?

You are in a position to destroy me. I am well aware of it more particularly, as I view my life. This charge more than the other, will be destructive, as I view my life because this sword has pierced my heart.

My friends will say, "Oh, that is not so important."

It is important.

It is of the greatest importance that my honor and my reputation of 60 years be not impaired or stained by the accusation of six paltry thefts totaling some $1,700. That is all I am asking you to think about.

If you want to send me out of here marked as a thief, with all the facts you have, you can put that brand on me. I will never be able to remove it, and as I said earlier, my family will have to live with it.

I tell you, I do not deserve that—not because I know you—but I do not deserve it on the evidence. No matter what else you may think of me, you cannot, in good sense, and in clear logic, and in fairness say, "I won't believe Dodd but I will believe that other man."

That is what this issue comes down to.

That is why I paid more attention to it than I did to the first charge. I did not consider that the order of the two charges was of great importance, or of any significance. I was not aware of it. Perhaps, if I had been, I would have concentrated on the other one first. But, I did not.

If I may take a few minutes more, this leads me to say—and I do ask you to be patient with me, because my life is at stake—I am not asking very much. We have all debated it. I think everyone by now must understand it. By that I mean, must understand what is at issue in the matter of double billings.

What am I asking you to do?

Since we have gone through this, what differences does it make whether we vote on (b) first, or (a) first?

Procedures and technicalities are only to make sure that justice is done. That is all they amount to. I say, as a matter of justice to me, having spent my days and nights preparing my answer to this—make a decision. Do not drag me through any more agony of this kind. I have been through enough in 18 months.

I ask in all fairness, that you make up your minds. If you want to mark me as a thief, do it today. Do it before the sun goes down, and let me skulk away ashamed to face you tomorrow.

As I look at you, I do not think you believe that of me, that I am a thief. Certainly not those of you whom I have known better than others, although I know all of you.

I do not know a man in this Chamber whom I dislike. I do not dislike many people. I have not done so throughout my life.

I am not saying that there have not been those who have disliked me; I am saying that I do not know those whom I dislike. I have differences with people. Sometimes, I am sure it runs pretty high. But I am not a hateful man and I do not ever want to be.

So, I am pleading with you, I am pleading with John Stennis, I am pleading with every member of the committee: Be fair with me at this hour. Give us a chance to vote on this. Make up your minds.

How many times do you want to hang me? If you want to do it, be done with it—be done with it. Do away with me, and that will be the end.

But, in the twilight of my life—and how many years are left to me—probably few, probably few—I ask you to search your souls about these facts, in the knowledge that every Senator has about others in this body. And if you really believe it, if I have failed to convince you or to persuade you that it is not true, then that is my fate, and there is nothing I can do about it.

But, do not deny me the chance. Do not deny me the chance to hear your decision—just because someone put something under (a) and something else under (b).

I think the idea is that I am going to get some advantage from it. What possible advantage could I be seeking?

What difference does it make—except that I have told you all I can tell you about it? Then, if I have to move into this more complicated area of finances, and go back and forth and back again, I shall become too brain weary.

I should like a decision on this point at least so that I can turn and work on the other side of the resolution. It is almost impossible, with the resources I have, to do both.

How much longer I can stand it physically, I do not know.

Give me a fair shake.

Give me a vote on this.

What is it going to do to this great Ethics Committee? What is it going to do to the Senate, to ask you to make up your minds tonight, one way or the other, so that I will not have the light on all night, nor will other members of my family.

Give me my rest, either in sorrow or in relief.

Mr. **LONG** of Louisiana. Mr. President, will the Senator from Connecticut yield?

Mr. **DODD.** I yield.

Mr. **LONG** of Louisiana. The Senator is aware, is he not, of the fact that the distinguished vice chairman of the Ethics Committee on yesterday stated in fairness, as he is a fair-minded man, that that 1963 trip to Seattle, shown up there on the chart, really did not constitute double billing, that the committee had so stipulated and agreed? The Senator is aware of that, is he not?

Mr. **DODD.** I fully understood it, and I said in my remarks that is what I think, but I am not so certain about it that I would want to make that statement.

Mr. **LONG** of Louisiana. I think it is clear that the committee has stipulated—stipulation No. 103—that that was an honorarium and was not a double billing; is that not correct?

Mr. **DODD.** All right.

Mr. **LONG** of Louisiana. Here is the question I want to ask the Senator: If the chairman says the committee was in error about that and the vice chairman says, "Yes; we were in error," we all stipulated it was, and they studied it, and they were advised by good lawyers, good accountants, good everything, having heard O'Hare's lies and then proceeded to put that up there, as we see it on the chart, as a charge against the Senator, even though they stipulated that the Senator is not guilty of it, if those fine six men can make that mistake, that is six human errors made by six men, is it not?

Mr. **DODD.** I know, Senator.

Mr. **LONG** of Louisiana. Look at the chart and what is up there. On the Seattle item, a serious error was made.

Mr. **DODD.** I think we are all sick of looking at it. I know what is up there. I know what I thought I heard. That is not really what I am talking about. I am talking about the whole business. If you reduce it to five, four, or three, or one, it would do as much outrage to me as 10 would do.

It just is not so. I have looked at it. I do not know what the Senator has in mind. I do not want to go into the mathematics of it.

What is more important is the truth of it, the sense of it, the basic fact of it. That is what I have been pleading for. That is why I wish the Senate would come to a vote on this subject.

Mr. **LONG** of Louisiana. Mr. President, will the Senator yield?

Mr. **DODD.** I yield.

Mr. **LONG** of Louisiana. May I say to the Senator that when I requested that we have a 15-minute recess earlier in the Senator's speech today, I made the request for the exclusive purpose of permitting the Senator from Louisiana to confer with the Senator from Mississippi, the majority leader, and other members of the so-called Ethics Committee. That was the only reason why I made the request. We did hold the conferences. So far as I can determine, it is still the decision of the committee to proceed with the (a) matter first. If that is what they insist on doing, for whatever reason, they have a right to do so. I should think the leadership would support their procedural position.

Accordingly, I think it would be the Senator's duty, and mine, that we proceed to prepare ourselves and go on to the other charge, even though I would prefer that we would proceed on this other matter and take it from over the Senator's head. The committee has decided otherwise. The leadership would give it its support. So I think we must proceed to defend the Senator on the other charge.

Mr. **DODD.** Let me say that I have no amendments to offer to any part of this resolution. I know the Senator from Louisiana does, because he apparently gave copies to the Senator from Mississippi. I am not seeking to pull a smart parliamentary maneuver here, on this committee or the Senate. I do not want anybody to think I am in that posture. I am not at all. I wish there would not be any amendments. I just wish you would leave it alone and take this up and get it off me, one way or another. That is all I am asking for, and I do not think it is too much to ask for.

I notice the Senator from Oregon is absent, and I would not take any advantage of him or any other Senator while he is off the floor.

Mr. **PELL.** Mr. President, would the Senator yield for a comment?

Mr. **DODD.** Yes.

Mr. **PELL.** I would like to take exception to the reference to the Ethics Committee as the so-called Ethics Committee.

Mr. **DODD.** I am sorry if I said that.

Mr. **PELL.** I was directing my remarks to the Senator from Louisiana.

Mr. **LONG** of Louisiana. It is the Committee on Standards and Conduct. It is called the Ethics Committee with a capital "E," but that is somewhat in error.

Mr. **DODD.** I may have made that mistake, myself. I have referred to it as the Ethics Committee. If I said it, Senator Pell, I did not say it with the idea of derogating the standing of the committee or in anywise being disrespectful.

Mr. President, I would like to make a request, but I do not want to do it in the absence of any Senators who have already stated their positions.

Mr. **STENNIS.** Mr. President, will the Senator yield to me a minute?

Mr. **DODD.** Indeed I do.

Mr. **STENNIS.** If I may have the attention of the Senator from Louisiana, Mr. President, the Senator from Louisiana just stated that the committee would not yield on the proposition of voting. The Senator will remember, and all Senators will remember, that, speaking for the committee, I said earlier in the afternoon that we wanted to know about the amendments, and then we would consider, with no promises made, the order of voting. But the question then was raised about a unanimous consent, and the Senator from Oregon said he would object.

Mr. **DODD.** Yes. That is what I had reference to.

Mr. **STENNIS.** Yes, I know. I did not know whether the Senator remembered it. The discussion went off on the question of unanimous consent when the Senator from Oregon objected to it.

Mr. **LONG** of Louisiana. Mr. President, will the Senator yield?

Mr. **DODD.** I yield.

Mr. **LONG** of Louisiana. May I say to the distinguished chairman of the committee that he well knows it was my belief that if we could agree on procedure between the chairman of the committee and those of us who take Senator Dodd's side, and if his committee, in its wisdom, would approve it, there would be no problem in seeking the parliamentary situation which we desire on this side of the issue. If the chairman and his committee would agree to such a parliamentary situation, I do not for the moment think that the chairman of the committee or the committee would be relinquishing any parliamentary rights they have. And I do not seek to do away with them.

Mr. **STENNIS.** Mr. President, it seems necessary to repeat these things. We offered to consider that matter.

Shall I speak about our conversation?

Mr. **LONG** of Louisiana. Yes.

Mr. **STENNIS.** Downstairs, I mean.

Mr. **LONG** of Louisiana. Yes.

Mr. **DODD.** Mr. President, I am kind of out of this.

Mr. **STENNIS.** No.

Mr. **DODD.** I did not hear what was being said.

Mr. **STENNIS.** I asked the Senator from Louisiana if it was all right to state what he said to me.

Mr. **LONG** of Louisiana. I have no objection.

Mr. **STENNIS.** It seems to be part of the picture.

Mr. **LONG** of Louisiana. Yes.

Mr. **STENNIS.** The Senator from Louisiana had talked to me and other members of the committee about asking that the resolution be taken back to the committee to reverse the order of these charges.

Mr. **LONG** of Louisiana. And report forthwith.

Mr. **STENNIS.** And report forthwith. Frankly, I told the Senator from Louisiana at that time that the committee had gone so far and I had stated my position, and it was on the floor of the Senate, and in the control of the Senate, that I would not feel justified, even if I were to agree as one Senator to vote first on (b), to ask the Senate to let us have the resolution back, and go back to committee and change it. That is something the Senate would have to pass on.

Mr. **DODD.** Mr. President, will the Senator yield?

Mr. **STENNIS.** He made it in good faith.

Mr. **DODD.** I am not questioning his good faith or anyone's good faith. I take it any Senator could make the motion?

Mr. **STENNIS.** Yes, but if we asked for the resolution to go back, and the Senate consented, we would have the power to change it. I discussed it with members of the committee, three outside the door there, and two when I found them. None of them felt that at this stage that could be done with any consistency at all; that we had gone beyond that point. The Senator from Louisiana acted in good faith.

Mr. LONG of Louisiana. I do not challenge that it was done in good faith.

The Senator from Louisiana has a very short speech and that is all he has to say further on double billing. I do not see any point in doing it now, because I may have to say it later on. So far as I am concerned, we are going to go to work on the other charges, because that seems to be the judgment and wisdom of the committee.

I am sure—because I have checked—that the leadership would support the committee on the procedural matter, and I would not think of overruling the committee on a procedural question.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. COOPER. I hesitate to intervene on this issue as our distinguished chairman speaks for the committee on procedural matters.

But the Senator from Louisiana has made a statement with reference to the committee which is not correct and on which I speak for myself.

The Senator said in substance, "The committee has decided that it will not grant the distinguished Senator from Connecticut his request to have item (b) voted upon first."

If I may say so, in my view that is absolutely incorrect. The resolution came from the committee and it could not know what would happen, what section would be voted upon first, or whether there would be a request to vote upon one before the other. Section (a) involving the major portion of the evidence in the investigation, was considered more important, and listed first. Thus, by the rules of the Senate (a) must be voted upon first if there were a division.

The committee cannot decide to reverse the order of voting. It is a matter for the Senate. But, in consideration of the request, the Senator from Mississippi posed the issue to the Senate earlier today, and asked the Senator from Connecticut, the Senator from Louisiana, and others, what their intentions were about amendments, so that a judgment could be reached upon our attitude toward the request the Senator had made. The matter was open, but the Senator from Oregon then said he would object to any unanimous consent.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. COOPER. I would like to finish.

The question was never decided. I may say that our attitude—at least my attitude, and I think the attitude of the committee—in our discussion of the matter, was this: There was no disposition to limit in any way the consideration of this matter, and every disposition that the Senator from Connecticut have all the time he finds necessary to present his case, in justice to him and in justice to the Senate. But we also wanted to ascertain, and I may as well state it, whether the matter was going to be dragged out unreasonably beyond the ends of justice to the Senator from Connecticut, and thus reflect upon the ability of the Senate to reach a decision. In saying this I do not ascribe such an intention to the Senator from Connecticut. He has made it clear his intention is otherwise.

I hope I have stated the attitude of the committee as a whole, and that of the distinguished Senator from Mississippi. I did wish to respond to the statement of the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. COOPER. Yes, I yield.

Mr. LONG of Louisiana. Does the Senator know that if those of us who side with Thomas Dodd in this matter had made our motion to strike before the motion was made to divide, we could have had our vote on this issue first? It was only because we did not realize that this was going to happen that we lost our right to vote on this subsection (b) first. This is one time, Mr. President, that I have been outmaneuvered from a parliamentary point of view, and I regret it.

Mr. COOPER. I agree. All I wish to say is that as far as the committee is concerned, we were not and are not attempting to impress our will on the Senate. The procedural and substantive issues are for the Senate to decide.

Mr. LONG of Louisiana. Before I yield I say further, Mr. President, that I do not wish to see anyone intentionally outmaneuvered on anything, nor do I believe that anyone intentionally did anything that was not correct. The Senator from Florida is as honorable and sincere and dedicated to his duty as any man who has ever served in the Senate.

All I can say is, unfortunately for all of us on the side of Thomas Dodd, we have lost an important parliamentary right by not offering earlier an amendment to strike this particular matter.

I know the Senator from Florida would not have wanted to prejudice us in any respect whatever, because he put us on notice long in advance. As one who knows something about parliamentary law, this is one time I made a mistake by not discussing the matter with the Parliamentarian and understanding the full effect of it. We are satisfied that we did not seek the right parliamentary advice, and did not realize that this was going to be an unfortunate situation for Senator Dodd. But the Senator from Florida stated he was willing to vote on either one, in either order. He was in good faith, and he is as fair and honorable as any Senator who ever served here. I did not intend what I fear the Senator may have implied; I simply take the blame on myself. I did not know that the division was going to block us on this parliamentary situation, where only unanimous consent could get us out, without making this procedural motion against the leadership.

I think the Senator wanted to be fair, and I am satisfied that the Senate will be fair, no matter how we do it. I am sure the Senator from Florida never intended to prejudice anyone, but wants to protect everyone's rights, and when I stood there and made no objection when he told me he had this in mind, I think 2 days in advance, I am sure it was all in complete good faith, and I only regret my failure.

Mr. HOLLAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. Moss in the chair). The Senator from Connecticut has the floor.

Several Senators addressed the Chair.

Mr. DODD. I had yielded to the Senator from Kentucky [Mr. Cooper], and I do not believe he had finished.

Mr. COOPER. Mr. President, I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I appreciate the very clear explanation that the Senator from Louisiana has made. The Senator from Florida certainly did not intend to outmaneuver anybody. He did not seek to prejudice anybody. He has received several telegrams from his State since he asked for the question to be divided, accusing him of trying to help the Senator from Connecticut; which he will place in the Record as soon as he can get them over here from his office.

Mr. President, I was not the only Senator who felt that the question needed to be divided. I had consulted with other Senators before; I had consulted with the Parliamentarian before. I found that other Senators had taken up the question with the Parliamentarian before I had, and even that a ruling had been prepared before I took the matter up.

I further agreed to not make the request, after having first made it from the floor—and I was entitled to have it granted as a matter of right—until after the Senator from Louisiana had finished his speech and told me to go ahead.

The Senator from Louisiana did that. I have repeatedly said I am willing to vote on either issue first, and would give consent to that, and I have also said—and it is a fact—that there are other parliamentary ways to meet this situation. I do not know whether they are all known to the Senator from Louisiana, but knowing his great skill in the parliamentary field, I think they probably are.

So I do not feel that the Senator from Florida has any place at all in this matter except—and this is the one exception I shall insist upon—I insist that every Senator has the right to vote on the merits of each of these two very diverse proposals, one at a time, and I do not care which comes first.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HOLLAND. I do not have the floor, but I will be glad to yield in a moment.

You just cannot vote on two completely different proposals, one of which you may believe in implicitly after you have heard all the evidence, and think it has been proved, and the other of which you may disbelieve, or have a doubt about. You cannot, in fairness to yourself, to the Senator from Connecticut, to the Senate, to the public, or to anybody concerned, vote on two such dissimilar charges by one yea-and-nay vote. There is no way for anybody to dispute that.

I believe that 40 Senators have told me, since I made this request, in addition to the several who had discussed it with me beforehand, that they felt it was the only way in which we could properly approach this matter.

So, I appreciate the latter words of the Senator from Louisiana, I am going to place in the Record the wires from distressed citizens of Florida who thought that I was trying to serve improperly the interests of the Senator from Connecticut by making this very fair request for a division of the subject which, whether he seemed to regard it so or not, are divided by logic. They are two separate issues.

With that statement, I am going to content myself. So far as I am concerned, I do not care how this matter is voted on or when. I will insist on our being given the right to vote on the merits of each of these two very serious charges.

I think the Senator from Connecticut is entitled to have his colleagues in the Senate vote on the merits of these charges one at a time.

I do not think he would be satisfied to have some dilatory proceeding knock out one charge and leave a question as to why it was knocked out.

The Senator from Florida has no apologies nor explanations to make. He is simply stating as a fact that he is going to insist on a division, and he does so after stating again and again his complete willingness to vote on these two serious charges in any order that the Senate may determine.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. LONG of Louisiana. Mr. President, I applaud the Senator.

I suspected that perhaps he was trying to aid the Senator from Connecticut at the time.

Mr. HOLLAND. That is what some citizens in Florida apparently thought.

Mr. LONG of Louisiana. The motion of the Senator made sense to me. That is one reason that I did not seek to make any move or effort through the Parliamentarian before telling the Senator to go ahead and make his motion.

Mr. ALLOTT. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. HOLLAND. I have yielded to the Senator from Louisiana for a question.

Mr. LONG of Louisiana. Mr. President, may I say that while I know the Senator knows of some motions that can be made that would give Senator Dodd a chance to have a vote with regard to part (b) first, I would appreciate it if he would advise me if he can think of one that would not have procedural implications with the result that we would be confronted with the opposition of the joint leaders on both sides of the aisle, as well as the floor manager of the measure.

I, for one, recognize the problem.

I should think that Senator Dodd is in enough trouble without taking on the joint leadership as well.

Mr. HOLLAND. I am not in the position of adviser either to the committee or Senator Dodd or the Senator from Louisiana. I have not sought to advise any or all of them.

I do not seek to advise them now. I am going to vote on the issues as I think they have been proved or not proved.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. HOLLAND. I shall yield in a moment to the Senator from Ohio.

I will not be left in the position of giving advice to one side or the other.

I am making a statement here that there are available ways to get to the question.

I think the Senator from Louisiana knows that that is the case.

I am glad to yield now to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I subscribe to the words of the Senator from Florida.

I want to vote on the merits of the issues pending before us. I reject vigorously any dilatory practices that are sought to obtain an end to the matter through parliamentary maneuvers.

Parliamentary maneuvers that lead to victory do not exonerate those who are charged.

If there is a motion made to send the resolution back to committee with instructions, I will not vote for it. I want to vote on the merits of the charges contained in the resolution.

I repeat that parliamentary maneuvers that lead to victory have no appeal to my sense of justice. I am glad to know that the Senator from Connecticut agrees with that view.

The Senator from Louisiana boasted that this is one of the few times he has been outmaneuvered. I would not boast of that. It is not helping the cause of the Senator from Connecticut.

Mr. DODD. Mr. President, will the Senator yield?

Mr. HOLLAND. Mr. President, I yield to the Senator from Connecticut.

Mr. DODD. Mr. President, I appreciate the Senator yielding.

I want to say first to the Senator from Kentucky that I have given my reasons in my address. I thought it would move us along so that we would get rid of the second part of the resolution.

It seems to me that if we could get rid of the one charge we could then take up the other. I would agree to doing that certainly tomorrow and the day after.

I was not trying to get a parliamentary advantage.

Mr. COOPER. Mr. President, I made the statement because the Senator from Louisiana had said the committee had made this decision and that it is in the hands of the Senate. It was not a correct statement, and I want to make that clear.

Mr. DODD. I think the Senator knows that I favor the position of the Senator from Florida. I thought it was the right thing to do.

Mr. HOLLAND. Mr. President, I know that the Senator from Connecticut was one of about 40 Senators that had expressed that opinion.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HOLLAND. Mr. President, I yield first to the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, I did an injustice to the Senator from Florida and myself when I said something about being outmaneuvered.

I was trying to say that I thought this was a time when I had an important role in connection with a measure that I had handled it poorly from a parliamentary point of view. That is what I was trying to get across.

I did not mean that anybody outmaneuvered anybody else, or that I had.

I thought that I had been a reasonably good parliamentarian in the 18 years that I have been here. This is one time that I have not been.

Mr. HOLLAND. Mr. President, I appreciate the statement of the Senator.

The Senator and I have been together many times. He helped me on my poll tax amendment and we were together on the question of statehood for Hawaii and Alaska.

I believe that we were the only two southern Senators who were cosponsors of those statehood matters. We have fought together for many things.

I do not believe that we were maneuvering together, but we were fighting together for the things we believed in.

While the word might have been an unfortunate one, I forgive the Senator and forget the matter.

PROBABLE PROPOSAL OF UNANIMOUS-CONSENT REQUEST TOMORROW

Mr. MANSFIELD. Mr. President, there has been some reference to dilatory tactics.

I would assume that that reference has been made primarily against the distinguished junior Senator from Louisiana.

I have been in close contact with the Senator in the past 6 days. He has been very frank and open in stating what he planned to do. He has been very cooperative in trying to seek an agreement to bring the resolution to a vote.

I want to state for the record, based on personal, firsthand knowledge, that no Senator has adopted any type of dilatory tactic in respect to the measure now pending before us. I think that the record ought to be made very clear on that point.

The Senator from Louisiana and I, I repeat, have been in close contact. And I have also consulted with various members of the Committee on Standards and Conduct.

There has been nothing under the table as far as any Senator is concerned, and the same applies to the distinguished Senator from Connecticut, who has been most cooperative in trying to bring this matter to a conclusion.

I would like to have the attention of the Senate as a whole, and most especially the Senator from Oregon [Mr. Morse], the Senator from New Hampshire [Mr. Cotton], and the Senator from Colorado [Mr. Allott], the Senator from Utah [Mr. Bennett], and others.

I do not ask for an immediate reaction to what I am going to suggest, but I do ask Senators to think over tonight and give their utmost consideration to a proposal which the joint leadership wishes to make.

We believe that the distinguished Senator from Connecticut [Mr. Dodd] should be given every consideration and courtesy.

The Committee on Standards and Conduct was not—I repeat, not—opposed to a consideration of section (b) prior to the consideration of section (a) of the pending resolution.

When the matter was discussed, the matter was still open. There was a possibility that it would be acceded to.

I am not asking for an immediate reaction to what I am about to propose on behalf of both leaders, but we do request that the Senate consider the proposal overnight.

We would like to propose tomorrow morning that we vote early tomorrow and as a courtesy to the distinguished Senator from Connecticut, on section (b), and that we vote sometime on Thursday morning on section (a).

So I say to Senators: Think it over and determine if there is any merit to the proposal. If there is any merit to the proposal, give us your support. If there is any doubt, give us the benefit of your views and let us try to break this impact, and let us try to bring this matter to a conclusion.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. HOLLAND. I yield to the Senator from Oregon.

Mr. MORSE. Mr. President, I think the case in chief should be completed on both charge (a) and charge (b) before we start to vote on charge (a) or any amendments to it. After that I think we should proceed to vote on charge (b). Mr. President, those of us who want the case in chief on the two paragraphs completed before we go to a vote first on charge (a) and then on charge (b) are not seeking to do any injustice to the Senator from Connecticut. To the contrary, we think both the Senator and the Senate as well, may I say the entire country, are entitled to that orderly procedure.

So far as my motivation is concerned, I believe that is the best way to do justice to Senator Dodd. Charge (a) and charge (b) are intermingled in fact. They, in fact, involve charges of unethical conduct. They differ only in degree. They constitute a charge of unethical conduct as far as the finding of the select committee is concerned. We need to have all the evidence in and all the arguments in and all the discussions completed before we start voting on these intermingled charges of unethical conduct.

As I said this morning, do not forget what we are asked to support if we support the recommendations of the committee. We are asked to support a finding of censure for the conduct of the Senator from Connecticut which is contrary to accepted morals, derogates from the public trust expected of a Senator, and tends to bring the Senate into "dishonor and disrepute."

Both paragraphs involve that charge, and both paragraphs are intermingled, really, in regard to his conduct. Therefore, I want to cast my vote when the case in chief has been completed on the part of the committee and the defense has completed its case on the part of Senator Dodd. I want to cast my vote when the Senator from Louisiana and others have finished in supporting opposition amendments if any to the resolution or any part of it.

That is why I believe we would be making a great procedural mistake by voting on charge (a) and then going on with a further discussion of a case in chief in regard to charge (a) of the resolution.

Furthermore, may I say most respectfully, I do not agree with the observation that has been made that because the Senator from Connecticut has devoted much of his time to paragraph (b), we should stop and proceed to a vote on paragraph (b). I say that because here, too, there has been a great mixture of discussion in this debate. There has been much discussion of paragraph (a) on the part of many Senators. Others have spent much time on charge (b). Others have discussed at length both charges (a) and (b). It is true that the Senator from Connecticut has discussed (b) more than (a), but he has not ignored (a). He discussed it. I do not believe he has finished his discussion of it, but I believe he should complete his case in chief on both charges before we are asked to proceed procedurally with a vote on each charge. I say that because they are in fact intermingled with a common finding by the committee of unethical conduct on the part of the Senator.

I say to my majority leader—although I will consult with the Senator from Utah, the Senator from New Hampshire, the Senator from Colorado, and two or three others whom I mentioned to him when he spoke with me about the proposed suggestion—that I do not believe that any argument that will be made will change my view that procedurally the proposal to vote on charges (b) first and then proved with the debate on charge (a) is not good, orderly process for handling this matter.

There has been some discussion, too, about other parliamentary procedures that can be followed by the opponents of S. Res. 112. Such parliamentary procedures would be in accordance with the rules of the Senate and are within the rights of any Senator. It is perfectly all right with me if any Senator resorts to them. The use of the rules of the Senate constitute orderly procedure. But I seriously question whether or not we are following a wise course if we limit debate at any time in our consideration of Senate Resolution 112, so long as dilatory tactics are not used.

I agree with the Senator from Montana: I have seen no evidence of any dilatory tactics.

Let us take the $64 question. Let us assume that a majority of us insist that we go ahead with an orderly disposal of the resolution in the order that it is drafted, and that dilatory tactics do develop—namely, a filibuster starts. Let us assume that hypothetically. I do not believe there is any danger of it, but let us be hypothetical for a moment. Then, the Senate has its protection by orderly procedure under the rules, and we should then proceed to exercise that protection. We could have the clear duty and responsibility to stop any filibustering with a cloture vote. I have grave doubts as of now as to whether a unanimous-consent agreement to vote on change (b) first would be the wise course for us to follow procedurally. Neither do I think that entering into a unanimous-consent agreement to limit time on Senate Resolution 112 and vote on change (b) tomorrow and on change (a) or its modifications the next day, would be an appropriate procedure to follow.

The unanimous-consent rule exists for each Senator to exercise his parliamentary rights, when he believes that great harm is going to be done to the history of the Senate in regard to a procedure that has been proposed at a given time. I believe that we will live to regret such a course of action if we should agree to such a unanimous-consent agreement tomorrow as is now being suggested. Therefore as of now I intend to object to it.

Mr. HOLLAND. Mr. President, a few minutes ago I stated that I had received some telegrams from citizens in Florida, questioning my motive in asking for a division; and they questioned it in exactly the opposite way from that in which it seemed to be questioned a moment ago on the floor. I am not very serious about reading these telegrams. I am going to do so, but I wish to be very serious on this point: These are confusing times. The judgment of people is not very sound. People are suspicious of everything. They are suspicious of things done with the best of motives. Nothing could illustrate that better than these three telegrams, all aimed at the fact that not only did I exercise my right as a Senator in asking for a division, but also, I exercised it rather prudently, as indicated by the many expressions of consent and approval that have come to me from the Senate, including from Senator Dodd and from members of the committee.

The first telegram reads:

> You can't fall off the cliff half way. Senator Dodd is a disease. Thank you.

This is amusing, except for the proof of the point that I make; namely, that the times are confusing, and people are not thinking very straight. People are suspicious of anybody who does anything they may not understand.

The second telegram reads:

> Your attempt to ease sanctions against Dodd is an insult to intelligence of Florida voters.

These telegrams are here for inspection. I have submitted them to Senator Long of Louisiana.

The third telegram is a little more in detail:

> Dear Senator Holland: How dare you condone the action of Senator Dodd in spending public money for his own personal use. If you apply this moral yardstick to another man's affairs we cannot help but wonder about your own affairs. We will be watching how you vote on this matter and we will discuss with others.

I am amused by the whole thing. I hope the Senate is amused. But there is a clear truth behind them, and that is that people are not thinking very soundly. I have not used the names of the senders of these telegrams. Any Senator may read them if he wishes to do so.

The point I am making—and I shall repeat it again, because I want it to sink in—is that these are confusing times. These are times when people are suspicious of everything unusual that anybody does. That but adds to my feeling that eventually we should have the right to vote on the merits of the whole of each of these charges separately.

I propose to vote as I think I should, after reading the Record, after reading the report, and after hearing the debate. I do not think I have missed 10 minutes of the debate all told. I am sure I have not. I am going to vote as I think I should, and either vote will be a disagreeable one because of the implications involved. But I shall vote as I think I should, just as I tried to preside as a judge as I thought the law required, just as I have always voted here on matters of grave importance. I try to figure out what is right and to vote as I see the right, although I do not expect everybody to agree with it.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. HOLLAND. I shall yield first to the Senator from Connecticut, because he first asked me to yield. I want the Senator from Connecticut to understand that I am not attempting to add in any way to the gravity of this case.

Mr. DODD. I have forgotten what I was going to ask the Senator.

Mr. HOLLAND. I was just showing the position we are all in.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Arkansas.

Mr. McCLELLAN. The Senator speaks of confusion. This is what concerns me. Does he not think it will add to the general confusion if we vote one day on one section, and then vote at some other time on another?

I fully agree with the Senator from Oregon [Mr. Morse] about this being one resolution, with which we might make a comparison with one indictment having two counts. The whole issue is before us in the resolution on both counts. I am willing to vote on them separately. I think they should be, just as we would on charges. But I do not agree that it is a wise course, and I do think it will add to the confusion and suspicion that the distinguished Senator from Florida refers to as being in the minds of the public for us to separate the sections and to vote one day on one and at some other time on the other.

Until we think we have heard substantially all of the arguments and until all the evidence is in, I doubt the wisdom of starting to limit time. I will go along with the leadership, with Senators, and everyone else, if that is what they want. But I do feel, in all sincerity, that it will be the better and more orderly procedure, one which will create the least confusion and arouse the least suspicion, if we simply have the case made for both sides, get that over with, and take a vote on whichever section the Senate wants to vote on.

Mr. HOLLAND. I thank the distinguished Senator. He is one of those Senators who have told me they felt the two cases were so dissimilar that they should be divided and voted on separately. I think that about 40 Senators have stated such an opinion and none have spoken adversely of it. So have Senator Dodd on his side, and several members of the committee, if we consider it the opposite side—and I do not like to hear the expression made in that way. There is nothing sinister, unfair, or unusual about a request for division, because two separate issues are involved here.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. LAUSCHE. In views of the telegrams which the Senator from Florida has received, I do want to point out that a Senator may well find himself in the position where he wants to vote censure on one count and not censure on the other count. If that is the state of mind which he reaches, he will be incapable of expressing that judgment if he is required to vote on only one resolution.

If his judgment is that censure is warranted, let us say, on count one, and not on count two, unless these issues are separated he will have to acquit improperly on both counts or convict improperly on both counts.

I think Members of the Senate are thoroughly cognizant of that procedure. All throughout my political life I have looked with contempt upon efforts to tie into one package good things and bad things, compelling the one to whom you want to sell or give that package to take both the good and the bad.

I am glad to hear that the Senator from Arkansas [Mr. McClellan] believes that there should be a separation, but that when we vote there shall be a vote on each count separately but at the same time.

Mr. President, I have one other thought in conclusion. The main purpose of the debate in the last week or 10 days has been to vindicate the honor of the Senate. I respectfully submit that regardless of the answers that may be given, undue delay in voting on these measures, after they have been fully debated with respect to the merits and demerits, will not reinstitute the integrity and the honor of this body.

My statement that there has been delay has been challenged. My own judgment is that if you want to vindicate the honor of the Senate, get this issue voted on. Unless you do, you are going to be deluged with telegrams and letters of the same type that the Senator from Florida has received.

With respect to the Senator from Connecticut [Mr. Dodd] I want to accord to him every bit of time needed to present his cause. I agree with the Senator that it is of indescribable significance to him, but I am also of the belief that the longer the arguments are protracted, and the longer we indulge in parliamentary arguments, the worse it will be for the Senator from Connecticut.

Mr. DODD. Will the Senator yield on that point?

Mr. LAUSCHE. I shall yield, but I wish to add one more thought.

The Senator from Connecticut is asking for a vote. I say to him: You want it out of the way. I commend you for it. I listened faithfully. Do they want you to die a dozen deaths? One is enough. The longer you delay, the more the anxiety and the more the destruction of the health and the soul.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Utah.

Mr. BENNETT. Mr. President, the Senator from Utah is very much interested in the statement of the Senator from Ohio and feels that as a member of the committee he should make it plain that the committee is ready to proceed to vote at any time. The committee is not involved in any program which would delay the action on this matter.

Mr. HOLLAND. Mr. President, I yield the floor.

Mr. COTTON. Mr. President——

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, the only purpose the Senator from New Hampshire has in taking a moment of the Senate's time is that the distinguished majority leader outlined a possible or probable request that he might make tomorrow morning for a unanimous-consent agreement, and he mentioned some Senators by name who voiced some objection and mine very properly was one of the names mentioned.

I felt, to try to be helpful to the majority leader and the Senate in expeditiously discharging its duty, it would be better to make a brief statement tonight than wait and raise the matter in the morning.

As far as the Senator from New Hampshire is concerned he, too, welcomes the division of the resolution. The Senator from New Hampshire wants the privilege of voting separately on each of the grounds alleged in the resolution. If it were a mere matter of voting for one and then immediately voting on the other, as far as the Senator from New Hampshire is concerned, there would be no possible objection.

Certainly the Senate heard the discussion and it would be difficult for this Senator to say that most Senators do not know exactly what they feel they should do.

However, the Senator from New Hampshire anticipates—without reason but he anticipates—that tomorrow morning when the distinguished majority leader asks for his unanimous consent there is going to be a question of voting on (b) and then the suggestion will be raised that various amendments may then be offered to the form of the resolution on (a). With that in mind, the Senator from New Hampshire wishes to say that the Senate and every Member of it, including those who bear the responsibility of representing the distinguished Senator from Connecticut, should not be precluded from offering any amendment or any variation of this resolution that they desire to offer, in fairness, no matter how long it takes, if we should give every consideration to these amendments. But if the proposal for a unanimous-consent agreement were along the line that we are going to vote on (b), then, after that vote, if there shall be an hour on each amendment, or half an hour on each side, as a certain limitation on an undisclosed number of undisclosed amendments, the Senator from New Hampshire would be compelled to object.

If it is the purpose of the Senator from Louisiana or anyone else, in case (b) is rejected, to try to change the wording of the resolution from "censure" to "reprimand," that is all right. The Senate can work its will on it. But, let us know what it is. If it is the purpose to offer that and then to offer a second amendment which will make the resolution still different, that is fine. But before we agree unanimously to open the door to all kinds of amendments undisclosed, we are not facing this issue squarely.

Thus, so far as I am concerned, I wanted to tell the majority leader tonight that if the unanimous-consent request is to vote first on (b), the Senator from New Hampshire will not object. If the request is to proceed then to (a), without amendments, certainly the Senator from New Hampshire will not object. If the request is to vote on (b) and then have a certain time devoted to amendments that are disclosed as to exactly what they are going to be, the Senator from New Hampshire will reserve the right to consider how long the time should be, and he might even agree to that; but he would not agree to a blanket unanimous-consent agreement that we take part of the resolution which is the result of long deliberation by the committee, vote on it, and then throw the thing open to any number of amendments, with so much time on each amendment, before we vote on the other half of the resolution.

I hope that will enlighten the distinguished majority leader.

Mr. MORSE. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I am happy to yield to the Senator from Oregon.

Mr. MORSE. Mr. President, so far as I am concerned, the Senator from New Hampshire has stressed better than I did the procedural point I wanted to stress. That is why I think we should take the resolution in the order of its reading. I do not speak for anyone other than myself, although I know others share my concern. I only express my suspicion. Of course, if I were on the side that sought to water down the resolution, I certainly would be offering amendments to paragraph (a). Therefore I think that we should have an opportunity to vote on paragraph (a) in the order of its appearance in the resolution and not take it out of order.

If we are going to have orderly procedure, I think that it would be unfair to limit time in this case. The nature of the issues before the Senate causes me to reject a unanimous-consent proposal for any limitations on debate which has not become dilatory in nature. I think we should proceed with diligence and dispatch, but without any unanimous-consent agreement to limit debate by 1 second. I think that the case in chief on both sides should be completed. Then I think we should proceed with change (a) and listen to whatever proposals are made for amendments, vote on the amendments, and then vote on paragraph (a). Following that we should proceed to consider and vote on change (b). I have heard of no suggestion for amendments to paragraph (b). There may be some. If there are, then vote on them. Then vote on change (b).

I think that is the orderly procedure we should follow. So far as I am concerned, unless the Senator from New Hampshire and others I have already mentioned can convince me to the contrary, I want my majority leader to know that tomorrow I shall object to any variance from that procedure.

Mr. COTTON. I thank the distinguished Senator from Oregon. I would not be disposed to disagree with him. In fact, I think his position is a very sound one. But, I will say, frankly, that the appeal of the Senator from Connecticut on the matter of (b), and his earnest appeal to the Senate to vote upon it, was such that the Senator from New Hampshire would like to accede to that if he possibly could.

Thus, the Senator from New Hampshire, not because of what he believes is of any great importance to the rest of the Senate, but because he was one of the objectors and because his name was mentioned by the majority leader, wanted to make it very clear what he would object to, and the fact that he does not go so far in interposing objections as the Senator from Oregon, which is a matter of degree.

I think I have made myself clear—I hope.

Mr. MANSFIELD. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield.

Mr. MANSFIELD. I appreciate what the distinguished Senator from New Hampshire has just said. I appreciate also the explanation of the procedure, which I am prepared to consider, and also the views, frankly expressed as always, of the distinguished Senator from Oregon [Mr. MORSE].

Mr. President, it had been my intention, on behalf of the joint leadership, to inquire tomorrow among Senators who had expressed strong feelings on this matter as to their collective positions, and to inquire further if any Member, after considering the proposal, was prepared to object to a unanimous-consent request along the basis of the lines outlined.

It was not my intention to offer that request knowing that an objection would be lodged because I would not want any Senator publicly to object to a request of that kind.

Thus, I have read the writing on the wall. We need not wait until tomorrow. The unanimous-consent request will not be offered. We will take our chances. And from the discussion, I have an idea that we will probably be able to finish a little bit sooner than we had thought earlier today.

Mr. COTTON. I just want to say that I hope the majority leader, in his remarks, because of what I have just said, has caused him to——

Mr. MANSFIELD. Not at all. The Senator from New Hampshire and the Senator from Oregon have just expressed the general feeling I get. The Senator from New Hampshire and the Senator from Oregon can rest assured that their views are always most welcome and greatly appreciated.

Mr. COTTON. The Senator from New Hampshire wanted to cooperate as far as he could.

Mr. MANSFIELD. Of course. The Senator most certainly did. I appreciate it very much.

Mr. STENNIS. Mr. President, will the Senator from New Hampshire yield to me briefly?

Mr. COTTON. I am happy to yield to the Senator from Mississippi.

Mr. STENNIS. Members of the Senate, I have had nothing to say here except about procedure and then directly on the facts as I have understood them; but I do want now especially to commend the statement of the Senator from New Hampshire. I listened closely to what he said and I commend him highly, and others, too, because I was able, without being interrupted, to understand the full impact of what he said.

But it is a very wholesome response, whichever side they were on, to have so many fine expressions of deep concern over this resolution, what is going to be done with it, how it is going to be disposed of, and the effect it is going to have on the Senate.

I think, if I may say so with modesty, that it confirms what I said in the beginning—that this matter now rests in the bosom of the Senate. The question is not what the committee is going to do. The question is what the Senate is going to do. I think there have been fine expressions. I especially compliment the Senator from New Hampshire.

Mr. LONG of Louisiana. Mr. President, I was asked what, if any, amendments I had in mind offering. I have one I particularly wanted to offer. I am not going to offer it at this time, but I have no objection to the committee's knowing about it. I would like to read what the amendment would do:

> On page 2, after line 6, insert the following:
>
> "SEC. 2. The Select Committee on Standards and Conduct is highly commended for its diligent efforts, in its investigation into the conduct of Senator Thomas J. Dodd of Connecticut, to promote higher standards of ethics on the part of Members of the Senate."

I want it understood that, regardless of the outcome, my tremendous admiration for the members of the committee since the first day I have known them is not diminished in any way, and I do not think there is anything the committee would do that would cause me to think less of them.

AMENDMENT NO. 211

I send the amendment to the desk and ask that it be received.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. ALLOTT. Mr. President, I had to leave the floor for about 10 minutes. I do not know what transpired while I was away. The Senator from Colorado was referred to a few minutes ago, and I think once by the Senator from Oregon. I understand the Senator from Arkansas [Mr. McClellan] alluded to what I wanted to discuss.

Our great majority leader has come very close to bringing the issue to a resolution. Senator Dodd said he wished to heaven—I think those were the words he used—no amendments would be offered.

With this situation in mind, I would like to say that I think probably the distinguished Senator from Louisiana will see fit to offer another amendment. I think I can write it right now. I would be happy to write it for him in a short time. I know what it will be. I think anybody can figure out what it will be.

The thing about the limitation of time and the reason I would have objected earlier is that we do not know and we have not had before us what the amendments may or may not be.

Contrary to what has been said before, the majority leader has, on dozens of occasions when I was on the floor, when he was trying to work out a unanimous-consent agreement, looked around the Senate when everyone was here and said, "Now, is there anybody on this side who has any more amendments to offer?" When there was no answer, he would turn to this side and ask, "Is there anyone here who has any amendments to offer?" When no hands were raised, he would say, "It now appears that we have amendments Nos. 5, 6, and 7 to consider, and I ask unanimous consent that we have a time limitation on them."

I would object to a time limitation so long as there is anyone in the Senate who does not know that there will be no more amendments to be offered. I would not want to be boxed in by an amendment about which I can only conjecture and be limited on time, because any Senator might be in a position where he felt compelled to talk about that particular amendment.

I was going to suggest, if there were no other amendments than what the distinguished Senator from Louisiana had, as far as I was concerned I would be willing to agree—or not object, I should put it that way—to a reversal of the order, provided we set down the time for voting on both of these in a consecutive manner, in a way which would give the Senator from Connecticut and his counsel every opportunity and every right to feel that he had said everything and used every argument which was a part and parcel of these charges. But I take it that that is not possible at this moment, so my statement is rather moot. However, because I was referred to, I thought I owed it to the Senate to state my position. As long as there are unresolved amendments hanging around the cloakrooms anywhere, I would not want to not object to a unanimous-consent request.

ORDER FOR RECESS TO TOMORROW AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this afternoon, it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER FOR RECESS FROM WEDNESDAY TO THURSDAY AT 11 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in recess until 11 o'clock Thursday morning.

The PRESIDING OFFICER. Is there objection to that request? Without objection, it is so ordered.

ORDER FOR RECESS FROM THURSDAY TO FRIDAY AT 11 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on Thursday, it stand in recess until 11 o'clock Friday morning.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mr. MANSFIELD. The reason for this request is to express the hope that committees will take advantage of the extra hour on Thursday and Friday. I did not ask that the Senate meet at 11 o'clock tomorrow because the notice would have been too short.

CONFERENCE ON RAILROAD STRIKE LEGISLATION

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from Oregon.

Mr. MORSE. I think I ought to make a very brief statement with regard to the pending railroad dispute and the action taken by the House. There is pending at the desk a bill that the House has sent over on the railroad crisis that differs from the Senate bill, and it is for the Senate to work its wisdom on the House bill. As far as the senior Senator from Oregon is concerned, who has the responsibility of handling the administration's resolution, I want to say that I shall oppose the acceptance of the House bill. It is up to the Senate to decide when the matter comes up. I shall take the position that if I go to conference I shall not favor the Senate's receding, and I would be hopeful that the House would give further consideration to the Senate bill on the House side.

The Senator from Texas [Mr. Yarborough] is not asking tonight and I am not asking tonight for action on the pending bills, because we do not have the conferees to name, since we have not had an opportunity to meet on the matter with the chairman of the full committee who is not here. That is not his fault, because he is away on official business at the present time.

Therefore, the matter will have to go over, but I did not want anyone to think we were in any way deliberately seeking to postpone action on the matter. However, we do have a problem of getting to a conference this week because there are problems for the Senate Labor Committee in holding hearings on the west coast on another matter that cannot very well be postponed.

Speaking for myself only, I think it would be better to start our conferences after we finish the pending Senate business, so it might be more appropriate that we plan to start the conference next Monday.

Mr. MANSFIELD. Mr. President, I would agree with the remarks made by the Senator from Oregon, which I believe are concurred in by the Senator from Texas, that we take no action until the pending business is out of the way.

Mr. YARBOROUGH. Mr. President, the Senator from Oregon has stated my views, that the railroad matter go over until the pending matter is settled. Otherwise the Senate conferees would have great difficulty meeting with the conferees of the House. I would hope it will be done next Monday.

TRANSACTION OF ROUTINE BUSINESS

Mr. BYRD of West Virginia. Mr. President, now that consideration of Senate Resolution 112 has been concluded for today, I ask unanimous consent that there be a short period for the transaction of routine business, and that statements be limited to 3 minutes during that period.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTION OF RAPIDES PARISH SCHOOL BOARD, LOUISIANA

Mr. ELLENDER. Mr. President, I present a resolution adopted by the Rapides Parish School Board, of Alexandria, La., and I ask unanimous consent that it be printed in the Record and appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution was referred to the Committee on the Judiciary, as follows:

Petition to Congress

The petition of the Rapides Parish School Board respectfully represents:

1

That on April 19, 1967, at a regular meeting of the Rapides Parish School Board, petitioner unanimously adopted a resolution to petition Congress under and by authority of Amendment I of the United States Constitution which states as follows:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, *and to petition the Government for a redress of grievances.*" (Emphasis Added)

2

On March 29, 1967, the United States Court of Appeals for the Fifth Circuit in United States, et al. vs. Jefferson County Board of Education, et al. rendered an opinion on petitions for rehearing.

3

That in said opinion, the court unconstitutionally extended the Civil Rights Act of 1964 and unconstitutionally gave legislative authority to the Department of Health, Education, and Welfare.

4

That in the court's opinion, the court requires forced integration rather than desegregation and unconstitutionally impairs the contracts between school boards affected by the decision and their respective teachers and faculties.

5

That the Rapides Parish School Board has always complied with the law and intends to make every effort to comply with the law set out in the "Jefferson Opinion" but that because of the unconstitutional, unreasonable, and in many instances, impossible-to-fulfill requirements, petitioner is aggrieved and therefore petitions Congress for redress.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MUSKIE (for himself, Mr. BROOKE, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of New York, Mr. KUCHEL, Mr. MURPHY, Mrs. SMITH, Mr. TOWER, and Mr. YARBOROUGH):

S. 1973. A bill to amend the Maritime Academy Act of 1958 to increase the amount of assistance to such academies and to provide a minimum subsistence payable per student; to the Committee on Commerce.

(See the remarks of Mr. MUSKIE when he introduced the above bill, which appear under a separate heading.)

By Mr. GRUENING (for himself, Mr. BARTLETT, Mr. CANNON, Mr. HARTKE, Mr. NELSON, Mr. PELL, Mr. TOWER, and Mr. YARBOROUGH):

S. 1974. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, and for other purposes; to the Committee on Government Operations.

(See the remarks of Mr. GRUENING when he introduced the above bill, which appear under a separate heading.)

By Mr. ANDERSON (for himself and Mr. MONTOYA):

S. 1975. A bill to amend section 202 of the Agricultural Act of 1956; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. ANDERSON when he introduced the above bill, which appear under a separate heading.)

By Mr. RIBICOFF:

S. 1976. A bill to amend the Social Security Act and the Public Welfare Amendments of 1962 to provide a 1-year extension of the duration of certain temporary provisions thereof; to the Committee on Finance.

By Mr. JAVITS (for himself and Mr. KENNEDY of New York):

S.J. Res. 92. Joint resolution designating July 25 of each year as "Puerto Rican Day in the United States of America"; to the Committee on the Judiciary.

(See the remarks of Mr. JAVITS when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. MURPHY:

S.J. Res. 93. Joint resolution to provide for the issuance of a gold medal to the widow of the late Walt Disney and for the issuance of bronze medals to the California Institute of the Arts in recognition of the distinguished public service and the outstanding contributions of Walt Disney to the United States and to the world; to the Committee on Banking and Currency.

(See the remarks of Mr. MURPHY when he introduced the above joint resolution, which appear under a separate heading.)

AMENDMENT OF MARITIME ACADEMY ACT OF 1958

Mr. MUSKIE. Mr. President, on behalf of myself and Senators BROOKE, KENNEDY of Massachusetts, KENNEDY of New York, KUCHEL, MURPHY, SMITH, TOWER, and YARBOROUGH, I introduce, for appropriate reference, a bill to amend the Maritime Academy Act of 1958 to increase the amount of assistance to such academies and to provide a minimum subsistence payable per student.

In 1958 Congress passed the Maritime Academy Act to assist the States in the operation and maintenance of their maritime academies. The act authorized two types of grants:

First, annual payments to not more than one maritime academy or college in each State or Territory, for the maintenance and support of the academy, in an amount equal to the State contribution but not to exceed $75,000 or not to exceed $25,000 to any academy which refuses to admit up to one-third of its students from other States;

Second, payments to the State maritime academies or colleges not to exceed $600 per student per academic year to defray the cost of books, uniforms, and subsistence for the students.

Almost a decade has passed since this act was enacted. During this time the costs of operating our maritime academies have continued to rise significantly. Contributions from the students have continued to grow in keeping with rising costs and improved levels of service. State support, too, has increased over this decade. In Maine, there has been a 201 percent increase in State support over the last 9 years. However, there has been no increase in the annual Federal grants authorized by the 1958 act.

The need for continuing numbers of well-trained merchant marine officers is apparent, particularly to those of us who have maritime academies in our own States. These schools must cope not only with all the usual financial problems of growing colleges, including construction of dormitories and classrooms, improved curriculum and services, and increased faculty and salaries, but also with the costs peculiar to maritime academies including the training ship, annual cruise, laboratory facilities, and military program requirements.

Our maritime academies have been doing an excellent job of training merchant marine officers in spite of their financial difficulties. But the need for additional Federal funds is urgent now if they are to continue to provide our Nation with these highly trained men. This proposed bill would authorize those additional funds and I hope it will receive the consideration of every Senator.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1973) to amend the Maritime Academy Act of 1958 to increase the amount of assistance to such academies and to provide a minimum subsistence payable per student, introduced by Mr. MUSKIE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Commerce.

A BILL TO PROVIDE THAT DOMESTIC NEEDS SHALL HAVE PRIORITY IN THE ACQUISITION OF SURPLUS PROPERTY

Mr. GRUENING. Mr. President, on behalf of myself, the Senator from Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. CANNON], the Senator from Indiana [Mr. HARTKE], the Senator from Wisconsin [Mr. NELSON], the Senator from Rhode Island [Mr. PELL], the junior Senator from Texas [Mr. TOWER], and the senior Senator from Texas [Mr. YARBOROUGH], I introduce, for appropriate reference, a bill to amend the Federal Property and Administrative Services Act of 1949, as amended.

My amendment would make available to State and local agencies property which is excess to the needs of Federal agencies before such property could be obtained by the Agency for International Development and given away to foreign countries. Since 1960 the Agency for International Development has obtained about $300 million in surplus property. About $100 million of this amount was obtained from surplus disposals by the military services overseas.

The acquisition of surplus property by AID is authorized by section 608 of the Foreign Assistance Act of 1961, as amended. This section permits AID to acquire surplus property in advance of known requirements. That is, AID can obtain surplus property excess to the needs of the military services and hold it until such time as it is required by a foreign government. Several limitations have been placed on this program by the legislation, but they have been made applicable only to surplus material acquired by AID in the United States.

Thus, under section 608 the amount of surplus material acquired in the United States and held by AID at any one time is limited to $15 million in original acquisition cost; such domestically acquired material delivered to foreign governments under the economic assistance program is limited in any one year to $45 million in total original acquisition cost. No limitation of this kind exists for material obtained by AID from military surpluses overseas.

Section 608 also establishes a $5 million revolving fund to pay costs of acquisition, storage, renovation and rehabilitation, packing, crating, handling, transportation, and related costs.

In practice the revolving fund works as follows: AID acquires surplus property from the military services free of charge. Generally these items need some repair and funds from the $5 million revolving fund are used to pay for the needed repairs. These funds are also used to pay transportation costs to a port and for packing and crating. All of these expenditures are reimbursed to the revolving fund by charging economic aid funds allocated to the country receiving the surplus equipment. The economic aid funds allocated for a country by AID is also used to pay for the necessary ocean transportation.

In June 1966, hearings were held by the Subcommittee on Foreign Aid Expenditures on an amendment I introduced in 1965, which is identical to the one I am introducing today. Those hearings brought out a number of pertinent facts.

There is obviously no reason why the acquisition overseas of surplus property in advance of known requirements should not be subject to the same limitations as exist for the agency's acquisition of surplus property in the United

States. The unlimited acquisition abroad of surplus property represents a means by which additional economic assistance is being given to foreign countries over and above the amounts which are provided in the annual appropriations. This is another one of the many spigots through which U.S. economic assistance is poured abroad.

The absence of any limitation on acquisition of surplus property by AID overseas represents a further abrogation of congressional control over the economic assistance program.

Further, the absence of any limitation on acquisition of surplus property by AID overseas removes any incentive for that agency to consider carefully actual needs for the surplus property by the countries receiving such materiel. Nor is there any incentive for AID to evaluate carefully the ability of the country to maintain properly the surplus equipment. It serves little purpose to send surplus property to foreign governments under an economic aid program if such equipment and supplies cannot be used because the country does not have the required capability to maintain it.

I recently completed a trip overseas to follow up on the matters disclosed by the June 1966 hearings. The evidence obtained by me and my staff during this trip provided strong additional evidence that serious mismanagement by AID of its surplus property programs is taking place and that additional legislation is required. I have scheduled hearings by the Subcommittee on Foreign Aid Expenditures beginning on June 26 on the matters disclosed by my overseas inspection.

Finally, much of the equipment acquired by AID overseas in advance of known requirements could be used in the United States by health, education, and civil defense agencies of the States. I know from personal experience of the great need for this type of materiel acquired by AID by numerous agencies and Indian villages in the United States.

I ask unanimous consent that the text of my bill be printed at this point in my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 1974) to amend the Federal Property and Administrative Services Act of 1949, as amended, and for other purposes, introduced by Mr. Gruening (for himself and other Senators), was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the Record, as follows:

S. 1974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 203(j)(1) of the Federal Property and Administrative Services Act of 1949, as amended, is further amended to read as follows:

"Under such regulations as he may prescribe, the Administrator is authorized in his discretion to donate without cost (except for costs of care and handling and, with respect to excess property described herein, costs of transportation and repair) for use in any State for purposes of education, public health, or civil defense, or for research for any such purpose, any equipment, materials, books, or other supplies (including those capitalized in a working capital or similar fund) under the control of any executive agency which—

"(i) shall have been determined to be surplus property; or

"(ii) shall have been determined to be excess property and is being held under section 608 of Public Law 87–195 (75 Stat. 424), approved September 4, 1961, as amended, which property shall be offered to designated State agencies, as herein defined, before being offered to any other eligible donee; and

"(iii) shall have been determined under paragraph (2), (3), or (4) of this subsection to be usable and necessary for such purpose."

AMENDMENT OF SECTION 202 OF AGRICULTURAL ACT OF 1956

Mr. ANDERSON. Mr. President, I introduce, for appropriate reference, a bill to amend section 202 of the Agricultural Act of 1953. Senator Montoya, the junior Senator from New Mexico, joins me in sponsoring this legislation.

The proposed bill would bar the importation of Egyptian extra long staple cotton into the United States and in this way permit farmers in this country additional acreage to supply this market now enjoyed by Egypt.

During my tenure in the U.S. Senate, I have strongly supported our producers of extra long staple cotton. I have never agreed to importation of Egyptian cotton to the extent that it would penalize our farmers by reducing their acreage. As the situation now stands, this is exactly what is happening.

The present import quota of 82,480 bales of this cotton is materially affecting our domestic extra long staple cotton program. The acreage allotted to our domestic growers has declined from a high of 149,880 acres in 1963, to 70,500 acres for the current year, a reduction of over 50 percent. The reduction in bales of extra long staple cotton produced in this country has fallen from 161,000 bales in 1963 to 71,000 bales predicted for the current crop year. During this period our farmers have taken this reduction in acreage and a reduction in price. As a result the import quota has been filled by foreign countries and the majority of this has come from Egypt.

Department of Agriculture figures show that Egyptian cotton has been imported into this country in the following amounts during the last few years:

	Bales
1963	46,100
1964	69,100
1965	54,000
1966 to June	44,551

Our producers are capable of supplying this market if they are freed of the acreage limitations now in force. They should be given this opportunity. Our farmers should not be penalized while we continue to accept imports from a country that has broken diplomatic relations with us and does everything possible to embarrass this country.

This extra-long-staple cotton is important to American mills, and it appears that in times of crisis, our domestic mills cannot depend upon a stable supply of this cotton. In view of recent developments with Egypt, I see every reason to take prompt action to release the restrictions on our farmers and cut off these imports from a country that obviously does not intend to carry on friendly relations with our country.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1975) to amend section 202 of the Agricultural Act of 1956, introduced by Mr. Anderson (for himself and Mr. Montoya), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

PUERTO RICAN DAY IN THE UNITED STATES

Mr. JAVITS. Mr. President, on behalf of my distinguished colleague from New York [Mr. Kennedy] and myself, I introduce, for appropriate reference, a joint resolution designating July 25 of each year as "Puerto Rican Day in the United States of America." It is fitting that on this, the birth date of the Commonwealth achieved on July 25, 1952, the Congress recognize the strong ties that exist between the peoples of the mainland United States and Puerto Rico, and acknowledge the contributions of this Caribbean democracy to our whole Nation.

Our ties with Puerto Rico are crucial in providing a link between the mainland United States and our Latin neighbors. Puerto Rico's common cultural and linguistic background with Latin and Central America allows this "showcase of democracy" to provide a bridge between the hopes and accomplishments of two continents and enhance intrahemisphere understanding.

The achievements of the island Commonwealth are numerous both in the Caribbean and on the mainland United States. Its rapidly growing economy attests to the viability of a system of freedom in an area where Castro's Cuba threatens to exert substantial political influence. Puerto Rican industry continues its strong progress, as private and public programs for the benefit of the people continue to be expanded and improved. Programs such as Operation Serenity have created Government-supported cultural and educational opportunities for the islanders.

In addition to Puerto Rican accomplishments at home and its impact on U.S. foreign policy in the hemisphere, we cannot overlook the contributions of the well over 750,000 of Puerto Rican origin living on the mainland United States. New York City alone houses over 700,000 of Puerto Rican origin who earn almost $1 billion a year and contribute meaningfully to the economic and social life of the city. As barriers of language, culture, and discrimination yield, those of Puerto Rican origin will continue to contribute to our society on an ever-increasing scale. Today, Americans of Puerto Rican origin of note such as Metropolitan Opera star, Justino Diaz; Vice Chief of Naval Operations, Adm. Horacio Rivero; and former Administrator of the Economic Development Administration, Teodoro Moscoso, have already won international acclaim.

I therefore hope my colleagues in the Senate will see fit to commemorate this date by honoring our Puerto Rican citizens and enacting this joint resolution.

I ask unanimous consent that the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 92) designating July 25 of each year as "Puerto Rican Day in the United States of America," introduced by Mr. JAVITS (for himself and Mr. KENNEDY of New York), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 92

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 25 of each year is hereby designated as "Puerto Rican Day in the United States of America", and the President of the United States is authorized and requested to issue annually a proclamation calling upon the people of the United States to observe this day with appropriate ceremonies.

Mr. KENNEDY of New York. Mr. President. I am pleased to join Senator JAVITS in cosponsoring a joint resolution to establish July 25 as Puerto Rican Day.

Today, there are more than 2 million Puerto Ricans living in the Commonwealth of Puerto Rico, in San Juan, in Ponce, in Mayaguez, and many other cities of the island. There are more than 896,000 Puerto Ricans or people of Puerto Rican descent living on the U.S. mainland. In New York City, for example, there are about 730,000 Puerto Ricans, more than in the largest city in Puerto Rico itself. In total, our Puerto Rican population exceeds the population of such States as Vermont, Montana, and Hawaii.

The people of Puerto Rico deserve national recognition for their accomplishments in improving their land. Only a quarter century ago, Puerto Rico was a stricken land. The average man lived for 46 years—years of poverty and want, years without hope or ease. Most Puerto Ricans were illiterate, without opportunity to leave or better their own lot. Their income of about $120 per person depended on a single crop.

But in those 24 years, they worked a revolution. They diversified their economy. The average Puerto Rican now can expect to live the full three score and ten which was promised in the Bible. And these new years are years of greatly increased ease and education and participation.

Illiteracy has almost vanished; indeed, it is less there than in the rest of the United States. Per-person income has risen to over $900 a year. The economy as a whole grows by 10 percent a year—faster than almost any economy in the world.

And—perhaps most important—all this has been done with the full and free cooperation of all the people of Puerto Rico; whose direct participation in the processes and tasks of government increases each year.

There are those, in a complex and difficult world, who say that development cannot be achieved under democracy. To these doubters we can say—look at Puerto Rico.

There are those, depressed by the sway of ignorance over much of the globe, who say that education is the work not of years, but of centuries. To them we can say—look at Puerto Rico.

And there are those, wrapped in the standards of their own culture who say that development cannot be carried out without sacrificing gaiety and sensitivity and values. And to them also we can say—look at Puerto Rico.

For one need only walk their streets, breathe their air, talk to the people—to know that for all their efforts, and for all the difficulties and hardships which still remain, Puerto Ricans retain a spirit of warmth and community and freedom; a spirit which refreshes all who meet and work with them.

It is this spirit, I would guess, that brought there such men as the great Pablo Casals—who brought this spirit to the White House in one of the most brilliant evenings in its history.

It is this spirit, even in the midst of adversity, that has brought so much to the State and to the city of New York.

It is this spirit—in the persons of men like Teodoro Moscoso, Arturo Morales-Carreon, and Governor Munoz himself—which has already done much to make the Alliance for Progress a true partnership between the United States and the nations of Latin America.

Puerto Ricans continue to teach us by example—to teach the doubters, both North and South, that the things which unite us are more important than those which divide us—and that, as their example shows, the aims we all prize are within our reach.

Just within this last year, Puerto Ricans have given us another such lesson. They have shown us that a democratic change of government in a developing economy is not incompatible with stability and order. When Don Luis, entirely of his own volition, stepped down as Governor, he showed how strong democracy really is—in itself, and in Puerto Rico. Governor Sanchez, I believe, is going on to even further achievements—because he can build on what Puerto Rico has already accomplished under Governor Munoz. Together with all the people of Puerto Rico, these two men have built a tradition which will last as long as the island—an example and guide to all the Americas.

Puerto Rico has recognized its special responsibility to contribute to the fulfillment of the dreams of the Alliance. It combines in its people and its culture the whole of the hemisphere—all the Americas, North and South. It is uniquely placed to show the way, to help speak for the rest of the United States to the nations of Latin America.

Puerto Rico can and must share with the nations of Latin America its experience, its technical knowledge, its ideas about development. It can teach both directly and by example. It can take the initiative in the imaginative creation of new inter-American institutions—for example, of hemispherewide universities, joint research projects in tropical agriculture, and a vastly increased flow of ideas, men and artistic achievement throughout the hemisphere.

All of these things can and must be done. The question is not whether Puerto Rico will teach and lead—but how. For the lesson of Puerto Rican development is that free men can preserve—that they can achieve economic progress and social justice, without violating the traditions of freedom for which all of us have given so much in the past.

That lesson must be learned everywhere, if freedom is to be safe anywhere. In the years ahead, Puerto Rico can teach that lesson to all the nations in the hemisphere.

One of Puerto Rico's great poets once spoke of the dreams of his people:

> The dream that sleeps in breasts stifled by tuberculosis
> (A little air, a little sunshine);
> The dream that dreams in stomachs strangled by hunger
> (A bit of bread, a bit of white bread);
> The dream of bare feet
> (Fewer stones on the road, Lord, fewer broken bottles!)
> The dreams of calloused hands
> (Moss . . . clean cambric . . . things smooth, soft, soothing!)
> The dream of trampled hearts
> (Love . . . life . . . life!)

That poet was Luis Munoz Marin—and no man has done more than he to make these dreams come true for Puerto Rico.

Puerto Ricans have contributed much to our culture, our arts, our economy. They deserve recognition from all those who have received the benefits of this contribution. Therefore, I urge my colleagues to pass this resolution designating July 25 of each year as Puerto Rican Day.

ISSUANCE OF GOLD MEDAL TO THE WIDOW OF THE LATE WALT DISNEY

Mr. MURPHY. Mr. President, it is with a great deal of pride that I introduce a joint resolution authorizing the issuance of a posthumous gold medal to the late Walt Disney in recognition of his contribution to the culture of the United States and to the world.

Walt Disney was a unique man. To the end of his days, Mr. Disney remained an idealist in a world of cynics. In an age where men live each day with the awesome knowledge that they have the nuclear power to turn this planet into radioactive dust, Walt Disney celebrated in his every creative act the innocence, joy, and optimism of childhood.

This genius, this capacity for stirring in his fellow men the remembrance of the days of their childhood, was Mr. Disney's great gift. He used it well. All over the world, in nations of every political belief, the cartoon creations of Walt Disney are received with identical delight. If music is a universal language, Mickey Mouse is a universal reminder of the power of imagination to produce a character symbolizing the wonder of childhood.

The life of Walt Disney has been told and retold until it has reached the comfortable plateau of the familiar: how Walt was born in Chicago and lived there and in Missouri steeped in the homespun virtues of a midwesterner; how Walt emigrated to California, a State that remains a golden paradise beckoning to newcomers of imagination and courage; how Walt struggled to convince others that his cartoon mouse named Mickey could be an entertaining addition to the motion picture world; how Walt prospered yet remained true to his belief that the world of entertainment should be a place where goodness triumphed and evil invariably fell in the dust.

What remains obscure to most Americans was the Walt Disney who was a patriot, and the Walt Disney who was determined to leave a legacy of patriotic devotion to the America in which he believed.

Mr. President, I knew Mr. Disney and considered him my friend. I was not surprised to learn that 95 percent of the production of Walt Disney Studios during World War II was devoted to training films for the Armed Forces and for the war effort. These films, many of which used the famous Disney characters, are remembered by every veteran as vehicles in which peacetime Americans were taught the arts of war. They were immensely successful in accomplishing their purposes. Thousands upon thousands of Americans were taught by Mickey Mouse, Donald Duck, Pluto, and other beloved Disney characters in the operation of airplanes and warships.

Walt Disney quietly served his country in another capacity, Mr. President. As all his friends knew, Walt had a special affection for our neighbors south of the border. It was given public notice in several Walt Disney productions in which our friends in Mexico and South America were treated affectionately and with love. But it also took the form of special consultations with the Coordinator of Inter-American Affairs in the State Department, the predecessor office of the present Assistant Secretary of State for Inter-American Affairs. Walt's advice and counsel were proved invaluable on many an occasion during the days preceding, during, and immediately after World War II, and did much to create good will between the continents.

Somewhat better known, Mr. President, were Mr. Disney's contributions to the U.S. exhibits at the New York and the Brussels World's Fairs. His advice on creating exhibits capable of informing and entertaining simultaneously, knowledge that he demonstrated so ably in the delightful masterpiece that is Disneyland Park, were instrumental in giving the American exhibits at these exhibitions a grace and a beauty widely commented upon.

Perhaps the least known facet of Mr. Disney's life, Mr. President, was his consuming devotion in his last years to the California Institute of the Arts. I know that Walt looked upon this school, a college-level institution for the creative and performing arts, as his final contribution to a world that had given him riches, awards, and personal satisfaction.

My joint resolution, Mr. President, would authorize the striking of a gold medal for distinguished public service for presentation to Walt Disney's widow. The resolution also would authorize the striking of not more than 100,000 bronze medals, in successive issues of not less than 2,000, which would be ordered and paid for by the California Institute of the Arts as a means of raising funds.

I am reasonably sure, Mr. President, that Walt Disney felt that his original cartoon creations—Mickey, Donald, and all the rest—would live to bring enjoyment to succeeding generations. And his all-consuming interest, in the final act of his life, was the California Institute of the Arts. It is fitting that replicas of a gold medal awarded to Mr. Disney will benefit this school, an institution that will memorialize Walt Disney in a way that he would have preferred—by the instruction of young people. I urge the adoption of this joint resolution, Mr. President, and ask unanimous consent that the text of this joint resolution be printed in full at this point in the RECORD.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 93) to provide for the issuance of a gold medal to the widow of the late Walt Disney and for the issuance of bronze medals to the California Institute of the Arts in recognition of the distinguished public service and the outstanding contributions of Walt Disney to the United States and to the world, introduced by Mr. MURPHY, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S.J. RES. 93

Whereas Walt Disney's life personified the American dream and his rags-to-riches story demonstrated that the United States of America remains the land of opportunity; and

Whereas Walt Disney, "the most significant figure in graphic arts since Leonardo," pioneered motion picture cartoons, produced spectacular feature films, and created fascinating nature studies bringing joy and pleasure to children of all ages; and

Whereas Walt Disney developed one of the wonders of the modern world, Disneyland, a fabulous park where happiness reigns and where one can relive the nation's past as well as step into the future; and

Whereas Walt Disney was a great humanitarian, a "teacher of human compassion and kindness," a master entrepreneur, a great conservationist; and

Whereas Walt Disney's masterful touch contributed so significantly to the success of exhibits of the United States, including those at the New York and Brussels Worlds Fairs; and

Whereas Walt Disney, always an outstanding patriot, during World War II devoted ninety-five per cent of the production of his studio to the armed services; and

Whereas Walt Disney's vision and work with the Coordinator of Inter-American Affairs did so much to create international friendship and mutual understanding with our neighbors in Latin America; and

Whereas Walt Disney received an unprecedented number of Academy Awards, citations and honors from governments the world over, industry civic groups, and universities, which when listed total nearly a thousand; and

Whereas Walt Disney's greatest gifts to mankind were laughter, his steadfast faith in future generations and his belief that good will ultimately triumph over evil; and

Whereas Walt Disney's interest in young America is evidenced by his founding of the California Institute of the Arts, and college-level school of the creative and performing arts, which he regarded as his most important contribution to posterity: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the distinguished public service and outstanding contributions to the United States and to the world, the President of the United States is authorized to present in the name of the people of the United States and in the name of the Congress to the widow of the late Walt Disney a gold medal with suitable emblems, devices and inscriptions to be determined by Walt Disney Productions with the approval of the Secretary of the Treasury. The Secretary shall cause such a medal to be struck and furnished to the President. There is hereby authorized to be appropriated the sum of $2,500 to carry out the purposes of this section.

SEC. 2. (a) The Secretary of the Treasury shall strike and furnish to the California Institute of the Arts not more than one hundred thousand duplicate copies of such medal in bronze. The medals shall be considered as national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

(b) The medals provided for in this section shall be made and delivered at such times as may be required by the California Institute of the Arts in quantities of not less than two thousand. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for full payment of such costs.

NOTICE OF HEARINGS ON SENATE BILL 836, TO CREATE A NATIONAL SOCIAL SCIENCE FOUNDATION

Mr. HARRIS. Mr. President, I wish to announce that the Subcommittee on Government Research of the Senate Committee on Government Operations will hold hearings tomorrow, Wednesday, June 21, 1967, at 8 a.m., in room 1318 of the New Senate Office Building, in the further consideration of S. 836, a bill to create a National Social Science Foundation.

Should it be impossible for the subcommittee to hear all the witnesses scheduled for tomorrow before the Senate goes into session, the hearings will be recessed during the Senate session and resumed tomorrow following the session of the Senate.

NOTICE OF RECEIPT OF NOMINATION BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the following nomination:

William B. Dale, of Bethesda, Md., to be U.S. Executive Director of the International Monetary Fund for a term of 2 years—reappointment.

In accordance with the committee rule, this pending nomination may not be considered prior to the expiration of 6 days of its receipt in the Senate.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. RIBICOFF:

Statement by him relating to the beginning of Soviet control of Lithuania, Latvia, and Estonia.

McNAMARA'S POOR TIMING

Mr. THURMOND. Mr. President, there appears in the June 15 edition of the State, of Columbia, S.C., a very timely editorial entitled "Consistently Bad Timing." This editorial concisely outlined Defense Secretary Robert S. McNamara's perpetual poor timing with the most impending issue facing our Nation—our national defense policy.

Mr. President, I ask unanimous consent that the editorial to which I have referred, published in the State, Columbia, S.C., June 15, 1967, be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CONSISTENTLY BAD TIMING

There may be room for debate as to the quality of Defense Secretary Robert S. McNamara's judgment (we think it extremely poor) but few persons can argue that his sense of timing is not utterly miserable.

He set out to reduce the nation's supply fleet just before things really got hot in Vietnam—which is a lot of water away from the United States.

He announced sweeping reductions in shipyards, and military bases and military hardware procurement just before things went "boom" in Saigon and its environs.

He fought the anti-ballistic missile program—and all of a sudden we find the Russians have one.

Yes, Mr. McNamara has trouble with that intangible thing called timing. But never was his luck so bad as in his latest effort to downgrade and slenderize the nation's Army reserves.

Professional military men and Reserve and National Guard spokesmen and the "readiness" team in Congress had hardly time to form their usual chorus of opposition when the best possible evidence of the value of trained militia appeared.

It was provided by a general named Dayan, who rallied a hearty band of reservists to the Star of David, pushed a noisy band of Arabs all over the deserts of the Middle East, and turned their Holy War into an Arabian Nightmare.

For years the entire nation of Israel has been a bristling military reserve camp, where handling a rifle or a jet fighter was as important as pushing a plow. Israel remains a nation today because of its tough, skilled reserves.

We would not suggest that America's reserve forces are in anywhere the state of readiness as the Israeli, or that they need to be. Neither are they nearly as ineffective as Mr. McNamara seems to believe. His own constant meddling with the Reserve structure is as responsible as anything else for some loss of readiness. America's reserves, we would point out, like Israel's, have never lost a war.

If Mr. McNamara's sense of timing were a little better, he would realize that it's time—past time—for him to go.

RED CHINA'S H-BOMB TEST

Mr. THURMOND. Mr. President, yesterday's Evening Star carries a lead editorial analyzing the effect of Red China's H-bomb test. The Star correctly concludes that the time has come to reexamine the go-slow policy of President Johnson and Secretary of Defense McNamara in deploying an antiballistic missile defense. The phrase "go-slow" is the Star's diplomatic description of a policy which might better be described as "Never."

Events now indicate that "Never" is a most dangerous policy. The Star, it seems to me, is in error when it says that the Russians will push ahead with their ABM because of a threat from China. The present deployment of the Tallinn line in the western part of the Soviet Union is clearly chosen as a defense against U.S. missiles, not Chinese. But the Star is correct when it points out that a successor regime in Peking could easily come to terms with Moscow and receive support for nuclear blackmail against the West.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial entitled "Red China's H-Bomb," published in the Washington Evening Star of June 19, 1967.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RED CHINA'S H-BOMB

The disclosure that Communist China has successfully tested a hydrogen bomb with an explosive force "in the range of several megatons" calls urgently for some re-thinking on a few life-or-death decisions.

This does not mean that any spirit of panic should dictate our decisions. But it is a development which certainly cries out for a reappraisal of some of the basic assumptions on which we have been proceeding.

There are a few facts which should be kept clearly in mind. The A-bomb with which we wrecked Hiroshima was roughly equivalent to 20 thousand tons of TNT. The bomb which the Chinese tested has a destructive force equal to several million tons of TNT. Both the United States and Russia have more powerful bombs. But you can say goodby to any city that might be hit by the Chinese version—and the Chinese, of course, can and doubtless will build more and bigger bombs.

A second fact is that the Chinese produced this weapon in less than three years after their first successful nuclear test—sooner than most experts had thought possible. Finally, some authorities think the Chinese have been moving along parallel lines—developing a sophisticated delivery system at the same time they were building their H-bomb.

One immediate result, it seems to us, is to compel a re-examination of our go-slow policy with respect to developing some kind of anti-ballistic missile system. The Russians have started to build theirs and, in the existing climate of their relations with Peking, they are not likely to give it up. Our government's policy has been to hold back, hoping that if we do nothing the Russians will not push ahead with their ABM system. But the Russians, as of now, would be most immediately threatened by China's H-bomb. They can hardly be expected to overlook that danger.

Defense Secretary McNamara has opposed a start by us on building an ABM system. The Joint Chiefs of Staff and the civilian heads of the armed services think we should start on either a conventional or a unified system.

McNamara says the Chinese will not pose any threat to the United States proper before the mid 1970s. Others, including Senator Jackson, who heads the Senate-House subcommittee on atomic weapons, think the Chinese can have an effective intercontinental ballistic missile delivery system by 1972. Even if McNamara is right, however, the mid-1970s are only about eight years away. That is a brief period of time, and if the Chinese move as fast on their delivery system as they have on their H-bomb we could be in mortal danger before we realize it.

Another point to be considered is that the rift between the Russians and the Chinese is not necessarily a permanent thing. Mao Tse-tung's years are numbered. There is no assurance that a successor regime in China will not come to terms with the Russians while pressing hard for domination in Asia. In that situation, a China armed with H-bombs and supported by Moscow would have significant opportunities for blackmail, if nothing else.

Perhaps none of these things will come to pass. Peking says that its H-bombs will be used only for defense. Others believe that possession of the ultimate in nuclear weapons must have a sobering effect on any government. No doubt. But the situation today is similar to that in the 1940s, when many leaders in our own scientific community argued strenuously against even trying to make an H-bomb. Harry Truman decided to go ahead, and it is good that he did. The Russians developed theirs very shortly after we did. The history of the past 20 years might have been quite different if we had lagged behind.

In this situation, we think Senator Jackson is right in saying that the United States should start now to build a "light" ABM protective system. If events indicate the necessity, we can expand it. And China's achievement suggests that time is running out for us. If we wait another five years to make a start, it may be too late to catch up in what could prove to be a decisive—and possibly fatal—nuclear race. Should the test come, there will be no second chance for the loser.

NOMINATION TO THE SUPREME COURT OF THURGOOD MARSHALL

Mr. THURMOND. Mr. President, the nomination of Solicitor General Thurgood Marshall to be Associate Justice of the Supreme Court has caused many people to stop and consider the future direction of the Court. Many people have said that the addition of Mr. Marshall to the Court will make no difference in the long run since the Court could not be any worse than it is at the present time. Perhaps in the context of most of the decisions emanating from the Court this is true.

The nomination would make the Court more decidedly liberal, however, since it would give the liberals, in all probability, a bigger margin of power.

Two noted and respected columnists have recently written on this very point. There appeared in the Sunday Star of June 18, 1967, a column entitled "Marshall's Appointment Upsets Court Balance," by Mr. James J. Kilpatrick. Mr. Kilpatrick has distinguished himself as both a writer and as a "court watcher." On the following day, Monday, June 19, Mr. William S. White added his views on the nomination in a column entitled "Marshall to the Court." The subheading of Mr. White's column poses a very pertinent question, "Can Moderation Survive?"

In the belief that both these columns will add immeasurably to the Senate's consideration of this nomination, I ask unanimous consent that they be printed in the Record at this point.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Marshall's Appointment Upsets Court Balance

The nomination of Thurgood Marshall to the Supreme Court has produced cries of jubilation within the liberal left. On the conservative side of the fence, the prospect produces only a sharp dismay. Where goes the Constitution now?

The big news in Marshall's nomination, of course, is that he is the first Negro ever to be named to the court. In the larger view, the matter of his race is immaterial. The overriding fact is that in choosing Marshall to replace the retiring Tom Clark, President Johnson deliberately has moved to upset the rough balance of liberalism and conservatism that recently has prevailed upon the high tribunal. Next term, the forces of judicial restraint will be represented only by Harlan, Stewart, and White, with an occasional vote from Black. The judicial activists will be in full control.

To either view—conservative or liberal—the consequences of this replacement cannot be emphasized enough. When the founding fathers created the Supreme Court in the Constitution of 1787, it was widely supposed that the court always would be the weakest branch of the central government. The driving force of the court's first Mr. Justice Marshall—Chief Justice John—changed all that. By a process of evolution, culminating dramatically in the Warren Court, the tribunal has become the most powerful authority in the whole of our federal system. Its members, serving for life, are in a commanding position to shape national policies as they please. These days, they often are pleased to turn the Constitution into wax.

Nothing that is said here is intended as criticism of Thurgood Marshall, the man. He is an immensely attractive fellow, as charming as his predecessor of 150 years ago. During a decade of bitter litigation on civil rights issues, Southern attorneys developed an abiding respect and affection for him. At one time, it might have been possible to oppose his nomination by reason of Marshall's total concentration on the narrow field of Negro rights, but his service on the United States Second Circuit and his experience as Solicitor General have removed that objection. Beyond cavil, he is qualified for the high court—more qualified, in truth, than many of his predecessors.

Neither is this intended to say that Clark was a wholly consistent conservative on the bench, or that members of the high court in every case follow predictable lines. Clark had his activist relapses, as in the reapportionment cases; he was not above using his high office to vent his personal spleen, as in the Toilet Goods Association case of May 22. Most judges jump the philosophical traces now and then.

Nevertheless, the briefest glance at key cases of this past term will make the point.

In Adderley v. Florida, Clark was one of five who voted to sustain the convictions of 32 Negro students who undertook to trespass upon the Leon County jail in the name of civil rights. The opinion put a brake on some of the excesses of racial demonstrations. How would Marshall have voted in that case?

This past Monday, in Walker v. Birmingham, Clark was one of five who voted to sustain the conviction of Martin Luther King for putting his own view of the law above the order of a court. Would Marshall have voted to send Martin Luther King to jail?

In Fortson v. Morris, Clark was one of five who upheld the power of the Georgia legislature to name a governor when no candidate obtained a majority in the popular election. Nothing in the Fourteenth Amendment, said the majority, prevents a state from so ordering its own affairs. But Marshall's whole record demonstrates a doctrinaire view of the Fourteenth; he reads into "equal protection" all sorts of provisions the framers of that amendment never intended.

In Cooper v. California, and again in McCray v. Illinois, Clark was one of five who voted to strengthen the hand of police officials in securing evidence of crime. The two decisions served to bring some common sense back to the law of Fourth Amendment searches. How would Marshall have voted in these critically important cases? It is a fair surmise that he would have voted with Warren, Douglas, Brennan and Fortas to reverse.

What the court and country will be getting in Marshall will be a more congenial Fortas, a less truculent Goldberg, a more disarming Brennan. The appointment is a great tribute to Marshall's own skill and industry; he is the grandson of a slave, the son of a Pullman waiter. No critic would wish to take away from the heartwarming success story that came to its climax Tuesday. All the same, in any conservative view of the workings of the court, the nomination is something worse than net no-gain—This was bad news—almost disastrous news—and we shall be living with it for the next ten years at least.

Marshall to the Court—Can Moderation Survive?

All who value poise and objectivity in the Supreme Court—qualities already sadly and often absent from its decisions—must look with deep anxiety upon President Johnson's nomination of Thurgood Marshall to the high bench.

It is, of course, neither wise nor fair to impute as inevitabilities certain attitudes to Thurgood Marshall even before he has put on his black robes. Still, the probabilities of the future can only be rationally estimated by the known and certain past. By this standard it is likely that Marshall's elevation will only aggravate an already profound imbalance by which an already disproportionate majority of liberal justices has for years been acting not as detached arbiters but as lawmakers, not as interpreters of the Constitution but as amenders of that Constitution to suit their own notions.

It is an interesting and even a stirring circumstance, to be sure, that Thurgood Marshall is the first Negro in history to reach the high court. So far as all this goes it is well and good. But all this is not the point. The point is not the color of Marshall's skin, which is irrelevant, but the cast of Marshall's mind. And thus far this has been the mind of an undoubtedly honest but also undeniably zealous liberal advocate, notably in civil rights, that is not the proper equipment for service upon a tribunal supposed to act in aseptic impartiality upon the grand issues of a Nation.

Before Justice Tom Clark retired from the court to make room for this appointment, moderate and conservative and tradition-respecting opinon in this country was on its best days rarely represented by more than four justices out of nine. Clark himself was no conservative as such. But he never automatically sided with those Justices who have steadily been destroying legitimate states' rights and legitimate police powers to deal with both ordinary crime and racial disorders.

Now, there is grave reason to fear that the old 5 to 4 steamroller which has in effect made new law and judge-dictated amendments to the Constitution may rise to 6 to 3. The basically tradition-minded justices—John Marshall Harlan, Potter Stewart and Byron White, with an occasional assist from the venerable Hugo Black—are likely now to be even more lonely and even more powerless to halt an often patently emotional spirit of unchecked reformism which is casting aside those standards of an even-handed justice, remote from the clamors of politics and the pressures of interest groups, which once distinguished the Supreme Court of the United States as the most lofty home of dispassionate justice in all the world.

No one argues, of course, that the court should be structured ideologically, with so many "liberals" confronting so many "conservatives" like some congressional committee partisanly divided between Democrats and Republicans. All the same, it is idle to pretend that the court has not long since plunged hip-deep into politics. This being the reality there is every demand in simple fairness not to allow the "conservatives" to be totally overwhelmed.

Yet Marshall has been nominated and Marshall will be confirmed by the Senate. What has been done cannot be undone, nor should it be undone at the human cost of denying an honorable man the approval of the Senate. Thus, the outcome must depend upon Marshall alone. He will have it in his power to drive civilized moderation and conservatism—not some mad "far-right-wing-ism"—right out of the ultimate hall of justice. Or, by self-restraint and sensitive regard for fair play, he can become a voice calmly insistent upon hearing both sides of every story.

INTERNATIONAL JOINT COMMISSION AGREES ON DRILLING POLICIES

Mr. HART. Mr. President, for good reason, and frequently, we bewail the ineffectiveness of international organization. Whether it involves an association of one or more of the great powers, whether there is an actual threat to peace or a potential one, often we find prominent citizens of the major countries meeting, haranguing, and leaving with nothing resolved.

Therefore, it is encouraging, Mr. President, to find that progress and constructive action can be achieved by international organizations, and I welcome the opportunity to bring to the attention of the Senate an example.

Admittedly, it is in what seems to be a very narrow, and some might say rather unimportant, area. Actually, however, this is a demonstration that with constructive leadership, the International Joint Commission can contribute importantly to helping resolve problems that affect the several States of this country and Provinces of Canada which border on the Great Lakes Basin; and the resource in water of that basin is not a small matter. It will figure importantly in the development and future of the economy and the quality of life to which millions of North Americans will be exposed.

Mr. President, I think explicit reference should be made to the effective service of the U.S. representative on that International Joint Commission. He is a former Governor of Indiana, Hon. Matthew E. Welch. I ask unanimous consent that a release filed today, from the International Joint Commission, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HART. Mr. President, this release will reflect that a very serious problem between Michigan and the province of Ontario, involving drilling for oil and gas in or near the waters of the lakes that join these two countries, has been satisfactorily resolved. This is welcome news to many concerned individuals and organizations in Michigan and in Ontario. It is, indeed, also an indication that progress can be made by international organizations; and as we grind our teeth at some of the conspicuous world problems which have yet to be solved by such organizations, let us recognize that concerned individuals, working together in an international organization, can indeed advance the interests of several nations and their peoples.

EXHIBIT 1

Following a series of meetings wih representatives of the Province of Ontario and the State of Michigan, and with the concurrence of the Provincial and State representatives, the International Joint Commission today issued the following statement:

During the past several years, considerable public attention has been focused on the advisability or otherwise of drilling for oil and gas in or near the waters of Lake Huron, the St. Clair River, Lake St. Clair and the Detroit River. Consideration has therefore been given by the State of Michigan and the Province of Ontario to this subject in light of present and proposed uses of these waters, recognizing the importance of utilizing them to the greatest advantage for the greatest number of people.

As a result, representatives of Michigan and Ontario have met through the good offices of the International Joint Commission, which maintains continuing supervision over the quality of these waters. Representatives of the two Governments have informed the Commission that Ontario and Michigan, through their responsible officers have adopted and will pursue the following policy with respect to drilling for oil and gas in or near the said waters:

(1) Drilling permits for oil and gas wells shall not be issued in the international boundary waters comprising Lake Huron, the St. Clair River, Lake St. Clair and the Detroit River to its mouth in Lake Erie.

(2) Drilling permits for oil and gas wells may be granted on the uplands bordering these waters and upon islands therein, both in the Province of Ontario and the State of Michigan, provided that they are not within 350 feet of the water's edge. Permits for wells closer than 350 feet may be granted only after individual inspection and subsequent approval by the Ontario Lieutenant Governor in Council or the Supervisor of Wells of Michigan. Before such permits are granted by either the State of Michigan or the Province of Ontario, at least 30 days notice will be given to the other governmental jurisdiction.

(3) If a change in this Policy is proposed by either the Province of Ontario or the State of Michigan, formal notification will be given to the other party and the International Joint Commission, at least 30 days prior to the effective date of such change.

(4) The oil and gas regulatory authorities of both the Province of Ontario and the State of Michigan will make, support and promote the amending of existing regulations or the adopting of new regulations which will provide for implementation of this Policy.

(5) Current statutes governing these operations in Ontario and Michigan are considered adequate and no amendatory legislation is necessary at this time.

(6) Professional staffs of both governmental jurisdictions will continue to keep abreast of technological advances in offshore drilling operations and will advise their respective governments when and if a change in this Policy appears necessary and in the public interest.

A FORECAST OF THE ECONOMIC FUTURE

Mr. HARTKE. Mr. President, Prof. Robert C. Turner, of Indiana University, is a distinguished professor and economist. He is a former member of the Council of Economic Advisers. He refers to that experience in looking back to the time 15 years ago when we had fewer resources for economic forecasting than today.

He does so in the beginning of a speech which is primarily devoted to looking forward, to peering into the economic future with the best foresight which can be drawn from economic statistics. The address was delivered at the annual forecasting conference, held in Chicago on June 15 under auspices of the Chicago chapter of the American Statistical Association, the Chicago Association of Commerce & Industry, and the College of Business Administration of the University of Illinois at Chicago Circle.

The predictions of the future as seen by Professor Turner were pretty generally seconded by others forecasting from the viewpoint of industry rather than of academic pursuit. While I cannot vouchsafe, nor would Professor Turner, that all will turn out as he forecasts, he has given a thoughtful and soundly based presentation which will be of interest to all who study our economy. Therefore I ask unanimous consent that it may appear in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WHAT'S AHEAD FOR GENERAL BUSINESS?

(By Robert C. Turner)

Before launching into the topic assigned to me, I should like to spend a few minutes commenting on the character of my assignment—more specifically, the feasibility of forecasting general business activity.

About 15 years ago, I served a hitch as a member of the Council of Economic Advisers. In drafting the *Economic Report* of January, 1953, in my youthfully brash way, I tried to persuade my fellow Council members to go out on a forecasting limb. The proper forecast, as I saw it, was of a significant downturn in business activity in the latter part of 1953. I proposed that we put a fairly detailed GNP model into the *Report*, with numbers attached, coupled with recommended policy changes to head off or moderate the forecasted recession. This proposal met with less than warm enthusiasm, especially from the senior member of the Council. With the third member—the chairman—acting as mediator, a compromise was reached of putting the forecast in the *Report* but expressing it in adverbs and adjectives rather than numbers, and hedging it about with assorted protective qualifications.

With the benefit of hindsight, I must say that this lack of enthusiasm was warranted. Not that the forecast was wrong; it was essentially correct. But two necessary ingredients were missing. We did not honestly have enough knowledge to make such a confident forecast. And second, even if we could forecast correctly, there did not exist the necessary public confidence in the validity of the forecast to ensure proper policy actions by the Executive and especially by the Congress. The echo effect of such a forecast could well have done more harm than good, despite the lack of confidence in our forecasting ability.

The 15 years since then have witnessed important changes in these respects. For the past several years, the Council of Economic Advisers has been making firm forecasts in their annual, published reports, and has been making them more frequently in unpublished papers for internal use within government. The published forecasts, to be sure, do not pretend to a high degree of accuracy, and are usually expressed as a range—i.e., a GNP in 1967 of $787 plus or minus $5 billion. But the range is narrow and the figures are firm forecasts nonetheless. Further, on occasion—especially this past January—they have forecasted turns within the year.

The brashness of 15 years ago has become the orthodoxy of today. Indeed, the council is lambasted if their forecast is in error by a percentage point or two. This dramatic change is the consequence, not simply of substituting one trio of Council members for another. Rather, it is the consequence of two parallel and important developments.

The first is the fact that economists, including those of the Council, are in a far better position to make dependable forecasts than we were 15 years ago. The *sine qua non* of dependable forecasting is recent, relevant experience, documented in sufficient detail that it can be studied intensively for cause-effect relationships. In 1952, the statistical revolution that provided such documentation was, to be sure, 15 years old. But the data for the 15 years prior to 1952 were of limited value. The first years were years of deep depression. Then came the years of World War II which provided some spectacular economic object lessons, but rather little that was relevant to the forecasting of a peacetime economy. Following World War II, the hectic process of reconversion was scarcely completed before another war disrupted economic relationships. Not until 1953, actually, did an extended period of relatively normal, quasi-peacetime economic performance begin that could be studied for regressions relevant to a peacetime economy. And not until the late 1950's, or perhaps the 1960's, had enough experience been accumulated to warrant a beginning at basing policy decisions on forecasts.

The second development is a collection of structural changes in the American economy that make forecasting a much more feasible endeavor. The list of these structural changes is familiar to all students of economics. One is the substantial insulation of disposable consumer income from fluctuations in the autonomous categories of spending by the built-in stabilizers, notably unemployment compensation, public assistance, and a progressive tax system. A second is a decline in inventory/sales ratios made possible by computerization of inventory control which not only reduces the absolute average level of inventory change relative to GNP, but also should *reduce* the magnitude of the swings. Note, incidentally, that the $17 billion build-up in business inventories in the fourth quarter of last year, which has attracted so much attention, was only slightly larger than some quarterly increases in 1951 and 1952, when GNP was considerably less than half of today's GNP.

A third is improved stability—less instability—in fixed capital spending by business which in turn is the product of increased long-range planning by business and improved confidence in the inherent stability of the economy. A fourth is the substantial increase in the proportion of personal income spent on services—a type of spending which is typically much more stable than spending for goods, notably durable goods. A fifth is the increased economic role of state and local governments, whose spending has risen from less than four percent of GNP in 1945 to more than 10 percent today. State and local government spending has grown so steadily that the commonly used forecasting technique for this category of GNP is simple extrapolation. Incidentally, recent studies show that state and local finance which, prior to World War II, aggravated cyclical swings in economic activity, since World War II have behaved in a stabilizing fashion, reinforcing the stabilizing effects of Federal finance.

All of these stabilizing influences reinforce each other. In combination, they add an element of stability and predictability to the economy that was nascent 15 years ago and nonexistent 30 years ago.

But you may have noticed that I failed to mention one major category of spending—that of the Federal government. This omission was deliberate. The major source of uncertainty in the American economy at the present time is the Federal government itself. And the major source of error in business forecasts is the unpredictability of Federal spending and, to a lesser extent, taxing.

It is interesting that, in planning our program for this morning, the organizers of this conference made a place for forecasts of several of the important, relatively autonomous components of GNP: plant and equipment spending, housing, and consumer durables including automobiles. But no place was made for government purchases of goods and services, notably the component of GPGS whose unpredictability has loused up many a forecast (including that of the Council of Economic Advisers a year ago last January): defense spending. Presumably this little item is assigned to me.

Before addressing myself to this item, however, I propose to poach on the assignments of my colleagues on this platform by making some remarks about the other components of GNP.

Plant and equipment spending.—The usually reliable spring surveys of the Department of Commerce and the S.E.C., and of McGraw-Hill, of business fixed capital spending plans indicate a moderate rise in the second half of 1967, after a level pattern in the first half. For the year as a whole, Commerce-S.E.C. shows only a small gain over the fourth quarter 1966 annual rate. The McGraw-Hill survey, taken after the President made his request for resumption of the investment tax credit, shows a larger gain, though still a modest one. Douglas Greenwald will no doubt give us the details on this.

The point I wish to make, however, is that plant and equipment spending is *not* a completely autonomous category of demand. This is especially true at the present time. Business expenditures for new plant and equipment have soared from less than $40 billion in 1963 to more than $60 billion in 1966, an increase of 55 percent in three years. A portion of this increase, of course, is the consequence of higher prices, but even after allowing for price increases, the rise since 1963 is phenomenal. The reasons for the increase are to be found partly in the tax credit, accelerated amortization, and the corporate tax cut of 1964. But primarily they are to be found in the fact of the economic boom itself. Especially since mid-1965, we have experienced not only the usual multiplier effect of defense spending. We have also experienced what the economists call an accelerator effect. Three conditions are necessary for a significant accelerator effect to occur: (1) the rise in demand must be largely unanticipated; (2) it must occur at a time when capital resources are already being utilized at fairly close to their capacity; and (3) it must be concentrated largely on industries with relatively high capital-output ratios. The 1965–1966 jump in defense spending met all three of these conditions.

Now, if the economics textbooks are right, the acceleration principle works both ways. An increase in aggregate demand results in an amplified *rise* in fixed capital spending, and conversely, a decline in aggregate demand—or even a slowdown in the rate of increase of demand—results in an amplified *decline* in fixed capital spending.

We should not get carried away with the neat theory of the accelerator principle. We do not have enough facts about the relation of capital to output, especially for industries other than manufacturing, the division of current investment between replacement investment and net expansion, or the effect of changes in the quality of capital on capacity, to draw any refined conclusions. Nevertheless, according to some estimates, physical capacity has been growing at a rate of about six percent a year which substantially exceeds the normal growth rate of the U.S. economy of about four percent a year.

The crucial question at this point in time is this: Will aggregate demand, as a result of autonomous increases in expenditures in some other sector of the economy, rise fast enough to validate the capacity that we have created in the past several years, and will that rise be strong enough to keep the investment curve rising for a while longer? Before giving my answer to that question, let me comment on some other relatively autonomous sectors of demand. They must all be considered simultaneously in arriving at an answer.

Business inventories.—The inventory build-up that occurred in the opening months of last year was probably largely an intended build-up, reflecting chiefly the mounting volume of defense orders. Durable goods manufacturers, who account for about a third of total inventories, accounted for about half of the increase. Retail inventories, at the other extreme, increased very little.

The inventory build-up in the last half of the year, however, was another story. The fourth quarter increase in particular—a change of $17.6 billion, annual rate—must have been in substantial measure an unintended increase, the result of sluggishness of consumer purchases. At least this is true of that portion of it which occurred outside of durable goods manufacturing industries. But it is also true that the increase in manufacturers inventories in the last half of 1966 was entirely in finished products and work in process. Inventories of materials and supplies reversed their rise of the first half of the year and actually declined.

It is my estimate that the inventory overhang at the beginning of this year amounted to about $5 billion, possibly somewhat more. This is about the amount that inventories rose in excess of that needed to maintain constant inventory/sales ratios. Given normal growth in the economy, and given an inflation of about the magnitude we have experienced in recent years, we need an annual expansion of business inventories of $8 to $9 billion—$10 or $11 billion if prices rise as much as they did in 1966. In the first quarter of this year, inventories increased at an annual rate of $6 billion, i.e., perhaps $4 billion, annual rate, less than the normal increase. Converting back to a quarterly basis, this means that we worked off only about $1 billion of the $5 billion overhang in the first quarter.

We do not yet have enough data on the second quarter to know just what is happening, but the April data suggest that the inventory belt-tightening is continuing, perhaps even more severely than in the first quarter. Retail and wholesale inventories actually declined in April. Manufacturers' inventories rose slightly, but most of the increase was in durable goods, notably transportation goods which includes aircraft and space equipment. In total, inventories, on a seasonally adjusted basis, were up a bare $100 million. We will have a better feel for the matter when the May inventory figures come in, but there seems to be no evidence of a sharp curtailment—of a substantial, actual liquidation of inventories, of sufficient magnitude to wipe out the overhang. Note that, if my arithmetic is correct, it would take a significant decumulation of inventories to eliminate the overhang by June 30.

It seems probable to me, therefore, that the depressing effect of the inventory overhang will continue well into the third quarter. If it does, there is a possibility that an inventory cycle may gain enough momentum to feed on itself and force the economy even further down. By this I mean the familiar sequence of: (1) cutbacks in orders to trim inventories; (2) cutbacks in production as orders fall; (3) declines in consumer income as production falls; (4) declines in consumer spending as incomes fall; (5) declines in the volume of inventories needed to maintain inventory/sales ratios; and so on down the vicious spiral.

But this sequence of events need not happen. Whether or not it actually will happen depends on two main categories of events. The first is consumer behavior. Consumers are extraordinarily well-behaved people in the aggregate. But within limits, they occasionally do misbehave. The sharp rise in the saving rate from 4.8 percent in the third quarter of last year to 6.5 percent in the first quarter of this year is a case in point. Be it noted, however, that 4.8 percent was abnormally low. The 6.5 percent figure, though near the upper limit of the normal range, is not unprecedented. It would be more correct to say, I think, that consumers misbehaved to the extent that they terminated a spending binge, and began to act normally again, albeit a bit on the conservative side.

The converse of this proposition, however, is that consumers are not likely to misbehave even more. I would be very surprised, short of a substantial wave of pessimism as to economic prospects, to see the saving rate go significantly higher than 6½ percent. The probabilities are in the other direction. Given only a modest amount of encouragement, consumers are more likely to resume their normal pattern of spending 94 to 95 percent of their disposable income. What I am saying is that inventory change itself is seldom the *ultimate* cause of business fluctuations. Rather, inventory change tends to amplify other exogenous causes. The so-called inventory cycle is an *inventory* cycle only to the extent that inventories are the carriers for transmitting and magnifying these more basic causes.

It should also be noted that, in the present instance, a substantial fraction of the inventory build-up is in defense industries. The transferring of "sold" inventories to the government has less of an economic impact than cutbacks in inventories of consumer items. Consequently, the $5 billion overhang may be less of a problem than the bare figure itself suggests.

The second category of events that will determine whether or not a self-perpetuating inventory cycle gets underway is again, as it was in the case of fixed investment, other autonomous components of demands. If other categories of demand turn soft, the mildly depressing influence of an inventory adjustment will be turned into a virulent, self-perpetuating depressant. On the other hand, a strong rise in other autonomous categories of demand would soon validate the level of inventories, even after only a partial correction, and head off an inventory spiral or hold it to such small proportions that we will hardly notice it.

Residential construction.—Again, I am reluctant to talk about the prospects for residential construction when so expert a speaker as Gordon McKinley is to follow me. But the $25 or $30 billion of demand created by the housing industry is an important part of the total package which I cannot ignore.

First, it should be observed that the physical and demographic determinants of demand for housing are strongly on the plus side, and will be even more so in 1968. The baby wave of the late 1940's has now reached the family formation age, and most of these new families need their own housing. Also, vacancy rates are relatively low, suggesting some extra margin of demand from this source.

If this were all there was to it, we could confidently predict a rise in residential construction in the months ahead. But two other determinants must be reckoned with. The first is the status of the building industry. There is some evidence that last year's violent squeeze on the industry forced out of business a number of contractors, caused others to curtail or postpone their land acquisition and improvement programs, and encouraged workers in the industry to shift to other employments. In other words, the short-run capacity of the industry was significantly reduced. This capacity can be re-established, of course, but it takes time. The calendar year may be over before the industry is back to its old potential.

The second determinant is, of course, residential mortgage credit. In this respect, the past six months have been most peculiar. The drought of residential mortgage funds has disappeared. Money is readily available. But mortgage interest rates have not declined significantly. Indeed, the *Wall Street Journal* tells us that in some localities they are inching up again. The potential home buyer is thus in the position of being able to finance his home purchase, but at a cost that, compared with what he would have paid only a couple of years ago and with what his neighbors are paying, he finds exorbitantly high.

Now experts in home financing tell us that the demand for mortgage credit is not interest elastic—that an increase in mortgage rates does not proportionately depress demand. While this is no doubt true in general, it may be a more accurate generalization at one point on the rate curve than at another. That is, an increase in rates from four to five percent may not curtail demand significantly, but an increase from six to seven percent may have much more effect. I suspect that a part of the reason for the failure of housing to pick up, in spite of readily available mortgage credit, is the continued high level of rates.

Looking ahead, I come up with this conclusion. If the softness in business fixed investment continues, and if the inventory cycle takes hold, and if—as it surely would—the Fed pursues an even easier monetary policy, I foresee some declines in those stubborn mortgage rates. In this event, assuming that the decline in economic activity is moderate and does not get out of hand, the rise in residential construction would be limited only by the capacity of the industry. A return to a 1.5 million starts rate by the end of the year is, if not probable, at least possible. On the other hand, if the fixed investment and inventory influences are reversed by a rise in some other autonomous category of demand of sufficient magnitude, and we have a continued boom, I look for continued sluggishness in housing. There may well be increases from the depressed level of early this year, and surely housing construction will be well above the abnormally low level of last autumn, but I would not expect to see us get back to 1.5 million starts so long as the postulated conditions persist.

The three categories of demand that we have so far discussed—business fixed investment, inventory investment, and residential construction—are the major nongovernment semi-autonomous categories of demand. Exports is another important category but frankly, given the present confused international picture, I have little to offer. My best guess is that exports and imports will be similarly affected by these international events, and that in the short run, *net* exports will not change greatly. Certainly, net exports will not rise enough to provide the stimulus to aggregate demand that we need to maintain the boom.

Automobile expenditures are often classified as a quasi-autonomous category of demand. Quite clearly, short-run fluctuations in expenditures for autos and parts are not a function of disposable personal income—though long-run fluctuations are. Neither are they affected in any substantial degree by interest rates or the availability of installment credit. They do reflect, in a very rough and difficult-to-predict way, the financial posture of consumers. Some of the softness of the past year undoubtedly reflects the over-extended debt position of many consumers. Even this effect, however, is easy to exaggerate. So long as total personal income continues to rise, about the most adverse development that we would expect is a balance between extensions and repayments of automobile paper. In effect, this is what has been happening since last summer. The effect of such a leveling in outstandings on automobile sales is to reduce them, but not drastically.

I look for only modest improvement in automobile sales during the remainder of this year. True, the leveling in installment credit, in the face of rising incomes, has improved the liquidity position of many consumers—but slightly. True, the safety controversy may have deferred some sales that will be recaptured when the 1968 models come out. But the fact remains that the absolute level of consumer debt is still relatively high. Total consumer credit outstanding has risen from $57.7 billion at the end of 1961 to $94.8 billion last December 31, an increase of 65 percent in 5 years, during which time total disposable income rose only 39 percent. Further, the age distribution of the automobile population is heavily skewed toward relatively new cars. Consumers simply are not in urgent need of replacement of their stock of cars. The demographic influences on automobile demand are on the plus side, but not significantly more so than during the past two or three years. Assuming no prolonged automobile strike, we will probably see some modest improvement in the automobile market, but it is not likely to provide the stimulus to aggregate demand needed to validate the level of fixed investment and of inventories.

Let me summarize what I have been saying to this point. The investment boom of the past three years has been stimulated by defense spending. The level of investment spending has been lifted to abnormally high levels by the accelerator effect. Recent levels of investment can be sustained only if there is a powerful stimulus from other autonomous categories of demand. Inventory investment is threatening to trigger a downward inventory cycle. In the absence of a strong rise in final demand, it could well do so within the next few months. On the other hand, such a strong rise in demand *could* extinguish the fuse in the incipient inventory cycle and leave us with only a minor wiggle in the GNP curve. Residential construction, if the strong rise in demand does *not* come, may provide a welcome offset. But residential construction of itself is not likely to provide the lift we need. Neither are automobiles likely to show any sizable gain.

We are left, therefore, with government expenditures. Are they likely to rise strongly enough in the months ahead to reverse the minor adjustment recently experienced and sustain the boom? I wish I knew?

All the honest forecasters can do at this point is to assume—assume and then translate his assumption into numbers.

Before making my assumptions about Federal expenditures, however, let me pay my respects to state and local governments. State and local government expenditures for goods and services have recently been rising steadily at about a $2 billion a quarter annual rate, i.e., about $8 billion a year. About a quarter of this $8 billion increase reflects increases in prices of things these governments buy, plus increases in salaries and wages of schoolteachers, hospital nurses, road repair crews, policemen, firemen, and other local government workers. If any forecast can be confidently made, it is that state and local purchases of goods and services will rise by at least $8 billion in the upcoming year. My guess would be nearer to $9 billion. Thus, state and local governments are going to provide a part—an important part—of the strong rise in demand needed to sustain the boom.

Nondefense expenditures of the Federal government can also be predicted without too big a margin of error. These—nondefense purchases of goods and services—will probably rise from a $17.2 billion, annual rate, in the first quarter of this year to $20 billion, annual rate in the first quarter of next year. This forecasted increase, incidentally, is slightly higher than the increase implicit in the Fiscal 1968 Budget.

Defense expenditures are another matter. The President's Budget of last January projected a total increase in national defense expenditures, on a national income accounts basis, from $68.3 billion in fiscal 1967 to $74.1 billion in fiscal 1968. Nearly all of the projected $5.8 billion increase would be in purchases of goods and services. This would imply rises of about $1.5 billion a quarter. The rise in the first quarter of this year was $4.2 billion. It is now obvious to all that, *assuming* continuation of the Vietnam war but also assuming no military involvement by the U. S. elsewhere in the world, defense expenditures will rise by substantially more than $5.8 billion. An $8 billion increase would be a conservative estimate, and a $10 billion increase must surely be in the ball park. And if our assumption about no U. S. military involvement elsewhere in the world should prove to be wrong, I don't know what ball park we are in.

Adding together defense and nondefense, Federal government purchases of goods and services—on our assumptions—should rise from an $87 billion, annual rate, in the first quarter of this year to a figure upwards of $96 billion in the first quarter of next year. And adding together Federal and state and local governments, we get a rise from $169 billion, annual rate, in the first quarter of 1967 to $186 billion plus in the first quarter of next year, an increase of $17 billion. Applying a normal consumption multiplier of about 2.5, these increases alone should raise GNP by $42 billion! Add the effects of only minor increases in the other quasi-autonomous categories of demand, such as automobiles and housing, and a GNP in the first quarter of 1968 of $814 billion—$50 billion above the corresponding quarter of 1967—is highly probable. Indeed, the price pressures created by this big an expansion in aggregate demand, coupled with a powerful cost-push in the last half of this year, could well push the first quarter 1968 figure above $825 billion.

My assumption above of a 2.5 consumption multiplier implicitly assumed no tax increase. And it also assumed a significant rise in social security benefits, though less than requested by the President. The latter seems very probable. The former—the absence of a tax increase—is not so certain. The Congress is always and understandably reluctant to raise taxes, especially on the basis of economic forecasts as opposed to experienced events. It seems probable to me that the demonstrable need for the tax increase will not be readily apparent until late in the summer or possibly in the fall. In this event, it may be too late in the Congressional session to enact the necessary legislation. But I could be wrong in this political forecast. If a tax increase *is* enacted, the multiplier would be reduced, and the induced rise in GNP would be significantly less—though still in excess of our normal annual growth in GNP even assuming a 1½ or 2 percent rise in the GNP deflator.

I therefore conclude that, tired as the capital boom may be, and treacherous as the inventory situation may be, the strong rise in government expenditures in the year ahead will, for the time being, validate the current level of capital stock, validate the moderately reduced level of inventories relative to sales, and postpone again the day of major economic readjustment.

I hasten to add that I did not mean to imply by that last statement that a major economic readjusment, sooner or later, is inevitable. Sometimes, with skillful economic management and luck, these events can be postponed indefinitely. And again with skillful management and luck, readjustments can be accomplished relatively painlessly. If and when the time comes that the Vietnam war ends and defense expenditures turn down, such skillful management and luck are going to be needed. With the best of efforts, in my judgment, some economic setback could not be avoided. But two points need to be kept in mind. First, the end of active military hostilities in Vietnam will not mean a sudden drop in government spending there. A major job of rehabilitation will remain—a job that will cost large sums of money and will continue for years.

Second, prompt action by the fiscal authorities on the domestic front will surely be taken. Moneys saved from defense are urgently needed for domestic programs, including urban reconstruction, water and air pollution abatement, mass transportation in urban areas, poverty relief in both urban and rural areas, education at all levels—the list is familiar to all of us. All of these will, of course, take time to initiate or expand.

But the instrumentality of a tax reduction is also available. Perhaps the most dramatic economic development of our generation is the demonstration—the repeated demonstrations since 1960—of the powerful effects of tax changes, and the growing public acceptance of the wisdom of using tax changes for economic purposes. If you have not read carefully Treasury Secretary Fowler's classic speech of last December 6 before the Tax Foundation in New York, I commend it to you strongly, and I close by quoting the final paragraph in that speech:

"The society toward which we are looking beyond Vietnam holds out great promise of material and social progress. But, it will not be attained by accident. In the tax and fiscal area, a key element will be the firm use of tax reduction—itself a derivative, via the 'fiscal dividend,' of economic growth—as a source of more encouragement and of more growth of the private sector."

JUSTICE TOM CLARK

Mr. **HARTKE**. Mr. President, Justice Clark, who recently left the highest bench in the country, has been a public servant in the fullest sense of the word. A man of capability, integrity, and energy, he has contributed significantly to the public life of our Nation. His career in Government service has been as distinguished as it has been long. As Attorney General and as Supreme Court Justice he has provided the kind of service that insures the continuance of excellence in Government, commanding the respect of our people.

His resignation came with the appointment of his able son to the Cabinet post the Justice formerly had held; it was characteristic of his deep sense of responsibility and integrity that he should seek to eliminate any possible, however remote, question of impropriety in the relations between the executive and judicial branches of our Government.

Mr. President, it is my hope and expectation that our Government and our people will continue to draw upon his experience and wisdom.

TAX SHARING

Mr. **NELSON**. Mr. President, a recent editorial published in the Milwaukee Journal states quite plainly that the need for a hasty decision on tax sharing seems quite remote. The financial drain caused by the Vietnam war certainly precludes the possibility of a budget surplus until then, the editorial goes on to say.

I merely wish to add my comments to theirs; but we can go a step further and begin to study the possibilities now. A National Commission on Tax Sharing would be ideally suited to perform the task. One made up of the economic leaders of the Congress, the administration, and the general public could perform this valuable service beginning at almost any time.

Later this summer, after the Committee on Finance has conducted hearings on tax sharing, I hope the committee will give consideration to that proposal. Now is the time to start, but it is also the time to make haste slowly.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Plans for Returning Taxes to States Are Questioned

The rush by congressmen to introduce bills seeking to give the states a share of federal income tax collections has brought words of caution from the Council of State Chambers of Commerce. The council echoes the recent complaint of Chairman Mills (D-Ark.) of the house ways and means committee that tax sharing discussions sometimes overlooked difficult and complex issues.

For instance, how much should be given the states? The bills vary from a specific amount, like the $5 billion annually suggested by Rep. Reuss (D-Wis.), to percentages of the national income or of the personal and corporate income tax collections. Another sharing method, permitting larger deductions of state income taxes on the federal return, would allow state rates to rise and the federal liability to drop.

The method of distribution is vital. Some bills would return a percentage of the collections in each state. Others would base the largest portion on the state's population and its relative taxing effort, with an additional sum provided to the poorest states.

The most important question, however, is the degree of federal control. If tax sharing replaces the present federal grants for specific purposes, the money could possibly be used more efficiently by the states.

If, however, there is no requirement that the money be split between the state and local governments, states might use it all and ignore the growing needs of heavily populated cities. The Milwaukee county board expressed that fear the other day. There is also the question whether the states should be required to modernize outmoded practices before receiving money.

The lessening of the power of states has come about because states by and large ignored needs of local government. The federal government took over in areas of local welfare, urban renewal, anti-pollution programs and a score of other matters because it was necessary to fill a vacuum left by the states. Have states become any better fitted or better intentioned in dealing with the needs of the smaller units of government?

The chambers of commerce fear that federal tax policy would become inflexible. The argument is that it would be difficult to reduce income tax rates because that would affect the income of local and state governments rather than the federal government alone. Previous experience, however, has shown that federal income tax reductions can be a powerful factor in increasing economic activity, thus bringing in more income taxes for possible sharing.

It is unlikely that congress will agree to tax sharing until the financial drain of the war in Vietnam is ended. And as others examine the proposals, a hasty decision seems remote.

SAGA OF THE WHITE HATS

Mr. **SMATHERS**. Mr. President, during these days when racial tension is so prevalent and many American cities are feeling the anger of mobs, the story of how the city of Tampa dealt successfully with such a crisis offers some valuable lessons in human relations.

In Tampa, Negro youths were assigned a peacekeeping job and the enthusiasm with which they carried it out speaks well of them.

I am particularly proud that Sheriff Malcolm Beard, who thought of the "white hat" patrol, turned to the very community in which violence had occurred for help, and in this community found a reservoir of good will and willingness to work.

The Washington Evening Star, in its editorial columns of June 19, paid tribute to the efforts of Sheriff Beard and the youth patrol. I ask unanimous consent that the editorial, entitled "The Tampa Formula," be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Tampa Formula

Racial tension and the ugly stain of race violence has already begun to spread from city to city, before the long, hot summer has really gotten under way. It is not an encouraging picture. But last week the city of Tampa, Florida, came up with an imaginative—and successful—plan to cool things down.

The Tampa story began Sunday with the event that has heralded so many racial tragedies. A white patrolman shot and killed a Negro youth suspected of taking part in a burglary. The official ruling was justifiable homicide.

Racial unrest swept through the city's Negro ghettos during the next three nights. Gangs of teen-agers gathered. Rocks were hurled at patrol cars. And on Wednesday afternoon as the tension mounted, 500 National Guardsmen and special police riot squads were put on stand-by call.

On Thursday morning, the guardsmen marched out of the city. The crisis that everyone had braced for never materialized.

Tampa's solution, proposed by Sheriff Malcolm Beard, was to issue a call for help to the city's Negro youth. Some 150 of them responded. They were organized into the City Youth Patrol, equipped with white helmets, and were dispatched to the potential trouble spots with a message for their peers: "Cool it. We don't need any more trouble."

The City Youth Patrol was made up virtually overnight, of high school students and dropouts, most of them unemployed and all volunteers. Almost certainly some of them had spent the preceding nights rioting, shouting insults at the police and hurling rocks at patrol cars.

Sheriff Beard had a simple explanation for the phenomenon. "We gave them a job to do," he said, "and they did it." And it's just possible that the Tampa strategy is that simple formula for averting a major racial crisis that so many cities have been searching for so hard.

PROGRESS IN U.S. AEROSPACE

Mr. CANNON. Mr. President, the 27th Paris Air Show at Le Bourget has concluded in what is generally agreed to be one of the most outstanding international aerospace displays ever assembled. I was privileged to attend this event for a few days and can report that the U.S. exhibit was especially outstanding and already is contributing in an affirmative fashion to our balance-of-payments situation. The outlook for the future is that American industry will be in a stronger position by far as a direct result of this internationally acclaimed exhibit of American aerospace technology.

Two years ago, when I attended the same show, the United States came in for some deserved criticism, since it offered on the international aerospace marketplace a rather limited exhibit of its capabilities, and even this was almost entirely oriented to the military side.

This year America truly put its best foot forward to an audience that included an estimated 1 million observers, not the least of whom were 7,000 buyers and engineers from around the world, and a total of 723 newsmen from 27 countries.

I am advised by the Department of Commerce that our sales outlook has been most encouraging. There were immediate orders in excess of $1 million and more than $16.5 million in additional sales expected during the next year. These benefits will be spread among 111 American firms which participated in the air show, of which 28 participated independently, 59 exhibited in the impressive U.S. pavilion, and 24 were represented by overseas agents and/or distributors.

Responses to the 44 companies—large and small—in the commercial exhibit at the U.S. pavilion was most encouraging. Many of these modest-sized firms with highly sensitized skills made their products aware to an international audience of potential buyers for the first time.

American enterprise quickly used to full advantage the "Spirit of Lindbergh" theme which dominated the U.S. Government aerospace industry exhibit, and included a scale model of the "Gateway to the West" arch in St. Louis, Mo., and an impressive replica of the airplane that Col. Charles A. Lindbergh flew on that historic day in 1927.

The American exhibit was preeminent in sheer variety of equipment and its imaginative presentation of the best examples of Government-industry cooperation which has enabled the United States to maintain a paramount position in the world aerospace market.

We proved to the industrialized world, I believe, that the United States is very much predominant in the state of the art, in spite of the massive efforts made by the U.S.S.R. and other countries.

Among the areas where America's technology was most evident was in the giant jet transports, such as the Lockheed C–141 and the 250-passenger Douglas stretch jet, the DC–8–61, which is the largest jet of its kind in regular service, and which proved to be one of the most popular exhibits of the show.

I was particularly impressed with the display of the Nerva nuclear propulsion stage for interplanetary space vehicles, a means of space propulsion which is being successfully tested in my own State of Nevada.

Additionally, the U.S. exhibit included an impressive array of turbo-fan and turbojet hardware, as well as an assembly of helicopters capable of enormous lifting power.

It was heartening to me that Business Week later observed that the U.S. pavilion and the hardware displayed were "calculated to guarantee U.S. supremacy at the Fair." The London Economist noted:

> It is difficult to see the Russians developing a commercial aircraft industry comparable to the Americans'.

The display was particularly instructive to me as a member of the Armed Services Committee, and it will be highly useful in my assignments on the Senate Space Committee and the Aviation Subcommittee. It is my opinion that President Johnson's commitment to expanding American overseas sales of the important products exhibited will prove to be greatly enhanced by this all-out effort on the part of industry and the Government.

The U.S. exhibit did not overlook its growing knowledge in the fledgling air cargo industry. It focused attention on such air vehicles as Aero Spacelines "Mini-Guppy" designed for outsized air cargo shipments.

As a jet pilot myself, I was interested in the exhibits of the Russians and the Anglo-French groups, which are moving forward rapidly to develop a supersonic transport. I called to the attention of the Senate just a few days ago an announcement out of Moscow which indicated that the Russians will be test flying their SST this year. A model of the Russian supersonic transport was on display at the show, as well as their space booster which has been used to place their cosmonauts in orbit. The British-French Concorde presumably will be ready far in advance of our own SST, and I reiterate now my strong feeling that our program be expedited and fully supported at every possible opportunity. A mockup of the Concorde was also on exhibit.

Mr. President, I believe that our image as the world's technological leader has been enhanced immeasurably as a result of our stunning success at Le Bourget. It was an intensely competitive production in an atmosphere which is conducive to our special abilities. At the same time, we were placed on visible notice that our own excellence will continue to be competitively challenged by other nations.

We have in every sense put the best of our talents before the world in a stimulating marketplace. We have demonstrated the results that can be expected when industry and Government unite in a national policy reflecting our present capabilities and future intention to serve as world leader in aerospace technology.

RICHARD STARNES, AUTHOR OF SPY NOVEL

Mr. HARTKE. Mr. President, it gives me great pleasure to direct the attention of the Senate to a new book which is to be published June 28 by Trident Press. The book, a novel entitled "Requiem in Utopia," was written by Richard Starnes, who is one of Washington's most distinguished newsmen, an outspoken political writer, and an experienced foreign correspondent. His work is well known to many Members of this body.

"Requiem in Utopia" is a novel of breathless suspense that tells what happens to a group of idealists who undertake to promote peace in a world that seems wholly dedicated to the imperatives of war. It is a spy novel, and an enthralling example of that genre. But beyond that, it is a bitter polemic against those officials and agencies—on both sides of the Iron Curtain—who find a vested interest in perpetuating the dangerous game of global chicken which for a generation now we have called the cold war.

Max Speed, the protagonist of "Requiem In Utopia" is a tough-minded American foreign correspondent who becomes involved in a deadly intrigue in London and Stockholm. Mr. Starnes knows both these cities well, and in reading this book it is sometimes difficult to be sure where fiction ends and something very close to historical truth begins. "Requiem" deals with the Central Intelligence Agency, with its Soviet counterpart, and with the surprisingly swift and efficient Swedish Statspolis security branch. Max Speed, who is surely fated to become a sort of an adult James Bond, is going to be around for a long time, and I am confident that he and Mr. Starnes will bring spy-thriller honors back to this side of the Atlantic, where they appropriately belong. I commend "Requiem in Utopia" to the Senate, and to the rest of official Washington. It is a refreshing antidote to the deep-fried bureaucratese that is our staple diet, and from its beginning to its startling, unpredictable conclusion it is full of sharp, perceptive insights to our tormented times.

A NEW ORIENTATION IN AMERICAN GOVERNMENT

Mr. MONDALE. Mr. President, this month the Annals of the American Academy of Political and Social Science published the first of a two-volume series entitled "Social Goals and Indicators for American Society." Special editor of the series is Bertram M. Gross, professor of political science and director of the National Planning Studies Program of Syracuse University. He is also well known as a former Executive Secretary of the Council of Economic Advisers.

This volume of the Annals relates to a subject that will be considered in depth this coming Monday at a seminar sponsored by the Subcommittee on Government Research of the Committee on Government Operations. The seminar, which will be held in room 3302, New Senate Office Building, beginning at 10 a.m., will consider legislation entitled "The Full Opportunity and Social Accounting Act of 1967," S. 843. A distinguished panel of social scientists, educators, and experts in social fields will participate.

The legislation provides for the creation of a President's Council of Social Advisers comparable to the Council of Economic Advisers, provides for a Social Report by the President, declares social accounting a national goal, and establishes a joint congressional committee with oversight responsibility regarding the Social Report.

In an introduction to the Annals, Professor Gross has described the history of, need for, and potential of social accounting. Because it is especially pertinent to the seminar Monday, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the introduction was ordered to be printed in the RECORD, as follows:

A NEW ORIENTATION IN AMERICAN GOVERNMENT

(By Bertram M. Gross and Michael Springer[1])

ABSTRACT: The variety of approaches and subjects in this volume reflects the information explosion in social indicators. Current expansion of social indicator activity has been given impetus by: (1) the growing awareness of the contributions and limitations of economic information; (2) the implementation of the Planning-Programming-Budgeting System within the federal government; and (3) specific proposals for increased utilization of social information, such as the Technology Commission's call for social accounting, annual Social Reports of the President, and a "Full Opportunity and Social Accounting Act." Normative concerns require that our "data system" remain unsystematic, with promotion of both multiple sources and dissonance. Furthermore, the development and use of social information should not be thought of solely in executive agency terms—there is a creative role for Congress in this area.

(NOTE.— *Bertram M. Gross, Syracuse, New York, is Professor of Political Science and Director, National Planning Studies Program, Maxwell School of Citizenship and Public Affairs, Syracuse University. He has been Fellow of the Center for Advanced Study in the Behavioral Sciences (1961–1962); Executive Secretary of the President's Council of Economic Advisers; Member of Arlington County Planning Commission and Northern Virginia Regional Planning Commission; and First Chairman of the National Capital Regional Planning Council in the United States. He is the author of The State of the Nation: Social Systems Accounting (1966); The Managing of Organizations (1964); and The Legislative Struggle (1953). Michael Springer, Syracuse, New York, is Graduate Assistant, Maxwell School of Citizenship and Public Affairs, Syracuse University.*)

> ". . . Upon this gifted age, in its dark hour
> Rains from the sky a meteoric shower
> Of facts . . . they lie unquestioned, uncombined,
> Wisdom enough to leach of us of our ill
> Is daily spun, but there exists no loom
> To weave it into fabric."
>
> —EDNA ST. VINCENT MILLAY.*

In the middle third of the twentieth century, the United States made historic advances in developing regular, well-ordered, and increasingly reliable economic data. These advances were of some help to private and public decision-making in meeting the challenges of the Great Depression and World War II. They have been of increasingly greater help, it is widely acknowledged, since 1946.

As Americans enter the last third of the century, a subtle but profoundly significant shift is beginning to take place in the informational premises of decision-making throughout the country: *more explicit attention to transeconomic goals and data.* This shift is associated—both as cause and effect—with a rapidly emerging proliferation of publicly and privately produced social indicators. This "meteoric shower"—as illustrated by the following articles and the companion volume of THE ANNALS to be published in September 1967—may well prove to be one of the most important, complicated and challenging aspects of the modern "information explosion."

While the social indicator explosion raises many new problems for the structure of American government, the relations between private and public agencies, and the place of the individual in an increasingly organized society, this article will focus on some more prosaic issues which must be understood before one can begin to face these larger questions. This article will attempt to introduce these issues by dealing with the variety of approaches in this volume, some key points in the social indicator information explosion, and our unsystematic national data system.

In so doing, we shall touch upon various legislative proposals bearing upon these subjects, particularly the "Full Opportunity and Social Accounting Act" (S. 843) proposed by Senator Walter F. Mondale and ten other senators.[2]

"New Goals for Social Indicators," the introductory article for the forthcoming September 1967 volume of THE ANNALS will deal directly with the even more complex issue of the relationship between indicators and goals in terms of the profound normative questions involved in the selection of indicators; their underpinnings in concepts, theories and values; the need for both qualitative and quantitative information; and the possible consequences of this new orientation in American government. In the same issue Amitai Etzioni will analyze the dangers in *valid* social measurements, and Raymond A. Bauer the problems involved in the *use* of more and better information by individuals, organizations, and governments.

A VARIETY OF APPROACHES

In these two volumes of THE ANNALS (May and September 1967) a varied group of scholars, government officials, and journalists explore what is—or what they think should be—going on in a wide variety of specialized fields. One of our purposes, apart from probing these areas, is to illuminate the variety of different approaches to social indicators and goals.

The ten articles in this volume, for example, have been written by three sociologists (Duncan, Glaser, and Williams), three political scientists (Gross, Moynihan, and Scammon), two journalists (Fontaine and Gottehrer), one law professor (Konvitz), and one economist (Fisher). While only one now serves full-time in government, four have held high government positions involving the use of data in policy-making. Most of the others have been frequently consulted by different national and local agencies. Some have emphasized conceptual underpinnings, some concrete and discernible trends, some the analysis of interrelations. A few have concentrated on goals and qualitative judgments, less on quantifiable facts. The article on civil liberties (by Konvitz) deals directly with the philosophy of values. The article on New York City (by Gottehrer) deals frankly—and politically—with the political aspects of urban indicators.

In two articles on the urban environment, Moynihan and Gottehrer open up a world of diverse approaches. Moynihan more systematically and Gottehrer more impressionistically address themselves to the problem of getting behind "aggregatics."[3] They both realize that in such a vast and heterogeneous country, a soundly compiled national indicator may have as much meaning as would a Weather Bureau report on today's average national weather. They are both aware that some data on a city as a whole conceal great disparities. Meaningful urban indicators, they show, must be "disaggregated" to differentiate between different people, families, organizations, and areas in a metropolis. Neither is overly impressed by distinctions between "economic" and "transeconomic." They make it clear that anyone dealing seriously with urban indicators must address himself to the local components of almost *all* forms of available data. Barry Gottehrer, assistant to the mayor of the largest city in the United States, makes a major proposal for "State of the City" reports that are to go well beyond the usual statements about city departments and report on the "quality of life" in urban areas. His article is followed by Moynihan's which cuts across an array of social data to outline a starting point for such reports.

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[1] Michael Marien, graduate research assistant at Syracuse University, has helped in preparing this article. The assistance of the Stern Family Fund is acknowledged for having helped the special editor in producing these two volumes and also for having facilitated the convening of special exploration-and-review sessions on many of the articles. Acknowledgement must also be made of the ideas, encouragement and stimulus provided by the participants in these sessions: Albert D. Biderman, Bureau of Social Science Research; Alfred Blumstein, Institute for Defense Analyses; Michel Chevalier, University of Pennsylvania; Albert Cohen, University of Connecticut; John Dixon, Basic Systems, Xerox Corp.; Julius C. C. Edelstein, C.U.N.Y.; William Ehling, Syracuse University; Nathan Goldman, Syracuse University; Robert W. Gregg, Syracuse University; William G. Grigsby, University of Pennsylvania; Jack B. Haskins, Syracuse University; Michael Harrington, League for Industrial Democracy; Moyomo Ise, Crusade for Opportunity, Syracuse; Joe Kappel, Dept. of Health, Education, and Welfare; Gerald J. Karaska, Syracuse University; Andrew Kopkind, *New Republic;* Peter Lejins, University of Maryland; William F. Lipman, Federal Office, California Legislature; Michael Marien, Syracuse University; S. M. Miller, N.Y.U. (on leave to Ford Foundation); Howard E. Mitchell, University of Pennsylvania; Robert B. Mitchell, University of Pennsylvania; G. Holmes Perkins, University of Pennsylvania; Ivar Peterson, *New York Times;* Douglas W. Rae, Syracuse University; John Rider, Syracuse University; Pamela Roby, N.Y.U.; Bruce M. Russett, Yale University; Seymour Sachs, Syracuse University; Marshall H. Segall, Syracuse University; Thorsten Sellin, University of Pennsylvania; Eleanor B. Sheldon, Russell Sage Foundation; William H. T. Smith, Chief of Police, Syracuse, N.Y.; Stanton Wheeler, Russell Sage Foundation; Oliver P. Williams, University of Pennsylvania; Preston Wilcox, Columbia University; Marvin E. Wolfgang, University of Pennsylvania; and, Roland E. Wolseley, Syracuse University.

**Collected Sonnets of Edna St. Vincent Millay* (New York; Washington Square Press, 1959).

[2] Senators Clark (Pa.), Hart (Mich.), Harris (Ind.), Inouye (Hawaii), Kennedy (Mass.), McCarthy (Minn.), McGee (Wyo.), Muskie (Maine), Nelson (Wis.), and Proxmire (Wis.). Senator Proxmire, it may be noted, is Chairman of the Joint Economic Committee of Congress.

In the September 1967 volume, with more articles placing the major emphasis on *goals*, this diversity will become still greater. Thus, S. M. Miller's article on "Poverty and inequality" will take the position that a minimum approach by government in any society with significant inequalities must provide for rising minimum levels not only of income, wealth and basic services, but also of self-respect and opportunities for social mobility and participation in many forms of decision-making.

Indicator suggestions

Area	U.S. Government statistical series		Other
	New data	Better use of existing data	
Individual and group values		Compilation of non-Government attitude surveys.	Research on: (1) Intensity of commitment to particular values and beliefs; (2) relation between apparent reduction of ethnocentrism and growth or more intellectual evaluations; (3) extent of concern over leisure; (4) extent of loss of belongingness, loss of norms, uprootedness, etc.; and (5) relationship between overt acts and expressed values.
Civil liberties	Continued utilization of Presidential and congressional commissions to explore the most pressing problems in the area of civil liberties.		Research on: (1) Effectiveness of fair housing, employment, and education acts; (2) the exercise of academic freedom; and (3) the effects of pornography. Development of tools to evaluate such complex questions as the relationship between nonviolent demonstrations and respect for law. More research by such institutions as Columbia's Center for Research and Education in American Liberties.
Electoral participation	Bureau of Census: Biyearly estimates by States of numbers of citizens of voting age eligible under State law to vote.	More detail in statistical abstract on Negro voter registration. Compilation of State and local registration and voting statistics.	Research on: (1) Factors affecting turnout and registration; (2) characteristics of those who run for office; and (3) influence of turnout on parties and local government.
The mass media	Federal Communications Commission to publish national and local time series on the proportion of advertising and news time by the networks and broadcasters, the size of listening audiences and the types of programs.		Professional appraisals of extent of depth reporting systems and editorial professionalism. Research into the effect of mass media on values and behavior, where people get information, and functions of newspapers.
Discrimination against Negroes	Bureau of Census and other agencies: Separate orientals from "nonwhite" category. Statistics of intermarriage. Publication of Equal Opportunity Commission data on Negro employment by sectors of industry and by job category.	Bureau of Census and other agencies: Publication of key indicators on conditions of Negroes (i.e., employment, income, housing, education, voter registration, etc.) School segregation status for all regions (not just the South). More extensive groupings of data by cohorts.	More extensive analysis of existing data. Repeated standardized field observation studies of Negro communities and problem areas (for race relations).
Crime and delinquency	Survey to determine whether offenses are reported to police and, if so, with what consequences. Surveys of corporations, government agencies, etc., to determine extent of white-collar crime. Surveys of women to determine incidence of rape.	Periodic reports on separate categories of crime to include thorough analysis of data. Revision of FBI Uniform Crime Reports to include: (1) Comparison of police and survey data on particular offenses and (2) adequate assessment of crime rates for similar offenders who received diverse judicial and correctional treatment.	Assessment of alternative crime control measures, including their unintended consequences, such as other kinds of crimes.
The natural environment	Data on physical characteristics and contaminants in streams, estuaries, lakes, air above metropolitan areas, solid wastes, etc. Estimates of costs and benefits (social as well as economic) and other measures to achieve specified standards of quality.	Combining of existing series relating to water and air conditions; placing them on a common basis of concepts, definitions, and methods of measurement. Further efforts to standardize underlying assumptions and procedures for estimating costs and benefits associated with environmental projects and programs.	Development of statistical information on environmental quality for more effective pollution-abatement programs.
Urban conditions	More detailed information on intercity migration. Employment data that can be disaggregated to areas within a city. Information on location of jobs within the standard metropolitan statistical area (SMSA). Segregation data for private as well as public schools. Local components of other indicator suggestions.	Census data further organized according to political jurisdictions. Taeuber indexes for every SMSA in the country. Urban area data books for the nontechnical reader. Further efforts to indicate the limitations and inaccuracies of existing data.	Research on: (1) Participation in all aspects of community life; (2) use of cultural facilities; (3) changing social and economic structure of low income areas; (4) effects of urban density; and (5) patterns of educational quality within SMSA's. More extensive support of in situ studies of urban neighborhoods. Local components of other indicator suggestions.

Thus, attention is directed to aspects of "spiritual poverty" as well as to neglected aspects of economic living standards.

These differences are reflected in the kinds of new information implicitly and explicitly called for by each author. We have freely adapted their proposals and added a number of our own in the table "Indicator Suggestions." (This table will be continued in the September issue.) In the area of United States government statistical series, there are proposals both for new data and for better use of existing data. The "Other" column includes proposals for the studies needed to provide both better interpretation of available data and the conceptual framework for more effective data collection and interpretation. These proposals more than reflect the authors' ideas for improved social indicators. They also reflect the types of demands that are now being made upon both public and private data gathering agencies.

The nature of these demands and the types of substantive information within the following articles are rooted both in personal and disciplinary backgrounds and in the characteristics of the subject matter. They suggest the difficulties involved within any one of the specific areas dealt with: civil liberties, elections, mass media, discrimination, crime and the natural and urban environment (in this volume), or poverty, employment, education, physical and mental health, art, television, and the broader aspects of democratic participation (in the September 1967 volume). The subjects covered by both volumes will present only a partial view of the rich variety of available social indicators. No attempt will be made to identify—let alone analyze—the myriad interrelationships between these subjects. While the reader will be given an opportunity to learn about a number of trees, we shall not help him see the forest. A purpose of these volumes is to indicate the scope and limitations of some available social indicators. Implicit in this effort, also, is a demonstration of the futility of simple-minded holistic views of social life. This may reflect the probability that the growth of science and self-awareness can lead to confusion and ambiguity as well as surety.

This paradox of a poverty of perspective in the midst of a growing abundance of data is a central problem for both the social scientist and those who attempt to guide our society toward a full realization of its potentials. To begin to cope with both the intellectual and the policy problems presented by this bewildering array of information, we must attempt to develop new overviews of society and social change. These must be of a different order than the *verstehen* theories bequeathed to us by such social philosophers as Spencer, Marx, and Weber. Our new overviews must confront the social problems of today, and not those of the turn of the past century. They must be open-ended rather than deterministic. They must be rich in concepts and at the same time deal directly with our growing array of empirical information. Perhaps these volumes will create enough constructive confusion to make the necessity of such overviews apparent.

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[3] "'Aggregatics,' a form of mental acrobatics in which nonspacial, macroguesstimates are juggled in the air without reaching the ground in any territorial entity smaller than the nation itself." Quoted from Bertram M. Gross, "The City of Man: A Social System Reckoning," in *Man's Environment: Next 50 Years* (Bloomington, Ind.: University of Indiana Press, 1967).

THE INFORMATION EXPLOSION IN SOCIAL INDICATORS

The articles in these volumes are like the small above-water tip of the proverbial iceberg. Underlying them are many less obvious (but rapidly expanding and widely dispersed) efforts to obtain more and better social data.

Among the historical sources of these efforts are such factors as the following:

The increasing maturation of the social sciences during the first two-thirds of this century, with ever greater attention to quantitative methods;

The emergence of corporation executives with fact-based-styles of management and broader social perspectives;

The entry into public policy positions of a broadening array of intellectuals, professionals, modern-style managers, technologists, and natural and social scientists;

The acceptance of the "new economics" by both conservatives and liberals, with increasing attention by both to social as well as economic objectives (as illustrated by political slogans referring to a "great," "free," "creative," or "just" society); and

Continuing efforts to provide more rational bases for political decisionmaking.

With such factors in mind, let us look at some key points in the current expansion of social indicator activity.

If economic indicators, why not social indicators?

Many years ago, when the final version of the Employment Act of 1946 was being drafted in the Senate-House Conference Committee, the Act's provisions for the President's annual Economic Report were a "sleeper." Most observers paid exclusive attention to disputes over symbols such as "full" versus "maximum" employment. Indeed, many participants in the legislative debate seemed to think of government influence over the economy exclusively in terms of spending and controls. Few people realized the subtle power of highly credible quantitative information on which public attention is focused through presidential messages and joint committee hearings.

Since then, it has become clear that the public reporting provisions were of strategic significance. The President's annual Economic Report, along with the accompanying reports of the President's Council of Economic Advisers, have become an important institution. In addition, the Council's monthly *Economic Indicators*, published by the Joint Economic Committee of Congress, provides a carefully organized set of economic charts and tables. This wealth of factual information on economic trends and potentials provides major premises for private and public decision-making even by those who may disagree with specific presidential proposals.

"If we have highly organized *economic* indicators, why can't we set up a system of social indicators as well?" In the Spring of 1962, Raymond A. Bauer of the Harvard Business School posed this question to an informal group of scholars. The same question was in the minds of the President's Science Advisory Committee when, at about the same time, it called for "the systematic collection of basic behavioral data for the United States . . . data that are comparable, systematic and periodically gathered."[4] Under this stimulus, with sponsorship by the American Academy of Arts and Sciences, Bauer and a few others, including the senior author of this paper, went to work on the various sections of *Social Indicators*.[5]

In the course of preparing *The State of the Nation: Social System Accounting*,[6] the senior author of this paper became increasingly convinced of the possibility of using the precedent of the Employment Act. He discussed this matter with high government officials and advisors in 1964 and early 1965 and was encouraged to prepare a series of specific proposals. In November 1965, believing that subjects of this importance should be publicly discussed, he broached the theme in one of the new journals specializing in general social science topics.

"The very success of the President's Economic Reports is—from a broader view—a serious shortcoming. In raising the level of economic awareness and sophistication among American elites, they have at the same time contributed to the 'new Philistinism' that expresses national goals and performance in dollar-sign figures. The remedy, obviously, is not to eliminate the Economic Reports. Indeed, even in strictly economic terms, they need extension and deepening. The remedy is to counterbalance the monetary data with non-monetary data, the economic information with non-economic information, the quantitative with the qualitative.

"But this cannot be done effectively unless the President himself provides leadership by centering public attention on such 'countervailing information.' Carloads of economic data had been regularly published in the United States before the Employment Act of 1946. Yet it took the President's annual Economic Reports to make the country economics-conscious. Nothing less than an annual Social Report of the President is needed to make America more conscious of the factors involved in enriching the 'quality of life' and moving toward something that might be termed a 'great society.'"[7]

In addition to awakening interest in government circles not yet aware of the proposal, the article also led Thorsten Sellin, editor of THE ANNALS, to suggest that an issue of THE ANNALS be devoted to the subject of social indicators.

During this same period Eleanor B. Sheldon and Gilbert E. Moore of the Russell Sage Foundation prepared a major paper for the American Statistical Association on quantitative measures of "large-scale structural transformation." This was part of the foundation's "Monitoring Social Change" Project. It led to the commissioning of thirteen papers by different specialists, "each focusing on one aspect of social change and covering a review of the past, current, and prospective state of trend knowledge for the particular topic under inspection."[8]

Also in the Fall of 1965, *The Commission of the year 2000* (under the auspices of the American Academy of Arts and Sciences and the chairmanship of Daniel Bell) started to work on a broad, imaginative probe of the future. Its two aims were (1) to identify problems that will be coming to a head around 2000 A.D. and to propose appropriate strategies of new institutions to cope with them, and (2) to identify major structural changes in the society and related shifts in values and to specify some of the possible consequences of these changes. The Commission has circulated privately four volumes of working papers and transcripts, and a selection of these will appear as a special issue of *Daedalus* (Summer 1967). A group of eight working parties has been set up for more detailed consideration of particular problems, and a further report is expected in the winter of 1967–1968. The Commission's work is very similar to the *Futuribles* project of Bertrand de Jouvenel in Paris, and various long-range forecasting exercises at the Rand Corporation, Hudson Institute, and elsewhere.

The new Planning-Programming-Budgeting System

Moreover, in the Fall of 1965, the Bureau of the Budget launched its new Planning-Programming-Budgeting System (known widely as PPBS). Potentially the most significant management improvement in the history of American government, PPBS has already involved hundreds of government officials, with widely varying understanding and skill, in sustained efforts to obtain more useful data on current and projected government activities. Whereas previous federal budgeting was mainly based in the listing of inputs, these modern efforts, if carried out to their full potential, would provide appraisals of

(1) the direct and indirect outcomes (benefits or disbenefits) likely to result from . . .

(2) certain types, quantities, and qualities of end-product outputs (often intangible services) made possible by . . .

(3) the use of inputs whose costs are realistically estimated.

These complex variables are employed in making long-term projections, in comparing established programs with a variety of alternative programs, and in evaluating policy alternatives within established programs.

PPBS may very well be a significant innovation in the policy-making process, but its full implementation must confront a paucity of adequate social indicators. In this regard, it soon became clear that among the weakest links in these benefit-output-cost analyses was the lack of (in the previously quoted works of the President's Science Advisory Committee) social "data that are comparable, systematic and periodically gathered." No conscientious budget-examiner could rely uncritically on the data presented on education, mental illness, crime, delinquency, transportation, and urban problems by scores of competing bureaus anxious to justify budget proposals by magnifying their past record or their future contributions to the "public interest." Thus, the logic of the new budget system originating in the pioneering work of cost-benefit economists pointed unmistakably toward an enlarged role for transeconomic information, particularly information bearing on the "quality of life."

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[4] Life Sciences Panel, *Strengthening the Behavioral Sciences: Statement By the Behavioral Sciences Subpanel*, President's Science Advisory Committee, Washington, D.C., April 20, 1962. It is quite conceivable that the new Behavioral Science Division of the National Academy of Science will play an important role in fostering the systematic collection of social information.

[5] Raymond M. Bauer (ed.), *Social Indicators* (Cambridge, Mass.: M.I.T. Press, 1966). This work was supported by a grant from the National Aeronautics and Space Administration to the American Academy of Arts and Sciences' Committee on Space.

[6] Also published separately in London by Tavistock Publications, 1966.

[7] Bertram M. Gross, "The Social State of the Union," *Trans-Action* November-December 1965.

[8] The subjects of these papers, scheduled for completion by the end of 1967, are as follows: population magnitudes and distribution; the polity; social stratification and mobility; labor force and occupations; welfare and its measurement; recreational and expressive activities; cultural homogeneity and diversity; family and kinship; and religion.

The Technology Commission's call for social accounting

In January 1966, major support for new ways of dealing with social information came from the National Commission on Technology, Automation, and Economic Progress. Despite disagreements on other subjects, the Commission was unanimous in stating that our ability to measure social change has lagged behind our ability to measure strictly economic change.[9]

The Commission called for some system of social accounts to assess the utilization of human resources in four areas:

1. The measurement of social costs and net returns of innovation.
2. The measurement of social ills (for example, crime and family disruption).
3. The creation of "performance budgets" in areas of defined social needs (for example, housing, education, and welfare).
4. Indicators of economic opportunity and social mobility.

Action along these lines, it was stated, could help put economic accounting into a broader framework.

The Health, Education, and Welfare Department's transdepartmental mission

In March 1966, President Johnson formally assigned the following mission to John Gardner, Secretary of the Department of Health, Education, and Welfare (HEW):

"Through the program entrusted to its care, the Department of Health, Education, and Welfare exercises continuing concern for the social well-being of all our people. Already, as I have indicated in this message, it has become possible to set ambitious goals for the future. . . .

"To improve our ability to chart our progress, I have asked the Secretary to establish within his office the resources to develop the necessary social statistics and indicators to supplement those prepared by the Bureau of Labor Statistics and the Council of Economic Advisers. With these yardsticks, we can better measure the distance we have come and plan for the way ahead."[10]

HEW was given this transdepartmental mission for several reasons. Under the effective leadership of its present Secretary, John Gardner, the department has been able to develop a broad base of political support and respect within government and the academic community. This has allowed HEW to assume a job that not only could have significant effects on every department in the federal establishment, but also requires the wholehearted cooperation of a good number of "free intellectuals" from in and out of government. Furthermore, since Secretary Arthur Fleming under the Eisenhower Administration, HEW had taken the lead in organizing available social data and developing new programs of data collection. Under the active sponsorship of Wilbur J. Cohen, now Undersecretary, the HEW's Office of Program Analysis continuously improved its monthly *HEW Indicators* (with charts and tables modeled on the Council of Economic Advisers' *Economic indicators*) and its annual supplement, *HEW Trends.*[11] To the surprise of HEW, a White House review of the situation showed no comparable transoceanic work by any other department. Moreover, even within its own area, the Department's key officials, with many new, enormous programs to administer, were deeply dissatisfied with the statistical status quo. They wanted the better information required for effective handling of their new managerial burdens.

Within HEW, major responsibility for the new mission was assigned to William Gorham, Assistant Secretary for Program Coordination. An economist and "systems analyst" from the Rand Corporation and Secretary McNamara's office in the Department of Defense, Mr. Gorham is also in charge of the new PPBS activity in HEW. He has organized a Social Indicators Panel composed of about two dozen scholars and experts from universities and other non-governmental research institutions and has asked Daniel Bell to serve with him as the Panel's cochairman.

Under the guidance of Gorham and Bell, the experts on the panel have been encouraged to consult widely with their colleagues and to seek help from the best minds available. They have worked in collaboration with an ever widening panel of data experts from many other government agencies. This activity has proceeded in an open and nonsecretive manner, with increasing coverage in the press.

The possible Social Reports of the President

By early 1967 it became widely known that work was under way to prepare professional materials that could be used in proposing a first Social Report of the President. The rationale for developing such a proposal was expressed in a working memorandum by the two cochairmen as follows:

"No society in history has, as yet, made a coherent and unified effort to assess those elements in the society which facilitate and which bar each individual from realizing to the fullest extent possible his talents and abilities, in order to allow him to find a job, or establish a career commensurate with his talents, to live a full and healthy life equal to his biological potential, to establish the conditions for an adequate standard of living which allows him to live in a civilized fashion, and which provides a physical and social environment which enhances his sense of life. We believe that these are aims implicit in the American purpose. We believe that the means of realizing these are possible. If it is agreed that this is an appropriate and adequate focus, the function of the Social Report would be to provide a continuing assessment of our abilities to realize these aims."

At this present stage of social science development, deficiencies in both data and theory impose serious constraints. First, the analysts must "make do" with existing data. Second, they must also get along without the kind of "overview framework" provided for economic information by national economic accounting. The first difficulty is eased by the assumption that the social reports themselves would promote action to fill the most critical "social data gaps." As for the second difficulty, some fear that this is inherent in the nature of the information explosion in social indicators. Others hope that with the resulting loss of perspective there will be increasing interest in serious efforts to develop operating models for systematizing social data. The senior author of this paper has already made some preliminary suggestions along these lines in *The State of the Nation: Social Systems Accounting,* and plans to continue this discussion in his Introduction to the September 1967 volume of THE ANNALS.

An awareness of these constraints on the part of external observers has even led to calls for quicker action. Thus, the columnist Joseph Kraft summarized a discussion of the subject as follows:

"To be sure, an annual social report is not going to end congested streets, air pollutions, and the shortchanging of the consumer interest. But it can create a climate of continuous self-correction; a barrier against irrevocable mistakes, not to say disasters, such as the loss of a Negro generation. And that, it seems to me, is perhaps the most important domestic business now before the Nation."[12]

In February 1967, Senator Walter G. Mondale (Minn.) and his group of ten other senators called for a legislative structure for annual social reporting by the President, professional assistance, and congressional participation. Their proposed "Full Opportunity and Social Accounting Act" (S. 843) parallels in many ways the Employment Act of 1946. Its major sections provide for:

(1) an annual Social Report of the President to be transmitted by March 20 of each year,

(2) a Council of Social Advisers to assist in preparing the report and working on the underlying studies and data, and

(3) a Joint Committee on the Social Report (composed of eight Senators and eight Representatives) to review the Social Report and transmit its findings thereon to the Congress by June 1 of each year.

The sponsors have arranged for the bill to be referred first to the Committee on Government Operations and then to the Committee on Labor and Public Welfare. Public hearings will presumably be held before subcommittees of each.

OUR UNSYSTEMATIC NATIONAL DATA SYSTEM

"The Johnson Administration," the *Wall Street Journal* has reported, "is considering a major centralization of its sprawling statistical empire—hopefully without giving it a 'police-state' image."[13]

The idea of national "data centers" (or, if one may use a popular but misleading metaphor, "data banks") has developed as a natural result of the increasing need for "administrative statistics," the rising capacity of each generation of electronic computers to store, process, retrieve and deliver such data, and the mounting aspirations of computer designers, producers, and users. The social indicator explosion has contributed to interest in this idea.

In the short compass of this chapter, we can merely identify a few of the "data system" issues made more acute by the social indicator explosion. We cannot directly discuss the broader problems of "information management," the so-called "credibility gap," or the "dossier problem" (which might become more acute when there are more life-cycle and longitudinal studies along the lines suggested by Otis Dudley Duncan and Daniel Glaser in their articles in this issue.)[14] Our remarks will be limited to suggesting three normative principles for dealing with three basic questions:

Who should collect social indicators?

What should be done about conflicting data and interpretation?

What should be the role of the Congress?

THE PRINCIPLE OF MULTIPLE SOURCES

Even the strongest proponents of a national data center recognize the need for some types of decentralized collection, analysis, and dissemination of data. Thus, within the federal government, we have recently seen the creation in HEW of a National Center for

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[9] *Report of National Commission on Technology, Automation and Economic Progress* (Washington, D.C.: U.S. Government Printing Office, 1966).

[10] President Lyndon B. Johnson, *Message to the Congress on Domestic Health and Education,* March 1, 1966.

[11] *HEW Indicators* (monthly) has been recently discontinued. This may result in an expansion of *HEW Trends.*

[12] *Washington Post*, January 4, 1967.

[13] Article by Richard F. Janssen, *Wall Street Journal,* November 11, 1966. The possible difference between image and reality was not mentioned.

[14] At the Russell Sage Foundation, Stanton Wheeler is exploring this problem by examining a series of case studies. The subject is also being studied by the Budget Bureau's panel on a national data center, although without the participation of lawyers such as Milton Konvitz who have specialized on civil liberty problems.

Education Statistics and the National Health Survey. There is widespread support for a national bureau of criminological research, as proposed by Daniel Glaser in his article in this issue. The National Science Foundation is developing new sources of information on the volume and type of scientific activities. New government programs often involve specialized agencies in the collection of the social data required under their legislation—as with the Negro employment data collected by the new Equal Employment Opportunity Commission. True, the Bureau of the Census provides remarkably expert facilities for conducting surveys for other agencies or processing the information they collect. But the impact of the Bureau's work has been less to replace decentralized data collection than to provide the central services needed to facilitate it. The next few years will see the growth of perhaps dozens of specialized data centers run or financed by the federal government—mostly in areas beyond the traditional boundaries of economics.

This proliferation of data calls for the Census Bureau to increase its efforts in developing more useful compendia of "processed" data such as the *Statistical Abstract* and the *Historical Statistics of the United States*. Given the scope of presently available information, these documents could easily include separate sections on civil liberties and discrimination against Negroes. In the near future they could include a section on the arts and greatly expanded sections on health, crime, and other areas about which more reliable information is being developed. Furthermore, the Bureau should seriously consider producing more special-purpose compendia of easily understood summaries of information, such as the urban area data books suggested by Daniel P. Moynihan in his article in this issue. Such efforts will make information available to a vast number of citizens—some of whom may very well be congressmen, government officials, and political activists—who do not have the machines, money, or skills to make meaningful numbers from computer tapes.

Both the Census Bureau and other federal agencies must probably limit themselves to the collection and analysis of what Daniel P. Moynihan labels "pan-political" data. This notion refers to the simple fact that no piece of information is apolitical, but that the type of information collected by federal agencies has been and will in the future be designed to service the widest possible spectrum of political interests. This, of course, places certain constraints upon the statistical services within the federal government, and there are certain questions they cannot examine. For this and a number of other reasons, the "multiple source" principle extends beyond the federal government to at least four other areas: local and state governments; public action associations; private research institutions; and the press. Cities, regional planning agencies, and state governments are collecting social data that is far more sophisticated than is possible on a nationwide basis. In so doing, of course, they usually start off with Census data and other federally provided information. Chambers of Commerce and other business organizations are increasingly engaged in surveys bearing on the widening interests of business enterprise. It may be presumed that their example will be followed by labor unions, Community Chests, and other civic action groups on the brink of entering the twentieth century.

One of the most strategic of all roles is played by private research institutions, whether or not university-based. In the 1920's, the National Bureau of Economic Research patiently laid the basis for the national income work taken over by the Department of Commerce in the 1930's. Maintaining the initiative, it then mobilized the intellectual resources needed to guide the continuous improvement and extension of this work by government. Although there is (as yet) no comparable institution in the field of social indicators, there are many research institutions with rapidly expanding capacities and scope. Some specialize in sample surveys on almost any conceivable subject. Some concentrate on specific subject-matter areas. A few of the smaller foundations—particularly the Twentieth Century Fund and the Russell Sage Foundation—have conducted pathbreaking studies involving the collection and analysis of social data.

It seems both likely and desirable that the present multiplicity of sources will become still "more multiple." Technically, specialization demands it. The dynamics of both political action and scientific research suggest that more and better production of social indicators by the federal government (like public expenditures in the Keynesian model) might have a "multiplier effect" on nonfederal collection, analysis, and interpretation.

The principle of "systemic dissonance"

There is a delightful (albeit somewhat terrifying) ambiguity behind pending proposals for a national data center. Among advanced students of "information theory," this should be no cause for surprise. Information engineers may be relied upon, in their recurring bursts of artistic enthusiasm, to contribute to misinformation about their work. "Their skill in the precise language of mathematics has not been matched by an ability to cope with the greater ambiguities of the word-language in which mathematics is embedded."[15]

One view of a national data system is rooted in the "informational retrieval" problem. From this point of view, we face an information crisis that may be defined as "the overproduction of information relative to the capacity for the storage, analysis, and distribution to point of need."[16] Under a glutted "market place of ideas," to use the phrase of Oliver Wendell Holmes, information cannot flow freely, an immobility probably far more serious than constraints on the mobility of capital and labor. The exploitation of advancing technology for storing, processing, and distributing information opens up new potentials for "assembling scientific and technical information and disseminating it to those who need it, whenever and wherever they need it." The more naive model-builders think these potentials can be developed through formal structure modeled in accordance with the hierarchical pyramids of Weberian or so-called "classical" organization theory. More realistic organizers think in terms of a two-directional "grid" or network of interconnected organizations. Here the emphasis must be placed on the creation of both (1) a multiplicity of decentralized stations and (2) facilities for the rapid intercommunication of information at a level of sophistication that recognizes data differences.

Another view emphasizes co-ordination through standardized definitions and strongly enforced priorities. If limited to certain kinds of standardized economic data, this could unquestionably lead to cheaper and quicker services. It might also lead to two critical data pathologies: "hardening of the categories," and the monopolization of information.

In the field of transeconomic indicators, the co-ordination approach is particularly dangerous. While more standardization is needed in statistical series, there is an equally serious need for sustained and sophisticated challenge of standardized definitions and methods of interpretation. A splendid example is the constructive criticism that Daniel Glaser and Albert D. Biderman[17] have been leveling for years against the Federal Bureau of Investigation (FBI) Crime Index. Although sociologists regard the index as a statistical monstrosity, we should bear in mind that the FBI under J. Edgar Hoover has merely been carefully following the best advice obtainable from the sociologists of a now-defunct era. Is there not a danger that—with large federal grants and contracts "guiding" the work of dispersed data centers and research institutions—this experience may be repeated on a larger scale?

It has been pointed out that "official data will always be too 'official,' reflecting the bias of collection agencies or the institutional rigidities of major interpreters. The categories themselves will never be automatically adjusted."[18] Hardening of the categories is hardly curable without continual challenges and debates that might lead to recurring reconstruction of categories.[19] Within the federal government, both the Bureau of Labor Statistics and the Census Bureau have often been sensitive to these debates. Other agencies with a political stake in outmoded concepts and inaccurate statistics turn a deaf ear to all calls for innovation.

Here the media of communication could play strategic roles. As Fountaine points out in his article in this issue, radio, the press, and magazines have a long way to go in communicating significant information. Indeed, their record in keeping up with the advances in the social sciences will have to improve considerably before achieving mediocrity. But there is also the role of *challenge and exposé*—as played by the long line of "muckrakers" and crusading journalists. These free-wheeling challengers may bring to public attention official data that has been suppressed. They may find flaws or inconsistencies in officially released data. At times, they even collect information on their own and prepare the way for the official data of the next generation. Insofar as the mass media are concerned, these roles are played by only the small handful of first-class newspapers in the country: the *Washington Post*, the *New York Times*, the *Wall Street Journal*, and perhaps four or five others. Fortunately, a healthy yeast is provided by small circulation publications. Most of these—like the *New Republic*, the *Nation*, *Ramparts*, the *Reporter*, the *I. F. Stone Weekly*, and *Dissent*—are on the "Left." Fortunately, with the emergence of a know-something "Right," some slow progress is being made along these lines by William Buckley's *National Review*.

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[15] Bertram M. Gross, "Information Theorists," *The Managing of Organizations* (New York: Free Press, 1964), Vol. 1, pp. 210–213. Reference is here made to Bar Hillel's "An Examination of Information Theory," *Philosophy of Science* (1955): "We see again and again that, in spite of the official disavowal of the interpretation of 'information' as 'what is conveyed by a signal sequence,' 'amount of information,' officially meant to be a measure of the rarity of the kinds of transmissions of signal sequences, acquires also and sometimes predominantly, the connotation of a measure . . . of the kinds of facts . . . designated by these signal sequences" (p. 94). Shannon and Weaver themselves contribute to this ambiguity by stating that their use of the word "communication" involves "not only written and oral speech, but also music, the pictorial arts, the theatre, ballet, and in fact all human behavior" (Claude Shannon and Warren Weaver, *The Mathematical Theory of Communication* [Urbana: University of Illinois Press, 1949], p. 95). Norbert Wiener has done his share by equating the engineer's kind of "information" with meaning (*The Human Use of Human Beings* [Boston: Houghton-Mifflin, 1950], p. 7–8).

[16] Bertram M. Gross, "Operation Basic: The Retrieval of Wasted Knowledge," *The Journal of Communications* (June 1962), pp. 67–83.

[17] See section entitled "A Case Example: Crime Rates," in his "Social Indicators and Goals," Bauer (ed.), *Social Indicators, op. cit.*, pp. 111–129.

[18] "The State of the Nation," in Bauer (ed.), *op. cit.*, p. 260.

[19] The National Bureau of Economic Research is presently preparing major extensions of national income accounting. It will be of considerable interest to see how quickly their proposals are introduced into the "official" accounts.

With the increasing utilization of social indicators in the political process, hardening of the categories could have a profound impact on public policy. We now must begin to ask whether, as we develop better information retrieval facilities, they should not ease the flow of *dissonant*—as well as coordinated—information and whether, if major parts of our national data system (such as the census, for example) are to be made more systematic, to tolerate, preserve, or perhaps even promote the dissonance of those who challenge the relevance, accuracy, or credibility of official data. Should we not recognize an important role for "systemic dissonance?"

With the increasing utilization of sophisticated information in the policy-making process, the old aphorism "knowledge is power" has a particularly contemporary ring. With government playing a greater role in the production of this information, there is an obvious danger of government monopolization of information. This could manifest itself in two ways: (1) narrow specification of information produced and (2) tight control of access to it. We suspect that many city planning and urban renewal agencies often sit on data lest "progress" be impaired by those who would learn they must suffer "short-run" hardships. While much of this condition is the result of bread-and-butter political expediency, it often stems from a misguided determination that the maintenance of ignorance is a beneficial form of social control.

A more subtle and possibly more significant problem is that much of our information is being produced for and by a few groups in our society. In this regard Andrew Kopkind, an informed but skeptical observer of the growth and utilization of specialized information within government has warned:

"There is no general agreement on 'human values.' But the people who frame the questions about society and plan the future can easily, and unconsciously, inject their own values into the answers they receive. . . . The danger is that government and corporate elites will monopolize the business of question-asking, and so manipulate the attitudes of the society they are pretending to serve as disinterested technicians."[20]

In a similar vein, conservatives may argue, with a certain amount of justification, that most empirical data generated by contemporary social science has been motivated by and supports a liberal critique of American society.

There are no simple solutions to these problems, which will become more acute as social indicators are further introduced into the political process. It is hoped that our discussion of multiple sources and "systemic dissonance" will suggest some possible solutions. The success of these solutions will in large measure be determined by whether Congress assumes a creative and critical role in the future development of social indicators.

THE PRINCIPLE OF LEGISLATIVE RESPONSIBILITY

The Founding Fathers of the United States, true children of the Enlightenment, clearly recognized the informational functions of government. In Article 1, Section 2, they provided for a decennial census (the first ever called for by a national constitution). In Article II, Section 3, they recognized the importance of making information available to Congress instead of having it carefully guarded by executive officials: "The President shall from time to time give to the Congress Information of the State of the Union." In the Bill of Rights they provided safeguards for the freedom of speech and the press, as well as personal privacy. But their greatest contribution was the "systemic dissonance" built into its provisions for the separate authority of the Congress, the President, the Supreme Court, and the states.

This is not the place to review the circumstances under which this "separation of powers" may lead to deadlock and breakdown or those under which it may lead to unified and concerted action, nor is there space to discuss the role of the Supreme Court (touched upon in Professor Konvitz' article in this issue) or that of the states and localities (briefly referred to above) with respect to social data.

But since the provision of more and better social indicators is usually discussed by technicians whose natural orientation is toward the agencies in the executive branch of government, we find it essential to conclude this discussion with a few words on the responsibility of the Congress.

This responsibility takes two forms: (1) the airing of new ideas (including those that may be "born before their time"); and (2) the criticism of, and debate on, executive information and proposals. The former is essential to bring hidden issues into the open and rescue creative ideas that may get knifed in the dark. The latter provides opportunities for almost any organized group in the country, no matter how weak, to have its views expressed indirectly in committee hearings or represented by some members of Congress.

We would be less than frank if we did not concede that the great majority of technicians concerned with the development of social indicators are rarely aware of the constructive role played by Congress in laying the groundwork for major innovations in public policy. Similarly, in the development of the Employment Act of 1946, many of the most ardent proponents of full (or maximum) employment thought almost exclusively in executive agency terms. Some of them regarded the Act's provisions for a Joint Economic Committee of Congress as merely a sop to congressional critics.

Twenty-one years after the Act's passage, the Joint Economic Committee has, in the words of one observer, become "the nom de plume of the world's largest class in economics, in which astute and overworked Congressmen and Senators take turns in being pupils and instructors to most of the Nation's economists."[21] It has investigated data gaps and challenged one-sided or defective executive interpretations. In the sphere of economic data, the Joint Economic Committee has probably been the most significant source of healthy and invigorating "systemic dissonance."

At present, various members of Congress have offered a wealth of important proposals bearing upon our knowledge of social conditions, problems, and change. Among these are measures to set up a National Social Science Foundation (proposed by Senator Harris of Oklahoma), for contracts with nongovernmental agencies for the application of "systems analysis" to social problems (proposed by Senator Nelson of Wisconsin), to provide for a mid-decade census (proposed by Senator Ribicoff of Connecticut), and to set up an "office of legislative evaluation" in the General Accounting Office (proposed by Senator Ribicoff of Connecticut). The first three of these, let it be noted, provide for executive activities alone, and the fourth for activities by a so-called "autonomous agency" to help the legislature.

Like the Employment Act of 1948, the "Full Opportunity and Social Accounting Act" sponsored by Senator Mondale and his group deals directly with *both* the executive and legislative branches. Obviously, if there is to be an annual Social Report of the President, the President will need sustained, professional work of a transdepartmental nature and on a full-time basis. The legislative proposal for a Council of Social Advisers focuses attention on this organizational problem. But it would be unfortunate if this proposal should detract attention from the equally significant idea of a Joint Committee on the Social Report.

As indicated at the beginning of this chapter, it is possible that the President may soon initiate a series of annual Social Reports to Congress. This could be done without new legislative authority. But what will happen to such reports? Will they receive serious and sustained attention and review in Congress? Outside of Congress, will they be accepted as more authoritative than they could possibly be?

At this point let us be perfectly clear that the analogy with economic indicators and goals should not be carried too far. In the noneconomic aspects of social measurement and social policy—as well demonstrated by the articles in this volume and its companion volume of September 1967—we have lagged far behind the progress made in measuring economic change and ordering economic information. With broader social measures, the complexities are still greater and the dangers of oversimplification still more threatening. Here, even more than in the economic field, we need legislative responsibility in encouraging a variety of approaches, promoting multiple sources, and nourishing "systemic dissonance." Thus far, the only proposal in this important area is that of Senator Mondale and his ten colleagues (including the Chairman of the Joint Economic Committee) for a Joint Congressional Committee on the Social Report. If this is to be the "nom de plume" for the world's largest classroom in social information and social policy, its teachers and students—be they social scientists or legislators—must be willing to face intellectual and moral problems of monumental dimensions.

CUBA: THE CRISIS AT OUR BACK DOOR

Mr. HANSEN. Mr. President, the United States is facing a real and increasingly bloody crisis in Southeast Asia, and obliquely, an equally danger-fraught political crisis in the U.N. We also, as evidenced by recent press dispatches, have a near-future political or military crisis at our back door.

Today's press stories tell of action by the Council of the Organization of American States in indicting Cuba for landing an invasion force in Venezuela last May 8.

Venezuela's OAS Ambassador Pedro Perez Montesinos called the Cuban action "a real menace and serious danger" to Latin American nations, which echoes a timely warning issued June 16 by syndicated columnist Carl T. Rowan.

After extensive research which is the basis for a number of columns on the crisis off our shores, Mr. Rowan asserted that—

> There is a growing feeling in diplomatic circles that another great power clash over Cuba lies not too far down the road.

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[20] "The Future-Planners," *New Republic*, February 25, 1967.

[21] Stanley Lebergott, *Men Without Work* (New York: Prentice-Hall, 1965), p. 174.

And he pointed out with illuminating candor that—

> Castro is to Latin America what Nasser was to the Middle East—and then some.

Mr. President, there have been hundreds of reports over the past few months telling of Cuban involvement in guerrilla confrontations in Latin America, of Cuban involvement in unrest among the newly emerging African nations, and even of involvement in the war in Vietnam. In this latter context, reports have circulated that Cuban advisers have been fighting alongside North Vietnamese regulars against American forces.

I think it wise to closely examine the small nation only 90 miles from our coastline and the recent news which has again brought her to the fore. It is particularly timely today, for exactly 65 years and 1 month ago, the Stars and Stripes were lowered and the Cuban flag—the lone star flag of Narcisco Lopez was raised over Morro Castle at the entrance of Havana Harbor. Cuba's freedom and independence lasted only 57 years.

Now a member of the Communist bloc, Cuba is not tucked neatly away behind the Iron Curtain, and thereby restrained. She lies only 90 miles from our country's shores in the middle of the free Western World.

Despite our nearly two-century-long fight for independence; despite the Monroe Doctrine; Cuba exists today as part of the international system dedicated to the forcible overthrow of democratic governments throughout the world.

It is a tribute to America's fight for hemispheric freedom that a short 4 years after the first battle of the Spanish-American War, Cuba, pursuant to a joint resolution of the 65th Congress, became the "free and independent nation" that she is, and by right should be.

Cuba today is neither free nor independent. She is a real and present danger to the security of the Western Hemisphere and to every country of Latin America.

Despite the assertions of some, Cuba is neither an old myth nor a nuisance and that fact should have been made abundantly clear by the tricontinent conference of African, Asian, and Latin American Communists. This conference seems proof enough of the very imminent danger which Cuba poses for the hemisphere.

This conference, held in Havana on January 3, 1966, brought together the most pro-Communist, anti-American forces ever assembled in the history of the Western Hemisphere. At this meeting, the delegates, following Moscow's lead, openly dedicated themselves to the violent overthrow of those governments which do not meet with their approval.

This conference was not called to begin subversive operations; its aim was consolidation and coordination of the subversion and guerrilla activity that already exists.

As recently as May 18, 1967, the Cuban Communist Party's 100-member central committee stated:

> We are lending and will continue to lend aid to all those who fight against imperialism in whatever part of the world.

Almost daily, the newspapers bring to us more news of the subversive activities being carried on throughout Latin America from communism's base in Havana.

A letter recently published in Havana allegedly written by Maj. Ernesto Che Guevara, sets forth a strategy of worldwide insurrection intended to "spread the forces of the United States" and thus relieve the pressure on North Vietnam. It would seem that such is indeed the policy of the Communist world and that they by no means have given up.

Thus, the battle against communism does not exist just in Vietnam. It is, as they told us long ago, a never-ending, all-encompassing involvement.

The view of Cuba as a mere ideological pest is totally out of keeping with the facts. Save for the United States and Canada, Cuba possesses the most powerful military force in the Western Hemisphere. Aided technologically and financially by the world Communist movement, Cuba's army and military hardware have dominance over any Latin American nation. But it is in subversion and terror that Cuba is the greatest threat.

Castro, an intelligent, dedicated, and zealous revolutionist, is a powerful leader, well aware of the end that he seeks. And Cuba, to the rest of the Communist world, represents a victory—an outpost only 90 miles from her most bitter enemy.

Communism is a patient ideology. It is willing to wait the years that it will take to bring the rest of Latin America under the hammer and sickle.

At this point, Mr. President, I would like to insert in the RECORD the timely articles of Mr. Rowan on the increasing threat of Cuba, and the press report of the recent OAS action to which I have alluded.

The PRESIDING OFFICER. There being no objection, the articles were ordered to be printed in the RECORD.

(See exhibit 1.)

Mr. HANSEN. Mr. President, certainly candor would require that we act on what is so clearly visible to those such as Mr. Rowan who have examined the situation. Cuba is a threat—a threat that requires a drastic change from our current policy of avoidance and blindness.

Certainly it would seem that our current policy toward Communist Cuba needs careful reexamination. For it is indeed a necessity that we not permit the present war in Vietnam, nor the crisis in the Middle East, to blind us to the clearly defined developing crisis in Latin America. It is obvious that as the Communists continue to spread violence and tyranny throughout the Western Hemisphere, a showdown seems inevitable. It will necessitate courageous diplomacy and visionary planning and possibly force to maintain the freedom of our Western World. It would be well to begin now preparing for such action despite any other crisis or other conditions anywhere in the world.

EXHIBIT 1

[From the Washington Post, June 20, 1967]

OAS VOTES INQUIRY INTO CUBA "DANGER"

Communist Cuba, already condemned, boycotted and excluded from the Western Hemisphere family as a subversive force, was indicted anew yesterday by the Organization of American States for landing an invasion force in Venezuela last May 8.

The OAS Council voted unanimously to support Venezuela's request for a new inquiry into what that country's OAS Ambassador, Pedro Paris Montesinos, called "a real, certain and serious danger" menacing all Latin American nations.

The members of the 21-nation Council acted as representatives of the Foreign Ministers of the Americas in a special consultative conference to consider a long list of Venezuelan grievances against the Fidel Castro regime.

Venezuela asked for appointment of a special OAS mission to seek "additional information" about its charges through an on-the-spot investigation.

Mexico voted for the proposal, although it is the only OAS nation that maintains diplomatic and trade relations with Cuba.

CUBA'S ACTIVE SUBVERSION OF LATIN AMERICA

(By Carl T. Rowan)

Some weeks ago Mexican security police swooped down on Victor Hugo Martinez and arrested him for arms smuggling. Martinez, a member of Guatemala's Communist Party, had been shipping arms from Mexico to rebels in Guatemala.

Mexican police staked out at Martinez's house and were soon rewarded with an interesting visitor.

Julian Lopez Dias, third secretary and cultural attache of the Cuban Embassy in Mexico City, came to call on Martinez. Mexican police grabbed him and found that he had $6,000 in small bills in his pocket.

Lopez, a former Cuban intelligence agent in Chile, had been directing the entire Cuban arms smuggling program from the embassy in Mexico. The Mexican government ousted him. But not before Mexican agents learned that Lopez's wife was Irina Trapote, the daughter of Victor Trapote, a Soviet undercover agent.

And Irina is the ex-wife of Ramiro Valdez, Cuba's minister of the interior and the boss of both the secret police apparatus inside Cuba and the agents and other machinery designed to "export revolution" to other countries.

Three weeks ago, four Cubans were surprised delivering men and supplies to the shores of Venezuela. Two who were seized alive confessed to being military officers and members of a special commando unit in Cuba's General Directorate of Intelligence (DGI).

The two commandoes were carrying $10,000 in United States bills. Castro confirmed that they were "Cuban volunteers" and said he was "proud of 'em."

In Bolivia four days ago, the army claimed that 17 Cubans are fighting with a guerrilla group that has killed 30 Bolivian soldiers in recent jungle clashes. Bolivians claim Cuban-trained Brazilians, Argentinians and Peruvians are also in the rebel group—and that the whole band is financed by Castro.

I have been told by authoritative sources that Cuba's DGI is now spending $1.1 million a month to support stepped-up guerrilla warfare in Latin America. Most of the money is to train insurgents, with some 3,000 latinos already trained in Havana and returned to their native countries since Castro came to power.

If Cuban subversion worsens, as many diplomats say it will, a name to remember is Manuel Piniero, known as "Barba Roja," or "Red Beard." Piniero (educated at Columbia University and married to a Connecticut girl, Lorna Birdsell) is director of the DGI and as such heads a Cuban espionage apparatus far more elaborate than either United States citizens or Latin Americans realize.

A half-dozen Soviet advisers are attached to the DGI and the Russians clearly are financing Piniero's operation, directly and indirectly.

Castro has publicly listed Bolivia, Colombia, Guatemala and Venezuela as targets for revolution.

Bolivia appears to be the area of prime concentration now, primarily because it is militarily weak and its political structure is fragile and beset by rivalries.

But the apple of Castro's envious eye is Venezuela. He would like her oil to give Cuba the strong economic base with which to carry out what Castro thinks is his role as saviour of Latin America.

But Venezuela is also the prime target because it is the best example of a democracy in the area and the Communists feel it cannot be permitted to thrive.

Orthodox Communist parties in Latin America used to complain about the Fidelistas coming into their countries and stirring up trouble "prematurely." The orthodox Communists now are cooperating, in intelligence and other programs, with Castro's forces. This suggests that the Russians may no longer be restraining Castro, and may even have authorized the party apparatus to cooperate.

Interestingly, Cuba recently made public a proposal, supposedly written by the long-missing Ernesto (Che) Guevara, to open up major rebellions in Latin America so as to take the pressure off Vietnam.

Meanwhile, the DGI is busy spreading agents all over Africa. Some 700 uniformed Cubans are now in Congo Brazzaville. Another 700 Africans have been trained in Havana and returned to their home countries.

Significantly, all the Cubans sent to Africa by Castro are Negroes.

Very clearly, the little Caribbean island of Cuba looms large in Soviet plans for the expansion of world communism.

[From the Washington (D.C.) Evening Star, June 16, 1967.]

New Cuba Crisis Looms as Soviet Aid Rises

(By Carl T. Rowan)

More than any other man, Cuba's Fidel Castro must have watched with gnawing uneasiness as the Soviet Union led Egypt's Gamal Abdel Nasser into catastrophe—and then abandoned him.

For Castro is to Latin America what Nasser was to the Middle East—and then some.

I have learned exclusively, from diplomatic and other sources, that the Russians have increased sharply their military shipments to Cuba. In the last few months they have delivered more than 20,000 tons of arms to their bristling Caribbean satellite.

At the same time, Castro has escalated to unprecedented levels Cuba's efforts to "export revolution" not only to the other Latin countries but also the continent of Africa.

Not only does the Soviet Union have 2,000 military advisers and 2,500 "economic technicians" manipulating Cuba's armed forces and economy; the Russians have attached key men to Cuba's General Directorate of Intelligence, the unit charged with foisting communism on Venezuela, Bolivia, Colombia, and other countries.

The critical question here, and in other free world capitals, is: How much are the Russians encouraging Castro's increasingly bold ventures into Latin America? On the surface, the Russians appear to be a restraint on Cuba's bearded ruler, but diplomatic and intelligence reports show that the Russians are deeply involved, financially and otherwise, in most of Castro's efforts.

There is a growing feeling in diplomatic circles that another great power clash over Cuba lies not too far down the road.

With this thought in mind, I have explored several diplomatic and other sources to try to ascertain just what is Cuba's internal situation today; just what is Cuba's military posture; how influential a role are the Russians playing; what efforts are being made by the Fidelistas to carry Cuban-style revolution to the rest of the hemisphere.

A first clear point is that in the four years since the great Cuban missile crisis, the Soviet Union has turned this little Caribbean satellite into a bristling military fortress.

American military analysts knew, even before the recent stepup in arms deliveries, that Cuba has become the most potent military force in Latin America.

With 175 jets, including 60 MIG21s, the Cuban air force is clearly dominant in the entire continent. And Cuban superiority has grown because of regular Soviet additions while the United States holds to a policy of not selling jet fighters to Latin American countries.

Cuba's army of 90,000 regulars and 85,000 "ready reserve" members is now the best equipped, most modern and second largest (after Brazil) in Latin America.

In addition, Castro has assembled a national guard of 100,000 and a 7,000-man navy that boasts modern Soviet subchasers and 18 of the potent Komar class patrol torpedo boats, which the Russians still have declined to give to North Vietnam.

Castro's Communist redoubt is now protected by 24 Soviet surface-to-air missile sites and an arsenal of 600 missiles. The Cubans recently changed from islandwide deployment of these missiles to provide for concentrated protection of Havana, Santiago, Santa Clara and Holguin.

Some analysts say the recent increase in Soviet arms deliveries is not especially ominous. They say the Russians are just replacing or refitting, arms delivered earlier.

But there is considerable uneasiness about where Castro's egomania and his need to maintain control of the military will carry him. The fear is that he must give his military men something to keep them busy—thus more and bolder incursions into Venezuela and other countries.

And that could spell crisis—sooner rather than later.

PRESIDENT JOHNSON SEEKS PEACE IN THE MIDDLE EAST—THE RUSSIANS STIR UP TROUBLE

Mr. PELL. Mr. President, the contrast between American policies aimed at peace in the Middle East and Russian efforts aimed at stirring up trouble and division, were nowhere more clearly illustrated than in President Johnson's statesmanlike speech this morning.

President Johnson has clearly placed the United States on the side of peace and cooperation and a reasonable solution to the many problems of the Middle East.

His statement this morning was consistent with American foreign policy—before and during and after the recent Israeli-Arab war.

President Johnson has concentrated from the first on a peaceful resolution of differences between the Arabs and Jews.

The President asked for reasoned agreement at the United Nations.

He repeated America's intention to support the territorial and political integrity of all the states involved, the right to life of all states, the peaceful resolution of refugee problems, the right of innocent maritime passage, and the limitation of the spiraling arms race.

As President Johnson said, none of the five principles he proposed for peace is new. Indeed, the United States has been working toward a realization of those principles for decades—in Europe, in Asia, and in the Middle East.

The United States must appear to the world as a peacemaker.

I think the free peoples of the world will judge the President's speech in the tone it was presented—rational, balanced, fair, with liberty and justice for everyone involved.

I commend the President for his controlled intelligent response to a threatening world situation.

I commend him for stressing the justice of the right to national existence.

I commend him for the humanity he has shown to those unfortunate victims and refugees who are always the losers no matter which side wins.

We have a splendid opportunity to reassert the American presence in the Middle East in the interests of peace.

I join the President in that noble effort.

THURGOOD MARSHALL

Mr. HARTKE. Mr. President, I would commend President Johnson for his nomination of a distinguished American to the Supreme Court. Mr. Thurgood Marshall's long legal career as private counsel, Federal judge, and Solicitor General of the United States, has amply prepared him for the task. He has distinguished himself in each of these positions.

It was Mr. Marshall who argued the landmark case of Brown against the Board of Education, which declared segregated education to be incompatible with constitutional demands that all citizens be provided equal protection of the law. It marked a greater legal and social awareness of the difficulties faced by an important segment of our population in a society which all too often judges a man by the color of his skin rather than by the caliber of his character. Happily, that day is passing, as Mr. Marshall's nomination in itself confirms.

Mr. Marshall is of the highest caliber; his capabilities have been demonstrated, and he will be a worthy addition to the Supreme Court, providing this Nation with the same high degree of excellent service that we have seen from him in the past.

PRESIDENT JOHNSON AND PREMIER ON THE MIDDLE EAST CRISIS

Mr. HARRIS. Mr. President, the deeply contrasting speeches of President Johnson and Russian Prime Minister Kosygin on the Middle East crisis demonstrated the basic differences between American and Soviet international goals.

President Johnson calmly and effectively presented five essential points which could guarantee a lasting peace in the area.

He based that settlement on territorial integrity, justice for refugees, respect for international maritime rights, the right to national existence and limitation of the arms race.

The President asked the warring parties to reason together.

He accused nobody. He addressed himself not to a "false reconstruction of the past—but to a realistic program for the future."

And he offered the resources of the United States to help in the reconstruction of relationships in the Middle East which must emerge if peace is to endure.

In contrast to President Johnson's responsible stand, the Prime Minister of the Soviet Union sought propaganda advantage, distorting facts, appealing to emotionalism, seeking no solutions, but trying to score points against the United States and the West.

President Johnson's speech on the Middle East has demonstrated to the world that the United States is willing and ready to offer its good offices in securing peace in the Middle East, in Vietnam, and in every area of the world where arms instead of reason have been used to attain goals.

I ask unanimous consent to insert in the Record one of the finest editorials I have read on American efforts to secure justice in the Middle East—an editorial from the New York Times.

I congratulate the Times for its support of President Johnson in this trying situation.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Mr. Kosygin and Mr. Johnson

Since the hope had been so slight that he would show some genuine statesmanship in his address to the General Assembly yesterday, it cannot be said that Premier Kosygin's sterile and pedestrian performance was much of a disappointment. It can only be said that Mr. Kosygin failed in his responsibility as leader of one of the most powerful states on earth by rejecting this opportunity to advance the peace of the world in general and of the Middle East in particular.

This does not mean that the doors are automatically closed to an eventual peaceful and just settlement of the Arab-Israel question; but it does mean that Premier Kosygin did little yesterday—in striking contrast to President Johnson—to keep them open. It also means that the Soviet Premier felt it necessary to stand before the world tribunal and engage, in his quiet way, in a transparent distortion of history, in crude vilification, in crass propaganda in order to prove to the Arab states that the Soviet Union, after all, really is their friend. Without flamboyance, without emotion, the Premier of the Soviet Union nevertheless harshly reiterated the almost entirely negative position taken previously by his representative in the Security Council, a demand for return of the *status quo ante*, which could only insure an indefinite continuance of bloody turmoil throughout the Middle East.

A slight ray of hope that Mr. Kosygin might be willing, despite his public posture, to undertake some realistic discussions lies in the few phrases of his speech suggesting readiness "to work together [for justice and peace] with other countries," with special reference to "the Big Powers." This is small evidence to go on; but the inclusion of such phrases could conceivably be significant.

In contrast to the generally obdurate and accusatory line of the Soviet Premier, the President of the United States set forth a reasonable approach to the Middle East problem. Employing dignified and measured language, Mr. Johnson addressed himself not to a false reconstruction of the past, as did Mr. Kosygin, but to a realistic program for the future. We only regret that he did not come to New York to make his speech before the General Assembly.

The establishment of conditions for a lasting peace between Israel and the Arab states is the basic American concern, premised of course on the recognition that Israel not only has the right to live, but is going to go on living. Once that fact is accepted, the other pieces of the puzzle can be made to fit together—but only if the Arab states can be persuaded to accept it. The Soviet Union could do much, if it would, to persuade them. Then, and only then, the refugee problem, the arms problem, the water problem, the boundary problem, the free-passage problem and the troop-withdrawal problem would be capable of solution.

The President stressed that the United States is ready to see any method of peacemaking tried, both in and outside the United Nations, and among any or all parties. He gives the impression of "playing it cool," which is just about the best way for the United States to act in a situation that has been far too hot too long. What is called for at the moment is no precipitate action by the victorious Israelis in respect to Jerusalem or anywhere else, by the Arabs in the desperation of their defeat, or by the great powers in maneuvering for position. This is, as Mr. Johnson suggested, a time for magnanimity by the victors, for patience by the vanquished, and for vision by the Parliament of Man.

ORGANIZATIONAL REFORM OF THE STATE DEPARTMENT AND THE FOREIGN SERVICE

Mr. **FULBRIGHT**. Mr. President, William Attwood, who was Ambassador to Guinea from 1961 to 1963, and Ambassador to Kenya from 1964 until early this year, has written an excellent article in the February issue of the Atlantic Monthly about the State Department and the Foreign Service. I ask unanimous consent that the article, entitled "The Labyrinth in Foggy Bottom," be printed in the Record at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **FULBRIGHT**. Mr. Attwood observes that—

> Some of State's shortcomings are its own fault, some could be corrected by Presidential action, and others are the result of congressional suspicion and niggardliness.

He goes on to list some of these shortcomings and then states:

> Under the circumstances, I don't see how we can expect creative, enterprising, and strong-willed people to continue to enter the Foreign Service at the bottom of a ladder that is arduous to climb and not very rewarding when and if you reach the top.

Mr. Attwood concludes by summarizing the recommendations in his article which include trimming overstaffed posts and bureaus; reducing the production and distribution of paper; dismantling the "AID bureaucracy" and putting foreign economic assistance under the State Department; and coordinating the activities of all Federal agencies concerned with foreign affairs.

These recommendations were not made by a budget or management specialist, or by an outside observer who has had only slight contact with the Foreign Service, or by a representative of any special interest group either in or outside the Government. They were made by a man who spent 5 years in the State Department and who headed two embassies.

I believe we can no longer ignore the problems of administration in the field of foreign affairs. From everything that I hear, and that I read, morale is apparently poor within the Foreign Service; the Department of State has become hamstrung by bureaucratic procedures and USIA and AID employees are frustrated and dissatisfied with their status. I think that the time has come to make a comprehensive study of this country's requirements, present resources, and future needs not only in the Department of State and Foreign Service but also in USIA, AID, the Department of Defense, and the other principal Government agencies involved in foreign affairs.

With this aim in mind, I wrote the President last October suggesting that he consider appointing a high-level, blue-ribbon Presidential Committee to take a new, thorough and objective look at these organizational problems. I know that a number of other high-level studies have been made of the Department of State and the Foreign Service. I have the impression, however, that some of these studies are out of date, others did not do a particularly thorough job and still others made recommendations that were either not accepted or were too general in nature to provide effective solutions. I suggested to the President that the needed reform could not be accomplished piecemeal by administrative specialists and proposed that there be a thorough study by people with broad, relevant experience both in the Government and outside it whose own positions in life were independent and who were interested only in seeing that the United States has the best possible organization to conduct its foreign relations. I also suggested that the Committee include a few Members of both the House and the Senate to help insure that the Committee's recommendations would be adopted.

I would think that the Department would be glad to see such a committee established and would feel a responsibility to its employees to see that the best available minds in the United States were set to work on these organizational problems. It seems to me that these problems, including the problem of the relationship between the personnel systems of the Department of State, AID, and USIA, are so pressing that they will require solutions in the very near future. I would think that the Department would prefer to participate in the process of reaching these solutions rather than to wait and find these solutions imposed on them.

Mr. President, I also ask unanimous consent to have included in the Record an article from the January 27 issue of the New York Times entitled "State Department Study Finds Diplomats Avoid Policy Debates."

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

THE LABYRINTH IN FOGGY BOTTOM—A CRITIQUE OF THE STATE DEPARTMENT

(By William Attwood)

(NOTE.—A widely traveled journalist and onetime aide to Adlai Stevenson, Mr. Attwood served the Kennedy Administration as Ambassador to Guinea (1961–1963), was Special Adviser to the United States U.N. delegation (1963–1964), and was President Johnson's Ambassador to Kenya from the beginning of its independence until this year. He is now editor in chief of Cowles Communications, Inc. This article is drawn from his book "The Reds and the Blacks," to be published in March by Harper & Row.)

I think it was Ernest Hemingway who said that the only way you can really get to know a foreign country is to earn your living there. In my work and my travels up until 1961 I had been in and out of the State Department and a good many of our overseas missions. I had friends in the Foreign Service and knew of their frustrations. Abroad, I had sweated out the McCarthy period with them; in Washington, I shared their laments about the red tape and deadwood in high places that impeded action and stifled initiative. But it wasn't until I joined them on the payroll—until I began earning my living there—that I really began to understand what went on in the State Department. Not many Americans do—which happens to be one of its problems.

Some of State's shortcomings are its own fault, some could be corrected by presidential action, and others are the result of congressional suspicion and niggardliness. Unlike several other branches of the government, State has no constituents—nobody who wants to increase its annual appropriation—no aircraft companies or farm lobbies or veterans' organizations to fight its battle on Capitol Hill. And State never seems to put its own case across either to Congress or to the public. Reasonable requests for more funds somehow come out sounding like a cookie pusher's plea for a bigger booze allowance.

And so, while I may sound critical, my purpose is to shed some light on what goes on in the labyrinths of Foggy Bottom, and try to stimulate some concern about how to induce qualified and talented people to go to work for their government and help formulate and carry out an intelligent foreign policy.

The State Department is relatively small. Its 25,700 employees, of whom 3,520 are Foreign Service Officers, and its annual budget of $393 million make it the second smallest department of the government. (Labor has fewer people, and Justice a smaller budget.) It is also the most far-flung—with 117 embassies, 69 consulates general, and 79 consulates scattered around the world—and the most verbose—a large embassy on an average day will receive more than 400,000 words, the equivalent of an 850-page book, and in Washington the Department's distribution section makes copies of 70,000 incoming messages a day. So perhaps the best way of explaining what's wrong with the State Department is to start with the paper.

Paper work is invented by bureaucratic-minded people who, like Frankenstein, later become its victims. These are people to whom an overflowing in-box is a daily challenge and an empty one a daily achievement; for whom a satisfying week's work consists in initialing as many reams of paper and deferring as many decisions as possible; with whom you can talk of "action" only in terms of setting up a committee, hopefully one that will spawn subcommittees. The chief considerations of a bureaucrat are to abide by the letter of the regulations, whatever the consequences, to keep a clean desk, and never to "make waves."

There are fewer bureaucrats in the State Department than in other swollen government agencies—AID, for example—but enough to make you wonder at times how a new idea ever bubbles to the top. The reason, of course, is that there are generally a few activists at every echelon who enjoy results and do not regard moving paper as an end in itself. Keeping these activists in the bureaucracy and recruiting new ones should be a priority objective of every incoming Administration.

The production of paper is excessive at both ends and self-generating. Reporting requirements from the field keep embassy officers desk-bound when they should be getting out and around. Most of these reports are copied, distributed, and filed away without anybody's reading them except, possibly, some specialist in the Bureau of Intelligence and Research. Telegrams get more attention because they are shorter, but only a few percolate up to the sixth and seventh floors or to the White House. (Former Ambassador J. K. Galbraith once told me the only way to get a telegram read in the White House was to put a four-letter word in it.) Since so much of what is reported is of no practical or immediate use, I have often wondered why Washington does not deal with its overseas missions the way a news service editor deals with his overseas bureaus—which is to ask for special reports when the need arises rather than to expect correspondents in the field to keep filing everything they can find out about anything. Conversely, the men in the field should be spared the eyestrain of having to read or even glance at most of what comes from Washington by pouch. (Our weekly CIA summary—naturally, stamped "secret"—seldom contained anything we hadn't already read about in the New York *Times* Sunday news digest.)

Perhaps the only way to stop the flow of paper is to penalize anybody who writes reports that could possibly be avoided. But it won't happen; there are too many people who need to produce paper in order to justify their presence on the payroll. (A Foreign Service Officer named Holmes Welch recently defined the Welch corollary to Parkinson's Law as follows: *Every producer of paper added to the government roster creates the need for an additional consumer of paper.* But the latter, when hired, turns out to be a producer too.) What happens to all the paper? It piles up.

Aside from reports, there are other kinds of paper that clog the machinery and waste time, money, and manpower. Travel and expense vouchers are just two examples. When a Foreign Service Officer goes from point A to point B, he must make out a form accounting for every minute of his time in transit (0916—departed terminal, airport tax: 70 cents; 0955—arrived chancery, bus: $1.25). Per diem rates vary, depending on where he is and whether he happens to be stationary or in motion. The resulting voucher is both complicated and time-consuming for everyone involved in preparing and reviewing it. It has been estimated that the government spends about $10 to process an average voucher, which can easily double the cost of the reimbursement. It can even more than double it, as in the case of a junior officer I knew in Spain whose quarterly entertainment allowance, which had to be accounted for, was only $3.

The obligation to justify every penny spent not only is wasteful but can be embarrassing. A senior officer who is trusted to handle top secret documents does not have his government's confidence where a dollar is concerned. I remember being invited to a meeting with the Guinean Foreign Minister while serving at the UN. The taxi fare to the Guinean mission and back came to $2.40. A few days after I submitted the required voucher, somebody from the administrative section called me about my taxi ride: "We have no record, Mr. Ambassador," said the voice archly, "of any reception being given at the Guinean Embassy on that day."

My favorite story is about the Foreign Service Officer returning to Washington on orders. His mother, who was not on government orders, traveled with him. In making out his voucher, he carefully separated his own from his mother's expenses. But the last item was a taxi from Union Station to his hotel. In Washington, there is a different fare if two people occupy the cab. Back came a query: "Did your mother ride in the cab with you?" His reply made bureaucratic history: "No. I took the cab. My mother walked and carried the bags."

The sensible and economical way to handle this kind of paper work would be for the government to calculate the cost of moving an employee from point A to point B. Anyone traveling that distance would then be given a flat sum to travel as he wished just so long as he got to his destination on time. Time and money would be saved. But it might be necessary to get rid of a lot of people whose jobs depend on processing the paper under the present system. The Deputy Undersecretary of State for Administration told me he was not even able to introduce air travel cards as an efficiency measure; the General Accounting Office has a vested interest in keeping the system cumbersome.

Similarly, ambassadors should be given representational funds to use at their discretion without having to make out forms in quintuplicate listing and justifying every social function for which they and their staffs require reimbursement. No diplomatic missions have such big administrative staffs as ours; other countries generally treat their ambassadors like men of integrity and judgment—as George Washington treated Benjamin Franklin when he sent him to Paris with 50,000 francs and no budget and fiscal officer to bird-dog him. But that was back when the U.S. government was too small to afford a bureaucracy.

The average Foreign Service Officer is forty-one and makes $13,900 a year. When you take into account the education, the training, and the wide range of skills that the State Department requires of its officers, and when you consider what private industry offers talented executives in the way of salary and advancement, the wonder is that our government is still able to induce young people with drive and imagination to make diplomacy their career. Despite occasional directives commmending boldness and courage, most FSO's have become convinced from experience that the way to move up the ladder is to play it safe. As Averell Harriman has said: "I have seen men's careers set back and, in fact, busted because they held the right views at the wrong time, or for accurately reporting facts that were not popular at the time." Caution, of course, becomes a habit as well as a necessity for a man in his forties who needs that next promotion to put his children through college.

A good many of our senior FSO's are also suffering from the McCarthy syndrome; they have never quite recovered from the experience of seeing some of their patriotic colleagues hounded and persecuted by the late senator without either the President or the Secretary of State being willing to stick up for them. Moreover, a potential executive who because of the seniority system is not given the opportunity to exercise his executive ability in his middle years becomes bleached out. If he does get to be a chief of mission, he has often lost the capacity for controlled indignation—for sticking his neck out—that is vital to effective leadership.

A system which rewards seniority rather than ability can produce absurd situations. I have a friend who was made an FSO-1 at thirty-nine. The next rung on the ladder is Career Minister. According to existing regulations, he could not become a CM until he was fifty. Yet the regulations also stated that an officer who is not promoted for ten years is subject to "selection-out"—a euphemism for being fired.

From what I have seen of the State Department, the greatest concentration of executive talent can be found in the thirty-five to forty-five age bracket. But most of these men and women are upper-middle-level FSO-3's and -4's. Above them in the hierarchy, as of December, 1966, were 7 Career Ambassadors, 52 Career Ministers, 313 FSO-1's, and 452 FSO-2's. With about 36 ambassadorships available each year—of which a quarter are filled by political appointees—the chances of a substantial number getting top jobs in their most productive and vigorous years are practically nonexistent.

What is also discouraging to talented middle-grade officers is that the higher echelons are cluttered with deadwood—with people who drifted up the ladder because somebody on a promotion panel wanted to give good old Joe or Charlie a break. (I know of one of these good old Joes who was finally moved out of an African post—he had refused to entertain Africans in his house—and was transferred to a bigger post commensurate with his rank.) The deadwood are usually officers with bland records, with no black marks on their efficiency reports, with no history of ever having gotten out of line or rocked the boat or questioned their instructions. A good energetic officer, on the other hand, can be passed over for promotion, if he lacks friends in the Establishment, on the basis of one negative efficiency report written by one superior who might not have liked the way he dressed. (I personally interceded in one such case.)

Some officers who manage to reach the top after long years of patient subordination tend to become martinets—like British public-school boys hazing their juniors because they were once hazed themselves. And their wives can be even more dictatorial: I have known of some who ordered the wives of staff members around like servants; one who put a hairdresser off limits to other wives because she didn't like him; one who insisted the staff speak to her in French; one who would whimsically appropriate a cook or piece of furniture from subordinates. A book could be written about the dragon ladies who have dominated some of our embassies in the past.

Hans Morgenthau has said that elimination of half of States employees "could by itself not fail to improve the operation of the Department.'" His figure may be high; I would say a fourth could be spared to good advantage, particularly in Washington and Europe. For State is both over- and understaffed. It is overstaffed, for example, in Foggy Bottom committees where ten people will spend twenty man-hours preparing a paper that one able man could prepare in two; and it is understaffed in places like Africa, where substantive officers usually work a sixty-to-seventy-hour week. If deadwood could be got rid of, there would still be a problem of maldistribution of personnel, both in Washington and in the field. On the sixth and seventh floors, our top officials are too busy every day of the week to do much original thinking; down below, the thinking is collective—a new idea must be vetted by several bureaus before it goes upstairs—and the result is papers and reports that reflect the lowest common denominator of judgment.

Anyone who has served on a committee understands the problem. Most people who attend committee meetings have no definite ideas of their own; they come prepared only to pass judgment on what somebody else suggests, to support or knock down a new idea, depending on how they think the man they want to impress feels about it.

In general, new ideas are not popular among the committee-minded layers of personnel that lie between desk officers and assistant secretaries. (These are the layers where senior deadwood stacks up in Washington.) A new idea is likely to require revisions of existing policy papers, guidelines, and contingency plans. This means additional work—real work, not just going to meetings; it also implies that present policies, which everyone has spent years defending and justifying, might be faulty. (Guinea, we may recall, was labeled "lost" back in 1961.) Thus, new ideas run into a kind of vested, automatic resistance. Chester Bowles was unpopular in the Establishment not only because he promoted younger men on merit but because he generated too many fresh and unsettling ideas.

The layers of fat in State's midsection also hold up action on all kinds of requests from the field. Clearances often take time because officers initialing a paper feel obliged to suggest some changes if only to show they have read it. When we asked Washington three weeks in advance for a letter from President Johnson to Kenyatta on a national holiday, nothing happened, even though we had sent along a proposed draft, until Wayne Fredericks of the Bureau of African Affairs personally went to the Secretary's office and got it out to us by telegram just in time. I was told later this letter was "an example of the Department at its collective worst."

Our European embassies are not unlike Washington. Most of them are overstaffed. with paper producers. Austria, for example, may be a small neutralist country that isn't making any history these days, but we continue to maintain a diplomatic establishment in Vienna appropriate to a major power or to an important listening post—which is what Vienna was twenty years ago. In Paris, there are twenty-one people in the agricultural attaché's office just to cover France; in Nairobi we had one man and a secretary reporting on seven countries and handling PL480 sales as well. Four economic officers are assigned to The Hague; we had one in Nairobi. A junior administrative officer on my staff in Conakry was transferred to a large embassy in Eruope; he wrote me later complaining that he could finish his day's work by 10 A.M.—there were fifty-two people employed in the embassy's budget and fiscal section alone.

I never talked to anyone in Washington who didn't agree our European posts were too big. Yet nothing is done about them. The Department's top brass is largely Europe-oriented; they spent a good part of their careers there and tend to regard anything that happens in the rest of the world as being of marginal significance, the way it was in the thirties. I remember talking to one of our senior ambassadors, a longtime member of the State Department Establishment, when I passed through Europe on my way home from Nairobi. He asked me, in all seriousness, what the capital of Kenya was and who its President was. An aide later told me that the ambassador had no interest in anything south of the Mediterranean.

The overworked FSO in Africa and the less meaningfully employed FSO in Europe have one thing in common; they are both underpaid. Only 10 percent of our FSO's make $20,000, which itself is not high by corporate executive standards. And the expense accounts that embellish the average businessman's way of life don't exist in the Foreign Service. The seventeen dollars per diem an FSO or ambassador gets on consultation in Washington barely covers his hotel room; there is nothing left over for meals, laundry, or taxicabs. In the field, representation funds, in my experience, never fully covered legitimate entertainment, and our embassy officers were always out of pocket. In Nairobi we were the only diplomatic mission too poor to give a party on our national holiday. Travel was also restricted for lack of funds. I do not know of a company whose overseas sales managers come home as infrequently as our ambassadors return to Washington.

Even if surplus and superannuated personnel were weeded out of the State Department, the savings would not begin to meet the diplomatic requirements of a nation with such worldwide interests as the United States. If you compare the budgets of State and Defense, you will note that we are spending about 150 times more money on our military establishment than on the agency of government whose job is to defend and advance our interests without war.

One reason that our nonmilitary agencies are on short rations while Defense generally gets even more than it asks for from the Congress is public relations; State, as I have pointed out, has no constituents and no lobbies. The Pentagon spends nearly $40 million a year on its own public relations while State's budget for explaining U.S. foreign policy to the American people is only $3.1 million. And the Pentagon, unlike State, has companies with defense contracts, veterans' organizations, and governors and other local officials continually pressing Capitol Hill for larger military appropriations. The cumulative effect of all this public relations effort is to make it hard for a congressman to vote to eliminate waste in the Pentagon but easy for him politically to attack "extravagance" in State, USIS, AID, the Peace Corps, and other agencies whose missions seem to be less dramatic than that of our uniformed services.

Most Americans are still prone to regard our "boys" (as politicians call our men in uniform) in Germany or wherever as deserving of everything we can give them, preferably at the expense of the dudes in striped pants. The "boy" may be in charge of the bar at an officer's club in Spain, and the dude may be working a sweaty sixty-hour week in Burma, but the images persist and are reflected in the congressional appropriations.

Many career FSO's have become resigned to this state of affairs; they develop an air of shabby gentility and give the impression of approaching Capitol Hill with dignity but with hat in hand. Congressmen regularly visit our embassies, but they nearly always go to Europe, where our diplomats, figuratively speaking, don't often get mud on their boots. (In 1965, no fewer than ninety members of congressional delegations went to Paris and eighty-four to Rome; but only four made it to Nairobi in all the time I was there.) Little effort is made to arrange for ambassadors and other senior officers from hardship posts to tell their stories and explain their work personally to the legislators who hold the purse strings.

It wasn't so long ago that a venturesome young man interested in foreign affairs and willing to live abroad would tend to think of a career in the Foreign Service. This is no longer true. With U.S. firms opening branches all over the world, opportunities for working overseas have multiplied. In Nairobi, we had men in their thirties representing American companies who not only had the satisfaction of contributing to Kenya's economic development, but who were making twice the salaries of embassy officers of equivalent age and ability, and benefiting from tax advantages denied government employees. Not only that: they were treated with consideration by their home offices.

Under the circumstances, I don't see how we can expect creative, enterprising, and strong-willed people to continue to enter the Foreign Service at the bottom of a ladder that is arduous to climb and not very rewarding when and if you reach the top. What we may get are prospective civil servants looking for a kind of respectable security, paper producers who will bring neither imagination nor verve to the conduct of our foreign policy.

I have found few professionals who do not agree that the State Department needs an infusion of new talent at the top as well as at the bottom of its hierarchy. In fact, it needs it at the top if it is to get it at the bottom. The Secretary and Undersecretaries are now too burdened with substantive responsibilities to direct enough attention to reforming the Department's administrative practices and procedures. The Secretary needs a deputy with full authority and White House backing to retire, discharge, hire, and promote people on the basis of merit and promise.

I would like to see more qualified outsiders brought into the Department, both in Washington and in the field, for limited tours of duty—men of proved ability from politics, journalism, teaching, and industry who would not take bureaucratic routine for granted. They would improve the system and leave government, as I did, with greater understanding and sympathy for public servants. And they could be influential in helping pry needed appropriations out of the Congress so that government service would no longer by synonymous with personal and financial sacrifice.

The advantages in having some qualified noncareer people scattered throughout the Establishment are that they prevent bureaucratic barnacles from accumulating; they can raise hell about red tape and personnel inequities; they can argue with the Department about policy decisions without fear of jeopardizing their careers; and they are likely to see crises as opportunities rather than headaches and to appreciate the value of other government agencies to contemporary diplomacy. The problem is to make government service rewarding enough to attract first-rate men from other professions.

State's problems and shortcomings are shared in varying degrees by most other agencies of government dealing directly with foreign policy. AID, as State's chief operating arm in developing nations, is the most important. Without economic and technical assistance programs, our diplomats in most nations of Africa, Asia, and Latin America would have far less influence or leverage than they do. Unfortunately, AID is even more smothered in paper and hobbled by congressional red tape than State, and its proportion of timid bureaucrats, no-sayers, and nitpicking lawyers far higher.

The good work AID does is obscured by its tarnished public image: to most Americans it is the "give-away agency." The same week in 1965 that we were talking with Kenyan officials about applying PL480 food proceeds to the irrigation of idle land, the St. Louis *Globe-Democrat* ran a cartoon showing Uncle Sam on bended knee offering a bag of gold labeled "foreign aid" to an arrogant, potbellied dictator. If we are going to save foreign aid from being progressively whittled away by the Congress, I believe drastic reforms are needed in AID.

As for the Department of Defense, I was impressed during my excursion into government by the political maturity of our senior officers in the Pentagon, and depressed by the extravagance and prodigality of our military establishments. The old breed of generals who looked at the world exclusively in military terms—the LeMays and the Twinings and the shoot-firsters—is fading away and being replaced by men who have learned from study, travel, and experience that the problems of this revolutionary world are much too complex to be solved by superior firepower alone.

What is regrettable is that so many of the Defense Department's resources and talents are not being employed to full advantage. Even when we are involved in limited military operations in Vietnam, the Pentagon is hard-pressed to find ways of spending its money and keeping its people usefully employed. In a busy embassy (and most embassies are) it can be embarrassing and demoralizing to everybody concerned to have large army, navy, and air attaché sections around with no real work to do and bigger entertainment allowances than the ambassador.

In Kenya, Pentagon-financed studies of esoteric subjects like "Nandi expansion from 1870 to 1905" were under way shortly before I left, but I could not tap the Defense Department's tremendous engineering potential to help build needed roads. I know U.S. civic-action programs would be welcomed in many countries if the signing of military assistance agreements—with its overtone of "alignment"—were not a prerequisite.

And I am sure that most of our military men would welcome the opportunity to take part in the global war against poverty. The frustrations of our Defense establishment are those one would expect among any group of vigorous executives and technicians sitting around a lavish firehouse, polishing their equipment, and waiting for that three-alarm fire that no one really wants or even expects.

Considering the magnitude and variety of our involvement in world affairs, it is essential that the government at least integrate its own efforts more effectively. Foreign policy can no longer be separated from domestic policy. Commerce, Agriculture, Labor, Treasury, and Interior, too, are all doing things that influence our foreign relations. Today, a rise in the interest rate, a drop in wheat production, or a change in established trade patterns can affect those relations far more than the wording of a diplomatic *aide-mémoire*. Foreign policy will never again be the exclusive province of State in this smaller, faster, more interdependent world of ours; and we should be reorganizing our governmental structure accordingly.

In fairness to State, I must point out that our Foreign Service represents us more ably and keeps our government better and more fully informed than that of any other major power. It does not generate many new ideas—as it did in the pre-Dulles era—but this is a fault of bureaucratic procedures, ingrained routines, and leadership that tolerates mediocrity and overstaffing so long as the wheels seem to keep turning and the paper gets processed. Revitalizing State would be difficult, but it would not be impossible over a period of five years under a reform-minded Secretary with full White House backing and a sympathetic Congress.

The recommendations I have made in the foregoing pages can be summarized as follows:

1. Get rid of deadwood, and trim overstaffed posts and bureaus.

2. Promote FSO's on merit rather than seniority.

3. Make salary scales comparable with those offered by private industry.

4. Minimize the production and distribution of paper.

5. Personalize (that is, decomputerize) personnel assignments.

6. Dismantle the AID bureaucracy, and put foreign economic assistance under the State Department.

7. Coordinate the activities of all federal agencies concerned with foreign affairs.

The support of Capitol Hill will be essential; that's where the money comes from. This support depends in turn on greater public understanding of government operations and why reforms are needed, for people elect congressmen. Unfortunately, the American people, whose lives are most directly affected by our foreign policy actions—who are regularly taxed, drafted, and killed because of our worldwide diplomatic and military commitments—often seem as confused and uninformed as ever, in this age of mass communication and instant news, about the world we live in and America's role in shaping the one our children will inherit.

EXHIBIT 2

[From the New York Times, Jan. 27, 1967]

STATE DEPARTMENT STUDY FINDS DIPLOMATS AVOID POLICY DEBATES

WASHINGTON, January 26.—The Government has just published a report that pictures the State Department as dominated by a "social system" that makes its officers shy away from active policy debates and teaches them "not to make waves."

A report on "Some Causes of Organizational Ineffectiveness Within the Department of State" says that, as a result, few Foreign Service Officers are willing to take risks and that the majority mistrust those who are argumentative and competitive.

The report, prepared by a Yale University professor on the basis of long oral interviews and written reports from 91 Foreign Service Officers, says that after a few years in the diplomatic corps most people "fear taking responsibility," "come to write careful and innocuous memos," "round the sharp corners off the telegrams," and "play the game."

In one instance, an American diplomat is quoted as saying that "if the people within an Embassy [of which he was a member] had leveled with each other, and the Embassy with Washington, a trip made by a President of the United States would probably not have been made."

The report was commissioned by the State Department as part of its effort to streamline and improve its managerial techniques.

ONE OF A SERIES

It is one of a series of papers published under the auspices of the State Department's Center for International Systems Research and is being sold by the Government Printing Office for 25 cents. A summary has been printed in the January issue of the Foreign Service Journal.

In a preface to the full report, William J. Crockett, Deputy Under Secretary for Administration, said that the decision to publish the study "without censoring the quotations, was not taken lightly."

He noted that the problems described were "typical of all large enterprises, private and public" and that typically such organizations "are not noted for being candid about internal problems and differing viewpoints."

But, he said the decision to publicize the reports had been taken in order to promote the State Department's "managerial revolution and because frankness offered the best beginning" for dealing with the State Department's personnel problems.

The report was prepared by Dr. Chris Argyris, professor of Organizational Behavior who is chairman of the Department of Administrative Sciences at Yale University. Dr. Argyris has written nearly 100 articles and 14 books and monographs.

In a note to readers, he emphasizes his respect for the "professional competence, personal commitment and constructive intent" of the vast majority of Foreign Service Officers and points out that his analysis focuses "on the State Department as a social system and not upon the Foreign Service Officers as individuals."

The "living system" of the State Department, he asserts, "is so constructed that it predisposes the State Department to managerial ineffectiveness."

"It contains norms that inhibit open confrontation of difficult issues and penalize people who take risks," he continued.

Dr. Argyris finds four norms of behavior that characterize the Foreign Service:

1. A reluctance to confront others openly, even on substantive issues.

2. A tendency to hide emotions, be cau-

tious about trusting others, and avoid openness in discussing interpersonal or substantive problems potentially embarrassing to superiors or peers.

3. An inclination to mistrust those who are aggressive and competitive.

4. A tendency to withdraw from such conflicts when raised.

To support his thesis, he quotes from the comments of Foreign Service Officers tape recorded at conference held in Virginia in 1965.

REASON FOR SUCCESS

"If I were to be very honest," one senior diplomat is quoted as saying, "I think that one reason I have succeeded is that I have learned not to be open, not to be candid. Do the powers-that-be realize what you fellows [turning to the staff] are implying—that we should strive to be more open? That's like asking us to commit organizational suicide."

At another point he says that when Foreign Service Officers were asked what they should do if they disagreed with the position of a superior, the majority replied:

"Be careful about openly disagreeing," or "Don't make waves."

The built-in attitudes and habits of senior diplomats, Dr. Argyris reports, breed strong, domineering leadership that does not encourage junior officers "to grow and take responsibility." This is a characteristic, the study observes, which diplomats share with business executives and other professional people.

Dr. Argyris quotes several comments from younger diplomats. "Open hostility is not very good form," said one young man. "Negative comments are always made subtly."

Another said that many younger officers learned quickly that "to make real changes you have to be a wavemaker and that's dangerous. It could harm your career."

FAITH, FREEDOM, AND LAW

Mr. MURPHY. Mr. President, this Nation has always prided itself on being a government of laws and not of men. That is why so many Americans are so concerned and so disturbed at the violence and disregard for law and order that is occurring in all too many of the American cities. The time is here—the time is now—for Americans all to stand up and make it known in unmistakable terms that violence and law disrespect cannot be tolerated.

In the United States of America there is no excuse for violence. For this Nation has adequate machinery whereby citizens with grievances can petition and protest to seek redress of those grievances. Obviously, Mr. President, the American society is not perfect. But our society far surpasses that of any nation, at any time, in all the history of mankind. We are, and remain, the hope of the entire world. We all hope and pray that the blessings of freedom and equal justice of the law will be extended not only to all the citizens of this great Nation, but to the citizens of the world community.

Mr. President, recently Mr. J. Edgar Hoover addressed the regional conference on crime prevention of the Michigan State bar. His speech, entitled "Faith, Freedom and Law," is most timely and because of its importance, I ask unanimous consent that it be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Faith, Freedom, and Law

(Remarks of J. Edgar Hoover, Director, Federal Bureau of Investigation, prepared for delivery before the Regional Conference on Crime Prevention of the Michigan State Bar, at Rochester, Mich., June 8, 1967)

America owes a great debt to the responsible and dedicated members of the legal profession. Ours is a Government of law, not of men. It is the type of society envisioned by William Penn nearly 300 years ago when he spoke of a land "where the laws rule and the people are a party to those laws."

It was John Adams, second President of the United States, who declared that America's independence was born in a courtroom of New England in February, 1761—born at the hand of a colonial lawyer who had the courage and the conviction to resign a comfortable post as Advocate General in the Colony of Massachusetts rather than be a party to acts and procedures which he found "destructive of . . . liberty and the fundamental principles of law."

More than 200 years have elapsed since James Otis, standing proud and erect in that Boston courtroom, made his brilliant defense of the right of people to be secure from arbitrary acts of the Crown. A great Nation has evolved in those two centuries—one dynamic and strong, one dedicated to the God-given ideal of liberty, equality and justice *under law*.

My associates and I welcome the hand of friendship which has been extended by so many outstanding members of the bar. Law enforcement urgently needs your interest and support. Only in partnership with the legal profession can we hope to make lasting inroads against the enemies which threaten the heritage of freedom and decency of these United States.

Today, the enemies of our Republic have grown increasingly defiant, increasingly militant, increasingly bold. Who are these enemies? They are forces of varying motivations and goals: Communists and Klansmen; crime syndicates and youthful offenders; vice merchants and corrupt politicians; dishonest businessmen and labor racketeers—all joined and united in mutual contempt for law, disdain for authority and disrespect for the teachings of God.

These sinister legions are exacting a heavy toll upon the strength and vitality of our Nation. In terms of dollars and cents alone, they are costing the American people an estimated $27 billion a year—the equivalent of $574 for every family in the United States.

Since 1958, crime has risen six times as fast as our expanding population. It is growing in both size and intensity—a fact which remains uncontestably clear despite the efforts of some self-proclaimed "experts" to minimize its growth.

During 1966—for the first time in the history of recorded crime statistics—more than 3 million serious offenses were reported to police departments across the United States. Crime increased an alarming 11 percent last year. Its victims in Michigan, in neighboring Ohio, Indiana and Wisconsin, as well as in other states of the Union, continued to mount at a greater rate than ever before.

Compare these *facts* with the shallow pronouncements of that "select" group of impractical theorists who would "define away" and reduce the crime problem by wielding a heavy eraser on statistics concerning the number of offenses reported to police. The so-called "solutions" offered by these pundits of fantasy would reduce neither the number of crimes actually committed nor the number of victims of the underworld. America's crime problem would continue to grow; we simply would no longer include all the facts and figures in our national totals!

No amount of statistical mumbo jumbo—nor of refusal to face reality—will remove the spectre of underworld terror and intimidation from the streets of our country. Nor, despite the Utopian pipe dreams of certain misguided reformers, has an effective substitute ever been found for the time-proven deterrents to crime.

These deterrents—the certainty of *sure detection, swift apprehension* and *realistic treatment under the law*—are essential weapons in the battle to preserve law and order and decency. Yet how many serious obstacles lie in the path of each—obstacles ranging from public lethargy and neglect, to weakness, degeneracy and corruption within the ranks of those who tend our delicate machinery of justice!

Several months ago, a deeply concerned jurist on the West Coast made the profound observation that we Americans are witnessing "a veritable tearing up by the roots of the fundamentals, the old cornerstones of the administration of justice." Every person charged with a crime, "and particularly the recidivist," he continued, "knows that the the scales are balanced in his favor. Justices and judges . . . seemingly many times make a search for error rather than for truth."

In this search, they have been encouraged and abetted by that peculiar breed of legal advocate who looks upon the criminal court more in terms of a Roman circus than an arena of truth. I refer to the "continuance experts," the habitual browbeaters of witnesses, the relentless huntsmen of loopholes and technicalities in the law.

Those attorneys who have adopted a cavalier attitude toward the Canons of Professional Ethics do severe harm not only to the image of the legal profession, but to the integrity of our entire system of justice. Consider, for example, the impression conveyed to honest, right-thinking citizens by members of the bar such as the defense attorney who flippantly remarked last year, "It is the object of the defense to prejudice the minds of all persons possible. My clients want freedom, not justice."

Since abolition of the Star Chamber more than 300 years ago, the pendulum has swung a long way. Law and legal processes, we have learned, function most judiciously in the light of public knowledge and examination. With rare exception today, it is society, rather than the defendant, which suffers when a curtain of official censorship descends around the administration of justice.

Look, for example, at the contradiction-plagued field of youthful criminality—where the names of young hoodlums and the disposition of their cases are often shrouded in secrecy, regardless of the defendant's previous record or the nature of his crimes. How many teen-aged muggers, robbers and rapists have been prematurely unleashed to resume preying on society under a shield of anonymity—a shield which protects not only dangerous enemies of law and order, but also the public officials responsible for their unwarranted release!

There is a growing body of expert opinion today that the "forgotten man" in the halls of justice is the so-called "ordinary" citizen. In the words of one widely respected Federal Judge, " . . . our system of law, in recent practice, seems to neglect the interests of the public and the victims of crimes. . . . The pendulum has swung too far to the side of the accused."

This trend is fraught with peril. It has, to quote a leading newspaper of our Nation's Capital, created a phenomenon of "unequal justice under law."

In a democracy such as ours, respect for law and order is one of the highest expressions of patriotism. Freedom cannot long survive where defiance and contempt are tolerated or condoned. That is why our country can ill-afford the binge of so-called "civil disobedience" which has erupted on the streets of major cities and across the campuses of many colleges and universities.

I use the term "so-called" because, in the view of many legal authorities, willful violations of law—be they draft card burnings or raucous demonstrations—are not "civil." Rather, they constitute *criminal* acts of disobedience.

Today, arrogant, demanding legions of irresponsible youths have rallied behind the banner of "civil disobedience." We find them in organizations of the self-proclaimed "New Left" such as Students for a Democratic Society—a militant group which receives support from the Communist Party and which, in turn, supports communist objectives. Students for a Democratic Society was formed at a national convention held in Michigan in 1962. It has been characterized by Gus Hall, the Moscow-trained General Secretary of the Communist Party, as a group which "we" have "going for us."

We find them also—in sickening abundance—in such communist directed and controlled organizations as the W.E.B. DuBois Clubs of America, a thinly disguised training camp for the recruitment and education of future leaders of the Communist Party.

And we find them within the ranks of other groups—particularly among certain one-time civil rights organizations whose leadership has grown increasingly contemptuous of the United States and vitriolic in opposition to our country's courageous defense of freedom in Vietnam. These hucksters of misunderstanding and discord do not truly represent the noble cause of civil rights which has been served so genuinely and unselfishly by patriotic men and women from many areas of our national life.

Let me reiterate what I have said in the past. There is no room in America for acts of bigotry, terrorism, oppression or injustice toward any man—nor toward any race, nationality or religion. Every responsible citizen is heartened by the progress which has been made; and as a Nation, we recognize that a great deal more remains to be done.

I am apprehensive, however, that a tragic disservice may be done to the civil rights movement by certain pseudo leaders and supporters who have publicly endorsed the view that citizens need obey only those laws with which they agree. Such statements reek of gross irresponsibility. They not only condone defiance of the law and authority, but they encourage disorder and anarchy.

As one leading member of the legal profession has observed, "All discriminations that violate the Constitution and laws of the United States are readily redressible in our courts. . . . And no one has any room to doubt that, if he will resort to those courts, and have the patience to await their processes—as we all must do in an ordered society—all his constitutional and legal rights will be vouchsafed to him, whatever his creed or color."

In establishing legal channels to redress grievances and to seek remedies for injustice, our forefathers had a specific purpose in mind. They recognized that no one benefits from the breakdown of law and order—nor more massive defiance and rioting—other than the enemies of society.

None of these enemies is more cunning or determined than the Communist Party, USA, a corps of traitorous turncoats who bask in the rights and privileges of life in the United States while relentlessly conspiring to destroy our heritage of liberty and justice under God.

Never has a stronger spirit of optimism prevailed within the communist movement than exists today. This optimism is based not on wishful thinking but on actual trends and developments which the communists interpret as strengthening their ability to undermine America's security and freedom.

Foremost among these is the Party's continued success in thwarting the law and circumventing justice in the United States—a success which has prompted Gus Hall and other communist leaders recently to boast of their continuing victories against antisubversive laws and regulations.

Another factor contributing to confidence and optimism in communist ranks is the growing success achieved in certain key programs of the Party—particularly those designed to corrupt the minds and win the support of American youth.

In this day when communist speakers are cordially invited to spew their venom on the campuses of American colleges and universities, it is indeed a travesty that we in the FBI find our legitimate efforts to carry out duties assigned by the Congress, the President and the Attorney General of the United States under severe attack by groups of faculty and students.

No organization has a deeper sympathy or stronger regard for the freedom and integrity of America's educational institutions than the FBI. We meticulously avoid interfering in any manner with the legitimate thoughts, expressions and activities of any citizen, including members of the academic community.

These are well-documented facts—facts which, nonetheless, are deliberately denied or ignored by that fringe element who would convert the campus into a sanctuary where those so inclined could counsel sedition, treason or other intentional violations with virtual impunity from the law.

In Michigan, as in other great industrial states of America, the communists presently are laying plans for a stepped-up campaign of subversion within the labor movement. This summer, the Party will hold special training classes in trade union affairs for a selected group of Party-controlled youth. The graduates of this course will be sent to strategic areas of the United States—with instructions to obtain jobs in basic industries, become active in laboring circles and seek election to union office.

The Party also is making elaborate plans to run communist candidates for public office in forthcoming local, state and national elections. Naturally, they have little hope of winning any of these campaigns—for the communists have been markedly unsuccessful in gaining a majority vote here or elsewhere in the free world at an honest election. Rather, they would place candidates on the ballot merely to support their absolutely false and hollow claim that the Party is a legitimate political organization on the American scene.

Make no mistake about the communists in this country. They represent a conspiracy of international treachery and deceit—one which is totally and unapologetically subservient to the dictates of Moscow.

Today, we face the challenge of two international camps of communism which dominate nearly one third of the earth's people. One of these facetiously speaks of "peaceful coexistence" while loudly rattling the sword of nuclear destruction. The other—more boisterous and crude—profanely plays the part of a Twentieth Century Genghis Khan.

Both are vehemently anti-American; and, despite widely dramatized differences, they continue to cast but one shadow across the earth. It is the shadow of death and destruction in Vietnam; the shadow of blackmail and intimidation in West Berlin; the shadow of subversion and guerrilla tactics in Latin America and other noncommunist regions of the world.

To the communist aggressor in Vietnam and to his Red fascist counterparts elsewhere around the earth, I would commend the brilliant prophesy of Thomas Jefferson when he wrote in 1821, ". . . the flames kindled on the 4th of July, 1776, have spread over too much of the globe to be extinguished by the feeble engines of despotism; on the contrary, they will consume these engines and all who work them."

The flames of freedom which were lighted across this great land of ours in Jefferson's day have continued to burn with an intense and magnetic light for nearly 200 years. They have been fed by the spiritual fuel which abounds only in a land where an abiding faith in God and recognition of Him as the true Author of Liberty prevail.

America is strong because she is good. That strength and goodness stem from the presence of God in all areas of our national life.

It was Fisher Ames, an accomplished young attorney and one of the eloquent spokesmen of the post-Revolution, who reminded his fellow members of the bar, "No man can be a sound lawyer who is not well-read in the laws of Moses."

The laws of Moses must remain the guideline not only for those who engage in the practice of law, but for our entire body of civil and criminal codes. They must continue to dominate the atmosphere of the United States. They must remain our National Creed.

FOREIGN AID AUTHORIZATION BILL

Mr. FULBRIGHT. Mr. President, for some weeks now the Committee on Foreign Relations has been endeavoring to begin its hearings on the foreign aid bill, S. 1872, now pending before the committee. We had tentativly arranged for Secretary of State Rusk and Secretary of Defense McNamara to appear the week of June 5. This was not possible because of the crisis in the Middle East.

An effort was then made to arrange hearings with the two Secretaries for the week June 19. This will not be possible because both Secretaries are otherwise committed.

We are now endeavoring to arrange for the two Secretaries to appear during the week of June 26 so that we can at least make a beginning on the aid bill prior to the Fourth of July recess.

I make this statement at this time so that Members may have some idea of where the Senate stands on this subject.

POLITICAL PRISONERS IN CUBA

Mr. HART. Mr. President, though Cuba is not in the news these days, I would like to share with my fellow Senators a most disturbing situation that appears to exist in that country. It concerns the plight of political prisoners.

Numbers of Cubans have visited my office and have written, outlining their concern over the conditions besetting political prisoners in Cuba. They called my attention to the May 1963 report of the Organization of American States' Inter-American Commission on Human Rights entitled "Report on the Situation of Political Prisoners and Their Relatives in Cuba."

The first nine pages of this 64-page report give the background that led up to its being prepared. The Commission told of the 1,350 communications it had received concerning violations of human rights in Cuba since Fidel Castro came to power. Out of a total of 48 notes and requests for information which the Commission on Human Rights transmitted to the Cuban Government, Cuba replied to only 12. The thrust of the 12 replies was that either the Commission did not have jurisdiction since Cuba had been denied membership in the Organization of American States or Cuba simply categorically denied the complaints without offering information concerning them.

Because the Commission was continuing to receive numerous complaints and because the Government of Cuba was neither replying to its notes nor granting permission for the Commission to visit Cuba, the Commission on Human Rights held hearings in Miami, Fla., in January 1963. During the hearings, interviews were granted to more than 80 people, who furnished complete and documented information concerning the treatment of political prisoners and their relatives in Cuba. The remaining pages of this report are devoted to the accounts of these witnesses, with most of them being firsthand reports.

Mr. President, if there is any substance at all to these allegations, the situation is shocking to any man's sensibilities. Equally disturbing, if not more so, is the fact that time has not appeared to alter the situation. The Commission on Human Rights continues to receive complaints and charges regarding the serious and repeated violations of human rights in Cuba and the mistreatment of political prisoners there. The Cuban Government continues to refuse—in the face of repeated requests—to permit the Commission to visit the island to verify whether or not there is substance to these allegations. The Commission on Human Rights is now preparing an additional report.

Mr. President, I have touched on this unhappy situation because I believe it is important that we be aware of what appears to be happening to many Cuban citizens and that we make our concern known.

HISTORIAN TRACES TOM CLARK ROLE IN TRUMAN'S WIDENING OF WIRETAPS IN 1947

Mr. HANSEN. Mr. President, the Senate, through the work of its committees, is considering legislation to limit wiretapping activities.

Because the recent opinion by the U.S. Supreme Court in the case of Ralph Berger against New York—in which now-retired Mr. Justice Clark delivered the opinion of the Court—a great deal of renewed interest has arisen in this matter.

Many Senators are reviewing the June 12 opinion of the Supreme Court of the United States, and a recent article in the New York Times sheds further light on this important matter. I urge those who have an interest in the question of wiretapping authority to study this story. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 19, 1967]

HISTORIAN TRACES TOM CLARK ROLE IN TRUMAN'S WIDENING OF WIRETAPS IN 1947

(By Fred P. Graham)

WASHINGTON, June 18.—Confidential White House documents indicate that in 1947 Attorney General Tom C. Clark may have persuaded President Truman to broaden the Justice Department's wiretapping authority without telling him about restrictions that President Roosevelt had placed on wiretapping.

The discovery of these papers in the Truman Library in Independence, Mo., has raised the possibility that President Truman had authorized Federal agents to wiretap in certain serious criminal cases on the basis of a letter from Mr. Clark that quoted only part of President Roosevelt's wiretapping authorization.

The omitted sentence ordered the Attorney General to hold wiretappings "to a minimum and to limit them insofar as possible to aliens."

QUALIFICATION OMITTED

Mr. Clark's letter did not inform Mr. Truman, who succeeded to the Presidency in April of 1945 when Mr. Roosevelt died, that President Roosevelt had authorized wiretapping only in cases involving internal security.

It is possible, too, that Mr. Truman and Mr. Clark discussed the change in private before or after the letter was formally submitted, but neither could be reached over the weekend to give his recollection of the matter.

Justice Clark retired from the bench last Monday and left on a trip around the world.

The discovery of the documents, by Athan Theoharis, an assistant professor of history at Wayne State University, adds historical footnote to a Supreme Court opinion on police eavesdropping that was announced last Monday by Justice Tom C. Clark.

The documents were found among bales of paper deposited in the library by an aide of Mr. Truman, Stephen Springarn.

In the opinion, Justice Clark said that "few threats to liberty exist which are greater than that posed by the use of eavesdropping devices." Writing for the majority in a 5-to-4 decision, he declared unconstitutional a New York law that permitted court-approved eavesdropping by the police.

The earlier wiretapping controversy centered on a Federal law of 1934 that outlawed the interception and disclosure of telephone conversations.

After the law was passed, Justice Department officials continued to permit some wiretapping by Federal agents on the theory that the statute was not violated if the conversations were not used as evidence or otherwise disclosed to persons outside the Justice Department.

WIRETAP END ORDERED

On March 15, 1940, Attorney General Robert H. Jackson ordered an end to all wiretapping by Federal agents, declaring that it was "improper, illegal [and] unethical."

President Roosevelt, reportedly responding to other Federal officials who feared that this would weaken America's defenses against Axis spies, countermanded this order in a confidential memorandum to the Attorney General dated May 21, 1940.

This memo has since been cited as the authorization for wiretapping by Federal agents, with the consent of the Attorney General.

Its text was never disclosed however, until Mr. Theoharis found a copy among papers in the Truman Library.

The memorandum read as follows:

"I have agreed with the broad purpose of the Supreme Court decision relating to wiretapping in investigations. The Court is undoubtedly sound both in regard to the use of evidence secured over tapped wires in the prosecution of citizens in criminal cases and is also right in its opinion that under ordinary and normal circumstances wiretapping by Government agents should not be carried on for the excellent reason that it is almost bound to lead to abuse of civil rights.

"However, I am convinced that the Supreme Court never intended any dictum in the particular case which is decided to apply to grave matters involving the defense of the nation.

"It is, of course, well known that certain other nations have been engaged in the organization of propaganda of so-called 'fifth columns' in other countries and in preparation for sabotage as well as actual sabotage.

"It is too late to do anything about it after sabotage, assassination and 'fifth column' activities are completed.

"You are, therefore, authorized and directed in such cases as you may approve, after investigation of the need in each case, to authorize the necessary investigating agents that they are at liberty to secure information by listening devices directed to the conversation or other communications of persons suspected of subversive activities against the Government of the United States, including suspected spies. You are requested furthermore to limit these investigations so conducted to a minimum and to limit them insofar as possible to aliens."

President Roosevelt apparently did not subsequently extend this formal authorization to cover criminal cases, but he did comment in a letter dated Feb. 25, 1941, on a wiretapping controversy in Congress that "I do not believe it [wiretapping] should be used to prevent domestic crimes, with possibly one exception—kidnapping and extortion in the Federal sense."

After Mr. Truman succeeded Mr. Roosevelt and Mr. Clark became Attorney General. Mr. Clark asked Mr. Truman for expanded wiretapping authorization, omitting the final sentence of President Roosevelt's memorandum.

His letter to the President, which was also discovered in the Truman Library by Mr. Theoharis, said:

"Under date of May 21, 1940, President Franklin D. Roosevelt, in a memorandum, addressed to Attorney General Jackson, said:

" 'You are, therefore, authorized and directed in such cases as you may approve, after investigation of the need in each case, to authorize the necessary investigating agents that they are at liberty to secure information by listening devices directed to the conversations or other communications of persons suspected of subversive activities against the Government of the United States, including suspected spies.'

"This directive was followed by Attorneys General Jackson and Biddle, and is being followed currently in this department. I consider it appropriate, however, to bring the subject to your attention at this time.

"It seems to me that in the present troubled period in international affairs, accompanied as it is by an increase in subversive activity here at home, it is as necessary as it was in 1940 to take the investigative measures referred to in President Roosevelt's memorandum. At the same time, the country is threatened by a very substantial increase in crime. While I am reluctant to suggest any use whatever of these special investigative measures in domestic cases, it seems to me imperative to use them in cases vitally affecting the domestic security, or where human life is in jeopardy.

"As so modified, I believe the outstanding directive should be continued in force. If you concur in this policy, I should appreciate it if you would so indicate at the foot of this letter.

"In my opinion, the measures proposed are within the authority of law, and I have in the files of the department materials indicating to me that my two recent predecessors as Attorney General would concur in this view."

President Truman signed his name below Mr. Clark's, opposite a typed endorsement that said "I concur." His signature was dated July 17, 1947.

These two documents were found in the

Truman Library clipped to a memorandum to President Truman, dated Feb. 2, 1950, from George M. Elsey, who was his administrative assistant.

Mr. Elsey told the president in the memorandum that, in the course of a review of the Justice Department's wiretapping authorization, he had discovered that Mr. Truman had extended the department's wiretapping authority without knowing of President Roosevelt's limitation.

Mr. Elsey recommended to President Truman that he consider rescinding his directive to Mr. Clark.

Mr. Elsey, who is now a businessman in Washington, said today that he could not recall whether this was ever done. The Justice Department could not immediately determine whether the Truman authorization had been rescinded.

However, on March 29, 1962, Attorney General Robert F. Kennedy, mentioned briefly in Senate testimony that President Truman had extended wiretapping authority to "kidnapping cases." Mr. Kennedy did not suggest that this authority had ever been rescinded.

A Justice Department source said yesterday that wiretapping had been used in non-internal security cases on a couple of instances in the nineteen-sixties.

However, it was virtually abandoned in criminal cases, and Federal agents instead used bugging devices—hidden microphones that do not intercept telephone conversations and therefore do not violate Federal law.

The source said that the Truman authorization probably remained in effect until June 30, 1965, when President Johnson ordered a halt to all wiretapping and bugging by Federal agents, except in internal security cases and with the express permission of the Attorney General.

Mr. Clark did not disclose during his tenure as Attorney General that the Justice Department's Presidential authority to wiretap had been expanded.

In a press release dated March 31, 1949, he said:

"There has been no new policy or procedure since the initial policy was stated by President Roosevelt, and this has continued to be the department's policy whenever the security of the nation is involved."

The three documents discovered by Mr. Theoharis are contained in an article by him entitled "A Note on Attorney General Tom Clark's Internal Security Advice," which is scheduled for publication this fall in a historical journal.

ANTICRIME CRUSADE IN INDIANAPOLIS

Mr. BAYH. Mr. President, I have had occasion previously to call to the attention of the Senate the outstanding work of the Anticrime Crusade in Indianapolis, a project coordinated by Mrs. Margaret Moore of the Indianapolis News staff and supported, both financially and editorially, by that newspaper.

This effort, which joins together the talents and energies of about 50,000 members of more than 1,000 Indianapolis women's organizations, won praise from the President's Commission on Law Enforcement and Administration of Justice as "the most dramatic example in the country of a citizen's group that has addressed itself forcefully and successfully to the problems of crime and criminal justice."

Although this concerted attack on crime began little more than 5 years ago, it has been receiving some richly deserved national publicity. The primary purpose of my remarks today, however, is not to heap additional praise on the Indianapolis Anticrime Crusade but to alert other communities throughout the Nation which might want to emulate these efforts.

It is my firm conviction that, until citizens in general are willing to become involved personally in the effort to halt the shocking increase in crime, legislative programs and executive action will be of only limited value.

With this in mind, Mr. President, I ask unanimous consent that an article published in the current issue of Time dated June 23, 1967, entitled "Crusading in Indianapolis," be reproduced in its entirety in the Record. This article well summarizes the methods used so effectively by the leaders of this crusade and the excellent results it has achieved.

There being no objection, the article was ordered to be printed in the Record, as follows:

Newspapers—Crusading in Indianapolis

Crime and public apathy toward it were on the rise in Indianapolis the night that Dr. Margaret Marshall, a 90-year-old retired psychologist and teacher, stepped from her doorway into a darkened street. Without warning, a mugger lashed out at her head with a blunt weapon and snatched her purse. When Dr. Marshall died of her injuries, the Indianapolis News was deluged with letters from infuriated women. Assistant Publisher Eugene S. Pulliam asked one of the paper's staffers, Margaret Moore, 56, to help 30 prominent civic-minded women to decide on a course of action.

That was in March of 1962. Since then, President Johnson's Crime Commission has decided that "the most dramatic example in the country of a citizens' group that has addressed itself forcefully and successfully to the problems of crime and criminal justice is the Anti-Crime Crusade in Indianapolis." To man the crusade, Margaret Moore mobilized the 50,000 members of more than 1,000 Indianapolis women's organizations. "The first six months," says Mrs. Moore, a widow, "we went to the power structure and listened to all their problems in crime prevention. Then we listened to outside experts explain ways of dealing with them." The view was the same from the male side of the fence: "They were around here for months asking questions before they made a move," says Police Chief Daniel T. Veza.

DOWN WITH DARKNESS

Even then, the police did not take kindly to the prospect of having a bunch of women tell them how to run their business. Crusade Coordinator Moore and a co-worker camped at police headquarters for 48 hours, explaining in plain language at every roll call that they were there to help, not hinder. They proved their point by using the News to lobby for—and help get—raises for patrolmen. As the women rode along in squad cars for full eight-hour shifts, their determination helped win over the cops.

On one of these rides, a Crusade volunteer learned that a high percentage of violent crimes were committed on dark streets. "The worst," says Mrs. Moore, "were the semi-commercial, semiresidential neighborhoods near the downtown area." More lobbying followed, and more newspaper stories; since 1962, about 9,000 new street-lights have been installed, at a cost of nearly $1,000,000. Police figure that crime has dropped as much as 85% in the newly illuminated areas.

Shaking Up Courts. At the end of 1962, the women began a "court watcher" program. Some 3,000 women have sat in on more than 70,000 cases, filled out reports on the defendant, the charge, the plea, the verdict, the proceedings. Was the judge punctual? Were the attorneys prepared with their cases, or did they ask for a continuance? Was the arresting officer present to testify? Some attorneys disapproved, but court efficiency increased. "It's the only honest evaluation we get," says Judge William T. Sharp. "It shakes everybody up and makes us analyze our decisions."

As a by-product of court watching, the women learned that many youthful offenders were unaware of the laws they were breaking. The Crusaders translated 18 Indiana statutes that apply to minors into layman's language, published a booklet entitled *What Is the Law?* and distributed it last spring to 2,600 public and parochial schools. Learning that 90% of juvenile crimes were committed by school dropouts, Crusade volunteers contacted the youngsters, found donors to provide them with everything from tutoring to lunch money.

Of the 4,000 dropouts and near-dropouts that the women have dealt with, 2,000 have been persuaded to stay in or return to school. There they get the additional benefit of Crusade-sponsored lectures on juvenile law and crime by half a dozen police officers who tour the schools. The Crusaders also work with youths paroled from detention homes and sponsor seminars on shoplifting for merchants.

Under the Umbrella. All the effort has produced concrete results. In 1965, total crime in Indianapolis dropped 2.2%, while rising at a rate of 6% throughout the nation. Last year, although crime rose in the city by 5.2%, that was less than half the national surge of 11%. Meanwhile, Margaret Moore, former editor of a small-town Indiana weekly, who joined the News in 1952 after nine years as director of the Franklin (Ind.) College journalism department, keeps on working. The News, which pumped $6,000 into the Crusade last year, refuses to take credit for her accomplishments. Says Editor M. Stanton Evans, who is also Mrs. Moore's son-in-law: "We provided the umbrella for this at first, and we will continue to support it. But the ladies run the Crusade."

PROBLEMS OF URBAN SLUM AREAS

Mr. SCOTT. Mr. President, the distinguished senior Senator from New York [Mr. Javits] recently called for comprehensive planning in the war on poverty. In a speech in New York before the Brooklyn Chamber of Commerce, May 22, Senator Javits outlined an approach designed to prevent, instead of simply reacting to, many of the problems of our urban slum areas. The key to this new approach is full-scale involvement of private enterprise.

In order that all Senators may have the opportunity to read his remarks, I ask unanimous consent that the text of Senator Javits' speech and an editorial published in the May 29 issue of the Pittsburgh Post Gazette commenting on the speech, be printed in the Record.

There being no objection, the speech and editorial were ordered to be printed in the Record, as follows:

Escalation of Discontent in Urban Ghettos

The warnings of a "long hot summer of racial discontent" are very much in the news again in most of the major cities of the country. To their credit, most city officials and community leaders have responded not with fear of intimidation but with projects to provide jobs and recreational opportunities for young people.

But it is sad indeed but it seems as if the only time that we can get truly concerted, immediate action on all levels of government and in the communities themselves to deal with the problems of the ghettos and the slums of this country is when we are faced with the very prospects we want most to avoid—that of a "long hot summer." Violence and riots make the headlines, tarnish the image—and the credit—of communities, cause bloodshed and cost money. It is one of the saddest commentaries on our society, but it is true, that the prospect of such occurrence do force us to focus attention on the problems of the slums.

We must face the fact now that the summer of 1967 may be hot and the summer of 1968 may well be hotter; that *there may be a steady escalation of discontent in the slums and ghettos unless we, too, escalate the use of our talents, our time and our money to solve their problems—unless we maintain the momentum of the summer crisis all year long.*

Let me make it clear that we cannot solve these problems by coining a new phrase, waging a new "war," or appointing a new commission. By and large, we have the programs and we have the tools now.

Let me discuss three aspects of the situation with you today. First, the summer programs under the Federal anti-poverty effort, because this is very much on everyone's mind today; Second, the need for an area—rather than a project-by-project—approach to the problems of the slums and ghettos, using the best managerial techniques available to make the most of programs and facilities available right now; and Third, the key role of private enterprise in the war on poverty.

SUMMER PROGRAMS

Speaking Thursday in Washington, Vice President Humphrey warned city business leaders of an impending summer crisis in the nation's capital unless steps are taken immediately to provide temporary jobs and recreation for the poor. "I'll lay it on the line," he said. "We need preventive medicine before we're struck down by the disease of violence."

While I endorse the Vice President's admonition, I believe that our planning should be more long-range, and not hastily devised to meet the annual threat of "a long, hot summer." This year's appropriation for the Office of Economic Opportunity, for example, was $137.5 million below the Congressional authorization. Senator Clark and I offered an amendment to the annual supplemental appropriation bill to add this amount for urgently needed poverty work. The Administration took no steps to do this until the measure had passed the House and was within one week of Senate passage. Then—as the warm breezes of early summer reminded some in the Executive Branch of the impending seasonal crisis—the White House sent to the Congress an emergency request for $75 million for summer programs alone.

It should be emphasized that last year, New York City alone spent $8.7 million on summer programs. Five Mayors of the Nation's largest cities estimated summer needs at $80–$100 million in testimony before a House committee. So the $75 million which the Senate authorized last week—is a bare minimum for June, July, and August. After that, programs will be discontinued for lack of financing, the fear of riots will be dissipated with the heat, and the needs of the poor will be relegated to the background. What lack of foresight we display, when we fail to plan on a continuing basis for this annual crisis, when we allow the germinal Fall and Winter months to pass without devoting full effort to eliminating the conditions which give rise to violence in the summer.

I cannot—and do not—condone the disorder and riots which result from this indifference, but I deplore in the strongest terms, the selfish and shortsighted attitudes which hinder the implementation of a fully-funded, long-range poverty program designed to prevent, instead of simply reacting to the summer crisis.

THE AREA APPROACH TO URBAN PROBLEMS

Whether we are talking about programs to cool down a hot summer or more permanently to solve the problems of our slums, we must take into consideration the extent of the despair in our central cities.

Item: Unemployment—there is twice the national average, and three times that average for men between 25 and 54.

Item: There are some 4½ million substandard housing units in the U.S., most of them in central city areas. In New York City alone, the number of substandard housing units increased from 420,000 in 1960 to 520,000 in 1965—slum housing is outrunning it's own eradication.

Item: The high school drop out rate in the ghettos is close to 70 percent; and across the country some 8 million Americans are on welfare, at a cost of $5 billion annually.

Government has not been insensitive to these problems. Government has, however, tended to see them in isolation from each other instead of as part of one system of despair. The 89th Congress alone passed some 17 new school programs, 15 new economic development programs and 21 new health programs, all piled on already existing programs.

The lesson is plain, I think. If a ghetto is an interrelated, interdependent whole, our programs must treat it as such. Generally speaking, we have the authority, the programs. There is not enough money in many of them, but there is enough at least to permit a systematic approach in some cities. *What is lacking now is not innovative programs but innovative implementation.*

We must do nothing less than move towards an entirely different approach to solve urban problems—away from the functional method to what I will call the area method. *If our target is 100 square blocks of a ghetto area, we must determine what are our goals for that target, determine the whole spectrum of needs, then attack on an all-points basis realizing that slackness in dealing with any important problem in the system will at least cause waste and may undermine the entire effort.* Though this kind of approach would be relatively new in the domestic field, it has been successfully applied in the defense and space fields.

This new approach to urban problems, of course, is something that must be initiated on the Federal level. I shall work for the necessary Federal legislation. Specifically:

1. I would expand the Model Cities Act to allow overall planning of all Federal programs in a specific area, not just land use and public facilities programs as at present. Of course, it is first necessary to win the fight for enough Model Cities Appropriation in the Congress;

2. I suggest that funds be provided to allow localities to hire a systems manager to design the Community Development Plan and supervise the work under it;

3. I suggest the appointment of a Federal Expediter for each of the Model Cities areas using such a comprehensive planning approach.

The idea is to channel needed funds from a variety of Federal sources through the funnel of a single plan that will take into consideration all aspects of the ghetto's problems; to have a locally-appointed systems manager to make sure that these problems are being faced in the plan; and to have one designated Federal official in residence to coordinate the needed actions and to deliver the Federal funds on schedule.

All this machinery must be designed to assure the man and his family in the ghetto—who care little about the techniques of management or what we call the programs—that something concrete is being done to help them improve their way of life.

ROLE OF PRIVATE ENTERPRISE

In all our efforts to combat poverty and to improve living conditions in the slums, I feel that one of the keystones to success is the full-scale use of private enterprise. I have often been successful in amending legislation to allow private sector involvement in these programs, because I deeply believe that the energy, the innovative spirit and the managerial skill of business is essential to their success. The OEO now is permitted to contract for practically every service under the anti-poverty regulation with non-profit or other private enterprise.

I have pledged to continue to work for the passage of the legislation that will allow businesses a tax credit of up to 7% for the training of unskilled workers. This would be similar to the tax credit to be allowed for the purchase of new machinery. It would allow companies, alone or in combination with other firms in the same area, to train thousands more underprivileged workers—and these workers would have a better chance of finding a job waiting for them when they completed the training course, which is all too often not the case now.

Let me give you just one other example of how private enterprise, if permitted by proper legislation, could help us find practical solutions to our most pressing problems. What is needed here is not glowing new programs, but action that will allow us all to work with the materials now at hand.

Housing is one of the central problems of life in the ghettos. The 1960 census indicates that about 10 per cent of all urban housing is classed as substandard. New York City alone estimates are that in 1965 there were still 43,000 old law tenements built prior to 1901 housing approximately 950,000 people—as many people as the entire population of Baltimore. *However, with the proper legislation and administration, I estimate that it would be possible to bring about decent and sanitary housing in not less than 50% of the existing structures in slums and ghettos through renovation and rehabilitation.*

The bills to speed the rehabilitation process would directly require private enterprise handling. These bills would allow:

1. A 5-year depreciation write-off of the cost of renovation and rehabilitation under conditions designed to assure that the property would be rented to low-income families at rates they can afford. The tax incentive would spur rehabilitation and thus could increase not only the value of the property but also its capacity to bring in rental income. The immediate revenue loss to the government may very well be recouped in part by increased taxable income of groups, such as contractors, who will be doing work that would not otherwise be done.

2. A Federal guarantee of bonds issued by local housing authorities for the purpose of making low-cost, long term loans for rehabilitation of low income housing.

3. Advances to cities for rehabilitation of properties acquired by these municipalities through code enforcement or condemnation.

4. Federal matching grants for local tax abatement on low-income housing.

In short, we have been discussing just a few of the methods that can be used to escalate our efforts to meet the escalation of discontent in our ever-growing slums. I have not attempted to outline a complete program by any means. But I have tried to indicate ways through which all of us can make use of the resources now available to move quickly against the problems of the slums. Unless we do, events will outrun us and society will be jeopardized and dislocated. We need not—we can not—allow that to happen.

[From the Pittsburgh Post-Gazette, May 29, 1967]

THE SUMMER CRISIS

The dangerous fallacy of believing that a problem ignored long enough will simply go away is not shared by Senator Jacob K. Javits, Republican senator of New York. In a speech before the Brooklyn Chamber of Commerce, Mr. Javits denounced the dishonest and purblind political philosophy which is responsible for short-term palliative programs designed to meet a particular crisis. He was referring specifically to rehabilitative plans for slum areas which peter out in August when the funds run out. He suggested that the specious thinking behind this type of planning is that resentments will vanish with the summer heat, and the needs of slum dwellers can be safely ignored until a new crisis threatens.

Mr. Javits called for the same kind of comprehensive planning in the war on poverty that has been applied in the space and defense fields. He departs from fellow Republicans who distrust the Administration's model cities program. He believes, on the contrary, that the Model Cities Act should be expanded to allow for coordination of all federal programs in a given area. The federal government would provide funds for the hiring of a skilled systems manager who would design and supervise a Community Development Plan. Mr. Javits insists that the "area approach" would be far more efficacious in fighting poverty than the piecemeal project-by-project approach.

Perhaps the most provocative suggestions made by Senator Javits were on the subject of slum housing. He stressed the crucial role that might be played by private enterprise in the renovation of sub-standard housing if more federal aid were made available. He would allow private builders a five-year depreciation write-off to make possible rentals that low-income families could afford. Mr. Javits also proposed that the federal government guarantee bonds issued by local housing authorities for the rehabilitation of low-income housing.

Unfortunately, the progressive social philosophy of Senator Javits is not likely to transform the antediluvian thinking of some of his congressional colleagues. But he has pointed the way to a fairer, more equitable society. Neither the technological skill nor the financial resources are lacking for the realization of such a program. All that is lacking is the will.

NEW BOOK ON APPALACHIAN TRAIL POINTS UP NEED FOR NATIONAL TRAILS SYSTEM BILL

Mr. NELSON. Mr. President, early in the 90th Congress, hearings were held in both the Senate and House on a system for national trails, patterned after the Appalachian Trail, which itself is in danger and in need of the protective Federal umbrella included in the trails bill.

A new book reviewed in last Sunday's New York Times tells about the unique features of the Appalachian Trail. This book contains a foreword by Secretary of Interior Stewart L. Udall and is written by Ann and Myron Sutton.

This summer more Americans than ever before will venture into the outdoors for longer vacations. To many of them, the outdoors will be as crowded as the city streets they left behind.

Since 1917, according to testimony before the House Appropriations subcommittee for the Department of Interior, the National Park Service has spent less than $2 billion for land acquisition. This is less than we are spending each month to wage war in Vietnam.

The modest sum of money proposed in the national trails bill amounts to an authorization of $40 million for the first 5 years. Of this about $7 million would pay for land acquisition, capital investment and operation and maintenance of the Appalachian Trail sector of the bill. This expenditure for a national trails system is not only justified on the merits, but urgently needed by an American population seeking rejuvenation of the human soul in outdoor living.

I ask unanimous consent that the New York Times review of "The Appalachian Trail" by Walter Teller be printed in the RECORD:

There being no objection, the book review was ordered to be printed in the RECORD, as follows:

MOUNTAIN LOVERS

(The Appalachian Trail. Wilderness on the Doorstep. By Ann and Myron Sutton. Foreword by Stewart L. Udall. Illustrated, 180 pp. Philadelphia and New York: J. B. Lippincott. $4.95.)

(By Walter Teller)

Remnants of untamed countryside holding fast in the very teeth of the cities—this is what Ann Sutton's latest book is about. "The Appalachian Trail," her ninth written with her husband, Myron, is an account of a wilderness environment, a guide to making one's way through it, and the testimony of two who were there. Well designed, mapped and illustrated, discursive, informative, it is a mountain-loving work, breathing fresh air.

The Suttons tell us the Appalachian Mountain Club, founded 1876 in the White Mountains of New Hampshire, is the oldest club of its kind in the country. The Dartmouth Outing Club comes second. In 1910 the Green Mountain Club blazed and cleared a 250-mile trail through Vermont. About the same time Benton MacKaye, forester and philosopher of regional planning, proposed a footpath as long as the Appalachian country. In due course, in 1922, the first mile marked and cut went through Palisades Interstate Park. Completed 15 years later, the Appalachian emerged as "the largest system of trails anywhere," according to the Suttons.

"Dominating this system," they write, "is a single trail, 2,000 miles in length—sometimes a wide path through the high cloud forest, sometimes a narrow tunnel in thickets of laurel, sometimes only a stretch of bare gray rock. . . . From the summit of Springer Mountain in Georgia to the summit of Katahdin in Maine. . . . The Appalachian Trail varies from tidewater to 6,642 feet . . . crosses portions of fourteen states, and is nowhere farther than one day's drive from 120 million people."

Though most of the traffic on the Trail is short haul, it also carries its long-distance movers. The Suttons tell of Earl Shaffer who, averaging 17 miles a day, went the distance, south to north, in 1948, the first to do so. Shaffer spent 123 nights on the Trail. Arriving at Katahdin, he is reported as saying, "One pair of boots lasted the whole way, but they were in tatters at the end."

Two college men hiked it in 1963. Adjusting speed to length of summer vacation, they averaged 21 miles a day. They too are quoted. "Physical conditioning is but a small part of the preparation for the hike," they wrote afterwards. "Mental conditioning is all-important. . . . We hiked all day every day except when we got mail. Then we would take a half day off to answer. . . ."

Travel light, advise Ann and Myron Sutton. This rule of veteran travelers is also the first rule of the Trail. And the second: Go sturdy. The veteran hiker "wears tough, light, rubber-soled boots, with gripper cleats. . . . If the boots had no good arch, he didn't buy them; whatever he puts his valuable feet into has to have sufficient support."

Everything for an eight-day trip, food, clothing, cooking and sleeping gear, supplies and equipment should weigh not more than 30 pounds, preferably less, say the authors. "Four ounces of orange or pineapple juice crystals," they reason, "makes four full drinks. Hot cereal, hot chocolate, and hotcakes are well known in dry form, but there are also powdered ham and eggs. . . . Two of the most helpful items . . . are meat bars and pemmican, which require no cooking. . . . Pemmican . . . consists of a high calorie collection of apples, raisins and nuts."

The appendix to "The Appalachian Trail" is rich with specific advice. And in the appendix the reader learns the Suttons have been on the Trail 30 years and have taught their two children to hike also. "Even infants can go on a hike. We have taken them with and without an infant carrier, and can most heartily recommend that parents strap on an infant carrier. There are several styles available."

In Vermont's Green Mountains one autumn morning, Ann and Myron Sutton walked beside a stream, "past rapids and waterfalls, step by step with the sounds of tumbling water. The whole woods scene seemed alive . . . a flood of sounds reached our ears. . . . Had anyone at that moment asked for our favorite impression of traveling on the Appalachian Trail, we would have answered: sounds."

On another day, another stretch, they noted, "The Appalachian Trail, above all, passes through lands where freshness is the chief sensation. In the air, the trees, even in decaying leaves, there is the constant, detectable freshness of life and growth. . . . Had anyone asked . . . about our favorite impression . . . we would have said: the wonderful freshness of the Appalachian forests."

Along the Trail, the authors make clear, one becomes a finder—of flame azalea or elbow room, patches of fern or pounding heart—and perhaps of what Benton MacKaye called a "planetary feeling."

TRIBUTE TO "CY" RUBEL

Mr. MURPHY. Mr. President, on May 31, 1967, a distinguished American, Mr. A. C. "Cy" Rubel, of Los Angeles passed away. Mr. Rubel was the kind of citizen who worked his entire life for the betterment of his community and his country while guiding a great corporation to outstanding success.

Mr. Rubel's life was one of devotion to his family, his fellowman, and his country. In business, he rose from the position of assistant geologist with the Union Oil Co., of California in 1923 to the high office of chairman of the board of that company in later years. Cy Rubel was the recipient of numerous awards and just last year the American Petroleum Institute presented him with its highest recognition—the Gold Medal for Distinguished Achievement.

Mr. Rubel was always ready to give of himself for his community, his State, and his country. In World War I, he earned the Distinguished Service Cross as a captain in the Army Corps of Engineers. His public service record continued on through his life, and only this year he served as chairman of Governor Reagan's task force to help in the selection of people for principal appointments in the Governor's administration.

Cy Rubel spent many hours helping

others through his various educational and charitable affiliations, not the least of which were the Occidental College, the Southern California Cancer Research Institute, the Southern California Committee of the Freedom Foundation at Valley Forge, and the Los Angeles Area Council of the Boy Scouts of America.

The spirit and accomplishments of A. C. Rubel will live to inspire succeeding generations. He was a true friend to all who knew him. He will be deeply missed.

On June 5, 1967, the Los Angeles Times in an editorial made fitting tribute to Mr. Rubel. I ask unanimous consent, Mr. President, that the editorial and an obituary published in the June 1 Herald Examiner be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, June 5, 1967]

A DESERVED OVATION FOR "CY" RUBEL

A. C. Rubel received a standing ovation at a Union Oil Co. shareholders' meeting when he retired as president and board chairman in 1965.

He also earned the praise of the entire community for his career of outstanding public service that ended last week.

Cy Rubel died Wednesday, but not before he had seen the tangible results of his leadership in reforming county government bureaucracy.

The archaic governmental structure had successfully resisted basic change until Mr. Rubel and the Citizens Economy and Efficiency Committee went to work in 1964.

Things will never be the same in the County Administration Building.

A sweeping reorganization of the county's civil service system recommended by the committee was decisively approved by the voters last November, as was the committee's proposal for a new organization of the huge Charities Department.

The voters also authorized the Board of Supervisors to put future administrative reforms into effect, and the citizens committee is at work in other areas where modernization is long overdue.

Committee members, however, will have to find a new chairman. It won't be easy, for there have never been enough men like Cy Rubel.

[From the Los Angeles Herald-Examiner, June 1, 1967]

RUBEL, OIL EXECUTIVE, DIES AT 72

A. C. "Cy" Rubel, 72, former chairman of the board of Union Oil Co., and prominent in civic affairs, died here late last night at the Hospital of the Good Samaritan.

He had a history of cardiac illness and had undergone open heart surgery at the hospital prior to his death.

In 1923 he joined Union Oil as an assistant geologist. He rose to the presidency in 1956 and held that post for four years until he retired.

The death of Reese Taylor in 1962 brought back Rubel as chairman of the board. He served until 1965 when he retired permanently.

Born in Louisville, Ky., he attended Purdue University and graduated from the University of Arizona. Upon graduation in 1917 he went to work as an assayor with the Magma Cooper Co. in Superior, Ariz. From 1919 to 1923 he was with the Island Oil and Refining Co. in Tampico, Mexico.

Los Angeles County today paid tribute to Rubel by lowering the American Flag to half staff at the Hall of Administration.

Rubel, in addition to his executive position with Union Oil, held a number of business directorships such as at Northrop Aviation, Inc., and Cyrus Mines Corp.

Within the oil industry, he was director of the American Petroleum Institute, which last year presented him with its highest recognition—the Gold Medal for distinguished achievement.

AIDE TO REAGAN

Active in politics, he was chairman of Gov. Ronald Reagan's task force to help in selection of appointments in the new administration. He also had been chairman of the Los Angeles Citizens Committee for Efficiency and Economy.

During World War I he earned the Distinguished Service Cross as a captain in the Army Corps of Engineers. In World War II he was vice chairman of the Petroleum Advisory Board.

Rubel was a trustee of Occidental College, of the Southern California Cancer Research Institute and the Southern California Orthopedic Hospital; was a former director of the Merchants and Manufacturers Association and of the Los Angeles Chamber of Commerce.

HELD MANY POSTS

He also was chairman of the Southern California Committee of Freedoms Foundation at Valley Forge and was on the executive committee of the Los Angeles Area Council of the Boy Scouts of America.

Private funeral services will be held Saturday at Forest Lawn Memorial Park, Glendale.

Rubel is survived by his wife, Mrs. Henrietta R. Rubel, of Arizona; a daughter, Mrs. Mary Ann Duddleson, Palos Verdes, and four grandchildren.

The family said that memorial contributions may be made to the following organizations: Los Angeles Area Council of the Boy Scouts of America, Orthopedic Hospital or the Freedom Foundation at Valley Forge.

[From the Los Angeles Herald-Examiner, June 1, 1967]

PLAN PRIVATE RITES FOR OILMAN RUBEL

Private memorial services will be held for A.C. "Cy" Rubel, 72, former chairman of the board of Union Oil Co., Saturday at the First Congregational Church.

Rubel died Wednesday night at the Hospital of the Good Samaritan. He had a history of cardiac illness and had undergone open heart surgery prior to his death.

He joined Union Oil as an assistant geologist in 1923 and rose to the presidency in 1956 and held that post for four years.

The death of Reese Taylor in 1962 caused Rubel to return as chairman of the board and he served again until his permanent retirement in 1965.

In World War I he earned the Distinguished Service Cross as a captain in the Army Corps of Engineers.

Rubel was chairman of Gov. Ronald Reagan's task force to help in selection of appointments in the new administration. He also had been chairman of the Los Angeles Citizens Committee for Efficiency and Economy.

Los Angeles County Wednesday paid tribute to him by lowering the American Flag to half staff at the Hall of Administration.

Rubel is survived by his wife, Mrs. Henrietta R. Rubel; a daughter, Mrs. Mary Ann Duddleson, Palos Verdes, and four grandchildren.

THE RED CHINESE HYDROGEN BOMB

Mr. McINTYRE. Mr. President, it has been the position of the Department of Defense that the Chinese would be unable to develop their own hydrogen bomb until early in the 1970's. We learned, with some discomfiture last week, the premise was false. There has been similar reluctance to admit the capability of the Chinese to develop ballistic missiles before the middle of the next decade. This contention is also being contradicted. United Press International reported this morning that informed diplomatic sources in London believe China will test a missile in the 2,000-mile range no later than this fall. Other scientific authorities claim the Peking government will have a stockpile of 100 hydrogen bombs as well as missiles capable of delivering them by 1970.

Prior to World War II, and entirely aside from the sneak attack on Pearl Harbor, the capability of the Japanese Navy had been grossly underestimated. Now, little more than 25 years later, it is altogether possible we are underestimating the nuclear capability of the Chinese, and the timetable of its development. The mere possibility of such miscalculation is cause for concern. A reassessment of our defense posture is called for. A prompt and realistic reevaluation of an antiballistic missile system is imperative.

With their own policy toward the West one of persistent belligerency, the Chinese have condemned the Russians for being "soft on imperialism." There has been a resultant tension between the two great Communist powers. However, any complacency in the United States that is based on the continuation of such tension is little short of foolhardy. If one couples the internal instability of the Chinese Government with the advanced age of its political leader, he realizes the situation could change overnight. Just as quickly, the Soviet and Chinese Governments could begin to act in concert.

Mr. President, our defense must be based on the "any eventuality" theory. Admittedly, an antiballistic missile program is expensive. But we must ask ourselves, "What price safety?"

THE TEAM AT CUMMINS ENGINE

Mr. BAYH. Mr. President, on two previous occasions this year I have called to the attention of the Senate and have secured permission to print material about certain outstanding achievements of the Cummins Engine Co., of Columbus, Ind. On March 7, I described the community improvements which it has inspired in the city of Columbus and on June 5, I outlined the positive and constructive equal employment opportunity program adopted by this progressive firm.

Some of the reasons for this success story are made clear in an article written by Mr. Robert Wright which appeared in the New York Times on June 4, 1967. This very perceptive analysis points out how the "Cummins team" has consistently attracted highly qualified young executives from leading universities and colleges to a relatively small community in the Midwest. The "youth movement" at Cummins has resulted in the appointment of a sizable number of top executives who are in their thirties and early forties. At the same time Cummins has broadened its base of operations and ventured into new and challenging product areas and foreign markets.

Mr. President, I ask unanimous consent that the article describing the personalities and policies of this forward-looking company be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 4, 1967]

PERSONALITIES: THE TEAM AT CUMMINS ENGINE

(By Robert A. Wright)

COLUMBUS, Ind., June 3.—It may seem difficult for the hard-pressed personnel directors of the big corporations to believe, but a relatively high percentage of those well-educated young men they are looking for have put down stakes here.

This town of 25,000 people is 40 miles south of Indianapolis—which means "nowhere" to the typical graduates of name Eastern colleges—and the home of the Cummins Engine Company, a maker of diesel engines, which would seem to mean "nothing" to today's sought-after graduates looking for glamorous jobs.

Nonetheless, Cummins, a stable but changing company, has attracted this kind of man. Five of the company's officers are on the happy side of 35. Twelve of its 17 vice presidents are in their mid-40's or less. Eleven Cummins executives hold master of business administration, master of science or bachelor of law degrees, and two hold doctorates.

There is no simple answer to why Cummins has been able to attract this caliber of people, says J. Irwin Miller, chairman. "But our practice of giving big responsibilities to young men who show they can accept it is probably the chief reason."

Mr. Miller, 56 years old, the prime mover behind the youth movement at Cummins, adds, "The transformation of Cummins from a one-product, domestic company into a multiproduct international one created a lot of new openings and there also is wide recognition here that times are changing."

A sampling of these new men:

Eriberto Scocimara, who at 31 is the youngest officer, is treasurer. Nicknamed Scotchy, but a Swiss, he holds a master of arts degree in economics from the Swiss School of Economics and Public Administration and a master of business administration degree from the Harvard University Business School.

Scotchy's boss is John Hackett, 34-year-old vice president for finance. Mr. Hackett earned his Ph.D. at Ohio State University and served as vice president and economist of the Federal Reserve Bank of Cleveland before joining Cummins in 1964.

James Henderson, vice president for management development, is 32. But before he joined Cummins in 1964 as assistant to the chairman, he found time to collect a bachelor of arts degree from Princeton, serve five years as an officer in the Navy and collect a master of business administration degree from the Harvard Business School.

Not quite in the elder statesman category is Robert Sexton, 39-year-old vice president of operations and a graduate of Indiana University. But Mr. Sexton, who fully agrees with Cummins' accent on youth, also finds one disadvantage. "A lot of my guys have never seen the economy go any way but up. They've never seen a downturn and they don't know what to do in this situation."

Actually, the youth movement coincides with a calculated downturn for the company. After Justice Department opposition blocked the 1963 merger deal with the White Motor Company, the company embarked on an ambitious spending program to strengthen domestic and foreign operations, research and development and make acquisitions. By the end of last year, the company had spent more than $100-million on these projects, including $22-million for a research and development complex due to be completed this fall at Columbus.

Sales climbed dramatically. by 71 per cent from the 1963 level to $331-million last year, but a long-term profit growth record was pinched. Earnings since 1963 rose just 14 per cent, to $16.2-million.

But the spending brought Cummins what is wanted in a broadened base. In addition to diesels for trucks, the company now supplies diesels for the construction machinery market, total energy packages for shopping centers, schools and the like, many of which are on the outskirts of towns and find this method of lighting and heating cheaper than hooking up with municipal systems. The company makes air conditioning and refrigeration units for trucks; crankshafts, valves, filters and castings. Foreign operations now account for 20 per cent of sales.

But diesel engines for trucks remain Cummins' big business. This relatively small company commands 50 per cent of the domestic market against such competition as G.M. Cummins executives proudly point out that their engines power trucks by almost every producer except G.M., even those truck producers that make diesels themselves.

The reason, they say, is that Cummins' engines are synonymous throughout the industry with dependability and durability and that truckers specify Cummins power plants when ordering trucks.

The small V's represent a large potential market for Cummins, one it expects to invade heavily, the small intercity pickup and delivery trucks now 90 per cent powered by gasoline engines. Mr. Franck says that the lower operating cost and longer lives of diesels would offset the 25 to 40 per cent higher initial cost compared with gasoline engines in three or four years in a typical operating pattern.

What about entirely new fields for Cummins? Definitely, Cummins executives say, as long as they are within the company's speciality of power or related to divisional operations.

"We're not committed to make diesel engines," declares Richard B. Stoner, executive vice president and general manager of the company's domestic division. "We are committed to provide power." This is one of the reasons we've gone ahead with his R. and D. building. We are going to study existing markets and new power areas. We want to continue to be a leader in power, tapping energy sources here and elsewhere in the world."

Meanwhile, Cummins will have to be satisfied with less-than-great earnings. Mr. Stoner expects 1967 sales to exceed last year's, "but not by very much. And we're striving to attain last year's profits." Mr. Stoner said that the effects of the new products the company is introducing this year and its entry into new markets should have their effects next year "after the industry has had a chance to test them out."

When those effects arrive, Cummins appears certain that it will be in a good position to capitalize on them. The youthful management is ready.

THE 4–H CLUB

Mr. CARLSON. Mr. President, the 4–H Club work is one of the outstanding youth programs in our Nation. During the history of this program, millions of our boys and girls have enjoyed greater opportunities and more lasting results from 4–H Club work.

Miss Mary Knappenberger, one of our Kansas 4–H Club girls, wrote an excellent article entitled "What I Have Done and Learned in 4–H Club Work." Her article is typical of the benefits that have accrued to other 4–H Club boys and girls.

I ask unanimous consent that the article be made a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT I HAVE DONE AND LEARNED IN 4-H CLUB WORK

(By Mary Knappenberger, Olathe Route 1, Johnson County, Kans.)

Now that I have completed my tenth and final year as a 4–H Club member, I can visualize many comparisons between my first year as a member, and my last. I had a shaky hand as I signed the secretary's book at the age of 8, and the same hand signed the secretary's book at the age of 18 signifying membership in the Masters 4–H Club of the State of Kansas. Between those years I have served my local club in the capacity of recreation leader, music leader, parliamentarian, secretary, reporter, vice president, and president. I also served as secretary of the county junior leaders club, and this past year was elected as secretary of the Kansas Masters 4–H Club. Holding offices at these varied levels has helped me develop desirable leadership abilities that otherwise I would have possibly been denied.

The years also seem few between the time I shook the hand of my community leader at my first 4–H meeting of the Zion Zippers 4–H Club, and this past year when I shook hands with the President of the United States in my 4–H uniform at the National 4–H Conference. Many hours of work and activities fell between those two handshakes. I had a fine group that helped and shared with me; my club. Planning together we each year maintained the coveted recognition of the purple seal. Practicing and improving were two big objectives as our club worked together for such events as 4–H Club days, Business Men's Picnic, Achievement Night, money-making projects, community service programs, and the organizing of new 4–H clubs.

My entire family has always been involved with 4–H club work in one way or another. Because of this, I too pledged myself to "making the best better." The 4–H program has helped us to organize our home life and improve our environment. Physical improvements of material nature were not the only things my family gained from 4–H. We also formed a very close family relationship as well as made, many many friends.

Attending my first county camp was a choice opportunity of meeting people and establishing friendships. This circumstance found its parallel this past spring when I attended the National 4–H Conference as a Kansas 4–H delegate. From this experience came the additional opportunities to again attend State 4–H Roundup and Junior Leadership Camp as a special delegate. Needless to say, my list of acquaintances is quite lengthy.

Projects play a big part in each members accomplishments. All of my projects have worked in well with my family and home surroundings. Each year I have enrolled in one or more food projects. This has been of help to my mother and she is quite confident that I can "take over" when she is out of town. I have had judging practice all years, starting with family criticism at mealtime! Last year this "practice" paid off as I was a member of the top Home Economics judging team at the Mid-America Fair.

Sewing has played a big part in my list of 4–H projects as well as in my wardrobe. It also worked in nicely with my home improvement projects. I was so embarrassed with my first tea towel that I didn't even exhibit it at the county fair. This first year of little experience I can now appreciatively compare with my last year in sewing as I was one of the fifteen finalists in the State style review.

Learning to care for baby chickens is how I started in the livestock phases of project work. From this I worked on into swine and baby beef projects. This presented me with a responsibility and earned me a bank account.

Citizenship had always been a word I regarded as meaning "The Declaration of Independence", "The Constitution", and George Washington. After attending the Farm Bureau Citizenship Seminar, I had my eyes opened wide and ran home to make sure a Communist wasn't under my bed! This spurred me into enrolling in the citizenship project. I had many occasions to speak to groups on citizenship and I only hope I helped open the public's eyes a little wider. Now as the "Star Spangled Banner" is played before basketball games, my thoughts are not on the "starting five" but rather on something represented by the red, white, and blue that leaves a lump in the throat and a tear in the eye!

My photography project started as my parents gave me a photography kit on my birthday 6 years ago. Since that time I have received every thing from a white rating on the county level, to a purple at State. After learning about work with photography, the high school journalism teacher named me as school photographer for the yearbook and newspaper staff. Many nights were spent in my make-shift darkroom as I worked for close deadlines.

Two of my favorite projects that have worked hand-in-hand for me were junior leadership and public speaking. My leadership responsibilities have been varied and numerous. My first responsibility was calling up a neighbor girl to relate a recipe. This could be contrasted to this year as I served as the presiding chairman at one of the sessions at the National 4-H Conference at Washington, D.C. Here again public speaking played a big role as I was "up front" with an example to set. From my experience in speaking, I now am confident to stand before any size of group and do my best. From this project I feel I have attained poise in that I feel I can communicate with others in a manner complimentary to myself.

In summary I cannot begin to explain or describe all of what 4-H has meant to me. The many opportunities I have had will never be forgotten. The education, service and fellowship aspects will never leave my memory.

I feel deeply indebted to my local community, State, and most of all my parents for having stood behind me every inch of the way, offering advice, incentive, and moral support. The education I have been brought up with, I compare to a Ph.D. in the greatest program for youth. I am now a Collegiate 4-H Club member and will be a Masters 4-Her the rest of my life. In all phases of my future I will continually "pledge my head to clearer thinking, my heart to greater loyalty, my hands to larger service, and my health to better living for my club, my community, my country, and my world."

THE PRESIDENT'S APPOINTMENT OF THURGOOD MARSHALL STRENGTHENS BOTH THE COURT AND DEMOCRACY

Mr. BAYH. Mr. President, President Lyndon B. Johnson, the son of a humble Texas farmer, has appointed Thurgood Marshall, the son of a Pullman car porter, to the Supreme Court of the United States.

This great appointment symbolizes the strength and vitality of our American democracy. It is an appointment that strengthens not only the Court, but our own ideals as well.

I warmly congratulate the President for the wisdom of this appointment. And I salute the Honorable Thurgood Marshall for tribute so well deserved.

Mr. Justice Marshall is the great-grandson of a slave. This fact alone tells a great deal about our development as an enlightened, just, and humane society.

Thurgood Marshall has had a brilliant career. Recently, the Washington Star published an extremely interesting biography about our newest Associate Justice. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Evening Star, June 14, 1967]

MARSHALL: RIGHTS CHAMPION

Thurgood Marshall, chosen by President Johnson yesterday for the Supreme Court, has made a career out of causes, but has seldom been a controversial man personally.

For a generation, the righting of civil and social wrongs has been Marshall's work, as private citizen, judge, and official legal pleader.

But his public years have drawn more respect generally than criticism or even negative reaction from critics.

Although he has the undisputed reputation of being the man who led the Negro rights revolution to its first and often its biggest victories, the tall Baltimore native has seldom been the object of Southern political controversy.

His service since 1965 as U.S. solicitor general has been somewhat muted, compared with his past as a private courtroom advocate for the National Association for the Advancement of Colored People, and its Legal Defense and Educational Fund.

But even from his official post, Marshall has continued to work for Negro equality in constitutional, federal and state law.

Just this year, Marshall led the federal government in a successful Supreme Court challenge to a California state constitutional clause permitting private homeowners to refuse to sell or rent to Negroes.

He also led the government, this time unsuccessfully, in attempting to enlarge the right of demonstrators to make racial protests even in defiance of court orders against them.

Outside the courtroom, Marshall has continued to exhort Negro and white lawyers alike to give more of their time freely to defending the rights of the Negro in the ghetto against exploitation by what he has called "the loan shark, the finance man, and the investigator."

At the same time, however, Marshall has shown no sympathy, indeed he has publicly opposed any move to establish so-called "Black Power" as an independent social or political movement.

Marshall's service on the court comes, somewhat paradoxically, at a time when the justices seem to be faced must less often with civil rights cases of major dimension. Much of this change has apparently resulted because, after years of pressing for it, Negroes were able to get major legislation on equal rights, making it less necessary to file the kind of test cases for which Marshall became the most famous advocate.

While Marshall has had more than three years of experience as a federal appeals court judge, he served in a court where the issues are more dominantly economic and business-oriented rather than devoted to individual rights.

However, in his fairly brief judicial service, he did establish himself as somewhat sympathetic to the rights of the criminal suspect. One opinion that has come to stand as a precedent among federal courts involved the rights of persons facing state criminal charges to be tried only once for the same offense.

This year, the solicitor general made a plea to the Supreme Court to enlarge police power to search for evidence of crime. But he supported the proposal with an argument that a relaxation of limitations on police in that area would permit the court to continue to insist on police fairness in handling confessions given by suspects.

On the whole, Marshall's public record on issues with which he will deal as a justice could be considered moderate-to-liberal.

Thus, his presence on the high tribunal may not provide a new center of leadership for dramatic advances in constitutional law. His philosophy appears to be close to that followed by Chief Justice Earl Warren and Justice William J. Brennan Jr., both of whom vote mainly on the "liberal" side of issues but who frequently abandon that side, too.

At age 58, Marshall will be the fourth youngest justice. Justices Potter Stewart, Byron R. White and Abe Fortas are younger.

Born July 2, 1908, Marshall graduated from Lincoln University in 1930 and received a law degree from Howard University in 1933, graduating first in his class.

He began private law practice in Baltimore that same year, and continued as a private lawyer until 1938 when he became fully active in the legal work of the NAACP. He became counsel of the association's legal defense fund in 1940, and kept that job until President Kennedy named him to the Court of Appeals in 1961.

Among the Supreme Court civil rights cases which Marshall argued for the fund were a 1944 challenge to the Texas white primary, a 1948 challenge to white-only sales clauses on real estate, challenges to racial segregation in Southern universities in 1950 and challenges to public school segregation in 1952 and 1953.

President Johnson chose him to be solicitor general July 14, 1965.

As the government's top lawyer appearing in the Supreme Court, Marshall always wore formal morning dress. But he is by no means formal in his appearance before the high bench, and is well known at the court as a maker and user of homely phrases.

For example, in the California open housing case this year, Marshall said that the state, by creating the right to discriminate, had "put its thumb on the scales."

But he is also capable of a sharp retort on principle, as when he challenged Justice Hugo Black with the remark: "I do not agree that a movement to perpetuate racial discrimination in this day is progress."

When he takes his seat on the high court when the term opens Oct. 2, Marshall will be at the far right side. Seated next to him will be White, who like Marshall, came to the Supreme Court from the Justice Department.

FLOOD CONTROL ON THE MISSOURI RIVER

Mr. PEARSON. Mr. President, recent rains in Kansas and Missouri have proved the value of investing in reservoirs and flood control projects. The Missouri River is presently being contained by a $41 million levee and in Kansas, the Tuttle Creek, Milford, and Perry Reservoirs are holding runoff water from swollen rivers such as the Kaw, Republican, and Delaware.

Many Kansas towns have been saved in the past few days because our flood control projects were carefully planned and executed several years ago. When appropriations come before us, I urge my colleagues to vote wisely and remember the value or these projects in any State where floods are always a possibility.

An editorial in the June 15 Kansas City Times adequately explains many of the areas in Kansas which have been saved and protected by sturdy levees and reservoirs. I ask unanimous consent that an editorial, entitled "Dams and the Floods That Didn't Happen," be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DAMS AND THE FLOODS THAT DIDN'T HAPPEN

With at least a temporary halt in the relentless rains and an easing of the area flood crests, it is pertinent to note where it flooded and where it didn't.

The Missouri river, soaring to above bankfull stage for the first in years, was two feet above flood level at Kansas City—but still 18 feet below the tops of the levee and floodwall system. Again this sturdy, 41-million-dollar network of disaster barriers, rebuilt and strengthened after the 1951 flood, paid off in averted flood losses. Below here, where the proposed federal agricultural levees still are not in place, the Big Muddy broke through small, inadequate farm levees and poured over thousands of acres of cropland.

At Smithville, the rain stopped just in time for the town to escape a third bad flood in four years. There is $200,000 in planning funds for the Smithville reservoir in the current federal public works budget, but money in a budget can't contain the Little Platte river—not yet. Another notorious floodmaker, the Marias des Cygnes, flowed almost peacefuly between the levees at Ottawa—but the Pomona reservoir level a few miles west was up four and a half feet.

Despite nightly downpours reminiscent of 1951, the Kaw failed even to reach predicted below-banks crests. How come? The answers are to be found at such places as Tuttle Creek, Milford and Perry. Last fall water sports enthusiasts were glum because Tuttle Creek had been drawn down 12 feet below normal level to sustain river flow through a severe drought. Many doubted that Tuttle Creek lake would come back this summer. She did that and then some. Swollen by flood flows of the Blue river from Nebraska, the reservoir is eight feet above conservation stage and still rising.

Milford, placed in operation last January near Junction City, has been filling slowly, with rises on the Republican river, it now has jumped up nine feet in the last four days. Perry, northwest of Lawrence, is only 65 per cent completed. But the contractor and the Army engineers rigged an emergency power setup and closed the gates on the dam. Now 179,000 acre-feet of Delaware river water is temporarily trapped behind the embankment. This action, needless to say, proved highly popular downstream at Lawrence, where the long-planned levee system still is on paper.

At Topeka, these storms surely would have put tough old Soldier creek out in the streets in the old days. But Soldier creek has a new, man-made bypass channel, a strait jacket of stone and concrete that scooted the high water out of town in a hurry. Again the public works budget includes the first money for the Pattonsburg dam—but this week the Grand river was way out of its banks from Chillicothe on down.

So far this year, a Vietnam-conscious Congress has been reluctant to invest in river projects at the usual rate. When the full figures are available on the floods that didn't happen in soggy Missouri and Kansas these last few days, they just might change their mind.

REPORT TO CONGRESS BY THE BOARD FOR FUNDAMENTAL EDUCATION

Mr. BAYH. Mr. President, it was my distinct privilege and pleasure to cosponsor, with the Indiana Members of Congress, a presentation on June 15 by Dr. Cleo W. Blackburn, executive director of the Board for Fundamental Education. BFE is a nonprofit, nonpolitical national organization, with headquarters in Indianapolis, which is dedicated to the educational and cultural improvement of the disadvantaged people of the United States.

Through an applied research program directed toward the complete development of the individual's potential, BFE is making a definite contribution to the economic, social, and communal growth of the Nation. This program in turn helps to raise the standard of living and the aspirations of the undereducated and disadvantaged.

Dr. Cleo W. Blackburn, former president of Jarvis Christian College, founded the Board for Fundamental Education in 1948. It was granted a national charter by Congress in 1954. Now serving as executive director of the organization, Dr. Blackburn works closely with a board of directors comprised of prominent business, educational, and professional leaders. Under this leadership BFE has attained an influential and respected position. Its program is devoted primarily to those who have had little or no formal education, or who possess limited knowledge and specialized skill.

It should be stressed that BFE does not merely offer aid to the unfortunate without the individual making an effort for personal achievement. Rather, its programs rest on the concept of self-help. Any participant must have a fervant desire to better his social and economic position. Through its comprehensive approach of action-research, BFE attempts to improve working effectiveness, attitudes, family relationships, housing, and employment potential. Based on the efforts of its research and demonstration center, programs covering the broad areas of education, employment, health, and housing are presently in use in 29 States.

One of the most notable achievements of BFE has been its unique program entitled "System for Success." In an attempt to improve the education of workers who have been considered unpromotable and to provide industry with a supply of labor able to advance to higher positions. System for Success has demonstrated that it can raise adult students four complete grade levels in 150 classroom-hours and provide the equivalency of a high school education in approximately 10 months. This educational program, conducted in cooperation with interested industrial firms, can mean that workers who do not possess a high school education have the chance to progress from low-level positions to increasingly higher levels of employment. An example of BFE's leadership in this field is its new program for steelworkers in Gary, Ind., and Baltimore. Entering into a contract with the Department of Labor, the Department of Health, Education, and Welfare, and seven major steel companies, BFE plans to provide basic education for some 1,600 laborers in this key industry.

In an effort to heal some of the social ills which plague our society, BFE compliments its educational program with others designed to help the unemployed and the so-called unemployable. By utilizing a grant from the U.S. Department of Labor's Office of Manpower Evaluation and Research, it has established four employment demonstration centers in Indianapolis which have had outstanding results. Through a special 5-day employment clinic, these centers instruct participants on the most effective methods of seeking and applying for jobs. They are also instructed in the basics of appearance, poise, and speech, then sent directly to a job bank for the Indianapolis business community. In this way BFE helps to match qualified personnel with available employment.

Another interest of BFE is in helping to provide basic health education for the poor. Too often disadvantaged citizens have failed to realize that the professional services provided by a community often can be beneficial to them. BFE helps provide neighborhood health centers, mobile units offering chest X-rays and other medical tests, as well as other health aids in cooperation with governmental agencies. Besides offering complete diagnostic and treatment facilities, its health center has on duty a staff of professional social workers who counsel patients and area residents.

In regard to housing, BFE's leaders believe that the poor need more than just a roof over their heads. Public housing projects sometimes tend to identify and isolate the poor, thwarting aspirations or social and economic betterment. Consequently, the Board for Fundamental Education self-help housing program was founded on the major concept of homeownership. In Indianapolis, BFE transformed two undesirable slum areas into clean, new communities where approximately 400 homes, ranging in estimated value from $12,000 to $15,000, were constructed under self-help program. As soon as private investors realized the enormous benefit this revitalized area would have on the city, other apartments, homes and shopping facilities were constructed.

As I mentioned earlier, Dr. Blackburn and other officials from BFE were in Washington last week to report on the progress and accomplishments of this organization. A sizable number of representatives from various congressional offices and executive agencies were privileged to hear his statement, to examine illustrative materials, and to discuss the program with Dr. Blackburn and his aides. In order that others who were not there will have the opportunity to read about this organization, I ask unanimous consent that there be printed in the RECORD an article which appeared in the Indianapolis Star on June 16 describing this meeting and five brief documents which explain the purposes and activities of the Board for Fundamental Education.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Indianapolis Star, June 16, 1967]

DR. BLACKBURN URGES BUSINESS TO FIGHT POVERTY

Washington.—Federal authorities yesterday heard a nationally famous expert on helping disadvantaged Americans urge the use of government and business know-how to end poverty.

Dr. Cleo W. Blackburn of Indianapolis, executive director of the Board of Fundamental Education, (BFE), explained to an assembly of Congress members and executive officials what his organization has achieved over the last 13 years.

At the outset, he recalled, BFE acknowledged that the problem of poverty was too big to be solved by government or the private sector alone.

Dr. Blackburn described a $1 million experimental program BFE is carrying on with 1,600 steelworkers in Gary, Ind., and Baltimore, Md., as what can be performed.

He said that it was necessary to do more than make jokes about the Federal poverty program if its deficiencies are to be solved and its objectives achieved.

"Somebody will say Congress gave Sargent Shriver $1 billion to fight poverty and only gave the poor people a dime to fight back, and we all think that's funny," Dr. Blackburn said. "But it doesn't do anything."

BFE knows what can be done, he said, because it has helped Negro families in Indianapolis, for instance, build $5 million worth of homes at 51 per cent of their market value. Dr. Blackburn, who has long headed the Hoosier capital's famed Flanner House, said these homeowners started out with "a 39 per cent sweat equity" in their property.

Now BFE is conducting an experiment in group housing that helps low-income families learn about the use of money and credit, he said.

Dr. Blackburn said his organization seeks to start with people "where they are instead of where we wish they might be."

And, he said, BFE tries to take them step by step "to where they want to go." He cited dramatic instances of young men who were provided fundamental educational help through BFE and who subsequently made use of the encouragement and incentives of private business to seek further learning and skill.

The social leader said that he had discovered throughout America that businessmen were receptive to this approach and he urged that government join hands with the private sector.

His organization, Dr. Blackburn indicated, is available as a vehicle for establishing the Federal-private teamwork he conceives is necessary to solve the poverty problem.

Senator Birch E. Bayh (D–Ind.) presided and introduced Dr. Blackburn to the more than 100 congressional and executive department officials.

Representative Andrew Jacobs Jr. (D–Ind.) told the audience, "I believe the Indianapolis-based Board for Fundamental Education is to be commended for working with private and public agencies to develop programs to help grownups qualify for better jobs."

Representatives William G. Bray (R–Ind.), E. Ross Adair (R–Ind.), Richard L. Roudebush (R–Ind.) and Lee H. Hamilton (D–Ind.) all attended the session held in an antechamber of the Senate.

PURPOSE OF THE BOARD FOR FUNDAMENTAL EDUCATION

The Board for Fundamental Education, founded in 1948, is a non-profit, non-sectarian national organization which was granted a charter by the Congress of the United States in 1954. Through an action-oriented research and demonstration program, BFE develops and implements innovative programs designed to raise the standard of living and aspirations of the undereducated.

Dr. Cleo W. Blackburn, former president of Jarvis Christian College, founded BFE and today serves as executive director. The organization currently is directing programs in 29 states, maintaining an enrollment of more than 25,000 in special adult education classes in both urban and rural areas throughout the country.

BFE is guided by a board of directors made up of leaders in business, education, and public life. H. Bruce Palmer, president of the National Industrial Conference Board, is chairman of the BFE board. Charles A. Meyer, vice president of Sears Roebuck & Company, is president of the Board for Fundamental Education.

The principal office of the Board for Fundamental Education is located in Indianapolis, Indiana, at 156–58 East Market Street. Other BFE offices are at New York City, Dallas, Chicago, Baltimore, and Washington, D.C.

Firmly convinced that lasting improvement is rooted in man's self-esteem and pride, and the gains are made in proportion to man's personal investment in his own welfare, the Board for Fundamental Education structures every program around the concept of self-help. BFE is operating programs in the broad areas of housing, health, employment and education.

BFE has a long and continuous history of successful experiences in the service of people characterized by (1) little or no formal education; (2) subsistence living; (3) lack of knowledge, skills and abilities to make it possible for them to effectively secure happiness and security in the modern life situation and (4) a fatalistic view of life wrought from frustration.

The plight of the disadvantaged is said to deprive the U.S. economy of 100 billion dollars each year. To begin to work effectively in the interest of gaining a cure for some of the social ills, the Board for Fundamental Education has established its Research and Demonstration Center in an organized research program to develop the strength and resources of our nation, from the community level, in unique, pioneering ways.

The Board engages in a comprehensive program of action-research. New materials and programs created by BFE's Research and Demonstration Center staff are designed to improve the effectiveness, attitudes, family relationships, housing and employment potentials of the disadvantaged. Each new concept or technique is structured into a program proven effective through practical testing and refinement by innovation-oriented associates of the Center, with community responsibilities throughout the country.

Tested, functional programs are then made available nationally through commercial, professional and educational channels. As industry uses its sales allies, so the Board uses its "social service" allies to introduce and market its products, concepts and techniques for the socio-economic improvement of the disadvantaged. Virtually every area of civic, business and professional leadership has already established its access to Board-sponsored research and planning. The Board reinforces its assistance with manuals, guides, personnel training and continual consultation.

It is in the approach and program design, however, the Board's special skills in developing self-motivation are employed. *The core of every program is the conviction that lasting improvement is rooted in a man's self-esteem and pride.*

Board programs growing out of the *Research and Demonstration Center* are already in use in 29 states; the Board's staff members have been called upon by the federal government, and are increasingly assisting directors of national and community organizations working with the disadvantaged, and business leaders seeking to strengthen their citizenship capabilities . . . the innovators in all careers and professions seeking answers to the problems of the disadvantaged.

EDUCATION

The U.S. population includes more than 10 million adults and older youth who cannot read, write, and compute at a level which renders them functional in today's society. They cannot read newspapers, street signs, labels, or job directions. They cannot write letters, fill out questionnaires and applications, submit reports, or take tests. They cannot count money, add up a grocery list, or budget their pay. Usually they cannot secure and keep employment. These uneducated persons constitute the majority of the vast numbers of our citizens who seem eternally committed to the bottomless pool of poverty. By example and because of their inability to make things better for their families, many of these people become only another element in a continuous cycle of poverty that may stretch for generations through their families.

More than 60 million adults enjoy less than a high school education in an age when the high school diploma is invariably demanded by employers examining prospects for good paying jobs. More than 22 million American adults have completed less than eight years of formal schooling. Most of these people are able to obtain employment, if only the lowest paying jobs. However, the majority never rise above the level at which they enter a firm.

Every American with a strong desire can return to school and achieve a meaningful education at little expense. However, proportionately few of the non-achievers ever return to the public school system and improve their education and employability. The experience of failure in the school environment, together with other psychological considerations keeps many adults from returning. In addition, most school systems only recently began to pay particular attention to the special needs of adults which require very special materials and techniques of instruction.

The Board for Fundamental Education believes that if the task of educating the disadvantaged is to be accomplished the total resources of both the public and private sectors must be marshalled in this interest.

BFE has long recognized that special efforts must be made and new techniques must be employed in approaching the undereducated adults of our nation. For almost a decade special research teams of BFE worked on the problem. The result is the development of the Board for Fundamental Education Basic Education Program, including textbooks, and teachers manuals. The unique program is called System for Success and is published by Follett Publishing Company at Chicago.

System for Success, designed for adults, can raise an adult student four complete grade levels in 150 classroom hours, and can carry a student through high school equivalency within 10 months. BFE has proven this program in a variety of settings, including urban, rural, and industrial. Developed by R. Lee Henney, Ph.D., Director of Adult Education at BFE, System for Success includes three levels of instruction: first through fourth grade; fifth through eighth; ninth through 12th. Many public school systems throughout the nation are using the program in special adult education programs.

In 1964 the state of North Carolina opened a statewide program of basic education under the Economic Opportunity Act with a Federal grant of almost one million dollars. The BFE

System for Success was chosen by North Carolina as the basic materials system used in the project. The Board for Fundamental Education was chosen to train the 3,300 teachers to be used in this program which enrolled more than 30,000 students. To date BFE has played a leadership role in 42 federally assisted programs, in every section of America.

The plight of the undereducated job holder is critical. Today over 31 million workers do not hold high school diplomas. Some 18 million have failed to complete even the eighth grade. Because of the requirements of industry, these men are locked into low level positions, experiencing only slight economic progress over the many years of their employment. As the cost of living escalates and these workers remain stagnant in their jobs, the standard of living of their families decreases. Finding it impossible to adequately support their families, many breadwinners desert their wives and children rather than continue to face the humiliation of being second class fathers.

The Board for Fundamental Education turned its attention to this problem several years ago and developed its widely used in plant basic education program. BFE is convinced that this program can serve two goals. . . . educating the undereducated worker who is unpromotable, and providing for industry a pool of trainable, promotable manpower.

The average firm in America today finds it extremely difficult to recruit the required number of workers to fill skill job positions.

BFE maintains it is cheaper to train men than recruit them. Add to this the fact that workers already on industry pay rolls know their companies and are usually extremely loyal. The fact that a firm shows interest in these workers and offers an opportunity for them to improve themselves and advance on their jobs builds a strong link between the company and the worker, and makes this worker a greater asset to the company than a new man possessing no ties to the company.

The in-plant program accommodates workers within firms who are designated by the sponsoring firms. After testing, these workers are placed in classes at the level where test scores show them to be educationally. The workers attend class on their own time in space provided by the company. The Board for Fundamental Education constructs the curriculums, provides the teachers and materials. Teachers, recruited at the locale of the classes, are trained by BFE and are supervised by BFE regional staffs. Many firms throughout the nation are participating in this program, and many others have expressed interest.

On May 23, 1967 BFE entered into a program with the Department of Labor, the Department of Health, Education, and Welfare and seven major steel companies which will provide basic education for 1,600 steel workers in mills at Gary and Baltimore. The selection of BFE to perform this important task for our nation is recognition of BFE as the leader in this new field of adult education.

Employment

Many thousand jobs are going begging in all sections of the United States while, paradoxically, many thousand people are aimlessly looking for jobs they never seem able to find. This situation constitutes a national tragedy.

Among the disadvantaged the average job seeker has no knowledge of the effective steps to locating and landing a job. He usually does not recognize his own potential and invariably seeks employment at a level well below his maximum possible performance. Many cannot screen newspaper ads, others have a real fear of the unfamiliar faces and the very bigness of state employment offices, while still others do not know how to approach a prospective employer and apply for a job. Thousands on the threshold of employment lose opportunities because they don't follow instructions in filling out applications, and others are turned down because of their appearance.

One of the major problems in our society is the matching of people with available jobs, and preparing the unprepared for employment positions they are capable of filling.

The Board For Fundamental Education has developed a variety of programs designed to aid the unemployed, and the so-called unemployable. Under a grant from the U.S. Department of Labor's Office of Manpower Evaluation and Research, BFE, through its demonstration center at Indianapolis, Ind., has proven the value of a unique program which has shown outstanding results.

Operated at the community level, the Experimental and Demonstration Project was designed to recruit, diagnose the problems and deficiencies of, and to treat the unemployed of Indianapolis. The goal is employment for all. Working through all social agencies of the city, the Indiana State Employment Service, management, and labor, the program processed more than 2,000 persons within the first six months of operation.

Centers are operating in each of four areas of high unemployment in Indianapolis. Through circulars, newspaper announcements, and public service spots on radio and television, trained staffs at the centers recruit the unemployed. Responding job seekers are tested and counselled. All are invited to attend a special five-day Employment Clinic, which is a group diagnostic and treatment program. During the clinic the participants are taught the effective approaches to searching for jobs, together with appearance, poise, and speech. Recognizing that most persons in this category are extremely reticent about employment tests, the participants receive experience in taking tests and are giving examples of the types of information appearing on such tests. Motivation is a key factor as the staff strives to establish confidence among the participants.

Many participants go directly from the Employment Clinic to jobs as BFE has established a Job Bank for the Indianapolis business community. Employers with job openings file such openings and desired qualifications with BFE. Persons found to meet the standards are sent out for interviews. In many instances the E and D Center staffs will send persons out who are a shade under the desired standards, but who appear willing to extend themselves in a learning situation, and whose records indicate they will be responsible and dependable employees. Usually these persons are hired.

For those persons found to lack the basic education and skills required for even minimum employment, BFE has established basic education classes at each of the centers. Using its own System for Success, BFE moves the students at an accelerated pace to a level where they may meet the education standards required for entry into the Indianapolis job market. During the period of full time schooling, the students receive cash allowances under the Manpower Development and Training Act. Those persons found to possess sufficient academic achievement but lacking skills, are referred to institutions in the Indianapolis area which are designed to give skill training. At no point do BFE services overlap existing services for other agencies and institutions in the areas where BFE programs are operative.

The Job Opportunities Fair is another program of the Board for Fundamental Education which has been proven extremely effective in bringing jobs to people. Working with the Indianapolis Chamber of Commerce, BFE coordinated such a program in Indianapolis in the fall of 1966. The goals of the Fair were: To show that many Indianapolis firms had available jobs for qualified people, regardless of race; To make the business commitment to equal opportunity believable and understood by the Negro community; To help the unemployed make initial contacts with prospective employers.

One hundred-seven companies were represented at the Fair, presenting 2,354 job openings. More than 23,000 persons came looking for jobs, or better jobs. Interviews at business places were scheduled for 6,400 persons, 2,200 of which were kept. Within a short period following the Fair, 556 persons had gained employment.

Statistics have not been finally tabulated. However, it is estimated that over 1,000 persons received jobs within a six-month period as the direct result of their attendance at the Job Fair, and their follow up of appointments.

Health

A critical need for better health services exists today throughout the nation. From conception to the grave, the poor of our nation are only half as well off as the average citizen. Many times the poor does not live near the source of medical service, and his neighborhoods almost always experience a severe shortage of physicians. His illness too often is not discovered until too late, and upon discovery, too many times his illness cannot be treated. There is a dramatic correlation between a group, or region's per capita income and its infant mortality rate, as well as average life expectancy. As a state, Mississippi has the lowest per capita income and the highest infant mortality rate—40 deaths per 1,000—60 percent above the national average. As an area, Harlem leads all others with an infant mortality rate of about 42 per 1,000.

The Board For Fundamental Education long ago pioneered techniques of bringing medical aid and health education to the very door step of the poor. Beginning more than three decades ago in Indianapolis and extending services to other areas, BFE innovated with neighborhood health centers and mobile units offering chest x-rays and other tests. The most important element in a successful health program for the poor is education. Frustrated, suspicious, and feeling alone, the poor usually are extremely reluctant to go to hospitals where the wait in clinic lines are long. They must be convinced that their community cares, and that it is in the best interest of themselves for them to discard the superstitions of older days and avail themselves of the professional services offered by their communities.

BFE has found that a well structured social service program, operated in concert with the health program is the only guarantee of good health practices among the poor families who are reached and accept the program. In Indianapolis, BFE operates a complete program in cooperation with the Metropolitan Health and Hospital Corporation. The BFE health center is located in the heart of one of the city's neediest areas. In the center diagnostic and treatment services are provided principally through pre-natal, well-baby, tuberculosis, and dental clinics. A cadre of public health nurses are stationed at the center and serve the neighborhood surrounding it. A staff of professional social workers are on duty at the center to counsel patients, make visitations, and offer support in all ways to the residents of the area.

Another facet of the health program is instruction in good nutrition in that diet is a key factor in health. A nutritionist teaches good nutrition in an effort to encourage the preparation of the proper foods at home. Therapy-oriented group programs are also offered. Unwed Mothers Club, Alcoholics Anonymous, and the Weight Watchers Club meet weekly at the center. The entire program is geared to help families live better longer, and to help families prevent disease, and its spread.

BFE is currently participating in a research program with Indiana University under a special grant. This program is designed to develop a new multphasic screening technique to detect heart disease, cancer and other major illnesses. The uniqueness of this project is the aspect of total community involvement using the community organization technique. When perfected, this program will render significant new benefits to the poor throughout the nation.

Housing

The death knell is sounding for our cities. And the reverberating waves which pierce the smog-choked atmosphere initiate the advance of one hundred social ills, each in its turn growing to epidemic. The arteries which carry the life blood of these urban giants are clotted with deterioration . . . and the very hearts are choked with decay. Whole neighborhoods degenerate and in the process the inhabitants grow weary with despair. Their dreams fade. . . . Hopes are washed out and these people hopelessly grope for mere survival with absolutely no felt relationship to the city, and no more dreams of contribution to its destiny, or profit and advance for their own efforts.

The result is written in the fire, the gunshot, the death, the irreparable damage to the dignity of the city and the interrelations of its segmented population in a score of cities across our land.

The toll sounding the accelerating pace of this death can be stilled only through a rebirth of spirit in those whom progress has passed by. This new spirit, developed with self-esteem and human dignity, will only grow in proportion to the disadvantaged population's realization of equity in their neighborhoods.

Public Housing projects, while providing adequate roofs over heads, identifies and isolates the poor, and in the broad concept of community life stigmatizes them. No material equity is realized, and little understanding of community responsibility is achieved.

Home ownership must be a central element in any program designed for the resurrection of America's cities and the giving of new life to its people. Along with the middle class who choose to remain in the inner city in co-ops, row houses, or detached units, equity must also be extended to an appreciable number of the poor who live in the great blighted areas of our cities. And finally, if cities are to live, privately-financed rental units must be made available at the very cores. There must be a blending of public and private housing for rent, along with private apartments and homes for sale. The resulting cultural exchanges and visability of a better life with its implication of attainability will serve to renew hope within the poor and raise their levels of aspiration.

However, private investors are reluctant to move boldly into this area of city development. Fears that families who can afford private housing will not move to the inner city, and that those who do will not keep up the property restrain the real entrepreneurs from serving the greatest of all social needs.

The Board for Fundamental Education has pioneered in self-help housing in this country and is certain this technique can be effectively applied to the relief of the housing problems of our nation, both in the urban and rural community. Under the BFE program aspiring homeowners are trained in home building skills and organized in supervised construction teams to build a home for each member of the team. Land is purchased jointly to reduce the cost, and building materials are secured in the same manner. At the time the new owners move in, they hold up to 39 percent equity in their homes by virtue of their labor. The program enables families to own homes who otherwise might never amass the resources to do so. And because of the tremendous savings, the program makes it to meet their needs in terms of size and appointments. A builder-owner, without making a down payment, can move into a $15,000 home with a mortgage of only $10,000, or less. This means families with incomes of $4,000 can own adequate homes.

The Board for Fundamental Education has been described in a Ford Foundation study of self-help housing in the United States as "the only organization in the country with a meaningful self-help housing program."

In a program in its urban demonstration center of Indianapolis, Indiana, BFE transformed two ugly slums into new communities where more than 400 homes ranging in value from $12,000 to $15,000, were built under this program. In each instance as the area was developed toward its final form, private investors came into these slum areas and constructed apartments for rent, and detached homes for sale, along with shopping facilities. These neighborhoods today are among Indianapolis' proudest.

The success of a self-help housing venture depends in large measure on the support the owner-builders receive from the financial and business interests of the community in which the effort is undertaken, together with the support services given by the sponsoring group. Ideally, a non-profit corporation, capitalized with a reasonable revolving fund, should be organized to guarantee sound fiscal and business management for the operation.

Within the Board for Fundamental Education concept and practice, full support is given to families from the day they apply for the self-help program through their move in, with visitations, counseling, and BFE-sponsored community affairs long after the homes are completed. In order to prepare the families for home ownership, a series of educational seminars are held. Subjects of the sessions include insurance, home decoration, community organization, city services, obligations as mortgagors and citizens. Social workers are employed to help families in qualifying themselves to participate and to assist families who may encounter difficulties during and after the building period.

Another dimension, and perhaps equally important aspect of the self-help approach, lies in the rehabilitation of existing homes. Owners can be taught to replace roofs, repair weatherboard, point up bricks, and generally renew their homes. Performed within the team concept, the participants would purchase materials jointly and experience significant savings both in purchasing and labor, through the non-profit corporation.

ADDRESS BY DR. MARVER BERNSTEIN ON MIDDLE EAST CRISIS

Mr. CASE. Mr. President, on June 7 it was my honor, in company with the able Senator from Wyoming [Mr. McGee] to address the rally for Israel in Lafayette Park, under the auspices of the Conference of Presidents of Major American Jewish Organizations. It was a dramatic and inspiring demonstration of faith on the part of the thousands of Americans who had gathered there from all parts of the Nation, and I was deeply moved by the experience.

In a more sober setting on the previous day, Dr. Marver H. Bernstein addressed the Conference of Presidents and other assembled leaders on the issues of the Middle East crisis. Dr. Bernstein is dean of the Woodrow Wilson School at Princeton University, and it was a great regret to me that I was unable to be present when this distinguished New Jersey scholar spoke. But I later read Dr. Bernstein's talk and found it to be an exceptionally candid and incisive analysis of recent history in the Middle East. So that others who did not hear him may have the benefit of his insights, I ask unanimous consent that the text of his address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Perspective on American Policy in the Middle East

(Address by Marver H. Bernstein)

Contrary to the established conventions of political meetings, I suggest to you a brief experiment. I ask you to assume for a few moments that the time is June 1965, to put aside present concerns momentarily, and try to understand what American policy in the Middle East has been. I propose a brief exercise in developing perspective that may offer some guidance to us as American citizens as we undertake the mammoth task of achieving a basic shift in U.S. policy toward Israel that all of us seek. For without a major change, American policy will fail as it failed to prevent the Arab-Israeli war of 1967.

The United States has been hesitant and inhibited in its response to Israel's view of its security needs. Why? The answers are to be found in an analysis of American policy in the Middle East.

The overriding goal of American policy can be simply stated. It has been to maintain a prudent security equilibrium in the Middle East and to promote internal stability in the region. These terms are very imprecise. They confer maximum discretion on the President and the State Department, not only because the Executive Branch must struggle to maintain its initiative vis-a-vis Congress, but also because the fluidity of the Middle Eastern situation requires it. The American interest lies not in instability but in peace. The critical issue, of course, is stability for what and on whose terms.

How is the goal of a prudent security equilibrium to be reached or promoted? Essentially four approaches have been utilized. The *first* is guarantees of the independence and territorial integrity of Israel. The *second* includes a pattern of actions and policies designed to minimize Soviet and Chinese penetration of the Middle East. The *third* is the use of foreign aid as a tool for maintaining equilibrium, reducing Soviet penetration, and promoting economic growth. The *fourth* is the maintenance of open channels of communication with Arab governments to enable the U.S. to exercise some influence over their behavior and beliefs. In this connection any overt alliance of the U.S. with Israel would appear to polarize the Middle East and would send the Arab states rushing off to Moscow.

What have been the main characteristics of American policy in the Middle East? I would like to outline some nine features of American policy:

1. In the effort to maintain an equilibrium in the Middle East which is at least neutral with respect to the U.S.-Soviet conflict, the American position often seems very kind to the Arabs and very harsh toward Israel. Why is this the case? Part of the answer lies in recognizing that Israel is pro-U.S. and Nasser is usually anti-U.S. It seems striking and ironic, therefore, that the U.S. should reward its enemies more than its friends. In any case, as William S. White wrote in the *Washington Post* on January 29, 1965:

"Any notion that our foreign policy in the Middle East is run with special tenderness for Jewish feelings is one of the special idiocies of our time."

Be that as it may, the main drift of our policy for three administrations has been one of exceptional kindness to Nasser's Egypt, not primarily because the U.S. strongly prefers Egypt to Israel, but because the U.S. conception of the problems of achieving a security balance in the Middle East required it.

2. The Under Secretary of State, George Ball, told the Senate Appropriations Committee on February 1, 1965:

"What happens in the Near East is of critical importance to our strategic sea, air, and land routes, to our vast oil investment; to the security of Israel and other countries in the area."

The U.S. position reflects a tendency—which the U.S. shares with other Western countries—to overrate the political, military and economic importance of the Middle East. To be sure the Middle East is the link connecting three continents; it is the intersecting point of land, water, and air routes; it does contain the major oil reserves of the world. But these have all become less rather than more strategic on the contemporary scene. The demand for oil has increased greatly in recent years, but so have resources outside of the Middle East increased greatly—in North Africa, in Iran, in South America, in Canada and elsewhere; and natural gas discoveries have also helped to supply the growing needs of European industry. While nuclear energy is some distance off, and the demand for oil will increase in the years ahead, we seem to give more attention to protecting American oil investments in the Middle East than considerations of military strategy require.

3. A pedestrian and obvious fact of contemporary Middle Eastern history is the persistent inability of Arabs to unite politically despite the strong belief that unity is their natural condition. But, in addition, there is a conception that it is not so obvious. It is the persistent notion that Arab unity would be in the interests of the U.S. and its allies and also in the interests of Israel as well as the Arab countries, despite the fact that a unified Arab world would seem more likely to be anti-U.S. than either neutral or pro-U.S.

The dominant theme of Nasser, as the top leader of Arab nationalism, has been Arab unity. Unity has been held forth as the ineluctable destiny of the Arab world, but clearly Arab unity has been the exception, not the rule, in Arab history. The factors that divide and distinguish the Arab countries appear to be far more substantial than the one factor that unites them—hatred of Israel. As Abba Eban recently wrote, nothing has divided the Arab world more than the effort to unite it.

The U.S. position has maintained that a prudent security equilibrium in the Middle East is more likely to be achieved under conditions of Arab unity than Arab diversity and political pluralism. The case usually rests on the view that economic growth would be fostered by unity and would itself create pride in economic achievement and thereby minimize or reduce anti-Israel slogans as the goal of unity. However, a strong case can be made that a pluralistic diverse Arab world of separate governments could more easily accommodate an Israel-Arab understanding. A Middle East convulsed by an Egyptian bid for centralized control scarcely seems a congenial setting for achieving such understanding.

4. The U.S. experience in the Middle East postdates the full blown emergence of the Palestine issue. The U.S., compared with England and France, has had only minimal experience in dealing with Middle Eastern problems. Perhaps because of its lack of regional experience, the U.S. is tempted to be overly impressed with psychological and sociological factors in the Arab picture. I refer, for example, to the trauma and bitter frustration of the Arabs resulting from the humiliating defeat by the Israelis; the dream-like quality of their hopes and fears; their enormous pride and sense of personal dignity; and the great gulf between their verbal ferocity and their timid deeds.

Awareness of these factors may help to account for the tendency of the experts to discount the militancy reflected by the violent statements of Arab leaders. Among knowledgeable experts there is often a characteristic paradox in value judgment: an admiring attitude regarding Arab culture and historical development and sympathy for strivings for personal dignity; and at the same time terrible bitter disappointment with the lack of Arab achievement and fulfillment. Caught in this value paradox, the experts in the State Department often seem to interpret Nasser's violent aims as merely hortatory; in other words, not really to be taken serious. We are often not quite sure what Nasser really means; hence, the words are rarely taken to mean what they plainly say. Israel is scarcely to be criticized if it takes the view that it cannot discount the plain meaning of the words as completely as the diplomats appear to do.

5. Clearly the American experts in international affairs tended to believe that Israel has exaggerated in assessing the immediacy of the threats to its existence. Why is this the case? Part of the answer lies in the respect for Israel's effectiveness as an independent nation coupled with the lack of confidence in the capacity and human resources of Arab countries. Perhaps another part of the answer is that the U.S. is more acutely aware than many in Israel are of the unsettling effects of Israel's policy regarding retaliatory or preemptive raids and attacks. The U.S. believes that Israel exaggerates threats to its existence and is therefore too quick in embarking on retaliatory raids. The American view is that Israel is insufficiently aware of the consequences, adverse to the interests of Israel and the West, flowing from its militancy. World opinion often perceives the killings but not the provocation, and the U.N. machinery has not proved to be helpful to Israel in evaluating Arab complaints and charges.

6. There has been a tendency to exaggerate the consequences of Nasser's strong and spirited drive for modernization and industrialization. The fact is that time has been running out for Nasser. Military expenditures have become almost insupportable. The Yemeni campaign has been a dismal failure and extremely costly. The population explosion runs ahead of the pace of economic growth. The level of economic activity has increased in absolute amounts but has declined on a per capita basis. In this context the inner logic of Nasser's position seems to move toward war or military expansion.

7. Nasser has proved to be a very formidable opponent in dealing with the U.S. He has been a first-rate bargainer and bluffer. He has effectively manipulated the U.S. and Soviet Union in order to obtain maximum financial and military aid for Egypt. He knows that he has advantages in bargaining only in the context of crises, which he is very adept at manufacturing. Nasser succeeded in using the cold war to internationalize Arab affairs. He has thereby gained a lever to exact better terms from both the West and the East. The American goal of Arab unity in turn plays into the hands of Nasser whose policy can succeed only by making Arab unity a leading international issue. Nasser has effectively demonstrated Egypt's nuisance value by showing that he is dangerous and must be bought off at a high price.

There are some elements of high tragedy here. Nasser is personally incorrupt, a highly effective ruler, who has led Egypt through a major social revolution. He has developed new industries, exterminated the great landowners, bolstered the educational system, and nurtured a new middle class of military officers, young professionals and bureaucrats. On the other hand, labor productivity in Egypt is very low and consumption is pitifully low. Poverty remains intense. Egypt is not slowly catching up with a Western standard, but rather is steadily falling behind. The country lives on borrowed money and neither capitalism nor Communism seems to work. It is critically important that Nasser keep up the morale and perquisites of the new middle class, but he cannot do so in the context of economic retrenchment. The economists advise Nasser that such retrenchment is mandatory for economic survival. But as a military leader of high ambition with a mission to fulfill, his only way out may be through continued expansion in Israel or elsewhere.

8. The case for financial aid to Egypt and other Arab countries has been justified by general humanitarian considerations, but is otherwise rather weak. The basic postulate of foreign aid is that Western security is promoted best by helping countries maintain independence and becoming viable economically; and if the West does not help, the East will. The U.S. also appeared to believe, with some justification, that however hostile Nasser may be to the West, anyone replacing him would probably be worse. Leaving aside the desire of the U.S. on humanitarian grounds for helping a desperately poor country, the case for foreign aid to Egypt seems weak. Had Nasser received no aid whatsoever from the West, it is difficult to imagine that he could have been more hostile.

9. In 1964 and 1965, in contrast to the French and West German attitudes and policies toward Israel there appeared a noticeable wavering and weakness as well as some clumsiness in London and Washington in dealing with the excesses of the Egyptians and the Syrians. Certainly American reaction has been very cautious when American libraries have gone up in flames. U.S. diplomats appeared to have considered German recognition of Israel in 1964 as a matter of doubtful wisdom. U.S. diplomats urge Israel not to resort to arms in meeting the attacks of the National Liberation Army and not to resist Arab water diversion projects. The State Department seemed to take the view that it will be a long time before it can be determined whether the Arabs will really be violating the Johnston Water Plan.

The Israelis have a valid claim in believing that the U.S. will prefer to avoid strong clear action strengthening Israel's security, and at the same time be willing, however reluctantly, to tolerate intolerable effrontery and vilification on the part of Arab leaders. We must, therefore, expect that Israel will often be disappointed with the attitude of American officials toward its security needs. In the minds of American officials Israel's needs must always be measured against the probable reaction of Arab leaders' reactions which American officials regard as extremely important.

It was a dominant consideration in the Eisenhower-Dulles policy that the Arabs are more fearful of Zionism than they are of Communism. Dulles believed that the U.S. must counter the Arab belief that the U.S. supports the aggressive expansion of Israel. Recognition of this belief and fear has mightily inhibited American action and policy in Israel. At the same time the U.S. has been ready to use economic aid to influence the government of Israel. For example, it delayed for a long time the move of the Foreign Ministry to Jerusalem; it stopped hydro-electric development on the Jordan River; and its reactions to the Quibya Raid of October 1953 did deter subsequent militancy on the part of Israel.

Given the deep complexity of Middle Eastern issues, it has been difficult for American Jews to understand U.S. policy. I speak not of approval but understanding. The main difficulty has been the failure to understand that the American attempt to achieve a prudent security balance in the Middle East has prevented the U.S. from meeting Israel's security needs as Israel defines them. Israelis tend to understand better than American Jews do why it is practically inevitable that the American response to Israel's stated security needs will fall short of Israel's demands. The problem is not that they fall short—this is probably inevitable—but rather how short the American response will be.

I now turn very briefly to the present, June 7, 1967. How has the American policy of friendly detachment and concerned neutrality expressed itself during the past three weeks? The record shows the following:

1. The U.S. will not permit the annihilation of Israel, but short of that decisive threat, it will undertake no initiative unilaterally.

2. For a long time, the United States did not expect war between the Arabs and Israel, and thought that the Israelis exaggerated Nasser's threats of extermination.

3. The United States did not expect the United Nations to arrange an accommodation, but it nevertheless turned to the U.N. to avoid diplomatic isolation.

4. It became uncertain in the final weekend in early June before war broke out whether the United States could hold Israel in check without making some strategic commitment to Israel.

5. It actively explored various proposals to reopen the Gulf of Aqaba through some facesaving compromise that would recognize Egypt's sovereignty over the Strait of Tiran, yet assure Israel's access to the Sea. It also considered Thant's proposal to place U.N. truce observers on both sides of the frontier, Arab and Israeli.

6. The U.S. became increasingly perturbed by the emergence of the Soviet Union as the champion of the Arabs, by its historic expansionist drive toward the Mediterranean, and by its attempt to control half or more of Europe's oil imports.

7. Repeated guarantees of Israel's security failed to prevent the present hostilities, and Israel consequently saw a better chance to resolve the issue of national survival through war rather than diplomacy. To understate the point, events would seem to support Israel's strategic judgment.

What lesson is to be learned from this review of the American posture of concerned neutrality and friendly detachment in the Middle East? It can be stated simply:

The traditionally ambivalent U.S. policy has failed. Therefore, the President, the State Department, and the Congress must be advised and persuaded to use the opportunities provided by Israel's military victory to achieve a massive reduction of the tensions that underlie the war:

1. It means a recognition of the illusory character of Arab unity and the political unreliability of Arab leadership;

2. It means a lifting of both the blockade of the Gulf of Aqaba and the Suez Canal;

3. It means, above all, a peace treaty between Israel and each of the Arab states that recognizes the legitimacy of Israeli statehood; and

4. It means a readjustment of boundaries to meet Israel's urgent security needs, including the Gaza strip, the area around Latrun and the hills directly to the north and west, of Jerusalem, and the Old City of Jerusalem itself, with appropriate guarantees for the safety of Christian and Moslem holy places.

These objectives will not be achieved if the United States conforms to its traditional policy of concerned neutrality. We need to be quite clear about these matters. Effective movement toward achieving Israel's legitimate goals calls for a substantial shift in American policy.

The obstacles to such a marked change in policy are indeed great. They include American preoccupation with Viet Nam; the horrible complexities and confusions of foreign policymaking in the U.S.; traditional Foreign Service sympathy for Arab interests; the heightened enmity of the Arab countries for Israel; the considerable Afro-Asian support of the U.A.R., the unfriendliness of the U.N. arena for the resolution of issues directly involving Israel.

But there are also some factors influencing the kind of policy change that circumstances now require. One is the emergence of new leadership in Israel composed of men who have been taught to rely not on international guarantees but rather upon their own courage, initiative, and resourcefulness. Another is the strong moral, political, and financial support of American citizens for the continued independence and security of Israel free from the dangerous challenges that have persisted for nineteen years of statehood.

These obstacles will be overcome only with skillful political action and the most generous levels of financial support. And that is why all of us are here tonight.

LAND MOBILE RADIOS AND CRIME PREVENTION

Mr. SCOTT. Mr. President, the Select Committee on Small Business, on which I serve, recently held hearings on the impact of crime on small business. I ask unanimous consent that a statement of the National Association of Business and Educational Radio, prepared for those hearings, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE USE OF LAND MOBILE RADIO BY BUSINESSMEN TO ASSIST IN CRIME PREVENTION

(Statement of the National Association of Business and Educational Radio Before the Select Committee on Small Business, U.S. Senate)

The importance of small business to this nation's economy has long been recognized by the leaders of this country. President Johnson cited the importance of small business to the nation's economy and to the nation's continued prosperity and security, during the swearing in ceremonies of the present Administrator of the Small Business Administration on May 19, 1966. The President stated:

"Small business is part of the American way of life. A man's desire to become his own boss has always been part of our national dream. If we lose that, we will lose something that is very precious to all of us . . . this administration and its leadership in the Congress, . . . are interested in helping (the small businessman) . . . We are concerned with the man who operates the small business."

Congress has also recognized the importance of the small business community to this nation. Both the House and the Senate have established committees such as this committee to investigate the Congressional concern for the small businessman. Congress has also, of course, created the Small Business Administration and supplied that agency with the funds needed to assist the small businessman.

At the same time, the small businessman, who is well known for his industry and intelligence, has not relied solely on others to seek solutions to his problems. Small businesses actively participate in community, civic and trade associations, endeavoring to find their own solutions to specific problems and better ways to serve their customers and their communities.

The National Association of Business and Educational Radio (NABER) is one such organization. NABER is an association of two-way radio users, most of whom are small businessmen. Our membership also includes educational institutions, doctors, police, fire departments, and the wide range of the public that use two-way radio to conduct their business, perform their services or carry out their duties. The one thing our members have in common is that they are all licensed by the Federal Communications Commission in the Business Radio Service.

The purpose of NABER, in its broadest terms, is to assist its members to obtain the most productive use of their two-way radio systems. As I have pointed out, many of our members are small businessmen who use two-way radio in their work primarily to cut their costs, increase their efficiency, and provide better service to their customers. But this is not its only use. It is being used today in cooperation with local government officials in a direct attack upon crime which has become so costly to the small businessman. Increasingly over the past few years, crime has become a major obstacle to the successful establishment or continuance of a small business as a going concern. NABER heartily subscribes to the Chairman's statements that "small business victims of crime throughout the nation need help" and that "(t)hey have a right to be secure in their persons and their property, not only as small businessmen, but as citizens as well."

This Committee is acutely aware of the problem. On April 24th, the Police Chief of the District of Columbia, John B. Layton, stated before this Committee that the situation described in the testimony of the small businessmen appearing before this Committee was a "deplorable condition." Chief Layton stated that his force was "working to alleviate" the condition. Indeed, the police departments around the country are doing all they can to combat a rising crime rate.

If someone devised a plan that would enable law enforcement officials to predict where or when the next crime would be committed, much of the crime in this country could be eliminated. This would be ideal. At the present, however, greater reliance must be placed on methods designed to report crimes or suspicious acts which may become crimes and to locate and apprehend those who may be guilty as soon as possible.

Since the 1920's the police have used two-way radio to help them in the war against crime. Now, as more and more businessmen are equipping their trucks and cars with two-way radios, there are hundreds of vehicles operated by private citizens on the streets of our cities everyday capable of supplementing the radio systems of the public authorities by being the eyes and ears of the community for purposes of public safety and crime control. Since the police or other public authorities cannot possibly be every place at once, the private businesses that do use two-way radio can tremendously increase the ability of the community to observe and quickly report crime to the local authorities. They can also report fires, accidents, trees blocking roads and similar events which need rapid attention.

As a representative example of the diversity and many different types of users of two-way radio, I would like to have included as part of this statement a list of two-way radio users recently applying for licenses by the FCC in a one-week period. According to a recent public notice issued by the FCC, these applications are coming in at the rate of 20,000 per month. Just take some of the new two-way users in Florida, for example. The following are typical of the small businessmen who use two-way radio in their businesses:

Biochemistry Associates International, 1150 N.W. 14th Street, Miami, Fla.

Newell Construction Co., Inc., 7292 S.W. 42 Terrace, Miami, Fla.

Panama Pools, Inc., 15625 W. Highway 98, Panama City, Fla.

Flower Tree Nursery, Box 1469, Eustis, Fla.

Warrington Plumbing Co., 910 W. Main Street, Pensacola, Fla.

Earthmoving & Excavating Co., 9500 W. Sample Road, Coral Springs, Fla.

State Fertilizer Co., Box 1514, Lakeland, Fla.

Cypress Gardens Citrus Products, Inc., Box 1312, Winter Haven, Fla.

Howard TV Rentals, 2815 Main street, Jacksonville, Fla.

Colonial Concrete Co., Box 4556, Jacksonville, Fla.

Huntsville Building Materials Co., P.O. Box 567, Huntsville, Ala.

Burford Equipment Co., P.O. Box 1591, Montgomery, Ala.

Farmers Supply Co., 715 Noble Street, Anniston, Ala.

Priest Company, 2207 Meridian Street, Huntsville, Ala.

Anderson Tractor Co., 216 College Street, Troy, Ala.

Collier Wholesale Drug Co., No. 2 North 4th Place, Birmingham, Ala.

Fred Brasher Plumbing, 726 Fulton Street, Alexandria, La.

Stephenson Floor Covering Co., Inc., 3911 Southern Avenue, Shreveport, La.

Builders Center, Inc., 12911 Florida Street, Baton Rouge, La.

All-Vend, Inc., Box 8272, New Orleans, La.

C. J. Hansen Co., 3552 Silverton Road, Salem, Oregon

Conroy Packing Co., 960 Young Street, Woodburn, Oregon

Klinge Shell Distributor, 1414 E. Salem, Albany, Oregon

Irrigation Service, Route No. 1, Box 373, La Grande, Oregon.

Southern Nevada Communications, 2142 S. Highland Avenue, Las Vegas, Nev.

Wesley Mfg. Co., 2405 East Second Street, Reno, Nev.

Roaden's Garage & Body Shop, 1765 Lewis Street, Reno, Nev.

Sierra Nevada Communications, Inc., P.O. Box 7312, Reno, Nev.

Rish Equipment Co., P.O. Box 353, Charleston, W. Va.

C. W. Stickley Inc., P.O. Box 946, Fairmont, W. Va.

Hibbs Radio Communications, 205 S. Main Street, Philippi, W. Va.

Kesterson Fabric Core Service, Inc., 1722 Latrobe Street, Parkersburg, W. Va.

Boy Scouts of America, 1227 9th Avenue, Anchorage, Alaska.

Wagley Construction Co., Star Route #1, Kenai, Alaska.

Lindsey, Inc., Box 4081, Anchorage, Alaska.

Pete's Spenard Texaco Service, 3304 Spenard Road, Spenard, Alaska.

Fingie's Fuel Service, Inc., 660 Rahway Avenue, Union, N.J.

Walter J. Firrell Plumbing, 319 Landis Avenue, Vineland, N.J.

Fri-Boro Corporation, P.O. Box 125, Bound Brook, N.J.

Rutgers Electronics Inc., 2090 Woodbridge Avenue, Edison, N.J.

Berman Electric & Elevator, Inc., 831 Williamson Street, Madison, Wis.

Hoida Lumber Co., 1545 Willon Street, Green Bay, Wis.

Handicabs of Milwaukee, 5220 W. Center Street, Milwaukee, Wis.

Sheboygan McDonald's Inc., 2307 North Avenue, Sheboygan, Wis.

Trucks Radio Engineers, Box 95, Clovis, N. Mex.

A.L.S. Electronics, P.O. Box 11373, Albuquerque, N. Mex.

Million Electric Co., Inc., P.O. Box 618, Fairview Station, Espanola, N. Mex.

Caprock Communications, Inc., Box 1560, Hobbs, N. Mex.

Lawton Coca Cola Bottling Co., 511 N. Second, Lawton, Okla.

Brown Distributing Co., 429 Columbus, Muskogee, Okla.

Miamia Implement Co., 504 First Street, N.E., Miami, Okla.

Swansons Fire Co., Inc., 1000 N. Hudson, Oklahoma City, Okla.

Act Fuel Oil Co., Inc., One Coffey Street, Brooklyn, N.Y.

Xaverian High School, 7100 Shore Road, Brooklyn, N.Y.

Master Fuel Co., 141 John Street, Babylon, N.Y.

D & S Pump & Supply Co., Inc., Brewster, N.Y.

Valente Excavating, Inc., Box 66 R.D. #4, Troy, N.Y.

Kellner Car & Limousine Service, Inc., 30 W. 60th Street, New York.

Dairy Industry Refrigeration Co., 5224 Arch Street, Philadelphia, Pa.

American Pool Service Corp., 210 N. Aberdeen Avenue, Wayne, Pa.

Russell Hopkins Glass Co., 1506 Callowhill Street, Philadelphia, Pa.

Atwell Tractor Co., P.O. Box 114, Concordville, Pa.

Gerard Gilbert Construction, Inc., 69 Highland Street, Laconia, N.H.

White Top Taxi, Inc., 390 Central Avenue, Dover, N.H.

Kal Gas Co., Inc., Church Street, Opping, N.H.

Metropolitan Trash, Inc., 5790 W. 56th Avenue, Arvada, Colo.

Trasier Farmers, Wodrow, Colo.

Armored Motor Service, 970 Yuma Street, Denver, Colo.

Building Materials Center, 2700 E. 4th, Pueblo, Colo.

Chattanooga Goodwill Industries, 3500 Dodds Avenue, Chattanooga, Tenn.

Ligon & Bobo Funeral Home, 241 W. Main, Lebanon, Tenn.

Harris Realty Co., P.O. Box 2337, Clarksville, Tenn.

George Peabody College For Teachers, 21st Avenue, South, Nashville, Tenn.

I should like to submit for the record three very interesting clippings from newspapers serving two of our large metropolitan areas.

According to the Globe-Democrat of St. Louis, Missouri, the Bi-State Transit System of that city installed two-way radios in many of their buses in response to a request for better safety measures by the Amalgamated Transit Union, Local 788 after one bus driver was slain by a robber while driving his bus. It proved to be one of the major safety measures to protect both drivers and passengers from holdup men. The newspaper reports that the new measures reduced the number of armed robberies on buses in the second half of 1966 by 58 per cent.

In Detroit, Michigan, according to an article in the Detroit News, the president of Division 26 of the Amalgamated Transit Union, is considering asking the transit authority of that city for permission for his members to carry guns if the city declines to install additional two-way radios for the driver's protection. The union was prompted to take such a position after one of the drivers was shot twice in a holdup.

The Union president cited two-way radio as a major factor in apprehending the suspect and according to the account in the Detroit News, the president of the Union was quoted as saying:

"After he (the driver) was shot he called on his two-way radio to report that he was wounded. It may have been a major factor in saving his life."

Dallas, Texas is another city that has installed two-way radio on its buses in hope that the radios will help reduce robberies. A report of the Dallas Texas News is submitted for the record.

Two-way radios have also been used in other ways to help combat crime. I submit a report in the New York Daily News on the use of walkie-talkies by the Housing Authority police of that city. This report shows how radio is able to aid in the quick apprehension of suspects before the trail grows cold.

Still another example of businessmen adopting self-help procedures through the use of two-way radio communications is the antitruck theft alert system now in effect in Chicago and the New York-New Jersey metropolitan areas. I would like to submit for the record an article and an editorial from Transport Topics, the National Newspaper of the Motor Freight Carriers, describing this theft alert plan.

As the plan is described in the article, a trucking company whose truck is stolen notifies other companies who, in turn, call still others, and so on. Drivers are given a description of the vehicle by their two-way radio dispatchers and then keep a look out. According to the newspaper, "In minutes, thousands of eyes are alert for a glimpse of the stolen truck."

The results of this theft alert plan have been very encouraging. Transport Topics reports that in ". . . the New York-New Jersey area truck hijacking is said to have declined from about 3 a day to 3 a month since the system was introduced." The report further states that "(r)ings with valuable cargoes have been recovered within 45 minutes of a reported loss".

These few examples show that two-way radio used by responsible citizens can be of substantial assistance to law enforcement and civic safety.

Recognizing this fact, members of NABER as well as members of other organizations of two-way radio users such as the Special Industrial Radio Service Association (SIRSA), are doing their part to assist in the efforts of law enforcement by participating in a program called Community Radio Watch.

I should like to describe this program to the Committee.

Since the principal purpose of the "Community Radio Watch Program" is to encourage citizens—especially those who use two-way radio—to support the police in their efforts to maintain law and order, participants in the program are asked to report to their offices, via their two-way radio, any suspicious acts or unusual occurrences that they observe. Their offices will then relay the reports to the proper authorities for further action.

The program is usually instituted in a community by the Mayor or City Manager. He asks all the businesses in his city which use two-way radio to enlist in the program. The businessmen willing to participate in the program are given the necessary information to give to their drivers who are the key men in the operation of the program.

In order to encourage, recognize, and pay tribute to the individuals who use their two-way radio to report a situation which results in the protecting of life or property, a recognition and distinguished service award, contributed by Motorola, a member of the land mobile communications industry, is an integral part of the program and the awards have been established at the national, state and industry levels. An Award Committee made up of representatives of governmental law enforcement agencies or civic groups controls the selection of the participants deserving of special recognition or an award. Thus, not only are the participants given well-deserved recognition for their efforts in behalf of their communities, but also the public is made more aware of what they as individual citizens can do to aid their law enforcement officials. Furthermore, the reporting of particular cases in which the program has aided the enforcement of the law, provides a convenient check on the success of the program as well as making data available for future use to improve or revise the program as particular needs of individual communities become known.

Thus, the Community Radio Watch program is the implementation of the principle that law enforcement is the job of every citizen not only to the extent of helping to protect oneself as in the truck theft alert plan, but also in helping to protect the community as well. Indeed, as President Johnson has stated on December 31, 1966, on the issuance of the Report of the President's Commission on Crime in the District of Columbia:

"Crime cannot be conquered, in this or any other city unless citizens are willing to help. An understanding of the nature of the problems and the directions of effective citizen action will permit a mobilization of action by citizens and the private groups and agencies which they direct, to work together to meet the challenge, and the opportunity, which the report presents."

As of March 27, 1967, over 200 cities and towns around the country had implemented or made plans to implement the Community Radio Watch program. An estimated 12,000 business organizations with over one hundred thirty thousand (130,000) personnel driving vehicles equipped with two-way radios will soon be actively supporting their local police in their efforts to protect life and property.

A list of cities and firms participating in Community Radio Watch is attached.

To give further information on the operation of the program, I should like to submit for the record the reports of various newspaper accounts on the inception of the Community Radio Watch program in various communities. The clippings indicate the enthusiastic response of both the citizens and officials to the Community Radio Watch program. I also offer for the record, letters from public officials stating their enthusiasm for the program.

As with the use of two-way radio on buses and in the anti-truck theft alert plan, the Community Radio Watch Program has quickly produced highly encouraging and beneficial results. A recent example of Community Radio Watch in action may be of interest to the Committee.

Most of the members of this Committee (as well as most of the residents of the Washington, D.C. metropolitan area) remember the escape of three prisoners from Lorton Reformatory in nearby Virginia only a few days ago. An alert truck driver, Mr. Alva D. Shillingburg, driving for the Alban Trucking Co., of Springfield, Virginia, aided in the recapture of two of these escapees.

The three prisoners had managed to overpower their guards when the prison van in which they were riding slowed down to enter the Capitol Beltway near the Springfield, Virginia, access road. After dragging the guards from the vehicle, the prisoners re-entered and drove towards Washington. Minutes later, Mr. Shillingburg was flagged down by the injured guards and told what had happened. Mr. Shillingburg immediately radioed his dispatcher, James Warner, who in turn alerted the Alexandria Police. Because Mr. Shillingburg by use of his two-way radio was able to immediately contact his dispatcher, the Alexandria Police were able within minutes to seal off all Beltway exits in the area.

The prisoners in the meantime had wrecked the prison van when they attempted to enter the Telegraph Road exit in Alexandria at a high rate of speed. One prisoner was killed when the van rolled over him. The other two escaped on foot only to be caught about one mile from the scene of the accident brazenly applying for work at a construction project. They were returned to Lorton to face additional charges of assaulting guards and escaping.

Major Russell Hawes, Chief of Police of Alexandria, Virginia, warmly commended Shillingburg for his part in helping to apprehend the escapees:

"These were desperate, dangerous men on the loose, and if my men hadn't been notified promptly of what had happened and captured these criminals when they did, who knows what other crimes they would have committed or what other persons would have been hurt by them.

"This is all the more reason why we of the Alexandria Police Department commend Mr. Shillingburg for his outstanding public service in doing his duty as a responsible citizen of our community.

"It was fortunate, too, that his truck was equipped with two-way radio communication, which saved us precious time in setting up roadblocks to apprehend these criminals.

"We also wish to commend Mr. James Warner, the dispatcher for the Alban Tractor Company for his promptness in informing our police department as to what had happened.

"It is this type of fine cooperation by responsible citizens such as Mr. Shillingburg and Mr. Warner that can be of invaluable help to law enforcement authorities in fighting crime and handling accidents, fires and other disasters."

Mr. Shillingburg received a well-earned reward for his alertness and quick response in a threatening situation. For his service to his community he received the "Community Radio Watch Distinguished Service Award" and a $200 United States Savings Bond. Both the award and the bond were presented to Mr. Shillingburg by his Congressman Joel T. Broyhill.

This statement only presents a brief outline of the value of mobile communications to a community's commerce and to its civic order, as well as through the public spirited cooperation and concern of the small businessman using two-way radio for his community's welfare and advancement.

If all citizens begin to devote their time and effort to cooperating with their police forces and civic leaders, it will not be long before all communities across the nation are better places in which to live.

[From the St. Louis (Mo.) Globe-Democrat, Feb. 14, 1967]

BISTATE DRIVER PROTECTION WORKING

(By Carl Major)

Measures taken by the Bistate Transit System to afford better protection for drivers and passengers against holdup men are proving a marked success, figures obtained by The Globe-Democrat Monday show.

A Bistate spokesman said that during the first six months of 1966, there were 24 armed robberies on buses. The number dropped to 10 during the second half of the year, a decrease of 58 per cent.

Other figures show that there were 13 bus holdups in November and December of 1965 and only three during the same two months of 1966.

Last month, there were only two bus robberies, compared with eight for January of 1966. And so far this month, there has been only one, compared with four for the same period of February last year.

Following the holdup slaying of bus driver Wecter J. Clark on June 16, 1966, Bistate following a request by Amalgamated Transit Union, Local 788, initiated various safety measures.

So far, 50 buses have been equipped with two-way radios by which a driver can notify the dispatcher immediately in event of a holdup without even talking or taking his hands off the wheel. Bistate considers the manner in which this can be done is "classified information."

The dispatcher has a direct, "hot" line to police headquarters so that police can be notified immediately when there is a holdup.

The program calls for installation of two-way radios on 100 more buses, for a total of 150. The company is receiving 50 new buses in April from General Motors Corp., which will have factory-installed two-way radios.

Bistate itself will equip another 50 buses with radios. The entire program is hoped to be completed by mid-April.

In addition to the radios, which will cost $200,000, Bistate has taken these other measures:

One—Supplementing police protection by members of the decoy squad with special licensed plainclothes guards who are trained by the Police Department. They have been riding buses at night for several months.

Two—Equipping buses with four-way flashing lights to signal police for help.

Three—Installing protective shields behind the drivers' seats.

Other measures also have been taken but a Bistate spokesman said they cannot be revealed for fear of destroying their effectiveness.

Bistate said the two-way radios not only can be used to summon help in event of a holdup but to communicate with drivers on any traffic problems.

[From the Detroit (Mich.) Free Press]

PISTOLS UNLIKELY: RADIOS TO FIGHT CRIME ON BUSES

Chances appeared slim Monday that Detroit will have pistol-packin' bus drivers.

Lucas S. Miel, DSR general manager, shrugged off a report that the bus drivers' union will ask for guns.

More two-way radios, not pistols, will be used to help fight crime on city buses, Miel predicted.

Kerchel Schwartz, president of Division 26 of the Amalgamated Transit Union said earlier he would ask that drivers be armed if the DSR fails to buy 800 more radios.

Miel said he thinks Mayor Cavanagh and the Common Council will approve buying 200 radios in the new budget. As of Monday 157 buses had two-way communication equipment.

It would cost the city more than $1 million to buy 800 more radios. Miel said that lack of money prevents equipping all buses with them.

"The radios have already been of great value," Miel said.

Miel credited radio communication with possibly saving the life of driver Louis Thompson, 53, of 2036 W. Boston, who was seriously wounded in a holdup Friday.

Thompson called for help over his radio after he was shot. Miel said the call led to the arrest of a suspect.

All buses operating between midnight and 6 a.m. have radios, Miel said, and "those are the most dangerous hours."

Robberies of drivers and other types of crime have occurred "all over the city and not just on one bus line," Miel said.

Radios, not guns, he predicted, will be most effective in combating crime on DSR buses.

[From the Detroit (Mich.) News, Feb. 26, 1967]

DSR DRIVERS WEIGH PLEA TO CARRY PISTOLS

(By Berl Falbaum)

The city may be asked to permit Detroit bus drivers to carry guns, the DSR drivers union president said Saturday.

Kerchel Schwartz, president and business agent of Division 26 of the Amalgamated Transit Union, said he may make the request because of increasing bus driver robberies.

He said he would make the request if the city turns down a demand to buy 800 additional two-way radios for city buses.

His statement came after a bus driver was shot twice and seriously wounded Friday in a holdup. A suspect was arrested.

Police Commissioner Ray Girardin voiced objection to Schwartz' plan as he did recent plans to arm grocers.

"Only the police should be armed," said Girardin. "The use of guns involves not only the training of how to handle and clean a weapon but emotional reaction. A bus driver who has a gun might do something foolish."

The wounded bus driver, Louis Thompson, 53, of 2036 West Boston, is in Mt. Carmel Mercy Hospital.

"That was the third robbery of a DSR bus driver last week," said Schwartz. "We need the two-way radios for the protection of the drivers. If we can't get them I'm going to ask the city to permit the drivers to carry guns."

Schwartz maintained that a two-way radio in Thompson's bus led to the apprehension of the suspect and permitted the driver to call for help.

"After he was shot he called on his two-way radio to report that he was wounded," said Schwartz, "It may have been a major factor in saving his life."

He said 153 of 200 recently purchased buses have two-way radios. However, he said a demand for 800 additional radios was denied by budget officials.

"We need guns or radios and the operators prefer radios," said Schwartz. "We have had one man murdered and several cut with knives. We constantly read in the papers about crime on the streets; what about crime on our buses?"

DSR General Manager Lucas S. Miel said he will ask budget officials to reconsider and approve the purchase of 200 additional radios.

"The 800 would cost about $960,000," said Miel. "But we could get the federal government to finance two-thirds of the cost."

"If we get the 200 additional radios I think we will be well covered on the night runs with the radios we already have."

The DSR department budget hearing will be held March 15.

[From the Detroit (Mich.) Free Press, Feb. 26, 1967]

If City Vetoes Radios: Bus Drivers May Seek Guns

The head of the DSR bus drivers' union said Saturday he is considering asking the DSR to arm its drivers if the city refuses to buy additional two-way radios for buses.

But Police Commissioner Ray Girardin opposed the idea. He also opposed the recent plan to arm grocers.

The commissioner said the fatal shootings of two bandits by grocers last week hasn't changed his mind.

"The odds are still against the grocers," Girardin said.

To emphasize his point, Girardin cited three recent holdups in which grocers tried to use their guns.

"One was shot and is still in the hospital," he said. "A woman grocer was shot at four times, but fortunately was not hit, and another man had his gun taken away by the bandit."

Kerchel Schwartz, president of Division 26 of the Amalgamated Transit Union, said he will make his request if the city turns down the DSR's request for 200 additional two-way radios. A request for 800 radios was turned down by budget officials.

Schwartz said his decision was a result of the shooting and robbery last week of a DSR driver near the State Fairgrounds. The driver, Louis Thompson, is in Mt. Carmel Mercy Hospital.

A suspect was captured by police after Thompson reported on his two-way radio that he had been shot and gave a description of the robber.

DSR General Manager Lucas S. Miel said he will ask the city to approve the purchase of 200 radios.

"If we get the 200 additional radios I think we will be well covered on the night runs with the radios we already have," he said.

[From the Dallas (Tex.) News]

Two-Way Radios Due To Reduce Bus Robberies

(By Gene Ormsby)

The use of 2-way radios on new city buses should sharply reduce armed robberies of Dallas bus drivers, Dallas Transit System Gen. Mgr. Wilson Driggs said Sunday.

Driggs' statement came after a bus driver, Robert E. Cody, 37, was robbed at gunpoint Saturday by two Negro bandits. Cody fired at the fleeing bandits with a .45-caliber pistol but they escaped. He has been robbed before.

The transit official said he was greatly concerned at his drivers getting shot at.

Driggs revealed he planned to meet with Dallas Police Chief Jesse Curry in about a week and discuss the hijackings, including the possibility of whether or not drivers should be deputized and armed to protect themselves and their riders.

Driggs said he was not necessarily advocating the drivers be armed. He said if drivers arm themselves during duty, it is not sanctioned by the transit system. Furthermore, there is a state law against being privately armed.

Driggs said the transit system's $12,000,000 capital improvements program includes $350,000 for a 2-way radio system. "This should help tremendously," he said.

The radios will be used mainly to help dispatchers get buses on schedule faster. A side effect will be preventing robberies.

The police can be alerted faster by the radios and possibly make arrests while hijackers are still near the bus. Drivers will have emergency codes for alerting the dispatcher.

The transit chief said all of the 440 new buses in the new program will have the 2-way radios when they are delivered here.

"I look for the new buses to start coming in six to eight months," Driggs said, "provided the application (for $8,000,000 of federal money) is approved. I think it will be approved very soon." The city sent in the application to finance most of the fleet modernization.

Police Chief Curry said Sunday the hijackings were "not really a big problem."

He said when there was a flurry of armed robberies of buses last year police officers rode with buses from downtown into South Dallas, where many of the hijackings had taken place.

[From the New York Daily News, Mar. 2, 1966]

Walkie-Talkie Bags Theft Suspect

The walkie-talkie system recently put into experimental use by Housing Authority police trapped an alleged would-be robber in the Brownsville housing project. Yesterday Judge Benjamin H. Schor, in Brooklyn Criminal Court, held Thomas Kingsberry, 25, of 521 Rockaway Ave., in $5,000 bail for hearing March 21 on charges of assault and robbery.

Mrs. Joyce Lewis, 21, of 419 Blake Ave., set up the pursuit in which Kingsberry was captured after, she alleges, he tried to rob her in the elevator of her building Monday afternoon. She fought him to keep her handbag, she said.

SAYS HE GAVE UP

As the door opened at the 12th floor, she said, he gave up and ran for the stairs. She dashed into her apartment and alerted the project's police. The walkie-talkie alarm was sent out.

Housing Patrolmen August Karlquist and Archibald McCormick moved in from opposite sides toward Mrs. Lewis' home in time to see Kingsberry, whom they recognized from her description, run into a parking lot across the street from 419 Blake Ave. He was arrested there.

Francis V. Madigan, of the Housing Authority, said the walkie-talkie equipment for housing police has been tried in the Brownsville project for four months and previous arrests there have been credited to it.

It is one of four such units being tried out, one in Woodside, others in East Harlem and one section of the Bronx. One purpose is to determine how effective the equipment is in contacting policemen inside buildings.

Police said, Kingsberry has a record which includes a term for homicide imposed in 1956 when he was 15, and a 30-day term for rape imposed in 1964.

[From Transport Topics, Apr. 17, 1967]

Stop Thief!

The anti-truck theft alert system now in effect in Chicago and the New York-New Jersey metropolitan area is gaining new adherents and, on the basis of success noted so far, may well become adopted nationally.

The latest industry group to plan establishment of the alert system as reported elsewhere in this issue of Transport Topics, is the Philadelphia Chapter of the Pennsylvania Motor Truck Assn. in cooperation with the New Jersey Motor Truck Assn.

Adopting the chain letter principle, a carrier whose truck is stolen notifies other carriers, they in turn call still others and so forth. Drivers, armed with a description of the vehicle through two-way radio, then keep a lookout. In minutes, thousands of eyes are alert for a glimpse of the stolen truck. Police, the FBI and other law enforcement agencies cooperate with one another.

In the New York-New Jersey area truck hijacking is said to have declined from about 3 a day to 3 a month since the system was introduced. Rigs with valuable cargoes have been recovered within 45 minutes of a reported loss. Results like this hold forth great promise to fleet owners beset by the climbing rate of truck and cargo thefts.

The industry has a right to expect better protection from the policing agencies of the Federal, State and City governments. When this protection has not sufficed, however, it is only prudent to adopt self-help procedures.

The actual monetary loss, serious as it is especially in the context of increasingly tough competition and rising taxes, is not the only evil. Insurance rates are rising as a result. In some cases carriers have found it impossible to obtain any insurance.

Although 18 to 20% of the entire truck population of the nation is concentrated along the eastern seaboard within a 100-mile radius of Manhattan, the hijacking menace is national in scope. With hundreds of thousands of commercial vehicles moving valuable traffic day and night, the industry generally would be well advised to pay close attention to the results of the theft alert system as adopted in various areas.

[From Transport Topics, Apr. 17, 1967]

Philadelphia Carriers Study Theft Alert Plan

Philadelphia.—A motor carrier theft alert system, in which twoway radioes play a key role, already in effect in the Chicago and New York-New Jersey metropolitan areas, is now being planned for the Philadelphia-Camden, N.J., area.

The plan will be outlined to members of the Philadelphia Chapter, Pennsylvania Motor Truck Assn., at a meeting Wednesday at Alden Park Banquet Hall, Wissahickon Ave. and Kenilworth Drive, Philadelphia.

The anti-theft program is being developed by the Philadelphia Chapter in cooperation with the New Jersey Motor Truck Assn.

According to trucking officials the alert system has resulted in a decline in cargo hijacking in the New York-New Jersey metropolitan area from about three a day to three a month.

The program combines the forces of the trucking industry, the New York police, the New York Port Authority which is responsible for guarding bridges and tunnels, and the Federal Bureau of Investigation.

The system works like a chain letter. The description of a hi-jacked truck is telephoned to trucking companies each of which phones three others who in turn notify three more, and so on. Each company then reports the stolen truck's description to the drivers of moving trucks by two-way radio.

Within minutes some 1800 New Jersey drivers and another 4,500 in vehicles of New York operators are on the lookout for the stolen vehicle.

[From Business Week, May 6, 1967]

SPREADING A NET FOR HIJACKERS—A RADIO-CONTROLLED SYSTEM TYING TRUCKERS TOGETHER IS HELPING CUT THEFTS OF TRUCKS, CARGOES

Forced at gunpoint from his cab at a lonely stoplight, a truckdriver is blindfolded and driven around the city while his semitrailer is stripped of its $100,000 load of liquor. Dropped off later on a dark road, he's told: "Keep walking for 15 minutes and you won't get hurt." By then, the liquor is headed for parts unknown. So is the truck.

Hijacking in the roaring twenties? No. Hijacking in the affluent sixties. Today it's a multi-million dollar racket. Last year, New York alone had 1,300 truck thefts and hijackings with losses totaling $5-million. Only $1½-million was recovered.

Action. Now, however, something is being done to foil the thieves. Chicago truckers, who lost $4-million to hijackers in 1963, have seen that figure drop by 60% since then. The credit goes to Operation Alert, an industry radio-warning system. It was first organized in 1964 in the Chicago area by the Central Motor Freight Assn., and shows promise of spreading along the Eastern Seaboard—perhaps nationwide.

Reason for the spread, say the truckers: Operation Alert makes things so hot for hijackers that they are persuaded to move elsewhere, forcing other areas to adopt the system. This is apparently what happened after Chicago's success. In the two years after Operation Alert started in that city, hijackings from Maine to New Jersey soared.

"The whole region was hit at once" says Henry Savin, of Savin Express Co., New London, Conn. "There was a fantastic increase."

As a result, New York latched onto the system last December, and incidents dropped from three a day to three a week. New Jersey followed suit about a month ago, and Robert Lytel, managing director of the New Jersey Motor Truck Assn., says the operation is "going great. We had four alerts in the first 10 days and we recovered two of the trucks." Now New England and Philadelphia truckers are ready to deal themselves in.

CALLING ALL TRUCKS

The aim of Operation Alert is to put truck drivers on the lookout for hijacked or stolen vehicles. A fringe benefit is the rapport being established in an industry noted for its fiercely competitive atmosphere.

A victimized driver calls the Federal Bureau of Investigation, local police, and a member trucking company (there are 104 in Chicago). The company calls two or three other companies, which each call two or three others, and so forth until all members are notified.

The companies—most of which have radio-equipped vehicles—alert their drivers and salesmen. (Some keep in touch by phone.) Within 15 minutes of the original alarm, nearly 5,000 truckers in the Chicago area and about 6,000 around New York are on the lookout for the vehicle and its cargo, and ready to alert police. Frank Mack, controller at the Empire State Highway Transportation Assn., predicts that eventually the Eastern Seaboard will be united in a system that will include 15,000 to 20,000 radio-equipped trucks.

TWO SPEEDS

With swift notification, the police can pounce quickly. "Once we start making arrests, we completely destroy the organization," says a top officer of New York's Safe, Loft & Truck squad. A convicted hijacker-kidnapper can get life in prison, while vehicle theft sentences run from five to 10 years.

The trouble has been that the notification and pouncing have not always been swift. Take New York, for example. As the hijacking waned in Chicago and mounted in the East, everybody talked about it but nobody did anything.

The carriers and police knew what the thieves were after: easily disposable goods such as liquor, toiletries, cigarettes, and household appliances. They also knew how the thieves operated, and that most of the jobs were prompted by leaks from company employees. "Some of the thefts are because of careless talk by the drivers and can be cleared up with stricter internal security," one detective says. But everyone tried to fight the fight alone.

The truckers complained that the police were uncooperative. "They told our drivers to come into the station and fill out a report. Sometimes it took eight hours before word was out about the hijacking," says one trucking official. But the blame lay in both camps. Says Savin: "There was . . . no real coordination of reporting thefts."

In gear. So New York—with 100,000 trucks on its streets—decided to follow Chicago's example, and quickly. Operation Alert, originally planned for debut in 1967, went into action a year earlier, under the auspices of the New York Assn. The FBI and New York police cooperated.

City police send a squad car to pick up every stricken driver immediately after he calls. Crime reports are expedited and information about the crime is on the road before the thieves can unload the contraband to their fences, or middlemen.

Not all is sweetness and light. For one thing, truckers and police disagree about who is behind the hijacking. The industry says it is the Mafia, and this is why operations could so easily be shifted from Chicago to New York. Police have stated publicly that this is not the case. But the top security officer for one national trucker, himself a former New York detective, says: "There are no ifs, ands, or buts about it. This is Mafia controlled."

THE BLOTTER

But arrests are being made. Hijackings and thefts are being both solved and discouraged. For example:

Edward Griffin, security chief for U.S. Freight, Inc., cites the case of a $120,000 cargo stolen from a New York trucking yard recently. The disappearance was noted at 3 a.m. and the load located at 6:45 a.m. by an Operation Alert truck driver. He passed the stolen vehicle and notified a nearby policeman, who made the arrest.

Lytel, of the New Jersey association, recalls that one company salesman spotted a stolen truck and followed it (which violates a precept of the system). The thief recognized the salesman's car, leaped from the truck, and ran away. The vehicle was recovered with the goods intact.

Joseph R. Schuhmann, regional manager of Wilson Freight Co., of Elizabeth, N.J., speaks of the time recently when two New York area truckers, alerted to a stolen vehicle, spotted it and hemmed it in from the front and back with their own trucks. The driver escaped, but the stolen truck and its cargo were recovered.

Moreover, New York truckers are moving to strengthen their system. In Chicago, Central Motor Freight set up a terminal security and personnel screening division with 25,000 names on file to provide companies with a quick check on job applicants.

New Yorkers are doing much the same thing. They have formed a group composed of security officers from various trucking companies. The association is working on a system for making quick clearance checks of prospective employees. Security officers are exchanging ideas and methods for combating pilfering and information leaks.

"We're not competing, our companies are," quips U.S. Freight's Griffin. And he boasts: "Our program will be better than Chicago's." His peers in the East agree. Says one boldly: "We've got the mobsters on the run."

Still, the run, all predict, won't be very far. Probably only to the nearest unprotected big city.

[From the Sunday Star, Washington (D.C.), Apr. 30, 1967]

TIP ON ESCAPEES WINS AWARD

Alva D. Shillingburg, 29, of Manassas, who used a two-way radio in his truck to tip off Alexandria police about the escape of three Lorton prisoners two weeks ago, received the Community Radio Watch Distinguished Service Award last Friday.

A plaque and $200 in savings bonds were presented to Shillingburg by Rep. Joe T. Broyhill, R-Va., on behalf of the sponsor, Motorola Communications & Electronics, Inc.

While driving on the Capital Beltway, Shillingburg saw three prisoners overpower their guards in a prison van which was transporting them to Alexandria Federal District Court. He reported the episode to his dispatcher, who notified the police.

Two of the prisoners were captured after the van overturned and the third died in the accident.

Community radio watch, Mar. 27, 1967

State	City	Business organizations participating in program	Vehicles with 2-way radio participating in program
Alabama	Birmingham	50	500
	Selma	30	156
Arizona	Mesa	60	180
	Flagstaff	40	50
Arkansas	Pine Bluff	5	100
California	Ventura County	205	1,500
	Ontario	40	200
	Happy Camp	2	15
Delaware	Wilmington	100	1,000
	Dover	15	150
Georgia	Atlanta	500	8,000
	Forest Park	15	50
	Griffin	40	200
Illinois	Belleville	30	250
	Rockford	125	800
Indiana	Hammond	25	175

Community radio watch, Mar. 27, 1967—Continued

State	City	Business organizations participating in program	Vehicles with 2-way radio participating in program
Iowa	Cedar Rapids	150	900
	Bettendorf	8	80
	Council Bluffs	25	400
	Sioux City	30	500
	Burlington	50	100
Kansas	Lawrence	6	40
Kentucky	Covington	20	160
Massachusetts	New Bedford	18	100
	Quincy	30	160
	Lynn	40	150
	Pittsfield	30	200
Michigan	Lansing	100	750
	Bay City	53	350
	Detroit	100	6,000
	Livonia	30	175
Minnesota	St. Paul	100	1,000
	Minneapolis	100	1,000
	Maplewood	8	60
	Roseville	30	300
	Willmar	11	55
	Detroit Lakes	15	50
	Fergus Falls	20	100
	Rochester	45	385
	South St. Paul	20	250
	Duluth	40	500
Mississippi	Hattiesburg	30	200
Missouri	Joplin	25	350
	Springfield	30	400
	Jefferson City	12	120
	Webster Groves	12	30
	St. Louis	[1] 203	[1] 525
New Jersey	Bayonne	15	159
	Paterson	50	250
	Clifton	30	120
New Mexico	Clovis	35	185
New York	Rochester	200	2000
	Eastport	25	200
	Troy	27	247
North Carolina	Charlotte	200	1600
	Greensboro	250	1000
North Dakota	Jamestown	11	52
	Williston	25	350
	Grafton	5	22
	Dickinson	15	75
	Mandan	10	130
	Fargo	40	250
Ohio	Toledo	117	1,625
	Cincinnati	180	2,800
	Reading	10	75
	Columbus	100	2,000
	Fremont	6	200
	Marietta	50	200
	Port Clinton	6	30
Pennsylvania	Pittsburgh	100	3,000
	Philadelphia	300	3,000
	Lancaster	65	450
Rhode Island	Providence	25	350
	Woonsocket	10	40
South Dakota	Sioux Falls	40	300
	Tripp	10	40
	Yankton	40	250
	Mitchell	10	80
Texas	Fort Worth	100	2000
Utah	Ogden	60	660
Virginia	Petersburg	100	300
	Hopewell	50	150
Washington	Seattle	50	1,000
	Tacoma	90	750
West Virginia	Huntington	50	300
	Masontown	5	40
Wisconsin	Madison	30	400
Wyoming	Buffalo	25	100
Total (32 States, 88 cities)		5,240	55,496

[1] Partial order.

PROTECTION OF HUMAN RIGHTS IS A TRADITIONAL AMERICAN CONCERN—XCII

Mr. PROXMIRE. Mr. President, once again I invite the attention of the Senate to a most urgent matter of our unfinished business: the ratification of the Human Rights Conventions on Forced Labor, Freedom of Association, Genocide, Political Rights of Women, and Slavery.

Each of the human rights conventions now before the Senate was drafted with care and circumspection. Every precaution was taken to safeguard the contracting parties from becoming entangled in political disputes or from forfeiting vital or essential elements of their sovereignty. The conventions give contemporary relevance to traditional American practices. They are expressions of opposition toward those men and philosophies which have little regard for human rights. Our failure to ratify them is utterly without justification in either domestic law or policy and makes possible the association of our country with such other nonratifiers as South Africa and Yemen, whose regard for the rights of individuals is hardly the cause for envy.

Ambassador Arthur J. Goldberg, in testimony before a subcommittee of the Foreign Relations Committee on February 23 of this year underscored a traditional American principle when he declared that "concern for the welfare of all peoples is a principal feature of our foreign policy." Throughout our history, the United States has considered human rights in other countries to be a matter of our deepest interest and consistent with the profound commitment to the heritage of freedom which has fortified us.

Indicative of our national commitment to human rights was the action taken by President Taft who, in 1911 abrogated a trade treaty with czarist Russia because of that country's discriminatory practices directed against Jews. A large number of Senators were then active in expressing the conscience of the American public and providing the President's initiative with vigorous support.

The United States has also intervened on behalf of oppressed religious minorities of the Ottoman Empire in 1840; in Morocco in 1863; in Rumania in 1872; and in Poland in 1918–19.

America's historic commitment to the protection of human rights found further expression in the efforts of President Taft in 1913 to obtain guarantees for minority rights in the peace treaties that followed the Balkan Wars. President Woodrow Wilson urged a similar course in the peace treaties of 1919 involving Central and East European countries.

No doubt it was this distinctive humanitarian character of American tradition in foreign affairs that enabled American statesmen to be the first to recognize during World War II that the ultimate consequence of international suppression of freedom was external aggression and, therefore, that peace and human rights are necessarily and inextricably linked together.

Mr. President, human rights are indeed a traditional American concern. There is no reason for the present policy of inaction by each one of us, with regard to the Conventions on Freedom of Association, Genocide, Political Rights of Women, Slavery, and Forced Labor. We must change the unfortunate route selected by this body some 18 years ago. We must ratify, and reassert our concern for all peoples.

SHOULD BRITAIN JOIN THE COMMON MARKET?

Mr. SYMINGTON. Mr. President, 5 or 6 years ago, Gen. Charles de Gaulle had no greater supporter in this town than myself; because I believed he was for France. Only later did I realize the degree of the general's antagonism toward the United States.

In this connection, the general has now laid down his terms to Great Britain, terms under which he will "allow" that country to come into the Common Market.

The terms of his allowance to that end should be considered by every American.

Mr. Stewart Alsop comments on this situation in this week's issue of the Saturday Evening Post. His words, in part, are as follows:

> The truth is that, because we are obsessed with Vietnam, we have been following a knee-jerk policy in Europe. In the days of the "Grand Design" for a united Europe closely allied with the United States, the policy made sense. It has now been utterly outdated by events, but our knee goes on jerking—we go on urging the British to join the Common Market, no matter how outrageous the terms laid down by de Gaulle.
>
> This country and Britain ought to be examined with utmost seriousness some kind of "Atlantic arrangement" as an alternative to British submission to de Gaulle's demands—and without being put off by cliché's about Britain becoming the "fifty-first state."
>
> Winston Churchill was fond of pointing out that the United States and Britain together made an unchallengeable combination. This is still true, empire or no empire, gold drain or no gold drain. And it is of course why de Gaulle, with his bitter jealousy and paranoiac distrust of "les Anglo-Saxons;" is so eager to break up the Anglo-American alliance for good, before he dies.

There is no sane reason why we should help him do it.

I believe we have more friends in Europe than the title of Mr. Alsop's column would imply; but now that the Middle East is in turmoil, and with more shadows closing around the relations of the various countries in NATO, I would hope that every Senator would read the column in question and ask unanimous consent that it be included at this point in the Record:

There being no objection, the article was ordered to be printed in the Record, as follows:

Our Only Real Ally

(By Stewart Alsop)

Washington.—Why is the American Government doing all it can to lose the only really useful ally that the United States has left in the world? The question is prompted by the terms General de Gaulle recently laid down for Great Britain's joining the Common Market. His terms are very clear.

To become truly "European," Britain must undergo a "profound transformation." Britain must cut its commonwealth and other global ties; marry the pound to the franc instead of the dollar; abandon support for the United States position in Vietnam; and discard "all sorts of special agreements" by which Britain is "tied to the United States." In short, if Britain is to be permitted to join the Common Market, Britain must cease to be an ally of the United States.

Yet it remains official American policy to encourage Great Britain by all means to join the Common Market, thus destroying the Anglo-American alliance. Surely this is a bit odd. As one of Britain's most experienced diplomats remarked on a recent visit to Washington, "I can't for the life of me understand why you keep pressing us to join the Common Market when it's so clearly contrary to your own interests."

If Britain joins the Common Market, we will no longer have a single major ally, in the true sense of that word. Francophile orators like to call France "our oldest ally." But if France is an ally at all, it a worse-than-useless ally. Consider the recent record.

This country did everything possible, short cf going to war, to help France in its grubby colonial war in Indochina. In return, in our great trouble in Vietnam, the French have happily sabotaged us at every opportunity. France was one of the two greatest beneficiaries of Marshall Plan aid. In return, the French are now doing everything they can to undermine the dollar.

The U.S. has committed hundreds of thousands of men and tens of billions of dollars to the defense of Western Europe. In return, the French have kicked NATO out of France, and made no contribution worth mentioning to Europe's defense. Europe needs no defense, according to de Gaulle, because "there will be no war, I can assure you that." Why will there be no war? Because, as de Gaulle has also said, the American nuclear deterrent is "the essential guarantee of world peace."

Thus, if France is ever threatened, France's oldest ally will instantly come to the rescue, risking the lives of a hundred million or so Americans in the process. This Gaullist reasoning is a fine example of the famous *"logique Française."* French logic can be summed up in the phrase, "What's yours is mine and what's mine's my own." The French are totally blind to any national interest except their own.

The British, to be sure, have never been blind to the British national interest, but they have always been aware that an alliance is a two-way street. In our trouble in Vietnam, the British have stood by us, however reluctantly, even when the Labor majority in Parliament was virtually nonexistent. In recent months especially, the pressure on Harold Wilson's government to break with the United States over Vietnam has risen steadily. Much of the pressure comes from the British intellectuals, who, like their American opposite numbers, have eagerly swallowed the myth that only American intransigence stands in the way of a negotiated settlement in Vietnam.

Recently, Foreign Secretary George Brown went out of his way to explode the myth. "The only barrier" to negotiation, he said, "is that at no stage have we had a response from Hanoi. . . . We have made all possible efforts [but] they have all come to nothing because at the end of the day North Vietnam would never come to the table." This is, of course, the simple truth. But to tell the simple truth about Vietnam, in England even more than in this country, is to invite a relentless barrage of abuse from every intellectual organ. Brown is a brave man, and Britain is a useful ally.

In the postwar years, the British and the Americans have had their differences, of course, notably during the Suez crisis in 1956. But by and large Great Britain and the United States have been allies in fact as well as name, while the French behaved like allies only so long as it suited their financial convenience.

All this is, of course, a matter of opinion—and no doubt of outrageously biased opinion. The bias derives at least in part from the plain facts as recited above. But it also derives in part from personal experience, notably the experience of spending two and a half years in the British Army, and several months in the French Resistance, in the last war.

I enjoyed the *maquis* much more than the British Army, partly because the French are more fun to be with than the British. The French are wonderfully likable and entertaining people, and they can also be amazingly brave and altogether admirable in many ways. But the truth is not in them—not, at least, where *la belle France* is concerned.

In the *maquis* everybody lied happily to everybody else all the time. One *maquisard* would boast of how he had strangled 10 Boches with his bare hands, and another would raise the ante to 20 Boches. It was a game. But there was a point at which it ceased to be a game.

When our area was liberated, de Gaulle himself appeared and made a speech to the assembled *maquisards. "C'est vous, les Francais, qui ont libéré la France,"* he said—"You, the French have liberated France." It was a bald-faced lie, of course, but every Frenchman present believed it devoutly. All Frenchmen are capable of devoutly believing anything good about France, and anything bad about any other nation, which is one reason why the French are useless as allies.

The British are perfectly god-awful in all sorts of ways. But they respect the truth, and are capable of facing it, one reason why they won the last war and the French lost it. They really do care about political freedom, and not only their own. And they have an inner toughness which makes them useful people to have around in a tight spot.

The spot we are in is getting tighter all the time. This is why it seems so odd that we should be actively encouraging the only really useful ally we have to cease to be an ally, and to become instead part of a French-dominated, profoundly anti-American "European" community.

The truth is that, because we are obsessed with Vietnam, we have been following a knee-jerk policy in Europe. In the days of the "Grand Design" for a united Europe closely allied with the United States, the policy made sense. It has now been utterly outdated by events, but our knee goes on jerking—we go on urging the British to join the Common Market, no matter how outrageous the terms laid down by de Gaulle.

This country and Britain ought to be examining with utmost seriousness some kind of "Atlantic arrangement" as an alternative to British submission to de Gaulle's demands—and without being put off by clichés about Britain becoming the "fifty-first state."

Winston Churchill was fond of pointing out that the United States and Britain together made an unchallengeable combination. This is still true, empire or no empire, gold drain or no gold drain. And it is of course why de Gaulle, with his bitter jealousy and paranoiac distrust of "les Anglo-Saxons," is so eager to break up the Anglo-American alliance for good, before he dies. There is no sane reason why we should help him do it.

THE PRESIDENT'S STATESMANSHIP SHOWS THE WAY TO REAL MIDDLE EAST PEACE

Mr. BYRD of West Virginia. Mr. President, yesterday, in a major speech on the Middle East, President Johnson presented a realistic course for peace in that troubled area of the world. Clearly, the President was looking ahead to the possibilities of the future. Clearly, he was seeking to avoid the recriminations and hostilities of the past.

At the heart of the President's remarks was his determination to recognize the social, political, and economic rights of all sides in the long-smoldering dispute. The five points he outlined as being indispensable to true peace in the Middle East—the right to political sovereignty; the rights of the refugees; the right of free maritime passage; the end to the arms race; and the need for direct negotiations between Israel and her Arab neighbors—demonstrate the President's firm grasp of the most basic issues involved in creating a new era of peace and progress in the Holy Land.

I commend the President for his excellent policy statement. My hope is that the members of the United Nations will take prompt action on the President's proposal that all arms shipments into the Middle East area be reported by U.N. forces on the scene. Ending the arms race is vital if peace is to be truly restored to the Middle East. And direct negotiations between Israel and the Arab nations are equally important if future hostilities are to be avoided.

It is instructive, I think, to compare the President's speech with the one delivered at the General Assembly yesterday by Premier Kosygin. For while the President spoke the reasonable language that denotes hope for future peace, Mr. Kosygin chose to speak the language of the past—with all of the hatred and violence of the sad history of the Middle East.

President Johnson's statesmanlike address should be the real keynote address of the General Assembly meeting. My hope is that his reasoned, enlightened response to the crisis will be emulated by other world statesmen, who will show equal determination to find the way to avoid the kind of danger and tragedy that threaten the security of the entire world.

RECESS UNTIL TOMORROW AT 10 O'CLOCK A.M.

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate stand in recess until 10 o'clock tomorrow.

The motion was agreed to; and (at 5 o'clock and 50 minutes p.m.) the Senate took a recess until tomorrow, June 21, 1967, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate June 20 (legislative day of June 12), 1967:

INTERNATIONAL MONETARY FUND

William B. Dale, of Maryland, to be U.S. Executive Director of the International Monetary Fund for a term of 2 years (reappointment).

IN THE NAVY

The following-named officers of the Navy for temporary promotion to the grade of rear admiral in the staff corps indicated subject to qualification therefor as provided by law:

MEDICAL CORPS

Felix P. Ballenger

SUPPLY CORPS

Paul F. Cosgrove, Jr.
Grover C. Heffner
Elliott Bloxom
Roland Rieve
Stuart H. Smith

CIVIL ENGINEER CORPS

Spencer R. Smith
James V. Bartlett

HOUSE OF REPRESENTATIVES

TUESDAY, JUNE 20, 1967

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

And they that know Thy name will put their trust in Thee: for Thou, Lord, hast not forsaken them that seek Thee.—Psalm 9: 10.

O Thou in whose presence our spirits find strength, our minds are given fresh insights and our hearts feel the warmth of Thy love—at the gateway of another day we pause in silence before Thee. Incline our souls to seek wisdom and truth and mercy at Thy hands. Reveal to us the way we should go, the decisions we should make, the plans we should follow and may all our work be based upon intelligent conviction and dynamic faith.

Hear us as we pray for those who bear the burden of war and are ready to give their lives that we may continue to live as free men. May we not be heedless of their courage but be ready to bear with them and to support them that out of this turmoil there may come an enduring peace.

Cleanse our national life from discord and violence and suspicion. Keep us from hating one another lest in our ill will we destroy ourselves. Lead us, O Lord, in the ways of unity and peace and good will for Thy name's sake. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 601. Joint resolution extending for 4 months the emergency provisions of the urban mass transportation program.

The message also announced that the Senate requests the House of Representatives to return to the Senate the bill (S. 1577) entitled "An act to complement the Vienna Convention on Diplomatic Relations," together with all accompanying papers.

The message also announced that the Presiding Officer of the Senate, pursuant to Public Law 115, 78th Congress, entitled "An act to provide for the disposal of certain records of the U.S. Government," appointed Mr. MONRONEY and Mr. CARLSON members of the Joint Select Committee on the part of the Senate for the Disposition of Executive Papers referred to in the report of the Archivist of the United States numbered 67-11.

PROVIDING FOR CONSIDERATION OF JOINT RESOLUTION MAKING CONTINUING APPROPRIATIONS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order on Monday, June 26, or any succeeding day in June, to consider a joint resolution making continuing appropriations.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PRESIDENT JOHNSON'S FORMULA FOR RESTORATION AND MAINTENANCE OF PEACE IN THE MIDDLE EAST

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, never have the American people had a better opportunity to compare and to contrast the sincerity of their own Government and that of the Soviet Union regarding international peace than by reading in adjoining columns of their newspapers the concise and conciliatory address of their great leader, President Johnson, and the address of Premier Kosygin before the United Nations, Premier Kosygin once more betrayed the true motives of his Government to take advantage of the present crisis in the Middle East for the purpose of bringing more nations and more people under the sway of Russian power.

Mr. Speaker, I am proud to record my approval of President Johnson's formula for restoration and maintenance of peace in the Middle East. Once more he has displayed great ability as a statesman, and his high qualities as the leader of the American people.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Louisiana.

Mr. BOGGS. I would like to join in the remarks made by the gentleman from Oklahoma and commend him for making them. May I add that I would hope that while Mr. Kosygin is in the United States he would use this opportunity, the great opportunity that presents itself, for the promotion of world peace, which is desperately needed in the Middle East, Southeast Asia, and many other places on the earth, rather than using it as a crude propaganda effort for Russian power politics which we all understand so well. I commend the gentleman from Oklahoma for his fine speech.

Let me include an editorial from the New York Times for June 20. However, I believe that the President was eminently correct in delivering his address here in the Nation's Capital.

The editorial follows:

MR. KOSYGIN AND MR. JOHNSON

Since the hope had been so slight that he would show some genuine statesmanship in his address to the General Assembly yesterday, it cannot be said that Premier Kosygin's sterile and pedestrian performance was much of a disappointment. It can only be said that Mr. Kosygin failed in his responsibility as leader of one of the most powerful states on earth by rejecting this opportunity to advance the peace of the world in general and of the Middle East in particular.

This does not mean that the doors are automatically closed to an eventual peaceful and just settlement of the Arab-Israel question; but it does mean that Premier Kosygin did little yesterday—in striking contrast to President Johnson—to keep them open. It also means that the Soviet Premier felt it necessary to stand before the world tribunal and engage, in his quiet way, in a transparent distortion of history, in crude vilification, in crass propaganda in order to prove to the Arab states that the Soviet Union, after all, really is their friend. Without flamboyance, without emotion, the Premier of the Soviet Union nevertheless harshly reiterated the almost entirely negative position taken previously by his representative in the Security Council, a demand for return of the *status quo ante*, which could only insure an indefinite continuance of bloody turmoil throughout the Middle East.

A slight ray of hope that Mr. Kosygin might be willing, despite his public posture, to undertake some realistic discussions lies in the few phrases of his speech suggesting readiness "to work together [for justice and peace] with other countries," with special reference to "the Big Powers." This is small evidence to go on; but the inclusion of such phrases could conceivably be significant.

In contrast to the generally obdurate and accusatory line of the Soviet Premier, the President of the United States set forth a reasonable approach to the Middle East problem. Employing dignified and measured language, Mr. Johnson addressed himself not to a false reconstruction of the past, as did Mr. Kosygin, but to a realistic program for the future. We only regret that he did not come to New York to make his speech before the General Assembly.

The establishment of conditions for a lasting peace between Israel and the Arab states is the basic American concern, premised of course on the recognition that Israel not only has the right to live, but is going to go on living. Once that fact is accepted, the other pieces of the puzzle can be made to fit together—but only if the Arab states can be persuaded to accept it. The Soviet Union could do much, if it would, to persuade them. Then, and only then, the refugee problem, the arms problem, the water problem, the boundary problem, the free-passage problem and the troop withdrawal problem would be capable of solution.

The President stressed that the United States is ready to see any method of peacemaking tried, both in and outside the United Nations, and among any or all parties. He gives the impression of "playing it cool," which is just about the best way for the United States to act in a situation that has been far too hot too long. What is called for at the moment is no precipitate action by the victorious Israelis in respect to Jerusalem or anywhere else, by the Arabs in the desperation of their defeat, or by the great powers in maneuvering for position. This is, as Mr. Johnson suggested, a time for magnanimity by the victors, for patience by the vanquished, and for vision by the Parliament of Man.

LEGISLATIVE PROGRAM FOR THE PERIOD JUNE 29 TO JULY 10

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the gentleman from Oklahoma, the distinguished majority leader, if he has any information for the membership as to plans for the House over the Fourth of July weekend.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. I am very happy that the distinguished minority leader has made this inquiry, because I think the House is entitled to know what the plans are.

After the close of business on Thursday, June 29, we plan to adjourn by resolution until Monday, July 10. We will have a total of some 10 days' vacation during the Fourth of July period.

Mr. GERALD R. FORD. Will the gentleman from Oklahoma reaffirm what I understand is the intent, that we will have business on Thursday, June 29?

Mr. ALBERT. The gentleman is correct.

Mr. GERALD R. FORD. And we will have business on Monday, July 10?

Mr. ALBERT. The gentleman is correct.

Mr. GERALD R. FORD. I thank the gentleman from Oklahoma.

THE ENDLESS SEMANTICS OF THE U.N.

Mr. SIKES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, undoubtedly the Nation is weary of the endless semantics of the U.N. Currently, it is engaged in a long and tedious series of charges and countercharges involving the Middle East. This is largely meaningless in that the U.N. has no jurisdiction, and further, it is discussing a problem which already has been resolved. The Israel forces in less than a week settled all the problems for the foreseeable future which have so long plagued the Middle East. If there is any change from the present status, it must be with the recognition and consent of Israel. No amount of talk in the United Nations can modify this situation one whit.

There is no reason to anticipate that Israel should or will bow to the far-fetched and even stupid demands that are being made in the United Nations. Everyone recognizes this as an attempt at facesaving by Russia and her Arab allies. Unfortunately, if these facesaving speeches are played over and over long enough, there may be some people who will be convinced. We may even find the U.S. Government allying itself with some of these demands upon Israel. We allow ourselves to be backed into strange corners at times to the mystification of even our best friends.

Efforts have been made to arouse concern in the United States over the fact that oil from the Middle East is no longer available. I would remind those who appear disturbed that producers in the United States would welcome an opportunity to place more oil on the market; so would South American producers. I would also call attention to the fact that the Arabs have little else to sell but oil. They will be needing a market. The Communist world cannot absorb their output. They will be needing a market much sooner than we need their oil. And, before we again accept their oil, it should be stipulated that there will be reparations for all the damage and destruction to American property, whether it be for the personal effects of U.S. refugees from Cairo or refineries owned by American oil interests.

The question of access to water routes is even more academic. Israel controls the important water routes. This should be guarantee enough that there will be free access to the Suez and to the Gulf of Aqaba in the future.

The President of the United States has said the issues affecting the Middle East must be resolved within the area by the affected powers. In other words, there is very little other than confusion that the U.N. can contribute to peace in the Middle East.

In the meantime, we are paying nearly half of the cost of all the maneuvering and backing and filling which is taking place there.

PERMISSION FOR SUBCOMMITTEE ON FEDERAL AID TO HIGHWAYS AND SUBCOMMITTEE ON ROADS OF THE COMMITTEE ON PUBLIC WORKS TO SIT DURING GENERAL DEBATE TODAY

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the Subcommittee on Federal Aid to Highways and the Subcommittee on Roads of the Committee on Public Works be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, would the gentleman notify the House whether the request has been cleared with the minority member of the committee.

Mr. HOWARD. It has been cleared with the gentleman from Florida [Mr. CRAMER].

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

NOW IS THE TIME FOR CONSTRUCTIVE STATESMANSHIP, NOT DEMAGOGY

Mr. FARBSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, it is tragic that Premier Kosygin came all the way to New York to deliver the divisive, destructive speech that the world heard yesterday. If his purpose was merely to curry favor with his Arab clients—as it certainly seemed to be—then he should have gone directly to Cairo and Damascus and saved himself a lot of travel.

Now is the time for constructive statesmanship, not for demagogy.

We are faced with a situation in the Middle East that demands solution, not recrimination.

As Israel's Foreign Minister, Abba Eban, so eloquently inferred, the chief villain in this crisis has been the Soviet Union and its irresponsible shipments of war materiel to the Arab nations. The Soviet Government started the trouble by pouring into the Arab world billions in instruments of slaughter, when these billions should have been spent for education, for food, for homes. His Government would be performing a real service to the Arab States if he reversed his grievous policies and began to spend Russian money to make a better life for the Arab refugees to which his Government have contributed not a cent and the other Arab people. It is a shame that he is wedded to practices which will only exacerbate relations between Arabs and Israelis and their conditions of life.

In contrast, the early morning speech of President Johnson, offered a much more prudent and constructive policy for the disputing nations as he held out the hand of peace through his five great principles. Recognition of each nation's right to live, justice for the refugees, respect for maritime rights, opposition to the arms race, and respect for political independence and territorial independence are principles which can and should be embraced by all the nations in the Middle East.

Premier Kosygin made a serious mistake to come to New York to deliver words of hatred. Now it is time for a restoration of sanity.

TO PROVIDE ADDITIONAL READJUSTMENT ASSISTANCE TO VETERANS WHO SERVED IN THE ARMED FORCES DURING THE VIETNAM ERA

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 16) to provide additional readjustment assistance to veterans who served in the Armed Forces during the Vietnam era, and for other purposes, with a Senate amendment to the House amendment, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. TEAGUE of Texas, DORN, HALEY, BARING, ADAIR, and AYRES.

PROTECTION FROM RIOTS AND MOB VIOLENCE

Mr. DORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, again this summer we are witnessing a wave of riots which are sweeping across the Nation and bringing destruction of private property, looting, burnings, injury, and even death to innocent citizens. Just this week rioters have killed, wounded, and destroyed persons and property in every section of our country. These rioters do not represent freedom of peaceful assembly, legitimate protests, or responsible picketing in pursuit of constitutional rights or economic justice.

We have been given ample warning that no community will be safe from these well-organized and well-trained rioters that have been provided insidious know-how, money, and equipment. They can cross State lines and descend upon peaceful communities jeopardizing the health, happiness, and general welfare of our people.

Our local policemen, sheriffs, and State law enforcement agencies are doing a magnificent job in upholding law and order throughout our Nation. Our State and local law enforcements can deal with local crime and local mobs, but when mob leaders cross State lines bringing with them their trained "demonstrators" and rioters, then local law enforcement agencies and officers need help.

Yes, we are faced with stark mob violence which is often instigated by professional agitators crossing State lines for the purpose of creating anarchy and a breakdown in law and order by force.

When communities are invaded by mobs from other States it is a threat to the general welfare and warrants the urgent attention of Congress. When Molotov cocktails are hurled into private homes and places of business, and pitched battles instigated by mob leaders rage in the streets, the United States becomes an object of ridicule all over the world.

Our men in Vietnam and those standing guard for freedom throughout the world are greatly embarrassed and their morale shaken by such mob violence. The international Communist conspiracy in its diabolical scheme to conquer the world is thus aided by violence and anarchy in the cities of our country.

I supported the amendment last year which would have made it a Federal crime for any person to across State lines for the purpose of exciting riots and mob violence. Mr. Speaker, the same legislation is now before the Rules Committee in the form of H.R. 421. I urge the committee to grant a rule permitting this legislation to come before the House for consideration. The situation is urgent. Law abiding citizens need the support and reassurrance of their Congress in the critical months ahead.

STATESMANSHIP IN AND OUT OF THE UNITED NATIONS

Mr. MULTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, all those who had the opportunity to hear or to read President Johnson's remarks of yesterday morning must agree that he was fair, he was honest, he was the statesman par excellence.

Once again, he proved that he and the United States want nothing anywhere more than we want peace everywhere—peace in the Middle East—peace in Southeast Asia—peace everywhere—but peace with justice.

He ignored the epithets thrown at us. He disregarded the incitement to hate by those who would destroy us. He humbly held out in good faith the hand of friendship and showed the world the path to good neighborliness and togetherness and helpfulness.

Almost immediately thereafter the world that watched and listened to the proceedings at the United Nations saw and heard a vituperative exhibition by Communist Russia that was the complete antithesis of our President's posture.

Kosygin was unfair, dishonest, and most unstatesmanlike.

He typified the worst of the big bullies. His threatening diatribe was intended to frighten and scare.

His reference to Hitlerian tactics of murder, ravage, arson, and wanton destruction reminded us of the days when the Russian Communists were cooperating hand in glove with the Nazis until Stalin and Hitler fell out.

The only thing that makes the Arabs and the Communists appear to be brothers is their identical capacity to spume hate and their vile and vicious incitement to destroy a world that God intended for brotherly love.

They cannot succeed. They will not succeed.

The world will yet attain peace with justice despite the intransigence and truculence of the aggressive Arabs and the covetous Communists.

VOTE AGAINST PREVIOUS QUESTION ON RULE TO OPEN WAY FOR AMENDMENTS ON DEBT CEILING BILL TO PREVENT SECRETARY OF TREASURY PAYING U.S. DEBTS TWICE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, I urge my colleagues to vote against the previous question when the closed rule on H.R. 10867, the debt ceiling bill, is offered tomorrow.

A vote against the previous question on the rule is necessary so that we may open the way for amendments to the debt ceiling bill.

Mr. Speaker, I plan to offer an amendment which will provide:

First. That the Secretary of Treasury be prohibited from paying any obligation of the U.S. Government more than once; and

Second. That the Secretary of Treasury be prohibited from paying interest on any obligation of the U.S. Government that has already been paid in full.

My proposed amendment, of course, would require that the U.S. Treasury cease to pay $1.9 billion annually in interest on $45 billion worth of bonds being held in the Federal Reserve Bank of New York. These bonds are part of the Federal Open Market Committee's portfolio and they have been paid for in full once.

Mr. Speaker, a vote against the previous question will enable the House to express its opposition to the paying of any Federal debt twice or the paying of interest on obligations that have been paid in full.

PERSONAL ANNOUNCEMENT

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DULSKI. Mr. Speaker, on June 19 I was in my district and am not recorded on rollcall votes Nos. 139, 140, 141, and 142.

If I had been present, I would have voted as follows:

On rollcall No. 139—"yea."
On rollcall No. 140—"yea."
On rollcall No. 141—"yea."
On rollcall No. 142—"yea."

THE DISTRICT OF COLUMBIA REORGANIZATION ACT: BETTER AND MORE REPRESENTATIVE GOVERNMENT

Mr. **ADAMS**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. **ADAMS**. Mr. Speaker, the battle for more representational government for the District has been underway for years in the Capital City of the United States. Today the issue is whether or not the 90th Congress will support President Johnson's proposal to modernize and strengthen the government of the District of Columbia.

While not a substitute for the long sought objective of home rule, the reorganization plan will give the District strong executive leadership and a "broadly representative" city council.

The President has proposed a single Commissioner to replace the present three-man Board of Commissioners. This Commissioner—chosen from outstanding candidates from all over the country—will be similar to a mayor in his executive responsibilities and actions. He will be joined by a nine-member Council—similar to city councils in most urban communities—which will make rules and regulations for the city—the local ordinances—as will as budget recommendations. Appointments to the Council will be made with a view toward achieving a membership broadly representative of the District community.

This proposal is essential if we are to have a local government capable of meeting the needs of District residents. The time is long overdue for such positive action. And I think the 90th Congress must be responsive to a proposal that is so fair and just.

This proposal will help restore some of the basic rights of 800,000 Americans who reside in Washington. It is a proposal that is warmly endorsed by the civic and religious and business leaders of this community. It is a proposal favored by the overwhelming majority of District residents.

Even the opponents concede that reorganization of the District government is necessary. Resolutions of disapproval should not rest on an alleged jurisdictional basis. The District of Columbia Committee remains free at any time to make improvements in the plan. Many of us on the committee will support these improvements but do not believe we should stop this plan or take a chance that nothing will be done.

I hope we will pass this plan and then continue with the job in committee to correct those deficiencies which have not been or could not be reached through the reorganization plan.

PEACE IN THE MIDDLE EAST

Mr. **GILBERT**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. **GILBERT**. Mr. Speaker, the contrast between the leader of the free world and the leader of the Communist world was never more clearly manifested than it was yesterday, when both addressed themselves to the issue of peace in the Middle East.

President Johnson's words were full of hope. They embodied an objective approach to the grievous problems that have beset the Middle East, largely as a consequence of the mischief making of Moscow. President Johnson faced the Middle East question realistically, without dogma, without any effort to acquire gross partisan gain. He showed wisdom and strength.

Premier Kosygin, in contrast, presented a grim message to the United Nations, grim because it was so devoid of the spirit of conciliation that must be forthcoming from the Soviet Union if there is to be peace and progress, where, in the past, there has been war and poverty. Premier Kosygin gave us an exercise in absurdity, an experience in fanaticism, a demonstration of demagoguery. He did nothing whatever to advance the cause of a Middle East settlement.

We must face the fact, I feel, that there will be not stability in the Middle East until the Soviet Union decides that its people and its assets are more than pawns in the cold war. As soon as Russia recognizes that its own interest is served by stability, then we can all work toward that worthy end.

In the meantime, Mr. Speaker, I am confident that the President will not abandon his support of the justified interests of Israel, a country which I believe will be magnanimous in victory just as it was self-reliant in crisis. Israel resolved the military problem in the Middle East. This Government must remain at Israel's side while the diplomatic battles are waged to prevent still another recurrence of war in our day.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN REPORTS

Mr. **COLMER**. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain reports.

The **SPEAKER**. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

THE LATE JAMES R. BEVERLEY, FORMER GOVERNOR OF PUERTO RICO

Mr. **POLANCO-ABREU**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. **POLANCO-ABREU**. Mr. Speaker, Puerto Rico was saddened this past weekend by the death of its former Governor, James R. Beverley, who for the better part of his life served public purposes in the island and contributed heavily in civic functions benefiting the Puerto Rican people, although he was a Texan by birth.

James Beverley came to Puerto Rico in 1925 and took up posts as Deputy Attorney General, Special Adviser to the Public Service Commission, and Attorney General until 1931, when he was appointed Governor by President Herbert Hoover. He left that office in 1933, but his public service was really just beginning.

Governor Beverley had fallen in love with Puerto Rico, and he remained on the island where his children were born and raised and where he made his permanent home and enjoyed the lasting affection of his fellow Puerto Rican citizens.

Upon leaving the office of the chief executive, Governor Beverley established a law firm, today known as Beverley, Castro & Rodriguez Lebron. His son William, joined this firm years ago.

Throughout his life as a leading attorney in Puerto Rico, Governor Beverley took an interest and an active part in Puerto Rican public affairs, and he was active also in politics according to the dictates of his persuasion.

The efforts to which he devoted himself included those of executive positions which he held in various corporations, those as a member of the Puerto Rico Bar Association and the Bankers Club, those as chairman of the board of trustees of Inter-American University and as a member of the board of the Presbyterian Hospital in San Juan, and those which he enjoyed so much in working with the Boy Scouts organization.

Governor Beverley in 1962 was awarded a certificate of merit by the Puerto Rico Chamber of Commerce in recognition of his many contributions in political, social, and civic matters.

Governor Beverley became one of Puerto Rico's leading private citizens through his honesty, energy, and dedication to the principles in which he believed. He will be sorely missed in our community, and I join with his many friends in extending deepest sympathy to his widow, Mary, and to James and William, his sons.

CHRIS KRAFT CHOSEN VIRGINIAN OF THE YEAR

Mr. **POFF**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER**. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. **POFF**. Mr. Speaker, it is my privilege to salute Christopher C. Kraft, Jr., Director of Flight Operations for the NASA space flight program, who has just been named Virginian of the Year by the Virginia Press Association.

Virginia is proud of her native son. I am particularly pleased at this honor, because Chris Kraft is a graduate of Virginia Tech at Blacksburg in the congressional district I am privileged to represent. Indeed, he is the recipient of the Distinguished Alumnus Citation from Virginia Tech. I was thrilled to attend the campus ceremonies which honored him.

Among his other awards are NASA Distinguished Service Medal, the Arthur Fleming Award as one of the 10 outstanding men in Government service, his selection by Life magazine as one of the 100 outstanding leaders of the Nation, and an honorary doctorate in engineering from the Indiana Institute of Technology.

I am sure that all Americans will join in paying tribute to Chris Kraft when he receives the Parks-Mason Memorial Award in Richmond on Saturday, June 24. The award itself is a material manifestation of the affection in which he is held. A silver printer's stick mounted on a piece of wood from the historic Gunston Hall, home place of George Mason whose Virginia Declaration of Rights was the forerunner of the Bill of Rights, will bear the initials CCK in his honor.

In days ahead, as man moves farther out of his own safe and familiar environment into the unknown elements of space, we feel a considerable measure of pride and sense of reassurance in the knowledge that the talents of Chris Kraft will be directing America's bold new adventure.

LEGISLATION INTRODUCED BY REPRESENTATIVE KLEPPE TO CURB IMPORTS OF EGYPTIAN EXTRA-LONG-STAPLE COTTON INTO THE UNITED STATES

Mr. KLEPPE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. KLEPPE. Mr. Speaker, I have today introduced a companion bill to the legislation introduced by the distinguished chairman of the House Agriculture Committee, the gentleman from Texas [Mr. POAGE], and by 24 other Members of the House to curb imports of Egyptian extra-long-staple cotton into the United States.

We never really needed Nasser's cotton. Certainly we do not need it today.

Production of extra-long-staple cotton in this country has declined from 161,000 bales in 1963 to an estimated 71,000 bales this year. In the 1964-65 quota year, Egypt shipped 69,431 bales of extra-long-staple cotton to the United States.

The proposed bill would close U.S. markets to "raw, semiprocessed, or processed extra-long-staple cotton which is the product of a country which has severed diplomatic relations with the United States during the 1-year period ending on the date of the enactment of this legislation."

It also directs the Secretary of Agriculture to "give domestic producers the opportunity to produce an amount of such extra-long-staple cotton equal to any reduction in supply which may result from this enactment."

There has never been any sound reason for importing cotton or any other farm commodity which our own growers are able to produce in sufficient quantity. I would hope to see the Congress take early action not only to reduce imports of extra-long-staple cotton but also to cut imports of dairy products and meats which are currently flooding domestic markets and forcing down prices received by American farmers.

THE TIME HAS COME FOR CONGRESS TO FACE UP TO THE FACT THAT LAWLESSNESS AND DISORDER HAVE GOTTEN OUT OF HAND

Mr. MICHEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. Mr. Speaker, the time has come for Congress to face up to the fact that lawlessness and disorder have gotten out of hand. It is time that we accept our responsibility to the people of this Nation. It is time that we pass antiriot legislation to give local law enforcement officials the cooperation and backing of the Federal Government in their efforts to cope with what has become a national scandal.

We are witnessing the interstate transportation of disorder. We here in the Congress have the lawmaking authority to deal with this problem and we should do so without further delay. We owe it to those who have elected us to office. Irresponsible elements have created a situation that none of us like—but in doing so they have obligated us to act.

There is antiriot legislation holed up in the Judiciary Committee of this House. It should be brought to the floor and acted upon immediately. Every day of delay lessens the influence of this body. The crisis is here. We have the tools at our command. Mr. Speaker, this Congress should and must act on the antiriot bill so that this malicious evil can be dealt with on the only terms that those who are fomenting trouble can understand.

Let us not kid ourselves. We have organized, interstate violence in our midst, and it is time that we face up to this fact and bring it to a halt. Passage of antiriot legislation would provide those who are attempting to keep law and order with the authority to prevent interstate transport of violence and civil disobedience.

DRAFT REFORM STILL NEEDED

Mr. SCHWEIKER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCHWEIKER. Mr. Speaker, the conference report on the draft which we are considering today is a great disappointment. Regrettably it has been gutted in conference of its most significant provision.

The bill passed by the House would have provided that, for the first time, there must be a high degree of uniformity among the Nation's 4,084 local draft boards. But at the insistence of conferees from the other body this provision has been emasculated.

This draft measure contains, or permits the implementation of, a majority of the reforms called for in the Draft Reform Act of 1967, H.R. 5017, which I introduced on February 7.

But of all the points, none was more significant, none was more far-reaching, than the House committee amendment adopted at my urging which, for the first time, would have provided for creation of national deferment standards uniformly administered throughout the country.

This amendment would have given the Selective Service System the predictability, fairness, and national uniformity that it utterly lacks now. But this amendment has been gutted in conference at the insistance of the other body.

The Constitution puts national defense solely in the hands of the Federal Government. Yet the present draft system produces the men to serve by using 4,084 different sets of policies and practices, depending on which local board has the registrant's file.

The Marshall Commission report is replete with examples of how the particular local board with which a man is registered can determine his draft situation.

As the law now stands, one local board does not have to agree with another, nor with selective service headquarters. And two identical cases before the same board need not be decided alike. More public criticism has been leveled at this point than at any other. That criticism has been justified.

The other body has insisted that we extend the present system without remedying its greatest weakness.

The amendment which I proposed in committee, and which the committee and this House accepted, would have provided for specific, tightly drawn, national standards for local boards in classifying men as available, deferred, or exempt.

It would have eliminated the sentence in the present law which tells local boards they can ignore national standards. But that sentence has been restored in the conference bill at the insistence of the other body.

It would have required the President to establish, whenever practicable, national classification criteria. And it would have had the President require that those national criteria be uniformly administered by the local draft boards to the extent that such action was consistent with the national interest.

But the conference bill merely allows the President to recommend national criteria and to recommend that they be followed. Uniformly national standards will be a dead letter because of the changes insisted upon by the other body.

Without this change we will perpetuate a national pattern of inequity, a crazy quilt of inconsistent deferment policies from one board to another.

Mr. Speaker, I shall vote for passage of this bill today because there is little choice open to us. The parliamentary situation prevents any change in the form of this bill. It must be voted up or down without change. But I do so reluctantly, and with the hope that the day is not far off when we may get substantial draft reform.

SUSPENSION OF THE RULES AND CONSENT CALENDAR MADE IN ORDER ON MONDAY, JULY 10, AND PRIVATE CALENDAR MADE IN ORDER ON TUESDAY, JULY 11

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that on Monday, July 10, 1967, it shall be in order for the Speaker to entertain motions to suspend the rules notwithstanding the provisions of clause 1, rule XXVII; that it shall also be in order on that date to consider business under clause 4, rule XIII, the Consent Calendar rule; and that on Tuesday, July 11, 1967, it shall be in order that the Private Calendar may be called.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, reserving the right to object, would the gentleman explain to the House the intent of the waiver of this rule as requested by unanimous consent?

Mr. ALBERT. In order that we might call the Consent and Private Calendars, because we are passing them on the first Monday and Tuesday in the month.

Mr. HALL. It simply defers them?

Mr. ALBERT. It simply defers the calling of the calendars.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may be permitted to sit during general debate today.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO FILE REPORT ON H.R. 10943

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until midnight tonight to file a report on the bill H.R. 10943, higher education amendments.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PRIVATE CALENDAR

The **SPEAKER.** This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

E. F. FORT, CORA LEE FORT CORBETT, AND W. R. FORT

The Clerk called the bill (H.R. 2661) for the relief of E. F. Fort, Cora Lee Fort Corbett, and W. R. Fort.

Mr. CONTE. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DEMETRIOS KONSTANTINOS GEORGARAS

The Clerk called the bill (H.R. 1596) for the relief of Demetrios Konstantinos Georgaras (also known as James K. Georgaras).

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

PUGET SOUND PLYWOOD, INC., OF TACOMA, WASH.

The Clerk called the bill (H.R. 4949) for the relief of Puget Sound Plywood, Inc., of Tacoma, Wash.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

DR. ALFREDO REBOREDO-NEWHALL

The Clerk called the bill (S. 66) for the relief of Dr. Alfredo Reboredo-Newhall.

There being no objection, the Clerk read the bill, as follows:

S. 66

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Alfredo Reboredo-Newhall shall be held and considered to have been lawfully admitted to the United States for permanent residence as of January 1, 1962.

The bill was ordered to be read the third time, was read the third time, and passed.

AMENDMENT OFFERED BY FEIGHAN

Mr. FEIGHAN. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Amendment offered by Mr. FEIGHAN: Amend the title so as to read: "For the relief of Dr. Alfredo Reboredo-Newhall."

The amendment was agreed to.

A motion to reconsider was laid on the table.

RENE HUGO HEIMANN

The Clerk called the bill (H.R. 1619) for the relief of Rene Hugo Heimann.

There being no objection, the Clerk read the bill, as follows:

H.R. 1619

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Rene Hugo Heimann shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MORRIS L. KAIDEN

The Clerk called the bill (H.R. 2278) for the relief of Morris L. Kaiden.

The **SPEAKER.** Is there objection to the present consideration of the bill?

Mr. TALCOTT and **Mr. HALL** objected and, under the rule, the bill was recommitted to the Committee on the Judiciary.

VIVIAN COHEN KAIDEN

The Clerk called the bill (H.R. 2279) for the relief of Vivian Cohen Kaiden.

The **SPEAKER.** Is there objection to the present consideration of the bill?

Mr. TALCOTT, Mr. HALL, and **Mr. GROSS** objected and, under the rule, the bill was recommitted to the Committee on the Judiciary.

HWANG DUK HWA

The Clerk called the bill (H.R. 1724) for the relief of Hwang Duk Hwa.

There being no objection, the Clerk read the bill, as follows:

H.R. 1724

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Hwang Duk Hwa shall be considered to have been lawfully admitted to the United States for permanent residence as of the date of enactment of this Act, upon payment of the required fee. Upon the granting of permanent residence to such alien, as provided for in this Act, the Secretary of State shall instruct the proper control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of the Immigration and Nationality Act, Hwang Duk Hwa may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. George Raiola, citizens of the United States, pursuant to section 204 of the Act. Section 204(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, shall be inapplicable in this case."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNUNZIATA DI CARLUCCIO

The Clerk called the bill (H.R. 4952) for the relief of Annunziata Di Carluccio.

There being no objection, the Clerk read the bill, as follows:

H.R. 4952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Annunziata Di Carluccio shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Annunziata Di Carluccio. From and after the date of the enactment of this Act, the said Annunziata Di Carluccio shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Annunziata Di Carluccio."

A motion to reconsider was laid on the table.

ANTONINA RONDINELLI ASCI

The Clerk called the bill (H.R. 1564) for the relief of Antonina Rondinelli Asci.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MARINA PANAGIOTIS RESTOS

The Clerk called the bill (H.R. 1818) for the relief of Marina Panagiotis Restos.

There being no objection, the Clerk read the bill, as follows:

H.R. 1818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Marina Panagiotis Restos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota or quotas for the first year that such quota or quotas are available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of the Immigration and Nationality Act, Marina Panagiotis Restos may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Peter Restos, a citizen of the United States and a lawfully resident alien of the United States, respectively, pursuant to section 204 of the Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CARLOS ROGELIO FLORES-VASQUEZ

The Clerk called the bill (H.R. 2036) for the relief of Carlos Rogelio Flores-Vasquez.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. ARANKA MLINKO

The Clerk called the bill (H.R. 3007) for the relief of Mrs. Aranka Mlinko.

There being no objection, the Clerk read the bill, as follows:

H.R. 3007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Aranka Mlinko shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available: *Provided,* That any fee received by any agent or attorney on account of services rendered in connection with this Act shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Mrs. Aranka Mlinko. From and after the date of the enactment of this Act, the said Mrs. Aranka Mlinko shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANCESCO CORIGLIANO

The Clerk called the bill (H.R. 3471) for the relief of Francesco Corigliano.

There being no objection, the Clerk read the bill, as follows:

H.R. 3471

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Francesco Corigliano shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Francesco Corigliano. From and after the date of the enactment of this Act, the said Francesco Corigliano shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

MRS. INGE HEMMERSBACH HILTON

The Clerk called the bill (H.R. 6096) for the relief of Mrs. Inge Hemmersbach Hilton.

Mr. EDWARDS of Alabama. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

COASTWISE PRIVILEGES TO THE VESSEL "NORTHWIND"

The Clerk called the bill (H.R. 7043) to authorize and direct the Secretary of the Department under which the U.S. Coast Guard is operating to cause the vessel *Northwind,* owned by Wallace P. Smith, Jr., of Centerville, Md., to be documented as a vessel of the United States with coastwise privileges.

There being no objection, the Clerk read the bill, as follows:

H.R. 7043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 4132 of the Revised Statutes of the United States, as amended (46 U.S.C. 11), and section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 883), the Secretary of the Department under which the United States Coast Guard is operating shall cause the vessel Northwind, owned by Wallace P. Smith, Junior, of Centreville, Maryland, to be documented as a vessel of the United States, upon compliance with the usual requirements, with the privilege of engaging in the coastwise trade so long as such vessel is, from the date of enactment of this Act, continuously owned by a citizen of the United States. For the purposes of this Act, the term "citizen of the United States" includes corporations, partnerships and associations, but only those which are citizens of the United States within the meaning of section 2 of the Shipping Act, 1916 (46 U.S.C. 802).

With the following committee amendment:

On page 1, line 3, strike out "section 4132 of the Revised Statutes of the United States, as amended (46 U.S.C. 11), and".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The **SPEAKER.** This concludes the call of the Private Calendar.

CALL OF THE HOUSE

Mr. **CEDERBERG.** Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

Mr. **ALBERT.** Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 143]

Ashley
Battin
Brown, Calif.
Byrnes, Wis.
Celler
Cleveland
Corbett
Cowger
Downing
Duncan
Fino
Flood
Foley
Hanna
Hardy
Moore
O'Hara, Mich.
Olsen
Pucinski
Purcell
Reuss
Roush
Roybal
St. Onge
Sisk
Stephens
Stuckey
Thompson, N.J.
Tiernan
Utt
Williams, Miss.
Wilson, Charles H.
Younger

The **SPEAKER** pro tempore (Mr. ALBERT). On this rollcall 401 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AMENDING AND EXTENDING THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

Mr. **RIVERS.** Mr. Speaker, I call up the conference report on the bill (S. 1432) to amend the Universal Military Training and Service Act, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 346)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1432) to amend the Universal Military Training and Service Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "That the Universal Military Training and Service Act is amended as follows:

"(1) Section 1(a) (50 App. U.S.C. 451(a)) is amended to read as follows:

"'(a) This Act may be cited as the "Military Selective Service Act of 1967".'

"(2) Section 4 (50 App. U.S.C. 454) is amended by:

"(a) Inserting after the first proviso of subsection (a) the following: '*Provided further,* That, notwithstanding any other provision of law, any registrant who has failed or refused to report for induction shall continue to remain liable for induction and when available shall be immediately inducted.', and

"(b) Adding the following new subsection (g) to read as follows:

"'(g) The National Security Council shall periodically advise the Director of the Selective Service System and coordinate with him the work of such State and local volunteer advisory committees which the Director of Selective Service may establish, with respect to the identification, selection, and deferment of needed professional and scientific personnel and those engaged in, and preparing for, critical skills and other essential occupations. In the performance of its duties under this subsection the National Security Council shall consider the needs of both the Armed Forces and the civilian segment of the population.'

"(3) Section 5(a) (50 App. U.S.C. 455(a)) is amended by inserting '(1)' immediately after 'SEC. 5. (a)'; and by adding at the end thereof a new paragraph as follows:

"'(2) Notwithstanding the provisions of paragraph (1) of this subsection, the President in establishing the order of induction for registrants within the various age groups found qualified for induction shall not effect any change in the method of determining the relative order of induction for such registrants within such age groups as has been heretofore established and in effect on the date of enactment of this paragraph, unless authorized by law enacted after the date of enactment of the Military Selective Service Act of 1967.'

"(4) Section 6(c)(2)(A) (50 App. U.S.C. 456(c)(2)(A)), is amended to read as follows:

"'(2)(A) Any person, other than a person referred to in subsection (d) of this section, who—

"'(i) prior to the issuance of orders for him to report for induction; or

"'(ii) prior to the date scheduled for his induction and pursuant to a proclamation by the Governor of a State to the effect that the authorized strength of any organized unit of the National Guard of that State cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction under this title; or

"'(iii) prior to the date scheduled for his induction and pursuant to a determination by the President that the strength of the Ready Reserve of the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction under this title;

enlists or accepts appointment, before attaining the age of 26 years, in the Ready Reserve of any Reserve component of the Armed Forces, the Army National Guard, or the Air National Guard, shall be deferred from training and service under this title so long as he serves satisfactorily as a member of an organized unit of such Reserve or National Guard in accordance with section 270 of title 10 or section 502 of title 32, United States Code, as the case may be, or satisfactorily performs such other Ready Reserve service as may be prescribed by the Secretary of Defense. Enlistments or appointments under subparagraphs (ii) and (iii) of this clause may be accepted notwithstanding the provisions of section 15(d) of this title. Notwithstanding the provisions of subsection (h) of this section, no person deferred under this clause who has completed six years of such satisfactory service as a member of the Ready Reserve or National Guard, and who during such service has performed active duty for training with an armed force for not less than four consecutive months, shall be liable for induction for training and service under this Act, except after a declaration of war or national emergency made by the Congress after August 9, 1955. In no event shall the number of enlistments or appointments made under authority of this paragraph in any fiscal year in any Reserve component of the Armed Forces or in the Army National Guard or the Air National Guard cause the personnel strength of such Reserve component or the Army National Guard or the Air National Guard, as the case may be, to exceed the personnel strength for which funds have been made available by the Congress for such fiscal year.'

"(5) Section 6(a) (50 App. U.S.C. 456(a)) is hereby amended to read as follows:

"'SEC. 6. (a)(1) Commissioned officers, warrant officers, pay clerks, enlisted men, and aviation cadets of the Regular Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, and the Environmental Science Services Administration; cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Air Force Academy; cadets, United States Coast Guard Academy; midshipmen, Merchant Marine Reserve, United States Naval Reserves; students enrolled in an officer procurement program at military colleges the curriculum of which is approved by the Secretary of Defense; members of the reserve components of the Armed Forces, and the Coast Guard, while on active duty; and foreign diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls and other consular agents of foreign countries who are not citizens of the United States, and members of their families, and persons in other categories to be specified by the President who are not citizens of the United States, shall not be required to be registered under section 3 and shall be relieved from liability for training and service under section 4, except that aliens admitted for permanent residence in the United States shall not be so exempted. Any person who subsequent to June 24, 1948, serves on active duty for a period of not less than eighteen months in the armed forces of a nation with which the United States is associated in mutual defense activities as defined by the President, may be exempted from training and service, but not from registration, in accordance with regulations prescribed by the President, except that no such exemption shall be granted to any person who is a national of a country which does not grant reciprocal privileges to citizens of the United States: *Provided,* That any active duty performed prior to June 24, 1948, by a person in the armed forces of a country allied with the United States during World War II and with which the United States is associated in such mutual defense activities, shall be credited in the computation of such eighteen-month period: *Provided further,* That any person who is in a medical, dental, or allied specialist category not otherwise deferred or exempted under this subsection shall be liable for registration and training and service until the thirty-fifth anniversary of the date of his birth.

"'(2) Commissioned officers of the Public Health Service and members of the Reserve of the Public Health Service while on active duty and assigned to staff the various offices and bureaus of the Public Health Service, including the National Institutes of Health, or assigned to the Coast Guard, the Bureau of Prisons, Department of Justice, or the Environmental Science Services Administration, shall not be required to be registered under section 3 and shall be relieved from liability for training and service under section 4. Notwithstanding the preceding sentence, commissioned officers of the Public Health Service and members of the Reserve of the Public Health Service who, prior to the enactment of this paragraph, had been detailed or assigned to duty other than that specified in the preceding sentence shall not be required to be registered under section 3 and shall be relieved from liability for training and service under section 4.'

"(6) Section 6(h) (50 App. U.S.C. 456(h)) is amended to read as follows:

"'(h)(1) Except as otherwise provided in this paragraph, the President shall, under such rules and regulations as he may prescribe, provide for the deferment from training and service in the Armed Forces of persons satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning and who request such deferment. A deferment granted to any person under authority of the preceding sentence shall continue until such person completes the requirements for his baccalaureate degree, fails to pursue satisfactorily a full-time course of instruction, or attains the twenty-fourth anniversary of the date of his birth, whichever first occurs. Student deferments provided for under this paragraph may be substantially restricted or terminated by the President only upon a finding by him that the needs of the Armed Forces require such action. No person who has received a student deferment under the provisions of this paragraph shall thereafter be granted a deferment under this subsection, nor shall any such person be granted a deferment under subsection (i) of this section if he has been awarded a baccalaureate degree, except for extreme hardship to dependents (under regulations governing hardship deferments), or for graduate study, occupation, or employment necessary to the maintenance of the national health, safety, or interest. Any person who is in a deferred status under the provisions of subsection (i) of this section after attaining the nineteenth anniversary of the date of his birth, or who requests and is granted a student deferment under this paragraph, shall, upon the termination of such deferred status or deferment, and if qualified, be liable for induction as a registrant within the prime age group irrespective of his actual age, unless he is otherwise deferred under one of the exceptions specified in the preceding sentence. As used in this subsection, the term "prime age group" means the age group which has been designated by the President as the age group from which selections for induction into the Armed Forces are first to be made after delinquents and volunteers.

"'(2) Except as otherwise provided in this subsection the President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or all categories of persons whose employment in industry, agriculture, or other occupations or employment, or whose continued service in an Office (other than an Office described in subsection (f)) under the United States or any State, territory, or possession, or the District of Columbia, or whose activity in graduate study, research, or medical, dental, veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors is found to be necessary to the maintenance of the national health, safety, or interest: *Provided,* That no person within any such category shall be deferred except upon the basis of his individual status: *Provided further,* That persons who are or may be deferred under the provisions of this section shall remain liable for training and service in the Armed Forces under the provisions of section 4(a) of this Act until the thirty-fifth anniversary of the date of their birth. This proviso shall not be construed to prevent the continued deferment of such persons if otherwise deferrable under any other provisions of this Act. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces (1) of any or all categories of persons in a status with respect to persons (other than wives alone, except in cases of extreme hardship) dependent upon them for support which renders their deferment advisable, and (2) of any or all categories of those persons found to be physically, mentally, or morally deficient or defective. For the purpose of determining whether or not the deferment of any person is advisable, because of his status with respect to persons dependent upon him for support, any payments of allowances which are payable by the United States to the dependents of persons serving in the Armed Forces of the United States shall be taken into consideration, but the fact that such payments of allowances are payable shall not be deemed conclusively to remove the grounds for deferment when the dependency is based upon financial considerations and shall not be deemed to remove the ground for deferment when the dependency is based upon other than financial considerations and cannot be eliminated by financial assistance to the dependents. Except as otherwise provided in this subsection, the President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or all categories of persons who have children, or wives and children, with whom they maintain a bona fide family relationship in their homes. No deferment from such training and service in the Armed Forces shall be made in the case of any individual except upon the basis of the status of such individual. There shall be posted in a conspicuous place at the office of each local board a list setting forth the names and classifications of those persons who have been classified by such local board. The President may, in carrying out the provisions of this title, recommend criteria for the classification of persons subject to induction under this title, and to the extent that such action is determined by the President to be consistent with the national interest, recommend that such criteria be administered uniformly throughout the United States whenever practicable; except that no local board, appeal board, or other agency of appeal of the Selective Service System shall be required to postpone or defer any person by reason of his activity in study, research, or medical, dental, veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors found to be necessary to the maintenance of the national health, safety, or interest solely on the basis of any test, examination, selection system, class standing, or any other means conducted, sponsored, administered, or prepared by any agency or department of the Federal Government, or any private institution, corporation, association, partnership, or individual employed by an agency or department of the Federal Government.'

"(7) Section 6(j) (50 App. U.S.C. 456(j)) is amended to read as follows:

"'(j) Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the armed forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. As used in this subsection, the term "religious training and belief" does not include essentially political, sociological, or philosophical views, or a merely personal moral code. Any person claiming exemption from combatant training and service because of such conscientious objections whose claim is sustained by the local board shall, if he is inducted into the armed forces under this title, be assigned to noncombatant service as defined by the President, or shall, if he is found to be conscientiously opposed to participation in such noncombatant service, in lieu of such induction, be ordered by his local board, subject to such regulations as the President may prescribe, to perform for a period equal to the period prescribed in section 4(b) such civilian work contributing to the maintenance of the national health, safety, or interest as the local board pursuant to Presidential regulations may deem appropriate and any such person who knowingly fails or neglects to obey any such order from his local board shall be deemed, for the purposes of section 12 of this title, to have knowingly failed or neglected to perform a duty required of him under this title.'

"(8) Section 10(b)(3) (50 App. U.S.C. 460(b)(3)) is amended by:

"(a) Inserting the following new proviso at the end of the first sentence thereof: '*Provided,* That no person shall be disqualified from serving as a counselor to registrants, including service as Government appeal agent, because of his membership in a Reserve component of the Armed Forces.'

"(b) Deleting the colon immediately preceding the first proviso, substituting a period therefor and inserting the following: 'No member shall serve on any local board or appeal board for more than twenty-five years, or after he has attained the age of seventy-five. No citizen shall be denied membership on any local board or appeal board on account of sex. The requirements outlined in the preceding two sentences shall be fully implemented and effective not later than January 1, 1968.'

"(c) Inserting immediately before the last sentence thereof the following: 'No judicial review shall be made of the classification or processing of any registrant by local boards, appeal boards, or the President, except as a defense to a criminal prosecution instituted under section 12 of this title, after the registrant has responded either affirmatively or negatively to an order to report for induction, or for civilian work in the case of a registrant determined to be opposed to participation in war in any form: *Provided,* That such review shall go to the question of the jurisdiction herein reserved to local boards, appeal boards, and the President only when there is no basis in fact for the classification assigned to such registrant.'

"(9) Sections 10(b)(4) (50 App. U.S.C.

460(b)(4)) is amended by deleting the semicolon at the end of the paragraph, substituting a colon therefor, and adding the following: '*Providing further,* That an employee of a local board having supervisory duties with respect to other employees of one or more local boards shall be designated as the "executive secretary" of the local board or boards: *And provided further,* That the term of employment of such "executive secretary" in such position shall in no case exceed ten years except when reappointed;'

"(10) Section 10(g) (50 App. U.S.C. 460 (g)) is amended to read as follows:

" '(g) The Director of Selective Service shall submit to the Congress semiannually a written report covering the operation of the Selective Service System and such report shall include, by States, information as to the number of persons registered under this Act; the number of persons inducted into the military service under this Act; the number of deferments granted under this Act and the basis for such deferments; and such other specific kinds of information as the Congress may from time to time request.'

"(11) Section 12 (50 App. U.S.C. 462) is amended by:

"(a) Deleting the last sentence of subsection (a) and substituting the following in lieu thereof: 'Precedence shall be given by courts to the trial of cases arising under this title, and such cases shall be advanced on the docket for immediate hearing, and an appeal from the decision or decree of any *United States* district court or *United States* court of appeals shall take precedence over all other cases pending before the court to which the case has been referred.'

"(b) Adding a new subsection (c) as follows:

" '(c) The Department of Justice shall proceed as expeditiously as possible with a prosecution under this section, or with an appeal, upon the request of the Director of Selective Service System or shall advise the House of Representatives and the Senate in writing the reasons for its failure to do so.'

"(12) Section 17(c) (50 App. U.S.C. 467(c)) is amended by striking out 'July 1, 1967' and inserting in place thereof 'July 1, 1971'.

"SEC. 2. Section 1 of the Act of August 3, 1950, chapter 537, as amended (77 Stat. 4), is amended by striking out 'July 1, 1967' and inserting in place thereof 'July 1, 1971'.

"SEC. 3. Section 16 of the Dependents Assistance Act of 1950, as amended (50 App. U.S.C. 2216), is amended by striking out 'July 1, 1967' and inserting in place thereof 'July 1, 1971'.

"SEC. 4. Section 9 of the Act of June 27, 1957, Public Law 85–62, as amended (77 Stat. 4), is amended by striking out 'July 1, 1967' and inserting in place thereof 'July 1, 1971'.

"SEC. 5. Sections 302 and 303 of title 37, United States Code, are each amended by striking out 'July 1, 1967' whenever that date appears and inserting in place thereof 'July 1, 1971'.

"SEC. 6. Chapter 39 of title 10, United States Code, is amended—

"(1) by inserting the following new section after section 673:

" '§ 673a. Ready Reserve: members not assigned to, or participating satisfactorily in, units

" '(a) Notwithstanding any other provision of law, the President may order to active duty any member of the Ready Reserve of an armed force who—

" '(1) is not assigned to, or participating satisfactorily in, a unit of the Ready Reserve;

" '(2) has not fulfilled his statutory reserve obligation; and

" '(3) has not served on active duty for a total of 24 months.

" '(b) A member who is ordered to active duty under this section may be required to serve on active duty until his total service on active duty equals 24 months. If his enlistment or other period of military service would expire before he has served the required period under this section, it may be extended until he has served the required period.

" '(c) To achieve fair treatment among members of the Ready Reserve who are being considered for active duty under this section, appropriate consideration shall be given to—

" '(1) family responsibilities; and

" '(2) employment necessary to maintain the national health, safety, or interest.'; and

"(2) by inserting the following item in the analysis:

" '§ 673a. Ready Reserve: members not assigned to, or participating satisfactorily in, units.' "

And the House agree to the same.

L. MENDEL RIVERS,
PHILIP J. PHILBIN,
F. EDW. HÉBERT,
MELVIN PRICE,
WILLIAM H. BATES,
L. C. ARENDS,
Managers on the Part of the House.
RICHARD B. RUSSELL,
JOHN STENNIS,
STUART SYMINGTON,
HENRY M. JACKSON,
MARGARET CHASE SMITH,
STROM THURMOND,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1432), an act to amend the Universal Military Training and Service Act, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate on May 11, 1967, passed and referred to the House of Representatives S. 1432, a bill which had as its fundamental objective an extension for a period of 4 years, from July 1, 1967, through July 1, 1971, of the induction provisions of the Universal Military Training and Service Act. The bill also extended related authorities for a similar period of 4 years.

The House of Representatives on May 25, 1967, amended the Senate bill, S. 1432, by striking all after the enacting clause and substituting new language in the form of an amendment.

As a consequence of the House action, there existed 14 major differences in the House and Senate versions of S. 1432. Each of the differences is identified below together with a resolution of the differences and an explanation of the action taken.

DIFFERENCE NO. 1

The House language would have changed the name of the act to the "Military Selective Service Act of 1967".

The Senate language would have changed the name of the act to the "Selective Service Act of 1967".

The House conferees pointed out that the fundamental purpose of the act was to meet and satisfy *military* manpower requirements and, therefore, should be more correctly identified as the "Military Selective Service Act of 1967".

The Senate conferees therefore receded and accepted the House language.

DIFFERENCE NO. 2

The House language proposed a change in the declaration of policy of the act by adding the following words:

"The obligations of serving in the Armed Forces should be enforced through the provisions of this Act only when necessary to insure the security of this Nation * * *."

The Senate language contained no change in this section of the act.

The House conferees maintain that inclusion of this new language proposed by the House simply reaffirms the policy heretofore observed in connection with the administration of the act and the use of the induction authority provided the President under the act.

The Senate conferees agreed that this fundamental policy was self-evident. However, they insisted that inclusion of this language could possibly raise questions of semantics and legal interpretation of the precise circumstances under which "the security of this Nation" required the use by the President of the induction authority of the act. The Senate conferees pointed out that this language therefore added nothing new to the act but could create possible unforeseen legal complications which would unnecessarily restrict the President's ability to insure satisfying changing military manpower requirements.

The Senate conferees being adamant in their position, the House receded from its position.

DIFFERENCE NO. 3

The House amendment added language intended to insure that a registrant who prolongs the litigation of his draft classification beyond the age of 26 would nonetheless remain liable for induction if he is later found qualified for induction regardless of his age.

No similar provision was contained in the Senate language.

The Senate conferees agreed to the House language and therefore receded from their position and accepted the House amendment.

DIFFERENCE NO. 4

The House language required the President to establish a National Manpower Resources Board that would make recommendations on occupational and student deferments.

No similar provision was contained in the Senate language.

The Senate conferees agree in principle to the objectives of the House language. However, the Senate conferees were strongly of the opinion that the functions proposed for this board should and could more properly be discharged by the National Security Council itself. Therefore, the Senate conferees insisted that this function be vested directly with the National Security Council.

The House conferees, therefore, receded from their position and agreed to accept a Senate amendment which would provide as follows:

"(g) The National Security Council shall periodically advise the Director of the Selective Service System and coordinate with him the work of such State and local volunteer advisory committees which the Director of Selective Service may establish, with respect to the identification, selection, and deferment of needed professional and scientific personnel and those engaged in, and preparing for, critical skills and other essential occupations. In the performance of its duties under this subsection the National Security Council shall consider the needs of both the Armed Forces and the civilian segment of the population."

DIFFERENCE NO. 5

The House language provides that the President could initiate a random system of selection only if the Congress had not enacted a resolution of disapproval within 60 days after notice of the intent to adopt such a system. The Senate bill contained no similar provision.

The House conferees pointed out that the recommended House language reflected the concern of the House that initiation of a new system of selection might adversely affect voluntary enlistments and officer procurement in the Armed Forces. It was pointed out that the executive branch, in testimony before both the Senate and House Armed Services Committees, as yet, has failed to recommend an agreed upon position in respect to the details of a new so-called FAIR system of selection.

The House conferees also pointed out that without restrictive language of the type suggested by the House, a new selection system could be initiated by the executive branch without further reference to the Congress. Thus, the Congress, which has the unique constitutional responsibility of "raising armies" would nonetheless be precluded from playing an affirmative role in a matter which vitally and directly affects the Armed Forces.

The House conferees also called attention to the fact that the Senate itself reflected these same reservations concerning the initiation of a new system of selection. Therefore, the House conferees insisted on its proposed language.

Although the Senate conferees were aware of the existence of precedents for such a disapproval by resolution, they considered that the circumstances in this instance are such that it is preferable for the Congress to discharge its legislative responsibilities through the enactment of a statute or the refusal to enact one, instead of by retaining what is in effect a veto of executive action. Consequently, although the Senate bill had not prohibited the initiation of a random system of selection, the conference agreement is to prohibit the initiation of such a system. At such time as a specific plan for making selections by a random or other system has been formulated, the Congress will promptly consider the desirability of authorizing the use of such a system.

The Senate therefore agreed to recede from its position with an amendment.

The agreed-upon position of the House and Senate conferees therefore will enable the Congress to act affirmatively and exercise its legislative and constitutional responsibilities in respect to future proposals of the Executive to modify or revise the existing system of selection.

The substitute language adopted by the conferees reads as follows:

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, the President in establishing the order of induction for registrants within the various age groups found qualified for induction shall not effect any change in the method of determining the relative order of induction for such registrants within such age groups as has been heretofore established and in effect on that date of enactment of this paragraph, unless authorized by law enacted after the date of enactment of the Military Selective Service Act of 1967."

It should be emphasized that the language adopted by the conferees will in no way proscribe or inhibit the President in changing the priorities of various age groups for induction, nor will it preclude him from adopting the so-called modified young age system which would involve identifying the 19 to 20 year age group as the "prime age group" for induction.

DIFFERENCE NO. 6

The House language provides that medical officers of the Public Health Service would be deferred in the future only if they are assigned to the Public Health Service, including the National Institutes of Health and the Coast Guard. The House language was designed to prohibit deferments for Public Health Service officers assigned to such organizations as the Peace Corps, the Food and Drug Administration, the Department of Agriculture, the Bureau of Prisons, and the Office of Economic Opportunity.

The Senate bill contained no similar prohibition.

The Senate conferees agreed in principle to the objectives of the House language. However, the Senate conferees were of the opinion that Public Health Service officers assigned to the Bureau of Prisons as well as Public Health Service officers assigned to the Environmental Science Services Administration should also be permitted continued exemption from military service. The Senate conferees pointed out that failure to include these Public Health Service personnel, among those exempt from military service, would severely restrict the ability of the Public Health Service to provide adequate medical manpower to staff Federal prisons. The Bureau of Prisons is responsible for the care of approximately 20,000 prisoners in 30 institutions. Currently, 96 physicians and dentists are assigned by the Public Health Service to these duties, most of whom are individuals who would otherwise be obligated to perform military service. In the case of Public Health Service officers assigned to the Environmental Science Services Administration in support of the Coast and Geodetic Survey there are now approximately six officers so assigned. The Environmental Science Services Administration, formerly the Coast and Geodetic Survey, has traditionally looked to the Public Health Service for its medical officers. Consequently, the conferees agreed to continue this practice. The conferees also agreed to the saving clause which appears in the House language. This is intended to preclude penalizing those persons who prior to the effective date of the provisions of this subsection had actually been in receipt of orders detailing or assigning them to duty outside the Public Health Service.

The Senate conferees therefore receded from their position with an amendment.

DIFFERENCE NO. 7

The House amendment proposed a substantial revision in existing provisions of section 6(h) of the law relating to Presidential authority to provide for the deferment from training and service in the Armed Forces of students and all categories of persons whose employment in industry, agriculture, or other occupations or employment, or whose activity in study and research or other endeavors are found to be necessary to the maintenance of the national health, safety, or interest.

The Senate language contained no similar provision.

The House conferees pointed out that the rewrite of this section of the law accomplished the following objectives:

1. It, unlike present law, provided a statutory and clear-cut criteria for all undergraduate student deferments.

2. It continued the existing authority of the President to prescribe regulations and criteria for the deferment of students pursuing graduate studies as well as persons preparing for, or engaged, in occupations or professions found to be necessary to the maintenance of the national health, safety, or interest.

3. It also provided that the President, whenever practicable, shall establish national criteria for the classification of persons subject to induction and, to the extent that such action is determined by the President to be consistent with the national interest, require such criteria to be administered uniformly throughout the United States.

The Senate conferees agreed in principle to the general objectives of the House language. However, the Senate conferees desired a clarification of the House language in respect to the eligibility of graduate students for possible occupational deferments if such individuals are subsequently employed in occupations necessary to the maintenance of the national health, safety, or interest, as ascertained by the National Security Council. Furthermore, the Senate conferees strongly objected to the language recommended by the House which would require, for practical purposes, the development and establishment of rigid national standards for deferment and their uniform administration throughout the United States.

The Senate conferees maintained that language of this kind, strictly construed, would eliminate, for practical purposes, the ability of local draft boards to exercise any individual judgment in the classification of registrants. The Senate conferees conceded that the establishment of rigid national criteria might have superficial appeal; on inspection and in practice it would, however, preclude reasonable and judicious action by local draft boards which may, in individual cases, be necessary to avoid serious inequities in the classification process. Then Senate conferees pointed out that requiring the National Security Council to identify occupations, graduate studies, and other endeavors which are vital to the national health, safety, or interest, would contribute to greater actual uniformity in the classification process.

The Senate conferees therefore maintained that, in the last analysis, it is utterly impossible to require the establishment of inflexible national standards without causing greater inequities in the classification process than now exist.

In view of the adamant position maintained by the Senate, the House receded from its position and agreed to a Senate amendment in the form of a substitute which reads as follows:

"(h)(1) Except as otherwise provided in this paragraph, the President shall, under such rules and regulations as he may prescribe, provide for the deferment from training and service in the Armed Forces of persons satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning and who request such deferment. A deferment granted to any person under authority of the preceding sentence shall continue until such person completes the requirements for his baccalaureate degree, fails to pursue satisfactorily a full-time course of instruction, or attains the twenty-fourth anniversary of the date of his birth, whichever first occurs. Student deferments provided for under this paragraph may be substantially restricted or terminated by the President only upon a finding by him that the needs of the Armed Forces require such action. No person who has received a student deferment under the provisions of this paragraph shall thereafter be granted a deferment under this subsection, nor shall any such person be granted a deferment under subsection (i) of this section if he has been awarded a baccalaureate degree, except for extreme hardship to dependents (under regulations governing hardship deferments), or for graduate study, occupation, or employment necessary to the maintenance of the national health, safety, or interest. Any person who is in a deferred status under the provisions of subsection (i) of this section after attaining the nineteenth anniversary of the date of his birth, or who requests and is granted a student deferment under this paragraph, shall, upon the termination of such deferred status or deferment, and if qualified, be liable for induction as a registrant within the prime age group irrespective of his actual age, unless he is otherwise deferred under one of the exceptions specified in the preceding sentence. As used in this subsection, the term 'prime age group' means the age group which has been designated by the President as the age group from which selections for induction into the Armed Forces are first to be made after delinquents and volunteers.

"(2) Except as otherwise provided in this subsection the President is authorized under such rules and regulations as he may prescribe to provide for the deferment from training and service in the Armed Forces of any or all categories of persons whose employment in industry, agriculture, or other occupations or employment, or whose continued service in an office (other than an office described in subsection (f)) under the United States or any State, territory, or possession, or the District of Columbia, or whose activity in graduate study, research, or medical, dental, veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors is found to be necessary to the maintenance of the national health, safety, or interest: *Provided*, That no person within any such category shall be deferred except upon the basis of his individual status: *Provided further*, That persons who are or may be deferred under the provisions of this section shall remain liable for training and service in the Armed Forces under the provisions of section 4(a) of this Act until the thirty-fifth anniversary of the date of their birth. This proviso shall not be construed to prevent the continued deferment of such persons if otherwise deferrable under any other provisions of this Act. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces (1) of any or all categories of persons in a status with respect to persons (other than wives alone except in cases of extreme hardship) dependent upon them for support which renders their deferment advisable, and (2) of any or all categories of those persons found to be physically, mentally, or morally deficient or defective. For the purpose of determining whether or not the deferment of any person is advisable, because of his status with respect to persons dependent upon him for support, any payments of allowances which are payable by the United States to the dependents of persons serving in the Armed Forces of the United States shall be taken into consideration, but the fact that such payments of allowances are payable shall not be deemed conclusively to remove the grounds for deferment when the dependency is based upon financial considerations and shall not be deemed to remove the ground for deferment when the dependency is based upon other than financial considerations and cannot be eliminated by financial assistance to the dependents. Except as otherwise provided in this subsection, the President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or all categories of persons who have children, or wives and children, with whom they maintain a bona fide family relationship in their homes. No deferment from such training and service in the Armed Forces shall be made in the case of any individual except upon the basis of the status of such individual. There shall be posted in a conspicuous place at the office of each local board a list setting forth the names and classifications of those persons who have been classified by such local board. The President may, in carrying out the provisions of this title, recommend criteria for the classification of persons subject to induction under this title, and to the extent that such action is determined by the President to be consistent with the national interest, recommend that such criteria be administered uniformly throughout the United States whenever practicable; except that no local board, appeal board, or other agency of appeal of the Selective Service System shall be required to postpone or defer any person by reason of his activity in study, research, or medical, dental, veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors found to be necessary to the maintenance of the national health, safety, or interest solely on the basis of any test, examination, selection system, class standing, or any other means conducted, sponsored, administered, or prepared by any agency or department of the Federal Government, or any private institution, corporation, association, partnership, or individual employed by an agency or department of the Federal Government."

Stated briefly, the substitute language agreed upon by the conferees will provide the following:

(a) It will establish uniform criteria for all undergraduate student deferments. The language incorporates the original House recommendation in respect to undergraduate student deferments and would provide them uniformly to all registrants who requested and qualified for such a deferment. These undergraduate deferments would continue only until a registrant had received a baccalaureate degree, failed to continue to pursue a full-time course of instruction satisfactorily, or reached the age of 24, whichever occurred first. At this point, students would be required to be exposed to the hazards of induction in the "prime age group" in the same manner as their contemporaries who had not been provided student deferments.

(b) The language as adopted by the conferees will continue to provide the President with wide latitude in providing future deferments for graduate students in medicine, dentistry, or other subjects deemed essential to the national health, safety, or interest. The intent of the conferees is that the National Security Council will initially make the recommendations on which such graduate student deferments are based.

The House conferees, however, wish to emphasize their strong conviction that pending recommendations from the National Security Council, those students presently accepted for or actively participating in graduate studies, be permitted to continue these studies with a deferred status until they achieve or fail to achieve the degree which would normally mark the completion of their present level of training.

The conference modification also would make possible a limited number of occupational deferments for highly skilled persons after completion of their graduate study. Also, the President's authority to prescribe areas of deferment based upon occupations or professions essential to the national interest would be preserved.

(c) The revised language relating to greater uniformity in the classification criteria provides that the President may, in carrying out the provisions of the law, recommend criteria for the classification of persons subject to induction, and "to the extent that such action is determined by the President to be consistent with the national interest, recommend that such criteria be administered uniformly throughout the United States whenever practicable."

DIFFERENCE NO. 8

The House language amended the existing provision of law relating to conscientious objectors by—

1. Eliminating the requirement for a hearing by the Department of Justice when there is an appeal from a local board decision denying conscientious objector status, and

2. By eliminating the definition of religious training and belief as meaning "an individual's belief in a relationship to a Supreme Being involving duties superior to those arising from any human relationship but does not include essentially, political, sociological, or philosophical views, or a merely personal moral code."

The Senate language contained no similar provision.

The Senate conferees agreed in principle with the objectives of the House language. The Senate agreed that the referral on appeal of all conscientious objector cases to the Department of Justice had resulted in unnecessary delays in the processing of these cases without corresponding significant advantages. Therefore, the deletion of this referral requirement was accepted by the Senate.

The conferees have been advised by the Attorney General that there are currently approximately 2,700 conscientious objector cases being processed by the Department of Justice. The House-Senate conferees believe that the processing of these cases should be completed despite the change in the law and advisory opinions referred to the individual appeal boards not later than 12 months after enactment of the Military Selective Service Act of 1967.

The Senate conferees also concurred in the desire of the House language to more narrowly construe the basis for classifying registrants as "conscientious objectors." The recommended House language required that the claim for conscientious objection must be based upon "religious training and belief" as had been the original intent of Congress in drafting this provision of the law.

The Senate conferees were of the opinion that congressional intent in this area would be clarified by the inclusion of language indicating that the term "religious training and belief" as used in this section of the law does not include "essentially political, sociological, or philosophical views, or a merely personal moral code."

The House conferees concurred in the Senate recommendation.

The Senate therefore recedes from its position and accepts the House language with an amendment.

DIFFERENCE NO. 9

The House language creates a new position of Deputy Director of Selective Service who would be responsible for public affairs and such other matters as may be assigned to him by the Director.

The Senate language contains no similar provision.

The Senate conferees pointed out that there was adequate provision in existing law for the designation of an employee of the Selective Service System to be responsible for public affair matters and liaison with the Congress. Therefore, the Senate conferees opposed this provision in the House language maintaining that it was totally unnecessary.

In view of the adamant position of the Senate conferees, the House receded from its position and deleted the provision from the bill.

The House language also establishes new age and time limitations on the service of members of local or appeal boards. No similar provision was contained in the Senate language.

The Senate receded from its position and accepted this change recommended by the House.

DIFFERENCE NO. 10

The House language contains a provision intended to make clear that there shall be no judicial review of classification except as a defense to a criminal prosecution after a person has exhausted his administrative remedies and presented himself for induction. This language also provides that any such judicial review shall extend only to whether there is any basis in fact for the classification assigned.

There was no similar provision in the Senate language.

The Senate conferees concurred with the House action and therefore the Senate recedes from its position and accepts the House language.

DIFFERENCE NO. 11

The House language changes the name of the clerk of a local draft board to "executive secretary" and provides that the term of employment shall not be more than 10 years except when reappointed.

No similar provision was contained in the Senate language.

The Senate conferees had no objection to the House provision and therefore the Senate recedes from its position and accepts the House language.

DIFFERENCE NO. 12

The House language contains a requirement that Congress receive a quarterly report from the Director of Selective Service including such specific kinds of information as may be requested by the Congress.

There was no similar provision in the Senate language.

The Senate conferees had no objection to this provision in the House bill but recommended that the language of this section be modified to require a semiannual report in lieu of a quarterly report.

The House conferees concurred in the proposed changes and therefore the Senate recedes from its position with an amendment.

DIFFERENCE NO. 13

The House language—

(*a*) Gives precedence to selective service cases on the dockets of Federal courts and provides that such cases shall be given an immediate hearing. Appeals of such decisions also are given precedence; and

(*b*) Also provides that the Department of Justice must prosecute violations of the act upon the request of the Director of Selective Service or furnish a report in writing to the Senate and the House explaining its failure to do so.

The Senate language contains no similar provision.

The Senate conferees agreed to the objectives of the House language and therefore receded from their position and accepted the House language.

DIFFERENCE NO. 14

The Senate language would make permanent existing temporary authority provided the President to order reservists to active duty if they fail to properly discharge their reserve training obligation.

There was no similar provision in the House language.

The House receded from its position and accepts the Senate language.

L. Mendel Rivers,
Philip J. Philbin,
F. Edward Hébert,
Melvin Price,
William H. Bates,
L. C. Arends,
Managers on the Part of the House.

Mr. RIVERS (interrupting the reading). Mr. Speaker, in view of the fact that the conference report has been printed in the Congressional Record and as House Report No. 346, I ask unanimous consent to dispense with the further reading of the statement of the managers on the part of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. Rivers] is recognized for 1 hour.

Mr. RIVERS. Mr. Speaker, I yield 30 minutes to the gentleman from Massachusetts and, pending that, I yield myself such time as I may consume.

Mr. Speaker, I am happy to report to the Members of the House that the conference with the Members of the other body on S. 1432 has resulted in a resounding endorsement of the House action on the draft bill.

The Members of this body are familiar with the provisions of S. 1432 as recommended by the Committee on Armed Services and passed by the House on May 25.

The House amendment differed with the Senate version in 14 major areas. The conference report in explanation of the resolution of these differences, has been printed in both the Congressional Record of June 8 and as House Report No. 346.

The resolution of these differences has resulted, in my opinion, in a stronger and even finer bill than that passed by the House on May 25.

The Members of the other body concurred in this view by virtue of their endorsement, on June 14, of the action taken by the Senate conferees. I am certain that the House, too, will give this conference action its overwhelming endorsement.

Let me briefly review some of the major differences and their resolution as set out in the conference report:

1. NATIONAL SECURITY COUNCIL

The original House language would have required the President to establish a National Manpower Resources Board which would make recommendations on occupational and graduate student deferments.

The Senate conferees supported the objectives of the House language which are implicit in this recommendation. However, the Senate conferees were strongly of the opinion that the functions of this Board were of such importance that they should be vested in the National Security Council itself. Therefore, it was recommended, and agreed to by the conferees, that in lieu of the establishment of a National Manpower Resources Board, the bill provide that the functions to be performed by this Board be required to be performed by the National Security Council itself.

This change certainly does no violence to the original concept endorsed by this House and will serve to further emphasize the unusual importance of these new responsibilities of the National Security Council.

2. RANDOM SELECTION

As the Members of this body recall, neither the Senate nor the House Armed Services Committees was provided any precise description of the so-called FAIR system of random selection proposed by the executive branch. In view of the importance of this matter and the failure of the executive branch to provide the Congress with some precise detail as to how it would function, the House wisely would have required the President to submit such a proposal to the Congress and delay its implementation for 60 days, during which time the Congress could, if it wished, reject the proposal.

The other body agreed in principle with the objectives of the House language but however recommended that rather than retain a so-called congressional veto of possible Presidential action, that the Congress legislate positively in this area. Therefore, the substitute language recommended by the conferees would preclude the adoption of any so-called lottery system without the enactment of new statutory authority by the Congress.

The conferees wish to emphasize that both bodies will act both promptly and expeditiously on any future Executive recommendation in this area.

3. PUBLIC HEALTH SERVICE

The House bill provided that officers of the Public Health Service would be exempt from military service in the future only if performing duties assigned to the Public Health Service including the National Institutes of Health and the Coast Guard. This language was designed to prevent a growing abuse of this authority in the law which had resulted in the assignment of substantial numbers of Public Health Service personnel to staff the Peace Corps, the Food and Drug Administration, and the Office of Economic Opportunity.

The Senate conferees agreed to this general change but recommended certain minor modifications which would have insured the continuation of health services to the Bureau of Prisons and to members of the Coast and Geodetic Survey. This change was approved by the House conferees and again has resulted in an improvement in the original House language.

4. GENERAL DEFERMENT POLICY

The House bill provided a statutory and clear-cut criteria for all undergraduate student deferments.

In addition, it would have continued existing Presidential authority to prescribe criteria for the deferment of graduate students as well as those persons engaged in, or preparing for, occupations or professions necessary to the maintenance of the national health, safety, or interest.

The House bill also included the following language which was objected to by the Senate conferees:

> Notwithstanding any other provision of this title, the President shall, in carrying out the provisions of this title, establish, whenever practicable, national criteria for the classification of persons subject to induction under this title, and to the extent that such action is determined by the President to be consistent with the national interest, require such criteria to be administered uniformly throughout the United States.

The Senate conferees were of the belief that the cited House language would require the establishment of inflexible national standards in the classification process and thereby preclude local boards from exercising discretion in the application of this criteria.

After the most prolonged discussion and consideration of the Senate objection to this language, the following compromise language was accepted in lieu thereof, and I quote:

> The President may, in carrying out the provisions of this title, recommend criteria for the classification of persons subject to induction under this title, and to the extent that such action is determined by the President to be consistent with the national interest, recommend that such criteria be administered uniformly throughout the United States whenever practicable.

In my view, the substitute language accomplishes everything desired by the House in respect to achieving, to the greatest degree possible, greater uniformity in classification criteria and its application throughout the country. As you will notice, the language provides the President with the widest possible latitude in promulgating criteria and recommending its uniform application throughout the United States.

This substitute language retains the spirit and intent of the original House language, and therefore I trust that the President in implementing this language will honor the spirit and intent of its original House sponsors.

The foregoing change together with a clarification of the original House language relating to undergraduate student deferments is contained in the newly modified language in section 6 of the conference report. I wish to emphasize that except for the changes I have noted, most of the language of section 6 is simply a restatement of existing law.

5. CONSCIENTIOUS OBJECTORS

As the Members of the House will recall, the language approved by the House relating to conscientious objectors resulted in:

First, eliminating the requirement for a hearing by the Department of Justice when there is an appeal from a local board decision denying conscientious objector status; and

Second, deleting from existing law the so-called Supreme Being clause which had been added by Congress in 1948 to narrow the construction and application of the term "religious training and belief."

The Senate conferees concurred in the House action which eliminated the referral to the Department of Justice of all appeal actions on conscientious objector cases. The Senate conferees also concurred in the desire of the House to more narrowly construe the legal criteria for classifying registrants as conscientious objectors based upon "religious training and belief." However, the Senate conferees believe that congressional intent in this area would be clarified by the retention of that portion of the so-called "Supreme Being clause" which emphasized that the term "religious training and belief" "does not include essentially political, sociological, or philosophical views or a merely personal moral code."

The House conferees agreed to this change and consequently amended the language to read accordingly.

6. ORDERING RESERVISTS TO ACTIVE DUTY

The Senate bill contained language which would have made permanent existing temporary authority provided the President to order to active duty those reservists who fail to properly discharge their Reserve training obligation. Language to this effect is presently included in the Department of Defense Appropriation Act for fiscal year 1967—Public Law 89-687—and will continue in effect until June 30, 1968. The House had no similar provision.

Since the language is restricted in application to those reservists who are simply failing to satisfactorily discharge the Reserve obligation which they incurred in lieu of 2 years of active duty, the House conferees agreed that this provision of law should be made permanent. Consequently, the House conferees accepted this Senate recommendation.

SUMMARY

The remaining differences in the House and Senate bills are relatively minor in nature and are explained in detail in the conference report, and therefore require no elaboration at this point.

The language of the conference report is therefore recommended to you for your approval.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Missouri, a member of the Armed Services Committee.

Mr. HALL. Mr. Speaker, I appreciate my chairman yielding. I certainly compliment him and the committee and certainly the managers on the part of the House, for maintaining the position of the House as they well did in this vital legislation. I believe there is much to be said, and much is said, by this action and in the conference report in a corollary manner, as well as what is merely delineated for the future guidance of the Selective Service Director. This House of the Congress must recall that this basic legislation in 1967 is itself amendatory to existing law.

I would like to make a little legislative record insofar as the elimination of the National Manpower Resources Board is concerned. Is it not true that it was not eliminated, that the concept was agreed to, by the conferees on part of the House and the other body; but, they simply said they did not want to establish another commission with another staff, and that it was the function of and that there were adequate resources in the National Security Council to handle this job of furnishing advice to the Director.

Mr. RIVERS. May I say the gentleman has a complete understanding of the view of the conferees on this matter. The other body suggested, and we agreed, we should rely on the National Security Council, because it is in being, and this imposes the responsibility on them, and we are sure it will work.

The gentleman will remember the National Resources Manpower Board would also have worked in conjunction with the National Security Council. We will now leave it to them alone and see how it works. I am sure it will work. The National Security Council is also, under this bill, responsible for recommending to the President the varying areas of occupational deferments, including apprentices.

Mr. HALL. That is the point I want to make. I again compliment the gentleman. Just to clarify the point, on page 9, under No. 4, it should work both ways but, Mr. Speaker, in addition to them furnishing advice periodically to the Director of Selective Service, they could also establish subcommittees to work with maybe a data tabulating machine that had critical apprentices or critical categories of highly trained scientific personnel, or establish liaison committees between themselves and other agencies or organizations by liaison officers or subcommittees in order to further aid and abet and work with and advise the Director. Some of these are already available on computerized tapes. Is that not correct?

Mr. RIVERS. There are no restrictions imposed on it.

Mr. HALL. I thank the chairman.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, I would like to ask the distinguished chairman whether the conference report will permit draft exemption of undergraduate college students who are attending school on a part-time basis?

Mr. RIVERS. As such, the answer is no. Not on a part-time basis.

Mr. VANIK. My second question is this: Will the conference report permit the draft exemption to an undergraduate college student who is pursuing a course of education which extends beyond the customary 4-year period?

Mr. RIVERS. It may. It would exempt him up to 24. Now if he were in his last academic year—and attained age 24—he would be deferred to complete the academic year in which enrolled.

Mr. VANIK. The answer is, then, it could extend to a student beyond the customary 4 years.

Mr. RIVERS. It could. The President will provide implementing regulations in this area. Clarifying and implementing regulations will undoubtedly be issued by the President.

The law we have written in here provides for up to 24, but if he is in the last year and is 24, this would cover him.

Mr. VANIK. Am I correct in understanding it is the feeling of the committee that they would certainly want to limit it, wherever possible, to the 4-year period?

Mr. RIVERS. That is correct.

Mr. BATES. Mr. Speaker, I yield myself such time as I may consume.

I believe the chairman of the committee has completely and adequately described the provisions of the report, and I shall try not to reiterate what he has said.

We tried to promote, in a field of uncertainty, as much certainty as we could, as we did in the House bill.

This bill essentially is the House bill.

We start at the very beginning, where we changed the name of the bill from the universal military training, which it never was, to one reflecting selective service, which is what it has always been. The new title bears that name.

We are indebted to the gentleman from Pennsylvania [Mr. SCHWEIKER], who tried to bring about a situation whereby some standards of national criteria would be established. As the chairman indicated, the President may under this bill recommend certain criteria which can be used nationally to cover the difficulties presently experienced because of the lack of standards. I trust that the President will indicate what these standards might be.

Many have opposed the utilization of the doctors in the Peace Corps. I believe it was appropriate that there should be objection in this field. If the President sees fit, he can give occupational deferments to individual doctors serving in the Peace Corps, rather than, for all intents and purposes, giving them a military exemption, which is essentially the case today.

We have left the door open for the President, if he comes up with a new random selection system, to recommend to the Congress what the new system should be. In the meantime, he is to operate under a system which has survived the test of time. If he does decide to make a change, he can do so.

We have attacked the problem of the deferment of students. No longer will there be professional students, as there have been in the past, where individuals have, for practical purposes, continued in a student status until they developed an exemption from military service.

There were many people who were concerned about why we were not spelling out deferments in the bill for apprentices, though we did provide them to those who attended college. There will be ample opportunity under this bill and existing law for the President to take care of that problem.

There were those who were concerned with the so-called draft dodgers, who, through recourse to the courts, would take 2 or 3 years to get a matter resolved. Under this bill precedence will be given on the dockets of the courts to speed up these matters so that prompt judicial attention can be given in this area.

We have established in the National Security Council, as the chairman has indicated, a responsibility to indicate when deferments for graduate students or occupational deferments should be given. All of these are to be in the national interest and solely in the national interest.

Mr. Speaker, in sum and substance, this is the bill before us. I believe the committee did a good job. I believe that, overall, it attacks the significant and vital questions which confronted the people of this country and the Congress of the United States.

Mr. Speaker, the continuation of the draft law for an additional 4 years as provided in the conference report on S. 1432 leaves, for practical purposes, unchanged the existing draft law with the following major exceptions:

1. STUDENT DEFERMENTS

The bill would provide a statutory and uniform basis for all future college student deferments. The bill provides for the deferment from training and service in the Armed Forces of persons satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning, and who request such deferment.

The bill further provides that once a student deferment had been granted to any person it will continue in force until such person completes the requirements for his baccalaureate degree, fails to pursue satisfactorily a full-time course of instruction, or attains the 24th anniversary of the date of his birth, whichever first occurs. However, no person who has received a student deferment shall thereafter be granted an additional deferment except for, first, extreme hardship to dependents; or, second, graduate study, occupation, or employment necessary to the national health, safety, or interest. The latter deferments, after attainment of a baccalaureate degree, are to be very narrowly construed and strictly applied under criteria promulgated by the President after receiving an advisory opinion from the National Security Council.

All persons who have received a student deferment are required to be returned to the "prime age group" for exposure to induction after their student deferment has been terminated. Both the bill and the legislative history clearly indicate that this exposure to possible induction will be the same as that which they normally would have experienced if they had not been granted a deferred student status.

2. STUDENT TESTING CRITERIA

The adoption of a uniform policy for undergraduate student deferments has preempted any possible requirement for student testing or relative class standings. Consequently, this questionable procedure which had been previously utilized by Selective Service in respect to the granting of deferments for college students, would no longer be applicable.

3. GRADUATE SCHOOL DEFERMENTS

As previously indicated, the authority of the President to prescribe criteria for the future granting of graduate student deferments would remain unchanged. However, the bill requires the National Security Council to assume the responsibility of recommending the relatively few areas in which such deferments should be granted in the national interest.

4. OCCUPATIONAL AND PROFESSIONAL DEFERMENTS

The bill continues the President's authority to establish criteria for deferments based upon occupations and professions. Critical skills and essential activities which have heretofore been identified by the Departments of Labor and Commerce would now become the responsibility of the National Security Council. The National Security Council would therefore also make recommendations in respect to the identification, selection, and deferment of needed professional and scientific personnel and those engaged in, or preparing for, critical skills and other essential occupations. Thus, the authority for a continuation of deferments for individuals in apprenticeship training and agricultural deferments, and so forth, would be continued.

5. OTHER DEFERMENTS

Criteria for the granting of other type deferments such as those provided for fatherhood and/or hardship to dependents, ministers, and others remains unchanged. However, as previously indicated, registrants who had requested and been granted a deferment to pursue college training will not thereafter be eligible for a deferment based upon fatherhood or hardship to dependents except in the most extreme hardship situations as prescribed by Presidential regulations.

6. ORDER OF CALL

The bill does not change existing law in respect to the President's authority to induct from various age groups. Thus, the President may within his discretion continue to induct from the 19 to 26 age group, or in the alternative go to a younger age group as has been recommended to him by various civilian advisory groups as well as the Armed Services Committee reports of both the House and Senate. The President, therefore, at such time in the future as he deems it in the national interest, may identify the 19 to 26 age group as the "prime age group" for induction.

7. RANDOM SELECTION

The bill specifically prohibits the adoption of any new system of selection from among eligible and available registrants in the age groups designated for induction. Thus, the President cannot institute his so-called FAIR system or lottery system until he receives authorizing legislation from the Congress. Stated simply, this provision in the bill will require continued utilization of the so-called "oldest first" system of selection which has been utilized for more than 25 years. However, this will not prevent adoption of the modified young age system—that is, identifying the 19- to 20-year group as the "prime age group for induction" or any other age group designated by the President. It simply requires that within the age groups designated for induction the oldest will be selected first.

8. CONSCIENTIOUS OBJECTORS

The bill amends the provisions of law relating to conscientious objectors by first, eliminating the procedural requirement for an investigation and advisory opinion from the Department of Justice on conscientious objector cases; and, second, by clarifying congressional intent that a conscientious objector status should be provided only to those registrants who object to combatant or noncombatant service because of "religious training and belief." The language emphasizes that the term "religious training and belief" does not include essentially political, sociological, or philosophical views, or a merely personal moral code.

9. UNIFORM CRITERIA

The bill includes a provision urging greater uniformity in both the classification criteria and its application, and provides that the President may, in carrying out the provisions of the law, recommend criteria for the classification of persons subject to induction, and to the extent that such action is determined by the President to be consistent with the national interest, recommend that such criteria be administered uniformly throughout the United States whenever practicable.

SUMMARY

In summary, the changes to the draft law embodied in S. 1432 contemplate no dramatic change in the administration of the Selective Service Act. However, with the adoption of uniform criterion for college student deferments; the requirement that such college student deferees be exposed to possible induction without the opportunity to pyramid their deferment into a permanent exemption with subsequent dependency or occupational deferments; the establishment of the National Security Council as an advisory agency in connection with the development of future criteria for providing graduate student and occupational deferments in the National interest; and the possible initiation of a younger age system—19 to 20—by the President will, when taken together, greatly simplify and lessen the classification problems confronting local draft boards and in turn also reduce the period of uncertainty now confronting registrants under the Selective Service Act.

I therefore recommend that the Members of the House give this conference report their unanimous endorsement.

Mr. Speaker, I yield such time as he may consume to the gentleman from Vermont [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, I thank the distinguished gentleman from Massachusetts for yielding.

While I will vote today to support the extension of the military draft law, I do not believe that the Congress has fully met its responsibilities in the law which will be passed today. While I take pride in some important first steps embraced by this bill after Republican initiative, there is much yet to be done.

At Republican initiative, there was an effective provision for uniform national criteria for classification written into the bill passed by the House on May 25. Because of the adamance of Senate conferees the provision was significantly watered down—although for the first time the principle is recognized in the law.

It is not fair when there are two men of identical status in education, in skills, in family and in age—where one is drafted and the other is not because the policies followed by their draft boards are different. This is the most rampant, obvious, blatant, and unjustifiable inequity that exists in the administration of the draft. The law that will pass today represents a beginning in remedying the situation, but only a beginning.

The President's National Advisory Commission on Selective Service recommended last February that "clear and binding policies concerning classifications, exemptions, and deferments be applied uniformly throughout the country."

Uniform national criteria for classification would not impair the appropriate powers of discretion of local draft boards to consider each individual case on its merits. They would, on the other hand, minimize the discrimination which affects every Selective Service registrant today when a young man's chance of being drafted is more a function of where he was born or registered than anything else.

The conference also expunged from the bill passed by the House a simple statement of purpose, another Republican initiative, that the Government would attempt to meet its military manpower needs through adequate voluntary enlistment before it would resort to compulsory conscription. The Senate conferees reported "that this fundamental policy was self-evident." The fact is that neither the present law nor today's bill says or even vaguely implies that it is the purpose of the U.S. Government to maximize voluntary enlistments and to minimize draft calls.

I am not satisfied with the consideration that this Congress has given to the draft law. I believe that the Congress owes far more to all the Nation's young men whom we ask to risk their lives in military combat.

I will immediately file legislation to amend the law that will be passed today to provide for uniform national criteria for selective service classification—and to state explicitly the intent of the Congress that the draft is a residual source of manpower to be used only when absolutely necessary to assure an adequate force for the Nation's security.

I hope that the American people do not have to wait another long 4 years for the Congress to give any attention at all to the problems of the draft, which after all, affects every American family more directly and more seriously than any single policy of the U.S. Government.

The draft should be significantly reformed. It will not be significantly reformed by today's action. I will continue to press for significant reform in the hope that the Congress will soon recognize its responsibility and meet it clearly. The gentleman from Pennsylvania [Mr. SCHWEIKER], who spoke on this matter earlier, shares the sentiments I have expressed.

Mr. BATES. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS. Mr. Speaker, I find, regretfully, that I must oppose the adoption of this conference report on our selective service laws. I had hoped and urged that this House and the Congress would develop a thoroughgoing reform of the draft this year based upon comprehensive studies. I have worked over the years with Members from both sides of the aisle to get a congressional study of the draft which would be a meaningful study. I have listened to the many statements by every Member of Congress, by students and draft-eligible young men from every part of our Nation, by countless organizations and groups concerned with the draft, and by the President and the members of the executive department—all urging reform of the draft. I have testified before committees of the House and Senate dealing with our military manpower policies and earnestly asked for a real examination of our military manpower policies. Now I find that we are being asked to put the final touches on another in a long series of 4-year extensions of the draft; for another papering over of the inequities and inefficiencies in the Selective Service System; for another draft law which makes no significant changes in the undemocratic, inefficient, costly and, I would argue, unnecessary, form of compulsion in our society today.

Mr. Speaker, I cannot go along with this legislation. I believe that the Congress owes to the entire society and particularly to our Nation's youth, some of whom are now risking their lives in military combat, the duty of undertaking a thorough and searching study of our military manpower procurement policies. We have not carried out this responsibility. We have had secret studies by the Pentagon in 1964 and 1965, designed to "take the heat off" the demands for draft reform; studies which culminated in a brief, 24-page "report on a report" at the Armed Services Committee hearings last summer. We have had a secret executive committee, the so-called National Advisory Commission on Selective Service, which conducted hearings behind closed doors, which has refused to this day to release any of the testimony, working papers, or detailed results of their study, and which gave perfunctory consideration of the basic premise and values which underlie the draft and no consideration at all to the many distinguished and knowledgeable voices which have urged that this Nation move toward an all-volunteer armed force. It is obvious that we in this House are not now in a position to really evaluate the draft; we are being forced by the pressures of the soon-to-be-expiring induction authority into voting for an extension of the draft—just as it is, with all its inequities, with all its uneconomic deficiencies, with all its undemocratic features—for 4 long years.

Do you think that in these 4 years we will undertake a real study of these issues; do you think we will try to meet our responsibilities to our American youth now serving in Vietnam and around the world and those still waiting for the opportunities to serve? We first passed the Universal Military Training and Service Act, the current draft law, in 1951. Since that time, we have extended the draft for 4-year periods on three different occasions, often with the most perfunctory debate. Two weeks ago, we debated this bill on the afternoon after we had stayed on the floor until nearly 2 in the morning debating the education bill. We had no time to consider alternatives to the draft; we had little time to consider the many amendments which various Members wished to add to this legislation. I certainly hope that the distinguished members of the Armed Services Committee will continue their studies of the draft; I hope that this House will give consideration to my resolution to set up a joint House-Senate committee to initiate and carry out a complete study of our military manpower policies and coordinate them with civilian manpower utilization, and the similar resolutions of other Members. But our record over the past 16 years in dealing with the draft has been a sad one. And it is with sadness and a deep feeling of disappointment that I see this House again let the opportunity for needed basic reform go by the boards.

I think we should ask, "What changes in our present draft laws are accomplished in this bill?" We have finally gotten around to changing the name of the draft law to eliminate the reference to universal military training; this is a somewhat ironic footnote to the draft debate over the past few years, but hardly accomplishes anything meaningful. We here allow the President to reverse the order of induction to take those age 19 first, but we have eliminated any national criteria for selection—in other words, we have subjected more of the youngest draft-eligible men to these arbitrary, loosely defined, unevenly applied, and inequitable criteria that have plagued our draft laws for these so many years. We are saying, in effect, to those who have cried out for change, "I am sorry, but the draft is by nature inequitable and we cannot do anything about it."

We have preserved college deferments

and some graduate deferments, but we have done nothing to integrate the manpower needs of our civilian economy with our military manpower needs. We had a provision in the House bill that would establish a National Manpower Resources Board. True, we gave it nothing but advisory power, but at least it was a start toward a rational system of manpower allocation, a system which I, and many, many others have fought for over the past few years. Now, we do away with that beginning. One of my constituents came to see me the other day, an experienced officer and 12-year career man, and told me that he was resigning from the Army because the military was not making use of his skills. He was an economist, an expert in statistical analysis and cost-effectiveness, but the Army had no positions for such a man; instead they hired civilian "experts" with fewer qualifications at $75 a day. We have done nothing for this man and for the many others in the military services whose skills are not utilized. We appropriate $70 billion or more for defense and wonder where it is all going, but we have no time to try to make our manpower procurement and utilization policies more efficient.

We had another amendment in the House bill, added by the gentleman from Illinois [Mr. RUMSFELD], which expressed the policy of the Congress that the draft should be enforced "only when necessary to the security of this Nation"; in other words, that the draft was not an integral part of our society, but only a "necessary evil" which grave international circumstances forced upon us. Members from both sides of the aisle stepped to the microphones in the debate 2 weeks ago and supported this policy. I read from the conference report that the Senate "agreed that this fundamental policy was self-evident"; it was so self-evident that they did not want it in the bill. It might have suggested that the draft was less than permanent, that Congress was less than eager to subject our youth to the inequities of the present system.

What else does this bill provide? It provides for more and faster prosecution of draft dodgers and makes the definition of "conscientious objectors" more strict. But it does nothing for those who want to serve their country and only ask to be treated fairly. It does nothing for those already in the service or in the draft pool who want to look upon military service as an opportunity instead of an obligatory burden.

Mr. Speaker, I have tried over the past 15 years to get at these problems which affect our Nation's youth and every American family more than any other policy of our Government. I will continue trying, whatever happens here today, to get a study of the major problems of our military manpower policies and integrate them with our total manpower policies. I will continue to work for the elimination of the inequities which we are perpetuating today. I know that there are many other Members who are concerned about these inequities and have worked hard to get reform. I know that they will continue their work, and I would like to commend them all and join in their efforts.

I know, too, that there are many in this House who are as disappointed as I am that this bill overlooks some of the most important problems in our selective service laws. I can only vote against what my research tells me is wrong. Political pressure, the exigencies of the war in Vietnam, the deadline of the expiration of the current law, uncertainty about what to do, and lack of information about some of the major problems lie heavily upon us, and perhaps some may feel that there is no way out but to support this measure. I cannot do so.

Mr. BATES. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. REID].

Mr. REID of New York. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, I do not believe that the Congress has given evidence of the careful study and thoughtful consideration which this important legislation deserves. From the hasty and late-hour debate on the original bill in the House to this conference report which makes major substantive changes in the provisions enacted by the two Houses, I believe that we have been less than diligent in honoring our responsibility to the young men of this country who are affected by our actions today.

After more than a year of searching debate across the Nation and serious studies by several high-ranking panels, the bill recommended in this conference report contains few of the major reforms of the draft law that have been suggested. The lottery, or random selection procedure, is of particular concern to me. While further study of the merits of this proposal is clearly needed, the conference bill would require the passage of legislation by the Congress before such a plan could be instituted.

The previous House version provided that the President could submit his proposal to the Congress which could have indicated its disapproval within 60 days, whereas under the conference language, a lottery could be put into operation only if specific legislation is first initiated by the Congress.

These provisions regarding the lottery which are before us now go even further than the House version in making the prejudgment that random selection is not in the best interests of this country. I do not think that we are prepared to make that determination now; I think that we should allow the President sufficient flexibility to make the necessary judgments on the merits before we indicate the approval or disapproval of the Congress.

Further, I share the concern expressed by a Member of the other body, Senator KENNEDY, of Massachusetts, about the House bill's and the compromise version's treatment of the definition of "conscientious objector." The conference adopted the House position—with some modifications in language—of narrowly construing the basis for classifying registrants as qualified conscientious objectors. By writing into the law that—

> "Religious training and belief" does not include essentially political, sociological, or philosophical views, or a merely personal moral code.

The seeming intent is to eliminate the broader interpretation of conscientious objection as determined by the Supreme Court. The apparent implication of this language is to base conscientious objection solely on beliefs grounded in established religious training. I have serious misgivings that the Congress should establish by statute a narrow and strict standard in a sensitive area in which personal circumstances are undeniably of high importance.

In addition, I am disturbed that no real progress has been made toward instituting uniform national criteria for classification. It is simply inequitable that when there are two men of identical status in education, in skills, in family and in age, one may be drafted and the other may not be because their local draft boards adhere to different classification policies—or perhaps to no policy at all. This is the most serious deficiency in the administration of the draft, and it makes the already uncertain futures of these young men subject even more to caprice and chance—all because one young man comes under the jurisdiction of draft board A and the other's service is determined by draft board B. While we must take care to preserve appropriate powers of discretion to consider each individual case on its merits, it is clearly incumbent upon the Congress to give the question of uniform national standards serious consideration as soon as possible.

While I recognize the urgency at this late date of completing action on this measure, I would hope that necessary modifications could be made as soon as possible—and in any case, well before 1971 when it will be time for the Congress to take another look at the extension of the draft. It is indeed regrettable that the Congress has seen fit to extend the draft for 4 years, rather than reviewing the act and its administration again 2 years from now.

Unfortunately, the chances for significant reform in the areas I have outlined above and others are indeed slim before 1971. Nonetheless, we cannot afford to wait that long and I hope that substantive amendments will be offered and considered at the earliest opportunity in the national interest and for the equity of all young men.

Mr. BATES. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. FINDLEY].

Mr. FINDLEY. Mr. Speaker, I asked for this time to raise a question or two of the members of the conference.

This bill authorizes the calling into military service of a considerable number of young men over a period of time. I would like to know if in the opinion of the managers on the part of the House there is any limitation placed on the President in respect to the areas or the assignments to which the military forces may be sent. For example, I see in the papers that Premier Ky of South Vietnam would like to get about 125,000 additional U.S. troops in that area. Would it be necessary in the opinion of the gentlemen who have been the managers on the part of the House for the President to seek additional authority from the Congress in order to fill a request of that kind?

Mr. RIVERS. The answer is "No."

Mr. FINDLEY. This would also apply to the use of military forces elsewhere in the world. He really has adequate authority without further approval from the Congress to send the military forces which would be created by this bill to any part of the world and for almost any purpose. Is that about correct?

Mr. RIVERS. The statement is correct.

Mr. BATES. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. RUMSFELD].

Mr. RUMSFELD. Mr. Speaker, I thank the gentleman from Massachusetts for yielding this time.

The conference report on page 8 indicates that the language which was adopted by the House when we considered the legislation, under difference No. 2, was deleted. The language read:

> The obligations of serving in the Armed Forces should be enforced through the provisions of this Act only when necessary to insure the security of this Nation * * *

That language was deleted from the bill in the conference report. The reason given on page 9 for taking out that language indicates that the Senate conferees insisted that inclusion of this language could possibly raise questions of semantics and legal interpretation of the precise circumstances under which "the security of this Nation" required the use by the President of the induction authority of the act. The Senate conferees pointed out that this language therefore added nothing new to the act but could create possible unforeseen legal complications which would unnecessarily restrict the President's ability to insure satisfying changing military manpower requirements.

I am not sure I know what that means. I have read it three or four times. I wonder if the chairman of the committee could explain why that language is taken out. The language that was put in by the House was essentially the language that was in the President's message; namely, that this country should use the Selective Service Act only to the extent necessary.

It is language which I believe expresses the position of the Department of Defense; it is the language which the gentleman from South Carolina [Mr. RIVERS] indicated he agreed with when I offered the amendment on the floor of the House when this legislation was under consideration.

Mr. Speaker, possibly, the gentleman from South Carolina [Mr. RIVERS] can enlighten the Members of the House as to what the report statement which I have read means?

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. RUMSFELD. I yield to the gentleman from South Carolina.

Mr. RIVERS. I can enlighten the gentleman to this extent: No. 1, the other body was adamant. No. 2, they did not think it was so necessary that it was earth shaking. They said that it might create problems unforeseen and, again, they were adamant.

I did not think it was so vital as to take up the time which would be required during which to consider it during the conference, time which we did not have, and that this is the best way I can explain it. It is my opinion that it does not materially affect the bill—it does not materially affect the legislation. I, personally, did not think it would help particularly, or hurt it, but whenever they took the adamant position which I have undertaken to try to explain to the gentleman from Illinois, as the gentleman is undertaking to explain his position to me, I was not able to make it as clear to them as the gentleman is making it to me.

Mr. RUMSFELD. Mr. Speaker, the legislation now pending before us will extend the Selective Service Act for a period of 4 years.

As I have indicated previously, it is my feeling that this legislation should be extended for no more than 2 years, with some 10 million young Americans coming into the draft age bracket within the next 4-year period.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. BATES. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. RUMSFELD. Mr. Speaker, it would seem to me that the Congress of the United States could find sufficient time during which to review this legislation more often than every 4 years.

Mr. BATES. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DON H. CLAUSEN].

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in support of the conference report.

Mr. Speaker, earlier this week I joined some 40 of my colleagues in the House in issuing a joint statement expressing our dissatisfaction with the draft law extension bill.

Today, Mr. Speaker, I would like to expand my remarks on this vital subject and outline my own personal views in this regard.

In view of the present crisis in Vietnam, the countless international commitments which have overextended our Armed Forces, and the many uncertainties the cold war holds for the future, I support the extension of the military draft law.

I do so, however, with deep reservation and the dissatisfaction, which I indicated earlier, is centered on one glaring weakness in the system which this bill ignores. Specifically, I refer to the differing policies of individual draft boards throughout this Nation.

In my judgment, Mr. Speaker, the policies and procedures governing board classifications for selective service must, in all fairness to the young men considered for military service, be standard and uniform. Quite frankly, I have yet to hear in these Chambers or elsewhere, any justifiable reason why they should not be standard and uniform.

Congress should, I feel strongly, have established policies and procedures that insure, within the set criteria of the classification system, fair and equitable administration of the draft.

In so saying, Mr. Speaker, I do not even by inference, cast doubt or accusations on the Selective Service Commission or the thousands of hard-working and dedicated draft boards throughout this land. I know of no wrongdoing on their part and I think they have performed a great service to this country in both peace and war for which America can truly be proud.

But, I cannot conceive of a nation of laws asking its youth to run the risk of sacrificing their lives in military conflict and then leaving their selection for duty to the discretion of boards of citizens with authority to fix their own policies and procedures. In addition, I cannot conceive how uniform criteria for classification and selection would, in any way, impair the discretion of local draft boards to consider each case on its individual merits.

Questions of fairness in drafting men for military duty are common both in and out of the service. Classic examples, no doubt, have been the many medical deferments of the former heavyweight boxing champion of the world before his present predicament and the deferment of numerous other professional athletes and people in show business.

In addition, there has been much controversy over the deferments of college students, men with dependents, hardship cases, and those in other areas of Government service. This problem is further compounded by the fact that the criteria established in Boston or New York, for example, may differ widely with that of Denver or Los Angeles.

I submit that the need for a national Selective Service System could be greatly alleviated were we to place more emphasis on voluntary enlistments and military careers. Although it has been ruled that this is "implied" in the present draft law, I fail to see why it could not have been expressly stated.

We can realize more voluntary enlistments and more men in military careers only if we make the service more attractive with added pay incentives and benefits. By greatly increasing voluntary enlistments and service careers, however, we could relegate the draft to its proper role—a measure to provide a hasty manpower pool to meet national defense emergencies.

Much of the public criticism of the present draft system centers on its inequities. Unfortunately, this bill extending the draft law has not corrected the most blatant inequities in the system—lack of uniform national criteria for draft classification and incentives to volunteer—but we have made a beginning in that direction.

To that end, Mr. Speaker, I will continue to work for corrective legislation which will finally give this great Nation a fair and equitable Selective Service System.

Mr. RIVERS. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. FRASER].

Mr. FRASER. Mr. Speaker, I was interested in the statement of the gentleman from Massachusetts [Mr. BATES] to the effect that under the agreement of the conference committee the Public Health officers who are assigned to the Peace Corps could be deferred, but that they were not exempt. I was unable to reconcile that statement with the language that I find in the conference report.

I note that the conference report says that the deferment of such people assigned to that responsibility will not be permitted. I do not find anywhere in the language of the conference report an exception to that statement.

Mr. BATES. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Massachusetts.

Mr. BATES. This bill continues the discretionary authority of the President to provide occupational deferments. If the President sees fit in this particular case to grant such deferments, he can do so.

The position of the conferees was that someone serving in the Peace Corps should not thereby be exempt from military service. The only real problem which presented itself to the conferees was with reference to which of those auxiliary arms of the Government should "service" be considered as in lieu of military service.

Mr. FRASER. However, the language of the conference report states, and I am quoting:

> The House language was designed to prohibit deferments for Public Health Service officers assigned to such organizations as the Peace Corps, the Food and Drug Administration, the Department of Agriculture, the Bureau of Prisons, and the Office of Economic Opportunity.

Mr. BATES. This is correct insofar as they are assigned to the Public Health Service and insofar as it is concerned. However, individuals in the Peace Corps or in other organizations, if the President sees fit, he can grant these draft deferments, but they could be reassigned by the Public Health Service.

The gentleman's observations concerning the conference report is correct. What was intended to be said was that service outside the Public Health Service and the other agencies specified in the law, would not constitute service which would qualify as a basis for exemption from military service. Such service may, however, during the period it is being performed, constitute the basis for a temporary deferment from military service.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. FRASER. Mr. Speaker, I wonder if the chairman of the Committee on Armed Services would yield additional time to me in order to propound a further question?

I only need half a minute for the purpose of asking a question.

Mr. RIVERS. I will yield the gentleman a minute for that purpose.

Mr. FRASER. Would the chairman be kind enough to answer this question: Aliens who are in the United States are subject to the draft law under the revisions of the draft law as submitted to the House today; is that correct?

Mr. RIVERS. That is right.

Mr. FRASER. Is there any change with respect to the deferment rights or the exemption rights which an alien might have, is there any difference between the rights that he might possess as against those that might be possessed by a citizen?

For example, an alien who is taking a course of study so as to become a doctor, would there be any change with respect to him?

Mr. RIVERS. Everybody is treated the same in this respect.

Mr. FRASER. Everybody subject to the draft, whether an alien or a citizen of the United States, is entitled to the same rights, privileges, and so forth, as well as deferments and exemptions?

Mr. RIVERS. That is right, because such an alien may someday want to become a citizen, and therefore he cannot plead both, so he has to make up his mind, and he is then to be treated like any other registrant.

Mr. FRASER. Mr. Speaker, I thank the gentleman for that statement.

Mr. Speaker, I shall vote against adoption of this conference report. I reluctantly supported this measure when it first passed the House, but now the measure is even less acceptable.

The bill provides few reforms; it freezes the college deferment which perpetuates inequity; it prohibits the administration from instituting a lottery system; and it extends the draft law for another 4 years.

The drafting of young people to serve in the Armed Forces is too important a matter to be continued on the basis of this bill for another 4 years. I regret that this Congress has not done a better job of providing for fairness and equity in our draft laws.

Mr. REUSS. Mr. Speaker, I spoke in the House on May 25 of my grave misgivings about many aspects of the selective service bill then before us. Despite these misgivings, I voted for its passage.

But the conference report now proposes to change the bill in several major ways. One is the provision concerning a system of selection by lottery. This change is so significant as to strengthen my misgivings and to justify me in opposing the conference report. I shall explain my reasons.

Before this conference, the situation was this. The President had announced his intention of instituting a lottery by January 1, 1969. The Senate had, by passing S. 1432, indicated its support for trying a random selection system. Thus the fate of the lottery lay with the House.

The chairman of the House Armed Services Committee had long since announced his firm opposition to the lottery. But that committee and then the House had adopted, in section (3)(b) of the bill, a reasonable compromise—the administration could initiate a lottery if Congress did not disapprove the plan, under a procedure similar to that provided by the Reorganization Act of 1949, within 60 days after the President had proposed it. The House thus gave the President a good chance to try the lottery.

But the conference committee, far from agreeing to a middle ground between the House and Senate positions on this issue, adopted a stance far more hostile to the lottery than that of the House bill. The version for which we voted in the House would allow the President to initiate a lottery system. But the conference version would give a lottery proposal sent up by the administration, in view of the announced opposition by the chairman of the House Armed Services Committee, little chance for life at the hands of that committee. Knowing this, the administration would probably not even send up a bill.

The net result of dooming the lottery, which in my judgment would be the fairest way of choosing the few who must serve from among the many who are eligible for the draft, will be to continue shielding university students from the risks of military service during this abnormally risky period of the Vietnam war.

The conference report restricts the President's flexibility in granting deferments. At present, he may choose to defer or not to defer undergraduates. But the report would require him from now on to defer all students in 4-year colleges. It makes no provision for students in 2- or 3-year vocational programs and in on-the-job apprentice programs.

The conference report provides that eligible men who lose their deferment upon graduating from college would then join 19-year-olds in the "prime age group" liable for induction, unless of course they were further deferred for graduate study or work in a critical occupation.

But the war in Vietnam will likely take its bloody toll only for another year or so, hopefully sooner. So, the deferment system would allow those draft-age men lucky enough to have money and some talent to buy time and reduce their risk. But other productive citizens, including those who choose or have only enough money to choose vocational or apprentice training, would remain fully exposed.

This would give more support to the charge that the risks of fighting and dying in Vietnam fall unfairly upon the less privileged and the poor.

I feel justified in opposing a conference report which proposes to change so significantly a measure to which we in the House had already agreed. I hope that the House will decide to return this report to conference with instructions to the House conferees to insist upon the language of section (3)(b) as originally passed by the House.

Mr. UDALL. Mr. Speaker, I should like to explain why it is that I am voting today against adoption of the conference report on S. 1432, extension of the Universal Military Training and Service Act.

This is not an easy vote to cast, as I fully realize the necessity of extending our Nation's draft system when we are engaged in a war. But I also believe the Congress has other responsibilities, and among them is the responsibility to enact laws that serve the needs of the people as well as of the Government. In my opinion, this bill, as we see it today, primarily serves the needs of the Government.

Mr. Speaker, I am a product of the selective service system. I was drafted and served in World War II. And, as I told my constituents in an April newsletter, I survived that experience without any lasting brain damage and with few regrets. However, the Vietnam war is not World War II, and 1967 is not 1942. Many things have changed. How many people are living in the same States today as in 1942? These past 25 years have been years of tremendous population growth and constant population mobility. I believe the draft law we pass today should apply to the conditions of today—and not those of a generation ago.

Surely there is no more archaic, outmoded or unjustified system of selecting men for our armed services than the hodgepodge collection of 4,084 local draft boards across this Nation. No matter how intelligent, how fairminded, how free from favor or prejudice the members of those draft boards may be, the possibility of uniform application of our draft laws to all prospective draftees in this country is virtually nil under this system. Yet this bill before us today ties the hands of the President in seeking to develop a more fair and uniform method of selection.

In recent months the mail from my district on draft revision has been substantial. Because of this interest I sent out a newsletter and questionnaire to all constituents in early April, and on May 23, I published in the CONGRESSIONAL RECORD a report on that survey.

Let me review what over 25,000 of my constituents told me in their responses.

Eighty percent said local quotas are wrong, that we need a national pool of eligibles from which selections could be made.

Sixty-seven percent said student deferments should be ended, allowing exceptions only for critical occupations.

Seventy-one percent said they favor establishment of a national lottery to determine the order for calling up draft eligibles.

None of these strongly held views of my constituents are reflected in the bill we have before us today. And I see little reason to believe that my constituents are substantially different from the rest of the American people. I sense a real sentiment in this country to eliminate some of the gross and flagrant inequities in our present system of sending men to war.

For these reasons I cannot support the conference report, although I strongly support extension of the draft so long as enlistments cannot meet the needs of our Armed Forces.

While I cannot support the bill as a whole, I must, in fairness, applaud one improvement it does encompass in our Selective Service System. This is the change in the order of callup, proposed by the President and not opposed in this bill. Drafting men at an earlier age will enable them to complete their military service and get on with their education and careers. I might say my constituents endorsed this change by an overwhelming 85 percent.

But I most certainly cannot understand or accept such other revisions as the termination of deferments for Peace Corps volunteers. Surely there is room in this world for service other than carrying a gun. At issue is not whether Peace Corps service should exempt one from the draft, although a majority of my constituents said they would favor even this. At issue is simply the question of whether an outstanding young person, selected for humanitarian service in another country, has the right to perform that work before being called into military service. I think it is preposterous that we should direct such an unjustified and unnecessary blow at the fine young people who have made the Peace Corps such a success around the world.

I also find highly questionable the change in language dealing with conscientious objectors. I see no peril to this Nation in some reasonable latitude on the religious or philosophical grounds of conscientious objection, yet this change seems to reduce that latitude.

Mr. Speaker, the legislation sent up by the President earlier this year was no pipe dream of a few Government bureaucrats. It was the product of extensive study by a National Advisory Commission appointed by the President and composed of many of our leading citizens. I regret to say that the conference report which will be adopted today lays to rest most of that Commission's recommendations. This is a disappointment to me, and I think it will be a disappointment to the American people.

I assume the conference report will be adopted today, in spite of my negative vote. But if this "No" serves to call attention of the country to our failures on this important question, I will feel my vote has not been wasted.

And that, Mr. Speaker, is why I am voting today against adoption of this conference report.

Mr. TAFT. Mr. Speaker, while I voted to support the extension of the military draft law when it passed the House, I must speak out and join with many others who believe that there is much to be done. The Senate and conference actions weakened the House version further. Congress has not fully met its responsibilities in drafting new selective service legislation.

The draft affects every American family more directly and more seriously than any single policy of the U.S. Government. It should be significantly reformed. But unfortunately it will not be significantly reformed by today's action which does little except to extend and stall for another 4 years. We must continue to press for constructive action in the hope that Congress will come to recognize its responsibility and meet it clearly. Let us hope that the American people do not have to wait another 4 years before Congress gives attention to the problems of selective service. Congress owes at least that much to all of the Nation's young men whom we ask to risk their lives in military combat.

Unform national criteria for classification and for induction must be written into our draft laws. The President's National Advisory Commission on Selective Service recommended last February that "clear and binding policies concerning classifications, exemptions, and deferments be applied uniformly throughout the country."

I expect to join several other Congressmen in filing legislation to amend the selective service laws to provide for uniform national criteria for selective service classification, and to state explicitly the intent of the Congress that the draft is a residual source of manpower to be used only when absolutely necessary to assure an adequate force for the Nation's security. Meanwhile I am voting against the draft conference report as a protest against the present bill's insufficiency.

Mr. COHELAN. Mr. Speaker, as many of our colleagues know, for some time I have urged the Congress to undertake a comprehensive study of the draft in order to make needed and meaningful revisions.

On May 25, I voted for the House bill, not because it satisfied completely my idea of a perfect draft bill, but because it offered some improvements.

The conference committee report on the draft extension, in my judgment, ignores several of the steps forward taken by the House and reduces to hollow-sounding phrases the call of many of our Members for study and meaningful revision of the draft.

I commended the House Armed Services Committee for including language in its bill requiring the President to establish national criteria for the classification of persons subject to induction. This, however, is omitted in the report of the conference committee.

I believe that a random selection of those qualified for the draft is completely in keeping with our efforts to insure fairness and consistency. The House bill gave the President a good chance to try to develop a random method and still retained congressional approval of the system. But the conference report goes further in insisting upon legislative enactment—rather than approval—which in effect, I fear, will mean that this system will not be developed.

The conference report does not allow the President any flexibility in granting deferments. At present, he may choose to defer or not to defer undergraduates, but under this report he cannot make any exceptions. Students in 2- or 3-year colleges or trainees in apprentice programs are discriminated against in the conference bill.

If this bill provided a 2-year extension, instead of four, perhaps I would feel differently. Extension should be limited to 2 years. This would give us ample time to make a complete study of our Nation's manpower requirements and to coordinate them with our universal military service program. It would also allow the next Congress an opportunity to work its will on this program which so deeply affects the lives of so many of our young men.

Mr. Speaker, I cannot support the adoption of this conference report.

Mr. MORSE of Massachusetts. Mr. Speaker, the ranking minority members and the entire membership of the House Armed Services Committee are to be commended for their efforts to improve the selective service standards. It is a matter of regret that the other body has neither shown the willingness to accept constructive changes nor the cooperation to adopt the fruits of the House labors.

I therefore have concluded that I cannot support the conference report.

The House version of S. 1432, which I did support, made only limited reforms, far short of the changes which Republicans have advocated for some time. But the House bill did include one essential improvement. It provided for the setting of clear, nationwide standards for draft classification and deferment—standards which would guarantee that young men in similar circumstances would receive similar treatment no matter where they live.

Under the present system, national guidelines for classification are so general and vague that they provide practically no guidance at all. Local boards, lacking any uniform direction, have developed different and conflicting policies, so that the status of a teacher, a policeman, a fireman or a law student is determined by chance—the chance of where he happens to report.

National standards would not interfere with the legitimate discretion of local boards in individual cases, but would minimize inequities and inconsistencies, and would remove much of the confusion and uncertainty which so many young Americans must now endure. I deeply regret that even this limited reform has been so severely diluted in the conference report.

Our military manpower policies directly affect more American families in a more personal way than any other Federal programs, including the income tax. Our debts to the young men called to military service have not been paid, or even properly acknowledged, by the hasty and restricted congressional debates this year. I will continue to work with my colleagues for fundamental, necessary changes in selective service policies. But I cannot vote to continue the present confusion and inequities for 4 more years.

Mr. RYAN. Mr. Speaker, the conference version of the selective service extension is an unfortunate hybrid which accepts part of the administration's proposal and then renders it unworkable by rejecting the rest. If the conference report is adopted, the intensive public discussion, the conferences, and the work of the Burke Marshall Commission will all have been for naught.

Reform of the draft has been long overdue. It is unfortunate that it only became a live issue when demands for manpower rose to a point where the inequities could no longer be glossed over.

The core of the administration plan constituted one of many possible approaches to remedy the uncertainties which confront young men faced with the prospect of military service. The plan combined a period of maximum liability for 19-year-olds with a random selection device.

There are a number of inconsistencies and inequities in the present system, which it was proper for the Congress to consider. These were examined in detail in the Marshall report, and they should have been confronted.

Instead of a broad reform, we have before us today the same old system, with new inequities.

S. 1432 requires the Department of Justice to give precedence to draft cases even though the Attorney General stated:

> It is simply not practical to demand that the courts give absolute priority to the disposition of any one class of criminal cases regardless of the urgency or importance of other pending matters.

The legislation would remove the incentive to doctors, which encourages them to devote urgently needed service to the Peace Corps and Public Health Service programs. This change was not prompted by any severe shortage of military doctors, but out of a petty and puritanical demand for military service, regardless of the consequences for other priorities.

It explicitly prohibits judicial review of draft classifications, unless a citizen violates the law and risks severe penalty, if he believes he has been unfairly classified.

In practice, it would permit graduate students in the sciences to pyramid deferments, while discriminating against students in the humanities. I am afraid the language of this bill demonstrates that humanists are as urgently needed by this country as scientists.

The questions of exclusion of Negroes from local draft boards, arbitrary procedures, and inequities in those procedures are not dealt with at all.

Most critically, the core of the President's plan has been rendered more confusing than the existing system. The President is expected to include in the category of primary liability 19-year-olds and recent graduates or 24-year-olds. But in view of the specific proscription of random selection, who is to be chosen, and by what method? If the present procedure, calling the oldest first within each category, is followed, then all of the graduates will be called before the 19-year-olds. Other formulas, such as selection according to month of birth, are equally confusing.

Although the random selection system, which was an integral part of the proposal to call the youngest first, was not ideal, it was at least workable. If this bill is passed, we will be saddled with a less feasible, more unjust draft system than the one we have now—for 4 more years. Congress is neglecting its obligation to millions of young men by failing to reform an archaic system and by failing to confront the inequities.

Mr. MATHIAS of Maryland. Mr. Speaker, the gentleman from Massachusetts [Mr. Morse] and I have joined in a statement summarizing our position on this conference report. Our conclusions are as follows:

Statement by Congressman Charles McC. Mathias, Republican, of Maryland, and Congressman F. Bradford Morse, Republican, of Massachusetts

The Chairman, the Ranking Minority Members and the entire membership of the House Armed Services Committee are to be commended for their efforts to improve the Selective Service System. It is a matter of regret that the other body has neither shown the willingness to accept constructive changes nor the cooperation to adopt the fruits of the House labors.

We therefore have concluded that we cannot support the conference report.

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Under the present system, national guidelines for classification are so general and vague that they provide practically no guidance at all. Local boards, lacking any uniform direction, have developed different and conflicting policies, so that the status of a teacher, a policeman, a fireman or a law student is determined by chance—the chance of where he happens to report.

National standards would not interfere with the legitimate discretion of local boards in individual cases, but *would* minimize inequities and inconsistencies, and *would* remove much of the confusion and uncertainty which so many young Americans must now endure. We deeply regret that even this limited reform has been so severely diluted in the conference report.

Our military manpower policies directly affect more American families in a more personal way than any other Federal program, including the income tax. Our debt to the young men called to military service has not been properly acknowledged by the hasty and restricted Congressional debates this year. We will continue to work with our colleagues for fundamental, necessary changes in Selective Service policies.

Mr. KASTENMEIER. Mr. Speaker, the unseemly speed with which the House rushed through its version of the selective service law on May 25 certainly did not add any respect for the legislative process. The conference report now presented to us is doubly objectionable since it is much worse than the bill originally passed by the House and does nothing more than to compound the inequities of the present draft system.

Although the present draft law perpetuates racial and economic discrimination, the conference report does nothing to make the selective service operation more equitable. There are not even any provisions calling for an end to the discrimination against the Negro in the composition of the local draft boards.

Whereas the House originally advocated a requirement for uniform national standards for draft classification and deferment, in place of the vague guidelines that govern the local boards, the conference report rejected language which would require the development and establishment of rigid national standards for deferments and their uniform administration throughout the United States.

Despite the President's request that serious deliberation be given to the question of the college undergraduate deferment, the continuation of the deferment was decided upon with little or no discussion. The retention of deferments for those graduate students and for those occupations that are found to be in the national interest will only result in the same pyramiding of deferments and inconsistent judgments that currently occur.

The conference report turns the clock backward on the treatment of the conscientious objectors. The special appellate procedures for the determination of claims of conscientious objection which allow for an investigation by the Department of Justice, a provision which has been in the law since 1940, was eliminated. Although the present provisions have demonstrated that they can operate effectively both in time of peace and in time of conflict, the proposed legislation will only result in compounded administrative and legal problems.

There is no virtue in the proposed legislation that would give the Congress a potential veto over the lottery method of selection that the President said he intends to institute by January 1, 1969. The conference report makes no provision to provide for a fair and just method of selection for those that will be called upon to serve.

The impact of the proposed selective service amendments relating to Public Health Service commissioned officers serving in the Peace Corps, the Food and Drug Administration and in other departments and agencies will be very severe. The recommendations of the conference report are neither equitable nor workable. They cut off a major medical manpower resource without offering any alternatives to the affected agencies.

The recommendations of the conference report prompted five members of the President's National Advisory Commission on Selective Service, led by Burke Marshall, to state that it "prohibits the changes that the National Advisory Commission thought essential to a fair and efficient draft." Twenty-three Members of the Senate cast their votes against the conference report.

Mr. Speaker, the conference report makes no attempt to reform the deficiencies in the present draft law. It just extends the inequities and a compulsory military conscription system for 4 more years. This is totally unacceptable and I strongly urge the rejection of this report.

Mr. RIVERS. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

Mr. RIVERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 377, nays 29, not voting 27, as follows:

[Roll No. 144]

YEAS—377

Abbitt
Abernethy
Adair
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashmore
Aspinall
Ayres
Baring
Barrett
Bates
Battin
Belcher
Bell
Bennett
Berry
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolton
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson
Burton, Utah
Bush
Button
Byrne, Pa.
Cabell
Cahill
Carter
Casey
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Collier
Colmer
Conable
Conte
Corman
Cramer
Culver
Cunningham
Daddario
Daniels
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Fisher
Flood
Flynt
Ford, Gerald R.
Ford, William D.
Fountain
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gardner
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Goodell
Goodling
Gray
Green, Pa.
Griffiths
Gross
Gubser
Gude
Gurney
Hagan
Haley
Hall
Halleck
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrison
Harsha
Harvey
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Herlong
Holifield
Holland
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karsten
Karth
Kazen
Kee
Keith
Kelly
King, Calif.
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kornegay
Kupferman
Kuykendall
Kyl
Kyros
Landrum
Langen
Latta
Lennon
Lipscomb
Lloyd
Long, La.
Long, Md.
Lukens
McCarthy
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
MacGregor
Machen
Madden
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
Matsunaga
May
Mayne
Meeds
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Monagan
Montgomery
Moorhead
Morgan
Morris, N. Mex.
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Hara, Ill.
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pirnie
Poage
Poff
Pollock
Price, Ill.
Price, Tex.
Pryor
Pucinski
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Resnick
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Ruppe
Sandman
Satterfield
St Germain
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schweiker
Schwengel
Scott
Selden
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, Okla.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thompson, Ga.
Thomson, Wis.
Tiernan
Tuck
Tunney
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Walker
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitener
Whitten
Widnall
Wiggins
Williams, Pa.
Willis
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young
Zablocki
Zion
Zwach

NAYS—29

Adams
Ashley
Bolling
Burton, Calif.
Carey
Cohelan
Conyers
Curtis
Edwards, Calif.
Findley
Foley
Fraser
Gonzalez
Green, Oreg.
Grover
Hicks
Kastenmeier
Leggett
Mathias, Md.
Morse, Mass.
Nix
Pike
Rees
Rosenthal
Rumsfeld
Ryan
Taft
Udall
Van Deerlin

NOT VOTING—27

Brown, Calif.
Byrnes, Wis.
Celler
Cleveland
Corbett
Cowger
Downing
Fino
Hanna
Hardy
Laird
Moore
O'Hara, Mich.
Olsen
Pool
Purcell
Reuss
Roush
Roybal
St. Onge
Sisk
Smith, N.Y.
Thompson, N.J.
Utt
Williams, Miss.
Wilson, Charles H.
Younger

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Charles H. Wilson for, with Mr. Reuss against.

Until further notice:

Mr. St. Onge with Mr. Cleveland.
Mr. Thompson of New Jersey with Mr. Fino.
Mr. Celler with Mr. Laird.
Mr. Downing with Mr. Cowger.
Mr. Hardy with Mr. Byrnes of Wisconsin.
Mr. O'Hara of Michigan with Mr. Moore.
Mr. Roush with Mr. Smith of New York.
Mr. Sisk with Mr. Corbett.
Mr. Williams of Mississippi with Mr. Younger.
Mr. Purcell with Mr. Utt.
Mr. Roybal with Mr. Olsen.
Mr. Hanna with Mr. Pool.

Mrs. GREEN of Oregon and Mr. CAREY changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. RIVERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the conference report just passed.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PENALTIES FOR DESECRATION OF THE FLAG

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 510 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 510

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10480) to prohibit desecration of the flag, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The **SPEAKER** pro tempore. The gentleman from Mississippi [Mr. COLMER] is recognized for 1 hour.

Mr. **COLMER**. Mr. Speaker, I yield 30 minutes to the very distinguished gentleman from Tennessee [Mr. QUILLEN] and pending that I yield myself such time as I may consume.

Mr. Speaker, this resolution makes in order the so-called desecration of the flag bill which we welcome to the consideration of the floor here, after some delay. It is an open rule providing for 2 hours of general debate after which, of course, it will be open for germane amendments.

Mr. Speaker, in the opinion of this humble Member of the House—and I do not propose to wave the flag here; I want to observe that in my opinion this bill is long overdue.

Now, it is true that the various States of the Union have laws covering this subject matter of the desecration of the flag. They are not uniform nor have they always been observed, unfortunately, or utilized in certain instances. This would become a Federal statute. It would require a jail sentence and a possible fine or possible fine and a jail sentence, or both, for the desecration of the flag.

I am sure that all of the Members of this body are more or less familiar with it. But the bill is so brief that I just want to read the pertinent parts thereof. The appropriate section of the code is amended to provide a new section:

> (a) Whoever casts contempt upon any flag of the United States by publicly mutilating, defacing, defiling, burning or trampling upon it shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

As I stated a moment ago, the term "flag of the United States" as used in this section—

> * * * shall include any flag, standard, colors, ensign, or any picture or representation of either, or of any part or parts of either, made of any substance or represented on any substance, of any size evidently purporting to be either of said flag, standard, colors, or ensign of the United States of America, or a picture * * *

And so forth.

Mr. **WILLIS**. Mr. Speaker, will the gentleman yield?

Mr. **COLMER**. I will be happy to yield to my very able friend from Louisiana.

Mr. **WILLIS**. Mr. Speaker, two questions were raised on this bill in the Committee on the Judiciary. One was whether or not the flag could be desecrated by word of mouth. Obviously that is not so.

The gentleman has just pointed out the appropriate provisions of the bill. The desecration must be by defiling, tearing, or burning. In other words, Mr. Speaker—and I ask the gentleman who occupies the well—it is clear, is it not, that to call the flag, for instance, a "dirty rag" does not constitute an offense. It must be a physical act, done in public. Is that true?

Mr. **COLMER**. That is my understanding.

I say to the very able lawyer, one of the ablest lawyers in the House, it is my understanding there must be some overt act in connection with the desecration of the flag.

Mr. **WILLIS**. The second question raised in the committee was whether or not an intent must be shown that whoever publicly desecrated the flag must have intended to bring about the desecration.

Now, it is obvious again from a reading of the bill that there need be no specific proof of intent. But let me call this to the attention of the House, that this is the usual procedure, the usual crux of the offense in connection with any violent offense. For example, we have an offense in every State called "assault and battery." If I punch someone on the nose it need not be proved that I intended to hit him. If I stick a knife into somebody under the crime of aggravated battery, I need not prove that I intended to cut the gentleman because the performance of the physical act itself constitutes sufficient proof of intent. And that is true in this bill.

In other words, the desecration of the flag by tearing it, defiling it, or burning it in public, carries with it the nominal proposition that the man intends the usual results of his voluntary action.

Mr. **COLMER**. Again I agree with the able lawyer, the gentleman from Louisiana [Mr. WILLIS].

My friends, I am sure that all of you—and I say all of you advisedly—were alarmed when you saw a picture a few months ago of the flag of the United States of America being burned on foreign soil, but then I am sure you must, as I was, have been horrified when you saw a picture which was carried all over this country in the press, and I am sure in foreign lands as well, of the flag of the United States being burned in anger and in disrespect in a public park of a great city of these United States of America.

I said I was not going to attempt to become eloquent and I shall not. I do not have to remind this group of intelligent, patriotic people, who have been sent here to the Congress to represent their people, what this flag means, and what it stands for.

It is the flag that was created and born of the revolution in the creation of the Republic of the United States.

It is the flag that we honor, that we have honored throughout the history of our country.

I recall as a small boy one of the most vivid pictures that I ever saw in a textbook and which I still have in my mind—a picture in an elementary history book in a little public school which I attended—it was the picture of a man and, if I recall because I have not checked on it recently, his name was Sergeant Jasper. It was a picture of him surmounting the bulwark amid a hail of enemy bullets to replace the flag of the United States that had been shot down in one of the many battles during the War of the Revolution. It made a very vivid impression upon me, and gave my young mind a significant appreciation.

Those of you who have worn the uniform of our country—those of you who arrive here in the morning and see the flag of this great Republic flying over this Capitol and over all of the public buildings—and when you attend ballgames, you hear "The Star Spangled Banner" and even in all the excitement leading up to a football game, the people stand in reverence and in silence to hear "The Star Spangled Banner."

This flag means something. It is the symbol of America. This is not the desecration of some ordinary piece of rag or a piece of cloth. This is stabbing at the very heart of the Republic when the flag is defiled.

I would not think there would be many, if any, votes against this bill—I certainly hope not.

But I do want to comment on just one thing about the bill. Although I thought the committee was a bit laggard in reporting it out, I want to compliment the committee for including a provision in the bill which would not preempt the State laws upon this subject.

I refer to this doctrine of preemption that has grown around here—particularly over in that marble palace—that where a State law is in effect, but the Congress has legislated in that field of law, the State law is null and void. This bill specifically provides that the State law shall remain in full force and effect.

I want to commend the Committee on the Judiciary for that and I also want to suggest to the Committee on the Judiciary, if I may have the attention of the distinguished gentleman from Colorado and other members of the committee, that there is also a bill resting in your committee which would do that for all bills that are enacted by the Congress, and in other words do away with this doctrine of preemption. I have a bill pending in the Judiciary Committee to do exactly that.

I hope we may have your consideration in that respect.

Mr. Speaker, I reserve the balance of my time.

The **SPEAKER**. The gentleman from Mississippi has consumed 15 minutes.

Mr. **QUILLEN**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I yield myself as much time as I may consume and ask unanimous consent to revise and extend my remarks.

First, I wish to compliment the distinguished chairman of the House Rules Committee, the gentleman from Mississippi [Mr. COLMER] for his devotion to his country, to his duty, and for his remarks here on the floor in regard to this resolution and this bill.

Also, I want to pay tribute to my colleague Mr. COLMER, as chairman of the House Rules Committee for his leadership in bringing this bill to the floor of the House. Without his help the road which led forward to today would have been more difficult. He has done his country and the people of America a great service.

At the same time, I would like to commend the distinguished chairman of the House Judiciary Subcommittee No. 4, the gentleman from Colorado [Mr. ROGERS], who held hearings on this bill. My thanks to all who gave a helping hand to make this day a reality.

As the distinguished gentleman has ably explained, House Resolution 510 provides an open rule with 2 hours of general debate for the consideration of H.R. 10480, a bill to prohibit the desecration of the flag, and I am proud that my name is one of 10 Members on the bill.

For all of us and all those like us whose hearts are filled with patriotism and love and respect for all that our flag symbolizes, it is deplorable to think that anyone could be so bold, thankless, and thoughtless as to scar in any way the traditional symbol of our free land.

Yet we need only pick up a newspaper or see or hear a newscast to be aware that in this country today there are those who would, and do, abuse and insult our flag, and even go to such lengths as to publicly burn it in defiance and disgust. The flag that is being desecrated today is among the oldest of the national standards of the world, the symbol which Oliver Wendell Holmes so movingly described as:

> Washed in the blood of the brave and the blooming,
> Snatched from the altars of insolent foes,
> Burning with star-fires, but never consuming,
> Flash its broad ribbons of lily rose.
>
> Vainly the prophets of Baal would rend it,
> Vainly his worshippers pray for its fall,
> Thousands have died for it, millions defend it,
> Emblem of justice and mercy to all.

"Emblem of justice" the poet calls our flag, so it is—and the symbol of liberty, not just for our own people but for millions of men, women, and children around the globe. From the very awakening of our Nation, the sons of liberty sought to display a standard that would be the symbol of the freedom which they so earnestly desired and for which they would give their lives, their fortunes, and their sacred honor.

Back in the days of the Revolution, there were colonial or regimental flags by the score, and symbols abounded from the pine trees to beavers, anchors, and rattlesnakes. The brave and daring colonists used slogans on their flags—"Liberty or Death," "Hope," "Don't Tread on Me," and "An Appeal to Heaven," were just a few.

As the pursuit of liberty moved the colonists farther and farther from the mother country and the fires of revolution scorched the ties that bound America to Great Britain, the flag of the Revolution—the grand Union flag with 13 stripes alternating red and white—waved proudly over more and more of the land.

Finally on June 14, 1777, the Continental Congress resolved:

> That the flag of the thirteen United States be thirteen stripes, alternate red and white: that the union be thirteen stars, white on a blue field, representing a new constellation.

The stars were arranged in a circle so that no colony would take precedence over another.

George Washington described its symbolism:

> We take the stars from heaven, the red from our mother country, separating it by white stripes, thus showing that we have separated from her, and the white stripes shall go down to posterity representing liberty.

Under this flag, the Revolution was brought to its glorious end, and the first President of the United States was inaugurated.

By 1794, the flag had changed again to represent the admission of Vermont and Kentucky, and 15 stars and stripes adorned the liberty flag.

The return to the original 13 red and white stripes was permanently authorized in 1818, and only the number of stars has changed since then to represent each additional State.

Almost 150 years later, we have 50 stars on that field of blue, and our proud banner has flown around the world. Let us turn back the pages of history—to Valley Forge, the bombardment of Fort McHenry, San Juan Hill, along the Marne, on Iwo Jima and Pork Chop Hill. Our flag has always been the symbol of freedom and liberty. Truly thousands have cheered it and millions have been inspired by it—the "emblem of justice and mercy to all."

Last Memorial Day I had the honor and privilege of being the speaker at the Veterans' Administration facility at Mountain Home, Tenn. At my right the American flag was proudly flying and fluttering in the breeze, and over in the distance were the white crosses, row on row, marking the graves of our dead who lie beneath the cold sod.

The words from the poem "In Flanders Fields" came to mind:

> We are the Dead. Short days ago
> We lived, felt dawn, saw sunset glow,
> Loved and were loved, and now we lie
> In Flanders fields.
> Take up our quarrel with the foe;
> To you from failing hands we throw
> The torch; be yours to hold it high.
> If ye break faith with us who die
> We shall not sleep, though poppies grow
> In Flanders fields.

Mr. ROUDEBUSH. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Indiana.

Mr. ROUDEBUSH. Mr. Speaker, I compliment the distinguished Chairman of the Rules Committee, as well as my dear friend from Tennessee, the gentleman in the well, for the work they have done in bringing this legislation to the floor.

Purely by coincidence, I happened to be in the Judiciary Committee at the same time the gentleman from Tennessee testified in favor of this legislation. His testimony was filled with patriotism, most eloquently presented, and certainly I know, I personally, as well as the American people compliment the gentleman for his devotion to his Nation and for the extent of the patriotism he displays here today.

Mr. QUILLEN. Mr. Speaker, I thank the gentleman from Indiana [Mr. ROUDEBUSH] also for his devotion and for having introduced the first bill to prevent desecration of the flag. He has done a magnificent job in steering this measure to where it is today.

We must not break faith with our honored dead, those who passed the torch of freedom on to us with the challenge to hold it high.

On Memorial Day 1966, the flag so proudly flying was an inspiring sight knowing full well that these men had served it so gallantly at war and at peace. Thousands and thousands and hundreds of thousands of brave young men have given their lives to protect our flag and to preserve our freedom.

> To you from failing hands we throw
> The torch; be yours to hold it high.

At Valley Forge, the Continental Army, under the command of Gen. George Washington, set up camp after a long, treacherous march through the snow and freezing cold. Washington, in his own words, described it this way:

> To see men without clothes to cover their nakedness, without blankets to lie upon, without shoes—for the want of which their marches might be traced by the blood from their feet—and also as often without provisions as with them, marching through the frost and snow.

By the time the camp was evacuated, 5 months later, 3,000 had died as a result of privation, starvation, and suffering; 2,300 more were sick and ill-equipped and had to be left behind.

> If ye break faith with us who die
> We shall not sleep . . .

The bombardment of Fort McHenry during the War of 1812 lit up the night. In the morning, as the dawn slowly awakened, an American prisoner on one of the British ships waited and watched for the sight of the flag over the fort. As the stars and stripes became visible through the mist, his emotions burst forth—"O say can you see by the dawn's early light" and was born our national anthem.

During the Civil War, brother against brother, in a bitter fight to keep this country under one flag. Blood ran red on many battlefields—Fort Sumter, Gettysburg, Chickamauga, Antietam, Bull Run, and hundreds of others. In the end, Old Glory again furled over a united country, and thousands and thousands of brave men lay buried beneath the sod.

> To you from failing hands we throw
> The torch; be yours to hold it high.

It was following the great War Between the States that the tradition of Memorial Day was inaugurated. In the 100 years since that time, the honor rolls of our war dead have multiplied and multiplied.

World War I—

> Into misty spray and blazing fire,
> We slowly crept with endless tire.
> Against our lines, with bayonets raised
> The troops of Kaiser gravely gazed.

Barbed wire, hand grenades, trenches, foot soldiers, snipers, flashing bayonets—one of the most horrible wars in the history of our country.

Hungry, fighting to the death, gallantly holding Old Glory, our brave young men never faltered. Theirs was to do and to die. On foreign soil, the crosses row on row are there as they are in Arlington.

> If ye break faith with us who die
> We shall not sleep, though poppies grow,
> In Flanders fields.

World War II—Iwo Jima—30,000 marines hurled themselves at 21,000 Japanese. A murderous, interlocking sheet of shot and shrapnel rained upon the American troops as they assaulted the island. Within an hour, the beach was littered with American bodies, with guns, burning jeeps, and useless landing boats. But still the landing waves came on, and still marines climbed terraces, moving inland, always seeking the high ground.

When the marines reached the top of Mount Suribachi, they raised a piece of pipe upright and from the end of the pipe fluttered the American flag. By then that flag had 16,000 American lives, and another 7,800 wounded.

> To you from failing hands we throw
> The torch; be yours to hold it high.

In Korea, that mountainous, hostile terrain, Americans fought at Inchon, on Pork Chop Hill, and on Bloody Ridge. Unflinchingly, our men took up their guns. The American soldiers daringly and persistently did their job to do and to die. Let these scenes from the pages of history forever be a reminder of what it cost to be free.

> If ye break faith with us who die
> We shall not sleep . . .

Before I get into Vietnam, I brought with me today these pictures to show what happens in public demonstrations when there are those who would take the flag, which has cost the lives of hundreds of thousands and hundreds of thousands—yes, even millions—of men to keep it free and burn it in contempt of this country. I say, if our flag is worth dying for, it is worth protecting.

Today the sun never sets on our beloved flag. Thousands of miles from this committee room, many of our young men are dying at this very minute in Vietnam for the principles and beliefs that we hold most dear and most sacred. But here in the cities, torn amidst riots and demonstrations, these same principles and beliefs are ignored, and our flag has become one of the targets at which are hurled insults of all kinds.

In Vietnam our men are dying this very minute for this flag that we love so dearly.

The last thing many of them see before they close their eyes to go into another world is this flag.

Yes, the colors in our flag are the red, the white, and the blue. Let us ask the question today—how bright are the colors—the red, white, and blue—down deep in the hearts of all Americans? When those colors start to fade our freedom starts to fade.

But what can the Federal Government do to stop such insults to our national standard? Do we have a Federal law to protect from such abuse the one symbol that has from the beginning of this Nation been the symbol of our Federal union of "from many one"? We all know we do not have a law, but we should and must have one. In all logic and reasonableness, the Federal Government must be capable of protecting those symbols that embody our Nation's principles.

Charles Sumner stated in his "Are We a Nation?"

> There is the national flag.

He did not speak of it as a States' flag—it is not—it is our national flag.

> He must be cold, indeed, who can look upon its folds rippling in the breeze without pride of country.

Sumner continued:

> Our flag should be "cherished by all our hearts," and should be upheld by all our hands."

The patriotism which evoked such sentiments over 100 years ago, is not dead today; in fact, because of the glorious history that has followed in these past 100 years, our patriotism should be even higher and more profound. In many areas it is. But when flag-burnings overshadow and take the headlines from those who would uphold our flag, who would die for it, we must take steps to see that these detractors receive the punishment which their actions merit.

If these young rebels ever stopped to consider the vast spiritual and moral resources of this Nation, the fantastic commitments we have made to insure freedom, and the responsibilities we and our forebearers have assumed to ordain and establish—and continue—this free union for ourselves and our posterity, surely they would be less hasty in their actions of disrespect. If they would only go further to compare our lives to those in communistic and socialistic countries, I am sure that they would be much more appreciative of what they have.

Youth has and will always be impulsive, but their impulsiveness cannot excuse their irresponsible actions of disrespect and disdain. Whether they like it or will admit it, there are certain authorities—in the home, in the state, in the churches, and in the Nation—and the purpose of these authorities is not to do everything to their liking.

That does not mean that no one cai disagree with the policies of those in authority, but there are bounds in which these disagreements are to be manifested. I feel that when anyone goes so far as to desecrate our beloved flag for his own personal satisfaction, he has gone too far. The proper authority must step in and take appropriate action, and I believe my bill as set out in H.R. 10480 sets penalties on those who would publicly mutilate, deface, defile, defy, trample upon, or cast contempt, either by word or act, upon any flag, standard, colors, or ensign of the United States. My only concern is that the not more than $1,000 fine and not more than 1 year in prison are not sufficient penalties for such actions. I recommend that the fine be increased to not more than $10,000 and imprisonment to not more than 5 years.

Let all of us bring a new surge of patriotism to our Nation by showing our people that we do care what happens to the symbol of our great Nation. That we do deplore any desecration of our flag, that we will not permit this defilement of our national standard to continue unaccounted for.

Patriotism is not dead in the hearts of our people, nor is it always wildly evident, but there are times when this deep love of our country and all it stands for must be unfurled. In these troubled times, there is no doubt that now it must be manifested. We cannot casually ignore the acts against our flag as temporary, as a passing fantasy of the young. We must act positively, and again express our support and abiding loyalty to our flag.

We punish people for mishandling our postage and money, but not for what they do to our national flag—that flag that President Woodrow Wilson described as "the embodiment, not of sentiment, but of history. It represents," he said, "the experiences made by men and women, the experiences of those who die and live under that flag."

Or as Henry Ward Beecher wrote:

> A thoughtful mind, when it sees a Nation's flag, sees not the flag only, but the Nation itself, and whatever may be its symbols, its insignia, he reads chiefly in the flag the Government, the principles, the truths, the history which belongs to the Nation that sets it forth.

We have specific Federal laws which govern the display of our flag, and these laws are written in great detail. On June 22, 1942, the President of the United States approved a joint resolution of the Senate and House of Representatives codifying existing customs and rules governing the display and use of the flag of the United States of America by civilians.

It seems strange to me that we have never as yet adopted a law to specify what should be done when these statutes are not kept or when the flag receives even worse treatment.

In earlier times, it was thought better to kill anyone who would harm the American flag rather than let it be mistreated in any way. In an official dispatch to the Treasury officer in New Orleans in 1861, John Adams Dix said:

> If anyone attempts to haul down the American flag, shoot him on the spot.

I do not think we need to go that far, but we must not let anyone who would harm our flag go scot free.

We must consider the morale of our people here at home, our fighting forces in Vietnam, as well as world reaction. I think we can safely say that no national flag is as easily recognized around the world as the American flag. It is difficult to demand apologies from other countries in which our flag is burned and torn to shreds, when we do nothing here at home when the same thing happens. All those who do respect our land and our flag must wonder why we ourselves do not care more.

I do not think it is at all accurate to say that we are unconcerned, but I do feel that we have not been concerned enough. If we had been, we would have passed this legislation long ago, and thus prevented the humiliating experiences witnessed in our cities in the past months.

Let us not tarry any longer. Let us rally 'round the flag, let us rededicate ourselves to the principles of freedom. Let us not forget the sacrifices made by the hundreds of thousands who have died so that this flag we all love so dearly can forever wave over the land.

If our flag is worth dying for, it is worth protecting.

Today I am reminded of a young soldier in Vietnam who, foreseeing his death in battle, left us an undying memorial to the cause of freedom and the love of our flag.

I shall read in closing, a letter from the young soldier in Vietnam, which was read by his father and mother after he had been dead for 30 days and had been buried.

It was on a bloody battlefield that this young man had volunteered to take his buddy's place in a patrol. Walking across the rice paddies toward a mountain range, he cried out, "How quiet and deserted it is—not even the birds are singing."

Then suddenly the fire from automatic rifles seemed to come out of every bush. This young man tried to save the life of his buddy by grabbing hold of him and pulling him to the bushes to safety. He never saw the rifle the enemy pointed at him from a few paces away. As he straightened up, he was shot in the back of the head and fell over dead.

One month after his death, one of his buddies found a letter under the dead soldier's bunk, a letter which was written while he was yet alive and that had fallen from his personal belongings. His commanding officer mailed it to his home, and I read it to you in his own words, as his father and mother read it for the first time—some 30 days after he was buried.

DEAR FOLKS: I'm writing this letter as my last one. You've probably already received word that I'm dead and that the government wishes to express its deepest regret.

Believe me, I didn't want to die, but I know it was part of my job. I want my Country to live for billions and billions of years to come.

I want it to stand as a light to all people oppressed and guide them to the same freedom we know. If we can stand and fight for freedom, then I think we have done the job God set down for us. It's up to every American to fight for the freedom we hold so dear. If we don't, the smells of free air could become dark and damp as in a prison cell.

We won't be able to look at ourselves in a mirror, much less at our sons and daughters, because we know we have failed our God, our Country, and our future generations.

I can hold my head high because I fought, whether it be in heaven or hell. Besides, the saying goes, "One more GI from Vietnam, St. Peter, I've served my time in hell."

I fought for Sandy, Nell, Gale, Mom and Dad. But when the twins and Sandy's kids get old enough, they'll probably have to fight too. Tell them to go proudly and without fear of death because it is worth keeping the land free.

I remember a story from Mr. Williams' English classes, when I was a freshman, that said, "The cowards die a thousand times, the brave die but once."

Don't mourn me, mother, for I'm happy I died fighting my Country's enemies, and I will live forever in people's minds. I've done what I've always dreamed of. Don't mourn me, for I died a soldier of the United States of America.

God bless you all and take care. I'll be seeing you in heaven.

Your loving son and brother,

BUTCH.

These are the things we live for. These are the things we fight for. These are the things we die for.

If our flag is worth dying for, it is worth protecting.

Mr. Speaker, I urge the adoption of this resolution and the passage of the bill. It is time for this House to act.

Mr. ROSENTHAL. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I am happy to yield to the gentleman from New York.

Mr. ROSENTHAL. There are two questions which disturb me.

One relates to the necessity for this bill. As I understand it—and I believe I am correct—all of the 50 States and the District of Columbia have criminal statutes which would cover the very thing we are proposing to legislate on. As a matter of fact, in my own State of New York the statute is stronger than the one we have under consideration.

If this is correct—and I am sure the gentleman knows—is there a necessity for this piece of legislation?

Mr. QUILLEN. I will say to the gentleman from New York that all 50 States do have legislation as well as the District of Columbia. The State of New York does have a law to prohibit the desecration of the flag.

Yet I bring into this Chamber a blown-up picture of a flag-burning episode in Central Park in New York City, in your State. Despite the law that is on the books in New York, these flag burners go Scot free with not an ounce of effort put forth to prosecute. I would say to the gentleman from New York that this is a Federal flag, it is a national flag, it is a flag representing our freedom, and it is not a State flag. I am happy, though, that this bill does not preempt the right of a State to prosecute if that State should choose to do so.

Mr. Speaker, I am here with a sad heart that the State of New York would allow these goons and gooks and hoods publicly to desecrate our flag. This goes on, not only in New York State but in many of the other States of the Union as well.

Mr. ROSENTHAL. Let me ask the gentleman one other question on a problem that distresses me. One of the things I am sure this legislation is aimed at is to make sure that all people have respect for the flag and the institutions which it represents. What I wonder is can you legislate respect for an institution or for a symbol of that institution?

Mr. QUILLEN. I would say to the gentleman from New York that respect cannot be legislated. I think it is a shame and a disgrace that in this country we have people who would desecrate the flag, would step on it, burn it, trample it, and spit on it in contempt without any respect for what it stands for. Training starts at home. I was taught to respect the flag as a kid, and I have never lost that respect. If it is old fashioned to respect the flag of the United States, then I say we need more old-fashionedism.

Mr. ROSENTHAL. Let us assume that we cannot teach the people engaged in these acts respect for the flag. If we pass this law, assuming criminal penalties for the things we are complaining of, then do you not think the expression of these people might be turned to some other acts that we might find just as reprehensible and then we would have to come back and stop that form of expression?

Mr. QUILLEN. I say to the gentleman from New York, not yielding any further, because we have plenty of Members on my side of the aisle who want time, that I think these flag burners should be taken and imprisoned, fined, or both. I think the 1-year penalty is not stiff enough. I think the $1,000 fine is not stiff enough. The prison sentence should be at least 5 years and the fine at least $10,000.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding.

I would like to compliment the gentleman for the very able way that he responded to the questions of the gentleman from New York. I would like to say the American public was absolutely appalled to find in the situation of these flag burners that there is no Federal statute that protected the American flag and prohibited the desecration of the American flag. So Congress is merely responding to a public need to provide a congressional act to take care of the national flag.

May I say further this legislation does not compel any particular type of conduct. What it does is to prohibit offensive conduct, offensive to the people of the United States. That is the direction of the legislation. It should not be suggested that there is any positive act required to be done by this legislation, but it is a positive prohibition against offensive acts with regard to the symbol of the Nation.

Mr. QUILLEN. I agree with the gentleman from Illinois, and, before yielding further, I would like to say that we have a Federal law on the books to make it a Federal offense to assassinate a President of the United States. And that was not on the books until a few years ago.

We have a Federal law on the books making it a Federal offense to incorrectly display the flag. We have a Federal law against the misuse or mishandling of the postage stamp.

We have a Federal law to the effect we cannot manufacture or mutilate our own money—currency or coin.

Mr. Speaker, in my opinion, it is high time that this Congress realized its responsibility and showed to the entire world what this flag means to us, in memory of those who have given their lives for freedom. It is more than a piece of cloth—it is the symbol of our freedom, of our country, and of our greatness as a nation.

Mr. SCHADEBERG. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the distinguished gentleman from Wisconsin.

Mr. SCHADEBERG. Mr. Speaker, I appreciate the remarks which have been made by the distinguished gentleman from Tennessee and thank him for yielding to me, and just as there are posed many questions as to whether we should do or not do certain things, I wish to add that certainly the question here being discussed is not whether this is the proper thing to do or whether it is not, but can we legislate what is in a man's heart.

Certainly, no one in this House feels that we can legislate what goes on within the mind or heart of a man. However, it is my firm belief that everyone feels that we cannot do away with our laws against murder and stealing and other crimes of violence because we cannot legislate morality. This legislation falls into the same category.

Mr. Speaker, we are not going to legislate contempt for our flag out of the hearts of certain men but, certainly, we can at least put on the record a suggestion that as a nation we feel that this is the proper and decent thing to do.

Mr. QUILLEN. I agree completely with the gentleman from Wisconsin.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, the gentleman has mentioned the fact that it is a Federal offense to counterfeit money but is it not also a Federal offense to mutilate such money?

Mr. QUILLEN. To mutilate or mishandle it; yes.

Mr. EDMONDSON. To mutilate our coin or currency is a Federal offense today, and it is proposed here to give to the flag of the United States of America the same type of protection that we have given to the currency and coins of the United States of America.

Mr. QUILLEN. The gentleman from Oklahoma is absolutely correct.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Florida.

Mr. HALEY. Mr. Speaker, in answer to the gentleman from New York who says, "What are we going to do with these people who will not respect the flag of our country, and whom we do not seem able to convince with reference to respect of the flag?" I will tell you what I believe would be a good solution to it: Load a boat full of them and take them about 500 miles out in the ocean and handcuff them, with hands behind their backs, chain the anchor around their neck and throw them overboard and tell them to swim to any country that they want to whose flag they can respect.

Mr. QUILLEN. I thank the gentleman from Florida.

Mr. Speaker, I reserve the balance of my time.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. O'NEAL].

Mr. O'NEAL of Georgia. Mr. Speaker, as one who introduced a bill to punish public and deliberate desecration of the American flag over 14 months ago, I am glad that this day has finally arrived. I have looked forward to it a long time, as have many of you, and I am convinced that the vast majority of American people have lost considerable patience with this Congress.

My chief regret is that the committee handling this bill did two things. First, it saw fit to propose to us repeal of a statute of 50 years' duration that would punish one who casts contempt upon the flag "by word." This provision exists in the present law and has existed for half a century, but it applies only to the District of Columbia. This law was enacted on February 8, 1917, and reenacted in 1947. If it is unconstitutional, and I do not think it is, no one has challenged it during this time, and the saddest commentary of all is that this generation finds it necessary to extend the law or argue its merit. If this bill passes, the law as it applies to the District of Columbia will be weakened—not strengthened. In addition, this Congress will be failing in an opportunity to extend it to all Federal institutions.

The Reverend Edward Everett Hale, who wrote "The Man Without a Country," and the millions who have been impressed by the story of Phillip Nolan would be mystified by the dilatory action of this House and the strange reasoning of those who cite the first amendment as justification for tolerating public curses hurled at the rallying symbol of the Nation's very existence. Countless brave soldiers, many of them immortalized in scripture, art, song, and story, have risked their lives at Iwo Jima, Fort Moultrie, and other sacred battlefields that this flag might be elevated and respected.

Many others, just as brave, died unsung in the same selfless effort—and yet, we procrastinate and quibble over words left out that would permit not an enemy in battle, but an American on the home front to hurl obscenities and curses in a public place against this same precious banner.

This day is a good one because we are doing something, but it is a shameful one because of what we are not doing at the same time.

No one but an anarchist would claim that the right of free speech is a completely unbridled right. If it were completely unbridled, all laws against slanderers would be unconstitutional, as well as those who shout totally vulgar words in the presence of ladies, whisper remarks calculated to start a run on a bank, or falsely yell "fire" in a crowded theater. This is so, simply because the rights of those affected supersede the right of free speech to the offending individual. By the same token, no constitutional right belonging to an individual is as great as the right of the Nation itself to continue to exist.

He who publicly and intentionally desecrates the precious symbol of our country is committing an actual assault upon the country. Regardless of the accident of his birth, he is an enemy and should be treated like an enemy, whether he be a foreign enemy or domestic enemy. The country's constitutional rights supersede his rights under the first or any other amendment.

My second cause for regret is that the committee did not propose that we make the punishment fit the crime. This bill makes it a misdemeanor only. We do not even make the maximum penalty as severe as we did in the 89th Congress to burn or mutilate a draft card. Conceivably, a young man might destroy his draft card in a fit of pique against the individuals who make up his own draft board. In my judgment, the punishment for doing an act which serves as a rallying act for the enemies of America should be no less. It should be a felony, and it might be well, if it were practical to enforce it, to add the sentence Edward Everett Hale says in his book was administered by Colonel Morgan, the president of the military court, to Lt. Phillip Nolan that made him "The Man Without a Country," for impulsively saying "Damn the United States. I wish I may never hear of the United States again." He received exactly that sentence.

Mr. KORNEGAY. Mr. Speaker, will the gentleman yield?

Mr. O'NEAL of Georgia. I yield to the gentleman.

Mr. KORNEGAY. The gentleman has made some reference to the law which we passed in the last Congress with relation to the burning of draft cards, that is, to the malicious burning of them.

Were not the penalties in that particular situation $10,000 and 5 years?

Mr. O'NEAL of Georgia. As I recall, that is correct.

Mr. KORNEGAY. In the gentleman's opinion should not the penalties in the bill under consideration, or that we will have under consideration shortly, that is, the burning and mutilating maliciously of the American flag, be treated equally?

Mr. O'NEAL of Georgia. I believe it should be treated equally as gravely, and certainly I believe it should be no less.

Mr. KORNEGAY. Mr. Speaker, I am happy to have the gentleman's reply.

Mr. O'NEAL of Georgia. It is argued by some, Mr. Speaker, that a stiff punishment would discourage convictions. As one who served 23 years as a public prosecutor, I disagree unless you make the minimum too high. It doesn't matter about the maximum. The cases will vary and the judges will take care of that, but as long as the minimum starts all the way down at nothing the juries will not be concerned and the prosecuting attorneys will not be hesitant.

This brings us to the reluctance of the Attorney General in similar matters. It is disheartening that he criticized this bill and "damned it with faint praise." It is alarming to millions of Americans that he has not acted already in obvious cases of sedition. He says he is relying on the Supreme Court decision in the Schenk case, which said in effect that freedom of speech in these matters should be restricted only when necessary to avert extreme and immediate danger, and that it was a matter of proximity and degree. This resolves itself then into a question of whether you prosecute relatively minor instances or whether you wait until the country is at the point of revolution. The danger of this is as shown by the footdragging of the Justice Department in our time. These things have a cumulative and erosive effect upon the safety and internal strength of our country. Justice Holmes, in the Schenk case, did not say wait until too late. If General Ramsey Clark would just try one case, he might even get an affirmed conviction out of this Court.

Mr. Speaker, we are taking a step in the right direction, inadequate though it is. The next step will be for the Executive, through its Attorney General, to make an effort to protect this country by prompt and vigorous action against our domestic enemies instead of the "Chamberlain at Munich" sort of appeasement attitude toward Communist revolutionaries we have seen too long.

Mr. ROSENTHAL. Mr. Speaker, will the gentleman yield?

Mr. O'NEAL of Georgia. I yield to the gentleman.

Mr. ROSENTHAL. Does the gentleman think that the actions of these, I think, rather stupid kids, engaged in what they did in Central Park, is some kind of clear and present danger to this Nation comparable to a person crying fire in a theater?

Mr. O'NEAL of Georgia. I just said I think it has a cumulative and erosive effect that is bad enough in itself, but I do not think we should wait and I think it is high time the Attorney General acted in sedition cases.

Mr. ROSENTHAL. How does the gentleman expect that the prosecution will proceed? Does the gentleman think the FBI agents would be present on such occasions and proceed to move in quickly if someone acted like this?

Mr. O'NEAL of Georgia. Well, of course, I do. I think the FBI agents should keep a close watch on these people. They can anticipate where they will be, and I am sure they have been at many of these rallies and yet we have seen total inaction on the part of the Attorney General with reference to sedition cases which are so closely related to what we are talking about here.

Mr. ROSENTHAL. Does the gentleman think that the result of the passage of this law would teach these people respect for the flag and for this Nation and respect for the Nation's institutions?

Mr. O'NEAL of Georgia. I think that the law commands its own respect. I think we all respect the law because of the penalties that are involved, if the law is violated.

If there were no penalties for violation of any of the laws, all of us would have less respect for the laws.

Mr. ROSENTHAL. Does the gentleman think that they might find some other expressions that are equally offensive?

Mr. O'NEAL of Georgia. Yes; and I am very concerned about that now because the bill leaves out any reference to desecration by word.

I think these people can serve this same purpose by getting up in the presence of thousands of people and hurling obscenities and vulgarities and curses at the American flag, which would have the same effect that tearing the flag up would have.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee [Mr. KUYKENDALL].

Mr. KUYKENDALL. Mr. Speaker, first I would like to say, in reference to a statement made by a gentleman on the other side of the aisle, that I am not nearly as concerned about the respect that some of these people may or may not ever have for the law as I am concerned about the respect that my own sons will lose for me if we do not do something today.

Mr. Speaker, I rise in support of the rule and H.R. 10840 the bill to make desecration of the flag a Federal offense, punishable by fine and imprisonment. I would like to take this opportunity to thank the members of the Judiciary Committee and especially the members of Subcommittee No. 4 for holding hearings on this legislation and for sending to the House a bill which I believe is of major importance to maintaining our Nation's strength and determination.

I would also like to make particular note of the contributions of my good friend and colleague from Tennessee [Mr. QUILLEN] for his efforts in behalf of this legislation, and for his fine contributions to the committee hearings and to the bill itself.

Mr. Speaker, it is tragic, indeed, that Federal legislation is needed to protect the flag of our country. Those Americans who have engaged in trampling the flag, burning it, spitting upon it, fail to realize the significance of their actions.

Throughout the history of nations the flag has been the symbol of the principles upon which the particular nation has been founded. The very act of despoiling the flag threatens the foundations upon which the nation is built.

Those who demand the freedom to dissent, and I protect their right to dissent, risk the destruction of the institutions which protect this right when they tear down respect for the flag and the freedom for which it stands.

The strength of our country cannot be maintained without allegiance to the principles for which we stand, and the flag is the banner around which we rally in support of these principles. It has always been so.

On every battlefield, throughout history, the flag has been the prime target, because to destroy the flag is to weaken the morale of the fighting forces. Who among us has not been thrilled at pictures of American fighting men valiantly risking their lives in battle to save the flag from falling? Which is the greater contribution to the security of freedom: The inspiring photo of the marines raising the flag on a bloody hill at Iwo Jima, or the shameful pictures of unshaven beatniks burning that same flag in Central Park in New York?

We dare not ignore our past history nor the contributions to freedom made by those who created this Nation and designed the flag which represents it. We dare not forget those who have given "their last full measure of devotion" to perpetuate the ideal of liberty for which we stand.

Mr. MURPHY of New York. Mr. Speaker, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from New York.

Mr. MURPHY of New York. The gentleman from Tennessee, as well as the gentleman from Tennessee [Mr. QUILLEN], mentioned the flag burnings in Central Park. I would like the Members to know that these flag burnings in Central Park were not necessarily flag burnings by New Yorkers. These demonstrations are provided by people from virtually every section of the country who are bused into New York, and they use New York as a focal point because it is the communications center of the world.

I think the RECORD at this time should certainly reflect the fact that these activities are not necessarily carried out, as I said, by New Yorkers, by people who come from New York.

There is one interesting point that the New York City police particularly bring out, and that is when the flag is being burnt, it is being burnt as an inflammatory act. The purpose of the burning is to cause a major incident, if possible. The New York City police will wait until the period of activity is finished. I believe the Miller draft-card-burning case is very important when we realize that the FBI picked up the people involved at 5 o'clock the following morning, and thereby they did not provoke a major incident which would have worked into the tactical plans of those who staged the demonstrations.

The very purpose of which is to highlight their subversive activities which are to subvert the worldwide efforts of the United States in defending freedom.

Mr. KUYKENDALL. I congratulate the gentleman for standing up and pointing out that these people did not represent the city of New York or the State of New York. I have been waiting for someone to get up and say that this is not what New York stands for. I am proud that you did so.

Can we now allow this symbol of liberty to be destroyed without destroying liberty itself? I think not. Desecration of the flag in time of war cannot help but give comfort to the enemy. When pictures are flashed around the world of Americans burning and desecrating the flag of their country, the hand of those who would destroy America and the American way of life, is most certainly strengthened.

I firmly believe that desecration of the flag comes very close to treason and I am equally convinced that America, strong as we are, cannot withstand the onslaught of treason at a time when one-third of the world is controlled by a conspiracy which has as its stated purpose the defeat of the United States, and the destruction of free government everywhere.

Mr. Speaker, by passing this bill today, we will serve notice on the enemies of freedom that Americans are united and that the small band of malcontents whose actions monopolize the pages of the press and the TV screens do not represent the overwhelming majority of our people. By passing this bill we will be telling the half million Americans fighting in Vietnam that their country is behind them and that their suffering and sacrifice is not going to be in vain.

Mr. COLMER. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada [Mr. Baring].

Mr. BARING. Mr. Speaker, I, too, am very much for this legislation. I introduced a similar bill, and now I rise to wholeheartedly support the bill that is before us today. It is imperative that this bill be passed and as quickly as possible become law.

The American people who love and respect our flag have voiced their disgust and anger over the American flag burnings that have taken place both here and abroad. They want legislation which will punish these treasonable acts, and the bill before us now, which is similar to the one I introduced this year, will do just that.

Mr. Speaker, the stirring and impressive Flag Day ceremony here in the Chamber was the finest it has been my privilege to witness.

I am not ashamed to say, Mr. Speaker, that tears came to my eyes when the gentleman from Texas, Congressman Brooks, introduced those fine young American boys, veterans of the Vietnam war, to the House.

As I stood to pay my respects to these fine young men in uniform who have given so much in their devotion to our country, I was deeply choked with emotion. But this emotion turned to anger as a mental picture of those dirty, long-haired, Communist-led beatniks burning the American flag in that New York park flashed before my eyes. These flag burners were not burning a piece of cloth, they were showing their hatred for America and for everything this great Nation stands for.

These acts committed by these unspeakable persons are acts of treason, and it is high time that we show some muscle and crack down on those who desecrate our flag. Oh, I know, there are a few who will say we are depriving these no-goodniks of their constitutional rights of free speech, and so forth.

I am for free speech and the right to criticize, but there is a limit to abusive free speech, and there is no reason why we should stand still for those who burn the American flag and hoist that of the Vietcong.

If we should allow this action to continue, then we are paying a horrendous disrespect for those who gave their lives in devotion to their love of this country and its flag for which it stands in past and present wars. And we must then classify ourselves as hypocrites when we stood in this Chamber to pay our respect to the American flag on Flag Day and to those gallant young men of the Vietnam war.

I strongly support the bill now before us and urge its unanimous passage.

Mr. COLMER. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. Fulton] such time as he may consume.

Mr. FULTON of Tennessee. Mr. Speaker, in the 89th Congress it was my pleasure to introduce similar legislation to that which is before us today, and again in this the 90th Congress. I rise in support of this measure.

Last week the Members of the House of Representatives officially observed Flag Day in ceremonies conducted in the halls of this legislative body.

June 14, Flag Day, gave us an opportunity to properly honor this symbol of our Nation.

The vast majority of Americans feel a sense of pride and reverence when the banner of our Nation is unfurled. It is symbolic of all we love and value in our great Nation, and for those who have lost sons and fathers and husbands and brothers in the defense of that flag and the Nation it represents, there is a special meaning in knowing that the flag and the Nation they died for still stands with honor.

We recoil with disgust when we see our flag defiled. Such a repugnant act repels our deepest sense of loyalty.

There is little we can do when such an act of desecration is committed upon our flag by nationals in a foreign land.

But when such an act is committed within our own borders, by individuals who are the first to claim protection for their treacherous acts under our much abused guaranteed individual freedoms, we can take action.

We have an opportunity to take this action today by giving overwhelming approval to H.R. 10480, a bill to prohibit the desecration of the flag, and making such desecration a Federal offense.

The provisions of this bill are simply stated:

> Whoever casts contempt upon any flag of the United States by publicly mutilating, defacing, defiling, or trampling upon it shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

This bill has my total endorsement and the unqualified support. It is badly needed and its enactment is long overdue.

Mr. COLMER. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. Taylor] as much time as he may consume.

Mr. TAYLOR. Mr. Speaker, I, too, introduced a similar bill. I strongly support this legislation.

Mr. Speaker, nothing is more symbolic of our freedom and heritage than the American flag.

Every year millions of people visit the Iwo Jima Memorial in Arlington to be reminded of the Marine contingent which raised Old Glory to signal a victory for their country and to announce to the world that those lying dead at their feet had lived and fought for something worthwhile.

Every schoolchild must feel something of his heritage when he places his hand on his heart and repeats the words:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

The flag is a symbol of our national purpose. It is a symbol of our determination to remain free. We must let the world know that the overwhelming majority of Americans, differ as they do on problems and issues, revere our flag and revere all that it represents.

What has happened to us, Mr. Speaker, that some of our youth would seize our flag and deliberately burn it to dramatize their feelings and vent their emotions?

Like Americans everywhere, I was outraged when demonstrators in New York's famous Central Park recently burned the American flag.

Shortly afterward, I wrote to our new Attorney General, Mr. Ramsey Clark, and urged that the incident be promptly investigated and those responsible be arrested and convicted.

Mr. Clark's reply, while hopeful, indicated that the Government lacks sufficient legal authority to effectively crack down on flag burners. He explained that some of the rules governing the use and display of our flag are voluntary in that they do not prescribe penalties for violations.

While the District of Columbia and some States have enacted statutes to cover the situation, most others apparently have not.

I introduced legislation to impose stiff penalties on those who desecrate the American flag. My bill, similar to the one before us today, calls for a prison term of up to 1 year and a fine of up to $1,000, or both, for persons who burn or otherwise desecrate the flag.

Frankly, it seems to me a disappointing state of national affairs that legislation of this type is needed. That we must enact laws to compel respect for the American flag seems entirely contrary to the spirit kindled by a handful of farmers at Concord Bridge when they "fired the shot heard 'round the world."

I am quite certain that the reason that laws on this subject are lacking is simply the fact that never before have they been needed.

Unfortunately, it now appears that they are and I must urge my colleagues to support this bill and thereby curb a minority group of misguided Americans who do not yet know the meaning of citizenship or patriotism.

The full force of our Government should be exerted to make certain that the unpatriotic minority who burn flags and draft cards and publicly defy law and order in this country, be arrested and brought to trial. They call themselves anti-Vietnam demonstrators. They actually are anti-American demonstrators.

It is time for patriotic people to speak out. The voice of America must not be that of the pacifist, unpatriotic minority. We must teach respect for the laws of the land and for the flag that flies over it.

Now a final thought:

> Freedom isn't free,
> Freedom isn't free,
> You've gotta pay a price,
> You've gotta sacrifice,
> For your liberty.

Mr. QUILLEN. Mr. Speaker, I have no further questions for time and yield back the balance of my time.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. Randall].

Mr. RANDALL. Mr. Speaker, I shall not take more than a minute. In the 89th Congress we joined in a bill similar to that of the gentleman from Indiana. At that time, although we are always reluctant to file a discharge petition, we were one of 150 who signed his discharge petition. Then along came the 90th Congress and we introduced our own bill again. We were hopeful that this matter could be scheduled on the calendar for Flag Day, June 14. That day has come and gone, and here we are a week later.

There is some strong feeling on the part of some who may be critical of this bill. If they want to be critical, that is their privilege. Let us hope they may so express themselves today. As we go into a consideration of this bill today, I hope it will not be with a feeling of timidity on the part of some who fear they may be accused of waving the flag. There is nothing wrong with waving the flag, as long as it is done with integrity and sincerity.

Mr. **COLMER**. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The **SPEAKER**. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. **ROGERS** of Colorado. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10480) to prohibit desecration of the flag, and for other purposes.

The **SPEAKER**. The question is on the motion offered by the gentleman from Colorado.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10480, with Mr. COLMER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The **CHAIRMAN**. Under the rule, the gentleman from Colorado [Mr. ROGERS] will be recognized for 1 hour and the gentleman from Ohio [Mr. MCCULLOCH] will be recognized for 1 hour.

The Chair recognizes the gentleman from Colorado [Mr. ROGERS].

Mr. **ROGERS** of Colorado. Mr. Chairman, it is entirely fitting and proper that the House of Representatives today consider legislation to prohibit desecration of the flag. It is an anomaly in existing law that desecration of the national flag is prohibited by Federal statute only in the District of Columbia. Although each of the 50 States prohibits certain acts of flag desecration, the States' statutes vary widely in the types of conduct they prohibit and the penalties which they impose.

Your committee has concluded that the national flag is a fitting subject for Federal legislation and is entitled to concurrent Federal protection.

In the case of *Halter* v. *Nebraska* (205 U.S. 34 (1907)), Mr. Justice Harlan impressively expressed the meaning of the flag in these words:

> To every true American the flag is the symbol of the Nation's power—the emblem of freedom in its truest best sense. It is not extravagant to say that to all lovers of the country it signifies government resting on the consent of the governed; liberty regulated by law; the protection of the weak against the strong; security against the exercise of arbitrary power; and absolute safety for free institutions against foreign aggression.

The legislation before us is occasioned by a rash of recent public flag-burning incidents in various parts of the United States as well as in foreign countries by American citizens. It will apply in time of war and in time of peace. It seeks only to protect from physical dishonor and public destruction the symbol of our Nation—its liberties and its ideals. There is an undeniable interest, Mr. Chairman, which is above partisan politics, in protecting against public desecration one of the most cherished symbols of this Nation.

The bill as amended will assure Federal investigative and prosecutive jurisdiction over those who would cast contempt by publicly mutilating, defacing, defiling, burning, or trampling upon the flag of the United States.

Specific provision is made in the bill to make clear that State jurisdiction in this area cannot be displaced. Oftentimes, the most immediate method of detection and apprehension of those who desecrate the flag may be by State and local police. Other times the exercise of Federal jurisdiction may be critical in enforcing the law. We are persuaded it is in the national interest that Federal and State authorities exercise concurrent jurisdiction over this subject.

It is also the intention of the bill that its prohibitions apply not only within the United States but also to the actions of American citizens abroad. As explained in the committee report, no express statutory declaration to that effect is necessary. The bill will apply to American citizens abroad who publicly burn or otherwise publicly desecrate the flag.

Mr. Chairman, approximately 90 bills designed to prohibit desecration of the flag were introduced by Members in this Congress. Subcommittee No. 4 of the Committee on the Judiciary, of which I am chairman, held extensive hearings on May 8, 10, 15, and 17, and on June 5. All those interested in testifying for or against the measure were given an opportunity to be heard; others submitted statements for inclusion in the hearing record. H.R. 10480 results from the study of the many bills pending before the committee, and sets forth an enforceable and legally valid antidesecration statute.

H.R. 10480 amends title 18 of the United States Code by adding a new section entitled "Desecration of the Flag of the United States; Penalties." The new section contains three subsections. Subsection (a) as amended makes casting contempt upon the flag of the United States by publicly mutilating, defacing, defiling, burning, or trampling upon it punishable by a fine of not more than $1,000 or imprisonment for not more than 1 year, or both. While it was difficult to determine what is an appropriate penalty for the acts prohibited, the penalties provided for in the bill are similar to the penalties called for in a majority of the bills introduced on the subject, and in the committee's opinion are sufficiently severe without being excessive.

Subsection (b) defines the term "flag of the United States" in language identical to that contained in existing law, section 3, title 4, United States Code, now applicable in the District of Columbia.

Subsection (c) makes it clear that it is not the intent of this new criminal provision to preempt State law on this subject.

Mr. Chairman, at the appropriate time I shall offer a technical amendment to section 3 of the bill which will delete all references therein to the act of February 1917 and the District of Columbia Code. The only law today applicable in the District of Columbia on the subject of flag desecration is found in title 4 of the United States Code, and the bill does amend that provision. In the circumstances it seems prudent to delete all references to the District of Columbia Code in the bill.

The deletion of all references to the District of Columbia Code in section 3 will not make any substantive change in the bill.

We believe the bill herein reported is constitutional. The measure does not prohibit speech, the communication of ideas, or political dissent. The bill does not prescribe orthodox conduct or require affirmative action. The bill does prohibit public acts of physical dishonor or destruction of the flag of the United States. The bill places a burden on no one. All that needs to be done to comply with the provisions of this legislation is to refrain from publicly destroying the symbol of the Nation.

The committee report makes clear that the bill uses words which have well-defined, established, and accepted meanings. The bill certainly conveys to a man of common understanding a sufficiently definite warning as to the conduct prohibited.

The committee heeded the advice of the Attorney General by eliminating certain ambiguous terms in order to reduce the risk of challenge under the first amendment. The language set forth in section 1 of the bill describes objective acts which are made criminal if performed as a means of casting contempt upon the flag. Particular care has been used to avoid infringement of free speech. The bill does not prohibit inflammatory or defamatory statements directed toward the flag. The bill is limited to physical attacks upon the flag; it does not proscribe utterances. I believe the legislation represents a comprehensive and enforceable law which will effectively punish anyone who would publicly injure the symbol of the Nation.

The language of the bill prohibits intentional, willful, not accidental or inadvertent, public, physical acts of destruction. Utterances are not proscribed. One would be in violation of the bill if he publicly burned or tore the flag or if he spat upon or otherwise publicly dirtied it.

Of course, nothing in the bill prohibits anyone from complying with those provisions of title 36 of the United States Code which authorize the destruction of a flag in a dignified way when it is no longer a fitting emblem for display. Compliance with this provision of the law obviously does not cast contempt upon the flag.

The flag is a symbol of this Nation. As Henry Ward Beecher wrote of the flag:

> A thoughtful mind when it sees a Nation's flag, sees not the flag only, but the Nation itself; and whatever may be its symbols, its insignia, he reads chiefly in the flag the Government's principles, the truths, the history which belongs to the nation that sets it forth.

The public burning, destruction, and dishonor to our national emblem inflicts an injury on the entire Nation. Its prohibition imposes no substantial burden on anyone.

I urge my fellow colleagues to support the measure.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from New Hampshire.

Mr. WYMAN. I wish to ask the gentleman a question. The committee, in the bill that it reported out, used the language "whoever casts contempt upon." Why was it necessary to use that language? Why did the committee think it necessary to include the phrase "cast contempt upon"? Why not say "whoever willfully shall publicly mutilate, trample upon, or burn the flag of the United States" shall be subject to these penalties?

Mr. ROGERS of Colorado. First of all, this subject matter was referred to the Attorney General and this language was the best suggestion he had in connection with it.

Now, there were many who wanted to add language to provide "whoever, with intent to cast contempt." Now, we eliminated the word "intent" because we provide—whoever casts contempt upon the flag by the destruction thereof—that that act within itself takes affirmative action on the part of the individual who commits the act that he having the reason and understanding, should naturally be accountable for the consequences of the action. It takes definite action to do it and, hence, if he destroys a flag, then in that instance he is doing so with contempt and he is guilty under this provision of the bill.

Mr. WYMAN. Mr. Chairman, if the gentleman will yield for one further question, why should it be necessary that he cast contempt on the flag at all?

Mr. ROGERS of Colorado. Well, we feel that at least that provision assures that the bill will not apply to those who say, "Well, it was accidental; it was not intentional."

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. ROGERS of Colorado. Mr. Chairman, I yield myself 1 additional minute.

Mr. WHITENER. Mr. Chairman, I feel that it might be well to point out the fact that the principal reason for using the words, "casts contempt upon," is that in the existing law there is a procedure prescribed for the disposition of damaged or worn flags, and that embraces burning. If we use the language which our friend, the gentleman from New Hamphisre [Mr. WYMAN], suggests and left out "casts contempt," I am afraid that a compliance with the existing code in handling these flags might bring them into criminal violation. So, unless you have this element of "casting contempt" and thereby trying to bring the flag into disrepute—to deface or defile or burn it, it might not be covered here.

Mr. ROGERS of Colorado. I appreciate the contribution of the gentleman from North Carolina.

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. ROGERS of Colorado. Mr. Chairman, I yield myself 1 additional minute.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman from Colorado for yielding. I note in examining the bill as it was reported by the committee, that each of the amendments suggested by the Attorney General, including this language of the test of contempt, each of these amendments suggested by the Attorney General was incorporated in this bill.

Mr. Chairman, I wish to commend the committee for its action on this bill.

Mr. Chairman, I support this bill to provide Federal penalties for the desecration of the American flag.

Since all 50 States and the District of Columbia already have statutes which make it a crime to desecrate our national flag, it should be apparent that the criminal nature of the act is already generally recognized.

All of our State legislative bodies, and the Congress in the case of the District of Columbia, have already established this.

The only remaining issue with validity, in my judgment, is whether or not the recognized crime of desecration should be recognized as a crime of Federal jurisdiction, as well as in the States.

It seems to me a matter of obvious concern and interest to the National Government, as well as to the several State governments, for the flag is a national emblem of deep significance to all American citizens.

In the words of Justice Harlan in *Halter* v. *Nebraska* (205 U.S. 34, 43 (1907)):

> To every true American the flag is the symbol of the Nation's power—the emblem of freedom in its truest, best sense. It is not extravagant to say that to all lovers of the country it signifies government resting on the consent of the governed; liberty regulated by law; the protection of the weak against the strong; security against the exercise of arbitrary power; and absolute safety for free institutions against foreign aggression.

I agree with the committee reporting this bill that a Federal prohibition of desecration of our flag imposes no substantial burden upon anyone, and certainly leaves every citizen free to speak as he pleases, assemble for redress of grievances, and otherwise exercise his constitutional rights.

The bill does recognize the criminal character of the act of desecration—the acknowledged fact that public burning, destruction, or dishonor of our national emblem is an act injurious to the Nation itself, and properly subject to criminal penalties under Federal as well as State law.

This bill should be passed by an overwhelming vote, serving notice to the flag burners that the Congress is determined to halt their irresponsible, criminal conduct.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from New York.

Mr. RYAN. Mr. Chairman, I think it is important that we establish here on the floor some legislative history as to the meaning of certain provisions of this bill. I am particularly concerned about section 700, subdivision (b) which defines the term "flag." It is very broad. Its scope includes pictures and representations of the colors and stars and stripes or any part or parts of them.

Mr. ROGERS of Colorado. May I say to the gentleman from New York——

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. ROGERS of Colorado. That is the definition that is used now in the United States Code, title 4 thereof.

Mr. RYAN. Will the gentleman yield further in order to clarify the scope of this bill?

Mr. McCULLOCH. Mr. Chairman, I yield to the ranking minority member on the subcommittee, the distinguished gentleman from Illinois [Mr. MCCLORY], 5 minutes.

Mr. YATES. Mr. Chairman, will the gentleman yield for a question?

Mr. McCLORY. I thank the gentleman from Ohio for yielding this time to me.

I want to say that I do not want to yield until I finish my statement. The time is very limited on our side of the aisle. We have more demands and requests for time than we shall be able to fill. So, it is not going to be possible to engage in a discussion by yielding.

Furthermore, I want to say this, that we held extensive hearings on this legislation. There were 5 days of hearings. There were 90 pieces of legislation introduced by the membership of the House on this subject. We heard witnesses both for and in opposition to the bill. We extended the hearings in order to accommodate several witnesses who wanted to testify in opposition to the legislation.

The members of our committee have reviewed a great many decisions of our Supreme Court and other courts. We have tried to consider this legislation rationally, deliberately, and dispassionately. First of all, let me commend the members of the committee who sat day after day hearing testimony on this bill, and who have brought forth what I believe is a commendable piece of legislation.

I know it is possible we could have used other language because there is a great variety of terms one can use with respect to a particular piece of legislation. This language was recommended in substance by the Attorney General. I believe he feels that it is adequate legislation and that it is legislation which enables him to prosecute successfully the offensive conduct that we undertake to prohibit and punish.

May I say this to you, Mr. Chairman, and to the Members of the House:

The American flag represents the Nation—the Government of the United States—and all that it stands for.

The flag is not identifiable with a political party—or either a Democratic or Republican administration. It does not stand for a policy to defend freedom in Vietnam or, on the contrary, to oppose that policy. What the flag represents is this: The rights of all the people, that is, the constitutional right to support or oppose administration policies. It represents all of the rights—and responsibilities—of citizenship under our Constitution.

The flag is the Government—it is all of the people. It is comparable to the Queen of England.

You can publicly burn a picture of the President. That means you are violently, even contemptuously, opposed to the President—or his policies. But to publicly burn the flag is to denounce and attack the Nation itself—the system under which our rights and liberties are secured.

We have always accorded special respect and reverence for the flag. Love of the flag is part of our heritage.

The recognition of this principle is borne out by our history—and by actions of this Congress and the legislatures of all 50 States.

Laws to forbid desecration, defilement, and other contemptuous conduct toward the American flag—are on the books of all 50 States.

Penalties for violating such State laws vary from State to State. But no such State law appears to have been seriously questioned. On the contrary, the right of the States to protect the flag from such contemptuous conduct as public burning has gone unchallenged. The validity of such State laws appears to have been generally recognized.

What the public seems not to have realized until recently is that we have no Federal law to prohibit desecration of our national flag—except in the District of Columbia.

No one seems to have contended seriously that because the 50 States have such laws the Federal Government is precluded from enacting such laws. However, there was some suggestion that the statutes of all the States were void.

Now—the principal basis for arguing against the validity of this bill is that a person who desires to protest some administration policy or action should be permitted to dramatize his protest by publicly burning the American flag—or by engaging in other insulting and contemptuous conduct toward the flag.

That argument is faulty and without support in the history or legal precedents of our Nation.

The American flag as the symbol of everything our Nation represents was brought out dramatically in this Chamber last week in the Flag Day ceremonies. The flag is the Government—and offenses against the flag are indeed offenses against the Government itself.

H.R. 10480 should be passed by this House—overwhelmingly. It should be announced emphatically that public and contemptuous burning or other desecration of the American flag is conduct which will not hereafter go unpunished.

Mr. Chairman, we have given ample consideration to the constitutional questions which have been raised by some of the objectors, and this discussion appears in the report of the committee, and in the additional views which I have included in the report. These, it seems to me, substantiate the clear constitutionality of this legislation.

I would like to point out that the legislation is not directed against words, but rather against conduct. Therefore, it is valid and should be supported.

Mr. Chairman, since the necessity for the legislation embodied in this bill is evident, I would like also to comment on the constitutional objections that have been raised in opposition. The subcommittee reviewed these constitutional objections with scrutiny and, after careful deliberation, concluded that they were without merit.

The opponents of the bill have fashioned an imposing list of Supreme Court decisions on their behalf. However, a careful review of those decisions will prove that they fall wide of the mark. The thrust of those cases is that a statute prohibiting or regulating speech must satisfy the clear-and-present-danger test, which *Schenck* v. *United States*, 249 U.S. 47, 52 (1919), stated to be "whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent."

If one applies the clear-and-present-danger test to contemptuous desecration of our flag, certainly that test is satisfied. For such conduct can only incite riots and invite lawlessness. It can only call others to pursue a course of action jeopardizing both the safety and security of our Nation. Such conduct is not merely a protest against the administration's policy, but, more significantly, it is an offense against the Nation itself. Thus, the Congress may and should recognize the clear and present danger by enacting this bill.

Even so, it should be noted that this bill does not simply prohibit words. More particularly, it forbids specific types of conduct. This distinction between speech and conduct has been recognized and approved by recent decisions of the Supreme Court.

In *Cox* v. *Louisiana*, 379 U.S. 536 and 379 U.S. 559 (1965), the Supreme Court upheld State statutes which proscribed obstructing public passages and picketing near a courthouse. The appellant had been convicted under the above statutes for conducting a civil rights demonstration near a courthouse. The appellant contended that the demonstration was an expression of protest and thus was protected by the first and 14th amendments. The Supreme Court said at page 555:

> We emphatically reject the notion urged by appellant that the First and Fourteenth Amendments afford the same kind of freedom to those who would communicate ideas by conduct such as patrolling, marching, and picketing on streets and highways, as these amendments afford to those who communicate ideas by pure speech. * * * We reaffirm the statement of the Court in *Giboney* v. *Empire Storage & Ice Co., supra*, at 502, that "It has never been deemed an abridgment of freedom of speech or press to make a course of conduct illegal merely because the conduct was in part initiated, evidenced, or carried out by means of language, either spoken, written, or printed."

The Supreme Court stated further at page 563:

> Nor does such a statute infringe upon the constitutionally protected rights of free speech and free assembly. The *conduct* which is the subject of this statute—picketing and parading—is subject to regulation even though *intertwined with expression* and association. The examples are many of the application by this Court of the principle that *certain forms of conduct mixed with speech may be regulated or prohibited*. (Emphasis added.)

In Adderley against Florida, decided last November, the Supreme Court again refused to apply the clear-and-present-danger test to expressive conduct, which in that case took the form of a civil rights demonstration. The Court rejected the first amendment argument, saying:

> Such an argument has as its major unarticulated premise the assumption that people who want to propagandize protests or views have a constitutional right to do so whenever and *however* and wherever they please. That concept of constitutional law was vigorously and forthrightly rejected in two of the cases petitioners rely on. . . . We reject it again. (Emphasis added.)

In the analogous area of draft card burnings, the Second Circuit Court of Appeals carefully reviewed the Supreme Court decisions and applied the balancing test rather than the clear-and-present-danger test, *United States* v. *Miller*, 367 F. 2d 72 (1966). Since the National Government had an interest in protecting the administration of the Selective Service System, the statute prohibiting draft card burning was held valid in the face of the first amendment argument.

Likewise, the National Government has a right to protect the symbol of its own existence. Can anyone deny the right of a Nation to its flag? And certainly if a nation has such a right, we cannot deny the means of safeguarding that right.

Moreover, the law has always had the power to proscribe conduct which is socially offensive to the people. Thus one cannot walk naked in public—even as a means of protest, Lady Godiva to the contrary notwithstanding. There is no doubt that the hundreds of letters that we have received as well as the scores of editorials on flag burning show that such conduct is socially offensive to the public.

Hence, there is a viable, vital national interest in this legislation which justifies its adoption and insures its approval in case of constitutional attack.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. ROUDEBUSH].

Mr. ROUDEBUSH. Mr. Chairman, we see and hear a lot about demonstrations during these critical times.

In our country people have a right to demonstrate—today we demonstrate our feelings.

We recently saw a demonstration that shocked the country.

We saw the flag of the United States of America go up in flames in Central Park. This, too, was under the guise of demonstration and freedom of expression.

I say that now is the time for patriotic Americans to demonstrate. Now is the time for Congress to lead the way and show the citizenry that we are concerned and apprehensive with such acts.

We can do this by passing H.R. 10480, the flag desecration bill.

I know there are many people who say, "why get excited, it is only a piece of cloth." "The flag is just a symbol." "Colored piece of cloth sewed together."

You and I know that the American flag is more than a piece of cloth.

The millions of loyal Americans know that it is more than a piece of cloth.

These Americans are now wanting Congress to tell the world that we respect our flag, that we are loyal to our country, and we will not stand for anyone desecrating this symbol that means so much to all of us.

It certainly was more than a piece of cloth to the doughboys who so proudly fought in France during World War I.

It was more than just a piece of cloth to the GI's who invaded Normandy, and to the marines who risked their lives to plant the flag on top of Mount Surbachi.

I recall several years ago, before I came to Congress, I spent a vacation in Switzerland. I was amazed at the number of businessmen and citizens who flew the Swiss flag every day of the year. I asked them if it was a special holiday or period that caused this display. The answer was simple: "We display the flag because we love our country."

It means more than just a piece of cloth to my good friends Gus Grissom, Edward White, and Roger Chafee.

And it means more than just a piece of cloth to our young men who today are fighting for it, and under it, in Vietnam.

This bill, H.R. 10480, calls for $1,000 fine and a year in jail for anyone desecrating the American flag.

I know, but cannot really understand why, that there are critics of this bill.

The reasons of the opposition vary; the law cannot be enforced or it is unconstitutional are some that are given.

I am not a lawyer, nor am I a constitutional authority, but the point of constitutionality has been thoroughly explored. You can bend the written law so far, but to state our Constitution permits flag desecration is a bit bizarre.

Critics say that this is an emotional issue. I maintain that the things that mean the most to us are emotional.

We get emotional when our children are born, when a loved one dies, or when a member of the family does something that we can be proud of.

So why should we not get emotional over the American flag? What is wrong with being emotional about our national symbol?

And what about the issue that is used against the bill that the law cannot be enforced? Why not? It certainly can if the Justice Department and the courts do their job.

But it is not our job nor our worry to enforce the law. But it is our job to make the laws.

From my mail, and I am certain from yours, you can see that the majority of the people are disgusted with flag desecration and our country being downgraded.

This is our chance to show the people back home that we do honor the American flag, and that we long remember the thousands upon thousands who gave their lives so this flag can fly over the Capitol Building this very day.

I want to thank the members of the Judiciary Committee for reporting this bill. The gentleman from Colorado [Mr. Rogers], who so capably chaired the subcommittee that this bill came out of, and who is one of the authors of this measure.

I certainly want to thank him for the way he handled this legislation in committee.

Most of you know that I have fought for this measure for a long time.

Some say I fight for it out of emotion, others say I fight for it because of my strong connections with the Veterans of Foreign Wars and other veterans' organizations. And I have been called a superpatriot and flagwaver.

I believe my feelings were better expressed by a great American. I cherish the words of Henry Ward Beecher who said; and I quote:

> A thoughtful mind, when it sees a Nation's flag, sees not the flag only, but the Nation itself; and . . . he reads chiefly in the flag the Government, the principles, the truths, the history which belongs to the Nation that set it forth.

When you burn the flag you are attempting to destroy the traditions and meaning of the United States of America.

I am confident that this bill will pass and I believe it will be by an overwhelming margin—and I am sure that most Americans will gain some respect for all of us.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. I am happy to yield to the gentleman.

Mr. RYAN. I would like to ask the gentleman a question regarding his testimony before the Committee on the Judiciary at which time the gentleman was questioned regarding articles of merchandise upon which pictures or representations of the flag are portrayed. The gentleman then said the bill would cover pillows or beach towels "in the form of the American flag."

I should like to ask the gentleman whether he believes that this statute under section (b) would cover an item such as this beachbag that I hold in my hand which clearly is red, white, and blue and has stars on it?

Mr. ROUDEBUSH. I have not examined this beachbag too clearly and I cannot see it too well. But I would say it has stars on it and a red, white, and blue field. But I do not think it is a symbol of our American flag. I do not think it follows the same symmetrical design as the American flag.

Mr. RYAN. I show the gentleman this cigar which opens up and shows the stars and stripes of the American flag.

Mr. ROUDEBUSH. Where was that made—in Japan?—I ask my colleague.

Mr. RYAN. It says it was made in Korea. Suppose this cigar was smoked and burned. Would that be a violation of the statute?

Mr. ROUDEBUSH. I certainly know it is not the American flag, and it is not a symbol of our flag even, and it is not made in the same form.

Mr. RYAN. May I ask my friend, Does it have the stars and stripes?

Mr. ROUDEBUSH. If the gentleman wants to waste my time further, that is one thing. I would be happy to answer any questions. Of course, it has stars and red, white, and blue colors.

Mr. RYAN. Does it have parts of the flag?

Mr. ROUDEBUSH. I do not know whether it has any parts of the flag, but I will say that is not a symbol of the American flag.

Mr. RYAN. Will the gentleman look at it?

Mr. ROUDEBUSH. I am looking at it.

Mr. RYAN. Will the gentleman not examine it?

Mr. ROUDEBUSH. No; I can see it well enough, thank you.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. I am happy to yield to the gentleman from Colorado now that the roadshow is over.

Mr. ROGERS of Colorado. If the gentleman from New York would be interested, let me read the definition of the flag as set forth in subsection (b), page 2, of the bill and in particular I direct his attention to line 3, which says:

> The term "flag of the United States" * * * shall include any flag, standard, colors, ensign, or any picture or representation of either * * * by which the average person seeing the same without deliberation may believe the same to represent the flag, standards, colors, or ensign of the United States of America.

In other words, that means that an average person of average intelligence who, on seeing such items, would believe that they are the flag or a representation thereof. That is a part of the definition of the bill.

Mr. ROUDEBUSH. I think the gentleman's point is well made. These articles demonstrated do not represent, nor do they imply that they are the American flag.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. Whitener], a member of the subcommittee.

Mr. WHITENER. Mr. Chairman, I am privileged to serve on Subcommittee No. 4 of the Judiciary Committee, which conducted rather exhaustive hearings on more than 90 bills dealing with flag desecration. After hearing all the testimony the committee prepared the bill which is now before the House. I happily joined my colleague, Mr. ROGERS, and others as a cosponsor of this legislation.

This bill seems to have given rise to many rather tenuous contentions and arguments. We have heard it said that it is unconstitutional in that it would interfere with one's rights under the first amendment of the Constitution. We have heard other contentions that the absence of the use of the word "intent" in some way would create problems for some of our colleagues.

Generally, we have heard a great deal of criticism of the language which has been set forth in this bill by the committee. I think that we have heard very little argument against the sacredness of the American flag or the attitude which all of us profess to have toward that flag.

Many of us who have followed that flag across the waters and in areas of combat perhaps have a different attitude toward the flag than some who have not had that privilege. I know that today there is temptation on the part of many of us to get up and wave the flag, as the expression goes.

There are others who would cast aspersions on it by trying to say that, "Well, the American people cannot be brought to love their country more by causing them to honor the flag."

I do not for one minute subscribe to that theory.

I should not be personal. However, I am sure there are others in this room who have had the same sort of training as I was privileged to have as a child. That training dictates that nothing should ever be placed upon the Holy Bible. We learned this at our mother's knee, and many of us who have had that sort of training today will remove anything which someone might inadvertently place on top of our Bible.

In America today we need to inculcate in the hearts and the minds of our people the idea that the American Flag is entitled to a place of preeminence in the heart and the mind of every living American. One of the ways we can do so is to insure, whether it be by criminal statute, by training, or by other methods, that Americans will never participate in nor tolerate the casting of contempt upon their flag.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I am happy to yield to my chairman.

Mr. CELLER. I am inclined to the belief that the provisions of this proposed statute are constitutional. I say that despite the views of some of my liberal friends.

But you may remember that in the committee a number of us were disturbed about the language that appears on page 1, line 8 and line 9:

> (a) Whoever casts contempt upon any flag of the United States by publicly mutilating, defacing, defiling—

The bill, therefore, in my humble opinion—and I am using the words used by a number of members of the committee—would penalize whoever casts contempt upon the flag by specified public acts, without specifying whether contempt must exist in the mind of the offender or only in the eyes of the beholder.

In other words, if I have a picture of an American flag and publicly, with no intention of defiling the flag, I tear that asunder and I throw the program or the picture of the flag away, and the gentleman from North Carolina is present and he sees me doing that, and he deems that is not only offensive but is defiling the flag, although I had no such intention when I tore that flag publicly into bits, under the wording—and I am disturbed about the wording, and a number of other members, the gentleman may recall, were also disturbed about the wording—I might get within the toils of the law, although I had no intention of defiling the flag. Would the gentleman care to respond to that?

Mr. WHITENER. I suppose the question is whose view is to be taken as to whether the act casts contempt upon the flag.

Mr. CELLER. Suppose I am perfectly innocent of any intent of defiling or doing anything that would deface or mutilate the flag. I had no such intention. I would be innocent in that regard. Yet, under the wording here, I might be deemed guilty. That is what bothers me and a number of the members of the committee.

Mr. WHITENER. As I understand the gentleman's question, it is whether or not the conduct toward the flag would make him guilty if he did not within his own heart and mind intend to cast contempt, but the onlooker would view his act as one which did cast contempt.

Mr. CELLER. That is the thrust of my question. In other words, I would have no idea of defacing the flag. But an audience might think I have defaced the flag. I believe the wording is bad for that reason. As the gentleman may remember, we tried to amend it but we were worsted in that regard. I will be glad to get the gentleman's explanation.

Mr. WHITENER. I would say, Mr. Chairman, there is nothing unusual about the question which the gentleman asks. That is precisely why in this country we have the jury system. The jury would determine whether or not the act committed by the gentleman in the hypothetical case he has stated constituted casting contempt upon the flag. It would be sheer folly to let the gentleman go into court and determine his own case. He would present his evidence. He would go on the witness stand and say, "Well, now, while it may appear that I was contemptuous in my attitude toward the flag, at the time I had no such intent," and then it would be for the jury of 12 to determine whether he was guilty under the act.

The gentleman has mentioned photographs of the flag. I regret that all Members of the House cannot see the color photographs that the gentleman from New York [Mr. HALPERN] presented to the subcommittee. I can say that of all the photographs which I have seen in my lifetime, I have never been as immediately and as heavily repulsed. I am sure that the ladies and gentlemen of the House who have not seen those photographs cannot imagine a sick mind taking the U.S. flag and creating such results as we saw in those color photographs.

Mr. CELLER. Mr. Chairman, if the gentleman will yield further, the gentleman spoke of the jury and said they would be the sole arbiters whether there was that intention.

Mr. WHITENER. The question of intent is always a jury question.

Mr. CELLER. Yes. But I believe the judge might be compelled to make the charge that the intention could be spelled out of what was thought to be defiling by the audience, those who saw the act, rather than what the individual felt in his heart. That is the difficulty.

Mr. WHITENER. Mr. Chairman, we have contempt cases tried in courts every day. Members will recall that on this floor we had quite a discussion on several bills which the gentleman from New York was handling about the proper law in contempt cases.

I see no problem in regard to the jury determining whether or not certain conduct constitutes an intentional casting of contempt.

Mrs. KELLY. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentlewoman from New York.

Mrs. KELLY. Would not the determination of this rest on the definition of "in public" to a degree?

Mr. WHITENER. Of course the act must be done in public.

This leads us into another discussion, which we find in the record, the discussion with Professor Freedman of George Washington University.

Mrs. KELLY. I thank the gentleman for yielding. Is not the answer to the previous question covered under the bill, section 700 (a), by the words "by publicly"—to repeat:

> Whoever casts contempt upon any flag of the United States by publicly mutilating, defacing, defiling, *burning*, or trampling upon it shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

Mr. Chairman, I rise in support of H.R. 10480, a bill to prohibit desecration of the U.S. flag. The purpose of the bill is to prohibit and punish by Federal law certain public acts of desecration of the flag. This bill does not prohibit speech, the communication of ideas or political dissent or protest. This bill does not prescribe orthodox conduct or require affirmative action. This bill does prohibit public acts of physical dishonor or destruction of the flag of the United States.

On January 10, 1967, I introduced H.R. 764, a similar bill legislating for the same purposes. I appeared before the Committee on the Judiciary on May 8, 1967, in support of my bill. Subsequent to my appearance and after reviewing the testimony of other witnesses before the committee I now stand in support of the bill H.R. 10480, which contains the committee amendments reported for action by this body from the Committee on the Judiciary.

I never thought that we as legislators would have need to or should legislate on love of country or respect for our national standard. I would even venture to say that I respect those persons who today say we are making a mistake in pressing for enactment of this legislation. I say this because I fully believe in the right of dissent. While we all respect the constitutionally protected right of freedom of speech and expression, I do not believe that these rights grant to any individual the right to desecrate or mutilate our national standard. The desecration of our flag can only be interpreted as an attack on the sovereignty of the United States and an attack on the symbol which guarantees the right to dissent.

I also believe that how we show respect for our country and its symbols is up to the individual, as is their expression of dissent. But on the other hand, the flag is the outward symbol of our American heritage and to willfully desecrate the flag by one means or another is not in any sense of the word an expression of meaningful dissent. Therefore, our national standard should be given Federal protection.

Mr. Chairman, I trust that the house will pass H.R. 10480.

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

Mr. ROGERS of Colorado. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I am glad to yield to the gentleman from Florida.

Mr. CRAMER. The thing which is interesting to me with regard to the remarks of the distinguished chairman of the Committee on the Judiciary and those who filed the minority views, is that intent appears to be an essential criterion so far as their judgment is concerned relating to this legislation or in some instances, yet not in others.

I refer specifically to title V dealing with acts of violence against those exercising certain specific civil rights of the Civil Rights Act of 1966, a copy of which I have before me, in which the word "intent" is not even mentioned. The acts prohibited are spelled out.

It was argued in the report on title V, under the Guest case, that when the act prohibited is spelled out in the act it does not include specific intent by the same Members who say intent is essential here under this flag desecration bill.

So, as it relates to the Civil Rights Act, title V, it is all right not to write in specific intent, but when it comes to burning and desecrating the flag of the United States of America we should write in specific intent. I do not understand it.

Mr. WHITENER. I believe we can find the answer in 21 American Jurisprudence Second, page 162, where it says:

> At common law, a crime required two elements: an act and an evil intent. This view is expressed in the maxim that an act does not render one guilty unless the mind is guilty.

Mr. CRAMER. That is correct. The jury has to make the determination of the intent of the party involved.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from New York.

Mr. SCHEUER. What about the act of a Federal employee who takes a great big black stamp and with a massive swing of his arm obliterates the image of a flag? Would that act make felons out of Postmaster General Larry O'Brien, and tens of thousands of Federal employees in our post offices—as they routinely cancel American-flag stamps billions of times annually? Will General O'Brien exchange the bars of the post office window for the bars of the Federal penitentiary?

Mr. WHITENER. Of course the answer is fairly obvious. That is not covered by this legislation. I refer to the language "whoever casts contempt * * * by publicly" doing certain acts.

Mr. SCHEUER. That is a public act, performed in a public place, visible to the public through the post office window?

Mr. WHITENER. It may be, but I believe the gentleman is not too serious about that question.

Mr. McCULLOCH. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. BIESTER].

Mr. BIESTER. Mr. Chairman, I support the general concept and approach of this bill. I offered an amendment in committee which would have covered the problem which the distinguished chairman of the committee has referred to in his recent colloquy.

I recall that earlier today we heard from a Member who pointed out that we already prohibit the mutilation of American money. I find that the law which prohibits that mutilation provides for intent in the following words: that "whoever mutilates, cuts, defaces, disfigures," and so forth, "with intent to render such bank bill, draft, or other evidence unfit to be reissued." So specific intent is referred to, at least, in that section.

At the appropriate time I intend to offer an amendment which would attempt to cover the problem the chairman has raised, and I believe others also intend to do so.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may use to the gentleman from Indiana [Mr. BRAY].

Mr. BRAY. Mr. Chairman, I arise in support of this legislation, to provide a criminal penalty for the desecration of the American flag. There have been all too many Americans who have taken active and aggressive steps to bring disrepute to our country and its heritage. Our Government has recently allowed marchers throughout the country to desecrate the flag, carry the enemy's flag in their parades, burn draft cards, and otherwise give aid and comfort to the enemy. Our country is strong, the strongest country on earth. Our country has done more for mankind throughout the world, by far, than any country on earth.

Tolerance is a fine attribute, but when tolerance becomes a cloak for national cowardice, treason, law violations, and attacks against the integrity of our country, it is time that Congress takes action. It is also time that Congress insists that the Federal law enforcement agencies enforce the law. There is a fable that points this out quite clearly:

In the jungles there lived a great and mighty lion, truly the king of all the beasts. He was awesome to behold and all the animals knew that he was more powerful than they. There was also in that jungle a sneaky, slimy rat that lived in a hole beneath the rotting debris of the jungle.

The rat thought that the lion would be too proud and sensitive to the opinions of the other beasts to chase or even to slap at him. So one day he ran out of his hole and took a nip at the king of the jungle. The lion ignored it as the rat had expected. The next day he took a bigger nip from the lion and still the lion did not deign to notice him. On the third day the rat invited another rat to join him in taking a bite from the lion.

Soon it became a sport of the slimy rats to nip and bite the mighty lion. The other animals of the forest told the lion how it would make everyone dislike him to even slap or chase a slimy rat, for it was obvious he could always destroy them when he chose. The lion in all of his strength and dignity rose above all the nips and bites of lowly rats.

One night as he pondered, the rats came again and their nips and bites took on such great proportions that they ate the heart of the mighty lion. The king of beasts crumbled and fell in spite of all his strength and all his might without striking a blow in his defense.

Today the United States is so great, so powerful, that all countries are rightly fearful to attack us; but the rats are moving in. Yes, the rats at home and abroad are nibbling at us; the fellow travelers, the "pinko" students, and the "chicken-pickin' " Castros are moving in, the flag burners, the draft card burners, each bent upon embarrassing and injuring our country. We have been allowing treason, flag desecration, draft card burning, and multiple attacks on our country long enough. These rats are moving in. Inactivity and indecision of our Government are making the rats bolder and bolder. It is far past time that our Government takes action to see that America does not suffer the same fate as the lion in the fable.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I rise in support of the very important and necessary legislation now being considered by the House, H.R. 10480. I might say that I believe that enactment of a law such as this is long overdue. Patriotic Americans everywhere have been shocked and outraged at the all too frequent spectacle of the burning of the American flag. While some misguided Americans are using flag burning as a publicity stunt, other Americans are dying for the freedom it symbolizes. The passage of this bill, when acted upon by the other body and signed by the President, will insure that these flag burners pay a high price for the publicity and attention they so obviously desire—by being sent to jail and/or fined.

I might add that I was particularly pleased with the action taken by the Judiciary Committee on this bill. As a cosponsor of this legislation, I had submitted a slightly different version of the bill than most Members had submitted. My version had deleted certain questionable language which might have tended to raise serious constitutional questions about the bill. In reporting out the bill before us today, the Judiciary Committee agreed with my view and decided to delete the aforementioned language as well.

Once again let me urge the passage of this important and necessary legislation.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may use to the gentleman from New York [Mr. PIRNIE].

Mr. PIRNIE. Mr. Chairman, it is significant that the House has finally decided to consider legislation to prohibit desecration of our flag. Nearly a year ago, I, with others, introduced legislation to accomplish this purpose and signed the discharge petition to bring it to the floor after our efforts to have it considered by the Judiciary Committee failed. As all know, the need for Federal legislation in this area became more evident with each passing day, and many joined in introducing the bill at the outset of this Congress.

However, it was not given proper attention until recently when several incidents dramatized the need. In my home State and many others, the Nation has been subjected to insult by the burning of the symbol of our ideals, traditions, and institutions. The longstanding argument that this matter should be left to the States has lost appeal. Our flag represents our country, and matters relating to it are rightfully within the responsibility of the Congress.

Yesterday, we celebrated the 190th anniversary of the designation of the Stars and Stripes as our national flag. It was adopted on June 14, 1777—by the Continental Congress, and today still flies above us as the badge of our courage, integrity, and unity. Though to some it may still appear only a piece of silk in red, white, and blue, thousands of Americans have given and continue to give their lives in its defense. Brave men have followed it into battle in lands around the world to preserve the ideals for which we stand. The soldiers at Iwo Jima, immortalized in the famous memorial at Arlington National Cemetery, risked their lives under enemy fire to plant that piece of cloth on a craggy hill in that far-off island. And yet a despicable few of the very Americans for whom those marines died, burn the flag. We cannot allow this to continue.

It has been argued that the State laws adequately deal with desecration of the flag, but recent events have proved the inaccuracy of that position. When demonstrators cross State lines to burn flags and then return to their homes, chances of prosecution by the State in which the burning occurred are slim, especially if the offenders are not immediately known. Only Federal law can provide law-enforcement officials with a jurisdiction that is not stopped by a State border. This becomes a problem of interstate commerce beyond the control of any one State when flag shoeshine cloths, flag handkerchiefs, or other items disrespectful of our national symbol are manufactured and shipped across State lines. Only the Federal Government can stop this abuse.

Some critics of the antidesecration proposals now before Congress, have suggested that these measures would interfere with the individual citizen's first amendment, freedom of expression. A recent case in my home State demonstrates that this criticism is not valid. New York has a statute very similar to the language in this bill which makes it a misdemeanor to "publicly mutilate, deface, defile or defy, trample upon, or cast contempt upon" the U.S. flag (McKinney's Consol. Code Annotated, Penal Code, 1425[16]). Recently, a young man was convicted under that statute for exhibiting what he called art—a stuffed flag shaped in the form of a human body being hanged and another flag stuffed to represent forms too grotesque and obscene to be described. In affirming the conviction on April 13, 1967, Justice Levy of the New York Supreme Court wrote:

> Suffice it to say that the statute deals with the flag itself, a symbol of our free and independent country. The statute in no way curtails political dissent or prohibits communication of ideas. The desecration of our flag cannot be utilized as a symbolic act to punish or exhibit disagreement with or opposition to the policies of our government.
>
> To permit such desecration under the guise of freedom of speech would certainly weaken, if not destroy, one of our most cherished symbols. (*United States Flag Foundation, Inc.* v. *Radich*, 35 Law Week 2613 (April 25, 1967)).

Further, the three-judge appellate division upheld Justice Levy's opinion on May 5, 1967.

Recent events have demonstrated that to allow such offenses to go unpunished, to use Justice Levy's words, "would certainly weaken, if not destroy, one of our most cherished symbols." This bill would not destroy any constitutional rights. It would protect them by putting the force of the Federal Government behind efforts to preserve the dignity of the symbol of the Republic that protects those rights. We should promptly enact this measure.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may use to the gentleman from Florida [Mr. BURKE].

Mr. BURKE of Florida. Mr. Chairman, I rise in support of this highly significant measure before us today which would make the desecration of our cherished national emblem a Federal crime.

The flag of the United States, our beloved Stars and Stripes, means too much to all true Americans to permit it to be desecrated with impunity by the disloyal, the disaffected, and the dispirited. Prosecution for such desecration has not been effectively undertaken at the local level under State statutes for a variety of reasons. These were analyzed thoroughly by the House Judiciary Committee before recommending passage of the bill now under consideration.

How sad it is that dissenters from the policies of their Government's conduct of the war in Vietnam have chosen to desecrate the flag of the United States as a means of expressing their opposition. Perhaps those who advise them think they are really patriots in disguise, but I ask are they patriots? Certainly they are not in my way of thinking—American patriots.

General Westmoreland, the commander of our brave men in Vietnam, has expressed his views this way:

> The burning of the flag—I cannot view that as other than an unpatriotic act. Thousands of men have died for that flag, and they are still dying for it in Vietnam.

Our flag is a beloved symbol of all that we cherish as free citizens. It represents the sacrifices made by hundreds of thousands of brave men throughout our national history who laid down their lives fighting for the cause of freedom. It represents our determination to remain free and to succeed in defending our great country in the years to come as we have succeeded in defending it in the past.

We should honor our flag on all occasions and at all times, and with special ceremony on holidays and other appropriate times. But, most important, we must honor it, cherish it, respect it, and protect it. Now is the time to rededicate ourselves to the principles of freedom and justice for which it stands. An overwhelming vote of support for the measure now before us, a measure to prohibit by penal sanctions the desecration of the flag, will clearly show the strong and positive sentiments of the Members of the U.S. House of Representatives and of the millions of Americans whom we are privileged to represent.

Our beloved flag has endured through every war, disaster, and peril—and so shall it endure in the future. It has brought the United States from the 13 original States of the Atlantic seaboard to the Mississippi, across the plains, on to Oregon and California, and thence finally to Alaska and the tropical islands of the mid-Pacific.

Our flag is the emblem of our Nation's independence, of our freedom, and of the precious heritage won for us by brave men and women over the generations. By voting in favor of this legislation, we shall act to deter and punish acts intended to desecrate the flag of the United States. Our answer to each future flag-burner is a heavy fine, and the gift of time for meditation and reflection behind bars.

By enacting this new statutory protection for our brave banner we may lend further assurance that our flag may long wave over the land of the free, a symbol of American dreams and aspirations, of American stubbornness and courage, and of American purpose, sacrifice, and achievement. Once again, with humility and true devotion, we pledge our allegiance to the flag of the United States of America.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may use to the gentleman from Kentucky [Mr. SNYDER].

Mr. SNYDER. Mr. Chairman, not far from here on the slopes of Arlington, Va., one can view row upon row of simple white headstones. The quiet dignity of these simple gravesites in national cemeteries across the country is a fitting memorial to the dignity and devotion displayed by these sons of America as they went forward often thousands of miles from their homeland to die for their country and their flag. Occasionally, as one wanders through these cemeteries, there is a new grave—the final resting place of a young American who fell in the jungles of Vietnam. The question that is to be answered by our vote today is why did these men give their lives? The very fact that we must vote on this bill here today is a desecration of the memory and lives of valiant Americans who have through the centuries defended their flag with unwavering devotion and loyalty.

We are told that to pass this legislation is a violation of the first amendment, that it is usurping the right of dissent. Do only dissenters have rights? What of the rights of those men lying in Arlington—the men who fell in the battlefields all over the world? Do we not have a responsibility to those men? America's brave and gallant men have purchased with their blood the freedom which we here have so blatantly taken for granted. These men died that we could be here and freely debate this bill. They died so that some of us could differ without fear of reprisal. They died that you and I might live in this great land as free men. They died that freedom might survive. My colleagues, that flag is freedom personified—it is freedom exemplified. By giving their lives for our flag, our fighting men possess a portion of the flag that symbolizes our freedom.

To burn or destroy the American flag to exercise one's right of protest is not only destroying the symbol of the freedoms under which the protesters are seeking protection; it is the destruction of the property of tens of thousands of Americans. No one would question the illegality of my burning my neighbor's house because I protested the color he painted it. Neither should anyone object to declaring the burning of the flag illegal, since it is the property of every American, particularly those whose blood was shed in its defense.

The Bill of Rights guarantees men certain privileges as long as their exercise does not encroach upon the rights and privileges of others.

If the flag were the exclusive property of an individual Vietnik, or even a small group of protesters, no one could object to their right to burn it. Let them devise their own flag and burn it in desecration.

The flag of the United States is the symbol of freedom and the common property of an entire nation. Public Law 829 governs the display of our Nation's flag, yet no law has ever been adopted to protect the flag against desecration. Thousands have died to protect their flag and all that it represents. The least the Congress can do is to pass this legislation which will add in some small way to the protection of the vested right of every American citizen in our great symbolic flag.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may use to the gentleman from Michigan [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I rise in support of this bill for the protection of the flag of our country. The flag is the symbol of the Nation itself, and contempt upon the flag is contempt upon the United States themselves. The United States has undoubted power to make the contemptuous mutilation, burning, defilement, or defacement of its national symbol an act prohibited by law. The fact that many States in the Union have also made those acts violative of State law does not deprive the National Government of like power.

It is unfortunate in a way that there is need today for such a Federal law. The fact that such a law seemed unnecessary in the past evidences that reverence in which the national symbol has been heretofore held, and now, in the social restlessness of the present day, it becomes apparent the Nation must pass a criminal law in defense of its flag.

Those who argue against this bill suggest its provisions may be violative of the constitutional right of free speech. Certainly the right of free speech is not so broad as to include all forms of expression, by act as well as by word. This bill prohibits acts. I believe it to be fully constitutional. If the Government is without power to prohibit an act because it expresses political rebellion, then the act we passed a year ago to make the assassination of a President of the United States a national crime might also fall. The interpretation of constitutional provisions must pass the test of reason. Their interpretation in ways which reach absurd extremity is not in the best interests of either the Nation or its people.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may use to the gentleman from Alabama [Mr. EDWARDS].

Mr. EDWARDS of Alabama. Mr. Chairman, the American flag has become one of the best known symbols in all of world history. Its significance, now and in times past, is full of meaning which extends not merely through each State of our Nation, but throughout the extent of the globe.

In its early days the American flag was the symbol of a people's determination to protest the oppressive acts of a colonial master far across the sea. It signaled the vast effort of an oppressed people to declare and to implement their political independence.

Also in those early days the American flag was a symbol of the unity of 13 Colonies whose closest ties before the Revolution were not with each other but with the mother country.

The immediate predecessor to the Stars and Stripes was called the Grand Union flag to emphasize the new unity of the former colonies.

As the design of the Stars and Stripes gradually developed great care was given to preserve in the flag the significance of the federation of States. Thirteen stripes symbolize the Original Colonies.

And with one star on the blue field for each State of the Union the flag specifically recognizes the integrity of each State.

Much later, in Two World Wars, the American flag became a symbol of freedom from oppression. It was known as the "flag of liberation" to millions of people around the world whose lost liberty was regained under the American flag.

Over the years the flag has symbolized a land of liberty and opportunity to millions of immigants who have sought to better themselves and to provide a future for their children and grandchildren.

And today the American flag flies as a living and powerful symbol of what a free people can do in the betterment of life, the development of liberty, and the pursuit of happiness.

Mr. Chairman, it is no wonder that the U.S. flag is the target of attacks here and around the world. We need not be surprised. The flag is such a meaningful symbol for freedom all over the world that it cannot be tolerated by those who wish to destroy freedom.

We should not be surprised that the organized agitators, in their effort to suppress freedom and liberty, use the American flag as their target in public displays of disrespect.

The flag is the most logical object of their fear and their hate because it stands for everything they oppose—a proud nation, a free people, the unity of 50 great States, and a measure of protection for political independence throughout the world.

Those few professional and semiprofessional agitators who are attracting attention these days by burning and defiling the American flag in public demonstrations should be penalized because the dignity of the flag must be considered as worth preserving. In destroying the flag they seek to symbolize the destruction of a nation and everything for which it stands.

In permitting flag burning to continue indefinitely we allow the meaning and the purpose of our national unity to be undermined and eroded. The danger is that in time we will have lost the feeling of national consciousness and pride that is the basis for the American flag's great significance today.

And that, Mr. Chairman, is precisely what the flag burners seek.

No, it is not surprising that those who wish to destroy our liberty select the American flag as the target for their public scorn.

What is surprising, however, is the attitude from some sources that a law to prohibit flag burning is somehow not required or even is foolish.

It is said that if we try to prohibit public burning of the U.S. flag we are trying to prohibit legitimate dissent. I say this is nonsense. On the contrary, we are trying to preserve the right to dissent.

One aspect of American liberty, symbolized by the flag, is the right to dissent. It is a right we want to protect and a right we are in fact protecting. Everyone has the right in this country today to legitimate dissent. It is a right which is being practiced every hour of every day.

The flag burners, on the other hand, are not really interested in dissent. What they want is the dominance of their own views to the exclusion of others.

The right to dissent will be protected not by the burning of the American flag, but by the survival of the flag and of the freedom for which the flag stands.

Still others say that to protect the flag would require a national police force.

This is a smoke screen and sounds hollow coming as it does from the same people who are in the forefront of those calling for vastly increased Federal control over many aspects of the lives of all American citizens.

With Federal Government representatives already looking in on local election procedures, farmers, and schools, there can be no real concern over the enforcement of a law against burning the flag.

And again, some profess to say that it is inconsistent to favor the dignity of the American flag and to also favor the rights and responsibilities of the 50 American States.

And this is another form of nonsense. Because the flag symbolizes the idea of federation, and the unity of 50 sovereign States, the dignity of the flag is indeed consistent with the idea of States rights and responsibilities.

To go further, the American flag is the most meaningful symbol ever set up by man to signify the successful working of a political system which combines the welfare of States with a true national interest.

It is this significance which is part of the American message to the world today. We all support it, preserve it, and take pride in it because of our basic belief that people everywhere should have the right to determine their own form of government and have a voice in their own system of government and in their fate.

For all these reasons I support this legislation. It is similar to my own bill, introduced last year, and reintroduced this year. I am hopeful that we can restore to the American flag the place of dignity and respect that it deserves and must retain. Otherwise, this Nation shall fail.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may use to the gentleman from California [Mr. REINECKE].

Mr. REINECKE. Mr. Chairman, 190 years ago the Continental Congress adopted a resolution "that the flag of the United States be 13 stripes, alternate red and white; that the union be 13 stars, white in a blue field representing a new constellation." Since that historic day almost two centuries ago, the flag has recorded in its constellation the growth of 13 colonies to the 50 great States that comprise America today.

One hundred and ninety-two years ago the U.S. Army, the oldest of our military forces, was established by the Second Continental Congress. Its growth is commensurate with that of our Nation and its responsibility to defend and preserve the right of self-determination here and elsewhere around the world, wherever and whenever it is threatened by external aggression.

It is appropriate that Congress join with the Armed Forces of the United States in commemorating the anniversaries of the Stars and Stripes and the U.S. Army which has fought valiantly and victoriously under her in 13 wars and 145 campaigns.

While our men in uniform continue to serve loyally under the flag in support of all it represents, we at home have stood by and watched Old Glory set afire and otherwise desecrated in symbolic anti-American demonstrations by people who claim the sanctuary of U.S. citizenship. I have received numerous letters from our men in Vietnam asking why the President has sent them thousands of miles away to fight for American ideals, when he lifts not a hand nor a voice to defend them from abuse here at home. We, of course, cannot answer for the President, but we owe it to our men in uniform and their loved ones here at home to make our own position emphatically clear. There are many ways by which we can do this, but none quite so meaningful as that which we are about to do here—afford Old Glory the benefit of Federal protection.

This is the very least we can do for a national emblem which has served us proudly from our humble beginnings to our present position of free world leadership. I, personally, am honored to be associated with this reconcilement of a glaring omission in our Federal laws. I will never forget the shock and outrage which I felt when I saw pictures of the Stars and Stripes engulfed in flames, and learned that the Federal Government was powerless to prevent or punish those responsible for this sacriligous act. Immediately, I introduced my first bill on June 14, 1966, to provide criminal penalties for desecration of the flag. In the absence of action by the 89th Congress, I reintroduced my bill, H.R. 9121, early in this session, and testified in its behalf during the hearings which were recently concluded by the House Judiciary Committee. I am proud to say that with the exception of a minor technical difference, my bill is identical to the one which was reported to us by the committee.

There are still other ways by which we can demonstrate our loyalty to our country and to our men in uniform. The Flag Day program in which we participated for instance, demonstrates our love and devotion not only for the Stars and Stripes but for the country she represents, and for our men in uniform who are fighting to defend our national motto "liberty and justice for all."

American citizens here and abroad joined together in similar demonstrations of their respect and appreciation for Old Glory and the freedom, liberty, and hope that she has given not only to those of us who enjoy her protection, but to millions of less fortunate people throughout the world for whom tyranny is a way of life. To these people, in particular, the American flag represents a ray of hope for a better world, one in which all people can live in peace and freedom to worship, speak, work, and choose their own form of government.

At this point in the RECORD, Mr. Chairman, I would like to insert an article by Henry Machirella which appeared in the New York Daily News on Saturday, May 13, 1967, under the heading "A Flag Is Raised Where Another Was Burned":

A FLAG IS RAISED WHERE ANOTHER WAS BURNED

(By Henry Machirella)

In a patriotic and poignant prelude to todays Support Our Men in Vietnam parade, an American flag-raising ceremony took place yesterday in Central Park at the exact spot where anti-war demonstrators had burned Old Glory nearly a month ago.

Among those on hand for the occasion was Chuck (The Rifleman) Connors, idol of millions of American youngsters and a television symbol of the fighting Americans of earlier eras who helped make this country great.

Also there was parade Chairman Ray Gimmler, a Fire Department captain, who promised that a forecast of possible rain for today would not dampen the fervor and enthusiasm of the thousands expected to participate.

FLOWN HERE FROM WASHINGTON

The 8-by-5 foot flag raised in the park's Sheep Meadow yesterday had been flown over the Capital earlier in the day and brought here by Rep. Ed Reinecke (R–Calif.) for the presentation to Connors and to Thomas J. Kelly, president of the Congressional Medal of Honor Society.

The participants, accompanied by an honor guard representing combined veterans' groups, and the color guard of the Fire Department Post of the Amelcan Legion, were shown the exact spot where the desecration of the flag took place.

At the spot, in the southeast corner of the meadow, near 62d St., a portable flagpole was assembled, and the flag-raising took place at 2:30 P.M.

The 6-foot-5 Connors, a former pro baseball and basketball player who once had a whirl with the Brooklyn Dodgers, said he had just come back from a tour of Vietnam and that he had been there on April 15, the day the flag was burned by the peaceniks here.

"The boys over there asked me, 'Why do you let things like this happen back home?' " Connors said, "I pledged the boys I would make every effort on their behalf to stop this sort of thing."

"I've had it up to here (he held a hand across his throat) with leftist demonstrations. We are selling short 442,000 responsible soldiers with the sort of irresponsible demonstration they had last month in the park."

Reinecke said that only five or six members of the House of Representatives will show any opposition to a bill now pending which would make it a federal offense to desecrate the flag.

Another American flag, which flew until recently over the 1st Marine Division headquarters in Chu Lei, South Vietnam, will be unfurled in the parade today.

Maj. Gen. Herman Nickerson, commanding general of the division, presented the flag to Anthony Policastro, president of the New York Chapter of the 1st Marine Division Association.

It will be borne by a member of the chapter as the parade gets under way at noon at 95th St. and Fifth Ave. and proceeds to 62d St. and Fifth.

In the line of march will be 10 Medal of Honor winners, headed by Kelly, who will also serve as the chief reviewing officer of the parade.

IKE ENDORSES PARADE

Chairman Gimmler said the parade has received the endorsement of former President Dwight D. Eisenhower; former Vice President Richard M. Nixon; Vietnam commander, Gen. William C. Westmoreland, and more than 100 Senators, Representatives, Governors, Mayors and other prominent public officials.

Cardinal Spellman and Bui Diem, S. Vietnam's ambassador to the U.S., will be among those reviewing the march.

The parade, expected to be one of the largest ever held here, will be broadcast live to the men in Vietnam by the Armed Forces Radio. The News TV station, WPIX, will carry it live from 12:30 to 2:30 P.M., under sponsorship of the International Longshoremen's Association and the National Maritime Union.

Mr. Chairman, many people have expressed an interest in the journey of the flag which was first flown over this Capitol, at my request, and then carried to New York by me for presentation to Chuck Connors and Thomas J. Kelly, president of the Congressional Medal of Honor Society. After the flag was raised in Central Park, and carried in the mammoth "Support Our Men in Vietnam" parade on May 13, it was subsequently carried to Los Angeles where it was presented to Sgt. Billy Swindle. Sergeant Swindle carried the flag to San Francisco where it was transferred to Mayor John F. Shelley, who in turn presented it to Sgt. William G. Pickle. The journey ended in Vietnam on May 20, when Sergeant Pickle in a formal ceremony presented the flag to Gen. William C. Westmoreland. In a letter dated May 20, General Westmoreland conveyed to me and to all of those who participated in the "Support Our Men in Vietnam" program, his appreciation as follows:

> DEAR MR. REINECKE: Please accept my sincere thanks on behalf of the officers and men of my command for the flag and letter which I received today from First Sgt. William G. Pickle who carried them from California. This flag and the parade in New York are symbols of what I believe is a deep feeling of support on the part of the American people for their men here in Vietnam. I salute you for your efforts for bringing this support to the attention of the fighting men here and to the people throughout the world.
>
> You can be assured that we will continue to do our utmost here in Vietnam to deserve this support.
>
> With high regard, I remain,
> Yours sincerely,
> W. C. WESTMORELAND,
> *General, U.S. Army,*
> *Commanding.*

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may use to the gentleman from Kansas [Mr. SHRIVER].

Mr. SHRIVER. Mr. Chairman, it is with mixed feelings that I rise today in support of H.R. 10480, which provides penalties for those who would contemptously desecrate our flag. While I do not believe that any sovereign nation needs to apologize for taking measures to protect its primary national symbol, we, as Americans with our heritage of justice and liberty for all responsible people, should feel ashamed and a little bit sad about the increasing need for this law.

However, the time has come for the Congress to enact a law which would provide a uniform statute applicable to the 50 States and the District of Columbia. Such legislation would serve as a deterrent to further acts of flag desecration and provide a uniform but appropriate penalty for violators. This bill is similar in intent to bills I introduced on May 4 of this year and in the second session of the 89th Congress.

My only regret in regard to this bill is that it is necessary at all. The very demonstrators who have desecrated our flag are the people who should be most thankful for the guaranteed rights of protest and dissent symbolized in the flag they have burned. To these people I will read the following quote by Henry Ward Beecher:

> A thoughtful mind, when it sees a Nation's flag, sees not the flag only, but the Nation itself, and whatever may be its symbols, its insignia, he reads chiefly in the flag the Government, the principles, the truths, the history which belongs to the Nation that sets it forth.

One can well imagine the personal dismay of the veterans of our Armed Forces and the families of the thousands of casualties in past wars who gave so much to insure the continuation of these same rights of protest and dissent when they see the flag for which they suffered being shredded and burned. If our flag is worth dying for, and it is, it is worth protecting.

Consider the position in which the Department of State finds itself when it attempts to demand apologies from other countries in which our flag is mutilated maliciously when nothing is done here at home when the same thing happens. Thirty-eight free world countries have laws which penalize those who would desecrate their flag. Many of these laws are stricter and wider, in scope than this bill, and some of them protect our own American flag in those countries.

Consider the inconsistency of our policies which punish people for mishandling our postage and money, but not for what they do to our national flag. Consider the fact that we have long had a law on the books to protect the trademarks of private enterprise and yet we have no law which protects the symbol of our national enterprise.

Spokesmen in the administration have argued that since the 50 States have varying antidesecration laws on their books, there is no need for Federal legislation. This argument is indeed ironic coming from an administration which has deemed a hotdog sold from a stand beside a road which leads, among other places, to a highway partly financed by Federal funds to be subject to Federal law. At any rate, they are missing the point. This bill will act to protect the national flag, not the 50 State flags, and thus Federal legislation is clearly justified in this case. This bill does nothing to prohibit continued enforcement of the various State antidescration laws such as the one in my own State of Kansas.

Some people have wrongly assumed that in order to publicize their protests and views, they have a constitutional right to do so whenever, however, and wherever they please. However, the Supreme Court has set down the principle that "certain forms of conduct mixed with speech may be regulated or prohibited." There should be no doubt that one of these "forms of conduct" would be the contemptuous desecration of the symbol of our national purpose. We should note that none of the 50 State laws dealing with this subject have been struck down by the courts on the basis that they somehow violate the freedoms granted by the Bill of Rights and the 14th amendment.

As pointed out in the committee report, the bill does not prescribe orthodox conduct or require affirmative action. The bill does not prohibit speech, the communication of ideas, or political dissent or protest. The bill does prohibit public acts of physical dishonor or destruction of the flag of the United States in intentional and willful, not accidental or inadvertent actions.

This measure does nothing to pass judgment on the propriety of the flag-burner's purpose. It merely protects the right of our Nation to proscribe the willful public destruction of its flag regardless of the temporary circumstances or policies which led to such an act of protest. The act of desecrating the emblem of our national character is much more than a protest against any particular administration or policy. The penalties provided in this bill are the same for those violators who act as a protest against our current policies in Southeast Asia as for those who might act to protest hot weather.

Thus it must be remembered that this bill does not represent any unusual or unfair restraints upon our citizens. Like all of our criminal laws, the violators will have recourse in the courts.

Mr. Chairman, except to prohibit contemptuous desecration of the flag of the United States, this bill does not prevent political dissent or criticism in any way. It is narrowly drawn to regulate a limited form of action. It does nothing to stifle dissent against any of our Government's policies and actions, including this bill.

Due to the unfortunate necessity for such legislation, I will support this bill today, and I urge my colleagues on both sides of the aisle to join in strong nonpartisan support for the protection of the American flag.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may use to the gentleman from New York [Mr. KING].

Mr. KING of New York. Mr. Chairman, I wish to express my wholehearted support of this proposal to prohibit desecration of the American flag. I also wish to commend the distinguished chairman of the subcommittee, the gentleman from Colorado, for the time and attention he has given to this measure both in committee and on the floor of the House today.

Mr. Chairman, I have introduced H.R. 8955, a similar bill to the proposal we are considering today because I felt it has become increasingly apparent that there is a real need for uniform law, applicable equally in every State, to protect the integrity of our national flag.

The American flag has always been a symbol of liberty. The Stars and Stripes are known to millions of Americans, and even millions of enslaved men of other lands, as "Old Glory." It has witnessed a great history and American boys are once again struggling for freedom in Vietnam just as we did in World War I, World War II and in the Korean conflict.

Yet, there are thoughtless and heartless men who glory in the sanctuary of freedom and personal rights of this great Nation without the slightest concern for their duty and responsibility to that Nation. We hear outlandish protests against serving in the United States Army. We hear young people debating the importance of our national flag insisting that it is merely a symbol and nothing more. Most of us would not have thought it possible that the symbol of the United States should be openly scorned, mutilated, spat upon or burned. But that is exactly what has happened recently. It is not a piece of cloth that has been and is being desecrated, but the flag and symbol of a country that has made freedom a way of life.

I have received many letters from constituents supporting this legislation and decrying the desecration of the flag of the United States. Among these are letters from servicemen in Vietnam who have read that the people in America are demonstrating against their being there by burning and mutilating the flag of our country.

It is an unfortunate oversight that Congress has never seen fit to pass legislation making such act a Federal offense to desecrate the flag of the United States. The legislation we are considering today corrects this oversight and it is my hope that the measure will be overwhelmingly approved by the House.

Mr. McCULLOCH. Mr. Chairman, I now yield 5 minutes to the gentleman from California [Mr. WIGGINS].

Mr. WIGGINS. Mr. Chairman, my purpose in taking this time is only to discuss briefly with the Committee, and for the benefit of the history of this bill, its constitutionality.

Whatever we do here today will at some subsequent time face the scrutiny of a court and the challenge that it violates the first amendment of the Constitution.

The basic arguments against its constitutionality are easily stated:

First. Congress shall make no law abridging freedom of speech.

Second. The physical act of desecration of our flag is done solely for the purpose of dramatizing disagreement with a governmental policy. It is this action which some believe speaks louder than words. It is "symbolic speech."

Third. Without question, symbolic speech—just as printed or spoken words—is subject to constitutional protection. Since the bill under consideration punishes symbolic speech, the dissenters contend, it does violence to the first amendment and is therefore unconstitutional.

I confess that the argument has some merit, and many distinguished legal scholars have urged that argument upon your committee.

Most probably, however, the argument is wrong.

At the outset, this Committee should not delude itself—should not find comfort in the statement contained in the committee report—that this "bill does not prohibit speech." Quite to the contrary, it does place a restraint on "speech" as that word has been broadly defined by the courts.

But the recognition that speech is prohibited surely does not end the constitutional inquiry. Many forms of speech—or conduct in lieu of speech—are constitutionally prohibited.

Examples are legion, but let me mention only a few which touch upon political dissent.

Some in this Chamber may recall that shots were fired here some years ago. The offenders had no particular malice toward the wounded Members. Their act of shooting from the gallery "as a means of dramatizing a political viewpoint."

Presidents have been shot and killed by dissenters. Again, the purpose of the assassin was to convey an idea. The physical act was merely a vehicle to dramatize that idea.

Lady Godiva, it is said, rode down the streets of Coventry on horseback clad only in a smile. Her purpose, we are told, was not to exercise the horse or to bask in the sun. Her purpose was to express by deed, rather than words, her disagreement with governmental policies.

There are other examples. The dissenter may set fire to himself, rather than the flag, for instance, or conduct a sit-in in a public passageway.

In each of the cases where the conduct is prohibited—and constitutionally so—there is a thread of consistency.

Congress may regulate and even prohibit speech—and to a greater extent, conduct symbolic of speech—if there is a good and sufficient reason for it.

This principle has been repeatedly recognized by the courts and has been expressed in a variety of ways.

There must be some "substantive evil"—one court has said—and the "clear and present danger" that evil consequences will result unless arrested by legislation.

There is a judicial "balancing"—other courts have suggested—between the freedom to say anything at any place and at any time and the consequences which are apt to flow from such freedom. If the individual and societal rights exceed that of the speaker, the scales tip in favor of regulation or prohibition.

But who decides what is "evil"? Or whether society has an overriding need to limit individual speech?

In the first instance, it is surely the Congress—subject, of course, to later review by the judicial branch.

Let me review for the Members a few of the "substantive evils" which your legislative committee found to exist. These findings are fully supported in the testimony offered before the committee.

First. The public act of desecration of our flag outrages and shocks the sensibilities of millions of Americans. And after all, was Lady Godiva guilty of any greater misconduct than shocking the sensibilities of the inhabitants of Coventry?

Second. The public act of desecration of our flag is apt to produce a civil disturbance, in which not only the dissenter but also the person and property of others are exposed to an unreasonable risk of harm; and after all, the regulation of parades and sit-ins is no more than a legitimate effort to insure order and to protect life and property.

Third. The public act of desecration of our flag tends to undermine the morale of American troops. That this finding is true can be attested to by many Members who have received correspondence from servicemen expressing their shock and disgust of such conduct.

Do not our colleagues who authored the minority views recognize that the protection of the morale of our troops is a proper subject of legislative concern? Read page 20 of the report. That Congress may act in one fashion on this subject does not constitutionally bar it from doing so in another way.

Mr. Chairman, there are substantive evils, and according to the witnesses, there is a clear and present danger of their occurrence unless prohibited by the passage of this bill.

I invite the Members to read the minority report with care. There is no refutation of the existence of the evils I have mentioned—only that the price of suppression of dissent is too high.

No one can predict with certainty the majority view of the court if the constitutionality of any bill is attacked. But, subject to that uncertainty, this bill is most probably constitutional and should be supported.

Mr. McCULLOCH. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Virginia [Mr. POFF].

Mr. POFF. Mr. Chairman, perhaps the most eloquent commentary on the legislation that we are considering today is that it has become necessary. It has been unnecessary now for nearly two centuries. Eighty-nine Congresses have assembled and adjourned—without finding the need to enact the bill we are debating today. This, I think, is something of a testimonial to the patriotism of our fathers. It is also, I believe, an awful indictment of the character of our present generation.

Your committee, Mr. Chairman, heard stark evidence of the need for this legislation. Witnesses told tales of contemptuous conduct, wholly beyond the pale of protest. Photographs were submitted which pictured the flag in a posture of obscenity which the propriety of this debate will not permit me to describe. Misuse and abuse were documented.

Mr. Chairman, the evidence is conclusive. The need for legislation is urgent. The dignity of the Government requires it. The people demand it.

The bill, Mr. Chairman, follows a moderate course. It condemns conduct. It does not proscribe speech in any particular. All States have flag desecration statutes. Most penalize both speech and conduct contemptuous of the flag. So does the statute of the District of Columbia. Nearly all of the bills introduced and considered by this committee had similar provisions. Yet, wanting as best we could to protect this legislation against constitutional attack we have confined the reaching of the bill to physical acts of conduct.

Yes, Mr. Chairman, a new doctrine is gaining some support in certain sophisticated legal circles. I refer to the doctrine of symbolic speech. This doctrine holds that acts in protest are not acts at all, but symbols of speech, and as such are protected by the free speech clause of the first amendment of the Constitution.

So far as this legislation is concerned, and without commenting upon the propriety and applicability of that doctrine in other areas, so far as this legislation is concerned, Mr. Chairman, the free speech guarantee does not protect the act of burning the flag. The application of that doctrine in this context is sheer sophistry. If flag burning is the equivalent of a simple protest against the policies of government, then I suggest that espionage is the equivalent of a verbal protest against the American way of life.

The bill is not only moderate in its definition of the offense; it is moderate also in the penalty it imposes; it takes the middle course.

Some say that the penalty is too great because it is larger than the penalties imposed by the statutes of their States. Others will say the penalty is too small because it is less than the penalty imposed for burning a draft card. I suppose it is never possible to fix with any degree of exactitude the equation between the offense and the penalty. All that can reasonably be done is to establish guidelines, and there are only two such guidelines. First, the penalty should be high enough to deter the commission of the crime, but it should be small enough not to frustrate conviction of the crime.

I submit, Mr. Chairman, that the penalty structure which the committee chose after very careful deliberation follows those guidelines, and serves those two functions.

Mr. Chairman, the bill as it reaches the floor of the House is careful to preserve all of the statutes of all of the 50 States. As the Members of the body will understand, under the supremacy clause of the Constitution, Congress is taken to have preempted the legislative field it enters unless a contrary intent appears. Such a contrary intent does appear, and is most carefully drawn, in what will be section 700(c) of title 18 of the Code. Congress intends that in the field of flag desecration there shall be concurrent Federal-State jurisdiction. In some cases State authorities may be best situated to investigate and to prosecute offenses. In all cases, however, concurrent jurisdiction makes available the investigative expertise of the Federal authority which reaches across State lines.

Some question was raised during the committee deliberations about the extraterritorial application of the bill. Under the decision of the Supreme Court in the case of United States against Bowman, Federal criminal statutes apply to acts of U.S. citizens committed on foreign soil when those acts affect the welfare of the Nation.

The witness for the Department of Justice agreed that the statute, even without specific language, would have that extraterritorial impact.

Mr. Chairman, the opposition to this legislation is, as has been demonstrated, small but intense. I would not presume to judge those who rise to oppose it. They have their convictions, and their own responsibilities. As an advocate, I have mine. There is no need in this debate to talk either of treason or of jingoism. Let us talk, rather, of the law and the citizens' rights and obligations under the law.

Mr. Chairman, I urge the adoption—the prompt adoption—of this legislation.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. RIVERS].

Mr. RIVERS. Mr. Chairman, it is seldom I ever occupy this well other than to speak on bills emanating from our own committee.

But, I, too, am one of the coauthors of many bills that have been introduced on this subject. The bill that I introduced among other things would have provided a penalty of $10,000 or 5 years in jail, or both.

I have mentioned that for this reason. We talk about freedom of speech. It was Oliver Wendell Holmes who said that you cannot holler fire in a theater.

You have to exercise judgment and responsibility. Now why do I say this? We just passed a bill here where the cold arm of the Federal law can take your beloved sons and send them away to war and unequivocal death.

Now if we can do this—and there are those who do not think we should; 29 of them voted against the last bill, for varying reasons—if we can do this, then we can tell a man who wants to burn and defile the American flag—you shall not do this with impunity. Oh, they say it is symbolic of the expression of freedom of speech within the intent of the first amendment to the Constitution.

This is so ridiculous—it is ridiculous—if you catch the point.

Now, if I may address my colleagues on the other side of the aisle. This kind of thing is extending and lengthening the war in Vietnam. In Vietnam, because the French had those people under subjugation for years, more than I care to count, the outlook is similar to some place in Europe. They tend to overemphasize the importance of the public demonstrations.

When people burn flags in the street, and when people riot in howling mobs in the street, and when people burn their draft cards in the street, it gives hope to the Hanoi government that this Government may fall.

I say to you, we can legislate against the draft-card burners—and I am the author of that act. I could not get certain people in the Department of Justice to help me on the bill so I had to write it myself and I am batting 500 percent. One court said it was constitutional and the other said it was not. But we will see who is right.

Let me say this to you. Let us pass this law today and make it unequivocal. The penalty is not strong enough. But, let us speak to these people in language they understand and that language is unequivocal and positive retribution as the reward for their dastardly and cowardly acts.

My friend, the gentleman from North Carolina [Mr. WHITENER] can talk to you about presumptive evidence, maliciousness, wantonness, and that sort of thing, and he can do so with a master's voice. On this he speaks for me. I yield to no one in my feelings or my knowledge as to what is presumptive maliciousness, and that is what this is.

I say to you that we send these boys to Vietnam and all over the world, and we have unilateral and bilateral treaties under which the President of the United States can pick up any draftee or enlistee and send him anywhere he pleases. We must protect him. You cannot chop off, cut the heart out of his motivation; you cannot defend the dedication of your fightingmen if you do not deal with these buzzards at home that are desecrating the very symbol of the ensign of your country.

Once a 17-year-old boy penned these words:

To those who top the white mists of morning
Those who sail before the world's awake
To gather up their foemen to them
And spurning the thin dawn's rest
Then weary folk might take
Those who left other mouths to tell their story
Of high blue battles
Those quite young limbs that bled
How they thundered up the clouds to glory
Or fallen on a foreign field stained red—

He asked this question—

Have these who make your fevered pulse run slowly
Whose stern remembered image cools your brow
To the far dawn of victory mean only earth's stillness and Valhalla's silence now.

—JOHN MCGEE.

This flag meant something to them. It means something to me. Let us make it mean something to those who would defile and destroy its image forever. Nothing is too strong for them. Let us pass this bill and get along with our business.

Mr. McCULLOCH. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. SCHADEBERG].

Mr. SCHADEBERG. Mr. Chairman, I rise in support of this legislation.

I am not unaware of the fact that the mere passing of a bill and having that bill signed into law by the President does not and, indeed, cannot instill respect for country in those who desecrate our flag—symbol of our national home and of our national dream of peace through freedom. We cannot legislate respect for law; respect for parents; respect for justice; respect for decency nor respect for our Nation and its flag. Such respect must be instilled in the hearts of our people by teaching and example—teaching beginning in the home and reaching out through the church and the school and example on the part of parents, clergymen, teachers, officeholders and those to whom the institutions of our governmental authority are entrusted.

As I view our activities, what we are doing here today is merely trying to undo the damage caused by the shortsightedness, ignorance, indifference and callousness of generations past—generations which meant no harm to our country, and I say our country because this is their country as well as mine, but who lacked the vision to see beyond the horizon of their own limited worlds, their own lack of faith in God, their own selfish desire to be free to do as they pleased without regard to the guarantee to others to be able to continue to do as they desired. We are desperately trying to contain a social disease which we permitted to spread because that disease was not one which affected us personally at the time. This legislation is the salve we would place on an open sore. It is not the cure. This legislation does not go to the root of the trouble which has made necessary this legislation. It addresses itself only to the effect of the responsibility we have as citizens to instill respect for those symbols of our great hope. We can hope to achieve by this legislation only to discourage outward acts of disrespect for our flag. Surely, we cannot be so naive that we actually believe that we can change what lies in the inner recesses of man's mind and heart.

Too often this House has acted on social legislation in the vain hope that we could legislate the means by which the ills of society could be cured only to discover after placing thousands on the Federal payroll and spending literally billions of dollars we have not only failed to solve the problems but actually created new and more difficult ones. We act as if money is the answer to the fulfillment of the dreams of men and women, not only here in our land but abroad as well, as if people only had their physical wants—not just needs but wants—satisfied, we would come to the blissful state of Utopia and all children would be smiling and all adults would find happiness.

I include at this point a fitting poem:

A Fence or an Ambulance

"'Twas a dangerous cliff, as they freely confessed,
Though to walk near its crest was so pleasant;
But over its terrible edge there had slipped
A duke and full many a peasant.
So the people said something would have to be done,
But their projects did not at all tally;
Some said, "Put a fence around the edge of the cliff,"
Some, "An ambulance down in the valley."

But the cry for the ambulance carried the day,
For it spread through the neighboring city;
A fence may be useful or not, it is true,
But each heart became brimful of pity
For those who slipped over that dangerous cliff;
And the dwellers in highway and alley
Gave pounds or gave pence, not to put up a fence,
But an ambulance down in the valley.

"For the cliff is all right, if you're careful," they said,
"And, if folks even slip and are dropping,
It isn't the slipping that hurts them so much,
As the shock down below when they're stopping."
So day after day, as these mishaps occurred,
Quick forth would these rescuers sally
To pick up the victims who fell off the cliff,
With their ambulance down in the valley.

Then an old sage remarked: "It's a marvel to me
That people give far more attention
To repairing results than to stopping the cause,
When they'd much better aim at prevention.
Let us stop at its source all this mischief," cried he,
"Come, neighbors and friends, let us rally;
If the cliff we will fence we might almost dispense
With the ambulance down in the valley.

"Oh, he's a fanatic," the others rejoined
"Dispense with the ambulance? Never!
He'd dispense with all charities, too, if he could;
No! No! We'll support them forever.
Aren't we picking up folks just as fast as they fall?
And shall this man dictate to us? Shall he?
Why should people of sense stop to put up a fence,
While the ambulance works in the valley?"

But a sensible few, who are practical too,
Will not bear with such nonsense much longer;
They believe that prevention is better than cure,
And their party will soon be the stronger.
Encourage them then, with your purse, voice, and pen,
And while other philanthropists dally,
They will scorn all pretense and put up a stout fence
On the cliff that hangs over the valley.

Mr. Chairman, we have been buying bureaucratic ambulances in increasing numbers, at increasing prices, to pick up the unfortunate victims of those who have fallen over the dangerous cliffs into the abyss of poverty and joblessness and disease and ignorance and war but we have failed to build the stout fences at the edge of the cliffs which could prevent them from falling, preferring, it seems, to enjoy the political glamour and business and vain appearances of doing something for the unfortunate victims, preferring to build the illusion that the good guys are in the white robes and white hats, and then we have the unmitigated gall, after our failure to prevent disaster visiting them, to hand them the bill not only for the ambulances but the hospital stay as well.

While this legislation has become necessary because of our neglect and delay in building the fences to prevent the disasterous damage that is being done to our national image, just as social legislation becomes necessary when we fail to build the necessary fences to prevent our citizens from falling into the chasm of economic and social chaos, I point to this fact: this must be only the beginning. We must retrace our steps and if we will undo some of the damage we have done in passing some of our unrealistic legislation and close the loopholes through which the Supreme Court by its expedient interpretations have brought many to this brink of disrespect and this Nation to the edge of violence and chaos, then, I am convinced, we will discover that in the due course of time legislation of this type will be unneeded.

We tore down the fence of reference to God in our schools, insisting that God belonged only in the temples and sanctuaries in our churches and the result has been an increasing disrespect for authority of any kind, and a breakdown in general morality. We have torn down the fence of the practice of pledging allegiance to the flag by discouraging the regular use of the pledge in the school classroom and we are reaping the harvest of broken loyalty.

We took down the fence of requiring loyalty oaths and then found ourselves bound by the recent decision by the Supreme Court to deny the board of school authorities the right to prevent Communists from teaching our children in schools, and now we must buy, not an ambulance but a paddy wagon to pick up those who slip over the cliff of treason and disloyalty to our country by desecrating our flag.

We removed the fence around the cliff of treason by permitting lawlessness to go unpunished because not individuals but society was responsible—but, ladies and gentlemen, not society but individuals desecrated the flag.

Some of our church leaders have insisted that it is the Christian's responsibility to obey only those laws he individually can accept and to disregard those laws he does not like, and those who are so taught are encouraged to do so out on the streets. There is room for an honest difference of opinion but our people, citizens of this Nation under God, ought not be on the streets demonstrating against their fellow men. They belong on their knees, praying to the God of love for their redemption. We should not be concentrating on the hatred of man against man but emphasizing the love of God for all.

This legislation, as the legislation which will follow, known as the antiriot legislation, is necessary because we have failed to build fences along the cliffs that hang over the valleys of treason and riotousness and have removed some of the traditional protective fences that have kept our citizens from tragedy.

We should pass the legislation—a necessary job to be done—but let us not leave undone the greater responsibility of building the fences that could prevent people from coming under the judgment of these laws.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. SIKES].

Mr. SIKES. Mr. Chairman, I rise in support of the bill making it a Federal offense to desecrate the American flag. Its passage is essential. For years we had no serious problem in our Nation with incidents involving desecration of the flag. Americans showed their patriotism by upholding and protecting it and there were few of its detractors who were sufficiently bold to express themselves openly. Consequently, there was no Federal legislation designed to cope with the problem of desecration of the flag. Each of the States dealt with it in their own way. Now a strange new breed has arisen among us. They accept this Nation's blessings but scorn its traditions and conventions and they work, knowingly or unknowingly, for its destruction. They have found that they can gain an audience and a following by desecrating the flag. In the general softness toward crime and criminals which pervades our Nation, there are few local officials sufficiently bold and courageous to protest these actions. Therefore, most of us believe it necessary to enact a Federal law to deal with the problem. We have no guarantee that such a law will be upheld, but I am confident that the Department of Justice will recognize its responsibility to the Nation and its people in this field.

Throughout the course of history, empires, nations, and men have risen to power and then disappeared, to be remembered only in the dry pages of lengthy textbooks. Kings and tyrants, emperors and generals, have in the main made relatively little impact on the future of the world.

But then, in 1776, one small group of determined men declared their freedom from colonialism and tyranny, with a blow that was to alter forever the course of events. They began a struggle that would culminate in a nation founded on the principles of individual liberty, justice, and equality. The heritage they generated would result in the growth of the most powerful country and ideas on earth. In the 180 years that the United States of America has been in existence, its Government has constantly striven for peace, for self-determination, and for freedom.

All this history, all these ideals, are bound up in one unified symbol of our national spirit—the representation of our integrity, our heritage, our honor—the flag. That one small rectangle of cloth, proudly displayed from coast to coast, has come to be the emblem of this country. The American flag is a collection of symbols which are combined to illustrate our national goals, our pride in country, and the great price which has been paid for this great land.

It is because of the importance of the flag, because of the accomplishments and concepts for which it stands, that many of us have introduced bills in this session of Congress, to correct an unfortunate and disgraceful trend of events.

At the same time that millions of schoolchildren stand by their desks, with their hands over their hearts, and recite the pledge of allegiance, at the same time that this flag represents America in major cities all over the globe, and at the same time that American men are dying halfway round the world under that same flag, there are some few who think that they can defile and degrade all that America and our banner stand for. The men who are dying today in Vietnam, just as they died in Korea, Europe, and the Pacific areas in times past, are doing so because they understand that the red, white, and blue colors represent a land whose people enjoy more privileges and freedoms than any other people in the world. Persons who would desecrate our flag may challenge the belief that this is a free land, but let them try to prove that any other nation would have allowed them such latitude or suffered their insults for so long.

It is time for our Nation to declare that we are serious about our belief in freedom, and our defense against the forces of tyranny. To emphasize this, we should make desecration and destruction of our flag in the United States punishable by a prison term or fine, or both. Such stiffening of our resolve to protect the sanctity of our flag will make many irresponsible demonstrators pause and think about the full consequences of their actions. It will demonstrate our loyalty to the proud history and heritage that is ours.

Unless we take such action, we are relegating ourselves to a second-rate role on the field of honor. We shall be destroying the meaning of the pledge of allegiance, of the national anthem, and of the very flag itself. It will come to be no more than an object of ridicule and scorn, mockery and derision.

Mr. Chairman, we must insure that the flag seen flying so courageously over Fort McHenry by Francis Scott Key, the flag raised so proudly by a brave handful of marines on Iwo Jima, is the same flag that today adorns the flagpoles of thousands of patriotic Americans. I, therefore, strongly urge that my colleagues join me in unanimous support of this most important measure.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. SELDEN].

Mr. SELDEN. Mr. Chairman, I rise in support of H.R. 10480, which I had the privilege to coauthor, and I would like to take this opportunity to commend the gentleman from Colorado [Mr. ROGERS] and each member of the subcommittee for their thorough and expeditious consideration of this vitally needed legislation.

The people of America are dismayed and angry, Mr. Chairman—and rightfully so—when they see the symbol of their Nation being publicly burned, torn, spat upon, and trampled upon by irresponsible elements under the guise of "the right to dissent." Who would believe that in 1967 the Congress of the United States would find it necessary to pass legislation to protect the American flag from Americans? How many Americans who fought and died defending the Stars and Stripes would have believed that the day would come when some citizens would actually put a torch to the symbol of our Nation?

One of our most cherished rights, established by our Founding Fathers and guaranteed by the Constitution, is the right to disagree with any policy or official of our Government. But the right to dissent from particular policies or with particular individuals was never intended to sanction the mutilation or defiling of the very institutions of our Nation upon which all our freedoms rest. The right to protest is a part of our heritage, but the desecration of our flag represents a destruction of a symbol that belongs to all our citizens.

Mr. Chairman, the burning or other mutilating of our Nation's flag bears no resemblance to the right of dissent, and the legislation we are considering in no way infringes upon the exercise of free expression. Thus, in my opinion, those who argue that the passage of this legislation will represent an invasion on first amendment freedoms are mistaken.

Every freedom has a corresponding responsibility. Therefore, freedom of the press is not freedom to libel, and freedom to assemble is not freedom to riot.

Whenever good judgment is omitted in the exercise of freedom, it becomes license to abuse the freedom of others.

I am aware, of course, that all 50 States have some kind of statute prohibiting desecration of our national flag, but the range of penalties provided in these laws is wide. Consequently, they have been ineffective in preventing these acts. Our flag is a national symbol, and national legislation is needed to protect it.

Mr. Chairman, I am pleased to be a cosponsor of H.R. 10480, the measure we are considering today. This legislation deals only with the physical act of burning, defacing, mutilating or otherwise defiling the flag of the United States and makes either of these actions punishable by a year's imprisonment, a $1,000 fine, or both.

A great majority of the measures introduced contain language which would have punished those who "cast contempt, either by word or act" upon our flag, and I certainly agree with the purpose of this language. However, it is likely that a statute this broad would not be upheld by the present judiciary. There is, however, little doubt that the provisions of H.R. 10480 will meet a constitutional test.

Mr. Chairman, those who oppose this legislation would be wise to read carefully the Supreme Court decision in the case Adderly against Florida, in which the Court, rejecting a first amendment argument as a defense for a civil rights demonstration, stated:

> Such an argument has as its major unarticulated premise the assumption that people who want to propagandize protests or views have a constitutional right to do so whenever and however and wherever they please. That concept of constitutional law was vigorously and forthrightly rejected in two of the cases petitioners rely on * * *. We reject it again.

Mr. Chairman, the Stars and Stripes has been our flag since June 14, 1777. From that time it has been the symbol of our Nation, our freedoms, and our heritage. It reflects and represents all that the United States stands for. Those who desecrate our flag disgrace the Nation itself and make a grotesque mockery of the sacrifice of those Americans who have fought and died to build our free society and keep it free.

Mr. Chairman, I respectfully urge that the House give favorable consideration to this legislation which will punish those who willfully and maliciously desecrate the flag of the United States and thereby abuse the institutions and the symbol of American freedom.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. EDWARDS].

Mr. EDWARDS of Louisiana. Mr. Chairman, I offered a bill, H.R. 9472 on this same subject, and the only difference between my bill and the one under consideration was that mine provided for more severe penalties. However, I yield to the wisdom of the committee on the question of penalties. I urge the passage of this bill.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may require to the gentleman from Louisiana [Mr. WAGGONNER].

Mr. WAGGONNER. Mr. Chairman, a number of people have spoken at length here in support of this legislation this afternoon. I have only one thing to say about it. I am for it, and I do not see how anybody can be against it and still profess to be loyal Americans.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. ECKHARDT].

Mr. ECKHARDT. Mr. Chairman, as the Attorney General stated in his letter to the chairman of the House Judiciary Committee, analyzing legal and constitutional aspects of this bill:

> The real tragedy when the flag is willfully burned is not the loss of the flag, but the fact that there are those among us, however few, who have so little love for

> country or confidence in its purpose, or are otherwise so thoughtless and insensitive, that they want to burn the flag.

I agree that this is a sad situation and, if there is a reasonable and effective remedy, it should be undertaken. But as the Attorney General also said:

> Our national strength depends on the strength of State and local governments and their devotion to the Union. We have survived the test of 179 years with ever-increasing strength. Each of the States, like the District of Columbia, has laws prescribing criminal penalties for desecration of the flag.

As he pointed out, we are a federal system, and until this time a general Federal law has not been found necessary.

Ideally, we would look to the States for effective enforcement of their laws against such local conduct.

Is Federal legislation, in a field in which all the States have legislated, a reasonable and effective remedy? I think not, for the following reasons:

To enact Federal laws means to enlarge the Federal police function.

It always surprises me that those who call themselves conservatives are so often willing to be stampeded into unprecedented Federal action, limiting individual freedom, so long as the object of the legislation is stated to be the preservation of orthodoxy. They "throw away tradition" to preserve "respect and ceremonious duty."

If the public burning of a flag or a cross or a Star of David is thought by a State legislature to be conducive to a breach of the peace, then this is a matter involving the police power of the State. The fact that the object is the U.S. flag, and not, say, the Confederate flag or an emblem of religion, does not make the act a Federal matter. The only justification for invoking the police power is to protect the peace—not to prevent a symbolic act because it is merely violently at variance with public opinion.

The only characteristically Federal aspect of the offense is in its symbolic nature. If the aspect of flag burning sought to be prohibited is symbolic, then the prohibition is a restraint upon freedom of speech and is in violation of the first amendment.

Words which are so inflammatory as to trigger violence are punishable for that reason, but they are not punishable because of their thought content, no matter how offensive. The same is true of acts which are symbolic, like the burning of the flag of the United States.

We are familiar in law with crimes against persons or against property. But "the crime against a symbol" is unknown to our law, and it always will be so long as the first amendment guides and curbs it. For instance, the iconoclast may not destroy the idol if it is the property of another, or if its public destruction will trigger a riot. But he cannot be prohibited because it is an idol.

Law is a very limited instrument to bring about good manners and wholesome sentiments; and, when applied toward this end, law frequently transforms an act of bad manners, bad taste and disrespect into a symbol of martyrdom. Nearly all of us 200 million Americans are against the bad taste and disrespect exemplified by flag burning and are therefore strongly opposed to the flag burners. But when their act is made illegal because of its symbolic aspect, many of us must rally to the defense of a constitutional principle and thus find ourselves supporting the right to express, even distastefully, an opinion which we abhor.

I do not think the mere handful with so little love for country or confidence in its purpose as to defile the flag is likely to grow to dangerous proportions.

Then as the Attorney General said:

> Their conduct would be a matter of deepest concern which all history shows a statute cannot resolve.

But the error of associating those who defend the right of free expression with the expression itself is an error which can be fanned into a great flame. The history of the McCarthy era confirms this, and the point will be proved again today when many Members, who in their hearts oppose this legislation, will yet vote for it for fear of being branded friends of the flag burners.

I am not so timid nor so lacking in confidence in my country's claim to respect as to yield to this pressure.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. PATMAN].

Mr. PATMAN. Mr. Chairman, I just want to be recorded in favor of the bill. I expect to vote for it and I congratulate the committee on bringing out such a good bill.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. RANDALL].

Mr. RANDALL. Mr. Chairman, I strongly urge the passage of the bill, H.R. 10480. I find it impossible to understand the reasoning of those who oppose the bill today.

The bill I authored, H.R. 9685, was a departure from the other bills introduced in that my bill amended the existing District of Columbia legislation. The purpose of my approach was to express the intent that our bill did not prevent any State, the District of Columbia, or any of our territories from exercising their jurisdiction in the field of flag desecration.

On May 17, 1967, I appeared before the Subcommittee No. 4 of the Committee on the Judiciary to testify in behalf of my bill, expressing the hope to pass a measure, which would be both practical and operative.

During those hearings, I tried to emphasize we were not seeking to do away with the right of dissent but that desecration of the flag is something beyond dissent. We pointed out our flag is the symbol of the entire Nation, and those who desecrate the flag are not merely engaging in dissent but injuring the entire Nation. Such a distinction from ordinary dissent was emphasized.

We discussed the proposal for a $1,000 fine and a 1-year term in jail rather than more exaggerated provisions of other bills because we hoped the measure could be effective, and hopefully, a prosecutor or a district attorney would file more charges for violation than they would with more severe and unreasonable penalties. We emphasized our bill would not encroach upon the rights of the States to enact additional or separate legislation.

Now, Mr. Chairman, there is almost no limit to the comment that could be made in support of this bill before us today. Here we are on Tuesday, 20th of June, nearly a week after June 14, the birthday of our flag. For some strange reason we could not pass this bill on Flag Day. When an effort was made to calendar this measure for June 14 some expressed the fear that the critics or opponents of this bill would use Flag Day as an occasion to speak out against the bill including its necessity and even its purpose.

Maybe there were good reasons for omitting to place this bill on the calendar for consideration on Flag Day. I do not know. But I for one deplore the decision which was made to postpone its consideration until today. Over this past weekend when I was in our congressional district, all our Kansas City television stations in their editorials and our principal newspapers on their editorial pages deplored our timidity to consider the flag desecration bill on Flag Day.

Now let us consider the important question of the need for a Federal statute prohibiting the desecration of our flag. In this regard, I am reminded of an incident related by the gentleman from Indiana [Mr. ROUDEBUSH], who told of a leftist agitator from Chicago who came to the campus of Purdue University at the invitation of a leftwing organization. After he had ripped our flag apart, spat on it, stomped on it, he left for Chicago and could not be extradited even though he would be subject to an Indiana misdemeanor charge. Similar incidents have occurred in all of our States. The passage of this bill would give our law enforcement officials throughout the Nation, basic universal standards to use in such incidents and extradition would not be a problem.

The gentleman from Indiana [Mr. ROUDEBUSH], a former national commander of VFW, is to be commended for his efforts in the 89th Congress as well as the 90th Congress. I was one of about 150 Members who signed the discharge petition last year when that bill was bottled up when the subcommittee to which it had been assigned repeatedly ignored requests for hearings. Although a majority of the House sympathized with that legislation, as always they were reluctant to use the discharge petition method to get the bill before the House.

We do have a grand old flag. It is so disheartening when some few see fit to paraphrase this expression and refer to it as a grand old rag. True it may be just several pieces of cloth sewed together. But when a thoughtful person sees our flag he sees it as the symbol of our Nation. Our flag stands for the Government, the principles, truths, and the history that belong to the Nation behind that flag. Our flag has always been a symbol of liberty, which Henry Ward Beecher beautifully described as—

> The stars upon it are like the bright morning stars of God, and the stripes upon it are like the bright morning beams of light.

It is saddening and even sickening to hear some who protest against serving in the Armed Forces, who insist our flag is merely a piece of colored cloth and nothing else.

In the armed services of our country the flag never touches the ground. Military regulations for about 100 years have provided about the only law or regulations for display of the American flag. For the ordinary individual civilian, respect for the flag up until now has been a moral act of conscience rather than a legal obligation. Back in 1917 there was an enactment that made it unlawful to "desecrate, mutilate, or improperly use" the flag, but this was interpreted to apply to only the military, because in 1918 a similar act called for the dismissal of "any employee or official of the Government who criticizes violently or abuses the American flag." The bill we consider today will be a clear enactment that will prohibit the desecration of the flag by all, civilians as well as military personnel.

America's most gifted poets and orators have vied with each other in setting forth the significance of the red, white, and blue. Ours is no insignia of imperial authority, as has been true of the other nations of the world. Instead, our flag is the symbol of liberty and wherever it goes it carries the message of inspiration and hope to all mankind.

Why is it we pay such tribute and such honor to this piece of cloth we call our flag? It is because it is the emblem of our unity, our power, of the purposes of our Nation. A thoughtful man, when he looks at the Star-Spangled Banner, sees not only a flag but the Nation itself.

In reading the report, I note that in one of the separate views it is said that this measure "is a warning sign in the life of our Republic." I fully agree, but for reasons very different from the author of that statement of separate views. That member goes on to say that those who burn the flag are doing it in despair over this country's policies and because of their particular love of country which they feel is oppressed by these policies. The reaction of any responsible person to a statement of this kind should be expressed in such words as tommyrot, baloney, pure hogwash.

Elsewhere in the report it is noted that those who burn our flag will surely find other means to dramatize their opposition to Vietnam, the draft, and racial imbalance. Those who reach this conclusion are probably right. The Martin Luther King's and others who have tried to associate Vietnam with racial unrest will continue to press the use of any device to dramatize their protest.

Elsewhere among the separate views expressed in the report it is suggested the bill provides only empty rhetorical ammunition for the flag wavers. How can anyone say there is anything wrong or evil about the flag waving as long as it is done with respect and sincerity?

Then there are those who are concerned about the passage of this bill lest it will provide martyrdom for the flag burners. Martyrs? How can these dirty, unwashed, unshaven beatniks and peaceniks possibly ever become martyrs?

It has been frequently observed we are living today in strange and troubling times. I am not sure what is happening in our country. When I attended elementary school we marched upstairs each morning and again each day at noon to music produced by an old phonograph playing the "Washington Post March" and once in awhile the "El Capitan" march. Every morning we recited the Pledge of Allegiance to the flag. What a far cry it is from this day when Members of Congress suggest that a proposal to prohibit desecration of the flag is just an expression of war hysteria growing out of a state of emotion and that really this measure is both immaterial and irrelevant.

It would be most difficult to predict the number of Members that will oppose this bill, but I suppose there will be about the same number as have opposed the appropriations for Vietnam. In the congressional district it is my privilege to represent, a vote against a bill with the purpose to provide penalties for the desecration of our flag would leave a Member in such an untenable position as to make it futile for him to even file to succeed himself in office.

Every Congressman knows best the temper of his own congressional district, certainly better than anyone else. If those who oppose this measure today do so to display the courage of their convictions, we should all hope and pray that if such a course is condoned and forgiven by their constituents, there are few such areas in this country and many times more districts whose constituents would refuse their Member the right to retain his seat if he failed to wholeheartedly support a bill which has for its only purpose to prohibit the desecration of our flag.

Frequently the comic strips are referred to as funny papers. Far too infrequently is recognition given to the fact the men who draw these pictures are really editorialists of the first order. On last Wednesday, June 14, Flag Day, Harold Gray who illustrates "Little Orphan Annie" showed how some red-blooded American citizens, not by birth but by naturalization, rose up in righteous indignation against some unwashed flag burners and proceeded to beat rather badly those engaged in so-called peace marches while claiming their right to dissent. These naturalized Americans as patriotic bystanders defended our Nation's flag against what they described as unclean vermin.

Then on the following day, Thursday, June 15, this same editorialist, Harold Gray pointed out how some of the red network of American newspapers will describe these beat-up beatniks as martyrs. From out of the mouth of one of his characters we hear the words, "How can good sheltered people still swallow that baloney?" This man, Gray, who is just as qualified to write editorials as any of those who write on the editorial page concludes by putting the punch line in the mouth of one of his characters, saying "I get nauseated by some of these eggheads trying to explain how patriotism is so stupid it is almost sinful." His companion answers by saying, "to prove patriotism is stupid is like proving motherhood is a felony."

As I observed earlier these are strange, troubling times. There are those who will always be ready to complain that anyone who has respect for the Star Spangled Banner is just a flag waver. Is it possible to wave the flag too much? No. Provided of course we wave it with integrity. Let us pray we will never develop a tendency to be timid or bashful or apologetic about waving the Stars and Stripes. The great events of our past and present are wrapped up in our flag. It is the symbol of this blessed Nation. That is what the flag should mean to all of us. When we wave the flag with integrity and sincerity, can we wave our flag too much? I do not think so. I believe we are not waving our flag enough, not nearly enough.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. EDWARDS], a member of the committee.

Mr. EDWARDS of California. Mr. Chairman, I am voting against this bill for two main reasons—because it is unconstitutional and because it is bad for our country.

Every lawyer knows that spoken words and the gestures that accompany them are protected from Government censorship by the first amendment to the Constitution.

And this protection includes symbolic communication such as picketing, parades, demonstrations, burnings in effigy of politicians, burning of the Constitution and—yes—burning of even more beloved national tokens.

Eleven law professors testified personally before the subcommittee or submitted statements or letters, and all agreed that the bill is unconstitutional as a violation of free speech. The distinguished chairman of the Judiciary Committee, the gentleman from New York [Mr. CELLER], has stated publicly that the bill is unconstitutional.

Why is this bill necessary? There are already similar laws in each of the 50 States and the District of Columbia, and no evidence was introduced indicating laxity of enforcement.

If this bill passes, an individual could be punished in State court and later in Federal court for a single act—and it would not be in violation of the double jeopardy clause of the fifth amendment.

Where is the requirement for specific intent in this statute? Under this bill no specific contemptuous intent need be established at all, and a citizen could be found guilty even though he did not intend the consequences of his action.

My last point is that I suggest to my colleagues that they consider dispassionately whether or not the passage of this legislation is in our national interest.

I think it clear that arrests by the FBI and Federal prison sentences for the flag burners would not serve to increase respect for the flag. The opposite may be true and such punishment would only lead to an increase in the number of burnings by making martyrs of the burners as well as making the dissent more widespread and more bitter. In addition, I suggest that our national image as a nation where free speech is protected would not be improved when it is pointed out internationally that 7 months ago, the Soviet Union amended its criminal code to include a statute much like the proposed legislation.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman from California for yielding.

I was wondering whether there was one Member of the House of Representatives who had the courage of his convictions, after thoroughly reading the majority report and minority views, to come to the floor of the House, in this kind of debate, and speak against this bill. I hear that there is one. Thank you, sir.

I wish to say to the gentleman, by his coming to the floor, at least to make sure that there is a semblance of a dialog on this very, very important question, the gentleman has risen to a higher patriotism. I join him in his views.

I will vote against this bill because I, too, believe it is unconstitutional, that it really will do more harm than good.

I only pray to God that as many who feel that this bill is both unwise public policy and unconstitutional, as at least one or two Members in this House do, will vote their own consciences. Frankly, due to the very political nature of this question, I doubt that any argumentation, any logic or any court decisions will affect how Members vote on this bill.

For myself I would like to state that my views on this matter were set forth in the minority views signed by myself and the gentleman from California [Mr. EDWARDS].

But I would like to have inserted in the RECORD of these proceedings various letters and editorials which I feel are quite pertinent. Many of the following statements were intended to be included in the record of the committee hearings, but unfortunately arrived after the record had been closed. However, hopefully this material might be helpful to Senators who might possibly stop this legislation in the other body. And if that fails, possibly the following material might be of assistance to historians who will therefore be able to say that some sectors of public opinion were not swept away by hysteria but instead remained true to the fundamentals of the first amendment and the American tradition of tolerance of dissent.

THE DEANS OF THE LAW SCHOOLS OF BOSTON COLLEGE AND RUTGERS UNIVERSITY OPPOSE H.R. 10480

Two distinguished deans of American law schools have written me regarding the flag desecration bill, H.R. 10480. Due to the eminence of their schools and their personal reputations as outstanding legal scholars, I would like to include in the RECORD the letters of both Father Robert F. Drinan, S.J., dean of the Boston College Law School, and Prof. Willard Heckel, dean of the Rutgers University Law School.

Both of these gentlemen endorsed the concise and cogent statement from Prof. Arthur Sutherland, Busey professor of law at Harvard University, which was received by the House Judiciary Committee in time to be included in the record of the hearings on this matter. Though Professor Sutherland's letter specifically mentions H.R. 271 and the other original versions of the flag desecration bill, since Professor Sutherland drafted his letter before H.R. 10480 was introduced, both Dean Drinan and Dean Heckel state their view that the Sutherland letter applies also to H.R. 10480. In order that their views on this matter be clear, I would also like to have the letter from Professor Sutherland printed in the RECORD at this point.

The letters follow:

BOSTON COLLEGE LAW SCHOOL,
Brighton, Mass., June 15, 1967.
Congressman JOHN CONYERS,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CONYERS: I am happy to extend to you permission to read my letter to Congressman Emanuel Celler of June 9, 1967 into the Congressional Record, or into the hearings conducted with regard to *H.R. 10480.*

I have the hope that our paths will bring us together once again in the very near future.

With every best wish,
Sincerely yours,
ROBERT F. DRINAN, S.J., *Dean.*

JUNE 9, 1967.
Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CELLER: I write to you to state my opposition to H.R. 271 which I understand will be brought up to the full membership of the House Judiciary Committee on Flag Day, June 14.

I endorse the sentiments of Professor Arthur Sutherland in the letter which he wrote to your distinguished self under date of May 31.

With every best wish,
Sincerely yours,
ROBERT F. DRINAN, *S.J., Dean.*

RUTGERS—THE STATE UNIVERSITY,
SCHOOL OF LAW,
Newark, N.J., June 9, 1967.
Hon. JOHN CONYERS, JR.,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: I would like to join, without reservation, in the point of view expressed to the Judiciary Committee by Professor Arthur E. Sutherland of the faculty of Harvard Law School, under date of May 31, 1967.

I cannot in any way improve upon the expression of a point of view set forth in Professor Sutherland's letter. Therefore I will not attempt to. I think he states the matter admirably. The House of Representatives must not enact this unwise law.

I believe these comments and Professor Sutherland's letter apply to all of the various bills considered by the Judiciary Committee, including H.R. 10480.

Sincerely yours,
WILLARD HECKEL, *Dean.*

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., May 31, 1967.
Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your courteous letter of 24 May inviting me to appear before the House Judiciary Committee on June 5 to present my views on HR 271 and companion measures to prohibit desecration of the national flag. I should be very glad to come, were it not for the inevitable pressures that bear on a professor in the first few days of June, requiring that I carefully read and grade a mass of examinations on which depend the graduation of a large number of anxious young men and women. May I instead of appearing personally, submit this letter for the record?

At the outset, I must make clear my own dismay and resentment when I hear of flag-burning or other disrespect for the flag, performed as a gesture of dissent from national policy. The flag symbolizes the constitutional system under which the United States exists. "American democracy is founded on debate", as General Westmoreland reminded the Associated Press meeting in New York last April 24. I deplore destruction of a national symbol to demonstrate protest against a governmental decision; but I recognize that tolerance of dissent, tolerance even of irrational dissent, tolerance which the First Amendment exemplifies, is a sign of our constitutional strength. That tolerance is a convincing demonstration of our confidence in the rightness of our constitutional theory.

I doubt the constitutionality of the legislation now under consideration, and in any event I consider its enactment unwise as a matter of policy. The Congress, by Title 36 U.S. Code § 176 has carefully warned against the use of the flag for any utilitarian purpose, and has prescribed that when "it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning." Today's "flag burnings" take on their only significance by their quality of protest at a national policy with which the protesters disagree. Protest, even ill-tempered and indecorous protest, is constitutionally privileged.

Two recent decisions involving draft-card burning are here suggestive. One of these, decided October 13, 1966, by the Court of Appeals for the Second Circuit, is *United States* v. *Miller* 367 Fed. 2d 72; the Supreme Court denied certiorari on February 13, 1967. The other, *O'Brien* v. *United States,* decided on April 10, 1967, is thus far unreported in the Federal Second reports. Accordingly I have attached to this letter a photocopy of the opinion. Both opinions stress the administrative function served by a draft-card. Both acknowledge the constitutional privilege of symbolic protest. Both hold that failure to carry a draft-card is a punishable offense. The words of Chief Judge Aldrich in *O'Brien* are peculiarly relevant:

"It has long been beyond doubt that symbolic action may be protected speech. [citing the *Barnette* and *Stromberg* cases] Speech, is, of course, subject to necessary regulation in the legitimate interests of the community *Kovacs* v. *Cooper, infra,* but statutes that go beyond the protection of those interests to suppress expressions of dissent are insupportable. E.g. *Cantwell* v. *Connecticut,* 1940, 310 U.S. 296, 307–11; *DeJonge* v. *Oregon,* 1937, 299, U.S. 353 *Terminiello* v. *Chicago,* 1949, 337 U.S. 1. We so find this one."

Secondly, I think that passage of H.R. 271 or one of its companion measures would accomplish no effective legislative purpose. Prison sentences and fines for the flag-burners would not increase respect for the flag; among their adherents such punishments would only increase the effect of the burnings by making martyrs of the burners. And in certain foreign countries we would open ourselves to propaganda that dissent about our present military policy had become so serious that we had been forced to suppress it by imposing prison sentences on the dissenters. I respectfully urge that this legislation be not passed.

Perhaps you will indulge me in what is probably irrelevant. Yesterday was Memorial Day and at my house the flag was on its staff from sunrise to sunset.

Sincerely yours,
ARTHUR E. SUTHERLAND.

LAW PROFESSORS OPPOSED TO H.R. 10480

Many distinguished scholars of the law have written me regarding the flag desecration bill. They were all united in their opposition to H.R. 10480 as both unwise public policy and unconstitutional.

Due to the eminence and scholarship of these law professors I would like to include their letters at this point in the Congressional Record. I think that my colleagues will find the letters informative.

The letters follow:

Law School of Harvard University,
Cambridge, Mass., June 14, 1967.
Hon. John Conyers, Jr.,
House Judiciary Committee,
U.S. House of Representatives,
Washington, D.C.

Dear Representative Conyers: I write to urge your opposition to H.R. 10,480, the so-called "flag-burning" bill.

In my judgment this bill is doubly unconstitutional: it is too vague to define the offense with the particularity required by the due process clause and, more importantly, it abridges rights of free expression guaranteed by the First Amendment. Those rights may be abridged only in the face of a clear and present danger. There is no such danger here and the bill obviously is not inspired by any danger, but by indignation and a corresponding need for emotional release on the part of its sponsors. It is precisely this sort of emotional frenzy which the First Amendment was designed to protect against.

Sincerely yours,
Vern Countryman,
Professor of Law.

New York University School of Law,
New York, N.Y. June 12, 1967.
Hon. John Conyers, Jr.,
House of Representatives,
Washington, D.C.

Dear Congressman Conyers: I have learned that a Subcommittee of the Judiciary Committee recently voted to support H.R. 10480, a bill to prohibit desecration of the flag. I have studied the bill with some care, and while I understand the sentiments that may have led some members to support it, I urge you to use your influence to defeat the measure.

The bill, in my judgment, is in violation of the First Amendment, because its main—and perhaps only—purpose is to punish individuals for the use of the flag to express their views of the Vietnam War or other aspect of our public policy. While we may sharply disagree with these individuals, and certainly find this means of expression to be odious, it is plain that the Constitution does not favor any particular attitude or any particular mode of making attitudes public. Particularly in light of the recent opinion of Judge Aldrich in O'Brien v. United States, does it seem that H.R. 10480 is invalid.

Apart from the constitutional point, does anyone really think that respect for the flag or the country will be enhanced by a bill of this sort? As many Justices of the Supreme Court, as well as many wise commentators, have said time and again, nations like individuals must earn respect, and nothing loses it so fast as panicky or punitive measures. Nothing will be gained, and much in terms of the dignity and sobriety of the nation could be lost, if H.R. 10480 becomes law.

Sincerely,
Norman Dorsen,
Professor of Law.

Duke University School of Law,
Durham, N.C., June 7, 1967.
Hon. John Conyers, Jr.,
House Judiciary Committee,
House of Representatives,
Washington, D.C.

Dear Mr. Conyers: I am writing to submit my views on the various bills "to prohibit desecration of the flag," currently under consideration by the House Judiciary Committee. It is my understanding that the version of these bills most likely to receive serious consideration is H.R. 10480, and I shall accordingly direct my remarks to this version:

"Whoever casts contempt upon any flag, standard, colors or ensign of the United States by publicly mutilating, defacing, defiling, burning, or trampling upon it, shall be punished by imprisonment of not more than one year, a fine of not more than $1,000, or both."

In measuring the political wisdom and constitutionality of this bill, it would be disingenuous to ignore its plain purposes and intended effects. The bill (and its seventy-or-more counterparts) was introduced in this session following a number of incidents in which representations of the flags were suspended upside down, hung in effigy, torn, burned or otherwise disfigured. In most if not all of these incidents, it was clear that those immediately involved were attempting, however ineffectually, to dramatize some grievance they felt against one or another national policy.

Many regard these dramatizations as treasonable. Many others, while they would not necessarily wish to stifle dissent, are so deeply offended by such uses of the flag that they would forbid these uses even as a means of expressing dissent—perhaps on the thought that disfigurement of the flag is neither an essential nor appropriate manner of free political debate. And it may well be true, of course, that those engaged in dramatizing their opinions by offensive uses of the flag often succeed only in undermining the success of their own cause.

None of this, however, detracts from the fact that the use of symbolic representations, including flags, is a graphic means of communicating ideas whose expression may be protected by the First Amendment. One need not assert that all possible uses of a flag are expressive of political comment to acknowledge that in a given context, certain uses are intended and readily recognized to be a dramatization of political criticism. Nor can we avoid the fact that the proposed bill will necessarily forbid such uses without exception. Under the bill, it makes no difference whether the flag in question is merely a flag facsimile or representation fashioned and owned by the person using it and not at all the property of the government. Equally, it makes no difference whether such a facsimile is used on private property, in an otherwise peaceful and orderly assembly, before a wholly voluntary group.

It is clear, I think, that the bill cannot be rationalized as a protection of federal property because it is not so restricted in fact and because the malicious destruction of federal property is already a federal crime. It is also clear that the bill cannot be rationalized as a protection against public disturbances because it is not so restricted and because conduct likely to produce such disturbances is already closely regulated by the multitude of ordinary state laws respecting breach of the peace, obstructing public passageways, malicious mischief, trespass, etc. Since every state already has nearly identical legislation regulating permissible uses of the flag itself and since no state has shown itself to be unable to enforce its laws in this regard, moreover, I cannot think that this duplicative bill can serve any purpose other than to threaten multiple punishment against those who will not conform to a standard of reverent use. Its most probable application must surely be against those whose use is graphically expressive of political criticism.

Given these several considerations, the bill raises numerous constitutional questions. The physical use of symbols including flags, as a mode of political expression, has already been recognized as being entitled to protection under the First Amendment. *Stromberg* v. *California*, 283 U.S. 359 (1931). In *Stromberg*, the display of a red flag as a peaceful expression of opposition to organized government was held to be constitutionally protected and a state law punishing such a use was held to be unconstitutional for its overbreadth. Presumably, another person seeking to register his disagreement with the symbolism of a red flag would be equally entitled to maintain a counterdisplay which might, for instance, include a picture of such a flag shrouding a cemetery dotted with crosses of the dead. I cannot see, in principle, how the result could be different if the flag in question were a representation of our own flag insofar as each may equally involve the same degree of political expression. As Mr. Justice Jackson stated in *West Virginia Board of Education* v. *Barnett*, 319 U.S. 624, 641 (1943):

"The case is made difficult not because the principles of its decision are obscure but because the flag involved is our own. Nevertheless, we apply the limitations of the Constitution with no fear that freedom to be intellectually and spiritually diverse or even contrary will disintegrate the social organization."

The *Barnette* case held, incidentally, that a state law which coerced obeisance to the American flag violated the First Amendment.

It may be thought that disfiguring uses of the American flag may uniformly be forbidden, however, due to the very special offense which such provocative conduct presents to the sensitivities of others who regard that flag with solemn reverence. But while highly provocative conduct may sometimes be forbidden (*Chaplinsky* v. *New Hampshire*, 315 U.S. 568 (1942)), government may not in general forbid even caustic modes of expression merely to relieve the feelings or to avoid the possible violence of those offended by such expression. This is especially true where the expression is clearly in the context of political polemics and political criticism where the First Amendment provides maximum protection. *Cox* v. *Louisiana*, 379 U.S. 536, 550–552 (1965); *Watson* v. *Memphis*, 373 U.S. 526, 535 (1964); *New York Times* v. *Sullivan*, 376 U.S. 254 (1964); *Edwards* v. *South Carolina*, 272 U.S. 229, 236 (1962); *Cooper* v. *Aaron*, 358 U.S. 1, 16 (1958); *Kunz* v. *New York*, 340 U.S. 290 (1951); *Terminiello* v. *Chicago*, 337 U.S. 1 (1949); *Cantwell* v. *Connecticut*, 310 U.S. 296 (1940); *Buchanan* v. *Warley*, 245 U.S. 60, 81 (1917). As the Court declared in *Terminiello* (id. at 4–5):

"Accordingly, a function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. Speech is often provocative and challenging. It may strike at prejudices and preconceptions and have profound unsettling effects as it presses for acceptance of an idea. That is why freedom of speech . . . is . . . protected against censorship or punishment. . . . There is no room under our Constitution for a more restrictive view. For the alternative would lead to standardization of ideas either by legislatures, courts, or dominant political or community groups."

There is, moreover, a unique question which might arise from the fact that an Act of Congress forbidding "desecration" of the flag may necessarily imply that Congress seeks to consecrate state symbols, to sanctify current emblems of government, and thus to give some hallowed religious quality to government itself. While the technical question is doubtless largely academic, one might question whether such an effort is consistent with the spirit of that part of the First Amendment which forbids Congress to enact laws respecting an establishment of religion. One might well suppose that an attempt by Congress to apotheosize the State itself through the sanctification of its emblems is a degree worse than a state established religion; it is, rather, to establish the state itself as a religion.

A third issue arises from the fact that the proposed bill duplicates existing state laws already applicable to the same subject matter and the same conduct. The bill thus threatens to place individuals in jeopardy a second time, for a second punishment, for a single act. While the Supreme Court has thus far never invalidated overlapping state and federal criminal laws under the double jeopardy clause of the Fifth Amendment and the due process clause of the Fourteenth Amendment (*Bartkus* v. *Illinois,* 359 U.S. 121 (1959)), this bill would surely tempt a reconsideration of the issue. Three Justices of the present Court have already rejected the "dual sovereignty" interpretation which has thus far spared overlapping state and federal statutes from successful attack on a principle of no double jeopardy and several other Justices have had no occasion to state their own positions. In those cases where the dual sovereignty principle has been applied, moreover, there have existed different interests to be protected by the state and federal statutes and in each case the statutes differed to the extent of embracing at least one material element not embraced in the other statute. Neither of these observations is true of the proposed flag desecration bill. Even assuming that the bill may technically be free of a double jeopardy objection, however, I am unable to appreciate the political wisdom of a redundant federal statute so clearly incompatible with the spirit of the double jeopardy clause. I should suppose that Congress, if it cannot altogether restrain its hand, would at least expressly provide that this bill shall pre-empt the states and establish a single, uniform, national rule respecting permissible uses of the flag.

By way of professional opinion, I should say finally that the constitutionality of the bill will thus depend upon the particular context of its application in a given case, the interpretation the Court might render of its provisions, and the line of precedent properly within its discretion to apply. It is always possible, of course, that the Court might uphold the statute simply by insisting that disfiguring uses of the flag are not at all protected by the First Amendment. See *Chaplinsky* v. *New Hampshire,* 315 U.S. 568 (1942); *Beauharnais* v. *Illinois,* 343 U.S. 250 (1952); *Roth* v. *United States,* 354 U.S. 476 (1957); *Valentine* v. *Chrestensen,* 316 U.S. 52 (1942). As the Attorney General correctly acknowledged in his letter to you of May 8, 1967, however, the case of *Halter* v. *Nebraska,* 205 U.S. 34 (1907) does not confirm such a view since that case did not involve flag disfigurement as part of peaceful political protest and since no issue whatever was raised or considered under the First Amendment. And for the reasons I have outlined previously, I believe that this bill is of doubtful constitutionality.

Whatever its constitutionality and whatever its good intention, however, I believe that the proposed bill may dishonor the flag and therefore ought not be adopted. The American flag has had great symbolic value ever since it was first described by resolution of the Continental Congress one hundred and ninety years ago. Through most of our history, the flag has proclaimed a message of particular hope and high aspiration. In the words of Francis Scott Key, it is synonymous with "the land of the free and the home of the brave." It has bannered an enduring political experiment so powerful in its magnetism that it still acts upon people to leave their unfree native lands to secure its blessings, as we have recently seen again in the significant arrival of Svetlana Alleluyeva, the daughter of Joseph Stalin.

Not the least genuine test of the flag's significance is the fact that its commitment to freedom has even extended to abuses of the flag itself. It is, I think, the greatest tribute to the symbolic majesty of our flag that even its own disfigurement and use in political protest has never been a federal crime and that its central message of political freedom has thus been honored by Congress throughout the two centuries of the flag's own history. It is significant, that it, that free speech in the United States has embraced symbolic protest involving the flag itself, that men have been free to dramatize their grievances and to register their despair with particular policies by employing the flag itself for purposes of dissent. We have not, until now, involved ourselves in the paradox of punishing and imprisoning those who have merely taken literally the proposition that the political freedom proclaimed by the flag admits of *no* exceptions. We would do well to remember in this regard that our own Supreme Court has recognized the heavy irony involved in the action of a state which sought to promote respect for a flag manifesting freedom by coercing a salute of allegiance and by expelling from school those who would not conform. In striking down West Virginia's compulsory flag salute regime, Mr. Justice Jackson noted:

"National unity as an end which officials may foster by persuasion and example is not in question. The problem is whether under our Constitution compulsion as here employed is a permissible means for its achievement.

"Struggles to coerce uniformity of sentiment in supoprt of some end thought essential to their time and country have been waged by many good as well as by evil men. Nationalism is a relatively recent phenomenon but at other times and places the ends have been racial or territorial security, support of a dynasty or regime, and particular plans for saving souls. As first and moderate methods to attain unity have failed, those bent on its accomplishment must resort to an ever-increasing severity. As governmental pressure toward unity becomes greater, so strife becomes more bitter as to whose unity it shall be. . . . Those who begin coercive elimination of dissent soon find themselves exterminating dissenters.

"It seems trite but necessary to say that the First Amendment to our Constitution was designed to avoid these ends by avoiding these beginnings."

The acid test of what the flag truly means is surely to be found in the liberty it allows in its own case. So long as Congress will do as Congress has done in the past one hundred and ninety years of the flag's history and not attempt to make it a criminal offense to utilize the flag itself for purposes of political dissent, Congress itself will have provided the clearest and most complete answer to those who would claim that speech is no longer free in the United States. Should Congress armor plate the flag and plaster it about with threats of fines and imprisonment, however, it may confess by its deeds that those who claim that the flag does not stand for freedom may, after all, be right. Could there be a greater irony than that Congress would see itself as consecrating the flag by such a means, when history would know that Congress had, instead, desecrated its message?

I cannot help but wonder whether history will judge this Congress, should it not reject this bill, more kindly than history has judged earlier efforts to subjugate despised forms of political dissent in times of national anxiety. One of our first departures of such a kind was the Sedition Act of 1798, a law enacted in haste, employed to jail political dissenters, and then repented of in shame. In writing Mrs. Adams to explain why he had pardoned all those jailed under the Sedition Act, President Jefferson said (4 Jefferson's Works 555, 556 [Washington ed.]):

"I discharged every person under punishment or prosecution under the sedition law, because I considered, and now consider, that law to be a nullity, as absolute and as palpable as if Congress had ordered us to fall down and worship a golden image."

In this regard, Thomas Jefferson acted in a manner entirely consistent with his own First Inaugural Address:

"If there be any among us who would wish to dissolve the Union or change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it."

Again, in 1917, Congress struck at political dissent through the Federal Espionage Act which was employed in more than two thousand prosecutions. In retrospect, it became clear that "the persons punished were for the most part unimportant and comparatively harmless," and that "the suppressions of one period are condemned a generation afterwards—or much sooner—as unnecessary, unwise, and cruel." Chafee, "Free Speech in the United States," 513–16 (2d ed., 1941). Indeed, application of that Act provoked the following dissent by Mr. Justice Holmes, and the dissent ultimately prevailed in the Supreme Court during the thirties when numerous anti-sedition laws were invalidated under the First Amendment:

"When men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out. That at any rate is the theory of our Constitution." *Abrams v. United States,* 250 U.S. 616, 630 (1919).

We are now engaged on several fronts, sacrificing the lives of our young in behalf of a principle. While there are great differences among us respecting the wisdom of our foreign commitments, there should be no differences respecting the principle we mean to maintain. In this regard, some of our soldiers have manifested a breadth of mind and spirit of liberty which we would dishonor by the bill currently under consideration. For as one of them wrote so recently (Time Magazine, p. 5, May 26, 1967):

"We soldiers realize that dissent may be lengthening the war, or at least reducing any inclination the North Vietnamese might have to negotiate. But Congressmen . . . and others who try to stifle dissent, are seeking to destroy one of the very freedoms we're defending. We'd rather [have] the abuse [of] these freedoms than have our Congressmen limit and destroy them."

There is nothing I could say which would more clearly state the issue.

Respectfully,

WILLIAM W. VAN ALSTYNE,
Professor of Law.

SUMMARY STATEMENT OF THE AMERICAN CIVIL LIBERTIES UNION REGARDING H.R. 10480

The testimony of the American Civil Liberties Union during the hearings on the various flag desecration bills was certainly one of the most cogent, scholarly, and sensible presentations that was received.

Recently the director of the Washington office of the ACLU, Mr. Lawrence Speiser, sent a letter to many Members of the House in which he not only summarized the legal questions involved, but also presented what I think is a very reasonable, sensible, and persuasive presentation of all the various reasons why the House of Representatives should not pass H.R. 10480. Because of the quality of the letter and its summation of all the various arguments I would like to have this statement included in the Record:

Washington Office,
American Civil Liberties Union,
Washington, D.C., June 9, 1967.

Dear Congressman: I am writing to urge you to oppose H.R. 10480, a bill to prohibit desecration of the flag. This bill is, of course, a direct reaction to a few recent widely publicized incidents of flag burnings by those who are opposed to American involvement in Vietnam.

We recognize that a great number of persons support this legislation who have the deepest respect for and belief in the right of dissent. In their view this legislation would not have the effect of suppressing or inhibiting legitimate dissent. They feel the very offensive conduct of flag desecration is no more entitled to the protection of the First Amendment than obscene behavior. It is to those who hold this view that this letter is directed.

This bill has been revised from an earlier version, so that mere words are no longer punishable, but these changes do not cure the bill's fundamental First Amendment infirmity, nor enable it yet to meet constitutional standards for a criminal statute. It may, at first blush, seem anomalous to argue that some *conduct* may come under the protection of the First Amendment, which guarantees freedom of speech. Yet that proposition is true. Even the Attorney General, in his letter on this proposed legislation, stated in criticizing the original language, "such language reaches towards *conduct* which may be protected by First Amendment guarantees".

The courts have made clear that symbolic forms of expression, no less than conventional speech, are the concern of the First. *O'Brien* v. *United States* (1st Cir. No. 6813, April 10, 1967), slip opinion p. 4. The burning of a flag in the context of an anti-Vietnam demonstration is no less a symbolic form of expression than picketing, *Carlson* v. *California*, 310 U.S. 106 (1940), or civil rights demonstrations, *Brown* v. *Louisiana*, 383 U.S. 131, 141, 142 (1966), or waving a red flag, *Stromberg* v. *California*, 283 U.S. 359, all of which have been granted First Amendment protection by the courts.

Flag burning is deeply offensive to most Americans, but that is not a sufficient basis to make it criminal. Much verbal dissent is likewise deeply offensive, but it was precisely to protect such dissent from suppression by the majority that the First Amendment was adopted. The constitutional argument on this point has been made in depth, both in the testimony of the ACLU and others before the Subcommittee on the Judiciary and in the notable dissenting views expressed by Congressmen Conyers and Edwards in opposition to this bill.

Furthermore, not only would this bill affirmatively injure First Amendment values, it would not succeed in significantly reducing this offensive conduct, which now involves only a handful of persons out of 200 million, according to Attorney General Clark. In fact, by creating martyrs, it might increase the incidence of such activity.

The bill provides that "whoever casts contempt upon any flag of the United States by publicly mutilating, defacing, defiling, or trampling upon the flag", is guilty of a criminal offense punishable by up to a year in prison and a fine up to $1,000, without regard to whether the actor specifically intended by his conduct to cast contempt upon the flag. A proposed amendment to require such specific intent was defeated in committee.

Thus, the possibility of offering an effective defense for his conduct is denied the flag burner. Perhaps his purpose was far from seeking to "cast contempt" on the flag, but rather to dramatically exhort the nation to reaffirm the values for which the flag stands and which he believes are being distorted. Or, since the bill is not restricted to flags alone, but also encompasses "pictures and representations", his intent may be to vent his spleen on a magazine, or publication that displayed a picture of a flag on the cover. The lack of preciseness of meaning of the words "casts contempt upon" and "defile", presents further problems, and adds other ingredients of dubious constitutionality.

Finally, a Federal statute is not necessary. Each state, and the District of Columbia, has a criminal flag desecration law. Attorney General Clark has said that "without a national police force, which no one wants, Federal officials cannot, however, effectively prevent the commission of the crime in many situations where only local police are available in adequate numbers".

We have survived 175 years without enacting a general federal measure of this kind. To enact one now would only confess to ourselves and to the world our fear and our lack of confidence in the vitality of the flag and the deeper meanings of the nation which justify our love and respect.

Sincerely yours,

Lawrence Speiser, *Director*.

NEWSPAPER AND MAGAZINE EDITORIALS AGAINST H.R. 10480

Both the New York Times and the Washington Post have written editorials against the so-called flag desecration bills. Also the Nation magazine has published a very informative article regarding this matter.

Because all of these statements so concisely and accurately summarize the arguments against this bill and also describe the political factors involved, I think that they should be made part of the Record of the House of Representatives' consideration of this matter.

The material follows:

[From the Washington (D.C.) Post, May 10, 1967]

RESPECT FOR THE FLAG

The American flag is an emblem of the United States. As such, of course, it deserves respect, and any misuse or desecration of it is properly and understandably offensive to Americans. But respect for the flag means respect for the great values of which it is emblematic. It represents a nation which, in its fundamental charter, recognizes dissent from prevailing opinion as vital to the general welfare, which fosters diversity and individuality as socially desirable and which guarantees freedom for the expression even of opinions which a majority abhors.

Some of the recent clamor in the House of Representatives for protection of the flag by legislation seems grossly ignorant of these values. Congressmen who urge their countrymen to "forget the First Amendment" or who talk wildly about firing squads for flag-burners or who propose to make verbal contempt for the flag a Federal crime do greater violence to the flag of the United States and to its meaning than the worst of the boorish oafs who fancy that setting fire to a flag is a meaningful form of protest.

Every one of the 50 American states and the District of Columbia now has a law forbidding such behavior. There is not the slightest need for Federal legislation invading the jurisdiction of the states in this connection. And in point of fact the Federal Government has no facilities for enforcing such legislation. Let's not inflate a nuisance into a menace.

Flag burning is a silly and ineffectual gesture on the level of hanging someone in effigy. The person hung in effigy may be annoyed but is unlikely to be injured. But the United States can be gravely endangered by official outbursts of hysterical "patriotism" aimed at odious opinions—or at odious expressions of opinions. The country's temperature is already feverish. Genuine patriotism will aim at cooling it down, not at heating it up.

[From the Washington (D.C.) Post, June 8, 1967]

LONG MAY IT WAVE

Fervor for the flag of the United States need hardly entail contempt for the Constitution. Both are symbols of the United States—of its majesty and of its freedom. And there need be no incompatibility about respect for both of them. But the legislation to punish defilement of the flag just approved by a House Judiciary subcommittee would protect a physical piece of cloth while ignoring the real meaning of the Republic for which it stands.

Burning or otherwise desecrating the flag is an especially odious and offensive way of expressing contempt for the country. It really ought not be blown up into more than that. To treat it seriously is to mistake its meaning and to dignify what amounts essentially to buffoonery.

Burning an American flag obviously and understandably incenses most Americans. It may reasonably, therefore, be treated, when it is done in public, as a form of disorderly conduct punishable as a misdemeanor. Every state of the Union has legislation dealing with it in this way—ample legislation. There is no sense in making a Federal case out of something which in no way affects the interest or security of the Federal Government.

[From the New York Times, June 15, 1967]

PROTECTING THE FLAG

The House Judiciary Committee has reported a bill making it a felony under Federal law for anyone to "cast contempt" upon the flag by publicly mutilating, burning, defiling or trampling it. Representative Celler of New York, the committee chairman, who has resisted this measure for more than two years, finally allowed it to be reported out because of strong pressure from the House Rules Committee. Even though he acknowledges that this bill is wholly unnecessary and probably unconstitutional, Mr. Celler did not oppose it: "Who can vote against something like this?" he asked. "It's like motherhood."

The bill is unnecessary because every state in the Union already has a statute making it at least a misdemeanor to misuse the flag. It is probably unconstitutional because it does not require that a specific intent to cast contempt on the flag be proved in court. Moreover, it wanders along the boundaries of, and may actually invade, the sanctuary of free speech protected by the First Amendment.

In its original version the bill made words as well as deeds punishable. Since that would clearly have been unconstitutional, the Judiciary Committee struck the reference to words. But the language of the bill remains uncertain. What does it mean to "defile" the flag? If defined as sullying or dishonoring the flag, this term could be construed as covering speech. Artistic "representations" of the flag are also specified in the bill, which thereby infringes the freedom of the artist.

Some sponsors of the pending bill have acknowledged that their purpose is to repress protests against the war in Vietnam. Such an act of intimidation would itself dishonor the flag. The flag is a symbol of freedom, not of herdlike conformity. Like motherhood, it is so deserving of genuine respect that empty mouthings and legal compulsions are out of place.

[From the Nation, June 19, 1967]

The Flag Burning Irritant

As several distinguished law professors testified before a House Judiciary Subcommittee early this month, flag burning is a statement of dissent, and any attempt to suppress the activity is a violation of the First Amendment's protection of free speech.

The anti-flag-burning legislation now passing through Congress (it would send to prison for a year anyone who "casts contempt upon any flag of the United States by publicly mutilating, defacing, defiling, or trampling upon it") is in reality a measure to stifle opposition to a particular war. If there was ever any doubt about that, it was blown away by an exchange between Congressman Byron Rogers of Colorado, chief sponsor of the bill, and Prof. Monroe H. Freedman of the George Washington University School of Law.

Freedman asked what national interest could justify the legislation.

"Representative Rogers. There is such a thing as a little war going on in Vietnam, and I understand there has been a lot of shooting going on out in Israel this morning. Don't we have a national interest in that? . . .

Mr. Freedman. The national interest in proscribing flag burning relates to the war and protest against the war?

Rep. Rogers. Yes, it does.

Mr. Freedman. So that contempt to the flag is equated with protest against the war and protest against the war is equated with burning the flag with an intent to have contempt."

In another exchange Rogers argued that the President and Cöngress have the duty to put down such dissent and thereby "hold together the nation in time of peril." It is the dull, dangerous theory of victory through consensus for which the White House is now infamous.

An equally clear acknowledgment that the legislation is aimed at satisfying a political majority at the expense of constitutional guarantees came from Rep. Robert McClory, who replied, when asked by Prof. Herbert Reid of Howard University, what clear and present danger to the Republic calls for such actions: "We are getting thousands of letters from people, even servicemen, about these flag burnings. Doesn't that call for action?"

Reid, a Negro, coolly noted: "I think that Congress is as powerless to reach [the irritant of flag burning] as it is to reach the Klan which met yesterday in Atlanta under the symbol of the American flag and called for a bloodbath. As disastrous as that speech is, it is protected by the Constitution."

A few similarly cool voices are to be heard within Congress, but in the main it is beginning to sound like a convention of flag wavers. Rep. John Conyers of Detroit has led the defense of the First Amendment freedoms within the subcommittee, and he was joined by the old reliables, Don Edwards of California and Robert Kastenmeier of Wisconsin, in the full Judiciary Committee. They lost, of course, just as the constitutionalists will lose to the jingoists in both houses of Congress. But as long as many of the younger Congressmen who publicly support the bill admit privately their unease—as they are doing—there is at least hope that the nation is not quite ready to move on to the hysteria of total war.

LETTERS FROM ALL OVER THE UNITED STATES IN OPPOSITION TO H.R. 10480

Many individual American citizens have written me regarding H.R. 10480 to express their opposition to the measure and its predecessors. Though, to my knowledge, none of these individuals are lawyers, all of the letters demonstrate an excellent understanding of the constitutional and legal questions involved in this matter. Further the plain good commonsense expressed in these letters is something I would like to commend to my colleagues, and would therefore like to have these letters included in the Record:

Detroit, Mich.
June 19, 1967.

Dear Representative Conyers: As voters in your district we want you to know that we approve of your stand against the absurd flag-burning law.

Please note the stamp on this letter is a representation of an American flag which the Post Office has probably defaced by canceling, contrary to the proposed law. Furthermore, according to laws in every state and the proposed law, it is illegal to burn or destroy this stamp! (Go ahead, we won't tell.)

Ronald G. Mosier.
Marilyn Mosier.

San Francisco, Calif.
June 12, 1967.

Dear Representative Conyers: Congratulations on your stand against the flag-burning law. As the possibilities raised by the passage of this type of law are frightening, I hope that you will not stop your efforts now.

Jingoism has come and gone throughout our history, and we are still a very free and tolerant nation. But without courageous men such as yourself, often standing alone against hysteria, we might not have been so fortunate.

If I may help you in any way, I will do so gladly.

Sincerely,

Alfred H. Maleson.

San Diego, Calif.,
June 6, 1967.

Representative John Conyers,
House Office Building,
Washington, D.C.

Dear Representative Conyers: I want to thank you for your expression against a law with a penalty for *flag defacing*.

The proposal seems indeed like the pointless treating of a symptom when we must always be trying with all our resources to make our country even more truly the land of opportunity and freedom.

It is also frightening to hear people talk so lightly of abridging freedom of expression.

We should try to see that all are treated in the United States so that love of our country is written on the tablets of their hearts.

With many thanks for your efforts in the Congress,

Marcia Power.

Arlington, Va.,
May 11, 1967.

Dear Representative Conyers: I'd just like to put in my two cents about all the hulla-baloo being raised about the flag burning business. More and more people seem to think that you can regulate society by a system of rigid laws—it is amazing to find all the "patriotic" societies and people who advocate this. Having been behind the iron curtain I find that this rigid set of laws being enforced by a heavy handed state is *all* there is to Communism. If the emotionalists have their ways we will soon all be in the same boat, no matter what you want to call it.

The draft card burning bit is just the same. Why can't one just give such a person a new card. What's the problem? I think the flag burning business should be set aside and left to rest for a while. If one has to legislate patriotism like a speed limit, then it is indeed a poor thing in itself!

Ronald J. Willis.

Mr. EDWARDS of California. I thank the gentleman.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from New York.

Mr. ROSENTHAL. What I should like to say to the gentleman and to my other colleagues is that what disturbs me more than anything else, putting aside the constitutional issue for a moment, is, because a couple of kids in Central Park engaged in what seems to me a rather stupid act, the whole foundation of this Nation is shaking to the point that we are spending an entire afternoon enacting a bill of this type.

This bill may or may not be constitutional. I would not be presumptuous enough to offer an opinion on that.

What really disturbs me, is that because perhaps a half dozen kids in Central Park—and, I am told, a few in Indiana, and in one other place—have been involved in such an act, the foundations of this democracy are so weak we have to respond by legislating to prevent them from doing it.

As I have asked other Members, proponents of the bill, does the gentleman believe we can legislate respect for the flag and all the great institutions it represents, by enactment of this legislation?

Mr. EDWARDS of California. I thank my colleague from New York.

Mr. Chairman, Congress has a special duty to keep a cool head in perilous times and to keep events in their proper perspective. As a Washington Post editorial in opposition to this bill said:

> The Country's temperature is already feverish. Genuine patriotism will aim at cooling it down, not at heating it up.

The hearings reflected that this bill relates to dissent against the war in Vietnam, and I am sure that it is exasperating to those who approve of the war to watch on television young people who feel just as strongly in opposition to the war and who enunciate their views in strong and provocative ways by the use of symbols.

But this is a free country and Americans are entitled to express their opinions in impolite and even offensive ways, and in addition we adults should have a special understanding and tolerance for the storms of youth.

We have survived nearly 200 years without such legislation and, to use the words of the Attorney General, incidents of flag burning are "infinitesimal; a handful among 200 million."

Our flag stands for freedom—for freedom of speech—for freedom to dissent. It is the symbol of a society wherein the free trade of ideas is the very foundation of our strength, and throughout the world our flag has meant to uncounted millions the principle that at least in this land, the Government has no power to censor communications between people.

It would be poignant, Mr. Chairman, if through the passage of this legislation the flag itself would be used as an instrument to suppress free speech.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from New Jersey.

Mr. JOELSON. I do not think anyone has maintained that this bill will cause the flag burners to have respect for the flag, but there are millions and millions of people to whom the act of burning the flag is repugnant and painful. I think this act is designed to protect them. When you legislate against burglary, you are not necessarily expecting respect for somebody else's property, but you are protecting somebody else's property. I think people who are offended and deeply hurt by this also have a stake in it and are entitled to some protection against this type of offense.

Mr. EDWARDS of California. I would respectfully remind the gentleman from New Jersey that this is a country where minorities are allowed to express their opinions on governmental policy even though these views might be offensive to the majority. That is what the first amendment is all about. As Justice Holmes said:

> Practically all the progress in civil liberties in this country has come in defending the rights of "not very nice people."

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. GUBSER].

Mr. GUBSER. Mr. Chairman, as the author of a similar bill to the legislation under consideration, I believe in the imposition of a heavy penalty upon any person who knowingly desecrates the flag of our country. I have introduced H.R. 663, and have testified before the Judiciary Committee in behalf of my bill. I congratulate the committee for reporting the pending bill, and am proud to support it.

I recognize that the fine line which separates proper personal and individual liberty and a proper protection of the rights of the majority is difficult to locate with precision. As Americans we are dedicated to preserving the maximum of individual liberty, but we also recognize that government, which is administered in the best interests of most of the people most of the time, must be a regulation of total human liberty.

Total liberty carried to the extreme is anarchy. Of necessity, government is the regulation of individual liberty in the best interests of the many. Where to draw a proper line is the question before us.

Should an individual have the right to desecrate a flag if he so wishes? After all, it is only a symbol made of red, white, and blue fabric. Why should an individual not have the right to do as he pleases with a flag which is his own property?

The American flag is more than a chattel to the overwhelming number of Americans. It symbolizes their love of country and their very freedom. In this sense what a flag stands for is community property and is owned by all Americans.

No individual tramples on the flag or desecrates it because it constitutes a physical nuisance. He tramples upon it to defile what it symbolizes, and in so doing he infringes upon what I choose to call a moral property right of every American citizen. Thus, it is a proper role of government to curtail an individual's absolute liberty since it is in the best interests of the many.

Opponents of this bill have argued that it would not increase respect for the flag on the part of those who knowingly desecrate it. Perhaps this is true, but on the other hand, it punishes disrespect which is offensive to the overwhelming majority of Americans, and it may prevent another from committing the same offense. A jail sentence does not necessarily make an honest man out of a burglar, and yet no one would argue that because it does not, that burglary should become a crime which is not punishable by law.

Perhaps we cannot legislate respect for the American flag any more than we can legislate racial tolerance with civil rights laws, but nevertheless this Congress, in its wisdom, has felt the necessity to guarantee racial minorities their just and proper rights. Here is a case where a majority has a right to legislative protection against a small and irresponsible minority. If a civil rights law is justified—and I believe it is—then this legislation is justified.

On August 22, 1966, by a vote of 249 to 44, the House passed legislation intended to prevent picketing in the District of Columbia within 500 feet of a church during or in 2 hours preceding or following a service or ceremony.

Religious symbolism has thus been recognized by the House as deserving of Federal protection even at the expense of the absolute liberty of a person who wanted to picket.

Mr. Chairman, I see every bit as much justification for infringing upon the absolute liberty of a man who desires to desecrate our flag as I see for the picketing bill which passed overwhelmingly last year.

It is true that there are laws in each of the 50 States on this subject. But, I point out that this is the flag of the United States of America and not the flag of any individual State. Laws regarding proper treatment of the flag should be uniform and national. There should not be 50 different degrees of respect for the flag of our country.

The entire world is watching the action which this Chamber takes today. I urge each Member of this House to support H.R. 10480, and show that we Americans do have a national pride, and though we love individual liberty, we also cherish the rights of an overwhelming majority of Americans who demand that the symbol of our national pride be protected from desecration.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. CLANCY].

Mr. CLANCY. Mr. Chairman, as a sponsor of similar legislation to make desecration of our national flag a Federal crime, I strongly urge favorable action on the bill before us today. Existing State and local statutes on this subject do not appear to be doing the job of deterring this deplorable activity.

It is indeed unfortunate that this problem has reached such proportions that we must enact legislation in an effort to insure proper respect and protection for our flag. But the growing number of cases in which our flag was mutilated and held up to derision point up the urgent need for legislative action to correct these abuses.

The treatment of the American flag symbolizes treatment of the country for which it stands. Particularly at this time, when our servicemen are engaged in battle halfway around the world, we must be ever mindful of the sacrifices these men are making for the protection of our flag, our Nation, and our families.

I would urge then, once again, that we vote overwhelmingly in favor of this legislation. We would then put the irresponsible individuals who have shown such disrespect for our flag on notice that we will no longer tolerate any further abuses.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Chairman, the exhibition of certain demonstrators recently in publicly burning the flag of our country is not alone unpatriotic, it is instead a traitorous act. The demonstrators who desecrate the American flag strike at the very symbol of our unity, power, and purpose as a nation.

Woodrow Wilson once observed eloquently that the Stars and Stripes represent, "a great plan of life worked out by a great people." And, Mr. Chairman, he cautioned, so aptly, that the flag, "has no other character than that which we give it from generation to generation."

Mr. Chairman, the resolution adopted by the Continental Congress in 1777 on the flag, gives strong meaning to what this legislation attempts to do today. Speaking of our flag, our forefathers said:

> A new constellation rising in the West, the red a symbol of daring, the white denoting purity, and the blue signifying the United States covenants against oppression.

Mr. Chairman, let us heed these revered words and protect our symbol of freedom. The right of dissent, which Americans support, should never be confused with any alleged right to desecrate, which, with equal fervor we must oppose, as is the purpose of this bill.

I strongly support H.R. 10480 to prohibit desecration of our flag.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. DOLE].

Mr. DOLE. Mr. Chairman, I rise in support of H.R. 10480, which would punish those hereafter involved in desecration of the U.S. flag. An increasing number of such incidents has occurred recently where a small but vocal number of citizens, who enjoy the freedoms and privileges this Nation offers, have shown utter disrespect and disregard for our flag.

Our flag is more than just an emblem. It is the symbol of the sovereignty of the United States, and serves as a reminder to the entire world of the ideals for which our Nation stands. The U.S. flag has long been the symbol of liberty, not only for our own citizens, but also for many people in captive nations throughout the world.

Our national heritage recognizes the right of our citizens to hold whatever political views they choose, and to expound these views by speaking, organizing, or writing whatever they wish. This right is one of the strengths of our Nation, and it must be guarded. However, the Bill of Rights was never intended to provide a license for those who deliberately desecrate the American flag and thus show contempt for our national ideals. The right to disagree with governmental and individual policies and programs is presumed, but to allow acts which desecrate the symbol of our Nation is unthinkable.

Those who insist upon protesting our Nation's policies in such a flagrant manner must realize they are damaging not only our national image, but also undermining the very basic of our system of government which gives them the right to openly disagree and protest.

Since the early days of our Nation, the flag has stood as a symbol worth fighting and dying for. Many brave Americans have given their lives in order to secure the continuance of the ideals and rights our flag represents. The flag, as our national emblem, belongs to all Americans. A small group of misguided malcontents should not be allowed to go unpunished for publicly disgracing our flag, while hiding under the right of dissent and while abusing and defiling the constitutional rights of all Americans.

Today when brave young Americans risk their lives in the battlefields of Southeast Asia, it is urgent that national unity and determination be stronger than ever.

In introducing similar legislation and supporting H.R. 10480, it is not my intent to curtail the right of our citizens to protest. It was, and is, my intent, however, to punish those who would desecrate a sacred symbol belonging to the Nation as a whole. While every State in the Nation has some type of law prohibiting desecration of the flag, the flag deserves uniform, national protection. I introduced similar legislation last year but feel it is even more important now that Congress take positive action.

Mr. McCULLOCH. Mr. Chairman, I now yield 3 minutes to the gentleman from Wisconsin [Mr. Davis].

Mr. DAVIS of Wisconsin. Mr. Chairman, in some of the separate and minority views which accompany this report on this bill, reference is made to flag waving. If it is meant a flag waver is someone who has something less than sincere respect for the national emblem and the country for which it stands, I certainly do not appear here as a flag waver. I do appear here as one who cannot reconcile the desecration of our national emblem with any reasonable right on the part of any citizen of this country. This Nation or any government must protect its own. It seems to me this is an essential inherent part of our national sovereignty. Clearly, this flag is a symbol of this Republic; we acknowledge that every time we pledge allegiance to the flag of our country. So it is no answer to say that we have statutes in all of the 50 States of the Union, in one form or another, against flag desecration. The parties who are mainly offended are our Nation and the citizens of our Republic, not the citizens of the individual States in their dual capacities.

Now, in some of the separate and minority views, those of us who have sponsored this legislation, and now support it, are held to be attempting to stifle dissent. It seems to me that these people are all mixed up in their terminology. This bill does not stifle any public dissent. It only seeks to stifle public contempt—contempt that hurts our country abroad and contempt that hurts American citizens abroad and at home. I think this committee deserves the compliments of all of us who have sponsored legislation of this kind.

Mr. Chairman, the committee in its consideration has produced a better product than the bill which I introduced. I believe it is a better product than any of the individual bills that I have had an opportunity to read.

This committee-reported bill bears the marks of careful consideration and of lawyerlike draftsmanship.

So, I shall vote my conscience today. I shall vote in support of this bill. I support it without any amendment, because I believe the Committee on the Judiciary has done a most commendable job.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. Feighan].

Mr. FEIGHAN. Mr. Chairman, I rise in support of this bill.

Our flag is a symbol of many things to many people—it has been defended by our finest young men, many of whom have sacrificed their life for their country. Pioneers who risked their lives would not have conquered the wilderness without the protection and security our flag gave them. Our flag is proudly raised on all Federal buildings every morning and lowered at sundown in the evening. Under our flag we are free to choose our political leaders, and we are free to choose the means of earning a living. Our flag is a constant reminder that the United States of America cannot be the bulwark of liberty and independence unless its people continue to be vigilant and jealously guard the things for which it stands.

Our little children are taught, early in their school days, to honor and respect our flag, and it is a tragedy that some in later years, do forget this teaching. Seeing our flag being desecrated is shocking. To any decent American citizen, the sight of our flag being irreverently handled immediately brings resentment for those who commit such an offensive act.

Oppressed men, women, and children the world over, yearning for the peace and freedom we enjoy, have viewed the Stars and Stripes of the United States of America as their symbol of freedom. They would willingly give everything they possess to live under the protection of the American flag.

On Flag Day, June 14, the Ohio State Legislature unanimously passed a bill increasing penalties for disfiguring, burning, or destroying the American and Ohio flags.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. Van Deerlin].

Mr. VAN DEERLIN. Mr. Chairman, no bill comes to the floor of this House more assured of overwhelming approval than H.R. 10480, the antiflag desecration measure we are considering today.

I intend to vote for this bill, but with the greatest reluctance.

It is a bad bill, an unnecessary bill; yet a vote against it could open a can of political worms.

Basically, I feel that the measure is not important enough to become a prime issue in my campaign for reelection next year. Obviously, this is the kind of unsubstantial issue that would be seized upon by those zealots and know-nothings who are always prepared to find evidence of disloyalty in positions that happen to disagree with their own.

Why, then, are we passing this bill today?

Will it really help our valiant troops in Vietnam? If so, how?

Will it discourage those perverted types who somehow derive pleasure from mistreating our flag? Or will the penalties it invokes elevate them to a status of martyrdom they most certainly do not deserve?

I also wonder what the other body will do with this proposal after it is approved by the House. I rather suspect that it will be relegated to some remote corner of the Senate, never to be seen again.

I have studied the Judiciary Committee's printed hearings on this legislation, and I am afraid that I remain unconvinced about its constitutionality.

There is also the fact that all 50 States have laws of their own covering abuse of the flag. The report accompanying the bill makes clear that the proposed Federal statute would not supersede the State laws. It does not explain, however, how the two sets of codes that would result from enactment of the legislation before the House could be reconciled and coordinated.

California's flag desecration law is considerably more thorough than the proposal we are considering. Besides punishing those who publicly mutilate, deface, defile, or trample upon the flag, California also provides penalties for a series of other crimes against the flag, including its unauthorized reproduction.

The comprehensive California code provides up to 6 months in a county jail and/or a fine of up to $500 for flag violators. Since California and all other States have already acted to protect the flag, the bill now before us seems redundant. It would do what the California law already does—only not so well.

Practically all Americans revere our flag as the symbol of the greatness of our Nation. They love it instinctively, as part of their heritage, and without being told to do so by State or Federal authorities.

If we now order our tiny minority of flag burners to love the national emblem, or face a year in a Federal prison—will they do so?

I am afraid the answer is negative, and that no amount of coercive legislation we may devise will alter that fact.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. Ryan].

Mr. RYAN. Mr. Chairman, last week

the House observed Flag Day with impressive ceremonies.

Mr. Chairman, I would like to repeat what our colleague, the gentleman from Texas [Mr. BROOKS], said quite eloquently at that time:

> It is not a day for self-congratulation—but for self-reflection. For our flag is but a symbol of our national purpose—and a nation can only be as great and just and humane as its people.

Mr. Chairman, I echo those words, and say it would be tragic if those ideals were compromised today by an emotional response to certain acts which are deemed generally offensive and repugnant.

The deliberate desecration of the flag, its mutilation, or its burning, is certainly repugnant to me, and I am sure to all Members of the House. However, I suspect that the effort to make this a Federal crime springs less from a sense of repugnance than it does from a determination to eliminate anti-Vietnam protests.

The hearings themselves contain a number of alarming passages which confirm this and suggest that the bill is occasioned, if not motivated, by concern over dissent to our policy in Vietnam. There is one such statement by a Supreme Court judge from one of our States who certainly should be reasonably conversant with the first amendment, but nevertheless he said:

> Demonstrations against American policy strengthen the will of the enemy and this means the loss of American lives. And how could demonstrations against American policy be more vividly and dramatically manifested than by burning the very flag of the United States?
>
> Thus, Mr. Chairman, I believe it is a matter of superlative necessity to halt at once, and by the most effective means possible, the desecration of our flag. (Hearings, p. 71.)

In another colloquy Prof. Monroe Freedman of the George Washington School of Law asked the chairman if "the national interest in proscribing flag burning relates to the war and the protest against the war," and the chairman replied that it did—hearings page 310.

So, I think it is perfectly clear that the demand for such laws, and the one before us, is generated in a climate of emotion and war fever which is designed to enforce superficial conformity. I might point out that such laws—and this one if it is passed—will only challenge the ingenuity of the dissenters and thus encourage a new round of repressive legislation. How ironic it is to undermine the symbol of our individual liberty in the zeal to enforce reverence for that symbol.

Mr. Chairman, generations of Americans have learned to love their country not simply because it is their country, but because of what it stands for and the liberty which it upholds.

How many empires have failed to learn that patriotism cannot be compelled, no matter how severe the penalty. When Burke addressed his King in the era of the American Revolution, he cautioned him to think not of his right to make his subjects miserable, but of his interest in keeping them happy.

Mr. Chairman, experience through history shows that it is not possible to legislate patriotism or morality, or even in this century temperance, if we recall prohibition.

In the early days of our Republic, when patriotism was a very natural feeling, ritual esteem of the flag was superfluous, and there were no demands to legislate reverence for a symbol. It was not until the late 19th century that the flag came to be regularly flown from public buildings.

The first call for protective legislation was raised by the ladies of the DAR in 1896. However, the Congress, in its wisdom, did not respond. The pledge of allegiance was not even composed until well into the present century.

The compulsive reverence of symbols may well be a sign of the atrophy of genuine patriotism. As our colleagues the gentleman from Wisconsin [Mr. KASTENMEIER] wrote in the committee report:

> This measure, like the acts of flag desecration it purports to prevent, is a warning sign in the life of our Republic.

Mr. Chairman, no nation has ever saved itself by imposing ever harsher penalties upon its dissenters, and no democracy should ever wish to do so.

Mr. Chairman, there is a serious constitutional issue involved in this legislation—the question of whether or not symbolic action may be protected under the first amendment guarantee of free speech.

The first circuit court of appeals recently raised serious questions about the statute which provides severe penalties for draft card burners, and its findings are equally applicable in this case.

The court wrote in *O'Brien* v. *United States*—First Circuit Court of Appeals No. 6813, April 10, 1967:

> We would be closing our eyes in the light of the prior law (requiring draft cards to be carried) if we did not see on the face of the amendment that it was precisely directed at public as distinguished from private destruction. In other words, a special offense was committed by persons such as the defendant who made a spectacle of their disobedience.
>
> In singling our persons engaging in protest for special treatment the amendment strikes at the very core of what the First Amendment protects. It has long been beyond doubt that symbolic action may be protected speech.

H.R. 10480 raises serious constitutional issues. Not only does it impinge upon the first amendment guarantees, but it does not require, as has been pointed out earlier, specific intent. It duplicates existing State legislation, and thereby raises the double jeopardy question.

Furthermore, it may be void for vagueness, in my opinion. I earlier commented upon section 1(b), pointing out how broad it is, broad enough to include anything that is red, white, and blue, and that includes, incidentally, the flags of other countries such as Cuba, Czechoslovakia, Yugoslavia, North Korea, and the Confederate flag as well.

The testimony also suggests that any use of a flag motif, any of the articles which are sold commercially with the Stars and Stripes, or a part of a flag showing, would be held under this legislation as a desecration if it is mutilated, defaced, defiled, burned, or trampled upon.

The salient distinction upon which the question of whether or not there is a violation could well turn on whether dissent to a policy were involved.

Mr. Chairman, I regret the abundance of emotion and flag waving which prevails today. I would hope that the committee would refrain from abridging basic liberties in a flurry of superpatriotism. I might say that at times it is a desecration to wrap oneself or one's policy in the flag.

What greatly disturbs me about today's debate is the failure to understand the alienation of a whole generation of college students. The enactment of punitive Federal laws will not convince them of the validity of a policy which they question.

More important than the symbol, Mr. Chairman, is the "Republic for which it stands." Let us not forget that the same emblem of the rising sun has represented both dictatorship and democracy in Japan. To undermine the precious liberties which our flag represents would indeed cast contempt upon the flag.

Mr. McCULLOCH. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. RAILSBACK].

Mr. RAILSBACK. Mr. Chairman, I wish to reaffirm my support of this general legislation, and indicate that I do not approve of flag burners or draft card burners, but I do sincerely believe that this particular bill can be improved probably by adding one word, the word "knowingly," or possibly two words, the two words being "with intent."

It seems to me by the very fact that so many of us on the floor today have indicated a concern about the language being used that does not require any necessity of proving intent; that the bill itself is a little ambiguous in this regard.

I am concerned that we do not seem to have differentiated between somebody who may have guilty intent, or guilt in his mind, and somebody who may accidentally destroy something that bears the flag on it, and thereby casting contempt in the eyes of somebody else.

I am quite concerned that this Congress enacted a statute called the Harrison Narcotics Act some time ago, and then the Supreme Court of the United States in the case of the United States against Balint, which involved a sale of narcotics, when a defense was raised in respect to the indictment indicating that the Government had made no showing of intent, the Supreme Court said by the fact that the Congress itself omitted any reference or any showing of a need for the intent that anybody dealing with that particular subject did so at his own peril regardless of any showing of intent at all.

I believe that a Law Review article by Herbert L. Packard, who wrote for the Supreme Court Review, summarizes very well my feelings about the need for some kind of a showing of intent of a guilty mind, which I refer to here as the mens rea.

Mr. Packard has this to say on page 109:

> The role of *mens rea* in the criminal law has been the subject of much discussion. The consensus can be summarily stated: to punish conduct without reference to the actor's state of mind is both inefficacious and unjust. It is inefficacious because conduct unaccompanied by an awareness of the factors making it criminal does not mark the actor as one who needs to be subjected to punishment in order to deter him or others from behaving similarly in the future, nor does it single him out as a socially dangerous individual who needs to be incapacitated or reformed. It is unjust because the actor is subjected to the stigma of a criminal conviction without being morally blameworthy.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman.

Mr. YATES. I agree with the gentleman. I think that if, as the proponents of this legislation contend, that intent is implicit in the language contained in the bill at the present time, then nothing is hurt by making it specific and using the words "with intent."

I think the language should include the necessity for intent. I compliment the gentleman on the speech he has made.

Mr. RAILSBACK. I thank the gentleman and I believe what he has said is correct. My feeling is that the addition of the two words "with intent" will not hurt anything.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to my distinguished chairman.

Mr. CELLER. In my colloquy with the gentleman from North Carolina [Mr. Whitener], he indicated that if the words "with intent" are omitted from the bill, it would be a question for the jury. Although it might be a question for the jury, in the absence of the words indicating intent, would not the judge be compelled to charge the jury that the beholder of the act might be in a position to feel that the act was contemptuous although so far as the perpetrator of the act is concerned, it might be purely innocent.

Mr. RAILSBACK. I think that point could be raised under the Supreme Court decision that I cited. This is what gives me great cause for concern.

The **CHAIRMAN.** The time of the gentleman from Illinois [Mr. Railsback] has expired.

Mr. McCULLOCH. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. Meskill].

Mr. MESKILL. Mr. Chairman, I rise in support of H.R. 10480, which would make it a Federal crime to desecrate the flag. The bill is, in its essentials, identical to my own bill, H.R. 8543, which was introduced on April 13.

I am frank to say that the need for this bill is most regrettable. There was a time when deliberate desecration of the flag was an unthinkable act. The flag, almost like the highest religious symbols, was a universally revered and sacred symbol.

Clearly, this is no longer true. Time after time, we have witnessed the deliberate desecration of the flag—burning, tearing, trampling, dragging it in the dirt. This cannot be allowed to continue with impunity.

It is argued that this bill would impinge on the constitutional guarantee of free speech. I do not agree. The Constitution guarantees liberty to dissent and to express any opinion without hindrance. It does not, in my opinion, license deliberate acts of social degradation. The Constitution does not guarantee the right of any person to engage in what I can only call acts of hysteria which are harmful to the whole society.

There is no doubt in my mind that desecration of the flag is severely harmful to the general welfare.

The flag represents the freedom and enlightenment which is America. Millions of persons from all over the world have struggled to find their way to these shores to come under the protection of this flag and to enjoy the liberty and opportunity for self-advancement represented by the Stars and Stripes.

Millions of Americans have gone into battle under this banner. Men are being killed today in defense of liberty. The presence of the American flag in Southeast Asia today is the only hope that millions of people in numerous countries have for holding their bulwarks against the tides of Communist conquest that threaten to overwhelm them.

Mutilation of the flag in public outbursts, whether at the hands of sinister agencies or by the act of the merely juvenile, has a tremendously demoralizing effect at home and abroad. Photos and news reports of these acts are flashed electronically around the world. People abroad, our own soldiers, and our own citizens at home may well wonder what has happened to American life that we can permit this activity to go unpunished.

If we do not pass this bill, Mr. Chairman, the world and our own soldiers can only conclude that people at home really do not care any more. But I think we do care and care deeply.

It is not a right which would be abolished by this bill; it is a right that would be reasserted—the right of free men under the Constitution to protect their sacred institutions from deliberate defamation.

Every society has always had the right to protect itself and its most valued institutions. This is more than mere tradition; it is the essence of civilized society, essential to civic morale. No civilized society is obliged to tolerate the rotting away of its very roots.

The rot has started, the challenge has been made. We must now respond. I urge the swift and overwhelming passage of this bill.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. Rosenthal].

Mr. ROSENTHAL. Mr. Chairman, I rise in opposition to this bill, not out of sympathy for those who burn the flag of our country, but out of concern for the freedoms which that flag represents. However abhorrent flag burning may be as an expression of political dissent, I question the constitutionality of legislating against it. Tolerance of dissent—even of irrational dissent—is at the very heart of our form of government. To compromise that tolerance—as this measure would—is to weaken that which we should strengthen.

In all 50 States and in the District of Columbia there are laws which punish desecration of the flag, thus making any additional legislation unnecessary. The measure now before us is, in a word, redundant.

But more serious, to me, is the spirit in which this bill is introduced and the effects its passage may have. It is abundantly clear that the real "evil" at which the bill is directed is opposition to the war in Vietnam. Dissenters cannot help but see it that way. And no one is likely to believe that the tiny handful of flag burners in any way constitutes a "clear and present danger" to the Republic. One cannot legislate respect. Rather than deter dissenters from flag burning, this measure could lead to further, and even less attractive, expressions of dissent.

By passing this bill, we will merely reinforce the grievances of those who feel that Congress is only concerned with the critics of national policy, not with the real issues which these critics raise.

H.R. 10480 is, at best, irrelevant and unnecessary, and, at worst, unconstitutional and unwise.

Mr. ROGERS of Colorado. Mr. Chairman, I yield as much time as he may consume to the gentleman from Minnesota [Mr. Karth].

Mr. KARTH. Mr. Chairman, I rise in support of the bill that would make it illegal to desecrate the American flag. This bill has nothing to do with freedom of speech, freedom to act as one will, or for that matter, any other freedom. What it does, is protect 200,000,000 Americans from the vile acts of a few.

Today we tolerate acts that most of us find ourselves in disagreement with. We even tolerate acts of violence when it is not premeditated and therefore borders on the hairline of expressions of freedom. But the violation of our flag is an entirely different matter. And even though there may be some questions of intent, I have sufficient confidence in our system of laws and juries to immediately dispel those questions and doubts.

Mr. Chairman, I sincerely hope this bill becomes law.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina [Mr. Dorn].

Mr. DORN. Mr. Chairman, every loyal American has been shocked by recent pictures showing our beautiful American flag being burned and desecrated.

It is even more shocking that these flag burnings have occurred at a time when our men are fighting and dying in Vietnam to defend our United States flag and to secure the freedom of even those who would burn that flag.

If it is right and necessary to draft our young men and send them all over the world to fight for freedom and defend our American flag, then it is right to take whatever steps are necessary to secure proper respect for that flag at home. The time for such action is long past.

Just what is the American flag?

In the words of Justice Harlan:

> To every true American the flag is the symbol of the Nation's power—the emblem of freedom in its truest, best sense. It is not extravagant to say of all lovers of the country it signifies government resting on the consent of the governed; liberty regulated by law; the protection of the weak against the strong; security against the exercise of arbitrary power; and absolute safety for free institutions against foreign aggression.

Many people of our Nation were infuriated and shocked by the picture of our flag in flames in Central Park last April. Were those who burned the flag in Central Park burning merely a piece of cloth? Certainly not—their actions expressed a deep and violent hatred for America and all its principles.

However, no desecration these treasonous people can contrive can effectively debase our flag or its principles. The real meaning of the flag is beyond the obscenities and the flames which the vandals would cast upon it. The flag is not merely a piece of cloth—but an image, a symbol that exists in the minds of Americans. It is a symbol of our Nation's struggle for independence and the freedoms we enjoy under the democratic system.

Yes, the American flag is indeed the national emblem of our country. It symbolizes our very existence as a great Nation and as the heart and core of freedom throughout the world.

Mr. Chairman, when we allow destruction and dishonor of our national symbol, it is inevitable that dishonor and disrespect for the Nation will develop. This weakness on our part does not go unnoticed by our enemies—indeed, I believe these disloyal acts have given encouragement and aid to those who would destroy democracy. In light of our present struggles against Communist aggression in Vietnam, and elsewhere in the world, I believe it is desirable and necessary to have legislation which would punish those who burn and desecrate our U.S. flag. I urge my colleagues to pass this bill by an overwhelming majority that will be heard and noted around the world.

After seeing the pictures of the deplorable burning of the Stars and Stripes, I was thrilled to receive a letter from a 12-year-old constituent expressing her concern about the treatment of our flag. The letter, beautiful in the simplicity of its statement of patriotism, I commend to the Members of the Congress and to Americans everywhere:

> EASLEY, S.C.,
> *May 10, 1967.*
>
> Congressman BRYAN DORN,
> *U.S. House of Representatives,*
> *Washington, D.C.*
>
> DEAR MR. DORN: I am twelve years old and in the sixth grade. I have not served my country by being in service, but I have been brought up to respect my country and my flag. I think the people in New York who helped burn the American flag should be taught to respect their country and their flag. It is awful for citizens of the United States to treat their flag and their country that way because men have died for that flag so we could have freedom and a flag to fly.
>
> Sincerely yours,
> JAYNE ANN HUFF.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Chairman, I rise in opposition to the bill. First, I am glad that I do not have more than 3 minutes. I think we have spent entirely too much of the valuable time and energy of this Congress on this measure. Mr. Chairman, I cannot help but recall that only a couple of weeks ago, when we were considering the Draft Act that affected tens of millions of Americans, Member after Member after Member got up on the floor of this House and expressed their resentment of the fact that we had only 5 hours of debate on a matter of transcendental national importances. Here we are spending almost an equal amount of time in consideration of a measure whose need is trivial and unproved.

Mr. Chairman, our Nation does not need this bill. The laws of 50 States cover this subject adequately. The Attorney General of the United States in his letter to the subcommittee refused to support the bill and questioned its wisdom and necessity. Happily, I see no evidence whatsoever in our society of the dry rot which we heard the previous speaker describe. On the contrary I see generation after generation after generation of Americans responding unstintingly to our national needs with the kind of quiet patriotism and love of flag and country that sends young men out to die in battle and old men out to plant trees under which they know they will never sit. This is the kind of patriotism that counts, of which we all should be proud.

Where is this dry rot? Is there anything wrong with American youth? I am convinced that they are a great generation of Americans, with deep love for our great traditions, for the precepts of liberty, justice, equality for all with which they have been imbued by our timeless institutions of church, school, and home.

What and where is this dry rot of which we hear?

Where are the converts to flag burning and other forms of flagrant irresponsibility? Has it swept our college campuses like the goldfish gulping and panty raids of yesteryear? Or has not the public response of youth and adult alike been one of deep resentment, revulsion, and disgust?

The conduct we have witnessed that produced the stimulus for this bill offends the sensibilities, and rightly so, of every Member of this body, mine included. But normally we do not legislate against conduct that is unwise, that is in utterly bad taste, that offends our sense of what is dignified, right, decent, and appropriate.

Here we are taking up the time of this body in a response which I believe to be an "overkill" of classic proportions; a response to an insignificant number of dishonorable, irresponsible extremists who count for naught in our society, who are in truth the rejects of a society which dishonors such conduct.

But we are not in the business of legislating honor, dignity, good taste, or good sense. I do not believe we have to rise to meet the bait of every irresponsible who finds a new way of making a bloody fool out of himself.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from Illinois.

Mr. McCLORY. May I say that one group of men to whom the gentleman might refer, the men in Vietnam, are perhaps more anxious than any other group of people to have this bill enacted. We are responding to those patriots who are fighting and dying. They have asked us to respond tangibly on the floor of the House.

Mr. SCHEUER. Mr. Chairman, I cannot believe our men in Vietnam have any doubt whatsoever in their minds that regardless of whatever differences we may have on the broad outlines of our foreign policy, the American people and this Congress support those men with gratitude, without reservations and to the hilt. I cannot believe they can conceivably believe that this insignificant number of nitwits, who admittedly debase our institutions, and who have succeeded in making fools and idiots out of themselves, represent the American people. Therefore, I say we should not rise to that bait. For doing so, we demean the clear meaning and deep value of the very flag, country, and institutions we love and cherish.

This bill has no reason for being except as an expression of our profound distaste for behavior which outrages our sense of decency and propriety. I would happily support a simple House resolution expressing this distaste.

But I cannot support this bill as an act of legislation. In addition to being unnecessary and uncalled for by any meaningful evidence in our society, the terms of this loosely drawn bill would make felons out of untold millions who, without any malicious intent, commit the specific acts that this piece of legislation would punish. Thus the law itself demeans the principle of justice under law which the flag symbolizes.

Many newspapers and publications, for example, print flags on their mastheads or covers. If a citizen were to burn such a publication, say, in starting an outdoor grill, or if a citizen were to use such a publication to swat an insect, he would find himself in violation of this law.

Jennifer Jo Brown, age 3, the daughter of my administrative assistant, was given a flag to wave and thereupon stuck it in her mouth and sucked on it—what a shame to be a felon at such a tender age.

Postal employees who cancel 5-cent American-flag stamps every day would find themselves breaking this law.

On this question, I quote the "Additional Views" of my distinguished colleagues, JAMES CORMAN, HENRY SMITH III, TOM RAILSBACK, EDWARD BIESTER, JR., and CHARLES WIGGINS, filed with the committee report:

> The undersigned members of the Judiciary Committee agree with the objectives of the present legislation to prohibit public desecration of the flag, but wish to express certain reservations concerning the impact of the measure in its lack of clarity with respect to intent. The bill would penalize whoever "casts contempt" upon the flag by speci-

> fied public acts without specifying whether the contempt must exist in the mind of the offender, or only in the eyes of the beholder. Indeed, as the measure is written, no specific contemptuous intent need be established at all. Under the bill, a person who publicly burns or mutilates the flag might be found guilty whether or not his conduct was contemptuously motivated.

I do not claim that this bill would lessen the right to dissent.

It would, in all likelihood, stimulate a pathetic handful of half-baked publicity seekers to burn flags to test the constitutionality of the act, which cases would wend their weary way through the courts over the years while this section gathers dust.

I think this Congress would do better to spend its time considering how we can put into reality those things that the flag stands for—freedom of speech, of assembly, of religion, and the equality of all men before the law.

Let us demonstrate our love for the flag by considering how Congress can better assure every citizen's right to life, liberty, and the pursuit of happiness.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. Kee].

Mr. KEE. Mr. Chairman, I thank the distinguished representatives of the Judiciary Committee for this opportunity to make this presentation.

Mr. Chairman, I fully support H.R. 10480, a bill to prohibit the desecration of the American flag. The American flag is our national emblem. Our American flag is sacred. Our American flag belongs to all American citizens. The flag inspires a warm feeling of patriotism in the hearts of all of us.

Unfortunately, Mr. Chairman, some individuals or groups, who enjoy the protection that our flag represents, have desecrated our flag in public, a disgraceful exhibition of irresponsibility. I will support an amendment to increase the fine from $1,000 to $5,000 and to increase the imprisonment from 1 year to 5 years.

We have casualties every day in the war in Vietnam. How can any person defend the incidents of contempt for our flag to the families who have lost a loved one in the defense of liberty?

The American people demand action now.

I have every confidence that the House of Representatives will fulfill its sacred obligation this afternoon and pass this measure with an overwhelming victory.

Mr. BOW. Mr. Chairman, I need not take much of our time to comment on this legislation to protect the American flag from the disrespect and desecration that it has suffered recently in certain areas of the Nation. My constituency knows of my support of this legislation during the past year or so and my constituents share my contempt for those who abuse the freedom of our country by insulting the flag that symbolizes that freedom.

Some years ago I was concerned about the apparent decline in patriotic feelings in our country. There seemed to be an air of apathy about the flag, our great historic holidays and other outward evidences of devotion to country. Mr. Chairman, I think all that has changed and to some extent these unthinking hoodlums who desecrate our flag are responsible for stirring anew in the vast majority of Americans a deep devotion to the Nation and its emblem.

Display of the flag in my congressional district is now the usual rather than the unusual thing. The demand for new flags is tremendous. I am happy to join in and support and promote this outward display of sentiments all good Americans share, and I am happy to have the opportunity to support this legislation today.

Mr. McCLORY. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. Blackburn].

Mr. BLACKBURN. Mr. Chairman, I rise in support of this measure.

Mr. Chairman, it is with mixed emotions of pride and sorrow that I, as a Member of Congress, find myself compelled to participate in the passage of legislation which will make it a crime for any person to desecrate the flag of this great Nation.

My pride is born from a sense of the responsibility which the citizens of my district have placed upon me in making me their voice in the Congress. I have never felt this responsibility more than I do in this hour, when I find that a need exists to protect the symbol of our Nation's greatness.

My sense of sorrow springs from a recognition that such legislation is needed. As one who was inspired from earliest infancy at both home and school to show respect, if not reverence, for the flag of the United States, I am both hurt and baffled by the actions of some among us who would show less than respect for our flag.

Since the birth of this Nation, our flag has served as the symbol of freedom and equality of opportunity for downtrodden people throughout the world. Our soldiers in time of battle have risked, and lost, their lives on many occasions to protect that symbol from disgrace and defeat.

There are those among us who will contend that the destruction of our flag is but a legitimate exercise of free speech, a freedom which this flag symbolizes. They will argue that to destroy the symbol is but a method of calling attention to some aspect of our national policy with which they are in disagreement. To these people I must reply that there are other methods of expression, methods which can be equally effective and yet not place our Nation's symbol in a position of scorn. Such actions are literally an abuse of free speech. They destroy that freedom in the guise of exercising it.

I say to those who are disposed to scorn and express contempt for the flag that they should awaken to its true meaning and the great disgust which they bring upon themselves. I say to such people that we cannot destroy the symbol of freedom without destroying in some measure the freedom which it represents.

Mr. Chairman, today I take pride in reflecting the wishes of the people of the Fourth Congressional District of Georgia by giving my wholehearted support to this legislation.

Mr. McCLORY. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina [Mr. Watson].

Mr. WATSON. Mr. Chairman, I rise in support of this legislation. I only hope we shall have as responsible enforcement of it as we have had consideration of it.

Mr. Chairman, although I must admit skepticism only last year that this bill would ever reach the House floor, I want to commend the distinguished members of the Judiciary Committee and my other colleagues for their diligence and keen awareness of the need for this legislation.

Of course, this bill has generated the expected rhetoric about that great contemporary misnomer—free speech. Although I am at a loss to define free speech as a result of the confusion affixed the ordinary meaning of that term by the Supreme Court, opposition to the bill before us on the basis that its enforcement would be a denial of free speech is sheer and utter nonsense. Purposeful mutilation of the flag of the United States is a heinous crime against the American people which should not go unpunished.

This body has responded to the will of the overwhelming majority of the American people by considering legislation to prohibit desecration of the flag. And, I predict that the bill before us will become law.

But, accompanying passage of this bill should be a strong resolve by the Justice Department to enforce its provisions. Although the Attorney General, in a letter to the Judiciary Committee, conceded that his Department would enforce the bill, the wording of his letter led me to believe that he is not altogether in favor of it. In fact, if the Attorney General, who seems more predisposed to bring about sociological reformation than law enforcement, decides to pay the same lipservice to this bill as he does to the soaring crime rate, then we may as well forget our efforts here because they will have gone for naught.

The voice of the people will be stifled unless this bill is enforced. For this reason, let us hope that the Justice Department will put teeth into the actual enforcement of this legislation.

Mr. McCLORY. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. Halpern].

Mr. HALPERN. Mr. Chairman, I find it highly gratifying that the Committee on the Judiciary has favorably reported H.R. 10480, to outlaw defilement and desecration of the flag of the United States.

It is a source of special satisfaction to know that the subcommittee, and the full committee, gave such overwhelming approval to this measure. I am not offended by this legislation as my friend and colleague from New York [Mr. Scheuer] said he was. I am proud to be identified as a stanch advocate of it.

I derive particular satisfaction as a citizen of the United States, who looks upon our flag as the glorious standard of our Republic, and as the symbol of our love of freedom and dedication to democracy, and also as a Member of this House who has worked for a number years to bring such a bill to this body.

Last year, in the 89th Congress, I was a sponsor of legislation similar to that before us today, to make it a Federal crime for the first time to desecrate or cast contempt upon the flag of our country. I then joined in a major effort to have that bill discharged out of committee for floor action.

Again, this year, I introduced a bill with the same purpose, and testified before the Judiciary Committee, stressing the need for such legislation, as a glaring omission in our laws. At that time, I urged that the committee report a strong, meaningful, and enforceable bill to the floor, such a bill is before us, and I am happy that the efforts of so many in this body, and patriotic organizations throughout the Nation, have now come to a first fruition.

As it comes before us today, the bill incorporates only minor changes from the earlier version I urged. In that bill, any act of mutilation, defilement, defiance, or casting contempt upon the flag of the United States would have been made a Federal crime.

The bill, as reported, includes those points, but specifically adds the act of burning the flag as a crime. The addition is a good one, because so many of the exhibitionists who have mocked our Nation's emblem in public, have done so by burning it.

Though this House has acted upon a great deal of profoundly important legislation during this session, I am convinced that this flag bill is as important as any which has come before us.

It is a measure which can rectify an obvious hole in the law, which many patriotic citizens and organizations have been trying to correct for years. Though each of the 50 States has a statute covering disrespect to the flag, it is unbelievable that we have no Federal statute outlawing it.

It is clear, from the report of the Judiciary Committee, that no attempt is made in H.R. 10480 to displace State jurisdiction. Rather, its purpose is to provide concurrent jurisdiction to bolster and strengthen the powers of all law enforcement agencies to act swiftly against those who would outrage the standard of our country.

I am glad to see that the bill before us retains the penalties I proposed in the measure I introduced—a fine of not more than $1,000 and not more than a year in prison.

This is important in the light of the particularly obnoxious incident I discussed during my testimony before Subcommittee No. 4 of the Judiciary Committee.

At that time, I recalled a filthy and revolting display of so-called pop art in New York City, which was reported in news stories throughout the world. That case involved use of the American flag in obscene and pornographic conformations in a public gallery. If any Member of this House has any question of his vote on this bill, I ask him to view these photos which I have here.

The proprietor of the gallery, was convicted of a misdemeanor under the New York State Penal Code, and was fined $500. I pointed out that the proprietor earlier had sold one of the pieces of so-called art for $900, giving him a $400 net profit on the filth he purveyed.

In other States, the situation would have been even more outrageous, for not all State statutes are as severe as New York's. In some States there is only a token fine—$10 in Massachusetts and $5 in Indiana, for example.

I am sure most of us know of the incident in New York City's Central Park, on April 15, when thousands witnessed the disgraceful act of a group which publicly burned an American flag.

This repugnant display turned many stomachs, and to add to its revulsion, it was seen by millions of people throughout the world in news photos and telecasts. What was most appalling was the fact that the perpetrators went unpunished.

I feel certain that when the Congress passes this flag bill, the provisions of this legislation will provide standards for a number of States to amend their own statutes to make the penalty for desecrating the flag more nearly fit the crime.

Thus, we will be serving a twofold purpose when we pass this bill. We will provide strong, effective, legal machinery for Federal prosecution of desecrators of our flag, with tough penalties and enforcement provisions, and at the same time, we will offer a model code for States to follow.

Mr. Chairman, I trust that this House will approve this bill which places the Federal Government in the primary position it should hold, as the defender of our national emblem, and provides effective enforcement features and meaningful punishment for willful violators.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. HALPERN. I am glad to yield to the gentleman from North Carolina.

Mr. WHITENER. I should like to say to the gentleman that I believe one of the most impressive bits of evidence we had as to the need for this legislation were those color photographs, the exhibits which the gentleman presented to the committee. I join him in saying I cannot understand how any American could oppose this legislation if he would just take 1 minute to look at the exhibit which the gentleman from New York presented to our committee.

Mr. HALPERN. I thank the gentleman.

Mr. McCLORY. Mr. Chairman, I yield 4 minutes to the gentleman from Alaska [Mr. POLLOCK].

Mr. POLLOCK. Mr. Chairman, on May 4, 1967, it was my privilege to introduce H.R. 9684, making it a crime to desecrate the American flag by intentional burning or otherwise. Many other Members of Congress have felt compelled to do likewise, and I commend them. I am personally getting sick and tired of reading of incidents of crackpots and lunatic-fringe demonstrators spitting upon the American flag, or ripping it to shreds, or stomping upon it, or otherwise defiling it.

As have most Americans, I have had my fill of watching these unpatriotic characters abuse and defile the constitutional right of all Americans to speak freely, to assemble peaceably, and to petition for a redress of grievances. The right of dissent is one of the oldest and most cherished rights which all Americans possess. If it is sometimes used in a frivolous or ridiculous manner with which we disagree or to which we take exception, it is one of the prices we pay for enjoying existence in a free democracy. But the desecration of the American flag transcends the question of individual rights. The American flag—any American flag—is, in essence, the property of all Americans. While an individual may have a right of dissent, he also has the responsibility not to infringe on the rights of others in doing so.

So far as I am concerned, by maliciously burning the American flag or otherwise intentionally defiling it, a misguided zealot on the lunatic fringe or one who performs this dastardly deed with unpatriotic or treasonous motives is an individual destroying a unique, precious property that belongs to millions of Americans, and thus is violating the cherished rights of those millions.

The irony of it all is that these traitors in our midst seek to malign the very system that protects them and offers them the right to demonstrate. It is fantastic that in 180 years no Federal law on flag desecration has been enacted by the Congress, and let me tell you that the need has never been more compelling than now.

The pending legislation provides for fine and imprisonment for anyone who publicly mutilates, defaces, defiles, defies, tramples upon, or casts contempt upon any flag, standard, colors, or ensign of the United States. Mr. Chairman, I hope legislation will overwhelmingly pass this House today to punish those misfits who desecrate the American flag: nevertheless, may I respectfully submit that the penalty in H.R. 10480 is far too lenient. Accordingly, today I propose to introduce an amendment at the appropriate time to make desecration of the flag not only a felony but more specifically to provide that an act of willful desecration of the flag would create the presumption that the act itself was performed with intent to commit treason. To me this is a serious matter, and the penalty should be serious also.

Legislation was passed by the 89th Congress making it a crime to burn a draft card—Public Law 89-152, with the penalty covered under 50 U.S.C. appendix section 462—providing for a fine not to exceed $10,000 or imprisonment not to exceed 5 years, or both. It would indeed be a paradox to provide a lesser penalty for desecration of a cherished symbol of freedom and power in America.

Mr. McCLORY. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I think it is highly appropriate that the House of Representatives act favorably on this legislation at this time, just a short period before the Fourth of July. This is a day that commemorates the independence of our country and the freedom and dignity of the individual, the very spirit of our proud national emblem.

There is good cause to enact the bill that is before us because we have all been aware of the demonstrations against Old Glory that have been going on around the country. There has, for instance, been a flag burning at peace demonstrations in New York and a putting of the torch to Old Glory in class by a college instructor in Indiana. Yes, and there have been other instances of flag abuse:

A New York theater sponsored the burning of the flag on stage.

A speaker on a college campus in Indiana spat on the flag, ripped it into pieces, threw it on the floor and stomped on it.

Demonstrators in Georgia pulled down the flag from a courthouse, tore it and tramped it, after spitting upon it.

An Illinois school teacher tramped on the flag in the front of his class.

Mr. Chairman, the punishment features of this legislation are not as strong as I would like to see them, for the bill makes casting contempt upon the American flag by publicly mutilating, defacing, defiling, burning, or trampling upon it punishable by a fine of not more than $1,000, or imprisonment for not more than 1 year, or both. I have introduced legislation with stronger punishment features, providing that those who mutilate or desecrate the flag would be punished by imprisonment up to 5 years or a fine up to $10,000, or both. I want to make it clear, however, that I support the bill presently before us—it accomplishes the all-important end of making abuse of our American flag a Federal crime, thereby setting up a national standard.

There are some who have opposed this measure on the grounds that it was unconstitutional, interfering with the right of dissent and free speech, guarantees provided the citizen in the first amendment to the American Constitution. This objection has been properly and adequately attended through language in the bill which does not prohibit speech, the communication of ideas, or political dissent or protest.

Others have argued against this legislation in the belief that Federal legislation on this subject was not necessary and would interfere with the various State laws on the subject. This concern also has been taken care of in the bill inasmuch as it provides that it shall not be the intent of this legislation to interfere with or preempt State laws in this area.

I am glad to see that the prohibitions against flag desecration shall apply not only to those in the United States but also to the actions of American citizens living abroad—legislation of this nature should have 100 percent application, no matter where the American citizen is located.

Mr. Chairman, many of those who abuse Old Glory offer the excuse that such destruction is of no consequence because the emblem is but a mere piece of cloth. Still, all of us know that these persons would not harm it if it were a simple piece of fabric. Instead, they do it in very obvious disdain of the very fine things this flag represents, all relating to the independence of our country and the dignity of the individual. But the logic of these individuals escapes me, and I find it difficult to understand how those who resort to this revolting conduct can, in good judgment, offer their violent opposition to the very symbol which permits them to make this kind of expression.

Under the circumstances, then, I think it is high time to do something about this situation, Mr. Chairman, and the legislation before us offers an opportunity in this regard. I strongly urge the House of Representatives to approve this legislation, remembering these words of Theodore Roosevelt:

> We have room in this Country but for one flag, the Stars and Stripes. We have room but for one loyalty—loyalty to these United States.

Mr. McCLORY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. MILLER].

Mr. MILLER of Ohio. Mr. Chairman, to all of us who hold the flag and the ideals it stands for in high esteem, it is deplorable to think that anyone would be so profane as to desecrate the most respected national standard in the world.

But such is the case. It is disgusting that there are those in this country who would and do abuse and insult our flag.

For almost 2 centuries it has been the symbol of freedom, hope and liberty to the peoples of the world. The sun never sets on Old Glory. Even now, thousands of miles from this room, our young men are dying for the principles and beliefs that we hold most dear and sacred. But in some cities, those same principles and beliefs are ignored and our flag has become the target of insults of all kinds.

It is time that we, the lawmakers of this great Nation, protect from such abuse the one symbol that signifies our beliefs.

I am in no way advocating the suppression of legitimate disagreement with the policies of those in authority. The right of orderly dissent is fundamental to the rights of life, liberty, and the pursuit of happiness. But anyone who cannot express his dissent without desecrating our flag has not matured enough to logically comprehend or express his grievances. We, the Congress of the United States, must act with a united front against those who would bring disrespect upon our flag.

Mr. McCLORY. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. THOMPSON].

Mr. THOMPSON of Georgia. Mr. Chairman, while sitting here and listening to the debate two factors have become very evident. Those opposing this bill maintain that we are working in an emotionally charged atmosphere. I for one want each and every Member to know that so far as I am concerned it is an emotionally charged atmosphere. Frankly, I cannot look at this flag of ours without feeling deep within me a deep love, devotion, and respect. I remember as an 18-year-old soldier, standing on the parade grounds during retreat, for the first time seeing our flag lowered.

And I remember the deep love and respect that I felt in the pit of my stomach.

I respect that flag and I want others to respect the flag. Second, I know we are not going to legislate affection. But I do feel this, that those who fail to respect the flag and by their act defile the flag, then they should be subject to the penalty we impose for their failure of this respect.

The people of the United States all have a right to look at this Congress for the protection of their property, and that flag is the property of all the people of the United States and not just of a few who would destroy it. To those who would destroy that flag, let us, the Congress of the United States, tell them that they shall be punished and the purpose of this legislation is to exact punishment for destroying the property of all of the people—our flag.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. SKUBITZ].

Mr. SKUBITZ. Mr. Chairman, I rise in support of this legislation. I joined my House colleagues in introducing legislation to prohibit the desecration of the flag and I rise now in support of that legislation. The point has been raised that such legislation would infringe upon the right of free expression of our citizens, and this argument, in my thinking, is totally without substance.

For example, it might be argued that a person who writes notes on the structure known as the U.S. Capitol is merely exercising his right of free expression. But the laws would not permit such an act to go unpunished. It would be labeled "destruction" as would similar acts of defacing any national statue, landmark, building, painting, or emblem. Actually, the extent of the charge depends on the value of that which is destroyed. But the destruction of any of the properties of this country—preserved as a recognition of our national heritage, pride, and principle, preserved for the citizens of all this country—was punishable under our laws.

Surely we cannot contend that our flag does not deserve the same protection.

Our laws are not written only to preserve the concrete and steel that goes into an object; they are not written only to protect objects of material value. The value of our flag exceeds any money figure which could be given it. If I may borrow from a famed world's statesman: Our flag holds the "blood, sweat, and tears" that went into this country. It symbolizes our hopes, our dreams, our aspirations. It flies free as a goal for the spirits of our citizenry. It flies free in commemoration of our freedom, of our democracy, of our faith in humanity, and in the principles on which this Nation stands.

When our flag is treated as a piece of colored cloth subject to any insult or dstructive act that may be a part of a vandal's assault, then truly a part of my homeland has also been destroyed. As this Government believes in law and order, a system of jurisprudence to protect my homeland and the citizens of this great Nation, so should it stand firm at this time in declaring our flag priceless, and protect it.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. O'Hara].

Mr. O'HARA of Illinois. Mr. Chairman, I had not intended to talk. I am not a member of the Committee on the Judiciary. But I reached the decision that I would make some remarks on this bill when my good friend, the gentleman from Michigan—and I have not a better friend and there is not a man that I hold a higher respect for than the gentleman from Michigan—when he implied that those who favor this bill might not be following the line of conscience and of conviction.

I think it is well known in this House that many times I have belonged to the thin little minority. I have cast votes that some might not have regarded politically wise votes, but I cast them in conformity with my conscience and my convictions. I never would have wished to come to the Congress if on arrival here I could have followed any other rule than that of conscience and conviction.

Mr. Chairman, this is not my bill. It is not of my handicraft. I would not have introduced it, because sometimes I think we have too many laws. I do not know that we can pattern good manners by legislation. I do not know that by laws alone we can prevent rude feet from trampling on beds of red roses.

I remember once I figured that in Illinois we had over 33,000 different laws and regulations—Federal, State, and all kinds of local rules, municipal laws, and regulations—the violation of any one of which could lead to imprisonment—over 33,000 separate and distinct ways of breaking into jail. That was over 50 years ago, and we have gone on making new laws and never repealing the dead letters.

Mr. Chairman, I am not sure that this bill when it is passed and becomes law will not do more harm than it will do good but, Mr. Chairman, it is here. And I am supporting it with conscience and conviction.

I am thinking now of last Memorial Day out in the village of Calumet Park. Every home had a flag displayed and right out in front were the men, women, and children standing in the shade of that flag. That flag meant all that is noble and that is the builder of American family life, the ingredients that enter into the making of our national life.

And, I remember the last Fourth of July in another one of the communities in the district I have the honor to represent, South Deering. Every home had the American flag displayed and sitting nearby on the lawns were the men, women, and children, and in their eyes was the light of their love of Old Glory.

Mr. Chairman, it is our flag.

I remember years ago how all the Nation thrilled to a poem dedicated "to your flag and my flag and how it waves today in your land and my land and half the world away." Yes, that was over 50 years ago and our flag still waves in your land and my land and it is part of our very hearts.

I have been brought up with that love of our flag in my heart, and I stand here unashamed of that affection. Like many of my colleagues in this House, the happiest moments I experience are when I give to someone in my district a flag that has flown over the Capitol of the United States. Sometimes we go back to our districts to make the presentation, and we are happy in doing it.

This bill today is for the purpose of protecting that flag from intentional dishonor. None can scoff at it and do it intentional injury with impunity. If I were not supporting this legislation I would go back on everything that I believe in. I might add, Mr. Chairman, that it is the flag that stands more than any other emblem in all the world for the right to dissent—a right that I will defend to the utmost.

Yes, Mr. Chairman, most of the Members of this body have served in the armed services of our country, and we all know the feelings of soldiers toward that flag. This is a bill that says nobody with impunity shall lay the hand of violence or insult on that flag.

Mr. Chairman, as you sit in the chair of authority that flag is behind you. It is behind our Speaker every moment we are here, and every time we rise from the Chamber of the House to speak that flag is there. It is part and parcel of our very existence in this historic Chamber.

Mr. Chairman, I did not want to speak on this bill until after my good and true friend, the gentleman from Michigan [Mr. Conyers], raised the question of conscience and conviction. Oh, yes; I am a liberal. I will vote any time the unpopular vote that might unseat me if it is a vote of my conscience and conviction but, Mr. Chairman, I will never vote against a bill that would stay the hand of violence and malice raising against the flag of my country.

Thank you, Mr. Chairman, and my colleagues.

Mr. DELANEY. Mr. Chairman, I wholeheartedly support the legislation before us for consideration.

I think it tragic that we find legislation is necessary to protect our flag, the revered symbol of our Nation. However, recent flag burning incidents by American citizens on American soil clearly demonstrate that such action is necessary.

We all know that the flag is a piece of cloth worth little monetary value. It does not represent a single law, or the President, the Supreme Court, or the Congress. It represents this Nation and all that it stands for: freedom, liberty, and equal justice under law.

Henry Ward Beecher, the famous minister and author of the last century, aptly stated:

> A thoughtful mind when it sees a nation's flag, sees not the flag, but the nation itself. And whatever may be its symbols, its insignia, he reads chiefly in the flag, the government, the principles, the truths, the history that belong to the nation that sets it forth. The American flag has been a symbol of Liberty and men have rejoiced in it.

It is ironic that about the time American citizens were publicly desecrating our flag and shouting their support of communism, the daughter of Joseph Stalin, the once ruthless dictator of Soviet Russia and the world Communist movement, turned her back on that system of government to seek freedom and fulfillment under the American flag.

Like the overwhelming majority of Americans I share the revulsion and resentment which the recent flag marring incidents have inspired. In my view, since the flag represents the Nation, destruction of the flag is a graphic demonstration in anarchy. As it is impossible for one person or a small group of persons to destroy the Nation, the symbolic act of destroying the flag is equivalent to an overt effort to destroy the Nation. Therefore, I strongly believe that we must deter and punish any further efforts to deliberately damage or attempt to damage the flag, the symbol of this Nation and all that it stands for.

Millions of American men and women have answered the call to the colors when our freedom was in peril. In this Nation's relatively brief history more than 600 thousand military personnel have paid the supreme sacrifice in defense of our flag, and in excess of one and one-half million have suffered wounds.

This Nation has a proud heritage of tolerating and even encouraging dissent. Indeed, the Halls of Congress would be mockeries of democratic government if dissent was unreasonably stifled. However, to openly and intentionally burn or otherwise physically abuse the flag of the United States, for which so many of this Nation's heroes have suffered and died, is, in my opinion, a clear transgression of the bounds of reasonable dissent.

Mr. Chairman, I urge passage of this bill without delay.

Mr. BOGGS. Mr. Chairman, today, when the House of Representatives is about to pass a bill prohibiting the desecration of the American flag, I think it is well to remember that American citizens have always been proud of the constitutional, legal, and ethical foundations upon which this country was founded almost 200 years ago—principles that both define and guide the United States.

We have, as you all know, many material symbols which act as reminders of the basic principles which are the essence of this country—the Capitol dome, the White House, the Statue of Liberty, great literary statements of our ideals and purposes, the Declaration of Independence, written by Jefferson, and containing the classic statement of Western democratic principles inherited from John Locke and other great theorists, the Constitution which states in simple but powerful language what this great American Nation is all about, and the writings of great Americans such as Jackson, Lincoln, Wilson, Roosevelt, and our beloved John F. Kennedy.

All of these are integral parts of the American heritage, but none of them take a higher place in the hearts and minds of Americans than the flag.

Throughout American history, the Stars and Stripes has served as the symbol of this Nation, and of its highest ideals and aspirations. The flag, as my colleague, the gentleman from Texas [Mr. Brooks], recalled last week in a way far better than I, is "a symbol of our national purpose—and a nation can only be as great, as just, and humane as its people."

The bill that is before us articulates

the feeling which the American people have for this symbol by making it a crime to publicly defile or desecrate the flag. Think of the reaction which all patriotic Americans would feel if some dissident person or group defaced the dome of the Capitol, or the White House, or any of the other great expressions of the American ideal. Recall our dismay in this Congress when some sick person wantonly slashed some of the historic paintings which hang in the halls of Congress.

Public protest has always been a part of American democracy, but outrageous acts which go beyond protest and which violate things which the overwhelming percentage of Americans hold sacred, cannot and should not be left unpunished.

Thousands upon thousands of Americans have waged battle and died in defense of our flag. Need I remind you of the great Iwo Jima Monument which honors all these soldiers? Need I remind you of the gallant actions of our men in Vietnam? This is the essence of the bill that we pass today, and I can think of no better way to manifest our pride in our past, and our faith in our future.

I am proud to be one of the sponsors of this bill.

Mr. **ROONEY** of Pennsylvania. Mr. Chairman, I sincerely wish that two measures dealing with the American flag were on the calendar today—the antidesecration bill which is before us as well as the bill to make Flag Day a national holiday.

I am well aware of the need to take prompt action to end the acts of disrespect carried out against our flag, the symbol of a great and democratic nation, by individuals whose conduct leaves something to be desired.

But I am hopeful, Mr. Chairman, that this Chamber's consideration today of the bill to end these demonstrations of disrespect will be followed in the very near future by consideration of a measure which is intended to instill in every American a greater spirit of patriotism and love of the Stars and Stripes by making Flag Day a national holiday.

I am firmly convinced that we must set aside one day each year for a special tribute to our flag—the symbol which has inspired Americans for 190 years to support and defend the principles upon which our Nation was founded. I feel strongly that Flag Day should be a national holiday. A great many Pennsylvanians, a great many Americans, share this view.

On several previous occasions, I have entered in the Record examples of public sentiment on this subject. I respectfully request that I be permitted to include in the Record several more examples today when our flag is the specific subject of our deliberations. One of these is a radio editorial by Mr. Hugh J. Connor, station manager for station WEJL in Scranton, Pa. Another is the Flag Week Proclamation of Mayor Joseph Zeller of the Borough of Emmaus, Pa. The others are appropriate editorials which were published on Flag Day 1967, by the Bethlehem, Pa., Globe Times, the Allentown, Pa., Morning Call; and the Pocono Record of Stroudsburg, Pa.:

An Editorial by Hugh J. Connor, WEJL Station Manager, Scranton, Pa., June 14, 1967

If Congressman Fred B. Rooney of Bethlehem has his way Flag Day will become a national holiday. He has introduced a bill to that effect in the House of Representatives. "It seems fitting and right that we set aside one day each year for special recognition of the Stars and Stripes. . . . for personal rededication of our lives to the principles on which our great Republic was found," says the Representative of our neighboring 15th district, and we agree with him wholeheartedly. It is particularly appropriate that all patriotic citizens join in this observance of Flag Day. Widespread participation will show the rest of the world that flag-burners are not exemplary of the people of the United States. In proudly displaying the flag we can put to shame those ingrates who would desecrate the glorious symbol of our Nation's ideals. And at the same time we can reassure all those brave citizens wearing our country's military uniform that we appreciate their services and will give them all the support at our command. Citizens of free lands the world over recognize the American flag as the symbol of a nation dedicated to the preservation of freedom. We should be equally aware of its significance. We can show the pride we have in Old Glory by displaying it on this Flag Day in greater numbers than ever before.

Flag Week Proclamation by Mayor Joseph R. Zeller, Borough of Emmaus, Pa.

Our American Flag is the symbol of the greatest free Nation on earth, the United States of America. Each component part of our Union—every state every possession, the District of Columbia, all the cities and towns and villages, all the boroughs and townships—is represented through the 50 white stars in the field of blue. Every American citizen, whatever his forebears, whatever his political philosophy, whatever his religious beliefs, whatever his feelings about current issues, whether patriot or no, is protected by the American Flag, at home and abroad.

Our American Flag is with us always, day and night. It never rests. It never sleeps. Whatever dangers we may face, from within or without, our Flag symbolizes the might of our Country to overcome those who would destroy us. Our Flag is always alert, as loyal citizens tend to be.

Since the second World War our armed forces throughout the free world have joined with those peoples who have striven to keep their freedoms against the aggressive elements inspired or abetted by the dictators of alien materialistic slave-combines, and even now in Viet Nam we are doing our utmost to contain Communism; we are helping the Vietnamese to achieve freedom.

Day in and day out, throughout the year we pledge allegiance to our Flag, but one day each year, the fourteenth of June, the Anniversary of the birth of our flag in 1777, we set aside to honor the American Flag. The purpose of Flag Week is to give various religious, civic and social bodies to arrange adequate ceremonies.

Now therefore, I, Joseph Zeller, Mayor of the Borough of Emmaus, Pennsylvania, do hereby proclaim the period of June 11–18, 1967, to be Flag Week, and I urge our citizens to honor our American Flag by flying it.

[From the Bethlehem (Pa.) Globe-Times, June 14, 1967]

Flag Day

The embattled 13 colonies fought their Revolutionary War skirmishes and battles under a variety of flags. Some of them were reminiscent of the nation from which they *were seceding and others were highly original* symbols of the colonial attitude.

There was the Pine Tree flag of 1775, with the tree and the slogan "An Appeal to Heaven," there was the Gadsden flag of 1775 with the coiled snake and the legend, "Don't Tread on Me," and there was the Bunker Hill flag of 1777. But none of these seemed quite right, so on June 14, 1777, the Continental Congress passed a resolution that defined the official flag—it was to have thirteen stripes alternately red and white, and thirteen stars in a blue field.

The idea was that a stripe and star would stand for each colony, with the red, according to the resolution, "denoting daring," the white "purity," and the blue "taken from the Covenanters' banner in Scotland" because of their stand against oppression. As for the stars, they represented "the constellation of states" and were arranged in a circle originally to indicate the perpetuity of the Union.

Accordingly, the design was taken to Betsy Ross in her upholstering shop on Arch Street in Philadelphia and she agreed to make a sample flag for the approval of the committee. She liked the sketch, but the only thing was the six-pointed stars—she thought they looked clumsy. The committee reminded her that a great many flags would be needed, that five-pointed stars were difficult to cut. This is true, if you have ever tried to cut one.

But Betsy must have made her quota of patchwork quilts and licked the patch-pattern long before the committee called upon her. She took a piece of paper, folded it once or twice, picked up the scissors she wore at the end of the chain on her waistband and, snip, cut a perfect five-pointed star. That settled it and she got the order.

That same flag is flown in this country today, with the only change being that the circle of 13 stars is now a field planted in even rows with 50 stars, one for each state. Perhaps based on the Betsy Ross legend, but more likely because the flag has flown through shot and shell, in battle and at peace—and at half-mast to denote national loss—we are emotional about our flag. In itself it is but a piece of patchwork, as an emblem it stands for the nation. When it is burned or mutilated the nation is insulted. When it is flown proudly Americans rejoice.

Something of all this we are thinking today, Flag Day, as "the republic for which it stands" flies the Stars and Stripes from doorsteps, from windows, and high above our buildings.

[From the Allentown (Pa.) Morning Call, June 14, 1967]

The Way To Celebrate

Flag Day is an appropriate enough time for the vote by which the House is expected to approve a bill that ultimately would make it a federal crime to burn, mutilate or defile the Flag of the United States.

Demands for the law have been mounting sharply since an American Flag was burned in an anti-war demonstration in New York several months ago. The tougher the statute is, the better many will like it. One congressman has been quoted as saying he is willing to agree to anything less than a firing squad.

There are, however, much more effective ways of observing Flag Day. The most appropriate one is to fly an American Flag today and to renew the pledge of allegiance to the country that guarantees the liberty and justice for which it stands.

Flag flying from homes along every street will be much more realistic evidence of how most Americans feel about their country and the tasks confronting it than any action Congress may take to deal with a handful of kooks.

[From the Stroudsburg (Pa.) Pocono Record, June 14, 1967]

Unique Holiday for Unique Flag

It is easy to get sentimental about our flag, the 13 stripes and the stars that have grown from 13 to 50. The flexible arrangement of stars is unique in national banners and reflects the expansion to greatness of the U.S.A.

Our state is the only one of the 50, however, which recognizes the flag as reason for a legal holiday. This is Flag Day all over the nation but Pennsylvania alone has declared it a holiday, meaning government offices, at least, will be closed.

These days, especially, the flag deserves special recognition from the home front. Displaying it is part of the ceremony, respecting it is the essence of our heritage.

Except that we have recently noted the addition of two stars to the up-to-date flag of our country, the banner is often too much taken for granted. It takes its degradation abroad to remind us of how much the stars and stripes really mean.

Beyond our shores it has become a symbol of disrespect for Americans to burn our flag or stomp on it. Young Americans, even, in anti-war rallies in Sweden and England have recently made a petulant show of trampling the flag.

They are quite a contrast to the young men in Southeast Asia with a job to do for their country, who hoist the flag each day at their bases in Vietnam or wrap it too frequently on the coffin of a cohort who will never see the flag fly again on earth.

The flag-tramplers should know that their disrespect only adds to America's resolve to keep millions of our flags flying as symbols of freedom by each dawn's early light.

Mr. LONG of Louisiana. Mr. Chairman, lately we have all been saddened by the spectacle of public acts of desecration of the American flag, committed in the name of freedom of dissent and freedom of speech. However, it has become clear to the American people and to the Congress that America provides for sufficient opportunities for free speech and dissent without sacrificing the honor of the American flag.

It has become the duty of several Members of the Congress to propose legislation which would protect the national colors by prohibiting desecration of the flag and prescribing penalties to those who offend the conscience of the American people by casting contempt upon the American flag "by publicly mutilating, defacing, defiling, burning or trampling upon it." Mr. Chairman, I was one of those Members who saw fit to ask for legislation to prohibit the desecration of the American flag, and I want to urge the passage of H.R. 10480 as a reasonable and necessary bill, which will meet the purposes of all those who have sought such legislation.

The only difference between my bill and H.R. 10480, reported by the Committee on the Judiciary, is the section calling for penalties. I would ask for more severe punishment, but in the light of the deliberate study given this proposition by the Committee on the Judiciary I will defer to the wisdom of the committee.

It has also come to my attention that the United States has never before had a law prohibiting the desecration of the flag. Indeed, the United States has never before required such legislation to protect the national symbol of our most cherished principles. But in this day new and bold acts of contempt are being committed against the flag. And while these acts in themselves do not constitute a threat to our colors physically, they do threaten the morale and esprit de corps of those men and women called on to defend America.

It should not escape the attention of the Congress that while a few inconsiderate individuals in America demand an excessive license to destroy our national emblem in the name of free speech and dissent, literally hundreds of thousands of our bravest and best are exercising their right to defend the cause of freedom and liberty by offering their lives and hearts to the supreme sacrifice. This legislation then is not so much a measure to deprive some few of some obscure right as it is to give to our men in Vietnam the moral support which might well be the difference between life and death.

I have been to Vietnam twice, Mr. Speaker, and I am constantly amazed and immensely proud of the heroic conduct of our troops there. Passage of this bill can be the measure of America's confidence and support of these brave and selfless men.

Mr. MURPHY of New York. Mr. Chairman, we assemble today in the shadow of the American flag.

Yesterday was the 190th birthday of our flag. It was a time for all of us to pause and reflect on the significance of the flag as a symbol of not only a proud history but of a national strength and unity of purpose.

It is fitting, therefore, that we consider today a bill designed to protect that flag from abuse. The bill before us today—H.R. 10480—would prohibit and punish certain public acts of desecration of the flag. It is occasioned, according to the report, by a number of recent incidents involving public flag burning. I agree with the report that such public flag desecration should be prohibited and I support the provisions of the bill before us today.

However, I do not think the provisions are broad enough in scope to protect the flag from abuse. For this reason I will offer an amendment to the bill which would prohibit misuse of the flag and prohibit public display of the flag of a foreign government engaging the United States in war or armed conflict.

I have introduced legislation embodying these provisions since first coming to the Congress in 1963. My interest is the result not only of strong personal conviction, but also very strong and broad support from my constituents.

The first flag bill I introduced in 1963 was the result of my discovery that bales of old American flags were about to be shipped from New York to Germany to be used as shoeshine rags. A year later, one of my constituents notified me that a piece of an American flag had been used to line the pocket of a coat she had bought for her son. I asked the Federal Trade Commission to investigate the situation at that time. Since then I have found numerous similar incidents where the American flag has been used for commercial gain, or in a manner inconsistent with the respect which should be accorded the flag of the United States. As a result, in 1963 and every Congress since, I have introduced legislation to deal with this type of misuse of the flag.

Since a flag bill has already been reported without this provision, I offer it now as an amendment. It would establish a section 4 which would provide for the punishment, with a fine of not more than $1,000 or imprisonment for not more than 1 year, or both, for anyone who sells a flag of the United States or an article incorporating all or part of such flag, knowing that after sale the flag or article is intended to be used other than as an emblem of our national sovereignty, or in a manner inconsistent with the respect which should be accorded the flag of the United States. The amendment establishes another section—section 5—which gives the President authority to prohibit exportation of the flag in cases where he determines that the flag would be used in a disrespectful manner.

A third provision—section 6 of the amendment—stems from a number of recent antiwar demonstrations involving display of the flag of a foreign government engaging the United States in war or armed conflict, and would punish a violation with a fine of not more than $10,000 imprisonment for not less than 1 year, or both.

As the scope and intensity of the Vietnam conflict have increased, I have become increasingly convinced that the enemy believes we will grow weary of the war and abandon the fight. With the possibility that public dissent will prolong the war, it should be the duty of all who would dissent to do so in a responsible manner. Most of the dissent has shown such responsibility. But there is a minority in this country for whom the act of dissent is more important than the consequences of that dissent.

The public display of the Vietcong flag is clearly a violation of the rights of the majority, for it gives aid and comfort to the enemy and prolongs a war which the majority of Americans are determined to see to a just and honorable conclusion. There are differences of opinion as to methods and degrees of prosecuting the war, but there is strong support from a majority of Americans as to the general purpose of the war. If the will of the vast majority of Americans, the will of a majority of their elected representatives, and the will of their elected President is seriously obstructed by the irresponsible dissent of a minority, then it is no longer a question of the rights of that minority—it is, rather, a question of the rights of that majority.

Mr. Chairman, legislation prohibiting abuse of the American flag is long overdue. Many Congressmen, including myself, have sought such legislation for a number of years. Today, with hundreds of thousands of our men risking their lives in Vietnam, there is a special urgency attached to passage of strong flag legislation. I sincerely hope my colleagues will give serious consideration to my amendment, and I hope the flag bill will be passed without further delay.

Mr. PETTIS. Mr. Chairman, I rise in support of my bill, H.R. 9791, to prohibit desecration of the flag. I am gratified that my colleagues have expressed themselves so clearly on this subject so vital to the honor and dignity of our great Nation.

Nothing has sickened the American

people so thoroughly as accounts and pictures of unwashed, irreverent gangs burning and otherwise desecrating Old Glory. This banner, Mr. Chairman, has inspired hope in the hearts of freedom-seeking people through the world and pride in the sons and daughters of America for many generations.

It is to the credit of the American people that legislation protecting the flag has, until now, been unnecessary. The very thought of trampling on the sacred symbol of our free Nation is repugnant to all true Americans. It is, therefore, with the deepest sorrow that I now assert the urgent need for legislation penalizing such misconduct.

It is a very shocking experience, Mr. Chairman, to see our flag dishonored. This kind of defiance evokes within us feelings of shame and confusion. The appalling aspect of it all is that the manipulated people who act out these desecrations seek deliberately to produce this very shame and confusion. Wherever they conspire, these anarchists attack that which is sacred, beautiful, and fine. They realize too well that decent people simply do not know how to react to such disgusting action.

Behind a smoke screen of alleged humanitarianism they spit venom on the institutions and symbols of a nation that has, for generations, been the light of humankind.

It is not enough, Mr. Chairman, to penalize the dishonoring of our symbols of freedom and national sovereignty. Even as we pass this bill, I call upon my colleagues and all loyal Americans to rededicate themselves to the God given principles of freedom and human dignity that have made our Nation fine and great. Unless we do this, we shall lose all for which our fathers worked and fought and died.

Mr. HAGAN. Mr. Chairman, the right of dissent, as forged by our Founding Fathers, was not designed to sanction the desecration of the American flag. Those first Americans did not have in mind that the American flag could be defiled and desecrated without some form of punishment being administered. And certainly the Bill of Rights was never intended to protect those who would dishonor the very symbol of our freedom. Millions have fought and died defending the very meaning of the Stars and Stripes. It has served as an emblem of our sovereignty, but it is more than that; it is a reminder to the peoples of the world of those ideals of freedom and liberty for which the United States has always stood. It is a source of pride and honor to all true Americans.

I urge unanimous approval of legislation now under consideration to make public desecration of the American flag a crime.

Mr. BENNETT. Mr. Chairman, I urge the passage of this measure. Our flag is symbolic not only of our beloved country but of the highest ideals of mankind, clearly embodied in the heritage of our country. It is not symbolic of every statute or policy of our country; and the defiling of the flag is a senseless way to show disapproval of such statutes or policies. The acts prohibited by this means are in essence acts of inferred treason, anarchy and disloyalty to our country. A country has a right to put a criminal brand upon such behavior; and that is what this measure does. It is long overdue. My only regret is that it has become necessary to enact it.

Mr. GROSS. Mr. Chairman, I want to commend those members of the House Judiciary Committee and the Rules Committee who were instrumental in bringing this measure to the floor of the House.

Legislation to provide drastic penalties for desecration of the U.S. flag ought to have been adopted long ago. For much too long has a certain breed of individuals defiled, with almost complete impunity, our precious flag.

Mr. Chairman, the one serious defect in this bill is that the penalties are not adequate. I understand that an amendment will be offered to increase the penalties to a maximum of 5 years in prison or a $10,000 fine, or both. I will certainly support such an amendment and vote for the legislation.

Mr. ADAIR. Mr. Chairman, it seems to me the issues before us today are clear. The flag is the symbol of this Nation, her ideals, the memories of a glorious past, and the hopes for an even brighter future.

Those who desecrate the flag are showing by this act not only a lack of regard, but actual hostility to the things for which our flag stands.

Since they obviously entertain this hostility, such persons should not be permitted to demonstrate it openly, but instead should be sternly punished for their attitude and acts.

Mr. ROGERS of Florida. Mr. Chairman, as a sponsor of the bill which we are considering today, I would like to take the opportunity to express my satisfaction in the speedy way in which the Members of the House have acted to preserve the prestige of our national symbol.

We here realize that among the things which stand for the form of government we have dedicated ourselves to, probably none better represents those ideals than does the flag.

It has caused me great concern to read of incidents where this symbol has been defaced, desecrated, and scorned. As my colleagues here today, I, too, believe that we should act to protect our national standard.

As we stand firmly behind this legislation, I would also like to note that people of my district, and indeed I feel the people of the Nation, share our feelings on this matter.

I feel such action as these flag burners are a direct slap in the face to the servicemen in Vietnam and those throughout the world who are risking their lives to preserve the freedoms we now enjoy. I therefore urge passage of this bill.

Mrs. REID of Illinois. Mr. Chairman, as the sponsor of H.R. 9503, a similar measure to prohibit desecration of the flag, I rise in support of H.R. 10480, and commend the Committee on the Judiciary for bringing this measure to the floor at this time.

This bill deals with our American flag, which we recognize has little material value. It can be bought for only a few cents or a few dollars so that any family, regardless of its economic circumstances, can afford to own one. Yet, nothing was ever purchased at greater cost to the people of this Nation.

Since 1795, when the Stars and Stripes, by an act of Congress, became the official flag of the United States, men have respectfully doffed their hats and stood at attention as this emblem of our national unity passed by, and citizens have proudly displayed their flags on our national holidays and on Flag Day, as they did just last week. Like Oliver Wendell Holmes, Americans have traditionally believed in "One flag, one land, one heart, one hand, one Nation, evermore."

Fortunately, the great majority of our citizens do have a deep and abiding sense of pride in their flag and all it stands for, and indeed it is deserving of all the honor which we can pay it as the symbol of our Nation and the high principles for which it stands. But there are in our midst today those who, under the guise of the very freedom which the flag symbolizes, would desecrate it and trample it underfoot. I think all responsible citizens have been dismayed and disgusted by these deplorable actions and the fact that anyone who would take refuge in the privileges and protection of American citizenship could even think of desecrating this symbol of our proud heritage.

Our flag was born in the turbulence of the American Revolution. It has survived challenge after challenge. It has inspired courageous men and women to make supreme sacrifices in its defense and that of the liberty it represents. Its seven red stripes remind us of the blood of countless thousands of brave souls who have perished on the fields of battle, yet its six stripes of white have remained unsullied, symbolizing the purity of the high purposes to which our Nation is dedicated. And its blue field with its 50 stars gives us hope for a future in which all men will live together in peace and dignity.

I am aware that individual States have various restrictions pertaining to proper respect for the flag, but these recent incidents have called attention to the absence of any Federal law—outside the District of Columbia, that is—which prohibits these shameful demonstrations of contempt. This is not due to previous oversight on the part of the Congress, however, but rather to a genuine feeling among the Nation's legislators over the years that the day would never come when it would be necessary to protect the American flag from Americans. Sadly enough, it now appears that the day has come.

This legislation will make deliberate attacks on our flag by irresponsible demonstrators and bold publicity seekers less attractive. Those who have been guilty of such unpatriotic behavior in the past have generally sought to justify their action as another means of dramatizing their dissent to some government policy or social inequity. But when they purposely desecrate the flag, they go far beyond the bounds of propriety in rational dissent. They belittle the lives of thousands of patriots throughout our history whose struggles and sacrifices have brought to those who protest in this manner the very liberties they enjoy today. They decry the orderly democratic processes which have made this country great—and they make a mockery in the eyes of the world of the same sacrifices of American young men today who even in this hour are fighting and dying in the name of freedom.

I am not opposed to orderly dissent in our society. On the contrary, responsible and logical dissent is basic to our democratic way of life and should be welcomed. It is one of the truly great strengths of this Nation. It is one of the basic ingredients which makes our Republic function. Certainly this was recognized by the Founding Fathers, for they made ample provision in the Constitution for those who disagree to be heard. I do not believe, however, that the right of dissent is now, or ever was, intended to find fulfillment of expression in the desecration of our American flag, which should unite all Americans in allegiance "to the Republic for which it stands."

I think the time has come for those who love their country to remind those who would deride their heritage that whatever its faults, whatever its shortcomings, ours is still the best in the world. We recognize that it can be better, and must be better. But only through proper respect, not disrespect, for its institutions and traditions can there be hope of further greatness.

It is in this spirit that I wholeheartedly support the bill before us today.

Mr. BLANTON. Mr. Chairman, only last week Americans throughout this Nation commemorized Flag Day.

Today, we are debating a bill—H.R. 10480—which would establish Federal laws to protect the American flag from desecration by our own citizens.

I think that nearly all Americans are appalled by the necessity for such legislation. We have been accustomed to reading about the American flag being burned and desecrated in foreign countries. Yet it seems as if only in the past few years have there been widespread reports of flag burning here in our own country.

The Constitution of the United States, written at the birth of our Nation, does not speak of flag burning. Indeed, in those days, there were so few unpatriotic citizens that such a law was not thought necessary.

The first amendment to the Constitution prohibits Congress and the State and Federal Government under later interpretations from "abridging the freedom of speech." Under present day Supreme Court theory, symbolic protest such as burning a draft card seems to be protected as a right of free speech.

However, the flag of the United States of America is the symbol and emblem of our Nation, our heritage, and our people. If it can be sullied by those who purport to act under the shield of our Constitution, we are indeed entering a critical stage in our history. For those who would destroy the symbol of our Nation, our Government, and our people and cry for protection under our laws, let us now point to H.R. 10480. We have allowed this psuedolegalistic defense of flag burning, this de facto treason, for too long.

Freedom of speech, whether symbolic in actions or actual utterance of words, is sacred to a free society. But such a freedom does not give a wholesale license for free speech without responsibility. A duty and an obligation flows with each right. The right of free speech carries with it the obligation to be responsible. Flag burning, desecrating the national emblem, this is not responsible. Such protest is in utter contempt for the very society which allows free speech.

We are unique in the history of human civilization in that our country allows legitimate protest by every single individual. The right of protest against their Government is carried out through the ballot box. We have representatives in Congress and in responsible associations and groups to criticize and exert pressure on governmental procedures which the people object to. We have a free press which can criticize their Government. And we have the right to peacefully assemble to protest the actions of the Government. Such freedoms are rare in history for any people. Perhaps nowhere on the face of the globe today can citizens of a country make known their displeasure of their Government's actions as here in America.

But the flagrant misuse of these freedoms will lead to the destruction of them. That is why this bill is needed today. It is to serve as a brake on the misuse of freedom.

It is a pity, Mr. Chairman, that Congress has to act to save the national emblem from destruction by elements of our own citizenry. But it is an even greater pity that we have to admit to the world that we have spawned a small minority element of misfits who would use our freedoms as a tool to destroy them.

I support this bill wholeheartedly.

Mr. BINGHAM. Mr. Chairman, I have given long and serious consideration to the question of how I should vote on H.R. 10480, to prohibit desecration of the American flag.

Just as the flag is symbolic of our country, with little material or tangible significance, I believe the disposition of the bill before us will have mainly symbolic significance, and will have little tangible effect one way or another.

Laws of this sort, some far more objectionable constitutionally than H.R. 10480, are on the books of every State in the Union. Prosecutions have been rare. In my judgment, if H.R. 10480 is enacted into law, there will be few prosecutions under it. And I feel confident there will be no prosecutions where the intent of the offenders is not clear, indeed blatant.

Although distinguished experts have testified that H.R. 10480 would be unconstitutional as a denial of a kind of free speech, I do not find their testimony compelling. Certainly, flag burning or flag trampling has no traditional sanction as a method of expressing dissent with one's country's policies. Surely there can and must be some limit to the kind of physical act which may be permitted as an expression of such dissent. For example, few would argue that dissenters should have an inalienable right to spit in the face of the President or Vice President or to hit them over the head.

While I have great admiration for my friends who filed the minority views, I cannot agree with the implication of their statement that the real purpose of the bill is to stifle dissent as such, particularly with regard to our policies in Vietnam. I am sure that the distinguished lawyers on the Judiciary Committee who support H.R. 10480 have no such intent.

I would agree that the fact that this bill is before us is a symptom of the emotional state that our country is in because of the conflict in Vietnam. But to attempt to defeat the bill is to focus on the symptom, not the cause. Whether the bill is passed or not, the emotion will remain.

Moreover, it is worth noting in passing that the act of flag burning or desecration is so repugnant to most people that it tends to stir up raw emotions, to make rational debate and discussion more difficult. Indeed, under some circumstances, such acts could certainly be regarded as a kind of incitement to riot. In this sense, the bill before us could be said to be aimed at acts which may tend to result in the stifling of dissent.

In addition to the feelings of frustration, grief, and anger over the continuous loss of American lives in Vietnam, there is involved here the sentiment most of us normally feel for the American flag. I am one of those who was brought up to treat an American flag with special respect—for example, never to let it touch the ground—and I react with anger and disgust at any desecration of the flag.

Like most of my colleagues, I enjoy presenting flags that have been flown over the Capitol to community groups such as Scouts, and when I do so, I invariably urge the recipients to take good care of the flag. Like most Americans who have traveled abroad, I have sometimes been surprised at the strength of my own reaction when suddenly seeing an American flag flying on a ship or an American installation.

It is emotions such as these that must be taken into account in considering this bill and the events that led to its being brought before us.

In judging what my own vote should be, I have in the last analysis been influenced by the thought that the vast majority of my constituents who are fighting in Vietnam would no doubt want me to vote for this bill, that they would somehow feel a vote against it would show a lack of support for them, and a lack of appreciation for their friends who have been killed and whose caskets have been draped in this same American flag.

This is not to say that I am necessarily guided in other matters by the views presumably held by my constituents in Vietnam. For example, in speaking and voting for cessation of U.S. bombing of North Vietnam, as a way to achieve negotiation and ultimate peace, I am aware that most of our fighting men in the area, looking mainly at the immediate and short-range aspects of the problem, probably disagree with my point of view.

But in considering H.R. 10480, I feel no such conviction that my constituents in Vietnam are mistaken.

Accordingly, I shall vote for H.R. 10480.

Mr. FULTON of Pennsylvania. Mr. Chairman, I support the proposed bills before the 90th Congress to protect the honor and respect of the American people for the flag of the United States of America.

We Americans must remember that the flag is one of the official symbols of a united nation of 50 sovereign States. The flag is not simply a decoration, nor yet a form of instrument, but is in and of itself a reflection of our history, our patriotism, and the loyal support by the American people of the Government of the United States of America.

The loyal support of American citizens for our Government, depends not on whether we agree or disagree on the day-to-day policy of our Government at home and abroad. This loyal support of our American people does not depend upon the person elected to any office, or even to the highest office bestowed by the American people, the President of the United States of America. Such variety of opinion and recommendation for possible courses of action to be taken by our Government are likewise the heritage of every American.

I therefore strongly recommend legislation be passed by this Congress protecting the American flag as a shining symbol of hope, progress, and security for the American people in these troubled times, and for many millions of people without hope at home in troubled areas of this world.

Congress of course must protect the right to disagree of every American citizen, as well as the right to petition and take steps to change U.S. policy of any kind or variety. This kind of freedom does not extend to the vicious acts which would destroy and defile, or trample under foot the loyalties of the American people to the U.S. flag, as one of our great heritage symbols.

In my opinion, destroying, burning, trampling, or otherwise intentionally degrading the U.S. flag is not only to be construed as an act of disagreement, but goes much further, and constitutes an act of disloyalty.

Under these circumstances, I therefore believe and strongly recommend the passage of these proposed resolutions which will prevent destroying, burning, trampling, or otherwise intentionally degrading the U.S. flag. My own resolution which I have sponsored is H.R. 9183.

I am including in my remarks the letter and resolution of May 22, 1967, of Brookline Post No. 540, American Legion, of which I am a member. This post strongly endorses legislation that makes desecration of the U.S. flag a Federal offense.

I am proud to present the Statement of the Legion of Valor of the United States, Inc. from their General Orders for Flag Day 1966:

> I am Old Glory: For more than eight score years I have been the banner of hope and freedom for generation after generation of Americans. Born amid the flames of America's fight for freedom, I am the symbol of a country that has grown from a little group of thirteen colonies to a united nation of fifty sovereign states. Planted firmly on the high pinnacle of American Faith my gently fluttering folds have proved an inspiration to untold millions. Men have followed me into battle with unwavering courage. They have looked upon me as a symbol of national unity. They have prayed that they and their fellow citizens might continue to enjoy the life, liberty and pursuit of happiness, which have been granted to every American as the heritage of free men. So long as men love liberty more than life itself; so long as they treasure the priceless privileges bought with the blood of our forefathers; so long as the principles of truth, justice and charity for all remain deeply rooted in human hearts; I shall continue to be the enduring banner of the United States of America. I am Old Glory!

BROOKLINE POST NO. 540, INC.,
THE AMERICAN LEGION,
Pittsburgh, Pa., May 22, 1967.
Congressman JAMES G. FULTON,
Washington, D.C.

DEAR COMRADE JIM: Whereas, we the more than 500 members of Brookline Post 540 feel that a greater respect should be shown the flag of our Country, and

Whereas, there have been numerous incidents related in the newspapers and on television of flag burning and desecration, and

Whereas, we feel that a severe penalty should be imposed on those who defile our red, white and blue that many of us have fought to protect and uphold, and

Whereas, there is now no law on the Federal statutes that makes desecration a Federal offense,

Therefore, be it resolved that we ask you as an American and a law maker to work to get Bill No. 515 out of committee and on the docket and have legislation passed to put our flag over and above traitors and common punks.

FRED C. WESLAGER,
Adjutant.

Mr. Chairman, I am proud also to present a letter I received this very morning from Pfc. N. G. Kniedler, 1st Battalion, 26th Marines, B Company, 2d Platoon, in Vietnam. The flag is a source of inspiration, encouragement, and support to the men fighting for the principles of freedom and justice in the jungles of Vietnam today. The letter speaks best for itself:

> DEAR CONGRESSMAN FULTON: I received the flag that you sent to us, and it is now proudly flying over hill 881 South.
>
> It is a little dirty because it has been raining for the past 3 days and the bunker that I live in collapsed, but we washed it out and put it back up again.
>
> I don't think that I have to tell you how much it has raised the morale up here on the hill. It very fittingly flew for the first time, at half-mast, on the 9th of June, the day after our company suffered 18 kills and approx. 23 wounded.
>
> I have some pictures of the flag flying on the hill and will send them to you as soon as they get developed.
>
> Thanks again,
> Sincerely,
> N. G. KNIEDLER.

Mr. BUCHANAN. Mr. Chairman, Americans have the right to dissent, to protest any government policy, foreign or domestic, and to freely voice and demonstrate their views. This does not imply, however, the right to destroy or trample upon a symbol sacred to millions of their fellows, the flag of our great Republic. This body has the right and the duty to protect our flag. In so doing, it truly fulfills its purpose as the people's branch of the U.S. Government.

There is no more forceful way that the American people can speak than through an Act of Congress. In passing this resolution we are saying with and for them, "We love our country. We honor our flag." Too many Americans have given their lives for the Republic and the freedoms for which Old Glory stands for us to permit it to be wantonly or willfully abused in our time. We keep faith with them and with the magnificent young men who now defend this banner in Southeast Asia, in the passage of H.R. 10480 today.

Mr. FRASER. Mr. Chairman, this bill is ill advised. It is an overpowering response to the misguided behavior of a few. It is unnecessary because each of the 50 States already has laws dealing with this subject.

The primary symbol of the United States is the U.S. Constitution. It is the devotion of our people to the institutions enshrined in that Constitution which makes our Nation strong. Yet I doubt that the demonstration of public contempt against our Constitution can lawfully be made a crime.

I do not know whether this measure is constitutional or not, but I do know that it contains a definition of the flag which is badly stated, that it has penalties substantially more severe than those of the States, and that it is written primarily as a response to the revulsion which the behavior of a few has induced in the Members of the Congress.

This Nation has survived for almost two centuries without the need for this measure. We will do better for ourselves and for posterity if we devote ourselves to the love of country and its institutions, rather than enacting redundant legislation in anger against the few from whom commonsense and good judgment have fled. As has been said on the floor of the House, these people who burn or destroy the flag are sick, but this measure will not heal them.

Mr. DANIELS. Mr. Chairman, I rise in support of H.R. 10480, a bill which would make it a Federal offense to desecrate the American flag.

I rise in this Chamber to express the views of the overwhelming majority of the people of Hudson County, N.J., Democrats, Republicans, and Independents, who are outraged at photographs and accounts of flag desecrations which have occurred in various parts of this Nation. In my four terms in this House I have never heard the people of the 14th District of New Jersey speak with one voice as they have on this issue.

When I address this House today, I am voicing the views of my constituents who do not take lightly the desecration of this Nation's flag. And as their Representative in the Congress of the United States, I share the contempt of the people I represent for those who are so ignorant or contemptuous of this Nation as to commit such an act.

Mr. Chairman, I am hardly a super patriot or flag waver, but I am old fashioned enough to get a sick feeling when I see this kind of offense being committed. I urge all Members of this House to join in support of this badly needed measure.

Mr. PEPPER. Mr. Chairman, I proudly rise in support of this measure a companion bill to which, H.R. 8980, I have introduced which would provide Federal penalties for anyone who shall desecrate the flag of the United States.

> Breathes there a man with soul so dead who never to himself hath said this is my own my native land.

These words of a great American patriot should apply as well to the flag of our country and we should with equal fervor ask—

> Breathes there a man with soul so dead who never to himself hath said this is my own my nation's flag.

Mr. Chairman, it is difficult to believe that there is anyone in this broad and blessed land to whom the sight of our flag—the Stars and Stripes, Old Glory—does not bring the thrill of patriotism. It was that flag which our Founding Fathers created as a symbol of our Republic. It was born in travail, sacrifice, and bloodshed. Throughout the long hard struggle of the Revolutionary War brave men and women gave or offered their lives that we might have this land of freedom, this land of golden opportunity, this land of unsurpassed fertility and unequaled beauty where all men could pursue their highest aspirations and cherish their dearest dreams. Our flag is the symbol of all that this land means to us and of all our hopes and dreams of what it may ever be.

For nearly two centuries brave men and women have proudly given their lives for that flag and for all that it means. Many with the fire of patriotism in their eyes and the inspiration of that noble flag in their hearts have rushed into the jaws of death—into the arms of eternity. Innumerable others have given precious portions of their bodies, others the mysterious stabilizers of their minds and yet more, all the things they held most dear, to be worthy of that flag and to be true to it. On a thousand battlefields, in every part of the earth, in the dark depths of every ocean, and in the skies which lie about the earth, brave Americans have valued that flag above life and limb and liberty and all else they valued. That flag, to every American who loves his country, who is grateful to it for its manifold blessings, shall forever be the symbol of "one nation under God, indivisible with liberty and justice for all."

It is deeply regrettable that there be those in our land to whom the sentiments of patriotism are not sufficient restraint upon their hands which would defile this flag, upon their feet which would trample upon its noble folds. It is hard to believe that there are in this broad land those who need the command of law instead of the compulsion of patriotism to make them attribute to our flag the respect which it is due. But, Mr. Chairman, if there be those so insensible of the sentiments of love and respect of their flag; if there be those so base in their ingratitude for all that this land affords them; if there be those so blind in eye and mind and soul that they do not see that flag, the sacred symbol of this glorious Republic, this citadel of freedom, this blessed land, which more than any other upon the earth satisfies the hunger of the body, the mind, and the spirit: I say, Mr. Chairman, if there, to our shame, be such as these among us then let us no longer delay in laying upon them the stern admonition of the law of this Republic with the heavy penalties it provides. Let such offenders know that this Congress will not tolerate the desecration of our flag. Let them who would desecrate the flag of the United States know that the Congress which created Old Glory will protect it against those so depraved that they would defile it.

Mr. Chairman, let us all hope and pray that by the enactment of this measure we shall penalize those who would defile our flag; but that we shall also call forth a new burst of patriotism from all the people of America; that we shall summon our fellow Americans to a new love of that flag and a new dedication to all for which it stands.

Mr. Chairman, I close by quoting three stirring poems about our beloved flag which will quicken the sentiments of patriotism in every loyal American heart:

THE FLAG GOES BY

(By Henry Holcomb Bennett)

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums,
A flash of color beneath the sky!
Hats off!
The flag is passing by!

Blue and crimson and white it shines
Over the steel-tipped, ordered lines.
Hats off!
The colors before us fly;
But more than the flag is passing by.

Sea-fights and land-fights, grim and great,
Fought to make and to save the State;
Weary marches and sinking ships;
Cheers of victory on dying lips;

Days of plenty and years of peace;
March of a strong land's swift increase;
Equal justice, right, and law,
Stately honor and reverend awe;

Sign of a nation, great and strong
To ward her people from foreign wrong:
Pride and glory and honor,—all
Live in the colors to stand or fall.

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums;
And loyal hearts are beating high;
Hats off!
The flag is passing by!

YOUR FLAG AND MY FLAG

(By Wilbur D. Nesbit)

Your flag and my flag,
And how it flies to-day
In your land and my land!
And half a world away!
Rose-red and blood-red
The stripes forever gleam;
Snow-white and soul-white
The good forefathers' dream.

STAND BY THE FLAG

(By John Nichols Wilder)

Stand by the flag! On land and ocean billow
By it your fathers stood unmoved and true,
Living, defended—dying, from their pillow,
With their last blessing, passed it on to you.

Stand by the flag, all doubt and treason scorning!
Believe with courage firm, and faith sublime,
That it will float, until the eternal morning
Pales in its glories all the lights of Time!

Mr. LANGEN. Mr. Chairman, I am pleased to join with my colleagues today in supporting passage of H.R. 10480, a bill to prohibit desecration of the flag.

With all the national publicity given recent flag-burning and flag-marring incidents, it is only fitting and proper that Congress enact legislation to make desecration of the flag a Federal crime. The burning of our national flag at a so-called peace demonstration in New York City in April should be reason enough for Federal legislation to prohibit such shameful and despicable incidents. Accordingly, the House Judiciary Committee is to be commended for vigorously recommending passage of this necessary anti-flag-abuse bill.

H.R. 10480 prescribes a moderate penalty for flag desecration—imprisonment up to 1 year or a fine up to $1,000, or both. I would have been more satisfied with the stronger penalty provided in my bill, H.R. 3925—imprisonment up to 5 years or a fine up to $10,000, or both. The important thing, however, is that we are passing legislation aimed at deterring and punishing those who would desecrate the symbol of our freedom and proud heritage. In this manner we are protecting the flag.

Last Wednesday, during Flag Day ceremonies here in the House Chamber, we appropriately honored those servicemen who know what our flag really means. Seated with us were several outstanding fighting men who had seen action in South Vietnam. They are, indeed, our Nation's gallant men—exemplary citizens who have valiantly fought on the side of freedom, for which the flag stands.

Contrast their demonstrated patriotism with the antics of those who would burn or otherwise mutilate our flag.

Last week marked the 190th anniversary of the adoption by the Continental Congress of the Stars and Stripes as the official flag of this Nation. This week the House of Representatives has the honor and privilege of passing legislation to insure its protection.

Mr. BERRY. Mr. Chairman, I rise to urge that this legislation be overwhelmingly approved by the House. As a coauthor of the bill under consideration, I am hopeful that we can send this measure to the President for his signature as soon as possible.

The American flag is much more than a piece of cloth. It is the symbol of the entire United States and the traditions of order, freedom, and human dignity which our country represents and insures. Anyone who burns the flag, is setting fire to the institutions, beliefs, and laws of our Nation as well. Anyone who maliciously defiles or mutilates the flag is not exercising a right or freedom but is showing his defiance and disrespect for freedom and rights under the law. He destroys the common property of us all.

It is unquestionably clear that demonstrations and flag burnings are an integral part of the lawless and disorderly movement in our country to oppose the U.S. role in Vietnam. It is also unquestionably clear that our enemy in Vietnam has made great use of these flag burnings in their propaganda efforts.

The flag is also the embodiment of our American civilization. Contempt for it is an anarchistic contempt for the finest country yet made by man. I urge that this bill be approved.

Mr. ROGERS of Colorado. Mr. Chairman, could I inquire how much time we have remaining?

The CHAIRMAN. The gentleman from Colorado has 1 minute remaining, and the gentleman from Illinois has 6 minutes remaining.

Mr. GALLAGHER. Mr. Chairman, we have heard a lot of talk recently about Samuel Johnson's famous—or infamous—remark about patriotism being the last refuge of scoundrels. I believe that Dr. Johnson did not intend to imply that all patriots were scoundrels; rather, he meant that when all possible disguises have been exhausted, a scoundrel will wrap himself in the flag. A comparison may be made with those who disagree with the policies of our country. When they feel that they have exhausted all possible avenues of dissent, the scoundrels among them will make a visible protest by burning or otherwise desecrating the American flag.

Let me state at the beginning of my comments that I believe that the vast majority of those in the militant peace movement are Americans first and dissenters second. Most of them are also quite young and are actively in revolt against all kinds of authority: parents, police, teachers, and their country's leaders. It may very truly be said that the purpose of youth is to do things which outrage their elders. The cries of rage which have been heard around the land about flag desecration incidents show how well they have succeeded. In many cases, these incidents are a further skirmish in the war between the generations and are only indirectly related to the protest over the war in Vietnam.

In a sense, the burning of the American flag may be viewed as an extension of the current habit of American youth of burning the symbols of society. We have seen how draft cards have been burned and it does not take much stretch of the imagination to predict other acts which may follow. Those fighting for safer automobiles will burn their driver's licenses; credit cards will be burned as a protest against the affluent style of American life; social security cards will soon be burned as a protest against working for a living. These acts are frivolous when compared to burning the American flag, but I mention them in an attempt to restore a little balance to our debate today.

Mr. Chairman, I rise today more in sorrow than in anger. Last week this House witnessed the annual Flag Day ceremonies, an impressive and soul-stirring display of pageantry and music. It is unfortunate that the very next week we are compelled to pass a bill which will prohibit the desecration of what we so wholeheartedly honored on June 14. I am proud to associate myself with the eloquent words which have been spoken about the noble history of sacrifice that has made the American flag the symbol of freedom and hope to so many people around the world. I believe, however, that the tone and language used by some of my colleagues has tended to add to the confusion of dissent with disloyalty. I regard it as an outrage that our flag has been mutilated, but I do not believe that that is an excuse for us to descend to the low level of taste and intelligence of those who performed this senseless act.

I believe that those who would defile the American flag, while a tiny minority of those in the protest movement, do present us with sufficiently offensive conduct to warrant the passing of this bill. Too many Americans have given blood, sweat, and tears to defend and preserve this Nation, of which the flag is the visible representation, for us to be able to regard its public destruction as a part of the continuing and legitimate dialog over national policy.

In praising the principles of democracy, we can not continue to allow practices which cast contempt on the flag under which dissent is allowed. These people are not only unable to distinguish between a symbolic act which will aid their cause and a stupid act which will injure their movement, they also go beyond the bounds of the protection of the first amendment.

By making flag burning a Federal crime we are saying that we have all paid a price for this flag, that it belongs to the Government and is, in a symbolic sense, that Government. While we may criticize the man who holds a high Federal office, we must still continue to have respect for that office. In the same sense, we can criticize the policies of our Government, but we have an obligation to have respect for that Government. The flag is the ultimate representation of our Nation and it must be treated with respect and handled with dignity.

There is some disagreement about whether the flag symbolizes sentiment or history. I believe that history has created a sentiment—a strong surge of sentiment—and that that sentiment is embodied in our flag. It has been seriously said that the flag is only a piece of colored cloth. We would, therefore, have to say that the Constitution is only a piece of paper and that the Capitol and the White House are only old buildings. What nonsense. We would then be required to hold that a cross is merely two sticks nailed together or that a swastika on the side of a synagogue is merely paint on stone.

The most important thinkers of the 19th and 20th centuries have taught us that symbols have emotional meaning. Those who would have us reject this legislation claim to be able to see a little deeper and to have a little clearer understanding of Americanism. Well, I would suggest that they look even deeper, and possibly even beyond Americanism. There they will see the psychological truth that symbols have a vital meaning to the human personality, are a cohesive force in human society, and frequently define humanity itself. Toleration of dissent is essential in a viable society; but acts which attack the very fabric of society must be forbidden.

It is my hope, and it is the main reason why I support this bill, that by making flag burning a Federal crime and thus discouraging and punishing it, we may be able to introduce a cold shower of fact into the hot bath of emotionalism that such senseless acts create.

Mrs. BOLTON. Mr. Chairman, I support H.R. 10480, to prohibit desecration of the flag, and trust that it will be passed by a practically unanimous vote. Along with a number of my colleagues, I introduced a similar bill.

Recently we saw on the same day in the same newspapers pictures of American young men facing danger and death in Vietnam and pictures of other American young men burning their Nation's flag in the safety of an American park. In the last Congress we passed a law making the burning of draft cards a Federal offense. Should not the burning of our flag by Americans be as much a crime against our Nation and our people as the burning of draft cards?

One of the greatest strengths of this Nation is the right of dissent. The right was established by our Founding Fathers and must remain inviolate. However, the right of dissent from particular policies or with particular individuals never was intended to sanction the desecration of the American flag, which is the symbol of our national heritage and unites all Americans in allegiance to the Republic for which it stands.

Mr. PHILBIN. Mr. Chairman, this bill would prohibit the desecration of the American flag.

It provides that anyone who casts contempt upon the national emblem by publicly mutilating, defacing, defiling, burning, or trampling upon the flag shall be punished for such contemptuous acts.

There is in this bill no restriction of the right of free speech or lawful protest, no intent to deny to any person any of the rights guaranteed by the first amendment to the Constitution.

The bill would not deprive any State of its present jurisdiction over any offense against the flag which is now State law. It provides for concurrent jurisdiction by the several States and the Federal Government over offenses against the flag of our country.

I do not wish to speculate upon the motives of those who practice contemptuous actions against the flag, whatever form or shape that irreverent, most reprehensible conduct may take.

To me, the right and duty of Congress to enact this law is elementary and fully justified by the Constitution. In fact, we would be unresponsive to the will and demand of our respective constituencies and the American people, if we fail to pass this law.

The Nation is facing serious problems at home and abroad that require the unity, loyalty, and unquestioned allegiance of all Americans, regardless of race, class, or creed.

This is a time when, above all, we must support, sustain, and uphold the national purpose, security, safety, and freedom.

We cannot stand by idly while violence, civil strife, disorder, and disloyalty threaten the Nation, and cast contempt and hatred upon the symbol of our liberties.

The passage of this bill is necessary and well justified, and I hope the House will enact it by an overwhelming vote.

Mr. CABELL. Mr. Chairman, in supporting this legislation, I call to the attention of all members the dire necessity for such action.

This is in opposition to the statements made, however sincere in some instances, by those opponents who question this necessity.

In the first place, there is a growing element which is disdainful of all proprieties of conduct, and which is openly contemptuous of our American institutions and of the flag as a symbol of these institutions. This misconception must be corrected. While this bill, when finally enacted, will not change the thinking of all involved, it will at least provide punishment for those who display such contempt in public.

Another need, and an important one, is to prove to the vast majority of the American public that the Congress does not condone such actions and will not tolerate their continuation.

While it is true that all 50 States and the District of Columbia have similar laws, the fact remains that this is a matter of Federal concern, thus meriting Federal prosecution.

In many States the trial jury not only determines guilt, but also fixes the penalty. This is done without the jurors having full knowledge of the record or prior convictions of the accused. Thus in many cases there is a miscarriage of justice by the assessment of either too light or too severe a penalty, as the case may be.

Under the Federal judiciary, the judge is in possession of all the facts concerning the accused, and can tailor his sentence accordingly.

Should the accused be a "misguided kid" as so many would have you believe, the fine and/or jail term can be tempered and will still be a deterrent to further such acts and an admonition to choose different companions.

On the other hand, the judge can assess the maximum fine of $1,000 and/or the maximum jail sentence—1 year—against the professional agitator and anti-American.

There were many who considered the maximum penalty far too lenient. This would appear to be true, but as has been pointed out by both the authors and floor managers of the bill, stiffer penalties might well result in the courts ruling them too severe for the crime involved and thus strike down the act itself.

It is inconceivable to me that this could happen to the bill as written.

It is my considered opinion that this bill in no way abridges the rights of freedom of speech, peaceful demonstration, or right to dissent.

To the contrary, it protects those rights by preventing abuses of them by those who would destroy our democracy by tearing down its institutions.

Mr. CULVER. Mr. Chairman, like the great majority of Americans, I am dismayed by the extremes to which an irresponsible and immature minority have carried their disagreement with American policy. Burning or desecrating the flag is a particularly offensive means of expressing dissent, because the American flag is the truest emblem of the United States and, as such, deserves respect.

However, in considering such ill-tempered and indecorous behavior, it is better not to lose our temper, but to temper our response, lest we only serve to aggravate the very condition we seek to remedy.

With this in mind, I voted against the so-called flag-burning bill, because in my judgment it is unnecessary, unconstitutional, and unwise.

UNNECESSARY

First, it is unnecessary, because all 50 States have adequate laws to punish the desecration of the flag. In my own State of Iowa, the statute was enacted in 1917, and the need has not yet arisen to prosecute an offender.

The Federal Government does not have the necessary national police force to enforce such a law, and I do not think that we need to go to the time, effort, or expense to create concurrent jurisdiction over so rare and local an offense.

UNCONSTITUTIONAL

Second, as a lawyer, I agree with the 11 law professors and the chairman of the House Judiciary Committee, who believe that the law is unconstitutional.

The first amendment specifies:

> Congress shall make no law . . . abridging the freedom of speech . . . or the right of the people . . . to petition the government for a redress of grievances.

The courts have consistently held that this guarantee extends to include symbolic forms of expression—picketing, demonstrating, gesticulating, and the like.

Free speech and symbolic dissent may be restricted in the case of clear and present danger to national security. The witless action of a misguided flag burner scarcely holds that threat.

Additional constitutional questions are raised by the vagueness of the bill's language. There is no provision requiring the demonstration of "specific intent" to "cast contempt upon" the flag. And the law is so written as to include not just the flag but representations of the flag as well.

As a result, a citizen could be found guilty even though he did not intend the consequences of his action.

Further, an individual could be punished in a State court and later in Federal court for a single act, and it would not be in violation of the double jeopardy clause of the fifth amendment.

UNWISE

Finally, I strongly feel that this legislation is unwise, and in fact cheapens rather than strengthens the values which our flag and this great Nation represent.

Totalitarian nations must rely on coercion to command the respect and maintain the loyalty of its citizens. The police state is forced to admit to other nations the weakness and instability of its regime by refusing to allow free speech or open dissent.

To its unique credit, the American Government has retained the allegiance of its citizens without force or threat for 176 years. To compel that loyalty now under law would only confess to ourselves and to the world a fear and lack of confidence in the flag and the Nation it represents.

The Soviet Union found it necessary to enact similar legislation 7 months ago. The United States does not need it.

To make a Federal offense out of isolated incidents is to magnify the cause of the irresponsible and inconsequential dissenter, and may very well result in increasing such occurrences, by promising false martyrdom or by provoking litigation to test the constitutionality of the law.

I have generally supported the U.S. position in Vietnam, and I have the highest respect, admiration, and gratitude for the heroic young Americans who are fighting there in defense of freedom.

It would be the greatest tragedy of the war if our patriots were to accomplish their mission in the battlefield in Vietnam, only to discover that politicians had legislated away their freedoms here in the House of Representatives.

I am persuaded by the argument of a young soldier in Vietnam, which appeared in Time magazine, page 5, May 26, 1967:

> We soldiers realize that dissent may be lengthening the war, or at least reducing any inclination the North Vietnamese might have to negotiate. But Congressmen . . . and others who try to stifle dissent, are seeking to destroy one of the very freedoms we're defending. We'd rather [have] the abuse [of] these freedoms than have our Congressmen limit and destroy them.

Congress and the American people must rise above the emotionalism and provocation of the moment, to preserve long-term constitutional principles over momentary patriotic fervor.

Mr. ALBERT. Mr. Chairman, I wish the Record to reflect the fact that I am numbered among those who support the passage of the bill, H.R. 10480, being legislation meant to protect the flag of the United States, and to prevent its desecration. It is true, as some have contended, that those who have publicly mutilated, burned, or scorned this glorious emblem of the Nation cannot thereby injure this great and powerful country, beloved by the vast overwhelming majority of its citizens. But, Mr. Chairman, that is not the point. The purpose of this legislation is to express in a forceful way, by providing criminal punishment for those who desecrate the flag, the massive disapproval of the great American people for the criminal behavior of those persons who would dishonor a banner of such beauty and glory, a symbol of the courage and sacrifice of those who have followed its colors and who have held it high in every generation and on every American battlefield.

Mr. Chairman, this flag, displayed in these congressional halls, was the flag of the patriots who under General Washington, at Trenton, surprised and defeated the trained Hessian soldiers fighting the battles of the British King. That flag inspired them, though their forces were small, their weapons antiquated, their powder supply inadequate, their armies poorly fed and poorly clothed, to endure 8 years of unmitigated warfare against the most powerful empire of the 18th century. It was the flag of those dauntless Americans who wrecked the rule of Tripoli's pirates to whose monarch all Europe had contributed ransoms of silver and of gold. It was the flag of Jackson and his southern riflemen, endowed with the same spirit of liberty, who drove the British back to their ships in the battle of New Orleans. It was the flag which emerged from the cauldron of civil war, a fratricidal struggle between those of equal bravery, to become the banner of a nation then united, and united now and forever. It was the flag of those who with Theodore Roosevelt stormed the heights of San Juan Hill, and won the independence of Cuba. It was the flag of Dewey, of the flotilla of American battleships as they drove the Spaniards from the harbor of Manila. It was the flag of the battalion of death when it met God in the Argonne on the battlegrounds of international carnage. It was the flag of soldiers brave and true who died in the invasion of Normandy, and restored the liberty of France. It was the flag raised above Iwo Jima. It was the flag of the heroes of Heartbreak Ridge who fought and died in Korea. It is the flag of courageous and loyal Americans who for us, for liberty, for democracy face death in Vietnam. Mr. Chairman, the legislation before us upholds and honors the flag of the United States of America, the flag Americans adore. And may God bless and preserve the purest, greatest flag in all the world.

Mr. McCLORY. Mr. Chairman, I have no further requests for time, but I would like to commend all of the speakers who have spoken on this legislation today. I believe we have heard some very eloquent statements, and in that description I wish to include the remarks of those who have voiced their opposition to this legislation.

However, I do want to say that there is a great public demand for this legislation, as all of us know. There is a great demand for this legislation from the boys who are fighting in Vietnam, as well as the rest of the American public. This legislation does not go simply against words; it goes primarily against conduct, and it is clearly distinguishable from some of the decisions to which some of those who have spoken in opposition have made reference. This is sound, constructive legislation, and I am hopeful we can have an overwhelming vote in support of it.

Mr. ROGERS of Colorado. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wish to point out that in presenting this legislation the Committee on the Judiciary considered all of the testimony that was presented, and out of the 90 bills which were introduced the committee tried to develop what we thought was the best bill that could be reported, and we came up with a bill that has had the joint sponsorship of all but one of the members of the subcommittee.

Mr. Chairman, I hope as we go into the 5-minute rule that the Members will remember that we have put a great deal of study into this bill, and that the Members will not propose amendments that will weaken this legislation.

Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 10480

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 33 of title 18, United States Code, is amended by inserting immediately preceding section 701 thereof, a new section as follows:

"§ 700. Desecration of the flag of the United States; penalties

"(a) Whoever casts contempt upon any flag of the United States by publicly mutilating, defacing, defiling, or trampling upon it shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"(b) The term 'flag of the United States' as used in this section, shall include any flag, standard, colors, ensign, or any picture or representation of either, or of any part or parts of either, made of any substance or represented on any substance, of any size evidently purporting to be either of said flag, standard, colors, or ensign of the United States of America, or a picture or a representation of either, upon which shall be shown the colors, the stars and the stripes, in any number of either thereof, or of any part or parts of either, by which the average person seeing the same without deliberation may believe the same to represent the flag, standards, colors, or ensign of the United States of America.

"(c) Nothing in this section shall be construed as indicating an intent on the part of Congress to deprive any State, territory, possession, or the Commonwealth of Puerto Rico of jurisdiction over any offense over which it would have jurisdiction in the absence of this section."

SEC. 2. The analysis of chapter 33 of title 18, United States Code, is amended by inserting at the beginning thereof the following:

"§700. Desecration of the flag of the United States; penalties."

SEC. 3. (a) Section 3 of title 4, United States Code, and the Act of February 8, 1917, chapter 34, 39 Stat. 900 (section 22–3414 of the District of Columbia Code), are amended by striking from the first sentence of each the following: "; or who, within the District of Columbia, shall publicly mutilate, deface, defile or defy, trample upon, or cast contempt, either by word or act, upon any such flag, standard, colors, or ensign,"

(b) The Act of February 8, 1917, chapter 34, 39 Stat. 900 (section 22–3414 of the District of Columbia Code), is further amended by adding "(a)" before the first sentence thereof and by adding at the end of the section the following new subsection:

"(b) Whoever, within the District of Columbia, casts contempt upon any flag, standard, colors, or ensign of the United States of America by publicly mutilating, defacing, defiling, or trampling upon any such flag, standard, colors, or ensign shall be fined not more than $1,000 or imprisoned for not more than one year, or both."

Mr. ROGERS of Colorado (during the reading of the bill). Mr. Chairman, I ask unanimous consent to dispense with the further reading of the bill, and that it be printed in the RECORD and be open to amendment at any point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

On page 1, line 9, after "defiling," insert "burning,".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 3, line 17, after "defiling," insert "burning,".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Chairman, I offer an amendment which is a technical amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Colorado: On page 3, lines 1 through 19, strike Section 3 and insert in lieu thereof a new Section 3, to read as follows:

"SEC. 3. Section 3 of title 4, United States Code, is amended by striking from the first sentence thereof the following: '; or who, within the District of Columbia, shall publicly mutilate, deface, defile or defy, trample upon, or cast contempt, either by word or act, upon any such flag, standard, colors, or ensign, '."

Mr. ROGERS of Colorado. Mr. Chairman, in my statement earlier I pointed out that the real purpose of this amendment is to delete all reference to the act of February 1, 1917, and the District of Columbia Code.

The only law today applicable in the District of Columbia on the subject of flag desecration is found in title 4 of the United States Code. The bill does amend that provision. The deletion of all reference to the District of Columbia Code in section 3 will not make any substantial change in the bill.

Mr. ICHORD. Mr. Chairman, I move to strike out the last word.

Mr. O'HARA of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman.

Mr. O'HARA of Illinois. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. ICHORD. Mr. Chairman, I intend to vote for this legislation because, frankly, I could care less how long a man is incarcerated who desecrates the flag of the United States of America.

But I rise to ask a few questions of the Members of the House and to state the dangers in passing this piece of legislation. I rise not for the reasons of the gentleman from Michigan or the gentleman from New York or the gentleman from California. Our philosophies are poles apart. I do not question the sincerity of the 11 law professors whom the gentleman from California cited.

But the argument that a Vietcong sympathizer has the right to burn the flag and desecrate the flag of this country, the symbol of the United States of America, is in my opinion not the argument of a civil libertarian—it is the argument of a civil libertine.

It is a philosophy that is saturated all too deeply with the seeds of anarchy. It is a philosophy that spells ill for the future of this country.

I, too, agree, Mr. Chairman, that you cannot legislate patriotism and I think that this body would be making a mistake if it feels that by passing this legislation it would be getting to the roots of the real problem.

For 178 years there has not been on the statutory books of the United States of America a criminal statute providing a penalty for the desecration of the flag of the United States of America. I think we should ask the question, Why have we not had such a law? The answer is very simple: It has not been necessary to have such a law throughout the entire history of the United States of America.

What would have happened 10 or 20 years ago if a citizen of the United States of America had the audacity to burn the flag of the United States of America? I believe we all know what would have happened. He would not have been able to leave the scene of the burning.

Mr. Chairman, I have had the opportunity since I have been in Congress to deal with the type of people who are desecrating the flag because of my committee assignments and I feel that we have overlooked a very important point.

Show me a child, for example, who has not been subjected to discipline and I will show you a child, 99 times out of 100, who will have no love or respect for his parents.

The same is true of certain citizens who have not been subjected to the discipline of fair and firm enforcement of the laws. Love and respect for country are concomitants of fair and firm discipline.

Perhaps the real answer to the problem with which we are now concerned lies in more diligent, fair, and firm enforcement of the laws now on the books.

Mr. Chairman, our citizenry and law-enforcement officials should harken to the words of Abraham Lincoln, a great lover of liberty and respect for law and order.

> Let every American, every lover of liberty, every well-wisher to his prosperity, swear by the blood of the Revolution, never to violate in the least particular, the laws of the country * * * Let every man remember that to violate the law is to trample on the blood of his father and to tear the character of his own and his children's liberty. Let reverence for the laws be breathed by every American mother, to the lisping babe that prattles on her lap—let it be taught in schools, in seminaries and in colleges; let it be written in primers, spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the Nation; and let the old and young, rich and poor, the grave and gay, of all sexes, tongues and colors and conditions, sacrifice unceasingly upon its altars. * * *
>
> While ever a state of feeling, such as this, shall universally, or even, very generally prevail throughout the nation, vain will be every effort, and fruitless every attempt, to subvert our national freedom.

I hope, Mr. Chairman, we do not think we have solved the problem by the passage of this legislation and that laxity in the enforcement of laws already on the books does not prevail in the future.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. ROGERS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CORMAN

Mr. CORMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. CORMAN: Strike all the language on page 1, lines 8 and 9, and on page 2, lines 1 and 2, and insert in lieu thereof the following: "(a) whoever with intent to cast contempt upon the flag of the United States publicly mutilates, defaces, defiles, burns, or tramples upon it shall be fined not more than $1,000 or imprisoned for not more than one year, or both."

Mr. CORMAN. Mr. Chairman, I have a second amendment at the desk, and its purpose would be to bring into conformance that law in the District of Columbia which would apply in the balance of the Nation. I therefore ask unanimous consent that both amendments be considered en bloc.

Mr. ROGERS of Colorado. Mr. Chairman, does the gentleman ask unanimous consent that his other amendment be considered with this?

Mr. CORMAN. Yes, sir. The two amendments. It is the same thing.

Mr. ROGERS of Colorado. What is the gentleman's other amendment?

Mr. CORMAN. It is exactly the same phraseology except that it will apply in paragraph (b) of section 3 on page 3.

Mr. ROGERS of Colorado. That was deleted in the text of the amendment.

Mr. CORMAN. Then I withdraw my request.

Mr. ROGERS of Colorado. Mr. Chairman, I reserve the right to object.

Mr. CORMAN. Mr. Chairman, may I inquire, is the phraseology on lines 14 through 19, page 3, stricken from the committee bill?

Mr. ROGERS of Colorado. On page 3, line 14, (b)?

Mr. CORMAN. That is correct.

Mr. ROGERS of Colorado. That has been stricken.

Mr. CORMAN. Mr. Chairman, then I withdraw my request.

The CHAIRMAN. The gentleman may proceed.

Mr. CORMAN. Mr. Chairman, the only thing this amendment does is clarify the intent necessary to obtain a conviction under this statute. This is consistent with the additional views filed by myself and my colleagues, Mr. WIGGINS, Mr. RAILSBACK, Mr. SMITH, and Mr. BIESTER. I would like to say at the outset that the gentleman from Pennsylvania [Mr. BIESTER] has been helpful in drafting the language for this amendment.

First of all, the committee says that one must intend to do the burning or the trampling, but when we get to the contemptuous portion of the act, that contempt may be found either in the actor or in the observer. I suggest this is bad law.

This law is extremely broad in the kind of conduct that it finds to be a crime. We think of the very dramatic picture we saw, where a piece of cloth that clearly and obviously was the flag of this Nation, is being contemptuously and disrespectfully burned. But in the legislation we cover much, much more than that, and it seems to me we ought clearly to spell out that the actor himself must have a contemptuous heart or must have intent to cast contempt on the flag or something which it symbolizes.

It was mentioned a while ago that this is a question for the jury. This is not accurate. We write the law which will lead to the instructions which the judge gives to the jury. If we want to punish only those people who intend to cast contempt on the flag or who in a contemptuous way perform these acts, then it seems to me we ought to spell it out. It ought to be clear that the judge must instruct the jury that intent to cast contempt must be found.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. Mr. Chairman, I would like to ask a question about the intent. If a person burns a flag and he states that, "It was not my intent to cast contempt upon that flag, but simply to protest the war in Vietnam," I say under the gentleman's amendment we could have no conviction, because the contempt that he holds is for the war in Vietnam, and this is merely a means he is using to express that contempt.

Mr. CORMAN. Mr. Chairman, I have only 5 minutes. I understand the gentleman's question and I will answer it.

The answer is, He would be guilty, because he would be burning the flag which symbolizes the foreign policy of this Nation. He intends to cast contempt on the foreign policy, and he would be clearly guilty under my amendment.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield further?

Mr. CORMAN. Mr. Chairman, I do not yield further, unless the gentleman has a question. Does the gentleman have a question?

Mr. THOMPSON of Georgia. Yes, sir; I have a question. Under the language of the gentleman, is it specific and intentional contempt intended, the burning of the flag, when he had no intent to cast contempt on the flag but only to protest some other policy of the country?

Mr. CORMAN. I answered that the flag symbolizes many things. It symbolizes our foreign policy. For some of us it also symbolizes the U.S. Supreme court. Any time a person burns that flag intending to cast contempt on anything which the flag symbolizes, he would be guilty of violation of this provision.

I suggest we should not in passing a law have a provision which covers so many acts but which does not require an intent to perform an act we object to. The thing we object to is not the burning of the physical flag itself, it is the burning of the flag for the purpose of casting contempt upon it or something which it symbolizes.

This ought to be punished, but we ought to make it clear that we want to find the contempt in the mind of the actor, not in the mind of the observer.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the chairman of the Judiciary Committee.

Mr. CELLER. Without this amendment, conceivably the bill could cause the conviction of a person who was innocent.

Mr. CORMAN. It is my understanding of the committee language that it could cause the conviction of a person who intended to burn the flag but had no contempt for the flag and intended none, if people observing it had contempt for the flag.

I believe this is a weakness in the bill. I believe the committee intends to punish only those who perform an act with contempt in their hearts. This language would clarify it.

I hope the amendment will be adopted.

Mr. CELLER. The question of intent is always a question of fact for the jury. The jury would have to take into consideration all the circumstances.

If we do not adopt the gentleman's amendment, or something akin to it, a judge would have to so construe the words of the statute as to indicate to the jury that the intent could be spelled out of what those viewing the incident considered to be contempt; is that correct?

Mr. CORMAN. That is my understanding.

Mr. ROGERS of Colorado. Mr. Chairman, I rise in opposition to the amendment.

First I wish to point out that I believe the language is explicitly clear, when it says, on line 8, "whoever casts contempt."

That person is in a process of doing a positive action.

This is not a new approach to the situation. I should like to direct the attention of the House to the statement of the New York State Supreme Court in People against Stephen Radich. A specific intent was not required in the statute of the State of New York where there was a prosecution of Radich. The court stated as follows:

> In our opinion the language of the statute involved here is not so vague as to violate the due process clause of the Fourteenth Amendment. It seems to us clear enough to apprise any person of ordinary intelligence as to what it permits and what it prohibits.

That is what will happen here. This bill will prohibit the casting of contempt by public destruction of the flag in the manner outlined.

The court went further and said:

> If he wishes to approach the brink of what is prescribed, he necessarily gambles on an adverse finding by the court. Since we find the statute to constitute "malum prohibitum," no criminal intent to violate it is prerequisite to conviction.

Therefore, if we are to follow the language here, we are following the suggestion made by the Attorney General of the United States.

In the discussion in the subcommittee and in the full committee we were trying to arrive at a clear-cut act which would spell out the punishment. That is what we had in mind when we put in the words "cast contempt" by publicly destroying the flag.

The Congress has a right to do, which we are trying to do here. It prohibits the various acts of public destruction of the flag. It will be clear to all that he who takes affirmative action in the destruction of the flag knows what he is doing and should be punished.

With that I ask the Members to vote down the amendment.

Mr. WILLIS. Mr. Chairman, I move to strike the appropriate number of words.

Mr. Chairman, this amendment would compel us to climb up a hill to whose top we climbed and from which we came down many times in the Committee on the Judiciary. This same amendment was offered in the full committee. I do not know what happened in the subcommittee, because I am not a member of it. I take it from the gentleman from Colorado that it was probably offered.

Would the gentleman from Colorado respond to that? I am pointing out that this same amendment was offered and defeated in the full committee. Was it offered and defeated in the subcommittee?

Mr. ROGERS of Colorado. No, I do not think it was offered in the subcommittee. May I point out that we discussed it thoroughly and tried to spell out in the language that was in the bill to make it clear that the offensive action was the individual who cast contempt and as he cast contempt moved in the direction of destruction.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Illinois.

Mr. McCLORY. I sat as a member of the subcommittee, and it was my original idea that this was necessary language, but after due consideration and after receiving recommendations from the Attorney General, it appeared to me to add the word "intent" was really to put undue burden on the Attorney General and not express the intent of the Congress and that it was unnecessary so far as the purpose of this legislation is concerned.

I think that the form of the bill as recommended by the Attorney General, which we have before us in this Chamber now, is good and we should not accept this amendment.

Mr. WILLIS. As I said, this amendment and others like it to weaken the bill were offered before and defeated by the full committee. I am opposed to it.

I would also be opposed to amendments to increase the penalty to 5 years and $10,000. I am for a bill that at least tries to impose a penalty which is consistent with the offense.

Mr. Chairman, this bill does no more nor less in connection with the nonspecifying of intent than all laws on the subject of crimes of violence. As I said in the opening discussion the rule, you can take, for instance, the crime of assault and battery. You have gradations of it. Then you have assault with a dangerous weapon such as when one man cuts another man or assault with intent to kill. The only thing that the district attorney or the prosecuting attorney has to prove is that one man assaulted another one. Let us say one man punches another man in the nose or, if it is a case of aggravated battery or battery with intent, one man stuck a knife through another man's body. That physical act supplies the intent. It is sufficient to prove that a man knifed another individual to prove assault with a dangerous weapon.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Yes. I yield to the gentleman.

Mr. LONG of Maryland. The gentleman is implying that the performance of an act implies intent?

Mr. WILLIS. I am not saying that. I am saying the only necessary proof is to prove what the statute requires.

Mr. LONG of Maryland. But your point is that the courts normally would hold a person must have had some intent previous to that time?

Mr. WILLIS. Yes.

Mr. LONG of Maryland. But if that is so, what is the harm of spelling it out in the statute?

Mr. WILLIS. Because you would have an impossible case to present.

Mr. LONG of Maryland. But if some kind of intent has to be demonstrated anyway, what is the harm of defining it in the statute?

Mr. WILLIS. That is up to the judge. The judge in instructing the jury will read the statute and will tell the jury that in order to convict you must find that the defendant performed the following acts: He committed acts of overt violence, that is, he tore, defiled, or burned a flag. But, not only did he do that, he did it in public.

Mr. Chairman, the court will further say, "If you find, gentlemen of the jury, this defendant did that, that is sufficient to meet the requirements of the statute and you shall find him guilty. But, on the other hand, if you find the only thing he did was to insult the flag and call it a dirty rag, that is not specified and you must find him innocent."

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent that the gentleman from Louisiana [Mr. WILLIS] may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I am glad to yield to my distinguished friend, the gentleman from North Carolina.

Mr. WHITENER. To put it very simply, the difference between the bill without the amendment and the bill with the proposed amendment, is that if you adopt the proposed amendment, its adoption would place an additional burden upon the prosecution to prove a specific intent.

Yes; to prove a specific point, because we, as we pointed out earlier before, you can under a criminal statute distinguish between general and specific intent——

Mr. WILLIS. And general intent; that is right.

Mr. WHITENER. And, before you get to the jury, under the amendment, the State or the prosecution would have to offer evidence to show the specific intent, to wit——

Mr. WILLIS. And, I know the gentleman will agree that the same law book that says that also says that crimes may be committed without the showing of specific intent. Every law student knows that.

Mr. WHITENER. However, most criminal statutes do not specify or use the word "intent."

Mr. WILLIS. That is right.

Mr. WHITENER. In the case of murder and many other crimes——

Mr. WILLIS. That is right.

Mr. WHITENER. And in the case of other statutes the word "intent" is never used, yet the law requires that it be proved.

Mr. WILLIS. But, may I call to the attention of the gentleman the "intent" that has happened many times about which we are talking.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. WILLIS. We are talking about contemptuous treatment of the flag.

We, on this floor some years ago, as the gentleman will recall, were talking about civil and criminal contempt. We debated that issue here for days on end. The gentlemen now who would want to amend and take the position which has required many years of experience to establish criminal contempt, without using the word "intent" is not in conformity with the statutes.

Mr. JACOBS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, in debating a bill in the last Congress, which was challenged over the question of whether it was necessary, the gentleman from Virginia, my good friend, Governor TUCK, told a story about a man in California who received a telegram saying that his mother-in-law had died and wanting to know whether she should be cremated, buried, or put in a vault.

The man in California, according to Governor TUCK, wired back and said, "Take no chances; do all three."

The bill which is now pending, of which I am one of the sponsors and which I support, I understand is also supported by the author of this amendment.

In criminal statutes regarding murder and statutes regarding assault there is little ambiguous about the acts in question, but there is something ambiguous about the act of burning the flag. If the American Legion, for example, in a ceremony to lay flags to rest burns the flags, it is an act of the highest kind of proper patriotism. However, if somebody not with intent to demonstrate patriotism or respect for the flag of the United States, such as a person who wants to protest the Vietnam war by burning the flag of the United States, he is not merely disrespecting the policy in Vietnam, he is disrespecting the U.S. flag itself.

So we are dealing with an act which can be more than one thing.

The chairman of the subcommittee himself, when beginning the debate today, used the very words, "It is the intention of this bill to do thus and so."

I do not think anybody in this House of Representatives, or anybody in this Committee, wants anybody to go to jail in this country who did not intend to cast contempt upon the flag of the United States for the crime of casting contempt upon the flag of the United States.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield for a question on that point?

Mr. JACOBS. I yield to the gentleman.

Mr. EDMONDSON. If the intent very clearly were to cast contempt upon the United States of America, and not upon the flag, do you feel that under those circumstances the language in the Corman amendment would still permit a prosecution?

Mr. JACOBS. It is my judgment that it is impossible to cast contempt upon the flag of the United States without at the same time casting contempt upon the United States, and it is impossible to cast contempt upon the United States of America by burning the flag without at the same time casting contempt upon the flag of the United States.

Mr. EDMONDSON. I thank the gentleman for yielding.

Mr. JACOBS. It has been suggested that by this amendment the defendant carries in his vocal chords his own absolute defense; that by merely denying that he committed the act with intent to show contempt for the flag of the United Sates, a defendent could unlock the cell door. I would suggest that no defendant sits in judgment of himself. Any defendant is permitted to defend himself under all circumstances, and say whatever he can for himself, but from his acts and the circumstances around his acts are inferred by the jury the intention of his acts.

This amendment is a matter of clarification.

There are people in this House who support this bill—as I do—who are in doubt about the meaning of the bill under this language.

There is nothing wrong with clarifying the meaning of the bill under these circumstances.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman.

Mr. YATES. I would ask the gentleman if this amendment is presented in order to avoid accidental prosecution?

For example, during the Flag Day program that we witnessed last week, and at the time the ceremonies were held in this Chamber, if by some chance one of the Members of the House or one of the members in the gallery had thrown this program into the wastebasket, or had torn it up, is there not a possibility that there would have been a prosecution under the language of the bill for such an act without the requirement intent?

Mr. JACOBS. I certainly agree with that. And I would say that that is not a silly example. When somebody cites an example that seems to be ridiculous as an example it does not mean that the sponsors of the bill have a ridiculous intent.

It raises a question of whether the language in a bill is clear enough to prevent a ridiculous interpretation.

That is the problem here and I hope we shall clear up the ambiguity.

Mr. POFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am advised that if the parliamentary situation permits, and assuming the pending amendment fails, the gentleman from Pennsylvania [Mr. BIESTER] will offer an amendment to insert the word "knowingly" immediately preceding the words "casts" on the first page of the bill.

I respectfully submit, Mr. Chairman, that the Biester amendment will accomplish what those who have criticized the present bill seek, and yet will not be subject to the vice which many of us on the subcommittee heard the evidence to be with respect to the amendment proposed by the gentleman from California.

Let me be more specific.

In general, criminal offenses are divided into two categories which the courts have chosen to call "malum prohibitum" and "malum in se."

"Malum in se" is defined in Black's dictionary as a wrong in itself—an act or case involving illegality from the very nature of the transaction, upon principles of natural, moral, and public law.

Ordinarily with respect to this offense defined in "malum in se," an intent must be established by the prosecution.

The other category is defined in Black's as a wrong prohibited—a thing which is wrong because it is prohibited.

As the courts have consistently held, those offenses falling in that category do not require proof of a specific intent.

To refer to the case quoted by my distinguished friend on the committee earlier; namely, the case of People against Radich, which arose in the State of New York, I refer first to the language of the statute and call your attention to its similarity with the language of the bill pending before the House.

It reads in part as follows:

> Any person who * * * d. Shall publicly mutilate, deface, defile, or defy, trample upon, or cast contempt upon either by words or act, or * * *

The decision of the court in the Radich case was, and I quote:

> Since we find the statute to constitute "malum prohibitum," no criminal intent to violate it is prerequisite to conviction.

Citing the case of People against Boxer, that case reads in part:

> An offense "malum prohibitum" is not naturally an evil, but becomes so in consequence of its being forbidden, * * *. These types of statutes do not make the liability of the accused depend upon knowledge or even upon negligence. It makes his liability dependent upon the prohibitive act. * * * The law on this subject, therefore, is that an act "malum prohibitum" is not excused by ignorance, or a mistake of fact when a specific act is made by law indictable irrespective of the defendant's motive or intent.

So, Mr. Chairman. I suggest that the amendment which will be offered by the gentleman from Pennsylvania [Mr. Biester] will make it possible to distinguish between the innocent, the inadvertent and the ceremonial act on the one hand and the intentional act on the other.

Mr. Chairman, I suggest that this will accomplish what most Members seem to be seeking.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman.

Mr. EDMONDSON. I commend the gentleman from Virginia for a very lawyerlike approach to this question. I think if the amendment offered by the gentleman from California is rejected, as I believe it will be, the amendment which the gentleman from Virginia has just mentioned would serve the purpose, to require knowledge of the contemptuous nature of what is being done by the person who desecrates the flag and yet would permit a general intent to operate as distinguished from the specific intent which would be required in the alternate amendment.

Mr. POFF. May I say in response, the gentleman has demonstrated his usual perspicacity and insight.

SUBSTITUTE AMENDMENT OFFERED BY MR. BIESTER

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. Biester].

Mr. BIESTER. Mr. Chairman, I offer an amendment as a substitute to the amendment offered by the gentleman from California [Mr. Corman].

The Clerk read as follows:

> Amendment offered by Mr. Biester as a substitute for the amendment offered by Mr. Corman: On Page 1, line 8, after the word "Whoever" insert the word "knowingly".

Mr. BIESTER. Mr. Chairman, I believe that the gentleman from Virginia has covered essentially the purpose of the amendment. I believe the gentleman from California has demonstrated from his language, what he has had to say here, another essential purpose, and that is to isolate the concept of knowledge or scienter, as it is known in the law, in the mind of the actor.

Furthermore, it seems to me that this House would not wish to pass a bill which involves as serious a subject as this without being certain that no innocent party could be convicted and without being certain that the party who is charged is charged with knowingly doing the offense with which he is charged.

I would also refer to the statement of the distinguished chairman of the subcommittee, the gentleman from Colorado [Mr. Rogers], who said that the man who is being charged with the offense of desecrating the flag knows what he is doing.

All I ask is that we insert the word "knowingly" before the word "desecrate" so that it is set forth clearly in the bill. It can do no harm. It will clarify the situation, and it does not involve the problems which have been referred to earlier.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I am happy to yield to the distinguished chairman of the Judiciary Committee.

Mr. CELLER. Mr. Chairman, the amendment which the gentleman from Pennsylvania has offered is a good one. It would do no harm, and it would do a great deal of good. The use of the word "knowingly" would clarify this entire situation and would prevent an innocent man from getting into the toils of the law. It would mean that an act, in order to be deemed offensive under the statute, must involve proof that the perpetrator of the act, no matter what it is, knowingly did the act with a view to defiling or otherwise doing something that is deleterious to the flag. For that reason I gladly support the amendment of the gentleman from Pennsylvania.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I yield to the gentleman from California.

Mr. CORMAN. I support the amendment in the nature of a substitute. I believe it would accomplish the purpose of the original amendment that I offered.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. In view of the statement made by the gentleman from California, I accept the substitute.

Mr. TENZER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. TENZER. Mr. Chairman, I have an amendment at the desk, which I shall withdraw. I support the amendment of the gentleman from Pennsylvania, which would correct the defect in the legislation of which I spoke in my separate views included in the committee report. I indicated my support of the legislation, and now can support the legislation even more heartily. My amendment was intended to clarify and accordingly strengthen the legislation.

Mr. WAGGONNER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Louisiana is recognized.

Mr. WAGGONNER. Mr. Chairman, I take this time to ask the author of the substitute if, in inserting the word "knowingly," it might be somewhat easy for someone who desecrates the flag to allege insanity as a defense? What about users of alcohol, dope, and LSD?

Mr. BIESTER. Insanity could be alleged as a defense in any criminal case. It is a defense even in a case of treason.

Mrs. MINK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise on a matter of personal privilege for myself and for my constituents in the State of Hawaii, to call to the attention of this House a defamatory and highly insulting letter which was placed in the record on page 48 of the hearings on H.R. 271, before the subcommittee of the Judiciary. This was a letter submitted by one Aaron E. Koota, district attorney of Kings County, Brooklyn, N.Y. His letter referred to a recent court decision by a distinguished jurist in my State, a Harlan Fiske scholar and graduate of Columbia University Law School, a former legislator, a much decorated veteran of World War II, and a member of the famous 442d Infantry Battalion, which has been acclaimed as the most decorated unit in all of American military history.

This case involved a student from the State of New York attending the University of Hawaii's East-West Center who had drawn a large caricature of the flag with dollar signs for stars and the stripes dripping as with blood. The student was arrested under State law which makes it a crime to show contempt for the flag of the United States. The judge after reviewing the case ruled that the drawing was symbolic of the defendant's feeling about certain policies of his country, but that he did not intend by his drawing to dishonor the flag which to him still symbolized everything that he loved and honored about America.

Mr. Koota in trying to dismiss the legal significance of this case said in his letter:

> Although it is true that the act in the latter case was condoned by the court as symbolic speech, we must realize that the background of the State of Hawaii is not as steeped in the same spirit of Americanism as are the other states of the Union. Hawaii has a foreign ideology as its background and that is probably explanatory of the Court's attitude.

By this outrageous statement the loyalty, patriotism, and Americanism of my entire State has been impugned, as well as that of my esteemed friend the Honorable Masato Doi, the judge in this case whose learned opinion took tremendous courage and conviction to write.

This is precisely the outrage that will be perpetrated by this bill on all Americans who do not conform in ideas or beliefs or color of skin or shape of their eyes or nose.

A disagreement on what we believe to be the real meaning of our Constitution will lead to emotional, irrational accusations like Koota's that the reasons for disagreement is due to lack of love of our country or lack of Americanism.

According to Attorney Koota I wonder:

How many generations must we be Americans to be steeped with this spirit of Americanism with which he believes he is possessed? Can it be said that only Hawaii has a foreign ideology as its background and not Brooklyn, N.Y., or any city in this country where its people are of immigrant stock?

We feel that same pride when our colors are presented, our skin like yours rises in goose pimples at the playing of the national anthem, our eyes like yours wept as many tears over the death of our late President Kennedy, our blood as been shed in three wars for the defense of our country and is now being shed again in Vietnam.

I am willing to match the love and devotion to our country of the people of my State whose only difference is the color of their skins, with any group of people anywhere in America.

The greatness of our country lies in our people, diverse and of all possible immigrant backgrounds, who are bound together by their common love of freedom and liberty. No law is needed to require this loyalty; no punishment, not even confinement in wartime relocation camps with complete denial of due process, can obliterate this loyalty.

The love for our country cannot be destroyed; the Nation cannot be injured by the mere burning or defiling of one flag. America stands for too much that is a tribute to freedom that no few foolish acts of contempt can dishonor its greatness. Rather these childish tantrums now cast only ridicule upon the perpetrators of this insane and irrational behavior.

I cannot believe that these few extremists in our society endanger the honor of this country; if they truly do, then no mere $1,000 fine or year in jail would be punishment enough.

Ramsey Clark, the Attorney General of the United States, in commenting on this bill states:

> Particular care should be exercised to avoid infringement of free speech. To make it a crime if one "defies" or "casts contempt . . . either by word or act" upon the national flag is to risk invalidation. This broad language may be too vague under standards of constitutional law to constitute the basis of a criminal action. Such language reaches toward conduct which may be protected by First Amendment guarantees, and the courts have found vagueness in this area.

I stand four-square behind our Attorney General and more particularly behind the honored jurist of my State whose Americanism has been questioned because he chose to place the Constitution above his own popularity and to ignore the passionate demands of people who seek to punish all off-beat conduct without regard for the true meaning of liberty and freedom.

America is not a country which needs to punish its dissenters to preserve its honor. America is not a country which needs to banish its atheists to preserve its religious faith. America is not a country which needs to demand conformity of its people, for its strength lies in all our diversities converging in one common belief, that of the importance of freedom as the essence of our country and the real honor and heritage of our Nation, which no trampled flag can ever symbolically desecrate.

I did not intend to speak against or even vote against this bill, but when my Americanism has been challenged and that of the people of my State, by persons who see only disloyalty in dissent, then I must rise to voice my faith and my belief that America is too great to allow its frenetic fringes to curb the blessings of freedom and liberty, which are the cornerstones of our democracy.

The CHAIRMAN. The time of the gentlewoman from Hawaii has expired.

Mrs. MINK. Mr. Chairman, I ask unanimous consent that I may proceed for an additional 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Hawaii?

Mr. ARENDS. Mr. Chairman, reserving the right to object—and I shall not object—it is now 6 o'clock. We have debated this bill under general debate, and I believe anyone could say whatever he possibly might want to say in 5 minutes. I will not in this particular instance object.

The CHAIRMAN. Without objection, the gentlewoman from Hawaii is recognized for 2 additional minutes.

There was no objection.

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentlewoman from Hawaii yield?

Mrs. MINK. I yield to the gentleman from New York.

Mr. ROONEY of New York. Mr. Chairman, is this a student at the State Department's East-West Cultural Center, we are talking about?

Mrs. MINK. Yes, Kent; Noel Kent.

Mr. ROONEY of New York. What did the gentlewoman from Hawaii say about that student?

Mrs. MINK. I did not say anything about that student. I only quoted the opinion of the court in that case.

Mr. ROONEY of New York. That bum has already received a tremendous amount of the taxpayers' money and he is out there in Honolulu at the taxpayers' expense, ranting and raving against our President and creating difficulties for us in Vietnam. I do not believe he is entitled to have a dime of the taxpayers' money spent on him, a bum, who hung up a phony American flag made of dollar signs. That is the reason the case against him was dismissed. It was not a flag. I do not know what information Judge Koota may have had on this case. This is the first I learned he had any connection with it. He is the district attorney of my hometown and a highly capable and distinguished American. But I know enough about Mr. Kent to know that he should have been summarily dismissed from the State Department's East-West Center. The punishment accorded him, of refusing to let him go to Thailand, was by no means sufficient. Here is his record:

NOEL J. KENT, GRANTEE, EAST-WEST CENTER ($150 PER MONTH) GRADUATE STUDENT

10/22/65: Letter to Editor Honolulu Advertiser; 10/22/65: Letter to Editor Honolulu Star Bulletin: States subject took part in march against our government's Vietnam policy, which he terms "callous of the Vietnamese people as a pawn for our policies—'our obsession with Peking-plotted conspiracies—." He accuses "right-wing elements" communications media, etc. of having "circulated the *myth* of Communist involvement in the demonstrations, etc."

10/65: Assisted former University of Hawaii student Peter Lombardi in forming a new campus club, *"Student Partisan Alliance"*, which they described as hard left. Attempted to hold "draft-card burning" rally on campus, but were rained out.

11/23/65: Letter to Editor, Honolulu Advertiser: Says the U.S. and President do not desire peace, but are determined to fight "on behalf of the small and ruthless military (SV) clique______" guilty of "brutality, corruption, etc."

1/7/66: Letter to Editor, Honolulu Advertiser: Denouncing Vice President Humphrey, among other things for being "an apologist for his boss's mistakes."

2/5/66: Was among small crowd of demonstrators at the airport when President Johnson arrived. Kent carried sign reading "Murderer Go Home".

2/6/66: Marched with same group in front of hotel where President and South Vietnamese Premier Ky staying, carrying same sign.

2/10/66: Letter to Editor, Honolulu Advertiser: Sarcastically thanks police for protection at airport, lies about actions of crowd of "patriots" there, etc.

3/1/66: Schedules campus rally to protest Viet policy, lists himself as Vice-President of Student Partisan Alliance.

3/3/66: Both Honolulu newspapers report on rally on the 2nd, at which Kent, Peter Lombardi, Gary Okamoto and George Sarant displayed a home-made replica of the American flag, which had dollar signs instead of the stars, and on the other side of the stage, put up a Viet Cong flag. Kent was main speaker. Lied about airport incident saying "hundreds of servicemen turned on about 30 of us". Actually there was only one airport incident involving only one Coast Guardsman who was detained by the police. An Air Force officer who is a student at the University jumped up on stage, tore down the Viet Cong flag, and wanted to speak in defense of U.S. policy. Kent refused and told him to "go get his own rally."

3/21/66: Kent set up another rally at the University again displaying the Viet Cong flag, and replica of an American flag (dollar signs for the stars, and what he said were daggers covered with blood instead of the stripes). A girl, members of whose family are serving in Vietnam, tore down the Viet Cong flag and was ripping it when Kent, Sarant, Peter Lombardi and Anthony grabbed her and forced her off the stage. Several students went to her rescue, and some minor scuffling and heckling ensued. In answer to a query from a student in the audience. Where is the American flag? Kent replied, *"This* is the American flag—etc." On stage also, were signs saying "Impeach Johnson" and one with swastikas saying "get rid of LBJ and his fascist running dogs." Kent and Lombardi were shortly arrested for violation of a State law prohibiting desecration of the American flag, and are out on bail, awaiting hearing on March 29.

Mrs. MINK. I can only respond to the remarks of the gentleman from New York by saying the matter was placed before the Board of Regents and the decision was that the student involved would be deprived of the continuation of his program at that Center. He is no longer at the East-West Center.

I feel that the issues which we are now facing, which are before the House, go beyond the conduct of one particular student at an institution. I regret very much that Mr. Koota placed this statement in the record before the Judiciary Committee and impugned the loyalty of the citizens of my State, because one judge had this opinion that the kind of conduct evidenced by this student from the State of New York in my State of Hawaii was protected under the Constitution.

Mr. RYAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should like to commend the gentlewoman from Hawaii [Mrs. MINK] for her splendid statement this afternoon. I deplore the suggestion on the part of anyone that the citizens of Hawaii or the judiciary of the great

State of Hawaii are any less patriotic than the citizens or judiciary of any other State.

I believe that is the point the gentlewoman was making when she rose. She was not addressing herself to the student, but to the statement that Hawaii was less steeped in patriotism than the other States.

All of us are immigrants, whether in the newest of the 50 States or the oldest. This is the genius of America.

I, too, was dismayed to read the attack by the district attorney of Kings County, N.Y., on the recent decision of the Hawaiian Supreme Court on the grounds that:

> The background of the State of Hawaii is not as steeped in the same spirit of Americanism as other states of the Union. Hawaii has a foreign ideology as its background and that is probably explanatory of the Court's attitude. (Hearings p. 48.)

The underlying assumption that one State or group of people are not as patriotic as another because of diversity of cultural heritage or differences in geography is shocking especially coming from one who comes from one of the great American melting pots.

Hawaii, just as is New York City, has been and continues to be a melting pot of diverse cultures and backgrounds. This is a primary source of America's strength.

Under the Constitution one who has most recently acquired citizenship stands on the same level with a descendant of the first immigrants, the Pilgrims. So the most recently admitted State to the Union is assuredly equal in rights, duties, and patriotism as the first 13.

It is to recite the obvious that America was created, built and continues to be nurtured by "foreigners" and their ideas. No where has this tradition been greater than in the city of New York. How is it then that Hawaii, her people and her judiciary is less steeped in the spirit of Americanism? Certainly the people of Hawaii are no more foreign than those immigrants who settled in other States from Europe, Asia, Africa, and Latin America, or the Pilgrims.

Not only does this statement imply that one State has less status than others, but it attacks one of the fundamental precepts of the spirit of Americanism, that of freedom of one individual to express that which may sound foreign to another.

I am surprised that an officer of the judiciary would attack the court's decision on grounds of the "background of the State of Hawaii" rather than upon the legal merits.

Expression assumes many forms. Whether the act protected by the Supreme Court of Hawaii is constitutionally protected expression will ultimately be decided by the U.S. Supreme Court. It is unquestionable, however, that the highest duty of any patriotic American is to express his opinion when he feels that his country is taking a wrong path. It is especially important in periods when passions concerning particular policies run high that opposing opinions be given the highest possible protection.

The suggestion that the people and the judicial system of Hawaii are unpatriotic is not only the very antithesis of this duty, but it violates the fundamental concept of equality of States.

Mr. LONG of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if this amendment is adopted I intend to support the bill, which is very important and necessary at this time.

Mr. Chairman, I support H.R. 10480, the bill to prohibit desecration of the flag.

The bill as amended meets all the objections of those who feared possible violations of free speech. The bill does not prohibit verbal attacks on the flag. The bill contains no inhibition of the right to dissent or to speak against the flag as part of a protest against any aspect of American policy. The bill would not punish those who, by accident or inadvertence, do physical damage to the flag.

The bill would not displace State jurisdiction over those who desecrate the flag. But it would give Federal authorities the power to step in where States are unable or unwilling to provide proper enforcement of the laws.

This bill has one specific purpose—to stop desecration of the American flag by giving this national symbol the uniform protection of Federal law. Knowingly burning, trampling, defiling, defacing and mutilating the American flag are specific acts of destruction which can and should be punished by Federal law.

Public Law 77–829, "The Flag Code," states that "no disrespect should be shown to the flag of the United States of America," but no penalties have been prescribed for noncompliance with this regulation. H.R. 10480 merely completes the Flag Code by spelling out the meaning of "disrespect" and fixing penalties to insure enforcement. I urge passage of this important measure.

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent that all debate on this amendment conclude now.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

Mr. WYMAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. WYMAN. Mr. Chairman, I move to strike the requisite number of words.

I shall not require 5 minutes, Mr. Chairman, but I want to call the attention of Members to one or two matters I believe need to be covered as a matter of determination of legislative intent.

The substitute says "knowingly." In the Radich case the phrase "or cast contempt upon" was a separate part of the statute at the end. The statute there upheld prohibited the willful doing of certain specific acts, one of which was "or casts contempt upon."

What is wrong with this bill in its present form—and an amendment will be offered later to remedy the objectionable language—is the phrase "casts contempt upon."

What ought to be in the law here is that "whoever willfully and publicly mutilates, burns, defiles, or tramples upon the flag" commits the offense.

The term "casts contempt upon" is not necessary.

Take the language of the bill at the present time, in line 8, page 1, appears the phrase:

> Whoever casts contempt upon any flag of the United States by publicly mutilating.

Is this a legislative fiat that commission of the act itself, "casts contempt"? Is this a statement in the bill that the act of publicly mutilating, defacing, defiling, or burning or trampling is the equivalent of casting contempt upon the flag? We do not really know. In the amendment originally offered by the gentleman from California [Mr. CORMAN] the suggestion was made that a defendant should intend to cast contempt upon the flag. Proof of this would be necessary beyond a reasonable doubt. Suppose a defendant says he does not have any intention of casting contempt upon or, under the substitute of the gentleman from Michigan, does not know that there is contempt cast on the flag and is acting only from the most serious motives—and strangely enough there are people who believe this—from a conscientious conviction that the flag is a symbol of a national course of conduct to which he seriously objects. Immediately there are almost insuperable obstacles in attempting to prosecute. What we ought to do is to provide that anyone who mutilates, defaces, defiles, burns, or tramples upon the flag of the United States willfully and in public, commits a misdemeanor. That is the malum prohibitum act referred to here.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. BIESTER] to the amendment offered by the gentleman from California [Mr. CORMAN].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from California [Mr. CORMAN] as amended by the amendment of the gentleman from Pennsylvania [Mr. BIESTER].

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. KORNEGAY

Mr. KORNEGAY. Mr. Chairman, I offer an amendment.

Mr. Chairman, I actually have two amendments at the desk both relating to the same subject matter, that is, the question of the penalty. The first one amends section (a).

Mr. HOSMER. Mr. Chairman, a point of order. The amendments have not been read.

Mr. Chairman, I withdraw my point of order.

Mr. KORNEGAY. Mr. Chairman, I ask unanimous consent that the two amendments be considered en bloc.

Mr. ROGERS of Colorado. Mr. Chairman, reserving the right to object, I know the gentleman told me his amendment intends to increase the penalty in the Federal law. Is that correct?

Mr. KORNEGAY. That is right. And I am doing the same thing in subsection (b) of section 3 as it pertains to the District of Columbia.

Mr. ROGERS of Colorado. I reserve the right to object to that, and I point out it is not in the bill. We struck it out.

Mr. KORNEGAY. All right.

Mr. Chairman, I withdraw my second amendment.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from North Carolina.

The Clerk read as follows:

Amendment offered by Mr. Kornegay: On page 2, line 2, strike out "$1,000" and insert "$10,000"; strike out "one year" and insert "five years".

Mr. KORNEGAY. Mr. Chairman and my colleagues, my amendment is very simple and I will not take the entire 5 minutes. What it does simply is to raise the punishment, that is, the maximum punishment, from $1,000 to $10,000, and the imprisonment from 1 year to 5 years. My purpose in offering this amendment is twofold. The first is I foresee and believe that in certain instances the amount of penalty in the original bill is too little. It is less than the penalty for a misdemeanor in most States. In addition to that, it is my idea that the penalty in this bill should conform to the penalty that was prescribed in an act we passed in the 89th Congress making it a violation for those who knowingly destroy, or burn, a draft card. Certainly it does not make good sense to me to say that it is less offensive to the people of this country to contemptuously destroy or desecrate our flag than to burn a draft card. This is not a minimum penalty. It is not a mandatory penalty. It merely provides for a maximum punishment that a judge can impose upon a convicted defendant.

I can certainly foresee where there will be cases in which the judge would need more latitude than is prescribed in this bill, and that is a $1,000 fine and 1 year in prison.

I urge the adoption of the amendment because it will strengthen the bill and make it conform to similar offenses.

Mr. KEE. Mr. Chairman, will the gentleman yield?

Mr. KORNEGAY. Yes, I am happy to yield to my distinguished friend, the gentleman from West Virginia [Mr. Kee].

Mr. KEE. Mr. Chairman, the American people rebel, and quite properly so, when they see by the news media incidents of contempt for our flag.

Mr. Chairman, I respectfully submit that all Members of the U.S. Congress, regardless of political affiliation, are being held responsible by our constituents for permitting such public destruction of our flag to continue on without providing adequate punishment.

Mr. Chairman, this amendment, if adopted, will strengthen the bill.

This amendment will make crystal clear the strong feeling of respect of the American people for our flag. We can do no less than approve this amendment.

I commend my distinguished colleague, the gentleman from North Carolina [Mr. Kornegay], for offering this amendment and am happy to support this constructive measure.

Mr. KORNEGAY. Mr. Chairman, I urge the adoption of this amendment.

Mr. WHITENER. Mr. Chairman, I rise in opposition to the amendment which has been offered by my colleague, the gentleman from North Carolina [Mr. Kornegay].

Mr. Chairman, I shall not take the full 5 minutes allocated to me under my pro forma motion.

Mr. Chairman, I would merely point out the fact that in our home State of North Carolina, a State where we have the Uniform Flag Act, our legislature in its wisdom has provided punishment not to exceed a $50 fine and not more than 30 days in prison. In the State of West Virginia from which our good friend, the gentleman from West Virginia [Mr. Kee], hails, the punishment is no less than a $5 fine and not more than $100 and not more than 30 days' imprisonment.

Mr. Chairman, as a matter of fact, the bill which our committee has reported out carries punishment which exceeds the punishment now prescribed in all of the 50 States of the Union and the District of Columbia for similar conduct with reference to our flag, except the States of Arizona, Montana, New Jersey and Texas.

Mr. Chairman, I believe the punishment is adequate. If there is excessive punishment, it may breed acquittals rather than convictions.

Mr. Chairman, it is my opinion that the penal provisions of our bill are more suitable than those provided for in the amendment which has been offered by my dear friend from North Carolina [Mr. Kornegay].

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from Louisiana.

Mr. WILLIS. Mr. Chairman, I want to say I thoroughly agree with the gentleman from North Carolina [Mr. Whitener] who has just spoken. The fact, Mr. Chairman, that the colleague of the gentleman from North Carolina [Mr. Kornegay] has offered this amendment is proof evident that he is very, very strongly for this bill.

But, Mr. Chairman, I have been a lawyer for 41 years and I think, to adopt this amendment, would be a bad mistake.

Mr. Chairman, I have said time and time and time again that when you make the penalty too severe, you are not going to get many convictions.

Now, Mr. Chairman, in this very atmosphere any defendant prosecuted under this bill will try, through his lawyer, to tell the jury that the punishment is excessive.

Mr. WHITENER. Mr. Chairman, I thank the gentleman. I regret that I can not support the amendment offered by my colleague, the gentleman from North Carolina [Mr. Kornegay].

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am for the bill, but I just want to say to the House that we are in here with the wrong legislation. What we need to bring out of the Committee on the Judiciary, and before this House, is a bill saying that no Federal judge may serve longer than 10 years without reappointment and reconfirmation.

I want to say to the Members that if it were not for some of the decisions handed down by some of these judges, we would not have so much contempt for law, and so much contempt for the flag and so much general anarchy in this country.

I heard the gentlewoman from Hawaii speak, and I want to say that I resent any implication about the patriotism of anyone from Hawaii, the State of Hawaii, because I know the record of the 442d, and I know the record of Senator Inouye, and the other men who fought in it.

But the gentlewoman said do we need to punish dissenters? Not necessarily, but we do not mean to let dissenters, anarchists, and minorities run the country, and that is what our Federal courts have been doing. Take the decision on the schools in the District of Columbia. I do not know this judge, but I have taught school, and I was trained to teach, and I will say that a moron would know that you cannot adequately teach children unless you can group them according to ability, because if you have the worst and the best in the same class one or the other is going to get neglected.

Now, I never met this Federal judge who could not get by their own Senator in his own State, and who sort of was foisted upon the District of Columbia because they did not have any place that would take him, and the District was sort of helpless. As he said in his decision, they do not have self-government, and they had no defense against him. He supplants the Board of Education with a 196-page opinion saying exactly what the Board of Education shall do down to what pupils shall be sent where, and what teachers are sent where, and that you cannot have an ability grouping. And when you have that, then you are just getting a condition of having the Federal courts running this country into anarchy, which is the opposite of democracy.

I say to the Members that if the Committee on the Judiciary will bring out such a bill it will pass this House overwhelmingly, and it will be the best piece of legislation this country has had in the last 175 years.

I believe everybody in a democracy ought to come up for review once in a while. Congressmen do every 2 years. What is wrong with that? I do not say judges should only serve for 10 years; I just say they should have to be reappointed and reconfirmed.

I believe all of us ought to think about that, and if we had that bill on the books we would not have to be here at 6:20 in the the evening trying to pass laws to protect our flag from being burned and trampled upon.

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes.

Mr. WYMAN. I object, Mr. Chairman.

Mr. ROGERS of Colorado. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 10 minutes.

The motion was agreed to.

Mr. WYMAN. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Chair will advise the gentleman there is an amendment pending.

Mr. WYMAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WYMAN. Mr. Chairman, was the gentleman's request with reference to the amendment solely or with reference to all debate on the bill?

The CHAIRMAN. The gentleman's motion adopted by the Committee was with reference to the pending amendment.

The question is on the amendment offered by the gentleman from North Carolina [Mr. Kornegay].

The question was taken; and on a division (demanded by Mr. Kornegay), there were—ayes 40, noes 155.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. MURPHY ON NEW YORK

Mr. MURPHY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Murphy of New York: On page 3, after line 19, insert the following new sections:

"Sec. 4. Whoever sells a flag of the United States or an article incorporating all or part of such flag (or representation thereof), knowing that after sale such flag or article is intended to be used—

"(1) other than as an emblem of the national sovereignty of the United States, and

"(2) in a manner inconsistent with the respect which should be accorded the flag of the United States, shall be punished by a fine of not more than $1,000, or imprisoned for not more than one year, or both.

"Sec. 5. (a) The President of the United States shall prohibit the exportation from the United States of the flag of the United States in any case in which he determines that the use for which such flag is intended after such exportation is inconsistent with the respect which should be accorded the flag of the United States.

"(b) Whoever exports a flag or the United States in violation of a prohibition of the President of the United States made pursuant to subsection (a) shall be fined not not more than $2,500 or imprisoned for not more than one year, or both.

Mr. ROGERS of Colorado. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Colorado reserves a point of order against the amendment.

The gentleman from New York [Mr. Murphy] is recognized to speak in support of his amendment.

Mr. MURPHY of New York. Mr. Chairman, this amendment incorporates language that was in a bill that I introduced in 1957. It also incorporates language in the bill before us today.

I will give you two instances to show you the necessity for this legislation.

A longshoreman in New York detected American flags that had been baled and marked as rags being exported to West Germany to an industrial plant obviously for industrial uses.

There was no city law, no State law, and no Federal law to prevent the exploitation of that bale of flags. The only thing that prevented it from taking place was that the longshoremen refused to load the ship or any part of the ship until the manifest was changed.

Those rags, incidentally, were baled in Valley Forge, Pa.

This is not an isolated instance. A constituent of mine called me and said that she went to purchase a jacket for her son and she found the jacket lined with American flags. That was not an isolated instance. There were hundreds of garments like the one I have in my hand on the racks. We find that happening in other areas of the country.

The amendment would prohibit or at least give some sanction to the Federal Government to prevent the misuse of the U.S. flag.

Mr. ROGERS of Colorado. Mr. Chairman, I insist upon my point of order.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS of Colorado. The amendment is not germane to the legislation we are considering.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. MURPHY of New York. No.

The CHAIRMAN. The Chair is ready to rule. The pending bill deals with the desecration of the flag. The amendment offered by the gentleman from New York is not germane because it deals with the question of the issuance of orders by the President relative to the exportation of goods, et cetera. The Chair holds that the amendment is not germane, and sustains the point of order.

AMENDMENT OFFERED BY MR. MURPHY OF NEW YORK

Mr. MURPHY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Murphy of New York: On page 3, after line 19, insert the following new section:

"Sec. 6. (a) Chapter 115 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"'§ 2392. Public display of flag of hostile foreign government prohibited.

"'Whoever, during any period when the United States is engaged in a declared war or armed conflict, flies, parades with, or otherwise publicly displays the flag, or a reasonable facsimile thereof, of the foreign government, body, or group engaging the United States in the war or armed conflict, with intent to incite or encourage resistance to the prosecution of the war or conflict by the United States or to promote or solicit support for the cause of the enemies engaging the United States in the war or conflict, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.'

"'(b) The analysis of chapter 115 of title 18 of the United States Code is amended by adding at the end thereof the following new item:

"'§ 2392. Public display of flag of hostile foreign government prohibited.'"

Mr. ROGERS of Colorado. Mr. Chairman, again I make a point of order to the amendment. It is not germane to the pending legislation.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. MURPHY of New York. Yes, Mr. Chairman. The language of the amendment came before the committee in my testimony. It is an extension, and I think it can be closely tied to the remarks of the gentleman from Tennessee [Mr. Quillen] earlier in the House today when he referred to the Central Park demonstration. Most people saw the U.S. flag being burned, but they did not notice the nine or 10 other flags which were flags of the Vietcong and the North Vietnamese Government. I think it is inflammatory and not in keeping with the best interests of the United States, to say nothing about giving aid and comfort to the enemy, to have these acts take place.

I hope that the Chairman will accept the amendment and make the penalties in the amendment, as I indicated, as strong for the public display of a flag of a hostile foreign government as they are for desecrating the American flag, so that the Americans who are fighting in Vietnam will not be confronted with enemy flags being flown and paraded here in public demonstrations.

The CHAIRMAN. The Chair is ready to rule. The pending bill deals with the desecration of the American flag. The amendment offered by the gentleman from New York deals with the display of a foreign flag. Therefore, the Chair holds that the amendment is not germane and sustains the point of order.

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent that all debate on the bill and all remaining amendments conclude in 10 minutes.

The CHAIRMAN. The gentleman from Colorado has asked unanimous consent that all debate on the bill and all amendments thereto be concluded in 10 minutes. Is there objection to the request of the gentleman from Colorado?

Mr. WYMAN. Mr. Chairman, reserving the right to object, how many amendments, I inquire, are at the desk?

The CHAIRMAN. The Chair is advised by the Clerk that there are two amendments at the desk.

Mr. HOSMER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ROGERS of Colorado. Mr. Chairman, I move that all debate on the amendment to the bill and the bill itself be concluded in 15 minutes.

The CHAIRMAN. The gentleman from Colorado moves that all debate on the pending bill and all amendments thereto conclude in 15 minutes.

The question is on the motion of the gentleman from Colorado.

The motion was agreed to.

AMENDMENT OFFERED BY MR. WYMAN

Mr. WYMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Wyman: Strike out the first three lines of section 700(a) and insert in place thereof the following:

"(a) Whoever, not acting under color of law, shall willfully and publicly mutilate, defile, burn or trample upon any flag of the United States shall be fined not more than * * *".

Mr. HOSMER. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from New Hampshire [Mr. Wyman].

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. TALCOTT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. McCLORY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCLORY. Mr. Chairman, it is my understanding we have had an amendment and a substitute to this amendment on this section of the bill, which has already been acted on, and we have already concluded this section of the bill.

Mr. GROSS. Mr. Chairman, a point of order. The gentleman has not yielded for a parliamentary inquiry.

Mr. WYMAN. Mr. Chairman, I will be very brief. If we will look at the bill, we will see in line 8 that this bill is written "whoever casts contempt upon." I think we ought to write this law very carefully. We are not writing this bill carefully if we include the phrase "casts contempt upon."

This amendment simply provides "whoever, not acting under color of law," such as official acts of administrative duty—a phrase of common meaning—"shall willfully and publicly mutilate, defile, burn, or trample upon any flag of the United States" commits the misdemeanor specified. Nothing more and nothing less. There is no need to have the statute require "casts contempt upon." We do not need that phrase. It will muddy the water. I strongly recommend that we adopt this amendment and simply prohibit willful mutilation of the flag in public. Let us get this business of "casting contempt upon" out of the statute. We do not know for example whether, from what we have heard today, it is contempt in the mind of the actor or the public observer.

We do know that what is needed is a prohibition of the burning of the flag or the mutilation of the flag in public and willfully. This amendment provides both of those.

I ask the Members to adopt simple language for this misdemeanor, in a direct and understandable way. Citizens should know that certain types of willful acts in desecration of the national flag are prohibited.

I submit that this amendment does exactly this but the bill in its present form is hazy because of the phraseology, "casts contempt upon."

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I believe the proper way for disposing of the flag does involve the burning of the flag. I have seen Boy Scout troops disposing of old flags by burning them in public. Would the amendment apply to them?

Mr. WYMAN. It would not. It is not intended to for two reasons, one that undoubtedly such ceremonial would have statutory sanction, but would in any case not be willfully committed. The amendment specifically excepts those not acting under color of law. The Boy Scouts, as many Members of this body, undoubtedly act under color of law. So do Post Office officials and others who burn flags in their performance of duty.

Other than that, anybody who willfully burns a flag of the United States in public should be convicted of a misdemeanor. It is a proper Federal function to regulate willful mistreatment of our national flag. The bill is not an affirmative requirement. It is a simple prohibition on excessive conduct.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado [Mr. Rogers].

Mr. ROGERS of Colorado. Mr. Chairman, I oppose the amendment. I do not see it will add anything in particular to the bill. An amendment was already adopted adding the term "knowingly" to the bill, which clarifies the possible problem of intent.

We should vote this amendment down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire [Mr. Wyman].

The question was taken; and on a division (demanded by Mr. Rogers of Colorado) there were—ayes 103, noes 86.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. POLLOCK

Mr. POLLOCK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Pollock: Strike out section 700(a) and substitute therefor the following:

"(a) whoever, not acting under color of law, shall willfully and publicly mutilate, deface, defile, burn or trample upon any flag of the United States shall be presumed to commit treason, and shall be imprisoned not less than 5 years and fined not less than $10,000. The presumption may be rebutted.

"(b) whoever, not acting under color of law, shall willfully and publicly mutilate, deface, defile, burn or trample upon any flag of the United States without the intent to commit treason shall be guilty of a felony and shall be imprisoned not less than 1 year and fined not less than $1,000."

Renumber section (b) on line 3, page 2 as "(c)" and section (c) on line 15, page 2 as "(d)".

Mr. POLLOCK. Mr. Chairman and my fellow colleagues: I know everyone is tired and it has been quite a long day. I am going to cover my comments very quickly. I know it has been a long time and everyone is anxious to leave, but I happen to think this is a very important piece of legislation and today is the day we have to act on it.

Mr. Chairman, the amendment I have offered is a rather sweeping one. I want to tell you now I am enthusiastically going to vote for whatever version of this bill, H.R. 10480, emerges from this deliberative body today, because I feel that the legislation is long overdue. I know that the committee on both sides of the aisle has worked long and hard on it.

Mr. Chairman, my objection is that the penalty here is not sufficiently severe. I happen to think this is a crime which ought to be treated as a serious crime. The 89th Congress passed the draft card burning act, which provided stiff penalties; namely, a maximum of 5 years imprisonment and $5,000 fine. What we are saying here is that this legislation is not as important as the draft card burning legislation. It just seems to me that the destruction of the American flag ought to carry a penalty which is just as heavy as that for the destruction of a draft card. I cannot understand why it does not.

Mr. Chairman, my amendment has two parts to it. First it says that the act of defilement or desecration of the flag per se will create a presumption of intent to commit treason, which makes it serious—a felonious act. It is a rebuttable presumption and therefore an individual has a chance to rebut it. If he can rebut it and is still guilty of a willful act of defilement or desecration of the flag, he is still subject to some penalties, but they are lesser penalties, in this case 1 year or $1,000 in fine as a minimum.

I am not going to take up any more time and I will not answer any questions of my colleagues, because I know you are anxious to move on with the passage of this bill. However, I want to make this point. I think it is very important that the history of this legislation reflect my own personal objection to the very light penalties provided under this proposed bill.

Mr. ROGERS of Colorado. Mr. Chairman, as I understand the gentleman's amendment, he is trying to extend what constitutes treason, and I do not think we should put it in this bill. Therefore I ask you to vote it down.

Mr. POLLOCK. Mr. Chairman, could we have a vote on my amendment?

The CHAIRMAN. There will be a vote on the amendment.

Mr. McCLORY. Mr. Chairman, I rise in opposition to the amendment.

I think that the penalties provided in this amendment would be too severe. What we are doing here is undertaking to provide for legislation which will be valid both in time of war and in time of peace.

Mr. Chairman, it seems to me that the committee has come forth with a good bill.

I would like to say further, while I am using my time, it is my opinion that the form of the bill as reported to this House and to the Committee of the Whole House on the State of the Union, with the amendment which was placed in the bill by the gentleman from Pennsylvania [Mr. Biester], adding the word "knowingly," makes this valid legislation.

Mr. Chairman, the committee report bears out the legislation in that form and provides for adequate penalties. It prohibits contemptuous conduct. The form of the amendment offered by the gentleman from New Hampshire [Mr. Wyman] is completely different from the bill, as reported by the committee.

Mr. Chairman, I understand that a separate vote will be requested on that amendment, and I hope that this House will support the committee and will vote against the amendment of the gentleman from New Hampshire and for the form of the bill as reported by the House, with the addition of the word "knowingly."

Mr. ROGERS of Colorado. Mr. Chairman, I concur in the statement which the distinguished gentleman from Illinois [Mr. McClory] has just made, and I rise to point out the fact that the committee did not have the privilege of seeing the amendment before it was read. However, to analyze it, it narrows the scope of the bill which we reported and may obscure the purpose of the legislation.

Mr. Chairman, it is my feeling that we should have a separate vote upon this amendment and vote it down.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Georgia [Mr. Thompson].

Does the gentleman from Georgia [Mr. Thompson] seek recognition?

Mr. THOMPSON of Georgia. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska [Mr. Pollock].

The amendment was rejected.

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent that the gentleman from Tennessee [Mr. Everett] may extend his remarks at this point in the Record and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. EVERETT. Mr. Chairman, I want to concur in the remarks that have been made in behalf of this legislation. I submit herewith a photostatic copy of the Tennessee House Joint Resolution 22, and also a photostatic copy of a letter I received from Mr. Joe F. Hudgens, director of the division of veterans' affairs, where that a resolution was passed by the annual Tennessee Service Officers' Conference urging passage of this legislation.

State of Tennessee,
Division of Veterans' Affairs,
Nashville, Tenn., April 24, 1967.

Hon. Robert A. Everett,
Member of Congress,
House Office Building,
Washington, D.C.

Dear Congressman: Attached is a copy of a resolution which was adopted by the Sixteenth Annual Tennessee Service Officers' Conference, meeting in Nashville, Tennessee, April 20–22, 1967, urging support of the bill which calls for the punishment of anyone who shows disrespect for the United States Flag.

With best wishes, I am,
Yours very truly,
Joe F. Hudgens,
Director.

House Joint Resolution 22

A resolution to urge the Congress to enact legislation making desecration of the United States Flag a federal offense

Whereas, The Daughters of the American Revolution, at the Seventy-Fifth Continental Congress, on June 18–22, 1966, in Washington, D.C. adopted the following Resolution:

"Whereas the Flag of the United States of America is the emblem of the Nation and a symbol of liberty wherever displayed; and

"Whereas apathy, indifference and lack of respect for the Flag are becoming increasingly evident by incidents of desecration and sometimes violent destruction; and

"Whereas Public Law 829 (Flag Code) does not provide penalties for desecration and misuse of the Flag;

"Resolved, That the National Society, Daughters of the American Revolution, support legislation which would make desecration of the Flag of the United States of America a federal offense with penalties of fines and/or imprisonment."

Now, therefore, be it resolved by the House of Representatives of the eighty-fifth General Assembly of the State of Tennessee, the Senate concurring, That the United States Congress be urged to enact legislation to carry out the objectives of the DAR Resolution, and that copies of this Resolution be forwarded to the members of the Tennessee congressional delegation.

Adopted: April 20, 1967.

James H. Cunningham,
Speaker of the House of Representatives.
Frank L. Ganell,
Speaker of the Senate.

Approved.

Buford Ellington,
Governor.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Colmer, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10480) to prohibit desecration of the flag, and for other purposes, pursuant to House Resolution 510, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. ROGERS of Colorado. Mr. Speaker, I demand a separate vote on the so-called Wyman amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Strike out the first three lines of section 700(a) and insert in place thereof the following:

"(a) Whoever, not acting under color of law, shall wilfully and publicly mutilate, defile, burn or trample upon any flag of the United States shall be fined not more than * * *".

The question was taken; and on a division (demanded by Mr. Wyman) there were—ayes 104, noes 136.

So the amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. McCLORY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 387, nays 16, not voting 30, as follows:

[Roll No. 145]

YEAS—387

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Ashmore
Aspinall
Ayres
Baring
Barrett
Bates
Battin
Belcher
Bell
Bennett
Berry
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Bolton
Bow
Brademas
Brasco
Brinkley
Brock
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson
Burton, Utah
Bush
Button
Byrne, Pa.
Cabell
Cahill
Carey
Carter
Casey
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cohelan
Collier
Colmer
Conable
Conte
Corbett
Corman
Cramer
Cunningham
Curtis
Daddario
Daniels
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Dole
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fisher
Flood
Flynt
Foley
Ford, William D.
Fountain
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gardner
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Goodell
Goodling
Gray
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Gurney
Hagan
Haley
Hall
Halleck
Halpern
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrison
Harsha
Harvey
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Herlong
Hicks
Holifield
Holland
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karsten
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
King, Calif.
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kornegay
Kupferman
Kuykendall
Kyl
Kyros
Laird
Landrum
Langen
Latta
Leggett
Lennon
Lipscomb
Lloyd
Long, La.
Long, Md.
Lukens
McCarthy
McClory
McClure
McCulloch
McDade
McEwen
McFall
McMillan
Macdonald, Mass.
MacGregor
Machen
Madden
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
Mathias, Md.
Matsunaga
May
Mayne
Meeds
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Minshall
Mize
Monagan
Montgomery
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Hara, Ill.
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pollock
Pool
Price, Ill.
Price, Tex.
Pryor
Pucinski
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Resnick
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Rumsfeld
Ruppe
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schweiker
Schwengel
Scott
Selden
Shipley

Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thompson, Ga.
Thomson, Wis.
Tiernan
Tuck
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Walker
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitener
Whitten
Widnall
Wiggins
Williams, Pa.
Willis
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Young
Zablocki
Zion
Zwach

NAYS—16

Bolling
Burton, Calif.
Celler
Conyers
Culver
Dow
Eckhardt
Edwards, Calif.
Fraser
Gonzalez
Hathaway
Hawkins
Mink
Rosenthal
Ryan
Scheuer

NOT VOTING—30

Ashbrook
Boland
Bray
Brooks
Brown, Calif.
Byrnes, Wis.
Cleveland
Cowger
Fino
Ford, Gerald R.
Green, Oreg.
Hamilton
Hanna
Hardy
McDonald, Mich.
Moore
O'Hara, Mich.
Olsen
Patman
Purcell
Roush
Roybal
St. Onge
Sisk
Thompson, N.J.
Utt
Williams, Miss.
Wilson, Charles H.
Wydler
Younger

So the bill was passed.

The Clerk announced the following pairs:

Mr. St. Onge with Mr. McDonald of Michigan.

Mr. Thompson of New Jersey with Mr. Cleveland.

Mr. Charles H. Wilson with Mr. Fino.

Mr. Brown of California with Mr. Moore.

Mr. Williams of Mississippi with Mr. Ashbrook.

Mr. Sisk with Mr. Gerald R. Ford.

Mr. Patman with Mr. Byrnes of Wisconsin.

Mr. Brooks with Mr. Cowger.

Mr. Hamilton with Mr. Utt.

Mr. Roush with Mr. Wydler.

Mr. O'Hara of Michigan with Mr. Younger.

Mr. Boland with Mr. Roybal.

Mr. Hardy with Mrs. Green of Oregon.

Mr. Hanna with Mr. Olsen.

GENERAL LEAVE TO EXTEND

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks and to include extraneous matter on the bill just passed, H.R. 10480.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. KUPFERMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from New York will state his parliamentary inquiry.

Mr. KUPFERMAN. Mr. Speaker, I voted for this bill believing that the word "knowingly" had been included at line 8 on page 1. It was adopted in committee on the amendment proposed by the gentleman from Pennsylvania [Mr. BIESTER]. I am now told informally—and that is the basis for my parliamentary inquiry—that the provision is not included in the bill we voted for because of the adoption in the committee, also, of the amendment of the gentleman from New Hampshire [Mr. WYMAN], which was later defeated in the House itself. So my parliamentary inquiry is, Mr. Speaker, is the word "knowingly" included on line 8, page 1, of the bill that has just been adopted by the House?

The SPEAKER. In reply to the parliamentary inquiry, the Chair will state that the word "knowingly" is not included.

Mr. KUPFERMAN. Then I make a point of order, Mr. Speaker.

The SPEAKER. As the Chair understands the situation, the gentleman from California [Mr. CORMAN], in the Committee of the Whole offered an amendment to strike out the last two lines on page 1 and the first two lines on page 2 and insert new language. The gentleman from Pennsylvania [Mr. BIESTER] then offered a substitute for the Corman amendment. The substitute, which proposed to insert the word "knowingly" after the word "whoever" in the first line of the section, was agreed to; and the Corman amendment, as amended, was then agreed to.

Subsequently, the gentleman from New Hampshire [Mr. WYMAN] offered an amendment to strike out the last two lines on page 1 and the first line on page 2 and insert new language. This amendment was adopted in the Committee of the Whole and was then reported to the House. The only amendment to this part of the bill reported to the House by the Committee of the Whole was the so-called Wyman amendment.

The House, on a separate vote, then rejected the Wyman amendment. The net result was that the language of the original bill was then before the House. The language of the original bill was thus what the House passed.

Mr. KUPFERMAN. Even though, Mr. Speaker, we had adopted the word "knowingly" as proposed by the gentleman from Pennsylvania [Mr. BIESTER].

In other words, Mr. Speaker, I must make a point of order because I believe—and I know that a great many other Members of the House believe—that they voted for this bill on the basis that the word "knowingly" was included. My vote might very well have been otherwise had it not been included, and I must make the point of order that the vote was taken on a false premise.

The SPEAKER. The Chair will state that there is no point of order involved. The Chair has undertaken to answer a parliamentary inquiry proposed by the gentleman from New York. As a result of the various motions and the actions of the Committee of the Whole or, rather, the action of the House, the original language of the bill has been restored and the original language of the bill is the language that finally passed the House.

Mr. ROGERS of Colorado. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman from Colorado will state his parliamentary inquiry.

Mr. ROGERS of Colorado. Mr. Speaker, that also includes the word "burning" which was a committee amendment; is that correct?

The SPEAKER. The Chair will state to the gentleman from Colorado that the two words "knowingly" and "burning" were eliminated by the action of the House.

Mr. ROGERS of Colorado. I thank the distinguished Speaker.

Mr. KUPFERMAN. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman from New York will state his parliamentary inquiry.

Mr. KUPFERMAN. Mr. Speaker, may I ask is it in order for reconsideration of the vote on the ground that there was a misconception at the time of the vote?

The SPEAKER. The Chair will reply to the gentleman from New York that a motion to reconsider was laid on the table and that a motion to reconsider at this point is not in order.

Mr. WYMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WYMAN. Mr. Speaker, I am confused by the ruling of the Chair. The amendment that I offered, as I understand it, was to the first section of the bill, lines 8, 9, and 10, as it was amended, and both the bill that I have in my hand as it was before the House and my amendment and the committee amendment as it was amended contained the word "burning." It appears in line 1 on page 2.

Mr. Speaker, my parliamentary inquiry is, regardless of the question put by the gentleman concerning the word "knowingly," is it not so that the word "burning" is in the statute in the form in which it passed the House?

The SPEAKER. The Chair will state to the gentleman that the gentleman's amendment was not adopted in the House. The Chair has already, in response to the parliamentary inquiry of the gentleman from Colorado, stated that the word "burning" is not contained in the bill as it passed the House.

Mr. WYMAN. I thank the Speaker, but I would add I do not understand it.

DESECRATING THE FLAG "KNOWINGLY"

Mr. KUPFERMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, as I understand the Speaker's ruling with respect to the bill which was just before us, the word "burning" is no longer included in the bill. If that is the case, then we have spent the whole day in discussion—and so many days before in the committee—discussing a bill with respect to what happened in Central Park in the city of New York, where a flag was burned, and we have then come to a conclusion which does not at all cover the very point that was raised initially.

Mr. Speaker, I just cannot follow the parliamentary circumlocution that led us to this conclusion, but the one thing I do know is that there is something wrong in this respect, and I really believe the whole matter has to be reconsidered.

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. KUPFERMAN. I yield to the gentleman.

Mr. WYMAN. Mr. Speaker, I would like to comment to the gentleman that my amendment did not delete the word "burning." The amendment adopted in the committee included the word "burning."

The word "burning" was in the committee report to which my amendment made reference, and this whole subject matter has been up for discussion relating to the burning of the flag in public. Therefore I am astonished that the situation should be one in which the House finds itself of having passed a bill which does not include the word "burning."

DESECRATION OF THE FLAG

Mr. GALLAGHER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GALLAGHER. Mr. Speaker, I sense an uncertain note of confusion on the part of the gentlemen from New York and New Hampshire as to whether the words "knowingly" or "burning" are in the bill as amended. Perhaps we could best resolve the confusion by having a "bill burning," and then taking a new look at this legislation.

NEED FOR INCREASED FINANCIAL SUPPORT OF FISH AND WILDLIFE MANAGEMENT ON MILITARY BASES

Mr. SIKES. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, the Department of Defense owns more than 28 million acres of land and water in the United States in military reservations. The primary purpose of these lands is to serve the Nation by supporting all military installations, their important training and defense functions. But in addition to this very necessary function they have a recreation value. They provide habitats for fish and wildlife and places for people to fish and hunt or just to enjoy the outdoors. In this connection, the recreation made possible by opening up segments of defense lands to the public is substantial. In 1966, almost 1 million fisherman-days were enjoyed on military bases. Fishery management programs are active on 25,000 acres of waters including 179 miles of streams. The acreage available for management of wildlife is greater but total figures are not available.

Sport fishing and hunting, as objectives and byproducts of good conservation practices, provide recreation and enjoyment to members of the military, to their families, and to the general public living in the vicinity of the bases. These activities have especially high value to military personnel and their families in isolated locations where other recreational opportunities are limited.

The Department of Defense is aided by the Bureau of Sport Fisheries and Wildlife in this joint endeavor, and by the State fish and game departments. The three agencies are signators to cooperative plans for the development and management of fish and wildlife at each base having such potential.

But the scope and promise of the programs is limited by lack of finances. Thus far, the activities have been self-financing. Much more could be accomplished in a shorter time if more adequate funding were available. It seems a pity to waste this potential. I have introduced a bill to help recoup it.

HISTORY OF COOPERATIVE PROGRAMS

Concerted efforts to improve conditions for fish and wildlife on military lands began shortly after World War II. Fish were provided from the Federal hatcheries to stock lakes and streams, and limited wildlife programs were undertaken by the Federal and State agencies. Realization of the great potential these areas hold for conservation purposes, led me to propose a model program at Eglin Air Force Base, Fla., which Congress approved October 11, 1949, Public Law 81–345. The results were strikingly successful and in consequence I introduced H.R. 2565 to carry on similar programs nationwide. It became Public Law 86–797, with final approval on September 15, 1960—16 U.S.C. 670, et seq.

This act directed the formation of constructive cooperative programs in fish and wildlife management involving the Department of Defense, the Department of the Interior, and the State fish and game departments. The act specified the development of a cooperative plan for each military installation to include an inventory of fish and wildlife resources, to set forth a general plan for development, to indicate the extent of public use that could be afforded, and to specify whether or not special permits and fees would be required for fishing and hunting. The Sikes Act authorized the sale of State hunting and fishing permits in accordance with the cooperative plans. It also authorized commanding officers to collect such additional special fees as were agreed upon and to expend them for the protection, management, and conservation of fish and wildlife resources.

The act has been important in furthering cooperative relations and in getting important fish and wildlife work underway. It has led to opening many of the military reservations to controlled fishing and hunting in accordance with well prepared management plans. However, in most of the cooperative programs there have not been adequate funds for full development of planned programs, as envisioned by the congressional committees recommending the legislation. As a result, program accomplishments have been limited. Technical manpower and the necessary supporting funds have not been available to serve all areas requiring assistance or to adequately pursue the constructive work considered necessary at any one installation.

PRESENT STATUS OF PROGRAMS

In 1966, cooperative plans were in effect on 189 Department of Defense installations, where fish and wildlife management is performed to some degree. None of these plans are fully implemented, but there are many successful programs, of which I and this Congress can be proud. The Washington Post in an article printed April 21, 1967, reported a survey had shown 226 posts and stations having fish and wildlife potential, with 177 of them open to the public for some type of fishing and hunting, under regulations compatible with their national defense responsibilities. The Bureau of Sport Fisheries and Wildlife reported that in 1966, its fishery biologists provided 4 man-years of technical assistance, involving 180 work trips to military bases. Wildlife biologists assisted in animal control operations, and conducted wildlife inventories to the extent possible with manpower and funds available for the purpose.

The States also participated in the programs to the extent of their abilities. The level of technical assistance in these cooperative programs has remained about the same since 1960, while public needs have grown.

PROGRAM NEEDS

A. FISHERY SERVICES

As originally envisioned, action programs at the field level require complete fishery surveys and management plans for all waters on the military areas. These studies would provide the basis for needed habitat improvements, fish stocking, and public use of the areas. Through calendar year 1966, only the most pressing problems have received more than cursory attention due to the limited number of fishery biologists and funds available for the work.

To continue and expand this program so as to provide two or three trips per year to each of the 207 Defense installations currently seeking participation in a fishery management program, 16 full-time fishery biologists are required at a cost of $320,000 per year. There will be other needs. The potential for affording recreational fishing is great and is estimated to be at least 3 million fisherman-days per year by 1976.

B. WILDLIFE SERVICES

The technical assistance provided the Department of Defense, by the Bureau of Sport Fisheries and Wildlife has been quite limited. The potential of the areas, and the needs for more effective programs are now better known. This includes the control of wildlife species, which pose a hazard to military operations, the improvement of habitats for waterfowl, small game and large game, as well as plans for public hunting. The potential for public hunting is estimated to be two to three times the present level in military areas.

One of the most important requirements is for Bureau cooperation in managing wildlife species in the vicinity of airports. The rise in number of accidents involving aircraft and birds has brought serious concern. In several instances, the Bureau has been unable to make the necessary studies or provide technical advice where needed. In 1966, 281 bird strikes were recorded by the Air Force alone, with the cost of repairing the aircraft estimated at $20 million.

The level of service considered necessary will require 14 wildlife biologists at a total annual cost of $280,000. There will also be other needs in this field.

PROPOSED AMENDMENT OF PUBLIC LAW 86–797

This act, as now in effect, has been highly beneficial. I do not recommend changing any of its provisions or language. But additional language should be added. It is necessary that an incorrect concept be corrected and the way opened for more adequate financing of this program. The sale of special permits for fishing and hunting has been found practical on only a small percent of the bases. Only 34 have indicated they considered the collection of such fees as desirable or practical. Although exact figures are not available on the amount of money collected, this is thought to be not more than $150,000 per year. This money is retained on the local base, and helps support costs of warden services, purchase of fertilizer, chemicals, planting stock and other miscellaneous expenses. It has not been possible to use this money to pay for technical assistance provided by other Government agencies, or by the States. In essence, the program at most bases has not been and cannot be fully self-supporting. It cannot grow, or serve the important purpose which Congress intended without more adaquate and stable financial support.

To achieve this objective, I propose that the act of September 15, 1960, be amended by adding a provision, authorizing the Department of Defense and the Department of the Interior to request appropriation of funds or services for carrying out the purposes of the act. The areas of responsibility and work to be performed are distinct and separate in the two Departments. A cooperative agreement between the two Secretaries is already in effect and has been working successfully. The bill would give the Bureau of the Budget and the Congress opportunity to review all requests for funds annually. Full implementation of the program, as now considered necessary, can then be justified, and become a part of the planning and budgeting process. Passage of the amendment is strongly urged.

Summary of sport fishery programs on military areas, 1966

	Air Force	Army	Navy and Marines	Total
Acres of lakes and ponds under management	2,557	6,779	15,779	25,115
Miles of streams under management	10	156	13	179
Acres of fish habitat reclaimed or improved	38	227	34	299
Miles of streams reclaimed or improved		26	1	27
Acres of new waters	18	460	35	513
Man-days of fishing	298,400	594,700	99,800	992,900
Pounds of hatchery fish stocked	38,249	65,070	21,255	124,574
Number of hatchery fish stocked	211,643	886,789	690,953	1,798,385

Estimated requirements for assistance in fish and wildlife management

Region	Number of installations	Fishery biologists	Wildlife biologists	Annual costs
1. Northwest	48	4	3	$140,000
2. Southwest	15	2	2	80,000
3. North Central	21	2	3	100,000
4. Southeast	95	6	3	180,000
5. Northeast	28	2	3	100,000
Total	[1] 207	16	15	600,000

[1] Installations with fishery resources. Installations with wildlife resources estimated at 250 plus.

* * *

THE DISTRICT OF COLUMBIA SCHOOL SYSTEM

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, yesterday was a day of contrast in the District of Columbia.

At the time Judge J. Skelly Wright, whom we call J. Smelly Wright in Louisiana, was handing down his legal opinion outlawing the track system, legislating intelligence and saying that there was economic and social discrimination in the District of Columbia schools, a man who is considered to be an expert on the affairs of education, considered to be an expert to the extent that $250,000 was set aside to allow him to conduct a study of the District of Columbia schools, made a preliminary report with a completely different conclusion.

At the time Judge Skelly Wright was saying there was discrimination which was destroying education, Mr. A. Harry Passow, a professor from Columbia University Teachers College, in his report took issue with Judge Wright and said the District of Columbia school system should concentrate on teaching and administrative reforms instead of racial integration. The chairman of the research team evaluating the city schools further went on to say:

> The District should concentrate on proving that a Negro school system can be a good one. He also opposed busing students to achieve so called racial balance.

Until the people who have some responsibility for education in the District of Columbia and the rest of the United States recognize the fact that the vast majority of their educational problems arise from the problems of integration, they are not going to do anything to improve education in the District of Columbia or anywhere else. Until schools are utilized to educate people instead of being used as tools of social reform, they will deteriorate further. Mr. Passow spoke the truth. The people who paid Mr. Passow this money must be unhappy today. Mr. Speaker, I submit the following newspaper item:

[From the Washington (D.C.) Post, June 20, 1967]

BUSING IS NO CURE, DISTRICT OF COLUMBIA SCHOOLS ADVISED

(By Ellen Hoffman)

The D.C. school system should concentrate on teaching and administrative reforms instead of racial integration, the chairman of a research team evaluating the city's schools said yesterday.

A. Harry Passow said distribution of the system's 10 percent white pupil population among white pupil population among all city schools would result in "token integration at its worst."

Passow disagreed with the legal opinion released yesterday by Federal District Court Judge James Skelly Wright that there is racial and economic discrimination in D.C. schools. Passow said he does not believe poor Negro children consistently receive an education inferior to that of white or middle-class pupils in the District.

Passow, a professor from Columbia University Teachers College, said his study team found "schools in the Cardozo area with every bit as good a staff as some schools west of Rock Creek."

Passow's remarks were made at a news conference called to explain preliminary conclusions of a $250,000, year-long study of District schools. General recommendations of the team were announced over the weekend. A 1000-page report on the study will be released by Oct. 1.

The discussion of the Passow study yesterday coincided with Judge Wright's release of his opinion on a court case aimed at proving that Negroes suffer from de facto school segregation. The opinion on the suit, which was brought by civil rights leader Julius W. Hobson, called for immediate elimination of racial and economic discrimination in the schools, and abolition of the track system.

Passow said the team would have "a very clear position on integration and desegregation."

He said the team will recommend that District schools develop instruction materials and programs to give children the same types of experiences they might gain from attending integrated schools. This could be achieved by taking children to visit cultural sites or by use of special educational facilities at a "learning center;" and by using books which "alert the children to racial and cultural diversity," Passow said.

Passow said no U.S. city has achieved successful integration by "sending children over its borders" because "there is no way to compel white children to come to city schools from the suburbs."

The District should concentrate on proving that a Negro school system can be a good one, he said. "Then if the suburbs want to send kids into the District," he added, "we'll screen them closely and charge appropriate tuition."

Passow also said the track system of placing children in classes according to ability should be replaced by "flexible grouping." Teachers should be encouraged to divide children into groups of different sizes for different activities, he said.

Children can be taught in groups made up according to interest, talent, potential ability or motivation, Passow said.

Passow said young children—from three to seven—definitely should not be put in "tracks." The report calls for a school program for all youngsters starting at age 3.

Passow also outlined the possible operation of a series of local school boards designed to give a community "as much authority as possible" over educational policies.

Washington could be divided, for example, into eight districts with about 20,000 children in each. Passow said he would like to see an elected, local school board which would be related to the central Board of Education in the same way local school boards usually work under a state board of education. He said he does not know if this would require congressional changes in District law.

Passow said the study will also call on local universities, colleges and organizations to help improve D.C. schools.

"All these national organizations have headquarters here, and they couldn't care less" about the quality of educations in the District, Passow charged.

He suggested that colleges develop ways of training teachers to work in inner-city schools.

REPORT ON VIETNAM AND SOUTHEAST ASIA

Mr. DOW. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DOW. Mr. Speaker, I have just returned from Vietnam and other countries in Southeast Asia. I was sent there on funds raised by 800 of my constituents. I talked to 80 officials and leaders at all levels, half of them Americans and the rest either Vietnamese or knowledgeable foreigners. I was accorded the fullest courtesy and cooperation by American and Vietnamese officials.

With your permission I extend in the Record a brief summary of the verbal report I gave to my constituents at a meeting June 18 in New City, N.Y. The full report and supplemental comment will be presented to you in a short time.

Mr. Speaker, I have to say again that the involvement of our Nation in Vietnam is a grievous mistake. It must be rectified by deescalation of the conflict, rather than further escalation. I might add that the society of South Vietnam is fractioned into many groups. There are no articles of faith which bind them all together. The United States is the loser in this situation, for we must provide the support and pay much of the cost.

Further, it is a sad fact that in this august body there are so few who represent the widespread misgivings about the Vietnam involvement which prevails among millions of our American public.

My summary report on Vietnam is offered here for the Record:

Summary of Congressman John G. Dow's Report of His Trip to Vietnam, June 18, 1967

During my trip to the Far East, I interviewed in considerable depth a total of 79 different people in all walks. These included American, Vietnamese and foreign diplomats, war correspondents, U.S. AID workers, Buddhist venerables, Catholic archbishops, servicemen and intellectuals. Also, I visited the cities of Saigon, Cantho, Danang, seven villages and four hospitals.

Before I left for Vietnam, I said that there are several reasons—that have little to do with the local situation in Vietnam—why the United States should not be fighting in Southeast Asia.

First, there is danger that in our effort to stamp out Communism around the world we may stamp out legitimate rebellion among many of the two billion people of the underdeveloped nations. I still don't feel good about sending our boys to fight against hungry men who are struggling for a better existence.

Second, should the United States act as a world policeman? I asked this question of Premier Ky. He gave me the answer, "You can't help yourselves." This is an honest answer because it recognizes that we are becoming a world policeman. The danger in this is that it could turn us into a police state and jeopardize democracy all over the world.

Third, in the age when the British, French and Dutch have all been ousted from Asia, it seems to me that we are running against the tide of history to go back on the beaches there.

Fourth, in our efforts to work out a solution in Vietnam, we are constantly taking the world to the brink of a nuclear catastrophe.

Fifth, we have two tremendous bases in Southeast Asia, one in Vietnam and the other in Thailand. These are two more links in the chain of bases we have around China. It seems to me that instead of checking China, these two bases will generate a reaction by China and other Asians that will never end as long as the bases remain.

Now, getting to Vietnam itself, let me give some of the points that need to be noted. First off, there is an almost universal admission by all hands that widespread corruption exists in the Vietnamese government. This is centered in the provincial governors who are mostly appointed army officers. Rice promised to needy peasants oftentimes fails to reach them.

Perhaps the main finding from my trip is the great number of disunited groups in South Vietnamese society. The Buddhists are divided into two groups. Both of them oppose Communism; but one wing believes that the United States is fighting without the support of the Vietnamese people. In addition to the Buddhists there are two other sects, the Hao Hoa and the Cao Dai, which add to the factions in South Vietnam. Another group is a million Chinese who are fearful of China, their mother country.

The Catholics are still another group. Their laymen belong to a political group named, "Greater Solidarity Forces." The Catholics are hoping for peace and adhere closely to the counsel of Pope Paul. Besides these elements there is a labor union of nearly half a million. Further, there is a faction of intellectuals, educators, and college professors which, while they do not want Communism, are very critical because the United States is not solving the problem of unity that is so greatly needed in South Vietnam.

Besides these groups there is the jealousy that exists between the South Vietnamese public and the several Northerners who rule in South Vietnam. Still further, there are the groups of refugees, mountain tribes and peasants.

The military forces also represent a group which is resented by many who would like more civil liberty. These many groups in South Vietnam do not conflict too openly. The sad part is—and this is a great fact about South Vietnam—they do not cooperate with one another. There is no common belief that binds them together, and no leader that they all look up to. In this state of disunity they are hard put to oppose the monolithic dogma of Communism which the Viet Cong teach to the peasants.

The coming elections are regarded with some hope, but there is much fear that they will be manipulated by the security officer, General Nguyen Loan.

The conduct of American troops is highly praised by observers in Vietnam. Our troops are doing their duty to the fullest. While there is much destruction by bombing in South Vietnam, most of the pockmarks from bombing that I saw from the air were out in the fields and not in the villages. I saw only four cases of persons in the hospitals who were burned by napalm.

I tried to find out why the Viet Cong fight so hard. It was generally agreed that only 10 percent of them are Communists, and the other 90 percent are Vietnamese nationalists. For 25 years the Vietnamese peasants have been fighting intruders—first, the French, then the Japanese, then the French again, and then oppressive governments of their own. All this has developed a dislike of outsiders that is sometimes transferred to United States soldiers. In many villages it takes a long time for the Vietnamese peasants to recognize that our soldiers are not trying to take from them.

The Viet Cong fight because they have suffered from the French occupation. Nearly all of the generals in the South Vietnamese army are men who fought on the side of the French. There is little opportunity for advancement in the South Vietnam army for anybody who doesn't have some college training. Uneducated, but able, peasants find more opportunity with the Viet Cong than they do in the South Vietnamese forces.

The pacification teams that the South Vietnamese government sends into the field—59-man cadres—are criticized in some cases for corruption and lack of dedication. They are unable by and large to stay in the country villages unless they are supported by platoons or companies of the South Vietnamese army.

That part of the war which is the pacification and winning of the peasants is very difficult. For centuries the central government, and outsiders generally, have been taking from the peasants high taxes, high rents, and all the rest, while giving almost nothing in return. It is the near impossibilit yof rooting out this distrust and resistance to outsiders and foreigners from among the peasants that makes the winning of the war such a long process.

I asked nearly everyone how long it would require to "win" the war. About half of the people I interviewed spoke of "three or more years". The other half said it would take "a long time". Nobody, however, would say what the "win" would be like. Would a complete pacification of the distrustful peasants be regarded as a "win"? Or would we have to defeat the North Vietnamese army?

At present that army faces our marines with three divisions at the Demilitarized Zone. I was told that North Vietnam has 14 divisions in reserve. I suspect that if we should succeed in pacification we would have to leave hundreds of thousands of our troops to maintain quiet after a so-called victory.

My own recommendations, which are offered with full awareness of the very complicated situation, would be as follows:

First, stop the bombing of North Vietnam unconditionally. If the bombing is weakening North Vietnam, I was told that this would make her more and more dependent on Red China.

Second, our forces ought to be regrouped in the bases at Danang, Nha Trang, Saigon, and coastal fortifications. Fewer of our boys will be killed in these positions and it will be a sign to the South Vietnamese that they have to join in straightening out their own affairs.

Third, the United States ought to call all factions in South Vietnam together. They should be urged to assume more of the burden of saving their country.

Fourth, the United States should invite all nations with any stake in Vietnam to participate in a solution. This should include the United Nations, the Viet Cong, and the Geneva Accord nations.

A new awareness that I bring back from Vietnam relates to the responsibility we have to those brave village officials and religious leaders in the countryside who have sided with us in spite of the Viet Cong terror. I think we have to make sure that these people are guaranteed protection under any settlement that is negotiated.

Finally, I'd like to pay tribute to the many dedicated Americans in the U.S. AID program and in private organizations who serve with such devotion in Vietnam. I hope their work continues if we ever reach a time of peace.

WE NEVER LEARN

Mr. HALEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HALEY. Mr. Speaker, I have asked permission at this time to place in the CONGRESSIONAL RECORD an editorial, "We Never Learn," which appeared in the Winter Haven Daily News-Chief of June 16, 1967.

Publisher and Editor William E. Rynerson expresses concern over the fact that we never do learn from the events that occur in connection with our foreign policy. This Middle East crisis is a regrettable, unfortunate thing. It is another one of those situations where we have been arming other people of the world through our foreign aid program and the ones we have not been arming, we have been feeding while they received the armament they sought from the Soviet Union. Through our foreign aid program, as in the instance of India, we find truth remaining in the old adage about "biting the hand that feeds you."

I commend Mr. Rynerson's editorial to the attention of my colleagues. I hope that we will begin to learn some lesson from these recent events:

WE NEVER LEARN

> The United States has rescued the Egyptians not only with food, which ran into the millions of dollars, but in 1956 when we actually backed off the Israelites, Britain and France on the matter of the Suez canal. But despite this help which kept the Nasser government in power and his people from starving, we find these ungrateful people burning our libraries, endangering American lives, tearing up our embassies and consulates and costing us millions of dollars for no good reason at all.
>
> It's high time that we begin to re-evaluate our positions around the world. It is time we begin to think into the future. It's time that we let not only the people whom we help know that we are the ones keeping them alive, but it's time we let Russia and the communists around the entire world know that we are tired of their actions in stirring up trouble wherever they can to embarrass us. We imagine that their faces are even redder than normally over this Mideast fiasco which can be laid right at their doorstep. But mark these words—someone in our government will want to open trade with Russia and her satellites—poo-pooing the idea that they'd cut our throats in a second if they could figure out how to do it without being openly involved. Will we never learn?

LENOX BICENTENNIAL

Mr. CONTE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONTE. Mr. Speaker, Lenox, Mass., nestled in the heart of the Berkshires, has experienced many fine moments. This week Lenox, famed for its natural beauty all year round, celebrates its 200th anniversary. The official series of events opened June 18 with religious services in all churches and close with a gala parade on June 25, expected to be one of the largest gatherings in the history of the county.

I had hoped, Mr. Speaker, to march in the parade with my fellow citizens. My duties, however, will take me elsewhere for the day, and so I would like to take this opportunity to inform my colleagues of some of the outstanding events in Lenox's history.

Lenox's first citizen, Jonathan Hinsdale, came from Hartford, Conn., in 1750 to get away from the world and the ever-increasing population of Hartford. Hinsdale's cabin, located south of Courthouse Hill, still is intact and stands as a monument to the town's first settler.

The early history of Lenox was peaceful, yet in 1755 all the inhabitants were forced to flee hastily to Stockbridge as a result of attacks by "marauding redskins acting in unholy collusion with the French."

The settlement of the conflict with France once again made Lenox safe, and the community began to thrive. In 1765 the present towns of Richmond and Lenox were incorporated. The town was named Richmond after a liberal English noble, Charles Lenox, Duke of Richmond. On February 26, 1767, the eastern section, separated from the rest of the town by the central mountain range, was incorporated under the name of Lenox.

The list of Lenox's Revolutionary War patriots is imposing. The most famous was Col. John Paterson. Under Paterson's leadership the Lenox regiment built in 1775 the first fort for the siege of Boston. Paterson's men were later to cross the Delaware with General Washington and fight in the battles of Trenton and Princeton. By 1777, Paterson's regiment was cut almost to 200 men, one-third of its original strength. Judge Julius Rockwell commemorated these valiant soldiers at Lenox's celebration of America's centennial when he said:

> And herein consists the great merit of these officers and men. They suffered, sickened, died, that we might live; that we might live in America under American government.

Rockwell also paid tribute to the mothers, wives, and sisters of these soldiers who were found everywhere encouraging their men. Says Rockwell:

> They knew a free government would elevate the character of their sons and bless the homes of their daughters.

Lenox's achievements in religion and education were as splendid as her record on the battlefield. The First Congregational Church was erected in 1768 at the town's expense. The town meeting adjourned explicitly on August 3 of that year to witness the pounding of the first stake. Lenox then became the county seat for Berkshire County in 1787.

Lenox Academy, where to graduate was a virtual passport to any college, often even into the sophomore class, was founded in 1803. Mrs. Charles Sedgwick's School for Girls, later to become Lenox School for Boys, was established in 1828. These institutions, in addition to the rare physical beauty of the town, made Lenox a superior intellectual and cultural attraction.

The peaceful solitude of the Housatonic Valley was invaded by the railroad for the first time in 1838. The new connections with Albany, Boston, and New York opened the way for the vast and fashionable estates that soon surplanted the Yankee farmer. French palaces, Italian villas, and Elizabethan halls quickly replaced the traditional symbols of New England.

In 1868 the county seat was transferred from Lenox to Pittsfield. The move was made primarily to accommodate the summer visitors who found the hubbub, jostling, and general confusion of the courthouse quite unpleasant. Thus the calm of the "gem of the Berkshires" was maintained.

The Gay Nineties marked the height of this social splendor. Parades, hunts, horse shows, and gold tournaments all added to the festive mood of the times. From 1883 to 1900 the valuation of the town more than doubled. Its worth in 1900 was $3,750,004 as compared to $1,599,411 in 1883. Symbolic of this era of the moguls was the completion of the huge Aspinwall Hotel in 1902. Crowning the ridge and commanding a view of the valley from Mount Greylock to the dome, the Aspinwall stood, until its catastrophic destruction by fire in 1931, as a reminder of an era of luxury; an era when Lenox took all the polish wealth could put upon it.

The Lenox of the 19th century also stood high in the literary world. Catherine Sedgwick, sister-in-law of Mrs. Charles Sedgwick, moved to Lenox in 1821. There she wrote her first novel, "A New England Tale," which made her one of the pioneers of the new and independent American literature. Her presence also attracted a group of gifted English women to Lenox, among them Fanny Kemble, the noted actress who said of Lenox, "I never looked abroad upon the woods and villages and lakes without thinking how great a privilege it would be to live in the midst of such beautiful things."

Nathaniel Hawthorne spent a year and a half in Lenox. Occupying a tiny house overlooking a hillside, Hawthorne was so overwhelmed by the scenery that he remarked, "I cannot write in the presence of that view." Nevertheless, he completed "The House of the Seven Gables" with herculean determination in only 5 months. "Tanglewood Tales" and many other stories also were written in this house on Stockbridge Bowl, where Oliver Wendell Holmes was a frequent visitor. Other notable visitors to Lenox were Ralph Waldo Emerson, Harriet Beecher Stowe, and Edith Wharton.

Lenox's interest in the arts has not only continued but expanded, now to include the world-famous music festival which takes place every summer at Tanglewood, the estate donated to the Boston Symphony Orchestra by Miss Mary Tappan and her niece Mrs. Rosamunde Hepburn in 1937. Combining the magnificent simplicity of the huge concert hall, called "The Shed" and the musical vision of Serge Koussevitzky, the orchestra's conductor at that time, the festival has become a unique musical event in the whole country, nay, the whole world.

Looking back, then, over 200 years of history, Lenox has much for which to be proud and thankful. She remains today a bastion of intellectual and cultural opportunity as a credit to the physical bounty nature has bestowed upon her. I sincerely hope my colleagues will join me in expressing my deepest gratitude to Lenox on this, her 200th anniversary.

CLARKE SCHOOL FOR THE DEAF—100 YEARS OF PROGRESS

Mr. CONTE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONTE. Mr. Speaker, each of us in our daily lives faces innumerable problems and frustrations; some minor, some major, and too many of critical urgency. Our tensions and anxieties seem to mount day by day and, in this hectic 20th century, we have made an indispensable necessity of the aspirin tablet and the stomach alkalizer.

But as burdensome and uncertain as life has become for many of us, our troubles pall somewhat in comparison to those who must make their way, who must endure all of the troubles each of us faces in today's fast-moving world, with a major physical handicap. And our difficulties pall even more than somewhat in comparison to those whose handicap inhibits or completely destroys the function of one of our five major senses.

We can only guess, for example, at the day-to-day agony and the dimensions of courage needed to overcome it for one who has lost the power to hear. In an age in which more and more depends on oral communication, on the distinguishing of sounds for virtually every kind of communication, from a simple declaration of affection to an urgent warning of imminent disaster; it is difficult for those of us blessed with the power of hearing to imagine a world of utter silence.

It is, therefore, with a great deal of pride, and of gratitude and appreciation, that I call the attention of this body to an institution in the First Congressional District of Massachusetts that is dedicated to easing the burdens of the deaf; to bringing the miracle of communication to those who have lost the natural sense which so many of us take for granted.

I am happy to relate to my colleagues the story of the world-famed Clarke School for the Deaf, in Northampton, Mass., which is now celebrating 100 years of helping deaf children.

In the 1860's the deaf child faced a dismal future. Such children usually lost the ability to speak, if they ever had it, and were placed in an asylum. Their deafness was a very real prison for them and for society. In 1861 Gardiner Green Hubbard sought help for his young daughter, made deaf by scarlet fever. The only alternative he could accept meant sending his daughter to a special school in Germany. Seeing an obvious need, Hubbard started a personal campaign to enlist State help in properly providing for the deaf in this country. His efforts, unfruitful at first, became successful after he joined with Miss Harriet Rogers a tutor who had mastered the technique of oral education for the deaf. In 1866, Miss Roger's brother-in-law, Mr. Thomas Talbot, saw fit, as a member of the State Legislature of Massachusetts, to directly seek Governor Bullock's aid on behalf of his sister-in-law and Mr. Hubbard.

The time was right. A "gentleman from Northampton," Mr. John Clarke, who suffered from deafness, wanted to help deaf children. He offered the State $50,000 for the establishment of a school for the deaf in Northampton. With this fortunate financial support, Clarke School and the Clarke Corp. became a reality in June and July of 1867. So it is that we now commemorate the 100th anniversary of the Clarke School and its pioneering efforts in the field of oral education of the deaf.

The events leading to the founding of the Clarke School involved a number of people, reflect the power of an idea in a determined group of people, and demonstrate the role that an alert and responsive government can play. The Clarke School continues to function successfully because both private and public interests continue to support the vital role the school plays.

I would particularly like to cite the dynamic leadership which has perpetuated Clarke's leading role. Gardiner Green Hubbard, Lewis J. Dudley, Alexander Graham Bell, and Mrs. Calvin Coolidge have served as chairmen of Clarke's board of trustees. Today, E. O. Kollmorgen serves as chairman of the board. His numerous efforts for his school and his community reflect uncommon dedication and devotion. Serving with great distinction as Clarke's president is Dr. George Pratt. Dr. Pratt is active in seeking Federal help and cooperation in the area of special education. Even with increasing Clarke's enrollment, he has built his widely known Summer Institute for Teachers of the Deaf. Dr. Pratt leads his school in an international quest for bettering the lot of deaf children.

On June 18, I was honored to be present at the International Conference on Oral Education of the Deaf, in Northampton. The Federal Government is playing an increasingly significant role in this area, a role made necessary by the particularly high cost of specialized education. The task of the National Government primarily concerns teacher training and the dissemination of research findings. Since 1961, the Federal Government has expended at least $4½ million on training in this area. Representatives of the Department of Health, Education, and Welfare, attending this Conference, witnessed the supportive role which the Federal Government can play in the education of the handicapped.

It is equally obvious that individual devotion, creativity, and initiative enable the Government to fulfill its role. This international conference, held jointly at the Clarke School for the Deaf and the Lexington School for the Deaf, in New York City, reflects the need of public and private cooperation. Its international contributors, including delegates from Canada, South America, Europe, Africa, the Middle East, Asia, and Australia reflect a worldwide concern.

This Conference's concern for financial, administrative, physical, and psychological factors reflects a comprehensive appreciation of the problems of the deaf. I am always anxious to support advances for education, and the special problems of the handicapped deserve particularly sympathetic attention. On this occasion, the 100th anniversary of the Clarke School and of oral education of the deaf in America, I urge my colleagues to take note of the advances made, and to work to make further advances even greater and more far reaching.

H.R. 7476—SILVER CERTIFICATES DEBATE

Mr. de la GARZA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. de la GARZA. Mr. Speaker, on Monday, June 12, 1967, during the consideration of H.R. 7476, I engaged in a colloquy with the distinguished gentleman from Texas [Mr. Patman], wherein I inserted in the Record a copy of a letter which I had sent to him. At his request, I promised that when the gentleman answered that letter, I would insert his reply, together with a reply from the Treasury Department, in the Record, which I do so at this time.

The matters referred to follow:

Committee on Banking and Currency,
Washington, D.C., June 15, 1967.
Hon. Eligio de la Garza,
House of Representatives,
Washington, D.C.

Dear Colleague: As I promised you during the debate in the House on Monday, June 12, on H.R. 7476, the bill dealing with silver certificates, I am now sending you immediately upon receipt from the Treasury Department a report on the letter you sent me on May 23 quoting a constituent's problems in obtaining silver for his silver certificates.

According to this report from the Deputy Treasurer of the United States, Mr. W. T. Howell, there should be no difficulty whatsoever in obtaining silver at the New York Assay Office (or at San Francisco) without fees of any kind. Also, according to this report, an individual does not have to appear in person but can arrange to have this done through a friend or relative or through a bank.

During our colloquy on Monday, at page 15465 of the *Congressional Record*, I expressed the belief that you would want to put into the *Congressional Record* this reply from the Treasury Department, in view of the fact that you were inserting your letter to me in the Record.

If I can be of any further assistance in this matter, please do not hesitate to let me know. Certainly, holders of silver certificates are entitled to obtain silver if they so desire. Under the terms of the legislation we passed on Monday, they will have a full year in which to make this election.

Sincerely,

Wright Patman,
Chairman.

Treasury Department,
Fiscal Service,
Washington, D.C., July 13, 1967.
Hon. Wright Patman,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

Dear Mr. Chairman: On behalf of the Secretary, I am responding to your letter of May 26 and the copy of a letter that you received from Congressman de la Garza, concerning one of his constituents who expresses some criticism of the limited means available for the redemption of silver certificates in silver bullion. He is also critical of the provision in the silver legislation now pending which would limit to one year following its enactment the period within which silver certificates would be redeemed in silver.

Silver certificates are redeemable at San Francisco as well as New York, notwithstanding the rumor he has heard that San Francisco is not redeeming silver certificates. When silver certificates were redeemable in silver dollars there was only one place at which the right of redemption was absolute, which was at the Treasury in Washington.

An individual does not have to pay the Assay Office a fee and does not have to appear in person to exchange certificates. The services of a friend or relative are equally effective, or if that is not possible a bank which has a correspondent banking relationship with a bank in New York or San Francisco can accept certificates, send them to its correspondent and have the exchange made and the silver bullion delivered in accordance with whatever directions the purchaser may give.

The proposed legislation which your Committee reported favorably does not provide for repudiation of silver certificates. It provides for a one year period during which silver certificates will be redeemable in silver, an entirely reasonable period in view of all the circumstances. I know that you are acquainted with the problems we have had and will continue to have with silver, and I hope this information will assist you in responding to your colleague.

Very truly yours,

W. T. Howell,
Deputy Treasurer.

REDWOOD NATIONAL PARK

Mr. DON H. CLAUSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DON H. CLAUSEN. Mr. Speaker, I take the floor of the House today to express my strong hope that the Congress will speed up its deliberations on the proposed Redwood National Park. I recognize the fact that we in Congress are faced with a multitude of problems that relate directly to our safety and security in this troubled world, but I do believe we must move more rapidly toward resolution of some of our more pressing domestic issues which, as in the case of the Redwood National Park, have been pending before the Congress for several years.

Those advocating a park are strongly urging early consideration and the creating of the park.

Also, the solution of the problems posed by the Redwood National Park issue is of major importance to my congressional district, a district which is currently plagued with one of the highest rates of unemployment in the Nation, primarily because of Federal Government action or policies. The most important factor in the high unemployment rate is the recent seige of tight money which caused a severe turndown in housing construction and a resultant cutback in lumber production.

In addition, the doubt over the location and size of the proposed Redwood National Park has forced many lumber companies to reduce or postpone planned expansion programs until the issue can be settled.

This Congress must take final action soon to avoid any further harm to our economy. The problems caused by tight money are lessening to a great extent but the problems of the Redwood National Park have yet to be solved. The Redwood National Park can be a most valuable asset to our economy. That is, it can be an asset if the Congress will act promptly to authorize the park and if the Congress will make certain the park it authorizes will compliment existing industry and add to it rather than destroying jobs.

Any increase in tourism caused by the creation of a Redwood National Park cannot supplement a substantial dislocation in the present economy caused by that park. Our experience, in the Redwood region, with the tourist traffic associated with the recent world's fair in Seattle, Wash., was very revealing. The highways, during the tourist season, were "saturated" with automobiles. This gave us a firsthand opportunity to judge the potential impact of tourists on our economy. It provides us with the most accurate evidence of what we can anticipate in revenue through the creation of a major tourist attraction facility such as Redwood National Park and Seashore. Therefore, I would remind my colleagues that it is possible to enact a Redwood Park bill which will add to the economic base of the area so as to lower the existing unemployment rates and to improve the local economic picture.

The most recent unemployment statistics for my congressional district are sufficient testimony to the severe economic problems we face. Four of the six counties in the district have unemployment rates of over 10 percent. In the early months of 1967, Humboldt County had 15.7 percent; Mendocino County had 15.5 percent; Sonoma County had 12.1 percent; and Del Norte County had an 11.8 percent unemployment rate.

I expect that these rates will slowly be lowered through the easing of tight money policies and the subsequent increase in housing starts and other construction. We look to the future optimistically. We feel sure a Redwood National Park is going to be established. We simply hope that this Congress will, in its wisdom, enact legislation creating a park which will help us lower our high unemployment rates rather than adding to them.

I am for a Redwood National Park. I urge that we here, in the 90th Congress, create it, sponsor and nourish it for the pleasure of those who will use it. I believe that we can do so without creating a vast, economic wasteland of an area that is now struggling to regain its economic stability.

The argument that tourism can supplant a large existing industry is not substantiated by the knowledge we now have of the effects tourism can have on a region. The recent study, "Recreation as an Industry," by the respected Robert R. Nathan points up some of the fallacies in this argument and some of the statistics related to tourism. In a report for the Appalachian Regional Commission, Mr. Nathan wrote:

> Recreation resources vary in type and quality—scenic, climatic, historical, cultural, or entertainment—and there is no unique formula by which attractiveness is determined. The ability of a resource to attract visitors may depend on its rarity or on the diversity of recreation activities it offers.
>
> However, there are several factors that limit even the relative impact of the recreation industry, even in a poor county. The first is the nature of the industry itself, composed, as it is, largely of services and trades which everywhere are among the lowest-paid: hotels, restaurants, and amusements. National statistics show, and our case studies confirmed, that although recreation provides many opportunities for proprietors of small business and generates demand for high and middle skills in construction and maintenance, the typical and average employment is in undemanding jobs with relatively low productivity and consequently low pay.
>
> Moreover, the seasonal nature of recreation is reflected in irregularity of employment that limits annual earnings and tends to attract workers from the fringes of the labor force. Though there is evidence of the

success of many segments of the industry in lengthening the season by capitalizing on the rising incomes and increasing time and taste for a variety of recreation activities (skiing, winter vacations, weekending, etc.) the industry remains one of the most seasonal. As the case studies show, the two-month summer season is no longer so common as it was, but few seasons extend beyond six months.

As the result mainly of these two characteristics, recreation alone almost never can provide a base for a viable economy. Where it is successfully exploited, however, it can provide significant and valuable supplementary benefits to a local economy based on manufacturing, mining, or agriculture.

First major public investment in nonmetropolitan recreation resources would rarely be justified solely or even primarily, for the sake of the economic impact on the local area. The principal justification for public investment in recreation is to satisfy the demand for recreation in a society which is becoming increasingly metropolitanized, in which recreational open space is at a premium. The economic impact, such as it is, will likely be marginal and justifies public investment commensurate with the marginal benefits.

While the customers must go to the industry, they choose their own time. As a result, the demands on the services of the industry are very uneven, as between months of the year, days of the week, and even hours of the day. But of course, the output of the industry cannot be stocked or stored. Seasonality and other irregularities of demand in the recreation industry mean fluctuations in the demand for labor, supplies, and an under-utilization of fixed plan. Hence, investment cannot be fully exploited.

Employment in recreation compares unfavorably with employment in other resource-based industries. Except for management, skill requirements, productivity, and value added are low for most jobs. Consequently, the wage scales are low; in fact, they are among the lowest. Further, recreation has more job opportunities for women and this has serious consequences on the employment structures of those communities where recreation is a major component of the economy. Finally, due to the seasonality of the industry, much of the employment offered is more in the nature of supplemental rather than staple employment.

The ups and downs of the national economy affect nearly all economic activity, but the effects are more immediate and more pronounced in recreation than in other consumer industries. The same income-elasticity that has led to growth of demand as incomes have risen, makes vacations and all forms of recreation expenditures sensitive to recession. These expenditures are among the first to be cut back in the family budget when incomes drop. Another uncertainty is the weather. The effects on the industry of a "poor" summer or winter can be quite drastic. And successive seasons of "unseasonal" weather cause extended unemployment and a serious drain on entrepreneurs' capital.

As a general rule, a very large fraction—half or more—of the visitors to almost any recreation originate in the state in which it is situated or in the adjacent states. Generally this represents a two-hour driving time radius. In the case of resources situated close to large metropolitan populations, the fraction approaches 100 percent.

In this context it may be useful to discuss two general misconceptions. One concerns the income of visitors and the other the impact of campers. Great emphasis is often placed in recreation studies on the importance of attracting high-income visitors. It is assumed that the greater the family income the higher will be the expenditure. While there have been no systematic studies on this point, interviews with a number of recreation establishment operators indicated that there is little correlation between income and amount of expenditure while on vacation. Total annual expenditure by high-income families may well be greater, but family income is no guide to the per day expenditure in a given recreation area.

The smallness of recreation establishments, in terms of employment and investment, is well documented. The last Census of Business taken in 1963 reveals the small average employment among the several types of service establishments. (See Appendix Table B–1.) A more recent study of private outdoor recreation enterprises shows that they are predominantly small. Only 5.6 percent of all enterprises employ five or more persons year round, and even during the peak of the season no more than 15.4 percent have five or more employees. Over three-fourths of the establishments have no year-round full-time employees, and during the season well over half manage to run their businesses without full-time help. These national figures tend to be on the low side because the study includes enterprises which provide supplementary incomes. The Chilton Study also shows that median capital investment for full income enterprises is about $64,000 and only $8,000 for supplementary income enterprises.

Control of access to recreational resources raises questions concerning the intensity of use which can be permitted without overloading or damaging the resource, or which is compatible with its other uses.

Considering the quality and the magnitude of recreation impact which results from a single attraction, it appears that the financing of a recreation facility in depressed areas in isolation from other developments is questionable.

The concentration on food, lodging, and amusements largely defines the local impact of tourist recreation. These are, for the most part, small sectors of the economy. In West Virginia, for example, these three sectors, while they accounted for more than $150 million of business (local and export), occupied, in all, about 20,000 people, (including 4,000 proprietors) in a total labor force of 590,000. Moreover, these were sectors of small establishments and low earnings. The earnings reported for Social Security contributions in these sectors were about half the average, and even allowing for underreporting of tips, they were far lower than earnings in other sectors. This is true of relatively high-wage states and relatively low-wage states both, as the tables for Pennsylvania, West Virginia, and Tennessee demonstrate.

Most of the jobs in motels, restaurants, and amusement establishments need little training and skill, and the wages are therefore low. Thus, most employment in the service and trade industries is low-paid. The recreation industry, therefore, offers few opportunities for the skilled and ambitious among the local labor force who, in the absence of suitable local employment, must look elsewhere.

Moreover, a relatively large proportion of the employment is part-time or part-year. Full-time and part-time jobs are available for varying lengths of seasons and the highest demand, sometimes twice as high as the average demand, is during the summer or winter peaks. Workers in those jobs which are available full-time for the whole year, or for at least eight or nine months, are fully in the labor force and derive year-round incomes. Depending on seasonality and type of facility, this type of employment may account for less than half of the total employment in a recreation area. The rest of the incomes are earned in short-term, full-time, or part-time jobs by workers whose attachment to the labor force is seasonal or supplemental to some other activity, often students, housewives, or farm women. Thus a high proportion of such workers are women.

More conclusively, of the many millions of dollars visitors and tourists spend, the resulting incomes to the people serving the visitors are on the average very low, usually inadequate as income for a family and often even for a single person.

The analysis based on the number of jobs provided by the recreation industry, even those that are year-round, exaggerates the economic impact, because so few of the jobs pay a living wage. There is a limited demand for occupational skills which pay an annual wage of about $6,000 per year. Examples of better paid jobs are mechanics at amusement places and ski lifts, construction workers, professionals in the theater, public park employees, and a few at administrative and managerial positions at larger recreation establishments. In the small and medium sized enterprises the proprietors will normally perform those jobs which require skill and training. Examination of the composition of the labor force in the study areas on the basis of skills and wages, reveals that some areas provide hardly any jobs that pay an adequate family income.

In the final analysis, therefore, after having sifted out the short-term and casual employment, and, in turn having narrowed the year-round employment to that employment which provides a primary family income, we find just a few areas where perhaps 50 to 100 employees make a living out of recreation—aside, of course, from the proprietors and managers. All the other hundreds and thousands of man-years represent in varying degrees supplementary incomes. It is not surprising that the overwhelming number of these jobs are filled by women, and many in the peak periods by students.

Taking the three major groups of enterprises: (1) food, (2) lodgings, and (3) amusement and recreation services, we find that the most labor-intensive establishments are hotels, motels, tourist courts, and camps, (121 proprietors and employees per $1,000,000 of receipts) and the lowest intensity is in the amusement and recreation service establishments (91). Eating and drinking places provide on the average 113 jobs per $1,000,000 of receipts. Within the major groupings of businesses there are, of course, variations in labor intensity. For example, hotels, because of the extra service they provide, show a higher intensity than motels, and trailer parks and recreation camps show a lower intensity than motels. Among the eating and drinking establishments, restaurants and cafeterias are more labor-intensive than refreshment places and bars. The widest range is found among the recreation or service establishments, but as a general rule, urban recreation establishments are more labor-intensive than outdoor recreation facilities.

The measurement of impact does not end with the number of jobs created. It is the wage level (as well as duration of employment which is discussed under seasonality) which determines total disposable income for local spending by recreation employees. Compared to manufacturing employment, the wages in the service and trade industries are low, and the recreation sector includes some of the lowest wages. Most of the occupations require simple skills and little training; consequently the pay is poor.

The range is considerable. For example, such typical vacation attractions as amusement parks and horse racetracks pay annual wages of over $6,000; even the lower paid jobs in golf clubs and at natural tourist attractions are above the wage level of motels and restaurants.

Hourly wages are not uniform for each type of recreation employment throughout the country because of regional differences in the labor market. Jobs in recreation, as in most service establishments, are not covered by a "minimum wage," and generally labor is not unionized. These factors mainly account for regional variations. For example, in Gatlinburg and Cherokee hourly wages range between 60¢ and $1.25, and in Park City where labor is unionized, the range is between $1.00 and $2.40. In the other areas the range is between 75¢ and $1.50. It should be noted that even farm laborers could not be attracted at these hourly rates.

Aside from the predominantly low wage level, employment is adversely affected by the uneven seasonal labor demand. There are two employment aspects to the seasonality of the recreation industry. The first relates to the actual length of the season and the second to the peak activity within the season. The season has become longer but the peaks remain.

A further employment effect of seasonality is the scarcity of workers to fill jobs demanding greater skills. In all study areas it was found that many of the skilled jobs, such as cooks, mechanics, and managerial positions, are performed by the proprietors and their families. They have difficulties in recruiting or holding adequately skilled persons largely because of the competition with permanent or otherwise more advantageous positions which are available in nearby towns. There is a consistent pattern of daily commuting of the skilled and semi-skilled workers who live in or near recreation areas to the surrounding towns.

I think Mr. Nathan points out the problems involved. This issue of the Redwood National Park comes while the people of my district are struggling to rebuild their homes, their communities and lives in the wake of consecutive disasters. First it was an earthquake, next a flood, then tidal waves, fires and, seemingly, every other destructive act of nature. Even so, none of these could do to the will and spirit of the people in the First District what the Federal Government now might possibly do—put them out of work or demean their existence by destroying the industry that supports them.

As Members of Congress we accept the high calling of governing instead of being governed. We are charged with imposing our collective will upon the people of America. If we impose it wisely they will be the better for it. If not—by depriving men and women of their jobs, their chosen calling all out of proportion to need—then we are not legislators but, instead, economic hatchet men, unmindful of man's destiny and his right to build and prosper for himself, his family, his community, and his God.

Now, with one fell swoop, a multimillion dollar industry, a way of life, a community of people might be plucked out of their place in the sun, shorn of their birthright, their property, and their economic security. And nothing under that sun could ever replace the skill, production, and pride that now exists among them as laborers in one of the most basic industries in the land.

Slice it anyway you like, saw it, strip it, grind it into economic or aesthetic double-talk and it still comes out one way—job wrecking.

I do not envy those among us who in the haste of their decisions lay their hands of approval on any such scheme. Particularly, when with judicious foresight they can have a better Redwood National Park and Seashore and the people of northern California can keep the place of usefulness and dignity their labor has earned for them.

I hope all of you will keep an open mind on this matter, it is readily recognized as the most complex conservation proposal ever to be considered by the Congress.

No one should make up his mind until such time as the House has completed its hearings and the committee members have visited the area. This is the only way you can have access to all the facts.

Let me assure you, as the Congressman from the area, it is my desire to create the finest National Redwood Park and Seashore attainable consistent with sound economic factors and with full consideration being given to both schools of conservation thought—preservation conservation and wise multiple-use conservation as they relate to this unique redwood region on the north coast of California.

AREA HELICOPTER SERVICE

Mr. PICKLE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PICKLE. Mr. Speaker, interest in establishing regularly scheduled helicopter service for the Washington area has been rekindled with the announcement of 11 airlines that they would seek Government approval to link Dulles, Friendship, and National Airports with one another, and downtown Washington.

An application to provide nonsubsidized helicopter service has been pending before the Civil Aeronautics Board for several months. It is not my purpose to endorse the proposal of any company who has had previous experience in this field or that of the airlines.

It is my intent, however, to urge the CAB to take immediate and swift action to certificate a carrier to operate in the Washington metropolitan area. I also wish to commend the airlines for their general endorsement.

Ground congestion to the three area airports is a hydraheaded monster that grows bigger and bigger. This inconvenience to the traveling public must be eliminated.

Many of you in this Chamber were present last summer when members of the Commerce Committee's Transportation and Aeronautics Subcommittee staged a 1-day feasibility demonstration to show how helicopters could effectively and speedily transport travelers from Capitol Hill to area airports.

Helicopter service would sharply reduce in-transit time between the downtown and area airports. This is a fact that hardly needs reiteration. For instance, it takes only 11 minutes to go to Dulles or Friendship via helicopter.

I call upon my colleagues to voice their approval of certification of a carrier and to urge the CAB to conclude its hearings so that the operation of regularly scheduled helicopter service can commence as soon as possible.

SUPREME COURT DECISIONS

Mr. ERLENBORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ERLENBORN. Mr. Speaker, it has been my privilege to introduce many bills during my relatively short tenure in the House of Representatives, but none which surpasses in satisfaction the bill which I propose today.

Its principal proposer is not me, but a distinguished citizen of the 14th Illinois District, which I represent. I announced a contest in early spring. The title was "There Ought To Be a Law," I asked my constituents to suggest ideas for laws which they believed to be in the public interest.

Inevitably, there were humorists. One of them suggested:

> There ought to be a law against "There Ought to Be a Law" contests.

More than 2,500 of the entries, however, were serious and they expressed people's concern for good government. My staff culled out the best entries, reducing the contenders to about 25.

These were typed onto a mimeograph stencil and copies were made without identifying the contestants. The copies were distributed to the contest judges—all distinguished residents of the 14th District. Among them were three State Senators, two Federal judges, and nine college presidents. They graded the entries, each privately; and it then was only a matter of scoring to find a winner.

He is Carl Baldwin, an engineer who works for Electro-Motive Division of General Motors Corp.

His proposal was not new; there being three other similar suggestions already introduced in this Congress. I have chosen, however, to seek a different procedure from the others.

In essence, Mr. Baldwin proposed that, in overturning an act of Congress or of a State legislature, a two-thirds majority of the Supreme Court would be needed—in other words, six Justices, rather than only five, would be required to declare a law unconstitutional.

Others have introduced constitutional amendments to effect this change. After consulting with eminent legislative authority, however, I decided that the intention could be carried out by an act of Congress. The Constitution, as I am sure you know, is silent as to the size of the Court and its procedures—indeed, is silent on its power to find a law unconstitutional.

Mr. Speaker, for being the winner of this contest, Mr. Baldwin was awarded a prize. He and Mrs. Baldwin have come to Washington as my guests. They are in the gallery at this moment to be present for the introduction of his bill.

STEPS TO PEACE—THREATS TO PEACE

Mrs. KELLY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. KELLY. Mr. Speaker, in an address to the Nation and to the world, President Johnson yesterday outlined a series of basic principles which, if accepted, could lead the way to lasting accords in the many areas of conflict in the world.

In this address, delivered prior to the opening of the United Nations special General Assembly session, Mr. Johnson discussed the problems of Latin America, of Europe, of Southeast Asia and last, but not least, of the Middle East. He offered a realistic approach for the future.

In his speech President Johnson placed particular emphasis on conditions which would establish the basis for lasting peace in the Middle East. The points he enumerated were primarily directed to the combatants in the Middle East, to Israel and the Arabs. These suggestions emphasized that which we, Members of Congress serving on the Foreign Affairs Committee, have been endeavoring to achieve for the State of Israel since its creation.

I outline these conditions and emphasize the first: the condition that Israel has the right to live in peace, with proper respect for its rights as a sovereign nation. Once this condition is established, the other problems, no less important, can be adjusted. These are: The refugee problem, the arms problem, the water problem; the boundary problem: the free-passage international-waterway problem, and the troop-withdrawal problem.

Mr. Speaker, at this point I would like to insert the speech of President Johnson in the RECORD. It is my hope that the suggestions as outlined will be implemented.

REMARKS OF THE PRESIDENT AT THE FOREIGN POLICY CONFERENCE FOR EDUCATORS

Secretary Rusk, ladies and gentlemen, I welcome the chance to share with you this morning a few reflections of American foreign policy, as I have shared my thoughts in recent weeks with representatives of labor and business, and with other leaders of our society.

During the past weekend at Camp David—where I met and talked with America's good friend, Prime Minister Holt of Australia, I thought of the General Assembly debate on the Middle East that opens today in New York.

But I thought also of the events of the past year in other continents in the world. I thought of the future—both in the Middle East, and in other areas of American interest in the world and in places that concern all of us.

So this morning I want to give you my estimate of the prospects for peace, and the hopes for progress, in these various regions of the world.

I shall speak first of our own hemisphere, then of Europe, the Soviet Union, Africa and Asia, and lastly of the two areas that concern us most at this hour—Vietnam and the Middle East.

Let me begin with the Americas.

Last April I met with my fellow American Presidents in Punta del Este. It was an encouraging experience for me, as I believe it was for the other leaders of Latin America. For they made, there at Punta del Este, the historic decision to move toward the economic integration of Latin America.

In my judgment, their decision is as important as any that they have taken since they became independent more than a century and a half ago.

The men I met with know that the needs of their 220 million people require them to modernize their economies and expand their trade. I promised that I would ask our people to cooperate in those efforts, and in giving new force to our great common enterprise, which we take great pride in, the Alliance for Progress.

One meeting of chiefs of state, of course, cannot transform a continent. But where leaders are willing to face their problems candidly, and where they are ready to join in meeting them responsibly, there can be only hope for the future.

The nations of the developed world—and I am speaking now principally of the Atlantic Alliance and Japan—have in this past year, I think, made good progress in meeting their common problems and their common responsibilities.

I have met with a number of statesmen—Prime Minister Lester Pearson in Canada just a few days ago, and the leaders of Europe shortly before that. We discussed many of the issues that we face together.

We are consulting to good effect on how to limit the spread of nuclear weapons.

We have completed the Kennedy Round of tariff negotiations, in a healthy spirit of partnership, and we are examining together the vital question of monetary reform.

We have reorganized the integrated NATO defense, with its new headquarters in Belgium.

We have reached agreement on the crucial question of maintaining allied military strength in Germany.

Finally, we have worked together—although not yet with sufficient resources—to help the less developed countries deal with their problems of hunger and over population.

We have not, by any means, settled all the issues that face us, either among ourselves or with other nations. But there is less cause to lament what has not been done, than to take heart from what has been done.

You know of my personal interest in improving relations with the Western world and the nations of Eastern Europe.

I believe the patient course we are pursuing toward those nations is vital to the security of our nation.

Through cultural exchanges and civil air agreements.

Through consular and outer space treaties.

Through what we hope will soon become a treaty for the nonproliferation of nuclear weapons, and also, if they will join us, an agreement on anti-ballistic missiles.

We have tried to enlarge, and have made great progress in enlarging, the arena of common action with the Soviet Union.

Our purpose is to narrow our differences where they can be narrowed, and thus to help secure peace in the world for the future generations. It will be a long slow task, we realize. There will be setbacks and discouragement. But it is, we think, the only rational policy for them and for us.

In Africa, as in Asia, we have encouraged the nations of the region in their efforts to join in cooperative attacks on the problems that each of them faces: economic stagnation, poverty, hunger, disease, and ignorance. Under Secretary Nicholas Katzenbach just reported to me last week on his recent extended trip throughout Africa. He described to me the many problems and the many opportunities that exist in that continent.

Africa is moving rapidly from the colonial past toward freedom and dignity. She is in the long and difficult travail of building nations. Her proud people are determined to make a new Africa, according to their own lights.

They are now creating institutions for political and economic cooperation. They have set great tasks for themselves—whose accomplishments will require years of struggle and sacrifice.

We very much want that struggle to succeed, and we want to be responsive to the efforts that they are making on their own behalf.

I can give personal testimony to the new spirit that is abroad in Africa, from Under Secretary Katzenbach's report, and from Asia, from my own travels and experience there. In Asia my experience demonstrated to me a new spirit of confidence in that area of the world. Everywhere I traveled last autumn, from the conference in Manila to other countries of the region, I found the conviction that Asians can work with Asians to create better conditions of life in every country. Fear has now given way to hope in millions of hearts.

Asia's immense human problems remain, of course. Not all countries have moved ahead as rapidly as Thailand, Korea, and the Republic of China. But most of them are now on a promising track, and Japan is taking a welcome role in helping her fellow Asians toward much more rapid development.

A free Indonesia—the world's fifth largest nation, a land of more than 100 million people—is now struggling to rebuild, to reconstruct and reform its national life. This will require the understanding and the support of the entire international community.

We maintain our dialogue with the authorities in Peking, in preparation for the day when they will be ready to live at peace with the rest of the world.

I regret that this morning I cannot report any major progress toward peace in Vietnam.

I can promise you that we have tried every possible way to bring about either discussions between the opposing sides, or a practical de-escalation of the violence itself.

Thus far there has been no serious response from the other side.

We are ready—and we have long been ready—to engage in a mutual de-escalation of the fighting. But we cannot stop only half the war, nor can we abandon our commitment to the people of South Vietnam as long as the enemy attacks and fights on. And so long as North Vietnam attempts to seize South Vietnam by force, we must, and we will, block its efforts—so that the people of South Vietnam can determine their own future in peace.

We would very much like to see the day come—and come soon—when we can cooperate with all the nations of the region, including North Vietnam, in healing the wounds of a war that has continued, we think, for far too long. When the aggression ends, then that day will follow.

Now, finally, let me turn to the Middle East—and to the tumultuous events of the past months.

Those events have proved the wisdom of five great principles of peace in the region.

The first and greatest principle is that every nation in the area has a fundamental right to live, and to have this right respected by its neighbors.

For the people of the Middle East, the path to hope does not lie in threats to end the life of any nation. Such threats have become a burden to the peace, not only of that region but a burden to the peace of the entire world.

In the same way, no nation would be true to the United Nations Charter, or to its own true interests, if it should permit military success to blind it to the fact that its neighbors have rights and its neighbors have interests of their own. Each nation, therefore, must accept the right of others to live.

This last month, I think, shows us another basic requirement for settlement. It is a human requirement: Justice for the refugees.

A new conflict has brought new homelessness. The nations of the Middle East must at last address themselves to the plight of those who have been displaced by wars. In the past, both sides have resisted the best efforts of outside mediators to restore the victims of conflict to their homes, or to find them other proper places to live and work. There will be no peace for any party in the Middle East unless this problem is attacked with new energy by all, and, certainly, primarily by those who are immediately concerned.

A third lesson from this last month is that maritime rights must be respected. Our Nation has long been committed to free maritime passage through international waterways, and we, along with other nations, were taking the necessary steps to implement this principle when hostilities exploded. If a single act of folly was more responsibile for this explosion than any other, I think it was the arbitrary and dangerous announced decision that the Strait of Tiran would be closed. The right of innocent maritime passage must be preserved for all nations.

Fourth, this last conflict has demonstrated the danger of the Middle Eastern arms race of the last 12 years. Here the responsibility must rest not only on those in the area—but upon the larger states outside the area. We believe that scarce resources could be used much better for technical and economic development. We have always opposed this arms race, and our own military shipments to the area have consequently been severely limited.

Now the waste and futility of the arms race must be apparent to all the people of the world. And now there is another moment of choice. The United States of America, for its part, will use every resource of diplomacy, and every counsel of reason and prudence, to try to find a better course.

As a beginning, I should like to propose that the United Nations immediately call upon all of its members to report all shipments of all military arms into this area, and to keep those shipments on file for all the peoples of the world to observe.

Fifth, the crisis underlines the importance of respect for political independence and territorial integrity of all the states of the area. We reaffirmed that principle at the height of this crisis. We reaffirm it again today on behalf of all. This principle can be effective in the Middle East only on the basis of peace between the parties. The nations of the region have had only fragile and violated truce lines for 20 years. What they now need are recognized boundaries and other arrangements that will give them security against terror, destruction and war. Further, there just must be adequate recognition of the special interest of three great religions in the holy places of Jerusalem.

These five principles are not new, but we do think they are fundamental. Taken together, they point the way from uncertain armistice to durable peace. We believe there must be progress toward all of them if there is to be progress toward any.

There are some who have urged, as a single, simple solution, an immediate return to the situation as it was on June 4. As our distinguished and able Ambassador, Mr. Arthur Goldberg, has already said, this is not a prescription for peace, but for renewed hostilities.

Certainly troops must be withdrawn, but there must also be recognized rights of national life—progress in solving the refugee problem—freedom of innocent maritime passage—limitation of the arms race—and respect for political independence and territorial integrity.

But who will make this peace where all others have failed for 20 years or more?

Clearly the parties to the conflict must be the parties to the peace. Sooner or later it is they who must make a settlement in the area. It is hard to see how it is possible for nations to live together in peace if they cannot learn to reason together.

But we must still ask, who can help them? Some say it should be the United Nations, some call for the use of other parties. We have been first in our support of effective peace-keeping in the United Nations, and we also recognize the great values to come from mediation.

We are ready this morning to see any method tried, and we believe that none should be excluded altogether. Perhaps all of them will be useful and all will be needed.

I issue an appeal to all to adopt no rigid view on these matters. I offer assurance to all that this Government of ours, the Government of the United States, will do its part for peace in every forum, at every level, at every hour.

Yet there is no escape from this fact: the main responsibility for the peace of the region depends upon its own peoples and its own leaders of that region. What will be truly decisive in the Middle East will be what is said and what is done by those who live in the Middle East.

They can seek another arms race, if they have not profited from the experience of this one, if they want to. But they will seek it at a terrible cost to their own people—and to their very long-neglected human needs. They can live on a diet of hate—though only at the cost of hatred in return. Or they can move toward peace with one another.

The world this morning is watching, watching for the peace of the world, because that is really what is at stake. It will look for patience and justice—it will look for humility—and moral courage. It will look for signs of movement from prejudice and the emotional chaos of conflict—to the gradual, slow shaping steps that lead to learning to live together and learning to help mold and shape peace in the area and in the world.

The Middle East is rich in history, rich in its people and in its resources. It has no need to live in permanent civil war. It has the power to build its own life, as one of the prosperous regions of the world in which we live.

If the nations of the Middle East will turn toward the works of peace, they can count with confidence upon the friendship, and the help, of all the people of the United States of America.

In a climate of peace, we here will do our full share to help with a solution for the refugees. We here will do our full share in support of regional cooperation. We here will do our share, and do more, to see that the peaceful promise of nuclear energy is applied to the critical problem of desalting water and helping to make the deserts bloom.

Our country is committed—and we here reiterate that commitment today—to a peace that is based on five principles.

First, the recognized right of national life;

Second, justice for the refugees;

Third, innocent maritime passage;

Fourth, limits on the wasteful and destructive arms race; and

Fifth, political independence and territorial integrity for all.

This is not a time for malice, but for magnanimity: not for propaganda, but for patience: not for vituperation, but for vision.

On the basis of peace, we offer our help to the people of the Middle East. That land, known to every one of us since childhood as the birthplace of great religions and learning, can flourish once again in our time. We here in the United States shall do all in our power to help make it so.

Thank you.

Mr. Speaker, in contrast to President Johnson's temperate and reasoned arguments, the speech of Premier Kosygin, delivered 1 hour later, was deeply disappointing, but only to those who do not understand communism, its ways and objectives. His address should awaken all people to the distortion of truth by all Communist leaders. Mr. Speaker, I request that at the close of these remarks the address of Premier Kosygin before the General Assembly of the United Nations in New York be inserted in the RECORD. I will not analyze his remarks. They are self-explanatory and cannot be misinterpreted. I believe he seeks a way out of the Soviet defeat in the Middle East. He wants the Soviet Union to be viewed in the eyes of the peoples of the world as a peace-keeping and peace-achieving nation.

[From the New York Times, June 20, 1967]

TEXT OF ADDRESS TO GENERAL ASSEMBLY BY MR. KOSYGIN

Mr. President, distinguished delegates, representatives from almost all states of the world have gathered for the emergency special session of the United Nations General Assembly to consider the grave and dangerous situation which has developed in recent days in the Middle East and which arouses deep concern everywhere.

True enough, no hostilities are being waged here at this moment. The fact that there has been a cease-fire is a certain success of the peace-loving forces. It also does considerable credit to the Security Council, though it failed to discharge fully its obligation under the United Nations Charter. The aggression is continuing. The armed forces of Israel occupy territories in the U.A.R., Syria and Jordan.

As long as the Israeli troops continue to occupy the seized territories, and urgent measures are not taken, to eliminate the consequences of the aggression, a military conflict can flare up any minute with a new intensity.

That is exactly why the Soviet Union took the initiative in convening an emergency session of the General Assembly. We are gratified to note that many states supported our proposal. Thus they displayed their awareness of the dangers with which the situation is fraught and manifested their concern for the consolidation of peace.

OBLIGATION IS SHARED

The General Assembly is confronted with a responsible task of adopting decisions that would clear the way toward the restoration of peace in the Middle East. This task concerns all states irrespective of differences in social or political systems, philosophical concepts, irrespective of geography and alignment with this or that grouping. It can be solved only if the multiple and complex nature of today's world does not push into the background the common objectives that join states and peoples together, and above all, the need to prevent a military disaster.

What question is now uppermost in the minds of all peoples? We believe that all the participants in the General Assembly will agree that all nations are concerned above all about the problem of how to avoid this disaster.

No nation wants war. Nowadays nobody doubts that if a new world war starts it would inevitably be a nuclear one. Its consequences would be fatal for many countries and peoples of the world. The more far-sighted statesmen from various countries, outstanding thinkers and scientists warned of this from the first day nuclear weapons came into existence.

The nuclear age has created a new reality in questions of war and peace. It has vested in the states a far greater responsibility in all that pertains to these problems. This cannot be called in question by any politician, any military man, unless he has lost the capacity for sensible thinking—all the more so in that military men can imagine the aftermath of a nuclear war better than anyone else.

"NO STONE UNTURNED"

However, the practice of international relations abounds in facts which show that certain states take quite a different approach. Continuous attempts are undertaken to interfere in the internal affairs of independent countries and peoples, to impose on them from outside political concepts and alien views on social order.

No stone is left unturned to breathe a new life into military blocs. The network of military bases, those strong-points of aggression flung far and wide all over the world, is being refurbished and perfected. Naval fleets are plying the sea thousands of miles from their own shores and threaten the security of states in entire areas.

Even in those cases when the aggravation of tension or the emergence of hotbeds of war-danger is connected with conflicts involving relatively small states, not infrequently it is the big powers that are behind them. This applies not only to the Middle East, where aggression has been committed by Israel backed by bigger imperialist powers but also to other areas of the world.

For nearly three years now the United States, having cast aside all camouflage, has been carrying out direct aggression against the Vietnamese people.

This war is waged so as to impose on the Vietnamese people an order to suit foreign imperialist circles. It will be no exaggeration to say that the world has branded with ignominy the perpetrators of this aggression.

There is a way to solve the Vietnamese problem, and it is a simple one: The United States must leave Vietnam, it must withdraw its forces. First and foremost it must immediately and unconditionally stop the bombing of the Democratic Republic of [North] Vietnam. No statements about readiness to find a peaceful solution of the Vietnamese question can sound convincing unless this is done.

Such statements by United States statesmen should not depart from what the United States actually does. It should be taken into account that the continuing war in Vietnam intensifies the risk of this military conflict overflowing the boundaries of this area, and is fraught with a terrible danger of escalating into a major military clash between the powers. This is precisely what the present course of the United States foreign policy is fraught with.

A hostile stance in regard to Socialist Cuba, the armed intervention in the Congo and the Dominican Republic, the attempts of armed suppression of peoples in the colonial territories striving for their independence—these are all links of the same chain, a manifestation of a far-from-peaceful policy of those who by their actions create and fan international tensions and precipitate international crises.

EUROPEAN ISSUES CITED

Let us turn to Europe—the continent where the fires of both the First and Second World Wars started. There the principal concern of the Soviet Union and of our friends and allies and many other states has been, throughout the postwar period—and still is—to prevent a new world war, to curb the forces that would like to take revenge for the defeat in World War II.

The forces that would like to follow in the footsteps of Hitlerites have long since clearly emerged in the process of the struggle for peace in Europe. These forces are rooted in West Germany. It is there that a refusal to put up with the results of the war is openly voiced throughout the postwar years a demand to revise the European borders established after the war is put forward, and access to weapons of mass destruction is eagerly sought after. These forces have aligned themselves, to the danger of the peoples, with non-European aggressive forces.

The militarists and revenge-seekers in the Federal Republic of Germany should know that any attempt to translate their harebrained plans into reality would entail grave disasters for the peoples, and above all it carries a deadly menace for West Germany itself.

The Soviet Union is firmly in favor of peace in Europe, and bases its European policy upon respect for the boundaries established after the war, including those between the two sovereign German states—the German Democratic Republic and the Federal Republic of Germany.

This is a far-from-exhaustive list of events that enfever international life and sometimes lead to great tension and the appearance of hotbeds of war.

PAST CLASHES RECALLED

If the events in the Middle East are analyzed, the conclusion will unfailingly be made that the war between Israel and the Arab states, too, did not result from some kind of misunderstanding or inadequate understanding of one another by the sides.

Nor is this just a local conflict. The events that took place recently in the Middle East in connection with the armed conflict between Israel and the Arab states should be considered precisely in the context of the general international situation.

I would not like to go into details, but basic facts have to be mentioned in order to give a correct asessment of what has happened.

What were the main features in relations between Israel and the Arab countries during the past year? These were the continuously increasing tension and the mounting scale of attacks by Israeli troops against one or another of its neighbors.

On Nov. 25, 1966, the Security Council censured the Government of Israel for a carefully planned "large-scale military action" against Jordan in violation of the United Nations Charter, and warned that if such actions were repeated the Security Council would have to consider "further and more effective steps as envisaged in the Charter."

Israel, however, did not wish to draw a lesson.

Last April 7, Israeli troops staged an attack against the territory of the Syrian Arab Republic. This was a large-scale military operation involving planes, tanks and artillery. Following this, Israel provoked new military incidents on its border with Jordan.

TROOP BUILD-UP CHARGED

Once again Israel was warned by a number of states about responsibility for the consequences of the policy it pursued. But even after that the Israeli Government did not reconsider its course. Its political leaders openly threatened wider military actions against Arab countries. The Premier of Israel made it clear that the armed attack on Syria in April was not the last step, and that Israel was itself going to choose the method and time for new actions of this kind.

On May 9, 1967, the Israeli Parliament authorized the Government of Israel to carry out military operations against Syria. Israeli troops began concentrating at the Syrian borders, and mobilization was carried out in the country.

In those days, the Soviet Government, and I believe others too, began receiving information to the effect that the Israeli Government had timed for the end of May a swift strike at Syria in order to crush it and then carry the fighting over into the territory of the United Arab Republic.

When the preparations for war entered the final stage the Government of Israel suddenly began to spread both confidentially and publicly profuse assurances of its peaceful intentions. It declared that it was not going to start hostilities and was not seeking a conflict with its neighbors.

UNPRECEDENTED PERFIDY

Literally a few hours before the attack on the Arab states the Defense Minister of Israel swore his Government was seeking peaceful solutions. "Let diplomacy work," the Minister was saying at the very moment when the Israeli pilots had already received orders to bomb the cities in the United Arab Republic, Syria and Jordan.

An unprecedented perfidy, indeed!

On June 5, Israel started war against the United Arab Republic, Syria and Jordan. The Government of Israel flouted the Charter of the United Nations, the standards of international law, and thus showed that all its peaceful declarations were false through and through.

What followed is well known.

Here, within the United Nations, I will only recall the arrogance with which the unbridled aggressor ignored the demands of the Security Council for an immediate ceasefire.

COUNCIL EVENTS TRACED

On June 6 the Security Council proposed an end to all hostilities as a first step toward the restoration of peace. Israel widened the operations on the fronts.

On June 7 the Security Council fixed a time limit for the stopping of all hostilities. Israeli troops continued their offensive, and Israeli aircraft bombed peaceful Arab towns and villages.

On June 9 the Security Council issued a new, categorical demand prescribing a ceasefire. It was also ignored by Israel. The Israeli Army mounted an attack against the defensive lines of Syria with the purpose of breaking through to the capital of that state, Damascus.

The Security Council had to adopt yet another, and its fourth, decision, a number of states had to sever diplomatic relations with Israel and to give a firm warning about the use of sanctions before Israeli troops stopped military actions. In fact, the greater part of the territory of Arab countries now actually occupied by Israel was seized after the Security Council took a decision on an immediate cessation of hostilities.

The facts irrefutably prove that Israel bears responsibility for unleashing the war, and for its victims and for its consequences.

But if anybody needs additional proof that it was Israel who unleashed the war in the Middle East, that it is actually an aggressor, that proof was furnished by Israel itself. It is impossible to interpret in any other way the refusal of the Israeli Government to support the proposal of the Soviet Union to convene an emergency special session of the United Nations General Assembly. If the Government of Israel did not feel its guilt before the peoples of the world, it would not have been so afraid of our discussion and those decisions which this General Assembly must take.

Israel has no arguments that would justify its aggression. Its attempts to justify itself, just as the attempts of its advocates to whitewash the policy and actions of Israel which are based on the assertions that the attack on the Arab states was a forced action on the part of Israel, that the other side left no alternative, are a deception.

If Israel had any claims against its neighbors, it should have come here to the United Nations and here searched for a settlement, by peaceful means, as is prescribed by the U.N. Charter. After all, Israel claims to be entitled to the rights and privileges offered by the membership in the United Nations. But rights cannot exist in isolation from duties.

More and more reports are coming of atrocities and violence committed by the Israeli invaders on the territories they have seized. What is going on in the Sinai Peninsula and in the Gaza Strip, in the western part of Jordan and on the Syrian soil occupied by the Israeli troops, brings to the mind the heinous crimes perpetrated by the Fascists during World War II. The indigenous Arab population is being evicted from Gaza, Jerusalem and other areas. In the same way as Hitler's Germany used to appoint Gauleiters in the occupied regions, the Israeli Government is establishing an occupation administration on the seized territories and appointing its military governors there.

NO PLACE FOR ZIGZAGS

Israeli troops are burning villages and destroying hospitals and schools. The civilian population is deprived of food and water and of all means of subsistence. There have been facts of prisoners of war and even women and children being shot and of ambulances carrying the wounded being burned.

The United Nations cannot overlook these crimes. The Security Council has already addressed itself to the Government of Israel with a demand to insure the safety, well being and security of the population in the occupied regions. The resolution is in itself an accusation of the aggressor. The United Nations must compel Israel to respect international laws. Those who mastermind and commit crimes on the occupied territories of the Arab countries must be severely called to account.

Faithful to the principle of rendering aid to the victim of aggression and supporting the peoples who fight for their independence and freedom, the Soviet Union has resolutely come out in defense of the Arab states. We warned the Government of Israel both before the aggression and during the war that if it had decided to take upon itself the responsibility for unleashing a military conflict, that Government would have to pay in full measure for the consequences of this step. We still firmly adhere to this position.

Where the question is one of war and peace, of protecting the rights of peoples, there must not be a place for political zigzags. It does, of course, happen that to solve this or that problem the states chart several possible routes. But in such matters as the one considered now by the emergency session of the General Assembly, there is no alternative to the resolute condemnation of the aggressor and those forces that stand behind him, no alternative to the elimination of the consequences of the aggression. There is no other way to bring about the cessation of the aggression and rein in those who might wish to embark on new adventures in the future.

One may ask, Why is the Soviet Union so resolutely opposing Israel? However, gentlemen, the Soviet Union is not against Israel—it is against the aggressive policy pursued by the ruling circles of that state.

In the course of its 50-year history, the Soviet Union has regarded all peoples, large or small, with respect. Every people enjoys the right to establish an independent national state of its own. This constitutes one of the fundamental principles of the policy of the Soviet Union. It is on this basis that we formulated our attitude to Israel as a state, when we voted in 1947 for the U.N. decision to create two independent states, a Jewish and an Arab one, in the territory of the former British colony of Palestine. Guided by this fundamental policy the Soviet Union was later to establish diplomatic relations with Israel.

A POLICY OF SEIZURE

While upholding the rights of peoples to self-determination, the Soviet Union just as resolutely condemns the attempts by any state to conduct an aggressive policy toward other countries, a policy of seizure of foreign lands and subjugation of the people living there.

But what is, in fact, the policy of the State of Israel?

Unfortunately, throughout most of Israel's history the ruling quarters in Israel conducted a policy of conquest and territorial expansion that cut into the lands of neighboring Arab states, evicting or even exterminating in the process the indigenous population of these areas.

This was the case in 1948–1949, when Israel forcibly seized a sizable portion of the territory of the Arab state, whose creation the U.N. decision had envisaged. About a million people found themselves evicted from their homeland and doomed to hunger, suffering and poverty. During all these years, deprived of a country and of means of subsistence, these people remained in the status of exiles. The acute problem of the Palestinian refugees, created by Israel's policy, remains unsolved to this day, constantly increasing tension in the region.

This was also the case in 1956, when Israel became a party to aggression against Egypt. Its forces invaded Egyptian territory along the same routes as today. At that time Israel also tried to retain the seized lands, but it was obliged to go back, beyond the armistice lines, under the powerful pressure exercised by the United Nations and the majority of its members.

The members of the United Nations are well aware that all through the years that followed, Israel committed aggressive acts either against the United Arab Republic or against Syria or Jordan. Never had the Security Council been convened so often as it was in those years to consider questions relating to conflicts between Israel and the Arab states.

As we have seen, the very recent aggressive war unleashed by Israel against the Arab countries is a direct continuation of the policy which the ruling extremist groups in Israel kept imposing on their state throughout the lifetime of its existence. It is this aggressive policy that is resolutely and consistently opposed by the Soviet Union together with other Socialist and all peace-loving states. The duty of the United Nations is to force Israel to obey the demands of the peoples.

If the United Nations failed in this, it would not fulfill its lofty function, for the purpose for which it was created, and the peoples' faith in this organization would be shaken.

SUPPORT FROM IMPERIALISM

It is only on the path of peace, on the path of renunciation of the aggressive policy toward neighboring states that Israel can assert itself among the countries of the world.

We would not have been consistent and fair in estimating Israel's policy if we did not declare with all certainty that in its actions Israel has enjoyed outside support from certain imperialist circles. Moreover, these powerful circles made statements and took practical actions which might have been interpreted by Israeli extremists solely as direct encouragement to commit acts of aggression.

For example, how else could one qualify the fact that on the eve of the Israeli agression a plan was urgently devised in the United States and United Kingdom (and this was widely reported in the press) of establishing an international naval force to bring pressure to bear upon the Arab states? How else could one qualify the military demonstrations by the American Sixth Fleet off the coast of the Arab states, and the build-up of the British Navy and Air Force in the Mediterranean and the Red Sea area, or the increase of modern arms and ammunition deliveries for the Israeli Army?

The incitement campaign against the Arab states and their leaders was promoted especially in the United States and West Germany. In the Federal Republic of Germany, in particular, it was announced that discriminatory financial measures against the Arab states had been introduced. Recruitment of so-called volunteers for Israel started in several West German cities.

DELAYING TACTIC SEEN

Incidentally, after the start of hostilities, when in the first hours of the armed clash the Soviet Union strongly condemned the Israeli aggressors and demanded universal condemnation of their perfidious acts, an immediate cease-fire and the withdrawal of troops beyond the armistice lines, the very same forces which could not be termed other than accomplices of aggression, did all they could to help Israel gain time and carry out new conquests and attain its designs. As a result, the Security Council found itself unable to take the decision which was prompted by the existing emergency. This is why the responsibility for the dangerous situation in the Middle East lies squarely not only with Israel, but also with those who backed it in these events.

At the present time extremist belligerent circles in Tel Aviv claim that their seizure of Arab territories engineered by them provides them (this they have the effrontery to assert) with grounds to present new demands to the Arab countries and peoples.

An unbridled anti-Arab propaganda campaign, played up by the press of certain Western countries, is being conducted in Israel: the force of arms is extolled, new threats against the neighboring countries are voiced, and it is declared that Israel will heed no decision, including that of the current session of the U.N. General Assembly, unless it meets its claims.

The aggressor is in a state of intoxication. The long-nurtured plans of recarving the map of the Middle East are now put forward. The Israeli leaders proclaim that Israel will not leave the Gaza Strip or the western banks of the River Jordan. They contend that Israel intends to maintain its control over the whole of Jerusalem, and assert that in case the Arab countries are reluctant in complying with Israeli demands the Israeli forces would simply remain in their present positions.

ATTITUDE OF THE WEST

What is the attitude of the United States and British Governments to the Israeli claims? Actually, they are promoting the aggressor here as well. In what other way can the aggressor interpret their position in the Security Council, which blocked the adoption of the proposal on an immediate withdrawal of Israeli troops behind the armistice lines?

The words in support of political independence and territorial integrity of the Middle East countries coming lavishly from the U.S. representatives could make sense only if those who uttered them would in no uncertain way reject the territorial claims of the aggressor and favor an immediate withdrawal of troops.

By putting forward a program of annexation, Israel seems to have completely lost a sense of reality, and has embarked on a very dangerous path.

Any attempt to consolidate the results of aggression is bound to fail. We are confident that the United Nations will reject attempts to impose on the Arab peoples a settlement that might jeopardize their legitimate interests and hurt their feelings of self-respect.

Territorial conquests, if they were recognized by various states, would only lead to new and perhaps larger conflicts. Consequently, peace and security in the Middle East would remain illusory. Such a situation cannot be permitted to arise, and one may rest assured that this is not going to happen. Attempts to consolidate the fruits of aggression will in the long run backfire against Israel and its people.

CONTINUED CHALLENGE

By occupying territories of the U.A.R., Jordan and Syria, Israel continues to challenge the United Nations and all peace-loving states. This is why the main task of this Assembly is to condemn the aggressor and take steps for an immediate withdrawal of Israeli troops beyond the armistice lines. In other words the task is to clear all territories of Arab countries occupied by the Israeli forces from the invaders.

The Israeli aggression has resulted in paralyzing the Suez Canal, an important waterway which has been transformed by the invaders into a battlefront line. The Soviet Union voices a categoric demand that the Israeli forces should be immediately removed from the shores of the Suez Canal and from all occupied Arab territories.

Only the withdrawal of Israeli forces from the seized territories may change the situation in favor of a détente and the creation of conditions for peace in the Middle East.

Is it not clear that unless this is done and the forces of the Israeli invaders are evicted from the territory of the Arab states, there can be no hope of settling other unsolved problems in the Middle East?

Those who unleashed war against the Arab states should not cherish hopes that they could derive some advantages from this. The United Nations, called upon to serve the cause of preserving peace and international security, must use all its influence and all its prestige in order to put an end to aggression.

In its demand to condemn aggression and withdraw troops from the seized territories of the U.A.R., Syria and Jordan, the Soviet Government proceeds from the need to maintain peace not only in the Middle East. It should not be forgotten that there are many regions in the world where there are bound to be those eager to seize foreign territories, where principles of territorial integrity and respect for the sovereignty of states are far from being honored. Unless Israel's claims receive a rebuff today, tomorrow a new aggressor, big or small, may attempt to overrun the lands of other peaceful countries.

The peoples of the world are closely watching to see whether the United Nations would be able to give a due rebuff to the aggressor and safeguard the interests of the peoples of one of the major world's regions, the Middle East. The present developments in this region give rise to anxiety on the part of many states from the point of view of their own security. And this is quite understandable.

If we here, in the United Nations, fail to take the necessary measures, even those states which are not parties to the conflict may draw the conclusion that they cannot expect protection from the United Nations.

THE COST OF ARMS

In order to enhance their security they may embark on the path of an arms build-up and increase their military budgets. This will mean that funds earmarked for the development of the national economy and the improvement of the living standard of the people would be channeled to an even greater extent to the arms race. Those who cherish peace cannot and must not allow events to take this course.

There is another important aspect of the aggression perpetrated by Israel. The point is that this aggression was aimed at toppling the existing regimes in the U.A.R., Syria and other Arab countries, which by their determined struggle for the consolidation of national independence and progress of the peoples evoke the hatred of the imperialists.

On the other hand, this is countered by solidarity and support on the part of the peoples which have embarked on the path of independent development. Therefore, to permit the actions of Israel against the Arab states to go unpunished would mean opposing the cause of national liberation of peoples and the interests of many states of Asia, Africa and Latin America.

The Soviet Union does not recognize the territorial seizures of Israel. True to the ideals of peace, freedom and independence of the peoples, the Soviet Union will undertake all measures within its power both in the United Nations and outside this organization in order to achieve the elimination of the consequences of aggression and promote the establishment of a lasting peace in the region. This is our firm and principled course. This is our joint course together with other Socialist countries.

BLOC PARLEY RECALLED

On June 9, the leaders of Communist and Workers parties and Governments of seven Socialist countries declared their full and complete solidarity with the just struggle of the states of the Arab East. Unless the Government of Israel ceases its aggression and withdraws its troops beyond the armistice lines, the Socialist states "would do everything necessary in order to aid the people of the Arab countries to deal a firm rebuff to the aggressor, to safeguard their legitimate rights, to quench the hotbed of war in the Middle East and to restore peace in that region."

No state, however far situated from the area of the aggression, can remain aloof from the problem which has been proposed for discussion by the present emergency session. The problem concerns war and peace. In the present tense international situation hours or minutes can settle the fate of the world. Unless the dangerous developments in the Middle East, Southeast Asia or any other place where peace is being violated, are curbed, if conflicts are permitted to spread, the only possible outcome today or tomorrow would be a big war. And no single state would be able to remain on the sidelines.

No state or government, if it genuinely displays concern for peace and the prevention of a new war, can reason that if some event takes place far from its borders it can regard it with equanimity. Indeed, it cannot.

LOCAL WARS PERILOUS

A seemingly small event, or so-called "local wars," may grow into big military conflicts. This means that every state and government should not only refrain from bringing about new complications by its actions—it must undertake every effort to prevent any aggravation of the situation and, moreover, the emergence of hotbeds of war, that should be quenched whenever they appear. This should be stressed especially in connection with the recent events in the Middle East, which have greatly complicated the already complex and dangerous international situation.

The Arab states, which fell victims to aggression, are entitled to expect that their sovereignty, territorial integrity, legitimate rights and interests that had been violated by an armed attack, will be reconstituted in full and without delay. We repeat that this means, first of all, the withdrawal of Israeli forces from the occupied territories. This is the crucial question today, without which there can be no détente in the Middle East.

Elimination of the consequences of aggression also means restituting the material damage inflicted by the aggressor upon those whom it attacked and whose lands it occupied. The actions of the Israeli forces and the Israeli aircraft have resulted in the destruction of homes, industrial projects, roads and transportation in the U.A.R., Syria and Jordan. Israel is in duty bound to reimburse the full costs of all it has destroyed and to return all captured property. It is in duty bound to do this within the shortest possible time.

Can this session measure up to this task and can it attain it? Yes, it can. The General Assembly should pronounce itself authoritatively in favor of justice and peace.

The Soviet Union and its delegation are ready to work together with other countries, whose representatives have assembled in this hall. They are ready to work together with all other states and delegations in order to attain this aim.

Much depends on the effort of the big powers. It would be good if their delegations as well found common language in order to reach decisions meeting the interests of peace in the Middle East and the interests of universal peace.

RESOLUTION IS OFFERED

Guided by the lofty principles of the United Nations Charter and the desire to eliminate the consequences of aggression and restore justice as quickly as possible, the Soviet Government submits the following draft resolution to the General Assembly:

"THE GENERAL ASSEMBLY,

"Stating that Israel, by grossly violating the United Nations Charter and the universally accepted principles of international law, has committed a premeditated and previously prepared aggression against the United Arab Republic, Syria and Jordan, and has occupied a part of their territory and inflicted great material damage upon them,

"Noting that in contravention of the resolutions of the Security Council on the immediate cessation of all hostilities and a cease-fire of June 6, June 7 and June 9, 1967, Israel continued to conduct offensive military operations against the aforesaid states and expanded its territorial seizures,

"Noting further that although at the present time hostilities have ceased, Israel continues the occupation of the territory of the U.A.R., Syria and Jordan, thus failing to cease the aggression and challenging the United Nations and all peace-loving states,

"Regarding as inadmissible and illegitimate the presenting by Israel of territorial claims to the Arab states, which prevents the restoration of peace in the area.

"1. Resolutely condemns the aggressive actions of Israel and the continuing occupation by Israel of a part of the territory of the U.A.R., Syria and Jordan, which constitutes an act of aggression;

"2. Demands that Israel immediately and without any condition withdraw all its forces from the territory of those states to positions beyond the armistice demarcation lines, as stipulated in the general armistice agreements, and should respect the status of the demilitarized zones, as prescribed in those armistice agreements;

"3. Also demands that Israel should restitute in full and within the shortest possible period of time all the damage inflicted by its aggression upon the U.A.R., Syria and Jordan, and their nationals, and should return to them all seized property and other material assets;

"4. Appeals to the Security Council to undertake on its part immediate effective measures in order to eliminate all consequences of the aggression committed by Israel."

The Government of the Soviet Union expresses the hope that the General Assembly will take an effective decision which would insure the inviolability of the sovereignty and territoral integrity of the Arab states, the restoration and the consolidation of peace and security in the Middle East.

The covening of the General Assembly emergency session is a fact of great international significance. If it were to happen that the General Assembly should find itself incapable of reaching a decision in the interests of peace, it would deal a heavy blow to the expectations of mankind regarding the possibility of settling major international problems by peaceful means, by diplomatic contacts and negotiations. No state that genuinely cares for the future of its people can fail to take this into consideration.

The peoples should rest assured that the United Nations is capable of achieving the aims proclaimed by its Charter, the aims of safeguarding peace on earth.

JARMAN ANNOUNCES HEARINGS INTO TV-RADIATION PROBLEM

Mr. JARMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JARMAN. Mr. Speaker, during the past several months there have arisen questions concerning the matter of X-radiation in connection with color television.

The answers that our Government experts in the field have given to these questions leave a great deal to be desired and only point out the need for a thorough look into the problem.

For that reason I joined with my colleagues on the House Interstate and foreign Commerce Committee, Hon. Paul Rogers of Florida, in sponsoring H.R. 10790, the Radiation Control for Health and Safety Act of 1967.

We have both discussed this matter with the chairman of the Interstate and Foreign Commerce Committee, Hon. Harley Staggers of West Virginia.

As chairman of the Subcommittee on Public Health, I am now pleased to announce that there will be hearings held to study the problem of X-radiation in connection with electronic devices that have the potential of emitting radiation.

I feel that the viewing public has the right to be guaranteed that there will be no danger involved in television. And I feel that through these hearings we can establish just what action is needed to give this guarantee.

I anticipate that we should start the hearings in the last part of July or the early part of August.

ROGERS COMMENDS HEARINGS ON TV-RADIATION PROBLEM

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, I would like to commend the distinguished gentleman from Oklahoma for his effective action in calling hearings into the problem of X-radiation in connection with electronic devices which have the potential to emit radiation.

As a cosponsor of H.R. 10790, the Radiation Control for Health and Safety Act of 1967, I, too, feel that the American public should have every protection that can be provided.

The public needs to be assured that all necessary action needed to establish the proper level of radiation will be taken. I feel that the Public Health Service has been in error in not establishing these standards earlier considering the millions of people who come in contact with potential sources of radiation every day.

I also commend our distinguished Chairman of the House Interstate and Foreign Commerce Committee, the Honorable Harley O. Staggers, of West Virginia, for assuring that these hearings will be held.

CIVIL DISOBEDIENCE

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BRINKLEY. Mr. Speaker, our Nation today walks the razor's edge of danger. And the ominous specter which overshadows our land is an enemy within the house of our country. They advocate revolution and they are effectuating it by riot, the latest chapter of which was written in Atlanta, Ga., last night. Teddy Roosevelt, in 1904, said:

> No man is above the law and no man is below it; nor do we ask any man's permission when we require him to obey it.

America 1967 should reaffirm and brand these words into its soul.

Mr. Speaker, Negro Americans cannot afford special treatment. Consider the proudest and noblest Americans of them all, the American Indian; a living example of inequities followed by special treatment. This example illustrates what special treatment does to a man or to a people. Such treatment is an inequity to the people affected and rather than atoning for past inequities, amplifies them.

My grandfather, Mr. M. H. Brinkley, of Faceville, Ga., taught his children that the answer to many problems could be found in the Book of Proverbs, and last night I looked there and found these words:

> As snow in summer, and as rain in harvest, so honor is not seemly for a fool. As the bird by wandering, as the swallow by flying, so the curse causeless shall not come. A whip for the horse, a bridle for the ass, and a rod for the fool's back. Proverbs 25:1–3

Mr. Speaker, our Nation cannot tolerate insurrection led by Stokely Carmichael, or anyone else, cannot afford to defer to him, cannot afford to honor him with preferential treatment.

In behalf of the people of the Third District of Georgia, as Representative of the Third District of Georgia, I have communicated with the Attorney General of the United States, as follows, believing that the latest episode of civil disobedience leaves no doubt as to the evidence against Stokely Carmichael, and leaves no doubt as to the legal remedy:

Congress of the United States,
House of Representatives,
Washington, D.C. June 20, 1967.

Hon. Ramsey Clark,
Attorney General of the United States, Department of Justice, Washington, D.C.

Dear Mr. Attorney General: The "long, hot summer" as an excuse for violence is once again upon us. My concern has intensified from that of urgency to downright alarm.

Stokely Carmichael is touring the South preaching insurrection and rebellion as witness the shocking incidents in Prattville, Alabama last week and in Atlanta, Georgia, yesterday.

Carmichael has made it abundantly clear that he holds in complete contempt the laws of the United States and of the several states and believes that the Negroes must rebel and seize control of this country.

Federal law prescribes:

"Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined not more than $10,000 or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States." (18 U.S.C. 2383)

It appears to me that a strong case can be made against Carmichael under this Statute. I call upon you in your capacity as Chief Legal Officer of the United States to investigate Carmichael's activities carefully and quickly and to initiate appropriate action under this or other Statutes.

Assuring you of my cooperation, I am,
Cordially yours,

Jack Brinkley,
Member of Congress.

DESECRATION OF THE AMERICAN FLAG

Mr. ROTH. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Reinecke] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. REINECKE. Mr. Speaker, today we have been considering a very important and very necessary piece of legislation, a bill to prohibit the desecration of the American flag. I am pleased to have authored legislation similar to the one considered by the House today.

I would like to call to the attention of the House a resolution by the Los Angeles County Council of the American Legion, supporting this legislation:

Resolution

Subject: Desecration of the American Flag.

Whereas: It has been called to our attention that there have been various American Flag burning incidents; and

Whereas: We have learned that there is presently pending in Congress certain Bills for the purpose of meting out punishment to those who would desecrate our Flag;

Now, therefore, be it resolved: That the Los Angeles County Council of The American Legion, in regular meeting assembled, this 2nd day of June, 1967, goes on record as favoring the passage of such laws and favoring the imposition of appropriate penalties on all those guilty of desecrating or burning the American Flag; and

Be it further resolved: That this resolution be amended to provide that copies of this Resolution be sent to both California Senators and to the Congressmen from the State of California.

This is to certify that the foregoing resolution was unanimously adopted by the Los Angeles County Council of The American Legion, in regular meeting assembled, the 2nd day of June, 1967.

William Coulson,
Adjutant.

TEACHERS CORPS PROGRAM DESERVES CONTINUATION AND EXPANSION

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FEIGHAN. Mr. Speaker, the Higher Education Act, which includes extension of the National Teachers Corps for 3 years, may be scheduled for House action early next week. I urge passage by both the House and the other body.

If this legislation is enacted before June 30, $3.8 million in frozen Federal funds will become available for summer college training of special teachers for schools in slum areas.

Recently, Cleveland school superintendent Paul W. Briggs wrote me explaining the success of the Teachers Corps program in my home city. Also the Cleveland Plain Dealer newspaper has printed an excellent editorial in support of the Teachers Corps. Under leave granted I submit the letter and editorial for consideration by my colleagues:

Cleveland Public Schools,
Cleveland, Ohio, June 16, 1967.

Congressman Michael A. Feighan,
Rayburn Building,
Washington, D.C.

Dear Congressman Feighan: The Cleveland Public Schools are engaged in a National Teacher Corps project in cooperation with the University of Akron. This relationship was initiated in March, 1966, when the proposal for a Teacher Corps project was drafted jointly by the University and the school system. Four Teacher Corps teams, including fifteen interns and four master teachers, are assigned to junior high schools enrolling large percentages of disadvantaged youth. Their work has augmented in a very meaningful way the efforts of the regular faculties.

The principal beneficiaries, of course, are the children for whom the work of the Corpsmen is an extra dimension of support and motivation. The help which individual pupils have received has resulted in a noticeable academic improvement.

Corps members have also assisted greatly in establishing wholesome relationships with parents and other residents of their school communities.

The National Teacher Corps represents an outstanding effort to improve school opportunity for disadvantaged children. It approaches the problem in an area of crucial significance—the need for more and better prepared teachers.

This program not only offers a special training opportunity to the corps members, but its involvement of other teachers provides enriching professional experiences for the total school staff.

As a new thrust in preparing teachers to serve disadvantaged children, the National Teacher Corps is one of the more promising developments in teacher education as well as in school-university collaboration.

Our estimate of the Teacher Corps is indicated by our willingness to have several of our ablest teachers serve as team leaders and by our commitment to continue participation in the project.

We encourage your support of legislation to continue and expand the National Teacher Corps Program.

Yours truly,

Paul W. Briggs,
Superintendent.

[From the Cleveland Plain Dealer, June 1, 1967]

Expand the Teacher Corps

Congressional failure to extend the National Teacher Corps would have as its principal victims the disadvantaged children of the country.

Even many opponents of the Great Society agree that this program designed to improve the quality of instruction in poverty areas has been strikingly successful.

Fate of the program whose authorization expires June 30 is now in the hands of a House subcommittee regarded as hostile to the corps idea.

Prospects are that the program will survive in curtailed form when, based on merit, it actually should be expanded.

The corps has 1,213 members at work in 275 schools across the country. About a dozen are assigned in Cleveland.

The program offers incentives and special training to teachers who have the talent and the compulsion to work with children in the poorer neighborhoods.

Included are 945 teacher-interns in elementary or secondary schools who are working for masters' degrees in nearby universities.

The corps was devised as one way of offsetting the pattern in which schools in more affluent neighborhoods have been luring the better teachers with higher pay and less trying conditions.

Delay on the legislation reportedly has already damaged the corps' summer recruitment and training program.

A major factor in unrest in impoverished areas has been a disparity in educational standards. In the one year of its existence, the teacher corps has shown an exceptional capacity to improve standards in the poverty schools.

Education is the answer to so many of the slum problems that Congress would be shortsighted indeed to curtail or scrap the teacher corps. It deserves to be expanded.

MASS TRANSPORTATION ACT

Mr. ROTH. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Widnall] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. WIDNALL. Mr. Speaker, because of the inquiries I have had with regard to my bill, H.R. 10443, which I introduced to amend the Mass Transportation Act of 1964, I thought it would be appropriate at this time to insert some comments regarding this legislation into the Record. The bill follows basically the suggestion offered in testimony by the League of Cities this spring before the House Special Subcommittee on Housing, of which I am the ranking minority Member. It provides that nonpublic sources may contribute up to 23⅓ percent of the total cost of a project, the other 10 percent coming from some non-Federal but public source.

The law, at present, provides for Federal assistance for capital expenditures on a two-third–one-third matching basis with regional, State, county, or local public bodies involved in the provision or improvement of mass transit facilities, including bus, rail, and rapid transit. Where no comprehensive transportation planning has been completed, a 50–50 matching grant is utilized for emergency situations. Although private transportation companies can benefit from the results of the grant, such as by leasing commuter cars bought by State and local transportation agencies or by utilizing newly created parking areas, the private company cannot contribute to the local share. This places the entire burden on the community, and it is this which my bill seeks to change.

The result of the 1964 act is that many small communities and cities without public transportation systems, and without the funds to draw upon, cannot assist their local transit companies, usually bus companies, to benefit from the act. The private companies are, however, unable to provide all of the necessary money for new equipment, et cetera, themselves, but could contribute part of the money necessary to cover these costs. My bill would allow the private companies to contribute.

I have included some local cash involvement in my amendment, to avoid any overt pressure on the private companies by communities, and to cut down on the possible flooding of HUD with applications on behalf of private companies by communities who would have nothing to lose by making such applications. The specific percentage to be provided is negotiable, and some exceptions may have to be devised for regional transportation authorities overseeing private systems.

I believe this approach will assist many of the small communities and cities throughout the country, who presently find themselves unable to keep pace with the necessary improvements in their bus, rail, and rapid transit systems.

MATTERS AFFECTING THE ENTIRE NATION

Mr. ROTH. Mr. Speaker, I ask unanimous consent that the gentleman from North Dakota [Mr. Andrews] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. ANDREWS of North Dakota. Mr. Speaker, the newsletter I am mailing today to the people of eastern North Dakota touches on a number of important subjects, including the national debt, activities of the Appropriations Committee, the extension of the Selective Service Act and, of course, the crisis in the Middle East. Since these are matters affecting the entire Nation, under unanimous consent, I place it in the Congressional Record at this point:

The house shocked the administration early this month by refusing its request to increase the national debt limit to $365 billion—an increase of $29 billion. Those who continually insist that these added funds are needed because of the situation in Viet Nam totally ignore the fact that while defense expenditures are up 67% since 1960, non-defense spending has increased 104%. The national debt, meanwhile, has risen $41 billion. It's easy to make an Administration look good if you are willing to forget the people, now and for generations to come, who are going to have to pay the bills. Meanwhile, inflation and the accompanying devaluation of savings and fixed incomes, interest rates forced continually higher by government competition for the funds available to borrowers and a legacy of huge, unpaid bills must all be included in the too high price of fiscal irresponsibility.

In the Appropriations Committee we have responded to this situation by trimming more than $3 billion off Administration requests in the 11 appropriations bills passed so far. Nevertheless, some observers are predicting the budget deficit for fiscal 1968 will be three times larger than the President predicted last January. Future action in our Committee on the 5 remaining appropriations bill awaits further action on authorization bills by other Committees of the Congress.

The Selective Service Act has now been extended for another four years, leaving the bulk of the responsibility where it belongs: with the local draft boards. During debate on the bill, I pointed out that "only on the local level can the real merits of deferments and classifications be determined fairly and responsibly". We were able to head off a concerted effort to centralize authority with most of the decisions to be made at regional or Washington headquarters. A special "thank you" goes to all North Dakota Selective Service Board Members who responded to my request for views on this most important situation. Their personal comments and statements were a great help to those of us who are interested in maintaining a responsive, locally controlled Selective Service System. I shall continue to urge improvements particularly aimed at increasing voluntary enlistments to the highest level possible, thereby reducing draft calls to the lowest levels possible.

The crisis in the Middle East is far from over. While Israel convincingly crushed the Arabs militarily, the problems that have caused the tensions resulting in 3 wars in the last 20 years still exist. Elements essential to a final settlement must include Arab recognition of the permanence of Israel, the opening of the Suez Canal and the Gulf of Aqaba to commerce of all nations and realistic guarantees of the territorial integrity of all Middle Eastern states. Hopefully, the Administration will not settle for quick half-solutions which satisfy nobody and plant the seeds of future violence. While the very critical and long-standing differences of opinion could make the Middle East ignite at any moment, the situation provides the U.N. an opportunity to prove its worth and value as a world peace-keeping organization. It may, of course, be months before we can really feel the crisis is resolved.

A SHOCKING EPISODE—A FEDERAL LAW WOULD END THIS

Mr. ROTH. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. MYERS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. MYERS. Mr. Speaker, today marks the passage of historic legislation designed to protect the American flag from deliberate and public acts of desecration.

My friend and colleague from Indiana, Representative RICHARD L. ROUDEBUSH, of Noblesville, deserves great plaudits for his work on this bill.

Nearly a year and one-half ago, Congressman ROUDEBUSH brought the matter of flag desecration before the U.S. House of Representatives after a shocking incident in our State of Indiana which involved a campus flag desecration episode at Purdue University.

Congressman ROUDEBUSH promptly introduced corrective legislation and has labored diligently since early 1966 to obtain passage of this much-needed legislation.

From his one-man battle which started 18 months ago, Congressman ROUDEBUSH has waged his fight so successfully that he now has nearly unanimous support in the Congress for his proposal.

A recent article in the June issue of the Veterans of Foreign Wars magazine vividly portrays the successful campaign waged by Congressman ROUDEBUSH to obtain flag protection legislation.

The entire Congress today salutes Congressman ROUDEBUSH for a job well done, and brings the following article to the attention of the Nation:

A SHOCKING EPISODE: A FEDERAL LAW WOULD END THIS!

(By Representative RICHARD L. ROUDEBUSH (Indiana) Past Commander-in-Chief)

Within the past year or so there have been a shocking number of incidents around the nation involving public desecration of the American Flag.

With considerable regularity we read of a Flag being burned in an anti-Vietnam War demonstration; a Flag being used as a subject of obscene "art" and reports of trampling, ripping and other forms of mutilation.

To former members of the armed services and the vast majority of loyal Americans, such acts would be unthinkable. However, for those who loathe our form of government and seek to destroy it, such dramatic acts are the most headline-catching they can devise.

During the past 18 months, reports of public Flag desecrations have been received from Pennsylvania, Illinois, Indiana, New York, California, Louisiana, Georgia and other locales.

One of the amazing facts about such demonstrations is that there is no overall national statute against them and no criminal penalty *on the federal law books for* Flag desecration.

After the particularly vicious incident at Purdue University, West Lafayette, Ind. more than a year ago, we looked into the criminal aspect of such despicable displays and found that in many states, Flag desecration involved only a local misdemeanor charge with a light fine or sentence.

In the Purdue incident in which a leftist agitator from Chicago came to the campus at the invitation of a left-wing campus organization, the offender could not be prosecuted because he had returned to Chicago and could not be extradited on a mere misdemeanor charge.

This caused much agitation because the Chicago man had unfurled an American Flag, ripped it apart, spat upon it and then thrown it upon the stage and stamped on it.

We promptly introduced legislation into the 89th Congress making Flag desecration a federal offense punishable by imprisonment of not more than one year and a fine of not more than $1,000.

Passage of this legislation would give our law enforcement officials throughout the nation a basic and uniform statute to use in these incidents.

The bill was assigned to the House Judiciary Committee and despite our repeated pleadings for hearings, was bottled up by Congressman Emanuel Celler of New York, Chairman of the Judiciary Committee.

Congressman Celler assigned the bill to a subcommittee headed by Congressman Rogers of Colorado who also repeatedly ignored my verbal and written pleas for hearings.

By this time, the Veterans of Foreign Wars and other veterans and patriotic organisations who were strongly in favor of the bill were letting Congress know their sentiments.

None of these efforts, however, could move Congressman Rogers and, as a last-ditch effort, we introduced a discharge petition on the House floor whereby a majority of the House could force the bill to the floor for action.

This is a most difficult maneuver, particularly against an experienced and senior chairman such as Mr. Celler. Many members of Congress who might sympathize with the legislation simply do not wish to incur the wrath of a powerful committee chairman.

At the close of the 89th Congress last autumn, we had well over 150 names on the discharge petition but were still short of the needed majority.

When the 90th Congress reconvened in January we reintroduced the anti-flag desecration measure on the first day and it was assigned a number, H.R. 1207.

Late in April, Congressman Celler finally agreed to schedule hearings on the measure. At the time, Commander-in-Chief Leslie M. Fry publicly expressed his pleasure at the development but added: "I am disheartened at the reported remarks by Congressman Celler that he was 'reluctantly' sending the Flag legislation bills to Congressman Rogers' subcommittee. It is a disgrace to allow Communists, Communist-lovers and a pack of beatniks to deface, defile, burn and otherwise continue to desecrate our Flag."

But whatever the difficulties we faced earlier they have been surmounted and at last the ball is rolling. The hearings by Rep. Rogers have been completed and we hope that the Flag bill will be reported favorably to the House in the near future.

We once again plan to enlist the support and assistance of Veterans of Foreign Wars Posts and other patriotic organizations throughout the nation.

By writing and persuading your congressmen to support this needed legislation, you can help give our law agencies some real teeth with which to nip these anti-American acts in the bud before they become more widespread.

We feel confident that with unpatriotic incidents on the upswing, there is increasing sentiment in the nation and in the Congress for a federal crime bill against Flag desecration.

Our job now is to provide this protection to our Flag throughout the 50 states by passage of a strong federal anti-Flag desecration act.

REIMBURSEMENT TO CITY OF NEW YORK FOR EXTRAORDINARY EXPENSES INCURRED IN PROVIDING SECURITY FOR REPRESENTATIVES TO UNITED NATIONS

Mr. ROTH. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. KUPFERMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, I have today introduced legislation to provide reimbursement to the City of New York for a portion of the costs incurred in providing security for delegates to the United Nations.

Presently, under an agreement, regarding the United Nations headquarters in Manhattan, between the United Nations and the United States, which was ratified by the Senate on August 4, 1947 (Public Law 357, 80th Congress, 1st Session; 22 U.S.C. 287), the security of the United Nations is to be provided for by "appropriate American authorities."

The agreement provides in section 25:

> Wherever this Agreement imposes obligations on the appropriate American authorities, the Government of the United States shall have the ultimate responsibility for the fulfillment of such obligations by the appropriate American authorities.

Thus, "ultimate responsibility" lies with the Federal Government.

"Appropriate American authorities," as defined in the agreement, means the Federal, State, or local authorities in the United States as may be appropriate in the context and in accordance with the laws and customs of the United States, including the laws and customs of the State and local government involved.

The agreement further provides at section 16:

> (a) The appropriate American authorities shall exercise due diligence to insure that the tranquility of the headquarters district is not disturbed by the unauthorized entry of groups of persons from outside or by disturbances in the immediate vicinity, and shall cause to be provided on the boundaries of the headquarters district such police protection as is required for these purposes.

In permitting a prosecution for disorderly conduct by picketing in front of the United Nations, the Police Department of the City of New York was held to be an appropriate American authority under the terms of the Agreement.[1] Consequently, the Police Department of the city of New York has assumed, and continues to assume, the responsibility of providing security for the United Nations. This task is performed with considerable expertise, and, as such, our country has been indebted to the city of New York for maintaining an atmosphere *conducive to the negotiation of* world problems.

Providing this security, however, has not been without its attendant cost. The city, from time to time, has been forced to incur extraordinary expenses for the maintenance of adequate security measures.

I am sure my colleagues recall the historic 15th General Assembly of the United Naitons, during which heads of state from many nations personally attended. New York, being the host city, was called upon to provide security for such controversial leaders as the then Soviet Premier Khrushchev, Cuban Prime Minister Castro, and others.

During that critical period, the State Department was in constant touch with the Police Department of the city of New York so that the latter would be promptly advised of the arrival of these important visitors in order to take the necessary steps for their protection. Many of the foreign leaders came on short notice, were not official guests of the U.S. Government, and had no planned itineraries or programs.

These dignitaries traveled between their residences and offices and throughout the city without prior notification to the police authorities. The city was faced with the frequently difficult assignment of handling, without adequate warning, demonstrations of various groups whose families and friends had suffered under the government of one or another of the visitors.

The total cost to the city of New York for special United Nations service that year was approximately $6.5 million. The entire New York City police force, 24,000 strong, was either directly or indirectly involved. Approximately 1 million manpower hours were expended and the entire police force was required to work 7 days a week for a period of 26 days. Inasmuch as the city did not provide in its budget for such extraordinary situations, it was necessary to borrow $3 million through the issuance of budget notes which had to be repaid.

Mr. Speaker, I believe it is unfair continually to ask the city of New York to make such sacrifices in its own financially hard pressed operations to insure the tranquillity of United Nations meetings and the security of their participants.

As this responsibility primarily rests with the Federal Government we are faced with a grossly unjust situation where a small percentage of the Nation, the people of New York City, bear the entire financial burden of a portion of the Nation's foreign policy activities.

Moreover, New York City probably suffers financial loss as a result of being the host city for the United Nations. Statistics reveal that the average estimated revenues from United Nations visitors is $500,000 per year. If we add to this estimated revenue from United Nations employees and delegates the total financial benefit to New York City from the United Nations is still small. On the other hand, the loss to New York City in real estate taxes amounts to $3,400,000 per year for the assessed value of the United Nations property, and of the homes and offices of the diplomats.[2]

The legislation I have introduced today would relieve the unjust burden placed on the New York City taxpayer by assuring that the Federal Government assumes its responsibility under section 25 of the aforementioned agreement.

One bill provides for an ex gratia payment of $3 million to New York City for the expenses involved in maintaining security for the sessions of the United Nations. I use the figure of $3 million based on the experience of the 1960 Khrushchev and Castro visits.[3]

My other bill provides for reimbursement to New York City for one-half the annual expenses incurred in providing police protection for United Nations activities.

The relief that these bills will provide for the city of New York is long overdue. With the important events involved in Premier Kosygin's visit to the United Nations it is patently unfair that New York City, as the host city to the United Nations, should be forced to shoulder the entire burden of security cost. These extraordinary costs should be borne by the Nation as a whole.

When Mayor Lindsay was the Representative from the 17th District of New York, he introduced H.R. 5209 in the 87th Congress and H.R. 1928 in the 88th Congress, to reimburse New York City for the expenses of the Khrushchev and Castro visits. It is only fair and just that we afford Mayor Lindsay and the city of New York the same benefit which the mayor sought to provide the then city administration, which, unfortunately, was never enacted into law.

I urge my colleagues to give their careful consideration to the two measures I have introduced today. The time has come to provide the financial aid necessary to eliminate the injustice inherent in requiring one segment of the taxpaying public, the people of New York City, to assume the entire Nation's responsibility.

PARTNERS OF THE ALLIANCE

Mr. ROTH. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MORSE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. MORSE of Massachusetts. Mr. Speaker, I have long been interested in the activities of the Partners of the Alliance, an effort to engage the private sector here in the United States in the development goals of the Alliance for Progress. We in Massachusetts have undertaken a promising partnership with the Department of Antioquia, Colombia, and numberous other States and counties are engaged in similar efforts.

On June 12, Edward Marcus, president of the National Association of the Partners of the Alliance, made an interesting proposal to the American Advertising Federation which would bring home to millions here in the United States the vital importance of our relations with Latin America. I include the text of Mr. Marcus' address in the CONGRESSIONAL RECORD:

PRESENTATION TO AMERICAN ADVERTISING FEDERATION, HOUSTON, TEX., JUNE 12, 1967, BY EDWARD MARCUS, PRESIDENT OF THE NATIONAL ASSOCIATION OF THE PARTNERS OF THE ALLIANCE

Throughout my business career with Neiman-Marcus I have participated in the spending of some forty million dollars of promotional and advertising funds. While the quantity of our advertising has had periods of unevenness, I believe everyone gives us credit for being progressive and imaginative. We certainly attribute a real proportion of our growth and international awareness to our promotional program. I believe that few merchandising operations in the country give as much latitude and independent responsibility to the advertising heads as does Neiman-Marcus.

The unevenness of which I speak has something to do with the traditional peregrination of talented advertising people, the more important factor is the continuing requirement that advertising changes to meet new markets, new products, new art forms, newly measured response studies and news media.

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[1] *People* v. *Carcel*, 2 Misc. 2d 827 150 NYS 2d 436 (Mag.Ct., N.Y.Co., 1956), reversed on other grounds 3 N.Y. 2d 327, 144 N.E. 2d 81 (1957).

[2] See report of director of the budget of the city of New York as contained in hearings of the Subcommittee on International Organizations and Movements of the Committee on Foreign Affairs, House of Representatives, May 17, 1961, p. 25.

[3] See statement by director of the budget of the city of New York as contained in hearings of the Subcommittee on International Organizations and Movements of the Committee on Foreign Affairs, House of Representatives, May 17, 1961, p. 8.

Over the years I have learned only one axiom about advertising. That is "advertising will not sell a bad product . . . it can only sell more of a good product." And this brings me quickly to that about which I am here to talk to you. We have a good product to sell.

Three years ago I had just returned from conducting a fashion show tour of Latin America as a cooperative promotional program with Braniff International. As I entered my office, the phone was ringing. Jim Boren was calling from Washington to ask that I participate in a meeting of Texans to form a completely private sector organization to be called the Texas-Peru Partners of the Alliance. I agreed and even suggested other participants. At the ensuing meeting I talked too much and was elected chairman.

I accepted on the condition that our scope could be broadened from the proposed self-help projects to include the fields of education, culture, medicine, agriculture and even private business investments. Further, I asked clearance for the members of the Partners to engage in private business themselves on the grounds that successful, profitable mutual business relationship could and should be a prime means of encouraging international understanding and friendship.

The Texas Partners have been reasonably successful. So have many of the thirty-one other states which have established partnerships with various areas of Latin America. Consequently, last September the various U.S. states formed a national association of which I was elected President.

The Board of Directors of Neiman-Marcus recognizing the long term values of this movement has agreed that I could direct fifty percent of my time to this job. At times it seems that they were thinking of that 50% being found on Saturday, Sundays and after six. As a matter of fact, I am sandwiching this meeting between sessions intended to put our Christmas Catalog to bed. Seriously, though, I am grateful to my Board for its understanding the importance of this work and allowing me this time.

As President of the National Association I regard it as my prime function to visit the various state organizations and their counterparts in Latin America to bring to them those ideas and methods that have worked best in our most successful states.

As independent groups of *private* citizens they are free to choose their own means of communicating and acting; nevertheless, we have found by experience certain fundamentals that we urge them to adopt. Among these are the involvement of top drawer professionals, businessmen, educators and doctors. Without adequate representation and participation of leading businessmen, the organizations simply do not move. Their leadership, influence and financial support is essential to the program's viability. We are currently occupied with and successfully reconstituting those organizations both in our states and in Latin America where businessmen have not assumed their proper role.

Mr. Boren has given a few examples of our work. I should like to add a few more:

Those of you who saw the Peruvian Gold Exhibit in Washington, Dallas, Cleveland and New York should know that the Texas Partners were largely responsible for the initiation of this showing. The Ballet Folklorico of Mexico created a favorable impact on Des Moines at the same time as Iowa-Yucatan Business and Investment Conference was taking place there. Oklahoma took a rodeo down to its Partner State in Mexico. Rodeos *are* a part of our culture.

The medical profession has helped make available hundreds of tons of surplus hospital equipment.

In one instance through the doctors' leadership, the Hospital Association located the surplus property, the Jaycees collected it, the Truckers' Association transported it to a seaport where a businessman donated warehouse facilities. The dockworkers loaded it free of charge, the Latin steamer carried it and it was finally brought to its ultimate destination in the Andes by a U.S.-Latin mining company—all without the expenditure of one dollar.

President Johnson has emphasized the need for additional push in the field of agriculture. On June 30 a Partners committee compounded of leaders from throughout the nation is meeting to formulate a rural action program.

The phase of our work which may be the most romantic and the most sales-worthy is that of the self-help projects. When a high school club of students studying Spanish accepts the challenge of founding a basic library in a village which has no facility for its youngsters or adults who are finding literacy for the first time, it is doing something more than donating $125—it is creating the first of countless numbers of ties between peoples. It begins a chain of understanding at both ends of the line. The villages in Latin America enjoy the books without any propaganda beyond the Alianza sticker which indicates its source. The student in the U.S. has fulfilled one of his first voluntary citizen responsibilities; he has found a personal identification with a part of the world hitherto unknown to him. He has made new friends and has found a practical use for his Spanish.

Possibly the project is for a Women's Club to furnish sewing machines to a girls' center or for a rural Lion's Club to furnish seed or wire or a used tractor to assist a far-off community to improve its agricultural lot.

In every case there is a mutual effort. This is not a hand-out program. The counterpart area, the Partner area, must do its part too—usually through some physical labor or material contribution prearranged as a part of the whole project.

All of these things about which I have been talking require an open, generous palm, a posture not new to North Americans. Now we come to the other hand, that of business. Here we find as we should a firm grip. Business is not business unless a profit is intended and achieved.

Either through exposure by travel or by exploration of our investment committees, we are in the process of encouraging the mutual investment of know-how and capital in new or expanding enterprises that spell progress for the Latin American community and profits for both the Latin and North America.

Ideally, most of these projects would be small or medium sized, filling needed gaps in both production of consumer products and jobs to help build a middle class. This may be in the export of crocodile skins, the building of a freezer plant, the preservation of vegetables, an automobile spare parts business, small assembly plant for agricultural machinery specialties.

Frequently, though, we find our efforts leading to larger establishments; tourist hotels, fish meal for human consumption, fertilizer plants. These and other ventures are in the formative stage as a result of Partners activities.

Some of our members are investors, some co-managers, some consultants. Our advice includes assistance in the techniques, in utilizing the loans and/or guarantees our government offers; or we guide potential investors to both Partners here and in Latin America.

American business is beginning to understand the value of the Partners of the Alliance. It likes the private sector aspect which pervades its philosophy. To this end, representative companies are specifically committing themselves to the necessary financial support of the program that we are asking you as a profession and an industry to help us expand.

Several companies including Pan American and Braniff, have already indicated their interest in providing the wherewithal to implement a plan which will increase hemisphere awareness of the Partners of the Alliance. Beyond the dollars themselves, which are certainly essential, the significance of their recognition is gratifying.

Your organization, the American Advertising Federation which embraces all facets of the advertising industry, represents a most significant force for economic and social progress in modern society. The insatiable demands of American business have created this multi-billion dollar industry and the greatest pool of idea-generating people and communicators in history. What has emerged is a huge and incredibly productive partnership between the advertising industry and virtually all other businesses in America.

During the past ten years, the communication power of advertising has been put to work on an ever increasing basis by international business, communities and even countries in an effort to develop foreign trade and commerce, travel and tourism and greater understanding between peoples of the world. At this very moment, the United States government, through the U.S. Travel Service is using the power of advertising to attract foreign tourists to the United States in an effort to improve our balance of payments situation.

This brings me right to the point—the reason we are here. As John Butler pointed out, the A.A.F. Amigo program attracted the attention of the Partners of the Alliance because it provides dramatic proof of the remarkable efficacy of advertising as an instrument of international goodwill, as well as an essential tool in the development of tourism, trade and capital investment.

The Central America Amigo program is a project of which every member of the advertising profession should be justly proud. I know of no other comparable international project ever undertaken by any organization or profession. Now we, the National Association of the Partners of the Alliance, are asking you, the American Advertising Federation, to help us to a degree far beyond the dimensions of the Amigo program which essentially was confined to the Central American Common Market countries and Western United States. We need your genius to help carry the message of the purposes and scope of the Partners of the Alliance programs to every corner of our United States and to every hamlet, village and city in Latin America.

We feel the Partners of the Alliance program has been remarkably successful during its short life in attracting wide participation from the private sectors both in the United States and Latin America considering the lack of any professional, advertising or public relations support. As a matter of fact, Mr. Boren, I, and others have made literally hundreds of talks and have not had a single turndown—simply because we have had a saleable product. The average U.S. businessman, the average citizen, responds almost electrically to the challenge of personal participation in a better foreign relations program. He has only needed to know that this opportunity exists.

And so we feel that a public service advertising program at community and national levels in both the United States and Latin America is vital. It should be prepared and executed by professionals. It should be designed to develop both *awareness* of and *participation* in the Partners of the Alliance Program and should be directed at various segments of society from the business leadership community to the private citizens who represent the very grass-roots of our culture.

We don't suggest *how* such a program should be prepared, we do know from the precedent-setting success of the Amigo program that it *can* be developed, and that no other group of professionals is better qualified to meet this challenge than the industry you people in this room represent.

Without usurping the professional prerogatives of the leadership of the American Advertising Federation, we do have a proposal for your consideration. All of us who have been involved with the Partners of the Alliance believe with all of our hearts and minds that we have an outstanding product to sell. We also know that professional advertising people must first be sold on the product themselves before they can honestly persuade others to buy it. With these factors in mind, we wish to make the following proposal.

1. The Partners of the Alliance proposes that the A.A.F. create a special A.A.F. Advisory Committee to the Partners of the Alliance, composed of representatives of each of the three A.A.F. regions and the Executive Committee. It is further proposed that members of this committee, including the A.A.F. Chairman, the President and/or a member of the Executive Committee, as well as a representative of each of the three regions, visit Latin America within the next 90 days to observe the Partners of the Alliance in action—"to test the product" and to evaluate its market potential. It is contemplated that this comprehensive tour will take from 14 to 18 days. *All expenses* for this tour will be borne by the Partners of the Alliance, and the members of the A.A.F. Advisory Committee will be received at the highest levels in each country visited commensurate with U.S. State Department cooperation and international protocol.

2. The Partners of the Alliance invites one A.A.F. Advisory Committee member from each of the three A.A.F. regions to attend the following inter-American investment conferences: Respectively—California—Mexico in Los Angeles in September; Northeast Brazil with their countries and states in Washington in November. Each of these A.A.F. Committee members should also have participated in the Latin American tour.

3. Upon return from their Latin American evaluation, it is hoped that the A.A.F. Advisory Committee would recommend activation of three regional Advisory Committees to the Partners of the Alliance with subcommittees being appointed in all A.A.F. Districts. Finally, it is hoped a recommendation would be made for organization of A.A.F.—Partners committees in each of the Ad Clubs throughout the country.

4. During the fall of 1967, the Partners of the Alliance requests the opportunity to participate in Ad Club programs throughout the country. Presentations could be made by Representatives of State committees of the Partners, or Special representatives of the National Association of the Partners of the Alliance.

5. The foregoing will be undertaken only if approved by the proper A.A.F. authority. If such endorsement is received, the Partners of the Alliance requests the following:

6. The opportunity to make a complete presentation to the mid-winter conference of the A.A.F., outlining the details of a nation-wide Junior Ad Club and/or Ad Club Workshop creative competition designed to implement the Partners of the Alliance programs. Details of the competition and its implementation, including the structuring of awards, etc., would be worked out between representatives of the Partners of the Alliance and the A.A.F. during the fall.

It would be understood at the outset, however, that an A.A.F. committee, composed of regional winners of the competition would be invited to visit the Partners of the Alliance in Latin America for the purpose of presenting the entire U.S. A.A.F. program to their counterparts in Latin America to the end that a similar project would be developed in that part of the hemisphere by the Latin American advertising industry.

It is the firm belief of the National Association of the Partners of the Alliance that the U.S. advertising industry's support, prestige, authority, communications power, international economic, social and cultural influences can be a major factor in the ultimate destiny of the nations in the western hemisphere. Our common enemies, especially in Latin America are hunger, disease, lack of education, lack of production, unemployment, illiteracy, and even, Castro communism. With your support, these common enemies can be defeated and accelerated success for the Alliance for Progress assured. Without this, success and even progress will come more slowly.

The word for "friend" in Spanish is Amigo. The Spanish word for "partner" is Companero. The Partners of the Alliance—Los Companeros de la Allianza, with your help, can become the greatest partnership in the history of the free enterprise system.

Thank you . . . Companeros.

WHY THE FIGHT ABOUT HUAC?

Mr. ROTH. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ashbrook] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, I would like to call to the attention of the Members an excellent article by Stan Evans which appeared in the Indianapolis, Ind., News. It concerns the House Committee on Un-American Activities.

Mr. Evans is an expert on HUAC, and his comments are certainly worth the consideration of those who want to approach this committee with facts rather than innuendo.

Those of us who are anti-Communist know that anything which is critical of communism tends to be controversial. In this case, however, the controversy seems to rage on the side of those who are the detractors of our committee and not among the overwhelming majority of Americans who steadfastly support our work.

Why The Fight About HUAC?

(By Stan Evans)

Yesterday evening this writer had the interesting experience of debating on the subject of the House Committee on Un-American Activities at Earlham College.

The continuing controversy over HUAC is one of the symptoms of cultural confusion in America. Somehow there are always debates about this committee, its investigations, its alleged incursions upon popular rights. But there are hardly ever any debates over, say, the House Committee on Education and Labor.

Why is this? Critics of HUAC say it is because HUAC is a kind of demonic force bent on destroying civil liberties and aggrandizing its venal members. It allegedly does not adhere to the standards followed by other committees, serves no "legislative purpose," and has accomplished nothing over the years.

If these criticisms were true, the continuing rhubarb over HUAC would be comprehensible. But a review of the record shows that, time and again, the charges made against HUAC are not true. They are all too frequently manufactured out of the whole cloth.

On the question of protecting the rights of witnesses, for example, HUAC follows exactly the same rules as do other committees of Congress. Indeed, HUAC was the first committee of the House to draw up a formal statement of its rules.

The charge that HUAC has "accomplished nothing" is even more astounding. Among other things, the committee broke open the cocoon of hidden subversives sheltering in the government in the '30s and '40s, a network which included cells in the Agriculture, Labor, Treasury, and State Departments.

It exposed Alger Hiss, did important groundwork in the disclosure of Communist efforts in atomic and other espionage, isolated important links in the chain that ultimately led to the Institute of Pacific Relations and its impact on American Far Eastern policy.

More recently, the committee has delved into Communist influences in the Fair Play for Cuba Committee, exposed security malfeasance in the case of defecting employes in the National Security Agency, spotlighted diversion of government funds to identified Communists, pinpointed the true nature of the W.E.B. DuBois Clubs, revealed Communist manipulation behind last month's "Vietnam Week" demonstrations.

As to the charge that HUAC has "served no legislative purpose," the facts again are otherwise. It has made an estimated 160 legislative recommendations, some 45 of which have been enacted into law or adopted as administrative regulations. And it has diligently pursued its "legislative oversight" function by monitoring the way in which the security laws are enforced.

Nevertheless, the opposition to the committee goes on. A full-fledged campaign against it is being waged by an organization called the National Committee to Abolish the House Un-American Activities Committee. My opponent last night, Richard L. Criley, is the Midwestern director of this group. According to material put into the Congressional Record by former Indianapolis Congressman Donald Bruce, May 3, 1961, seven of the 13 original leaders of this group have been identified as members of the Communist Party.

According to Bruce's statement and a release this week by Rep. Richard L. Roudebush, Midwestern director Criley has been identified by four different witnesses as a member of the party. Questioned about this identification, Criley took the Fifth Amendment—in effect pleading that a truthful answer would be incriminating.

Not all opposition to HUAC stems from such sources, of course, but the sustained agitation does. And that's one key reason that the committee is so "controversial."

NEED FOR CHANGES IN CERTAIN HEW PRACTICES

Mr. ROTH. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. Blackburn] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. BLACKBURN. Mr. Speaker, a recent report of the administrator of the Baptist Memorial Hospital in Jacksonville, Fla., has been brought to my attention. The report clearly shows the need for changes in certain practices of the Department of Health, Education, and Welfare. In particular, it is important to the continued independence of our hos-

pitals that HEW cease accounting practices which result in the consumption of profits and depletion allowances by medicare.

These changes might well be accomplished through the Social Security Amendments of 1967. Accordingly, I have taken the liberty of forwarding the report to all members of the House Ways and Means Committee, together with an explanatory statement.

Because of the concern of the Nation with the effect of changes in our social security laws, I am inserting the report and my explanatory letter in the Record following these remarks:

Congress of the United States,
House of Representatives,
Washington, D.C., July 14, 1967.

Hon. Wilbur D. Mills,
Chairman, Ways and Means Committee,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Chairman: I have recently received a communication from the pastor of one of the leading Baptist churches in my District. He advises me that by reason of his position as a member of the executive board of the Southern Baptist Hospital Board he has become aware of certain practices by the Department of Health, Education, and Welfare which were causing financial difficulties for hospitals.

Reverend Bryan Robinson, pastor of the Clairmont Hills Baptist Church in Decatur, Georgia, has forwarded me a copy of a report prepared by the Administrator of the Baptist Memorial Hospital in Jacksonville, Florida. This report points out that the Department of Health, Education, and Welfare varies the percentage of reimbursement paid to hospitals for Medicare patients, so as to permit absorption by Medicare of any profits or depletion on capital equipment which the hospital may otherwise charge its paying patients. In effect, the hospital is penalized for any efficiency which might result in a profit. The hospital is also having its allowance for depletion of capital equipment assets consumed by Medicare patients. This, of course, will ultimately result in the hospital being forced to turn to the government for assistance in replacing capital assets. Such a result would further increase the power of the federal government to regulate hospitals and make management decisions. I am taking the liberty of enclosing a copy of the report for your information and advice.

I personally hope that your influence will be used to prevent any further encroachment upon the management of hospital affairs by any agency, whether State or Federal.

Sincerely,
Ben B. Blackburn,
Member of Congress.

Baptist Memorial Hospital,
Jacksonville, Fla., June 22, 1967.

To: Board of Directors.
Re: May, 1967 statement of admissions and patient days, balance sheet, and statement of income and expense.

The month of May continues our previous heavy schedules. We exceeded in patient days and numbers of patients a similar period last year in all areas except Intensive Care Unit.

Accounts receivable continue to be reduced in accordance with our reduction schedule. They are now at $1,117,250.00, excluding the reserve. This represents approximately 58 days of business on the books. We are endeavoring to keep this moving in the downward direction toward 45 to 50 days on the books, and should level off somewhere around a million dollars.

You will note in the Income and Expense statement we continue to experience a loss of income in the cast room. We have discovered some administrative problems in that area and are taking steps to correct them.

In all other areas we are ahead of the budget on income and behind it on expense, and hope we can maintain this balance and good financial picture to the end of the year.

The most serious financial problem we face is evident on page six of the Statement of Income and Expense under the section headed "Medicare Discounts." The Blue Cross of Florida, our fiscal intermediary with the Federal Government, has indicated to us that, based on our 1966 audit, we can only be reimbursed 83 per cent of a patient's bill on all Medicare patients. This percentage is determined by a formula developed by the Social Security Administration which is designed to reimburse the hospital for "reasonable costs" of providing the service to Medicare beneficiaries.

During our budgeting for this current year, we forecast based on 93 per cent that we would write off approximately $83,000.00 to Medicare discounts. We are now changing our forecast to show that this will be a figure near $236,000.00. In order to adjust for the eight months ending in May, we have revised this amount by $100,815.25 over and above what we already had charged to this account. By throwing all this into the month of May we actually showed a net loss in operating income during that month. Of course, it takes the effect of reducing our eight-month net experience by that amount.

We are also billing now on the basis of 83 per cent so we will not come up at the end of the year with a great amount of money to pay back to the Federal Government. The $100,000.00 represents a contingent cash liability which will be due when we are finally audited for this year's experience. We are trying to decide whether to hold that amount as a liability or to begin reimbursing the Federal Government at this time. I will report to you later on further outcome of this matter.

The House of Representatives Ways and Means Committee is considering amendments to the Social Security Act which would assist us in dealing with the Medicare program and would change, to some extent, the financial experience we are having. Congress is considering recommendations by the American Hospital Association to increase the improvement factor in the Medicare formula from 2 per cent to 10 per cent, to change some difficult administrative problems in handling outpatient accounts and accounts wherein a full-time hospital physician staff member is involved, and is considering a revision of the basic Medicare formula itself which should be beneficial to our type of operation. Congress is also considering an amendment opposed by the American Hospital Association wherein depreciation is allowed as an expense under the Medicare reimbursement formula, that the depreciation a hospital accrues because of Medicare patients would be put into a trust fund which would then be administered and spent only on benefit of the hospital after approval of a state planning agency.

When I reported this to the Executive Committee of the Board in New Orleans in June, it urged I make this information available to Mr. Harrell so he could pass it on to all members of the Board of Directors for any help they can give with congressmen from their areas of the country. Mr. Harrell and I have discussed this matter and agreed I should make this information available to you at this time in this manner. Additional reports will follow. We are in favor of the first three items and hope the Ways and Means Committee and Congress will act favorably on them. We are unalterably opposed to the matter of a state agency telling us how to spend depreciation funds and hope Congress will act unfavorably on this.

Mr. Wilson and I will have a comparative report on Medicare and non-Medicare experience of the hospitals for you in the August Board meeting.

In the meantime, we shall try to keep you informed on this and other matters.

Respectfully submitted,
George Mathews,
Administrator.

SELECTIVE SERVICE BILL

Mr. ROTH. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. Gude] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. GUDE. Mr. Speaker, the importance of legislation that will affect the lives of all our young men cannot be minimized. The selective service bill that we are considering today will probably affect more young men in the next 4 years than any other piece of legislation in this 90th Congress.

I shall vote for this bill reluctantly. I do so feeling that during this period of crisis and due to our military commitments around the world, we cannot afford an interruption in our Selective Service program.

My reluctant support is based primarily on the fact that this fails to provide for uniform national standards, and allows for a haphazard system in which each local draft board sets its own standards which inevitably must result in unjustifiable inequities. I am very disappointed that the other body has watered down provisions that would have insured uniform national criteria for classification of men for the draft.

This bill authorizes that the Federal Government recommend such standards. I am hopeful that this will be a beginning in working toward uniform classification standards and that it will minimize the inequities that exist.

A RESOLUTION EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO THE ESTABLISHMENT OF PERMANENT PEACE IN THE MIDDLE EAST

Mr. ROTH. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Whalen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. WHALEN. Mr. Speaker, armed conflict in the Middle East has ceased. The long debate dealing with the unresolved problems in this area now has begun.

Future world peace may well hinge upon the outcome of these discussions. Thus, the United States has an important stake in current Middle East negotiations.

While representatives of the executive branch serve as our country's spokesmen during the dialog on the Middle East, it is imperative that their views reflect national attitudes.

The most effective means of discerning and expressing national views is through congressional action.

To this end, I am introducing today the following House resolution "expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East."

Some 54 of my colleagues, as of now, have agreed to support this resolution, and I am taking the liberty of listing their names below.

I invite the other Members of the House of Representatives who have not done so already to join me in this expression of national policy.

The text of the resolution and the names of Members who have introduced identical or similar resolutions follows:

H. Res. 645

Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East

Whereas, an internal Middle East conflict inherently endangers the peace and well-being of the world community of nations; and

Whereas, an open door in the Middle East is vital to the flow of world commerce; and

Whereas, by United Nations Declaration Israel legally deserves the status and rights of a sovereign nation and the territorial integrity which such status entails; and

Whereas, many thousands lost their lives in the recent Middle East conflict: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that permanent peace in the Middle East can be achieved only if:

1. The existence and sovereignty of Israel is acknowledged by the Arab nations;
2. Freedom of passage in the Suez Canal and the Gulf of Aqaba is guaranteed not only to Israel but to all nations;
3. Final settlement of the boundaries of the State of Israel is made and such boundaries are acknowledged by the Arab nations;
4. Effective restrictions are imposed upon the flow of arms into the Middle East from other members of the world community;
5. All nations address themselves to a final and equitable solution of the refugee problem in the Middle East; and be it further

Resolved, That the House of Representatives, in order that lasting peace may be established in the Middle East, urges the President of the United States:

1. To use all diplomatic resources at his command, including our membership in the United Nations, to work for the accomplishment of the five aforementioned objectives, and
2. To avoid repeating the mistake of 1956 which led to resumption of hostilities eleven years later, by opposing, as a precondition to the discussion and negotiation of the aforementioned five objectives, the relinquishment by Israel of territories possessed at the time the cease fire was effectuated.

Congressmen Filing the Middle East Resolution

Charles W. Whalen, Jr., Garner E. Shriver, Theodore R. Kupferman, Daniel E. Button, Fred Schwengel, John E. Hunt, Jerome R. Waldie, W. E. Brock, Seymour Halpern, Ed Reinecke, Lionel Van Deerlin, Lawrence G. Williams, E. S. Johnny Walker.

Thomas G. Morris, Tom Railsback, Howard W. Robison, Richard L. Ottinger, James H. Scheuer, James A. Byrne, Barratt O'Hara, Robert L. F. Sikes, Louis C. Wyman, Catherine May, William L. Hungate, John Brademas, Bill Nichols, Margaret Heckler.

Thomas M. Rees, Garry Brown, Joel T. Broyhill, William L. St. Onge, J. Herbert Burke, G. Elliott Hagan, William F. Ryan, Harold R. Collier, Richard S. Schweiker, Torbert H. Macdonald, Henry P. Smith III, Robert L. Leggett, Donald E. Lukens.

Dan Kuykendall, Walter S. Baring, James C. Corman, J. Irving Whalley, James C. Gardner, Peter Kyros, John Slack, Morris Udall, Robert Denney, Guy Vander Jagt, Gilbert Gude, Florence Dwyer, Edward G. Biester, Jr., William V. Roth Jr., George Bush.

QUESTIONNAIRES HELP OUR CONGRESSMEN

Mr. ROTH. Mr. Speaker, I ask unanimous consent that the gentleman from Utah [Mr. Burton] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. BURTON of Utah. Mr. Speaker, all of us in Congress hope we qualify as experts on the needs and desires of our constituents. Nonetheless, it seems necessary to "touch base" with the people frequently in order to keep our feet on the ground, for the world changes and the moods of our constituents change—and not always in harmony.

I am sure that most of us are aware of the great value of mailed questionnaires, and I am sure that if the citizens of our districts could sit in our places they, too, would feel that the efforts expended in registering their opinions are unusually worthwhile.

Our distinguished colleague from Colorado [Mr. Brotzman] recently conducted such an opinion poll—as did I. In the course of comparing notes, he showed me an editorial from a newspaper in his district, the Longmont Daily Times-Call, which seemed to present the rationale of the opinion poll unusually well.

Mr. Speaker, I am inserting this editorial in the Record for the benefit of the Members:

Questionnaires Help Our Congressmen

We have always admired those people who are easy with a pen and can sit down and turn out a short, sensible letter to their Congressman. We have known a few people who not only can, but do send their views to Washington in this way. Unfortunately they are a rare type with the result that our representatives in Washington are often forced to grope for the opinions of most of their constituents.

Finding the sense of their districts has become an increasingly difficult problem for our congressmen and senators. First they can spend very little time at home because Congress stays in session much longer than it used to. Being a Washington representative is not the part-time job it once was.

Secondly the number of people each Congressman and senator represents has increased many times making it just about impossible to talk to a very large proportion of the people in a district or a state.

In many ways we are inclined to deplore the use of questionnaires by Congressmen to find out what people are thinking, but for the moment, we cannot think of a better way for them to do the job.

The recent questionnaire which Congressman Don Brotzman sent out did a fine job of presenting eight questions of major importance to the country. Of the 190,000 questionnaires sent out over 29,000 were returned which represented the opinions of 49,000 people (two votes being allowed per card).

Answers to some of the questions seemed less than consistent. People want to raise the Social Security benefits, but at the same time they oppose a tax increase. And without a tax increase they want to continue the war in Vietnam until North Vietnam gives in. They showed no desire for us to stop bombing the North without definite concessions.

It is going to be hard to keep the war going at the present pace and increase home spending without a tax increase.

People seem reluctant to get China into the UN; although the margin against this is far smaller than it probably would have been a few years ago.

Youth should be interested in the poll to the extent that most people thought the draft was fair and that 18-year-olds should not vote. It is interesting to note that Congress is working to change the draft law since the poll was taken, though not materially.

People were not clear at all as to how they feel about the federal government becoming a giant tax collecting agency that would pull in the funds for the states and then parcel them back out on the basis of how much the states had paid in.

The clearest point of all which we hope all congressmen, in Colorado and across the nation, take to heart is that 94.4 per cent of the poll answerers think Congress should have a code of ethics.

THE OIL IMPORT PROGRAM

Mr. ROTH. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. Smith] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. SMITH of Oklahoma. Mr. Speaker, it gives me a great deal of pleasure to sponsor this bill.

The independent segment of the oil industry in the State of Oklahoma is struggling for its survival. Since the 8-year-old mandatory oil import program was undertaken in 1959 to protect the national security as relates to petroleum fuels, there have been accumulated pressures on the oil import program which can be summarized as follows:

Certain proposals by five different companies to construct new or expanded refinery-petrochemical facilities in Puerto Rico and the Virgin Islands, with authorization to move about 95,000 barrels daily of light products and an indeterminate volume of residual fuel to the U.S. mainland.

Pending "trade zones" at Taft, La., and in Bay County, Mich., both approved by the Foreign Trade Zones Board, the Department now has the responsibility for acting on applications to permit 30,000 barrels daily of foreign petrochemical feed stocks sought for processing in these zones.

The Canadian exports into U.S. markets, which were estimated and then deducted from other—offshore—imports in each allocation period, exceed agreed-upon volumes in each period, and because of new Canadian capacity are resulting in increasing pressures which many doubt can be contained under the informal arrangements that have applied to Canadian imports in the past.

For reasons that still are not clear, Interior proposed, and the President signed, an amendment to the oil import proclamation to give Secretary Udall "discretionary" authority to import asphalt outside the 12.2 import ratio. The proposal was said to be tied to developing "asphalt shortages" and "higher prices"; however, I must say I have been unable to find evidence of either "asphalt shortages" or "higher prices."

In addition to the very real potential of these threatening and widening "loopholes," confidence in the import program is further undetermined by Government's declared intent to manipulate the program as a coercive means of holding down oil prices. Secretary Udall has notably mentioned that keeping down prices is the basic reason for the proposal to permit greater asphalt imports.

Not one of these propositions to hike imports has any relationship to security considerations. All are simply private measures to give specific companies special or preferred treatment in their access to foreign oil or its products. Each could have only one effect—to improve its sponsor's economic position in relation to competitors.

The five active applications which have been made to coastal projects in Puerto Rico and the Virgin Islands would create gaps in the import program; and as well, additional inflow of foreign petroleum products, assuming all the products were approved, would aggravate the U.S. balance-of-payments deficit by another $100 million. Further, it would simply destroy the Department of Defense cuts in foreign product purchases and imports in order to ease the U.S. balance-of-payments deficit.

In relation to the applications which were made to the Foreign Trade Zones Board some 2 years ago to establish trade zones in Taft, La., and Bay County, Mich., which were approved by the Secretary of Commerce, it should be noted that import allocations of 74,000 barrels daily to Puerto Rico firms already exceed the equivalent feed stocks of about 50,000 barrels a day which go into the export limit. Further, if petrochemical processors are granted preferential access to foreign feedstocks, others for comparable reasons would be compelled to seek similar treatment. Indeed, can the Government, in fairness, dole out preferential treatment to just one or two without giving similar treatment to others? Such a "trade zone stampede," as Mr. Udall has stated, "could wreck the whole import program."

In relation to the supposed shortage of asphalt and to rising prices of the product in the U.S. highway program, all evidence indicates that there is subsequent excess of the current demand. A recent study pointed out that in 1958 the asphalt capability from our domestic crude was 700,000 barrels a day. Since 1958, production of crude has increased 24 percent. In 1966, asphalt demands were only 368,000 barrels daily. In actuality, the asphalt stock situation actually improved in 1966, rising from 16.1 million barrels at the beginning of the year to 17.3 million barrels at the end of 1966. Therefore, it would seem evident that there is no available information which would justify granting importers of asphalt or asphaltic oils preferential treatment under the import program.

In addition to this accumulation of threats to the stabilization of the import program, the completely unauthorized interference into oil pricing, first in the Oklahoma-Kansas crude oil prices last fall, then in gasoline pricing, now in asphalt prices, serve to shatter confidence in the entire program. These actions serve only to raise the question as to whether imports are to be firmly limited to serve oil security objectives or maneuvered to keep depressed oil prices further depressed.

While the import ratio has held fairly stable, domestic production and exploration have continued to decline along with operating rigs, drilling completions, footing drilled, and seismic crews have reached new lows in 1966. The additions to our reserve have been inadequate. In Oklahoma, 1959 and 1966 activity compares as follows:

Total well completions fell from 6,230 to 4,069, a 35-percent decline.

Footage drilled declined from 21,278,000 feet to 18,142,000 feet, a reduction of 15 percent.

Operating rigs were reduced from 226 to 141. In 1967, rig activity has further declined.

While drilling of exploratory wells increased in 1966, the 505 wildcat wells drilled were less than one-half the number drilled in 1959.

Crude oil production increased 11 percent compared to an increase of 18 percent in crude oil imports into districts I through IV.

The only basis for mandatory oil import program is national security, and that basis must be completely reaffirmed.

With that overall objective in mind we should:

Commit ourselves to the preservation of the general principles of the current quota system with a reasonable reduction in the overall level of imports.

Include all nonresidual imports into districts I through IV within the prescribed import ratio.

Subject all products moving from offshore chemical plants to the same restrictions that such products would have if moving from foreign sources.

Allow free imports into trade zones only to the extent products are exported and require raw material quota in proportion to the U.S. product imports.

Delay the use of the "discretionary" asphalt import authority at least until the Office of Emergency Planning has completed its study of national security aspects of the importing of both finished asphalt and asphalt content crude.

Continue to recognize the defense contribution of overland crude by exempting these imports from controls but restrict overland import growth to the same rate as the U.S. crude demand growth.

Establish more specific guidelines for the operation of the Oil Import Appeals Board.

Because so many States, including Oklahoma, are supported by the oil industry, and because the whole stability of our economy could be at stake, I would urge my colleagues to move as quickly as possible on this measure.

This measure will provide long-range stability and insure an ample oil supply to this country in the interest of our national security. The American oil industry has too long suffered from the fourth agency of Government who rules by agency decree. It behooves us to protect our national economy and resources by supporting this measure.

A BREAK FOR THE HOMEOWNER

The SPEAKER. Under previous order of the House, the gentleman from New York, [Mr. HALPERN], is recognized for 15 minutes.

Mr. HALPERN. Mr. Speaker, it is high time we gave a break to the homeowner—the backbone of our Nation. For far too long, the homeowner has been the forgotten man on the American scene, and the one hardest hit by the tax collector.

The American homeowner—the pillar of our communities—has no organized pressure group for massed demands upon the Congress. His basic rights and needs have a way of being lost in the turmoil of behests and pleas which always swirls about this Hill.

I urge all of my colleagues in this House to remember that we are the spokesmen for the American homeowner, and he depends upon us to be aware of his burdens and needs, and to act for the fulfillment of those needs.

One of these needs, and one of the most important, is a meaningful measure of tax relief. I have pressed for such relief in previous sessions of this House, and I shall strive for this goal again in this Congress.

For that reason, I am introducing today two bills aimed at assisting homeowners, and helping to fortify American communities against the spreading blight which results from lack of repairs and improvements to homes.

The first bill would provide depreciation allowances to make up for wear and tear on a home. We have ample precedent for this in the depreciation allowances enjoyed by the owners of business and commercial property.

Homes are the stock in trade of American communities, providing the taxes which form a major part of local tax income. If they are kept in good repair, the locality's tax resources remain strong.

The general economic health of cities, towns, and villages reflects the condition of their homes. The money spent for upkeep and repairs goes into the tills of local businessmen. Furthermore, the businessmen of a well-kept home area are always more prosperous—and let us not forget that their income taxes swell the Federal Treasury.

Even more basic than that, we must never lose sight of the fact that the construction industry is the bellwether of the overall economy in urban area. When the construction industry thrives and its mechanics are earning steady incomes, local industry and commerce also thrive.

My proposals can provide the incentive to homeowners to maintain the condition of their homes and to improve them, providing a tremendous shot-in-the-arm to the construction industry, and helping it to help the economy.

The second bill I am introducing today would provide for a deduction of up to $750 in the owner's income tax return for expenses incurred by the taxpayer on improvements and repairs to his residence. This is the heart of my program. It is a forceful incentive to home beautification and continuing upkeep.

I am certain that many of us have observed increasing signs of general depreciation in many communities. This is especially evident in lower income communities, and that is understandable in the light of the soaring costs of materials and skilled labor.

Home depreciation is a progressive blight. A repair that goes undone one year may cost twice as much to correct in the second year, and four times as much in the third year.

Eventually, if the regular, periodic maintenance work has not been carried out, there comes a point where the cost of repairs becomes so prohibitive as to be impossible. From that point on, creeping blight becomes rampaging blight.

The Bureau of the Census in 1960 reported that only 74 percent of all the housing in America could be deemed to be in sound condition. Since then, there has been a steady increase in the costs of home maintenance. We can hardly hope that the rate of deterioration had decreased. In fact, we can safely assume that delapidation has spread.

We must do everything in our power to encourage the physical preservation of the American home, for it is the foundation of the American community.

Enactment of the two laws I have introduced today will go a long way toward making that preservation more possible.

MIDEAST PEACE FORCE

The **SPEAKER**. Under previous order of the House, the gentleman from Massachusetts [Mr. CONTE] is recognized for 10 minutes.

Mr. **CONTE**. Mr. Speaker, I stood before the Members of this House on June 5, as the parties in the Middle East plunged into their first day of open struggle, to express once again my grave disappointment and concern for the action of the U.N. Secretary General U Thant in withdrawing the troops of the United Nations Emergency Force from Egypt on May 18. That action was taken directly upon the request of President Nasser, and without the consultation or advice of any formal body within the United Nations.

It was the stated opinion of the Secretary General at that time that Egypt, in exercising her rights as a sovereign nation, had full right to demand and expect the immediate withdrawal of the U.N. peacekeeping force. Mr. Thant argued that while the General Assembly had created the emergency force in 1956, the actual admission of the troops to Egyptian soil had been the result of direct negotiations between the Secretary General and the Egyptian Government, thus precluding the need for General Assembly consent to a withdrawal.

To many of us these legalisms seemed hollow. We felt, as Israel's Foreign Minister Abba Eban noted before the U.N. Security Council, that—

> It is not a question of sovereignty that is here involved. The United Nations has a right to ask that when it assumes a function, the termination of that function shall not take place in conditions that would lead to anti-Charter situations.

We asked along with Mr. Eban, as we may well ask now:

> What is the use of a United Nations presence if it is, in effect, an umbrella which is taken away as soon as it begins to rain?

Today we have evidence to support our doubts—evidence which bares the illogical framework of Mr. Thant's argument. I refer the attention of my colleagues to the aide-memoire of August 5, 1957, by the then Secretary General Dag Hammarskjold, which was released in yesterday's New York Times. Here we find the record of secret negotiations between Mr. Hammarskjold, who foresaw our current problems in the withdrawal of the U.N. force, and the Egyptian Government. We learn that those negotiations resulted in the tacit agreement that the UNEF would not be removed until the General Assembly could meet to determine whether the mission of the troops had been completed.

I can only find it deplorable that our present Secretary General was unable to exercise the vigor and foresight of his predecessor in guarding the stability of the Middle East.

Of still more shocking consequence, however, is the disclosure that Mr. Thant acted not only in poor judgment but in defiance and denial of a negotiated precedent. He contended that the decision to remove the UNEF was his alone, and that—

> It is not for the General Assembly to act; it is not within the competence of the General Assembly to act.

In so doing Mr. Thant not only rejected, but in effect denied the existence of, the procedure established by his predecessor to deal with just the kind of emergency situation which arose in the Middle East. This procedure contrary to Mr. Thant's statement specifically provided the General Assembly with competency to act on this very question which arose. At a time when the need for deliberation and contemplation regarding the Middle East was of the highest order, the Secretary General chose to ignore the means for accomplishing this, so wisely established by Mr. Hammarskjold.

Mr. Thant has stated that the memorandum was known to him. It is truly unfortunate that he did not see fit to follow or reveal the wisdom which it provided for him, for the United Nations and for the cause of peace.

Mr. Speaker, I offer the full text of the Hammarskjold document as reprinted in yesterday's New York Times, for inclusion in the body of the RECORD:

TEXT OF HAMMARSKJOLD MEMORANDUM ON MIDEAST PEACE FORCE

WASHINGTON, June 18.—*Following is the text of an aide-mémoire prepared Aug. 5, 1957, by Dag Hammarskjold, then Secretary General, for his files on negotiations covering the presence of United Nations troops in the United Arab Republic. Before his death, Mr. Hammarskjold gave a copy of the memorandum to a friend, Ernest A. Gross, former United States representative at the United Nations, who has agreed to its publication this week by the American Society of International Law.*

As the decision on the U.N.E.F. [United Nations Emergency Force] was taken under Chapter VI [of the Charter] it was obvious from the beginning that the resolution did in no way limit the sovereignty of the host state. This was clear both from the resolution of the General Assembly and from the second and final report on the emergency force. Thus, neither the General Assembly nor the Secretary General, acting for the General Assembly, created any right for Egypt, or gave any right to Egypt, in accepting consent as a condition for the presence and functioning of the U.N.E.F. on Egyptian territory. Egypt had the right, and the only problem was whether that right in this context should and could in some way be limited.

CABLE FROM BURNS

My starting point in the consideration of this last-mentioned problem—the limitation of Egypt's sovereign right in the interest of political balance and stability in the U.N.E.F. operation—was the fact that Egypt had spontaneously endorsed the General Assembly resolution of 5 November [creating the force] and by endorsing that resolution had consented to the presence of the U.N.E.F. for certain tasks. They could thus not ask the U.N.E.F. to withdraw before the completion of the tasks without running up against their own acceptance of the resolution on the force and its tasks.

The question arose in relation to Egypt first in a cable received 9 November from Burns [E. L. M. Burns, Canadian lieutenant general who was chief of staff of the United Nations Truce Supervision Organization in Palestine and who became in November 1956, commander of the United Nations Emergency Force and is now adviser on disarmament to the Canadian Government] covering an interview the same day with Fawzi [Mahmoud Fawzi, Egyptian Foreign Minister in 1956 and now Deputy Premier for Foreign Affairs of the United Arab Republic]. In that interview Egypt had requested clarification of the question how long it was contemplated that the force would stay in the demarcation line area. To this I replied the same day: "A definite reply is at present impossible, but the emergency character of the force links it to the immediate crisis envisaged in the resolution of 2 November [calling for truce] and its liquidation. In case of different views as to when the crisis does not any longer warrant the presence of the troops the matter will have to be negotiated with the parties." In a further cable to Burns the same day I said, however, also that "as the United Nations force would come with Egypt's consent, they cannot stay nor operate unless Egypt continues to consent."

On 10 November Ambassador Loutfi [Omar Loutfi, chief Egyptian delegate at the United Nations in 1956, later an Under Secretary of the United Nations, who died in 1963], under instruction, asked me, "whether it was recognized that an agreement is necessary for their (U.N.E.F.'s) remaining in the canal area" once their task in the area had been completed. I replied that it was my view that such an agreeement would then be necessary.

On 11 November Ambassador Loutfi saw me again. He then said that it must be agreed that when the Egyptian consent is no more valid, the U.N. force should withdraw. To this I replied that I did not find that a withdrawal of consent could be made before the tasks which had justified the entry, had been completed; if, as might happen, different views on the degree of completion of the tasks prescribed proved to exist, the matter should be negotiated.

The view expressed by Loutfi was later embodied in an aide-mémoire, dated the same day, where it was said: "The Egyptian Government takes note of the following: A. It being agreed that consent of Egypt is indispensable for entry and presence of the U.N. forces in any part of its territory, if such consent no longer persist, these forces shall withdraw."

I replied to this in a memo dated 12 November in which I said: "I have received your aide-mémoire setting out the understanding on the basis of which the Egyptian Government accepts my announcing today that agreement on the arrival in Egypt of the United Nations force has been reached. I wish to put on record my interpretation of two of these points." Regarding the point quoted above in the Egyptian aide-mémoire, I then continued: "I want to put on record that the conditions which motivate the consent to entry and presence, are the very conditions to which the tasks established for the force in the General Assembly resolution [requesting preparations for establishment of the force], 4 November, are directed. Therefore, I assume it to be recognized that as long as the task, thus prescribed, is not completed, the reasons for the consent of the government remain valid, and that a withdrawal of this consent before completion of the task would run counter to the acceptance by Egypt of the decision of the General Assembly. I read the statement quoted in the light of these considerations. If a difference should develop, whether or not the reasons for the arrangements are still valid, the matter should be brought up for negotiation with the United Nations."

MESSAGE FROM FAWZI

This explanation of mine was sent to the Egyptian mission after my telephone conversation in the morning of the 12th with Dr. Fawzi where we agreed on publication of our agreement on the entry of the U.N.E.F. into Egypt. In view of the previous exchanges, I had no reason to believe that my statement would introduce any new difficulty. I also counted on the fact that Egypt probably by then was so committed as to be rather anxious not to reopen the discussion. However, I recognized to myself that there was an element of gambling involved which I felt I simply had to take in view of the danger that further delays might cause Egypt to change its mind, accept volunteers and throw our approaches overboard.

However, the next morning, 13 November, I received a message from Dr. Fawzi to the effect that the Government of Egypt could not subscribe to my interpretation of the question of consent and withdrawal, as set out on 12 November, and therefore, in the light of my communication of that date, "felt impelled to consider that the announced agreements should remain inoperative until all misunderstandings were cleared up." The Government reiterated in this context its view that if its consent no longer persisted, the U.N.E.F. should withdraw.

I replied to this communication—which caused a further delay of the transportation of troops to Egypt by at least 24 hours—in a cable sent immediately on receipt of the communication. In drafting my reply I had a feeling that it now was a must to get the troops in and that I would be in a position to find a formula, saving the face of Egypt while protecting the U.N. stand, once I would discuss the matter personally with President Nasser.

In the official reply 13 November I said that my previous statements had put forward my personal opinion that "the reasons" for consent remained valid as long as the task was not completed. I also said that for that reason a withdrawal of consent leading to the withdrawal of the force before the task was completed (as previously stated) in my view, "although within the rights of the Egyptian Government would go against its acceptance of the basic resolution of the General Assembly." I continued by saying that my reference to negotiation was intended to indicate only that the question of withdrawal should be a matter of discussion to the extent that different views were held as to whether the task of the General Assembly was fulfilled or not. I referred in this respect to my stand as explained already in my message of 9 November, as quoted above.

FREEDOM OF ACTION

I commented upon the official reply in a special personal mesage to Fawzi, sent at the same time, where I said that we "both had to reserve our freedom of action, but that, all the same, we could go ahead, hoping that a controversial situation would not arise." "If arrangements would break down on this issue" (withdrawal only on completion of the tasks), "I could not avoid going to the General Assembly" (with the conflict which had developed between us on this question of principle) "putting it to their judgment to decide what could or could not be accepted as an understanding. This situation would be a most embarrassing one for all but I would fear the political repercussions, as obviously very few would find it reasonable that recognition of your freedom of action should mean that you, after having permitted the force to come, might ask it to withdraw at a time when the very reasons which had previously prompted you to accept were still obviously valid." I ended by saying that I trusted that Fawzi on the basis of this personal message could help me by "putting the stand I had to take on my own rights, in the right perspective." The letter to Fawzi thus made it clear that if the Government did not accept my stand on withdrawal as a precondition for further steps, the matter would be raised in the Assembly.

On the basis of these two final communications from me, Egypt gave green lights for the arrival of the troops, thus, in fact, accepting my stand and letting it supersede their own communication 13 November.

In my effort to follow up the situation, which prevailed after the exchange in which different stands had been maintained by Egypt and by me, I was guided by the consideration that Egypt constitutionally had an undisputed right to request the withdrawal of the troops, even if initial consent had been given, but that, on the other hand, it should be possible on the basis of my own stand as finally tacitly accepted, to force them into an agreement in which they limited their freedom of action as to withdrawal by making a request for withdrawal dependent upon the completion of the task—a question which, in the U.N., obviously would have to be submitted to interpretation by the General Assembly.

OBSTACLES TO SOLUTION

The most desirable thing, of course, would have been to tie Egypt by an agreement in which they declared, that withdrawal should take place only if so decided by the General Assembly. But in this naked form, however, the problem could never have been settled. I felt that the same was true of an agreement to the effect that withdrawal should take place upon "agreement on withdrawal" between the U.N. and the Egyptian Government. However, I found it worthwhile to try a line, very close to the second one, according to which Egypt would declare to the United Nations that it would exert all its sovereign rights with regard to the troops on the basis of a good faith interpretation of the tasks of the force. The United Nations should make a reciprocal commitment to maintain the force as long as the task was not completed. If such a dual statement was introduced in an agreement between the parties, it would be obvious that the procedure in case of a request from Egypt for the withdrawal of U.N.E.F. would be as follows. The matter would at once be brought before the General Assembly. If the General Assembly found that the task was completed, everything would be all right. If they found that the task was not completed and Egypt, all the same, maintained its stand and enforced the withdrawal, Egypt would break the agreement with the United Nations. Of course Egypt's freedom of action could under no circumstances be limited but by some kind of agreement. The device I used meant only that instead of limiting their rights by a basic understanding requesting an agreement *directly concerning withdrawal,* we created an obligation to reach agreement on the fact that the tasks were completed, and, thus, *the conditions for a withdrawal established.*

I elaborated a draft text for an agreement along the lines I had in mind during the night between 15 and 16 November in Capodichino [Italy] I showed the text to Fawzi at our first talk on 16 November and I discussed practically only this issue with Nasser for seven hours in the evening and night of 17 November, Nasser, in this final discussion, where the text I had proposed was approved with some amendments, showed that he very fully understood that, by limiting their freedom of action in the way I proposed, they would take a very serious step, as it would mean that the question of the extent of the task would become decisive for the relations between Egypt and the United Nations and would determine Egypt's political freedom of action. He felt, not without justification, that the definition given of the task in the U.N. texts was very loose and that, tying the freedom of action of Egypt to the concept of the task—which had to be interpreted also by the General Assembly—and doing so in a written agreement, meant that he accepted a far-reaching and unpredictable restriction. To shoot the text through in spite of Nasser's strong wish to avoid this, and his strong suspicion of the legal construction—especially of the possible consequences of differences of views regarding the task—I felt obliged, in the course of the discussion, to threaten three times, that unless an agreement of this type was made, I would have to propose the immediate withdrawal of the troops. If any proof would be necessary for how the text of the agreement was judged by President Nasser, this last mentioned fact tells the story.

It is obvious that, with a text of the content mentioned approved by Egypt, the whole previous exchange of views was superseded by a formal and explicit recognition by Egypt of the stand I had taken all through, in particular on 9 and 12 November. The previous exchange of cables cannot any longer have any interpretative value as only the text of the agreement was put before the General Assembly and approved by it with the concurrence of Egypt and as its text was self-contained and conclusive. All further discussion, therefore, has to start from the text of the agreement, which is to be found in document A/3375. The interpretation of the text must be the one set out above.

WHERE IS THE SOUTH VIETNAMESE ARMY?

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. Kastenmeier] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, recent news reports from South Vietnam have quoted Premier Nguyen Cao Ky as saying that 600,000 American troops would now be required to win the war that is raging there. This would necessitate the sending of an additional 137,000 men to South Vietnam.

Despite the 1964 campaign promise made by President Johnson that American soldiers would not be sent 9,000 or 10,000 miles away to do what the Asians ought to be doing for themselves, we have sent aproximately 463,000 troops to Vietnam and now, the United States finds itself being told by this petty Vietnamese military dictator what our future military manpower commitments ought to be. Although one might ask the whereabouts of the South Vietnamese military forces these days, and question its overall lamentable performance, the sad and tragic fact is that the Rusk-McNamara team will acquiesce in Ky's demand for additional American troops "to do what Asian boys ought to be doing for themselves."

Mr. Speaker, I include an editorial which appeared in the June 16, 1967, New York Times that comments on the conduct of the war:

Premier Ky's War?

Premier Nguyen Cao Ky of South Vietnam has pronounced judgment: 600,000 American troops are needed to win the war in Vietnam. He calmly, and with apparent confidence, made his desires known a few hours after the Pentagon announced that Secretary of Defense McNamara, Under Secretary of State Katzenbach and others are flying to Saigon Sunday.

The United States seems on the verge of one more major escalation of the Vietnamese conflict. General Westmoreland's recent trip to the United States, coupled with seemingly inspired reports from Washington and Saigon, reinforces the belief that an American force of 462,000 men plus other forces at sea and in Thailand is considered insufficient.

All this even though President Johnson said again and again in his 1964 electoral campaign that he had no intention of sending "American boys 9,000 or 10,000 miles away from home to do what Asian boys ought to be doing for themselves."

Unfortunately, Premier Ky's soldiers have not even shown the determination needed to defend their own people in the pacification program. As a result the defensive work as well as most of the offense has had to be taken over by American soldiers. This is aside from the fact that the pacification campaign has, to date, been a failure; its promised revitalization has not occurred.

It would stretch credibility to detach Premier Ky's figure of 600,000 American soldiers from the fact that he is a candidate for the Presidency of South Vietnam and has been conducting an open drive for the post even before the official opening of the campaign. He is apparently running on a program of outpromising any other candidate, with American troops and supplies as his promissory notes.

Escalation on the ground and in the air has merely extended the scope of the war and the casualties without bringing any discernible progress toward an end of hostilities. The sole effect of each increase in forces is to provide the impetus for yet another increase and multiply the risk of world holocaust.

The quest for a military victory in Vietnam has perhaps been spurred by the speed of the Israeli victory in the Mideast. If so, it would be well to consider the enormous and baffling problems that now face Israel, the Arab states and the great powers as a result of a military success that the United States could not at this late stage duplicate in Vietnam.

The longer the Vietnam war goes on and the greater the costs on both sides, the more intractable the obstacles to a negotiated settlement will become. In any case Marshal Ky should be told that the war is not being fought to advance his political career.

STATEMENT BY AMBASSADOR GIDEON RAFAEL TO THE SECURITY COUNCIL ON MAY 29, 1967

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MULTER. Mr. Speaker, on May 29, 1967, Israel Ambassador Gideon Rafael spoke before the Security Council of the United Nations. In his address, Mr. Rafael reviewed the repeated acts of aggression of the Arabs which led to the recent crisis in the Middle East.

I commend to the attention of our colleagues Ambassador Rafael's address as follows:

STATEMENT BY AMBASSADOR GIDEON RAFAEL, PERMANENT REPRESENTATIVE OF ISRAEL TO THE UNITED NATIONS BEFORE THE SECURITY COUNCIL ON MAY 29, 1967

Mr. President, on Saturday, May 13th—just two weeks ago—the streets of Cairo reverberated with the sound of tanks and the cries of agitated crowds whipped up by cheer leaders chanting: "We want war with Israel."

We in Israel looked on this spectacle with detachment, thinking that this was just one more outburst of chauvinist frenzy which is such a common feature of the Arab military dictatorship regimes.

But the tanks and the marching columns did not return to their barracks. They moved forward into Sinai as the spearhead of a massive military concentration along the southern borders of Israel.

While the military machine was moving with ever increasing momentum, the Egyptian propaganda machine poured out a torrent of threats against Israel and charged that we had massed large forces on our northern border in preparation for an attack against Syria.

Although the trumped-up nature of these propaganda allegations was obvious, my Government nevertheless instructed me to inform the Secretary-General of their complete unfoundedness. As the Secretary-General confirms in his first report to the Security Council (S/7896), I conveyed to him on 15 May the assurances of my Government that Israel had not concentrated any troops anywhere, and harbored no aggressive intentions against any of her Arab neighbors. I requested the Secretary-General to convey these assurances to the Arab Governments concerned. He acted without delay on our request and added that the independent inquiries which he had conducted through his own United Nations representatives in the area confirmed the facts conveyed to him by Israel. At the meeting of the Security Council on 24 May, I drew the Council's attention to the relevant paragraph of the Secretary-General's report. This notwithstanding, the Representative of the United Arab Republic in his letter of 27 May to the President of the Security Council not only brazenly repeats this fabrication, but in doing so he distorts the Secretary-General's report. I understand his predicament, but I cannot admire his audacity.

The unfounded charge of alleged Israel troop concentrations is the keynote of the Egyptian case for moving its forces against Israel. If it is pulled away, the whole flimsy edifice of Egyptian propaganda will collapse like a house of cards. By the alchemy of constant repetition, the Egyptian propaganda machine tries to transmute the big lie into golden truth. This technique has been tried before, and not so long ago—with initial success and final disaster for its practitioners.

Mr. President, to return to the narration of the events. On 16 May, one day after my government had conveyed these assurances to the Secretary-General, President Nasser moved against UNEF, and deployed heavy Egyptian forces right along the Israel border. In his report to the General Assembly the Secretary-General, with his accustomed restraint and courtesy, has painted a vivid picture of the attitudes and actions of the Egyptian authorities. An ultimatum was issued, and while it was being delivered Egyptian military forces took over positions held by UNEF, and shells were even fired to speed up the evacuation. With UNEF safely out of the way, more Egyptian forces were poured into Sinai. At this point the situation became critical.

Israel defense forces were still on their normal peace footing. But in the light of these sudden and threatening moves, my Government was compelled to take limited precautionary measures.

On 22 May the Secretary-General, alarmed at the rapidity with which the situation was deteriorating, left on his journey to Cairo. While he was en route, President Nasser, in a fiery speech proclaimed the blockade of the international waterway of the Straits of Tiran and the Gulf of Aqaba.

When the Secretary-General arrived in Cairo, not only did he find himself confronted with the fait accompli of the blockade, but also with the same whipped-up crowds greeting him with cries: "We want war with Israel." Next came announcements that operational blockade measures were being put into effect, and that mines were being laid in the international waterway.

The Secretary-General returned to New York earlier than expected and his report is now before the Security Council. In paragraph 10 of that report (s/7906) he stated:

"The decision of the Government of the United Arab Republic to restrict shipping in the strait of Tiran of which I learned while en route to Cairo, has created a new situation. Free passage through the Strait is one of the questions which the Government of Israel considers most vital to her interests . . . While in Cairo, I called to the attention of the Government of the United Arab Republic the dangerous consequences which could ensue from restricting innocent passage of ships in the Strait of Tiran. I expressed my deep concern in this regard and my hope that no precipitate action would be taken."

Mr. President, this is President Nasser's reply to the representations made to him by the Secretary-General. On 26 May he said:

"Sharm el Sheikh means real confrontation with Israel. Taking such a step means that we should be ready to enter full-scale war with Israel. It is not an isolated operation."

This speaks for itself.

As the Secretary-General himself has stated, the important immediate fact is that the situation in the Straits of Tiran represent a very serious potential threat to peace.

The position of my Government was stated in unambiguous terms by the then Foreign Minister of Israel at the 666th Plenary meeting of the General Assembly on 1 March 1957, and I repeated that statement when I spoke at the meeting of the Security Council on 24 May last. I wish to confirm today again in the most solemn terms that this is the position of the Government of Israel. Every interference with the freedom of navigation in these waters is offensive action and an act of aggression against Israel, the infringement of the sovereign rights of all nations to the unimpeded use of this international waterway and a gross violation of international law.

There is today no controversy whatsoever over the international character of the waterway in question. For ten years now it has been used uninterruptedly, hundreds of thousands of tons of shipping with all their different cargoes and under many different flags including Israel's have freely passed to and fro.

I wish to recall, Mr. President that statements recognizing the international character of the Straits of Tiran and acknowledging that freedom of navigation for all countries is the rule there were made at the 666th, 667 and 668th Plenary meetings of the General Assembly in March 1957 by many countries, particularly those with important maritime interests, notably the U.S.A., Argentina, France, United Kingdom, Italy, Netherlands, New Zealand, Australia, Japan, Belgium, Canada, Norway, Sweden, Portugal, Iceland and Denmark, and others.

In response to the recent unilateral and arbitrary action of the Egyptian Government many more unambiguous and emphatic statements by these and other Governments, have been issued, not only in support of Israel's vital rights and interests in the Straits of Tiran and the Gulf of Aqaba, but also to uphold their own rights and interests and to safeguard the integrity of the law of the sea.

In face of the proclaimed lawlessness of the Egyptian Government, the assertion of these rights and the protection of the established law is a matter of supreme and urgent concern to each member of the international community.

In the light of this situation, the eviction of UNEF from its position at the entrance to the Straits, at Sharm el Sheikh, was not only an act of defiance of the will of the United Nations and a violation of Egypt's pledged word, but was the signal for the revival of belligerence after ten years of tranquility in the Gulf of Aqaba.

What, Mr. President, was the real role of UNEF? Its main tasks were in Sharm el Sheikh and in Gaza—to see to it that Egypt did not interfere with freedom of navigation, and to deter terrorists and marauders from crossing the borders of Israel. UNEF acquitted itself of these two tasks with distinction. Israel, along with all peace-loving nations pays tribute to the officers and men of the Force who have so faithfully carried out their strenuous mission for peace.

From what I have said it becomes obvious that a United Nations force has no tasks to fulfill in Israel. The entrance to the Gulf of Aqaba is not in Israel, and the marauders and infiltrators do not operate from Israel territory.

Mr. President, the proclaimed and practiced policy of belligerence so brazenly pursued by the Government of the United Arab Republic is the crux of the matter. This is the underlying cause for the present and other crisis situations in the Middle East.

This belligerence made an empty shell of the Armistice Agreement. The two central violations of the Egyptian Israel Armistice Agreement are the denial of free passage in the Suez Canal and the denial of free passage in Aqaba. In September 1951, the Security Council ruled that such belligerent practices and blockades cannot co-exist with the armistice regime.

While the United Nations ruled that belligerence is incompatible with the armistice regime, Egypt wants to use the armistice agreement and United Nations machinery as a cover for the continuation of that very belligerency which the Armistice Agreement was intended to end. This is the meaning of the innocent-looking sentence where the Secretary-General reports President Nasser's assurances that all that he wanted was "a return to the conditions prevailing prior to 1956". What were these conditions, Mr. President? Illegal blockade of the Suez Canal; armed incursions by organized gangs of Fedayeen; and illicit interference with the freedom of navigation through the Straits of Tiran. The Government of Israel will not permit a return to these conditions.

This is the real issue, and not the mixture of stale allegations and fictitious charges put forward by the representatives of the United Arab Republic. . . . The Representative of the U.A.R. has presented to the Council at length and in detail his version of the historical developments of the last twenty years. It was a fascinating exercise in fiction and diversion. Unfortunately, he forgot to mention one basic fact which determined the course of events to follow: On May 15, 1948, the Egyptian Army and those of other Arab states invaded the State of Israel with the avowed aim communicated to the Secretary-General of the United Nations to occupy the territory of Israel and to destroy its independence. This aggression, which was committed in flagrant violation of the charter and of General Assembly and Security Council resolutions, was resisted and defeated by the people of Israel.

It is this unsuccessful attempt to wipe out Israel which is the basic cause for the future developments. This Arab invasion of Israel was called at the time by the principal members of the Council by its true term: aggression. And all that followed is directly traced back to that aggression—and to that alone. If there is still any doubt, Colonel Nasser himself has dissipated the last vestiges of it and thrown off all pretence. In his speech before the Central Council of Arab Trade Unions on 26 May 1967 he revealed his true intentions—not new to Israel or to those who knew the realities of the Middle East, and shocking to those who believed that they were dealing with a responsible leader. This was his message:

"The Arab people want to fight.

"We have been waiting for the suitable day when we shall be completely ready since if we enter a battle with Israel we should be confident of victory and should take strong measures. We do not speak idly.

"We have lately felt that our strength is sufficient and that if we enter the battle with Israel we shall with God's help, be victorious. Therefore, we have now decided that I take real steps.

"UNEF stays as long as we wish and until we are ready. I have said at one time that within half an hour we can say to the UNEF: go. And this is what has really happened.

"The battle will be a full-scale one and our basic aim will be to destroy Israel."

Mr. Presidents, these threats do not need any interpretation. This is not the first time in our generation that we have seen to what lengths of folly dictators can go unless checked in time, and what disasters they can inflict on mankind, including their own people. Is it too late to hope that this organization, born out of the shambles of a dictator's madness, will rally in defense of its own principles and restrain President Nasser from the course on which he is set? The people of Israel, steeled in hardship and oppression, stand firm, resolute and united and will not shrink from defending their liberty and independence.

It is not too late for reason to prevail. The Government of Israel believes that four immediate steps should be taken in the present crisis:

(1) All inflammatory statements and threats against the territorial integrity and political independence of any state should cease.

(2) The Charter obligation of non-belligerence must be strictly complied with.

(3) The armed forces should be withdrawn to their positions as at the beginning of the month.

(4) All forms of armed incursions, acts of sabotage and terrorism should cease, and the Government concerned should take all steps to prevent their territory from being used for these hostile acts.

(5) In the Straits of Tiran and the Gulf of Aqaba there should be no interference with any shipping.

If these steps are taken promptly, the deep anxieties of the hour will be lifted and the present dangerous tensions will subside.

STATEMENT OF HON. ABRAHAM J. MULTER IN FAVOR OF REORGANIZATION OF DISTRICT OF COLUMBIA GOVERNMENT

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MULTER. Mr. Speaker, on June 14, it was my privilege to testify before the Subcommittee on Executive and Legislative Reorganization of the Committee on Government Operations in favor of the President's Reorganization Plan No. 3 of 1967 for the District of Columbia.

I know that all of our colleagues are in favor of making our Capital City a model for the country and the world. I therefore call their attention to my statement, which follows:

A MORE RESPONSIVE AND EFFICIENT GOVERNMENT FOR THE DISTRICT OF COLUMBIA

(Statement of Hon. Abraham J. Multer, Democrat, of New York, before Subcommittee on Executive and Legislative Reorganization, House Committee on Government Operations, June 14, 1967)

Mr. Chairman: I very much appreciate the opportunity to appear before you this morning in support of Reorganization Plan No. 3 of 1967 submitted to us by the President on June 1st.

As you know, Reorganization Plan No. 3 is designed to provide the people of the District of Columbia with, in the words of President Johnson in his February 27th message on the Nation's Capital, "The most responsive and efficient government we are capable of providing."

In 1965 the House rejected—temporarily, I am sure—a bill to give true home rule to the District of Columbia. In its place it substituted a "Referendum" bill which never got to conference with the Senate. It was my privilege to be the sponsor of the Administration's Home Rule bill and to play a role in the attempt to enact it into law. I have supported home rule legislation since I came to the House in 1947.

We are not, however, here considering Home Rule, much as we may want it. That is within the jurisdiction of the District Committee. This committee does have jurisdiction over this Reorganization Plan and I will address myself to that.

The District of Columbia government needs an overhauling. It has needed it for too long.

The commission form of government is outmoded and today's urban problems demand a more efficient form of government. President Johnson is giving the people of Washington that opportunity in Reorganization Plan No. 3.

I have taken an active interest in city government all of my adult life. I have served as counsel to the Democratic Leader of the New York State Assembly devoting a large part of my service to New York City legislative problems. Prior to my election to Congress in 1947 I served as special counsel to the Mayor of New York City handling City Home Rule legislation that was requested from the State Legislature. For about twelve years I have been a member of the House Committee on the District of Columbia. During those years I have become acutely aware of the many deficiencies of the commission form of government we have here in Washington. It is no reflection upon those who have taken upon themselves the task of serving as Commissioners that this is true, since the system itself is at fault and only rarely those who administer it.

All of my experience leads me to the conclusion that I express to you—the District government badly needs reorganization and the plan before this Committee offers the best answer to that need.

This plan will put the responsibilities for executive leadership in the hands of one man who will be expected to exercise that leadership in the best interests of the people of Washington. He will be aided by a City Council made up of residents—those most familiar with the city's problems and most capable of dealing with those problems.

The plan in no way usurps the legislative responsibilities of either the House or Senate Committees on the District of Columbia.

This is not a substitute for home rule and I hope that no Member of the Congress will consider it as such. The people of the District of Columbia are still taxed without representation—a phrase which may have a familiar sound to the Members of the Committee—and they still have no voice in any way in the House or in the other body. This plan does not give that to them and no reorganization plan can do so. That can be initiated and accomplished only by the full legislative process.

The same is true as to any attempt to give the City of Washington an elected executive and/or an elected council or local legislature.

However, we must not let the situation in the District continue as it has since the 1870's when representative government was abolished. The Congress must allow this plan to take effect if there is to be any improvement in the situation.

There are those who suggest that the plan is in need of improvement or that it should be rejected in its entirety. This plan has been known to the Members of the Congress and the Members of the House District Committee since the President carefully outlined it in his message of February 27, 1967. At no time since, have I heard any reason which would merit rejection of the plan.

If the objective of some of my colleagues be to improve still further the government of the District of Columbia, that may be done by legislation which is and will remain the full province and opportunity of the Committee on the District of Columbia.

But the prospects for such legislative improvements are not encouraging. All the time I have served on the District Committee I have urged the strengthening of the District's government structure. The Committee has been many times to the well, but the District has never had a drink of water.

The lesson of our legislative history is that the detailed job of government reorganization must be done by means of a reorganization plan. This is what the Hoover Commission recommended and this is what the Congress directed in the Reorganization Act of 1949. I hope that Congress will allow this plan to go into effect.

I need not, I am sure, describe the plan to the Members of the Subcommittee. You have heard able supporting testimony from Members of your own Committee as well as your colleagues on the District Committee on both sides of the aisle. Better government is not, I am pleased to say, a partisan issue.

I do, however, wish to state briefly what I see as the strength of the proposed new structure for the District government.

It will—

Bring strong executive leadership and new esprit to the District government;

Replace the outmoded commission form of government with its divided leadership and closed and clouded lines of authority and responsibility;

Establish through the Council, official representation for citizens of the District in the making of rules, regulations and budgets of their local governments;

Increase the capacity of the District government to draw top personnel;

Give the District a strong representative for negotiations with other area governments and federal agencies;

Allow the President to search nationwide to head up the District government;

Give unified direction to government responses to urban problems, reduce overlapping and improve coordination of programs.

The plan is not a substitute for home rule. It will not bring elected government. This can only be done by legislation and I hope the District Committee will turn its heightened attention to that longstanding need.

In the interim, however, the District must have better government, better management and broader citizen participation. The plan provides all three.

Let me turn now to the opposition to this plan as posed by some of our colleagues.

Discussion of motives rarely accomplishes anything except to fray tempers.

Nevertheless, I dare say only because I believe it needs saying: The only reason for opposition to this plan is legislative pride of authorship and I deem it false pride. What else can account for the introduction of this plan as a bill which has been referred to the House District Committee?

Everyone, including all of the opponents who serve on that District Committee, agree that the District government needs reorganization.

Why, therefore, has not one of them, ever before June 5, 1967, introduced a bill to accomplish that?

How many more years of service on that committee will they need to study the problem?

How many more years do they need to study this plan?

We have heard from the sponsor of the bill embracing this plan word for word, that the plan needs improvement. He says he cannot make any specific suggestion as to how or in what respects until he studies it some more. I would think that introduction of a bill in a Member's name is a certification by that Member that he knows its contents and that he sponsors its provisions.

He says that if the plan becomes effective under its terms, turmoil will result. He gives us no intimation of how such turmoil can be avoided if his bill or any other reorganization plan becomes effective.

He tells us that a recommendation has been made as to reorganization which can be accomplished by the District Commissioners, without Presidential or Congressional action.

He overlooks the obvious. Good or bad, the District Commissioners have no intention of following that route. They are supporting this plan. Furthermore, the three District Commissioners cannot replace themselves with one Commissioner, nor can they provide for a council as called for by this plan.

Opponents of the plan say they do not like an appointed council and that an elected council is better. They refuse, however, to commit themselves to introduce or support a bill for an elected council.

They quibble about the council being bipartisan or non-partisan, but refuse to indicate how the matter should be handled.

They argue about residence requirements of the Commissioner, but will not say what they should be.

No one says it, but I ask how many of the opponents of this plan are concerned about the racial complexion of the Commissioner and of the Members of the Council.

Are they afraid that the non-white residents of this community will prove their loyalty, competence and integrity in government?

The argument that the law does not permit reorganization by this method falls of its own weight when we read the statute which specifically and in so many words permits it.

This plan scrupulously adheres to and stays within the four corners of the statute.

It does not add to or take away any authority or power heretofore vested in the District government by legislative enactment.

Moreover, there is no impairment nor impediment of the privilege, power and right of the Congress to change any thereof.

Permit me to briefly outline the history of this plan so that the Congress may properly evaluate the opposition to this plan.

On February 27, 1967, the President, in a message to Congress, outlined this plan. Almost immediately thereafter the House District Committee was convened in executive session with a view to adopting a resolution opposing the plan on the ground that it would invade that Committee's jurisdiction.

I urged that the Committee immediately proceed to acquire jurisdiction by introducing legislation and conducting hearings to accomplish the reorganization.

No such action was taken.

The President did his utmost to get the best advice available on what should be in and what should be omitted from this plan.

Every Member of the District Committees of both bodies of Congress was given every possible opportunity to make suggestions to improve this plan. There was full and frank discussion of every facet and fair consideration given to all thereof.

Every Member of the House District Committee received a draft of the plan with several alternate provisions covering those matters as to which a difference of opinion had been expressed. We were requested to indicate our preferences as to those items as well as any other ideas we wished to express.

It was only after the expiration of a reasonable time thereafter that the President sent us this plan.

We then spent two more days in informal executive session of the House District Committee to review the plan in detail.

It is my very considered opinion that not a single valid objection was developed to any part of this plan.

It was made clear that the legislative jurisdiction of the District Committees and of the Congress were neither being trespassed upon, invaded, nor prejudiced in any manner whatsoever.

The Committees were and are free to recommend any bills they see fit to add to, take away from or change any part of this reorganization in advance of it becoming effective, simultaneously therewith or at any time thereafter.

I urge that the plan be approved and that this Committee recommend against passage of any disapproving resolution.

Again, I thank you for the opportunity to present my views to you.

THE KENNEDY ROUND

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. DENT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DENT. Mr. Speaker, while the details of the Kennedy round results are not yet available, enough is known to greet it as a time bomb loosed against the American economy. It is the product of a doctrine that fits the modern competitive realities of American industry and agriculture in world markets about as well as a tintype fits the modern camera.

After the shouting and the huzzahs die down these realities will rise from the fog and economic facts of a stubborn kind will stare us in the face. The need for protective devices will not be reduced but will grow.

As the tariff disappears as a safeguard other devices will take its place. Nontariff trade barriers will assume greater importance. International negotiations as twisted and tortured as was the Kennedy round do not change the facts of economic relations. The United States is competitively weak even under the existing tariff levels. It is weak in the face of imports. It is weak in foreign markets.

Some other countries are also competitively weak vis a vis yet other countries in varying degrees. They will not hesitate to do what they regard as necessary to safeguard their industries and agriculture. It would be living in dreamland to believe the contrary.

This country lost heavily in the Kennedy round. Its dependence for protection aside from a few agricultural products rested almost wholly on the tariff. This is not true of other countries. The tariff was the lesser of their protective devices. We are in the position of disarming ourselves of the predominant weapon in our arsenal. The other countries merely give up one of many pieces in their arsenal.

The inevitable demand in this country in the future will be for the greater use of nontariff barriers.

The overwhelming factor in our international trade resides in our high level of wages on which our economy depends for moving the vast volume of goods turned out by our industry and agriculture. The technological lead over other countries that in the past made it possible to maintain our insular economic position in a world of much lower wages is disappearing, contrary to the complaint of other countries about the brain drain to the United States. Competitively these high wages are an export liability and a handicap in the face of imports, much as our economy at home depends on them.

Scores of industries important to our economy already face a deteriorating competitive outlook in foreign trade. With present tariff levels coming down 10 percent each year for 5 years, the outlook will be bleaker yet. The flight of capital overseas will be accelerated.

Imports of manufactured goods, already a menace to many industries, will find our market an increasingly easy mark. Labor will feel the impact sharply.

This is the situation. The early praises of the Kennedy round will fade away in years ahead as the disenchantment sets in.

KENNEDY ROUND—A DECLARATION OF WAR

When the President of the United States signs the Kennedy round agreements—and he will sign them, no matter what is in them—he will be ordering the indiscriminate bombing raids upon the U.S. enterprise system.

The free enterprise system is based upon equipment, employment, distribution, and consumption.

The Geneva agreements make it possible for trade cartels based upon foreign shores to destroy the U.S. economy legally and legitimately and the casualties aside from the shareholders of domestic domiciled industries, production and service employment, will be even more so, the communities of America.

However, this is supposed to be beneficial to our economy according to the views of our trade negotiators and the import-export alliance. Let us see what the Geneva crowd believes in this regard. "If you are in municipal government, think how this savings can be reflected in local projects such as new buildings, road improvements and sewer and water pipe systems. If you are a manufacturer, look at the savings you get through imported steel and what this can mean for your profits and the future of your company."

Not only is it healthy for our communities to become ghost towns, but it is also beneficial to the American manufacturers according to the Geneva crowd. Here is what is advised for U.S. industry, "Save money by foreign steel imports."

This is the Geneva agreement. It may sound oversimplified, but there is no oversimplification in what the results will be.

In spite of the hoopla, propaganda, and rosy promises, this agreement at this time spells death and destruction to hundreds of small industrial entities and hundreds of thousands of U.S. jobs.

Balancing our payments by buying from foreign factories and farms will be contrary to the cold unrelenting rules of the economics of production, distribution, and consumption.

We cannot subsidize every export and yet the only volume exports we have are subsidized. Many foreign governments do subsidize exports, however, they make up in their internal economy by using the Yankee dollar as a rubberband around the everchanging values of their own local currency.

For instance, every time a Canadian sells $100 worth of products for U.S. dollars he picks up $8 extra in Canadian currency. When a U.S. automaker sends a Canadian-made Ford car to the United States selling for $3,000—United States—he charges himself $3,240 Canadian and when he sends a U.S. $3,000 Ford to Canada it costs the Canadian buyer $3,240—Canadian.

I wonder if our Geneva trade experts ever had to sell a product carrying an 8-percent handicap let alone the extra cost of production mandated by Congress by way of fair labor standards, taxes, and our diplomatic free lunch counter.

I include the following letters:

PITTSBURGH, PA.,
May 20, 1967.

Hon. JOHN H. DENT,
Rayburn Building,
Washington, D.C.

DEAR CONGRESSMAN DENT: Some years ago when you told me that you thought your fight for protective tariffs might hurt you politically, I expressed my opinion that eventually the majority of your constituents would understand you were fighting fairly and vigorously for their best interests. In the recent national election and in the recent congressional hearings on tariff protection, there is evidence that your good work is being recognized.

Recent decisions by the U.S. Supreme Court have raised new barriers against business mergers of three kinds: horizontal, vertical, and conglomerate. What kind of merger remains? Merger decisions are no longer in the hands of industrial leaders, but are permitted or forbidden by bureaucrats whose decisions may be voided by the Federal Trade Commission or the Department of Justice. In contrast to our Administration's attitude toward mergers, other industrial countries' leaders are advocating mergers as the principal method of meeting competition from successful U.S. industries. The Confederation of British Industry, through its Director-General John Davies, is advocating more mergers, both in Britain and in the United States. General de Gaulle is urging mergers and offering subsidies, as a result of which the two largest (and formerly competing) French producers of aluminum have just agreed to merge. In the first eight months of 1966, 1600 business mergers took place in France; Sweden reports that two-thirds of the companies listed on the Stockholm Stock Exchange were involved in mergers within the last year, and notes that most of the mergers were between competing companies!

Our citizens are almost wholly unaware of what agreements may be entered into in Geneva in connection with the GATT agreement. This week I talked with several individuals who are very heavily involved in the textile industry and they are well aware of the fact that when the agreements are completed their companies may be unable to continue in business. You know our steel industry from the ground up, and you know how hopeless their case will be if their foreign low-wage, state-subsidized competitors are given any more advantages; our steel industry will suffer severe losses in employment, in their stock market standing, and in their ability to secure funds for replacement, as well as for expansion and further modernization of their facilities.

Never in my long life do I remember of any time when there were so many civil disturbances and so many international disputes which threaten us with another world war. How can our country defend itself if we are unable to produce steel and textiles for military purposes, and how could we import these requirements from other countries with our former ocean transport capacity so seriously reduced? You are more familiar with such problems than I am, and I hope you will be able to persuade the members of Congress that we must defend our industries and commerce from any further deterioration or our domestic economy will be ruined.

With congratulations on the recognition which you are receiving, and best wishes for your continued success, I remain,

Respectfully yours,
WILLARD F. ROCKWELL.

JUNE 14, 1967.

Col. W. F. ROCKWELL,
Pittsburgh, Pa.

DEAR COLONEL: I must admit I enjoyed your letter aside from your undeserved compliments, the contents is a true presentation of the simple facts of our ill-fated venture into the jungle of foreign relations using our U.S. economic system as a bait.

I attended a glove convention last week and reminded the group that when I spoke to them five years ago I warned, a then healthy industry, of the dangers in the Kennedy five year Trade Extension Act. I said, "you were healthy, I trouble for you, you're sick now and in five years if you invite me back you'll be holding a wake not a convention." I meant it. Too many U.S. industries including steel, aviation, agriculture and a few more were so sure that what happened to the clothespin maker, the shoe and glove makers, glass, ceramics, coal and others could not happen to them; they were too big, too powerful and in "too well" with the political powers.

They have learned and have more to learn. Their twilight years are upon them and unless they join hands and come up with a few answers for survival the long nite of bankruptcy faces many of them.

I try to be calm, but in the face of the evident truths of our Kennedy Round sellout, how can any American remain complacent. I pray I am wrong. I would be glad to give up my seat in Congress and admit I am the most ignorant trade "expert" in the U.S. if it would help, but you can't close your eyes to reality. No high waged high cost economy can survive in a free trade war with competitors having everything plus cheap wages and near slave working conditions.

I am afraid Willard, that we have engineered the greatest self destroying compact in the history of international trade. We are displaying political and tyrannical colonialism with economic colonialism.

This is the perfect out for those amongst us who have fought the free movements of labor, the restrictive covenants of Government and custom against child labor, sweat shops, the company owned police forces and slave wages.

We have closed our doors at home to the exploiters, the monopolists, the profiteers and opened up the whole emerging world of poor underprivileged peoples to this scourge of civilization, from this and other countries.

They will leave in their wake about the same benefits that a swarm of locusts leaves in a wheat field. Only trouble, arguments, bitterness and eventually war can follow in their footsteps.

I attach a copy of what I believe the Kennedy Round does "for" the U.S. enterprise system.

With kindest personal regards, I am,

Sincerely yours,

John H. Dent.

FRANK WHISTON REELECTED AS PRESIDENT OF CHICAGO BOARD OF EDUCATION

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Annunzio] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, on Friday, June 16, Mr. Frank M. Whiston was reelected to his fourth consecutive 1-year term as president of the Chicago Board of Education.

His reelection is a well-deserved tribute to his outstanding work in the field of education, and it gives me great pleasure to extend my heartiest congratulations to him.

Mr. Whiston has contributed his efforts and his talents, without compensation, for more than 16 years to the cause of learning for the schoolchildren of Chicago. He has always served with distinction, and he has earned the highest respect and admiration of his fellow citizens for his ability and his integrity.

Those who have the good fortune of knowing Frank have the rare privilege of knowing a generous and humble man totally dedicated to public services. His educational efforts over the years represent a tremendous contribution on his part both to the parents and to the schoolchildren of our great city of Chicago.

I am delighted therefore, to join his host of friends in wishing him continuing success in his fourth term as president of the Board of Education of the city of Chicago, and to include, at this point in the Congressional Record, an editorial from the Sunday, June 18, edition of Chicago's American, voicing approval of his reelection. The editorial follows:

WHISTON'S REELECTION

Frank M. Whiston didn't campaign for president of the Chicago board of education, but he was elected Friday to his fourth consecutive one-year term. This was a victory for the city rather than for Whiston.

Our admiration for Whiston, a 72-year-old real estate executive, has grown with his willingness to take on the world's toughest unpaid civic job for another year. It will be his 20th year on the board, and evidently his last. This year Mayor Daley and the board are to seek another president whose qualities can match his. The job won't be easy.

Whiston has been a patient, tireless worker who has guided the board and the entire school system thru some of its most trying times. He has been an exceptionally effective mediator, a brilliant administrator and a strong leader.

By this time next year, Whiston will have given the city and the school board more than they would have a right to ask of anyone. His willingness to give makes the contribution even more valuable.

CONGRESSMAN FRANK ANNUNZIO WOULD PLUG TAX LOOPHOLES TO AVOID HUGE FEDERAL DEFICIT WITHOUT INCOME TAX RATE INCREASE AND CUTBACKS IN HUMAN RESOURCES PROGRAMS

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Annunzio] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, our financial and capital markets are facing the frightful prospect of financing $20 billion of additional Treasury borrowings during 1967. There is a serious question that our money markets can actually handle demands of this magnitude. We are faced with ever-rising budget deficits because of the high cost of the Vietnam war. These deficits must be financed. Furthermore, the borrowings of State and local governments to finance needed public projects, plus the demands of the private sector such as long-term corporate financing, also must be met.

It may very well be that satisfying all of these demands may be asking too much of our capital formation capacities. It is not unlikely, therefore, that later this year as these demands are made upon the money markets, we may be confronted with the same panic conditions found in Wall Street last August and September unless something is done. In such a case, interest rates will again soar to new record levels, the liquidity of our financial institutions will be at the vanishing point, and the housing market will once again be starved for funds and utterly demoralized.

Mr. Speaker, we must finally face up to the fact that ours is a wartime and not a peacetime economy. I am not suggesting wage and price control, rationing, and all of that, but I am suggesting a properly coordinated fiscal and monetary program.

Our main problem at this particular point is that we are not exercising adequate and proper management of our economic machine. As greater and greater demands are made upon our productive capacities both in terms of materiel and finance, the strains of operating a wartime economy with "business as usual" peacetime policies may prove disastrous. We must realize that we can no longer be at war in a military sense abroad and at peace in an economic sense at home.

Now back to the $20 billion of Government financing during 1967. Without a doubt, if the Government expects a deficit approaching $20 billion in fiscal year 1968 by spending that much more than it takes in, this might prove highly inflationary unless the monetary authorities clamp down hard on the supply of new money. But if the Federal Reserve decides it must tighten up on monetary growth and reduce demand to prevent price increases, then it will be extremely difficult, if not impossible, to finance a $20 billion deficit without demoralizing our money, capital, and mortgage markets and causing a genuine money panic just as we had last August–September.

I am suggesting, therefore, not that a tax increase is necessary to reduce a large deficit, or to keep interest rates low or to dampen inflationary pressures. I am suggesting instead that increased revenues are necessary to prevent economic chaos, given the demands upon our economy by the Vietnam war.

Also, with increased revenues, we can press forward our vital programs of human resource development at home while supporting the military effort in Vietnam. Certainly we should not cut vital nondefense spending any more than we should cut vital defense expenditures.

However, let us assume that we use our money creation powers to meet the huge demands of the Government for new borrowings. For instance, by massive Federal Reserve purchases of long-term Government bonds, market yields on presently outstanding issues could be brought below the statutory 4¼-percent ceiling so that the Treasury could float a large amount of long-term bonds at a low rate of interest. Sales of short-term securities would reduce the inflationary side effects of such massive bond purchases. By lengthening the average maturity of the national debt the congestion in the short-term market we have recently experienced would evaporate. Rollovers of maturing issues would be less frequent and debt management not only would be less expensive but less disruptive of our capital markets and less inflationary as well.

But, experience has taught us not to rely too heavily upon the monetary authorities, because monetary policy is not precise, nor predictable, nor flexible, nor equitable. Recent bond purchases by the Fed do not necessarily indicate a new basic policy but instead may be only a temporary, limited move toward slightly more ease in bond yields and more firmness in bill and note yields. Certainly one cannot attribute to the purchase of $100 or $200 millions of bonds an intention to bring market yields down within the 4¼-percent rate ceiling to permit large scale long-term Treasury financing.

And even assuming the uncertain cooperation of the Federal Reserve to fully commit the Nation's monetary powers to finance the Vietnam struggle with a minimum of expense and money market disruption, is such a course the best course? Put another way, is borrowing to finance a wartime deficit better public policy than tax revenues to prevent that deficit, even though the borrowing can be accomplished at rockbottom interest costs, without market disturbances or an inflationary impact? I think not.

Is it not more equitable, as well as good economics, to use fiscal policy to finance public expenditures as full employment is approached? Is not the only time when a substantial budgetary deficit—either in the national incomes account budget or otherwise—becomes desirable is where there is substantial unemployment and insufficient demand for goods and services? This is certainly not the situation facing our policymakers today, is it my colleagues?

Does not equity and efficiency require the far more precise, predictable and effective taxation method to achieve our policy goals rather than massive borrowings, endless bond flotations and an exploding national debt along with a high-interest burden and a deprived domestic sector? Are not we expecting too much of monetary policy to finance the Vietnam war at reasonable rates of interest without inflation and without undue demands upon our capital markets? Gentlemen, we are asking the impossible. Let us face facts; let us act immediately to put this war on a pay-as-you-go basis and remove the threat of financial panic from the economic scene, at the same time helping the less fortunate members of our society stand on their own feet.

We financed only 25 percent of the cost of World War II by taxation. This is not an enviable record. War should be made unprofitable to all, not just a few. Neither should it be inflationary. So what is the best method to handle a threatened deficit requiring raising a quick $20 billion?

My suggestion is simple. Why borrow the money at interest for future generations to pay? Cannot we find a more fair and equitable and less inflationary means to raise the $20 billion? Cannot we even reduce the need for borrowings altogether merely by eliminating wartime budget deficits? Certainly we can, simply by greater tax revenues. Since it is more equitable and more efficient to use fiscal instead of monetary weapons, then is the 6-percent surtax the route to take? My answer to that, gentlemen, is a firm "No."

Not only is the surtax in part a regressive tax, burdening the lower and middle income earners more than the wealthy, but it also avoids a long neglected and vital public policy question. Who will deny the equity, efficiency and, most of all, the prudence of putting our finances on a wartime footing at once, at the same time plugging tax loopholes? Increased revenues from tax reforms are without question fairer and more defensible than imposing a 6-percent tax surcharge on all our citizens.

The additional annual revenues received can finance the war, avoid deficits, avoid inflation, avoid money market disturbances, and high-interest rates. These revenues would be a godsend to the poor, the ignorant and the handicapped. Is it not high time, colleagues, that we set about living up to the pledge we made to the American public in enacting the 1964 tax reduction amendments that tax reform would soon follow? May I suggest that the municipal and industrial revenue bond racket, the oil and mineral depletion allowance scandal, tax exempt foundation abuses, and other tax gimmicks and special privilege loopholes once and for all be removed from our tax laws?

If we act with courage and determination we can finance this war without the 6-percent surtax, or any tax rate increase at all, and without massive Treasury borrowings which push the national debt closer and closer to $400 billion and debt interest costs to $20 billion a year, squeezing out human programs from receiving the increased financial support they deserve. Needless to say, if my advice is followed, it will be wholly unnecessary to increase the debt limit.

But whatever route we take, the more equitable or the less equitable, the die must soon be cast because we are running out of time, and failure to be prepared will be catastrophic. I fervently hope that administration policymakers will heed my words.

URBAN GOVERNMENT EXPERTS PRAISE PRESIDENT'S DISTRICT OF COLUMBIA REORGANIZATION PLAN

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Fraser] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FRASER. Mr. Speaker, the President's reorganization proposal for the government of the District of Columbia has received much comment. Unfortunately, much of the comment has not dealt with the substance of the reorganization plan.

The most thorough study of the reorganization plan has been written by Dr. Royce Hanson and Mr. Henry Bain, the president and senior associate, respectively, of the Washington Center for Metropolitan Studies. The Washington center is a research organization which studies problems of the Washington metropolitan area.

Dr. Hanson and Mr. Bain are knowledgable about the effectiveness of the present District of Columbia government, and aware of what needs to be done to improve that government. Their analysis is a careful, objective statement.

They urge that the reorganization plan not be oversold, and that there is much that it fails to do. However, their overall conclusion is that the plan should be supported. To quote from their conclusion:

> On balance, it would appear that the Reorganization Plan constitutes a substantial improvement in the government of the District of Columbia. From the point of view of the Congress, it should provide a far more effective administration of the laws and policies set by the national legislature for the Federal city.

I include their analysis as a part of the Record:

The Commissioner and The Council

(An analysis of the President's reorganization plan for the government of the District of Columbia, by Royce Hanson and Henry Bain)

FOREWORD

On June 8, 1967, the Washington Center for Metropolitan Studies conducted a seminar on the President's Reorganization Plan No. 3 of 1967: "To Provide a Better Government for the Citizens of the Nation's Capital." This paper, presented at the seminar, is the first in a projected series on the governmental problems of the Washington metropolitan area.

The authors have tried to do three things: (1) To provide a general framework and national perspective within which to assess the Reorganization Plan; (2) To describe the most salient features of the plan and evaluate their probable impact on the governance of the District of Columbia; and (3) To discuss some implications of the plan.

It is our hope that this report will assist citizens and public officials concerned with this proposal to understand more fully its significance for the city.

I. THE CHANGING REQUIREMENTS OF URBAN GOVERNMENT

From routine administration to the complexities of today

Urban government in recent years has undergone a profound change in approach. Not long ago, the functions of urban government were assumed to be routine in nature, requiring simply honesty, efficiency, and economy. The decisions to be made by city officials were regarded as technical rather than political, and it was often asserted that there is no Democratic or Republican way to build a sewer or pave a street.

But the key problems of urban government today are not routine. Some, such as the problems of civil rights, are very dramatic. Many, such as poverty, are also quite complex and frequently require involved organizational relationships. Today's urban issues involve intensely debated social and political questions. The organizational problems that are associated with mounting a successful attack on crime and violence reach far beyond administration of the police department. Difficult economic problems are encountered in formulating a viable housing program. A youth services program raises a multitude of complex issues, ranging from problems of mental health and social psychology through the problems of law enforcement machinery and administration of the courts. Within the past year the Model Cities program has underscored the need to find mechanisms to mobilize almost all of the resources of the city, public and private, and to concentrate them on particular areas of the city. None of these are routine problems. They are not the kind of problems that can be neatly subdivided into line departments over which apolitical administrators can be placed and told to go out and do good to the citizens and to the city. They are problems that require high level decisions and a great deal of organizational sophistication. To meet these kinds of problems, urban governments increasingly have recognized that they must possess a governmental system that has certain attributes which the traditional systems have not had.

The need for leadership

One of these attributes is leadership—political leadership, executive leadership, and administrative leadership. One of the functions of political leadership is to synthesize the "community interest"; to provide some point, some person, who has as his function stating the interest of the community and attempting to persuade his and other communities that their interests coincide.

Executive leadership essentially involves the initiation of public policy. This role carries with it the need for all the staff support and organizational authority necessary in a complex and technological age to develop policy suggestions that are feasible and practical. And administrative leadership involves organizational and program direction, including the ability to find, recruit, inspire and lead a staff, and the ability to control its activities.

The problem of responsibility

With leadership comes the requirement for responsibility, because with leadership comes power. There needs to be, in a modern city, a focal point for the political oversight of those who are making the decisions, and there needs to be a focus for the people of the community, to which they can apply pressure in order to obtain responses to their needs.

Program management

Effective program management is clearly implied by all the urban problems that were mentioned above; especially for new programs such as Model Cities and antipoverty, crime control, and youth services. Fiscal policy is increasingly becoming the basic managerial tool through which many of the other policies of the city can be pursued. And adequate fiscal control requires a highly developed system of program management in a unified administrative system.

Intergovernmental representation

One of the new attributes of urban government is the provision of intergovernmental representation. This means that someone in the city has to be responsible for negotiating with regional agencies, with other governments in the region, with federal agencies for the city's fair share of whatever federal program grants are available, and with Congress, Congressional Committees, and staffs in order to obtain recognition of that city's interests on Capitol Hill. (Most of these needs are exacerbated by the condition of the District of Columbia.)

Representation of interests

Finally, there is the problem of representation of the various interests or groups which exist within the city itself. Not only must diverse interests be represented, but the modern city requires some political system that makes it possible to manage the inevitable conflict among various groups and interests that compose the city. With the ability to manage conflict comes the need to legitimatize the decisions that finally are made so that those who are affected by them can accede to them, if not gracefully, at least in the understanding that they were made properly.

Modern management requirement

In 1953, the State of New York established a temporary commission for the purpose of improving and strengthening the structure of government in the City of New York. The commission reported that—

"As social and economic units, the great metropolitan centers of the country have outgrown the organization of their governments. Governmental structures designed for a different day and a different set of problems have proved inadequate to meet the demands of a population that has multiplied rapidly and spread far beyond the borders of the original cities. Constitutional and other legal strictures imposed in a predominantly rural era restrict the ability of the cities to respond effectively to new conditions. Administrative machinery designed to serve a relatively small community has been patched and repaired and expanded piecemeal to perform many new services for a population that expects a great deal in the way of welfare and service activities. Consequently, throughout the country, the large cities have been in varying states of crisis and in various stages of response to the crisis."

The Commission recommended a full reorganization of the city government, strengthening the mayor's office, and a centralization of the direction of government in the office of the mayor.

When John Lindsay was elected mayor in 1965, he established a new task force to look at the structure of government, and his task force said:

"If a modern city is to be governable it must possess three crucial assets:

"1. The will to act;

"2. The necessary human and monetary resources; and

"3. The administrative machinery to bring the first two assets to bear on its problems.

"The increasing complexity of modern urban problems calls for more imaginative and creative development of policies, and this in turn requires more sophisticated tools of government to formulate and execute those policies in a coordinated, effective manner."

Similar comments have been made by urban study commissions throughout the country, and by the Committee for Economic Development in its recent report on modernizing urban government.

These, then, are the attributes we now see as required in a modern urban government. How have cities responded?

II. A NATIONAL PERSPECTIVE ON TRENDS IN URBAN GOVERNMENT

We can better understand the Reorganization Plan and all of its implications if we look at it in the perspective of the national trends in the top-level organization of government in the larger cities. Three trends are worthy of special attention.

The trend toward home rule

First, there is certainly a trend, indeed a drive by the cities, toward a greater degree of home rule. In the District of Columbia, home rule means two things. Uniquely here, it means electing the city's governing officials. But it also means, not uniquely but in common with many other cities, giving the local government a broad grant of power to conduct the business of the city and to meet the needs of the people, without requiring local officials to go to the next higher level of government every time they want to pass a new kind of ordinance, to borrow some money, to reorganize the municipal departments, or to perform any of a host of other governmental acts. In Washington, that next higher level of government is the Federal government, while of course everywhere else it is in the state.

While Washington has less home rule than any other American city, there are many other cities whose top officials are seriously handicapped by having to work within a very limited grant of municipal powers and to seek piecemeal extensions of those powers from an unsympathetic state legislature. They often find themselves frustrated by an alliance of rural and small town legislators with those interests in the city that are hostile to a more vigorous local government. When seen in this perspective, the status of Washington's local government may not be quite as unique as we sometimes think. For an example of another city that suffers from a limited grant of home rule, we can look to the largest of all American cities New York, and note the difficulties under which its progressive mayor, John V. Lindsay, works, because of the need constantly to go to Albany to secure additional powers needed to govern that most difficult of all cities, or to fight off restraints proposed at Albany.

Nevertheless, there is a clearly discernible trend toward the granting of more home rule to the cities. In some states this has taken the form of statewide municipal home rule legislation, while in some of the largest cities, it is to be seen in the terms of new city charters.

The trend toward separation of executive and legislative functions

There is also a trend toward the separation of the executive and legislative functions, just as these are separated in the Federal and the state governments; and the transfer of executive functions from a commission or council to a single chief executive. This is a very clear trend. It is true that there is a steady increase in the number of municipalities that have the council-manager form of government, in which the city council is the executive as well as the legislative body and the manager is limited to purely administrative functions. But this is simply due to the fact that the number of municipalities is increasing, and almost all of the new cities and towns are small ones, for which the council-manager form of government is perhaps most appropriate. The other form of city government in which there is no chief executive is the so-called commission form, in which the executive functions are not only vested in the legislative body, but responsibility for the management of the several city departments is divided among the commission members. This form of government has been in ill repute for close to half a century, and is well along on the road to extinction, especially in the larger cities.

The trend toward unified city governments

Finally, there is a trend toward a more unified city government, in which the mayor and the council, acting as the executive and legislative branches of government, have full charge of almost all of the functions and agencies of local government, rather than having to contend with a host of independent or quasi-independent boards and commissions. This is quite a change from the old days when even such a function as law enforcement, for example, was often vested in a board of police commissioners. That is rare now, but a few functions are still generally separate.

The local judiciary, of course, is independent in our system of separation of powers. In some states, a few executive functions are vested in judges, but the trend is probably away from this sort of thing. The public school system is almost universally organized separately. In many cities, the planning function, public housing, urban renewal, and a few other functions are in the hands of quasi-independent public agencies. But, across the country we can see a trend away from the independent park boards, library boards, and sanitary commissions, and toward placing these functions in the main stream of city government.

As we examine the President's Reorganization Plan, it will be instructive to note how far it takes us along the road indicated by these three trends, all of which are generally regarded as desirable by students of municipal government, and also to note what parts of the task of organizational reform are still left untouched by this plan.

III. HOW THE DISTRICT OF COLUMBIA IS PRESENTLY GOVERNED

From this general discussion of attributes that are beginning to emerge in local government, and the national trends in urban governmental organizations, we now move to a brief description of some of the principal characteristics of the present system of government in the District of Columbia. One could argue forcibly that if the present system works well, then there is no particular reason for reorganizing it. On the other hand, if it seems to have some inherent difficulties, then there is probably a need for reorganization. Then the central question remaining will be whether the organization proposed by the President is appropriate to meet the problems that have been identified.

Lack of a general government

First of all, the District of Columbia has, as a matter of fact, no general government. Rather, it is governed by several groups of agencies, some local and some federal. There is no single head of local government in the District of Columbia. The Board of Commissioners is the most prominent of the several governmental groups involved in the affairs of the city. The Commissioners have ordinance powers as a board, and the Engineer Commission has some duties which are assigned specifically to him by statutes, such as representation of the city on the National Capital Planning Commission.

The Engineer Commissioner

The key to the longevity of the commissioner system in Washington, as contrasted with its demise in all of the other major cities of the country, is the office of Engineer Commissioner. Its functions have grown substantially since 1874 when it was first established. The District of Columbia budget indicates that about half of all of the money spent by the District Commissioners is spent by departments directly supervised by the Engineer Commissioner. One former Commissioner, commenting on this unique office, said that District government is not divided into thirds, but into sixths, with the Engineer Commissioner having four-sixths and each of the two civilians having one-sixth of the government.

The Engineer Commissioners as a group have been very effective in dealing with their area of supervision. Most of them concede, however, that their area of least effectiveness is in those fields that require particularly intensive community relations. It should be observed that these are increasing in number.

Effect of the Engineer Commissioner on the system

The existence of the Engineer Commissioner assures that a third of the Board is driven toward insulation from the rest. The Engineer Commissioner, based on his background and position, is in a different career hierarchy, and in no position really to intrude into the areas of social policy. There has been some change in this lately, but, as a general matter, Engineer Commissioners tend not to involve themselves deeply and intimately in social problems of the city.

By the same token the two civilian Commissioners are in a poor position to intrude into the Public Works domain of the Engineer Commissioner, whatever the implications of public works projects for areas which they may supervise, because after all, the engineer is the expert on the board. In practice, this prevents the Commission as a whole from functioning as a whole body, to review and develop general policy for the entire government, either in setting priorities, or in developing and maintaining central management and central management control.

The civilian commissioners

The two civilian commissioners normally come from a relatively narrow segment of the community, especially if they are compared with the breadth of constituency or clientele support that an elected municipal executive, or even an elected commissioner might have. Thus, with only two commissioners to choose in a no-election system the kinds of interest that it is possible to represent in the city government are consequently rather severely restricted.

There is also serious damage done by a political process which makes it virtually impossible for people to aspire to be Commissioner of the District of Columbia. Recruiting commissioners for the present system is difficult. In the past few years few have actively sought the job. Some appointees have been virtually dragooned into serving as a District Commissioner. The job, by nearly uniform account, is one to which men do not aspire, in part because there is virtually no way to aspire to it. There is no process in the city which helps train men and women to assume the top job at some point, because there are no other important political offices or roles in local government. More so than other cities, the District of Columbia is governed by chance.

The Commissioners are responsible to the President. They are also responsible, at least politically, to the Congress. They are morally responsible to the city. And they are organizationally responsible for and to the bureaucracies which they supervise. The District Commissioners are among the lowest forms of political life in the United States. This can be said without reflection on the able men who have held these frustrating posts. It is simply a structural circumstance resulting from the requirement that they confront Congress without a constituency, and without really being a part of the President's administration. In some instances they lack the ability to speak for the government that they attempt to represent. They are not as strong as a mayor in speaking for his city, nor are they as strong as a manager normally is when speaking for his city, for it can be assumed that having been hired by the council he speaks with the authority and support of the council.

No one speaks for the whole city

The upshot of the system is that there is no one to speak for the city as a whole or even for all the agencies of the District of Columbia government. And even with full presidential backing and the strong support of groups in the city, the Commissioners are not organized in a manner to determine effectively the interests of the city or espouse them. The Commission system here has most of the classic agonies of the commissioner system, plus a few additional ones of its own produced by the absence of elections and the institution of the Engineer Commissioner.

Specialization and diffusion

The Commissioners were virtually untouched by the Reorganization Plan of 1952 which did a great deal in reorganizing District of Columbia agencies and established the Department of General Administration. They still tend to specialize in segments of the government and do not interfere in the segments of the other commissioners. And some functions, such as schools, libraries and recreation are, at least, quasi-independently administered if not thoroughly independently administered. In addition, there are a number of Federal special purpose agencies, such as the National Capital Planning Commission, The Redevelopment Land Agency, and the National Capital Housing Authority, which are organizationally, and in some instances, financially, independent of the commissioners.

To increase the difficulties of diffusion, the civilian commissioners have not been equipped with the necessary supportive staff to supervise their own segments of the government.

Another point that is very instructive is that compared with political leadership in other local governments of the country, turnover at the top is very frequent in the District of Columbia. Public Works leadership changes automatically every three years, and it is rare for a civilian commissioner to serve longer than six years. Normally, both mayors and professional public works directors serve substantially longer than that.

The President of the Board

The President of the Board of Commissioners is not really first among equals. He traditionally heads the public safety departments because these departments tended to run themselves, leaving him free for many of the ceremonial functions of his office. The person who assumes the Presidency of the Board may find that he then has less administrative power in District government than before he became President of the Board of Commissioners, because he has a narrower range of direct supervisorial power than he had before, and a more restricted operational jurisdiction. The President of the Board, for instance, cannot direct the Department of General Administration or the Corporation Counsel independently of the Board. He may not assign duties to the other Commissioners without their consent. He has no staff assistant on matters over which the entire Board has control, such as the Office of Urban Renewal. He can speak in a limited fashion for the Board in regional affairs, but in practice the Engineer Commissioner has been more potent in regional affairs because his office has more to offer in terms of regional resources—particularly in highways and sewers. The Department of General Administration and the Corporation Counsel are under the whole Board but do not work for specific members of it. For many years the Corporation Counsel's office was a sort of independent regulatory force operating in a much different relationship to the Commissioners than a mayor and his solicitor normally would enjoy, or than a city council and its attorney might develop.

The Department of General Administration

The Department of General Administration has fallen short of its promise in the Reorganization Plan of 1952, due to its lack of direct managerial power over the various departments of the government. It is not an extension of the political leadership of the city as are the chief administrative officers of cities like Philadelphia and New Orleans, or of Baltimore County, Maryland. The Director of General Administration cannot require the coordination of agencies that operate or report directly to separate Commissioners. No better illustration of this exists than the recent controversy between the Department of General Administration and subordinates of the Engineer Commissioner over the development of the Demonstration Cities application, and the still unresolved controversy as to actually who is to direct the planning and execution of the Model Neighborhoods program. The Commissioners tend to insulate their departments from effective managerial control by the Board or by the Department of General Administration, acting as the agent of the Board. It and the Corporation Counsel are sometimes in the position of working for everybody and consequently for no one. They serve neither as a delegated manager might nor as a confidential and trusted professional adviser to, and administrative extension of, the chief executive or of the city.

A summary assessment

In conclusion, it would appear that the District of Columbia is disorganized. It is politically and legally inferior as a municipal corporation. It tends to be undirected. It is divided against itself in executive affairs. Coordination and management are impaired by the very structure of the government. This leads to a drive toward unanimity on the part of the Board and secrecy as a method of achieving unanimity. Unanimity is a virtual necessity in a three-man board if relations with Congress are to be regular. But in some cases, reaching a unanimous decision means postponing the decision for what appears to be an almost interminable period of time, and a failure to explore alternatives publicly.

In addition, the system is unable to assess its own performance because there is no separation between the executive functions of the government and an independent legislative or rule-making body which does not have a vested interest in the day-to-day administrative affairs of the city, and is by that token in a better position to make an overall assessment of the performance of the executive.

IV. THE REORGANIZATION PLAN

The basic issue

It is possible to describe the fundamental features of the Reorganization Plan in a single sentence. This might be helpful, since a very simple and readily understandable description can help prevent obfuscation of the central issues by those who might say that it is all much too complex to understand without prolonged study. It is true that the reorganization document is a lengthy one, but the plan simply does this: *It replaces the Board of Commissioners with a single Commissioner and a nine-member Council; and it redistributes the functions of the Board, giving executive functions to the Commissioner and legislative functions to the Council.* The rest of the plan is devoted largely to filling in the flesh on that skeleton—providing for an Assistant to the Commissioner, specifying how the new public officials shall be appointed, and how much they shall be paid, and so forth.

Two qualifications may be made. When we refer to legislative functions, we use that term in the limited sense that the Board of Commissioners presently has ever had legislative functions. It is fair to say that the Board does exercise such functions in the sense that American city councils generally exercise them—that is, its ordinance-making and regulatory duties constitute legislative functions at the local level of government. A further qualification would be that a few of the 432 powers of the Board of Commissioners that are transferred to the Council may be more executive than legislative in nature. For example, one of those powers is the ceremonial representation of the city government—a function which is usually performed by mayors or their representatives.

With these minor qualifications, our one sentence describes the basic policy issue presented by the Reorganization Plan.

The end of the commission system

Perhaps the largest contribution of the plan is the abolition of the commission form of government. This form was once quite popular—it was really a fad. No city of any size has adopted it in many years, and many cities have abandoned it. The central fault of this form is that it divides among several persons responsibility for functions that are closely intertwined, so that in order to accomplish anything that is large or complete endless negotiations must be carried on between persons of equal status, who have no superior to resolve differences among them. So when we say, for example, that a city needs not only physical renewal but thoroughly integrated physical and social renewal, we immediately find that renewal requires cooperation between departments that are under two or more commissioners. Lacking a chief executive to resolve their differences, we find that the decisions simply do not get made.

In Portland, Oregon, which is one of the few cities of any size that still has this form, a very thorough study was published a few years ago by a group of local businessmen and community leaders, urging that Portland get rid of the commission form of government. Their appraisal of it is not inappropriate for Washington:

"The central weakness in Portland's city government stems from the diffusion of the management job among five co-equal commissioner-administrators, who at the same time collectively make up the legislative body. This legislative function, in turn is weakened by the confusion of the desirable over-all policy viewpoint with particular administrative responsibilities and interests."

The commission form has several other faults. It tends to secrecy in decision making, since there is no separate body of legislators to raise questions and force executives to justify their policies. It tends to become bogged down in trivialities, since a great many matters, including many of small importance, must be decided by the whole commission rather than a single official. Finally, there is a strong tendency to seek unanimity of decision, which gives each commission member an informal veto over the whole range of municipal policies and gives the city a "lowest common denominator" program.

Executive leadership

The plan does a number of things that relate to the general needs and national trends discussed above. It does provide an executive leader for the government—a political leader, an executive leader and an administrative leader. It does, through the establishment of the council, provide a training ground for the future leaders in the community. The Council Presidency, for instance, appears to have a high potential as a place for a community leader to emerge. It does focus executive responsibility, leading to the President, to the Congress, and to the community. In addition, it establishes alternative avenues of access to the city government through the council as well as through the executive.

Framework for program management

It provides a better framework for program management. It would seem that it provides a framework in which decisions are more likely to be made in a timely fashion and in which it is possible at least to know why decisions have not been made if that is the case.

The Reorganization Plan, by reinstating the power of the executive to reorganize, does make it possible for the chief executive to achieve his organizational objectives—to regroup departments, to transfer functions. If he is going to undertake a youth services program, or a concentrated anti-crime program, it makes it possible for him to set up the organizational structure necessary to administer it.

Intergovernmental representation

The reorganization also creates an office of considerably greater prestige in the new Commissioner than in the present Board of Commissioners. The utility of this prestige can be found in several areas, particularly in intergovernmental problems, by increasing the authority of the Commissioner to speak for and commit his administration in regional matters. It should improve the access of the District government to the White House. In fact, in recruiting a Commissioner, it would almost be necessary to assure him of a higher degree of access to the White House than has been the case in the past few years. Thus he would be able to speak with greater authority in representing city interests and Administration interests to the Congress. In the past few years, the weakness of the Commission system has meant that many of the judgemental problems about the city have gravitated to the President's Advisor for National Capital Affairs. The new office of single Commissioner should provide a means of returning those decisions to the city government.

Representation

There can be no pretense, of course, that the Reorganization Plan provides a system of elections or anything resembling self-government. It does not. What it does provide is a Council which can be the basis for a more broadly representative government than the present system provides. This somewhat representative body will have official standing in local policymaking processes, as contrasted with the advisory councils which now exist, annually proliferate, and have no real governmental functions. The Council proposed by the plan does have important governmental functions. It is large enough to make diversity almost inevitable, and if it follows the practice of other city councils, those who lose in council votes will insist on public meetings because the traditional function of the underdog is to attempt to expand the arena within which the decision is made and to increase the number of participants in the political process.

Legitimacy

The Council will have sufficient authority to be important, and to require executive accountability, principally through its budgetary review powers. Thus, major city issues should be made more explicit. The Council should provide an end to the tendency to make decisions away from general public scrutiny. And it would seem that the Council will tend to legitimatize city requests to the Administration and to the Congress in a more forceful fashion than those requests are legitimatized at the present time simply by the Commissioners.

Limited scope of the plan

Appraising the Reorganization Plan in terms of the three national trends mentioned above, we find that it does not give the District of Columbia any additional home rule. *The plan does not increase the powers of the municipal government of the District of Columbia in any way.*

The plan does, however, make a substantial contribution in separating the executive from the legislative functions, placing the former in the hands of a chief executive and the latter in a separate legislative body. In so doing, it terminates the commission form of government.

The plan does not give Washington a more unified city government—none of the functions now exercised by independent boards and commissions are brought under the Commissioner and Council.

Thus the Reorganization Plan responds to only one of the three great nationwide trends in the organization of municipal government.

V. IMPLICATIONS OF REORGANIZATION

There are a number of implications in the plan. One is the question of citizen participation and the question of the means by which the civilians and interest groups in the city will advise the President of their desires concerning the choices of people for Commissioner, Assistant to the Commissioner and members of the Council. Clearly one of the most important consequences of reorganization will be to set in motion a system of public expression on the choice of members of the Council. At least three models suggest themselves quickly: (1) advisory elections, (2) nominating assemblies, or (3) select screening committees.

Another important implication flowing from the plan, assuming its adoption, is for Congressional response to a reorganized and substantially strengthened city administration. One of the long term questions is whether Congress will respond by consolidating some of its own functions and activities that relate to the city government.

Questions inevitably arise, such as relationship between the legislative committees and the appropriations committees. Washington remains the only city in the United States in which the budgetary function is separated into two or more committees with entirely separate constituencies. Normally, in municipal government, both authorizations and appropriations are handled by the same group, and a different kind of budgetary process results.

Another aspect would be the extent to which oversight of individual functions of city government scattered outside the District of Columbia committees in other Congressional committees might be consolidated. Congress can, of course, proceed without change, if it chooses. But more effective administration of the District may well point up serious inefficiencies or inadequacies on the Congressional side of the governmental process.

One of the immediate implications of the Reorganization Plan is its possible impact on the relationship between the District Building and the White House, and thus, on the President's Advisor for National Capital Affairs. It is instructive to note that the brunt of the reorganization effort has been shouldered by that office rather than by the Commissioners. This is not the first time that the President's Advisor has played a dominant role in the making of policy for the District. Once the Plan takes effect, and a single Commissioner is in office, the role of the Presidential Advisor will probably change. The success of the Commissioner will depend in no small part on his rapport with the President. We might expect the Commissioner to assume, therefore, many of the decision-making and policy advisory functions relating to District of Columbia affairs that have been performed by the Advisor for the past few years. The Advisor, then, might assume a more regular White House staff role, dropping the special title, or the office might well develop into a coordinator and expediter of Federal activities affecting the capital city and its metropolitan area.

Another implication or problem is staffing the government. At the present time there are a number of key vacancies including that of Director of General Administration in the District government. One of the most important tests of whether a governmental system is working is whether or not it is capable of attracting first-rate, high-level professionals to serve in administrative capacities. The proposed system should enhance the capacity of the government to attract such persons because, at least in the highest levels of administration, responsibility would be more clearly fixed and the opportunity would exist to work with a single person rather than having to work with three persons or having to have the agreement of three persons before being able to make an administrative decision.

An important problem for the future is the role of the independent boards and agencies of the District government, and the Federal agencies that perform local functions. The reorganization, *once in effect*, will very quickly highlight the existence of those agencies and their somewhat anomalous role in the city.

Just consider what is likely to happen if the city has, in the office of Commissioner of the District of Columbia, a forceful executive who wants to move ahead with many of the things that need doing in this city. He will probably want a planning staff at his service, to help him plan for the future development of the city, and to advise him on the implications of many day-to-day decisions. Where will he find such a staff? At the present time there is no planning staff within the District government. Instead, planning functions are vested in a separate Federal agency.

Or consider what will happen if there is a Council that regards itself as representative of the people of the District of Columbia and has some strong ideas about what should and should not be done for and to the city. And suppose it finds that its ideas are not shared by the independent Federal agencies in charge of such functions as parks and redevelopment. There are likely to be many frictions, growing out of the division of local functions among a number of agencies.

The Reorganization Plan, once in effect, may also highlight the need for organizational and procedural changes within the District Building, at the departmental level and below. We may find, once an effective top-level organization is in existence, that the District government has outgrown the 1952 Reorganization Plan and that a major effort is needed to streamline the lower levels of the government.

We should note two tasks that might well be undertaken as soon as the Reorganization Plan goes into effect. The first is a prompt study to delineate the steps that will be needed to put the new government on a firm footing. Conversion from a form of government in existence for more than 90 years to this new form will be no mean task. Both public officials and civic organizations might profitably engage in a study of the problems involved, in order to assure a smooth transition and a very fast start for the new government, which will be on trial during the early part of its life and will need to perform effectively as soon as it goes into action.

Finally, the Reorganization Plan suggests a very important long-range task: the framing of a new charter of government for the District of Columbia. This need exists, and can be met, entirely separately from the questions of whether the city is to elect its officials, and whether there is to be any substantial increase in the powers of the local government. Whatever the answer to these questions may be, there is surely a need for a modern city charter for Washington, setting forth the structure of government and, in broad and general terms, the powers of the local government. The Reorganization Plan provides a list of more than 400 separate functions that have at various times been delegated to the District Commissioners by the Congress. This is a very valuable piece of research, providing for the first time a convenient statement of the powers of the municipal government. It is a good starting point for anyone who wishes to study and understand the present powers of the District and to work toward a charter of government that will state those powers more generally and systematically, and perhaps through that route will achieve a greater degree of home rule.

VI. CONCLUSIONS

On balance, it would appear that the Reorganization Plan constitutes a substantial improvement in the government of the District of Columbia.

From the point of view of the Congress, it should provide a far more effective administration of the laws and policies set by the national legislature for the Federal city.

From the point of view of the President, it should greatly improve city-White House relations, and relieve the President's Advisor of the necessity of acting as a secret mayor for the city.

For the community, while it may fall well short of its democratic hopes, the reorganization holds the promise of greater access to its government, a clear focus of responsibility and the expectation of surer and faster decisions of critical questions, and more responsive administration. While not self-government, it promises better management of non self-government. And it offers a somewhat broader opportunity for citizen participation in city affairs.

The general need for reorganization cannot be subject to much dispute. The current proposal, while surely not perfect, is also surely preferable to the *status quo*.

It is important to understanding the Reorganization Plan that its adherents not claim too much. Its foremost contribution is in providing a framework for rendering the District of Columbia manageable and fixing responsibility for that management. It is equally important that adversaries of the plan not underestimate its importance to the city. It must be conceded that it brings neither full unity of *all* agencies, nor does it bring democracy. But better management *can* contribute to both unification and more responsive government.

NO TRUCE IN POVERTY WAR

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HOLIFIELD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, I want to express my agreement with the New York Times editorial of Sunday, June 18, entitled "No Truce in Poverty War." As the editorial states:

> This is no time to scuttle OEO. It is time, if anything, to step up the war on poverty under a strengthened, unified command.

This is a timely truth, for the opportunity to renew our commitment to ultimate victory in the war on poverty will soon be here. The House Committee on Education and Labor has begun hearings in which the important achievements of the office of economic opportunity are coming to light.

The OEO is a youthful, imaginative agency. It is a flexible agency, whose very adaptability will enable it to continue to respond well to the manifold challenges of poverty. Surely any determination of ours, Mr. Speaker, to continue to wage unrelenting war on poverty must be coupled with unstinting support of the agency we created to lead and coordinate that effort. The office of economic opportunity has performed effectively and it deserves our continued strong support. In this connection I ask unanimous consent to have reprinted here the New York Times editorial to which I referred.

NO TRUCE IN POVERTY WAR

As violence and the threat of violence mounted last week in a number of American cities, the Federal program that most directly attacks the root causes of civic strife—the war on poverty—was beginning an ordeal in Congress that threatens its survival.

A House committee opened hearings on President Johnson's proposal to spend $2 billion on the poverty war this year and other Administration proposals designed to correct operating deficiencies in the Office of Economic Opportunity (O.E.O.). Also before the committee are Republican proposals to slash antipoverty spending and dismantle O.E.O. From the tenor of Congressional questioning, it is evident that O.E.O. is headed for a tough fight.

The agency is not without faults, but the war on poverty at least represents a serious Federal effort to come to grips with the problems of discrimination, ignorance and neglect that have driven millions of Americans to the brink of desperation. O.E.O. provides coordination for this effort and an innovative flexibility impossible if the whole campaign is left to old-line Federal bureaucracies.

This is no time to scuttle O.E.O. It is time, if anything, to step up the war on poverty under a strengthened, unified command. Under the best of circumstances, the war will be a long one. It will be even longer if it is deprived of funds, imagination and effective leadership.

NUCLEAR DESALTING PLANT IN SOUTHERN CALIFORNIA

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Holifield] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, I had the great honor to attend recently the signing of S. 270, now Public Law 90-18, which provides for the construction and operation of a nuclear desalting plant in southern California.

The real credit for the success of this legislation goes to Congressman Aspinall and Congressman Harold Johnson, of California, under whose committee sponsorship this legislation came to the House floor. The House passed the bill on April 20 by a rollcall vote of 315 to 38. This House action had been preceded by the very important work of the Senate Interior Committee under the capable leadership of Senator Henry Jackson, of Washington, the Senate approving the bill first on February 6. The House amendments were accepted by the Senate on May 8.

This project was first given impetus in 1966 on the date that the House passed the atomic energy authorization bill—Public Law 89-648. This legislation included an initial $15 million for the AEC portion of the project, which was for specialized items relating to the desalting process of the reactor.

The President, in signing the desalting bill on May 19, paid tribute to Senator Jackson and to Congressman Aspinall, as well as many others who shared in the work at crucial stages of its development. As enacted, S. 270 provided the Interior Department's share—$57.2 million—of the project, which will go toward the development of technology necessary for the plant. The project will be completed in two phases, the estimated total cost of the plant to run around $444.3 million. Of this total, about $340 million will be contributed by local sources, among them the Metropolitan Water District, the City of Los Angeles, Southern California Edison, and San Diego Gas & Electric.

By pulling together this remarkable "mix" of private enterprise, local government, regional cooperation, and Federal participation, this project offers a very real prospect for the first large-scale application of nuclear energy to the desalting process. It is also the first large combined power and desalting plant, and will produce a volume of commercially competitive desalted water without precedent. The next big step will be the development of technology needed to make smaller plants of this kind available on a wider scale, both in this country and abroad.

It gives me particular pleasure to ask that President Johnson's remarks at the signing of this important act included at this point in the Record. Under unanimous consent I place the statement at this point in the Record:

THE PRESIDENT'S REMARKS UPON SIGNING B[illegible] PROVIDING FOR CONSTRUCTION AND OPE[illegible]TION OF THE DESALTING PLANT IN SOUTHERN CALIFORNIA, MAY 19, 1967

Mr. Vice President, members of the Cabinet, distinguished Members of the Congress, ladies and gentlemen, for many centuries, men have been searching for ways to produce fresh water from our oceans. Three hundred and fifty years before the birth of Christ, the ancient Greeks were struggling to try to solve that problem.

Today, with the signing of this bill, here in the East Room of the White House, we take a step toward the end of that struggle that was begun so many years ago. Today we begin the greatest effort in man's history to produce water and electric power from the sea.

This bill makes possible a new desalting plant which will more than double the world's total capacity for desalting water.

And in the process, it will lower considerably the cost of making fresh water from the sea.

Two years ago, when speaking at an international meeting on desalting, I asked the Congress to authorize this plant for us: to make full use of today's scientific knowledge and to produce, by 1970, 100 million gallons of fresh water per day.

Two years ago that seemed to all of us a very ambitious goal. But this plant will produce not 100 million gallons, but 150 million gallons—50 percent more than we even dared to predict.

Each hour, each day, it will produce more electric power than the Hoover Dam produces.

This plant alone will not suddenly and overnight make our deserts bloom. But more than anything that we have done yet, it does point to the day when lands now dry and empty will sustain life and will feed the people of the world.

In our own country, we know, I think, what hardship is caused when neighbors have to depend on a single river for their water supply, and when we must share those meager resources with each other. One single stream —the Colorado River—must now serve seven dry States, and must provide water in addition for many of our good neighbors in Mexico.

For years, that stream has been the source of much too little water—and too many arguments. It has been the subject of quarrels, lawsuits, interstate compacts, international treaties, and has affected elections from time to time.

All of that worry, all of that effort, added not one new drop of water to that great stream.

This bill will help us change all of that. Mexico, the States of the West and the Southwest need more water, and they need that water now.

This bill will help them get it.

This bill, as you know, marks the beginning, not the end, of all of our efforts.

Our sights are set on a whole family of desalting plants—to help not only our coastal communities, but our inland towns also, which are troubled by brackish water supplies.

Some of these new plants will be powered by atomic energy.

Others will be fired by coal, gas, or oil.

Others—some day—may even get part of their energy from reconstituted waste products.

Until we build those plants, we are going to continue to face very urgent water problems.

With every tick of the clock, more people are being born into this world. As their need grows for food, clothing, and industry, our water tables continue to drop. This venture—this venture that we are launching—must be the first of many ventures of this nature throughout the world.

So many people deserve credit for this success this morning that I dare to mention not even one name. But I shall just have to refer to a few who have come in and out of our office in the months that have gone by.

Members of the Senate, like Senator Jackson, Senator Anderson, Senator Kuchel, almost all the Members of that body.

Congressmen Craig Hosmer, Wayne Aspinall, Harold Johnson, Richard Hanna, Ed Reinecke; my good friend Chet Holifield; my friends from the California delegation, Bernie Sisk, and others.

Secretary Udall, and all the people in the Interior; Assistant Secretary DiLuzio.

I don't want to overlook the Mayor of Los Angeles because I made him come in and ante up a little extra when the going was a little hard. I guess he appropriated some of it to bring him here today. We are happy that he is at this ceremony to launch this experiment.

The Vice President and all public officials everywhere who have participated in that, and, more than that, are willing to enlist in the war ahead.

We will outline plans as soon as that distinguished Californian, the Chairman of the Atomic Energy Commission, gets them ready for any other ventures that some of you want to take.

Finally, I want the citizens and public officials of the Federal Government, and the State of California—and particularly Southern California—to know that we appreciate this partnership in this very special effort.

To the Members of the House and Senate, the Governors of the States, we are all deeply in your debt.

This achievement is really a symbol of not only our partnership and our working together, but our power to act together. Often there is too much talk and too little action. What is needed for the future in this whole field of water is the will and determination to act.

I am very happy to sign this bill. I am very pleased that you could come here.

I am glad that all of you will witness it. As you witness it, and become a party to the fact, you will enlist with us in the fight that is ahead for all of us.

Thank you very much.

Note.—The President spoke at 1:20 p.m. in the East Room at the White House. As printed above, this item follows the text of the White House press release.

(As enacted, the bill, S. 270, is Public Law 90-18.)

REPORT ON NINTH DISTRICT LAW ENFORCEMENT CONFERENCE

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. HAMILTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HAMILTON. Mr. Speaker, recently I brought together Indiana's top authorities in the field of law enforcement to discuss the spiraling crime rate in the Nation, in the State, and in the congressional district which I represent.

But more than merely disclosing crime statistics, these State leaders used their expertise to report what was being done to combat crime and what should be done to make their efforts more effective.

About 175 persons, including State, county, and city law enforcement officers, city and county officials, judges and court officials, and others whose work involved the control of crime, attended the meeting.

I called the meeting in response to rising concern on the part of residents in the Ninth District of Indiana about the increase of violence and crime.

I was heartened by the turnout of law enforcement officials from the Ninth District and from across the State. Their attendance demonstrated their concern and their dedication to their profession.

The meeting was held June 10 at the Seymour, Ind., High School auditorium. Participants included Superintendent Robert A. O'Neal of the Indiana State Police; Anthony S. Kuharich, commissioner of the Indiana Department of Correction; James T. Neagle, agent in charge of the Indianapolis office of the FBI; Dr. Robert Borkenstein, director of the Indiana University Department of Police Administration, and Dr. David Baker, representing the Indiana Council on Crime and Delinquency.

My colleague, Congressman J. EDWARD ROUSH, of Indiana's Fifth District, a leader in anticrime legislation, also participated in the conference, citing the problems in attempting to control crime across the country. He pointed to public apathy as one of the major obstacles in curbing this menace to our society.

Mr. Speaker, I wish to include some of the remarks made by the speakers at the conference. I think they are pertinent to the campaign against crime in Indiana or anywhere in this country.

CRIME CONTROL SUGGESTION

Superintendent O'Neal announced at the conference a 10-point program for both citizens and police to curtail the rising crime rate, adding this warning:

> We have reached the point where criminal depredations have put police and honest, law-abiding citizens with their backs to the wall. It is time to strike back.

The 10 points set out by Superintendent O'Neal were developed from ideas and suggestions from Indiana State Police commanders and troopers. They include:

FOR POLICE

1. Expand patrols in high crime areas, especially at night.

2. Work for legislation to establish a uniform crime records system for the entire state compatible with other state and national systems.

3. Explore telephone communications to police at no expense to caller.

4. Step up in-service training in criminal investigations and use of scientific evaluation of evidence.

5. Inform the public on practices which tend to aid and abet crime. Institute a public information program to acquaint the public with the extent and cost of crime.

6. Develop a central file on organized crime and criminals—not just syndicate organizations, but on a burglar-fence type operation.

7. Work more closely with correction authorities to obtain better information on repeater criminals who are at large.

8. Make more contacts with youth groups to encourage youngsters to help maintain law and order.

9. All enforcement personnel shall maintain a continuous inventory and appraisal of criminal activity in his area of assignment. Uniform personnel will be assigned to criminal investigations on a rotating basis.

10. The Indiana State Police is contemplating taking troopers off road patrol in order to man all installations on a 24-hour basis. (Due to a lack of manpower, communications facilities at South Bend, Kentland, Peru, Terre Haute, Bloomington, Versailles and Evansville posts close at midnight. Troopers, however, maintain round-the-clock patrols in these areas and communicate with the district headquarters.)

FOR THE PUBLIC

1. Do not aid and abet criminal activity. Always remove keys and lock car when it is parked. Do not "invite" criminal into home while absent or on vacation.

2. Schools must instill a high degree of respect for law and order in their students.

3. Parents must set proper examples for their children. Compliance with and respect for law and order by parents is essential for the proper development of the child's attitude. Know your children's friends and associates.

4. Lend law enforcement your eyes and ears. Call any unlawful or suspicious activity to the attention of the police.

5. Participate in law enforcement as a good citizen. Visit the courts, serve willingly on juries and find out what is happening in law enforcement.

6. Merchants and businesses should help prevent crime by adequate after-hours lighting in their establishments. Reduce temptation by proper displays. Use burglar detecting devices.

7. Your police must be adequately budgeted in order to function properly. Support the police by your loyalty to them.

8. Record the serial numbers of valuables for identification in case of theft.

9. Civic and fraternal organizations should initiate programs in support of law enforcement. Invite a law enforcement officer to speak at your next meeting.

10. Support public officials who advocate good government and strong law enforcement. Participate in your government and vote for the candidate of your choice on election day.

Superintendent O'Neal also reviewed Indiana's new compulsory police training act, established by the 1967 Indiana General Assembly. It will require all persons becoming Indiana police officers—with the exception of sheriffs, sheriff's deputies and constables—to undergo a period of police training within a year of their being appointed to a law enforcement agency.

The Indiana Legislature voted down a proposal to build a $5 million police academy to house the training facility. Superintendent O'Neal said the money will be raised by public subscription.

NEW PROGRAMS NEEDED

Mr. Kuharich told the conference audience that all elements of society are needed to combat the rising crime rate.

> As long as we have human beings, we shall have delinquents and criminals, he said. Therefore we must focus our attention on effective programs of reformation and re-education to curb crime and delinquency and keep it at a minimum.

He listed the following programs as steps which hopefully will be developed in Indiana:

1. *Greater use of probation by the courts.*—Probation is generally defined as a non-punitive method or technique for correctional treatment whereby the sentence of a convicted offender is suspended, allowing him to remain in the community on good behavior, subject to the control of the court and under the supervision and guidance of a probation officer, possessing the professional skills and the personal qualities to work effectively with people who have violated the law. The probationer with the aid of the probation officer has an opportunity to regain his self-respect in a normal community setting with normal social contacts and responsibilities. He continues to live with and support his family. In the performance of their duties probation officers conduct presentence investigations thereby aiding the courts to determine which defendants would profit from probationary supervision in the community and who should be removed from society and committed to correctional institutions. As supervisors they use their professional skills to assist the probationer in modifying and changing his behavior and attitude so that he can live as a decent citizen in a free society. In other words, by carrying out the functions of an investigator and supervisor, the probation officer is protecting society in a practical, economical and effective way.

2. *Establishment of diagnostic centers.*—Whenever a court commits an offender to a correctional institution, he should first be placed into a diagnostic center for a period of observation and study by a professional staff skilled in the behavioral sciences. Here a determination can be made as to his needs and problems and whether he could be safely returned to the community under supervision. If his needs can best be met in an institutional setting, then a determination can be made as to the appropriate facility such as a camp, youth center, or reformatory.

3. *Work Release Program.*—This permits selected inmates to work for the prevailing wage scale outside the institution during the day and returning to the institution after working hours. Their earnings would be used for the releasee's institutional costs and family support. Indiana now has a work release law which goes into effect July 1, 1967. Plans are now being made for certain selected inmates to work in private industry near our three adult institutions.

4. *Correction Institutions in the Community.*—Certain types of offenders cannot adequately profit from probation or institutional treatment. California has experimented with community treatment centers. They are effective and less costly to operate. Community resources are utilized with increased contacts between the inmates and the citizens in the community. In this manner the residents engage in non-criminal social life and in legitimate occupational pursuits while still under some constraints and with some guarantee of subsistence in case they are unsuccessful in earning their own needs. Individual and group counseling is given each inmate. Release from these centers to the free community is gradual and their chances for success are greater, since they are better equipped for re-entry into society. A community treatment center could be estab-

lished to serve one community or a regional center for three or four counties.

Another community type institution is the pre-release guidance center. Its purpose is to help the offender make an orderly adjustment from total incarceration of an institution to the total freedom of the community. Penologists agree that the first three or four months on parole are the most critical in the lives of the parolees since they must adjust to community life, attempt to find a job and resolve many personal problems. The center is staffed with professional personnel who assist the resident with his problems and bridge the gap between institutional life and the community. The pre-release guidance center is an extension of the correctional institution, and the inmate is technically serving the last three or four months of an institutional sentence prior to his being released from the center on parole.

Still another type of community center is the half-way house. It is used for all-age offenders who are without placement resources. The residents are parolees or those released at the expiration of their sentences without any supervision. It provides a more gradual re-entry into the community in a setting where there is considerable degree of freedom and responsibility for the releasee. Often, much assistance is given in employment, social re-education and group living, as well as an opportunity to accumulate some funds. Generally, upon leaving a half-way house he is much better equipped for the final step of release into the community.

We are in a period of rapid social change. Consequently, this has resulted in a change in the nature and extent of crime. Society must give up the traditional approaches and find more effective ways of dealing with the serious problem.

OTHERS RESPOND

I received from Senator BIRCH BAYH, of Indiana, a letter in which he concurred in the philosophy and purpose of law enforcement conferences. Senator BAYH said:

> Although we must always insure that the constitutional rights are respected, I firmly believe that the time has come for our nation to act more vigorously to protect our citizens from criminals and to convict the guilty. We must think more seriously about the rights of the individuals who are the potential or actual victims of criminal activity. As a result of these hearings, I am hopeful that we will be able to propose legislation that will help us accomplish these objectives and accelerate our efforts to fight crime.

Mr. Speaker, I wish to include, too, the following newspaper accounts of the session which demonstrate the interest and cooperation of the news media in this conference:

[From the Indianapolis Star, June 11, 1967]

CRIME WAR PARLEY EYES NEW METHODS

SEYMOUR, IND.—Better training and equipping of policemen and upgrading of their status and pay were cited as some steps to help fight the high-rising crime rate by participants in a "challenge of crime" discussion here yesterday.

The suggestions came from interested experts who took part in the discussion called by United States Representative Lee H. Hamilton (D-Ind.). The purpose of the meeting, Hamilton said, was to "seek out the roots of crime."

How the training of the state's policemen in the academy created by a 1967 law will help was explained by Robert A. O'Neal, superintendent of the Indiana State Police.

"It's a vast improvement, a step in the direction of professionalizing law enforcement officers," O'Neal said.

On pay, O'Neal said, "Policemen need help. They're the low man on the totem pole. It's the result of the failure of political leaders to do something about it."

James T. Neagle, special agent in charge of the Indianapolis office of the Federal Bureau of Investigation, told how the computerized storage and recall of investigative information can aid police departments when they are connected to the national network.

Printed replies to inquiries can be had in as little as 90 seconds, he said.

Anthony S. Kuharich, commissioner of the Indiana Department of Correction, urged greater use of community institutions in the rehabilitation of offenders who are not yet hardened criminals.

"It's a cold fact that crime is a complex thing," he said. "There's no realistic cause or cure. Our reformatories and prisons are not rehabilitating the offenders. We need more counselors. We need more training programs."

Robert F. Borkenstein, director of the Department of Police Administration at Indiana University, told of recent gains in training of police administrators and law enforcement officers.

"There will be more modern training in the next three years than there has been in the last 50 years," he said.

Borkenstein said there will not be any conflict between the I.U. operations and training at a new police academy authorized by the last Indiana General Assembly.

They will complement each other, he said.

[From the Indianapolis News, June 10, 1967]

NO SANCTUARY FROM CRIME RISE ANYWHERE, REPRESENTATIVE HAMILTON SAYS

SEYMOUR, IND.—There is no sanctuary from crime anywhere in the United States, Rep. Lee H. Hamilton, D-Ind., told a conference on crime today.

Federal Bureau of Investigation statistics show that crime, in Indiana and across the nation, is increasing five times faster than the country's population, Hamilton said.

The 9th District conference on crime was called in an effort to find out what is being done and what else should be done about crime and criminals, Hamilton told persons attending the meeting in the Seymour High School gym.

"Crime among young people is especially disturbing. In the U.S. today, one boy in six is referred to a juvenile court. It is estimated that 40 per cent of all male children now living in the U.S. will be arrested for a non-traffic offense in their lives," the congressman said.

The FBI, he said, has reported that from 1960 to 1965 police arrests for all criminal acts rose 10 per cent, but during the same time arrests of persons under 18 jumped 54 per cent.

Although there has been an increase in crime nationwide, there has been a decline in serious crime in the 17 counties which compose the 9th District, he said.

He pointed out that state police reported 879 serious offenses were investigated in 1964 in the 17 counties. The number dropped to 816 in 1961 and in 1966 was down to 726, he said.

Various methods of dealing with the crime problem have been proposed and are being followed, but regardless of what techniques are used, "law enforcement is a local responsibility," Hamilton said.

"It is the citizen who finally determines whether law enforcement agencies are adequately staffed and equipped and competently trained. It is the citizen who maintains and enlarges respect for law and order, It is the citizen's dedication to public order which is the most powerful deterrent to crime," Hamilton said.

Other speakers at the conference included:

Robert A. O'Neal, state police superintendent.

Anthony S. Kuharich, commissioner of the Department of Correction.

James T. Neagle, agent in charge of the Indianapolis office of the FBI.

Robert Blakey, associate professor of law at the University of Notre Dame.

Dr. Robert Borkenstein, director of the Indiana University department of police administration.

[From the Louisville Courier-Journal & Times, June 11, 1967]

COMPULSORY POLICE COURSE TO BE STARTED IN JANUARY

(By Bob Sculley)

SEYMOUR, IND.—Compulsory training for nearly all persons becoming Indiana police officers—whether on the city, county or state level—will begin about next January.

This was announced here yesterday at a 17-county conference on crime by Robert A. O'Neal, superintendent of the Indiana state police.

He said a permanent police academy will be constructed later to house the training program.

The 9th Congressional District crime conference, organized by the district's congressman, Lee H. Hamilton of Columbus, was held in the Seymour High School auditorium. About 105 police, probation and parole officers, attorneys, judges, educators and civic leaders attended.

O'Neal said the training program was established through an act of the 1967 Indiana General Assembly. The act goes into effect July 1. It will then take another six months for a 14-member committee—to be appointed by Gov. Roger D. Branigin—to set up the training program.

The training course must be taken by all persons entering police service on any level except sheriffs, part-time deputies and constables, O'Neal said.

The General Assembly refused a $5 million appropriation to build the permanent police academy, said O'Neal, so the money will be raised by public donations.

The academy is essential, he said, "because we just can't train 6,000 to 7,000 officers in some armory or the back room of a police station."

Other speakers at the conference included James T. Neagle, agent in charge of the FBI office in Indianapolis; Anthony S. Kuharich, state commissioner of corrections; 5th Districe Congressman J. Edward Roush of Huntington County; and Hamilton.

Neagle told the conference that a National Crime Information Service has been operating throughout the United States since January. Its computers, he said, can provide data on stolen cars and wanted persons to any part of the nation within 95 seconds.

Indiana has not yet set up a state terminal for the service, he said, but until it is organized, any Hoosier police officer can use the service through the Indianapolis FBI office.

Kuharich told the conference that Indiana lags in efforts to set up an effective rehabilitation center.

The state now has 7,000 penal inmates "of whom 3,500 will be back (as repeat offenders)," he said.

"This is appalling compared to the federal system where 80 per cent of the parolees make good," he remarked.

"FIX" IN COURTS ASSAILED

Kuharich said a diagnostic center is badly needed where "we can weed out those whom we can modify and rehabilitate as successful citizens, and those we can't."

Professional rehabilitation is costly, said Kuharich, but not as costly as the current program of Hoosier penology.

"After all," he said, "it costs $4,800 a year to put a girl through girls' school (reformatory). You could send her to Vassar a lot cheaper."

Probation is frequently blamed for failing in the case of individuals who should never have been placed on probation, he continued. This happens "in some courts (where) probation is used as a form of leniency," he said, and added: "It's a fix."

A friend of the judge intercedes on behalf of the accused, he said, and the judge grants probation "when that guy (the accused) should go to prison. Then we get blamed because probation failed because somebody got a fix."

Hamilton, who called yesterday afternoon's conference in a move to learn what is being done—and what more should be done—to curb crime, said statistics show that crime in Indiana and over the nation is rising faster than the population.

He declared that crime among young people is especially disturbing. He said the FBI has reported that from 1960 to 1965 arrests for all crimes rose 10 per cent, but arrests of persons under 18 jumped 54 per cent.

[From the Columbus (Ind.) Republic, June 12, 1967]

Rehabilitation Needed for Indiana Prisoners

(By Joe Holwager)

Seymour.—An appeal for a diagnostic center to help correction authorities in rehabilitating prison inmates and praise for the Indiana General Assembly in setting up an academy for mandatory training of all Hoosier police officers were heard Saturday at a Ninth district crime conference at Seymour's high school auditorium.

The conference, aimed at identifying some of the roots of crime, was attended by more than 100 persons, including six police officers from Columbus and Charles Rominger, probation officer.

Police personnel Chief Glenn Line; Capt. Herbert Line and Patrolman Cleon Sweeney, detective division; Sgt. Raymond Burns, records, Sgt. Fred Zeigler, and First Sgt. Chester Wilson, detective division, Indiana state police were present from Columbus.

The meeting was organized by Congressman Lee H. Hamilton. Included on the panel were such specialists in the field of law enforcement as Robert A. O'Neal, superintendent of Indiana state police; James T. Neagle, resident agent of the Indianapolis office of the Federal Bureau of Investigation; Anthony S. Kuharich, state commissioner of corrections, and Dr. Robert Borkenstein, moderator director, Indiana university department, police administration. Dr. G. Robert Blakey, associate professor of law, University of Notre Dame, who was to speak on the courts, was ill.

Mr. O'Neal spoke on the mandatory police training act, passed in the recent Indiana legislature session, praising it as "the best thing to ever happen to law enforcement in our time."

The act goes into effect July 1, Gov. Roger D. Branigin will appoint a 14-member committee to set up a program of training, and according to Mr. O'Neal, training will begin 30 days after this board is appointed. It is speculated the actual training will start about next January.

The course must be taken by all persons entering police service on any level except sheriffs, part-time deputies and constables. The law stipulates a policeman will be fired if he is not trained within one year after beginning his duties. The police superintendent noted that this was the "best feature of the bill."

In explaining the need for such a law Mr. O'Neal said the Indiana police program lacks a coordination of effort which must be remedied. He mentioned that it will provide a basic training manual for all police, regardless of whether they be county, city or state. He also spoke of a need for higher salaries for law enforcement personnel and in a sense evaluated the new law as a basis of unification for raising the standards of a profession.

Congressman J. Edward Roush, author of a bill to create a national research center on crime, was a guest and speaker at the conference. The Fifth district representative congratulated Congressman Hamilton on calling the meeting. He bewailed the apathy of the public and officials toward crime and spoke of problems in rehabilitation.

The only unsolicited applause of the session was given Mr. Kuharich on his answer of a question following his talk. The question concerned whether the corrections end of law enforcement was not making things too good for the criminal in its philosophy toward rehabilitation.

The commissioner answered that under the present "lockup" penal system of 7,000 inmates, 3,500 will be repeat offenders. He asked that this percentage be compared with the federal system where 80 percent of the parolees make good. He stressed that a diagnostic center is badly needed where the ones who can be rehabilitated as successful citizens can be weeded out.

"The problem should be recognized where it is" concerning repeat offenders, he said, and pointed to the courts.

"Many criminals are getting off easy due to political ties," he asserted, and referred to a case where a man is able to get away with embezzling $100,000 but another is "thrown in the can" for taking 10 cents. The person needing help is generally "without it," he concluded.

Mr. Neagle explained the National Crime Information Service, which began in January with 15 agencies, reaching from the major regional cities of the United States, in direct contact with a headquarters computer in Washington, D.C. The system of computers acts as a "nationwide index of what stations have in case files," he said. Data on stolen motor vehicles, property or wanted fugitives can be speeded to any part of the nation within 90 seconds through the use of the service.

Recognized in the audience by Congressman Hamilton were prominent law enforcement figures from most major areas of Indiana, some traveling from as far away as Lafayette. As one of the panel speakers put it, the only drawback to the session was that it did not attract the people most important to crime prevention, meaning the general public.

[From the Seymour Tribune, June 12, 1967]

Crime Fighting Needs Detailed in Meeting

(By Neal Green)

Progress is being made on the war on crime, but much, much more, remains to be done. This was the essence of comments and opinions by top law enforcement leaders Saturday at a conference at Seymour Senior High School, sponsored by Congressman Lee H. Hamilton.

Anthony S. Kuharich, state commissioner of corrections, summed it up, "The state and perhaps the nation has too long followed the wrong program. We need to look at the problems as they exist, but we need help on every level."

Kuharich was one of six speakers at the conference which attracted 175 persons, representatives from all phases of law enforcement, including the courts, prosecutors, mayors, police chiefs, state troopers and probation officers and interested citizens.

Speakers included James T. Neagle, resident agent in charge of the Indianapolis office of the Federal Bureau of Investigation; Robert A. O'Neal, superintendent of the Indiana State Police; Dr. Robert Borkenstein, director of Indiana University Department of Police Administration; Dr. David Baker, representing the Indiana Council on Crime and Delinquency; Congressman J. Edward Roush, author of a newly presented crime bill and Congressman Hamilton, co-sponsor of a congressional crime bill. G. Robert Blakey, associate professor of Notre Dame University, due to illness, was unable to attend.

OPENING REMARKS

Congressman Hamilton, in his opening remarks, cited the high cost of crime in the nation which is estimated at $27 billion per year. He said statistics can reveal only the number of crimes and the dollar value involved. "Erosion of the public spirit and lack of confidence in the processes of law cannot possibly be measured on a cash register," Congressman Hamilton added.

Throughout the three-hour conference, the need for help was stressed for all departments on all levels, from citizens, individually as well as collectively, through the support of city government for a better law enforcement body to deal with what was termed as "modern conditions".

O'Neal said there is a need for better educated law enforcement officers. At present, college training is given only agents of the FBI and the state police. This training, he said, was needed on all levels including city, county and juvenile officers.

SEES COMPULSORY TRAINING

He said the new state police academy would soon be in operation and predicted that training would be compulsory for officers of all local law enforcement organizations.

O'Neal called attention to the recently announced 10-point program being planned by the state police in the war against crime. He said seven posts which presently are shut down at midnight, except for road patrols, would be reopened and plans called for an increase in night police activity.

He predicted with the start of a concentrated training program, salaries, especially on the lower branches of government, would have to be increased to attract qualified officers.

Kuharich said the corrections department has changed its goal toward rehabilitation of prisoners. He said, in the past, the goal had been one of revenge and retaliation to the prisoner for his act against society.

A planned work-camp program, which will go into effect officially in July, coupled with diagnostic centers and greater use of probation by the courts can do much to aid the readjustment.

Dr. Baker said the council on crime and delinquency is seeking to bring all groups together and coordinate efforts to educate the public and improve police departments.

He praised Senator Vance Hartke for a bill which he is sponsoring, which would provide scholarships to law enforcement officers and loans to attend specialty schools or the police academy.

Congressman Roush said "There is much apathy on the part of the general public and police officers, but there is a ray of hope."

He told of attending a graduation of inmates at the state prison at Michigan City where one group was presented high school diplomas, while still a larger group had graduated from a school of data process training—a part of the state rehabilitation program.

A proposed single nationwide telephone number for reporting crime and one for reporting fires, Roush said, is being studied.

The need to look at the problem as it exists, was echoed by all the speakers. "We need to attempt to learn why a person is jailed and try to find a solution", Kuharich said.

During the question and answer period conducted by Borkenstein, Kuharich said at the present rate, 80 per cent of parolees will never return to an institution, largely because of the rehabilitation program. But, he said, "We need to do more."

Kuharich cited the cost to put a girl through girl's school, which he said was

$4,800 yearly. If the child is not given help while she is there, she will likely go out worse than when she came in.

His comments in comparison of an embezzler and a juvenile delinquent, drew strong ovation when he said, "A Lake County man accused of taking $300,000 of the taxpayers' money, remains free, while they dilly-dally around, while a boy who takes a 25-cent item is bundled and incarcerated so fast it is not funny and as far as I am concerned, that child should get every bit of help it is possible to provide to turn him into a good citizen."

A PILGRIMAGE TO THE ALAMO

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, as we do each year in San Antonio, a pilgrimage to the Alamo is held on March 6. It is a solemn and a memorable occasion, commemorating the struggle and the fall of the Alamo.

This year we were most fortunate in having the illustrious and eloquent commanding general of the 4th Army, headquartered in San Antonio, Lt. Gen. Thos. W. DUNN, give the official address for the occasion.

The address follows:

Commanding General's Address at The Alamo

Any good American would indeed be greatly honored to stand where I am standing and to have the opportunity of presenting this traditional address at these activities which commemorate the men of the Alamo who fought and died here over 130 years ago.

As a native Texan, having been brought up in the traditions of this great State, this occasion is of particular and certainly of the greatest personal significance.

On March the 6th, 1836, on this very same ground where you and I are assembled this afternoon, a small group of dedicated men died in triumphant defeat. I say defeat because in the strict military sense of the word, the battle was lost. I say triumphant because in that greater sense of the ultimate in devotion to an ideal, these men won their war and they assured the independence of the Republic of Texas; by their actions and by their demonstrated dedication they gave to the people of Texas a sense of unity and a feeling of common purpose which in later years was to assure Texas independence and the later entry of Texas into the United States of America. The actions of these men and again their demonstrated dedication placed forever in the pages of the book of the American heritage that great cry, "Remember The Alamo".

The ideal to which I have referred is freedom. Freedom for the individual to live his or her own life as he or she wishes to live it. Freedom for a nation to determine its own destiny. You and I, ladies and gentlemen, have a great stake in this freedom—this American freedom. In fact the entire free world has a great stake in American freedom. Unfortunately for many Americans, freedom is an abstraction. It becomes a reality for them only when it is about to be denied to them. Since most of us do not know what it really means to live without freedom, it is not surprising to me that some Americans take freedom for granted. This is extremely dangerous.

Of equal danger is to confuse freedom with license. History shows us that when freedom or liberty becomes license, freedom from want becomes freedom from work. Freedom of worship becomes freedom from worship. Freedom of speech becomes freedom from truth and freedom from fear becomes freedom from duty.

Just as there are two sides to every story, so there are two sides to freedom. It can be used or it can be abused: for it is not enough for one to enjoy many rights, what is needed is for all of us clearly to understand that in order for one to enjoy rights one must be willing to accept and discharge responsibility.

History is filled with accounts of great and wealthy nations which have lost their perspective. These nations have become so interested in self-gratification that they eventually have become unable to cope with hardship. History further shows that each of these nations without exception has been swallowed by other nations less wealthy and less secure but nonetheless nations willing to undergo hardship in order to achieve their goals.

Surely this points out to you and to me that you and I have an obligation—a great obligation to re-invigorate our freedom. We must not permit patriotism to become an out-moded virtue. We must not give in to complacency, cynicism or indifference, we must not permit political privilege to become a biological right.

If the men of the Alamo could stand beside me here this afternoon, I am certain that each of them would agree with me when I say all Americans must realize that freedom is not free; for although we are the inheritors of freedom, unless we protect this gift, believe in it, and cherish it, we stand a fine chance of losing it.

The strength which will sustain America in times of crisis will come from guns, ships, missiles and aircraft—Yes. But the real strength, the fundamental strength required to sustain America must come from men, M–E–N. Well educated, well trained, dedicated men. Men of honor, of faith and of loyalty and men of stamina, determination and courage. These are not easy attainments but the lives of our dedicated citizens have never been easy.

In closing, may I say this. You and I were born to be free. We are free. I must state, however, that no one present here this afternoon, no one present today in the State of Texas, no one present today in these United States had anything whatsoever to do with the attainment of American freedom. Your father my father and their fathers before them attained freedom for us and handed freedom to us literally upon a silver platter. It seems to me that the very least you and every other citizen of this great nation can do is to see to it that we do our share as concerns the maintenance and protection of American freedom. Not for us—but for our kids and our kids' kids, and the many thousands of Americans yet to come along. In my judgment, there is no greater responsibility.

So ladies and gentlemen if we keep the faith—if we uphold the traditions of the men of the Alamo we will have met the challenge. By believing, working and living in the cause of freedom, we can justify the sacrifice made by the men of the Alamo. In this way, and only in this way, can we be assured that these brave men will not have died in vain.

STRATEGY OF OEO IN SEEKING ULTIMATE VICTORY IN WAR ON POVERTY

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ, Mr. Speaker, A recent editorial in the San Antonio Express summarizes briefly and effectively the strategy of the Office of Economic Opportunity in seeking ultimate victory in a war on poverty. The editorial illustrates how Headstart and Job Corps programs work not only to brighten the prospects of youngsters from poor families but to eliminate poverty in the process. Headstart outfits preschool children with improved cultural, intellectual, and physical development which will serve them well throughout their formative years. The Job Corps accepts enrollees who never had a Headstart opportunity and, as a result, are ill equipped for jobs without thorough retraining, education, and even medical care. With an insight that should be instructive to each of us as the Congress prepares to renew its commitment to the war on poverty, the editorial states:

> If Headstart fulfills its hopes, the Job Corps can be temporary.

This remedial approach of OEO forms the essence of the antipoverty effort. I know the San Antonio Express editorial, which follows, will be of interest to my colleagues:

People-Helping Programs Show Poverty Can Be Diminished

Two national programs aimed at making inroads on poverty have now had time enough to produce some "directional" statistics. Head Start and the Job Corps are working and getting good results.

Head Start is working with 1.3 million youngsters aged 4 and 5 years. Job Corps has enrolled 75,410 young persons aged 16 through 21.

Of those Job Corps trainees who finished their training, 53 per cent have regular jobs averaging $1.71 an hour. Ten per cent returned to school and seven per cent joined the military forces. The others "washed out."

Job Corps Director William P. Kelly reports "tighter and stronger management" and that trainees are staying in the training centers two months longer than the average of four months of last year. The average trainee had eight years of schooling and a fifth-grade ability in reading and mathematics. The program "graduates" 5,000 trained men a month from 115 centers.

Cost of the training has been reduced from $8,740 to $6,950 a year. Congress set a maximum of $7,500 a year for the training.

Head Start is operating in 2,400 communities, trying to give youngsters motivation and self-confidence, along with basic education aimed at overcoming handicaps of their environment. Results now observable show that capable children can make substantial improvement in their skills and, as important, in their attitudes.

If Head Start fulfills its hopes, the Job Corps can be temporary.

CASUALTIES IN VIETNAM

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to

the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, today my office completed a survey concerning the fatal casualties from Texas caused by hostile action in Vietnam this year. I believe that certain facts uncovered by this survey should be of interest to my fellow Congressmen.

One hundred and eighty-four men from Texas have died in Vietnam since January 1, 1967. Of these men, 60 were of Spanish surname; that is to say, 33 percent of the men who gave their lives were of Spanish surname, whereas only 14.8 percent of the population of Texas is of Spanish surname.

It is difficult to say whether this disparity is caused by a high number of enlistees among the Latin groups or not. Fifty percent of the Spanish surnamed dead were in the Marines. This would imply that approximately one half of the Latin dead had enlisted, but it is important to remember that the Marine Corps has received 19,030 men through the Selective Service System since November of 1965.

The disparity between the percentage of Spanish surnamed in the casualty list and the percentage of that group in the population is also evident in the district which I represent where 41 percent of the population is of Spanish surname and a remarkable 72 percent of the fatal casualties were of Spanish surname.

Mr. Speaker, I bring these facts to the attention of this body so it can see, with graphic detail, the large sacrifice the people of this country with Spanish surname are paying in order to further our cause in Vietnam:

One hundred eighty-four have died; 60 of dead were of Spanish surname.

Fourteen and eight-tenths percent of Texas is of Spanish surname; 33 percent of dead were of Spanish surname.

Twenty-five of Texas dead were from San Antonio; 18 of San Antonio dead were of Spanish surname.

Forty-one percent of San Antonio population is of Spanish surname; 72 percent of San Antonio dead were of Spanish surname.

Ninety-two of the dead were from the Army; 80 of the dead were from the Marines; eight of the dead were from the Air Force; and four of the dead were from the Navy.

Twenty-nine of Spanish surname dead were from the Army; 30 of Spanish surname dead were from the Marines; one of Spanish surname dead was from the Navy.

Fifty percent of Texas dead were from the Army; 48 percent of Spanish surname dead were from the Army.

Forty-four percent of Texas dead were from the Marines; 50 percent of Spanish surname dead were from the Marines.

BUSINESSMEN ARE MISSING A BET: RENT SUPPLEMENTS

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Rooney] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ROONEY of Pennsylvania. Mr. Speaker, a tragic distortion of the meaning of a Federal program has nearly scuttled an effort on the part of the administration to get private enterprise into the action of cleaning up urban housing problems of low-income citizens.

Just as one group massed behind a mortgage supplement program for the lower middle income group proposed by Senator Percy, others joined with many who did not study the private enterprise oriented rent supplement program, in efforts to kill it.

Who suffers? Right now it's the businessman deprived of an opportunity to make a legitimate profit, local government deprived of new sources of tax revenue and, of course, the poor who, it seems, must always suffer.

The rent supplement program was enacted as part of the Housing and Urban Development Act of 1965 to mobilize the resources of private enterprise in addressing the urgent needs of low-income families for decent housing.

In behalf of persons whose incomes do not exceed those eligible for public housing, rent supplements are paid to the project owners. Supplements may not exceed 70 percent of the economic rent, and the occupant must pay 25 percent of his income toward rental.

In addition to the income requirement, the eligible tenant must be over 62 years old, physically handicapped, occupying substandard housing, or displaced from his previous dwelling by government action or natural disaster.

Four significant facts must have been overlooked by sincere supporters of the free enterprise system:

First. By paying supplements to the owners who, with FHA-insured private financing, construct and operate the projects, the program will stimulate and rely upon private enterprise in a free-market economy. This is not a rent dole to disadvantaged slum dwellers.

Second. This program will help thousands of our citizens to lift themselves from substandard accommodations, and in so doing promote the efforts of local communities to remove blight and squalor.

Third. Rent supplements will not impair individual incentive for self-improvement. A tenant will be allowed to remain in his project even though his rising income may reduce or eliminate the supplement for his unit.

Fourth. The program is designed to increase the supply of suitable housing for low-income families, constructed or rehabilitated under private auspices.

Instead of being a "radical, revolutionary gimmick" as one opponent described it, it is a challenge to business and to the housing industry to get into the act of rebuilding American cities by building housing where the people are in the city.

Looked upon as a sinister plot to implement integration by some, it just is not so. Conservative, business-oriented trade groups like the mortgage bankers, home builders and the realtors just cannot understand Congressmen who say they are for private enterprise and vote against a profit for the businessman.

If the people would only think of this program as a private enterprise incentive program for low-income housing, perhaps some opposition would disappear, and the hostility to the program would assume its true perspective as a cruel hoax on the businessman, the poor and on tax-starved local government.

Mr. Speaker, we have heard repeated pleas that America should enlist the resources of the business community in the solution of the massive problems confronting our urban areas. If our ears are attuned to the communities back home, we have heard the erosion of local tax base lamented by municipal officials and taxpayers alike.

I sincerely hope, Mr. Speaker, that the business community, local municipal officials, and private citizens will give this program honest assessment. If they do, there is sufficient time for them to appeal to both Houses of Congress to correct a mistake by reviving rent supplements. The hour is late but not too late.

MR. KOSYGIN AND MR. JOHNSON

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Gallagher] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GALLAGHER. Mr. Speaker, yesterday, President Johnson set out in clear terms and with unmistakable precision the means our Government feels necessary to reach the goals of peace and freedom in the Middle East. The rights and duties he declared are certainly not new to the international relations. We have always urged territorial integrity, justice for refugees, innocent maritime passage, controls on arms assistance, and national political independence. These are not innovative ideas in American foreign policy.

In sharp contrast, Premier Kosygin's speech bristled with barbs of condemnation and reproach. The Russian Premier sought to cast undue blame on Israel and called for imposition of impossible and unwarranted preconditions to peace. There should be little doubt of who spoke for peace and who spoke for continued conflict.

Hopefully, however, Premier Kosygin's speech to the General Assembly was meant to soothe the wounds, both psychological and physical suffered by his Arab allies, and, hopefully, that outburst is finished. For there now exists an urgent and all-encompassing task to build a lasting and meaningful peace in not only the Mideast but throughout the world.

Mr. Speaker, the President's speech represented to me a high point of concern and compassion for the peoples of the Mideast, and I believe that President Johnson deserves every word of praise he should and will receive. He has again shown his real and unqualified understanding of the pressing need for peace in the world.

I wish to include at this point in the RECORD a copy of the editorial from today's New York Times which well contrasts the remarks of President Johnson and Premier Kosygin.

MR. KOSYGIN AND MR. JOHNSON

Since the hope had been so slight that he would show some genuine statesmanship in his address to the General Assembly yesterday, it cannot be said that Premier Kosygin's sterile and pedestrian performance was much of a disappointment. It can only be said that Mr. Kosygin failed in his responsibility as leader of one of the most powerful states on earth by rejecting this opportunity to advance the peace of the world in general and of the Middle East in particular.

This does not mean that the doors are automatically closed to an eventual peaceful and just settlement of the Arab-Israel question; but it does mean that Premier Kosygin did little yesterday—in striking contrast to President Johnson—to keep them open. It also means that the Soviet Premier felt it necessary to stand before the world tribunal and engage, in his quiet way, in a transparent distortion of history, in crude vilification, in crass propaganda in order to prove to the Arab states that the Soviet Union, after all, really is their friend. Without flamboyance, without emotion, the Premier of the Soviet Union nevertheless harshly reiterated the almost entirely negative position taken previously by his representative in the Security Council, a demand for return of the *status quo ante,* which could only insure an indefinite continuance of bloody turmoil throughout the Middle East.

A slight ray of hope that Mr. Kosygin might be willing, despite his public posture, to undertake some realistic discussions lies in the few phrases of his speech suggesting readiness "to work together [for justice and peace] with other countries," with special reference to "the Big Powers." This is small evidence to go on; but the inclusion of such phrases could conceivably be significant.

In contrast to the generally obdurate and accusatory line of the Soviet Premier, the President of the United States set forth a reasonable approach to the Middle East problem. Employing dignified and measured language, Mr. Johnson addressed himself not to a false reconstruction of the past, as did Mr. Kosygin, but to a realistic program for the future. We only regret that he did not come to New York to make his speech before the General Assembly.

The establishment of conditions for a lasting peace between Israel and the Arab states is the basic American concern, premised of course on the recognition that Israel not only has the right to live, but is going to go on living. Once that fact is accepted, the other pieces of the puzzle can be made to fit together—but only if the Arab states can be persuaded to accept it. The Soviet Union could do much, if it would, to persuade them. Then, and only then, the refugee problem, the arms problem, the water problem, the boundary problem, the free-passage problem and the troop-withdrawal problem would be capable of solution.

The President stressed that the United States is ready to see any method of peacemaking tried, both in and outside the United Nations, and among any or all parties. He gives the impression of "playing it cool," which is just about the best way for the United States to act in a situation that has been far too hot too long. What is called for at the moment is no precipitate action by the victorious Israelis in respect to Jerusalem or anywhere else, by the Arabs in the desperation of their defeat, or by the great powers in maneuvering for position. This is, as Mr. Johnson suggested, a time for magnanimity by the victors, for patience by the vanquished, and for vision by the Parliament of Man.

AMERICA'S CRUCIAL LESSON

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BINGHAM] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BINGHAM. Mr. Speaker, the Commissioner of Education, Harold Howe, recently gave the commencement address at Shaw University in Raleigh, N.C.

I think the Commissioner's message to the Shaw graduates deserves wider attention, and I hope Members of Congress will take a few moments to read it and I now insert it in the RECORD:

AMERICA'S CRUCIAL LESSON [1]

(An address by Harold Howe II, U.S. Commissioner of Education, Department of Health, Education, and Welfare)

First of all I want to tell you how pleased I am to be here. My two years of residence in North Carolina brought me an acquaintance with its countryside and its people—and this opportunity to renew that acquaintance is a great personal pleasure. It is more than that—it is a chance to express my appreciation to many people who have helped me to understand some of the problems of America, problems about which I shall speak at greater length today.

Another reason I am glad to be here stems from a brochure about Shaw University which I saw just recently. Its opening paragraphs read as follows:

"In 1963, when Dr. James E. Cheek came to Raleigh to assume the presidency of Shaw University, there was justifiable reason to wonder why he bothered to come at all. The century-old private school was some $300,000 in debt; most of the buildings were in an advanced state of deterioration; student and faculty morale was at an all-time low; and the school's accreditation was about to be removed.

"Some people thought that Dr. Cheek had come to Shaw to supervise the orderly liquidation of the aged college."

Such candor is rarely encountered in publications sponsored by educational institutions. As one who has read a great number of them, I can tell you that the usual college catalog leaves the impression that there are only three eminent institutions of higher education in the western hemisphere: Oxford, Cambridge, and Apex State Teachers College. And Oxford and Cambridge, one reads between the lines of the catalog, keep looking nervously over their shoulders in jealous and frightened appraisal of each new academic triumph registered by Apex. It is refreshing almost to the point of shock to have a college or university forthrightly admit that it has problems. I suspect that homely truth pungently expressed remains the best kind of public relations.

It is now apparent to anyone who has the least acquaintance with Shaw that Dr. Cheek did not come to Raleigh to preside over the orderly liquidation of anything. In the past four years, he has shaped a provocative, distinctive educational program of which this graduating class is the first product.

The point I wish to stress, however, is that I was most attracted by the institutional honesty exemplified in that brochure. Today I want to try to match that candor by being candid with you in my remarks about our most agonizing domestic problem: racial justice in the United States. It is a problem to which I have had some exposure during the past couple of years although I am a strict amateur in it compared to most of you.

Our contemporary civil rights movement is comparatively new. Although such organizations as the National Association for the Advancement of Colored People and the Urban League have been working to improve the condition of the American Negro for decades, it was not until the middle 1950's that the civil rights movement took on a new direction and urgency as the result of the Brown decision by the Supreme Court. Every American is familiar with such names as Selma, Montgomery, and Birmingham, and their significance for the rights of Negro Americans.

It may interest you to know, however, that the revitalized civil rights movement had significant origins here in North Carolina. Four Negro college freshmen helped give it birth by deciding one night in their dormitory that they had had enough of gradualism. The next day, they walked into a dime store in Greensboro, sat down at the lunch counter, and ordered a cup of coffee.

That simple request—denied first by a white woman and then by an anxious Negro woman, both employees of the store—led within months to similar demonstrations in cities throughout the North and South. It led too, to a melancholy sequence of retaliation. The extraordinary courage with which civil rights demonstrators met violence, refusing to let hatred push them to reciprocal violence, finally touched the conscience of this Nation and resulted in changes which might have taken decades to produce without the demonstrated self-sacrifice of young men and women who were clearly seeking the rights which were theirs under the law but denied in practice. They succeeded in arousing the conscience of this Nation, and they focused that conscience in a way which produced the Civil Rights Act of 1964.

That Act was a genuine triumph for the American political system, proving that a majority, if properly awakened, can vote to safeguard the rights of a minority. It represented a major change in ways of thinking and feeling—a change which was 100 years overdue.

And perhaps because this beginning of social reform exhausted so much emotion, many white Americans felt that by supporting this single piece of legislation, they had done all that could be expected of them. They seemed to conclude that the civil rights revolution was over, and that our society could once again relax in the conviction that racial equality would inevitably proceed from an act of Congress.

Now we know that the passage of laws will not alone solve a problem with a history as long and agonizing as the denial of equal opportunity to our Negro citizens. Slow, patient effort is necessary to bring the law into operation, to determine through the courts what it means and what it does not mean, and to help people make those adjustments in accustomed practice which the law requires. To those whose expectations have been raised, the demand for further patience, for a renewed gradualism, has seemed unreasonable and at times unbearable. They have sought new ways of expressing their demands, and particularly in our cities, their understandable frustrations have sometimes turned to violence.

The dimensions of that violence have been astonishing; and yet no one, it seems to me, can realistically profess astonishment at its outbreak. Negro frustration has been simmering for years, and Negro requests for justice have for the most part been met by apathy at best and repression at worst. Having sown the wind, America is now reaping the whirlwind.

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[1] At the 102nd Annual Commencement Exercises, Shaw University, Raleigh, North Carolina, 3 p.m., Sunday, June 11, 1967.

The roots of this violence are easy to find, but I do not see how any sane man, white or Negro, can maintain that it will lead to further progress toward racial equality. It is clear that millions of white Americans who supported the civil rights movement in the early 1960's have since become disenchanted with the direction of that movement and particularly with the excesses of racial disturbance throughout the land. Some Negroes counter by saying that the violence in our cities has not really changed any white minds; it has merely provided them with a convenient excuse for *claiming* that they have altered their viewpoints.

That may be. The essential point, however, is that in a democracy, the majority rules; and in this imperfect Nation of imperfect humans, we cannot expect the mass of whites to tolerate violence indefinitely, even though their own past action or lack of it may have contributed to racial disturbance. Continuing violence in our cities will inevitably lead to sharp repression and to white resentment that they may wipe out many of the civil rights gains we have achieved.

I do not state this belief as a threat, merely as a hard fact which all of us should recognize. We must keep in mind the final goal, which is that of equal opportunity in every facet of American life. The destruction of property may give vent to long pent-up feelings, but it does not advance justice. As in every other variety of human struggle, it is possible in the struggle for civil rights to win the battle but lose the war.

I do not come before you today simply to advise you against violence, for violence is one of the obstinate conditions of mankind, particularly among the frustrated and immature and uneducated, irrespective of race. But I do want to place before you my concern that as you leave this place of learning—as you build your life and raise a family, and as you continue to confront the problem of racial injustice—that you not allow shortsighted points of view to drive a wedge between you and the millions of white Americans who sincerely want to lift the blight of racism from our Nation.

In the past few years, as the advocates of violence have raised their voices over the quieter insistence of the earlier civil rights demonstrators, we have been introduced to the concept of "black power." The definition of black power depends upon the man who is doing the defining.

At one end of the spectrum of definition, black power means a concerted effort by Negroes to focus their votes and their purchasing power to influence legislation and employment opportunities. It means a demand for introducing Negro history into our textbooks, so that white and Negro children alike will realize that the American Negro fought for and paid for a country which has long ignored his just claim to full citizenship and full respect. It means a demand for better schools, so that Negro youngsters do not begin their working lives with the handicap of inferior education.

All these demands are fully justified. They mean that the American Negro intends to take advantage of the political, economic, and social weapons to which his citizenship entitles him.

But at the other end of the spectrum, black power means separatism, a sharp division between Negroes and whites. It is a kind of racism in reverse. Human reactions being what they are, it is easy to understand why the concept of separatism should have gained support. But regardless of the many justifications which might be advanced to support it, this form of black power seems to me to promise only greater frustration and greater agony. It will perpetuate the ghetto, not eliminate it. It will harden the divisions between the races just when we have some reason for believing that American Negro and American white are closing the gap that separates them. Perhaps most important, it postpones the day of ultimate victory—the day when a man's achievement is circumscribed only by his personal merit.

As college graduates, you have an opportunity denied the uneducated masses of frustrated Negroes living in our rural and urban ghettoes. You can use your education to break out of the economic and social circumstances which always consign the illiterate and the poorly educated to lives of unfulfilled hope and purposeless longing. For education makes it possible for a man to expand his sympathies, to achieve a feeling of confidence in himself even in new and strange circumstances.

Every one of us is born with a set of social limitations. Each of us is born into a specific community, into a specific circle of family and friends. Because this community is familiar to us, because it represents security, to step outside this comfortable circle and risk an encounter with the new and strange requires considerable courage. If a man is satisfied with his present mode of life, of course, there is no reason for him to gamble.

I doubt that many of you here are satisfied with the normal prospects for life as Negroes in America. Your futures must surely seem circumscribed by a dozen forms of racial discrimination that limit you in your choice of jobs, your choice of homes, your choice of horizons.

And yet the very fact that these limitations exist makes it all the more important, for you and for the children you will have, that you determine to break out of the boundaries prescribed for you by racist attitudes. Under normal circumstances, the white college graduate of average intelligence can in general look forward to a reasonably comfortable working career without relentlessly extraordinary exertion on his part. As long as he shaves every day, puts on a clean shirt every morning, and applies himself to his job with an acceptable amount of conscientiousness, he can expect rather steady advancement and a gradually increasing income.

The Negro college graduate has no ground for similar complacent optimism. If he is employed by a white corporation, he may very well wonder whether he was hired on the strength of his abilities or on the desire of the company to exhibit a token Negro here and there as proof of its progressive attitudes. He can wonder how far he will advance; he can with cause suspect that there is an unstated but nonetheless definite limit to his salary and his responsibilities. He can expect snubs from hostile whites and embarrassment from the well-meaning coworker whose exaggerated friendliness has a phony air about it.

Such a gloomy prospect might well make any educated Negro despair of white America, and tempt him to remain at home, in the black America in which he was born and raised.

But some American Negroes have not given up. They have continued to direct their heads and their hearts and their abilities against the barriers of white ignorance and resistance until they have broken through, to better jobs, better homes, and better lives. In doing so, they have opened doors for other Negroes, and they have helped to clear the road their own sons and daughters will have to travel.

And their courage, finally, has made it easier for white Americans to accept Negroes as countrymen entitled to full citizenship. You must realize that what appears to you as white hostility is sometimes nothing more complex than white ignorance. White children and Negro children grow up segregated from each other. They assume that segregation implies some kind of dangerous difference, and not understanding that difference, they fear it. You must realize that millions of whites are not only interested in eliminating racial injustice, but are positively anxious to do so. The problem is that they do not know how to go about it.

You must teach them. One of the paradoxes of the civil rights problem is that the traditional denial of opportunity to the Negro has offered the white an unparalleled opportunity to learn, to grow, to develop and mature. Some whites regret the fact that 11 percent of the population is Negro—not because they resent Negroes, but because they feel that a sizeable Negro minority in the United States has presented us with a social dilemma other nations have not had to confront.

A more perceptive view, it seems to me, is that this dilemma is one of the most fortunate things that could have happened to the United States. A colleague of mine at the Office of Education recently speculated on the course of American history for the next 100 years and concluded that world leadership during this period would depend on the degree to which the people of our Nation learn to understand the desires and sensitivities of other populations, three-fourths of which are not white. He continued his speculation with this observation:

"We in the United States have an unmatched opportunity to learn to live together with other races and nationalities. If we can, we can lead the world. If we can't, we can expect to be pushed aside. I have a hunch our Negroes may be saving our lives in the long run by pressing for integration now. I hope they keep it up relentlessly. I hope the Mexican-Americans, Indian-Americans, and Puerto Ricans get in there and push, too. But mainly I hope we of the white majority can see what a great chance we have to develop a competence that will become ever more essential, not just in international relations but in government and business as well."

My colleague ended his crystal-ball gazing with a hypothetical question: "Do you want your child to be with it in the next generation? Then get him out of that all-white school."

The question was obviously addressed to white parents, but it has the same implications for Negro parents.

I hope, however, that you will not wait until you are parents before you accept the other implications of this brief guess at the history of the future. Strong and prosperous as America seems today, it is destined for slow decline unless all of us learn to live with each other.

White Americans and Negro Americans are all sitting in the same big classroom. We have a most difficult lesson to learn, and you must help teach us.

VAN DEERLIN EXPLAINS HIS VOTE AGAINST THE CONFERENCE REPORT ON S. 1432

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Van Deerlin] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. VAN DEERLIN. Mr. Speaker, as one who spent nearly 4 years in uniform under wartime selective service, I feel I can claim an insider's understanding of the mysterious workings of the draft.

Nevertheless, I think I owe the House an explanation for my vote today against the conference report on S. 1432.

On May 25, when the House first considered S. 1432, the Draft Act extension, I voted for the bill—in hopes that the measure would be approved in an ensuing House-Senate conference.

Unfortunately, this was not done. If anything, the conferees weakened the bill by watering down the House-approved provision that would have required the President to set national criteria for the draft.

In fact, Congress has made very few significant adjustments in a Selective Service System which, in my view at least, has become distinctly creaky over the past quarter century.

We have failed, I believe, to update the Selective Service Act sufficiently to meet the changing requirements of the times. Our Armed Forces today require a different sort of young man than they needed 25 years ago; yet the legislation we have passed today does not really seem to acknowledge this.

In addition, my constituents are expressing considerable discontent with the existing Selective Service System in their response to a questionnaire I have mailed to all homes in my district.

Returns tabulated so far indicate that significant percentages of the residents of my district favor such alternatives to the traditional draft as taking men by lottery, standardizing local draft board procedures, or making military service purely voluntary.

As the Representative of the 37th Congressional District of California, I could not in good conscience have voted for the conference report on S. 1432.

DR. BILLY GRAHAM

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. BOGGS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BOGGS. Mr. Speaker, it was the great privilege and honor of the leadership to sponsor, this past Wednesday, a luncheon in honor of the Reverend Dr. Billy Graham, one of the most distinguished evangelists our Nation has ever produced. Dr. Graham appeared with another distinguished friend of ours, Sargent Shriver, the Director of the Office of Economic Opportunity. Together they showed many of our colleagues the ways in which the war on poverty is succeeding, and how it is helping less fortunate citizens to help themselves into good jobs and decent lives. As part of their presentation, Dr. Graham and Mr. Shriver showed us a short film of the trip they recently made together to several antipoverty projects in western North Carolina, where much encouraging progress is being made in an area of great need.

Mr. Speaker, prior to the showing of this film, Dr. Billy Graham delivered some very eloquent and timely remarks which I know would be of great interest to every Member of this body.

Sargent Shriver, Congressman Albert, Congressman Boggs, Congressman Laird, Chaplain Latch, I am very delighted and privileged to be here today, to have this opportunity of meeting a great many old friends and meeting some new ones as well. And many people have asked since I've been here this afternoon, why I'm here. Is Sargent Shriver trying to convert me or am I trying to convert him? I can assure you that if he were not a Catholic, that I'd be doing my best to get him to become an evangelist because he is an evangelist.

The word evangelist in Greek means a proclaimer—one who is dedicated to a message and he's out proclaiming it. And I don't know anyone who is more dedicated to whatever program he's involved in than Sargent Shriver. I think he is one of the most able, one of the most dedicated Americans that I know today. And I began to study a few months ago the subject of poverty in the Bible. And I went through the entire Bible from Genesis to Revelation, and I got every passage in the Bible that had to do with our responsibility to the poor. And I was absolutely bowled over. I had never studied it, to my shame. I'm making a confession now. I've never studied it before. And I found that it's one of the greatest teachings in the scriptures. That we have a responsibility as a church, as a society, as people to the poor in our area.

Now, of course, the question comes as to who's poor and how do you go about it. And I remember here about the one place where they had a lot of gold and silver in the church. And they said, "Why don't you take all of this and melt it down and give it to the poor." "Oh," they said, "Christ said that the poor you'll always have with you and if we melted all this down, we figured it out, we'd only be able to give about ten cents to every person in the country, so we decided to keep it." And that's the argument many times that people use. But here's a passage and I'm not going to spread a sermon, I'm just about finished—with my introduction.

I've been with President Johnson this morning and he just gave a talk—and I was standing there enjoying the talk with all the REA people who were there—and he gave a tremendous address and I was relaxed and enjoying it and he said, "Now Dr. Graham is going to address us" and I had very little time to prepare but I prepared for this today so I can go a little longer. If there be laws—this is one—the laws that God was laying down not only for Israel but for any nation. And they have equal validity with the Ten Commandments and here's one passage from Deuteronomy that Moses said: "If there be among you a poor man who is one of thy brethren within any of thy gates in thy land, which the Lord thy God giveth thee, thy shall not harden thy heart, nor shut thine hand from thy poor brother. Thou shalt surely give unto him, and thine heart shall not be grieved"—in other words, you're not going to lose by giving when "Thou givest unto him because for this thing the Lord thy God shall bless thee in all thy affairs and all that thou puttest thy hand to. For the poor shall never cease out of the land." Now this is what Christ said. He said, the poor you're going to have with you all the time. He didn't commend it. He said, You're going to *have* them and you ought to do something *about* it. "Therefore, I command thee"—this is a command from God saying "Thou shalt open thine hand wide unto thy brother, to thy poor and to thou needy in the land." I have 175 scriptures just like that from the scriptures. And they're not taken out of context either.

And I believe that you people have done a magnificent job in appropriating funds to attack one of the greatest problems we face in this country.

Now, I go from city to city and I don't have to tell you we've got a time bomb in our cities, getting ready to go off and *it's going off*. All we have to read is the news about Tampa or about Cincinnati or Los Angeles this morning, or Boston last week. It'll be some other town next week. And I think we have a responsibility. Now, I know that when they started this, I was somewhat against it because of all the mistakes that were made and because of all I read about in a Job Corps camp up in New Jersey. I got off on the wrong foot on this and I was critical.

I'm a convert. I believe that a lot of these problems have been ironed out and I believe we have a moral and spiritual responsibility as a people to attack this problem with even greater vigor than we have thus far. And if we *don't*, I think we're going to pay for it spiritually, morally and in every phase of our society. And one of the things that impressed me about what the Office of Economic Opportunity is doing—this is not a giveaway program—I thought it was until I began to look into it and study it a little bit. It's making people help themselves. It's giving them an opportunity, it's retraining.

I visited the Job Corps camps and went to some of these places and I've seen what they're doing with some of these young people. A lot of people say, "well, it's only for the Negroes." Seventy-five percent of them are white. And they said it's for other groups. But it's for all Americans. And that is the reason this is the first time—I've been invited up here for 17 years to testify on everything under heaven. Many of you have invited me to certain committees to testify—I've never come up here in 17 years of going up and down this country preaching and testified or spoken for anything like this before, and the reason I'm doing it is not because of my friendship with Sargent Shriver. It's because I believe it. It's not because of any friendship for the President. He's asked me to serve on, I guess, a dozen different things and I've said "no." Because I felt I didn't want to get involved in anything that could be considered partisan politics. And I'm glad to see that I've got two Congressmen here today, Roy Taylor from North Carolina and Charlie Jonas from North Carolina, one a Republican and one a Democrat. Because I don't want to get involved and I don't think the poverty program ought to be involved in politics. I don't think we ought to make a political football out of it.

Well, that bell might have meant you all are supposed to go. I don't know. But we have a movie to see and this film I have not seen. I don't know what it is. Sargent Shriver is the star. And we were delighted to have him down there and one of the things that I appreciated was when we went back into those mountain coves, miles from anywhere, I wondered, how, how can Sargent Shriver, the brother-in-law of President Kennedy, a man that's known for affluency, how can he communicate with these people? He communicated. He knew how to talk their language and get right down with them. And I appreciated that. And so today, I've come up here to say "God bless you Sargent Shriver, and God bless all those associated with you."

Thank you.

DEFENSE OF MISSISSIPPI'S WORK IN BEHALF OF THE POOR AND NEEDY

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi [Mr. MONTGOMERY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, in recent weeks a subcommittee of the U.S. Senate, magazine correspondents, and Harvard doctors have made statements concerning the plight of the poor and hungry in the State of Mississippi. I will be the first to admit that the poor should not be used as a political football, however, I believe the concern and efforts of my State have been misrepresented by these various statements. For this reason I would like to defend Mississippi's efforts on behalf of the poor and needy.

First, I would like to refer to the remarks of the Honorable Orville Freeman, Secretary of Agriculture, before a recent hearing of the Rural Development Subcommittee of the House Committee on Agriculture of which I am a member. The Secretary said, and I quote:

> Mississippi is the only State in the nation that has either a food stamp plan or a distribution program in every single county. Mississippi is distributing more food and reaching more people than the State of New York.

In further questioning, the Secretary indicated that the initiative of the States plays a large part in assuring that a good job is done in meeting the needs of the poor. In this regard the Secretary commended Mississippi by saying:

> There are more people in Mississippi on food stamp and direct distribution than there are in the whole State of New York, where there are ten times as many people who are hungry and in the poverty groups in New York than in the State of Mississippi.

The facts will support the Secretary's statement and Mississippi's concern for the poor. For example, Mississippi with a population of 2½ million has used $3.4 million in the food stamp program, $11.9 million in the commodity program for a total of $15.3 million. During a comparable period New York with a population of 18 million has devoted $14.9 million in Federal food programs for the support of the needy. This is not to say that all is well in Mississippi and all is bad in the State of New York.

The figures used from the State of New York were only for the sake of comparison and not in an effort to discredit or criticize. However, it does dispell those statements which insinuate that Mississippi has no regard for the poor whatsoever, and in fact points out that Mississippi is a leader among States in dealing with this problem within the framework of the existing programs. In conclusion, I would say that Mississippi can stand on the facts as to its sincere concern and regard for the needs of the poor of our State.

BONDS WORTH $45 BILLION PAID FOR TWICE WHILE TREASURY CONTINUES TO PAY $1.9 BILLION ANNUALLY IN INTEREST TO THE FEDERAL RESERVE—A NATIONAL SCANDAL

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PATMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, the Congress must do something about the scandal of the $45 billion worth of bonds being held in the vaults of the New York Federal Reserve Bank. We cannot afford to ignore this situation any longer.

Mr. Speaker, as a remedy to this disgrace, I plan to offer an amendment to the debt ceiling bill tomorrow—Wednesday—that would, in effect, subtract the $45 billion from our national debt. My amendment would provide that the Secretary of Treasury be prohibited from paying any obligation of the U.S. Government more than once; that the Secretary of Treasury be prohibited from paying interest on any obligation of the U.S. Government that has already been paid in full.

This amendment, of course, would deal directly with the question of the $45 billion worth of bonds being held in the Federal Reserve Bank of New York. The $45 billion worth of bonds in question are part of the Federal Open Market Committee's portfolio and they have been paid for in full once. Yet, the U.S. Treasury continues to pay $1.9 billion annually in interest on these paid-up bonds. My amendment would stop this practice.

Mr. Speaker, no one can deny this fact—they have been paid for. I give you no greater authority than William McChesney Martin himself, and I quote from a Banking and Currency Committee hearing, dated July 6, 1965:

> Mr. MARTIN. The bonds were paid for in the normal course of business.
>
> The CHAIRMAN. That is right.
>
> Mr. MARTIN. And that is the only time they were paid for.
>
> The CHAIRMAN. Just like we pay debt with checks and credit.
>
> Mr. MARTIN. Exactly.
>
> The CHAIRMAN. In the normal course of business they were paid for once. You will admit that, will you not? They were paid for once and that's all?
>
> Mr. MARTIN. They were paid for once and that's all.
>
> The CHAIRMAN. That's right.

Mr. Speaker, in considering these $45 billion worth of paid-up bonds, we should ask ourselves these questions:

Why should the American taxpayers be compelled to pay interest on bonds that have already been paid for in full?

Why should the American taxpayers be required to pay for these bonds again?

Why should these bonds continue to be charged against the national debt when they have already been paid in full?

When the previous debt ceiling bill was before the House 2 weeks ago, there was much discussion about fiscal management and about saving the taxpayers' money. I agree fully with the idea that the taxpayers' money should not be wasted and I suggest that we begin by cutting out the unnecessary waste that is so obvious in connection with these $45 billion worth of paid-up bonds. The cancellation of these bonds and the prohibition of interest payments on paid-up bonds should give the American people some real assurance that we are interested in good fiscal and monetary management.

The collection of this $45 billion worth of paid-up bonds is one of the monstrous frauds of our Federal Reserve System. These bonds have been piled up as part of the Federal Open Market Committee's portfolio, which is operated and controlled out of the New York Federal Reserve Bank.

Each year, the Federal Reserve System—basking in the glory of its seized independence—sends the U.S. Treasury a bill for $1.9 billion in interest on these bonds—again, bonds that have been paid for once, and the U.S. Treasury obligingly sends off the check for $1.9 billion.

Mr. Speaker, can anyone on this floor support the idea of paying interest on an obligation that has been completely paid up? I know of no parallel anywhere. Does anyone continue to pay interest to their bank after they have paid for their automobile in full?

This is an absurd situation which the Congress has allowed to develop through the years. Mr. Speaker, it would indeed be difficult for any Member of this body to explain to the American voters just why we have allowed this to go on. I do not think there is a congressional district in this country where the people—regardless of their political leanings—would approve of paying a debt twice.

This is just like an individual who engages a broker to pay off his mortgage, and then finds that the broker, after paying the mortgage holder, has retained the mortgage for himself, continuing to collect the interest, and asserting the right to come around and collect the principal again when the mortgage matures.

To my knowledge, no one has questioned the obvious—that these bonds have been paid for once.

Mr. Speaker, I have already quoted from the July 6, 1965, hearing of the Banking and Currency Committee in which Chairman Martin, of the Federal Reserve Board, admitted—unequivocably—that the bonds held in the Federal Reserve Bank of New York had been paid for once. This is just one of many occasions on which Federal Reserve officials have admitted that these bonds have been paid in full.

For example, Mr. Speaker, I quote from hearings before the Subcommittee on Economic Stabilization of the Joint Economic Committee, December 10 and 11,

1956. At that time, the total sum of paid-up bonds was smaller, but the facts surrounding their purchase are the same, I quote:

Chairman Patman. And every one of those notes that you trade for those bonds of the Government says on its face that it is an obligation of the United States Government?

Mr. Martin. That is correct.

Chairman Patman. And that is what makes it good.

Mr. Martin. That is right.

Chairman Patman. Now then, whenever you take that Government obligation from the Bureau of Engraving and Printing and you trade it for $24 billion worth of bonds which you have, and you have those bonds now, you draw interest on those bonds, do you not?

Mr. Martin. We do.

Chairman Patman. About $600 million a year; and, although you traded one Government obligation for it, you keep the bonds and you do not cancel them. They pay interest, and you use that $600 million in any way that is allowed by law, for administrative purposes in the operation of the Reserve banks. And then, of course, after all the deductions have been made, why, you pay 90 per cent of the remainder into the Treasury of the United States?

Mr. Martin. That is correct.

Mr. Speaker, I quote further from this same hearing in which we questioned several Federal Reserve officials, including Robert G. Rouse, manager of the Federal Reserve System's Open Market Account:

Chairman Patman. But the truth is, all the bonds that you have—and you have about $25 billion worth of bonds, do you not?

Mr. Rouse. Something less than that; yes, sir.

Chairman Patman. Every one of those bonds have been bought, not on the resources of the Federal Reserve banks, but on the credit of the Nation by exchanging Federal Reserve notes for them, have they not?

Mr. Rouse. Yes; they are bought by the—out of Federal Reserve funds.

Chairman Patman. No; you are mistaken there, are you not? You do not say that they are bought with Federal Reserve funds. The money is created by those bonds. Do you not understand that?

Mr. Rouse. It is created—yes, indirectly.

Chairman Patman. Well, directly.

In other words, if you buy bonds, you must pay for them, and those $24 billion worth of bonds were paid for, but not by Federal Reserve bank funds; they were paid for by Federal Reserve notes.

Now, I will not insist on your answering that. I will ask Mr. Martin to answer that.

Is that not correct, Mr. Martin?

Mr. Martin. It would be the same thing, sir.

Mr. Speaker, I also quote from a hearing by the Joint Economic Committee in February 1952, in which Senator Douglas questioned Mr. Martin:

Senator Douglas. When the Open Market Committee buys Government bonds, how are these bonds paid for?

Mr. Martin. They are paid for by a check, by deposit.

Senator Douglas. You mean that the banks, the Federal Reserve banks, create credit——

Mr. Martin. That is right, sir.

Senator Douglas (continuing). With which they buy Government bonds from private parties.

Mr. Martin. That is right, sir.

Mr. Speaker, these are but a few of many examples of the concrete proof that these bonds have been paid for in full. There is simply no question whatsoever.

The only question that remains—what is the Congress going to do about this situation? I hope the Congress will face up to its responsibility and prevent the Treasury from paying debts twice and from paying interest on debts that have already been paid.

THE CHURCH AND THE POVERTY WAR

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. Albert] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ALBERT. Mr. Speaker, I want to call to the attention of the Members a timely interview appearing in the June 1967 issue of the Southern Baptist Convention monthly publication, Home Missions, entitled "The Church and the Poverty War." The text of the interview with the Director of the Office of Economic Opportunity, Sargent Shriver, follows:

Shriver Interview: The Church and the Poverty War

Shriver. From the beginning of this effort, nearly all religious groups have been overwhelmingly in favor of what we are attempting. And of course, the assistance of Southern Baptists, in particular the Home Mission Board, is extremely important in getting a successful "war on poverty" not only launched but concluded. The original legislation passed by Congress specifically stated we were to mobilize all of the resources of the American people. Some think that means governmental resources—the federal government, state government, municipal government—but I never interpreted it that way. I read it literally. And to me that meant, as in any other total war, you use volunteers; you use religious groups; you use old ladies who can wrap bandages and maybe nothing else; you use invalids who can write letters and maybe nothing else. And as a consequence, we have attempted, not always successfully, to mobilize or energize every institution and every group in our nation who is willing to participate, and none, in my judgment, is more important than the religious groups.

Knight. How is the term "war on poverty" used? Has the phrase changed its meaning any?

Shriver. No, I don't think it has. Some newspapers write that people don't speak so much any longer about a war against poverty. We haven't had the funds, the finances, for a truly total war against poverty with costs of many billions, just like a total military war costs many billions. The newspapers claim that instead of a war, this is more like a skirmish. We're continually pressing toward a total war. We have a total war plan and we hope to have a day in our country when we can as a nation mobilize the money as well as the people.

Knight. How would you break down the figure of 34 million poor into racial, ethnic or other groupings?

Shriver. Well, I'm not sure that I have all those figures at the tip of my tongue. For example, it's about 45 percent rural as compared to urban. It's about 75 percent white, as compared to all other minorities like the Negro minority, or Mexican-American or Spanish-speaking, Puerto Rican minority. The 34 million was a figure, incidentally, from a few years ago. We now have 32 million—about 15 million of them are either teen-agers or children, which is an appalling fact. Certainly no one can claim that they have failed to utilize the advantages, that they are all drunks, for example, or that they're all lazy, or that they're all taking dope, or that they're all beyond redemption. And that is one of the reasons that much of our effort is directed toward young people with the obvious hope that if we can help them now they can help themselves for the rest of their lives.

Knight. Isn't there a large segment of older people as well?

Shriver. Yes, but it's not nearly as large as the children. Another large group consists of women who are the heads of families. They may be widows; they may be divorced; they may be deserted. But of all the groups that group is among the poorest. In addition, there are obviously the Indians who live on reservations, of whom we now have about 550,000 in this nation. There are the migratory labor of whom when one adds the men, women and children together there are several million.

Knight. How does the racial factor complicate your entire poverty war?

Shriver. Tremendously. Explicitly, some people have gotten the wrong idea—that the program is strictly for Negroes, or strictly for Mexican-Americans. Many more white people participate in this program than minority groups. But the minority group people are easy to photograph and when something goes wrong, it's easy to blame minority group people. I'm sorry to say that in the United States, the racial problem continues to make difficult whatever is attempted—if it looks as if it's helping Negroes. Now, I don't want to stigmatize the southern states. That is also true in the North, in my hometown of Chicago. When a program becomes identified in the popular mind, rightly or wrongly, as something for Negroes, you lose the support of the white people. Now, our program is not strictly for Negroes, but some people have attempted to portray it that way. Consequently, one of our biggest jobs from a communications or information point of view, is to get across to white people that the war against poverty is for their benefit as much as for the minority group. In fact, we believe that by benefiting the poorest people, white or black, we're helping everybody, rich, white or black. The poor in our nation now don't buy Ford automobiles or General Electric refrigerators. They don't contribute much to churches. They don't vote. In most communities they, therefore, are not participating. They're not helping. I sometimes say it's like a horse race. The horses go to the posts, handicapped, you know. Well, we're like a nation on whose back is being carried 30 million poor people. That is a dead weight against progress—economic, social, religious, etc. What we're trying to do is reduce the dead weight.

Knight. We've had two years of experience, what fundamental lessons have these two years taught us?

Shriver. A number of fundamental lessons. First, that you can't lick poverty unless everybody is fighting together to combat it. You can't fight poverty by lining up the poor people against the rich people or by lining up private groups against public groups. You can't lick poverty by just one thing. There's no patent medicine cure for poverty. A poor person sometimes is like a patient in the hospital who is alleged to have multiple defects or problems. Almost any poor person has a health problem, a housing problem, an education problem, a job problem, a family problem, et cetera. Therefore, we have to have multiplicity and a number of different weapons in this war. Another thing we've learned is that it's going to cost more than most people thought. This is not to say that it costs more than we can afford. It's going to cost more than some people anticipated because rehabilitation is always more expensive than getting the thing straight from the beginning. So, we know that it would be better for the country if we expended millions more on a program like, for example, Head Start, or other programs.

Knight. Some believe that aid to the poor should be adequate only to care for animal needs—food, shelter and clothing—Does OEO have any defined position here?

Shriver. Yes we do. For example, we've found out that the poor, I think to quote the Bible, "they thirst after justice" just as much as they want for food. I was extremely impressed by that fact when the poor were asked what programs from our agency they wanted the most, many asked for legal services before they wanted a house. And then suddenly, I remembered that biblical quotation. It proved the veracity, the profundity of the Bible in its understanding of human nature. The people want justice as much as they want a job—so the legal services program is very helpful. Now, we've also found out that despite the fact that our nation has the greatest medical program in the history of the world, literally millions of people don't ever see any doctor. There are literally millions and millions who from their birth have never seen a pediatrician or a dentist—whose mothers have never had the service of an obstetrician or a gynecologist, who don't know what an internist is. So we have a problem of what we call delivery of the services. In business (I came here from business) it's been proven that the system of distribution of cars or food (a loaf of bread) costs as much as the system of production. Well, it isn't strange then that as a nation we're going to have to invest as much in delivering medical services as we spend in creating it. It's no good if a doctor is produced and then only sees one patient every 20 minutes of every hour. His knowledge and service is not available. It isn't delivered. So we've got new ways of delivering medical services, of delivering legal services, new ways of delivering education.

Knight. What evidence is there that you've had significant participation by the poor in these decisions?

Shriver. The best evidence is numerical and then several other bits of evidence. First of all, literally millions of poor people have participated. For example, there have been over a million youngsters in the Neighborhood Youth Corps and over a million people in the project Head Start. The vast majority of them are all poor. The Louis Harris poll showed that among the poor people, the war on poverty was very popular (6 out of 10 Americans want it expanded).

Knight. Do you see that the successful Head Start program is going to contribute permanently to the preschool education on the American scene?

Shriver. I think it will. Yes. I'd like to make one thing clear. I'm *not* in favor of compulsory education down to four, three, two, one. I'm not in favor of what they tried in Russia, which meant almost nationalizing the upbringing of children. One of the specific ingredients of Head Start was what we call "parent participation." The idea was that through the child we would be able to help the parents be better parents. I'm one of those who believes that the parents have the first responsibility for teaching the child. Therefore, Head Start has an ingredient (you might almost call it Home Start) which is to upgrade the parents so they are able to be better parents, better educators of their kids, better providers of health for their kids, better providers of a sense of justice for their youngsters, better providers, for example, about good work habits for their youngsters, etc. So Head Start is a community action program that helps children and their families through the use of volunteers and the provision of medical, dental, social and educational services. In fact, if we didn't have any education at all in Head Start—no pencils, no crayons or anything—it would still be worth it.

Knight. It is reported that one-sixth of the federal budget is engaged in some part of the anti-poverty fight. Your agency has a budget of about $2 billion. Is there a correlation between all these federal programs?

Shriver. The total amount of money, according to the Bureau of the Budget, which is spent for programs dealing primarily, not exclusively, with the poor is about $22 billion. Of the $22 billion, most of that is social security which, by definition, people have earned. This is no giveaway. Second, a large part of it is for unemployment insurance which is helpful to the poor but also to people who are well-to-do, not just the poor. I want to make it really clear that those programs do not exclusively benefit poor people, nor are they aimed exclusively at poor people. Medicare, for example, for the elderly helps many old, poor people but it is not just to be added into a great big fat figure, you know, and act as if it's all for the poor. The things that have been started new in the last two or three years like Head Start, the Neighborhood Youth Corps, the Job Corps, job training—these things are directed toward the poor. They, in the aggregate, are closer to $3 or $4 billion than they are to $20–30 billion.

Knight. Do you see a terminal date now for this intensive anti-poverty war?

Shriver. I said in 1966 that if the government and the people, let's say, were willing to put much larger sums of money to work, we could get rid of poverty in the U.S. by 1976—the 200th anniversary of the Declaration of Independence. I thought it would be a fantastic tribute to the people who created this country that 200 years after they wrote the Declaration of Independence, this nation would have eliminated poverty. It would be the first big, huge nation in the history of the world to do it. Frankly, I think that the revolutionaries who created this country in heaven looking down would themselves think that this is the greatest accomplishment we have made. It could be done, even now. But it can't be done without the expenditure of a lot more money per annum—I would say at least three times as much per annum as is now being spent. When I've said that in the past, people sort of throw up their hands in despair. But you know, without raising taxes we've spent that amount of money fighting the war in Vietnam. Yet you and I have not given up our cars or our steaks or our baked potatoes. We don't have price control. We don't have wage control. We're not in a regimented society. Our belts really have not been tightened. What I'm trying to say is that if we can find that money to fight a war in Vietnam, it's not unreasonable once the war is over, let's say, to find the same amount of money to fight the war against poverty.

Knight. But isn't the reaction in Congress now really stronger against OEO than it has been in the past?

Shriver. It's an odd reaction. It's a funny reaction in this respect. Nobody attacks the programs run by OEO. Everybody's in favor of Head Start. Everybody's in favor of legal services for the poor, health services for the poor. Everybody's in favor of the VISTA program. Everybody's in favor of rural loans, et cetera. (You know when I say everybody, that isn't literally true. There are obviously opponents.) But if we just had a series of votes on each one of those issues, they'd go through overwhelmingly. But what is the fight? The fight is who's going to get the credit for the program. So the Republicans introduced a bill to split up the administration of these programs and to take the programs and parcel them out to other agencies of government. One Congressman said in a speech, that's like taking the Defense Department and putting the Marine Corps in one place and putting the army engineers over into the Department of Interior, taking the Air Force and putting it off by itself, and so on. It doesn't make much sense truthfully because if you're going to fight a coordinated, unified war or if you're going to plan and operate a unified effort to combat poverty, you have to have one place where that unity is accomplished. I'm not trying to say that we do it perfectly. I'm not saying that I do it perfectly. In fact, I'm sure there are others who could do it better. But that's not the issue.

Knight. The administration's new bill seems to take into consideration criticism the program has received—like bringing in more local public officials.

Shriver. That's right, and there's two things about the bill. One, it attempts to put into law the practical experience we've gained. Second, the bill attempts to get greater coordination in Washington, strengthening the Economic Opportunity Council. That's like the Joint Chief of Staff—we have the Secretary of Labor, Secretary of HEW, Secretary of Commerce, myself and so on——

Knight. This is the correlation of the whole federal area.

Shriver. That's right. We're attempting to strengthen that so we have better unified command.

Knight. Is your bringing in local officials getting the politician's hand more in the "pork barrel"?

Shriver. No, it's not going to do that at all. In fact, where our program has operated most successfully local officials have been in it. That's why we have put it into the law.

Knight. The anti-poverty war has psychological aspects—I notice car stickers which say, "I fight poverty. I work." Does this reflect the idea that if people would work the war would be over?

Shriver. It does reflect that. It also exhibits a tremendous amount of ignorance. The guy driving that car who is so sanctimonious or self-righteous as to put that on his car ought to be saying instead, "Thank God I have a job. Thank God I've got the health and education to hold the job." Most people who are poor want to work. I've never yet met a man or woman who wanted to be poor. But—they don't have the education—the health—the background. To say that "I fight poverty. I work" is a very unchristian thing. You'll find no such thought or statement anywhere in the Bible. It's a sanctimonious, self-service, and self-righteous thing.

Knight. How does OEO seek to build a sense of personal responsibility in an individual for his welfare?

Shriver. Every program attempts to do that. A Job Corps slogan is "Work, earn, and learn." We had the same slogan for the Neighborhood Youth Corps. These are volunteer programs, so a youngster has to have the personal initiative, the personal motivation, the personal sense of responsibility to volunteer. In the case of the Job Corps he leaves home, associates with different kinds of kids, and goes through a 60-hour workweek to make 50 bucks a month. This is not a handout program. The same is true with Head Start. A parent has to feel that he'd like his child to get this experience, and the child has to have at least enough energy and gumption to go through the experience. VISTA—the Volunteers In Service to America—is a program that requires people to volunteer. In our programs we're doing all the psychological things we know how to do to motivate them better.

KNIGHT. Does the nation's concern in this area say to these people, "We'll take care of you; you are not really responsible"?

SHRIVER. Not at all. If that's what we were doing, I'd think we ought to close up shop. What we're saying is, "You've got a chance. This may be your last chance to get ahead and make something of yourself." The slogan of the Job Corps is this: "Be Somebody." The VISTA slogan is "Help somebody be somebody." Nowhere do we leave the impression that you can just sit under a tree and bananas will fall off and be put in your hand. The great mass of American middle-class people—with incomes between $4,500 and $15,000—think we are taking their money and handing it to some ne'er-do-well, some bum, some punk and telling him, "Don't do anything. Just relax and we'll keep handing you the money." That is exactly the opposite of what we're doing. We have done the worst job of communication in this area that is possible to imagine. Conversely, a very good hatchet job has been done on us.

KNIGHT. What do you see is the role of the church in this poverty war?

SHRIVER. I just see it all over the place. First, I think the spreading of accurate information is important; what the program is. Second, is exhortation. Any religiously-motivated person—of any denomination, Christian or Jew—should be participating. Why? Because if there is anything that comes through in the Bible 100 percent, it is that you help your fellowman, especially the guy who's the poorest and is ungrateful after you've helped him. Our Lord healed 10 lepers and only one came back to thank him. He asked, "Where are the other nine?" I bet if you had the sequel to that story the others were out saying he should have not only healed us but given us five dollars in addition. There's no such thing as looking for gratitude in this business.

KNIGHT. Do you see any organised participation by the denominations?

SHRIVER. Yes I do. We have something called the Interfaith Committee in support of the war against poverty—composed of Protestants, Catholics, and Jews. We have an organization called WICS—Women In Community Service—composed of the United Church Women, the National Council of Catholic Women, the United Jewish Women, and the National Conference of Negro Women. We have many church groups that get direct help from us through community action. For example, we have the National Council of Churches running migrant labor programs for us through community action. We have churches running programs for the mentally retarded who are poor; churches participating directly in community action; ministers and priests on community action boards. The director of the war against poverty in Houston is a Protestant minister who has taken time out from direct work in a church setting to do this. A number of ministers work right here in the OEO headquarters in Washington. The director of VISTA, incidentally—a Presidential appointee—is a Southern Baptist minister, Bill Crook.

Let me go back. There is the job information and of exhortation. Young people's organizations connected with all the churches can do work here—helping the Head Start program, helping the Neighborhood Youth program, becoming VISTA volunteers. They can be hospitable to VISTA volunteers when they come to their town. They can run summer day camps. All are possible for church organizations to do while they remain church organizations. And we finance all that. There is a chart, "Where did the war against poverty go—moneywise last fiscal year?" Forty-five percent went directly to private nonprofit organizations—YMCA's, church groups, a child care center, the National Child Care Welfare Association, and so on. Of the total, three percent went for administration by OEO. Most of all the rest went either to educational institutions, business organizations, or to private nonprofit groups. So, it's a people's war, America's war, not the federal government's war.

KNIGHT. OEO has drawn up special conditions or guidelines concerning the granting of funds to religious groups. My denomination is very concerned in this area. What plan does OEO follow to insure that the conditions you impose on these transactions with church-related institutions will be adhered to?

SHRIVER. First, the special conditions were drawn up with the help of leading Baptists, as well as representatives from other religious groups. Therefore, they do coincide with the accepted beliefs of all the denominations. Second, we have an inspection department which is watching all the time for potential or actual breaches of those conditions. Third, the conditions are very well known and we have the benefit that everybody watches everybody else. I don't think the Catholics are going to get away with something in Detroit because the Protestants will be watching them. The Protestants aren't going to get away with something because the Catholics, or the Jews, or the atheists will be watching. When we make a mistake we hear about it very, very rapidly.

KNIGHT. These in addition to your own inspection team?

SHRIVER. That's right. In other words, there is no credibility gap here—no management of the news, no hiding anything. It's going on right under everybody's feet.

KNIGHT. What percentage of your grants have been challenged in relation to this church-state issue?

SHRIVER. I have explicit knowledge on that. We've had one suit brought in the summer of 1965 in Kansas challenging Head Start, and it was withdrawn. So in fact we have had no suits challenging any of our grants brought by anybody anywhere for any reason. It's a miracle because when we started everyone said we'd have hundreds of injunction actions challenging what they claimed would be our violation of church-state separation. Frankly, we're as eager not to violate that as anybody else. And because of all these "watchers," you might say, who observe what we do, we've been very fortunate that we haven't had any trouble.

KNIGHT. For the strict separationist you have outlined some areas—information, exhortation, personal participation?

SHRIVER. That's correct, but let me add to that. This is not the United States government's war. This war must be fought by individual human beings. All the government can do is make money available to help finance the efforts of local people. If it were a government war, it would fail because the government doesn't have enough money. The government represents all of us, and as the unified center where all of us can participate together, it gives us all a greater strength because we are together. All we try to do here in this war is to establish some programs, some new structures, if you will (I call them ministructures; I want them as flexible as possible) within which people can be free to do what they like.

KNIGHT. Do you have experienced resource people who would aid churches with their own programs—where finances might not be involved?

SHRIVER. Definitely, to the extent that we have people available free to help anybody organize their own programs. We're delighted when organizations do things on their own—the International Chamber of Commerce, the National Association of Manufacturers, or the Baptist Convention. It's not competitive with us or critical. If everyone took off and did nothing but fight poverty for a year, there would still be work.

KNIGHT. Do you anticipate you will stay with the war against poverty?

SHRIVER. That's up to President Johnson. I work for him.

KNIGHT. You are available?

SHRIVER. It isn't so much that. I'm a guy who feels that if you have an opportunity to serve in a program like this one or the Peace Corps, that those are almost unique, unrivaled opportunities. How many people do you know who ever get a chance to start something like the Peace Corps, or Head Start, or the Job Corps, or VISTA? I ought to really get down on my knees and thank God that I have the chance.

KNIGHT. I see you getting some of the same satisfaction out of your work as we get out of our work.

SHRIVER. I think it's the same work. The thing you're doing is through the Baptist Convention, through a church, which is the traditional way. I used to do that as a Catholic. I don't think the government should be excluded from helping or participating.

KNIGHT. We don't want the religious groups to feel, either, that now that the government is in these areas they should get out.

SHRIVER. It's interesting you mentioned that. When we started this program, the National Organization of Community Chests and Councils came to me and said, "This is going to be the end of the Community Chests and Councils. People will say, 'We don't have to give to Community Chests because the government is going to do it all.'" What actually has happened is the contributions have increased more than ever in history. Why? Because we have focused more attention on the problem of poverty.

KNIGHT. There is always a danger in an age of affluence that we will overlook the poor altogether.

SHRIVER. That's exactly what we were doing.

ANNUAL REPORT OF THE DEPARTMENT OF AGRICULTURE

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. ALBERT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ALBERT. Mr. Speaker, I wish to call the attention of my colleagues to the annual report for 1966 of the Department of Agriculture which was released today by Secretary Orville L. Freeman.

A copy of the annual report and a press release relating thereto has been furnished to each Member of Congress.

The report sets forth the position of agriculture in America today and outlines our challenges for the future.

In his report, Secretary Freeman points out that surplus commodities are disappearing and that Commodity Credit Corporation investments have been sharply reduced, that realized net farm income has increased and that the programs of the Department of Agriculture have provided better diets for the American people and are helping to feed the world on an ever-expanding basis through increased exports.

Under the unanimous consent request, I include in the RECORD at this point a copy of the press release concerning the annual report, which is entitled "Agriculture's Challenge—Today and Tomorrow." The release follows:

"The year 1966 marks the end of an old era in agriculture and the beginning of a new and better one," Secretary of Agriculture Orville L. Freeman says in his Annual Report for 1966, entitled "Agriculture's Challenge—Today and Tomorrow."

In releasing the report today, Mr. Freeman said, "The new era in agriculture gives us a realistic opportunity, as well as a challenge, to set up our goals for the future. Building on the accomplishments of recent years, we can now define our objectives for tomorrow. This is the purpose of our current Agriculture/2000 project, a blueprint for action now and in the years ahead. The fact that U.S. agriculture has entered a new era makes Agriculture/2000 a realistic undertaking.

Among the 1966 advances cited by the Secretary are:

Disappearing surpluses.—"For the first time in more than a decade agriculture is now generally free of surpluses," the report says. The surpluses of wheat, feed grains, rice, milk, butter, and cheese are no more. The new cotton program, combined with increased domestic and foreign use, is cutting sharply into the cotton surplus.

Government investment sharply down.—In 1966, the Commodity Credit Corporation investment in farm commodities "fell to $4.4 billion, the lowest since 1953. CCC investment is now $4 billion below the peaks reached in 1956 and 1959."

Income sharply up.—"Realized farm net income in 1966 climbed to $16.3 billion—over $2 billion more than in 1965 and about $4½ billion more than in 1960." Net income per farm in 1966 averaged $5,024, 20 percent more than in 1965 and 70 percent above 1960. For the first time in half a century, parity of income for adequate size family farmers "is clearly in sight."

Flexible farm programs.—Farm production can now be guided and brought into balance by means of farmer self-determination with government assistance. "Under the flexible provisions of the Food and Agriculture Act of 1965, farmers are expected to bring back into 1967 production about 18 million acres, mostly wheat and feed grains, out of the 63 million acres diverted in 1966."

Rebirth in rural America.—"The revitalization of rural America continues, with more farm and nonfarm rural people enjoying pure water, better community facilities, improved schools, medical services, and an increasing number and variety of off-farm jobs." The report points out that USDA advanced $1.2 billion in loans in 1966 to more than 700,000 rural families, helping them to build new homes, establish more productive farming enterprises, and develop water and sewer systems.

Better diets.—"USDA food assistance programs now help improve diets and nutrition for 45 million Americans—school children, low-income families, and others who have inadequate diets. The Food Stamp and the Commodity Distribution Programs for needy families were available at the end of calendar 1966 in over 2,100 counties and cities in all States and the District of Columbia. More than 18 million children were served low-cost, nutritious school lunches."

Expanding exports and food aid abroad.—"Exports of farm products reached all-time highs of $6.7 billion for fiscal 1966 and $6.9 billion for the calendar year, registering gains of 10 percent and 11 percent, respectively, over the corresponding year-earlier periods." U.S. grain shipments to drought-stricken India saved 60 million persons from starvation.

Growing resource conservation.—"Conservation treatment for soil, water, timber, and wildlife was applied on over a million farms with government cost-share assistance in 1966." USDA continued to give technical assistance to nearly 3,000 local soil and water conservation districts that include about 99 percent of the nation's farms. The Department approved construction assistance to 89 watershed projects covering 6 million acres. The National Forests had a record timber harvest for the fourth consecutive year.

More consumer services.—"USDA inspected for wholesomeness and safety close to 90 percent of all the meat and poultry sold in the United States, a new record." It graded 60 percent of the meat (excluding pork) and 63 percent of the poultry sold, thus helping consumers select the qualities they needed for specific cooking purposes. Further progress was made in wiping out animal diseases, some of which are transmissible to humans. By chemical, biological, and other means the Department continued to protect fruits and vegetables against pest damage. New foods and crop varieties were developed for better living.

NEW ERA—NEW RESPONSIBILITIES

"Probably never before," the Secretary says in the report, "has the change in the position and responsibilities of American agriculture from one year to the next been so great as in 1966."

Having entered a new era, U.S. agriculture now faces new responsibilities, Mr. Freeman continues. "A great and growing agriculture must meet a great and growing array of challenges—in the countryside, in the national economy, and in the world. . . .

"We must build the American family farm into an even more productive, effective, and prosperous unit of the economy.

"We must help to revitalize and reinvigorate the whole of rural America.

"We must lead the crusade for a world free from hunger.

"We must expand our areas of vital services to assure that the abundance produced by American farms, the resources available in farm and rural America, and the knowledge developed by agricultural science are used to support an era of better living for all our people."

A NEW PLATEAU

In releasing the report, the Secretary pointed out that although farm income in 1966 was 40 percent more than in 1960 and farm prices averaged 13 percent higher, it is proving difficult to continue the advance in 1967. "We have reached a new plateau. Farmers still face big problems. The art of balancing production with demand is far from perfected. Largely as a result of a bumper world grain crop and increased domestic production of hogs, cattle, poultry and milk, farm prices have dropped sharply from the peak reached last August.

"We are using all available programs, including price support, purchase programs, and other marketing aids, to strengthen farm prices and income. We expect farm prices to strengthen and farm income to come close to last year's record. It is vital that the gains of recent years be not only maintained but expanded. Despite their immense contributions to the economy, our farmers are still being inadequately rewarded."

Mr. Freeman concludes his report with an epilog in which he says: "Ours is an age of collapsed time. We see more technological and scientific progress in a year—perhaps in a month—than our ancestors saw in a century. . . .

"The challenge of our generation is to turn the scientific, technological, and information explosions to the advantage of the human race.

"And we in agriculture are particularly challenged—because agriculture can, must, and, I believe, will provide many of the most basic tools. Fortunately, the continuing progress of the year 1966 gives promise that agriculture can and will meet its Challenge—Today and Tomorrow."

A CHOICE OF APPOINTMENT

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. FULTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FULTON of Tennessee. Mr. Speaker, all Americans who believe in the fairness of advancement through merit, ability, and qualification will agree in the wisdom in the appointment to the Supreme Court of Mr. Thurgood Marshall.

The appointment by President Johnson of Mr. Marshall as Associate Justice of the Supreme Court is a well-deserved tribute to a brilliant jurist, a law scholar, an experienced and able attorney, and an outstanding American.

The appointment has received widespread acclaim. I am glad to report that recent editorials in the Nashville Tennessean and the Nashville Banner have commended our President for this nomination.

The Nashville Tennessean stated in its editorial:

> It would be difficult, if not impossible, to find a candidate for the Supreme Court with better recommendations than Mr. Marshall's.

The Nashville Banner states in its editorial:

> On its merits the only valid basis for such judicial appointment, or for impartial evaluation of it, the nomination accords with reasoned judgment.

I fully concur with the view that Mr. Marshall "has accented the law and constitutional processes . . . and condemned violence as the method of its implementation."

Under unanimous consent, I insert into the RECORD the editorials from the Nashville Tennessean and the Nashville Banner endorsing Thurgood Marshall's appointment:

A CHOICE APPOINTMENT

There are two reasons why Mr. Thurgood Marshall should have been appointed to the United States Supreme Court.

One—and the most important—is that he has superior qualifications for the job. The supporting reason is the simple demand of justice that he be the first member of his race to serve on the nation's highest court.

No justice now sitting on the Supreme Court has higher qualifications in ability and experience than Mr. Marshall has.

The new associate justice finished law school at the head of his class. As general counsel for the National Association for the Advancement of Colored People, he argued 32 cases before the Supreme Court, winning all but three of them.

His landmark victory was the 1954 decision by the court outlawing segregation in the schools.

Mr. Marshall then served four years as a federal judge on the U.S. Second Court of Appeals in New York. He was appointed U.S. Solicitor General in 1965. As solicitor general, he argued 18 cases for the government before the Supreme Court. He won 13 of them.

Thus the record of Mr. Marshall's ability and experience is clear and convincing. So is the record of his love for the devotion to the law, and his adherence to legal processes for the settlement of issues.

Yet, despite his undisputed qualifications, some will say he should not have been appointed to the Supreme Court and that his appointment was made on the basis of political considerations.

There can be little doubt that political results may come from the appointment of Mr. Marshall. But this is no reason why the appointment should not have been made.

The new associate justice—grandson of a slave and son of a Pullman steward—symbolizes the rapid progress of his race over the past two generations. And the most spectacular progress was brought about through his own initiative and skill before the bar of justice.

It would be difficult, if not impossible, to find a candidate for the Supreme Court with better recommendations than Mr. Marshall's. If his appointment sprang from political considerations—and what Supreme Court appointment did not—the nation can be thankful that the political forces worked out to put such an outstanding legal talent on the court.

Marshall Is Qualified

President Johnson's nomination of Thurgood Marshall as Associate Justice Tom C. Clark's successor on the U.S. Supreme Court comes as no surprise. That the nominee would become the first Negro on that tribunal was almost a foregone conclusion, as widely speculated at the time of his 1965 appointment as Solicitor General.

In the latter capacity—No. 3 official in the Justice Department—he has capably borne the responsibilities assigned; the government's lawyer in cases before the supreme bench, having personally argued 19 of these. Of further significance as to preparatory experience, he served for about three years as a judge of the U.S. Circuit Court of Appeals handling cases from New York, Connecticut and Vermont.

Thus he has not only scholarship in law, but a background of judicial record, as a basic qualification. As firmly as any present member of the Supreme Court, and more so than most of these, he has spoken out against elements of anarchy in the civil rights movement—and that as recently as June 7 of this year.

Admittedly the strong advocate of racial equality—within the meaning of full citizenship and opportunity incorporated in that term—he has accented the law and constitutional processes to that end and condemned violence as the method of its implementation.

On its merits, the only valid basis for such judicial appointment, or for impartial evaluation of it, the nomination accords with reasoned judgment.

FLAG DESECRATION AMENDMENTS

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Corman] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CORMAN. Mr. Speaker, we have just concluded passage of H.R. 10480 which purports, among other things, to be a bill to prohibit the burning of the flag. We also adopted an amendment offered by Mr. Biester and myself to require that the word "knowingly" be inserted before the words "cast contempt" making it clear that the House intended a contemptuous state of mind on the part of the accused. It is to be noted that the word "burning" was added to the bill during the Committee of the Whole by a committee amendment.

Both of these amendments were passed in the Committee of the Whole by an overwhelming vote. They are, however, not a part of the legislation we have just passed because of the parliamentary effect of the passage in the Committee of the Whole and the subsequent defeat in the House of the Wyman amendment. Because of the fate of the Wyman amendment the words "burning" and "knowingly" were both deleted from the bill as finally passed.

It was obviously the intent of an overwhelming number of Members that those words should be included. It is hoped that an opportunity will present itself to correct this matter before H.R. 10480 finally becomes law.

PRESIDENT'S PROPOSAL FOR SETTLEMENT IN THE MIDDLE EAST

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. Addabbo] is recognized for 15 minutes.

Mr. ADDABBO. Mr. Speaker, the five-point proposal for settlement in the Middle East offered by the President yesterday is a fair and sensible approach to lasting peace in that explosive area of the world. President Johnson has urged an even-handed solution to the basic problems which underly both the outrageous aggression against Israel over the last 20 years and Israel's rebirth as a State in 1948. He has called on the parties to move the temporary cease-fire towards a permanent armistice by sitting in conference with the Israelis to iron out at least some of the immediate problems which threaten the peace and security of the Middle East—problems such as Arab recognition of Israel and the Palestine refugee question. Of equal significance is the President's plea for a monitored limitation of the arms race in the Middle East. There are grave doubts that this war would have occurred had not the Arab military been supplied with Soviet weapons, just as there is some doubt about Israel's ability to meet the Arab threat without the aid of Western munitions. Mr. Speaker, I commend the President on his strong and forthright stand on the Arab-Israel hostilities. After listening to Premier Kosygin's remarks less than an hour after President Johnson's address, unfortunately, I cannot refrain from mentioning at this time that I feel his approach on this important attempt to bring about a two-party negotiation was a direct insult on the American people, and could no way lead to permanent peace.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. Hardy (at the request of Mr. Satterfield), for today, June 20, 1967, on account of illness in his family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Halpern (at the request of Mr. Roth), for 10 minutes, on June 22.

Mr. Conte (at the request of Mr. Roth), for 10 minutes, today.

Mr. Addabbo (at the request of Mr. Eckhardt), for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. Adams.

Mr. Rarick and to include extraneous matter.

Mr. Willis and to include extraneous matter.

Mr. Lukens.

Mr. Rooney of New York to extend his remarks made in the Committee of the Whole and include extraneous matter.

(The following Members (at the request of Mr. Roth) and to include extraneous matter:)

Mr. Wydler.

Mr. Duncan.

(The following Members (at the request of Mr. Eckhardt) and to include extraneous matter:)

Mr. Murphy of New York.

Mr. Gilbert.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5424. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard; and

H.J. Res. 601. Joint resolution extending for 4 months the emergency provisions of the urban mass transportation program.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 617. An act to authorize the States of North Dakota, South Dakota, Montana, and Washington to use the income from certain lands for the construction of facilities for State charitable, educational, penal, and reformatory institutions; and

S. 1649. An act authorizing the change in name of certain water resource projects under jurisdiction of the Department of the Army.

ADJOURNMENT

Mr. ECKHARDT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 21, 1967, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

849. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting the 23d semiannual report of the activities of the Foreign Claims Settlement Commission of the United States as of December 31, 1965, pursuant to the provisions of section 9 of the War Claims Act of 1948, as amended, and section 3(c) of the International Claims Settlement Act of 1949, as amended; to the Committee on Foreign Affairs.

850. A letter from the Comptroller General of the United States, transmitting a report of need for compliance with the Truth in Negotiations Act of 1962 in award of construction contracts, Department of Defense; to the Committee on Government Operations.

851. A letter from the Comptroller General of the United States, transmitting a report of review of charges for accessorial services on overseas household goods shipments, Department of Defense; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COLMER: Committee on Rules. House Resolution 597. A Resolution providing for the consideration of H.R. 10867, a bill to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes (Rept. No. 370. Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 514. Resolution to create a select committee to regulate parking on the House side of the Capitol (Rept. No. 371). Referred to the House Calendar.

Mr. HENDERSON: Committee on Post Office and Civil Service. S. 1320. An act to provide for the acquisition of career status by certain temporary employees of the Federal Government, and for other purposes; with amendment (Rept. No. 372). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 10943. A bill to amend and extend title V of the Higher Education Act of 1965; with amendment (Rept. No. 373). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 10996. A bill to incorporate Pop Warner Little Scholars, Inc.; to the Committee on the Judiciary.

By Mr. CARTER:

H.R. 10997. A bill to amend subsection (c) of section 501 of the Internal Revenue Code by making it clear that the tax exemption of a civil league or organization exclusively for the promotion of social welfare shall not be affected because of income, including subscription and advertising income derived from carrying on any publication, such as a journal, which is substantially related to the purpose or function constituting the organization's basis for its tax exemption; to the Committee on Ways and Means.

H.R. 10998. A bill to amend subsection (b) of section 512 of the Internal Revenue Code of 1954 by making it clear that the income, including subscription and advertising income, derived by an organization in carrying on any publication, such as a trade or professional journal, shall not be deemed to be unrelated business taxable income if the publication is substantiallv related to the purpose or function constituting the organization's basis for its tax exemption; to the Committee on Ways and Means.

By Mr. DEL CLAWSON:

H.R. 10999. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PATMAN (for himself, Mr. Widnall, and Mr. Barrett):

H.R. 11000. A bill to provide Federal financial assistance to help cities and communities of the Nation develop and carry out intensive local programs of rat control and extermination; to the Committee on Banking and Currency.

By Mr. CUNNINGHAM:

H.R. 11001. A bill to amend titles 10 and 32, United States Code, to provide Federal support for defense forces established under section 109(c) of title 32; to the Committee on Armed Services.

H.R. 11002. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit certain property to be declared excess or exchanged with other Federal agencies whenever its remaining storage or shelf life is too short to justify its retention, and for other purposes; to the Committee on Government Operations.

H.R. 11003. A bill to amend the Disaster Relief Act of 1966 to provide for a national program of flood insurance; to the Committee on Public Works.

By Mr. DOLE:

H.R. 11004. A bill to amend title II of the Social Security Act to increase the amount of the benefits due an individual at his death which may be paid directly to his surviving spouse; to the Committee on Ways and Means.

By Mr. EILBERG:

H.R. 11005. A bill to amend the organic act of the National Bureau of Standards to authorize a fire research and safety program, and for other purposes; to the Committee on Science and Astronautics.

By Mr. ERLENBORN:

H.R. 11006. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility to interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

H.R. 11007. A bill to amend title 28, United States Code, to provide that the Supreme Court may not in any case hold any provision of law invalid under the Constitution of the United States unless at least six Justices of the Court concur in that holding; to the Committee on the Judiciary.

By Mr. ESHLEMAN:

H.R. 11008. A bill to amend title 28, United States Code, to withdraw from courts of the United States jurisdiction with respect to State juvenile proceedings; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 11009. A bill to provide for the establishment of the Negro History Museum Commission; to the Committee on Education and Labor.

By Mr. HALPERN:

H.R. 11010. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

H.R. 11011. A bill to amend the Internal Revenue Code of 1954 to allow a depreciation deduction for the wear and tear of real property used as the taxpayer's principal residence; to the Committee on Ways and Means.

By Mr. HAWKINS:

H.R. 11012. A bill to provide for the establishment of the Negro History Museum Commission; to the Committee on Education and Labor.

By Mr. HELSTOSKI:

H.R. 11013. A bill to amend the Public Health Service Act in order to establish in the Public Health Service the position of Chief Veterinary Officer; to the Committee on Interstate and Foreign Commerce.

H.R. 11014. A bill to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes; to the Committee on the Judiciary.

By Mr. HENDERSON:

H.R. 11015. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. IRWIN:

H.R. 11016. A bill to amend title II of the Social Security Act to permit an individual to file application for disability insurance benefits or the disability freeze after the expiration of the regularly prescribed period for filing such application where the failure to file within such period was due to good cause; to the Committee on Ways and Means.

By Mr. JOHNSON of Pennsylvania:

H.R. 11017. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. KING of California:

H.R. 11018. A bill to direct the Secretary of the Interior to undertake a study of pelagic forage fish inhabiting the ocean off southern California; to the Committee on Merchant Marine and Fisheries.

By Mr. KLEPPE:

H.R. 11019. A bill to amend section 202 of the Agricultural Act of 1956; to the Committee on Agriculture.

By Mr. KUPFERMAN:

H.R. 11020. A bill to authorize the appropriation of $3 million as an ex gratia payment to the city of New York to assist in defraying expenses incurred during the sessions of the United Nations; to the Committee on Foreign Affairs.

H.R. 11021. A bill to provide for reimbursement to New York City for a portion of the costs incurred in providing security for delegates to the United Nations; to the Committee on Foreign Affairs.

By Mr. McFALL (by request):

H.R. 11022. A bill to repeal the provisions of title II of the Demonstration Cities and Metropolitan Development Act of 1966 which require comprehensive planning or review by an areawide agency as a prerequisite of Federal assistance to public works projects, to nullify all other provisions of Federal law which impose similar requirements, and for other purposes; to the Committee on Banking and Currency.

By Mr. MURPHY of New York:

H.R. 11023. A bill to amend the Public Health Service Act to extend and expand the authorizations for grants for comprehensive health planning and services, to broaden and improve the authorization for research and demonstrations relating to the delivery of health services, to improve the performance of clinical laboratories, and to authorize cooperative activities between the Public Health Service hospitals and community facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RESNICK:

H.R. 11024. A bill to assist rural communities in constructing or acquiring needed facilities for the establishment of medical clinics to serve rural areas; to the Committee on Interstate and Foreign Commerce.

By Mr. RHODES of Arizona:

H.R. 11025. A bill to provide for a White House Conference on Indian Affairs; to the Committee on Interior and Insular Affairs.

By Mr. SIKES:

H.R. 11026. A bill to amend section 3 of the act of September 15, 1960, for the purpose of facilitating the conduct of the fish and wildlife conservation and rehabilitation program authorized by that act; to the Committee on Merchant Marine and Fisheries.

By Mr. BUSH:

H.R. 11027. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. FRIEDEL, Mr. FALLON, Mr. GARMATZ, Mr. MACHEN, and Mr. LONG of Maryland:

H.R. 11028. A bill to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Pennsylvania:

H.R. 11029. A bill to amend the Federal Power Act to facilitate the provision of reliable, abundant, and economical electric power supply by strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the proper conservation of scenic and other natural resources; to the Committee on Interstate and Foreign Commerce.

By Mr. HANSEN of Idaho:

H.R. 11030. A bill to increase the monthly disability and death compensation payable to certain persons under the War Hazards Compensation Act, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Pennsylvania:

H.R. 11031. A bill to amend the Fair Labor Standards Act of 1938 to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas; to the Committee on Education and Labor.

H.R. 11032. A bill to amend section 4(e) of the Fair Labor Standards Act of 1938 to require the Secretary of Labor to investigate the effect of foreign competition on domestic employment when a complaint is filed by an employer or labor organization; to the Committee on Education and Labor.

By Mr. LONG of Louisiana:

H.R. 11033. A bill to revise the quota-control system on the importation of certain meat and meat products; to the Committee on Ways and Means.

By Mr. MACDONALD of Massachusetts:

H.R. 11034. A bill to amend the tariff schedules of the United States with respect to the rate of duty on whole skins of mink, whether or not dressed; to the Committee on Ways and Means.

By Mr. MULTER:

H.R. 11035. A bill relating to the appointment and promotion of deputy U.S. marshals; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 11036. A bill to amend the Internal Revenue Code of 1954 to provide that 20 percent of the members of an exempt voluntary employees' beneficiary association may be self-employed; to the Committee on Ways and Means.

By Mr. SMITH of Oklahoma:

H.R. 11037. A bill to amend the repayment contract with the Foss Reservoir Master Conservancy District, to authorize the temporary completion of the water supply distribution system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. EVERETT:

H.R. 11038. A bill to amend title 38 of the United States Code in order to restore certain widows' benefits in certain cases; to the Committee on Veterans' Affairs.

By Mr. NELSEN:

H.R. 11039. A bill to establish cooperative extension services in the District of Columbia; to the Committee on Agriculture.

By Mr. STEED:

H.R. 11040. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in areas having high proportions of persons with low incomes, and for other purposes; to the Committee on Ways and Means.

By Mr. CAREY:

H.J. Res. 647. Joint resolution creating a Joint Committee To Investigate Crime; to the Committee on Rules.

By Mr. EILBERG:

H.J. Res. 648. Joint resolution to establish a National Advisory Commission on Fire Prevention and Control; to the Committee on Banking and Currency.

By Mr. WILLIAM D. FORD:

H.J. Res. 649. Joint resolution creating a Joint Committee To Investigate Crime; to the Committee on Rules.

By Mr. MULTER:

H.J. Res. 650. Joint resolution creating a Joint Committee To Investigate Crime; to the Committee on Rules.

By Mr. WYDLER:

H.J. Res. 651. Joint resolution providing for the issuance of a postage stamp in honor of law enforcement personnel and agencies in the United States of America; to the Committee on Post Office and Civil Service.

By Mr. SIKES:

H. Con. Res. 374. Concurrent resolution expressing the sense of Congress with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. STANTON:

H. Con. Res. 375. Concurrent resolution relative to Citizens Radio Service; to the Committee on Interstate and Foreign Commerce.

By Mr. CORMAN:

H. Res. 598. Resolution expressing the sense of the House with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. GARDNER:

H. Res. 599. Resolution expressing the sense of Congress with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. HARVEY:

H. Res. 600. Resolution providing for the consideration of H.R. 421; to the Committee on Rules.

By Mr. LUKENS:

H. Res. 601. Resolution expressing the sense of Congress with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. MIZE:

H. Res. 602. Resolution providing for the consideration of H.R. 421; to the Committee on Rules.

By Mr. SHRIVER:

H. Res. 603. Resolution expressing the sense of Congress with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. BARING:

H. Res. 604. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. BRADEMAS:

H. Res. 605. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. BROCK:

H. Res. 606. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. BROWN of Michigan:

H. Res. 607. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. BROYHILL of Virginia:

H. Res. 608. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. BURKE of Florida:

H. Res. 609. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. BUTTON:

H. Res. 610. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. BYRNE of Pennsylvania:

H. Res. 611. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. COLLIER:

H. Res. 612. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. DENNEY:

H. Res. 613. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mrs. DWYER:

H. Res. 614. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. GUDE:

H. Res. 615. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. HAGAN:

H. Res. 616. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. HALPERN:

H. Res. 617. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. HUNGATE:

H. Res. 618. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. HUNT:

H. Res. 619. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. KUPFERMAN:

H. Res. 620. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. KUYKENDALL:

H. Res. 621. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. KYROS:

H. Res. 622. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. LEGGETT:

H. Res. 623. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. MACDONALD of Massachusetts:

H. Res. 624. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mrs. MAY:

H. Res. 625. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. MORRIS:

H. Res. 626. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. NICHOLS:

H. Res. 627. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. RAILSBACK:

H. Res. 628. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. REES:

H. Res. 629. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. REINECKE:

H. Res. 630. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. ROBISON:

H. Res. 631. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. RYAN:

H. Res. 632. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. ST. ONGE:

H. Res. 633. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. SCHEUER:

H. Res. 634. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. SCHWEIKER:

H. Res. 635. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. SCHWENGEL:

H. Res. 636. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. SHRIVER:

H. Res. 637. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. SLACK:

H. Res. 638. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. SMITH of New York:

H. Res. 639. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. UDALL:

H. Res. 640. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. VAN DEERLIN:

H. Res. 641. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. VANDER JAGT:

H. Res. 642. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. WALDIE:

H. Res. 643. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. WALKER:

H. Res. 644. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. WHALEN:

H. Res. 645. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. WHALLEY:

H. Res. 646. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. WILLIAMS of Pennsylvania:

H. Res. 647. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. WYMAN:

H. Res. 648. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. BIESTER:

H. Res. 649. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. BUSH:

H. Res. 650. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mrs. HECKLER of Massachusetts:

H. Res. 651. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. ROTH:

H. Res. 652. Resolution expressing the sense of the House of Representatives with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. ASHBROOK:

H. Res. 653. Resolution providing for investigation of National Labor Relations Board; to the Committee on Rules.

By Mr. BUSH:

H. Res. 654. Resolution providing for the consideration of H.R. 421; to the Committee on Rules.

By Mr. THOMPSON of Georgia:

H. Res. 655. Resolution expressing the sense of Congress with respect to the establishment of permanent peace in the Middle East; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 11041. A bill for the relief of Samuel H. Buyco and his wife, Dr. Alicia D. Buyco, and their child, Randall Buyco; to the Committee on the Judiciary.

By Mr. ADDABBO:

H.R. 11042. A bill for the relief of Adelina Marylin Soto Aristy; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 11043. A bill for the relief of Julie Van (also known as Ping Lang Van) and her minor son, Robert Van (also known as Pak Hyun Choi and Robert Giordano); to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 11044. A bill for the relief of Maria Manzo; to the Committee on the Judiciary.

By Mr. DOLE:

H.R. 11045. A bill for the relief of Wayne E. Pritchard; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 11046. A bill for the relief of Charita Cam; to the Committee on the Judiciary.

H.R. 11047. A bill for the relief of Shaker Moallem; to the Committee on the Judiciary.

H.R. 11048. A bill for the relief of George Tsolkas; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 11049. A bill for the relief of Raymond P. Guzman; to the Committee on the Judiciary.

By Mr. MULTER:

H.R. 11050. A bill to incorporate the Paralyzed Veterans of America; to the Committee on the District of Columbia.

By Mr. ST GERMAIN:

H.R. 11051. A bill for the relief of Hwei Shwen Hwa; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Clearing the Air

EXTENSION OF REMARKS

OF

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1967

Mr. WYDLER. Mr. Speaker, a full page advertisement recently appeared in the New York Times with the headline "We'd Like To Clear the Air." The ad, of course, deals with the serious and far-reaching health problem facing each of us today—air pollution. Naturally, there are many companies who have attempted to develop or who are currently developing commercial devices designed to lessen the pollutants emitted in the air by automobiles, one of the major culprits in the air pollution problem. However, one man with a highly developed sense of public service has manufactured such a device and has offered a number of them absolutely free of charge to such agencies as the police department, the fire department, Con Edison, and the like for their motor vehicles.

That man is Mr. Abe Shikes, president of Aurora Plastics Corp. of West Hempstead, Long Island, N.Y.

I had occasion to personally visit with Abe Shikes, president of Aurora, to investigate and check on this new anti-smog automobile system. In checking the technicalities involved, I found that Vac-U-Tron was a permanent and fully sealed crankcase emission control system and that chemically it was the only system that reduces the emission of oxides of nitrogen, the substance that does most of the damage.

But the important thing to know is that Mr. Shikes and his company are discharging their responsibilities not just to their stockholders, but to the public at large. It is for this reason that I feel that Mr. Shikes should be applauded by all good citizens and our Government for his enlightened concept of public service in forgoing any commercial reward in order to make it possible for this important new concept in smog control to be fully tested by various civic and private automobile fleets.

This is the kind of public spirited action which has often made the United States the focal point of free enterprise and it is typical that this patriotic citizen is a 20th-century Horatio Alger.

Born in Russia in 1908, Mr. Shikes went out into the world at age 13, and today he heads the world's largest manufacturer of hobby products.

If we are to succeed ultimately in literally clearing the air, it will be because of the efforts of men like Abe Shikes and our free enterprise system.

Small-Plane Accidents Cause for Concern

EXTENSION OF REMARKS

OF

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1967

Mr. LUKENS. Mr. Speaker, I was very much interested in the remarks yesterday of my friend and colleague, Congressman BROWN of Ohio. Along with all other Ohioans, I was deeply disturbed only a short time ago when the mid-air collision between an airliner and a private plane over our State claimed the tragic total of 26 lives.

And I believe, Mr. Speaker, this might be the time to correct some of the common misconceptions which have arisen over the frequent number of small-plane accidents in this country over the past few years.

There has been a great deal written about the skies being filled with small planes and about the airways beginning to reach the saturation point. There also has been much discussion about poorly made planes and mechanical failures leading to small-plane crashes.

But at least one recent study reveals that of all the millions of takeoffs, and landings made by small planes in this country during the past year, there were only 13 collisions and 18 fatalities recorded. It also disclosed that small-plane engines very rarely fail, and that mechanical failure is a very small factor in the small-plane crash total.

Nevertheless, there are approximately 5,000 accidents involving more than 1,000 deaths every year involving small planes. This is a staggering and unnecessary loss of life.

And, I submit, Mr. Speaker, that the major cause lies in human frailty and in poor judgment on the part of the people flying these small planes.

Investigation discloses, for example, that many crashes result because pilots forget to have their gasoline checked before they take off, or because they disregard weather warnings. Others exercise extremely poor judgment by flying while under the influence of alcohol, or when they have taken tranquilizers or other drugs which adversely affect their reflexes and reaction time.

Mr. Speaker, I believe the record will show abundant evidence that human judgment, rather than mechanical failure or overloading of the airways, is the root cause of the vast majority of these tragic accidents. I believe greater efforts must be made to impress upon people who obtain private pilot licenses that they have a responsibility to themselves and to others to exercise extreme caution when they take to the air.

The Baltic States

EXTENSION OF REMARKS

OF

HON. ABRAHAM A. RIBICOFF

OF CONNECTICUT

IN THE SENATE OF THE UNITED STATES

Tuesday, June 20, 1967

Mr. RIBICOFF. Mr. President, June 15 marked the day—27 years ago—when Soviet control of Lithuania, Latvia, and Estonia began.

On that day in 1940, the Red army invaded Lithuania and surrounded the Lithuanian troops. Under Russian control, elections were then held in the three Baltic States. The elections resulted in Soviet control of these nations under the cloak of legality, and paved the way for Russian annexation.

Since that time, the three Baltic States have been scarred by occupation—an occupation that has violated the principles cherished by free people everywhere.

On this anniversary, all of us wish to express our admiration for the courageous people of Lithuania, Latvia, and Estonia. The unfortunate events whose anniversary we observe this month should remind us once again that the hopes and dreams of these peoples are also our own. They should remind us that we must continue to strive for a free and peaceful world in which all people will have the opportunity to live their lives as they choose.

Advise and Consent: H.R. 6111

EXTENSION OF REMARKS

OF

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1967

Mr. RARICK. Mr. Speaker, the House of Representatives, by a vote of 229 to 98, has just passed H.R. 6111 setting up a Federal Judicial Center with the Chief Justice of the U.S. Supreme Court as the Chairman of the Judicial Board.

The bill creates an Administrator and a staff to revolutionize the courts of the land to the use of efficiency experts and electronic machinery—mechanial justice.

Considering the uniform control the Supreme Court now has over the courts and passage of new laws, one might think the Congress would start resenting their powers being usurped and the responsibility of their duties as elected officials to their people being suppressed. But apparently not. As is par for the day, the unelected minority leads and directs the elected majority. The legislative branch has now perfected the machine by which it may obtain advice and consent from the judiciary.

The separation of the powers of our Government into the three divisions of executive, legislative, and judicial has been basic for survival. The balance is further eroded by H.R. 6111.

Under H.R. 6111, section 622(c)—

> The Board is authorized to request from any department, agency, or independent instrumentality of the Government any information it deems necessary to carry out its functions under this Act; and each such department, agency and instrumentality is authorized to cooperate with the Board and, to the extent permitted by law, to furnish such information to the Board, upon request made by the Chairman. The Board shall utilize insofar as possible the services or facilities of any agency of the Federal Government, and without regard to section 10 of the Act of March 2, 1861, as amended (41 U.S.C. 5), of any appropriate State or other public agency.

Under any reasonable interpretation, the Judicial Center is authorized to now obtain information and records from every department of our Government which places it in a unique position of power control over the other branches.

If you think not, remember that it is the judiciary that will make the interpretations and, by now, every American should know the judiciary votes for the benefit of its own power extension.

This is a dangerous bill and must be considered the foundation for the control and guidance of Congress by the tax-free foundations and their intellectual theorists.

Under the same section 622(c) we find no limitation on size or loyalty of staff but rather this provision:

> The Board may, without regard to section of the Act of March 2, 1861, as amended (41 U.S.C. 5), utilize the services or facilities of any private agency, organization, or group, or such individual, and between the head of such agency, organization, or group, or such individual, and the Board. Payment, if any, for such services or facilities shall be made in such amounts as may be provided in such agreement.

This may provide the intent and purpose of the bill since by this provision tax-free foundations, universities, and organizations such as the National Lawyers Guild, ACLU, NAACP, and the like, can now supply personnel, programs, and even facilities all camouflaged under the front of acting for the Federal Judicial Center. No other reasoned operation or intent can be garnered but that this provision establishes a National Court Review Board.

Not only will our judges and police be now barraged with directives, guidelines, and like compulsion for a national uniform fact and justice program from the beatnik crowd but, we in Congress can well expect to feel the pressure from the new occupation forces on the Hill in the way of prepared materials and lobbying.

And what a perfect vehicle for legalized blackmail from the special interest group. Consider, if involved in litigation, the gift of a large tax-free grant by a wealthy litigant to one of the contributing organizations or foundations aiding the Judicial Center. With the Chief Justice as Chairman of the Board, would he not be expected to curry favor?

And poor little old Congress, if they get mad or feel belittled, they cannot even cut off the finances, which under the bill at present is a blank check and reads, "such sums as may be necessary to supplement funds and services accepted by the Board"; for section 622(b) provides:

> For the purpose of carrying out any function of the Board authorized by this chapter, the Board may accept donated funds and services, both public and private, and the use of such funds to pay the salaries of the officers or employees of the Center shall not be subject to the provisions of section 209 of title 18, United States Code.

The newly created monster of Congress belongs to the judiciary and is self-sufficient and self-perpetuating.

Congress can have but one recourse and that is to repeal H.R. 6111.

The extent to which the Judicial Center anticipates its bureaucratic tentacles is best described in a portion of the committee report from the minority leader:

> I believe the last few weeks of debate on title I of the Civil Rights Bill of 1966 clearly demonstrates that the Federal courts could use such machines to effectively and economically comply with the strictures of *the jury selection procedures defined by that title should it become law.*" (Reference is to S. 1026 and H.R. 5700).

By the committee's own admissions, this bill envisions plans to take over our State courts, judges, and personnel—the danger warned against by Chief Justice John B. Fournet, of the supreme court, in my remarks of June 12, 1967, daily CONGRESSIONAL RECORD A2927. The pending takeover bills are S. 1926 and H.R. 5700.

This can be the beginning of the end of constitutional government. An extent beyond which the foundation has been so damaged there can be no recovery. We cannot let it slip by the Senate unnoticed. An informed and responsive citizenry can still prevent the unelected judiciary and its guiding lights from establishing a judicial oligarchy.

Draft Reform and a Volunteer Army

EXTENSION OF REMARKS

OF

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1967

Mr. ADAMS. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

DRAFT REFORM AND A VOLUNTEER ARMY

(Remarks delivered by Congressman BROCK ADAMS, University of Washington, April 21, 1967)

The present Selective Service Act will expire on June 30, 1967. Nearly everyone agrees there will be an extension in some form or other of the Government's authority to draft men for military service. I want to discuss this with you today since I expect to introduce legislation to reform the present draft laws and I am hopeful that Congress will reform the draft rather than simply extend the present law.

I suggested some general principles of draft reform in February of this year and today I would like to make some specific proposals. Each of you is deeply involved with this problem today and in the near tomorrow you will be responsible for someone else's future.

I. AMERICA'S FUTURE MILITARY STRUCTURE

I would like to outline today a two-step program starting with draft reform and culminating in the creation of a combination Army. America's future military structure should not be determined by past inertia but instead by examining our foreign policy goals against a background of the presently existing nuclear confrontation between the Soviet Union and the United States.

One of the great problems in dealing with the draft and the future of American military forces is the tendency of the military structure in a democracy to run along on inertia rather than planned development. In relatively peaceful periods, Americans have not wanted to develop or plan an orderly military structure since we have not been interested in conquest and our whole tradition has been to avoid professional militarism as a nation. We have relied upon the oceans and our allies to give us time to create the citizen-soldier for defense. In periods of emergency, we generally found that our existing peacetime military system was outdated. We generally tended to fight the "last war" during the early stages of a war. This obvious type obsolescence of past American armies has been avoided in the last few years because of the continued confrontation in the cold war.

The lack of obvious obsolescence (such as outdated guns, tanks, planes, etc.) has obscured from the American public the fact that parts of our military system are in fact still moving to a great degree on inertia, and we should carefully examine what we need as well as what we have.

The draft is the most glaring example of a part of the system being overlooked and becoming outdated and inadequate.

First, let us discuss correcting the present draft system, and second, the creation of a new system for the future.

Why do we need a new system? The struggle in Viet Nam has shown the necessity for having military force available. We have met this by equipping, moving and maintaining a conventional World War II-type subscription Army into the field. This expense has been incredible; the drain on our economy severe. We are learning new military techniques but our structure is based on World War II concepts. The stresses and strains of the NATO alliance show that most of our allies no longer believe that we will be faced with a conventional military invasion in Europe and that deployment of large numbers of troops in a standing army is outmoded in an age where nuclear weapons are available. I doubt if there is a single military strategist on either side of the Iron Curtain who believes it would be feasible to mobilize and strike with a conventional military force of men, tanks, planes, etc. against a country or group of countries that had available nuclear weapons to use against such a force.

Therefore, it seems to me that we who will be involved in America's future for the next two or three decades should start planning today to develop a realistic defense force for America. The nuclear confrontation is an established fact.

The nonnuclear military forces necessary to defend America and meet the commitments required by our foreign policy should be examined in terms of what is needed and how to produce it. Obviously this force's size and skills should change through the years as the world (hopefully) improves and our goals change. So where do we start?

II. THE NEED FOR DRAFT REFORM

Our first task is to modernize the draft law system and apply it to today's population and problems. At the present time 4,084 draft boards classify and select under broad, uncertain guidelines 340,000 men a year between the ages of 18 and 26 to serve in the Armed Forces.

Each year 2 million young men reach the age of 18 and register for the draft. The first point to be considered is that our annual draft calls during the massive Viet Nam buildup are only 340,000 men, and these calls are expected to fall to 200,000 men at the most once the buildup for Viet Nam is completed. This means only 1 man in 5 is needed.

Under the present system each State is allocated a quota based not upon its population, but upon its percentage of the Nation's eligible men classified available by the local boards for induction. A State with inefficient draft boards which have not promptly classified its registrants will obviously have relatively fewer men classified and therefore will receive draft calls for fewer men.

The State quota is divided among the local boards in the State and they decide whether the registrants meet certain mental and physical qualifications (which have remained restrictively high because of the reluctance of the military to spend time on more difficult cases), and determine student and occupational deferments on a "crazy-quilt" basis. The test for an occupational deferment is any work "found to be necessary for the maintenance of national health, safety or interest," and the student deferments are determined by the local board applying the test of whether the college deferment was necessary in view of the "national health, safety or interest." The tests instigated March 31, 1966, can be a guideline to put you in but don't have to keep you out.

As might be expected, this system has produced some very bad results. A man when he registers retains his original board even though he may move, and this can produce a result whereby two men holding identical jobs, living in the same neighborhood, may find one being drafted with the other being deferred because of his work. For example, recently a young pilot for an airline which carries substantial cargo for the Department of Defense was classified eligible for the draft by his local board, whereas two other pilots for the same airline, each with less experience than the first pilot, were given deferments because their work was deemed critical to the national interest by their local board.

The problem is further compounded by the fact that certain draft boards have sufficient volunteers that they only need to draft a very few, and therefore deferments are freely given and no married men, fathers or older men are required to serve, while in other areas, such as ours, we have found recently that married men were being drafted.

Without belaboring the point, it should be pointed out that the educational deferment is treated by General Hershey as being just a deferment, since the man who receives one remains eligible for the draft after age 26 and until he reaches the age of 35. The statistics show that of the 26-year-olds (both college and noncollege) registered with the Selective Service in 1964, just under one-half of the total had not done any military service, but of the college graduates, three out of five had missed the service, while of those with high school educations, only two out of five had missed.

I have set forth these examples to demonstrate a few of the inequities existing in the present draft law. This is not meant as criticism of those who created the original law nor the local boards which have worked so hard to make it operate for many years, but simply to point out that we are continuing a system that was developed during an emergency period when it was necessary to process everyone and make them available for service, whereas now we have more men available than we need and must establish a new system for selecting those who will serve.

III. A DRAFT FORM PROPOSAL

I would propose the following steps to modernize the draft:

1. All men would register at the age of 18, and the present men registered would be placed in 8 pools—18½ to 19½, 19½ to 20½, etc., through those men 25½ to 26½.

2. After a period of two years, the period of draft liability should be cut from the present 7-year span (age 19 to age 26) down to four years (from 18½ to 22½).

3. The first group of men drafted should be 18½ year-olds, reversing the present policy of taking first the oldest men under 26.

4. College students whose draft deferments expire should be placed in the same top priority groups as the 18½ year-olds regardless of their age. When the system becomes fully functional and all selections can be made at 18½, a man will know immediately if he is to be called and can choose whether he wants to serve immediately or after deferment.

5. College students if they are chosen and receive deferments to complete their studies would not be further deferred because they have become married or become fathers while in college.

6. Separate draft calls by the 4,084 local draft boards would be abolished and a national manpower pool of 1-A men established.

7. Men would be chosen at random from a national pool of 1-A's through use of a random sample computer. At first this would apply to all men 18½ to 26½, but it is contemplated eventually this would be mainly the 18½ year-old class.

8. Local draft boards would be required to apply national standards in deciding which students receive deferments and which civilian jobholders are deferred because their work is "critical." Local draft boards should be compelled to reopen the case of a man classified 1-A if he submits new facts which if true would entitle him to another draft status, and he should be entitled to appeal this classification within 15 days.

The establishment of a "youngest-first" policy will as the system goes into full operation mean that basically the entire manpower needs will be met from the 18½ year-old class, and a man would know prior to entering college or looking for employment whether or not he had been chosen.

I am flexible at this point on how this particular "in-take" should work, but believe in principle that a man should know at 18½ whether or not he will be required to serve, and he can choose whether or not to apply for a deferment.

A pool of men large enough to produce the 340,000 men needed would be drawn each year from the 2 million men reaching 18. A random sample would be used to select on a fair basis the total pool, with a uniform national standard being used to provide for the deferments or exemptions from service as are in the best interests of the Nation. The remainder of the men would remain eligible for four years in the event of a national disaster, but then all of us are probably "in" anyway.

IV. THE COMBINATION ARMY

From this point forward, we should consider the creation of a combination Army of highly-trained, career combat troops supported by our nonvolunteer conscripted force.

We would continue a draft-supported Army pool which would train and supply volunteers to the combat force and would make available men to handle the supporting roles for the combat force and provide training for a significant number of men throughout the United States who could later serve in military Reserve units to be used in times of national disaster or emergency in much the same manner as National Guard units are presently available.

We must seriously consider our foreign policy goals and the amount of military force we are willing to use. We should determine in advance our military commitment to another country for explosive "brush wars." If we are going to be required to commit more than 100,000 combat troops, perhaps we should renegotiate our position. This, of course, contemplates our having available highly-trained combat units that are particularly directed toward specific military situations, such as guerrilla warfare.

For comparable costs, you will find that to maintain our present Army of 1.4 million men it will cost about 4.3 billion dollars in basic pay in fiscal year 1968. On the other hand, a smaller combination Army of 600,000 men in general support and a highly-skilled combat force of 100,000 men would cost less (approximately 3.6 billion dollars—$2.3 billion for the support force and $1.3 billion for the combat force). This would contemplate, for example, that the volunteer combat troops would be paid at much higher basic pay rates. For example, a private in pay grade E–1 could receive $5,000 a year as compared with about $1,500 a year now. An army private first class could receive $12,000 a year as compared with about $2,200 a year now. A sergeant in pay grade E–8 could receive $19,000 a year as compared with about $5,400 a year now. Basic pay for officers could be increased also, but need not be as significant as the increases for enlisted men. Quarters allowances and subsistence (food) allowances would need to be increased only slightly. The only really significant increase in costs would be in an individual's basic pay.

As you can see, I am talking about a true career Army where men will be receiving salaries commensurate with the risks and the life which they expect to lead. I believe we would obtain these volunteers mainly from those trained in the drafted Army. The numbers can be flexible as America's population and goals change but the principle would be established.

It was a pleasure to return today to the university, and I look forward to spending the rest of the afternoon with you.

Legislative Questionnaire

EXTENSION OF REMARKS

OF

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1967

Mr. DUNCAN. Mr. Speaker, for the third consecutive year I have invited constituents of the Second Congressional District of Tennessee to participate in a legislative questionnaire. Though it is impossible to list all important legislative questions on such a poll, I try to choose those which I feel are of greatest concern both to my district and to the Nation.

I am pleased with the response this questionnaire meets. Last year about 12,000 individuals returned the questionnaires, and this year some 18,000 persons participated.

The basic reason behind the poll is to find out the opinions of the citizens whom I represent in the Congress.

I would like to place in the RECORD the results of the 1967 questionnaire. Compilation was done by an independent electronic data processing company, and as can be noted, the company has worked out the answers on a percentage basis:

[Answers in percent]

1. Do you think we should continue our spending on the "war on poverty?"

Yes	25
No	69
No opinion	6

2. Should we do away with the House Committee on Un-American Activities?

Yes	15
No	68
No opinion	17

3. Do you think President Johnson's new domestic programs have helped the people of this country?

Yes	22
No	65
No opinion	13

4. Would you favor lowering the voting age from 21 to 18 years?

Yes	47
No	50
No opinion	3

5. Do you favor combining the Departments of Commerce and Labor into a single Department of Business and Labor?

Yes	40
No	31
No opinion	29

6. Do you favor increasing Social Security benefits providing it does not require an increase in Social Security payroll deductions?

Yes	70
No	22
No opinion	8

7. Do you favor an increase in Social Security benefits which would increase your payroll deductions for Social Security?

Yes	26
No	64
No opinion	10

8. The present draft law expires June 30 of this year. Do you feel that the Selective Service law as it now operates is fair to all persons?

Yes	27
No	62
No opinion	11

9. Would you favor Federal legislation to regulate the sale of firearms?

Yes	43
No	51
No opinion	6

10. Do you favor expansion of East-West trade between the United States and the Soviet Union and other Communist countries?

Yes	26
No	65
No opinion	9

11. Do you favor limiting foreign imports of certain agricultural products such as dairy and meat?

Yes	72
No	20
No opinion	8

12. Concerning Vietnam President Johnson said in his State of the Union Message on January 10: "We have chosen to fight a limited war in Vietnam in an attempt to prevent a larger war. I wish I could report to you that the conflict is almost over. This I cannot do. We face more cost, more loss, more agony. For the end is not yet. . . ."

Which of the following courses of action do you favor? (check one)

(*a*) Withdrawal of U.S. forces?	7
(*b*) Continue our present course?	6
(*c*) Increased ground, air and naval forces sufficient to insure complete control of South Vietnam in the shortest possible time?	52
(*d*) Cessation of bombing in North Vietnam?	1
(*e*) No increase in ground forces, but increased use of air and sea power against North Vietnam and supply routes to the South?	20
(*f*) No opinion?	14

Espionage Hearings

EXTENSION OF REMARKS

OF

HON. EDWIN E. WILLIS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1967

Mr. WILLIS. Mr. Speaker, the House Committee on Un-American Activities, which I have the honor to chair, has just completed the third in a series of public hearings on the conduct of espionage within the United States by agents of foreign Communist governments. The three witnesses who have testified thus far have all had first hand knowledge of Communist espionage operations, gained by direct contact with Soviet agents. Each one, after completing his testimony, has made a statement concerning what we in the Congress and the American people could learn from his experience.

The first witness, Mr. John Huminik, is a scientist and businessman who has been associated with the defense industry in and around Washington, D.C. He is knowledgeable in the field of metallurgy and in various technical aspects of the U.S. space and rocketry programs. Mr. Huminik was contacted at least 75 times by various Soviet agents who offered him "very good prices for any information that you could give to our Government." He worked hand in hand with the FBI in uncovering the clandestine espionage activities of a highly trained Soviet spy ring.

When asked what might be learned from his experiences, Mr. Huminik said:

> I have come here today at the request of this committee and have tried to relate accurately my experience with the Soviet diplomats and consular officials during more than 5 years. This experience came to an end only 8 months ago—and I would hope indicates to this committee that the Soviet Union intends to continue their espionage activities in this country. It is obvious to me that the Soviet Union is using its embassy and consulate, located only a few miles from here, to conduct extensive espionage activities. I am sure that this is not news to this committee. J. Edgar Hoover, the eminent Director of the FBI, has testified many times to this effect.
>
> My personal lesson indicates to me that there is danger to the small businessman, the scientist, and the engineer. The Soviets want

> technology more than anything else, and it is their plan to get it from technical people. In addition, they seek out technical people of Slavic descent—in other words, people that come from Czechoslovakia, Russia, Poland, or any of the countries that are now the Iron Curtain countries—because they feel they can blackmail them, or they will be more receptive or susceptible to their requests. They will use money, promises of business, and many other ploys to entice Americans to work for them. They often strive to achieve such a firm grip on an individual that he would be afraid to go to the FBI for fear of what he already might have given them unwittingly. In my case, I went to the FBI immediately, but there are probably people who unknowingly get involved and then are afraid to go to the FBI and in some way continue to work for them. Some of these people, of course, are caught.
>
> The Soviets proved to me that they will penetrate our country as far as possible and by any means. They wanted data necessary to become employed in the U.S. Government—and they wanted to know how to start a corporation, presumably to operate an illegal apparatus in this country.
>
> The lesson I learned is deeper than I can put into words before this committee. Espionage is a complex business and sometimes hard to detect—but it is there, and I am sure that the Soviet Union will not slow down because I am speaking here today. They will continue with their efforts in spite of the FBI. The FBI is the guardian of this land, and through its vigil we are guaranteed a good measure of protection. The job they do is legend and known by almost every school boy. As citizens we have to give the FBI maximum support. They should be informed any time anything suspicious is around. I think diplomatic license plates in residential areas should be reported more frequently.
>
> Further, I want it to be known today that I came here as a citizen—a plain American citizen; that I am not a representative of any group, I am not here as a Democrat or as a Republican. And I want it known that I have the highest respect for this committee which oftentimes alone is battling elements that affect the internal security of America. This committee will always have my support and help, if it is requested.
>
> I think that we could say that the country at large should become more aware of the problems and that they should look closely at their elected officials, the ones that in some cases are naive to the problems that the Soviets are causing us and they should learn what the Soviet Union is trying to do here. And suitable legislation should be passed if it is inadequate now, I just don't know about that. The Soviets are doing nothing to reduce the cold war. Their espionage, terrorism, and blackmail operations are, if anything, more intense and more sophisticated than ever before.
>
> The Soviet Union has not changed its policy regarding espionage in this country for at least the last 20 years, and there is not a single indication to me or any other informed American that a different Soviet Union exists in 1967.

The second witness, Leonard I. Epstein, earns his living buying, retrofitting, and reselling machinery and machine tools. Mr. Epstein told the subcommittee that the U.S. machine tool industry is years ahead of the Soviet Union and the rest of the world. It was because of his knowledge of—and access to—its advanced equipment that he was befriended by a Soviet UNICEF procurement officer who wanted to purchase and send equipment abroad under diplomatic pouch. The Soviet officer was interested in various technical items which are restricted from shipment to Communist countries and which are for the most part directly related to this Nation's space program. The witness, who sees the critical need of the Soviet Union for United States advanced technology, commented on his experiences, stating:

> I will say this: I feel that they are behind us, in their technology. I don't know how many years behind, but they definitely need the advanced technology that we have, and I feel that selling them this type of equipment, giving it to them, or in any way dealing with them in this type of item, is just endangering our own future positions with the people.
>
> I was very much upset on learning here, about a month ago—and you probably saw it in the newspaper—that General Dynamics was going to sell a submersible to the Russians—you probably saw it—for a million dollars.
>
> I don't feel that this country should give up our advances just to make dollars. What we have, I think we should keep. I think that we should not make the task any easier for them at all.
>
> I happen to feel that the increasing trade relations with them and the opening of consulates throughout the United States is just going to make it that much more difficult, and make that many more people susceptible to their approaches.
>
> That is my own opinion. But I definitely feel that the job is going to get difficult, more difficult for the FBI. More people will be approached, strictly for this industrial espionage.
>
> I am not talking about military secrets, I am just talking about technological secrets. The ones that we have, I don't feel we should share it with them, I don't feel we should sell it to them.
>
> Let them go develop their own, especially when it comes to missiles or satellite vehicles.

The third and most recent witness in the espionage hearings, Mr. Frank John Mrkva, is currently chief of the Field Services Branch of the Passport Office in the U.S. Department of State. Mr. Mrkva came into contact with agents employed at the Czechoslovakian Embassy in Washington, D.C. These agents attempted to purchase classified State Department documents from him and use him to conceal a highly sophisticated listening device in an important State Department office. Mr. Mrkva, working with his superiors and the FBI, performed a valuable service by providing them with information about the methods being used by agents of Communist Czechoslovakia who were trying to obtain classified U.S. material. Commenting on his experience, Mr. Mrkva said:

> In reflecting on the activities, I have had a great deal of time to think about this, and I believe the American public should be made aware of the activities of some of these Communist agents, who are now serving in this country, under the guise of diplomats. I also believe the American public should know how easily and innocently they can be duped by these people into furnishing them information which in many cases could be very detrimental to the security of the United States.
>
> I am convinced that even at this moment, Communist agents are on the prowl here, right here in Washington, and elsewhere in this country, keeping prearranged rendezvous, setting up arrangements for future meetings, familiarizing themselves with select areas that they plan to use for meeting places, and as drops, and it should be a matter of concern to all of us.
>
> When you start seeing them, and start meeting them practically in your own backyard, as it was in my case, it kind of jolts your complacency.

Mr. Speaker, in this day and time when fictional and highly romanticized spy novels, spy television programs, and spy motion pictures are in superabundance, we tend, at times, to underestimate the seriousness of the espionage that goes on right in our own backyard. The fact is that agents of foreign Communist governments are continuously hard at work gathering not only governmental and military secrets here in the United States, but our most treasured technological advancements as well, in order to destroy our country.

We owe a debt of gratitude to these witnesses for their dedication and their loyalty. We need their alertness, their courage, their personal sacrifice. With their help, and the help of other Americans who place honor, integrity, and valor above personal gain, we can continue to successfully combat the unscrupulous efforts of Communist agents who tempt our citizens on their very doorsteps.

There is a lesson to be learned from the parallel testimony of these men who have given us the facts about present-day Communist espionage operations in the United States: While making overtures for "peaceful coexistence" and "bridge-building brotherhood" to our faces, our Communist enemy is brazenly fumbling in our breast pockets for the advanced technology and military superiority of a capitalistic society he hopes one day to bury.

This is a lesson we should not forget.

Middle East Crisis

EXTENSION OF REMARKS

OF

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1967

Mr. GILBERT. Mr. Speaker, recently our distinguished colleague from New Jersey [Mr. HOWARD] stated his feelings on the situation in the Middle East before an audience in Asbury Park, N.J.

Mr. HOWARD articulated the feelings shared by many of my colleagues and fellow Americans. At this time I would like to submit his remarks for insertion in the RECORD:

SPEECH BEFORE ISRAEL SOLIDARITY RALLY BY CONGRESSMAN JAMES J. HOWARD AT ASBURY PARK, N.J., JUNE 7, 1967

> We meet tonight in a somber time in history and although we meet in a free city in a free nation, freedom is being once again placed under seige on our planet. The eyes of the world are tonight focused on the

Middle East and most particularly on the tiny country of Israel. Once again this Jewish State is facing a threat to its independence and its very existence, a threat that comes from the hostile Arab world which encircles it.

We know that adversity and hostility are not new experiences to the Israeli people. From as far back as Biblical times the kingdoms of Israel and Judah were set upon time and time again by hostile neighbors, Syria, Babylon and ironically enough Egypt. We know and have sympathized with the fact that through the pages of history have been recorded aggressive acts against the Jewish people, burning, killing, plundering, which led up to dispersal. For centuries the Jewish people wandered the globe, ridiculed, tormented and unaccepted. But through those years a hope and a dream persisted, a nation of Israel. Efforts toward this end and the concept of such a return to Jerusalem was exemplified in Zionism which has been embedded in Jewish thought since the early years of the Diaspora. Progression from the idea of Zionism to the reality of Israel began about 100 years ago. We are all familiar with the names of Moses Hess, Peretz Zmolenskin and Judah Pinsker, and the founder of the Zionist movement as we know it. Theodor Herzl. Herzl's organization of the first Zionist Congress in Switzerland in 1897 was followed by slow, but measured, steps which led to the creation of Israel in May of 1947. So for over 19 years we have seen the growth of democracy in the Middle East. We have proudly watched it become the model nation of the area, a model in education, in health, in economic progress and perhaps most importantly, a model for all of its neighbors to see that the best way to live is through the means of a democratically organized parliament and government.

Just a few weeks ago I had the honor of visiting this justifiably proud nation and people. I felt a pride myself, which I knew I shared with the Jewish members of this area in visiting the modern city of Tel Aviv, in watching its people, well fed and happy, and determined to do everything necessary to combat the clouds of Arab animosity that were forming over their very heads. I was proud to visit the city of Herzlia, where I spoke with the physician who operates the clinic built mostly through funds gathered and donated by the Histadrut and other concerned citizens of our own central New Jersey. The modern hospital on the hill behind Herzlia is an inspiration to all who visit it, especially when we realize that not many years ago the hospital served tuberculosis patients from only the immediate area, but now needs to devote only one wing of it for all the tuberculosis patients in the entire nation. Through hard work and cooperative effort Israel has become an island of hygiene in the ocean of disease that is known as the Middle East.

On the eastern shore of the Galilee or Lake Tiberius, I visited the Kibbutz of Ein-Gev. Here, at Ein-Gev, the animosity of the Arab world had already been felt, for less than two weeks before, the Syrian guns located on the hilltop a few hundred yards away had wantonly shelled this tiny communal colony. I saw the bomb craters in the playground, the schoolroom half blown apart, and visited an underground area that has one of the most discouraging names I have ever heard. It was called the Kindergarten Bomb Shelter, not a rusted relic of World War II but a necessary piece of "physical equipment" in Israel today. I spoke with Jack Steinberg, one of the leaders of the Kibbutz, and met his young daughter, who stood only a few feet from where one of the bombs landed but miraculously escaped injury. I was informed just this afternoon by the Israeli Embassy in Washington that little Ein-Gev received massive shelling from the Syrians yesterday but they had no report as to the number of casualties, and I can only wonder and hope concerning what remains of Ein-Gev and the condition of Jack Steinberg and his daughter.

These are but just a few of the memories I have of Israel in May of 1967, but what impressed me most and will live with me for the longest time was the air and attitude of the people of Israel. They are a young nation, actually a teenager in years. They are filled with national pride, pride in what they have accomplished and confident of their future. This generation of Israelis may indeed be called "the chosen people." For centuries fathers told their sons, and they in turn their sons, that some day the Jewish people would have and build their own nation. This generation of Jews has been chosen to accomplish that mission. They have done well although harassed by the Arab nations around them and have no intention of being dispersed again.

One year ago, speaking in Lakewood on the 18th anniversary of Israel's Independence, I stated "Currently there are scant indications that her neighbors are willing to accept Israel as a reality but it is also a reality that Israel is here to stay." What I told the people of Lakewood last year, the nation of Israel is showing the world today. As Abba Eban said last night at the United Nations: "Egypt has openly proclaimed that Elath did not form part of Israel and had predicted that Israel itself would soon expire. That proclamation was empty. The prediction now lies in ruins." As Israel moves forward against its aggressors, let no one in or out of the United Nations nor in or out of the United States point a finger of condemnation upon her. Never before in history has a nation taken so much abuse for such a long period of time before insisting upon their rights as free people in a free world. A hard and bitter lesson was learned ten years ago in assuming that Nasser, after his bitter defeat, would allow Israel its territorial integrity. Let us not permit the lesson of the past ten years to reoccur in the next ten.

Let the people of the world know that when a free people are threatened our President, our government, and your Representative in Congress will stand on the side of justice. . . . and in the Middle East, the word "justice" is pronounced Israel.

Address to American Legion of Kings County and Richmond County, N.Y.

EXTENSION OF REMARKS
OF

HON. JOHN M. MURPHY

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 20, 1967

Mr. MURPHY of New York. Mr. Speaker, on Friday, June 16, I had the honor of addressing the 49th annual convention of both the Richmond County and Kings County American Legion. It was a welcome opportunity to pay tribute to two outstanding groups of dedicated American citizens and to their retiring leaders; Pasquale Bifulco, county commander of the Richmond County American Legion, and George P. Gaffney, county commander of the Kings County American Legion The day following my address the conventions elected their new leaders for the coming year; George Gallo, the new county commander for the Richmond County American Legion, and S. Michael Oliva, the new county commander for the Kings County American Legion. I wish both men the best of luck in their new position and I am sure that under their leadership the American Legion will continue its record of achievement in Richmond County and Kings County. I include the text of my address:

Text of Remarks by the Honorable John M. Murphy, U.S. Congressman of New York, Before the American Legion, Kings County, N.Y., and the American Legion, of Staten Island, June 16, 1967

It is always a great pleasure to appear before any group when you have good news to convey, and today I am especially happy that I am able to bring you a message that is good news for all veterans of this nation, I feel that we have entered a new era of thinking about the American Veteran.

For the first time in many years, the veteran has the formidable position of having a friend not only in his Congressman, but also in the White House. This combination can achieve many of the long-desired results of the nation's important veterans' organizations.

As a step in the right direction—the first indication that the year 1967 was going to be the year of concern for the veteran, Congress received the President's budget message which requested \$6.6-billion for the Veterans' Administration. Of this, over \$4.2-billion was for direct benefits—another large amount—\$1.475-billion—was to be directed for medical expense fundings—and the usual 2.8 percent for administration . . . this includes the 163-thousand persons in the vast facilities of the VA all across our nation.

This 1968 budget request is the largest ever submitted to Congress—with the exception of the two years following World War II when hundreds of thousands of G.I.'s were returning to college. But the significance of this large budget request is pointed out by the fact that this represents an increase of over \$692-million over the initial 1967 budget request.

But the budget request was just the beginning. On January 31st a momentous occasion took place. For the first time in the history of this nation a President sent a special message to Congress on Veterans Benefits. Most of the items listed by the message came about as the result of consultation between the President and the heads of veterans organizations. Therefore, the President has agreed to the recommendations of the veterans, and asked us in Congress to pass laws providing needed benefits. This was something new—it was encouraging—a president not only signed bills sent down to him by Congress concerning veterans—but a President had initiated the request for new legislation to benefit the American Veterans. A noticeable change—the President asked for an increase in the pension rates for our disabled veterans—an increase of 5.4 percent.

Of course, there were other provisions too—and an important one was a veteran drawing a pension would not lose the pension because he receives an increase in other federal benefits such as an increase in social security. Then, there were the provisions for our fine fighting men of today—those men who are carying on where you left off—to secure freedom and defend the rights of free people. It is only fair and just that these men—who have been called some of the finest ever to bear arms in the name of this nation—have the same treatment that other veterans have. Their war is no less a war—simply because we choose to call it a conflict or a police action instead of a full-fledged war. But the bullets are just as deadly—the hours are just as long—the danger is just as imminent as it ever was for any man who fought an enemy of this nation.

And Congress—reacting to the requests of the President and the urgency of the situation—has already got most of the recommendations into bills. The ball started rolling when the Senate passed Senate Bill 9, The House took action and passed similar legislation, and the number of the House Bill was changed to coincide with a recently passed Senate Bill 16. The bill then went back to the Senate where Senate Bill 9 and Senate Bill 16 were combined to include not only the President's suggestions, the House changes, but even more additions and changes. As the bill now stands, it is all combined in Senate Bill 16. There are a few things that have to be worked out between the conferees of the House and Senate, but both Houses have passed the major parts of the bill now and we can expect the House-Senate conference to take place in just a short time. I am sure that the President will sign this important legislation—legislation that he helped to initiate—into law immediately.

Some of the outstanding provisions are that veterans who became eligible under the new G.I. Bill passed last year, will now receive one and one-half months of eligibility for college training where they formerly received only one month for each month served. Another important part is the provision that young men who are educationally disadvantaged may now go to high school and finish there—collecting benefits from the VA—and still have their eligibility for college with VA benefits unaffected.

We have provided that the veterans of the Viet-Nam Conflict—dating from the Gulf of Tonkin—will receive full disability and pension benefits, the same as any other veteran. We have made some new methods of determining eligibility for widows of veterans—which your organization has been asking for some time. We have enlarged exemptions for persons drawing pensions, and written in the presumptive clause of complete disability for pensions at the age of 65. We have provided disabled veterans, as the direct result of service, with the opportunity of securing special autos for their use. We have made provisions that social security increases will not reduce pension payments. We have relieved the veteran of the responsibility of reporting training and placed it with the training facility or institution—much as it was for World War II and Korea veterans. We provided funds for this reporting, and we have raised the educational allowance. There are other provisions, and I am sure that the House and the Senate will reach an easy settlement on the differences in their two bills, and the end result will be a new law—coinciding with the requests of the President and the many veterans organizations.

Of course, the new thinking on veterans benefits started last year when Congress passed—and the President signed—the new G.I. Bill. This recognized all of the men who had served in the services since the conclusion of the Korean Conflict. This new law made it possible for the thousands of young men—whose education was interrupted because of military service—to enroll and return to college. Our experience from the G.I. Bills of World War II and the Korean Conflict has proved that these laws more than pay for themselves.

The increased revenues that are paid in taxes over a period of years far exceed the initial cost of educating veterans—because of their increased earning power due to their education.

There were some 4-million veterans who became eligible immediately for educational benefits—for home loans—for medical care in VA hospitals. The Department of Defense says there are approximately 50-thousand men being discharged each month—or an additional 600-thousand a year added to the veterans' rolls.

By 1969 we expect the total veteran population to reach 28-million. In the state of New York there are already 346-thousand post-Korea veterans who became eligible for these benefits. In the 16th district alone, there are 6-thousand veterans who are eligible for the new benefits including the new G.I. Bill—that were passed during the 89th Congress. Of course, this total is growing daily as the men from Viet-Nam service return for discharge. During the first eight months of the new law for educational benefits, 11-hundred veterans from this district had taken advantage of the educational provisions. The benefits paid for schooling and training allowances during that period exceeded 683-thousand dollars.

This new G.I. Bill—plus the other significant legislation from last year's Congress—brought in almost 54-million dollars in added benefits to the state of New York during the first year—in the 16th District, the benefits increased by 1.1-million dollars.

But, in addition to all of these monetary and tangible benefits—I believe one of the most outstanding functions of the Veterans Administration is in providing medical care for our disabled veterans. There was a time—I'll admit it was a long time ago—when we didn't go around bragging about our medical facilities provided for veterans. But a new concept took over some 12 or 15 years ago. We became of age in America when we realized that it wasn't charity we were extending the veteran—it was just paying part of our debt to him. These veterans had paid in advance for any treatment or benefit that their grateful government could provide for them.

Finer doctors—finer facilities—the latest in drugs and equipment—the latest in treatment—plus a research program that was to develop into the world's most extensive—began to take over the old system and the old ideas.

Today, the greatest and most extensive medical system in the world has developed within the Veterans' Administration. There are 165 hospitals scattered throughout the country—there are 211 outpatient clinics—16 domiciliaries—and a new system whereby the veteran can go to his own doctor for treatment—at VA expense.

Here on Staten Island in the Public Health Service Hospital 30 beds have been set aside for veterans; today all 30 are being used.

In the Fiscal Year 1966, 742,000 veterans received medical treatment in VA facilities—the largest number ever treated in one year. Another 4.8 million sick and disabled veterans used the outpatient treatment facilities provided by the VA—and 1.2 million veterans visited their own physicians on a fee basis paid for by the VA. The average daily patient load in VA hospitals, domiciliaries and nursing home care facilities was 135,000 in 1966—and is expected to increase to 138,000 in the upcoming fiscal year of 1968.

To provide outstanding medical care for all these veterans, the VA employs more than 5,000 full-time physicians—about four percent of the nation's total. These VA doctors are aided by more than 10,000 consultants and attendants, interns, residents and part-time employees. In addition, 15-thousand registered nurses, supported by a staff of 30-thousand practical nurses and attendants, serve the veterans.

The VA's medical care program is conducted in affiliation with medical and other specialized schools. The VA is formally affiliated with 74 of the nation's 88 medical schools, with 44 of the 47 dental schools, and with all 56 accredited schools of social work; with 58 universities approved for graduate training in clinical and counseling psychology—and with 145 basic nursing programs.

Yes, there has been a change in attitude toward VA medicine. Because of the affiliations, the VA helps train and provide clinical experience for almost one-half of the graduating physicians in the nation each year and for 18 percent of all nurses. In this way, the veterans program benefits the entire country by contributing to its medical manpower resources.

From the beginning of 1963 to the end of 1966, eight new or replacement hospitals with 5,300 beds, have been completed at a cost of $133-million. During the calendar year 1967, two replacement and two relocation hospitals will be completed—four new research additions will be dedicated—a group of psychiatric buildings—and eight remodeling and modernization projects are on the agenda. Total construction costs for these projects authorized by Congress exceed $96-million.

In the 1968 budget request—there is a call for $52 million more for construction—with $34 million going for four more new or replacement hospitals. I assure you that I shall certainly support this legislation to provide the funds for these improvements for our veterans.

Congress has authorized considerable expenditures for research in the VA. In 1966, $41-million was allocated for this purpose—$44-million is budgeted for 1967—and another $46-million has been requested in the 1968 budget.

These are some of the programs which have been expanded during the past few years—and which we hope to provide even more for in the future.

There is a tremendous amount of credit due for these advances to the members and officers of your organization. They have fought long and hard—they have spent many hours and much of their own money—to wage their battle for equitable benefits for the American Veteran. I think that you can now see the "light at the end of the tunnel." You have made much progress. I have worked with many of you in promoting programs that were equitable to the veterans. The fight is not over—nor will it ever end as long as we have veterans—but when achievements are made—when accomplishments can be seen in tangible results—then we realize that our fight has not been in vain.

The Administrator of Veterans Affairs has named—at the request of the President—a special advisory commission to travel throughout the nation this year consulting with veterans and civic groups. The object is to determine if the present veterans benefit program is equitable—if in the words of the President—the American tax dollar is being spent in the best way for our veteran program. Meetings have already been held in Seattle, Chicago, Boston, Las Vegas and Minneapolis—more will be held this fall. From this consensus a report will be made—whether new programs are needed, whether old programs need readjusting—or if some of the programs have outlived their original necessity and should be changed or abolished. In all of the areas visited, your members have taken a very active part—have made some excellent suggestions.

The chairman of the 11-member study group named by Administrator Driver is Robert M. McCurdy of Pasadena, Calif., who

has long been active in veterans affairs and served for more than 20 years as chairman of the American Legion's National Rehabilitation Commission.

After the scheduled meetings are held—there is a possibility that we might get a special meeting of this commission in Brooklyn. There is nothing definite on this as yet, but I am working on this and encouraging that a meeting be held here where we have so many veterans.

This close communication—this bringing together of all veterans groups in order that they can compare their ideas, is of unestimable value. The civic groups—the individuals—are joining to give their ideas. I am looking forward to much accomplishment from this nation-wide study.

I am certain you will be highly pleased with the progress that will be made by the 90th Congress in making the adjustments to our veterans program which you have long desired. You have achieved much—there is still work to do—and working together we will certainly win the battle which will give the veteran the honored place in our society that he so richly deserves.